THE CONGRESSIONAL GLOBE:

2-2/28

CONTAINING

859
1193
Dec

THE DEBATES AND PROCEEDING

Dec 7-April 29 1864

OF

THE FIRST SESSION

OF

THE THIRTY-EIGHTH CONGRESS.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1864.

J.11
G5
Arkansas

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. WEDNESDAY, MARCH 9, 1864. NEW SERIES.....No. 62.

obtaining food with which to sustain life, and medicines with which to care for the sick.

Now, sir, I want this question put to the House in the light of the facts as they exist. I ask the simple question, will you allow these men, because they are blacks, to starve and die in the very neighborhood of our camps in which there are food and medicines in abundance? If you will, then let white and black die alike.

For myself, I am willing to go further than this amendment goes. I am willing to substitute for the words "negro refugees, commonly called contrabands," the words "refugees, white or black, resorting to the camps of the United States during the progress of the war." For one I wish to be distinctly understood, that whenever any human being, whatever his color, is deprived of his ordinary means of support by the progress of the armies of the United States, and stands wanting food to sustain life, or wanting medicine to cure him if sick, I will afford him the food or medicine that may be necessary for these purposes.

Mr. SMITH. I do not know that I fully appreciate the allusions that have been made upon the other side of the House; but, sir, when I am called upon to look at the condition of the country at the present time, when I look at those who are attempting to overthrow and destroy it, who are using every means and every instrumentality to effect that end, and while they are attempting to use for that purpose this class of men, while their declarations have gone forth to the country, and are now a matter of record, that they have that behind them which will support them and maintain their white armies in the field, I look upon it as a duty belonging to me as a humanitarian and a citizen of this Government to protect either in health or in sickness those who refuse to give their aid or their comfort or their labor or their influence to those who would destroy me and mine and my Government. As a member of Congress, I regard it as my duty to vote for their protection and their support.

Now, sir, there are men in this country who have acted and who are still acting against the best interests of the country, against the best interests of the Government, against the maintenance of the Constitution, and against the maintenance of the liberties of the people; who would not only destroy but annihilate forever that race denominated black heretofore recognized as slaves, if they are for the maintenance of this Government. The people of the South care no more for you or for me or for any member upon this floor than they do for those who are of a different color. They would destroy all alike, of whatever party, if necessary to maintain their independence and to establish their separate government. They would withhold food, medicine, and everything that would give a poor, degraded, ignorant, humble man the right to breathe free.

Now, Mr. Chairman, I wish to say as a man who has been and is a slaveholder, and whose family, so far as I have been able to trace it back through the whole history of the Government, has held slaves—I hold slaves now and have held them, and my family has held them—yet, sir, I wish to say that the time will never come when I shall refuse, either at home or anywhere else, to give to that man, I care not how black, whether a negro or an American of African descent, who has fled from the men who are in rebellion, all that he needs for his comfort and subsistence.

The CHAIRMAN. The time for general debate has expired.

Mr. SMITH. I move to amend by striking out the last word of the pending amendment of the Senate.

Mr. COX. There is no objection to the gentleman going on if gentlemen on this side are allowed opportunity to reply.

Mr. SMITH. I have moved an amendment, and am entitled to five minutes on it.

Mr. Chairman, I understand, so far as the men of African descent are concerned, that the laws which have been made have been made legitimately, honestly, and truly, where they belonged to those who have struck at the very existence of the Government, and to those who stand as the aiders and abettors of the rebels. You strike down the humble white man, you lay him low in the dust, you make him the victim of this cruel war, whether by his consent or merely because of this conspiracy in the South; he is made to suffer, and his family is made to mourn his untimely death, and all in consequence of this rebellion. Gentlemen on the other side of the House say that a horse, a cow is property; that land is property, and they have declared that a negro is property. Then, if that is true, the Government has the right to take whatever species of property it may want to put down this rebellion. It has as much right to take my negro as my horse. So far as I am concerned it is welcome to come any moment it pleases and take my horse, my cattle, or my negro. It can take my horse for cavalry, my cattle to feed the soldiers of the Army of the United States, and my negro to put down this rebellion. It may have whatever I possess for that purpose.

Now, sir, I say as a kind man, I say as a liberal and just man, that these men, negroes if you choose, have my strongest affection, and that I would protect them at all times, whether male or female. I do not care how gentlemen may laugh on the other side of the House. I would defend them whether they came from Kentucky or other places in sorrow and affliction. When they come to us from rebel masters, if they want medicine, give it to them; if they need food, give it to them; if they need kindness, give it to them. The people of the United States are bound to give it to them. When a negro flies from a man who is armed with gun or saber against the United States, and to kill you, to make our homes less agreeable than they were, to make them houses of mourning, it is our duty as men, as humanitarians, to protect him and to give him raiment and subsistence. Rather than restore those men to slavery who have done us service, I would sever my right hand from my arm.

[Here the hammer fell.]

Mr. MALLORY. I intended in a few remarks to discuss the matter legitimately before the committee, and I still intend to do so. I do not intend to be led into a philanthropic disquisition in the Committee of the Whole on the state of the Union on an appropriation bill. I think I will be found as ready as any man to respond to the wants of the black man, and even of the white man. [Laughter.] I would not confine myself to one.

And by the by, as the gentleman from Iowa observed a short time since, hundreds of blacks have come into the Army as refugees, and hundreds of whites also, all wanting food and medicine, and yet there is not an item in the bill that provides a particle of food and medicine for the white refugees. Now if this is to be converted from an appropriation bill to enable the Government to carry on its legitimate functions into a charitable appropriation bill, I insist as a matter of justice that these men down there whom my colleague [Mr. SMITH] wants to doom to everlasting punishment in the next world and starvation in this, shall be placed upon an equal footing with the negroes. I do not concur with my colleague in that sentiment, and I do not intend to call down in my speech that sort of visitation upon any being in the world, white or black.

During the last session of last Congress, in a debate involving this whole question, I pointed out to the members of this House and to the country the results of this grand scheme of emancipation upon which they were about entering. I told them then that the negro was not capable of maintaining himself, that he was unfitted for freedom, and that upon the soil of this country he would not be able to compete with the white man for the rewards of labor.

Mr. SMITH. I ask the House to extend the time of my colleague, so that I may have an opportunity to reply to him.

Mr. MALLORY. My time has not expired yet, and I do not want any more time. I am not replying to the gentleman's speech or alluding to it.

When I made that speech, it was replied to me that it was intended to colonize the blacks. I made a hasty calculation, and I found it would cost $1,200,000,000 to colonize all the blacks if they concluded to liberate them. I asked them if they intended to do that, and one or two objected to it. Now there is one universal sentiment almost against this system of colonization. It is now said they must be kept here as laborers on the soil, and made equal in every respect with the whites.

I ask this House now if what I charged then has not turned out to be true; if this call for charity upon the Treasury by the Committee of Ways and Means, and by the amendments of the Senate, does not show that this class, whose social relations are changed in the South, is incapable of supporting themselves? Has not that fact been exhibited in a still more marked manner in the bill introduced by the gentleman from Massachusetts, [Mr. ELIOT,] and passed by this House, which placed the entire freed population of the Union under the control of a bureau to be connected with the national Government? They have advanced in their march of improvement since last session. They have gone so far as to say that the States themselves, where these people are freed, have not the capacity to administer their affairs properly, but that the whole control of the freedmen shall be taken from the States of the Union, and that they shall be placed under the control of the General Government of the United States.

I did not desire to say anything upon this matter, but I was drawn into it by the amendment which was offered, and I hope it will pass.

[Here the hammer fell.]

Mr. SMITH. I withdraw my amendment, and move to strike out the last two words of the pending amendment. I wish merely to say a word in regard to these men who are now in the contraband camps of the South, and who are considered as refugees from their homes in those States that have heretofore been considered in rebellion. I state to my colleague, and I state it for the benefit of this House, that in the States of Mississippi, Louisiana, and Arkansas men who were planters before this rebellion began, and who owned from one to three hundred slaves, agreed to enter upon the free-labor system, and they are to-day employing their slaves upon their plantations, and are making more money than they ever made before in the history of this Government. I know of one Duncan, of the State of Arkansas, who owned two or three hundred negroes. He freed them all, paid them their wages, and in one year, with the present price of cotton, he paid for every negro he had upon his place, he paid all the expenses of his plantation, he allowed ten cents a pound for his cotton, and after deducting the whole he had in his pocket $1,000 profit left. Now, sir, there are numbers of these men, born and raised in Kentucky, and the best planters in the State, who only ask that they may be permitted to employ these black men, and recognize them as free men, upon the soil, in order to carry on their plantations. I therefore conclude that the policy of the Government is a just and right one, for it gives to the former master more money than he made before, and gives to the laborer a fair compensation for the labor he renders on the plantation.

Now, sir, so far as these refugees are concerned, if they flee from one man they find employment with another, and employment that compensates them as well as the man who employs them. Who can object to that mode of proceeding in those States where there has been difficulty, and where, in consequence of the rebellion, the relation of master and slave has been destroyed?

It is no fault of the Government; it is no fault of men here; it is no fault of speeches made in this House; but it is the fault of those men who were the owners of these persons; it is the fault of those men who have gone into the rebellion; and if the

men whom they have left behind choose to adopt the policy of the Government and can make money by the operation, why should there be captious opposition here? And if there are not a sufficient number of men left there to employ all those people who have abandoned their homes and taken refuge in the camps of the Government, is it right that this Government should allow them to suffer, to languish, and to die when in its beneficence it could protect them?

[Here the hammer fell.]

Mr. BLISS. I wish to say a few words in reply to the gentleman from Kentucky, [Mr. SMITH.] It seems to me that at the bottom of this proposition there is no principle upon which this House, in making appropriations of the public money, can possibly act. Are we to understand, sir, that the Government of the United States is to take upon itself the protection, support, and maintenance of all the negroes who may obtain their freedom through the process of the emancipation proclamation, or who may escape from the service of their masters and pour themselves upon our encampments—that money must be appropriated for their support as well as for the maintenance and compensation of the soldiers of our Government?

Is it within the constitutional power of this House to appropriate the money of the country to such charitable purposes? Is it within our power to create a benevolent fund to be distributed to the poor of the country, black or white? Is it not altogether out of and beyond the power of this House to make such an appropriation? If we are to become common almoners of charity, why then let us support foreign missions; let us take care of the poor of other countries; let us raise by lawful appropriation funds to be sent to the destitute of the world everywhere.

I think that the House will perceive that such an appropriation as this cannot be legitimately passed, and this is all I have to say upon the subject.

Mr. STEVENS. I move that the committee do now rise, with a view to close the debate upon this amendment.

Mr. FARNSWORTH. Is debate exhausted upon the pending amendment?

Mr. SMITH. I withdraw the amendment to the amendment.

Mr. FARNSWORTH. I hope the gentleman from Pennsylvania will withdraw his motion that the committee rise. I desire to say a few words.

Mr. STEVENS. I will do so if the gentleman will renew it.

Mr. FARNSWORTH. I will do so.

Mr. Chairman, I renew the amendment of the gentleman from Kentucky, for the purpose of making a remark or two. I should myself be opposed to voting money out of the Treasury for the support of camp-followers and hangers-on upon the Army. But I do not understand that to be the purport or object of this amendment of the Senate. I understand the practice of the Government to be this: refugees, or "contrabands," as they are called, as the Army advances come within our lines. They are gathered together for the purpose of being put into the Army. They are gathered together in "contraband camps" before being enrolled and organized. Many of them get sick, as men always do more or less when they are gathered together in camps. Now, the question is whether the Government will leave men thus gathered together for the purpose of being enrolled and put into the service of the country to languish and die for the want of proper medicines and medical attendance while thus in these "contraband camps."

I do not understand the object of this appropriation to be to furnish indiscriminately medical supplies and attendance to every slave who runs away from the South. I certainly should not be in favor of that. I am in favor myself of giving these negroes to understand that they must help themselves, that they are not to become pensioners on the Government, but that they, like other men, must help themselves. But while the Army is gathering contrabands for the purpose of enrolling them in the Army, it is not a mere question of charity, but it is a matter of duty, that the Government shall take care of these men, and furnish them with the necessary medical supplies and food. That is what I understand to be the object of the appropriation. I withdraw the amendment, and renew the motion of the gentleman from Pennsylvania.

Mr. J. C. ALLEN. I object to the withdrawal of the amendment at this time, inasmuch as a member of the committee has a right to speak in opposition.

Mr. STEVENS. Still the motion that the committee rise exists. I ask that to be put.

Mr. KALBFLEISCH. I ask the gentleman to withdraw his motion. Let us have the matter fairly discussed. It may just as well be discussed at this time as at any other time.

Mr. J. C. ALLEN. I understand that when a gentleman offers an amendment, and speaks to it, he has no right to withdraw it, if another gentleman wishes to oppose it.

The CHAIRMAN. But the gentleman from Pennsylvania has a right to move that the committee rise.

Mr. J. C. ALLEN. That is true; but the gentleman from Pennsylvania yielded the floor to the gentleman from Illinois, [Mr. FARNSWORTH,] who offered an amendment and has discussed it.

The CHAIRMAN. With the understanding that he would renew the motion that the committee rise; which motion he made.

Mr. J. C. ALLEN. Then the majority of the House has the power, under an arrangement of this sort, to cut off all debate against any amendment that may be offered.

Mr. FARNSWORTH. I have no objection myself to withdrawing the motion, but I am under obligation to the chairman of the Committee of Ways and Means, who gave way to me.

The CHAIRMAN. The question must be put on the motion that the committee do now rise.

Mr. KALBFLEISCH. Can these gentlemen, by an agreement between themselves, render nugatory the rules of the House?

The CHAIRMAN. The Chair has no discretion in the matter. A privileged motion has been made, and must be put.

Mr. HOLMAN called for tellers on the motion that the committee rise.

Tellers were ordered; and Messrs. J. C. ALLEN and FARNSWORTH were appointed.

The committee divided; and the tellers reported —ayes 44, noes 45.

So the committee refused to rise.

Mr. J. C. ALLEN. Mr. Chairman, I am opposed to appropriating money from the public Treasury for the purpose of supporting any and everybody who may see proper to attach themselves to a military camp during this war. There may be cases in which humanity will require that refugees from the South, white and black, shall have a portion of the Army rations to sustain life, or of the Army medicine to recover their health. I have had information of one case in particular, where the soldiers on the field of Chattanooga were put, for ten days before the battle, not on half rations, but on less than half rations, in order to support a lot of lazy vagabond negroes, who had escaped from the farms of the country and come into the lines of the Federal Army.

I believe that this whole policy of fostering and protecting negroes by military force is vicious in its effect. Some other arrangement should be made by the Government besides foisting them on our Army in the field. If persons come into our camps needing care and attention, the dictates of humanity would induce us to make provision for them, but it should be done in some other way than by an item in an Army appropriation bill. I think that the immense number of negroes who have been hanging around our camps, wherever our Army has gone in the rebel States, have eaten up our substance and been an injury to the Army in more ways than one.

I am therefore, Mr. Chairman, in favor of the amendment of the gentleman from Indiana [Mr. HOLMAN] to limit this appropriation to the use of those negroes who are in the service of the Government. Let us provide in some other way for taking care of those negroes who are thrown upon our charity than through the means of the Army. When you make appropriations of this kind you but hold out inducements to the worthless portion of the negro population of the South to fasten themselves on the Army and look to it for their support. It is an encouragement to them thus to look to the Army for support. If provision must be made for them, let it be made in some other way. If the dictates of humanity require that provision should be made for them by this Government, let us in some other form provide for the care of their sick. Let those who escape—these "contraband refugees"—who are capable of being useful in the Army, go into the Army; let them be employed in such services as they can be made useful in, and receive their regular compensation from the Government for their support. For those who cannot be made useful in this way, let them be removed from the Army, and let them be supported in some other way, and let us not be called upon to provide for their support in an Army appropriation bill.

Mr. FARNSWORTH withdrew his amendment.

Mr. BLOW. I renew the amendment. I should have passed by what was said by the gentleman on my left [Mr. MALLORY] if he had not been seconded by what the gentleman from Illinois [Mr. J. C. ALLEN] also said.

Sir, we have suffered somewhat in Missouri. We have been compelled to look on the outrages which have been committed upon these people, and we feel that we would justly be charged with inhumanity if we were to permit that state of things to exist while we had it in our power to remedy it by legislation.

I presume the gentleman from Kentucky and the people of Kentucky may not be called upon day by day to witness these impositions practiced upon the colored people of Kentucky that are practiced upon those in Missouri. We not only have witnessed them in Missouri, but we have witnessed the operations of a set of men regularly engaged in the business of running off the freedmen and slaves of Missouri to sell in Kentucky. Is the honorable gentleman aware of that fact? Is he aware that Kentucky is drawing from the soil of Missouri those freedmen whom this nation is in honor bound to protect?

I have a case before me. Colonel William A. Pile, at the head of a regiment of colored troops, complains in a letter to General Rosecrans of such cases as this. He says he claims that it is due to these men and to the loyal heart of the people of this State that they should know what has become of the families of these soldiers, and he prays that orders may be sent out for the arrest of all persons prowling over the State for the purpose of buying and smuggling to Kentucky the wives and children of these sable patriots, and that all persons aiding or assisting them be arrested and summarily punished.

Mr. Chairman, for the benefit of the gentleman from Massachusetts [Mr. ELIOT] who introduced a bill establishing a bureau for these freedmen which has passed this House by a bare majority, I propose to read from this letter of Colonel Pile to which I have referred. After referring to a case of the description I have named, he says:

"This is not an isolated case, but only a sample of many similar ones that have occurred during the last two months, and I most respectfully and yet most earnestly protest against this infamy in the name of God, justice, and humanity.

"Believing that you will do all that you have power to do to correct these infamous evils, I most respectfully and earnestly request,

"1. That instructions be given to the provost marshal of the department to grant no passes to any man to take the wife, child, or parent of a colored soldier out of this State, and they be held responsible for granting improper passes.

"2. That the provost marshal's department be required to furnish a report of all passes given for slaves to be taken out of the State during the last three months, giving name of the slave and owner, with their residence, date of permit, and persons to whom granted, in order that I may ascertain how many wives and children of colored soldiers have been taken from the State by Government authority, and also from their former masters learn where they were taken. If this can be done I will send reliable persons to ascertain their present whereabouts and condition. I claim that it is due these men and the loyal heart of the people of this State that they know what has become of their families.

"3. That orders be sent out for the arrest of all persons prowling over the State for the purpose of buying and smuggling to Kentucky the wives and children of these sable patriots, and that all persons aiding or assisting them be arrested and summarily punished."

Sir, I commend these statements to the candid and honest consideration of the gentlemen who have just addressed the House.

Mr. MALLORY. I oppose the amendment of the gentleman from Missouri. The gentleman inquires if I was aware of the fact of men being engaged in the State of Missouri in running off these "sable patriots," as he calls them, to the State of Kentucky, where they are resold into slavery and held as slaves. I am not aware of it;

but I tell the gentleman that there is a statute in Kentucky which punishes men who are engaged in practices of that kind as severely as they are punished under any law in the State of Missouri or any other State; and if he will come to Kentucky and point out any man who is guilty of such an offense we will put him in our penitentiary and keep him there as long as the gentleman from Missouri himself would desire. I have heard of no such case as the gentleman alludes to. I think I did hear of a company of mulattoes or mixed bloods or quadroons or miscegens from Missouri who came to Kentucky and held a convention at Louisville. They seemed to be a mixed medley of Chase men and Frēmont men and Lincoln men, coming there from Missouri. If the gentleman alludes to that irruption or emigration from Missouri, I say to him that I had heard of such an occurrence, but I did not know before that they were made up altogether of "sable patriots."

But, sir, in answer to the gentleman, I say that I am not opposed to the extension of charity to the unfortunate black man or the unfortunate white man; but I must say that I think it is a mistaken policy which extends that charity in the way which this bill proposes. I am willing that the Government should be liberal in this regard, but I believe with the gentleman from Ohio, [Mr. BLISS,] that the Government has no constitutional power to expend its liberality in this way. If this sum of thirty odd thousand dollars is needed to furnish these men with medicines, I am willing for one to give from my own pocket $300, and if every other other gentleman in the House will donate a like amount, more than the amount necessary will be made up in a perfectly legitimate way for that purpose. I will go so much further in my charity as to include the poor whites of the country. I will give money to support them; to give them food and raiment, if they need them.

I hope that this clause will be stricken out, and that when gentlemen talk about extending charity they will put their hands into their own pockets and not call upon Uncle Sam to do so, when he is staggering under the heavy load of debt occasioned by this war. When it is as much as he can do to carry on this war, I will not ask him to do what there is no constitutional warrant for.

Mr. BLOW. Do I understand the gentleman to say that he is opposed to the people of Kentucky carrying off our slaves and freedmen?

Mr. MALLORY. Certainly I am.

Mr. BLOW. Will you undertake to do something toward a remedy for that injustice?

Mr. MALLORY. I tell the gentleman from Missouri, and he understands it, that we have a law against that in Kentucky sufficient in my estimation to punish any man who comes into that State guilty of that crime. It is as stringent as any Missouri can pass.

Mr. BLOW. This thing has been going on for six or eight months past in Missouri, and I have never heard yet of a slave or freedman that has been returned or of a man in Kentucky that has been punished.

Mr. MALLORY. I do not know that the gentleman can show anybody has been carried off. He may hear men talk about such and such things having been done, but I defy him to present a single authenticated case. I will not take any man's *ipse dixit* that these "sable men" have been run from Missouri into Kentucky. If the gentleman says he knows it of his own personal knowledge, let him submit the facts.

Mr. BLOW. I can refer to a case.

Mr. MALLORY. If the gentleman will come and point out that one I will guaranty that the parties will be punished. The gentleman will have to bring another witness, as we require two witnesses in Kentucky. I do not mean to reflect on the gentleman; it is an old-fashioned law of the State. If these cases are pointed out, there will be no doubt of their punishment.

Mr. BLAIR, of Missouri. The gentleman from Missouri [Mr. BLOW] has made an allegation that the freedmen of that State have been run off into Kentucky, and there again sold into slavery. That I understood to be the charge.

Mr. BLOW. I did not make that charge.

Mr. BLAIR, of Missouri. I am glad that the gentleman did not make it.

Mr. BLOW. I simply said that freedmen and slaves were run off into Kentucky.

Mr. BLAIR, of Missouri. Freedmen of Missouri?

Mr. BLOW. The wives and children of colored men enlisted in the United States Army. I have heard of both freedmen and slaves.

Mr. BLAIR, of Missouri. In regard to that matter the laws of Missouri remain unchanged. The ordinance passed by our convention for the immediate emancipation of the slaves was defeated by the gentleman and his friends. That proposition was defeated when we had an opportunity to make the slaves of Missouri free on compensation by this Government. Therefore it is that the wives and children of colored soldiers remain slaves under the laws of Missouri a certain length of time, and as such may have been carried into Kentucky. But this cannot be properly said to be running off freedmen from Missouri into Kentucky. I know of no well-authenticated case of the kind indicated of running freedmen into Kentucky and enslaving them. I am certain under the military regulations and the law of Missouri, executed as they are under the laws of Kentucky, that nothing of this character could have taken place as represented by the gentleman. I am so well satisfied of it that I am willing to take the position of the gentleman from Kentucky, and defy him to present the proof of any case. It is one of the cases out of which the gentleman and his friends are making political capital. That is all they care about them. I recollect when the gentleman himself was a pro-slavery man in Missouri; it has not been a great while ago. I think I can refer to one of my colleagues in this House who knows that D. R. Atchison represented his views of the slavery question better than Benton or even Doniphan, a fellow-member of the dark-lantern fraternity.

Mr. BLOW. I hope the gentleman to whom my colleague alludes will have an opportunity of speaking, and that I shall have an opportunity of replying.

Mr. BLAIR, of Missouri. I hope gentlemen upon that side of the House will permit him to speak.

Mr. BLOW. I will say that I never owned a slave in my life, and that when I served in the Legislature of Missouri with the gentleman who has addressed you, [Mr. BLAIR, of Missouri,] and from that time on to this, I was and have been identified with the same Freesoil party from its rise, after Frēmont's nomination that gentleman has belonged to. I never favored a pro-slavery candidate for any office in my life, and the proofs of that fact are recorded at home.

Mr. BLAIR, of Missouri. On the contrary, I can deny a part of that statement myself. When the gentleman was a member of the Legislature of Missouri, he served with a party exactly on the other side from me, and belonged to an entirely different party. He was elected by the Know-Nothing party—and I think they were cheated in the election.

Mr. BLOW. I was a member of the American party. The party of the gentleman was divided, and I could hardly tell what particular party it was he belonged to until the Freesoil party originated in 1857. I can hardly tell now what party he belongs to. I know what the gentleman claims to be. I belonged to the American party, and when the gentleman to whom my colleague alludes speaks upon this matter he will say that I never voted or proposed to vote for any pro-slavery man. The American party had men up for office and I supported them not because they were pro-slavery or anti-slavery, but because they were the choice of the American party. It was well known that the American party was neutral upon that subject, and did not interfere upon the matter of slavery. The gentleman to whom my colleague alludes will say so. If he does not, he will refuse to say a thing which is known the whole length and breadth of the country in reference to the American party.

Mr. BLAIR, of Missouri. I undertake to say, Mr. Chairman, that through that whole Legislature of Missouri, when the gentleman served with myself in that body, the question was not a question of the American party at all; that the American party in Missouri was only a subterfuge by which the pro-slavery men of the State attempted to overslaugh and defeat Colonel Benton, who was the only man who spoke against the institution of slavery, and against that fierce excitement which tended to and finally led to the disruption of our Union; that my colleague aided and abetted that effort. And I say that in the American party he was not satisfied with the pro-slavery sentiments of Colonel Doniphan, the pro-slavery candidate upon his side, because he did not represent his views; and that he threatened in that caucus that he would break from the party and vote for Atchison, because he better represented his views. And I appeal to my colleague here [Mr. ROLLINS] for the truth of the assertion I make. I ask him to rise and say whether the statement I have made is true or false.

Mr. ROLLINS, of Missouri. Mr. Chairman, I am too modest a man to be drawn into a dispute of this sort, and I feel very much embarrassed by the questions which are propounded to me.

Mr. STEVENS. I must call the gentleman to order. Gentlemen should speak to the amendment, or not at all. The rule requires it, and I demand that every man shall speak to the pending amendment.

Mr. BLAIR, of Missouri. The gentleman takes very good care of his bantling, but——

Mr. STEVENS. I take care of nobody, and I do not care much for anybody. [Laughter.] I call the gentleman to order.

The CHAIRMAN. The Chair would state that by unanimous consent this discussion has been tolerated, and the gentleman from Missouri [Mr. BLAIR] was allowed five minutes additional, and he has yielded to his colleague. Three minutes of the time still remain.

Mr. STEVENS. Does unanimous consent give the right to proceed out of order?

The CHAIRMAN. It does.

Mr. ROLLINS, of Missouri. I hope the gentleman from Pennsylvania will not level any of his indignation at me in consequence of my effort to respond.

Mr. STEVENS. I did not refer to the gentleman.

Mr. ROLLINS, of Missouri. I seldom trouble the House, and I do not desire to say anything which shall do harm. I do not know as I can settle the controversy between the two gentlemen from Missouri, and I regret that I have been called upon for that purpose; but as I am appealed to by both of them, I must state candidly my recollections in regard to the facts referred to. With a view to place both right as far as I understand their political record heretofore, if the House will indulge me I will state a few additional facts upon the subject. But I mean to say in regard to this particular question before the House, that I have been surprised at the statement of one of my colleagues [Mr. BLOW] that freedmen in the State of Missouri and their families have been transported to Kentucky, and have there been sold into slavery.

Mr. BLOW. The statement I made was on the authority of a letter from Colonel Pile.

Mr. ROLLINS, of Missouri. I know of no such cases, and do not believe that any such cases exist. I have known of a number of instances of gentlemen owning slaves in Missouri and desiring to remove them to Kentucky because of their family associations there, who have applied to the commander of the department of the Missouri for permission to take them to Kentucky, and that request has been granted. I have made such applications myself time and again on the part of friends who desired to remove their slaves to Kentucky, and permission has been granted by General Schofield.

Now, in regard to the political status of these gentlemen heretofore, I think I may say this in regard to the cause of emancipation in Missouri, that whatever credit is attached to it, whatever honor may spring from it now or hereafter, my colleague on my left [Mr. BLAIR] is certainly entitled to the claim of being the father of that cause in our State. For twenty years past, certainly he has been known as an earnest and sincere advocate of the cause of emancipation.

[Here the hammer fell.]

Mr. STEVENS. I now move that the committee rise.

Mr. MALLORY. I hope the gentleman from Pennsylvania will at least give the gentleman from Missouri [Mr. ROLLINS] time to finish his answer to the question of his colleague.

Mr. STEVENS. I have moved that the committee rise, and I hope the motion will now be put.

The committee divided; and there were—ayes 41, noes 56.

So the committee refused to rise.

Mr. ROLLINS, of Missouri. I renew the amendment. Mr. Chairman, as I was saying, my colleague [Mr. BLAIR] was so earnest in the cause of emancipation in the State of Missouri that he was ready as far back even as 1850 to break a lance with Colonel Benton on the subject.

Mr. FARNSWORTH. I rise to a point of order. I would inquire if debate is not exhausted on the pending amendment.

The CHAIRMAN. The gentleman from Missouri has renewed the amendment to the amendment, and is entitled to speak for five minutes.

Mr. ROLLINS, of Missouri. Mr. Chairman, I am not at all disposed to extend this discussion if gentlemen are not willing to listen to me. [Cries of "Go on!"] I know that anything I have to say upon this occasion is quite uninteresting, and if gentlemen are not disposed to listen, I am not disposed to proceed. [Renewed cries of "Go on!"] I was saying that my colleague, [Mr. BLAIR,] even as far back as 1850, when Colonel Benton was defeated in the State of Missouri and turned out of the United States Senate; and I say, even at this distant day, that it was a discredit to our State that a man of his great experience and enlarged statesmanship should ever have been repudiated by the people of Missouri; but even at that time, although Colonel Benton was turned out of the Senate because he was a Freesoiler, he did not go far enough in the cause of freedom or emancipation for my friend on the left, [Mr. BLAIR,] who was ready to break a lance even with Colonel Benton himself, because that gentleman was not traveling quite fast enough.

Now, in regard to the political status of my friend on the right, [Mr. BLOW,] I have always understood him to be in opposition to my friend on the left [Mr. BLAIR] on that subject. [Laughter.] I remember that in 1855 I had the honor of meeting with both these gentlemen in the Legislature of Missouri, and I had the honor frequently of meeting the gentleman on the right [Mr. BLOW] after dark in a "dark-lantern" association. [Laughter.] And I remember also very well that I represented a Whig constituency, who were strongly inclined to pro-slavery, and that, carrying out the views of my constituents, I invariably voted for Alexander W. Doniphan, although I confess at this late day to the fact that I really felt as if I should have no objection if Colonel Benton should be returned to the Senate. My colleague [Mr. BLOW] also voted regularly with me for Colonel Doniphan, who was known to be a pro-slavery man at that day, and occupied very much the position of Hon. David R. Atchison, who had been for many years a Senator of the United States from the State of Missouri; indeed there were a number of the members of the Legislature who were inclined to drop Doniphan and take up Atchison and reëlect him to the Senate, because, perhaps, he went a little further toward sustaining the institution of slavery, and was more desirous to extend it to new fields than Doniphan was; and I have understood—whether I am correct or not I do not know—that my colleague from St. Louis on the opposite side of the House [Mr. BLOW] was associated with these gentlemen of the American party who were willing to drop Doniphan and to vote for Atchison.

I was not of that way of thinking. I was known as a Benton Whig, if that does not imply a contradiction of terms; a Benton Whig because it was generally charged upon me, in my section of the country, that I was not exactly sound on the negro question. If it were in order I could relate a little anecdote on that point. [Cries of "Tell it!"] The gentleman from St. Louis to my left [Mr. BLAIR] represented at that time a German constituency. I believe he does not do so now; but my friend on the right [Mr. BLOW] has the honor of representing that class of the population of St. Louis! Although he was a Know Nothing a few years ago, he is certainly the representative now of the German voters of St. Louis! At that time I represented one of the largest slaveholding counties in the State of Missouri. And while I state here as a fact that I have ever favored the cause of emancipation in the State of Missouri carried out in a legal, proper, constitutional way, even long before the commencement of the rebellion, I nevertheless was not inclined to get up a *furore* and excitement on that subject, and was willing to wait and see a good cause progress in order, believing always that it would be for the interest of the great State of Missouri, looking to the rapid development of her wonderful resources, to exclude the institution, and become, like her other great sisters of the Northwest, a free State. These have been always my sentiments. They have been always charged upon me by the more earnest pro-slavery men of the State—never repudiated by me, while always disavowing any disposition to interfere with the rights of citizens in regard to their slaves, except in a legal, constitutional way, and having an eye to their full compensation. I represented one of the strongest slave counties in the State at that day; and my extreme pro-slavery friends in the Legislature, knowing the odium that attached to the name of the gentleman on my left, [Mr. BLAIR,] because of his extreme Freesoil views, and with a view to make me as odious as possible on that side of the river where I lived, actually went so far as to attach to me the *soubriquet* of Frank, instead of the name that I usually bear; and I was surprised to find myself addressed when I went home as Frank Rollins, instead of Hon. James S. Rollins, as I am now called! [Laughter.] And, if I am not mistaken, I am indebted to my friend [Mr. BLOW] for having attached to me, or for having coöperated with those who attached to me, this *nickname*, with a view of injuring me among my good pro-slavery friends at home!

[Here the hammer fell.]

Mr. ROLLINS, of Missouri, (continuing.) I will just add one more remark. [Cries of "Go on."] I was not ashamed of the name. Not at all. I am not ashamed of it to-day. Because I say here—although perhaps, he being present, it may be in bad taste—that if there has been any man consistent throughout, and persistent, too, on this subject of emancipation, on this subject of making Missouri a free State, during the rebellion and before the rebellion, that man certainly has been my friend to my left, [Mr. BLAIR.] And in order to make this joke a practical one—thus giving me a name which did not belong to me—I concluded it should not be all lost, and I have the honor of having at home a very fine boy whom I call Frank Blair, now seven years of age, and whom, if he meets his present promise, I expect to be some day President of the United States! [Laughter.]

I think I may close by simply saying that my friend from Missouri [Mr. BLAIR] has been, all the time, an inveterate Freesoiler and emancipationist. My friend on my right, [Mr. BLOW,] who was a good while an American, who was satisfied with Colonel Doniphan for the United States Senate, and would have been even satisfied with Mr. Atchison, has been, at all events, associated and identified with the extreme pro-slavery people of that day, while, in these latter days, he has become enlightened on that subject, and certainly, like all new converts, no one will deny his right to be enthusiastic!

Mr. BLOW. How was that indicated?

Mr. ROLLINS, of Missouri. I have just explained. He was of the dark-lantern party in 1855, and earnestly associated with pro-slavery men and parties. But since 1860, if there is any virtue in Freesoil, any virtue in immediate emancipation, any virtue in universal liberty, I think my colleague has got as much of it infused into his body as any man o i this floor, or, indeed, in the United States of America! [Laughter.] Perhaps this rebellion has shed additional light on his mind! I know that many of us have been enlightened on that and a great many other subjects since the war commenced. Perhaps it may be that the ten thousand German votes, which the gentleman represents, have had some influence in setting him right! I do not know how that is. At all events, we are all in a state of progression, and I do not think we ought to be held to a strict account for all the opinions that we may have heretofore entertained on this delicate and important subject!

Mr. BLOW. Mr. Chairman, I have never upon this floor or elsewhere, in all the contests I have had, and especially in those I have had with my colleague from St. Louis, [Mr. BLAIR,] descended to personal allusions, nor have I ever by word or deed done a single act of injustice to that honorable gentleman. I would scorn to rob him of a single honor that he has enjoyed in the past; and while he everywhere and on every occasion indulges in these personal allusions to me, they pass by me like the idle wind. The very assertion he has made this morning, he has in times past defended me against, and it is recorded in his own organ then that these assertions are falsehoods. The paper is in existence to show it. The records of the Senate of the State of Missouri will show that the first regular organization of the Freesoil party in Missouri arose in 1857, when Hon. B. Gratz Brown in the House, and myself in the Senate, both voted against Darnes's resolution declaring emancipation in Missouri unjust and inexpedient. So what becomes of my colleague's veracity in the face of this record? And I said only the other day upon this floor all that my colleague [Mr. ROLLINS] has said to-day in praise of my colleague [Mr. BLAIR] as an early Freesoil leader.

Sir, I never deny to any man the merit or praise that is due to him. I would not respect myself, I would be ashamed of myself, if I could rise in this Hall and not find it in my heart to do him full justice in all his political course.

Now, sir, there is only one thing in the speech the gentleman [Mr. ROLLINS] has thought proper to address to the committee of the slightest importance to me, and that is the reference he has made to my action in the joint session of the Legislature. And even there he has failed to make a point for his friend. He told you over and over again that I was in that joint session as a pro-slavery man, and yet all the records of that time (1855-56) show that while these elections were going on there was no such issue in the State of Missouri as pro-slavery or anti-slavery.

Mr. ROLLINS, of Missouri. My friend will not deny, I presume, that he voted for Alexander W. Doniphan for United States Senator some forty times, and I presume will not deny that he was a pro-slavery man?

Mr. BLOW. Yes, sir, I did vote for Alexander W. Doniphan forty times, and against D. R. Atchison as many times, and so did every other member of the American party in the Legislature.

Mr. ROLLINS, of Missouri. And was not Mr. Doniphan a pro-slavery man?

Mr. BLOW. The views on this subject were not considered. So far as that issue was concerned, the gentleman knows very well such a thing as pro-slavery or anti-slavery was never mentioned in that contest. The gentleman knows that, as a member of the American party, which he now slurs and I am not ashamed of having belonged to. No, sir, I am not ashamed to own that I was an American. And I am proud at least of that love of country which distinguished it, and which, cherished throughout the land, would have saved this country from secession.

Mr. ROLLINS, of Missouri. Let me ask my colleague whether that was not an issue in the contest between Claiborne F. Jackson and Thomas H. Benton; or rather whether the war against Thomas H. Benton was not on account of his supposed Freesoil views?

Mr. BLOW. I repeat here, and the gentleman will not deny, *that the American party to which he and I belonged was neither an anti-slavery nor a pro-slavery party; that the non-agitation of slavery was one of the strong positions which they endeavored to maintain. Will the gentleman deny that? Will he attempt in support of his friend to place himself in a position in which all the records of the history of the times to which he alludes will confront him?*

Mr. ROLLINS, of Missouri. I will not do the gentleman injustice. I certainly have no desire to do that. But I must repeat that in the gubernatorial contest to which I have alluded the war against Thomas H. Benton was solely on account of his Freesoil views, and in 1855, I think it was, he was renominated as Senator, and as member of Congress at the same time, as a Freesoil candidate. So far as I recollect that was almost the only issue in that election, and Colonel Benton, the stern old Senator, who had served the State for thirty successive years, was finally overthrown by the extreme pro-slavery politicians, headed by Claiborne F. Jackson, the late treasonable Governor of our State.

Mr. BLOW. The gentleman is very anxious to succor his friend, but he cannot sustain the position he assumes. I state that I was a member

of that American party, a sworn member—so was he—and he knows and will not deny that the prominent feature ingrafted in the platform of that party was the non-agitation of the slavery question. The gentleman knows that I took no position one way or the other. Neither did he. He neither announced himself as a pro-slavery man nor an anti-slavery man at that time. If he did he violated the obligation he took as a member of that party, to which he and I belonged. This thing does not trouble me at all. Nor am I responsible for his shortcomings.

The CHAIRMAN. The gentleman's time has expired.

Mr. MILLER, of Pennsylvania. I will not object to the gentleman going on if he will tell us what that obligation was.

Mr. BLOW. I have stated it as distinctly as I can. I am sorry that my friend had to resort to the secret doings of our old party to justify his friend.

Mr. Chairman, by their own account the two gentlemen have been for years playing together on a harp of a thousand strings. [Laughter.] I assert that to-day their political position is in accord with their whole lives, with the exception of the honorable party alluded to, in regard to my colleague from the first district.

So far as connected with his early struggles for Freesoilism I have this to say in reply to my censorious friend, that I made, and he heard me, the second Freesoil speech after our party had given up the American idea, and we were called Freesoilers.

Now, Mr. Chairman, I do not want to meddle with the gentleman's reputation, [Mr. ROLLINS,] but it is an extraordinary spectacle presented here when he says that he was a Freesoiler at the same time that he voted forty-four times for Doniphan, who was the pro-slavery candidate.

Mr. ROLLINS, of Missouri. One word. I thought I had explained that. I was carrying out the wishes of my constituents. I said that I represented the strongest pro-slavery district in Missouri; that Doniphan was their favorite, and that in accordance with their wishes I voted for him. My friend from St. Louis [Mr. BLOW] represented a large majority opposed to Colonel Doniphan, yet he was so anxious to defeat Colonel Benton, the Freesoiler, that he violated the wishes of his constituents to do it! That is the difference!

Mr. BLOW. The gentleman is welcome to the benefit of his explanation. While he thought one way, he voted another. I have nothing to do with him or his opinions. I have not attacked them. I care nothing about them.

Mr. ROLLINS, of Missouri. Do you believe in a Representative carrying out the wishes of his constituents, or not?

Mr. BLOW. As a faithful Representative I intend to carry out the wishes of my constituents.

Mr. ROLLINS, of Missouri. Then the gentleman cannot object to me for having done so.

Mr. BLOW. As regards my friend, his record will sustain him or not. It is well known and understood in Missouri. I have no time to go into an explanation of it. I have expended too much time on the gentleman already. I desired to put myself right, and have done so.

Mr. ROLLINS, of Missouri. I will be very happy to aid the gentleman in getting right. [Laughter.] I am doing that now. Even in these revolutionary times I want him not to travel quite so fast.

Mr. BLOW. These poor, miserable slanders have been raked up on every occasion. They are dragged before the public whenever it is possible to do so, to be made the matter of discussion. Yet from the Missouri Republican and his own organ, and from the columns of the Democrat, which he edited, I believe, at the time himself, I pin upon him the fact that they will show that these slanders were false from beginning to end. If gentlemen had proper regard for their reputation and honor they would not permit these facts to be fastened upon them without an effort at reply. They are easily obtained now by any gentleman who wants to know the relative merits of these two gentlemen and myself. The gentlemen must be aware of the facts and of the record. My colleague must at least recollect that in 1858, when he went before his first Freesoil convention in Missouri, we were nominated at the same convention and upon the same ticket—he for Congress, while I was nominated for the State Senate again. And, sir, there is this thing about me, that while I will never deny to another the merit and the honor that is due him, I will defend myself to the last, even though it may be at the expense of his reputation for honor, as it certainly will be when the facts are brought before the public.

The amendment was withdrawn.

Mr. ROLLINS, of Missouri. I renew the amendment. You, Mr. Chairman, will bear witness to the manner in which I was drawn into this discussion. I have no taste for this sort of controversy, but I must be indulged in a single word in reply to my colleague who has just taken his seat. I have stated, so far as I have been called upon, general facts, without going into the individual political history of these gentlemen. I did not propose to do that, and I do not propose to do it now.

I have no doubt my colleague [Mr. BLOW] is a very honorable man, but I think he has got rather the worse of the argument in this collision he has got into with my excellent friend on my left, [Mr. BLAIR,] and hence has shown a good deal more temper than either good taste or his better judgment will sanction. I confess, sir, I shuddered for my own reputation when assailed with such vigor and eloquence as my colleague manifested just before he took his seat. It has been a terrible *Blow* to me, [laughter,] and I do not know that I shall be able to survive it. But I must rely upon the generosity of my constituents, a generosity which I can attest for at least twenty-five years. I can rely upon the liberality of feeling with which they have viewed my humble acts in private and public life, and for which I shall be ever grateful. I represent, sir, a very kind constituency. I think I may with them at least survive the blow I have received this afternoon. But I protest that I had no intention to do that gentleman injustice.

I have mentioned the political organization to which he belonged, and with which he acted in the State of Missouri. I have named the men for whom he voted, and the political position of those men. And I have done the same thing for my friend upon my left, [Mr. BLAIR.] It is true that I have at times sympathized with my friend on my left, and at times have been opposed to him politically. It is true, as the gentleman [Mr. BLOW] rather intimated, that I associated with my other colleague, [Mr. BLAIR.] I am proud of that association to-day. He is working for the best interests of the country, as I believe; and so am I. He is supporting the Government to-day, and is using his best efforts to preserve this noble and beautiful fabric of Government which traitors are attempting to destroy—traitors who are in fact receiving indirect aid at the hands of men who are professing great loyalty in their hearts; men who by their extreme policies are strengthening the rebellion, and who, if they succeed, will finally destroy the Government. I accept as a compliment rather than a sneer, as it was intended, the remark of the gentleman that I am associated with my friend here to-day, who is actuated by a pure, holy, and patriotic motive with a view to overthrow this rebellion against the Government of the United States; with a view to the salvation of the Union; with a view by prudent and wise measures to bring back the wandering children of the Republic to their duty and to the obligations which they owe to our common country. If that is wrong, if that is indiscretion, I plead guilty to it. I am for the country, for the preservation of this Union and the Constitution, and I believe my friend is also for the same thing; and hence I am willing to coöperate with him, and with all good men who aim at the same high and noble and holy and patriotic objects.

[Here the hammer fell.]

Mr. THAYER. I move the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ASHLEY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially Senate amendments to the bill (H. R. No. 156) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1864, and had come to no conclusion thereon.

Mr. MORRILL. I move that all debate upon the section now under consideration in committee be closed in one minute after the committee again resume consideration of the bill.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. O'NEILL, of Ohio. I ask leave of absence for my colleague, Mr. FINCK, for two or three weeks. The sad death of his father is the foundation of the request.

Leave of absence was granted.

Mr. GRINNELL. I am paired off with Mr. FINCK, and I ask leave of absence on account of sickness in my family.

Leave of absence was granted.

And then, on motion of Mr. MORRILL, (at forty-five minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *March* 8, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. TEN EYCK presented the memorial of a committee on behalf of the New Jersey State banks, appointed by a convention of State bank officers held in the city of Trenton on the 14th of January, 1864, praying that the tax levied on the business of banking may be reduced to one quarter per cent. per annum on the average amount of circulation and deposits, thereby equalizing the same with other business interests of the country; which was referred to the Committee on Finance.

He also presented a petition of citizens of Ocean county, New Jersey, praying for an increase of the facilities for the transportation of the mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

Mr. HARLAN presented resolutions of the Legislature of Iowa, recommending that discharged soldiers who have been disabled by wounds or disease in the service of their country should have the preference in being employed in all positions within the gift of the Federal Government; which were ordered to lie on the table, and be printed.

He also presented resolutions of the Legislature of Iowa, in favor of paying soldiers and seamen of African descent in the service of the United States the same pay as is given to other soldiers and seamen of the same grade, and that they receive the same protection that other soldiers and seamen are entitled to under the Articles of War; which were ordered to lie on the table, and be printed.

He also presented a petition of citizens of California, praying for the repeal of an act entitled "An act to grant the right of preëmption to certain purchasers on the Soscol Ranch, in the State of California," approved March 3, 1863; which was ordered to lie on the table.

Mr. COWAN presented the petition of John B. Myers & Co. and others, merchants of Philadelphia and citizens of Pennsylvania, praying for the passage of a law taxing the circulation of all banks chartered by State Legislatures, to such an extent as will compel them to call in all their issue, so that the country shall have nothing but national legal-tender currency; which was referred to the Committee on Finance.

Mr. MORGAN presented a memorial of collectors of the customs of the several collection districts on the northern, northeastern, and northwestern frontier, praying that they may be allowed the same fees and percentages that are allowed to collectors of customs on the sea-board; which was referred to the Committee on Commerce.

He also presented four memorials of citizens of New York, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. SUMNER presented a petition of citizens and soldiers of the United States, praying that the Constitution may be so amended as to recognize the obligations of the Christian religion and to prevent slavery; which was referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. MORRILL, from the Committee on the District of Columbia, to whom was referred a bill

(S. No. 138) to regulate proceedings in cases between landlord and tenant in the District of Columbia, reported it with an amendment.

Mr. WILLEY, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia; which was read, and passed to a second reading.

Mr. DIXON, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 114) to amend section five of an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848, and further to preserve the purity of elections and guard against the abuse of the elective franchise, by a registration of electors for the city of Washington in the District of Columbia, reported it without amendment.

Mr. CARLILE, from the Committee on Public Lands, to whom was referred a bill (S. No. 109) to expedite the settlement of titles to lands in the State of California, reported it with amendments.

Mr. DOOLITTLE, from the Committee on Foreign Relations, to whom were referred papers relating to quieting titles in the late disputed territory in Maine, under the fourth article of the treaty of Washington, submitted a report accompanied by a bill (S. No. 156) to carry into effect the fourth article of the treaty of Washington, concluded between Great Britain and the United States on the 9th of August, 1842. The bill was read and passed to a second reading, and the report was ordered to be printed.

BILL INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 154) to provide for the better organization of the quartermaster's department; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

BRANCH PACIFIC RAILROAD.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Pacific Railroad be instructed to inquire into the expediency of furnishing aid in the construction of a railroad from Fort Leavenworth to intersect the Pacific road at Lawrence, Kansas.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (H. R. No. 42) to enable guardians and committees of lunatics appointed in the several States to act within the District of Columbia;

A bill (S. No. 15) to incorporate the Washington City Savings Bank;

A bill (S. No. 19) for the relief of L. F. Cartee;

A bill (S. No. 39) to authorize the enrollment and license of the steam-tugs B. F. Davidson and W. K. Muir;

A bill (S. No. 81) to apportion the expenses of the levy court of the county of Washington upon the basis of population; and

A bill (S. No. 110) for the relief of John H. Shepherd and Walter K. Caldwell, of Missouri.

DISTRICT BUSINESS.

Mr. GRIMES. I ask the Senate to set apart some day—say Tuesday of next week—for the consideration of business that relates specially to the District of Columbia. One day, it will be remembered, has already been devoted to that purpose, but we were unable to dispose of the business then before the committee, two or three long and important bills still remaining over. Since that time several more bills of a good deal of consequence have been reported, three of them this morning; and I therefore ask that that order be made.

The VICE PRESIDENT. The Senator from Iowa moves that Tuesday next be specially assigned for business relating to the District of Columbia.

The motion was agreed to.

TAXATION IN WASHINGTON.

Mr. GRIMES. There is a small bill reported from the Committee on the District of Columbia, a very short one, about which I think there can be no controversy, and which the city authorities are very anxious should be passed at as early a day as possible. I therefore move that the Senate proceed to the consideration of Senate bill No. 136, to amend "An act to incorporate the inhabitants of the city of Washington," passed May 15, 1820.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to amend the first paragraph of section eight of an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820, so as to read as follows: that the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements, and to cause the curbstones to be set, the foot and carriage ways to be graded and paved, or so much thereof as they may deem best, and the necessary sewerage and drainage facilities to be introduced under and upon the whole or any portion of any avenue, street, or alley, and also to cause lamps to be erected therein, and to light the same, and to pay the cost thereof out of the funds of the ward in which such improvement shall be made; this provision not to be construed as repealing, but being intended as auxiliary to, the power they already possess to make local improvements on the application of the owners of property benefited thereby.

Mr. GRIMES. I move to amend the bill by adding the following as a new section:

SEC. 2. *And be it further enacted*, That in all cases in which the streets, avenues, or alleys of the said city pass through or by any of the property of the United States, the Commissioner of Public Buildings shall pay to the duly authorized officers of the corporation the just proportion of the expense incurred in improving such avenue, street, or alley which the said property bears to the whole cost thereof, to be ascertained in the same manner as the same is apportioned among the individual proprietors of the property improved thereby.

The purpose of the amendment is this: that where the city government improves a street on which the General Government owns a square or piece of ground abutting upon it, the Federal Government shall pay its fair proportion of the expense of grading or paving that street, the same as individuals would if they were the owners of it in place of the General Government. It seems to me it is proper that it should be done.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

COTTON SPECULATIONS BY OFFICERS.

Mr. POWELL. I move to take up a resolution I introduced the other day directing the Secretary of War to transmit to the Senate the report and evidence accompanying it made by a commission of which General McDowell was the head, to investigate cotton transactions in the armies of the West and South.

The VICE PRESIDENT. The following resolution is now before the Senate. It will be read.

The Secretary read it, as follows:

Resolved, That the Secretary of War be directed to transmit to the Senate the report and evidence taken by the military commission, at the head of which was Major General Irwin McDowell, appointed to investigate the conduct of officers of the Army, and others engaged in the military service, in cotton or other speculations.

Mr. WILSON. Mr. President, I do not think the Senate ought to order those papers to be sent here or publish them. If it were a report of a court-martial, where both sides could be heard, I certainly should not object to calling for the papers or publishing them in any case whatever. But this was simply a commission sent out to make investigations and report for the information of the Government. I do not think such papers should be called for or published by the Senate. It is hearing one side of a question, not the whole as in a court-martial, where the accused is heard and where the facts are all disclosed. The information obtained was for the action of the Government, to guide them in prosecuting officers who have violated their duties; and I think all such papers ought to be carefully kept by the Government, because they may do the grossest injustice to men who have had no hearing, and they ought to be regarded in the nature of rumors against officers that may be made the basis upon which the Government may institute proceedings. When they have done that, when a man has been charged, when he has been court-martialed, when he has had a hearing, let those facts be disclosed; but I think this resolution ought not to be adopted.

Mr. GRIMES. Do I understand that this resolution is now before the Senate?

The VICE PRESIDENT. It is in its order.

Mr. GRIMES. I propose an amendment to the resolution. I move to amend it in the first line by striking out the words "the Secretary of War be directed" and inserting the words "the President of the United States be requested," and by adding to the resolution the following:

"And that the President be requested to accompany said report and testimony with any and all testimony in his possession or in the War Department tending to elucidate the transactions embraced or referred to in said report;" so that if amended it will read:

Resolved, That the President of the United States be requested to transmit to the Senate the report and evidence taken before the military commission, at the head of which was Major General Irwin McDowell, appointed to investigate the conduct of officers of the Army, and others engaged in the military service, in cotton or other speculations; and that the President be requested to accompany said report and testimony with any and all testimony in his possession or in the War Department tending to elucidate the transactions embraced or referred to in said report.

Mr. President, I am not very familiar with the laws of courts-martial or with the Army regulations; but I understand from gentlemen who are familiar with the subject, that this whole proceeding on the part of the War Department and on the part of General McDowell was an express violation of the Articles of War. I have been referred, I think, to articles ninety and ninety-one, which expressly declare that no superior officer shall create a commission similar to this that was created, at the head of which was General McDowell; but that in every case of that kind the designation shall be made and the commission created by the President of the United States, and by him alone. I am informed that the President of the United States was wholly ignorant of the fact that any such commission had been appointed. But let that be as it may, it was an entirely *ex parte* inquiry. A commission of general officers was appointed to traverse the country and fish up testimony against such persons as they saw fit to arraign and to investigate the conduct of.

Among others who were arraigned before this court without his knowledge, without his presence, without having an opportunity to vindicate himself, was a gentleman from my State, General Curtis. I am told that in the report that was submitted there is some *ex parte* testimony, which, standing by itself and unexplained, does implicate General Curtis. But I am informed by gentlemen who have taken the trouble to investigate the subject, that every particle of that testimony in relation to General Curtis has been disproved by testimony furnished by him and now in the possession of the President of the United States or in the War Department. So satisfactory was the exculpation of General Curtis, that the President of the United States at once pronounced that he was entirely exonerated from all blame and from all censure, and he sent him to a command.

Now, sir, the purpose of the amendment that I offer is that if this resolution passes at all the testimony called for when sent in to us shall be accompanied by this other testimony, which was also taken under the sanction of an oath, and which is also the testimony of some of the very witnesses who swore against General Curtis before this commission, so that the world shall have an opportunity to judge somewhat in regard to both sides of the case.

Mr. POWELL. Allow me to ask the Senator if he has seen the testimony.

Mr. GRIMES. I have not seen the testimony, but my colleague in the House of Representatives, who represents the district in which I live and in which General Curtis lives—Mr. WILSON—has seen it, and has told me all about it.

Mr. POWELL. Did he see it at the War Office?

Mr. GRIMES. He saw it at the President's, who told him all about it, and he assured me that it was an entire exculpation of General Curtis, and the President so declared it to be. I do not want an *ex parte* statement or *ex parte* testimony to go to the world to the detriment of a citizen

from my State when the record in the same Department entirely exonerates him.

Mr. LANE, of Kansas. I should like to move an amendment to the amendment of the Senator from Iowa, by inserting the words "if in the opinion of the President the evidence can be furnished not incompatible with the best interests of the service." That is the usual form.

I desire to say, in addition to what has been said by the Senator from Iowa, that so far as Major General Curtis is concerned, he is anxious, and his friends are anxious, that the testimony should go to the world with the counter testimony he has since furnished.

The VICE PRESIDENT. The Senator's amendment is in order. The Senator from Kansas proposes to amend the amendment by inserting after the word "requested" the words "if not in his opinion inconsistent with the public interests."

Mr. POWELL. I did not expect that the passage of this resolution would meet with the resistance that it has met with. So far as the amendment proposed by the Senator from Iowa is concerned, I must say that I think it is proper, and to that I have no objection. I do not wish in any way to injure the reputation of any citizen or any officer of this Government, either in the military or the civil service, and if testimony is asked for the tendency of which is to injure his reputation in any way whatever, if there should be in the same department counter testimony, I am perfectly willing it should be made known to the public. I will therefore accept the amendment proposed by the Senator from Iowa; at least that part of it which asks that the testimony taken to exonerate General Curtis be also sent in.

The Senator from Massachusetts, however, seems to object to this testimony being brought before the Senate. He says it is testimony taken by the Government, and it should be kept by the Government for their own inspection to regulate and govern their action. Sir, I had supposed that the Senate was a part of this Government. I am still of that opinion, notwithstanding the remarks of the Senator from Massachusetts would indicate that he held otherwise. We, as a part of this Government, have a right to have this testimony laid before us.

The reason why I have offered this resolution is that I have seen it stated in the public journals, I have heard it from private individuals—gentlemen whom I know to be men of honor and veracity—that there had been outrageous frauds in that military department. I have heard it intimated and stated over and over again that the evidence accompanying the report of General McDowell would show that fact beyond doubt. Believing that it would do it, from the intelligence I had, I thought it eminently proper that the Senate should have that testimony brought before them, and have it published. We, as a part of the Government, have a right to it. If that testimony proves that the officers of this Government have been acting fraudulently or corruptly, it ought to be known. If there is testimony there to exculpate them, common fairness and justice would demand that that also should accompany it, and to that I have no objection.

The Senator from Massachusetts said it had not been usual to publish such testimony taken before such commissions. Allow me to tell that honorable Senator that he was greatly mistaken when he made that assertion. I remember that we did publish testimony taken before more than one commission sent out from that department. The report of the commission composed of Mr. Holt, Judge Davis, and a Mr. Campbell, I believe, to investigate the affairs of the department of General Frémont in St. Louis, was published. The report of a commission, of which Mr. Holt and Mr. Robert Dale Owen were at the head, to investigate ordnance and gun contracts, sent out from the War Department, was published by order of this Senate. It has been common to publish such reports. We have a right to know what testimony this commission collected. Such was the effect of the commission of which General McDowell was the head, and that of which Holt and Davis formed a part, that General Frémont and General Curtis were both suspended for some time from their commands. I am not in favor of keeping such testimony back. Let the country know it.

The Senator from Iowa tells us that this was a commission of which the President had no knowledge; that it was organized by the War office without his knowledge or consent. That may be so; for I think the Secretary of War does things very much as he pleases, without regard to the desire of the President or to the laws and Constitution of his country. But, sir, it is humiliating that such excuses should be given by Senators for the Executive. The President of the United States, who allows such things without his knowledge, and permits officials thus to transgress the rules of propriety of one of the Departments of this Government, does not deserve the commiseration of anybody. The President should instantly dismiss such officers from his service.

But, sir, the honorable Senator tells us that his colleague in the other House has examined these papers, and that they exculpate General Curtis. I hope they do. It would be a pleasant thing for me to find that every official of the Government whose reputation had been assaulted was fully vindicated and justified. But, sir, there is no possibility for me ever to get to look into those documents; for I went to that War office on one occasion for the purpose of examining a report on file there to perfect a bill that was pending before this Senate that I had introduced to prevent frauds upon the War Department, and I was flatly refused by Mr. Stanton the privilege of reading the report in his office. I suppose he allows those who are in political amity with him to examine those records. He refused me that privilege. I thought it was un unpardonable rudeness to me, and since then I have not put my foot across the threshold of the room in which that officer sits in the War office.

Sir, I hope this resolution will pass, and I hope that I and other Senators may have the privileges accorded to Republican members of Congress, of examining papers on file in that War office, or have the privilege of seeing them at least. I, for one, have been denied examinations there. If I had been permitted heretofore to examine these records in that office I would have gone there. I would have read over this testimony myself, and I would not have troubled the Senate with a resolution asking it to be published unless I thought the public service imperiously demanded it. I accept the amendment proposed by the Senator from Iowa. I think that additional testimony should be published along with the testimony reported by General McDowell. I have no special objection to the resolution being directed to the President instead of to the Secretary of War, for the Secretary of War now stands in contempt of resolutions passed by this body. I hope the President will not be so imperious, but will give us the testimony upon request. I desire that the resolution, as it is modified, may be adopted by the Senate.

Mr. LANE, of Kansas. Mr. President, I understand the history of this board of inquiry to be that neither the President of the United States nor the Secretary of War had any knowledge of it, and that it originated with the commander-in-chief. I have no answer to make to the assaults of the Senator from Kentucky upon the Secretary of War or of the President of the United States except this, that if I were the President of the United States or the Secretary of War, discharging my duty patriotically and faithfully to my country, I would consider an assault from the Senator from Kentucky as the highest compliment that could be paid to me.

The VICE PRESIDENT. The Senator from Kentucky accepts the amendment of the Senator from Iowa as a modification of his resolution; and the question now recurs on the amendment proposed by the Senator from Kansas as a distinct amendment.

Mr. SHERMAN. I cannot allow this question to pass from the Senate without saying a few words in regard to a gentleman whose name has been connected with it—Major General Curtis. During a long and intimate friendship with General Curtis, dating back to my early youth and continued through years of public service, I have formed of him the highest opinion. I know him to be a man pure, upright, honorable, and just.

When I first saw that Major General McDowell was at the head of a court of inquiry to inquire into his conduct, and that the newspapers were publishing charges detrimental to the reputation of General Curtis, it excited my attention. I read carefully all that was said about it, made diligent inquiry, and had a correspondence with General Curtis on the subject. General Curtis informed me, when it was charged in the newspapers that he was engaged in speculating in cotton and had made a large sum of money in that way, that he had never bought any cotton, directly or indirectly, had never been engaged in any way in any such speculations, had never made one dollar or one cent in any transaction in the department of the South on any kind of property whatever, and never received anything during the time he was in the service in Arkansas and Missouri except the salary given him by law.

I noticed shortly afterwards the publication in the newspapers of *ex parte* testimony; among the rest a statement made by General Steele, if I remember aright, giving hearsay declarations in which General Curtis's name was involved. The attention of General Curtis was called to it. The very moment he ascertained that such an examination had been had, and that officers had been examined without his knowledge before this commission, he took steps to procure testimony in his vindication of the most conclusive character, to be sent to the President.

Mr. GRIMES. He first demanded a court of inquiry.

Mr. SHERMAN. Yes, sir; the very moment the subject was called to his attention he demanded a court of inquiry or court-martial or some mode of inquiry into his conduct, insisting that he should not rest under these imputations without having an opportunity to answer them. He was replied to that there were no accusations against him. A court-martial or a court of inquiry was refused, as the accusation was not of a character to be submitted to a court of inquiry. He, however, took testimony and sent it to the President of the United States, and the President of the United States was so entirely satisfied that General Curtis was guiltless of this matter that he at once so declared, and openly and frankly relieved General Curtis from the charge.

The Senator from Kentucky stated that General Curtis was relieved from his command on account of these charges. I can assure the Senator that such was not the fact. General Curtis was relieved of his command in Missouri because he took the radical side in Missouri.

Mr. POWELL. I stated the impression I had.

Mr. SHERMAN. I am very glad to correct that impression.

Mr. POWELL. Of course I stand corrected if the Senator knows the fact, because I did not. I saw it stated in the public journals that that was the cause of his removal.

Mr. SHERMAN. I can state the contrary from the highest authority, the President of the United States, who told me himself that General Curtis was not relieved from his command on account of these accusations about cotton speculations; that they had nothing to do with it; that they had been entirely and satisfactorily explained.

I make these declarations in behalf of General Curtis, who is not only a pure man, but is a sensitive man. He retired from the public service with a keen sense of injury done to him by these accusations which he was not allowed to meet. Fortunately, he has been able to repel them and outlive them in public sentiment, and has been assigned to an important command. I make these declarations because I happen to know them and because I feel the injustice that was done to General Curtis.

It appeared also in the testimony that the person with whom it was said he was interested in buying cotton was Mr. Guthrie, a gentleman who had long lived at Memphis. He had been engaged in the cotton business, and was carrying on trade in cotton by a permit from the Secretary of War and the Secretary of the Treasury. General Curtis had no connection with him, directly or indirectly, except the fact that in former years they had been acquainted and perhaps were distantly connected in Ohio; but he had no connection with him, directly or indirectly, and gave him no aid or coöperation in his cotton speculations, and never received a dollar from them.

These accusations against military officers are very easily made, and the officers themselves are the most helpless beings in the world. They can-

not come out in the newspapers and say they are not engaged in these fraudulent and dishonorable operations, because they cannot meet accusations in that way. They are busy, and probably their attention may not be called to them. They may demand a court of inquiry, but the Department reply that there is no accusation in proper form against them and they cannot grant a court of inquiry. Thus general officers of the highest standing have their characters assailed for impurity, fraud, or crime, without being able to meet those charges by a manly, open trial. That was precisely the case with General Curtis, who suffered for a long time in the public opinion, without any fault. I am very glad to see that not only in the opinion of the President, but in the opinion of the whole country, General Curtis has been relieved from this opprobrium; and these papers if called for from the President will, I have no doubt, relieve him from all blame.

Mr. POWELL. Mr. President, I have been very much pleased to hear the statement made by the Senator from Ohio. I had the impression from current rumors that General Curtis was relieved from his command in consequence of these speculations to which I have alluded, but I have no doubt the Senator from Ohio is correct. It is not my purpose to debate this question. I hope that the resolution may pass, and that these papers may be laid before the Senate, and that they may acquit all the officers of the Government. If, however, they do not, the country ought to know it.

The Senator from Kansas has told the Senate that if he were President or Secretary of War, in the faithful discharge of his duties, he would want no higher eulogy than my censure. Sir, if I thought the President and the Secretary of War were in the faithful discharge of their duties, they never would have received any censure from me. Let me say to the Senator from Kansas, however, that my censures or denunciations, as he calls them, may or may not damage those high officials; but there is one thing of which I am very certain: that the praises of the Senator will be very damaging to their reputations.

Mr. LANE, of Kansas. I made the remark that I uttered respecting the Senator from Kentucky for the reason that I have been for three years a member of this body with him, and during that entire period I have never heard one word of condemnation from his lips against those who are engaged in this rebellion, while day after day and hour by hour we have heard denunciations from him against our own faithful officers. What influence either my denunciation or my praise may have I submit to the country; I am quite willing that they shall be compared with those of the Senator from Kentucky, among the loyal people of this country at least.

Mr. JOHNSON. I hope the honorable member from Massachusetts will withdraw his objection to the application for these proceedings. The public have been advised through a variety of channels that some of the best men in the service are impeached by the evidence, or what purports to be the evidence, taken before this commission. General Curtis is not the only person who has suffered in public estimation. It gives me pleasure to state, if anything was necessary to be added to what fell from the Senator from Ohio, from a personal acquaintance with General Curtis—not, to be sure, as intimate as that which it has been his good fortune to enjoy—that I am satisfied a more correct and honorable man is not to be found in the country. He was a member of the peace conference of which I was a member, and my relations with him throughout the whole of the deliberations of that body were close and intimate—I think sufficiently so to give me an opportunity to decide upon his character, morally and intellectually—and the estimate that I put upon both was very high. As far as I am concerned, these rumors which have been spread upon the authority of this commission have not had the slightest effect upon my mind; but a great many people have thought, and still think, whatever may be the opinion of the President, that General Curtis has been guilty of some error at least, whether designed or not is immaterial, with a view to personal profit. I am satisfied that there is not the slightest ground for the suspicion in point of fact.

But I have another reason for wishing the proceedings of this commission to be sent to us. I think the officers who are charged with these investigations, or the Secretary of War, or the President, if they have had anything to do with the manner in which these commissions have been executed, should be told by the Senate—that may possibly have an effect upon them in the future—that the mode in which evidence has been taken upon these occasions is exceedingly objectionable, and is calculated to do great injustice to individual citizens. Nine tenths of the evidence that they take would not be received in a court of justice. Nine tenths of it is at least hearsay, and the other tenth is altogether irrelevant. But notwithstanding that, the effect upon the public mind is very often to blast the character of very honorable men, and, to the extent in which individual character when blasted can affect the general reputation of the country, to that extent the general reputation of the country is affected.

I think, therefore, if we had the proceedings of this commission before us, if the evidence has been taken in that way, that these officers who are sent on this particular duty would find, from the expression of opinion on the part of the Senate, that that mode of conducting these investigations is not only not praiseworthy, but exceedingly reprehensible.

Mr. WILSON. After the amendment that has been moved by the Senator from Iowa, I shall not resist the passage of this resolution. I think, however, as a general rule, that we ought not to call for these reports of commissions that are sent out to examine into alleged abuses. In a court-martial the accused is heard, but in these investigations a man's name may be blasted, and the Senate may send it over the country, when in fact the man is innocent, but has had no opportunity to be heard. Abuses are charged upon certain officers. We have in the service about thirty thousand officers. Representations are often made at the War Department of bad conduct on the part of officers. There is hardly a day passes that I do not receive letters in regard to the conduct of certain officers or other persons employed by the Government. I always send them to the War Department, and they take such action as they see fit.

It is well known that a great many investigations have been made and are being made, and sometimes upon these representations officers are arrested and brought before courts-martial, where all the facts are disclosed. There is no reason why those facts shall not go to the country. But these preliminary examinations, that are in the very nature of the case *ex parte*, ought not, with the authority of the Senate, be spread over the country, perhaps to the injury of the persons against whom complaints have been made, and sometimes there must be great injustice done if those examinations are printed and sent over the country. As a general rule, then, I am opposed to calling for and sending over the country such statements, because they must do great injustice to men. In this case it is said that General Curtis has presented the facts in his case. Whether other persons against whom some evidence was taken before this commission have done likewise, I do not know; but with this amendment I shall not oppose the adoption of the resolution.

Mr. HARLAN. Mr. President——

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the special order.

Mr. POWELL. I hope the special order may be passed over informally. I think we can dispose of this resolution in a minute.

The VICE PRESIDENT. It will be passed over informally, if there be no objection.

Mr. BROWN. If this debate is going to continue any length of time, I shall object.

Mr. WILSON and Mr. GRIMES. Let it go over until to-morrow morning.

The VICE PRESIDENT. Being objected to, it passes over until to-morrow, and the special order is now before the Sentate, which is the unfinished business of yesterday.

Mr. SUMNER. There was a special order for to-day, on which, as I understood, the Senator from Missouri [Mr. BROWN] had the floor.

The VICE PRESIDENT. That is so, but that has been superseded by the unfinished business of yesterday, which takes precedence of the special order.

Mr. SUMNER. I move that the Senate postpone all prior orders, and proceed to the consideration of the special order, on which the Senator from Missouri is entitled to the floor.

The VICE PRESIDENT. Then the question is on postponing Senate bill No. 145, to equalize the pay of soldiers in the United States Army, which is the business now before the Senate, until to-morrow.

Mr. WILSON. I hope that bill will not be postponed until to-morrow. It can be passed over informally, and let the Senate take up the other special order. I should like to have that bill acted on to-day.

The VICE PRESIDENT. The course suggested by the Senator from Massachusetts will be pursued, if there be no objection. The unfinished business of yesterday will be passed over informally, and the Senate will proceed to the consideration of Senate bill No. 41.

ENLISTMENTS IN THE ARMY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes, the pending question being on the amendment offered by Mr. BROWN to strike out the third section of the bill, in the following words:

SEC. 3. *And be it further enacted*, That when any person of African descent whose service or labor is claimed in any State under the laws thereof shall be mustered into the military or naval service of the United States, he, his mother, and his wife and children, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding; and all laws and parts of laws inconsistent herewith are hereby repealed.

And to insert in lieu thereof:

SEC. 3. *And be it further enacted*, That the proclamation of the President of January 1, 1863, declaring all persons held as slaves within certain designated States and parts of States then in rebellion against the Government of the United States to be thereafter free, be, and the same is hereby, confirmed and made of full effect as law; and all courts of justice are required to recognize the same, and all persons declared to be free by the said proclamation, or by this act or any subsequent act of Congress, shall be entitled to sue and be sued and give evidence in all courts of justice as other citizens.

SEC. —. *And be it further enacted*, That from and after the passage of this act there shall be neither slavery nor involuntary servitude in any of the States or Territories of the United States otherwise than in punishment for crime whereof the party shall have been duly convicted, any law, usage, custom, or claim to the contrary notwithstanding; but all persons shall be held to be born free.

Mr. BROWN. Mr. President, that slavery yet liveth the discussion which has attended every measure introduced here trenching upon it sufficiently attests. Neither dead nor willing to die, but struggling for being by joint and ligature and tissue and nerve, that some center of future growth may lurk under proviso or exception, its vitality is upheld in this hour by appeal to the same constitutionalisms and local countenance that will be swift to maintain it hereafter if this epoch shall pass without its utter extinction.

Under such conviction, and resolute to permit no fit occasion for terminating its existence to go unimproved, the sections just read have been offered—sections assuring freedom not only, as set forth in the original bill, to the mother or wife or child of those colored soldiers who may venture life in defense of *your* homes, for as yet *they* have no homes; freedom not only to all those claimed as slaves and heretofore resident in the districts declared to be in rebellion and embraced in the proclamation of January 1, 1863; but freedom to all those now held in bondage, without distinction of State or Territory, throughout the whole land, and as supreme law of this nation, enacted by virtue of that power which resides in the Congress of the United States to maintain the Government and preserve the liberties of the people.

The question of authority in Congress to legislate on this subject carries with it the minor ones of extent, expediency, and necessity; for its discretion is absolute, and not subject to revision. Those who recognize the right, therefore, to declare the absolute freedom of such as are claimed for service by disloyal persons, or the freedom of those taking up arms for the Government of the United States, or the freedom of those escaping within the lines of the Army, must concede the full power to pass an act of abolition as a war measure, or as a measure essential to the future security of the country against war. For it will not be found possible to establish any line of demarkation, sustained by right, that shall apply to a part and not to the whole, that shall regard them in

relation to one person as "captives of war," and treat them in relation to another as "chattels;" that shall justify manumission where our armies are not, and forbid it where they are or have been. All these human beings, confirmed thus in their inalienable rights of freedom, are not property which the Government is taking for its own use, and to which it thereby acquires a title of ownership, but it is institutions and customs and claims and ancient wrongs grown intolerable, that we blot out as not compatible with the "general welfare" of this nation, never consistent with justice, and not now possible with any assurance of life itself.

That the Constitution of the United States invests the Congress and the Executive with all powers necessary to maintain that Government, provide for the common defense, and guaranty republican forms, has been too often asserted, acted upon, and concurred in by this Senate to make it now liable to question, and that the existence of such plenary power, even to the extirpation of slavery, if adjudged necessary for the safety of the State, was recognized by some of the ablest of contemporary expositors of that Constitution, is well attested in our history. Especially was this the case in the debates of the Virginia convention of delegates, where perhaps that instrument passed its severest scrutiny. Patrick Henry, in enumerating his objections to its ratification, speaks thus:

"With respect to that part of the proposal which says that every power not granted remains with the people, it must be previous to adoption, or it will involve this country in inevitable destruction. To talk of it as a thing subsequent, not as one of your unalienable rights, is leaving it to the casual opinion of the Congress who shall take up the consideration of the matter. They will not reason with you about the effect of this Constitution. They will not take the opinion of this committee concerning its operation. They will construe it as they please. If you place it subsequently, let me ask the consequences. Among ten thousand *implied powers* which they may assume, they may, if we be engaged in war, liberate every one of your slaves if they please. And this must and will be done by men a majority of whom have not a common interest with you. They will therefore have no feeling of your interests. It has been repeatedly said here that the great object of a national Government was national defense. That power which is said to be intended for security and safety may be rendered detestable and oppressive. If they give power to the General Government to provide for the *general defense*, the means must be commensurate to the end. All the means in the possession of the people must be given to the Government which is intrusted with the public defense. In this State there are two hundred and thirty-six thousand blacks, and there are many in several other States. But there are few or none in the northern States; and yet if the northern States shall be of opinion that our slaves are numberless, they may call forth every national resource. May Congress not say *that every black man must fight?* Did we not see a little of this last war? We were not so hard pushed as to *make emancipation general;* but acts of Assembly passed that every slave who would go to the Army should be free. Another thing will contribute to bring this event about. Slavery is detested. We feel its fatal effects; we deplore it with all the pity of humanity. Let all these considerations at some future period press with full force on the minds of Congress. Let that urbanity which I trust will distinguish America, and the necessity of national defense—let all these things operate on their minds, they will search that paper and see if they have power of manumission. And have they not, sir? Have they not power to provide for the general defense and welfare? May they not think that these call for the abolition of slavery? May they not pronounce all slaves free, and will they not be warranted by that power? This is no ambiguous implication or deduction. The paper speaks to the point: *they have the power in clear, unequivocal terms, and will clearly and certainly exercise it.* As much as I deplore slavery, I see that prudence forbids its abolition. I deny that the General Government ought to set them free, because a decided majority of the States have not the ties of sympathy and fellow-feeling for those whose interests would be affected by their emancipation. The majority of Congress is to the North, and the slaves are to the South."—*Eliot's Debates*, pages 589, 590.

Nor have statesmen in late years hesitated to announce the same broad and emphatic interpretation. John Quincy Adams, in the discussions of the House of Representatives, made use of such declarations as these:

"Sir, in the authority given to Congress by the Constitution of the United States to *declare war*, all the powers incidental to war are by necessary implication conferred upon the Government of the United States." * * * * "There are two classes of powers vested by the Constitution of the United States in their Congress and Executive Government: the powers to be executed in time of peace and the powers incident to war. That the powers of peace are limited by provisions within the body of the Constitution itself; but that the powers of war are limited and regulated only by the laws and usages of nations, and are subject to no other limitation." * * * * "I do not admit that there is *even among the peace powers of Congress* no such authority; but *in war* there are many ways by which Congress not only have the authority, but are bound to interfere with the institution of slavery in the States." * * * * "When the southern States are the battle-field between slavery and emancipation, Congress may sustain the institution by war, or perhaps abolish it by treaties of peace; but they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the Constitution itself. From the instant the slaveholding States become the theater of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way by which it can be interfered with." * * * * "With a call to keep down slaves in an insurrection and a civil war comes full and plenary power to this House and to the Senate over the whole subject. It is a war power. Whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. *This power in Congress* has, perhaps, never been called into exercise under the present Constitution of the United States."—*Speeches of J. Q. Adams*, 1836–1842.

It will thus appear that both the elder and later interpretations of the Constitution unite in recognizing this war power as existing in Congress and the Executive, and it only remains to set forth that under such exercise and by virtue of the received law which controls it, the subject-matter here claimed for its action is fully embraced therein. Many references to received authorities might be made on this point, for it is one very well attested; but a single quotation will suffice to exemplify the spirit of them all. Thus Vattel, in his Law of Nations, says:

"It has been observed (§ 196) that we may be obliged, if not externally, yet in conscience and by the laws of equity, to restore to a third party the booty we have recovered out of the lands of an enemy who had taken it from him in an unjust war. The obligation is more certain and more extensive with regard to a people whom our enemy had unjustly oppressed. For people thus spoiled of their liberty never renounce the hope of recovering it. If they have not voluntarily incorporated themselves with the State by which they have been subdued, if they have not freely aided her in the war against us, we certainly ought so to use our victory as not merely to give them a new master, but to break their chains. To deliver an oppressed people is a noble fruit of victory; it is a valuable advantage gained thus to acquire a faithful friend. The canton of Schweitz, having wrested the country of Glaris from the house of Austria, restored the inhabitants to their former liberties; and Glaris, admitted to the Helvetic confederacy, formed the sixth canton."—*Vattel's Law of Nations*, book page 391, side page 392.

Again, it will be observed that intrinsically the proposition to abolish slavery by constitutional amendment, and this to abolish it by act of Congress, do not differ as to the effect upon alleged right of property in slaves. No one proposes to make compensation in connection with constitutional amendment, so that the deprivation is the same in the one case as the other. It is only a question, then, which may be stated thus: can we get at the deprivation both ways? Assuredly we can, because the power to deal with the question both ways resides in us—to deal summarily under the war powers so called, or by constitutional amendment.

As an original question, the right of property in man cannot be successfully maintained, and they who contend for it here now in deference to alleged constitutional obligations, will find themselves constantly embarrassed and involved in contradictions of thought and reasoning until they shall utterly discard it. Rights of property do not originate in constitutions; they are anterior to them. Right of property is but another name for the natural right of each one to enjoy the fruit of his own labor, and in its very inception repels and precludes the idea of slavery. It is simply idle, then, to claim such property in human beings and quote the Constitution as conferring the title, or to rely upon its guarantees, if any such could be truly inferred from its clauses, as an inviolable protection for such claim, when it so clearly confers the power to dispense with even still higher guarantees of personal liberty in maintaining the Government.

The rigid argument in behalf of this power best states itself in the imperiled condition of the country. Every battle-field is an annotation full of meaning, every soldier's grave a link in the chain of evidence. Slavery, containing in itself that antagonism to free institutions which predetermined its appeal to arms in hostility to the national thought and the national being, must perish to make assured any ending both of present conflict and future convulsion; and slavery in a State semi-loyal or neutral, under this consideration, is just as fatal to our national existence as in a State in open rebellion. The exceptional condition of professedly loyal claimants here and there cannot, in this grave conjunction of affairs, be permitted to control our decision and operate to extend the tenure of slaveholding; for it is from the inherent impossibility of assimilating that system with our free Republic in any State, owing to its violation of human rights, that the supreme reason for direct abolition originates. The outcome of a moral wrong, fostered and encouraged in the social state, is seen in the calamities of to-day. That such calamities may not attach to any other day; that the Republic may be rid of a disease which has brought it nigh to death; that the struggle may be forever ended with those who have taken up arms to make permanent the institution of slavery; and that the American people may repose in undisturbed security, free, prosperous, and cohesive, are the cumulative necessities that impel us now to pass a direct act of universal freedom.

But why should we hesitate? It is an advance, not a reaction. It is the first step toward those great destinies which await us, if only we be true. Do we prefer to go back into the past with its dismays and corruptions and terrible retributions, or forth into the future of hope and faith and achievement? Let us rather contemplate the full measure of that vast change of which this is but a beginning, and realizing somewhat the spirit of the age upon which we are entering, look therein for other and convincing reasons to assure us that the demand for this action is not premature, but a well-considered wisdom; that it is not isolated and optional, but connects with still larger and impending issues.

To do so, however, to note the march of these times, it will require that we disabuse our speech of much of the phraseology that gives false seeming to events around us. Thus the terms *rebellion*, used to designate this conflict, *unionism*, in varied inflections, chosen to generalize our future, and *reconstruction*, largely adopted to signify projected modes of arrangement, are all half phrases, taking their meaning from obsolete rather than existing attitudes, and afford no correct idea of this era or its outcome. Rebellion may be well applied to denote mere resistance forcibly of a part of our people to the national thought; but when employed to convey a comprehension of and give a name for this great progression and conflict, that reaches for its origin far back into anti-slavery agitation, and looks forth for its consummation far forward to the new time, it becomes totally devoid of aptness or significance. The rebellion is but an incident in the protracted struggle, covers only the idea of appeal to force, and measures not that moral flood-tide that surges on this great movement. As well characterize the events of France of '89 by the resistance of La Vendée, or the birth and growth of the English Commonwealth by the reduction of Ireland, as gauge the meaning of this conflict by such a formula of language. And so of unionisms; those pliant, fearful, mock-modest attempts to cover up these giant, gaunt, naked facts, that are stalking about in the daylight, with the gum-elastic garments of old-time political drapery. The simple unities of the former state unrelated to rights or wrongs, what do they signify now? They are as passionless as algebraic equations, as vain as mythologies. Who cares for the Union of the past—a Union fraught with seeds of destruction—bitter with humiliations and disappointments? Who believes in the grief of these hired mourners, so lachrymose before the world? They are not even self-deceived. It is likewise with reconstructions—a free masonry that imagines it has only blocks and stones to deal with, or a child's play, that would build up as they have tumbled down its card-castles, putting affably the court cards on top again. Foolish craftsmen, seeing not that it is the life arteries and the thews and the sinews of a nation's being that are dealt with, and that it must be regeneration or death.

The supremest truth of our time is this: that it is a revolution in whose whirls we are eddying and with whose currents we have to contend; a revolution the grandest ever yet essayed by man, and destined to give its watchword to other lands and peoples; a revolution in all its great outlines of enkindled faith, of continued development, of overturned thralldoms, of liberated hope. The strata of this nation's sediment and coldness and oppression has been broken through. Human nature once more, by the grace of God, has become volcanic and eruptive, and the precious

truths of freedom and fraternity are welling up from their deep foundations away below the defacements of men. It is a revolution full of promise. What if its inceptions were of the feeblest? What if the small threads of its gathering can only be traced or identified by that most microscopic of all glasses, personal vanity? The origin was. The movement came from us and of us, asserting itself in divers ways, but chief of all in the overthrow of slavery ethics, increasing in volume as people became aroused to the peril of national courses, possessing itself first of prisons and then of pulpits and then of platforms, becoming at length the embodied national will—an assured revolution. And in the great transition from the old to the new, let all friends of freedom realize the entire truth and accept a full responsibility by acknowledging now, as we shall be proud to acknowledge hereafter, that in this flowing on we are the movement, in this going forward we are the progression, in all this change and alteration and accomplishment we are the revolution.

The receiving such a comprehension of our present convulsions is important far beyond the niceties of language, going as it does straightway to consult the elements that are at work, and preparing us in advance for a celerity of events and a larger scope of transition not possible under other social condition. And whither does it all tend, this rush of action, this displacement of ideas, these swift affiliations? It would be only the part of presumption—a foolish presumption in the highest wisdom—to claim a foreknowledge of such in its entirety and orbed completion; but yet the humblest of those who with earnest endeavor shall seek to know what manifestations there are of things to come will not labor altogether in vain. There are striking indications that point out, if they do not determine, the ending. There are vaguely outlined groupings that shape themselves into more definite forms as they are scrutinized. Especially are there three great central ideas, raying forth into the darkness of the future their broad beams of light, and illuminating the paths that are to be trodden by this people in their "marching on"—three impending necessities as it were, distinct yet related, which may be set forth as, *first*, a realization and establishment in truth and not merely in name of absolute freedom policies throughout the whole land; *second*, the building up from its sure foundations of a nationality that shall represent the aspirations of the whole people for a democratic unity; and, *third*, the conforming of our Government, in its administration as in its recognitions, to those divine truths that go to constitute and inspire a devout Christian State holding itself "as ever in the great Taskmaster's eye."

1. Let us consider the first of these necessities. What are the requirements at our hands that we may be true to that behest? If the end in view be conceded, is there any latitude of choice as to the means, any room for experiments touching liberties?

Without doubt the abolition of slavery throughout all the States of this Union by general statute such as now proposed must be the initial measure to any freedom policies reposing on national authority as their guarantee; for until the slave code shall be thus canceled in fact no constitutional amendment covering that ground will ever be had. It must be confessed, moreover, that even such enactment will not complete the establishment of popular liberties over all the territory where it is received as law. It will end and determine the form—the name, and pledge the national power to maintain the act, but somewhat more, and after that becomes imperative to do away with the substance. Has it not been a favorite taunt of the oligarchs that there was white slavery as well as black slavery? And there was truth in the assertion. Indeed, acute minds have not been wanting to convert the fact into an argument, and defend the enslavement of the African by direct force because of the alleged enslavement through social distortions of the Scandinavian or the Celt. While such reasoning is false and sinister, yet it will not be controverted that many of the worst features of slavery may exist where the badge itself does not obtain. Will any one affirm that Connecticut, which exhibits such intolerance of the foreign born, or that Illinois, which is disgraced with a black code revolting to all sense of justice, can claim to be regarded free States? With equal truth may it be said also that much of the white population of Europe in densely crowded districts, where an inexorable ledger, with its profit and loss account, rules the hour, come under conditions that render them intrinsically enslaved, while, to a still greater extent, the nominally free white population of the largely slave-breeding and slaveholding sections of our own country have all along been reduced to a dependence for which even the name of liberty could not atone. An enlarged policy of freedom, such as that now asserting itself throughout this land, will not fail to take note of such phantasms, such simulations, such diseased condition, and while striking at slavery in name and estate, will see to it that it will be the reality and not the image that goes down. Especially, therefore, does it devolve on those who control to take heed, having proclaimed a free society as the type of the future, so to order regeneration, and so to foster new growths, and so to adjust the relations of conquered States, internal as well as external, that slavery shall no longer be a synonym of labor, and labor no longer the equivalent of slavery. It would be folly, abjectest recreancy, an utter perversion of the holy uses of the blood and treasure of the nation so lavishly poured out, to act otherwise, to do aught less than this.

And here let it be reflected that they who are so swift to put back the old forms in the old places simply to bring about the old relations to the national Government, either have no conception of the conditions and environment with which slavery maintains itself, or else they are false to the principle and the faith to compass selfish ends. Unless this freedom work be well done it will not be done at all, for slavery will return to power along with the masters. It will have no difficulty to find names under which to mask itself, or politicians to pay court to it, or money-lenders to buy it an amnesty. Take the illustration afforded of this fact in Missouri, and see how tragic has been the anti-slavery struggle there, even with a large majority of the people pledged to freedom. The State stands to-day resold into slavery for another year to accomplish a political negotiation. The misrule of the past, the sway of unsympathizing generals, the upholding of a pro-slavery State organization, the persecution of the loyal element, and the arming of the disloyal element, find a natural outgrowth in a miserable bargain to postpone a constitutional convention, concoct an alliance between official power and reactionary sentiment, and enunciate a bogus presidential preference.

What, then, is the problem with which dealing must be had in this essential work of making solid the national policies in the sections occupied, and to be occupied, by our arms? The organisms of peace must flow out of the rights of war, and in so far forth the national authority is disembarrassed in its operations by restraints that might intervene in ordinary times.

Four million whites and three million blacks will represent with sufficient accuracy the entire population, a population intermixed and dwelling together heretofore under laws declaring the blacks a servile laboring class, and conditions that render two thirds of the whites a dependent, helpless class, the land all held by a few thousand owners, who claimed to be a ruling class socially, morally, and politically. War, as has been said, has loosened all the joints of that structure. Rights of property forfeited, estates abandoned by rebel whites and held by loyal blacks, distinction of classes broken down in the destruction of all society, laws of vassalage suspended by the proclamations of freedom and the conscription of armies, it remains only to impose, under protection of a military arm, a new civilization that shall accord with the life of our Republic, and that shall carry along with it guarantees against any revival of the old state whose outcome was so much of disaster. Codes to secure the liberties of all under the law are therefore antecedent necessities, codes that must be ratified and come up from below as well as codes that must be enacted and come down from above—the double affirmance of the new attitude of freedom by local and Federal authority, a joint initiative of support and protection. It has been the boast of some that the courts can make laws by interpretation. Hence, nothing that can contribute to foreclose any latitude of construction in this behalf should be omitted. A triple wall of accomplished facts, of statutes that reflect things done, of codes that embody completions, of constitutions reconstituted, must be built up around an immured judiciary. In any reëntry on political life it must be paramount and primary that such organic recognition of freedom as the highest law shall precede all other exercise of civil functions, must precede it as the only sufficient assurance that the law of the locality is in accord with the law of the nation. Hence the duty imposed here and now, both to declare such as the universal public law of this land and to require that it be declared likewise in advance as the constitutional basis of any of those societies heretofore or now in revolt. There must be an asylum for questioned liberty opened in every tribunal and under every commission, whether Federal or State, that shall sit in judgment or wield power.

The preliminary step, moreover, in any political reassertion of the State, and any reorganization of its social forms, must be in the nature of a primary convention; otherwise the hope or fear of reaction always intervenes to demoralize provisional government. The question of freedom is in reality, however denied in proclamation, remitted from its attitude of being an achieved military result, to become the sport of parties and factions and intrigues—worn as a cloak by the side most ambitious of office while leaning to slavery, openly and earnestly demanded by unselfish advocates, who care not for the spoils of the conflict. In this unequal strife freedom suffers, and the mockery of freedom too often triumphs. The lukewarm, the insincere, the hostile become the guardians of the incipient regeneration, and if they do not blast all its hope, it will only be because, born of timidity, they prefer to compromise with inaction rather than risk a conflict. Any policy of administration, therefore, which shall conduce to this latter result will be in substance a reaction, and hostile to the maintenance of freedom policies in the slave States. It matters not under what title or what auspices it may be inaugurated, its results will be speedily seen in official and political manipulation, in an enginery set at work to accomplish selfish ends rather than the true work of emancipation from the usages as well as laws of slavery. Take, however, the initiative of freedom as a result predetermined, organize a constitutional convention to conform organic law to that attitude, exclude parties from constructing themselves on any doubts of that consummation, and there will be little inducement subsequently to its questioning if upheld by wise national dealings in its furtherance and support.

Thus, of all this inorganic mass of population to be reorganized, nearly half will stand pledged to loyalty by virtue of emancipation. Of the residue, those loyal at the outset, and others gradually lapsing into loyalty as they recognize the interests of labor to be coincident with the establishment of freedom, multitudes of the former non-slaveholding people will become reliable elements of a new growth and a new socialism under such political readjustment as has just been recited. In this adaptation, however, four million laborers must be guarantied not merely the abstract title and name of freedmen, but its substance in the shape of military organization and the right of homesteads upon abandoned estates. Confiscation must do its work toward reorganization. The land all held in mortmain, as it were, entailed upon slavery, what but slavery can ensue? The conditions of such ownership foreordain such servitudes as is evidenced by the peonage of Mexico or the vassalage just abolished in Russia. Deprived of homes, yet granted liberties, what can you hope but that three million freedmen will fall under disorderly conditions if you open no avenue to permanent and prosperous settlement? The policy of small freeholds must be initiated to enable freedom to maintain itself. Slavery in its artificial development at the South monopolized the land, and thus left no stand-point from which to challenge its existence. You must undo its work. This is necessary, because it is upon the subdivision of lands, the small freeholds, the multiplied homesteads, that the supports of religion and education, the church and the schoolhouse, must hereafter rest. It is idle, nay, it is criminal to halt in taking this step under the plea that it may work destitution to the few. You have already millions of the destitute to provide for, and this is your only present resource. Is not the

landed property of the rebels already confiscate by refusal to pay any tax to the support of this war? Shall the plantations of the slave masters alone have immunity and exemption when the home of every loyal workman is laid under contribution? Destitution is a hard word, but when slavery went to war it put its estates at the venture; and the abolition of slavery carries with it the overthrow of that monopoly on which it reposed and grew strong. How long would it take the slave power to resume its sway in Louisiana if to-day reinstated in the control of abandoned plantations where the freedmen are yet held in bondage under a military provost marshal system; where they are penned up and excluded from the light of knowledge, or association, or converse; where it is difficult to detect any change of condition, only a change of owners? Does the master's dole, in the shape of wages, with none of the perquisites of free action or free migration, constitute a policy on which you dare to repose the future of freedom at the South? All this is but a counterfeit freedom, reaction in disguise, in that worst of all disguises, a military disguise. It is reaction so organized as to require but amnesty to make it slavery.

Codes and confiscations and commerce all are marching in the rear of our armies demanding to be set up in authority to restore what has been destroyed, and make new bases for other advances. The eagerness with which trade rushes forward to supply wants, renew distributions, gather in agencies, and make sale of estates, crops, luxuries, titles, franchises, claims, goes to show how much it is needed as precursor, not as afterthought of reorganization. Trade, the great leveler and builder, the colonizer of empires and the pioneer of civilization, needs encouragements there, and not restrictions. The cordon of non-intercourse should be along your military front. Behind your Army lines it should be free as the winds, to carry forward rapidly the elements of new population or enterprise and to knit together by other interests and ties the torn relations of labor to capital. The blockades of the ocean have no place on the land, for the sea has no tenements, but conquered territory you wish to make your own. Is it not true that in Tennessee, Mississippi, and Arkansas the only points that give sign of a saving vitality are those where, in defiance of paper edicts, commerce has forced an establishment? What, then, may not be hoped from entire abrogation of all such embargo? To-day the free men who have sought your permits would have repeopled up to the lines of occupation if invited and protected and fostered and armed and domiciled. Traffic would have given hand to production; redistribution would have confirmed industry; labor would have prevented scarcity; the needs of self-defense would have supplied military organization; and thus incipient communities sprung out of freedom and loyalty would have been preparing to renew the State. The policy of setting up a Chinese wall of exclusion under the name of regulation, that shall parcel out to speculation the dealings and growths and regenerations of recovered territory, is one calculated to postpone rather than hasten the end, to reserve the lands for the reoccupation of the men of the rebellion, and the avocations and employments of interchange for the control of a revived hostile sentiment. Such precarious chances make the most desperate and avaricious the forerunners of your social adjustment, rather than those moved by legitimate and patriotic impulses. This is an unwise and fatal system. In fact, in the very light of its failure you read the way to success.

The regeneration of the slaveholding sections demanded by this revolution, which bears onward a free people to a free future, as has been remarked, must be thorough and substantial, not a makeshift, a cheatery, or a sham. Nothing other or less will answer the demand. Rebuilding of the political structure, too, must proceed under the guardianship of congenial national authority through authentic law and its safeguards, and not pell-mell under the auspices of amnesty proclamations. The invitation back in such hurried wise of the slave masters to their old estate in the body-politic if they will only swear fealty to the future decisions of a Supreme Court, is to give them present control of whatsoever loyal population may have shown itself, upon contingencies of an oath they have been swift to violate heretofore. Restored to favor they will next ask to be armed; and once armed they will, by militia systems, seek to disarm those who have opposed them, and hostilities will become chronic and exasperating. No better illustration of the results of such conservative policy can be cited than that afforded in my own State. More than a year ago an officer was detailed there to gather up the evidences of subsequent disloyalty on the part of those who had availed themselves of amnesty under the cheap process of bond and oath. In a brief time he gathered more than *three million* dollars of forfeited bonds, and asked permission to proceed upon them. It is scarcely necessary to add that the authority was refused, the officer remanded to his regiment in the field, and a new amnesty invites back the same rebel oath-takers to resume their political rights and assist to rule over us.

Rest assured it is not such sinister courses, such shirking of responsibility, such balancing between loyalty and disloyalty, that can be tolerated, either in theory or in practice, in speech or in administration, if we seek success in this war, and success commensurate with its cost. The policies of freedom are blended inseparably with the policies of war, and irresolution or untruthfulness in the one is sure to cause defeats and reverses in the other. Thus if the Government, false to its mission, simply enters upon the mastery and control of the slave population in the stead of their original claimants; if, ignoring true, substantial liberty in the freedmen, it shall bind them over under a provost marshalship, as rigid in its control as the slave code; if, refusing to confiscate abandoned plantations, it shall merely retain them or relet them under a transient lease, while the labor of whole sections is without homesteads to attach them to new modes of life and industry; if it shall persist in excluding by trade regulations the loyal migrations of the free States eager to enter upon settlement or traffic or production or creating wealth in its varied shapes; if it shall persist in inviting back to resume arms and franchises and ownerships and social control those in sympathy with the rebellion, with no better securities against reactions and subjugations of loyalty, and reënslavement under new names, than it had against rebellion in the first instance, what but military failure can ensue? Armies thrown back have no supports, long lines of communication are exposed to danger with none to give notice of its approach, and each campaign has in addition to the exigencies of active service to people with its armies all the conquests gone before. Another result of such policies is that it will rapidly place in antagonism to all such administration those of the population whose loyalty is most signalized by their devotion to freedom. They will detect the counterfeit promptly, and will see their own doom written in its success. They will understand that such a reconstruction, such a placing of the court cards on top again, may be very conservative to all seeming, very generous to rebels, but is death to loyal citizens. They will know that such freedom means slavery under new conditions and names, and that when Federal authority is withdrawn no consideration will be extended to them. The result will be to bring the administration of the Government into more or less affiliation with the enemies of freedom and progress, and to prepare the way for compromises with rebellion. But the thought of this people—that thought which is enshrined in their progress—will bear with no such outcome. The future of this Republic will never be permitted to repose on the oaths of those who have already violated the most sacred compacts. On the contrary, the ending must be a conquest, not a compromise. The policies of freedom must be ingrained into the new life of the heretofore enslaved sections by methods as deliberate as they are to be irresistible; with a warm sympathy, an unrelaxed vigor, and a decision that knows no faltering.

II. The second marked characteristic in the great progress which is swelling forward, overturning old modes of thought, conscripting constitutions, and remodeling the functions of government, is an enkindled nationality. Out of the very burning and fire-froth of sectionalism springs the ideal of a true nation. The supreme democracy, which has been smothered so long under names and parties and cunning issues, has in these disturbed times recognized itself, and demands as its exponent a political form coextensive with the country and imperial as itself. It does not need to tread back into the old exploded days to tell how unutterably the slave system that stained our name and wrecked our Federal unity has ever held in dread the undefiled democratic principle; how it has sought under a like nomenclature to palm off something other in its stead; how it has labored to divert it into other channels of foreign conquest rather than home assertion; how it has manacled it with chains of local organization and demoralized it with the spoils of office. The recorded debates of this Senate will show far back how such fear ever haunted those leaders who have now taken a last appeal from democracy to war. At the point where rebellion began they recognized perfectly that if they were to preserve intact the slave system from being obliterated by the progress of a plebeian public will, it must be done by resort to violence and terror. They chose that resort deliberately, not foolishly, and have stood to it with conviction and courage. It was the irrepressible conflict. And the antagonism is manifest now in the throes of an unparalleled struggle still more than in the plastic days of peace; for with them development has shaped their slavery into confederate despotism, while here revolution uprises into nationality. The latent sympathy of this American people, the feeling of brotherhood, the need of unity, at length demands and will have clear, emphatic type as a nation. What other is the meaning of this so rapid resumption of sovereign right in all departments of the Government? Drawing a sustenance no longer from the customs but from the firesides, substituting national paper-credits for all other currencies, levying armies directly by conscriptions, not remotely by contingents, organizing vast industries, mortgaging the next age to its debt, and enforcing its law as highest law even in matters of personal liberty—these are but as outer garments of an inner form already instinct with life. Nor is this a completion. So much has been realized, while in the future still more impends. The industrial relations of reconquered territories, inauguration of majestic commercial ways, settlements affecting multitudes of people, and vast undeveloped wealth, are in its hands. Again, consider the changed relations of heretofore self-styled sovereign States. Much has been said during the shadowing forth of this new phase of our political life of the "suicide of States," and in groping down into the rubbish of the time it has been deemed needful to affix names and hypotheses to ascertained results. But what needs? That no authority has been asked or resistance heeded from any State in enforcing national policies is literally true, and that such enforcement is inconsistent with any recognized vitality in State organization other than a strictly subordinate one none will controvert. Call it, then, suicide or subordination, the implication is the same. Indeed, it is realized on every side that what was heretofore held up as "State," with assumption of a coequal or antagonistic control as such, is gone down in the mighty tread of this people marching on to deliverance. Commonwealths may exist, may be revived, may do functional work, may coöperate in subordinate orbits, but their so-called sovereignty assuredly is suicided. State sovereignty, the leash sought to be put on the democracy of the nation; State sovereignty, the banner of the oligarchs in their war on freedom; State sovereignty, the archetype of disunion and disintegration, has become a myth and a fable, and in the stead of its many idols there shines forth the one splendor and power of a national sovereignty foreordained to conquest. Such is the outgrowth. Substantially it is the expression in advance of that which is to follow in due time by its appointed courses—the continental republic. It is the highest type of nationality, bounded by no fixed frontier of impassable prejudice, but representative of whoever may assimilate under its standard; for while European rulers are seeking to bolster themselves with nativeisms, and to render synonymous nationalities and races, it is ours to assert the larger and truer nationality of free principles and free men. Nor does this connect simply with geographical progress or endanger compactness of guidance and control; for as its birth is from the people, so will it reflect their positioning. Democracy is its parent—democracy that asserts and recognizes itself again

in the lusty turmoil of our great commotions—and democracy means numbers, and numbers govern from the center outward, and not jug-handle-wise from any remote source. Thus we see, and the fact is significant, in the vast impulses given to freedom policies, war policies, and national policies in the great basin of the Mississippi, with its fifteen millions of population, new illustration of the democratic force and faith of the people. Go forward furthermore, make dense that population, intensify the life of the recovered States, enumerate fifty million rather than fifteen million, and consider of the result. Power there, government there, democratic organism there, reposing on rural and industrial masses, will abjure the monarchies of special interests that have sat around the edges clutching at control, and coerce the Republic into healthy action throughout.

Originating thus, this new development of a national unity will require no after-molding to make it representative in its promptings. It will be a form of organized popular thought that will dictate to Cabinets and Administrations other policies than those of this hour; that will look outward as well as inward, and if it accept its mission of a continental republic will be prompt to recognize the antagonisms erecting beyond and around us, no less than the incongruities abolishing within our present confines. Be sure it will prove no respecter of a diplomatic connection that looks ever backward and never forward; that multiplies its embassadors and its plenipotentiaries, tailed out a hundred-fold by suites and attachés, and numberless commercial agents, to connect a shipping interest with twenty million artisans of Europe; but apologizes through a couple of ministers and half a dozen consuls for its failure to unite our vast production and manufacture with the three hundred million machineless consumers around the Pacific circle. Be sure likewise it will not fail to note and resent the intrusion of transatlantic monarchies to crush out a republic in Mexico, seize on the islands of the Gulf, and fortify a thousand miles of sea-coast threatening the line of our interoceanic communication. France, Spain, England, a triple alliance, eager and watchful for the death of discordant belligerent States, will have to confront for their conquests a nation rising as a phœnix, writing Freedom on its flag, and fraternizing with liberty in all lands.

And with equal if not still greater scrutiny will the new-born aspiration for national life look within to shape the expression and the correlations on which its future must repose. The fact that we have never been a nation heretofore, that in three quarters of a century we have achieved no individuality, that our civilization has been insignificant and transient and barren, only sharpens the zest for a future of enduring accomplishment. That such a future cannot be predicated on distinctions of race, on subordination of classes, on the accidents of lineage or tongue or clime, neither upon enslavement in any name of wealth or caste or condition—all this is certain, for it has been tried and failed; has once been inoculated into the system to cure our social disease, but instead of healing has run into this putrid eruption that threatens us with anarchic death. That new life must be founded on assimilations, not antagonisms, on an ingrown unity, not irreconcilable contradiction. The lowly must be exalted, the depressed raised up, the ignorant educated, the slave freed, the chattel humanized, and a democratic equality before the law obtain for all men. The people must have fraternity as well as solidarity; each must be a multiple of the whole. Just now amalgamation is the ghost in grave-clothes that walks to terrify and affright, as if the very nation were not already an amalgam of all peoples, as if for generations heretofore there had not been this same dwelling together side by side that is to be hereafter. Slavery feared not amalgamation; shall freedom then be a greater coward? Neither skins, nor colors, nor castes can determine here. The body-politic that shall sustain such nationality as ours is foreordained to be must furthermore absorb all increments as they come, and not require an anaconda torpor of five or seven or twenty years to determine the natural rights of man, his right to be one in any aggregate of many. All such limitation on citizenship will pass away under attrition of growth. The open door of the Republic will invite the oppressed of every land to seek asylum and enter upon the enjoyment of liberty. Impartial justice will stand ready to succor and to aid all who shall appeal from wrong or violence or intimidation. And that grand future of democratic unity will arrive when our people of all lineage and every type shall meet on the plane of equal rights to attest a nationality that will stand out a waymark to the centuries.

III. The third and completing symbol of the outcome of these times will be found to indicate the instauration here of Christian Government, founded upon, indwelling with, and springing out of the divine justices—Government recognizing that in the affairs of nations, as in those of individuals, there is one equality that comes of the equality of creation, there is one right, avenger on compromises, which is the supreme right, there is one law, which must ever be, as it ever has been, a higher law. And they are to become practice, not merely theory. These are earnest days in the life-experiences of our people, and in this Senate, as abroad throughout the land, the most important fact around and about you is not always your law of yesterday, or your tax of to-morrow, or your conscription of the month hence; it is not the vote here, or the battle yonder; but it is the spirit of this nation that upholds these things, and out of which they flow—the spirit that buoys you, Senators, into this upper air, and without which, or false to which, you will sink as empty, collapsed bladders. It is in obedience to such recognition that now you hasten to do that which but lately you refused to do, nay, declared by resolution just repealed that you never would do. These are earnest days, let me repeat it, out of which are coming convictions that will not bear to be trifled with; and as it has become an accepted faith, the idea of nationality, that our being and the being of the nation are one and inseparable for good and for evil, so it will further appear that the existence on which we are entering as a great people is no half life, made up only of the vicissitudes of protection and the exaction of revenues, but must be blended in with those deeper feelings and outlooks and coworkings that ennoble and make sublime communities of men and that entwine enduring hopes with cheering duties.

Nor is this simply affirmation, unsupported by substantial experiences of history. On the contrary, it is the very epitome of what is memorable and held in veneration out of all annals. Never yet at any time have the aspirations of a whole people after enlarged liberties been dissociate from the yearning for a more clear affinity between God and Government. And can any fail to see the clear evidence of the same gleamings along our horizon? The voices now that are touched with truest eloquence are they that have come up out of tribulation for conscience' sake in the past. From the pulpit, as in all periods of unrest, proceed the foremost words of guidance—from the pulpit that preaches politics, as some have it; that preaches rather our God-wrought relations to fellow-men equally with those to a future state, as others more clearly interpret. Those grand old mother words of justice and truth and brotherhood begin to have meaning anew, kindled up in them by the light that is breaking out around. The nation is putting on its Puritanism. Thanksgivings appoint themselves unitedly. Days of supplication are become somewhat more than holidays. The bowing down has ceased to be a mockery in the presence of the multitudinous remembered dead; and even they who heretofore have been accounted most indifferent begin to hold to a realizing conviction that God does direct the affairs of nations by His special providences. The scoffers have had their generation, and we are returned upon a period of faith. These things are plain before us, to be seen of all. Have they, then, no significance? Do they point to no new time? Are they to be swallowed up in reactions as godless as the past in our Government? Will the endurances through which we have passed leave no moral impress? Is there to be no higher record of the deliverances from great perils than that of the statute-book? Can it be possible that the deep moving of the spirit of this people which has accomplished so much of work and worship shall take no permanent form that may transmit it to posterity? No! it cannot be thus; it never has been thus. It will not be in vain that we have learned so many lessons of humiliation as well as experienced so many signal mercies. The scarlet sins of the past stand revealed and abashed. Is it presumptuous pharisaical vanity of race—how has it been cast down in the necessity of resort to the armed intervention of another and much discredited race to assist in final suppression of the rebellion! Is it pride of civilization—how has it been at fault in the presence of so great perils and the appeal for solution to the barbarisms of force, the coarsest methods of untutored nature! Is it reliance upon complex machinery of Government, the balances of political science, the trick of names and forms—how brief has been the delusion, and how complete the undeceiving, showing that all votings and ballotings and adjustings of powers and solemn constitution-making will never neutralize a received falsehood or equalize the scale of right and wrong! Turn where you will, the lesson is the same, that it is not in departure from but in conformity to divine precept that a nation will find its prosperity; that there is a law of retribution for the sin of a people as of a person, and that it is only by cleaving to the right at every sacrifice that any hope of a broad, enduring unity can be justified.

It was a declaration that led up to much thought and was significant of much which has since transpired, that this nation could not endure half free and half slave, that one or the other would be supreme. But it is a truth of far deeper significance that this nation will not long survive as such with no God anywhere in its Constitution, with policies shamelessly substituted for duties, and with a Government the antithesis rather than the exponent of any aspiration of the people for higher development as a free Christian State. The end of such conjunctions must be desolating anarchy, and will be fatal to all respect for authority. What other is the meaning of that strange and stupendous demoralization which has characterized the administration of public affairs in these United States as the result of three quarters of a century of growth? Without doubt ours has been for many years the worst governed community on the face of the globe, in all aspects of official conduct. Fraud and peculation and neglect and waste and indulgence and nepotism and intrigue and time-serving, and all the calendar of crimes, do our governing. Towns and cities and States, with multiplied charters and checks, have all taken the same character, fallen to a large extent under sinister control, become asylums of corruptions, are a jeer and a byword of reproach. Names of policeman, alderman, Congressman bear a stain. When quit of his vocation the curious ask, "Is he honest?" Politics have become a filthy pool, in whose waters the good and brave shrink to be immersed. And this in its entirety is the result of a *practical atheism in government*. The ignoring of any moral responsibility in the State entails the absence of any practical morality in its administration. What other could be the outcome of such national apostasy than the national demoralization upon which we have fallen? And from whence are we to expect any reform? Be sure it will not be from continuance in such courses. Half a century more of like degeneration and what of good is left in the land will revolt from such dominion, preferring death to abject disgrace. Human nature cannot stand it. This, then, is the momentous question of our people in the present hour, and how best to return to other ideas of government, and other bases of public administration, challenges all their forethought and endeavor, all their humility and entreaty. And it is because the evil lies deeper than men or offices that it demands such inquest. It is not only that pure men shall be put in office, or that there be pure offices to put them in; but the controlling thought over men and offices must be of that purity which recognizes a tribunal before which no deceit prospereth. Indeed there is no refuge for any nation out of such a low estate but in Despotism to constrain probity, or Christianity to inspire purity; and for democracy, such as ours, where the rule is with the many, the latter is the only safety. And how true in this, as in all things else, is the instinct of peoples; how clearly does the great heart of the multitudes in this day of revolution recognize such dependence, and how sternly is it putting on the armor of Faith for the conflict with corruption, and bowing down before God to search out conformity to His eternal laws! The many are not blinded, but clearly see irrepressible conflict between a nation to be saved and a Government to be damned. Not

that the obsolete type of Church and State will be revived in our Republic, not that formalisms of creed and ritual shall be enacted or set up in the stead of departed convictions, but something more and other than all this, in the repudiation of those falsities that are the parlance of cabinets and the resorts of administration, in the absolute reception and enforcement of that impartial justice and brotherhood which makes the true social state, and in the elevation to control and authority in the nation of the same moralities and Christianized public thought, which is ever the highest and last appeal among the consciences of men.

Mr. President, it has been endeavored by the foregoing analysis to set forth the three distinctive features which characterize the movement and the time wherein we are called to act or to suffer. If the views which have been advanced be true, if the requirements of faith, and freedom, and nationality be not exaggerated, then it is equally true that no time should be lost in consummating legislation here that shall directly conform to the end at which we must arrive if we are not to perish utterly. We may not rightfully put off for accomplishment three years hence that which beckons as the duty of the hour. Direct dealing with the wrongs of this land must be had by the nation's Congress, regardless of the traditions of local jurisdiction and with absolute shaking off of the foul heathenism of property in man. Under the system of biennial Legislatures, amid the chances of political opposition, in face of disorganized States, a period equal to that during which the war has already existed would have to transpire before you could perfect freedom by any constitutional amendment. The assent of three fourths of the States cannot be sooner had. But the emergency is pressing; the benefit of such invigoration is needed now. Nor is there any other reliance. Senators declare here daily in conference an unwillingness to trust this question to the manipulations of a discordant Cabinet or an indecisive Executive—an Administration dragged into freedom policies and never there through outspoken conviction. Why hesitate then to act? You cannot doubt the future. It is unwarranted moreover to assume that such enactment will be frustrated by hostile decisions hereafter. The Supreme Court will do in the future, rest assured, as it has done in the past—will conform to accomplished facts and a clearly delivered public will that shall make immediate ending of slave systems. It is only halting policies here that can justify it in further equivocation, or tempt it to brave annihilation by decreeing that scarce conceivable outrage of the reënslavement of four million human beings.

But if there is one conclusion more worthy than another to be deduced from a review of the forces that surround us and the needs that impend over us, it is that this is no time for halting policies. Whatever personates torpor or stagnation or reaction must be put aside, whether in the shape of legislation, or administering, or partyism, or thought. And this is not optional but imperative, under the penalty of other contortion and convulsion hereafter. The active regeneration which must take place in the nation, which must mold institutions and reform peoples, must obtain equally in the methods of political procedure as in the conduct of official affairs. The intimate blending which exists between party organism and governmental control, making the one shadow of the other, is such that inasmuch as the vices of the former soon reappear in the latter, so likewise the changes and progressions demanded in administration will have their first and foremost manifesting in the shapings of political association. Thus it is that signs of decay and supersedure in old parties become proof of real advance and conquest in national development and exaltation. Nowhere and at no time has this been more visible than here and now. In no field of human affairs is revolution more palpable than in the partyisms of the age, and yet in no sphere is there so great an effort to ignore any transformation or recasting—to repel the entrance of truth into politics. Astute leaders of the management—astute at least according to the esteem of their class—go burrowing back into old cheateries for a name, or a disguise, or a platform, and think they have achieved a success when they have issued only a platitude. Vain delusion, to believe that such idle formulas will deceive any; that a crafty guile which substitutes a nomenclature for a principle will have force in this day of the upturning of old forms; that the conventionalisms of political thought will supersede an individuality of judgment and purpose never before so prevalent among all ranks as in this struggle. On the contrary, the shams of the hustings equally with the shams of government must be discarded by those who would approach the people.

Talk not, then, of your Union party, or your Republican party, or your Democratic slavery party: the phrases now are meaningless, have become idle parodies on all earnest effort. As well go masquerading in the clothes of your ancestry. You have a Radical party and a Conservative party, and none other in this nation at this time. That is the line of demarkation along which readjustment is actually taking place, and it is in presence of the real combat, where conflict clears up theory, that you will find the true positioning of the politics of the country. The former marches under the one banner of immediate freedom as essential to assure progress; the other under many flags to preserve sectionalisms, falsify democracies, invite foreign interventions, and betray the hope of the people. The one would grapple to the future and its precious promises by every mode and at all cost; the other would cash now the revolution, and that at a heavy discount, to buy or retain office and power. The one is born of faith, the other is the bastard scion and representative of compromise. One is the advance, the other is the reaction. And here, as in all things else that are to meet solution, absolute veracities must prevail; and the effort to substitute unreal issues for the vital problems that touch upon the life wrestle of this nation will ignominiously fail. As you have changed in all other relations, in constitutionalisms, in national control, in foreign outlook, in domestic policies, so must you change in partyisms and conform to that which is at issue, not varnish up the dead past.

Without doubt, if truth were paramount it would disclose that the inner thought which burdens here each mind to-day, which gives its own color to speech and action, though carefully concealed from expression, is this: who shall rule this Republic for the presidential term next to come? That is the kernel of party, and its importance is manifest in that it is the dominant idea prevalent with yourselves. And rightfully so, for it is charged with the fate of the future. But you cannot compromise your thought here by accepting old solutions for new enigmas. In periods of such turmoil and danger, persons and policies are tried by to-day and to-morrow, not by departed years. Therefore it is that incumbents have no claim, that mediocrity cannot stand for merit, and that unionisms in platform and circular mean nothing, since the electoral dispute in this behalf is not whether there shall be a Union, but what the character of that Union shall be: whether it shall be based on incongruity, social antagonisms, compromise with hostile elements, or whether it shall be rounded into the symmetry of absolute freedom, unified by homogeneous structure, and coercing its public life into strictest veracities, rather than the loose mockeries and half truths of heretofore. In other words, in the separations of to-day, in the struggle for power, in the divisions of opinion, there is only the alternation between a Radical party and a Conservative party, because there is only the alternative between progress and reaction. See this verified in the facts transpiring before your eyes, which you cannot be ignorant of, but perhaps are not solicitous to comment on. To-day your Administration is seeking to connect itself with whatever is conservative in the land to secure a reëlection. Its most decided proclamations are either called in question by the President or rendered nugatory by half-hearted execution. Its announced policies are those of amnesty for rebels, war and repulsion for radicals. Its accredited spokesmen are the revilers of what freedom has accomplished, the traducers of all the advance men of this age. If that is to be the Administration of the future, so vouched for and dominated, in what will it differ from a reaction, a compromise, a surrender? Shall we never learn, even in the midst of such experiences? Bethink you how every progress in our national attitude for three years past has come up out of disaster to our arms, has been a torn, reluctant consent only yielded to our desperate misfortunes. Is it a sufficient answer to all that to say, "And yet there has been progress at last?" Go count the two hundred thousand dead such a method of progress has cost; go visit the mourning firesides that are fitting other sons for new sacrifice under the call for an additional half million of soldiers, and you will learn very surely that, however prompt to sustain the nation in the hour of its peril, loyalty does not indorse that paralysis which has brooded over its effort, and will never, never, never consent to renew that control which has made lethargic civil policies the sure precursor of military miscarriage.

With such as the attitude and such as the issue, does not a grave responsibility rest then on those called here to reflect the public will? And how, Senators, will you meet it? Will you yield to indecision and shake hands with reaction, or will you promptly come up to the requirement of these times, accept the mission of the Revolution, enact freedom, conform to veracity, and organize radicalism into a party and a power to take charge of the future? If only this Congress shall be true and earnest in legislation now, if you shall be outspoken and free-spoken in this cause, we will do much toward inaugurating, for the contest of principle that impends in the country, true issues, and by consequence will have a true heroism embodied in the popular choice. If you are false, if you are hesitant, if you fear to stand avouched soldiers of progress, you and I and all others with similar responsibility upon them deserve to have sham leaders palmed off upon us, and will only succeed in carrying into the future the sloth, incertitude, enforced compliance, lukewarm performance, and unparalleled sacrifices of the past.

Nor in the better part, in the true organism of the radical faith of the people into an active shape, ready to battle and to govern, to administer either peace or war with thoroughness and direction, will those who shall contribute toward it be without support in the country. There is much of earnest work doing everywhere among men, and rest assured that this pivotal point of earnest effort for the future is not devoid of care or interest. While the chief priests of conservatism are interrogating the various State Legislatures and other assembly bodies for favorable responses, like Roman augurs examining the flight of birds or the entrails of oxen, on the other hand the loyalty of the land is knitting itself together by mutual "covenant" with a firmness and a touch that will yet have, if it shall dare to exercise it, power and opportunity to shape results and save the Republic. With instinctive foresight it has been gathering in council and league, in open union or secret affiliation, roughly shaping association out of informal recognitions, and assuming coöperative forms to ascertain its growth and strength, not knowing what necessities might arise, but resolute not to be without a bond. Did loyalty take alarm long since, and thus express its distrust of partyism subjected to official control? It dwells with the people, and they have strange knowledge. Indeed, the people are as far ahead of the politicians in these times as courage is ever before cowardice. They are radical in every bone and muscle. They are democratic in all their blood. They are loyal to their faith, and that faith is progress: that democracy is freedom; that radicalism is organization to repudiate the courses that rely only on lost battles for inspiration, and appeal ever to reactionary sympathies for political support and to amnesty proclamations for military prestige, without daring to invoke the spirit of this nation in the name of liberty to arise and conclude the conquest.

Mr. President, in bringing to a close the remarks submitted to the Senate, permit me to say that, coming from a city which was the scene of the first armed collision in this war, and that has never faltered from that hour to this in devotion to the cause, although its losses have been distressing and unparalleled, I have felt impelled to speak in deprecation of baneful policies, above party ties, and regardless of Administration and Cabinet and President. Furthermore, that dwelling where this disease of slavery which has been so fatal to our unity was visible in all its developments, and where the diversities of class and condition engendered by its influence were constantly witnessed in antagonisms, it has seemed not inappropriate to apply those experiences, and

discuss with some amplitude the bases, social and political, on which alone we can hope for future peace and prosperity to our country. And lastly, that in taking an initiative, and proposing an act of direct abolition, I do so in the name of the great State which has honored me with a seat in this Senate, and which, although still a slave State under the local law, will be proud and grateful to receive emancipation at the hands of the Federal Government. Missouri, which was consecrated to slavery more than forty years ago by a national Congress, comes this day and asks a national Congress to right that wrong and confer upon her freedom as the only sure guarantee of republican institutions.

Senators, after three years of war no rebel State has yet been entirely conquered from the enemy. After three years of administering no slave State has yet been truly reclaimed to freedom. Do you dare then to trifle longer with the destinies of this great nation?

Mr. POMEROY. I desire to offer some remarks on this topic; but as there is not time to-day, I move that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House had passed a joint resolution (No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1864, and it had agreed to other amendments of the Senate to the said bill with amendments. It insisted upon its disagreement and amendments as aforesaid, asked a conference on the disagreeing votes of the two Houses, and had appointed Mr. Samuel Hooper of Massachusetts, Mr. George H. Pendleton of Ohio, and Mr. Glenni W. Scofield of Pennsylvania, managers at the same on its part.

HOUSE BILL REFERRED.

The joint resolution from the House of Representatives (No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, was read twice by its title, and referred to the Committee on Finance.

PAY OF COLORED TROOPS.

Mr. WILSON. I move now to take up the bill that was the regular order of the day and was temporarily laid over, and I hope we shall be able to pass it to-night.

The motion was agreed to; and the bill (S. No. 145) to equalize the pay of soldiers in the United States Army was read the second time, and considered as in Committee of the Whole.

Under the provisions of the first section of the bill, all persons of color who have been or may be mustered into the military service of the United States are to receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay and emoluments, other than bounty, as other soldiers of the regular or volunteer forces of the United States of like arm of the service, from and after the 1st day of January, 1864; and every person of color who may hereafter be mustered into the service is to receive such sums in bounty as the President shall order in the different States and parts of the United States, not exceeding $100.

The second section provides that all persons enlisted and mustered into service as volunteers under the call dated October 17, 1863, for three hundred thousand volunteers, who were at the time of enlistment actually enrolled and subject to draft in the State in which they volunteered, shall receive from the United States the same amount of bounty, without regard to color.

According to the third section all persons of color who have been enlisted and mustered into the service of the United States are to receive the pay and clothing allowed by law to other volunteers in the service, from the date of their muster into the service, if it has been pledged or promised to them by any officer or person who, in making such pledge or promise, acted by authority of the War Department; and the Secretary of War is to determine any question of fact arising under this provision.

The fourth section allows the same premium for each colored recruit now mustered, or hereafter to be mustered, into the service of the United States, as is or shall be allowed by law for white recruits, with a proviso that the Secretary of War shall previously give his assent to the same.

Mr. LANE, of Kansas. I suppose there is no chance of passing this bill now, and I should like to have an executive session.

Mr. WILSON. I hope we shall pass the bill to-night.

Mr. LANE, of Kansas. I understand that the Senator from Kentucky wishes to make a speech.

Mr. DAVIS. I offer an amendment, as an additional section to this bill:

And be it further enacted, That every slave or slaves that may have been heretofore, or may hereafter be, taken into the service of the United States, the loyal owner or owners of such slave or slaves shall be entitled to their fair and reasonable value, to be ascertained by three commissioners to be appointed by the United States district court from the district from which such slave or slaves may have been taken, and such commissioners shall take evidence and report on the points of the loyalty and ownership of the claimants and the value of such slave or slaves; and when said report is confirmed by the district court aforesaid, it shall be conclusive on the points embraced by it; and on the presentation of an authenticated copy of said report to the Treasury Department, any sum or sums therein appearing to be due any loyal owner or owners shall be paid out of any money in the Treasury not otherwise appropriated.

It is now nearly half past three o'clock, and I propose that the Senate adjourn or take up some other business, as I want to debate the amendment about an hour and a half. I do not propose to take any more time than that, and I would prefer to commence my remarks in the morning.

Mr. WILSON. This bill has been a long time before the Senate, and the interests of the country have suffered immensely because it was not passed weeks ago. The substance of the proposition now moved as an amendment is the law of the land to-day. The law provides that slaves enlisting in the service are to be paid for, not exceeding $300, on the report of a commission. I should be very glad to have this bill passed to-night; I want to get it through; the country is suffering because it has not been passed before; and the Senator from Kentucky can certainly have an opportunity to make his speech on other bills that are coming up. I understand that to-morrow the matter we have just had up is to be considered, and the Senator from Kansas [Mr. Pomeroy] is to have the floor. The result of that will be probably to throw this bill over to next week, if it be not acted on now. I think the Senator from Kentucky may make his speech on some other bill, and allow this bill to pass; for what he is now aiming at is already secured in the enrollment act.

Mr. SUMNER. I would remind my colleague also that the Senate has already made the bill to repeal the fugitive slave act a special order for to-morrow at half past twelve o'clock.

Mr. DAVIS. My proposition is not provided for in the laws that now exist. My proposition embraces this in substance: not that there shall be an arbitrary compensation for slaves that may be taken into the service of the United States, but that the district court of every district from whence slaves are so taken shall appoint a commission to ascertain the fair and reasonable value of such slaves, not that they shall be restricted to $300. The proposition that $300 is a fair valuation for a slave is a mockery: it is altogether untrue. I want the value of that property to be ascertained in the same constitutional and legal manner in which the value of all other property taken for public use, whether for the use of the United States Government or the States, is to be ascertained.

I have been ready waiting and watching to make my argument in this case for the last ten days, and it is because of the manner in which the chairman of the Committee on Military Affairs himself has managed this bill that I did not make my speech upon it a week or ten days ago. I do not wish to consume unnecessarily the time of the Senate; but I want to present my views fully, as I intend to do if I am physically able, in relation to this proposition. I would prefer an adjournment now; I feel somewhat exhausted by this sitting, but if the Senate require me to proceed in my argument to-day, I shall do so. I must first, however, ask for a vote upon adjourning or upon postponing this measure until some hour in the morning to be indicated by the Senate. I am willing to proceed at any time to-morrow that it shall be the pleasure of the Senate to indicate that I shall take the floor on my amendment. I do not want to embarrass the progress of this bill; I do not want to procrastinate it: all I want is an opportunity to make my remarks, and I am ready to make them whenever the Senate shall require me to do so. To test the sense of the Senate, I move that the measure be made the special order for twelve and a half o'clock to-morrow.

Mr. SUMNER. There is a special order for that time—the repeal of the fugitive slave act.

Mr. DAVIS. I suppose that can wait a little.

Mr. SUMNER. I do not wish to have that wait at all. It is a disgrace to the country and the statute-book that we want to get rid of.

Mr. DAVIS. I make the motion. I will not bandy epithets with the Senator from Massachusetts on that subject at this time.

The PRESIDING OFFICER, (Mr. Foster.) It is moved that the further consideration of this bill be postponed until to-morrow at twelve and a half o'clock, and be made the special order for that time.

A division was called for.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON. I understand the member from Kentucky to ask a postponement that he may address the Senate to-morrow, because he is not able to address them now.

Mr. DAVIS. Certainly; that is my proposition.

Mr. GRIMES. I trust the call for the yeas and nays will be withdrawn, and that the assent of the Senate will be given to let the Senator speak to-morrow at half past twelve o'clock. We have not got a quorum here now.

Mr. DAVIS. I will accede to that.

Mr. SUMNER. There is another question assigned for half past twelve o'clock to-morrow.

The PRESIDING OFFICER. The call for the yeas and nays can only be withdrawn by unanimous consent. Any member objecting, the yeas and nays must be taken.

Mr. GRIMES. I trust the Senator from Massachusetts will see there is a great deal more importance in passing this bill which is to pay to nearly one hundred thousand men that allotment of money and rations and bounty which the Government justly owes them, than in entering into a long debate here on the question of repealing the fugitive slave law, which there is not any probability of getting through for the next three or four weeks at any rate. One is a practical question that relates directly to one hundred thousand armed men, and the other is a mere question of ideas, so far as I know at this time.

Mr. SUMNER. I am in favor of the bill to which the Senator refers, and I want its immediate passage; I want its passage to-day.

Mr. GRIMES. You cannot prevent the Senator from Kentucky from speaking.

Mr. SUMNER. I do not wish to prevent his speaking. I only wish that the assignment that has been made for to-morrow at half past twelve o'clock shall be adhered to, not that I wish to speak or wish to invite discussion, but simply to vote and to invite a vote. The Senator from Iowa says that the discussion on the question of repeal may run over some weeks. I do not know how it can run over weeks.

Mr. GRIMES. The Senator was informed, when he had the subject set down for a special order, that it would be thoroughly discussed, among others I think by the Senator from Kentucky himself, and I have heard other Senators make the same declaration. There is no possibility of getting that bill through for a month, I apprehend.

Mr. SUMNER. It is news to me that anybody proposes to discuss it except the Senator from Kentucky.

Mr. GRIMES. I should suppose the Senator from Massachusetts had had a sufficient demonstration of the powers of endurance of the Senator from Kentucky to know that he could discuss it very nearly in the neighborhood of a month. [Laughter.]

Mr. DAVIS. Yes, sir; for six months, if necessary. [Laughter.]

Mr. SUMNER. I thought the fire of the Senator, if I may say so, might be somewhat drawn on this very bill.

Mr. ANTHONY. I understand that the special assignment for to-morrow at half past twelve o'clock will be superseded by this bill at one o'clock at any rate. It is not requisite, as I understand, that this bill be made the special order; but it will come up at one o'clock to-morrow as the unfinished business.

The PRESIDING OFFICER. That would be the rule of the Senate.

Mr. WILSON. I am exceedingly anxious to get a vote on this bill as soon as possible; I have been so all along, and I have pressed it whenever I could properly do so. I have had to yield to a great many other questions, and have endeavored as far as I could to accommodate others. As the Senator from Kentucky desires to speak on the amendment he has proposed, of course no one objects to his addressing the Senate either now or to-morrow on that subject. I am satisfied, under the circumstances, that we had better let the bill go over until to-morrow, but without making a special assignment of it; and, in order that it may come up regularly to-morrow as the unfinished business, I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 8, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Mr. CUTLER, of New York.

The Journal of yesterday was read and approved.

WESTERN NAVY-YARD.

The SPEAKER laid before the House a communication from the Secretary of the Navy, inclosing a copy of Admiral Foote's report on a western navy-yard; which was laid upon the table, and ordered to be printed.

RESOLUTIONS OF IDAHO.

Mr. WALLACE presented the memorial of the Legislature of Idaho, asking the construction of a military road connecting the navigable waters of the Missouri and Columbia rivers; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WALLACE also presented the memorial of the Legislature of Idaho, asking for a division of the Territory; which was referred to the Committee on Territories, and ordered to be printed.

PAY OF A CONTESTANT.

Mr. MALLORY, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Elections:

Resolved, That John S. Sleeper, of Massachusetts, be allowed the mileage and pay that he would be entitled to had he been a member of this Congress.

RESOLUTIONS OF IOWA.

Mr. KASSON presented resolutions of the Legislature of Iowa, earnestly recommending that discharged soldiers disabled by wounds or disease shall have preference, as far as competent, in being employed in all positions within the gift of the Federal Government; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KASSON presented resolutions of the Legislature of Iowa, indorsing the policy of paying soldiers and seamen of African descent in the service of the United States the same pay given to other soldiers and seamen of the same grade; which were also referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEVENS. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

VOTES RECORDED.

Mr. NORTON. I hope the gentleman will suspend that motion for a moment.

Mr. STEVENS. I cannot do it for anything unless it be a personal matter.

Mr. NORTON. It is. I was absent for a short time yesterday after the House met, on pressing business, when two votes were taken on the Lanman book resolution, on a motion to lay upon the table and on the passage of that resolution. I ask the unanimous consent of the House to record my vote on those two questions.

Mr. HARRINGTON. I object.

Mr. NORTON. My vote will not change the result in either case.

Mr. HARRINGTON. Then I will withdraw the objection.

The CHAIRMAN. Is there any further objection? The Chair hears none.

Mr. NORTON. I vote in favor of laying the resolution upon the table, and against its passage.

CLERKS TO NAVAL PAYMASTERS.

Mr. ELIOT, by unanimous consent, introduced a bill for the classification of clerks to paymasters in the Navy and graduating their pay; which was read a first and second time by its title, and referred to the Committee on Naval Affairs.

HOMESTEAD BILL.

Mr. JULIAN. I ask the unanimous consent of the House to report back from the Committee on Public Lands bill of the House No. 276, to secure to persons in the military or naval service of the United States homesteads on confiscated or forfeited estates in insurrectionary districts, in order that it may be recommitted to the committee and ordered to be printed.

Mr. KALBFLEISCH. I object.

DEFICIENCY BILL.

Mr. STEVENS. I now insist on my motion to go into Committee of the Whole on the state of the Union.

Mr. ELIOT. I hope the gentleman will let us go on with reports from committees during the morning hour.

Mr. STEVENS. No, sir; hundreds of families are starving while we are doing nothing. I insist on my motion.

Mr. STEVENS's motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ASHLEY in the chair,) and resumed the consideration of the amendments of the Senate to the deficiency bill.

The CHAIRMAN stated that all debate upon the pending section was limited to one minute.

When the committee rose the following amendment of the Senate was under consideration:

Fifth amendment:

On page 5, after line eighty-seven, insert the following:

To supply a deficiency in the appropriation for the purchase and manufacture of arms for volunteers and regulars, ordnance and ordnance stores, $7,700,000.

To supply a deficiency in the appropriation for the manufacture of arms at the national armory, $700,000.

To supply a deficiency in the appropriation for the Surgeon General's department, to wit:

For medical instruments and dressings, $1,300,000.
For hospital stores, bedding, and so forth, $1,200,000.
For hospital furniture and field equipment, $300,000.
For books, stationery, and printing, $36,000.
For ice, fruits, and other comforts, $100,000.
For hospital clothing, $40,000.
For citizen nurses, $38,000.
For sick soldiers in private hospitals, $17,000.
For artificial limbs for soldiers and seamen, $16,000.
For citizen physicians and medicines furnished by them, $185,000.
For hire of clerks and laborers in purveying depots, $25,000.
For contingent expenses of the medical department, $5,000.
For medicines and medical attendance for negro refugees, commonly called "contrabands," $33,000.
For washing and washing machines for hospitals where matrons cannot be employed, $1,000.

To supply a deficiency in the appropriation for the subsistence of the Army, to wit:

For volunteers and drafted men, $5,825,000.
For employés, $640,640.
For women, $218,400.

To supply a deficiency in the appropriation for the engineer department:

For contingencies of fortifications, including fieldworks, $500,000.

To supply a deficiency in the appropriation for the quartermaster's department, to wit:

For purchase of cavalry and artillery horses, $17,500,000.
For regular supplies of the quartermaster's department, $18,500,000.
For barracks, quarters, and so forth, $3,500,000.
For transportation of the Army, $30,000,000.
For incidental expenses of the quartermaster's department, $2,000,000.
For transportation of officers' baggage, $100,000.
For clothing, camp and garrison equipage, $7,000,000.

To supply a deficiency in the appropriation for the Adjutant General's department:

For purchase of books of tactics, $25,000.

To which an amendment was pending to limit the appropriation for negro refugees, commonly called "contrabands," to those actually in the service of the United States.

The committee divided on the amendment to the amendment, and the vote stood—ayes 46, noes 21; no quorum voting.

The CHAIRMAN ordered tellers, and appointed Messrs. HOLMAN and BEAMAN.

The committee again divided; and the tellers reported—ayes 37, noes 56.

So the amendment to the amendment was not agreed to.

The amendment of the Senate was then concurred in.

Sixth amendment:

Page 7, line one hundred and fifty-seven, strike out as follows:

For two additional clerks of class four, in the office of the Secretary of the Navy, $3,600.

Mr. BROOKS. I desire to call the attention of the committee to lines one hundred and forty-four and one hundred and forty-five, "for transportation of the Army, $30,000,000."

Now, on page 3 of the estimates sent to the Senate I find submitted under the sign-manual of Quartermaster General Meigs an estimate for $25,000,000 for this transportation. It will be seen therefore that this appropriation comes down from the Senate larger than is asked for by the Senate.

Mr. STEVENS. I rise to a question of order. I had supposed we had passed that and gone to the consideration of another amendment.

Mr. BROOKS. What the gentleman says is true; but I have already said all I intended to.

Mr. STEVENS. I am glad I did not interrupt the gentleman until he was through. I thought he must have about concluded. [Laughter.]

The sixth amendment of the Senate was concurred in.

Sixth and a half amendment:

Strike out, in line one hundred and seventy-one, page 8, "ninety-one," and insert "eighty-three;" so as to make the paragraph read as follows:

For salary of commissioner to codify the naval laws, under joint resolution of March 3, 1863, $3,983 67.

The Committee of Ways and Means recommended a concurrence in this amendment.

The amendment was concurred in.

ENROLLED BILLS.

The committee informally rose; and the Speaker having resumed the chair,

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 39) to authorize the enrollment and license of the steam-tugs B. F. Davidson and W. K. Muir;

An act (S. No. 19) for the relief of L. F. Cartee;

An act (S. No. 15) to incorporate the Washington City Savings Bank;

An act (H. R. No. 42) to enable guardians and committees of lunatics, appointed in the several States, to act within the District of Columbia;

An act (S. No. 110) for the relief of John H. Shepherd and Walter K. Caldwell, of Missouri;

An act (H. R. No. 122) to increase the internal revenue, and for other purposes;

An act (S. No. 81) to apportion the expenses of the levy court of the county of Washington upon the basis of population; and

Joint resolution (H. R. No. 41) to continue the payment of bounties.

The committee then resumed its session, and proceeded again to the consideration of the

DEFICIENCY BILL.

Seventh amendment:

Page 8, line one hundred and seventy-one, insert as follows:

For additional repairs at the Norfolk navy-yard, $150,000.

For wharf, machine shop, bridges, buildings for naval stores, and other works at Port Royal, South Carolina, $144,600.

To supply a deficiency in the appropriation for filling in the grounds for the new foundery at the Brooklyn navy-yard, $45,975.

For temporary storehouse for provisions at the Brooklyn navy-yard, $2,000.

For temporary storehouses for provisions at the Boston navy-yard, $2,000.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Eighth amendment:

Page 9, line one hundred and eighty-nine, strike out

"$682" and insert "$62 50," so as to make the paragraph read as follows:

For salary of the minister at Salvador, from April 16, 1863, to June 30, 1864, at $7,500 per annum, $9,062 50.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Ninth and tenth amendments:

In line two hundred and fifteen insert after the word "for" the words "furniture and for," and in line two hundred and seventeen, after the words "New York," insert the word "and;" so as to make the paragraph as amended read as follows:

For the payment of claims due various parties for furniture, and for the alterations in the offices of the Assistant Treasurer and collector of customs at New York, and for constructing burglar-proof vaults, $80,000.

The Committee of Ways and Means recommended concurrence in these amendments.

The amendments were concurred in.

Eleventh amendment:

Page 11, line two hundred and fifty-five, strike out the following paragraph:

For deficiency to pay for goods furnished to Peter Boyce, Indian farm agent at Coon Creek, Utah Territory, in 1859, $710.

The Committee of Ways and Means recommended non-concurrence in this amendment.

The amendment was non-concurred in.

Twelfth amendment:

Page 13, line two hundred and eighty-seven, strike out the words "to supply a deficiency in the appropriation for the support of the light-house establishment, $14,156 65," and insert in lieu thereof the words "for rebuilding light-house at Cape Charles, Virginia, $20,000."

The Committee of Ways and Means recommended non-concurrence in this amendment.

The amendment was non-concurred in.

Thirteenth amendment:

Page 13, at the end of the paragraph "To supply a deficiency in the appropriation for ordnance, ordnance stores, labor, and contingent expenses in the Bureau of Ordnance of the Navy Department, $2,740,000," add as follows:

Provided, however, That no money shall be paid under this item of appropriation except for deficiencies actually existing upon contracts made by the Navy Department.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Fourteenth amendment:

Page 13, line three hundred and one, strike out "Portsmouth, New Hampshire," and insert in lieu thereof "Kittery, Maine;" so as to make the paragraph read as follows:

For erecting naval hospital at Kittery, Maine, $25,000.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Fifteenth amendment:

At the end of the paragraph "For erecting naval hospital at Washington city, District of Columbia, $25,000," strike out as follows:

Provided, That neither of said hospitals shall be erected within the present limits of the navy-yards; and the cost of said hospitals and extension of said asylum shall be paid out of the accumulated hospital fund.

For furniture, stoves, carpets, cases for records and papers, fuel, stationery, and contingent expenses, in the office of register of deeds for the District of Columbia, $950.

To supply deficiency in the appropriation for purchase of tenth and eleventh volumes Statutes at Large, $2,765.

And insert in lieu thereof as follows:

To supply a deficiency in the appropriation for Capitol police for the Senate, $4,003 75.

To supply a deficiency in the appropriation for stationery for the Senate, $600.

To supply a deficiency in the appropriation for miscellaneous items for the Senate, $20,000: *Provided*, That hereafter no payment shall be made from the contingent fund of either House of Congress, unless the amount is fixed by law, or the account is previously examined and approved by the appropriate committee; nor shall any payment ever be made, except out of the fund particularly appropriated for the purpose; and no transfer of balances shall be made from one fund to another.

The Committee of Ways and Means recommended non-concurrence in the amendment.

The amendment was non-concurred in.

Sixteenth amendment:

Page 15, line three hundred and thirty-six, add as follows:

To enable the Librarian of Congress to employ an additional laborer from February 1 to the end of the current fiscal year, $280.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Seventeenth amendment:

Page 16, line five, strike out the words "the same as the present Assistant Secretary of the Treasury," and insert in lieu thereof "$3,000 per annum;" so as to make it read as follows:

SEC. 3. *And be it further enacted*, That the President shall appoint in the Treasury Department, by and with the advice and consent of the Senate, an additional Assistant Secretary of the Treasury, whose salary shall be $3,000 per annum, who shall perform all such duties in the office of the Secretary of the Treasury, belonging to that Department, as shall be prescribed by the Secretary of the Treasury, or as may be required by law; &c.

Mr. STEVENS. The Committee of Ways and Means thought proper to recommend that all these Assistant Secretaries in the future should have the same salary. They now have some of them $4,000, some $3,500, and some $3,000. They are all officers of the same grade, and should have the same salary. I therefore move to amend the amendment of the Senate by increasing the salary to $3,500 per annum; and then with a further amendment below it will be satisfactory to the committee.

Mr. PIKE. I wish to call the attention of the committee to the fact that of our Assistant Secretaries there are two who receive at this time the sum of $4,000—the Assistant Secretary of the Navy and the Assistant Secretary of the Treasury. There are two Assistant Secretaries of War, who receive $3,000 a year each, and an Assistant Secretary of the Interior and three Assistant Postmasters General, each receiving $3,000 a year. This is to increase the pay of these five or six high officers one sixth, or $500. What necessity there is for increasing the pay of these officers does not appear. The duties of many of these officers are less than what they have been at any previous time.

Mr. STEVENS's amendment to the amendment was rejected.

The amendment of the Senate was concurred in.

Eighteenth amendment:

Add the following:

And that, after the close of the present fiscal year, the salary of each of the Assistant Secretaries of the several Departments, and of the First Assistant Postmaster General, shall be $3,500.

Mr. STEVENS. If this amendment is to prevail, and this is for the House to determine, it ought to be amended by including the Assistant Attorney General. There is no reason why he should be left out if the salary of the others is to be fixed at this rate. I move to insert the Assistant Attorney General. I do this by the direction of the Committee of Ways and Means.

Mr. HOLMAN. I move to amend the amendment of the gentleman from Pennsylvania by adding these words: "And the Second and Third Auditors of the Treasury."

Mr. Chairman, the effect would be to increase the salary of those officers from $3,000 to $3,500 a year. It is well known that the salary of those two officers was fixed half a century ago at $3,000. It has never been increased, while almost every other salary under the Government has been increased. I think that gentlemen familiar with the labor of those bureaus will admit that the labor and responsibility of the heads of these bureaus are much greater than are devolved on the chief of any other bureau or on any Assistant Secretary. The positions of the Second and Third Auditor require more ability, more experience, and more integrity, than the duties performed by any of the various Assistant Secretaries under the Government. The business thrown upon these bureaus by the war is incredible, and no ability or integrity can exceed the demands made by this vast accumulation on the chiefs to whom this business is confided. I am not prepared to say that any of these salaries should be increased; indeed, sir, I have uniformly opposed any increase of salaries; but if it is proper to increase the salaries of the Assistant Secretaries, I am certain that the pay of the Second and Third Auditors of the Treasury should be increased correspondingly. These Assistant Secretaries have been created since this Administration came into power. The Assistant Secretary of the Interior, one of the most intelligent and accomplished gentlemen holding office under the Government, receives a salary of $3,000, and the proposition is to increase it to $3,500. Before this Administration the duties were performed by the Secretary of the Interior, and performed well. It was charged again and again during Buchanan's administration that the labors of that Department did not justify the payment of even the salaries then paid in that Department. Yet the duties of that Department were greater than now, for the business of the Department has been diminished by the operations of the war. It may have been necessary, indeed it was clearly necessary, to create new offices in the Navy and War Departments, and to the same extent in the Treasury Department, but it cannot be in a purely civil Department, where the business has been diminished and not increased by the war. Yet it is proposed to increase the salary of this officer to $3,500. The salary of the Second and Third Auditor was, as I have said, fixed half a century ago at $3,000, in consequence of the talent and experience necessary to the proper discharge of the duties of those positions. And yet with the duty tremendously increased no increase is proposed of the salaries of their chiefs, both of whom are known to be eminently qualified for their responsible positions. I have no argument to submit for the increase of salaries. I know of none. I would reduce many of the salaries; but I do protest against the discrimination which would overlook the most laborious of our public servants, and increase the salary of those whose responsibility and labors are less, especially in the present condition of the country.

My proposition is simply this: inasmuch as it is proposed to increase the salaries of Assistant Secretaries to $3,500, that the Second and Third Auditors shall have the benefit of the same increase. And here let me say, sir, that if I would vote for any increase of salary on the score of the fitness and ability of the officer, I should certainly favor the increase of that of the Assistant Secretary of the Interior.

Mr. PIKE. I ask the gentleman from Indiana to include the Second Assistant Postmaster General, whom we all know to be one of the most accomplished and efficient officers under this Government.

Mr. HOLMAN. If the gentleman thinks that it will give strength to my proposition I accept it.

Mr. GRINNELL. I desire to say a word in reference to this proposition to increase the compensation of the Second Assistant Postmaster General. It is understood that the duties pertaining to the contracts of the Post Office Department have been transferred to the bureau of the Second Assistant Postmaster General. His name is included in the amendment, and therefore I hope it will pass. This office is charged with responsible duties, those pertaining to contracts and also inspection. I hope the amendment will pass, because I believe it is due to that officer, if we raise the pay of the First Assistant, that the Second Assistant should also be included.

Mr. SPALDING. I am entirely willing to vote for amendments which equalize the compensation; that is, which bring the salaries of some up to $3,500, and those of others who have $4,000 down to the same sum. But I am entirely averse to going in generally for raising salaries, and if gentlemen press their amendments too far, I shall be compelled to vote against all the provisions of the bill.

Mr. HUBBARD, of Iowa. Is an amendment in order now?

The CHAIRMAN. It is not.

Mr. HUBBARD, of Iowa. I give notice that at the proper time I shall move to strike out the words "five hundred," which amendment, if adopted, will leave the salaries at $3,000.

Mr. HOLMAN. That is the present salary.

Mr. STEVENS. Is not the vote now to be taken upon the amendment offered by the gentleman from Indiana to insert the Auditors?

Mr. HOLMAN. I appeal to my friend from Maine [Mr. PIKE] to withdraw his amendment, which I accepted, inasmuch as I desire to obtain a vote directly upon the proposition of increasing the salary of the Second and Third Auditors. The gentleman can get a vote upon his amendment hereafter.

Mr. PIKE. I would like to accommodate my friend, but I think I had better adhere to my amendment now.

Mr. HOLMAN. Then, as the amendment is mine, I will myself modify it so as to include only the First and Second Auditors.

Mr. MORRILL. I move to amend the amendment by adding at the end of the sentence the following:

Provided, That none of these officers shall receive more pay than the salary of a member of Congress until after the expiration of the present war.

Mr. STEVENS. I rise to a question of order. There are two amendments already pending.

The CHAIRMAN. The Chair sustains the point of order.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, MARCH 10, 1864. NEW SERIES.....No. 63.

Mr. GRINNELL. I rise to a point of order. It is that the gentleman from Indiana [Mr. HOLMAN] having accepted the amendment suggested, cannot modify it without unanimous consent.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HOLMAN. It was my amendment, and I had a right to modify it.

Mr. DAWES. I wish to understand the gentleman from Indiana. I would inquire whether he is in favor of raising salaries?

Mr. HOLMAN. I am sorry I was not able to reach the ear of my friend. I stated distinctly that while I favor no increase of salaries, or the creation of any new civil office, yet if the proposed increase is to be made from $3,000 to $3,500, no one of these officers demanded it as much, considering all the elements which ought to enter into the qualities of a public officer, as these two heads of bureaus.

Mr. DAWES. I do not see my way clear yet. The gentleman is opposed to raising salaries; why then does he move to raise them?

A VOICE. For fun.

Mr. HOLMAN. My friend is so much in the habit of perpetrating good jokes that he takes it for granted that everybody else is joking.

Mr. DAWES. Oh, no; this is a very serious matter, and I realize it.

Mr. HOLMAN. I wish to say that I see a persistent purpose to increase these salaries; and if they are increased, I say the Second and Third Auditors should be put upon an equal footing with the others.

Mr. DAWES. I want to follow the lead of the gentleman from Indiana if I can. I have always understood him to be opposed to the raising of salaries. If he is right now I propose to go with him. But whether he is right depends upon what the salary is which is to be raised, and whose salary it is. I do not understand my friend to be opposed to raising salaries in the abstract, but only in the concrete. I think I see it now. I believe my way is clear. [Laughter.]

Mr. STEVENS called for tellers on the adoption of the amendment to the amendment.

Tellers were ordered; and Mr. GRINNELL and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported —ayes 35, noes 60.

So the amendment was not agreed to.

Mr. PIKE. I move to insert in line seventeen, after the words "Postmaster General," the words "and Second Assistant Postmaster General;" and I will briefly state the ground upon which I do it. This is making an invidious distinction. It raises the salary of the First Assistant Postmaster General, and not that of the Second.

We all know, Mr. Chairman, for we have all been witnesses of the fact, that the labors of the Second Assistant Postmaster General are fully equal to those of the First, and at many seasons of the year greater.

Mr. STEVENS. I have only this to say: that there is really a distinction of grade between these two gentlemen. The First Assistant, as we all know, acts as Postmaster General on very many occasions, and it is his duty to do so in the absence of the Postmaster General. The Second and Third Assistants never do that.

Mr. PIKE. One word in reply: the same is the case in the Treasury Department. The First Assistant takes the place of the Secretary in his absence; but there is no difference made between his salary and that of the Second Assistant Secretary.

Mr. STEVENS called for tellers upon the amendment to the amendment.

Tellers were ordered; and Messrs. PIKE and HOLMAN were appointed.

The committee divided; and the tellers reported —ayes eighteen, noes not counted.

So the amendment to the amendment was disagreed to.

Mr. MORRILL. I offer the amendment I send to the Clerk's desk, to come in at the end of line eighteen.

Mr. STEVENS. That can be no amendment to my amendment. The gentleman had better let us have a vote on mine first.

Mr. MORRILL. I have a right, I believe, to perfect the original text.

Mr. STEVENS. No, sir; you do not propose to strike out anything.

Mr. HUBBARD, of Iowa. I move to amend the amendment by striking out in the sixteenth and seventeenth lines the words "five hundred," so as to leave all the salaries at $3,000. I think that every one must be convinced that while we are expending millions of money in prosecuting this war, this is no time to raise salaries. On the other hand, we ought to labor to reduce them. I understand that some of these Assistant Secretaries receive $4,000. My proposition is to place them all on the same basis and fix their salaries at $3,000 a year.

Mr. HOLMAN. Will the gentleman from Iowa allow me to ask him whether the effect of his amendment will not be to reduce the salaries of some of these Assistant Secretaries and fix them all at the same rate? If that is the effect of the amendment, I think it ought to be adopted.

Mr. HUBBARD, of Iowa. My amendment will place them all on the same level, and that is what I wish to do.

Mr. STEVENS. Has a vote been taken on my amendment?

The CHAIRMAN. It has not yet.

Mr. STEVENS. Then this amendment is not in order. It is no amendment to my amendment.

The CHAIRMAN. This is a motion to strike out.

Mr. DAWES. We have a right to amend the original text before the vote is taken on the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. The motion of the gentleman from Iowa is to strike out, and the Chair supposes it is in order.

Mr. STEVENS. I did not move to strike out any part of the Senate amendment. If I had done so, then the motion of the gentleman from Iowa to perfect the original text would have been in order; but as I propose to add something before this point in the text, I submit whether this amendment is in order.

Mr. MORRILL. I submit that the suggestion of the gentleman from Massachusetts [Mr. DAWES] is a correct one: that it is always in order to perfect the original text before voting on striking out.

The CHAIRMAN. The Chair entertained the motion of the gentleman from Iowa, recognizing that as the rule.

Mr. STEVENS. Very well, sir.

The question was then taken on Mr. HUBBARD's amendment; and it was agreed to.

Mr. STEVENS. I withdraw my amendment, and I think the whole section had better be rejected.

Mr. MORRILL. I move the amendment which I have already sent to the Chair:

Add at the end of the section:

Provided, That nothing herein provided shall authorize the increase of any salary above that of a member of Congress, excluding mileage, until the close of the present war.

Mr. STEVENS. I rise to a question of order. This is making a new law as an amendment to an appropriation bill.

Mr. MORRILL. It is simply a proviso limiting the effect of the section.

The CHAIRMAN. The Chair thinks that the amendment is not in order.

Mr. MORRILL. Then I move to amend the amendment by striking out the last word. The point that I desire to make to the House is this: that we should not commence the business of increasing salaries at all. We have already had from the Secretary of the Treasury an official communication to this House that if we increase the expenditures of the Government in any direction it will be necessary to increase the taxation just in proportion to that increase. I believe he did not state it even strong enough. If we are to carry on this war at the present rate of expenditure, I believe it will be our duty to increase the taxation so as to produce fully one half the amount of our annual expenditures. I desire gentlemen to look this matter in the face. Rather than to vote for the increase of salaries in any direction I think it would be more wise for us to introduce a proposition here to reduce salaries ten or twenty-five per cent. But, for one, I am determined not to vote for the increase of pay or salary in any direction.

Mr. STEVENS. I hope the last word of the amendment will not be stricken out, as it would spoil the bill. [Laughter.] I think that laying down any general rule, as my friend from Vermont does, is not quite as wise perhaps as becomes this House. If we find an employé in the pay of the Government whose salary is so low that he cannot support his family on it, nor can any successor who is honest, must such family starve because we do not add $200 or $300 to his salary, as we are in the midst of a war on which thousands of millions of dollars are expended? If, for instance, we find that a clerk has $1,000 a year, on which he could have supported his family very well four or five years ago, but on which he cannot possibly maintain it now with decency and honesty, is this House to say that it is prevented from increasing the salary because we are in the midst of a war and because economy is and ought to be the rule?

Mr. LOVEJOY. Will the gentleman allow me to ask him a question?

Mr. STEVENS. Certainly.

Mr. LOVEJOY. I want to inquire whether the Government has any difficulty in obtaining competent persons to fill its offices?

Mr. STEVENS. I suspect there are a good many public offices which have not competent persons in them now.

Mr. LOVEJOY. Not on account of want of salary, but on account of lack of brains.

Mr. STEVENS. It is on account of want of salary. You can find men for any offices. There are idle fellows about everywhere who would rather take enough pay to buy their whisky than try to earn a decent living by industry. But these are not the kind of people that the Government wants.

I am speaking now as to the general principle laid down by the gentleman from Vermont. I must protest against it, very slightly to be sure. I know that the Secretary of the Treasury did, in a document intended for the public eye and to clarify public opinion, and of course to elevate us all in the estimation of that public, put in his protest against the increase of salaries or any other expenditures that are not proper. That is all right, and I am quite willing that gentlemen shall have the benefit of it, if they please. Still, as I never expect to hold any very high office myself, I intend to vote just as I think right. Where the salaries given to competent men are too small to support their families, I shall go for increasing them to a moderate degree till we get to the proper amount. I however am willing that the whole section be disagreed to.

Mr. MORRILL withdrew his amendment.

The question recurred on concurring in the eighteenth amendment of the Senate, as follows:

At the end of the third section insert:

And that, after the close of the present fiscal year, the salary of each of the Assistant Secretaries of the several Departments, and of the First Assistant Postmaster General, shall be $3,000 per annum.

The amendment as amended was concurred in.

MESSAGE FROM THE SENATE.

The committee here informally rose, and the Speaker having resumed the chair, a message was received from the Senate, by Mr. FORNEY, their Secretary, informing the House that the President of the United States has notified the Senate that he did, on the 7th instant, approve and sign a joint resolution (S. No. 19) of thanks of Congress to Commodore Cadwalader Ringgold, the officers and crew of the United States ship Sabine.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. NICOLAY, his Private

Secretary, informing the House that he did, on the 7th instant, approve and sign an act (H. R. No. 122) to increase the internal revenue, and for other purposes.

UNIFORM COINAGE, WEIGHTS, AND MEASURES.

The SPEAKER laid before the House a communication from the Secretary of State, in answer to the resolution of the House of the 2d instant, transmitting a copy of the report, with the accompanying documents, of Samuel B. Ruggles, of the proceedings of the statistical national congress at Berlin upon the subject of uniform weights and measures and coins; which was referred to the Committee on a Uniform System of Coinage, Weights, and Measures.

The committee then resumed its session, and proceeded again to the consideration of the Senate amendments to the

DEFICIENCY BILL.

Nineteenth amendment:

Page 17, insert as follows:

SEC. 6. *And be it further enacted*, That in addition to the clerical force now authorized by law, the following clerks and employés are hereby authorized in the several Departments and offices hereinafter specified, to be employed and continue only during the rebellion, and for one year after its close, namely:

In the office of the Secretary of the Treasury, one clerk of class four, one of class three, eight of class two, and fourteen of class one.

In the construction branch of the Treasury, one superintending architect, one assistant architect, two clerks of class four, four of class three, two of class one, and one messenger at an annual salary of $600.

In the First Comptroller's Office, five clerks of class four, and one clerk of class four substituted for one of class one.

In the Second Comptroller's office, eight clerks of class four, eight of class three, eight of class two, and fifteen of class one.

In the First Auditor's office, two clerks of class four, and one of class two.

In the Second Auditor's office, two hundred and six clerks of class one, and one clerk at $900 per annum.

In the Third Auditor's office, two clerks of class four, two of class three, five of class two, twenty-four of class one, and one messenger at a salary of $700 per annum, and two laborers at an annual salary of $600 each.

In the Fourth Auditor's office, five clerks of class four, nine of class three, nine of class two, thirty-five of class one, and one laborer at an annual salary of $600.

In the Fifth Auditor's office, one clerk of class four to be substituted for one of class three.

In the Treasurer's office, four clerks of class four, two of class three, seventeen of class two, and six of class one.

In the Register's office, four clerks of class four, six of class three, six of class two, eight of class one, and one messenger at a salary of $700 per annum.

In the office of the Commissioner of Customs, one clerk of class three, three of class two, and four of class one.

In the office of the Secretary of the Navy, two clerks of class four.

In the office of the Adjutant General, two clerks of class four, eight of class three, nineteen of class two, and seventy-four of class one.

In the office of the Quartermaster General, thirty clerks of class three, sixty of class two, seventy of class one, and six laborers at an annual salary of $600 each.

In the Paymaster General's office, nine clerks of class three, twenty-six of class two, seventy-five of class one, three messengers at an annual salary of $840 each, and four watchmen at an annual salary of $600 each.

In the Commissary General's office, ten clerks of class two, and thirty of class one.

In the Surgeon General's office, two clerks of class four.

In the office of the Chief of Ordnance, two clerks of class four, seven of class three, eleven of class two, seventy-four of class one, and nine laborers at an annual salary of $600 each.

In the office of the Chief Engineer, one clerk of class four, and one of class two.

And the several clerks and employés authorized by this section shall be appointed by the heads of the Departments to which they are severally attached, and the amount necessary to pay their salaries from the time of their appointment to the 30th of June, 1864, is hereby appropriated therefor; and the heads of said several Departments are hereby authorized to employ females instead of any of the clerks hereinbefore designated, at an annual compensation not exceeding $600 per year, whenever in their opinion the same can be done consistently with the interests of the public service: *Provided, however*, That the clerks hereby authorized in the Treasury Department and its bureaus shall not be in addition to the temporary clerks now employed therein, under former appropriations for that purpose, but shall include the same.

Mr. STEVENS. I find it is necessary, from the action of the committee in an early part of the bill, to non-concur in this whole section. At the commencement of the bill we provided for clerks, but in such a manner as the Senate did not like. They therefore struck out our provision and substituted this in place of it. If, therefore, we concur in the amendment of the Senate, it will be providing for these clerks twice over. It is necessary, therefore, to non-concur in this whole section. We may then go to a committee of conference and see which of the two we will agree to.

Mr. HOLMAN. I presume by unanimous consent the committee might return to the first amendment of the Senate and concur in that striking out our provision. We could then perfect this section and pass it.

Mr. STEVENS. This section is so imperfect in many of its particulars that even then we should have to ask the House to non-concur and give us a chance to revise this classification of clerks.

Mr. ALLEY. With the permission of the committee, before the vote is taken on concurring in this section, I desire to move an amendment which I believe meets the concurrence of the Committee of Ways and Means, so that if the committee rejects the whole amendment this may go with it to a commitee of confergence. I propose to insert after the enacting clause the following:

That the sum appropriated by the fifth section of this act shall be taken to be, and shall be, in addition to the sum heretofore appropriated for the compensation of letter-carriers for the current year.

I will merely remark that this is an explanatory amendment of section five, and I presume there can be no objection to it. It is offered at the suggestion of the Auditor, who has some difficulty in interpreting that section.

The amendment was agreed to.

Mr. STEVENS. I hope we shall now nonconcur in the whole amendment as amended.

The amendment of the Senate, as amended, was non-concurred in.

Twentieth amendment:

Insert as follows:

SEC. 7. *And be it further enacted*, That so much of the act entitled "An act to provide for the appointment of an Assistant Register of the Treasury Department and a Solicitor for the War Department, and for other purposes," approved February 20, 1863, as limits the office of the Assistant Register of the Treasury to a term of one year, is hereby repealed.

The Committee of Ways and Means recommended concurrence in this amendment.

The amendment was concurred in.

Mr. STUART. I move to strike out the seventh section.

The CHAIRMAN. The Chair will state that the amendment of the Senate has already been concurred in by the committee.

Mr. STUART. I will then move to amend so as to add to the time of the limitation one year.

Mr. STEVENS. I should like to know whether there is anything to attach that amendment to?

The CHAIRMAN. The amendments of the Senate having been all passed upon, the Chair decides that there is nothing before the committee to which an amendment can be attached.

Mr. STUART. I hope I may be indulged in two or three minutes' debate.

Mr. STEVENS. The gentleman can make his speech in the House.

Mr. STUART. The gentleman will call the previous question there.

Mr. STEVENS. I will give the gentleman an opportunity in the House. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ASHLEY reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, with the amendments of the Senate thereto; that they had concurred in some and non-concurred in others of said amendments, and had instructed him to report the same back to the House with their action thereon.

Mr. STUART. The political organization to which I belong is in nowise responsible for the cruel and wicked civil war which now rages. On the contrary, if its counsels had prevailed we would to-day have peace and union instead of war and the fear of disunion.

But the war rages in spite of us, and we are placed in such a dilemma that it becomes necessary to continue that war as a means of preserving and maintaining the Union. It is a cruel necessity which exists and will exist until some door is opened for an honorable peace preserving the Union, a peace degrading to no section of the country.

I am, sir, for preserving and maintaining the Union, and therefore will vote the necessary supplies of men and money to maintain our armies in the field. The responsibility of conducting the war is with the Administration, and I must rely to a large degree on the organs of the Administration in deciding what supplies are necessary.

This deficiency bill upon which we are called to vote is an extraordinary one, and has been matured in an unusual manner. It is not founded on estimates submitted by the Secretary of the Treasury, and it looks as if there was a desire to evade responsibility.

But, sir, the Committee of Ways and Means, and especially its chairman, stands in this House as the organ of the Treasury Department. They urge the passage of the bill as needed to support the credit of the Government. I therefore regard it as having the indorsement of the Secretary of the Treasury and as demanded by the Administration, and will vote for its passage.

Mr. STEVENS moved the previous question.

The previous question was seconded, and the main question ordered.

The action of the Committee of the Whole on the state of the Union on the amendments of the Senate was concurred in, without division, except in the following case:

Seventeenth amendment of the Senate:

Strike out the words "the same as the present Assistant Secretary of the Treasury," and in lieu thereof insert "$3,000;" so that the paragraph will read:

SEC. 3. *And be it further enacted*, That the President shall appoint in the Treasury Department, by and with the advice and consent of the Senate, an additional Assistant Secretary of the Treasury, whose salary shall be $3,000 per annum, who shall perform all such duties in the office of the Secretary of the Treasury, belonging to that Department, as shall be prescribed by the Secretary of the Treasury, or as may be required by law; and the sum of $2,000, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said salary for the current fiscal year.

On a division there were—ayes 44, noes 36.

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. STEVENS demanded tellers.

Tellers were ordered; and Messrs. THAYER and CHANLER were appointed.

The amendment was concurred in; the tellers having reported—ayes 53, noes 41.

Mr. STEVENS moved to reconsider the votes of the House on the amendments of the Senate; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. STEVENS moved that the House insist on its disagreement to certain Senate amendments, and ask for a committee of conference on the disagreeing votes between the two Houses.

The motion was agreed to; and the Speaker appointed as managers of said conference on the part of the House, Mr. HOOPER, Mr. PENDLETON, and Mr. SCOFIELD.

SALE OF SURPLUS GOLD.

The SPEAKER stated the next question in order to be the call of committees for reports, under which the House resumed the consideration of what is known as the gold bill. The previous question was called by the gentleman from Ohio [Mr. PENDLETON] and sustained on the pending amendments.

Mr. BROOKS. I appeal to the gentleman from Ohio, before he insists on the previous question, that he will at least permit some remarks to be made in reply to those who have advocated this bill from the Committee of Ways and Means. The discussion so far has been on one side altogether.

Mr. PENDLETON. If the gentleman from New York will renew my demand for the previous question, I will withdraw it.

The SPEAKER. Even if the gentleman from Ohio were to withdraw the demand for the previous question the gentleman from New York cannot speak, as the previous question has been sustained on the pending amendments.

Mr. BROOKS. I wish for an opportunity, before we come to a vote on the bill reported by the Committee of Ways and Means and the amendments thereto, to make some remarks on a measure so important.

The SPEAKER. Does the gentleman withdraw the demand for the previous question?

Mr. PENDLETON. If I withdraw it I understand the vote will have to be taken, and that the gentleman cannot be heard.

The SPEAKER. The previous question has been sustained on the pending amendments.

Mr. PENDLETON. I have no disposition to cut off debate, and if the Chair will show me how I can facilitate the gentleman from New York in getting the floor to be heard, I will withdraw the demand for the previous question.

The SPEAKER. The first vote will be on the pending amendments and then on the substitute. That will exhaust the previous question. The gentleman from New York, [Mr. STEBBINS,] a member of the Committee of Ways and Means, gave notice that he then intended to move a substitute for the bill. If he does not demand the previous question, the bill would then be open to debate.

Mr. BROOKS. I desire before we have action on the bill to discuss the subject. I ask my colleague whether it is not in his power to permit discussion at the present time? My colleague from the Utica district [Mr. KERNAN] and myself desire to be heard, and we will not occupy more than twenty or forty minutes. I do not know of any other who desires to speak.

The SPEAKER. Does the gentleman from Ohio withdraw the demand for the previous question?

Mr. PENDLETON. If I can make an arrangement by which the gentleman from New York [Mr. STEBBINS] will allow his colleagues to be heard, I will be glad to withdraw the demand for the previous question. I understand the gentleman declines, and that he will call the previous question as soon as he submits his substitute.

Mr. BROOKS. Do I understand the gentleman from New York to decline to give us any further opportunity for discussing this bill?

Mr. STEBBINS. I desire a vote upon this bill to-day.

Mr. COX. Then I hope we will vote down the demand for the previous question.

Mr. MILLER, of Pennsylvania. I desire to know whether but one side is to be heard upon this question.

Mr. PENDLETON. As the gentleman from New York [Mr. STEBBINS] will not facilitate the request for further debate, I shall insist upon my demand for the previous question upon the resolution and the amendments.

Mr. STEVENS demanded tellers upon the previous question.

Tellers were ordered; and Messrs. BROOKS and STEVENS were appointed.

The House divided; and the tellers reported—ayes 64, noes 33.

So the previous question was seconded, and the main question was ordered to be put.

The question first recurred on adding to the following amendment, offered by Mr. Cox—

Provided, That before any such sale shall take place, at least five days' public notice shall be given of the time and place for receiving bids: *And provided further*, That the Secretary of the Treasury may, if he deems it for the public interest, withdraw from the market any gold offered at any time before a bid is actually accepted—

the following amendment offered by Mr. DUMONT:

And provided further, That the Secretary of the Treasury shall not sell any gold under this act without the advice and consent of the other Executive Departments of the Government; and that the operation of this act shall cease in one year after the passage of this act.

The amendment to the amendment was not agreed to.

The question recurring upon the amendment offered by Mr. Cox,

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 49, nays 66; as follows:

YEAS—Messrs. Ancona, Baily, Augustus C. Baldwin, Jacob B. Blair, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Dumont, Eden, Eldridge, Finck, Frank, Ganson, Hale, Hall, Harding, Harrington, Charles M. Harris, Holman, William Johnson, Kalbfleisch, Kernan, Law, Le Blond, McDowell, McKinney, Middleton, James R. Morris, Morrison, Nelson, Noble, John O'Neil, Pendleton, Pruyn, Samuel J. Randall, James S. Rollins, Ross, Scott, Stiles, Stuart, Thomas, Tracy, Ward, and Joseph W. White—49.

NAYS—Messrs. Allison, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Broomall, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Dixon, Donnelly, Driggs, Eckley, Eliot, Farnsworth, Garfield, Grinnell, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Lovejoy, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Smith, Spalding, Stebbins, Stevens, Thayer, Upson, Van Valkenburgh, William B. Washburn, Whaley, Williams, Wilder, Windom, and Woodbridge—66.

So the amendment was not agreed to.

The question next recurred upon the adoption of the following substitute for the bill, offered by Mr. BOUTWELL:

That the Secretary be authorized to anticipate the payment of the interest on the public debt from time to time upon a rebate of interest by the holders of coupons at the rate of six per cent. per annum—

in lieu of the following substitute offered by Mr. LONG:

Strike out all after the enacting clause, and insert:

That the Secretary of the Treasury be authorized and required to use, from time to time, any surplus of gold in the Treasury of the United States in the payment of the soldiers in the field, and that in making such payments he shall use precaution that in a series of months the amount of gold so used be distributed proportionally between the different divisions of the Army.

The substitute for the substitute was adopted.

The question recurred on striking out the whole of the bill after the enacting clause, and inserting in lieu thereof the substitute just adopted.

The substitute for the resolution was adopted.

The question recurred on ordering the bill to be engrossed and read a third time.

Mr. KASSON. I would inquire what has become of the substitute which I understood the gentleman from New York [Mr. STEBBINS] intended to offer.

The SPEAKER. It was cut off by the House seconding the demand for the previous question on the resolution and amendments, which confined the question to the original resolution and the pending amendments.

Mr. BOUTWELL. I ask unanimous consent, before the engrossment and third reading of the bill, to modify it so as to make it read, "either with or without rebate of interest, as to him may seem expedient."

No objection being made, the bill was modified accordingly.

Mr. LOVEJOY. We understood from the statement of the Chair that the previous question would not exclude the substitute offered by the gentleman from New York, [Mr. STEBBINS.]

The SPEAKER. The Chair expressly stated that if the previous question should be sustained on the bill and amendments, it would cut off all amendments except by unanimous consent, until the bill had been ordered to be engrossed and read a third time.

Mr. LOVEJOY. Is it in order now to move to reconsider the vote by which the main question was ordered?

The SPEAKER. It is not until the previous question has exhausted itself, and it will not exhaust itself until the bill has been read a third time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. STEVENS. I was called out of the Hall for a moment, and I would inquire if the substitute of the gentleman from Massachusetts [Mr. BOUTWELL] has been adopted.

The SPEAKER. It has.

Mr. STEVENS. Then I shall vote against the whole bill.

Mr. PENDLETON. I demand the previous question on the passage of the bill.

Mr. HOOPER. I ask unanimous consent of the House to make an inquiry of my colleague, [Mr. BOUTWELL.]

There was no objection.

Mr. HOOPER. I want to ask my colleague if the effect of the bill with his amendment is not to use the gold or the proceeds of the gold for the benefit of creditors of the Government holding the bonds and to whom it is not due, and to prevent the amount being paid to the soldiers and other creditors of the Government to whom it is overdue? That will be the effect of this bill, as I understand it, with the amendment of my colleague.

Mr. BOUTWELL. I understand that the effect of the bill, as it has been adopted by the House, is to enable the Secretary of the Treasury to anticipate the payment of the interest coupons in gold, for the purpose, as was suggested by the Committee of Ways and Means, of relieving the public Treasury of a surplus quantity of gold, which is in fact merely temporary, but which they alleged was embarrassing the business of the country. It is not a question between the soldiers and the public creditors. The faith of the country is already pledged to pay the interest on the public debt in coin, and any proposition to divert the coin on hand from that purpose is, in my judgment, a violation of public faith, calculated to undermine the credit of the country.

Mr. HOOPER. The original bill proposed the sale of the surplus of gold in the Treasury beyond what was required to pay the interest on the public debt and other purposes. Was the public faith pledged to pay this surplus, beyond what is necessary to pay the interest, to the bondholders in anticipation of its being due them?

Several MEMBERS objected to further debate.

The previous question was seconded, and the main question ordered.

Mr. COX demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 90, nays 36; as follows:

YEAS—Messrs. Allison, Ancona, Arnold, Ashley, Augustus C. Baldwin, Beaman, Bliss, Boutwell, Brandegee, Brooks, Chanler, Ambrose W. Clark, Freeman Clarke, Clay, Cobb, Coffroth, Cole, Cox, Dawes, Dawson, Deming, Dumont, Eden, Eldridge, Eliot, Finck, Frank, Ganson, Grinnell, Hale, Hall, Harrington, Holman, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, William Johnson, Julian, Kalbfleisch, Francis W. Kellogg, Kernan, Knapp, Law, Lazear, Le Blond, Mallory, Marvin, McDowell, McIndoe, McKinney, Middleton, Moorhead, Morrill, Daniel Morris, James R. Morris, Morrison, Amos Myers, Nelson, Noble, Charles O'Neill, John O'Neill, Pendleton, Perham, Price, Pruyn, Samuel J. Randall, Alexander H. Rice, John H. Rice, Rogers, James S. Rollins, Schenck, Scott, Starr, John B. Steele, Stiles, Stuart, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Wadsworth, Ward, Webster, Whaley, Wheeler, Joseph W. White, Wilson, Windom, and Woodbridge—90.

NAYS—Messrs. Alley, Ames, Baily, John D. Baldwin, Baxter, Blow, Boyd, Broomall, William G. Brown, Dixon, Donnelly, Driggs, Farnsworth, Garfield, Hooper, Hulburd, Kasson, Kelley, Loan, Longyear, Lovejoy, McBride, McClurg, Norton, Orth, Pike, Scofield, Shannon, Smith, Spalding, Stebbins, Stevens, William B. Washburn, Williams, and Wilder—36.

So the bill was passed.

During the roll-call,

Mr. SMITH stated that Mr. RANDALL was absent in consequence of indisposition.

Mr. CHANLER announced that Mr. FERNANDO WOOD was detained at his house by sickness.

The result of the vote having been announced as above recorded,

Mr. BOUTWELL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. BOUTWELL. I move to amend the title by striking out the present title and inserting in lieu thereof the following:

An act to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt.

The amendment was agreed to.

Mr. BROOKS. I wish the gentleman from Massachusetts to give me an opportunity to say a few words of explanation.

Mr. BOUTWELL. The matter is beyond my control.

Mr. BROOKS. I ask unanimous consent.

There was no objection.

Mr. BROOKS. I desired originally to make some remarks upon the bill, but was prevented by what I deemed discourtesy on the part of my colleague, [Mr. STEBBINS.] My colleague has since explained it to me very satisfactorily. As it is altogether unnecessary now to say anything as to the merits of the bill, I will simply say that I am glad it has passed in its present form.

Mr. BOUTWELL moved to reconsider the vote by which the amendment to the title was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CALL OF COMMITTEES.

The SPEAKER proceeded, as the next business in order, to call on committees for reports, beginning with the Committee on Revolutionary Claims.

INDIAN DEPREDATIONS IN NEW MEXICO.

Mr. WINDOM, from the Committee on Indian Affairs, reported back adversely a bill providing for the examination of claims for Indian depredations in the Territory of New Mexico; which was laid on the table.

INDIAN AGENTS IN NEW MEXICO.

Mr. WINDOM also, from the same committee, reported back adversely House bill No. 106, to provide for the appointment of Indian agents in New Mexico; which was laid on the table.

INDIAN DEPREDATIONS IN UTAH.

Mr. WINDOM also, from the same committee, reported back adversely House bill No. 221, to provide for the appointment of commissioners to ascertain and report to the Secretary of the Interior the losses sustained by the people of the Territory of Utah by Indian depredations; which was laid on the table.

INDIANS IN NEW MEXICO.

Mr. WINDOM, from the same committee, reported a bill to authorize the making of treaties with the Navajo, Apache, and Utah Indian tribes in New Mexico, defining their limits and extinguishing their titles to lands outside of said limits; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

UTAH INDIAN RESERVATIONS.

Mr. WINDOM, from the same committee, reported back, with a substitute, House bill No. 220, to vacate the present Indian reservations in Utah Territory, and to settle the Indians in the Uinta valley; and asked that it be put upon its passage.

The bill was read a first and second time.

The substitute authorizes and requires the Secretary of the Interior to cause the several Indian reservations heretofore made or occupied as such in the Territory of Utah, excepting Uinta valley, to be surveyed into tracts or lots not exceeding eighty acres each, to cause such tracts or lots to be sold upon sealed bids, on public advertisement, to the highest and best bidder, and to apply the proceeds of the sales to the construction of improvements on reservations that may be established, or to the purchase of stock, agricultural implements, or such other useful articles as may seem best adapted to the wants and requirements of the Indians; provided no tract of land shall be sold for less than its appraised value in cash, to be duly ascertained by commissioners to be appointed by the Secretary of the Interior.

The second section authorizes and requires the superintendent of Indian affairs to collect and settle the Indians of the Territory of Utah in the Uinta valley, which is set apart for the permanent settlement and exclusive occupation of such various tribes of Indians in said Territory as may be induced to inhabit it.

The third section appropriates $30,000 to be expended by the superintendent of Indian affairs in the Territory of Utah for the purpose of making agricultural improvements in the Uinta valley, for the comfort of the Indian tribes, and to enable them to become self-sustaining.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WINDOM called for the previous question on the passage of the bill.

Mr. KINNEY. Is it in order now to discuss the bill?

The SPEAKER. It is not.

Mr. HOLMAN moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The motion was not agreed to.

Tellers were ordered on the demand for the previous question; and Messrs. HOLMAN and LOVEJOY were appointed.

The House divided; and the tellers reported—ayes 59, noes 32. The Speaker voted in the affirmative, making a quorum.

So the previous question was seconded, and the main question ordered.

Mr. HOLMAN. I move to lay the bill on the table.

The motion was disagreed to.

The bill was passed.

Mr. WINDOM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

UTAH INDIAN LANDS.

Mr. WINDOM, from the Committee on Indian Affairs, reported back House bill No. 222, to extinguish the Indian title to lands in the Territory of Utah suitable for agricultural and mineral purposes, with an amendment in the nature of a substitute; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

OREGON INDIANS.

Mr. WINDOM, from the same committee, reported back House bill No. 97, making an appropriation for the purpose of negotiating treaties with the Indian tribes of southern and eastern Oregon.

Mr. STEVENS. Is not that to make treaties with the Indians we have just removed?

Mr. WINDOM. No, sir. I do not think we have removed these Indians.

Mr. STEVENS. I thought we had just made an appropriation for the removal of these Indians.

Mr. WINDOM. These are not the same Indians.

Mr. COX. This bill makes an appropriation, and under the rules must go to the Committee of the Whole on the state of the Union.

The SPEAKER. If the gentleman insists upon his point of order the Chair will be compelled to sustain it.

Mr. COX. I do not know that I have any objection to the bill, but I do not understand all its provisions, and I prefer that it shall go to the Committee of the Whole, where we may discuss it.

The SPEAKER. The gentleman will have an opportunity to discuss it in Committee of the Whole on the state of the Union after all the appropriation bills have been disposed of. [Laughter.]

Mr. COX. That will answer my purpose.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

UNEMPLOYED GENERAL OFFICERS.

Mr. SCHENCK, from the Committee on Military Affairs, reported a joint resolution to drop from the rolls of the Army unemployed general officers; which was read a first and second time.

The joint resolution was read at length.

Mr. SCHENCK. Supposing this joint resolution to be so plain and distinct in its character, the resolution itself so brief, and involving so few points, that it can be understood by gentlemen all around the Hall without difficulty, and also from the fact that I endeavored to report it some weeks ago, and, failing to get the opportunity, it was printed in the Globe, and copied generally into the press of the country, I shall ask the House to vote upon it without delay.

Mr. HOLMAN. I desire to ask the gentleman a question. Since this bill has been introduced, a number of gentlemen from the Mississippi valley interested in the service of the quartermaster's department have made the inquiry as to what will be the effect of it upon Brigadier General Robert Allen, who has been stationed at St. Louis, and probably more recently at Louisville, who has mainly had charge of the quartermaster's department in the West. He has been under orders there for a considerable time. Now, the inquiry I want to make is, whether the effect of this resolution will be to dismiss him from the service or not?

Mr. SCHENCK. I will first say that the Committee on Military Affairs, in framing this bill, had no reference to the particular officers who would be affected under it. Believing that the public service would be benefited by the passage of a bill of this description, and without any regard to those who might be affected by it in one way or another, the Committee on Military Affairs came to the conclusion to present their recommendation in the form of a joint resolution, and to recommend its passage by the House.

If, however, the gentleman who makes this inquiry will direct his attention to the joint resolution itself, he will find that it is not directed to those general officers who do not happen to have been in command of divisions or brigades; it is not directed to those who have no commands but are engaged in the performance of active duties, although it may not have been in a capacity suitable to their respective ranks. And inasmuch as it has been determined by the Department and by the President of the United States to put at the head of quartermaster departments in some departments of the Army officers having the rank which General Allen holds, as long as the Executive Departments see proper to keep them in those positions, this resolution will not affect them. I repeat, the resolution does not apply to those who are simply without commands.

Now, furthermore, if the gentleman will look into the letter of the Secretary of War, which has been sent here in response to a resolution of this House, and which has been printed, he will find there are fourteen major generals entirely unemployed and sixteen brigadier generals entirely unemployed, and that there are thirty-nine major generals and brigadier generals—I do not recollect precisely the proportion of each—who have no commands, but who are employed in various ways, in the War Department, at the head of the quartermaster's department at important points, on boards of various descriptions, on courts-martial, some in one way and some in another, but not in command of brigades or divisions.

That being the fact, if there be among those thirty-nine officers any whose employment is of a character that would be proper to an officer of an inferior grade, a captain, colonel, or major, in the opinion and discretion of the President of the United States, he will be compelled to give him some better employment than that, or the official will fall within the meaning of this rule. It was impossible to draw up the resolution so as to exclude all discretionary power on the part of the President of the United States. The broad discretionary power is left with the Executive. He will be compelled to find employment for these unemployed officers, and he will be compelled to say that those who are now employed in some capacity not proper to their respective grades of rank shall be employed on higher duties, or else they will fall within the provisions of this resolution.

I have made this statement in reply to my colleague, and I will be glad to explain any point in the resolution which gentlemen do not now understand. Believing, as the Committee on Military Affairs do, that it is a public necessity and propriety that this resolution should pass at once, if there be no further explanation needed, I will demand the previous question.

Mr. COX. I understand that the President of the United States has now the power to drop from the rolls of the Army any officer who is unemployed.

Mr. SCHENCK. The President has full discretion to dismiss any officer from the service in the exercise of the arbitrary power he possesses; but it is not clear that it would not be improper for him to exercise that power without good reason for so doing.

Mr. COX. I understand that this resolution does give the President the arbitrary power to dismiss any officer at any time without assigning any reason whatever.

Mr. SCHENCK. It gives the President no such power. The resolution drops the officer when the officer comes within the provisions of the resolution. There must be a discretion in the President to see that every officer is employed according to his grade or rank, and no other discretion is left with him.

Mr. VOORHEES took the floor.

Mr. SCHENCK. One at a time.

Mr. VOORHEES. I do not expect the chairman of the Committee on Military Affairs to yield to me. I ask the gentleman from Ohio [Mr. COX] to yield to me.

Mr. SCHENCK. I cannot yield now.

Mr. VOORHEES. I have no request to make to the gentleman.

The SPEAKER. The gentleman from Indiana must make his request to the gentleman from Ohio, [Mr. SCHENCK,] or he cannot get the floor.

Mr. SCHENCK. I have yielded to my colleague.

Mr. COX. Has this bill been printed?

Mr. SCHENCK. It has not been printed by order of the House, but it has been printed in the Congressional Globe, and in all the newspapers throughout the country.

Mr. COX. My colleague understands very well that there is something in this bill which we cannot comprehend now, something of a personal nature, although he protests in advance there is not. I do not think that my colleague intends to do that. I hope he is too gallant to strike at any brother officer. I ask my colleague to postpone the resolution for a day or two, until it can be

printed, and so that we may see whether there is any back-handed strike at any general now unhappily unemployed.

Mr. SCHENCK. If my colleague will deal in direct inquiry I will understand him. I do not understand or regard his insinuations. There is nothing in the resolution I do not clearly understand. There is nothing concealed in it. If my colleague wants to know whether it includes one general or another, and will ask the question, if it be in my power I will answer. There is nothing concealed in it, and there is no propriety in intimating such a thing. But I cannot allow it to go over upon the mere suspicion that there is something wrong, when we know that nothing wrong or sinister is intended, and when we repel any such insinuations.

Mr. COX. The gentleman need not repel any insinuation until I make it upon him. I do not know whether this bill strikes at Frémont or McClellan or——

Mr. SCHENCK. It strikes neither.

Mr. COX. I do not know but that the gentleman may himself misinterpret the effect of this bill, if not its intent. I would like to understand what it does mean. I do not take things for granted simply because they come from the Military Committee, or because they come from that side of the House. I want to understand it for myself, when I am called on to strike off thirty-nine officers in certain conditions from certain employments. Who is to be helped by it? Is there to be any saving to the Government in this way? Are others to be appointed in the places of those struck down? Let us understand what it does mean. I do not deal in insinuations at all, but I want to make charges openly and boldly when I can understand the intent and meaning of this bill.

I do not know that the gentleman from Ohio intends to strike at Frémont or McClellan, or any other meritorious officers; but give us at least the opportunity to have this bill printed and discussed fairly; and I for one will give it a fair discussion.

I do not stand here the advocate of any man unemployed. I know, so far as General McClellan is concerned, he does not ask any favor from that side of the House. If they choose to force him out of the service or to resign, let them pursue that course. If they propose to take from him his pay, let them go on and do so. He has lost already in the public service every dollar he has made in civil life. He is now reduced in pay, and it may be the object of this bill, so far as I know, to strike off the pay which properly belongs to him. I want this thing fully examined, and to secure that was the only object of the interruption I have made.

Mr. SCHENCK. My colleague being through, I will simply say that when this joint resolution was proposed to be reported several weeks ago from the Committee on Military Affairs, and brought to the attention of the House by being read at the Clerk's desk, my colleague [Mr. Cox] objected upon the ground that he supposed there might be a cat under the meal. I do not know as I use his exact language.

Mr. COX. No, sir. I do not use such expressions yet.

Mr. SCHENCK. My colleague suspected some covert design; my colleague thought somebody was *struck at*. I think I have his words now. Accordingly, as it required the unanimous consent of the House to introduce the resolution as offered, it was at that time withdrawn because of that objection made by my colleague. But although it was withdrawn it went into the debates of the day; it was printed, and went into the newspapers of the country as being a proposition of great public interest, and worthy of being repeated by those who cater for the public taste and information. Now my colleague is not apt to shut his eyes to what is contained in the newspapers. He is keen, he is shrewd, he is critical, as we have seen to-day; and I cannot but believe that when this bill proposed in the House passed into the public prints of the day my colleague took an opportunity to see what it was. He, having a mind of that class and character, I am sure must have understood it; because I appeal to this House on all sides whether the provisions of this bill, simply as read at the Clerk's desk, are not of so clear and distinct and precise a character as to be capable of being comprehended without even any special shrewdness in order to guide one to a proper conclusion as to what is intended.

Mr. COX. I will say to my colleague, so far as that is concerned, that I have been in the habit of looking at our files for the bills to be passed upon by us. I have not seen this bill in the newspapers, or in the Congressional Globe. It was referred back to the gentleman's committee, and now, for the first time, is brought into the House in form, and pressed upon us for passage.

Mr. SCHENCK. Mr. Speaker, this bill is reported in this state of facts, and my colleague compels me to repeat them. We find by official report that at the time that report was made, some weeks since, there were twenty-five unemployed general officers, fourteen major generals and eleven brigadier generals entirely unemployed. At the same time there were thirty-nine employed, some of them in duties according with their grades and others in duties not according with their grades. There were, in short, sixty-four general officers without any command. It was not thought proper by the Committee on Military Affairs, observing this crying evil, observing this large number of general officers drawing from the United States pay amounting in the aggregate to something like three hundred thousand dollars a year, to propose to drop them from the rolls arbitrarily, to dismiss them from the service; but it was thought right to appeal to the Executive and to say to him, as we do virtually say by this joint resolution, "Here you have, at great expense to the country, a large number of officers entirely unemployed. As to them we ask you to give them some employment, or else we, by legislative action, will direct them to be dropped from the rolls. There are others, some of whom are not employed in duties appropriate to their ranks; we ask you, as to them, to give them proper and appropriate employment, and not employ them in duties that should be performed by subordinates. If you do not, we will have to treat them in like manner by legislation." This is a warning to the Executive. It is instructions to the Executive. And its action is contingent on what shall be the action of the Executive.

Now, I do not think it needs that I should defend the motives of the Military Committee in proposing a bill of this kind. The general demand of the country is but responded to by such a resolution. The general need of something to be done is but responded to. It is but answering to that general demand, and providing for that general need, that something shall be done to correct this evil. The committee reports it without reference to any particular individual or officer who may or may not be affected by it.

The gentleman [Mr. Cox] has managed to get off a speech in regard to McClellan. It was entirely uncalled for. General McClellan will be affected by the provisions of this bill unless General McClellan be employed. General Frémont will, in like manner, be affected unless General Frémont be employed. And so with General Buell and other general officers.

I have nothing to say on the merits or demerits of any of these officers, whose friends may be on the one or on the other side of this House. All that I say and that I report is, that a public necessity exists for correcting this evil, and the committee has sought to correct it. I will not even be drawn into any inquiry as to the merits, comparative or intrinsic, of any of these officers. It does not need that I shall respond to anything said by gentlemen on the other side of the House. It does not need that I should enter into a discussion involving the merits, the capacity, the gallantry, the deeds, or the character of any of these officers. All I say is, that the legislative department of the Government desires that the country shall not be taxed to keep up a large number of officers who are rendering no service as an equivalent for the pay that they receive. The resolution recites, not as a part of its effective matter, but as a portion of the preamble inducing to the effective part, that there are a great number of officers who are now performing duties that pertain to subordinate officers. There are colonels, meritorious, gallant men, covered with scars and glory, in the armies of the Potomac and of the Southwest, who have gone through battle after battle, who have served year after year, and who are not merely for months, but almost for years in the command of brigades, having all the responsibilities, all the duties, all the obligations, everything except the rank and pay appurtenant to the position which they have been filling. One effect of the passage of this measure will be, that while we set aside those who are not performing the duties appropriate to their rank, we shall, by thus setting them aside, make openings for the gallant officers who have been bearing the heat and burden of the day; who have been doing the work while these other gentlemen have been drawing the pay.

Mr. ELDRIDGE. I wish to inquire of the gentleman if there is not now authority in the President to drop these general officers, without any resolution whatever, and whether they cannot be dropped without any further legislation upon the part of Congress?

Mr. SCHENCK. He has power to dismiss them from the Army, but that would imply something wrong on their part. We desire no such thing. We desire that by our legislation officers, who have been and shall be for a long time entirely unemployed, may be simply dropped from the rolls of the Army by virtue of that legislation, without implying anything wrong on their part, or attaching any disgrace or dishonor to them. For the President to dismiss them absolutely and arbitrarily would imply impropriety on their part.

Mr. GANSON. I desire to ask the gentleman from Ohio if the committee have any information why these officers are not employed?

Mr. SCHENCK. We have not. I have no doubt that some of them ought to be employed, who ought to have commands assigned them, while there are others who, perhaps, ought to be employed in different vocations than the military service.

Mr. KERNAN. As I understand this resolution, its effect is absolutely to drop from the rolls of the Army every officer who has been unemployed for a certain length of time on the 15th of this month.

Mr. SCHENCK. And who shall be unemployed then.

Mr. KERNAN. Now, does the committee doubt that some of these officers who would be included in that category are meritorious officers? If so, they ought not to be thus dropped out because they have not been employed by any authority. It seems to me it is important that the men who are not fit for these places should be dismissed, or in some way be taken out of the service, while it is more important for us to retain those who have merit, and I think the resolution should provide some mode of discriminating between these classes of officers.

In conversation the other day with an officer holding a high position in the military service, while alluding to these unemployed officers, he said there were many of them who were never fit to hold the positions they occupied and ought to be dismissed, while there were others who were meritorious officers and ought to be retained; that there should not be a general dismissal of all this class of officers without discrimination as to whether they had merit or not. I hope the Committee on Military Affairs will perfect some measure by which that discrimination shall be made, and not require the House to pass to-day upon so sweeping a measure as this.

Mr. SCHENCK. I infer from the inquiries of the gentleman that he is of the opinion that there are among the unemployed officers, and among those not employed in positions suitable to their rank, those who ought to be employed differently.

Mr. KERNAN. I have not that information which would enable me to judge correctly as to who are meritorious. It is clear that there are some of these unemployed officers who are perfectly unworthy to retain position in the Army; and I take it for granted there are others more meritorious; and the inquiry I make is whether it is just thus to inflict this punishment upon them in consequence of these unworthy officers being unemployed?

Mr. SCHENCK. If the gentleman had allowed me to finish my sentence he would have had no occasion to interrupt me. I said that there were in this list officers of high standing and character who, in my judgment, ought to be employed. I said also that, in my opinion, there were officers employed in subordinate capacities who ought to have commands in accordance with their rank.

Mr. KERNAN. Then, I say, let us get some scheme that will discriminate between the meritorious and those without merit. Let us have some tribunal that will sift them out, and dismiss the unworthy, while they retain the worthy.

Mr. SCHENCK. I heard the gentleman upon that point, and I beg to say that while we agree in our premises, I think we do not in our conclusions. You must leave the discretion somewhere; you must leave the discretion of exercising this arbitrary power with the Executive, who is Commander-in-Chief of the Army and Navy, in respect to the employment of officers in such positions as he may see fit to assign them. Now, sir, it is not for us to inquire how, when a man reaches the high position of a general officer, he shall be particularly employed. We must necessarily leave that to the authority which is to employ him. I can easily understand that an officer may not be suitably employed. I can easily understand that an officer may be fitted for a great many duties, and that he may not be equal to the particular duties of the grade or rank to which he happens to be promoted. It does not necessarily follow that that officer should be dismissed from the service with disgrace, that he should be discharged arbitrarily, as if he had done something wrong. Therefore we propose to strip the question of all accidents of that kind. We propose to remove all objections arising from cases of that character and to bring it down to the simple provision, that, finding that the President of the United States does not employ officers under the discretion confided to him, we, representing the Treasury of the people, shall say to the President, after due notice and consideration, that unless unemployed officers shall be employed, and unless officers shall be employed according to their rank, they shall be dropped and others appointed to fill their places. That is the whole extent and meaning of the resolution. It does not go further.

Mr. HOLMAN. In looking over the bill with care, it does not seem to me that one of the evils complained of has been remedied, and that is in reference to the staff of a general officer relieved of command. I suggest to the gentleman from Ohio an amendment to his resolution, like this: that whenever a general officer shall be relieved from actual service for any cause, the staff officers of such general officer shall be assigned to other duty or dismissed from the service.

The reason for that is this: in looking over the report made to the House by the Secretary of War, I notice that a single general had on his staff since relieved from duty six officers—three colonels, a lieutenant colonel, a major, and a captain, receiving pay during the entire time amounting to $10,000 a year. It seems to me if from any cause a general officer is relieved from duty, his staff officers should be assigned to other duty or dismissed from the service. I trust that the gentleman from Ohio will accept my amendment as a modification of the resolution.

Mr. SCHENCK. I cannot consent to that, and for this reason: this Congress will find it inconvenient to take command of the Army. It will be inconvenient for us to say when an officer has been relieved from one duty he shall be appointed to another. If we undertake that, we will find ourselves undertaking a control and discretion which must be left necessarily to the President and those who act for him in the Departments. It is only when the evil becomes crying, it is only when the officers have remained unemployed for a long time, for a quarter of a year, and not employed when the resolution goes into effect, still remaining unemployed, that Congress shall interfere as proposed; that men shall no longer continue to receive pay without rendering an equivalent in the way of service. The exigencies of the service do not always afford immediate employment for officers. It may be two or three weeks before employment can be found for an officer when relieved from duty. It may be that a great many circumstances require the officer to be relieved from duty which cannot be known except to the officer in command. Therefore relieving from duty and putting on duty cannot be made by legislation, but must be subject to the discretion left with the commander of the Army. I demand the previous question.

Mr. COX. There are various amendments to be offered on this side of the House, and we think it no more than fair and just that we should have an opportunity to discuss the resolution. I hope that my colleague will not press it to a vote today; that he will let the resolution be printed, and let amendments we deem essential be voted on. We will then assist him to have action on the measure. This side of the House is determined that this shall be done. We will have a fair discussion of the subject, and an opportunity to present amendments.

I know the gentleman has made a frank and fair exposition of this bill, but we do not understand it in the light in which he has explained it, and think that certain amendments should be offered. I ask the gentleman in all fairness not to press the resolution to a vote this evening. Give us some opportunity to amend it. If the gentleman will yield me the floor for that purpose, I will move that the House adjourn.

Mr. SCHENCK. I cannot yield for that purpose. The gentleman asks me to withdraw the demand for the previous question in order that some measure may be taken to give time to consider this resolution. I was about to consent, but I understand the gentleman has indulged in a threat if I do not——

Mr. COX. No, sir; I cautiously avoided giving expression to any threat; and my gallant colleague ought not to be scared by a threat anyhow.

Mr. SCHENCK. I do not think we should go on paying and paying those who for some reason or other are not rendering services; but if the gentleman says he does not make a threat I agree that the resolution shall be made a special order for some future time.

Mr. COX. That will be right. Let the gentleman fix his time.

Mr. SCHENCK. What day, Mr. Speaker, can this be made a special order?

Mr. COX. The 1st day of April, I suggest. [Laughter.]

The SPEAKER. The Chair would say there are no special orders now in the House. All special orders are in Committee of the Whole House. It can be made the special order for any morning except Friday next, to which time a question of privilege is postponed.

Mr. SCHENCK. Then I will say Thursday next.

Mr. VOORHEES. That is not long enough. I do not object in any captious spirit at all. I hope gentlemen will give us reasonable time.

The SPEAKER. What day does the gentleman suggest?

Mr. VOORHEES. Say Tuesday of next week.

Mr. SCHENCK. That will be satisfactory.

No objection being made, the resolution was ordered to be printed and made the special order for Tuesday next, after the morning hour, and from day to day until disposed of.

Mr. SCHENCK. It is proposed in the bill that it shall take effect from the 15th day of March, which is the day to which its consideration is postponed. That day was selected by the committee because the bill was prepared some time since. I suggest, therefore, now, that the resolution be modified so as to take effect on the 1st of April instead of the 15th of March.

No objection being made, the resolution was modified accordingly.

AMBULANCE SYSTEM.

Mr. SCHENCK, from the Committee on Military Affairs, reported back an act (S. No. 30) to establish a system of ambulances in the United States Army, with sundry verbal amendments.

The amendments were agreed to, and the bill ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PROVOST MARSHAL GENERAL.

Mr. SCHENCK, from the Committee on Military Affairs, reported a bill to increase the rank, pay, and emoluments of the Provost Marshal General; which was read a first and second time by its title.

The bill was read *in extenso*.

Mr. HOLMAN. I would inquire what is the present rank of that officer?

Mr. KELLOGG, of Michigan. Colonel.

Mr. HOLMAN. And this bill proposes to make him a brigadier general?

Mr. KELLOGG, of Michigan. Yes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FRANK demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 68, nays 26; as follows:

YEAS—Messrs. Alley, Ancona, Arnold, Ashley, John D. Baldwin, Baxter, Francis P. Blair, Blow, Broomall, William G. Brown, Cobb, Cole, Creswell, Deming, Donnelly, Driggs, Eden, Eliot, Farnsworth, Gauson, Garfield, Hale, Harrington, Hooper, Hotchkiss, Asahel W. Hubbard, Hulburd, Julian, Kasson, Kelley, Francis W. Kellogg, Lazear, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Amos Myers, Leonard Myers, Nelson, Norton, Charles O'Neill, Orth, Pendleton, Perham, Samuel J. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Shannon, Stebbins, Stiles, Stuart, Sweat, Thayer, Upson, Wadsworth, Ward, Webster, Williams, Wilder, and Windom—68.

NAYS—Messrs. Allison, Augustus C. Baldwin, Boutwell, Chanler, Dawes, Dixon, Eckley, Eldridge, Frank, Holman, John H. Hubbard, William Johnson, Law, Le Blond, Middleton, Daniel Morris, Noble, John O'Neill, Pike, Price, Rogers, Scofield, Tracy, William B. Washburn, Joseph W. White, and Wilson—26.

So the bill was passed.

Mr. FARNSWORTH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PAY AND PENSIONS OF CHAPLAINS.

Mr. FARNSWORTH, from the Committee on Military Affairs, reported back sundry memorials from chaplains of the Army, accompanied by a bill to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;" which was read a first and second time.

The first section of the bill provides that from and after the passage of this act chaplains in the regular and volunteer service, and in hospitals, shall not suffer any diminution of their pay and allowances when absent from duty on leave, on account of sickness or other disability, or when held by the enemy as prisoners.

The second section of the bill so amends the pension act of July, 1862, as to include chaplains in the regular and volunteer service; provided that the pension to which a chaplain shall be entitled for total disability shall be twenty dollars a month; and it provides that the provisions of the act to which the section is an amendment shall apply to the widows, children, mothers, and sisters of chaplains of the land forces who have died since the 4th day of March, 1861, or shall die of wounds or disease contracted in the service of the United States, or while such chaplains are or shall be in the line of their duty.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FARNSWORTH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARMY STOREKEEPERS.

Mr. FARNSWORTH also, from the Committee on Military Affairs, reported back sundry memorials from storekeepers in the United States Army, asking Congress to enact a law defining their rank, and moved that the committee be discharged from the further consideration of the same, and that they be laid upon the table.

The motion was agreed to.

MILITARY ROAD IN WASHINGTON.

Mr. FARNSWORTH also, from the same committee, reported back bill of the House No. 115, granting lands to the Territory of Washington to aid in the construction of a military road from Fort Walla-Walla to Puget Sound, with an amendment in the shape of an additional section, and with the recommendation that it do pass.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FARNSWORTH. I move the previous question on the passage of the bill.

Mr. JULIAN. I hope the gentleman will withdraw that demand.

Mr. FARNSWORTH. I will do so, and yield to the gentleman from Indiana.

Mr. JULIAN. Mr. Speaker, I hope that the passage of this bill will not be insisted on at this time. The bill has not been printed, and we have had no opportunity to scrutinize its provisions. It makes an immense grant of the public domain, and we ought at least to have an opportunity of carefully examining it. There are bills of this character now before Congress granting about one hundred million acres of the public domain which the homestead bill designed to reserve for the people themselves for the purpose of actual settlement and improvement. I am opposed to frittering away the public domain of the United States by indirection, as well as by any policy of open abandonment. I hope that the bill will be recommitted and printed, so that we may have an opportunity at some future period of examining it. If the gentleman from Illinois will yield to me for the purpose, I will make that motion.

Mr. FARNSWORTH. No, sir; I cannot yield to the gentleman for that purpose.

Mr. ASHLEY. I would ask the gentleman from Illinois how many acres of the public domain this bill appropriates?

Mr. FARNSWORTH. It appropriates the alternate sections for three miles on each side of the proposed road, which is about two hundred and fifty miles in length between the termini.

Mr. ASHLEY. How many acres of land does it appropriate?

Mr. FARNSWORTH. I cannot state the number of acres.

Mr. ASHLEY. What is the estimated cost of the road per mile?

Mr. FARNSWORTH. I do not know. There has been no survey of the road as yet, and no such estimate has been made.

Mr. ASHLEY. Then I hope the bill will not be put through in this way.

Mr. FARNSWORTH. This bill is precisely like other bills which have passed Congress at previous sessions, granting lands to aid in the construction of military roads and turnpikes. There is a large section of country, probably two thirds of the distance over which this road is to be constructed, which is a desert, where the lands are utterly worthless, and there is no portion of the country through which the road is to be built where settlers will go and settle until you build the road.

Besides, Mr. Speaker, the emigrant is now obliged, from the want of a road between these two points across the Cascade mountains, to sell his stock, or give it away, or leave it in the mountains in the vicinity of Walla-Walla, and take boat and go down the Columbia river before he can reach the western slope of the mountains.

Mr. NORTON. Mr. Speaker, there seems to be some doubt in the minds of members as to the merits of this bill, and it would be well if the House had some time to consider it. If my colleague will yield to me, I will make a motion to adjourn.

Mr. FARNSWORTH. I have no objection to yield for that purpose.

Mr. NORTON. I move that the House do now adjourn.

Mr. ANCONA. Will the gentleman withdraw that motion that I may introduce a resolution of inquiry?

Mr. NORTON. I will do so.

EXPENSES OF THE MILITIA.

Mr. ANCONA, by unanimous consent, introduced a resolution directing the Secretary of War to inform the House as to the causes for the delay in the payment of the expenses of the draft of the militia in the State of Pennsylvania in October, 1862, and to state whether any legislation is requisite to facilitate and secure the prompt settlement of such expenses.

Mr. NELSON. I ask the gentleman from Pennsylvania to amend the resolution so as to make it include also the militia of the State of New York.

Mr. ANCONA. I accept the modification, and move the previous question.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

NAVAL OFFICERS.

Mr. RICE, of Massachusetts, by unanimous consent, introduced a bill to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HOMESTEADS FOR THE ARMY AND NAVY.

Mr. JULIAN, by unanimous consent, reported from the Committee on Public Lands a bill to secure to persons in the military or naval service of the United States homesteads on confiscated or forfeited estates in insurrectionary districts; which was read a first and second time, recommitted to the Committee on Public Lands, and ordered to be printed.

Mr. NORTON. I now insist on my motion to adjourn.

The motion was agreed to; and thereupon (at forty minutes past four o'clock, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 9, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in obedience to the act of July 14, 1862, for the relief of preëmptors on the home reservation of the Winnebagoes in the Blue Earth region, in the State of Minnesota, a schedule of claims presented under that act and the awards to be paid to the claimants for losses by reason of the appropriation of their settlements for Indian reservations; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I am requested to present the memorial of the Ohio Wool-Growers' Association, recently assembled at Columbus, Ohio, in which they represent that the number of dogs enumerated in the State of Ohio is one hundred and seventy-five thousand, and the actual number is nearly five hundred thousand; that the depredations of these dogs tend to prevent the growth of wool in that and the adjoining States; and they pray that Congress may lay a heavy tax on them. I ask that the memorial be referred to the Committee on Finance.

It was so referred.

Mr. WILSON presented the memorial of T. W. Higginson, colonel commanding the first regiment of South Carolina volunteers, praying for an appropriation to pay the enlisted men of that regiment the arrears now due under the original contract of enlistment, and to legalize the payments already made to it by Major W. J. Wood, paymaster; which was referred to the Committee on Military Affairs and the Militia.

Mr. MORGAN presented the memorial of George Griswold and others, citizens of the United States, praying for indemnification for losses sustained by the spoliation on our commerce by French cruisers prior to September, 1800; which was referred to the Committee on Foreign Relations.

Mr. RAMSEY presented nineteen memorials of citizens of Minnesota, remonstrating against any change being made by Congress in the act granting lands to that State for railroad purposes; which were referred to the Committee on Public Lands.

Mr. TEN EYCK presented a petition of citizens of Atsion, New Jersey, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

REPORTS FROM COMMITTEES.

Mr. FOSTER, from the Committee on the Judiciary, to whom was referred a bill (S. No. 91) to quiet titles in favor of parties in actual possession of lands situated in the District of Columbia, reported it with amendments.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (S. No. 28) declaring the objects of the war, reported it with an amendment.

He also, from the same committee, to whom was referred a bill (S. No. 151) relating to chaplains, and for other puposes, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 261) to provide for the voluntary enlistment of any persons, residents of certain States, into the regiments of other States, reported it without amendment.

Mr. MORGAN, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 47) for the relief of Rev. W. B. Matchett, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

REGISTER TO STEAMER MOHAWK.

Mr. CHANDLER. The Committee on Commerce, to whom was referred a joint resolution (S. No. 31) authorizing the issue of a register to the steamer Mohawk, have instructed me to report it back without amendment. If there is no objection, I will ask that it be put upon its passage now, as it will take but a moment.

There being no objection, the joint resolution was considered as in Committee of the Whole.

It authorizes the Secretary of the Treasury to issue an American register to the Canadian-built steamer Mohawk now owned by Warren Chapman, George Parmelee, and Matthias Teetzel, of St. Joseph, in the State of Michigan.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

INTEREST ON THE PUBLIC DEBT.

Mr. SHERMAN. I am instructed by the Committee on Finance to report back the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, with an amendment; and I move that it be made the special order for one o'clock to-morrow. It is important to have the matter disposed of.

Mr. FOOT. It would be better to fix it for half past twelve o'clock.

Mr. SHERMAN. But it might give rise to debate, and if so it would go over at one o'clock if that were done.

Mr. FOOT. I make the suggestion merely because if any matter should be left as unfinished business to-day it would take precedence of this measure at one o'clock if this were simply made a special order.

Mr. SHERMAN. Then I move to make this joint resolution the special order for half past twelve o'clock to-morrow.

The motion was agreed to by a two-thirds vote.

BRITISH PRESENT TO A SHIP-MASTER.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred the President's message relating to the schooner Highlander and the proposition giving to the master authority to receive a present from the British Government, have had the same again under consideration, and have directed me to make a supplementary report in the shape of a resolution which I will send to the Chair. If there be no objection, I will ask that it be acted on now.

There being no objection, the Senate proceeded to consider the following resolution:

Whereas it appears that the schooner Highlander was not in the naval service of the United States, and that, though in the service of the quartermaster's department, her master had no commission under the United States,

Resolved, That the master of the Highlander is not a person holding an office of profit or trust under the United States, such as is contemplated in the Constitution in its prohibition of an acceptance of a present from a king, prince, or foreign State without the consent of Congress.

Mr. SUMNER. In explanation of this resolution, I send a letter from the Department of State to the Chair, which I ask to have read.

The Secretary read it, as follows:

DEPARTMENT OF STATE,
WASHINGTON, *March* 5, 1864.

SIR: In answer to your oral inquiries in regard to the schooner Highlander, I have the honor to acquaint you that this Department has been officially informed that neither that vessel nor her commander were in the naval service. Informal inquiries at the War Department have resulted in ascertaining that she was in the service of the quartermaster's department, but that the captain held no commission under the United States. It may be questionable, therefore, whether he held such an office of trust and profit as is contemplated in the clause of the Constitution which

forbids the acceptance of presents without the consent of Congress. In a case of doubt, however, it may be considered preferable to refer the matter to Congress, as has been done in the instance of the Highlander.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES SUMNER, *Chairman of the Committee on Foreign Relations, Senate.*

Mr. SUMNER. The committee have had the subject under consideration, and have directed me to report the resolution which has been read, which would be in the nature of an answer by the Senate to the message of the President.

The resolution was adopted.

Mr. SUMNER. In order to finish this subject, I will ask the Senate to take up and indefinitely postpone the joint resolution we had under consideration the other day with reference to the master of the schooner.

The motion was agreed to; and the joint resolution (S. No. 29) giving the assent of Congress to the acceptance of a watch from the British Privy Council of Trade, by the master of the American schooner Highlander, was indefinitely postponed.

JOHN DICKSON.

Mr. MORGAN. I am instructed by the Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 296) for the benefit of John Dickson of Illinois, to report it back, and ask that it be referred to the Committee on Claims.

Mr. HARLAN. I hope that bill will not be referred to the Committee on Claims, but that it will be taken up for consideration at this time. I have no doubt but that if the Senate spend two minutes in hearing the report of the House of Representatives, it will be passed without a dissenting voice. It is a case of extreme hardship, in which a man will be ruined unless he receives relief before next Saturday.

The VICE PRESIDENT. The first question will be on agreeing to the report of the committee.

The report was not agreed to.

The VICE PRESIDENT. The Senator from Iowa now asks the Senate to give its unanimous consent to consider this bill at the present time.

There being no objection, the Senate proceeded to consider the bill (H. R. No. 296) for the benefit of John Dickson, of Illinois, as in Committee of the Whole. It directs that the sum of $21,000 be paid to John Dickson, of Illinois, to compensate him for the damages he sustained by reason of the failure of J. W. Belger, quartermaster of United States volunteers, to receive one hundred thousand bushels of corn tendered him by Dickson, under a contract therefor.

Mr. WILLEY. I hope that this bill will pass. I have the report of the committee of the House of Representatives which I will ask may be read.

The Secretary read it, as follows:

The Committee on Military Affairs, to whom was referred the petition of John Dickson, for compensation for damages on account of the non-acceptance of one hundred thousand bushels of corn by the Government, in pursuance of a contract made by Colonel Belger, quartermaster at Baltimore, beg leave to report:

That they find that the statements contained in the following letter of Mr. Dickson are true, and they report a bill for his relief, giving him the actual difference between the contract price—seventy-five cents per bushel—agreed to be paid by the Government and price realized by Dickson for the corn when he was obliged to sell it in the market of Baltimore, namely, fifty-four cents. This is twenty-one cents per bushel, amounting to $21,000. This does not include anything for storage, drayage, or interest.

WASHINGTON, D. C., *February* 26, 1864.

MY DEAR SIR: Agreeable to your request I hand you the following statement:

In the month of December, 1861, I purchased of J. W. Bell, of Illinois, a contract made with him by the Government, at Baltimore, on the 28th day of November, 1861, for the delivery of one hundred thousand bushels of corn, to be delivered in Baltimore at sixty-nine cents per bushel, and six cents per bushel for the sack—in all seventy-five cents per bushel. I agreed to pay Bell $900 for the contract, provided the quartermaster at Baltimore would sanction the assignment of the contract by Bell to me. I deposited the money with a gentleman in Chicago. And I was to take the contract and go on to Baltimore, and if the quartermaster would acknowledge the contract and the assignment to be right and correct, then I was to telegraph the gentleman in Chicago to pay over the money to Bell. I came on to Baltimore; called upon the quartermaster, (Major Belger;) showed him the contract with the assignment by Bell. Belger assured me that it was all right, and would be carried out, and ordered my name to be put on his books in the place of Bell's; also, when he made out his report of contracts made with different parties, I was one of the contractors named; and my name and contract were sent with others to the receiver of produce at the Camden station of the Baltimore and Ohio railroad, but there was no order sent to receive the corn, and I was put off from day to day for two months, the quartermaster stating that they had no capacity to dispose of the corn, for they had such quantities on hand, and at the same time were receiving corn from other parties at two cents per bushel more than I was to get for mine. After waiting over two months, I made a written tender of the corn to him. He then referred me to the Quartermaster General in Washington, and when I called upon him he said they had more corn on hand than he could dispose of, but wanted to know why Belger referred these things to him, as he (Belger) made the contract.

I held the corn until the month of June, 1862, paying storage. It was during this month that the Quartermaster General refused to receive the corn. Then I was compelled to sell on a low market in hot weather, receiving at an average of fifty-four cents per bushel, leaving me at a loss of twenty-one cents per bushel, besides storage and the interest of money that I had borrowed to purchase the corn and bags with. After I paid for the bags and corn, and expenses, I could not have made over one cent per bushel. However, I fulfilled my part of the contract in good faith. I never once thought but what the Government, through her agents, would do the same by me. I borrowed the money to pay for the corn and expenses, and my neighbors indorsed my notes, with the expectation that I would return the money in sixty days. I was not able to do so owing to the Government failing to receive the corn. When I returned home I relieved my indorsers by giving trust deeds upon my property, which deeds matured several months since. I paid on them what money I received, and the time has been extended until now. I expended several thousand dollars of my own, which leaves me now more than $25,000 worse off than when I commenced. In the mean time I was struck down by apoplexy, caused by excitement and over-exertion, and I am now ruined in health and property. The President has three times indorsed me and my claim, and requested that I should be relieved. The Committee on Military Affairs of the last Congress made a unanimous report in my favor. It passed two readings in Congress without a dissenting voice. Judge Olin, the chairman of the committee, assured me that the case was too plain for a doubt; I feel that the claim is as honest and as just as Heaven itself. I pray for relief, and to this honorable committee, to save me from bankruptcy and want, now in my advanced age. If I have done anything wrong on my part, then I do not want it; but if I have honestly done my duty, then save me; defeat and disappointment will send me to my grave. I plead that I have served the Government as an honest, loyal man should do, and should not the Government be faithful to her engagements? In the name of God and justice I appeal to the honorable committee to examine my case, and if they in their judgment consider it just, I will hope to get immediate relief that will save me from trouble and my property from being sacrificed. It must be done at once or it will be too late. And I will ever pray.

Your obedient servant,

JOHN DICKSON, *of Illinois.*

Hon. R. C. SCHENCK, *Chairman of the Committee on Military Affairs, Washington, District of Columbia.*

The bill was reported to the Senate without amendment, ordered to a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 30) to establish a uniform system of ambulances in the armies of the United States, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (No. 220) to vacate and sell the present Indian reservations in Utah Territory and to settle the Indians of said Territory in the Uinta valley;

A bill (No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General; and

A bill (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed on the 8th instant the following bills:

A bill (S. No. 15) to incorporate the Washington City Savings Bank;

A bill (S. No. 19) for the relief of L. F. Cartee;

A bill (S. No. 39) to authorize the enrollment and license of the steam-tugs B. F. Davidson and W. K. Muir;

A bill (S. No. 81) to apportion the expenses of the levy court of the county of Washington upon the basis of population; and

A bill (S. No. 110) for the relief of John H. Shepherd and Walter K. Caldwell of Missouri.

PRINTING OF BILLS AND REPORTS.

On motion of Mr. DOOLITTLE, it was

Ordered, That the bill to provide for the better organization of Indian affairs in California be printed.

On motion of Mr. JOHNSON, it was

Ordered, That the bill to regulate certain proceedings in criminal and civil cases, and for other purposes, be printed.

On motion of Mr. HOWARD, it was

Ordered, That the report of the Secretary of the Interior, communicated to the Senate on the 7th instant, and referred to the Committee on the Pacific Railroad, be printed.

Mr. POMEROY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That three thousand copies of report No. 25 on bill S. No. 99, to secure equality before the law in the courts of the United States, be printed for the use of the Senate.

NOTICE OF A BILL.

Mr. POWELL gave notice of his intention to ask leave to introduce a bill to prevent the Secretary of War and others engaged in the military service of the United States from interfering with the freedom of religion.

BILLS INTRODUCED.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 33) to enable the Secretary of the Treasury to obtain the title to certain property in Carson City, and Territory of Nevada, for the purposes of a branch mint located in said place; which was read twice by its title, and referred to the Committee on Public Lands.

Mr RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 157) for the relief of the citizens of the town of Denver, in the Territory of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

PRINTING OF THE LAWS.

Mr. RIDDLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of causing the laws, as the same are passed, from time to time during the session of Congress, to be printed for the use of the Senate.

REPEAL OF FUGITIVE SLAVE LAW.

Mr. HARDING. I move to postpone all prior orders, and that the Senate take up House bill No. 116, in relation to university lands in Washington Territory.

Mr. SUMNER. I call for the special order. I must remind the Chair that there is a special order for this hour, half past twelve o'clock.

The VICE PRESIDENT. The special order of the day is now before the Senate. It escaped the recollection of the Chair, or the Chair would have called it up precisely at the hour named. The bill (S. No. 141) to repeal all acts for the rendition of fugitives from service or labor is now before the Senate as in Committee of the Whole.

Mr. DAVIS. I ask the Secretary to read the order of the Senate making that bill the special order, for the information of the Senate.

Mr. SUMNER. I can explain it to the Senator. A few days ago I asked to have this bill taken up in order to have it made a special order, and there was a formal vote to that effect.

Mr. DAVIS. I remember the motion of the Senator from Massachusetts, but I want to hear the exact terms of the order of the Senate. I will suggest, with the permission of the Senator, that it is my purpose to debate that bill; but I promise that my remarks upon it shall be short. I desire also to speak on the bill that was under consideration when the Senate adjourned yesterday evening, and I do not wish to make two speeches on different subjects on the same day.

Mr. SUMNER. Would it be more agreeable to the Senator, then, to go on now with the other bill?

Mr. DAVIS. That will be perfectly agreeable to me.

Mr. SUMNER. My object is to press the bill that is now before the Senate to a decision as soon as possible. I am not aware of there being many Senators who can desire to debate it. I believe the discussion therefore will be very brief. Indeed, I did hope that we might have a vote upon it without debate. But still, as the Senator expresses a desire to debate it, I certainly will not

stand in his way. I am ready, therefore, to take the course that will be most agreeable to him.

The VICE PRESIDENT. The Secretary will read an extract from the Journal of March 7 relating to the action of the Senate on this bill making it the special order.

The Secretary read, as follows:

"On motion by Mr. SUMNER, the bill (S. No. 141) to repeal all laws for the rendition of fugitives from service or labor was read a second time, and considered as in Committee of the Whole.

"And on motion by Mr. SUMNER,

"*Ordered*, That the bill be postponed to, and made the special order of the day for Wednesday next, at half past twelve o'clock, two thirds of the Senators present agreeing thereto."

Mr. DAVIS. The effect of that order would be, if the subject was not concluded at one o'clock, to continue it under the consideration of the Senate as the special order for this day, I suppose, and not for the morning hour. However, the suggestion of the Senator from Massachusetts would be most agreeable to me, if it is only acceptable to the Senate; and that is that the other bill should be taken up and should first be disposed of.

Mr. SUMNER. May I ask the Senator if it would be agreeable to him that the subject now before the Senate should be made the special order, we will say, for Friday next at half past twelve o'clock?

Mr. DAVIS. I have no objection to any day after to-day.

Mr. SUMNER. Then I move that the further consideration of the bill be postponed until Friday next, and be made the special order for that day at half past twelve o'clock.

Mr. HENDRICKS. I move to amend the proposition of the Senator from Massachusetts by making it the order of the day for this day week. I think some reasonable time ought to be given to examine the reports made by the majority and the minority of the committee.

Mr. SUMNER. If the Senator has not made the examination, and he really desires that the consideration of the bill should be postponed for a week, I will consent to it.

Mr. HENDRICKS. I should not have made the motion if I did not desire it. I do not say that I am going to debate this question, but of course if I desire to do so, I wish to have time first to examine the reports.

Mr. SUMNER. Very well. I accept the proposition of the Senator, and I will modify my motion according to his suggestion.

The VICE PRESIDENT. Then the question is on postponing the bill until Wednesday next, and making it the special order of the day at one o'clock.

The motion was agreed to.

DEFICIENCY BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate to the said bill; and

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, disagree to the amendments of the House to other amendments of the Senate thereto, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. FESSENDEN, Mr. FOOT, and Mr. CARLILE.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 220) to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta valley—to the Committee on Military Affairs and the Militia.

A bill (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes"—to the Committee on Military Affairs and the Militia.

A bill (No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General—to the Committee on Military Affairs and the Militia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill of the Senate (No. 69) to constitute Parkersburg, in the State of West Virginia, a port of delivery; and also that the House had passed a joint resolution of the Senate (No. 11) of thanks to Major General George H. Thomas and the officers and men who fought under his command at the battle of Chickamauga, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House of Representatives had appointed Mr. THOMAS WILLIAMS, of Pennsylvania, one of the managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 156) to supply deficiencies in the appropriations for the fiscal year ending the 30th of June, 1864, in the place of Mr. GLENNI W. SCOFIELD, excused.

AMBULANCE CORPS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 30) to establish a uniform system of ambulances in the armies of the United States.

Mr. WILSON. There are but two amendments made by the House. One is to substitute the word "shall" for "will," and the other is to add the word "mules" after the word "horses" for ambulances. The amendments are right, and I hope they will be concurred in at once. I move that the Senate concur in those amendments.

The motion was agreed to.

COTTON SPECULATIONS BY OFFICERS.

The VICE PRESIDENT. The unfinished business of the morning hour of yesterday is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the following resolution:

Resolved, That the President of the United States be requested to transmit to the Senate the report and evidence taken by the military commission at the head of which was Major General Irwin McDowell, appointed to investigate the conduct of officers of the Army, and others engaged in the military service, in cotton and other speculations; and that the President be also requested to accompany said report and testimony with any and all testimony in his possession or in the War Department tending to elucidate the transaction embraced or referred to in said report.

The pending question being on the amendment of Mr. LANE, of Kansas, in line one, after the word "requested," to insert, "if in his opinion not inconsistent with the public interests."

Mr. LANE, of Kansas. I hope the Senate will adopt my amendment. I should like very much indeed to have this testimony with the testimony included by the amendment of the Senator from Iowa, so far as General Curtis is concerned, brought before the Senate and the country; but I know that great injustice will be done by calling for this testimony as a whole. We have an instance in our State of a general who has since that report gone out of the service, who is assaulted indirectly by that commission. He is innocent, and yet his fair fame will be tarnished by the publication of this testimony. I hope the President may be permitted to judge of the propriety of furnishing this testimony to the Senate.

Mr. HARLAN. I have no objections to the amendment proposed by the Senator from Kansas, but I do not think the resolution itself ought to be adopted. This commission was not a tribunal known to the laws of the country. It was neither a civil nor a military court. It was a commission authorized by the President or the Secretary of War to make inquiry as to the truth of rumors that had been put afloat through the newspapers and in other divers ways. There had been no charges made against any officer of the Government, civil or military, in that direction in such a tangible form as to enable the Secretary of War to organize a court for the trial of any human being on earth. But certain individuals had put into circulation rumors through the newspapers and orally that prejudiced the character as was thought of some of the officers of the Government; and for the purpose of ascertaining whether there was sufficient foundation in these rumors to justify charges being preferred *pro forma* against any of the officers of the Government, this commission was organized. They entered on the discharge of their duties and made a report. After this report was made, when General Curtis and others demanded a court of inquiry, or a court-martial, to try them for the alleged offenses as stated in the newspapers, they were informed that there were no charges preferred against them.

In this condition of things the Senator from Kentucky demands that the record of that commission shall be sent to the Senate, and says, in so many words, that the Senate has a right to the record. If it were the record of any tribunal known to the law, either civil or military, his allegation would be true, and I would vote for the adoption of his resolution; but with great respect for his opinion I submit that this commission was in the nature of an inquiry put on foot by a grand jury charged with the duty of ascertaining whether some offense had been committed. Who ever heard of a call being made for the record of a grand jury in a case when they themselves allege that they have found no charge against any human being on earth; that they have examined the rumors that have been afloat in the country and have found no facts that justify them in bringing charges against anybody? That is this precise case.

A parallel case might be made if some outside person should demand the record of the Senate here in executive session. When charged with the examination of the fitness of some nominee for office, they examine into rumors alleged to prejudice the character of an individual whose name comes before the Senate and ascertain that there are no just grounds for the rumor, and then somebody outside should demand that the proceedings of the Senate shall be made public. Sir, it seems to me that this is an unheard-of demand; it is without precedent.

If this were the record of a court-martial or a court of inquiry known to the law, I would vote for the Senator's resolution; but it is not. This commission was a mere informal inquiry, put on foot by the President of the United States, to ascertain whether there were facts to justify a formal examination; and when he himself has ascertained that there are no such facts in existence, and so states to the parties whose names have been mentioned in connection with the examinations, it seems to me it is unbecoming the Senate to make a request of him for the written statement of facts which he has ascertained in such an informal procedure.

Mr. POWELL. It is not my purpose to enter into any further argument of the case. I merely desire to have a vote upon the resolution. I cannot fully comprehend the positions taken by the various Senators, however, in this debate. Some of them say there are certain charges in the report of this commission that would be damaging to the reputation of officers. Others say that when the commission made their investigation of these charges they turned out not to amount to anything, and that the parties whose names have been used in connection with it have not done wrong. The honorable Senator from Iowa says it was not a proceeding authorized by law. I had supposed military commissions of this kind could go out from the War Office lawfully. If it is not a proceeding authorized by law, it strikes me the War Office, or the President, or whoever authorized this commission, must have acted in violation of law; which I do not presume is the case.

Mr. HARLAN. The Senator, I think, misapprehends my remark. I did not say that it was organized in violation of any law.

Mr. POWELL. I did not so understand the Senator. I understood him to say it was not authorized by any law. If it was not authorized by law, certainly there must have been some violation of law; it was an unlawful proceeding, to say the least of it. However, I am willing that a vote should be taken on the resolution at once.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the resolution as amended.

Mr. POWELL called for the yeas and nays; and they were ordered.

Mr. GRIMES. I do not desire any misconstruction to be placed on my vote. I never have and never intend to vote against calling for the proceedings of any legitimate court of inquiry or

court-martial where the party who was arraigned had an opportunity to appear by himself or counsel and defend himself; but I do not intend to vote for this resolution. Because a commission appointed as my colleague has said, and I have no doubt he is correct, without express authority of law goes around and fishes up *ex parte* testimony and reduces it to writing, I do not think it is the province of the Congress of the United States to call that *ex parte* testimony before them and print it and send it out, not knowing whether or not it is calculated to impeach the character of the men who may thus be assailed. If this were a court of inquiry or a court-martial, or if the parties who were supposed to be involved in this investigation had had the slightest opportunity to be heard, I should not record my vote against it, but, on the contrary, should record my vote in favor of it; but I cannot consent to stab the reputation of the men who are fighting our battles for us, as I believe we should stab them if we should call for this sort of *ex parte* testimony and cause it to be printed and spread before the country.

Mr. ANTHONY. I shall vote on precisely the ground stated by the Senator from Iowa. I look upon this as a record of unproved charges, and I think it is exceedingly improper that they should be made public.

Mr. POMEROY. The Senator will recollect that an amendment has been adopted leaving the discretion entirely with the President to answer the resolution.

Mr. ANTHONY. It is discretionary for the President to make it public now if he sees fit; but if we ask him to do it, we place the burden of proof on him.

Mr. GRIMES. Let me say in addition, that I do not make these remarks for the purpose of exculpating General Curtis; for I know that his record is perfectly blameless, and the testimony that would be called for under this resolution with the amendment which I have proposed would show his entire innocence; but I do not know whether other officers have been arraigned in the same insidious manner in which General Curtis has been; I do not know what investigations have been had in regard to other individuals; and until I do know, I am not prepared to vote for this resolution.

Mr. LANE, of Kansas. I propose to vote for this resolution as it has been amended, for the reason that I do not wish to place myself in the position of refusing an investigation of any kind, in any way, or in any direction. I feel assured that the President under it will furnish to the country the evidence so far as General Curtis is concerned *pro* and *con*. I hope he will do so. I know that the record places General Curtis in a proud position before the country. It shows that he was vilely slandered, and that he has been sustained by the President of the United States.

Mr. CONNESS. That would be very well if we were not establishing a precedent for like action, and for continued calls of this kind affecting generals and public officers all over the country. For the reason stated by the Senator from Iowa and his colleague I shall oppose every such resolution as this.

Mr. POWELL. I will merely remark that the precedents are abundant and full in favor of publishing such reports; for instance, the Frémont commission, and also the commission to examine into gun contracts, to which I referred the other day.

Mr. GRIMES. The Frémont commission was a commission sent out by the legislative body itself. I ask the Senator from Kentucky to cite a single instance similar to this where the proceedings of a military commission were ever published.

Mr. POWELL. The commission to investigate ordnance and gun contracts was issued from the War Office, and their report was published by the Senate.

Mr. GRIMES. There was no commission in that case. We merely called for the facts from the Department of War, and they sent us a statement of the contracts.

Mr. POWELL. By a resolution which I introduced, the Senate called for the report made by Mr. Holt and Mr. Owen on gun contracts, and that report was printed.

The question being taken by yeas and nays, resulted—yeas 11, nays 25; as follows:

YEAS—Messrs. Buckalew, Carlile, Davis, Hendricks, Johnson, Lane of Indiana, Lane of Kansas, Nesmith, Powell, Riddle, and Wright—11.

NAYS—Messrs. Anthony, Brown, Chandler, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Howard, Howe, Morgan, Pomeroy, Ramsey, Saulsbury, Sumner, Ten Eyck, Wade, Wilkinson, Willey, and Wilson—25.

So the resolution was rejected.

CALIFORNIA LAND TITLES.

Mr. CARLILE. In looking over the amendments reported by the Committee on Public Lands as printed with Senate bill No. 109, to expedite the settlement of titles to lands in the State of California, I find a slight amendment omitted that I desire to be inserted. It may not have been in the manuscript. I move to strike out——

The VICE PRESIDENT. That bill is not before the Senate.

Mr. CARLILE. I wish to state why I desire the Senate to take it up. It will not take a moment. I merely wish to make a correction in reference to an act which is made a part of this act.

By unanimous consent, the Senate proceeded to consider the bill (S. No. 109) to expedite the settlement of titles to lands in the State of California.

Mr. CARLILE. In the forty-fourth line, on page 3, after the word "act," I move to strike out the word "of," and insert the word "approved;" and after the word "February," in the same line, I move to insert "23d;" and after the word "four," in the next line, to insert "entitled 'An act amendatory of and supplementary to an act to provide circuit courts for the district of California,'" &c.

The amendment was agreed to.

Mr. CARLILE. Now the bill can lie on the table.

The motion was agreed to.

PAY OF COLORED TROOPS.

The VICE PRESIDENT. The special order of the day is the unfinished business of yesterday, being the bill (S. No. 145) to equalize the pay of soldiers in the United States Army, which is now before the Senate as in Committee of the Whole, the pending question being on the amendment proposed by the Senator from Kentucky, [Mr. DAVIS.]

Mr. DAVIS. I ask the Secretary to read that amendment.

The Secretary read it, to add the following as an additional section to the bill:

And be it further enacted, That every slave or slaves that may have been heretofore or may hereafter be taken into the service of the United States, the loyal owner or owners of such slave or slaves shall be entitled to their fair and reasonable value, to be ascertained by three commissioners to be appointed by the United States district court for the district from which such slave or slaves may have been taken, and such commissioners shall take evidence and report on the points of the loyalty and ownership of the claimants, and the value of such slave or slaves, and when said report is confirmed by the district court aforesaid it shall be conclusive on the points embraced by it; and on the presentation of an authenticated copy of said report to the Treasury Department any sum or sums therein appearing to be due any loyal owner or owners shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. DAVIS. Mr. President, there is no member of the Senate who is more sensible than myself of the distaste with which the majority of this body hear any objections to its favorite measures, especially those connected with the war they are waging, not only against the rebels, but also against slavery; of the repugnance with which that majority hears me in opposition to such measures. I do not complain of the fact, and I do not assume that it is unreasonable. I know the frequency and the length with which I address the Senate in a weak and fruitless opposition to the measures of the majority. But, sir, I have a child's bargain to offer to that majority. If they will in future forego the presentation of measures that are an infraction of the rights of property and of the Constitution of the United States, and if they will repeal all laws and negative all executive proclamations of that character, I shall have nothing further to say upon the subjects of these measures and proclamations.

Mr. President, for the last month the Senate has occupied, I believe, fully two thirds of its time in legislation for and concerning the negro; and I suppose the negro, instead of the white man, has absorbed fully three fourths of the sympathies of the majority of the Senate, so far as they were manifested in its legislative and official action. Although I am partly responsible, I am not altogether, for the time that I have occupied in contesting measures and propositions that were intended, in my opinion—at least they do, whether they were so intended or not—infringe the constitutional rights of property of my constituency, and of large portions of the American people.

Sir, the mind of man is a perpetual enigma. The operations of his reason, of his sense of justice, right, and duty are perpetually varying, and present some of the most strange phenomena of which we have any knowledge. Among the striking peculiarities of the human intellect these are specimen evidences: men lay down a particular theory or they advance a proposition. The one or the other or both enlist their feelings, their interests, their imaginations, their passions, and they immediately set themselves to work to bend principle and truth and law to establish the theories and the conclusions which they have predetermined to accept as true. That is one of the fruitful causes of error.

Another cause of error is this: that in high party times every man who enlists under a party banner becomes an adherent of that party, right or wrong. He immediately shuts his ears and his mind against all facts, all principles, all reasonings that are in hostility to the purposes of the party of which he is a member. He excludes the light of truth and of principle as far forth as he can, and he can do it very effectually, from operating on his understanding.

The honorable Senator from Iowa, [Mr. GRIMES,] who was kind enough to interpose last evening to induce the Senate to adjourn for me upon this bill, for which I thank him, is peculiarly an impersonation of the modes of self-deception and of error to which I have just adverted; and with the exception of the Senators from Massachusetts, I do not know a member of this body who is more prone, who is more alert and inevitable in treading that path of error than that honorable Senator. I wish he was in his place. The Senators to whom I have referred, and a good many others, have predetermined *per fas aut nefas* that slavery is the greatest sin of the world; that it is the cause of the present deplorable rebellion and war; and without any regard to constitutions or laws, Federal or State, they are resolved to walk over all opposing obstacles and to immolate what they call "the cause of the war." If I were to appeal to history, to the usages and the experience of the world, to the laws of property as they have been established and recognized in every civilized country, to the constitutions and laws of the various States and of the United States, for the purpose of establishing the fact of the existence of property in slaves, those gentlemen would be as impervious to all such appeals that I could make as any mail-clad and turreted gunboat, to which the honorable Senator from Iowa has devoted so much of his time and thought, would be to the shots of an enemy.

Every member of this body and all men of any general reading are acquainted with the political history of the United States for the past ten years. We know what political and party struggles there have been in relation, first, to the acquisition of Texas, then the Mexican war, then to the passage of the Kansas-Nebraska bill, and then the admission of Kansas with the Lecompton constitution. All these subjects of party division and of party action are familiar to the people of the United States, and especially to the members of this Senate.

But, sir, suppose that the course of events had been different and the issue of the Kansas-Nebraska bill and the Lecompton-constitution conflict had been reversed from what the fact is; that Buchanan and his Administration had forced Kansas with the Lecompton constitution into the Union of these States, and that at the last election Breckinridge instead of Lincoln had been elected President of the United States, who doubts that in that state of fact there would have been a rebellion? Who doubts that there would have been a great popular rising against the authority and laws of the United States? Who doubts that the rebellion would have been in the free States, and that it would have originated where they had previously rebelled against the execution of the fugitive slave law? Who doubts that if such a rebellion as that had arisen that the members of the Republican party, almost to a man, in the Government and out of the Government, in Congress and out of Congress, would have given in their

adhesion to that free-State rebellion in opposition to the authority of the Constitution and laws of the United States? If the usurpations of power by the present Executive, and, as I conceive, by the Congress of the United States, had been resorted to by the Democratic party then being in power, and operating to sustain the Kansas-Nebraska bill and the admission of Kansas under the Lecompton constitution; if that party and Breckinridge as President of the United States had resorted to identically the same measures that this Administration and its friends have done, who doubts that every wool-dyed Republican in the United States would have stood in the sternest and most uncompromising opposition to that whole series of measures? What intelligent and fair-minded man doubts that their position of opposition would have been constitutional, right, and in the highest performance of patriotic duty? I do not.

Sir, the opinions of men are strange indeed. They are formed from the relations and circumstances which surround them. Men who have lived to any age and who have had any experience with mankind, and especially with politicians, know as well as they know any truths connected with the opinions and actions of man, that if the condition and circumstances of parties were now reversed, their policy, at least so far as the Republican party is involved, would be diametrically and wholly inverted.

Mr. President, I have stood in a sort of middle ground between parties for the last ten years. I am a supporter of the great constitutional principles that uphold our Government, but would confine it within its limited powers, and to their separation and division among different departments; above all, I am for the guarantees of the rights, liberties, and privileges of the citizen. I am for upholding that Constitution and all its defenses, that it may protect me and my countrymen now and in the coming ages, not only against the party now in power, but against all future parties that may hereafter attain to power. I give in my adhesion to liberty, to constitutional and legal liberty, liberty established and regulated by Constitution and laws. I want the great principles that uphold that sort of liberty under all the ups and downs of parties, their rise and fall, to be maintained immovably and irreversibly, in full force and effect, that they may protect not only the members of the Republican and Democratic and the old Whig parties, but every American, irrespective of party names, now and forever.

Mr. President, we have heard the denunciation ten thousand times that slavery must die. Why must slavery die? Because "slavery is the cause of the rebellion." I controvert that position, and I will make some remarks in explanation of my views upon it. How many religious wars have cursed the world and deluged it in blood? Has the meek and lowly Author of the Christian religion given this great apple of discord to the world, not to purify, bless, save it, but to curse it with all the horrors of war? No, sir, no. Religion has been made the pretext of many wicked and devastating wars, and of persecutions and cruelties, vices and crimes, in an infinity of times and modes, abhorrent to the human soul. It would be as unjust to charge the Christian religion with all the bloody and wicked wars with which it has been connected as to attempt to make slavery the cause of this war. According to the false premises and logic of the frenzied crusaders against slavery, the Christian religion should long since have been repudiated by mankind and extirpated from the earth. It was not the cause, but has often been the pretext of crime and war.

We had a war in 1812 with Great Britain. What was the foundation of that war? It was the aggressions of a Power that claimed to be the mistress of the seas upon the maritime and commercial rights of the United States. If we had had no shipping interest, no mercantile or naval marine, and no foreign commerce, that war with England would not have occurred. It originated with that Power in her rapacity and lust of the dominion of the seas; but if we had had no competitions with her on the ocean there would have been no war. The logic of the abolitionists would reason to the conclusion that the mode to close that war, and to prevent such in the future, was to abrogate our Navy and foreign commerce.

Advancing another step, a tariff system to protect American manufactures and industry had been adopted by Congress. South Carolina assumed that those laws were destructive of her interests, burdened the industry of the southern for the benefit of the northern States, and attempted to defeat them by her ordinance of nullification on the ground of their unconstitutionality. She prepared to resist by force of arms the collection by the Government of the United States of duties upon foreign goods imported into Charleston.

The great and pervading popularity and iron will of General Jackson, then President, averted a war between South Carolina and the United States. How ought that subject to have been treated, according to the position and the reasoning of the men who now rule? The tariff laws for the protection of American industry and manufactures have caused this disturbance, and brought the country to the verge of civil war. To prevent the impending and future civil wars, the tariff laws must be repealed and the protective system must be abandoned, and the free trade demanded by South Carolina take their place.

I will give another illustration. Last year we had a bloody irruption of Indians into the State of Minnesota. What produced that collision, that murderous outbreak of the Indians? What but the infringement, by the settlement of the white man upon the Indian country? Sir, I venture the assertion that within the United States the amount of injustice, oppression, wrong, and outrage upon the Indian tribes by the agents of the Government and the people of the United States has been a thousand-fold in the aggregate more than all the wrongs upon the negro race. Contemplate the number of Indian wars that these aggressions of the white man have produced, and the immeasurable woes, both to the white and the red race, that have flowed from them. This prevalent theory of the day would have required the prohibition of the contact and the encroaching settlements of the white man upon the Indian country to have prevented past wars, and would demand that policy hereafter by our Government to avert future Indian wars.

Now, sir, I will give one or two individual illustrations of this mode of logic. A traveler has upon his person valuable jewels or a large amount of money; he is beset by a highwayman who knows of the treasure that he carries with him: but for that fact and the robber's knowledge of it there would be no assault and no attempt at robbery. According to the premises and reasoning of gentlemen, the treasure of this traveler is the cause of his being attacked by the highwayman, and the way of safety for the traveler is to deliver what treasure he has, for present escape, and to have no more afterward, to avoid future robberies.

Mr. President, I will still adduce one or two other examples of this novel mode of ethical reasoning. The marriage relation, the most important and sacred of all the ties that connect society—what relationship, what interest of society, has been abused oftener and more flagitiously than that? What a vast amount of suffering and crime have originated out of and been connected with it! Push this new logic to its legitimate result, and the great bond that holds society together, and that sustains all the morals and Christianity of mankind, would have to be annihilated.

In the frontier settlements—it has been so in Virginia and Tennessee, as I am informed, and in Kentucky I know it has often been the fact—there are men of means moving upon the utmost confines of settlement. They accumulate property around them; they have hogs and other stock. In their neighborhood there are a set of greasers, poachers, men that will not live by industry, but by Rob-Roy practices. They make irruptions upon the hogs of their more wealthy neighbor. He complains, and these greasers say to him, "Why, sir, you are making a fuss about these hogs; we have taken only a few of them; but for the purpose of settling the matter altogether and having no such disputes in the future we will take the whole of them."

In the instance that I put a few days ago of that lovely woman whose person was brutally outraged by a negro wearing the uniform of a United States officer, according to the position and argument of these abolition logicians, it was her sex and her personal attractions that excited the lust of the sable monster. Destroy all that is lovely and attractive in woman, and you do away with the cause of the commission of such diabolical crimes!

Sir, I deny that slavery was the cause of this war. The intermeddling and evil dispositions of a few northern people prompted them to make war on slavery in other States from 1787. It was the pretext, but the crime was with them. From 1832 this anti-slavery movement gained strength and numbers, talent, wealth, and effort, and from that time to the present it has been growing. The aggression was upon slavery and the owners of slaves in the beginning, and has so continued to this day. If those who had no right to interfere with this property had let it alone, it would never have been made the cause or an element of strength in a civil war between the free and slave States. It is not slavery, but the bad passions of northern abolitionists acting upon it, that is the primary and guilty cause of this great civil war. I will proceed to show presently that African slavery existed on this continent from within eight years after the discovery of America, and in a few years after the settlements at Jamestown and Plymouth Rock, in the colonies respectively of Virginia and Massachusetts. When the troubles commenced with the mother country and a provisional government was organized by the associate colonies, it was formed by white men irrespective of the negro. The latter was no party to it; his destinies or fortunes or relations were not affected by it any more than the Indian of the forest or the beast of the field. When the Articles of Confederation were adopted, they were framed by the same authority, ignoring and excluding the negro. When the Declaration of Independence was promulged to the world, and it spoke of all men being created equal, it did not comprehend, it did not contemplate the negro. He was not thought of. He existed then in every colony as a slave; and the destiny and condition of no negro, slave or free, was affected, much less was it meliorated and he liberated by the Declaration of Independence.

When the Constitution of the United States was adopted, it was upon a perfect knowledge of all these facts, with a purpose distinct and recognized that the entire subject of slavery and all other subjects of domestic government and polity were reserved by the States respectively, and were not at all intrusted to the authority or management of the General Government.

Sir, there were then but two or three States that had commenced the work of abolition: Massachusetts, Connecticut, Pennsylvania, and, I believe, Vermont—in Massachusetts not by the legislation of her General Court, but by the legislation of a court of law, as Lord Mansfield legislated slavery out of England. I will read on this latter point presently.

If the gentlemen who represented the northern States, where slavery could not be profitably employed, did not intend to take the southern States as a man takes his wife, "for better for worse," they ought then to have rejected the marriage when the Constitution was formed. But having adopted the Constitution with all its compromises and with all the guarantees which it furnishes to slavery, the commonest good faith that ever characterized men requires that they should honestly and faithfully abide by the covenant. Sir, the provision for the rendition of fugitive slaves, which gentlemen are now maddened to repeal or to abrogate, was adopted, as I have often stated, by the constitutional Convention, without a solitary dissenting voice.

Mr. President, I come directly to the bill, and particularly to the amendment under consideration. The law as it now exists, as it has been molded at the present session of Congress, has two provisions that embrace the slaves of loyal men. One of them is that if the slave is conscripted $100 bounty is to be paid his master; the other, if the slave volunteers, and of his own will enlists, $300 is to be paid to the loyal master.

Sir, with that double provision, and with the policy and purposes of this Administration and its friends, who can doubt that the work of conscription will be encouraged and pressed to the neglect of volunteering? In the one case the owner is to receive $100; in the other, $300. I am not going to advert at this time in harsh language to him who is head of the War Department; but we all know the spirit and purposes which actuate him in the administration of that Department, in connection with slavery and slave-owners. We

all know that it is his object to demoralize slavery by every means he can command, constitutional or unconstitutional. His constant efforts are to make all slaves discontented, refractory, averse to labor, worthless to their owners, without any regard to their loyalty. His policy will be to encourage that mode of organizing negro soldiers that will give the least recompense to the owner and save the most money to the Treasury of the United States.

I propose to redress, as I deem, this mal and most unjust and unconstitutional legislation, and to effect it by the provisions of the amendment which I have offered to this bill, that there shall be no restriction of $100 or of $300 upon slaves between twenty and forty-five years of age; that a United States officer, one of the district judges, whose bias is generally with the Government, and especially with the proper policy of the Government, shall appoint three commissioners, whose business it shall be to inquire upon the points of the loyalty of the owner, his right to the slave, and the slave's value; that these commissioners shall report into his court; and when he has revised the report and has approved it, that it shall be conclusive between the United States and the owner of the slave upon all these points; and that any sum reported to be due to the owner of the slave shall be paid to him out of any money in the Treasury not otherwise appropriated. Sir, could any proposition be more just?

I will now examine for a few minutes the interests of the State of Kentucky in this matter of slave property. I assume, and it is proximate to the truth at least, that the loyal men and women of Kentucky own about one hundred and sixty-six thousand six hundred and sixty-six slaves; the whole number belonging to the loyal and disloyal being about two hundred and fifty thousand. I further assume that these slaves are worth at least $600 average, which would be $150,000,000 for the whole number. Your laws propose to have the entire healthy and sound male slave population between twenty and forty-five years of age enrolled for the purpose of volunteering and of conscription into the Army of the United States. According to my estimate, one seventh of the total number of slaves would come within the military ages, and they, at $100 a head, would be worth $3,571,400; at $300, the aggregate—$10,714,200. If they were conscripted and volunteered in equal numbers, the average would be $7,142,800. This property of loyal owners, being one hundred and sixty-six thousand six hundred and sixty-six slaves, at $600 a head, would be worth $99,999,400.

I estimate the number of negro soldiers that would be raised in Kentucky at five thousand. They would be among the most stout, healthy, and valuable negro men; and would be in fact worth $1,200 average, making an aggregate of $6,000,000. If they were all conscripted the Government would pay for them $100 per head, making an aggregate of $500,000; but if all were to volunteer, at $300 per head, the aggregate would be $1,500,000; half being conscripted and half volunteering would require the Government to pay for the five thousand the total sum of $1,000,000. But the policy of the Government is to take just so many of the most effective and valuable slaves as would demoralize the whole residue, and would render them valueless. This is the mode of the warfare of Lincoln's administration on slavery in Kentucky: that our Government, which by the Constitution is bound to protect loyal citizens in the possession of their property, and cannot take it for public use without making just compensation to the owner, shall take from loyal people five thousand slaves, worth $6,000,000, and would pay for them, at $100 per head, $500,000, at $300 per head, $1,500,000, and at the average, $1,000,000 for the whole number. But the incidental, necessary, and intended consequences of this unjust and unconstitutional measure of an oppressive and wicked Administration would be to render valueless all the residue of our slaves; and thus for the paltry sum of $500,000, or at most of $1,500,000, virtually deprive the population of the State of a property worth $150,000,000, and the loyal people thereof of a property worth $99,999,400.

What confidence or support can an Administration that thus violates the Constitution, and oppresses, robs, and plunders a loyal people of such a large value of property, expect from them? It certainly deserves from them nothing but condemnation, opposition, curses, and the most strenuous and unceasing efforts for its overthrow.

This system of legislation had its inception in Congress at the session before the last, and after the victories upon the Cumberland, was actively and vigorously pressed. It was resumed and enlarged at the ensuing session, and at this session it has come up again in almost numberless forms. Bills and resolutions, not only to demoralize it, but to abolish it utterly, and to emancipate every slave in the United States, have multiplied until they are almost as "thick as leaves in Vallambrosa." And lest the power of Congress should fail, sundry propositions to amend the Constitution for its special and total abolition, without making any compensation to the owners, have been introduced into Congress. All this is done by bursting over the plainest barriers erected in the Constitution for the defense of private property. Did any Government that ever ruled a people more wrong, outrage, and oppress them? When a Government, formed by the people themselves to secure to them and their posterity the blessings of life, liberty, property, and the pursuit of happiness, itself breaks through all constitutional restraints and strikes down those priceless rights, unless the people who made reform it, they are in truth, and deserve to be, its abject slaves. Their agents and creatures have made themselves their masters and their tyrants; and instead of being their defenders and protectors transform themselves into their plunderers and oppressors.

Sir, men come here and they raise howls in favor of human rights and justice and philanthropy; and yet they have deliberately entered upon this system of legislation which is to rob the loyal people of the State of Kentucky of nearly one hundred million dollars of property guarantied to them by the usages and sanctions of all the past centuries, by the practices and laws of Christendom, by the constitutions and laws of their State, and by the Constitution and laws of the United States. It seems to me that gentlemen who can adopt such a course of policy and legislation as that must be demented and demoralized by their sympathy for and adhesion to the negro, or some other most potent and wicked influence. They forget their white brethren, they forget all the claims of justice and humanity and the duties of a fostering and protecting Government that ought to be extended to the white man, the ends for which the Government was created and they chosen to administer it.

Now, Mr. President, as to just compensation for property in Kentucky slaves that it is proposed shall be taken from their owners for public use, will any one tell me that a negro man in that State who would hire, if he was not interfered with by the Government of the United States, for $200 or $300 a year, is worth but $100 or $300, or the average of those sums? Will any one contend that that is his just value, and paying such amounts to his owner satisfies to him his constitutional right to have for his slave property "a just compensation?" No, sir. The average price of men of that class in the State of Kentucky before the war was at least $1,500; and now, if the Government would withdraw its aggressive and unjust policy and laws from that property and its owners, and let it abide the fortunes of war, as all the other property, in the present scarcity of labor the average price of that class of negro men would rise to the former figure. But one provision of the bill already passed offers to pay to the owner one fifteenth of that value of his slave, and another one fifth, as I have before explained.

Mr. President, negroes are not the only articles of property that have been demanded in this war. I suppose the war supplies furnished by the free States have amounted in the aggregate at least to one thousand million of dollars. In horses, subsistenee, guns, all the supplies neccssary to raise, support, and keep on foot, and operate our armies and navies, I suppose that they have amounted to more than one thousand million dollars. Let the men who have furnished this vast amount of supplies be subjected to the same rule and graduation of value that have been imposed upon the loyal owners of slaves: for every thousand dollars of military supplies that they shall have but one tenth, or three tenths, or the average of those rates, and what would be the state of public opinion and feeling then of the North? There would be a perfect uproar in all shoddydom; yes, sir, another great rebellion. Apply the same rule of graduation to our national debt as to the value of the slaves of loyal owners, and its enormous proportions would be greatly reduced. It would not threaten to become an unbearable burden upon the property, upon the industry, upon the bone and muscle of this country, that generations of hard toil and of severe economy will not enable the people to remove from themselves. The Government is now the principal customer and consumer of northern manufactures, and of many of them and of the largest value it is the only purchaser and consumer. Most of those northern manufacturers were never so fully employed or received such high prices as now for all the supplies they are selling to Uncle Sam. The artificers and manufacturers who are furnishing that gullible old gentleman are growing rich fast. His orders upon them crowd them so that they cannot fill them all. They need more workmen, and to keep all they possibly can at home profitably employed in their manufactories and workshops, they are substituting in their places in the Army negro soldiers, the property of more truly loyal men than themselves, while these loyal owners receive for a slave of the highest value what would be one year's profit on the northern operative, whose residence at home, in his ordinary vocation, the enlistment of the negro has secured. The possession of the Government and the conduct of the war are in and under the control of the friends of these northern plunderers, who manage both for the enrichment of their section by the miseries and upon the spoils of the residue of the people of the United States. Verily, the selfish and cunning people of the North are boring not only us of the border slave States but of the whole Northwest with a big auger. They have constructed for us in Kentucky a sort of Procrustes bed, and retributive justice would require that they should be made to lie upon it and have their redundant and ill-gotten length lopped off.

Sir, I think there would be a rebellion in the free manufacturing States by all the hosts of shoddydom, if this rule were attempted to be enforced there. What a howl would rise upon the breeze and sweep over this broad land from Passamaquoddy bay to the distant Pacific!

But the honorable Senator from Iowa [Mr. GRIMES] taunted me that our negroes are worth nothing. Well, sir, if they are worth nothing, who placed them in that valueless condition; whose act was it, whose laws, whose policy but that of the Government of the United States, propelled by the energy and talent in part of the Senator from Iowa? What sort of justice, of reason, of ethics, of official duty, is it that men shall adopt a most unjust, unconstitutional, and iniquitous policy in relation to the management of your property that was before so valuable, reduce it to worthlessness, and mock you with the cry that it is valueless, and that you ought not to have and shall not receive indemnity or remuneration for it? How many customers have there been for the manufacturers of war supplies from the northern States? How many customers for horses and mules, for wagons, for ships? But one principally, and that customer has been the United States Government. If it had not entered the market there would have been not only no competition, but no purchasers would have appeared. Has the Government gone into your stock-producing districts, into your manufacturing States and towns, and taken your horses and mules and manufactured products, and by its military power forced you to sell them for one tenth of their value or for less than one-third? No, sir, it has no right to do so. Any system of policy or legislation or administration that would adopt such a course would be unconstitutional, unjust, iniquitous, and oppressive in the highest degree. Yet, sir, you would have no more cause to complain of oppression and governmental extortion than we. Under that double policy and administration we would have an equal, just, and ample right to make common complaint.

But, Mr. President, the principle laid down by the honorable, enlightened, and just-minded Senator from Iowa [Mr. GRIMES] does not regulate the case, or measure the right of my constituents to indemnity, as I will show by the decision of the Court of Claims rendered a few days ago by Mr. Justice Wilmot. It was refreshing and re-

newed my hope to read that opinion. I have long known that gentleman, and I have estimated him as a man of ability and of great personal rectitude. We all know what an extreme partisan he was in this Chamber and before he came to it to take his seat as a Senator from the great State of Pennsylvania. But, sir, he has been transferred to a different atmosphere, one elevated, pure, ennobling. The pulpit of our day has no such influences or effects, as a general rule. It perverts and debases, it infuriates men's wicked passions, expels from their hearts humility, charity, pity, love of peace and good-will among men. But when a man of intellect and true soul is elevated to the judicial bench, and there swears to administer law and justice impartially, and takes the scales into his own hands, he poises them evenly, and he administers, next to God's justice, the highest and purest that ennobles the earth. There are some judges in the past, as there are in the present of our country, who are unworthy of their great mission, and sully the ermine which they wear by becoming the panders of power, by an ignoble incompetency, or a base surrender of enlightened, impartial, sound, passionless, and immovable judgment. The judiciary, in our system of government, State and national, constituted of the proper men, is its sheet-anchor, its great conservative power, imparting to it order, stability, and permanence, by holding both the Federal and State Governments, and all their departments and officers, in their orbits. One of the most discouraging signs of the times is that so many members of the legal profession, both in and out of Congress, fail to sustain properly the judiciary.

But the case upon which this decision was rendered by Judge Wilmot arose soon after the beginning of the present war. There was a Mr. Grant who was in New Mexico. He had there a mill and some stores and provisions that were suitable and necessary for the Army. The United States Army was there in some force, and was about to be moved upon by a large and superior rebel force. The officer in command, a Captain Moore, directed a Mr. Lord to burn the mill and all the property of Grant. It was done; and in that way the property was prevented from falling into the hands of the rebels and being appropriated to their necessities. The owner of the property sued the United States in the Court of Claims in this city, and on the 5th day of the present month Mr. Justice Wilmot rendered an opinion from which I will read a few passages.

The questions in that case were, the right of the claimant to any indemnity from the United States; and if any, what amount. The very evasions and sophisms which the honorable Senator from Iowa has brought to his aid in this debate, and of which he is so astute and so skillful a master, were used on that occasion; and they were argued and decided by the opinion of the court. The incidental question whether the property was taken under a military necessity or under the claim of eminent domain also arose and was decided, and whether the military necessity of the occasion required that the property should be destroyed by the officer. In delivering the opinion of the court, Judge Wilmot says:

"Upon the authority of the cases cited, and others that might be adduced, as well as on the principles which distinguish a case of public necessity, utility, or good, from the overruling necessity which regulates the law of individuals, we are of opinion that the rightful taking of private property, for use or destruction, when the public exigency demands it, by a military officer commanding any part of the public force, is an exercise of the right of *eminent domain*; and that such a case is not governed by the law applicable to individuals.

"The letter and spirit of the public law, and of the constitutional provision in this regard, requires just compensation to be made in every case when private property is *rightfully* taken for public use, whether it be by legislative authority or under the powers necessarily exercised by those commanding our land and naval forces in time of war or imminent public danger."

I will next read that portion of the decision which bears on the question of damages:

"The damages remain to be considered; and here an objection is taken against the allowance of anything, on the ground that the property, in the circumstances in which it was placed, was without value to the owner; that the abandonment by the United States troops of the forts in the vicinity of Tucson was the inevitable loss to Grant of the entire property, and therefore its destruction did him no injury."

If the honorable Senator from Iowa had argued the case before the Court of Claims, he could not have made a more apposite argument than that which is here commented on; and remember, that property was not placed in the circumstances which then surrounded it by the act of the United States Army alone, but by the joint act of the United States and the rebel armies, which is a fact necessary to be kept in mind.

"This ground of objection, we believe, is without reason or law to support it. The claimant suffered great loss. Its immediate and direct cause was the burning of his property by order of Captain Moore; that the same loss would have befallen him in another way is an illiberal and we think illegal response to the claim for compensation."

The argument was there that if the American officer and soldiery had not destroyed the property it would have been taken from the owner by the enemy; and as he would have lost it at any rate, it was *damnum absque injuria*, to use a legal phrase, and therefore he was not entitled to have any compensation for his property; but the court, in the clearest and most explicit language, overruled that position. They say:

"The property was of intrinsic value, and its worth to the enemy was the cause of its destruction. In a pecuniary point of view it may have been a matter of indifference to the claimant whether his property was destroyed or fell into the hands of the enemy; but to the State it was of serious importance, and the Government preferred to pay its fair value rather than give its enemies the advantages of its possession. In such cases, to hold the property worthless, and deny damages on that ground, is to deny the constitutional right to compensation. If the property is so circumstanced that unless destroyed the enemy would take it, then, on the principle contended for, no injury was done the owner; and unless the grounds were very strong indeed for believing that it would be so taken, the destruction is illegal, and the Government clearly not liable."

And why? Where it is perfectly apparent that the enemy would not appropriate the property but would destroy it, or leave it to the possession and use of the owner, the Government is not responsible; but where it is apparent, as it was in that case, that the property would be taken by the enemy and appropriated to his use, its destruction by the Army of the United States was a military necessity, and rendered the United States responsible for its intrinsic value.

Suppose that property had been put to sale just then and there, under all the circumstances that surrounded the case who would have bid for it? Who would have given a dollar for the mill or for the other personal property that was destroyed? One army was retreating, and the other advancing in conquering numbers. There was nobody to bid; and if the property had been offered in market overt, or at private sale, it would have produced nothing. But the United States Government, by its military officer, ordered its destruction; and its destruction under those circumstances, where the necessity for its destruction was produced by the action of both armies, is decided by this court to render the United States Government responsible for its full value; and the judge says pointedly and truly that to deny that position would be to deny to the citizen the constitutional guarantee that he shall have a fair compensation for his property whenever it is taken for public use, or destroyed for the purposes of the Government.

The case of negroes taken and organized as a part of the United States military force is much stronger for their owners than this one decided by the Court of Claims. Here there is no rebel enemy impairing their value, threatening to take them from the possession of their owners; there is no rebel legislation diminishing their value; there is no policy of the rebel government, the effects and consequences of which tend to demoralize the property or to render it worthless. All these features, however, exist in relation to the action of the Government of the United States. That Government is the perpetrator, and the sole perpetrator, of these wrongs to the loyal owners of slaves. This case establishes conclusively, as does the decision of the Supreme Court in the case of Mitchell *vs.* Harmony, that occurred during the war with Mexico, and which is quoted approvingly in this decision, that without regard to the existing and particular circumstances in which the property is placed, either by the action of the armies of the United States or the armies of the rebels, although this be the result of their joint action, still if the property is of such a character that it would be useful to the United States and to the rebel army, and it be reasonably certain that the rebel army would appropriate it to its use unless it was destroyed by the United States military officer, and it is so destroyed, that destruction renders the United States responsible for its full and intrinsic value. The court in this case assess the damages.

I will read another passage of this decision rendered by Judge Wilmot. I suppose *he* is loyal. Things have come to a strange pass in this country. A great system of injustice has originated in the executive and legislative departments as we contend, the consequence of which, by flagrant violations of the Constitution and usurpations of power, is to rob free, loyal, and true citizens of hundreds of millions of property; and the man who has the audacity to stand up to resist such an iniquitous course of policy and legislation is regarded almost as a senatorial nuisance; and if he utters an earnest and frequent protest against such measures, he is condemned and damned as disloyal, and as a semi-traitor. Sir, "the times are strangely out of joint" when such exhibitions and such perverted opinions characterize the United States Senate. We had yesterday certainly a full and most latitudinous exhibition of the freedom of debate in this Chamber. If there was any speech ever made in it that strikes at our entire system, the Constitutions and laws of the United States and the States, at the social polity, organism, and civilization of North America, its Christian faith, and all its received opinions, it was that made in this Chamber yesterday by the Senator from Missouri, [Mr. Brown.] But in the United States freedom of speech is guarantied, and let that Senator and all others exercise it in its broadest scope, even though it become licentious. But, sir, I will proceed with the passage from Judge Wilmot's opinion:

"It is the imminence of the danger, the pressing necessity, that gives the State the right to take private property; yet on this hypothesis, when the danger becomes a certainty, the necessity inevitable, the Government is relieved from liability."

That is the false logic the judge is combating.

"The legal maxim, *damnum absque injuria*, would defeat the constitutional provision securing compensation, if effect were given to it in a case like the one before the court. It has no application whatever when property is actually taken for public use, and has been so held by the courts in numerous decisions. (See note on page 111, Sedgwick on the Measure of Damages.) It is only when the property is taken that the Constitution provides for compensation; it makes no mention of indirect or consequential damage, and here and here only the maxim, *damnum absque injuria*, applies."

It is established by this authority that an apparently inevitable and impending necessity for taking the property for the public use must exist, that it may be created either by the demands of our own Army or the reasonable probability that it would be applied to the use of the enemy, and is destroyed to prevent that; and these facts form one class of cases in which the Constitution secures to the citizen a just compensation for his property, and that compensation is no arbitrary, fictitious, and insufficient value or appraisement put upon it by the Executive, by the War office, by an act of Congress, or by any military officer, but it is its intrinsic value. That value is a judicial and not a legislative question, and it is to be ascertained by a judicial mode of proceeding. My amendment proposes to adopt that mode. In the case before the Court of Claims, the court assessed the value of the property destroyed at $61,418 44, and allowed credits amounting to $19,836 44, leaving a balance in favor of the claimant of $41,582, and adjudged that he be paid that sum from the United States Treasury.

The honorable and able Senator from Michigan, [Mr. Howard,] and some other gentlemen on this floor, seem to avert or to attempt to avert the position that the owner of a negro taken for the public use is entitled to a full and fair compensation for his value, by assuming the position that there can be no property in a negro, because he is a human being. I have collected some authority on that point, but before I proceed to discuss that branch of the subject I will make a remark or two on an incidental question.

It is frequently said that the Government wants soldiers, and that it has a right to take any slave and make a soldier of him, and that the effect of enrolling him into the military service is to make him a free man. The eloquent and able Senator from Maryland [Mr. Johnson] assumed that position; but with the greatest habitual deference to that Senator's opinions that I have nurtured and kept by me for more than twenty years, I dis-

sent from this one. On some future occasion, in remarks confined exclusively to the point, I intend to attempt to establish that there is no power in the United States Government, in any of its departments, in any of its officers, or in the whole in the aggregate, to give to a negro his freedom because he is even mustered into the service of the United States, or upon any other reason. But I do not enter into that question now. For the present, it is sufficient to say that gentlemen assume that it is necessary that he should be a component part of the armies of the United States; and taken for that purpose it would be for public use. If he is property, the owner of the property is entitled to his fair value—"a just compensation," in the language of the Constitution, to be properly and judicially ascertained; not to an arbitrary and inadequate assessment of his value. That is the mode established by long and general usage and acquiescence, sanctioned and confirmed by legislative enactments and the judgments of courts generally, and of the nature and essence of the inquiry.

But if the honorable Senator from Michigan had not assumed, and with so much confidence, that property cannot exist in a negro, I should not have appeared in the debate on this bill in a second speech. I was amused at the honorable Senator's argument, and how skillfully it evaded the question. The proposition which he mainly argued, and with much ability, I think is not in the kernel of the measure under consideration. It was whether negro slavery existed by the common law, and his conclusion that it did not seems to me to be wholly immaterial to the merits of this bill, and the amendment I have offered to it. I will endeavor to elucidate and establish my position.

The ruling of Lord Mansfield in the case of the negro Sommersett, that although he had been a slave in Virginia and Jamaica, he was made free by his mere subsequent residence in England, was against the well-established law of that country.

I have no doubt that the common law did establish property in particular subjects, but every lawyer knows that the common law arose from "customs and usages whereof the memory of man runneth not to the contrary." Some of them date back coeval with Julius Cæsar, and have their origin with the ancient Britons, as the custom of gavelkind, in Kent, and the mode of dividing property upon the death of a husband between his widow and his children or other relatives. It is certain that it was not of a single formation, but was built up by the adoption of particular customs and usages by the early inhabitants of England, Britons, Saxons, and others, as their circumstances and exigencies suggested them, and was the growth of ages. It is certain that it was an extensive and very complete body of laws in the reign of Edgar, the grandfather of Alfred, and by him was collected into one body. Alfred enlarged, systematized, and greatly improved the common law in his celebrated "Dome book;" and his grandson, Edward the Confessor, still further enlarged and improved it by his compilation. By the Norman conquest the common law fell into general desuetude, and was temporarily buried under the feudal system, but it was conserved in the hearts of the Saxon population which had created it, and their bold barons restored and forced the recognition of its most essential principles by King John in Magna Charta.

One of the most important principles of the common law, and the last one enumerated in Magna Charta, is in these words:

"Every subject of England shall have the free enjoyment of his life, liberty, and property, unless declared to be forfeited by the judgment of his peers or the law of the land."

That provision, nearly in identical, but more perfect, terms, is incorporated in the Constitution of the United States. It establishes this general principle: that all crimes and offenses, whenever and wherever declared by law, and all subjects of property, whether property in the particular class of subjects was established by the common law, or statute law, or by appropriation, custom, usage, and acquiescence, are—the crimes, offenses, and property—all equally subject to that general principle of the common law, also principle of our Constitution. No subject of England or citizen of the United States can be deprived of life, liberty, or property, in any possible case, unless by the judgment of his peers or the laws of the land. This great rule is just as applicable in cases of indictment for crimes and offenses created and declared, and to new subjects of property, invented, discovered, or appropriated, as well since as before the existence of the common law.

How many different subjects of property are there now that were not known when Alfred the Great compiled the common law? How many different subjects of property are there now known and recognized among the various nations of the civilized world that had no such recognition when Magna Charta was wrested from King John at Runnymede? I have not the means and I have never undertaken the task of enumerating them, but I have no doubt hundreds and hundreds. Yes, sir, I lay down this proposition, that the general principle of protection which the common law, Magna Charta, and our Constitution respectively give to property and to the owners of property applies as well to property that was discovered, invented by legislative enactment, or by the common and general use and custom and acquiescence of the people of England, of the United States, and the civilized world after as well as before existence of the common law, Magna Charta, and the Constitution of the United States. The same principle would apply the right of the trial by jury to all subsequently created crimes and offenses.

I will now proceed to read some authorities to establish a position which I never expected a sound lawyer to controvert, and to contradict a position the wildest, the most illegal, illogical, and unsound that a lawyer ever assumed; and that is that property does not, cannot, and never did exist in a human being. I avow that property in African slaves existed by the general practice, usage, custom, appropriation, and acquiescence of all the civilized nations of Europe for two hundred and fifty years; that the slave trade was allowed and recognized by the laws of nations, and that property in slaves exists at this time in every country that by such usage, acquiescence, long appropriation, and universal sanction, established slavery in the country, that have not abolished it; and I have an overwhelming amount of authority to sustain that position. I will read in the first place from the case of Sommersett, which admits these positions in relation to all the American colonies of England and denies it in England and nowhere beside, and only for the purposes of personal privilege when he has resided in England, and in virtue of that residence.

The case of Sommersett was upon a writ of *habeas corpus* issued in 1771 and decided in 1772, and the questions which arose upon its hearing were, first, the rights of one claiming a negro present in that country as his property, by the *lex loci;* second, if such rights exist, their extent; third, the laws and means for enforcing them in England. In his judgment Lord Mansfield says, "A contract for the sale of a slave is good here." That is the admission of Lord Mansfield himself; but he goes on to explain further the case and the principles that were involved in it:

"The sale is a matter to which the law properly and reasonably attaches, and will maintain the price according to the agreement."

Now, sir, what is this position? That a negro might be sold in England at that day as a slave; that the transfer of a slave was a valid and sufficient consideration upon which to uphold a contract which the law would enforce. He adds, however:

"But here the person of the slave himself is made the object of inquiry, which makes a very material difference. The question now is whether any dominion, authority, or coercion can be exercised in *this country* on a slave according to the *American laws.*"

Sommersett had been a slave in Virginia, and was taken by his master to Jamaica, and from thence to England, and kept there some years as a slave. He became dissatisfied with his condition of slavery, and his master, to secure him, placed him on board a ship in the Thames, and some friends of his issued out from the court of King's Bench a writ of *habeas corpus* to bring Sommersett before that court to inquire into the cause of his detention. That was the case; and Lord Mansfield said that the question in the case "is whether any dominion, authority, or coercion can be exercised in this country on a slave according to the American laws." He admits virtually, as he does afterwards more explicitly, that if that slave had been in Virginia or in Jamaica, and had never been taken to England, he would have been there subject to the authority, coercion, and dominion of his master according to the local laws; and that the question, and the true question, before the court was, whether there were any such laws in England as in those countries which would allow the master to exercise authority, dominion, and coercion over him, as he could have done in Jamaica or Virginia, if the slave were there. Lord Mansfield admits that fifty years previously Lord Talbot and Lord Hardwicke, while respectively Solicitor and Attorney General, "two of the greatest men of any age," had given their opinion to the English planters that slaves by being taken from the colonies to England did not thereby obtain their freedom, but were subject to be taken back at the pleasure of their owners; and that those great lawyers undertook to be responsible for the consequence of taking slaves from the colonies to England. Lord Mansfield further says:

"The difficulty of adopting the relation without adopting it in all its consequences is indeed extreme; and yet many of those consequences are absolutely contrary to the municipal law of England. We have no authority to regulate the conditions in which law shall operate."

The position of Lord Mansfield was simply this, that slaves were property in England for every purpose, except when the slave himself claimed his freedom; that they were legitimately and properly the subjects of contract, and that where they were the subjects and consideration of contracts, the laws and the courts would uphold such contracts. The only reason why he decided that the negro could not be held in slavery there was, that there were no laws in force in England which subjected him to the authority and dominion and coercion of his master, as did the local laws of Virginia and Jamaica and the other North American British colonies. The premises and reasoning of Lord Mansfield did not establish the right of Sommersett to his freedom, but only that England had no slave code in force which would authorize his master "to exercise authority, coercion, and dominion over him." The able judge should have dismissed the writ of *habeas corpus* on the ground that Sommersett was not a freeman, but a slave. If his master was exercising "any authority, coercion, and dominion" over him, in conflict with any law of England, he should have decided such act to be unlawful, citing the laws which it violated, and giving Sommersett relief only to that extent. There was no law of England that conferred on him freedom.

Now, sir, that is the whole of the famous case of Sommersett, decided to be free by Lord Mansfield. He states the number of slaves that were then held in England to be about fifteen thousand. If gentlemen who are curious in such antiquities will examine the newspapers in the London Museum they will find advertisement upon advertisement to sell slaves and to reclaim runaway slaves, and the latter described to have collars around their necks, and the names of the owners inscribed upon the collars.

Spain, Portugal, England, France, Holland, Sweden, Denmark, and the maritime States of Italy, constituting at the time the most refined nations of the earth, and nearly all of civilized Europe, entered into the African slave trade shortly after the discovery of America, and established, except Italy, colonies in the western hemisphere, imported slaves into them, and held those slaves as property under their colonial laws, with the sanction and support of the laws and Government of the parent countries.

England entered into that trade in 1562 by shipping slaves to the West Indies in a vessel commanded by Sir John Hawkins. Queen Elizabeth was a partner and the protector of his later expeditions. In 1618 a charter was granted by James I to Sir Robert Rich and his associates, merchants of London, with the exclusive privilege of carrying on the slave trade from the coast of Guinea. A second charter was granted by Charles I to another company in 1631, and so extensive and lucrative were their operations that at a great expense they erected numerous forts and buildings for slave marts along the coast of the West Indies for the defense and facilitation of their trade. In 1662 Charles II chartered a third company, giving it also exclusive privileges, of which his brother, the Duke of York, was the head. This company engaged to furnish the British West India colonies with three thousand slaves annually. Queen Anne protected the slave trade under treaties with foreign Powers of which it

was the subject, and stipulated for part of the profits.

An act of Parliament of William III, entitled "An act to settle the trade to Africa," commences, "Whereas the trade to Africa is highly beneficial and advantageous to this kingdom and to the plantations and colonies thereunto belonging;" and the act speaks of "negroes" as the object, and it is plainly shown that the reference was to the slave trade.

The twelfth article of the treaty of Utrecht, July 13, 1713, between Great Britain and Spain, granted "to her Majesty, and to the company of her subjects established for that purpose, as well the subjects of Spain as others being excluded, the contract for introducing negroes into the several parts of the dominions of his Catholic Majesty in America for thirty years;" and the same section grants the occupancy of lands near the Rio de la Plata "suitable for maintaining the servants of the said company and their negroes, and for safely keeping them, the said negroes, for the purpose of being sold."

By the act of Parliament of 1697, section twenty, "governors, deputy governors, and judges are forbidden under penalty to act as a factor or factors, agent or agents for the said company or any other person or persons, for the sale or disposal of any negroes."

The act of Parliament of 5 George II, passed for England, makes *negroes*, *houses*, *lands*, &c., subject to execution for the satisfaction of debts; and act 23, same George, 1759, has a provision referring to "negroes or other goods." Another act of the same reign, passed 1749–50, entitled "An act for extending and improving the trade to Africa," begins, "Whereas the trade to Africa is very advantageous to Great Britain, and necessary for supplying the plantations and colonies thereunto belonging with a sufficient number of negroes at reasonable rates," &c.

The seventh section of this act declares the duties "which shall be paid at the place of importation upon all goods and merchandise (negroes excepted) imported in (into) England, or any of his Majesty's plantations or colonies in America from the coast of Africa;" "and that all goods and merchandise (negroes excepted) that shall be laden or put on board any ship or vessel on the coast of Africa, between Blanco and Cape Mount, and shall be imported into England, or any of his Majesty's plantations or colonies aforesaid, shall answer and pay the duties aforesaid," &c. This law shows that England, equally with the plantations and colonies, was open to the importation of African slaves; and I have not seen any act of Parliament that restricted them to the latter, or that interdicted their introduction into the mother country.

Here are positive acts of Parliament in explicit language, authorizing the importation of slaves into England, declaring that slaves in England are chattels, making them responsible for debts, and making them a part of the estate of a deceased owner. They were taken, appraised, and held as a portion of a deceased man's estate, and distributed among his distributees like any other property.

Ten of the judges of England, including Holt and Pollexfen, decided that "negroes are merchandise," and consequently within the navigation acts.

The Spaniards carried slaves into the West Indies as early as 1501, and Hakluyt says that twenty-four negro slaves were brought to England from the coast of Africa in 1553. The Government and people of England found the traffic in slaves contributed greatly to the prosperity, not only of their commerce, but of their colonial, agricultural, and planting productions, and they stimulated and sustained it by acts of Parliament, chartering companies, and other modes.

Now, sir, from 1555, according to Hakluyt, until the decision rendered in the case of Sommersett, slaves were introduced by every subject who chose into England, the right being confirmed by express authority of acts of Parliament. Slavery existed there by custom, usage, appropriation, and general acquiescence, and was never controverted for two hundred and twenty years. Property in slaves was thereby unquestionably established in England, and could be abolished only by an act of Parliament, not by a judicial dictum.

There was no law or commercial regulation that prohibited the introduction of slaves into England; on the contrary, she was equally open to them with her colonies by acts of Parliament equally applicable to both. All her West India and North American colonies imported them, and, with the knowledge and approval of the home Government, passed laws to regulate and give protection and security to that property; and that property and those laws were not only recognized and enforced by their local courts, but also by the courts of England in every case that came before them, except some three or four, including the case of Sommersett, in which the question was the right of the slaves to their freedom by reason of their residence in England. Slaves continued to be taken into England from the time of their first introduction, and held there as such by all persons at their pleasure until the decision in the case of Sommersett. The reason that not more than fifteen thousand were then in the island, and there were no laws of Parliament authorizing their owners to exercise "dominion, authority, and coercion over them," was that England had not the climate, soil, and productions of her slave colonies. But notwithstanding this defect of her legislation in providing proper regulations for the subject of slavery, during two hundred and twenty years slaves had been held, appropriated, and used as property in England by all who chose; and I maintain that *thereby* and *there* property in African slaves was established, and all the protection and guarantees which the common law gave to other property attached to slave property; and Lord Mansfield's judgment was without authority of law.

He was like some of our modern philanthropists. He adopted beforehand a conclusion that slavery could not exist in England; that its atmosphere was too pure to be breathed by slaves, notwithstanding slavery had existed and slaves had breathed the pure atmosphere of England for two hundred and twenty years. To reach this foregone conclusion, he wrested the law; he forced it from its natural reading and meaning; he by his dictum legislated slavery out of that island against the positive usage and acquiescence of the people and the customary law and the parliamentary recognition of the institution.

But be that proposition as it may, until this generation, and in this country, all judicial tribunals, jurists, and publicists, the whole intelligence of the world, have conceded without question that African slavery existed in every country where it was established by the *local law*. This position was not controverted by counsel or court in the case of Sommersett, and in his opinion on the case is conceded impliedly by Lord Mansfield.

I come now to the case of the slave Grace, decided by Lord Stowell in 1827. He had adjudged the previous case of Le Louis when he was Sir William Scott and judge of the Court of Admiralty of England. He was a brother of Lord Eldon, and one of the ablest jurists England ever produced.

In the case of the slave Grace, decided by Lord Stowell, in 1827, he says in his opinion:

"It has been observed that the sovereign State has declared that all laws made in the colonies contradicting its own law shall be null and void, and cannot be put in execution; but is that the character of the laws in the colonies for the encouragement to the proprietors of slaves? Has it not since the declaration of its judgment against slavery declared, in the most explicit and authoritative manner, its encouragement of slavery in its colonial establishments? Have not innumerable acts passed which regulate the condition of slaves, and which tend to consider them, as the colonists themselves do, as *res possidit in commercio*, as mere goods and chattels, as subject to mortgage, as constituting part of the value of States, as liable to be taken in execution for debt, to be publicly sold for such purposes; and has it not established courts of the highest jurisdiction for the carrying into execution provisions for all these purposes; and these its most eminent courts of justice, its court of the King's Privy Council, and its courts of chancery, where all these regulations are carried into effect with the most scrupulous attention, and under the authority of acts of Parliament? Can any man doubt that at this time of day slaves in the colonies may be transferred by sale made in England, and which would be affirmed without reference to the court so empowered."

Lord Stowell, in the same opinion, says further:

"The personal traffic in slaves resident in England had been as public and as authorized in London as in any one of our West India islands. They were sold on the Exchange and other places of public resort by parties themselves resident in London, and with as little reserve as they would have been in any of our West India possessions. Such a state of things continued without impeachment from a very early period up to nearly the end of the last century."

That is, up to the time of the Sommersett case.

Again, says the judge:

"Slaves have come into this island and passed out of it in returning to the colonies in the same character of slaves, whatever might be the intermediate character which they possessed in England, and this without any interruption, or without any doubt belonging to their character in that servile state; they go back with a perfect knowledge of the state which they are to reënter."

What is the principle there decided? That if a negro had been taken to England even after the decision in the Sommersett case, and from England had been taken back to the slave colony from whence he was carried to England, he would return precisely into the same state of slavery under the local law of the colony as though he never had had any residence in England.

The truth of this legal proposition, that when a slave of an English slave colony went to England, and afterwards returned to the same colony, he there returned to slavery, cannot be shaken. There is no position more immovable.

History teems with an unbroken and resistless weight of evidence that all the British North American colonies at an early day after their settlement introduced African slavery; and that it was fostered, upheld, and protected in them by both the legislation of Parliament and of their own local legislative assemblies; and that this property was as much the subject of suits and of the judgments of courts, and of the executions of those judgments, in the colonies respectively, as any other property. But Lord Mansfield said in the Sommersett case that *slavery* could not exist in any country but by *positive law;* and that sentiment has been generally adopted by the American courts and judges. But what is positive law? Judge Shaw, in the case, 18th Pickering, page 212, says:

"But it [the doctrine of Lord Mansfield] clearly admits that it may exist by positive law. And it may be remarked that by positive law in this connection may be as well understood customary law as the enactment of a statute, and the word is used to designate rules established by tacit acquiescence or by legislative act of any State, and which derive their force and authority from such acquiescence or enactment, and not because they are the dictates of natural justice, and as such of universal obligation."

I do not remember ever to have met with a statute or positive enactment, or any history or statement of such law, declaring property in any class of its multiform subjects, with the single exception of the colony of Georgia. But so far as I know or have read property of every kind is first established by appropriation, long use, and acquiescence of nations generally, or of a particular people. In the one case it has its origin in local law, and in the other in general law, both being merely usage, custom, and acquiescence; and only after it is thus established it becomes the subject of enactment in the form of laws for its regulation and protection. Property in slaves has had the same origin and has been upheld by the same sanctions and laws as property in every other subject; and to deny property in slaves for want of an express enactment would amount to its abnegation in every subject. I know of no country that forms an exception to this general proposition except the colony of Georgia, from which slavery was first interdicted by her positive enactment, and to negative its effect her Legislature passed a law to admit the introduction of slaves.

Even in the State of Pennsylvania African slavery was established at an early day. As long ago as 1699, Penn proposed to provide by law for the marriage, religious instruction, and kind treatment of slaves, but there was no response from the Legislature. It is a debated question whether or not he died a slaveholder. That he held slaves during his life I believe is a well-authenticated historical fact. In 1719, to a general petition for the emancipation of slaves, the response of the Legislature of Pennsylvania was, "it is neither just nor convenient to set them at liberty." Bancroft states that fact.

A French slaver was captured by a British cruiser, and by the captors claimed to be a pirate, and her condemnation was sought in the English courts. The case was brought into the Admiralty Court of England, and decided by Sir William Scott; and in the opinion which he rendered are these passages:

"The act of trading in slaves, however detestable, is not the act of freebooters, enemies of the human race, renouncing every country, and ravaging every country, in its coasts and vessels, indiscriminately."

"A court, in the administration of law, cannot attribute criminality to an act where the law imputes none. It must

look to the legal standard of morality; and upon a question of this nature that standard must be found in the law of nations, as fixed and evidenced by general, ancient, and admitted practice, by treaties, and by the general tenor of the laws and ordinances and the formal transactions of civilized States; and looking to these authorities, he found a difficulty in maintaining that the transaction was legally criminal.

"It is pressed as a difficulty, what is to be done if a French ship laden with slaves is brought in? I answer without hesitation, restore the possession which has been unlawfully divested, rescind the illegal act done by your own subject, and leave the foreigner to the justice of his own country."

I will here embody the clause of the Constitution in relation to fugitive slaves:

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service may be due."

The seventh article of the treaty of 1783 between Great Britain and the United States provided:

"That his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away *any negroes or other property* of the *American* inhabitants, withdraw all his armies, garrisons, and fleets from the said United States," &c.

The treaty of Ghent contains a similar stipulation. But notwithstanding the British fleets deported many negro slaves from Maryland, Virginia, and Louisiana, and the Government of the United States claimed for their owners their value from the British Government to the aggregate amount of more than a million dollars. This was resisted, not upon the ground that the negroes were not property, but that they were not deported against the provision of the treaty. The question was referred by the two Powers to the arbitrament of the Emperor of Russia, and by him decided against the British Government.

In the case of the Antelope, decided by our Supreme Court, in which the consuls of Spain and Portugal demanded for subjects of their respective countries portions of a cargo of slaves brought from Africa and captured on board the Antelope by a United States revenue cutter, Chief Justice Marshall rendered the opinion of the court, and he quotes approvingly the foregoing passages from the judgment of Sir William Scott. The lawfulness of the slave trade, and the right of the captured Africans on board the Antelope to their freedom, were questions decided in this case. In his opinion, the Chief Justice says:

"The Christian and civilized nations of the world, with whom we have most intercourse, have all been engaged in it. However abhorrent this traffic may be to a mind whose original feelings are not blunted by familiarity with the practice, it has been sanctioned in modern times by the laws of all nations who possess distant colonies, each of whom has engaged in it as a common commercial business which no other could rightfully interrupt. It has claimed all the sanctions which could be derived from long usage and general acquiescence. That trade could not be considered as contrary to the law of nations which was authorized and protected by the laws of all commercial nations; the right to carry on which was claimed by each, and allowed by each."

In conformity to the foregoing reasoning, the court decided that a portion of those captured Africans were the slaves of the Spanish claimants, and another portion of the Portuguese; and by its judgment ordered their surrender to the consuls of those Powers.

I have here a few other authorities from which I desire to read before closing my remarks. In the second volume of Pickering's Massachusetts Reports, in the case of the Commonwealth *vs.* Griffith, Chief Justice Parker of that State says, speaking of the Constitution of the United States:

"That instrument was a compromise. It was a compact by which all are bound. We are to consider, then, what was the intention of the Constitution. The words of it were used out of delicacy"—

That is, "persons held to service"—

"so as not to offend some in the Convention whose feelings were abhorrent to slavery; but we there entered into an agreement that slaves should be considered as property. Slavery would still have continued if no Constitution had been made."—*Pickering's Reports*, vol. 2, p. 19.

I will now read two or three passages from the syllabus in the case of Prigg *vs.* The Commonwealth of Pennsylvania. That case originated out of the recapture of a slave by citizens of Maryland from Pennsylvania. It was one of the most elaborately argued and well-considered cases involving these questions that ever came before the Supreme Court. The opinion was written by Judge Story, whose feelings were anti-slavery; and no man whose feelings are anti-slavery can possibly stand perfectly erect and impartial upon a question involving slavery. That is more than can be expected from human nature. But, sir, here is an extract from that opinion:

"It will probably be found, when we look to the character of the Constitution of the United States itself, the objects which it seeks to attain, the powers which it confers, the duties which it enjoins, and the rights which it secures, as well as to the known historical fact that many of its provisions were matters of compromise of opposing interests and opinions, that no uniform rule of interpretation can be applied which may not allow, even if it does not positively demand, many modifications in its actual application to particular clauses."

Again:

"The clause in the Constitution of the United States relating to fugitives from labor manifestly contemplates the existence of a positive, unqualified right, on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any State law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labor, operates *pro tanto* a discharge of the slave therefrom. The question can never be, how much he is discharged from, but whether he is discharged from any by the natural or necessary operation of the State laws or State regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive right.

"The owner of a fugitive slave has the same right to seize and take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or recapture is universally acknowledged in all the slaveholding States. The court have not the slightest hesitation in holding that, under and in virtue of the Constitution, the owner of the slave is clothed with the authority in every State of the Union to seize and recapture his slave wherever he can do it without any breach of the peace, or illegal violence. In this sense, and to this extent, this clause in the Constitution may properly be said to execute itself, and to require no aid from legislation, State or national."

Again:

"A claim to a fugitive slave is a controversy in a case 'arising under the Constitution of the United States,' under the express delegation of judicial power given by that instrument. Congress, then, may call that power into activity for the very purpose of giving effect to the right; and if so, then it may prescribe the mode and extent to which it shall be applied, and how and under what circumstances the proceedings shall afford a complete protection and guarantee of the right." * * * * * *

"The power of legislation in relation to fugitives from labor, is exclusive in the national Legislature. (Cited, Sturgis *vs.* Crowninshield, 4 Wheat., 122, 193.)

"The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever State of the Union they may be found, is under the Constitution recognized as an absolute positive right and duty, pervading the whole Union with an equal and supreme force, uncontrolled and uncontrollable by State sovereignty or State legislation.

"The right and duty are coextensive and uniform in remedy and operation throughout the whole Union. The owner has the same security and the same remedial justice and the same exemption from State regulations and control, through however many States he may pass with the fugitive slave in his possession *in transitu* to his domicile."

I will now read a passage from the syllabus in the Dred Scott case:

"The Constitution of the United States recognizes slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

"The plaintiff himself acquired no title to freedom by being taken by his owner to Rock Island, in Illinois, and brought back to Missouri."

In that case the negro was taken from Missouri to Rock Island, in Illinois, and from Rock Island he was taken back to Missouri. One question was whether his residence in Rock Island, a part of Illinois, gave him a right to his freedom. The court expressly decided that it did not:

"This court has heretofore decided that the status or condition of a person of African descent depended on the laws of the State in which he resided."

At the time he is asserting a right to freedom, of course.

"It has been settled by the decisions of the highest court in Missouri that, by the laws of that State, a slave does not become entitled to his freedom, where the owner takes him to reside in a State where slavery is not permitted and afterwards brings him back to Missouri."

I will now read from a few decisions of Judge McLean in his circuit of Indiana and Michigan.

In case of Miller *vs.* McQuarry, 5 McLean's Rep., 469, Judge McLean decides that:

"Slavery is a municipal regulation; is local; and cannot exist without the authority of law. But it need not be shown that it is created by express enactment. It may arise from long recognized rights, countenanced by no legislative action. African slavery is thus recognized in Kentucky; and the judges of the Supreme Court of the United States, whose jurisdiction is coextensive with the country, are bound to take judicial notice of its existence in those States where it prevails."

In the case of Jones *vs.* Vanzadt, 2 McLean's Rep., 602, he says:

"In our colonial governments and under the Confederation no general provision existed for the surrender of slaves. From our earliest history it appears that slavery existed in all the colonies, and at the adoption of the Constitution it was tolerated in most of the States."

Property, real or personal, takes its designation and character from the laws of the States. It was not the object of the Federal Government to regulate property. A Federal Government was organized by conferring on it certain delegated powers, and by imposing certain restrictions upon the States.

In the case of Vaugn *vs.* Williams, 3 McLean's Rep., 582, he says:

"In this argument the question of slavery has been discussed, and the impolicy of the provision of the Constitution requiring fugitives from labor to be surrendered. With this subject in the abstract this court has nothing to do. It is argued that slavery had its origin in usurpation and injustice, and is continued in violation of the natural rights of man, as declared in our Declaration of Independence. But these are topics which this court will not discuss. We look to the law, and only to the law."

The idea of there being a higher law which interdicts slavery against the positive law, either enacted or arising from usage, is absurd. Would any gentleman who has the least regard for his legal character make such a plea in a case involving the right of the owner to his slave? Why, he would be laughed out of court. There is but one law of property. Natural law establishes no property. It is only artificial law resulting from positive enactment or from long usage that establishes property, the subjects of property, and regulates the rights of property in the owner.

Sir, if you were to come to natural law there are but two natural laws that even abstractly can be construed to uphold property. The first is the law of man's wants, either real or artificial, true, or imaginary. The next law is his power and his ability to appropriate that which he wants to his own use. There are no other natural laws of property but those two. It was the object of society to do away with those natural laws. In the language of John Quincy Adams they are swept by the board. They do not exist in courts. They are not allowed to live, to move, to have their being in courts. They will not be tolerated as defenses or as giving rights to the claim of property. When property exists in a state of society it exists not by natural law, but by positive artificial law, either enacted or from long usage. There is no other sanction; there is no other title; there is no other claim that can be made available in a court of justice; and whenever a law in either form guaranties to any owner or claimant of property his rights, and he makes good that title in court, you may claim and plead all the natural and moral law, all the abstract and inalienable rights of man, all the notions of justice or injustice that philanthropy or hypocrisy may put up, but they avail nothing. These higher laws differ according to education, to the moral structure of men, according to the school of morals in which they are taught. But here are positive laws reading explicitly and distinctly for themselves, that every man may comprehend and understand, that every judge may enforce. When you resort to natural law, to the laws of abstract reason and justice, you are venturing into an unknown and dark sea without chart or compass. It is absurd to say that property is to receive its overthrow from any such source.

This learned judge, who was also strongly anti-slavery, continues in this case of Vaugn *vs.* Williams:

"Whatever opinions may now be entertained as to the policy of introducing the above provision into the Constitution, at the time of its introduction it was deemed a matter of the highest import. The fruits of the Revolution trembled in the balance while this and kindred subjects were discussed in the Convention; and they were settled only by a settlement of compromise and mutual concession. But if in this and other respects it is less perfect than the parties on either side would have it, we are not the less bound by its provisions. If an alteration in the instrument be desirable, let it be made, or attempted to be made, in the mode provided."

I submit that lesson to the constitutional tinkers in this and the other Hall of Congress who are endeavoring to mar the harmony and the moral power of that instrument.

"But while it remains the fundamental law of the Union, no citizen will disregard its provisions."

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. FRIDAY, MARCH 11, 1864. NEW SERIES.....No. 64.

The judge was mistaken in that.

"It was not deemed a perfect instrument, perhaps, in every respect by a considerable portion of those who formed it; but it was all that could be adopted under the circumstances. It has saved us from anarchy and ruin. It has given us a national character and a proud standing among the great nations of the earth. Under its protection our commerce has flourished among the several States and been extended to every sea. It laid the foundation of the prosperity and glory of our country. Whatever defects there may be in the instrument, no one can fail to see that its beneficial results exceed the power of human computation."

In the case of Giltnor *vs.* Gorham, &c., 4 McLean, 402, the same learned judge says:

"The counsel of defendants, to some extent, have discussed the abstract principle of slavery."

That is a question always abstract in a court of justice.

"It is not the province of this court or of this jury to deal with abstractions of any kind. With the policy of the local laws of the States we have nothing to do. However unjust and impolitic slavery may be, yet the people of Kentucky, in their sovereign capacity, have adopted it. And you are sworn to decide this case according to law"—

Oh, what cobwebs are oaths and law to men who are predetermined to violate them!—

"the laws of Kentucky as to slavery, and the provisions of the Constitution, and the act of Congress in regard to the reclamation of fugitives from labor."

"This provision of the Constitution is a guarantee to the slave States that no act should be done by the free States to discharge from service in another State any one who might escape therefrom, but that such fugitive should be delivered up on claim being made. This clause was deemed so important that, as a matter of history, we know the Constitution could not have been adopted without it. As a part of that instrument, it is binding upon courts and juries as any other part of it."

Yes, sir, and upon Presidents and legislators too; upon every man who regards the sanctity of an oath and the highest duty that he can render to his country and to mankind.

"The chief excellence of our constitution consists, not so much in our written Constitution and laws, as in the moral power which they embody."

Yesterday the moral power of this Government "might have stood against the world. Now it is so poor that none will even do it reverence." It is being struck down by rebels in the South and by usurpers in our own Government. It is falling into contempt. It is now in ruins. It is becoming the reproach of the land. It is but the cover of usurped power and of tyrannical oppression. It is made a shield and a masked battery from which assaults are made upon all the rights of the States and all the liberties of the citizen.

"Intelligent foreigners are more forcibly struck with this great fact than with any other. They see no military array, no display of martial music, or men-at-arms to attract or intimidate, and they inquire, where is the Government? It is neither to be seen nor felt, and yet the people are quiet and orderly. Foreigners seem to have no adequate conception of that moral power which, unseen, pervades every part of our country. Under its ægis our citizens repose in confidence as to the safety of their persons and property. If injured in either they look for redress to an energetic and enlightened execution of the laws."

Of course through the courts; but what a broken reed would they now lean upon if they looked to that resource and to that defense.

"And from this does moral power emanate. Laws the most wise and wholesome, if not carried into effect, can be productive of no good. They will remain on our statute-books as monuments of reproach."—426.

Sir, if he had been writing a philippic and a condemnation of the present order of things, both in the South and in the United States Government, his language could scarcely have been more apposite. It is this failure to execute the laws which has weakened and almost brought our Government to an end. It is the perversion and abuse of their Administration that have brought it to the very verge of dissolution, and that are now encouraging and widening and deepening dissatisfaction with it among the loyal States, the mischievous effects of which cannot be calculated.

"If we wish to give permanency to our Government and preserve its great principles we must stand by the Constitution and the laws"—

Sir, a greater truth was never uttered—

"and in the administration of justice we must give effect to them. In the law is found the only safe rule by which controversies between man and man can be decided. In no supposable case has a juror a right to substitute his own views and disregard established principles of law. A well-instructed conscience is a proper guide for individual action; but when we are called upon to act upon the interests of others we violate our oaths, and show ourselves unworthy of so important a trust, when we adopt as a rule of action our own views of what the law should be rather than what it is."—*Ditto*, 426.

In this case the court instructed the jury that the value of the services of the slaves at the place from whence they eloped, was the criterion of the damages which the plaintiff was entitled to recover. On the first trial the jury hung, but at the next term they found a verdict for the plaintiff for the value of the slaves as proved by the plaintiff's witnesses.

Now, sir, here is this question of damages decided by a Republican judge, irreconcilably anti-slavery in his sentiments—Judge McLean. He instructed the jury that as men interfered in the State of Ohio (which had passed a personal liberty bill) and gave aid in the escape of a slave, the plaintiff was entitled to recover against them, and to recover the value of the property in the country from whence it escaped, according to the evidence of the witnesses of the plaintiff.

I have other extracts from the opinions of able courts and judges to the same effect which I will not read. I desired to settle this question of property in African slaves. If the cumulative authority of courts and of nations, of centuries and of ages, of republics and of monarchies—if authorities piled, "like Pelion upon Ossa," sky high, can settle and forever put to rest any legal question, this question of slavery, existing by the law of the civilized world at one time and by the laws of all localities and countries and places that now recognize it, must be regarded as settled. It was for the purpose of arraying this weight and volume of authority that I was induced to make this speech to-day. If I chose to multiply it I could run it into volumes. I could show how all the State courts before whom these questions have come have sustained the principle that African slavery exists by local law. As I said the other day, there was but one solitary dissenting judgment, and that was rendered in the case of Booth in Wisconsin. The judgment of the State court in that case, somewhat in conflict with the principle of property in African slaves, was brought up to the Supreme Court of the United States, and reversed by its unanimous judgment.

But, sir, in conclusion, I aver that property in African slaves exists; that it exists in the State of Kentucky; and that we have the same right to that property and to the same measure of compensation for it, when taken for public use, that the owners of any other property have, the fair and reasonable value. We have a right to that constitutional and just compensation. The measure of that compensation has already been decided by the courts, the Supreme Court, the Court of Claims, in this District, and the district court of Michigan, and all the State courts, and it is declared by all to be the value of the property, and that value is to be ascertained judicially. I claim that this amendment which I have offered ought to pass. It is necessary to do us justice. It will be a flagrant violation of our constitutional rights upon the part of our own Government to loyal men not to give us this measure of compensation.

Mr. POMEROY. I desire to inquire what is the question before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. POMEROY. I should be glad to address the Senate on that question.

Mr. SHERMAN. As the Senator does not wish to proceed this evening I should like to have a short executive session.

EXECUTIVE SESSION.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 9, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Mr. CUTLER, of New York.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

Mr. ALLISON, by unanimous consent, submitted a joint resolution of the General Assembly of the State of Iowa, requesting a change in the route of the Sioux City branch of the Pacific railroad, and that an independent company may be authorized to build the same; which was referred to the select committee on the subject, and ordered to be printed.

PARKERSBURG A PORT OF DELIVERY.

Mr. BLAIR, of West Virginia. I ask the unanimous consent of this House to take from the Speaker's table Senate bill No. 69, to establish Parkersburg as a port of delivery.

There was no objection, and the bill was taken up and read a first and second time.

The bill, which was read, provides that Parkersburg, in West Virginia, shall be constituted a port of delivery, within the collection district of New Orleans; and there shall be appointed a surveyor of customs to reside at that port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments prescribed by the act of Congress, approved March 2, 1831, for importing merchandise into Pittsburg, Wheeling, and other places.

Mr. BLAIR, of West Virginia. I will only say a word on the bill. No appropriation is asked for public buildings. Parkersburg is asked to be made a port of delivery, and not a port of entry. All the office created is that of a surveyor of customs, at a salary of $350 per annum, whenever goods from foreign countries come into that port. It is the second city in the State of West Virginia, and one of the most flourishing places in that vigorous and prosperous new State. I ask that the bill be put on its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BLAIR, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

IOWA CIRCUIT COURT OF THE UNITED STATES.

Mr. PRICE, by unanimous consent, introduced a bill for an act changing the place of holding the United States circuit court from Des Moines to Davenport, in the State of Iowa; which was read a first and second time, and referred to the Committee on the Judiciary.

TAXATION OF UNITED STATES BONDS.

Mr. KERNAN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas the law exempting United States bonds from taxation enables corporations and individuals to withdraw large amounts of their personal estate from all State, county, town, and municipal taxation, and thus they escape their just share of the burdens which are thrown chiefly upon real estate: Therefore,

Resolved, That the Committee of Ways and Means be, and the same is hereby, directed to inquire into the expediency of so changing the law as not to exempt the holders of United States bonds or stocks from State, county, town, and municipal taxation on account thereof; and that the committee is authorized to report by bill or otherwise.

DEPARTMENT OF THE MISSOURI.

Mr. LOAN, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to this House copies of all reports and other official communications made by the commander of the department of the Missouri and all other Federal military officers in the State of Missouri now on file in his office, and which relate to military services rendered by the Missouri militia.

ENROLLMENT BOARDS.

Mr. DRIGGS, by unanimous consent, submitted joint resolutions of the Legislature of the

State of Michigan, in favor of an amendment to the enrollment act so as to have the examining boards meet at the county seats; which were referred to the Committee on Military Affairs, and ordered to be printed.

SHIP CANAL.

Mr. DRIGGS, by unanimous consent, submitted joint resolutions of the Detroit Board of Trade in favor of a ship canal around the Niagara falls; which were referred to the Committee on Roads and Canals, and ordered to be printed.

COURT OF CLAIMS.

Mr. WILSON, by unanimous consent, introduced a bill to restrict the jurisdiction of the Court of Claims to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

CREWS OF AMERICAN VESSELS.

Mr. ELIOT, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of amending the law requiring that a certain proportion of the crews of American vessels shall be American citizens; and report thereon by bill or otherwise.

PUTNAM'S EYELET HOOK.

Mr. PRUYN, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into and report upon the expediency of adopting the Putnam eyelet hook as a fastening for rubber blankets and shelter tents, and of furnishing them to the troops already in the service.

PRINTING OF A PAPER.

Mr. DONNELLY, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the usual number of copies of the memorial of the Legislature of the State of Minnesota in reference to a grant of land to the Mississippi and Lake Superior Railroad Company be printed for the use of the House.

TIME OF HOLDING CERTAIN COURTS.

Mr. WILDER, by unanimous consent, introduced a bill to amend an act entitled "An act prescribing the times and places of holding terms of the circuit court in the districts of Iowa, Minnesota, and Kansas," approved January 13, 1863; which was read a first and second time, and referred to the Committee on the Judiciary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced to the House that the Senate had agreed to the amendments of the House of Representatives to the bill of the Senate (No. 30) to establish a uniform system of ambulances in the Army of the United States.

Also, that the Senate insist upon its amendments to the bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1864, disagreed to by the House of Representatives; disagree to the amendment of the House to other amendments of the Senate to the said bill; and agree to the committee of conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FESSENDEN, Mr. FOOT, and Mr. CARLILE, as such committee on the part of the Senate.

KANSAS AND CALIFORNIA MAIL SERVICE.

Mr. WILDER, by unanimous consent, presented concurrent resolution of the Kansas Legislature, asking for mail service between Kansas and California; which was ordered to be printed, and referred to the Committee on the Post Office and Post Roads.

MILITARY BRIDGE IN KANSAS.

Mr. WILDER, by unanimous consent, presented concurrent resolution of the Kansas Legislature, petitioning for the construction of a military bridge across the Republican river, near Fort Riley, in the State of Kansas; which was ordered to be printed, and referred to the Committee on Military Affairs.

MILITARY ROAD IN KANSAS.

Mr. WILDER, by unanimous consent, presented concurrent resolutions of the Kansas Legislature petitioning Congress to establish a military road from Fort Leavenworth via Fort Riley to Fort Larned; which were ordered to be printed, and referred to the Committee on Military Affairs.

MILITARY AND POST ROADS.

Mr. DEMING, by unanimous consent, reported from the Committee on Military Affairs an act to declare certain roads military roads and post roads, and to regulate commerce; which was read a first and second time, and referred to the Committee on Commerce.

NAVY-YARD ON WESTERN WATERS.

Mr. LAW, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making Evansville, on the Ohio river, in the State of Indiana, a point for the location of a navy-yard on the western waters.

Mr. FARNSWORTH. I call for the regular order of business.

The SPEAKER. The call of committees for reports is the business in order; and under it the House resumes the consideration of the bill (H. R. No. 115) granting lands to the Territory of Washington to aid in the construction of a military road from Fort Walla-Walla to Puget Sound.

Mr. MORRILL. I desire to say a few words upon the bill before the House. If the bill were a carefully drawn bill I should be opposed to it. I regard it as a loosely drawn bill. But now when gold has risen since yesterday, as I understand, from sixty-four to sixty-nine per cent. premium, I consider it as a most inopportune time for us to be parting with any of our solid securities. The bill before us is merely for the construction of a wagon road—not a railroad—and yet it proposes to surrender all the public lands of any value upon either side of the road to the extent of fifteen miles, and there is no security whatever for the building or construction of that road. It is merely upon the certificate of the Governor of the Territory of Washington that these lands are to be made over. Then if there should be only a spotting of trees, or sticking of stakes for the line of the road, and the Governor should regard that sufficient, the lands would be demanded and surrendered.

I trust we shall have no such bill passed at this session. There is no limitation as to the minimum price at which those lands shall be disposed of, and they may be sold for one cent or twelve and a half cents an acre. I hope the chairman of the Committee on Public Lands will make a motion to lay this bill on the table and kill it at once.

Mr. NORTON. I do not wish to take up any time about this matter; but as far as my experience has gone, when this Government has made grants of land for public improvements, it has actually made money out of them, because it has sold the remaining lands in the vicinity for more than it could have disposed of the whole without the improvements; and they have sold the remaining alternate sections in much less time than it would have taken to dispose of the whole, if they had retained the whole in their hands.

There seems, however, to be some misunderstanding in regard to this bill. It is said that it is very loosely drawn; that the interest of the Government is not properly represented or cared for. I do not know how I may vote upon the bill. As at present advised I shall be in favor of a bill properly drawn and guarded to secure the objects of this bill. But I will suggest to my colleague [Mr. FARNSWORTH] whether it will not be better to postpone action upon this bill for the present, and allow it to go over until some future day, making it a special order, and in the mean time having the bill printed, so that there can be an opportunity to examine it and give it that careful consideration which is due to a measure disposing of so large a quantity of the public lands. I do not know that I object to the bill as it is drawn. I am certainly in favor of the principle of the bill. It is perfectly apparent that those great public improvements cannot be made in the new Territories without the assistance of the Government.

Mr. FARNSWORTH. I have no particular desire to press the consideration of this bill upon the House at the present time.

The gentleman from Vermont says this is a very loosely drawn bill. Sir, it is drawn precisely as the acts have been drawn which have heretofore passed Congress granting lands to aid in the construction of military and wagon roads.

This bill was drawn, as I understand, by the Delegate from the Territory of Washington, and regularly referred to the Committee on Military Affairs. I compared the bill with others which have passed Congress, and particularly one which passed the last session of Congress, giving a large grant of land to the States of Michigan and Wisconsin to aid in the construction of roads like this.

Mr. WILSON. I desire to ask the gentleman from Illinois whether he found any act of Congress granting lands to any Territory for the purpose of aiding in public improvements?

Mr. FARNSWORTH. I think the statutes are full of such acts.

Mr. WILSON. I think if this bill should be passed it would be the first act ever passed granting public lands to the Territories to aid in public improvements.

Mr. FARNSWORTH. Congress has been in the habit of appropriating money to aid in the construction of roads. If the House thinks it is better to appropriate money out of the Treasury for this road than to appropriate the unoccupied public lands, and which can never be occupied until these public improvements are made, for that purpose, they can so amend the bill.

Now, Mr. Speaker, this bill provides that these lands shall only be sold in parcels from time to time, as ten consecutive miles of the road are constructed. It also provides that unless the road is constructed, unless it is completed within five years, the grant shall be forfeited. It is not, therefore, as the gentleman will see, an absolute grant, but only a conditional and restricted grant to Washington Territory.

Mr. MORRILL. I desire to ask the gentleman from Illinois a question. I desire to know whether the location of this road is fixed except at the termini, and one other point, whether the number of miles is known, or the number of acres which will be required to fulfill this grant.

Mr. FARNSWORTH. Yes, sir; the bill provides for the construction of a road from the Walla-Walla to Puget Sound, through the Cascade mountains by way of the Yakama valley. That is all that can be said, unless an appropriation is made to send out an engineer and a corps of assistants to make a survey of the road. It is over a country through which men cannot go, and it is absolutely necessary to develop the resources of this country to enable emigrants to reach the eastern slope of the Cascade mountains.

Gentlemen talk about these lands being made the homes of actual settlers under the homestead law. Why, sir, no man is going there to settle on these lands unless the Territory is developed by roads.

The people of the Territory of Washington desire to see their Territory settled, and that is what they want this road for. There is no chance for speculation that I can see, in this bill, and I am myself, as was the Committee on Military Affairs, in favor of granting to the people of this far-off Territory, when they are willing to take lands instead of money, a liberal grant of the public domain which is not occupied now and will not sell to settlers, to aid them in the development of the resources of their Territory and inducing emigrants to settle there.

I believe the gentleman from Washington Territory desires to be heard upon this question, and I will yield to him.

Mr. COLE, of Washington. Mr. Speaker, the Territorial Legislature of Washington has memorialized Congress, in a memorial which has been referred to the Committee on Military Affairs, for an appropriation of $50,000, or lands in lieu of such appropriation of money, for the purpose of repairing the road over a portion of this route where a military road has been recently built by way of the Natchess pass. Recently I have received a memorial of the Legislative Assembly of Washington Territory, which I have not yet had an opportunity to present to the House, asking an appropriation of two townships of land additional to construct a military road by the way of Snoqualmie pass.

Now, all of us who have lived in the West know what kind of military roads are usually constructed. The road which was constructed through the Natchess pass, although quite a large

appropriation was made for it by the Government, was a road that did not last two years, and has never been such a road as could be called a wagon road. The road built from Fort Benton to Walla-Walla, which cost $100,000, is not a road which can be used as a wagon road.

Now, this bill proposes to grant four hundred and eighty thousand acres of the public domain to the Territory of Washington for the construction of this road, and the distance from Walla-Walla to Seattle or Steilacoom, the two proposed termini of the road on Puget Sound, is, in round numbers, about two hundred and fifty miles. This bill grants every alternate section for three miles on each side of the proposed road, and not fifteen miles, as stated by the gentleman from Vermont, [Mr. MORRILL;] but in the event that these lands are occupied by settlers, the bill permits the Territory to go a distance beyond that, not to exceed fifteen miles, to select its lands from the alternate sections designated by even numbers in lieu thereof.

Now, sir, as is well known to every one who is acquainted with the geography of that Territory, it is about three hundred and fifty miles in length, extending from east to west, and about two hundred miles in width, and that the Cascade mountains, the highest and the most formidable mountains upon this continent, extend directly through the Territory of Washington from north to south, dividing it into two unequal sections.

Now, the settled portions of the Territory are on Puget Sound, along the Columbia river, and in the extreme eastern portion of the Territory. The central portion of the Territory, occupied by these mountains and the great sandy plain to the east of them, is entirely unsettled. Although the bill proposes to grant more than four hundred thousand acres in round numbers, yet really the amount of the donation will not be more than a hundred thousand acres of lands that can be sold at the minimum price of $1 25 per acre. On the first twenty miles of the road to be constructed, starting from Walla-Walla, all the good lands there have been settled for years, and there are no other lands there that will sell for twenty-five cents an acre. From Wallula, where the road crosses the Columbia river, to the Yakama river the country is very barren and sandy, and the lands are worth nothing. We pass then up the Yakama valley, and the best lands in that valley upon one side are included in the Yakama Indian reservation, and we must pass to the barren plain on the opposite side of the river to get the balance of the land. And when we get to the mountains, for a distance of sixty miles, the lands would be good for nothing for the purposes of constructing this road unless they be mineral lands, and if mineral lands the United States should not part with them

I will now give way to the gentleman from Illinois to make a motion to recommit and print the bill, so that all members can have an opportunity to examine its provisions.

Mr. FARNSWORTH. I suggest to the gentleman from Washington that there seems to be a desire on the part of the House to postpone the consideration of this bill. I will, therefore, move that the bill be postponed and printed.

Mr. JULIAN. I think that this bill should go to the Committee on Public Lands, and be printed.

Mr. FARNSWORTH. The trouble is that that committee may never have a chance to report it back.

Mr. JULIAN. We shall have an opportunity to report very shortly.

Mr. FARNSWORTH. I move, then, that the bill be referred to the Committee on Public Lands, and printed.

The motion was agreed to.

SOLDIERS' CLOTHING LOST.

Mr. FARNSWORTH, from the Committee on Military Affairs, reported back a bill to reimburse the officers and men of the twentieth regiment Indiana volunteers for loss of baggage and other property at Hatteras Inlet, and several other petitions on the like subject; and asked to be discharged from the further consideration thereof, and that the report be ordered to be printed.

The report was read.

Mr. HOLMAN. I desire to inquire of the gentleman from Illinois [Mr. FARNSWORTH] whether any information was laid before the Committee on Military Affairs as to whether that Indiana regiment was supplied with clothing in the place of that lost at Hatteras Inlet.

Mr. FARNSWORTH. Not that I am aware of. The law, as it is now, provides for the relief of soldiers who shall have lost clothing or baggage by the casualties of war. By a regulation of the War Department, as will be seen by the circular of the Quartermaster General, recited in the report, provision is made for the reissue of clothing under certain restrictions, but it must be done on the requisition of the commanding officer, stating the facts and circumstances under which the loss occurred. The Committee on Military Affairs simply reports that the law, as it now is, is sufficiently broad to cover the whole case. We were only asked to provide for the reimbursement to soldiers of clothing lost, and the law already provides that very thing. We have therefore incorporated in the report the general order of the War Department and the circular of the Quartermaster General, issued by direction of the Secretary of War, providing for the manner in which reissues shall be made.

Mr. HOLMAN. I notice from the reading of the report of the committee that general principles are laid down which are supposed to cover all cases. But it is a well-known fact that this Indiana regiment sustained very serious loss at Hatteras Inlet, that of their entire baggage, by the casualties that occurred there. For some reason or other, no reimbursement has been made. I apprehend that there must be some defect in the law, and that its provisions do not reach this particular case. No case has occurred during the war where the loss has been so complete and so entirely beyond the control of the soldiers themselves as that at Hatteras Inlet. I trust, therefore, that the Committee on Military Affairs will consent to have the subject referred back to it again, with instructions to make inquiry specially in regard to this Indiana regiment. I trust the gentleman from Illinois will not object to that course

Mr. FARNSWORTH. Mr. Speaker, I am well acquainted with the subject of the loss to which the gentleman from Indiana [Mr. HOLMAN] alludes—that of the twentieth Indiana regiment. I have conversed with the officers of that regiment in relation to it, and I do not deem it necessary that the matter be re-referred to the Committee on Military Affairs for the purpose of examining that case.

It is true that there are cases of individual hardship on the part of officers and men. Still it is not deemed necessary that we should legislate any further in regard to the subject-matter about which complaint is made. There are many cases —and perhaps this case of the twentieth Indiana is one—where officers and men load themselves down with too much baggage. The policy of the Army is, and should be, to take as little baggage as possible. Officers and men should not go into the field loaded with baggage. It impedes the march; it interferes with the mobility of troops. Any legislation for the reissue of clothing further than the present legislation provides for it, would encourage that very evil of carrying too much baggage, because then baggage that is lost would be paid for.

It is very difficult to ascertain the value of property thus lost by officers and soldiers. A soldier seldom loses a garment that is not partly worn. How shall its value be fixed? How much is the Government to pay for it? These questions all present themselves; and it is very difficult to shape legislation to meet each individual case of loss or hardship that may occur.

Therefore, Mr. Speaker, the Committee on Military Affairs, after consulting with the Secretary of War, and getting from him and from the Quartermaster General a copy of the regulations already made in regard to the reissue of clothing, and from an examination of the joint resolution, came to the conclusion that no further legislation was necessary.

In a great many instances clothing is not reissued to the troops simply because the officers do not attend to their duty, and do not make proper reports to their commanding officers. They are careless about it.

Mr. FARNSWORTH. The Committee on Military Affairs report back these memorials and resolutions, with the recommendation that they be laid on the table and the report be ordered to be printed, considering the existing legislation on the subject to be sufficient.

Now, Mr. Speaker, if officers of the Army will take pains to inform themselves of the regulations of the War Department upon this subject, and will do their duty to their men in making the proper reports to the Department, so that there can be a redistribution of clothing, they will avoid many cases of hardship such as have occurred.

The SPEAKER. The Chair will remark that as the report of the Committee on Military Affairs is to lie on the table, this debate can be indulged in only by unanimous consent.

Mr. HOLMAN. I ask consent to say that I hope the whole subject will not be laid on the table. If officers have been derelict in their duty, is that any reason why these men should suffer? These occurrences, certainly in the case of the Indiana regiment to which I have referred, took place so far remote from this Capitol as to render it almost impossible to avail themselves of the information which the gentleman has now given us.

I trust, therefore, that this matter will not be laid on the table, but that it will be postponed until some day that will give us an opportunity to ascertain the facts on which this bill rests.

Mr. FARNSWORTH. The Committee on Military Affairs have reported no bill. They have merely reported back certain memorials.

The SPEAKER. The Chair will suggest the object of the gentleman from Indiana might be accomplished by referring the memorials back to the committee, with leave to report at any time.

Mr. FARNSWORTH. I have no objection to that.

The memorials were accordingly recommitted to the Committee on Military Affairs, with leave to report at any time.

ENROLLMENT OF THE NATIONAL FORCES.

Mr. GARFIELD. The Committee on Military Affairs have instructed me to report back sundry memorials, bills, and papers referring to the enrollment law. The House has already acted upon these papers by the passage of an enrollment act. I therefore ask that the committee may be discharged from the further consideration of those papers.

The papers reported were laid on the table.

THANKS TO GENERALS ROSECRANS AND THOMAS.

Mr. GARFIELD, from the Committee on Military Affairs, reported back Senate joint resolution (No. 11) giving the thanks of Congress to Major General George H. Thomas, and the officers and men who fought under his command at the battle of Chickamauga, with an amendment, and with the recommendation that, as amended, the joint resolution do pass.

The amendment inserts before the name of Major General Thomas the name of Major General William S. Rosecrans; and includes also the officers and men who fought under his command in the same battle on the 19th and 20th of September, 1863.

The amendment was agreed to.

The joint resolution, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. GARFIELD moved to amend the title so as to make it read as follows:

Joint resolution of thanks to Major General William S. Rosecrans and Major General George H. Thomas, and the officers and men who fought under their commands at the battle of Chickamauga.

The amendment was agreed to.

The title as amended was agreed to.

VETERAN VOLUNTEER ENGINEERS.

Mr. GARFIELD, from the same committee, reported back House bill No. 251, to organize a regiment of veteran volunteer engineers, with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. Before the bill passes I should like to have it read.

The bill was read. It authorizes the Secretary

of War to enlist out of any volunteer forces in the army of the Cumberland, who have heretofore served as pioneers, pontoniers, or engineers, a regiment of veteran volunteer engineers, to consist of ten companies, the men to receive the same pay and bounties as is provided by law for veteran volunteers, the officers to be commissioned by the President of the United States on nomination by the general in command of the army of the Cumberland, and to receive the same pay as engineer officers in the regular Army; the men to be credited to the States from which they shall have originally enlisted.

Mr. ASHLEY. I would suggest that the words "and districts" shall be added after the word "States," so that these men shall be credited to the States and congressional districts from which they originally enlisted.

Mr. HOLMAN. I think it would be much better to credit these men to the States where the soldiers themselves resided at the time of their enlistment. I brought to the attention of the War Department a few days ago the fact that in the early part of the war a large number of men from the State of Indiana went to Kentucky and enlisted, because at the time the quota of their own State was full, and they could not be accepted from Indiana. These men have not been credited to Indiana, nor, as I am informed, can they be under the existing laws and regulations; but I think it would be but justice to provide in this bill for the crediting of these men who are to reënlist into this engineer regiment to the State where the soldiers resided at the time of their original enlistment.

Mr. GARFIELD. I will say to the gentleman, in answer to his suggestion, that the law having already determined that reënlistments shall be credited to the States in which they shall have reënlisted, I drafted this in the form of the general principle. It seems to me it would be bad to make a general rule and then to make an exception in this case.

Mr. SCHENCK. I ask the gentleman to yield to me a moment.

Mr. GARFIELD. Certainly.

Mr. SCHENCK. By the enrollment act as it now exists, amended by the present Congress, we have wiped out State lines and divisions and made subdivisions into towns and wards. I suggest that credit be given not in States and districts, but in the subdivisions of States, as provided in the enrollment act.

Mr. GARFIELD. I agree to that.

Mr. SCHENCK. That will make it harmonize with the existing law.

Mr. GARFIELD. What is the language?

Mr. SCHENCK. That credit be given to the subdivisions of States as provided by existing laws.

Mr. GARFIELD. The suggestion of my colleague covers the whole ground, and instead of saying "States and districts" I will say "subdivisions of States."

There was no objection, and the bill was amended accordingly.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DISMISSION OF OFFICERS.

Mr. GARFIELD, from the Committee on Military Affairs, reported back House bill No. 187, to regulate the dismission of officers in the military and naval service of the United States, with the recommendation that it do pass.

The bill was read.

Mr. GARFIELD demanded the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PROTECTION OF EMIGRANTS.

Mr. BLAIR, of Missouri, from the Committee on Military Affairs, reported a bill to aid in the protection of emigrants to the Territories; which was read a first and second time.

Mr. BLAIR, of Missouri. Mr. Speaker, the reasons for this bill are few and strong. The Government early in this war were supplied with an inferior class of arms, and there are a great many of them now on hand. Instead of keeping large bodies of troops upon the roads to California and the Pacific we think we had better arm the emigrants themselves. We will thus dispense with a great expense to the Government, and at the same time secure the safety of emigrants across the plains to the new Territories from Indians and others. It will enable them safely to go out and dig gold, which we need very much to sustain our currency. I demand the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

BUREAU OF MILITARY JUSTICE.

Mr. SCHENCK, from the Committee on Military Affairs, reported a bill to establish a Bureau of Military Justice; which was read a first and second time.

The bill was read *in extenso*.

Mr. SCHENCK. I ask the Clerk to read the report of the Secretary of War which explains the necessity of passing, and immediately passing, a bill of this kind.

The Clerk read, as follows:

"Diligent effort has been made for the enforcement of discipline, the detection of frauds, and their prevention and punishment by summary dismissal, or by the conviction and sentence of guilty parties by court-martial and military commission. In this respect much has been accomplished by the Judge Advocate General and his assistants. From his report it appears that, since the commencement of the rebellion, vast as has been the increase of the duties and labors of his office, there has been no legislative provision enlarging the instrumentalities for their performance. The machinery of the office remains as when the Army consisted but of some thirteen thousand men. This condition of things is the more striking when it is remembered that in every other branch of the military service legislation has kept pace with the wants created by the emergencies of the war. It is essential that the force of this office be increased to meet the emergencies of the service. The following is a summary of the business dispatched in the Judge Advocate General's office from the 1st September, 1862, to 1st November, 1863, a period of fourteen months:

"Number of records of trials by general courts-martial and military commissions reviewed, 17,357. Number of reports made as to the regularities of the proceedings, on applications for restoration to the service, and for the pardon of offenders, and remission or commutation of sentences, 2,318. Miscellaneous reports on other questions referred to the office, 172.

"While many of these reports are brief, many are long and elaborate, involving an examination of complicated masses of fact, and of difficult legal questions. As recorded, they occupy about two thousand quarto pages."

Mr. SCHENCK. In addition to what has been said by the Secretary of War as to the necessity of the passage of a bill of this kind, I will say we have just passed through this House a bill which will increase very much the business of the Judge Advocate and of those connected with his office. We have passed a bill applying a wholesome reform and a restraint upon the arbitrary dismissal from service, and allowing in a number of cases trials by courts-martial where they have not heretofore been allowed. I hope this bill will pass.

Mr. BROOKS. I am somewhat surprised that a bill of this character should be pressed to a vote without an opportunity for examination. It appears to me to create almost a new bureau, and it overthrows and changes in a very summary and fundamental manner the mode and manner of executing military law. The expenses of executing the provisions of this bill, also, seem very large. I see also that many laws are repealed by it.

I do not know but it may be all right; but it seems to me a bill of this importance should be printed and laid upon the tables of members, and should not be put through without a more thorough discussion, and certainly not without giving us more time for its consideration. I am not prepared to say that I am opposed to the bill itself. I am only prepared to say I have not had time to give it that necessary examination which a bill of this great importance, establishing a new mode and manner of trial of military offenses, ought to have. I should be glad to hear from the chairman of the Committee on Military Affairs, or any other gentleman who is informed upon this subject, a further explanation of the bill, its purposes and objects.

Mr. SCHENCK. The objection made to the bill is one which strikes me as very singular. The bill now pending is that which was offered as an amendment by us as a substitute to bill No. 49 of the House, and which gentlemen will find upon their files. So far from its creating a new bureau or establishing new duties, and providing for proceedings not heretofore known to the law and practiced in the War Department, the effect is just the reverse.

The bill finds, at the War Department, a Judge Advocate's office, with a Judge Advocate, with all the functions he exercises and all the immense responsibilities and labors thrown upon him, as an existing thing. It finds in that Judge Advocate's office not a sufficient amount of help by Assistant Judge Advocates to enable the head of that department to get through with the business thrown upon him. This bill, without altering any law, without going into any details, simply increases the rank of the Judge Advocate, gives him two assistants, and establishes that known, fixed, practical bureau as it exists already in the War Department.

The objection, therefore, is a very singular one; for the objection is not sustained by one single fact connected with the character of the bill. It is a bill which simply accepts the Judge Advocate's office as it now exists, converts that Judge Advocate's office into a bureau, enlarges the jurisdiction, and increases, as seems to be right, the rank of the Judge Advocate. That is the whole of it.

Mr. BROOKS. I would ask the gentleman if House bill No. 49, which is on our desks, is the one now reported to the House?

Mr. SCHENCK. This bill is precisely what is contained on the second page of that bill as printed, and which is printed in italics.

But the most serious objection which the gentleman seems to make to the bill is that it comes from a bad quarter.

Mr. BROOKS. Oh no, I did not say that. I said that "Bureau of Military Justice" was a bad name.

Mr. SCHENCK. I understood him to say that the bill came from a bad quarter.

Mr. BROOKS. Oh, no; I did not say that.

Mr. SCHENCK. I am very glad the gentleman did not say it, because I was about to remark that if he had any reference to my exercise of military justice, I never exercised any that any *loyal* man had reason to be afraid of. I ask now that the bill be put upon its passage, and I demand the previous question.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCHENCK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

BUSINESS OF MILITARY COMMITTEE.

Mr. STEVENS. If the chairman of the Committee on Military Affairs is through with his reports, I will move to go into Committee of the Whole on the state of the Union on an appropriation bill.

Mr. SCHENCK. There is one very important bill relating to the increase of pay of soldiers and the pay of colored troops which the committee desire to get in. It is one that will occupy a great deal of time, and therefore it has been withheld to the last. I am perfectly willing to agree that the committee shall be allowed to report it on Monday next after the morning hour, or on some succeeding day after the morning hour. I know that the House is anxious to have the measure before it.

The SPEAKER. Are there one or two bills?

Mr. SCHENCK. There are other bills which we also desire to report.

The SPEAKER. Then on Monday next, the

committee will have leave to finish their reports if there be no objection. The Chair hears no objection.

Mr. FARNSWORTH. I understand that gives the committee the privilege of finishing their reports?

The SPEAKER. They will have all day after the morning hour.

Mr. HOLMAN. On this particular subject?

The SPEAKER. They have authority to report generally.

PREEMPTORS ON INDIAN RESERVATIONS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, submitting a report, in obedience to the requirements of the act of Congress, "for the relief of preëmptors on the home reservation of the Winnebagoes," &c., with his award of the amounts to be paid to the claimants respectively; which was referred to the Committee of Ways and Means, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEVENS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of taking up the legislative, executive, and judicial appropriation bill. It is not a special order, and I propose to allow two hours for general debate, if any gentlemen desire to speak.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. NORTON in the chair,) and proceeded to the consideration of bill of the House No. 192, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1865.

Mr. McCLURG. Mr. Chairman, I regret the necessity of this occasion. I regret that gentlemen occupying seats on this floor should so far have lost their self-respect as to use language so unbecoming, and, at the same time, false, as to cause me to consume for a personal explanation time that might otherwise be more profitably employed. But, sir, remarks from me are due now, indeed past due, not only to myself but to the loyal district which I have the honor to represent; to a constituency, a radical constituency, that have from the very commencement of this rebellion until the present sustained Mr. Lincoln and indorsed every national measure of his Administration so far as they had been discussed up to the time I left Missouri in November; a constituency that have sustained the Government by contributing their means without stint, even sacrificing their wealth, and by the voluntary offering of the lives that have been surrendered on almost every battle-field. Remarks are due now, because I have been personally attacked by two colleagues from the opposition side of this House, and because in both instances the attacks were unprovoked, malicious, and sustained only by falsehood. I have been suddenly driven, without provocation, until my back is to a wall, and I must defend myself. The first attack was made on the 5th ultimo by a colleague from the first district, [Mr. BLAIR,] who stealthily made an assault upon his four colleagues known as radicals, a name with which, whether applied to slavery or the rebellion, I am proud to be honored. On the 24th ultimo the attack was renewed by my colleague [Mr. KING] from the sixth district. It may be considered a large undertaking for one of my pretensions to attack two of such proportions as their distinguished titles would indicate, a major general and an ex-Governor and aid-de-camp to a Governor. But bear in mind, I did not attack; I fend off; and I am not unconscious of the fact that their assaults are with very little force. They are efforts of diseased men to prolong their own lives they have in their madness imperiled, when, too, the hoary locks in one case tell us that in the usual course of events the grave would soon have claimed its own. The victims to the disease "negro tremens" are even more numerous than those to *delirium tremens*. It is known by a recklessness of morals, desperation in executing corrupt designs, an entire disregard of the truth. There is complete derangement on all subjects where it is possible for the negro to intrude. The patient betakes himself to wanderings, and usually in search of "State lines," and is found crossing them first upon the north, then upon the south, as imaginary inducements may operate upon his disordered brain; therefore when he hears of another individual being near a "State line" he imagines he is "hunting for it." In the cases before us I shall demonstrate by the records these evidences of the disease before I shall have finished. For, Mr. Chairman, I wish it understood that my reputation is not sufficiently established here for me to rely merely upon assertions. That may answer for ex-major generals and ex-aids-de-camp of Governors; but I will enforce my opinions by evidence that will remove all doubt.

In these two cases some of the principles are the same, and facts alike applicable; but I will first turn my attention to the ex-Governor, ex-aid-de-camp, [Mr. KING,] and show you some evidence of derangement. I regret that his wanderings have suddenly led him from our midst. Sir, the stately form of that venerable man moved slowly but majestically in this Hall as it were but yesterday. As if to show us how unable we are to penetrate the future, his spirit has gone—to the western plains of Missouri, and his body is following after. But I have the satisfaction of knowing that if I should not shortly be sent upon the same errand on which he has preceded me, he cannot return from the spirit land and torment me for attacking him when absent. I have an honorable witness on his own side of the House, as well as the record on the Journal, that I informed him I would endeavor to obtain the floor and speak to his personalities. I shall, therefore, give his character. It is customary to speak only of the virtues of the departed. As his attack upon me was unprovoked and malicious, and intended to be personally offensive, I will depart from this custom; especially as I have discovered no virtues of which I could speak. We shall, doubtless, at times realize the absence of my colleague, but we must be content to draw a little upon our imaginations. If the painting were now presented representing him and my colleague from the first district [Mr. BLAIR] about the center of the Hall, with their coat-tails fastened together, and their heads in close proximity, and first one and then the other making demonstrations against this side of the House, and especially against their radical colleagues, the picture would be readily recognized. They moved about with that unity of feeling and purpose which they would have the country believe connects them to the President. Gray hairs naturally inspire my respect; but when old age fails to produce, along with gray hairs, that discretion which is usually looked for, my respect is changed to pity, and with sorrow I dwell upon the frailties of poor human nature. But, in this case, having been personally and unjustly assailed, I must make an example of that indiscretion which will permit a falsehood to come forth to accomplish a base purpose. I must defend myself, and one of the idols of myself and of southwest Missouri, the eighth regiment cavalry, Missouri State militia.

After the disbanding of the "home guard" regiment which I had the honor to command, two companies were at once organized in the volunteer service as Missouri State militia; and in February, 1862, under authority from Governor Gamble, I took charge of them, and went to southwest Missouri, from Jefferson City, to organize a regiment. We were surrounded with dangers; companies could only be formed by giving protection to some given portion of country, and enlarging the circle of our operations as one company after another was added. Fighting rebels in organized companies, and in the brush, were common occurrences. Before we became a regiment four of the companies distinguished themselves at Humansville, Polk county, for their bravery, where they were attacked by at least an equal number of rebels, who were repulsed with heavy loss of killed on the field. In less than three months we were a cavalry regiment of ten companies. The commander of the Union forces at the hard-fought battle of Lone Jack has already borne public testimony to the bravery and daring of two other companies of the regiment, in which about half the men were either killed or wounded. About the same time other companies engaged in the pursuit after Coffee, under command of General Totten. Being commander of a post, and acting under orders, I was organizing at that time, and did organize, a regiment of loyal enrolled militia. The entire eighth regiment was in pursuit of the enemy, save one company, with which I rejoined my regiment one hundred and ten miles further southwest early in October, 1862, at which time the army of the Frontier was organized under command of General Schofield, and proceeded in search of the enemy to Fayetteville and Huntsville, Arkansas, in the vicinity of the Boston mountains. In that army of the Frontier I do nothing more than justice to the eighth regiment cavalry Missouri State militia, which was known as a fighting regiment, to say there was not one more highly respected for bravery and efficiency. But my time being limited to an hour I cannot dwell. That army was not met by the enemy, and, under command of General Schofield, returned into Missouri early in November, 1862, and was distributed in various parts, and I was assigned to the command of the post of Lebanon, the regiment occupying it and two other stations.

This march of the army of the Frontier into Arkansas, is what the gentleman from the sixth district [Mr. KING] alluded to when, on the 24th ultimo, he said:

"The only time that I ever heard of that militia [the ten regiments organized for the defense of the State] hanging fire was when he [McCLURG] went in pursuit of the rebels. They [rebels] took south according to their usual practice. When my colleague's eighth regiment reached the Arkansas line, they stopped pursuit of the rebels and went on a hunt for that line. My colleague [Mr. McCLURG] found the Arkansas line, and would go no further."

When that language was uttered, I rose and pronounced the statement false. If I were to rely upon my own assertion, I presume it would offset the assertion of the one who made it, leaving the question of veracity to be determined. When I so pronounced it, what course would a fair and candid colleague have pursued on this floor? He would have apologized, saying he wished some merriment and had been so informed. But what did this colleague do? Supposing he had inflicted a wound, he repeated the blow, apparently with more deadly aim; for he added:

"I will state in justice to the eighth Missouri regiment, that it was understood it was not their fault." "I do not believe it was their fault."

Meaning that the regiment had not crossed the line, and that it was the fault of the commander, his colleague of whom he was speaking. And not satisfied with that attempt to add injury to insult, he then adds:

"My colleague, seeing that no laurels were to be won in that way, resigned his commission. So far as I know, he could not deploy into line or set a squadron."

So far as he knew! Well, so far as I know, the venerable gentleman had better remain at home and turn his attention to "setting" hens. For I will presently show from the records that branch of his education has been of late years neglected, as he has for at least fifteen years been looking for "State lines." He knew that I resigned my commission as colonel because, during my absence from my district in the Army, I had been elected to the present Congress, and that my resignation was at a time when no active service in the field was expected, in the latter days of December, 1862.

But I will now seal the charge of falsehood to this infamous and malicious statement. Unsolicited, and certainly unexpected, I received a letter, which I will send to the Clerk, that he may correct me if I fail to give the exact language. I ask that it may be observed that the date of the letter is 27th December last, just five days after I delivered my "home guard" appropriation speech, before it appeared in pamphlet form, and therefore when the writer could only have seen it in the public papers. The letter was not therefore dictated by any suggestion of mine. My colleague from the sixth district will respect this letter as entitled to credit, as he has embodied in his speech of 24th ultimo a report from the same author, Brigadier General E. B. Brown, in whose brigade I was in the army of the Frontier. The letter is as follows:

HEADQUARTERS DISTRICT OF CENTRAL MISSOURI,
JEFFERSON CITY, MO., *December* 27, 1863.

COLONEL: I have read with pleasure your excellent speech on the bill making appropriation to pay deficits due home guards, and, as you are aware, know the valuable services rendered by the home guards of Missouri, from being in active command in the State during the time they rendered service. No more noble patriots have entered the lists to protect our Government than were in the ranks of this service. When the Government received additional

force for three years the larger majority of these men reenlisted, so that they were, in reality, in the volunteer service, as necessity, and changed position with a partial knowledge of their duties chiefly acquired.

There is another class of troops in this State which deserves to be remembered by their Government, and that is the Missouri State militia. Your own connection with that organization as colonel of the eighth regiment renders it unnecessary to more than allude to the important services they have rendered. Side by side with volunteers they have fought over nearly every foot of ground between the Missouri river and the Boston mountains. At Newtonia, Prairie Grove, Springfield, Marshall, and numerous fields of lesser note, they have sealed their devotion with their blood, and should receive the Government's favorable consideration. Volunteers, under another name, they are debarred from receiving pensions, bounties, or even arms of a suitable character under existing laws and orders. The great wrong that is done to the widows and orphans of those who have died or been killed in the service has been brought to my notice very forcibly since the winter has set in by their appeals to me and to the charitable world for bread. Entering the service for the protection of Missouri, they have never hesitated. They have even been anxious to be led to other fields if an enemy was to be found. In proof of this your own gallant regiment, with the third, fourth, seventh, and fourteenth led the advance of the army of the Frontier into Boston mountains in the autumn of 1862. The sixth has been for four months, and is now in part, at Fort Smith. A detachment of the fourth has been in New Mexico for four months. Arkansas has been a favorite field for their operations. I could refer you to numerous instances of like character, but you fully comprehend the value of their services, and I hope, my dear colonel, that before long laws giving their families and the disabled soldier the same rewards as are paid to volunteers, as a meed justly due to brave men, will be passed. The Legislature of this State will memorialize Congress to pass such a law, and I am sure that it will receive from the Missouri delegation in the House and our Senators a cordial support as an act of justice to the deserving.

I am, very truly, your obedient servant,

E. B. BROWN,
Brigadier General Volunteers.

Colonel J. W. McCLURG, *Washington.*

After this voluntary tribute of respect and testimony to the gallantry of these brave men, so beautifully, and indeed feelingly, expressed by the general who witnessed their conduct in the field, and commanded them, it would detract from the beauty of that letter were I to say another word in defense of that regiment or of myself. I will therefore add, on this point, only that the regiments spoken of in that letter were all inspected by the inspector general when in the army of the Frontier, in October, the eighth, third, fourth, seventh, and fourteenth; and that in a short time thereafter the fourteen regiments were consolidated so as to reduce the number to ten. The third was broken up and distributed among the other regiments, though I say it not in disparagement of that regiment or its officers. But a son of the colleague who has used the infamous language was the colonel of the third; but he was a gentleman and a good officer. The eighth was not broken up, but is yet in the service; and if the colleague from the sixth district, [Mr. KING,] venerable as he is from his gray hairs, were now a private in that regiment, he would be occupying a more enviable position than he would if he were present.

But a returning feeling of compassion reminds us that for some years there has been derangement on the subject of "State lines." Let us, therefore, go back about fifteen years, to the session of the Missouri Legislature, 1848–49, and glance our eyes at the famous Jackson resolutions, which passed both branches of the General Assembly. I will read the fourth, fifth, and sixth of those resolutions:

"4. The right to prohibit slavery in any Territory belongs exclusively to the people thereof, and can only be exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State.

"5. That, in the event of the passage of an act of Congress conflicting with the principles herein expressed, Missouri will be found in hearty coöperation with the slaveholding States, in such measures as may be deemed necessary for our mutual protection against the encroachments of northern fanaticism.

"6. That our Senators in Congress be instructed, and our Representatives be requested, to act in conformity to the foregoing resolutions."

Well, it may be asked, what is there to connect my colleague with those resolutions? He was then Governor, and officially and even ostentatiously approved them; but he was under no official obligation to even pass upon mere resolutions of instructions to Congressmen. But delirium negro had taken place, and the gentleman imagined the "State-line" doctrine would be popular, and he did not want to be caught on the wrong side. However, when Colonel Benton, the Senator of thirty years, came back to the State and gave evidence that he would probably combine a majority of the people against those resolutions, my colleague ingloriously repudiated his approval of them; deserted the friends with whom he had acted in getting them through the Legislature by a vote of about two to one; hitched himself on to Colonel Benton's coat-tail, who dragged him back on to the north side of the "line," and as long as he lived my venerable colleague "was in the habit of sneezing when that Senator took snuff." That commanding old Roman could not live always, however. We therefore find my colleague in 1861 assuming a prominent position in his circular for a seat in the Missouri State convention, from which I will simply read such sentences from near the commencement and conclusion as will furnish in themselves, without comment, the reasons why he was not elected. His language is as follows:

"That we have suffered wrongs there is none among us to dispute; wrongs which have brought us finally to face the dreadful reality of a revolution in our midst; a revolution, the real cause and ground of which we can trace to the fanatical growth of northern abolitionism, and which has ultimately grown into strength and dimensions, so much so as justly to arouse the southern mind. None of us doubt but the course of those northern abolitionists is dictated by a morbid sympathy for the slave, as well as hostility to the system of domestic slavery as it exists, and that it has been in direct conflict with our constitutional rights, as well as the perpetuity of the Union." * * * *

"If the people, now torn asunder by internal dissensions, by the conflict of sectional passions, and who might have been envied among the nations of the earth for their greatness, no less than their happiness, should now be determined to cast from us all the blessings of Providence, and to bring down upon ourselves dishonor and ruin by our own fratricidal violence, then in God's name, for the sake of Christianity, for the remembrance that we are members of the same political family, children of confederated parents who stood side by side in the struggles of the Revolution, let us part in peace."

We will bear in mind his words, that "northern abolitionism" is the "real cause of the revolution." Colonel Benton was not present to command the evil spirit to come out of him, and a maniac he wandered in search of the "line" and again got on the south side of it. But he continued to wander, and where do we next find him? He partially recovered, and became a candidate for the seat he lately occupied. I read from the sworn statements of others the following:

"The support of Governor King seemed to proceed mainly from what was termed the radical party."

Another says, under oath:

"I heard the electioneering speech of Austin A. King at the October term, 1862, of the circuit court of Clinton county. His views in relation to the settlement of our present difficulties were of a radical character, being opposed to all compromise until the rebels laid down their arms."

Another says, under oath:

"The support of Governor King seemed to be almost exclusively by the radicals, including the newly organized militia."

Another says, under oath:

"He [Mr. King] stated to me with great earnestness that a southern sympathizer had no more rights than a slave; that they had no right to vote; that they were rebels, and if they did vote they would perjure themselves."

Where was he standing in that canvass? On the north side of the "line;" back again. That was in the fall of 1862. One year thereafter we had another election—one for supreme judges—and the canvass was an exciting political one. Let us see on what side of the "line" the gentleman from the sixth district was then found. I quote from statements sworn to the following:

"In his [Mr. King's] speech against the radical candidates for judges, he vehemently urged 'southern sympathizers' to vote, assuring them of their perfect right to do so, and that they need not apprehend the slightest danger from any quarter."

Again, by another:

"He warmly urged the people—sympathizers and all—to turn out and support the anti-radical ticket, assuring them that they had the right to vote just as every one else had, and that if any person interfered with them in any manner for exercising that right they would be punished for it 'with a vengeance.'"

But these sworn statements are confirmed by a paper I hold in my hand, and from which I will quote. Like an ancient artist who had painted a horse, but feared the execution was such that it could not be recognized and wrote under the painting "This is a horse," the authors of this interesting document wrote over it, "To the loyal people of Missouri." There is nothing else about it by which it could be recognized as "loyal." A few features of this animal will appear in the following extracts:

"It is apparent to every reflecting mind that the radical party of Missouri is a revolutionary party." "A prominent characteristic of the revolutionists is their intolerance, and in this respect they have outstripped the secessionists." "They are not content with the proclamation of freedom, the confiscation acts, and the arming of blacks to aid in putting down the rebellion—measures opposed by some men of undoubted loyalty—but they would seem to demand that the President shall go still further, and declare himself in favor of amalgamation and the elevation of the blacks to the standard of white men by extending to them the rights of suffrage." "Because the President is known to be opposed to such follies, to use no stronger term, he is not deemed sufficiently radical for their purpose." "The State convention, having adjusted the question of emancipation in a manner which should afford general satisfaction, we reprobate the effort which is being made to disturb it."

Under this painting, called "loyal," among other names, which I shall not now read, because they have not made an attack, appears the name of AUSTIN A. KING, my colleague from the sixth district. Is it difficult to tell on what side of the "line" the gentleman had again placed himself? So well understood was it generally that he had passed to the south side that we find the conservative, slavery-conserving organ of our State, the Missouri Republican, favoring his election. To prove this, I will quote a few sentences from that public journal of dates 17th and 18th October of that year, 1862. It will be recollected that the elections had just taken place in some of the other States. I hope it will be perceived what the conservatives thought about "revolutions" at that time. Hear the following language:

"Sufficient returns of the State elections in Pennsylvania, Ohio, Indiana, and Iowa, have not been received to enable us to speak intelligibly of the whole result." "Enough, however, is known to determine one fact very clearly; and that is, that the radicals have suffered humiliating defeats at the hands of the Constitutional Union party." "From all quarters, indeed, the indications are exceedingly cheering to the opponents of the mischievous and dangerous faction which has been seeking to usurp the Government." "The destructive abolitionists have been signally rebuked, and their bold schemes of transforming the cause of the Union into a crusade against constitutional liberty indignantly condemned." "Hallelujah!" "The people have engaged in a revolution which is to work out their political salvation." "No political revolution was ever more thorough." "Revolutions commenced under such auspices never go backward." "All but four of the fanatical representatives of radical abolitionism have been driven into obscurity by the people of Ohio." "Of all the radicals now in Congress, Ashley is the only man left to point the finger of scorn at! Indiana has also done nobly. She has left Dunn and Colfax at home, and elected a majority of Democrats." "All hail to Ohio, Indiana, and Pennsylvania; they are redeemed from the cause of abolitionism." "The revolution will go onward with the force of an avalanche." "Missouri should not be found wanting in the hour of trial; she should elect good and true men." "We hope to hear that the friends of Governor King and Mr. Samuel have made some arrangement by which the election of one or the other may be secured."

Mr. Chairman, that slavery-conserving sheet knew where the wandering gentleman would "fetch up;" that it would be on the south side of the "line." That there he is to-day his votes in this House will show—they have gone to the public. It will be seen that, in his wanderings, his mind returns to the idea of "parting in peace," as expressed by him in the winter of 1860–61. In December he voted for the resolution introduced by the gentleman from New York, [Mr. FERNANDO WOOD,] "that the President be requested to appoint three commissioners to open negotiations with the authorities at Richmond" for parting on a "line." This, Mr. Chairman, is one of the gentlemen who arrogate to themselves the right to defend the President on this floor before he has been attacked. There are a number of us who would like to know whether he has been formally admitted into the President's body-guard, or whether he is not an intruder. I for one am forcibly reminded of the thief's cunning resort to the cry of "Stop thief," and falling in with the crowd, to avoid detection. And this is the gentleman who had for his aid-de-camp my colleague from the first district [Mr. BLAIR] on this floor when he delivered his speech, and who was complimented by him on the 27th ultimo as the venerable colleague who had adhered closely to Senator Benton. I have admitted he did fasten himself to his coat-tail. And having, in his wanderings, gotten south of the "line," he is now trying to pin himself to Mr. Lincoln that he may draw him to the north side. But Mr. Lincoln is upon water acknowledged to be deep, and prudence should dictate that he should dispense with all such deadweight.

I will now turn my attention to my colleague [Mr. BLAIR] from the first district, and refer to the language which appears in his speeches on "the joint resolution to amend the act to suppress

insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." It is as follows:

"Of a piece with the ingenious but rather disingenuous assault of the gentleman from Pennsylvania upon the President is an occurrence which took place in the other end of the Capitol some days since, and which I find recorded in the Daily Globe. A Senator from my own State [Mr. BROWN] presented what purported to be a memorial from members of the Legislature of Missouri, and a protest of four Representatives from that State, against the confirmation of General Schofield as a major general. I do not mention this circumstance to comment on the extraordinary and most unbecoming declaration contained in that protest, in which these four members claim to be the only representatives of the Union men of Missouri, for there is nothing in the character or history of either of them to warrant this arrogant assumption, but for the purpose of exposing a covert assault upon the President under the pretext of defeating the confirmation of General Schofield. If it had been the object to effect the latter purpose this paper would have been presented in executive session, where nominations are considered, and not in the open session of the Senate, as it purports to have been done, when no such matter can properly come before that body. The memorial and protest contained only matters which had been previously submitted to the President by a great committee of radicals, which visited Washington for that purpose; and these statements had been examined into by the President, who, in his reply, plainly declared that he did not believe them to be true. Yet the President is arraigned upon these same stale and discredited statements before the country upon the memorial of members of the Missouri Legislature and four members of this House, under the pretense of asking that General Schofield should not be confirmed, and that, too, after an agreement was had with the President that no opposition should be made to Schofield's confirmation, but that he should be, on his own request, relieved from the command in Missouri. The President, I presume, in his desire for peace among those who professed to be loyal, was willing to make this concession; but after accepting the concession, these parties flew from their agreement, under the dictation of bolder and more open enemies of the President and his Administration, who would not permit the opportunity for assailing him to pass."

The language is no less a personal attack upon the four radicals, and falsely accuses them of duplicity. That language was not uttered in this House. The gentleman so far forgot the rules of propriety as to take advantage of the courtesy extended to him by the House—permission to have his speech printed—and near the close we find the words of personal abuse which he has condescended to use. After paying his attention to the distinguished gentleman from Pennsylvania who is chairman of the Committee of Ways and Means, who has in no instance failed to give the weight of his vast influence in favor of furnishing to the Government all the men and money asked for to suppress the rebellion, and then hastily noticing one of the Missouri Senators and a memorial from sixty-four members of the Legislature of Missouri, he dwells upon a protest of four Representatives from that State against the confirmation of General Schofield as a major general. He says:

"I do not mention this circumstance to comment on the extraordinary and most unbecoming declaration contained in that protest, in which these four members claim to be the only representatives of the Union men of Missouri."

The gentleman is not sustained in his assertion by the language to which he alludes. The language is to be found in the first words of the protest referred to, as follows:

"We, the undersigned, representing truly loyal congressional districts, as well as the loyal citizens of the State of Missouri," &c.

We do not there declare we are the "only" representatives of the loyal citizens of Missouri. If we had, why did not the gentleman quote the language? Why merely make an assertion? Here is the protest for examination. He did not quote the language because one word was wanting. If it were not to give the impression desired by the gentleman, why did he supply the very word, "only," and falsely put into our mouths a word we did not use? He says, "claim to be the only representatives," &c. He must either suspect his own loyalty, or he attempts to conceal himself from public scrutiny, lest he may be suspected by others on account of those with whom he sympathized and affiliated at our last general election, and those with whom he now associates. It is as true in politics as in morals that a man's character is known by the company he keeps.

But he says he mentions the protest of the four radicals "for the purpose of exposing 'a covert assault' upon the President, under the pretext of defeating the confirmation of General Schofield;" and argues that "if it had been the object to effect the latter purpose—the defeat of General Schofield—this paper would have been presented in executive session." And further, that "the memorial and protest contained only matters which had been previously submitted to the President by a great committee of radicals, which visited Washington for that purpose; and these statements had been examined into by the President, who, in his reply, plainly declared that he did not believe them to be true." I emphatically deny that the President made any such declaration. His letter, bearing date 5th October last, to the radical delegation, through its committee, will prove the truth of my statement. One sentence, near the close of that letter, reads as follows:

"I do not arraign the veracity of gentlemen as to the facts complained of; but I do more than question the judgment which would infer that those facts occurred in accordance with the purposes of General Schofield."

The President does not question the facts, but the argument based upon them. "A covert assault upon the President!" Well, I have this to say: that when the President requires protection from the assaults of others, whether they be "covert" or undisguised, he had better call for volunteers from among those who occupy before the country some definite position, and not have himself and the nation dishonored by having one among his body-guard, a political nondescript, occupying the anonymous position of the gentleman [Mr. BLAIR] who cannot quite make up his mind to fully identify himself with the other side of the House, in case they would receive him, and whom this side cannot take into fellowship or sympathy; and which last assertion is well established by the result of the vote directly after his speech was delivered, (for his sentiments were repudiated by this House by their vote,) and further shown by his most signal failure to have himself made chairman of a special committee to investigate the corruptions which he alleges to exist in the Treasury Department, when it may be presumed that members considered the propriety of ascertaining and judging for themselves whether or not there might be, as the inducement, the gratification of feelings of personal malignity. "A covert assault upon the President!" It was a bold assault upon General Schofield, in defense of the loyalty of our oppressed State.

As to presenting the protest in executive session, I have to say that if any error were committed by which that protest reached the Senate Chamber and was then presented to the public gaze, the four radicals are not chargeable with it. Still, I think there was no error. Facts, such as are declared in that protest, should go before the public, be read and known. And as they have not been successfully contradicted, they will be believed, especially as they are now a part of the history of Missouri.

We did not consult Senator BROWN about that protest. It was not addressed to him, but to Hon. HANNIBAL HAMLIN, President of the Senate. If the same facts had been "previously presented" and not believed by the President, it was the more important that they should have been reiterated, and in such thunder tones that the President would arouse to a full appreciation of Missouri affairs. It was important that the sixty-four-gun battery, manned by that number of loyal Senators and Representatives from the various portions of Missouri, and the four-gun battery, feeble-toned as the one now speaking may be, sent here by four loyal districts to assert the rights of the loyal people of the State, should have sent forth missiles, not at the President, but at whomsoever would place themselves in the way; such missiles that the "judgment" would be no longer "questioned" which "would infer" that the "facts" existing in Missouri were "in accordance with the purposes of General Schofield." The noise of those batteries was heard. The repetition of "facts" brought conviction as to their truth and respect as to the "judgment;" for action was the immediate result. General Schofield was immediately relieved of the command of the department of the Missouri, and ordered to go where he may have an opportunity to win his laurels before wearing them.

But the tones of the Missouri batteries spoken of were heightened by the presence and terrible fire of one of six guns from the gallant, loyal State of Iowa. Those guns have in their composition no metal but that of very best quality, are free from blemish or tarnish, and their caliber of the largest kind. That battery was voluntarily brought, by those who so ably manned it, to the aid of "the loyal delegation in Congress from the State of Missouri." I will here produce it, that it may be seen. It is as follows:

HOUSE OF REPRESENTATIVES, *January* 8, 1864.

To the Loyal Delegation in Congress from the State of Missouri:

The undersigned, of the delegation from Iowa in Congress, and whose congressional districts border some three hundred miles upon the State of Missouri, have received information which gives them some alarm for the peace of the border. These representations, from responsible sources, are to the effect that known and notorious rebels, who had returned from the rebel armies into Missouri, had been furnished with arms under the authority of Governor Gamble or General Schofield, and actually organized into companies; and that such organizations are found in the counties dangerously near the State line of Iowa. A few border military companies exist in Iowa, under State authority, barely sufficient in number to keep the peace against rebel sympathizers on either side of the line. Some outrages have been already committed in the southern tier of counties in Iowa, indicating the continued existence of the rebel secret organizations. Our constituents are firmly of the opinion that the threatened danger is solely attributable to the existing regulations in Missouri, which keep parties, loyal and disloyal, anti-slavery and pro-slavery, so nearly balanced, and the latter so well armed, that affrays, robberies, and slaughter may at any time break forth, not only in Missouri, but across the border in our State. The feeling is such that in some border counties of Iowa, we are advised, petitions are circulating for the removal of General Schofield, to whom they assign the responsibility for this perilous condition of the coterminous territory.

We believe that permanent peace will not be established there until one party or the other in Missouri, pro-slavery or anti-slavery, disloyal or loyal, shall gain an acknowledged supremacy in authority and in numbers. We ask you, gentlemen, who have the right to be heard at Washington, to counsel measures which will preserve order and law, where they can only be found, under the control of men who offer blood and treasure to save the country, not under the armed interference of men who have offered blood and treasure to destroy the country.

The feeling in our districts is increasing in intensity. Our people resent the indignity of arming again their old enemies on the border; and we warn, through you, the State you represent of the coming danger, if the enemy whom our troops have conquered at the front is sent to the rear only to be rearmed there to our greater peril.

We are, very respectfully, your obedient servants,

JOHN A. KASSON, *Fifth District.*
JAMES F. WILSON, *First District.*
J. B. GRINNELL, *Fourth District.*

The undersigned, being members of Congress from the State of Iowa, concur in the foregoing statements.

H. PRICE, *Second District.*
W. B. ALLISON, *Third District.*
A. W. HUBBARD, *Sixth District.*

Observe, if you please, the language. From "responsible sources" the information comes that "known and notorious rebels" returned from the rebel armies "had been furnished with arms and organized into companies." "The feeling," they say, "in our districts is increasing in intensity." "Our people resent the indignity of arming again their old enemies." "We warn you of the coming danger."

Here, Mr. Chairman, is an indorsement of the truth of at least one charge against General Schofield—that of arming returned rebels and their sympathizers.

This six-gun battery was attacked on the 27th ultimo by the ex-major general, [Mr. BLAIR,] who supposed it was in "a trap," and therefore that he could capture it. But suddenly two of the guns opened on him, and he was repulsed with the loss of several feathers out of his cap. In that short engagement it was demonstrated to all spectators that that battery was not "in a trap," but stood on ground where they were prepared to defend their veracity and judgment.

"Yet," he says, "the President is arraigned upon these same stale and discredited statements." I deny it, and say positively the words "Mr. Lincoln or President" are not used from the beginning of that protest to the ending; are not used in the memorial of the sixty-four members of the Missouri Legislature; are not used in the letter of the members from Iowa. Why, sir, I know that Mr. Lincoln is the first choice of some of the members of the Missouri Legislature who signed that remonstrance. The name of the Speaker of the House appears to it; and he, an avowed and acknowledged radical, came from his chair, took the floor, and made a personal defense in debate of Mr. Lincoln, and stated emphatically that he was for him first, last, and all the time, and that his hand was against every one who opposed Mr. Lincoln. And, sir, the four radical members on this floor were not sent here to consume the time of this House in talking about the next Presidency, when the people will utter their potent voice, regardless of what we may do. If we want to en-

gage in President-making, let us transact what business we have to do, and go home and enter the canvass, and talk to those who will control this whole matter. The Iowa members have not brought the presidential question before the House; but one of them informed us, in reply to the ex-major general, that Mr. Lincoln is the choice of some of them who signed that letter. The radicals of Missouri are not all opposed to Mr. Lincoln. He is not the first choice of a portion of them. He is the first choice of others. Taken from one of the leading papers of that State, the Missouri Democrat of the 25th ultimo, from the editorial column, is the following:

"As to Mr. Lincoln as a proposed nominee, we stand where we stood prior to the convention which nominated him some four years ago. Having candidly expressed a preference, we are ready heartily to accept the candidate whom the convention shall select. To us the cause is everything, and the man—aside from his will and power to promote it—nothing. Our principles are those of the Union party of the country, and the nominee of this party, standing squarely on its platform, is our man. But we shall not abet in any course involving the selection of the man first, and then the necessity of adjusting the platform to the preselected man. New and paramount issues have been created by the war, its fortunes, and its progress, and as to these issues in the choice of the next national Administration, the will of the people must be heard."

This is not opposition to Mr. Lincoln, although another may be the first choice. I will insert two extracts from another radical paper of Missouri. The able editor is almost a youth; but, sir, the fiery trials to which the people of my State have been subjected have aroused the people to a sense of their condition and their rights, and even the boys have their eyes upon our public servants. That radical young editor says:

"As to Mr. Lincoln, but few will deny but that his claims strongly recommend him for another term. He has been tried, and he has proven himself the man for the position and the times."

But that editor does not seem to think with my colleague from the first district, [Mr. BLAIR,] that the support of the President depends upon him; or, in other words, that they, the President and my colleague, [Mr. BLAIR,] are one and inseparable, for I clipped from the same paper and number the following:

"It is difficult to tell whether he [Mr. BLAIR] is trying to sell out to the Democrats, or whether the Democrats want to sell out to him. There is nothing Frank about the gentleman but his name. At any rate, there seems to be a desire for a bargain somewhere in the premises, and I would suggest that it would be well to postpone the purchase or sale until the Committee of Elections decides whether he is himself entitled to his seat, or whether, as his contestant, Mr. Knox, avers, he is not here through the instrumentality of the 'vote early and vote often' principle."

Upon the subject of the arraignment of the President in that protest, the gentleman says, "And that, too, after an agreement was had with the President that no opposition should be made to Schofield's confirmation." Had the gentleman stopped there, I would have supposed he was in possession of something that may have transpired between the President and the Missouri Senators, as the members of this House do not go into executive session to confirm or reject nominations for major generals. If any agreement were made between the President and Senators, I have never been so informed. But he says, "These parties, after accepting the concession, flew from their agreement under the dictation of bolder and more open enemies of the President and his Administration." "These parties" include the four radicals of this House from Missouri. Other colleagues can speak and have spoken for themselves. So far as I am concerned, I pronounce the charge false. I have never conversed with the President with regard to such an agreement; I have never written to him on the subject; I have never authorized any individual to use my name as approving anything of the kind. Whenever I expressed my own feelings on the subject, it was in opposition to General Schofield's confirmation. My colleague from the first district cannot prove from private or public source the truth of his statement or the falsity of mine.

Mr. BLAIR, of Missouri. I will state to the gentleman that I alluded to those persons in the remarks which I made who did agree as I have stated. The gentleman has gone out of his way to defend himself here when he was not implicated in my statement.

Mr. McCLURG. I appeal to the House, or to those who have read my colleague's statement, if the protest was not referred to as the protest of the four Missouri radicals. He charges most falsely and basely upon the four Missouri radicals infidelity to the President. He may not have intended to refer to me, if that is his explanation. I do not know what he meant to say, but I know what is the implication of the language used by him.

He says "under the dictation of bolder enemies." I received no "dictations" except from a sense of duty to loyalty and my State. And I do not know where to turn to find a "bolder" man than my colleague here on my right, one of the four radicals, [General LOAN,] unless it be to the gentleman himself from the first district, whose effrontery, which is defined to be "boldness transgressing the bounds of decorum," will entitle him to that distinction. Such boldness is befittingly inscribed upon the character of the colleague from the first district, [Mr. BLAIR.] Such boldness well becomes one who, with "renegade" indelibly branded upon him, and so legibly that "he who runs may read" it, can publicly denounce others as renegades, (which he did on the 27th ultimo;) well becomes one who, once professing and believed to be an honest supporter of Colonel Benton and of anti-slavery, now makes a retrograde movement in favor of the enemy; well becomes one who, having failed to make a successful detour in favor of the enemy, then denounces his former allies who continue to advance step by step upon the pro-slavery foe; and, sir, such is a fit personage to desert and denounce a personal friend. I shall in few words therefore discharge a duty which it is my pleasure to attempt, to my colleague from the second district, [Mr. BLOW,] who is charged with having been a persecutor of Colonel Benton, and pro-slavery to the backbone. This charge is made against the four radicals. As for myself, I can say I never desired or attempted to make a political record until this rebellion. I did not support Colonel Benton, but no living being ever heard me utter one word in favor of the institution of slavery in the secret chamber, in the social circle, or in public debate. Slaveholder as I have been and am, before the rebellion I have so far as I could whispered to known friends my aversion to it, but with tens of thousands of others was content to have no legal interference where it existed. From the commencement of the rebellion until now I have been a known, avowed enemy to it, and will never rest satisfied for vitality to remain in it where the flag of my country waves. My colleague [Mr. BLAIR] may take his own time, and, if he can, produce evidence to the contrary.

Until this rebellion I do not know the sentiments of my two other radical colleagues, [Mr. LOAN and Mr. BOYD.] But it is my good fortune to know something of my friend from the second district, [Mr. BLOW.] His name is prominent upon every page of the Freesoil movement in Missouri. For years he has been known as an abolitionist. He was black above the knees when my toes were supposed to have commenced turning.

In 1857, a resolution declaring emancipation in Missouri unjust and inexpedient was introduced into the two Houses of the General Assembly. On this resolution it may be said the Freesoil party of Missouri was organized. Mr. BLOW in the Senate was one of five members who voted against it. Senator BROWN, in the House, made the same record. The country will not find among the most ardent supporters of freedom two more constant and more consistent men. Theirs has been a record of progress. To-day they occupy positions eminently due for services in the glorious cause.

Why, the colleague from the first district [Mr. BLAIR] well knows that the colleague from the second district [Mr. BLOW] was nominated at the first Democratic Freesoil convention ever held in St. Louis, when he himself was nominated for Congress and my colleague from the second district [Mr. BLOW] for the State Senate. He [Mr. BLAIR] well knows that my colleague from the second district, [Mr. BLOW,] at a time when men of unwavering firmness were wanting, in the spring of 1861, was a daily counselor of the noble Lyon, and encouraged him in making the first blow at treason in our State, the taking of Camp Jackson. He [Mr. BLAIR] well knows that his [Mr. BLOW's] money went out in various ways in aid of the Government at that trying time, as freely as the waters passed down the current of the Mississippi. He [Mr. BLAIR] well knows that in St. Louis "Blow and Benevolence" mean one and the same thing. He [Mr. BLAIR] has not forgotten that his [Mr. BLOW's] money was ever at his command; that it was lavished upon the gentleman himself and his regiment. He has not forgotten that his colleague [Mr. BLOW] and a few friends presented the flag of his regiment that proudly waved at the taking of Camp Jackson. Does he [Mr. BLAIR] not remember that the magnificent regimental flag of his own [Mr. BLAIR's] regiment was presented by his colleague, from his own means, as an evidence of respect to bravery and patriotism? Can he [Mr. BLAIR] profess ignorance of the sympathy of his colleague [Mr. BLOW] for the cause of his country, when it cannot have escaped his mind that when he addressed a letter to his colleague and Mr. Filley, "that his men needed shirts, shoes, and hats," the response of his colleague [Mr. BLOW] was a remittance of five hundred flannel shirts, as a contribution to the Government, for which he has never asked or expected payment from any source?

For the overflowing of benevolence, from the fullness of his heart sympathizing with the brave men and with the Government, it is the fit work of one who has turned his back upon his principles to attempt to tarnish the unstained character of his friend by accusing him of a desire to have the Government defend him in a "lead-mine" speculation. I venture this assertion: my colleague [Mr. BLAIR] cannot obtain from General Schofield an indorsement of the truth of his statement in that connection. My colleague from the second district forwarded a dispatch to destroy the works at the mines to prevent the rebels from working them, which dispatch did not reach its destination in consequence of the wires cut between St. Louis and Springfield; and the mines did fall into rebel hands, and yielded the very lead that has been sent to the hearts of your friends and mine. The loss was about one hundred thousand dollars, and if his own dispatch had been obeyed the loss would have been $150,000 more. The working of those mines for three years would have yielded a fortune of $500,000. Still, I speak not disparagingly of others when I say my colleague [Mr. BLOW] has been the most prodigal citizen of St. Louis in contributing his means to the support of the Government. To attempt to blacken his character, therefore, is the fit work of a renegade; as we were informed, "one renegade is worse than ten Turks." It is the fit work of one who could, in effect, call one of the purest men of the nation, (Mr. Chase,) in his Library Hall, St. Louis, speech, a "rowdy" and "blackguard" and compare him to Jeff. Davis, and when his purposes were then exposed, so that he could never thereafter satisfy the public, to plainly intimate on this floor, of the same distinguished personage, (Mr. Chase,) that he did not possess the "instincts of a gentleman." It is proper for him [Mr. BLAIR] to imply that the President is content for him (Chase) to remain and disgrace the nation, if thereby he will sink himself deeper into contempt. As to the question of veracity between these two colleagues [Mr. BLAIR and Mr. BLOW] with regard to the secret meeting in St. Louis for the removal of General Schofield, I produce the evidence that my colleague from the first district [Mr. BLAIR] did participate in that meeting, which unanimously passed the resolution which my colleague [Mr. BLOW] referred to. The evidence is as follows:

"FRANK BLAIR'S HONESTY.—We should suppose that Frank Blair would have remained silent, if he had nothing but a denial to interpose to Mr. Blow's excoriation regarding his action in asking the removal of General Schofield in August, 1862. That Mr. Blow was right in charging his gross inconsistency upon Frank Blair, we are prepared to prove in the most emphatic manner; and in the face of the record the friends of the latter must be exceedingly mortified that their champion has made such an egregious fool of himself on the floor of Congress. The record in support of Mr. Blow is clear and perfect—it clinches his statement with the strength of steel, and fixes the odium of falsehood on Blair indisputably.

"The congressional dispatches, published by us yesterday morning, referring to the House proceedings on the 23d, set forth that Mr. Blow concluded his reply to Mr. Blair. After detailing various points made by Mr. Blow in his speech, the report says:

"'He referred to the Schofield matter, and charged that while Frank Blair indorses and defends General Schofield now, he and his friends had, in 1862, appointed him, Blow, chairman of a committee authorized to present the short-

comings of General Schofield to the President and pray for his removal, and on that prayer and presentation he was removed.

"'Blair denied that he had authorized or approved anything of the sort, and said that in that very meeting he had defended General Schofield.

"'Then God protect me from such defenders as you were then to General Schofield, replied Mr. Blow.

"'He then went on to reiterate his charges, and to give the names of the parties who were there, and to say that he would leave the question at issue between them to the decision of Blair's own friends.

"'To this Blair had no reply to make.'

"Frank Blair denies that he approved of the proceedings of a meeting which passed resolutions in 1862 favoring the removal of General Schofield. The proof that he did consists of a copy of the minutes of that meeting, of which John How was president and P. L. Foy was secretary. These minutes, certified to, commence as follows:

"'At a private meeting of well-known and thoroughly reliable Union men, the names of whom are appended, and who assembled in the custom-house building on the 4th of August, the following resolutions were unanimously adopted:

"'*Resolved*, That a committee of gentlemen be requested to go to Washington city, to urge upon the President the appointment of a commander of the military forces of this State, who will, under instructions, act with vigor in suppressing the guerrillas of this State, and with authority to enlist the militia of the State into the service of the United States.'

"[The balance of the resolutions refer to requests to have the oath of allegiance administered to bank officers, &c., and to the discharge of the reserve corps regiments.]

John How,	Thomas S. Nelson,
O. D. Filley,	G. Woerner,
S. T. Glover,	I. H. Sturgeon,
Hy. Boernstein,	James B. Eads,
Frank P. Blair, jr.,	Carlos S. Greeley,
H. T. Blow,	John H. Fisse,
F. A. Dick,	John H. Lightner,
Isidor Bush,	P. L. Foy,
Ben. Farrar,	Barton Able,
Jas. O. Broadhead,	R. J. Howard.

"Further comment is unnecessary."

The name of the colleague from the first district [Mr. BLAIR] is among the number. The resolution was unanimously adopted. What then becomes of his [Mr. BLAIR's] statement with which he attempts to falsify the word of his colleague, [Mr. BLOW?] He says he forwarded the following dispatch:

ST. LOUIS, MISSOURI, *August* 12, 1862.

Major General H. W. HALLECK:

Nobody is authorized to ask Schofield's removal in my name. I have written to Hon. Mr. Blair asking that his powers may be more ample, and that he be disembarrassed from the authority of Governor Gamble.

FRANK P. BLAIR, Jr.

I doubt not that he forwarded the dispatch. But what is there irreconcilable in it and his colleague's statement or his vote for the resolution? Consider his duplicity, and say if you can that he was not, above all others, the very person to have voted for that resolution, and the next hour, in betrayal of his friends, to have sent the telegram to General Halleck, that the way might be opened for himself to take General Schofield's place, without appearance on his part of a dishonorable connivance, and to have written to his brother to disembarrass General Schofield from the authority of Governor Gamble, that his successor might be disembarrassed also, prepared to rule Missouri with the iron rod that he now hopes—if conjectures be true—to have placed in his hand as next Governor.

My colleague from the first district has much to say about trade regulations, "trade friends," "trade stores." It may therefore be well to display without comment—for they are a commentary within themselves—the copies of a certain "order" and certain "invoice," and which will not be denied to be true copies of the originals, to which access can be had in a proper manner. The order is as follows:

HEADQUARTERS SECOND DIVISION
FIFTEENTH ARMY CORPS,
NEAR VICKSBURG, *June* 3, 1863.

We the undersigned officers authorize Michael Powers to procure for our own use the following articles, to wit: Twenty five gallons brandy, each; twenty-five gallons whisky, each; twenty-five half barrels ale, each; twenty-four boxes Catawba, each; twenty-four boxes claret, good, each; thirty boxes Havana cigars, each; two dozen bottles Boker's bitters, (genuine,) each; twenty boxes (Charles Farre) champagne; four 5-pound bales Virginia smoking tobacco; twenty-five boxes canned fruit.

FRANK P. BLAIR, Jr., *Maj. Gen.*,
Commanding 2d Division 15th Army Corps.
E. M. JOEL, *Captain and A. Q. M.*
ARDEN R. SMITH, *Captain, U. S.*
LOGAN TOMPKINS, *Aid-de-camp.*
JOHN J. MAGUIRE, *Aid-de-camp.*
R. JOEL, *First Lieutenant 10th Missouri Cav.*
W. D. GREEN, *Major and A. A. G.*
E. C. FRANKLIN, *Surgeon, U. S. V.*
M. A. DOYLE, *Aid-de-camp.*

The invoice is as follows:

ST. LOUIS, MISSOURI, *June* 15.

Mr. Michael Powers, bought of David Nicholson:

113 Cases Brandy, 225 gallons, at $4	$452
165 Cases Whisky, 225 gallons, at $3	495
225 Packages Ale, at $6	1,350
216 Cases Catawba Wine, at $4	864
216 Cases Claret Wine, at $4	864
270 Boxes Cigars, at $2	540
18 Cases Bitters, at $7	126
180 Cases and Baskets Champagne, at $12	2,160
225 Cases Canned Goods, at $8	1,800
1,628	$8,651

It is only necessary to say they did not reach their destination. Trade regulations prevented. Probably $20,000 were not made. Politicians should have some honorable way of making bread and meat when they do not own lead mines. Probably there was an interference when an attempt may have been made to smuggle liquors contrary to existing regulations. Fortunes in anticipation from sale of poor whisky at rich prices may have been lost.

Mr. BLAIR, of Missouri. I ask my colleague if he does not know that the order which he has quoted here was a forgery committed by one of Mr. Chase's agents, and that its publication was procured by another of Mr. Chase's agents, who knew it to be a forgery, in a paper which was in the pay of Mr. Chase. The whole thing can be traced to malice and malevolence. It is acknowledged now to have been a forgery on the part of these two agents of Mr. Chase.

I was in the field doing my duty when these miserable miscreants committed this forgery which the gentleman parades here. I suppose he has seen the denunciation of that pretended order as a forgery in a St. Louis paper, and he may have all the credit he can get for circulating the forgery of Mr. Chase's agents.

Mr. McCLURG. Will my colleague give us the name of the person he alludes to?

Mr. BLAIR, of Missouri. I allude to Mr. Bonner.

Mr. McCLURG. I have seen the printed correspondence on this subject between the gentleman's friends and the friends of the Treasury Department, and I am confirmed in the belief that I have given the correct and fair interpretation of this whole matter. I shall, with great pleasure, at any time, acknowledge the error if the gentleman will convince me of it; but he does not convince me by the remarks he has now made.

Mr. BLAIR, of Missouri. I tell the gentleman that I have the admission of Mr. Bonner himself that he knew it was a forgery at the time he published it.

Mr. McCLURG. If the gentleman will get his written admission and produce it to me, I will withdraw and retract what I have said about this matter.

Now, Mr. Chairman, I have but a minute or two of time allotted me. I desire to say that I have given the character of the politicians who are endeavoring to rule Missouri as well as I could in one hour. It would require another hour to give them what they do not desire, justice. Former pro-slavery and former anti-slavery leaders have united (as the two I have exhibited here to-day) to preserve slavery as long as possible. You see the work in which the earnest men, the radicals, who are determined to destroy this accursed institution by the roots, and the rebellion which has grown from it, have been and are engaged, and whom they have to encounter. You see that the old extremes in Missouri have met, and by calling for help from the rebels and sympathizers, hope to accomplish their nefarious purposes. You saw them on this floor on the 1st instant united against the establishment of a Freedmen's Bureau, a measure at once enlisting the sympathies of the patriotic and philanthropic. Both colleagues, from the first and sixth districts, voted in the negative with the opposition side of this House. Is that to be considered as indicating the sentiments of the President on this great question?

Nothing will show more clearly to the nation the present position of both these gentlemen and their friends on the slavery question, than to here give the ordinance passed by the Missouri State convention, which they both, as well as their friends, say adjusted the question of emancipation in a manner which should afford general satisfaction. Section two is as follows:

"That slavery and involuntary servitude, except for the punishment of crime, shall cease to exist in Missouri on the 4th day of July, 1870, and all slaves within the State at that day are hereby declared to be free: *Provided, however*, That all persons emancipated by this ordinance shall remain under the control and be subject to the authority of their late owners, representatives, and assigns as servants during the following periods, to wit: those over forty years of age (on 4th July, 1870,) for and during their lives; those under twelve years (on 4th July, 1870,) until they arrive at the age of twenty-three years; and those of all other ages until the 4th day of July, 1876. The persons or their legal representatives, who, up to the moment of emancipation, were the owners of the slaves thereby freed, shall, during the period for which the services of such freedmen are reserved to them, have the same authority and control over the said freedmen, for the purpose of securing the possession and services of the same, that are now held absolutely by the master in respect of his slave: *Provided, however*, That after the said 4th day of July, 1870, no person so held to service shall be sold to a non-resident of, or removed from, the State of Missouri by the authority of his late owner or his legal representative."

Transpose the language without destroying the signification, and it would read thus: "provided all slaves over forty years of age on 4th day of July, 1870, shall serve as slaves the remainder of their lives they shall be free;" and the younger ones in proportion. And here it will be observed that after 4th day of July, 1870, those slaves cannot be removed from the State, but that there is nothing in that ordinance which these gentlemen approve to prevent their removal prior to that time to Kentucky or elsewhere.

Could the advocates of such an emancipation ordinance as pronounces men absolutely free at the termination of their lives be expected to favor anything ennobling? Would they not be expected to misrepresent every act and expression of their earnest opponents, which they are doing? They misrepresent at Washington that the President may continue to bestow official patronage on their semi-rebel friends; and misrepresent in their speeches that they may add to their strength in Missouri. They even accuse us radicals of speaking disparagingly of the militia of Missouri. It is false, utterly so, except so far as relates to what are called the Paw-Paws, about whom I have no time to speak. The other militia contain the true men, the noble, the brave, the determined, in one word the radical, who, in less than twelve months will, through immediate emancipation, place their beloved State in her pathway to that greatness which freedom alone, under God's blessing, can give. They belong to that increasing body of earnest men now engaged in fighting the great moral battle which will disenthrall the minds of the oppressed everywhere, and establish universal freedom by knocking the fetters from every slave.

Mr. STEVENS. I propose to dispense with the first reading of the bill, and to have it now read by sections for amendment.

There being no objection, the bill was read by sections for amendment.

Mr. BROOKS. I desire to make a single remark on the clause, "for expenses of heating and ventilating apparatus, $16,000." I avail myself of the opportunity to express a hope that those who have charge of this room will regulate its ventilation in some way or other, so that members shall not be exposed to sickness from having to breathe this impure atmosphere. It seems to me that this room is most unhealthy. I hope that hereafter we will be permitted, in some way or other, to see the light of day by opening the halls in front, and having this room ventilated. I wish those who have charge of it to take the subject into consideration.

Mr. STEVENS. I do not know how it can be well done without remodeling the design and removing the walls. I always thought that the plan was bad; but without breaking that wall I do not know how it can be improved.

Mr. BROOKS. I should be delighted if the chairman of the Committee of Ways and Means would use his great influence in this House to procure members fresh air while we are in session. It can be done by removing that wall.

Mr. STEVENS. But that would be expensive.

Mr. BROOKS. Human life is a great deal more valuable than money. That $440,000 thrown away in the eleven-million loan voted the other day, would have gone a long way in defraying the cost.

I move to strike out all the items from line two hundred and seventy-five to line three hundred

and forty-five, being for the contingent expenses of the Treasury Department. I make the proposition, Mr. Chairman, on the ground that the Department of the Treasury is making money enough to pay its own expenses, and therefore does not need any appropriation for contingent expenses. I am aware that this is a heavy charge to make against a Department of the Government. And yet it is not a charge criminating that Department, because if it makes money it does so in an honorable way.

In order to establish the fact that the Treasury Department is making money enough to clear its expenses without the necessity of asking for an appropriation, I call the attention of the House to the official report of the debt of the United States on March 1, and particularly to the last item of that report. Of the six per cent. five-twenty bonds there were issued on the 10th of March, by this official statement, $510,165,446—$10,165,446 beyond what the act creating the issue of five-twenties allowed. On the 1st of March last the value of these bonds in the market was 107 per cent. In other words, $100 worth of United States bonds was worth $107 in the New York market. The interest on these bonds from the 1st of November to the 1st of March was four per cent. Four per cent. profit on $10,000,000 is $400,000. Four hundred thousand dollars, therefore, the Treasury Department has made. It ought therefore to be able to defray all its contingent expenses without any appropriation whatever by Congress.

The law authorizing that over-issue passed this House on the 2d or 3d of March, and it did not become a law till the 4th of March. But here, by an official record of the Secretary of the Treasury, without law, above law, in devotion only to the higher law, the bonds have been issued, and the act of Congress was the merest formality, the most indescribable farce in which Congressmen ever engaged, for the bonds were issued at the time, and were in the hands of the owners. Here is the official record of the Secretary of the Treasury himself, that on the 1st of March there had been issued, of the six per cent. five-twenties, $510,165,446. The profits to the Treasury under that issue have been over four hundred thousand dollars, enough to provide for all its contingencies without a farthing of appropriation whatever from us. I repeat that I think this $440,000 will be amply sufficient for this purpose, and I therefore move to strike out all these items for the contingencies of the Treasury Department.

Mr. STEVENS. A single word will answer all the gentleman has said. Suppose all this money has been made by the Treasury and put into it, we are passing a law to take it out. There are a great many other ways by which money has gone into the Treasury besides the one which the gentleman has pointed out, but even if he is correct in his statement we must pass appropriations to take it out, and there is no other way of getting it out. That is a sufficient answer to all the gentleman has said.

Mr. BROOKS. As the gentleman tells us that what he has said is a sufficient answer to what I have said, I suppose I ought to be satisfied.

The amendment was disagreed to.

Mr. HOLMAN. I move to strike out the following paragraph of the bill:

For compensation of additional clerks in the General Land Office, under the act of 3d March, 1855, granting bounty land, and for laborers employed therein, $58,400: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,200 per annum.

It will be observed that this is not an appropriation required by law, but one which may be used by the Secretary of the Interior is his discretion for the employment of additional clerks. These clerks do not stand on the same footing with those regularly employed, and are only authorized in case their services may be necessary.

It will be observed that the object of this appropriation originally was to facilitate the issue of land warrants under the act of 1855, to carry out the great land-warrant bill of that year. At that time these additional clerks, for which this appropriation of $58,000 was originally made, was manifestly necessary. But every gentleman upon this floor knows that the purpose for which this additional clerical force was designed has ceased to exist. That branch of the public service has already performed its mission. I presume no gentleman connected with the Committee of Ways and Means will pretend to assert before the House and country that there is now the same reason existing for this appropriation that existed at the time the law was passed authorizing these temporary clerks.

It is a very common occurrence to get an appropriation for additional clerical force under the pretense that they are to be only temporary, but any such temporary increase always becomes a permanent charge upon the country until such time as Congress may by law arrest it.

Now, sir, I insist that this appropriation ought not to be made. It is certainly a well-known fact that the business of that Department has very much declined since the commencement of the war, and especially is the labor employing this large additional force under the act of 1855 not longer required by the public service.

The Department of the Interior is undoubtedly conducted as well as any other; but while this fact is true, and while it is true that the gentleman who is at the head of that Department, and his Assistant Secretary, are two of the very best officers employed by the Government, yet that is no argument whatever for ingrafting these most expensive features of past legislation upon our appropriations for a Department for which there can be no pretense of public necessity, while our public exigencies require retrenchment, and I therefore feel it to be my duty to raise my voice against any unnecessary appropriation not connected with the military or naval service of the Government. In respect to them, the most extravagant appropriations would seem to be justified by the wants of the public service. But when it comes to a purely civil Department of the Government, the business of which has been diminished instead of increased, I am for retrenchment. And it does seem to me that the pledges made to the country when this Administration came into power of retrenchment and reform ought to be complied with.

I trust it will be considered that this appropriation, irregularly made for a force of clerks then temporarily required by the Interior Department to carry out the act of 1855, is not now required by the public service.

Mr. STEVENS. Although this paragraph of the bill does not show how these clerks authorized by the act of 1855 are to be employed, I will remark that it is not for these extra bounties to which the act of 1855 refers; but, sir, the appropriation is for the employment of clerks in the General Land Office.

Now, sir, strange as it may seem, since we have ceased selling the public lands, the business of that Department instead of diminishing has largely increased. Why, sir, within two months time prior to the meeting of this Congress no less than two million acres of the public lands were entered as homesteads, requiring the entire attention of all the surveyors and clerks in getting out the titles to these lands.

Perhaps there never was before, in two months, since this country has been in the habit of disposing of these lands, so many entries made. Strange as it may seem, more money was brought into the Treasury under that operation than when the land was entered at $1 25 an acre. After those persons who had chosen to make homesteads had settled upon the lands, it required a residence of five years by our law before they can get a title, unless they pay the price for the land. I am informed that in a large number of cases these persons having taken homesteads and again desiring to sell and relocate, which they cannot do until they get a title, have paid for the lands. In that way we get more money into the Treasury from the sale of public lands than ever before.

It is necessary, in order to perfect these titles, that this additional number of clerks should be continued. I hope that this explanation is satisfactory. It was new to me when I came to consider it. I am glad our people are going out to make homesteads in such great number as they appear to have done even during this war.

The amendment was rejected.

The Clerk read, as follows:

For rent of surveyor general's office in the Territory of Idaho, fuel, books, stationery, and other incidental expenses, $3,000.

Mr. BROOKS. It is now too late to control the disposition of the public lands to railroads and actual settlers; but I avail myself of this opportunity to say that with an enormous public debt, which is daily increasing, it does seem to be proper at least that those to whom we give the public lands should bear the necessary expenses of surveys, &c. Since the organization of these new Territories the expenses of managing the public lands have largely increased, and one of the largest items is that for the survey of the public lands. As these lands are given away to railroads and individuals, it seems to me that they should at least pay expenses.

Mr. STEVENS. I believe our law now provides for that; that every man who becomes entitled to a homestead pays for these surveys. They pay ten dollars each whether they complete their title by residence or payment of money.

As I said before, a large part of the lands entered as homesteads is paid for, and the title obtained at the old rates. We are therefore receiving, as gentlemen will read from the report, more than will pay all expenses.

The Clerk read, as follows:

For propagating garden:

For propagation and distribution of valuable plants, cuttings, and shrubs, namely: For labor, repairs of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, $10,800.

Mr. HOLMAN. I move to add the following proviso:

Provided, That such trees, cuttings, vines, and bulbs, so purchased, or which shall be propagated, shall be such as are adapted to general cultivation, and to promote the general interests of horticulture and agriculture throughout the United States.

Mr. Chairman, it seems that the appropriations in this bill for the Department of Agriculture amount to $130,800. Until the last year the appropriation was from thirty to sixty thousand dollars. I am not going to propose to reduce the amount. I did not think it was wise to organize this Department, knowing that the expenses would be largely increased. This Department is in operation, and I should deem it unwise to cripple its usefulness.

The proviso I offer is a reënactment of one in former laws prior to the organization of this Department. This is an appropriation of $10,800 for propagating trees, shrubs, bulbs, &c., for distribution. My proposition is to limit the trees, shrubs, vines, and bulbs to those intended for general cultivation throughout the United States. I do not think that it is wise or proper for us to go into expenses for the propagation of fancy varieties of shrubs and flowers, or to propagate varieties exclusively intended for hot-houses. I do not know, if the condition of the country would admit of it, but that it would be proper to appropriate $10,800 for keeping up and perpetuating something of the kind: I refer to the botanical garden to the west of the Capitol.

I think it is well enough, under all the circumstances, to perpetuate that feature; but I do not want to see any other system built up. I insist that the Agricultural Department shall confine itself to its legitimate business—the encouragement of horticulture and agriculture for the whole United States. Therefore I submit this amendment; and I trust that gentlemen will notice that it simply reënacts what has heretofore been the law, and requires that the trees, shrubs, bulbs, &c., shall be of the character intended for general cultivation. We cannot afford, and the country cannot afford, to cultivate a few trees, shrubs, and vines for here and there a green-house for gentlemen of elegant leisure. Therefore I insist that this money shall be expended for the benefit of the whole country, and not for the benefit of a favored class who may have hot-houses and green-houses, for the purpose of gratifying their refined and cultivated taste.

Mr. MORRILL. I propose to offer an amendment as a substitute for the whole matter in reference to the subject of agriculture. I ask the gentleman from Indiana to withdraw his amendment in order that the committee may act upon the amendment I propose to offer. It will reduce the appropriation much more than the amendment of the gentleman from Indiana.

Mr. HOLMAN. The only objection to that is, if the committee should decline to strike out, and insert the amendment——

Mr. MORRILL. Then the gentleman can offer his amendment.

Mr. HOLMAN. Then I will withdraw my amendment.

Mr. MORRILL offered the following amendment:

Pages 28 and 29, strike out from line six hundred and sixty to line seven hundred, inclusive, and insert in lieu thereof the following:

For compensation of Commissioner of Agriculture, $3,000.
For compensation of chief clerk, $2,000.
For compensation of botanist and entomologist, $2,000.
For compensation of statistical clerk, $1,800.
For compensation of six clerks of class first, $7,200.
For compensation of three clerks of class second, $4,200.
For compensation of three clerks of class third, $4,800.
For compensation of one messenger, $600.
For compensation of two laborers, $800.
For collecting agricultural statistics, $5,000.
For purchase of cereals, vegetable and flower seeds, $30,000.
For seed room:
For compensation of superintendent, $1,400.
For compensation of two clerks of class first, $2,400.
For labor in putting up and sending seeds, $12,000.
For seed bags, coal, gum, packing paper, and miscellaneous items, $8,800.
For propagating garden:
For labor, repairs, and the purchase of trees, cuttings, vines, and bulbs, $5,000.
For horse-keeping, seeds, manure, and tools, $1,000.

Mr. MORRILL. I know how difficult it is to call the attention of this House to anything in relation to economy. In all my service here I believe I have not been distinguished for finding fault with even liberal appropriations—certainly not for carping at little things. But being placed upon the committee whose duty it is to find ways and means for carrying on the Government, I confess I find it less difficult and more consistent with what I conceive to be my public duty to endeavor to save money than to increase taxation, and thereby add to the existing burdens of the country. For this purpose I propose, in the aggregate, as will be seen, that we shall appropriate precisely this year what we appropriated last year for the Department of Agriculture, and no more. I think that, if prudently managed, is amply sufficient to carry out the ideas of Congress upon this subject, and leave the Department able to do all it has heretofore done; and it will be seen that instead of leaving the matter loosely, as it is now left by law, I propose to have these employés of that Department classified.

I may say I was instructed by the Committee of Ways and Means to prepare an amendment which should strike out the draughtsman and translator and assistant chemist, and also to reduce the appropriation for the purchase of a library from $5,000 to $1,000, and also to strike out entirely this new proposition for an experimental garden.

Having said thus much, I leave the subject for the committee to determine. I believe that it would be wise for us to confine the appropriation to the amount that we have heretofore appropriated, and no more.

A MEMBER. What is the excess over the usual appropriation?

Mr. MORRILL. About sixty-five thousand dollars.

Mr. STEVENS. When the Agricultural Department was first established it received $90,000 to start with, and we made some appropriations in the deficiency bill for that year. The head of that Department was before the Committee of Ways and Means, and although we sought to find some points in his estimate which he would deem might be reduced, yet he convinced me that there were no parts of it that could be omitted without injury to the public service and to the agricultural interests of the country. He certainly adhered to his estimates as absolutely necessary, and I cannot perceive, after the thorough examination we gave to the subject, that he is wrong. He is enlarging, to be sure, the sphere of his operations very considerably. He is introducing new subjects. He is bringing from abroad a larger amount of cereals and other things which come within his Department.

There has also been a large increase in the price of such articles, and the increase in price, especially abroad, makes it necessary, if this Agricultural Department is to be fostered, that we should make an increased appropriation.

Now, sir, of all the expenses of this Government, I do not believe there is to be found anywhere an expenditure of $150,000 that is so useful to the nation, and that carries its benefits home so completely to every man in the country, as the appropriations for this Department.

I am sorry that my friend from Vermont, [Mr. MORRILL,] who, I know, is always anxious for economy, should strike at the agricultural interest of the country. Let him strike at the law, at the judiciary; let him strike anywhere else, but I pray him spare the agriculturists. My constituents are mainly agriculturists, and if there is any one thing in which they feel more interest than anything else connected with the Government, it is this thing. I hope, therefore, that the amendment of my friend from Vermont will not prevail.

Mr. KASSON. I have examined with considerable interest the items to which my friend from Vermont objects. I have not sufficiently examined the operation of his amendment, however, to know exactly to what items it applies. But, with the bill before the members of the committee, I will call attention to three or four items which, in my judgment, may be safely modified without detriment to the agricultural interests of the country.

As is well known, sir, I represent a district almost as exclusively agricultural and as sincerely and earnestly interested in the operations of this Department as perhaps any other in the United States. I have every desire to make it effective, and effective in the highest degree, and my vote shall at all times be given to sustain it in a proper degree of efficiency. But I now desire to call the attention of the committee to two or three items which, in my judgment, may be diminished, and which, if my views prove agreeable to the committee, will somewhat materially reduce the aggregate of the appropriations for the Department without impairing its efficiency.

In line six hundred and sixty-four of the bill, for instance, you will find an item for compensation of clerks, draughtsmen, assistant chemist, translator, messenger, &c., of $29,400. By turning to the estimates, page 64, you find that $2,000 of that is asked for salary of a botanist, and $2,000 for salary of an entomologist. I propose to combine those two offices in one. A very admirable and competent gentleman, who is a professor in the Maryland Agricultural College near us, has for some time past been employed in the Agricultural Department, and is one of the most accomplished men I ever knew in my life in connection with these subjects. I propose, therefore, as he is competent for both positions, that we combine the offices of botanist and entomologist at a salary of $2,000, and that will reduce this item by $2,000.

The next item embraces, among other things, an estimate of salary of translator at $1,200. I found no difficulty in an Executive Department, I am not aware that any other has any difficulty, in employing a clerk who is a German, a Frenchman, a linguist, acquainted sometimes with three or four languages, and employing him as clerk with the occasional service necessary for him to render as translator. I found no difficulty in the Executive Department with which I was connected in procuring a clerk at any time, when there was a necessity for it, who could translate foreign languages. I propose, therefore, to leave the Agricultural Department at liberty to employ a clerk acquainted with foreign languages, instead of making an additional appropriation for a translator as such. That will reduce the item again $1,200.

I find also on page 64 of the estimates an estimate for salary of disbursing clerk, $1,800. That, I am confident—and it was clear to the minds of the members of the Committee of Ways and Means—is unnecessary. The mistake of the Commissioner of Agriculture arises from considering this as a Department independent entirely of the Department of the Interior; and from supposing that, like other Departments, he must have a disbursing clerk, although his force is very small, and can be paid by the existing machinery of the Interior Department. The office of disbursing clerk is entirely unnecessary. Striking out this item will reduce the appropriation again $1,800.

Passing on to line six hundred and seventy of the bill there is an item for collecting agricultural statistics. By turning to the same page of the book of estimates, 64, you will find it stated in this way: "For collecting agricultural statistics in twenty-three loyal States, $23,000." This I understand to be the collection of those statistics which used to be published monthly by the Agricultural Department, and which are useful. They are now, however, published once in two months. I submit to the better judgment of the committee that probably $15,000 would be enough for the collection and printing of these statistics.

Mr. HOLMAN. Is not the gentleman from Iowa mistaken as to the object of this appropriation? Is not the appropriation of $23,000 designed to pay authors for various articles furnished to the agricultural report?

Mr. KASSON. I cannot state positively, except that if it is so it is a misnomer; for these are essays on agriculture, while in the estimates furnished the Commissioner styles it "for collecting agricultural statistics in twenty-three loyal States."

Mr. HOLMAN. I was going to remark that we used to appropriate $9,000 for the purpose of paying for these agricultural essays, and I suppose this was intended for that purpose.

Mr. KASSON. In whichever case it may be considered, I submit to the committee that probably $15,000 would be sufficient to cover the reasonable expenditure for this purpose during the coming year. Many gentlemen are quite willing to furnish these essays, as it is a mark of honor to them, and, of general interest to the country which they represent.

Mr. BROWN, of Wisconsin. I hope the gentleman from Iowa, if he proposes to move an amendment to carry out his various propositions, will leave that item separate from the rest. It appears to me that it is a very important item for the agricultural interests of the country, whereas many of his other amendments are, I think, decided improvements.

Mr. KASSON. I will cheerfully wait for that purpose. I am now running over the bill to call the attention of the committee to it as a whole, not intending to take the floor again on the subject.

Passing to the next item, "for purchase of library, $5,000," I believe the Committee of Ways and Means was agreed, as stated by the gentleman from Vermont, that $1,000 would probably meet the necessary demands for that purpose for the coming year.

Then, "for the purchase of a laboratory," it was deemed by me, and also by the Committee of Ways and Means, I think, that the beneficial effects of this were not so patent immediately as to require us, in this time of war, to establish a division of duty for pure experiments.

These are the items and the only items to which I have deemed it proper to call the special attention of the committee; and if the proposition of the gentleman from Vermont shall fail, I shall ask the committee, going over it item by item, to make the changes, or most of them, which I suggest.

Mr. STEVENS. Before the question is taken on substituting, it will be proper for my friend from Iowa to move his amendments to perfect the original bill, because the substitute may or may not be agreed to. I believe that is parliamentary.

Mr. KASSON. I will remark that the entire appropriation under this heading in this bill amounts to about one hundred and fifty-five thousand dollars. The estimates, if corrected as I propose, would effect a reduction of about twenty thousand dollars in that amount, without, I think, diminishing at all the efficiency of that Department, which I, in common with others, would be very reluctant to do. For the purpose of testing the sense of the House, I will now move to amend the first item, to which I have referred, by inserting in line six hundred and sixty-two, after the word "botanist," the word "and," and by reducing the appropriation from $11,000 to $9,000. The paragraph then would read, "for compensation of Commissioner of Agriculture, chief clerk, botanist and entomologist, and chemist, $9,000."

Mr. THAYER. I understand that the appropriation which is now proposed is a very large increase upon that of last year. I do not believe that it is expedient at the present time to enlarge the appropriations in any Department in which necessity does not imperatively require it. I do not perceive, for instance, why at a time like the present, when the resources of the Government are taxed to their utmost capacity, when every possible means are resorted to for the purpose of raising money to carry on the war, we should indulge ourselves in the luxury for example of a

Professor of Bug-ology, [laughter,] or why any new schemes of an experimental character, and I may add of an expensive character, should be introduced to add to the necessarily great burdens to which this country is subjected by reason of the war which is being waged for the preservation of the Government and the Union. And while, sir, in times of peace and prosperity I would go as far as any gentleman on this floor could ask me to go, in appropriations for this Department, which has always been a favorite Department with this House and the Government, I believe the present time calls upon us most imperatively to retrench all unnecessary expenditures.

Sir, I do not know an agricultural constituency represented upon this floor which would find fault with its Representative here for insisting upon this measure of economy in the present crisis of our national affairs. These districts have nothing to gain by extravagant appropriations for this purpose; because every dollar of lavish or unnecessary expenditure which is made here they are to be taxed to make good at a time when the public taxation is by reason of our national necessity as great as it is at the present time. Under these circumstances I say there is no constituency, whether agricultural or otherwise, which would find fault with us for insisting upon a reasonable economy in this Department in common with all the other Departments of the Government.

At a time when the people of this country are obliged to resort to personal economy in order to meet the constant drafts which the Government is making upon them in the way of taxation; at a time when we are looking in every possible quarter to raise the revenue required to carry on the war, which is the great necessity for the revenue necessary to sustain the armies of the Government, and which is necessary in order to achieve victories by those armies which is necessary to maintain the very life of the Government; I say when a great impending necessity requires every man in these States to exercise an extraordinary economy in order to meet the demands which are daily made upon him in order that the integrity of the country may be preserved and the dignity and authority of the Government may be maintained—I say at such a time as this I am opposed to any additional and unnecessary appropriations, whether in the Agricultural or any other Department.

I do not see why, in a time like this, when so much economy as is admitted on all sides is required, when the Government itself is obliged to resort to every available means to raise money to pay the soldiers and to defray the necessary expenses of the war, an additional burden should be placed upon the people in the way of an additional appropriation to this or any other Department. I am therefore in favor of cutting down this appropriation to the lowest possible point. If I do not vote for a retrenchment in these expenditures beyond what has heretofore been made, I certainly will not vote for an addition to those expenses beyond what it has been the custom hitherto to impose.

I do not believe the people of this country look to their Representatives upon this floor for appropriations nominally in their favor which can only result in increased taxation upon them. I believe we shall best meet the views of our constituents, whether those constituents be agricultural or otherwise, by economy in the administration of public affairs, by cutting down every appropriation, by curtailing every expenditure in connection with the civil branches of the Government, in order that the whole energy of the Government and the whole resources of the people may be devoted to the great cause which now absorbs the interests and the welfare of the country, namely, the preservation of the Government itself. For these reasons I shall support the substitute which has been offered by the gentleman from Vermont.

Mr. BROWN, of Wisconsin. Mr. Chairman, I am happy to hear anything that sounds like a disposition to economize coming from the other side of the House, and I assure gentlemen there are claims before this House that will call for the application of that principle—claims which are to squander millions of the money of the people. I am, however, sorry, sir, that almost the first speech in favor of economy that has been made from that quarter should be applied to an appropriation for the benefit of agriculture. The commercial results for the last few years have shown that it is the agricultural interests of the country which have sustained us in prosecuting this war, which have supplied the material for exchange, and which have kept up our credit. For one I will join hands with gentlemen in anything that looks like economy, real economy; but I cannot join with them in this instance in saving a few paltry thousand dollars which are to be devoted to the encouragement of the agricultural interest, and which constitute the only encouragement the agricultural interests can receive from Congress. I cannot join with gentlemen in any such movement. I hope, so far as these items are concerned, while we shall expend no unnecessary sum, Congress will recognize the fact that the vast agricultural interests of the country receive only these few thousand dollars, and that the results of these experiments are not only of great advantage to them, but of great indirect advantage to the Treasury of the country itself. I hope there will be no spirit applied to this bill which will induce the cutting off of a single item which, considered in itself, may be meritorious.

Mr. THAYER. The gentleman from Wisconsin has raised an issue with me. He will never find in me, I will not say an enemy, but one who will never be found cool toward the agricultural interest of the country. There is no man here who does not recognize it as the great predominating interest of the country. Although the gentleman undertakes to champion it on this floor, I will tell him that he does not surpass in his zeal for that interest any other member of this House.

Everybody recognizes the importance of the agricultural interest, but that is not the question before the House, and it is by no *ruse*, no *ad captandum* speeches on the subject of the magnitude of the agricultural interest that the views I have presented to the House are to be answered. We do not propose to attack the agricultural interest; what we propose is simply such a retrenchment in the expenses of the Department of Agriculture at the present time as will save the Government the sum of $60,000. They are the few paltry thousands of dollars to which the gentleman referred. They are thousands which will to that extent relieve the taxpayers among the gentleman's constituents. They are thousands which will do much toward equipment and supplies for troops. It is a sum of money which if saved will be well applied to carrying on the war, and will to that extent relieve those who have to pay the enormous taxes that the war has entailed upon the country.

I do not understand that the amendment of the gentleman from Vermont [Mr. MORRILL] makes any attack upon this great interest. His proposition, as I understand it, is to take from the bill before the House a considerable number of items the omission of which will in no wise disastrously affect that interest. They are items which it occurs to my judgment can be well dispensed with at the present time. There is not a farmer from the Penobscot to the Mississippi who will feel the dropping of any one of the items the gentleman from Vermont proposes to drop. There is no one who will be injured by that retrenchment, and so much money will be saved to the Treasury. It is an economy which we are bound in the present exigency of our affairs to exercise. I will vote for the amendment.

Mr. CLAY. I cannot, for my life, understand the action of gentlemen upon my right. They get up and profess to be great friends of agriculture and of the farmer, and yet whenever we come to a vote in this House, we find those same gentlemen arrayed against the agricultural interest. My friend from Vermont [Mr. MORRILL] the other day spoke and voted against giving to the Agricultural Department a few additional rooms to occupy; rooms which gentlemen, by going there, may see filled up with old chairs and tables and furniture entirely out of use, and belonging to the Government. Still these gentlemen voted to keep them in that condition and refused to give them to the Agricultural Department, and yet at the same time they professed to be great friends of agriculture. If that is a specimen of the gentleman's friendship for agriculture, I shall in the future very much doubt his sincerity.

Now, what is the proposition before the committee? To cut off nearly all this appropriation for the Agricultural Department, to derange the whole system, and to make one man fill two or three offices—to have, as the gentleman says, the linguist and clerk both combined in one man. How can he perform his duties, having two or three different kinds of business thrown upon him? Although gentlemen may be disposed to economize, as I am, yet I think they begin at the wrong place. We are discussing here, from day to day, at a very heavy expense to the country, subjects upon which no legislative action is proposed to be based—mere political matters in which one gentleman tries to get the advantage of his colleague in his position at home. Here is where gentlemen had better commence to economize. If gentlemen do not want an Agricultural Department, and are disposed to cripple it in every way, they had better abolish it at once. If they want such a Department, let it be respectable; let it be in accordance with the pride and standing of a great nation like this. When gentlemen want to raise taxes, the very first thing done in this House is to strike at the farmers; and the agricultural interest of the farmer is taxed to raise revenue. I have never yet heard a farmer grumble at these appropriations made for his benefit.

Mr. THAYER. I desire simply to say to the gentleman that the present bill increases the appropriation over what it was last year $65,700; and what I understand the gentleman from Vermont proposes, is to cut down the appropriation to the figures of last year. He does not intend to reduce it below that amount.

Mr. CLAY. I understand the appropriation of last year did not meet the expenses of the Department.

Mr. THAYER. They were not as great as the appropriations in this bill by $65,700.

Mr. CLAY. Yes, but if I understand the matter, we have had to make up a deficiency in a supplemental bill.

Mr. STEVENS. Last year we were only gradually proceeding. We made a little larger expenditure than the year before, and we made up the deficiency this year. The Department, finding great advantage from their course last year, propose to enlarge somewhat more their operations for the benefit of the country, and I think more for their benefit than all else that has been done, or will be done, by this Congress.

Mr. CLAY. I will state to the gentleman a fact which occurred in my State. Congress took it in hand to encourage the agricultural interest, and a few farmers in our country desired to improve their stock of cattle, and took steps accordingly. The result has been that the average value of the cattle in those counties into which the importations were made was twenty-three dollars a head, while in the other counties the valuation of cattle was only $2 50 a head; so gentlemen can see the effect of encouraging agricultural interests. Where farmers have had assistance in carrying on their operations, the taxable property has increased in proportion. It raises the wealth of the whole country.

But now, sir, we are creating bureaus and adding to these Departments for all sorts of purposes. For instance, here is this "Freedmen's Bureau," for which you have been appropriating money and taxing us, for the purpose of collecting persons in large camps without doing any good whatever to the country, and who are producing nothing, and keeping them in idleness; taking them from their homes and putting them in large camps and paying large salaries to men to superintend them, when it can be of no benefit under heaven to the country or to those persons themselves.

Instead of reducing these appropriations, in my judgment they ought to be enlarged. The other day we had to ask for an additional appropriation to publish the agricultural report of this Department. You go to the expense of getting up the book, and when the information is accumulated, you then refuse to distribute the knowledge acquired to the people, but let it lie in the Department. That does not seem to me to be wise or judicious legislation.

Sir, it is much easier for the Government, which has agents in all parts of the civilized world, to collect seeds and plants and bring them to this country so that we can ascertain what is suitable

for its various sections, than it would be for private individuals throughout the country to do it. The common farmer cannot run all over Europe to select what seeds and plants are adapted to his section of the country. It can be much more easily done by the Government itself. The distribution of these things is of great benefit to the country. It tends to increase the agricultural products of the country, instead of leaving our lands to deteriorate and wear out, until finally we shall have to emigrate to some other country.

It does seem to me that this amendment to reduce the appropriation is wrong, and as a farmer I appeal to the House not to neglect the farming interest of the country, but to aid and assist it by all possible and legitimate means.

Mr. KASSON. The gentleman from Kentucky is no more anxious for the success of this Department than I am, and I have hitherto always found myself voting with him to promote its efficiency. But I desire to call his attention to the specific points suggested by me, and to inquire of him in reference to the first amendment now before the committee, why we should not employ a gentleman now in the Agricultural Department who is both botanist and entomologist for the present in that combined capacity, and thus save $2,000 in that one item? That is the practical point. I will vote to employ both officers if it be necessary for the efficiency of the Department, but if he knows of any reason why one man should not discharge the duties of botanist and entomologist, I should be glad to be enlightened.

Mr. CLAY. I will answer the gentleman by saying that the business of a botanist is quite different from that of an entomologist. I do not know whether the knowledge of the two sciences is combined in any one man, and hence I do not know whether it is practicable or not.

Mr. KASSON. I am acquainted with a man who is familiar with both subjects. I have seen his drawings, and I know that you cannot find two men whom you can employ at a combined salary of $4,000 who would be more competent to do the work than the one gentleman who is now in the office.

I know also that the subjects of botany and entomology run together. The character of the vegetables and the character of the insects that destroy them in agricultural practice, and the practical benefits to agriculture, run together, and if we have a man who can discharge the duties of both offices, why should we pay $2,000 extra for what you are now getting for $2,000?

Mr. MORRILL. Mr. Chairman, if there is one thing more than another that I thank God for, it is that I am not compelled here to make a speech or a motion for buncombe. I am ready to trust my fortunes with my constituents in relation to any votes that I give or any motions that I make here. I know they are not to be deceived by professions of peculiar friendship expressed by gentlemen on the one side of the House or the other, and they know the difference between a moderate sum economically expended and a large sum squandered. They know the difference between spending $150,000 on office-holders here and an expenditure which gives them a substantial benefit.

I am sincerely desirous that we shall confine this appropriation to the same amount which was appropriated last year, and in order to do that I have excluded from my amendment many items that are in the printed bill. Take, for instance, the item for a chemist. The original bill organizing this bureau only provided for the employment of a chemist from time to time, and there is none now in the Department. If we employ a chemist at all, one month's service in the year of the chemist will be enough for the requirements of the Department. Nobody will pretend that a chemist can be constantly and profitably employed. A repetition of the stale experiment of making sugar from the sirup of sorghum is no longer needed.

Now, take the question of entomologist. We have an employé who also renders outside service as a professor. The whole amount of his work is for himself, and not for the Government. The chief of the Department was before the Committee of Ways and Means, as the chairman has stated; and, on inquiry, we found that this professor had made drawings and submitted them to the chief. He showed how handsome they were, but on the first inquiry we found that the United States were to have no property at all in the plates, and that they were to be engraved for his own private use hereafter.

Now, take this item of $23,000 for agricultural statistics. There is not a farmer in my country who would not furnish all the statistics of which he is possessed without any charge at all. I believe it is so throughout the whole country. If that item be appropriated, it will be expended for something more than is expressed in the bill. I do not see that anything but postage is here required. As has been already stated, we have appropriated for a deficiency in this Department. In ordinary times, were a deficiency to occur of this character in a civil Department of the Government, I should consider the chief of that Department deserving of impeachment. What business has the head of the Agricultural Department to go on and expend thousands of dollars without any authority of law?

Mr. STEVENS. I wish to ask my colleague on the committee whether there is a single Department of the Government that does not every year ask for deficiencies?

Mr. MORRILL. In time of war it may be necessary for the War Department or the Navy Department, and, possibly, for some other Department, to spend more than the amount appropriated; and if so, they are to come up to us and give us the facts in regard to it. If we approve of the facts, we then make the appropriation. But have we had any facts in relation to the excess of expenditure in this Department? Do we know that we appropriate now for all that has been expended by that Department? I take it not. If public rumor is correct we do not. Do we not know that there are several thousand dollars of debt existing now against this Government in France, which has been repudiated, and through the non-payment of which our Government has been dishonored? If a Department like this may go on and make any expenditures it chooses, regardless of appropriations, we may as well have Congress abolished. I voted for the creation of this Agricultural Department, and I need not undertake to sustain my friendship for it. But in order that the Department should live and be sustained, it must be correctly organized and properly carried on. Extravagance will kill it, and ought to kill it.

There are other items in this bill. There is one of $5,000 for the purchase of a laboratory. That I conceive to be wholly unnecessary. There is one now in the office, which I believe is sufficient.

Mr. CLAY. Will the gentleman allow me to correct him?

Mr. MORRILL. Certainly.

Mr. CLAY. The Agricultural Department has no laboratory whatever.

Mr. MORRILL. There is one there.

Mr. CLAY. It belongs to a private individual, who has it under lock and key.

Mr. MORRILL. I was introduced to it by the head of the Department as part of his apparatus, in which he appeared to take pride. It appeared to be under his control.

Then, for this new experimental garden on reservation No. 2, over here by the monument, I take it that we do not want to plow up that field and go to the vast expense of having another propagating garden. I hope the committee will reach a proper decision on this subject and cut down the appropriation to $90,000. This is exclusive of the expense the Department may incur in the way of printing. They go to the public printing office, as boys go to their mother's buttery, whenever they want labels, printing, binding, or anything else in that line, and I understand that the cost of the publication of the statistics of last year is $11,000 or over. But I believe that is consistent with the practice of all the Departments, and therefore, until corrected by law, perhaps it ought not to be blamed.

Mr. J. C. ALLEN. Mr. Chairman, representing, as I do, a peculiarly agricultural district, I must protest most solemnly against the efforts of the gentleman from Vermont, [Mr. MORRILL,] and other gentlemen on that side of the House, to commence their system of economy where the agricultural interests of the country commence. They sit in their seats and vote away thousands on thousands of dollars, without stopping to inquire as to the necessity; but when the great agricultural interest is touched, the great interest on which every other interest in the country depends, they are seized with a spirit of economy, and they spend more time in discussing an appropriation for a few thousand dollars than it is all worth.

Now, sir, the gentleman from Vermont proposes to save to this Government $60,000 by cutting down the appropriations of the Agricultural Department. It is a considerable sum of money to an individual—a large amount—but it would not put a regiment into the field, nor would it pay the expenses of the Government half an hour; and yet we are detained for a considerable length of time in the discussion of a question which strikes directly at the great agricultural interest, upon which every other interest of the country depends.

Gentlemen may think about the subject as they please, they may talk as they please about the establishment of this Agricultural Department; sir, that branch of the Government has done great service to the agricultural interests. We are indebted to it for much of the progress we have made in agriculture. We are indebted to it for the introduction of sorghum into the country, an article of vast importance to the people. We are indebted to it for the introduction of many other experiments in agriculture, without which the agricultural interests of the country would not exhibit their present prosperity. Shall we stick then at an appropriation of a few thousand dollars for the purpose of continuing these experiments and carrying on this great work, without which every other interest of the country would suffer, and upon which the prosperity of the country so much depends? If the gentleman had shown a spirit of economy the day before yesterday, when he sat silently and voted $450,000 into the pockets of Jay Cooke & Co. for fees, we might have had more faith in his sincerity when he now, under the pretext of economy, wishes to strike down the great agricultural interests of the country.

Mr. GRINNELL. I believe the suggestions of my colleague [Mr. KASSON] are worthy of being considered. I believe we can save a few thousand dollars without detriment to the agricultural interests of the country by amending this bill, and I hope we shall do it.

I do not share in the censorious feelings of the gentleman over the way, [Mr. J. C. ALLEN,] who upon most subjects seems to be in favor of economy. I am good-natured rather than otherwise upon this subject, and upon all others, to-day. I have heard from the old Granite State, as I presume the gentleman has, and it may be that accounts for his bad feeling. The soldiers, too, have heard from New York, and there is good cheer among them, for the Empire State has spoken in behalf of their rights. But I do not propose to discuss politics in connection with this matter.

If we can so amend this bill as without detriment to the agricultural interest of the country to save a few thousand dollars, I do not see why it should not be done.

I am opposed, however, to reducing the appropriations for the collection of statistics. I want to give the farmer and the producer who cannot in any other way obtain this information an opportunity to receive whatever information this Department can afford in reference to the production of corn, wheat, pork, cattle, and whatever is produced.

These monthly reports which have gone out from this Department have proved of great value to the producers of the country; and I am not in favor of curtailing the Department in their operations in this regard. But if we can put the botanist and the entomologist, for instance, into one office, and so save a couple of thousand dollars, I am decidedly in favor of it, and I am not able to join in the censure which has been cast upon the gentleman from Vermont for his proposed economy in that direction. I believe he is just as sincere a friend of the agricultural interest as the gentleman from Illinois or any other gentleman; and while I would not do anything to strike down this great interest of the country, I see no reason why we should not curtail the expenses of this Department if it can be done without injury to it.

Mr. STEVENS. If gentlemen will persist in this debate I shall be compelled to move that the committee rise for the purpose of terminating it.

I wanted to take a vote upon the amendments to this item of the bill, and then rise and adjourn. I do not know whether anybody else wishes to talk, and will not therefore make the motion now; but if the debate is continued I will make it as soon as I can catch the eye of the Chairman again.

I will say before I sit down that if the arguments of gentlemen are sound, on the same principle we had better stop eating, because it costs twice as much as it did last year; we had better buy no more of that whisky which has had an additional tax laid upon it, [laughter;] we had better stop turkeys and ducks, because they cost one half more than they did a year ago. If we are to cut down the agricultural appropriations because of the increased cost of everything, and especially of foreign exchange, we may just as well apply the same principle to everything else.

I am opposed to these amendments. I prefer to vote for the bill just as it is. I would have been content with the amendments of the gentleman from Iowa, [Mr. KASSON,] if with that we could have gone on harmoniously; but I think we had better, under the circumstances, retain the bill in its present shape.

Mr. MORRILL. I move to amend the amendment of the gentleman from Iowa by inserting after the word "chemist" the words "temporarily employed," and to reduce the appropriation from $9,000 to $7,500. I think that will leave a sufficient amount to employ a chemist for such portion of the year as one will be required.

Mr. MORRILL's amendment was rejected.

The question recurred on Mr. KASSON's amendment; and there were, on a division—ayes 35, noes 31; no quorum voting.

Mr. COX moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. NORTON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 192, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865, and had come to no resolution thereon.

JOHN DICKSON.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 296) for the benefit of John Dickson, of Illinois.

And then, on motion of Mr. COFFROTH, (at a quarter to five o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *March* 10, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented a memorial of manufacturers of Lowell, Massachusetts, remonstrating against the further extension of Goodyear's patent for the manufacture of vulcanized India-rubber goods; which was referred to the Committee on Patents and the Patent Office.

Mr. WILSON presented two petitions of women of Cortlandt county, New York, praying for the emancipation of all persons of African descent held to service or labor in the United States; which were referred to the select committee on slavery and freedmen.

Mr. WILKINSON presented a memorial of the Legislature of Minnesota, in favor of an appropriation for a geological survey of the mineral lands on the north shore of Lake Superior, within the limits of that State; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MORGAN presented two memorials of citizens of New York, praying for an increase in the facilities for the transportation of the mails, passengers, and freight between New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. TEN EYCK presented a memorial of citizens of Monmouth county, New Jersey, praying for an increase in the facilities for the transportation of mails, passengers, and freight between New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

Mr. JOHNSON presented the petition of Thomas Maddox, praying for compensation for property alleged to have been taken from him by United States soldiers, and for medical attendance and board for sick and wounded officers of the United States Army, in Washington county, Maryland, during the military campaign in that State in 1863; which was referred to the Committee on Claims.

Mr. HARLAN presented a petition of policemen of the city and county of Washington, District of Columbia, praying for an increase of compensation; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of citizens of Cincinnati, Ohio, praying for the sale of the mineral lands of the Rocky mountain country, and that liberal aid may be granted for the construction of the Northern and Central Pacific railroads; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JOHNSON, it was

Ordered, That the petition and other papers of Captain J. W. Davidson, on the files of the Senate, be referred to the Committee on Military Affairs and the Militia.

REPORTS FROM COMMITTEES.

Mr. SUMNER, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. No. 159) to aid the proclamation of emancipation issued by the President on the 1st day of January, 1863; which was read and passed to a second reading.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print one thousand copies of the Census report for the use of the Secretary of the Interior, and one thousand copies for the use of the Census office, have instructed me to report it back and recommend its passage; and also to ask for its present consideration.

The resolution was considered and agreed to; as follows:

Resolved, That in addition to the number ordered for the use of the Senate of the several parts of the eighth census there be printed and bound one thousand copies for the use of the Secretary of the Interior, and one thousand copies for the use of the Census office.

POSTAGE LAWS.

Mr. DIXON. The Committee on Post Offices and Post Roads, who were instructed by a resolution of the Senate of the 26th of February to inquire whether any legislation is necessary with regard to postage upon letters sent to the President and Vice President of the United States, have instructed me to report a bill (S. No. 158) in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863; and to ask that it be put upon its passage.

There being no objection, the bill was read three times, and passed. It provides that the franking privilege of the President and Vice President of the United States shall extend to and cover all mail matter sent from or directed to either of them.

CHARLES P. CURTIS, JR.

Mr. DIXON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the report made to Congress January 20, 1862, in the case of Charles P. Curtis, jr., *vs.* The United States, with the accompanying papers, be referred back to the Court of Claims.

AMENDMENT OF PACIFIC RAILROAD BILL.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Pacific Railroad be instructed to consider the subject of amending the Pacific railroad bill as follows: 1. Making Topeka the western terminus of the Atchison branch of said road. 2. Aiding the company organized under the authority of the State of Kansas in extending the Hannibal and St. Joseph railroad westward through Kansas to intersect the Pacific road at a point directly west of Marysville, in Kansas. 3. Aiding the construction of a railroad from Wyandotte through the eastern tier of counties of the State of Kansas to intersect the Leavenworth, Lawrence, and Galveston Bay road where said last-mentioned road crosses the Neosho river.

Mr. LANE, of Kansas. I move that the resolution be printed.

The motion was agreed to.

OFFICERS OF INDIAN REGIMENTS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be instructed to report to the Senate the names of the officers of the fourth and fifth Indian regiments who actually performed duty under their appointments as officers of said regiments; the kind of service performed by them, and the length of time they were actually employed, and the distances from their homes to the place of service.

HENRY P. BLANCHARD.

Mr. SUMNER. I ask the Senate to take up a little bill which will take only a few minutes. It is Senate bill No. 53, for the relief of Henry P. Blanchard, reported from the Committee on Foreign Relations.

Mr. SHERMAN. I hope the Senator will allow the gold bill to be first disposed of.

Mr. SUMNER. I do not think this bill can take more than three or four minutes. There is a short report accompanying it, which can be read if any Senator desires it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 53) for the relief of Henry P. Blanchard. It directs the Secretary of the Treasury to pay to Henry P. Blanchard, for his services as marshal at the port of Canton, in China, from February 22, 1858, to July 1, 1860, the sum of $2,354 24.

Mr. GRIMES. Let the report be read.

The Secretary read the following report:

The Committee on Foreign Relations, to whom was referred the petition of Henry P. Blanchard, praying for compensation for services performed as marshal for the consular court of Canton, have had the same under consideration, and report:

That after consideration of the case, the committee have adopted a report on this case, made by Mr. SUMNER in behalf of the committee, February 18, 1863, which has been acted upon in the Senate.

That the memorialist was duly appointed and served as United States marshal for the consular court at Canton, in China, established under the act of August 11, 1848, as is shown by the following copy of a letter on file in the Department of State:

UNITED STATES CONSULATE,
CANTON, *November* 26, 1860.

SIR: At the request of Mr. H. P. Blanchard, desiring me to inform the Department of the period during which he performed the duties of United States marshal at this port, I have to state that Mr. Blanchard entered upon the duties of United States marshal at this port on the 22d day of February, 1858, and continued to perform the duties appertaining to said office up to the 30th day of August, 1860, the day on which his successor, Mr. F. H. Haskell, was appointed, and whose appointment was approved by Mr. Ward, the United States minister to China.

Respectfully, I have the honor to be, sir, your most obedient servant,

OLIVER H. PERRY,
United States Consul.

Hon. LEWIS CASS, *Secretary of State.*

The memorialist states that he accepted the appointment as marshal for the consular court under the belief that a compensation of $1,000 per annum would be paid him for his services. These embraced the perplexing and difficult duties of quelling and settling troubles on shipboard with mutinous crews, arresting runaway seamen, adjusting claims of Chinese for damages suffered by them at the hands of drunken American sailors, and procuring the release of kidnapped coolies, who were about being taken from Whampoa in American vessels engaged in that inhuman traffic. For these and other services Mr. Blanchard states that he has never received any remuneration, "either from the United States consul or from fees collected, or in any other manner, or from any source whatever." That these services were faithfully performed is shown by the following letter:

BUREAU OF EQUIPMENT AND CLOTHING,
WASHINGTON, D. C., *November* 17, 1862.

Henry P. Blanchard, Esq., was performing the duties of United States marshal of Canton and Whampoa while I was in command of the United States ship Portsmouth in China, and these services were effectually performed.

As Mr. Blanchard has not been able to obtain his pay for these services rendered, I trust that his claim may now receive due attention, and he obtain the usual or allowed compensation.

A. H. FOOTE,
Rear Admiral United States Navy.

It appears, by a letter from the Department of State, that when the act of 1848 was passed, it was supposed that the officers of consular courts would be remunerated by fees, and that a subsequent act, by which the salaries of the marshals of these courts was fixed at $1,000, in addition to fees, did not go into effect until July 1, 1860.

The claim of the memorialist from the 1st of July, 1860, to the close of his term of service on the 30th of August, 1860, has been paid by a special appropriation made by Congress, that portion of his official duties having been legalized by the act of June 22, 1860. He now asks remuneration for his services from February 22, 1848, to July 1, 1860,

at the rate of $1,000 per annum, amounting to $2,354 24, that being the balance due him, as the following statement shows:

Original claim for salary from February 22, 1858, to August 30, 1860	$2,520 00
Amount paid by appropriation from July 1, 1860, to August 30, 1860	165 76
Leaving due the amount of salary from February 22, 1858, to July 1, 1860	$2,354 24

Claims of a similar nature have heretofore been paid. In the deficiency bill approved May 31, 1854, was an appropriation of $1,781 74, to "Thomas M. Johnson, for his services at the port of Shanghai, from the 9th December, 1851, to the 15th September, 1853;" and the consular and diplomatic bill approved May 26, 1860, contained an item, passed on the strong recommendation of General Cass, then Secretary of State, by which $4,760, or so much thereof as might be necessary, was appropriated "to enable the Secretary of State to defray the cost of the prison-ship at Canton, in China, from the 1st day of January, 1854, to the 1st day of January, 1857, and for compensation of the marshal of the consular court at Canton, from January 1, 1854, to the 15th of December, 1857."

It appears that the memorialist was the successor of Mr. James P. Cook, who was, by the above act, remunerated for his services as "marshal of the consular court at Canton, from January 1, 1854, to the 15th of December, 1857." The rebellion having made it necessary for foreigners to leave Canton, the functions of the consular court were suspended from that time until the February following, when the services of the memorialist commenced. While the predecessor of the memorialist has thus been paid by special legislation, his successor received a salary under the act of June 22, 1860.

When the claim was before the Senate, a few weeks since, it was not denied that in justice and equity the memorialist was entitled to the relief asked for; but it was ruled out of order as an amendment to the deficiency bill, and it was suggested to be a proper case for a private bill. Since then Mr. Blanchard has petitioned for relief.

Your committee, after a full examination of the case, is of the opinion that the facts and the precedents cited show that the memorialist is entitled to relief, and report a bill accordingly, the passage of which they recommend.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTEREST ON THE PUBLIC DEBT.

The VICE PRESIDENT. The special order of the day at half past twelve o'clock is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt. It authorizes the Secretary of the Treasury to anticipate the payment of interest on the public debt, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient.

The Committee on Finance reported the joint resolution with an amendment, to add at the end thereof the following words:

And he is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest of the public debt.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. JOHNSON. This measure is evidently a very important one. It may be a very proper one, and I suppose it is. Speaking for myself, I am comparatively uninformed of the exigency that renders it necessary, and, if agreeable to the honorable Senator from Ohio, I should like to hear an explanation from him on the subject.

Mr. SHERMAN. The subject of the disposition of the accumulated gold in the Treasury has been so frequently discussed in conversation that I did not desire to occupy the time of the Senate in making any statement in regard to it unless required to do so by some Senator for his information.

The difficulty grows out of the law of 1862, which requires all duties on imported goods to be paid in gold, and that the interest on the bonded debt should be paid in coin. Under this process there has accumulated in the Treasury of the United States upward of twenty million dollars in gold. There is no proper mode in which it can be paid out under existing law except in payment of the interest on the public debt. I have a statement before me now showing the amount in the Treasury, over and above all outstanding drafts for coin, to be to-day $19,670,479 91. There is more in the Treasury, but it is either drawn against or set apart for special purposes under the law. The estimated receipt of coin from this date to July 1, 1864, upon the basis of the receipts of the last month or two, is $22,272,175; making an aggregate of gold on hand and to be received of $41,942,654 91. The whole amount that will be paid under existing laws for interest on the public debts during that time, and including the 1st of July, is $20,849,199 92. Here is the statement as made at the Department:

TREASURY DEPARTMENT, *March* 10, 1864.

Statement of outstanding loans, interest upon which is payable in coin during the current six months ending July 1, 1864:

	Principal.	Interest due.	Amount of Interest.
7-30 Notes, dated Oct. 1...	$86,375,650 00	Apr. 1.	$3,152,711 22
5-20s, Feb. 25, '62, 6 per ct.	510,776,450 00	May 1.	14,945,141 33
Loan of 1842, 6 per cent..	296,320 75	July 1.	7,089 63
" 1847, "	9,415,950 00	"	282,457 50
" 1848, "	8,908,341 80	"	267,250 25
" 1850, 5 per cent.	3,461,000 00	"	86,525 00
" 1858, "	20,000,000 00	"	500,000 00
" 1860, "	7,022,000 00	"	175,550 00
Feb. 8, 1861, 6 per cent..	18,415,000 00	"	552,450 00
Mar. 2, 1861, "	1,016,000 00	"	30,480 00
July 17, 1861, "	51,651,500 00	"	1,549,545 00
	$717,277,513 55		$20,849,199 92

Most of this, it will be seen, is payable on the 1st of May. The effect of this accumulation of gold in the Treasury is, that the Government hoards the gold, while at the same time it requires merchants importing goods into this country to go into the market and buy gold at the enhanced prices caused in a great measure by the accumulation of gold in the Treasury.

As an important fact bearing on this matter I will remark that there is now in the banks in the city of New York an accumulation of $21,188,034 in gold. No price that can be put upon gold would withdraw this reserve from the banks. They keep it as a reserve. The consequence is that $40,000,000 in gold is now hoarded in the city of New York, withdrawn from the ordinary channels of commerce and trade, while at the same time the United States demands of its customers the payment of not less than $300,000 a day in gold.

Mr. JOHNSON. Then there will be an accumulation of $80,000,000 in gold on the 1st of July.

Mr. SHERMAN. No, sir. Forty-one million dollars will be the accumulation on the 1st of July, out of which we must pay the interest on the public debt due before and at that time.

Mr. JOHNSON. But, adding the amount in New York, the accumulation would be a great deal more.

Mr. SHERMAN. Then the accumulation would be nearly sixty-three million dollars.

It is very obvious that if we continue this system, after a while it will be impossible for the persons who are required to pay in gold to get it. The banks hoard theirs, keeping it as a reserved fund; the Government of the United States hoards its gold; the Secretary of the Treasury cannot pay it out, and the effect is becoming disastrous. The joint resolution now under consideration was prepared by a gentleman from Massachusetts, [Mr. BOUTWELL,] and was introduced in the House as a substitute for the proposition offered by a gentleman from New York, [Mr. STEBBINS.] After the passage of the resolution as it now stands gold went up six or seven per cent. I will read from the money article of the New York Commercial Advertiser of last night this quotation:

"After four o'clock the news of the passage of Mr. BOUTWELL'S gold bill reached the market.

"The bill merely authorizes the Secretary of the Treasury to anticipate the payment of interest on the public debt from time to time, with or without a rebate of interest upon the coupons, as to him may seem expedient. In this amended form it passed, 90 against 34—a very strong vote, which seems to fix the policy of Congress. This amounts to nothing in the way of relief, since it is of no practical value whether the $3,000,000 due 1st of April, and the $15,000,000 due 1st of May, are begun to be paid now or then. It will take a month at least to pay the $15,000,000. When $6,000,000 was due November 1, it required the whole month to complete the payments, and the price of gold was not affected at all. The Secretary has now the same duty as before, to apply the gold to the purchase of stock for the sinking fund, a process which would freely deplete the Treasury. On the promulgation of the passage of this bill, gold, which had been dull at 163½, immediately rose to 164½, and in the evening sales reached 165¼.

"This morning the assemblage at the gold rooms was prompt, and the opening price was 165½.

"The demand continued very active, and the rate soon touched 168, when a little reaction set in, and it declined to 167½, and again recovered to 168½ a ⅝, at twelve m.

"The rate for exchange went up in the same proportion, and sales were made at 181½, but this rate is still lower than gold."

Such was the effect of the passage of the joint resolution by the House. That resolution amounts to nothing. It simply authorizes the Secretary of the Treasury to anticipate the payment of the interest on the public debt, either with or without a rebate of interest. It is an absurd proposition, while we are borrowing at the rate of $2,000,000 per day, to authorize the Secretary to anticipate the payment of a portion of the debt, thus losing the interest, and not relieving at all the pressure upon the gold market in New York.

The objection that has been made to the proposition of the Committee on Finance is that it places in the hands of the Secretary of the Treasury a vast power. Sir, during a time of war like this the Secretary of the Treasury must have vast power. This power is but a slight one in comparison with many of those that have already been given to him. This proposition does not really very much increase his powers; but it will enable him, with $20,000,000 of gold in his possession, to hold a rod of terror over the men who are speculating in gold in New York. They will not know at what time he may come in the market and depreciate the value of gold. The Government of the United States is the great consumer of the products of the country. We are the great purchaser of the products of the country. It is the interest of the United States to depreciate the value of gold, and to raise the value of paper money, to make the margin between these two different forms of money as slight as possible; and yet the effect of our existing laws is, by hoarding the gold received by us, to increase the value of gold and depreciate the value of paper money. Unless Senators can point out some way in which the Secretary of the Treasury can get rid of this gold they should not object to the power proposed to be given to him to sell it.

It is said that the power to sell gold will depreciate our currency. The fact that there will always be a difference between paper money and gold in time of war, is a fact that we cannot overcome. It exists in all countries. It existed in France; it existed in England; it exists in our own country; and it always will exist in war when the Government is a large borrower and consumer. We should not legislate in ignorance of that great fact. Our purpose is, or should be, to lessen the difference between gold and paper money as much as possible. For us to say that we will not sell gold when we have a useless accumulation of it, for current money, merely because we do not like to confess the depreciation, is absurd. It is like a man trying to conceal his poverty by extravagent dress and equipage. In time of war this depreciation of paper money is a necessary incident of war; and we might as well act upon that fact and not attempt to disguise it.

This power if given to the Secretary of the Treasury can do no harm. Gold is set aside for the payment of the interest on the public debt; and this proposition requires him always to reserve and keep on hand enough to pay the interest on the public debt. He may not have to sell any. The very fact that he has the power to sell and has a surplus of gold to sell may defeat and prevent speculative operations in gold. No evil can result from it, while the measure proposed by the House, it seems to me, is delusive and nugatory. It involves the absurdity of our going into the market and paying our debt before it is due, while we are going into the same market and borrowing at the rate of $2,000,000 a day.

Under the act of February, 1862, the Secretary is required to pay the interest of all the funded debt in gold. He is also authorized to buy the bonds of the United States and establish a sinking fund not to exceed one per cent. of the whole public debt every year. The Secretary might take this gold under existing law and buy the bonds of the United States and establish a sinking fund; but it would involve the absurdity of his buying, with gold, bonds of the United States, which bonds, or those of a similar character, he

would have to sell the next day. It would involve the apparent absurdity of establishing a sinking fund while we are borrowing money largely. We would buy our own bonds with gold while we are selling day by day our bonds for paper money. If no other resource is allowed him he will have to try this expedient rather than continue the present accumulation of gold.

It is much better in my judgment to meet this question directly, to authorize the Secretary in his discretion to dispose of the surplus gold in the Treasury, holding him strictly responsible for the exercise of that power. You cannot avoid conferring upon him large powers; and I would hold him strictly responsible. If Senators desire it, they may require him to make a report of all his transactions to Congress. I will agree to any restraint whatever that may tend to prevent the abuse of this power. It was proposed in the House of Representatives to require him to advertise five days before he should sell the gold. That would simply be to defeat the object of the bill; because, if he advertised, brokers would combine to buy up the gold when offered in the market, to run down the price when he offered it for sale and then run up the price when he had none to sell. It is better to leave him, like all other persons in the possession of a large amount of gold, free to enter the market at any time, and in the mode most likely to accomplish the protection of the public credit.

Mr. HENDRICKS. The purpose of the Committee on Finance in proposing this amendment I certainly approve. There is nothing more to be deplored than the difference between the paper and gold currency of the country and the fluctuation in the value of gold, if it might be so expressed, or, more properly speaking, the fluctuation in the value of paper money. But, sir, it seems to me that the measure proposed by the Committee on Finance has not been considered with that care that it calls for. When is the Secretary of the Treasury to sell the gold? Where is he to sell it? How is he to sell it? Is it to be among a few persons in the Treasury Department unknown to the commercial world? Is it possible that the Secretary of the Treasury is to be clothed with the authority to sell from six to twenty millions of gold at any time, communicating the knowledge of the fact to but a few persons in the Treasury Department, or to but a few persons in the city of New York?

The Senator from Ohio, anticipating this objection, has said that it would to some extent defeat the purpose of the committee if the Secretary of the Treasury should be required to give notice of the sale; that the traders in gold would combine to put the price down when the Government was coming into the market and to put the price up when she had gone out of the market. There may be some force in that suggestion, but it seems to me there is a great deal more force in the objection which I suggest to the measure, that the Secretary of the Treasury may be clothed with the greatest authority over the commerce and trade of the country that has ever been given to any one man in the world. By this proposition you authorize him to sell this gold when he pleases, where he pleases, and how he pleases. Is he to be paid in Treasury notes, in the currency of the national banks, in the bonds of the Government, or in the bank notes of the country? How is he to be paid, and at what rate is he to sell the gold? Sir, I cannot support a measure like this; and therefore I propose to add these words to the amendment of the committee:

Provided, however, That he shall first by publication in the cities of Washington and New York give at least ten days' notice of the time and place of the sale of the gold.

I cannot conceive it possible that the supporters of the Secretary of the Treasury will ask us to give him the power to dispose of a large amount of gold without responsibility, without the time being stated, without the manner of sale being specified, and without any notice whatever. I will not say that the Secretary of the Treasury is not an honest man; but certainly we ought to throw the guards around his public acts that are ordinarily thrown around the acts of any public officer. While I will not question his integrity in this debate, I will say that this measure presupposes a state of confidence in the Secretary that legislators are not justified in reposing in any man. With this power he can enrich all the friends that he may have upon earth at the first sale of gold. If he can sell, by a private sale in the Treasury Department, unknown to the commercial world outside of that Department, from six to twenty millions of gold, he can enrich every friend he has.

Is it the purpose of the committee to put an end to the fluctuations in the value between gold and paper? I say this measure will enable the Secretary of the Treasury to increase those fluctuations. If without notice he can throw this gold into the market, then he depreciates gold; but as soon as he withdraws from the market, gold goes up again. The trouble about this whole question is, that the paper currency of the country is not worth as much as gold, and it cannot be made to have that value, because the commercial operations of the country have been carrying gold out of the country, and the operations of the Government for several months have been constantly increasing the paper currency of the country. As the one is decreased the other is increased, and as a matter of course the difference between them is increasing every day. I do not think this proposition of the committee is going to furnish any substantial relief to the country. If we could be relieved from these fluctuations it would be well; but I think this proposition is giving to the Secretary of the Treasury a power that ought not to be given to any man, and at the same time will not secure the desirable end aimed at by the Committee on Finance.

Mr. SHERMAN. Mr. President, the Senator from Indiana is mistaken in supposing that this proposition has not been thoroughly considered by the Committee on Finance. I think no proposition before that committee has been so fully and maturely considered as the one now before the Senate. We have had the subject before us almost since the beginning of the session. The Senator from Kansas [Mr. LANE] introduced a bill early in the session, and at the suggestion of the Committee on Finance I introduced a bill containing this very proposition, and had it referred to that committee; so that we have considered the matter fully, and have come to the conclusion that it is wise to vest the Secretary of the Treasury with this large power. I confess this result is arrived at after a good deal of doubt, deliberation, and hesitation, but finally with great unanimity, and, allow me to say, with great clearness of conviction.

The Senator from Indiana objects that the mode proposed to sell this gold is not the best to make money out of it. That is not what we desire. We do not desire to legislate for the purpose of getting the highest price for this gold. On the contrary, we wish to place in the hands of the Secretary of the Treasury a power which will prevent the inflation of this gold or the depreciation of paper money. The object is not to have a public sale to induce competition in the purchase of this gold, and thus get the highest price, but to place in the hands of the Secretary of the Treasury a power, that may never be exercised, which may tend to prevent the depreciation of United States money.

In order to accomplish this purpose, the power by the Secretary of the Treasury over the surplus gold must not be crippled by conditions. If we propose to require him to sell this gold in open market in the city of New York, the effect would be that when Mr. Cisco or the Assistant Treasurer of the United States should appear in the open market in New York to sell this gold, combinations would be made to buy all the gold he could sell, and having purchased it they might then run up the price of gold, or, which is the same thing, run down paper money, and thus defeat the very object we have in view.

The Senator says that this is a fearful power, not conferred upon any individual. That is true, because no other individual has that much gold; but every man who has gold now has, to a proportional extent, the same power. If I had $100,000 in gold in my possession, I would have the same power in proportion that the Secretary would be invested with by this proposition. The difficulty is, that by our law we have accumulated this large sum of gold, and we must get rid of it. Everybody sees that we must get rid of it. Keeping it there tends to depreciate the very article we wish to advance, and we must get rid of it. The Senator proposes to sell it at public auction. I say that would defeat the very object we have in view, which is not to get a high price for the gold, but to keep a power in the hands of our officers which will prevent the appreciation of gold to too great an extent.

A suggestion has been made to me, to which I have no objection, that it is important to curb and check the power of the Secretary. I desire to control and regulate the power of all the Departments of the Government. I would have no objection to some such proposition of amendment as this: that the Secretary should report to Congress at a subsequent time his sales and the persons to whom he sold, so that we might have that power over him.

As for the idea that he would enrich all his friends and relatives, the Secretary of the Treasury has now the power to enrich any man he chooses. That power is necessarily invested in him by law, and you cannot prevent it. With his large and ample powers he can undoubtedly, by communicating information in advance in the negotiation of loans, make large fortunes to any one. Sir, if I believed he would use his office in that way, I would not give him any power whatever; I would insist that the President of the United States should remove him. In a time of war, you must trust these large and full powers in some of the constituted authorities. If I were satisfied the Secretary was dishonest, and would use this power for the purpose of promoting private ends, I would not be in favor of giving him any power; but I do not think so. I do not believe there is any ground for any one to think so. I do not believe the Secretary would use the power now given to him or any of the ample powers he now possesses for the purpose of contributing to the private gain of any man.

This power that is now proposed to be conferred upon him is comparatively insignificant when you consider the great power he has over a debt of $1,500,000,000, to appreciate it or depreciate it. He has the power now to go into the market and buy his own bonds. He has the power to buy gold. These powers have been given to him because they were necessary to carry on the Government in the difficult position in which we are now placed. This power, therefore, is but small in comparison with the powers he already possesses and exercises with wisdom and ability.

I submit that this proposition has been fully considered and fully matured; that the Committee on Finance, after much reflection and with great unanimity, came to the conclusion that it was necessary to invest the Secretary of the Treasury with this power. The only member of the committee not present was the Senator who has recently returned from the State of New Hampshire [Mr. CLARK] with such welcome news to us. The other members of the committee agreed to it unanimously. I do not know what his opinion is on the subject, although it has been frequently discussed in his presence. I hope, therefore, the Senate will adopt the proposition as it comes from the Committee on Finance. If it is desired, however, I have no objection to require the Secretary of the Treasury to make any report that may be deemed necessary in order to prevent anything like collusion or favoritism in the sale of this gold, in case it becomes necessary to sell.

Mr. HENDRICKS. At the suggestion of a Senator in whose opinion I have a great deal of confidence, I propose to modify my amendment by making the notice required five days instead of ten.

The VICE PRESIDENT. It will be so modified.

Mr. HENDRICKS. I wish to answer just one suggestion made by the Senator from Ohio, who now says that the main purpose of this measure is to give the Secretary the power which shall be held *in terrorem* over the speculators in gold. I thought from his first speech that he wanted to give the Government the power to make a profit by the use of the gold which she did not need in payment of the interest upon her debt. If she wants to sell the gold at the highest price she can command, it is her obvious interest to do what any prudent man in the disposal of any piece of property that he may have would do. Anybody wishing to get a large price would give the most public notice, so as to have at the public sale, or at the receiving of private bids, the largest competition possible. But the Senator says if public notice is given, men of means in the city of New

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. FRIDAY, MARCH 11, 1864. NEW SERIES....No. 65.

York will combine, and perhaps keep down the price. Sir, is it well to keep them in ignorance of the fact that this gold is to be sold? Are the few who may know of the sale less likely to combine and keep the price down than if the whole commercial world were advised of it? Certainly this argument will not hang together. If the Government desires to obtain the largest price, let her give notice, so that there will be the largest competition in the purchase of this gold.

My amendment is not what the Senator suggests. I do not in this amendment propose that it shall be a public sale. I presume it would be better for the Secretary to receive proposals at a particular time and at a particular place for the purchase of gold. One man may send in a proposal to buy $1,000,000, another $500,000, another $100,000, according to their means, and these proposals will come before him as sealed proposals, each person proposing to be a purchaser not knowing what is bid by others. I suppose some such plan as that would be adopted. I propose in this amendment that he shall give notice of the time and place and terms of the sale. If he wants to sell upon sealed proposals, it can easily be done.

But, sir, I am not in favor of any such measure as this at all. It is a proposition that the Government of the United States shall do that which is not creditable among merchants. It is not creditable among merchants, as I understand, for a man in any public way to propose to his creditors to buy in his own paper. When he does that, he acknowledges that to that extent he is a bankrupt. A man with means in his pocket to pay his debts does not propose to buy in his own paper at a depreciation. The Senator says we must notice the fact that the paper currency of the country is depreciated. The whole world has noticed that fact. But I submit that it is not very creditable to the Government to undertake to speculate upon the depreciation of the currency that she has thrown out among the people; and I do not believe that it will accomplish the end that the committee intend.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the order of the day, which is the unfinished business of yesterday.

Mr. SHERMAN. I should like to have this bill disposed of.

Mr. WILSON. As this is a very important measure, I feel disposed to yield to it and allow it to be considered; but the order of the day which comes up at this time is also an important measure. I hope, therefore, that instead of being postponed, it will be passed over informally to allow the Senate to dispose of this joint resolution in regard to the sale of gold.

The VICE PRESIDENT. The Senator from Kansas [Mr. POMEROY] is entitled to the floor on the special order, and no motion can be made to postpone it without his consent.

Mr. POMEROY. I have no objection to its being postponed informally, if this bill can be disposed of in a few minutes.

The VICE PRESIDENT. It will lie over subject to be called up at any time by any Senator.

Mr. RAMSEY. I should like to ask what becomes of my bill—Senate bill No. 31—which was made the special order for this day?

The VICE PRESIDENT. It has been crowded out by the action of the Senate on other bills.

Mr. WILKINSON. That bill was made the special order last week for this day.

The VICE PRESIDENT. The unfinished business of yesterday takes precedence of a special order.

Mr. RAMSEY. What is that?

The VICE PRESIDENT. Senate bill No. 145, to equalize the pay of soldiers in the United States Army, is the unfinished business of yesterday, and takes precedence of the special order. It can be passed over informally by unanimous consent, subject to be called up at any time any Senator requests it.

Mr. CLARK. Is the question now before the Senate on the postponement of that bill?

The VICE PRESIDENT. No, sir. The question is on agreeing to the amendment submitted by the Senator from Indiana, [Mr. HENDRICKS,] to the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt.

Mr. CLARK. I was about to suggest to the Senator from Ohio that perhaps we had better let that go over until to-morrow. It is with great reluctance that I am able to bring myself to support this measure, and I do not know that I shall finally give a vote for it. I desire a little more time for consideration in regard to it. I was not present at the discussion in committee.

Mr. SHERMAN. I do not wish to press this joint resolution against the wishes of Senators, although I see the vital importance of its passage. I shall not oppose its going over until to-morrow, provided it can be made the special order at half past twelve o'clock.

The VICE PRESIDENT. It can be postponed and made a special order by a vote of the Senate.

Mr. SHERMAN. Then I will make that motion, that the further consideration of the bill be postponed to and made the special order of the day for to-morrow at half past twelve o'clock.

The motion was agreed to.

PAY OF COLORED TROOPS.

The VICE PRESIDENT. The order of the day is the unfinished business of yesterday, the bill (S. No. 145) to equalize the pay of soldiers in the United States Army, which is now before the Senate as in Committee of the Whole, the pending question being on the amendment proposed by the Senator from Kentucky, [Mr. DAVIS;] and on that question the Senator from Kansas [Mr. POMEROY] is entitled to the floor.

Mr. POMEROY. Mr. President, I do not propose to reply very minutely to the argument of the Senator from Kentucky. I did not listen to his argument, and it has not appeared in the Globe. As the discussion is not very closely confined to the subject before the Senate, I propose to address a few remarks upon topics of general interest.

Some curiosity has been manifested, here and elsewhere, as to the authority and genuineness of a circular issued by me, as chairman of the national executive committee. Such curiosity is very laudable, and I take an early opportunity to say that I did issue that circular, and that it embodies the views of the national committee upon the subject presented. The committee was instituted in the usual manner at a public meeting convened in this city in the month of January last. That meeting comprised members of Congress and citizens from nearly every loyal State in the Union. The committee is composed of members of Congress and other citizens of the United States; all of them, so far as I am advised, of the most unquestioned loyalty, and devoted to the Union, and to freedom as the best means for restoring and preserving the Union. The object of the committee is to unite the sentiment of the country in the support of men and measures suited to the times. It issued a letter, called by some a circular, which it has distributed, as also the speeches of members of Congress on the engrossing topics of the day.

There was nothing secret in or about the letter, unless some person wrote "private" or "secret" upon it in order to attract attention and secure a wider circulation. The only motive for its dissemination at all was to notify the country of the existence of such a committee and of the purpose of its organization. Copies were sent by mail to the President of the United States, to the judges of the courts, the Governors of the States, and other distinguished persons in the loyal portion of the country. I do not know that the Secretary of the Treasury was consulted in reference to the organization of the committee. So far as I am informed, he was ignorant as to the persons composing that committee, as also of its action. This is the era of drafting men into the service of their country, without notice, and in that spirit he was *drawn* for the service. And because we believed the Secretary of the Treasury to be a suitable person, he was named as a candidate for the position of Chief Magistrate of the nation. We still believe him to be the man whom the people will delight to honor. And I find that many other men in the country think as we do in this matter. Indeed, I have yet to find the man friendly to freedom who does not concede that our choice would deposit the responsibilities of the Executive Government in able and safe hands.

Mr. President, the national executive committee still lives, and in my humble judgment bids fair to establish the fact of its existence on the page of the future. Indeed, its existence has now become almost a "military necessity." Through it we hope to stimulate, encourage, and combine the loyal men of the country for a more vigorous and successful prosecution of the war; believing that a speedy issue to a three years' doubtful conflict will save the credit of the nation, the lives of the army, and the very hope of a free Government among men!

Great and radical changes are transpiring in this country. Theories of long standing are exploded, and positions believed to have been well taken are abandoned—rendered obsolete by the events of a single year! From the nature of things political parties cannot be immutable. During a period of revolution in public sentiment and established institutions, they must necessarily change. The community is made up of at least three distinct classes: The one, earnest, hopeful, radical, comprises the party of progress, and is the party of the future. Another, time-serving, toadying to power, glorifying only the present, is the party of to-day. The fossil and decaying elements of the social structure, who are wrapped in the most gloomy apprehensions of the future, and can descry nothing bright or glorious save in the dead records of the olden time—these compose the vanishing party of the past, sighing for what it will soon obtain, retirement from public duties, and leisure to sigh over the dead and buried relics of a forgotten history.

In the absence of any other national political organization fully representing our views, this was thought a most opportune period—while the nation is emerging from the blood and toil of a three years' war—to initiate an organization of thorough and earnest men, who, gathering inspiration for the present and strength for the future from the lessons and discipline of the past, should become the safe, successful, and controlling party of the future. Old party lines and platforms are superseded by living issues, which have sprung into being since any party has held a national convention. And this is equally true of all parties, whether their platforms were laid at Charleston, Baltimore, or Chicago. It is in behalf of a higher, purer, and freer Democracy than comes down to us from the past that we now appeal to the loyal heart of the nation.

It is no part of my purpose to criticise the past measures of this Administration. No human foresight could have divined and provided for all the emergencies of the war; and to sow discord among ourselves would be a poor way to prepare for the exigencies of the future. I propose to build up rather than pull down, to unite, and to prevent, if possible, a division of the loyal and radical sentiment of the country.

The influence of parties must not be ignored or lightly estimated in this country. While "one goeth and another cometh," it must not be forgotten that each has its mission; and when its day is passed it must be absorbed in the advancing column or retire before it. Political parties are a necessity in a representative Government, and are time-honored, as are also the fundamental principles of the Republic. They form and concentrate public sentiment, and are mediums of political action and political power. No Administration can properly perform its functions and achieve its ends if not supported by an efficient party organization, and measurably adherent and respectful to party fidelity. While the war has

changed the channels of commerce and trade, and in some cases opened new and better ones, while an unknown and uncertain currency has been displaced by a known and national currency, so, too, the old political organizations, having been formed for other times and other issues, have had to give way to the one party and the one sentiment of progress, of nationality, of freedom. All parties have taken a hand in trying to make something out of slavery. Its vote being generally a unit in national politics, has been bidden for by every aspirant for office, and has as surely wrought the ruin of those whom it elevated to power, when they were no longer available to promote its ends.

The old Whig party, with its gifted and immortal leaders, struck upon this rock and was rent in fragments. And while memory lives to cherish an Ashland and a Marshfield, there will be an undying record of the ingratitude of slavery!

The Democratic party—in its early days the friend of freedom and the rights of man—became ultimately the ally of the slave power and the embodiment of its interests, but held its discordant elements together until the Charleston convention, in 1860. In the canvass of that year—running two candidates, neither of whom was for freedom—the two factions struck against each other and were destroyed in the concussion. Since then we have known no national Democratic party.

The mission of the Republican party was ended when its work was accomplished. That work was to stay the progress of slavery and preserve the public domain to freedom. It never pretended to aim at more. But it made two splendid campaigns and died in its last triumph! It struck one telling blow for freedom and against slavery; so the reminiscences of its short and eventful career shall forever remain tender and interesting.

The first achievement for freedom as against slavery, was upon the soil of my own State. The slave party triumphed in the legislation of Congress, carried the Missouri compromise of 1820, and the compromise measures of 1850, and the Kansas-Nebraska bill of 1854. It had triumphed in Congress, in the national conventions, in the elections which followed, and in the decisions of the Supreme Court. Everywhere had this power been successful until it undertook to make a practical use of this legislation, and build up the institution on the soil of my own State; and then it yielded only after a three years' struggle and the disgrace of two Administrations. Sir, I have seen and felt enough of slavery to hate it. I have no confidence in any man's freedom, if his title to it is held at the mercy of this slave power. Compromises settle nothing. They are only temporary adjustments, and always liable to be broken. There is no compromising with an inherent wrong. There is no peace where freedom and slavery are housed together. This conflict is natural as well as "irrepressible." It is the great law of the case, the "higher law," for it exists in the nature of things that no great wrong can anywhere rest. It is itself aggressive, making war upon the right, and it must live in triumph, or die by extermination. The case is fairly made up before the American people whether their Government shall live or whether slavery shall die. And this position was reached in the triumphs of freedom and the defeat of slavery in the canvass of 1860.

At the period of this triumph, the long-threatened conflict between slavery and freedom culminated in open war. It had been tending to this issue for nearly half a century; and now, maddened by political defeat, it struck the threatened blow, and during the waning days of its last and chosen Administration, selected its own battle-field. Secession, the forerunner of war, commenced at the opening of the last Congress of Mr. Buchanan's Administration. On the 20th day of December, 1860, South Carolina "seceded," as she said, from the American Union. It was the falling of a star of doubtful brilliancy and more than suspected loyalty. Four days later her whole delegation withdrew from Congress, and left Washington in order to prosecute their schemes of treason. Three days more, and the Palmetto flag, that rag of rebellion and treason, floated over Charleston and Forts Moultrie and Pinckney. Two days later, and Mr. Floyd, having first stolen the Treasury poor, tendered his resignation, and received from Mr. Buchanan an affectionate and tearful farewell! On the 5th day of January following, that delectable body, the South Carolina convention, adjourned, having laid the corner-stone of the southern confederacy deep in the quicksands of slavery. On the 7th day of January, Mr. Toombs made in this Senate Chamber, and standing in this very place, a most treasonable speech in behalf of slavery and secession, and left Washington unhung. On the 9th, only two days later, that gallant old ship, the Star of the West, while entering Charleston harbor on an errand of mercy which an angel might have envied, was fired upon and compelled to return, and on the 28th day of the same month South Carolina demanded the surrender of Fort Sumter. On the 4th of February, 1861, the first confederate convention was held at Montgomery, Alabama; on the 8th a constitution was adopted and a provisional government organized; on the very next day, February 9, Mr. Jefferson Davis was elected president of the southern confederacy; and on the 12th day of April the batteries of Charleston opened upon Fort Sumter, which was compelled on the 13th to surrender.

Thus, step by step, in quick succession, slavery committed the overt acts of rebellion and treason, and thus opened the war during the first days of the present Administration. And what could have been clearer than the cause of the rebellion? What easier than then and there to have pronounced upon the means for its overthrow? But how slow it was to learn the lesson of events, to comprehend the magnitude of the struggle, or the manner and means for its successful termination! It was early and hastily proclaimed that the relations of the Government to slavery and of slavery to the States should remain unchanged, as if amid the wreck of State governments and State sovereignty slavery alone was entitled to stand; that whatever else might perish, that at least should be preserved. So little was the crisis understood that it was pronounced a "ninety-day" affair, and this ended, the States were all to be restored, and the institution of slavery remain undisturbed. It was unhesitatingly announced that this was no war for freedom and the rights of man, but for the Constitution and the rights of the States in the restored Union; and to make this position doubly sure, a joint resolution was dragged through Congress to secure it against further question. No wonder that we suffered the teachings of adversity, or that our course lay over many well-fought battle-fields of doubtful triumph. No wonder, I repeat, that with such declared purposes and impolicies we have been called to weep over the slaughter of thousands, and find the pathway of national success to be "by the way of the wilderness and the Red sea." For a year and a half, with the blindest fanaticism, it followed in the wake of slavery, for that interest led, both in the council and in the field. But, by the discipline of sorrow and the teachings of adversity, the heart of the nation has been reached, and rapidly reorganizing, the people are preparing for an edict of emancipation, made legal and irrepealable by an amendment of the Constitution, as provided for and anticipated in the instrument itself.

Entertaining these views, and in order to save this Government to freedom, and that the hope of its founders may become fully realized, we are for organizing a party with a well-defined platform and policy; for in periods of national convulsion it becomes the solemn duty of the people to increase their vigilance, and to acquire new strength for the support of their cherished institutions.

The Revolution of 1776 produced the noblest political declaration ever made to the world, and on which was afterward founded our Federal Constitution. But the inevitable progress of ideas made it impossible that slavery should long continue to exist in a free republic, and the death-struggle of that institution has nearly resulted in the destruction of the nation itself. This struggle has rendered obsolete the old fallacy of a political compromise between liberty and slavery, on which our Union, otherwise admirable, was insecurely based; and it has proved the necessity of such amendments of our Constitution as shall enlarge its spirit, and make certain the way of emancipation, and guaranty us from any future rebellion of a class against the people, who are, and of right should ever continue to be, sovereign.

In the present conflict, I repeat, all political parties have been destroyed. Partisan Democracy early perished through the alliance and corruption of its leaders with slavery; partisan Republicanism, aiming only at the restraint of slavery, and never once asking its extinction, was shattered by the first gun aimed at Sumter.

Mr. DOOLITTLE. If my friend from Kansas will allow me, I do not know that I understand precisely some of the statements he has made. Am I to understand him as organizing a new political party?

Mr. POMEROY. I will allow the Senator to answer me at full length in a few minutes.

The VICE PRESIDENT. The Senator cannot be interrupted unless he gives way.

Mr. DOOLITTLE. I only wished to understand the Senator.

Mr. POMEROY. I was saying that partisan Democracy early perished through the alliance and corruption of its leaders with slavery; partisan Republicanism, aiming only at the restraint of slavery, and never once asking its extinction, was shattered by the first gun aimed at Fort Sumter. No party now exists which has ever been seen in a national convention. And after three years of fearful and exhausting conflict, the country is still menaced by dangers which can only be averted by instant and intelligent political action on the part of the people, and a marching to triumph and victory on the part of the Army. To save the nation from demoralization and disgraceful bankruptcy, and also from the threatened perils of official usurpations, a contest of ideas is inaugurated for the promotion of just principles, and not for the aggrandizement of men. To this end the aid of all citizens should be invoked who desire a speedy restoration of the Union upon the principle of universal freedom secured by an amended Constitution, inviting all to unite in advocating and maintaining a political organization embracing the vital issues of the present day.

1. The immediate suppression of the rebellion, by using and controlling, if need be, for the time being all the civil and all the military power of this nation, without premature offers of pardon by proclamation of amnesty to traitors, but reserving to a triumphant people the right to determine to what extent mercy shall be tempered with justice.

2. Such amendments to the Federal Constitution as shall prohibit slavery wherever the flag of the Union floats, with suitable encouragement to a general system of education, in order that suffrage shall be intelligent as well as free, thus furnishing additional guarantee for the perpetuity of our liberties.

3. The maintenance of the Monroe doctrine, by which the despotisms that afflict the Old World shall be denied any additional foothold in the New, thus guarding our country against the encroachments of tyranny, and dedicating this American continent to the development of popular institutions.

4. The organization of a rigid economy in the administration of public affairs, in order both to relieve the burdens of the people and to insure the financial credit of the nation.

5. The confiscation of the property of leading rebels, and inauguration of republican governments in all the districts in rebellion, whensoever the loyal inhabitants shall voluntarily acquiesce in and adopt the same.

6. The perfection of a sound system of national currency, made stable and sure by a pledge of the wealth and resources of the whole country, thus protecting the people from the evils of an issue of unguarantied paper currency, and supplying them with a safe and convenient medium of commercial exchange in a national currency of uniform value in all parts of the country, and convertible into gold without loss.

7. Such subordination of the several States to the General Government as shall secure a homogeneous and undisputed nationality, while not destroying the rights reserved to the States, so that allegiance to the national Government shall always be regarded as the highest fealty, and the title of an American citizen the proudest that can be borne, believing him to be an American who has an American heart in his bosom, no matter where may have been the accident of his birth or education, for he is as likely to be as truly an American who becomes one from choice as he who is compelled to be one from necessity.

8. A general adherence to the usage of the Government for thirty years past in the one-term principle as applied to the office of the Presidency,

believing that the policy of a second and third election is fruitful of temptations, and tends to impair the purity and patriotism of his Administration, and to surround him with influences fatal to the use of free and unbiased executive patronage, and highly dangerous to popular liberty, which he was chosen to protect.

9. Through protection to individual rights, including those of the writ of *habeas corpus*, and the liberty of speech and publication, while at the same time there are suitable safeguards against a treasonable, subsidized, and corrupted press.

10. The support of a liberal and protective system of foreign emigration, which shall attest our sympathies with the struggling people of Europe, while it shall replenish the wastes of the present destructive war, stimulate our injured commerce, supply the demand for labor, and develop those immense resources of our country on which we must so greatly rely for the speedy extinguishment of the national debt.

11. The extension of suitable aid for the construction of a railway across the continent, for the better union of the Atlantic and Pacific States, and their easier defense against possible foreign enemies, as well as to hasten the development of the rich mining regions of the continent, which, we have reason to believe, are destined to control the commercial values of the world.

Mr. President, I need not add more. The earnest and loyal men of the country are awakening and uniting upon these issues. We have had enough of hesitating and uncertain policies; enough of indecisions and of wrong decisions; enough of coldness and of neglect given to the friends of the Government, while favor and kindness have been meted out to its enemies. The voices of the multitude, like the mingling of many waters, are calling for vigor, progress, and success. This appeal is urged by the sad memories of an unsatisfied record of the past, by doubtful and uncertain movements of the present moment, and by the most fearful apprehensions of the future; and faith in progress and triumph of the right must not be left to languish without works. One blow for freedom by an edict of legislative emancipation, made efficient by a cordial and decided executive enforcement, would make "our light to rise in obscurity," and we should expect success in no other way. And, sir, we are urged to commence this work only in this way by a remembrance of every martyr to liberty since the foundation of the world, and especially by the fathers of this Republic, who cradled its infancy, making it the day-dream of their hopes, while it "inspired their songs in the night." We are impelled to it by a sight of the weeds of sorrow, that are indicative of the mourning of ten thousand hearts, in households now and hereafter to be forever desolate. We must accomplish this work in this way to strengthen the arms of our brave men in the field who are periling their lives for their country, their Government, and mankind. And above all, and more than all, by the recollection of fifty thousand northern and western freemen who have gone down to early and unmonumented graves on the soil of slavery, and because of it, trusting, as I hope they did, that the "spirit of liberty" would early rise from their ashes and linger there as the guardian of freedom, restoring man to his manhood, making it doubly certain that in the Union that is to be liberty and union shall be forever one and forever inseparable.

Sir, to close the war in this way will be most gratifying to mankind; for we stand to-day in the face of the world. The present generation, the millions to come after us, are interested, equally with us, in this struggle. Let the news go through the nations that with the triumph of the Union liberty has triumphed, every fetter has been broken, the oppressed gone free, and, sir, every dungeon of tyranny in the Old World will be illuminated for the hour, and joyous tears of gratitude falling upon the wasting limb of the captive will soften his fetters and enable his emaciated hands to be uplifted while he thanks his God, and waits, and hopes. Oh! this is a war for mankind. It has the old battle-cry of liberty. It establishes freedom in a free Government as the hope of the world.

And, sir, I will not omit to say that in this conflict of arms, if prosecuted in this way, we shall be successful. Whether the sky at this moment looks bright or dark, whether the conflict of the present shall rage for a longer or a shorter period, it shall terminate ere long in the triumph of justice and liberty. They who are for this result are more than they who be against it. For to this side of the issue plead truth, justice, God, and His oppressed poor; the captive in his cell; the fettered prisoner wasting in despotic and hopeless dungeons; the slave, waiting in undying hope, and now for the first time allowed to strike the redeeming blow of his own freedom—these all, all unite in an appeal of agony that this great heritage of freedom, bequeathed by its immortal founders to human nature, shall triumph in this its last great struggle, and remain here upon this American continent as an asylum for mankind forever.

Mr. WILKINSON. Mr. President, if the "chairman of the national executive committee" shall organize a new party which shall accomplish all the great results which he has foreshadowed in his speech to-day, it will be well for the country and well for freedom everywhere.

The honorable Senator from Kansas tells us that he was made chairman of a national executive committee, and that there was a meeting somewhere in some dark corner—he does not tell us where—attended by some members of Congress and some quite respectable people living in the District of Columbia, and some distinguished gentlemen from various States, and that thus assembled these distinguished persons appointed this committee. It does not appear that there was any notice ever published of any such convention, or of any such organization, or any such assembling together of distinguished patriots who love their country better than anybody else loves it; nor does he state where this grave conclave assembled, nor when this committee was constituted.

Now, sir, I agree pretty much with everything the honorable Senator has said. It is true, a great deal of his speech is made up of old Democratic platitudes strung together after the manner of old Democratic platforms. All this twaddle about economy and the economical administration of the Government was uttered by Democratic politicians who put in nomination Mr. Buchanan just as clearly and just as forcibly as the honorable Senator from Kansas has enunciated it to-day.

He has referred to a circular which this "national executive committee," that somebody appointed—the honorable Senator does not tell who—issued and sent out. He says that he formally directed it in a sealed envelope to the President of the United States, and that it was sent to the heads of the Departments. What is there in this circular? What does it contain? It declares, first, that Mr. Lincoln cannot be reëlected, even if we wanted him for our candidate. How does the honorable "chairman of the national executive committee," which somebody appointed, know that? The honorable Senator did not inform us, as "chairman of the national executive committee," no more than he informed us who made that committee, and who authorized him on behalf of any political party or any considerable body of men to issue any such circular.

The second proposition in this circular is, that if Mr. Lincoln should be reëlected, "his manifest tendency to compromise and temporary expedients of policy will become stronger during a second term than it has been in the first, and the cause of human liberty and the dignity and honor of the nation suffer proportionably, while the war may continue to languish during the whole Administration till the public debt shall become a burden too great to be borne."

I have heard it said, upon what authority I cannot say, and I should like to ask the honorable "chairman of the national executive committee," if he can inform the Senate and the country upon the fact, whether or no his candidate, the honorable Secretary of the Treasury, did not advocate and recommend on the part of the Administration that the South should be permitted to go without resistance? I suppose the honorable Senator can answer that question, as he is "chairman of the national executive committee," who have raised up Mr. Chase as their candidate. I do not see that the honorable Senator, the "chairman of the national executive committee," has anything to respond to that question.

Mr. POMEROY. I desire the gentleman to conclude his remarks before I answer. I do not like to be interrupted myself when making a speech, and I never interrupt anybody. When the gentleman gets through his remarks I shall have an opportunity to reply.

Mr. WILKINSON. I do not assert that Mr. Chase ever advocated such a proposition, for I never heard him do so. I do not assert that he ever assumed any such position, for I never heard him assume it; but I have heard other men say that he did assume the position, at the commencement of this rebellion, that it was better to let the South go than to openly oppose their secession by force of arms. I should like to have the country enlightened by the honorable "chairman of the national executive committee" upon this one point in regard to the position of his favorite candidate.

The Senator opposes Mr. Lincoln because, he says, he is too conservative, and will be more so in a second than he was in his first term. I said the other day, and I believe it is correct, that the President of the United States has been too slow; he has been behind the popular sentiment in this country, in seizing hold of those great measures which strike directly at the very root of this rebellion; but that, in my judgment, is his only fault. Mr. Lincoln has never taken one step backward since this rebellion commenced. He has been as firm as the everlasting hills, when he has assumed a position in favor of emancipation, or any other measure; and, while men of his own party have called upon him, time after time, to withdraw from the positions he had assumed, he has remained fixed in his purposes. Mr. Lincoln has been as firm as the rocks in his determination to put down this rebellion, as well as in pressing forward the cause of the Union, and in pursuing what he believed to be his duty in the maintenance of this Government. While others have faltered the President has stood firm; while many of his friends have doubted, Mr. Lincoln has had faith, an abiding faith, in the ultimate success of our cause.

There has not been one hour since the rebellion broke out when our Chief Magistrate for one moment entertained the idea of abandoning this contest. He never for one moment thought of surrendering one inch of territory belonging to this nation, nor has he entertained the idea of compromise with rebels in arms, either by letting them go without resistance, as some suggested, or by treating while they were engaged in war upon the Government.

According to this circular, while Mr. Lincoln is too compromising, too vacillating and uncertain, Mr. Chase is the man of all other men to put down this rebellion and to maintain the honor and dignity of the country. Why, sir, in this very circular the Administration itself is assailed; and who is the honorable Senator's candidate but a member of this very Administration? He seeks in this circular, which is dragged in here by his speech, to tear down the Administration in order to defeat Mr. Lincoln, and then he raises up a member of this same Admintstration as his particular candidate!

The honorable Senator says that the "national executive committee" still lives. He tells us, also, that he is opposed to sowing discord; that it is unwise in this hour of peril; and yet he has issued and sent all over the country a circular, every tendency of which is to impair the confidence of this nation and of the party friends of Mr. Lincoln in his administration. He informs the Senate that he comes to build up and not to tear down.

I regret that I am compelled to infer from the course the honorable Senator has taken that he is bent upon impairing the confidence which the people have in their President. I cannot perceive any other object in the issuance of the circular to which he has referred. I ask the honorable Senator, is it patriotic at this time of terrible strife to prejudice the people against the Administration which is struggling with such great energy to uphold the Governmennt? Is it just in the pretended friends of the Administration to do this?

Sir, I do not wish to assail the honorable Secretary of the Treasury, because I believe he has performed his duty as ably as any other officer in the Government. I do not believe there is any officer in the Government, or that the Government ever had an officer who discharged his severe duties with greater ability than the honorable Secretary of the Treasury; but I submit whether it is in good taste for the friends of that officer, while he remains in the Cabinet of Mr. Lincoln, to as-

sail the chief of Mr. Chase in order that they may elevate him to power. This Administration must stand or fall as a unit; and if its friends assail the structure in order that they may profit by it, I think it is the duty of all the friends of the Administration to rally to the support of the President and his Cabinet, and to sustain the country in this hour of peril and disaster.

I have not risen here to speak for Mr. Lincoln or to speak against Mr. Chase; but I have risen to utter my protest against the action of those members of the party which placed Mr. Lincoln in power who appear to desire the destruction of the party itself and the Administration, in order that they may pick out this or that particular friend and elevate him to some position of dignity or honor.

Mr. POMEROY. I do not deem it necessary to make any reply, as the Senator from Minnesota [Mr. WILKINSON] admits that he does not know whether there was any truth in the charge referred to by him. It will be time enough to reply to such a charge when he ascertains that there is any truth in it.

Mr. WILSON. I hope that the question asked by the Senator from Iowa, [Mr. GRIMES,] "What has become of the bill?" will be the question that we shall all ask each other. We have a bill pending here to increase the pay of some one hundred and ten or one hundred and fifteen colored regiments—eighty thousand men. It is a very important bill, and I am anxious to have a vote upon it to-day. If Senators, especially on this side of the Chamber, desire to discuss the presidential question, as it must be a very profitable one at this time, I hope they will postpone it to some more convenient season and on some other bill. I want to get a vote, if possible, on this bill now.

The PRESIDING OFFICER, (Mr. SHERMAN in the chair.) The question before the Senate is on the amendment of the Senator from Kentucky, [Mr. DAVIS,] to add a new section to the pending bill.

Mr. JOHNSON. I ask for the reading of the section.

The Secretary read it, as follows:

And be it further enacted, That every slave or slaves that may have been heretofore or may hereafter be taken into the service of the United States, the loyal owner or owners of such slave or slaves shall be entitled to their fair and reasonable value, to be ascertained by three commissioners to be appointed by the United States district court for the district from which such slave or slaves may have been taken, and such commissioners shall take evidence and report on the points of the loyalty and ownership of the claimants, and the value of such slave or slaves, and when said report is confirmed by the district court aforesaid, it shall be conclusive on the points embraced by it; and on the presentation of an authenticated copy of said report to the Treasury Department, any sum or sums therein appearing to be due any loyal owner or owners shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. LANE, of Kansas. Mr. President, my colleague has presented himself to-day before the country as the peculiar advocate and leader of radicalism. There was a question a few months ago that assumed a national character, in which the radicals of the United States took a deep interest, and in which they differed with the President of the United States. I allude to the removal of General Schofield from the command of the Missouri department. So important did the radical element of the country deem it that they sent from Missouri and Kansas a delegation of well-nigh one hundred prominent citizens, all partaking of radical opinions. The movements of that delegation had the sympathy of the entire radical party of the Union, of the council that met at Cleveland, and of the council of the Loyal League that met in this city, I think only about two months since. I desire to ask, for the benefit of the radical party of the nation, if my colleague was not at that time, on that vital question, directly in opposition to the radical party, and whether he was not opposed and did not use his senatorial and personal influence to prevent the removal of General Schofield from the command of the Missouri department? I think it proper, when a gentleman stands forth as the leader of the radical party, that he should be able to point to some evidence of his sincerity; and I now put the question to him and ask him for a categorical answer: was you or was you not opposed to the removal of General Schofield from the department of Missouri?

Mr. ANTHONY. Mr. President, I desire to say to the friends of Mr. Lincoln and the friends of Mr. Chase—and I am the friend of both—I am so certain of it that I can say it almost officially, that each of them would rather have this bill passed than to have his own pretensions exalted or those of the other depreciated. I hope the Senator from Kansas will not answer the question propounded to him by his colleague until we have passed this bill. If any Senator has anything to say on this bill I shall be very happy to hear him; but I hope we shall let the Presidency alone for this day at least.

Mr. POMEROY. I shall only say one word to gratify my colleague. The head and front of my offending, if it be any, is this: I wrote a letter which I suppose Mr. Lincoln got—I intended he should get it—stating that if he desired a radical policy to be pursued in Missouri, General Schofield could do it for him better than any other man; because I knew that General Schofield was acting under direct orders from the President, and some orders not given through the War Department; and, as he possessed the confidence of the conservative party there, if Mr. Lincoln had a policy of a radical kind that he desired to put through in Missouri, he was the man to do it.

Mr. GRIMES. When I came here three months ago, I was very anxious that one of the first measures passed by Congress should be the bill now under consideration, and I used all the influence I could, both in the Senate and out of it, to secure its immediate consideration. That was one of the reasons why I opposed the tacking on of amendments to the original bill as it was introduced by the Senator from Massachusetts, because I believed it was necessary that it should pass in order to do justice to a large body of men in the public employment. Now, let me say to our friends here that on this question I believe we are all agreed, that there is a necessity for the immediate passage of this bill, and that we are doing a great deal of injustice by refusing to pass it. I therefore ask Senators to let us go on with the consideration of this bill, and then, if they desire to enter into a political discussion on any subsequent day, they can have my full assent. In order to show the Senate what are the necessities for its immediate passage, not only in relation to the troops which have been alluded to by the Senators from Massachusetts on a former occasion, but in relation to the troops in the Western department, I desire to read an extract from a letter from a very intelligent young officer, a young man whom I have known from his childhood, who is a captain in the first Alabama colored regiment. He says:

"My experience with these regiments convinces me that they will make the best soldiers in the world if properly treated. But they will never come up to that standard of perfection while the distinction above alluded to is made."

That is, the distinction in regard to pay.

"They feel it, and understand it as well as any soldiers. They talk as intelligently about the matter as we do. Our regiment has been in the service nine months. It did all the fatigue duty at the post of Corinth while there, and has been doing grand guard duty since the 1st day of July of last year. At first we were allowed but a small portion of the picket line.

"In November the first Alabama and first Tennessee colored troops held Corinth and twenty miles of the Memphis and Charleston railroad, including four of its most important bridges, and it was universally conceded that our troops did better guard duty and committed fewer depredations than any others. When ordered by General Sherman to evacuate Corinth, we brought off safely all the Government property, including Halleck's immense siege train, though menaced on the east by Roddy and on the southwest by Forrest. The vast amount of fatigue duty required of these regiments wears out a great deal of clothing. Thirty-six dollars will not suffice. Some of our men have already drawn, including overcoats and blankets, fifty or sixty dollars' worth of clothing. It will require a stoppage of four months' pay to settle for this surplus. In January we were ordered by the colonel to draw dress coats for our companies, with the assurance that the wages of our men would be raised from the beginning of the year. We were thus led to incur an extra expense of $700 per company.

"We are teaching our men to read and write. Hundreds of them are reading, and scores of them sign the pay-rolls in a fair and legible hand. Some of our sergeants are free men from the North and good scholars, yet they only receive *seven dollars* per month, the same as the privates.

"If something is not done for us soon the officers of these regiments will be ruined. These clothing bills *must be settled*.

"All the picket duty around Memphis is now done by colored troops, the first Alabama and first and second Tennessee. Seven officers and nearly three hundred men of the first Alabama are on duty every day. The picket line of our regiment is five miles long. We relieved a whole brigade of white troops."

This is the condition of the troops in that section of country. I think no stronger argument could be urged in favor of the passage of this bill than the mere statements that this letter contains, written by a young man, as I said before, whom I have known from his boyhood, and one of the most intelligent and pure young men I ever knew. I trust, Mr. President, that we shall have no more of this discussion, and that we shall proceed with the consideration of the bill.

Mr. LANE, of Kansas. Mr. President, I receive the suggestion of the Senator from Rhode Island kindly. I am as anxious to pass this bill as the Senator from Rhode Island or any other Senator, but I deem the unity of the loyal men of the country more important than the passage of any bill, and believing, as I do, that there has been an attempt in this Senate, a systematic attempt, to inaugurate an effort, dictatorial, if you please, emanating not from the people of the country, but from a political clique in the city of Washington, having for its object a division of the loyal people of the country, I feel that I am in the discharge of my duty to my country when I expose the effort and the parties engaged in the inglorious effort.

It is true, sir, that my colleague filed a protest in writing in the hands of the President of the United States against the removal of General Schofield; that he did commit himself in writing against the removal of General Schofield from command in Missouri, and that it was the efforts of him and others like him that caused the President of the United States to hesitate as long as he did in the removal of General Schofield from the command of the department of Missouri. I feel that I have here as elsewhere a right to speak as a member of the original radical Union party of this country. Consistent as the earth to the sun has been my course in the advocacy of original radical Union sentiments, and when I see an effort made to divide the loyal party of the country against him who, in my opinion, is the consistent, stern, and proper leader of that party, Abraham Lincoln, President of the United States, I will here or elsewhere endeavor to expose the effort, let it come from whom it may.

Mr. POMEROY. I shall have to correct my colleague in one thing. I never filed any protest against General Schofield's removal with the President of the United States or anybody else. I did write a letter to a Secretary of his, presuming that he would show it to the President, the purport of which was that having been through the western country, and having seen the difficulties there, I thought if he desired a radical, strong policy in Missouri General Schofield was his man, because he could do what nobody else could do. I did write such a letter to the President's Secretary, and I presume he saw it. Beyond that I wrote nothing to the President on the subject.

Mr. LANE, of Kansas. We asked the removal of General Schofield because he was *not* a radical. My colleague asked that he be retained because he *was* a radical, and therefore Mr. Lincoln hesitated. While I am up I desire to answer a suggestion made by the now Chairman [Mr. SHERMAN] yesterday, that General Curtis was removed because he was a radical. The Senator from Ohio [Mr. SHERMAN] unintentionally did Mr. Lincoln great injustice in that remark. General Curtis was not removed because he was a radical. The President of the United States saw that there was a difficulty, a political difficulty, between General Curtis and Governor Gamble, which he could not reconcile. He had not the power to remove Governor Gamble, and therefore was compelled to remove General Curtis.

The PRESIDING OFFICER, (Mr. SHERMAN.) The question is on the amendment proposed by the Senator from Kentucky, [Mr. DAVIS.]

Mr. DOOLITTLE. Mr. President, I desire to say a word on the amendment proposed by the Senator from Kentucky. The Senator from Kentucky in his amendment seems to assume that the action of Congress has violated the Constitution of the United States, inasmuch as by the law as it now stands Congress has assumed to pay to the loyal master a certain sum of money when his slave is drafted into the service. Now, Mr. President, without going into the discussion of the question which has been so often discussed on this floor, whether there can be any such thing as property in man, I will simply state my own opinion. The Constitution of the United States recognizes no more property in a slave than it

recognizes in a child under twenty-one years of age, or in an apprentice who may be bound to serve his master until twenty-one years of age at any trade or any service. It does acknowledge, however, that by the laws of certain States certain persons may be held to service; but there is nothing in the Constitution which prevents this Government, whenever it desires the physical force of the country to be called into its service, from calling for the service of all persons, black or white; there is nothing in the Constitution which prevents our drafting a black man as soon as we can draft a white man into the service; of taking the slave of the honorable Senator from Kentucky just as soon as taking my son under twenty-one years of age.

But, sir, that is not the point that I desire to discuss. The point which he raises is as to what is "just compensation;" and going upon his own ground, even if the Constitution did recognize slaves in some sense to be property, still there is no violation of the Constitution of the United States. We may take private property for public use upon just compensation. The gentleman does not deny that; and I say Congress may judge of the value of that property. If we desire a piece of ground on which to build a fort, we can send our committee to look at it, they can see it, view it for themselves, appraise its value, report to Congress, Congress can pass a law to pay a certain amount of money for that property, and then take the property. Certainly they can.

Mr. President, I rose simply to say this. It is an answer to the whole argument of the gentleman which lasted nearly two days, and in my opinion a conclusive one. It is not necessary that the value should be appraised by a court; it is not necessary that it should be appraised by a judicial tribunal. Congress may appoint any commission to appraise it; they can send their own committee to appraise it; Congress may go in a body and view the property and appraise it for themselves. The whole constitutional provision is that the value of the property shall be paid for. Beyond this Congress can judge of the value of this property from what is transpiring all around us, when in Maryland, in Missouri, in Tennessee, all around in Kentucky, it is conceded on all hands, and by the leading men in all those States, that this species of property has become valueless, if property it be at all, by the necessary result of the war.

Mr. President, I do not wish to take up the time of the Senate to discuss this question at length; and I say to my honorable friend from Massachusetts [Mr. WILSON] that I do not rise for the purpose of embarrassing the passage of any bills nor to take up the time of the Senate, but I thought that the long speech of the Senator from Kentucky on this constitutional question required a simple notice at least at my hands.

Mr. DAVIS. I have no doubt that in the estimate of the honorable Senator from Wisconsin he in his few words has demolished the whole of my speech; but I do not place that amount of value on the position which the honorable Senator has assumed. I deny that Congress has any power to assess the value of property taken for public use. I say that that is altogether an unsound position. I admit that Congress may institute a commission to appraise property; it may direct this to be done by a court or by a commission; but I deny that the legislative branch of the Government can do that act itself. It is an act of a judicial character, and any court or any commission organized by Congress to assess the value of property would be a *quasi* judicial tribunal and would be in the execution of a judicial act, not a legislative act, and therefore the legislative branch of the Government having exclusively legislative power has no right whatever to assess the value of property taken from its owner for the public use. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. JOHNSON. I rise for the purpose of saying a very few words. I understood the Senator from Kentucky yesterday as saying that he thought a proposition which I had endeavored to maintain some time since in relation to the emancipation of slaves when taken into the service of the United States was not well founded. He understood me as saying that the slave, the moment he became a soldier at the instance of the United States, was emancipated. I did not mean to say so, and do not think I did say so. What I said or what I meant to say was that if the United States took into their military service a slave, the slave would have, as against the United States, a right to freedom, which it would be very dishonorable on the part of the United States to refuse. Whether going into the service of the United States in that way of itself operated to emancipate the slave is quite another question.

Now a word on the point suggested by the Senator from Wisconsin to the honorable member from Kentucky. I differ altogether from the proposition which he has stated and endeavored to maintain. I understand him as saying that under the Constitution the United States can take the property of a private citizen for public use and themselves fix its value; that Congress can do it with or without a commission.

That has never been my impression. The United States become the purchasers of the property through Congress; Congress are the agents in determining whether property is to be appropriated for public use; but what is to be paid for the property is always a question in its nature judicial, on which both sides are to be heard. It is impossible in the nature of things that Congress can decide that question in a case of this description understandingly or justly. The value of a slave is not to be ascertained by ascertaining what is the value of slave property in the general; it depends upon the condition of the particular slave who is to be taken. Is he a man? is the slave a woman? is the slave young and healthy, or young and unhealthy, or old and unhealthy? And just in proportion as the slave may be physically or mentally unfit for the particular service that his master may be using him for, just in that proportion is he less or more valuable to the master. How then can Congress say that they will pay for all the negroes that may be taken into the service $300 each? By doing so they may pay to one man more than his negro is worth, and pay to another man a great deal less than his negro is worth.

In a word, Mr. President, the question itself is a question which applies itself exclusively to each individual slave taken, and must depend for its proper solution upon testimony to be received in relation to the value of that particular slave. If Congress are the judges of what should be given for private property taken for public use, their judgment is conclusive, and the provision in the Constitution which says that it shall not be done except upon just compensation, is entirely useless; Congress would have done that without that provision. The provision is intended to tie up the hands of Congress against deciding for itself whether property is to be taken with or without compensation for public use, and they placed the provision in for the purpose of giving to the individual, as against the Government, the right to have the value of his property ascertainad, not by Congress, but by a tribunal constituted for that purpose.

Mr. POWELL. It is not my purpose to go at any length into this debate, and yet I cannot allow the vote to be taken without saying a word. The honorable Senator from Wisconsin says that the law which has been passed, allowing not more than $300 to be paid for a slave enlisting in the Army, provides just compensation within the meaning of the Constitution. I will read that clause of the Constitution:

"No person shall be" * * * * "deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation."

If you take a slave, who is property, from the master, and devote him to the public service, you certainly deprive the master of his property. The honorable Senator from Wisconsin says that the legislative department has a right to fix the value of that property thus taken, and that what we have done in that direction is a compliance with this clause of the Constitution. I hold that the Senator is utterly mistaken. You cannot have any tribunal, whether it be a court or a commission, to assess the value of property taken, unless that tribunal is judicial in its nature. The legislative department may prescribe the mode and the manner in which the compensation shall be adjusted, may indicate the persons who are to make the assessment of value, and may create the fund out of which the money shall be paid; but that is all the legislative department can do. The ascertainment of the real value is a judicial question.

The honorable Senator speaks of what he says is the necessary depreciation of this kind of property. I do not consider that the depreciation is necessary. It has resulted from the wanton acts of those in power against this particular species of property. I will not, however, now discuss that branch of the question. The section of the bill heretofore passed respecting enrollment, which has been alluded to, says that the loyal owners of slaves shall be paid, but in no case is the price to exceed $300 where the slave voluntarily enlists. The Constitution says the compensation for property taken shall be "just." Is that just compensation, when the property is worth perhaps three times the amount? In the case of those slaves who are drafted you allow but $100; that is the maximum. Is not the slave who is drafted worth as much to his master as the slave who volunteers? Why this distinction in value? The very fact shows clearly that the Senator is mistaken, and that it is not "just compensation" within the meaning of the Constitution. If the two slaves were equal in years, equal in capacity to perform labor in every respect, I venture to say there is no owner that would not prefer the one who was so attached to him that he had to be forced into the service rather than the one who voluntarily left him to become a soldier; and yet your law says that $100 shall be the compensation allowed in the one case, and $300 in the other.

Mr. President, it is a mockery to say that that provision of the bill already passed is in accordance with the provision of the Constitution which I have read. If you were to pass a law saying that all the horses in the State of Wisconsin, or as many of them as the Government might need, should be impressed and taken into the public service, and were to provide that each loyal owner of a horse should be paid, but that the amount paid should in no case exceed fifty dollars, I ask the honorable Senator if he would think that provision would meet the demands of the Constitution? Certainly not. Doubtless many of those horses are worth three times fifty dollars; and yet by your law you would limit the price to fifty dollars. Would any man who had any pretensions to justice or equity or honesty say that was just compensation? Certainly not. It could not be so declared.

Mr. President, the amendment proposed by my colleague is eminently proper, it is right, it is constitutional, and unless the object be to rob the loyal slaveholders of their property, it or some similar proposition should be adopted. If the depreciation were even greater than the Senator from Wisconsin says, the slaveholder would get less and the Government would pay less under the provisions of the amendment. The amendment indicates the tribunal that shall sit in judgment on this matter and that shall fix the just value in each case, and provides that the Government shall pay it. That, certainly, is right, it is equitable, it is just; in my judgment, no fair-minded man can say that it is not so.

As I before said, it is not my purpose to argue the question, for after the very elaborate and extensive argument made by my colleague yesterday, I have nothing to add; but as the question so deeply interests my constituents, I could not allow the vote to be taken without saying what I have said.

The question being taken by yeas and nays, resulted—yeas 6, nays 31; as follows:

YEAS—Messrs. Davis, Johnson, Nesmith, Powell, Riddle, and Wright—6.

NAYS—Messrs. Anthony, Brown, Buckalew, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Howard, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Wade, Wilkinson, Willey, and Wilson—31.

So the amendment was rejected.

Mr. DAVIS. I offer the following amendment as an additional section:

And be it further enacted, That in every case where heretofore any person has agreed to join and has in fact joined, or hereafter may join the military service of the United States, and has been received into said service by any military officer thereof, the person so joining and received into such service shall, for all purposes whatever, be deemed to have been regularly mustered into said service in the position of officer, non-commissioned officer, or private, in

which he may have served, notwithstanding he may not have been mustered in according to law and the regulation of the War Department.

I call for the yeas and nays on this proposition.

The yeas and nays were ordered.

Mr. JOHNSON. I should like to know from the Senator from Kentucky what the object of this amendment is.

Mr. DAVIS. There were some troops enlisted into the service of the United States in the State of Kentucky, and, I am informed, in other States, who, before being regularly mustered in, were ordered into actual service, and one regiment was in two battles, and some members of the regiment were killed, and some received permanent wounds, and were disabled, and all this before they were regularly mustered into the service. The object of this amendment is simply to provide that soldiers who thus joined the service and actually served shall receive compensation for the time they so served without regard to the date of their being actually mustered in.

The question being taken by yeas and nays, resulted—yeas 7, nays 29; as follows:

YEAS—Messrs. Davis, Hendricks, Johnson, Nesmith, Powell, Wade, and Wright—7.

NAYS—Messrs. Anthony, Brown, Buckalew, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Harris, Howard, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Willey, and Wilson—29.

So the amendment was rejected.

Mr. CLARK. I will say in behalf of my colleague [Mr. HALE] that he would have returned to the city last night if he had not been detained by sickness in his family, which may detain him for some days yet.

The bill was reported to the Senate without amendment, was ordered to be engrossed for a third reading, and was read the third time.

Mr. DAVIS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 6; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Wade, Willey, and Wilson—31.

NAYS—Messrs. Buckalew, Davis, Hendricks, Powell, Riddle, and Wright—6.

So the bill was passed.

ABOLITION OF SLAVERY IN VIRGINIA.

The VICE PRESIDENT. With the indulgence of the Senate, the Chair will present a telegraphic communication from the Governor of Virginia, which has been transmitted with a request that it be laid before the Senate. It will be read.

The Secretary read, as follows:

ALEXANDRIA, VIRGINIA, *March* 10, 1864.

To Vice President United States:

The constitutional State convention of Virginia has just passed an ordinance abolishing slavery and involuntary servitude in the State forever. But one dissenting vote. Please announce this to the honorable Senate of United States.

F. H. PIERPOINT, *Governor.*

LAND GRANT TO A MINNESOTA RAILROAD.

Mr. FESSENDEN. I should like now if the Senate would agree to take up one or two appropriation bills that have been lying on the table for some time past. I move first to take up the Post Office appropriation bill.

Mr. RAMSEY. I hope the Senator will permit us to take up our bill which was fixed as the special order for to-day, the bill making a land grant for railroad purposes in Minnesota. It is a very short bill, and will take but a little while.

Mr. FESSENDEN. If the Senator has a special order for to-day, I will not insist on the appropriation bill being now taken up; but I give notice that if the Senator's bill takes long I shall have to interfere with him.

Mr. RAMSEY. I move to postpone all prior orders, and take up for consideration Senate bill No. 31.

The motion was agreed; to and the consideration of the bill (S. No. 31) making a grant of lands to the Lake Superior and Mississippi Railroad Company, in the State of Minnesota, to aid in the construction of the railroad of said company from St. Paul to Lake Superior, was resumed, as in Committee of the Whole.

The Committee on Public Lands reported an amendment, in the nature of a substitute, to strike out all after the enacting clause of the bill, and to insert:

That there be and there is hereby granted to the Lake Superior and Mississippi Railroad Company, a corporation organized under the laws of the State of Minnesota, approved March 8, 1861, and amended by act of March 6, 1863, for the purpose of aiding in the construction of the railroad of said company from St. Paul, in said Minnesota, to Lake Superior, every alternate section of land of the United States, designated by odd numbers, to the amount of five alternate sections per mile on each side of the said railroad on the line thereof, within the State of Minnesota, and within the limits of ten miles on each side of said road, not sold, reserved, or otherwise disposed of by the United States, and to which a preëmption or homestead claim may not have attached at the time the line of said road is definitely fixed: *Provided*, That all mineral lands shall be excepted from the operation of this act. And all such lands, so granted by this act, which shall not be sold or disposed of by said company within three years after the entire road shall have been completed, shall be subject to settlement and preëmption, like other public lands, at a price not exceeding $1 20 per acre, to be paid to said company.

SEC. 2. *And be it further enacted*, That whenever said company shall have completed forty consecutive miles of any portion of said railroad, supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turnouts, watering places, depots, equipments, furniture and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to said lands to said company, on each side of the road, as far as the same is completed, and coterminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each forty miles of said road is completed: *Provided, however*, That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, verified on oath or affirmation by the president of said company, and certified by the Governor of the State of Minnesota, that such forty miles have been completed in the manner required by this act, and setting forth with certainty the points where such forty miles begin and where the same end; which oath shall be taken before a judge of a court of record of the United States.

SEC. 3. *And be it further enacted*, That when the said road shall be definitely located, and a plat thereof filed with the Secretary of the Interior, the lands hereby granted shall not thereafter be subject to settlement, preëmption, or private entry adverse to this grant: *Provided*, That the lands hereby granted shall be applied exclusively in aid of the construction and operation of said railroad: *Provided further*, That the said company, in addition to the grant heretofore mentioned, is hereby authorized to locate the said road over any public lands of the United States not otherwise appropriated, reserved, or disposed of, and that the right of way over said lands of the United States for the purpose aforesaid, is hereby granted to said company to the width of one hundred feet on each side of said road as located: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same is hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 4. *And be it further enacted*, That the said lands hereby granted shall be subject to the disposal of said company, for the purposes aforesaid, and no other, and the said railroad be and shall remain a public highway for the use of the Government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.

SEC. 5. *And be it further enacted*, That if said road is not completed within ten years from the time of the passage of this act, as provided herein, no further patents shall be issued to said company for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States.

SEC. 6. *And be it further enacted*, That the United States mail shall be transported over said road, under the direction of the Post Office Department, at such price as Congress by law direct: *Provided*, That until such price is fixed by law the Postmaster General shall have the power to determine the same.

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

The VICE PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. RAMSEY] to the amendment of the committee.

Mr. HARLAN. I wish to make some verbal modifications of that amendment, which I understand the Senator from Minnesota will accept. I send his amendment to the Chair with these modifications.

The VICE PRESIDENT. Does the Senator from Minnesota adopt this amendment as modified?

Mr. RAMSEY. I accept the modifications.

The VICE PRESIDENT. The amendment to the amendment, as modified, will be read.

The Secretary read it, as follows:

Strike out all of section one, after the word "Minnesota," in the thirteenth line, and insert:

But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold, appropriated, reserved, or otherwise disposed of any sections, or any part thereof, granted as aforesaid, or that the right of preëmption or homestead settlement has attached to the same, then it shall be lawful for the Secretary of the Interior to select, from the lands of the United States nearest to the lines of sections above specified, so much public land of the United States not mineral as shall be equal in amount to such lands as the United States have sold or otherwise appropriated, or to which the rights of preëmption or homestead settlement may have attached as aforesaid; which lands thus selected, in lieu of those sold, reserved, or otherwise appropriated or disposed of, or to which the right of preëmption or homestead settlement may have attached as aforesaid, together with the sections and parts of sections designated as aforesaid and appropriated as aforesaid, shall be held and disposed of by the said company for the use and purpose aforesaid: *Provided*, That the land to be so selected shall in no case be located further than twenty miles from the lines of said road and branches: *Provided further*, That the lands hereby granted for and on account of said road shall be exclusively applied in the construction of the same, and for no other purpose whatever, and shall be disposed of only as the work progresses through the same, as in this act hereinafter provided: *Provided also*, That no part of the land granted by this act shall be applied to aid in the construction of any railroad, or part thereof, for the construction of which any previous grant of land may have been made by Congress: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States: *Provided further*, That the minimum price of the even sections and parts of sections of the public lands of the United States within the limits on each side of the line of said road shall be $2 50 per acre.

Mr. RAMSEY. I will state that the object of this amendment is to make the bill like the act of March 3, 1863, making a grant of land to the State of Kansas.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The question now is on the amendment as amended.

Mr. HARLAN. I have several amendments, chiefly verbal, to offer to the amendment of the committee. In line ten, section one, before the word "land" I move to insert the word "public."

The amendment to the amendment was agreed to.

Mr. HARLAN. At the end of the line I propose to insert the words "not mineral."

The amendment to the amendment was agreed to.

Mr. HARLAN. Where the word "forty" occurs in section two, I move to strike it out and insert "twenty," in lines two, ten, fifteen, and seventeen.

The amendment to the amendment was agreed to.

Mr. HARLAN. From line five of section three, I move to strike out all to the word "that" in line seven, and insert an enacting clause, so that the proviso shall come in as a new section. The words proposed to be stricken out are:

"That the lands hereby granted shall be applied exclusively in aid of the construction and operation of said railroad: *Provided further.*"

The words to be stricken out are contained in the amendment of the Senator from Minnesota just adopted, and hence it is mere repetition.

The amendment to the amendment was agreed to.

Mr. HARLAN. I may make the same remark in relation to what I now propose to strike out. I move to strike out all in section three after the word "located" in line fourteen. The words there are a mere repetition of the amendment already adopted by the Senate.

Mr. HOWE. I have not had time to examine the amendment of the Senator from Minnesota, [Mr. RAMSEY.] The question which occurs to me is whether the provisions which are contained in the amendment of the Senator from Minnesota apply to all the lands granted by the act or only to the lands described in the amendment. The object of the amendment is, I believe, to give the company the right to go outside of the six-mile limit and take other lands. Now, do those provisos apply to the whole ten miles in width, or do they apply only to the lands outside of the six-mile limit?

Mr. HARLAN. They apply to the whole, I think. I compared the printed amendment proposed by the Senator from Minnesota with the language of the bill, and discovered that this was a mere repetition of that part of his amendment.

Mr. HOWE. I guess the Senator from Iowa is right about it.

The amendment to the amendment was agreed to.

Mr. HARLAN. I move to amend the fourth section, in line two, by inserting after the word

"granted" the words "when patented to said company."

The amendment to the amendment was agreed to.

Mr. HARLAN. In section six, line four, after the word "Congress," I move to insert "may." I suppose it is a mere omission.

The VICE PRESIDENT. That amendment will be made, if there be no objection.

Mr. HARLAN. I move to strike out the seventh section of the amendment of the committee.

The VICE PRESIDENT. That section will be read.

The Secretary read, as follows:

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

Mr. JOHNSON. What is the object of striking out that section?

Mr. HARLAN. I suppose it is of no use. I suppose the act cannot take effect until it shall be approved by the President. If it is intended to give it force and effect previous to the approval of the President, it certainly ought not to be in, and it cannot have any other effect.

Mr. JOHNSON. It is not passed until approved.

Mr. HARLAN. I will inquire of the Senator if it is a usual clause.

Mr. JOHNSON. I am not sure whether it is usual in an act of Congress, and I suppose it is not unless there is some law which says that in the absence of express provision fixing the time when an act is to go into operation it is not to go into operation for some twenty or thirty days afterwards. That is the case in several of the States, and in my own. If there is no such act of Congress, of course every act goes into effect when it becomes a law. I suppose these words would necessarily include the approval of the President.

Mr. CONNESS. I will say that such a clause as this is made necessary in the States sometimes, because they have constitutional provisions or laws which provide that general acts shall not take effect except until a certain length of time after their passage, unless by special exception; and then the exception renders such a provision necessary; but there is no such rule here, as I understand, that requires this section.

Mr. JOHNSON. I suppose the words here would necessarily include the approval of the President: it is no law till then; but I have no objection to striking it out, unless there is some law which postpones the action of an act of Congress.

Mr. HARLAN. I am not aware that there is such a law. I have purposed to strike out the section merely because it appears to me to be an unusual provision.

Mr. JOHNSON. Then strike it out.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the committee as amended.

Mr. DOOLITTLE. I move to amend the first section of this amendment in line nine, after the word "Minnesota," by inserting the words "via Anoka." I will explain to the Senate the purpose of this amendment. From St. Paul by St. Anthony there is a railroad now running and in operation as far as Anoka, and this is upon the route or nearly upon the route which has been marked as the proposed route of this railroad. It deflects a little further to the west. By going by the way of Anoka it would pass through the valley of Rum river, and would be some few miles further distant, perhaps six miles further distant, from the route in Wisconsin to which lands have already been granted, and would not bring the roads so directly in competition with each other.

I know it was said the other day by an honorable gentleman to me, that he would be willing to grant this aid to this rival route if our road were constructed. Sir, I should have no objection to its being granted if our road were constructed. It is because the road is not constructed, but is struggling for the means to finish itself, and is at that very point or crisis in its history when the action of Congress may determine the question whether it shall be built or not, that I appeal to Congress not to put a grant of lands on a route just the other side of the river. I believe, too, that it would be as much for the interests of the State of Minnesota; and honorable gentlemen from Minnesota in the other House, speaking to me on this subject, and other gentlemen from Minnesota, are desirous that this amendment should be made. I hope there will be no objection to it.

Mr. WILKINSON. To the amendment of the Senator from Wisconsin I should have personally, so far as I am concerned, no very particular objection; but our State, our people, the State Legislature have decided otherwise, and if the Senate shall say that the Government ought to aid in building this road, I think our people should have something to say in regard to the details of it. I do not know why the Senator from Wisconsin, who wants to defeat the whole bill——

Mr. DOOLITTLE. No.

Mr. WILKINSON. The Senator says he does not want to defeat the bill. Then I misunderstood the tenor of his argument the other day; but I submit that the people of Minnesota, if this grant is passed, shall regulate the details of the bill, so far at least as relates to the points of departure and the termini of the road. We ask that the grant shall be given from St. Paul to Superior; and the amendment of the Senator proposes to cut off about thirty miles and start from Anoka, a point thirty miles north of the city of St. Paul.

Mr. DOOLITTLE. As I stated the other day, by an act of Congress we have authorized the Legislature of Minnesota to accept a grant of lands at any point between St. Paul and Crow Wing, at the instance of the Senators from Minnesota, and that grant has been accepted by the Legislature of the State of Minnesota, so that there is already a grant starting from a point between St. Anthony and Crow Wing of lands to the State of Minnesota to build a road to Superior. Now this amendment of mine will only compel them to go over the road which is already built from St. Paul to Anoka, and that would leave the road not so directly in competition with the road on the other side of the St. Croix river.

Mr. WILKINSON. I explained to the honorable Senator the other day that in regard to that resolution, which was passed a year ago, allowing the St. Paul and Pacific Railroad Company to divert their grant and run their road to Superior, the company have not accepted that change, and it stands now precisely as it did before. In consequence of the action of the company there is no grant of land from St. Paul to Superior.

The amendment to the amendment was rejected.

Mr. DOOLITTLE. I propose now to move a substitute for the amendment of the committee, which I suppose is proper to be done before the amendment is adopted; or otherwise it will be too late.

The VICE PRESIDENT. It is now in order to strike out the whole of the amendment of the committee and insert any new matter.

Mr. DOOLITTLE. The amendment which I now offer I ask the attention of Senators to, because it is a very important amendment, and one in which Iowa and Wisconsin and Minnesota are all equally interested. I move to strike out all of the amendment of the committee after the word "that" and to insert:

The branch railroad and telegraph line provided for in the act approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," which commences at Sioux City, shall be, and is hereby, extended, upon the same terms and conditions as are provided in that act, to Superior city, by the way of Mankato, St. Paul, and Hudson; and the several companies authorized or that may be authorized by the several States of Iowa, Minnesota, and Wisconsin to construct portions of said railroad along said route, shall be entitled to receive the same aid, assistance, easements, grants of land, and all other privileges and franchises upon such extended line as the said branch running westwardly from Sioux City may be entitled to receive under the said act and all amendments thereto: *Provided*, That no money or bonds of the United States shall be hereby granted to aid in the construction of said line: *And provided further*, That all lands granted heretofore by any act of Congress to either of said States to aid in the construction of a railroad upon said route or any part thereof shall be deducted from the amount of land hereby granted along said route, so that the whole amount granted shall not exceed ten sections per mile: *Provided*, That portion of said railroad and telegraph line shall be completed by the St. Croix and Lake Superior Railroad Company from Superior to Hudson within three years after the passage of this act, and the residue within five years thereafter.

If I can have the attention of the Senate for a few moments I will explain this amendment and its effect. I have before me a map that has been prepared at the office of the Commissioner of the General Land Office, by looking upon which, at a single glance, it can be seen what the amendment proposes. It proposes to extend from Sioux City, the point where the northern branch of the Pacific railroad begins, the route through northwestern Iowa, through Minnesota by Mankato, which is at the big bend of the river Minnesota, and by St. Paul, and through Wisconsin by Hudson to Lake Superior, making a distance of about one hundred miles in the State of Iowa, about two hundred, or two hundred and fifty perhaps, in the State of Minnesota, and one hundred and thirty or one hundred and forty in the State of Wisconsin. The amendment provides that lands which have been granted already on this route either to the State of Wisconsin or Minnesota or Iowa are to be deducted from the lands granted under the terms of this amendment.

I do not know but that Senators think it is unbecoming in the State of Wisconsin through her representation here to insist that she has some rights which she has acquired under a grant by act of Congress, in the construction of a line between the St. Croix river and Lake Superior. The State of Wisconsin has had granted to her lands upon two routes and two only: one called the northeastern route, commencing at Fon-du-Lac and running to the north line of the State. In all that portion of the State which was capable of settlement, the land had already been settled and taken up before the grant was made. There were none of the good lands in northeastern Wisconsin that could be taken under the grant; and the grant which we have on the northeastern line is through the heavily timbered pine country of Wisconsin, and comparatively very sparsely inhabited, and where it is very difficult for a railroad to be constructed. Our northwestern grant commences at Columbus, going northwest to Hudson, and then to Superior. Over one half that route, before the grant was made, the country was already so much taken up and inhabited that few, if any, lands were realized under the grant; so that from a point at about Tomah on the La Crosse railroad, about seventy-five miles east of the Mississippi river, is the only place where they begin to realize anything from the grant made by Congress, and over this grant from Superior to Hudson, about one hundred and thirty or one hundred and forty miles.

The State of Wisconsin has not received one third as much aid to her railroad system as has already been given to the State of Minnesota; and of this little amount which has been given, the bill now pending takes from us in substance the aid which the grant of the lands would give for the road from Hudson to Superior, because on the other side of the river you now propose to grant more land to a rival road, which may prevent this road from being built at all.

I say that it is unjust, in my opinion, thus to treat the State of Wisconsin; but by the proposition which I have offered I reconcile the interests of all these States, Wisconsin, Minnesota, and Iowa, and at the same time extend to them the privilege of reaching the northern branch of the Pacific railroad for the benefit of all those States and the entire Northwest. It seems to me that a person who looks upon the map will see at once the propriety of this proposition. I have stated and repeated over and over again that the bill itself is a proposition of St. Paul as a locality; it is not a proposition that particularly affects the interests of the State of Minnesota at large; it is a local interest and a local contest whether the road shall go from St. Paul direct on the west side of the St. Croix river, or whether it shall cross the river at St. Paul, and join the road at Hudson, and thence go to Superior; and when the road from Hudson is just as near as it is the other way, why, I ask, is it not just that the route should be located upon that line? I am willing to join with our friends in Minnesota, and it seems to me that I have proposed the true solution of this railroad matter. It secures St. Paul, it secures the interests of Minnesota, it secures the interests of Wisconsin.

Mr. President, I will not undertake to state in precise language the number of acres that have been granted to the State of Minnesota; but when the bill which is now pending in the House of Representatives shall be passed, to grant lands to the State of Minnesota in aid of the northern Pacific route, if it contains such a provision or something substantially the same as that contained in the bill passed by this body, giving twenty sec-

tions to the mile to secure its building through the northern portion of the State comparatively uninhabited as yet I believe, and you add together the different grants that have been made to the State of Minnesota, they will amount to eight or ten million acres. It does not seem to me that Congress, in its generosity toward the State of Minnesota, ought to make a grant which is to be a rival of the grant which was made to the State of Wisconsin, the roads starting only fifteen miles apart at one end, and terminating at the same point at the other, the only effect of which is to embarrass our road in its construction. Our Legislature have authorized the several counties upon the line of the road to pledge their credit, the county in which Superior is embraced to the amount of $100,000, and each of the other counties to the amount of $50,000, and they are struggling to build the road; and it seems as if it would be injustice for Congress to pass the bill in the shape in which it comes here, to put a rival road on the other side of the river.

More than all that, instead of granting the lands to the State of Minnesota, by this bill you grant them to a corporation; whereas the grants have always been made heretofore to the States, to be disposed of by the States.

I believe that if the Senate would take this matter into consideration and examine the question, they would be satisfied that the best mode in which to settle the question is that presented by the amendment that I have now proposed. What was the argument of the honorable gentleman from St. Paul [Mr. RAMSEY] the other day? He wants an outlet for Minnesota at Lake Superior. This gives that outlet, it gives just as near an outlet; and while it gives him an outlet, it gives the people of north western Wisconsin an outlet also. Is he unwilling that our people should ride in the same cars, that our freight should be carried on the same platform? That is the question, it seems to me.

Mr. GRIMES. Allow me to ask whether this bill does not interfere with the road from Hudson to Bayfield?

Mr. DOOLITTLE. No, sir.

Mr. GRIMES. Will not that road be contiguous, even if this grant be made, and will it not accommodate all that portion of the State of Wisconsin of which the Senator speaks?

Mr. DOOLITTLE. From Hudson to Bayfield is twenty-five miles further than it is from Hudson to Superior, and it will cost $1,000,000 probably to build that twenty-five miles and for additional equipment for it.

Mr. GRIMES. But by that you save at least one hundred miles of lake transportation.

Mr. DOOLITTLE. I think not.

Mr. WILKINSON. About seventy miles.

Mr. DOOLITTLE. What is seventy miles of lake transportation? You can ship just as cheap from Chicago as from Mackinaw. When you once get on the great waters one hundred miles is nothing.

Mr. GRIMES. The question I wanted to get at was whether all that portion of the people of Wisconsin would not be accommodated if the State of Wisconsin kept its grant and completed its road between Hudson and Bayfield.

Mr. DOOLITTLE. It seems to me that my honorable friend must see the great difference between railroads connecting two great navigable waters, whether one shall be twenty-five miles further than the other. Twenty-five miles more of distance on a railroad is an immense thing, but on the water it is nothing. That is the difference.

The Senator from Minnesota [Mr. WILKINSON] the other day raised a point that I should perhaps notice; and that was as to the difficulty of crossing the St. Croix river. I have before me a map of Lake St. Croix and the soundings of that lake. I do not wish to take up the time of the Senate by going into a long statement about it; but I will state in brief that at Hudson, which is upon the east side of the Lake St. Croix, the Willow river comes into the lake at that point, and the wash of that river has formed flats in the St. Croix lake, which is but a widening of the Mississippi itself, and in low water they are even bare and the cattle go upon them, and the real channel of the river is not more than about two hundred feet in width, so that there is no difficulty whatever in making a bridge from Hudson across the St. Croix river at this point, and in that way making a connection with St. Paul.

Mr. WILKINSON. Can the Senator tell me the height of the bluffs opposite Hudson on the Minnesota side?

Mr. DOOLITTLE. I cannot state the height of those bluffs on the west side of the river; but there is no difficulty in approaching the east side, and on the west side there are ravines through those bluffs where the engineer of this road, who is a gentleman by the name of Campbell, residing in the place where I reside in Wisconsin, Racine, states, as I am informed, that a crossing can be made. He has made the soundings across the lake, and examined the country, and he says a crossing of the river can be made at a grade not exceeding forty feet to the mile to go to St. Paul.

Mr. WILKINSON. I should like to ask the Senator whether any survey has been made opposite Hudson of a railroad track to St. Paul.

Mr. DOOLITTLE. In answer to the question of the Senator, I cannot state that a survey has been made; but I am informed that Mr. Campbell, who is engineer of this road, and, by the way, one of the best engineers in the United States, has sounded across the lake with a view to the practicability of a bridge, and of going on this route to St. Paul, the purpose, I understand, being to make St. Paul the real terminus of the road, for it is a much larger town than Hudson, while at the same time it would accommodate both Hudson and St. Paul, both Wisconsin and Minnesota.

Mr. WILKINSON. I have no doubt that a bridge might be made across the lake; but my colleague and myself have traveled that route a hundred times, and we know that it is a very difficult thing to get a railroad from Hudson across the river and up the bluffs on the opposite side. I care not what the Wisconsin engineers may have said in regard to it; I know that it is a very rough country, and that the bluffs are nearly two hundred and fifty feet high and very abrupt on the west side of the river opposite Hudson.

Mr. HENDRICKS. When this bill was before the Senate the other day I had occasion to submit a few remarks, and I am reported to have said, "As I said before, I do not have faith in the construction of the road through Wisconsin from Hudson to Superior. I do not think any well-informed company will construct a road from Hudson to Bayfield." Unquestionably the error was on my part. The debates are so accurately and correctly reported that I cannot believe the mistake was made by the reporter. It should have been, "I do not think any well-informed company will construct a road from Hudson to Superior." And then I went on to give the reasons very briefly why a road might be constructed to Bayfield with much fairer prospects of success than to Superior. I do not design now to discuss that again. I propose this amendment to the amendment proposed by the Senator from Wisconsin——

The VICE PRESIDENT. It is not in order. This is an amendment to an amendment which is now pending.

Mr. HENDRICKS. I will state, then, what the amendment would have been if it had been in order.

That the grant made to the State of Wisconsin by the act of June, 1856, to aid in the construction of a railroad from the St. Croix river to Bayfield, be enlarged so as to extend the limits of that grant on each side of the said road to the extent of the limits of the grant made by this act.

The Senator from Wisconsin in his argument the other day said that it was unjust to Wisconsin that a grant should be made to a competing route in Minnesota within larger limits than the grant to Wisconsin. There was some force in that. The grant to Wisconsin is of alternate sections for six miles on each side of the road, while the grant now proposed to be made to Minnesota is of ten miles extent on each side of this road. I am perfectly willing that the State of Wisconsin shall have the same amount of land to construct her road as may be given to the State of Minnesota, for the obvious reason that each route will run through a country very similar, neither of which is a very desirable country. I am willing to give in this bill more land to the State of Minnesota than has usually been granted to States to aid in the construction of railroads, for the reason that as you go from St. Paul up toward Lake Superior you come, after a considerable distance, into rather a barren country, somewhat sandy, mainly covered by pine timber; some portion of it tamarack swamp; not a desirable country, and the State of Minnesota cannot realize very largely from that portion of the grant, and I am willing to give to the State enough land to make up for the bad quality of that which is granted. And I am also willing to extend the grant to the State of Wisconsin to the same limits, so that that State shall have upon each side of her road ten miles, and an equivalent for that which has been disposed of, outside of these limits; but I do not think it is fair to incumber a bill for the benefit of Minnesota with a proposition such as is now made by the Senator from Wisconsin. If Wisconsin has equities let us protect those equities and her rights; but certainly the Senator from Wisconsin ought not to ask the Senate to burden what is a fair and right measure for the State of Minnesota with a proposition having no relation to that work.

I believe that the State of Minnesota ought to have this grant for the reason that she is a great State, an agricultural State. Her production will be mainly wheat, and we ought to give her an outlet to a market. She cannot find that market in the southern States at this time, and, as I said before, will probably not for a number of years. She is now just in the process of development; we ought to encourage that development. And the United States lose nothing by granting these lands, for we provide that the reserved sections shall be doubled in price; and if this road is built settlements will be encouraged in a portion of the State that would perhaps remain unsettled without the road for a great many years. We encourage settlements upon lands which will secure to the Government $2 50 per acre, so that the Government has no interest against this grant; she has an equivalent for the granted lands in the increased price of the reserved sections. Minnesota asks this grant. I say let her have it, and if possible let this road be constructed from St. Paul to Lake Superior; and I do not think it is right in any legislation to burden what is a fair measure, and what meets the approbation of the body, by tacking to it that which has no natural or proper connection with it. If the measure of the Senator from Wisconsin be right let him bring it up as an independent measure, and not tack it on to a measure for Minnesota, and perhaps endanger the passage of a bill that the Senate would otherwise approve.

As I said before, if the Senator from Wisconsin wishes to enlarge the grant to the State of Wisconsin to the limits which we give to the State of Minnesota in this bill, let us do it; I am willing to do it. That is all he can ask. He then cannot complain if Minnesota throws more energy and more means into this enterprise, and secures the construction of her road at an earlier day than the State of Wisconsin can complete hers with the same extent of grant. It is the benefit which Minnesota ought to enjoy.

Again, sir, I repeat that I think the true interest of Wisconsin is to construct her road to another point, not the point indicated by the Senator from Wisconsin in his amendment. The other day I said that the harbor at Bayfield was much more desirable than the harbor at Superior. I think there is no question about that. I have seen the harbor at Bayfield, and a more beautiful spot I have never seen, a more elegant harbor cannot be conceived of. It is formed by a group of islands called the Apostles, and makes as beautiful a sight as we can conceive of, and a harbor in which the vessels of the whole world might rest in safety, with sufficient depth so that vessels can enter at any time in the most violent storms that are experienced on that shore. I said also that the harbor at Bayfield remained open for several weeks later in the fall and became open in the spring several weeks earlier than the harbor at Superior. My remarks attracted the attention, I suppose, of a gentleman, an acquaintance of mine in this city, and this morning he handed me an extract from a letter written on the 25th day of June, 1861, by the Rev. W. B. McKee, to a gentleman in Georgetown. The writer says:

"There is one thing which becomes more evident every year, viz: that this place [Bayfield] will be the head of lake navigation. The head of the lake for forty miles, from Superior city and from shore to shore, has been blockaded (more firmly than southern ports) by icebergs. Last Friday night the Planet"—

One of the most beautiful steamers on the lake—

"left here and attempted to get into Superior, but could not reach the place within five miles. She, of course, came back. That was the 21st instant, [June.] They have got

out twice with their little tug, by watching chances, when the west wind would open the ice a little, and by winding among bergs. This obstruction is incident to a greater or less extent of time every spring. It is caused by northeast winds, which prevail at this season from six to eight weeks."

I would not vote for the Senator's proposition to grant lands in large quantities and an appropriation of money by the Government; I see that is provided for; I did not understand the amendment before, but I see that is included in parentheses. I would not support a measure granting lands in very large quantities for a road to go to Superior or any other port on the lake, because I think the grant would be lost because of what I believe to be the defective character of that harbor; but I do not choose to discuss that. If the Senator wishes, I repeat, to extend the grant to Wisconsin, I am willing to do it, and then he cannot say that Minnesota has had an unfair advantage. Give Wisconsin for the construction of her road as much land as we give to Minnesota to construct hers; let these two States of the West compete with each other for the speedy construction of their enterprises.

Mr. POWELL. The amendment strikes me very favorably. The Senator from Indiana founds his objections to it partially on the fact that it brings the road right to the head of the lake at Superior. I have had some experience about those harbors there; I have been all around that lake, and I am satisfied that the Senator from Indiana is utterly mistaken when he says the harbor at Superior city is defective. I have no doubt that it is the best harbor on the American continent. I do not believe such a one can be found on any of the lakes in the United States.

He spoke about the ice. It strikes me that if that Senator had prosecuted his inquiries a little further he would have found that perhaps the greatest obstruction to navigation in Lake Superior occurs about the Sault Ste. Marie. The harbor of Superior, in my judgment, is the best harbor on the entire lakes. The only possible difficulty that exists about that harbor is a little bar near the entrance, which causes vessels to go around in order to get up to the city; but that can be dredged out at an expense of two or three thousand dollars; and when the wind sets in a certain direction, the entrance to the harbor being narrow, it is sometimes difficult of entrance; but when in it, there is no such harbor in America. It is sufficient to float all the navies that may be on all the lakes. I think the Senator from Minnesota [Mr. WILKINSON] will concur with me in what I say about it. The whole difficulty is that sometimes the wind sets in a certain direction. I do not understand the assault the Senator from Indiana has made so fiercely here on the harbor of Superior. I was at Bayfield when the Senator was there, and I saw plumb-lines put down in the harbor. The water is good, I know.

Mr. HENDRICKS. The Senator will allow me to say that I do not question that the resting-place for vessels at Superior is good enough when they get in, but the difficulty is in the entrance to the harbor, as I understand, and the continuance of the ice in the spring.

Mr. POWELL. I have entered it on steamers when the wind was very high. It is true that sometimes the winds set there in such a way as to cause the entrance to the harbor to be difficult; but when you enter it, I have seen no such harbor, and there is none such on the whole lakes.

There is another thing: if the railroad runs to the head of the lake, Superior city is the point to which it should go, for there you reach the lake at a distance of ninety miles from Bayfield. I think the distance from Superior to Bayfield is ninety miles.

Mr. HENDRICKS. About ninety.

Mr. POWELL. I know when I was in that country in 1856 they said it was ninety miles from Superior to Bayfield. I only rose to vindicate the harbor of Superior from the assault of the Senator from Indiana. I know they are interested at Bayfield in assaulting the harbor of Superior; but I think the railroad ought to go to the head of lake navigation, and that is where, if let alone, it will go.

Mr. GRIMES. Can this amendment be amended?

The VICE PRESIDENT. It cannot. This is an amendment to an amendment.

The amendment to the amendment was rejected.

Mr. DOOLITTLE. I desire to offer additional amendments. It seems to be the sense of the Senate that the bill is to pass, but my friend from Indiana says there is still some hope that justice may be done to Wisconsin. I will offer another amendment which will give us in substance the additional sections per mile over our land grants where the roads are not constructed, and also through the wilderness of our State from Fox river to Bayfield, so as to give us about one third as much as Minnesota has had. I offer the following additional sections:

And be it further enacted, That there be, and is hereby, granted to the State of Wisconsin, or to the companies authorized or that may be authorized by said State to construct the same, four additional sections per mile in addition to the amount of lands already granted to said State of Wisconsin to aid in the construction of railroads in said State, upon all portions of said routes upon which said railroads have not been constructed for which lands have heretofore been granted by the United States, upon the same terms and conditions, and that the time for the completion of said roads be extended for the term of five years from the passage of this act.

And be it further enacted, That there be, and is hereby, granted to the State of Wisconsin, or to any company authorized or that may be authorized to construct the same, a grant of ten sections per mile to aid in the construction of a railroad from Berlin on the Fox river, by the most passable railroad route northwesterly through the central and heavily timbered portions of Wisconsin to Bayfield, and thence to Superior, to be selected and granted upon the same terms and subject to the same conditions as lands are granted to aid in the construction of said railroad in the State of Minnesota.

Mr. WILKINSON. I certainly hope this amendment will not be adopted. I appeal to the honorable Senator from Wisconsin not to load down this bill of ours until it shall be unable to stand. I am prepared to vote for any reasonable measure for Wisconsin at any time and at all times; but I do not wish to have this bill loaded down to such an extent that it will be almost folly to attempt to carry it through the House of Representatives. Without any opposition to any measure that the honorable Senator may introduce for the benefit of the Wisconsin roads, without wishing to assail any of those propositions, I hope this amendment will not be pressed, but will be permitted to stand as a separate measure, singly by itself on its own merits, and when the proper time shall come I shall be ready to go for it.

The amendment to the amendment was rejected.

Mr. DOOLITTLE. If the Senate are unwilling to adopt the amendment in that shape, I shall have to make it apply to the road from Hudson to Superior, and propose to grant four additional sections per mile for that.

Mr. HOWE. If my colleague will allow me, I will read an amendment which I have drawn, and which I think the Senators from Minnesota and the Senate will agree to.

Mr. DOOLITTLE. Very well.

Mr. HOWE. I offer this amendment as an additional section:

And be it further enacted, That there be, and hereby is, granted to the State of Wisconsin, for the purpose of further aiding in the construction of a railroad from Madison or Columbus by the way of Portage City to the St. Croix river or lake between townships twenty-five and thirty-one, and from thence to the west end of Lake Superior and to Bayfield, a quantity of land in addition to that granted by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, so as to make the grant to said railroads equal to the grant herein provided for to the Lake Superior and Mississippi Railroad Company, said additional quantity to be selected within the same limits and in the same manner as is herein provided for selecting the lands granted to the railroad company above mentioned.

Mr. RAMSEY. I hope the Senate will not incumber our bill with this amendment. If a road between the Mississippi river and the lake were not of great necessity we should not have urged it so pertinaciously, and our Legislature would not have asked for it. I hope we shall pass the bill before the Senate, and in such a shape that the other House may concur in our action, and for that reason I hope the honorable Senator from Wisconsin will withdraw this amendment and introduce the proposition in some other shape, and then I shall be happy to support it.

Mr. HOWE. This objection is a little curious. In 1856 Congress made a grant to the State of Wisconsin for building a railroad over the route mentioned in my amendment. They made a grant of alternate sections of land within six miles of the line of the road. They gave us ten years to build the road in, and eight years of that time have expired. The road is now in progress. Now, Minnesota comes in and asks for a grant of alternate sections to the amount of ten sections per mile, while the act of 1856 granted us six sections a mile to build a road right alongside of that which you authorized and instructed the State of Wisconsin to build eight years ago. It was assumed in argument here the other day that inasmuch as we had not built the road for the past eight years, we should not build it in the next two. You were told that a company was at this very time struggling with that enterprise. If we cannot build it with the aid you have already given us and without the discouragements which you propose by this act, we certainly cannot build it with the discouragements that you propose by this act.

Now, I have offered an amendment which will put the State of Wisconsin in as favorable a condition to complete that road as you put this railroad company in for building the rival road. Is it a greater necessity to have St. Paul connected with Lake Superior, than to have the State of Wisconsin connected with Lake Superior? You instructed us to build that road, as I say, eight years ago. If you can afford to give ten sections a mile to this road, when they have not invested a dollar in it, and when money is invested in ours, can you not afford to make the grant as liberal to our road?

The Senators say they have no objection to the proposition, but they do not wish to incumber their bill with it. If it is right, it is no incumbrance. If it is fair, if it would be fair as an independent proposition, it is fair here; and I beg leave to assure my friends from Minnesota that their bill will not be hurt a particle in my estimation, and I do not think it will be hurt a particle in the estimation of the Senate, if it is made a little fairer than it is now. As it stands, I insist, as I said before, that it is a proposition actually to take away franchises which you granted to the State of Wisconsin years ago. Practically, it is so. It will be less so if you will put our enterprise on the same footing on which you propose to put this. The Senator from Indiana, who is on the committee from which this bill comes, proposes this amendment himself, and says it is fair; and who says it is not?

Mr. HENDRICKS. I suggest to the Senator from Wisconsin to strike out so much of his amendment as relates to that part of the road from Madison to the St. Croix river. The amendment which I had the honor to suggest to the Senate, was to enlarge the grant from the St. Croix river to Lake Superior, and that was based upon a reason. That reason was that that portion of the grant came in conflict, to some extent, with the grant now made to Minnesota, the lines of the two roads being somewhat parallel; but from the city of Madison to the St. Croix river that reason does not apply. There is no reason there why the grant should be extended, and I suggest to the Senator to amend his amendment so as to apply it only to that part of the road from the St. Croix river to Lake Superior, and then I can see no objection to it.

Mr. HOWE. The Senator from Indiana is a little mistaken as to the facts of the case. The two routes are rival south of St. Paul and of Hudson. There is a railroad already provided for and now in process of construction, south of St. Paul, leading down on the west side of the Mississippi. The road from Hudson to Lake Superior is only a part of the line endowed by the grant of 1856. It is true that this amendment will have no practical operation over that part of the route between Madison and Portage City, because that country is all occupied and no public lands can be found there, and it might just as well start from Portage; but I have employed the language used in the amendment, because I copied it from the act of 1856; and certainly when the road comes from Lake Superior to Hudson, it is necessary that it should come down to join with the roads running east and west, the nearest of which it finds at Portage City, or at some point on the Milwaukee and Minnesota railroad between Portage City and the Mississippi river. That was what Congress wanted to have done; not a road merely from Hudson to Lake Superior, but a road from the Milwaukee and Minnesota road to Lake Superior. My amendment provides an equal quantity of land, ten sections per mile, over the whole route. If there is no objection to granting the additional quantity to that part of the road lying north of Hudson, I cannot see what objection there is to

granting that additional quantity to the portion south of Hudson.

Mr. HENDRICKS. With the permission of the Senator I will suggest that there is this objection: below Hudson you do not come in competition with a ten-mile grant. You only compete with this large grant above St. Paul and above Hudson; but south of Hudson you do not have to compete with anything but the six-mile grant.

Mr. HOWE. The Senator is right; we do not come in competition, when we get south of the parallel of Hudson and St. Paul, with a ten-mile grant, but we come in competition with a railroad. What is the reason for granting ten sections per mile to the road from St. Paul? It is not that it comes in competition with a ten-mile grant, but because you think it reasonable in these times, and in this condition of the public domain, and in consideration of the country through which it is to run, to enlarge the quantity. There is the same reason on the other side. It injures nobody; it does not injure Minnesota; it does not injure this railroad grant that you now contemplate. If it injures anybody it injures the Government of the United States; and the Government is not injured, because it wants the road built, and is giving no more to build it than it now adopts the policy of giving to all roads.

I really wish the Senate would accept this proposition, or that they would tell me what there is unjust about it. Senators say they will go for it as an independent proposition. It is an independent proposition. I offer it to you as an additional section to the bill. They say they do not want it to incumber their bill. How does it incumber their bill? I can understand an incumbrance when you point it out to me; but naming a measure or a proposition an incumbrance does not make it apparent to me, does not make me see it in that light.

Mr. HOWARD. I beg to inquire of the Senator from Wisconsin, who makes such a strenuous opposition to this measure——

Mr. HOWE. Allow me. What opposition am I making to this measure? I did oppose it the other day, because I thought it unjust; but now I am not opposing it; I am asking you to make it more just.

Mr. HOWARD. I beg to inquire of the Senator from Wisconsin, who makes such strenuous opposition to this measure, how much has been done upon the railroad route from Hudson to Lake Superior, running through Wisconsin? If I understand it rightly the land was granted to that corporation some eight years ago, and they had ten years in which to build the road, which is a pretty liberal allowance of time as it seems to me. Now, the Senator asks for an additional appropriation of lands to aid that corporation, if I understand it, in completing this Hudson and Lake Superior branch. Before I can vote for any such measure I must be pretty well satisfied that the corporation for whose benefit the lands have thus been granted have given some evidence to the public at least of their intention to complete this work, a very important work certainly; but if this work is to be treated as a mere speculation in the hands of capitalists it will be a sufficient reason why I should not vote to grant any further lands to it. I am told that it is little better than a mere speculation; that it is a sort of moonshine road, and that the stockholders intend to employ their means, if they contribute any, in mere kiting the stock, and making money out of it, and not in building the road. I may be misinformed about this matter; but I wish to inquire of the Senator from Wisconsin how much work has actually been done upon the road from Hudson to Lake Superior, so that I may judge as to the sincerity of the persons who have the enterprise in charge. I am told that very little has been done.

Mr. HOWE. It gives me infinite satisfaction to afford the Senator from Michigan all the light I can upon that point. I stood here, the Senate will remember, the other day, and implored the Senate to send this bill back to the Committee on Public Lands for the purpose of getting authentically the very information for which the Senator now asks. I told him then, and I told the Senate, that I was not prepared to state definitely and authoritatively how much had been done. I said then and I repeat now that I have been told and I believe twenty miles of the road have been laid, and that the ties have been got out for forty miles, and that the iron has been purchased for twenty miles of it. I have been told this; I believe it; I do not assert it for a fact.

Mr. HOWARD. How much of the track has been laid? How much of the track has been ironed?

Mr. HOWE. Not any.

Mr. HOWARD. Not a foot, so far as I understand. All the rest of the statement of the Senator is mere hearsay.

Mr. HOWE. Yes.

Mr. HOWARD. If I understand, he does not even give us the authority on which he bases his assertion. He does not tell us whether his informants are members of the company, or other persons connected with the enterprise, on whose statements we ought properly to rely. It seems to me that is very feeble evidence.

Mr. HOWE. It may be feeble evidence; I do not dispute that; and I wish to God the Senate would take the means to get better evidence. I have asked them to do it; I have urged them to do it; and I do not think it is exactly the right treatment to abuse me because I have not better evidence when you refuse to take the means that will get you the best evidence in the world.

Mr. HOWARD. I beg the Senator's pardon; I have not abused him. That is entirely gratuitous, let me say to the Senator.

Mr. HOWE. Then, to criticise me so sharply.

Mr. HOWARD. I do not criticise the Senator.

Mr. HOWE. The Senator wants light.

Mr. HOWARD. That is what I want.

Mr. HOWE. And I want the Committee on Public Lands to give it to him. I would give it to him myself if I had it; but inasmuch as he will not take it from the Committee on Public Lands, and I can give him but very feeble light, I can only implore the Author of all light to shed it upon him.

But, Mr. President, the Senator from Michigan assumes that this enterprise from Hudson to Lake Superior is an irresponsible one, and his evidence is that it was entered on in 1856 and has not yet been completed. When was your company chartered? How long have you had yours on foot? I put it to the Senator from Michigan, or the Senator from Minnesota, when was your St. Paul and Superior railroad charter granted?

Mr. RAMSEY. We never had any land grant.

Mr. HOWE. But you had a charter, and you entered upon the enterprise a great deal longer ago than this was. How much have you done? How much iron have you laid down? How much have you bought? How much have you graded? Have you got out a tie?

Mr. RAMSEY. I will say to the Senator that if Congress gives us this grant we shall enter on the work immediately. We have an appropriation of $250,000 from the city of St. Paul, and we have the swamp lands of the State, and we are prepared to go to work at once.

Mr. HOWE. I hope they will, but then I do not want to be taunted with the bankruptcy of our enterprise here by a company so much older than ours is and which has done so much less.

Mr. WILKINSON. Your company is older than ours, and you got a land grant besides.

Mr. RAMSEY. We are only struggling for existence now.

Mr. CLARK, (to Mr. HOWE.) You had better have a commission of insolvency to decide the question.

Mr. HOWE. I am perfectly willing to have a commission of insolvency issued here. I would rather have the investigation conducted in the committee room than in the Senate, but I must take it wherever it is forced upon me. No, Mr. President, the truth about it is, I have no doubt, that the St. Paul and Lake Superior Company have done all they could in the execution of the enterprise they entered upon. I think it fair to assume that the assignees of the State of Wisconsin have done the same, and I do not think it is right for the Senate of the United States to impose a forfeiture upon that State or its grantees of the franchise, under the act of 1856, simply because a part of the time that you allowed us to do this work in has expired, and the work has not been done. I do not think that is right. I hope it will not be insisted upon. I say to Senators frankly I do not want at this time that this rival grant should be made; but then it is for the Legislature to say whether they will make it or not; and the Senate indicated by unmistakable symptoms the other day that they thought it was a reasonable grant to make. I now ask the Senate if it is not equally reasonable to grant an additional quantity to the State of Wisconsin. I ask this not, as the Senator from Michigan assumes, for the purpose of opposing the grant contained in the bill; I ask it for the purpose of making it less obnoxious and less injurious to the State of Wisconsin than it would be without it.

Mr. HARLAN. Mr. President, the railroad laws now in existence do not give a specific quantity of land to aid in building railroads: they give alternate sections of the Government land within certain limits. The grant made to aid in building the road through Wisconsin mentioned by the Senator who has just taken his seat proposes to grant to that State alternate sections within the limits of six miles on each side of the line of the road, and if the quantity thus indicated shall not be found within those limits, that she may select an equivalent within the limits of fifteen miles on each side of the line of the road. The bill now pending proposes to grant alternate sections of the Government land for ten miles on each side of the line of the road, and if any portion of those sections shall have been disposed of by the Government of the United States to give a range of twenty miles on each side within the State of Minnesota within which to select the deficiency.

There has not, therefore, been granted to Wisconsin six sections per mile specifically to aid in building that road; nor does this bill propose to grant ten sections per mile to Minnesota for this road. It was the opinion of the committee that the grant which is proposed by this bill would not more than equal in quantity when it shall have been selected the amount of land granted to the other railroad companies to which grants have been made heretofore. Then the objection to the Senator's amendment is simply this: it may be that the grant heretofore made to Wisconsin to aid in building the road he indicates is now larger than the grant proposed in this bill; that Wisconsin may really secure under the law as it now stands more acres per mile than Minnesota will secure per mile on the line of this road.

If, however, the Senator deems that a larger grant is necessary to enable the Wisconsin company to complete the road indicated, he should introduce a bill for that purpose, and allow it to go to a committee for examination. By an examination of the plats in connection with the sales of the public lands of the United States, now at the Land Office, it can be ascertained with tolerable accuracy how much public land does lie within the limits of the grant proposed in the bill now pending, and also the quantity that may be found within the limits of the grant in his State on the line of the road which he desires to see completed; and when those facts shall be ascertained, if it shall be the desire of the Senator to grant an equal number of acres to the road in Wisconsin with those granted to the road in the State of Minnesota, if that indeed has not previously been done, I suppose the Senator will find no difficulty in securing the passage of his bill.

It is probable, I think, that the number of acres granted to the State of Wisconsin on the line of the road which he desires to see built is now larger than the grant proposed in this bill; but then I would suggest to him, as a question of public policy, that if the grant to Wisconsin shall be enlarged on the line of this road, I think it probable that all the land-grant States will desire to have their grants enlarged also. I feel quite sure that the people of Iowa would desire to be made equal with Wisconsin, and it is probable that Michigan would desire the same, and it may be that Illinois would desire an appropriation of lands to make her equal in the number of acres granted with the other States. So it is really a very grave question, I think, in its practical importance, and does not seem to me to be pertinent to this bill.

Mr. DOOLITTLE. Mr. President, Wisconsin certainly would have no objection to open an account with all the States that have received grants in aid of the construction of railroads—Illinois, Iowa, Minnesota, or Kansas, or any of the States. We have received about one third as much as the other States have. So we do not object to opening the account. But in answer to an

inquiry which was made by the Senator from Michigan, I desire to state to the Senate that I hold in my hand a statement made by one of the directors of this road, which I believe to be correct, in relation to the condition of the road. He says:

"The road was commenced, considerable grading done, and ties furnished on the first twenty miles from Lake St. Croix; but on the breaking out of the war the work was suspended, but has been recommenced. The company has changed hands and been reorganized the past summer, and the work is now progressing. The company are now spending about two thousand dollars per week in getting out timber for building bridges, culverts, cross-ties, grading, &c. They have about twenty miles graded, and the ties for the same delivered on the line of the road, and a contract for the furnishing of the ties on twenty miles more of the road to be completed on or before the 1st of May next. The company have purchased five hundred tons of iron, which is now waiting the opening of navigation to be shipped in the spring, and have contracts made and means provided for the finishing of forty miles of the southern end of their road the coming season, which will leave ninety-five miles to build on the main line to Superior, it being one hundred and thirty-five miles by actual survey from Hudson to Superior city.

"The directors and officers of the company are: Judge Hubbell, of Milwaukee, now member of the Legislature; John Comstock, president of the First National Bank of Hudson; John C. Campbell, of Racine, Wisconsin; George L. Becker, of St. Paul, Minnesota; L. Wetherby, of Hudson, supreme court judge of Wisconsin; Harvey S. Clapp, of Hudson, deputy United States marshal; Mr. Marsh, of New Jersey, son of Judge Marsh; A. P. Burthond, New Jersey; E. Clark, former member of Congress from Hartford, Connecticut, now of New York; D. A. Baldwin, of New York. President, A. P. Burthond; Treasurer, E. Clark, jr.; Chief Engineer, John C. Campbell. Trustees for the bonds: Judge Marsh, of New Jersey, president Morris canal; A. O. Zabriskie, an eminent lawyer of New Jersey."

These are the gentlemen who constitute the organization of this company, and this is the statement of what has been done. But, Mr. President, I do not desire to detain the Senate; I am willing to come to a vote. I should like to have the amendment of my colleague adopted, for the only effect of it will be to make this additional grant on the line of this route and down the line to a point called Tomah, on the La Crosse railroad. Beyond that it cannot go, most of the lands having already been taken.

Mr. TEN EYCK. There is an evident indisposition on the part of the Senate for the continuation of this debate; and it is perfectly natural that that which interests the Senators from these different States should be of very little consequence to Senators from other States. The debate, therefore, assumes rather a personal character so far as they themselves are concerned, and results in indifference on the part of every one else. The statement just read by the Senator from Wisconsin, alluding to several persons who have connection at present with the St. Croix and Lake Superior road, perhaps will be an apology for my making a remark or two on the subject.

I have been informed by gentlemen of the highest character and respectability, who have charge of the road at present, that they have already advanced largely for the purpose of the immediate construction of this road, that the construction of the St. Croix road has been delayed for some years past in consequence of the breaking out of the rebellion. They have actually invested large means, and secured, with the aid they hoped to obtain from Congress, sufficient for the construction of the road. There is no kite-flying about it, and there is no speculation connected with it now.

I myself would have appealed to the Senator from Wisconsin [Mr. HOWE] to withdraw that portion of his amendment which asks for the appropriation of these alternate sections of land so far as respects the lower part of the road embraced in his amendment, which would have the effect of placing the two roads that are now to assume a rival character upon an even footing in that respect. But the chairman of the Committee on Public Lands states that there is an uncertainty with respect to the quantity of acres that may be appropriated toward the St. Croix and Lake Superior road under the amendment now proposed, and there seems to be an uncertainty resting in the mind of the Senator from Michigan in relation to several important matters connected with this grant which he would desire to be informed upon. Now, sir, with the view of bringing this matter to a close, and with a view of shortening the debate, and with a view of ascertaining the facts to the entire satisfaction of Senators, I move that this bill be recommitted to the Committee on Public Lands for the purpose of ascertaining the amount of land that will be granted to this road under the amendment proposed by the Senator from Wisconsin, and whether his amendment should be restricted to the St. Croix and Lake Superior road, and also whether the road is in the hands of real *bona fide* persons, who are able and willing to appropriate the money for the purpose of the immediate construction and completion of the road. I hope it will take that course, and I believe it will result in relieving the Senate from a continuous and more or less unpleasant debate.

Mr. RAMSEY. I hope not. I hope the Senate will not recommit the bill. We have already exhausted almost everything that can be said about it. There is certainly no necessity of sending it back to the committee.

The VICE PRESIDENT put the question on the motion to recommit the bill, and declared that it was not agreed to.

Mr. HOWE. I ask for the yeas and nays.

Mr. HENDRICKS. It is too late.

The VICE PRESIDENT. After the decision of the Chair, it is too late.

Mr. HENDRICKS. The amendment of the Senator from Wisconsin proposes an additional section. It is therefore an amendment to the bill and not to the amendment, I suppose.

The VICE PRESIDENT. It is an amendment to the amendment.

Mr. HENDRICKS. Perhaps a question of order will not be raised on an amendment which I suggest to that amendment. If not, I propose to strike out the words, "Madison or Columbus by the way of Portage City."

The VICE PRESIDENT. The Senator from Wisconsin can accept it.

Mr. HOWE. I accept it.

The VICE PRESIDENT. Then the Senator from Wisconsin so modifies his amendment.

Mr. DOOLITTLE. How will that part of it read then?

The VICE PRESIDENT. That part of the amendment will be read as it has been modified.

The Secretary read, as follows:

That there be, and hereby is, granted to the State of Wisconsin for the purpose of further aiding in the construction of a railroad from the St. Croix river or lake, between townships twenty-five and thirty-one, and from thence to the west end of Lake Superior, &c.

Mr. DOOLITTLE. I suggest to my colleague to say "from Hudson on St. Croix lake." The St. Croix river runs almost up to Superior.

Mr. HENDRICKS. This is the description that is in the original grant; and it has been adjusted in the Land Office on that description.

Mr. DOOLITTLE. It was part of the description in the original grant; but that description began down at Columbus, and went up to the St. Croix river, and from there, if it should say in the amendment, "the point on St. Croix river where the grant has already been fixed," it would do.

Mr. HENDRICKS. I have no objection to putting in Hudson, if you want to put that in.

Mr. DOOLITTLE. Say "Hudson on the St. Croix river."

Mr. HENDRICKS. I will ask the Senator if that is the point fixed in the adjustment at the General Land Office?

Mr. DOOLITTLE. Yes, sir.

Mr. HOWE. Let it be amended in that way.

The VICE PRESIDENT. The amendment will be so modified.

Mr. HARLAN. Let the amendment be read as it now stands.

The Secretary read it, as follows:

And be it further enacted, That there be, and hereby is, granted to the State of Wisconsin, for the purpose of further aiding in the construction of a railroad from Hudson, on the St. Croix river or lake, between townships twenty-five and thirty-one, and from thence to the west end of Lake Superior and to Bayfield, a quantity of land in addition to that granted by the act entitled "An act granting public lands to the State of Wisconsin to aid in the construction of railroads in said State," approved June 3, 1856, so as to make the grant to said railroads equal per mile to the grant herein provided for to the Lake Superior and Mississippi Railroad Company, said additional quantity to be selected within the same limits and in the same manner as herein provided for selecting the land to the railroad company above mentioned.

Mr. HENDRICKS. I wish to suggest to the Senator from Wisconsin that, inasmuch as he has inserted the name of the town of Hudson, the other description there by townships and ranges is not necessary, and that had better be stricken out.

Mr. HOWE. The additional words, "between townships twenty-five and thirty-one," are not necessary, and might just as well be stricken out.

Mr. HARLAN. I would inquire of the Senators from Wisconsin whether, if they now have more lands granted in the law as it stands than will be granted by this bill to Minnesota, they will cede back the excess to the General Government?

Mr. HOWE. What is that?

Mr. HARLAN. If the grant you now have under the laws as they exist is larger than the one to Minnesota, will you cede back to the United States the excess?

Mr. HOWE. Strictly on demand.

Mr. HENDRICKS. I wish to say to the Senator from Iowa that I do not think he understands the exact equity of Wisconsin in this matter. The objection he now suggests, I think, is not well taken, because the Senate has agreed to an amendment to this bill to-day which allows the State of Minnesota to go outside of the ten-mile limit and make up the deficiency of whatever portion has been disposed of by the Government within that limit, so that the probability is that Minnesota will get the entire grant.

Mr. HARLAN. To go outside of the ten miles, but within a limit of twenty miles.

Mr. HENDRICKS. And the Senator from Iowa cannot doubt that they will make up the full amount of sections as if the Government had not disposed of a single section between St. Paul and Lake Superior. That will make the grant complete.

Mr. HARLAN. I do doubt about that fact. I do not think they will get the full grant.

Mr. HENDRICKS. I do not doubt that they will get the whole grant.

Mr. RAMSEY. Not one half, I think. A great deal of the land between Superior and St. Paul has been settled and entered.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. HOWE] to the amendment of the committee, as modified.

The question being taken, on a division the ayes were 11, and the noes 18; no quorum voting.

Mr. DOOLITTLE. I ask for the yeas and nays.

The yeas and nays were ordered, and being taken, resulted—yeas 17, nays 19; as follows:

YEAS—Messrs. Clark, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Harris, Hendricks, Howe, Morgan, Pomeroy, Powell, Sherman, Ten Eyck, Willey, and Wright—17.

NAYS—Messrs. Anthony, Brown, Buckalew, Carlile, Chandler, Conness, Harding, Harlan, Howard, Johnson, Lane of Indiana, Lane of Kansas, Nesmith, Ramsey, Riddle, Sumner, Van Winkle, Wade, and Wilkinson—19.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. DOOLITTLE asked, and by unanimous consent obtained, leave to introduce the following bills; which were severally read twice by their titles, and referred as indicated below:

A bill (S. No. 160) to grant aid for the construction of certain railroads in Wisconsin—to the Committee on Public Lands.

A bill (S. No. 161) to extend the northern branch of the Pacific railroad from Sioux City to Superior—to the Committee on the Pacific Railroad.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (No. 187) to regulate the dismission of officers in the military and naval service;

A bill (No. 196) to aid in the protection of emigrants to the Territories;

A bill (No. 251) to organize a regiment of veteran volunteer engineers;

A bill (No. 308) to establish a Bureau of Military Justice;

A bill (No. 312) to increase the pension of the

revolutionary pensioners now on the rolls of the Pension Office; and

A bill (No. 319) for the relief of the legal representatives of Betsey Nash.

The message further announced that the House had passed the bill of the Senate (No. 1) granting a pension to John L. Burns, of Gettysburg, Pennsylvania.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. No. 30) to establish a uniform system of ambulances in the armies of the United States;

A bill (S. No. 69) to constitute Parkersburg, in the State of West Virginia, a port of delivery; and

A bill (H. R. No. 296) for the benefit of John Dickson, of Illinois.

THANKS TO GENERAL THOMAS.

The message further announced that the House of Representatives had passed the joint resolution of the Senate (No. 11) of thanks to Major General George H. Thomas, and the officers and men who fought under his command at the battle of Chickamauga, with amendments; in which it requested the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the joint resolution (S. No. 11) of thanks to Major General George H. Thomas, and the officers and men who fought under his command at the battle of Chickamauga; and it was

Ordered, That the amendments to the said bill be referred to the Committee on Military Affairs and the Militia.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 187) to regulate the dismission of officers in the military and naval service—to the Committee on Military Affairs and the Militia.

A bill (No. 196) to aid in the protection of emigrants to the Territories—to the Committee on Military Affairs and the Militia.

A bill (No. 251) to organize a regiment of veteran volunteer engineers—to the Committee on Military Affairs and the Militia.

A bill (No. 308) to establish a Bureau of Military Justice—to the Committee on Military Affairs and the Militia.

A bill (No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office—to the Committee on Pensions.

A bill (No. 319) for the relief of the legal representatives of Betsey Nash—to the Committee on Pensions.

On motion of Mr. LANE, of Kansas, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 10, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Mr. CUTLER, of New York.

The Journal of yesterday was read and approved.

COMPENSATION OF UNITED STATES MARSHAL.

Mr. BROWN, of West Virginia, by unanimous consent, introduced a bill regulating the compensation of the marshal of the court of the western district of Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

INTERNAL IMPROVEMENT BILL.

Mr. ARNOLD, by unanimous consent, introduced a bill making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law; which was read a first and second time, and referred to the Committee on Commerce.

WAGON ROADS IN WASHINGTON TERRITORY.

Mr. COLE, of Washington Territory, by unanimous consent, presented a memorial of the Legislative Assembly of Washington Territory, asking an appropriation for a military road from the head of navigation on the Willofa river to the mouth of the Black river; and also a memorial of the Legislative Assembly of Washington Territory, asking a grant of lands for the construction of a wagon road from Seattle, via Snoqualmie pass, to Walla-Walla; which were referred to the Committee on Public Lands.

LAKE SUPERIOR RAILROAD.

Mr. JULIAN, from the Committee on Public Lands, reported back several bills granting lands to aid in the Lake Superior railroad, and providing for the use of the same by the United States free of charge; and moved that they be referred to the select committee on the Pacific railroad.

The motion was agreed to.

PACIFIC RAILROAD.

Mr. PEREA, by unanimous consent, presented a memorial of the Legislative Assembly of New Mexico concerning the Pacific railroad; which was referred to the select committee on the subject.

ROBERT WINSLOW.

Mr. J. C. ALLEN, by unanimous consent, moved that the papers in the case of Robert Winslow be withdrawn from the files of the House and referred to the Committee on Military Affairs.

The motion was agreed to.

EXAMINATION OF CLERKS.

Mr. BOUTWELL, by unanimous consent, introduced a bill to provide for the examination of clerks in the several Departments of the Government; which was read a first and second time, and referred to the Committee of Ways and Means.

COURT OF CLAIMS.

Mr. WILSON, by unanimous consent, introduced a bill to repeal an act approved February 24, 1855, and an act approved March 3, 1863; which was read a first and second time, and referred to the Committee on the Judiciary.

MRS. ELIZA S. TOWNSEND.

Mr. ALLISON, by unanimous consent, introduced a bill for the relief of Mrs. Eliza S. Townsend; which was read a first and second time, and referred to the Committee of Claims.

HENRY STANDEN.

Mr. FARNSWORTH, by unanimous consent, introduced a bill for the relief of Henry Standen; which was read a first and second time, and referred to the Committee of Ways and Means.

CLAIMS OF INDIANA AND OHIO CITIZENS.

On motion of Mr. HOLMAN, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill (H. R. No. 295) for the relief of citizens of Indiana and Ohio; and the same was recommitted to the Committee of Claims.

The SPEAKER proceeded, as the next business in order, to call the committees for reports.

COMMITTEE ON NAVAL AFFAIRS.

Mr. BOUTWELL. The Speaker has called the Committee on Naval Affairs. I desire, as that committee is absent on official business, to ask that on their return next week they may have their two mornings for making their reports.

Leave was granted.

REVOLUTIONARY PENSIONS.

Mr. LAW, from the Committee on Revolutionary Pensions, reported a bill to increase the pension of revolutionary soldiers now on the roll of the Pension Office, and demanded the previous question.

The bill was read a first and second time.

The bill directs that there shall be paid, out of any money in the Treasury not otherwise appropriated, $100 to the surviving soldiers of the Revolution now on the pension roll during their lives in addition to the pension to which they are now entitled under former acts of Congress, the said payment to date from and commence on the 1st of January, 1864.

Mr. HOLMAN. I desire to call the attention of my colleague to the fact that the bill, as read, only appropriates the sum of $100 to each, and not annually.

Mr. LAW. I will modify the bill by inserting the words "per annum."

Mr. MALLORY. I desire to express the hope that the bill will be passed *unanimously*, and that it be so entered upon the Journal.

The SPEAKER. It will be so entered, if the bill does pass unanimously.

Mr. FARNSWORTH. How many of these pensioners are there?

Mr. LAW. There are but twelve of them, and I do not suppose the pensions will be paid longer than three years, as the youngest pensioner is ninety-three years of age, and the oldest one hundred and five.

Mr. STEVENS. I would like to know whether these additional pensions are to be continued to their widows?

Mr. LAW. No, sir.

Mr. STEVENS. Because they might all marry. [Laughter.]

Mr. MALLORY. I hope the gentleman from Pennsylvania will not object for that reason.

Mr. STEVENS. I suggest the insertion of the words "to cease at their death."

Mr. MALLORY. I hope the gentleman from Illinois will make no such modification, but will let the widows have the pensions.

Mr. STEVENS. Well, to do away with all difficulty, I move to amend by inserting the words, "to cease at their death."

The SPEAKER. The bill says, "to continue during their lives."

Mr. STEVENS. That is the language of all bills granting pensions, but the law provides that where a pension is given during the natural life of a person, it survives to the widow. I insist upon my amendment.

Mr. LAW. I would ask the gentleman whether he contemplates marrying at this period of life?

Mr. STEVENS. I am not quite sure what I shall do, when I see what is done around me. [Laughter.]

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the amendment offered by Mr. STEVENS was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed unanimously.

Mr. LAW moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SOLDIERS OF THE WAR OF 1812.

Mr. SPALDING, from the Committee on Revolutionary Pensions, reported back a bill (H. R. No. 266) granting pensions to the surviving soldiers of the war of 1812; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

PENSION ACT.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill supplementary to the act entitled "An act to grant pensions," approved July 14, 1862; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Invalid Pensions, with leave to report at any time.

HARRIET AND EMILY W. MORRIS.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Harriet and Emily W. Morris, unmarried sisters of the late Commodore Henry W. Morris; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

JOHN L. BURNS.

Mr. WASHBURN, of Massachusetts, from the Committee on Invalid Pensions, reported a bill (S. No. 1) granting a pension to John L. Burns, of Gettysburg, Pennsylvania.

The bill directs the Secretary of the Interior to place the name of John L. Burns, of Gettysburg, upon the pension roll at the rate of eight dollars per month, for patriotic services at the battle of Gettysburg, where he was wounded on the 1st of July, 1863, at which time said pension shall commence.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REPRESENTATIVES OF BETSEY NASH.

Mr. PERHAM, from the Committee on Invalid Pensions, reported a bill for the relief of the

representatives of Betsey Nash; which was read a first and second time.

The bill extends the provisions of the act approved March 3, 1857, for the relief of Betsey Nash to her legal representatives, and directs the money appropriated by said act to be paid to them, provided that the amount paid shall not exceed the amount due to the said Betsey Nash at the time of her death.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

BRIDGES OVER THE OHIO RIVER.

Mr. ARNOLD, from the Committee on Roads and Canals, reported a bill supplementary to an act approved July 14, 1862, entitled "An act to establish certain post roads, and for other purposes;" which was read a first time.

Mr. HOLMAN. Before the bill receives its second reading I ask that it be read.

The bill was read. It provides that the act approved July 14, 1862, to establish certain post roads, shall be so amended as to authorize the Louisville and Nashville Railroad Company and the Jeffersonville and Indianapolis Railroad Company to construct a railroad bridge over the Ohio river at the falls of the Ohio, subject to the provisions of the said act; provided, however, that the said bridge may be constructed at a height not less than ten feet above high-water mark, and with three draws sufficient to pass the largest boats navigating the Ohio river, one over the Indiana chute, one over the middle chute, and one over the canal; and provided also that the spans of said bridge shall not be less than two hundred and sixty feet, nor more than three hundred.

The second section further provides that the provisions of the said act shall apply to the Maysville and Big Sandy and Lexington and Big Sandy Railroad Companies so far as practicable, and shall authorize the said companies, or either of them, to construct a bridge or bridges across the said river.

Mr. STEVENS. This is, in my judgment, a very important and a very dangerous bill. I should like to move to refer it to the Committee of the Whole on the state of the Union.

The SPEAKER. That is not in order on the first reading of the bill. The bill has been read a first time, and if opposition is made to the bill, the question is, "Shall the bill be rejected?" Upon that question the gentleman from Illinois is entitled to the floor.

Mr. ARNOLD. I yield to the gentleman from Kentucky, [Mr. MALLORY.]

Mr. MALLORY. Mr. Speaker, I do not wish the summary disposition to be made of this bill which is indicated by my friend from Pennsylvania, [Mr. STEVENS.] I will state to the House that this is simply, in my estimation, an act of justice to the people of Indiana and Kentucky. It will be observed that this is an act supplemental to an act passed last Congress conferring upon certain railroads upon the upper Ohio river the right to construct bridges across the river. That right has been exercised, and those bridges are now in process of construction. All that is proposed by this amendment of the act is that these two companies, the Jeffersonville and Indianapolis Railroad Company, and the Louisville and Nashville Railroad Company, and the Lexington and Maysville Company shall have the same power to construct a bridge at the points indicated that other corporations have under the bill to which this is amendatory.

Now, I ask the gentleman from Pennsylvania and the House whether there is anything unfair to give to the people of one section of the West the same rights as by previous legislation have been conferred upon the people of other sections of the West. I will state to the House that I have made exception to the provisions of that general law in the bill which the chairman of the Committee on Roads and Canals reported this morning, for a reason which will be obvious to the House when I mention it. At the falls of the Ohio the country on each side of the river is so level and so low for miles, extending into Indiana and Kentucky, that it is impossible to construct a bridge of the same height above high-water mark required by the provisions of the general law. It is impossible, at Louisville, to construct a bridge for railroad purposes at an elevation of more than ten feet above high-water mark. Therefore this bill provides that the bridge shall be constructed at that height above high-water mark; but it provides at the same time that the bridge shall be located immediately above the falls of the Ohio river, and that there shall be in the bridge three draws, one over the Indiana chute, one over the middle chute, and one over the canal. There are but two chutes through which boats can pass the falls of the Ohio. These are the chutes at the heads of which it is provided by this bill that draws shall be constructed in the bridge.

This is a bill of a local character. It appropriates no money. It calls on Congress to do nothing except to give to the people of Kentucky and Indiana the same privileges that have been extended to the people of the upper Ohio river at various points. It is obviously so just that I hope the House will at once pass the bill. There can be no reason urged against its passage. The bridge cannot interrupt the navigation of the Ohio river. This bridge is to be constructed at a point where the navigation of the Ohio river is now obstructed by nature, where we have constructed a canal at immense cost around the falls, and we are now enlarging the canal by authority given by Congress, at my instance, so as to allow the passage of the largest boats that navigate the Ohio and Mississippi rivers. The obstruction at the falls is not increased at all by this bridge. With the draws provided for, navigation can at all times proceed over and around the falls, with the same facility as if the bridge were not constructed.

Mr. STEVENS. Will the gentleman from Kentucky allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. STEVENS. Can I move to refer the bill to the Committee of the Whole on the state of the Union? It is not that I am opposed to the bill, but I have not seen it.

Mr. MALLORY. I will state to my friend, the chairman of the Committee of Ways and Means, that this is, to all intents and purposes, merely the repetition of a bill which passed this House at the last session without any opposition at all. It was passed, however, at so late a date that it could not pass the Senate, and for that reason it failed to become a law.

Mr. STEVENS. It is now early in the session, and there can be no objection to having the bill referred to the Committee of the Whole on the state of the Union. I know very well that the Central railroad of Pennsylvania desires its passage, but, while I am not opposed to it, I desire to look into it. This bridging of a navigable stream is a serious matter, and should be well guarded. I do not see anything wrong in it, but I would greatly prefer to act after I have seen it.

Mr. ARNOLD. I suggest to the gentleman from Pennsylvania, and to the gentleman from Kentucky, that if agreeable to the House, the bill be ordered to be printed, and recommitted to the committee, with leave to report at any time.

Mr. MALLORY. I am perfectly willing to agree to that.

Mr. STEVENS. I have no objection.

Mr. ARNOLD. Then I ask that the bill be printed and recommitted to the Committee on Roads and Canals, with leave to report at any time.

The bill being read a first and second time, was recommitted, and ordered to be printed.

Mr. BROWN, of Wisconsin, offered an amendment to the bill, and asked that it be ordered to be printed.

It was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed bills of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 158) in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863;

Joint resolution (No. 31) authorizing the issue of a register to the steamer Mohawk; and

An act (No. 53) for the relief of Henry P. Blanchard.

SHIP CANAL TO THE LAKES.

Mr. ARNOLD, from the Committee on Roads and Canals, reported back to the House, with a recommendation that it do pass, a bill (H. R. No. 91) to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes.

Mr. COX. I object to the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was read in full.

Mr. HOLMAN. I rise to a question of order. The fifth section of this bill and the last clause of the fourth section seem to make an appropriation. The last clause of the fourth section is in reference to the mode of condemning the private property which may be required for this canal, which is to be paid for in accordance with the laws of Illinois. That is in itself an appropriation of money. The fifth section, also, I understand to make an appropriation.

Mr. ARNOLD. The point which the gentleman from Indiana makes, was made at the last session to this bill and overruled. There is no appropriation of money in the bill. It provides that the payments of money to be made shall be from money hereafter to be appropriated. Bills of this character, so far as the point of the gentleman is concerned, have been presented over and over again in Congress, and the decision has always been that they do not make an appropriation in the sense that brings them under the rule requiring them to have their first consideration in a Committee of the Whole.

The SPEAKER. The Chair will have the decision of the Speaker in the last Congress, affirmed by a vote of the House, read.

The Clerk read, as follows:

"Mr. OLIN, from the Committee on Military Affairs, to whom the subject was referred, reported a bill (H. R. No. 714) to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for the enlargement of the locks of the Erie canal and the Oswego canal of New York, to adapt them to the defense of the northern lakes; which was read a first and second time.

"It having been proposed to proceed to the consideration of the bill,

"Mr. HOLMAN made the point of order that inasmuch as the fifth section provided for the payment of certain money into the Treasury of the United States, and also makes an appropriation of the same, whereby it may be taken out of the Treasury, the bill must receive its first consideration in Committee of the Whole.

"The SPEAKER sustained the said point of order.

"From this decision Mr. WASHBURNE appealed.

"Pending which,

"Mr. HOLMAN moved that the appeal be laid on the table.

"And the question being put,

"It was decided in the affirmative—yeas 93, nays 37.

"So the appeal was laid on the table."

The SPEAKER. The decision of the Speaker of the House in the last Congress, affirmed by a very large majority of the House, was based upon a section of the bill which provided for putting certain money into the Treasury of the United States, and also providing for the payment of the same money, without a reappropriation by Congress, therefore bringing it within the rule requiring it to have its first consideration in a Committee of the Whole.

The fifth section of this bill reads as follows:

That the revenues derived from the said canal and river, over and above the expenses of management, and of repairs and expenditures thereon, shall be paid into the Treasury of the United States, and a separate account shall be kept of such receipts, and the same shall be appropriated as follows: first, to the payment of the interest and principal expended by the United States upon the said work, &c.

The Chair is unable to see any difference between this section, so far as the question of order is concerned, and the section referred to in the bill of the last session, which the then Speaker decided must have its first consideration in Committee of the Whole. If the gentleman can point out any distinction the Chair would be happy to hear him. The Chair, as at present advised, sustains the question of order.

Mr. ARNOLD. The provision to which reference has been had was embodied in the bill by inadvertence in the preparation of the bill, and I would ask whether it is in order for me to withdraw it.

Mr. HOLMAN. I object; and I submit the point that it must go to the Committee of the Whole.

The SPEAKER. The Chair sustains the point of order. The bill has already (no appeal having been taken from the decision of the Chair) gone to the Committee of the Whole on the state of

the Union. The Chair will, however, state to the gentleman from Illinois that his committee have two mornings under the rule in which they may present their reports, and that it will be in order for the committee to report a new bill so modified as they may desire.

Mr. SPALDING. I wish to give notice that if any new bill upon this subject is reported in such shape as to avoid the question of order, I will move to refer that to the Committee of the Whole on the state of the Union.

Mr. NORTON. I wish to know if it is not in order to withdraw one section of a bill?

The SPEAKER. The bill has gone to the Committee of the Whole on the state of the Union, and there is nothing before the House.

Mr. DAWES. Cannot the gentleman withdraw the bill?

The SPEAKER. He cannot, for the reason that the bill is in Committee of the Whole on the state of the Union, and cannot be brought before the House at this time, except by unanimous consent.

Mr. DAWES. I understood the point of order to have been made upon the presentation of the report. If that be the fact, and the point of order be sustained, the gentleman has the right to withdraw his bill.

The SPEAKER. The gentleman is mistaken. The bill was received by the House, and the question stated upon its engrossment and third reading. The gentleman from Indiana then raised the question of order that the bill, making an appropriation, must have its first consideration in Committee of the Whole. No point was made upon the reception of the report of the committee.

Mr. NORTON. I wish to ask if the gentleman from Illinois did not have the floor upon the bill, and whether it could be taken from him by another member?

The SPEAKER. He did have the floor; but any member rising to a question of order could take the floor from him temporarily. The Chair repeats that the bill is in Committee of the Whole on the state of the Union, and that there is nothing before the House.

Mr. FARNSWORTH. Cannot the House direct this bill to be made a special order in the Committee of the Whole on the state of the Union?

The SPEAKER. It can by a two-thirds vote on Monday, and by unanimous consent to-day.

Mr. FARNSWORTH. I suggest to my colleague to make that request.

Mr. ARNOLD. I propose to report the bill with that section stricken out.

Mr. BROWN, of Wisconsin. Does the gentleman propose to report the bill now, or at some future time? If he reports it now I rise to another point of order.

Mr. STEVENS. The gentleman has not had the consent of the committee to do that. He must convene his committee before he can report a different bill.

The SPEAKER. The gentleman can report three or four bills on any subject referred to the committee.

Mr. COX. I move to refer the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. It is there now.

Mr. COX. The second bill?

The SPEAKER. It has not been reported at the Clerk's desk.

Mr. HOLMAN. How long will the House have to wait?

The SPEAKER. Until the morning hour expires.

Mr. BROWN, of Wisconsin. I rise to a point of order.

The SPEAKER. The Chair will first ascertain what the gentleman from Illinois [Mr. ARNOLD] desires, and then he will hear the point of order.

Mr. ARNOLD. I report from the Committee on Roads and Canals the bill without the section objected to.

Mr. STEVENS. I ask the gentleman from Illinois whether he has had the consent of the committee since he has stricken out that section?

Mr. NORTON. I rise to a point of order——

Mr. STEVENS. I am upon the floor to a question of order.

Mr. NORTON. If the gentleman from Illinois had not the authority to report the bill he would not do so.

Mr. STEVENS. Does he say so?

The SPEAKER. When the gentleman reports the bill the Chair assumes that he has the right to do so.

Mr. ARNOLD. In the absence of objection from the committee, I consider that I have the right to report it.

Mr. STEVENS. I make the point of order that unless the gentleman says he has the consent of the committee he cannot report the bill.

Mr. DAWES. Gentlemen cannot state what transpired in committee.

The SPEAKER. The Chair sustains the point of order of the gentleman from Massachusetts. It is not in order to refer in the House to the deliberations of a committee.

Mr. STEVENS. I made no such request. I ask the gentleman whether he had authority from the committee to report this bill?

The SPEAKER. The gentleman reported the bill from the Committee on Roads and Canals, and the Chair takes it for granted that he has authority.

Mr. STEVENS. Against the proof! This question has been decided twenty times to my knowledge.

The SPEAKER. It is now made for the twenty-first time.

Mr. STEVENS. And for the first time overruled.

The SPEAKER. If the gentleman from Illinois chooses to do so he can answer the interrogatory of the gentleman from Pennsylvania.

Mr. NORTON. I call the gentleman from Pennsylvania to order, as there is no proposition before the House to which his point is pertinent.

The SPEAKER. The gentleman has the right to make a point of order.

Mr. NORTON. The gentleman has no right to debate.

Mr. STEVENS. I ask the simple question whether the gentleman from Illinois has the authority of the committee to report this bill?

Mr. DAWES. Who authorized the gentleman from Pennsylvania to interrogate the chairman of the Committee on Roads and Canals?

Mr. STEVENS. The rules of the House.

Mr. DAWES. Have the rule read.

Mr. MORRILL. The question is one of fact which I think the House has a right to know.

The SPEAKER. It is a matter for the gentleman from Illinois.

Mr. WADSWORTH. I rise to a point of order. The gentleman from Illinois states that in the absence of objection from the Committee on Roads and Canals he assumes he has their authority. My point of order is that that discloses the fact that he has not authority.

Mr. FARNSWORTH. No member has the right to catechise my colleague. When he makes a report from the committee there is an end of it.

The SPEAKER. It would lead to inextricable confusion to permit members to interrogate in reference to what occurred in a committee. The gentleman takes the responsibility of reporting the bill.

Mr. ARNOLD. I think, if I were permitted, I could cite many instances in which the chairman of the Committee of Ways and Means has reported bills from that committee without consulting with the committee; and I need but appeal to the members of that committee for the truth of my assertion.

Mr. STEVENS. I never reported such a bill in my life.

Mr. ARNOLD. I will not occupy the time of the House by discussing this matter. I was about to say I have no disposition to press the bill upon the consideration of the House now.

Mr. COX. I move to refer the bill to a Committee of the Whole House.

The SPEAKER. That motion is not in order upon the first reading of the bill. The bill will be read the first time, and then, if opposition is continued, the question will be put to the House, "Shall the bill be rejected?"

Mr. STEVENS. I appeal from the decision of the Chair. I understood the gentleman from Illinois to say that in the absence of any objection by the committee, he considered himself authorized to report the bill. I understood the Chair to consider that to be the response of the gentleman. If so, I must appeal.

The SPEAKER. The Chair will state the decision from which the gentleman appeals. The gentleman from Illinois rises in his place and states that he is authorized by the Committee on Roads and Canals to report a bill; the gentleman from Pennsylvania interrogates him as to whether he is or is not authorized. The gentleman from Illinois still states in response to a question by the Chair that he feels himself authorized by the committee to report the bill. The Chair thinks the gentleman has a right to report the bill. From that decision the gentleman from Pennsylvania appeals.

Mr. STEVENS. Perhaps the Chair and myself did not understand the gentleman alike. His answer was that in the absence of any objection from the committee he felt himself authorized.

The SPEAKER. But the gentleman from Illinois still insists that he feels himself authorized to report the bill.

Mr. J. C. ALLEN. I move to lay the appeal on the table.

Mr. STEVENS. If the statement of facts made by the Speaker is correct, I withdraw my appeal. But I do not understand the facts as the Speaker does.

Mr. ARNOLD. I can remove all this difficulty. I am authorized by a meeting of the Committee on Roads and Canals to make that report. They authorize me to report the bill and recommend its passage.

The SPEAKER. The bill will be read a first time.

The bill was read a first time by its title, as follows: A bill to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes.

The bill was read *in extenso*.

The SPEAKER. Is there objection to this bill being read a second time?

Mr. ARNOLD. This bill has already been read a first and second time.

The SPEAKER. The Chair does not so understand it. This is a new bill just reported by the gentleman. He could report it in no other way. The previous bill which was introduced into the House was read a first and second time, and referred to the Committee of the Whole on the state of the Union.

Mr. BROWN, of Wisconsin. I object to a second reading.

The SPEAKER. That question is debatable.

Mr. ARNOLD. I do not propose at the present time to ask the House to consider this bill with a view to put it upon its passage. I desire and shall move to postpone the consideration of the bill to a day certain, in order that a bill of this magnitude, involving interests so large as this, may receive the full and fair consideration of this House. It seems to me that a bill of this magnitude and importance to the whole country, not to the West alone, but to the East, and to every section of the country, is entitled to receive at the hands of the House a fair consideration.

The bill which is now before the House is substantially the same bill reported at the last session of Congress. It was carefully considered by the Thirty-Seventh Congress, and it received the favorable report of the Committee on Military Affairs. It has received the favorable report of the Committee on Roads and Canals, and it has again and again been recommended to the favorable consideration of Congress by the President of the United States.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. NICOLAY, his Private Secretary, informed the House that the President did, on the 8th instant, approve and sign an act (H. R. No. 42) to enable guardians and committees of lunatics appointed within the several States to act within the District of Columbia.

SHIP CANAL TO THE LAKES—AGAIN.

Mr. ARNOLD. The Secretary of the Navy, in his report made to this House, states the important fact that we have to-day on the Mississippi and its branches more than one hundred vessels of war. We have a larger naval force on those waters than the entire Navy of the United States at the time of the breaking out of this rebellion.

The importance of making a means of communication between the Mississippi and the lakes, by which that Navy may be made available, if necessity should require it, upon the lakes, and rendering unnecessary the expenditure of $100,000,000 to fit out a navy upon the lakes, is a most important consideration in favor of the passage of this bill.

It was objected, when this bill was under consideration before, that it is no time, in the midst of this war, to make so large an expenditure as will be required to complete this canal, and I doubt not that that consideration, connected with the condition of the Treasury and connected with the condition of the country, was the reason why this measure did not receive the sanction of the Thirty-Seventh Congress.

To obviate that objection the bill now before the House has been amended to meet the two principal objections. One was that it was stated that although this canal had been surveyed by the best and most distinguished engineers of the country, yet that it would cost more than the estimate which they had made. To obviate that objection a provision has been embodied in this bill that if the work shall, in point of fact, cost more than the estimate, the State of Illinois shall supply the deficiency, and that no bonds shall be issued for the purpose of the construction of this work until the State of Illinois shall have undertaken, in the event of its costing more, to pay the deficiency.

There is another provision in this bill of the greatest importance, one which, it seems to me, relieves it of the main objection which has been urged to its passage, and it will be found in the last section of the bill. I ask the Clerk to read the last section of the bill; and I ask the attention of the House to its phraseology.

The Clerk read, as follows:

SEC. 10. *And be it further enacted*, That the bonds hereinbefore mentioned for the enlargement of the Illinois and Michigan canal, and improvement of the Des Plaines and Illinois river, shall be delivered upon the condition that the State of Illinois shall pay the excess, if any, which said improvements may cost over and above the sum of $13,346,824. Said bonds shall be issued and delivered only so fast as the annual interest shall be paid by the receipts from said canal.

Mr. ARNOLD. I call the attention of the House to the latter clause of the section, which provides that the bonds shall be issued and delivered only so fast as the annual interest shall be paid by the receipts from said canal, so that in point of fact nothing is to be taken from the Treasury for the purpose of the construction of this great work. The Government merely loans its credit for the purpose of opening this great communication between the East and the West.

The inquiry may be made here, how is it possible that this can be done? I will explain it in one word. It will be seen that the revenue derived from this canal will pay the cost of the enlargement, and that there will be no delay or embarrassment from embodying that provision in the bill. The revenues derived from the canal in its present position are $250,000 per annum. Those revenues are derived mainly from the local trade and traffic in the State of Illinois. In consequence of the condition of the navigation of the Illinois and Des Plaines rivers, the great burden of the Mississippi trade comes across by the canal, excepting for a short period of the year.

The estimate of the engineers is that to improve the Illinois river to within thirty-five miles of Lake Michigan, so that you will have the means of running the largest steamboats to within thirty-five miles of Lake Michigan, will cost only $1,600,000. You will bring the Mississippi river, with all its commerce and all its trade and all its vast interests, to within thirty-five miles of Lake Michigan by an expenditure of $1,600,000. The engineers propose that that shall be the first portion of the improvement undertaken. It will readily be seen that the $1,600,000 will be paid by the tolls derived from the present canal. When that improvement shall be completed, you will have communication between the Mississippi and Lake Michigan, and will raise your tolls, not from the trade, traffic, and products of Illinois alone, but you will derive them from the intermingling of all the vast trade of the Mississippi and of the lakes. Hence the engineers estimate, and with perfect reliability, that the tolls derived from this work will keep up with the expenditures, so that it will never be necessary to draw a single dollar from the Treasury of the United States to be expended upon this work.

If I am right in this—and I think it can be demonstrated by investigation—how does the question present itself to the consideration of the House and of the country? Simply thus: Will the Government to-day lend its credit for the purpose of opening this communication that will bring together the Mississippi, with its twenty thousand miles of navigable waters, and the great inland seas of the North and Northwest?

I do not propose on this occasion to go into any extended remarks on the advantages, military, commercial, and civil, to result from the carrying out of this measure. I desire simply to ask the House whether it is treating this great question with the respect to which it is entitled, to reject the bill in its present stage? I ask gentlemen of candor on each side of the House—whether or not they intend to vote for this bill—to give to its friends a fair hearing before the House and before the country. I ask them not to vote it down on the first reading, but to let the bill be postponed; as I propose, if the motion to reject the bill do not prevail, to move to postpone it to a day certain, so that there may be full investigation, so that all that its friends can advance in its favor may be fully heard, so that the objections that may be made to it may be answered if they are susceptible of being answered, and so that the amendments that may be offered may be fully considered. I think that in asking that I am not asking anything unreasonable. I appeal to the courtesy and consideration of the House to give to the bill the position in which it can be fairly considered before the country.

Mr. NORTON. I do not propose, Mr. Speaker, to discuss the merits of this bill this morning. Whenever the bill shall come up on its passage I may have something to say upon it. I was not aware that the committee intended reporting it this morning, and therefore I had no expectation of participating in any debate on the subject at present.

I wish now only to appeal to the House that the ordinary course may be taken with this bill that is taken with all bills of the magnitude that this bill is confessed to be, both by friend and foe. We do not wish to force it to a vote on its passage at this time. Nor do we wish to have a test vote on its merits on a mere motion to reject it at this stage. We appeal to the courtesy of the House that the objection to the reading of the bill at the present time may be withdrawn, that the bill may be read a second time, and then postponed to a day certain, when it can be fairly heard, fairly argued, fairly discussed, fairly examined; in short, that the matter may be disposed of precisely in such a way as a bill of this magnitude deserves.

Sir, without going into any argument upon the merits of this measure, without discussing at all the details of the bill, I may be allowed to say that it is the great measure which my people have most at heart. It is the great measure of my State. It is one in which men of all parties agree in all sections of the State. It is one in which, as all around me know, I feel the profoundest interest. I regard the bill as one of the most important to the military and naval defenses of the country, one of the most important to the commercial interests of the great Northwest, that has been or is likely to be presented to this House. Is it proper, is it right, is it courteous to strangle a bill of this character without a hearing, without an examination, without any proper discussion of its merits, on a motion of this kind? It seems to me, sir, that the request is only fair and honorable. It is no more than we have a right to demand in the name of that noble State whose sons have added luster to the American name on almost every battle-field of this dreadful war.

I hope the House will allow the bill to be read a second time now, and that then my colleague will make his motion for postponement to a day certain. Then every member who wishes to discuss it, or to offer amendments, will have an opportunity of doing so; and then the bill can be voted up or voted down after a full and fair hearing.

The bill has been heretofore opposed by gentlemen because we are in war times; because, as they have asserted, it may involve the country in a great expenditure of money, and all that. A reference to one or two sections of the bill, to which my colleague [Mr. ARNOLD] has already briefly alluded, will, it seems to me, settle all that. In the first place, sir, the estimates made by the most competent and reliable are something like thirteen million dollars for the whole work. This bill proposes that if it cost any more than that, if a single dollar is expended beyond the estimates, the State of Illinois shall pay the balance. This, sir, must be a complete and conclusive answer to that objection. In addition to this fact, gentlemen will bear in mind that the State of Illinois is to surrender, without compensation, to the United States her great canal now in successful operation, on which she has already expended many millions of dollars. In the next place, sir, the bill provides that not a single dollar shall be paid out of the Treasury of the United States on this work, nor shall the United States become responsible in any manner for it except so far or so fast as the tolls of the canal and of the river shall, for the time being, pay the interest on the bonds which the Government is asked to issue.

How, I ask, can the country be involved in a vast expenditure by this bill? These three points cover the whole ground of opposition. In the first place, if the work cost any more than the estimates submitted to Congress show, the State of Illinois is to pay the difference herself. Secondly, the State of Illinois surrenders unconditionally and at once her great canal, one of the finest in the country, with all its revenues, to the Government of the United States. Thirdly, the Government is not called upon to advance a dollar in money from the beginning to the end of the work. She is only asked to issue her bonds from time to time as the work progresses, in such quantities and in such amounts only as the tolls and revenues arising from the improvement will fully meet the interest on. Every dollar of revenue arising from the present canal and from the improvement passes into the Treasury of the United States for the purpose of paying interest on the bonds. We surrender the canal with all its revenues absolutely to the Government, and we only ask the Government to lend us its credit to carry on the work, giving it ample security such as any capitalist in the country would be glad to take.

Sir, will gentlemen tell me how, under a bill like this, guarded as this is, it is possible for the Government to become involved in any extravagant expenditures? Is it not plain that the Government is protected and guarded against everything of the kind?

Now, sir, I do not propose to go further into the discussion of the merits of this measure at the present time. All we ask for this great measure is fair play, an open field, and a fair fight. In the name of the great and patriotic State which I have the honor in part to represent on this floor, a State which has responded to every call of the Government during this rebellion, both in men and means, in the most gallant manner, I ask, I demand that we shall have justice; that this bill, involving as it does such vast interests, so important both to the military and naval arms of the service, as well as to the commercial prosperity of the great Northwest and of the whole country, shall not be stricken down and strangled in its inception, without a single word of discussion, without investigation, and without any fair consideration.

Mr. STEVENS. Does the gentleman propose to call the previous question upon the motion to reject the bill? If he does I will ask him to yield to me for five minutes.

Mr. ARNOLD. I do propose to ask the House to vote upon the rejection of this bill, and I will yield to the gentleman from Pennsylvania five minutes of my time if he wishes to be heard.

Mr. STEVENS. I shall vote for the rejection of the bill, whatever may be its merits, on account of the way in which it comes before the House, for I say it has not come here regularly. There has already been a bill referred to the Committee of the Whole on the state of the Union, where this matter can be fairly and fully discussed and decided upon, and which there is no danger of not reaching. After that bill was sent to the Committee of the Whole on the state of the Union, the gentleman from Illinois in his place, without leaving the House, altered the bill and reported it as a new bill, upon what we all saw to be no meeting of the committee, and without any consent of the committee in a legitimate sense.

Mr. ARNOLD. I state to the gentleman from Pennsylvania that the committee did meet, did consent, and did authorize me to report this bill.

Mr. STEVENS. Was it not in the House?

Mr. ARNOLD. That is immaterial.

Mr. STEVENS. No, it is not immaterial. I ask the gentleman if the meeting did not take place in the House?

Mr. ARNOLD. It was in the House.

Mr. STEVENS. Then it was no meeting.

Mr. NORTON. The gentleman from Pennsylvania is too able a man to undertake to break down a measure of this character upon so technical a point as this.

Mr. STEVENS. I cannot yield the floor for the purpose of being praised. [Laughter.]

Mr. NORTON. I was praising the gentleman slightly, but I will not do it again, finding that it offends him. I will only say that there is but a single point of difference between the first bill presented and this bill. The bills are precisely the same, with the exception of striking out a single section—the fifth.

Mr. STEVENS. I am perfectly aware of that.

Mr. NORTON. I want to know whether it is a fair proceeding for the gentleman to make the point he makes when my colleague [Mr. ARNOLD] states that he had the consent of the Committee on Roads and Canals, and when the bill is an exact copy of the other bill with the exception of a single section which has been stricken out.

Mr. STEVENS. I understand all that. But the bill which the gentleman from Illinois introduced this morning has been referred to the Committee of the Whole on the state of the Union, and removed from consideration in the House for the present. The gentleman from Illinois then had a meeting at his table, as I now understand, and they consented to his reporting the bill again. Now, I say that was no meeting of the committee. That committee have no leave to sit during the sessions of the House, and it could not therefore have reported the bill. I am sure the gentleman did not think of this, or he would not have betrayed the Speaker by his statement into receiving a bill illegitimately. I so understood the state of the case when I raised the point of order, and I tried to make the Speaker comprehend me.

I think every member of the House who knows the rules of the House knows that there has been no meeting of the committee since the House has removed the subject from the committee to the Committee of the Whole on the state of the Union. Therefore the gentleman from Illinois did not think how improper it was to say that he had the consent of the committee, although they were around him in the House. It was inadvertence on his part, for he would not impose anything illegitimately upon the House, knowing it to be such.

The bill is not before the House, and I will not go into the merits of it. I will not inquire whether an appropriation of $13,000,000 for a six-foot wide canal for war vessels is good or bad. I have good reasons why I shall vote to reject this bill.

Mr. DAWES. Mr. Speaker, I desire to say a word on this unusual and extreme motion to reject a bill in the outset and before it can be properly considered and amended. It is very seldom applied to any measure, certainly never to a measure of this kind. I do not recollect that it was ever attempted but once before, since I have been a member of Congress, to reject a measure at the outset.

My friend from Pennsylvania declines to discuss the merits of the bill very properly, as no one can discuss it at this stage. He prefers to have the sense of the House taken on it before its merits are discussed, thinking it a more feasible time and a better occasion to carry out his views. He urges a motion to reject the bill before its merits are discussed, and justifies himself simply upon the ground of the manner in which the gentleman from Illinois [Mr. ARNOLD] introduced the bill.

Mr. STEVENS. I object simply because I cannot believe that the bill is before the House.

Mr. BROWN, of Wisconsin. I ask the gentleman from Massachusetts to yield to me.

Mr. DAWES. I have the floor from the gentleman from Illinois only for a few moments, and cannot yield.

Mr. Speaker, this same matter was gone over in the last House. A bill was introduced at the last session of Congress with the section in that was in the bill when it was first introduced by the gentleman from Illinois, and it went to the Committee of the Whole on the state of the Union. Immediately another bill was introduced, but the House then preferred to discuss this matter on its merits in the ordinary way of legislation. They encountered the hostility of the gentleman from Pennsylvania, [Mr. STEVENS,] as they have it now, and with the same earnestness, the same candor, and the same sincerity with which he attacks the bill to-day. It cannot surprise any friend of the measure that it encounters his opposition at this time, for he is an open and avowed enemy of the bill. I suggest he would meet the merits of the bill a great deal better if he would consent to have the subject before the House and properly considered. I am not the friend of the measure in its present shape, and will not be until it is modified.

Mr. STEVENS. The gentleman can have debate by referring the bill to the Committee of the Whole on the state of the Union.

Mr. DAWES. The gentleman has been told a great many times that he is an old parliamentarian, and he knows that when a bill is sent to the Committee of the Whole on the state of the Union at this stage of the session it is consigned to the "tomb of the Capulets." It will never be heard of afterwards. It is the best way to kill a measure, and as an old parliamentarian, if he will allow me to call him such once more, he knows that it is the best way possible to kill a measure when you want to make some people believe you are its friend. I consent that we can discuss it in the Committee of the Whole on the state of the Union; but when a gentleman makes a motion to refer a bill to the Committee of the Whole on the state of the Union he knows, if he has been here one session, that when a bill is so referred at this period of the session it will never be heard of again.

This is a measure of such importance that for one I am willing to have it discussed on its merits; and when it shall be put in proper shape it shall have my vote. I am not prepared to say that I will vote for the bill in its present shape; but I am not willing to kill it at the outset. I want it properly before the House, and discussed on its merits.

Mr. COX. I will suggest to my friend from Wisconsin, [Mr. BROWN,] if he will withdraw his motion to reject, I think we can fix this matter so that we can discuss and amend this bill in the House. I am opposed to this measure in every particular, but I want to see a fair discussion. I do not agree with the gentleman from Massachusetts, [Mr. DAWES,] that at this stage of the session a reference to the Committee of the Whole on the state of the Union is necessarily the death of any measure. I think we can discuss it there; and if my friend will withdraw his motion, I will move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. J. C. ALLEN. I have not yet had an opportunity to examine the provisions of this bill, but I do hope that the House at this period of the session will not reject this bill upon its introduction without affording its friends and its enemies an opportunity to investigate it. It is an important bill. It is a bill of importance to the entire country west of the Alleghany mountains. It is a bill of vast importance to every inch of territory between the lakes and the mouth of the Mississippi river. It is important, not only to the Government, but to the country. It does seem to me that a motion to reject the bill upon its introduction, without affording members of the House an opportunity to examine it, to discuss it, to amend it, if it requires amendment, or of rejecting it if it cannot be got into a shape to satisfy a majority of the House, is most extraordinary. I am not inclined to afford gentlemen who would thus crush a measure upon its introduction the opportunity of backing out of their position without entering my protest against such an extraordinary proceeding.

I believe some measure of this kind—I do not say this particular bill, because I am unprepared to speak of its merits—is of vast national importance to this country, and that we have the same power to appropriate money to open up a ship communication by which Government vessels may go from the tide-waters of the Gulf to the Lakes, as we have to appropriate a dollar to improve a harbor anywhere upon our coast; that we have the same constitutional power to open up this water communication between the Lakes and the Gulf that we have to improve a harbor for the security of our vessels at the mouth of the Chicago river, or upon the Atlantic coast, or on the Chesapeake bay or anywhere else.

I am opposed also to the motion to refer this bill to the Committee of the Whole on the state of the Union, for the reason that all experience shows that within two months of the close of the session other important measures which press themselves upon the House will finally defeat this bill. When it goes to the Committee of the Whole, although its consideration may be in order in committee, the time which should be devoted to its discussion will be consumed in the discussion of other measures; and from time to time, when the House is in Committee of the Whole upon this bill, instead of discussing it, other important measures will be there discussed. I want the House to permit this bill to remain under control of the Committee on Roads and Canals, and to fix some day certain for its consideration, in order that those who are its friends and those who are its enemies may have an opportunity, upon the bill itself, to discuss its merits and its demerits, so that the House may be prepared to act advisedly upon the bill or upon the amendments, that the country may know upon what they have to depend in reference to this question.

I hope, therefore, the bill will not be rejected upon the motion of the gentleman from Wisconsin, and that they will not send it to the Committee of the Whole on the state of the Union, since every man who is honest with himself will acknowledge that such a course will kill the bill for the present session at least.

Mr. HUBBARD, of Connecticut. I am not very familiar with the usages of the House, but I had supposed that when the chairman of a committee presented a report to the House, it was to be presumed that he had full authority from the committee. I had also supposed that that authority was entirely conclusive, and that the committee might not be interrogated by members of the House, and that proper information could come from any member of the committee. I think this bill has great merits, that it is an improvement which should be made, and I think it will find favor with the nation, but not now. I believe at the present time we need all our energies and resources and all our credits for the prosecution of the war in which we are engaged.

Mr. ARNOLD. I desire to say to the House that if this bill is not rejected, as I trust it will not be, there will be an opportunity for full discussion and amendment. Trusting that the House will give an opportunity for that discussion, I now demand the previous question.

Mr. BROWN, of Wisconsin. I withdraw my motion to reject the bill, and move to refer it to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order at this time.

The bill was then read a second time by its title.

Mr. ARNOLD. I now move to postpone the further consideration of the bill until Monday week, after the morning hour, and upon that motion I demand the previous question.

Mr. HOLMAN. I move to lay the bill upon the table.

Mr. COX. I hope the gentleman will withdraw that motion for the present.

Mr. HOLMAN. Is it proposed to make the bill a special order for Monday week?

Mr. ARNOLD. No; merely to postpone it until after the morning hour on that day.

The SPEAKER. It would require unanimous consent to make it a special order.

Mr. ARNOLD. I do not ask that it should be made a special order, but merely that it should be postponed.

Mr. HOLMAN. Then I withdraw my motion.

The previous question was seconded, and the main question ordered; and being put, the motion to postpone the bill until Monday week after the morning hour was agreed to.

Mr. DAWES moved to reconsider the vote by which the bill was so postponed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. SATURDAY, MARCH 12, 1864. NEW SERIES.....No. 66.

EMIGRATION RETURNS.

The SPEAKER laid before the House a communication from the Secretary of State, transmitting a statement of the number, ages, &c., of passengers arriving in the United States from foreign countries by sea during the year 1863; which was laid upon the table, and ordered to be printed.

POST OFFICE CLERKS.

The SPEAKER also laid before the House a communication from the Postmaster General, transmitting a statement of clerks and other persons employed in the Department in the year 1863; which was laid upon the table, and ordered to be printed.

CLOSE OF DEBATE.

Mr. STEVENS. Before moving to go into Committee of the Whole on the state of the Union I move that all debate on the section of the legislative, executive, and judicial appropriation bill now pending close in one minute after the committee shall resume the consideration of the same.

The motion was agreed to.

Mr. STEVENS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. NORTON in the chair,) and resumed the consideration of the

LEGISLATIVE, ETC., APPROPRIATION BILL.

The CHAIRMAN stated the pending question to be upon the amendment offered yesterday by Mr. KASSON to insert in line six hundred and sixty-two, between the words "botanist" and "entomologist," the word "and," and to strike out in the same clause "$11,000;" and insert "$9,000" in lieu thereof; so as to make the clause read: "For compensation of Commissioner of Agriculture, chief clerk, botanist and entomologist, and chemist, $9,000."

The amendment was disagreed to.

The question recurred upon the substitute offered yesterday by Mr. MORRILL.

Mr. MORRILL. I will modify it so as to insert $1,000 for laborers.

Mr. HOLMAN. Is it in order now to move to amend the original text?

Mr. MORRILL. There were some amendments proposed yesterday by the gentleman from Iowa, [Mr. KASSON,] who is not now present, and before the vote is taken upon my proposition as a substitute for the whole provision in relation to the Agricultural Department, it would perhaps be proper to consider the amendments he suggested to the original text. I therefore move as one of his amendments to strike out from lines six hundred and sixty-four and six hundred and sixty-five the words "draughtsman, assistant chemist, translator," and to strike out "$29,600" and insert in lieu thereof "$25,400;" so that the clause will read: "For compensation of clerks, messengers, and laborers, $25,400."

Mr. GRINNELL. I would state that I am in favor of the proposed amendment.

Mr. STEVENS. All debate is closed, and I call the gentleman to order.

The CHAIRMAN. Debate is not in order.

The question was put upon Mr. MORRILL's amendment, and there were—ayes 26, noes 40; no quorum voting.

Mr. ORTH demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and GRINNELL were appointed.

The committee divided; and the tellers reported —ayes 35, noes 60.

So the amendment was rejected.

Mr. DAWES. I ask the Committee of Ways and Means whether there is not a typographical error in the six hundred and sixty-second line? Does not the committee mean to give to the Agricultural Department an etymologist, not an entomologist? [Laughter.]

Mr. STEVENS. I had thought of that myself, for I am afraid the bugs will eat up the botany. [Laughter.] However, I think we had better leave it as it is.

Mr. MORRILL. I move to amend the clause for collecting agricultural statistics by striking out "$23,000," and inserting "$15,000." That is the sum suggested by the gentleman from Iowa, [Mr. KASSON.]

The amendment was rejected.

Mr. HALE. I move to amend by inserting after line six hundred and seventy-one the following:

For the payment of articles furnished for the Agricultural Report for 1861, $3,393.

I desire to state——

The CHAIRMAN. All debate, except by general consent, is out of order.

Mr. HALE. I ask to have a letter read from the Commissioner of Agriculture.

The CHAIRMAN. It can be read if there be no objection.

There being no objection, the letter was read, as follows:

DEPARTMENT OF AGRICULTURE,
March 4, 1864.

SIR: In reply to your communication of February 23, relative to the claims of Lewis Bollman, and others, for services rendered the late agricultural division of the Patent Office, and asking, since they are admitted to be just both by the Commissioner of Patents and myself, why they have not been paid, I answer that this Department, from the face of the estimate of the Commissioner of Patents of the 22d May, 1862, supposed that Congress, in its appropriation to supply a deficiency in the Patent Office fund, agreeably to these estimates, had provided for the payment of the claims referred to. On this account this Department asked for no appropriation out of which their payment was to be made, and consequently has no funds from which they can now be paid.

These claims, as set out by the Commissioner of Patents in his communication of February 7, 1863, amount to $3,393 26.

In addition to these, the following accounts have been presented to this Department for payment, as due from the agricultural division of the Patent Office, namely:

Difference between the account of S. P. Dinsmore, as stated by the Commissioner of Patents, and as certified to by Mr. Hayes, chief clerk of the Patent Office, $25.

Account of Vilmorin, Andrews & Co., of France, for acorns sent to the agricultural division of the Patent Office in January, 1862, $285 79.

Amount claimed by Baring Brothers & Co., for money advanced to D. Jay Browne while agent of the agricultural division of the Patent Office when in Europe, £156 4*s*. 11*d*.

Copies of the protested draft and the account are herewith placed before the committee, with the statement of Mr. Holloway.

I respectfully ask that your committee will report, in such manner as you deem proper, the amount found by it due on these claims, with the recommendation that an appropriation be reported by the Committee of Ways and Means to this Department for their payment.

Very respectfully, your obedient servant,
ISAAC NEWTON, *Commissioner.*

Hon. JAMES T. HALE, *Chairman of Committee on Claims.*

Mr. HOLMAN. I desire to inquire of the gentleman from Pennsylvania whether the last three items, referred to in the letter of the Commissioner, are embraced in his amendment.

Mr. HALE. The amendment does not embrace the claim of Baring Brothers & Company, for it is not thought to be a just claim.

The amendment was agreed to.

Mr. MORRILL. I am directed by the Committee of Ways and Means to move to amend by reducing the appropriation for a library for the Agricultural Department from $5,000 to $1,000.

The amendment was agreed to.

Mr. MORRILL. I now move to amend by striking out line six hundred and seventy-three, "for purchase of laboratory, $5,000."

The question was taken; and the amendment was rejected.

Mr. HOLMAN. I move to amend by inserting after line six hundred and ninety-one the following:

Provided, That such trees, cuttings, vines, and bulbs so purchased or which shall be propagated shall be such as are adapted to general cultivation and to promote the general interest of horticulture and agriculture throughout the United States.

So that the clause will read:

For propagation and distribution of valuable plants, cuttings, and shrubs, namely:

For labor, repairs of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, $10,800: *Provided*, &c.

Mr. SWEAT. I would say to the gentleman from Indiana that there is no necessity for his amendment.

The CHAIRMAN. Debate is not in order.

Mr. HOLMAN. I think there is a necessity for the amendment.

The question was taken; and the amendment was agreed to.

Mr. MORRILL. I move to amend by striking out the item of $3,000 for salary of foreman and laborers for experimental garden on reservation No. 2.

Mr. STEVENS. If I may be allowed a few words, I will explain this item.

There was no objection.

Mr. STEVENS. This experimental garden, partly occupied now, consists of twenty acres of what was waste ground belonging to the Government. It has been surrendered to the Department to enable it to try the experiment of foreign seeds, cuttings, and other things of that kind, to see how they will grow here and what kind of soil is required for them. I make this statement in order that the committee may understand the item.

Mr. MORRILL. If I may be allowed a single word in reply I will say that this is something new and different from the grounds used for this purpose between Third and Four-and-a-half streets. The ground is not broken at all on this reservation.

The amendment was disagreed to.

The question was then taken upon the substitute proposed by Mr. MORRILL; and it was rejected.

Mr. STEVENS, by direction of the Committee of Ways and Means, moved to add under the heading of "Branch Mint at Denver" as follows:

For additional salary of Treasurer acting as Assistant Treasurer of the United States, $500.

For salary of clerk to Assistant Treasurer, $1,800.

For safe and vault, including freight, $5,000.

For salary of Assistant Treasurer from November 20, 1862, to June 30, 1864, $805 54.

Mr. STEVENS. This amendment is proposed in accordance with a letter received from the Secretary of the Treasury after the bill was made up. He requested us to insert these items in the bill. I believe there is no difficulty about them. It seems to be right, and I hope the amendment will be adopted.

The amendment was adopted.

Mr. STEVENS. I am instructed by the Committee of Ways and Means to move to strike out "$18,000" and insert "$20,000" in the paragraph for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly of the Territory of New Mexico. This is to make the item conform to the revised estimates of the Secretary of the Treasury.

The amendment was agreed to.

Mr. KINNEY moved under the heading of "Territory of Utah" to add as follows:

For compensation and mileage of the members of the Legislative Assembly, officers, clerk, and contingent expenses of the General Assembly, $20,000: *Provided*, That the surplus if any arising from this or any former appropriation may be used for the purpose of completing the penitentiary for such Territory under the direction of the Legislative Assembly.

Mr. KINNEY. I desire to call the attention of the chairman of the Committee of Ways and Means and also of the House to the fact that in these appropriations for the Territory of Utah in this bill there is no appropriation for the expenses of the Legislative Assembly of that Territory at all. By reference to the appropriations made for the various Territories by the Thirty-Seventh Congress, I find the following:

For the Territory of New Mexico:	
Salary of Governor, judges, and secretary	$12,000
Contingent expenses	1,000
Interpreter and translator	500
Compensation of Legislature, &c	18,000
	$31,500

I find that the same session of Congress appropriated for Utah as follows:

Salary of Governor, judges, and secretary	$12,000
Contingent expenses	1,500
Compensation of Legislature, &c	6,000
	$19,500

Thus making a difference for precisely the same purpose between the amount appropriated for the respective Legislatures of $12,000, the expenses in each Territory being about the same.

The same session of Congress appropriated for the Territory of Washington:

Salary of Governor, secretary, and judges	$12,500
Contingent expenses	1,500
Compensation of Legislature, &c	20,000
	$34,000

The same session appropriated for the Territory of Nebraska:

Salary of Governor, secretary, and judges	$10,500
Contingent expenses	1,000
Compensation of Legislature, &c	4,000
	$15,500

I desire to explain why this appropriation for Nebraska is so small. Through the Delegate from that Territory the previous appropriation for mileage and compensation of the members of the Legislature was diverted by Congress to the payment of the direct tax levied upon the people of the Territory, and there was no session of the Legislature one year ago in Nebraska, and the difference between the direct tax and the amount appropriated, with the $4,000 appropriated for the late session, was deemed sufficient to pay the expenses of the Legislature for 1863-64. Utah assumed the payment of her direct tax by legislative enactment, and is cheerfully contributing the amount assessed against her toward aiding in putting down the rebellion.

The same Congress appropriated for Colorado:

Salary of Governor, judges, &c	$9,700
Contingent expenses	1,000
Compensation of Legislature, &c	20,000
	$30,700

Also for Nevada:

Salary of Governor, judges, &c	$9,700
Contingent expenses	1,000
Compensation of Legislature, &c	20,000
	$30,700

Also for Dakota:

Salary of Governor, judges, &c	$9,700
Contingent expenses	1,000
Compensation of Legislature, &c	15,000
	$25,700

Mr. Chairman, I find appropriated by the provisions of the bill now before the committee, as prepared and recommended by the Committee of Ways and Means, the following amounts aggregated for each Territory: For New Mexico, $31,500; Nebraska, $26,500; Nevada, $23,700; Arizona, $31,500; Washington, $34,000; Colorado, $25,700; Dakota, $24,700; Idaho, $33,000; and Utah only $13,500, and no appropriation for the expenses, mileage, and compensation of the Legislature for 1864-65.

I find by reference to the estimates of the Secretary of the Treasury the following in regard to Utah:

For contingent expenses of the Territory, per act of September 9, 1850, 9 Laws, page 457, section 11, $1,500.

Compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, nothing required in addition to unexpended balance.

This report of the Secretary is dated December 7, 1863, one week prior to the meeting of the late Legislative Assembly for the Territory, and hence the expenses of that Legislature were not before the Secretary of the Treasury at the time the estimate was made, and this has undoubtedly misled the Secretary of the Treasury and the Committee of Ways and Means in preparing the appropriation bill. The $6,000 appropriated by the Thirty-Seventh Congress was probably considered sufficient, with the unexpended balance of previous appropriations to the credit of Utah in the Treasury Department, to defray the expenses of the Legislature for the Territory of Utah for the session of 1863-64. It cannot be possible that Utah has so far excelled her sister Territories in economy of the public money as to have standing to her credit sufficient, with the $6,000, to defray the expenses of two Legislatures, the one of 1863-64, and also the one for 1864-65. Twenty thousand dollars is usually appropriated each Congress for the expenses of each Territorial Legislature, and to suppose that Utah has still sufficient to her credit for the next Legislature, can only be done upon the ground that she has saved $34,000 for the General Government of money that was appropriated for the benefit of the Territory.

The Legislature has held regular sessions, each year, of forty days allowed by the organic act. It is true, sir, that Utah has been saving of the public money, as is evident from the appropriation of last session being so small, only $6,000, and for this the Territory is entitled to great credit, forming an honorable exception to other Territories, that annually expend, I believe, all the money appropriated for them by Congress. I cannot but think that the Secretary of the Treasury, in stating that no appropriation is necessary for legislative expenses in Utah for the next fiscal year, has only taken into consideration the unexpended balance and the $6,000 appropriated last year, and lost sight of the expenses of the Legislature which convened one week after his estimates were made; in other words, his estimates were based upon the amount as it stood upon the books of the Department. With a credit to the Secretary of fifteen or twenty thousand dollars for the expenses of the Legislature recently closed, the amount will stand differently, and probably leave nothing, unless my amendment is adopted, for defraying the expenses of the next session, which must, if provided for at all, be appropriated at this session of Congress.

I hope, sir, Congress will not discriminate against Utah by withholding the usual appropriation. All the other Territories are provided for, and if you will continue our territorial government you must pay our legislative expenses.

The estimate of the Secretary of the Treasury was dated anterior to the last session of the Legislature. That Legislature continued in session the usual time, and I presume consumed the appropriation. Upon the grounds I have stated, then, I ask for the concurrence of the chairman of the Committee of Ways and Means in my amendment.

Mr. STEVENS. I would be glad to agree with the honorable gentleman, if I thought this was necessary. How much the appropriation for a penitentiary may be pertinent I do not know. But I call the attention of the committee to what the Secretary of the Treasury says in the estimates. He says that for the compensation and mileage of the members of the Territorial Legislature of Utah, officers, clerks, &c., nothing more is needed than the unexpended balance on hand.

Mr. KINNEY. Six thousand dollars.

Mr. STEVENS. It does not say that.

Mr. KINNEY. Six thousand dollars was the amount appropriated by the Thirty-Seventh Congress, and there has been a Legislature in session. It is not quite fair that Utah shall be compelled to be so much more economical than other Territories.

Mr. STEVENS. What was the balance on hand?

Mr. KINNEY. I do not know, but it was considered enough for the subsequent Legislature. It is now probably exhausted. I see no possible way for our having a Legislature unless this appropriation is passed.

On a division, there were—ayes 30, noes 25; no quorum voting.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. BEAMAN and DAWSON were appointed.

The tellers reported—ayes 43, noes 33; no quorum voting.

Mr. STEVENS. I withdraw objection to the amendment, so that we may go on with the bill, intending to have a vote on it in the House.

The amendment was adopted.

The Clerk read as follows:

Arizona:

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, $18,000.

Mr. STEVENS. I move to strike out "$18,000," and to insert "$20,000" in lieu thereof. The revised estimates make that proper.

The amendment was agreed to.

The Clerk read as follows:

Territory of Idaho:

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, $20,000.

Mr. STEVENS. I move to strike out "$20,000," and to insert in lieu thereof "$32,320."

That is necessary under the revised estimates.

The amendment was agreed to.

The Clerk read as follows:

For salary of the reporter of the decisions of the Supreme Court of the United States, $1,300.

Mr. STEVENS. I move to strike that out, as it is in properly at another place.

The amendment was agreed to.

The Clerk read as follows:

Justices of the Supreme Court of the United States:

For salaries of the Chief Justice and nine associate justices, $58,500.

Mr. STEVENS. I move to strike out "$58,500," and to insert "$60,000" in lieu thereof.

The amendment was agreed to.

The Clerk read as follows:

For salaries of the district judges of the United States, $118,750.

Mr. J. C. ALLEN. I would like to inquire of the chairman of the Committee of Ways and Means whether this appropriation includes the salaries for judges recently appointed for Alabama and Florida. I believe those gentlemen are not on any particular judicial duty.

Mr. STEVENS. It includes all those properly appointed.

Mr. J. C. ALLEN. I see that Judge Busteed, recently appointed one of the judges for Alabama, has been devoting himself to the election in New Hampshire.

Mr. STEVENS. I cannot say that he has been confirmed.

Mr. J. C. ALLEN. I understand that he has been confirmed.

Mr. STEVENS. I do not see his name here.

Mr. SPALDING. Are these judges allowed their traveling expenses?

Mr. STEVENS. Only one in California. He is allowed $1,200, which does not pay his traveling expenses.

Mr. STEVENS. I move to amend by inserting after the appropriation for salary of the reporter of the decisions of the Supreme Court of the United States, line eight hundred and forty-four, the following:

For compensation of the district attorneys, $19,250.
For compensation of the marshals, $11,600.

The amendment was agreed to.

Mr. STEVENS. I move to amend by inserting after line eight hundred and sixty-three, page 36, the following:

For salary of chief clerk and teller, to act as Assistant Treasurer in the absence of the Treasurer, assistant teller, book-keeper, and assistant book-keeper, messenger, and four watchmen in the office of the sub-Treasury at St. Louis, $9,760.

The amendment was agreed to.

The following clause having been read—

For necessary expenses in carrying into effect the several acts of Congress authorizing loans and the issue of Treasury notes, $1,000,000—

Mr. BROOKS said: I desire to have a little light in reference to this appropriation contained in lines eight hundred and eighty-seven, eight hundred and eighty-eight, and eight hundred and eighty-nine. What is this $1,000,000 appropriated for? The appropriation is indefinite and does not state specifically what it is for. I wish to know the purpose to which that large sum of $1,000,000 is to be applied.

Mr. STEVENS. I do not know that I can make the matter any more definite than the law itself makes it. We are aware that very large loans have been made by the Government, and that bonds, notes, and various other instruments have been engraved at a very large expense. The loan has been negotiated, for which also the Government is bound to pay a considerable sum of money—a reasonable sum, however—and all these expenses are included in this appropriation. It is supposed it will cover them all.

Mr. BROOKS. If I thought it was of any use, I would read a long *exposé* of the transactions of the

Secretary of the Treasury, from which it would be easy to see that very large sums have been unnecessarily lost in negotiating the transfer of these loans—sums amounting to five or six hundred thousand dollars. It is useless, however, for me to lay it before the House; but I wish the Committee of Ways and Means, who are disposed to be earnest in scrutinizing matters of expenditure, to avail themselves of some opportunity to examine into the transactions of the Treasury in regard to the temporary loan, and the enormous amounts paid to New York men unnecessarily for negotiating the loan.

Mr. STEVENS. The gentleman certainly has taken a very proper course in relation to this matter. I can only say that if he has any information useful to the Committee of Ways and Means, we shall be glad to receive it, and I hope we shall give it a most careful and candid examination. We have not, perhaps, all the information the gentleman has, but we should be glad to have it.

Mr. BROOKS. I will take some other opportunity to submit my information to the House.

The following clause having been read—

For compensation of a foreman and twenty-one laborers employed in the public grounds, $13,400—

Mr. GRINNELL said: I move to strike out "thirteen" and insert "ten." I believe that is a sufficient compensation for these laborers, and about double what laborers are receiving throughout the country.

Mr. STEVENS. I hardly think the gentleman is serious in his remarks.

Mr. GRINNELL. I am.

Mr. STEVENS. Hardly serious in asking that these laborers shall be cut down to the starving point which he proposes. Not one of them could live on that, unless he browsed out in the field and slept in the woods at night.

Mr. GRINNELL. Here are twenty-one laborers employed on these Capitol grounds. We know they do not cultivate the grounds as a garden, but simply mow the grass and look to the shrubbery; and we propose to pay them $500 a year for working about one half as many hours and performing one half as much labor as is performed by farmers in Pennsylvania and other States. If they say what I propose is a starvation price, let them go to some other place where they can get more. I have visited these grounds often for a number of years past, and I venture the assertion that they can be taken care of as well as they are now by ten laborers as well as by twenty.

I offer my amendment in good faith.

Mr. RICE, of Maine. I hope my friend from Iowa will not succeed in striking down the pay of these laborers. I know very well, from the position I hold on the Committee on Public Buildings and Grounds, that these men honestly and fairly discharge their duties. They labor well and faithfully for the Government, and I am perfectly astonished that the gentleman from Iowa, who tells us every day and every hour of the day that he is a farmer, and that he stands up for the laboring classes of the country, should be now found striking at the poor laborers.

Mr. GRINNELL. I move to reduce the number of laborers to fifteen, and the appropriation to $10,000. Certainly the objection of the gentleman from Maine will not then hold.

The question was taken on Mr. GRINNELL's amendment; and it was rejected.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message was received from the Senate, through Mr. FORNEY, its Secretary, announcing that the Senate had passed a bill (S. No. 145) to equalize the pay of soldiers of the United States Army; in which he was directed to ask the concurrence of the House.

The committee resumed its session.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HALE. I move to amend the item for compensation of one night watchman at the public stables and carpenters' shops south of the Capitol, by striking out $600 and inserting $1,000. I know the facts connected with the labor of these watchmen, and certainly $600 is not sufficient compensation. This man is required to watch every night over the public property, without any relief at all. I call on the chairman of the Committee on Public Buildings and Grounds to state the facts.

Mr. RICE, of Maine. The matter of this man's pay was brought to the attention of the committee. He is on watch every night, and, a few nights ago, he saved one of the public stables from being burned up. He is a refugee, driven from Virginia, where he sustained great loss of property. But, aside from the present occupant of the office, I think that a man who performs this work every night faithfully should have at least $1,000 a year for the support of himself and family.

Mr. GRINNELL. I will vote to make an appropriation of $400 to this man if he is a needy escaped Virginian; but I am opposed to raising these salaries unless we raise the salaries of the route agents, who have been petitioning us for years past for an increase of salary; men who travel three or four hundred miles a day and who have only six or seven hundred dollars a year.

Mr. PRICE. I do not try, Mr. Chairman, to arrest the tide which sweeps over this House. That is not my object in rising now. I wish to enter my solemn protest against the lavish expenditure of public money by Congress. It is more than that; it is squandering the public money. It is vain to tell me that men cannot be got to work here for the same pay they work at in other parts of the country. Eight hundred dollars a year for a man to keep a gate, and $13,000 to keep grounds in order which could be kept in order for half the money! I undertake to say that millions are expended every year unnecessarily; at times, too, when we should be more than ever careful of the public Treasury, and apply it for the purpose for which it is intended, the putting down the rebellion. I can hire as good a man as there is in Washington city, in Congress or out of it, for $500 a year, to watch the President's stables, or any other man's stable. I hope we will be held to a strict account for our proceedings here. I can get you five thousand men within the next thirty days who are willing to work for two thirds the pay that we allow to men here. I speak what I know and testify of what I have seen.

Mr. WEBSTER. I want to say a word in support of the amendment offered by the gentleman from Pennsylvania. I know something about the duties of this watchman. He has charge of all the congressional stables, all the horses, all the carriages and other property, amounting in value to above twenty thousand dollars, and that every night, at fifty dollars per month. There is no city in the United States where they do not pay their watchmen higher than that.

The remarks of the gentleman who has just taken his seat, in regard to the cost of living, are not applicable to this case. Everybody knows that the cost of living in this city has doubled within the last twelve months. This man is barely able, on his pay of fifty dollars per month, to support his wife and family. I hold it to be the duty of the Government to pay its employés, whether they hold the lowest places or the highest places, a fair, full, and just compensation, and I hold that this is a case in which such a fair and just compensation is not allowed. I hope the amendment will be agreed to.

The question was taken; and the amendment was agreed to.

The bill had now been read through.

Mr. HOLMAN. I have an amendment which I desire to offer, and I hope the committee will listen for a moment to two letters which I hold in my hand.

Mr. STEVENS. Is it a new section which the gentleman offers?

Mr. HOLMAN. Yes, sir; it is to add to the bill the following:

For deficiency in the appropriation for Capitol police under act of April 22, 1854, to be expended under the direction of the Commissioner of Public Buildings, $4,374 84.

Mr. Chairman, I ask that a paragraph from a communication from the First Comptroller of the Treasury which I send to the Clerk's desk may be read. It explains this matter.

The Clerk read, as follows:

"My opinion was and is that since the act of 1854 the salaries of policemen were established by law, and had not been under the control of the Presiding Officers of the two Houses, and that the old as well as the new police are entitled to the increase, but that the appropriation of 1863 being intended for the new, they must first be paid, and that a new appropriation for the others was necessary."

Mr. HOLMAN. I desire to submit a word of explanation, as many members of the present House were not here when the appropriation of $9,500 was made at the last session.

By the act of 1854, according to the decision of the First Comptroller of the Treasury, the salary of the Capitol police was fixed at $1,320 per annum. Prior to that time it had been under the control of the Presiding Officers of the two Houses—the President of the Senate and the Speaker of the House of Representatives. This salary was paid regularly—as it was to all other officers whose salaries had been raised twenty per cent. at the same time—until 1859. In 1859, however, the President of the Senate and the Speaker of the House fixed the salary of the Capitol police at $1,100 per annum.

The matter stood in that way until the last session of Congress. Congress then, holding that the act of 1854 had fixed the salary, and that it was not under the control of the Presiding Officers of the two Houses, made an appropriation of $9,500, which, it was generally understood by the members upon this floor at that time, would be sufficient to pay the amount due from 1859 up to the time of the appropriation, being the twenty per cent. increase upon their salary.

It was found upon examination that the $9,500 thus appropriated was not sufficient, but that there was a deficiency of $928 to pay the present police. A part of the old police only remain upon the present force. A portion of them went out on the incoming of the present Administration, and the money appropriated was applied to the benefit of those who were upon the police at the time the appropriation was made, although the appropriation was silent as to the manner in which it should be applied.

Now, the object of my amendment is to appropriate this sum, which is the balance due to the police who had gone out of office prior to the passage of the appropriation bill of last year. I ask now that a letter from the Commissioner of Public Buildings, who has control of this matter, be read at the Clerk's desk.

Mr. STEVENS. I do not think it is necessary that the letter should be read. If the gentleman will let the vote be taken, I have no doubt his amendment will be adopted.

Mr. HOLMAN. Very well; I will not insist on the reading.

Mr. HOLMAN's amendment was agreed to.

Mr. DAILY. I offer the following as an additional section to the bill:

SEC. 2. *And be it further enacted*, That for the purpose of building a penitentiary at the town of Bellevue, in the Territory of Nebraska, $50,000 be, and the same is hereby, appropriated, to be expended under the direction of the Governor of said Territory, provided that a contract with responsible parties can be made to complete a penitentiary suitable to the wants of the Territory for the said sum of $50,000.

Mr. Chairman, the appropriations for legislative purposes for the Territory of Nebraska have been exceedingly small for the last two years from the fact that we have been using the unappropriated balances of appropriations for former years, and it is only $15,000 this year.

There has never been anything appropriated for the building of a penitentiary in that Territory, and but $50,000 was appropriated for the building of a capitol. The balance of the money needed for that purpose was raised by the city of Omaha, and the capitol was completed.

It is very necessary that a penitentiary should be built there, and the Government would save money by it, as it is now at great expense in guarding prisoners after they are convicted. In five or six years you will spend twice as much in guarding prisoners as the amount now proposed to be appropriated. I hope, therefore, that the committee will agree to my amendment. The Government will save money by it, and the security of life and property in the Territory will be enhanced.

Mr. STEVENS. I hardly know how to oppose the amendment of the gentleman from Nebraska, after we have given a penitentiary to Utah, except upon the ground that I do not believe Nebraska needs a penitentiary. I understand that there are hardly any malefactors of any kind there, but that the people are the most moral and correct in all their deportment of those of any of these new Territories. It seems to me it is almost casting a reproach upon them to suggest that there is need of a penitentiary there at all. [Laughter.]

Mr. DAILY. It is true that the actual citi-

zens of Nebraska are characterized by as much moral purity as those of any locality; but we have a great many renegades from Pennsylvania and other States out there that we have to take care of. [Much laughter.]

Mr. STEVENS. They are to go to Utah. We have provided for them there.

Mr. DAILY. But we have to provide for taking care of them while they are on their way.

Mr. STEVENS. Oh, they will never stop in such a barren, worthless country as that. [Renewed laughter.] However, the House may consent to provide for that as they did for Utah. The object is the same in both instances.

The amendment was agreed to.

Mr. STEVENS. I now move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. NORTON reported that the committee having according to order had the state of the Union generally under consideration, and particularly the bill of the House (No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865, had instructed him to report the same back to the House with sundry amendments thereto.

Mr. STEVENS. There are three amendments upon which we shall have to have a separate vote. The gentleman from Iowa [Mr. GRINNELL] indicated his desire to have a vote upon the salary of some watchman; and the amendments for penitentiaries in Utah and Nebraska, I suppose, will require separate votes. If there be no objection I propose that we concur in the other amendments in gross.

Mr. GRINNELL. I desire to have a vote upon this appropriation for the metropolitan police. I propose to reduce the appropriation from $110,000 to $75,000.

Mr. STEVENS. There is no amendment making such a proposition.

Mr. GRINNELL. I desired to move such an amendment in committee, but it was said that the section had been passed. I thought it was understood I might offer it in the House.

Mr. STEVENS. Then all there was of it was that the gentleman wished to go back and offer an amendment for which he did not obtain the consent of the committee.

Mr. GRINNELL. Not at all. I did propose the amendment but through some confusion it was not voted on. I understood that I might offer it in the House.

The SPEAKER. The Chair will state that he is informed by the Clerk that no such amendment was received or reported at the Clerk's desk in committee.

Mr. GRINNELL. I hope the gentleman will give me an opportunity to move an amendment in regard to the metropolitan police.

Mr. STEVENS. I should be very glad to accommodate the gentleman, but the rules of the House will not permit it. Any amendment making an appropriation must be first considered in Committee of the Whole.

There being no objection, the amendments reported from the Committee of the Whole on the state of the Union, except the three designated, were adopted in gross.

Mr. STEVENS. I now move the previous question on the bill and amendments. Inasmuch, however, as we should probably find ourselves without a quorum in voting upon these amendments, I will ask that by general consent the bill may go over until to-morrow morning.

No objection being made, the bill was accordingly postponed.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. STEVENS. I move to proceed to the business on the Speaker's table.

The motion was agreed to.

STATE OF NEVADA.

An act (S. No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, was taken from the Speaker's table, and read a first and second time.

Mr. COX. I move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. GRINNELL. I will suggest that the chairman of the Committee on Territories has just stepped out to attend a funeral. If he were here, I know he would desire some other disposition of the bill.

Mr. COX. I will then withdraw that motion, and move to refer the bill to the Committee on Territories.

The SPEAKER. The Chair will suggest that the Committee on Territories, having been just passed in the call, will not be reached again for a long time, if at all, during this session. It may be well enough, therefore, to allow the bill to be passed over, and be permitted to remain on the Speaker's table.

Mr. BEAMAN. I move to put the bill on its passage.

Mr. COX. I want to examine that bill.

Mr. BEAMAN. Then I hope it will be allowed to remain on the Speaker's table.

Mr. PENDLETON. Why not let it go over to the day when we consider territorial business?

Mr. RICE, of Maine. The chairman of the Committee on Territories is necessarily absent, and I ask by unanimous consent some day next week be set apart for territorial business.

Mr. COX. What day?

Mr. RICE, of Maine. Say Wednesday next.

The SPEAKER. That has been fixed for the consideration of business of the Committee on Military Affairs.

Mr. RICE, of Maine. I will say Thursday, then.

Mr. COLE, of Washington. One day is not enough. Say Thursday and Friday.

Mr. STEVENS. Let us have one day first.

Mr. RICE, of Maine. Let us have Thursday, with the morning hour, and I think we can get through with the necessary territorial business. I make that proposition.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will consider the following bills postponed to Thursday next:

An act (S. No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and

An act (S. No. 97) to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

There was no objection, and it was so ordered.

Mr. COX moved to reconsider that vote; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPOINTMENTS.

The next bill taken from the Speaker's table was Senate bill No. 76, relating to appointments in the naval service, and to courts-martial; which was read a first and second time, and referred to the Committee on Naval Affairs.

ACTING ASSISTANT PAYMASTERS.

The next bill was Senate bill No. 108, relating to acting assistant paymasters in the Navy, and regulating the appointment of cadets in the Naval Academy; which was read a first and second time, and referred to the Committee on Naval Affairs.

E. F. AND SAMUEL A. WOOD.

The next bill was Senate bill No. 105, for the relief of E. F. and Samuel A. Wood; which was read a first and second time, and referred to the Committee of Claims.

CONSOLIDATION OF LAND DISTRICTS.

The next bill was Senate bill No. 117, to provide for the consolidation of certain surveyor generals' districts; which was read a first and second time, and referred to the Committee on Public Lands.

INDIAN INTERCOURSE ACT.

The next bill was Senate bill No. 120 to amend an act entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834; which was read a first and second time.

Mr. WILSON. I move that that bill be put on its passage. It merely changes the act of 1834 so as to confer jurisdiction on the circuit court as well as the district court.

Mr. COX. Let it be referred to the Committee on the Judiciary.

Mr. WILSON. There is no necessity for any reference.

Mr. COX. I do not make any captious objection, but the bill may have obnoxious provisions in it, and we ought to have it considered. We do not do our duty unless we ask for an examination of these bills.

Mr. WILSON. I have examined it, and it is a mere copy of the act to which I have referred, except that it provides that the circuit court may have jurisdiction as well as the district court. That is the only change.

Mr. J. C. ALLEN. I think that the bill should be referred to the Committee on the Judiciary. It strikes me that it gives the War Department the monopoly of the liquor traffic among the Indians.

Mr. WILSON. I demand the previous question.

On a division, there were—ayes 63, noes 23; no quorum voting.

Mr. WILSON demanded tellers.

Tellers were ordered; and Messrs. WILSON and PENDLETON were appointed.

The previous question was seconded, the tellers having reported—ayes 64, noes 33; and the main question was then ordered.

And then, on motion of Mr. BLAIR, of West Virginia, (at fifteen minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *March* 11, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY, (JOHN W. FORNEY, Esq.) The Secretary has received the following letter from the Vice President:

WASHINGTON, *March* 11, 1864.

SIR: I shall be absent from the city to-day. Will you please communicate the information to the Senate, and oblige, yours truly, HANNIBAL HAMLIN.

Colonel JOHN W. FORNEY, *Secretary of the Senate.*

Mr. WILSON. I move that Mr. FOOT, of Vermont, be appointed President *pro tempore*.

The motion was agreed to; and Mr. FOOT took the chair and called the Senate to order.

The Journal of yesterday was read and approved.

PACIFIC RAILROAD.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the President of the United States:

EXECUTIVE MANSION, *March* 9, 1864.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 1st instant, respecting the points of commencement of the Union Pacific railroad, on the one hundredth degree of west longitude, and of the branch road, from the western boundary of Iowa to the said one hundredth degree of longitude, I transmit the accompanying report from the Secretary of the Interior, containing the information called for.

I deem it proper to add that, on the 17th day of November last, an executive order was made upon this subject and delivered to the vice president of the Union Pacific Railroad Company, which fixed the point on the western boundary of the State of Iowa from which the company should construct their branch road to the one hundredth degree of west longitude, and declared it to be within the limits of the township in Iowa opposite the town of Omaha in Nebraska. Since then the company has represented to me that upon actual surveys made it has determined upon the precise point of departure of their said branch road from the Missouri river, and located the same as described in the accompanying report of the Secretary of the Interior, which point is within the limits designated in the order of November last; and inasmuch as that order is not of record in any of the Executive Departments, and the company having desired a more definite one, I have made the order, of which a copy is herewith, and caused the same to be filed in the Department of the Interior.

ABRAHAM LINCOLN.

Mr. GRIMES. I move that that communication, with the accompanying papers, be referred to the Committee on the Pacific Railroad.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. GRIMES presented a joint resolution of the General Assembly of the State of Iowa, recommending certain changes in the act of Congress, approved July 1, 1862, establishing a Pacific railroad and branches; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

He also presented a resolution of the General Assembly of the State of Iowa, in favor of the passage of a law granting bounties to all soldiers who have been mustered into the service of the

United States and honorably discharged in consequence of disease contracted in the service; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. HARRIS presented seven petitions of citizens of New York, praying for an increase of facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. WRIGHT presented a petition of citizens of Ocean county, New Jersey, praying for an increase of facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and other papers in the case of Catharine Jacobs, widow of Francis Jacobs, a waiter in the military household of General Washington during the revolutionary war, praying for a pension, be taken from the files of the Senate, and referred to the Committee on Pensions.

BILL INTRODUCED.

Mr. CLARK asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 34) repealing so much of the act entitled "An act to increase the internal revenue, and for other purposes," passed March 4, 1864, as imposes an additional tax upon distilled spirits imported from foreign countries; which was referred to the Committee on Finance.

TREATY WITH THE KICKAPOO INDIANS.

Mr. BROWN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior transmit to the Senate all evidence on file in the Department of the Interior in support of the allegation that the treaty with the Kickapoo Indians, concluded June 28, 1862, was obtained by fraud, and all counter evidence thereto, and that he report what action, if any, has been taken by the Department to carry the treaty into effect.

BRANCH PACIFIC RAILROAD.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Pacific Railroad be instructed to consider the subject of aiding the construction of a railroad from Warrensburg, in the State of Missouri, to Emporia, in the State of Kansas.

ALMOND D. FISK.

Mr. SAULSBURY. I am directed by the Committee on Patents and the Patent Office, to whom was recommitted, on the motion of the Senator from Rhode Island, [Mr. ANTHONY,] the bill (S. No. 112) for the relief of the heirs of Almond D. Fisk, to report it back with an amendment, and with a recommendation that it pass.

Mr. HOWE. I wish the Senate would indulge me by taking up that bill and passing it at the present time. It was recommitted some time since at the request of the Senator from Rhode Island, and it is now reported with his consent. I presume there is no sort of objection to it. It is a very trifling affair, and as the session is advancing it should be passed at once, or it may be lost.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Patents and the Patent Office reported the bill with an amendment in line fourteen after the word "decided" to insert the words "notwithstanding the surrender and reissue of March 6, 1860;" so that the clause will read:

And the Commissioner is directed to investigate and decide the application for extension on the same evidence and in the same manner as other applications for extension are decided, notwithstanding the surrender and reissue of March 6, 1860.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

UNIVERSITY LANDS IN WASHINGTON TERRITORY.

Mr. HARDING. I move that the Senate postpone all prior orders, and proceed to the consideration of the bill (H. R. No. 116) in relation to university lands in Washington Territory.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. As it is declared in the fourth section of the act of Congress approved July 17, 1854, amendatory of the act approved September 27, 1850, creating the office of surveyor general of the public lands in Oregon, &c., that in lieu of the two townships of land granted to the Territory of Oregon, by the tenth section of the act of 1850, for universities, there shall be reserved to each of the Territories of Washington and Oregon two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the Legislatures of the Territories respectively; and as it is represented that sales have been made by territorial authorities of lands selected in virtue of the terms of the act of July 17, 1854, authorizing selections to be reserved, merely under the conviction that they had the power to dispose of the same as a fee simple grant; the bill therefore provides that in all cases of sales made to individuals by the territorial authorities prior to the passage of this act, in which it may be shown to the satisfaction of the Secretary of the Interior that such sales were *bona fide*, and of the class before mentioned, and that the tracts so sold are selections in all other respects regular and proper, it will be lawful for the Secretary to approve such selection as a grant in fee simple, and a transcript, certified under the seal of the General Land Office by the Commissioner thereof, of such approval, will vest the title in the Territory and in its *bona fide* vendees.

Mr. FESSENDEN. What committee does that come from? I suppose it is all right, but I should like to have some explanation or some information about it.

Mr. HARDING. I have here a letter from the Commissioner of Public Lands, and also one from the district attorney of Washington Territory, which can be read for the information of the Senate if it is desired. The condition of the matter is simply this: the lands reserved to Washington Territory for university purposes were sold by the direction of the Legislature of the Territory and the money applied to the purpose for which the lands were reserved. This bill only proposes to confirm the lands to the Territory, instead of reserving them until the Territory becomes a State.

Mr. FESSENDEN. Does it come from the Committee on Public Lands?

Mr. HARDING. Yes, sir.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTEREST ON THE PUBLIC DEBT.

Mr. SHERMAN. I move to postpone all prior orders, with a view to take up the special order which comes up at half past twelve o'clock.

The PRESIDENT *pro tempore*. The Chair will take that to be the sense of the Senate, as it is within a minute of the time. The special order of the day for this hour is now before the Senate, being the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt. The amendment reported from the Committee on Finance has been agreed to in Committee of the Whole, and the bill has been reported to the Senate, and on the question of concurring in the amendment made in Committee of the Whole, the Senator from Indiana [Mr. HENDRICKS] offers an amendment to that amendment.

Mr. HENDRICKS. As the Senate has taken no action on that amendment, I propose to modify it by inserting in lieu thereof, at the end of the amendment of the committee, these words:

In payment for war materials and supplies, or of the debts of the United States then due: *Provided*, The same be paid and received at its value in the city of New York as compared with legal-tender Treasury notes.

So that the amendment of the committee, if amended, will read:

And he [that is, the Secretary] is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest on the public debt, in payment for war materials and supplies, or of the debts of the United States then due: *Provided*, The same be paid and received at its value in the city of New York as compared with legal-tender Treasury notes.

The PRESIDENT *pro tempore*. It is competent for the Senator to modify or withdraw his own amendment; and the question now is on his modified amendment to the amendment made as in Committee of the Whole.

Mr. HENDRICKS. Mr. President, I desire to make but one or two remarks to the Senate upon this proposition. Yesterday I was taken much by surprise in having to say anything or to propose any amendment to this measure, for I had not supposed that the Committee on Finance would report a proposition such as was reported by the Senator from Ohio; and I waited, hoping that some Senator of greater experience in this body than myself would make some proposition which would secure the country from the dangers to be apprehended in placing so much power in the hands of any one man. But the bill was about to pass, and I felt it to be my duty to propose some amendment; and I proposed the amendment which I have withdrawn this morning. After more reflection, I submit the amendment which is now before the Senate; and I believe that amendment accomplishes every right purpose that can be sought by this measure.

The Senator from Ohio stated to the Senate when he called up this joint resolution yesterday, that the Government of the United States was hoarding gold; that it was of no value to her thus hoarded up in the Treasury; but that it could be sold, and the Government could use the legal-tender notes at a profit to her, and relieve the country from the injuries sustained by speculations in gold.

The purpose of distributing the money from the Treasury among the people is certainly one that I approve. I desire to see any surplus coin in the Treasury by some proper and safe mode distributed among the people of the country, that it may return again into the channels of commerce; and I propose by my amendment that the gold in the Treasury not necessary to pay the interest on the public debt, either when that interest becomes due or in advance, as is contemplated by the measure before the Senate, the excess may be used by the Secretary of the Treasury in paying for war supplies or in paying the debts of the Government then due; the creditor of the Government or the person who supplies war material to the Government, receiving the gold at what it is worth in the city of New York as compared with the legal-tender notes.

If this amendment be adopted, what will be its effect? The money will be paid out, not in any very large sums, but as the trade of the people with the Government will require. If there is due to a citizen $100,000 for supplies to the Army, he would as lief take the gold at what it is worth as compared with legal-tender notes as to take the legal-tender notes, for it is to him of the same value; he receives it in the course of trade and he uses it in the course of trade.

Thus, I apprehend, and I think we have good reason to suppose, the accumulations in the Treasury of coin not necessary to pay the interest, will find their way into the channels of trade again, and the proper effect will be had upon the price of gold in the market.

What is the effect of the proposition of the Senator from Ohio, [Mr. SHERMAN,] as reported from the Committee on Finance? It will enable the Secretary of the Treasury to throw upon the market, perhaps unexpectedly to the country, from six to twenty million dollars, according to his showing. The effect of that is instantly to depreciate the price of gold. By offering so much in the market, the Government reduces the value of the article she wants to sell. As soon, then, as she withdraws herself as a vender in the market, gold commences to go up again; and the speculators in gold know as well how much coin there is in the Treasury, I presume, as the Secretary of the Treasury himself does. While the Government is attempting to sell her gold, the very effort reduces the price, and she gets less than was immediately before the value of gold in the market, as compared with legal-tender notes; and as soon as she has disposed of what she has to sell, the process of speculation, of carrying the gold up again in the market, commences. It has corrected the evil of a high price of gold to the loss of the Government, but has not relieved the country from the fluctuations in the price of gold as compared with the paper currency of the country.

But what is the effect of the proposition that I make, sir? It is that the Secretary of the Treasury shall use the gold in the ordinary course of the business of the Department; that if he has to pay off the debts of the Government, or if he has to pay for Army supplies and materials, he may pay the gold in such amounts as the creditors of

the Government require at the time, and pay it at its market price. This has no sudden effect upon the price of gold, and the Treasury has the full benefit, if there is any benefit in it, of the price of gold at that time. She shares with the speculators in the country the benefit, if it may be so called, of the price of gold at that time.

As I think, sir, this will meet the evil that is complained of without bringing on the country greater evils, in my judgment the Senate ought to adopt it. Is it the purpose of the Finance Committee to control the price of gold in the country merely by the will of the Secretary of the Treasury? That ought not to be. Is it the purpose of the Finance Committee to control the price of gold in the country by throwing out into the channels of trade the accumulations of the Treasury? That is right; I have no objection to that; but let that be done in the course of the business of the Treasury Department; let us pay the gold out as it may be required in the business of the Department at such prices as then control this article in the market at New York.

I said yesterday about all I desired to say in objection to the very dangerous power that this measure of the Finance Committee would confer upon the Secretary of the Treasury. I was answered by the Senator from Ohio by the assurance that Mr. Chase was entitled to the confidence of the country; that we had every reason to believe that he would not use this extraordinary power to the prejudice of the business interests of the country or to enrich his friends. I thought it was a sufficient reply to say that such power ought not to be conferred upon any man. The best of men are under the influence of social relations, of friendship; and when, by communicating a word, a single word to a friend, the Secretary of the Treasury can make him a rich man, by, at the same time, disturbing the course of trade and business in the country, by disturbing the price of every article that the trading part of the community hold in market, I do not like to trust to any man such power, and I do not think the Senate ought to do it when it is unnecessary to do it.

The Senator intimated that the Secretary of the Treasury could have no favorites. I do not think the most ardent friend of this Administration will claim that its history justifies the Senate in legislating upon the proposition that Secretaries have no favorites. If I were to refer to the speech which was so eloquently quoted by the Senator from Oregon [Mr. NESMITH] the other day, the speech of the Senator from New Hampshire now absent from his seat, [Mr. HALE,] I think I should have no difficulty in proving that the Navy Department has had favorites, who have become very rich because of their relations with the head of that Department. The reports to this body, I believe, establish that fact. I might refer to the fact that a banking company has been made very rich by its intimate relations with the Treasury Department. Perhaps a million dollars has been made by the firm of Jay Cooke & Co., by being made the special and exclusive agent of the Treasury Department in disposing of the bonds of the Government, which might have been disposed of by the ordinary machinery of that Department. And does the Senator then say, after one firm has been thus enriched by its relations with the head of the Treasury Department, that we shall not assume that the Secretary of the Treasury can have favorites, men that he would desire to enrich?

But the Senator says that these sales ought not to be made after public notice, else the speculators in the city of New York will combine to bring the price down, to the prejudice of the Government. Then, of course, we have to trust to the few men who may have some knowledge in the Treasury Department that the Secretary is going to sell gold. I do not know who would be called to the Treasury Department on that occasion. The Secretary, this week say, decides that he will sell gold next week, on next Wednesday. How is he going to sell the gold? Somebody must know it if he sells. I would not presume that any Senator would know of that sale by any direct communication with the Secretary of the Treasury. It would be barely possible that some Senator might hear of it. There might be a rumor—and it is difficult to prevent rumors getting out of the Departments, it is said—there might be a vague rumor that on a particular day the Secretary of the Treasury was going to sell in some private way or other in the Treasury Department from ten to twenty million dollars of gold; and I can conceive that some Senators would have an interest in seeing how that was done, and perhaps the Senator from Ohio, because of his intimate personal relations with the Secretary of the Treasury, and his great admiration for that officer, would go up to see what took place. If during his interview Messrs. Jay Cooke & Co. were to come into the council-room where this business was being transacted, and no other business men of the country were to come there, this rich banking firm that has been made rich by the drippings from the Treasury was to be represented by its head and financial manager, I ask if the Senator from Ohio would not feel mortified at his position, that he had been instrumental in carrying through this body as the representative of this measure from the Finance Committee a proposition that gave to the Secretary of the Treasury the power to sell the people's gold, and nobody in the United States knew it except Jay Cooke & Co.?

How many of the bankers of this country knew that one fourth or one half of one per cent. was to be paid upon the sale of the Government's bonds a year and a quarter ago? How many bankers knew that they would have an opportunity to become the agents of the Government in regard to that sale? I think not one western bank knew of it. The first that was known, Jay Cooke & Co. were advertising to sell the Government's bonds. And how shall the people that want to buy the gold or the bankers that may want to buy this gold from the Government, know when this sale takes place?

Sir, it seems to me that the objections to the proposition are so great that the Senate will not entertain it; especially when every advantage desired by the Finance Committee can be secured by the amendment that I have offered without the evils that would attend the measure of the committee.

Mr. SHERMAN. Mr. President, I have a few words to say in reply to the remarkable and unjust attack made by the Senator from Indiana upon the Secretary of the Treasury; but before doing so let me examine for a moment his proposed amendment. He has considered this matter; he has thought of it over-night; and what is the result of his reflection? He says we must pay out this gold; we must get rid of it; and what does he propose to do with it? He proposes to select as the favorite beneficiaries of the Government the contractors who furnish supplies. He forgets the soldier; he forgets the pensioner; he forgets all the varied character of persons who receive money from the Treasury, and he selects the contractors, who alone under his amendment would receive the gold from the Treasury, and who must receive it at its current market value.

I do not see any reason why any class of public creditors should be selected for the purpose of receiving this gold. If we could select a limited class of public creditors who were entitled from their peculiar merits to receive this money, that might be one way of getting rid of it. The Senator might have provided that it should be paid to the members of Congress. That would have relieved him, and relieved us all; or he might have provided that it should be paid to the President of the United States and other executive officers, and the judges of the courts; but if we were to offer such a proposition as that he would say that it was very corrupt. He might have provided that it should be paid to the soldiers. The answer to that would be that the amount would be totally inadequate to pay the soldiers. You cannot make any discrimination between the different classes of creditors. However, after serious reflection, the Senator has finally selected the contractors, the men who are cheating the Government, according to the declarations I have so often heard from his side of the House. They are to receive this gold, and nobody else. They are the favored beneficiaries; the contractors, too, who furnish supplies not of food, but the gun contractors, the vessel owners, the favored transportation agents of the Government.

The honorable Senator has been at the head of one of the leading bureaus of this Government, and it is hardly necessary to tell him that the Secretary of the Treasury has nothing to do with the purchase of these supplies; that he does not pay out money to contractors; that he has nothing whatever to do with the purchase of arms, or supplies, or anything of that kind. This is the business of quartermasters, commissaries, and Navy agents, who have nothing to do with the Secretary of the Treasury. I need not tell the Senator that, because he knows it. Why, then, this declaration? Why, then, require the Secretary to pay out this money, so desirable now not only for speculative purposes, but for its intrinsic value, to this favored class of creditors? He knows that the proposition is absurd; that the Secretary cannot discriminate between the payment of these different debts; and that he has nothing to do with making contracts, buying arms or supplies, or disbursing money for them.

There is another objection to the Senator's amendment. He proposes to set aside this gold for a special purpose. It would be impossible, as the Senator knows very well, to keep the accounts of the Treasury Department in this mode. How much should be paid to each? How could the disbursing and accounting officers know precisely the market value of gold when it varies day by day, sometimes in a single day five per cent.? How could they keep their accounts? How could they be audited? The proposition is absurd, and the Senator must be aware of it.

Mr. President, the Senator attacks the Secretary of the Treasury, and makes a grave charge which I am able to repel, and repel promptly. He says that the Secretary of the Treasury has enriched a private firm by favoritism; and he intimates and strongly insinuates that if this power is given the Secretary will further enrich that firm. This is a serious imputation; and I am very glad to be able to answer it. The firm of Jay Cooke & Co. is an old, leading banking-house in the city of Philadelphia, in no way connected with the present Secretary of the Treasury, directly or indirectly, either by blood or marriage. That firm was not employed as agent, but its leading member, Jay Cooke, was employed as agent to negotiate the five-twenty loan only after other expedients had been tried and failed. He was selected because of his great activity and success in promoting the negotiation of prior loans, and for his undoubted standing and credit. The remarkable success that has attended his agency fully justifies his employment. When the herculean task of providing money for our vast expenditure rested upon the Secretary he found himself crippled by legal restrictions contained in the sub-Treasury law, and compelled to deal only with the few who control money operations in New York and other eastern cities. Most of these were patriotic men, and cheerfully aided the Government to the extent of their abilities. The first loans were made through their agency, but with what result? The long bonds due in 1881, principal and interest payable in gold, were negotiated at about ninety-two cents on the dollar, and compared with previous loans this was considered a financial success. These very bonds are now worth one hundred and fourteen cents for the dollar in the same market. He also through the same agencies and in the same markets sold what are called the seven-thirty bonds at par. These bonds bear the rate of interest designated by their name, payable in gold, and are convertible into twenty-year bonds, interest and principal payable in gold. Such was the condition of the money market when, in February, 1862, the five-twenty loan was authorized. This loan was far less desirable than either of those that preceded it. The rate of interest was limited to six per cent., and the principal was payable at any time after five years at the pleasure of the Government. This loan remained in the market for nearly a year without success, and during that time various efforts were made by the Secretary to negotiate it. He solicited offers in New York without success or only at a considerable discount below par. Indeed, there was not sufficient volume of currency in New York to absorb the loan rapidly enough to supply the wants of the Government. It became manifest that if taken it could only be by popularizing it, by seeking purchasers among the mass of the people in all parts of the country, and no longer to rely upon the capital accumulated in the money centers. How was this to be done? The Treasury Department was not adapted to the management of such a business. There were no officers who could be charged with it. All the bureaus were crowded, and even if more clerks

had been employed the red tape of bureaucracy would not allow the energy and dispatch required for such an undertaking. Besides, the law regulating the receipts and disbursements of public money presented insuperable barriers to a direct negotiation of the loan between the Treasury and the people. By law nothing but *money* can be received at the Treasury. No bank bills, drafts, checks, certificates, or any of the varied forms of commercial paper could be received in the Treasury in payment of this loan, and without the agency of these it would have been impossible for the people to have transmitted their money to the Treasury without incurring an expense and risk in the form of express charges, exchange, danger of loss, and the like, that would have defeated the loan.

When these difficulties became obvious, and only then, the Secretary resorted to private enterprise, and selected Jay Cooke—a gentleman of established credit, of known energy—and contracted for the smallest compensation, it is believed, ever paid for negotiating a large loan by any Government. To try the experiment, the amount to be negotiated was first limited to $10,000,000, and afterwards extended as it proved successful. Under this arrangement was organized the vast machinery that resulted in enlisting every bank and banker, and almost every newspaper in the United States, in advocating the loan. The agent shared his commission with any responsible bank, banker, or individual, who would aid him and advertise the merits of the loan in all newspapers without regard to politics, until the five-twenty loan and its merits stared in the face of the people in every household from Maine to California. Thus was established this agency; and what was the result? The people everywhere, in all parts of the country, came with their little earnings, some more, some less, and poured them into the Treasury, taking in return the pledge of the Government to repay their loans. The money of the people in little streams and rivulets poured into the national Treasury, and thus sustained the national life. Sir, it was only through a private agency that, under existing laws, the Secretary could reach out and receive these loans of the people; and he would have been wanting in the first requisite of his office if, crippled by precedent or controlled by capital, he had failed to make the effort.

But the Senator says that an enormous commission was given to Jay Cooke & Co., and that it was done secretly; that the bankers in the West did not know that Jay Cooke & Co. received this commission. The Senator is mistaken. The amount paid to Jay Cooke was published in the newspapers, was known as publicly and broadly as the five-twenty loan; and not only so, but every bank and banker, and every agent who was employed in the negotiation of the loan, received two thirds of the very commission that the Senator talks about. The entire expense to the United States of negotiating the loan was limited to three eighths of one per cent., and every bank and banker employed received one fourth of one per cent., so that there was left to Cooke only one eighth of one per cent.

Out of the commission allowed the agent paid all the expenses of this loan. Let us see the nature of these expenses. He paid a large part of an extensive system of advertising, a part being paid by the local agents. He paid for the distribution of pamphlets and tracts, and the postage on them, spread broadcast over the country. He paid the express charges for transmitting the bonds from this city to the most remote parts of the country, and in sums so small that in many cases these charges alone far exceeded the entire commission. He paid the large expenditure caused by the management and distribution of this loan, involving frequent correspondence with twenty-five hundred agents, the postage and telegraphing alone amounting to large sums. He organized a corps of business men and clerks, for each of whom he was responsible, and who, from this fact, and from the opportunity and temptation of peculation, he had to select with great care and at large salaries. I have no data from which to state these expenditures, but I leave each Senator to conjecture the amount.

Aside from these expenses, all of which were paid out of the commission, remember the fearful risk this agent assumed. He not only staked his personal fortune, said to be large, but he was required by the Secretary to give, and did give, additional security in the form of a bond and collaterals to the amount of more than a million dollars. By the necessities of the business he was compelled to receive as money all forms of commercial paper, drafts, checks, and certificates, drawn in remote States and villages, and to negotiate and collect these by his own personal responsibility. He could not pay these into the Treasury, but was required to pay money, "lawful money of the United States," and the subscription was only complete when this actual money was paid into the Treasury. Bank bills would not answer, and we know from the public journals that United States money, or greenbacks, were everywhere held in preference to bank bills or drafts. And yet he had to make the conversion at his own risk, and if any loss occurred by counterfeit bills or broken banks, by forgery or fraud, he had to deduct it from their one eighth of one per cent. commission. It was this difficulty of using bank or commercial paper in dealing with the United States that made the employment of intermediate private agencies in negotiating this loan not merely a choice of expedients, but an absolute necessity, and for this provision of law the Senator is far more responsible than I, as I believe he has always supported the sub-Treasury law.

Again, sir, in the change of commercial money into United States money there was often necessarily a loss of interest. This might not be noticed in the transactions of an individual, but when it is remembered that one week's interest is equivalent to the net commission received by the agent, it will be perceived that this necessary loss is important. All these facts, with many others that do not now occur to me—for this debate is sprung upon me—entered into the view of the Secretary when he made this arrangement, and I submit if it is just or fair to arraign him on a charge involving his integrity when it is apparent that in the whole transaction he studiously guarded the public interests, and secured a successful loan on the most favorable terms.

It must be remembered that the agent did not get commission on all the five-twenty loan. One hundred and forty-seven million five hundred and sixty-seven thousand four hundred dollars of it was subscribed directly with the Assistant Treasurers and depositaries, for which, though secured mainly through his exertions, he received no compensation at all. The subscriptions made through the general agent amounted in exact figures to $361,827,950. The aggregate expenses incurred in disposing of this sum is $1,331,372 84, of which one third was paid to the general agent for his compensation. The loan reached, in the aggregate, $510,139,400, and the total expense was $1,452,598 17, or a fraction less than three tenths of one per cent., or eighteen days' interest on the loan. And for this cost to the Government the agent incurred fearful risks, and paid enormous sums for advertising, telegraphing, expressing, postage, and clerk hire, and placed the money in the Treasury without the loss to the United States of a single dollar, the delay of a single day, or the interruption of any of the ordinary business of the Treasury Department.

Mr. JOHNSON. Did they pay all the expenses out of their percentage?

Mr. SHERMAN. They paid all the expenses out of their commission. It cost the United States not one dollar, not one cent, except the commission of three eighths of one per cent., two thirds of which was allowed to the local agents all over the United States. The Senator from Indiana says this was done secretly. I will venture the assertion that in the city in which he lives every bank and banker was employed and knew all about the terms of the loan, and received two thirds of the commission for their own services.

Mr. President, grave charges of this kind ought not to be made against public servants unless there is good ground for them. I say that Governor Chase never resorted to this admirable mode of negotiating a loan until all other means had been tried and failed. I will further say that no loan has ever been negotiated by any Government in the world at a less expense than that at which this loan has been placed in the hands of the people.

Mr. JOHNSON. Was it all taken at par?

Mr. SHERMAN. It was all taken at par, every dollar of it. I have examined the loans made by the British and French Governments, and I find that the ordinary allowance there in the form of expenses is from one half of one per cent. to one per cent., and besides, various facilities are allowed. The saving in the mere matter of exchange to the Government is equal to one half of one per cent. The saving of interest was very great. These bonds were never issued for some days and sometimes weeks after the Government actually received the money. They were dated as of the time when the money was paid into the sub-Treasury. All the loss of exchange, all the loss in transmitting the money to the Government, fell upon private individuals, or upon these agents; and that alone, if the business had been carried on by the Government, would have amounted to fully one half of one per cent.

I trust, therefore, that the Senator from Indiana will now, in the face of these statements known to every person who has taken any part in negotiating this loan, withdraw the insinuation he has made against the Secretary of the Treasury. So far from favoring the general agent to the detriment of the public service, it will be found that he has held him to a strict accountability, and I shall be very willing to have any inquiry made as to the negotiation of this loan, and whether he has realized as the result of his labor and risks more than a reasonable compensation. He was a wealthy banker in the city of Philadelphia; his fortune was made before this war commenced. The Secretary employed him precisely as he would employ any other agent of the Government. He was induced to employ him because he was active, efficient, able, and expert in the negotiation of the seven-thirty loan, and he only employed him after every other expedient had failed; and the result of this employment was a most admirable and wonderful success. Sir, if two years ago, when we authorized the five-twenty loan, any man had then said to me that the whole of that loan would be taken at par, and that our bonds would now be above par, I should have believed it to be impossible; and yet such has been the result.

The Senator from Indiana says not one kind word of the Secretary of the Treasury for maintaining the credit of this Government through all this period of unparalleled expenditure. He has not for that officer one single word of commendation. He merely throws out an insinuation that the Secretary has enriched private individuals at the expense of the Government, that he has selected private citizens, and at the expense of the Government has heaped treasure upon them. This is totally gratuitous.

I ask him now in candor, what other course could have been pursued? Suppose Mr. Chase had advertised in the city of New York the five-twenty loan, how much of it would have been taken? New York only contains about one seventh of the circulating fluid of the country, or, if I may use that term, the blood of the country, the money of the country; the plan of negotiating only in the city of New York would have been like that formerly adopted in France, of only negotiating in the city of Paris. It was Louis Napoleon—and to him I give much more credit for ability than do many of my countrymen—who appealed from the Paris Bourse to the people of France. He resorted to precisely the same expedient that was resorted to here. He invited loans from all parts of France; he took one hundred francs from the poorest laborer in any portion of France, and gave him the Government *rentes* for it. So the Secretary of the Treasury, instead of going into the glutted market of New York, where business had been accumulated to a great extent by the war, left that field and gave the people of New York only the same advantage which was given to all other citizens. The Secretary selected an agent who, from his purity of character, from the fact that he had held no office of the Government, from his active efficiency in negotiating former loans, from his undoubted character and standing in the city of Philadelphia, where he had lived for over twenty years, as a successful banker, would be likely to succeed in distributing the loan and inducing people to take it. The Secretary selected him, and upon a commission announced beforehand to be divided by him with all the different banks and agents throughout the country he negotiated the

five-twenty loan. I say that if the Secretary had pursued any other plan, if he had gone to New York and advertised the loan in the ordinary form, the result would have been that the five-twenty bonds would have gone down, precisely as the bonds of England did, to forty, fifty, or sixty cents on the dollar.

Mr. President, I do not know that I ought to pursue this argument further. I could not hear such charges and say less in vindication of the Secretary of the Treasury. In regard to this loan as well as to all the other operations of the Government with which I am familiar, he has conducted his important business with a single eye to the public credit and honor. Whenever any imputations are made on a public servant that I know are unjust I cannot help but repel them; and I trust the Senator from Indiana, on the statement I have made, if he is satisfied with it, will at once say so.

Mr. JOHNSON. Does the Senator know how many persons have subscribed to the five-twenty loan?

Mr. SHERMAN. There were twenty-five hundred agents. The precise number of persons interested cannot be stated, for many of the subscriptions were by banks; but I have no doubt that three million persons are interested in the five-twenty loan. The stockholders of every bank which subscribed for it are interested, and I do not know but that my estimate is too small. I know that in the portion of Ohio where I live there is scarcely an independent farmer or mechanic who has not more or less of the five-twenty loan. It has been taken by servants, laborers, mechanics, persons in every condition and degree of life, poor and rich. This is one of the great benefits of the system adopted. If this loan had been sold in gross in the city of New York as former loans were negotiated, it would have been held there in bulk, or transported to Europe and made the basis of large importations. As it is, it is held by our own people.

I doubt now whether of the $1,500,000,000 of our indebtedness, $200,000,000, or even $150,000,000 of it is held abroad. That which does not bear interest is our common circulating medium, the basis of exchange. The five-twenty loan is nearly all held in this country in small sums and well distributed. So little of our legal-tender circulation is held in the city of New York, that when it became necessary last November to sell some $30,000,000 of what are called the five per cent. interest-bearing notes, there was not United States money enough in the city of New York to pay for them, and the banks had to appeal for terms and time in order to pay the money into the Treasury. And, sir, if the whole five-twenty loan had been thrown upon the market of New York either at one time or fast enough to carry on the operations of this Government, there would not have been money enough in the city of New York to enable the Government to receive the proceeds of the loan. The Senator from New York, I know, will bear me witness in this statement.

No favoritism was shown in this matter. The banks and bankers of New York, of Cincinnati, and St. Louis, the citizen of Iowa, the citizen of California, the citizen of New York, were all placed on the same footing. The plan adopted required the agent to deliver the bonds in the State of Iowa just as well as in the State of New York. If a person in the town of Des Moines subscribed $1,000, the agent was required to send his bond to him in Des Moines, although the express charges upon that bond would be more than the whole amount of commission received both by the local bankers and by Jay Cooke.

In addition to that, the local agent who was interested in the transaction took lawful money wherever the subscriber might be. Any citizen in any part of this country might pay to the local agent his money, however small the amount or remote the place, and in due time would return to him at the place, free of cost, a bond of the United States for the amount. The effect was to equalize exchange, to break down the old discriminations in exchange between the East and the West. This was vital to us in the western country. If any other arrangement had been adopted, a citizen of the State of Indiana would have been compelled to pay one per cent. exchange in order to have his money turned into one of these bonds.

I will call the attention of the Senator from Indiana to the practical working of the old system. If a citizen of Indianapolis under the old system desired to invest any money in a bond of the United States, he would have been compelled to first buy a bill of exchange, for which he would have paid from one to one and a half per cent. premium. Then he would have to send that bill of exchange to a broker in New York, and that broker would have charged him from one eighth to one quarter of one per cent. for converting the bill of exchange into a Government bond. Thus the citizen of Indiana under the operations of the old plan would have been compelled to pay nearly two per cent. to loan his money to the United States; but under the system adopted by the Secretary, at an expense that was trivial to the United States, every citizen might convert his money into a bond of the United States, delivered at his own door. There has been nothing in the history of this war so remarkable in its success as the distribution and negotiation of this loan; and when the Senator says the Secretary of the Treasury did all this to enrich a private firm, he certainly speaks in ignorance of the true condition of public affairs and of the mode and manner of negotiating the loan.

Now, Mr. President, again to recur to the proposition before the Senate, what is it? We have $20,000,000 of gold in the Treasury of the United States. The Senator from Indiana admits that we must get rid of that gold is some manner. How shall we do it? Its injurious effects are felt every day. The debate here and our action yesterday put down the price of gold four or five per cent. The action of the House of Representatives the day before put up the price of gold seven or eight per cent. Why? Because this gold is lying there like a heavy weight, like the old man of the mountain, upon the public credit, and we must get rid of it, pay it out; and how?

At first we thought it might do to pay it out on the pension list; but why discriminate in favor of that class of creditors? Then we might pay it out to the soldiers, the most deserving of all the public creditors. The answer to that was that the sum was totally inadequate, and it would be distributed in such small amounts and at such great distances that it would do the soldier no good; he would probably be compelled to sell it to the sutler, and the sutler would be the only one benefited by it. How, then, get rid of this gold? The only answer, after full deliberation, was that the better plan was to sell it; but how? Would you require it to be sold in open market? If so, brokers would combine together to buy it, and thus defeat the very object of its sale, which was not so much to get a high price for the gold as to depreciate the value of gold, and to raise the value of paper money. Would you require notice to be given according to the proposition discussed yesterday? That would be also to invite combinations to buy up this gold and send it abroad, and make foreign exchange of it, and thus to withdraw it from the commercial operations of the country. Would you tie up the power to pay it out with such restrictions and limitations as would defeat all its beneficial ends? Would you select, as the honorable Senator from Indiana proposes to do, the favored contractor to receive this gold, in preference to all public creditors? The examination of all these limitations and restrictions brings us back to the conclusion that it is much wiser and better to leave the power full and broad with the Secretary of the Treasury, holding him responsible for its exercise. If he shall, as the Senator seems to fear, use this power to make fortunes for private individuals, it will then be time enough to call him to account before the bar of public opinion.

Mr. HENDRICKS. I should not trespass on the attention of the Senate longer upon this measure, except for one suggestion made by the Senator from Ohio. He says my amendment proposes a favorite class—the contractors—who I agree with him are not entitled to any special favor if we are to believe the common reports. What favor does the proposition which I have submitted to the Senate bestow upon anybody, upon the contractor or the person who furnishes war supplies? I do not propose that he shall have the gold at its face. If I did, there would be an advantage in the proposition; but I propose that he shall take the gold in payment for what the Government owes him at what the gold is worth in the city of New York, as compared with the paper currency of the country. Can he make a profit out of that? If he takes his gold to the city of New York and sells it there, he would receive in paper precisely what the Government would have paid him if she had paid him in paper. Then where is the advantage to him?

The Senator says that I have omitted to include the soldier. If he will give as earnest a vote in favor of the soldier on this subject as I will, I shall very cordially indorse his course. Many of the soldiers in the field enlisted when there was but very little difference between gold and paper. They were to be paid thirteen dollars per month for their services in that which was equal to gold. I am willing to-day to make the pay of the soldier equal to what the Government promised him. Is the Senator from Ohio ready to go so far? Will the Senator from Ohio say that he will vote for a measure giving to the soldier $1 50 or $1 60 for every one of the thirteen dollars per month promised if the payment is made in a depreciated currency? I am willing to say so. I am willing that the soldier shall have his pay equal to payment in gold. I do not think the Senator would go quite so far.

The proposition which I have submitted to the Senate as an amendment to the measure of the committee is no favor to anybody. It is simply that the Government may pay the gold instead of paper, the gold being taken at a paper estimate of value.

While I am upon the floor, I will refer to the Senator's criticisms upon what I said in respect to the Jay Cooke & Co. transaction. I do not know whether there was anything wrong in that or not, so far as the motive is concerned. I attributed no bad motive. I do not now. I said there was but one banking-house, so far as I knew at the time, or have heard, that knew that such a proposition was to be made; and that was the house of Jay Cooke & Co. The Senator says the employment of Jay Cooke & Co. became known in the country, and the terms of that employment were known. When, sir? Before they were employed? Was there a notice that such an appointment was to be given? Did the Secretary of the Treasury inform the bankers throughout the country that such an employment was to be given? By no means, sir. It became known after the arrangement was made. I will ask the Senator from Ohio, of what service was that knowledge to the country? That they did make money out of the operation there is no question. Why does the Senator refer to an occasional case of the sale of a bond to some man in Iowa or Indiana? There are such cases, I admit; but the great body of this loan was not taken by the working class of the country.

The Senator has alluded to the terms of the sales, and that the sales were a great success. And why? Because Jay Cooke & Co. were employed. That was the inference. What did Jay Cooke & Co. say to the country that encouraged the people to pay more for the bonds than if they had been offered directly to the people by the Treasury Department?

I will state very briefly why, as I understand, these bonds have gone up in the market. The first reason was the success of the war. Prior to July last and the victories of that month these bonds did not sell well in the market. They commanded no premium, so far as I know. In the second place, these bonds provide that the interest shall be paid in coin. As the paper currency of the country goes down this provision in favor of the bondholders appreciates in its value. The interest being payable in coin is equivalent to an interest above nine per cent.; and does the Senator say that is the lowest rate he has known any Government to negotiate a loan upon?

Mr. SHERMAN. I will answer the Senator's question. This depreciation of paper money existed before this five-twenty loan was negotiated. For instance, one year ago, before any considerable amount, or perhaps before any of the five-twenty loan was negotiated, gold had reached, I think, 172 or 173. I am not very accurate about the figures, but my impression is that gold was 172 at this very time last winter. I know it was in that neighborhood. The depreciation in our paper money and the appreciation of gold was fully as great before this loan commenced as it has been since, and I think I shall be borne

out in that statement by an examination of the facts.

Mr. HENDRICKS. I recollect very well that for a very few days gold did reach the point of 172; but it was for but a very few days. I am speaking of the value to the bondholder of the provision that the interest shall be paid in coin. It makes the interest worth to him now at the present depreciated condition of the paper currency of the country above nine per cent. It is therefore a very desirable loan, and has gone above par, in paper at least.

Another provision of the law that made these bonds of value to the holders was exempting that investment from State and municipal taxation. Then, again, as the paper currency of the country has increased, of course the demand for this investment would increase. When you add one hundred millions to the paper currency of the country, and thus depreciate that currency, you increase the demand for investment in these bonds that pay interest in coin.

While I am up I wish to say that there is one class of persons who will be benefited by the proposition of the Senator. I intended to allude to it when I was on the floor before. As well as I could, I have attempted to ascertain the exports and imports at New York during the last four months. I find that in November the exports were $7,408,957; in December, $8,731,486; in January, $6,926,293; and in February, $8,300,354; making the entire exports from the port of New York during those four months $31,367,090. During the same months the imports have been: in November, $14,924,618; in December, $17,509,273; in January, $18,430,314; in February, $17,034,303; making the imports $67,898,508, and the excess of the imports over the exports $36,531,418. This estimate excludes the exports of gold, and is made upon specie valuations. There is then a balance against that port of $36,531,418. During the same time the exports of gold were $17,450,339, leaving uncovered of the imports at the port of New York $19,081,079 for the last four months; showing upon its face, as comparing the exports of produce and of coin at the port of New York, an indebtedness of $19,081,079. I do not claim that this statement is entirely accurate. It is as accurate as I could have it. I was not able to procure the information at the Treasury Department which would enable me to say certainly that it is entirely reliable. I believe the statement is reliable. Then, sir, if there is an indebtedness at the port of New York of $19,081,079, and you authorize the Secretary of the Treasury to sell $20,000,000 of gold, and throw that upon the market suddenly and unexpectedly, and a great depreciation in the price of gold as compared with paper takes place, these importers who have contracted this foreign debt, which they must pay in coin, receive the benefit of the transaction, provided they can have the confidence of the Secretary of the Treasury, and get to know when the sale takes place. I can see a direct advantage which they may enjoy in this transaction

I was unable to perceive any objection that the Senator urged against my amendment. He simply said that it ought not to be supported. He said as a reason, to be sure, that it favored the class of contractors—a class that I would be as reluctant to favor as himself; but when I say it is no favor to them, then that objection is answered. What further objection has he urged? Has he, as the representative of the Finance Committee, said that it is not a practical measure; that it will not succeed, and cannot in the nature of the case succeed? He cannot say that; for when the coin is paid to the contractors or persons who furnish supplies to the Army at its value as compared with paper, they will as readily receive that as they will receive the paper, and many would rather receive it, for it is a thing of more permanent value.

Sir, the proposition that I have submitted to the Senate is free from the objections which I think strike the mind of every Senator to the measure proposed by the committee, and it arrives at the end which we all desire; that is, securing the return of the gold that is now in the Treasury to the channels of trade and commerce. Let that have its legitimate and proper effect upon the gold market. I am willing and I desire that the price of gold shall be brought down, provided the ordinary commercial transactions of the country have that effect. If you restore to the channels of commerce this accumulation of gold and it has that effect, I shall be glad to see it; but I do not want to see the values in this country controlled by the will of any one man. The value of the property that I hold, the value of the corn that the constituents I represent have in their cribs to-day, the value of their products that are now seeking a market depend upon the value of gold in the market; and I am not willing to say, and I think the Senate ought not to be willing to say, that the Secretary of the Treasury shall have the power either to raise in the market or to depreciate in the market the value of every piece of property in the country.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana to the amendment of the Committee on Finance.

Mr. HENDRICKS. On that question I desire to have the yeas and nays.

The yeas and nays were ordered.

Mr. POWELL. Mr. President, I do not think the amendment proposed by the Committee on Finance ought to be adopted, for the reason that I do not believe it will cure the evil that it proposes to remedy. It clothes the Secretary of the Treasury with the power to sell all the gold that may be on hand in the Treasury not needed for the payment of the interest on the public debt, at any time, at any place, and in any manner he may elect. I do not think any officer of this Government should be clothed with any such power. From the estimate made by the Senator from Ohio it will be perhaps a sum not exceeding $20,000,000. It would be a very dangerous and a very extraordinary power to confer on the Secretary of the Treasury, and it would be one, in my judgment, calculated to do great mischief to the Government. So far from regulating and keeping as uniform as possible the paper money, or, as gentlemen say, the price of gold, it would be calculated to make it fluctuate much more than it now does. Suppose the Secretary of the Treasury should choose to put into the market ten or twenty millions of gold, and he were to sell it in open market, if you please, or at private sale, and the gold had gone out of the Treasury, it would be known by all these speculators that that amount of gold could no longer in any way come into competition, and the result would be that gold would instantly advance.

But, sir, if you clothe the Secretary of the Treasury with this power, he might dispose of this gold at his private office, if he chose to confer favors upon his friends. I am making no assault on the Secretary of the Treasury. The present Secretary of the Treasury may be as honest and as capable as the Senator from Ohio says he is; but he may not be Secretary of the Treasury to-morrow. We should not legislate with a view to the fact that we have confidence in an official. Our laws should be so framed as to prevent any official from doing wrong or bestowing favors upon favorites, as far as it is possible to do so by law. If the Secretary of the Treasury were disposed to exercise favoritism and to enrich his friends, he might take advantage of a moment when, in consequence of the victories of our arms or any other cause, gold had depreciated; or he might have in his possession information that others did not have, of disasters to our arms, recognition abroad of the confederate States, or something else which he knew would cause gold rapidly to advance, and if he chose to do it he might part with his twenty millions of gold to his friends, knowing that instantaneously there would be a very rapid rise in that article. We should not so legislate as to lead our officials into temptation.

But, sir, this measure will not remedy the evil. If you require the Secretary of the Treasury—which, if you sell this gold at all, I hope will be done—to advertise and to sell it in open market to the highest bidder, does not every man know that speculators will combine and purchase it all, and the moment it is out of the market gold will go up at once? The result of such tampering is always to create fluctuations instead of steadiness and firmness in the money market. It will not and cannot operate otherwise.

The Senator from Ohio, if I understood him the other day, said the Secretary of the Treasury should do everything he could to depreciate gold. Why, sir, there is no power in the puny arm of the Secretary of the Treasury to depreciate gold. Gold is not a depreciable article. It is the measure of values, and neither the Secretary of the Treasury nor this Government has any power to depreciate gold. It regulates values throughout the whole commercial world. I admit that this Government by its action can depreciate its paper money, but there is no depreciation of gold. If the object of this measure is to clothe the Secretary of the Treasury with power to depreciate gold, he will find that all the laws we can pass on that subject will be utterly futile. We might as well by law attempt to give the Secretary power with the breath of his nostrils to roll back the fiercest hurricane that ever swept across the continent as to attempt by law to clothe him with power to depreciate gold.

Sir, I will tell you what we could clothe him with power to do; and that is, to prevent the depreciation of this paper money. The Senator from Ohio indicated a mode by which, in my judgment, that can be done, and this gold can be used for that purpose. If I understood the Senator aright yesterday, he declared that it could be used for the purpose of creating a sinking fund. Let me tell the Senate, if they wish to stop this depreciation of paper money, if they wish to uphold the credit of the United States, the best thing they can do would be to create a strong sinking fund adequate to the purpose of paying off the interest and ultimately to extinguish the principal of the public debt. If every dollar of gold in the Treasury were thus appropriated, you could not make a wiser appropriation of it to keep the currency uniform and sustain the credit of the Government. There is no country that has a large indebtedness but what looks to a well-regulated sinking fund for the purpose of extinguishing the debt and meeting the interest promptly as it may accrue. Let us devote this gold, if it has accumulated unnecessarily, in that way. Do that, sir; and if we would establish a sinking fund dedicated to this purpose that was amply sufficient to meet the interest promptly and ultimately to extinguish the debt, there would be no necessity for the friends of the Secretary to offer propositions to allow him to depreciate gold—an impossibility—but it would elevate the credit of the Government, and it would prevent to too great an extent the depreciation of this paper money.

But the Senator from Ohio said a moment ago that if, at the time of the passage, some two years ago, of the law to authorize the sale of these five-twenty bonds, it had been said they could be negotiated at par, nobody would have credited it, and yet that had been done. I deny that one dollar of these five-twenty bonds has been sold at par. They have been sold at from thirty to thirty-five per cent. discount at least. I admit, if you take this paper money as the standard, they have been sold at par; but the paper money with which you pay for the five-twenty bonds is at thirty or forty per cent. discount; and it has ranged from twenty-five to forty per cent. ever since this negotiation has been going on.

Sir, there has not been a dollar of the five-twenty bonds sold for par, taking gold as the measure of value; and what interest do you give? You give, reducing it to a gold standard, nine per cent. interest upon those bonds; and in addition you exempt them from Federal and State taxation. That is the reason they are sold at par, in the language of those who speak of this paper money as being at par. It is at a most exorbitant interest. Taking paper money, the article by which you pay for the five-twenty bonds, as the standard, your interest is nine per cent., an extraordinary interest for a solvent Government to pay for money. The interest is payable in coin, and when we reduce it to paper money it is about nine per cent. Why, sir, if this Government, when specie was the standard, had negotiated its loans at nine per cent., the whole world would have been astonished at such an extravagant interest. It is unnecessary for me to speak about selling our bonds at par, and all that kind of thing, when we pay for them in a trash of paper money that is at thirty per cent. discount, sometimes more and sometimes less. They are not at par, but are sold at a heavy and ruinous discount.

But, sir, I would never allow the Secretary of the Treasury to exercise this power. I would use this gold, if it accumulated in the Treasury, for the purpose of making the sinking fund strong

and giving it the capacity of meeting the payment of the interest on our debt, and, ultimately, to extinguish that debt. Then you would place your credit upon such a firm basis, by creating a sinking fund large enough to pay the debt, that your bonds would sell at par in coin and your paper money would pass at par.

But the Senator told us yesterday that in all wars paper money was absolutely necessary. Some great men did not think as the Senator does. The first Napoleon was thought to have some genius for war and some genius for civil administration. I have in my hand a very short letter written by that distinguished man on the 20th day of October, 1805, which I will read:

ELCHINGEN, *October* 20, 1805.

TO M. REGNIER:

I am sorry to see that my Tribunal of Commerce does not attend to its business. Bank notes are not money, and do not bear the mark of the sovereign. Payment in notes is no longer an obligation. In a country where justice is compromised, social order no longer exists. The bank must exchange its notes for coin, or close its doors if it has no coin. I will not have paper money.

NAPOLEON.

That letter was written, as the Senate will observe, on the 20th of October, 1805. At that time perhaps the first Napoleon was surrounded by more difficulties and engaged in a heavier conflict of arms than ever before. The day after that the battle of Trafalgar was fought. On that very day, I believe, Ulm surrendered, and about that time Ney gained his celebrated victory over the Austrians at the very place from which this letter was dated. At that time we find Napoleon engaged with Russia, Austria, England, and other Powers in the most desperate conflicts; and yet he carried on those wars, and carried them on successfully, for that was one of his successful campaigns—it was disastrous in some parts, but taken altogether it was successful—and at that very time he repudiated paper money and declared that the banks that did not redeem their notes with coin at their counters should be closed.

Sir, the argument is all stuff that this Government was ever driven to resort to this extravagant and excessive issue of paper money.

I do not believe that the amendment offered by the Senator from Indiana is liable to the harsh criticism of the Senator from Ohio. I do not think it favors these contractors whom everybody seems to be pelting. I have some sympathy even for a dog that is kicked too much, and I shall make no assault upon these contractors, though I do not reckon they are a bit better than they ought to be. The amendment of the Senator from Indiana is in these words:

In payment for war materials and supplies or of debts of the United States then due, provided the same be paid and received at its value in the city of New York as compared with legal tender Treasury notes.

I do not see that that confers any benefit on the contractor. If he receives coin in payment, he receives it at what is its value in New York compared with Treasury notes. The consequence is he is not enriched at all. If the Government owes a contractor say $100 and pays him with sixty or seventy dollars in coin and the coin can command $100 in Treasury notes and no more, the contractor is not benefited. But, sir, under this amendment you can pay any debts of the United States in coin. Why not pay it to the soldier? If we owe money to the soldier in the field I suppose that is a debt. Under this proposition the Senator from Ohio himself might be paid in coin. You might pay him sixty dollars instead of $100 in Treasury notes that may be due him as part of his salary, provided that was the measure of value between the Treasury note and the gold at New York.

If you do not use this gold for the purpose of strengthening your sinking fund, which, in my judgment, would be much the wiser and better policy, I think you should adopt this amendment of the Senator from Indiana. It would afford a means by which this gold could be placed in all the channels of commerce without prejudice to anybody, without exhibiting a favoritism to anybody, by paying it to the honest and just creditor, nothing more and nothing less. You cannot speak of them as a favored class. If your paper currency should be reduced to one half, and you owed a man $100 in paper currency and paid him fifty dollars in gold in extinguishment of the debt, is there any favoritism in that? No, sir; and yet the honorable Senator from Ohio calls the contractors a favored class under this amendment. I suppose it is because contractors are unpopular, and you can get up a little howl about them.

Mr. President, I shall vote for the amendment of the Senator from Indiana, and I hope it will be adopted. If it is desirable to have the amount of gold thus accumulated in the Treasury distributed in the ordinary channels of commerce—and I think it is—you should adopt this amendment. If you do not pass any law on the subject, in obedience to the law cited by the Senator from Ohio yesterday, you should use it for the purpose of strengthening your sinking fund, in order to uphold the credit of the Government. This amendment of the Senator from Indiana will meet the objections to the proposition of the committee, and will also prevent the Secretary of the Treasury from entering the gold market. All this dabbling by the Government in the money market of the country must result deleteriously; it cannot result otherwise; and it will increase instead of preventing fluctuations.

Mr. JOHNSON. Mr. President, it is my purpose to vote for the amendment proposed by the Committee on Finance, and I rise merely for the purpose of stating why it is that I do not entertain the same hope that the relief will be a permanent relief that seems to be entertained by the honorable member from Ohio.

That the present condition of the currency is to be lamented, everybody who feels an interest in the character of the country, and particularly in the condition of the country at this time, will agree; but I very much incline to think that the depreciation in the currency—by the currency I mean, of course, the paper currency of the United States—is not owing so much to the hoarding of gold by the Government as to the actual condition in which the country is. If there was full reliance in the ability of the United States to meet all its engagements at the termination of this war, I have no idea that gold would command the price it now commands; and I am very far from believing that the depreciation of the paper, as compared with the gold, is owing mainly or very materially to the fact that the United States are now the holders, or will be the holders on the 1st of July next, of $20,000,000 more than they will need for the purpose of paying the interest on the debt due at that time.

Everybody feels, even those who are the most sanguine of a favorable termination of this conflict, somewhat alarmed at the rapid increase, the present large amount of the public debt, and the probably much larger amount before that time shall come. It is now nearly equal to the debt of England. If we shall not have a peace within one, two, or three years, it will be much greater, and infinitely greater, not only in the amount of principal, which we shall have to provide for, but in the amount of the interest. The interest on no portion of the debt of England exceeds four per cent., while ours is six per cent.

The necessarily vast expenditure of the Government has led, and is now leading, to an extravagance unequaled, I think, in any other country in the world; and that is especially true of the larger cities. The amount unnecessarily spent with a view to show and the enjoyment of luxurious habits and luxurious display in the city of New York is infinitely greater than anything that can be found either in London or in Paris; and it is principally caused by the immense amounts which we are obliged to pay in order to carry on this war. The profits are enormous. The profits upon all the contracts which the Government has made (and they have made them, I have no doubt, upon the best terms) are enormous. Everybody seems to be rich, and nobody seems to look forward to the time when the country may, perhaps, be poor, and they live on as if that time never would come.

I have some repugnance to this measure too as a mere matter of public policy. I fear that it may have a bad influence upon the credit of the United States abroad to say that the United States finds itself in the condition of going into the market and buying its own paper at a depreciation of some twenty, thirty, or forty per cent. Strictly speaking, and looking to the ordinary obligations and relations which exist as between creditor and debtor, the debtor ought to pay really the amount of his debt in money. If an individual debtor issues his notes for a large amount, and he goes into the market and speculates upon his own paper, his credit suffers in the estimation of everybody; and I am afraid that the same effect may be produced upon the credit of the United States by suffering the United States to go into the market and speculate upon their paper.

It seems to me, Mr. President, that the only certain mode (and certainly the mode which, because I believe it is the best, I should be in favor of) to redeem the credit of the currency would be the imposition of proper taxes. The amount of taxation which we have already imposed bears little or no proportion to the amount which we have got into our hands by way of loan; and there seems no great disposition on the part of Congress to increase that amount. There are hundreds and thousands of articles which enter into the wants of the community, many of them articles of mere luxury, which will bear a much larger amount of taxation than we have imposed. If we could therefore be induced—by "we" I do not mean the Senate; I mean both branches of Congress—to increase the taxation so as to satisfy the public generally that the public debt and the interest of the public debt will certainly be paid, and above all—for at last that will enter into the calculations—if we can carry on the war successfully in the approaching campaign, the credit of the nation will revive and gold will fall some ten per cent. or more.

But that is not to be accomplished, as I understand. The Secretary of the Treasury, as I collect from the member from Ohio, thinks that a provision of this sort might be used most advantageously for the purpose of sustaining the existing currency. I am willing to trust to his judgment. I have no fear that the public will lose from any want of integrity on the part of that officer. I know it has been said—the whole community has been filled with such a rumor—that he has used the powers he already possesses for the purpose of rewarding or enriching some of his particular friends, and the single instance alluded to, and in relation to which the Senator from Ohio has vindicated him, is but one of a great many; but that instance proves how very unjust have been those rumors.

I have heard—and I never heard any contradiction until I listened to the honorable member from Ohio this morning—that the Secretary had given to those favored bankers, who are said, one or more of them, to be his relatives, one half of one per cent. for negotiating this loan; that of that half they retained one half, being one fourth of one per cent., and gave the other fourth to the different agents from time to time employed, charging the Treasury with the whole expense of advertising, and all the other incidental expenses connected with the transaction. It has been stated that that one fourth of one per cent. retained by the contractors here—Jay Cooke & Co.—was received by them without their taking any active part at all in the negotiation; they remained in their banking-house, and the whole risk was at the expense of their agents, not theirs, except contingently by the failure of their agents, while the whole cost of carrying on the negotiation through the whole country was paid by the Government. It now turns out, by authority which I suppose everybody will admit to be unquestionable—the honorable member got his from the Secretary of the Treasury himself, or from having seen the manner in which the negotiation has been conducted—that the whole amount of the percentage allowed was three eighths of one per cent., and out of that three eighths they gave to those agents two eighths, and out of the remaining eighth paid, themselves, all the expenses.

The rumor therefore set on foot, if not for the purpose of injuring the reputation of the Secretary, proves to be entirely baseless; and it is but another instance in which, from some love of slander, some suspicions of the integrity of every public man, which seems peculiar to the times in which we live, (if they are not to be found in other times,) the integrity of public men has been assailed without the slightest foundation.

One thing we now know—indeed, we knew it before the honorable member from Ohio made his statement—that whatever may have been the result to Jay Cooke & Co. and the other agents employed by them, the result to the Treasury was exceedingly beneficial. No loan in any country in the world of this amount was ever realized as

well as this one. Every dollar of the loan was taken at par. It can hardly be accounted for. The London press—and I speak from having read the articles in some two or three of those papers that I am in the habit of reading constantly—has been astounded at the result of the negotiations. They speak of it, and speak of it truly, as unexampled in the history of nations at any time, and particularly in reference to a nation situated as ours is, if any other nation on the habitable globe ever was in the condition in which we are, carrying on a war the dimensions of which are also unexampled, and attended by an expenditure unexampled, that a loan of that amount should be taken at par, and taken at par by our own people; for, with the exception of some one, two, or three hundred thousand dollars, as I understand, invested by foreigners, and particularly Germans, in this loan—and a very good investment it is for them—nearly the entire amount of the loan has been taken by our own people, in sums varying from fifty and one hundred dollars to thousands and thousands.

Now, sir, if it were true that these agents employed by the Treasury have made a very large amount, and it was equally true that the Secretary of the Treasury had attempted to negotiate the loan without the instrumentality of these or any other agents and had failed, when the result of the agency was such as I have stated, that of itself should be, and I have no doubt will be, in the estimation of the community, a full vindication not only of the honor, but of the intelligence and ability of the Secretary.

In saying this, Mr. President, I am not to be considered as a political partisan of the Secretary of the Treasury, or to have been at any time. There are few of the political questions of my day on which it has either not been my good fortune or bad fortune to differ from that functionary in times past as well as now; but I see by the papers of to-day that he is to be considered hereafter only in the light of the Secretary of the Treasury, laboring in his vocation to do all he can to carry the country through the tremendous conflict which now shakes it from circumference to center.

The proposition now before us, with the amendment suggested by the honorable member from Ohio on behalf of the Committee on Finance, is not obnoxious to all the objections taken by the honorable members from Indiana and Kentucky. It does not authorize the Secretary of the Treasury to go into the market and purchase gold alone; it does not interfere with any existing power that he has now to increase his sinking fund; nor does it at all interfere with the power which he will have if you adopt the bill as it came from the House of Representatives with this amendment. He is authorized by the bill as it came from the House to anticipate the payment of the interest on the public debt. This amendment does not take from him that authority. It only gives him the additional authority, if he thinks proper to exert it, to dispose of the surplus gold which he may have in the Treasury from time to time, the object being—that is his object, and that is the object of the Committee on Finance—to keep down the appreciation of gold and to keep less the depreciation upon our own currency. He is not obliged to exert that power at all. I doubt very much whether he will have occasion to exert it to any extent. If gold runs up to 169, as it did a day or two since, and he throws into the market one or two million dollars in gold, it will go down at once, and it will remain down under the apprehension, on the part of the speculators who have been running it up, that after they buy at the enhanced price they will be made the losers by the Government going again upon 'Change and selling one or two million dollars worth. I am willing to trust this power to the Secretary, although I repeat in conclusion that I do not have the confidence which I should desire to have that this measure will effectually accomplish the good which the Committee on Finance suppose may be accomplished by its passage.

Mr. WILSON. Mr. President, I shall vote for this report of the Committee on Finance, but I shall do so with a great deal of reluctance. I think if we clothe the Secretary of the Treasury with this power it will have the effect to check to some extent the speculation in gold, but I do not apprehend that it will have the great effect attributed to it. I shall vote for it in the hope that we shall pass it, and that in the hands of the Secretary of the Treasury it will be properly executed, and will have a salutary effect.

But, sir, in my opinion there is one way, and only one, to reduce the price of gold, and that is for the Congress of the United States to address itself to the question of increasing the revenues of the Government. We have been here about one hundred days——

Mr. SHERMAN. I will ask the Senator to allow me to make a statement right here, which perhaps I ought to have made in reply to the Senator from Maryland.

Mr. WILSON. Certainly.

Mr. SHERMAN. By the Constitution of the United States no revenue bill can originate in this body. That, although known to us very well, is not always remembered by the country. All bills raising revenue must originate in the House of Representatives. The Senate and the Senate Committee on Finance have never refused any tax proposed by the House of Representatives, with the single exception of the tax on spirits on hand, and that was by a divided Senate, and a divided committee; but in every case, on every proposition for a tax, the Senate have always been ready to impose the tax. And I will now say, without having any authority whatever to say it, I have no doubt the Senate committee will be entirely prepared to vote for a tax that will yield from two to three hundred million dollars from internal revenue; but we cannot take up the subject until the House of Representatives send it to us. The people of the country might as well understand that. The Senator from Maryland seemed to complain that we had not introduced revenue bills. We cannot do it. Senators must wait until the House send us the bills. It will be time enough then to complain about want of taxes.

Mr. FESSENDEN. My friend from Massachusetts will allow me to say that this remark coming from him, though not intended, is really a little unkind, and its tendency might be to mislead the country, not so much in regard to the Senate as to the House of Representatives. The Senator is aware, or he should be, that the work of revising the internal revenue bill and also the tariff bill is an immense labor of itself. They have to go over the whole ground, examine testimony, and see where duties can be laid such as can be borne by the country with a good effect upon the revenue. All that is a work of time, and necessarily of a great deal of time. In addition to that the Committee of Ways and Means of the House have had to examine and prepare all these appropriation bills and get them through the House, and many other bills having relation to the subject-matters before them while this investigation is going on. I know as a fact that a sub-committee of the Committee of Ways and Means have from the beginning of the session been hard at work preparing with all the judgment they can bring upon it, and all the wisdom they can muster, a bill or bills to accomplish the very purpose of which the Senator has been speaking.

When Senators get up here and say generally it is our duty, the duty of the House and the duty of the Senate, to increase the taxes, the country is ready for it, it leaves the country to infer because no bill has been brought in that nothing has been done or is doing; whereas the contrary is the fact. It is the most anxious desire of those who have charge of the financial measures of the Government in the House to mature those very bills and bring them in here to Congress. My friend will allow me to say they are not like his military bills, which can be prepared in five minutes, and passed through in five minutes more.

Mr. WILSON. I have, Mr. President, great confidence in the Committee on Finance, and I assure the Senator from Ohio and the Senator from Maine that it is not my purpose to arraign or censure that committee, nor is it my purpose to arraign or censure the Committee of Ways and Means in the House or the action of the Congress of the United States. I know that revenue bills must originate in the House of Representatives, and I comprehend and appreciate the gigantic task imposed upon the committees who are intrusted with the preparation of revenue bills, but the fact that Congress has been in session one hundred days, and that no action has been taken by either House is apparent to the whole country. The internal revenue system has failed to meet the expectations of Congress and of the country. Our expenditures are and must be for some time larger even than the enormous estimates of the Departments. The currency is expanding, and of course the price of gold is advancing. You may tax transactions in gold if you please; you may authorize the Secretary of the Treasury by the passage of this bill to sell the gold not needed to pay the interest on the national debt, but the price of gold will continue to advance until we increase our revenues, diminish the volume of our currency, or reduce largely our expenditures. At the present cost of raising men for our armies, and procuring food and clothing and the material of war for the support of our armies, you cannot reasonably anticipate any considerable diminution of our expenditures.

With these large expenditures pressing upon us, our indebtedness must rapidly increase and our currency expand, and the difference between our paper currency and gold must and will continue to increase. Nothing can permanently diminish the price of gold but the adoption by Congress, at the earliest possible day, of a system of taxation that shall enable the Government to raise annually from three to four hundred million dollars of revenue. A system of internal taxation that should raise a revenue of two hundred and fifty or three hundred million dollars annually would strengthen the credit of the Government now strained to its utmost, check the issue of more paper currency and speculative prices, and bring down the price of gold. The adoption of such a system is demanded by the highest interests of the Government and the country, and would be hailed and applauded by the practical business men of the country and by the masses of the American people. The practical mind of the country cannot fail to see that if we could have raised during the past two years by internal taxation a revenue of $250,000,000 annually, and thus diminished our debt by $500,000,000, that the expenses of the Government would have been at least one hundred and fifty or two hundred millions less than they have been, and that the cost of living of the people would have been hundreds of millions less than it has been. Could we have adopted a revenue system that would have enabled the Government to have paid annually from one third to one half of our expenditures, the credit of the Government, the soundness of the currency, thus strengthened and preserved, would have checked speculative prices, and enabled the Government and the people to have saved hundreds of millions of dollars in their expenditures. The failure to impose the needed taxation has added hundreds of millions to our debt, compelled the Government to increase and expand our currency, advanced the price of gold, and consequently advanced the prices and increased enormously the expenses of living. Better, far better for the Government and the people to pay heavy taxes, preserve a sound currency, and keep as small as possible the national debt, than to pay light taxes, increase rapidly the national debt, enlarge the volume of the currency, carry up the price of gold, and thus add to the cost of living hundreds of millions of dollars.

The country is better able to pay heavy taxes now than it will be when the contest is over. The country is full of money, nearly all business interests are prosperous, labor is in great demand, and commands high prices. Now is the time for the people to pay their indebtedness, and to pay, as far as possible, the heavy expenses of the Government.

The other day we added a trifling tax of forty cents per gallon on whisky, making the small tax of only sixty cents per gallon on that great article of use and consumption. We ought to put a tax, to commence at the beginning of the next fiscal year, of $1 50 per gallon upon whisky. Such a tax would not perceptibly diminish the consumption of that article, and if it did do so, the country would not suffer by it. A gallon of whisky sells at retail at from six to twelve dollars per gallon. It is a fit subject for high taxation, and out of it we can raise an immense revenue, and the Congress of the United States, if it does not impose a large tax upon it, to commence not after the next crop of grain is used up and distilled, but before that crop is used, will

stand without excuse or justification. We criticise the shortcomings of the Executive, of the members of the Cabinet, and of generals in the field; but if the Congress of the United States in the lights of the present fail to impose heavy taxes upon whisky and other spirits imported into the country, on tobacco and other luxuries, its failure will be greater than the failure of Presidents, of Cabinets, or of generals in the field.

Never was the country so reckless in the expenditure of money, so extravagant in its modes of living, as now. Tax then heavily whisky, tobacco, and other domestic productions of luxury, and impose high duties upon wines, brandies, silks, and other imported articles that minister to our luxurious tastes. The Senator from Iowa [Mr. GRIMES] remarks in an under tone that we ought to increase the tax on domestic manufactures. I say, sir, although I am the representative of a State largely interested in domestic manufactures and the mechanic arts, that we ought to increase the duties on domestic manufactures. I am ready to vote at any time to double the taxation on our domestic manufactures. In so voting I shall act under the conviction that the enduring interests of the country demand such a vote, and that the interests of the people and of the business men of the country demand such a vote. Increased taxation, wisely adjusted, is the only remedy for the restoration of the national credit, the diminution of the volume of paper currency, and the reduction of the expenditures of the Government and the expenses of the people.

I am prepared to vote, sir, for all measures of legislation demanded alike by the interests of the country and of the people. The nation ought to have the benefit of a sound national currency, and as far as possible the benefit of the paper circulation of the country. I am therefore for the adoption of a policy that will gradually withdraw from the paper circulation of the country the notes of the State banking institutions. I would not harm existing institutions, but I would, as soon as practicable, establish a uniform circulation. But, sir, I shall vote for this proposition of the Committee on Finance to authorize the Secretary of the Treasury to sell, at his option, the gold in the Treasury not required to meet the accruing interest on the national debt. The enactment of such a law will tend to check, to some extent, the operations of the gold speculators; but it can have and will have no such effect as some Senators suppose it will have. The price of foreign exchange in the New York market now demonstrates that the present price of gold has been forced up three or four per cent. by the operations of gold speculators. But unless Congress provides the means to double or treble the income derived from internal revenue, and to increase the duties on foreign imports, so as to be able to pay from one third to one half of our expenses during the next fiscal year, the difference between an expanded paper currency and gold and silver will continue to increase. Taxation, heavy taxation, and victories in the field will alone diminish, permanently diminish the price of gold, even after the passage of the pending bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 5, nays 32; as follows:

YEAS—Messrs. Buckalew, Davis, Hendricks, Powell, and Wright—5.

NAYS—Messrs. Brown, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Grimes, Harding, Harlan, Harris, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Saulsbury, Sherman, Sumner, Ten Eyck, Van Winkle, Wade, Wilkinson, Willey, and Wilson—32.

So the amendment was rejected.

The amendment made as in Committee of the Whole was concurred in.

Mr. DOOLITTLE. I suggest to the gentleman having charge of this joint resolution, that there seems to be no limitation whatever of the time in which the Secretary is authorized to anticipate the payment of interest. It seems to me it ought to be limited to some time. He ought not to be permitted to anticipate it beyond, I think, the period of one year, and I will offer an amendment to that effect.

Mr. SHERMAN. I hardly think we can suppose there will be any occasion for such a limitation; but still, if the Senator wants to limit it to a year, I have no objection.

Mr. DOOLITTLE. I move, in line four, after the word "debt," to insert "by a period not exceeding one year;" so that the resolution will read:

That the Secretary of the Treasury be authorized to anticipate the payment of interest on the public debt by a period not exceeding one year, from time to time, with or without a rebate of interest on the coupons, as to him may seem expedient; &c.

The amendment was agreed to.

Mr. JOHNSON. I inquire of the Senator from Wisconsin whether his limitation will apply to the authority to sell gold.

Mr. DOOLITTLE. No, sir.

Mr. JOHNSON. I know you do not mean it.

Mr. DOOLITTLE. The last clause is an entirely distinct clause giving a distinct authority: "and he is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest on the public debt."

Mr. JOHNSON. He will have that authority as long as the law stands.

Mr. DOOLITTLE. Certainly he will have that authority. This is a continuing statute; and so it would be a continuing statute as to the anticipation of the payment of interest, but the effect of my amendment is that he shall not at any time anticipate the payment of interest more than one year.

Mr. COLLAMER. Has the amendment proposed by the Committee on Finance been passed upon?

The PRESIDENT *pro tempore*. It has been agreed to in Committee of the Whole and concurred in by the Senate. The question now is on ordering the amendments to be engrossed and the joint resolution to be read a third time.

The amendments were ordered to be engrossed and the joint resolution to be read a third time. It was read the third time.

Mr. POWELL. I ask for the yeas and nays on its passage.

The yeas and nays were ordered.

Mr. SAULSBURY. I voted against the amendment of my friend from Indiana, because I could not see, after the explanation of the Senator from Ohio, the propriety of that amendment. I intend, however, to vote against the passage of the bill, though I did not wish to incumber it with any amendment which my judgment did not approve of, and if the measure was to pass, I did not see the propriety of the amendment. I shall oppose the passage of the bill for reasons which I shall not now take up the time of the Senate to state; but knowing, of course, that the bill will be passed, I think it proper simply to say that I am opposed to its passage.

The question being taken by yeas and nays, resulted—yeas 30, nays 8; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Harding, Harlan, Harris, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Wade, Wilkinson, Willey, and Wilson—30.

NAYS—Messrs. Buckalew, Davis, Grimes, Hendricks, Powell, Riddle, Saulsbury, and Wright—8.

So the joint resolution was passed.

On motion of Mr. COLLAMER, its title was amended by adding the words "and for other purposes."

POST OFFICE APPROPRIATION BILL.

Mr. FESSENDEN. I should like, if the Senate would agree to it, now to take up one or two appropriation bills, which have been lying on the table for some time, and I think can soon be passed. I move first to take up the Post Office appropriation bill.

The motion was agreed to; and the bill (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1865, was considered as in Committee of the Whole. It proposes to appropriate out of any moneys in the Treasury arising from the revenues of the Post Office Department, in conformity to the act of the 2d of July, 1836, for transportation of the mails, (inland,) $7,849,000; for foreign mail transportation, $250,000; for ship, steamboat, and way letters, $8,000; for compensation to postmasters, $3,100,000; for clerks for post offices, $1,168,000; for payments to letter-carriers, $320,000; for wrapping paper, $40,000; for twine, $16,000; for office stamps, $5,000; for letter balances, $2,500; for compensation to blank-agents and assistants, $6,500; for office furniture, $2,000; for advertising, $35,000; for postage stamps and stamped envelopes, $90,000; for mail depredations and special agents, $60,000; for mail-bags, $60,000; for mail locks and keys, $10,000; for payment of balances due to foreign countries, $200,000; and for miscellaneous payments, $200,000.

If the revenues of the Post Office Department shall be insufficient to meet the appropriations, the sum of $1,000,000, or so much thereof as may be necessary, is to be appropriated out of the Treasury to supply deficiencies in the revenue of the Post Office Department for the year ending the 30th of June, 1865.

Mr. COLLAMER. I have some amendments to propose by direction of the Committee on Post Offices and Post Roads; and I send to the Chair and desire to have read a communication from the Department on which my amendments will be founded.

The Secretary read the following letter:

POST OFFICE DEPARTMENT, *February* 17, 1864.

SIR: It is found that a mistake was made in the estimate of expenditure for letter-carriers during the fiscal year ending 30th June, 1865. The amount was fixed at $320,000, on the basis of the expenditures for the current year, not allowing for any extension of the letter-carrier system under the act of Congress approved 3d March, 1863. As the public interest will require such extension, not only in localities where it is now in operation, but also at points where it has not yet been introduced, I beg leave to recommend that the appropriation for payments to letter-carriers contained in House bill No. 50 be doubled, making the same $640,000, with the proviso that so much of the increased amount as may be necessary shall be paid out of any money in the Treasury appropriated for the service of the Post Office Department.

It also becomes necessary to ask an additional appropriation of $48,000 for wrapping paper, making the whole amount to be appropriated for this object $88,000, instead of $40,000, as provided in said bill. The latter sum was estimated as the cost of wrapping paper on the basis of the expenditure therefor during the last year under a contract which has expired; but the proposals recently submitted for furnishing this paper to the Department are more than one hundred per cent. higher than the prices paid under the last contract.

I have the honor to be your obedient servant,

M. BLAIR,
Postmaster General.

HON. JACOB COLLAMER, *Chairman Committee on Post Offices and Post Roads, United States Senate.*

Mr. COLLAMER. I move, in pursuance of that recommendation, in the nineteenth and twentieth lines, to strike out "$320,000," and insert "$640,000."

The amendment was agreed to.

Mr. COLLAMER. In the twenty-first line, I move to strike out "$40,000" and insert "$88,000."

The amendment was agreed to.

Mr. COLLAMER. The amendments just made render necessary an amendment to the section which provides an appropriation from the Treasury in case of a deficiency in the Post Office revenues. That section as it stands appropriates $1,000,000 out of the Treasury to meet any deficiency in the income of the Department. The increase already made requires that that should be put at $1,500,000. I therefore move, after the words "one million" to insert "five hundred thousand."

The amendment was agreed to.

Mr. COLLAMER. I have nothing further to propose.

The bill was reported to the Senate as amended, and the amendments were concurred in; and it was ordered that they be engrossed, and that the bill be read a third time. The bill was read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. FESSENDEN submitted a report from the committee of conference on the deficiency appropriation bill; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 155) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the first, eleventh, and seventeenth amendments of the Senate, and agree to the same.

That the Senate recede from their eighteenth amendment.

That the Senate recede from so much of their third amendment as proposes to strike out lines eight, nine, ten, eleven, twelve, thirteen, and fourteen, on page 3 of said bill, and agree to the same, with an amendment as follows:

on page 3, line twelve, of said bill, after the word "Missouri," strike out the words "the office hereafter to be closed," and insert the following words: "to the 31st of October, 1863, when the office was closed." And that the House of Representatives recede from so much of said third amendment as proposes to strike out lines fifteen, sixteen, and seventeen on page 3 of said bill, and agree to the same.

That the House of Representatives recede from their disagreement to so much of the Senate's twelfth amendment as proposes to insert words in lieu of the words proposed to be stricken out, and the Senate recede from so much of their amendment as proposes to strike out words, and agree to the same.

That the House of Representatives recede from their disagreement to the fifteenth amendment of the Senate, and agree to the same with the following amendments: in line six of the matter proposed to be inserted by said amendment strike out the word "hundred," and insert in lieu the word "thousand;" and in line nine of the matter proposed to be inserted by said amendment strike out all after the word "provided," and insert in lieu the following words: "that hereafter no payment shall be made from the contingent fund of either House of Congress unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate or the Committee of Accounts of the House of Representatives respectively; and no transfer of balances of appropriations shall be made from one fund to another, except by law."

That the House of Representatives recede from their amendment to the fifth section of the bill.

That the House of Representatives recede from their disagreement to the nineteenth amendment of the Senate and agree to the same with the following amendments: in line eighteen of said amendment strike out the word "eight," and insert in lieu thereof the word "five;" and in line nineteen strike out the word "eight" where it first occurs, and insert in lieu thereof the word "six;" and in the same line strike out the word "eight" where it occurs the second time, and insert in lieu thereof the word "ten;" and in line twenty-three, after the word "office," insert the following words: "fifteen clerks of class three, fifty of class two;" and in the same line strike out the word "two," and insert in lieu the word "one;" and in the same line strike out the word "six," and insert in lieu the word "forty;" and in line fifty-one strike out the word "thirty," and insert in lieu the word "fifteen;" and in line fifty-two strike out the word "sixty," and insert in lieu the words "thirty-five;" and in the same line strike out the word "seventy," and insert the words "one hundred and ten;" and strike out all of line sixty-two.

W. P. FESSENDEN,
SOLOMON FOOT,
Managers on the part of the Senate.
S. HOOPER,
GEO. H. PENDLETON,
THOMAS WILLIAMS,
Managers on the part of the House.

Mr. FESSENDEN. If Senators desire an explanation of this report it will be easy to give it. It will be noticed that the only disagreement was on the first, third, eleventh, twelfth, fifteenth, seventeenth, eighteenth, and nineteenth amendments of the Senate, the first and the nineteenth having relation to the same subject. We struck out from the first part of the bill the appropriation for additional clerks in the Departments, and put the provision we deemed necessary on that subject in the shape of a new section at the end of the bill. The other House disagreed to that. For the sake of arranging the matter, the committee have gone over the subject and made a slightly different arrangement by which the amount of appropriation for these clerks is reduced some four or five thousand dollars in the aggregate.

The third amendment was in relation to what is called "the returns clerk." We struck out the appropriation for his salary for the reason that we could not find any authority for appointing the clerk. The House of Representatives disagreed to that amendment, and on looking at the statute we found that it provided for the appointment of a returns clerk in the office of the Secretary of the Interior, but no salary had been provided for him; and hence it is necessary to make an appropriation to pay him.

Another subject was the Missouri land office; and in regard to that it was stated by the Commissioner that the office was finally closed on the 31st day of last October, and there was a certain amount of salary due up to that time, and so we appropriate it. Then there was a disagreement in regard to the California land office for additional clerk hire. The other House agree to our amendment striking it out.

The eleventh amendment on which we disagreed was a little amendment in regard to an appropriation to pay a bill which the Senate thought was a private claim, and the House has agreed that it was, and it goes out.

The twelfth amendment on which we disagreed was with relation to a claim of the estate of the late Governor Morton, once collector of Massachusetts, for a percentage for making purchases for the light-house establishment. The House of Representatives insisted upon that, and we found a communication from the Secretary of the Treasury saying that the law in relation to the matter had been decided, that the account had been audited at the Treasury Department and ought to be paid; but there was no money out of which to pay it, and he requested an appropriation for that purpose, and the committee on the part of the Senate yielded to that statement.

The fifteenth amendment was in relation to a proviso on the appropriation for hospitals. The House recede and strike out the proviso. They also recede in regard to paying the expenses of the registry of deeds in this District, and they also recede in relation to the purchase of the tenth and eleventh volumes of the Statutes at Large of Little & Brown. So that stands as the Senate left it.

Then there was an amendment of ours for deficiencies of the Senate, which the House agree to with one or two slight amendments.

The seventeenth amendment was in reference to the additional Assistant Secretary of the Treasury, fixing his salary at $3,000. The House agree to that, and the Senate recede from its amendment making all the salaries of the Assistant Secretaries $3,500. The vote was taken over and over again in the House, and the House would not agree to raise the salaries above $3,000, and so the Senate recede.

Mr. JOHNSON. How is the salary of the Assistant Secretary of the Treasury and of the Assistant Secretary of the Navy left?

Mr. FESSENDEN. They are left as they were. It simply fixes the salary of the new Assistant Secretary of the Treasury at $3,000. Those two provisions were the seventeenth and eighteenth amendments. These are all the points of difference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 120) to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834.

BILLS BECOME LAWS.

The message further announced that the President had approved and signed on the 3d instant the following bills and joint resolutions:

A bill (H. R. No. 265) supplementary to an act entitled "An act to provide ways and means for the support of the Government;"

A joint resolution (H. R. No. 35) of thanks of Congress to the volunteer soldiers who have re-enlisted in the Army; and

A joint resolution (H. R. No. 41) to continue the payment of bounties.

And that he approved and signed on the 7th instant a bill (H. R. No. 122) to increase the internal revenue, and for other purposes.

And that he approved and signed on the 8th instant a bill (H. R. No. 42) to enable guardians and committees of lunatics appointed within the several States, to act within the District of Columbia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the enrolled bills (S. No. 1) granting a pension to John L. Burns of Gettysburg, Pennsylvania; and (H. R. No. 116) in relation to university lands in Washington Territory.

ADJOURMENT TO MONDAY.

On motion of Mr. GRIMES, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. FESSENDEN. I now move to take up the Military Academy appropriation bill.

The motion was agreed to; and the bill (H. R. No. 34) making appropriation for the support of the Military Academy for the year ending June 30, 1865, was considered as in Committee of the Whole.

It proposes to make the following appropriations: for pay of officers, instructors, cadets, and musicians, $117,176; for commutation of subsistence, $4,161; for pay in lieu of clothing to officers' servants, sixty dollars; for current and ordinary expenses, namely, repairs and improvements, fuel and apparatus, forage, postage, telegrams, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and departments of instruction, $41,280; for gradual increase and expense of library, $1,000; for expenses of the board of visitors, $4,000; for forage for artillery and cavalry horses, $8,640; for supplying horses for artillery and cavalry exercise, $1,000; for repairs of officers' quarters, $1,500; for targets and batteries for artillery exercise, $100; for furniture for hospital for cadets, including fixed wash-tubs, hot and cold water bath apparatus, and water closets, $1,000; for annual repairs of gas-pipes and retorts, $300; for warming apparatus for barracks, $15,000; and for rebuilding public wharf and opening approach to the same from the south, $6,000.

The Committee on Finance had reported the following amendment to the bill as an additional section:

SEC. 2. *And be it further enacted*, That the thirty-fifth section of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March 3, 1863, shall not be deemed hereafter to prohibit the payment to enlisted men employed at the Military Academy of the extra-duty pay heretofore allowed by law to enlisted men when employed at constant labor for not less than ten days continuously.

The amendment was agreed to.

Mr. HARRIS. I offer the following amendment as an additional section:

And be it further enacted, That from and after the 1st day of July, 1863, the annual pay of cadets at the Military Academy at West Point shall be the same as that allowed to midshipmen at the Naval Academy; and the amount necessary for that purpose is hereby appropriated.

Mr. FESSENDEN. I ask the Senator to make an explanation of that amendment.

Mr. HARRIS. By the present law cadets at West Point receive thirty dollars a month. From 1802 until 1857 they received sixteen dollars a month and two rations, which at the present price of rations would be about thirty-four or thirty-five dollars a month; but in 1857 the sum was fixed at thirty dollars a month. That was barely sufficient, scarcely sufficient to support the cadets at West Point prior to the present war. Now that the expenses are so much increased, it is impossible for them to support themselves at their present rate of pay. It has resulted that on the 1st of November last, with the utmost economy which the Superintendent was able to practice, the cadets were in debt $15,000 and a little more. It is requisite that their pay should be increased, or else it will be impossible for them to go on there. They have a commissary establishment which was created by contributions from the cadets heretofore, which had a capital of $17,000. This was used for the purpose of furnishing supplies for the cadets; but the $15,000 which the cadets are now indebted to the establishment, the commissary's store, has entirely exhausted their capital. They have no funds now for the purpose of making purchases. The Superintendent advises me that it is necessary to expend some six thousand dollars immediately for the supply of uniforms for the cadets the ensuing summer, and he has not a dollar to expend for that purpose.

It is necessary, therefore, in order to carry on the establishment that the pay of the cadets should be increased to make it equal to the pay of the midshipmen, and that is the effect of this amendment. It is necessary that it should take effect from the 1st of July last to enable these boys to pay up what they owe to the institution now.

Mr. ANTHONY. I will inquire what is the pay of the midshipmen at the Naval Academy?

Mr. HARRIS. Five hundred dollars a year, which is forty dollars a month and a fraction.

Mr. ANTHONY. Would it not be better to express that sum in the amendment?

Mr. HARRIS. I thought it was better just to equalize the two institutions.

Mr. ANTHONY. I am indifferent on that point.

Mr. FESSENDEN. I am rather disposed to yield to the proposition to increase the pay from and after the 1st day of July next; but this amendment goes back so as to cover the present year.

Mr. HARRIS. It is absolutely necessary to do so in order to enable these boys to pay their arrears. They are now in debt $15,000, and it will require all this to enable them to start even.

Mr. FESSENDEN. I will state in reference to the matter that I have seen several communi-

cations from the officers at West Point who state that it is impossible in the present state of things for the boys there to get along upon the pay that they have received, and also stating the facts which have been stated by the Senator from New York; and that it is working very badly in this particular: very many of the cadets are poor; they come from poor families, and have been sent there because they were bright, intelligent, fine fellows, and would be likely to make good officers; others who were sent there have parents who are able to support them. The result is that while one set may appear like gentlemen and have all the comforts and conveniences necessary to their position, the others are obliged to be comparatively shabby, and it makes a distinction between them injurious to the institution.

It struck me that unless my friend from Iowa could explain the difference, I could not see why a larger sum should be necessary at the Naval Academy than at the Military Academy; why, if the sum of forty dollars a month is necessary in one case, it should be too much in the other. I was therefore disposed to yield to the proposition to increase the pay; and if it is absolutely necessary in order to bring up what is past, I do not know but that justice requires that we should go back to the beginning of the present year.

I state these facts for the reason that the matter was not brought before the Committee on Finance, and perhaps we should not have felt ourselves at liberty to propose an amendment of this description if it had been brought before the Committee on Finance. I suppose this comes from the proper committee.

Mr. HARRIS. From the Committee on Military Affairs.

Mr. FESSENDEN. It would more properly come from that committee; and with this statement I am disposed to leave it to the Senate to decide the question.

Mr. HARRIS. I will take the liberty to read a couple of extracts from letters received from the Superintendent during the present session. The first is dated 10th of December last, in which he says:

"I take the liberty of reminding you of the absolute necessity for putting the cadets at the Military Academy on the same footing as the cadets at the Naval Academy. It is now a demonstrated fact that with the greatly increased value of provisions, and all the necessaries of life, the pay of the cadets is insufficient to support them. Month after month, with the closest economy, their indebtedness increases, and now the corps have purchased on a credit amounting to $15,000. Unless they can obtain relief it is not difficult to foresee how the matter must end. Many of the cadets are absolutely in rags."

He writes again on the 25th of February:

"Touching the arguments in favor of the increase of the cadets' pay, I beg to state that two days since I suggested to Colonel Clitz, the commandant of the corps, that during the fine weather it would be well to have full dress parades. His reply was that so many of the corps were ragged and shoeless, that not enough were left to make a respectable show, and he thought it had better not be attempted. The 'ragged squad' is increasing so rapidly that if something is not done to relieve the corps before the season of out-door exercises begins, we shall not have presentable cadets enough to make a corporal's guard that may appear out of the area of barracks. This should not be. Something must be done, and done quickly. Every species of economy known to me, and to the other officers in charge, is used to eke out the inadequate pay, but with what results the above statement will show."

Mr. GRIMES. I have no doubt that this amendment should be adopted, and I shall vote in favor of it. I will state, in answer to the suggestion of the Senator from Maine as to the difference between the pay of the cadets at West Point and the midshipmen at the Naval School, that the amount fixed for the midshipmen at the Naval School, I believe, was done at my instance three or four years ago. The money that is paid to these young men is not drawn directly by them except as they may need it for the various purposes for which it may be used, and it was designed that there should be a small amount left over from each year to accumulate to the credit of the midshipmen in order to give them an outfit at the end of the four years for the regular cruise that they are obliged to enter upon. That was the reason why the amount of their pay was raised from three hundred and fifty or four hundred dollars a year to five hundred dollars. As in the case of these young men at the Military Academy, a large majority of the young men who are sent to the Naval Academy are poor. At the time their salary was fixed at $500 a year, the custom was to send them, immediately upon their graduation, on board a ship upon a long cruise of three years. According to our system, each one of these young men is obliged to furnish for himself the stores that are necessary for his mess, and the small excess of from fifty to seventy-five dollars a year which would be accumulating to his credit during the time he was in the Academy was designed to furnish an outfit for that cruise. I do not think anything can accumulate now, either to the midshipman or to the cadet out of the amount of $500 a year now paid to midshipmen or which is proposed to be paid to the cadet.

Mr. FESSENDEN. I can say that I have received letters asking me to get the pay of the cadets at the Naval School raised on the ground that they have very hard work to get through.

Mr. GRIMES. I have no doubt the amendment is right as proposed by the Senator from New York.

Mr. POMEROY. I do not like to oppose the amendment of the Senator from New York. It may be very necessary in this case, but it seems like entering on a system of increased pay, and there is no knowing where it will end. I have cases presented to me almost every day of officers in the employment of the Government who absolutely insist upon it that they cannot live, cannot support themselves on their salaries. It may be said that they are not obliged to be officers of the Government; they can resign; but that is hardly a satisfactory answer to them.

I saw many of these cadets when I was at West Point during the holidays, and I did not see anybody in rags I confess. They looked to me very tidy and well cared for. So strong a case has been made that I do not like to oppose the amendment, but at the same time I think it will be fruitful of a good many other applications of the same kind. It will establish a precedent that we shall have to follow in many cases of paying extra to everybody under the Government that has got a hard time of it.

Mr. CLARK. It seems to me this is an entirely different case from that of persons who are employed in other capacities. This is a case where we undertake to support boys at school; they are all boys; and if the representations which are placed before us by the Senator from New York are true, it seems to me there is no question about it that we ought to increase the pay of the cadets.

Mr. POMEROY. I know very well this is a case where we are educating boys; but at the same time those of them whom I do know are not at all in a situation where it is absolutely necessary for us to pay every expense that they are put to. There may be some very poor cases, but I have seen such efforts to get boys into this Military Academy from the wealthiest families in the country; and I know some from those families who are there that do not commend themselves to me as being very strong objects of charity.

Mr. GRIMES. I believe that there is a young man at the Military Academy at this time, from my State, who has gone there from the Army, and who had distinguished himself in the Army. I remember one from the district of a colleague of mine whom I now see upon this floor, who distinguished himself at the capture of Vicksburg, a young man by the name of Griffith, of whom the Senator from Kansas probably has heard, who captured eleven men and brought them safely out and delivered them up to his superior officer.

Mr. POMEROY. I hope I did not say that these were not all good young men and very meritorious. I did not intend to say that. I have great respect for them, and want to give them what encouragement I can. I only say that we shall find other hard cases if we enter on the line of paying more to these young men. It may be argued as a reason why we should continue this process in other directions.

Mr. CLARK. I suppose the fact that there are some sons there of rich parents should not deter us from doing justice to those who have not rich parents and are good boys. We should take care of them.

Mr. POMEROY. I am very desirous to do justice; but people's ideas of justice differ very much. There are some people who think that justice demands that they shall not only be tolerably well cared for, but luxuriously cared for, if they are in the service of the Government. People who are in the service of the Government do not confine themselves to those economical notions that those do who are in private life.

The amendment was agreed to.

Mr. HARRIS. I offer another amendment:

And be it further enacted, That cadets found deficient at any examination shall not be continued at the Military Academy, or be reappointed, except upon the recommendation of the academic board.

The amendment was agreed to.

Mr. ANTHONY. I offer the following amendment to come in as a new section:

And be it further enacted, That hereafter in all appointments of cadets to the Military Academy at West Point, the selections for such appointments in the several districts shall be made from the candidates according to their respective merits and qualifications, to be determined under such rules and regulations as the Secretary of War shall from time to time prescribe.

This, Mr. President, is substantially the proposition which I offered at the last session; and although I was not so fortunate as to obtain for it the assent of the Senate, mainly from an apprehension of practical difficulties in carrying out what is admitted to be a desirable reform if it could be effected, yet the general expression of Senators was so much in favor of the principle, and I have been so much strengthened in my views on the subject by subsequent reflection and examination, that I am emboldened to renew it.

I differ entirely from those who are fond of disparaging the Military Academy. It has been of incalculable service to the country; it is the origin and the constant supply of that military science without which mere courage would be constantly foiled, and battles would be but Indian fights on a large scale. Not to speak of the Mexican war, throughout the whole of which West Point shone with conspicuous luster, it is safe to leave the vindication of the Academy to the gallant and able men who have illustrated the annals of the war that is now raging. Nor have its indirect advantages been less marked than its direct. It has kept alive a military spirit, and kept up a good standard of military instruction in the volunteer militia. It furnished, from its graduates who have retired from the Army, scores of men who rushed to the head of our new levies, who organized and instructed them, inspired them with confidence, and led them over many a bloody field to many a glorious victory. Large numbers of our best volunteer officers owe their instruction indirectly to West Point.

To say that no course of military instruction can make a pupil a military genius, can create in him that rare quality that takes in at a glance, almost by intuition, the relative strength of great masses opposed to each other, and that power of combination which can bring an inferior force always in greater number upon the severed portions of a superior force, is very true. To discard military education on that account would be like shutting up the schools and colleges because they cannot turn out Miltons and Burkes and Websters. Education does not create, it develops and enlarges and inspires and elevates. It will make the perfect flower, the majestic tree, from the little seed; but it must have the seed. And what I desire is that the Academy at West Point should have the best seed; that its great resources, its careful culture, its scientific appliances, should not be wasted on second-rate material. The Academy has never had a fair chance; the country has not had a fair chance; the boys have not had a fair chance. This is what I want them all to have, and especially the country. I desire that the Academy shall begin, as it goes on, upon the competitive principle. As all its standing, all its honors, are won by competition, so should the original right to compete for them be won. I would give all the youth of the country a fair chance; and, more desirable than that, I would give the country a fair chance for all its youth. I would have the Academy filled up by those young men who, upon examination by competent judges, should be found most likely to render the best service to the country; to make the best officers; whose qualifications, physical, intellectual, and moral, whose tastes and inclinations and habits, should seem to best fit them for military life.

But, it is objected, no such examination would be infallible. Of course it would not be. No human judgment is infallible. Our deliberations are not infallible; but therefore shall we not deliberate? The decisions of the Supreme Court are not infallible; therefore shall we abolish the court?

A SENATOR. The Senator from New Hampshire would say "yes."

Mr. ANTHONY. I know the Senator from New Hampshire [Mr. HALE] would say "Yes." He would abolish both the Academy and the Court, and I can well suppose that the policy which would abolish the one might abolish the other. But although such an examination would not be infallible, it would, if properly organized and properly conducted, accomplish much toward the reform which all admit to be desirable, if it be practicable. It cannot be doubted that the young men who would come out best from such a trial would, as a body, be superior to those who are selected upon mere personal preferences, and these preferences generally not for themselves, but for their parents; not on account of any opinion of their qualifications, but as a recognition of the political services of their fathers.

But, again, it was objected when I made this proposition a year ago that it was not equal, because, in going to any given place of examination, some young men would have further to travel than others! If this objection had not been gravely made by men for whom I have the highest respect I should be tempted to call it puerile. A boy asks the privilege of going a hundred miles to the place of examination, and is told that he cannot have it because another boy will have to go two hundred miles, and another but fifty, and it is not equal! The fact that either of them would go five hundred miles on foot for the opportunity of competition is not taken into the account. On the same principle our elections are not equal, for one man must travel further than another to reach the polls. For a boy who cannot obtain the means to travel from his home to the place of examination—and there will be very few such of those who would be likely to pass high in the examination—the plan proposed would be no worse, certainly, than the present system; for those who have the means the difference in the distance of travel is too small an item to enter into the account.

No plan can be made perfectly equal. Shall we therefore refuse to make a large advance toward equality? Certainly the system which invites a competition from all who are in a condition to avail themselves of it is more equal than that which excludes all competition. But although equality in the advantages of the Academy is very desirable, and although the amendment proposed would be a long step in that direction, it is not for that reason that I urge it. It is not to give all the young men an equal chance for the Academy, it is to give the Academy a chance for the best young men; and although even under this system the best young men will often fail of success, it cannot be doubted that many more of them will enter the service than under the present system.

Nor will the advantages of this competition be confined to those who reach the prize for which so many will struggle. An incalculable although an incidental benefit will accrue to the thousands whose youthful hearts will be stirred by an honorable ambition, and who will cultivate their minds by liberal studies and develop their physical power by manly exercises in the struggle upon which the humblest may enter, and in which the proudest can obtain only what he fairly earns. Under the present system the Academy wastes full half its strength upon boys who never ought to be admitted, and whose natural incapacity derives but little benefit from the partial training that they receive there. Under the system proposed, the Academy would exert its influence upon thousands of the brightest and most aspiring boys all over the country, stimulating them to the pursuit of such studies and to the formation of such habits as, if they fail to carry them to West Point, will help to conduct them to usefulness and honor in whatever path of life they may choose.

But again, we are met with the objection that this proposition is impracticable, that it looks very well on paper, but that it cannot be carried into effect. Let us see. It is quite safe to conclude that what has been done can be done, and that what wise and judicious people do, and persist in doing after experiment, is proper to be done. Which is the most warlike nation of Europe? What nation of Europe has carried military science to the highest degree? What nation of Europe has the greatest genius for organization? You will say the French. Let us see what is their system. I read from the report of the commission appointed by Congress in 1860 to visit the Military Academy at West Point and report upon the system of instruction; a commission of which you, Mr. President, [Mr. FOOT,] were a member:

"Among the European systems of military education, that of France is preëminent. The stimulating principle of competition extends throughout the whole system; it exists in the appointment of the student, in his progress through the preliminary schools, in his transfer to the higher schools, in his promotion to the army, and in his advancement in his subsequent career. The distinguishing features of the French system are thus described by the British commissioners."

The characteristic points of the French system are as follows:

"1. The proportion, founded apparently upon principle, which officers educated in military schools are made to bear to those promoted for service from the ranks. 2. The mature age at which military education begins. 3. The system of thorough competition on which it is founded. 4. The extensive State assistance afforded to successful candidates for entrance into military schools whenever their circumstances require it." * * * * * *

"Admission to the military schools of France can only be gained through a public competitive examination by those who have received the degree of bachelor of science from the lycées or public schools, and from the orphan school of La Flèche.

"A powerful influence has thus been exercised upon the character of education in France. The importance of certain studies has been gradually reduced, while those of a scientific character, entering more directly into the pursuits of life, have been constantly elevated.

"The two great elementary military schools are the School of St. Cyr and the Polytechnic School. These, as well as the other military schools, are under the charge of the Minister of War, with whom the authorities of the schools are in direct communication. Commissions in the infantry, cavalry, and marines can only be obtained by service in the ranks of the army, or by passing successfully through the School of St. Cyr, admission to which is gained by the competitive examination already referred to."

Again, the commission say, speaking of the School of St. Cyr:

"The admission is by competitive examination, open to all youths, French by birth or by naturalization, who, on the 1st of January preceding their candidature, were not less than sixteen and not more than twenty years old. To this examination are also admitted soldiers in the ranks between twenty and twenty-five years, who, at the date of its commencement, have been actually in service in their regiments for two years.

"A board of examiners passes through France once every year, and examines all who present themselves having the prescribed qualifications.

"A list of such candidates as are found eligible for admission to St. Cyr is submitted to the Minister of War. The number of vacancies has already been determined, and the candidates admitted are taken in the order of merit."

* * * * * * * * * *

"Twenty-seven, or sometimes a greater number, are annually, at the close of their second year of study, placed in competition with twenty-five candidates from the second lieutenants belonging to the army, if so many are forthcoming, for admission to the staff school at Paris. This advantage is one object which serves as a stimulus to exertion, the permission being given according to rank in the classification by order of merit."

In regard to the Polytechnic School, the commission say:

"Admission to the school is, and has been since its first commencement in 1794, obtained by competition in a general examination, held yearly, and open to all. Every French youth between the ages of sixteen and twenty (or if in the army up to the age of twenty-five) may offer himself as a candidate."

This is the system which was organized by Carnot and adopted and extended by Napoleon. It is the system under which the French army has attained its perfection of organization, its high discipline, its science, its dash, and its efficiency.

But not the French alone have adopted the competitive system. In England, all whose traditions are aristocratical, where promotion in the army has so long been made by patronage and by purchase, the sturdy common sense of the nation has pushed away the obstructions that have blocked up the avenues to the army, and have opened them to merit, come from what quarter it may. In the commencement of the Crimean war, the English people were shocked at the evident inferiority of their army to the French. Their officers did not know how to take care of their men, or how to fight them. And although in the end British pluck and British persistence vindicated themselves, as they always have and always will, it was not till thousands of lives had been sacrificed that might have been saved under a better system. No French officer would have permitted that memorable charge at Balaklava, which was as remarkable for the stupidity that ordered it as for the valor that executed it, and which has been sung in verses nearly as bad as the generalship which they celebrate. After the war the English Government, with the practical good sense which usually distinguishes it, came, without difficulty, to the conclusion that merit was better than family in officering the army, and that it was more desirable to put its epaulets upon the shoulders of those who could take care of their men and lead them properly than upon those who could trace their descent to the Conqueror, or whose uncles could return members of Parliament. Accordingly, the Royal Military Academy, which had been filled, as ours is, by patronage, was thrown open to public competition. On this subject I quote from the very interesting and valuable report of the visitors of the Military Academy at West Point for the last year:

"The same principle was applied to appointments and promotion in the new regiments called for by the exigencies of the great war in which England found herself engaged.

"Subjects, time, and place of examination were officially made known throughout the kingdom, and commissions to conduct the examinations were appointed, composed of men of good common sense, military officers, and eminent practical teachers and educators. The results, as stated in a debate in Parliament five years later, on extending this principle to all public schools, and all appointments and promotions in every department of the public service, were as follows: in the competitive examinations for admission to the Royal Military Academy candidates from all classes of society appeared—sons of merchants, attorneys, clergymen, mechanics, and noblemen, and among the successful competitors every class was represented. Among the number was the son of a mechanic in the arsenal at Woolwich, and the son of an earl who was at that time a cabinet minister—the graduates of national schools, and the students of Eton, and other great public schools."

* * * * * * * * * * *

"On this point, Mr. Edward Chadwick, in a report before the National Social Science Association, at Cambridge, in 1862, says:

"'Out of an average three hundred patronage-appointed cadets at the Royal Military Academy at Woolwich, for officers of engineers and the artillery, during the five years preceding the adoption of the principle of open competition for admission to the Academy, there were fifty who were, after long and indulgent trial and with a due regard to influential parents and patrons, dismissed for hopeless incapacity for the service of those scientific corps. During the five subsequent years, which have been years of the open-competition principle, there has not been one dismissed for incapacity. Moreover, the general standard of capacity has been advanced. An eminent professor of this university, who has taught as well under the patronage as under the competitive system at that Academy, declares that the quality of mind of the average of the cadets has been improved by the competition, so much so that he considers that the present average quality of mind of the cadets there, though the sorts of attainment are different, has been brought up to the average of the first-class men of this (Cambridge) university, which of itself is a great gain. Another result, the opposite to that which was confidently predicted by the opponents to the principle, has been that the average physical power or bodily strength, instead of being diminished, is advanced beyond the average of their predecessors.'"

I read this also from the same report:

"Another result of immense importance to the educational interests of Great Britain had followed the introduction of these open competitive examinations for appointments to the military and naval schools, to the East India service, as well as to fill vacancies in the principal clerkships in the war, admiralty, ordnance, and home departments of the Government. A stimulus of the most healthy and powerful kind, worth more than millions of pecuniary endowment, has been given to all the great schools of the country, including the universities of England, Scotland, and Ireland. As soon as it was known that candidates, graduates of Trinity College, Dublin, had succeeded over competitors from Oxford and Edinburg in obtaining valuable appointments in the East India service, the professors in the latter universities began to look to their laurels. As soon as it was known to the master of any important school that some of his leading pupils might compete in these examinations, and that his own reputation as a teacher depended in a measure on the success or failure of these pupils, he had a new motive to impart the most vigorous and thorough training to his whole school."

Such has been the result in France and in England. We are not without examples at home. The competitive system has been tried in repeated instances here in the appointments both to the Military and the Naval Academy. Several Representatives in Congress, with a conscientious sense of the responsibility resting upon them, have given their patronage to the result of general competition, among them the gentleman who so ably represented, in the last Congress, the district in which I live. The results have been most satisfactory. Here, again, I will quote from the report of the board of visitors to the Military Academy at West Point:

"The principle itself, of selection by merit, either in the mode of public examination or of careful and searching inquiry by competent and impartial educators designated for this purpose by the parties to whom custom, and not law, had assigned the grave responsibility of nominating candidates, has been voluntarily applied in several congressional districts. Not a cadet known to have been thus selected and appointed has ever broken down from want of vigor of

body or mind, or failed to reach and maintain an honorable position on the merit roll of the Academy; and to this careful selection by those who felt the responsibility of the privilege accorded to them is the country indebted for its most eminent and useful officers."

The same report makes some observations on a point upon which I have already touched:

"To the objection that selection by public competitive examination will involve expense, we reply that any expense which will do away with the prejudices against the Academy, which the present system of patronage has done so much directly and indirectly to evoke and foster, and which will, at the same time, exclude incompetent and secure the services of vigorous, talented, well-trained officers for every arm of the service, will be well incurred. But in our opinion there will be no more expense in selecting and educating a given number of cadets on this plan than on the present. The two thousand cadets who were appointed by patronage and failed to graduate, cost the Government, directly and indirectly, each year a much larger sum than it would have taken to have excluded them in advance from the institution by competitive examination and filling their places by better men; and their exclusion by substituting better material would have been an incalculable gain to the Academy, facilitating its discipline, increasing the value of its instruction, and giving to the Army a larger number of competent officers."

Even under the despotic Government of Austria the competitive system has been adopted for the higher places, and it has been adopted by Prussia and Italy. In Austria every subject can claim admission into the military schools on payment of the cost of his instruction; and all the appointments to the staff are on the competitive system. On this subject I read from the work upon Military Education and Schools, by Hon. Henry Barnard, who stands in the very front rank of the great educators, and who gives to the competitive system the weight of a name which alone should incline us strongly in its favor:

"The yearly examinations, the manner in which the marks of the monthly examinations tell on the final one, and the careful classification of the pupils in the order of merit, reminded us of the system of the Polytechnic more than any other school we have seen." * * * *

"The arrangements for the general staff school require more remark.

"In our report upon Austrian schools we have specially noticed this school as remarkable for its thoroughand open competitive character from first to last, and its very sensible plan of study. Admission to it is by competition, open to officers of all arms. The pupils are not unduly overburdened with work; perhaps there is even room for one or two more subjects of importance; but what is done seems to be done thoroughly. The officers are carefully ranked on leaving the school, according as the abilities they have displayed may be considered a criterion of their fitness for employment on the general staff; and in this order they enter the staff corps. The consequence is that every officer knows distinctly, from the time that he first competes for admission until his final examination on leaving, that the order in which he will enter the staff depends entirely on his own exertions and success at the school. It seemed to us that this open competition produced a spirit of confidence and energy in the students as great, if not greater, than any we met with elsewhere."

I quote from the same work in regard to the military education in Sardinia:

"Admission into the artillery and engineer school may be considered the reward of the most distinguished pupils of the *Accademia Militare*, who after spending their last year in that institution in the study of the higher mathematics, chemistry, and architectural drawing, are transferred for the completion of their education to the school of the artillery and engineers.

"The staff school, the formation of which dates from 1850, is chiefly frequented by officers of the infantry and cavalry, who must be below the age of twenty-eight years upon their entrance. It is carried on upon the competitive system, the officers being ranged according to merit in their final examination, the ablest entering the staff corps in that order."

In the same work Mr. Barnard gives an account of the staff or war school at Vienna:

"The most striking features in the system of this school, both at the entrance and throughout the course, are that it is distinctly competitive, that it admits very young officers, and that while the work is considerable the subjects for study are not numerous. In these three points it differs considerably from the Prussian staff school, in which the students are generally older, and the principle of competition is not so fully carried out. In the Austrian school the students are placed on entering in the order which their entrance examination has just fixed. They are examined once a month during their stay. On leaving the school their respective places are again determined, and they have a claim for appointments in the staff corps in the exact order in which they were placed on leaving the school. In Belgium, also, the competitive system is fully adopted."

The following testimony is from a report on the progress of the principle of competitive examination for admission into the public service, read before Section F Economic Science and Statistics of the British Association for the Advancement of Science, at Leeds, September 27, 1858, by Edward Chadwick, Commander of the Bath:

"Mr. Canon Mosely attests that the 'qualifications of the whole' body of competitive candidates appeared to rise above the general 'level of the education of the country.' It is stated in evidence before the commissioners for inquiring into the means of improving the sanitary condition of the army, that this was most decidedly so of the whole body of competing candidates for medical appointments in the East India service. Mr. Canon Mosely concludes his report on the last year's experience in the following terms: 'With reference to the general scope and tendency of competitive examinations, I may perhaps be permitted the observation, that the consciousness which success in such examinations brings with it in early life of a power to act resolutely on a determinate plan, and to achieve a difficult success, contributes more than the consciousness of talent to the formation of a manly and honorable character, and to success on whatever career a man may enter.'"

The report of the last board of visitors at West Point, from which I have read, I believe has not yet been printed by Congress; I have read from a pamphlet copy of it printed in the Journal of Education. The board was composed, as it usually is, of men of high character and ability. It is a most honorable service, and their opinions are of great value. After a full and laborious examination of the whole subject, they unanimously and earnestly recommend the adoption of the competitive system. They recommend an increase in the number of cadets to four hundred, and they say:

"If the appointments to fill and maintain the corps at this maximum [four hundred] can be selected out of the many American youths ambitious to serve their country in the Army, on the plan of an open competitive examination in the several States, the visitors believe that ninety out of every one hundred thus appointed will go through the whole course with honor, and the average ability, scholarship, and good conduct of the whole corps will equal that now reached by the first ten of each class."

The present number of graduates is less than forty-five out of every one hundred; so that, in the opinion of the board, the adoption of the competitive system will more than double the number of the graduates, and will make the whole ninety equal to the first ten under the present system.

If this system be adapted to the Military Academy, it follows that it is equally adapted to the Naval Academy, and I know it is the opinion of the officers in charge of the latter institution that the competitive system would increase the number and elevate the standard of the graduates. The appointments that have been made on that plan, by the voluntary act of the members charged with the patronage of the Academy, have been eminently successful.

With such experience of other nations, with such examples at home, I submit that we may safely in this republican country give our young men the privileges that are conceded in imperial France and in aristocratic England; that we may safely place competition against patronage, and give to modest merit a chance with pretentious imbecility. I would go somewhat further in the competitive system. I would not have the Army or the Navy officered exclusively by the graduates of the national Academies. If any young man, at his own expense and by his own study and aptitude for the profession, has fitted himself for a command in either, let the competition be open to him equally with those who have been instructed at the public expense, and let the epaulets rest on the shoulders that are most worthy to wear them. But I do not propose to follow the subject to this extent at present. I shall be abundantly content if the Senate will agree that the competitive system, which has worked so well in other countries and so well here as far as it has been tried, shall be adopted in the Academy.

Mr. CONNESS. I have only a few words to say on this subject. While I would accept the theory proposed by the Senator from Rhode Island in the selection of cadets, I do not think the amendment will give us a better system than the one we have. I think it will give us a very much more objectionable system. The amendment gives the power to the War Department, "under such rules and regulations as the Secretary of War shall from time to time prescribe." Whom will the Secretary of War appoint to make these examinations in the various districts? Army officers? If you want to consolidate the influence of West Point, as it is termed, of the officers who originated from West Point, establish a system like this.

I think the amendment proposed by the honorable Senator is crude, and that if some time had been given to the preparation of a scheme according to which his ideas might be carried out, there would be some propriety in presenting it for adoption; but I cannot see that the adoption of this amendment would be a benefit. I should fear its operation. One Secretary of War might carry it out very fairly, and another might use it in the worst possible manner. When a scheme can be developed and prepared that will give the poor youths of the country and the brained youths of the country an opportunity to find their way to our Military and Naval Academies, the Senator from Rhode Island can have my vote to carry it out; but, wishing to say no more on the subject, I simply say that this amendment, in my opinion, will work no beneficial change.

Mr. ANTHONY. I purposely omitted any plan, because that must be a matter of executive, not of legislative appointment. Whatever plan may be first adopted would probably require considerable variations and modifications, and we ought not to be obliged to have the law changed in order to effect them. The way in which it is done in England is very simple, and it seems to me it is the natural way, the obvious way, that would suggest itself to any Secretary; and that is that a commission shall be composed of military men, men of practical common sense, and medical men. The examination in England is not conducted mainly by military men. Military men are represented upon the commission, but they do not compose the majority of it. I think it is a very simple arrangement; and if the Senator from California, who I am glad to see is disposed to agree with me in the principle, prefers to adopt the system upon the bill, I will go for it with great pleasure; but I think that can be safely left to the Secretary of War. I do not see any greater chance of an abuse of power in this respect than there is in the exercise of any other discretion that we give to him.

Mr. HARRIS. I think the proposition of the Senator from Rhode Island, in a country like ours, with people like ours, is utterly impracticable and utopian; but at the same time I believe that the mode of admitting cadets to West Point might be greatly improved. I believe they are admitted at too young an age, and that the standard of qualifications for admission is entirely too low. I will unite with that Senator or any other in maturing a bill which shall improve the institution in this respect; but I hope that here, upon an appropriation bill, we shall not attempt to enter upon so important a reform. I will not attempt to discuss it here. I do not believe that the proposition contained in the amendment offered by the Senator from Rhode Island can ever be made practicable; that is my deliberate judgment; but I believe that measures of reform may be introduced into a bill which will be very serviceable to the country in connection with this institution.

Mr. ANTHONY. I have just one word to say in reply to my friend from New York. He says that what is done in England, what is done in France, what is done in Sardinia, what is done in Austria, what has been done to some extent here, is not practicable. I think the fact entirely answers that objection; and not only does the fact answer it, but the board of visitors of the Academy recommend this change earnestly and unanimously; it is the burden of their whole report.

Mr. GRIMES. I should like to inquire of the Senator if he is going to have one board to traverse the whole United States to examine these young men? I understand he is to have a board of surgeons and military men. Is one board to do it all, or are there to be various boards?

Mr. ANTHONY. I will tell the Senator how I would do it. I would leave it to the Secretary of War; but I think the most obvious plan would be this: that the Representative from each district should have the patronage as now, and that he should organize the commission in his own way, in his own district. I would have a board in every district, and the board should be named by the member of Congress. But I have no particular plan, though I think that would be a good plan; there are a great many ways of doing it; and I will not agree that a thing which has been done everywhere else, and which the best educators we have say ought to be done here, is impracticable.

Mr. GRIMES. I made no such assertion. I beg the Senator's pardon for making the suggestion that I did; but it was because I understood him, no doubt I misapprehended him, to say, in reply to the Senator from California, that he proposed to have a commission composed of military officers, and surgeons.

Mr. ANTHONY. I said it was so in England;

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. MONDAY, MARCH 14, 1864. NEW SERIES.....No. 67.

I do not know how it is in France. In England the commission is composed of military men, surgeons, and educators.

Mr. GRIMES. Does it not then at once strike the Senator from Rhode Island that if he allows each member of Congress to organize a board to suit himself in his own district he will have just as many different standards of excellence as there are different districts?

Mr. ANTHONY. Is that any worse than the present system?

Mr. GRIMES. Will it be any better than the present system? Why legislate unless to overcome evil? You will have precisely the same number of standards of excellence as there are numbers of districts.

Mr. ANTHONY. We should want the best boy in every district. If ten best boys lived in one district I would not have them all come from that district, and none from the other nine; I want the best boys from every district, but I want them distributed, even if we do not thereby get the very best. All the objection that Senators urge is that the plan is not perfect. I do not profess that it is, but I think it is better than the present one.

Mr. JOHNSON. It is very desirable that there should be an examination; all admit that; but there is an examination, as I understand, for entrance to the Academy.

Mr. ANTHONY. Not a competitive examination; a mere examination up to a very low standard of qualification.

Mr. JOHNSON. At the end of every six months or year, if they are found deficient, they are dismissed from the Academy. When they first go there there is what may be called a physical examination; the constitution is ascertained, and if it turns out to be below the physical standard required they are not received at all. I do not know what may be the experience of the honorable member from Rhode Islond, but, having had a good deal of experience in the education of boys who are precocious sometimes, and sometimes have slow development, I have known very often a boy who was very precocious at fifteen or sixteen years of age turn out to be very deficient by the time he came to be twenty; and on the contrary, one who was apparently dull, his intellect and mental capacity not having been developed, turn out at the end of that time to be a very superior man. No particular standard is recommended in the amendment suggested by the Senator from Rhode Island; I do not know what standard he would require; but the same standard, I suppose, that would be required in Rhode Island would be required in every other State of the Union.

Mr. ANTHONY. The same minimum standard.

Mr. JOHNSON. I do not know what that minimum is proposed to be, or what he thinks it should be. If it be greater than the minimum now required at the Academy, the result might be that in some of the new States, where schools are necessarily very deficient at least for a time, there would be no boy who would be eqal to the minimum standard, and they would not be represented in the institution, although in point of natural capacity their boys might be the equals of any of the boys to be found in Rhode Island.

Then there is another practical difficulty. How are these boys to be assembled in the different States? That is a difficulty that is not applicable to Rhode Island, because there is very small territory within her limits, full, to be sure, of everything that is valuable and praiseworthy, and of everything of which any State can be proud, but still it is a very small territory. But go to one of the large States of the West, how are they to be examined?

Mr. ANTHONY. I do not think any of them is larger than France.

Mr. JOHNSON. But the facility of getting along in France is better, and the boys are more generally educated there. Are the members of the commission to travel from door to door; and if they do not travel from door to door, how are the boys of the poor emigrants and settlers in those States to get to the place where the commission is to be held? Their parents cannot pay the expense of the travel, and of course they cannot pay it themselves, and, unlike what might be done in Rhode Island, they cannot walk to the place as a boy in Rhode Island might. The result would be they would not get there at all, and nine tenths of the boys would be unexamined, so that in point of fact, in a great measure, the competition which the honorable member seeks would not in very many instances be obtained.

The great practical difficulty which has existed, I think, on this subject in the Academy herctofore, as is incident to the regulations of the Academy as it stands now or to the want of regulation, will be obviated by the amendment suggested by the Senator from New York, and which the Senate have adopted. The great practical mischief at the Academy has been, and all the professors have complained of it, every one of them for the last twenty or thirty years, that if a young man at the end of the six months or twelve months, I forget what the exact time is, is sent home because he is unequal to the standard which he is required to be up to at the end of the six or twelve months, the member of Congress who has sent him there, or a member from the State from which he comes, goes to the authorities here and gets an order from the President, or whoever has control of the matter, that he shall go and be submitted to a second examination; and that has been repeated more than once to the injury of the school without any benefit. I hardly know of an instance in which a boy has been sent back where he has in the end proved equal to what the regulations of the school required. But that I understand is avoided by the amendment which the Senate have adopted at the instance of the honorable member from New York.

It is certainly very desirable that the school should be made as perfect as it can be; but our country, it seems to me, is a country that is not exactly fitted to such a preliminary examination as the honorable member from Rhode Island proposes. He suggests that members of Congress from the respective districts should select those who are to make the examination. Select them from whom? The officers of the Army? They do not know them, many times.

Mr. CONNESS. That is not what this amendment proposes.

Mr. JOHNSON. I know that; but the honorable member from Rhode Island said just now that might be one way in which it could be done. I do not think the members of Congress as a general thing are the best fitted to ascertain the capacity of a boy for military life either individually themselves, or the best fitted to select a commission; and the commission at last is to come from officers of the Army. You must have more than one commission; and then when you get a commission from officers of the Army, a great many people will say that there might be a better commission than can be obtained out of the Army, because it is useless to deny that there is an impression in the public mind that very many of these officers themselves are deficient.

My principal objection to the amendment is that I rather think it is impracticable, in the first place, and in the second place that it will do great injustice to many very clever young men. The President has wisely determined—Mr. Buchanan did it before him, and I think Mr. Pierce did it also—to give, as far as his patronage is concerned, these appointments to the sons of soldiers who have fallen in battle, whether they were officers or whether they were privates. If they be privates, nine times out of ten the boys have no education at all, except to read and to write; and I understand as a general thing boys of that description who have been sent to the school have at the end of a year proved to be entirely equal to the regulations.

Mr. ANTHONY. I do not wish to prolong this debate, and I am not going to do so. The Senator from Maryland assumes that in the first place whatever plan may be adopted will be a very bad plan of examination, and then goes on to show how it will work. I do not suppose that any sensible commission would select the young men that would pass the best literary examination or the most precocious young men; but I suppose they would do here as they do in France, as they do in England. They take those young men who, upon the whole, taking into consideration their physique, their health, their taste for military life, and their natural ability, promise to render the best service to the country; and they may not be the men who know the most Greek and Latin, and probably would not be.

With regard to the difficulty of assembling all the boys in sparse districts, how do those boys fare now? What chance have they now? The Senator from Iowa has a district in his State with forty counties, and all the boys cannot come to a central place to be examined. What chance have all those boys to get into West Point now? How does it work any injustice to them? How is injustice rendered to those who cannot go, if the best boy of all those who can go to the place of examination shall be selected, instead of having the selection made by the personal preference of the member of Congress?

Mr. GRIMES. That is not the question; but how are they any better off?

Mr. ANTHONY. All those who can go are better off—and those who cannot go are no worse off; and there will be very few young men who are likely to pass a good examination who cannot be sent to any part of their district by themselves or somebody else. Some of the very best officers in the service have walked many miles to get their appointments. General T. W. Sherman, of our State, went personally from Newport to Washington to get his appointment; and that is longer than anybody's district; and he received his appointment at the hands of General Jackson.

If the organization of the plan were intrusted to me—which is not proposed by this amendment, but to an officer particularly charged with that duty, and much better qualified—I should see how they do in other countries where this system has been tried with eminent success; I should ask this board of visitors, composed of some of the ablest men and some of the best educators in the country, what would be the practical details of the plan which they so earnestly and so unanimously recommend; and I think from the experience of other countries and from the advice of such men as these we should be able to adopt a system that will not be impracticable here, since it has been carried out elsewhere. I ask for the yeas and nays on the amendment.

Several SENATORS. There is not a quorum present.

Mr. ANTHONY. If the Senator from Maine is willing the bill shall go over until Monday, I am willing.

Mr. FESSENDEN. No.

The PRESIDENT *pro tempore*. Four Senators only rise to second the call for the yeas and nays; that is not a sufficient number.

Mr. HOWARD. I hope this amendment will be adopted. I think it will be a great benefit, not only to the Military Academy and to its character, but to the country at large. I understand that one grave and prevailing evil connected with this school, and one of which the country has a right to complain, is this: that it so happens that a very large proportion of the cadets who are admitted into the Academy, before the close of the term at which they should regularly graduate are obliged to leave it or are dismissed from it in consequence of their incapacity and want of ability to acquire learning; and thus the Government is compelled, I will not say through its own folly, but I think through its own imprudence, to educate partially a very large class of young men, and pay their expenses at the school, from whom we derive not the slightest benefit in the world. It is so much money, in short, actually thrown away; whereas, if this amendment should be adopted, confining the selection to such young

gentlemen as possess real merit, we should certainly escape a large portion of this great evil; and I submit that this evil has been one great ground of complaint which has been made against the Academy—complaints which have tended very much to impair the confidence of the country in it. The scheme of the school is undoubtedly good enough. We need such a school, but we need good scholars as much as we need a good school, and it seems to me that the amendment offered by the Senator from Rhode Island has a very strong tendency to correct the evil of incompetent scholars who quarter themselves upon the Government, and who are not, in the end, of any sort of benefit to the Government.

Mr. ANTHONY. I move that the further consideration of this bill be postponed until Monday next.

Mr. FESSENDEN. Oh, no.

Mr. ANTHONY. Then I ask for the yeas and nays on my amendment.

Mr. FESSENDEN. Very well, ask for them.

Mr. ANTHONY. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 19; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Cowan, Dixon, Harding, Harlan, Howard, Morgan, Pomeroy, Ramsey, Sherman, Sumner, Van Winkle, Wade, and Wilson—16.

NAYS—Messrs. Buckalew, Clark, Collamer, Conness, Fessenden, Foot, Grimes, Harris, Hendricks, Johnson, Lane of Kansas, Morrill, Nesmith, Powell, Saulsbury, Ten Eyck, Wilkinson, Willey, and Wright—19.

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. POWELL. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 11, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Dr. CUTLER, of New York.

The Journal of yesterday was read and approved.

JOHN L. BURNS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 1) granting a pension to John L. Burns, of Gettysburg, Pennsylvania; when the Speaker signed the same.

COLORED SCHOOLS.

The SPEAKER laid before the House a letter from Daniel Breed, clerk of board of trustees of colored schools in the District of Columbia, in response to a resolution of the House; which was referred to the Committee for the District of Columbia, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed a bill (S. No. 31) making a grant of lands to the Lake Superior and Mississippi Railroad Company, in the State of Minnesota, to aid in the construction of a railroad by said company from St. Paul to Lake Superior; in which he was directed to ask the concurrence of the House.

WAGON ROADS IN IDAHO.

Mr. WALLACE, by unanimous consent, introduced a bill for the construction of certain wagon roads in the Territory of Idaho; which was read a first and second time, and referred to the Committee on Roads and Canals.

MISSOURI CONTESTED ELECTION.

Mr. BLAIR, of Missouri. I rise to a question of privilege. I ask the House to refer to the Committee of Elections and have printed certain evidence taken in the contested-election case to which I am one of the parties. The evidence was taken by myself; and although it has been taken since the meeting of Congress, and since the time limited by the act of Congress within which testimony shall be taken has expired, yet I will simply say to the House that there are four or five affidavits appearing in the testimony in my case, and a large mass of testimony presented and incorporated in the printed evidence which is before the House now, all of which has been taken since that time expired. That is a precedent for the admission of such testimony.

I will state further that the testimony taken by the contestant was taken without any notice given to me; whereas I gave him notice of the taking of this testimony.

Mr. STEVENS. Was notice given of taking it?

Mr. BLAIR, of Missouri. Notice of it was given to my contestant.

Mr. UPSON. I object to the reference until the contestant shall have an opportunity to be heard upon the subject.

Mr. KNOX, (the contestant.) It had not been my purpose in any manner to participate in the proceedings of this House in relation to the matter of contest now pending between my adversary and myself. Things have so changed, however, as to make it proper and expedient for me to remonstrate against this attempt to introduce before the committee testimony which has been taken out of time, taken without the formality of law, and taken, I will say, if the facts are as I understand them to be, without the semblance of a foundation in fact.

The offer is made to introduce the deposition of a witness who is implicated directly by the testimony which has been on file for the last twelve or thirteen months in the room of the committee or in the room of the Clerk. Now, twelve hundred miles from the place where the testimony in the case has been taken, and after the case has been before the committee for investigation, a witness suddenly appears to order, and it is asked that the testimony of this man taken twelve hundred miles from the place where the facts are known shall go before the Committee of Elections to influence them in their opinion as to the right of parties to a seat upon the floor of this House. I object to the testimony. The same facts which are proposed to be placed in evidence were in controversy in St. Louis; there were witnesses there who could have testified to them, witnesses were summoned there but they were not examined as to that subject, and it is notorious that if the facts charged did exist there were hundreds of witnesses there who could have testified to them. I object that after thirteen months a man should be imported here for the purpose of giving testimony which shall have the weight of a feather upon the result of this case.

Mr. DAWES. The Committee of Elections do not propose to interfere in this question and decide what testimony shall be submitted to them. They consider it to be their province to consider and examine such testimony as the House under the law shall refer to them; and further than that, the committee unfortunately are but six in number now, three of them having left the city necessarily, and it is difficult for them to come to such a conclusion as perhaps they might desire.

The law has put it beyond their discretion to decide this question. I will read the law:

"The testimony taken by the parties to the contest, or either of them, shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in the first and second sections of the act; and no testimony shall be taken after the expiration of sixty days from the day on which the answer of the member returned shall be served upon the contestant; and a copy of the notice of contest, and of the answer of the returned member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives: *Provided*, That the House may, at their discretion, allow supplementary evidence to be taken after the expiration of said sixty days."

It is doubtless, under this statute, within the power of the House to allow testimony to be taken. This testimony has been taken before authority has been asked of the House. It was taken under these circumstances: notice was served, and answer filed, and the testimony taken under the statute I hold in my hand, which requires the whole matter to be taken within sixty days.

After the hearing was commenced in the committee-room, on the second day, the sitting member gave the committee notice that he had accidentally met in this city an individual whose conduct had been the subject of testimony on the one side and the other, but who was absent from St. Louis at the time the testimony was taken; he was supposed to have been on his way to join the army of the Gulf, so that his testimony could not be taken at that time. It was stated by the sitting member that he accidentally met this gentleman in this city upon the second day after the hearing was commenced in the committee-room, and he asked the committee to permit him to introduce the witness before the committee.

Evidently from the reading of the statute the committee had no such authority. But the objection to it made by the contestant is this: that the whole testimony was closed under the statute within the sixty days, and testimony was taken on the one side and upon the other about the matters supposed to be within the knowledge of this witness, taken at St. Louis as the statute provides. The contestant complains that he is twelve hundred miles from St. Louis, where evidence exists to control the testimony to be given by this witness. He represents that it would be in his power to control the testimony given by this witness were he in St. Louis, and were this testimony taken as the other testimony had been; and he says that its admission will necessitate a postponement of the case for a sufficient length of time to enable him to go to St. Louis and get this testimony, and that it will result in a postponement of the case till the next session of Congress.

On the other hand, the sitting member says that this is a witness who knows better than any other person facts about which testimony has been taken on the one side and the other. He says that he was not able to take this man's testimony at that time because he was on his way to join the army of the Gulf; that the first knowledge he had of him was his appearance here on the second day after the hearing commenced before the committee, and that it would be a hardship to him if he were not permitted to take this testimony.

The contestant replies that this witness has come here under orders from the military authorities under very peculiar circumstances, arriving here just the second day after this hearing commenced, and under circumstances which excite in his mind a suspicion about the whole matter.

I felt, Mr. Speaker, that as a member of the committee it was proper for me to state the case, on the one side and upon the other, and to read the law, and to leave it entirely to the House to say what testimony shall be referred to the committee. The precedent in such cases has been for a resolution to be adopted by the House prescribing the time within which such testimony shall be taken after the passage of the resolution, and prescribing a further time for the taking of controlling testimony on the part of the contestant. I do not know of any precedent like the one adopted by the sitting member, of taking testimony upon notice to the other side, and then bringing it into the House and asking that it be referred to the committee without such a resolution. The House will judge upon the merits of the application and the reasons for granting it, if I have stated them accurately, and I believe I have.

Mr. BLAIR, of Missouri. I ask the chairman of the Committee of Elections to say whether the contestant for this seat has not taken testimony in the case himself since the case was closed under the statute, and whether that testimony has not been referred to the committee and printed, and whether it was not referred to by the contestant in his argument before the committee?

Mr. DAWES. There is testimony in the documents before the committee taken by the contestant in the form of affidavits without notice to the sitting member. They were commented on by him in his opening argument, and objected to by the sitting member when he came to commence his argument.

There is also an affidavit in the book of testimony taken by the sitting member without notice to the contestant. The one taken by the sitting member, however, was taken before the other evidence was taken; those taken by the contestant were taken afterwards.

The committee have always adopted the rule that where testimony was taken without notice to the other party it would be rejected by them if the other party objected to it, and that I understand to be the opinion of the committee touching the affidavits that are in the papers in this case. They have been referred to the committee in the papers, but the committee have not felt at liberty in any other case—I do not know what they may do in this case—to consider affidavits as testimony if the other party objected.

Mr. BLAIR, of Missouri. Mr. Speaker, I have simply to say that all I care about is that the House shall have all of the facts before them to decide this matter as in their judgment they may think right. I took the testimony of this witness, as stated by

the chairman. He came here suddenly, unexpectedly. He was an important witness, and the testimony in the case showed that I could not get his evidence at the time, he being absent from St. Louis. He came here, and following the example of the contestant himself, who procured testimony to be taken after the time allowed, took it without notice, and had it incorporated in the printed testimony before the House, which will have its influence whether excluded or not. All such testimony, as gentlemen are aware, will make its impression upon the minds of those who are to decide upon the case. Here is this testimony, taken without authority of law, printed by the House without the House knowing that it was not taken legally. All I ask is that I may have the same privilege as that exercised by the contestant. Whatever he has to say against this witness will be judged of by the House. I submit the question to the House on the simple statement that the contestant has already done what I now ask; he took the testimony without notice to me, and I gave him notice that I would take this testimony.

Mr. WILSON. I ask the gentleman from Missouri whether he designs having this referred to the Committee of Elections by order of the House, to be treated by the committee as testimony properly taken?

Mr. BLAIR, of Missouri. I do not care how it is referred. It can be referred as the other testimony taken by the contestant precisely in the same way, and which has been laid before the committee.

Mr. WILSON. Is the gentleman willing, in the event of the committee excluding the affidavits submitted by the contestant, that this testimony also shall be excluded?

Mr. BLAIR, of Missouri. Unquestionably. I desire it may go before the committee, and stand precisely upon the same footing as the testimony which the contestant had referred without giving the House notice that the testimony was not taken legally.

Mr. STEVENS. Let me make a suggestion.

Mr. BLAIR, of Missouri. I should be glad to hear the gentleman.

Mr. STEVENS. Let the testimony be referred to the committee to judge of its legality on all points.

Mr. BLAIR, of Missouri. I accept that.

Mr. DAWES. It has been taken without authority of law. The gentleman does not claim that there is any authority of law for this testimony. If it is to be referred to the Committee of Elections to decide whether it was legally taken yesterday, I think that that committee are ready to say that this testimony taken yesterday was not taken under authority of law. The gentleman comes here for the authority of law.

Mr. WILSON. The gentleman has stated that testimony has been taken by the contestant since the time fixed by law, and I have no objection to this testimony going before the committee on the same footing as that taken by the contestant.

Mr. BLAIR, of Missouri. That is all I ask.

Mr. DAWES. Are the committee to consider themselves as instructed by this reference?

Mr. BLAIR, of Missouri. They are to judge of this as the other taken by the contestant.

Mr. DAWES. This is not *ex parte* testimony. This has been taken on notice to the contestant.

Mr. WILSON. There could have been no notice by law.

Mr. DAWES. The committee want to know how they are to treat the testimony. I speak for the committee in saying that it is no part of their duty to seek for or to turn from testimony which the House refers to them to consider.

Mr. DUMONT. If the testimony be referred to the committee, they still retain the power of ruling it out if they think it is not proper. All these questions go before the committee.

Mr. BLAIR, of Missouri. Testimony was referred to the committee by the contestant, of the character of which the House was not apprised. It was taken after the time, without notice to me. This testimony has been taken on notice to the contestant.

Mr. DAWES. Mr. Speaker, it is just as well to have an understanding about this thing. Perhaps the gentleman from Missouri will find himself differing with the Committee of Elections.

Mr. BLAIR, of Missouri. I should be very sorry to differ with the committee just now on a question of this kind. On any other I would not care so much.

Mr. GANSON. Will the gentleman from Missouri yield to me?

Mr. BLAIR, of Missouri. Certainly.

Mr. GANSON. I suggest that the House refer this testimony to the committee, to be treated by the committee in the same manner as the testimony taken after the expiration of the time fixed by act of Congress.

Mr. BLAIR, of Missouri. That suggestion I am perfectly willing to accept.

Mr. COX. I would like to ask a question of the chairman of the Committee of Elections. I did not understand the facts in this matter as he developed them. Did I understand him to say that this testimony, proposed to be referred, was taken on notice to the contestant, and that it was in the power of the contestant to have been present and cross-examined?

Mr. DAWES. This testimony was taken yesterday morning in this city by notice given to the contestant by the sitting member.

Now, if referring the testimony to the committee this morning does not alter the character of it, or give it authority under the statute, then the gentleman will find himself, in the committee-room, with this statute in his face. If the gentleman says that he only desires this to be referred precisely as the affidavits that came before the committee, then he will find testimony referred to the committee, to-morrow morning in the committee-room, that has been taken outside of the statute, precisely as the affidavits are.

Mr. GANSON. And be treated in the same manner.

Mr. DAWES. But if the gentleman claims that the reference this morning is virtually authorizing and legalizing the testimony, that is all we want to understand.

Mr. BLAIR, of Missouri. I am perfectly willing that it shall be taken in any way.

Mr. COX. I would inquire what is the condition of the resolution as amended?

The SPEAKER. The Chair understands the gentleman from Missouri to move as follows: that the testimony shall be printed and referred to the Committee of Elections, to be considered by the committee as of the same weight with other evidence before the committee taken after the time prescribed by law.

Mr. BLAIR, of Missouri. And treated in the same manner?

The SPEAKER. Yes.

Mr. BLAIR, of Missouri. With that I am satisfied.

Mr. UPSON. If I rightly understand the position taken by the contestant in reference to this testimony it is this: that testimony cannot be taken after the time fixed by law, except by leave of the House. Granted. Taking that view of the case, when this testimony was taken by the sitting member, he himself considered that it was unauthorized, and therefore the contestant did not appear nor make any cross-examination whatever, deeming that the proper remedy to be pursued by the sitting member was first to apply to the House for leave, and then to give the contestant notice and take the testimony.

Mr. BLAIR, of Missouri. If the contestant thought so, why did he take affidavits without giving me any notice, and have them referred to the committee? He referred to them in his opening as testimony.

Mr. UPSON. If I rightly understand the contestant in this case he does not claim any benefit from them. He does not consider them as of any importance. As the chairman of the committee has stated, these two affidavits referred to, and the affidavit of the sitting member are considered as not evidence in the case, and of no consequence or importance. In this case, the notice given by the sitting member being in contravention of the law in reference to taking testimony, the contestant considered it as unauthorized and void, and therefore did not appear to cross-examine. If, in the first instance, application had been made to the House, and leave given, he would have considered it his duty to appear and cross-examine. As it is, the testimony here offered is *ex parte*. No cross-examination of the witness appears. Whether the witness is still in the city or not I do not know. This is reversing the practice under the statute. Hence it would be improper to introduce the testimony taken in this way, instead of application having been made, in the first instance, for leave to take testimony.

Mr. BLAIR, of Missouri. I will simply say that I took the course which I did take upon the suggestion of the committee themselves. When I applied to them to allow the testimony of this witness to be taken, they did not suggest to me that there was any impropriety in that course. They suggested the propriety of giving notice. I took the testimony, and now, when I ask the House to refer it to the committee, I am told that the committee have decided beforehand that this is null and void. I say I took the course I did in relation to this deposition on the suggestion of a member of the committee, who said he was authorized to tell me that I had better do so.

Mr. GANSON. As a member of the Committee of Elections, I desire to say that they have made no such decision. The action of the committee has been misunderstood by the gentleman in that respect.

The SPEAKER. The question as it now stands will be stated by the Chair. It is moved that this testimony be referred to the Committee of Elections, printed, and be considered by the committee as of the same weight with other evidence before the committee taken after the time prescribed by law, and be treated in the same manner.

Mr. STEVENS. I have heard some statements since I made the previous suggestion. I now learn that those *ex parte* depositions are ruled out by the committee. This is *ex parte* in every sense of the word, because there is no law requiring the contestant to take notice of it. I think, therefore, we had better decide the matter at once, and vote down the application.

Mr. BLAIR, of Missouri. The gentleman says that the *ex parte* evidence has been ruled out by the committee. A member of the committee upon my right informs me that no such decision has been made.

Mr. GANSON. Inasmuch as the attention of the chairman of the committee does not seem to be attracted to this statement, I will say that no such decision has been made by the committee. The gentleman from Pennsylvania says the committee has already decided to rule out, and has ruled out, the *ex parte* testimony taken by the contestant. I do not understand that any such decision has been made.

Mr. DAWES. The gentleman is correct in saying that there has been no such formal decision. Nor has there been any decision that they shall be received. I did not suppose that anybody would urge that such affidavits should be considered as testimony.

In the committee, the contestant commented upon those affidavits in his opening argument, without noticing, himself, the fact that they were affidavits. The sitting member on the second day made his proposition to bring this witness before the committee, and the committee directed his attention to the law upon the subject. He then brought before us the man's affidavit, and upon our saying to him that an affidavit could not be considered as testimony, he called our attention to the fact that there were two affidavits in the testimony of the contestant. That was the substance of the discussion upon the admissibility of such testimony; and I thought it was conceded on all hands that such testimony as affidavits could not be admitted. The discussion rose upon an affidavit which the sitting member had in his hand, and which he proposed to offset against an affidavit already in the testimony of the contestant. It was suggested to him that neither that or his own affidavit could be considered as testimony.

Mr. GANSON. I understood that all the documentary evidence which was in the printed record came within the same category; and it was in relation to that that I spoke.

Mr. DAWES. The question as to the admission of documentary evidence is altogether a different question, and depends upon a different state of facts.

Mr. MORRIS, of New York. It seems to me the House should understand the precise position of this matter before we vote upon the resolution. If the resolution does not require the committee to regard this as evidence it is a nullity, and it is

idle to pass it. If the resolution does instruct the committee to treat the evidence taken yesterday and the day before as competent testimony before them, then the House should understand the fact. I should hesitate to so instruct the committee, because it would be in the face of all law, and would be establishing a dangerous precedent. The question is simply as to the meaning of the resolution. If it is a nullity, it is idle to pass it. If it instructs the committee, it is dangerous as a precedent.

Mr. DUMONT. It is admitted by the chairman of the Committee of Elections that these *ex parte* affidavits taken out of time by the contesting member have not been yet ruled out. The question is propounded to him directly, and he says that although he takes it for granted that nobody will regard these *ex parte* affidavits as testimony, yet that they have not been ruled out. Then, sir, I conceive that if they are still before the committee, nobody can forcsee what action the committee may take on them. Even if the chairman of the committee were to state that they would be ruled out, he cannot know that they will be ruled out. True, he is an influential member of the committee, and is at the head of the committee, but if he were to get up here and state that these affidavits would be ruled out, he would be stating what he cannot possibly know. He says that he takes it for granted that nobody will regard these *ex parte* affidavits as testimony. I think that in taking that for granted he is probably on the right track; but they are before the committee. They are *ex parte* affidavits; they were taken out of time; and that is all that is said in regard to the testimony now sought to be referred to the committee.

I say, therefore, that when we know that similar testimony is before the committee, and that it has not been ruled out, it is perfectly fair and equitable to refer this testimony to the same committee to stand upon exactly the same terms. What is the character of the motion? It could not be fairer. It is that this testimony be referred to the committee in order to get it out of the hands of the House, so that the House may go on with their business, the committee to judge of its admissibility. They will have an opportunity to do so under this motion, and I think exceedingly fairly, and so that both parties can be perfectly satisfied. The committee will then have before them a mass of testimony on both sides, standing exactly in the same category, taken out of time, and *ex parte* in its character; and if they regard the testimony on one side as inadmissible, they will regard the testimony on the other side in the same way.

I know neither of these gentlemen, and am no partisan in regard to their contest; but let us act fairly in this matter, and refer this testimony to the Committee of Elections, an intelligent committee, with a gentleman of experience at its head, and well qualified to judge whether this testimony is admissible or not.

I think, however, that the wording of the motion of reference as it is written down is not quite right. It reads that this testimony "shall have the same weight" as the other testimony of the same character now before the committee. Now, "weight" is not the proper word. The *weight* of evidence is to be judged of by those before whom it comes. The *weight* of the testimony refers to the credibility of the witness, to the amount of credit due to the testimony, and not to its admissibility. I would have no objection at all that the resolution of reference should state that this testimony shall be "treated in the same way," but it is not for us to judge in regard to the weight it shall have. That depends upon its own intrinsic merit, and is not to be judged of on a motion of reference.

Mr. BLAIR, of Missouri. I am perfectly willing to modify my motion by striking out that about "weight," and to say that this testimony shall be "treated in the same way," &c.

The SPEAKER. The Chair so wrote the motion, but the gentleman from Missouri suggested the adding of the word to which the gentleman from Indiana objects.

Mr. BLAIR, of Missouri. I merely objected to the words which the Chair had put in.

The SPEAKER. The motion will then be modified so as to read, "be referred to the Committee of Elections and printed, and to be considered by the committee in the same way as other evidence before the committee taken after the time prescribed by law." Is it now in the shape in which the gentleman from Missouri desires it?

Mr. BLAIR, of Missouri. Yes, sir.

Mr. STEVENS. If I understand what has taken place here, there is a question of documentary evidence standing upon an entirely different footing, but this resolution would put them all upon the same footing.

Mr. DAWES. In the case of Vallandigham against Campbell, there was sought to be introduced by the sitting member some documentary evidence, records from the office of the secretary of State of Ohio. It was evidence brought by him or his counsel before the committee. Upon the hearing, it was objected on the other side that it was testimony which ought to have been taken with the rest within the sixty days. The question came before the House and was passed upon by the House, and the decision made forms a precedent, either to be regarded or disregarded; and that same question comes up in this case. There is a documentary evidence, certified copies, certified in a way which one party says is sufficient and the other says is insufficient, but certified since the sixty days expired.

Mr. STEVENS. What I want to ask the chairman is this, whether these copies are copies of evidence that existed before the expiration of the sixty days?

Mr. DAWES. They are copies, for instance, of muster-rolls and of poll-books. The muster-rolls and poll-books, of course, existed before the termination of the sixty days, but the copies produced here as evidence did not exist within the sixty days.

Mr. STEVENS. I consider the originals as evidence. These are mere certificates of the existence of evidence.

Mr. DAWES. That indicates how the gentleman from Pennsylvania will be on the precedent adopted in the Campbell and Vallandigham case.

Mr. STEVENS. I did not hear what that was.

Mr. DAWES. It was precisely such a case. It was a certificate from the secretary of State of Ohio as to the result of the election. The certificate was obtained after the sixty days. The objection was made that that was testimony within the meaning of the statute, and that it should have been taken and made a part of the record, so as to enable the other party to introduce testimony bearing on the same point:

Mr. STEVENS. And how was it decided?

Mr. DAWES. Gentlemen on this side voted one way, and gentlemen on the other side voted the opposite way. [Laughter.]

Mr. STEVENS. I move further to amend the resolution by adding, "provided that this resolution refers only to depositions and affidavits, and that all such, illegally taken, shall not be considered by the committee."

Mr. COX. I am opposed to that amendment for this reason: I would agree to it were it not for the fact which has been developed here, that these affidavits have been already read and considered by the committee, and they have been ruled out after they have entered within the minds of the committee. There is no casuistry so fine as to exclude an impression from such a reading. It would seem to be fair, therefore, that these other affidavits or depositions, which are in the same category, should have the same reading by the committee, and should be sent back to the House with the original affidavits. We are judges of these matters. We act as a judiciary; and I would be always in favor of receiving the largest amount of testimony with a view to the investigation of truth. That is the object of all testimony, and, in case of doubt, to get all the facts possible.

I would allow this committee to judge as to whether this testimony should have more or less weight. If it be entitled to less weight because taken without notice, very well; let the committee judge. If it be entitled to weigh before the committee at all, it is entitled to weigh before the House also; and they ought to be both placed in the same position precisely. I think the amendment of the gentleman from Pennsylvania will cut off the proper impression that ought to be given by the reading of these affidavits and of the depositions now sought to be referred. That would be equal and exact justice to both parties.

Mr. STEVENS. I think my amendment does put them both on the same footing. They will both go to the committee for examination. If illegally taken they will be rejected; if legally taken they will be considered. The rules of evidence are framed for the purpose of getting at truth according to law, and to avoid error. One of these rules is, that if in any case, inadvertently or otherwise, the court has admitted evidence that is illegal, the court shall direct the jury not to take it into consideration. That is the every-day practice, and that is all that can be said here. If these affidavits are illegally taken they have no business to be on the record at all. As the one has gone without consideration by the House before the committee, I propose that the other shall take the same course. That is fair and equal to both, and is according to what the law requires.

Mr. DUMONT. I move to amend the amendment by striking out all after the word "provided," and adding in lieu of it the words, "that this resolution shall not apply to record testimony," so that all of this record testimony that is regarded as good will still remain in the record. Record testimony can be introduced on a trial in any court of justice. I want the amendment giving discretionary power to the committee to rule out testimony shall not apply to record testimony.

Mr. BENNET. Mr. Speaker, I wish in this connection to state a precedent. During the session of 1856, in my case against Bird B. Chapman, the sitting Delegate from the Territory of Nebraska, after the majority report of the Committee of Elections was made, the sitting member took affidavits in this city. These affidavits were never submitted to the committee, nor did the committee first authorize them to be taken, nor was notice given to the contestant of the intention to take such testimony. These affidavits were included in the minority report to sustain the sitting Delegate.

Mr. DAVIS, of New York. Mr. Speaker, this whole matter rests with the Committee of Elections. The power is given to them to determine the validity or invalidity of any testimony before them. They are clothed with that legal power of judgment, and it is a power that they should exercise. I do not know how the resolution of this House is going to make testimony legal which is not legal. We ought not to establish any such precedent as that. If that committee has testimony before them which, on precedent or legal principle, is wrong, they have the power to strike it out. This case comes before them, and will have to be decided upon testimony that is legal, and upon no other.

I do not know why this question comes up before the House in this shape. This committee do not want any instruction of what is the law. They were constituted a committee for the very purpose of determining that question. It is there, and they should decide it.

Mr. STEVENS demanded the previous question.

The previous question was seconded, and the main question ordered.

Mr. DUMONT's amendment to the amendment was rejected.

The question then recurred on Mr. STEVENS's amendment; and on a division, there were—ayes 51, noes 39.

Mr. COX demanded tellers.

Tellers were ordered; and Messrs. Cox and DUMONT were appointed.

The amendment was agreed to; the tellers having reported—ayes 59, noes 33.

The resolution, as amended, was then adopted.

INDIAN INTERCOURSE.

The SPEAKER stated the first question in order to be the consideration of an act (S. No. 120) to amend an act entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, the pending question being on ordering the main question to be now put.

The main question was ordered.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. WILSON demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. WILSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEGISLATIVE APPROPRIATION BILL.

The SPEAKER stated the next business in order to be the consideration of three amendments of the Committee of the Whole on the state of the Union to the legislative and judicial appropriation bill, which were reserved for separate votes, and on which the previous question was demanded by the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. STEVENS. I withdraw the demand for the previous question. The Delegate from the Territory of Utah desires to modify his amendment so as to make it acceptable to the Committee of Ways and Means.

Mr. KINNEY. Mr. Speaker, I moved yesterday an amendment in the Committee of the Whole on the state of the Union to this bill for the purpose of paying the legislative expenses of the Territory of Utah for 1863–64. I believed the amount named was necessary, but on consultation with the First Comptroller I find the whole amount asked for in the amendment will not be required.

I desire to modify my amendment so as to strike out "$20,000," and in lieu thereof to insert "$10,000." This, with the unexpended balance in the Treasury of near ten thousand dollars, will be sufficient to meet the expenses of the Legislature for the Territory for 1863–64. I was not aware of this unexpended balance when I offered the amendment on yesterday in Committee of the Whole upon the bill. It is not sufficient, however, to defray the expenses of the Legislature, and if no amendment had been offered the result would have been no session of the Legislature for Utah for 1863–64, or at least a very short one. I find that Utah has been more saving of the public money than her sister Territories, and that an unexpended balance still remains to her credit, notwithstanding the appropriation of only $6,000 at the last session of Congress for legislative expenses. I will also, with the consent of the House, withdraw the proviso to the amendment for the unexpended balance to be applied to finishing the penitentiary, as it meets with disfavor from the Committee of Ways and Means. I have a bill pending, referred to the proper committee, asking for an appropriation for that purpose, and I will let it stand on its merits.

Mr. STEVENS demanded the previous question.

The previous question was seconded, and the main question ordered.

The amendment of Mr. KINNEY, as modified, was concurred in.

The next amendment reported from the Committee of the Whole on the state of the Union, upon which a separate vote was asked, was to strike out "$600" and insert "$1,000" in lieu thereof, in the following clause:

For compensation of one night-watchman at the public stables and carpenters' shops south of the Capitol, $600.

The amendment was agreed to.

The next amendment in order was to add the following section to the bill:

SEC. 2. *And be it further enacted*, That for the purpose of building a penitentiary at the town of Bellevue, in the Territory of Nebraska, $50,000 be and the same is hereby appropriated, to be expended under the direction of the Governor of said Territory: *Provided*, That a contract with responsible parties can be made to complete a penitentiary suitable to the wants of the Territory for the said sum of $50,000.

The SPEAKER ordered tellers on the amendment; and appointed Mr. WASHBURN, of Massachusetts, and Mr. CHANLER.

The House divided; and the tellers reported—ayes 57, noes 36; whereupon—

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 46, nays 48; as follows:

YEAS—Messrs. James C. Allen, Anderson, Ashley, Baily, Boutwell, Boyd, Chanler, Ambrose W. Clark, Cox, Henry Winter Davis, Thomas T. Davis, Dawes, Dixon, Dumont, Eldridge, Farnsworth, Grinnell, Hale, Charles M. Harris, John H. Hubbard, Julian, Francis W. Kellogg, Law, Loan, Longyear, McAllister, McBride, McClurg, Daniel Morris, James R. Morris, Morrison, Norton, Charles O'Neill, Perham, Price, Ross, Smith, John B. Steele, William G. Steele, Upson, Elihu B. Washburne, Whaley, Williams, Wilder, Wilson, and Yeaman—46.

NAYS—Messrs. Ames, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Bliss, Broomall, James S. Brown, Cobb, Cole, Creswell, Dawson, Dennison, Eckley, Eden, Ganson, Harding, Harrington, Higby, Hulburd, Kernan, Knapp, Le Blond, Long, Lovejoy, Mallory, Marvin, McKinney, Samuel F. Miller, Morrill, Noble, Odell, John O'Neill, Pendleton, Pruyn, Samuel J. Randall, John H. Rice, Shannon, Spalding, Stevens, Stiles, Stuart, Thayer, Thomas, Tracy, Wadsworth, William B. Washburn, and Joseph W. White—48.

So the amendment was not agreed to.

During the call,

Mr. LAW stated that Mr. EDGERTON was detained from the House by sickness.

Mr. A. W. CLARK made the same announcement in reference to Mr. VAN VALKENBURGH.

Mr. COX stated that Mr. SCHENCK had paired off with Mr. C. A. WHITE, and Mr. BRANDEGEE with Mr. ROGERS.

Mr. CRESWELL stated that Mr. SMITHERS had been suddenly called home in consequence of severe illness in his family.

Mr. COBB stated that Mr. SLOAN was absent on account of severe illness in his family.

Mr. O'NEILL, of Pennsylvania, stated that Mr. MOORHEAD and Mr. KELLEY were absent on business with the Naval Committee. Also, that Mr. LEONARD MYERS was paired off with Mr. ANCONA, and Mr. KELLEY with Mr. MIDDLETON.

The result was then announced as above recorded.

All the amendments having been disposed of, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports of a private nature.

COMPENSATION FOR LOST SLAVES.

On motion of Mr. WILSON, the Committee on the Judiciary was discharged from the further consideration of a petition asking compensation for lost slaves; and the same was laid on the table.

COMPENSATION OF ASSESSORS.

On motion of Mr. WILSON, the Committee on the Judiciary were discharged from the further consideration of the petition of the assessors of the fourth congressional district of Connecticut for increase of pay; and the same was referred to the Committee of Ways and Means.

COMPENSATION OF MARSHALS.

Mr. THOMAS, of Maryland, from the Committee on the Judiciary, reported back, with a recommendation that it do not pass, a bill (H. R. No. 309) to regulate the compensation of the marshals of the United States court for the western district of Virginia.

The bill was laid on the table.

SCHOOL LANDS IN MISSOURI.

Mr. BLAIR, of Missouri, from the Committee on Private Land Claims, reported back, with a recommendation that it do pass, a bill (H. R. No. 149) concerning certain school lands in township forty-five north, range seven east, in the State of Missouri; and moved to put the same on its passage.

The bill provides that all the right, title, and interest of the United States in and to all the lands, tracts, pieces, and parcels of land within the Grand Prairie in township forty-five north of the base line in range seven east of the fifth principal meridian line in the State of Missouri, which have not heretofore been disposed of by the United States, be granted, relinquished, and conveyed by the United States in fee simple to the State of Missouri, for the support of schools in said township, under certain limitations and restrictions contained in the bill.

Mr. LOVEJOY. Is this a private bill?

The SPEAKER. It is a public bill.

Mr. BLAIR, of Missouri. I do not consider it a public bill.

The SPEAKER. Bills of this character have always been held to be public bills.

Mr. BLAIR. I ask that the report be read.

The report was read.

There being no objection to the consideration of the bill, it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIAN DEPREDATIONS.

On motion of Mr. J. C. ALLEN, the Committee on Indian Affairs was discharged from the further consideration of the petition of L. J. Rose, praying compensation for losses sustained by Indian depredations, and the same was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (No. 112) for the relief of the heirs of Almond D. Fisk, deceased; in which he was directed to ask the concurrence of the House; and an act (H. R. C. C. No. 116) for the relief of William G. Brown.

Also announcing that in the temporary absence of the Vice President of the United States, Senator FOOT had been chosen President of the Senate.

GERRITT HULLFISH.

Mr. HALE, from the Committee of Claims, made an adverse report on the petition of Gerritt Hullfish praying compensation for property destroyed by the United States troops at Haymarket, Virginia; which was laid upon the table, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (H. R. C. C. No. 116) for the relief of William G. Brown; when the Speaker signed the same.

FOREIGN COASTING TRADE.

Mr. LONGYEAR, from the Committee on Commerce, reported a bill to repeal section two of an act entitled "An act to regulate the foreign coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved March 2, 1831; which was read a first and second time.

The bill was read. It simply enacts that the second section of the act referred to in the title be, and the same is hereby, repealed.

Mr. HOLMAN. Inasmuch as it is impossible to understand the purport of the bill from the reading of it, I hope some explanation will be given.

Mr. LONGYEAR. I send to the Clerk's desk letters from the Secretary of the Treasury and the Secretary of State, which explain the matter.

The Clerk read the letters, as follows:

TREASURY DEPARTMENT, *January* 18, 1864.

SIR: I have the honor of transmitting a communication from the Secretary of State, relative to tonnage duties, &c., imposed upon American vessels in the ports of the British provinces; and to commend to your consideration his suggestion to repeal the second section of the act of March 2, 1831, to regulate the foreign and coasting trade on our northern, northeastern, and northwestern frontiers.

With great respect, S. P. CHASE,
Secretary of the Treasury.

Hon. E. B. WASHBURNE, *Chairman Committee of Commerce, House of Representatives.*

—

DEPARTMENT OF STATE,
WASHINGTON, *November* 13, 1863.

SIR: I have the honor to acknowledge the receipt of your communication, with its inclosures, touching the liability of Canadian vessels to pay tonnage duty, under the fifteenth section of the tariff act of 1862.

Immediately upon the receipt of your letter inquiries upon the subject were addressed to our consular officers, and they were instructed to report upon the duties levied upon American vessels in the British provinces. The attention of Mr. Abbot, an officer of this Department, in his recent visit to Canada, was also directed to this subject.

I am informed that there is no imperial or provincial enactment exempting American vessels from tonnage or other duties in the ports of Canada. In some of the provincial ports various duties are levied upon American vessels under the name of "light duties," "hospital dues," "water-police dues," "harbor-master's fees," "pilotage," "signal fees." These duties in the aggregate amount to a very considerable sum. The "light duties" are regarded as very oppressive, especially upon our fishing vessels on the coast of the lower provinces, especially as it is said the lights are either entirely wanting or are very inadequate to their protection. This light tax upon a vessel of one hundred and fifty tons passing through the Gut of Canso amounts to twenty-seven dollars and fifty cents, which is regarded by the

masters of vessels as very exorbitant, as they are said to receive no substantial benefit from more than one light.

Besides the classes of duties above enumerated, it is understood that the local authorities in certain ports are authorized to levy "tonnage duties" for harbor purposes. The harbor commissioners for the port of Montreal, for instance, have levied tonnage duties on all shipping remaining twenty-four hours in that port.

These duties are as follows:

"On steamboats measuring fifty tons and upward, per ton of their burden per register, for each day of twenty-four hours they remain in the harbor, reckoned from the hour of their arrival to that of their departure, ¼d.

"On all other vessels measuring fifty tons and upward, per ton and per day, as aforesaid, ¼d.

"On steamboats measuring under fifty tons, for each day reckoned as aforesaid, each, 2s.

"On all other vessels measuring from twenty-five to fifty tons per register, each per day, reckoned as aforesaid, 1s.

"On all vessels of less than twenty-five tons burden each per day, as aforesaid, 6d."

In Toronto and other ports in the provinces similar tonnage duties are collected for like purposes.

From what has been said, I think you will perceive that *there exists no good reason to exempt from tonnage duty vessels belonging wholly or in part to subjects of foreign Powers, including those residing in the British North American provinces, on entry into our ports on the northern, northwestern, and northeastern frontiers of the United States and from the British North American provinces.*

I beg leave to suggest for your consideration whether all doubt and ambiguity on the subject may not be removed by a repeal of the second section of the act of 2d March, 1831, chapter ninety-eight, (see Statutes at Large, vol. 4, p. 487,) and in that event whether it may not be expedient to recommend such legislation for the consideration of Congress.

Under the powers with which the local authorities are clothed in Canada, the tonnage duties levied by them may differ in every port, and it would be obviously inexpedient to make such widely differing duties the measures by which tonnage duties are to be levied and collected on vessels entering our ports, in the northern, northeastern, and northwestern frontiers.

The papers inclosed in your communication are herewith returned.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. S. P. CHASE, *Secretary of the Treasury.*

Mr. HOLMAN. The bill proposes to repeal that section only?

Mr. LONGYEAR. That is all.

Mr. HOLMAN. And it is a report from the Committee on Commerce?

The SPEAKER. It is, and it is recommended by the State Department and by the Treasury Department.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONGYEAR moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

AMENDMENT TO HOMESTEAD LAW.

Mr. JULIAN. I ask leave of the House to report from the Committee on Public Lands a bill of a public character that it may be acted on now. It is Senate bill No. 60, an act amendatory of the homestead law, and for other purposes.

I desire, Mr. Speaker, to state in a few words the reasons requiring immediate action on this bill. The bill contains a few simple provisions amending the homestead law in certain particulars which I am sure will meet the approbation of every member of the House.

It provides, among other things, that the oath required of the homestead claimant may be made before the clerk of the county in which the party resides, so that he shall not be required to go in person to the office of the register, but may forward it by another.

It provides also that soldiers in the military service may make the affidavit before the officer in command, and transmit it to the register by any person authorized to act as his agent.

It further provides that where persons have taken the preliminary steps required by the law of 1862, and have been prevented, by being called into the military service, from completing the requirements of the law, they shall not lose their rights by such fact. The bill contains some other provisions of less importance, and about which there will be no difference of opinion.

I am satisfied that if gentlemen will hear the bill read they will allow it to pass at once. Immediate action is needed.

I understand that, in some instances, persons have to travel four or five hundred miles, chiefly through rebel territory, in order to reach the office of the register. The law, as it now stands, greatly hinders the settlement and improvement of our public lands. It is important that the claimants shall be allowed to make their affidavits before the clerk of the county in which they reside, and to transmit them to the Land Office, so that the purposes of the homestead law may be carried out.

Mr. HOLMAN. I ask for the reading of the bill.

The bill was read. It provides that in the case of any person desirous of availing himself of the benefits of the homestead act of May 20, 1862, but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land office which the act of May 20, 1862, requires, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, it shall and may be lawful for such person to make the affidavit required by that act before the officer commanding in the branch of the service in which the party may be engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions, as required by law.

The second section provides that, besides the ten-dollar fee exacted by the act, the homestead applicant shall hereafter pay to the register and receiver each, as commissions, at the time of entry, one per cent. upon the cash price as fixed by law of the land applied for, and like commissions when the claim is finally established and the certificate therefor issued as the basis of a patent.

The third section provides that in any case hereafter in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a *bona fide* improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, it shall and may be lawful for him to make the affidavit required by the original statute before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

The fourth section provides that in lieu of the fee allowed by the twelfth section of the preëmption act of September 4, 1841, the register and receiver shall each be entitled to one dollar for their services in acting upon preëmption claims, and shall be allowed, jointly, at the rate of fifteen cents per hundred words for the testimony which may be reduced by them to writing for claimants, in establishing preëmption or homestead rights, the regulations for giving proper effect to the provisions of this act to be prescribed by the Commissioner of the General Land Office.

The fifth section provides that where a preemptor has taken the initiatory steps required by existing laws in regard to actual settlement, and is called away from such settlement by being actually engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land office, to make, before the register or receiver, the affidavits required by the thirteenth section of the preemption act of September 4, 1841, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses that the preëmptor is in the service, being filed with the register of the land office for the district in which his settlement is made.

The sixth section provides that the registers and receivers in the States of California and Oregon, and in the Territories of Washington, Nevada, Colorado, Idaho, New Mexico, and Arizona, shall be entitled to collect and receive, in addition to the fees and allowances provided by this act, fifty per cent. of the fees and allowances as compensation for their services; provided, the salary and fees allowed any register or receiver shall not exceed in the aggregate the sum of $3,000 per annum.

Mr. HOLMAN. I move to amend the fifth section by adding the following proviso:

Provided, however, That any private soldier or seaman, who shall have served in the military or naval service of the United States for the period of two years, shall be entitled to the benefits of this act without payment of any fees whatever, and shall, so soon as he may settle on a homestead selection, be entitled to a patent therefor.

This proviso, Mr. Speaker, requires service for two years. I trust that my colleague will see the justice of giving to the soldier who has served two years and been honorably discharged his homestead without payment of fees or without delay for five years.

Mr. JULIAN. I have no objection to my colleague offering that amendment.

The SPEAKER. Is there any objection to the bill being considered at this time?

There was no objection.

The SPEAKER. The Chair hears no objection, and the bill is before the House.

Mr. JULIAN. Mr. Speaker, I do not know that I have any objection to the amendment offered by my colleague if I understood it. At all events, I have no objection to having a vote of the House upon it. This bill has been reported unanimously, not only by the Committee on Public Lands in this House, but also by the same committee in the Senate. The only amendment that the House committee recommends is the adoption of a provision that all reserved lands shall bring at least the minimum price of $1 25 per acre. I think there can be no objection whatever to the bill in any of its features, and I am willing that my colleague shall have a vote of the House upon his amendment.

Mr. BOYD. I move to amend the third section of the bill by inserting, after the words "clerk of the court for the county in which the applicant is an actual resident," the words "a judge of a court of record, a clerk of a court of record, or a notary public."

The question being on Mr. HOLMAN's amendment,

Mr. HOLMAN said: Inasmuch, Mr. Speaker, as quite a number of gentlemen desire to attend the funeral of the wife of the oldest officer of this House in a very few moments, and as there is no quorum present, I move that the House do now adjourn.

Mr. ALLEY. I hope the gentleman will withdraw that motion for a moment, in order to allow me to ask the House to take up Senate bill No. 158, and pass it at this time.

The SPEAKER. If the House will adjourn now, the bill will come up next Friday after the morning hour.

Mr. STEVENS. I hope the House will not adjourn, but that there may be a call of the House. There is an appropriation bill which I want to have passed.

The SPEAKER. The Chair desires to state that if the House do not adjourn now he will ask leave of absence himself. He feels it to be his duty to attend the funeral of the wife of the Journal clerk.

Mr. WILLIAMS called for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The SPEAKER. The Chair asks leave of absence from the House for the remainder of to-day's session.

Leave was granted; and Mr. BEAMAN took the chair as Speaker *pro tempore*.

The question was taken; and it was decided in the affirmative—yeas 61, nays 46; as follows:

YEAS—Messrs. James C. Allen, Alley, Baily, Baxter, Beaman, Blaine, Francis P. Blair, Jacob B. Blair, Bliss, Chanler, Ambrose W. Clark, Clay, Cox, Dawson, Dennison, Dumont, Eckley, Eden, Eliot, Ganson, Hall, Harding, Harrington, Herrick, Holman, Kalbfleisch, Francis W. Kellogg, Orlando Kellogg, Knapp, Le Blond, Long, Mallory, McAllister, McKinney, Morrill, James R. Morris, Morrison, Noble, Norton, Odell, John O'Neill, Orth, Pendleton, Perry, Pruyn, Samuel J. Randall, Shannon, Smith, Spalding, Stebbins, John B. Steele, William G. Steele, Stiles, Stuart, Sweat, Wadsworth, Elihu B. Washburne, Joseph W. White, Wilson, Windom, and Yeaman—61.

NAYS—Messrs. Allison, Ames, Anderson, Ashley, Augustus C. Baldwin, John D. Baldwin, Boutwell, Boyd, Broomall, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dawes, Dixon, Donnelly, Driggs, Farnsworth, Grinnell, Haie, Charles M. Harris, Higby, Hotchkiss, John H. Hubbard, Julian, Kernan, Longyear, Lovejoy, McBride, McClurg, McIndoe, Samuel F. Miller, Daniel Morris, Charles O'Neill, Perham, Price, William H. Randall, John H. Rice, Stevens, Thayer, Thomas, Tracy, Upson, William B. Washburn, Williams, and Wilder—46.

So the motion was agreed to; and thereupon (at two o'clock and forty-five minutes, p. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 12, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Mr. CUTLER, of New York.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, one of its clerks, announced to the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses on the bill of the House (No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864.

Also, that the Senate had passed a joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, with amendments, in which the concurrence of the House was requested.

Also, that the Senate had passed an act (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1865, with amendments, in which the concurrence of the House was requested.

PRESIDENT'S ANNUAL MESSAGE.

Mr. DAWES. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the President's annual message.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of the President's annual message, on which the gentleman from Indiana [Mr. HOLMAN] was entitled to the floor.

AMNESTY PROCLAMATION.

Mr. HOLMAN. Mr. Chairman, after three years of relentless war, engrossing the attention and commanding the energies of thirty million people, we approach, at least in anticipation, the final result of the tremendous conflict. The recent proclamation of the President of the United States declaring the future policy of the Executive, and the bill for the reorganization of State governments now pending before this House, bring us face to face with the final issue—the conditions on which the Union shall be restored. This movement is not necessarily premature. Two States in which civil government was overthrown have been relieved by the success of our arms from the military power of the rebellion; and large portions of other States are within the lines of the Federal forces; and besides this, sir, the principles on which the people of the United States are willing to restore the Union must have a powerful influence for good or for evil on the masses of the people of the South.

The proclamation of the President, which was communicated to Congress and published to the country on the 8th day of December, 1863, whether considered as a war measure adopted by the Commander-in-Chief of the Army and Navy or as a measure of civil government, is the most extraordinary instrument that ever challenged the attention of a free people. If our system of government were different; if, instead of the careful divisions of political power prescribed by the Constitution, the legislative and executive functions were vested in one man, and he was announcing the conditions upon which revolted provinces should escape the calamities of war and be restored to the empire, the proclamation would conform to the ordinary experience of mankind; but emanating from the President of the United States, whose powers are executive only, the proclamation may well arrest the attention and provoke the criticism of a people jealous of delegated power.

The proclamation announces a conditional amnesty to the masses of the people involved in the rebellion, and declares the conditions on which the States in which civil government had been overthrown might be reorganized and restored to the Union. The States enumerated in the proclamation are either States of the Union or else by secession and revolution they have ceased to be States of the Union. If they are in the Union, the Constitution with its powers to protect and its powers to punish embraces them. Can the President by a war measure or a peace measure change the relations of States to the Union? Can he declare a different basis on which the local sovereignty of a State may rest than that which the Constitution has prescribed? He may as Commander-in-Chief subdue the military power which resists the supremacy of the Federal Government. He may reclaim the public property. He may compel by force submission to the laws; but in all this he is but the agent of the Constitution and laws, the Executive of their power. But may he determine who shall constitute the State? May he prescribe who shall exercise the elective franchise, and what part or what class of the people shall assume and exercise political power? In a word, sir, can he declare the foundations and prescribe the conditions of citizenship?

If he can do all this, sir—and all this is assumed by his proclamation—then is the war power of the President of the United States supreme and absolute, before which Constitution and laws are prostrate and powerless. I shrink, sir, with terror from such assumptions. I deny any such power in the President either as President or Commander-in-Chief. His powers are the powers of an Executive, not of a legislator. It is his sworn duty to "take care that the laws be faithfully executed," not to make them; but the powers assumed transcend even the legislative authority of Congress. His powers are as much prescribed and limited in war as in peace; but these are not powers of war but powers of civil government. By his proclamation he declares that such persons and such only of the States in which civil government has been subverted, whether loyal or disloyal, who shall take the oath—not an oath prescribed by the legislative power, but by himself, an oath unknown to the Constitution and laws—shall constitute the State if their number shall be not less than one tenth of the votes cast at the last presidential election in such State. This one tenth may organize and shall constitute the State, and he pledges the Federal Government, that is, the executive power, to maintain the State so organized. The old maxim of our fathers was that sovereignty was in the people, that they were the source of political power. Upon whose sovereignty would such a State be organized? The sovereignty of the people? No, sir. On the sovereignty of the President of the United States; for the power that declares the conditions of Government is sovereign.

It cannot be said by way of apology that in determining who should restore the State the proclamation justly discriminates between loyalty and treason, for the loyal man becomes a political outcast if he asserts his citizenship under the Constitution of his country and refuses to accept conditions imposed on him, not by law but in defiance of law, by the President. Indeed, sir, he may become the subject or victim of laws enacted by men whose treason had overthrown the government of his State, and whose crimes might induce compliance with conditions which secured an amnesty from their guilt. If Mr. Lincoln had recognized the constitutional rights of loyal citizens who of all others had suffered by treason, and had imposed his conditions of amnesty on traitors only as a punishment for crime, the plea at least of equity and justice might be made in his behalf. As it is, the charge of usurpation is unrelieved even by the argument of moderation and fairness. Mr. Lincoln, in his message to the first session of the Thirty-Seventh Congress, says:

"It may well be questioned whether there is to-day a majority of the legally qualified voters of any State, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many, if not in every other one, of the so-called seceded States. It is ventured to affirm this even of Virginia and Tennessee, for the result of an election held in military camps, where the bayonets are all on one side of the question voted upon, can scarcely be considered as demonstrating popular sentiment. At such an election all of that large class who are at once for the Union and against coercion would be *coerced* to vote against the Union."

And now Mr. Lincoln, by his proclamation, in allowing only those who had accepted his amnesty to reorganize the State, is driven to assume that either by the policy his radical advisers have forced upon him, or by the bayonets of the rebels, all of this large body of Union men have been driven into rebellion and require the benefit of his amnesty, or else that in reorganization it is better to rely on the gratitude of the pardoned traitor than on the loyalty of the loyal citizen. The proclamation declares that whenever a number of persons, not less than one tenth of the voters, who shall have taken the oath prescribed as the condition of amnesty, "and excluding all others, shall reëstablish a State government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that 'the United States shall guaranty to every State of this Union a republican form of government,' and shall protect each of them against invasion, and, on application of the Legislature, or the Executive, (when the Legislature cannot be convened,) against domestic violence." And the President further says:

"And it is suggested as *not improper* that in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution and general code of laws, as before the rebellion, be maintained, subject only to the *modifications* made necessary by the *conditions* hereinbefore stated, and such others, if any, not contravening said conditions."

It scarcely seems possible, sir, that this is an American President speaking of States of the American Union. One tenth of the voters having taken the prescribed oath to obtain the benefit of the amnesty, "*and excluding all others*," "shall reëstablish a State government." It is to the persons to whom the amnesty is granted, "each having taken the oath aforesaid," an oath faithfully to support the proclamations of the President having reference to slaves, and all acts of Congress on that subject, that the right, and the exclusive right, to establish a State government is transferred. It is loyalty to proclamations, not the Constitution, on which Mr. Lincoln would build his republican States.

Mr. Lincoln seems to have entirely overlooked the loyal men of these States, five of which States had regiments of citizens in the Union army. And why? Because, sir, he may have justly argued that they would not accept conditions unknown to the Constitution and imposed by executive power; that the virtue that resisted treason would resist this encroachment on inherent and unforfeited rights, and this, too, whatever their views might be on the subject of slavery. The oath to support the Constitution was the only oath that could be imposed on them; while the traitor, by taking the oath, was restored to his forfeited rights, and more—the right of governing his loyal fellow-citizens.

What then, sir, are the elements, the materials of Mr. Lincoln's "republican States?" A number not less than a tenth of the voters, not selected because they have been loyal to the Government, but because they have taken the oath, prescribed not by the Constitution and laws, but by the Executive, and taken it, too, to obtain amnesty for treason. And this one tenth having taken the oath, "and excluding all others," shall reëstablish a State government "which shall be republican" if it "in nowise contravene said oath," and "shall be recognized as the true government of the State," and "shall receive from the United States the constitutional guarantee and protection from invasion" and "domestic violence." And such, then, is Mr. Lincoln's idea of "a republican" form of government, a government formed by not less than one tenth of its people and upon conditions dictated by himself. And this a republican State! Shades of our fathers! are these the kind of republican States that are to perpetuate the American Union, the grand old Republic of Washington? With a Union of such States will we dare to decorate this Capitol with the proud old emblems of constitutional liberty? A Union of free and equal States!

Mr. Lincoln suggests that it would not be "improper" to retain the name, boundaries, &c., of the original State. "*Not improper*"—a mere bagatelle! But still it would not be "improper" to retain these ancient landmarks: they are of no moment if in life and spirit the State is conformed to the model of the new builder! But Mr. Lincoln, as if remembering that the legislative powers of the Government were not confined to himself, but delegated to Congress, says that "whether members sent to Congress from any State shall be admitted to seats constitutionally rests exclusively with the two Houses." This is at least a concession; but whether their Representatives were admitted or not would not lessen his power, for if not admitted, the only power that would reach these States would be that of the Executive. Mr. Lincoln might well have doubted

whether Congress would consent that ten thousand voters in Louisiana should possess in the Senate a power equal to three hundred thousand in Ohio, and, with one half the vote of any congressional district of Indiana, should have five members on this floor, and seven votes in the Electoral College.

Such, sir, would be a fair statement of the case upon the theory that the States of the South are still States of the Union, and the acts of secession null and void; the Constitution still unimpaired though resisted by armed force. But how does the case stand on the other hypothesis, that by secession and rebellion the ten States of the South have ceased to be States of the Union? This is the theory of most of the Republican leaders on this floor, and especially of the distinguished leader of the House, [Mr. STEVENS.] It is also the doctrine of Davis and his rebel conspirators. It might be charged, indeed, that such is the theory of Mr. Lincoln, for if they are still States of the Union, as I maintain, the Constitution embraces them; and if so, by what authority does he fix the conditions on which they shall be recognized as States? His only duty in such case is to subdue the armed power that for the time being suspends the authority of the Constitution, and not to organize civil government; that is not a power of war but of peace. But if out of the Union they could only be restored as "new States," and if even built on the executive model could only obtain admission into the Union through Congress. "New States may be admitted by the Congress into this Union." The Congress, and not the President, must judge of the republican form of their government. Congress, representing the States and the people, must determine whether the new State shall be admitted as an equal into the august sisterhood of States. The recognition and organization of the President would be a naked act of power having no relation to the Federal Union. Therefore, on either theory, the assumption of authority by the President to reorganize the political structure of States, and pledge the United States for their maintenance, ought to be condemned as at the very least, to use the mildest terms, a tremendous innovation on the fundamental principles of the Government, and tending to the utter subversion of public liberty.

I have said all this, sir, without any reference to the particular object which the President manifestly seeks to accomplish. That he was willing to arrogate to himself these tremendous powers for the abolition of African slavery, or for any other purpose does not change the question. *Usurpations have ever been justified by some specious necessity.* I do not speak with reference to the merit of this specious pretense. If the ambitious demagogues of the South in their miserable feud with the ambitious fanatics of the North have involved the whole people in the calamities of war, and as an incident to that war African slavery shall perish, I have but to say, sir, "*let it perish.*"

I am not unmindful, sir, of the fearful perils to which this infamous rebellion has exposed this nation. I am conscious, sir, that impelled by the impending danger many a military act of questionable constitutionality might be extenuated on the plea of imperative necessity. To criticise the acts and errors of an Administration in the midst of the calamities and agonies of a tremendous war, as if it were a time of peace, would be unworthy of a representative of a patriotic people. I have not been unmindful of all this; and if this great error of usurpation had been the error of an hour, I should have remained silent. But if this act of the President, in leaving the province of an executive officer, and assuming to himself every function of Government, even with the representatives of the people then assembled in Congress, shall be consummated, it will, in the enfranchisement of the African, overthrow every safeguard of the public liberty, if not now, in the dangerous precedent it will establish for some abler and bolder aspirant to power. Nor, sir, can I escape the belief that Mr. Lincoln in all this has been more controlled by political hostility to the domestic policy of the South than by an earnest desire to restore the Union to its original symmetry, else why does he ignore the difference between the loyal and the disloyal men of the South? Why, if he deemed an act of general amnesty proper, did he not make the condition of restoration an oath of fidelity to the Constitution, and upon that old and sanctified foundation restore the structure which treason had attempted to destroy?

That part of the proclamation which grants a general amnesty, except to the leading traitors, even on the conditions imposed, may weaken the rebellion. It is an act within the scope of executive power, and will not be condemned even by those who prefer only unconditional submission to the Constitution on the part of the misguided masses of the people as the conditions of peace. It is only when the Executive leaves the field of his constitutional authority that the citizen may justly condemn.

But opposition to the policy of substituting the will of the Executive for the old theory of the sovereignty of the people is happily not confined to those opposed to the political views of the President. The bill upon your table, sir, reported by the committee on reconstruction, by the honorable gentleman from Maryland, [Mr. DAVIS,] is a most signal condemnation of the executive usurpation. This bill, sir, proposes to substitute the law of the land for the will of the President. It confers on him tremendous powers, but they are only the powers he now assumes without the authority of law. He proposes to restore the States on the basis of traitors pardoned by his amnesty; this bill on the basis of loyal citizens only. He acts through military governors, for whose appointment there is no law; this bill would give the sanction of law to his appointments. He requires an oath from the pardoned electors to sustain his proclamation, while this bill, ignoring the sanctity of these instruments, requires of the electors simply an oath of fidelity to the Constitution of the United States.

But this bill, as though its author would follow in the footsteps of the President wherever it was possible, proposes to found the States on the will of one tenth of its voters, and requires the abolition of African slavery as a condition for restoring the State, not by the sanction of an oath, but by a constitutional guarantee; and the bill provides that if the convention called to frame a constitution refuses to abolish African slavery, the Governor appointed by the President shall declare the convention dissolved, and until the loyal people who had taken the oath to support the Constitution will consent to the condition and abolish African slavery the State shall be governed by officers appointed by the President. But if the convention so called shall consent to the condition and frame a constitution, that the President, "after obtaining the assent of Congress, shall, by proclamation, recognize that government, and none other, as the constitutional government of the State." And after such recognition, and not before, Senators and Representatives and "electors for President and Vice President may be elected in such State according to the laws of such State and of the United States."

The fundamental difference in these schemes of reconstruction consists mainly in the source of the authority that would limit the free action of the people, the President or the Congress, the executive or the legislative power. The President with his own instruments would mold them to his own will, while the bill demands the authority of law; but both ignore the majority of the people and for the same cause; both sacrifice the old principle of popular government to the impatient determination to change, not extinguish, the servitude of the African, for neither proposes to make him a member of the State; the one herds him with the loyal citizens disfranchised for not accepting the President's amnesty, while the other consigns him to political servitude with his disloyal master; but in subtle craftiness the President's plan greatly surpasses the plan proposed by the bill. Mr. Lincoln might well have argued that, having in his message to Congress declared the existence of a large Union-loving population in all the States of the South except South Carolina, if he required of these loyal men who had forfeited nothing by treason, who had borne and suffered agonies unknown to loyal men of the North, to take any other oath as a condition of the restoration of their State to the Union except that of fidelity to the Constitution, the sentiment of justice and honor would everywhere revolt. Besides, he might well suppose that the men who had resisted the rage of iron-handed treason would not at his dictation abandon any right of citizenship, and that the whole people would condemn the arbitrary attempt to control their political conduct. Therefore it was, sir, that traitors and others willing to acknowledge themselves as such, who had received the benefit of his clemency, enfranchised by his pardon, were made the chosen instruments to remodel States according to his own dictation, while on the other hand the bill, recognizing only loyal citizens, does not insult them by a pardon for crimes they had not committed, but would force them to compliance by this alternative: adopt a constitution prohibiting African slavery, or submit to a servitude where every political right of the citizen is extinguished, where every office is filled by the appointment of the President. Rather than submit to this, loyal citizens might submit to Federal dictation. But still this is but authorizing by law what the President assumes to do without the slightest color of authority.

I am free to admit that if I were compelled to choose between the crafty scheme of the President and the plan proposed by this bill, I should not hesitate to accept the latter. It would at least have the merit of reorganizing the States on the legislative will of the whole people as represented in Congress, while the other is the mere arbitrary dictation of one man, still one man, though he be the President of the United States.

But, sir, there is one leading feature in both of these measures which fills me with alarm, the utter abandonment of the fundamental principle of this Republic, that all just powers of government are derived from the consent of the governed. *One tenth of the voters may on either plan become the State;* the bill does not require one hour of residence to entitle a person to participate in the reorganization; and such, too, is the practical effect of the proclamation as modified by military order. As the rebel forces are from time to time driven from State after State or from parts of States, I see no difficulty in the President consummating his purpose. A handful of pliant rebels, who had forfeited life and property by treason, might well consent, when the fortunes of the rebellion became desperate, to exchange their perilous condition by becoming the pliant and mercenary instruments of the President and at the same time the sovereign citizens of the State, the masters of their fellow-citizens. So that unsuccessful treason would open up a magnificent destiny! A wonderful transformation, marvelous as an Arabian tale! Who then, sir, in the ordinary course of things will be the chosen citizens of these new republican States? Rebels to whom, under the auspices of a gracious patron, is opened up a path of safety and of power; the camp followers and reckless adventurers who swarm like vultures on the outskirts of a great army, greedy, dishonest, and merciless, and those who, otherwise loyal, are seduced from their manhood by the corrupting and boundless patronage of the President. These, sir, will be his willing instruments, and the States they would organize would be the States of Abraham Lincoln, not States of the American Union; the true loyalty of the South outcast, dishonored.

In the practical workings of this plan, the country has been filled with indignant astonishment at the recent act of a major general, annulling by a military order the constitution and laws of Louisiana, declaring the basis of civil government and reducing the term of residence for citizenship, so that camp-followers and adventurers, the plunderers of the gallant soldier, might become the august founders of a State; and this, too—how cheerless and bitter the memory!—in the city famous for the last battle in the second war for independence. And more significant still the recent ambitious but disastrous attempt to reorganize a State in Florida. Who was responsible for that disaster? What were the instructions to the ambitious youth who left the mansion of the President and directed the veteran Gillmore to abandon for the time the assault on the accursed city of Charleston? Who set on foot the idle tale of intercepted dispatches, pointing out the numberless herds of cattle in the glades of Florida, the last hope of the rebel army? For what was all this? To pave the way for a new State under the shelter of a military expedition. The sufferings and blood of a gallant army were to gratify the base ambition of unworthy favorites of the Executive, and the fatal battle-field of Olustee was the result. Fifteen hundred gallant soldiers are stricken down, the victims of selfish and mercenary adventurers

seeking to organize a State under the auspices of the proclamation. The mere possibility of consummating such a scheme, and the easy manner in which the President is led to sacrifice public interests to accommodate the views of unworthy favorites, is sufficient to expose and condemn the entire system. The fact that the President may have been deceived only aggravates the misfortune.

Both the proclamation and the bill declare that the government organized by a number not less than one tenth of the voters "shall be republican in its form." Rome was called a republic, even under the despotism of the Cæsars. Can the power of the President or the will of Congress change the very nature of things? We have heretofore indulged the belief that a republic was at least founded on the will of the people—a government of majorities; but here one tenth of the people may be the State, *nine tenths of the people political outcasts, serfs, pariahs!* And is this a republican State? Great God! how the stern old republicans of the Revolution would have swelled with rage at such republicanism as this! "Republican in form;" what an insult to human intelligence! Such a government is not a republic. It is an oligarchy, the most infamous form of government that ever oppressed mankind. It is the form of government that at one time disgraced Athens, that insulted and finally overthrew the Roman republic, that created the lazaroni of Naples and Venice, and extinguished the liberties of Genoa. There is but one instance in history where that form of government has not ended in monarchy, and in that instance the day of its overthrow became immortal in the memory of mankind.

The favored citizens of these States might indeed diminish their own authority by admitting others to citizenship; but who shall compel them to do it? And when, sir, have so small a number of people obtained the mastery over their fellow-citizens, and voluntarily surrendered their supremacy? Mr. Lincoln declares such a State "republican," and pledges the nation to maintain it even against the "domestic violence" which would assert the natural equality of man. It will be observed that this is not designed as a temporary expedient, but as a permanent system of government. What becomes of the equality of the States? A thousand voters in Florida would send two members to the Senate and one to this House; ten thousand voters in Louisiana two Senators and five members on this floor. I hear it compared to the rotten-borough system of England. It is infinitely worse. These States, then, embracing half of the territory of the Union, when the rebellion is subdued, whether reorganized by the special authority and through the instruments of the President or carried on by an army of civil officials appointed by himself, become the mere instruments of the executive power, in no sense States of the Union, but agents for despotism and ruin, not more prostrating to them than to us.

And is this to be the end of this mighty agony? Is it for this the gallant soldier has laid down his life? Is it for this that your gallant sons have met the iron front of battle and won the imperishable glory of a patriot grave? Is it for this the wife sits weeping with her orphan children by the desolate hearthstone, and the tearful eyes of the mother rest on the seat by the fireside that shall be filled no more? Are these miserable oligarchies a recompense for a nation's tears? To save a Constitution, the gift of the mighty dead of the Revolution, and a Union sanctified by their blood from the assaults of traitors, might compensate for an age of agony; but if all these sacrifices must end in consolidated power, instruments of vaulting ambition, then have your gallant sons fallen and the heart of a nation been wrung in vain. May the God of our fathers save us from such a destiny as this!

The bill before me provides that until a State government shall be organized by the loyal men submitting to the terms prescribed—

"The President of the United States shall appoint such officers provided for by the laws of the State when its government was overthrown as he may find necessary to the civil administration of the State; all which officers shall be entitled to receive the fees and emoluments provided by the State laws for such officers."

This is then the proposed policy, not simply during the war but after the rebellion is put down; a permanent system until one tenth of the voters will submit to the conditions of restoration. Is it not strange, sir, how instantly we drift into the old forms of tyranny the moment we cut loose from the principles of free government? The President to appoint all the civil officers of the State, Governor, sheriffs, clerks, judges, commoners, constables, justices, trustees. What a spectacle! How naturally the experience of history is revived—the prefects of imperial Rome, the satraps of Persia, the lord lieutenants of modern times, the appointed instruments of consolidated power! With such tremendous authority vested in the Chief Executive how long could this Republic survive? It must be observed, too, that this whole theory is built on the idea of subjugation, not merely of armed rebels—that is inevitable if you would restore the Union—but of the masses of the people; a subjugation so complete that with or without the aid of a standing army they will submit to be governed by the absolute power of the President. Would these States alone feel the effects of oppression? If they alone were to suffer, so far as it affected the ambitious authors of these calamities, it might be deemed a just retribution; but would not the magnitude of power in the Executive recoil on the other States of the Union to their utter subversion? If it did not, sir, all the lessons of history are a deception. *It is not then so much a question how this system may affect the States of the South as how it will affect popular government itself.*

A just indignation against this inexcusable rebellion—inexcusable, however provoked by the fanaticism of the North—might render us indifferent to the fate of these States; but their fate is inevitably interwoven with our own. You cannot preserve this nation as a Republic, except on the basis of the equality of the States. If we subjugate not armed rebels, but the States and the people of the South, and hold them as conquered provinces or as petty aristocracies through a standing army governed by the Federal Executive, with boundless resources of patronage and power, how long would it be, sir, before this power will recoil upon ourselves? No part of this nation can escape the influence of the rest. No part of the general system, so happily devised by our fathers, can be permanently impaired without bringing fatal weakness to the whole. The blow that strikes the extremities will send a deadly sickness to the heart. It is then not the question, what shall be the effects of the President's policy on the South, but how will it affect the whole nation? The youth and vigor of the American people will resist the natural tendencies to centralized power much longer than a nation borne down by the weight of centuries. But let us beware. Even youth and vigor will expire in the deadly embrace of power. In 1826, when the national expenditures were but $22,000,000 a year, the prudent statesmen of that day, fearful that so vast a sum would render the executive power dangerous to liberty, raised a committee, of which Mr. Macon, the pure and virtuous Senator from Georgia, and Mr. Benton of Missouri, were members, *to reduce executive patronage*. In their report to the Senate it is said:

"In coming to the conclusion that executive patronage ought to be diminished and regulated on the plan proposed, the committee rest their opinion on the ground that the exercise of great patronage in the hands of one man has a constant tendency to sully the purity of our institutions AND ENDANGER THE LIBERTIES of the country. This doctrine is not new. A jealousy of power, and of the influence of patronage which must always accompany its exercise, has ever been a distinguishing feature in the American character."

Will this generation show the same "jealousy of power?" The expenditure of $22,000,000, alarmed the virtuous statesmen of that day. Now the expenditures run up to $900,000,000! The Executive assumes the exclusive control, as a measure of civil government, of ten States, with all the incidental powers; and with this tremendous patronage, by adulation grown fond of authority, he asks, in defiance of the settled policy, to be continued in this hot-bed of ambition. The year 1864 must test the strength of the public virtue. It must resist the corrupting power of patronage, or the vital flame of liberty will expire. May the spirit of our fathers overshadow their unfortunate children! May the virtuous love of liberty resist the blandishments of power!

It is impossible, sir, to disguise the fact that all the difficulty in the proclamation and bill before me is the effect of the determination that civil government shall not be restored in the States of the South without the complete abolition of African slavery, and, above all, of a guarantee against its restoration. This is the political paroxysm of the period. If it were not for this, civil governments in Tennessee, Arkansas, and Louisiana could be restored at once under the auspices of loyal men and of the masses who have been forced into this rebellion, not partially and as petty oligarchies, but completely and by the general consent of the people, and giving us by their example a tremendous moral power against the rebellion. Is it wise, sir, to imperil these enduring interests by untried and visionary theories? To impose the prohibition against the possible restoration of slavery, you must seek for other guarantees than those furnished by the Constitution; for the right of domestic government to every State is guarded by the Constitution in every form that vigilance and suspicion of central power could suggest. These guarantees you would break down in the States of the South, lest they use again, after peace and union are restored, their original right over the question of slavery. Mr. Lincoln to do this would rely on the sanctity of an oath and the maintenance by the Federal power of the State government in the hands of the insignificant number who had taken it, while this bill would effect the same result by a constitutional provision actually forced on the loyal men of the South. Then, to make it effective, Mr. Lincoln must maintain for all time his petty oligarchies, and deny to the people the right to change or modify their own domestic government. This is the absurd yet inevitable result.

But looking at the subject without prejudice or passion, it may well be asked whether the danger to which the whole nation is exposed by the attempt you are making to change the old landmarks of the State and national Governments will be compensated by securing an uncertain benefit to the unfortunate African? Is this nation prepared to assert the rights of the African in derogation of the domestic sovereignty of the States by a standing army? If not, what will all this attempt to force the domestic policy of the South amount to after the Union is restored? And if you can under the Constitution by proclamation or otherwise control the domestic policy of a State on this domestic question, where is the limit of your power over the States? What security is left to that ancient palladium of constitutional government? What breakwater, sir, is left against the absolutism of Federal power? Will the enfranchisement of the African compensate for the seeds you are planting of future wars, and the universal destruction of liberty, especially that enfranchisement which leaves him still a political slave? The gentleman from Ohio [Mr. ASHLEY] would give him political equality with the white man; the Republican party may ultimately progress to this point, but neither the proclamation nor bill proposes this.

In the florid language of our Republican orators it has been said ten thousand times, "*Slavery is dead,*" "SLAVERY IS DEAD;" "The first gun fired at Sumter was the death-knell of slavery." I do not know, sir, whether African slavery is dead or not; but this I do know, that if this tremendous conflict, which has overturned and broken into fragments the whole social and domestic system of the South, has not broken the servitude of the slave and stirred in his soul an imperishable thirst for freedom, your proclamations and laws will be powerless. If capable of freedom, the vast numbers of these slaves, three and a half millions, thrown together as they now are, inspired by example and invited to freedom, they must and will assert the rights of human nature and be free. If incapable from any cause, as many have believed, of resisting the superior will of the white man, proclamations and laws cannot, power only can, change the result, unless you can change the cupidity and domineering spirit of the white man. But a few days since there was laid on your table the sad complaints of benevolent men, deploring the servitude to which the cupidity of your own agents, and lessees of plantations, had subjected the unfortunate multitudes of negroes which you had gathered from their homes to be the recipients of your bounty. Yes, sir, your own agents, the very men, the philanthropists, who had acquired the

opportunity of oppression, of coining the sweat of the negro into gold, by deploring the misery of the slave, and that, too, sir, in the midst of your great army of the South.

The result of your policy so far is that you have now a half million of these unfortunate creatures on your hands fed out of the public Treasury, and when you attempt to make their labor available the unrestrained cupidity of the new masters adds untold agonies to slavery. This is shown by your own records. If it weakened the enemy it was a justifiable measure of war to deprive the master of his slave. You cannot return the slave to his rebel master; you cannot violate your faith; you cannot disregard the claims of humanity resulting from your reckless policy. But, sir, with these three million and a half of slaves now within the rebel lines made free by the actual advance and success of your armies, if they cannot maintain their freedom, achieved not by proclamations but by your military force, I ask you what guarantee have you in proclamations and laws? Laws, to be effective, unless sustained by military force, must have the sanction of the public judgment. The history of all fragments of the race has proved "that he that would be free himself must strike the blow." Oppression has never extinguished the capacity for freedom in any people who in the past have achieved or maintained civil government. Indeed, sir, the reverse is true. The oppressed of one generation, however few or numerous, however barbarous and unlettered, taught by oppression, have in due time become equals or the masters. Such has never been the fortunes of the African, one hundred million people, though empire and civilization lingered on the borders of his continent for twenty centuries; while the German and the Gaul, driven from the forests and swamps of the Danube and the Rhine by imperial Rome, after generations of anguish, of oppression unknown to modern times, seizing the implements of their labor, overthrew imperial armies, and in progress of time became the masters of the Roman empire. This is no argument for injustice to or for oppression of the African, because of his docility and weakness. It only exposes the difficulties you encounter from the nature of the subject. While, sir, in my own humble record there is no one word in behalf of slavery, while I have ever deplored its existence as a just reproach to the American people, as a stain on the proud record of our history, in view of the domestic sovereignty of the States I have ever deemed the attempt to make it the element of political strife to gratify paltry ambition, and ultimately with no higher motive to make it the cause of a remorseless and fratricidal war, involving the fortunes and imperiling the freedom of uncounted and unborn millions of the white race, as the most wicked and inexcusable act that ever stained the history of mankind.

With these views, sir, I submit, that if the African enfranchised by your arms is not able to maintain his freedom where thrown together in vast numbers as in the South, your proclamations and laws will be of no avail to protect him; his freedom must be constantly asserted by your military force at the expense of your labor and your liberty. Your Bureau of Freedmen's Affairs, with its countless horde of civil officers, supported by the toil and labor of your citizens, swelling the enormous debt from which we now recoil with amazement and fear, will be idle philanthropy. Freedom is not nourished by the gentle zephyrs, it is the offspring of the storm. If, then, the African, enfranchised by your arms, is not able to maintain that freedom by inherent force of character, you must maintain it by a permanent military force, which implies the subjugation of the white race, *or you must colonize him beyond the reach of the rapacity of the white man*—this is the only alternative, sir—or you must reorganize your Government without reference to this unfortunate race, keeping your faith so far as it is already plighted by your impracticable policy, by your attempt to equalize the African as a soldier to the steady courage of the white race, and trust to time and humanity for the remedy. This, sir, or you plant in your political system, by the miserable empiricism of this hour, which overlooks all the forms of disease except one, the germs of that system of government in which the African will indeed be made the equal of the white race in the universal prostration of liberty.

For myself, sir, I have ever believed that the restoration of the constitutional Union established by our fathers involved the safety and liberty of the American people. On the 16th day of July, 1861, on this floor, sir, I declared what I deemed to be the purpose of the war. I then said:

"What is the object of the war? It is not for the purpose of conquest or subjugation; not to enlarge the powers of the Government, nor to establish the supremacy of the one section of the Union or diminish the social or political rights of the other. But I say, sir, here in my place, in the presence of the representatives of the people, on the authority of a well-defined public opinion, that the sole and only purpose of the people of the United States in this appeal to arms is to maintain the Union under the compacts and safeguards of the Constitution." "So far as the great West is concerned there can be but one sentiment: there can be no compromise at the expense of the Union, there can be no settlement of pending difficulties except on the basis of the Constitution and the Union of the States. The constitutional rights of no loyal citizen are to be impaired. The domestic and social policy of no State is to be invaded. The constituted powers of the General Government are to be sustained, not to be enlarged. It is war for the Union, and not for the subjugation of States."

Did any gentleman then dare to question the correctness of this declaration? It is and has been the creed of the Democratic party. From this position, sir, I have never varied; upon this basis I have been the uniform advocate of the war as a terrible necessity, and such I am still. Five days afterwards the hoary-headed patriot and statesman, whom we saw rise on this spot, calm and majestic in the midst of universal alarm, submitted to this House the resolution declaring the object of the war—the last great service he was permitted to attempt for his country! How eagerly, sir, this House accepted the lesson of his wisdom, how painful, sir, to remember that a blind fanaticism extinguished the hope it inspired, that the counselor whom God, in His mercy, had spared to us from the golden age of the Republic, should fall in the midst of the nation's agony, conscious that wisdom and moderation had deserted the helm of State, that the fate of his country was at the mercy of the storm. You talk of loyalty. Where is your loyalty to your plighted faith? If that faith had been maintained the agony of apprehension would be passed. If the nation perishes, the men who violated that faith are alone responsible. Even yet, sir, I confidently believe that on the basis of the President's amnesty, but requiring only unconditional submission to the Constitution of the United States—the originally declared purpose of the war—this unnatural rebellion, by the disaffection of the people from their wicked and ambitious leaders, would speedily melt away before the flash of your bayonets, and the deluded masses driven into the rebellion would hasten back to the old ark of safety, and the State governments would spring up on the old foundations, not as miserable oligarchies, fit instruments of power, but as republican States, vital with the life of popular consent; the Constitution, not the President, the master, with its ægis to protect and its sword to punish—this is constitutional liberty. On this ground the Democratic party has stood from the beginning. On this ground, sir, we have voted every dollar and every measure you have required for the war. On this basis, war for the maintenance of a constitutional Union would command united energy.

But, sir, whatever may be the errors of this Administration, however unwisely it may have wasted the national strength, the duty of the citizen is plain—he may not on any pretense desert his country. The fate of that country is in the hands of its people, their virtue and wisdom can alone save it. The war, the immediate and inevitable result of secession, but produced by miserable partisan feuds between the North and the South for political power, is still upon us; it opens up still, as in the beginning, the only hope of restoring the Union. The subjugation, not of the people of the South, nor of the States of the South, but the armed rebels of the South, is the first step in restoring the Union. If when this is done, sir—and it will be done if there is one tithe of the wisdom in your counsels that there is of courage in your soldiers in the field—this Government, in the spirit of magnanimity which becomes a great people, rejecting the promptings of resentment and of vengeance, looking only to the public liberty, shall invite the loyal people of the South and the unfortunate masses who have been the victims of the remorseless ambition of Jefferson Davis and his conspirators, to restore their State governments on their old foundations, subject only to the mastery of the Constitution, we may indulge the reasonable hope that the toils and sufferings of our gallant Army, the grief and agony of our people, will be compensated by the restoration of the Union under the sacred shield of the Constitution, time will wear away the fearful footprints of war, and our children may rejoice not only in the courage but in the virtue, the wisdom, and the forbearance of their fathers.

We could not in the beginning, we cannot now, after such fearful sacrifices, consent that the Union should be dissolved. *But to restore the Union, the Constitution must be maintained.* The conspirators against it, North and South, must be overthrown. It is the life and spirit of the Union. If it shall perish, torn to pieces and dishonored by force, or annulled by the stealthy encroachments of secret ambition, the Union will be no more. *The Constitution, the Union, and liberty*, these in this Republic are inseparable. While the Constitution lives there is hope, hope for us and for our children. If it shall survive this storm of war, if it shall escape its deadly enemies, *fanaticism* and *ambition*, if the spirit of its illustrious authors shall inspire the counsels of the people, our children and our children's children may yet enjoy for ages the blessings of a free Republic. But if the people shall permit the hand of fanaticism to mutilate and tear it, or ambition, in the madness of power, to trample it down, or with stealthy purpose to extinguish its vitality and power, the ruins of this Republic will stand as a perpetual monument of the madness and folly of this generation.

MISSOURI PROTEST.

Mr. McCLURG. Mr. Chairman, I desire to take this opportunity to do justice to some brave men of my State, and ask attention for but a few minutes.

I ask attention to one sentence of the protest of the four radicals of this House from Missouri, which has been heretofore spoken of and was embodied in Senator BROWN'S speech. That sentence is as follows:

"In August, Coffee, Cockrill, and others were allowed to march a large force into the river counties on the west of the State, and defeated the Federal forces in the disastrous battle of Lone Jack, in which our loss was in killed and wounded very great."

Mr. Chairman, I have read this sentence in order to justify the four radicals, and in order to do that justice which should be extended to as brave men as ever fought an enemy; that justice which I had supposed had long since been done by a published report of that battle in which a Spartan band of Federals was overpowered by the vastly superior numbers of the enemy. It now appears that that report, from some cause, was never made public, and it appears from the letter which I will read, that fears are entertained that the sentence in that protest which I have read, without some explanation such as this, will place that noble handful of men in a false position.

I am pleased that my speech of the 9th instant was delivered before the receipt of this letter and report, as I took occasion, in defending the gallant eighth, to speak of two of the companies that fought at Lone Jack, those of Captains Moore and Owen.

We uttered in that protest the truth. It was a disaster to the Federal forces, but every man in that hard-fought battle, on the Federal side, remains, and will through all time, covered with wounds or honors, or both.

A truer and braver man than he who wrote the letter and report which I will read, Major Emory S. Foster, seventh cavalry, Missouri State militia, never drew the breath of life. He fell on that day, having received a wound in front, then supposed mortal, a ball through the body. He survived and to-day is in the service of his country ready to face the enemy. He belongs to the gallant sev enth, a regiment of determined, brave, radical men. The letter and report are as follows:

JEFFERSON CITY, MISSOURI, *March* 5, 1864.

COLONEL: I noticed in Mr. KING'S speech in the House some days ago he attacked General LOAN, Colonel BOYD, and yourself, in regard to the militia.

Allow me to say that in speaking of the disaster at Lone Jack, I think you and the other gentlemen signing the memorial to the Senate did an unintentional wrong to the men that fought at Lone Jack.

Although the cause was injured, and the whole Union force defeated through mismanagement somewhere, the men who did the fighting were as clearly victorious as ever men were. In this, the bloodiest battle that has ever been

fought in Missouri, the men fought well, and have been entirely overlooked since. They are all unconditional Union, and, I must say, feel sore at the remark alluded to. Give us our due. We lost in that fight forty-one killed on the ground, and over one hundred and fifty wounded. The rebels lost seventy-four killed, and nearly two hundred wounded; and we whipped the rebels. Cockrill had command of the main force, three thousand, that was encamped nine miles northwest of Lone Jack, when I attacked Coffee there the night before. Coffee had sixteen hundred men.

I hope, in justice to your own party, and to your own regiment, so grossly slandered by Mr. KING, you will state the facts in the case.

I do not know why my report was never published. I don't know whether I have the right to send it to you. I do so, at any rate.

I am, colonel, your obedient servant,

EMORY S. FOSTER.

GREENFIELD, *May* 1, 1863.

GENERAL: I have the honor to report that, in obedience to an order from you, dated Jefferson City, August 12, 1862, I proceeded from Syracuse to Sedalia to take command of the forces about to march to Lexington. Company H, seventh Missouri State militia, Captain Slocum, from Syracuse, reported at eleven o'clock, p. m., on the 12th. The two companies of the eighth Missouri State militia, Captains Moore and Owen, and a section of the third Indiana battery, Lieutenant Develin, marching by rail from Jefferson, reported at four o'clock, a. m., August 13. I marched immediately, and reached Lexington August 14, at eleven, a. m., a distance of sixty miles, men and horses very much worn out, having marched forty-eight hours without food or rest.

I received an order from you at one o'clock, a. m., August 15, to march at daylight in the direction of Lone Jack with eight hundred men. At daylight I marched with a force consisting of detachments from five companies of the seventh cavalry Missouri volunteers, three companies of the sixth cavalry Missouri State militia, two companies of the eighth cavalry Missouri State militia, three companies second battalion —— cavalry Missouri State militia, and one company of the seventh cavalry Missouri State militia, together with a section of the third Indiana battery.

In consequence of a jealousy in regard to rank, no field officers were sent with me, as you directed should be done.

I marched directly for Lone Jack. About noon I reported to Colonel Hustin, commanding at Lexington, that the enemy, sixteen hundred strong, were at Lone Jack, under Coffee, and that I would fight that evening.

We surprised the camp about nine o'clock that evening, and completely routed the enemy. Lieutenant Develin, being drunk, acted very badly, and was arrested, and the artillery was placed in charge of Sergeant Scott. The men then slept in line in Lone Jack. About daylight the pickets came in and reported that the enemy were advancing, about three thousand strong. Several scouts had reported, and no word from Warren, who should have been in supporting distance.

Two parties were still out, leaving us about seven hundred and forty men. Knowing the instructions you had given Colonel Warren, and believing him to be in hearing of my artillery, I awaited the enemy.

The attack was made about forty minutes after the pickets came in. The enemy attempted to turn both my right and left, but were unable to do so by reason of a thick hedge, which protected us on each flank, and afforded some protection to our front, our rear being protected by a small deep stream, the crossing of which we held.

The enemy's cavalry being thrown into confusion by the hedge, and annoyed by sharpshooters placed behind it, fled in confusion, rejoining the main body, which then attacked us in front.

After a desperate fight of four hours' duration, the enemy began to fall back. At this time Lieutenant Develin came on to the field, and rushing among his men ordered them to fall back, leaving the guns. Seeing this the enemy rallied and made an attempt to capture the artillery, but were repulsed with great slaughter. Of sixty men led by me in this charge, only eleven reached the guns, and they were all wounded. In the act of dragging the cannon out of the enemy's reach I was shot down. Captain Browner was then in command. After a severe hand-to-hand fight which lasted about a half hour, the enemy gave way and retreated, leaving us the field and the guns. At this time Coffee came in sight with about fifteen hundred men, having collected his forces which were scattered the night before. Captain Browner fell back leaving the guns. About one hour after the enemy came up and took possession of the field.

The fact that seven hundred and forty men fought five hours against such odds (three thousand) and whipped them is sufficient evidence of the stuff of which they are made. They need no praise from me. Where all fought so well it is impossible to designate those most worthy of mention. Braver men never fought. Had your orders been obeyed the whole force of the enemy would have been captured or terribly routed and destroyed.

Colonel Warren came up the next day, and was in sight of the enemy all day. I was told by officers on the ground that General Blunt came up during the day, but no engagement took place.

The enemy retreated south as soon as night came. I was told by Cockrill, who commanded the rebels in the fight, that they were completely out of ammunition, which fact I stated to Colonel Warren.

I can give no list of casualties, as the company commanders have not reported to me.

I am, general, your obedient servant,

EMORY S. FOSTER,
Major Seventh Missouri State Militia.

Brigadier General JAMES TOTTEN, *Commanding Central District Missouri.*

EMANCIPATION PROCLAMATION.

Mr. HULBURD. Mr. Chairman, I desire to submit some views on the constitutionality of the President's emancipation proclamation. I am aware the subject has already been touched upon on this floor, yet I think some things have been left unsaid. I commence by saying war is that state in which a nation prosecutes or defends its rights by force. To constitute war, there must be, at least, two parties. Belligerent rights and liabilities commonly attach equally to the contending parties. In a civil or insurrectionary war there is superadded to Government the right of treating its rebel population as belligerents and as subjects.

Vattel's words are, "the rights of war clearly exist between members of the same empire engaged in a civil war." The Supreme Court of the United States fully recognized this principle in a case arising during the war waged by Spain against her American possessions, declaring the existence of this civil war gave both parties all the rights of war against each other. But belligerent rights are not regalian rights. In other words, both parties had not sovereign rights; if they had, it would be a public and not a civil war. Our Government has recognized the rebels as belligerents, in blockading their ports, in receiving their truce flags, in cartels to exchange prisoners, in not putting upon trial for treason their abettors or soldiers or officers, thus treating them practically as *public* enemies with whom existed war. The rebels have all along claimed for themselves belligerent rights—of course taking them, as lawyers say, *cum onere*. It would occupy too much of the allotted hour to particularize what are our and their belligerent rights and liabilities by citations from the only recognized authority in the premises—the law of nations.

It is, however, laid down by Vattel, in his treatise on the law of nations, that the right of confiscating enemy's property in time of war is incontrovertibly established as one of the oldest rights of war; that "we have a right to deprive our enemy of his possessions, of everything which may augment his strength and enable him to make war." Our own Supreme Court use these words: "War gives to the sovereign the full right to take the persons, confiscate the property of the enemy wherever found."

All this is but preliminary to the inquiry, is the abolition of slavery in an enemy's country by proclamation a legitimate exercise of a belligerent right? I take it, if slavery augments the enemy's strength and resources, and thus enables him better to carry on and longer protract the war, its abolition or removal is allowable and most desirable. Is it to us desirable as a military measure? If so, is it by the laws of war or of nations allowable by proclamation?

In the early days of the rebellion, the London Times, not yet blinded or perverted by passion and prejudice, declared that the vantage ground of preparation and of choice of time was always with conspirators, but that the South entered into the contest with this marked disadvantage—a domestic foe slept around every southern fireside. Such was the view generally entertained. Whereas slavery, instead of being an element of weakness and of danger, has proved to the South to be not merely material aid, but a vast source of supply and of recuperative strength. Instead of making, as was expected, a servile insurrection, the slave has either staid quietly at home and tilled the field and harvested the crops, or he has worked in the trenches or drudged in the camp, by so much releasing his master from home presence and duties, and relieving him from the actual hardships of field service.

Thus has the institution really proved one of the main sinews of their strength and of their means to prolong the rebellion.

Is there not, then, most abundant reason why, as a war measure, as a military necessity, rebel slavery should be reached and broken up, irrespective even of the humanitarian effect upon the slave? Having the right, and there being the necessity, was it not a duty we owed ourselves, our soldiers, and our country, to reach and smite the guilty cause, extirpating utterly, root and branch, the baleful tree whose fruit has now brought so much of death and woe into our world? Do the laws of nations or the usages of war authorize the liberation of enemy's slaves by proclamation or military order? Sir William Scott said in one of his admiralty decisions, "A great part of the law of nations stands on the usage and practice of nations, and on no other foundation." Our own Supreme Court have held generally, "if the end be legitimate and within the scope of the Constitution, all means which are not prohibited by the Constitution are lawful."

Now, is the end proposed to be accomplished by this war "legitimate and within the scope of the Constitution?" Let us see. The United States fortification, Fort Sumter, in Charleston harbor, was attacked by disaffected citizens with the avowed purpose of violating the national sovereignty and destroying the integrity and life of the Union. Immediately participated in by disloyal sympathizers elsewhere, the movement at once assumed something more than the proportions of an insurrection; it became a fiercely waged, aggressive war, to resist and suppress which the most subtle casuistry—always excepting Buchanan's last message—cannot deny was clearly legitimate, and so far from being prohibited, was an imperative duty imposed *ipsissima verba*, and by the whole scope of the Constitution.

Placed in the attitude of defending its just rights by force, war at once existed, and at once all the rights and liabilities of war accrue and attach. Modern warfare and civilized nations have practiced the liberation of enemy's slaves by the proclamations of military commanders. This power has been repeatedly exercised by England, by France, by Spain, by the South American republics holding slaves, and more than once heretofore by ourselves; a sufficient array of precedents and of authorities—according to Sir William Scott just cited—to make a new and accepted chapter in the laws of nations, if not in the world's general history.

The British commanders exercised this right as far back as the war of our Revolution. On the 7th day of November, 1775, a formal proclamation was issued by Lord Dunmore, commander of the royal forces, declaring all the slaves of rebels free. Washington himself did not question the lawfulness of this belligerent act. If the British commander could rightfully do this as a war measure against the rebels of that day, have we a less or inferior right against our rebels? Jefferson declared he himself lost "about thirty" slaves, and his State "about thirty thousand," by the hostile acts of Lord Cornwallis. Instead of questioning the exercise of such authority he expressly says, "Had this been to give them freedom he (Cornwallis) would have done right."

On the 14th of April, 1815, Admiral Cochrane put forth a proclamation addressed, in fact but not in name, to slaves in the United States, offering them service on board British ships, or freedom in British settlements. No condemnation, no denunciation, no arraignment anywhere followed these war measures. Nevertheless they were not without effect. Many slaves availed themselves of the invitation, and were carried out of the country under the British flag. In the protracted diplomatic discussions and correspondence which this last act gave rise to (as a violation of the treaty of Ghent*) Great Britain broadly asserted the belligerent right of liberating enemy's slaves. John Quincy Adams, as Secretary of State, in 1826, under instructions, questioned that right for the last time. It is said afterwards on this floor he solemnly averred that against his own judgment and wishes he was constrained to take that position by his associates in the Cabinet of Mr. Monroe.

I will not stop even to epitomize historical instances where France, Spain, the South American provinces, and other Governments have, as a war measure, liberated slaves. Our own most distinguished war generals, Jackson, Jesup, Gaines, and Taylor, repeatedly exercised this power; and the right and the lawfulness of all such emancipation acts have been accepted and acquiesced in by masters, by State Legislatures, by the Supreme Court, and by the national Government; and this, too, whether the slave was impressed into the public service, or was by war *manu capta*, or a voluntary fugitive in camp.

If our military subalterns can do this without censure and with such acceptance, what shall hinder our Commander-in-Chief? Where, in the ascending line, does the power cease to operate?

*This treaty was signed by the commissioners of the United States and Great Britain. The first article provided, among other things, that all "possessions whatsoever," &c., "shall be restored without delay" without "carrying away any of the artillery," &c., "or *any slaves* or other private property."

It is admitted that the President's emancipation proclamation, though justified and defended as a war measure was in its operation expected to be something more than a mere military order issued at the head of an army in the field. It essayed to go far beyond Federal outpost and picket and deck of coast-line guard-ship, and to pierce the guilty, quaking heart of rebeldom and slavedom, and there, as the voice of the sovereignty of the nation, declare and decree, proclaim and pledge, henceforth and forever, freedom to the enslaved in all the rebel States.

In this great, grand utterance did the President transcend his power? In this Hall only can that question be properly put; for here must be found his accusers, and the constitutional impeachment tribunal at the other end of the Capitol must answer it. Think you such a majority will very soon occupy these seats? I trow not, sir. But it is nevertheless a fearfully momentous question; for if he did, then is the proclamation all the eloquent gentleman from Maryland [Mr. H. WINTER DAVIS] the other day characterized it. Yea, it is more than "a usurpation;" it is a delusive sham, it is a bitter mockery, it is a stupendous false pretense indictable in the forum of mankind.

But if on examination and consideration it shall seem the President has only evoked and put in exercise a hitherto latent and unused power, I apprehend the most searching scrutiny here and elsewhere, as well as solemn adjudication now and hereafter, will find it not that puny, pitiful, counterfeit presentment power it pleased the perfidious thing at the head of the last Administration to regard it, but rather a potent, constitutional reality, sufficient even for times like these.

If such "consummation devoutly to be wished" shall be reached, then indeed our fathers did not build less nor wiser nor better than they thought or knew, and—

"Those dead but sceptered sovereigns still shall rule
Our spirits from their urns."

Then, too, all the coming ages and millions will bless with hallowed thanksgiving and prayer their mighty memories and the name of him who dared "the height of this great argument."

Half fearful of the vision awaiting us, let us draw near and peer into the instrument. We there see all the armies of the Union in the field, and the President of the United States the Commander-in-Chief. As we look earnestly and more intently, there is no longer "speculation" in the gaze; anxiety and perplexity give place to awe and to admiration. Instead of the nerveless, defenseless, powerless war-skeleton we expected to behold there, we find ourselves in the presence of a stalwart warrior, of majestic mien, of vast proportions, clad in completest panoply, ready and equal for the dread arbitrament of arms. And this is no unreal, evanescent phantasmagoria of an hour, by cunning device conjured up for the occasion, and anon, like the Etruscan king waked to sunlight in his stony sepulcher, for a moment seen, only to fade away into indistinguishable nothingness. No! it is a living, real, subsisting potentiality, coeval with, yea, part and parcel of the Constitution itself. Dire necessity never before requiring its use till now, it has maintained a slumberous, scarce suspected existence. In our Indian wars there was little occasion for its production; in the Mexican war there was even less; in the second war with England there was scant need of resort to unusual power. But this contest differs from all others in our, if not in the world's, history. It was a long-plotted, well-arranged, gigantic conspiracy. With the very first uprising the bloody clutch of rebellion was at the bared nation's throat. The garroting grapple, though weakened, has never voluntarily been relaxed. Our severely-taxed energies and resources quickly betokened that we had in hand no Indian home campaign, no border Mexican foray, no war-wager with a foreign foe whose every soldier and ration and round of ammunition was to be ferried three thousand miles to the field of use and of service. No; it was a stand-up home fight, with bone of our bone and flesh of our flesh; and well we knew—

"When Greeks joined Greeks, then was the tug of war."

But it is time to turn to the Constitution, itself its own best interpreter and expounder.

Section two, article two, of the Constitution declares, "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States."

There is Roman significance in a clause of section three, article two, which with Spartan brevity declares, "He shall take care that the laws be faithfully executed." Who has ever assumed to say what unenumerated, undefined, undeveloped powers are inwrapped in the folds of that short segment of a sentence? Perchance it doth not even yet appear.

Section eight, article one, invests Congress with power "to declare war," "to call out the militia," "to execute the laws of the Union," to "suppress insurrections, and repel invasions." The foreseen exigency has arisen, the "power" has been exercised "to suppress insurrection," the war-drum of the great Republic has "called the militia of the several States into the actual service of the United States." Henceforth, "*novus seclorum nascitur ordo*," the President is no longer the mere civil Executive, the pastime Commander-in-Chief of the national forces, but he stands forth the supreme military head of the armies of the Union. Invested at once with more than dictatorial powers, the Constitution devolves upon him alone the duty and the responsibility of conducting the war, itself prescribing no limitation, no restriction whatever upon his authority. He exercises in his discretion the highest powers and functions, subordinate only to the laws of war and of nations. In planning campaigns, in moving troops, in adopting means that will surest and soonest cripple and crush the enemy, his power and his judgment are conclusive and paramount. Neither the one nor the other can be supervised or examined by another department of the Government. Whether his discretion is well and wisely exercised, whether the best means are employed, if within the pale of civilized warfare, cannot be questioned. A mistake even in the premises, the conclusions, or the apprehensions of a case, in the magnitude or the imminence of a crisis, cannot be investigated or rectified. No committee on the conduct of the war, however puissant its powers, ever has or ever will presume to confront such embodiment of the nation's sovereignty, thus caparisoned, to review, to rebuke, or to interrogate. In short, as Commander-in-Chief, when war is "levied," the President is amenable only to his fellow-countrymen, to the opinion of mankind, and to the great Arbiter of nations.

In every considerable war there is, and must ever be, pertinence and force in the old maxim, *Inter arma silent leges*. Whenever the interposition and strict administration of martial law becomes desirable and expedient a proclamation gives notice to citizens and civil courts that municipal and individual rights, sacred and secured by the Constitution, by statutes, and by common law, must, for the general welfare and safety, for a time go into abeyance, or be subjected to other usages and rules seemingly arbitrary and positive, yet lawful, constitutional, as are statutory provisions or judicial deliverances. When the administrator of these usages and regulations is the highest officer, where and what is the tribunal which claims the right of annulling or of abridging the exercise of this authority? It is granted to be despotic, dangerous; but war is the direst despotism and dangerous, very. Shall it, therefore, in vindication or defense of just rights, never be waged lest somebody should be wronged or hurt? Would God it were so! But as yet we must accept it as a necessity, and rejoice that ferocious and terrible as are its accompaniments there are prescribed metes and recognized bounds within which the conductor of war must keep himself, his armies, his orders, his proclamations—if you please, his assumption and absorption of individual and municipal rights.

The precise question of the right and the power of the President to issue an emancipation proclamation, and its effect upon the subject-matter sought to be reached, has never, *pro forma*, been before our judicial tribunals. But from the bench and the forum there have been occasional enunciations which seem to indicate what view will be entertained when, if ever, it does come up for solemn argument and adjudication.

The supreme court of New York, (11 Johnson's R., 158,) in a case involving an exercise of discretionary power, under constitutional provision, use this language:

"It is a general and sound principle that whenever the law vests any person with a power to do an act, and constitutes him a judge of the evidence on which the act may be done, and, at the same time, contemplates that the act is to be carried into effect through the instrumentality of agents, the person thus clothed with power is invested with discretion, and is *quo ad hoc* a judge. His mandates to his legal agents, on his declaring the event to have happened, will be a protection to those agents, and it is not their duty or business to investigate the facts thus referred to their superior, and to rejudge his determination. In a military point of view the contrary doctrine would be subversive of all discipline; and as it regards the safety and security of the United States and its citizens, the consequences would be deplorable and fatal."

Justice Story, (12 Wheaton's R., 31,) commenting upon the clauses of the Constitution which constitute the President Commander-in-Chief and devolve upon him the duty of taking "care that the laws be faithfully executed," says:

"He is necessarily constituted the judge of the existence of the exigency in the first instance, and is bound to act according to his belief of the facts." * * * * "The law does not provide for any appeal from the judgment of the President." * * * * "Whenever a statute gives a discretionary power to any person, to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts. It is no answer that such power may be abused, for there is no power which is not susceptible of abuse."

That the Supreme Court of the United States, even when seen through Chief Justice Taney's subtle perspective, possesses no power to supervise or review a coördinate branch of the Government, appears in an opinion reported in 7 Howard's Rep., page 42:

"For, as the United States guaranty to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not." * * * "And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal."

I will not weary the House with cumulative authorities. I studiously forbear citing judicial opinions put forth since the outbreak of this rebellion, as such opinions, by whomsoever uttered, might not carry the weight of an unbiased, deliberate examination and deliverance; and I remember my Lord Coke's favorite maxim, "out of the old fields come the best corn." It may not, however, be uninteresting to see in juxtaposition how Hamilton and Calhoun have touched the points under consideration. In the thirty-first number of the Federalist there is an indication that Hamilton was not unconscious of the undefined powers which slumbered in the sententious clauses of the Constitution. His words are:

"As the duties of superintending the national defense, and of securing the public peace against foreign or domestic violence, involved a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community."

In a letter to Governor Hamilton, dated August 28, 1832, Calhoun thus speaks of the authority of the Supreme Court:

"Being derived from necessity, it is restricted within its limits, and cannot pass an inch beyond the narrow confines of deciding in a case before the court, and of course *between parties amenable to its process*, excluding thereby political questions," &c.—*Works*, vol. 6, p. 158.

But I turn with pleasure to a statesman's matured views of the war powers of the Constitution, and not more a statesman than profound civilian and accomplished diplomatist; a man who in his day spoke and wrote and acted more history than any other man then living. That man, John Quincy Adams, here, on the 26th day of May, 1836, declared:

"In the authority given to Congress by the Constitution of the United States to declare war, all the powers incidental to war are, by necessary implication, conferred upon the Government of the United States." * * * * "The war power is limited only by the laws and usages of nations. This power is tremendous; it is strictly constitutional, but it breaks down every barrier so anxiously erected for the protection of liberty, of property, and of life." * * * * "But the powers of war are all regulated by the laws of nations, and are subject to no other limitation."

He was discussing the war power of Congress. Had the war power of the President, under the Constitution, been under consideration, as there are the same generalities of expression used by parity of reason, he would have set it forth in the same broad, I had almost said terrific manner, as absolute, unlimited, supreme, tremendous.

Six years afterwards, incidentally the same subject was before the House. Again he reiterated

similar views in still stronger language, declaring, with prophetic earnestness and sagacity:

"When your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on, according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them." * * * * "But when the laws of war are in force, what, I ask, is one of those laws? It is this: that when a country is invaded, and two hostile armies are set in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory."

Further on he says:

"I lay this down as the law of nations, I say that military authority takes, for the time, the place of all municipal institutions, and slavery among the rest; and that, under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States, but the commander of the army, has power to order the universal emancipation of the slaves. I have given here more in detail a principle which I have asserted on this floor before now, and of which I have no more doubt than that you, sir, occupy that chair. I give it in its development, in order that any gentleman from any part of the Union may, if he thinks proper, deny the truth of the position, and may maintain his denial; not by indignation, not by passion and fury, but by sound and sober reasoning from the laws of nations and the laws of war. And if my position can be answered and refuted, I shall receive the refutation with pleasure; I shall be glad to listen to reason aside, as I say, from indignation and passion."

Be it remembered this was uttered in the palmy days of slavery and in the proud presence of the representatives of the slave oligarchy, and yet no one then, or has since, attempted to refute or overthrow the defiant position taken by "the old man eloquent." And are we, in the lurid light reflected by present occurrences, to discover reasons, refutations, dangers, which the interested, keen-sighted men of that day failed to perceive? No; rather, I feel justified in saying, the loyal portion of our people have rejoiced to find at hand a power rightfully, constitutionally developed, that could and can, and, if need be, will, unchecked, call for every dollar of property and the service of every able-bodied man to put down and trample out the last offending vestige of the great rebellion of history. It is admitted under this construction that in taking care that the laws be faithfully executed throughout all this Union, the President in a time like this wields a power which in extent and comprehensiveness and absoluteness is possessed by no potentate or sovereign in Europe. And for the reason that in the Constitution itself has been found "the hiding of his power," it begins to be realized at home and understood abroad that the Union is not held together by a mere rope of sand, to be severed and scattered by the veriest gust of faction or gathering sweep of the winged tornado; that if in peace we are agricultural and commercial, in war we are a nation of soldiers; that to-day England, France, Europe, the world, respect and fear our future *and wish our dismemberment*. This development of the structure of our Government; this unfolding a strong, compact military basis, where only weakness and incoherence was looked for, makes us at this hour a marvel to the nations.

We differ from all the democracies and republics which ever belted the Mediterranean shores; we are unlike Rome in her best days of power and of freedom; we are not like anything that since has been and passed away. Seven years of experience under the old Articles of Confederation were not lost upon our fathers. They knew, for they had felt, the necessity of a strong central Government in carrying on war, and when they came together to frame a Constitution, it was but natural they should, as they did, provide one; most especially endowing it with amplest war powers. Yet is it evident that neither the reflected lights of history nor the spectacle of Europe armed, illustrating the cost and peril of standing armies in times of peace, were lost upon those sagacious patriots.

With the recollection of the embarassments, the trials, and the straits through which they had passed fresh in their minds, to avoid one danger they would not incur another yet greater; and they did not, and the result is "*Tellus ponderibus librata suis*"—a country poised by its own weight.

If the rebels are belligerents, as they claim to be; if confiscation is, as precedent establishes, an allowed belligerent right; if by the accepted practice of modern civilized nations slaves have been liberated by military commanders, who or what takes from our Commander-in-Chief the authority to do what subordinate officers have done? Again, is any one defrauded, is any one wronged by the exercise of this authority? It is true that a poor white loyalist may be caught in the midst of the swirling vortex; and therefore shall the springtide be arrested which is bearing a whole race forward to freedom? Do isolated instances of hardship impair or at all break the force of the great eternal principle put forth by Justinian, (Inst., lib. 1, tit. 2, s. 2:)

"*Bella etenim orta sunt, et captivitates secutæ et servitutes, quæ sunt naturali juri contrariæ; jure enim naturali, omnes homines ab initio liberi nascebantur*"—"For wars have arisen, and produced captivity and servitude, which are contrary to the law of nature; since, by the law of nature, all men were originally born free."

Of course we are all more familiar with this truth as enunciated in our own Declaration of Independence.

But to return to the loyal white man and the innocent children who are to be made sufferers, paupers, by the operation of the emancipation proclamation, Chancellor Kent says:

"Every man is in judgment of law a party to the acts of his own Government, and a war between the Governments of two countries is a war between all the individuals of the one and all the individuals of which the other nation is composed. This is the theory of all Governments, and the best writers on the law of nations concur in the doctrine, that when the sovereign of a State declares war against another sovereign, it implies that the whole nation declares war, and that all the subjects of the one are enemies to all the subjects of the other."

Vattel is even more direct:

"Since women and children are subjects of the State and members of the nation, they are to be ranked in the class of enemies."

Outraging, then, no principle of common law, of martial law, of the law of nations, or of constitutional enactment, notwithstanding individual inconvenience, hardship, and even great wrong apparently to the few, I insist, before God and man, and in behalf of his fellow-countrymen, the President was solemnly bound to exercise the right and the power he assumes to possess in his emancipation proclamation.

There is yet one other aspect of this great question which, perhaps, a citation from Vattel will best introduce—an author, be it remembered, who wrote not for subjects, but for kings:

"It is a settled point with writers on the *natural* law that all men inherit from nature a perfect *liberty and independence*, of which they cannot be deprived without their own consent."

Did the black man ever give his consent to be enslaved? No, sir, no! We representatively robbed him of his liberty and brought him here and enslaved him and his posterity. There never has been a time when, by the laws of nature and of nature's God, he was not entitled to liberation. And we, ay we, Saxon lovers of liberty—legatees of the Great Alfred's will, "that it is just the English should forever remain free as their own thoughts"—have held this race in bondage lo! these many years. Our organic charter construed to inhibit any hurtful touching of "the institution;" taunted with the infamy of the compact and consent, we, by our fathers, had unwittingly and by false pretenses been lured to make and to give; goaded by our own consciousness of the right and the wrong; feeling we had stricken hands and could not go back of it; remembering one stronger and wiser than human calumniator had said, "He that sweareth to his own hurt and changeth not" shall never be moved—we have, as best we might, bided our oath and our time.

And now, what hath God wrought for us? For He it is that hath opened the door of deliverance, whereat, with no breach of faith to the South, the shackles fall off from four million people, and they walk forth into the sunlight of freedom.

It is said ere the first outburst of treason had taken place, one of the conspirators approached General Houston and unfolded its object—to extend and perpetuate slavery. "So you say and believe," said the old hero of San Jacinto, "but mark my words, the first gun fired, no matter what the final result, booms the death knell of slavery on this continent." From that hour has not the grand procession of events been the onward march of freedom? As we contemplate the spectacle, we feel not for naught has the long bloody battle-roll been stretched across our valleys and mountains. We remember the poet's sublime faith:

"God's most perfect instrument,
In working out a pure intent,
Is man—arrayed for mutual slaughter;
Yes, carnage is his daughter!"

The matter-of-fact solution of the problem was in this wise: after due notice given, the Commander-in-Chief of our armies, as a military measure, issued a proclamation giving liberty to slaves of masters continuing disloyal. In virtue thereof, some are already enjoying their freedom, and the solemn faith of Government is pledged that all within its purview shall be made free as events and our armies advance. Relying on its being the settled policy of our Government hereafter to care, first for the normal condition of man, that freedom, not slavery, is to be promoted, secured, guarded, already we see the slave States of Maryland and Missouri, Arkansas and Louisiana, and others on the home-stretch to become free.

Now, in the face of these events, it is gravely put forth, at the other end of the Capitol, that executive caprice may at any time annul or revoke the proclamation, thrust back into thralldom these millions of human beings, as though mortal man had the prerogative to bring backwards, so much as one degree, that terrible shadow upon the nation's sun-dial, forgetting that the Being who moves the hands upon that dial-plate sits upon the circle of eternity!

But who is the man, where is the political party, that proposes to make this issue between slavery and freedom by recalling, if it could be done, that grandest uninspired utterance in the annals of time? It were better for that man he had never been born. His name would become a hissing and reproach among men, and his memory be gibbeted with an immortality of infamy! And what of a party organized to overthrow the liberties of a race? Why, as John Van Buren once said, a coroner's inquest might be necessary to establish the identity of the carcass ere entombment, to be known no more on earth.

In that other wing of the Capitol it has also been suggested that the Supreme Court, never having yet passed upon the validity of the proclamation, may, in the plenitude of its wisdom, hold it null and inoperative. Think of a judge in Westminster Hall examining and passing upon Lord Dunmore's or Admiral Cochrane's proclamations of freedom to slaves; or of the court of King's Bench gravely reviewing Lord Cornwallis's or Lord Wellington's proclamations. Think of our supreme judges constituting themselves into a supreme court-martial, and hearing arguments as to the propriety or pertinence of General Grant's or General Banks's military orders or proclamations. The President might modify or annul the orders; and shall he, too, be arraigned before such tribunal? Will a coördinate branch of the Government attempt to review or modify the military measures of the Commander-in-Chief? Not unless madness indeed rules the hour and the tribunal.

From the authorities already cited, it would appear, if the very case has not been passed upon by the Supreme Court, the principle beyond all question has been settled which will control should such case ever be presented.

Chief Justice Taney, in his better days, once said, (7 Howard Rep., pp. 43, 44:)

"After the President has acted, and called out the militia, is a circuit court of the United States authorized to inquire if his discretion was right? If the judicial power extends so far, the guarantee contained in the Constitution is a guarantee of anarchy and not of order. If this right does not reside in the courts when the conflict is raging, if the judicial power is at that time bound to follow the decision of the political, it must be equally bound when the contest is over. At all events, it [the power] is conferred upon him [the President] by the Constitution and the laws of the United States, and must therefore be respected and enforced in its judicial tribunals."

But, in virtue of the proclamation, these people have acquired the right to be free; and exercised by them for ever so brief a period, who has the right again to enslave them? More than a hundred years ago, Lord Lyttleton, in his Persian Letters, asks:

"If liberty were but a year old the English would have just as good a right to claim and to preserve it as if it had been handed down to them from many ages; for allowing that their ancestors were slaves through weakness or want of spirit, is slavery so valuable an inheritance that it never must be parted with? is a long prescription necessary to give force to the natural rights of mankind?"

No, sir, the Supreme Court of the United States cannot if it would, and will not if it could, review the emancipation proclamation. It has not the power. If Congress in its high puissance should by solemn and unanimous resolve declare the proclamation a nullity, such resolve, except as the

expression of its opinion, would be impotent and powerless. Rights conferred by that promulgation would remain unimpaired, unabridged, inviolate. If to revoke it the President himself should tear up the parchment on which it is written, it would be all in vain. Its words are graven in thunder-tones across the broadest page of our nation's history; the sound thereof has gone forth throughout all the earth; every tribe and people and kingdom under the whole heavens have heard the tidings thereof. Efface it? Quench it? Recall it? Never! never! never! It cannot be done so long as the sun and the moon endure. It hath passed beyond the reach and the ken of mortal man. Henceforth it is with the Infinite! No being this side the eternal Throne can now annul it and reenslave those millions. By the honest wisdom of Abraham Lincoln and the providence of God they are free, and to become free, and they are to remain free; and others their fellows in bondage, inhabiting territory excepted by the proclamation, ere long are all to join them, and they and their descendants thereafter are to live in their own homes the life of the free.

If this war has taught the world what we are, has it not taught us what we may be and what we must be? In the brief period of three years, a million and eight hundred thousand men have left the employments of peace and entered the fields of war. They have fought two thousand battles. The casualties of disease and of conflicts and of prisons have taken away two hundred and ten thousand of their number. During the same period, four hundred and eighty-seven thousand serviceable young men have come of military age. And all the while the pursuits of agriculture, of manufacture, and of commerce, thrive and flourish as aforetime.

Such items make us know there is a future for our country; make us feel, though this war continue a month, a season, a year, or a decade of years,

"The grave's not dug where traitors' hands shall lay
In fearful haste its murdered corse away."

Our country has long been a refuge and a home for hundreds of thousands annually flying from the burdens and oppressions of the Old to the hopes and the homesteads of the New World. Rebel sympathizers here and elsewhere may croak about the continuance of the war and the debt it will entail, but the one will end, the other will be provided for. With coal and mineral deposits in extent and richness surpassing all computation; with States and Territories as yet only known and mapped by degrees of longitude and parallels of latitude, where farms without stint and without number may be had for the asking, will not immigration soon obliterate the wastes of war? Even while the frightful clash of arms is resounding in our midst, it is wonderful to behold the foreshadows of the mighty exodus projected westward, limited and circumscribed already by the insufficiency of the merchant marine of the two most commercial nations in the world to supply transportation across the Atlantic.

The one blighting incubus forever gone, how beauteous and how gladsome will be the bloom and the fragrance of the olive, again in blossom throughout all our borders? What or who can then arrest the rapid accomplishment of an august destiny? And, sir, the grim shadow that has darkened all our land and "eclipsed the gayety of nations" is passing off and away; and when "not a rack" is left, when once more full-orbed halcyon sunlight, clear and effulgent, irradiates every section and segment of our nation's disk, from lake-line on the north to Gulf-line on the south, from our fair orient coast to that sunset shore where God has made all the hills of gold, then be sure, at once, at home, abroad, everywhere—

"The dwellers in the vales and on the rocks
Shout to each other; and the mountain tops
From distant mountains catch the flying joy,
Till, nation after nation taught the strain,
Earth rolls the rapturous hosanna round"—

Peace, Union, Freedom, forever!

CONDUCT OF THE WAR.

Mr. DUMONT. Mr. Chairman, I desire to participate a little in this discussion; and as I would be listened to, and, when it is delivered, have my speech read by my constituents at least, I will avail myself of a lesson taught and a moral inculcated in the prefatory introduction to Gil Blas:

"Gentle reader, before thou hearest the history of my life, give me leave to entertain thee with a short story.

"Two scholars, in their way from Pennafiel to Salamanca, being thirsty and fatigued, sat down by a spring they met with on the road. There, while they rested themselves, after having quenched their thirst, they perceived by accident, upon a stone that was even with the surface of the earth, some letters, already half effaced by time and the feet of flocks that came to the water at the fountain. Having washed it, they read these words in the Castilian tongue: '*Aqui est á encerranda el alma del licencia Pedro Garcias*'—'Here lies interred the soul of the licentiate Peter Garcias.' The younger of the two students, being a pert coxcomb, no sooner read this inscription than he cried, with a loud laugh: 'A good joke, i' faith! here is interred the soul—a soul interred! Who the devil could be the author of such a wise epitaph?' So saying, he got up and went away; while his companion, who was blessed with a greater share of penetration, said to himself: 'There is certainly some mystery in this affair. I'll stay in order to unriddle it.' Accordingly, his comrade was no sooner out of sight than he began to dig with his knife all around the stone, and succeeded so well that he got it up, and found beneath it a leathern purse, containing a hundred ducats, and a card, on which was written the following sentence, in Latin: 'Whosoever thou art who hast wit enough to discover the meaning of this inscription, inherit my money, and make a better use of it than I have done.' The scholar, rejoicing at his good fortune, placed the stone in its former situation, and walked home to Salamanca with the soul of the licentiate.

"Of what complexion soever thou mayest be, friendly reader, thou wilt certainly resemble one of those two scholars; for if thou perusest my adventures without perceiving the moral instructions they contain, thou wilt reap no harvest from thy labor; but if thou readest with attention, thou wilt find in them, according to the precept of Horace, profit mingled with pleasure."

I would not be vain, and know that the wisdom of man is foolishness with God; but who can predict in advance, speaking after the manner of men, that I am but a presumptuous driveler, that what I may say will be mere twaddle, and unworthy of consideration? It is difficult, I know, in the discussion of the themes and topics of the day to pursue an unbeaten path, but the plumes that I wear, though not brilliant, shall not be borrowed, and the steed upon which I ride shall be my own; but it must be borne in mind that I come after others in this discussion, and where two ride the same horse one must ride behind.

It may as well be blurted out, with as little affectation of modesty as may be, that I claim to be a man of brains, and have found in my travels through the world a prevailing scarcity of that commodity in all disbelievers.

I oppose the war, says one, because the purposes for which it was begun have been abandoned, and it is now an abolition war. It is said that all things are possible with God, and it may be that some one of the many who claim to be absolved from their allegiance to their Government because the Government has departed—that is the charge—from the purposes with which it set out, is sincere, and but yielding to the dictates of conscience.

But we are told that the heart of man is deceitful above all things, and desperately wicked; and I will venture the assertion that the pretense is hypocritical on the part of ninety-nine out of every hundred of the rebel sympathizers. Trace them up and run them back, and as sure as God lives it will be discovered that if at any time they have seemed to be yielding a hearty support to the war it was a deception, and that the brindle hide of the wolf that is now worn without a blush might at any time have been discovered, if the robe of hypocrisy had been torn away. At what time, let me ask, did any of the leaders of the Opposition in this House, who now declare that they have been deceived, and made to believe that this war was waged simply to put down the rebellion, when in truth and in fact it is carried on to free the negro, place him on an equality with the white man, wreak vengeance, glut revenge, punish ancient grudges, and subvert the Constitution—at what time, I say, did they—I mean such as prate thus—yield a generous and earnest support to those trying to put down the rebellion? Will they point to the fact that they voted for or now support the Crittenden resolutions? Oh, yes, they voted for or support the Crittenden resolutions, and what does that prove? The member from New York [Mr. FERNANDO WOOD] is occasionally, when it suits his purpose, an advocate of those propositions; and I have heard it said that at a public meeting in the city of New York, soon after the fall of Sumter, he declared that the flag of the Union had been insulted, the Constitution set at naught, and that he would stand by the Government, and with all his might and all his power aid to put down the rebellion; and yet how long after this was it that he attempted to seduce his own city out of the Union under the delusive advantages that would result to a free city; and when was it, let me ask, when was it that he informed Toombs of Georgia, who complained of the seizure of arms for that State in the city of New York, that if he (WOOD) had the power he would summarily punish the authors of the illegal and unjustifiable act? The delectable correspondence will best answer the question. Here it is:

MILLEDGEVILLE, *January* 24, 1861.

To His Honor Mayor Wood:

Is it true that any arms intended for and consigned to the State of Georgia have been seized by public authorities in New York? YOUR answer is important to us and to New York. Answer at once. R. TOOMBS.

To this the mayor returned the following answer:

HON. ROBERT TOOMBS, *Milledgeville, Georgia:*

In reply to your dispatch, I regret to say that arms intended for and consigned to the State of Georgia have been seized by the police of this State, but that the city of New York should in no way be made responsible for the outrage.

As mayor I have no authority over the police. If I had the power I should summarily punish the authors of this illegal and unjustifiable seizure of private property.

FERNANDO WOOD.

Jesse D. Bright and the author of this response, *par nobile fratrum*, lovely in their lives, in death they shall not be divided. The former wrote a letter too. That letter wanted to put firearms into the hands of rebels to assassinate their country, and so does this. In that respect they are alike. He has paid the penalty for his want of patriotism. Those who follow his example may not share the same fate; but they will share a fate equally terrible in the indignant condemnation of the people and in the faithful records of history.

The gentleman from Ohio [Mr. COX] ought to lay this Toombs letter and answer away as a trophy and a souvenir, as he did the sermon of the "plain unquestioned African."

And as late as the 26th of January, 1864, he [Mr. WOOD] spoke in this House as follows:

"This war must cease, I care not how or from what cause, whether by exhaustion on either side, by southern submission or success, by mediation, or by northern magnanimity, or by northern sense of self-preservation. The war must cease. There must be an end of it sooner or later from one cause or from another. I think all will concede this. Admitting, therefore, this conclusion, the next inquiry is how, and when? These are the proper questions for this Congress to determine. *When shall this war cease?*"

Well did the gentleman from Iowa [Mr. HUBBARD] ask and say:

"What are we to understand by this? Is the gentleman totally indifferent to the result of this struggle? Does he not care how it ends, whether in success or defeat? Is there a man in all the North so destitute of interest in the nation's welfare? I have quoted the gentleman's language contained in his printed speech, and will leave it for his explanation and the judgment of the country. Certainly this gentleman is a fit companion for Vallandigham, and the two are fit and estimable advocates of peace while such sentiments are thrown broadcast over the country."

And his colleague [Mr. GRINNELL] spurned the vile thing in this wise:

"And this is the plump sentence and sentiment of a member of the Thirty-Eighth Congress on a war which called for the sacrifice of hecatombs of men in that struggle where 'resistance to tyrants is obedience to God.' Indifferent whether peace is gained by rebel submission or success; whether the country is divided, and slavery made the corner-stone of an empire; whether traitors shall pay for their own music in this dance of demons, or loyalty shall pay for all; whether history shall adjudge the Government imbecile and our Army cravens and cowards, or our veterans return with victorious banners, having doomed slavery, and founded a nation so firm, so mighty and free that Heaven shall look down to see!"

He for the Crittenden resolutions; and yet has denounced the principles of coercion from the beginning, (with now and then a repentant moment, when to seem patriotic would the better subserve his purpose,) and maintained the right of a State to go out of the Union at pleasure, and denied any power in the Constitution to bring her back. And knowing, as every rational man must know, that to sap the credit of a Government in time of war is to break it down, and to place it at the feet of the foe, and to compel it to submit to ignominious terms, that candid, patriotic, and truth-loving gentleman stated on this floor but a few days since, as I understood him, that the Secretary of the Treasury had put a thousand millions of Treasury notes in circulation. I simply inquire for information: was that giving aid and comfort to the enemy? And is it reasonable to presume that the gentleman intends what must follow if the public gives credit to such reckless declarations? In the punishment of crime it is a legal inference that a party intends the natural consequence of his act. It is presumable that he who uses a deadly

weapon intends to kill. He for the Crittenden resolutions with a vengeance; and yet they declare that the war shall be prosecuted until the Union is restored. He support the Crittenden resolutions; and yet stood up in this Hall but a few days ago, and with great flourish of trumpets had the speeches of Burke and Chatham read wherein they denounced the wrongs that the mother country had heaped upon this, and wherein they plead for the redress of the grievances and for the independence of the colonies, and paraded these speeches as applicable to the state of things now existing between the Union and the rebel States. The Union was the mother country; had inflicted and should redress the wrongs, give the guarantees, indemnity for the past, and security for the future, and let the oppressed go free. It assumed the shape of an allegory, less beautiful, it is true, than the matchless allegory of Bunyan, its most faulty point being a failure to inform us whether he, standing then *in propria persona* before us, typified most nearly the stalwart Burke or the gifted Chatham; whether modesty stood in the way, or whether he conceived himself equal to both, I will not undertake to decide. He an advocate for the Crittenden propositions; and yet paraded in this House the other day, as an argument for the appointment of peace commissioners on our part, the resolutions introduced into the rebel congress by Mr. Wright of Georgia, as follows:

"Whereas the President of the United States, in a late public communication, did declare that no propositions for peace had been made to that Government by the confederate States, when, in truth, such propositions were prevented from being made by the President of the United States, in that he refused to hear, or to receive, two commissioners appointed to treat expressly of the preservation of amicable relations between the two Governments; nevertheless that the confederate States may stand justified in the sight of the conservative men of the North of all parties, and that the world may know which of the two Governments it is that urges on a war unparalleled for the fierceness of the conflict, and intensifying into a sectional hatred unsurpassed in the annals of mankind: Therefore,

"*Resolved*, That the confederate States invite the United States, through their Government at Washington, to meet them by representatives equal to their Representatives and Senators in their respective Congress, at ——, on the —— day of —— next to consider: 1. Whether they cannot agree upon the recognition of the confederate States of America. 2. In the event of such recognition, whether they cannot agree upon the formation of a new Government, founded upon the equality and sovereignty of the States; but if this cannot be done, to consider: 3. Whether they cannot agree upon treaties, offensive, defensive, and commercial.

"*Resolved*, In the event of the passage of these resolutions the President be requested to communicate the same to the Government at Washington in such manner as he shall deem most in accordance with the usages of nations; and in the event of their acceptance by that Government he do issue his proclamation of election of delegates, under such regulations as he may deem expedient."

Now all the world knows that this preamble states a positive falsehood, and the wonder is that a gentleman could be found willing to father it. The instructions of Jeff. Davis to the commissioners, Alex. H. Stephens and his associates, were published at the time. They were expressly told in those instructions that their mission had no political aspect whatever, but related alone to questions in connection with prisoners, and the treatment of prisoners. They were prohibited from entering upon any negotiations touching other questions. No one has ever denied or doubted the genuineness of these instructions. They were published by Jeff. Davis himself in the rebel papers to notify the world that though he had proposed to send commissioners, they were prohibited from negotiating upon the subject of peace. It is pretended now, I know, by the disloyal tribe of politicians, that if the commissioners had been received we would have heard a different story, a conjecture right in face of the instructions, and evidence of an overwhelming kind to the contrary. Alex. H. Stephens was one of these commissioners, and we have his declarations, made since that time, that he is against peace on any terms but the independence of the rebel States. It is not to be supposed for a single moment that a peace commissioner who was to negotiate a peace on the basis of the reconstruction of the Union would be appointed who was himself opposed to such a reconstruction.

It is an absurdity, a silly fabrication. Here is what Mr. Stephens said in July, 1863:

"As for reconstruction, such a thing is impossible, such an idea must not be tolerated for an instant. Reconstruction would not end the war, but would produce a more horrible war than that in which we are now engaged.

"The only terms on which we can obtain permanent peace is final and complete separation from the North. Rather than submit to anything short of that, let us resolve to die like men worthy of freedom."

And here is what Jeff. Davis's organ said:

"It is all or nothing; the confederacy or the Yankee nation, one or the other, must go down, down to perdition; one or the other must forfeit its national existence, and lie at the mercy of the other."

Before testimony so cogent and overwhelming, let the lying tongue be put to silence.

The propositions of this Mr. Wright of Georgia are an insult to the living and the dead. The blood of the slain and the spirits of the departed forbid it, and he of the loyal States who shall give it his sanction will curse the day that gave him birth, and call upon the rocks and mountains to hide him from the wrath of an outraged people. As the thunderbolt leaps from the cloud, as the lightnings shiver the gnarled oak, so will it fall upon and crush him.

"It will come as the winds come when forests are rended,
It will come as the waves come when navies are stranded."

The propositions are impudence in all its unsearchable richness. I denounce them; but oh, how I deplore the beggarly poverty of language to do it! The Union, with all its historic renown and glorious memories, to be traded off and bartered away with less solemnity than should characterize a horse-trade, and for less than a mess of pottage; its continuance and perpetuity excluded from consideration and not to be within the jurisdiction of the referees at all! Great God, what a solemn mockery! And is this the ultimatum for which the brave soldier has surrendered the comforts of home, gone to the tented field, endured the toils, dangers, and privations of the camp—nay, for which he has bled and died, and for which we now hear the wail of the widow and the orphan from ocean to ocean and from the lakes to the Gulf?

Considering that "a vicious old political dynasty that has long controlled the Government, with its plantation despotism is now in its last agonies of dissolution," it was meet and proper, and in harmony with the eternal fitness of things, that he who upon this floor has pronounced the attempt to rescue the Government from Vandals and put down the rebellion, "*a hellish crusade of blood and famine*" should be the embassador to bring forward this proposition. It will be seen that these propositions are like the division of spoils between the white man and the Indian: "I'll take the turkey and you take the buzzard, or you take the buzzard and I'll take the turkey." So it is with these propositions, the independence of the confederacy in any contingency must be granted; that is a *sine qua non;* and the convention proposed is to have no power outside the limitation. Oh! how terrible to the people of that doomed city was the blasts of the rams' horns around the walls of Jericho, but not so terrible as the withering indignation and burning scorn that will follow those who are for peace on disgraceful terms. How can one who favors such a peace be for the Crittenden propositions, which are in utter antagonism to such a disgraceful surrender? They declare that the war was begun and forced upon us by the disunionists of the southern States now in revolt against the constitutional Government and in arms around the capital, and that the war must be prosecuted until the Union is restored. These do not contemplate the restoration of the old Union under any contingency whatever, and yet the honorable gentleman—champion, as some claim, of the Crittenden resolutions, brings them forward and urges for them a favorable consideration. But we will listen to no such perfidious propositions; we will not prove recreant to the trust confided to us by the people; we are no backsliders and will not prove retromingent. This Government will live after those who would subvert it are dead, as die they will, and as they have applied themselves to bad purposes here, though we cannot penetrate the veil, they will probably be applied to ditto hereafter:

"Imperial Cæsar, dead, and turned to clay,
May stop a hole to keep the wind away."

I apply not my remarks to any one, and as they are intended for no one to whom they do not justly apply, I simply let them apply themselves. He who is conscious of rectitude of intentions toward his country may be satisfied I allude not to him. It is the wounded bird that flutters, and if an arrow of mine has sped to a proper object, there let it stick.

My home is, Mr. Chairman, as you may perhaps know, in Indiana. That State is a good State, and has a population, with some dishonorable exceptions, of which a prince might well be proud. I am happy to say that it is the State of my nativity, and have a sneaking suspicion that the State is happy too. Many of the people are from Kentucky, Virginia, Maryland, the Carolinas, and other slave States. Some of them are prejudiced in favor and some against slavery; but as a general thing they are reasonable and reflecting men, and honorable and good citizens. When they came among us, they did not leave the land of their birth between two days nor for their country's good, but they came among us respectable citizens, seeking a land of freedom, a genial climate, and a fertile soil. They may have been slaveholders or they may not; but be that as it may, they were and are a fair class of men. They are not intolerant, they head no mobs, lynch no ministers, tar and feather no poor friendless and unprotected stranger, and burn no one at the stake. They pay their taxes, educate their children, build churches and school-houses, have contributed largely to the prosperity and wealth of our State, and have made the wilderness blossom as the rose.

But there is a different class found in all the free States, Indiana included, not numerous, thank God, and it is a pity that the race was not extinct. It has no affinity, no consanguinity with the meritorious and respectable class to which I have referred. I will undertake to describe one of these animals. He professes to be of the chivalry, of the lineage of the brave and dashing Cavalier, and proves that he is of gentle birth to the satisfaction of all by acts that would shame a savage. He was in the New York mob. He is of those who declare this to be an abolition war, and who say, "Oh! he has gone over to the abolitionists," whenever they hear one utter a manly sentiment. He gets into Congress sometimes, and we hear his speeches from those who would be in the confederate congress if confederate scrip was as good for bread and butter as greenbacks. As they elect congressmen for Kentucky, Tennessee, Missouri, and other States at Richmond, it would not be at all surprising if some of these gentlemen should wake up some fine morning and find themselves elected to the congress at Richmond. It would be but a proper acknowledgment for services rendered. The greenback question might stand in the way of acceptance; but I would make no indiscriminate charges simply because gentlemen differ from me in opinion, and include no one who is for his country, no matter how divergent our paths may be, and no matter how much he may differ with the party in power, if that difference is not used to paralyze the arm raised to strike down the rebellion.

But to the description. He manifests much hatred toward those who believe not in slavery and cannot look upon it as a sanctified institution, and toward the negro himself he is spiteful, vindictive, and sometimes wanton, cruel, and ferocious. If a slave escape from bondage his scent is keen, he is quick upon his trail, reward or no reward, and his denunciations bitter and fearful against those whose tastes, running not in that path, conceive it dirty work. He is intolerant and ready to mob, hang, waylay, assassinate, crucify, and burn at the stake all who differ with him in opinion. The sacred calling of a minister shields him not from his vengeance. Utterly remorseless and as frantic as a fiend, the prayers and tears of fragile woman are unavailing. Is he a slaveholder? No, he is not. He owns no slaves. He never owned a slave nor did his father before him. Some of them are of low, brutal, and depraved lives, but many are well-to-do in the world and of a certain grade of respectability. What is the solution, then, to this strange phenomenon? It seems to be almost unaccountable. Though slaveholding is well calculated to make a man with a bad heart a domineering tyrant, all that can be truly said is that such is only the tendency of the thing; and the more respectable slaveholder, when not aggravated or provoked into violence, holds such conduct in scorn. He may visit terrible punishment upon the offending negro, but not upon the unoffending; he reduces him to subjection and takes his labor without compensation, but if he

will be a dutiful servant, he will as a general thing be a kind master. If the servant flees from bondage he pursues him not, he has no relish for that sort of business; but if it must needs be done, the class of men to which I have alluded are called into the service and are employed as you would employ a hangman or a scavenger. He may be, and frequently is, intolerant and revengeful, and willing that brutal things shall be done; but if so, he prefers that brutal things shall be done by brutal men, and maintains the semblance of decency by confiding at least the manual part of the dirty work to others. He is not a dog himself, though he may occasionally hiss the dogs on. In every sense he is above the class whose pictures I would draw. He may be the remorseless judge, but he is not the bloody executioner. He may have dirty work to do, but he is not himself the low and vile scavenger.

Where do you find this despicable class? Mostly in the free States; but they are exotics, and not to the manner born; they are imported if not blooded stock. They once lived in the slave States, and though they may have attained to considerable respectability since their immigration, they were of no respectability before emigrating, but were kept down from generation to generation by a vicious system, and were what is denominated in the slave States "poor white trash," held in contempt by the respectable slaveholder, and in still greater contempt by the slave himself, for a negro is a terrible aristocrat, and measures a man's respectability by the number of his slaves. One white man with a hundred negroes is of infinitely more account than a hundred white men without a negro. They associated not with the slaveholder; they were hardly permitted to associate with the negro, for the slaveholder distrusts the fidelity of any one who cannot participate in the business more than he does that of one who will not, and in that he shows his sense and knowledge of human nature, and the workings of the human heart. If he is graciously permitted to sit down at the slaveholder's table, it is not on his own account, but because he has to eat, he lives by eating, and that keeps him under the watchful eye of the master and apart from the negroes, and the negroes from his supposed corrupting influence. He is permitted to go through the form of voting, but he might as well be led to the polls by the nape of the neck, for his vote is not his own, but that of the white man on whose plantation and in whose cabin he lives. He contributes in no way to mold public opinion or swell its current; his voice is hushed and his assistance spurned in the bold avowal of the ruling class that uninformed public opinion (that is the courtly phrase used to designate the voice of the poor and the opinions of the humble) is to be disregarded. No part or lot may such presume to have in what only concerns their betters. This is all grinding, and he feels it, for he may be, in all that constitutes a man, the superior of the two, (but if he is he belongs not to my picture,) and he feels that the negro is the cause of his degradation, (and such is really the truth, that is to say, his degradation results from the malign influence of slavery,) and his vengeance falls upon the poor negro for being the cause of evils for which he is in no way to blame.

These grievances become so intolerable that he finally takes up arms against them, puts all his goods and chattels, for he has neither lands nor tenements, on to the back of a poor old horse, or into a rickety wagon, and with wife and children emigrates to a free State, with hatred to the negro grounded into his very inmost soul too deep to be eradicated by the small amount of reason at his command; and he comes with this other delusion that the number of a man's slaves is the measure of his respectability. If he comes not with this latter delusion, he is not likely to become a stake-burner or one of the intolerant tribe alluded to. With these two delusions deeply seated, he settles upon free soil, and under the benign influences of free institutions makes property, holds up his head, pricks up his ears, and gets up in the world. He ceases to be an underling, but he still hates the negro, and still holds fast to the delusion that the holding of men in bondage is proof of respectability. It is but a step from the sublime to the ridiculous, not far from the cradle to the grave; and the space is less, we see, between squalid wretchedness, abject servility, and bogus aristocracy. It is a terrible fallacy that a stream cannot be purer than its fountain, that you cannot make a silken purse out of a pig's ear, or a gentleman and an aristocrat out of mud-sill material. Hammond himself, of mud-sill notoriety, was, it is said, the son of a butcher. But this is a digression. Thus the whole matter is explained. He visits vengeance upon the negro because he feels vengeful and is incapable of drawing a distinction and seeing clearly that it was slavery and not the negro that kept him down. He is, as the boys say, "unconscious of his agony," or, more properly speaking, unconscious of the real cause of it. He holds a slaveholder in veneration simply because he is such, as he has yet learned no other standard of respectability, and he professes to hold him in more awe than he really does, lest if he did not seem to be wedded to slavery and the slaveholder, it might be suspected by his neighbors that he had belonged to the "poor white trash," which he conceals as sedulously as the escaped convict would conceal the fact that his last boarding place was the penitentiary. It is to the glory of free institutions, free soil, and freedom that though the deplorable condition of this man as depicted has been the condition of the father before him, and his ancestors for ages, that still many such, under the warming, quickening, and fertilizing influence of freedom, emerge as if by magic to full developed manhood as soon as they have a chance; but such are not of the tribe that I am attempting to describe. And thus the whole problem is worked out, and the strange mystery explained.

I once inquired of one of those who was putting on airs and making a manifestation of plantation manners, "Did you ever own a slave?" "No." "Did your father ever own a slave?" "No." "Did your grandfather ever own a slave?" "No." "Did your great-grandfather ever own a slave?" "No." "Did any of your kindred in the ascending or descending or collateral line to the remotest generation ever own a slave?" "No." "Then you may as well subside; the thing won't work; the fable of the toad that would swell to the dimensions of an ox, and the catastrophe which befell his toadship, stand in the way; you may attempt to hold a high head, but you are of scrub stock at last, and can make no one believe by an exhibition of plantation manners that you are of a blooded race or ever belonged to the slave oligarchy." But from this colloquy I would not have my opinions in regard to "blooded stock" misunderstood. An old Dutchman had hogs supposed to be of a choice breed. A neighbor applied to him to buy a couple for the stock, and the Dutchman agreed to deliver them. He carried them over in a basket, and also a basket of corn; a basket of pigs in one hand and a basket of corn in the other. When he arrived he set down the basket of pigs, saying, "Here ish te pigs;" then he set down the basket of corn, saying, "And here ish te breed." And that is my opinion of "blooded stock," whether applied to man or pigs; it depends a good deal on the keeping.

But to return to the point. The desire of mankind to seem to be what they are not, we find it all over the world, on this floor as well as elsewhere; and I now declare it in the presence of certain gentlemen upon this floor—but of course I make no sweeping remarks, and allude not to patriotic gentlemen, who delight not in borrowed plumes—that they will have to be more frantic, and more adroit to boot, than they have yet been to palm the deception alluded to upon a discerning public. It may be and doubtless is all right; but the people will want better proof of it than mere devotion to slavery or subserviency to that interest.

Whoever goes upon the hypothesis that his eyes and ears are wide open and that all others are blind and deaf, is laboring under a terrible delusion; as a good old Quaker minister said, "He is deceived, and likewise sucked in." Slavery may be a great sin or it may not—I think, myself, that it has not much relish of salvation in it—slaveholding a great crime or it may not. It may become the corner-stone of a despotism, the offspring of a dissevered Union, or it may not; that depends upon the aid and comfort the enemy may receive from northern traitors; but one thing is certain, the animal I have described, whose picture I have drawn, and whose pedigree I have given, is spurious and bogus.

One of the grand complaints against Mr. Lincoln is that in one of his messages he called negroes "American citizens of African descent." It was for a time the theme for all the numberless wits in the land. Now the wits in the land are as numerous as the stars, of all ages, sizes, grades, and descriptions; like the pigs that went astray and were posted in rhyme:

"Some were big and some were small,
And some were hardly hogs at all."

That the ruler of a great and mighty people, the head of a nation of such historic memories as ours, should get down stairs in that kind of style, was so thoroughly disgusting as to put all decency to the blush. He was bringing the nation into contempt. A negro was to be *nigger* no longer, but an "American citizen of African descent." With pen, with pencil, and with tongue, the changes were rung and the words ingrafted into all sayings, writings, and speeches, garnished with quotations, italics, and those other things which grammarians tell us denote wonder, admiration, surprise, astonishment, and horrification. To point a moral or adorn a tale and to every purpose of ridicule were they applied. Would you be smart, severe, or did you desire to burnish up your rancid wit, here was a glorious opportunity. Write or say something into which these words could be injected, and the rhapsodies of delight into which all copperheads would go was as quick and instantaneous as the lightning's red flash which "paints hell on the sky." But utter the words, and

"The rock is stricken and the waters gush."

In reply to truths respectfully spoken, calm and dispassionate reason and good sense earnestly uttered, "American citizens of African descent" was regarded as a capital hit of subtile wit, a cutting retort as keen as the glittering blades of Damascus, a sledge-hammer blow, wielded by a herculean hand, hitting the nail on the head and driving it home; and whoever could exhibit the greatest dexterity in "roping in" the words, was regarded in the slang language of the day as a "broth of a boy in the morning." But, *mirabile dictu*, they have shot away all their deadly arrows, the last one in the quiver is gone, and old Abe yet lives, and if he lives on and keeps a-living until slain by these terrible shafts, he will carry length of days in one hand and riches and honor in the other. Oh! there is a comforting solace in the reflection that—

"When fools become satiric,
We may take it for a panegyric."

It is in vain to disguise the fact that these are degenerate days; the testimony is overwhelming, and the unwelcome truth forces itself home upon us. We may close our eyes, but the very atmosphere we breathe admonishes us of the truth. He who will obey the precepts of the Saviour, and speak in kindly tones of the poor and despised, the down-trodden and oppressed, is, with many, an object of ridicule. If it were a thing of a day it would not excite alarm; but I fear it is not so, and know not when we shall emerge from the pit into which we have fallen. That, devoutly as it is to be wished, is a thing of more difficulty than some are willing to admit. It is easy to dig a pit and fall into it, but hard to get out.

"The gates of hell are open night and day,
Smooth the descent and easy is the way.
But to return and view the pleasing skies,
In this the task, the mighty labor lies."

If this downward tendency continue, how long will it be before mercy will cease to be regarded on earth as one of the darling attributes of the skies, charity become disreputable, and ribaldry follow the footsteps of those who feed the hungry and clothe the naked, visit the sick and the afflicted, comfort the widow and the fatherless, bind up the broken-hearted, lift up the bowed down, and pour the oil of consolation upon bleeding hearts; how long, I ask, will it be before contempt and derision will dog the pathway of those who have dedicated themselves to deeds of mercy, and whose lives are spent in visiting the hovels of the poor and destitute, and at the bedside of the sick and the dying? How far are we from it now? When all the better principles of our nature become brutalized, and the well-springs of the heart are dried up, or its fountains all polluted, and we become callous to human woe; and when our lives demonstrate the absence of all that adorns human nature, and we turna deaf ear to the wail of sor-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 15, 1864. NEW SERIES.....No. 68.

row, become utterly ferocious, and are willing to follow our fellow-men with blood-hounds, scourges, and chains, it is not said, as it ought to be, that we are on the direct road to hell, but we are obeying the mandates of the Constitution, worshiping at its sacred shrine, and "keeping step to the music of the Union."

A word now, by way of parenthesis, to the assault made by the gentleman from Ohio [Mr. Cox] upon the Chaplain of this House. I only advert to it because it illustrates the tendency to which I have alluded. The brave, unless under great provocation, attack not those whose calling deprives them of all weapons of defense; yet that gentleman felt himself at liberty to assault the Chaplain because, in addressing the Throne of Grace, in pursuance of his duty, he invoked the blessings of God upon the whole human family as children of a common Father, without excepting the negro. Oh, my countrymen! has it come to this? How long has it been since it became fashionable to treat the lowly with scorn, and disgraceful for a minister to speak of all men as children of a common Father? It was not so aforetime. It was not so in the days of Washington, he who was regarded first in war, first in peace, and first in the hearts of his countrymen, and of whom and of this proud land it was once eloquently said, away off in a green isle of the ocean, "Proud and happy America, the lightnings of heaven cannot resist your philosophy, the temptations of earth cannot seduce your patriots!" The other person alluded to was the philosopher Franklin. It is told of Washington that once upon a time he met an old negro, one of the despised race, but a venerable old man, who bowed to him in a respectful, deferential, and becoming manner; he returned the salutation, taking off his hat, remarking to an upstart fool, a type of the present race of flunkeys, who demurred, "that no negro should excel him in politeness." And he who is so handsomely alluded to by the eloquent Irishman as he whose philosophy had subdued the lightnings of heaven ("the lightnings of heaven cannot resist your philosophy") was not ashamed to speak in tones of kindness and accents of benevolence of the dark-skinned and toiling bondmen. I heard the other day, and the words grated harshly upon my ear, "There goes the image of God Almighty set in ebony and dressed in uniform." It is the scoffer, the squirt, and the upstart, showing his want of sense by his want of decency, who will utter such words of derision. Here is the letter of Franklin—it speaks in a different tone:

PHILADELPHIA, *November* 9, 1789.

Slavery is such an atrocious abasement of human nature that its very extirpation, if not performed with solicitous care, may sometimes open a source of serious evil. The unhappy man who has long been treated as a brute animal too frequently sinks beneath the common standard of the human species. The galling chains that bind his body do also fetter his intellectual faculties and impair the social affections of his heart. Accustomed to move like a mere machine, by the will of the master, affection is suspended, he has not the power of choice, and reason and conscience have but little influence over his conduct, because he is chiefly governed by the passion of fear. He is poor and friendless, perhaps worn out by extreme labor, age, and disease. * * * * * * * *

B. FRANKLIN.

And there lived once in this land, in the better days of the Republic, Thomas Jefferson, a proud and noble son of Virginia, sometimes called the "Sage of Monticello." He it was who said, "I tremble for my country when I reflect that God is just, and that His justice will not sleep forever." And why did he tremble for his country? Because that country had refused to hearken to the cry of a down-trodden race, had hardened its heart, and refused to let Israel go. He spoke—hung be the heavens in black—he spoke of African slavery, of the wrongs inflicted in this land of liberty upon "American citizens of African descent."

The calling of these men by Mr. Lincoln "American citizens of African descent," and the including of them in our prayers and supplications, was certainly bad enough without outraging all decency and bringing the honorable profession of arms into disrepute by attempting to transform him into a soldier. A thing so abhorrent to humanity was capping the climax of all that is absurd and ridiculous. We hear that it is disgraceful to mankind, the bloodiest picture of record; that it inflicts a ghastly wound that can never be healed; opens a vein that can never be stanched; that it is a blot that all the waters of the ocean can never wash out; that it is without a parallel in the annals of the world; and other terrific things.

On the latter clause of this balderdash what is the testimony of Andrew Jackson? He is now gone to the spirit land, but his memory still lives, and his testimony is good. A few short years ago he lay down to die, and a nation wept; but he whose spirit had never quailed, after a long life of usefulness and honor looked upon death without fear, folded his arms upon his manly bosom, and committed his soul to God, as only the dying Christian can, as trustingly as the tender babe reposes upon the bosom of its mother. Green be the sod above him; hallowed his memory; sacred his resting-place. It is but a few short months since I stood by his honored ashes. As I revere his memory, so I respect his testimony. It was reproduced the other day by the honorable gentleman from Iowa, [Mr. PRICE,] and used by him in the very able speech to which we all listened with so much profit and pleasure. It was appropriate then, it is appropriate now, and will be appropriate to the end of time, and here it is:

HEADQUARTERS SEVENTH MILITARY DISTRICT,
MOBILE, *September* 21, 1814.

To the Free Colored Inhabitants of Louisiana:

Through a mistaken policy you have heretofore been deprived of a participation in the glorious struggle for national rights in which our country is engaged. This no longer shall exist.

As sons of freedom you are now called upon to defend our most estimable blessing. As Americans your country looks with confidence to her adopted children for a valorous support as a faithful return for the advantages enjoyed under her mild and equitable Government. As fathers, husbands, and brothers, you are summoned to rally round the standard of the eagle to defend all that is dear in existence.

Your country, although calling for your exertions, does not wish you to engage in her cause without remunerating you for the services rendered. Your intelligent minds are not to be led away by false representations; your love of honor would cause you to despise the man who should attempt to deceive you. In the sincerity of a soldier and the language of truth I address you.

To every noble-hearted freeman of color volunteering to serve during the present contest with Great Britain, and no longer, there will be paid the same bounty in money and lands now received by the white soldiers of the United States. The non-commissioned officers and privates will also be entitled to the same monthly pay and daily rations and clothes furnished to any American soldier.

On enrolling yourselves in companies the major general commanding will select officers for your government from your white fellow-citizens. Your non-commissioned officers will be appointed from among yourselves.

ANDREW JACKSON.

I will be pardoned for employing the appropriate words of the gentleman who in that speech says:

"But, sir, it may be urged by those who oppose this bill, and who are horrified at calling black men 'adopted children' and 'fellow-citizens,' that this was an experiment of Old Hickory's, and that after trying it once he never would have indorsed the same course again. But this objection is answered and silenced by the fact that the old hero subsequently issued the following 'proclamation to the free people of color:'

"'Soldiers! when, on the banks of the Mobile, I called upon you to take up arms, inviting you to partake of the perils and the glory of your *white fellow-citizens, I expected much from you*, for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst, and all the fatigues of a campaign. *I knew well how you loved your native country*, and that you had, as well as ourselves, to defend what man holds most dear, his parents, relations, wife, children, and property.

"'You have done more than I expected. In addition to the previous qualities I before knew you to possess, I found, moreover, among you a noble enthusiasm which leads to the performance of great things.

"'Soldiers! the President of the United States shall hear how praiseworthy was your conduct in the hour of danger, and the representatives of the American people will, I doubt not, give you the praise your exploits entitle you to. Your general anticipates them in applauding your noble ardor.'"

And it was well added by him:

"Such, Mr. Speaker, was the language of the hero of New Orleans; such the sentiment of a patriot and soldier—'adopted children,' 'fellow-citizens,' 'Americans,' &c., &c. And yet I believe his Democracy was never doubted. How comes it, then, that in these last days men *calling themselves* Democrats are so much shocked if our Chaplain prays for the 'children of a common Father?' Verily these men have the 'form of Democracy without the power,' the shadow without the substance."

My good friend John B. Dillon, a kind gentleman and a ripe scholar, who has ever loved to linger among the monuments of the past, and to con over revolutionary relics, in doing so found the following letter from Alexander Hamilton, and kindly put it and other useful relics of the past at my disposal, for which it is meet that I should make acknowledgments. I adduce it in proof that the enlistment of slaves is "*without a parallel in the annals of the world.*"

HEADQUARTERS, *March* 14, 1779.

DEAR SIR: Colonel Laurens, who will have the honor of delivering you this letter, is on his way to South Carolina on a project which I think, in the present situation of affairs there, is a very good one, and deserves every kind of support and encouragement. This is to raise two, three, or four battalions of negroes, with the assistance of the government of that State, by contributions from the owners, in proportion to the number they possess. If you should think proper to enter upon the subject with him he will give you a detail of his plan. He wishes to have it recommended by Congress to the State, and, as an inducement, that they should engage to take those battalions into continental pay.

It appears to me that an expedient of this kind, in the present state of southern affairs, is the most rational that can be adopted, and promises very important advantages. Indeed, I hardly see how a sufficient force can be collected in that quarter without it; and the enemy's operations there are growing infinitely more serious and formidable. I have not the least doubt that the negroes will make very excellent soldiers with proper management, and I will venture to pronounce that they cannot be put into better hands than those of Mr. Laurens. He has all the zeal, intelligence, enterprise, and every other qualification necessary to succeed in such an undertaking. It is a maxim with some great military judges that, with sensible officers, soldiers can hardly be too stupid; and, on this principle, it is thought that the Russians would make the best troops in the world if they were under other officers than their own. The King of Prussia is among the number who maintain this doctrine, and has a very emphatic saying on the occasion, which I do not exactly recollect. I mention this because I hear it frequently objected to the scheme of embodying negroes, that they are too stupid to make soldiers. This is so far from appearing to me a valid objection, that I think their want of cultivation, (for their natural faculties are probably as good as ours,) joined to that habit of subordination which they acquire from a life of servitude, will make them sooner become soldiers than our white inhabitants. Let officers be men of sense and sentiment, and the nearer the soldiers approach to machines, perhaps the better.

I foresee that this project will have to combat much opposition from prejudice and self-interest. The contempt we have been taught to entertain for the blacks makes us fancy many things that are founded neither in reason nor experience; and an unwillingness to part with property of so valuable a kind will furnish a thousand arguments to show the impracticability or pernicious tendency of a scheme which requires such a sacrifice. But it should be considered that if we do not make use of them in this way, the enemy probably will; and that the best way to counteract the temptations they will hold out will be to offer them ourselves. An essential part of the plan is to give them their freedom with their muskets. This will secure their fidelity, animate their courage, and, I believe, will have a good influence upon those who remain, by opening the door to their emancipation. This circumstance, I confess, has no small weight in inducing me to wish the success of the project; for the dictates of humanity, and true policy, equally interest me in favor of this unfortunate class of men.

With the truest respect and esteem, I am, sir, your most obedient servant,

ALEXANDER HAMILTON.

TO JOHN JAY.

And it seems that there was humanity once in Virginia. In Virginia, slaves were employed as substitutes for white soldiers, and here is an act of the General Assembly of the Commonwealth, passed in 1783:

"An act directing the emancipation of certain slaves who have served as soldiers in this State, and for the emancipation of the slave Aberdeen.

"1. Whereas it has been represented to the present General Assembly that during the course of the war many persons in this State had caused their slaves to enlist in certain regiments or corps raised within the same; * * *

"2. And whereas it appears just and reasonable that all persons enlisted as aforesaid, who have faithfully served agreeable to the terms of their enlistment, and have thereby of course contributed toward the establishment of American liberty and independence, should enjoy the blessings of freedom as a reward for their toils and labors."

And then follows the act in pursuance of the preamble.

And I also found that La Fayette, who, when just verging upon manhood, espoused the cause of the oppressed colonies, left his own sunny

clime, his vine-clad hills and marble halls and all their pomp and glitter, to cross the ocean and fight our battles; that he, the friend of Washington, who had faced death upon so many battle-fields, was not one of those who believed that a negro had no rights that a white man was bound to respect, or that it was disgraceful and indecorous to interest himself in their behalf and speak of them in terms of benevolence. In a letter written to John Adams in 1786, from Paris, he says:

"In the cause of my black brethren I feel myself warmly interested, and most decidedly side, so far as respects them, against the white part of mankind. Whatever be the complexion of the enslaved, it does not, in my opinion, alter the complexion of the crime which the enslaver commits—a crime much blacker than any African face. It is to me a matter of great anxiety and concern to find that this trade is sometimes perpetrated under the flag of liberty, our dear and noble stripes, to which virtue and glory have been constant standard-bearers."

But there is another witness, and he must not be forgotten. The gentleman on my right says, "Trot him out;" but I must not do that without a suitable preface by way of introduction, and I think it ought to be poetic, something like this:

"There was a man who lived of late,
On whom angels did impatient wait,
With outstretched arms and wings of love,
To waft him to the realms above."

And at times he delighted to withdraw from the vulgar world and common herd, not to seek "a lodge in some vast wilderness," nor yet "some boundless contiguity of shade," but to hie himself to foreign lands and there muse in gardens fairer than Eden; behold limpid streams, cooling fountains, and groves of unfading verdure; palaces of marble, and blooming girls with eyes as bright as the gleam of a star; breathing musk; ravishing music, unspeakable grandeur, and resplendent beauty; and on classic soil, fragrant with the atmosphere of a rarer world, to linger around grottoes and cataracts, towering pyramids and crumbling ruins; and in old moss-clad cathedrals, around whose lofty domes the red lightnings had played a thousand years, drink in the mellow tones and rich melody of the organ, and gaze in rapture upon sculpture, statues, and paintings wrought by hands immortal; get a glimpse of the hidden things of eternity, and commune with the spirits of the mighty dead, whose wonderful conceptions, the admiration of mankind, seem to live and breathe and defy the corroding tooth of time after the heart that conceived them has ceased to beat, and after the plastic hand that touched them has moldered to dust. He was a humble worshiper at the shrine of beauty. To him—

"A thing of beauty is a joy forever,
A ceaseless spell that slumbers never."

He had a heart to bleed, bowels to yearn, and could feel for others' woes, and detested "man's inhumanity to man," and when he vindicates a down-trodden race from obloquy and contempt why not evoke his testimony—a man of letters, of refined tastes and classic mold, and who has written a book? He did not, it is true, write the history of Rasselas, Prince of Abyssinia; that was written by Doctor Johnson, and I have often thought that it was the finest thing of record. The first sentence is one of matchless beauty:

"Ye who listen with credulity to the whispers of fancy, and pursue with eagerness the phantoms of hope; who expect that age will perform the promises of youth, and that the deficiencies of the present day will be supplied by the morrow, attend to the history of Rasselas, Prince of Abyssinia."

Changed a little, it would have been an appropriate introduction to that part of the excellent book (Cox's Buckeye Abroad) to which I allude. See how charmingly it comes in: "Ye who listen with credulity to the whispers of prejudice, and pursue with eagerness the phantoms of error, accompany me in fancy to classic Rome, and go with me to the Sistine chapel and learn the history of a plain, unquestioned African;" and here is the history as he writes it and as I find it, beginning at page 32 of that excellent and meritorious work:

"While waiting the entrance of his Holiness, the mind can find delight in examining the 'Last Judgment' of Angelo, frescoed upon the wall of the chapel. Every variety of hope, doubt, despair, and beatitude beam upon us from the figures upon the wall. Within a sacred inclosure, over which tiptoed curiosity can barely peep, is a green-carpeted floor and tapestry hangings, with an altar and a throne. Seats are arranged for the cardinals, who soon begin to pour in, dressed in great red gowns and skull caps, attended by servants in purple. After bows and crosses, the servants proceed to unroll the trains and seat the cardinals. A very hearty array of old Romans they seem, with their arms under cover, their gray hair shining, their lofty brows and intelligent faces bespeaking good living as well as study and reflection. Most of them kept up an inaudible prayer. One fine, old, tremblingly fat gentleman seemed to be beyond the age of piety, but his habitual prayerfulness still played upon his lips. He reminded me of Chaucer's monk, who repeated all his terms,

"'That he had learned out of some decree;
No wonder was, he heard it all the day.'

"Directly buff soldiers, with gilt helmets and drawn swords, rush in to guard the door. I thought at first there was a sudden insurrection, knowing that in matters of power, as poor Pius has learned, 'there is but one step from the Capitol to the Tarpeian rock.' But no, the choir strikes the high notes, the doors beyond open, and voila! the vicegerent of God appears in his tiara and cloth of gold. Around him swarm ministers of every degree and shade of color. He kneels; the rustle of red cardinals shivers in the hallowed air, and all kneel. Then he ascends to the throne—a fine-looking, full-faced man, graceful and dignified in his bearing. Power he seems to wear as a familiar garment. How graciously he extends his hand to the cardinals, who severally leave their seats, attended by their attendants in purple carrying their trains. They, bowing, kiss the hand, or, as I was informed, the diamond brilliant upon the Pope's ring, as a token of reverence. An inferior order prostrate themselves and tip their labia at the shoe of his Holiness, upon which is a cross of silver. In the mean time seraphic music from the Pope's select choir ravishes the ear, while incense titillates the nose.

"Soon there arises in this chamber of theatrical glitter a plain, unquestioned African, and he utters the sermon in facile Latinity, with graceful manner. His dark hands gestured harmoniously with the rotund periods, and his swart visage beamed with a high order of intelligence. He was an Abyssinian. What a commentary was here upon our American prejudices! The head of the great Catholic church, surrounded by the ripest scholars of the age, listening to the eloquence of the despised negro, and thereby illustrating to the world the common bond of brotherhood which binds the human race. I confess that at first it seemed to me a sort of theatrical mummery, not being familiar with such admixtures of society. But on reflection I discerned in it the same influence which during the dark ages conferred such inestimable blessing on mankind. History records that, from the time when the barbarians overran the western empire to the time of the revival of letters, the influence of the Church of Rome had been generally favorable to science, to civilization, and to good government. Why? Because her system held then, as it holds now, all distinctions of caste as odious. She regards no man, bond or free, white or black, as disqualified for the priesthood. This doctrine has, as Macaulay develops in his introductory chapter to his English history, mitigated many of the worst evils of society; for where race tyrannized over race, or baron over villein, Catholicism came between them and created an aristocracy altogether independent of race or feudalism, compelling even the hereditary master to kneel before the spiritual tribunal of the hereditary bondman. The childhood of Europe was passed under the guardianship of priestly teachers, who taught, as the scene in the Sistine chapel of an Ethiop addressing the proud rulers of Catholic Christendom teaches, that no distinction is regarded at Rome save that which divides the priest from the people.

"The sermon of the Abyssinian, in beautiful print, was distributed at the door. I bring one home as a trophy, and a souvenir of a great truth which Americans are prone to deny or contemn."

"*A plain, unquestioned African*, and he utters the sermon in facile Latinity, with graceful manner. His dark hands gesticulate harmoniously with the rotund periods, *and his swart visage beamed with a high order of intelligence.*" "What a commentary upon our American prejudices," against the negro of course. "The head of the great Catholic church, surrounded by the ripest scholars of the age, listening to the eloquence of the *despised negro.*" It is now pretended that the Abyssinian is not a negro. It would be far better to defend the book on the admission that he is than to try to creep out of so small a hole as that, as the geography of the world is not to be changed to suit this case. Here it is; there is no escape—they were "listening to the *eloquence of the despised negro*," "and thereby illustrating to the world the common brotherhood that binds the human race." From this it would seem, if the race of man is a common *brotherhood*, that there is a common *fatherhood*, and that it may yet turn out, after all the fuss, that we are in fact all children of a common Father. "I discovered in it the same influence which during the dark ages conferred such blessings on mankind." "The sermon was distributed at the door, *and I bring one home as a trophy, and a souvenir of a great truth that Americans are prone to deny*," and that great truth I suppose is, that we are the children of a common Father and may be included in the same prayer. Great God defend us! Oh, ye sneerers and scoffers, false apostates and groveling wanderers, gather around and hear, not from me, but from this learned traveler, this traveled man of science, now a distinguished and leading statesman, of a negro who was a high type of manhood, worthy of sacerdotal robes, and to stand in the sacred desk; from which it may be inferred, for it is not said, that he was made by the God that garnished the stars, and is a gentleman and a scholar. "As much a man as any part of God's great plan," and as fragrant as a rose-bud. What will come next? How far are we from the abhorrent and detestable doctrines of amalgamation and miscegenation? It is not a necessary consequence, but who knows where such admiration for the negro is to end? It is dangerous to get into too close quarters, proximity, with that we ought not to love.

"Vice is a monster of so frightful mien,
As, to be hated, needs but to be seen;
But seen too oft, familiar with her face,
We first endure, then pity, then embrace."

With such teachers, with such doctrines taught, the gulf is before us and we behold its raging billows. We are between the rock of Scylla and the whirlpool Charybdis. In God's name let us avoid them. If this is not worse than praying for all mankind as the children of a common Father without excepting the negro and leaving him out in the cold, then I confess I know not what is. If it had come from old John Brown, "whose body lies moldering in the ground, but whose soul is still marching on," or from one who had been all his life a conductor of an underground railroad, shipping cargoes of contraband wool to the dominions of Queen Victoria, it would not excite surprise; but coming as it does, from one who now consorts and fraternizes with those who believe that a negro has no rights that a white man is bound to respect, it is as mysterious and past finding out as the inscrutable ways of Providence, but perhaps hardly so wise. Do I mean to say that the letter is disreputable, or that the book is anything to be ashamed of? Not a bit of it. I would do the gentleman no injustice, nor detract from his merits. I would sooner augment than diminish. If they were tenfold what they are, how happy would I be. If he should be ashamed, it is for his present attitude and not for the book that he ought to have compunction; for his present attitude a few penitential tears would not be amiss. Aside from a little kind and good-natured fun and railery, I mean no such thing; and I introduced it with no purpose of a back-handed blow at the author. I bring it forward for precisely the same purpose for which I have adduced the writings and sayings of others, simply because it was from a respectable source and relevant to the issue. It is cumulative testimony, and besides that it advertises the book.

"Socrates died like a philosopher, but Jesus Christ like a God," were the closing words of the "blind preacher" whom Wirt has made immortal. Our friend puts no such thrilling words in the mouth of the negro preacher, this "plain, unquestioned African," but I doubt not he has given a truthful, as it is a well-written, description of what he witnessed. It proves not that the negro is equal to the white man; it pleads not for social equality; it advocates not an admixture of the races. I bring it forward to prove no such heresies, but simply to show that its author, when beyond the influence of bad company and released from the slavish shackles of party, and the better impulses of his kind nature were permitted to flow in their natural channel, could speak kindly of all men, the negro included, and believed that we are all the children of a common Father. There is in this land, Mr. Chairman, a race of flunkeys, but they learned not their meanness from this book.

"BROTHERHOOD OF MAN."

Mr. BLISS obtained the floor.

Mr. COX. Will the gentleman yield to me?

Mr. BLISS. I will.

Mr. COX. I did not intend to ask this favor of my colleague. I thought it was understood that when I made objection to the gentleman [Mr. DUMONT] proceeding, I would have as much time extended to me as was extended to him.

The CHAIRMAN. The Chair did not understand that any objection was made.

Mr. BOUTWELL. I move that the gentleman from Ohio be permitted to proceed.

Mr. COX. I thank the gentleman from Massachusetts for his motion, for he is always courteous. I do not intend to take up much time now. I dislike to enter the lists on this afternoon, which is set apart for a general debating society, when no business is done, when no action is to be taken on bills, with but few people in the galleries and scarcely any members on the floor, and when gentlemen gravely read their compositions like school-

boys and send them out through the country as grand speeches! It is such a farce that I disdain to enter into it. It was only when incidentally I came here to-day on other business and happened to hear the same old farrago that I have heard so often about something I wrote thirteen years ago, (but just as true now as then,) that I was induced to ask the floor for a few minutes. The gentleman from Indiana [Mr. DUMONT] is frank enough to say that the quotation from my book, which has been rung in my district for the last seven years, does not favor the political and social equality of the negro. Nobody but an idiot or a fool would ever have drawn from the extract any conclusion looking to negro equality, socially or legally. Nobody but a man utterly insensible to decent criticism would ever have drawn such a conclusion. But why, then, does he parade it? If it proves nothing of that kind, it is meaningless as an answer to my remarks against negro equality and miscegenation. There was no sense or propriety in the dozen speeches made here predicated upon the extract.

All there was in the quotation was this: the observation of a young traveler of a phenomenon which appeared in the Cistine chapel, in Rome, and which struck him as a remarkable exception to the general rule as to colored men. He saw there an Abyssinian of the same color with the negro, but a different order of being from the Congo African we have here, for the Abyssinian is altogether different in mind, body, and character from our African. He comes from a different stock or type of men. The traveler saw there a colored man speaking before the dignitaries of the great Catholic church, and he naturally expressed his astonishment at such a wonderful phenomenon, such "strange admixtures of society," just as I would express my astonishment at hearing anything decent from the gentleman from Iowa, [Mr. GRINNELL.]

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. COX. Why did not the Chair call the gentleman from Indiana to order when he charged indecency upon me? Why was not the gentleman from Iowa [Mr. GRINNELL] called to order when, on a former day, in my absence, he used my own name in connection with pro-slavery church movements, for which he had no warrant in fact or in parliamentary decorum?

The CHAIRMAN. The gentleman from Ohio will observe the rules.

Mr. COX. I will. I am sorry to have been led into any impropriety of debate.

The "brotherhood" referred to in the book from which the quotation has been made was the equality which prevailed in the Roman Catholic church, and which regarded every man as equal before God and the priesthood, not any political or social, much less any amalgamating equality. I found the solution of the strange phenomenon in the page of Macaulay. He informs us that in the Catholic church, and in the middle ages, even the hereditary villein or slave might become the spiritual master of the hereditary master. Nor is this peculiar to that era. Go to Mobile, where slavery still exists, and you will find this same equality before God, while political and social inequality of the black and white still remains. You will find the black man and his master kneeling before the same altar in the Catholic church, while, if you should go to New York and visit any of the canting, hypocritical, pharisaical churches like Cheever's, you will find that a negro is not allowed to occupy the same pew with a white man. I have always had kind feelings for the negro in his proper place and condition. I never doubted that the negro had a soul or that he was amenable, as well as the white man, to the common God and Father. That was the point which the Catholic church might properly recognize. It was the solution I gave of the scene in Cistine chapel. That is what I said in the extract that has been paraded here again and again, and which afforded so much merriment to those who knew no better.

When I referred to our Chaplain I referred not so much to his prayer about a common brotherhood as to certain prayers of his—looking, as I conceived, toward amalgamation—carrying out ideas which I have understood he has heretofore expressed in the New York Tribune about free love and free divorcement. You, gentlemen, when you voted for him might, perhaps, not have been aware that he held some peculiar notions on this subject. I would advise them when they vote for clergymen hereafter to look a little to their antecedents as they do to those of other people.

But, Mr. Speaker, I did not intend to take up so much time in regard to so trifling a matter. It should not have been noticed by me at all, but for the fact that while here I heard this extract iterated and reiterated, as if there was something very funny in it. I know that the other side of the House enjoyed it when it was first read by the gentleman from Illinois, [Mr. WASHBURNE.] It seemed then to be an *argumentum ad hominem*. It seemed to come back to me as if I were not the man to make charges about the social and political equality which the leaders of the Republican party are now urging.

But even if the interpretation given to the extract were correct it does not refute what I said as to the amalgamating tendencies of the abolition party. In proof of these tendencies I quoted from the men most honored in that party, not from your strict partisans here in this House or in office, but from men who made the Republican party, who inspire its doctrines and control its action, who now lead it, and who being in advance drag it along as the locomotive drags the cumbrous train. These are the men who have helped to drag the country into ruin and war. They were and are seditionists and destructives. They have been embroiling South and North, and weakening the union of these States for thirty years, and, in connection with the bold, bad men at the South, precipitated the terrible calamities from which we are now suffering. It was from these men that I drew the evidences of the progressive spirit of the Republican party toward the detested doctrine of mixing the races as the solution of the trouble which they have caused.

I did not charge that side of the House with being amalgamationists. I know that gentlemen drew such inferences. What I did say was that it would not surprise me to find that party approaching the miscegenating point. Why? Because we have found them, in spite of all their protestations to the contrary, within two years coming up to the point of abolishing slavery in the States, of establishing political equality between negro and white, of advocating negro suffrage, creating negro soldiery and citizenship, of admitting negroes and whites into the same cars in this city, and all other measures tending to equalize the races. Two years ago they never would have approached such doctrines. If they had been charged then with such measures, how indignantly would they have repudiated them! And I said that I would not be surprised to find, on the same principle, two years from now the Republican party marching up, perhaps reluctantly, to the full doctrines of miscegenation advocated by Phillips, Greeley, Tilton, and others. I could accumulate proofs as to the recent progress in this direction which I have received since I made my speech, but I forbear to do so now.

Now, Mr. Chairman, I have said all that I intended to say of a personal character. I have said it with good temper. I have not lost my good-humor by the slang which has been hurled against me since I spoke before. I dislike personal controversy, and do not indulge in it except when attacked. There are more important matters for our debates. I am more anxious to hold these gentlemen to an account for their abolitionism and its destructive tendencies. It is growing worse and worse daily. Where will it end? We should hold that side of the House to an account for the slanders heaped upon the Democratic party—a proud party, of history and of patriotism—a party which has for seventy years kept the country together prosperously and peacefully. Their slanders against that party in this House and elsewhere are producing a reign of terror throughout the country, and especially in the Northwest. Do gentlemen know the effect of their speeches against Democrats? Are they aware of the fact that the partisan libels here uttered are circulated so as to produce the same ill-will in the North, between members of the two parties, which they produced between the sections? If it go on will it not have the same bloody catastrophe? Do gentlemen observe the signs at home? Whenever our furloughed soldiers come home they are filled with your slanders against Democrats, and, under the prompting of malignant cowards, they hunt Democrats to their homes, drag them, as they have in my district, through the streets, and compel them to take an oath whose sanctions they have never sought to dishonor. True and loyal men have been thus treated all through the West. Under the reign of lawless mobs printing offices are rifled and destroyed, our people shot, our meetings broken up, our property burned, and every personal and political right outraged. Thus hounded on by your infamous slanders upon the Democratic party, its members are compelled to band together for self-protection, and to threaten reprisal and retaliation as their only safety. What else can they do when the law and its officers are indifferent or powerless to save them from insult and degradation? Before God and the country, you who have, by your libelous speeches, incited such conduct, shall be held responsible for all the consequences.

The reaction will come by and by. Indeed it has begun already. In the little town of Rock Island, the other day, after a mob had torn down a Democratic newspaper office there, an election was held in which a Democratic gain of one hundred and ninety votes was perceptible. A straw, but it shows which way the tempest will blow.

I have been promptly and perhaps properly called to order for my personality in debate to-day. But why has not the rule been applied to others, on the other side? We are charged directly and indirectly, day by day, with disloyalty and treason, but no Chairman calls to order for that. The crime which includes all other crimes can be hurled upon us, and we must sit serenely placid to receive it! How unlike a scene in the French Chamber of Deputies but a few weeks ago, where the opposition only number some twenty or thirty, but where a minority compelled decency and decorum toward itself and from its adversaries. M. Rouland, the Minister of State, in a reply to M. Jules Favre, had charged the latter with "disloyalty," as arrogant members frequently charge it here. The moment the word was uttered the whole opposition rose to their feet and protested against it as unparliamentary. The minister was forced to retract. That small opposition felt, as M. Jules Favre said, "We are but a small number in this inclosure, but we have behind us all France!"

We upon this side may yet be taught to emulate the courageous opposition in the French Chambers, and thus save ourselves from indignity and our friends at home from insult. Day by day here we have insults like those of the French minister, with the permission of the Speaker, and without suggestion that it is a violation of parliamentary law. Week after week the foulest imputations are heaped upon the Democratic members, charging them with disloyalty and treason, and we have no recourse except to hurl the slanders back from whence they came. We had it to-day from the gentlemen on the other side. I need not say that such charges applied to the Democratic party and its Representatives are false, through and through false. The members upon the other side know it. It is not only in violation of fair and orderly debate to make such charges, but it is leprous with mendacity from top to toe. I scorn to defend the patriotism of our constituencies. There never was a truer body of men in any country. They love, as no word of mine can express it, the Government as made by our fathers; they have never failed in genuine and generous devotion to the whole country, and to all its institutions, local and Federal; they number to-day a million and a half of men. At least that number voted the Democratic ticket even in the late elections in the northern States, when, too, we failed to achieve success; and failed, sir, because of these very slanders proclaimed in this House and elsewhere, for which I repeat you shall be held responsible. They are a people who love law and order; but if these fail, they will protect their persons, homes, property, and lives at all hazards. It makes my blood boil to read the accounts we have from the West; such outrages as those committed in Greenville, Ohio, but the other day, when a Democratic press was destroyed, and in Dayton, where a similar attempt was made, in Lancaster, in northern Ohio, and other places, all done under the influence of slanders uttered by men following, perhaps, the example of the precious member from Iowa——

The CHAIRMAN. The gentleman will observe the rules of order.

Mr. COX. I called him "precious," but I will take that back.

Mr. GRINNELL. I hope the gentleman will be allowed to go on, and that I shall have the opportunity to reply.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. COX. Oh, well; I may as well give up the floor again to my colleague, [Mr. BLISS.]

Mr. GRINNELL. I object to that. I claim the floor.

The CHAIRMAN. If the gentleman from Ohio [Mr. Cox] yields the floor the Chair awards it to the gentleman from Iowa.

Mr. HOLMAN. I rise to a question of order. The gentleman from Ohio [Mr. BLISS] yielded the floor to his colleague only temporarily.

Mr. COX. I would have accepted in no other way.

The CHAIRMAN. The Chair did not so understand it. The gentleman from Ohio [Mr. Cox] claimed the floor. The Chair asked the gentleman from Ohio [Mr. BLISS] if he yielded to his colleague, to which he replied in the affirmative. The Chair then awarded the floor to the gentleman from Ohio, [Mr. Cox.]

Mr. BLISS. Allow me to say one word. The Chair asked me if I yielded the floor to my colleague, and my reply was that I would yield to him for a few minutes.

Mr. GRINNELL. I was a party to no such agreement.

Mr. COX. That was the understanding. I would not have taken the floor from my colleague upon any other.

The CHAIRMAN. The Chair did not so understand it. The gentleman from Iowa is entitled to the floor.

Mr. HOLMAN. The gentleman from Ohio [Mr. BLISS] certainly only temporarily yielded to his colleague.

The CHAIRMAN. The Chair will say that there must be an understanding stated so that the Chair can hear it, and stated by the Chair so that the committee can hear it, before it can be recognized.

Mr. HOLMAN. The gentleman from Ohio [Mr. BLISS] states distinctly that he yielded only upon these conditions.

The CHAIRMAN. The Chair did not hear the gentleman from Ohio make the remark. The gentleman from Ohio furthest from the Chair claimed his right to the floor originally, and the Chair understood his colleague to yield to that claim.

Mr. BLISS. I only yielded the floor on the condition I have stated.

Mr. COX. I rise to another question of order. The gentleman from Iowa has once spoken upon this question, and is not entitled to the floor while any other gentleman desires it.

The CHAIRMAN. The Chair sustains the point of order, and would otherwise award the floor to the gentleman from Ohio [Mr. BLISS] upon the statement he has made. The gentleman from Ohio is entitled to the floor.

Mr. GRINNELL. I ask the gentleman from Ohio to yield me the floor for five minutes.

Mr. BLISS. The gentleman from Iowa undertook to take the floor from me by discourtesy, and I must decline to yield to him.

Mr. GRINNELL. I beg the gentleman to observe that I did not refuse him any courtesy. I sought the floor, and it was awarded to me by the Chair.

Mr. BLISS. I decline to yield the floor.

The CHAIRMAN. The gentleman from Ohio is entitled to the floor.

CAUSES OF THE WAR.

Mr. BLISS. Mr. Chairman, I propose, according to the custom of this House in Committee of the Whole House on the state of the Union, to submit some remarks upon the message and proclamation of the President which were communicated to Congress at the commencement of the present session, and to briefly consider some topics presented therein, which are of vast importance to the millions of people who are represented upon this floor. The message and proclamation, communicated together, and involving the same subjects, are substantially one document, and in my remarks will be so treated. The subjects therein presented are such as give rise to the widest difference of political opinion possible among our people—a portion of whom, and probably a majority of this body, profess to receive the present and future policy declared by the President with satisfaction, and some with admiration; while all rational men, who have not been indoctrinated with the revolutionary views of the so-called Republican party, contemplate them with amazement and fear, and well may they tremble in view of such enormous assumptions of ungranted power.

The Constitution of the United States, which in better times was admitted to be the paramount law of this land, in defining the powers and duties of the President, provides that—

> "He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

In accordance with this provision of the Constitution many statesmanlike papers, under the title of message, were by former Presidents communicated to Congress, and thence to the people at large. They exhibited the onward march of an exceedingly happy and prosperous people toward the attainment of unexampled dignity and power. In times of peace and in times of war they showed the admirable working of our wise and beneficent Government. The well-adjusted powers of the Constitution were found to be sufficient for every national emergency. The Chief Magistrate had no occasion for the exercise of even doubtful powers. It is refreshing to withdraw as far as possible, for a brief space, our contemplations from the present condition to read anew those glowing descriptions of the country's prosperity. But those halcyon days of the Republic are past, and a message of a different type now claims our consideration.

The President is not required to inform Congress of the facts as to the condition or integrity of what was once the Union—its broken fragments are as visible to us as to him—but the duty of his office is, by the application of the wisdom and statesmanship which his position guaranties that he shall possess, to advise the legislative department and the people of the best and surest means of rescuing the country from a terrible dilemma in which it has no aid of past experience; to show the means, if such there be, by which that Union to which the Constitution calls his attention, and which has crumbled under his guardianship, may be restored. I do not call upon the President to give a history of the concatenated circumstances which led to the dissolution. I do not think that it would be a pleasant task for him to write the narrative, nor do I think it would be sufficiently authentic when written.

It would be profitable, however, for us all to pause and consider the causes which have brought our country to its present unfortunate condition, and to arise from the reflection with a solemn purpose to recognize the instructive truths of our history, and, without party passion or selfishness, which we cannot afford to indulge in these times, to set ourselves by common consent about the work of replacing the Government upon its old foundations, to the end that its old prosperity may revive.

There is no difficulty in determining the source of the evil. It is the temporary success in the councils of the nation of principles and policy which are in irreconcilable antagonism to the Government. Upon that antagonism the present Administration came into power, and thus it may be seen what force has begotten, a purpose to change the principles of the Government into conformity to the notions and advantages of a successful party. If an intelligent stranger desired to discover the root of our national difficulties, he would naturally inquire into the history, character, and action of the political parties into which our people have been divided. He would readily ascertain that the party called Democratic had administered the Government with great success from its early years, and with but little interruption, and had on all occasions adhered strictly to the letter and spirit of the Constitution, and secured to the nation the blessings which, faithfully supported, it was competent to bestow. On the other hand, he would learn the history of a party of perpetual opposition, constantly vilifying the administration of Jefferson, Madison, Monroe, Jackson, and of the later Democratic Presidents, chameleonizing itself as often as its inflexible purpose of opposition required. He would learn also how all opposition to that party was unavailing while anything like the true principles of the Constitution and Government were acknowledged; and this research would bring him down with the current of events to about the time of the Chicago convention, where form and effect were given to the anti-democratic sentiment to achieve a victory over the principles of the Constitution and to verify the apprehensions of our great statesman, now gone, who, in words as true as inspired prophecy, foretold the dangers of a sectional party's success. And there I leave the supposed inquirer with his conclusion to be inferred.

In the year of our Lord 1860, a party recently yclept Republican assembled in convention at Chicago to nominate a candidate for the Presidency of the United States. That memorable convention was composed of specimens of all the disintegrated factional organizations, which, under too many names to be here recited, had heretofore been fighting against the gallant and successful Democracy. The newly aggregated party was strong in numbers and dangerous in its reckless aspiration for success. It was said by a maximist of the olden time, that the honest men of a nation were too strong for the rogues; but he lived in too early an age to see the demonstrations of our later times. That convention perceived the imprudence of placing in nomination any man who had been conspicuous in his opposition to the great principles which had so often been sustained by the people at the ballot-box in the defeat of their candidates. They had learned shrewdness by experience, and following its suggestions, ignored the claims of their statesmen, who, in their extensive dealing in political affairs, now made records by which they might be judged. So the hopes of our learned Secretary of State and of the accomplished Secretary of the Treasury, whose *back* only is *green* while his head is supposed to be ripe, both of whom it was understood aspired to the nomination, were adjudged to be too conspicuous to insure success; and this I give as a part of the solution of the problem of the presidential milk in the Lincoln cocoanut.

The effective element employed in the campaign was anti-slavery—unmixed and unadulterated abolitionism—looking to no consequences, except to defy them, embarrassed by none of the ordinary questions of State policy or political economy. Reason and argument were to be conquered by concentrated fanaticism.

When the struggling Democrats cried out for Douglas and the Union, and admonished them that their success as a sectional party arrayed in deadly hostility to the constitutional rights of the southern States would lead to the disruption of the Union, they returned only scoffs for answer, and stimulated their idolatry by worshiping short pieces of rails as the veritable rails which their candidate had split.

When the unfortunate rupture occurred in the Charleston convention, the Republicans hailed the event with great joy as a harbinger of their success. What effect it might have upon the stability of the Union was with them an inferior consideration; they only contemplated its effect upon the election.

Under these circumstances, which are well known to the country, the Chicago nominee was elected by a minority vote of the people of the United States. That his election was a triumph of northern sectional principles is none the less true because it might have been prevented by the cordial coaction of the southern with the northern Democrats. That coaction was prevented by the supposed permanent predominance of abolitionism in the North. Nearly all of the free States were under Republican rule, and had enacted legislation against the constitutional rights of the South. It must be admitted, because it is true, that the arrogant and unlawful invasions of the predominating party in the North had led the southern people to believe that under that predominance they could by no possibility enjoy the guarantied privilege of the Constitution. In this they were undoubtedly right, but they were wrong in the belief that the conservative principles of the Democracy were prostrated beyond the hope of

redemption in the North. I believe that had they stood and acted in good faith with the northern conservatives, who were friends alike to all sections of the country, victory would ere long have rewarded the common effort and purged the northern counsels of the abolition malady. The election of Douglas, if it had not settled the slavery controversy, would at least have beaten down the demon, and the country would have been comparatively quiet for a while. We, therefore, of the free States who never sought to abridge the rights of any section, or to interfere with its local institutions, have much more right to complain of the defection of the southern people than have those who by a long and persistent practice of aggressions upon them provoked them to their criminal act.

The President elect in due time took upon himself the functions of his high office with many of the political ideas which Americans naturally derive from the principles of our Government; and although of strong abolition proclivities he seemed to have little conception of the extreme requirements which would be made of him by the party to whom he was indebted for his position. He seemed to see this Government as organized under, and with powers limited and defined by, a written Constitution. The miserable subterfuge of a war power, by which a sworn officer could innocently violate his oath, and hold in contempt all the laws of his country, had not then been invented. He saw not, because there was not, any by-path by which to travel around the plain dictates of the Constitution. So, when civil war ensued, the people were called upon to incur the hardships and dangers of the long march, and the battle-field, and all that constitutes "the tug of war," to "*restore the Union*," which still existed in law, although it was broken in fact—not to pave the way for a new régime which should open the territories of the South to northern plunderers; it was to "enforce the Constitution and the laws," which were claimed on all hands to be as obligatory upon the people of the seceded States as they had ever been. "To put down the rebellion:" all and each of these forms of expression imported the enforcement of simply constitutional authority over those subjects who were in rebellion against a Government to which they, like other citizens, owed allegiance. And the President promised and assured the people over and over, and declared to the world through his minister of State, that the war should be prosecuted for that purpose, and for no other. The President seemed to be sincere in these pledges; to keep them was only his sworn duty. The people who loved the Union and were willing to incur every necessary sacrifice for its preservation tendered to the avowed Union policy of the President their united support. The military skill and ability of the country appertained principally to Democrats, who promptly tendered their services to the Government, and the conservative and unsectional men of the States rallied to the standard of the Union. Half a million men might as well have been had as seventy-five thousand at the first call. Such was the spirit of the war then—such was the spirit of the President's proclamations then. Alas! to what unknown quarter has that spirit fled? Where is the fulfillment of the pledge? Where is the motive to vindicate the Constitution and the laws? Where the purpose to restore the Union?

"Gone, glimmering through the dreams of things that were."

In that portion of the message which is given under the name of proclamation, as well as in the message proper, the President assumes an entirely new position upon all the important political considerations which have grown out of the war. He takes upon himself the arbitrament of all the civil rights of the people of the States which have been or may be conquered by the arms of the Federal Government, claiming for himself the power to dictate the form and character of the governments, the creation of which, by what is called the process of reconstruction, will be permitted by the Executive, and also the terms and conditions upon which such governments may be formed and become States of the Union. They are to be governments not, in the language of the Declaration of Independence, "deriving their just powers from the consent of the governed," but governments imposed upon the people by the omnipotence of the President. The President consents that the new States thus to be produced may take the names and geographical limits of the old States, but the plan and principle of their formation as proposed is as thoroughly anti-republican as it is absurd and impracticable. Perceiving that no considerable portion of the southern people will voluntarily comply with his proposal to them to abandon their constitutional rights in reference to slave labor, and take oaths to sustain his emancipation proclamations, the President announces the strange purpose of sustaining and enforcing such governments whenever a small minority—one tenth of the voters of a seceded State—shall elect to comply with his aforesaid terms. Such a scheme is subversive of all our ideas of a popular republican government, the sovereignty of a State being committed not to the people to be exercised by the voice of a majority, but to the inconsiderable fraction of one tenth of the people. It would of course require a huge army in every such State to preserve such a flagitious government, and its maintenance, if it were possible, which it clearly is not, would be at the sacrifice of every principle of the Constitution and of human liberty.

That there may be factions of men in the seceded States, consisting of the original inhabitants and corrupt northern miscreants who will betake themselves thither to share in the mighty plunder of Commonwealths, is rendered probable by the eagerness with which a great predominating party seizes upon and cherishes the elements and policy of disorganization and ruin. And is such to be the fruit of executive proclamations? Why, sir, there was a time when proclamations from the highest authority called upon us as a people favored of Heaven to assemble to express our thanks to a beneficent Providence for His blessings, to observe the solemn ordinances of fasting and prayer, or to perform some high political duty involved in our relations to the State; but now they come careering in their wild course through the political firmament like comets in the heavens, rushing through the constellations without any fixed orbit. They come to herald the disorganization and crash of our political system.

What has occurred of late, I ask, to confer upon the President, or any other citizen, this enormous power to deal with the very framework of our Government as he pleases? He has declared, on divers occasions and in the most solemn manner, since his inauguration and during the war, that he had no legal power to abolish slavery, and pledged himself to the faithful execution of the fugitive slave law. We are obliged from his own words to take it as admitted by him that he has no warrant of law for the late edicts which he has proclaimed. I know that a certain class of higher-law men, more inventive than the President, harp and carp about what they call a war power, which, as they claim, relieves the Administration from all the injunctions and restrictions of the paramount law of the realm, and that by the force of extreme pressure, accomplished by persuasions and menaces, they have misled the President to depart from the constitutional policy which he promised to observe. To their influence we may impute the suspension, or rather the annihilation, of the *habeas corpus*, the trammeling and overthrow of the jurisdiction of the courts, the suppression of the freedom of the press, the denial to private citizens of the protection of their own laws, their arrest without process or charge, even, of treason or other crime defined by law, their cruel imprisonment and banishment for no other cause than the exercise of free speech in criticising the policy and conduct of the agents in whose hands the people have temporarily confided the defined powers of the Government. That extravagant sentiment is often expressed on this floor. The gentleman from Pennsylvania who represents the great manufacturing city of that State, and who has maintained a high standing in the legal profession, in a speech recently delivered in this House, said:

"The war power of the Constitution is equivalent to the Roman dictatorship. It is, however, here as there, the extreme medicine of the Constitution, and not its daily bread. The mission of a republic is peace; war is a state of violence. To conduct an army upon the principles of republican equality would be fatal to all subordination and discipline. For such an exigency as this the normal condition of the Republic will not serve. Its very organization would forbid it. War is anti-republican in its effects, and can only be successfully waged on anti-republican principles. While it prevails, *the law itself must almost necessarily be silent.*"

If these words have any significance they mean that the Constitution invests the President in time of war with unlimited dictatorial power—power over the lives, liberties, and property of the people. It is wonderful how the heated furnace of party politics operates upon men's opinions. If a student, three years ago, under examination by a committee of lawyers, had expressed such an opinion, he could not have been admitted to the bar of any county court in the United States.

In answer to these extravagant and illogical assumptions which, once admitted, would transform an officer of the Government of strictly limited powers into a despot of unlimited powers, it is only necessary to refer to that Constitution which is authoratively declared to be the paramount law in war and peace, and which declares that no power beyond the letter of its grant exists in or can be exercised by the Federal Government or its officers.

The eleventh clause of the eighth section of article one of the Constitution declares that—

"The Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

The twelfth clause adds:

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

The thirteenth:

"To provide and maintain a navy."

The fourteenth:

"To make rules for the government and regulation of the land and naval forces."

Fifteenth:

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

Sixteenth:

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

In the foregoing clauses of the Constitution is contained the war power, and the only war power there is in this nation. It is vested in Congress and not in the President. In war he does not rightfully become a dictator, for the seventh clause of section one of the second article provides in reference to the President as follows:

"Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.'"

So the Constitution, and not its sworn vassal and supporter, is the dictator. Immediately following the form and requisition of the oath in the first clause of section two of the last-named article, the military power of the sworn President is thus defined:

"The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

The obligation of the oath extends to all the official action of the President, either as a military commander or an executive officer of the general laws. No man in the Government is bound by stronger obligations than he to act in subserviency to the law. So much for the painted bubble and dishonest pretense of a war power which makes a sworn subordinate superior to the Constitution. Sir, if the framers of that wise instrument were still in life can you not imagine with what deep disgust they would hear such heresies proclaimed by degenerate posterity upon the floor of the Congress which they established?

A special pretense is assumed by the party in power as a sufficient justification for the unconstitutional acts of the Administration in managing the public policy. It is the pretense that slavery in the States was and is the culpable cause of the war, and that slavery, therefore, must be abolished at all hazards as a condition of peace. It is a convenient apology for revolutionists. It is inculcated by their press, in their sermons, and speeches; it is heard in this body and in the Senate. But the falsehood of the assertion is apparent to any man who is willing to think rightly upon the subject. It might as reasonably be said that money is the cause of robbery, larceny, and many other crimes; that human existence is the

cause of murders. The right of the people of certain States in slave labor was recognized and guarantied by the Constitution, and is so to-day if the Government of the United States has an existence. When this fact was regarded we had no civil war or tendency to war. The free States grew and prospered, and the slave States kept pace with them in the onward march of prosperity, dignity, and empire. The unprecedented development, expansion, and prosperity of the country under the Government of 1787 proves that there was no element in its Constitution hostile to its dignity, or progress, or perpetuity. Before it was shattered by northern fanatical sectionalism it had accomplished more for the benefit of mankind than all other existing Governments in the world. It needed only the fealty of its subjects to be immortal.

Sir, I have witnessed the progress of abolitionism from the very commencement of its career in this country. Long before the number of its devotees had become sufficient to invest it with political influences, those devotees seemed to exclude from their thoughts every political consideration except the abstract idea that slavery in the States must be abolished. That one absorbing thought governed all their political action. They waited, but not inactively or vainly, for the time to come when they should be strong enough to induce some party to secure their additional strength by helping them to accomplish their object. Meetings of a semi-religious character, consisting of great numbers, were at length held, in which expert lecturers appealed to the sympathies of the people, giving the most exaggerated and false accounts of slavery and the cruelty of slaveholders, assailing the Constitution and Union as works of the devil, vilifying Washington and other patriots of his time as man-stealers, singing disunion songs, into which they had degraded the sacred hymns by parody, and finally closing the exciting entertainment with prayer to God to aid them in destroying the wicked Union, and hurrying on, like an organized band of showmen, to meet some other congregation ready to be fanaticized. I saw the process and, I think, the motive of the absorption of this element of dissension and treason by a great and powerful party, which had discovered the efficient use to which it could be put, and then I saw a great portion of the preachers of the gospel and the congregations over which they had influence fall down before the beast and worship it. I saw it grow strong enough to grasp the reins of government in nearly all the non-slaveholding States, and then, as before stated, came legislation in those States in direct and intentional derogation of the known constitutional rights of the people of the slave States. Judges in my own State made decisions against the plain letter of the Constitution of the United States and the acts of Congress, when the rights of southern people were in question. I will specify one case only, although I might others. In the county of Lorain, an abolition judge, simply, I suppose, to show his fealty to abolition at the expense of a violation of his official oath, charged a grand jury to pay no attention to any act of Congress for the rendition of fugitive slaves, because all such acts were unconstitutional and void, although he knew that the Federal courts had held them valid. In that way, sir, the northern anti-slavery men treated the compromises of the Constitution on which the Union was based.

Relieved of southern opposition it was an easy work for the anti-slavery party to win the election, and apparently with little care for the evil consequences which might result proceeded to accomplish the great purpose in which alone they were all united, of taking the Federal Government into their hands. And when they had accomplished their object, and the well-founded fears of their opponents that secession would follow was realized, many of their politicians and the leaders of the abolition press received and published the news of that secession and commented upon it with all the coolness of men who realize the foreseen result of a process which they have deliberately applied. The New York Tribune, the great mouthpiece of eastern abolitionism, the Cincinnati Commercial, and the Ohio State Journal, two leading abolition papers in my State, were in favor of submitting to secession, probably for the reason that they regarded it as a natural result of the success they had helped to achieve.

It will be seen from the foregoing history of events what was the cause of the war; that it was not slavery as established by law, but that anti-slavery as a political element combining for one bad purpose all the incongruous recusants to the Constitution who, like the followers of Lucifer, were ready to rebel against any Government they could not control, and acting upon the pretendedly humane policy of abolition, which is really subversive of law and revolutionary, was and is the cause of the war. It begot secession and secession involved war; therefore it is the prime cause of both evils.

As in these degenerate days repentance of sin is decidedly out of fashion with the party in power, and as the worst of Republican sinners, when rebuked by a Democrat, are wont to resort to counter accusation, and cry out secessionist, copperhead, &c., I deem it prudent, by way of self-protection, to declare my views upon this subject of secession. I am not as liberal toward the doctrine as the President seems to have been when, as a Representative of his district in the State of Illinois, he made a speech on this floor in which, while commenting upon the right of the subjects of Government to throw off their allegiance and establish a new Government to suit their inclinations, he said:

"Any people, anywhere, being inclined and having the power, have the *right* to rise up and shake off the existing Government and form a new one that suits them better. This is a most valuable, a most sacred right—a right which, we hope and believe, is to liberate the world. Nor is this right confined to cases in which the whole people of an existing Government may choose to exercise it. Any portion of such people that *can*, *may* revolutionize and make their own of so much of the territory as they inhabit. More than this, a *majority* of any portion of such people may revolutionize, putting down a *minority* intermingled with or near about them who may oppose their movements."

This view of the President carries the doctrine of revolution considerably further than Democrats are willing to go. That a nation of people or a province under the oppression of a wicked Government may, in the opinion of the world and before God, be justified in resorting to revolution for the purpose of achieving independence and liberty, I believe. But that forcible revolution is the unconditional right of a portion of the people of a nation or the dependency of a nation, to be exercised at their mere pleasure, I do not believe. The justification of the American Revolution which resulted in our national independence was not put upon any such ground. Secession I believe to be no more nor less than revolution. In the American sense of the term, it is the exercise of what is claimed to be the reserved right of a State in the Federal Union to withdraw itself from the Confederacy whenever the people of such State may elect to do so, with or without any other reason than their desire for complete independence. I do not admit the existence of any such right, nor assent to its assumption. I regard the General Government of the United States in its sphere as a unit, as verily such as the government of a State, and that all the people of the States owe it allegiance which it is not at their option to revoke.

In contemplating this subject I recognize two crimes, and the relation between them: first, the inciting crime of invasive abolitionism; and second, the induced and consequent crime of secession. They who by their own wrongs have contributed to the latter crime should expect by the divine law to share in its punishment. They are not, I say again, as well entitled to complain of the deed as are those who at all times have abjured both the incentives and the crime.

We of the conservative school cannot patiently listen when we are told that the policy of restoring the Union upon its original principles is merely ridiculous. We know, as experience has proved, that it needs nothing but the honest fealty of the people, which every Government requires, to sustain that Union. We are not satisfied with the policy of the President and the predominating party in shaping the results of military conquests. We have no faith in the proposed new system. We demand the restoration of the Union; we demand it because it is our birthright, because we have done nothing to forfeit that right, or to incur a dispossession of it. We demand it because it was many times solemnly promised to us, and because upon the faith of that promise many thousands of Democrats gave their lives to enable the Administration to perform it. The fleshless bones of our slaughtered brethren can scarcely be expected to remain quiet in their shallow graves if the sacred bond be not kept. We demand it because the children of the patriotic dead should not be robbed of the inheritance for the assurance of which their fathers died; and we demand it for the further reason that the best interests of the country and of mankind require it.

Were such wise and saving policy to be adopted even at this late day, and after so many faithless violations of pledges to abide by the law and abjure revolution, there would be no further necessity or apology for executive tinkering with the governments of the States. It would, to be sure, disappoint the fanatics by defeating the insane purpose to turn loose upon the country four million negroes, helpless and unprovided for, and entirely unfitted for the position intended to be thrust upon them; but it would, at the same time, protect the incompetent negroes against the inhuman policy of depriving them of the most needed, and to them essential benefits of the system to which they were born. It might defeat, or at least defer the great philanthropic design of those transcendental abolitionists who propose by a process which they call "miscegenation," a word of their scholarly invention, to improve the bone, skin, muscle, hair, and brain of their fellow-citizens, and especially their own posterity; the process being the amalgamation of the inferior blood with the superior blood of the African. But as this is an exceedingly ravishing idea among its votaries, and is earnestly propagated in lectures and songs, and to some extent in the pulpit, it is possible that the return of the negro to his condition of servitude would only defer the benefits of "miscegenation" to a time when the philosophy of the thing shall be better comprehended.

It might somewhat enfeeble a certain party by diminishing the contemplated advantage of African support at the ballot-box, an advantage which I could appreciate when I found the names of more than half a hundred negroes who voted to give the seat I occupy to my opponent upon the poll-books of a single precinct in my district. Had there been as many more of them, I should not have been here to tell the story. I cannot see that these considerations, however important some people may regard them, should have operated to change the promised mode of suppressing the rebellion.

One more of the objections to carrying out the constitutional programme in disposing of the rebellion ought to be noticed before I leave that point. It would render vain and fruitless all that learned ingenuity which has enabled a majority of this House to put such a novel and before unheard-of interpretation upon the Constitution, that by a sweeping confiscation of southern estates and the political disfranchisement of their owners the whole country may fall, with just compensation to nobody, into the hands of human cormorants whose greedy selfishness would insinuate itself between the people and a restoration of the Union.

It is charged that we oppose the war and seek to embarrass the Administration. The proposition thus abstractly stated is not true. We oppose perversion of the war to any purpose of party aggrandizement, to any purpose of revolution, to any purpose other than its originally declared object, to preserve the Constitution, Government, and Union. In the light of a war designed to accomplish and able to accomplish this object, we never opposed it, nor did we ever seek to embarrass the Administration in carrying it on. We deprecated the commencement of war and sought through our Representatives in the councils of the nation to give effect to the common sentiment of the conservative portion of the people by the adoption of the measure of compromise and conciliation proposed by the patriotic Crittenden. We looked with strained eyes and hoped with throbbing hearts for an adjustment upon that easy and equitable basis, which should avert the threatened calamity. We know by the most incontrovertible evidence, by the direct testimony of Douglas and Pugh, that the influential representatives of the South, who held secession in their hands as clouds in the troubled sky hold lightning, were willing to remain in the Union if that measure of compromise should be adopted and the incoming Administration would pledge itself to its faithful observance. The Democracy, favoring the meas-

ure, gave it their hearty support, but visions of new-born power and predominating sovereignty controlled the Republican mind. "No compromise with slavery" was their motto, not even to avert disunion and war. Having the controlling power they rejected the proposition. Secession was soon accomplished and war came speedily.

The Administration declared the principle upon which the war should be conducted. To show what that declaration was, as I have not the official records at hand, I take the liberty to quote from a very able and patriotic message of the Governor of New Jersey, recently communicated to the Legislature of that State. Speaking of the object of the war, the Governor says:

"This object on the part of our Government was explicitly stated by a resolution passed unanimously by the House of Representatives soon after the commencement of hostilities, and which still stands as the authoritative declaration of the popular branch of Congress. (By parenthesis I must say that if the worthy Governor had known how many times that resolution had been laid on the table by the votes of a majority of the House during this session he would have omitted the latter clause.) That resolution declares that 'the war is not waged for the purpose of overthrowing or interfering with the rights and established institutions of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease.' In the published correspondence of the State Department the same idea is forcibly expressed in the following language: 'The rights of the States and the condition of every human being in them will remain subject to exactly the same laws and forms of administration whether the revolution should succeed or whether it shall fail.'" * * * * "'In the one case the States would be federally connected with the new confederacy, in the other they would be, as now, members of the United States; but their constitutions and laws, customs, habits, and institutions in either case would remain the same.' In repudiating indignantly any intention on the part of the Executive to disturb the institutions of the States, the writer adds: 'Any such effort on his part would be unconstitutional, and all his actions in that direction would be prevented by the judicial authority of the United States, even though assented to by Congress and the people.'"

This language has none of the sound of the emancipation proclamation, nor of the reconstruction and amnesty proclamation, which proposes that one tenth of the people of a seceded State, complying with the wishes of the President, and surrendering on oath such legal rights as he wishes them to surrender, shall be helped to govern and dominate over nine times their number who possess the same constitutional rights, according to the learned Secretary, as the favored few. The Democrats, in keeping with the statesmanlike sentiments above quoted, oppose all unconstitutional coercion practiced to make abolition States to be ruled by a contemptible and purchased minority, at the expense of the cardinal principle of free government. They do not contemplate as auspicious the time when by such corrupt means the chief officers of our Government shall be elected. They oppose all such policy in the management of the war as recently sent into the State of Florida a band of brave officers and soldiers to further the same objectionable motive, if that ready historian of the times, the public press, be truthful in its declarations. If truthful, somebody must account to the country in this world or to God in the next for twelve hundred citizens, or more, as is believed, slaughtered and taken prisoners in an unmilitary enterprise.

Let it be shown to the conservative men of this nation that the Administration is devotedly intent upon preserving the masterly edifice of this Government, and honestly makes war against the seceded States for that noble purpose, and I guaranty that no Democrat will oppose it. Any difference of opinion which might exist would exist only as a citizen's private thought. And even now, when we are forced by a weight of evidence which must control the honest judgment, to believe that our Federal Government restored to its pristine condition is not the object of the party which conducts the war, we do not attempt to throw any obstacles in its way. We counsel no resistance to it; we do not seek to stop the war. War is inaugurated as the policy of the Administration, and for reasons easily perceived, it can probably accomplish no object, good or bad, except by conquest, and that does not promise to be immediate. With all its usurped powers this Administration cannot live beyond its appointed time. During the short residue of the period allotted to it, I, for one, do not wish it to arbitrate the future of my country. If it is said that the war was premature, let it be recollected that peace may be premature also. We say if a sound constitutional party had continued in the control of the Government there would have been no secession, no war; but they are upon us like destroying fiends. Who shall rescue the Union in this emergency? Who shall adjust the terms of peace which must at some time succeed to war?

If the present Administration should adjust the terms of peace according to the ideas which now govern its policy, then would be blighted forever the hopes of all those whose hearts are quickened by the love of free and popular government. I believe that with the Democracy in power successful negotiations for the restoration of the Union could be had; but, manifestly, under the present Administration no such negotiations can be had, nor if they were practicable would they be adopted, for the Administration is committed to the revolutionary scheme of reconstruction and against the Union.

I know the awful burdens and expense of the war, as well as a finite capacity can comprehend what is so near the infinite. But as a lesser evil I would suffer even its further accumulations, during the time of abeyance, as the only means whereby the people, in the exercise of their constitutional right, if that right be not forcibly taken from them, may institute an Administration whose advent will assure the accomplishment of their great desire. The olive-branch of peace, which it has been well said should accompany the sword of war, has been ignored in all of this bloody war of ours. The maxim a thousand times expressed is, "No negotiation until the last rebel lays down his arms." What a malicious sentiment! Why not negotiate on just and honorable terms to induce the enemy to lay down his arms? Will you send millions of your fellow-citizens to the slaughter upon a mere point of etiquette? Let a people whose moral and political senses are awakened correct this evil at the ballot-box.

Inasmuch as I have undertaken to comment somewhat upon the conduct of the war, I feel constrained to allude to another matter of great moment which has stricken the public mind with surprise and regret, and weakened the confidence of many in the integrity of the Administration.

I said heretofore in my remarks that at the commencement of the war the principal military talent and accomplishment of the country was possessed by men belonging to the Democratic party. I repeat the assertion, not for the purpose of boasting, but because it becomes an important consideration when we seek for an explanation of the astonishing course which has been pursued by the President in relation to the command of our armies. Those Democrats of military capacity were among the first to proffer their services to the Administration to aid in putting down the rebellion and restoring the supremacy of the Government and the Union. They did not suppose that they would be compelled to don the complexion of the Ethiop to save their epaulets, nor that their tactics would be overruled by one having no military knowledge whatever, though the Constitution had added to his civil function the theoretic capacity of Commander-in-Chief. Foremost among these men who hastened to the standard of their country, mapped out the war, planned its campaigns, and laid down the sagacious strategy which, if supported and not interrupted, would have accomplished the people's object, was that distinguished general whose name is so honorably associated with the campaigns, battles, and strategy which resulted in the reconquest and restoration of West Virginia; who saved against the persistent assaults of vastly superior forces, against the violation of faith by the Administration to which he looked in vain for promised support, that most gallant of all modern armies, the army of the Potomac. Under the command of any general of less than the highest military capacity that army would have been lost. Thanks for its preservation are due only to the great ability and watchful vigilance of its chief commander, by which its ranks were not only marshaled according to the highest military science, but also imbued with the discipline and bravery which made it unconquerable.

The incidents and result of the seven days of battles on the Peninsula placed the name of the commander, and the army into which he had breathed his own spirit, high on the roll of fame, before it was known or even suspected by the country that the terrible emergency had been brought upon the general and his gallant army by the neglect and refusal of the Administration to supply the promised means to insure the salvation of the army and the accomplishment of the object of their pursuit, the capture of the confederate capital.

The next incident which befell the general after the accomplishment of his eminent success was his suspension from command. What induced this strange measure? It was not that he had not taken Richmond, for, as we have seen, the fault of the failure was not his. The country has passed upon that question and is recording its judgment now. That judgment is that the Administration and the great party-power which controlled it required of military commanders something more than a straightforward prosecution of the war for the defeat of the confederate power and the restoration of the constitutional Government. The commander of the army of the Potomac was not sufficiently interested in the abolition policy of the Republican party. He had not sufficiently advanced in the science of ethnology to perceive that the negro was better adapted to the duties of a soldier than white men. The scheme of reconstructing States upon the plan of the proclamation had not entered into his policy. Confiscating the plantations of the South into the hands of northern disunionists to be cultivated by enforced negro labor under a system which, while it gives the high-sounding name of freedmen to slaves, exacts their toil and sweat at a less compensation than they received from their former masters, did not enter into his plan. Placing "the round and top of sovereignty" upon the heads of one tenth of the people of a State to secure from a meager minority made up of *protégés* the electoral votes of that State was not in his contemplations. Excluding from the Army all sources of political information, except such as were most fully committed to the Administration and denunciatory of all criticism upon it, enforcing the distinction of keeping Democrats in the ranks and sending Republicans to their homes at great expense to the Government to vote in behalf of the Administration, were useful political appliances, but were not regarded by the general as among the legitimate appliances of war. That military ability and military success could not long secure the countenance of the Administration to a general so remiss in more important things is evident to those who know the history of the times.

After the deposition of General McClellan from command, the army of the Potomac, under a new leader, fought another battle. The result of that battle, as everybody knows, was to send its broken ranks, dispersed and demoralized, before a conquering foe, who took advantage of the rout to invade the upper States and the capital itself. It was a time of awful peril; the boldest heart palpitated with fear; the emergency was pressing. Ulterior considerations gave way for the moment to the most certain means of saving the capital and of freeing from hostile occupation the territory over which the enemy's battalions were victoriously tramping. All thoughts were concentrated upon the deposed McClellan. He was called again in that dread hour to his command. Order immediately sprang from confusion; courage succeeded to panic and affright. Among other important achievements the great battles of South Mountain and Antietam were fought and won. Defeated in both of those engagements, our enemies were driven across the Potomac, foiled of all their sanguine expectations by the bravery of the army which under another command they had so recently dispersed. The judgment of the country is that without the timely intervention of that general the invasion would have been in a great degree successful, and that the public edifices of the capital might have presented to the nation's view nothing but incongruous masses of broken and ruined masonry.

After a short space necessarily spent in recruiting the energies of our men after these terrible and exhausting struggles, and when the general having pursued and overtaken the retreating enemy was about to attack him, with as reasonable expectations of his capture as the exigencies of modern warfare admit, he was again dismissed from his command. Though tears coursed down the cheeks of the hardy war-worn soldiers at the separation again repeated, they were of no avail. Services could be dispensed with when the one-

my was on his retreat which were indispensable when he was on his advance.

It is interesting to the unprejudiced to see that the obscurity which for a long period involved the policy of the Administration toward the general before mentioned is being illuminated by truthful and circumstantial history which has too long been suppressed. The interested people are now permitted to judge, from the facts before them, what policy and whose policy, supported and not overruled through inadmissible motives, would ere this time probably, in the result certainly, have conquered the rebellion and restored the union of States, if military conquest achieved upon the principles of right and justice be capable of leading to such a result.

The limitation of my time prevents me from proceeding further upon this subject; but in concluding, I conjure this House and the country, by the reverence we have for the memory of our fathers; by a just regard for all that made us a prosperous and happy people; by all our yearning desire for the liberty and prosperity of those who are to come after us; by all the holy patriotism that ever was enshrined in the American heart; by the considerations of self-protection and duty to God, to stop the course of this revolution which threatens to prostrate the very citadel of our liberties, and seek not for repose till the Government of 1787 be rescued from the grasp of abolitionism and reinstated in its rightful sway.

RIGHT OF SOLDIERS TO VOTE.

Mr. GRINNELL. Mr. Chairman, I much dislike to detain the committee at this late hour, but I should justly be charged with cowardice, with poltroonery, with conduct unbecoming a man, if I did not at the first opportunity rise to repel the slanders and the most unjustifiable and most indecent insinuations of the gentleman from Ohio [Mr. Cox]—I will not say uttered here, but which would have been such if uttered elsewhere. The gentleman from Ohio [Mr. Cox] had not the manliness to remain in his seat. Nor did he dare to stay to listen to a reply to his insinuation. Why is he not here? He was pierced by the lance of the military gentleman from Indiana, [Mr. DUMONT,] who served up his apostate party with great justice. And now he comes to the rescue of himself, and he did not find it convenient to finish his speech without making allusion to myself in language which, in order that I may do no injustice to the gentleman, I will quote from his speech as just taken down by the reporters:

"Just as I would express my astonishment at hearing anything decent from the gentleman from Iowa, [Mr. GRINNELL.]"

That, sir, is the language of the accomplished Democratic would-be leader of the House—a gentleman who has written a book which comes back to torment him. What has stirred up the gentleman's ire against me? I will tell you in a few words. The gentleman from Ohio made a most uncalled-for, undignified, and wanton assault upon one class of people whose condition and liability to being drafted was discussed in this Hall; he called them everything that is base. I obtained the floor to reply, and I stated that the only fault the gentleman could find with the clergymen of this country was in this offense, that they were most conscientiously, as before God, devoting their time, giving one day in the week to the devil and the remaining six days to his party in its apostasy. That troubled the gentleman, and the first time he got the opportunity he rose with a purpose to insult me by using impertinence such as I have quoted, and this is the third opportunity he has found.

Sir, I have never bandied words with a gentleman in all my life. I have been a peace man, having never raised my arm to assault a man in my life, having better weapons of defense. But, sir, it would be dastardly and unbecoming in me if I did not rise now to repel the foul slanders of the gentleman from Ohio.

Mr. HOLMAN. I hope the gentleman from Iowa will remember that an hour ago, in consequence of this evening being devoted to general discussion, the gentleman from Ohio [Mr. Cox] left his seat upon this floor.

Mr. GRINNELL. Yes, sir; he left it like a coward, if that is parliamentary.

Mr. HOLMAN. The gentleman from Iowa might not use those terms if my friend from Ohio [Mr. Cox] were present. [Laughter.]

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Indiana?

Mr. GRINNELL. No, sir. I was but replying to a most unprovoked assault upon myself. The member from Ohio knows that new members upon this floor are not for months familiar with the parliamentary rules of this House; and he endeavors to frown down and put under his feet gentlemen whose opinions he despises, and the advocacy of their opinions by myself is not as pleasant to him as it might be, no doubt. I stand here on my rights in advocacy of my principles to invite his assaults in the name of a State which has sent a united delegation here in behalf of the principles and purposes that I represent.

The gentleman is pierced and wounded here by truth applied to himself and party, and yet he could go to another city, although his party has declared that the question of slavery is not to go into the next presidential campaign, and has derided the speaking of women for liberty in this Hall, and act as escort to a woman who has been upon the "boards" at a theater, a woman who got up before an intelligent audience in Brooklyn—I presume intelligent because they are an intelligent and I trust patriotic people, to have contributed $400,000 to provide for our soldiers—and stated that "negroes" are legal tender, always have been legal tender, and always will be legal tender; a statement fit for the applause of abandoned prostitutes only, and oily demagogues. The gallantry of the gentleman from Ohio induced him to indorse this lady of the boards, and to state, after she had concluded, that she had uttered "words of gold and syllables of silver," when all in derision of the Government and the poor. He gets up before an audience in New York, with a political companion in petticoats, to dignify feminine treason——

Mr. HOLMAN. I rise to a point of order. It is not in order for the gentleman to drag ladies in petticoats upon this floor.

Mr. GRINNELL. I refer to the ladies as I please without asking the gentleman's pardon. And I here proclaim the apostasy of the gentleman from Ohio [Mr. Cox] who dare not remain here in the Hall, and I proclaim the apostasy of his party. Yes, sir, that was what stung the gentleman last week when I placed his party where it belongs, and said that in every State in this Union but one where the question of the rights of soldiers to vote was agitated, the gentleman's party showed that they despised the soldier, and despised the work in which he was engaged, and were in league with the traitors in arms against this country. I repeat the charge.

Mr. HOLMAN. Does the gentleman make that charge against the Democratic party?

Mr. GRINNELL. If the gentleman's interruption does not come out of my time, I will hear his question.

The CHAIRMAN. It will be deducted from the gentleman's time unless unanimous consent be given otherwise. No objection.

Mr. HOLMAN. Do I understand the gentleman to say that the Democratic party are opposed to the soldiers?

Mr. GRINNELL. Yes, sir.

Mr. HOLMAN. In what respect?

Mr. GRINNELL. In this respect: that in every State where the question of the soldiers exercising the right of elective franchise has come up, his party, with one exception, has arrayed itself against the right.

Mr. HOLMAN. Does not the gentleman know that in the State of Ohio the Democrats brought forward a proposition allowing the soldiers to vote, and that the Republicans voted it down?

Mr. GRINNELL. And at the next session of the Legislature every Democrat *voted against it*. And further; at the present session of the Legislature, when the question arose in regard to unseating members who were elected by soldiers' votes, every Democrat in the Legislature voted to unseat men because they were elected by soldiers' votes.

Mr. HOLMAN. Does not the gentleman from Iowa surely know that the constitution of Ohio does not allow citizens to vote unless they vote in their own county and their own precinct?

Mr. GRINNELL. Then I ask the gentleman what becomes of the constitutional Democrats spoken of who proposed to give them the right to vote?

Mr. HOLMAN. They were willing to go beyond the constitution and confer the right.

Mr. GRINNELL. The supreme court of Ohio decided that the soldiers had a right to vote, and when the question was brought up in the Legislature the Democrats said they had no right to vote.

Mr. HOLMAN. Would the gentleman disregard the provisions of the constitution upon that subject?

Mr. GRINNELL. No, sir. And how did the Democrats of Indiana vote upon the question of allowing soldiers to vote? I can tell you.

Mr. HOLMAN. The constitution of Indiana requires that the vote shall be cast in the township and precinct in which the voter resides, and the Democratic members of the Legislature voted in conformity to that constitutional limitation. If there is a Democrat in Indiana who is opposed to the soldiers in the field exercising the right of the elective franchise, if it can be done in conformity to the constitution of the State, I do not know it; and if there is such a Democrat I condemn him as recreant to his party faith and party organization.

Mr. BOYD. Will the gentleman allow me to ask him a question?

Mr. WILSON. I object to any further interruption.

Mr. GRINNELL. The gentleman from Indiana belongs to the "other wing" of his party. He belongs to what is called the war-wing of the party; but that wing is so much plucked and small and the body so weak that it does not seem to carry the bird at all, while the peace wing of the party is so large and strong that it carries it about and around in a circle. The gentleman is "an uncertain quantity" in his party, and he knows he cannot control it nor hide its deformity. He may be a patriot, a scholar, and an honest man, but he does not belong, in any controlling sense, with the gentleman from Ohio [Mr. Cox] or with the gentleman from New York [Mr. FERNANDO WOOD.]

Mr. Chairman, I do not wish to detain the committee long; let me return to the matter in hand. When interrupted by the gentleman from Indiana, [Mr. HOLMAN,] I was charging upon the gentleman from Ohio [Mr. Cox] that he has degraded his party, degraded real Democratic principles, belied his professions in this House, by going to the city of Brooklyn and there proclaiming that he approved a speech delivered by a woman there, steeped in treason, in which it was said that negroes were legal tender, and always had been and always would be. And yet the slavery question is not to go into the next presidential canvass!

Sir, he cannot stay the tide nor the stars in their courses. Slavery will go into the next presidential canvass. Look at your candidates. You may take the present pandering Governor of New York, who addressed the bloody mob in New York city as "my friends," with inadvertence but in truth, as your candidate; or you may take as your candidate that general—a failure, relapsed, and apostate—who has never been within range of a rifle or a rifled cannon, and who, after a seven days' retreat, sat down to indite a political platform for our President he did not help to make. You may present such a candidate to the people——

Mr. HOLMAN. Surely the gentleman does not refer to General McClellan.

Mr. WILSON. I object to any interruption of my colleague.

Mr. GRINNELL. The gentleman from Indiana seems to be very much disturbed because I choose to allude to General McClellan. I believe that his nomination as an exponent of Democracy for that high position would be the broadest farce, and would provoke derision and laughter even in that far depth down where I have no doubt there are sympathetic correspondences with the "Buckeye," not abroad, but at home.

Sir, the gentleman knows where his party stands. He knows its history, and this question of soldiers voting, and others, will come home to him. He, too, will also have to answer in voting for a Chaplain of this House for the only minister in the loyal States of this Union who believes that God is in favor of slavery.

Mr. HOLMAN. Inasmuch as——

Mr. GRINNELL. I cannot yield to the gentleman. If he denies it, let him do it.

Mr. HOLMAN. I only wish to answer the gentleman.

Mr. GRINNELL. I cannot yield, as objection is made.

Mr. HOLMAN. I trust the gentleman will yield to me for a moment.

Mr. GRINNELL. I cannot yield.

Mr. HOLMAN. For a single word?

Mr. GRINNELL. No, sir.

Mr. HOLMAN. For but a single remark?

Mr. GRINNELL. No, sir.

The CHAIRMAN. The gentleman from Indiana will take his seat. He must understand that if the gentleman from Iowa declines to yield the floor, he is entitled to it without interruption. If the gentleman from Indiana persists in violating the rules of the House, the Chair will be compelled to order him under arrest.

Mr. HOLMAN. I only ask the gentleman to yield to me for a moment.

Mr. GRINNELL. I cannot. The gentleman will have an opportunity to reply when I get through.

It is fitting that I should close these unpremeditated remarks by calling attention to the fact that I was attacked, in what I should style "elsewhere," in a most cowardly and unbecoming manner. It is fitting that I should say to the member from Ohio that, as the Representative of a loyal district that has sent fourteen thousand brave men to this war to put down the rebellion, I am not to be put down or put out of countenance by the head of the peace party outside or in this House. I was not sent here for that purpose. I am here to maintain my manhood, to declare his party apostate, in league with slavery and the devil; and with him they will go down—down—I might have said, with the explorer, so low as to find "ile," hell, or China. We have, as the party of freedom, our candidate; and we shall elect him President. We shall save this Union and be a free nation. And if in all God's dominions there is to be found one being who will hereafter be remembered for infamy and for baseness such as the world never heard of, it will be the peace Democrat of 1864. I should ask pardon for taking so much notice of a recreant defamer, for these are the expiring echoes of the voice of the gentleman from Ohio, who has a few thousand votes against him at home, and who will never more be heard in this Hall after the present Congress. Not giving him further notice, I shall be prepared to defend myself against every attack, save that of an assassin. His political grave is dug, and, as he falls into it "unwept, unhonored, and unsung," the high glee for his departure shall be, unless he repents before God, in the rude verse of the poor he maligns—

"Ashes to ashes, dust to dust;
Here's the hole, and in you must."

Mr. ARNOLD resumed the floor.

Mr. HOLMAN. I trust the gentleman from Illinois will allow me to say this: I think that the controversy as to the votes given on the election of Chaplain is a very improper one; but, inasmuch as I am a little sensitive on a question of theology at times, I certainly did not vote for the gentleman elected Chaplain by the House. If I had been controlled by theological opinions I could not have done so. The gentleman from Iowa supported a candidate who believed in the African but rejected Christ. I voted for a candidate who at least believed in the God of our fathers.

Mr. ARNOLD obtained the floor, but yielded it to

Mr. HOLMAN, who moved that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DAWES reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the annual message of the President of the United States, and had come to no conclusion thereon.

And then, on motion of Mr. DAWES, (at five minutes after five o'clock, p. m.,) the House adjourned till Monday.

IN SENATE.

MONDAY, *March* 14, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Friday was read and approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (S. No. 1) granting a pension to John L. Burns, of Gettysburg, Pennsylvania, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, communicating, in answer to a resolution of the Senate of the 29th of February, a report of the Secretary of the Interior in relation to the amount of money received from the sale of the Wea trust lands, and the manner in which the same was invested; which was referred to the Committee on Indians Affairs, and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a message from the President of the United States, transmitting a copy of a treaty between the United States and Great Britain for the final settlement of the claims of the Hudson's Bay and Puget Sound Agricultural Company, concluded on the 1st of July last, the ratifications of which were exchanged in this city on the 5th instant, and recommending an appropriation to carry into effect the first, second, and third articles thereof; which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate a message from the President of the United States, communicating, in answer to a resolution of the Senate of the 28th of January last, a report, with accompanying papers, from the Secretary of the Interior, showing what portion of the appropriations for the colonization of persons of African descent has been expended, and the steps which have been taken for the execution of the acts of Congress on that subject; which was referred to the select committee on slavery and freedmen.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions of the Legislature of Kansas, in favor of the amendment to the act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, so as to require the Leavenworth, Pawnee, and Western Railroad Company to make Wyandotte, Lawrence, Topeka, Wabaunse, Manhattan, and Junction cities, points on that line; which were referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. WADE presented the petition of Stephen S. Balk, first lieutenant sixth cavalry, United States Army, praying that he may be relieved from all liability incurred by the loss of public money which he alleges was stolen from him about the 27th day of September, 1863; which was referred to the Committee on Claims.

He also presented a petition of citizens of Ashtabula county, Ohio, and a petition of citizens of Buffalo, New York, praying for an appropriation for the repair and improvement of Ashtabula harbor; which were referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade and a memorial of ship-owners and boat-captains of Detroit, Michigan, praying for an appropriation for the improvement of Frankfort harbor on Lake Michigan; which were referred to the Committee on Commerce.

Mr. SUMNER presented four petitions of citizens of Boston, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented a petition of citizens of New Hampshire, praying for the abolition of slavery throughout the United States, and for the adoption of measures for amending the Constitution so as forever to prohibit its existence in any portion of the country; which was referred to the select committee on slavery and freedmen.

Mr. TRUMBULL presented four petitions of hospital stewards in the Army, praying for increased rank and pay; which were referred to the Committee on Military Affairs and the Militia.

He also presented the petition of Mrs. H. A. Hartman and one hundred and twenty-nine others, loyal ladies of Washington county, Illinois, praying for the total abolition of slavery throughout the United States; which was referred to the select committee on slavery and freedmen.

He also presented the petition of Henry Asbury, John W. Whipp, and others, of Quincy, Illinois, praying for the establishment of a uniform ambulance and hospital system for the armies of the United States; which was ordered to lie on the table.

Mr. TRUMBULL. I also present a memorial of the Board of Trade of Chicago, Illinois, praying Congress to make an appropriation for the construction of a ship canal around Niagara falls, on the American side, as required by the commercial interests of the country, and also demanded as a military necessity for the proper protection of the northern frontier. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON presented five petitions from citizens of Boston, Massachusetts, praying for an increase in the facilities for the transportion of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented three memorials of citizens of New York, remonstrating against the renewal of Goodyear's patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. MORGAN presented two memorials from citizens of New York in favor of an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented a petition of citizens of Troy, New York, praying for the formation of a properly organized ambulance and sanitary corps for the armies of the United States; which was ordered to lie on the table.

Mr. COWAN presented a petition of citizens of Philadelphia, and a petition of citizens of Pittsburg, Pennsylvania, praying for an increase of the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. SHERMAN presented a petition of citizens of Sandusky, Ohio, praying for the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Commerce.

He also presented three petitions of citizens of the United States, praying for the sale of the mineral lands of the Rocky mountain country, and that liberal aid may be granted in the construction of the Northern and Central Pacific railroads; which were referred to the Committee on Public Lands.

Mr. LANE, of Kansas. I present the petition of Baptiste Peoria and Frank Valley, on behalf of the confederate bands of Weas, Peorias, Kaskaskias, and Piankeshaw Indians, praying that provision may be made for the payment of the amount alleged to be due them under the treaty of May 30, 1854. I ask that it be referred to the Committee on Indian Affairs, and printed.

The VICE PRESIDENT. It will be so referred. The motion to print will go to the Committee on Printing.

Mr. JOHNSON presented the petition of N. S. Brinton, a paymaster in the United States Army, praying that the accounting officers of the Treasury may be authorized to credit him with the amount of public funds lost by the burning of the steamer Ruth on the Mississippi river on the 5th of August, 1863; which was referred to the Committee on Claims.

Mr. HENDRICKS presented papers in relation to the claim of J. N. Confer, late surgeon of the twenty-ninth regiment Indiana volunteers, for compensation for certain property alleged to have been lost while in the service of the United States; which were referred to the Committee on Claims.

Mr. POWELL presented resolutions of the Legislature of Kentucky, in favor of a military road from the interior of Kentucky to the Cumberland river, at some point above the falls of said river;

which were referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. BROWN presented a petition of citizens of Daviess county, Missouri, praying that the arming of disloyal men and returned rebels in their midst may be hereafter prevented; which was referred to the joint committee on the conduct of the war.

He also presented a petition of citizens of Highland, Madison county, Illinois, praying for the repeal of the $300 commutation clause in the enrollment act, and that certain persons may be exempted from the draft; which was ordered to lie on the table.

Mr. HARLAN presented a memorial of the Chillicothe band of Shawnee Indians, praying for the adoption of such measures as may be necessary to restore their tribal rights, and for the restitution of certain money alleged by them to have been fraudulently taken from them, and the collection of moneys due the orphans and incompetent Shawnees, and that an investigation be had into the official conduct of Agent Abbott and his interpreter Matthew King; which was referred to the Committee on Indian Affairs.

Mr. HARRIS presented the petition of Henry A. Brigham, military storekeeper and paymaster in the ordnance department of the United States Army, praying to be allowed for certain money alleged to have been stolen from the counter of the Assistant Treasurer of New York on the 8th of November, 1862; which was referred to the Committee on Claims.

He also presented the petition of Knauth, Nachod & Kühne, importers of dry goods, of New York, praying for relief for the loss of a case of gloves in bonded warehouse in that city, through the alleged mistake of a Government clerk, and for loss of goods alleged to have been stolen from the appraisers' warehouse while in the custody of Government officials; which was referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. FOOT, from the Committee on Public Buildings and Grounds, to whom was recommitted the bill (S. No. 43) relating to the office of Commissioner of Public Buildings, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 196) to aid in the protection of emigrants to the Territories, reported it without amendment.

Mr. SAULSBURY, from the Committee on Patents and the Patent Office, to whom were referred various memorials and petitions praying for the passage of an act to amend an act to promote the progress of the useful arts, approved March 3, 1863, reported a bill (S. No. 162) amendatory of an act to amend an act entitled "An act to promote the progress of the useful arts," approved March 3, 1863; which was read, and passed to a second reading.

PRINTING OF LAWS.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution directing the committee to inquire into the expediency of causing the laws as the same are passed from time to time during the session of Congress to be printed for the use of the Senate, have instructed me to report the following resolution and to ask for its present consideration:

Resolved, That the acts and joint resolutions passed since the commencement of the present session, and those that shall hereafter be passed, be printed separately for the use of the Senate.

Under this resolution only the usual number will be printed. The object is to print for the use of the Senate the laws as they are passed, in order that they may be placed upon our files. We are frequently ignorant of the precise form in which laws have passed, and desire to refer to them for future legislation. The expense will be very trifling.

The resolution was considered by unanimous consent, and agreed to.

PAY AND PENSION OF CHAPLAINS.

Mr. WILSON. I am directed by the Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," to report it back without amendment, with a recommendation that it pass, and I ask the unanimous consent of the Senate to have it acted upon at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that from and after its passage chaplains in the regular and volunteer service and in hospitals shall not suffer a diminution or loss of pay or allowances when absent from duty, with leave, on account of sickness or other disability, or when held by the enemy as prisoners.

It also proposes to amend the act approved July 14, 1862, entitled "An act to grant pensions," so as to include chaplains in the regular and volunteer forces of the Army. The pension to which a chaplain is to be entitled for a total disability is to be twenty dollars per month, and all the provisions of the act to which this section is an amendment are to apply to and embrace the widows, children, mothers, and sisters of chaplains of the land forces who have died since the 4th of March, 1861, or shall die of wounds or disease contracted in the service of the United States, and while such chaplains are or shall be in the line of their duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FOSTER subsequently said: I move the reconsideration of the vote by which the Senate passed the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," which was taken up in the morning hour very casually and passed. I have an amendment to propose to it. I hope there will be no objection to reconsidering the vote on the passage of the bill, and also on ordering it to a third reading, in order that I may propose an amendment to it.

The VICE PRESIDENT. The Chair is informed that the bill has been sent to the House. The Senator can make a motion directing the Secretary to transmit a message to the House of Representatives requesting the return of the bill from the House.

Mr. FOSTER. I make that motion.

The motion was agreed to.

The VICE PRESIDENT. The motion to reconsider will be entered.

BILLS INTRODUCED.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 164) to revive an act entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes," approved March 2, 1855; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 165) in relation to naval supplies; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BROWN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 166) authorizing the archives in the office of the recorder of land titles in the State of Missouri to be delivered to said State; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 167) to incorporate an insurance company in the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

CHARLES P. CURTIS, JR.

Mr. DIXON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, (the House of Representatives concurring,) That the report made to Congress 20th January, 1862, in the case of Charles P. Curtis, jr., *vs.* the United States, with the accompanying papers, be referred back to the Court of Claims.

EXCHANGE OF PRISONERS.

Mr. HARLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to inform the Senate under what rules and regulations and on what terms prisoners of war are being exchanged between the United States and the rebels.

ANTHONY BURNS'S RESCUE.

Mr. DAVIS submitted the following resolution:

Whereas in the history of the attempt to rescue Anthony Burns, a fugitive slave from the State of Virginia, from the custody of the United States officers in Boston in 1854, it is represented and it is also generally reported that T. W. Higginson, now a colonel of a regiment of negro troops in the service of the United States, led or was engaged in an assault made by a body of men with force and arms upon the court-house in Boston, where the said Anthony Burns was held in the custody of the law and officers of the United States, with the intent and purpose of forcibly rescuing him from such custody; and whereas it is represented and generally reported that a citizen of the United States then having the custody of said Burns was killed and murdered by said assailants: Therefore,

Be it resolved, That the President of the Senate appoint a committee of three members of the Senate to investigate whether the said T. W. Higginson had any connection, and if any, what, with the said attempt to rescue the said Burns, and with the killing and murdering of any person having his custody; and that said committee have power to send for persons and papers.

Mr. SUMNER. Let it lie over.

The VICE PRESIDENT. If objected to, it must lie over.

Mr. DAVIS. I ask that it be printed.

The VICE PRESIDENT. The order to print will be made, if there be no objection.

Mr. WILSON. I object.

The VICE PRESIDENT. Objection being made, the motion to print will go to the Committee on Printing.

Mr. DAVIS. I wish to ask one question: whether the objection made to the printing of the resolution will exclude it from being printed in the Globe and other newspapers.

Mr. HALE and others. Oh, no.

Mr. DAVIS. Then I have nothing to say.

The VICE PRESIDENT subsequently said: The Chair was in error when it decided that it required the unanimous consent of the Senate to print the resolution submitted by the Senator from Kentucky. On a reference to the rule the Chair finds that resolutions offered by Senators do not come within it. They are therefore to be printed on motion. The Chair will put the question to the Senate on his motion to print the resolution submitted by him.

The motion was agreed to.

PRINTING OF A BILL.

Mr. SUMNER. I hold in my hand the draft of a bill of an important character to establish a Bureau of Freedmen's Affairs, which is now pending before the committee on slavery and freedmen, and I am requested by that committee to ask of the Senate permission to have it printed for the use of the committee. As it is a measure of an important character, they desire to have copies of it before them.

The motion was agreed to.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed on the 11th instant the following bills:

A bill (S. No. 30) to establish a uniform system of ambulances in the armies of the United States; and

A bill (S. No. 69) to constitute Parkersburg, in the State of West Virginia, a port of delivery.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills; in which it requested the concurrence of the Senate:

A bill (No. 149) concerning certain school lands in township forty-five north, range seven east, in the State of Missouri;

A bill (No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1865; and

A bill (No. 324) to repeal section two of an act entitled "An act to regulate the foreign coasting

trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved March 2, 1831.

THE REGULAR ARMY.

Mr. WILSON. I now move to take up Senate bill No. 151, a bill relating to chaplains, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON. I propose to strike out the first four sections of the bill, all of which relate to chaplains, as we passed a House bill this morning on that subject which may perhaps satisfy all parties.

The VICE PRESIDENT. Does the Senator propose to dispense with the reading of those sections?

Mr. WILSON. I presume it is not necessary to read them, as we have already acted on the subject of chaplains this morning. The balance of the bill contains some very important provisions.

The VICE PRESIDENT. The balance of the bill will be read.

The Secretary read it. It provides that all enlistments hereafter made in the regular Army of the United States, during the continuance of the present rebellion, shall be for the term of three years. All non-commissioned officers and privates in the regular Army, serving under enlistments made prior to July 22, 1861, are to have the privilege of reënlisting for the term of three years in their respective organizations, until the 1st of May next; and all such non-commissioned officers and privates so reënlisting are to be entitled to the bounties mentioned in the joint resolution of Congress approved January 13, 1864. Officers absent from duty, with leave, for a period not exceeding ten days, are to be entitled to receive full pay and allowances for such period; and so much of section thirty-one of the act for enrolling and calling out the national forces, and for other purposes approved March 3, 1863, as is inconsistent herewith, is repealed. Section thirty-five of the act for enrolling and calling out the national forces, and for other purposes, approved March 3, 1863, is not to be construed to prohibit enlisted men at the Military Academy from receiving the extra pay theretofore allowed by law to enlisted men when employed at constant labor of not less than ten days, nor to apply to enlisted men employed as clerks and messengers in the military offices in Washington and at the several geographical division and department headquarters.

There are to be allowed to the battalion of engineers one adjutant, one quartermaster, and one commissary of subsistence, to be selected from the lieutenants on duty with the battalion, with the same compensation as is allowed to regimental adjutants and quartermasters respectively. There are to be added to the battalion of engineers one sergeant major and one quartermaster sergeant, who shall also be commissary sergeant, and each is to have the pay of a sergeant of engineers.

In addition to the cavalry, infantry, and artillery provided for by the act approved July 22, 1861, to authorize the employment of volunteers to aid in enforcing the laws and protecting public property, there are to be added regiments of volunteer engineers in the proportion, as the President may direct, not to exceed one company to each brigade of infantry, and to be organized or established by existing regulations, have the same pay and allowance of engineers of the regular Army, and be subject to the rules and articles of war.

The VICE PRESIDENT. The first question is on the motion of the Senator from Massachusetts to strike out the first four sections of the bill relating to chaplains.

The amendment was agreed to.

Mr. GRIMES. I will inquire of the Senator from Massachusetts how many new offices are to be created by this bill? As I understand it there are to be quartermasters and commissaries connected with the regiment of engineers. If I am correctly informed they have not got a regiment of engineers, or anything like it. They have five skeleton companies of engineers. This bill refers to the regular engineers of the United States Army, and of them we have but five companies, comprising perhaps two hundred men.

Mr. WILSON. The ninth section provides that there shall be allowed to the battalion of engineers one adjutant, one quartermaster, and one commissary of subsistence, who are to be selected from the lieutenants on duty with the battalion of engineers, and to have the same compensation that is allowed to regimental adjutants and quartermasters respectively. The tenth section provides that there shall be added to the battalion of engineers one sergeant major and one quartermaster sergeant, who shall also be a commissary sergeant, and each of them is to have the pay of a sergeant of engineers. I have a letter from General Totten setting forth the necessity of this organization. General Totten recommended, and it was indorsed by the Secretary of War, another section providing that the major having command of this battalion should have additional compensation while commanding it. The committee thought we had better not add that expense; that it was not necessary; but these two or three officers are believed to be necessary in organizations of this kind.

The fifth section of the bill as printed, which is now the first section, permits persons to enlist into the regular Army for three instead of five years. When the war commenced we authorized enlistments into the regular Army for three years; but that expired on the 1st day of January, 1863. Since that time, all who have enlisted into the regular Army have enlisted for five years, and the enlistments have been very few, indeed, as most men prefer to enlist for three years instead of five. This provision is intended to encourage enlistments and reënlistments into the regular Army.

The next section provides that those soldiers who enlisted into the regular Army in 1860 and 1861, and who have served throughout the war, and who have received no bounty whatever, who have had nothing but their pay, shall now have the privilege of reënlisting into the service of the United States until the 1st day of May next. The object is to give these veteran soldiers, many of whom have been in the service ten, twelve, and fifteen years, the same opportunity to reënlist and receive the benefit of the bounty that is given to all those who have served less than three years. Many of those men were enlisted on the eve of the war, in the winter of 1860 and the spring of 1861, they have served throughout the war with great fidelity, and have received no bounty whatever. This bill allows them to reënlist; and I think we ought to give them that poor privilege. The old soldiers of the Army have fought bravely and acted nobly. Let us, if we cannot give them the bounty given to volunteers and other soldiers enlisted during the war, give these brave veterans an opportunity to reënlist and receive the bounty of $400.

The next section provides that officers absent on leave may be absent for ten days without a reduction of their pay; and I think that is but just. By the existing law, if they are absent on leave their pay is reduced. This provides simply for a ten days' leave without reduction of pay.

The next section provides that the enlisted men at the Military Academy and in the Department here at Washington, and at the several geographical division and department headquarters who are acting as clerks shall not come under the provisions of the act of March 3, 1863, which prohibits all enlisted men from receiving additional compensation when detailed. This only applies to a few men at West Point, and also a few men who are detailed as clerks in the Department here at Washington, and a few men in the different geographical divisions and departments, and it only applies to the headquarters in those departments, and not to the division or brigade or regimental headquarters. It will comprise but a few men, and those persons are absolutely necessary to perform this work. Many of them have to labor very hard, and certainly here in Washington they could not support themselves on the wages of soldiers. Many of them are doing very important duty, and have great knowledge in regard to all the details in the War Office.

The other two sections in regard to the battalion of engineers were recommended by General Totten as necessary to the efficiency of the engineers, and his recommendation was indorsed by the Secretary of War.

The next section proposes to allow the organization of volunteer engineers. A letter was received from General Thomas asking that a regiment of volunteer engineers should be organized in the army of the Cumberland. This letter was sent to the committee with a recommendation from General Halleck, indorsed by the Secretary of War, saying that we needed more volunteer engineers in our armies than we have, and suggesting to us to make a general provision instead of passing a special act for one of our armies. That general provision is to be found in this section, authorizing the enlistment of volunteer engineers not to exceed one company to a brigade, and to be left at the discretion otherwise of the President.

These are the provisions of the bill, which seem to me important; and I hope it will be acted upon promptly.

Mr. GRIMES. I confess I do not exactly understand what the ninth section means: it may be that I have not any objection to it. It may be, as the Senator says, and probably is, true that General Totten has recommended it; but I should like to know if General Totten drew this section?

Mr. WILSON. Yes, sir; he did.

Mr. GRIMES. Then what does it mean? "That there be allowed to the battalion of engineers one adjutant, one quartermaster, and one commissary of subsistence, to be selected from the lieutenants on duty with the battalion." Are they to be lieutenants of engineers?

Mr. WILSON. They are lieutenants of engineers.

Mr. GRIMES. They are to be lieutenants of engineers assigned to this duty.

Mr. WILSON. Certainly.

Mr. GRIMES. Are they to leave the line of their regiment and accept this office; or rather are these cumulative duties to be added to their other duties? Are they to draw any extra pay and rations for those duties?

Mr. WILSON. The section reads, "with the same compensation as is allowed regimental adjutants and quartermasters, respectively."

Mr. GRIMES. The other regimental adjutants and quartermasters are not allowed as much as engineers are already allowed. An engineer's pay now is the highest pay of any officer in the Army; and according to this bill you would not pay these officers as much as they are already getting as lieutenants of engineers. I can very well see that there may be a propriety in passing the tenth section of the bill, which allows to this battalion of engineers—for it is only a battalion, only a part of a regiment, a fragment of a regiment, and that fragment is not nearly full; I think there are not to exceed three hundred men in it—a sergeant major and one quartermaster sergeant who shall also be commissary sergeant; but why on earth we should allow them, in addition, a quartermaster and a commissary is more than I can imagine. I know it never has been allowed to other regiments under such circumstances, and I do not think it is going to accomplish the purpose that the Senator and General Totten have in view. I suppose they want a permanent attachment to this battalion of an adjutant, a quartermaster, and a commissary. You never can get a young lieutenant in the engineer corps to surrender his place as an engineer and accept a commissaryship or a quartermastership attached to his regiment, because he is taken out of the line of promotion, if it is to be a permanent place, and he will get smaller compensation than he is already receiving. I do not understand the section. I do not know what is intended by it.

Mr. NESMITH. I wish to offer an amendment, to add the following as an additional section:

And be it further enacted, That the officer in command of the battalion of engineers be allowed the rank, pay, and emoluments of a lieutenant colonel of engineers.

Mr. WILSON. I do not think we ought to adopt that provision. I do not believe it is necessary, although I know it was strongly recommended to us by General Totten and General Halleck and the Secretary of War. I do not see why a major may not command this battalion just as well with his present pay as with the pay of a lieutenant colonel. I think the other provisions of the bill are as much as we should do at present for this battalion.

Mr. NESMITH. The amendment that I have submitted only provides that the commander of the regiment for the time being shall have the rank of lieutenant colonel. The old regiments that consist of less than a thousand men have a colonel, a lieutenant colonel, and two majors.

This battalion consists of over seven hundred men. The officer who has been in command of it while serving in the army of the Potomac, has never, I believe, had higher rank than that of a captain. A great portion of the time it was commanded by a lieutenant. I think, considering the responsibilities of the position, and taking into consideration the number of men under his command, he should have the relative rank at least of officers of infantry who command battalions not as large as that contained in the engineer corps. I think it is due to the officer in command who holds this responsible position, and I think it will render the service more efficient. There are seven hundred men in that battalion. It has generally been commanded either by a captain or lieutenant. He has the entire supervision of the engineer department of the army. It is a very responsible position, and I think the officer who exercises it should have some additional compensation and rank.

Mr. GRIMES. I should like to know if there is any reason that applies to this proposition that does not apply to the temporary commander of any regiment in the service. Why should not a man who commands a regiment and leads it into action in General Grant's army, or in this army, who may be temporarily in command, although only a captain, as is very frequently the case for months, have the pay of a lieutenant colonel as well as this officer commanding the battalion of engineers?

Mr. NESMITH. In reply to the Senator from Iowa I will state that the law gives them a colonel and a lieutenant colonel and two majors. The law does not provide for any such rank for the officers in command of the battalion of engineers. Another consideration is the amount of responsibility that rests upon the shoulders of a principal engineer for an army of one hundred or one hundred and fifty thousand men. I think it is due to the officer exercising that command, with such responsible duties, that he should at least have the rank of lieutenant colonel. There is no other army in the world where the principal engineer officer of an army of the size of our army of the Potomac is not at least a major general; but we have continually kept that department in the army of the Potomac down to the lowest grade. When I was with the army, last winter, the principal engineer officer was a lieutenant.

Mr. GRIMES. The colonel of this battalion is not the principal engineer officer of any army. He only commands the sappers and miners.

Mr. NESMITH. There is no colonel of engineers.

Mr. GRIMES. The Senator is altogether mistaken in saying the regiment of engineers has no colonel. It has one general, four colonels, eight lieutenant colonels, twelve majors, and twenty-four captains.

Mr. NESMITH. I beg the Senator's pardon. I was speaking, not in reference to the regiment, but in regard to this battalion.

Mr. GRIMES. I am coming to that point. It has one general, four colonels, eight lieutenant colonels, twelve majors, and twenty-four captains, if I remember aright, and so on in that proportion of officers. Now, they choose to take the colonels and lieutenant colonels and the majors away and assign them to duty on the staff of general officers or to the bureaus, and in that way leave a vacancy at the head of that small battalion of three hundred men.

Mr. WILSON. Seven hundred.

Mr. GRIMES. It is nominally seven hundred, but three hundred is about the number of men in the service. They thereby leave a vacancy to be filled by a lieutenant at the head of this battalion of sappers and miners attached to this army; and now they propose, because this man happens to be in command of this small battalion of sappers and miners, to give him the pay of a lieutenant colonel, while they do not apply the same rule to the officers of similar grades who are in command of their regiments. I do not see any distinction in principle myself between giving extra pay to the commander of this engineer battalion of three hundred or seven hundred men if you please, where the superior officers have been transferred to some higher position, and he is accidentally placed in command of it, and giving extra pay to a lieutenant or a captain in one of the regiments from my State who may happen to be temporarily in command under similar circumstances of a regiment or a battalion not only for weeks but for months.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was rejected.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the special order, the unfinished business of Friday last, which is the bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865, which is now before the Senate as in Committee of the Whole, the pending question being on the amendment submitted by the Senator from Rhode Island, [Mr. ANTHONY,] on which the yeas and nays were ordered, and being taken, the Senate found itself without a quorum.

Mr. ANTHONY. I will ask to have the amendment read.

The Secretary read it, as follows:

And be it further enacted, That hereafter in all appointments of cadets to the Military Academy at West Point, the selections for such appointments in the several districts shall be made from the candidates according to their respective merits and qualifications, to be determined under such rules and regulations as the Secretary of War shall from time to time prescribe.

Mr. ANTHONY. This amendment is so important, in my view, and the disposition of the Senate seemed to be so favorable to it on Friday last when we found ourselves without a quorum, that I desire in the briefest possible manner to recapitulate what was established in the debate of Friday.

This amendment proposes to open the Military Academy at West Point to all the youth of the country, to be selected by a competitive examination, not of course of their literary merits, but an examination which shall be directed to ascertain which young men give the best promise of making useful officers. It was shown that in France, the most military country of Europe, the competitive system has prevailed for more than seventy-five years, and in all that empire, any subject, naturalized or native, may offer himself for an examination, and those that are found most likely to be valuable to the service are selected; and the son of the meanest peasant in France stands as good a chance within his merits of entering the army as an officer as the son of a prince.

It was shown, in the second place, that in England, where appointments to the army had been up to the time of the Crimean war by patronage or by purchase, after the Crimean war the English became struck with the inferiority of their military organization as compared with that of the French, and set themselves about to consider the cause of it. They could not find that cause in the intelligence of the officers, or in the *matériel* of the army; but they found, or they thought they found it, in the difference in the manner in which the officers were appointed in France and in England; in France being appointed by competition, in England being appointed by favor. The English Government thereupon instituted the competitive system, threw open their military academies to all the youth of the country, and to-day the son of a mechanic or a peasant in England stands as good a chance in the military academies as the son of a duke. At the last graduation the son of one of the mechanics at Woolwich, and the son of an earl who was a cabinet minister, graduated side by side, and the one who was the best took the highest rank. I do not know which it was.

In the third place, it was shown that in Prussia, in Austria, in Italy in part, and in Belgium altogether, the competitive system prevails. It prevails in all those countries for the staff school, which is the highest military school, and in most of them for the engineers and artillery, and in Belgium for the whole.

It was also shown that there have been many examples of pupils admitted both to West Point and the Naval Academy on the competitive principle here. It has been done in Massachusetts, in New York, and in Rhode Island. My friend from Iowa [Mr. GRIMES] said aside that I had better ask a certain Representative from Massachusetts who had tried the experiment. That Representative is not here; but I saw a member of his family, who told me the result had been in the highest degree satisfactory, and he should continue it as long as he had the patronage.

The report of the board of visitors of the Military Academy states that in all cases where the pupils have been admitted by the competitive principle the results have been most satisfactory. The board of visitors of the Academy is composed of some of the most eminent educators in the country. Among them are Hon. Henry Barnard, whose name I know is held in honor by my friend from Connecticut [Mr. FOSTER] and by all who know him, and Rev. Dr. Wayland, of Rhode Island. This board earnestly recommend Congress to adopt the competitive system. It is the burden of their report. In that opinion they are borne out by the best officers in the Army. Unfortunately, I have failed to receive a communication which I learn was sent to me voluntarily on Saturday from a distinguished officer in the Army, who graduated in the engineers, who heard that this amendment was pending, and so prepared to send me some views in advocacy of it—an officer of great distinction.

It is not only the opinion of the board of visitors of the Military Academy, but it is within my personal knowledge, that the officers of the Naval Academy are strongly in favor of this system. They have told me so. They have said that the pupils who were admitted on the competitive system were among their very best pupils. The board of visitors at West Point give it as their opinion, based upon their own examination and the experience of other nations, that the competitive examination will graduate ninety per cent. of the admissions. I believe at present we graduate but about forty-five or fifty.

Mr. WILSON. Forty-six.

Mr. ANTHONY. They think this system will graduate ninety, and they think the whole body of the pupils will be up to the average of the ten best under the present system. That is what they say in their report. What is the use of having this board of visitors annually at West Point; what is the use of sending there the very best men we have, if when they send us their recommendations we throw them aside because we say they are impracticable?—impracticable to do what is done in England, what is done in France, what is done in Belgium, what is done in great part of every other military nation with whose regulations I am familiar. I do not know about Russia.

There are two objections urged to the proposition. The first is, that it is unfair, because, in selecting some place of examination, one boy would have to go farther than another; that while it would cost one boy two dollars it would cost another, perhaps, ten dollars. I really do not think it is necessary to reply to that objection.

The other objection was that it was impracticable; that is to say, what is done everywhere else, what the officers of the Army recommend, what the board of visitors recommend, what officers of the Naval School recommend, is impracticable; and the Senator from Iowa asked me how I was going to do it. When the Senator from Iowa moves an amendment to the naval bill for the building of a ship, suppose I were to ask him how is he going to do it? He knows almost everything, but I do not think he can build a ship. Suppose I were to say you must obtain men; you must get axes; you must go into the forest and cut down trees; and then you must cart this timber down to the sea-side; and then you must get a great many other workmen; you must get iron; you must get copper; you must get sail-makers; and the thing is altogether impracticable. It seems to me that would be just as sensible as to say that what the most practical men recommend, what the most practical nations have done, is impracticable.

I have made this recapitulation because of the favor with which this proposition was received on Friday last, and because there are some Senators now present who were not here when the extracts from the regulations of other nations were read, and who, I hope, will give their votes for the amendment.

Mr. GRIMES. Mr. President, abstractly I suppose everybody would be in favor of this proposition; but, as I said to the Senator last Friday, I do not see how it is going to be carried into execution with advantage to the Government. What is the proposition? "That hereafter in all appointments of cadets to the Military Academy at West Point the selections for such appointments

in the several districts"—I suppose he means congressional districts, but he does not say so—"shall be made from the candidates according to their respective merits and qualifications, to be determined under such rules and regulations as the Secretary of War shall from time to time prescribe." Now, when I ask what are to be the methods under which the selection is to be made, he says he throws that responsibility on the Secretary of War. That is shirking the responsibility. We ought to satisfy ourselves as to how that shall be done. We ought to be sure that justice is going to be done among the several districts of the country and to the young men who have gone out from those several districts into the Army to fight our battles for us. It will not do, therefore, for us here to throw the responsibility upon somebody else, to give some other officer the power to regulate this subject, and then come back a year hence, or two years hence, if there is complaint made about the system, and shirk the responsibility by saying the Secretary of War did not carry out the ideas we really entertained, but which we had not matured sufficiently so as to be able to express them in the form of a law.

Mr. President, long before I heard the Senator last Friday I had read all that Mr. Barnard, who is the agitator on this subject, had written on the subject of competitive examinations at the Military and Naval Academies. So far as the principle was concerned, I have always fully agreed with him; and when I drafted a bill here in regard to midshipmen some two years ago, I endeavored assiduously to devise some scheme, and I called to my assistance men familiar with the subject to see if they could not assist me in devising some system by which this competitive examination might be carried into execution; but we discovered that legislating for a military Government like France was altogether a different thing from legislating for a Government like ours, covering a whole continent. Are you going to adopt the system they have in France of sending military officers to the Army and to the several districts of the country? Is it practicable to send this commission through Iowa and Illinois and Indiana and Rhode Island and California and Oregon? If you do not do that, will you give, as the Senator says he desires to do, the poorest and humblest young lad in the country an opportunity to go before the board to be examined? That is the method in which they are examined in France. I think the Senator will agree with me that that method is impracticable; you cannot do it. The geographical and topographical condition of your country is such that you cannot send a board into every State and every congressional district of each State to examine all of the young men in it. The traveling expenses would be enormous. I apprehend nobody could estimate how much the expense of this system would be if it were adopted here.

Almost all, or a very large proportion, of the young men who go into the French military academy go in from the army. Under this proposition of the Senator, if it were adopted by Congress and should become a law, we should exclude all the young men who have gone from our several States and districts into the Army. This commission would go to the respective districts throughout the States. They would not have an opportunity to examine them, and the young men who are in the Army would not have an opportunity to appear before this board to be examined. I think my colleague will agree with me that the most satisfactory selections that have ever been made in our State for appointment to the Military Academy have been made during the last year; not at the instance of any Senator or any Representative—for I knew nothing about them until after they were made—but made of young men who had distinguished themselves in the Army under General Grant and General Sherman. Now, I should like to know how it would be possible for those young men, if the system which the Senator from Rhode Island proposes is to be adopted, ever to get from the Army before a board to be examined, in order that they might be appointed to the Military Academy. Are you going to send this commission as well to the Army and to every subdivision of it? Are you going to stop the Army in its career, in order to examine into the comparative merits and scholastic attainments of the young men in the Army?

If I had the power, if I had any connection with this subject, I think my present impression is that I would draw a bill by which all of the cadets to the Military Academy should be selected from the Army for the time being. It could not be done in one section, nor in two, nor in three; but I would try to devise some scheme by which those who have most distinguished themselves for their gallantry, for their skill and resolution in the Army, should fill up the vacancies in the Military Academy, and by competition if you please, for there it is possible to have a competitive examination. The young men who were appointed from the Army last summer were examined. General Sherman, through whose influence several of them were appointed, to my knowledge, did send them before a board of Army officers, and those officers examined the military records of those men and gave them an examination. There it was practicable. A certain number of these appointments were delegated to General Grant and General Sherman, and they had the means, while the Army was lying in camp, of sending the young men before a board of officers and giving them the proper examination. I should be willing to carry that idea, there and then inaugurated by General Sherman and General Grant, still further, and to take for this year and for the next all the young men from the Army; but under this proposition of the Senator from Rhode Island they are all to be taken from the several districts, and the Army would be necessarily excluded from the benefits of the selection.

There is only one other way in which they could be selected, and that would be for the Secretary of War to allow each member of Congress to designate his own board before which young men desiring to reach West Point should appear and be examined. Does it not occur to every Senator that if you allow that to be done in every congressional district, you are going to have just as many standards of excellence as there are districts, and does not everybody know that the member of Congress can select just whom he pleases to examine them, and that he virtually and in fact would retain in his hands the same power over the selection under that system that he exercises now?

If there be any other method that the Secretary of War could adopt, it has failed thus far to impress itself upon my mind. Let me say to the Senator that so far as the abstract proposition is concerned I assent to it entirely; I have always concurred in the idea; but considering our geographical position and the condition that we are in now, when so many of our young men, and the very young men who ought to go into the Military Academy, are drawn off into the Army, and the expense that would attend it, and the time that would be necessary to carry out this investigation through a commission appointed by the War Department to go over the several districts, and the incertitude and dissatisfaction that must attend any system by which each member of Congress would be authorized to appoint his own commission, I must confess that the proposition as it stands does not strike me favorably. That some scheme may be devised by which there may be a competitive examination of these young men, I do not pretend to deny. I am willing to agree that some scheme ought to be devised, and I am willing to assist the Senator from Rhode Island in attempting to get up such a scheme; but it cannot be done in a single section on an appropriation bill. Somebody must give particular attention to the whole subject, taking into consideration all its bearings, and then we may devise something that will be satisfactory to the country and to ourselves.

Mr. ANTHONY. I do not wish to prolong this debate, and I am not going to do so. The Senator from Iowa has answered himself so much better than I can, that it is unnecessary for me to attempt to do so. He commenced by saying that it would be impossible to include the Army in this system. He then went on to show how the Army had actually been included in a competitive examination, and that is precisely the way it might be done under the proposed system; that is, the young men who are in the Army from a particular district might have in the various regiments a competitive examination, and those who came out best might have an examination among themselves.

Mr. GRIMES. Your section requires that they shall be examined in their districts.

Mr. ANTHONY. I think it does not require it.

Mr. COLLAMER. Would the Senator have the young men in the Army examined by one board, and the young men in the district at home by another?

Mr. ANTHONY. No.

Mr. COLLAMER. How will you get them together?

Mr. ANTHONY. I would have the young men in each regiment belonging to a particular district who passed the best to stand an examination with the young men in other regiments who passed the best.

Mr. COLLAMER. How are they to stand in competition then with the young men at home in the district?

Mr. ANTHONY. Let them all come home and have an examination at home.

Mr. COLLAMER. Then they must get leave of absence in some way.

Mr. ANTHONY. Let them get leave of absence. There will be only one, perhaps, in a regiment. I do not propose in this amendment to state how the examination shall be conducted. That is a matter of executive, not of legislative arrangement. I do not think the Senate and House of Representatives together could make so good a plan of examination as the Secretary of War could. The Secretary of War has all the military science, all the military skill in the country at his command, and he has the best educational science at his command; and to say that he cannot do precisely what has been done in other countries, and what has been found to be necessary and has lately been done in England, seems to me to be perfectly absurd. The best test of the practicability of a thing is that it has been done, and that it has been done by practical people.

The Senator from Iowa says he would join me in drawing up a bill to accomplish the object. I do not think that we are the persons to draw up such a bill, to make these regulations. I think that belongs to the Executive Department. If I may pursue the illustration that I made before, we might just as well settle the details of a ship when we instruct the Secretary of the Navy to construct one. When we tell him to build a gunboat, we might as well settle what shall be the length of the keel, and what shall be the draught of water, and what shall be the breadth of beam. I think it is a matter of executive detail and arrangement altogether.

Mr. FESSENDEN. I should like to inquire of the Senator whether it exactly follows that because it has been done in other countries it can be done in ours. There is a very great difference in extent of territory, in the first place; and in the next place the Senate will observe that there is a very great difference in the amount and extent of education. Probably where there would be one applicant for an appointment of this kind either in France or England, with sufficient education, we might have four or five hundred, because we educate everybody; everybody understands what he is at liberty to do. I should be very glad to have such a system carried out if it could be done; but my great apprehension is that it will make an enormous expense in the way of traveling about to make such examinations, in the first place. If the commission or commissions be sent all over the country for this purpose, the necessary expense of traveling must be very great; and the result being doubtful, it is hardly worth while to try such an experiment now. So it seems to me.

Mr. ANTHONY. I do not propose that they shall travel all over. I believe that in every district there will be found men of the very highest character who will undertake this service for nothing, and the young men themselves will come to the examination at their own expense if this amendment shall prevail.

Mr. FESSENDEN. But who is to pay the expenses of the board? Does the Senator think persons can be found who will sit a fortnight to examine everybody that comes, in every district?

Mr. ANTHONY. I do.

Mr. FESSENDEN. That ought to be ascertained. And does the Senator think they will be persons capable of making the examination and judging?

Mr. ANTHONY. I do; and the more capa-

ble they are the more likely they would be to serve without compensation.

Mr. FESSENDEN. By whom shall they be selected?

Mr. ANTHONY. I do not pretend to arrange the details; but if I were to do so, I would have them selected by the member of Congress of the district.

Mr. FESSENDEN. That would be leaving it to him after all. That would result as it is now.

Mr. ANTHONY. It is very easy for Senators to bring up an impracticable plan of doing the thing, and then to say it cannot be done according to that plan.

Mr. FESSENDEN. That is merely the Senator's answer to himself. He is asked if he can bring up a practicable plan, and he cannot do it.

Mr. ANTHONY. Can the Senator make a ship? If he were asked about that, he would say, "Go to the navy-yard; go to Mr. Webb to build a ship." So I would go to the Secretary of War to make this arrangement.

The question being taken by yeas and nays, resulted—yeas 15, nays 22; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Dixon, Foster, Hale, Howard, Morgan, Sherman, Sumner, Trumbull, Van Winkle, Wade, and Wilson—15.

NAYS—Messrs. Buckalew, Collamer, Conness, Davis, Doolittle, Fessenden, Foot, Grimes, Harding, Harlan, Harris, Howe, Johnson, Lane of Kansas, Morrill, Nesmith, Powell, Riddle, Saulsbury, Ten Eyck, Willey, and Wright—22.

So the amendment was rejected.

Mr. HALE. I propose an amendment as an additional section:

And be it further enacted, That no part of the money hereby appropriated shall be applied to the support or pay of any cadets not appointed in conformity with the express provision of law regulating appointments of cadets at that Academy.

Mr. JOHNSON. I should like to know why it is necessary to propose such an amendment as that. Are the cadets paid now contrary to law?

Mr. HALE. I am sorry to be obliged to be under the necessity of explaining it. I will explain it in a moment, and I will say that the same thing prevails at the Naval Academy. The provision of law for the appointment of cadets at the Military Academy is as follows:

"Hereafter in all cases of appointments of cadets to the West Point Academy, the individual selected shall be an actual resident of the congressional district of the State or Territory, or District of Columbia, from which the appointment purports to be made: *And provided further*, That the number of cadets by appointments hereafter to be made shall be limited to the number of the Representatives and Delegates in Congress, and one for the District of Columbia; and that each congressional and territorial district and the District of Columbia shall be entitled to have one cadet at said Academy: *Provided*, That nothing in this section shall prevent the appointment of an additional number of cadets, not exceeding ten, to be appointed at large, without being confined to a selection by congressional districts."

The construction which has been put this year upon the law—it never has been so construed, I believe, until this year—by some of the officers of the War Department is that they may not only appoint cadets recommended, according to the provisions of the law, by the Representative from the district, but that, for all the districts out of the Union, that are not represented in Congress, there may be appointments made by the War Department without any recommendation by anybody. If the law authorizes it, this provision will have no effect; but if these cadets were appointed contrary to law, there will be no provision made for their support. That will be the effect.

Mr. CONNESS. I have two objections to the adoption of the amendment. One is explained by the honorable Senator from New Hampshire, namely, that it might operate against the support of those cadets appointed at large and recently taken from the Army. The circumstances under which those appointments were made are anomalous and new, and there should be no strict provision of law applied that would prevent them, being appointed, from having the support provided by law.

My second objection is that according to a strict construction of the amendment proposed by the honorable Senator, no support could be had for the cadets appointed from my own State of California. It will be noticed that cadets are required by the letter of the law to be appointed from the congressional district. Up to this time we have no congressional districts in California.

Mr. ANTHONY. There is no such law. There is no law that requires the cadets at West Point to be appointed from congressional districts. The Senator from Vermont, who is fully informed on this subject, tells me so.

Mr. FOOT. It is a mere regulation of the War Department. There is no law on the subject. It is a mere departmental regulation. In reference to midshipmen at the Naval Academy, the law requires that they shall be appointed on the recommendation of the members of the House of Representatives at the time; but the same law does not apply to the Military Academy. There is no provision of law that requires the appointments of cadets at the Military Academy to be by districts and on the recommendation of members of Congress.

Mr. HALE. I think you are mistaken.

Mr. CONNESS. I should like to hear that read again, if the honorable Senator from Maryland [Mr. JOHNSON] will favor us. There is a mistake somewhere.

Mr. HALE. The Senator from Maryland has the law which I read.

Mr. JOHNSON. The law to which the honorable member from New Hampshire referred is the law of the 1st of March, 1843, as given in the Digest, and I suppose the Digest is right:

"Hereafter in all cases of appointments of cadets to the West Point Academy the individual selected shall be an actual resident of the congressional district of the State or Territory, or District of Columbia, from which the appointment purports to be made: *And provided further*, That the number of cadets by appointments hereafter to be made shall be limited to the number of the Representatives and Delegates in Congress, and one for the District of Columbia; and that each congressional and territorial district and the District of Columbia shall be entitled to have one cadet at said Academy: *Provided*, That nothing in this section shall prevent the appointment of an additional number of cadets, not exceeding ten, to be appointed at large, without being confined to a selection by congressional districts."

Mr. CONNESS. I suppose the Senator from New Hampshire will withdraw his amendment.

Mr. HALE. No.

Mr. CONNESS. I hope the amendment will not be adopted, lest in its operation it should be construed as the Senator undoubtedly intends it should be.

Mr. HALE. I have no disposition and no wish to cut off anybody; but I think that while we have laws, it is incumbent upon us to see them enforced; and I am perfectly willing, to meet the case that has been suggested by the Senator from California, that the amendment shall read that no part of the money shall be applied to the support of any cadets hereafter appointed except in conformity to law. It is simply saying that while you have laws they shall be enforced, and if there is no law the amendment will be harmless.

Mr. CONNESS. I do not see the necessity for the amendment.

Mr. HALE. There is no necessity for the amendment if Congress is willing to abdicate and let the War Department put in whom they please, and as many as they please, and on such conditions as they please.

Mr. CONNESS. The object of the Senator would seem to be to restrict the War Department in its action. I am not informed that the War Department in any manner interferes with the appointment of these cadets, except as provided by law. If that Department does so, the Senator will specify the instance, and I will vote with him to apply a corrective; but upon a mere assumption that they do——

Mr. HALE. It is in a printed document which the Department have sent to us on the call of the Senate this session.

Mr. CONNESS. I do not understand it as the Senator does. I do not desire to continue this discussion unnecessarily. I hope the amendment will not be adopted.

Mr. HALE. I modify the amendment so as to say, "those hereafter appointed."

Mr. DAVIS. I understand the law which was read by the Senator from New Hampshire establishes two principles: first, that the number of cadets shall not be greater than the number of congressional districts, ten at large, and one for the District of Columbia; and second, that those cadets shall reside in their respective congressional districts. If that be the law, every cadet must fulfill two conditions: in the first place, he must reside within a particular congressional district; and in the next place, there can be but one from each congressional district.

Mr. HOWE. I had occasion to look at this subject of the appointment of cadets to the Military School some time ago. My recollection was not very distinct about it; but I have an act before me which verifies such recollection as I had on the subject. In 1852 an act was passed regulating the appointment of midshipmen in the Naval School, and that provides:

"No appointment of midshipman, acting midshipman, or pupil at any Naval School in the Navy, shall be made unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed."

That, to be sure, is not an enactment that cadets at West Point shall be appointed upon the recommendation of a member of Congress, but it is a legislative recognition of that mode of appointment.

Mr. FOOT. The appointment of cadets at West Point is regulated by rule of the Department, and not by law.

Mr. HOWE. And this is a recognition of that rule of appointment.

Mr. FOOT. That law requires that midshipmen to the Naval Academy shall be selected in the same manner that cadets at West Point are selected, the practice being that their selection is made by the member representing the district, in accordance with the rule of the Department, and not of a legislative provision.

Mr. HOWE. I concede that this is not an enactment, but it is a very clear recognition of the propriety of that rule.

Mr. CLARK. I do not like this amendment, and I want to call the attention of my colleague to it and to the principle of it. For a wrong act on the part of the Secretary of War, or somebody else, it proposes not to deal with the Secretary of War, but to deal with the appointees.

Mr. HALE. As it is modified, it does not touch them.

Mr. CLARK. I submit to my colleague that it may touch them; it applies now to those hereafter appointed. Suppose a young man is appointed, and he presumes that he is appointed legally, but it turns out that he is appointed without authority of law, then my colleague's amendment would take from that cadet his support. He should deal with the Secretary for doing it, not with the cadet; the cadet should not be punished and starved because the Secretary has made a mistake, or willfully done a wrong of which the cadet was not cognizant, and in which he had no part. I submit that we should deal with the Secretary, the person appointing, the appointing power, and not with the person appointed.

Mr. CONNESS. We are told that the mode of appointing cadets is simply a matter of military regulation; but the provision of law read by the Senator from Maryland and the Senator from New Hampshire is that the cadet, if appointed under the law, must be a resident of the congressional district of the member who recommends the appointment. I suppose there is no question about that. The State of California has not yet been divided into congressional districts; it elects its Congressmen by a "general ticket," as the term is; and the Congressmen from that State join in recommendations for the appointment of cadets from that State. Now, shall we have an amendment ingrafted here that will deprive any of those boys of the support provided by law for others? Clearly not. I may be replied to by the question, "Why does not California comply with the law and divide its territory into congressional districts?" I cannot answer for that. I suppose they have followed their best judgment, even in the neglect that is apparent; but we must deal with the state of facts actually existing. I believe that very soon, after this month, cadets are to be appointed for the next academic year. I ask the Senator from New Hampshire if that is not the case.

Mr. HALE. I do not know.

Mr. CONNESS. I believe they are soon to be selected; and his amendment, affecting those hereafter appointed, would apply to us just about as severely as if it affected those appointed in the past. I submit to the Senator, as his colleague has suggested, that if there be any wrong or any irregularity in the mode of appointment, means be adopted to correct that irregularity; but do not propose to deprive a boy who secures an appointment and to whom this path and highway is opened, of the support that the Government intends he shall have and that is provided for him by law. It is

neither generous nor just to undertake to correct mistakes and errors in the administrative department of the Government by taking away the necessary support from these cadets.

Mr. HALE. All these things are exceedingly unfortunate. This same course was adopted by the Navy Department early in the history of the rebellion; but this is the first year that the War Department has entered upon it. I called the attention of the Senate to it last year, so far as the Navy Department was concerned. An answer was made by the Secretary of the Navy, which was referred to the Committee on Naval Affairs, and the committee reported to the Senate that the appointments were illegal. The Senate adopted that resolution unanimously, and sent a copy of it to the Secretary of the Navy, and, I think, to the President also. There was a clear law and a unanimous construction of the Senate upon it; but what was the result? The Secretary of the Navy went on and did the same thing right over again, as if there had been no action and no opinion expressed upon it.

My colleague suggests that we should deal with the Secretary. I do not know any rule of action on such subjects but to deal with violations of law when we meet them, let them be practiced by whom they may. God knows I have no hostility to any of these young men, and therefore I have modified the amendment so that the provision which it contains shall be the rule only as to appointments hereafter made. What is this amendment? Simply and solely that you will not support at your Military Academy boys who have no right there by law; not that you will not support those who are there now without law, but that in the future you will not support boys at that Academy who may not be there in accordance with the provisions of the law. That is all.

Mr. JOHNSON. The law is by no means as clear as the honorable member from New Hampshire supposes it, or as the Senate must have thought when they adopted the resolution recommended by the Committee on Naval Affairs at the last session. I understand the Senator to say that at the last session the Committee on Naval Affairs recommended, and the Senate adopted, a resolution saying that the Navy Department had no right to appoint for the States which are in a condition of rebellion. I think that is a mistake; but before I refer to that I have a word or two to say in relation to the two questions which I suppose are involved in the proposition before the Senate.

The honorable member proposes that no amount of this appropriation shall be applied to the payment of salaries or other expenses of any cadets who have not been properly selected and appointed, and he concludes that certain cadets have been improperly selected and appointed because the States that are in a state of rebellion are not to be represented in the Naval or Military Academy. Now, looking at the practical result, if that is so the School will not be full until the rebellion is terminated. There are some eight or ten or twelve States now in that condition, and if there is no power in the Department to supply the number of cadets that would be forthcoming under the law if those States were still in the Union and acknowledged the authority of the Government, then the School will be short just that number of pupils. That is certainly to be avoided. The only difficulty that I see is not that the Secretary has not the authority to appoint, but because of the provision which interferes with the practical exercise of the legal authority to appoint, by requiring the cadet appointed to be, at the time of his appointment, an actual resident of the congressional district. In my view, if the Secretary of War or the President can get pupils from those States, residents of those States at the time of their appointment, they have the authority to appoint them.

The honorable member supposes that the same abuse of power, or rather misapprehension of authority, exists in the Navy Department that he supposes to exist in the War Department upon this subject. I think, with all respect to his judgment and the judgment of his committee, that in that he is mistaken; and that is not an opinion now for the first time expressed, but when my attention was called to this subject, just at the close of the last session of Congress, I came to the conclusion which I am about to state as far as the Navy Department is concerned.

The honorable member from Vermont [Mr. FOOT] is right in saying that there is no provision by statute law for the mode in which these cadets are to be selected. That is a subject of departmental regulation. The only provision of law in relation to the appointment of cadets at the Military Academy is that when they are selected they shall be residents of the district from which they are appointed. The law of July 16, 1862, which provides for the selection of midshipmen at the Naval School has a very different provision. The eleventh section of that act provides "that the students at the Naval Academy shall be styled midshipmen;" and then it goes on to state what their age must be, and what kind of examination they are to be subjected to; and then it says:

"The President shall select the two from the District of Columbia and the ten at large, and the President shall also be allowed three yearly appointments, who shall not be over eighteen years of age, who shall be selected from boys enlisted in the Navy, and who have been at least one year in the service." * * * * "From and after the 5th of March, 1863, the nomination of candidates for admission into the Naval Academy shall be made between the 5th of March and the 1st of July of each year, upon the recommendation of the member or delegate, from actual residents of his district, and they shall be examined for admission in July."

That provision is very clear. Supposing that the States were all in, the person selected is to be selected from the district, and the selection is to be made upon the recommendation of the member or delegate from that district. But the proviso says:

"*Provided*, That when any candidate who has been so nominated shall upon examination be found physically or mentally disqualified for admission, the member or delegate from whose district he was so nominated shall be notified to recommend another candidate, who shall be examined in September following."

Now comes a provision which, as I think, bears on the question:

"And it shall be the duty of the Secretary of the Navy, as soon after the 5th of March as possible, to notify, in writing, each member and delegate of any vacancy that may exist in his district; and if said member or delegate neglects to recommend a candidate by the 1st of July in that year, then it shall be the duty of the Secretary of the Navy to fill the vacancy."

I think the Senate will agree with me in opinion that it was the purpose of this law that the School should be kept full, and the only question is whether it is to be kept full now when some of the States are in rebellion. If they were not in that condition, and the members from the various congressional districts into which these several States are divided, upon being notified of a vacancy, made no selection or nomination, then it is clear that the Secretary of the Navy would have had the authority, in the words of the law it would then have been his duty himself to make the appointments. Now, the only question, as I think, which the law presents, is whether in the case of the Naval School as well as in the case of the West Point Academy it is necessary that the boy selected should be at the time of the selection a resident of the district whence the selection is to be made by the Secretary of the Navy. The object being to keep the School full, if from any cause he is unable to make a selection from the State or congressional district which is entitled to the selection, my impression is, and the general purpose of the law is very clear, that he has the authority to make the selection from any part of the country that he thinks proper. It never could have been the purpose of Congress that this School should fail in the great object of having it always full by one or more States going out of the Union in a state of insurrection. We are just as much interested now in having the School full, as we were interested in having it full before the rebellion broke out; and the only way to keep it full is to consider the authority of the Secretary (which all will admit is an authority which comes into existence, if there is no rebellion, upon the contingency of the member or the delegate declining to nominate) to make the nomination. Is that power of nomination, given to him for the purpose of keeping the School in a condition in which the country requires it to be, to be defeated by these States going out, and by going out rendering it impossible for the Secretary to make a selection from the States that thus go out?

A general rule of construction is, particularly in reference to a remedial statute, that you look to the great end to be attained by the statute; and if you can accomplish that end without doing violence to some provision which respects the policy of the statute you pass by any particular regulation for the purpose of attaining the general object. I have therefore thought that all that it was incumbent on the Secretary of the Navy to do was, in the event of there being vacancies in any of the congressional districts of the States that are out of the Union, to give notice, if he could give notice, and upon their failing to nominate, to appoint, himself, and that if he could not give notice because the States have put themselves in a condition in which it is impossible for him to give notice, then he might make the appointments just as legally as if he had given the notice and the members had refused to make the appointments. I think, therefore, with due deference to the honorable member, and a majority of the committee, or all of them, if they all concurred in that view of the statute, that there is now in the Secretary of the Navy power to make selections of all the students who would have been selected according to the very forms of the law if the several States that are now unfortunately out were still in.

Mr. HALE. The rule of construction which the Senator from Maryland applies to this statute would make our whole legislation mere blank paper, and give unlimited discretion to the heads of Departments and to the President to do just exactly what to them seems good. The law is exceedingly explicit, and it is a mistake, and an assumption not warranted by the fact, that it was the intention of Congress that the School should always be kept full. The history of Congress shows that that was not the intention of Congress; it was the other way, because the proposition to give the Secretary this power was made in Congress and was voted down. Congress refused to give to the Secretary the very power that he has assumed.

Now, to save time, I will read the resolution that was reported unanimously by the Committee on Naval Affairs and passed unanimously in the Senate at the last session. It was this:

"*Resolved*, That in the opinion of the Senate the number of midshipmen that may be legally appointed at the Naval Academy is two for every member and delegate of the House of Representatives, two for the District of Columbia, and ten at large, and three boys enlisted in the Navy, and that the ten allowed by the eighth section of the act passed July 4, 1862, entitled 'An act making appropriations for the naval service for the year ending June 30, 1863, and for other purposes,' is merely descriptive of the qualifications and condition of those whom the President may appoint at large, and that any other appointments, under whatever color of law or necessity they have been made, are not authorized by law."

That was the unanimous and recorded opinion of the Senate on this subject, and it is a little singular that Congress should be so particular to go on and point out the provisions under which these boys should be appointed, the qualifications that they should possess, and the residence they should have, if at the same time it meant to leave the Secretary unlimited discretion to appoint fifty or one hundred from just exactly where he chose to take them.

Mr. President, it is one of the alarming features of our times, and it is growing, to disregard clear and plain provisions of law; and because, in the emergency in which we found ourselves a few years ago, we were disposed generously to construe the powers of the President and the Secretaries, and when Congress came together and saw the necessity it sanctioned what had been done, they have taken courage from that, and go on and act in direct contravention of law where there is no such necessity. If such a necessity exists as the Senator from Maryland says, who has the power to apply the remedy? Is it the Secretary of the Navy, or the Secretary of War, or Congress? In God's name, what do we sit here for if it is not to judge of the emergencies and necessities of the country, and pass laws to meet them? According to the construction of the Senator from Maryland, we might as well adjourn without day and go home to-morrow as to sit here if the Secretaries can look at the emergencies and exigencies of the times, and judge what is required and what is expedient and what is proper, and then go on and do it not only without law but against law.

I have of course no wish here except that the law shall be enforced and carried out; if it wants amendment amend it; but I confess I am not one of those who think that all the wisdom, and all the valor, and all the courage of the country are born or educated at West Point—very far from

it. It seems to me that there has been a great change in the minds of some people in regard to this matter. I know that since the rebellion broke out it was a popular doctrine that we did not want any West Point, and would have been better off without it. I believe so to-day. I believe that the service of the country does not require it. You have military schools springing up all over the land. They have one in Pennsylvania, and it was my pleasure to see an exhibition of that military school within a year, and it was honorable to the State and to the young men who were being educated there. These schools will grow up as fast as the exigencies of the country call for them, and you have no necessity for educating at the public expense young men for the Army and Navy any more than you have for any of the other honorable pursuits of life; but if you must educate them, and if you will have a school, I pray that you shall not go beyond the law in doing it. This amendment simply says that if hereafter boys get into that school whose appointment is not authorized by law, they shall not be supported at the public expense.

Mr. DOOLITTLE. I move to amend the amendment by striking out all after its enacting clause, and substituting the following:

That until the rebellion is suppressed the President shall be authorized to appoint an additional cadet for each congressional district not represented in the House of Representatives, to be selected from the meritorious and deserving young soldiers in the regular or volunteer forces of the United States.

The purpose is that so long as the districts remain unrepresented, so that there is no member in the other House to name a cadet, the President be authorized to name the cadets; but they are to be selected from the soldiers in the service of the United States.

Mr. TRUMBULL. I suggest to the Senator from Wisconsin whether he will not by this means appoint more cadets from a district that is unrepresented than from one that is represented. The amendment says an "additional cadet." Ought not the amendment, in order to carry out his object, to leave out the word "additional?"

Mr. DOOLITTLE. If there is any ambiguity about the language which will make it go further than I intend, of course I will agree to any proper modification, and I hope the Senator from Iowa, [Mr. GRIMES,] as he is now at the Secretary's desk, will be good enough to look at it; but I will state to the Senate that my purpose, and my only purpose, is that while these districts are unrepresented in the House of Representatives, so that there cannot be any cadets named from them according to law, the President may appoint the same number from meritorious young soldiers in the Army.

Mr. GRIMES. I ask for the reading of the amendment as it would be with the word "additional" stricken out.

The Secretary read, as follows:

That until the rebellion is suppressed the President shall be authorized to appoint a cadet for each congressional district not represented in the House of Representatives, to be selected from the meritorious and deserving young soldiers in the regular or volunteer forces of the United States.

Mr. DOOLITTLE. I am willing to accept the modification.

Mr. DAVIS. I am opposed to that amendment, because I am satisfied that if it be passed there will never be any other than a young black Republican soldier appointed to West Point.

Mr. DOOLITTLE. I do not know upon what facts or foundation or authority the Senator from Kentucky can make a statement like that, for in all the military appointments made since this war commenced I venture to say that the political complexion of the individual appointed has never been discussed in the Senate, or in the Military Committee, or by the States that have made the appointments. They have been appointed everywhere not at all upon the ground of their political character, but because of their loyalty to the Government, no matter whether they were Democrats or Republicans. I never heard the question asked anywhere even as to generals; and a great majority of the generals at this day are named from the Democratic party, as I understand.

Mr. HOWE. I think the inference drawn by the Senator from Kentucky is entirely correct, and I think he is borne out in it by the election returns last fall, which show very conclusively that there are none but "black Republicans" in the Army to be appointed if this amendment shall be adopted.

Mr. DAVIS. I have another objection to the proposition. In the growing favor into which the young negro is emerging, I suppose that a good many nominations may be from the negroes, young "citizens of African descent." [Laughter.] Does the Senator from Wisconsin [Mr. DOOLITTLE] think that I am or that any member of the Senate is so green, or that any man of common intelligence in the United States is so verdant, as not to know that all the appointing power, whether it is in the President or the heads of Departments, in the main is limited and restricted exclusively and inexorably to men of their own politics?

Mr. DOOLITTLE. Not in military matters.

Mr. DAVIS. I dissent entirely from the assumption that the Senator has made of the liberality of the appointing power. In the main, I think he is altogether mistaken.

Mr. CLARK. I want to make one reply to the Senator from Kentucky, and also to the Senator from Wisconsin, [Mr. DOOLITTLE,] when he said that he thought the question of politics was never considered in the appointments, either by the Administration, the President, or the authorities here, or by the States. I wish to dissent from that in regard to my State. They did consider it; and the very first regiment we raised our Governor determined to sink all political considerations, so far as party was concerned, and to put at the head of that regiment a Democrat, to give the post of honor to a Democrat, and he did it; but, under the guide of Frank Pierce, that Democrat refused it, and we had nothing left to do but to put a Republican in.

Mr. DAVIS. Will the Senator permit me to ask him a question?

Mr. CLARK. Certainly.

Mr. DAVIS. I think, if I recollect aright, that there was a lieutenant dismissed from the military service in the State of New Hampshire because he voted for the Democratic ticket.

Mr. CLARK. I never heard of it, and I do not believe it was ever true.

Mr. DAVIS. It was in New Hampshire or in Connecticut; I cannot remember which.

Mr. CLARK. Or somewhere else. [Laughter.]

Mr. DAVIS. Or somewhere else.

Mr. FOSTER. It was not in Connecticut.

Mr. DAVIS. My honorable friend from Connecticut disclaims that it was done there. I think it was in New Hampshire; but I do not care where it was; the principle is the same whether it took place in New Hampshire, Connecticut, or any other State.

Mr. CONNESS. You are not sure about your facts.

Mr. DAVIS. Yes, I am. The fact took place in one of the New England States; it has been published a hundred times over in the newspapers, and I never heard it contradicted before. A lieutenant who was in the service went home to vote, and he voted the Democratic ticket; and for exercising the right of a freeman to vote for whom he pleased he was dismissed from the service. I am opposed to that principle of administration of the Government.

Mr. SUMNER. I wish to give the Senator from Kentucky an instance; he has forgotten it, I think. The first general whom Massachusetts sent into the field was a Democrat fresh from the Charleston convention, Benjamin F. Butler.

Mr. DAVIS. And the Lord deliver us from Benjamin F. Butler!

Mr. SUMNER. He was a Democrat.

Mr. DAVIS. Yes, sir; and the meanest and most mercenary Democrat that ever trod the face of God's earth. [Laughter.] I could buy him for a sufficient consideration every day in the week.

Mr. WILSON. Mr. President, I think this is rather a strange debate, but nevertheless it is forced upon us and we must meet it. We have had since this war began more than five hundred generals appointed. I believe some forty-five or forty-six have been killed or have died in the service I do not know that any one of those generals received his appointment on account of his support of the Administration. I know, however, that some officers, eminent men in the Democratic party, did receive their appointments, as a matter of public policy, when the war commenced, because they were of the Democratic party. The Administration desired to bring to the support of the country all men of all parties, and in the first year of this war it was much easier for a man who had voted for Douglas or Bell, or even for Breckinridge, to receive a high military appointment than it was for a man who had voted for Mr. Lincoln. I think twenty-three general officers have been appointed from Massachusetts since the war opened, and not more than eight or ten of those officers ever acted with the Republican party. I venture to say that of the twelve or thirteen general officers appointed from the State of Maine, a majority of them never took any part or gave a vote for the Republican party. I believe they have had eight or nine general officers from Connecticut, almost every man of them belonging to the regular Army, and men who took no part with and had no association with Republicans. It is the same in other States.

Of more than five hundred general officers—I think the number must be five hundred and fifty—appointed since this war came upon us, I do not believe one third of them ever voted the Republican ticket in all their lives, or supported the policy of the Republican party before the war began. It has been so to a considerable extent in regard to the appointment of minor officers. Paymasters, quartermasters, commissaries, and other appointments have been often made without reference to political opinions. I will say further, that in the Thirty-Seventh Congress six thousand eight hundred and twenty-five nominations were acted upon by the Military Committee, and that committee, consisting of four Republicans and three Democrats, never gave a divided political vote on one of them, and at this session something like two thousand nominations have come before the committee, and not a divided political vote or a question connected with politics has ever arisen in the committee. I think the Administration, in its military appointments, has sought to do justice to military men without reference to political opinions; and if any preference has been made it was made when the war commenced in favor of gentlemen who had acted with other parties.

Mr. CONNESS. Will the Senator permit me to make a suggestion?

Mr. WILSON. Certainly.

Mr. CONNESS. I do not wish to engage in this debate, but I desire to furnish the Senator with the California record on this point. There occur to me eight names of men who have been appointed generals from that State since this war began—Halleck, Hooker, Negley, Judah, West, Carleton, Denver, and Shields. I believe they were all Democrats, and these are the only appointments of generals we have had from that State.

Mr. WILSON. I think from the State of Kentucky we have had some dozen or fifteen general officers appointed, some of them major and some of them brigadier generals, and I do not know that any of them voted for Mr. Lincoln. I will add that whatever the appointments in the Army have been, I have no doubt that the sentiment of the Army is for supporting the Administration and supporting the country; supporting the Administration because they regard it as necessary to the support of the cause of the country; and so far as they vote, whether in the field or out of the field, nine tenths of the votes of the soldiers have been given for the support of the Administration. Soldiers who fight and bleed for their country will vote for their country; soldiers who give bullets to rebels will not give ballots to rebel sympathizers, or men who have soft words for the rebellion and reproaches for the Administration.

Mr. HOWE. I did not suppose that I should live to hear any man, speaking in the name of the Democratic party, object to any Administration upon the ground of proscription for political opinion. Wherever that lesson has been practiced or wherever it has not, may be open to some dispute; but there is no room for dispute whatever as to where the lesson was learned. It was taught us by Democratic Presidents and Democratic politicians, and they are the last men who should urge it as an objection against any Administration. Upon that point, I think I shall not be disputed.

I have one more point to submit, and it is this: that if we have had any Administration since the day that George Washington retired from the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. TUESDAY, MARCH 15, 1864. NEW SERIES....No. 69.

Presidency, against which this charge of proscription could not be honestly urged, it is the Administration in power to-day. A more liberal, a more tolerant Administration we have not had, if I know anything about the history of parties, since the Administration of George Washington. This Administration came into power upon a known, published policy; the country approved the policy, and therefore selected the Administration, or him who stands at the head of the Administration, the present President of the United States. But that President was not fairly inaugurated before he was confronted, not by any rival policy, but he was confronted by an armed force—a rebellion causeless, unprovoked, unjustifiable; not only without a cause, but without a decent pretext; and its first and its only work has been, down to this day, not to carry out particular policies or measures, but to put down that rebellion which said that the United States should not dictate policies for the country of any kind, good or bad; and the moment it came in contact with that rebellion it did, what? It abandoned all party distinctions whatever; it said publicly, "From this day forward we know only two parties in the United States—the party of patriots and the party of rebels; the friends of the United States and its enemies;" and whatever any man's opinion might have been on the question of slavery in the Territories or slavery in the District of Columbia, of the foreign slave trade, or of any of the old issues, they were put out of sight at once and for all; and you could not get a postmaster removed, nor a tide-waiter removed, simply upon the ground that he was a Democrat, or because he had voted for Mr. Breckinridge, or because he had voted for Mr. Bell, or because you wanted to appoint somebody who had voted for Mr. Lincoln. You know, sir, the country knows, that it was entirely useless to apply for a change of any officer simply because he had been known as a Democrat. The other question was put, "Is this man loyal to the country now; does he want the United States to succeed in this controversy, or does he want the rebellion to succeed?" and if the answer was, "He wants the United States to succeed," he was allowed to keep his place. It was true everywhere throughout the whole country; and it is against this Administration pursuing such a course that the charge is made of proscription. I do think it unjust.

Nay, more; the Administration went further. The very first vacancy that occurred in the Cabinet was filled by a Democrat who had been a member of the Cabinet under the last Administration.

Mr. SAULSBURY. Will my friend from Wisconsin allow me a remark? Will he be so kind now as to take that offcast from the Democratic party to his embrace, and not afflict us so much as ever to remind us that he once disgraced the name of Democrat?

Mr. HOWE. Now, Mr. President, if there be any member of the Senate of whose feelings I am peculiarly tender, it is my friend from Delaware, and I dislike extremely to say anything to harrow up his sensitive feelings; nevertheless, I must, if I will be true to the events that have transpired, remind him not only that the present Secretary of War was, and, so far as I am advised, to-day is a Democrat, but I must remind him that there were a large body of men, Democrats from their birth up, who, when they saw the bulk of the Democratic party in arms to overthrow the authority of the people of the United States, refused to go with them, and did stand by the Government, and stand by the flag which represents the authority of the Government. It may hurt his feelings, and I would not say it if I were not obliged to say it in justice to the truths of history.

Mr. SAULSBURY. It has no application to me, sir.

Mr. HOWE. I hope he will get over it as soon as he can, and the way to get over it is to reverse his position and come in with the bulk of the real Democrats who do stand by the flag. That will cure him quicker than any remedy I can suggest.

Mr. President, I have not yet, as I think, offered the full vindication for the liberality which is properly to be credited to the present Administration. I have spoken of their course, the course of the Administration here, the President and his Secretaries, in making appointments; the honorable chairman of the Committee on Military Affairs has spoken of the policy pursued in reference to military appointments; I have spoken in reference to appointments to civil offices; but the same liberal policy was adopted throughout all the loyal States. When you came to make up your State tickets you ignored the distinction between Republicans and Democrats in almost every State, and the very last election which took place in the State of Wisconsin we put at the head of our ticket for Governor a known Democrat, who had always been a Democrat, and who calls himself a Democrat as far as I am advised. We put on that ticket for secretary of State, the next highest office in the State, a Democrat, a Democrat from his youth up. We put on that ticket for bank comptroller a Democrat. We asked them to pledge themselves to no principles but just this: that they would give to the Administration of the Government the men and the money of the country to defend, what? Not the Chicago platform, nor any policy that we have inaugurated since, but to defend the supremacy of the United States of America throughout its whole original jurisdiction. That is all we asked; and every man that would do that, we welcomed into the fold; we were in open fellowship with him.

But, sir, while the friends of the Administration took that course, what was the fact in reference to a large portion of the Democratic party? They said distinctly, "We will not unite with Republicans," even upon that measure; they demanded a distinct organization; for what? I will not just now undertake to define their purpose; but that their purpose was not to uphold the authority of the people of the United States, and their supremacy throughout the United States, and to uphold the flag which has been honored so long, is most manifest from the fact that if this had been their purpose, this purpose could have been best subserved by joining hands and joining hearts in full, complete union with every man who professed the same purpose, and no other, which was the attitude of the whole Republican party in all these States, and was the avowed attitude of that portion of the Democratic party which consented to the fellowship. I have told you what was the course adopted by that party in the State of Wisconsin. I think the very last candidate who was nominated for Governor in the State of New York was a Democrat. The very last candidate who was nominated for Governor in the State of Ohio was a Democrat, and he beat another Democrat, who did not stand upon the platform of the Union and the Constitution, one hundred thousand votes.

Mr. CONNESS. Was not the Senator from Kentucky once upon this platform of the Union?

Mr. HOWE. Yes, certainly; we had the Senator from Kentucky once upon the platform of the Union; and I trust we have not entirely lost him yet. I have great faith in his love for the Union still. I am not sure that he sees what is due to the Union just as clearly now as he did twelve months ago; but whatever may obscure his vision to-day I hope will be brushed away by the time the next election comes off, and that, after that election shall have transpired, his old love for the Union and his old patriotism will shine out upon the country just as brilliantly as ever.

Mr. DAVIS. I will reply in a few words to my honorable friend from Wisconsin, and to some suggestions made by other gentlemen in relation to the matter before the Senate. I cannot reproach myself with ever having been an advocate of the "spoils" system. I have regarded that as a corrupt and most demoralizing system under any and every Administration where it has prevailed, whether it was Democratic or Whig. But I am a good deal surprised at the position assumed by my honorable friend from Wisconsin, that this Administration has been the least proscriptive, the most anti-spoils and magnanimous of all others since the Administration of Washington. There was an Administration once of this Government, at the head of which was John Quincy Adams, and that venerable man told me on one occasion that there were never but two removals during his four years, and that they were for cause.

I concede fully that at the beginning of the war it was an object, and one that this Administration had much at heart at that time, to combine and unite every party and class in the support of the war to suppress the insurrection, and, at that time, in appointments to military office, and especially to higher offices, there was a considerable degree of liberality on the part of the Administration, and particularly to the old Democratic party. But the President and Congress then laid down their policy and principles upon which the war should be conducted liberally, wisely, and constitutionally. The President's inaugural address and his first message, and various communications which he made in different forms to the country, gave us the grounds upon which he was to conduct his branch of the Government in its administration. The two Houses of Congress passed almost unanimously concurrent resolutions which pledged their faith as to the principles and ends upon which and for which the war was to be conducted. I adopted the grounds laid down by the President and Congress; I still stand upon them. The President, his friends and supporters, have abandoned them, and embraced antagonistic and hostile principles that are subversive of our Constitution and Government, and because I, and thousands of others, who adopted, in the truest faith and patriotism, their early constitutional and wise policy, will not abandon it and become the unquestioning supporters of measures devised to revolutionize our Government, and to consolidate in the possession of their party a military despotism, they denounce us as disloyal, as semi-traitors.

We all have by heart almost the Crittenden resolution; we recollect passages in the inaugural address and other messages of the President in the early days of his Administration. I am not going to repeat them. But they established a broad line of separation for the people of the United States. They who supported them were for restoration, reconstruction, and preservation, and they who opposed them were the advocates of change, revolution, and destruction. Who falsely, and with an intention to deceive, professed, or with base cowardice and perfidy abandoned, these early war principles and policy? It was not I, or those who occupy my position, but his party and supporters in Congress and out of Congress. We are still loyal and true to those principles, to the Constitution and the laws, the true Union and Government; and it is they who have abandoned them, and are attempting to pervert the whole military and naval power of the United States, to put in their stead a new and despotic Government of their own formation, who are disloyal in fidelity to the United States, as derelict as Jeff. Davis and his associate rebels, and more dangerous because they profess to be friends and supporters of the Union and the Constitution. The President is not only now disloyal to the Union, but he has been for years.

I will append to these remarks an extract from a speech made by President Lincoln in the House of Representatives, 12th January, 1848, on a motion to refer certain portions of the President's message:

"Any people anywhere, being inclined and having the power, have the *right* to rise up and shake off the existing Government, and form a new one that suits them better. This is a most valuable, a most sacred right—a right which, we hope and believe, is to liberate the world. Nor is this right confined to cases in which the whole people of an existing Government may choose to exercise it. Any portion of such people that *can may* revolutionize, and make their *own* of so much of the territory as they inhabit. More than this, a *majority* of any portion of such people may revolutionize, putting down a *minority*, intermingled with, or near about them, who may oppose their movements."—*Appendix to Congressional Globe, First Session Thirtieth Congress*, page 94.

What do Senators think of these positions of the President? Are they not in flagrant conflict with those which he now avows, and all the war policy of himself and Congress? If "any people" or "any portion of such people, have the right to rise up and *shake off the existing Government*, and *form a new one* that *suits them* better," what right has Mr. Lincoln to oppose it by war? If I had declared that position in the Senate, I apprehend I should not only have lost wholly the shaken confidence of the Senator from Wisconsin in my loyalty, but that the majority of the Senate might have taken it into their heads to expel me.

Sir, I hold myself to be as good a Union man, and without intending any offense to my honorable friend from Wisconsin, I will say than he or any man in the Senate or out of the Senate, who has abandoned, or who does not entirely support the suppression of the rebellion strictly upon the principles of the Crittenden resolutions and the President's early war policy.

Now, sir, in relation to appointments, if the Senate will give me a committee, I pledge myself to sustain this position, or to abandon it and acknowledge my mistake: that within the last twelve months and during the whole of that period, three fourths, and I believe nine tenths, of the appointments made by this Administration have been of men who are now the adherents of the present and particular policy of the Administration in conducting the war, and who stand in direct and open antagonism to the Crittenden resolution, and the principles upon which the President early pledged himself to conduct the war. I believe, as firmly as I believe any truth, that all men who avow that the war should be waged upon the principles declared by the President in its beginning and upon the Crittenden resolution, are not only the best, but the only true Union men, and that they are not only proscribed by the Administration from all the offices and patronage of the Government, military and civil, but that they are slandered, denounced, wronged, and oppressed by it and its tools to the utmost extent that they dare to venture. How dare these apostates to their own pledges and to the Constitution claim to be the only true loyal men, or to be loyal at all? Is not the Constitution the bond of our Union? Is it not the law of our Union? Can the Union be preserved except by an adherence to the Constitution and its preservation? When the Constitution is subverted, are not the Government and the Union which it formed destroyed, and another Government and Union made by the revolution? Do not we hear daily men in the two Houses of Congress declare their purpose to bring about such a revolution? Does not every intelligent man in the land know that the party in power are administering at the present time more to effect that revolution than to conquer the rebellion? Does not the whole country know from their acts and avowals that if they cannot effect this revolution they never will agree to the return of the rebel States, but will make their excision final and forever?

There are few men for whom I have more sincere respect than the honorable Senator from Wisconsin, [Mr. HOWE.] His integrity, his honor, his general principle, so far as it does not come into collision with the negro and the peculiar war policy of this Administration, I have the utmost faith in, as I have in that of many other gentlemen.

Mr. CONNESS. I beg leave to say to the gentleman that he is leaving the largest portion of the Senator out.

Mr. DAVIS. What is the largest portion of the Senator?

Mr. CONNESS. The one the gentleman excepted.

Mr. DAVIS. I did not except any. I think my friend is under the impression that I have left him out, and therefore I have left the largest portion of the Senate out. [Laughter.] If that is his opinion I admit that it is pretty well based, for I think he is a gentleman of fine ability.

Mr. CONNESS. Thank you.

Mr. DAVIS. Indeed I do; but when gentlemen assume in the Senate the position that within the last twelve months the bestowal of all the patronage of this Government has not been upon its peculiar friends, men who reject the Crittenden resolution, men who reject the doctrines of the early communications of the President in relation to the mode of carrying on the war, and who give their adherence to the present policy of carrying on the war, they must think that men are green to swallow any such proposition as that.

Sir, I admit that there are many men who were once called Democrats that have been the recipients of favors and appointments from this Administration. There is the Adjutant General, who, if I am informed correctly, had his trunk packed to go into rebeldom at the beginning. Here is Butler, who voted fifty-seven times, as I am informed, in the Charleston convention to make Jeff. Davis President. I could name scores of them. These men are now petted and favored by the President and by his friends and supporters. Why? Because they have sold out their principles, and the Constitution of their country, and the liberties of the people, for place and spoils. The purchaser has appeared; they have received the price; they have bartered their principles; they have made traffic of the Constitution, and of their country and liberties. They are no longer Democrats, but the basest of traitors and slaves. There are no doubt many honorable exceptions, but they are not placed since the full development of the revolutionary projects of the Administration and its friends. To put or retain these men in office, whether they were once called Democrats, or Whigs, or by whatever they were designated, after the full development of the revolutionary and destructive purposes of the Administration and its friends, does not evidence any magnanimity, but simply a sale and a purchase.

Let gentlemen point me to any men who have frankly and boldly maintained the doctrines of the President's early revelations and of the Crittenden resolution, and have endeavored to imprint the doctrines of these documents upon the people. Let gentlemen point to any Democrats or any Republicans or any party men, of whatever name, who have occupied that ground and those principles, that have been appointed to office by this Administration. I ask the questions, who are they and where are they? and echo answers, who are they and where are they? I do not believe there is one case in twenty of that character. If gentlemen want this Administration vindicated, let them indicate that a committee can be gotten up to examine, investigate, and report upon the present political status and position of all the appointees of this Administration within the last eighteen months, and if it does not exhibit at least nine out of every ten appointed because of their special adhesion to the peculiar war policy of this Administration, I am greatly deceived, and I should like to have my mind disabused.

Mr. TEN EYCK. Mr. President, I claim to be as good a listener as any member in this body. I claim also to derive as much pleasure and high gratification from the discussions which are from day to day going on here as any other person. I delight in the eloquent and pointed arguments which we hear from time to time in relation to the subject on hand; and although I have no particular charge of this bill, I may perhaps be pardoned for expressing a desire that now when gentlemen have given their opinions and their views and their knowledge in relation to the history of parties and the history of Administrations from the commencement of General Washington's administration to the present time, and the mode in which political campaigns have been conducted, and the measures of the several different parties in the United States and in the several States, it may not be amiss in me to desire to learn what is the question before the Senate.

If I recollect aright, some two hours ago we had a bill before us in relation to the Military Academy at West Point, and if I remember correctly an amendment was proposed by the Senator from New Hampshire [Mr. HALE] to require the head of the War Department to conform to what had been understood to be the opinion of Congress in relation to the appointments at that Academy. It was expressed by Senators to be exceedingly desirable that the number of cadets in that Academy should be kept full. It was supposed that illegal appointments had been made. The Senator from Wisconsin [Mr. DOOLITTLE] proposed an amendment to the amendment offered by the Senator from New Hampshire, to the effect that hereafter, in order that the Military Academy shall be kept full, the President shall have the power during the existence of the rebellion to nominate two cadets in the loyal districts of this Union, instead of one as heretofore.

Several SENATORS. Oh, no.

Mr. TEN EYCK. It is substantially that. The statement is sufficiently correct for my purpose. Being anxious that this should be accomplished, and that this should be done by law and in accordance with the wish of Congress and the views of Congress, I am desirous that we shall have some opportunity during the course of the present day to express our opinion on that subject, inasmuch as there are many other matters of importance to the country before the body.

I shall not undertake to stop here and say what my State has done or what she has not done. I am a little tender-footed upon that point, I confess. I shall not stop to say that the Executive of my State during the first two years of the rebellion appointed, without regard to party, men to head our regiments and men to receive the commissions in the different departments of the military appointments. I shall not stop to say that if in New Jersey we had taken the precaution to nominate a Democrat for Governor at the last election, and to place loyal Democrats at the head of our ticket everywhere, we might perhaps have succeeded in gaining what is claimed to be a Union victory in almost every northern State. In consequence, perhaps, of our not having done that, we occupy the very peculiar position of being the only northern State that has not cast its vote in the way in which gentlemen say loyalty travels; and yet, sir, I believe that the State of New Jersey is as loyal at heart as many other States of this Union; and I know that the soldiers from our State, whether they be generals, (and Heaven knows we have very few of them,) whether they be colonels or captains, lieutenants or privates, belong to whatever party they may, have manifested a loyalty on the battle-field equal to that displayed by any other persons in the service.

But of what avail is all that, sir, upon this bill? I find that I am offending against the idea that I started with when I rose, and I am likely to suffer myself to run into a discussion on matters which have nothing to do with this bill, and which are entirely outside of it; and so far as I may have any claim for being a good and patient listener, I beg now to have the privilege of voting on the question before the Senate.

Mr. HOWE. Mr. President, if the honorable Senator from New Jersey feels disposed, when he addresses the Senate, to speak strictly and directly to the pending question, I know of nothing in the rules of the Senate which prohibits him from doing so. If I, sitting here, professing to be a friend of the present Administration, hear it attacked and maligned, and if I, under those circumstances, see fit to make a brief reply, or a pretty long one, I know nothing in the rules of the Senate which authorizes the Senator from New Jersey, or any other member of the Senate, to whip me for it publicly. A private whipping I do not object to particularly, provided it be done constitutionally [Laughter.]

Sir, I do not claim to be personally responsible for the character of the present Administration. I have professed to be a friend of it, and I adhere to it down to to-day; and yet I have sat here from the beginning of this glorious term in which I have been privileged to sit here at all, and I have heard it on the floor of the American Senate charged with every conceivable crime from high treason down to petty larceny. I have scarcely heard any attempt at defense. Older Senators and abler Senators than myself know that I have been a little sensitive at times under these inflictions. I did not feel that it was my peculiar mission to step forward in defense of the Administration, but I have gone to them repeatedly and urged them to justify to the country, by a plain statement of God's truth, the conduct of an Administration which has had imposed upon it the gravest duties that were ever imposed upon finite creatures. I have implored them to do this in justice to themselves and in justice to the public. They have not always given way to my entreaties; they have rarely given way; and I have come to the conclusion, Mr. President, that when an indictment is filed here against the Administration that I think is capable of being pleaded to, and filed by responsible parties, if nobody else will undertake the defense, I will myself offer such defense as I have to make; and if I cannot have this privilege,

if this cannot be conceded to me, I will join the attacking party, for, as to holding myself out to the world as a friend of the Administration whose responsible friends sit here silent day after day under these charges, I think I can get into better company; I can go to the Opposition, which, whether they are guilty of larceny or not, do not confess it, and I shall improve my associations by so much any how.

Now, sir, the Senate will bear me witness that I do not occupy a great deal of its time; not enough to warrant any Senator in animadverting upon my course when I do occupy a little of its time. Besides, sir, this remains to be said, that I was not sent here by New Jersey nor to speak when New Jersey appointed; I was sent here by the State of Wisconsin, and the people of that State supposed that I had the ability to know when to speak and when to hold my peace. At all events, if I disappoint them in that, I am amenable to the people of Wisconsin, and they will appropriately deal with me. I do not choose to subject myself to any other jurisdiction.

Mr. TEN EYCK. The Senate will bear with me in one single word. I assure the Senator and every other Senator on this floor that nothing was further from my thought than to utter a word that would be unpleasant or disagreeable to any gentleman here. I do not think my antecedents would lead gentlemen hastily to conclude that such was my design or my desire. I wished to allude pleasantly to the fact of the quiet position I occupy on this floor, and in a few pleasant words to endeavor to call back the debate from the range it had taken to the point before the Senate. It would be the last thing I should undertake to do in this world, to express an opinion derogatory to the character or conduct of any Senator on this floor, or the course he desired to pursue in relation to debate. I declared when I rose, and in good faith, that it gave me great pleasure to listen patiently to the discussions as they go on from day to day, and I have listened with pleasure to-day, and I acquiesced in the feeling of the Senator from Wisconsin when he repelled the attacks and assaults that were made on the present Administration.

I trust, with these remarks, that the Senator and the Senate itself will be assured that I could have no such feeling or want of discretion, so far as to undertake to lecture or to lash any one upon this floor for the conduct that he might see fit to pursue on this or any other occasion.

Mr. HOWE. I ought to say, perhaps, in reply to the Senator from New Jersey, that if he did not mean to whip me, I am really sorry I took the whipping, and I will not take it again.

Mr. HALE. I ask the unanimous consent of the Senate to say a word about the question that is before the body. I think the amendment of the Senator from Wisconsin [Mr. DOOLITTLE] is an improvement upon the present condition of things, because, as the thing is now administered, there is no law; and I think it is better to have some law, even a bad one, than allow the Department to go on without any. But, sir, how long is this war to last? The amendment of the Senator from Wisconsin is based on the supposition that we are to send young men into the Military Academy now and keep them there four or five years to qualify them to go into the field and help to put down this rebellion. That reminds me of a caricature which I have seen somewhere, in which a venerable gentleman was represented as planting acorns to raise oaks to build a navy to put down this rebellion. If this rebellion be not put down before these young men who go into the Academy now shall stay there four years to qualify themselves to put it down, we are at a sad pass. I would not admit, even among ourselves in secret session, that there was such a possibility, because if you admit that you admit what I should be very sorry to have admitted even by implication.

If this is not necessary in order to put down the rebellion, I ask those gentlemen who were so careful of the public Treasury the other day when a proposition was made to raise the pay of the clerks of the paymasters in the Navy, who were against increasing expenses then, not to increase expenses by increasing the number of these students at West Point. That is all I have to say.

Mr. COLLAMER. I rise really with a view to make some inquiries that I may understand the point upon which we are about to vote. I understand the proposition of the Senator from New Hampshire to be that the pay appropriated shall not hereafter be paid to any cadets except those appointed according to law. I wish to inquire what is the use of the word "hereafter" as it is used in the amendment. I have looked at the amendment, and as that word is there inserted it means nothing.

Mr. HALE. I do not know where the word "hereafter" is put in the amendment at the desk; but I will explain to the Senator what I propose by it. I understand that there are at this moment at the Military Academy young men being supported by the Government who are not legally there.

Mr. COLLAMER. You mean to provide that those men shall not be paid?

Mr. HALE. That was the way that I first offered the amendment; but after the suggestions that have been made, I am willing to qualify the amendment so as to say that none of the money appropriated shall be applied to the payment of any cadets who shall be hereafter appointed otherwise than according to law.

Mr. COLLAMER. Then the word "hereafter" should be inserted before the word "appointed;" but as the word "hereafter" now stands inserted in the amendment, as the gentleman will see on looking at it, it means just nothing at all. It says now that the money hereby appropriated shall not hereafter be paid to any one illegally appointed. The money hereby appropriated is always to be paid hereafter; it never can be paid in any other way, I take it. I leave the Senator to arrange the collocation of the words and the order in which he desires the words of his amendment to stand, and then I shall wish to be heard somewhat further about it.

Mr. HALE. I will read my amendment as I have now altered it:

And be it further enacted, That no part of the money hereby appropriated shall be applied to the support or pay of any cadets hereafter appointed not in conformity with the express provisions of law.

Mr. COLLAMER. That may do well enough. There may have been appointments irregularly made, but I should not think of visiting any consequences of that kind upon the appointees, the young men who have gone there by regular warrants coming from the Executive, and are serving there, who did not know, and perhaps could not know, that the manner of their appointment was contrary to any regulation of law. I have no objection, however, to the amendment as it now stands, protesting that no more such appointments shall be made. I am willing that the protest shall be put in this place, following the example of the good old justice who told the lawyer that he had concluded to give him judgment in this case about these guns, but gave him fair notice that he must not bring any more suits unless he had some evidence to support them. [Laughter.] That was fair play. This is giving notice not to make any more irregular appointments, but I have no objection to that.

Then we have the amendment of the Senator from Wisconsin, [Mr. DOOLITTLE.] I do not understand that as I hear other gentlemen speak of it. I do not understand that that authorizes the President to appoint two cadets from any district, or to increase the number at all. The law as it now stands, if I understand it aright, is that one cadet shall be appointed from each congressional district, who shall be a resident of the district. There is no provision in that law that he shall be selected by the Representative of the district. I know the practice is for the Department to consult the Representative of the district, but there is no law of that kind. The President is to appoint a certain number, twenty I think, at large, annually, and he is to appoint one for each congressional district, who shall be a resident of the district—that is all; that is the present law. Now, if I understand it aright, the proposition of the Senator from Wisconsin is, that during the present war, in relation to congressional districts that are not represented in the other House, the President himself may make selections from the Army; not to put another one in, not to have two for a district, but, instead of selecting residents of the district, to let the President select persons in the Army. Do I understand that aright?

Mr. DOOLITTLE. Yes, sir.

Mr. COLLAMER. Then the suggestion which I have heard all around me several times that it is a proposition to authorize the appointment of two is not so. I have no objection to that amendment as I understand it. It does not alter the existing law, except that it authorizes the President to select for the unrepresented districts persons who are not residents of the districts; that is all the difference. I do not see that it is necessary to strike out the amendment of the Senator from New Hampshire and substitute this for it. Both of them may stand, and stand consistently. I am therefore inclined to vote for each of them and both of them.

Mr. DOOLITTLE. On the suggestion of the Senator from Vermont, then, I will move my amendment as an addition to the amendment of the Senator from New Hampshire as it now stands.

Mr. GRIMES. I suggest to the Senator from Wisconsin to append to his proposition, "to be apportioned among the respective States as near as may be to the population thereof."

Mr. DOOLITTLE. I have no objection to that modification, and will accept it.

The VICE PRESIDENT. The amendment will be so modified; and the Senator now offers it to be added to the amendment submitted by the Senator from New Hampshire.

Mr. CONNESS. I submit that the amendment of the Senator from New Hampshire is still obnoxious to the objection that I made to it, as ruling out by strict application cadets appointed from the State at large and not from congressional districts.

Mr. FESSENDEN. Not at all.

Mr. CONNESS. Not at all, the Senator says.

Mr. FESSENDEN. Because it does not apply to them in the future.

Mr. CONNESS. Very well. Suppose the State is not districted next year; what then?

Mr. FESSENDEN. They will stand just as they do now.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended.

Mr. FESSENDEN. I should like to have it read as it stands.

The Secretary read it, as follows:

And be it further enacted, That no part of the money hereby appropriated shall be applied to the support or pay of any cadets hereafter appointed not in conformity with the express provisions of law regulating appointments of cadets at that Academy; and that until the rebellion is suppressed, the President shall be authorized to appoint a cadet for each congressional district not represented in the House of Representatives, to be selected from the meritorious and deserving young soldiers in the regular or volunteer forces of the United States, to be apportioned among the respective States as near as may be according to the population of the said States.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following bills; which thereupon received the signature of the Vice President:

A bill (H. R. No. 116) in relation to university lands in Washington Territory; and

A bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, and for other purposes.

BILL BECOME A LAW.

The message further announced that the President of the United States had approved and signed on the 11th instant a bill (H. R. No. 296) for the benefit of John Dickson, of Illinois.

HOUSE BILLS REFERRED.

The following bills from the House of Repre-

sentatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 149) concerning certain school lands in township forty-five north, range seven east, in the State of Missouri—to the Committee on Public Lands.

A bill (No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th June, 1865—to the Committee on Finance.

A bill (No. 324) to repeal section two of an act entitled "An act to regulate the foreign coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes," approved March 2, 1831—to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McPherson, its Clerk, returning to the Senate, agreeably to its request, the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

CONSULAR AND DIPLOMATIC BILL.

Mr. FESSENDEN. I move that the Senate proceed to the consideration of the bill (H. R. No. 40) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1865.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Finance with amendments. The first amendment of the committee was on page 3, line fifty-one after the word "consuls" to strike out the word "and," and in line fifty-two, after the word "agents" to insert "and twenty-five consular pupils;" so that the clause will read:

For salaries of consuls general, consuls, commercial agents, and twenty-five consular pupils, &c.

The amendment was agreed to.

The next amendment of the committee was on page 3, line sixty, under the head of "Consulates, Schedule B," to strike out "Ancona."

The amendment was agreed to.

The next amendment of the committee was on page 4, line sixty-two, under the head of "Consulates, Schedule B," after "Bristol" to insert "Brindisi, Boulogne."

The amendment was agreed to.

The next amendment of the committee was on page 4, line sixty-three, under the head of "Consulates, Schedule B," after "Cardiff" to insert "Chin Kiang."

The amendment was agreed to.

The next amendment of the committee was on page 4, line sixty-five, under the same heading, after "Genoa" to insert "Gibraltar."

The amendment was agreed to.

The next amendment of the committee was on page 4, line seventy-one, under the same heading, after "Marseilles" to strike out "Matamora."

The amendment was agreed to.

The next amendment of the committee was on page 4, line seventy-two, under the same heading, after "Naples" to strike out "Napoleon Vendée."

The amendment was agreed to.

The next amendment of the committee was on page 4, line seventy-three, under the same heading, after "Nice" to strike out "Ningpo."

The amendment was agreed to.

The next amendment of the committee was on page 4, line seventy-four, under the same heading, to strike out "Otranto."

The amendment was agreed to.

The next amendment of the committee was on page 4, line eighty-one, under the same heading, after "Swatow" to insert "Saint Helena."

The amendment was agreed to.

The next amendment of the committee was on page 4, line eighty-two, under the same heading, after "Tangier" to insert "Taranto."

The amendment was agreed to.

The next amendment of the committee was on page 4, line eighty-four, under the same heading, after "Vienna" to insert "Zurich."

The amendment was agreed to.

The next amendment of the committee was on page 5, line ninety-one, under the head of "Consulates, Schedule C," to strike out "Athens."

The amendment was agreed to.

The next amendment of the committee was on page 5, line ninety-two, under the same heading, to insert "Ceylon."

The amendment was agreed to.

The next amendment of the committee was on page 5, line one hundred and one, under the head of "Commercial Agencies, Schedule C," to strike out "fifty" and insert "seventy-seven;" and in line one hundred and two, after the word "thousand" to insert "five hundred;" so that the clause will read:

Apia, Monrovia, Saint Paul de Loando, including loss by exchange thereon, $477,500.

The amendment was agreed to.

Mr. FESSENDEN. Before the next amendment reported from the committee is acted upon I have one or two amendments to propose that will render an amendment to that amendment necessary on account of some changes. On page 3, line sixty, in the list of consulates, after "Barcelona" I move to insert "Bangkok."

The amendment was agreed to.

Mr. FESSENDEN. On page 4, line seventy-five, I move to strike out "Port au Prince."

Mr. SUMNER. That is right. It ought to be struck out.

The amendment was agreed to.

Mr. FESSENDEN. On page 5, line eighty-seven, under the heading of "Commercial Agencies," after "Gaboon" I move to insert "Madagascar."

The amendment was agreed to.

Mr. FESSENDEN. On page 5, line one hundred, I move to strike out "Monrovia."

The amendment was agreed to.

The next amendment of the committee was on page 5, line one hundred and two, after the word "dollars" to insert:

And the salaries of the consuls at Brindisi, Gibraltar, St. Helena, Boulogne, and Zurich shall be $1,500 each; and the salaries of the consuls at Ceylon and Piræus shall be $1,000 each, and the salary of the consul at Chin Kiang shall be $3,000.

Mr. FESSENDEN. I move to amend that amendment by adding:

And the salary of the consul at Bangkok shall be $2,000; and the salary of the commercial agent at Madagascar shall be $2,000.

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

The next amendment of the committee was to add, as a new section, the following:

Sec. —. *And be it further enacted*, That the second section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th June, 1858," approved February 7, 1857, be, and the same is hereby, repealed.

Mr. FESSENDEN. As the Senate does not appear to be listening to the reading of the amendment, I think it my duty to explain to the Senate what it is. It will be noticed that on the third page of the bill there is an amendment to insert the words "and twenty-five consular pupils." In the original bill that was passed arranging our consular system, there was a provision made for twenty-five consular pupils to be sent abroad and to be attached to the several principal consulates in different places, and it passed in that shape. Subsequently, before they were appointed, that particular provision was repealed. This amendment proposes to repeal that repealing clause, and thus leave the provision as it stood in the original consular bill providing for twenty-five consular pupils. The matter has been urged with very great zeal by different Secretaries of State, and the Committee on Finance, although it did not come strictly within their jurisdiction—that did not occur to them until after they had acted upon it—came to the conclusion that it was best to repeal that repealing clause and restore the original provision of the consular bill. That is the effect of the amendment.

Mr. COLLAMER. In due time and at some proper place I wish a vote of the Senate by yeas and nays on this amendment.

The VICE PRESIDENT. Does the Senator desire it in committee or in Senate? The bill is now in committee.

Mr. COLLAMER. I give notice that I shall ask it in the Senate.

The amendment was agreed to.

Mr. SUMNER. I am directed by the Committee on Foreign Relations to move the following amendment to come in after line thirty-eight, page 3:

For the contribution of the United States to the completion of a new cemetery at Constantinople to receive the remains of American citizens transferred from an old burial-place, and also as a place for future interments, $1,800.

I have a communication from the Secretary of State on this subject. I presume there will be no question about it, and therefore I will not take up the time of the Senate by reading it.

Mr. FESSENDEN. I should like to hear the communication read, or the Senator can state the substance of it.

Mr. SUMNER. The substance of it is this: there has been an old burial-place in Constantinople used for a long time, by the consent of the Sultan, for the interment of foreigners. Several of our citizens are there buried. But it has become inconvenient to have that burial-place continued. The Sultan has desired it, indeed, to be discontinued, and has allowed a piece of ground for the establishment of a new cemetery. Foreigners have been invited to contribute to the expense incident to laying out this new cemetery and to the removal of the remains of the persons interred in the old cemetery. Our minister at Constantinople reports that in addition to the contributions already made by American citizens on the spot, the sum of $1,800 is required in order to complete our part of this work. All the other Governments have contributed their portion. It only remains for us now to contribute ours.

The amendment was agreed to.

Mr. SUMNER. I am directed by the Committee on Foreign Relations to move another amendment on page 3, line fifty-six, after the word "Shanghai," under the head of "Consulates General," to insert:

And the consul general at Alexandria shall have the name and title of agent and consul general.

The explanation of that is this: the consuls general of other Powers at Alexandria pass under that name, and it is supposed to give them a certain precedence which our consul, being simply called a consul general, does not enjoy. The habit of our Government is always to address its functionaries abroad by their statute designation, and therefore it became important that this change of name should be authorized by Congress.

Mr. COLLAMER. What is the object?

Mr. SUMNER. I have already stated once that the consuls general of other Powers at Alexandria go under the name of agent and consul general, and on that account they are supposed to have a certain precedence which our consul, who is simply entitled "consul general," does not enjoy. In former days, under other Administrations, our consuls general have appropriated this title without any authority; but the Department of State does not feel authorized to address its functionaries abroad except by the name which they bear in the statute; and on this account it has been proposed to make this change, to give our consul general the authority to bear that name. There is no addition of pay. There is nothing but giving him the same name as the other consuls general have.

Mr. FESSENDEN. I will ask the Senator if this is recommended by the Department. It came to the Committee on Finance as simply a suggestion from a friend of the consul general himself, that he wanted to put on his card "agent" as well as "consul general." We came to the conclusion that it would be folly for us to attempt to change our consular system with reference to names, &c., to suit foreign Powers in a particular place. The Committee on Foreign Relations, it seems, have come to a different conclusion; but there is no recommendation from the Department about it, but merely a suggestion from the consul general himself, I understand.

Mr. COLLAMER. I will inquire whether, as our consul general does not have the title of agent, it would not be quite as well to say that foreign nations by putting on the word "agent" have qualified down the "consul general," which is a more dignified position, and that we do not intend to let ourselves down by adding the word "agent." It is a good deal like the high titles of the King of Siam, "Brother of the Sun and Moon, Emperor of Twenty Umbrellas," &c., &c. [Laughter.] It is coming out at the little

end of the horn. I hope the amendment will be rejected.

Mr. SUMNER. I will answer the inquiry of the chairman of the committee. The proposition which I have made comes from the Committee on Foreign Relations, where it was considered. It was not laid before that committee till it had been the subject of conference between myself and the Secretary of State. The Secretary of State authorized me to say that the change would be agreeable to him. Indeed—and now I come to the suggestion of the Senator from Vermont—the Secretary of State was informed of the actual condition of things at Alexandria. He knows that the consuls general of all other Powers there are entitled political agents and consuls general. That designation, as I have already said, gives to them a certain precedence which ours does not enjoy. The British consul general, in the published Almanac of the Foreign Office, bears the name of "agent and consul general."

This designation is peculiar to Alexandria; and it grows out of the somewhat anomalous condition of the Government of Egypt, which, I need not remind the Senator from Vermont, is to a certain extent independent and yet not absolutely independent. It is, in some respects, a dependency of the Sultan. Therefore no Government is represented at Alexandria by a diplomatic agent. All the representatives there are simple consuls. But, since the Pacha of Egypt is practically the sovereign of the country, it is essential that they should have, in a certain sense, some diplomatic appearance. They, for instance, are thrown into direct communication with the Government of Egypt. In that respect they differ from consuls in other places, who are purely commercial agents and nothing else, having no direct relations with the Government where they reside, those direct relations being conducted by diplomatic representatives. I say it is the peculiarity of things in Egypt that has given occasion to this peculiarity of designation. The other consuls general there, as I have said, bear the name of "agent and consul general," and it has been thought advisable that ours should be entitled to bear the same name.

The amendment was agreed to.

Mr. SUMNER. I am also instructed by the Committee on Foreign Relations to offer the following amendment as an additional section to the bill:

And be it further enacted, That all instruments or papers required to be acknowledged in foreign countries by American citizens shall be acknowledged before a diplomatic or consular representative of the United States, whose duty it shall be, before taking the acknowledgment, to administer to the applicant the oath of office as set forth in the act of Congress, approved August 6, 1861, and to make a record thereof in the certificate of acknowledgment.

I will send to the Chair a communication from the Department of State which explains this amendment.

The VICE PRESIDENT. The communication will be read.

The Secretary read it, as follows:

DEPARTMENT OF STATE,
WASHINGTON, *January* 19, 1864.

SIR: Since the commencement of the rebellion several instances have come to the knowledge of this Department in which citizens of the United States abroad, notoriously disloyal, and some even in the service of the insurgents, have sought to obtain from United States consuls attestations of deeds conveying real property in this country. The applications have very properly been rejected unless the persons making them would swear allegiance to the United States. Some of the applicants, upon their refusal to comply with this condition, have then acknowledged the conveyances before a mayor or other foreign magistrate. This practice ought, it seems to this Department, to be corrected by Congress. With a view to this, every such instrument may be required to be acknowledged before a consul of the United States, who will demand of the person asking for the attestation an oath of allegiance before complying with the request. The expediency of introducing some such provision into any proper bill before Congress is consequently submitted to your consideration and that of the Committee on Foreign Relations.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

HON. CHARLES SUMNER, *Chairman Committee on Foreign Relations, Senate.*

Mr. VAN WINKLE. I should like to ask the chairman of the committee whether this proposition is expected to repeal all the State laws on this subject. Every State has its own laws and regulations as to how papers shall be acknowledged in foreign countries. I desire to know whether it will have that effect; and if so, whether it is competent for Congress to pass a law that would repeal all those State regulations?

Mr. SUMNER. I do not know that it would undertake to repeal all the State laws on this subject. Its object is to take the precaution, so far as Congress can, to prevent the acknowledgment of papers and documents by citizens in foreign countries who are unwilling to take the oath of allegiance. The oath that is required by this amendment is the common one that is administered at the custom-house, and under several statutes that have been passed during the last two years; and it seemed not going too far to require from every person in a foreign country who presented himself with a paper or document for acknowledgment that he should take the same oath which is taken by citizens at home.

Mr. VAN WINKLE. I do not object to the purpose at all. My query was put in order to know whether the amendment would reach the case. I have no objection at all to requiring a party who wishes to transfer property to take this oath; but as all these transfers are made under State laws, it seems to me this proposition would not have much effect. I rose rather to suggest the propriety of altering it, if it can be made to have the effect designed. I have no objection to the object.

Mr. SUMNER. I do not appreciate the objection of the Senator. I do not see what difficulty can grow out of it.

Mr. JOHNSON. There are difficulties, as the Senator from West Virginia states them. This particular amendment offered by the chairman of the Committee on Foreign Relations was before that committee, and approved of. The objection urged by the Senator from West Virginia is that possibly such an amendment as that would repeal the laws of the several States on the same subject. Nearly all the States, I believe, have prescribed by their own legislation the manner in which acknowledgments of deeds to convey either personal or real estate are to be made abroad; and the suggestion of the honorable member from West Virginia is, that the language of this particular amendment, provided Congress had the constitutional power over the subject, would be to repeal practically all State laws on the same subject.

Mr. FESSENDEN. I will suggest, if my friend will allow me, whether the object of the Senator from Massachusetts would not be accomplished by changing the phraseology. We can undoubtedly exercise any power we see fit over our consuls and diplomatic agents, and we may provide that it shall be the duty of consuls and diplomatic agents before whom any acknowledgment is made by any such person, to administer this oath to that person.

Mr. SUMNER. The Senator will bear in mind that that does not meet the case to which the Department of State calls the attention of the Senate. The Department of State mentions specifically that certain persons abroad, turning aside from our consuls and diplomatic representatives, go to the mayors of towns or local functionaries and make their acknowledgments before them; and the Department suggests that that evasion on their part ought to be met to the extent of our ability. It was in order to meet it that the committee have presented this amendment.

Mr. JOHNSON. The suggestion of the Senator from Maine was one that I was about to make. There is a good deal of difficulty on this subject. Most of the laws of the States, I think, however, provide that deeds to transfer property either real or personal are to be acknowledged before consuls, and certainly Congress has the authority to say that no consul of the United States, and no other officer who holds his commission under the United States, shall execute any such authority as that except in the way Congress may prescribe. The Senator from Maine says it may say they shall not take those acknowledgments without requiring the party making the acknowledgment to take the oath which the amendment provides for. But that does not get rid of the difficulty suggested by the Senator from West Virginia; and we come now to the question of power as between the States and the General Government. If the State governments under the Constitution of the United States are not prohibited from providing for these foreign acknowledgments as far as concerns transfers of property in their own limits, then perhaps we should have no authority to pass this amendment in the way in which the Committee on Foreign Relations have proposed it, and in which amendment I concurred—the objection did not occur to me at the time—because the provision of that amendment is that no transfer shall be made unless acknowledged by a consul, and unless acknowledged in the way prescribed by that amendment. It produces a conflict as between the State government and the Government of the United States in that particular. I am not prepared now to say——

Mr. SUMNER. Let me ask the Senator—I want the benefit of his judgment on the question—how can we meet the difficulty in the case?

Mr. JOHNSON. This does not. The question is whether you can meet it in any other way than the one suggested by the Senator from Maine.

Mr. SUMNER. I want to come to that point: if it be clear that we cannot meet the difficulty in the case.

Mr. JOHNSON. I should doubt very much—may I ask for the reading of the amendment again?

The Secretary again read it.

Mr. JOHNSON. By the language of that amendment we are made to say that no transfer shall be made of property in any of the States, which is required by the law of the State as well as the law of the United States to be acknowledged abroad. Now, I suggest to my friend, the chairman of the committee, that perhaps there is a great deal of doubt whether we have the right to interfere with the laws of the States in that particular. I can very readily realize the difficulty suggested by the Department of State, and which the Committee on Foreign Relations felt. These gentlemen who are abroad now who have any are transferring their property here. While I was in New Orleans two years ago, transfers were sent over by one of them—it is not necessary for me to name him—of nearly all the real estate he had in the city; and he could not, I suppose, or would not have taken such an oath as this, and his property would have been liable to confiscation but for that transfer. I suppose the transfers are all legal. I suggest—if it is not necessary to put it upon this bill, and I do not see that it is necessary to do it—whether it had not better be withdrawn, and allow us to reflect upon it until to-morrow morning.

Mr. SUMNER. I certainly shall not press it if there seems to be any doubt in regard to it; and I may say frankly that I felt the difficulty of the question from the beginning. I believe the Senator from Maryland is not a stranger to my own sense of the difficulty of dealing with it.

Mr. JOHNSON. Not at all.

Mr. SUMNER. And yet after reflecting upon it, and I think consulting with the Senator himself, I came to the conclusion that the proposition was practicable in the form in which I have made it.

Mr. JOHNSON. You submitted it to me, I recollect. I saw it.

Mr. SUMNER. Certainly. It was considered in the committee. The committee feel very desirous of carrying out the suggestion of the Department of State, which, as we see, is in a patriotic spirit, and is absolutely in harmony with all we have been doing during the last two years, and it seemed a pity that we should be obliged to halt on any question even of jurisdiction or any technical ground in view of such a suggestion. If Senators think it best, however, I will withdraw the proposition for to-day, and we can consider it again.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. SUMNER. I am directed by the Committee on Foreign Relations to offer another amendment as an additional section:

And be it further enacted, That the President may in his discretion, by and with the advice and consent of the Senate, appoint an envoy extraordinary and minister plenipotentiary to the kingdom of Belgium, who shall receive no higher compensation than is now allowed to a minister resident.

Mr. FESSENDEN. I should like to hear some reason for that.

Mr. SUMNER. A reason I shall be very glad to give. The subject has been carefully considered in the Committee on Foreign Relations, and also has been the subject of conference with the Secretary of State, who agrees entirely with the committee.

I will say at the outset that the committee at the beginning of this session, after some discussion, came to the conclusion to make no recommendation of an increase of salary anywhere. They have been pressed from various quarters in reference to both diplomatic and consular officers. The Department of State had already come to the same conclusion; and the Senate will bear in mind that there has been during this session no recommendation from that Department proposing any increase in the salary of any of our foreign representatives.

But while the committee concurred with the Department in this consideration of economy, they also united with the Department in the conclusion that where a change could be made without an increase of salary, which would be advantageous to the country, there was no reason against it. On the contrary, as in the present case, there are strong reasons for it.

Belgium, though a small country on the map, actually contains a population at this moment of more than five millions. We are represented by ministers plenipotentiary in several other countries where the population is but a million and a half or two and a half millions. This is the case in Chili and Peru. If we considered, therefore, merely the question of population, there would be an argument in favor of raising our mission there.

But there is another consideration stronger still. Nearly all other countries are represented at Brussels by a minister plenipotentiary. I have in my hand a list which I have compiled out of the last number of the *Almanac de Gotha*, from which it appears that Brussels——

Mr. COLLAMER. Where have we ministers plenipotentiary and envoys extraordinary except at Paris, London, and St. Petersburg?

Mr. SUMNER. Also at Madrid, Vienna, Berlin, and Turin. I am speaking now of Europe. Out of Europe, at Brazil, Chili, Peru, and Mexico.

Mr. COLLAMER. They are not full ministers.

Mr. SUMNER. They are envoys extraordinary and ministers plenipotentiary, which is what we familiarly call "full ministers." There is a difference in their salaries, but their character is the same.

On an examination of the *Almanac de Gotha* it appears that at Brussels, Turkey is represented by an embassador, and the following countries by envoys extraordinary and ministers plenipotentiary—I read the list—Austria, Baden, Chili, Spain, France, Great Britain, Hesse, the King of Italy, Holland, Portugal, Prussia, and Russia; and since the date of the almanac, Nicaragua has added a "full minister" to the list; but the United States having a more responsible position at that court than almost any Power unless we except two or three of the leading Powers of Europe, is represented there only by a minister resident.

I need not remind this Senate of the eminent character of the present sovereign of Belgium, and of his friendly disposition to our country. We have put confidence in him by selecting him on more than one occasion as an arbiter between ourselves and other Powers. I believe that there is toward that sovereign on the part of our Government a sentiment of unfeigned respect. It was in view of these considerations, the character and importance of the kingdom itself, the grade of the representatives of other Powers at this court, and the eminent position of the king, that the committee were induced to make the recommendation they do. It is not a compliment that is now proposed, but a practical measure for the support of our interests abroad. But it need not be disguised that there is no sovereign in Europe who, on account of his age, wisdom, influence, and friendly temper toward us at a trying moment of our recent history, might more fitly be approached in the language of compliment.

Mr. FESSENDEN. I hope this amendment will not be made. I see very evidently the difficulties to follow from it. The rule generally is to have ministers plenipotentiary at what are called the first-class Powers of Europe, and at the second-class Powers not to have ministers of so high a grade. I am not aware that any complaint has been made by the King of the Belgians that we have not a minister plenipotentiary there.

Mr. SUMNER. May I correct the Senator right there?

Mr. FESSENDEN. Yes, sir.

Mr. SUMNER. It is perfectly understood that the King of Belgium has expected a full minister from us.

Mr. FOSTER. He sent us a full minister.

Mr. SUMNER. Yes, sir; he sent us a full minister. Belgium is represented at Washington by an envoy extraordinary and minister plenipotentiary, and one of the last requests made through the late Administration was that we should be represented at Brussels by what is called a full minister.

Mr. FESSENDEN. I do not know how that comes to us. If it comes at all, it should be by a recommendation from the State Department, stating the fact and recommending this increase of grade. This idea of having an outside talk with the Secretary of State, and the chairman of the committee having no direct and official communication on the subject, is not entirely satisfactory to me.

I know that Mr. Sanford, our minister to Belgium, is a very accomplished gentleman, and has rendered good service, and I dare say he is anxious to have an increase of grade and rank; but the result will be this, in my judgment: if we increase the grade here we must increase it at Holland next, and then at Switzerland, and then somewhere else; and then it will be a very disagreeable thing to consider that while one minister has one salary another minister has another, and we shall be compelled to equalize them. It will be said that it will be making a distinction. We have had specimens of that and difficulties enough of that sort at home, and I hope we shall not have them abroad.

We have had no unfriendly relations with the King of the Belgians on account of the fact that we simply send him what is called a minister resident. Foreign nations do not complain of our system, as we choose to adopt it, that I am aware of; and really, although it would be gratifying to me to accommodate all our ministers abroad both with regard to rank and pay, so far as they are individually concerned, yet I think we had better not begin to set such a precedent in these times. That is my judgment about it. I shall vote against the amendment. The Senate can determine the question for itself.

Mr. SUMNER. The Senator says it is not our habit to have a full minister except at what is called a first-class Power. I have already mentioned that we have a full minister at Mexico, Chili, and Peru. I may mention also that we have a full minister at Berlin, where, notoriously, there is very little to be done; at Vienna, where there is very little to be done; at Turin, where there is very little to be done, except to express that constant sympathy which we feel for the cause of Italy, whatever form it may take.

But the Senator says if we begin now at Brussels, the next proposition will be for a full minister at the Hague. How so? The difference between the Hague and Brussels is very great. Brussels is a central position on the very highway of Europe, more in the line of travel than any other place on the Continent except Paris. It is second in that respect only to Paris. The population of Belgium is eminently commercial, and has large interests in connection with our country beyond those of Holland.

I have already said that the Government of Belgium has shown for us a peculiar friendship—I would rather say the king; but the king is the representative of the Government.

But there is another fact which ought to be mentioned; the Government of Belgium had reason to suppose that we would send a full minister there when they sent one to Washington. It is always understood that there should be a certain reciprocity in this respect, and on this occasion it had been made the subject of a special request on the part of that Government. I believe the King of Belgium has too much sense to be unfriendly to us, as the Senator from Maine suggests, because we are represented there only by a minister resident.

Mr. FESSENDEN. I will ask the Senator where he gets the evidence in regard to any special request by the King of the Belgians on the subject?

Mr. SUMNER. From the Department of State.

Mr. FESSENDEN. I should like to have it in an official form.

Mr. SUMNER. I do not know that in former discussions we ever had such comments——

Mr. FESSENDEN. I am inclined to think it was communicated by the minister himself to the Secretary of State who wants to have his salary raised, and that is about all the evidence there is of it.

Mr. SUMNER. The incident to which I refer——

Mr. FESSENDEN. The Senator will understand me as not doubting at all his statement about the matter, but as wanting sufficient evidence of it in an official form.

Mr. SUMNER. I was remarking that the comments of the Senator seem to be unusual. The subject was one that was carefully considered by the Committee on Foreign Relations several weeks before the minister of Belgium reached this country, and the conclusion of the committee was reached entirely independent of any suggestion from him, direct or indirect, according to the best of my information.

Mr. FOSTER. If this amendment involved an additional appropriation of money, I think I should not vote for it. The suggestion of the honorable chairman of the Committee on Finance is that, although it does not involve an additional appropriation now, it will soon do so; because it will introduce an anomaly into our legislation as to the salaries of ministers of the same grade abroad, and there will be a claim made that salaries shall be equalized, and that every envoy extraordinary and minister plenipotentiary shall receive as high pay as the highest; because we never equalize downwards, but always upwards. I do not think, looking at existing facts, that there is anything in that suggestion of the honorable Senator which ought to deter us from making this amendment; and if we cast our eyes at the difference in salaries which envoys extraordinary and ministers plenipotentiary abroad now receive we shall be satisfied there is not. For instance, the salary of our minister at the court of St. James is $17,500; the same salary is paid to our envoy extraordinary and minister plenipotentiary at Paris; and while we also have an envoy extraordinary and minister plenipotentiary at the court of Russia, he is paid but $12,000. So our minister to Spain, who is an envoy extraordinary and minister plenipotentiary, is paid but $12,000. Our minister at Vienna, who is also an envoy extraordinary and minister plenipotentiary, receives but $12,000, and so on; and this has been the case now for very many years. I do not think, with those facts before us, that this claim, to which the Senator alludes, will be of much force.

Mr. FESSENDEN. I will ask the Senator if there is one minister plenipotentiary abroad now who receives less than $12,000?

Mr. FOSTER. I believe not.

Mr. ANTHONY. The minister to Peru receives $10,000, I think.

Mr. FESSENDEN. I am speaking of Europe.

Mr. FOSTER. I supposed the Senator meant in Europe. I believe all who are envoys extraordinary and ministers plenipotentiary there receive at least $12,000, while on this continent some receive $10,000.

Mr. FESSENDEN. The lowest is $10,000, on this continent.

Mr. FOSTER. The inequality of salary, however, is an established fact, assented to, agreed to, and has been for years. It cannot, therefore, be urged against this amendment that it will lay the foundation for making an increase of salaries to produce equality. If, we raise the grade, and at the same time say that it shall not increase the salary, there is an expression of opinion decidedly and positively against an increase, and there will be no danger hereafter of such an increase unless there should be good reason for it; and if hereafter there should be good reason for it, there may be a change; but without good reason I do not believe there will be.

There are manifestly strong reasons, potent and patent, why the grade of this minister should be raised enough certainly to make it desirable if we can do it without expense, and perhaps even if we could not. It does not involve a dollar from the Treasury; and as regards future appropriations, I do not believe any increase will be made, and certainly will not be made unless there shall be a necessity for it, because it is not an estab-

lished rule with us to pay all envoys extraordinary and ministers plenipotentiary the same salary; and that not being by any means the existing usage, I trust this will be allowed to pass as an amendment to the bill.

Mr. ANTHONY. Mr. President, the King of the Belgians is our best friend among all the sovereigns of Europe; and although he rules over a very small territory he is personally, perhaps, the most influential sovereign upon the Continent. I suppose that more sovereigns consult the King of the Belgians than consult any other foreign potentate. At the time that nearly all Europe was banded against us the King of the Belgians exerted his great personal influence in our favor. At the time when most of the aristocracy of England were against us, but when the Crown of England was at least friendly to us, the influence that produced that was owing in a large degree to the King of the Belgians, who went from his capital personally to consult with the sovereign of England upon our affairs. At the time of the Trent affair the diplomatic correspondence which was laid on our tables showed the very great interest he felt upon our side, and the very great services he rendered to us. It would be a compliment to him to send him a full minister, as he has sent a full minister to us; and he asked us to send a full minister to him during the administration of Mr. Buchanan. It involves no sort of expense; and I hope the Senate will not refuse this act of courtesy to the best friend we have on the other side of the water.

Mr. FESSENDEN. If I regarded this, or if I was satisfied that it could be put on the ground of courtesy to the King of the Belgians, and thought he asked for it, I should not object to it; but I have no belief in any such thing, because everybody admits that he is a man of good sense. If it is our system to send ministers of a particular class to particular courts, do you suppose, sir, does anybody suppose, that the King of the Belgians takes exceptions to it and plants himself upon such trifling in regard to it? Why, sir, he has continued friendly to us through all this. We have not heard that he was unfriendly because we had not a minister plenipotentiary there instead of a minister resident.

He is a man of high character. He is over seventy years of age, and I do not know how near he is to eighty. He probably will not live long. How do we know what the next king will be there? We cannot tell. We are establishing a precedent; we are making a minister plenipotentiary at that particular place, and we should not do it with reference to a mere temporary consideration of an individual, unless we are satisfied that there is feeling on the subject, about which I have no sort of conviction, because the matter looks to me altogether too trifling.

Sir, I believe it is a mere matter for the gratification of the minister himself, and nothing more nor less than that. The salary is of no consequence to him. He is a gentleman of fortune. He would rather be there as minister without any salary than not be there in a diplomatic capacity. We all understand that. It would be very agreeable to him to be called minister plenipotentiary; and the question is whether we shall raise the rank at that place merely for the sake of gratifying him. The very lowest salary we have now for any minister plenipotentiary in Europe is $12,000, and here will be an anomalous minister with a salary of $7,500, a minister of the highest grade with a low salary, lower by several thousand dollars than anybody else of that grade. The result will be that if he does not apply for an increase his successor will.

Mr. SUMNER. We will not give it to him.

Mr. FESSENDEN. How do we know that? We shall have the argument then about his condition; that he represents us at a friendly court, and that it is abominable and outrageous to keep him there with this low salary. We shall raise his salary, and we shall not only do that, but we shall increase the rank of the whole of them. This eternal seeking of an increase of grade and increase of pay by almost every officer we have is getting to be infinitely disgusting, and, to my mind, the best way would be to call him back, and send somebody there who would not make a fuss about it. He was anxious enough to go there with the salary we gave. He sought after the office; he desired it; he got it; and now let him be content with it.

Mr. SUMNER. The Senator has said in a very determined way that this proposition is made for the personal gratification of the minister.

Mr. FESSENDEN. I said I believed it to be so.

Mr. SUMNER. The Senator believes so. Now, sir, I believe it to be made for the efficiency of the minister there, not for his personal gratification. I believe that that was the reason on which the committee recommended it, and the reason also on which it had the support of the Secretary of State—because it would promote the efficiency of our minister at that court. If the court had been an inconsiderable one, if the sovereign were a person with whom we were not in friendly relations, and whose good-will we had not special occasion to covet, there might be no occasion perhaps for such a proposition. But looking at things as they are, regarding them in a practical light, considering the character of the country and of its sovereign, I say that the interests of our country will be better represented at that court by a full minister than by one of an inferior grade.

If, when we raise this mission, it shall be also a personal gratification to the actual minister, I know not that there can be any objection to it on that account. He has served the country well. But it is not, as I have said, for his personal gratification that any such proposition as is now before the Senate is presented. It is for the public good, because, in the view of the committee, it seemed best that we should be represented at that court by a full minister rather than by an inferior one.

Sir, the Senate has intrusted the preparation of a certain part of its business to a committee of this body. When the Senator from Maine speaks on a question of finance we all listen to him with respect, and it is rarely that we differ from him; but that Senator certainly cannot expect that the Senate will follow him implicitly when he speaks on other matters which have been given to the discretion of other committees of this body. This proposition has been carefully considered by the committee of the Senate having such matters in charge, and in the exercise of their best judgment, gathering light from all quarters, from other branches of the Government, they have thought it best to make the recommendation that they have.

Mr. SHERMAN. I should like to ask the Senator from Massachusetts whether Mr. Sanford negotiated the recent treaty about the Scheldt dues by which we agreed to pay $500,000 to relieve our merchants from the payment of certain duties.

Mr. SUMNER. He did.

Mr. SHERMAN. Then I have only this to say: that if we must make such treaties with the King of the Belgians to keep him on terms of friendship with us, and if we must in addition raise our minister there to a minister plenipotentiary, it is rather an expensive friendship. I do not think any more foolish treaty has been made for several years than the one to which I refer—a treaty which is now the law of the land and must be executed, by which we give over half a million dollars in gold to relieve our merchants from the payment of certain duties, transferring that burden from them to the people of the United States, already borne down with taxes. If that is a specimen of Mr. Sanford's capacity to manage the affairs of our nation, I must confess it falls below my standard of his ability. I have great respect for him and his ability. I have read a great many of his letters. They are very voluminous and very well written; but I must confess that this specimen of his management of our foreign affairs does not add very much to my opinion of his capacity to act as a minister resident.

Mr. FESSENDEN. I wish to make one remark in all good-nature in reply to what fell from the Senator from Massachusetts. I do not expect the Senate or any Senator to follow me implicitly upon the bills which I present from the Committee on Finance. I make it a point, I believe, of carefully explaining everything to the Senate that needs explanation to the best of my ability, and then if the Senate choose to take the views of the committee that I represent, very well. But, sir, I do not therefore feel myself precluded absolutely from debating propositions that come even from so high an authority as the Committee on Foreign Relations. I must take care of my bills or the bills which I have the honor to introduce here from the Committee on Finance to a certain extent; but if a proposition is made which does not meet my judgment, I suppose I have just as much liberty to express my opinion on that as any other gentleman.

Mr. SUMNER. Certainly. I think the Senator could not have understood me as suggesting anything to the contrary. I always listen to that Senator with the greatest pleasure. He always speaks to the point, and, though I sometimes have the misfortune to differ from him, I always admire the skill with which he presents his views. On this occasion I did think that he pressed very assiduously at least his opposition to a measure which had been carefully considered by the committee which I have the honor to represent on this floor.

Now, one word, if the Senator from Ohio will pardon me, with regard to what has fallen from him. He has alluded to the treaty which has already been ratified in this Senate, but which the Senator knows very well has not yet been divulged to the country. I cannot, therefore, consistently with the rules of this Senate, follow that Senator on this occasion in vindication of that treaty. It is not before the Senate in open session, and cannot be until the ratifications have been exchanged; and yet the Senator alludes to what has passed in executive session.

Mr. SHERMAN. I made no reference, not the slightest, to what occurred in executive session. It is the law of the land now.

Mr. SUMNER. I beg the Senator's pardon; not until the ratifications are exchanged.

Mr. SHERMAN. Perhaps not formally.

Mr. SUMNER. The ratifications are not yet exchanged, and it will not be proclaimed by the President until those ratifications are exchanged. I say, therefore, I cannot follow the Senator by considering on this occasion the character of that treaty which he has characterized as foolish. Suffice it to say, it is a treaty which has already been ratified by two thirds of this body after a very careful consideration. I think the Senator went far when he used such positive language with regard to such an act of the Senate of which he is a member.

But he went still further when he undertook to hold Mr. Sanford peculiarly responsible for that negotiation. Sir, that negotiation was conducted under directions from the Department of State, and our minister at Brussels did nothing but apply and ingeniously carry forward those instructions. Read the papers which have been confidentially before this body, and I think you will admit the skill and ability with which our minister conducted himself on that occasion; and yet the Senator from Ohio says that if that is to be taken as a specimen of the way in which he represents us abroad he is not disposed to raise him to a higher grade. Sir, I find no evidence to sustain that sarcasm of the Senator. If I were to go into a consideration of that treaty, and of the way in which the negotiation was conducted, I should find occasion for compliment, and not of sarcasm. I believe, on account of that treaty, Mr. Sanford deserves well of the country. I believe under the circumstances it was a treaty fit to be made, and in no sense obnoxious to the severe remark which has fallen from the Senator from Ohio.

But, sir, I am unwilling to be betrayed into this discussion. It is out of order, and I should like to bring the Senate back to the precise point at issue: whether they will authorize the President to raise our mission at Brussels or not, when it is considered that they do it, according to the proposition now pending, without any additional expense.

Mr. SHERMAN. I treated the treaty when ratified by the Senate as the law of the land; and I think we ought so to regard it. Perhaps I am mistaken in regarding it as the law of the land until the ratifications are exchanged. On that point I may be in error. I do not wish to say a word of what occurred in executive session of the Senate, nor did I. I merely spoke of the public law.

In regard to Mr. Sanford, I know him personally, and have no objection to him. I do object to that treaty; and whenever it is published as the law of the land I shall perhaps frequently remind the Senator of that treaty and the terms of it; but I will not make any further allusion to it until it has been formally and fully exchanged.

In reference to this amendment I have examined the law, and it is totally unnecessary to make the provision reported by the Committee on Foreign Relations. The President of the United States has the right now to give Mr. Sanford the grade of minister plenipotentiary.

Mr. SUMNER. If the Senator will allow me to interrupt him there, he unquestionably has the right to give him the grade of minister plenipotentiary, but it would carry with it an increase of salary. The object of the committee was to prevent that increase of salary.

Mr. SHERMAN. That is the very point that I wish to make to the Senator from Maine and the Senator from Massachusetts. The President of the United States may now make any of our ministers resident envoys extraordinary and ministers plenipotentiary. He may confer upon them either of the grades fixed by law. He may raise all our ministers resident to the rank of envoys extraordinary and ministers plenipotentiary. It seems to me, therefore, that the Senator from Maine had better yield to the amendment; because if this amendment is not made, and the Secretary of State or the President chooses to raise Mr. Sanford's official position to that of envoy extraordinary, he can very easily do so by simply making the appointment.

Mr. FESSENDEN. Then the question of salary would remain with us.

Mr. SHERMAN. But if the President shall, according to law, give him the additional grade, we should be bound to give him the salary fixed by law.

Mr. FESSENDEN. His salary as minister to Belgium is fixed now.

Mr. SHERMAN. No, sir. The salary for envoys extraordinary and ministers plenipotentiary is fixed by law thus: in Great Britain and France, $17,500; in Russia, Spain, Austria, and some other countries named, $12,000; in all other countries, $10,000. He may appoint an envoy extraordinary to every country in Europe and every country in America under the terms of this law; so that it is the grade that fixes the compensation. In all other countries except those named the grade fixes the compensation at $10,000. The President could to-morrow, if he saw fit, appoint Mr. Sanford minister plenipotentiary, and that would carry with it the salary of $10,000. Now, the amendment of the Senator from Massachusetts is to limit the salary.

Mr. SUMNER. It was so understood in the committee.

Mr. SHERMAN. But at the same time there is no doubt that a year or two hence, perhaps within a year, this difference of compensation of our minister plenipotentiary at Belgium and some other countries will be pointed out, and we will have to raise it to $12,000 a year.

Mr. SUMNER. I will mention one fact in connection with our mission at Belgium. We have a secretary of legation at Belgium. He is the only minister resident in our whole list who has a secretary of legation. In giving a secretary of legation to this minister, it was understood that his peculiar duties at that court made it important for him to have such a secretary; and in that respect his case was distinguished from all the other courts of Europe and of South America where we are represented by a minister resident.

Mr. FESSENDEN. I think there is something about that which I can tell the Senator.

Mr. POWELL. If the Senator will allow me, I will make a motion to adjourn.

Mr. FESSENDEN. Let me make a remark first. Mr. President, I was about remarking that I think I can tell the Senator from Massachusetts something with regard to his last remark that he does not now know. I wish to say, however, that I have no idea of taking the responsibility which belongs to the President. If the King of the Belgians wishes for a minister plenipotentiary, as has been stated, and if the President thinks it advisable to appoint him, let him do so. That is his matter; and if he does it, let the necessary legal consequences follow. It is a new thing for us to legislate on the subject and provide that there shall be this office and that office at this or that particular place. I would rather let it go on the responsibility of the President, and then we can look out for this matter if we think it necessary to fix the salary in that case.

Mr. SUMNER. May I correct the Senator in one point?

Mr. FESSENDEN. Certainly.

Mr. SUMNER. The very last instance of our raising a mission from minister resident to a full mission was at Turin, and that was done by a special act which I remember I had the honor of carrying through the Senate myself. It was done, not on the proposition of the Administration, but it proceeded from the other House, where, as the Senator will remember, it was first introduced by Mr. Burlingame. It came to this Senate, was carefully considered in the Committee on Foreign Relations at the time, and several of the points to which the Senator has referred were then discussed. The conclusion of the committee then was that under the circumstances it was expedient that the act should be passed. It was passed, although, as I have said, it had no recommendation from the Administration.

Mr. FESSENDEN. Well, sir, I may be mistaken in supposing that this is the first instance of the kind. At any rate I do not see any particular necessity for our interfering with this mission. If there is this public pressing necessity for it the President can do as he is entitled to do in relation to the matter; and we must meet it when it comes to that. In all that I have said I desire it to be distinctly understood that I throw no sort of imputation on Mr. Sanford. I have a very high opinion of him as a gentleman, a scholar, and a diplomatist; and I would with pleasure vote for him for any position as minister plenipotentiary where we had a full mission for which he was nominated; but I do not incline at all to raise a place from one grade to another merely for his accommodation.

Mr. POWELL. I move that the Senate do now adjourn.

Mr. ANTHONY. I hope not.

Mr. SUMNER. Let us have a vote on this amendment.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 14, 1864.

The House met at twelve o'clock, m. Prayer by Rev. W. Y. BROWN.

The Journal of Saturday last was read and approved.

EMANCIPATION IN THE DISTRICT.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting additional papers, in response to the resolution of the House of January 11, in reference to emancipation in the District of Columbia; which was laid on the table, and ordered to be printed.

ERROR IN PROCEEDINGS.

The SPEAKER. The Chair desires to make a statement to the House in respect to an error in the proceedings. The Secretary of the Senate having inadvertently announced the passage of the bill H. R. C. C. No. 116, instead of the bill H. R. C. C. No. 216, and having since corrected that error by certifying to the bill that actually did pass, the Chair will cause the Journal to be amended, and will sign the proper enrolled bill, canceling his signature to the other.

CALL OF STATES.

The SPEAKER proceeded, as the first business in order, to call the States for bills on leave, for reference to committees, and not to be brought before the House on motions to reconsider, beginning with the State of Maine.

NEW YORK MERCANTILE INSURANCE COMPANY.

Mr. WARD introduced a bill for the relief of the Mercantile Insurance Company of New York; which was read a first and second time, and referred to the Committee of Ways and Means.

BOATS' CREWS OF THE COLORADO.

Mr. THOMAS introduced a joint resolution tendering the thanks of Congress to Lieutenant John Henry Russell, and the officers, seamen, and marines in a boat expedition from the United States steam frigate Colorado, for their gallantry at Pensacola; which was read a first and second time, and referred to the Committee on Naval Affairs

IOWA RESOLUTIONS.

Mr. PRICE presented joint resolutions of the Legislature of the State of Iowa, asking for the passage of a law giving bounties to all soldiers who have been mustered into the service of the United States and who have been honorably discharged on account of wounds received or disease contracted in the service; which were ordered to be printed, and referred to the Committee on Military Affairs.

Mr. ALLISON presented similar resolutions; which were disposed of in like manner.

RAILROAD LANDS TO IOWA.

Mr. ALLISON also presented a memorial of the General Assembly of the State of Iowa, asking that lands be granted to the State of Iowa to aid in the construction of a railroad from Macgregor west to the Missouri river; which was referred to the Committee on Public Lands, and ordered to be printed.

WAGON ROAD IN IDAHO.

Mr. HUBBARD, of Iowa, introduced a bill for the construction of a wagon road from the Missouri river to Bannock City in Idaho Territory; which was read a first and second time, and referred to the Committee on Roads and Canals.

PACIFIC RAILROAD.

Mr. WILSON presented joint resolutions of the Legislature of Iowa, requesting certain changes in the act of Congress establishing the Pacific railroad and its branches; which were ordered to be printed, and referred to the select committee on the Pacific railroad.

EQUALIZING THE PAY OF SOLDIERS.

Mr. GRINNELL presented joint resolutions of the Legislature of the State of Iowa, heartily indorsing the policy of paying soldiers and seamen of African descent in the service of the United States the same pay as is paid to other soldiers and seamen of the same grade, and recognizing the right of soldiers and seamen of African descent in the service of the United States to the same pensions to which other soldiers and seamen are entitled; which were referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD BETWEEN UTAH AND OREGON.

Mr. McBRIDE introduced a bill to aid in the construction of a railroad and telegraph line from Salt Lake, Utah Territory, to the head of navigation on the Columbia river, Oregon, and to secure to the Government the use of the same for postal, military, and other purposes; which was read a first and second time, and referred to the select committee on the Pacific railroad.

KANSAS RAILROADS.

Mr. WILDER presented concurrent resolutions of the Legislature of the State of Kansas, asking Congress to modify the act granting lands for the construction of the Leavenworth, Lawrence, and Fort Gibson railroad; which were ordered to be printed, and referred to the Committee on Public Lands.

Mr. WILDER also presented concurrent resolutions of the same Legislature to amend the Pacific railroad act; which were ordered to be printed, and referred to the select committee on the Pacific railroad.

LAND DISTRICT IN WASHINGTON TERRITORY.

Mr. COLE, of Washington, introduced a bill to create an additional land district in Washington Territory; which was read a first and second time, and referred to the Committee on Public Lands.

CONFISCATION OF REBEL PROPERTY.

Mr. ARNOLD introduced a bill to amend the laws providing for the confiscation of rebel property; which was read a first and second time, and referred to the Committee on the Judiciary.

ABOLITION OF SLAVERY.

Mr. ARNOLD introduced a bill to secure permanent peace by removing the cause of the war; which was read a first and second time.

Mr. HOLMAN moved that the bill be laid upon the table.

The SPEAKER. The bill could only be received for reference, and the motion to lay upon the table is not in order.

The bill was referred to the Committee on the Judiciary.

FOX AND WISCONSIN RIVERS.

Mr. ALLISON introduced a bill to enlarge the canals and improve the navigation of the Fox and Wisconsin rivers, from the Mississippi river to Lake Michigan, for military and naval purposes; which was read a first and second time, and referred to the Committee on Roads and Canals.

REBELLIOUS STATES.

Mr. ASHLEY. At the request of the gentleman from Maryland, [Mr. DAVIS,] chairman of the select committee on the rebellious States, I ask leave to present a paper to go upon the Journal of the House.

The SPEAKER. The gentleman cannot ask unanimous consent during the morning hour.

Mr. ASHLEY. I withdraw the request.

GRANTS FOR AGRICULTURAL COLLEGES.

Mr. ASHLEY, from the Committee on Territories, reported back House bill No. 124, extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; and moved that it be referred to the Committee on Public Lands.

The motion was agreed to.

DEFICIENCY BILL.

Mr. HOOPER. I rise to a privileged question. I submit a report from the committee of conference on the deficiency bill.

The Clerk read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their disagreement to the first, eleventh, and seventeenth amendments of the Senate, and agree to the same.

That the Senate recede from their eighteenth amendment.

That the Senate recede from so much of their third amendment as proposes to strike out lines eight, nine, ten, eleven, twelve, thirteen, and fourteen, on page 3 of said bill, and agree to the same, with an amendment as follows: on page 3, line twelve, of said bill, after the word "Missouri," strike out the words "the office hereafter to be closed," and insert the following words: "to the 31st of October, 1863, when the office was closed." And that the House of Representatives recede from so much of said third amendment as proposes to strike out lines fifteen, sixteen, and seventeen on page 3 of said bill, and agree to the same.

That the House of Representatives recede from their disagreement to so much of the Senate's twelfth amendment as proposes to insert words in lieu of the words proposed to be stricken out, and the Senate recede from so much of their amendment as proposes to strike out words, and agree to the same.

That the House of Representatives recede from their disagreement to the fifteenth amendment of the Senate, and agree to the same with the following amendments: in line six of the matter proposed to be inserted by said amendment strike out the word "hundred," and insert in lieu the word "thousand;" and in line nine of the matter proposed to be inserted by said amendment strike out all after the word "provided," and insert in lieu the following words: "that hereafter no payment shall be made from the contingent fund of either House of Congress unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate or the Committee of Accounts of the House of Representatives respectively; and no transfer of balances of appropriations shall be made from one fund to another, except by law."

That the House of Representatives recede from their amendment to the fifth section of the bill.

That the House of Representatives recede from their disagreement to the nineteenth amendment of the Senate and agree to the same with the following amendments: in line eighteen of said amendment strike out the word "eight," and insert in lieu thereof the word "five;" and in line nineteen strike out the word "eight" where it first occurs, and insert in lieu thereof the word "six;" and in the same line strike out the word "eight" where it occurs the second time, and insert in lieu thereof the word "ten;" and in line twenty-three, after the word "office," insert the following words: "fifteen clerks of class three, fifty of class two;" and in the same line strike out the word "two," and insert in lieu the word "one;" and in the same line strike out the word "six," and insert in lieu the word "forty;" and in line fifty-one strike out the word "thirty," and insert in lieu the word "fifteen;" and in line fifty-two strike out the word "sixty," and insert in lieu the words "thirty-five;" and in the same line strike out the word "seventy," and insert the words "one hundred and ten;" and strike out all of line sixty-two.

W. P. FESSENDEN,
SOLOMON FOOT,
Managers on the part of the Senate.
S. HOOPER,
GEO. H. PENDLETON,
THOMAS WILLIAMS,
Managers on the part of the House.

Mr. WASHBURNE, of Illinois. I ask the gentleman from Massachusetts what the committee of conference have agreed to in regard to the salaries of Assistant Secretaries?

Mr. HOOPER. The Senate receded from its amendment which fixed the salaries of all the Assistant Secretaries for the next year at $3,500. It was thus stricken out as not appropriate to a deficiency bill to fix salaries for the next fiscal year. The other Senate amendment fixing the salary of the Second Assistant Secretary of the Treasury at $3,000 the committee recommend to concur in.

Mr. WASHBURNE, of Illinois. How will the law stand if this report be adopted?

Mr. HOOPER. It will create the office and fix the salary of the Second Assistant Secretary of the Treasury at $3,000.

Mr. WASHBURNE, of Illinois. The Assistant Secretaries of the Treasury and Navy will receive a salary of $4,000 each.

Mr. HOOPER. The law does not touch them, as the Senate receded from their amendment.

Mr. WASHBURNE, of Illinois. Then a new office is created at $3,000 a year.

Mr. PRICE. What is the salary of the present Assistant Secretary of the Navy?

Mr. HOOPER. Four thousand dollars.

Mr. PRICE. Why this discrimination; the salary of some Assistant Secretaries at $3,000, and some at $4,000?

Mr. HOOPER. The Senate having receded from their amendment, which was the only way in which it got into the bill, the House had nothing to do with it.

Mr. PRICE. Who beside the Assistant Secretary of the Navy has a salary of $4,000?

Mr. HOOPER. The Assistant Secretary of the Treasury. It is established by law.

Mr. PRICE. Why this discrimination?

Mr. HOOPER. That discrimination was made by a former law. I demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof, the report was adopted.

Mr. HOOPER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MILITARY COMMISSIONS, ETC.

Mr. PENDLETON, under the call of States for resolutions, rising to offer a resolution—

The SPEAKER stated that as the gentleman had offered one resolution under this call—Ohio being the last State called when the call was last suspended—he could not present another resolution without unanimous consent.

Mr. PENDLETON asked unanimous consent to introduce the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire whether further legislation is necessary to enable the civil courts of the United States to review the proceedings and judgments of military commissions or courts-martial, in cases in which such military commissions or courts-martial have no jurisdiction, in order to secure to the people the benefits of the fifth article of the Amendments to the Constitution, "that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service."

Mr. COBB objected.

LOCATION OF NAVAL DEPOT.

Mr. SMITHERS introduced the following resolution; which was read, considered, and agreed to:

Resolved, That in determining the location of a naval depot, the Committee on Naval Affairs be instructed to inquire into the expediency of fixing the site on the Delaware river at or near the town of Newcastle.

CONGRESSIONAL GLOBE.

Mr. BROOMALL introduced the following resolution; which was read, considered, and agreed to:

Whereas it is said that the expense of printing and furnishing the Congressional and Daily Globe exceeds the remuneration derived from it, causing danger of a loss to the country of that valuable work in future: Therefore,

Resolved, That the Committee on Printing be instructed to inquire into the truth of the statement, and to report what measures, if any, in their judgment are necessary to enable the publisher to continue the publication of that paper; and make a report by bill or otherwise.

CONDITION OF THE REBEL STATES.

Mr. WILLIAMS introduced the following resolution:

Resolved, That the existing relation between the Union and the rebel States constitutes a condition of public war, with all the consequences attaching thereto under the law of nature and of nations.

That the appeal of the rebel States from the jurisdiction of the ordinary tribunals established by the Constitution to the arbitrament of the sword has not, however, withdrawn the case beyond the purview of the Constitution, which, in conferring the war power on the General Government, has made the law of war the rule of conduct in the prosecution and adjustment of the pending controversy.

That while the rebel States are, by that law and by the solemn recognition thereof in the proclamation made by the President of the United States on the 16th of August, A. D. 1861, under and in pursuance of the authority conferred on him by the act of Congress of the 13th of July of the same year, interdicting all commercial intercourse between their citizens and those of the loyal States, in the attitude of belligerents, and outside of the Union as States, by construction of law as well as in point of fact, and have thereby either abdicated or forfeited their rights to membership therein, the jurisdiction and powers of the Government over their territory and citizens continue unimpaired, and the latter are still amenable to the law and the judicial tribunals of the United States for their treason and other crimes against the same.

That so long as those States continue under the armed occupation of the forces of the United States employed in suppressing the rebellion against its authority, the local laws are necessarily subordinated, and the functions of the civil authorities so far suspended therein as to prevent the exercise of all the rights arising out of their relations to this Government, and to disable them from electing members of either branch of Congress, or electors for the choice of a President of the United States.

That the occupation of these States by the armed forces of the United States, either under military commanders or provisional governors appointed by the Executive, resting for its lawfulness upon the condition of insurrection existing therein, is a purely military one, and ought to determine with the necessity which produced it.

That as soon as the rebellion is suppressed in any of the revolting States by the reconquest and occupation thereof by the armies of the United States, and the same are so tranquilized as to furnish adequate assurance against the recurrence of disturbance therein, it will become the duty of the President to communicate the fact to Congress in order that it may take the proper measures for the reorganization of the civil governments and the reëstablishment of the civil functionaries therein, and prescribe such terms as it may deem wise and proper and consistent with the public safety for the readmission of those districts as States of this Union.

That it is the exclusive right of the legislative power of the Government to say upon what terms those Territories shall be allowed to return to the Union; and that in the adjustment of the existing controversy in the government *ad interim* of the reconquered territory, and in the arrangement of the terms of reorganization and readmission, it will be entirely within their competency to punish the treason of individuals and provide indemnity for the expenses of the war and security against any future outbreak of the like kind by removing its causes and confiscating absolutely the property and estate of the guilty authors and abettors thereof.

Mr. WILLIAMS proposing to debate the resolution, it went over under the rules.

COLONELS COMMANDING BRIGADES.

Mr. MILLER, of Pennsylvania, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be instructed to furnish this House with the number and names of the colonels in the United States armies now commanding brigades, and the length of time such colonels severally have been in command.

J. AND E. FRANCE.

Mr. THAYER introduced a bill for the relief of J. & E. France; which was read a first and second time, and referred to the Committee of Claims.

GENERAL CADWALADER IRVINE.

On motion of Mr. SCOFIELD, leave was given to withdraw from the files of the House the papers and petition for the payment of the balance due General Cadwalader Irvine.

GENERAL MEADE'S REPORT.

Mr. KELLEY introduced the following resolution; which, under the rules, was referred to the Committee on Printing:

Resolved, That ten thousand copies of the report of General Meade of the battle of Gettysburg and the accompanying reports of subordinate officers be printed for the use of this House.

Mr. SCHENCK having offered one resolution under this call, asked unanimous consent to offer the following resolution:

Resolved, That the committee on the rules be instructed to inquire into the expediency of amending the 31st rule of this House by adding thereto the following:

And if any member, present within the bar of the House when a vote by yeas and nays is taken, shall neglect or refuse to answer to his name when called, he not having been previously excused by the House, and that fact shall be brought to the notice of the Speaker by any member immediately after the reading of the vote by the Clerk, the Speaker shall then direct the name of the member not voting to be called again by the Clerk, and if said member still declines to answer, the Speaker shall thereupon submit to the House for its consideration and action as a question of privilege what order shall be taken in the case of such

recusant member, and no other motion or business shall be entertained until the case is disposed of.

And that the committee report at as early a day as practicable by rule or otherwise.

Mr. STILES objected.

COMPENSATION OF PROVOST MARSHALS.

Mr. GRISWOLD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be requested to consider the justice of altering the present law regulating the compensation of provost marshals, so as to provide that the provost marshals shall receive commutation for transportation to and from their respective places of residence to the headquarters of the district, when it shall exceed ten miles in distance; and for fuel and quarters and forage when not furnished by the Government, together with actual expense of postage, stationery, and clerk hire authorized by the Provost Marshal General.

Mr. JENCKES submitted the following resolution; which was read, and referred to the select committee on rules:

Resolved, That the committee to whom the subject of the rules of the House has been referred be, and they hereby are, instructed to inquire into the expediency of providing by rule for an additional standing committee to be designated as "the Committee on Mines and Minerals," to consist of five members, the duties of which committee shall be to consider the subject of the title of the United States to the precious metals and other minerals, and also to the legislation that may be necessary to protect such title and to make the same a source of revenue to the Government; and also to report such other propositions relative to said subject as may seem to them expedient.

CAVALRY FORCE.

Mr. MILLER, of New York, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and necessity of increasing the cavalry force of our Army by immediately raising fifty thousand volunteers for that arm of the service; and that they have leave to report by bill or otherwise.

FISHING BOUNTIES.

Mr. ELIOT submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce inquire into the expediency of amending or explaining the acts of July 29, 1813, and March 3, 1819, and report by bill or otherwise.

INTERFERENCE IN ELECTIONS.

Mr. COX introduced a bill to prevent officers in the Army and Navy and other persons engaged in the military and other service of the United States from interfering in elections in the States; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed, without amendment, bill of the House No. 302, to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

EQUAL RIGHTS.

Mr. RICE, of Maine, submitted the following preamble and resolutions:

Whereas the vital principle of our national life emanated from and survives in the grand and Heaven-inspired declaration "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness;" and whereas the Government of the United States was established, and the Constitution adopted, in the earnest desire and confident expectation that both would speedily and finally operate in harmony with said "declaration," and thereby secure to all native and naturalized citizens equal civil rights and privileges, regardless of all conditions of birth, race, descent, worldly possessions, or religious faith; and whereas the system of American slavery has been and is utterly subversive and destructive of the aforesaid principles, desires, and expectations, and has been the fruitful progenitor of all manner of evils, social, moral, and political, producing cruelty and oppression to the slave, demoralization and degradation to the free laborer, and brutalization and arrogance in the slave-driver and the slave-master, and has finally culminated in robbery and murder, rebellion and civil war, and has thus conclusively demonstrated that it cannot be longer tolerated with safety to the Government and peace to the Union, and that justice, sound morality, and national unity, each and all, demand its entire extinction; and whereas our people of African descent have in the present war been more unanimous in their loyalty to the Government and their devotedness to the Union than any other class, and have, at the call of Congress and the Executive, sprung to arms to protect the one and maintain the other, and have bravely and nobly vindicated their courage and their manhood upon the land and upon the water, on the battle-field and on the gun-deck; and whereas the freedmen in the District of Columbia and elsewhere in the United States have, by their obedience to the laws, their willingness to labor, their desire for improvement, and their ability to perform military service, evinced their capabilities as citizens and soldiers, and thus practically reversed and annihilated the monstrous judicial dictum and heartless party dogma, that "they have no rights which white men are bound to respect:" Therefore,

Resolved, That the Congress of the United States should by positive and effective legislation, and in accordance with the true theory of our republican form of government, guaranty and secure equality of civil rights and privileges to all classes of persons residing within the District of Columbia and the Territories, and wherever else the Government of the United States possesses sole and exclusive jurisdiction, who are required and made liable, under the Constitution and the laws, to contribute to the support and maintenance of the Government by taxation and military service, and in like manner to protect, secure, and defend all persons in life, liberty, and lawful pursuits, throughout the length and breadth of the Republic.

Resolved, That American slavery having engendered the rebellion and sustained and prolonged the war by which uncounted thousands of the best citizens of the Republic have been made to suffer and bleed and die, and being subversive of natural right and justice, contrary to the spirit of our institutions, destructive of the best interests of society, disgraceful to our civilization, dangerous to the Republic, and accursed of God and all good men, should not be longer tolerated, but should by force of law in the adhering States, and the power of arms in the rebellious States, be forever abolished and exterminated.

Resolved, That all statutes, legislative acts, and city ordinances having the force of law in the District of Columbia and the organized Territories of the United States, whereby persons of African descent residing therein are deprived of their civil rights and restrained of their just privileges, ought in justice to be repealed and declared void.

Mr. COX. I move to lay the resolutions on the table.

The SPEAKER. The gentleman from Maine is entitled to the floor.

Mr. RICE, of Maine. I propose to let the resolutions go over. I desire to debate them.

Mr. COX. Cannot I move to lay them on the table?

The SPEAKER. They are not before the House; the gentleman from Maine desiring to debate them, they have passed from before the House.

Mr. MALLORY. Who proposes to debate the resolutions?

The SPEAKER. The gentleman who offers them.

The SPEAKER proceeded to call the States and Territories, in their regular order, for resolutions, beginning with the State of New Hampshire.

COURT-MARTIAL ON CAPTAIN HUNT.

Mr. MORRIS, of Ohio, introduced a resolution requesting the Secretary of War to report to the House the proceedings of the court-martial in the case of Captain Hunt, assistant quartermaster at Fortress Monroe and superintendent in chartering vessels for the Government in the department of Virginia; and moved the previous question.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

ANNALS OF CONGRESS.

Mr. SMITH offered the following resolution, and moved the previous question on its adoption:

Resolved, That the Clerk of the House be directed to execute the resolution of the House of 29th May, 1862, ordering him to supply the House library with a certain number of Congressional Annals and Debates, so far as to pay the publishers for the volumes delivered prior to the passage of the resolution of 9th June, 1862, rescinding the resolution of May 29, aforesaid.

Mr. ASHLEY. I desire to ask the gentleman from Kentucky whether those Debates furnished are in complete sets, and whether we have any assurance, if we take these sets, that another resolution will not be offered directing us to purchase the remaining books to complete the sets.

Mr. SMITH. I understand that this resolution only asks for the payment for those volumes that are in the library, under the resolution of May, 1862—the books that have been delivered already.

The SPEAKER. If the resolution be debated, it goes over under the rule.

Mr. MORRILL. I desire to ask a question: I understand this to be the old question in reference to the Congressional Globe——

Mr. MALLORY. No. It refers to the National Intelligencer.

Mr. SMITH. I insist on the previous question.

Tellers were ordered by the Chair, and Messrs. MORRILL and SMITH were appointed.

The House divided; and the tellers reported—ayes 63, noes 40.

So the previous question was seconded.

Mr. RICE, of Maine. I move to lay the resolution on the table; and on that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. I desire to inquire as to the expense of adopting this resolution.

Mr. SMITH. I object.

The question was taken; and it was decided in the negative—yeas 57, nays 63; as follows:

YEAS—Messrs. Alley, Ames, Arnold, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Thomas T. Davis, Dawes, Donnelly, Dumont, Eckley, Farnsworth, Fenton, Frank, Garfield, Grinnell, Higby, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kelley, Orlando Kellogg, Marvin, McBride, McClurg, McIndoe, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Patterson, Perham, Price, John H. Rice, Schenck, Scofield, Shannon, Smithers, Starr, William G. Steele, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilson, Windom, and Woodbridge—57.

NAYS—Messrs. James C. Allen, Ancona, Anderson, Ashley, Baily, Augustus G. Baldwin, Francis P. Blair, Jacob B. Blair, Bliss, James S. Brown, Chanler, Clay, Cox, Dawson, Dennison, Driggs, Eldridge, Eliot, Ganson, Griswold, Hale, Harding, Charles M. Harris, Hooper, Hutchins, Kernan, Knapp, Law, Long, Longyear, Mallory, Marcy, McAllister, McDowell, McKinney, William H. Miller, Moorhead, James R. Morris, Morrison, Noble, John O'Neill, Orth, Pendleton, Pruyn, Samuel J. Randall, James S. Rollins, Ross, Smith, Spalding, Stebbins, John B. Steele, Stiles, Strouse, Stuart, Sweat, Thayer, Thomas, Voorhees, Wadsworth, Ward, Whaley, Joseph W. White, and Yeaman—63.

So the resolution was not laid on the table.

EQUALIZING PAY OF SOLDIERS.

The SPEAKER. The morning hour having expired, the remainder of the day is, by order of the House, under the control of the Committee on Military Affairs.

Mr. WASHBURNE, of Illinois. I ask whether a motion to suspend the rules is not in order.

The SPEAKER. This is acting under a suspension of the rules; being done by unanimous consent.

Mr. HOOPER. I ask the gentleman from Ohio to yield to me.

Mr. SCHENCK. It is scarcely worth while, Mr. Speaker, because I do not intend to ask the attention of the House to-day to the business of the Military Committee, and I will state why. The Committee on Military Affairs has, to a certain extent, reconsidered the bill which I was instructed to report this morning, and in the mean time a bill on the same subject has come from the Senate, which is either on the Speaker's table or has been referred this morning—a bill to equalize the pay of the soldiers in the Army. I am now instructed by the committee, instead of reporting the bill which we had prepared, to ask that this bill from the Senate be ordered to be printed and referred to the committee. I will at the same time ask, when we get this Senate bill before us, which we will be ready to report back on Wednesday morning, that we have the same arrangement made for that day that we had made for this day.

Mr. WASHBURNE, of Illinois. That would interfere with reports from other committees which have been kept waiting for a long time.

The act (S. No. 145) to equalize the pay of soldiers in the United States Army was taken from the Speaker's table, and, by unanimous consent, read a first and second time, and referred to the Committee on Military Affairs.

Mr. SPALDING. I ask unanimous consent to ask a question.

There was no objection.

Mr. SPALDING. I ask the gentleman from Kentucky whether he will consent to have the resolution referred to a select committee of three, to be appointed by the Speaker, to inquire into the facts.

The SPEAKER. That is not in order, the previous question having been seconded.

Mr. SPALDING. I want to vote for this if it be an act of justice; not otherwise.

Mr. SMITH. Mr. Speaker, this question has been before me for ten days past, and I have referred to the parties who are informed of the facts. I have the original resolution of the House under which these books were to be delivered. I have also the correspondence of Gales & Seaton with former Clerks of this House. I understand the whole transaction to be fair and just. I understand these men, after the passage of the resolution, proceeded to deliver these books; and they ask pay for all delivered before the resolution was rescinded. I hold that the House is in honor bound, under the original resolution, to pay for the books delivered up to the time it was rescinded. None were delivered after the resolution was

repealed by the House, none whatever. I understand these to be the facts in the case.

Mr. WINDOM asked leave to make a remark.

Objection was made.

On ordering the main question to be now put, on a division there were—ayes 51, noes 57.

Mr. MALLORY demanded tellers.

Tellers were ordered; and Messrs. MALLORY, and MORRIS of New York, were appointed.

The main question was not ordered; the tellers having reported—ayes 57, noes 57, and the Speaker voting in the negative.

Mr. SMITH. I move, by unanimous consent, to refer the resolution to a select committee of three, with leave to report at any time.

There was no objection.

The main question was then ordered.

The motion to refer was agreed to.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found correctly enrolled an act (H. R. No. 116) in relation to university lands in Washington Territory; when the Speaker signed the same.

LIQUOR TAX.

Mr. WASHBURNE, of Illinois. I ask unanimous consent to introduce the following resolution:

Whereas Congress has, by the passage of the late revenue bill, affirmed the principle of taxing stocks of liquors on hand for sale by imposing a tax upon all foreign liquors on hand:

Be it therefore resolved, That in the next revenue bill to be reported from the Committee of Ways and Means said committee is hereby instructed to incorporate a provision to tax all stocks of domestic liquors on hand for sale at a rate of sixty cents per gallon where no tax has been laid, and forty cents per gallon where the tax of twenty cents per gallon has been paid.

Mr. STEVENS. I object.

Mr. WASHBURNE, of Illinois. I move that the rules be suspended for the purpose I have indicated.

On a division there were—ayes 55, noes 46.

Mr. WASHBURNE, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 54, nays 55; as follows:

YEAS—Messrs. Alley, Ames, Anderson, Arnold, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Jacob B. Blair, Boutwell, Ambrose W. Clark, Creswell, Dawes, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Hale, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Francis W. Kellogg, Orlando Kellogg, Kernan, Longyear, McClurg, Samuel F. Miller, Moorhead, Daniel Morris, Morrison, Norton, Perham, Price, John H. Rice, James S. Rollins, Ross, Scofield, Spalding, Starr, Stebbins, John B. Steele, William G. Steele, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Whaley, Williams, Wilson, and Windom—54.

NAYS—Messrs. James C. Allen, Ancona, Ashley, Francis P. Blair, Bliss, Blow, Broomall, Freeman Clarke, Cobb, Cole, Cox, Thomas T. Davis, Dennison, Fenton, Garfield, Griswold, Harding, Harrington, Charles M. Harris, Higby, Hooper, Kelley, Knapp, Law, Long, Mallory, Marcy, Mc Bride, McDowell, McKinney, William H. Miller, Morrill, James R. Morris, Noble, Charles O'Neill, John O'Neill, Patterson, Pruyn, Samuel J. Randall, Rogers, Schenck, Smith, Smithers, Stevens, Stiles, Strouse, Stuart, Thayer, Van Valkenburgh, Voorhees, Wadsworth, Ward, Joseph W. White, Wilder, and Woodbridge—55.

The rules were not suspended; two thirds not voting in favor thereof.

During the vote,

Mr. ELIOT stated that Mr. DEMING was paired with Mr. VOORHEES.

Mr. WILSON stated that Mr. KASSON was paired with Mr. PENDLETON.

Mr. A. MYERS stated that he was paired with his colleague, Mr. LAZEAR, on all national questions, and did not feel at liberty to vote.

Mr. O'NEILL, of Pennsylvania, stated that his colleague, Mr. LEONARD MYERS, was detained in Philadelphia by indisposition.

Mr. ORTH stated that he was paired with his colleague, Mr. CRAVENS.

Mr. PENDLETON stated that his colleague, Mr. JOHNSON, was paired with Mr. ALLISON.

Mr. LAW stated that his colleague, Mr. EDGERTON, was detained from the House by illness.

The vote was announced as above recorded.

CHIPPEWA INDIANS, ETC.

On motion of Mr. WINDOM, and by unanimous consent, the Committee of the Whole on the Private Calendar was discharged from the further consideration of a joint resolution (H. R. No. 38) directing the Secretary of the Interior to pay to the Chippewa, Ottawa, and Pottawatomie Indians, residing in Michigan, the sum of $190,850, and the same was brought before the House for action.

The report was read.

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINDOM moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NATIONAL CURRENCY.

Mr. HOOPER, by unanimous consent, reported from the Committee of Ways and Means a bill to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; which was ordered to be printed, and made a special order for Wednesday, the 23d of March, after the morning hour, and from day to day until disposed of.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. NICOLAY, his Private Secretary.

Also, a message announcing that the President had approved and signed an act for the relief of John Dickson, of Illinois.

BUSINESS ON SPEAKER'S TABLE.

Mr. STEVENS. I move that the House proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

SALE OF SURPLUS GOLD.

The first bill taken from the Speaker's table was a joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, with the amendments of the Senate thereto.

The question being on concurring in the Senate amendments, they were read, as follows:

First amendment:

In line three, after the word "debt," insert, "by a period not exceeding one year."

Second amendment:

Add at the end of the resolution the following:

And is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest on the public debt.

Third amendment:

Amend the title by adding the words "and for other purposes."

Mr. KERNAN. I desire to state briefly why I trust the House will not recede from the bill as it originally passed the House and will disagree to the amendment of the Senate. I presume no one will be deceived by the attractive name given to this bill—a bill to sell the *surplus* gold in the Treasury. Such is the christening given by its proposers to the proposition which has been added to our bill by the Senate. It is neither more nor less, I submit to gentlemen than a proposition that the Government of the United States shall use the coin in its Treasury to shave its own paper at an enormous discount. The proposition is that the Secretary of the Treasury be authorized to buy up at a large discount the paper which the Government has put forth, and upon which it has stamped the name and the reality, as far as it can, of currency; that the Secretary may use our gold and silver coin for the purpose of shaving that paper, giving one dollar for $1 60 of the paper which we issued ourselves, and which we pledged the faith of the nation we would make good dollar for dollar in coin.

Why, sir, it occurs to every man, what would become of the honor and the credit of the individual who, claiming to be able to pay, who being in a position where he is required to borrow money, should propose to use his means in shaving his paper at any such rate as this, or at any rate whatever? I congratulate the House and the country that this proposition has not been recommended by the President, or by the head of any Department of the Government. It did not come before the House recommended by the Committee of Ways and Means, but on the contrary that committee reported that it was a bill which ought not to pass. It is brought in here from some other quarter, and, I submit, is to be pushed through, if at all, by influences, understood or not, which are of a character detrimental to the welfare of the country and the financial credit and honor of the Government.

The Government of the United States, under the necessities pressing upon it in carrying on this war, saw fit to use its credits in the form of promissory notes which it issued, and which by law it declared should be equivalent to gold and silver in reference to all transactions between individuals, and in the payment of all obligations whatever. The Government pledged its faith that it would make them good; it pledged the faith of the nation that they would be redeemed; and yet now there is a proposition here that we shall use our coin in going into the market and shaving those very obligations which were put forth and the public faith solemnly pledged for their redemption. I ask gentlemen if they can find a precedent of a Government which meant to maintain its credit and keep its faith doing such an act? It is wrong in principle. The Government of the United States should say to the world, "We insist that these obligations are good; we will make them good; we will redeem them in the currency of the world; and we would scorn the idea of becoming traffickers in our own paper, our own obligation to pay, at a depreciation."

More than that, sir; the law of the 25th of February, 1862, in a special manner pledged for specified objects the coin which is now proposed to be sold by the Government for its own paper at a depreciation. This law authorized the issue of $150,000,000 of these obligations, and made them a legal tender. It was declared by that act that all duties upon imported goods should be paid in coin, and that the coin so paid should be set apart as a *special fund* to be applied to the purposes which I shall name. Now, I ask if any gentleman here believes that we have any coin beyond what was pledged by this act?

Mr. HOOPER. I would ask the gentleman if that law does not also provide for an issue of $500,000,000 of bonds?

Mr. KERNAN. Certainly; I intended to call attention to that. It authorized the issue of the legal-tender notes I have mentioned, and also of $500,000,000 of bonds known as the five-twenties, and it pledged the coin which should be received from the duties on imports, and from which alone we can now have coin in the Treasury, first, to pay the interest on the bonds, and secondly, to the payment of one per cent. of the debt of the United States, to be paid in each fiscal year after the 1st day of July, 1861. This one per cent. should have been paid during the fiscal year ending last July. One per cent. should be paid in the fiscal year ending next July. There is no surplus, and there will be none over and beyond the amount required for these objects. The amendment of the Senate authorizes the sale of all not required to pay interest. It does not reserve what is required and was pledged should be applied in each year to the extinguishment of one per cent. of our entire debt.

What is it that gives strength to the credit of the nation? What is it that is to give us ability in the future to go into the market and get money upon our bonds? The fact that we have pledged some sixty or seventy million dollars in gold to be applied annually to the payment of interest so far as required for that purpose, and the residue to the payment of the principal of our debt, and that we live up to that pledge. Although the sinking fund is small, if we faithfully apply it, confidence will be inspired, and our financial credit strengthened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCDONALD, one of its clerks, asked the return to the Senate of bill of the House No. 203, to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

There being no objection, it was ordered that the bill be returned to the Senate.

SALE OF SURPLUS GOLD—AGAIN.

The House then resumed the consideration of the bill commonly known as the "gold bill."

Mr. KERNAN. Mr. Speaker, this House, a few days since, by a vote overwhelmingly large, refused to adopt the proposition now before us: declined to do anything except to pass the resolution of the gentleman from Massachusetts, [Mr.

BOUTWELL,] and which I believe to be wise and right. And yet we are asked now, when there were then only thirty-six votes in this House in favor of such a proposition, to stultify ourselves by adopting it, and to violate the express pledge made of this coin for specified purposes, and to authorize the Secretary of the Treasury to sell it in the market.

Let no man, Mr. Speaker, misunderstand my opposition to this bill. I admit that the power is a very extraordinary one to give to any Department or officer of the Government. Nevertheless, I do not base my opposition to it on any offensive grounds in relation to the Secretary of the Treasury. I will assume, for the purpose of what I have to say, that he will discharge his duty as faithfully as a man can. I base my opposition to it, first, on the fact that it is unwise, unprecedented, and unheard of, for a Government that is not going into repudiation to use its coin in the shaving of its own paper in competition with the brokers and speculators in the market; and second, because the plighted faith of the nation is in the statute that this gold shall be appropriated, first, to pay the interest, and second, to pay one per cent. of the principal of our debt in each year. If we live up to that, and do not fail to do our duty in regard to taxation, then our credit will be strong, and we will be able to borrow money on our bonds at par in our own market and in the markets of the world.

Mr. Speaker, if there were any surplus, as on the estimates contained in the Secretary's report there will not be, beyond paying our interest and paying one per cent. each year of the principal, the disposition proposed to be made of it is not a wise one. I am aware, sir, that after the House refused to pass any such bill there was a great flutter in Wall street, New York, and gold was pushed up. In confirmation of my own judgment I hold in my hand a letter, private to be sure, and which I only allude to as part of my remarks, written by a former cashier in our State, a gentleman of large property and large experience and sound judgment, who is one of the firmest supporters of the Administration now in power. From this letter I will read a few words. He was here during the time the bill was under consideration in this House. I, having great confidence in his judgment, and not so much in my own, consulted him, and he advised strenuously that the proposition of the gentleman from Massachusetts [Mr. BOUTWELL] should be passed, and that we should not authorize the sale of coin. Writing from New York last Saturday, he says:

"I have noticed with some surprise the action of the Senate upon the gold bill, and have fortified my opinion expressed to you by consultation with some able men who are not in the clique to put gold up; and they say emphatically the bill from the House is the best and only proper measure in that direction. There can be no doubt gold was purposely put up when the bill passed the House, and it was with the intention and belief that this would effect the action of the Senate. We have seen how well they calculated, and how they keep it playing to effect their purpose." * * * * "I believe the sound financial talent of the country will stand by Mr. BOUTWELL's amendment, however much gold speculators and gamblers may howl to the contrary. Sound and honest men may for a time be deceived or frightened, but there can be but one result, and time will vindicate the right."

This is his opinion. I give it as a part of my remarks, as more valuable than my own opinion. A great clamor has been raised in some prints and by some gentlemen out of this House against those who voted against giving authority to sell gold; and they have been denounced as gold-dealers. I ask members whether they have known any one of those speculating brokers who is not eager that Congress shall authorize the sale of gold. They thrive upon uncertainties and a varying standard of values. Up, up, up, and down, down, down makes the harvest. If the Secretary should sell the gold these very speculators will buy it; and when the Secretary is sold out the market will run up, and they will become the sellers. Their business thrives on an unsettled currency. I think their zeal in favor of the passage of this law arises not from the belief that the Secretary can regulate and keep the price of gold stable, but from the belief that they will have the Government of the United States a brother-gambler and broker in the gold markets, to the detriment of our credit, the disgrace of our character, and to the thriving of all the men who make money on the variations in the price of gold, or rather in the value of the paper currency. I trust that gentlemen will not feel at all alarmed by the clamor of speculators, but that they will take counsel of their own judgment. No man can suppose that gold is permanently kept so high above paper by the mere operations of speculators. It is because our currency is inflated. The gentleman from New York [Mr. STEBBINS] talked about our having $300,000,000 of Government paper currency. Why, sir, we had on the 1st of this month nearly six hundred million dollars of Government paper currency in circulation, or that which is equivalent to paper currency.

By a statement which I hold in my hand I find that on the 1st of March, 1864, there were outstanding and in circulation:

Of United States notes	$449,119,548
Of fractional currency	18,745,720
Of one-year Treasury notes	5,860,000
Of two-year Treasury notes	95,502,031
	$569,227,299

Add to this the paper currency issued by the one hundred and forty or fifty banks recently organized under the act of Congress, and we have about six hundred millions of paper currency thrown upon the country in addition to that issued by State banks and bankers. It is this inflation which puts up the price of gold, as is the mode of expression; which stimulates speculation, and raises the nominal value of all stocks and commodities.

It is this, according to all the laws of currency, according to every writer on finance and political economy, that depreciates our paper. There is too much of it. It is not convertible into gold and silver; and therefore it is that there is this difference. It is this superabundant paper currency which is raising the value of all commodities, because it is depreciating that with which they must be bought in market—paper currency.

The argument of my respected colleague, [Mr. STEBBINS,] beautifully delivered and carefully prepared, proves, if it is correct in premises and conclusions, that the Government paper is good, that it should not be depreciated. It shows that the United States is capable of paying its debts. Assuming this to be so, shall we destroy our credit by using the coin in the Treasury in purchasing our obligations at a large discount, and thus further depreciate this paper currency?

As I said before, Mr. Speaker, a debtor who can say, "I shall be able to pay my debts," but being compelled daily to borrow money shall say at the same time, "I will use the current means I now have, property convertible into money, money itself, to buy up my own paper at a large discount," no man believes he could for a moment maintain his credit or borrow more money. It is the first step toward repudiation; and, for one, so far as I have a vote as a member of this Congress, one of the departments of the Government, I shall never give a vote for a proposition which sends the United States Government into the market to gamble with stock-brokers, and buy in our own paper at an enormous discount.

Mr. Speaker, we can lose nothing by rejecting this proposition. There will be no accumulation in the Treasury. We can use the gold to pay the interest. We can use it to pay the principal to one per cent of the public debt, to which purpose it is pledged, and this will do more toward giving us a stable currency and strong credit than anything else of this character. If there is anything left—there is no prospect there will be—it can be used for other legitimate purposes without loss, and there will be no hoarding.

The gentleman's argument is that we want to stop the gambling in gold, and to effect this we propose to send our Treasurer into the market to gamble in gold! We say that we can pay all of our debts, that our paper should be at par, and therefore we will use all the means in our possession in shaving our own paper; thus by our acts proving that we do not regard our paper as the equivalent of gold and silver; either that we do not regard it as good, or we will be guilty ourselves of breaking faith with the public creditors by shaving our paper instead of paying it in full.

Mr. Speaker, I regret I am not that familiar with the laws of currency as to be able to lay before the House the facts and arguments which can be adduced to show fully the unsoundness of this extraordinary remedy for a depreciated currency sent to us from the Senate; but I appeal to the good sense of every member whether there is any wisdom in this measure, whether we will put down the price of gold by it, and whether we will not by adopting it add another element to the fierce speculation now going on? My friend from New York [Mr. STEBBINS] says there is a spirit of speculation in the cities which ought to be checked. We can only do it by reducing the amount of the paper currency, by strengthening our credit, and by borrowing money on bonds instead of increasing this paper currency by further issues by the Government, made directly or indirectly. The gentleman from New York [Mr. STEBBINS] says these national banks are only substitutes for the old State banks, and will not increase the paper currency. That is not so. Of the one hundred and thirty to one hundred and forty national banks which have come into existence, scarcely one of them is a substitute for an old bank. They add to the volume of paper money before in existence, and thus contribute to the inflation of prices and the encouragement of the spirit of speculation. These banks give the holders of their paper no security but the bonds of the United States for its redemption, and yet the United States pay these banks interest on these bonds, upon which they issue paper as currency. If there is to be such a currency it might better be issued by the United States directly; it would be as safe for the public; at least the interest on the bonds would be saved to the Treasury.

But whatever are the evils growing out of the paper currency now in existence and daily increasing in amount, the measure proposed cannot, in my judgment, afford any permanent relief. To authorize the Secretary to sell the gold on hand, or his making sale of it, will afford no permanent relief against the evils of a disordered paper currency. If we do this we not only incur disgrace but we will fail to accomplish the only desirable object put forth by the friends of this measure, which is the raising of the value of paper and diminishing the value of gold. We will only by this means be able to put it down for a time, and then it will go up again, higher than before, causing greater fluctuations in values than are occurring now and causing them to occur according to the arbitrary will of one man. It seems to me that we should adhere to the views of the House as contained in the resolution offered by the gentleman from Massachusetts, [Mr. BOUTWELL.] This will prevent any considerable accumulation of gold in the Treasury; it will be in accordance with the pledge given by the law of February, 1862, and it will leave the laws of trade and currency to work out the adjustment of the relative value of paper and gold, as must be the case; for no legislation of this character will bring or tend to bring gold, the standard of value throughout the world, to the level of the paper currency which has been created in this country.

Mr. PRUYN. The House by a very decided vote a few days ago determined to adopt the proposition of the gentleman from Massachusetts, [Mr. BOUTWELL,] which limited the action of the Secretary of the Treasury to the purchase of the outstanding coupons of the bonds issued by the United States which were to mature on the 1st of July next. The Senate, it appears, has adopted a proposition which, as I understand it, falls back upon that proposition which was offered here by my associate from New York, [Mr. STEBBINS;] that is, giving power to the Secretary of the Treasury to sell what is called the surplus gold at such time and in such a manner as he may deem proper. Whether or not it provides for a public notice of the time and place of sale I do not recollect, nor is it perhaps very important. The question is, has anything occurred since the House took a vote upon this matter last week which should induce them now to change their ground?

We all know, as a matter of fact, that on one or two days last week the price of gold advanced, or rather the obligations of the country lessened in value, owing to certain circumstances which took place in New York. It was supposed the action of this House on the gold bill had affected the New York market. But we will see that can hardly be so when we bear in mind that the market has now gone back to just about the condition it was in a week ago, and in which it has substantially been for many weeks past. The idea that our action here induced the result which took place in New York one or two days following

is entirely unfounded. But suppose it to be so; suppose the action of this House did exert a temporary influence upon the gold market; the question is, was our action right or wrong? No matter what the result may be, if we were right, let us maintain our ground; if we were wrong, let us change.

I do not propose to go over all the objections to this measure which have been so ably urged by my associates from New York, but I will allude to one or two considerations connected with it in addition to what has already been presented. In the first place, by the act of 1862 the Secretary of the Treasury is directed every year to purchase in at least one per cent. of the debt of the United States. What the condition of that sinking fund is now I am not informed; nor do I know that there is any information in this House in regard to it; but from the circumstances of the Treasury and the condition of the country, it is fair to suppose that investments can or ought to be now made for the coming year. If it has not been made at all, then two installments are due under the provisions of that act, and to maintain the pledge of the Government and realize the amount needed to supply the deficiency in that fund will take all the surplus gold now in the Treasury. It cannot be that it would be tolerated on the part of the Secretary of the Treasury to issue paper obligations for the purpose of realizing the amount needed for this sinking fund. Under the act of 1862, as I understand it, he is to appropriate the gold for that purpose after paying the public debt.

But this use of the money, it seems, would not suit the purpose of the Secretary, as I understand it, because, if this purchase be made for the purpose of a sinking fund, it will be necessary to keep the securities so purchaced to cancel them, and not use them again. But the object of this measure is to enable the Government to go into the market to purchase up its own securities at a discount, to obtain the Treasury notes which will be paid in for this gold, and which the Government can use again in the purchases which it is obliged to make from day to day.

Now, sir, in my judgment the result of such a measure must be mischief from the beginning to the end. I listened with great satisfaction to the arguments presented to this House by my associate from New York, [Mr. STEBBINS,] who is a member of the Committee of Ways and Means. They were presented ably and clearly, and had only one great object in view, as I understood him; and I think the purport and substance of his remarks has been misunderstood by some of the members of this House. The whole point of his remarks consisted in this: an attempt to prove the ability of this country to meet not only its present public debt but any debt it may be found desirable and necessary to create for the purpose of suppressing the rebellion. If, from the facts he presented, he meant the House to draw any other inference, then I totally disagree with him, as I told him very frankly after he had closed his remarks; I told him that I thought he had made the worse appear the better reason, but that he had not succeeded in convincing me that we might run on to infinity in creating a debt. We must all admit that there is some limit to the credit of the Government as there is to that of an individual. The question is, when will the Government reach that point? Our resources may be great; they are great; we may be able to do more than any other people on the face of the globe; but a point must be reached—and we are warned from a very high quarter that it may be reached very soon—when a marked and very great depreciation will take place in the Government securities. It is not necessary for me to point out the causes that may produce this effect; but that it must in time be produced is just as certain as it is that the sun is to rise tomorrow.

While, therefore, I agree with the general proposition of my associate from New York, [Mr. STEBBINS,] that our country is able to bear a great debt, that our condition is such that we can meet the interest on a great debt, that the patriotism of our people is such that they will go further than any other people on the face of the globe would go to put down this rebellion, yet I think every member of the House will agree with me that there is a limit to this thing, and that it must stop somewhere.

These views may not be very closely applicable to the question under consideration, but inasmuch as the remarks of my colleague have been adverted to, I thought it proper to say thus much in regard to them.

And now, sir, I desire to make one other remark in regard to the measure under discussion. What possible benefit can arise from putting a few millions of gold in the market, and compelling the Secretary of the Treasury in a few months, at the furthest, again to borrow and use for the operations of the Government the very amount he has realized from this sale? If we were to extinguish this amount of the public debt by this operation, it would be another thing; but we never ought to undertake to go into the market to buy up our own securities, unless it be for the express purpose pointed out in the act of 1862, to wit, to buy in our securities for the purpose of creating the sinking fund which that act established.

I have no charges to make in derogation of the character of the Secretary of the Treasury, nor would I undertake to say that he would exercise this power in any spirit of favoritism or partiality. I have confidence enough in his integrity to believe that he would do what he thought best for the Government. But I do object to placing this power in the hands of any man—a power so great that it may be abused for partisan or personal purposes by any man who chooses to do it.

I trust, therefore, that the House will not depart from its original proposition; that it will hold to the ground that the Secretary of the Treasury may anticipate the falling due of the coupons with or without rebate of interest. My own impression is that he has a right to do it now without any action by Congress. The Treasury is compelled to pay next July a certain amount of money —say $20,000,000—for coupons. If the Secretary of the Treasury can buy up that amount for one, two, or three hundred thousand dollars less than their face, at the usual rate of interest, he has the power to do it, and to use the money in the Treasury for that purpose; and it would be very wise and very proper. The Secretary has deemed it right, not wishing to exercise a power never before exercised, to come to Congress and ask for authority, as the resolution adopted by the House proposed to give to him. That is undoubtedly safer and better. I respect the motive of the Secretary of the Treasury. And I do sincerely hope that the House will come to the conclusion that nothing has occurred in the interval since the vote was taken on the proposition that should induce the House to abandon the sound and salutary principle which it then adopted.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported as truly enrolled an act (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864, and for other purposes; when the Speaker signed the same.

SALE OF SURPLUS GOLD—AGAIN.

The House resumed the consideration of the gold bill.

Mr. COX. Mr. Speaker, in the absence of any debate on the part of the member from Massachusetts [Mr. BOUTWELL] in defense of the measure which he proposed and advocated, I think it becomes some one to represent the majority of the House, and to urge that we shall stand by our own bill. I do not know whether the gentleman from Massachusetts has given up his bill.

Mr. BOUTWELL. Does the gentleman from Ohio refer to me?

Mr. COX. I do.

Mr. BOUTWELL. I certainly have not given it up.

Mr. COX. I supposed from the fact that the debate was flagging, and that the gentleman had not claimed the floor to advocate his proposition, that he had relented and abandoned it.

Mr. BOUTWELL. I have not relented at all in relation to my proposition; and I intend to state my views more at length before the discussion closes.

Mr. COX. I am very glad to hear it. I should be very sorry that the distinguished gentleman from Massachusetts should have retreated from the position he so ably maintained on this measure. As the gentleman proposes to discuss it, I will not trouble the House with any long dissertation. When the measure was first brought to the House I objected to its consideration because I could not tell on the instant the effect which it might have upon the business of the country. Because of my objection, it was charged by the New York Tribune that we on this side were in the interest of the stock and gold gamblers in Wall street, but it turned out, if there had been any such interest as that at work, that my friend from Massachusetts must have been identified with it along with the great majority of the House. But all such imputations are unfounded. I am in favor of sustaining the bill as it passed the House. I think that our bill will accomplish the purpose sought to be accomplished by the gentleman from Massachusetts, [Mr. HOOPER.] His purpose was to reduce the price of gold and the price of the various articles which depend upon gold for their depreciation or their appreciation.

I understood, when the measure first came before the House, that the gentleman from Massachusetts [Mr. HOOPER] was very anxious that we should not follow the advice of the rebel Lamar, who said that the best way to assist the rebellion was to keep up the price of gold, and thus break down our credit; but now, the gentleman from Massachusetts, after the House has given the Secretary of the Treasury power to put gold upon the market by paying the interest on the public debt, and thereby met his argument for the original bill, disfavors the House proposition, and favors the Senate bill, which, I believe, will not accomplish the purpose he claimed for the original bill. I do not believe that the price of gold will be so affected by the Senate legislation as to reduce its price permanently. It may have some temporary effect. Gold may go up or go down under a momentary panic; but you might as well try to legislate on the laws of gravitation, or hydrostatics, or anything else in nature, as to control by our expedients here the trade or currency of the country. These matters will seek their level by a law of their own. As long as the Government makes its paper issues, running up now to two billions, and which before the war shall be ended will amount to four billions, if we are to believe that distinguished member of the Republican party, (Thurlow Weed,) so long will there be a constantly increasing difference between gold and paper. Until, by legislation, you stop paper issues, you cannot stop the vicissitudes in the gold market, or in the markets of the country. Something else besides mere legislation of this kind is needed. You must stop the issue of that which is called "money," in order to correct the evils which the make-shifts of the Treasury are entailing upon us. The only way to stop the appreciation of gold is to stop your paper issues, which aid its depreciation.

But, Mr. Speaker, the guards which we threw around this bill originally, and which received the approbation of a large majority of the House, so as to prevent any speculative tendencies, have been pushed away by the Senate. But I will not favor any measure like that of the Senate, even if I believed in its principles, not guarded by adequate notice to those who may by competition assist in an honest disposal of the surplus gold.

I have another reason why I object to this bill of the Senate. I oppose it because I am jealous of power, as a Democrat, vigilant to watch and guard against its encroachments; jealous of power as a Representative of the people, fearful of the aggrandizement of moneyed influences in the hands of the Executive or of his Cabinet, or of his particular favorites. I oppose this bill because it gives the power absolutely, not to the President, but to the Secretary of the Treasury, to control the fortunes of twenty million people. Not merely will it unsettle the price of produce, the price of labor, but also by raising the price of gold, which is the currency paid into the custom-houses, the prices of all articles of foreign importation. A power like this, sir, should be lodged with no one man. Jealousy of power is the parent of proper legislation; confidence in men is the parent of despotism and corruption. I would not trust in these times any man, however pure, even though he may be as spotless as the Secretary of the Treasury is represented, with a power like this to control such momentous interests as those which are now unhappily bound up with the operations of the gold market.

There is something peculiar in the way in which

power has been lodged in the hands of the Secretary of the Treasury. If gentlemen will examine all of the bills which have been passed since the first bill in 1812, authorizing Treasury notes to be issued, they will find that all of these bills without exception authorize the *President of the United States* to issue notes and bonds. When this *régime* came into power the bills for the issuance of money and bonds took a new shape, and since then every act providing for Treasury notes and bonds authorizes, not the President of the United States, but the Secretary of the Treasury to issue them; thus changing the laws and customs of the Government in that regard. It may not have been intended to place such an immense power as this in the grasp of any man. But so it is. When you give the Secretary of the Treasury power to sell this gold when he pleases, without notice, let, or hinderance from any quarter; when on his own motion or caprice he can place at once, or withdraw at once, $20,000,000 of gold from the market, you put into his control the interests of every man, woman, and child in this country. He has already the power by law to buy gold when he pleases, and this gives him power to sell gold when he pleases. If that be the case, he or his particular friends may at any time go into the gold market in New York, and into the various gold markets, bubbling every day with excitement, and they may without knowledge to the public, quietly, shrewdly, run gold up as high as they choose, or run it down as low as they choose. They will thus have it in their power to make fortunes at pleasure, and profits illimitable. Whence come these fortunes and profits? In the last analysis, you will find that they come from the people, from the sweat and sinew of the people. All these miracles of ready-made wealth come from your constituents in Indiana, Mr. Speaker, and from mine in Ohio. I would give no such power to any man, or to any set of men, however good; I would place no such temptation before any functionary, however honest.

Mr. Speaker, I hope that the House will adhere to its proposition. It accomplishes, as I have said, all that was originally desired when the gold bill was introduced. Let us adhere to the position of the popular branch of Congress, the House of Representatives, from which all money bills should come. I trust that the House will not yield to this clamor of stock-brokers and gamblers, but will stand up to their own measure as an honest, straight-forward measure, which will command the approbation of every intelligent and honest man in the land.

Mr. BOUTWELL obtained the floor, but yielded to

Mr. ALLEY. Mr. Speaker, I did not intend to make any remarks on this question, but seeing that nearly everything said has been upon the other side, I feel that it is my duty, for one, to give the reasons which will govern my vote on the pending proposition. I shall vote for the amendment of the Senate, and I hope the House will recede from the position taken by it the other day. I believe that the interest of the Government and that of the people will be promoted by such action. I believe it is the duty of the Government to protect the currency in every way possible; and while I agree with the gentleman from Ohio [Mr. Cox] in this particular, that it is impossible for this Congress to legislate into the people confidence in paper currency, unless there exists a foundation of some solidity, yet legislation is necessary to protect that currency and to protect the interest of the Government and the people from all that causes unnecessary depreciation of the legal currency of the country; and while I do not attach so much importance to this measure as some do, yet I do regard it as one among many other instrumentalities of good, as something to check speculation. I do not believe that it is going to effect a great deal, but it will do something. I think perhaps it will reduce the premium on gold ten, fifteen, or twenty per cent., and keep the matter more stable than it has been. It is very clear to my mind that it will produce that effect, and if it does nothing more, so much of good will have been accomplished as to justify the measure; and, on the other hand, I can see no harm to result from such action.

It has been said that it would be placing in the hands of the Secretary of the Treasury enormous power. So it will, but he already has enormous power, and he has exercised that power wisely, as everybody admits. While we are in this state of war we are compelled to intrust every high officer of the Government with very great powers. No officer of the Government, I believe it is agreed on all hands, has exercised that power more wisely, more prudently, or more conscientiously than the distinguished Secretary of the Treasury. If I had not confidence in the Secretary of the Treasury I should have some doubt about the propriety of this measure; but having all confidence in him, and believing that in his hands the power will be productive of good and no evil, I do hope the House will recede from their former action and pass the resolution as it came from the Senate.

I was astonished the other day on hearing the remarks made all around this House upon this question, magnifying its importance both for good and for evil, on the one side and on the other; and many of the declarations of some of the gentlemen upon the other side seemed to me, I should almost say, preposterous. The gentleman from New York who is not now in his seat—[Mr. FERNANDO WOOD]—spoke of the vast indebtedness of this Government, and of its ultimate repudiation. It seemed to me—no, I will not quite say that—but I will declare that I am afraid the wish was father to the thought. I hope it was not so; but it seemed to me, when he spoke of bankruptcy, desolation, ruin, and repudiation, that it might be that the wish was father to the thought; for, sir, I could see no other reason under heaven for the declaration of such opinions and such sentiments; for while "all is yellow to the jaundiced vision," there is certainly nothing in our present condition to justify to any sound mind any such conclusions.

That gentleman drew invidious comparisons between the financial conduct of the British Government and our own, and alluded to the policy of England from its early history down to the close of the Napoleonic wars; and there was scarcely a statement that the truth of history will bear him out in. He spoke of paper currency as originating with Charles I. In that he was entirely mistaken. He spoke of the action of the British Government in the reign of Charles II, and the repudiation of their paper currency in that reign. In that he was mistaken. There was no paper used in England as a circulating medium until after the establishment of the Bank of England, which was organized in 1694, nearly ten years after the death of Charles II, in the reign of William III. Then it was that the public debt of Great Britain commenced, and from that day to this, with the exception of a very few years, it has been increasing. He referred to the policy of England, and told us we would do well to follow her example. He recommended us to follow the example of that illustrious statesman, Mr. Pitt, who, he said, was in favor of the largest taxation, and under whose ministry the public debt of Great Britain was but slightly increased, they raising almost all they needed by taxation during the wars through which they passed. Now, Mr. Speaker, the national debt was enormously increased under Mr. Pitt, and it was increased in just such a way as we are obliged to increase our debt, and as we shall increase it unless we adopt a policy different from that suggested on the other side—and increase it to our ruin.

The debt of Great Britain was increased, from 1793 to 1805, from £240,000,000 to more than double that sum. Nearly the whole of this time was during the ministry of Pitt. It has always seemed to me that England managed her national debt under the auspices of Pitt very badly. But we must remember that she was obliged at the time to effect loans at such ruinous sacrifices, which were greater during the Peninsular war than at almost any other period in her history. She was, like us in the present, contending for national life. Her very existence as a nation depended upon the issue of the contest. Her troubles were greatly increased, her movements embarrassed, and her credit greatly impaired, by a malignant and unprincipled party, few in numbers, but active and unscrupulous, who, while pretending to patriotic devotion to the interests of the country, were denouncing and assailing the administration of the Government in every possible way, and not without effect. But when the Government triumphed and its imperiled existence was preserved, these men were remembered by the people, and not one of their leaders was ever after honored or trusted by the British public. Their debt was more than trebled from 1793 to 1814. The policy of England always was to keep control of the currency; and the Government in great degree regulated the price of gold during the long period of the suspension of specie payments by the Bank of England. If she had been as wise in regard to her mode of contracting and funding debts as she was in regulating and controlling the currency she would never have been burdened with such a debt as she now has, a debt of over £800,000,000, equal to $4,000,000,000—a debt which was increased during the Napoleonic wars £500,000,000 or $2,500,000,000. And how was it thus increased? By the same policy by which we are now to some extent at least increasing our debt. Great Britain for that £800,000,000, or at least six hundred millions of it, never received over two thirds the amount in value. A large per cent. of that loss was ascribable to her bad financiering. Taking the period of time from 1736 to the present hour the British Government never received for this enormous debt, on an average, more than sixty to sixty-five cents on the dollar in *bona fide* value. Many of our negotiations and loans have not practically netted us much more than that. If we do not increase our taxation or exert the power which is in our hands to control this speculation and to regulate the currency, we shall find it a great deal worse than England found it in the darkest period of her history.

Now, Mr. Speaker, there is one measure which we have got to resort to to save this nation from impending financial ruin, which must inevitably come upon us if we do not resort to it; but there is only one measure that will do it, and that measure is the fullest taxation. If you will tax the people, as you ought to tax them, to such an extent that it will secure the confidence of the people in the ultimate payment of our securities, you will then secure the full value for all our indebtedness, and you will not do it without that. Pass this measure, and give the Secretary of the Treasury the power to control to some extent the gold market, and you deprive the gold speculators of the power to raise the price of gold beyond what the confidence of the country establishes it at; and the confidence of the country will establish gold at a price just proportionate to our willingness and ability ultimately to pay our indebtedness, as will be shown chiefly in our disposition regarding taxation.

Now, sir, I take it that if there were no speculation in gold, if there were none of this stock-gambling, if there was no chance for what is called "cornering gold," if all the capitalists of the country without exception believed that these Government securities would ultimately be redeemed, all our securities bearing six per cent. interest, instead of being fifty or sixty per cent. below par by the gold standard, would be worth $1 20 on the dollar in specie funds. I believe that no financial man of experience and knowledge on this subject will gainsay or dispute this statement.

What, then, are we to do to counteract this state of things? Mr. Speaker, there is only one way to do it: we must resort to increased taxation; and I conjure this House by everything they hold dear to resort at once to this great conservator of nations' credit—taxation—taxation to the fullest extent, no matter what the consequences to themselves personally may be. The salvation of the country, in my judgment, depends upon it. I fear nothing but an unwillingness to resort to taxation. It must be resorted to; and when you convince the capitalists of the country that you are determined to resort to taxation for the prosecution of this war to the fullest extent that the country can bear, to tax especially the wealth of the country, and thereby give promise of your purpose to redeem ultimately every dollar of the indebtedness of the Government, you will have their confidence, and you will be able to obtain loans at a rate somewhat commensurate with your vast resources. I shall say nothing about economy in this connection, for when you tax everybody heavily the people will see to it that their servants are held to a pretty rigid accountability as to expenditures.

Now, Mr. Speaker, I shall not be very much frightened if the House adhere to its first action, and refuse to concur with the Senate in its amendment; but I shall be alarmed if this Congress

refuse to tax the country to the fullest extent it can bear.

Believing, as I do, that this measure is a judicious and wise one, and that it is an instrumentality which can effect some considerable good, and no harm, I am in favor of it. I cannot conceive how it can do any possible harm. It certainly will, to a very considerable extent, prevent speculation. As to the proposition of my colleague [Mr. BOUTWELL] to anticipate the payment of coupons, with or without rebate, I cannot conceive how that can produce any considerable effect any way. It may deplete the Treassry to some extent, and it may prevent, in some slight degree, this accumulation of gold in the sub-Treasury, but it will not have the desired effect of preventing speculation; and that, I take it, is what we want to accomplish. I cannot conceive how any true patriot, how any one who desires to forward the true interests of the country, can fail to see that this speculative spirit is encouraged and promoted by the refusal of the House to put into the hands of the Secretary of the Treasury this power to sell his surplus gold. I cannot see how any person who is in favor of this Administration, and who has voted to intrust the Administration with that vast amount of power necessary to be placed in its hands, can refuse to put this additional power into the hands of one in whom there is so much confidence.

In my judgment, Mr. Speaker, even if the Secretary of the Treasury does not sell one single dollar of gold in this way, still the very fact that the stock-jobbers of the country know that that power is in his hands and can be used at any time, will do a good deal toward preventing speculation in gold, and will very much reduce its price. I do not anticipate that the Secretary of the Treasury will find it necessary to dispose of any considerable amount of gold. At all events I feel certain that he will not dispose of any that there is any reasonable chance of his needing to redeem the maturing obligations of his Department. But, as I said just now, even if he does not sell a single dollar of gold, the fact of his having the power to do so will be productive of great good.

For these reasons, Mr. Speaker, I am opposed to the proposition adopted on motion of my colleague, [Mr. BOUTWELL,] and am in favor of the Senate amendment giving this power to the Secretary. I do not say that I should be in favor of his exercising it. I do not believe that he will exercise it often. Perhaps he would never exercise it. We know his carefulness. We know his prudence. We know his desire to provide for all the exigencies of the Treasury, prospective as well as in the present. Knowing that, I do not see how any gentleman on this side of the House can think that the Secretary of the Treasury will exercise that power unwisely by selling gold that the Treasury may require. If there is more gold on hand than can be required, it certainly would be wise to sell it; and when it is sold the effects of that act will be seen on the market.

Now, Mr. Speaker, if there was a large surplus of $20,000,000 of gold in the Treasury, what would be the benefit of selling it at the present time as affecting our pecuniary interests? Even supposing that it did not result in reducing the price of gold much, it would at least have the effect of putting in the Treasury from thirty to thirty-three millions of actual capital, and saving the interest on it for several months, till next July. If we have $20,000,000 of gold in the Treasury which we can spare, and which will not be needed till next July, and if we sell that gold at its present price, and there should be no variation in prices between now and then, we should have the advantage of the use of $30,000,000 or more, and save four months' interest upon it, which, at two per cent., would be $600,000 or more. Is not that worth saving? Every man can cipher out that advantage, and see that it is exactly so. If we have $20,000,000 in gold now to spare, and the Secretary of the Treasury sees that it will not be wanted till July, then he can not only save six or eight hundred thousand dollars in interest, but also relieve the Government from so much of its present indebtedness. That will be a large and positive saving, besides promoting the credit of the Government; because every dollar you can avoid going into the market and obtaining by loan helps the credit of the Government so much, and this is no inconsiderable benefit to the Government.

Mr. Speaker, it seems to me that this is a plain proposition so far as that goes. Then I say that we have a right to governmental protection against these speculations. The merchants of the country, the manufacturers of the country, the business people of the country, have a right to expect that the Government will do all it can to protect them against the spirit of speculation.

Now, sir, I have not received a letter from a single merchant, I have not found an individual who had large possessions and large business interests, who does not feel that this power placed in the hands of the Secretary of the Treasury, if properly exercised, will be productive of good. Not an individual of large business interests I have conversed with, not a correspondent of that character, and I have many such all over the country, with one exception, and that is a gentleman who has long since retired from active mercantile business, though formerly a gentleman of large business connections—with that single exception I have not received a letter that has not advised this thing as productive of considerable good.

As I said before, I do not think that it will be productive of such vast results as some think for; that, independent and alone, it will not accomplish very much. But it is as certain as we live, as certain as that time rolls on, that unless we protect the currency of the country in every possible way, and raise by taxation all we can to give an earnest to the people of our purpose and determination to sustain the credit of the Government in every possible manner; I say that unless we do that before Congress adjourns, you will see the paper of this Government not worth in gold fifty cents on the dollar. No, sir, not worth fifty cents on the dollar. With such immense resources as we have, such unbounded wealth, with such patriotism as the people exhibit, if we will only supply, by taxation and such incidental legislation as this measure proposes, the wants of the Government at the present time, we shall sustain the credit of the Government to the fullest extent, and as the credit of no Government ever was sustained through such a trial since the world began. But everything depends upon our legislation. If we do not give adequate legislation, then we have everything to fear and nothing to hope.

I will conclude by saying that I do hope the resolution as it came from the Senate will be adopted by the House. If we were unwise the other day in passing a resolution which we did, I hope that the House will be wise enough, if convinced that it was wrong, to back out of that action, and not adhere to it on account of any pride of opinion. We have everything to encourage and guide us in the history and experience of other nations, and in their example, guided by the light of their experience, we may see the way to a safe solution of our embarrassments. With such boundless resources and unexampled energies as the American people possess, nothing can ruin or even cripple us but insufficient or misjudged legislation.

Mr. BOUTWELL. Mr. Speaker, it is desirable that the vote should be taken this evening, and after making the remarks I design to submit, I intend to demand the previous question. I understand that that will be satisfactory to the Committee of Ways and Means. They will have their hour for reply.

Mr. HULBURD. I am opposed to the passage of this resolution as it has come back from the Senate. If the resolution must pass at all, I greatly prefer it in the shape in which it left this House, the shape proposed by the gentleman from Massachusetts, [Mr. BOUTWELL.] The gentleman from Massachusetts who has just spoken [Mr. ALLEY] said that his correspondence indicates that it is very desirable that this resolution should pass as it came from the Senate. I wish to say to him that I have correspondence which indicates entirely a different thing. I hold in my hand now a paper written by a gentleman from New York—and who is not on that side of the House, either—who says that if this measure passes in the shape the Senate gave it, gold in the city of New York will be two hundred per cent. within sixty days; that the very fact that that resolution requires that there shall be five days' notice of sale given will give the brokers in New York ample time to prepare themselves to take up any amount of gold which the Secretary has in his vaults to dispose of, and that instead of depreciating gold it will positively tend to raise the price.

But there is another objection to this measure. The act of 1862 pledged the application of this gold to the payment of interest on the public debt, and one per cent., by way of a sinking fund, in all time to come, on the entire debt of this Government. This resolution of the Senate ignores the latter provision of that act. Its passage will be a fatal stab to the credit of this Government, and I adjure members of this House to pause before they adopt the amendment of the Senate to this resolution. If we must confer such a power let us give it in a proper and legitimate manner, as the gentleman from Massachusetts proposes to do it, having regard to the pledge of the public faith made by the act of 1862. Any departure from that will swing us loose from our moorings and jeopardize and shake the financial credit, faith, and stability of the Government.

Mr. BOUTWELL. I agree with my colleague who addressed the House this morning [Mr. ALLEY] that the passage of the joint resolution as it comes from the Senate will have some effect upon the price of gold; but I believe that the effect will be temporary only. The condition of this country, its necessities and its fortunes, justify an attempt, at least, to put its financial affairs upon a broader basis than is contemplated by this resolution, either as it went from the House or with the amendment introduced by the Senate.

It is a peculiar circumstance that thus far the Secretary of the Treasury is not publicly committed in favor of the passage of this measure. My opposition to granting authority to the Secretary to sell gold does not proceed from the apprehension that he will exercise the authority unfaithfully, or intentionally to the prejudice of the public interest; but I am opposed to granting this power because, in the first place, I think we have no right to grant it. I do not speak of *right* in the sense of power, but I mean to say that we have no moral right to grant the authority. In the next place, if I were satisfied that we had the right I should still think it unwise in the highest degree to exercise it.

It has been observed that when this resolution passed the House and went to the Senate, gold advanced from three to five per cent. in the markets of New York. On Saturday it declined six or seven per cent. below the highest rate previously attained. I trust no man will be influenced in his vote by a fact of this character, for it can be explained in several ways. It may be explained by supposing that the men who deal in gold, having the opinion—the honest opinion very likely—that the passage of this measure will produce a temporary depreciation in the price, prepared themselves for that event. Or the rise in price may have been a device on their part to secure a grant of authority to the Secretary to make the proposed sales. But it does not follow that the passage of this resolution in either shape—the shape in which it passed the House or that in which it passed the Senate—is calculated to affect permanently the price of gold. We are to judge the measure with reference to its effect upon the country generally, and through a long period of time. In what I say, I address myself to a condition of war. If we soon obtain peace, as I trust we may by the success of our arms, the character of our financial measures will be comparatively unimportant. Considering the resources of the country, the capacity of its people, and its productive power in a time of peace, we feel assured that the nation can rise superior to the effects of unfortunate or even unwise legislation; but in discussing this measure I address myself to the probable condition of the country should the war continue not only during the year 1864 but also during the year 1865.

If the war shall or shall not thus continue, what is to be the condition of the country in reference to the supply and use of coin? In the financial year of 1864–65 there is to be a demand for coin to the extent of $85,000,000. The Secretary of the Treasury has estimated the receipts from the custom-houses for the same period of time at $70,000,000, showing a deficit of $15,000,000.

Sir, I never heard of this bill until the morning when it was called up for consideration by the Committee of Ways and Means, and on which I submitted my amendment to the House. When the resolution was presented my mind went back to

certain thoughts I had had touching our finances, one of which was that the time was coming when it would be difficult for the Government to secure specie enough to meet its liabilities. I had suggested privately to my colleague who is upon the Committee of Ways and Means [Mr. HOOPER] the propriety of imposing a tax on cotton to be paid in specie. I thought that such a tax might give us from twenty to forty million dollars in specie, which might be appropriated to the payment of the interest on the public debt in coin. In this connection, and naturally, I was led to reflect on the measure proposed by the Committee of Ways and Means. I supposed that instead of a surplus of coin in the next sixteen months there would be a deficiency. Speculators, who are not responsible for the financial condition of the country, may give advice, either wise or unwise, without care or thought; but I feel bound to submit that, in accordance with the doctrines of the Constitution and the principles of liberty which we have inherited from our ancestors on the other side of the Atlantic, the responsibility for the financial condition of the country rests upon this House; and I submit deferentially that whoever upon this floor takes into consideration the financial condition of the country until July next only, and omits the year that is to follow, fails to comprehend the great facts upon which the safety of the Republic rests. We must look to the next year as well as to this. Sir, I was bred to business, and early instructed in the principle or rule of commercial safety, that a merchant who has a surplus of funds which he does not need for the purpose of meeting his immediate liabilities, but who has paper maturing the next month or the month after, instead of going into the market and loaning his temporary surplus to his neighbor, or investing it in stocks or real estate, should go to his creditors and anticipate his indebtedness, and thus provide for his liabilities and sustain his credit.

Is not the Government to-day in the position of a debtor who has more money than he needs at the moment, but who will be called upon in the next four, six, or twelve months to pay an amount which he cannot obtain in the ordinary course of business during the months when the indebtedness is to mature?

The purpose of this resolution, as adopted by the House, is to relieve the Treasury of a temporary surplus which, it is alleged by the Committee of Ways and Means—and the force of their statement I did not fail to see—is affecting unfavorably the business of the country. It was my purpose, by anticipating the payment of the interest coupons from time to time, to carry the temporary surplus of the present financial year over to the year 1864-65, when, according to the estimates of the Secretary, there will be a deficiency. I thought it a wise proposition. I submit deferentially to the House that the facts have not changed. A member of the Committee of Ways and Means, [Mr. HOOPER,] whom I honor as my colleague, stated to the House in the original debate that there would be a surplus of from ten to twelve million dollars on the 1st of July next. This surplus of $12,000,000, added to the estimated receipts for the year 1864-65, makes an aggregate of $82,000,000. You will be called to pay, during the year 1864-65, $85,000,000; so that, if these estimates are correct, there will still be a deficit of $3,000,000.

And now the proposition submitted to the House and the country is, that instead of applying this temporary surplus of ten or twelve millions to the payment of coupons that are to be paid in coin unless the Government intends to repudiate, the Secretary of the Treasury shall go into the market and sell this coin. One of two things must then happen if these estimates are true and if the war continues—and all that I say is on that assumption—you will either refuse in the year 1864-65 to pay your interest in coin, or you will go into the market and buy coin for the purpose at the cheapest price at which you can get it. This Government is in the condition in regard to money in which it would be in reference to bread for the Army if there was a short crop of grain, and the Government, having control of a quantity necessary for the maintenance of the Army, and more than could be used within the next three months, but not having a surplus beyond the requirements of the next twelve months, should, in order to force down the price, sell that which it had in store, put it into the hands of speculators ready to buy it, and then trust to the tender mercies of greedy men when the exigencies of the country should demand bread for the Army at any cost.

We have, temporarily, a surplus of money. And what is the proposition? To take ten or twelve millions, a temporary surplus, put it into the markets of New York, sell it to the speculators who will make a ring large enough to buy it, (they can hold it for six months for two and a half or three per cent.,) and when your exigencies come, when the day of your distress is upon you, as it will be, if the estimates of the Secretary of the Treasury are right, you will be in the power of these men. I ask whether the Representatives of the people are prepared to authorize a measure so fruitful of disaster if the war shall continue?

It is said that the Secretary of the Treasury is not likely to act under your authority. There is no man on this floor whose confidence in the Secretary of the Treasury exceeds mine. I have known him personally, I have known him somewhat intimately, and I believe that no public officer, from the establishment of the Government till now, has exercised his high trusts with a more sincere and conscientious regard for the interests of the country. But it is not the officer that is to be clothed with this authority; it is the office. I am free to say that I do not mean to vote to intrust any public officer with authority except on the ground of necessity; and while I do not hesitate to give my vote for all necessary authority to enable the Executive to carry on this war; while I am not troubled with the suspension of the writ of *habeas corpus;* while I have no apprehension that the liberties of the people of the country are to be wrested from them, I yet maintain that it is no time, when we are conferring great and unexampled powers on executive officers that are necessary to be conferred, to confer upon them also powers that are unnecessary. This is the time, if ever, to withhold authority not absolutely necessary, in order that if it should happen that there should be an attempt to abuse any of the powers which in good faith we have granted, we may still have in our hands the means of reclaiming those abused powers from unfaithful public servants.

Mr. ALLEY. I desire to ask my colleague if he knows anything more necessary than to protect the currency of the country in the present emergency, and whether he does not believe, as we do, that the possession by the Secretary of the Treasury of the powers that we propose to give him, would, to some extent at least, protect the currency?

Mr. BOUTWELL. I will say to my colleague in all frankness that if I had no more faith in the efficacy of this measure than was expressed by him in his remarks to-day, I certainly should not vote for it. I do not think this measure necessary to protect the currency. It will prove a palliative, not a remedy.

Mr. ALLEY. Will my colleague answer me further? Does he not believe, if the Secretary of the Treasury should not exercise that power, the fact of his possessing that power will prevent, to a considerable extent, speculation in gold?

Mr. BOUTWELL. The chief element which enters into speculation everywhere is uncertainty Uncertainty is the basis of speculation. This measure, as it comes from the Senate, introduces into the business of the country a new element of uncertainty, to wit, the will of the Secretary of the Treasury.

Mr. HIGBY. Would not our finances be in a firmer condition by the passage of the House bill, without the Senate amendments, than its passage with those amendments, and be a greater check upon speculation in the public credits? When a surplus of gold had accumulated would not the anticipation of payment, and making payment in amount as paper should demand, be far more powerful in controlling the market than to allow the purchase of Government paper at the lowest price it could be obtained at in market?

Mr. BOUTWELL. I give an affirmative answer to those questions as far as I understand them.

Mr. Speaker, I was saying, when interrupted, that one of the chief elements of speculation is uncertainty. We know very well that the premiums on maritime risks in time of war are not based upon actual losses from privateers, but upon the apprehensions and fears of the underwriters of what those losses may possibly be. Now, if you give to the Secretary of the Treasury the power to sell gold in addition to the power he now has to buy gold, it will always be an element of uncertainty in the gold market in addition to those elements which exist at present; and a merchant or speculator buying gold or selling gold will always take into account the fact that the Secretary of the Treasury may go into the market and buy or sell gold and force it temporarily above or below the price at which it was held on the day of the sale or purchase.

There is yet another objection to giving the Secretary of the Treasury this power. We do not know whether he will exercise it or not; and this House ought not to confer power unless it believes that an exigency will exist when he ought to exercise it. I believe no such exigency can exist while the law of 1862 remains upon the statute-book. On the 25th of February, 1862, the Congress of the United States passed a loan bill asking the country and the world to furnish $500,000,000 to enable us to carry on the war. In that bill we introduced two pledges. The first was that nothing but coin should be received in payment of custom-house duties. Secondly, that this coin should be appropriated, first to the payment of the interest on the public debt, and secondly, that a sinking fund should be created by the use of the coin in purchase of bonds equal to one per cent. of the whole public debt. The balance, if any, was to go into the general Treasury. What is the proposition which comes to us from the Senate? It contains, to be sure, a promise to secure the payment of the interest on the public debt, but no attention is given to the second great pledge, the establishment of a sinking fund, which each year should be increased in an amount equal to one per cent. of the public debt. The redemption of this pledge will require for the years 1863-64 and 1864-65 not less than $15,000,000. I ask gentlemen in all sincerity how they are to defend themselves to their constituents and to the world if they disregard this solemn obligation? Is there any defense? I know of none.

A gentleman, in endeavoring to satisfy me that this bill ought to pass, assures me that the world does not know that we have made this pledge. I cannot say whether the world knows it or not. I know it. This is sufficient for me. I know that this pledge was made, and therefore, so long as I have power, I intend to keep it. I will attempt to keep it though the Committee of Ways and Means make no provision therefor. I ask what defense, what excuse, what justification is offered? Is it said that the Government intends to secure this gold at a cheaper rate by and by? I ask my colleague on the Committee of Ways and Means, if to-morrow I were to give him a bond under seal that I would convey to him in fee in one year a certain estate, and the next day he should hear that I had conveyed it by warranty deed to a third person, would he not feel that at that very moment I had violated my faith?

Mr. STEVENS. Suppose the piece of property was to be conveyed a year hence, and he conclude to sell it to somebody else, have I a right to say anything before the year comes round, and before I see whether or not he has then anything to pay with?

Mr. BOUTWELL. The gentleman will observe that that is a different case entirely from this, because here the law says that "from and after the 1st of July, 1862," the Government will do so and so. The day of performance has already passed. Nearly two years have transpired, and you have not yet taken the first step toward the creation of this sinking fund. And now when you say you have twelve or twenty millions of gold, and that you do not need it for paying interest, I turn to the statute and ask you why you do not establish the sinking fund which you have agreed to establish.

Mr. HOOPER. Will the gentleman yield a moment?

Mr. BOUTWELL. I wish to say one word more to my colleague upon the committee before I yield. Would not my colleague, [Mr. HOOPER,] whenever he found that I had conveyed away the estate by warranty deed to a third person, say I had already violated my obligation, although he would have no legal right to call upon me for a performance of the condition of my bond before the year transpired? If incidentally he should

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, MARCH 16, 1864. NEW SERIES.....No. 70.

mention the matter to me and I should say, "I am a rich man; but I happened to be a little embarrassed and thought it convenient to get some money more economically than by borrowing, and hence sold this estate in the market, but in a year I shall be in funds, and then I will repurchase this property and convey it to you, and so comply with the conditions of my bond," would he not have a right to complain? Who does not see that it might be out of my power to comply with my obligations? If to-day I could repurchase the property, it does not follow that the party owning the property will not change his mind. Or he may die and his heirs or trustees may be the parties with whom I should have to deal, and my colleague might be compelled to go into court and seek damages for the loss of the land which I had promised him.

Mr. HOOPER. I rise to answer the question. I should say, if I heard he had made the transaction such as he represented, knowing him so well, I should not believe it unless I had it from his own lips.

Mr. BOUTWELL. You surely ought to have as much confidence in the faith of your country as in mine.

Mr. HOOPER. But I desire to ask my colleague how he proposes to put this amount into the sinking fund in gold? I want to know the mode and manner of doing it? I ask him as a man of business, if he were the Secretary of the Treasury, how he would do it?

Mr. BOUTWELL. I have thought of the mode. The law is not explicit, but I suppose the intention to be that the Secretary of the Treasury should take the surplus of gold, and, after paying the interest on the public debt, buy bonds in the market and set them aside, stamp them as belonging to the sinking fund, pay the interest each six months, and invest the interest and the annual one per cent. of the capital of the debt in additional bonds, to be treated in the same manner each six months afterwards. I do not know whether it would be competent for the Secretary of the Treasury to purchase the United States notes with the gold, and then with the notes purchase the Government bonds. I say I do not know whether the Secretary would be authorized to do this. What I do know is that he would have the right to take the gold and buy the bonds. Whether he has a right to take the intermediate steps is not so clear.

Another objection I have to granting this power is, that while I have the utmost confidence in the Secretary of the Treasury, I know very well he could not personally execute this trust. He must employ agents. I do not know whether those agents will be trustworthy or not, though I know he would adopt every safeguard in his power. On the other hand I know all the markets of speculation would be agitated to their very depths in order to ascertain what the purposes of the Secretary were.

Mr. STEVENS. Does not the Secretary now employ agents to keep all this gold?

Mr. BOUTWELL. Do not misunderstand me. I say that when he purposes to make a sale of gold he must employ somebody to do it. He cannot do it himself, and therefore the information that gold is to be sold must be communicated to at least one person and when it is communicated to one person we do not know how many other persons may get the information.

This is a matter which affects not only the price of gold, but also all the business relations of the country. It is not possible to affect the price of gold permanently unless you first or simultaneously affect the price of exchange. Our exports during the last year amounted to nearly $332,000,000, including foreign merchandise exported, estimated in the currency of the country. Our imports were over $252,000,000, estimated in the gold currency of other countries. There was a balance against us, which was met by the export of specie, to the amount of $54,000,000. If a merchant has exchange which is payable in gold in Great Britain, he can command gold there; and if he cannot buy gold here as cheaply as he can get it there, he will get it there. Therefore, I submit the proposition, based upon all the experience of this country and of the world, that gold cannot rule higher permanently than exchange. The price of exchange is based upon the exports and imports of the country. Whenever your exports are greater than your imports, you can bring down the price of gold, and you cannot permanently reduce it by any other means. A sale of State or national bonds abroad will yield exchange and reduce the price of gold.

Now, sir, I believe, even if this war goes on, that there will be a changed and more favorable condition in our financial affairs. We have information that the receipts of cotton from the South amount to about eight thousand bales a week. The necessities of the country at the present moment do not exceed four thousand bales. We shall soon be exporting cotton at the rate of three or four thousand bales a week, which will yield us seven or eight hundred thousand dollars in exchange. In the next place, we have been importing a great quantity of linen and woolen goods and wool, on all of which duties have been paid, and for which our exports have been sent abroad. We shall gradually diminish these imports when our mills begin to run, and the use of cotton is restored to what it was previous to the opening of the war. These facts tend to show that hereafter the exchange will be in our favor—that the price of gold will be gradually reduced, that our imports will be diminished, that the revenue derived from the custom-houses will be reduced, and thereby the means of the Government to pay the interest on the public debt in coin will be lessened also. In these facts we find a reason why we should not throw the millions of surplus coin we now have into the market. I regard this measure, then, as a temporary expedient, but as one not calculated to produce beneficial results for a long period of time.

I come now, Mr. Speaker, to make a statement with reference to measures of public policy which seem important, and which I think will gradually and ultimately furnish us some relief. The first is *economy*. I do not care to dwell upon this topic, but it is in this House that economy in regard to national expenditures must be practiced, if it is practiced anywhere.

The second point is taxation. If the Committee of Ways and Means shall report a bill embracing, in some degree, the principle contained in the resolution offered by the gentleman from New York [Mr. FREEMAN CLARKE] a few days ago, by which the revenue shall be increased to two or three hundred million dollars a year, we shall have taken a great and important step toward the restoration of our finances.

Next it is a pressing necessity—I do not know how the difficulty is to be met and overcome—but it is a pressing necessity that the circulation of paper be reduced. When the war opened the circulation of paper was hardly more than two hundred million dollars issued by the State banks of the country. The last report brings up the issue by these banks to $238,000,000. We have issued something like four hundred million of United States notes. We have also in circulation certificates of indebtedness and five per cent. scrip, redeemable in one and two years. These pass from hand to hand, and enter into the currency of the country. The latter are taken up by the banks because they bear interest, and the banks then put into circulation the non-bearing interest legal-tender United States notes, which they have heretofore retained for the purpose of redeeming their circulation. To the extent of the issue of this paper the currency of the country has been increased. In addition to that we are now inaugurating what I believe to be in itself a wise system, and one which ought to be maintained, but which—I am speaking of the national bank system—will ultimately increase the circulation of the country $300,000,000.

It is not a matter of surprise that under such circumstances the currency of the country appears to be, and is in fact, depreciating. In regard to the gold speculators, I believe that in the run of six months gold is neither higher nor lower on account of what they can do. They work on a certain basis, which is the value of exchange. They may for a few days force gold above the price of exchange; but ultimately the price of gold in the market depends on the price of exchange, which is equivalent to gold; and the rate of exchange depends upon the relation between the exports and imports.

The country needs about $1,000,000 of exchange per day, while the demand for gold is only about one fourth as much, or, considered together, the demand for foreign exchange and for gold is about one and one fourth million dollars per day. The supply and demand for exchange must therefore fix the price of gold. Therefore, until you can do something to decrease the rates of exchange you can do but little to diminish the price of gold.

I wish to make one suggestion, and I do it with great deference. It is, whether it would not be wise, under existing circumstances, for the Government to authorize a loan, principal and interest payable in foreign countries, either in London, Hamburg, or Frankfort, to run for a long time—say twenty, thirty, or forty years, because it may be twenty, thirty, or forty years before the Government can pay the entire debt even under the most favorable circumstances. This loan should be put at a low rate of interest, say four per cent., which would be a cheap rate for the Government. The bonds should not be sold in the outset, because if you sell the Government securities in foreign countries for a given sum, and draw against those securities and sell the exchange in the market, you force down the rate of exchange, and the Government is a loser; but if you can make a special deposit of these bonds, drawing against them to a certain amount, with the right to sell the bonds whenever you please, and then put the exchange into the market, the effect of it will be to force down the price of exchange. Exchange being forced down, gold will follow, because the exchange can be converted into gold; and thus you do something to strengthen the Government, and restore a better relation between the price of paper and the price of gold.

I made this suggestion to a banker, and his reply was this: "The bonds might as well be sold on this side of the Atlantic." I say, no. There is a very material difference; it is this: we are bound to look not only at the immediate effects upon business by the loans we are creating, but we are bound to look at their ultimate and permanent effects. In the beginning of the war it would not have been wise to borrow money abroad; but circumstances have changed, and it may be now expedient to do that which in the beginning it was not expedient to do. It is for our interest that all money borrowed abroad should be borrowed on securities that cannot be readily sold in this country.

My reason for the opinion is this: if our present bonds were negotiated abroad upon a basis of gold at sixty per cent. premium, and if gold should fall to twenty-five per cent. premium, as we hope it will during the present summer should we have military successes, the bonds would be sent back to this country, and would pay a large profit to those who had bought them abroad. The return of these bonds would create a demand for gold and exchange, force up prices, and reinaugurate the evils against which we are now contending. I think the better way is to place a certain amount of this loan on the other side of the Atlantic for the sake of the exchange, by which we can force down the price of gold, and yet put that loan on such terms that it cannot be negotiated in this country. That can be done by making interest and principal payable abroad, and putting the interest at a rate below the current rates in this country, so that people here would be reluctant to buy it. My suggestion is, that if we can create a four per cent. loan of one or two hundred millions for a long period of time, place it abroad, draw against it,

force down the price of exchange and the price of gold, we can ultimately sell these bonds at par.

And now, in conclusion, I ask the House to consider which of the two measures now before us is best calculated to strengthen the credit of the country?

Mr. Speaker, I am one of those who believe that this nation is able to carry a debt of two, three, or four thousand million dollars, pay the interest regularly, and ultimately pay the principal. I believe it can be done by adhering to sound principles, and that moral as well as financial considerations must enter into our policy. If we have pledged the nation's faith even to our own hurt I say we should keep it. If other nations, to say nothing of the people of this country, in looking at our legislation in order to ascertain what security they have for their claims upon our Treasury, see that we do not hesitate when an exigency not very great is upon us to take some portion of this coin which we have pledged to a particular use and devote it to another use, will it not weaken our credit abroad? Will not the people of other nations justly say, "There is no dependence to be placed upon the credit of the United States Government? Without any special exigency they have already taken a portion of the money they had pledged to us and appropriated it to another use; and how can we tell that in some exigency that may arise they will not take the remainder, and leave us to receive the principal and interest of the debt they owe us in irredeemable paper currency?"

But if on the contrary these nations, in looking at our legislation, see that we pay our interest in coin as we agreed, and having an amount of coin on hand larger than is required to pay the interest on our public debt we devote it to a sinking fund with which we lay a foundation for the redemption of the principal of that debt; if they see that in the midst of a war the magnitude of which is such as the world never before saw, with a public debt of ten or twelve hundred millions, we not only adhere to our obligations to pay the interest in coin but we anticipate that interest, it will strengthen our credit at home and abroad, and enable us to negotiate loans upon favorable terms.

Mr. Speaker, is there any man who can compare the results which will be likely to follow, and which, it seems to me, will certainly follow such a line of policy as I have marked out, with the results that will follow the act of throwing some ten or twelve million dollars into the gambling shops of New York with the expectation that it will reduce the price of gold there four or five per cent., and hesitate as to the course he ought to pursue? If these men in future should have the Government in their power they will wring the last drachma of your possessions from you. What gentleman can compare these results and hesitate in deciding which course will be most beneficial to the Government

Mr. HOOPER. One might suppose, who has listened to the argument of my distinguished colleague, that this joint resolution proposed that the Secretary of the Treasury should sell the coin which was pledged for the payment of the interest on the public debt, and thereby defraud the holders of Government securities of the payment of their interest in coin, to which the faith of the Government was pledged in the law of February 25, 1862. My colleague is entirely mistaken in this view. The joint resolution distinctly provides that the Secretary shall sell only the surplus of coin, if there be any, after reserving sufficient to pay the interest on the public debt, and any other purposes for which the Government are obliged to pay coin.

Let us look at the condition of the Treasury at this time. There is on hand, in coin, $22,500,000. It appears by the annual report of the Secretary of the Treasury that the actual receipts for the quarter ending 30th September, 1863, was $22,562,018 42; it is safe to assume that the quarter ending 30th June, 1864, will be as much; so that, leaving out of this estimate the receipts for the remaining half of the present month, there will be received to July 1, 1864, $22,500,000; making, with what is already in the Treasury, to that date, about $45,000,000. I have here an accurate statement from the Treasury Department, showing that the payments for the interest on the public debt to that period amount to $20,849 38, leaving an excess of about $25,000,000 on the 1st July, provided this bill is not passed to authorize the Treasurer to dispose of any surplus that is not required to meet the wants of the Government.

Let us look further and see how the Treasury will stand for the six months after July 1, and including January, 1865. Assuming the receipts to be the same—and I fear there is too much reason to believe the imports for that time will not be diminished, though it would be a great advantage to the country if it prove otherwise—there would be $45,000,000 received from July 1 to December 31, and the amount of interest to be paid during that period, including also January, 1865, according to the same estimate from the Treasury Department, will be $23,824,309 58. The statement of interest due from March 10 to and including January, 1865, is as follows:

Statement of interest on United States securities, payable in coin, falling due from March 10, 1864, to January 1, 1865, inclusive.

Rate.	Date of Issue.	Principal.	Date.	Interest.	Date.	Interest.
7 3-10	Oct. 1, 1861	$86,375,350 00	April 1	$3,152,700 98	Oct. 1	$3,152,700 98
7 3-10	Aug. 19, 1861	51,968,450 00	Feb. 19	.....	Aug. 19	1,888,848 43
6	Feb. 25, 1862	510,776,450 00	May 1	14,945,141 33	Nov. 1	15,393,393 50
6	1842	238,320 75	July 1	7,059 63	Jan. 1	7,059 63
6	1847	9,415,350 00	"	282,457 50	"	282,457 50
6	1848	8,908,341 80	"	267,250 25	"	267,250 25
6	1850	3,461,000 00	"	86,525 00	"	86,525 00
5	1858	20,000,000 00	"	500,000 00	"	500,000 00
5	1860	7,023,000 00	"	175,550 00	"	175,550 00
6	Feb. 8, 1861	18,415,000 00	"	552,450 00	"	552,450 00
6	March 2, 1861	1,016,000 00	"	30,480 00	"	30,480 00
6	July 17, 1861	51,655,500 00	"	1,549,665 00	"	1,549,665 00
		$769,249,662 55		$20,849,308 98		$24,824,309 58

Interest to July $20,849,308 98
Interest to January 23,824,309 58
Total $44,673,618 56

To this should be added about five millions of bonds that may be issued from this time to July 1, on which the first six months' interest will be due during that period, making the total amount of interest due from July 1 to and including January, 1865, $23,824,309 58, leaving an additional amount of surplus, not required for the interest on the public debt, about sixteen millions; making, together with the previous surplus, over forty millions.

Having shown that there will be a sufficient amount of coin, in all human probability, for the interest on the public debt for the last six months of the year, without relying on any part of the amount in the Treasury prior to the 1st of July next, I will confine what I have further to say to the condition of the Treasury at this time, with $22,500,000 of coin in its vaults, and an estimated amount to come in before the 1st of July, in addition, sufficient to meet all the requirements of the Treasury. Much as I admire the eloquence of my colleague, I have more faith in the simple statement of these figures; and if the members of this House will examine them they cannot fail to be satisfied that the Secretary may dispose of $20,000,000 of the coin in the Treasury between now and next July without impairing his ability to meet all requirements for the interest on the public debt as it falls due, in coin.

But my colleague says instead of disposing of this surplus amount of coin by sale, let the Secretary anticipate the payment of interest to the holders of the Government bonds, with or without rebatement of interest. It is understood that the rate of interest now for money at New York is five per cent. in currency; with that condition of the money market how many holders of the Government bonds are likely to come forward to receive with rebatement the interest that is payable in coin at the rate of six per cent., which is equal to between nine and ten per cent. in currency? Will you then have them paid without rebatement at this time when the requisitions on the Treasury Department amount to more than forty millions, some of which date back in the month of January, and the Department is without the means of paying them, and is not likely to have the means for some time yet, so that the credit of the Government is suffering by the long delay to meet its obligations? Will you undertake to pay the bondholders money that is not due to them, and which they do not ask for, and let the long-suffering creditors to whom the money has been due for weeks and months continue to wait for their pay? It is an actual fact that part of the requisitions which are due and unpaid, because the Treasury has not at this time the means to pay them, are for the monthly pay of the soldiers, while you have in the Treasury an amount in coin equal to $30,000,000 of currency that might be applied to that purpose if the Senate amendment is adopted. My colleague insists upon using this amount to pay the bondholders, with or without rebatement of interest, to whom it is not due, and to leave the soldiers and other creditors of the Government to whom the money is overdue still to wait. I trust this House will concur in the amendment of the Senate, and allow these creditors to be paid, instead of paying the bondholders for interest which is not due them, and which they do not ask or expect to be paid except in accordance with their bonds. I will say nothing of the inconvenience it would be to the Department to pay the interest on the public debt in anticipation of its being due, which any one can appreciate who understands the importance of regularity in the course of departmental work.

Before concluding, I will say a word in reply to the objection of the honorable gentleman from New York, [Mr. KERNAN,] that any surplus of coin beyond what is required for the payment of interest on the public debt, is specially appropriated for the creation of a sinking fund, for which one per cent. of the amount of the public debt is to be applied each year. I ask the gentleman what that has to do with this question, unless it is used as an argument in favor of this resolution to allow the Secretary to sell the gold that is not required to pay the interest on the public debt? If the Secretary intends practically to fulfill the requirement of the law at this time, to create the sinking fund, what other course could be pursued than to sell the coin for currency and invest that amount of currency in the public debt? And how would the gentleman, as a business man, advise him to make that investment at this time, when he is about to offer $200,000,000 of bonds for sale? Would he not advise him to take the requisite amounts from the $200,000,000 he is about to offer to the public and put them aside for this sinking fund, so that the Treasury may have the direct and immediate advantage of that amount of money?

If there is any surplus of coin in the Treasury beyond what is required for the payment of the interest on the public debt, and I think there certainly will be from ten to twenty millions, equal to fifteen to thirty millions in currency, I hope the Secretary will be allowed to dispose of it and apply the amount to the payment of the soldiers and other creditors who have been long waiting for the money due them, instead of giving it to the bondholders to whom it is not due. I would not object if the proceeds of any gold that may be sold should be specially applied for the prompt payment of the soldiers as their pay becomes due; they, of all the creditors of the Government, should be the last to be kept waiting for their money.

It seems to me the House has misapprehended the object of this joint resolution. Perhaps the most comprehensive form in which it may be stated is, that the Government has a large amount of coin beyond what it requires, but is greatly in want of currency to pay for the expenses of the war. On the other hand, the merchants have a great abundance of currency beyond what they require, but are greatly in want of gold, which they cannot procure because the Government keeps it all locked up in the sub-Treasury. The only

resource for the merchants in the present condition will be to pay to speculators who hold the gold whatever price they choose to demand, and which must be steadily increasing higher and higher, unless you authorize the Secretary to part with some portion of his surplus of coin in exchange for a portion of the surplus of currency which the merchants have; and that is the object of this joint resolution, to authorize the Secretary to dispose of any of the surplus of gold in the Treasury. It is not the merchants who are speculating in gold, but the harpies generated about the curbstones of a great commercial city, who are speculating on the wants of the merchants as well as on the wants of the Government.

Mr. STEVENS. I had intended to ask for the previous question, so that we could get to a vote upon this bill to-night, but I find that there are several gentlemen of great intelligence who desire to say something upon the bill before it passes. I do not, therefore, feel at liberty to propose the previous question at this time. If the House now adjourns, the bill will come up first in the morning hour. And in order that nothing may intervene to prevent it from coming up as the first business, I propose to move that the House do now adjourn.

HUDSON BAY CLAIMS.

The SPEAKER. With the permission of the gentleman, before the House adjourns the Chair will lay before the House a message from the President.

Mr. STEVENS. I will give way for that purpose.

The SPEAKER thereupon, by unanimous consent, laid before the House a message from the President of the United States, transmitting a copy of a treaty between the United States and Great Britain, for the final settlement of the claims of the Hudson's Bay and Puget Sound Agricultural Company, concluded on the 1st of July, and the ratifications of which were exchanged in this city on the 5th instant, and recommending an appropriation to carry into effect the first, second, and third articles thereof; which was referred to the Committee of Ways and Means, and ordered to be printed.

And then, on motion of Mr. STEVENS, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *March* 15, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, recommending legislation in relation to the treaty between the United States and the republic of Ecuador for the adjustment of claims; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a report of the Secretary of the Interior, transmitting the report, books, papers, and awards of the commission appointed under the act of Congress of February 16, 1862, entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians;" which was referred to the Committee on Indian Affairs.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, showing the amount due to the Quapaw tribe of Indians under treaty stipulations, and recommending an appropriation to be applied for the payment of expenses incident to their removal from Kansas; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented two petitions of citizens of Boston, Massachusetts, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented two petitions of citizens of the United States above the age of eighteen years, praying Congress to pass at the earliest practicable day an act emancipating all persons held to involuntary service or labor in the United States; which were referred to the select committee on slavery and freedmen.

Mr. POMEROY presented the petition of Mrs. William Whistler, widow of Colonel William Whistler, United States Army, praying for a pension; which was referred to the Committee on Pensions.

Mr. TEN EYCK presented six petitions of citizens of Monmouth county, New Jersey, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. TRUMBULL presented eight petitions of hospital stewards of the United States Army, praying for increased rank and pay; which were referred to the Committee on Military Affairs and the Militia.

Mr. WILKINSON presented a memorial of the Legislature of Minnesota in favor of an additional grant of lands to aid in the construction of the Southern Minnesota railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. ANTHONY presented the memorial of A. & W. Sprague and others, manufacturers, of Rhode Island, remonstrating against the extension of the patents of Charles Goodyear for the manufacture of vulcanized rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. COWAN presented the petition of Milton Finkle, of New York, praying for an extension to him of his patent for certain improvements in machinery for making wire heddles; which was referred to the Committee on Patents and the Patent Office.

RIGHT OF SUFFRAGE TO PERSONS OF COLOR.

Mr. SUMNER. I have in my hand a memorial which is addressed "to his Excellency, Abraham Lincoln, President of the United States, and to the honorable the Senate and House of Representatives of the United States of America in Congress assembled." It proceeds from one thousand and three colored citizens of Louisiana. In this memorial they represent that they are citizens of the United States by a decision of the actual Attorney General; that some of them are veterans of the war of 1812, who it will be remembered were hailed by General Jackson as "fellow-citizens;" that others are the sons of those soldiers; that many of them have already fought in this war, and that when their services were needed they came forward as volunteers, and that now having rendered loyal service in the suppression of the rebellion they ask also that their electoral franchise shall be recognized. They say in conclusion that they have applied in respectful terms to Brigadier General George F. Shepley, military governor of Louisiana, and to Major General N. P. Banks, commanding the department of the Gulf, praying to be placed upon the registers as voters, to the end that they might participate in the reorganization of civil government in Louisiana; and that their petition has met with no response from those officers, and it is feared that none will be given; and they therefore appeal to the justice of the representatives of the nation, and ask that all the citizens of Louisiana of African descent, born free before the rebellion, may by proper orders be directed to be inscribed on the registers and admitted to the rights and privileges of electors.

I have omitted to say, sir, in describing these petitioners, that they say of themselves that for several years they have contributed taxes on property assessed to the amount of $15,000,000; and yet these people thus taxed have been excluded from the exercise of the electoral franchise.

The committee to whom this memorial was intrusted by these one thousand petitioners, since their arrival in Washington, have prepared a supplementary memorial which I am requested to present in connection with the principal memorial. This also is addressed to the President as well as to both Houses of Congress. In this they represent that by recent orders the constitution and laws of Louisiana have been set aside in two important particulars: first, that constitution and those laws forbade soldiers from exercising the electoral franchise, but they have been allowed to exercise it; and secondly, that constitution and those laws recognized slavery, but by military orders slavery has been set aside; and these petitioners represent that if it was in the power of any military officer to set aside that constitution and those laws in those two particulars, it was also in his power to set them aside still further so as to award to these tax-paying citizens the electoral franchise. And they conclude this supplementary petition by saying that in the original petition they had only asked the right of suffrage for those citizens of Louisiana of African descent born free before the rebellion; yet that justice and the principles for which they contend require also the extension of this privilege to those born slaves, with such qualifications as shall affect equally the black and the white citizen, and that this is required not only by justice, but also by expediency, which demands that full effect should be given to all the Union feeling in the rebel States in order to secure the permanence of the free institutions and loyal governments now organized therein. The final prayer of this memorial is as follows:

"And your memorialists pray that the right of suffrage may be extended not only to natives of Louisiana of African descent born free, but also to all natives of Louisiana of African descent, whether born slave or free, subject only to such qualifications as shall equally affect the white and black citizen."

As this final prayer concerns the treatment of the freedmen of this country, I ask the reference of these papers to the select committee on slavery and the treatment of freedmen.

The VICE PRESIDENT. They will be so referred.

PRINTING OF A COMMUNICATION.

On motion of Mr. WILKINSON, it was

Ordered, That the letter of the Secretary of the Interior to the President of the United States, relative to the fund appropriated by the Thirty-Seventh Congress for colonization purposes, be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FOOT, it was

Ordered, That the memorial of James Casparis and others, in relation to the purchase of certain lots in the city of Washington, embraced in the contemplated enlargement of the Capitol grounds, be taken from the files of the Senate and referred to the Committee on Public Buildings and Grounds.

DICTIONARY OF CONGRESS.

Mr. DOOLITTLE. I have been requested to present, for the purpose of reference to the Committee on Printing, a resolution in relation to what is called the Dictionary of the United States Congress. I have not examined this question, and do not express any opinion upon it myself whatever; but I present the resolution for the simple purpose of reference to the Committee on Printing:

Resolved, That there be printed for the use of the Senate the regular number of copies of the Dictionary of the United States Congress, prepared by the late librarian of the House, and already ordered by that body; and the Secretary is hereby directed to pay to the compiler the same copyright allowed by the House of Representatives.

The resolution was referred to the Committee on Printing.

REPORTS FROM COMMITTEES.

Mr. HARLAN, from the Committee on Public Lands, to whom were referred resolutions of the Legislature of Kansas in favor of the construction of a military road from Fort Leavenworth via Fort Riley to Fort Larned, and in favor of an appropriation for the construction of a bridge across the Republican river on the Government reservation at Fort Riley, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs and the Militia; which was agreed to.

Mr. DOOLITTLE. The Committee on Indian Affairs, to whom was referred a bill (S. No. 90) to provide for the employment of the Sioux Indian captives in the military service of the United States, have considered and examined the same, and find that no legislation is necessary on the subject; and they have instructed me to ask that they be discharged from the further consideration of the subject.

The report was agreed to.

Mr. GRIMES, from the Committee on the District of Columbia, to whom were referred the following bills, reported them without amendment:

A bill (S. No. 147) to regulate the fees of the

clerk's office of the supreme court of the District of Columbia.

A bill (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed, on the 14th instant, an act (S. No. 1) granting a pension to John L. Burns, of Gettysburg, Pennsylvania.

STEAM FIRE ENGINE.

Mr. WADE. The Committee on the District of Columbia, to whom was referred the petition of the Columbia Fire Company of this city, praying for the purchase by the Government of a steam fire engine to be committed to their care, have directed me to report a bill on that subject, and I ask its passage now.

The bill (S. No. 168) providing for the purchase of a steam fire engine was read, and passed to a second reading.

The VICE PRESIDENT. The Chair will suggest that this day has been assigned for District business.

Mr. WADE. This is business of the District, and I ask to have the bill passed now.

By unanimous consent the bill was read the second time, and considered as in Committee of the Whole. It proposes to appropriate $4,000 for the purchase of a steam fire engine for the use of the Columbia Fire Company, the engine to be purchased and kept in efficient condition by the company or by the corporation of the city of Washington without further charge to the Government.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

The bill was read the third time.

Mr. HALE. I simply ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 9; as follows:

YEAS—Messrs. Anthony, Buckalew, Chandler, Conness, Cowan, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Harris, Hendricks, Howe, Johnson, McDougall, Morrill, Ramsey, Riddle, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, and Willey—28.

NAYS—Messrs. Hale, Harding, Lane of Indiana, Lane of Kansas, Nesmith, Powell, Saulsbury, Sherman, and Wilson—9.

So the bill was passed.

CAPTAIN FISK'S REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print extra copies of the report of Captain James L. Fisk of his overland expedition from St. Paul via Fort Abercrombie to the gold fields of the Territory of Idaho, have instructed me to report the same back and recommend its passage, and also to ask for its present consideration.

The resolution was considered by unanimous consent. It is as follows:

Resolved, That five thousand copies of the report of Captain James L. Fisk of his northern overland expedition from St. Paul via Fort Abercrombie to the gold fields of the Territory of Idaho, be printed for the use of the Senate.

Mr. HALE. What is the estimated expense?

Mr. ANTHONY. The estimate is $169.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. WILKINSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 169) to repeal all acts making appropriations for the colonization of persons of African descent; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 170) to promote the efficiency of the artillery of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. DOOLITTLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 171) to further amend an act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June 7, 1862; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DOOLITTLE. This bill was drawn under the direction of the Commissioner of Internal Revenue on an examination of the law as it stands. As it is an important matter, I ask, after consultation with the chairman of the Judiciary Committee, that the bill be printed, in order that it may go to them in a printed form for examination.

The motion was agreed to.

MONARCHICAL GOVERNMENTS IN AMERICA.

Mr. McDOUGALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, any correspondence or other information in possession of the Government, relating to any plan or plans now projected or being projected with a view to the establishment of monarchical Governments in Central and South America.

TROOPS OF KANSAS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be instructed to report to the Senate the number of men in the State of Kansas subject to military duty; the regiments, white and colored, heretofore raised in said State; their regimental number; by whom raised, and their term of service; the strength of each regiment when mustered into the service of the United States, the present locality of each regiment and corps, as also the number and description of troops now in the State of Kansas and in the Indian territory south of Kansas, subject to the orders of Major General Curtis.

PRINTING OF A BILL.

On motion of Mr. CONNESS, it was

Ordered, That the bill (S. No. 131) to consolidate into one district for judicial purposes the northern and southern districts of California, and for other purposes, be printed.

EXECUTIVE BUSINESS.

Mr. LANE, of Kansas. I desire to give notice to the Senate that it is of the highest importance for us to have an executive session early to-day, and that I shall, at an early hour to-day, move for an executive session.

PAY AND PENSION OF CHAPLAINS.

The VICE PRESIDENT. The Chair will lay before the Senate the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," returned from the House of Representatives, on which the Senator from Connecticut [Mr. FOSTER] has submitted a motion to reconsider the vote on its passage.

The motion to reconsider was agreed to.

Mr. FOSTER. I now move to reconsider the vote by which it was ordered to a third reading.

The motion was agreed to.

The VICE PRESIDENT. The bill is now before the Senate, and open to amendment.

Mr. FOSTER. I move to amend the bill by striking out all of the first section after the word "that," where it first occurs, and inserting in lieu thereof:

The rank of chaplain in the regular and volunteer service of the United States is hereby recognized. Chaplains shall be borne on the field and staff rolls next after the surgeon, and shall be subject to the same rules and regulations as other officers of the Army. They shall be entitled to quarters and fuel, subject to the same conditions and limitations as are now by law provided in the case of surgeons. When absent from duty with leave, on account of sickness or other disability, or when held by the enemy as prisoners, they shall be subject to no other diminution or loss of pay and allowances than other officers in the military service are under like circumstances.

Mr. WILSON. I think that had better go over.

Mr. GRIMES. And be printed.

Mr. FOSTER. It is suggested by Senators around me that the amendment had better be printed. I have no objection, of course, and should desire it if there is any question arising upon it. I understand the Senator from Massachusetts also wishes to propose an amendment. I suggest that his amendment also be offered now, and that they be printed together, and the further consideration of the bill postponed.

The VICE PRESIDENT. The Chair will receive the amendment.

Mr. WILSON. I will prepare it presently. Let the bill be laid aside informally.

The VICE PRESIDENT. There is also another amendment submitted by the Senator from Connecticut, which has not been read. These amendments, together with the amendment to be submitted by the Senator from Massachusetts, will be ordered to be printed, if there be no objection, and the bill will be passed over informally.

REGULAR ARMY.

Mr. WILSON. I move now to take up the bill (S. No. 151) relating to chaplains, and for other purposes, which we had up yesterday morning. I think we can pass it in five minutes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 151) relating to chaplains, and for other purposes.

Mr. WILSON. The only objection made to the bill yesterday morning was that made by the Senator from Iowa [Mr. GRIMES] to the ninth section. That section provides for the addition or selection of three officers, and adds to the expense of the battalion thirty dollars a month, $360 a year. The duties that those officers are to perform they can be detailed to perform, and I do not know that it is very important that this section of the bill should be retained. As the other sections of the bill are very important I will move to strike out the ninth section of the bill, in the hope that there will be no further opposition to the bill, and that it may be allowed to pass at once.

Mr. POWELL. I ask for the reading of the section proposed to be stricken out.

The Secretary read it, as follows:

SEC. 9. *And be it further enacted*, That there be allowed to the battalion of engineers one adjutant, one quartermaster, and one commissary of subsistence, to be selected from the lieutenants on duty with the battalion, with the same compensation as is allowed to regimental adjutants and quartermasters, respectively.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. WILSON, the bill was amended so as to read: "A bill relating to enlistments, and for other purposes."

DEGREES FOR DEAF AND DUMB AND THE BLIND.

Mr. GRIMES. This day was set apart for District business; but I understand that the chairman of the Committee on Finance is desirous of occupying the day, or such part of it as may be necessary, with the bill that was under consideration when the Senate adjourned yesterday. I do not see him now in his place. I am willing, so far as I am the representative of the Committee on the District of Columbia, that he should do so, with the understanding that when that bill shall be disposed of the business of the District of Columbia shall be taken up and continued on during the day and to-morrow, if necessary, in order to dispose of it.

Mr. SUMNER. I hope not to-morrow. The Senator will bear in mind that there is a special order for to-morrow.

Mr. GRIMES. What is it?

Mr. SUMNER. The bill to repeal the fugitive slave act.

Mr. GRIMES. If I have to abandon to-day, I shall insist on having to-morrow for the District business.

Mr. SUMNER. I hope the Senator will say Thursday, and not interfere with the assignment already made for to-morrow.

Mr. GRIMES. I move that the Senate proceed to the consideration of Senate bill No. 163.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

Mr. HALE. I wish the chairman of the Committee on the District of Columbia who reported that bill would explain the necessity for conferring this power on the Deaf and Dumb Asylum. It seems to me rather an extraordinary one. It is to confer degrees like other colleges, I believe.

Mr. GRIMES. I do not know that there is any necessity for the passage of the bill at all. It is done at the instance of the trustees and superintendent of this institution, in this District who desire that they should have permission to confer upon deaf and dumb and blind, pupils who may graduate at their institution, and who are to go out into the world and become instructors of the deaf and dumb and the blind, a diploma. That, I believe, is the full scope of the bill and the

object of the persons who desire its passage. It is to allow the trustees of this institution to confer a degree, whatever they may determine the title of it to be, that will indicate that they have passed through a course of thorough education at this institution.

Mr. HALE. As it is explained I have not the slightest objection to it in the world; but it struck me that the bill read a little broader than that. I would be obliged to the Secretary if he would read it again.

The Secretary read the bill, as follows:

Be it enacted, &c., That the board of directors of the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind be, and they are hereby, authorized to grant and confirm such degrees in the liberal arts and sciences to such pupils of the institution or others——

Mr. GRIMES. I move to strike out the words "or others." I was not aware that those words were in the bill.

The amendment was agreed to.

The Secretary continued the reading, as follows:

who, by their proficiency and learning or other meritorious distinction, they shall think entitled to them, as are usually granted and conferred in colleges, and to grant to such graduates diplomas or certificates, sealed and signed in such manner as such board of directors may determine, to authenticate and perpetuate the memory of such graduation.

Mr. GRIMES. I am satisfied I was in error in agreeing to strike out the words "or others." I do not know why this institution or why any educational institution designed for the use of the deaf and dumb should not have the privilege of conferring a degree upon an experienced educationist in this particular department in New Hampshire or in Iowa or elsewhere as well as upon the pupils of the institution in the District. I do not think that any disadvantage can result from the passage of the bill. It is not intended to confer degrees upon anybody except those who are themselves deaf and dumb or who are the instructors of deaf and dumb people.

Mr. ANTHONY. It ought to say so.

Mr. HALE. I think it ought to say so. The bill as it now stands would empower this institution for the education of deaf mutes to confer degrees in the arts and sciences the same as Harvard university or Yale college. It seems to me that it should not be done; that it is lessening the thing altogether. They might have an appropriate diploma, indicating that they have passed through the regular order of education prescribed by such an institution. I think that would be very well, and I have no doubt it would be proper. I do not stand here as the particular advocate for degrees in the arts and sciences or for colleges; but the community have supposed that there was some character attached to such degrees, and if there is, it seems to me we should not confer this power on this institution, so that a degree from this deaf and dumb institution should have the same rank and standing as a degree from the highest and oldest colleges and universities in the land.

Mr. ANTHONY. If I understand the bill correctly, it would enable this institution to confer the degree of Doctor of Laws or Doctor of Divinity. I think that would make the thing more ridiculous than it is now, which is hardly necessary. If they were to confer some degree appropriate to the institution upon the deaf and dumb, it would be very proper. But I do not think it is necessary to pass this bill. I suppose they can confer a degree of Doctor of Laws, if they choose, without a legislative act. I suppose any institution, or any voluntary body of men, can do it. I think the bill had better be recommitted to the Committee on the District of Columbia to report on the nature of the degree they shall be authorized to confer; and if the chairman of the committee will agree to it I will make that motion.

Mr. GRIMES. I am not very familiar with this business of degrees. I never was in possession of one myself, and I never believed that they conferred upon those gentlemen who were in possession of them any particular merit or distinction. I know that institutions in my country without any particular standing as scholastic institutions confer degrees; but the world judges of the graduates by their success afterwards, and not by the fact that they happen to have a degree on parchment. I would not object myself to this institution having the power to confer any kind of degrees. I do not suppose anybody would be injured by conferring that power upon them, although that is not the design of the act; and I do not think there is any possibility or probability of degrees being conferred on anybody else except upon the pupils of the institution or occasionally upon some person who is distinguished as an educationist of persons who are afflicted by the loss of their sight or their articulation.

I do not think it is a very important matter, and I do not care whether it is recommitted or not. I never imagined that it was of any particular advantage to the institution that the bill should be passed. When it was brought to me by the gentlemen who have charge of this institution, I saw no objection to it. There was not a member of the committee to whom it was referred who saw any objection to it; and I have failed thus far to hear any substantial objection, except that possibly they may confer degrees like Harvard and Yale colleges. Suppose they do: what harm is going to be done to anybody? Is anybody going to employ a deaf mute or a man who has not the power of utterance and give him any greater confidence because he has a diploma from this deaf and dumb asylum than they would if he had not one? Would not a man's credentials, if his character be good, be worth just as much without a diploma from this deaf and dumb asylum as with it? I beg pardon of the Senate for occupying its time on such a subject.

Mr. ANTHONY. I move that the bill be recommitted. I think the object of the bill is a very good one indeed, but I do not think the object is expressed in the bill itself. I think it will rather make the institution ridiculous to give it the power to confer literary or scientific degrees, whereas I think it would be very proper to give it the power to confer some degree that may be framed and invented for the deaf, dumb, and blind.

The VICE PRESIDENT. The Senator from Rhode Island moves to recommit the bill to the Committee on the District of Columbia.

The motion was not agreed to.

Mr. HALE. There is no provision that the degrees they confer shall be on the deaf and dumb and the blind. I move to insert these words before the word "pupils."

Mr. CLARK. I desire to inquire of my colleague and of the other Senators who oppose this bill if their opposition is not a little captious. Pray, sir, what is the objection to this seminary having the power to confer a degree as a matter of compliment on somebody who was not educated there if they choose to do it and the man chooses to accept it? Take the case of a man who happens to be an educator of the deaf and dumb, not deaf or dumb himself, but a man who could talk and who could listen, and this institution, for the purpose of complimenting him for his skill and faithfulness in educating the deaf and dumb, or for some other purpose, chooses to confer a degree upon him, and he is willing to receive it—pray what is the objection to it? I do not think there is any danger of making the whole thing ridiculous, as suggested by the Senator from Rhode Island. I think we may as well trust this matter in the hands of these people who educate the deaf and dumb as anybody else. I do not believe that they will abuse it. I can hardly conceive how it can be abused. I think we had better allow this institution and the gentlemen who are engaged in this good work to issue these degrees, and if anybody chooses to receive them, and receive them as a compliment, let him have them.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole to strike out the words "or others."

Mr. GRIMES. I withdrew that amendment afterwards.

The VICE PRESIDENT. It was put to the Senate and agreed to, but can be disagreed to now.

The amendment was non-concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill of the Senate (No. 158) in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863.

The message further announced that the House of Representatives had passed a joint resolution (No. 38) directing the Secretary of the Interior to pay to the Chippewa, Ottawa, and Pottawatomie Indians residing in Michigan the sum of $192,850; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill; which thereupon received the signature of the Vice President:

A bill (S. No. 120) to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontier," approved June 30, 1834.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 38) directing the Secretary of the Interior to pay to the Chippewa, Ottawa, and Pottawatomie Indians residing in Michigan the sum of $192,850 was read twice by its title, and referred to the Committee on Indian Affairs.

CONSULAR AND DIPLOMATIC BILL.

Mr. FESSENDEN. I move to postpone all prior orders, with a view of taking up and finishing the bill that was under consideration yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 40) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1865; the pending question being on the amendment offered by Mr. SUMNER, from the Committee on Foreign Relations, to add the following as an additional section to the bill:

And be it further enacted, That the President may, in his discretion, by and with the advice and consent of the Senate, appoint an envoy extraordinary and minister plenipotentiary to the kingdom of Belgium, who shall receive no higher compensation than is now allowed to a minister resident.

Mr. SUMNER. Before the vote is taken on the amendment I desire to add one word to what was said yesterday, if I can have the attention of the Senator from Maine.

The question was very earnestly asked by that Senator what was the origin of this proposition. I have in my hand the first origin of the proposition—at least so far as I am concerned. It is a letter dated at "Brussels, November 23, 1863"—a strictly private letter to myself from a very eminent and very able citizen of the United States, by accident in Brussels at that time, and, I may say, there at this very moment. The Senator will excuse me if I do not mention his name. I have no objection, of course, to communicate it to him privately. From this letter I read a passage only:

"It seemed to me out of fitness that, on all public occasions, he [our minister] should hold an inferior rank and tag after a file of plenipotentiaries representing little Powers known only to adepts in geography. There is also another incongruity which, I believe, has not failed to be observed here. Belgium sends a plenipotentiary to Washington; and we are in the habit of bestowing upon King Leopold very burdensome and we may suppose unwelcome tokens of our respect by asking him to be arbiter in international questions of which the investigation subjects him to great labor. On the other hand, by sending to his court a representative of inferior rank we seem quite clearly to declare that we hold him to be a monarch of lower grade."

These, sir, are the words of a private citizen, but one of singular intelligence and unexampled opportunities in Belgium, who knows well the actual condition of things in that country.

Here, then, is the testimony of one on the spot that our country would be aided in Belgium by giving an additional rank to its representative there. The Senate will bear me witness that in urging this proposition yesterday I put it expressly on the ground that it seemed to me important to contribute at this moment in every possible way, especially where it could be done without any additional draft upon the Treasury, to the efficiency of our missions in Europe. I did not put it upon any ground of compliment to any minister, nor indeed on any ground of mere compliment to the distinguished sovereign to whom the plenipotentiary will be accredited, but simply on the ground that in this way we should add to the efficiency of our representation abroad; and on this I gave my testimony, such as it was worth, enforced also by the recommendation of the Committee on Foreign Relations.

But a question was made as to the desires of

the King of Belgium, and I was asked whether there was any evidence on that head. In reply I stated that the Government of the King of Belgium had invited the last Administration to send a plenipotentiary to Brussels, but I did not state the case with sufficient strength. The desires of a foreign Government may be seen in two ways: first, in a positive request or invitation, which of course must go for something; and secondly, in a positive act, which goes much beyond even any positive request or invitation. Here, then, are the two classes of evidence. The positive act of the Government of Belgium is that it has accredited a plenipotentiary to our Government. This act on the part of the Belgian Government deserves, I submit, even if it does not demand, reciprocity on our part; and when Senators ask whether a plenipotentiary would be agreeable to the King of Belgium, or according to his desires, I reply that we have positive and unanswerable evidence to enable us to answer this inquiry in the fact that his Government has sent an amiable and accomplished minister plenipotentiary to our Government.

Mr. FESSENDEN. I do not know that I am called upon to say anything in reply to the Senator from Massachusetts; but it is very natural to suppose that there may be a citizen abroad who may have a very considerable feeling of pride, who would be struck with the fact that the minister of the United States was simply a minister resident, while the ministers of divers and sundry small Powers were envoys extraordinary, and he might think that that fact detracted from the dignity of our Government. I am in the habit of thinking that the dignity of the Government does not depend on such small matters, but that it is impossible to ignore the Government of the United States, and that we shall be estimated abroad according to our actual power and what that is known to be in the world, without reference to the particular grade of the ministers whom we choose to send abroad. Although the gentleman writing this letter may have precisely the opinions that he expresses, it does not follow, I think, that the Senate of the United States must necessarily entertain the same view. A man residing abroad a long time may get impressions which, perhaps, are as little likely to be in harmony with our own mode of thinking at home as we should desire them to be.

I think this proposition is open to all the objections that I stated yesterday. The same argument precisely would apply to other Governments, Holland for example, with which and its dependencies we have, if I have rightly ascertained the facts, about double the amount of intercourse in the way of trade that we have with Belgium, although since the war commenced we may have made considerably more purchases of firearms, munitions of war, &c., of Belgium than we did before.

It seems after all that this idea did not originate in any expression of a wish on the part of that Government, but in a mere private letter, and was started in the first place at the suggestion of some eminent citizen abroad, as I supposed in the beginning, and not in any desire of an official character officially expressed. That a small Power, a second-rate Power, chose to send a minister plenipotentiary here was a matter for that Power to consider. I do not think there is anything in our relations with Belgium, or any feeling exhibited in regard to the whole matter, that should lead us to depart from the line of policy we have adopted and the distinction we have seen fit to make, merely for the purpose of raising this gentleman another grade. The result I can easily foresee. I have seen before in other cases from what simple beginnings great results grow in the way of money. I think we had better stand in the way of the first step, and resist that. My opinion, with all respect to the Senator from Massachusetts and the committee which he represents, remains the same as expressed yesterday. However, it is for the Senate to decide. It is a matter about which I have no feeling.

Mr. HENDRICKS. If I am to vote to increase the grade, very certainly I shall vote to increase the salary, because I would not be willing to impose the honors without the compensation which would enable the man to bear his honors properly in the presence of the representatives of other nations. It is very plain what this thing will result in. If we raise the grade now, next session we shall raise the salary, and we may as well meet it at once. I therefore move to strike out the last clause of the proposition which restricts the pay. If that be the sense of the Senate, there can be no necessity for raising the grade, because the President has that power now.

The VICE PRESIDENT. The Senator from Indiana proposes to amend the amendment by striking out the words, "who shall receive no higher compensation than is now allowed to a minister resident."

Mr. ANTHONY. I am going to hold the Senator from Maine to the promise he made yesterday. I understood him then to say that if he could be satisfied that this request came from the potentate to whom we are under so great obligations for friendship and kindness, and not from a desire to gratify the incumbent of the office, he should be willing to accede to it. Now, I think the Senator from Massachusetts has made out that case completely. Certainly the Senator from Massachusetts has shown that the King of Belgium made this request under the last Administration.

Mr. SUMNER. I have stated the fact.

Mr. ANTHONY. And I can state the fact. I know it. I know it from the State Department.

Mr. FESSENDEN. I want that officially.

Mr. ANTHONY. I think the Senator is very particular. The Secretary of State has told me that he made that request; that he made it under the last Administration; and that, in anticipation that we should grant the request, he sent a full minister here to us. I think something is due to the Committee on Foreign Relations; they have investigated this matter, they have consulted with the State Department, and they make this proposition. When the Senator from Maine makes a proposition from the Committee on Finance we all agree to it; we have to agree to it first or last. We vote to tax whisky or not to tax it, just as he says. We raise all the taxes that he says are necessary; we make all the appropriations that he says are proper, and cannot make any that he does not agree to. I acknowledge that that is proper. I sometimes remonstrate against it, and sometimes I vote against it, but if I do I am always voted down, as in such cases I generally ought to be. I want to hold the Senator from Massachusetts, the chairman of the Committee on Foreign Relations, in the same respect that I do the Senator from Maine at the head of the exchequer; and I think he ought, in consideration of the implicit obedience with which we yield to all his requests, to give something to the chairman of the other committee.

Mr. HALE. I hope we shall repay all the gratitude that is due to this old King of Belgium somehow or other pretty soon, so that it shall not be brought up on every bill to influence us. Not long ago we had up here a bill to buy out the Scheldt dues——

Mr. SUMNER. That was a treaty, in secret session.

Mr. GRIMES, (to Mr. HALE.) It has passed now, and you have a right to talk about it.

Mr. HALE. Yes; it is a law now.

Mr. ANTHONY. No, it is not.

Mr. SUMNER. It has not yet been promulgated.

Mr. HALE. I am glad that the Senators see the force of what I was going to say.

Mr. FESSENDEN. I suggest to the Senator that he can suppose a case.

Mr. HALE. Thank you. I will suppose a case where we had before us a treaty which was to saddle our Treasury with a debt of nearly a million dollars, and that the principal argument for it was an obligation of gratitude that we owed to this King of Belgium; and now it is proposed to raise the grade of the minister to Belgium to gratify this good old man for whom we voted a million the other day. I am opposed to the whole of it, and I am opposed to it for this reason: it does seem to me that from the commencement of this rebellion to the present time the men who have had the dealing with it here in the Senate have thought the whole remedy consisted in raising the rank and pay of officers; and we have got now pending, introduced by the chairman of the Committee on Military Affairs, two bills of the same kind; one of them was discussed the other day, in regard to the regiment of engineers, and the other was introduced this morning, in regard to the artillery.

Mr. WILSON. We have passed the engineer bill.

Mr. HALE. It is constantly raising rank and raising salaries; and it has not been confined to the Military Committee. I remember that my friend from Michigan [Mr. CHANDLER] thought it was absolutely necessary, in order to put down this rebellion, to raise the pay of the revenue-cutter officers, and it was done because raising pay and rank seemed to be the remedy. Now the Committee on Foreign Relations have taken it up. They have begun more modestly. They propose to raise the rank this year and the pay next. It will all come to the same thing. And at the same time we are spending money as if the emissions of the paper factories that we have going turning it out were never to come back to be redeemed. This is a small matter to speak on in that connection, perhaps, but I tell you a time is coming when we shall learn economy or bankruptcy, and that is not far off, unless we alter our course of constantly increasing rank or pay.

I apprehend that this matter in regard to the minister at Belgium is altogether but a compliment. There is no public necessity, no public want for any minister there; but we have got one, and I do not propose to disturb him or to do anything to disturb him. I confess that I am opposed to this raising of rank and raising of pay. I am somewhat of a convert to the doctrines that were poured out here so bountifully when a proposition was made to raise the salary of some naval paymasters' clerks that got about five hundred dollars a year. What a floodgate of economy overflowed the Senate at that moment! It is only such little things that excite the patriotism and economy of the Senate; but when you come to brigadier generals and ministers plenipotentiary, and characters of that sort, there is no end to the money that you may vote without any reproof or any indictment.

Sir, we are going in a wrong direction; we must turn round; we must adopt a different system; and we must (though I know it will sound ridiculous to many ears) recur to some of the old-fashioned notions of economy that used to prevail in the public councils.

It is idle to maintain that this proposition does not look to an increase of salary. It is an insult to the minister if increased pay does not follow. Why shall a minister plenipotentiary be sent to Belgium and he be made an exception to all the other ministers plenipotentiary? What has Mr. Sanford done that he should be subjected to this indignity by the Senate, to say that he shall be made a minister plenipotentiary and at the same time shall only receive the salary of a minister resident, making him an exception to all the other officers of the Government of this kind? While I am willing to do a pleasant thing to the old gentleman who is the King of Belgium, I am unwilling to do it at the expense of insulting our own minister at the same time; for, while it will be a compliment to the King of Belgium, it will be an insult to the minister to point him out and say, he shall have additional rank, but shall not have additional pay.

I think my friend from Indiana [Mr. HENDRICKS] has mistaken the remedy. He had better vote against the whole thing, because if you strike out the provision against an increase of salary, (and I rather think the Senate will strike it out,) you cannot then get the other part stricken out; and the result will be that you have stricken out the only part you want to keep in, and got in the part that you want to keep out. I think it is best to keep it all out.

Mr. GRIMES. I do not know anything about diplomacy; but my idea always has been that matters of state should be made public. The Senator from Massachusetts, the chairman of the Committee on Foreign Relations, may have some information upon the subject; he may be willing to communicate it, or he may not; but I venture to ask him the question whether or not any portion of this idea has originated in the fact that this King of Belgium, Leopold, is the father-in-law of Maximilian, who is to be our neighbor in Mexico; and whether this is designed to propitiate the influences that are likely to control him if he shall become our neighbor in Mexico?

Mr. SUMNER. Does the Senator wish an answer?

Mr. GRIMES. Yes, sir.

Mr. SUMNER. I answer that it has no connection with that fact.

Mr. GRIMES. I think the country ought to know and would desire to know whether there is any indication in creating this office that there is to be any truckling to any foreign Power whatever; and if the Senator can assure me that no such sentiment as that entered into the minds of those from whom this suggestion emanated, it might perhaps strengthen——

Mr. SUMNER. I answer the Senator frankly. This proposition comes into the Senate from the Committee on Foreign Relations, and I can assure him that no such idea has ever entered into that committee, certainly so far as I can speak from its deliberations. The idea, I say, comes from that committee; but that is not all——

Mr. GRIMES. I understood the Senator from Rhode Island to remark, in reply to the chairman of the Committee on Finance, that the Secretary of State had approached him upon the subject, and had told him that King Leopold desired, during the last Administration, that the grade of this mission should be raised; and I therefore judged that this must have emanated from the Secretary of State.

Mr. ANTHONY. Allow me to correct my friend. I did not mean to be understood, and certainly I did not say, that the Secretary of State had approached me. In conversation on this subject long ago the Secretary of State told me that a request of that kind had been made by the King of the Belgians, and under the last Administration, that of Mr. Buchanan, before Maximilian had ever been heard of in this country. It has not the slightest relation to that.

Mr. FESSENDEN. It seems the last Administration did not think our dignity required it.

Mr. ANTHONY. They did not think it best to do a great many things that we think it proper to do.

Mr. SUMNER. The minister of the King of the Belgians arrived here only at the close of the last Administration, in the month of January or February before that Administration went out of office, and they therefore naturally left the whole question to the incoming Administration. But then I wish to reply in good faith to the inquiry of the Senator from Iowa, though I do not know that it needs any reply, for he knows perfectly well that those who have brought this proposition forward on this floor have no idea of truckling to any Power. The persons responsible for the proposition directly here are the Committee on Foreign Relations; but they have acted in concert with the Department of State, which Department of State had originally received an intimation on the subject from the Government of Belgium, an intimation in two forms: first, verbally; and then, as I have said, by the fact of Belgium sending us a full minister.

Mr. DOOLITTLE. The remarks of the Senator from Ohio yesterday and of the Senator from New Hampshire to-day, speaking of a treaty or a supposed treaty between the United States and Belgium on the subject of the Scheldt dues, have thrown out a suggestion to the prejudice of this proposition, and what is more, as it seems to me, to the prejudice of our country before the people, and I desire to say a single word on that subject by way of reply.

Mr. President, it is known that the United States led the way in the proposition to abolish what were denominated the Sound dues in Denmark, the dues upon the Elbe, and the dues upon the Scheldt. The United States led the way when Mr. Marcy was Secretary of State, and under declarations amounting *quasi* to a declaration of war even with Denmark if the Sound dues were not relinquished; but on consultation, this Government, with the other Governments, agreed to capitalize those dues and to pay a certain sum of money to Denmark. That is the way it originated. The other nations of the world acted in concert with us, we taking the lead in abolishing those dues in Denmark, and also upon the Elbe; and if this supposed treaty has been negotiated and ratified, it is probable that it is carrying out the same policy.

I will not detain the Senate by speaking at length on this subject, but it is carrying out the policy not of any recent date that has a particular reference to King Leopold, and certainly shows nothing in the nature of truckling to King Leopold, because Maximilian, who is supposed to be about to leave Europe to take the throne of Mexico, may be by marriage related to King Leopold, or truckling to the Emperor of the French, or to any other foreign Power. The time may come perhaps when in relation to Mexican affairs we shall be called upon to speak. At present, for one I do not feel that it is necessary to make any declarations on my part of what opinion I as an individual Senator may entertain in relation to the intervention on the part of the French in Mexico, nor on the subject of Maximilian taking the throne in Mexico, but the time may come when we may be called upon to speak on these questions.

Mr. President, I felt called upon to say as much as this by way of reply to the remarks of the Senator from Ohio yesterday and the Senator from New Hampshire to-day. I think this question about the raising of the grade of our minister to Belgium should be considered entirely independent of any consideration growing out of the negotiation of that treaty. I became satisfied on this matter being considered in the committee in all its bearings, both the question of raising the grade and the other question which may follow of raising the pay at some future time, that the proposition was correct, and I shall give it my support.

Mr. DAVIS. I am opposed to raising this mission. If we raise the mission, that is the first step, and the next step will inevitably be to raise the salary. That will follow just as certainly as night follows day. The gentleman who represents our Government at the Belgian court is to be continued if the mission be raised. If his capacity could be raised in the same proportion I would vote for the measure; but I apprehend that he will have no more ability to serve our Government and country there after he is made an embassador of the first class than he now has. Belgium is not a second-rate power. A friend informs me, and my general recollection corresponds with his, that the population of Belgium is some five millions.

Mr. SUMNER. About five millions.

Mr. DAVIS. If Belgium were a Power equal in population, in resources, and in commercial intercourse with the United States to other countries where we have missions of the first class, there might be some fitness in raising our mission to Belgium to that grade. If the raising of this mission would make our country, our people, our Government, our interests more acceptable to King Leopold, there would then be some reason for raising the mission; but I imagine that none of these points will be improved in our favor if the mission be raised.

I believe certainly that we now have twice as many diplomatic representatives as we ought to have; and if there were a general proposition made, after inquiry and reflection by the vigilant and able chairman of the Committee on Finance, [Mr. FESSENDEN,] to reduce our missions, I certainly would vote for such a proposition. The attention which he gives to the finances of the country, and the condition of the Treasury, and the expenditure of the public money, is in the highest degree praiseworthy, and the country certainly owes him a deep debt of gratitude for his fidelity in these respects, and I honor him for it.

It seems to me that it has become a good part of the business of the Congress of the United States, especially since the war commenced, to increase the number of officers and the rates of salary and compensation. I believe now that we have a vast redundancy of officers in all the public service, and I believe that redundancy exists in our foreign list. I believe the list of foreign appointments, commercial as well as diplomatic, contains as great an excess proportionally to the demands and the business of the country, or the greatest excess, that there is in any branch of the entire service of the Government. Instead of continuing on in this beaten track—this track where all the steps are forward—of increasing offices and increasing salaries, I would much prefer that we should make a retrograde movement. I shall therefore vote against the raising of this mission.

Mr. JOHNSON. The Committee on Foreign Relations, I supposed, until I heard the honorable member from Kentucky, were unanimous in favor of this proposition, and they came to that conclusion after being satisfied by information upon which they knew they could rely that it was the wish of the Government that this measure should be adopted. As far as I was individually concerned, I was perfectly willing to leave a measure of this sort almost entirely within the control of the Government. The foreign relations of the country are placed entirely within the jurisdiction of the President, as far as they are carried on by measures of this description; and when the President of the United States, who is supposed to speak through the Secretary of State, informed us that he thought a national benefit, to some extent at least, would be the result of a measure of this kind without asking that there should be any additional expenditure, the committee thought it was their duty almost to concur in that advice.

The honorable member from New Hampshire supposes that it may lead to some increase of compensation. The Executive does not propose any such increase. Whether Congress hereafter shall or shall not decide that there shall be an increase of the salary of this minister, or an increase of the salary of any of the other ministers, is a matter entirely within the judgment of a future Congress. I confess for one I should prefer that the salary should be increased at once; but that is not proposed.

The objection urged by the honorable member from New Hampshire, that the incumbent of this office, if you confer on him this honor, will consider it an indignity, is not to be considered as true in point of fact. He is here, and I suppose he is aware that such a proposition as this has been before the Senate, and I do not know that he has said to anybody that he would consider himself as insulted or disparaged in any way by giving him the additional rank unless it is followed by an additional compensation.

The honorable member tells us, and tells us truly, that in the condition of the country we should husband our resources; but this is a very small way of husbanding resources. We are spending money by thousands and hundreds of thousands and millions. The true way of taking care of the resources of the country is to see that the moneys which we appropriate are not unnecessarily expended.

Now, whatever may be the character in point of rank of the Government of Belgium, one thing is perfectly certain, that it has in Europe a very potential voice. That fact may be owing to the peculiar character of the present king; but to whatever it may be referred, one thing is certain, that the fact exists; and it is all-important for us, therefore, to do anything consistent with honor and within the means of the Government to stand as well as we can stand in the opinion of that sovereign. He has exhibited throughout these troubles, as we all know, the kindest feeling, the most friendly feeling to the United States. Perhaps he has been almost alone among the sovereigns of Europe in entertaining that opinion. There is some reason to believe, as I understand, that the neutral relation in which England stands toward us, a relation which she considers as neutral, and which, in a great measure, has been very honorably neutral—perhaps in some cases they have gone beyond the limits that neutrality would have prescribed—has been very much owing to the advice of this sovereign. That of itself, if so, shows that if we can with any propriety prove to him that we are sensible of the friendly conduct which he has observed toward us it would seem to be true policy that we should adopt such a measure.

He has sent to us a full minister. He thinks therefore that the relation in which his kingdom stands to us requires a representation of that high grade; and I have no doubt that he would be gratified if that compliment to us were returned by reciprocating the compliment to him. Whether the pay be too much or too little now is a matter about which the honorable member from New Hampshire and myself perhaps would not differ. We might not think it was pay enough. We are lawyers, and we think that a man can hardly be paid too well for his services, whatever they may be. Now, what is $7,500 or what is $10,000 for a year's services of this nature? What are the duties at that court particularly? He is obliged to the extent of his means to show all possible attention to his countrymen at least; he is obliged to reciprocate civility; and from what I know, from information upon which I can rely, got not

from Mr. Sanford but got long ago, it costs almost as much to live in Brussels as it does any where else. He is able out of his own means and willing (or he would resign the office) to remain there with the salary he has, and as I understand he has discharged his duties very properly, certainly to the satisfaction of the Department.

But the particular motive which operated upon me in concurring with the committee in this proposition is, that it was the wish of the Government. I agree with the Senator from Maine that in all such cases, as a general rule, it is very much better that the President himself should ask that a measure of this sort be adopted; but there may be reasons in any individual case which would render it improper to suggest such a measure publicly. The Committee on Foreign Relations, through their chairman, have been in the habit, I believe, from the beginning of the Government to the present time, of consulting the State Department. His functions necessarily carry him to that Department to know the wishes of that Department. There are a great many things which cannot be communicated properly by message; they would have to be sent in a message here from day to day. The practical manner of conducting the business that exists from time to time, as between the committee and the Department, is that the chairman of the committee visits the Department, or the Secretary of the Department visits the chairman of the committee, and they determine between themselves what is best for the interest of the Government in reference to our foreign affairs, and the matter is brought to the attention of the Committee on Foreign Relations, and they decide one way or the other as seems to them to be best.

But I submit, in conclusion, (not that I shall feel that my opinion is treated with anything but proper respect,) that it would seem to be but courtesy—I am sure nothing but courtesy is designed—when the Committee on Foreign Relations have been almost unanimous, and, as I thought, entirely unanimous, until I heard my friend from Kentucky this morning, in recommending this measure, and when they tell you that it is a measure which the head of the Department has at heart, looking to the interest of the Government abroad, that the recommendation of the committee should receive the sanction of the Senate.

Mr. DAVIS. I can comprehend but one practical purpose that is to be subserved by raising this mission. I have no doubt that the chargé to Brussels is a very clever gentleman; but his protégé, according to the letter which has been read by the chairman of the Committee on Foreign Relations, is dissatisfied that our chargé to Belgium cannot get into the company of the first-class diplomats. He has to tag—to use the phrase that is incorporated in the letter—behind the representatives of Powers so insignificant that it takes an adept in geography to determine where the Governments and countries that they represent are located. The whole purpose and practical effect of it is simply that our present chargé may get into better company. He is not satisfied with walking in procession to meet Leopold, his Majesty, in the company of chargés, but he wants to be thrown forward into the company of embassadors of the first class, such as the representatives of England and France and Russia. Now, for the purpose of enabling him to transfer his position into higher and better company, we are asked, in the first place, to increase his grade to the first class, and the next request, of course, will be to give him the means of sustaining the dignity and respectability of that grade by increasing his salary; and we may be asked to increase it to the point of the salary which is given to our representatives to the courts of London and of Paris. I am not disposed to increase this grade now, and eventually the salary, for the purpose of enabling Mr. Sanford, respectable gentleman as he is, to get into what he deems to be better company, and which he covets so much to enter.

Mr. SUMNER. There seems to be a perpetual disposition in the course of this debate to change the issue. I said that the issue was how we shall best give efficiency to our representation in Europe. Now, the Senator from Kentucky says that the issue is how we shall give our minister at Belgium an opportunity to get into a little better company. That is his imagination. Surely it is not the way the committee have directed me to state the case. It is not the way in which I have stated it at any time in this discussion. I hope that Senators will not be diverted from the real issue. The question is a substantial one: will the public interests be promoted by this change? The committee answer in the affirmative, and in my humble opinion the committee is right.

Mr. DAVIS. Will the chairman specify in what respect the public interest will be promoted, in what respect the efficiency of our representative at the court of Brussels will be increased, and in what respect the increase of his grade will render this Government and its interests more acceptable to Leopold?

Mr. SUMNER. In the same way, sir, that the public interests are promoted at London by having there a plenipotentiary instead of a minister of the second class; in the way that they are also increased at Paris by having there a plenipotentiary instead of a minister of the second class.

Mr. DAVIS. According to that rule, we ought to have a first-class minister at every court in Europe, and at every Government in South America, and everywhere else where we send diplomatic representatives.

Mr. SUMNER. No—the Senator will pardon me—not at every court in Europe, but only at those courts where we have considerable interests. It all pivots upon that question. What are the relations of our country with the different courts of Europe? If we have with them considerable interests, we ought to be represented accordingly. If we have with them inconsiderable interests, there is no reason to raise the mission. We have first-class missions, as I have already said in this debate, at London, Paris, Madrid, Turin, Vienna, Berlin, and St. Petersburg; and why?

Mr. DAVIS. Will the honorable chairman tell me the relative proportion between the commercial interests of the United States and England, the United States and France, and the United States and Belgium?

Mr. SUMNER. There are interests of all kinds, commercial and political, and those interests differ in different countries. I need not remind the Senator that our interests with England and France are vastly superior to those with any other country in Europe, much above those with Belgium; but if you ask me what other country in Europe I should be disposed to place next after those two great countries, in the present condition of our affairs at this precise moment, I should hesitate to place any before Belgium.

Mr. DAVIS. Would you not place Russia before Belgium?

Mr. SUMNER. I would not exaggerate; but I am obliged to acknowledge, in reply to the Senator, that I should hesitate at this moment to say that even Russia was so situated as to make our minister there so important to our present interests as our minister at Belgium. In one word, our minister at Brussels has more to do than our minister at Petersburg. Do not forget, I pray you, the geographical position of Belgium, its thronging, active population, its commerce, its manufactures. But countries derive character and even power from their rulers; and this is the happy advantage of Belgium at this moment, especially in her relations with us. You all know that her sovereign is able to exercise a persuasive influence over international matters entirely out of proportion to the extent of territory which he so wisely governs, and this influence has been exerted at a critical moment in our favor.

I would not say a word on this occasion in disparagement of any other Power. But it would be difficult, after England and France, to name any Power which, all things considered, furnishes at this moment such opportunities of usefulness in the public service to any plenipotentiary as are now afforded by Belgium. Does the Senator wish to compare our interests there with those in Prussia, one of the most respectable and highly educated courts of the globe, or with Austria, vast in military power and physical resources? At Berlin and Vienna there is less for our ministers to do—less of opportunity—than at Brussels. The geographical position of these capitals is a sufficient explanation of this difference.

Or, if you please, take the Government of Spain, representing that great Castilian monarchy on which it was said that the sun never set. A Senator whispers that that was said some time ago. True, but then you have in Spain still the old Castilian pride and hope born of that immense empire; and yet our interests at this moment with Spain, or, in other words, our opportunities in that kingdom are not more important than in the smaller kingdom of Belgium, which the sun covers in a single hour.

Then there is the new-born kingdom of Italy, where we have also a plenipotentiary. Does any one suppose that if you put aside that sympathy which every American feels for this interesting Power, newly dedicated to liberty, our interests at this moment are equal to those which we have with Belgium? Here again geography explains the difference.

There only remains in this review, to which the Senator of Kentucky invites me, the empire of Russia, bound by many years of history to friendship with the United States, and absolutely fixed as our friend beyond any jar of diplomacy or any jealousy of growing power. But our commercial relations with this extensive country are inferior to those with Belgium; and Petersburg is further removed from the great center of observation than Brussels. The Emperor of Russia is illustrious from a transcendent act for which his name will be blessed; but his assured friendship for our country takes away all solicitude with regard to his policy; while the complications of present questions in which he is involved render his relations to other European Governments less intimate than those of King Leopold, even if the latter had not from family and personal character a position of peculiar weight in the scale of European affairs, so that Belgium under his rule has an importance beyond her natural power or geographical character. Belgium may be small in extent; but so was Greece; nor will any one presume to measure the influence which her sovereign may exercise by the number of square miles which he governs.

But the Senator from Kentucky asked if there was any other Government so small in numbers where we were represented by a plenipotentiary. I have before me from the last almanac the population of Chili, where we have a plenipotentiary. It is one million five hundred and fifty-eight thousand. Here also is the population of Peru, where we have a plenipotentiary: two million five hundred thousand.

Mr. DAVIS. Will the Senator permit me to make a suggestion?

Mr. SUMNER. Certainly.

Mr. DAVIS. I believe that those missions ought to be reduced, and I would vote to-day for the reduction of the missions to Chili and to Peru, and I believe that such a proposition could be voted without any prejudice to the public interest, and with some saving to the Treasury of the United States.

Mr. SUMNER. Very well; but let us take each question by itself. That is the more practical way. When the proposition to reduce the missions to Chili and Peru shall be before the Senate, I shall be ready to meet it, and I do not say that I shall not be with the Senator; but that proposition is not now before us, nor is it involved in any way, even indirectly, in the proposition now before us. I ask Senators to consider this proposition on its own merits, and not to undertake to see other propositions beyond, which are not necessarily involved in this.

It is said that if we raise this mission, next year there will be a proposition to raise the salary. Very well; when that proposition comes we can meet it. Again, it is said that next year there will be a proposition to raise both mission and salary at the Hague and other places. Very well; when that proposition comes—and it must have the sanction of a committee of this body in order to come before the Senate—let us meet it. Meanwhile let us meet the actual question under debate, which is whether you will authorize the Government, in view of the peculiar circumstances of the case and for the support of our interests abroad, to raise the mission to Belgium without any increase of salary. I have said this too often, I know; but I have been driven to it by the pertinacity with which Senators have insisted upon presenting the case in a false light.

Mr. HENDRICKS. On the suggestion of the Senator from New Hampshire I withdraw the amendment which I proposed a few minutes ago; but I desire to say that the argument just submitted by the chairman of the Committee on For-

eign Relations has strengthened the views which induced me to propose that amendment. I desire to call the attention of the Senate very briefly to the question that is before the body.

Under the act of 1856 the President of the United States has the power to say that this shall be a full mission; but he can only say it by giving to the minister a salary of $10,000 a year. That minister now has a salary of $7,500. By the exercise of this power the President may increase the pay $2,500 a year. Now, was it a good policy or was it a bad policy which was adopted in 1856? Was it well to say that the President of the United States, who is presumed to have an intimate knowledge of our foreign relations, should possess the power to say whether the minister should be a minister resident or a full minister? It is presumed that the President of the United States knows very intimately and accurately the relations between this Government and any particular Government of Europe, and the delicacy and importance of the questions that arise between the two Governments. The Senator now tells us that the questions between us and Belgium are inferior to the questions between us and no other Government of Europe except France and England.

Mr. SUMNER. I said the "interests." That was the word I used.

Mr. HENDRICKS. Then the interests in charge of the minister to Belgium are as important as the interests confided to our minister at St. Petersburg, at Madrid, or at Berlin; and yet the Senator says that the minister who has charge of these important interests ought to have but $7,500, while the other ministers are getting from ten to twelve thousand five hundred dollars a year. Is the Senate to consider on a question of $2,500, and depart from the policy that was adopted in 1856? If we raise the rank of this minister, we ought to give him the $2,500 additional. This Government is not so poor that it cannot pay him that addition. Certainly, we are not willing to say by the passage of this bill that the Government is so embarrassed in its finances that it will raise the rank because of the importance of the mission, and yet it cannot afford to raise the pay $2,500.

I am in favor of leaving it where the act of 1856 has left it. If our interests at that court are so important and so delicate, let the President of the United States say so, and let him give the minister $10,000 a year. It is not too much. While I am in favor of economy, I am not in favor of commencing it at foreign courts. I like to see the Government of the United States well represented abroad; I take a pride, as a citizen of the United States, in that respect; and I want to see our ministers paid such handsome salaries that they can bear themselves as the representatives of one of the first Powers of the world. If we raise this rank, let us give the man some respectable pay. It may be that the argument is all right that it ought to be a first-class mission; but certainly it follows inevitably from that argument that he ought to have the pay of a first-class minister; and if that be the conclusion, leave it with the President, where the policy of 1856 left it.

Mr. SUMNER. If we had not at this moment an army of more than half a million of men in the field, and were not calling upon our people to contribute by taxation or by loans to the support of this war, I should agree with the Senator from Indiana, and insist that in raising this mission to Belgium we should also raise the salary. But, sir, we are in the midst of war, for the support of which we are exposed to unparalleled drafts upon the Treasury; and precisely on this account I am unwilling to aid in raising any of our salaries abroad, especially those of a diplomatic character.

That is my precise answer to the argument of the Senator from Indiana, and I believe he will confess it is a sufficient answer. Suppose we begin, where shall we end? Is the Senator aware of the applications for increase of salaries that have been made from persons in the foreign service? There is hardly one abroad who has not made complaint, either officially or unofficially, on this account. There are Senators on this floor who have letters from those with whom they are personally acquainted in Europe, urging that their salaries should be raised. I have such letters. I know well that there are many of them at the Department of State. Indeed the Secretary has assured me that there is hardly one in the foreign service who has not made his complaint to the Department. The conclusion to which he was driven was that the subject must not be touched. You cannot undertake to raise one without being constrained to meet the question why you do not raise another, and indeed the door would be opened to raise all. It was precisely on this account that the Committee on Foreign Relations taking the whole subject into consideration, feeling that the case of Belgium was exceptional, undertook to make an exceptional proposition, namely, to raise the grade without raising the salary, and in making this proposition they humbly believed that they performed a patriotic duty. In presenting it to the Senate, as the organ of that committee, I did not anticipate the opposition which it has encountered, and especially the tone of this debate. I have presented it from the beginning to the end on its merits; and on its merits alone I ask your votes.

Mr. CONNESS. I will not enter upon the discussion of this subject; but as I have a vote to cast, and intend to cast it affirmatively on this proposition, I desire to state that in casting that vote I shall be governed by the recommendation of the Committee on Foreign Relations. On questions involving the expenditure of money I would ordinarily, in fact I may say universally, follow the lead of the chairman of the Committee on Finance of this body; but I do not fear this proposition as one that will be followed by any demand for an increase of salary; and while I am up I will say that if it should be followed by a demand for an increase of the general salary paid to ministers resident I would not fail to support it to that extent; and I would, in view of the considerations presented by the chairman of the Committee on Foreign Relations, feel that I was simply doing an economical and proper duty in giving such a vote. In giving this vote, however, I will not be governed by the consideration of money, but simply by a desire to maintain the position taken and the views presented so ably and forcibly by the very able Committee on Foreign Relations.

Mr. GRIMES. It is very true, as has been said by the chairman of the Committee on Foreign Relations, that probably nearly every member of this body has received letters from his friends who are enjoying the position of consuls or ministers abroad, requesting that some effort may be made to increase their salaries and to increase their grade; but here is an invidious distinction attempted to be made by the Committee on Foreign Relations, it strikes me. Mr. Sanford, who happens to be minister resident of this Government at Belgium, procures leave of absence from the Secretary of State or the President, and comes here, and immediately or very soon after reaching this Government, a proposition is made for his benefit and for the benefit of nobody else, so far as I know.

Mr. SUMNER. Will the Senator allow me to interrupt him just there? The proposition I have had the honor of moving was voted upon and adopted in the Committee on Foreign Relations several weeks, I think, before it was known even that Mr. Sanford was on the way to this country. I can assure the Senator that I had no idea that Mr. Sanford was coming when I first submitted this proposition to the committee.

Mr. GRIMES. I am very happy to hear the explanation made by the Senator from Massachusetts, for I apprehend that without that explanation there would have been a perfect avalanche of these foreign ministers and consuls upon the committee.

Mr. DAVIS. Will the gentleman permit me? I understand that that proposition was submitted to the committee this morning and voted upon by the committee this morning.

Mr. SUMNER. It was discussed in committee this morning. I do not know that it is according to the rules to speak of what passed in committee; but my impression is that I submitted this proposition to the committee two months ago. The Senator from Wisconsin, [Mr. DOOLITTLE,] who is on the committee, will remember better than I do, but I think it was about two months ago.

Mr. DAVIS. I admit that the proposition has been for some time before the committee. To be sure, I have been very irregular in my attendance upon the committee, but I have never known it to be submitted and voted upon decidedly until this morning.

Mr. SUMNER. The Senator, I know, desires to have the fact stated as it is. I assure the Senator that it was submitted and voted upon long since.

Mr. DAVIS. Why was it repeated this morning?

Mr. SUMNER. It was repeated this morning on account of the discussion yesterday. We were in committee this morning, and reference was made, naturally enough, perhaps, to the discussion of the day before. The Senator was present and knows what passed.

Mr. GRIMES. Of course I do not know what has occurred in the committee, and I am not anxious to know; I only know this fact, and the country knows it, that almost simultaneously with the arrival of Mr. Sanford from the court to which he was accredited by this Government, a proposition is made in the Senate to amend a House bill so as to raise his grade from that of a resident minister to a minister plenipotentiary. That is a fact that is patent to the world, and from which the country would be disposed to judge of this proposition, and from which our other foreign ministers and consuls would judge. Mr. Sanford comes here, and this proposition is made, and where does it come from?

Mr. President, the Senator from Massachusetts has attempted to impress upon the Senate that our interests in Belgium are quite as important as they are in any country save France and England.

Mr. SUMNER. At this moment.

Mr. GRIMES. Is this so? Why is it so? Has the Senator stated any reason? I asked him the reason, but he failed to give any. It is true that Leopold, the sovereign of Belgium, has heretofore been a kind of arbitrator between our and other Governments, in relation to disputes that existed between us and those Governments; and why? Was it because he was a powerful monarch, because he ruled in a country that possessed great power and force? No; but because of its very insignificance. He was an honest man, it was believed; he was an intelligent man; but his Government was so exceedingly insignificant on the face of Europe that it had not been mixed up or connected with any of the great continental questions that separated Russia from Prussia, or Prussia from Austria, or England from France, or France from Spain. That was the reason why our interests have been with that Government. Now, is it proposed to submit any further arbitrations to King Leopold? Is there any probability that our interests are to continue to be of so much moment at his Government? If they are not, why do you propose to raise this mission instead of the one at Copenhagen, or the one at Stockholm, or the one at the Hague, or the one at Portugal? with either one of which we have today more commercial intercourse than we have with this Government of Belgium, if I am correctly informed.

Mr. President, I have no doubt that this proposition will be adopted, and I can see exactly what will be the result of it; that, if not at this session, at any rate before this Congress adjourns, we shall raise all the grades and the pay of our ministers and of our foreign consuls.

Mr. SUMNER. The Senator from Iowa opens now a new question. He asks about our interests in Belgium.

I answer they are, first, commercial; and those are considerable.

Secondly, they are political; and these are at this moment if possible more important than anything from commerce. These political interests have their importance partly from the central position of Belgium in Europe, being, as I stated yesterday, on the highway of travel there, so that it is a point of observation for our minister, from which he may take note of what passes over the whole Continent. But these interests are augmented at this time beyond perhaps their natural importance by the character of the reigning sovereign. The Senator says that the power is insignificant, but the intelligence of that sovereign is not insignificant, nor is his influence insignificant. The Senator knows very well that there is no sovereign in Europe at this moment who on personal grounds has so much weight.

Our interests in Belgium are, in the third place, represented by the fact that we have been in the

habit of selecting King Leopold as our arbitrator in questions with foreign Powers. We have made him our pack-horse——

Mr. GRIMES. Have we not done so with the King of Holland?

Mr. SUMNER. A great many years ago. It was the ancestor of the present king.

Mr. GRIMES. But the king does not die, I believe; the Government continues; and I do not know but that the present king is as eminent as the old one.

Mr. SUMNER. Mr. President, we are legislating in the present, not in the past, nor even in the future; we are meeting things as they are; we are dealing with a practical case. It is not a question whether we will have a plenipotentiary at Brussels five years or ten years from now, when the present sovereign will have ceased to reign, if in that time he should be called away, but how we shall be represented there at this moment, in the present condition of our affairs. This is the question.

But, says the Senator, if we have a plenipotentiary at Brussels there will be a call to have another at Copenhagen. Does he forget the difference between Denmark and Belgium? The whole population of Denmark, even including the duchies of Schleswig, Holstein, and Lauenburg, which have already, as the Senator knows very well, separated from Denmark, is only two million six hundred and five thousand; and our interests there, I need not say, either commercial or political, are of small importance compared with those which we have in Belgium.

Mr. GRIMES. I inquire of the Senator if he includes the Danish possessions abroad in that estimate.

Mr. SUMNER. No; I do not.

The PRESIDING OFFICER, (Mr. POWELL.) The amendment proposed by the Senator from Indiana to the amendment having been withdrawn, the question recurs on the amendment of the Senator from Massachusetts.

Mr. JOHNSON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 18; as follows:

YEAS—Messrs. Anthony, Chandler, Conness, Dixon, Doolittle, Foster, Harris, Howard, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sumner, Van Winkle, Wade, Wilkinson, Willey, and Wilson—21.

NAYS—Messrs. Buckalew, Clark, Collamer, Cowan, Davis, Fessenden, Grimes, Hale, Harding, Harlan, Hendricks, Howe, Nesmith, Powell, Saulsbury, Sherman, Ten Eyck, and Trumbull—18.

So the amendment was agreed to.

Mr. MORRILL. I am instructed by the Committee on Commerce to move an amendment to the bill in line sixty-three, by inserting "Clifton" and "Coaticook" in the list of consulates.

Mr. FESSENDEN. My colleague has several amendments to offer, if I understand aright, providing for about ten consulates. I should like to have him read them all over and explain to the Senate the necessity of the whole. If we pass one, we ought to pass all, and they ought to be considered as a whole.

Mr. JOHNSON. Can they not be provided for in one amendment?

Mr. FESSENDEN. They come in at different places.

Mr. MORRILL. They are substantially one amendment, though they must be offered separately. The amendment provides for ten consulates in Canada. They are in lieu of that number or a larger number of consular agents now provided for by law, and appointed by the consul general. The Department of State recommend that in lieu of these consular agents there shall be appointed ten consuls to reside at important places in Canada, and who shall be under the general regulations of law applicable to consuls in foreign countries. Such have been the relations of that country to this, particularly since the breaking out of this rebellion, that this amendment of the law is very important to the public interests. The Committee on Commerce have had the subject under consideration, and have come to the conclusion that the recommendations of the Department should be adopted; and they have instructed me to move the necessary amendments to this bill. The consulates to be inserted are Clifton, Coaticook, Erie, Goderich, Kingston, Prescott, Port Sarnia, Saint Lambert, Toronto, and Windsor.

Mr. FESSENDEN. I think the amendments had better be moved separately, and they will be understood better, perhaps.

Mr. MORRILL. Then I move to insert in line sixty-three, in the schedule of consulates provided for, the words "Clifton, Coaticook."

Mr. FESSENDEN. Before that question is taken I will state another fact, so that the Senate may fully understand the matter. The communication on this subject was originally sent to the Committee on Finance, but thinking it more proper for the Committee on Commerce, we sent it to that committee for consideration. The present system in Canada is that we have a consul general and he appoints consular agents. It has been found very difficult at the present rate of fees, which are very small as now regulated, to get any agent to do the business. It is proposed to change that somewhat in regard to the fees, but it is difficult to get agents who are not engaged in other business. The consequence is that the consul general is obliged to appoint men engaged in other business, and frequently men who are engaged with railroads or one thing or another of that sort. The result has been that the business of the country has always been subordinated to the private business, and has suffered very much in consequence of it. A short time ago a couple of agents were appointed to examine the whole subject. One of them was a gentleman who has charge of the consular bureau in the State Department, a very valuable officer, and the other one of the best officers connected with the Treasury Department. They went through Canada and examined the whole matter in order to see what could be done.

It is well ascertained that extensive preparations are now making with reference to smuggling in view of our high tariff. It becomes important, therefore, that consuls shall be employed in Canada who will be able to devote their whole time to the duties of their office, and to ferreting out these matters and giving the proper information, so the Department believes. The fees at present paid, which were made very low by an amendment to an appropriation bill a short time ago, are not sufficient to procure men who will give much attention to the business, or who will be likely to be of any great use. We must leave the whole matter open, as it is now, and take the consequences that may result, or else we must appoint consuls whose whole business it shall be to attend to this matter; and we must also change the law with reference to the fees, in order that they may help to pay the expenses of the consulates.

I may here remark that although we make apparently a pretty large appropriation for consuls, a very large part of it is paid by the fees. The fees have been much increased under one law passed during the last Congress requiring triple invoices, and establishing a new system of invoices for goods shipped for this country abroad. The increase in the fees in a single year has been about one hundred thousand dollars, and there is very good reason to believe that in a short period our consular system will become almost if not quite self-supporting at the rate of its improvement within the last few years.

It is for the Senate to consider whether for these reasons, in reference to the important business that may be growing up owing to the great difference between our tariff and the tariff of the British provinces, it is not necessary to adopt some system which will at any rate tend to check the evil in some degree, and I have no doubt it will in a very considerable degree.

The amendment was agreed to.

Mr. MORRILL. In line sixty-four I propose to insert the word "Erie."

The amendment was agreed to.

Mr. MORRILL. In line sixty-five I move to insert "Goderich."

The amendment was agreed to.

Mr. MORRILL. In line sixty-seven I move to insert the words "Kingston in Canada."

The amendment was agreed to.

Mr. MORRILL. In line seventy-five I move to insert "Prescott."

The amendment was agreed to.

Mr. MORRILL. In line seventy-eight I move to insert "Port Sarnia."

The amendment was agreed to.

Mr. MORRILL. In line eighty I move to insert "Saint Lambert."

The amendment was agreed to.

Mr. MORRILL. In line eighty-two I move to insert "Toronto."

The amendment was agreed to.

Mr. MORRILL. In line eighty-four I move to insert "Windsor."

The amendment was agreed to.

Mr. MORRILL. In line one hundred and four I move to insert "Clifton, Coaticook, Erie, Goderich, Kingston in Canada, Prescott, Port Sarnia, Saint Lambert, Toronto, and Windsor," in the provision giving to certain consuls an annual salary of $1,500.

The amendment was agreed to.

Mr. MORRILL. I propose to amend the bill further by adding as a new section:

And be it further enacted, That the third section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th of June, 1860," approved March 3, 1859, is hereby repealed, and the fee for certifying invoices to be charged by the consul general for the British North American provinces in subordinate consular offices and agencies, for goods not exceeding $100 in value, shall be one dollar, and the same shall be charged for certifying the growth or production of goods made duty free by the reciprocity treaty: *Provided, however*, That no such certificate of growth or production shall be required for goods not exceeding in value the sum of $200.

The amendment was agreed to.

Mr. MORRILL. I am further instructed by the Committee on Commerce to propose an amendment to the bill on page 5, by inserting after line one hundred and seven the following:

For additional salary of the consul at Nassau, $2,000; and the salary of said consul is hereby established at $4,000, to commence on the 1st day of January, 1864.

Mr. FESSENDEN. I do not think the amendment ought to be adopted in that shape. I am opposed to going back, in raising these salaries, to the beginning of the year. If they are to be raised they can be raised for the next year, if the Senate see fit to raise them in any particular case, but I do not care about beginning in the middle of the year. I suggest to the Senator whether it would not be better to put his amendment in a different shape, and simply say, and the salary of the consul at Nassau for the year commencing on the 1st of July, 1864, shall be so much. Then if the Senate agree to that we can make a corresponding change in the aggregate sum. I do not think either the Senate or the House will be willing to commence in the middle of the year, and vote to raise salaries beginning at the 1st of January last. As it reads now it makes an additional appropriation necessary. I suggest to the Senator to put in another place the proposition for the six months' salary, beginning on the 1st of January last, carrying it up to the close of the present fiscal year at the rate of $4,000, and then increase the regular salary from that time to $4,000. I should hardly think it was worth while at the present time to attempt to go back at all, even if the salaries have been low, but to begin at the commencement of the coming fiscal year, if we begin at all.

Mr. MORRILL. The applications for increase of salaries of consuls are very general. The committee felt constrained, under a belief that there was an indisposition on the part of the Senate to increase the salaries of officers generally, to discountenance the increase of these salaries; but there were three cases that were considered particularly meritorious, and the one under consideration is one of them. The evidence before us in the case of the consul at Nassau was, that the duties of that office had been very largely increased and the expenses of living had been largely increased.

Mr. FESSENDEN. What is the present salary?

Mr. MORRILL. The present salary is $3,000. The committee, therefore, were constrained to recommend an increase of salary in that case.

Mr. JOHNSON. When does it date from?

Mr. MORRILL. January last.

Mr. GRIMES. Let me ask the Senator, did we not increase the salary of this consulship the other day?

Mr. MORRILL. I think not.

Mr. GRIMES. Have we not increased it since this war began?

Mr. MORRILL. I am not sure. I do not remember how that may be. The committee believed that there should be some compensation for past services. The proposition of the chairman

of the Committee on Finance would only modify that proposition, and therefore I do not care to resist it. I will accept the modification he has proposed, that the salary of this consul shall be $4,000, to commence from and after the 30th of June next.

Mr. FESSENDEN. Then it will read in this way:

That the salary of the consul at Nassau shall be $4,000, to commence from and after the close of the present fiscal year.

Mr. GRIMES. I am satisfied we must have raised the salary of the consul at Nassau some time between the commencement of the rebellion and the present moment, if his salary is now $3,000 a year; for, ordinarily, in time of peace, there is very little for a consul to do at Nassau; and I do not see what he is to do there now. We have no commerce there. I have no doubt the consul there ought to have money for various purposes in order to obtain information; but I do not know that this is the way to furnish him with it.

Mr. FESSENDEN. I suppose there are divers letters and papers on the subject explaining the amendment.

Mr. MORRILL. Yes, sir. I do not know that I have them at hand, but the communications from the State Department are very full on the subject of the duties of this consul, showing that they have been very important and very arduous. It is one of the few cases, and I do not know but almost the only case, where the State Department have recommended an increase of salary.

Mr. GRIMES. The salary of this consul in 1861 was $2,000, according to the Blue Book. We have already raised it $1,000, fifty per cent.

Mr. FESSENDEN. I am inclined to think it is only $2,000 now.

The PRESIDING OFFICER, (Mr. POWELL in the chair.) The question is on the amendment of the Senator from Maine, [Mr. MORRILL,] as modified, to insert the following:

The salary of the consul at Nassau shall be $4,000, to commence after the close of the present fiscal year.

The amendment was agreed to.

Mr. MORRILL. I am instructed to move a further amendment to come in at the end of the amendment already made:

The salary of the consul at Lyons shall be established at $2,000, to commence on the 1st day of January, 1864.

Mr. FESSENDEN. I suppose the Senator will alter that in the same way as the last amendment.

Mr. MORRILL. Yes, sir. It should read:

The salary of the consul at Lyons shall be $2,000, to commence after the close of the present fiscal year.

The PRESIDING OFFICER. It will be so modified.

Mr. FESSENDEN. What is the salary of the consul at Lyons now?

Mr. GRIMES. Fifteen hundred dollars.

Mr. MORRILL. We have only increased it $500.

The amendment was agreed to.

Mr. MORRILL. I am instructed to move further, to come in at the same place, the following amendment:

The salary of the consul at Manchester shall be established at $3,000, to commence after the close of the present fiscal year.

That salary is now $2,000.

Mr. FESSENDEN. Before the Senate act on these amendments, I should like to have the papers explaining them laid before the Senate. I suppose those papers are in the hands of the Committee on Commerce. I do not remember about the consuls at Lyons and Manchester; but I do remember something about the case of the consul at Nassau, and that was very strongly pressed by the Department.

Mr. MORRILL. The evidence is pretty strong, I am sure; but I do not know that I have the papers at hand in those cases.

Mr. GRIMES. Is the consulate at Manchester more important than the consulate at Southampton?

Mr. MORRILL. A great deal more so at the present time. I do not think I have those papers here; but I will endeavor to find them in the committee-room.

Mr. TEN EYCK. While the Senator from Maine is gone to find the papers applicable to the increase of salaries of these three consuls, I will simply state my memory of the one whose salary is now proposed to be increased; and that is the consul at Manchester. If I recollect aright, it appeared by a communication from the State Department that a new system had been adopted there for the purpose of preventing frauds, in consequence of which the consul had triplicated all invoices.

Mr. COLLAMER. That system was adopted here.

Mr. TEN EYCK. Very well. The additional burden of that duty has been thrown on this officer, and it has been ascertained to have resulted in a considerable saving to the country and a great advantage to its revenue. That was the general fact in relation to this consulate, as is within the memory of myself and my associates on the committee. It appeared to us that, taking into consideration the large increase of his duties and the expenses of living there, it was highly proper that an exception should be made in his case as in the case of the consul at Lyons and the consul at Nassau. It is manifest to everybody, and is well known to the Government, that the duties of the consulate at Nassau have been largely increased in consequence of that being the depot for all the blockade runners, and it is desirable that we should have a first-rate man, the best the country can produce, to look after our interests there. I have no doubt that if the Senator from Maine can lay his hand on the communications from the Department of State, they will sustain the general facts as I have stated them here before the Senate.

Mr. FESSENDEN. For the sake of having the bill reported to the Senate, as I understand this is the last of the amendments of the Committee on Commerce, I am willing to let it be adopted, and the papers can be read afterwards.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made in Committee of the Whole.

Mr. COLLAMER. I desire to except from the general vote on concurring in the amendments that amendment which relates to the appointment of consular pupils. I desire a separate vote on that.

The PRESIDING OFFICER. That amendment will be excepted.

Mr. FESSENDEN. There are several amendments on which a separate vote will be required, and I think we may as well take the question now on concurring in this amendment.

The PRESIDING OFFICER. Is it the pleasure of the Senate that the vote shall be taken on all the amendments together except the one indicated?

Mr. SHERMAN. I think we had better take the vote on this single amendment first.

Mr. FESSENDEN. That is what I have suggested. I suppose we can informally pass over the previous amendments.

The PRESIDING OFFICER. The other amendments will be passed over informally, and the question will be taken on concurring in the amendment excepted by the Senator from Vermont.

Mr. JOHNSON. I ask the reading of the amendment.

The Secretary read the amendment, which was on page 5, lines fifty-one and fifty-two, after the word "agent" to insert "and twenty-five consular pupils;" so that the clause will read:

For salaries of consuls general, consuls, commercial agents, and twenty-five consular pupils, namely, &c.

Mr. COLLAMER. I desire to say a few words on this question; not that I suppose it will be of any practical use, but I wish to have the subject understood, and at least to explain the ground of my own vote.

In the year 1856 there was passed a law relating to our diplomatic and consular establishment generally. The seventh section of that act was in these words:

"SEC. 7. *And be it further enacted*, That the President be and is hereby authorized, whenever he shall think the public good will be promoted thereby, to appoint consular pupils not to exceed twenty-five in number at any one time, who shall be citizens of the United States, and entitled to compensation for their services, respectively, at a rate not to exceed $1,000 per annum, to be determined by the President, and to assign such pupils, from time to time, to such consulates, and with such duties, as he may think proper; and before the appointment of any such pupil shall be made, satisfactory evidence by examination or otherwise shall be furnished of his qualifications and fitness for the office to the Secretary of State, and by him laid before the President."

That law was passed in August, 1856. In February, 1857, it was repealed; and it therefore never went into practical effect at all. There had not been any appropriation made to carry it into effect, and it was not carried into effect up to the time at which it was repealed. It is now proposed, as I understand it, to repeal the repealing clause and revive that act. I am fully aware that the Department of State now as then are very tenacious of this proposition, and it is unpleasant at all times to feel bound even in judgment to oppose a proposition especially coming from the heads of Departments and of the Administration that we profess to support; but my judgment, made up about it at the time of its repeal, remains with me until I hear some reasons given for altering it. I have not heard any.

This is a proposition to set up a school of education for consuls or consuls' chief clerks, by selecting a certain number of young men and then sending them to different consulates to be under the control of the consuls, and to do such duties as the President shall direct. The object, if I understand it, is to procure men fitted and adapted by practice and education to the duties of consuls, either to become consuls themselves or to aid consuls in doing their duties. Other Governments differently constituted from ours might well commence a system of this kind; and I believe to some extent, even in relation to their general school of diplomacy, they do educate young men in other countries to it; but I think the condition of our country and the nature of our Government are such that this attempt is based upon a mistaken theory altogether. If we were to educate young men in this country for legislators, if you please, and have them drilled in according to this plan, under the supervision of experienced legislators, I do not say that the Government might not be ultimately benefited by it; but I very much doubt it.

According to my view, two things must necessarily be implied in order to enable the Government to do anything of this kind. In the first place, the young man who goes into such a course of education must have security that he shall have employment when he is educated; and in the next place, that he shall have promotion in the branch in which he is educated. In order to secure to the Government the services of such young men, the young men themselves must have security that they shall have employment; and, on the other hand, the Government must have security that they shall have the service after they have educated them. Unless these reciprocal securities are in some measure secured in the proposition, it goes for nothing.

We have a system of this kind in relation to our Military Academy and our Naval School. The young men who go there have a very good degree of security that when they have successfully passed through their course of instruction they shall go into the Army or Navy, and shall rise in their profession by regular promotion, by the law of the land. Having these securities they will enter upon the course, and furnish by it to the Government some security that they shall have their services.

There is nothing like that contained in this proposition. It is not proposed here that these young men when educated shall enter upon the duties of consulates or have any preference given to them or rise by any gradation or promotion in this employment. They have, then, no securities of this kind. What reason have we to expect, if we were to educate these young men, that they would stand sequestered to our service? The moment one of these young men has gotten his education in one of these foreign consulates—and you give him $1,000 a year while he is obtaining that education—he will say to himself, "I have no security that the Government are going to employ me or give me any promotion or elevation;" and the education we have given him will enable him to command a price in the mercantile employments of the world by which he will be guided at once. You educate him without any security that you will have his service, and he gets his education without any security that you will ever give him any service. I repeat, unless these features are given of security to the two sides of such

an arrangement, it will be a failure, utterly imperfect.

At present our consuls employ their own clerks and pay them out of their own salaries. I believe there are no exceptions to that unless it may be in two or three of the Turkish consulates, where, under an old law, we employ interpreters in the nature of clerks, and give them $500 a year or something of that kind. There are some five or six of those; but except in Turkey and its dominions, all our consuls employ their own clerks. Now, suppose you appoint twenty of these consular pupils, and the President assigns them to this, that, and the other consulate, and directs them to do the duty of clerks as far as they are able until they learn the business. I grant that the consul would be very likely to take those young men, because they would receive salaries at home and he would have nothing to pay them. He would use them as far as he could, so far as they were educated men, because he had their services for nothing. Then the amount of the proposition is simply just so much relief to the consul by furnishing him clerks.

But when these young men have served thus as pupils, what hope is there of their ever being really clerks appointed by the consul? He will never appoint them, because the moment he appoints them clerks, it becomes his duty to pay them. He will use them, but he will use them as consular pupils, never as clerks. Then the young man can have no elevation any way and no hope for it. The limited pay given him merely for his support while he is being educated is all he can ever get; and if by that means he becomes acquainted with the language and with the commercial affairs and intercourse of the country, he renders himself a valuable man for the merchant to employ, and he will become a consignee for people at home and go into other employment after being educated at the public expense.

What hope is there in our country that those men thus educated will ever become consuls at all? If we cannot have them as consuls, and if they cannot have any security in any way that they ever will be, what is the use of them? We all know how consulships are made. The truth is, being plainly spoken, we need more of preparation and education for our diplomatic character than we do for our consuls. I doubt very much whether the time will ever be in this country, if it ever has been, in which selections for foreign appointments, either of consuls or ministers, ever have been or ever will be made to any considerable extent from an actual acquaintance with the adaptations of the men to their places. They are political appointments, the great body of them, and have been for a long while. I do not wish to speak disrespectfully of them in any way; but that is their character; that is the nature of their selection, and will be. So it will be in regard to consuls, and this idea of undertaking to make a class adapted to the duties of these places without any security of their ever keeping them in the world appears to me entirely utopian.

Mr. MORRILL. In reply to the honorable Senator from Vermont on this subject of consular pupils I wish to say——

Mr. FESSENDEN. I will ask my colleague whether he will allow a letter from the State Department to be read before he speaks upon the subject?

Mr. MORRILL. Certainly.

Mr. FESSENDEN. I send it to the Secretary's desk, and ask to have it read.

The Secretary read as follows:

DEPARTMENT OF STATE,
WASHINGTON, *January* 9, 1864.

SIR: I beg leave to request, in connection with the bill making appropriations for the diplomatic and consular expenses of the Government for the year ending 30th June, 1865, a recurrence to the message of the President, (see Senate Ex. Doc. No. 14, Thirty-Seventh Congress, third session,) dated December 24, 1862, transmitting a communication from this Department in relation to the appointment of consular clerks or "pupils," as they were called in the act of August 18, 1856. You will remember that the seventh section of the act of August 18, 1856, (see Statutes, vol. 11, p. 55,) authorizing such pupils, was repealed by the second section of the act of February 7, 1857, (see Statutes, vol. 11, p. 160,) notwithstanding an urgent appeal for its retention was made by the late Secretary of State, Governor Marcy.

In the views expressed by him, and also by my immediate predecessor, Governor Cass, on the same subject, (see Ex. Doc. No. 68, pp. 3, 12, House of Representatives, Thirty-Fifth Congress, second session,) I fully concur.

The experience also of another year has served to impress me still more strongly with the expediency of the legislation which I had the honor heretofore to suggest.

During the progress of the war, the duties of our consuls have become very onerous and responsible, and involve a great amount of labor requiring much clerical service, which is necessarily to be paid by the consul from his own compensation. The files of the consular correspondence contain satisfactory evidence to show how inadequately our consuls are compensated at the principal commercial ports of the world. The repeal of the second section above mentioned would, to a certain extent, afford them much relief.

Its repeal may also be urged upon public grounds. Since the commencement of this war the Department has had much confidential correspondence with our consuls abroad in relation to the rebel privateers, the fitting out of blockade runners, and equipping of vessels-of-war in foreign countries by individuals in the interest of the rebels, and the shipment of arms and other munitions for their use. Upon all these matters the Department has been kept fully informed by our consuls, and the information thus communicated, which has been promptly made known to the Navy Department, and thus to the commanders of the blockading squadrons, in the manner indicated in the notices, printed in confidence, of which specimens are herewith inclosed, has led to the capture and condemnation of many blockade runners with valuable cargoes.

It is important, therefore, that the chief clerk in each of the principal consulates should be a thoroughly loyal American citizen, fitted at any moment, in case of the sickness, absence, death, or temporary disability of the consul, to take his place and discharge faithfully his duties.

Some idea of the nature and extent of consular duties may be obtained from the dispatches, of which copies are herewith inclosed.

Under the provisions also of the act of the 3d of March last, by which *all* invoices of goods imported into the United States, instead of a *few* only, as was formerly the case, are required to be authenticated, and that, too, in *triplicate*, the clerical work in the consulates has increased many fold, and while the amount of consular fees paid into the Treasury is largely augmented, the consuls have received no increase of compensation for the additional labor and clerical expense to which they are thereby subjected.

It is stated by the Fifth Auditor, a copy of whose letter is herewith inclosed, that the consular fees paid into the Treasury during the year ending the 30th of June, 1863, amounted to $152,982 94, and that under the amended consular tariff the receipts for the current year are estimated at $250,000. To this extent the consular system is and will be self-supporting, and consequently of the appropriations annually made for the salaries of consuls a considerable part is either never drawn from the Treasury, or if so, is again "covered" into it.

In view of these facts and for the interest of the public service, it is to be hoped that the second section of the act of February 7, 1857, Statutes, volume eleven, page 160, may be repealed, and as suggested by the late Secretary of State, Governor Marcy, in a letter to the Committees on Finance and of Foreign Affairs, dated January 3, 1857, that the "provisions of the act of August 18, 1856," relating "to consular pupils may remain undisturbed," the wisdom of that suggestion having been approved by "time and experience."

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

HON. WILLIAM PITT FESSENDEN, *Chairman of Committee on Finance, United States Senate.*

Mr. MORRILL. In reply to the remarks of the Senator from Vermont I was simply about to remark that this feature in the consular system of the United States is more perfect, I think, than the Senator seems to suppose. It is true, as he states, that it was ingrafted on the consular bill of 1856, and repealed in 1857; but in the mean time the Secretary of State had taken the subject into consideration, and this idea of consular pupils had entered into the consular system of the United States. Another feature not alluded to by the honorable Senator is that by the treaty of Washington in 1853 between the United States and France this idea of consular pupils was contemplated and anticipated, and it was provided that consular pupils appointed to reside at France should be entitled to all the privileges of consuls generally, and of other officers connected with the consulates of that country.

Immediately after the passage of the act of 1856 the Secretary of State embodied that act in a system of rules and regulations to give it effect, by which these consular pupils who were provided for, and who were to be appointed by the President, in number not exceeding twenty-five, as he might judge the public exigencies demanded, were, in the first place, to be examined by persons designated by the Secretary of State. In the second place their qualifications were specified. In the third place, the duties which they were to perform in connection with the consulate abroad were specified in the rules and regulations growing out of the act of 1856.

Mr. COLLAMER. They never were appointed.

Mr. MORRILL. I know they were never appointed; but I am only speaking of what was contemplated and as it will be if it is revived. The principal objection which I understood the Senator from Vermont to urge against it was, that it did not provide for the conceded need of better educated men in our foreign consulates. I think the act of 1856, and the rules and regulations drawn up in conformity to it, are intended to meet that necessity, and if that act is revived and carried out, it will meet that necessity. The honorable Senator is mistaken in supposing that these men are not to be secured to the country, for the act contemplates the education of these consular pupils in the duties appropriate to the function of the consulate where they are employed and educated in part at the public expense. They are to be made familiar with the duties of the office under the direction of the consul; their qualifications are to be reported upon to the State Department from time to time, and as they become qualified they are to be promoted.

Mr. COLLAMER. Promoted into what?

Mr. MORRILL. Promoted to consuls. There is a regulation of that kind, and I will read it with the permission of the Senate.

Mr. FESSENDEN. It is only a regulation.

Mr. MORRILL. A regulation growing out of the law.

Mr. COLLAMER. Can the regulation bind the President to appoint them consuls?

Mr. MORRILL. I will read it:

"Diligence in the discharge of their consular duties, obedience to the instructions of the consular officer to whose consulate they are assigned, a courteous bearing toward all persons having business with the consulate, uprightness of conduct in all respects, will be expected from consular pupils. Disobedience, neglect of duty, the abuse of their credit in pecuniary transactions, or exceptionable moral conduct, will be followed by the revocation of their commissions."

This is the point:

"Consular pupils possessing the requisite qualifications, and exhibiting an aptitude for the consular service, who have been faithful in the performance of their consular duties, will, from time to time, be recommended to the President for promotion."

I do not say that it is matter of law; but I say that predicated upon the law are rules and regulations which constitute the consular system of the country in part, containing the precise provisions which the Senator from Vermont commends, and which he supposes do not exist. I hope that the amendment will be sustained by the Senate.

Mr. CHANDLER. Mr. President, under the old system of attesting invoices, very great frauds were perpetrated on the Treasury. All shippers were not compelled upon every invoice to attest its accuracy before a consul. The consul to Manchester last year sent a communication to the Secretary of State, and through him it was communicated to the Committee on Commerce, and likewise, I believe, to the Committee on Finance, suggesting a change in the attestation of bills by which triplicate certificates were to be certified to by the consul resident. That was adopted by the Congress of last year, and that change in consular certificates greatly increased the labor of the consuls where there were large commercial transactions between the United States and that particular locality, which compelled the appointment of a large number of extra clerks, and this year we find almost every consul of the United States applying for an increase of salary on the ground that he has been compelled to increase his clerical force.

Those applications were nearly all rejected; but it was concluded by the Committee on Commerce, upon full investigation, to adopt the suggestion of the three preceding Secretaries of State and to report an amendment authorizing the appointment of twenty-five consular pupils, each of whom was to be assigned as a clerk to some one of these consuls who were pressed and crowded by extra business. I will take, for example, the consulate at Manchester. Prior to the enactment of the law of last year, the receipts of that consulate were $1,000 less than the expenses; whereas, since the enactment of the law, the receipts are $15,000 more than the expenses. The business has increased more than a hundred fold. Prior to the passage of that act the consul did all the business himself, but now he is obliged to employ three clerks at an expense of much more than his salary.

The proposition is to assign one of these consular pupils to each of the consuls who are most pressed with business. The change made by the law of last year has added more than one hundred thousand dollars per annum to the receipts from consular fees, making the whole consular system

self-sustaining; and it was upon the very ground that we would supply them with clerks from these consular pupils that we refused to increase their salaries as applied for by almost every consul we have abroad. We rejected all those applications, I believe, except three. I think we recommended an increase of the salaries of three consuls, where the business had increased almost a hundred fold, and where heretofore the expenses very much exceeded the whole receipts of the office. I think we recommended an increase of the salary of the consul at Nassau, for reasons which are obvious to every individual; at Manchester, where the business has increased, as I said before, a hundred fold; and at Lyons.

I am informed by the Secretary of the Treasury that this new method of certification has greatly benefited the Treasury. Probably, while we received but one hundred or one hundred and fifty thousand dollars in excess of our former receipts from consular fees, in its benefit to the Treasury it amounts to millions.

I trust that no objection will be made to this amendment. It is certainly a small matter, but, in my estimation, a very important one. I hope it will be adopted.

Mr. JOHNSON. The act of 1856 always seemed to me to be an extraordinary law, and it soon went out of favor with Congress, for I think it was repealed in the succeeding session. That act provided for the appointment of consular pupils not exceeding twenty-five in number, and the expense of the supposed education they were to receive was to be $1,000 a year. If we now revive that act and twenty-five of them are appointed, as there will be in all human probability, we shall have to pay $25,000 in coin.

But the mere expense is not my principal objection. What are these boys to be taught? How are they to be taught?

Mr. CHANDLER. They are to act as clerks. At present the clerks employed are generally of foreign birth, and in case of the sickness or death of the consul there is frequently no American there. Now we provide a consular clerk. They are called consular pupils, but they are really consular clerks, and it is not proposed to give them more than we are paying to-day. They are to learn the language; they are to fit themselves for the position; and in case of the death of the consul they will be prepared and ready to step in and perform the functions of the office until another consul can be appointed.

Mr. JOHNSON. I understand it, sir. Then they are to be taught what it is supposed advisable to teach them, particularly for the fact that they are to act as clerks to the existing consuls; and that is all.

Mr. CHANDLER. Certainly, that is all.

Mr. JOHNSON. Who teaches the consuls? What kind of men have we got in those positions?

Mr. CHANDLER. I suppose they take it by intuition.

Mr. JOHNSON. I doubt very much whether the education these young men will receive from these consuls—I do not speak disparagingly of the present incumbents of these offices; but such incumbents as are generally to be found in these offices—will be of any value to the Government. The whole effect of the law in my judgment is to provide a clerk to each consul. You may call him a pupil as much as you please, but the whole operation of the law is to give these consuls a clerk. Now we are about, and have this morning to a certain extent, at the instance of my friend from Maine, [Mr. MORRILL,] speaking for the Committee on Commerce, increased the salaries of some of these consuls. That was to enable them to pay the expenses to which they are now subjected. They can get clerks for a thousand dollars, or less, I suppose, there. We cannot send our boys there for less than a thousand dollars. But when they are taught all that they can learn, what use will they be to us? If they become accomplished, as some of them may be because of their peculiar talents, how long will we have their services? They can demand employment abroad at once from merchants that will pay them a great deal more than we can pay them.

The complaint has been from the beginning of the Government up to the present time that we do not pay to these consuls enough even to support them. Those places are sought for, or have been sought for in the past, principally because they are connected with some mercantile business in which the consuls were to engage; but as mere official places, coupled with salaries, there never was a time when these consuls could support themselves out of their salaries, according to their statement. The result will be in the future as it has been in the past; the moment these boys become at all versed in the matters connected with the business of a particular consulate, they will become merchants and they will leave your employ; you will have to send twenty-five more, and $25,000 more will be spent; and so on from time to time; and in the end all the benefit that the country will have will be that they have furnished each consul with a clerk at the expense of the Government, an expense which the consuls themselves have heretofore always paid.

Mr. CHANDLER. The Senator's argument, if good, goes too far. He says that you will educate these men at the public expense, and you have no assurance that after you have educated them they will not leave the Government employ. Sir, while you are educating them you are making them earn the cost of their education. You are paying them no more than you would pay any other clerks. But for this recommendation of twenty-five clerks or consular pupils—call them what you please—we certainly should have recommended an increase of the salaries of certain consuls to that extent; but instead of recommending an increase of salaries, we recommend the appointment of these pupils.

Now, I ask the Senator from Maryland what assurance we have, after we have educated a young man at West Point at an expense of I do not know how much, but for four years, that he will be at our service when we require him? After we have educated a man in the Naval Academy at a very large expense, what assurance have we he will not resign and go into business, or into any other pursuit of life? There you receive no equivalent whatever. You spend a great deal of money for a given purpose, and after you have got through you have got no greater assurance than you have in the case of these consular pupils. In the one case the education is an absolute gratuity, and in the other case your consular pupil has earned every single dollar that you have paid him; and you have an experienced American to take the place of your consul in case of his death or serious sickness. I think the argument, if it is good at all, goes too far.

Mr. SUMNER. I understood the chief objection of the Senator from Maryland to this proposition was, that we might educate these young men at the national expense, and very soon afterwards lose them; in other words, not get our money back again. In the first place, it is very easy, it seems to me, by regulations at the State Department before these appointments are made to provide against any such contingency; and I understand that Mr. Marcy, indefatigable and ingenious as the Senator remembers very well he was, did by a series of regulations most carefully provide for this very case. Should we now return to the original law, the Secretary of State would have only to revive those original regulations of one of his most distinguished predecessors. I believe this is a sufficient answer to the Senator.

But the Senator from Michigan has already answered him in another way when he asked, very pertinently, what assurance have we that we shall enjoy the services of the cadets that we are rearing at West Point, or, again, that we are rearing at Newport? I know there are certain requirements of service applicable to them; but the Senator knows very well that nothing is more common than for cadets—especially military—to pass immediately from that education which they have received at the expense of their country, into occupations which serve only to their private advantage.

Mr. JOHNSON. That is with the consent of the Government. The Government accepts their resignations.

Mr. SUMNER. Very well. What is to hinder the establishment of regulations at the Department of State requiring the preliminary consent of the Government before these pupils shall be released—in short, to hold them by some terms of contract for a certain term? But let me say that, unlike cadets, these pupils will give to the Government valuable service even while pupils.

But, sir, passing from those considerations, allow me to ask the attention of the Senate to this proposition merely for one minute in two aspects: the first as it is a carrying out of the consular and diplomatic statute of the United States; and the second as it is in the nature of an educational provision calculated to benefit our consular service abroad.

In the first aspect, the Senate will bear in mind that down to 1856 we had no general diplomatic and consular statute embodying all that concerned our service abroad. The whole matter in that year went under a thorough review, and the result was the statute which is now in our books, determining grades, adjusting salaries, and, in one word, systematizing the whole subject. Let the character of the statute be borne in mind. But this statute which aimed to be a complete system contained the provision for consular pupils.

Now, sir, at that time and by that statute our consular salaries were adjusted to this very provision of consular pupils. The one was in the nature of a complement to the other. The salaries were made lower than they otherwise would have been in certain cases, because the consuls were to be aided by pupils with a compensation fixed by the statute. But the provision for pupils was repealed shortly afterwards, indeed before the experiment had been tried, without, however, raising the consular salaries to a corresponding degree. But it seems clear that something must be done now. You must do one of two things: either raise the consular salaries, or appoint consular pupils. Otherwise the original idea of the statute fails, and our system is defective.

But, sir, this seems to me to be the least important aspect of the subject. A mere question of salary, or, if you please, of system in the statute, is trivial to my mind by the side of that other consideration to which Senators have already alluded. I said that this was to be recognized as belonging to an educational system for the advancement of our service abroad. I do not think you can exaggerate its importance in that respect. Let any one who has been abroad, or had personal acquaintance with those who have been abroad, bear testimony to the ignorance which prevails in almost every office of our country abroad from the circumstance that there is nobody there, unless he be a hired foreigner, acquainted with the language, the laws, or the usages of the people about him. Sir, it has been always a crying shame that our offices abroad, whether consular or diplomatic, were served in this inferior way. Here now is a practical proposition applying to a certain extent a remedy. It is simple and direct. It seems to me that it cannot fail to be of considerable advantage. The business of these offices will be better done, and there will be a staff of educated persons, familiar with foreign life, whose knowledge and experience, even if not always in the service of Government, will pass into the capital stock and resources of the country. Nothing is clearer than that the education of the people is a source of national wealth; ay, sir, of national power.

But the Senator from Vermont says that education is needed much more in the diplomatic service than in the consular service. Granted; it is needed very much in the diplomatic service; but because it is needed there, is that any reason why we should not undertake to supply it here? The argument, it seems to me, was hardly worthy of the aptitude which that Senator always brings into debate. Let a proposition be brought forward to create an educational system applicable to our diplomatic representatives and then we will entertain it. Meanwhile let us act on the proposition that is before us, which, I submit, is eminently practical in its character. Who are our consuls? They are not diplomatic or political agents in the common sense of the term; they are commercial agents. To discharge their duties fitly they should be familiar with the interests of commerce, how commerce is conducted, and the language which it employs where they happen to be. And permit me to say that a great country like ours, one of whose chief sources of wealth and of grandeur in the world is commerce, must not hesitate to supply the necessary education in order to secure commercial representatives abroad who shall not be unworthy of the country they represent.

As the consul is a commercial representative,

he is on this account especially the agent of a commercial country. If our commerce were less, our interest in having good consuls would be less. But with the surpassing growth of our commerce this interest increases. To send abroad consuls who are without proper education, must necessarily bring our national character into disrepute, and jeopard also the concerns intrusted to them. For the sake of our good name abroad, which is a part of our national possessions, and also for the sake of those vast commercial concerns which encircle the globe, I hope that this proposition, which is a small beginning in the right direction, will not be rejected.

Mr. NESMITH. It seems to be evident that this bill will not be disposed of to-day, and I understand it is important to have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

Mr. FESSENDEN. I should like very much to finish this bill to-day if I can. I think we had better go on and finish it.

Mr. LANE, of Kansas. It is almost four o'clock now.

EXECUTIVE SESSION.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 15, 1864.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM YOUNG BROWN.

The Journal of yesterday was read and approved.

GRADES OF NAVAL OFFICERS.

The SPEAKER laid before the House a communication from the Secretary of the Navy, transmitting, in compliance with the resolution of the House, the report of the advisory board to establish and equalize the grades of line officers of the United States Navy, together with the instructions given to said board; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ALMOND D. FISK, DECEASED.

Mr. COBB. I ask the unanimous consent to take from the Speaker's table Senate bill No. 112, for the relief of the heirs of Almond D. Fisk, deceased.

Mr. WASHBURNE, of Illinois. I do not object if there be a general order to take up and refer all the bills on the Speaker's table from the Senate.

Mr. McBRIDE. I object.

Mr. WASHBURNE, of Illinois. I object then to taking up any particular bill for reference.

The SPEAKER. The gentleman from Oregon can state the bill he wants reserved from reference.

Mr. McBRIDE. I want Senate bill No. 25, to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon, reserved from reference.

The SPEAKER. Objection being withdrawn, the House will proceed to the consideration of business upon the Speaker's table for reference only.

Mr. WASHBURNE, of Illinois. I understand that Senate bill No. 112 is for extending a patent, and I object to its reference unless it is agreed that it shall not come back on a motion to reconsider. I am utterly opposed to the extension of any patent.

Mr. COBB. I do not object to that agreement.

The SPEAKER then laid before the House joint resolutions and bills from the Senate upon the Speaker's table; which were referred as indicated below.

CHARLES P. CURTIS.

Joint resolution referring the case of Charles P. Curtis to the Court of Claims; which was read a first and second time, and referred to the Committee of Claims.

MARGARET M. STAFFORD.

The next bill taken up was Senate bill No. 139, for the relief of Margaret M. Stafford, widow of Reuben Stafford, of Coshocton county, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

B. C. BAILEY.

The next bill was Senate bill No. 48, for the relief of B. C. Bailey; which was read a first and second time, and referred to the Committee of Claims.

POST OFFICE APPROPRIATION BILL.

The SPEAKER next laid before the House Senate amendments to the Post Office appropriation bill; which were referred to the Committee of Ways and Means.

CHARLES A. PITCHER.

The next was Senate joint resolution No. 30, for the relief of Charles A. Pitcher; which was read a first and second time.

Mr. RICE, of Maine. I ask that that bill be put on its passage.

The SPEAKER. That cannot be done. The joint resolution will be reserved.

IMMIGRATION.

The next bill was Senate bill No. 123, to encourage immigration; which was read a first and second time, and referred to the select committee on the subject.

TREATY WITH OREGON INDIANS.

The next was Senate bill No. 25, to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon.

Mr. McBRIDE. I ask that that bill be reserved.

FRENCH SHIP LA MANCHE.

The next was Senate bill No. 142, for the relief of the owners of the French ship La Manche; which was read a first and second time, and referred to the Committee of Ways and Means.

CHARTER OF WASHINGTON CITY.

The next bill was Senate bill No. 126, to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820; which was read a first and second time, and referred to the Committee for the District of Columbia.

POST OFFICE LAWS.

The next was Senate bill No. 158, in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863.

Mr. ALLEY. I ask that that be reserved.

STEAMER MOHAWK.

The next was Senate joint resolution No. 31, authorizing the issue of a register to the steamer Mohawk; which was read a first and second time, and referred to the Committee on Commerce.

HENRY P. BLANCHARD.

The next was Senate bill No. 53, for the relief of Henry P. Blanchard; which was read a first and second time, and referred to the Committee on Foreign Affairs.

MISSISSIPPI RAILROAD COMPANY.

The next was Senate bill No. 3, making a grant of lands to the Lake Superior and Mississippi Railroad Company, in the State of Minnesota, to aid in the construction of the railroad of said company from St. Paul to Lake Superior.

Mr. COBB. I ask that that be reserved.

ALMOND D. FISK, DECEASED.

The next was Senate bill No. 112, for the relief of the heirs of Almond D. Fisk, deceased; which was read a first and second time, and referred to the Committee on Patents.

FRANKING PRIVILEGE.

Mr. ALLEY. I ask unanimous consent to take up and put on its passage Senate bill No. 158, in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863.

Under existing laws, the President and Vice President do not enjoy the full benefit of the franking privilege to that extent which members of the Senate and of the House do. It was the intention of Congress of course that they should have the full benefit of it in the same manner and to the same extent as Congress. They are now unable to receive the letters which are directed to them, unless marked "official business," without being obliged to pay double postage in cases where the parties sending the letters neglect to pay it. In frequent instances they have been obliged to pay this double postage in order to obtain the letters sent.

No objection being made, the bill was brought before the House for consideration, and was read the first and second time by its title.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, announced to the House that the Senate had passed a bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865, with amendments; in which the concurrence of the House was requested.

FRANKING PRIVILEGE—AGAIN.

Mr. KASSON. I would be glad to recall the attention of the chairman of the Committee on the Post Office and Post Roads to the purposes of this bill, and also to the law as it now stands. As provided by the act which went into operation on the 1st of July last, the President and Vice President, the heads of the Departments, and, under the direction of the Postmaster General, the heads of the different bureaus of the Executive Departments, have the right to frank all official matter issued by them, and the right to receive free of postage all official matter addressed to them in their official character by officers responsible to them respectively. The same provision embracing the President and the Vice President of the United States, every officer under the President of the United States responsible to him in any way is authorized to send his communications to the President free of postage. The President also has the right to frank all matter sent by him.

The distinction, then, sought to be made by this bill is to allow all non-official persons to send anything they please to the President and Vice President of the United States free of postage. It was deemed at the time, and certainly is now deemed by me, a matter of a great deal of consequence that that large mass of matter, generally of private concern only, which persons are naturally inclined to send to the head of the Government, should be restricted, so far as it can be done, by making persons pay the trifling postage required before they can get their communications through the mail. It is an act of benevolence to any high officer of the Government to have this very slight restriction put upon the vast amount of miscellaneous communications sent to the Executive Departments of this Government.

I should be glad, before the chairman of the committee decides to press this bill, that he would take this matter into consideration, and see whether there is any hardship or any wrong committed to the public interest. Having myself suffered very much, as all public officers have done, from this vast amount of private communications sent to executive officers, I think the public interest requires a little further consideration before we adopt any measures relaxing the partial restraint of the evil, as we should do by this bill.

It is well known that long communications, essays upon political economy, upon general politics, written speeches, applications for office without number, testimonials without number, are sent to these various officials and heads of Departments of the Government from the President down, and I could never see any reason why this large class of matter should not be charged with prepaid letter postage before it had a right to go through the mail.

I may also say that it concerns to a very considerable extent in the aggregate, although small in individual cases, the income and revenue of the Post Office Department. This mass of free matter was formerly exceedingly large, and our effort, which I think was a very wise one, and in the policy of which the gentleman from Massachusetts [Mr. ALLEY] concurs, was to restrict free matter, as far as possible consistent with the prompt and easy discharge of public business, passing through the mails.

For these reasons I hope we shall take further consideration before we amend the law in this direction and throw the mails open without charge to this mass of matter which is directed to public officers, generally for the promotion of private interests.

Mr. NORTON. What has been suggested by the gentleman from Iowa is undoubtedly true;

but he cannot remedy the evil of which he complains by the method he proposes. The same difficulty arises in regard to all officers having the franking privilege as exists in regard to the President and Vice President. Every member's table groans with documents and letters and essays on every conceivable subject in the world which a member or the country has any possible interest in, to a much greater extent probably than exists in the case of the President and Vice President. Now, sir, if a remedy is necessary in this matter let us strike at the root of the evil, if it be an evil, the franking privilege.

Mr. KASSON. The gentleman from Illinois will allow me a word. In the original draft of the bill it was provided that communications to members of Congress should be liable to the usual rates of postage; but it was deemed proper, I think on the motion of the gentleman from the Galena district of Illinois, [Mr. WASHBURNE,] that inasmuch as members of Congress represented the people, they should not be restricted in the manner proposed; and that feature was stricken out from the original bill; and I have no objection, because it is proper that the relations of members of Congress with the people should be continuous as far as possible.

Mr. NORTON. I have but a word to say in reply to the gentleman from Iowa. He says that an exception is made in favor of members of Congress because they are the immediate representatives of the people. Now, sir, does not the President of the United States come as directly from the people as members of Congress, and is he less likely to be overburdened with correspondence than members of Congress are? My own notion is that you should either take away altogether the franking privilege or else make documents going from and coming to members of Congress go free. There has been very great misunderstanding in the country about this very business. There should be one rule for all persons having the franking privilege and allowed to send documents free of postage. Any other rule can only create confusion.

I am myself in favor of doing away completely and entirely with the franking privilege, requiring members of Congress and everybody else to pay for the communications they send or receive. But if that is not done, what I wish is that the rule shall be equal throughout.

Mr. WASHBURNE, of Illinois. I suggest that the bill be referred to the Committee on the Post Office and Post Roads, that they may mature it.

Mr. ALLEY. I did not suppose that this bill would elicit any discussion. I thought that it would take but a minute or two to pass the bill, or I should not have asked the indulgence of the House at this time. I understand the law precisely as does the gentleman from Iowa, [Mr. KASSON,] and I think there is a great deal of force in his suggestions, but nevertheless I understand that the parties in interest desire that this bill shall pass, as the law as it now stands subjects them to onerous taxation, to which they ought not to be subjected, if, as they suppose, it was the intention of Congress to give them the same privilege which they themselves enjoy. I do not think there is any necessity for a reference of the bill to the Committee on the Post Office and Post Roads, inasmuch as it has been fully considered by the Senate committee, and passed the Senate unanimously and is now fully understood by the House. I therefore move the previous question.

The previous question was seconded, and the main question ordered.

The bill was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MURDER OF CAPTAIN REED.

Mr. RANDALL, of Pennsylvania. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Secretary of War be requested to instruct the commander of the Middle department to order the commanding officer of the counties of Accomac and Northampton on the Eastern Shore of Virginia to at once institute inquiries concerning the murder of Captain Theodore Reed, who resided in the city of Philadelphia, and who, on the morning of March 3, was shot in Tangier sound, Chesapeake bay, by pirates.

Mr. STEVENS objected.

LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

Mr. COBB. I withdraw my objection to the taking up of Senate bill No. 31, making a grant of lands to the Lake Superior and Mississippi Railroad Company, in the State of Minnesota, to aid in the construction of the railroad of said company from St. Paul to Lake Superior.

There being no further objection, the bill was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Public Lands.

DISRESPECT TO A DEAD SOLDIER.

Mr. HARRINGTON, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Whereas on the morning of the 12th of March, 1864, the remains of a deceased veteran soldier of a Pennsylvania regiment were found in the canal in the city of Washington, District of Columbia, and were before eight o'clock a. m. of that day removed from the mud and water to the bank of the canal, and about one hundred feet from the corner of Third street and Missouri avenue, and in plain view of passers by; and whereas the face and breast of the corpse were covered over with a dirty and ragged straw mat; and whereas a coroner's inquest was held on the body on the morning of the same day; and whereas the body of the deceased was left lying in that condition, in the sun, unwatched, uncovered, and liable to mutilation, all of that day and until after night:

Resolved, That the Committee for the District of Columbia are directed to inquire and report to this House who is responsible for this gross neglect and horrid indecency toward the remains of a deceased soldier.

ASSAY OFFICES IN IDAHO AND OREGON.

Mr. MORRILL asked unanimous consent to report from the Committee of Ways and Means a bill to establish an assay office at Carson City, Nevada Territory, and an assay office at Portland, Oregon.

Mr. WASHBURNE, of Illinois. I object.

Mr. MORRILL. The bill makes no appropriation; but provides that, in lieu of the mints already provided by law, they shall be converted into assay offices.

Mr. WASHBURNE, of Illinois. As this is legislation in the right direction, I withdraw my objection.

There being no objection, the bill was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

COMPENSATION TO A CONTESTANT.

Mr. DAWES, from the Committee of Elections, reported back with an amendment in the nature of a substitute a resolution for the payment of mileage and compensation to John S. Sleeper, contestant of the seat of Mr. Rice, of Massachusetts.

The substitute was reported, as follows:

Resolved, That there be paid out of the contingent fund of the House to John S. Sleeper, who has been contesting the right of Alexander H. Rice to a seat in this House as Representative from the third congressional district of Massachusetts, $750 in full for all the time spent and expenses incurred in prosecuting said contest.

Mr. MALLORY. Is the gentleman from Massachusetts about to call the previous question?

Mr. DAWES. I proposed to do it. I will hold the floor for that purpose.

Mr. MALLORY. I would like the gentleman from Massachusetts to permit me to offer an amendment to the resolution.

Mr. DAWES. I will state to the House the reasons that have induced the committee to make this report. The committee has been of opinion, and is still, that unless a contestant presents a case which to the mind of the committee contains reasonable ground for prosecuting his claim, it would not be justified in recommending any compensation to be made. In the present case the majority of the committee was of opinion that Mr. Sleeper was justified in presenting the case for a hearing before the House, inasmuch as his claim depended on a result which had been already declared in open town meeting to be the true result. The committee entertained no doubt that there was a mistake; yet it had been so declared according to the formalities of law. Whether the fact were absolutely so or not depended, to some extent, on the testimony of a single witness—the clerk of the ward. Besides, there were opportunities for that clerk to have tampered with the ballots, although there was no testimony to that effect, and no occasion to suspect it at all. Yet it was a case of a novel character, both in the State where it occurred and here, and the committee believed that Mr. Sleeper was entirely honest and in good faith in his action. The majority of the committee felt that it was a case fairly presented to the committee and fairly presented to the House, and that therefore it was one coming within the rule which, they felt, ought to be adopted.

Then the question occurred, how much should he be entitled to? Under the old system, while members of Congress were paid a per diem for the time they were in session, it was customary to allow contestants that per diem during the time they were contesting seats. That mode of compensation having been changed, and a salary of $250 per month allowed, the committee was of opinion that it would be fair to allow Mr. Sleeper that sum during the time he was contesting the seat, namely, from the 1st of December to the 1st of March, when the report was made.

The resolution presented by the gentleman from Kentucky [Mr. MALLORY] taken in accordance with the wording of it, would entitle Mr. Sleeper to the whole salary of a member of Congress for two years, as well as to mileage. The committee did not suppose that the gentleman from Kentucky intended any such construction to be given to his resolution. Nor did the committee suppose that the gentleman from Kentucky intended to cause Mr. Sleeper to be paid $250 a month from the 4th of March to December, but only during the time he was here prosecuting his claims.

Mr. STEVENS. If I recollect this case, it depended altogether upon an error in the first count, which was corrected before the certificate was made out. It does strike me, under the statement of my friend from Massachusetts, [Mr. DAWES,] that this was one of the boldest efforts to secure a seat upon this floor I ever saw prosecuted. Mr. Sleeper, the contestant, ought to know that he had no claim to a seat upon this floor, and I hope that no one will vote for this resolution.

Mr. MALLORY. I have not had the pleasure of hearing one word which fell from the lips of the gentleman from Pennsylvania, [Mr. STEVENS,] whose remarks generally influence me as a member of Congress. If I had heard them they might have had a decided effect upon my action. But the misfortune under which I labor will force me to confine myself to the remarks of the gentleman from Massachusetts, [Mr. DAWES.] I feel great pleasure in saying that however much I may have erred in introducing the resolution, against which he has indulged in severe strictures, I will yield to the correction he has made. I will say, as I have often said before, that I agree in the propriety of the remarks he has submitted on this subject, and I am willing to accept the report of the Committee of Elections, so far as I have anything to do with the matter, provided the gentleman will let me move an amendment increasing the sum to about one thousand dollars, which will pay the contestant about two hundred and fifty dollars a month, or eight dollars per diem during the three months of the session, and allow him mileage in traveling to and from Boston while conducting this contest.

I agree with the gentleman from Massachusetts [Mr. DAWES] that this is one of the cases that ought to have been presented to the House. I have never known better ground for a contest made out than that made out by the contestant in this case—than that made out by the gentleman from Massachusetts, Mr. Sleeper, who contested the seat of my friend from Massachusetts, [Mr. RICE,] whose seat, I must be allowed to say from my personal knowledge of that gentleman, I hope will be filled by him for a long time and for many Congresses to come. If the gentleman from Massachusetts will allow me, I will move to amend the resolution so as to allow Mr. Sleeper $1,000.

The SPEAKER. Does the gentleman from Massachusetts yield for that purpose?

Mr. DAWES. Not now.

Mr. Speaker, I wish to say, in reply to the gentleman from Pennsylvania, [Mr. STEVENS,] that it is true this whole contest arose out of a mistake in the count. The only question was in reference to the accuracy of the count and how the fact was proved. It was proved in two ways, as my friend will recollect. One was entirely conclusive upon the papers themselves. There

was another which arose from a recount of the ballots seven days after the election. That depended entirely upon whether the ballots were correctly kept. They were kept by the clerk of the ward. They were recounted by the ward officers, three of one political party and four of the other. On that recount it was proved that the statement made in the ward meeting was an error.

Mr. STEVENS. Was not that recount made within the time allowed by law, and did not the Governor act on that certificate?

Mr. DAWES. Most certainly the recount was made in the time specified by law. The matter was referred to the Governor and Council, and they awarded to Mr. Rice the certificate. The Committee of Elections were, I believe, unanimous that the recount was properly done. The only point is whether Mr. Sleeper was justified in bringing the matter before the House. I accord to Mr. Sleeper entire honesty of conviction. I take pleasure in saying that I have known him a great while. I have been associated with him in many ways, and I have entire respect for his character as an honest, truthful, sagacious man. Still I could not understand why he presented this claim. He or his friends presented the claim. They said that an amended return controlling the result of an election, depending upon the truth and honesty of a single individual, was such a case as ought to be presented to the House. That was precisely the position taken.

I wish to say that while the Committee of Elections have no disposition to encourage contests, and have no occasion to do so, and while they are disposed to say so when a case comes before them which they think has no merits in it at all, they are not disposed to say there shall be no such thing as a contest; for there are cases where a contest tends to purify and purge the ballot-box, and secure honesty in elections. And unless the House thinks this is one of those cases, they ought not to vote this compensation. I have done my duty in reporting this resolution to the House, as I was instructed to do by a majority of the committee.

Mr. MORRILL. Unless the House will make an example of some clear case like this, I think we shall continue to offer rewards and premiums for entirely unfounded contested-election cases before this House.

Now, sir, what are the facts in this case? All the parties in Boston were unanimously of opinion that the contestant had no claim whatever to a seat *in* this House; and when the case came before the House for action, not a single man upon either side of the House asked for the yeas and nays, and so far as this House is concerned they recorded a unanimous verdict against his claim. I am not disposed to impeach the high character of the gentleman at all, but I do say there is no man that could found a claim for even five dollars on a pretense that he comes here claiming a seat under these circumstances without utterly discrediting himself.

Under such circumstances I think it will be a fit example set by the House if they refuse to pay even one cent for mileage.

Mr. PIKE. I did not hear the remarks made by the contestant when this case was before the House, and do not know upon what ground he based his claim. Now I wish to ask the gentleman from Massachusetts [Mr. DAWES] whether or not the contestant placed himself upon the ground that the sitting member did not have a majority of the votes, or whether he placed his claim simply upon a technical ground?

Mr. DAWES. I will say that he put his claim upon both grounds—upon the technical ground that the declaration in open ward meeting was conclusive, and then he controverted the honesty of the recount.

Mr. PIKE. Was there any evidence whatever to sustain that position?

Mr. DAWES. I regret exceedingly that my distinguished friend from Maine did not hear me when I worried the House an hour by a consideration of the merits of this case. I cannot repeat that speech, but if the Clerk will read it from the Globe, my friend will be answered. [Laughter.]

Mr. SCHENCK. Until my friend from Massachusetts [Mr. DAWES] concluded his remarks, I could not conceive upon what possible ground he or the committee which he represents sought to persuade this House, or to suggest to this House, to make a payment to Mr. Sleeper for his presence here in making a contest for a seat. He now puts it upon the ground of his knowledge of the personal estimable character of that gentleman. The contestant had no claim, not the shadow of a foundation for a claim to a seat here. All depended upon a clerical error. There is nothing else in the case. Even the gentleman from Massachusetts himself showed, by a clear and conclusive argument, that this man had no claim, and yet he says he should be paid something because he is a respectable gentleman much esteemed in Massachusetts, and an inoffensive and quiet gentleman.

Mr. DAWES. The committee wished to offer a premium on quietness.

Mr. SCHENCK. I wonder then that they have made such an exhibition of a violation of their own rule in the person of their chairman. [Laughter.]

Mr. DAWES. The House is responsible for that, and not the committee. [Laughter.]

Mr. SCHENCK. I do not enjoy the privilege of a personal acquaintance with this estimable gentleman, and though I am willing to accord with my friend that he is just what he has represented him, yet I cannot afford, as a member of this House, to be moved by any such consideration. As I look at the case simply as it was presented, argued, and discussed here, I cannot refrain from repeating that it is the most extraordinary case that has ever, within my knowledge of legislative proceedings concerning contested elections, been presented to this House. In this I entirely concur with my friend from Pennsylvania, [Mr. STEVENS.]

What was the case? In setting down the votes taken from time to time and adding small lots of votes, three, five, six, eight, &c., which had previously been set down, a mistake was made and the figure "1" was mistaken for a "7." Perhaps I do not recollect the exact number about which the difference took place and wherein the error occurred, but I remember that the fact was this: that instead of setting down "672" clearly, it was set down with such indefiniteness in reference to the figure "7" that it was mistaken for "612," and when "6" came to be added it was carried forward as "618." The whole question before this House was whether 612 with 6 added to it made 678 instead of 618, and unless the House could come to that conclusion there was not the slightest shadow of foundation for this claim. In other words, this claim is founded solely and entirely upon a clerical error.

Now, let us go a little further. Upon a revision of the votes, the ballots themselves having been put away and preserved, the mistake was discovered; and it was so apparent that the whole difficulty arose out of a clerical error that, as I understand it, the inspectors of elections, a member of whom belonged to the same political party as the contestant himself, concluded that he was not elected. All the commissioners of election, whatever their political antecedents, agreed that there was nothing upon which to rest the claim of Mr. Sleeper except this clerical error; and that, correcting that error, Mr. Rice was elected. This fact was reported to the Governor and Council, and the Governor and Council in revising the returns came unanimously to the same conclusion as the inspectors of election.

The case then came to this House and was referred to the Committee of Elections, and they were also unanimously of the opinion that there was nothing in the case except a clerical error, and no other pretext for the claim of the contestant.

Well, sir, when the committee reported on the case, and when the contestant had been heard for an hour, and had had his time extended so that he might be heard fully, there was not a single one, even of his political friends, to call the yeas and nays upon his claim; but the House by general consent disposed of his claim in the most summary manner the moment he had concluded his remarks, and without any reply being made to his arguments. That is the whole history of the case.

But we are told that Mr. Sleeper is an amiable, excellent old gentleman, and that we ought to give him something. Why, sir, I have a great many amiable and excellent old gentlemen in my district for whom I should like to make some provision. The chairman of the Committee of Elections will not deny that I have given a succinct but truthful statement of the facts of this case as presented to the House.

I will end as I began, by saying that there really seems to be nothing in this claim excepting that the claimant, Mr. Sleeper, is an inoffensive, amiable, excellent character, which I do not dispute at all; but I cannot, on that account, vote him money out of the Treasury, and therefore I am compelled to vote against this exceedingly bald claim, which has nothing to sustain it but a clerical error and impudence.

Mr. MALLORY. I was somewhat surprised at the remarks which fell from the gentleman from Vermont, [Mr. MORRILL,] and the gentleman from Ohio, [Mr. SCHENCK.] I listened very attentively to this case when it was presented to the House, and I must be allowed to say that I do not think I ever knew a case presented in this House that involved more doubt or difficulty than this one.

The gentleman from Ohio, in his summary of the matter, ignores the very facts at the very commencement of the case that are calculated to inspire doubt as to the result. In stating the case fairly he would have said that this gentleman, the contestant, on the day the election was held for member of Congress in that district, was declared by the proper officers duly elected member of Congress. He would have said that the laws of Massachusetts make no provision for the safe keeping of the ballots after they have been counted on the day of election, and do not authorize any recount of the ballots at all. He would have said that after the result of the election being so announced, these ballots were taken possession of by a man who had no more right to them than the gentleman from Ohio himself, kept four or five days by that man in his irresponsible possession, and then recounted without any authority by him, and without his having informed any person of his intention to recount these ballots; and he afterwards denied that he had recounted these ballots. He professes afterwards to have recounted them and to have found this error which the gentleman speaks of — that the ballots correctly counted, gave Rice a majority over Sleeper. He reported the facts to the Governor and others, and they ordered, without authority of law, as I understand it, a recount of these ballots. A recount was had, and Rice was found elected by a small majority, and not Sleeper. I think the majority was twenty-five or thirty. Now, I submit to this House, in the face of this declaration of the facts as presented in this case, whether the gentleman from Ohio made a fair or an *ex parte* exposition of the case.

Mr. SCHENCK. Perhaps we do not differ about a matter of fact.

Mr. MALLORY. We differ very much about the statement of those facts.

Mr. SCHENCK. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. MALLORY. I hold the floor by the permission of the gentleman from Massachusetts. He is therefore to that extent my master.

Mr. DAWES. I am under an engagement to yield the floor.

Mr. MALLORY. I have not given up the floor, except my master reclaims it. [Laughter.]

Mr. DAWES. Certainly not. I never could be guilty of taking the floor from the gentleman from Kentucky. [Laughter.]

Mr. MALLORY. I am overcome, sir. [Laughter.] I hope, after the remarks that I have made in which I am sustained by the evidence in this case, that I shall be excused from differing with the distinguished and learned gentleman from Ohio, the chairman of the Committee on Military Affairs, insisting as I do that this was a case of great doubt, that the pretensions of the contestant were strong, and that he was not only excusable in presenting his case to the House, but that he was bound to do so by a sense of justice to himself and to those whom he regarded as his constituents.

The gentleman from Vermont always opposes appropriations of this kind. I expected it from him. He would have de-Morrill-ized himself [laughter] if he had acted otherwise. He is the watch-dog of the Treasury, and when appropriations are proposed to be made for the benefit of agri-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, MARCH 17, 1864. NEW SERIES.....No. 71.

culture, for the benefit of any enterprise, for the encouragement of almost any industry except the manufacturing interests of New England, the gentleman exhibits his carefulness and economy on this floor as a member of the House and as a member of the Committee of Ways and Means. I must be allowed to say that if he had acted otherwise he would have departed from his usual course in the House.

I hope, Mr. Speaker, that the resolution will pass. I hope that the ingenious and able argument of the gentleman from Ohio [Mr. SCHENCK] will not prevail, and that the argument of the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] which I understood, after his taking his seat, was against allowing this claimant anything, will not prevail. I must be allowed to say that the course of that gentleman surprises me. It is not in accordance with his usual habits as a member of this House. He is generally a good-natured, good-hearted, clever gentleman. I have never known a case without justice, involving feelings, where charity was appealed to, addressed to the people of Pennsylvania that had not a cordial and hearty response from him, except on this occasion, and I must be permitted to say that he departs from the usual course now because there is a little justice in this claim, and I do not think that the gentleman has much regard for that article. [Laughter.]

Mr. Speaker, I do not know that anything else may be said except what I know my learned and kind friend from Massachusetts [Mr. DAWES] will add, in favor of making this allowance. I believe that the House will vote for my amendment to the resolution reported by the chairman of the Committee of Elections, increasing the allowance to $1,000, and in that I hope I leave the case to the House.

Mr. SMITHERS. The gentleman from Massachusetts [Mr. DAWES] stated that the Committee of Elections were not unanimous on the subject of this report and the sum contained in the resolution. I differ from the majority of that committee which reported this resolution. To my mind there is no pretext for allowing Mr. Sleeper any sum whatever. The case, in my judgment, ought never to have been brought here. That is conclusively shown, I think, by the proof upon record. I do not inquire into the respectability of Mr. Sleeper; I have seen him in the committee-room, and he is a man of respectability. His bearing before the committee impressed me favorably. But that is not the question. If there is anything in the testimony which would show any reasonable man that he had a proper claim before the House, I would pay him, but not otherwise. I think that this is not one of those cases. It is settled by the explanation upon record. I do not intend to go into any lengthy argument. It has been argued before the House so recently that the facts must be fresh in the recollection of every member; but I will refer to the report of the Committee of Elections. The committee say in conclusion as follows:

"The committee, in the absence of a particle of testimony calculated to cast suspicion upon the fairness and truth of this recount, or to control the position and corroborated testimony in its report, are of opinion that the certificate of election was rightly awarded to Mr. Rice, and that he is entitled to the seat. They thereupon recommend the adoption of the following resolutions:

"*Resolved*, That John S. Sleeper is not entitled to a seat in this House as a Representative in the Thirty-Eighth Congress from the third congressional district in Massachusetts.

"*Resolved*, That Alexander H. Rice is entitled to a seat in this House as a Representative in the Thirty-Eighth Congress from the third congressional district in Massachusetts."

The Committee of Elections being fully satisfied that there was not a particle of testimony which in any way tended to invalidate or to cast a shadow of suspicion upon the recount, and that recount having been concurred in by all of the ward officers, the Governor of Massachusetts having also given his certificate upon that recount, I for one cannot allow myself to vote a dollar out of the Treasury to pay any gentleman, however respectable, under the circumstances.

Mr. DAWES. Mr. Speaker, this subject is consuming more time than it ought to. I wish to state the case and then leave it to the House. The gentleman from Ohio [Mr. SCHENCK] has argued the case more fully than was done when it was submitted to the House and voted on, and I am obliged to him. Here is an exciting election for Congress. At the close of the poll it is publicly announced, according to the law of Massachusetts, that Mr. Sleeper is elected. In the course of seven days there comes out an alteration, by which Mr. Rice is declared to be elected by a few votes. It is a case which never occurred in Massachusetts before. It is a case which had no precedent there. It turned out on investigation that much of the merits depended upon the honesty and credibility of a single witness. I ask my friends on this side of the House whether, if any case were to occur to one of our friends, they would not feel themselves justified in bringing it to the attention of the House? That is all I wish to say. I submit Mr. Sleeper has done, under all of the circumstances, what any contestant upon this side of the House would do. The committee saw that a case like this had never occurred before. There was no statute of Massachusetts providing for such a contingency, and although there was no reason to doubt the accuracy of the recount or the honesty of the witnesses, I ask gentlemen whether they would not have submitted the case to the House as Mr. Sleeper has honestly done? If the House is going to adopt a rule on this subject, I for one will not object. If the rule works in reference to members upon this side as well as upon the other side, I have no complaint to make. But in this case Mr. Sleeper has only done what any contestant on this side would have done.

Mr. SPALDING. I wish to propound an interrogatory to the gentleman from Massachusetts, and his reply will go very far to control my vote. Would the gentleman from Massachusetts have done as Mr. Sleeper has done?

Mr. DAWES. I do not see the pertinency of that interrogatory. [Laughter.] I do not do my duty as often as I should, and perhaps I should have failed in this instance. I do not appreciate a seat in Congress as before I had one, and Mr. Sleeper has never enjoyed that honor.

Mr. Speaker, I wish to call the attention of the House back to this fact, that it has always been the rule, and never departed from, that we have paid contestants without regard to the merits of their cases. The distinguished gentleman from Pennsylvania [Mr. STEVENS] at the last Congress offered a resolution to pay six contestants, three on one side and three upon the other, $3,000 each. One of these men had but twenty-five votes, and those twenty-five votes were taken by subscription down here in a district where there was at the time a foreign enemy, and where there was hardly enough territory left in our possession to bury these twenty-five men.

And it now occurs to me that my distinguished friend from Pennsylvania [Mr. STEVENS] introduced last Congress a resolution to pay six contestants $3,000 each, and among that number he inserted the name of this man who received only twenty-five votes. That resolution passed. This is said by way of reminder to my friend from Pennsylvania. I regret that my friend's venerable years have impaired his memory, and that he has forgotten that that was the first case which the committee reported, and in which they reported against the claim of the man. It was argued here two or three days on the question whether the twenty-five votes taken by subscription in an enemy's country would constitute an election to Congress. We all said "No," and the matter passed away. The contestant applied to the Committee of Elections to introduce a resolution to pay him. They refused. One day, in a fit of absent-mindedness upon the part of the committee, there came in here a resolution with the names of six contestants in it, among whom was this man, and it was put through in a hurry.

I call the previous question.

Mr. STEVENS. I move to lay the resolution and substitute on the table.

Mr. MALLORY. I understood that my friend from Massachusetts was going to allow me to offer an amendment.

Mr. DAWES. That is so, but I suggest to the gentleman that that course will not help his friend.

Mr. MALLORY. Well, I will not press it.

Mr. STILES. I demand the yeas and nays upon the motion to lay on the table.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 67, nays 59; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Jacob B. Blair, Boutwell, Boyd, Ambrose W. Clark, Cobb, Cole, Creswell, Henry Winter Davis, Thomas T. Davis, Deming, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hotchkiss, John H. Hubbard, Hulburd, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McClurg, Samuel F. Miller, Morrill, Daniel Morris, Leonard Myers, Norton, Odell, Perham, Pike, Price, John H. Rice, Schenck, Shannon, Smithers, Spalding, Starr, Stevens, Thayer, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, and Windom—67.

NAYS—Messrs. James C. Allen, Ancona, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Broomall, Clay, Cox, Dawes, Dawson, Denison, Eden, Eldridge, Griswold, Hale, Hall, Harding, Harrington, Charles M. Harris, Holman, Kernan, Knapp, Law, Long, Mallory, Marcy, McAllister, McBride, McDowell, McIndoe, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Pruyn, Samuel J. Randall, James S. Rollins, Ross, Smith, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Sweat, Thomas, Tracy, Upson, Voorhees, Wadsworth, Whaley, Wheeler, Joseph W. White, and Woodbridge—59.

So the resolution and substitute were laid on the table.

During the call of the roll,

Mr. ORTH stated that he was paired off with Mr. CRAVENS on all matters of a partisan character.

Mr. A. MYERS stated that he was paired off with Mr. LAZEAR.

Mr GRINNELL stated that Mr. HUBBARD, of Iowa, was confined to his house by sickness.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act to amend an act entitled "An act to regulate trade and intercourse with Indian tribes and to preserve peace on the frontier," approved June 30, 1834; when the Speaker signed the same.

REPORT OF CAPTAIN J. L. FISK.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution, and demanded the previous question:

Resolved, That there be printed five thousand copies of the letter of the Secretary of War, transmitting to the House, in answer to a resolution of the 26th ultimo, the report of Captain J. L. Fisk of his late expedition to the Rocky mountains.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was agreed to.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REPORT OF GENERAL ROSECRANS.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution, upon which he demanded the previous question:

Resolved, That ten thousand extra copies of the various reports of Major General William S. Rosecrans, during this war, be printed for the use of this House.

The previous question was seconded.

Mr. STEVENS. I would inquire how large a volume this will make?

Mr. A. W. CLARK. About as large as the reports of Grant and McClellan.

Mr. STEVENS. I hope we shall not carry out this matter any further. We will print it as a campaign document.

The main question was ordered; and under the operation thereof the resolution was agreed to.

Mr. A. W. CLARK moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

GENERAL MEADE'S REPORT.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution, on which he demanded the previous question:

Resolved, That ten thousand copies of the report of General Meade of the battle of Gettysburg, with the accompanying reports of subordinate officers, be printed for the use of the members of this House.

The previous question was seconded, and the main question ordered to be put.

The resolution was adopted.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOLD BILL.

Mr. STEVENS. I now call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the Senate amendments to the bill known as the gold bill, on which the gentleman from Pennsylvania [Mr. STEVENS] is entitled to the floor.

Mr. STEVENS. As there are several gentlemen who, as I understand, desire to speak upon this bill, I will not at this time insist on my right to the floor.

Mr. GRISWOLD obtained the floor.

QUAPAW INDIANS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a recommendation for an appropriation for the Quapaw Indian refugees now in Kansas; which was referred to the Committee of Ways and Means, and ordered to be printed.

INDIAN DEPREDATIONS CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a report of the claims presented for the payment resulting from injuries and depredations committed by the Sioux Indians in Minnesota, in 1862; which was referred to the Committee on Indian Affairs, and ordered to be printed.

On motion of Mr. WINDOM, the report of the commissioners accompanying the report of the Secretary of the Interior was also ordered to be printed.

TREATY WITH ECUADOR.

The SPEAKER also, by unanimous consent, laid before the House a message from the President of the United States, stating that on the 25th of November, 1862, a convention for the mutual adjustment of claims pending between the United States and Ecuador was signed at Quito by the plenipotentiaries of the contracting parties, transmitting a copy of the treaty, and asking for an appropriation to enable commissioners to be sent out pursuant to its provisions, to meet at Guayaquil within ninety days after the exchange of ratifications between the two Governments; which was referred to the Committee of Ways and Means, and ordered to be printed.

GOLD BILL—AGAIN.

Mr. GRISWOLD. Mr. Speaker, during the early discussion of this bill in the House I was absent. In that absence my experience was unlike that of my distinguished colleague [Mr. KERNAN.] Instead of meeting those who were opposed to the passage of the bill under discussion, my contact with the business men not only of my own district but in the city of New York indicated almost universally a decided feeling in favor of its passage. I scarcely heard an opposite opinion, except from individuals interested in gold speculation or from those whose sentiments upon a question of this kind would have but little weight with any gentleman on either side of this House.

I assume that in the vote which was given upon the original bill as amended by the gentleman from Massachusetts, [Mr. BOUTWELL,] passed in this House with great unanimity, that the necessity of depleting the gold in the Treasury is conceded. By that vote it is evident that scarce any difference of opinion exists among gentlemen on either side of the House. This being conceded, the only question which arises is as to the manner in which the surplus gold shall be disposed of: whether the Government shall avail itself of the means intended to be provided by the bill of throwing the surplus of gold in the Treasury upon the market, and obtaining the highest rates it will command; or in its disposition contribute to the interests of the army of speculators whose only object is personal gain, no matter at what sacrifice of the credit and interests of the Government.

My honorable colleague [Mr. KERNAN] and also the distinguished gentleman from Massachusetts, [Mr. BOUTWELL,] in their remarks upon the question, assumed that the bill came here without paternity, and that we had no evidence that the Secretary of the Treasury even desired its passage. If I am correctly informed there is a letter in the possession of the Committee of Ways and Means from Mr. Chase, in which he unqualifiedly advises and advocates its passage. This being so, the gentleman's inference upon this point is unfounded.

Mr. BOUTWELL. With the permission of the gentleman from New York I will state that I have this morning received a letter from the Secretary of the Treasury, which I will send to the Clerk's desk and ask to have read. It is based, as I suppose, upon a rumor, founded upon remarks I made yesterday, that we had not official knowledge that the Secretary had approved the bill. After consulting with my colleague [Mr. HOOPER] who is a member of the Committee of Ways and Means, I think it just to the House and to the Secretary of the Treasury that the letter should be read which sets forth his views in regard to this matter.

The Clerk read the letter, as follows:

TREASURY DEPARTMENT, *March* 15, 1864.

MY DEAR SIR: I have been told this morning that you are under the impression that I am indifferent about the passage of the gold bill as amended by the Senate.

My views concerning the expediency of authorizing the Secretary of the Treasury to dispose of the surplus gold were communicated to the Committee of Ways and Means on the 19th ultimo. I thought then, and think now, that such an authority would tend to restrain speculation and prevent sudden fluctuations in the gold market, and that a judicious use of such a power might contribute something to the same desirable end. I have not changed this opinion; on the contrary, it has been confirmed by observing how gold has fallen as the probability of such legislation increased, and has risen as that probability has diminished.

Yours truly, S. P. CHASE.

Hon. G. S. BOUTWELL.

Mr. GRISWOLD. Mr. Speaker, that letter corroborates the information of which I was in possession.

An objection is urged against the passage of the bill that it will improperly increase the powers of the Secretary of the Treasury. Now, sir, as an original proposition, that might have some weight, but it seems to me that under the circumstances it is entitled to but little consideration. The Secretary of the Treasury has already been invested with authority, to which this can add but little, were he disposed to exercise that authority improperly. He is and has been clothed with the power of issuing the obligations of the Government, hundreds upon hundreds of millions, entirely at his own discretion, at such time and in such manner and amounts as he deemed proper. The additional discretion now proposed to be given him is as to the particular manner in which a surplus of fifteen to twenty-five millions of gold shall be made available for the public use. This I regard as of too little importance comparatively to influence the action of the House upon this question. I regard those who are at present administering the Government as its representatives for the time being, the instrumentality through which we hope to be carried safely through our present appalling dangers. So regarding them, I am in favor, and I think the constituency which I represent are in favor, of furnishing them with every facility, of clothing them with every admissible power. I do not intend, so far as my vote is concerned, to afford any excuse to the Secretary of the Treasury, or any other executive officer of the Administration, by reason of refusing any demand they may make consistent with the most liberal interpretation of legality and right. Just in proportion to the powers we give them, and the means that are placed in their control will the country hold them responsible for the exercise of such powers and the use of such means.

Mr. Speaker, these are extraordinary times, and demand extraordinary measures. We are forced to put our faith in those occupying official positions to a degree that in ordinary times would of course be improper and indefensible. If this faith is abused, the people will hold those who violate their trust to a stern and rigid accountability.

Another objection urged against the measure under discussion, and which I confess struck me with considerable force when first suggested, is that it is in violation of the law of 1862, providing that an amount equal to one per cent. of the public debt shall be set apart from the funds in the Treasury, as a sinking fund for the payment of the principal. Further consideration, however, leads me to regard this as of no practical force.

It will not be contended, I presume, even by the distinguished gentleman from Massachusetts, [Mr. BOUTWELL,] who so ably discussed this subject yesterday, that it was the intention of the framers of that law to lock up in the vaults of the Treasury an accumulation of gold without limit, and thus deprive the commercial community of what is indispensable to conduct the business of the country, and at the same time add to the burden of the Government by reason of enhancing the cost of the very materials of which they are obliged to be the purchasers in conducting this war. I apprehend that their only object was to provide for the creation of a sinking fund, having reference to a time when the Government should cease to be a borrower. It seems to me absurd that one per cent. of the liabilities of the Government should be canceled to-day, while they are increased five per cent. to-morrow. But should this be insisted upon, I can see no reason why the surplus gold in the Treasury should not be disposed of, even if its proceeds should be applied to the liquidation of the one per cent. provided for by the law alluded to.

The amount of gold in commercial uses prior to the present war was estimated at from two hundred to two hundred and fifty million dollars. There is now, as I understand, in the Treasury $23,000,000. The estimated amount which will have accumulated by the 1st of July next will be from forty-five to sixty millions.

Locked in the vaults of the banks of the city of New York alone are some forty-two million dollars. The daily requirements of the merchants of New York alone, for the payment of Government duties, &c., is about three hundred thousand dollars.

The effect of continued hoarding can readily be appreciated not only in its influence upon the commercial interests, but upon the Government, by reason of the enhanced prices which it will be forced to pay for such commodities as sympathize with and are affected by the speculative advance in gold.

That the present market value of gold is mainly speculative, is to my judgment apparent. In proof of this it is well known that property and securities beyond the influence of speculation bear no proportionate prices. There is no appreciable difference between the value of mortgage securities to-day and three years ago. Local stocks can be bought with Government paper at nearly the same rate. Real estate in the country has not materially advanced. No description of property except such as is influenced by direct speculation bears any such disproportion to gold as do the Government securities.

If Government obligations are secure, if we have faith in their ultimate payment, I contend there is no reason at all for any such apparent depreciation as now exists. Their security is a question of our ability to pay—of faith on the part of the people that they will be paid. That this faith is well grounded, I do not myself entertain a doubt. I do not believe the public debt will reach an amount which will lead to the thought of repudiation, as has been hinted by some gentlemen on this floor; nor do I believe that the payment of the interest on it will be so utterly unbearable as has been suggested. In my judgment the people of this country are prepared to meet all the exactions made upon them which shall be neces-

sary for the prosecution of the present war to its success, and the restoration and preservation of our Government. They desire only that the men and the means which they furnish shall be faithfully and honestly appropriated for this great paramount object.

As an evidence on the part of those to whom they intrust the administration of our public affairs, I should be glad if upon both sides of this House all subordinate questions could be ignored, and that we should stand up with united voice in advocacy of such measures alone as tend to the restoration of our Union and the reëstablishment of an honorable peace over this distracted land. I believe this to be the true way for securing public confidence and strengthening our Government credit. It should be evident that we are not to be diverted for the purpose of carrying out the peculiar views of any man or of any set of men.

I assume, Mr. Speaker, that the discretion which is lodged with the Secretary of the Treasury by the provisions of the bill under discussion will be exercised by him with discretion and honesty, and that so exercised he will be able to strengthen his position as the responsible head of the financial Department of the Government; that he will be able, at all events, to increase the dangers attending speculations in gold, and thus interfere with and embarrass those who in the pursuit of personal gain are regardless of the consequences to the great interests of our country; and still more, that he will place obstacles in the way of those whose hopes are based upon the destruction of public confidence by producing an apparent depreciation of our national securities.

I agree with the honorable gentleman from Iowa [Mr. KASSON] as to the mischievous effects attending the operations, in such times as these, of the men who congregate in the marts of our large cities, and engage in these wild and senseless speculations. I am not at all certain but that the army of gold speculators are as much to be dreaded at the present time as the army of rebels in the South. The effect is demoralizing whether the individual so regards it or not. The man who invests his capital in gold as a speculation becomes involuntarily disloyal to a certain extent, for the reason that the success of his venture is based upon the reverses of our army in the field; while he who holds our Government obligations wishes for and hails every success as furnishing additional security to his investment.

I am aware, Mr. Speaker, that in voting for this bill I differ from most of the gentlemen on this side of the House, with whom I am politically associated, but I feel certain that they will give me credit for being influenced by an honest difference of opinion, and that that difference arises from what I regard as the course which shall best promote the interest of our country.

Still more sanguine am I that no gentleman, either on this side of the House or the other, will contend that mere fealty to party is for a moment to be considered as against these higher considerations.

In presuming upon the attention of the House, Mr. Speaker, I simply desired to give some of the reasons that will influence my vote on the question under discussion. Having done this, I am prepared to yield the floor, and record my vote in favor of the pending bill.

MESSAGE FROM THE SENATE.

A message from the Senate was received, by Mr. FORNEY, their Secretary, notifying the House that the Senate have passed bills of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 151) relating to enlistments, and for other purposes;

An act (No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees; and

An act (No. 168) providing for the purchase of a steam fire-engine.

GOLD BILL—AGAIN.

Mr. HUBBARD, of Connecticut. Inasmuch, Mr. Speaker, as I am now called upon to cast my vote for or against the measure under consideration, I beg the indulgence of the House in a word of explanation of the reasons which will govern the vote I shall give.

I voted for the original bill as reported to the House by the honorable chairman of the Committee of Ways and Means, which was simply a bill authorizing the Secretary of the Treasury to sell the surplus gold in the Treasury. I thought that bill was right; but it did not seem to meet with very much favor in the House, and I was ultimately induced to vote for the amendment of the gentleman from Massachusetts, [Mr. BOUTWELL,] thinking it would be better than nothing; but I am now satisfied that that amendment kills all the virtues of the original bill.

It seems to be obvious to every one that the value of a commodity in market depends upon the abundance or scarcity of it; that everything which tends to increase the supply must diminish the cost of the article. A very eloquent and very honorable member on the other side of the House took exception to the bill on the ground that it would not do for us to invest the Secretary with what he chose to call this illimitable power; that it would tend to ruin the credit of the country, and ultimately to the downfall of the Republic. I, sir, do not see it in any such baneful light. Why, sir, the Secretary is lord of the Treasury to-day, is he not, under the law? And if he chooses to be unfaithful in the discharge of his onerous duties, who can help it?

The present bill, as it comes to us from the Senate, simply authorizes him to sell the surplus gold in the Treasury; and thus limited, I want to know how it is that in conferring on him that power we can possibly become obnoxious to the charge of conferring illimitable power? The learned gentleman did not tell us, he did not point out, wherein the exercise of that power could possibly work such an injury, but he spoke as if he saw a lion in the way and as if his quick ear heard a threatening roar from the frightful beast; but he utterly failed to point out to our wondering eyes the ambush of the forest king, or to awaken our attentive ears to the warning voice he had heard. Why, sir, it is not possible to conceive that the Secretary of the Treasury, in the exercise of this power, can injure the credit of the country any more than he may endanger the same interests by the exercise of powers already conferred upon him.

Another objection urged by my honorable friend was that it would be a breach of faith in the country to sell that which is pledged for the payment of the interest upon the public debt. The answer to that objection is simply that the bill does not authorize any such thing. It simply provides for the sale of surplus gold.

Still another argument was used, that it would give the country more credit in Europe to anticipate the payment of the public debt. I would not borrow one dollar from England, or from France; I would not be indebted to them for any such advantage whatever. If they were to send over a ship-load of gold I would not touch it. I would be more ready that our far-off sister California should send ten thousand of her brave sons into Mexico.

There is but one conceivable way in which the country can maintain its credit, and that is by relying with firmness upon our own resources. I believe that our own resources are adequate to every demand. If more money is wanted, continue to tax us and we shall continue to pay.

Mr. BROOMALL. Mr. Speaker, I do not expect to convince any gentleman present by any argument that I can produce after the discussion which has been had on this question, but as I have voted steadily against the measure from the beginning, and intend to vote against it steadily to the end, I desire to state in a few words my reasons for so doing. The first of them is, that I conceive the power attempted to be given to the Secretary of the Treasury to be wholly unnecessary. The gentleman from Massachusetts [Mr. ALLEY] who advocated this measure on yesterday said he did not expect the Secretary of the Treasury would use this power, and that it was not intended he should use it, at least to any extent. If that be the case, then I for one will not vote to give it to him. At this time, when it is necessary for us to grant extraordinary powers to the head of the Government——

Mr. ALLEY. I ask the gentleman from Pennsylvania to yield to me.

Mr. BROOMALL. Certainly.

Mr. ALLEY. Allow me to explain. I think the gentleman has misunderstood me. I did not say unqualifiedly that the Secretary of the Treasury would not, in my judgment, use this power. I said that he would not probably use it to any great extent, that he would not use it if the exigencies of the Treasury would not safely permit it, and that he would undoubtedly in the future, as in the past, carefully consider and provide for meeting the prospective as well as present wants of the Treasury. I do not believe if the power be given to him that he would use it unless it was absolutely necessary, and I doubt much whether he would be called upon to exercise it often if at all.

Mr. BROOMALL. I am pleased to be corrected by the gentleman from Massachusetts. I did to some extent misunderstand his remarks, and I will take his position as he has now given it. He does not expect the Secretary of the Treasury to use the power unless in the future when it may become necessary for him to use it. I, for one, then, will postpone my vote in favor of the measure until I am satisfied it is necessary for the Secretary of the Treasury to have and to use this power.

I was about to say, Mr. Speaker, that in these extraordinary times, when it is necessary for us to assent to extraordinary powers being vested in the Administration and the Government, it is not the time to ask us to confer powers that are not necessary. And if this power is not necessary, that is the argument against the passage of this measure.

Now, that it is not necessary is manifest to every one who will merely ask himself the question, what is it to be used for? Is it intended to bring down the price of gold? Granted that it is. That seems to be the argument of the other side. Is there any evil in gold being at the present price except so far as that results from the redundancy of paper money? I do not see much. I do not care what price gold goes to if it is not caused by an inflation of the currency. If it does so arise then I admit it is an evil and a matter of interest to everybody, because it affects the price of everything we buy or sell. If the high price arises from hoarding, no class of men can lose by it except such as ought not to be relieved. It is the accumulation of gold in the Treasury that is now complained of. Who wants this gold? Nobody except the importing merchants and the gamblers in gold. The laborer does not want gold. The mechanic does not want gold. The farmer and retail merchant do not want gold. They have no use for it. It has given place to the legal currency of the country. The only parties who need gold, I repeat, are the importing merchants and gamblers in gold, and I, for one, look upon the excessive importation of foreign goods now going on as one of the evils of the day. We are buying ourselves poor. I am willing to let the price of gold go up until that excessive importation is checked. Gold is needed for the purpose of buying foreign goods, and for paying duties upon foreign goods, and for these two purposes alone. If the price of gold goes up so that the importing merchants cannot get it, what will be the result? Why, that importation to that extent will be checked. There is a point between these two extremes, the present one of excessive accumulation of gold in the Treasury from duties arising from excessive importations, and the stoppage of importation and duties from the scarcity of gold—I say that there is a point between these two extremes where things will balance each other, and I am willing to wait for that point.

But suppose the accumulation of gold in the Treasury to be an evil, suppose there are parties besides those who are doing mischief with gold, need it, is there no way to get it out of the Treasury? I have seen no act of Congress making gold not a legal tender for the payment of debts. I know that gold has become unfashionable as a currency, yet, sir, I do not doubt that it will be taken in payment of debts without much complaint. It can, if in no other way, be got out of the Treasury by paying some class of peculiarly meritorious creditors, and no doubt there are such.

The gentleman from Massachusetts, [Mr. BOUTWELL,] whose amendment was adopted by the House, proposes to anticipate the payment of the interest on the public debt. I was in favor of that measure until he coupled it with another which authorizes the Secretary of the Treasury to do that without a rebate of interest. I voted against it then because I thought it unwise to pay debts

not due unless with a rebate of interest. Now there are debts due by the United States which have some priority over other debts, and which ought to be paid. Let the Secretary of the Treasury hunt up some peculiarly meritorious claims and pay them, and so get the money out of the Treasury, if it is necessary to get it out at all when only those want it who do mischief with it.

And, again, I am opposed to this measure as a means for fixing the price of gold. In that regard it will be wholly ineffective. No legislation, either by Congress or any other legislative body, ever fixed the price of any commodity. What do they say? They say that by threatening to put two or three or ten million dollars of gold into the New York money market we will affect the price of gold there permanently. Such an assertion does look strange to me. They set out with the declaration that the price of gold is due to speculation. I look upon that as a mistake. I look upon the laws of trade as fixing the price of gold, subject to variations like other commodities. It is one of the evils arising from the rebellion that gold has become an article of traffic, and speculators have taken advantage of that to gamble in gold. I say here, that if I could see any way to put a stop to speculation in gold by voting for this measure, I would vote for it with all of my heart. But I cannot see any such result from this bill. I cannot see how the speculation in gold will be affected by any power given to the Secretary of the Treasury to deal in gold. Speculation in any commodity arises from uncertainty and fluctuation in the price of it. And this proposition is to add another element of uncertainty and another cause of fluctuation to those already affecting the price of gold.

Again, this is a dangerous power to bestow upon any individual, I care not who he is. Now, I have all confidence in the present Secretary of the Treasury. I believe he is the best man in all the United States for that position, and I am not sure he is not the best man in the world for it. I am so much in favor of him as Secretary of the Treasury, that if anything which can be done by me would prevent it, I would not allow him to get out of that place to become President of the United States or King of England. I think he is the right man in the right place, and I want to keep him there at least four years more. But the Secretary of the Treasury cannot possibly run this immense machine upon his own hook. He is surrounded by hundreds of clerks and inferior officers whom I do not know, and in whom I cannot be expected to have the same confidence that I have in the Secretary. They will be more or less in his secrets, and it will be known to those clerks a few days beforehand that he intends to exercise this power, whenever he intends to exercise it. And let me tell you that the clerk who gets that information three days before the gold is thrown upon the market, can sell that information for a million dollars in New York, though the price of gold may not be affected three per cent., *nor any*, after three days. Is not that a monstrous power? Before giving this power to the Secretary I should want his life insured; in order that he may hold on to his present position. I should want his secrecy insured so that he should keep his intentions wholly to himself. I should want him deaf and dumb and incapable even of writing, lest he should tell somebody of his intentions who would tell the speculators of it.

Again, there may be a change in the Administration; and I would like to ask how many gentlemen upon this side of the House would vote for this measure if they were sure that Father Abraham were not going to be our next President of the United States, but that some other individual was? I am thankful he is to be our next President; but I ask, how many gentlemen upon this side of the House would vote to give this power to the last Secretary of the Treasury, for instance, before the Democratic dynasty went out? I am glad to see gentlemen on the other side of the House voting both ways upon this question. It is an argument against total depravity, that even Democrats can vote right sometimes, and some of them vote right when they divide in voting. I am happy to see it.

I say if a change in the Administration should take place, and some one whose name is familiar to gentlemen on this side of the House should occupy the Secretary's place, would they intrust that gentleman with this power? I will vote upon this question in such way that I shall not have to change my vote if after the next presidential election the same question should arise again and I should be so fortunate or so unfortunate as to represent a constituency here.

There is still another objection. I look upon the exercise of such a power as is asked to be conferred upon the Secretary of the Treasury as a disgrace to the nation. What is it? I have heard it said upon this floor that it looks like and will lead to repudiation. Why, it is repudiation; it is nothing else. May I buy up my own securities in the market for sixty cents and say I have not repudiated the additional forty cents? It is repudiation. There is no knowing how long this war is going to continue, though I hope not long, and believe it will not run far into Mr. Lincoln's second term. But suppose it should continue, and suppose by some unfortunate turn of events our legal tenders should go down in price until it will take a bushel of them to be worth a dollar in gold, would you then let the Secretary of the Treasury go into the market and buy them at the market price, without calling the Administration that permitted it dishonest? You are asking that the Secretary of the Treasury shall be empowered to do what an individual could not do without being called a dishonest man. You say probably that it is no more harm for the Government of the United States to buy the legal tender at a discount than for an individual to do it; but remember that these legal tenders are the promises to pay of the Government. Suppose a man should put his promises to pay out in such profusion that they would not bring their face in the market, and that he should go into the market by his agents and buy them at the market value, would you call him an honest man? I would say that he repudiated that part of his debt which was over the market value of his promises to pay, and the common sense of mankind would bear me out in the assertion.

Mr. Speaker, to conclude, inasmuch as I believe this power to be unnecessary, ineffectual for the purpose for which it is asked, and dangerous to be conferred upon any one, with the exception of Mr. Chase individually, certainly dangerous to be conferred upon those who surround him, believing that this measure will lead to repudiation and that it is in fact repudiation, I am unwilling to legislate thus, and I shall therefore vote against the amendment of the Senate.

Mr. MORRIS, of New York. Mr. Speaker, I do not rise for the purpose of discussing the merits of the bill. I rise merely for the purpose of defining my position in a very few words. I will remark that in all my observation of men I have never yet met with any one man who understood all sciences and all branches of business. Men devote their attention to different occupations and to different branches of business. One man becomes an expert in this direction and another in that. One man devotes himself to the practice of law, another to medicine; their opinions are sought for, and in matters relating to their professions, they are highly esteemed. So it is in this body—some men from their habits and pursuits are competent to judge in particular matters.

The Committee of Ways and Means are selected with a view to their capacity in financial measures. So, too, with the Committee on the Judiciary. They are chosen by reason of their supposed legal attainments. And so it is with all the committees of this House. Again, as we rise in the Government, the Cabinet is formed upon this same principle. We have a Secretary of State and a Secretary of the Treasury who have been selected with a view to their fitness for those positions.

An individual seeking to understand the financial necessities of our Government would hardly go to the Commissioner of Agriculture for his information; a person wishing to post himself upon the agricultural operations of the country would hardly go to the Secretary of State. The person seeking such information would naturally apply to the officers of the Government who have devoted themselves to the subject in question. Taking this view of the subject, I apply it to this question also. I do not profess to understand everything relative to the finances of the country, and hence I am inclined to defer to the committee which has that subject specially in charge; they were selected with a special view to their knowledge of these subjects. I would not, of course, allow that committee to override my own judgment when I was fully convinced of the facts in any given case, and believed the committee were in error, but I would defer to their opinion where I was not myself fully informed upon the subject in hand, and no great principle was thereby sacrificed.

To carry this idea still further, the Secretary of the Treasury has shown himself to be a very competent officer. I have not heard any member speak upon this floor who has not eulogized his skill and ability. He has won a reputation equal if not superior to that of any man now living or known in past history, for astuteness and ability in conducting the financial affairs of this Government. I defer, therefore, in a great measure to his judgment in relation to these matters. I know that in times past his policy has been condemned by some men professing great skill, but experience has shown, in the practical working of the Government, that the policy so condemned has not been a mistaken one. The present financial condition of the Government is the best eulogy that could be accorded to his policy. It challenges a parallel.

Mr. WILSON. I would like to ask the gentleman from New York whether he has any assurance that the Secretary of the Treasury desires the passage of this bill, or approves this policy?

Mr. MORRIS, of New York. I will answer the gentleman. I have listened this morning to the reading of a letter from the Secretary of the Treasury in this House. Besides, I know that the Secretary is in favor of this bill, and desires its passage. I know that he does not expect it will be a panacea, that it will reach every disease and difficulty that may arise; but he regards it as a measure which will aid him in carrying forward the purposes of the Government. It will operate as a check upon gold-jobbers, and promote the interests of the Treasury in numerous ways.

Some of the opponents of this measure object to it because other legislation has not taken place, because other provisions in relation to foreign exchange are not embraced in this resolution. If I wish to go to my room I must take one step in advance of the other; and shall I object to going because I cannot take fifty steps at once? This is the foundation measure, the first step. Let us take this step, and others will follow. The Secretary is in favor of it. His great judgment approves of it. His skill in finance commends it to consideration. But he does not attempt improperly or in any way to influence this House. It by no means is a cherished object of his. It is due to him and to this House that we should know his views on the subject. With his great experience and vast responsibility in the premises I submit he should be consulted. I believe that we should aid the Secretary and should defer to his opinions. On him rests the responsibility of raising money and sustaining the credit of the country; hence Congress should counsel and coöperate with him in matters obviously important.

I have occasion to believe, Mr. Speaker—and I have the highest authority for the belief—that the Executive approves of this measure. He is intimately connected with the Secretary, has the same high claim to consideration, has the same responsibility resting upon him; and upon him, in common with other branches of this Government, devolves the duty of shielding and protecting the Treasury and the depreciation of our currency.

But I arose merely to say that unless I had positive knowledge of the subject, unless I claimed to be superior to those who have devoted their lives to the subject in question, and to those on whom the responsibility rests, I would, in the absence of infallibility on my side, modestly defer somewhat to those who have the responsibility, and whose experience fits them to judge so eminently of the necessities and the wants of the Government. I shall, therefore, sustain the amendment as it came from the Senate.

Mr. DENISON. Mr. Speaker, I shall vote against the proposition to allow the Secretary of the Treasury to sell gold, and it is proper that I should give a single reason for such vote.

The distinguished gentleman from Massachusetts, [Mr. ALLEY,] in discussing this proposition yesterday, made a very eloquent speech, but it happened to be upon the subject of taxation, and not about selling gold. I have no fault to find with

his remarks upon that subject. He did incidentally allude to the propriety of selling gold, and made a calculation of the profit and loss and interest account, and he made his statement of profits as a merchant, and if he is a merchant he should remember that a merchant who buys his own paper in the market at sixty cents to the dollar is either an insolvent or a dishonest man, and you must expect that the same penalty will be applied for the same conduct to our Government. I therefore deny your right to make the proposed use of the gold said to be in the Treasury. If you do so you will see the consequences hereafter in your ruined credit. The gentleman from New York who has just taken his seat [Mr. GRISWOLD] has every confidence that all the securities of the Government will be paid. Does he forget that he is preparing to give the lie to that proposition? His vote for this bill would be a declaration that he would pay sixty cents on the dollar instead of one hundred cents, and that by his vote he proposes to put back into the Treasury over six million dollars for which we have not paid a farthing, and this upon the moment he expresses his confidence in the final payment of all our indebtedness. It is scarcely a year since the Secretary of the Treasury of the United States was purposing to buy gold; he asked for the power to do so, and it was granted to him. He now asks for permission to sell gold, and you propose to grant the power.

Gentlemen say they have confidence in the Secretary of the Treasury. So have I. The only thing that I have ever heard against him is the fact that he asks this House to invest him with this extraordinary power. If there were nothing else in this case, I would vote against this bill because that officer asks it. Suppose he should differ with the President of the United States in policy? Suppose he should conclude to be a candidate for the Presidency; how easily could he by the management of that vast fund indemnify his party friends for the expense of his campaign, and the world be none the wiser for it?

It is said that Cæsar thrice denied a kingly crown; our Secretary refused it once in his letter declining to be a candidate for the Presidency the other day, but repenting his extreme modesty he sends his written request to this House to grant him this monstrous power. And what is the power which he asks if it be not a kingly power? It is that he may have absolute control of the entire finances of this nation. His intentions are to be shrouded in darkness. You, or rather *he*, has refused the provision which required him to give five days' notice of his intention to sell, so that no man, except he may be a confidential friend, may know the day or hour in which he may display himself and his gold for sale. With this power he can control our President, the Cabinet—yea, he can command our armies, and the entire business and estates of twenty million people must be at his mercy. No man should be invested with such powers unless he is a great deal more or a great deal less than ordinary human beings.

Mr. Speaker, I have some pride as an American citizen. This Government is my Government. It belongs to my constituents as much as to the constituents of any man. We have an interest in its good name. Now, you propose to turn the Treasury of the United States into a broker's shop, so that if you put a sign upon the Treasury Department it would have to be, "Uncurrent funds bought and sold at this Department;" and the funds in which we traffic are our promises to pay money to our citizens which they have loaned to the Government upon the faith of positive law; and the more we injure the credit of our paper the more successful will be what gentlemen on this floor call a "financial operation."

This proposition is in violation of the faith of the Government, not only as implied in the issuing of our paper money, but in the provisions of the act of Congress of 1862, by which these very funds were set apart and pledged to pay, first, the interest upon our public debt; and secondly, to pay annually one tenth of our indebtedness, so that these funds do not belong to you to speculate with or dispose of in any way, but belong to and we hold them in trust for our creditors; and if we are honest they will not be disappointed in the trust.

Now, sir, in the name of the Democratic party and the American people I protest against our Government being reduced to that disgrace. I protest against your making a broker's office of the Treasury of the United States; although if that is to be done I would rather the dealings would be in uncurrent funds than in some other things that brokers sometimes deal in; but in God's name let us protect the nation from this deep humiliation, from this prostitution of one of the great Departments of the Government. What is the proposition that is proposed for us to sanction? If we take from this debate the large words about funded debt, and English exchequer bills, and investments, and securities, and put the matter in plain words, it is an offer to compromise with the creditors of this Government by paying sixty cents on the dollar of our indebtedness. And it is a peculiar fact that at this day the southern confederacy is doing the same thing. They are now funding their debt by giving promises to pay $200 for each of their old promises to pay $300. The only difference between that and this is that you propose to give them actually sixty cents, while they merely pay old promises by new promises. But the principle of your financial scheme is the same as that upon which they are acting, differing in degree, not in kind. It is bringing down the credit of this nation for the purpose of embarrassing the gold brokers.

I had supposed that the broker could speculate as well and make as much money when the price of gold should rise from 110 to 120 as when it goes up from 160 to 170, and that he would risk one third less capital in the transaction. The trouble with which we have to deal is the depreciation of our money, and not in the rise of gold. Gold is of no more value now than years ago; but our currency is worth less. It is the legal-tender notes and the securities with which gold is purchased that changes, but not the gold. And this effort to control the price of gold is the old one of controlling the value of commodities by law, which has been often tried, but has as often failed. It is just as sensible as to control the tides of the ocean by act of Congress; it is an impossibility.

Sir, it would be better to sink the gold now in the Treasury in the ocean or give it away, if it must be taken from the Treasury and the control of the Government, than to make money out of the broken promises and violated faith of this nation. I protest against it, and I shall continue to vote against it whenever I have an opportunity upon this floor. But why not leave this money in the Treasury? We have an expensive and an exhausting war upon our hands; no man can foretell the future necessities of this nation; it may be necessary to have that which the world calls money in the future progress of this war. If we have any more money in the Treasury than is necessary to pay interest—which I very much doubt—I think we had better keep it there.

The gentleman from Pennsylvania, my colleague, says this is repudiation. Well, sir, repudiation is what we have charged upon the South. When this war broke out I expected in the long future that we should see in the dark clouds that hung over this land some one darker than the rest, and that it would come in the shape of repudiation; that the greatest of all the humiliations we should be called upon to suffer would be that of repudiation; but I never believed it would come at this early day, and be proclaimed by gentlemen distinguished for their professions of loyalty on this floor. Inaugurate the system which this bill proposes, and your public credit is gone. What is it, sir, that gives your paper money any value to-day? It is confidence in the American people, in their honesty, and in their ability to pay. But when we have once proclaimed to the world that we will pay only sixty cents when we have agreed to pay one dollar, we are insolvent or we are dishonest, and in either case we are unworthy of further credit.

Well, sir, is there any necessity for the passage of this bill? If it were necessary that this people at this time should repudiate their debts gentlemen upon the other side would know it; and it has been twice repeated by a member on that side of the House that the Treasury was on the eve of insolvency and bankruptcy. If that were so the American Congress is the last source from which that fact should be published to the world. The publication of that fact alone is only necessary to put gold up to two or three hundred per cent., and to start us in a career of financial failure and national shame. And if it be necessary to resort to this means to gather up your depreciated paper I have found that the first offer of an insolvent creditor is generally his best offer; and if you pass this bill it is very probable that the creditor who gets sixty cents may be the most fortunate of our many creditors; but I hope this bill will not pass, and that we may reëstablish and maintain the good name of this nation before the world, and especially before our own citizens, who have loaned us their money.

Mr. WOODBRIDGE. I am quite aware, Mr. Speaker, that the House is already fatigued with the discussion of this bill. But inasmuch as it is a bill of great consequence to the country, and one upon which every member who thinks has an opinion of his own, it may not be entirely out of place for me to urge the views which I entertain, though making but little claim to financial experience. I shall only present those views which commend themselves to my common sense, unbiased by any pet financial theories, and uninfluenced by any sympathies with the speculators who fatten upon our country's distresses.

The Committee of Ways and Means, to whose especial charge is committed the financial interests of the country, after mature and careful deliberation, originally reported to the House the proposition as it is now sent back to us from the Senate, and it has, as it now stands, the approval of the Secretary of the Treasury. And, sir, when I find that the proposition submitted by that committee coincides with my own judgment, however unskilled it may be, I shall of course give it my hearty support.

The arguments against this bill were fairly and perhaps fully embodied in the remarks submitted by the distinguished gentleman from Massachusetts [Mr. BOUTWELL] on yesterday. I always listen to that gentleman with pleasure. His earnestness, his manly integrity, his clearness of perception, his force of illustration, always give additional power to the views he presents. But, sir, it did seem to me yesterday that the argument he used was rather specious than sound.

The first proposition that the gentleman laid down was that this bill should not pass because it would be dangerous to the Government to withdraw and dispose of any portion of the surplus gold from the Treasury. Sir, we have at the head of the Treasury a man who has had imposed upon him by the nation a herculean task, and who has borne the burden with great credit to himself and with beneficial results to the country. He is in favor of this scheme, and believes it to be perfectly safe to withdraw certain portions of the surplus gold from the Treasury and dispose of it in the market. I accept the judgment of the Secretary upon this point.

It is further insisted that the Government is under a moral obligation not to part with this gold, because the law of 1862 says that the interest upon the public debt shall be paid in gold, and that one per cent. of the public debt shall be paid or provided for yearly in gold. Such is not the law. It is not the intendment of the act of 1862 that the gold shall be reserved to buy one per cent. of the entire debt of the United States at par; but that a sufficient amount of the money received for duties shall be retained to liquidate that debt to the amount of one per cent. a year. In other words, it is establishing a sinking fund whereby a certain portion of the debt shall be paid or retired. All laws must have a practical construction. When a law is passed prescribing a duty it carries with it the power to discharge that duty, and that power is to be exercised in a rational way. In what condition would we be if we retained the surplus gold in the Treasury, as the gentlemen contend we ought? What sort of a sinking fund would we create? We would be the laughing-stock of financiers; for we should be constantly accumulating gold in the Treasury which the Government does not need and the business of the country demands, and thus by withdrawing the supply which the demand calls for we are inducing speculation, adding to the price of gold in the market, and greatly increasing the cost of every article which we purchase for our Army and Navy. Now, sir, how can the law providing for the retiring of one per cent. of the public debt annually be practically carried out? To give practical operation to the law the Secretary of the Treasury must go into the market and purchase greenbacks with gold. That is called repudiation. It is not repudiation nor in anywise akin to it.

It is what honorable men have done in their business. It is what Governments have done and what Governments have always a right to do. By purchasing greenbacks with gold and with them buying and canceling the bonds of the Government we would carry out this law in its full spirit.

My friend from Massachusetts [Mr. BOUTWELL] introduced an amendment which at first met with my approbation, but when I came to reflect upon it, it struck me that it was not practicable. The substance of the gentleman's amendment is that the Secretary of the Treasury shall be authorized to anticipate the interest and pay the under-due coupons with or without rebate of interest.

Now, sir, would the men holding coupons present them at the Treasury and have them paid in gold presently? Men are governed by their interests. Would it be for their interest to do so? Would it be a sagacious business transaction? Sir, I think not; and why? Simply because they would see that there is a daily accumulation of gold in the Treasury which the Government cannot use, and they would know that where the accumulation is hoarded, and the supply consequently just so much diminished, gold would go up, and hence when the interest became due, say the 1st of May, they would get an increased price for the gold, which would more than compensate for the delay in the payment. Such, it strikes me, would be the practical operation of the amendment proposed by the gentleman from Massachusetts.

Again, I am informed that the interest on money in the market is only five per cent. Such being the case, it is an additional reason why men will hold on to these coupons and take their chances, rather than receive the gold on them now.

Another argument, if I understand gentlemen aright, is that we would, by selling this gold, increase the price of gold and stimulate speculation in the market. The gentleman says that uncertainty is the great element of speculation. When you come to that kind of speculation that has the characteristic of gambling you may legitimately say that it is the uncertainty which stimulates the speculation. Will this bill increase the element of uncertainty? I contend, sir, that it would diminish it; and that by the aggregation of gold hoarded up you stimulate speculation in the article, and make the price of our currency dependent upon the gold monopolists in New York. I will illustrate it in my humble way. Suppose there are one hundred thousand bales of cotton in New York—not enough to supply the demand—and hence speculation commences; and those gentlemen who gamble in Wall street, finding but a limited supply in the market, unequal to the demand, take hold of the article and speculate in it. What is the result? It goes up, and up far beyond its real value. Now suppose some man, while the speculation is raging, imports fifty thousand bales, and holds it in the market. According to the gentleman's theory the holding of this large amount would enhance the price and increase the speculation in the cotton already thrown upon the market for sale.

Would that be the effect? No, sir. Because, cotton being above its real value, the market would be controlled by the holder of this fifty thousand bales, because the supply and demand are just so much nearer equalized. It is known to the speculator that he can throw it upon the market at any time, and the market becomes steady under the influence, whether the cotton is sold or not. If it is present, ready to be thrown upon the market, the unrest and disquietude disappear, and the market gradually settles to a state of quietude. When the man who has fifty thousand bales puts such a portion of it upon the market as the demand calls for, what is the effect? Cotton falls, and comes down approximately to its real value. The same effect would be produced on the gambling in gold by holding, with the power of sale, the surplus gold in our Treasury. Suppose that not a pound of that cotton is sold, but is merely held in the market; as I said before, it checks speculation.

Now suppose the owner of the fifty thousand bales should be enjoined from selling; what would be the effect? Speculators would take advantage of the fact, gambling would begin again, and the market would go up. Apply the same principle to gold. We will say the demand is not equal to the supply, and that this, in connection with other things, such as the condition of the country and the expansion of our currency, has brought the price of gold up, so to speak. Now, the speculator knows there is an accumulating fund in the Treasury, which cannot be used; and the more you throw into the Treasury, and thus diminish the supply, the more dishonest and reckless the speculator becomes. Hence they go "kiting" in gold because they see this large amount is locked up in the Treasury and cannot be used. Now give the Secretary power to bring this upon the market, and what will be the effect? The same as in the case of cotton; and down will go the price of gold. Speculators do not know that it is to be thrown upon the market; but as there is a power to put it on the market, speculation in gold will be regarded as unsafe, and it is measurably checked.

Again, the gentleman says, admitting that this may exercise some influence on the price of gold, yet that influence will be temporary, and not permanent, and that we must legislate for a permanent depreciation of the price of gold. Now, I never saw a force put in motion which would not expend itself. That is in accordance with the laws of motion. If the Secretary of the Treasury should see fit to put $1,000,000, or more, of gold on the market, I do not pretend it would have a permanent effect on the speculation in gold, but it would have a temporary one, and the Secretary having the power from time to time to produce this temporary effect upon speculation, it becomes finally a permanent effect. One shower of rain does not have a permanent effect upon the parched earth; but shower after shower brings forth the bountiful harvest.

Now, sir, I must take issue with the gentleman from Massachusetts upon another point made by him, and I do so with great deference, as the gentleman is evidently a business man and a sagacious merchant. He says that this bill will not materially influence the price of gold because the price of gold is governed by the price of exchange. Now, sir, as a man of common sense, and not as a man of financial experience, I do not see it in that light. The price of gold to a certain extent regulates the price of exchange. The price of exchange is greater than the price of gold to an amount about equal to the costs of insurance and transportation. If the gentleman's theory is correct, why is it that when we passed his amendment gold went up, and, as I understand, to over 159, but when the amendment of the Senate was adopted, the result was that gold came down to 150? The immediate effect of the passage of the bill by the Senate was to bring gold down nine or ten cents.

Now, sir, I believe, if we pass this bill, under the operation of which gambling in gold will, in my judgment, be checked, and if the Committee of Ways and Means will speedily present a bill for revenue whereby the wealth and property of the country will be taxed to pay the expenses of this Government hereafter, so that there will be henceforward no undue inflation of the currency, gold will continue to decline. When speculators see that our currency is not to be inflated; when they see that the property of the country is to be taxed to carry on this war; that we are getting nearer and nearer to a sound, reliable basis, gold goes down still more. Then let my friend from Illinois, [Mr. WASHBURNE,] who has an eye on General Grant, the lieutenant general of our armies, the man who occupies a position as honorable and as fearfully responsible as any man on earth, send for him to march the magnificent army of the Potomac—as gallant an army as the sun ever shone on—against General Lee. Let us have a victory there; and then the combination of these three things—the passage of this bill, the taxing the property of the country, and the driving to the wall the rebel army—will run gold down to thirty per cent. and exchange to forty, and that is as low as gold ought to be in time of war.

I know it is said to be dangerous to intrust these great powers to the hands of any one man. I am not one of those, sir, who believe that all virtue died with our fathers, and that there is no more purity in human nature. These are fearful times. Powers must be granted; responsibility must be assumed; and every officer of the Government, high or low, must be held responsible to the sovereigns of the nation, the people themselves. Refrain from giving power to the heads of Departments, and you weaken the Government itself. The Secretary of the Treasury has probably the weaknesses of other men. He has at least shown himself to be a man of financial powers. He has at least shown himself, so far, a man of great honesty and integrity of purpose. I would give him all the powers necessary for him to roll on the wheels of Government until this cursed rebellion is crushed forever; and I do not believe that he will abuse that power. For these reasons, Mr. Speaker, crudely expressed, not scientifically elaborated—for, as I said before, I am no financier—I shall vote for the passage of this bill.

Mr. GARFIELD. Mr. Speaker, I do not design to detain the House but a few minutes in what I have to say on this subject; but I wish to state what seems to me the present condition of the question. There have been so many things said, we have wandered so far from the propositions before the House, that I wish to restate the condition of the question as it now lies before us. This House passed a bill authorizing the Secretary of the Treasury to dispose of the surplus gold by anticipating the payment of interest on the public debt. There were two principal reasons assigned why we should dispose of the surplus gold: first, because it was accumulating on our hands faster than we had any legal means of using it; and secondly, because, by thus accumulating, it was causing a continually increasing stringency in the gold market, raising the price of gold in consequence of governmental interference with the market. It seems, therefore, just that as, by law, we have interfered with the gold market, we should, by law, provide for curing that interference. We all recognize the fact that if gold continues to advance it very much injures, not only the people at large, but the Government and its securities. It has been proved by more accurate statistics than we had before us on the 8th of March, when the House acted on this matter, that by the 17th of July next there will be nearly thirty million dollars of surplus gold in the Treasury. That has been tested by the most careful estimates possible, not only here, but in the other wing of the Capitol.

Now, Mr. Speaker, there have been three ways proposed by which we are to return this surplus gold into general circulation. The first is by direct sale—the proposition that comes to us from the Senate. The second is, by anticipating the payment of interest. And the third is, by creating a sinking fund as already provided for by law. As to the second and third I have only a word to say. To create a sinking fund as provided by law is simply an absurdity. I see no wisdom in buying up the bonds of the Government when we are now borrowing $2,000,000 a day to meet current expenses of the Government. It makes the Government enact the farce of borrowing money of itself.

It is true that we are required by law to create a sinking fund, but no one can charge us with a breach of faith if we refrain from establishing such a fund while we are still borrowing. We can repeal that law altogether, without any violation of the faith of the country.

Now, suppose we anticipate the interest on the public debt, with or without rebate, as provided by the original bill which passed this House on the 8th instant. Everybody knows that no man would receive prepayment and allow an abatement of interest. Why? Money in the New York market is now worth but little more than five per cent., while the United States bonds are worth six per cent., and of course no man will call in his money drawing a larger rate of interest and immediately reinvest it at a lower rate. Therefore we may as well dismiss from our minds any hope that we can get a rebate by anticipating the interest on our Government bonds; and the proposition to undertake to pay our debts before they are due, while at the same time we are borrowing money to pay debts overdue, is so absurd that a plain statement of it is the best refutation.

Another objection to the bill as it passed the House is that the remedy is inadequate to meet the difficulty we seek to obviate. If we conclude to anticipate the payment of interest the process will be so slow as to have no appreciable effect upon the gold market. It takes weeks to make the small monthly payments of interest as they become due, and if we undertake to pay it before it is due the process will be still slower, and will utterly fail to bring down the price of gold. Let me read an

extract from one of the daily journals published the morning after the passage of the bill as amended by the House, showing how it was regarded by the commercial men of New York. I read from the New York Commercial Advertiser of March 9:

"After four o'clock the news of the passage of Mr. BOURWELL's gold bill reached the market.

"The bill merely authorizes the Secretary of the Treasury to anticipate the payment of interest on the public debt from time to time, with or without a rebate of interest upon the coupons, as to him may seem expedient. In this amended form it passed, 90 against 34—a very strong vote, which seems to fix the policy of Congress. This amounts to nothing in the way of relief, since it is of no practical value whether the $3,000,000 due 1st of April, and the $15,000,000 due 1st of May, are begun to be paid now or then. It will take a month at least to pay the $15,000,000. When $6,000,000 was due November 1, it required the whole month to complete the payments, and the price of gold was not affected at all. The Secretary has now the same duty as before, to apply the gold to the purchase of stock for the sinking fund, a process which would freely deplete the Treasury. On the promulgation of the passage of this bill, gold, which had been dull at 163⅜, immediately rose to 164½, and in the evening sales reached 165¾.

"This morning the assemblage at the gold rooms was prompt, and the opening price was 165½.

"The demand continued very active, and the rate soon touched 168, when a little reaction set in, and it declined to 167½, and again recovered to 168⅜ to 168⅝, at twelve m.

"The rate for exchange went up in the same proportion, and sales were made at 181½, but this rate is still lower than gold."

Now see the result. The men of New York, the business men who are perfectly familiar with this whole subject, took it up, and the moment the bill was passed declared what the result would be. They knew how perfectly futile would be its effect on the price of gold, and up went gold eight or nine per cent. in a single day. They saw by how large a majority the bill had passed the House, and they considered that majority an indication that the House would insist upon its action.

It seems to me there is a practical lesson, which this House should not fail to profit by, in the consequences which followed our action when this bill was originally passed.

We have, therefore, proposed as a remedy for the present difficulty growing out of the accumulation of gold in the Treasury, first, the creation of a sinking fund; next, the anticipation of the payment of the interest on the public debt; neither of which, as I have already shown, are at all adequate to meet the present emergency. We have then, in the third place, the proposition to place in the hands of the Secretary of the Treasury the power, after reserving in the Treasury an amount of gold sufficient to provide for the payment of the interest in coin, to take the large balance in the Treasury and so wield it as to knock down the price of gold; and if at the same time it knocks down the gold speculators, they will meet a just reward for their "presumptuous sins." "Let them not have dominion over us." Sir, it will be a power that can be wielded for good, and that can not only be wielded now but at any time in the future, as the nature of the case may require. I believe that the proposition contained in the amendment of the Senate is, on the whole, the best that we can adopt.

Mr. DAVIS, of New York. Mr. Speaker, I am willing to confer on the Secretary of the Treasury any power necessary to the performance of the duties of his high office, and for the benefit of the country, which can be granted consistently with the honor of the Government and its good faith plighted to its creditors.

The power now proposed to be given is one of great extent, and it is our solemn duty to see if it can properly and justly be bestowed. The object sought to be accomplished by this measure is one which, in my judgment, is beyond the power of legislation. Our legislation is not for the present day alone, but for every day hereafter, until our successors shall see fit to repeal it.

I am frank to say that when the idea was first suggested to me of giving authority to the Secretary of the Treasury to sell the accumulating gold in the Treasury, I felt desirous of promoting a proposition which would unlock the hoarded treasure and send it again into the channels of commerce, if it could judiciously be done in view of the public interest. Subsequent reflection, and the discussions which have taken place here, have satisfied me that I could not sustain a measure which originally I felt desirous to support. I will therefore give a few reasons for the vote I shall cast upon this bill in its present form.

The same law which made gold the standard of value in this country has made it the standard in every other. Gold is the recognized standard of values throughout the civilized world; and until you can make a law of Congress which shall be of universal authority throughout the world you cannot make that paper money which we, by our local legislation, call the equivalent of gold, its equivalent beyond the jurisdiction of that local law.

I undertake to say that that which is so often spoken of as gold speculation is not a speculation *in* gold, but a speculation in *paper* by parties betting only on the *price* of gold. To a small extent are deliveries made upon the enormous contracts for the purchase and sale of that article; only the difference between the price of gold at the time of the contract and its price at the time fixed for the fulfillment of the contract is paid; and that difference is paid not in gold, but in paper. Gold is not required for any purposes of internal commerce, save to a limited extent, since the notes of the Government have been made a legal tender. The legitimate demand for gold is principally for the payment of duties on imports. The sales beyond this are only paper speculations. As prudent men, Mr. Speaker, I believe we should look to the future.

The gold income of the Government accrues now almost exclusively from duties on imports, which are payable in gold by virtue of the same act which pledges that gold to the payment of interest upon the bonds of the Government, and to the creation of a sinking fund of one per cent. per annum upon the entire indebtedness of the Government.

Now, sir, in order to maintain the Government in its efforts to suppress rebellion, we must impose most stringent duties upon importations; such as will, I trust, prohibit the importation of a large portion of what we receive from abroad. We are annually importing articles of mere personal adornment for our American women to the value of $100,000,000, for which we have to pay abroad, not in our currency, but in gold, every dollar of which represents at least $1 60 of our currency; and in addition we pay at the same rate the duties thereon in gold, which thus passes into the Treasury under the pledge to which I have alluded.

When, therefore, we come to enact, as we must do, acts which will check this useless importation and reduce largely our income of gold, where are we to look for the means to pay in gold the interest upon the bonds of the Government? We must go into the market and buy it of those who will demand a price according to the necessities of the Treasury. I ask any man upon this floor, in view of the fact that our indebtedness must inevitably increase until it reaches more than three thousand million dollars, on which the interest is payable in gold, and for the principal of which a sinking fund *in gold* is provided by law of one per cent. per annum, and that importations, not only of useless ornaments but of necessary articles, must be reduced by future legislation, whether we can wisely, safely, or justly part with the gold now on hand, or which we may have hereafter, when we have no power to supply its place except by purchase at enormous premiums?

The object of this bill is to sell the gold in the market for the purpose of supplying the demand, and thus appreciating the value of Government notes and bringing them nearer to an equality with gold.

Sir, all legislation which shall attempt to make any commercial paper the equivalent of gold is idle and inoperative. While gold is the universal standard of value throughout all countries, commercial paper currency in any country will be valuable for the purposes of its creation in proportion, and only in proportion, to the power of converting it into gold. The facility for conversion is the rule of its value. We say the notes of the Government shall be a legal tender in the payment of all debts; but the law which gives our paper this local power cannot make it obligatory elsewhere. So long as we have a commerce with other nations so long we must pay them for what we buy on their gold standard, not on our arbitrary and local standard of value; and no legislation can keep the unconvertible paper of one country up to the standard of gold in that country or any other. We might as well attempt to regulate the temperature of the atmosphere of the District of Columbia by enacting that the engineer of the Capitol should so regulate the furnaces beneath it as to keep the thermometers in these Halls at 70° of Fahrenheit, and that the thermometers in the District should mark no higher range. Water will freeze at 32° and be vaporized at 212° regardless of legislation. Paper will be depreciated in value whenever the financial thermometer indicates that that paper does not stand at the point of conversion.

I desire, sir, as much as any one to check this unpatriotic spirit of speculation, as well as to relieve as far as may be done the accumulation of gold in the Treasury, which is the pretended cause of that spirit. I believe this can be done by giving authority to the Secretary of the Treasury to anticipate the payment of interest on the public debt, to purchase with his gold the securities of the Government for the sinking fund as required by law, and by such legislation as I hope to see adopted here.

If men desire to speculate in the price of gold, I would make that speculation a luxury, and would make them pay for it. I hope the Committee of Ways and Means, when they come to decide upon the measures of revenue, will charge a duty or tax upon every contract for the future delivery of gold equal to any possible difference in its value at the time of the contract and its fulfillment, even if it should be ten per cent. I believe that such provisions could be made as would render such a law effectual.

In these modes we shall keep gold from being exported, and we shall make any effort at speculation in its future value profitless.

I am apprehensive that the effect of the Senate bill upon the currency and securities of the country will be injurious. We have already issued hundreds of millions of our bonds, under a law which pledges all our gold from importations for the payment of the interest and the establishment of a sinking fund to discharge the entire public debt, present and prospective.

The savings banks of the country hold many millions of these securities as the dependence of the widow and the orphan; our other banking institutions hold millions more, which have been taken with the patriotic desire to support the Government; the Treasury Department is now the depository of many millions as a security for the circulation issued to the national banks under the supervision of the Treasurer; and we should reflect upon the probable or possible results of our action upon the credit of these securities. I have, in distrust of my own judgment, taken counsel of distinguished financiers and friends of the Government, whose opinions are entitled to consideration, and I have been assured that the effect of our proposed action would be to depreciate all our public securities materially in the market. I hope it may not be so, but I fear it.

If such a consequence may flow from this step, is it wise for us to take it when we propose to offer to the world an additional two hundred millions of our bonds under the pledges of the existing law as to the payment of the interest in gold, and the use of the customs for a sinking fund to retire or redeem the principal of our debt?

With what grace can we go abroad to our German and other friends in Europe, who are holders of our securities, and say, "You hold the bonds of our Government to the amount of one hundred millions, issued under a law which pledged the good faith of the nation to collect all duties on imports in gold, and appropriated the sum sacredly to pay the interest of such bonds in gold, then to a sinking fund of one per cent. per annum upon the entire funded debt of the Union, for the purpose of retiring these and other bonds from the market, a law which did not authorize the diversion of that gold to any other purpose whatever; and although we have passed an act authorizing a violation of that law, except in respect to the payment of interest, and given power to sell the residue of the gold at the market price for the currency of the country, we are still desirous that you should purchase a new issue of bonds under the specific provisions of the former law."

I fear our friends, whatever confidence they might retain in our ability, would feel but little in our integrity.

There is still another consideration which affects my judgment. While I am willing that all the gold which can safely be appropriated to that

purpose should be converted into the securities of the Government, to the payment of which this gold is expressly appropriated by the letter of the law, I scarcely feel willing, even if we had the power, to buy up the currency of the country at a less value than the Government pledged itself to pay. If this Government has the ultimate ability to redeem its issues in gold, I do not desire that it shall purchase them at a rate of depreciation.

Our currency has been issued for a valuable consideration. The Government may have been and has been at times wretchedly defrauded; but still with our currency we have raised and supported our armies, we have equipped and maintained our Navy; with our currency we purchased the blood of our brave soldiers shed at Donelson, at Chattanooga, and on every battle-field during this miserable rebellion. Our soldiers in the field, their wives and their children, the widows and the mothers of those who have fallen or may yet fall in the war for the Union and the law, hold the promises of this Government to pay, and if we have the ability to do so, even by resort to increased taxation, I would rejoice to see every dollar of that indebtedness redeemed in gold.

If we are true to ourselves there is no reason why this country should be impoverished or bankrupt. We must submit to present sacrifices, we must resort to onerous taxation. But we have resources which are inexhaustible, and with the appliance of the labor to bring it forth, we have still untouched in our western soil enough of gold alone to extinguish our entire indebtedness in a single generation.

When gentlemen therefore propose, as I solemnly believe in violation of a public law, to go into the market and buy up our depreciated paper with the gold pledged to other uses, I cannot perceive either the wisdom or justice of the proposition. I cannot consistently with my convictions of duty, I cannot in view of that expediency which embraces not only the present but the future of our country, its credit, its character, its good faith, consent that the power proposed shall be conferred, though it may never be exercised, as it is intimated that it may not be. If the power is given *because* it will not be exercised, it must be useless to confer it; if to be exercised, it will be detrimental.

Credit is sensitive and mercurial; suspicion, even, blights it, and it is safe only when it is above suspicion. Let this Government by its enactments only exhibit an intention to permit a wrong, let its acts but give color to the conception that it may violate its plighted faith, and our credit is affected and confidence in our integrity impaired. It is possible, though I do not fear it, that we may sink in bankruptcy; that we may be reduced to the unfortunate condition of affairs which was exhibited after the close of the Revolution; we may be unable to pay our debts; but we may, at least, be honest, by observing our faith so long as the means of doing it are left us. I believe in being honest and just, and I trust that our legislation will evince that the Government intends to be so.

Mr. PRICE. I have but a word to say; and though this matter is one of immense importance, one fraught with greater consequences than any measure which has been before this House for many days, if I had not heard expressions which utterly astonished me by gentlemen who I supposed had an opportunity to know better, I should not have troubled the House with a word upon the subject.

I have no fears of any undue exercise of power by the Secretary of the Treasury, and I will not take up the time of the House in talking about his powers. I have no fear of his abusing any power which may be placed in his hands. It will be time enough to argue that question when we arrive at such a point. It is outside of the question before the House at this time. The simple question is, shall the Government sell the gold it now has in the Treasury, which has been received for duties, or shall we keep it on hand? When the $500,000,000 loan was thrown before the country every financial man knew that the Government would be able to pay the interest on those bonds in coin. The coin in the Treasury was reserved for that specific purpose, and when we went before the people with $500,000,000 of the bonds of the Government, the question was everywhere asked, "Will the Government pay the interest on these bonds in coin?" The answer everywhere was that it would, and these $500,000,000 of bonds were taken for no other reason in the world than because it was believed that the Government would pay the interest in coin. We may go into the market to-morrow with $200,000,000 more of the bonds of the Government, and we can only hope to sell them on the ground that the interest will be paid in coin.

But let the impression go abroad to the country that instead of holding the coin for the purpose of paying the interest on our bonds, we would authorize the Secretary of the Treasury to sell it, what would be the consequence? Why, every man who has money to invest in Government securities will say, "I am not entirely certain that this coin will be held for this purpose," and hence he will withhold his investment. But let the capitalists know—and when I speak of capitalists I mean men who perhaps may have only fifty dollars in their pockets and are willing to contribute it to the support of the Government—let these men know that it is the intention of the Congress of the United States that the coin now in the Treasury shall be kept honestly for the purpose of meeting the interest upon those $200,000,000 of bonds, and the loan will be as readily taken as any other ever put upon the market.

Sir, we are doing business upon credit, we are carrying on this war on credit. No friend of the Senate bill can deny that, and no man dare deny that the only foundation of that credit is the gold in the Treasury. Take away that foundation and what becomes of the whole structure? Upon a question of this sort it is not worth while to talk about side issues. Here is the naked, commonsense fact staring us in the face, that the moment you sell the gold in the Treasury you create the impression abroad that you will not pay the interest upon these bonds in coin, and when that impression is created you cannot sell your bonds at all. I do not believe that as honest men we have any right to sell this gold, because we have no more money than we want to meet our honest obligations; and when I say money I mean gold. It has been said this will stop importation. Let it stop to some extent. Why, sir, to-day the streets of this city are swept by the finest fabrics of the looms of this country and of Europe. Let us buy no more foreign importations. During the last six months our importations have been going up, up, up, while our exports have been going down, down, down all the time.

Let us come down to a common-sense position on this matter. I might answer that cotton-speculation argument used a few minutes ago by the gentleman from Vermont, [Mr. WOODBRIDGE.] There is nothing in it. A Chinaman, an East Indian, an Egyptian, or the native of some other country comes into New York with fifty thousand bales of cotton, and is going to regulate the price of cotton. That may do very well if he does not owe any debts, but if he owes a debt of $50,000,000, payable in cotton, he had better apply the cotton to that purpose. That is what a man ought to do with his property, and what a nation ought to do with its property. The payment of honest debts is the best use an individual or a nation can make of money. Yes, sir, best for time and best for eternity.

Mr. J. C. ALLEN. Mr. Speaker, I do not propose to occupy the attention of the House more than a few minutes, nor do I suppose that anything I can say will affect the views of a single member of the House. But, inasmuch as this is a question which is supposed to affect vitally the finances of the country and the credit of the Government, I have sought this opportunity of expressing very briefly my views in regard to it. I have not heretofore participated in the discussion. All that I propose to do now is to assign, very briefly, two or three reasons why I shall oppose the Senate bill. It ought to be the earnest purpose, not only of every member on this floor, but of every man having a voice in the management of public affairs, to sustain, as far as he may have it in his power, by his voice and his vote, the credit and the integrity of the Government. And while the passage or the defeat of this Senate bill will not, in my judgment, have any great effect on the credit of the Government, yet it will have, in my judgment, some influence on it.

I have listened attentively to the arguments in favor of this measure. They are, in short, these: First, that the Secretary of the Treasury desires its passage. Second, that it meets the approbation of a majority of the Committee of Ways and Means. Third, that it will reduce, if the Secretary be clothed with this power, the price of gold in the market. As to the first reason urged, that the Secretary of the Treasury desires it, it will have no influence with me until I arrive at a point where, as a member of Congress, I shall feel it my duty to register the decrees of the Secretary of the Treasury. I, as a member of Congress, must be left to judge for myself as to the policy or impolicy of the passage of measures pending before the House; and when I shall cease to judge for myself on these questions, I will be unfit for the trust which my people have committed to my care.

While I have very great respect for the opinions of the Committee of Ways and Means, I do not feel that I am justified in surrendering my judgment, on a question of this character, to their opinions. I have been somewhat amused at the course of argument pursued by gentlemen on that side of the House in regard to the opinion of the Committee of Ways and Means on this subject. We have been told by at least one gentleman on the other side that the members of the Committee of Ways and Means are men who have the ability, the capacity, the experience, that enables them to understand the question and to determine what its effect is to be on the country for good or for ill; and he therefore is inclined to vote with them on this question. I well remember, sir, that but a few days ago an important question, an exciting question, was pending in this House, and on it that same gentleman differed all the way through with the Committee of Ways and Means. I allude to the proposition to tax distilled spirits on hand. He would not surrender his opinion. He would not give to the opinion of the Committee of Ways and Means any considerable importance on that question. And yet he avows his readiness to yield to that committee on this subject. Sir, I am not willing to yield my opinions either to the Secretary of the Treasury or to the Committee of Ways and Means on this question, however much respect I may have for the one or the other.

Mr. Speaker, to maintain the credit of the Government seems to me an important consideration in all our legislation. How is that to be done? In my judgment it is only to be done by satisfying the country that the Government is determined to pay all its liabilities—that whenever the Government has it in its power to pay all or part of its indebtedness it will do so. While $40,000,000 or twice $40,000,000 of gold in the Treasury might go but a short way toward the liquidation of our debt, yet its application in that direction would tend to that extent to restore and to keep up that confidence so necessary to the sustenance of the credit of the Government.

In dealing with these questions, it seems to me that no safer rule can be adopted in reference to them than that which is adopted, and which ought to be adopted, by individuals in their individual transactions. Suppose an individual engaged in any particular branch of business has occasion to incur a heavy indebtedness, and desires to keep up his credit, desires to retain the confidence of the community in which he is transacting business, how is he to do it? Sir, he can only accomplish that object by promptly paying his liabilities as they mature, and by holding himself at all times in that position which will most readily enable him to discharge his liabilities as they mature. But suppose, instead of husbanding his means with that end in view, he diverts his funds to some other purpose than that of paying the interest upon his debts as it becomes due. Suppose, for instance, he engages in speculation and makes no provision to pay his creditors the amounts that mature from time to time, will he be able to maintain his credit in that community as a safe, reliable business man? No, sir; public confidence in him will be destroyed, or it will be shaken, if not entirely destroyed; and so it is with the Government, if, instead of appropriating the gold in the Treasury as it accumulates to the only legitimate object of liquidating the public debt, anticipating, if need be, the payment of interest upon it, we send the Secretary of the Treasury out into the streets and compel him to become a stock-jobber and gambler in currency. Is that a proceed-

ing that will inspire confidence in the credit of the Government, and in its ability to meet its liabilities? Sir, I tell you it is a dangerous experiment, to say the most of it, and as such I am opposed to this proposition.

But it is said that if we pass this bill the price of gold will decline, or, in other words, that it will have a tendency to increase the value of the Government paper in circulation. Sir, it is a strange argument. Certainly those who assume that position have not looked into the question and calculated its results. "We have gold in the Treasury," say they, "we have a surplus there, more than is necessary at this particular time to meet the liabilities of the Government, and we must sell it, we must dispose of it. We must take it out of the Treasury and place it beyond the control of the Government in order to keep up the credit of the Government." What an argument! It resolves itself into this, that the promises of the Government are worth more when we have nothing to redeem them with than they will be worth when we have something to redeem them with. That is the argument. It is nothing more nor less.

Let me ask this House what there is that will be more likely to keep up the credit of the Government, and give confidence in it, than a knowledge that it has on hand, at all times, something with which to pay its liabilities? There is nothing, therefore, in that argument.

But again, it is said that the price of gold is high, and that as the price of it increases so the paper promises to pay which the Government have in circulation will depreciate in value. Well, sir, as I before remarked, if you would prevent the paper promises to pay of the Government from decreasing in value the only sure means by which you can accomplish that object is to satisfy those who hold them and those who have held them heretofore that the Government has it in its power at any moment to pay at least a portion of them, and that it is determined in any event to devote all the means within its reach to the payment of its indebtedness from time to time as it may become due.

But if we adopt the principle embodied in this bill, what do we do? So far from applying whatever we may have in the Treasury as it ought to be applied, to the public debt, we take it out of the Treasury and place it in the hands of the Treasurer to dispose of at his will and pleasure. We place it out of our power to apply it to satisfying the claims of our creditors as they may fall due.

The whole question then, view it as we may, resolves itself into this: this House has a scheme concocted somewhere, I know not where, by somebody, I know not who nor do I care, to speculate in the gold of the Treasury of the United States, and to speculate without reference to the credit of the Government, or its abilities to meet its liabilities. But it is said that to throw this thirty or forty or fifty millions of gold on the market will have a tendency to reduce the price of gold. I am willing to admit that that would be its immediate effect.

The price of gold, like that of any other commodity, is regulated by demand and supply. That principle, I presume, will not be controverted. If you throw forty millions of surplus gold upon the market you increase the supply to that extent, and, of course, diminish the price. I believe that the throwing of this gold upon the market would have a tendency to reduce the price of gold, and while it would have that tendency, its tendency would also be to shake the confidence of the public and the creditors of the Government in the ability as well as the disposition of the Government to apply whatever it had on hand to the payment of its debts. That, in my judgment, would be the inevitable effect. It would be so in the ordinary business transactions of man with man, and so it will be in reference to the business of the Government.

Not only that, but whenever it is known in this country, or in any other, that the Government of the United States, instead of applying to the payment of her debt in a legitimate way whatever she may have in her Treasury, has authorized one of her public agents to go into the markets of the country and engage in public speculation, to that extent the credit of this Government is destroyed, and instead of reducing the price of her paper currency it would in the end increase it, and that at no distant day; because it must necessarily destroy the confidence of the public in the ability and intention of the Government to redeem its paper.

Again, to take the funds in the Treasury which morally and in equity belong to the creditors of the Government, and go into the public market of the country and engage in buying up the liabilities of the Government at a discount, would be dishonorable to the Government and to those who are administering it at the present time—just as dishonorable as it would be for an individual engaged in any business transaction to send his agent into the community to buy up his promises to pay at a discount. The mere fact that this agent operates on the part of the Government, and not on the part of an individual, does not change the moral aspects of the question. In addition to this violation of the plighted faith to those who hold the indebtedness of the Government, who hold our promises to pay, who hold our legal tender, it is to that extent again calculated to destroy the confidence of the people in the Government itself.

But, sir, it is said that this accumulation of gold in the Treasury is becoming an evil, and that some provision ought to be made by which it should be thrown into the general circulation. Well, admit that, and yet it does not furnish any argument for this proposition of the Senate; but it does furnish an argument, if it be necessary to get it out of the Treasury, in favor of so directing it when it goes out that it shall contribute to the confidence of the country in the ability and honesty of the Government; that it shall go where in equity and natural justice it belongs. And I know of no better proposition to accomplish this end than the proposition of the gentleman from Massachusetts [Mr. BOUTWELL] giving the Secretary of the Treasury the power to anticipate the payment of interest which is not yet due, if he has a sufficient amount of gold to justify him in doing it. If he has more than is necessary to meet the interest already due, let him anticipate the interest which is not due; let him call in the coupons upon our indebtedness, and in that way satisfy our public creditors that they have eventually nothing to fear from the Government, so far as its ability and its disposition to meet its liabilities are concerned.

This bill is based upon the presumption that there is a demand for gold in the market, and that when it is ruling at a high price this gold in the Treasury should be thrown into the circulation. Men who advocate that opinion oppose the proposition of the gentleman from Massachusetts upon the ground, they say, that those who hold our bonds will not present their coupons for payment before the interest matures. This is our answer to the argument they make in favor of the Senate proposition: if the demand for gold is so pressing as to require the emitting from the Treasury of the United States all the gold it has on hand it is pressing enough to force the coupons of the Government to the Treasury for redemption, although they have not matured. If they are not pressing enough to force these coupons in anticipation of their maturity, then the demand for gold is not sufficient to require that it should be thrown upon the market. Their arguments will not hold together; their parallels cross each other. If the exigency requires the throwing this gold upon the market to supply the wants of the gold market, then, sir, we can put it upon the market through the payment of the unmatured coupons, save our credit, show our disposition to do justice and equity to those who have trusted the Government, and do nothing which will detract from the honor and credit of the Government.

But, sir, I have said more upon this subject than I intended to say when I took the floor. I simply desired to state briefly the reasons why I should oppose the Senate amendment to the House bill. I have listened attentively to the arguments of gentlemen on the other side, but I have heard none yet that could be submitted to the scrutiny of truth and stand that test. I am, therefore, forced to believe that this is but a scheme to bring another competitor into the gold market, backed by whatever credit the Government may have, to compete with the bulls and bears upon the streets of New York. I cannot, sir, give my support to any such measure, and I have sought this opportunity of presenting the reasons which would control my vote upon this question.

PENNSYLVANIA CONTESTED ELECTION.

Mr. RANDALL, of Pennsylvania. I rise to a question of privilege. I hold in my hand a certain paper relating to the contested election from the third congressional district of the State of Pennsylvania, which I desire to have referred to the Committee of Elections, with the understanding that it shall go there for what it is worth, in the same manner as papers were referred to the same committee the other day in the case of Knox *vs.* Blair.

The paper was referred to the Committee of Elections, and ordered to be printed.

SALE OF SURPLUS GOLD—AGAIN.

Mr. STEVENS obtained the floor.

Mr. HULBURD. I ask the gentleman to yield the floor one moment, that I may offer an amendment to the bill.

Mr. STEVENS. I will yield to the gentleman, but only for that purpose.

Mr. COX. I would ask the gentleman from Pennsylvania whether he intends to press this bill to a vote this evening.

Mr. STEVENS. Oh no, sir. I sought the floor for the purpose of moving an adjournment; but I will yield to my friend to offer his amendment.

Mr. HULBURD. I shall be compelled to be absent from the House to-morrow on business; but I wish to offer an amendment to the bill, which I now send to the Clerk's desk, and I may say that if that amendment were adopted, it would obviate my greatest objection to the bill, and I should vote for it if present.

The amendment was read, and is as follows:

Add to the Senate amendment the following proviso:

Provided, That the obligation to create a sinking fund, according to the act of February 7, 1862, shall not be impaired thereby.

PENNSYLVANIA CONTESTED ELECTION—AGAIN.

Mr. O'NEILL, of Pennsylvania. I desire to ask my colleague [Mr. RANDALL] who introduced the paper just now, and had it referred to the Committee of Elections, whether the language used by him, that that paper should go there for what it was worth, means that it is not to be considered as referred as testimony?

Mr. STEVENS. I understand that it is referred for the consideration of the committee.

Mr. RANDALL, of Pennsylvania. I so suppose. I presented it and had it referred with the concurrence of the chairman of the Committee of Elections, and also of the sitting member. I conversed with both of those gentlemen on the subject, and they agreed that it might go there for what it was worth, in the same manner as in the case of Knox *vs.* Blair.

LEAVE OF ABSENCE TO MEMBERS.

Mr. COX. I desire to ask leave of absence for two of my colleagues, Mr. MCKINNEY and Mr. J. W. WHITE, from Thursday next, for two weeks.

There being no objection, leave of absence was granted.

Mr. STEVENS. Before moving an adjournment, I wish to say to gentlemen I hope to have a vote upon this bill very early after it is taken up to-morrow. I think it has been very fully and very ably discussed. I move the House do now adjourn.

The motion was agreed to; and thereupon (at half past four o'clock p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 16, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a memorial of eighty-nine members of the Legislature of New York, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

He also presented a petition of paymasters' clerks, praying for increased compensation; which was referred to the Committee on Military Affairs and the Militia.

He also presented a petition of paymasters of

the United States Army, praying that the salaries of their clerks may be increased; which was referred to the Committee on Military Affairs and the Militia.

Mr. TEN EYCK presented a petition of citizens of Burlington county, New Jersey, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

Mr. TEN EYCK. At the request of my colleague, [Mr. WRIGHT,] to whom they were sent and who is now detained from the Senate by sickness, I ask leave to present six petitions from citizens of the counties of Monmouth and Burlington, New Jersey, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; and I move that they be referred to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. ANTHONY presented four petitions of citizens of Providence, Rhode Island, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. MORGAN presented the memorial of George V. Hoyle and others, citizens of Rouse's Point and Champlain, in the sixteenth congressional district of New York, praying that Rouse's Point may be made a port of entry; which was referred to the Committee on Commerce.

He also presented two petitions of citizens of New York, praying for the formation of a properly organized ambulance and sanitary corps for our armies, and the enlistment of men for such service; which were ordered to lie on the table.

Mr. BUCKALEW presented resolutions of the Legislature of Pennsylvania, in favor of extending the time for paying bounties to volunteers to the 1st day of April, 1864; which were ordered to lie on the table, and be printed.

He also presented a petition of citizens of Philadelphia, praying for an increase in the facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

He also presented a petition of merchants of Philadelphia, praying that the Raritan and Delaware Bay railroad may be made a postal and military road; which was referred to the Committee on Military Affairs and the Militia.

Mr. MORRILL presented a memorial of contractors and builders of side-wheel gunboats, known as double-enders, praying for extra compensation on account of losses sustained on their contracts; which was referred to the Committee on Claims.

REPORTS FROM COMMITTEES.

Mr. HOWARD, from the Committee on Military Affairs and the Militia, to whom was referred the bill (H. R. No. 206) in addition to an act for the establishment of certain arsenals, reported it with an amendment.

Mr. JOHNSON, from the Committee on the Judiciary, to whom was referred the bill (S. No. 88) regulating proceedings in criminal cases, and for other purposes, reported it with an amendment.

Mr. COLLAMER, from the Committee on Post Offices and Post Roads, to whom was referred the memorial of Marshall O. Roberts and others, trustees of A. G. Sloo, submitted a report accompanied by a bill (S. No. 174) for the relief of the trustees of A. G. Sloo. The bill was read, and passed to a second reading, and the report was ordered to be printed.

J. N. CARPENTER.

Mr. HALE. The Committee on Naval Affairs, to whom was referred the petition of J. N. Carpenter, paymaster United States Navy, praying for compensation for clothing stolen from him on board the United States sloop-of-war Saratoga, while in the port of Philadelphia, have instructed me to report it back, and ask to be discharged from its further consideration.

The report was agreed to.

Mr. HALE. The same committee have had under consideration the joint resolution (H. R. No. 43) authorizing the settlement of the accounts of J. N. Carpenter, a paymaster in the United States Navy, report it back, and recommend its passage, and I should like, if the Senate please, to have it considered now. After this vessel came into Philadelphia, and after the paymaster had left it, some of his stores which had been left on board in charge of another officer were broken open and stolen—stores to the amount of $200. The evidence of that fact is satisfactory. The House of Representatives has passed the joint resolution; it only appropriates $200; and I hope the Senate will pass it at once.

By unanimous consent the joint resolution was read the third time, and passed. It proposes to authorize the proper accounting officers of the Treasury, in settling the accounts of J. N. Carpenter, paymaster in the United States Navy, to allow and credit him with the sum of $200, the value of articles of clothing stolen from the United States sloop Saratoga, after that vessel had been put out of commission at Philadelphia in January, 1863.

BILLS INTRODUCED.

Mr. FOSTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 172) concerning the disposition of convicts in the courts of the United States, for the subsisting of persons confined in jails charged with violating the laws of the United States, and for diminishing the expenses in relation thereto; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOWARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 173) to organize the invalid corps of the Army; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 175) in relation to deserters from the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 176) authorizing the erection of buildings for the branch mint at San Francisco; which was read twice by its title, and referred to the Committee on Finance.

NATIONAL BANKS' RATE OF INTEREST.

Mr. HOWARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance inquire into the expediency of so amending the act of 1862, to provide a national currency, as to authorize the associations organized under it to enter into contract to take and reserve on loans and discounts such rate of interest as is or may be allowed by the laws of the State, District, or Territory in which the association is located.

PROMOTION IN THE VOLUNTEER NAVY.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire if some mode of promotion in the volunteer Navy, similar or analogous to that of the regular Navy, may not be established by law so as to reward meritorious conduct in that class of officers.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had yesterday approved and signed an act (S. No. 120) to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834.

BILL RECOMMITTED.

On motion of Mr. CONNESS, the Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 109) to expedite the settlement of titles to lands in the State of California; and

On motion of Mr. CONNESS, it was

Ordered, That the bill be recommitted to the Committee on Public Lands.

AMENDMENT OF THE CONSTITUTION.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of the joint resolution No. 16 of the Senate, proposing an amendment to the Constitution of the United States, with a view of having its consideration fixed for some future day.

The motion was agreed to.

Mr. TRUMBULL. This is a joint resolution of the most important character, involving a change of the Constitution of the United States, which has been recommended by the Committee on the Judiciary. Its consideration was fixed some time ago for the 17th of February, but that day passed without its being called up. I now desire to fix its consideration for some future day which will be agreeable to the Senate, with the view of pressing the matter to a vote at as early a day as may be consistent with the other business before the body. If it is agreeable to the Senate, I move that its further consideration be postponed to Monday next, and that it be made the special order on that day for one o'clock.

Mr. SUMNER. I suggest to the Senator whether that may not be too early a day. I make that suggestion simply with reference to other business that is now before the Senate.

Mr. TRUMBULL. It will be entirely agreeable to me to fix another day if the Senator from Massachusetts has other business that this resolution would be likely to interfere with.

Mr. SUMNER. There is other business which has come forward during the absence of the Senator.

Mr. FESSENDEN. This is more important than any other business except the appropriation bills.

Mr. TRUMBULL. The Senator from Maine always has precedence with his appropriation bills, and I am not disposed to fix it for any day that will interfere with his business.

Mr. SUMNER. Say the middle of the week.

Mr. TRUMBULL. If it is more agreeable to members of the Senate, I will say Wednesday next at one o'clock.

Mr. POWELL. I merely wish to suggest that there is a bill of great importance now before the Senate which I hope will soon be taken up and pressed to a vote, and that is the bill to prevent officers and soldiers from interfering with elections. I do not wish any order made to prevent the progress of that bill when it shall come up.

The VICE PRESIDENT. The question is on the motion of the Senator from Illinois to postpone the further consideration of this joint resolution until Wednesday next, and make it the special order for one o'clock on that day.

The motion was agreed to.

NORTHERN INDIAN SUPERINTENDENCY.

Mr. WILKINSON. I move that the Senate postpone all prior orders and take up the bill (S. No. 59) extending the limits of the northern Indian superintendency.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to extend the northern superintendency over all the Indians in the Territory of Dakota.

The bill was reported to the Senate, and ordered to be engrossed for a third reading; and it was read the third time, and passed.

Mr. HARLAN. I move to reconsider the vote by which the bill (S. No. 59) extending the limits of the northern Indian superintendency was passed. I do not ask for action on the motion now, but desire to have it entered.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The motion will be entered, to be acted on hereafter.

ENLISTMENTS IN THE SECEDED STATES.

Mr. WILSON. I move to take up the bill (H. R. No. 261) to provide for the voluntary enlistment of any persons, residents of certain States, into the regiments of other States.

The motion was agreed to; and the bill was read.

Mr. SHERMAN. This is a very important bill. I supposed the whole subject was covered by the bill we passed some time ago. I trust this bill will be postponed until we can have an opportunity to examine it. It will invite competition all through the South between the recruiting agents of the different States. I move to lay it on the table for the present. I supposed the subject-matter had been disposed of by the Senate.

Mr. WILSON. I will say to the Senator from Ohio that this is a bill which has passed the House of Representatives by a very large vote—a vote of more than two to one. It was introduced there by Mr. BLAIR, of Missouri, a member of the Military Committee, and was supported by several gentlemen, among others by General GARFIELD, who said that it was the best and wisest bill that was pending before Congress.

Mr. SHERMAN. We had the subject up before, if I remember aright, and it was discussed, and we took our deliberate action on the subject, and inserted that action in a bill which is now the law. Certainly we ought not to have a bill on the same subject brought up again, and passed hurriedly in the morning hour.

Mr. WILSON. I admit the fact that the matter has been discussed in the Senate; but this is a House bill which has been passed by the House of Representatives, and I hope it will receive the sanction of the Senate.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill lie on the table.

The motion was agreed to.

CONSULAR AND DIPLOMATIC BILL.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of Senate bill No. 52.

Mr. FESSENDEN. Will it occupy much time?

Mr. TRUMBULL. I do not imagine that it will take up much time, but I cannot tell. I will agree that it may be laid aside at one o'clock if it be not then disposed of. It is a bill to provide for the punishment of minor offenses in the United States courts.

Mr. FESSENDEN. I have no objection to it; but I wish to go on with the bill which was left unfinished yesterday.

Mr. GRIMES. This day has been assigned for District business.

Mr. TRUMBULL. I do not wish to interfere with other business, but this is a bill in which there is some little public interest.

Mr. FESSENDEN. If the Senator from Illinois will withdraw his motion, I move that the Senate now proceed to the consideration of the bill which was left unfinished yesterday.

Mr. GRIMES. I should like to go on with the District business.

Mr. FESSENDEN. I hope the Senator from Iowa will allow me to get this bill out of his way.

Mr. GRIMES. Very well.

Mr. TRUMBULL. I withdraw my motion. I will not interfere with other business if there is anything more pressing.

Mr. FESSENDEN. Then I make my motion.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 40) making appropriations for the consular and diplomatic expenses of the Government for the year ending 30th June, 1865, the pending question being on concurring in the amendment made as in Committee of the Whole, to strike out the word "and" after the word "consuls," in line fifty-one, and to insert, after the word "agents," in line fifty-two, the words "and twenty-five consular pupils."

Mr. GRIMES. Is it in order to move to amend that proposition?

The PRESIDING OFFICER. It is.

Mr. GRIMES. Then I move to amend the amendment by striking out the word "pupils" and inserting "clerks." I make this motion, not because I am in favor of the appointment of these clerks, but because I do not like to have anything passed through that does not convey the exact meaning and intent of the proposition itself. There is no use for us to disguise the fact that these are really, virtually, substantially neither more nor less than clerks. Who imagines that the political life of any one of these pupils, or clerks, if you please, is going to last any longer than lasts the political life of his superior in the consulate? The Senator from Vermont [Mr. COLLAMER] suggests that it will not probably last as long. It certainly will not last any longer. When there is a change of Administration, when the consul goes out, the clerk will go out with him. The effect of the proposition, as I understand it, is simply to give a clerk, at a salary of $1,000 payable in gold, which amounts probably to $1,600 a year, to twenty-five of such consuls as the Secretary of State may select. I want it to appear on the statute exactly according to the design of Congress.

Mr. FESSENDEN. I do not know but that "a rose by any other name would smell as sweet;" but there is no very particular reason to impute any design to conceal anything with reference to this matter, because, in the first place, it was the original provision of the diplomatic and consular bill which was repealed very shortly afterwards, as was stated by the honorable Senator from Vermont yesterday; and, in the next place, the Secretary of State, in his communication which I sent to the Chair yesterday, distinctly avowed the object, and that was that they were to be clerks of the several consuls. They are called consular pupils; but if it is any gratification to the honorable Senator from Iowa, or anybody else, to call them clerks, I do not know but that it would be as well to call them so. Certainly there is no very great objection to that.

I do not know that this amendment comes with so much propriety from the Committee on Finance as it might come from another committee, and yet I am not very certain about that point. The fact was that it was taken up in the Committee on Finance on a communication which was sent to that committee from the Department of State, and it was discussed and acted upon and adopted there before the question was suggested whether it should not properly have been considered in the Committee on Commerce; but, inasmuch as we had examined and voted upon the subject, we thought it might be as well to report it ourselves, and I understand that the Committee on Commerce are in favor of the proposition. I might go through the form of withdrawing it as a recommendation from the Finance Committee, and allow it to be recommended by the Committee on Commerce; but in this stage that would be a mere form, and the committee do not think that course advisable. The Senate can act upon it in its present condition just as well as if it came from another committee.

Mr. MORRILL. The Committee on Commerce have voted upon it and agreed to recommend it.

Mr. FESSENDEN. Then there is no necessity for our withdrawing it so as to let it come from that committee, although as an original question, if it were now to be considered over again, our committee would probably send it to the Committee on Commerce, as we sent several recommendations of the State Department; but we happened to vote upon it and recommend it. I was a member of the Senate at the time the original diplomatic and consular bill was passed, which contained a provision for consular pupils, and at that time my attention was not called to the bill, and there was no discussion about it. I agree with my friend from Vermont that shortly afterwards it came up and this provision was repealed; and, according to my best recollection, I was one of those who advocated its repeal—not in so full a manner as my honorable friend from Vermont has done now, but I stated some of the views which I entertained then, and they coincided with the views now expressed by him. The great and leading consideration for its repeal was that Congress did not believe the thing would be of a permanent character. That is to say, we supposed that if these young men were to be educated for consuls, there was no sufficient assurance, in the mode which is followed in this country with reference to the appointment of consuls, that they would certainly reach that position, because, this being considered, like everything else in the way of office, a reward for political services, and the pupils perhaps having rendered none, might not be thus appointed; and therefore it would be uncertain in its character, and we could not rely upon the expectation of deriving any permanent benefit from the expenditure created by the provision.

Upon deliberation I have changed my views, and I am willing to admit that I have changed my views; and for that I can give the reason which has been given so often by a great many much better men than myself, that I am willing to admit that sometimes I am wiser to-day than I was yesterday. The views presented by the State Department in writing and also verbally, have convinced me that the danger thus apprehended is not so great as was supposed.

In the first place, taking our consular system as it is, we know that in many places the salaries are exceedingly small. We make no provision whatever for clerk hire. We compel the consuls themselves to pay their clerks out of their own salaries. Whether an allowance is made from the fees for that purpose, I do not know. Experience has shown that in many of the principal consulates, such as London and Liverpool and Havana and other places, and in fact in almost all of them, they are obliged necessarily to employ foreigners. They cannot take a clerk out from this country and support him. They get men on the spot; and where those men have had experience and understand the duties of the office, they become necessarily masters of the situation, and they are retained in office from the necessity of the case under succeeding consuls. A foreigner, for instance, who is chief clerk of the consulate at Liverpool, is in reality the master of the office, and so at Havana, particularly if he happens to be a foreigner, as in most cases he is, and gets to understand the business. The consul himself goes out, as a general rule, every four years. When a new consul comes in, he is ignorant of the business; he knows very little of the customs of business and of business transactions—perhaps this arises from the very necessity of the case—and he is instructed by his clerk, and when he is absent, as he necessarily is on many occasions, the clerk becomes the consul.

In this state of things it is considered desirable by the State Department that in the principal consulates there should be pupils or clerks appointed by the Department who shall be of some permanent character. It has been shown by experience, as I have said, that the clerks do not change with the changes of Administration. They are not political personages. So with these consular pupils; they would go out as youths and learn the business; and the belief of the Department is that their position, from the necessities of the consulates themselves, would necessarily be in a great measure permanent, and if anything more was necessary in order to keep them in the office than the pay that was originally provided for them, it would undoubtedly be paid by the consuls themselves out of their salary in order to retain their services, as they pay their clerks now.

It was believed, therefore, and I confess my own mind came to that conclusion, that the anticipated difficulty that they would be continually changed was not in reality a difficulty to be apprehended; that, from the very situation of things, as proved by experience with regard to the clerks of these large consulships, they would be in their nature permanent; and thus we should have our own citizens—and an officer so important ought to be one of our own citizens, in these large consulates certainly—educated to the business, in a position to discharge the duties of the office and to render all those services that are necessarily rendered by a chief clerk. The necessities of the consul would compel him to retain such an officer precisely as he now retains a clerk under the same circumstances.

Again, sir, we have had a large increase within the last few years of our consulates abroad; I mean in countries where the English language is not spoken. We have several very important consulates in China, consulates which we pay very inadequately. Although the Committee on Commerce have not seen fit to recommend an increase of their pay, I am satisfied that some of them are rendered comparatively valueless from the enormous expense they are at and the inadequateness of their salary, and provision ought to be made for them. If we have these regular clerks in the consulates, the belief is, selecting intelligent and tolerably educated youths, that they would in a very short time learn the language of the country, and thus having acquired the language and a knowledge of the business and the customs of the several places where they are, they would be able to render very great assistance, and we should have our own educated men in these important consulships abroad, in China, in Japan, and in other places.

Sir, these are very positive advantages; and, as I said before, our consular system is, in my judgment, fast becoming self-supporting. For the services rendered—and the services it has rendered during this war have been of infinite consequence and value to the country—it is the poorest paid and the cheapest of any branch of our service whatever. I believe that we are not drawing upon

the funds of the country to any extent that we shall not be amply repaid for by making the small expenditure necessary to raise the grade of our principal consulates and get a better kind of service than we have been able to get hitherto, from the very fact that the men going out there are entirely unacquainted with their business, do not speak the language of the country to which they are sent, and are forced to depend upon such assistance as they can pick up at the time as interpreters, &c., in order to get along at all.

I believe that very considerable benefit might be derived in another point of view. I have a hope that the intelligence of the country will bring it and is fast bringing it to the conclusion, if we can find men who are competent, and educated to the business of attending to our commercial affairs abroad, without being politicians and partisans, their services will be recognized by any Administration that may come into power for the benefit of the Government itself, and that where they have distinguished themselves, and shown that they are abundantly fit for the business to which they have been educated, they will take in these important places the places themselves, and be able to render us vastly better service than we have as yet received from any quarter.

Now, sir, it is known—and I am sorry to say it—although our consular and foreign services have very much improved in many particulars, that the consular service particularly is very much inferior to the consular service of any other leading people, for the reason that we make these continual changes, and that we do not educate our men to the business for which we send them abroad. Gentlemen are aware that the commerce of this country is continually increasing and enlarging; that our intercourse with foreign nations is becoming more and more extensive, and more and more complicated and intimate every day. The war has developed—I do not mean that it is growing in time of war—the absolute necessity of having a good consular service. Why, sir, I will venture to say that we have saved more money in consequence of the valuable consular service we have had, in Europe particularly, during this war than would pay the whole expenses of our consular system five times over, merely from the information they have given to the Government at home, and which has been improved by the vigilance with which the Government has availed itself of the information thus furnished.

I am not in a condition to speak at any length on this subject. I simply give these reasons for the change of opinion which I confess to in reference to this particular proposition. I believe that the small appropriation asked for the appointment of twenty-five consular clerks, if my friend from Iowa prefers to call them clerks, to be appropriated in this way and for these objects, would result in a vast deal of good, and that the evils we apprehend, as they are stated by my friend from Vermont, [Mr. COLLAMER,] are more in apprehension than in reality. I confess that I agreed with his views fully at the time this subject was first considered; but more careful examination and deliberation and consultation have convinced me that I was in error.

I will state, moreover, that I think something is due to the experience of those who manage our public affairs. I think it ought at least to be concluded that they have the same amount of intelligence and capacity that we have, man for man, and that they have been in a condition to acquire more information than we have, because it is their peculiar study. We find that three Secretaries of State—the present Secretary and his two predecessors—all men of distinguished ability, all men who have studied this subject carefully, have been consistent and urgent in recommending that Congress should make this provision. All of them have made communications to Congress on the subject. They have become satisfied that great good will follow. From the considerations they have adduced to me, and the weight and respect that I certainly am disposed to attach to their opinions, strengthened by the experience they have had, I am willing at this time to carry into effect their wishes on the subject.

Mr. COLLAMER. When I addressed the Senate yesterday on this subject, I stated that there was something of a trial of mind in differing from the opinion of those who were of the Administration that I claimed to support, and I always differ from them with very great deference; but yet my opinion—and it is not merely my opinion, but the opinion which was entertained by both Houses by large majorities when this subject was considered—remaining the same, I felt it my duty to state the objections which existed at that time, and exist now.

The honorable Senator from Massachusetts [Mr. SUMNER] said yesterday the great merit of this proposition was that it was an attempt by some process of education to elevate our consular system; and that that was the purpose. I suppose, then, the design is to create some degree of permanency in the employment of these persons. Let us examine that for a moment. These consuls have clerks of their own hiring now. They make no complaint about it that I know of. They understood that they were to hire them when they took their appointments. The honorable Senator from Michigan [Mr. CHANDLER] mentioned the case of the consul at Manchester. We adopted yesterday in committee an amendment to raise his salary, and we do not want this proposition for that purpose. It is said the consul at Manchester has more duties to perform than formerly, and I can easily perceive under our recent act for the tripling of certificates why there may be occasion for raising his salary; and I believe such a provision was voted yesterday and put on this bill; but that has nothing to do with these clerks.

It has been said over and over again, and especially much reiterated by the honorable Senator from Massachusetts, [Mr. SUMNER,] that this appointment of consular pupils or clerks was a feature of the original consular and diplomatic bill of 1856. What if it was? It is said that the bill itself loses its consistency by leaving this proposition out, because the salaries were fixed in that bill with reference to the aid which might be obtained by the consuls from their having boys to instruct. The salaries of consuls were for the first time fixed in that bill; but I do not know how anybody can say that the salaries were fixed, that is, made smaller, because they were to have more duties to perform, to instruct pupils. That I do not believe. It is a fancy sketch. There is nothing in it.

But, sir, if that were true, apply it to the case in hand. The argument would seem to be this: you have given these fixed salaries to consuls under that system, and now you strike out that provision and yet you do not raise their salaries. How was the fact? This provision was put in the consular bill of 1856, and was repealed in February, 1857. I believe every consul we have was appointed under the law that had that clause repealed out of it. They accepted their appointments and went on to perform their duties when that was not the law. Therefore there is nothing in the world in that argument. It is not true that these consuls were appointed under a law which we have altered. They were appointed under a law that had that alteration already made. So much for that.

The question recurs, is there a probability of elevating and improving the condition of our consulships by the appointment of these pupils, as you call them, or clerks? The great point is, to secure some degree of permanency in the duties of the office. How is it now? We are assured by the honorable Senator from Maine that the clerks now in those offices are permanent; that practically and in fact they do not change with the consuls, that experience shows you do not change them. Then you propose here to make a law to change them. If you think it necessary that the clerks should be American citizens, all you have to do is to pass a law to that effect. We can provide by law that the consul shall be confined in the appointment of his clerks to American citizens.

These twenty-four pupils are to be put in green to help the consuls, and are to be kept green, too, because they are to be put in by presidential appointment with the consular appointments. The appointments are received from the same source and subject to the same change. Does anybody suppose that that provision will secure permanency? The very nature of it is to produce a change, and it would seem, if anything was intended by it, that a law was now to be made to prevent there being any permanency, and to put the clerks or pupils on the footing of the consuls, who are changed, of course, with every change of Administration. I cannot conceive how that will induce permanency.

The idea has been thrown out that these men, when they have become acquainted with the duties of the office as clerks, will be elevated to the consulships. I ask you, sir, to look in the history of our Government, and tell me where have you ever seen a clerk in a Department raised to the head of that Department no matter what was the measure of his experience. You might appoint a parcel of pupils, as you call them, or clerks, to the Senators now holding seats here, to be by them instructed, in order to elevate the condition and learning of the body itself in due time; and how many of them do you suppose would ever be elected Senators? And yet there would be much more likelihood of their being elected Senators, as I think, than that this proposition would secure any permanency in these consulships, which are entirely executive.

It is said the amount of consular intelligence in the different places needs elevation; but the question is, will this proposition tend in any way to produce that elevation, when the young men have no assurance of employment, and by the nature of the thing cannot have? And if any one of them should be appointed a consul, it would be with the distinct understanding that he should go out of office at the next presidential election. You secure no permanency by that.

Indeed the whole subject could not be better illustrated than by one of Peter Pindar's poetical anecdotes. It is related that a good widow brought her boy to London to select a trade to which he was to be apprenticed. She gave him a week to look about the city everywhere to select the employment. At the end of the week he returned to his mother and told her that he had concluded to be bound apprentice to the king. He had looked around, and that was the best employment he could find in the city. [Laughter.] Now, where is the ludicrousness of the anecdote? Simply that you cannot make an apprentice into a king; you never could and never would; and there is exactly the absurdity of this proposition. You propose to make a young man an apprentice to a consulship which he can never get, and if he should get it he could never hold it.

Mr. TEN EYCK. I am sure the Senator from Vermont does not desire that the public interest should be sacrificed for the sake of a joke. I would not add a word to the discussion which has taken place on this subject if I did not feel that there was a necessity for something to be done in behalf of our present consular system. I consider that there is a necessity for it. No one will dispute that it is our duty and our interest to keep up an efficient consular system abroad; the demands of commerce require it. There can be no question upon that subject. Under the present system of salaries granted to our consuls abroad, an efficient consular system cannot be kept up. I think I am justified in making this declaration by the evidence and the facts which have been laid before the Committee on Commerce on this subject. Why, sir, I think I am not wide of the truth when I state that some twenty or thirty of our consuls at important points have laid before the State Department applications, which have been submitted to us, for an increase of their salaries, showing by actual statements and figures that they cannot remain in their present posts to serve the country, no matter how anxious they were originally to obtain them, upon the salaries now given to them by the Government. They show by actual statements of the expense of living, of the amount of house rent, and the expense of employing additional clerks that several of them do not receive a dollar more than is sufficient to pay their expenses; and yet they are required, to a certain extent, to keep up the credit of their Government abroad, and to entertain travelers and citizens of the country who may reach the different places where they are stationed.

This evil has grown so extensive that, since the present Administration has come into power, notwithstanding the anxiety on the part of politicians to obtain these positions, we have confirmed as many as three different consuls to the same place in consequence of resignations growing out of the inability of these men to maintain themselves in the positions which they so eagerly desired. Although we had a rush for these appointments

when the Administration came in, the rush has been almost as great to get rid of some of them.

Mr. GRIMES. Will the Senator allow me to inquire whether any of these clerks are likely to be assigned to these poor consuls who resign?

Mr. TEN EYCK. I am not prepared to say where they are to be assigned; but in many instances I know that such has been the case in regard to resignations.

Mr. GRIMES. The Senator will allow me to ask if he does not think it would be more creditable to raise at once the salaries of our consuls, who are so poorly paid that they cannot subsist, than to put it in the hands of the Secretary of State to determine for us to what particular consuls these clerks shall be assigned?

Mr. TEN EYCK. Mr. President, if the Senator from Iowa had kept his patience for one moment—I do not complain of his question—he would have had my answer to the question he proposed to me without the query being put. I was about to put a question myself to the Senator. Under this state of facts what is to be done? That is the practical question. Are we to increase the salaries of all these consuls and enable them to employ clerks and to meet these expenses, or are we to suffer the salaries to remain as they are, and by the appointment of these consular pupils, who are to act in the capacity of clerks, enable them to remain in their positions, and secure to us more efficient service for the benefit of the Government at large in those positions? It appeared to the committee that the latter was the better course, and the most judicious and advisable; that it would be better to appoint twenty or twenty-five consular clerks or pupils, to be educated to the performance and discharge of those particular duties, than to increase the salaries of the consuls themselves, who are political appointees for but a short period of time, and who, when they reach their positions, instead of educating have to be educated themselves in the performance of their duties.

That is the way in which I understand the question. I cannot add a word to what was so well said by the Senator from Massachusetts yesterday and by the Senator from Maine to-day on the subject of having an educated trained body of men for the performance of this duty as well as for the performance of any other duty. It seems to me the anecdote of the Senator from Vermont would strike at any system based upon the same reasoning that this amendment is based upon. The argument is, that because persons desire to be bound to the king, and all cannot be made efficient if they should be bound to the king, therefore no person whatever is to be educated for the performance of a particular branch of duty so important to the Government as this is!

We think this plan of having consular pupils is a better one. We think that these men, in the absence of the consul, and on the arrival of a new consul, being educated and qualified for the performance of their duty, will be of more importance than an increase of the salary of these consuls, to be changed, perhaps, by every Administration, and not qualified for the discharge of their duties.

It did not appear to the committee that there could be any objection on the score of expense. It seems to me that the objection with respect to the expense is not a good one in either aspect of the case. We must increase the salaries of the consuls or we must furnish them with clerks. We cannot otherwise get along with this branch of the public service. Owing to existing rules and regulations, as has been well said, the consular system is a paying institution. There has been within the last year returned from fees collected abroad by these consuls perhaps enough, or nearly enough, to pay the expense of their salaries; so that it does not matter in that point of view whether we increase the salary of the consul himself and let him hire his clerks, to pick up raw hands and take them with him when he sails, or gather them abroad, or whether we pay the salaries of twenty-five consular pupils. It seemed to the committee that the money thus required to be paid in addition would be better appropriated, and would be more to the interest of the Government, in the employment of consular pupils than by its being thrown into the hands of the consuls themselves to be appropriated in any way they see fit. We thought that the State Department could select proper and suitable persons to be appointed to these places, who, by reason of their duties and the unlikelihood of their being subject to political changes, would render better service to the country than would be obtained under any other system.

Having said this, and having taken just so much time as I thought necessary to submit the practical view of the case, involving dollars and cents as well as the faithful discharge of duty, I submit the matter to the consideration of the Senate.

Mr. FESSENDEN. I have received a communication, addressed to me as chairman of the Committee on Finance, from the Secretary of State on this subject, and, with the leave of the Senate, I will send it to the desk to be read by the Secretary.

The Secretary read it, as follows:

DEPARTMENT OF STATE,
WASHINGTON, *March* 16, 1864.

SIR: Referring to my communication addressed to you on the 7th of January last, and in view of the amendment which has been offered by you, at the instance of the Committee on Finance, to restore the provisions of law which formerly authorized, as an important part of the consular system, the appointment of consular pupils, I beg leave to invite your attention to the consular convention between the United States and France, and also to the regulations for the government of consular pupils prescribed by the President of the United States, at the recommendation of Mr. Secretary Marcy, under the authority conferred by the twenty-second section of the diplomatic and consular act of August 18, 1856.

In the consular convention above mentioned, which was negotiated by Mr. Everett, one of the most distinguished of my predecessors, whose experience in the diplomatic service of the United States had made him well acquainted with the wants of the consular service, the term "consular pupils" (les élèves consuls) first occurs in our diplomatic history. It was provided by the convention that "consular pupils shall enjoy the same personal privileges and immunities as consuls general, consuls, vice consuls, or consular agents.

"In case of death, indisposition, or absence of the latter, the chancellors, secretaries, and consular pupils attached to their offices, shall be entitled to discharge *ad interim* the duties of their respective posts; and shall enjoy while thus acting the prerogatives granted to the incumbents.

"The respective consuls general, consuls, vice consuls, or consular agents, as well as their consular pupils, chancellors, and secretaries, shall enjoy in the two countries all the other privileges, exemptions, and immunities which may at any future time be granted to the agents of the same rank of the most favored nation."

This convention has been declared, by a competent English writer, to be "the most complete consular convention ever concluded," * * * * "and likely to be taken as a precedent for future treaties on the same subject."

You will observe that in the regulations for the government of consular pupils, who must be citizens of the United States, prescribed after the negotiation of the convention with France, and the passage of the law above mentioned, provision is made for the examination of candidates prior to appointment by a board to consist of three examiners, one of them to be the Assistant Secretary of State; the mode of examination, the subjects on which the pupils are to be examined, also the clerical and other duties of such pupils, are carefully indicated. They are expected to "prepare or copy such portions of the consular correspondence with the Department, and such official returns and reports as the principal consular officer may direct, so as to enable the Department to judge of their ability, and also their improvement in consular duties, and their fitness for promotion in the consular service."

Quarterly examinations of the pupils, especially in the Turkish and Chinese languages, are required, and reports are to be made by the consular officer to whom these pupils are subject, of the results of such examinations. The last section of the chapter of the regulations upon this subject is so comprehensive that I quote it entire:

"Diligence in the discharge of their consular duties, obedience to the instructions of the consular officer to whose consulate they are assigned, a courteous bearing toward all persons having business with the consulate, uprightness of conduct in all respects, will be expected from consular pupils. Disobedience, neglect of duty, the abuse of their credit in pecuniary transactions, or exceptionable moral conduct, will be followed by the revocation of their commissions. Consular pupils possessing the requisite qualifications, and exhibiting an aptitude for the consular service, who have been faithful in the performance of their consular duties, will from time to time be recommended to the President for promotion."

Other nations, especially Great Britain and France, have found in the extension of their commercial intercourse, the advantage of training up such a class of public officers. At the present time Great Britain has in China alone seventeen student interpreters, officers corresponding with our title of consular pupils, fifteen assistants, and four interpreters; in Siam two student interpreters, two assistants, and one interpreter; in Japan six student interpreters, six assistants, and five interpreters. From time to time promotions are made from the class of student interpreters into that of assistants, and afterwards of interpreters. Thus, Mr. Pedder, who is at the head of the list, was appointed student interpreter at Canton, February 17, 1848, assistant July 1, 1851, interpreter March 12, 1855, and he is now acting consul at Amoy.

It is believed that if the authority be given to appoint consular pupils it will eventually lead to the discontinuance of the practice which has heretofore prevailed, although discountenanced by the Department, of employing foreign clerks, who can be obtained at low rates of compensation, to assist in the discharge of consular duties. The abuses growing out of this course led one of my predecessors, Governor Marcy, to issue a regulation that "where it is practicable, no other than citizens of the United States are to be intrusted with the performance of any consular act, and consular clerks only employed who owe allegiance to this Government; the records of the United States committed to the charge of consuls are to be kept from the perusal of all aliens."

"In my opinion," said Mr. Hawthorne, the late consul at Liverpool, "the whole staff of clerks should be appointed, not by the consul, but by the State Department, of which they should be the servants, and not removable by the consul except on grounds approved by the Secretary of State. With clerks of my own selection, I would engage to commit defalcations to the extent of at least one half of the receipts of the office, without the possibility of proof against me. No man ought to be exposed to so great a temptation as this. Many men will certainly yield to it; and those who do not yield will find it difficult to make their integrity manifest. I may remark also that the consular business requires special instruction and familiarity with it."

As an illustration of the truth of this statement, I beg leave to refer to the printed report of the Fifth Auditor, dated November 29, 1861, in which he stated that the immediate successor to Mr. Hawthorne in the consulate at Liverpool "became a large defaulter to the Government, spent all the funds he could reach, neglected the payment of claims for food, clothing, and medical attendance of our sick and destitute seamen, and by a course of plunder and profligacy unequaled in our consular history contracted public and private debts which probably exceeded two hundred thousand dollars." Such a course of proceeding could not have been conducted for years had the office been provided with a clerk or pupil, appointed by the President and responsible to this Department.

By way of contrast I may state that the present consul at the same port, Mr. Dudley, paid into the Treasury last year (1863) $19,908 58, the amount of consular fees collected by him. During the same period there was paid by masters of vessels into the consulate, on account of extra wages for seamen discharged, the sum of $50,915 22, of which the sum of $1,561 81 only was paid for the relief of seamen, and $32,270 73 paid to the seamen on whose account the same had been exacted, leaving a balance of $18,644 49, which has been fully accounted for, belonging to the Government.

It has been suggested that intelligent, well-educated young men, if appointed consular pupils will not continue long in the consular service. To this objection the reply may be made that during the whole period of their service they are not being simply educated at the public expense, but are rendering, in the clerical duties which they perform, a full equivalent for the compensation which they receive. Even if they retire from the consular service their education is not lost to the country, and from time to time it will be found hereafter that they will be selected to fill important positions abroad in the diplomatic and consular service, in consequence of their practical acquaintance with commercial questions and their knowledge of the language and customs of the people among whom they may be sent to represent the United States.

In fact, however, the instances even now are not unfrequent when young men entering the diplomatic and consular service have made themselves so useful as to be continued through all Administrations of Government.

The secretary of legation and dragoman of the United States at Constantinople went thither a mere youth, with Commodore Porter, our first diplomatic representative at the Porte, and has been continued there ever since.

Every consul general appointed to Havana has found it indispensable to retain the services of Mr. Savage, as vice consul general, at the rate of $2,000 per annum, which is paid by the consul general from his own compensation. Mr. Savage entered the consulate nearly twenty years ago a mere copying clerk; and for nearly half the time during the last ten years has efficiently and judiciously performed the responsible and delicate duties of that important post.

Consul W. H. Vesey commenced his consular service nearly forty years ago as a copying clerk in the consulate at Havre. After a term of service there he was transferred to the St. Ubes, in the capacity of consul, and thence successively to the more important consulates of Lisbon, Antwerp, and Havre; and lastly to Aix-la-Chapelle, the most important consulate in Prussia.

These instances, and others which might be mentioned, which are exceptional under the present defective system, will, it is believed, become the rule when it is seen that the consular service really offers a career in which the compensation, though moderate, is certain, and the position respectable and useful.

In my former communication I adverted to the increase of labor and expense which is now required from consuls through the system of triplicate invoices. Notwithstanding this, however, I have carefully abstained from recommending any increase of the consular compensation, judging it proper, in the present exigencies of the Treasury, that provision should be limited to such incidental relief as might be given by the appointment of consular pupils or clerks at those consulates where the labor has been made the greatest.

The chief value of the system of triplicate invoices, by which more than one hundred thousand dollars will be directly paid into the Treasury of the United States from the increase of consular fees from this source alone, aside from the protection which it gives to the revenue in preventing undervaluation, depends, as stated by the Secretary of the Treasury, "upon the integrity of the consular seal and certificate, which should be put beyond all possible question, or the provisions of the act of 3d of March, 1863, may be defeated."

The employment in the consulates as chief clerks of educated young men, holding allegiance to the United States, in preference to aliens, will go very far toward the accomplishment of the objects contemplated by the act.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. WILLIAM PITT FESSENDEN, *Chairman of the Committee on Finance, United States Senate.*

The VICE PRESIDENT. The question is on

agreeing to the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the committee.

Mr. COLLAMER. On that question I desire to have the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I shall detain the Senate but a moment or two in expressing my views on this subject. I was a member of the House of Representatives when this subject was there fully considered, and the debate made quite an impression on my mind. The consular bill was prepared by Mr. Marcy, I believe, and passed the House without debate and without a reading. That was in the summer of 1856. In the appropriation bills the following winter there was an appropriation made for consular pupils, and the question arose for the first time in that House upon this appropriation. It was discussed at some length, quite a number of members taking part in the discussion, and after full deliberation the appropriation was stricken out by a very large vote. An amendment was offered in the Senate to insert it, and after considerable discussion the amendment was rejected and the appropriation failed; and a second section was adopted and added to the bill repealing the old law. So the consular pupils have never been adopted as a part of our system.

The chief part of the communication just read from the Secretary of State refers to the regulations in regard to United States consuls. Those regulations were prepared immediately after the passage of the law and before the repeal of that provision of it. There is no reference in those regulations to consular pupils except in one section, in which it is said that the same laws shall govern the intercourse and rights and duties of consuls, consular clerks, and consular pupils. There is no other reference made to them except in the one section which was read by the Senator from Maine yesterday.

In my view of it, this is simply a mode of raising the salaries of our consuls abroad. I remember when this Administration came into power we were all run down by ex-members of Congress, by retired politicians, by persons who had distinguished themselves as active political agents in the different States, who were very desirous to get consulates because they were the best paid offices under the Government. The argument that is so often made for the increase of salaries does not apply to consuls, because their salaries are paid in gold; they do not suffer from the depreciation of paper money; and the consuls are now as well paid as any other officers of the Government.

The Secretary of State alludes to the fact that Mr. Tucker proved to be a great defaulter. That very consul received the highest salary paid to any consul abroad. So if there is any inference to be drawn from the instance of Mr. Tucker, it certainly is against high salaries. He was consul at Liverpool, if I remember aright, and he received $7,500 a year, the largest sum paid to any consul abroad, and yet that was not sufficient, it seems.

Mr. SUMNER. He was a bad character, as the Senator knows very well.

Mr. SHERMAN. Then why is that particular case cited here and made the basis of an argument?

Mr. FESSENDEN. If the Senator had understood the communication, he would have seen that the argument was simply that these consular pupils or clerks would be recognized as a part of the system with the rights appertaining to consuls, and that having been brought up in the office or been put into the office they would have a definite position, and that frauds cannot be committed without their knowledge, and that, if properly selected, they would form a check. Instead of having foreigners and persons who are merely hired by the consul himself and dependent on him, these pupils or clerks being officers of the Government, and paid by the Government, would form a check on dishonest consuls, and frauds could not be perpetrated without their knowledge, and in some cases the Government might be spared from instances such as was that of Mr. Beverly Tucker. That is the argument.

Mr. SHERMAN. It seems to me that the Senator from Vermont has already answered that sufficiently. These consular pupils would be no check upon frauds. They are appointed by the same power; they are changed by the same power; they are not likely to be more durable. The pressure that will be continually made upon a new Administration for these appointments will always compel the appointing power to appoint politicians to these offices. It ought not to be so.

I repeat that the view which I take of this proposition is that it is simply a mode of increasing the salaries of our consuls abroad. They now pay for their necessary clerk hire. Under this system the Government would pay that clerk hire for them. They are now among the best paid officers of the Government. They demand an increase of pay, I know, but that in a great measure grows out of the fact that they are unfitted for their office by their previous habits and education. I have no doubt that gentlemen familiar with commerce, men competent to perform the duties of consuls, might be selected for their merits alone and sent to these different places and perform the duties of consuls well and faithfully. The trouble is that a great many of the men who are selected cannot perform any portion of the duties themselves, but are compelled to rely on others, and therefore, perhaps, do not find their salaries sufficient. I do not believe that this proposed increase of their salaries, for that is all it amounts to, will furnish the remedy.

There is another reason. There is now a strong inclination to bring up all the old exploded propositions of the last ten or fifteen years; and with the exception of the Cherokee claim I believe nearly every one of them, in some form or other, is before Congress now. I think we ought to resist any new expenditure now above all other times. If the Committee on Commerce will report a system of increased fees to be levied upon our commerce abroad so as to make the consular system pay its own way, it would be well enough to give these officers additional compensation if it shall become necessary; but until that is done, I, for one, will not vote for any increased compensation to these officers. The idea of calling them "consular pupils" is derived from the old law. I think they will be very poorly taught. Our consuls abroad are scarcely fit to teach them. I know two or three consuls abroad who are very excellent officers. I know a gentleman from Maine who is consul at London who undoubtedly, from his education, from his long habits as a commercial man, being an excellent merchant, is an excellent consul. But there are many of our consuls abroad who do not know anything more about the laws of commerce, the laws of finance, and the laws of trade, than any other good, plain, country county-court lawyer in the West.

Mr. CHANDLER. I shall claim the Senator's vote for this amendment by his own admission. He says that if the Committee on Commerce will get up a scheme by which the consular system shall be self-sustaining he will vote for it. That is precisely what the Committee on Commerce did one year ago. By the new system of triplicate certificates, over one hundred thousand dollars per annum has been added to the consular receipts abroad, and the consular system to-day, if not self-sustaining, is very nearly so, and will be so in a time of peace from its own receipts.

The Senator says that the consuls are paid in gold. That is true, but they collect that gold. The gold in which they are paid they receive themselves from the fees paid into their office. It does not come from the Treasury of the United States.

The Senator says that the consuls are the best paid of any officers in the service of the Government. If he will read the mass of papers in the room of the Committee on Commerce, he will find that there is scarcely a single consul of the United States who receives in the way of salary his subsistence to-day. Take, for example, the consul at Manchester, who receives $2,000 a year salary and $200 office rent. The actual expenses of his office are more than the whole receipts. Under the old system, the consul at Manchester ran the Government in debt $1,000 per annum. Under the new system that consulate pays $15,000 per annum into the Treasury of the United States. At Lyons the same thing is true, though not to so great an extent. The labor of the consuls has been in many cases quadrupled, and in the case of the Manchester consulate increased more than one hundred fold. The compensation was established under the old system while the labor was very slight. Under the new system, which makes that office self-sustaining, the clerical labor is immense. The consul at Manchester writes to me that he is now compelled to employ two clerks and needs a third, whereas, under the old system, he could do all the business himself. In all our consular establishments the labor has been immensely increased, and the system is becoming self-sustaining. I trust the Senator from Ohio will carry out his pledge and vote for the amendment.

Mr. SHERMAN. I think I know a little more about the receipts from consuls than the Senator from Michigan does. The system is not self-sustaining by a good many dollars.

Mr. CHANDLER. I said very nearly so.

Mr. SHERMAN. Well, it is not very nearly so, as the Senator will find on examination. Undoubtedly the system adopted a year ago does bring in about one hundred thousand dollars more than we received before. I think the Secretary so estimates. Still the consular system is very far from being self-sustaining. That additional sum is paid in at a very few ports. The one named by the Senator, Manchester, I believe does show a very large increase of receipts; but on his motion, I think we have already raised the compensation of the consul at Manchester. The increased receipts, I think, are confined to a few leading ports where a great number of entries of exportations to this country are made.

Mr. FESSENDEN. It is wherever we purchase and have shipments made, because all invoices are now required to be in triplicate.

Mr. SHERMAN. The Senator knows that the great body of our importations are from comparatively few ports.

Mr. FESSENDEN. It is not confined to a few ports, because we import from a great many.

Mr. SHERMAN. The regulation is extensive, of course, but the importations into this country are from comparatively few ports. The system is not self-sustaining. Where there are special cases in regard to particular consulates, where there are facts showing that the salary ought to be increased for any reason, we have done it; and I will here remark that the salaries of a large number, and I think a considerable majority, of the consuls have been increased since the passage of the act of 1856. That is not so in regard to some of the leading consulates, but the salaries of a majority of the consuls have been increased, and very many of them have been transferred from the list of fee consulates to that of salary consulates.

Mr. FESSENDEN. In many of those cases we have made money by the transfer, the fees amounting to more than the salary.

Mr. SHERMAN. I do not complain of it. I only mention it to show that there is no illiberality in regard to this matter; that where the facts show that the salary of a consul ought to be increased we have done it. I believe this system will simply put into the service of the Government abroad twenty-five young men, at a salary in paper money, because that is our standard here, of $1,620, at a time when they can serve their country better in the Army of the United States if they are fit for the position to which they are to be assigned.

Mr. SUMNER. Mr. President, I am unwilling to occupy the time of the Senate; but as the Senator from Vermont did me the honor to criticise what I said last evening, perhaps the Senate will pardon me if I make a very few words of reply. I listened to that distinguished Senator carefully——

Mr. SHERMAN. Before the Senator from Massachusetts goes on, I trust that he will allow me to refer to the figures as to the matter in dispute between the Senator from Michigan and myself. I have now before me the finance report, which shows that the amount of salaries paid to our consuls, including exchange, is $405,400 37, and the amount of fees received $152,982 94, leaving a balance of about two hundred and fifty thousand dollars.

Mr. FESSENDEN. The Senator need only refer to the bill under consideration, which appropriates for consuls, including the consular pupils, $477,500. The amount of fees received, according to the calculation, will be about two hundred and fifty thousand dollars.

Mr. SHERMAN. I wished simply to show that the consular system is not half self-supporting.

Mr. SUMNER. I was saying that I listened carefully to what fell from the Senator from Vermont, as we always listen to him; and that, so far as I understood, it resolved itself into two arguments—one founded on a misapprehension and the other founded on a jest. I address myself to those two arguments in their order, and first to the argument of the Senator founded on a misapprehension.

The Senator attributed to me something certainly which I never intended to say, and which I believe I did not say. He attributed to me an argument that under the existing statute there was a contract, express or implied, between the Government and consuls to the effect that these consular pupils should be appointed.

Mr. COLLAMER. I said no such thing.

Mr. SUMNER. I understood the Senator's argument to go to that extent.

Mr. COLLAMER. I did not suggest that the thing resolved itself into a contract in any way. I never intimated a word of that kind.

Mr. SUMNER. I understood the Senator to use the term "contract."

Mr. COLLAMER. I did not; nor did I say that the gentleman had intimated such a thing.

Mr. SUMNER. As I understood the Senator, he attributed to me this argument: that I had insisted that, under the existing statute, consuls when they entered into the service had a right to expect the appointment of these pupils; and he at least intimated, if he did not assert, that I seemed to recognize something in the nature of a contract.

Mr. COLLAMER. I said no such thing. I said that I understood the gentleman's argument to be that the pupils were a part of the original system contained in the law, and that the salaries of consuls which were fixed in that law were fixed with reference to the appointment of these pupils, as well as to other things.

Mr. SUMNER. That was my argument.

Mr. COLLAMER. I said that was the gentleman's argument. I said, however, that that argument could not apply to this case, because, in point of fact, the consuls now appointed had been appointed after that section was repealed.

Mr. SUMNER. Very well; it comes back then to where I placed it, that the Senator attributed to me an argument that we are bound as by a contract to these consuls, by an understanding, by an arrangement, by something or other—that we are bound to these consuls. I never intended to suggest any such thing, nor do I think that I said anything from which that idea could be deduced. All that I did say—this is my answer to the Senator—was that when the statute was originally prepared, the provision for consular pupils was an essential part of it; that it was in the nature of a complement to the other part relating to the consular salaries, and that when the part relating to consular pupils was struck out, the uniformity and completeness and harmony of the system was impaired. That was what I said, and my argument was that it was our duty now to restore the statute to its original character, or otherwise we should be obliged to enter perhaps upon an indefinite system of raising consular salaries, because the original salaries were graduated with reference to the existence of this system of consular pupils. So far as the Senator attributed to me anything different from this, he was under a misapprehension.

But the other argument of the Senator, as I said, was founded on a jest. It was an excellent jest; I enjoyed it; but the Senator will pardon me if I say that I do not think it was entirely applicable to the case. Was it applicable at all? Can any one doubt that consular pupils entering into this system may reasonably expect preferment under the Government? I know well that political considerations may interfere. They interfere in every walk of life. Will they interfere in this walk of life more than in others? There will be an honorable avenue opened before them, and even should there be impediments such as the Senator imagines, I do not find in those any sufficient reason for us now to hesitate in adopting the proposed system. Let us make a beginning; and if it is found to work badly, we can change it. The endeavor is in the right direction, and that is enough. Because a youth may not be the apprentice of a king, it does not follow that he may not be the apprentice of an American consul.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The question being taken by yeas and nays, resulted—yeas 20, nays 16; as follows:

YEAS—Messrs. Anthony, Chandler, Conness, Cowan, Dixon, Doolittle, Fessenden, Harris, Howard, Howe, Lane of Kansas, Morgan, Morrill, Pomeroy, Sumner, Ten Eyck, Trumbull, Van Winkle, Willey, and Wilson—20.

NAYS—Messrs. Brown, Buckalew, Clark, Collamer, Foster, Grimes, Harding, Harlan, Hendricks, Johnson, Lane of Indiana, Powell, Riddle, Saulsbury, Sherman, and Wade—16.

So the amendment was concurred in.

Mr. FESSENDEN. I should like to have the Senate now act on the corresponding amendment, which is an additional section to the bill.

The VICE PRESIDENT. That amendment will be read.

The Secretary read, as follows:

SEC. — *And be it further enacted*, That the second section of an act entitled "An act making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1858," approved February 7, 1857, be, and the same is hereby, repealed.

The amendment was concurred in.

Mr. FESSENDEN. I should like now to have a separate vote upon the three amendments proposed by the Committee on Commerce increasing the salaries of consuls. I make the request because I want some information on the subject, which I believe the committee are now prepared to give.

The VICE PRESIDENT. Then the Chair will put the question on concurring in all the amendments made as in Committee of the Whole, except those which have been designated by the Senator from Maine for a separate vote.

The amendments were concurred in.

The VICE PRESIDENT. The first amendment upon which a separate vote is requested is:

And the salary of the consul at Nassau shall be $4,000, to commence at the close of the present fiscal year.

Mr. MORRILL. I propose to amend that amendment by adding at the close of it the words "during the present rebellion."

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on concurring in this amendment as amended.

Mr. MORRILL. On the question of increasing the salary of the consul at Nassau the evidence consists of a communication from the Secretary of State asking for it, and a very full statement from the consul himself, in which he states the additional duties which have been imposed on him by the recent act of Congress requiring triplicate certificates, and states that a very great amount of duty has been imposed upon him growing out of our present troubles. There is also a memorial addressed to the President of the United States by persons who sign themselves "citizens of the United States of America residing or visiting at Nassau, New Providence," in which they corroborate this view of the case, and say that his duties are very onerous, and particularly so at the present time, and that this position is very important to the Government.

There is another communication from the Secretary of State communicating a petition from persons who represent themselves as presidents of insurance companies, in which they go very largely into the duties imposed on this consul and the expenses incident to them, and particularly the importance of the post, and all of them asking that the salary may be increased, and representing that in their judgment the interests of the service demand it.

I believe this is substantially the statement of facts verified by these papers. They are quite lengthy, but if their reading be desired, I shall send them to the Chair to be read.

It will be seen that the proposed increase of salary is from $2,000 to $4,000 per annum; but it is limited—and such was the vote of the Committee on Commerce—to the present condition of affairs, during the rebellion. The committee, on a very thorough examination, were induced to make this recommendation notwithstanding their general disposition not to increase salaries at all. We adopted that as a rule, and we adhered to it in every case rigidly, unless we believed that the facts would justify a departure from it. This was a case where, upon the facts exhibited by the Secretary of State, as well as by representations of American citizens of character residing at that point, and a large number of responsible parties residing in the city of New York, the efficiency of the service required an increase. The committee yielded, and recommended this temporary increase of salary. I will send the papers to the Chair, if it is desirable, that they may be read.

The VICE PRESIDENT. If there be no objection, the papers will be read.

The Secretary read, as follows:

DEPARTMENT OF STATE,
WASHINGTON, *January* 19, 1864.

SIR: I have the honor to transmit herewith a copy of a communication addressed to this Department by the presidents of insurance companies in regard to the expediency of increasing the compensation provided by law for the consulate at Nassau, and the reply of the Department.

The magnitude of the interests at stake, and the importance of this post at the present time, in view of the operations of the blockade-runners, make it my duty to present this subject for your consideration.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. Z. CHANDLER, *Chairman of Committee on Commerce, United States Senate.*

—

NEW YORK, *January*, 1863.

SIR: The commercial intercourse between the ports of the United States and Nassau is constant and important—much more important than would be inferred from the amount of imports and exports. The number of vessels wrecked annually within the consulate of the Bahamas is larger than in any other American consulate. The annexed table shows the amount of sales of wrecked property sold at Nassau to have been $1,500,000 in four years.

So important is this interest to marine insurance companies that they have agents resident at Nassau to take charge of wrecked property, to whom a very much larger compensation is paid than is now paid to the consul.

Existing complications arising out of a state of rebellion render our relations with the population and British officials of Nassau delicate and embarrassed, demanding an exercise of intelligence, good temper, moderation, and firmness on the part of the American consul.

During the continuance of the war, and so long as the motive to evade the blockade exists, important political services could be rendered by the consul in collecting information valuable to the Government, provided the character and circumstances of the consul were such as to allow him a favorable social position among the cultivated and courteous officers of her Majesty resident at Nassau.

Possessing no political powers, the consul must rely on personal influence alone to be of service to his country beyond the mere routine of office duties. His personal influence will depend on his intelligence, character, and manners, and his ability to reciprocate in a respectable manner the social courtesies common at Nassau in the society of the Government officials. The consul should, therefore, be a man of education and polished manners, with such firm but undemonstrative temperament as to enable him to avoid absolutely all personal, violent, or indecorous controversies. His deportment should be such as to render him personally acceptable to the Governor and other officers. Even with all these qualifications, he can do little for his Government unless he has the pecuniary ability to maintain a creditable social position in the circle of gentlemen with whom he has business relations.

The salary is, unfortunately, but $2,000 per annum, without any margin of fees or perquisites, while the incumbent is restrained from being beneficially interested in any commercial business whatever.

The salary paid the agent of the underwriters is no more than sufficient to support him respectably, and $2,000 is quite insufficient to enable a consul to live as he ought.

To enable the consul to serve his country more effectually in the present important crisis, it has occurred to us that he might have an increase of official powers and compensations by a special commission from the Department of State or the President, giving a higher consideration in the estimation of the officials at Nassau.

The undersigned, believing that the public service, political as well as commercial, would be benefited thereby, ask, if consistent with law and public policy, that the grade and character of the consulate of the Bahamas be lifted up and made more influential by an increase of rank, powers, and compensation, to the end that a person of talent and character may be enabled to accept the position.

A. D. JONES,
President Atlantic Mutual Insurance Company.
M. H. GRINNELL,
President Sun Mutual Insurance Company.
ALFRED OGDEN,
Mount Orient Mutual Insurance Company.
ELWOOD WALTER,
President Mercantile Mutual Insurance Company.
B. C. MORRIS,
President Columbian Mutual Insurance Company.
ALFRED EDWARDS,
President Pacific Mutual Insurance Company.
J. P. TAPPAN,
President Neptune Insurance Company.
A. W. WHIPPLE,
President Washington Mutual Insurance Company.
SAMUEL DRAKE SMITH,
President Commercial Mutual Insurance Company.
JOHN H. EARLY,
President New York Mutual Insurance Company.
F. L. LATHROP,
President Union Mutual Insurance Company.

Hon. WILLIAM H. SEWARD, *Secretary of State of the United States, Washington, D. C.*

A tabular statement of the value in dollars of the annual imports and exports of the Bahama islands for several years, showing what proportion of their commerce is with the United States.

		Imports—Value.			
From		1856.	1857.	1858.	1859.
Derived from wrecked property sold at Nassau		$462,259	$490,350	$309,643	$325,093
The United States		321,379	416,150	436,714	443,328
Other countries, including Great Britain		125,472	178,330	168,153	244,776
		$909,110	$1,014,830	$914,510	$1,023,197
To		Exports—Value.			
The United States		$450,989	$319,330	$248,846	$377,188
Other countries, including Great Britain		152,602	353,606	193,502	303,912
		$603,591	$672,936	$442,348	$681,100

DEPARTMENT OF STATE,
WASHINGTON, *March* 14, 1863.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication in regard to the commercial intercourse between the United States and Nassau, and suggesting, in view of the interests of American commerce, an increase of the rank, powers, and compensation of the United States consul at that port, "to the end that a person of talent and character may be enabled to accept the position of consul to that island."

To enable the Department to carry into effect your suggestions further legislation of Congress will be needed.

Your communication will be laid before the Committees on Commerce at the next session of Congress.

I am, gentleman, your obedient servant,

WILLIAM H. SEWARD.

To Messrs. A. D. Jones, President Atlantic Mutual Insurance Company; M. H. Grinnell, President Sun Mutual Insurance Company; Alfred Ogden, Mount Orient Mutual Insurance Company; Elwood Walter, President Mercantile Mutual Insurance Company; B. C. Morris, President Columbian Mutual Insurance Company; Alfred Edwards, President Pacific Mutual Insurance Company; J. P. Tappan, President Neptune Insurance Company; A. W. Whipple, President Washington Mutual Insurance Company; Samuel Drake Smith, President Commercial Mutual Insurance Company; John H. Early, President New York Mutual Insurance Company; F. L. Lathrop, President Union Mutual Insurance Company.

To his Excellency ABRAHAM LINCOLN, *President of the United States of America:*

SIR: The undersigned, citizens of the United States of America, residing or visiting at Nassau, New Providence, desire to represent to Congress, through you, the entire inadequacy of the salary of the American consul at this port, and respectfully ask that the same may be increased to at least $4,000 per annum.

Your Excellency is aware that during the existing rebellion no consulate has been of greater importance and responsibility than this. Day after day steamers laden with articles of necessity depart for the South, and in a very short time return laden with cotton. Powder, ball, and cannon are sent from here to aid the rebellion. The harbor has become a place of refuge for the rebel armed vessels Florida, Georgiana, and Retribution. The vexation, labor, and vigilance caused by all these things have rendered the position of consul by no means an enviable one.

Aside from the present importance of the place, through its position as a neutral port in close proximity to a blockaded coast, Nassau has of late years become a famous and favorite resort of invalids, who come here to escape the cold winter of the North. These are almost exclusively Americans, who desire and expect from their consul all proper and polite attention. This, we assert from our own knowledge of the expenses of living, cannot be done upon the present salary, which will merely defray the necessary expense of the board of a consul and his wife at the most moderate rate consistent with ordinary respectability.

Prices of every article of necessity have advanced to nearly double what they formerly were here, and no person can support the position of American consul with the dignity and hospitality required of the representative of a great nation for any less sum than four thousand dollars per annum.

We therefore respectfully pray that your Excellency will ask Congress to increase the salary of our consul at this port, and, if proper, that before the meeting of Congress a suitable allowance may be made to him.

And your petitioners, as in duty bound, will ever pray, &c.

Dated at Nassau, New Providence, Bahamas, March 14, 1863.

J. S. BOSWORTH,
New York city, Chief Justice of the Superior Court of the city of New York.
R. S. CUSHMAN, *Albany, New York.*
HENRY S. LEVERICH,
Long Island, New York.
F. GEBHARD SCHUCHARDT,
Long Island, New York.
R. B. MINTURN, Jr., *New York.*
HENRY SALISBURY, Jr., *New York.*
JAMES A. WEBB, *New York.*
A. B. McDONALD, Jr., *New York city.*
JOHN S. HOWELL,
Proprietor of Royal Victoria Hotel, Nassau, New Providence.
GEORGE GERHAM, *Buffalo, N. Y.*
R. G. MITCHELL, Jr., *New York city.*
JAMES HIGNES, *New York city.*
A. W. LANGDON, *Geneva, New York.*
CHARLES JACKSON,
Agent New York Underwriters.
EPES SARGENT, *Calais, Maine.*
JAMES B. SMITH, *New York city.*

The amendment, as amended, was concurred in.

The VICE PRESIDENT. The next reserved amendment will be read.

The Secretary read it, as follows:

The salary of the consul at Lyons shall be $2,000, to commence after the close of the present fiscal year.

Mr. MORRILL. This is an increase of $500, and the circumstances in regard to this are not temporary in their character as in the other case.

Mr. FESSENDEN. It is on the same footing with Manchester, I suppose.

Mr. MORRILL. It is on the same footing with Manchester.

The amendment was concurred in.

The next reserved amendment was as follows:

And the salary of the consul at Manchester shall be $3,000, to commence after the close of the present fiscal year.

The amendment was concurred in.

The VICE PRESIDENT. The amendments made as in Committee of the Whole have all been concurred in.

Mr. MORRILL. I am instructed by the Committee on Commerce to move an amendment as an additional section:

And be it further enacted, That the office of commercial agent at Hakodadi, Japan, may, at the discretion of the Secretary of State, be changed to that of consul, to be classed with consuls other than those named in schedules B and C in the act approved August 18, 1856.

I will state the effect of this proposition in a few words. The consular officer at that port now is only a commercial agent, and he represents that the class of officers from other countries at that place outrank him; they are consuls. The object is to give him the rank and position of consuls from other countries at that place, and the amendment is designed to change it in no other respect whatever. It is simply to change the name at the discretion of the Secretary of State.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had agreed to the amendments of the Senate to the bill of the House (No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1865.

The message further announced that the House of Representatives had agreed to the first and third amendments of the Senate to the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and had agreed to the second amendment of the Senate, with an amendment; in which it requested the concurrence of the Senate.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed, on the 14th instant, the following acts:

An act (H. R. No. 116) in relation to university lands in Washington Territory; and

An act (H. R. No. 156) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1864.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which thereupon received the signature of the Vice President:

A bill (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1865;

A joint resolution (H. R. No. 43) authorizing the settlement of the accounts of J. N. Carpenter, a paymaster in the United States Navy; and

A bill (S. No. 158) in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863.

INTEREST ON THE PUBLIC DEBT.

Mr. FESSENDEN. I ask that the gold bill, which has come back from the House of Representatives with a slight amendment to which there is no objection, may be taken up and acted on. I move to take it up.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives to the second amendment of the Senate to the joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes.

The amendment of the House of Representatives was to add to the second amendment of the Senate the following words:

Provided, That the obligation to create the sinking fund, according to the act of February 25, 1862, shall not be impaired thereby.

The amendment to the amendment was concurred in.

MASONIC HALL ASSOCIATION.

On motion of GRIMES, the bill (S. No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia, was considered as in Committee of the Whole.

It provides that B. B. French, of the Grand Encampment of the United States of America, K. T.; Robert McMurdy, of the General Grand R. A. Chapter of the United States; George C. Whiting, of the Grand Consistory of the S. P. R. S., thirty-second degree, A. A. R.; E. L. Stevens, of Osiris Lodge of Perfection, No. 1, A. A. R.; Z. D. Gilman, of Washington Commandery, No. 1, K. T.; W. P. Partello, of Columbia Commandery, U. D. K. T.; W. M. Smith, of Columbia R. A. Chapter, No. 15; W. G. Parkhurst, of Washington R. A. Chapter, No. 16; James Steelle, of Mount Vernon R. A. Chapter, No. 20; C. F. Stansbury, of the Grand Lodge of the District of Columbia; Joseph W. Nairn, of Federal Lodge, No. 1; N. Acker, of Lebanon Lodge, No. 7; C. Kloman, of New Jerusalem Lodge, No. 9; J. B. Turton, of Hiram Lodge, No. 10.; T. J. Fisher, of Saint John's Lodge, No. 11; L. Gassenheimer, of National Lodge, No. 12; J. Van Riswick, of Washington Centennial Lodge, No. 14; J. C. McGuire, of B. B. French Lodge, No. 15; F. L. Harvey, of Dawson Lodge, No. 16; J. W. D. Gray, of Harmony Lodge, No. 17; T. M. Hanson, of Acacia Lodge, No. 18; N. D. Larner, of La Fayette Lodge, No. 19, of the Order of Free and Accepted Masons, of the District of Columbia, recognized as a board of trustees representing the several masonic bodies before named, be incorporated and made a body-politic and corporate, by the name of the Masonic Hall Association of the District of Columbia, and by that name to sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and to have and use a common seal, and to change the same at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incident to such corporation.

This corporation is to be capable of taking and holding real and personal estate, which is never to be divided among the members of the corporation, but descend to their successors, duly elected and appointed by the bodies they represent, for the promotion of the principles of the corporation and the benevolent purposes of the Order of Free and Accepted Masons which they represent.

The capital stock is not to exceed the sum of $300,000, divided into shares of twenty dollars each, which is to be deemed personal property, transferable in such manner as the constitution and by-laws of the corporation may direct.

Within twenty days after the passage of this

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, MARCH 17, 1864. NEW SERIES.....No. 72.

act, the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, are to cause books of subscription to the capital stock of the corporation to be opened and kept open in such place and for a period to be fixed by the corporation, public notice of which may be given by advertisement or otherwise as the corporation may determine; and subscribers upon the books to the capital stock of the corporation are to be held to be stockholders; but every subscriber is to pay, at the time of subscribing, such per centum of the amount by him subscribed to the treasurer elected or appointed by the corporators as may be required by the rules of the corporation, or his subscription will be null and void. When the books of subscription to the capital stock of the corporation shall be closed, the corporators within twenty days thereafter are to call the first meeting of the stockholders of the corporation, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for three days in two public newspapers published daily in Washington city, or by written personal notice to each stockholder, by the secretary or clerk of the corporation; and in all meetings of the stockholders each share will entitle the holder to one vote, to be given in person or by proxy. The government and direction of the affairs of the company is to be invested in a board of directors, five in number, elected by the stockholders from among the corporators named in the first section, and their successors, elected or appointed by the masonic bodies they represent, who are to hold their office for one year and until others are duly elected and qualified to take their places as directors; and the directors are to elect one of their number to be president of the board, who is also to be president of the company, and elect a secretary from among their own number, or from the board of trustees, who will also be secretary of the company, and they are also to choose a treasurer, who shall give bonds with surety to the company, in such sum as the directors may require, for the faithful discharge of his trust. A majority of the directors will form a quorum for the transaction of business, and in case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby will be filled by the remaining directors from among the board of trustees named in the first section, or their successors duly elected or appointed by the masonic bodies they represent. The directors are to have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper for the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of Washington city, and are to have power to alter or amend the same as the interests of the company, in their opinion may require; and also to regulate the payment of interest upon the certificates of stock held by the stockholders, or the dividends that may accrue, and to provide for the redemption of the stock held by individuals, upon fair and equitable terms.

It is also provided that the officers and members of the several masonic bodies named in the first section are created and made, separately and individually, bodies-politic and corporate, and by their individual name, as given in the first section, to sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and be capable of taking and holding real and personal estate, and have and use each a common seal, and change the same at pleasure, and be entitled to use and exercise, separately and individually, all the powers, rights, and privileges incident to such corporation. And those masonic bodies are to have power to make and prescribe such by-laws, rules, and regulations as they may deem needful and proper for the disposition and management of the stock, property, estate, and effects belonging to or held by the masonic body in its individual capacity, not contrary to the charter, or the laws of the United States, or the ordinances of Washington city, and to alter or amend the same as the interests of the masonic body, in its individual capacity, may require. The several persons composing the board of trustees named in the first section are to hold their offices for the period of one year from and after the passage of this act, and until their successors are duly elected by the several masonic bodies they represent. And it is to be the duty of those several masonic bodies, on or before the expiration of the year, and annually thereafter, to meet, and in their separate and individual capacity, elect, by ballot, one of their number as their representative in the board of trustees, and the representative is to be a trustee for the masonic body, and have charge of its stock, property, and effects, in trust, under such rules and regulations as may be prescribed by the masonic body; but if any one of those several masonic bodies surrender or forfeit its masonic charter or warrant, or cease to exist, it will not be entitled to a representative in the board of trustees. Any masonic lodge, chapter, council, commandery, or consistory, that may hereafter be instituted in the District of Columbia, may, by and with the consent of two thirds of the board of trustees, be admitted to a representation in the board upon an equal footing with the several masonic bodies named in the first section, and enjoy all the powers, rights, and privileges granted to the masonic bodies collectively or individually, by the several sections of this act.

Mr. GRIMES. I move to strike out the word "company" in the second line of the fifth section, and to insert in its place the word "association," and after the word "stockholders" in the fourth line of that section to insert "on the first Monday of December in each year."

The amendment was agreed to.

Mr. GRIMES. In the seventh line of that section the word "and" should be "or."

The PRESIDING OFFICER, (Mr. CLARK in the chair.) That amendment will be made.

Mr. GRIMES. In the sixth section the word "company" in the fifth line and in the eighth line should be "association."

The PRESIDING OFFICER. Those changes will be made.

Mr. GRIMES. The word "and" in the fourth line of the eighth section should be "or;" and in the seventh and eighth lines of that section the words "on or before the expiration of the year" should be stricken out, and "during the month of November, 1864," inserted, and the word "thereafter" in the eighth line should be stricken out, and the words "during the same month" inserted.

The PRESIDING OFFICER. These amendments will be made if there be no objection.

Mr. GRIMES. After the word "body" in the fourteenth line of that section and before the proviso, I move to insert:

And should any vacancy occur in said board of trustees by death, resignation, or otherwise, such vacancy shall be filled by the masonic body entitled to the representation at such time and in such manner as said masonic body may determine.

The amendment was agreed to.

Mr. GRIMES. After the word "consistory" in the second line of the ninth section, I move to insert the words "now in existence or," so as to read, "that any masonic lodge, chapter, council, commandery, or consistory now in existence or that may hereafter be instituted," &c.

The amendment was agreed to.

Mr. MORRILL. I wish to call the attention of the chairman of the Committee on the District of Columbia to one feature of the bill. I suppose it is all right; I have great confidence in that committee, I need not say; but there are some things I cannot quite understand, and I move to amend the bill in section one by striking out after the name "B. B. French" in the third line the words "of the Grand Encampment of the United States of America, K. T."

I move the amendment rather upon an apprehension, than from any information which I have on the subject. If it shall be adopted, I shall follow it with other amendments striking out the additions from the other names. We all know the provision of the Constitution that there shall be no order of nobility established in this country. I do not know whether the honorable Senator has considered that question; but K. T. may mean something of that sort. K. B., I am assured by an honorable Senator who sits near me, is a title of English nobility, and I really do not know that K. T. does not mean something of that sort. I rather call on the Senator from Iowa to give us an assurance at least that in this covert way there is no attempt to establish an order of nobility in this country.

Mr. GRIMES. If the Senator from Maine will move to proceed to the consideration of executive business and the Senate shall agree to the motion, I may attempt to explain to him what these initials do indicate; but I do not feel justified in open session of the Senate in entering upon any such attempt as that. I think, however, that I can safely say the Republic will receive no detriment from the passage of this bill. The fact is that it is a very simple proposition in and of itself. There are here several lodges of Masons and encampments of Templars, all associated together by the bonds of masonry, who propose, as I understand it, to erect a temple dedicated to their mysteries; and in order to accomplish that purpose, it is desirable to incorporate these several lodges and unite them in a common association for the purpose of doing it. That is the sole purpose, as I am informed by the gentlemen who have approached me on the subject, as chairman of the committee, that these men have; and the letters to which the Senator refers, I suppose, only indicate that these persons hold a particular rank in the lodges and consistories and associations to which they are attached.

Mr. HOWARD. I rise to inquire of my friend from Iowa whether there be a precedent in the legislation of Congress for the incorporation of Freemasons' lodges?

Mr. GRIMES. I do not think there has been. There has been no district of country in which lodges of this kind could be incorporated by us, except the District of Columbia, and my attention has not been called to any past act of Congress on this subject.

Mr. HOWARD. I did not know but that there might have been some ancient statute on the subject applicable solely to the District of Columbia. I merely rose to put the inquiry to the honorable Senator.

Mr. GRIMES. I think we are now establishing the precedent, so far as it relates to legislation.

Mr. HOWARD. The honorable Senator will excuse me for saying a word further by his permission.

Mr. GRIMES. Certainly.

Mr. HOWARD. I am not a Freemason myself, and I am therefore entirely unacquainted with the mysteries of freemasonry; and before I can conscientiously vote for this bill I must ask him some further questions respecting the enigmatical letters and expressions in this bill. It may be that he may be able to explain them; I hope he will; and if so, it may relieve me of very great anxiety on the subject.

Mr. COLLAMER. In all seriousness I would inquire of the Senator from Iowa if there is any use in these letters, so far as regards the legal effect of the bill?

Mr. GRIMES. I do not suppose there is.

Mr. COLLAMER. Then I move to strike them out.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Maine.

Mr. MORRILL. On the assurance of the chairman of the committee I am satisfied that my apprehensions were groundless, and therefore I withdraw my amendment.

Mr. COLLAMER. Why shall we put in the bill things we do not understand? It is just as effective without them, and I move to strike out all these initial letters.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed, after the name of "B. B. French," to strike out "K. T;" after the name of "Robert McMurdy," to strike out "R. A.;" after that of "George C. Whiting," to strike out "S. P. R. S., thirty-second degree, A. A. R.;" after the name of "Z. D. Gilman," to strike out "K. T.;" after the name of "W. P. Partello," to strike out "U. D. K. T.;" after the name of "W. M. Smith," to strike out "R. A;" after the name of "G. W. Parkhurst," to strike out "R. A.;" and after the name of "James Steelle," to strike out "R. A."

Mr. CONNESS. I do not know how vital it is to those parties to have these appendages; but I suggest to the Senator from Vermont that he would not like himself to be stripped of appendages that might properly belong to him. He might cut a very curious figure He had better consider well before he insists on this amendment.

I rose, however, rather to make a suggestion than to comment on the extraordinary motion of my friend from Vermont, for it is perhaps extraordinary in its consequences. I make the suggestion to the author of the bill, the Senator from Iowa, that instead of introducing and passing by Congress a special act of incorporation of this kind, he should introduce a general law for the incorporation of benevolent societies within the District of Columbia, under which all those societies may organize and have corporate rights. It is very easy to do that. In my State we have a general incorporation law under which persons who see fit under the provisions of the act may acquire corporate rights as if they were specially incorporated by an act of the Legislature. It appears to me that that would be the proper way to reach this business, and avoid the consequences of amendments such as are now pending moved by my friend from Vermont. I do not know whether I could conscientiously vote for the amendment that he proposes, certainly not unless he explains it further than he has done. I am really in quest of information.

Mr. COLLAMER. In making a grant to A, B, C, and D, as corporators, we never use any titles in describing those men. It may be sometimes appropriate to mention their places of residence, in order to make certain their identity, but not to use a title unless there is something official about it. There may be a grant to A, B, Secretary of State; that is a title known in law; but I would not put in "esquire," or "general," or any of that sort of titles to any man in granting an act of incorporation.

Mr. GRIMES. As it is time to be serious about this bill, I will state frankly to the Senate that in the first place I did not draw it and I am not a Mason, although I proposed, in answer to the suggestion of the Senator from Maine, that if he would move to go into executive session I would attempt to explain what these initials are. But this bill was drawn up by gentlemen who are members of this association, and they desire it to be passed for the purpose for which I have stated. I understand that these initials designate some particular officer in each one of these lodges, as, for instance, the master of a lodge, or some other man who has reached a particular point, who is the representative man of the lodge, or the consistory, or encampment, or whatever it may be; and the purpose of using these names is that whenever the lodge itself shall change its officer and substitute a new man, then the man who holds that particular position in the lodge shall be the officer who shall be one of the trustees under this bill.

Mr. TRUMBULL. The Senator from Iowa will allow me to suggest that that is the very point; would that be the legal effect of it? Where you incorporate persons, B. B. French, Robert McMurdy, and others, and then go on to give them a title, is not the corporation simply those persons named, and would the grant extend to another person who had that title attached to him? It is not the title that you incorporate, is it? I submit to the Senator from Iowa whether that is so? Whether the legal effect would not be precisely the same if all these words were left out?

Mr. GRIMES. Very likely.

Mr. TRUMBULL. If so, the Senator from Vermont is clearly right.

Mr. COLLAMER. By K. T. I suppose they mean Knight Templar. That is no office; it is a grade, a rank. So with R. A.; that is Royal Arch Mason, I take it. It is not an office; it is the name of a grade, a rank. If I am right in my comprehension of what is meant it means nothing but that. It can have no legal effect whatever, and I do not think it assists any in identity. Therefore I move to strike all that out.

Mr. ANTHONY. I hope these titles will not be stricken out. They are certainly perfectly harmless, and we all know or easily can know what they mean. K. T., I know, means Knight Templar; R. A. means Royal Arch; and some of these men are known to all Senators; some are known to me; exceedingly respectable men; and I should think we had better give them their act of incorporation precisely in the way they want it.

Mr. COLLAMER. What is the necessity and propriety of having these titles in the bill? Suppose one of them is a justice of the peace, will you call him J. P.?

Mr. ANTHONY. Perhaps if I were to draw the bill myself I should leave these titles out, but I see no possible objection to gratifying the petitioners in this respect. We know these titles mean nothing disloyal, or unchristian, or improper in any way whatever, and I would give them their act of incorporation precisely in the way they want it, so long as there is no impropriety in it.

Mr. DAVIS. I suppose most of the Senators know that there are several orders of masonry. "R. A." indicates, according to the opinion of the Senator from Vermont, truly, Royal Arch. The retention of these letters may be necessary for the purpose of identifying the order of masonry that is to be incorporated here, but so far as the initials characterize the different officers of any order of masonry, they are of no concern or importance whatever, because the charter granted by Congress, or by any legislative assembly, would not create these officers. But as the Senator from Rhode Island says, they can do no harm.

Mr. TRUMBULL. Do they alter the legal effect?

Mr. DAVIS. Not at all, but it may be important in this view: there are what are called Royal Arch Masons, Knights Templar, Knights of St. John, and many other orders. The initials then would express those orders, and would be necessary for the purpose of identifying the order to receive the benefit of the act of incorporation.

Mr. TRUMBULL. That is the very point. Does the bill incorporate the order, or does it incorporate the individuals?

Mr. DAVIS. It incorporates the individuals in the particular order. Those individuals might ask for a charter for a Blue Lodge or a Red Lodge, the Royal Arch or the Knights Templar or any other order of masonry. The effect of some of these letters is to identify the order in which they are organized. I think there is no need for any objection to these initials; they do no harm.

Mr. GRIMES. I trust we shall have a vote either for or against the proposition; I do not care which way.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. DOOLITTLE. There is no limitation in this bill of the amount of real estate which may be held nor the purposes for which it may be held by this association. If we are to incorporate it, there ought to be a limitation of that sort, that the real estate which they are permitted to purchase shall be for the purpose of erecting a masonic hall, and having a place to transact their business. I will offer a proviso as an amendment at the end of section two:

Provided, That said body-politic shall have no power to purchase or hold any real estate except such as may be selected for the purpose of erecting a masonic hall for the purpose of holding the meetings of its members, and for the transaction of their business.

Mr. GRIMES. I suppose the Senator from Wisconsin is aware that this is a charitable association, and his proviso, as I understand it, would prevent this incorporation from investing any of their surplus money in real estate from which they would derive a revenue to be expended in charitable purposes; and I do not know but that it would prevent them from taking a mortgage.

Mr. DOOLITTLE. I do not think it would prevent their loaning money on bond and mortgage, for the holding of a bond and mortgage is not the holding of real estate. The real estate is pledged as security, it is true, for the payment of the debt, but they proceed by selling the real estate, and they cannot purchase it in themselves. That would be the effect of it, and I do not think they ought to be allowed to deal with real estate.

Mr. JOHNSON. The provision limiting corporations in the amount of real estate they shall be permitted to hold is often accompanied by a provision that they may be permitted to hold the amount upon mortgage. This institution I suppose to be a charitable one almost exclusively. There was a time in the history of this country when it was supposed to be political, and that gave rise to a party, as we know, powerful at the time; but it soon died out because it had nothing to support it. The whole object of the society is charity, I have no doubt. Under the third section they are to have a capital of not exceeding $300,000; and that they will invest, after providing themselves with a house, in some security, and it might be advantageous for them to invest in real estate by way of mortgage. The Senator, therefore, had better modify his amendment.

Mr. DOOLITTLE. I do not think the amendment which I offered is liable to the objection raised by the honorable member from Maryland. I do not think that when money is loaned and a bond taken and a mortgage given by way of security, that constitutes a holding of real estate.

Mr. JOHNSON. The mortgagee has the legal estate.

Mr. DOOLITTLE. The mortgagee does not hold the legal estate.

Mr. JOHNSON. Yes, he does, after forfeiture.

Mr. DOOLITTLE. That is not the common law of the country, certainly. If such be the law of Maryland, and would be the law of the District, (though that is not the law of all the States North, I am quite sure,) I will modify the amendment.

Mr. JOHNSON. The law may have been altered by statute in some States.

Mr. DOOLITTLE. I know such is not the law in most of the New England States or in Wisconsin; but a word can be inserted in the amendment which will exclude any such idea.

Mr. JOHNSON. The legal estate is necessarily in the mortgagee, and the mortgagee holds it subject to the equity of the mortgager to redeem. That is the whole interest of the mortgager. The error into which the honorable member has fallen, if it be an error, as I think it is, arises from his forgetting that in such cases the legal estate is in the mortgagee and the equitable estate in the mortgager.

Mr. DOOLITTLE. A sentence might be added to the amendment which would not make this provision extend to mortgages.

The PRESIDING OFFICER. The Senator is at liberty to modify his amendment.

Mr. ANTHONY. The whole amount that the corporation is allowed to hold is only $300,000. I do not see any necessity for putting any restriction on it.

Mr. JOHNSON. That is the capital stock. They may go on increasing, they may go on lending it, and the interest may accrue from time to time and be invested.

Mr. DOOLITTLE. I modify the amendment so as to read:

Provided, Said body-politic shall have no power to purchase or hold any real estate except such as may be selected for the purpose of erecting a masonic hall for the purpose of holding the meetings of its members and for the transaction of their business; but this provision shall not prevent said corporation from loaning any portion of their funds upon mortgage security.

Mr. TRUMBULL. Before the vote is taken on that amendment, which I think is very proper, I desire to suggest that it is usual in all incorporations, even for charitable purposes, to limit the amount of real estate which may be held by them. It is certainly so in my State. I desire to call the attention of the Senator from Wisconsin to the seventh section to see if it is not necessary that his amendment should be framed a little differently. On reading the seventh section it will be observed that—

"The officers and members of the several masonic bodies named in the first section of this act are hereby created and made, separately and individually, bodies-politic and corporate, and by their individual name, as given in said first section, may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and

shall be capable of taking and holding real and personal estate, and may have and use each a common seal, and may change the same at pleasure, and be entitled to use and exercise, separately and individually, all the powers, rights, and privileges incident to such corporation."

Each one of the persons named is made a corporation separately and individually, and with a separate seal, and authorized to purchase and hold real and personal estate.

Mr. DOOLITTLE. That section ought to be stricken out.

Mr. FOSTER. Not only those who are named, but all those who exist in the District and are not named, by the ninth section also have the same privilege; and also all those who may be admitted by the board of trustees.

Mr. TRUMBULL. I did not look at that. It strikes me that the seventh section is very singularly worded.

Mr. GRIMES. There is a strange misapprehension of this bill, it seems to me, or else I do not comprehend it. I understand there are sixteen or seventeen lodges and consistories and encampments in this District. The purpose of this bill is first to incorporate each of those different associations and lodges, and then to unite them all in one common association for the purpose of accomplishing one general object; that is, the erection of a temple. Now the purpose of the ninth section is to declare that the officers and members of the several masonic bodies, not the individual members of each masonic lodge, but "the officers and members," speaking of them collectively, "of the several masonic bodies named in the first section of this act are hereby created and made, separately and individually, bodies-politic." Perhaps the word "individually" ought to be stricken out. It does not refer to each individual member of each one of these sub-corporations, but to the individual corporations themselves that compose the grand aggregate which is to accomplish this purpose that they all have in common—that is, to erect a masonic temple. It says "by their individual name." What individual name? The individual name which has been recognized in the first section as the name of the lodge of which they are the master, or the past-master, or whatever distinction they may be described by in the first section of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was agreed to.

Mr. DOOLITTLE. In relation to the seventh section I see no necessity for it. I must confess that in that section it seems to me there are about seventeen acts of incorporation. It is the most comprehensive section I ever saw put into a law, I believe. It says that "the officers and members of the several masonic bodies named in the first section of this act are hereby created and made, separately and individually, bodies-politic and corporate."

Mr. GRIMES. In order to meet the Senator's objection, I will move to strike out the words "the officers and members of" and say "the several masonic bodies."

Mr. DOOLITTLE. That does not change the result. There are still sixteen or seventeen of them, I am told. I think there are twenty-two myself.

Mr. FOSTER. There are over twenty.

Mr. DOOLITTLE. Perhaps this section bears the construction which is given to it by the Senator from Iowa; that is, that the corporations which are created here do not refer to the particular individuals who are named, but to the associations of Masons which are named separately in the first section of the bill. The first section reads, "that B. B. French, of the Grand Encampment of the United States of America, K. T.; Robert McMurdy, of the General Grand R. A. Chapter of the United States; George C. Whiting, of the Grand Consistory of the S. P. R. S., thirty-second degree, A. A. R.; E. L. Stevens, of Osiris Lodge of Perfection No. 1, A. A. R.; Z. D. Gilman, of Washington Commandery No. 1, K. T.; W. P. Partello, of Columbia Commandery, U. D. K. T.; W. M. Smith, of Columbia R. A. Chapter No. 15; W. G. Parkhurst, of Washington R. A. Chapter No. 16; James Steelle, of Mount Vernon R. A. Chapter No. 20;" &c., &c., are incorporated. The construction which the Senator from Iowa gives is that it is not B. B. French, Robert McMurdy, George C. Whiting, &c., who are made a body-politic, but——

Mr. GRIMES. If the Senator has any scruples on that subject, I propose to strike out the words "the officers and members of" in the first and second lines of the seventh section, and then it will read, "that the several masonic bodies named in the first section of this act are hereby created," &c.; and then if the Senator desires it I will limit the amount of real estate they shall each hold.

Mr. DOOLITTLE. That creates, then, under this seventh section, over twenty different incorporations under different masonic names and titles here in the District of Columbia.

Mr. GRIMES. That is very true.

Mr. DOOLITTLE. And it gives to each the power to hold real and personal estate, and to make their own rules prescribing the disposition of their property, both real and personal.

Mr. JOHNSON. And there is no limitation as to the stock.

Mr. DOOLITTLE. There is no limitation as to the stock, and no limitation as to real estate; and under this the corporation created might buy the city of Washington, run all the hotels in the city, and perhaps all the banking establishments.

Mr. FOSTER. If the Senator will look at the ninth section he will see that not only those named in the first section are thus incorporated as he suggests, over twenty, but the ninth section provides that all those existing in the District that are not named are also incorporated; and then for the future all those whom the board of trustees may admit hereafter shall also be incorporated and have the same privileges as those named in the first section.

Mr. GRIMES. I propose an amendment to strike out the words "officers and members of" in the first line of the seventh section, so that it will read:

That the several masonic bodies named in the first section of this act, &c.

The amendment was agreed to.

Mr. HOWARD. If it be in order I will move to recommit the bill to the Committee on the District of Columbia.

Mr. DAVIS. I hope the honorable Senator will permit me to make a remark. I understand this bill as creating one general aggregate corporation of Masons; and in addition to that, I understand it as incorporating all the other associate congregations of Masons. In my own State, for instance, there are one hundred and fifty lodges. If a proposition had been adopted by the Legislature of that State similar to one feature of the bill that is now under consideration, it would incorporate the whole of those one hundred and fifty lodges in one bill instead of having one hundred and fifty bills for that purpose. I see no objection to that.

I will state the reason why they desire an incorporation. All these masonic lodges are eminently charitable institutions. They sometimes have funds on hand, but never to a large amount. Those funds are distributed in charity from time to time as the needs of the members connected with the different lodges and their families require. Their treasurers sometimes have the custody of these funds. If there is no act of incorporation the treasurer loans them in his individual character, and takes a note to himself as an individual. He sometimes proves a defaulter, and causes a loss to the lodge of which he is a member. They desire an act of incorporation in order that, as they accumulate funds, and as they desire to make a little profit out of them if there is no immediate call for their distribution in works of charity, they may be loaned by the corporate name of the lodge for its benefit, and not in the name of an individual officer who may prove a defaulter.

The PRESIDING OFFICER, (Mr. CLARK.) The question is on the motion to recommit the bill.

Mr. HOWARD. I do not make the motion with any intent to prejudice the measure which is now before the Senate, but for the purpose of submitting it again to the consideration of the Committee on the District of Columbia, in order that they may reform it, if it needs reformation, and make such improvements in the phraseology as they may see fit. I certainly think it needs amendment. I am not able to see the necessity of incorporating such a great number of lodges at one swoop as are included in this bill. In the first place, there are nineteen lodges mentioned by name in the first section of the bill; and that section declares that the individuals named therein are recognized in the act as a board of trustees representing the several masonic bodies before named; and those several trustees named in the first section of the bill are incorporated themselves into a body-politic and corporate by the name of the Masonic Hall Association.

In the seventh section of the bill there is a further proceeding in the nature as it would seem of a sort of sub-incorporation or the creation of minor corporations subject to the large one going by the name of the Masonic Hall Association. All these lodges, the nineteen mentioned in the first section, are created separate and distinct sub-corporations, subordinate in some degree certainly to the one mentioned in the first section of the bill. As has been very properly said by the Senator from Connecticut, section nine extends the privilege of incorporation to any lodges within the District that may hereafter see fit to apply to the trustees; so that there is no end of the number of corporations that may exist under this bill. Is it worth while for Congress to grant this unusual privilege of self-incorporation? It seems to me not. I can see no need of it at all. The bill itself contains no limitation of the time during which these several corporations may be in existence. They are perpetual corporations, if I understand the bill correctly, like the grand corporation known as the Masonic Hall Corporation. I believe there is no limitation as to time. If I am mistaken in this, the Senator from Iowa can correct me.

In order to reach the object I really desire, that is, the granting of such a charter as may be proper and necessary, I submit the motion to recommit the bill to the Committee on the District of Columbia. I do not see that the measure can be prejudiced by it. I should vote for it with great pleasure if it could be brought before us in an improved form.

The motion to recommit was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes; which was thereupon signed by the Vice President.

STREET RAILROAD IN WASHINGTON.

Mr. MORRILL. I now ask the Senate to proceed to the consideration of Senate bill No. 54.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 54) to incorporate the Metropolitan Railroad Company in the District of Columbia. It proposes to create Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Joseph L. Savage, and William W. Rapley, and their associates and assigns, a body corporate, under the name of the Metropolitan Railroad Company, with authority to construct and lay down a double-track railway, with the necessary switches and turnouts, in the city of Washington, in the District of Columbia, through and along the following avenues and streets: Commencing at the junction of A street north and New Jersey avenue, at the north side of the Capitol; along the east side of New Jersey avenue to D street north; along D street north and along C street north and Indiana avenue to the intersection of D street north with Indiana avenue; along Indiana avenue, D street north and Louisiana avenue to Fifth street west; along Fifth street west to F street north; along F street north to Fourteenth street west; along Fourteenth street west to G street north; along G street north to Fifteenth street west; along Fifteenth street west and Pennsylvania avenue to Seventeenth street west; along Seventeenth street west to I street north; along I street north, across Pennsylvania avenue, to the junction of New Hampshire avenue and Twenty-third street west; thence along New Hampshire avenue to the Circle. Also, a double or single track branch railway, commencing at the intersection of D street north and New Jersey avenue; along New Jersey avenue to Massachusetts avenue; along Mas-

sachusetts avenue to H street north; and along H street north to Seventeenth street west, intersecting the double-track road. Also, a double or single-track road from the intersection of Seventeenth street west and I street north, connecting with the double-track road at Seventeenth street west; along I street north to New York avenue; along New York avenue to Ninth street west; and along Ninth street west to the Washington canal; with the privilege of extending the said branch road at any time along Ninth street west to M street north; along M street north to Tenth street west; and along Tenth street west to the Washington canal, with the right to run public carriages thereon drawn by horse power, at a rate of fare not exceeding five cents a passenger, for any distance between the termini of either of the main railways, or between the termini of either of the branch railways, or between either terminus of the main railway and the terminus of either of the branch railways; but the use and maintenance of the road are to be subject to the municipal regulations of the city of Washington within its corporate limits.

The capital stock of the company is to be not less than two nor more than five hundred thousand dollars, in shares of fifty dollars each, and they are to have all the rights and privileges usually granted to such corporations.

The Committee on the District of Columbia reported the bill with amendments, the first of which is in section one, line five, to insert among the list of corporators the following persons: "Franklin Tenney, Matthew G. Emery, Samuel Fowler, John Little, J. C. McKelden, Sayles J. Bowen, John H. Semmes, D. C. Forney."

The amendment was agreed to.

Mr. GRIMES. I move in that connection to strike out the name of Joseph L. Savage.

The amendment was agreed to.

The next amendment of the committee was in section twelve, line twenty-one, after the word "money" to strike out the words "or checks or certificates of deposit, indorsed 'good' by the president or cashier of some good solvent bank or banks;" so that the proviso will read:

Provided further, That nothing shall be received in payment of the twenty-five per cent. at the time of subscribing except money.

The amendment was agreed to.

The next amendment of the committee was in section twelve, line twenty-eight, after the word "company" to strike out the following words:

To meet within ten days thereafter for the transaction of business; and at the expiration of one year after the organization of the company, the corporators herein named shall call a meeting of the stockholders of said company.

The amendment was agreed to.

The next amendment of the committee was in section thirteen, line six, after the word "directors" to strike out the following clause:

And the following-named corporators are hereby made and constituted directors for the first year, namely: Alexander R. Shepherd, Richard Wallach, Lewis Clephane, Samuel P. Brown, Nathaniel Wilson, Joseph L. Savage, William W. Rapley.

The amendment was agreed to.

Mr. TEN EYCK. I desire to offer two or three amendments to the bill. In section two, line five, after the word "property," I move to insert the words "and to license for their vehicles or cars;" so that the section will read:

That said roads shall be deemed real estate, and they, together with other real property and personal property of said body corporate, shall be liable to taxation, as other real estate and personal property, and to license for their vehicles or cars, in the cities aforesaid, except as hereinafter provided.

Mr. MORRILL. Will the Senator explain that amendment? I do not quite understand it.

Mr. TEN EYCK. Yes, sir. The object of it is this: heretofore in this city under the corporation laws all carriages or public vehicles have been subject to a license of ten dollars for the purpose of increasing the revenue for the city to be appropriated in a way that any one can understand. The other company pay this license, although this language is not expressly incorporated in their charter; and to avoid any difficulty on that subject I propose this amendment that they shall be subject to such licenses as carriages usually are subjected to.

Mr. MORRILL. I do not know whether there should be any objection to that or not. It is a provision which was not contained in the charter granted to the other company, and will be an imposition of a tax on this company which was not imposed on the other. I hardly know how far a tax of this kind would be proper upon a conveyance of so public a character as a railroad car.

Mr. TEN EYCK. I stated before that in pursuance of the original custom in relation to carriages, the city has already imposed a tax upon the cars now running on the Pennsylvania avenue road, and the company have paid it without any difficulty. Some individuals, however, have raised a question that there might be a dispute created on that subject inasmuch as it was not expressly stated in the act incorporating the other road; and in order to make that matter clear, I have, at the instance of the city authorities, proposed this amendment.

The amendment was agreed to.

Mr. TEN EYCK. I have another amendment; in section five, line six, after the word "avenues," to insert the words "and the sewerage thereof;" so that the section will read:

That nothing in this act shall prevent the Government at any time, at their option, from altering the grade or otherwise improving all avenues and streets occupied by said roads, or the city of Washington from so altering or improving such streets and avenues and the sewerage thereof as may be under their control.

Mr. MORRILL. I have no objection to that amendment.

The amendment was agreed to.

Mr. TEN EYCK. I cannot foresee to what extent the provisions of the sixteenth section may be carried; but I can imagine that very serious injury may be done to the rights of the city if it should be adopted. I therefore move to strike out the sixteenth section in the following words:

SEC. 16. *And be it further enacted*, That the mayor, common council, and the several officers of the corporation of the city of Washington, and the said corporation, is hereby prohibited from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railroad, as herein authorized.

It might well be that certain rights of the city might be invaded by this company, and this section would prevent the city from appealing even to the courts of law for the purpose of having any redress or having their rights protected in the slightest possible degree. It is proposed to prohibit them "from doing any act or thing to hinder, delay, or obstruct the construction or operation of said railroad." It seems to me there is no necessity for any such provision; and it would perhaps do great injustice to the interests of the city if it should be allowed to stand in the bill.

Mr. MORRILL. Mr. President, I believe this section is precisely like the section in the bill incorporating the former railroad company. I have heard of no difficulty arising between the city and the company on that account; and I can hardly conceive that any practical question could arise. The Senator from New Jersey should consider that in other portions of the bill this railroad company is subjected in the location of its road to the city councils; and, furthermore, that in the improvement of the streets, avenues, sewers, &c., they are by positive provision of the act subject to the control and direction of the city councils. Therefore I can conceive of no other interpretation to be put upon this section of the statute than that the mayor and common council shall not unnecessarily interfere. There was certainly no intention to give the company a license to do any act which they were not authorized by this bill to do. As certain powers have been conferred on the city councils to supervise to some extent the location and construction of this road, the intention of the committee was to negative the idea that they should go anything beyond it; that, while they are permitted to supervise the location of the road, to see that it does not unnecessarily incommode the citizens in the streets and avenues and public sewers, they shall not at the same time be allowed to do anything which will necessarily tend to the hinderance or delay of the work. That is the interpretation I put upon the section, and therefore I do not see that it is objectionable.

Mr. TEN EYCK. I do not propose to extend the remarks on this subject, but I wish to say a word in answer to the Senator from Maine. Suppose this company should not observe the terms of this very charter in the location of their road or in the manner in which it is to be completed; suppose they should utterly disregard it. By this section of the act, the city would be precluded from raising its voice or appealing to the courts for the purpose of requiring a legitimate performance of the duties of this corporation under this act. I see no necessity for such a prohibition. There may be no necessity arising for the exercise of any such right on the part of the city; but I can conceive a state of things which would render it highly important and necessary that they should have some right to appeal even to a court of justice in the city, in order to compel these corporators to perform their duties under the charter.

Mr. ANTHONY. I will ask the Senator who has charge of this bill if there is a provision in it making the charter subject to the future action of Congress?

Mr. MORRILL. There is.

Mr. ANTHONY. Then I think this provision is hardly desirable; but if it is in the other charter it seems to me we ought to make them nearly alike, and then pass an amendatory law applicable to both. I should like to propose an amendment to this charter, but I hardly like to do so unless it can be made applicable to the other company. I think when the company fails to provide passengers with seats the fare ought to be lowered. We regulate the fare. We say that it is worth so much to ride the length of the route, or as far as the passenger chooses to go. I think it ought not to be so much if they do not provide seats for all the passengers. The passengers should pay something, perhaps a cent if a man stands; and then a man can ride or not, as he sees fit. But I do not like to put such a provision upon this charter without inserting it also in the other; and I hardly like to propose to amend another charter in this bill.

Mr. GRIMES. This is over a much less profitable road.

Mr. ANTHONY. Yes, sir, that is so; but I think it is very desirable to have two railroads. I do not think one can do the business; but I do not suppose this will be by any means as profitable as the other road; and if we hamper it with restrictions and disabilities not imposed on the other road, it may not be built at all. I do not know what are the probabilities of its being built, but I suppose the road will not be a very profitable one.

Mr. TEN EYCK. I do not understand the force of the argument of the Senator from Rhode Island. To go to the legitimate extent of it, it amounts to this: because you have chartered one company in the city of Washington, though that charter may be filled with inaccuracies, and many matters which were very essential may have been overlooked, therefore you cannot remedy the defects which have become apparent subsequently or which have suggested themselves to the mind of legislators without interfering with the rights of some other persons holding another charter. I think, as nothing is perfect that is invented, that we ought to perfect as we go along, and as it occurs to us.

I do not mean to continue the discussion. I have brought the matter to the attention of the Senate, which is the guardian of the city in this particular; and as I think the section is an improper one, I have moved to strike it out.

Mr. ANTHONY. Does this section apply to the construction of the road or to the construction and working of the road.

Mr. TEN EYCK. Only the construction.

Mr. ANTHONY. Then the provision so far as respects that charter probably would have no effect.

Mr. GRIMES. It applies both to the construction and operation of the road. This section is an exact transcript of the section of the bill passed two years ago for the other corporation.

Mr. ANTHONY. Then I think we ought to make the charters about alike, and amend them both by another bill. I should be in favor of striking this section out of this charter and the other too; but we should do it in a supplementary bill applicable to both.

Mr. MORRILL. I desire to say a few words in explanation of this provision of the bill. It will be seen, as I believe I have already stated, that by the general provisions of the bill, in the construction and operation of this road the company is subjected to the supervision of the city council in very many particulars as to the streets, avenues, sewerage, &c. Considering that fact, the committee deemed it necessary to insert a provision that in the exercise of that power they

should not unnecessarily hinder or delay the company. They therefore provide that in the exercise of the negative powers already conferred, the mayor and common council shall not hinder, delay, or obstruct the construction or operation of the road. If I supposed it possible that this negation of authority would apply to a process in law for a violation of the charter of the company or any of the rights of the city government, of course I would not support for a moment such an exercise of authority on the part of these individuals; but I cannot conceive for a moment that it would apply to a case of that kind. The city would have the power to apply to the courts to enjoin this company from committing illegal or improper acts, and I cannot conceive that the power of this section would be invoked as against that application.

Mr. TEN EYCK. There is one idea that occurs to me which I will state. Suppose that, in the construction or use of this road, this company should occupy a larger portion of the streets of the city than is provided for by the city charter in relation to the building of edifices and construction generally in the city; or suppose they should occupy the streets with their cars, they not being in use, and suffer them to stand there, thus interfering with public travel, &c., in the city. This section would prevent the city from taking any step whatever in order to keep the public streets and avenues open for public use. I am not familiar with this matter, and do not intend to take up time with it. I have already taken more time than I anticipated by far; but I thought it was a matter that should be brought to the attention of the Senate, and I now submit it to their consideration.

The amendment was agreed to.

Mr. TEN EYCK. I have one other amendment to offer. In order to meet the objections which have been raised that we are incorporating in this act provisions different from those contained in the other charter, I propose to add at the end of the second section what I send to the Chair:

Provided, That all other corporations in the District of Columbia heretofore organized for like purposes shall be subject to pay license as provided in this section.

The amendment was agreed to.

Mr. MORRILL. I am instructed by the Committee on the District of Columbia to move an amendment in section one, line forty, to strike out "Tenth" and insert "Twelfth," and also in line forty-one to strike out "Tenth" and insert "Twelfth;" so that the clause will read:

With the privilege of extending the said branch road at any time along Ninth street west, to M street north, along M street north to Twelfth street west, and along Twelfth street west, &c.

The amendment was agreed to.

Mr. MORRILL. In the same line I move to strike out the words "to the Washington canal," and to insert "and Maryland avenue to the Potomac river."

Mr. JOHNSON. I suggest to the Senator from Maine that there is now a railroad down Maryland avenue.

Mr. GRIMES. This would strike Maryland avenue at the intersection of Twelfth street, and that would not be more than a hundred yards.

Mr. JOHNSON. It is to go down to the Potomac.

Mr. MORRILL. On Twelfth street.

Mr. GRIMES. No. Twelfth street strikes Maryland avenue about a hundred yards, I should think, from the bridge, and the only distance it would run by the side of the road on Maryland avenue would be that distance.

Mr. JOHNSON. I wished to know what effect this would have on the other road. Do you mean to say that they use the same track the other road has?

Mr. MORRILL. No, sir.

Mr. JOHNSON. Then you should say it is not to interfere with the other road.

The amendment was agreed to.

Mr. TEN EYCK. There was one other amendment that I omitted. It is in section seventeen, line eight, after the word "dollars," to strike out the words "to said company," and to insert "to be recovered and disposed of as other fines and penalties in said city."

The object of this amendment is to give the fine of five dollars for injuring the property of the railroad to the city instead of to the company. I offer this amendment because by the section as it will stand if amended, the party committing an injury is to "remain liable, in addition to said penalty, for any loss or damage occasioned by his, her, or their act, as aforesaid." The party who commits any injury or damage is liable to make good all those damages to the company, and as it now stands gives the five dollars fine in addition to the company. I see no reason why they should have that. I think it should go into the city treasury to help pay the enormous taxes of the city.

The amendment was agreed to.

Mr. SUMNER. In order to bring this bill into harmony with the last railroad bill of the Senate, I offer the same amendment which I offered then, and which, it will be remembered, was adopted, and I believe I can have the coöperation of the Senator from Maine who has charge of this bill. It is to add to section fourteen the following proviso, which I send to the Chair:

Provided, That there shall be no regulations excluding any persons from any car on account of color.

Mr. SAULSBURY. Mr. President, when the question was propounded on a former day by the Senator from Massachusetts to the Committee on the District of Columbia as a question of law, as to the power of the existing railroad corporation in this District to exclude from the cars this class of people, the response from the committee seemed to be that in law the corporation had no power to make any such distinction. The Senator from Maryland, [Mr. JOHNSON,] whose legal ability is not only known to the Senate but to the whole country, seemed by his answer to acquiesce in that opinion. I made no remark on that occasion; and I do not profess to submit my judgment against the judgment of such luminaries in the law as expressed their opinion on that occasion. I did, however, then internally dissent from any such idea as a proposition of law. I dissent from it now.

It is true, not being a very industrious man, perhaps not having cultivated my profession to the degree that I should, I may not be able to form or express a correct opinion on the question of law involved; but I do announce it as my settled judgment, as a man who has humbly essayed the pathway of the law for twenty years, that that corporation has the right to have cars for the transportation of white men and cars for the conveyance of Indians and of negroes; and provided they supply sufficient accommodation for all classes of people traveling upon their railway, no possible claim for damages can arise against them from the fact that they exclude from certain cars certain classes of people. If this be not so, I ask why do you find accommodations in your steamers crossing the ocean for first-class, second-class, and third-class passengers? Why do you find cars provided on your railroads for emigrants called emigrant cars, cars for the accommodation of ladies accompanied by gentlemen, and cars for gentlemen not accompanied by ladies? As a question of law, therefore, as it stands now, that corporation, in my judgment, has the power and the legal right to exclude from conveyance upon any cars which they may designate this class of persons, provided they supply a sufficient number of cars for their accommodation.

This is a proposition that the corporation which the bill under consideration proposes to create shall not have the right to make any such regulation as this, which, in my judgment, the existing corporation now have a right to make; and it presents, therefore, a simple question of propriety addressed to us as legislators. Sir, allow me to express my surprise that there should be such a strong disposition manifested on the part of white men and the representatives of white men to ride in cars with negroes. Has any white person of the District of Columbia, or any white person visiting this city been incommoded in the least from the fact that he has not been seated alongside of a negro in any one of these cars? Has any gentleman, any man who was born a gentleman, or any man who has the instincts of a gentleman, felt himself degraded from the fact that he was not honored by a seat by the side of some free negro? Has any lady in the United States felt herself aggrieved from the fact that she was not honored with the company of Miss Dinah or Miss Chloe on board these cars?

Whence, then, comes this complaint? Does it come from that great ruling class, not only in this country but throughout the world, to whom nature and nature's God have given superiority of intellect, and superiority in all the elements that go to constitute the most perfect manhood? Does it come from one of those beings who, forgetting the position which nature and nature's God have given him, chooses to thrust himself into associations where he knows that his company is not wanted? Or does it come from that sickly sentimentality which, in its progress, has done so much to degrade human character in this country, and which sentimentality is to be cultivated as a political element?

Sir, the only complaint that has ever been heard in this District, according to my information in reference to this subject, is that some black fellow who thought himself clothed in a little brief authority, and wore a surgeon's insignia, presumed to intrude himself into a car and was turned out. Has there been any other complaint in this District? Has there been a single petition from the white inhabitants of this District, or from the white people of the United States visiting this District, that that company does not afford the facilities and accommodations that are necessary? Not one, sir. That single case stands out solitary and alone, and constitutes the powerful appeal that comes up to the American Senate and invokes them to make some legal provision to remedy an evil which it is suggested exists.

What, therefore, is the reason for your legislation? What is the appeal addressed to the American Senate asking for any such provision as this to be incorporated in a bill proposed to be enacted by the American Senate? Sir, let the country know, let it even go home to Massachusetts and to Boston, whose ideas seem to be controlling the legislation of this country, and who seem to be running the machine of Government at the present time, that no appeal has been made to the American Senate or the Congress of the United States for any such legislation as this. Let it go forth to the country that if you adopt this amendment you do it from no consideration of any existing grievance; you do it upon no petition of any white man or any white woman of the United States; you do it simply on account of a letter written by a negro and read in the Senate of the United States on a former occasion. That is the only basis for your proposed legislation.

Sir, I know that I am considered ultra in reference to my views upon all these questions; but, as I have taken occasion to say before, the men who so persistently attempt on all occasions to introduce measures which in their very nature are calculated to bring about social and political equality among the races, and which are seized hold of by the subordinate race and cause them to believe that that is the intent and meaning of our legislation, are not the true friends of that subordinate race. If your schemes could be carried out, if you could accomplish your purposes, if you could bring about the establishment of your ideas legislative and social as the controlling ideas of this country, fifty years would not pass away before the truthful historian would record that the worst enemies of that subject race were yourselves. Under the control, under the government, and under the superintendence of the superior race, they have prospered, and they have been happy beyond the experience of any class of people of inferior character that this world's history has shown in the past; but, sir, carry out your ideas, once bring them into that position your legislation contemplates, and the mournful story which we read of the poor Indian, who, from contact with the white race, has almost become extinct, will be theirs.

Sir, I do not propose to extend this idea; but I wish here and now, in my place in the Senate of the United States, and as an American Senator, to say that in my judgment all such legislation and all attempts at the establishment of such ideas are a war against nature and nature's God. I go forth into the majestic forest and I see the great oak spreading its branches to the sky, so that the birds of heaven may rest and chirp their songs securely and happily within its boughs. Immediately alongside of it I see the humble sapling that never was destined by nature or by nature's God to become the equal of that oak. Some man, questioning the wisdom of Providence, may say "Why did

not the God of nature make that feeble sprout equal to that majestic oak?" My answer is, "It is in the ordination of God's providence."

So, when I consider the different races of men, observe the different gradations of life, and see the white man, with his noble intellect, with his capacity for development, with his native energies, his constant improvement, with the lights that he has thrown upon the pathway of human life, with the great achievements he has accomplished, I accept it as an ordinance of Providence. When I see the humble, groveling pathway in which this other race has crawled through life, and their incapacity to elevate themselves to that same position, I receive it, and though my old-fashioned notions of theology and the ways of God to man are not conformable to present views, yet I accept them as true evidences of their native inferiority; when I see such a being as that, who, by his own history and life, and by every evidence of his capacity which he has given to mankind, has shown the impossibility of his nature to rise to such positions and to achieve such results, I accept it also as an indication of the ways of Providence to man and as indicating that great controlling law of the divine Providence which regulates races even of sentient beings, ay, sir, beings with immortal souls, just as much as I see that law indicated in the inanimate works of nature.

Perhaps, sir, I have said enough on this occasion. If you pass this amendment, you do it not from any evidence before you of any public inconvenience. If you pass it, you do it not because there is a single being of your race who has asked you to do it. If you do it, therefore, you do it simply with a view of attempting to make universal that sickly sentimentality which unfortunately for our country has had too much to do with our present troubles.

Mr. President, in the silent moments of thought I have sometimes considered this question: does our present position, and the spectacle which we present in the eyes of the world, find a parallel in the history of any other people who have gone before us? I know of no civilized people on earth who have heretofore so persistently labored either to raise to their own elevation an inferior race or to degrade themselves to the equality of an inferior race as we have done in the last three years. But I conclude the few remarks I have felt called upon by the introduction of this amendment to submit to the Senate on this occasion by simply saying that, although I may not have read the history of nations or the progress of civilization aright, or studied as thoroughly as I should have done the history of mankind in all ages of the world, when the history of our times shall be written, we shall be regarded, and justly regarded, as an exception to the whole human family in an unreasonable, I might say insane, effort to equalize with ourselves an inferior race. Posterity will say it was the most insane attempt ever made in any civilized country to bring about an equality of races which never did exist, and which no legislation can ever make exist.

Sir, if in the providence of God it shall ever happen (which I pray may never be) that the majestic columns which now support this Capitol shall fall in ruin and destruction, upon the cenotaph of a once great nation will be inscribed this epitaph: "Here lie thirty million white men, women, and children, who lost their liberties in trying to equalize with themselves four million negroes."

Mr. JOHNSON. There is no prospect, I suppose, of getting through with this bill to-day, and as I propose to say a word or two in reply to the Senator from Delaware, I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 16, 1864.

The House met at twelve o'clock, m. Prayer by Rev. WILLIAM Y. BROWN.

The Journal of yesterday was read and approved.

UNADJUSTED CLAIMS WITH ECUADOR.

Mr. DAVIS, of Maryland. I ask the unanimous consent of the House to allow me to move to reconsider the motion by which the message of the President relating to unadjusted claims between this Government and the republic of Ecuador was referred yesterday to the Committee of Ways and Means. It should be referred to the Committee on Foreign Affairs.

The SPEAKER. The Chair will state, as the President mentions in his message that he desires as prompt action as possible in the matter, that the Chair supposes there will be no objection to permit the Committee on Foreign Affairs to report at any time.

There being no objection, the message was referred to the Committee on Foreign Affairs, with leave to report at any time.

LEAVE OF ABSENCE.

Mr. WHALEY asked and obtained leave of absence for his colleague, Mr. BROWN, of West Virginia, for ten days from last Saturday, on account of sickness in his family.

CHARLES A. PITCHER.

Mr. RICE, of Maine, asked unanimous consent to have taken from the Speaker's table and referred to the Committee of Claims Senate joint resolution No. 30, for the relief of Charles A. Pitcher.

The joint resolution confers on the Court of Claims jurisdiction to hear the claims of Charles A. Pitcher for the use of his patent, for an improvement in making brooms, in the penitentiary of the District of Columbia, and to allow him what he ought to have, except that no punitive damages shall be allowed against the United States.

Mr. WASHBURNE, of Illinois. If the joint resolution be referred anywhere it should be referred to the Committee on the Judiciary. It is an extraordinary proposition to extend the jurisdiction of the Court of Claims, which is already too much extended.

The SPEAKER. Is there an objection to taking up the joint resolution for reference?

Mr. WASHBURNE, of Illinois. I object.

The SPEAKER. Then the joint resolution is not before the House.

Mr. WASHBURNE, of Illinois. I will not object if it be referred to the Judiciary Committee.

Mr. RICE, of Maine. It is simply a joint resolution conferring on the Court of Claims jurisdiction in this matter. I thought there could be no possible objection to it, and that the joint resolution might even be passed without reference to the Committee of Claims. But the gentleman from Illinois objects to its going even to that committee in accordance with the universal usage of the House.

I hope my friend will not insist on that objection, but will let the joint resolution go to the Committee of Claims, where it can be examined in the usual course. That appears to me to be the appropriate committee, and it seems very singular to attempt to divert it from its proper course and to resort to this singular proceeding with it.

Mr. WASHBURNE, of Illinois. I am astonished at the gentleman. This is a matter in regard to enlarging the jurisdiction of the Court of Claims, and it properly belongs to the Committee on the Judiciary, and to no other committee.

Mr. RICE, of Maine. It came from the Committee on Claims in the Senate, and my impression and belief is that it should go properly to the Committee of Claims here. If it be more appropriate for it to go to the Committee on the Judiciary, I have no objection.

Mr. WILSON. The objection I have to the bill is this: it determines that the claimant shall have something. It does not direct the Court of Claims simply to investigate the matter, but assumes that something should be paid, not leaving that question open for the consideration of the court. We never ought to pass a bill in that form.

Mr. RICE, of Maine. I think the gentleman from Iowa is entirely mistaken as to the force and effect of the resolution. It does not direct that anything shall be awarded to this claimant, but simply gives jurisdiction to the Court of Claims to investigate the matter. I have no particular objection to its going to the Judiciary Committee if that be the more appropriate committee, and I should like the Speaker to indicate the committee which is most appropriate.

The SPEAKER. That is a matter for the House, not for the Chair.

Mr. RICE, of Maine. I move that the joint resolution be referred to the Committee of Claims.

The SPEAKER. The gentleman from Illinois objects. Therefore it is not before the House.

Mr. RICE, of Maine. Then let it be referred to the Judiciary Committee.

There being no objection, the joint resolution was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

PACIFIC RAILROAD.

Mr. PRICE, by unanimous consent, introduced a bill for an act to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; which was read a first and second time, and referred to the select committee on the subject.

W. W. RUSSELL, DECEASED.

Mr. WEBSTER, by unanimous consent, introduced a bill for the relief of the administrator of W. W. Russell, late paymaster in the marine corps; which was read a first and second time, and referred to the Committee on Naval Affairs.

JOHN J. MICHIE.

Mr. HOTCHKISS, by unanimous consent, introduced a bill for the relief of John J. Michie, of New Orleans, Louisiana; which was read a first and second time, and referred to the Committee of Claims.

RULES OF THE HOUSE.

Mr. COX, from the committee on the rules, reported adversely on the resolution referred to them, on motion of the gentleman from Kentucky, [Mr. YEAMAN,] that twenty-five extra copies of all bills, resolutions, and reports ordered to be printed shall be printed for the use of the member introducing them; and the resolution was thereupon laid upon the table.

COMMITTEE ON MINES AND MINERALS.

Mr. COX, from the same committee, made an adverse report in reference to appointing a new standing Committee on Mines and Minerals, which was laid upon the table.

EFFICIENCY OF UNITED STATES ARTILLERY.

Mr. FARNSWORTH, by unanimous consent, introduced a bill to promote the efficiency of the artillery of the Army of the United States; which was read a first and second time, and referred to the Committee on Military Affairs.

COMMITTEE ON NATIONAL BANK.

Mr. WASHBURNE, of Illinois, from the committee on the rules, made an adverse report in reference to appointing a new standing Committee on National Bank; which was laid upon the table.

VOTING OF MEMBERS.

Mr. WASHBURNE, of Illinois. Mr. Speaker, I wish to make a further report from the committee on the rules. Rule 29 reads now as follows:

"No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not within the bar of the House when the question was put. And when any member shall ask leave to vote, the Speaker shall propound to him the question—'*Were you within the bar when your name was called?*'"

The practice has been universal up to the last session to adhere to that rule in practice. I do not recollect of a single instance where a member was permitted to vote who was not within the bar when his name was called. During the last Congress, and so far during this Congress, the rule has been relaxed. It puts the Speaker to a great deal of trouble to put the question whether the member was within the bar when his name was called. Members are allowed to vote almost universally by unanimous consent. One of two things should be done: either no member should be permitted to vote unless he was within the bar when his name was called, or members should be permitted to vote any time before the vote was announced. I have been directed by the committee on the rules to report this proposition to the House in the alternative form: first, that no member shall be permitted to vote unless he was within the bar when his name was called, not even by unanimous consent; and secondly, that members shall be allowed to vote at any time before the vote is announced. If the first be voted down, then the question will recur on the second.

Mr. ASHLEY. I suggest a further amendment. As the rule now reads, the member must be within the bar when the question is put; it should be when the member's name is called.

Mr. WASHBURNE, of Illinois. That will make the proposition of the committee just as they wish it, and I accept it as a modification of my proposition. I am in favor of the first proposition. It will make the members more punctual in their attendance, and save a great deal of the time of the House. I move to strike out the last sentence of the rule and add these words: "not even by unanimous consent."

Mr. PRUYN. The idea that the House, even by unanimous consent, cannot permit a thing to be done within the scope of its duty is absurd. The rules are made for the guidance of the business of the House and for the protection of the minority. Now, to claim that the House cannot, by unanimous consent, at any time, and at any stage of the proceedings, do anything it has the power to do under the Constitution, is a perfect absurdity in terms. No such expression should be embraced in our rules.

Mr. WASHBURNE, of Illinois. We already have a rule which embraces the same provision. During the morning hour of every alternate Monday nothing can be brought in even by unanimous consent.

Mr. PRUYN. That is equally absurd, and it is impossible that such a rule as that can really exist as a rule which the House cannot on the moment rescind.

Mr. PENDLETON. Does this reach members of committees who may be absent by leave of the House?

Mr. WASHBURNE, of Illinois. There is another rule which governs that matter, and this does not interfere with it.

Mr. PRUYN. I move to amend the report by striking out the words "not even by unanimous consent."

Mr. WASHBURNE, of Illinois. That would leave the rule exactly as it is. It was my suggestion that the House might pass upon the two propositions. I think the first proposed amendment would save the House a great deal of trouble, and would conform the action of the House to the universal practice as it was up to the last session of Congress. Up to that Congress I never knew of an instance where a man was permitted to vote by unanimous consent when he was not within the bar when his name was called.

Mr. RADFORD. I move to lay the proposed amendment on the table.

Mr. COX. Will not that carry the whole proposition to the table?

The SPEAKER. Only the first proposition. The Chair will say that the following language has been suggested to be incorporated in the rule:

And if he respond in the negative the Speaker shall not entertain a proposition to permit him to vote.

Mr. WASHBURNE, of Illinois. I will accept that modification.

Mr. STEVENS. I hope the gentleman from New York [Mr. RADFORD] will allow me to ask a question before his motion is put.

Mr. RADFORD. I withdraw my motion.

Mr. STEVENS. I desire to know of the chairman of the committee whether that first proposition would not exclude members absent on leave?

Mr. WASHBURNE, of Illinois. I suppose not, because there is another rule of the House which gives to all members absent with leave the right to vote.

Mr. STEVENS. This proposition would repeal that rule.

The SPEAKER. The Chair would state that the usage of the House is to allow all members of committees, absent with leave, to vote the same as if they were within the bar, as they are absent by authority of the House. This does not include conference committees, unless they are authorized to sit during the sittings of the House.

Mr. STEVENS. Would the Chair construe this amendment so as to exclude members absent on committees on leave?

The SPEAKER. The Chair does not understand that it would exclude them.

Mr. PENDLETON. I desire to call the attention of the Speaker and of the gentleman from Illinois to the rule upon this subject. I wish especially the attention of the Speaker to it before he decides that he will not hold that this new rule will not exclude members of committees absent with leave from voting. The rule has been read which applies to members being within the bar of the House. The only other rule upon the subject is that found upon the 51st page of the Manual, and which provides that committees shall not sit during the sessions of the House without special leave. That is the only provision under which it has been held that members of committees sitting with leave during the sessions of the House have a right to vote. If this proposed amendment be passed——

Mr. WASHBURNE, of Illinois. If the gentleman will yield to me, I will modify the amendment by inserting the words "unless absent by leave."

Mr. PENDLETON. That meets my objection.

Mr. STEVENS. That satisfies me, and I will vote for the proposition.

The SPEAKER. The Clerk will read the proposed amendment as it now stands.

The Clerk read, as follows:

And if he responds in the negative, the Speaker shall not entertain a proposition to permit him to vote; but this provision shall not apply to such members as are absent by leave of the House.

Mr. MALLORY. Here are two distinct propositions made by the committee, either of which the House may adopt. One is to allow every member to vote before the result is announced by the Speaker, if he comes in and claims the right; the other is to allow none to vote who are not present when their names are called, unless they were absent by leave of the House. I am in favor of the first proposition. The reason is obvious: two members are absent from the House on business. Mr. ALLEY, for instance, who stands near the head of the list, and is a little lame, cannot get in until after his name is called. The gentleman from Illinois, [Mr. WASHBURNE,] who is low down on the list, and is a very active man, as we all know, can come in when sent for long before his name is reached on the roll-call; but Mr. ALLEY cannot, limping along, get in before his name is called. This rule would establish an inequality which I do not like. I only wished to assign this as a reason why I think the last suggestion to the committee on rules should be adopted and not the first. My friend from Ohio [Mr. COX] also stands early on the list, and is very active, and he can get in here in time to vote if sent for.

Mr. COX. I am in favor of the last proposition of the committee on rules, because I have seen its operation in the Senate, and I think it will work well. If every member is allowed to vote before the result is announced there will be a fuller and larger representation of the people on every question, and no harm can come of it.

The SPEAKER. The Chair would remind the House that there are two propositions reported by the committee on rules. If this one shall be voted down, then a vote will be taken on the other, the one allowing all members to vote on any question before the result is announced.

Mr. RADFORD. I now renew the motion to lay the proposition on the table.

Mr. ANCONA called for tellers.

Tellers were ordered; and Messrs. RADFORD, and WASHBURNE of Illinois, were appointed.

The House divided; and the tellers reported—ayes 59, noes 59.

Mr. THOMAS. I ask that my vote be counted in the affirmative instead of in the negative.

Mr. WASHBURNE, of Illinois. It is too late; the tellers have reported.

Mr. ANDERSON. Mr. Speaker, count me in the negative.

The SPEAKER. The Chair has no authority to count anybody, the tellers having reported. As the vote is close the Chair will ask the tellers to resume their places and have a recount.

Mr. WASHBURNE, of Illinois. I demand the yeas and nays on the motion to lay the proposition upon the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 70, nays 59; as follows:

YEAS—Messrs. James C. Allen, Alley, Ancona, Arnold, Beaman, Francis P. Blair, Jacob B. Blair, Bliss, Chanler, Clay, Cox, Dawson, Denison, Driggs, Eden, Eldridge, Garfield, Gooch, Grinnell, Griswold, Hale, Hall, Harding, Harrington, Charles M. Harris, Herrick, Hotchkiss, Kasson, Kelley, Kernan, Knapp, Law, Long, Mallory, Marcy, McAllister, McDowell, McKinney, Middleton, William H. Miller, Morrison, Noble, Charles O'Neill, John O'Neill, Pendleton, Pruyn, Radford, Samuel J. Randall, Alexander H. Rice, John H. Rice, Ross, Schenck, Scofield, Stebbins, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Sweat, Thayer, Thomas, Tracy, Van Valkenburgh, Voorhees, Wadsworth, Webster, Whaley, Wheeler, and Yeaman—70.

NAYS—Messrs. Allison, Ames, Anderson, John D. Baldwin, Baxter, Blow, Boutwell, Boyd, Brandegee, Broomall, Cobb, Cole, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Donnelly, Dumont, Eckley, Eliot, Farnsworth, Fenton, Higby, Holman, Hooper, Hulburd, Julian, Francis W. Kellogg, Orlando Kellogg, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Orth, Patterson, Perham, Pike, Price, Shannon, Smith, Smithers, Spalding, Starr, Stevens, Upson, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—59.

So the proposition was laid upon the table.

The SPEAKER. The committee on rules report the following proposition:

In rule 29, strike out all after the word "House" to the end of the rule, and insert in lieu thereof, "before the result of the vote was announced;" so that the rule will read:

No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House before the result of the vote was announced.

Mr. HOLMAN. Is not that the rule now?

The SPEAKER. No; the amended rule will give, as a matter of right, all members the privilege of voting at any time before the result of the vote is announced.

Mr. MORRILL. I move to lay the proposition upon the table; and upon that motion I demand tellers.

Tellers were ordered; and Messrs. MORRILL and MORRISON were appointed.

Mr. WASHBURNE, of Illinois. This proposition would accomplish nothing. A member could vote by unanimous consent, just as under the present rule.

The SPEAKER. No; the rule, as it now stands, requires unanimous consent for a member to vote if he be without the bar when his name is called. The amended rule will give a member a right to vote at any time before the result is announced.

The House divided; and the tellers reported—ayes 62, noes 58.

So the proposition was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed the joint resolution of the House authorizing a settlement of the accounts of J. N. Carpenter, a paymaster in the United States Navy.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act in addition to an act to amend the law relating to the Post Office Department, approved March 3, 1863; when the Speaker signed the same.

POST OFFICE APPROPRIATION BILL.

Mr. STEVENS, from the Committee of Ways and Means, reported back, by unanimous consent, the Senate amendments to the act (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th June, 1865; and asked that they be considered at this time.

There being no objection, the amendments were reported, as follows:

First amendment of the Senate:

In the clause for payment to letter-carriers strike out $320,000, and insert in lieu thereof $640,000.

Mr. STEVENS. The Committee of Ways and Means recommend concurrence in this amendment. The committee has received letters from the Post Office Department stating that the first estimate for this item was a mistake, in consequence of new arrangements made for the distribution of mail matter in the large cities. It is to be recollected that these appropriations are all paid out of the Post Office fund.

The amendment was concurred in.

Second amendment:

In the clause for wrapping paper strike out $40,000, and insert $88,000.

Mr. STEVENS. The Committee of Ways and Means recommend concurrence.

The amendment was concurred in.

Third amendment:

In the clause making an appropriation from the Treasury to supply deficiencies in the revenues of the Post Office Department for the year ending 30th June, 1865, strike out "$1,000,000" and insert in lieu thereof "$1,500,000."

Mr. STEVENS. Mr. Speaker, it has been usual in Post Office appropriation bills to insert a contingent appropriation for $1,000,000 to be paid out of the Treasury if the Post Office fund is not sufficient for the fiscal year. It is believed, that the fund for the next year will be sufficient; but the disturbed condition of the country renders it so uncertain that the Department thinks it ought to have a contingent fund of $1,500,000 in case the Post Office fund should fail.

The amendment was concurred in.

Mr. STEVENS moved to reconsider the votes by which the several amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MILITARY ACADEMY BILL.

Mr. FENTON. I ask leave to have the Military Academy bill, (H. R. No. 34,) with the Senate amendments, taken from the Speaker's table and referred to the Committee of Ways and Means.

It was so ordered.

SALE OF SURPLUS GOLD.

Mr. STEVENS. I now move to proceed with the unfinished business of yesterday.

The SPEAKER. The regular order of business is the consideration of the Senate amendments to the joint resolution of the House commonly known as the gold bill, the pending question being on the amendment of the gentleman from New York [Mr. HULBURD] to add the following proviso to the Senate amendment:

Provided, That the obligation to create the sinking fund according to the act of February 25, 1862, shall not be impaired thereby.

The Senate amendment was reported, as follows:

Add to the bill:

And he is hereby authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest on the public debt.

On the amendment the gentleman from California [Mr. HIGBY] was entitled to the floor.

Mr. STEVENS. I suggest to the House whether, before we proceed to further discussion of the bill, it may not be better to have the vote taken on the pending amendment.

Mr. PRUYN. I would like to make an inquiry at this stage of the proceedings: whether it is in order to move an amendment to the amendment offered by my colleague, [Mr. HULBURD?]

The SPEAKER. It is. The Senate amendment is regarded as the original text.

Mr. PRUYN. The Senate has excepted from the amount to be sold such sum as may be necessary to pay the interest on the public debt. I propose to continue the exception which the Senate has created by adding to the Senate amendment:

And except also so much thereof as is necessary to fulfill the obligation to raise a sinking fund created by the act of February, 1862.

If the gentleman from California [Mr. HIGBY] will allow me to explain my amendment, I would like to do so, and to have a vote, as suggested by the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. HIGBY. If it is agreeable to the member from New York to have the vote taken, as recommended by the member from Pennsylvania, I shall have no objection, provided I shall have the floor when that course has been pursued.

Mr. PRUYN. Certainly. I only ask one moment to explain the amendment to the amendment.

The amendment now proposed is that the second clause shall not affect the obligation to raise a sinking fund. Of course nothing that we can now do can affect that obligation. But the Senate, in order to meet one of the two points raised by the act of February 25, 1862, provided, by way of an exception to the power they propose, to sell the gold on hand—that so much of the gold as is in the Treasury and is not requisite to pay the interest on the public debt may be sold.

Now, the obligation to create a sinking fund is just as much a part of the act of February 25, 1862, as the obligation to pay the interest on the public debt, and therefore this law should provide for both just as much as one.

The intent which my colleague [Mr. HULBURD] no doubt had in view, is not, I think, reached by his amendment. I move to add to the exception in the Senate amendment, therefore, in lieu of the words proposed by my colleague, "and to raise the sinking fund required by the act of February 25, 1862."

If this amendment should be adopted, the Secretary of the Treasury would then have the power to sell the gold in the Treasury, reserving as much as may be necessary to provide for the payment of interest on the public debt and for creating the sinking fund provided by the act of February 25, 1862, thus providing for meeting the two obligations incurred under the act of 1862.

Mr. KERNAN. I desire for a moment to call attention to the language of the Senate amendment. You will observe that it provides that the Secretary of the Treasury "shall be authorized to dispose of any gold in the Treasury of the United States not necessary for the payment of interest on the public debt."

Now, here is an express recognition of the authority to dispose of all the gold in the Treasury not necessary for that particular purpose. But the amendment of my colleague [Mr. HULBURD] proposes a further limitation in these words: "provided that the obligation to create a sinking fund according to the act of February 25, 1862, shall not be impaired."

In other words, the Secretary of the Treasury may sell all the gold there is in the Treasury not necessary to pay the interest on the public debt; but, notwithstanding, the obligation to create a sinking fund as required by the act of 1862 shall not be impaired. In other words, you may sell the gold in violation of the obligation, but the obligation is not thereby to be impaired. Clearly, the Secretary would not feel himself limited in the selling of all the gold not required for the payment of interest irrespective of the obligation to create a sinking fund.

Mr. STEVENS. I will say a single word in regard to this last proposed amendment, and then allow the vote to be taken upon it.

The SPEAKER. The Chair will suggest to the gentleman from Pennsylvania that he may call the previous question upon the amendments, which will accomplish his object in obtaining a vote upon the amendments, and the Senate amendment will then be again open for debate.

Mr. STEVENS. I will, after making a remark or two. The obligation of the act of 1862 does not require that this sinking fund shall be paid in gold. It merely requires that there shall be set aside so much of the duties on imports as will amount to one per cent. on the public debt.

Now, sir, what the amendment of my friend from New York [Mr. HULBURD] provides for is that if the Secretary of the Treasury transfers that one per cent., for instance, from coin into greenbacks, he shall take the proceeds of the sale and purchase our bonds to that extent, which is a full compliance with the obligation of the law to create a sinking fund. I call the previous question upon the amendments now pending to the Senate amendment.

The previous question was seconded, and the main question ordered to be put.

The amendment proposed by Mr. PRUYN to the amendment of Mr. HULBURD was disagreed to.

The amendment of Mr. HULBURD to the amendment of the Senate was agreed to.

Mr. HIGBY. I should forbear making any remarks upon the proposition which is now pending before the House after the very lengthy debate that has occurred upon it, if I did not regard it as a measure of very great importance, and one which will have a very material bearing upon the financial well-being of the country.

The principle embraced in the original bill as it passed the House was, to my mind, fair, reasonable, and just, although I was not present to vote upon it on its passage. If there be a surplus of gold in the Treasury, let the payment of interest be anticipated upon the public debt, and let the public wants thus be relieved.

It is said, sir, that paper is lower in value, or that there is a wide difference between the value of gold and the value of paper on account of the scarcity of gold in the market. If the means are provided by that resolution to open the Treasury and send its contents, the gold there deposited, into the channels of circulation, to the relief of the market, then that remedy is provided and the difficulty removed.

But, sir, the proposition of the House went to the Senate, and it was returned to us with an amendment, by which power is given to one of the national officials to go into the market and compete with the citizens who have gold; that is, to make the Government, like citizens, the purchaser of its own paper. Persons thus operating in the money streets of New York city have been characterized over and over again, not only in public discussions but in private conversation, as gamblers in stocks—a system of speculation out of the ordinary channels of legitimate business. I have no doubt, sir, of the truth of the declarations when used, and that the words were rightly applied.

It has been said, and particularly to this House, for the purpose, probably, of operating upon timid minds, that while this very question has been under discussion gold was so sensitive in the market that it had risen several per cent. in price by reason of the opposition to this Senate amendment. Just as if the discussion of this proposition that the Senate has appended to the House resolution is affecting the market in the city of New York! Money Bag will increase or lessen the price of gold. When Money Bag hoards his gold that is sufficient, without discussion in this Hall, to lessen the price of paper from five to ten per cent. in the streets of New York. Money Bag controls. It is not discussion, it is not conversation in reference to this question here, but it is Money Bag, through his croakers, that does it. Upon the streets, at every corner, in the by ways and in public places, they are not only whispering but talking, and timid minds are always yielding to these influences. Money Bag, when he has all the gold, has accomplished his purpose, and then at heavy discount he can purchase all the paper he wants: When Money Bag has paid out all he wants, and wishes to part with his paper, then the croakers are at work again on the streets and in private places. They again begin to blow up this paper and to give it value. When the value of the paper is increased by this process the paper goes out and gold comes in again; and Money Bag has thus added thousands to what he had before. Yet we hear that while we are discussing here, gold has increased in demand and paper has lessened in value several per cent. Shame on such arguments, if it is pretended that this discussion is the cause. If the paper of the Government is so sensitive that two or three hours of discussion will make it fall in price five or ten per cent., what a poor, miserable credit has this rich and powerful Government about which we talk so much!

Mr. Speaker, there is one principle alone involved in this question as it comes from the Senate to us. It is that in the speculation that is carried on, a gambling speculation now carried on by individuals for profit and loss, the Government shall have restraint taken from it, and that a high official shall go down into the arena and be a greater "bull" or "bear" than any of them. That is the proposition contained in this resolution with the amendment of the Senate. I have yet to learn, although we have been told by members on this floor during this debate, that it is our duty to follow the lead of the committees of this House. I have yet to learn, sir, that gambling is to be broken up by some one joining with the offending crowd and betting higher and offending more greatly than the accused, or persons charged with violating law or public decency or morals. Think of a father teaching his son the sin of profanity, according to this principle, by using more profane language than his son, and attempting in this way to break him of his sinful habit!

In order to break up this gambling in gold, the Government is to be empowered to go down with its millions upon the market, and when it gets there it will be a greater gambler than the individual by the difference between millions and thousands. This Government stamps upon its gold its value as twenty, ten, or five dollars, and circulates it among the people. The Government also, in a great public necessity like this, coins its credit and stamps upon its paper its five, ten, and twenty dollars, and sends that out also. Now, I am opposed to this Government taking its gold in one hand and going down upon 'Change to the individual who holds its paper in his hands and bartering with him, and trying to get more than twenty dollars in paper for twenty dollars in gold. And when gentlemen tell me that we are going to strengthen the finances of our Government by

such a proceeding as this, I have failed, even at this time of life, and with my knowledge of practical business—which is rather limited—to see that that is the way to strengthen our financial credit. When an individual, worth his thousands, has his paper scattered over the country and pays it with promptness, his credit is confirmed and his solvency established. If, on the other hand, he should undertake to buy up his paper at a discount, slander's smooth tongue commences to undermine his reputation, and undertakes to make him appear before the public as an insolvent man, and evil would come to that man though his means might be ample. So it is with the Government; and in the same way it may by pursuing the former course keep its credit good, while by pursuing the latter policy it would be sure to undermine and destroy it. If this Government has gold to spare, let it pay its debts, dollar for dollar, and by no vote of mine shall it do otherwise. I believe in its integrity; I believe in its ability; and I believe in preserving its fidelity.

Sir, there seems to be great difficulty over the little gold which has accumulated in the Treasury over and above what is wanted for the time being. I differ from some gentlemen in reference to the construction which is to be given to the law of 1862. I think the gold should be preserved for the purposes mentioned in that act, yet I will not stop to discuss that point. If there is a dollar of gold to spare, let us go to work in the right way and provide by law that the Secretary of the Treasury may pay the public indebtedness, and pay it at par, dollar for dollar.

I think I understand the gentleman from Massachusetts, [Mr. HOOPER,] who day before yesterday spoke ably upon the other side of this question, and who said we are indebted now to the soldiers, and that the Government needed the money to pay the soldiers. Use this gold, is his argument, in buying up the paper of the Government, and use that paper to pay the soldiers what the Government is now owing them. If the gentleman did not intend that the paper should be purchased at less than its face, why not give that gold to the soldiers? Evidently his intention is that the Government shall buy the paper at less than its par value, and then take that paper and pay it to the soldiers.

I am not arguing here the payment of gold to soldiers and paper to somebody else, but I am only answering the proposition of the member from Massachusetts. We have not, I am aware, gold enough for a circulating medium, and the argument is partly against me that gold has become in a measure a commodity of purchase and sale. Yet the Government counts it as currency, and has made it currency, and until we alter the law upon the subject, and by statute make it a commodity, and make it all bullion, the Government should never go into the market and speculate by buying its own paper at less than its face. It is very easy to provide the ways and means by which the spare gold can be used. It should be used, but let it be used so that it shall go to pay our indebtedness dollar for dollar. In that way we can sustain the credit of the Government and keep our paper at greater value. But the moment we allow the gold to go into the market, and allow a high official to be the greatest gambler of them all, that moment we decry the credit of the Government. That is my principal objection to the amendment of the Senate, and I cannot get rid of that conviction. If the amendment can be so framed as to provide that this gold shall be used in taking up the paper of the Government at its par value, I have no objection. But I shall vote against allowing the Government to go into the market and become a stock-jobber and a stock-speculator.

As to this question of fluctuation, it has no effect upon me at all. In November last gold was down at 40 and 45, and yet by slow degrees it has been rising one and a half, two, three, and five per cent. a day. Even while we have been discussing this measure gold has risen two, three, or five per cent., but that does not trouble me in the least. Speculators with large amounts of gold in their hands can easily, by combinations, effect these changes, and suddenly, too, and I suppose if the telegraph should flash to us the news to-morrow morning that gold had gone up five per cent. more, members who argue the other side of this question would tell us that it was the effect of this discussion and the danger that this amendment of the Senate will not pass.

Sir, it is said that the Government wants this money now to pay its indebtedness. The Government, we are told, is to-day in the market trying to borrow $200,000,000, and yet gentlemen desire that it shall go into the market to destroy its own credit. No, sir, if we accumulate any surplus gold it will not be sufficient to be a circulating medium, and let us use it to pay our indebtedness dollar for dollar as far as it will go. That will give us an extended credit and enable us to borrow at an advantage and sustain the finances of the country. Let us be faithful to our pledges and then we shall have no difficulty.

Mr. KELLEY. Mr. Speaker, the discussion of this subject, and the reflection I have had upon it during the discussion, have changed my views upon the question. I was opposed to the proposition when it was first brought before the House; I voted even against the proposition of the gentleman from Massachusetts, [Mr. BOUTWELL,] feeling that nothing should be done; that we might do harm, and could hardly do good, by legislating on the subject. I think I now see the bearings of the question more fully and thoroughly than I did, and will vote for the bill as it now stands

It is argued, sir, that the passage of this resolution will be an act of bad faith; that the surplus gold in the Treasury is in some wise pledged, and that its sale will be a violation of the plighted faith of the Government. I have the act of February 25, 1862, before me, and I do not find it so. It provides that the gold to be derived from duties shall be pledged, first, to the payment in coin of the interest on the bonds and notes of the United States; next to the purchase or payment of one per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862; and, third, the residue thereof to be paid into the Treasury of the United States.

Now, I apprehend that the paper money with which to purchase the bonds of the United States for its sinking fund is the circulating medium of the country—the currency we have authorized and made a legal tender. That is the currency in which private individuals buy the bonds of the United States from the Government or other holders. And in order to do that we must convert the surplus gold into this currency.

The gentleman who last addressed the House [Mr. HIGBY] says that we must buy bonds for the sinking fund at the rate of dollar for dollar. I cannot find the justification upon which the Secretary of the Treasury would rest the act of paying $160 for $100 in bonds, and I do find that to-day, by exchanging his gold for currency, $100 would enable him to pay $160 in the currency of the country—the money with which the present holders bought the bonds.

I conceive, sir, that by retaining this gold in the Treasury we are losing the interest upon that which is said to amount to-day to $22,000,000 of surplus gold, and increasing the price of every commodity which the Government buys, and of the necessaries of life to the wives and children of our soldiers in the field, as well as to the people at large; in other words, we are taxing the Government and people by depreciating our own currency—that which we have made the currency of the country by making it a legal tender.

It is said that the sale of this gold will reduce the price of gold; and if it does it will in so far reduce the price of commodities, and enable the Government and the people to purchase more economically than they now do. We are, by withholding this gold, losing the interest on the bonds it would purchase, and increasing the cost of all we purchase.

Again, sir, the conversion of this gold, by the absorption of our bonds, would tend to the appreciation of their price in the market. Thus the execution of the power proposed to be given to the Secretary of the Treasury would therefore, it appears to me, be beneficent both to the Government and to the community.

"But," it is said, "it leads to a possible danger. It may be that having sold this gold, imports will fall off, and when another payment of interest is to be made the Government may have to buy." Gentlemen will observe that the law does not make it the duty of the Secretary to sell. It simply empowers him to sell. By the possession of that power, and its exercise carefully and secretly, the great financial evil of the day may be checked, and will be checked—that is, speculation in gold. If the Secretary of the Treasury shall exercise this power wisely and discreetly, as he has exercised all the powers thus far vested in him, the speculators in gold will know that there is a heavy holder who is not in their "ring." They will hesitate about making heavy operations when they know that on any day $1,000,000 or $5,000,000 may be thrown upon the market. And I apprehend that if the Secretary should feel that it would not be wise to reduce his margin to a narrow limit, he might well-nigh control the market, so far as it is purely speculative, by selling comparatively small sums at uncertain intervals.

"But," say gentlemen, "it is a great power." Certainly it is; an immense power. But is it greater than those with which the Secretary is already invested? Is it greater or more delicate, or does it come more closely to the life of the nation or the rights of individuals, than those exercised by the heads of other Departments? Not at all. We live in a period and under circumstances which require the selection of the purest and the best men for the heads of Departments. In such a period, Government can only be managed by confiding great and vital trusts to those who administer the Government. These reasons, and others which have been stated more ably by gentlemen than I can state them, control my judgment.

The Secretary of the Treasury, against whom no man has breathed a word, whose wise management of our finances for the last three years will stand recorded as almost a miracle, asks for this power. My judgment, enlightened by the discussion, approves it; and notwithstanding all my earlier votes were against it, I shall vote for the resolution as it came to us from the Senate.

Mr. STEVENS. Mr. Speaker, before I sit down I intend to ask the House to come to a vote on this question under the previous question. I do not intend to make a long speech. I have no knowledge which would justify me in theorizing in financial matters, and I have not much faith in theories against facts. All that I intend to do is to lay plainly before the House the facts as they exist at present, and as, in my judgment, they will exist if this resolution be passed and if it be not passed. Whether those facts are agreeable or disagreeable is of no consequence.

In the first place, sir, by the legislation of Congress some two years ago—whether wisely or unwisely I will not now discuss, as that thing is past—gold is no longer money in the actual sense and in the practical sense of the word. The money of this nation is that which is made lawful money by the legislation of Congress, pronounced to be constitutional. That action was such as to demonetize gold and all other coin. I do not mean to say that abroad gold is not still the standard of value; but I do mean to say that in this country gold is not the standard of value. The lawful money of the United States is practically the standard of value. My friend goes into the street and wants to buy a horse. He inquires the price of the horse. It is $100. What does he understand by that? Does he understand that it is $100 in gold, or $100 in bills in the lawful money of the United States? Undoubtedly the latter. Nobody ever thinks that the man who fixes the price of an article fixes it at so much in gold. He fixes it at so much of the lawful money of the United States. Hence, for all practical purposes, gold is not the standard of value, but the lawful money of the United States is. This commodity called gold, this metal—in bullion or in coin—has risen in price just as every other metal has risen. Iron is rising in price, brass is rising in price, lead is rising in price, just as much as gold is rising in price. My friends about me say copper, too. Well, that is owing more to the amount used in making copperheads than anything else. [Laughter.]

I contend, therefore, that the measure and standard of value in the United States is now practically in every man's mind, for every purpose, the lawful money of the country; and the sale of gold or bullion, as the sale of any other metal to be used in lieu of money, is the exception and not the rule. Suppose there were no demand for gold except that which we needed for use abroad; in other words, suppose Congress had done what I thought they ought to have done, but in which, in their judgment and wisdom, they did not con-

cur with me—suppose, I say, we had, as did the bill in the shape in which it originally passed the House, provided that the interest on the public debt should be payable in lawful money, and our duties on imports had also been made payable in lawful money, there would not then have been in this nation any demand for the metals called gold and silver, except the $1,500,000 required for our diplomatic and consular expenses and the little required to put into the trinkets of the ladies of the country. These items would embrace the whole demand there is for these metals in this country, unless in our great success and prosperity we should import largely beyond the amount of exportations; then, I admit, you would furnish some opportunity for speculation in the gold boards; and when that state of things arises the more rapidly the price of gold rises the better, for it is an evil that will cure itself. If the bill which was reported to the House by less than a majority of the Committee of Ways and Means some two or three years ago had become a law as at first reported, we should have had no demand for gold in the country except as I have stated. And what would have been the result? You would have made no ring by which gold could have been brought up to sixty per cent. premium. For unless there is a demand for gold the price cannot rise to any extravagant extent.

Now, sir, the only real need there is in the country for the use of gold is that required by the merchants in their importations, and to pay our interest. It is not fair to say that we want it to pay the duties on imports, for that is all embodied in the requirements of the merchants. Well, sir, the amount required by the merchants to pay their duties upon imports will reach sixty, seventy, or eighty million dollars, just as the imports increase or decrease. It is estimated at about eighty million dollars for this year. Last year it amounted to only fifty-five or sixty million dollars.

Well, sir, the amount of coin in this country is very small. The banks in New York hold about twenty million dollars, which, if I am not mistaken, they are required by their charters to keep on hand. A gentleman informs me that is a mistake. Well, sir, they retain about that amount on hand at any rate. There is also retained in the hands of private individuals perhaps twenty million dollars more. It is perfectly well known in New York that the merchants require every month five, six, or seven millions. The brokers there know exactly what amount is wanted; that in a quarter they will require twenty-four or twenty-five million dollars.

Mr. KERNAN. I will say, if the gentleman from Pennsylvania will allow me, in reference to the banks of New York, by our constitution gold and silver alone can be a legal tender. By our constitution our banks are obliged to redeem their notes in coin, and it is only by the decision of our courts, that paper is gold and silver, that they get round it.

Mr. STEVENS. I know very well that in the estimation of the gentleman the courts are very great villains because they have sustained the legal-tender feature of our currency.

Mr. KERNAN. I am speaking of the requirements of the constitution of the State of New York.

Mr. STEVENS. Very well. I was saying that I suppose the banks in New York retain and will retain in their vaults about twenty million dollars of gold; and knowing the amount in the market, and the amount that is to be required, which these men who are in the ring understand perfectly, in this way they have it in their power to regulate the price of it. Where is it to come from? These people monopolize it, and they compel the merchants to pay for it just what they please. How can we temporarily relieve that?

Remember, sir, I do not look upon this as a panacea for all future time. I do not expect it to answer from year to year, but only for the present evil—for one year. How can we relieve that? If there is $20,000,000 wanted in a quarter by the merchants, and there is $20,000,000 in the hands of Jews and Gentiles—for sometimes the Jews are nearly as bad as the Gentiles, and sometimes worse, in these transactions—if they have it they make the merchants pay what they please unless some one comes and offers gold at a lower price. If a Canadian has $20,000,000 in gold, and comes into the market at New York to sell, he will, of course, bring down the market. Those who have hoarded gold and have charged the merchants what they pleased will be compelled to lower their price. That is natural. Gold speculation is, then, impossible if that thing is likely to occur often.

This thing was well illustrated by the able gentleman from Vermont [Mr. WOODBRIDGE] yesterday in reference to cotton that might be needed by the Government. Suppose the Government wanted one hundred thousand artillery horses, and they must have them, and there were only one hundred thousand horses in the country; suppose that they were gathered up by my friend's agents, who would not sell them until they could get their own price; suppose, then, that a man in Canada happened to have one hundred thousand, and should feel that it was a good time to come into the market with his horses, would he not break up this conspiracy? Would he not compel the men who held horses to lower their prices? Would he not compel horses to be sold at a fair price? The market would be supplied and there would be a competition to sell. How is the case here? The Government of the United States, as a corporation, holds $20,000,000 of surplus gold. Twenty million dollars are wanted by the merchants. There is a gang of traders who hold $20,000,000 of gold, which they will not sell for less than $1 80. If the Government sells at $1 30 would not that bring down the market to $1 30? I think so.

Look at the facts. Yesterday, when it was thought that this bill would not pass, that it would be defeated, gold rose three per cent. in one hour, and when it was found that it would pass it went down again. How it is this morning I do not know. Let it be known that the Government has this money which it can sell to the merchants at a reasonable rate, and the Shylocks on the Rialto will cease to whet their knives, and begin to sell at the same rate as the Government. This is plain common sense. It seems to me that it is. It seems to me that that is the way in which it will operate.

But, Mr. Speaker, learned and conscientious gentlemen have objected to this because, as they say, the gold in the Treasury has been pledged to pay the interest upon the public debt. It is resolved in this proposition that not one dollar shall be sold until that pledge has been provided for. It puts the sinking fund upon the same footing precisely. The law does not require that the sinking fund shall be paid in gold, but simply that the gold shall be used to create a sinking fund for the purchase of our own securities. Our own securities can be purchased for $100 payable in greenbacks. The gentleman says that we ought to have gold to pay for them. We must pay dollar for dollar in gold if I understand the gentleman rightly. That is indeed a tender conscience that would insist upon paying $100 in gold for what can be bought for $100 in greenbacks.

Mr. PRICE. Does the gentleman refer to me?

Mr. STEVENS. No, sir; I refer to the gentleman from California [Mr. HIGBY] who is gold-mad. Would it be wise to pay $100 in gold when $100 in greenbacks would do the same thing? Is there any shame therefore for the Government to sell $12,000,000 for $20,000,000? It is selling a commodity for the lawful currency of the country. It is selling an article and converting $12,000,000 of gold into $20,000,000 of greenbacks to pay our debts with.

Mr. HIGBY asked a question entirely inaudible to the reporter.

Mr. STEVENS. I have already said that the coin in the Treasury, for all practical purposes, is not the currency of the country.

Mr. HIGBY. I ask if it is not currency by law.

Mr. STEVENS. I admit if you choose to fool away your money instead of exchanging it for greenbacks it will pass as money, but it is not the currency of the country.

Mr. HIGBY. Does not the gentleman live in an iron region?

Mr. STEVENS. Yes.

Mr. HIGBY. Then that accounts for his having no conscience.

Mr. STEVENS. That is certainly very smart. I did not believe the gentleman had so much wit, but he has just so much. [Laughter.]

But I was about to ask, would not that Government be foolish and unwise which should take $100 of a commodity which it could sell for $170 of its obligations to put into a sinking fund, and give it for $100? I leave every school-boy who ever dealt in marbles and pennies to answer that question. It does not require a theoretical financier.

As to the scheme proposed by the gentleman from Massachusetts [Mr. BOUTWELL] of keeping down the premium upon gold bullion by creating a loan in Europe and drawing upon it, I say it is the most alarming proposition I have heard yet. I admit that in ordinary times of peace, when we have no other circulating medium than that which is now the money of nations, it is well to bring in as much foreign capital as you can; but I deny that it is now desirable to do it. Why, I look with grief upon every dollar which I hear is taken by foreign capitalists; and I believe our five-twenties are taken now at the rate of $3,000,000 a week on foreign account. And why do I say I grieve over this? Because all the gold we can collect, and all we can borrow hereafter, will go to pay the interest upon such bonds, and be at once transported to Europe. I do not want any of their capital sent here upon such terms. I do not want them to take our bonds and draw away all our gold for twenty years to come after we shall have returned to a state of peace. We do not know when this war will close. I do not want to discourage anybody; but I do not think it is going to end in—I will not say how long a time—certainly not in ninety days, and perhaps not in many years. Hence it is I do not desire to see any overtrading, or anything done by which foreigners can take from us the precious metals either by excessive importations or by the purchase of our gold-bearing securities. This, I suppose, is not orthodox financiering; but it is my theory and my common-sense view of the subject.

Now, on the 1st of July we shall probably have fifty million dollars of gold in the Treasury. We shall need to pay out a little more than twenty million dollars of it. Thirty millions will be left. If we go on for the next half year until January, when the half-yearly interest again falls due—a few more of the five-twenties having matured—our payments will be from twenty-two to twenty-three million dollars; and in the mean time we shall have accumulated some forty-five million dollars of coin.

Mr. WILLIAMS. Will my colleague, the chairman of the Committee of Ways and Means, allow me to ask him a question?

Mr. STEVENS. Certainly.

Mr. WILLIAMS. The question I have to propound at this stage of his remarks has relation to the *cui bono* only. We have just rendered, with the assent, as I understand, of the honorable chairman himself, the Senate amendment *innoxious* by affirming the provisions of the act of 25th February, 1862, for the establishment of a sinking fund, and providing that nothing in this act shall be construed to interfere therewith. I wish to know now whether we have not rendered it useless; and I ground the inquiry on these considerations: the fifth section of that act provides that the gold received from the customs shall be set apart as a special fund, and shall be applied, first, to the payment of the interest on the bonds or notes of the United States; or, in other words, to the *funded* or interest-bearing debt; and, second, to the purchase or payment of *one per cent.*, not of the bonds or interest-bearing notes, but of the "*entire debt*" of the United States, to be made within each fiscal year after the 1st of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall be applied in the same way. Now, this has not been done; and in that particular there has been, as I take it, a default on the part of the head of the Treasury, who is said to desire the passage of this law. By the 1st of July next, or at the expiration of the current fiscal year, the amount applicable to the sinking fund will be *two* per cent. of the entire debt of the nation. The surplus coin upon which this law is expected to operate is stated by my honorable colleague at $30,000,000. In this he takes no account of the sum which will be required to meet the requisitions of that part of the act referred to which creates the sinking fund. I should like to hear him state how much that will be. I assume the entire debt of the nation, at a low estimate, to be at least fifteen hundred million dollars. If I am wrong the honorable chairman of the Ways and Means can correct me. I wish I could be persuaded that it was no more. Putting it, however,

at this low figure, the amount required to meet the demands of that fund under the law for the year ending on the 1st of July next will be $30,000,000, or just enough to absorb the whole surplus that, according to his estimate, will be in the Treasury at that period. What I desire to know, therefore, from the honorable gentleman in view of these facts is, what is the practical use of the amendment so qualified, and where are the moneys on which it is to operate, the gentleman himself admitting and insisting on the right to sell under the existing law for the uses of the sinking fund, and the claims of that fund absorbing his whole surplus, and leaving no residuum for the general Treasury?

Mr. STEVENS. If it is very harmless and operates upon nothing, my friend is benevolent enough to allow us to have this bauble, and he will not find any fault with us except that we are pleased with a rattle and tickled with a straw, and he will not refuse us the rattle.

Mr. WILLIAMS. Allow me to say that it is an unsound principle of legislation to enact any law merely upon the ground that it will do no harm. A law that is useless is always a bad law, and cannot be otherwise than injurious.

Mr. STEVENS. Suppose we should resolve that this House was not very wise; whom would it harm? No one.

But, sir, the gentleman hardly supposes that by the debt of the United States we mean anything but the registered, funded, ascertained debt. Does he expect us to go into the streets and pick up sutlers' bills and bills of all kinds and buy up one per cent. of them to fulfill this law? That is not what is meant by the debt of the United States. The floating debt, which has not been settled, has not yet become anything that we can legislate on at all.

Mr. WILLIAMS. I do not desire to interrupt my colleague; but will he allow me to inquire again whether I am to understand him as asserting that the legal-tender notes now constituting so large a portion of the currency of the country, and amounting, as I believe, to the sum of four hundred and fifty million dollars, or thereabouts, are no part of the "entire debt" of the nation?

Mr. STEVENS. I do not, because they are not debts. They are the *money* of the country, bearing no interest. When they come to be redeemed it will be another question. At present they are not due and have not to be paid.

But, sir, I was saying that I suppose that by the 1st of January next we shall have a surplus of $50,000,000 of gold in the Treasury if you allow it to accumulate. Now, I ask any gentleman who is acquainted with financial matters whether the withdrawal from circulation, and locking up so as to be inaccessible to the commerce of the country, of $50,000,000, will not help more to aid these speculators to raise the price of articles which they have on hand than all other "rings" can do, and whether it will not help the gamblers of whom the gentleman from California [Mr. HIGBY] has so much horror? I do not understand this measure to contemplate the buying of our own securities at a discount. I say that when you exchange bullion for lawful money you do not buy your securities. You make a financial transaction, selling a commodity for so much money.

Will any man tell me now that when he asks a dollar for any article he wants to sell, he means a gold dollar, or what a gold dollar is worth? No man does it; he wants a dollar of our currency. When a man asks five dollars for a hat, does he mean to ask thereby what used to be five dollars in gold, or its value? No; he means five dollars in the actual currency, the lawful money, of the United States.

This article of gold is a subject of traffic, as much so as a hat or a horse; and it is no more a circulating medium now than either of them. You do not by selling it discount or depreciate your own paper; you appreciate it when you put more gold in circulation.

You, Mr. Speaker, know my peculiar views upon this question. I have always held that this evil arises from our making the interest on these bonds payable in gold and the imposts payable in gold. I always held that; and I may just here, although it is a little egotistical, state that when in 1862 a portion of the Committee of Ways and Means, less than a majority, agreed upon a financial system, which was the issue of legal-tender notes and five-twenty bonds bearing six per cent. interest payable in lawful money, they devised a system by which one currency was to pervade the whole country, and the farmer who had to receive interest on his bonds was to receive the same currency as the capitalist who buys the United States bonds. There was then supposed to be no kind of necessity for gold at all. The wisdom of the other branch of the national Legislature, however, having been brought thereto by the able and conclusive arguments of the bankers and brokers of New York, inserted a provision which made the interest on these bonds payable in gold.

Now, repudiation is a thing which this Government will never countenance although it has to take in taxes one half of the property of every man in the nation.

Mr. MORRILL. I desire to ask the gentleman from Pennsylvania a question. I take it that the gentleman from Pennsylvania is in favor of having our duties on imports collected in gold and silver. Now, what I want to ask him is this: what would he do with the gold if the collection of imposts in specie were continued, and if the interest on our bonds were not paid in gold and silver?

Mr. STEVENS. My friend's memory is defective. He knows that when that great struggle between lawful money and gold took place in this House I contended that the duties should be paid in lawful money, and that the interest should be paid in lawful money. After the Senate forced upon us the payment of interest in gold it was decided that the duties on imports should also be paid in gold, so as to meet the payment of interest.

Mr. MORRILL. I desire to ask the gentleman from Pennsylvania if that motion was not first agreed upon in Committee of Ways and Means?

Mr STEVENS. No, sir.

Mr. MORRILL. That is my recollection.

Mr. STEVENS. The bill passed this House just as I have stated. The gentleman from Illinois [Mr. LOVEJOY] offered an amendment to make the interest on the public debt payable in gold. I opposed it with others, and it was voted down by nearly forty majority, and in that condition it went to the Senate. But those gentlemen whom I have spoken of enlightened the wisdom of the Senate, enlightened the heads of Departments, enlightened this House, and when the bill came back, although I fought it with all my might, the Senate amendment was carried by I believe four majority. It has now become part of our regular financial system—which I am not complaining of. While I would have had the merchants pay for their duties on imports the same as everybody else, I was afraid we could not otherwise get the gold to pay our interest. If I had my will I would reverse the movement of the wheel and adopt to-morrow the system of receiving payment of duties in lawful money, and making the interest on all bonds to be hereafter issued payable also in lawful money. And this, too, although we have now $700,000,000 of debt with the interest payable in gold, which will take some forty-two million dollars of gold every year. The duty on imports would just about pay it. But I ask the gentleman—and I do not intend to digress in this way—when our debt shall amount to two or three thousand millions, requiring $200,000,000 of gold to pay the annual interest, how high will gold go then? If, when we have to pay but $40,000,000 a year in gold, gold goes up to seventy, how high will it go when we will have to pay $200,000,000 a year?

I trust I may be a false prophet, but if gold does not go to two hundred per cent. my judgment is entirely at fault. You cannot keep it down. If I had my way, I repeat, I would stop where we are in the matter of issuing bonds with the interest payable in gold. I would make interest in future payable in the lawful money of the United States. We receive for these loans nothing but lawful money, and by paying them in gold we pay nearly double what we get.

I do not hope to be able to convince the House in this matter. I shall not attempt it. But nevertheless I state what I think we are coming to. I do not mean that we are coming to repudiation. God forbid that any man in this House or in this country should sanction that idea, although it may take half of every man's estate in the nation. But I would be glad if I could make the burdens lighter. I move the previous question.

Mr. COX. Before the question is taken, I think it better that we should have a call of the House. I would be precluded from making that motion after the previous question is seconded. I make that motion.

The motion was not agreed to.

The previous question was seconded, and the main question ordered.

The question was taken on the first amendment of the Senate, to add the words, "not exceeding one year," and it was concurred in.

The question was next taken on the second amendment of the Senate, as amended by the House, as follows:

And he is hereby authorized to dispose of any gold in the Treasury of the United States, not necessary for the payment of interest of the public debt: *Provided*, That the obligation to create a sinking fund, according to the act of February 25, 1862, shall not be impaired thereby.

Mr. KERNAN called for the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 57; as follows:

YEAS—Messrs. Alley, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Francis P. Blair, Jacob B. Blair, Blow, Boutwell, Boyd, Brandegee, Ambrose W. Clark, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Dawson, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Griswold, Hooper, Hotchkiss, John H. Hubbard, Hulburd, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Smith, Spalding, Starr, Stebbins, John B. Steele, Stevens, Thayer, Upson, Van Valkenburgh, Wadsworth, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Wilder, Wilson, Windom, and Woodbridge—84.

NAYS—Messrs. James C. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, Broomall, Clay, Coffroth, Cox, Thomas T. Davis, Deming, Denison, Eden, Eldridge, Hale, Hall, Harrington, Charles M. Harris, Herrick, Higby, Holman Hutchins, Kernan, Knapp, Law, Long, Mallory, Marcy, McAllister, McDowell, McIndoe, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Price, Pruyn, Radford, Samuel J. Randall, Rollins, Ross, William G. Steele, Stiles, Strouse, Stuart, Sweat, Thomas, Tracy, Voorhees, Wheeler, Joseph W. White, Williams, and Yeaman—57.

So the amendment was agreed to.

Before the vote was announced,

Mr. SMITHERS stated that Mr. GANSON having been called home by the sickness of a relative, he had paired with him upon this bill.

Mr. ALLISON said: I have paired, by an arrangement made by the gentleman from Ohio, [Mr. PENDLETON,] with Mr. LAW. I desire to ask the gentleman from Ohio whether in his judgment that pair ought to extend to this vote. I should, if permitted, vote for this amendment.

Mr. PENDLETON. I will say to the gentleman from Iowa that in my judgment under his pair he ought not to vote on this question.

Mr. GRINNELL stated that his colleague, Mr. HUBBARD, was detained from the House by sickness.

Mr. SMITH stated that his colleague, Mr. RANDALL, was confined to his room by sickness.

The vote was announced as above recorded.

Mr. STEVENS moved to reconsider the vote by which the amendment of the Senate was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The third amendment of the Senate was to amend the title by adding to it "and for other purposes."

The amendment was agreed to.

Mr. STEVENS moved to reconsider the vote by which the first and third amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL AND RESOLUTION.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending 30th June, 1865; and

Joint resolution (H. R. No. 43) authorizing

the settlement of the accounts of J. N. Carpenter, a paymaster in the United States Navy.

UNEMPLOYED GENERAL OFFICERS.

The SPEAKER stated the regular order of business to be the consideration of the joint resolution (H. R. No. 69) to drop from the rolls of the Army unemployed general officers, postponed until to-day, upon which the gentleman from Ohio [Mr. SCHENCK] was entitled to the floor.

Mr. SCHENCK. Having stated at the time this joint resolution was reported all that I desired to say in explanation of it, I do not propose at this time to claim my right to the floor. The joint resolution was reported to the House by the Committee on Military Affairs in response to a resolution passed by the House referring the subject. I do not propose to detain the House with any remarks in reference to it, unless amendments or remarks in opposition to it should render it necessary.

Mr. COX. I move to amend the joint resolution by adding the following proviso:

Provided, That whenever any officer comprehended in this act shall demand a board of inquiry according to the rules and regulations in such cases, and who shall be willing to serve, that such board shall be forthwith convened; and if said board shall find him competent to command in the rank to which he is entitled, he shall be at once restored to active service with full pay. *And provided further*, That all officers who have received the thanks of Congress during the present war shall be exempted from the provisions of this act.

Mr. KERNAN. If the gentleman will allow me, I will offer a substitute for the whole resolution.

Mr. COX. I will yield to the gentleman for that purpose.

Mr. KERNAN. I move to strike out all after the preamble of the joint resolution, and to insert in its place the following:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as soon as practicable after the passage hereof the President of the United States shall designate and cause to convene a board of competent military officers, to consist of three major generals, three brigadier generals, and three colonels, which board shall, under regulations to be prescribed by the Secretary of War, make a careful examination into the competency, fitness, and efficiency for command of such major generals and brigadier generals in the service of the United States who, on the 1st day of April, A. D. 1864, shall not be in the performance of duty or service corresponding with their rank and grade, and who shall not have been engaged in such duty or service for three months continuously next prior to that date, and report to the Secretary of War the names and rank of each of such generals who, in the opinion of said board, shall be incapable of efficiently and properly performing the duties of his rank in the service. And each officer who, by the report of said board, is found incapable of properly and efficiently performing the duties of his rank, shall, if such opinion and report be approved by the President of the United States, be then dropped from the rolls of the Army of the United States, and all the pay and allowance and emoluments of such general officers so dropped shall cease from that date, and the vacancies so occasioned may be filled by new promotions and appointments as in other cases. But no officer is to be considered as included in the foregoing provision whose absence from duty shall have been occasioned by wounds received or disease contracted in the line of his duty while in the military service of the United States, or by his being a prisoner of war in the hands of the enemy or under parole; and any major general of volunteers, or brigadier general of volunteers, who may have been appointed from the regular Army under the authority given in section four of the act approved July 22, 1861, "to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," and the acts amendatory thereof, who shall be so dropped from the rolls, shall not thereby be discharged from the service of the United States, but shall be remitted to his position and duty as an officer of the regular Army.

Mr. COX. Mr. Speaker, I presume that the principal object of my colleague [Mr. SCHENCK] in pressing this bill, and which he avowed the other day, is an economical one. He disclaimed having any intention to strike at any particular officer or officers. I am bound to accept his disclaimer.

Mr. SCHENCK. I beg leave to correct my colleague in one particular. That was part of the reason I assigned. The object was economical on the one hand, and on the other to make room for the promotion of those who are performing the duties of those officers. It had that double object, and it will have that double effect.

Mr. COX. Very well, I understand that. He disclaimed that anything personal was intended by this bill, and I accept that disclaimer in the spirit in which it was made. The remarks I have to offer will indicate the *effect* of the bill upon certain officers of the Army.

Some time ago this House passed a resolution inquiring of the War Department what general officers were unemployed, and what general officers were employed, in duties below their grade. To that the War Department made reply. I have it before me, Executive Document No. 5. I have analyzed and classified it. I find that twenty major generals and forty-seven brigadier generals are relieved from service, or were at that time relieved, making in all sixty-seven officers. One thing will strike every gentleman, and that is this: all of these officers, with the exception of twenty-two, are reported as employed in some service, valuable service, though it may be below their rank. Some are employed as agents for prisoners, commissaries, quartermasters, and upon courts-martial, and many as superintendents of depots for drafted and enlisted men. All the officers enumerated in this report are actively and usefully employed, except twenty-two. This fact lessens the force of my colleague's economic argument.

Although these officers are employed in service not equal to their rank, yet they are rendering very faithful and indispensable service to the Government, which would have to be rendered by some one else, perhaps by officers of inferior ability as well as grade. The Government has its full consideration for their service; and there is no question of economy as to them. As to the rest the question of economy can be settled by the President, who has it in *his* power, without our action, to dismiss these officers and strike them from the pay-roll. But as I understand the matter, even if the President should do this, the Government will only save about three hundred thousand dollars per annum by this measure—the salaries of about twelve officers—a sum for a year not one tenth of what is required to carry on this Administration for a single day! One or two of these relieved officers have staffs. General Frémont has four of his staff with him now. McClellan has none of his staff.

Of these twenty-two unemployed, one is put down as being in prison—General Neal Dow—and another as being in Congress, my friend from Kentucky [Mr. SMITH] who now stands by my side.

Mr. SMITH. With the permission of my friend from Ohio, I desire to make a brief statement of how my name happened to get on that list which has been sent here by the Secretary of War. It is stated that I was relieved from duty when this report was made. My resignation was made on the 20th of September, 1863, to take effect on the 1st of December following, a few days before the meeting of Congress. I had been in the service actively until the 20th of September, when I was put on recruiting duty in the State of Kentucky. At the time the report was made I was out of office, my resignation having taken effect on the 1st of December.

I have felt that it was due to myself to make this statement. I do not want it to go out that I was relieved from duty before my resignation was accepted. It is, however, due to the Secretary of War to say that the resignation sent by me from the field was not, for some reason or other, received until after the meeting of Congress, and my attention was called to it. The mistake was corrected in the Department, and they promised to give me a statement to that effect, but I have not yet received it. I have never been in the field without a command, and every command I have had has done its duty.

Mr. COX. I am glad that the gentleman from Kentucky has it in his power to make this statement. I have no doubt that it is satisfactory to everybody.

Several of these twenty-two generals thus unemployed have been relieved because of wounds. They are Generals Sickles, Hatch, Tower, Barlow, Paul, Rowley, and others. This bill should not, and properly does not, affect them. Now let us see who are to be affected. It reaches then only about a dozen unemployed officers. All the economy of the bill is reduced to these officers. Who are they? They are Generals McClellan, Frémont, Buell, Wallace, McCook, Crittenden, Milroy, Oglesby, Hartsuff, Andrew Porter, Abercrombie, and Roberts. I may omit one or two from inadvertence. I see by the morning papers that General Wallace is assigned to active duty. As a matter of course Milroy will be employed. That may be the case with others that I have named. These, then, are all that will be affected by this bill. All the saving, then, will be the salary of these dozen generals. Is it fair and just to strike them from the rolls of the Army because they have been relieved by the caprice or under the prejudices of the President, the Secretary of War, or General Halleck? If, in the opinion of the President, they are no longer serviceable to the Government, why does he not dismiss them? He has the power. Why devolve it upon Congress? Why does not the Executive assume the responsibility?

Many of these officers who are to be affected by this bill left civil life for the Army and sacrificed positions of profit and honor to their patriotic duties. General McClellan left an employment of $10,000 a year at the call of Governor Dennison, of Ohio, to take the command in Western Virginia, where his services were so signal and successful. Since then he has sacrificed everything he had made in civil life, and lives now upon a salary less than he could obtain elsewhere. Under such circumstances, I ask, is it fair to drop him from the rolls of the Army? I ask it as a matter of ordinary pecuniary fairness. Not that he would wish to be retained. I do not suit my vote on this bill to his wishes, for I know that if his wishes were consulted I should make no opposition to this measure. I place it upon higher grounds, that of common justice to a faithful and accomplished soldier.

I know very well the argument of economy will be used here, and should be considered always in this House. I wish it were used more frequently. But there is something more involved in this bill than economy. If these generals are dropped in this particular way, it will seem to be a taint upon their honor. The only way to drop them in a fair and military way is by the amendment which I have proposed or by the amendment of my honorable friend from New York, [Mr. KERNAN.] It should be done by a board of inquiry. They should examine to see whether these officers, thus to be ruled out of service because of political or other reasons, are fit to do that duty for which they were originally called into the service. I would like to read a report from a board stigmatizing McClellan, Buell, and Crittenden as incompetent. It would deserve an immortality of fame for the audacity and presumption of the military criticism.

The other day, when the question was asked my colleague, [Mr. SCHENCK,] why it was not left exclusively with the President to drop these officers whenever he should see proper, (and which he has already the authority to do,) he responded that it would fix a stigma upon the character of these officers to remove them in that way. It seems to me that the same reason applies to the operation of this bill. No officer, no soldier, should ever have any undeserved stain cast upon him by his superior officer, even if he be the President. If not in that case, why should Congress do the same thing, unless there is first given a fair inquiry into his military conduct and career?

Such an inquiry my amendment proposes. It is a fair proposition. It is military. It is politic. It will help the service; while the passage of this bill may, without trial, overslaugh good officers and fix upon them a stain which is worse than a wound upon their character.

I have indicated in my amendment that those who have received the thanks of Congress should be made an exception to this proposed reform. I do not disguise the fact that my intention is to except from the operation of the bill such men as General McClellan, who did receive the thanks of Congress. Unanimously, sir, on the 9th of May, 1862, immediately following the battle of Williamsburg, upon a resolution offered by a member upon the opposite side of the House, [Mr. LOVEJOY,] Congress thanked that distinguished general. The resolution was voted for by you, Mr. Speaker, with great alacrity. That resolution I will have read.

The Clerk read the resolution, as follows:

"*Resolved*, That it is with feelings of profound gratitude to Almighty God that the House of Representatives, from time to time, hear of the triumphs of the Union armies in the great struggle for the supremacy of the Constitution and the integrity of the Union.

"*Resolved*, That we receive with profound satisfaction intelligence of the recent victories achieved by the armies of the Potomac, associated from their localities with those of the Revolution, and that the sincere thanks of the House are hereby tendered to Major General George B. McClellan for the display of those high military qualities which secure important results with but little sacrifice of human life."

Mr. COX. I am sorry my colleague [Mr. SCHENCK] was not present in the last House to give the sanction of his distinguished military judgment upon those "high military qualities" of General McClellan "which secure important results with but *little sacrifice of human life*." The yeas and nays were not called upon that resolution for the simple reason that every member believed in it. It went through the House *nemine contradicente*. Every one of us in happy accord joined in this splendid tribute to the beloved captain of the army of the Potomac. A splendid tribute! For what laurels ever crowned the brow of hero or demigod equal to those honors which shall cluster around the memory of him whose martial triumphs have been won with but little sacrifice of human life? Long after the carping "committees on the conduct of the war," who have distorted truth to injure a general whose ability is so far above their comprehension, shall have passed away; long after the political hucksters who have joined in reviling him in order to add to their ill-gotten gains shall be numbered with the forgotten dead; long after the vacillation and intermeddling of presumptuous civilians shall be dismissed to a dishonored oblivion, this utterance of the national Legislature will live and shine; not, sir, because we passed it, but because in an hour of honest impulse we recorded our testimony to the truth which the historian "will not willingly let die." Those triumphs which are unstained by blood have been so few and signal in this and other wars that among the good they involuntarily invoke the choicest approbation of the human heart and intellect. So few and signal are they that I might be pardoned for imagining that even the Prince of Peace himself would condescend to bedew with something of His own grace, and consecrate to a noble destiny that martial genius which achieves its victories without the effusion of fraternal blood. They antedate that millennial day—that holy time which seems so distant to our mortal view—when the "music of the world's accord" shall displace the harsh clangor of arms, and its sweeter song

> "Shall swell from shore to shore;
> One hope, one faith, one love restore
> The seamless robe that Jesus wore."

The heroism which brings such painless, woundless, deathless, all-merciful, all-loving results, is crowned with a chaplet fragrant forever with the white flowers of peace!

Now, to dismiss an officer who has been thanked with such beautiful, expressive, and truthful praise as General McClellan was thanked by Congress, is not only unmilitary and unjust, but a reproach to the preceding Congress which I am unwilling to allow. If we were wrong then, let there be at least some inquiry into the justice or injustice of our encomium.

Many of these officers who are to be dishonored by this bill have not only impaired or lost their fortunes but have imperiled life and limb while serving the Republic against the great rebellion. This bill proposes by a sweeping clause to retire them from service without many of them having adequate means at this time to take care of their families.

I do not know what may be the wishes of other generals who are to be degraded by this bill, but this I know, that gentlemen on the other side have it not in their power to degrade General McClellan, even if it be their intention to attempt it. He is above their assaults. I wish it distinctly understood that in speaking as I do I do not plead for him. He does not ask any favors from the other side of the House or from the Administration. His labors and deeds are historic and belong to a better tribunal than a partisan Congress or a party press.

Mr. SMITH. I intended, a few moments ago, to ask a question of the gentleman from Ohio, and with his permission I will ask it now before he passes too far from the point to which it relates; and I must be allowed to say that I do not, by asking this question, intend to commit myself to any particular line of policy in reference to this question. The proposition of the gentleman from New York [Mr. KERNAN] is to order a court of inquiry to examine into the cases of these men who are not now in active service. I would ask from whence he could get that court of inquiry?

Mr. COX. I suppose, of course, the court of inquiry would be drawn from the officers of the Army. The amendment of the gentleman from New York provides for such a court made up of general officers.

Mr. SMITH. I understand that these men are officers of the Army, but without commands and without duties. Is the object of the gentleman to take this court of inquiry from the same class of men?

Mr. COX. Of course the President will select a court of inquiry just as in other cases. I know of no other recourse except to the President in such a case as this.

Mr. SMITH. Well, I give notice that I shall offer an amendment providing that the court of inquiry shall be composed of men who are actually in the service.

Mr. COX. I should have no objection to that amendment.

Mr. KERNAN. I will accept of that amendment if the gentleman from Kentucky desires it.

Mr. COX. Mr. Speaker, my colleague [Mr. SCHENCK] the other day, when I opposed the immediate passage of the bill, thought I desired a chance to make a speech for General McClellan. I assure him that that was not my intention at all, and that it is not my intention now. There was no necessity for it then, nor is there any now. All that I have said or desire to say is called for by the bill introduced by my colleague, which strikes at General McClellan.

It would be enough to say, as an objection to this bill, that it will have the effect of remitting General McClellan to the regular Army and cutting off his pay, thus forcing him to resign his position as the first major general. Under the circumstances, this would operate as a stigma upon him, and would have a disastrous effect upon the *esprit* of the Army, where he has thousands and thousands of devoted friends, and among the people too, where he has thousands and thousands of ardent admirers.

A measure of this kind, striking at the military status of a general who for two or three years has given all his stupendous energies to the cause of the Republic, should have better reasons than mere economy. For what is he to be disgraced? Is it for his prompt rescue of Western Virginia, where amid the mountains and along the Kanawha, with many of my own constituents from Ohio, he advanced the banner of the Union? Is it for his humane and orderly march into those disaffected regions which his arms preserved from the rebels, while his policy saved it from disaffection and ravage? Is it for his grand system of strategy whereby he directed successfully the operations of every point on the Cumberland, on the Tennessee, on the Mississippi, at New Orleans, round to the Carolinas, where Burnside achieved those successes which he so promptly attributed to his superior? Is it for thus illuminating the "whole horizon" with the blaze of victory, achieved upon a comprehensive plan, whose consummation he had reserved for his own army of the Potomac? Is it for founding that noble army out of the ruins of the Bull Run disaster? Is it for saving that army by his unprecedented and miraculous retreat for seven days and nights after the "Government" had failed to sustain him, and when thrown upon his own resources? Is it for rescuing the army after Generals Lincoln, Pope, and Halleck had blundered? Is it because he took the army, weary and wan, footsore and dispirited, and by his simple presence made it heroic and clamorous to be led at once after the enemy? Is it because the President said he was worth any ten generals, if all were compressed into one, when it became necessary to save the archives, the capital, and the *personnel* of this Administration? Is it because twice he saved this national capital, including those at the other end of the avenue who have done their utmost to traduce and disgrace him? Is it for all these services—now, thanks to his own truthful report, committed to history, and over which recorded honors will gather forever? For which of all these works do ye pelt him with your pitiful persecutions? Ah! no, for none of these; but because, forsooth, he would have made the war honorable and civilized; not a war for political faction, partisan revenge, or fanatical hate, but a war "to enforce the equal operation of the laws of the United States upon the people of every State;" a war to save and not to destroy the Constitution! Because he dared to write to his Majesty from the sacred precincts of Malvern Hill, in the agony of his heart at the failure of the Government to aid him, and to plead with its agents to conduct the war on the principles of civilization and Christianity, and not with a view to emancipation, subjugation, and extermination? Or is it because, now that he has been retired, he looms up as the idol of the Army and the hope of the people?

I know, sir, that stigmas are cast upon General McClellan all over the country. This bill may be the result of such general defamation. I know that the committee on the conduct of the war arrested the other day under our authority an inebriate, because it was said that he could testify that General McClellan was in criminal conference with General Lee during the Maryland campaign, after the battle of Antietam. This was done with a view to charge General McClellan with plotting treachery to his Government. I believe, however, that that story, so infamous and monstrous, has already been exploded. It was started the day before the New Hampshire election, published in all the Republican papers, and was not contradicted by them until after the election. Indeed, it was not denied in some of them here until this morning, when the inebriate, becoming sober, was about to reveal the plot by which he was intrapped into the clutches of these defamers. What a diabolical disposition is here revealed! How ready is the party on the other side to clutch and circulate any foul slander, however senseless and groundless, because they fear and hate General McClellan.

Mr. Speaker, it is hardly necessary and scarcely proper for me here to notice such calumnies, but as they have been circulated by the Administration party throughout the land, their correction should have as extensive a circulation. I trust, Mr. Speaker, with your permission, that the reporters in the gallery will give as wide a circulation to this denial as was given to the slander which was started under the auspices of some of your peculiar friends.

I say here that General McClellan has never seen General Lee since 1855; that he has never held any communication with him in writing except in reference to prisoners and wounded men, which communications or copies were at once sent to the War Department. During the Maryland campaign he never heard from and never saw General Lee at all, or any of his officers. This story was not only made out of whole cloth, but shoddy cloth at that. I will not help to give currency to such stories, by aiding the passage of a bill like this, which would seem to be predicated on them. This bill will have the effect, if it be passed, of giving added strength to this system of defamation. It will naturally be asked why Congress should displace and disgrace a soldier like him to whom I have referred. Why erase his name from the rolls of the Army, unless there is something wrong in his conduct, or some perfidy in his character, similar to that implied by the imputations to which I have referred? Let us be careful of the character and reputation of men who have served the country so zealously and so well, even though their political opinions and policy may not please those who are now in power.

Mr. Speaker, there are various objections that might be urged against this bill, which a military man could more properly judge than myself. There is a sort of sensibility among military men which takes alarm at any attempt to place them servilely before the Executive. This bill proposes to do this. We have enough of this cringing abjectness in the civil service, although it is disavowed that this bill originated in partisan passion and personal rancor. And although I have accepted that disavowal, yet the people of this country, and the gallant soldiers of the Army, in spite of such disclaimers, will look upon it in that light. An honorable body like this should repudiate all such sinister appearances by repudiating the bill itself.

Mr. FARNSWORTH. Mr. Speaker, I do not intend to detain the House long in the discussion of this resolution, nor do I propose at the present time to make any remarks in reply to those of the gentleman from Ohio [Mr. Cox] in regard to any one of the general officers to be affected by this bill. As was very well said by the chairman of the Committee on Military Affairs, that committee did not intend, in the framing of this resolution and in bringing it to the attention of the House, to make

any assault on any particular general officer. It is not a personal thing. The people find a large number of major generals and brigadier generals and their staff officers all over the country drawing their pay regularly and performing no duty. They are found in almost every city in the Union—major generals, brigadier generals, and their staff officers, consisting of colonels, lieutenant colonels, majors, captains, &c. The people very naturally ask, "Why is this? Is it right that we should be taxed to support these officers in their retirement, while we are sending out our sons for thirteen dollars a month to fight the battles of the country?" In that condition of things Congress convenes. Very soon after the assembling of Congress, on the 14th of December, I think, I had the honor of submitting a resolution, which was adopted unanimously, calling on the Secretary of War for a list of those general officers thus unemployed, the amount of their salary, the names and numbers of their staff officers, and the amount of their pay; also calling on him for a list of those general officers who were employed on duties not commensurate with their rank.

I hold in my hand the answer of the Secretary of War to that resolution. There may have been, and probably have been, some changes made since this letter of the Secretary of War was laid before the House. I think some of the officers mentioned in the letter have been ordered to duty. Other officers have been relieved from duty. From that letter it appears that there were on the 11th of January, when the Secretary wrote it, fourteen major generals entirely unemployed and eleven brigadier generals, the monthly pay of themselves and staff officers amounting to $12,233. At that time the following officers were not doing any duty: of major generals, McClellan, Frémont, Rosecrans, Buell, McClernand, Wallace, Milroy, Oglesby, Crittenden, McCook, Sickles, Hancock, Hartsuff, and Ord. Of these generals, Oglesby, Sickles, Hancock, and Hartsuff had been wounded. Ord was sick and has since joined his corps. Of brigadier generals there were Andrew Porter, Gorman, Abercrombie, T. W. Sherman, Paul, Tower, Dow, Arnold, Roberts, Meredith, and Barlow. Most of them had either been wounded in the service or were sick. Sherman was severely wounded at Port Hudson, Paul at Gettysburg, and Tower at Bull Run. Dow was wounded and a prisoner at Richmond. Arnold was sick. Barlow had been wounded at Gettysburg.

It also appears from this report that there are no less than eight general officers in command of depots of drafted men, and since this letter was prepared I think other officers have been assigned to like duties. I think a general officer has recently been assigned to the command of the depot for drafted men at Springfield, the capital of my State, although we have not a drafted man in the State, and never have had, and are not likely to have. There is, I think, another general officer in a similar position at Indianapolis, another at New York, another at Portland, Maine, another at New Haven, and so on. Two general officers are on duty at the War Department performing a sort of staff duty, a sort of clerkly duty, and yet drawing more pay than any Assistant Secretary in any one of the Departments of the Government. Two major generals are on the retiring board organized for the purpose of examining and retiring officers of the regular Army. There is a brigadier general on duty, I think, with the Governor of a State as a sort of recruiting superintendent for that State; and so on. It is unnecessary to go over the entire list, but there are, or were at the time this letter was prepared, thirty-nine general officers on duties not commensurate with their rank, members of various boards, on courts-martial, superintending recruiting service, commanding depots of drafted men, and so scattered over the country, drawing the pay of officers commanding brigades, divisions, and corps in the field, and performing duties in the main which could as well be performed by a captain or a lieutenant as by a brigadier or major general.

Now, sir, the question is simply this: whether, while the country is being taxed and oppressed with taxes to the extremest point, while we are passing enrollment laws and calling on the people for a draft, making every effort and exertion to support and maintain our armies in the field, while the Treasury is groaning under the drafts upon it to pay the soldiers, whose pay is often delayed two, three, and four months from the time it is due, we shall continue longer the payment of these officers who are rendering no equivalent in their services to the country?

The answer of the gentleman from Ohio [Mr. Cox] as I understand him is, first, that to drop an officer from the rolls of the Army disgraces him. Now, sir, there must be a head of the Army somewhere. The Constitution of the United States places that head in the Chief Executive, and makes the President of the United States the Commander-in-Chief. I say there must be a head, there must be an arbitrary power residing somewhere in the Government having in its control the organization of the Army.

Well, sir, the President has relieved these men from duty, and unless Congress assumes the right to direct the management of the Army entirely, you must take things as they are, and trust to the President of the United States to say when he shall relieve an officer from duty.

The country finds these men relieved from duty, drawing their pay, returning to the Government no adequate equivalent, rendering no service. Shall we continue to pay them? That is the question. Whether they have been rightfully or wrongfully relieved from duty, shall we continue to pay this sum from year to year while they are rendering no service to the Government? Why, sir, the President made those men generals. They were not born with an inherent right to be general officers. Congress never passed any law that *they* should be general officers. I do not understand that General McClellan or General Frémont has either of them a life estate in a generalcy. I do not understand that the doctrine "once a general always a general" applies to this class of men. The President made them generals, and when he finds them deficient, or believes them to be so, he must have the power to unmake them or to relieve them from duty.

Mr. HERRICK. Will the gentleman say that the President has not now the power to remove any general from the Army?

Mr. FARNSWORTH. The President has the power by law to dismiss any officer from the Army arbitrarily, but as he does not exercise that power, we propose in this case to punch up the President a little, and make him either return them to duty or drop them.

Mr. HERRICK. You want to rid the President of the responsibility, and to put it upon Congress.

Mr. FARNSWORTH. I do not hear the gentleman.

Mr. HERRICK. I say that the object of the proposition is to relieve the President of responsibility, and to let Congress assume it.

Mr. FARNSWORTH. If the President does not exercise that responsibility in conformity with the demands of the people of the country, I want Congress to direct him to do it.

Now, sir, how long shall these men continue to draw pay and do no duty?

Mr. PENDLETON. I understand the gentleman to say that the President has the power now to dismiss from the Army any general officer that he sees fit, and that he ought to exercise that power whenever he deems the officer not competent to discharge the duties of his position. I ask whether the only effect of this law upon the powers of the President will not be, where we have officers incompetent to discharge the duties of their offices, to relieve them from command for the space of three months, when they necessarily drop from the service?

Mr. FARNSWORTH. Not exactly. This law only provides that officers who shall not have been on duty within three months from the 1st day of April next—the original bill was 15th day of March—shall be dropped from the roll of the Army. It is not a continuing law that every officer who shall be absent three months shall be dropped.

Mr. PENDLETON. Does the gentleman mean to say that those generals who have been relieved from command by caprice, and not because they were unworthy of their position, are under this bill to be dropped out of the Army?

Mr. FARNSWORTH. I mean to say that every general officer not performing duty commensurate with his rank, and not upon duty within three months from the 1st of April, shall be dropped from the Army.

Mr. PENDLETON. Whether for cause or not?

Mr. FARNSWORTH. A section in the bill provides for the case of his absence occasioned by sickness or wounds.

The bill is plain, and every member must understand it. The President has the power now arbitrarily to dismiss any officer. I think he is slow in exercising that power in some instances.

MESSAGE FROM THE SENATE.

A message was received from the Senate notifying the House that that body had concurred in the amendment of the House to the amendments of the Senate to House joint resolution No. 37, to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes.

UNEMPLOYED GENERAL OFFICERS—AGAIN.

Mr. FARNSWORTH. Now, sir, it is proposed by this joint resolution simply to dispose of these cases as we find them. It disposes of the general officers who are running around the country and doing no duty. I want such officers dropped from the rolls. As to disgracing an officer, I have only this to say: you do not add much to the disgrace of an officer who has been relieved from duty six or eight months and has been drawing pay for that time by dropping him and stopping his pay. For my own part, I regard it as more disgraceful for an able-bodied man with two stout arms wearing a major general's shoulder-straps to draw four or five hundred dollars a month from the Treasury without doing anything in this crisis of the country than to relinquish his pay and commission. The officer who will draw his pay when he has been notified by the Government that his services are not wanted—that they can be dispensed with—disgraces himself more than by being dropped from his pay and emoluments.

Mr. MILLER, of Pennsylvania. Is not the gentleman from Illinois aware that to-day one third of the brigades in the field are commanded by those whose rank is not above that of a colonel? I ask whether it is not incumbent on the Committee on Military Affairs to answer why this is the case?

Mr. FARNSWORTH. It is the case that a very large number of brigades in the field—I do not know whether so many as the gentleman states—have been commanded by colonels for more than a year. Why? Because these major generals and brigadier generals stand in the way of their promotion. These officers who do no duty prevent these worthy colonels who have borne the heat and burden of the day from getting promotion.

Mr. HERRICK. Why does not the President deprive these supernumerary generals of their commissions?

Mr. FARNSWORTH. That is a question the gentleman had better ask the President.

I do not intend to make any personal attack upon any one of these general officers. I do not discuss their merits. I do not discuss their military ability or their political opinions. This resolution drops them in *couples*, and they go out, one upon one side and one upon the other of political questions. I do not inquire what their politics are, nor have I inquired what are the politics of many of them.

Mr. ELDRIDGE. I understand the gentleman from Illinois to say that he thinks it a disgrace for any general officer to hold his command after he had been relieved from a particular service. Does the gentleman mean to be understood to say that whenever the President sees fit to relieve an officer from a particular command it is expected by the country and by the President that he shall resign his office; and that whenever he is relieved from any particular command he is to be considered in the eyes of the country as disgraced by the President?

Mr. FARNSWORTH. I was replying to the argument of the gentleman from Ohio [Mr. Cox] who said that the dropping of these officers from their position, pay, and emoluments was disgraceful, and I said that it would not *add* to the disgrace of an officer who year after year had rendered no service to the country but still draws his pay.

Mr. COX. The gentleman himself has been in the service, and knows something about the customs and feelings of military men, and I ask him if a general is relieved from active service in

the field, and he should resign his place, whether he would not be looked upon by the Army and the people as a disgraced man, and whether he would not be leaving a service when at some time or other, as was the case with General McClellan, the Administration might want him again for some very important purpose?

Mr. FARNSWORTH. That would depend on circumstances. If a man were relieved for some disgraceful act, and should resign, his resigning would not add to the disgrace. If relieved temporarily, I do not consider it the duty of an officer the moment he is relieved to resign his commission. But it does seem to me, in this crisis of our affairs, that if an officer finds that his services are not wanted by the Government for more than twelve months, an honorable and high-minded man does not disgrace himself by relinquishing his pay and emoluments by resigning his commission, relinquishing his pay, and going to work in some capacity where his services are appreciated.

Most of these officers were appointed from civil life. General Frēmont was recalled from Europe to take the appointment of a major general. General McClellan was appointed from civil life; I think he was engaged in civil engineering in the State of Ohio at the time he received his first commission. So it is with most of these officers. Those gentlemen have the same capacity to enter civil life that they had before, and the country wants their services in their former capacity as much as it did then. They certainly ought not to consider themselves as pensioners on the bounty of the Government because they have been once commissioned. If that were so, of course the doctrine would obtain here that once a general always a general, and, by the same process of reasoning, once a member of Congress always a member of Congress, and so with all other officials.

When the people say to these men their services are not needed any more, and they are relieved from duty, why should this Government be called upon to continue their pay month after month and year after year, any more than they should pay the employés around this Capitol after they are discharged? When this Capitol is finished, and before it is finished, I expect many stone-masons at work upon it will be discharged, and shall we continue to pay those mechanics month after month and year after year because they were once employed by the Government? When clerks employed in the Departments are discharged, do you continue their pay? Not at all. Do you not upon every change of Administration turn out vast numbers of officials and put in others, and does not their pay then cease? Yes. Does not a man who hires another, either professionally or as a laborer, discharge him when he gets through with his services, and cease to pay him wages? Yes.

I ask, then, in the name of common sense, why it is that a man, because he has two stars on his shoulders, is to be placed upon a better footing in regard to his salary and his right to draw money from the Treasury of the United States than any other employé or official of the Government?

Mr. MILLER, of Pennsylvania. As a matter of course I have a disposition to agree with the gentleman as far as I can, and, in order to understand his precise position, I thought proper to ask him one or two questions. I now propose to ask him another. I desire to know whether he wishes to be understood as saying that when, for instance, General McClellan reached Alexandria, from Harrison's Landing, and was superseded by Pope, prior to the battle of Antietam, it was incumbent upon General McClellan to resign because of that supersedure?

Mr. FARNSWORTH. I have already said that I decline to enter into a personal discussion of the merits of these several officers, for the consideration of this measure does not require it. When the general referred to by my friend over the way becomes a candidate for the Presidency, we may then discuss his merits.

Mr. MILLER, of Pennsylvania. That has nothing to do with my interrogatory, which goes to the point of the gentleman's argument. I simply made use of the name of General McClellan in order to give my idea a pointed direction.

Mr. FARNSWORTH. At present we have only to deal with the subject as we find it, and I think that it is the duty of Congress to deal with major generals and brigadier generals just as we would deal with subordinate officers.

When subordinate officers are relieved from duty they are dismissed and sent home. A colonel, a captain, a lieutenant, sometimes for very slight cause, has his shoulder-straps taken from him and is sent home. You discharge your common soldier and send him home without a pension unless he has been disabled in the service. A general officer, like a private, is entitled to a pension when disabled. But I think it is the duty of Congress to treat general officers who are rendering no service to the Government in the same manner in which they treat employés in other departments of the Government. Why should we pay men money who render no equivalent therefor, and many of whom will render no more service in the field, in all probability, during the existence of this war? The question simply is, shall we continue to pay them for doing nothing? and that is all there is of it. We have provided by law for the consolidating of skeleton regiments and mustering out supernumerary officers, and it is often done. Field and line officers are thus discharged, and their pay ceases, and that too for no shadow of fault of theirs.

So, too, we retire officers of the Army who have served their country faithfully forty-five years, and for no other fault, and cut off half their pay.

Mr. KERNAN obtained the floor.

Mr. COX. With the permission of the gentleman from New York, I would like to explain the last clause of my amendment, which provides that no man shall be dropped from the service who has received the thanks of Congress. I understand that it has been the uniform custom of the Navy Department in no case to retire any officer, for any cause whatever, who has received the thanks of Congress. There is *a law* to that effect. So I am informed by my friend from Maryland, [Mr. THOMAS.]

Mr. FARNSWORTH. The gentleman from Ohio knows very well that the thanks of Congress are rather cheap nowadays. I think we have thanked almost everybody who has had anything to do with the Army, and if the doctrine is to prevail that every man who has been thanked by Congress for some imaginary good that he has done is to be a perpetual office-holder, it seems to me that it is time the country should know it. I would ask the gentleman if he proposes to continue in office perpetually every man who has received the thanks of Congress?

Mr. COX. I only referred to that to show what has been the custom and the law, and I think courtesy requires that we should conform to it. I know that this thing of tendering the thanks of Congress has been cheapened lately, not, however, by our side of the House. But where a general has received the thanks of Congress solemnly and after investigation by the Military Committee it is entitled to some consideration; as much with reference to the Army as to the Navy.

I wish to repeat again that General McClellan asks no favor of this sort from anybody in power. If you rule him out, he will go out without regard to consequences.

Mr. FARNSWORTH. The gentleman knows very well that it is the custom of Congress, when they thank a commanding general, to thank also all the officers and men under his command. Does he wish to include all the officers and men who have been under General McClellan's command?

Mr. COX. If they are worthy of it I would keep them all in.

Mr. FARNSWORTH. You would keep them all in?

Mr. COX. Yes, if they are worthy. I would rather have kept the gentleman in the Army than have had him here in Congress. [Laughter.]

Mr. KERNAN. Mr. Speaker, I am in favor of relieving the Treasury and the Army from officers who are unfit to render service in the rank which they fill. But I desire to call the attention of the House to the resolution introduced by the Committee on Military Affairs, and also to the substitute which I have offered, with a view of effecting this object. The resolution provides that all major generals and brigadier generals who shall on the 1st of April next not be in service, and who shall not have been during the three months prior thereto, shall be dropped from the rolls of the Army. Thus we take a class of men who are in that category without any wish on their part to be there, who are placed there by the act of the President, and we declare that they shall be dropped from the rolls. The substitute which I offer differs from the original in one particular only. I have copied the original proposition entirely, except that instead of dropping all the men who happen to be in that position, I provide that the President shall appoint a competent board of military officers, who shall examine carefully into the efficiency and the capability of all the men described in the resolution, to wit, all who are not in active service on the 1st of April, 1864, and who have not been for three months prior to that date, and shall report to the President who are competent, efficient, and fit to perform the duties of their respective ranks, and who are not. I appeal to this House as to which is the proper remedy for the evil. If there be, as I doubt not there are, some among these brigadier generals and major generals utterly incompetent to fill the places, and if, on the other hand, there be, as the chairman of the Committee on Military Affairs frankly admitted, others who, he believes and we all believe, are meritorious officers fit for the place, shall we, by an act of Congress, legislate the meritorious and the worthless, the worthy and the unworthy alike, out of place? Should we not rather appoint a competent board, and allow those officers whom the President has omitted to assign to service corresponding with their rank to go before it, let that board examine as to their qualifications for service and report to the President, and, if he approve, let those who are reported to be unfit be dismissed, and those who are reported to be fit and valuable for the service of the country be retained and assigned to duty?

I doubt not there are political, not fighting, generals among them. And who appointed them, and why were they appointed? They were appointed by the President of the United States, very many of them under political pressure. They were appointed for their political opinions and their political services. They were, many of them, men who never did and never will do valuable service in the Army. A colonel from the district I represent, among the first who marched a regiment of volunteers to the relief of this capital, who served faithfully and gallantly all through the campaign of the Peninsula, and the succeeding one in Maryland, who for much of the time commanded a brigade, could not get the appointment of brigadier general, although recommended for the position time and again by his commanding general; but a gentleman from New York, recently appointed to the bench by the President, and others like him, who never faced the enemy, could be appointed to reward them for political services. I am in favor of dismissing that class of generals who, no matter by what influence appointed, are unfit for the position, and hinder the promotion of deserving men; but it is but just, and I am in favor of giving to all, whether I believe them fit or not, a fair hearing before they are dismissed. Let a board of officers be appointed; let them examine into each case, and report to the President the names of those who are unfit, and they will be dismissed. The Treasury should be relieved from the burden of these political generals, one of whom made swaggering speeches about coming home to crush political opponents in the North after he had crushed the rebellion; but when the rebels moved upon him at Winchester, so far from crushing, he did not even make a manly show of resisting, but fled into Pennsylvania.

I therefore agree with the gentleman from Illinois, [Mr. FARNSWORTH.] He need not appeal to me to stand by him in favor of relieving the Treasury and the Army from those unfit and unworthy men who are pensioned upon it. But I would give to every man, whether I think well or ill of him, an opportunity to go before a competent tribunal to be examined, so that we may have a reason for dropping him if we do drop him, and a reason for retaining him if we do retain him.

Sir, I do not mean to enter into a discussion of the qualifications of any particular individual. I desire to look at this as a practical question, taking things as we find them. I am in favor of having every one of these officers to whom this resolution applies tried by a competent tribunal. Let

that tribunal report their opinion to the President, and if they report an officer as unfit for a command commensurate with his rank he is to be dropped from the rolls of the Army according to the substitute I have offered as certainly and effectually as by the resolution proposed by the Committee on Military Affairs.

The responsibility of deposing these generals does not belong to and ought not to be assumed by Congress. Gentlemen who advocate the adoption of the original resolution concede that the President has had the power to dismiss them if they were incompetent, and it was and is his duty to do so if the good of the country required it. His friends should not ask Congress to relieve him from the performance of this duty by legislating them out of office, the meritorious and the worthless, without distinction. If the idea is that by this mode of procedure he is relieved from the responsibility, and this body can do it by a vote without any individual being responsible, it is a disreputable mode of effecting the object. If the officers aimed at or any of them are unfit for the rank they hold, the welfare of the country requires they should be dismissed, and it is the duty of the President to dismiss them at once; and if he has not the courage to perform his duty I will give him a board of officers to aid him in determining who are unfit to be retained; but I will not consent that Congress shall relieve him of his responsibility by voting them out of office without knowing or having the means of judging who is meritorious and who worthless. I, for one, will not be a party to legislating an entire class of officers out of the Army to relieve the President from the duty of dismissing those of them who are not fit to be intrusted with the duties of their rank, or from the responsibility of retaining men in position and under pay who are not serviceable to the country.

Again, sir, the proposition of the committee is, in my judgment, most unwise. A class of general officers by it—without charges against them, without an opportunity to them of being heard as to why they are not in active service, why the President has not assigned them to commands—are to be legislated out of the Army. It looks most unjust and unfair toward them; and they and their friends will justly feel that they have been unfairly treated. Two of the generals who by this resolution, if adopted, would be dismissed from the Army are General McClellan and General Frémont. They have been named in this debate. Each of these generals has friends and admirers in the Army and throughout the country, and I submit to those, even, who may not think highly of General Frémont as a commander, whether it is a wise measure for the country, whether it will have a good effect upon the soldiers in the Army who may be attached to him, for Congress by law to strip him of his rank and dismiss him from the Army, and that, too, without his having any hearing or trial by any tribunal?

What effect upon the Army and the country will such a proceeding against General McClellan have? The effect of dismissing him from the service without there being charges made against him or a hearing accorded to him, upon the soldiers who have followed and fought under him upon many a bloody field, whose faith in and love for him are unshaken by the detraction which a partisan, unscrupulous press has hurled against him for months, may be inferred from the cheers which arise from them whenever and wherever they hear his name mentioned. This proposition of the committee, if adopted, will impress upon the minds of a large body of soldiers, and upon a large portion of the community, the conviction that from political prejudice and jealousy you have dealt unjustly with one who has deserved well of his country, and who is both able and willing to serve her faithfully and effectually in these times of trial and of danger if he be granted but an opportunity to do so. Therefore, for the sake of the country, if not in justice to General McClellan, I submit that this resolution should not be passed, by which he would be summarily dismissed from the service. It is the grossest injustice.

Let the qualifications of McClellan, Frémont, and every other officer aimed at by the resolution, be examined into by a competent board, not of partisan politicians, but of Army officers; and if, in the opinion of such board, they are unfit for command, let them be dismissed—let them no longer draw pay—but do not decapitate them, without hearing or examination, by resolution of Congress. This is unprecedented; especially is it an extraordinary proceeding when the President, as Commander-in-Chief, has the power to dismiss them, and his political friends are in the majority in Congress. I would deplore the evils which such an act would bring upon the armies of the country. To dismiss in this summary way officers who have friends throughout the country and in the Army who believe they are competent, who have friends among their brother officers who so believe, would be regarded not only as an act of injustice, but as one insulting to them as soldiers.

Upon this ground alone, then, it seems to me gentlemen ought to vote in favor of the substitute which I have offered, and against the original proposition as reported by the committee. The substitute will relieve the Treasury of the burden of the payment of unworthy and incompetent officers. Every man affected by the original resolution would go before the board created by the substitute; and his fitness for command will be examined into by officers to be selected by the President, who now allows these men to remain idle. If they are found fit and competent, then they ought not to be dropped, for we need all the able officers that we have in the country, or we may soon need them.

The gentleman from Illinois [Mr. FARNSWORTH] said that it was disgraceful for an officer relieved from command to draw his pay and emoluments. Does he think that the officer whom the Commander-in-Chief has seen fit to relieve, but whom he has not dismissed, having the right and it being his duty to dismiss him if he is unfit; does he think because he has been relieved that it would be creditable for such officer to resign in a pet and say that he would no longer serve the country? If there be disgrace in reference to the non-employment of officers who are really fit, it rests upon some other department and upon some other officer than the man who says, "I am ready to peril my life. I stand ready to endure the dangers of war in the service of my country. I am anxious to do it, and whenever I am called upon I am willing to do it." No disgrace rests upon the soldier who, having done his duty faithfully in the field, and whom the Commander-in-Chief does not dismiss for incompetency when he has the power to do so, who when relieved, to use the language of a rough man in my country, stands ready "to draw, whenever they hitch him up, for the good of his country."

Sir, I cannot believe that any body of legislators, taking the facts just as they are said to be, having one class of officers who have been appointed, some of whom can do no good, and others are fit for and worthy of the stations to which they have been promoted—I cannot believe that any legislative body, that this House, will say by act of Congress that we will drop them all, that we will drop the able, fit, brave, deserving officers for the purpose of getting rid of the officers who are not fit for the position which they hold. Let us meet the question like just men, not afraid to do our duty. Let us say that we will relieve the Treasury from every man not fit for the place he holds, and that we will give him a hearing before we do so, and that we will not dismiss, or "drop," to use the language of the resolution, from the service of the United States any officer who is able and willing and also stands ready to assume every responsibility that devolves upon him.

GOLD BILL—AGAIN.

Mr. ROGERS. I ask the gentleman from New York to yield to me for a moment.

Mr. KERNAN. Certainly.

Mr. ROGERS. I ask unanimous consent of the House to record my vote on the gold bill.

There was no objection.

Mr. ROGERS. I voted in the negative.

Mr. CHANLER. I ask the same privilege.

Mr. STEVENS. I must object. I do not know where this thing is going to end.

Mr. CHANLER. It does not affect the result.

Mr. STEVENS. I must object.

UNEMPLOYED OFFICERS—AGAIN.

Mr. KERNAN. Mr. Speaker, I will be pardoned for again asking every man in the House whether he does not think it will be detrimental to the country, detrimental to the cultivation of the proper spirit in our Army, or parts of it, to have it said that this House legislated General Frémont out of office? Will not those who have followed and have faith in him feel that it is a cowardly stab at him and his friends? They will say that the President of the United States, who appointed him and knows all about him, has the power to dismiss him, with cause or without cause, and that he has not done it, but that Congress has come in and legislated him out of office without assigning a single reason.

Take another general to be affected. What effect will it have upon the army of the Potomac, which has firm faith in and affection for its old leader? What effect will it have upon his friends throughout the country? It will be said that he was voted out because the President has not seen fit to employ him, although brave and competent and ready to respond to any duty. The naked injustice of such a proposition is apparent to all. We propose to strike down without cause the man who saved this nation at Antietam.

That officer came to a disorganized though brave army, a beaten army which had been driven back upon the capital, when the tide of war was rolling onward toward the northern States. He had then been relieved of command, was idle just as he is now, but he promptly came at the call of the country, and that army gathered around him and had faith in him that he would lead them to meet victoriously the enemy which had just driven them under General Pope through Virginia toward the capital. They did gather around him and under him, did fight a battle and gain a victory which should never be forgotten by the man who loves the Constitution and hopes this Government of ours will be upheld.

Mr. SMITH. I ask the gentleman from New York to yield to me a moment, that I may make a special report from the committee to which was referred the resolution relating to Gales and Seaton.

Mr. KERNAN. I will yield.

The SPEAKER. Though this committee have leave to report at any time, they cannot report except by unanimous consent when the House is engaged upon any other question.

Mr. ELDRIDGE. Then I object.

Mr. KERNAN. I was willing to yield; but as objection is made, I will resume. I will occupy but a few moments more.

What faith will the soldiers and officers we are now calling into the field have in the gratitude of Congress and the country when they find that the President, through prejudice, through pressure, through importunities which politicians are ever pressing upon a man in his position, has relieved an accomplished and patriotic general from command; and then Congress, under the plea that he is unemployed, (no other suggestion is here made against him,) unemployed when all know he is ready and willing to serve, legislates him out of the Army?

I trust and hope that gentlemen will believe that in opposing this resolution I have not been influenced by partisan feelings. It seems to me this resolution is unwise, unprecedented, and unjust, and therefore it should not be adopted. For the sake of our own body, for the sake of the Government, for the sake of our country, I submit that we should reject the resolution proposed and adopt the substitute, which provides for the appointment of a board which will relieve the Treasury, and which will take from the service incompetent men, and at the same time leave in the service of the country men upon whom we may very soon have to call to aid in the fearful struggle which is going on in our country, and which threatens its destruction.

Mr. GARFIELD obtained the floor.

Mr. FENTON. Will the gentleman give way and allow me to make a motion to postpone the further consideration of this matter for a little while? It is evident we cannot get through with it to-night.

Mr. GARFIELD. I only desire to make a very few remarks.

Mr. FENTON. I think we had better postpone it.

Mr. GARFIELD. I am willing to postpone the question if the gentleman desires it; but I have so few remarks to make, I think it best to present them to-night.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, MARCH 18, 1864. NEW SERIES.....No. 73.

Mr. Speaker, I always listen with profound respect to the remarks of the gentleman from New York, [Mr. KERNAN,] and I have listened very attentively to all he has said to-day. I listened to him with more interest from the fact that the very troubles which have suggested themselves to his mind have greatly embarrassed me in my reflections on this measure. I have been in great doubt as to what course would be just to the Government, just to the Army, and, as nearly as possible, just to all concerned. I have no doubt that the same feeling led the gentleman from New York [Mr. KERNAN] to propose the amendment which he has just advocated.

But I wish to say to him and to the House that the substitute he proposes does not at all help us out of our difficulty. I will preface my remarks by stating briefly the precise issue before us, and leave to further developments the determination of the course we ought to take. I think every gentleman here will admit that we ought by some means to provide for lifting from the Treasury the burden of paying the amount of money which is now paid to officers who are rendering no equivalent. Dare we continue to take from the over-burdened Treasury the large amount which is now being paid monthly to those forty generals and their numerous staffs, when we are borrowing $2,000,000 per day to meet the current wants of the Government?

But even this is not the strongest argument. It is a matter of simple, sheer justice to officers in the field that the road to their well-earned promotion shall not be blocked up by men who are doing no duty. These men are bearing the burdens, are commanding brigades, divisions, and corps, with a rank inferior to their grade of duty, and it is their right that the road to promotion shall be open before them, so far as it is possible to do it with justness and fairness to others. Now we have nearly forty general officers unemployed, lying at the head of the stairs and blocking up the passage, so that no man, however worthy or valiant, can be advanced. The Army Register is full; the pay-rolls are full; but the saddles of forty generals are empty, and their troops are commanded by officers who enjoy neither the rank nor pay which belongs to the service they render. No man can deny that this is a grievous evil.

Mr. COX. I want to know of my colleague, who is experienced in these matters, whether the fault does not lie with the President of the United States, who has power to dislodge these men?

Mr. GARFIELD. I am just coming to that point. Thus far I have been stating what the trouble is and not its cause.

Mr. COX. I would like to hear my colleague on the point I suggested.

Mr. GARFIELD. I am very willing that my colleague shall hear me. I have no personal or partisan wishes to gratify in this matter. It has cost me a severer struggle to bring my mind up to the support of any measure to drop officers from the rolls of the Army than anything I have acted on or considered since I have been a member of this House. But this difficulty does exist, and I ask this body, how are we to get over it?

My colleague asks by whose authority these men are now doing no duty, and that is a very fair question. I will say here, once for all, that it is not my theory of political friendship and the support of my party and its leaders that I should neglect to do justice even though it hurt party and leaders and friends. I believe the truthful course is the best. I have no hesitancy in declaring here that the President of the United States and his military advisers are responsible for these men lying idle where they are. The responsibility is there, and it ought to be there. There is no other place where it can rest. Congress does not command the Army; Congress cannot properly direct the movement of brigades; Congress cannot properly assign a general, or a colonel, or a captain, or a lieutenant, or a sergeant to any duty. Congress cannot properly post a picket or regulate a skirmish line. That business is in the hands of the Commander-in-Chief of the Army and those under his command; and if there be officers employed or unemployed in the military service, it is because they are employed or unemployed under the orders of the President.

What then can Congress do? It cannot justly in my judgment say to the President, "You must assign this general to duty, or relieve that general;" it has no right to interfere in such matters.

Mr. KERNAN. Will the gentleman let me ask him a question?

Mr. GARFIELD. Certainly.

Mr. KERNAN. If we can legislate out of office a general who has not been employed for three months, cannot we remove the commander of the army at Vicksburg, or of any other army?

Mr. GARFIELD. I have already stated very fully and plainly that our duties are legislative and not administrative. Congress cannot interfere directly with the command of armies. It cannot directly appoint or dismiss a military officer; but it can create a military office, and can at its pleasure limit, restrict, or abolish one already created. It holds also the national purse, and can pay or withhold payment at its pleasure. Having thus the power, it becomes our duty to provide means for removing the evil so justly complained of.

Now, what is proposed? The President of the United States and those under him have, for reasons which they deemed sufficient and of which they were the proper judges, relieved from duty a large number of general officers. It ought here to be said, in partial vindication of the President, that no ruler since the world began ever had such a herculean task upon him as our President has had during this war, and one of the most difficult of his duties has been to select from among his fellow-citizens, not acquainted with military life and duty, many thousands of men to occupy high and responsible positions in the Army. It was not possible for human wisdom to make such a selection without committing some mistakes. It was not possible for any man, not inspired of God, to select ten thousand men for high and responsible positions in a field of duty in which they had never been tried, without selecting here and there some, and probably many, who would prove failures, and it is a fact of which we may justly be proud that in the great body of American citizens selected for such places, so very few have been found who are not good, true, and able men, capable of rendering efficient and distinguished service in the field. But out of that large list some have been found who, in the general estimation of the public, have proved failures. Still it was not the general estimation of the public which was to determine whether these officers should be continued in the service or not. It was to be determined by the President and by those under him, who had by law the right to determine it. In pursuance of this right and duty, for reasons sufficient or insufficient, the President of the United States has relieved a large number of general officers. They have been for months lying in ordinary and rendering no service to the country. I do not complain that he has exercised that power. It is very true that there are some whom he has relieved that I should not have relieved, and there are others now on duty whom I should have relieved. But that is none of my business. The President was clothed with the power and he used it as he pleased. I sustain him in using his discretion. I only say that I do not believe it is right or proper for these men thus relieved—after it is found, for some reason best known to the President, that they ought not to be sent back to duty—to be allowed to block up the way to the promotion of good men in service.

Now, what do we propose? We propose to say to the President, "We do not interfere with your right to relieve this officer or to assign that one to duty; but we do say to you that if after a certain date these men are not assigned to some duty commensurate with their rank we will withdraw from them their rank and pay. We throw upon you and your subordinates the responsibility of taking a decisive course with these officers—either employ them or drop them from the rolls." Gentlemen ask me if I do not think that some very able and valuable officers may thus be wronged by being thrown out of the service. I answer, yes. I say further, some of the number are my personal friends, and men whom I believe to be very able and patriotic officers. I do not go so far as some gentlemen here, who say that all these men ought to resign their commissions. Men who believe they have been wronged should not be expected by resignation to confess that they have been justly treated. It is their duty as good soldiers and patriotic citizens to do and to suffer what the Government puts upon them. I do not advocate this bill, Mr. Speaker, as suggested by the gentleman from New York, [Mr. HERRICK,] for the purpose of taking from the President's shoulders the responsibility and of distributing it on the shoulders of one hundred and eighty-six members of this House, but for precisely a contrary reason. I wish Congress to say to the President, "We throw the responsibility on your shoulders. You can save any one of these men from being dropped from the rolls by putting him on duty. All that we have to say is that we will not sustain the Treasury in paying or the War Department in continuing in rank men whom neither you nor the War Department will employ." I would be willing to say that Congress expresses no approbation or disapprobation of the generals to be relieved. It simply says that we will not continue in pay and rank the men whom the President will not employ.

Now, what is proposed in the substitute offered by the gentleman from New York, [Mr. KERNAN?] It is proposed to obviate the difficulty by having an examination of these officers to know who are competent for their duties and who are not. I say to that gentleman that his proposition is utterly impracticable. You can examine a man to ascertain whether he can drill a company, whether he can drill a regiment, a brigade, or even a division; but when you come to examine a man as to his fitness for the duties of a general officer, especially for those of a major general, there is no criterion by which to conduct such an examination. You might as well appoint a committee to examine a man as to his fitness to hold a seat in Congress, to govern a State, or fill the presidential chair. We have no criterion. Why should we appoint a commission to examine men for their fitness as general officers? It is not indispensable to good generalship that a man should understand the drill or the manual of arms. Napoleon Bonaparte learned infantry tactics after he had won his great campaigns in Italy. He had a private tutor in Paris to teach him the infantry manual after he had achieved the greatest glories of his military life. The fitness of a man for the position of general does not depend upon his knowledge of tactics or upon anything that can be brought out on an examination. It depends upon those general qualities of mind and temperament which go to make up administrative capacity; qualities that cannot be fixed or determined by any examining board. The proceedings of such a board would be the merest farce. It might report, for instance, that General Frémont understood infantry and cavalry tactics, and that General McClellan understood engineering; that the one could drill a battalion, and the other could build a bridge; but would the gentleman from New York, would this House or the President, be enlightened on the question of the propriety or impropriety of placing either of these officers at the head of an army?

Mr. KERNAN. The gentleman will permit me to say it is to be supposed that most of these officers will have had some practical training, and that they will be capable of judging of their practical capabilities to command.

Mr. GARFIELD. I have no doubt the board would pass upon the general military education of the men who should be brought before it; but any gentleman who has had any observation in regard to the practical working of such a board

knows what kind of influences would combine after all to reach the result to which such a board would arrive. The whole scheme is entirely impracticable for any good purpose. We are compelled by the necessities of the case to do something to remove this evil; and what I desire to do is to compel a decisive course, either of assigning these men to active duty or of dropping their names from the rolls of the Army. We see the prospective effect of the measure already. Since its introduction several of these officers have been assigned to positions who might otherwise have remained unemployed for some time to come.

Mr. PENDLETON. I desire to ask my colleague, who seems to be arguing against the feasibility of the appointment of a board of officers to examine into the merits of each individual case, whether it is not true that by a regulation of the War Department a board has been organized to examine into the qualifications of officers with a view of ascertaining their fitness for active service in the field; and if that be so, whether it is not as feasible to appoint a board that shall examine into the qualifications of these officers?

Mr. GARFIELD. I answer the gentleman that there is a board now holding its sessions in Wilmington, Delaware, for the purpose of retiring disabled officers of the regular Army. There is no board which examines officers as to their mental and moral fitness for active service.

Mr. PENDLETON. Does not the board pass upon their general ability to hold commands?

Mr. GARFIELD. No, sir; upon their physical ability or disability only.

Mr. PENDLETON. I would like to inquire whether there is not also a retiring board for the Navy, and whether the same rules may not apply to the examination of officers of the Army as of the Navy?

Mr. GARFIELD. I understand the duties of retiring boards both of the Army and Navy relate exclusively to superannuated officers.

Mr. PENDLETON. I ask the gentleman whether under the legislation of Congress some years ago a board was not organized before whom all officers of the Navy could be brought, which examined into all their qualifications, physical, mental, and moral?

Mr. GARFIELD. That may be true; but there is a wide difference between the military and naval service in this, that efficiency in the naval service depends mainly upon a man's knowledge of seamanship, a profession which may be said to have taken rank among the exact sciences. It is one thing to examine a man in reference to his qualifications for a naval officer, but it is quite another to examine him with reference to those administrative powers which fit him to command successfully as a general in the Army.

Mr. KERNAN. I ask the gentleman to allow me to say that I think if he will look at the organization of this retiring board he will find that they examine officers as to their qualifications in every respect to discharge their duties as officers.

Mr. FARNSWORTH. Let me ask whether Congress has not provided by law that the President, without any board and without any examination, may retire officers, who have been in the service for forty-five years, upon half pay?

Mr. GARFIELD. Certainly. But, Mr. Speaker, while it is true that we have laws for the organization of retiring boards for the Army and Navy, there has never been a law to constitute boards to examine and recommend men for general officers or general officers for dismissal from the service. Such a thing was never known in this country, and, to my knowledge, such a thing was never heard of in any country on the globe. Now, sir, let me repeat, in conclusion on this subject of examining men for their fitness to command as general officers, that you might as well appoint a board to examine men with reference to their fitness to hold positions in this House of Representatives or the Senate, or to become Chief Executive of the nation. You cannot make any examination that will be of the slightest consequence in that behalf. If any gentleman can propose an amendment declaring that this House does not censure any general officer, that it expresses no opinion of any general officer, that it does not interfere with the military Commander-in-Chief of the Army, but that it is simply protecting the Government against a waste of the public money and the Army in the field against injustice; I do not care what the amendment is, so that it will cover that ground, and shelter your friends and our friends, I will vote for it. Still more; if any gentleman here can show me how we can correct the evil I have referred to and wrong no officer, I will not only follow his suggestion, but will pronounce him a public benefactor.

But in the absence of some better plan I shall do what I can to secure the adoption of the one proposed in this bill.

Mr. J. C. ALLEN obtained the floor.

Mr. ASHLEY. I move, with the consent of the gentleman from Illinois, to postpone the further consideration of this question till this day three weeks, and on that motion I call for the previous question.

The previous question was seconded, and the main question ordered.

Mr. SCHENCK. I hope that will not be done. It is necessary to settle this question while we are organizing a new campaign.

And then, on motion of Mr. FARNSWORTH, (at twenty-five minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *March* 17, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of discharged soldiers of the State of Ohio, praying that all soldiers who have been discharged from the Army on account of wounds or disease contracted while in the service may be allowed a bounty of $100; which was referred to the Committee on Military Affairs and the Militia.

Mr. FOSTER presented a memorial of the American Oriental Society, praying for aid in making explorations in China and the adjacent countries; which was referred to the Committee on Foreign Relations.

Mr. ANTHONY presented five petitions of citizens of Providence, Rhode Island, praying for increased facilities for the transportation of mails, passengers, and freight between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. WILSON presented a memorial of Robert Haering and four hundred others, laboring men, citizens of New York, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber, and representing that the renewal of patents injures the laboring interests of the country; which was referred to the Committee on Patents and the Patent Office.

Mr. POMEROY presented the petition of Miami Indians, praying that the Secretary of the Interior may be authorized to ascertain the arrearages due them, and for the prompt payment of the same out of the funds set apart by the treaty of June 5, 1854; which was referred to the Committee on Indian Affairs.

Mr. JOHNSON presented a petition of a committee on behalf of messengers, laborers, and watchmen employed in the several public Departments, praying for an increase of their salaries; which was referred to the Committee on Finance.

Mr. WADE presented a memorial of the Board of Trade and shipmasters of Buffalo, New York; a memorial of the Board of Trade and shipowners of Cleveland, Ohio; a memorial of shipowners and Board of Trade of Toledo, Ohio; and a memorial of shipmasters of Chicago, Illinois, praying for the improvement of Frankfort harbor, Michigan; which were referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. COLLAMER, from the Committee on Post Offices and Post Roads, to whom was referred a bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes, reported it with amendments.

Mr. DOOLITTLE. The Committee on Indian Affairs, to whom was referred a bill (S. No. 80) to provide for the better organization of Indian affairs in California, have instructed me to report it back, with an amendment in the nature of a substitute. I will state that I desire to take up this bill at an early day, in order that it may be passed before the Indian appropriation bill.

Mr. HOWE, from the Committee on Claims, to whom was referred the petition of Ephraim Hunt, praying for compensation for his services as a soldier in the late war with Great Britain, submitted an adverse report thereon.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (S. No. 4) authorizing the Secretary of War to appoint a board of officers to audit the accounts of the citizens of Lawrence, Kansas, reported adversely thereon.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred a message of the President of the United States in relation to the adjustment of claims between the United States and Ecuador, reported a bill (S. No. 178) to carry into effect the convention with Ecuador for the mutual adjustment of claims; which was read, and passed to a second reading.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the motion to print the petition of the confederate bands of Wea, Peoria, Kaskaskia, and Piankeshaw Indians, reported in favor of the motion; and it was agreed to.

He also, from the same committee, to whom was referred a motion to print three thousand extra copies of the report No. 25 on the bill (S. No. 99) to secure equality before the law in the courts of the United States, reported in favor of the motion; and it was agreed to. He stated that this was not a unanimous report, having been made by the sanction of a majority of the committee.

He also, from the same committee, to whom was referred a motion to print the letter of the Governor of Wisconsin to Hon. T. O. HOWE, accompanied by a statement and proofs of losses by certain persons in that State by a violent resistance to the draft at Fort Washington in November, 1862, reported in favor of the motion; and it was agreed to.

PRINTING OF A MEMORIAL.

On motion of Mr. WILKINSON, on behalf of the Committee on Territories, it was

Ordered, That the memorial of the Chamber of Commerce of Milwaukee, Wisconsin, praying for the construction of a wagon road to the Territory of Idaho, and that military protection may be afforded to the same, be printed.

NOTICE OF A BILL.

Mr. LANE, of Kansas, gave notice of his intention to ask leave to introduce a bill for the relief of the confederate bands of Weas, Peorias, Kaskaskias, and Piankeshaw Indians of Kansas.

BILLS INTRODUCED.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 177) to authorize the construction of a street railway in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LANE, of Kansas, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 179) to aid the State of Kansas in the erection of a court-house for the United States courts and post office at Topeka, Kansas; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

OPEN SESSION FOR NOMINATIONS.

Mr. GRIMES. I desire to propose the following amendment to the rules of the Senate:

All executive nominations shall be submitted to and considered and decided by the Senate in open Senate.

I believe that under the rules this proposition must lie on the table a day. I give notice that I shall call it up to-morrow at the earliest possible moment.

The VICE PRESIDENT. The proposition lies over for a day under the rules.

PRINTING OF MESSAGE AND DOCUMENTS.

Mr. TRUMBULL. I offer the following resolution:

Resolved, That there be printed for the use of the Senate five thousand additional copies of the annual message and accompanying documents communicated to the Senate at its present session.

The VICE PRESIDENT. This resolution must necessarily go to the Committee on Printing.

Mr. TRUMBULL. Before it is referred to the committee, I desire to say that I understand there has been printed at the present session only a

small number of copies of the message and accompanying documents, and that the abridgment which we had last year and which was embraced in two volumes, is not printed at all this year, or rather that the abridgment which is printed is simply the annual reports of the different Secretaries without any of the accompanying documents. Never in the history of the Government have the accompanying documents to the message been as valuable as now; and it does seem to me that we ought to have a larger number of them printed. The number mentioned in the resolution is five thousand. I have put in that number without much reflection; but I hope the committee will inquire into it and report the proper number. I think a larger number than that already ordered should be printed. I believe we shall not get more than ten or fifteen copies apiece of the message and documents under the order for printing as it now exists. I ask for the reference of the resolution to the Committee on Printing.

The resolution was referred to the Committee on Printing.

ANTHONY BURNS'S RESCUE.

Mr. DAVIS. I wish to call up now the resolution I offered a few days ago, to raise a special committee on the case of Thomas W. Higginson.

The VICE PRESIDENT. If there be no further morning business, the resolution submitted by the Senator from Kentucky will be read, and it is now before the Senate.

The Secretary read it, as follows:

Whereas in the history of the attempt to rescue Anthony Burns, a fugitive slave from the State of Virginia, from the custody of the United States officers, in Boston, in 1854, it is represented, and it is also generally reported, that T. W. Higginson, now the colonel of a regiment of negro troops in the service of the United States, led, or was engaged in, an assault made by a body of men, with force and arms, upon the court-house in Boston, where the said Anthony Burns was held in the custody of the law and officers of the United States, with the intent and purpose of forcibly rescuing him from such custody; and whereas it is represented and generally reported that a citizen of the United States, then having the custody of said Burns, was killed and murdered by said assailants: Therefore,

Be it resolved, That the President of the Senate appoint a committee of three members of the Senate to investigate whether the said T. W. Higginson had any connection, and if any, what, with the said attempt to rescue the said Burns, and with the killing and murdering of any person having his custody; and that said committee have power to send for persons and papers.

Mr. DAVIS. I do not propose to say anything on this resolution, except to read a passage from the life of Burns. I read from a book entitled "Anthony Burns. A History. By Charles Emery Stevens:"

"Scarcely had the crowd from the hall begun to pour into the square when the assault was commenced. The lamps that lighted the square had already been extinguished, so that under cover of darkness the assailants might more easily escape detection. Strangely neglecting the eastern entrance, which was not secured at the time, they passed round to the west side, and commenced the attack in that quarter. The court-house on that side presented to the eye an unbroken façade of granite two hundred feet long and four stories high. In the lower part were three entrances, closed by massive two-leaved doors which were secured by heavy locks and bolts. Against the middle one of these doors the beam which had been previously provided was now brought to bear with all the force that ten or twelve men could muster. At the same moment one or two others plied their axes against the panels. As the quick heavy blows resounded through the square, the crowd every moment rapidly increasing sent up their wild shouts of encouragement, while some hurled missiles against the windows, and others discharged their pistols in the same direction. In two or three minutes a panel in one part of the door had been beaten through; the other part had been partially forced back on its hinges, when the assailants found their entrance obstructed by defenders within. The marshal, whose office was in the building, although not anticipating the attack, was not altogether unprepared for it. In the course of the day he had appointed fifty special aids, and posted them in different parts of the spacious building; he had also caused to be deposited in his office a large quantity of cutlasses. On the first alarm the specials were hastily armed with these weapons, and set to defend the assaulted door. As often as the pressure from without forced it partially open it was closed again and braced by the persons of those inside. While thus engaged one of the marshal's men, a truckman named Batchelder, suddenly drew back from the door exclaiming that he was stabbed. He was carried into the marshal's office and laid upon the floor, where he almost immediately expired. It was discovered that a wound several inches in length had been inflicted by some sharp instrument in the lower part of his abdomen, whereby an artery had been severed, causing him to bleed to death. A conflict of opinion afterward arose respecting the source from whence the blow proceeded. Some affirmed that it was an accident caused by one of his own party. It was said that Batchelder was engaged at the moment in bracing one part of the door with his shoulders; that while he was in that half-stooping posture, another of the specials, seeing through the opening the hands of one of the assailants, aimed at them a blow with a watchman's club, which, missing its mark, fell upon the head of Batchelder, and drove him down upon the blade of his own cutlass. Another and perhaps more probable account was, that while Batchelder stood bracing the door behind the broken panel the wound was inflicted by an arm thrust through from the outside, not with any murderous intent, but to compel him to relax his hold.

"In the temporary confusion within, caused by this fatal result, the leader of the assailants, Rev. Thomas W. Higginson, succeeded in forcing his way into the building. None followed him, and the door was almost instantly closed again. For a moment he was alone, face to face with his adversaries; the next he reappeared on the outside, exclaiming to his associates, 'You cowards, will you desert us now?' A saber cut across the chin and other marks attested the rough reception he had encountered while within the walls. The courage and daring displayed by this person showed him to be a fit leader in such an enterprise."

It then goes on to trace his lineage, &c. Upon the facts here stated, I ask that this committee be raised. I suppose there is no reasonable doubt of the substantial truth of this account: that this man Higginson was the leader of the assailants who made the violent assault on that night upon the court-house in Boston, for the purpose of rescuing Burns from the custody of the law. If he was, and I suppose the history is true, he was guilty both of murder and treason. If he committed these crimes in a rebellious resistance to the execution of a law of the United States, he is certainly not a fit person to command a regiment or to hold any other office in or under the Government of the United States. If he is free from this imputation, this charge, his innocence ought to be ascertained and made plain.

I think, under the circumstances, that the committee ought to be raised, the inquiry instituted, and the report of the facts ought to come before the Senate.

Mr. TRUMBULL. I move to lay the resolution of the Senator from Kentucky on the table.

Mr. DAVIS. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 29, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Harding, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—29.

NAYS—Messrs. Buckalew, Carlile, Conness, Davis, Hendricks, Johnson, McDougall, Powell, Riddle, and Saulsbury—10.

So the resolution was ordered to lie on the table.

SUMMARY TRIAL OF MINOR OFFENSES.

Mr. TRUMBULL. I move to proceed to the consideration of the bill (S. No. 52) to provide for the summary trial of minor offenses against the laws of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. TRUMBULL. I will suggest that there is a substitute reported by the Committee on the Judiciary for the bill as introduced, and the Secretary had better simply read the substitute unless some gentleman desires to hear the original bill.

The VICE PRESIDENT. If there be no objection, that course will be pursued.

The Secretary read the amendment, to strike out all of the bill after the enacting clause and to insert the following in lieu thereof:

That it shall be lawful for the judge of any district court of the United States to hold a special session of said court at any time, whether in term or vacation, for the trial of minor offenses against the laws of the United States, as hereinafter provided.

SEC. 2. *And be it further enacted*, That whenever a complaint shall be made against any master, officer, or mariner of any ship or vessel belonging, in whole or in part, to any citizen or citizens of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof; and if, in his opinion, the case is such as should be summarily tried under the provisions of this act, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court.

SEC. 3. *And be it further enacted*, That at such trial it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath, in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. And the said complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter statement.

SEC. 4. *And be it further enacted*, That the said trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court; unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

SEC. 5. *And be it further enacted*, That it shall not be lawful for the court to sentence any person convicted on such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding $500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

SEC. 6. *And be it further enacted*, That it shall be lawful for the court to allow the district attorney to amend his statement or complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appear to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made until a further day, to be fixed by the court.

SEC. 7. *And be it further enacted*, That at such trial, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause shall be tried by the court without the aid of triers.

Mr. HENDRICKS. Does the chairman of the Committee on the Judiciary desire the Senate to consider and pass that bill at this time? It seems to be a very important measure, and I wish to inquire of him whether he desires to put it on its passage to-day.

Mr. TRUMBULL. I called it up with that view; but there is nothing pressing about it. Perhaps it is due to the Senate, and the Senator from Indiana, if he desires it, that I should make a statement of what the bill is. It is reported unanimously by the Committee on the Judiciary. It is intended to reach exclusively a class of cases arising out of offenses committed on shipboard. Minor offenses are sometimes committed on board of vessels, and when they come into port the party is charged with them, and lies in jail a long time in our sea-ports. The witnesses against the party are frequently unable to give security for their appearance, and they are kept for months and sometimes for a whole year to await the trial of some petty offense which has been committed on shipboard, which really subjects the party and the witnesses to more punishment than the law would inflict if the party was guilty of the offense.

The design of this bill is to authorize the district judge to hold a court and try those cases at any time without the intervention of a jury and without any grand jury. The Senator from Indiana recollects that the Constitution of the United States provides that in all cases of charges of a capital character or for infamous offenses the indictment or presentment of a grand jury is necessary, and it also provides that every person charged with crime shall be entitled to the benefit of a trial by jury. This bill provides that the party may be tried by the judge unless he desires to have a jury, in which event the case is put over and a jury called. The object of the bill is to avoid some considerable expense to the Government, and to allow summary trials for these minor offenses the punishment for none of which shall exceed $500 fine, or a punishment in jail for a term not exceeding one year.

I have no desire to press the bill this morning if the Senator from Indiana, on the explanation I have made, desires time to examine it. I will state to him that it was reported unanimously by the Committee on the Judiciary after some examination; but there is no haste that I know of in regard to the bill. At the suggestion of any Senator who wishes to look into it or thinks there is any principle involved that ought to be examined, I shall not insist on its passage to-day. I submit it to the discretion of the Senator from Indiana, and if he wishes to examine it I shall have no objection to allow the bill to go over.

Mr. HENDRICKS. I desire to ask the Senator one further question; and whether I shall ask to have the bill postponed will depend on his answer. Is the bill so framed as to be confined to the cases which the Senator says it was the object of the committee to meet?

Mr. TRUMBULL. Yes, sir.

Mr. HENDRICKS. I want to know is it possible that for an ordinary case of violation of the laws of the United States in the States a man can be brought to trial upon information communicated to the court by the district attorney? Is it possible that there could be such a case as that under the bill?

Mr. TRUMBULL. No, sir. If the Senator will look to the second section he will see that it is limited to these cases:

That whenever a complaint shall be made against any master, officer, or mariner of any ship or vessel, belonging in whole or in part to any citizen or citizens of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same;

and so on. It is confined to those cases.

Mr. HENDRICKS. With that explanation certainly I do not want to delay the measure.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in.

Mr. TEN EYCK. I suggest an amendment to the last section of the bill, in the line before the last, by inserting after the word "cause" the words "in such cases," so as to read "challenges for cause in such cases shall be tried by the court without the aid of triers."

Mr. TRUMBULL. There is no objection to that.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time; and the bill was read the third time, and passed.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed on the 16th instant an act (S. No. 158) in addition to an act to amend the laws relating to the Post Office Department, approved March 3, 1863.

STREET RAILROAD IN WASHINGTON.

Mr. MORRILL. I move that the Senate proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 54) to incorporate the Metropolitan Railroad Company in the District of Columbia, the pending question being on the amendment of Mr. SUMNER to add at the end of section fourteen the following proviso:

Provided, That there shall be no regulation excluding any person from any car on account of color.

Mr. JOHNSON. My principal purpose, Mr. President, in asking the attention of the Senate for a few moments, is to try to maintain the opinion which I gave upon one of the questions which this bill presented when the same question was before the Senate on a former occasion. I am called upon, as I suppose, to do so because the correctness of that opinion was questioned by the honorable member from Delaware [Mr. SAULSBURY] yesterday, and, notwithstanding the difference in age between us, and, as he has been kind enough to say, the difference in other respects, I feel it incumbent on myself, as against the opinion expressed by him, to endeavor to maintain my own. It is unnecessary, therefore, to say that I was not induced to change that opinion by anything that fell from the honorable member.

The question before the Senate on a previous occasion was whether, under the charter of the existing railroad company, there was any authority in the company to exclude from its cars any passenger by reason of his color. What I stated as my own view upon that proposition was merely to repeat the conclusion to which the committee to whom that subject had been referred had themselves come, I believe by a unanimous decision; and in the correctness of that decision the honorable member from Massachusetts, who proposes now an amendment to this bill, concurred. He said that he was satisfied that the opinion was correct; and because he was satisfied of that he was willing to leave the question to be decided by the laws as they then stood. He has thought it, however, necessary to guard against the mischief which at one time he thought under the original charter might possibly be practiced as against persons of a certain description, by proposing an amendment to the present bill, which is to provide in so many words that such passengers are not to be excluded from these cars. I think that his amendment is just as unnecessary for his purpose to this bill as such an amendment would have been unnecessary to the original bill under which the roads are now being conducted.

There is nothing in this bill without the amendment, as there was nothing in the original bill, which gives to the company any authority to exclude passengers at all. They are chartered for the purpose of running a railroad, and by the ninth section it is provided that they "shall place first-class cars on said railways, with all the modern improvements for the convenience and comfort of passengers, and shall run cars thereon during the day," at certain specific times, of course, for passengers. It does not say who are to be the passengers for whose benefit the law is passed, or who are the description of passengers that the company will be obliged to transport; and there is just as much authority, and no more, in this bill without the amendment, to exclude a white passenger as there is to exclude a black passenger. We are therefore to look out of the law for the purpose of ascertaining whether there is in any other statute, or by any other law not founded upon statutory provision, any authority for a company of this description to exclude any particular class of passengers.

The honorable member from Delaware—and it is the only reason as far as I recollect that he suggested as showing that the conclusion of the committee and the opinion which I expressed was erroneous—states that all these railroad companies have a right to establish first-class passenger cars, and second-class passenger cars, and any other class less than second-class, such as emigrant cars. That is true; but there is nothing in that fact which shows that there is any right to distinguish as between different descriptions of passengers who are willing to comply with the terms required of them in order to be transported on any one of the classes of cars which the company may determine to run. By running a first-class passenger car, all that is meant is that he who chooses to ride in a car of that description is to pay a certain price. If he is unwilling to pay that price, and still wants to be transported upon the road, and the company has a car of a minor class, and charges a less sum for the transportation upon that class, he applies to be transported in a car of that class, and he pays what the company may think proper to exact.

That does not prove that there is any right to exclude any passenger who applies to be transported in any one of the kind of cars that the company may under their charter be authorized to run. If, therefore, a black man proposes to ride in a first-class car upon any of the railroads, (where there is no State statute prohibiting it,) he has just as much right, if it be a question of right, to be transported upon that car as a white man; and the error of my friend from Delaware, if he be in error, as I think he is, is in confounding the right which the companies have to establish, by regulation, different classes of cars and charge different sums to the passengers in those respective cars, with the right to establish a distinction between black men and white men, both of whom are anxious to travel upon the particular car.

The only possible ground, then, upon which, in the absence of any particular law outside of the charters of this description, the distinction can be maintained is that there exists in these companies some power in the nature of a police power. I am at a loss to find what there is in any of these charters which can be construed at all as giving to these companies any police power except that police power which may be necessary in order to enable them to discharge the function for which they are created by their franchise. They can preserve order in the car; no doubt about that. If a drunken man or a quarrelsome man give trouble in a car to the rest of the passengers, they can eject him. There is no doubt about that. But that does not prove that they have a right by any police regulation (irrespective of the question whether the passengers can be transported quietly and without danger) to distinguish as between one man and another man, or one woman and another woman. It may be convenient, because it meets with the public wish or with the public taste of both classes, the white and the black, that there should be cars in which the white men and ladies are to travel, designated for that purpose, and cars in which the black men and black women are to travel, designated for that purpose. But that is a matter to be decided as between these two classes. There is no more right to exclude a black man from a car designated for the transportation of white persons than there is a right to refuse to transport in a car designated for black persons white men; and I do not suppose that anybody will contend—surely the Senator from Delaware will not contend—that there exists any power in the company to exclude white men from a car because the company have appropriated that car for the general transportation of black passengers.

Now, Mr. President, I could wish, very sincerely wish, that the difference between these two races could for a moment be forgotten, and the Senate could be brought to devote itself more exclusively to the actual business of the country which involves issues touching at the very life of the nation. I am not sure that I am accurate, but I think that at least one half of the business of the session, as far as the Senate is concerned, has been taken up by debating the respective rights of these two classes. Now, whether a white man is to ride in a black car if he think proper to ride there—I mean in a car with black passengers—or whether a black man is to ride in a car appropriated to white passengers, is a matter that I do not think touches any of the great issues which are now before the country. I do not see that upon any ground even of military necessity there is any occasion for the continuance of a debate of this description; nor, with due deference to the honorable member from Massachusetts, do I see why it is necessary to provide more special guarantees for the black man than are provided for the white man. If the black man is improperly excluded from one of these cars, as the committee who had the subject before them on a former occasion held, he has the right to go to the courts and seek his remedy there, and the white man has no greater right. If that is the object of the Senator from Massachusetts, they are both in that respect upon an exact equality; their rights (provided the opinion which I entertain be the correct opinion) are the same, and the remedies which the law furnishes for a violation of such rights, under which they can obtain a redress for all the consequences attending such a violation, are equally open to them as they are open to the white man.

The honorable Senator might just as well, if he carries the idea to which he is so much devoted, apparently, to its legitimate extent—I do not say that it would not be proper—propose to pass a law providing that these black men and black women shall have the same right to visit the presidential mansion on public occasions as the white men and the white women. The presidential house is as much a public place, furnished for the use of the public, as is one of these cars. It is the business of the President to see the public when it does not interfere with his other duties. It is his business to give an interview to everybody who thinks proper to approach him; and from the beginning of the Government to the present time, days have been set apart in which the doors have been thrown open and everybody is permitted to go and to pay his respects to the President of the United States, or upon other occasions to go in and lay his complaints in the form of petitions before the President of the United States. If the honorable member, therefore, thinks it necessary to guard by special provision this particular class of citizens so as to secure them absolutely in the enjoyment of all the rights which the white men enjoy practically and by law, let him propose a bill saying that upon all public occasions when the President is receiving company, the black men and the black women are to be received on the same terms with the white men and the white women.

Mr. President, there is one thing that cannot be done. Gentlemen may talk as sentimentally as they think proper, and as they no doubt feel; for when the mind runs upon a particular topic and wishes to come to a particular conclusion upon it, it sees nothing that stands in the way of that conclusion. If gentlemen are anxious to bring about absolute equality, not under the law alone, not for the purpose of establishing equal rights under the law, but that equality which seems now to be sought after, social equality, political equality, they will find, I think, in the end that there will be obstacles in the public judgment

that they will be unable to resist, and before which they will be unable perhaps to stand at some future day.

The Senate are not to be told—we all know it—that, whether wisely or unwisely, whether humanely or otherwise, there is by white men and by white women, as a general thing—it is not universal—a preference, when the question of social intercourse is concerned, for white men and white women; and I believe the same may be said of the other class. God knows I have no feeling against them, and never have had; certainly have none now. I am perfectly willing to give them, and shall vote for every measure that may be deemed necessary to accomplish that end, all the rights necessary to enable them to be protected in life and property. But when we come to the question of political rights and social enjoyment, there are other considerations that enter into such inquiries. Nature has deeply fixed in the heart what may be called a prejudice or not as gentlemen think proper. If it be a prejudice—if it be not irreligious so to say—it is a prejudice that comes from our Creator; a preference on our part for the society of those whom we deem God has created our equals.

Now, I remember, and it must be fresh in the recollection of the honorable member from Massachusetts—I do not think I can be mistaken in my recollection—I remember that when Major General Dix, who was at that time in the command of the department including Fortress Monroe, was overburdened with these "contrabands" who were coming to the post and claiming protection, and he proposed to send five or six hundred of them to Massachusetts, the Governor of that State refused to receive them, on the ground, I think, that he thought the climate would not agree with them. If it be so, and I do not say it is not so—I will not dispute such high authority as the Governor of Massachusetts—that of itself proves that there is a natural distinction between the two races. The honorable member from Massachusetts, and every other man that I ever saw from Massachusetts who was white, looked as if the climate agreed with him; and if there be anything in the climate that is detrimental to this particular class, it only proves that nature has made a difference between us. Let us not try to improve upon nature. I do not think we are equal to it.

The condition of this class is now such—I do not mean those who have been free for years—that it would be very perilous, as I think, to adopt this political and social equality. I do not know how many have escaped from the South where our armies have gone; but I suppose hundreds of thousands. Thousands and thousands are here from Virginia and from the other slave States. Are they fit to take part in the great political questions which are now distracting the country? Are they fit companions for ourselves and our wives and our daughters? The question is not whether they can be fit, not whether nature has not endowed them with a mental capacity equal to that of the white. Upon that point differences of opinion are entertained. I have seen some of them who, as I thought, had as much natural capacity as any white man I ever saw; but apparently those instances were exceptions.

But however that may be, one thing is certain, and he who has eyes to see must have seen it, that, speaking of those who have just escaped from slavery, they are not the people to exercise the elective franchise and to mix in society with the educated classes of which, and from which, the public councils of the country should always be composed and taken. Just imagine some five or six or more of them holding a balance of power in this Senate, having seats in this body, and any of the great topics were presented for discussion and for action. How would you manipulate them so as to get them to go with either party? By reason? No; they know not what it is, except to a very limited degree. By persuasion? Yes. Persuasion, founded upon what, and appealing to what? Founded upon ignorance, and appealing to ignorance. It might happen that the vote of one of these men, if not bereft of reason, bereft of all the qualities fitted for this Chamber, would outweigh, or weigh at least as much as the opinion and the vote of the honorable Senator from Massachusetts. What would he think if a measure was carried by a vote of that description as against his own intelligent voice? Would he think the country was benefited?

Mr. SUMNER. With the Senator's permission I will state that I remember that when I first came into the Senate, Hon. John Bell, well known to the Senator, told me that he was first chosen into public life by the votes of free negroes.

Mr. JOHNSON. That may be, but I suppose he had some white votes.

Mr. CONNESS. They made a very bad choice. [Laughter.]

Mr. JOHNSON. I will not say that. The Senator from California may be right, perhaps; but that would not prove that they were particularly fitted for the elective franchise. Have you got any other instance that illustrates their capacity for the public service? If you have you had better bring it out.

I know, and I have said it more than once, that some of this class are educated, very well educated. Many of them born free have had a sufficient education to learn to read and to write, and learning the elements of education they have become superior men. One of them was employed in Maryland in surveying several of our boundary lines, Mason and Dixon's line particularly, and some of the calculations made on that occasion, astronomical as well as mathematical in the higher sense, were made by a black Maryland man who had been a slave. I am far from saying that because a man is black, or because he is a slave, his mind is not just as good as the mind of any other man; but what I mean to say is this, (and it was illustrated in that case,) that notwithstanding his extraordinary mental ability and his great cultivation of it, there existed still in that impression which seems to be the impression of nature, a prejudice which kept that man from the table of the white men who thoroughly esteemed him, and by whom he was surrounded.

Let me refer to this idea of social equality in another aspect, and I shall do so certainly with no invidious purpose. There may be some few men deranged enough to be willing to go to that extent but I am sure that no white educated man in the United States could be induced to contract a contract of marriage with a black woman. He could still less be willing to see any white woman, bound to him by any of those ties which bind woman to man in the domestic circle, contract that contract with a black man. He would hide his head in very shame, and his life would be imbittered to its very end if he could see the daughter of his heart wedded to a man of that description, and a progeny growing up the result of that marriage. He would feel that to him it would be a kindness to take his life, because such a measure to him would be infinitely worse than a calamity of that description. A man can meet death, if he be a man, in a just cause, without feeling even the sensation of fear; but no man can meet a calamity such as I suppose that would be felt by every man, with anything but a continued, trembling, anxious, depressing, harassing, crushing fear.

It may be in the providence of Heaven that in some hundreds of years the problem which is now before us, of social and political equality, may be solved, particularly the first; but as it is, as we now are, he who hopes to see it solved so as to produce at once such equality, sins, as I think, against all the signs of the times, and wars, as I believe, against all the natural feelings of the human race.

I conclude, Mr. President, by saying that I trust upon reflection the honorable member from Massachusetts will see that there is no necessity for his amendment. I think a majority if not all the members of the Senate, with the exception of the honorable member from Delaware, have come to the conclusion that if you pass the bill without the amendment, these people will have just as much right to go into the cars as they will have if the amendment be adopted. Besides, I think it invites a certain class or certain parties to bring about difficulties which the peace of society requires should be avoided, if possible. The learned surgeon who holds a commission in the Army is the only one I have heard of who has complained of the supposed misconduct of the present railroad company. He got upon the cars, and his ejection gave rise to the former discussion. He went into the Supreme Court, and he gave rise to some inquiry in this body whether the Supreme Court had directed him to be turned out. He seems anxious to be a martyr. Now provide by law, in express terms, that these people shall ride in these cars, giving them a right, a positive right which you do not give to the white man, and there may be a good many Dr. Augustas, and we may have trouble.

And what is it all for? It is a mere matter of taste on the part of these black people or white people. I should have no objection to ride in a car with them, provided they were clean; and I have just as much objection to sitting alongside of a dirty white man as to sitting alongside of a dirty black man. But we know, and I think if honorable members will consult their own homes they will find, that there is, at least among the ladies from the North who are from time to time in the city and are in the habit of using the cars, just as great a repugnance to traveling in the cars with that description of people as is to be found in any other class of our community. We of the South, because the institution of slavery was there, have become accustomed to them. I do not speak of myself, for I have no slaves, and I never had any except for a few moments. In the South they are a part of our fireside. They know how to behave themselves. They are treated kindly as a general rule, very kindly; fed as well as their masters, clothed as well for all the purposes for which clothing is really needed. They do not take their seats at the table; they never think of such a thing; yet they have been as happy as the day is long.

I am glad to believe that the time is coming when the institution will no longer exist in Maryland; very glad to know that it is coming, and coming speedily. I am glad to know it, not only because from the first I have thought the institution an evil one, but because with reference to our own State and the latitude in which we are and the latitude in which the adjoining States are to be found, slave labor is the dearest we can have; and from a full conviction of the correctness of the opinion of that man who towers so much above all other men that ever trod the face of this earth—Washington. In a letter, in 1798 I think, to a friend of his in Europe, in answer to an inquiry made by him what were the prices of land in Pennsylvania, in Maryland, and in Virginia, as he contemplated purchasing a large quantity of land, Washington said the price of lands in and around Philadelphia, or in Pennsylvania generally, was so much, thirty, forty, or fifty dollars an acre; in Maryland a great deal less; in Virginia a great deal less; and in his opinion it was to be referred almost exclusively to the existence of slavery in the latter States and its non-existence in the former; and he said further, that he believed it was not only the duty of the several States to put an end to the institution, but that he thought it would soon be accomplished, and when accomplished Maryland, particularly the Eastern Shore of Maryland, and the corresponding portions of Virginia which lie upon the water-courses, would prove to be the garden of America.

Of the soundness of that opinion I have not the slightest doubt. But this is to be accomplished by getting rid of the institution, as we are now about to do. It is practically at an end in Virginia. You may get or not successfully to the end of this rebellion; but whether successful or not, I say the day has gone by when the institution can long survive as it has been living in the past. It may not be actually dead, but it has upon it the wound of death; and these gentlemen at the South—many of whom are very conscientious, I have no doubt, in the opinion that it is an institution to be preserved instead of being abolished—will soon find, in the judgment of Christendom outside of their own limits and in the silent influence of that Christian faith which has done so much to humanize society, an obstacle to its continuance which no power of man can much longer restrain.

Mr. SAULSBURY. Mr. President, the Senator from Maryland has made the argument which I supposed he would make; and notwithstanding the high source from which that argument emanates, I see nothing in it to change the view I expressed yesterday, and nothing, in fact, to justify any extended reply.

The question at issue is not whether the railroad company in Washington is bound to supply all proper facilities for travel to all classes of persons, because I admit that; but the question

is, doing that and providing all necessary accommodations for the transmission of negroes upon their railroad, are they bound in law to allow the negroes to select any car they choose in which to ride? Are the rights and the privileges of the company to be subject to the overruling power of every miserable straggler of a free negro who may choose to visit this city? Why, sir, such a doctrine as that was never advanced until very recent days. In all the States where slavery existed, and in many where it did not exist, until these glorious days the blessings of which we are now enjoying arose, it was universally conceded that railroad companies, steamboat proprietors, coach-lines, had the right to make this regulation. The very railroad between the city of Washington and New York makes its own regulations in the transmission of white persons with reference to the class of cars in which they shall ride, and no complaint is made. Suppose the honorable Senator from Maryland wishes to go from Washington to Philadelphia, and he presumes to say that he will ride in a car which goes to New York, he is met by some person connected with the cars, possibly by a soldier with a bayonet, and he is pointed to the Philadelphia cars, and he is required to ride in them.

But the Senator from Maryland seems to think—at least, I infer so from his remarks—that an action for damages would accrue to any negro who should be excluded from any particular car in which he chooses to ride, or to a white man who, choosing to ride in a negro car, should be excluded therefrom. What would be the question for a jury to try in such a case as that if an action for damages were brought? Whether or not sufficient accommodation had been provided for the transmission of the passenger over the railway. That would be the only question involved in the case. Claiming damages, he must show wrong and injury done of a substantial character by not having sufficient facility for travel over the railway. Then suppose the company were to show by witnesses at the bar of the court that there was a car ready for the accommodation of the white man, but that he chose to ride among negroes, is there a jury in the United States—could there be one summoned in the United States—that would say that man had sustained loss and damage?

The company have the right to make regulations to prevent persons laboring under disease from riding in their railroad cars. I suppose that will not be denied. Why is that? Because it might be dangerous to other passengers. They may, as I apprehend, make regulations for the exclusion from certain cars of persons whose situation at the time is not such as to render them proper and fit associates for other persons in the cars; and how is that fact to be ascertained? By the judgment of those who ride upon the cars. Does any one believe that to allow negroes to ride upon the city cars would be pleasant to any very considerable portion of the ladies and gentlemen of the capital? Does any one believe that by allowing them to ride upon the cars the interests of the company would not be seriously affected? If the interests of the company would be seriously affected by allowing them to ride in the cars with white people, whether that arises from what some may consider prejudice or whether it arises from what I believe to be reason and good sense and good taste on the part of the white people, would not that be a sufficient justification, upon a trial between a negro and the company, to justify the company in placing them in other cars, provided those other cars were sufficient for their accommodation?

But, sir, I will not extend my remarks in reference to the negro question in this case. I do not believe with the Senator from Maryland, however, in the conclusion that slavery is dead. I never wish to see it die even in the little State where I live, though we have no slaves there to make it any consideration to us in a pecuniary point of view. Born in a slave State, seeing none of the great injuries arising from that institution which seem to be so patent to the vision of men now, I desire to close my eyes under the same influences and institutions under which they were opened. If there were not a slave within our State, I still should want a slave code to keep out your intermeddling negroes who wish to associate on terms of equality and to ride in railroad cars and other public conveyances with white people.

Sir, the finger of God Almighty has drawn the distinction between the races, and abolitionism is infidelity; it is a war upon the ordinances of God's providence, and it emanates from and exists among a people less orthodox in religious creed than any other portion of the United States. There is no "ism" of the modern days which has ever sprung up in a slaveholding State. Woman's-rightsism, spiritualism, and every other ism, together with abolitionism, have their origin in a locality where slavery is more distasteful than it is in other localities, but not among a people who are more kindly disposed to the negro race or who treat them more kindly when among them. Sir, for slavery itself I care not. It is only the influences and the spirit of abolitionism that I dread, and that I wish to be free from. But, sir, these latter remarks are not pertinent to the matter before the Senate, and therefore I will not pursue them further.

Mr. SUMNER. Mr. President, the question before the Senate is very simple; it is as plain as one of the ten commandments; but the Senator from Maryland, with that nimbleness of speech which belongs to him, while undertaking to discuss it, has ranged over a very extensive field. He has treated the Senate to a discourse on almost every subject and something else also: the electoral franchise, social privileges at the presidential mansion, the equality of races, the intermarriage of different races, the state of slavery in Maryland, also in some other States, and then the state of slavery generally. Now, sir, I do not propose to follow the Senator on any of those topics. My desire is to bring the discussion to the precise point in issue. I think the Senate will then be the sooner prepared to vote.

But the Senator from Maryland will allow me to remind him that he seemed to exhibit in what he said a rare inconsistency: first, so far as he declared the absolute right under the statute of colored people to a seat in the cars, and then went on to argue that on every consideration of social life and of principle they ought not to be admitted to any such privilege. The two parts of his argument did not go together. If colored people have the legal right to enter these cars, why does the Senator argue that they ought not to have that right? I agree with the Senator in the first argument. They have the legal right to enter these cars, and the proprietors are trespassers when they undertake to exclude them. On that point I agreed with the Senator the other day. To my mind it is clear, because any other conclusion authorizes a corporation to establish a *caste*, offensive to religion and humanity, injurious to a whole race now dwelling among us, and bringing shame upon our country.

Now, the Senator asks why, as I agreed the other day to this conclusion, do I bring forward the present proposition? To this there are two answers, either of which is sufficient. The first is that in the last railroad statute which we have passed this provision has been introduced, and I have never heard of any complaint or trouble from it. Let us in the one now before us introduce it also, and make the two uniform. That is one reason. But the better reason is that while, beyond all question, colored persons have the legal right under the statute, even without this amendment, yet that legal right has been called in question. In point of fact they are excluded from the cars. The Senator from Maryland refers to one case because it had become well known. I have known of a great many other cases. Indeed, they are brought to my attention almost daily. There is then an abuse at this moment by the exclusion of colored persons from these cars. They are kept out of their rights. And permit me to say we cannot afford at this crisis of our history to sanction injustice. Every such act rises in judgment against us and hangs on the movement of our armies, checking even the currents of victory.

The Senator admits their rights; but he says let them go to the courts. Sir, what is that for a poor, humble person, without means and without consideration? The Senator knows something of the law's delay and the law's expense; and I ask him whether it is right to subject this oppressed people to this additional oppression, when by a few words Congress now in session can remove the difficulty?

Mr. JOHNSON. Will the Senator permit me to ask him a question by way of reply? Suppose the amendment is adopted, if it will not give them a greater right than they have now, and the company refuse to let them enjoy the right, what is their remedy? They must go to the courts. I suppose there is no other remedy. You do not provide that the charter shall be forfeited at once.

Mr. SUMNER. I know very well that then they may in the last resort be obliged to go to the courts; but I know that it will be more difficult for the company to exclude them in the face of a positive statute than when their rights are simply founded on *inference*. The positive words which I propose leave no loop-house for doubt. They must be obeyed.

There is nothing more common in legislation than, where there is a doubt as to the meaning of a statute or of the common law, to provide against any mischief from it by what is well known as a "declaratory" statute. I have in my hands a work of authority, which the Senator knows well, Dwarris on Statutes, from which I read these words:

"And first, of declaratory acts. These are made where the old custom of the kingdom is almost fallen into disuse or become disputable, in which case the Parliament has thought proper, *in perpetuum rei testimonium*, and for avoiding all doubts and difficulties, to declare what the common law is and ever hath been."

Are not these words completely applicable to the case before us? What should be the custom here is, according to these words, "almost fallen into disuse," or "become disputable." I say, therefore, again, following these words, "for avoiding all doubts and difficulties," it belongs to Congress "to declare what the law of the land is."

Again, in another place, this same writer, speaking still further of declaratory statutes, says:

"Acts to explain laws are properly acts of interpretation by legislative authority, or, to borrow an expression from the writers on the Roman law, they are acts of *authentic* interpretation."

I ask the attention of the Senator from Maryland to the expression, "they are acts of *authentic interpretation*." Now, sir, what I desire on this occasion is that the Senate shall give an authentic interpretation to the law on this question. In order to do this it is not needful to range over the whole field of history, of morals, or of politics, as the Senator has done, or to discuss the question of the equality of races, or their fortunes in the future; but it is enough for us to become acquainted with the existing abuse which passes every day under our own eyes in the streets of this capital, and then to apply the remedy. There is an abuse, beyond all question. The remedy proposed is simple, and I cannot doubt that it will be effective.

Listening to the objections which this measure has encountered, I am reminded of those so often brought against the Wilmot proviso. Sometimes it was said that slavery could not go into the Territories without positive statute, and that, therefore, the prohibition was unnecessary. But it generally happened that those who opposed the positive prohibition were indifferent to the whole question. No, sir. There can be but one true rule on this subject. It is this: let the rights of colored persons be placed under the protection of positive statute, and let their oppressors be warned in this way against continued outrage.

Mr. CARLILE. I wish to ask the Senator from Massachusetts if, in any act incorporating a railroad company in his State, any provision is inserted defining the character of the people who are to ride in the cars?

Mr. SUMNER. That whole question, after much discussion in Massachusetts, has been settled by legislation, and the rights of every colored person are placed on an equality with those of white persons. They have the same right with white persons to ride in every public conveyance in the Commonwealth. It was done by positive legislation twenty-one years ago.

Mr. CARLILE. I ought not, perhaps, to have acknowledged my ignorance on that point, for I could easily have ascertained the fact for myself. But what is the number of colored people in the State of Massachusetts?

Mr. WILSON. Between eight and nine thousand.

Mr. CARLILE. I lay down as a general rule observed by all States in the incorporation of companies of this sort, to leave to the companies themselves the making and establishing of certain rules

and regulations for their own government. It is a fact known to every gentleman who has passed over any railroad in the United States that white men are excluded from certain cars attached to almost every train. When you leave this city, unless you have a lady with you you are turned away from the car which is reserved for ladies and their escorts. These rules and regulations are made by the companies, and it is to be presumed that they will be governed by their interest in the making and in the enforcement of them. So far as I am advised in the States with the legislation of which on this subject I am familiar, it is supposed that the interest of these corporations will govern them. They are said by Lord Coke to have no souls, to be governed exclusively by their interest; and if a drunkard, a man intoxicated is excluded from a car, or if a person is excluded from a car because he is of a different color from ourselves, it is to be presumed that that exclusion is caused because it is the interest of the company thus to exclude the individual.

I have once or twice in my life been in the great city of New York. I am not at all familiar with their statutes; but I have seen in that city precisely what I see every day in this city, cars having printed upon them the words, "colored persons admitted in this car." I presume that any railroad company in this city would have as good a right to print upon its car, "white persons are excluded from this car," as they have to print "colored persons are excluded from this car," and I have no doubt that they would do so if they should find it to be their interest to do so.

I think, therefore, acting upon the experience of the past and judging from the action of the States in relation to such companies, with the single exception of the State of Massachusetts—and we are told there are but some nine thousand negroes in the whole State, and I suppose neither of the Senators from Massachusetts has very often seen in the city of Boston a negro riding in a street car——

Mr. SUMNER. Always. I doubt whether I have entered a car there without seeing one.

Mr. CARLILE. They have been attracted to that car by the fact that they have seen the Senator get into it. [Laughter.] I have no doubt that is the fact; and it was from a desire to be as near as possible to a distinguished personage who had rendered himself famous not only in his own country but throughout the whole civilized world, in advocating the interests of these "down-trodden people." I think it would be better for us to leave this subject where it has been left by the experience of the past. If any person is excluded, whether a white man or a black man, from riding in any car, the courts of the country are open to him. If he is entitled so to ride, he has his remedy, and it will be given to him.

Mr. DOOLITTLE. Mr. President, railroad companies have the right to make regulations for the convenience of the public, not for their inconvenience. No railroad company would have a right to make a regulation which would prevent any person, white or black, from being entitled to a seat to ride upon their road; but they may make regulations by which particular seats or particular cars may be set apart for particular persons. Does any man in his senses doubt that a railroad company has the right to say that only ladies, and gentlemen who travel with them, shall take seats in one car, while gentlemen without ladies shall not take their seats in that car, if the railroad company at the same time furnish a car which does contain seats in which gentlemen can ride? There is no doubt about the law on the subject; and the man greatly deceives himself who supposes that this power does not exist in the railroad companies.

Take my honorable friend from Massachusetts. He does not usually travel with a lady; he travels by himself. Suppose that he goes down to the depot here, and he walks along up to that car in which ladies and gentlemen are seated together, and steps upon the platform; he finds himself met by a young gentleman at the door of the car saying, "My dear sir, there is the car for gentlemen that ride without ladies; those who ride without ladies cannot come into this car." Is that trampling on his rights? Is that denying him any right to which he is entitled because he has purchased a ticket? Not at all. It is a simple regulation for the convenience of passengers that ladies riding in the cars over the great thoroughfare between here and New York may with their escorts occupy a car by themselves, while gentlemen without ladies shall ride in another car. Then the smoking gentlemen, who are to be found everywhere, have a car set aside for them, called the smoking car, and I believe on some trains there is what they call a refreshment car in which certain other gentlemen are admitted. All this is a matter of regulation for the convenience of the public.

In the State where I live the railroad cars are not as much crowded as they are, perhaps, between here and the city of New York; and yet they adopt the same regulation. There are certain cars set apart for ladies riding with gentlemen, and other cars into which gentlemen without ladies go. Now the point, in my opinion, is this; this, I think, is the law of the case: a railroad company is bound to furnish a seat to every man who purchases a ticket and asks for a seat. If they are public carriers for public convenience, they are bound to furnish a seat, and they are bound to furnish it in a reasonable time and in a reasonable manner, and a good seat, and that is all they are bound to do; and in a community where nearly half the population are colored people and the other half of the population are white people, if it is for the convenience of the traveling public that cars should be separated, and seats for colored persons provided in one car and seats for white persons in another, there is nothing in it that tramples on anybody's rights; nothing which does not serve the convenience of the public.

It seems to me that this amendment of the Senator from Massachusetts is entirely unnecessary. I shall not take up the time of the Senate, but certainly I shall not vote for the amendment.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) The question is on the amendment proposed by the Senator from Massachusetts.

Mr. SAULSBURY. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. MORRILL. As the Senate is to divide on this question, and the bill comes from a committee of which I am a member, and I had something to do with presenting it to the Senate, I feel called upon to say a few words.

The proposition of the Senator from Massachusetts has borrowed an importance from the discussion which I am sure it had not in the beginning. I do not consider that it adds to the authority or the legal force of the bill. The bill is just as strong to protect the rights of all persons who are to be transported over this road in the contemplation of the bill without the amendment as with it. So far as the legal rights of the persons who are to be accommodated by this road are concerned it adds nothing.

The Committee on the District of Columbia on former occasions had this identical subject before them, and considered it somewhat at large; and the honorable Senator from West Virginia [Mr. WILLEY] made a report upon it in which the opinion—I believe the unanimous opinion—of the committee was stated; and that was, that as a matter of law, under the former charter and under this one, which is a transcript of it, there is no doubt at all as to what the law is; that both roads become common carriers; that it is simply a question of passengers; that any man who is a passenger has a right to go upon the road, and, paying his fare, they have no right to discriminate against him either on account of his color, or the length of his nose, or the cut of his hair. As a question of public decency they would have a right to say whether an infected man, or an intoxicated man, or a man who, by his manners or condition had offended against public decency should travel on the road or not. But upon no other conceivable ground whatever would this company have a right to say that a man demeaning himself properly, and paying his fare, should not have a right to a seat in the cars. It is therefore clear and well settled both as a matter of law and as a matter of right.

Now, as to the question of remedy, does the amendment change it? Does it add to it in the least? I do not see that it does. What is the remedy now? It is the ordinary remedy. The remedy of the colored person is precisely the remedy of any other person who is denied the privileges of the cars. Suppose a man insists upon getting on one of these cars with a market-basket in his hand, which of itself is offensive.

Mr. SUMNER. They do it every day.

Mr. MORRILL. That is true; they do; but the Senator perhaps knows that they are positively excluded from some of the cars, and, I insist upon it, are very properly excluded. It is an offense against public decency that they should do it in the manner I have observed it. I find, however, that the persons who make such loud complaints against persons of color entering the cars are perfectly quiet when neighbors to these persons who as to personal cleanliness are offensive, and who are accompanied in this way.

I repeat, therefore, that it is not a question of remedy, because the same remedy is open to the colored person that is open to any other; and what is that? A resort to the law; a resort to the courts of law. It so happens that the courts of law in this District are open, and under the legislation of this and the former Congress they are accessible to this class of persons. There is no presumption against these persons in law any where in this District. They are allowed their oaths. I suggest therefore to the honorable Senator from Massachusetts that the law is clear, the right is unquestionable, and the remedy is ample. That was my opinion; and that was the reason why this bill was reported without this provision. Standing thus, I thought it wiser that this question, which is a collateral question, and one that must be settled in some other way, outside of Congress, whenever it is settled, should not be mooted on this bill.

But the Senator from Delaware has given it an importance which it had not before; for he rises here and denies this proposition. He maintains that this company has the right to exclude altogether from their cars a negro—to which word he seems to give a great deal of emphasis, as if he would speak the sentiment of degradation deep into the negro character. He stands alone in that, I believe, so far as anybody has spoken on the subject. He therefore lends an importance to the amendment proposed by the honorable Senator from Massachusetts.

Exactly on this point I desire to allude to a single sentiment that fell from that Senator this morning, and, I believe, also on yesterday. He seems to impugn the motives or question the propriety or the good taste of those who advocate this measure.

Mr. SAULSBURY. I impugn nobody's motives.

Mr. MORRILL. The honorable Senator said this question of riding in cars with colored people was a matter of taste, and he would say to us that, in his judgment, it was not a matter of good taste to make provision that our wives and daughters who come to this capital shall be required to ride in public conveyances with persons of color.

Mr. SAULSBURY. I will ask the Senator whether I have not the right to express my opinions on questions of taste and matters of taste without being charged with reflecting on the motives of others?

Mr. MORRILL. I do not mean to say that the Senator reflected on the motives of others; but he arraigns this question as a matter of taste, and the precise matter of taste which is obnoxious to him and which he animadverts upon is that we will insist upon it that colored persons shall be permitted to ride in the cars with white people in this city. I mean nothing personal in what I am about to say; but I suppose I can state a case that will not be offensive to the taste of the Senator from Delaware. It would not be offensive as a matter of taste to the Senator from Delaware and the class of persons of whom he is the representative in this Chamber to ride with a colored person in the best carriage in town, provided that colored person wore on his person the badge of bondage. You may put as many colored men and women as you please in the cars with the persons who make this argument, and if you will put upon them the badge of bondage and servitude, they will not be offended at it. It is in good taste to do that! Nay, sir, you may put a colored man or woman on the very seat by the side of the advocates of this doctrine of taste, and they will not only not be offended at it, but will be proud of it, so long as the badge of servitude and bondage is apparent. Why, sir, as I came up town the other day, I saw an exceed-

ingly well-dressed colored man riding in the very seat of honor, while the white man sat where the driver ordinarily does and held the reins and the whip, and seemed proud that he held the "ribbons."

I might say to the honorable Senator that, as a question of taste, I feel exceedingly offended at this practice. There would be just as much sense in my saying that, as there would be in arraigning those who advocate this bill for a want of good taste in saying that, as regards the question of abstract right, a colored man, being a decent man, not being infected with any contagious disease nor a drunkard, may ride in the public conveyances in this city.

The Senator assures us that this class of legislation tends to a fatal equality of the races, social and political, and warns the Senate that in our vain attempts to free and elevate four million negroes, we are doing all we can to enslave and degrade thirty million white people—the superior race. The logic of this argument or rather this assumption is twofold: that all persons who ride in the same public conveyance are thereby necessarily put upon terms of social and political equality, and that the elevation or emancipation of the inferior tends to the degradation of the superior race. The bare statement of the first proposition is its refutation.

All classes and conditions of persons and of every rank and degree meet in the public streets, in hotels, railway cars, steamboats, and other public conveyances and places, and no question ever arises of social or political equality from such fact. On this reasoning, why, tell me, is not the social condition of master and slave complete and equal? They ride together in the same public and private conveyance often, live together in the same house, and associate, it cannot be doubted, in many ways tending, one would think, to establish the relation of social equality; and yet it is said that social isolation between them is quite entire. Sir, it is not a question of social or political equality, or the fear of it, that offends the Senator and those of whom he speaks; it is not a real apprehension that the negroes will be made equal in these respects. It is a question of freedom, which puts the *slave out of the power* of the master and beyond his control, that fills this Chamber with the lamentations of the Senator when questions of this sort arise here.

The honorable Senator said yesterday that this whole question of the regulation of the intercourse or relations between the races had better be left to the gentlemanly instincts of the superior race and the principles of Christianity. He scouted the idea of legislative regulation. Let us look at that idea for a moment. Suppose I accept the proposition and leave this question to the influences of that Christianity to which he appeals. Assuming now that the Senator is desirous to learn the teachings of Christianity in relation to his cherished "institution," and willing to accept its dealings with it in the past as a rule of conduct for himself and those for whom he speaks in the present and for the future, let us see what is the record of that Christianity upon the subject. What has been the course of Christianity on this subject for the last three or four centuries—nay, sir, since the light of its doctrines first dawned upon the civilized nations of the earth? Has it not been abolition? Is not that the doctrine it taught?

Mr. SAULSBURY. I do not think so.

Mr. MORRILL. Did not emancipation originate in the Christian church in the very earliest ages of Christianity, and has it not been a fundamental and cardinal principle of the Christian church ever since? In the early ages of the church whenever and wherever a slave adopted the Christian religion, his master, being a Christian himself, was bound to manumit him by the rules of the church; by his faith he was emancipate and free. That doctrine of the church has come down to the present hour, and under the influence of that and similar doctrines, under the influence of the doctrines of Christianity, slavery has disappeared in every Christian and civilized nation on the face of the globe, excepting only America; and, God be praised, America is not long to be an exception.

Sir, if we were to take the course of Christianity, to which the Senator would refer this question, we would very soon be free of all these difficulties and all these embarrassing questions. That Christianity to which he refers, and which he quoted in vindication of the rightfulness of slavery, is all the other way. Its influence, its presence, its history, are all on the other side, and wherever that influence has prevailed slavery has melted away and disappeared among the nations of the earth.

Why, sir, the spirit of Christianity is the spirit of freedom and brotherly love, and where these exist there is perfect liberty; slavery cannot exist. He who spake as never man spake proclaimed the essential brotherhood of the race and taught the great lesson that to do unto others as ye would that they should do unto you was the sum of practical human duty. Where the influence of these sublime truths of Christianity has been felt the shackles have fallen from the limbs of the bondman, and so it must ever be. Christianity is an inspiration of love and good-will to man, purifying, elevating, emancipating; not a law of force, binding, enthralling.

Mr. FOSTER. Except the church South.

Mr. MORRILL. Except the church South. The honorable Senator will allow me to say, without intending anything personal to him, that the church South is the school, I fancy, in which he has studied that theology of which he has spoken to-day.

Now let us look at the other influence to which the honorable Senator would leave this question—"the gentlemanly instincts of the superior race." Under the influence of the gentlemanly instincts of the superior race what has been the history of slavery on this continent? Sir, under the influence of a lofty patriotism and of Christian statesmanship our fathers planned and set this Government in motion on the idea of universal liberty; and no man who reads the history of the country aright can deny that proposition. That was the cardinal and fundamental idea upon which our Government was based, and through which it was to work out its great destination. I need not stop to say that under the influence of that sentiment and those doctrines provision was made for the abolition of the slave trade. They taught that slavery was a sin, a great crime against God and against man; that it was inconsistent with that liberty which they had sought to found here. That is what they taught us.

But, sir, under the influence of the gentlemanly instincts of the superior race of late what do you find? Under the influence of those instincts slavery has come to be cherished—cherished as a benefaction to the race; cherished as a great social good; cherished as the corner-stone upon which you are to rear American institutions, the corner-stone of civil and religious liberty. When the public mind in the South adopted that sentiment of course it became at war with the fundamental principles of the Government; and it had only one step further to go, and that it has taken. It was to arm against the Government and take up arms to carry out these sentiments and these doctrines. This rebellion is the legitimate fruit and the logical necessity and outgrowth of slavery, and these are the fruits of the influence of the gentlemanly instincts of the race applied practically to the African in this country.

If the honorable Senator would like to see the influences of this gentlemanly instinct further illustrated, I will refer him to the tables of the last census, and he will find that under the influence of that instinct, of four million "black" men and women in this country, half a million are mulattoes. That is the result of the influence of the instincts which he calls gentlemanly, but which I denominate animal. Will that Senator, dare he, rise in the American Senate, in this the nineteenth century of the Christian era, and as an American statesman, Christian statesman, inculcate the idea that the great problem of American slavery may be left to the sway of the instincts of the superior race, and that we have no duty in regard to it?

If the honorable Senator desires to talk about questions of taste on this subject of the races or on this sort of legislation, I will meet him with this history, with this argument, with these facts. I say to that Senator, with no disposition to be offensive to him, that it will be quite as wise for him if, on these questions which come up, he does not find it convenient on all occasions and on every occasion which presents itself here, to undertake to indoctrinate the Senate and the country with these notions which this country is outgrowing, and which civilization everywhere else has outgrown in the last half century. He might as well take a little note of the current facts of the times, of the current events of the hour. Let him be admonished by my honorable friend from Maryland, [Mr. JOHNSON,] and by the Senators who are around him here, that the institution for which he seems to have such a devotion and such a love, upon which his infant eyes opened and upon which when he dies he hopes to close them, is passing away; that all these attempts to bolster it up are as nothing; that the current of events, nay, that Christian civilization to which he refers and to which he would leave it, has swept it in the last three hundred years from the face of Christendom everywhere else and will prove its downfall here.

The spiritual and moral forces which underlie this nation, and which constitute its basis and strength, are in harmony with the Christian civilization of the last three centuries, which has proved so omnipotent in reforming old abuses and in ameliorating the condition of the masses of the Old World, in harmony with the providence of Heaven in its great purposes in this western world, and will ultimately give us the victory over all forms of oppression over the limbs or minds of men.

Mr. President, I shall conclude simply by coming back to the proposition before us; and but for the argument of the Senator and the assault made on this bill that without this amendment the company had power to exclude these persons, I should not have felt at liberty to say a word. But for the fact, which is patent to us all, that there are those who sympathize with the argument of the honorable Senator, and who arbitrarily undertake to exercise the power of excluding colored persons, I should say that this amendment added no force whatever to the bill. But, sir, considering this argument, considering the fact which has been reported to us, and the additional fact that on a former railroad bill the Senate ingrafted precisely this amendment, and considering the additional fact that it neither alters nor changes the character of the bill a particle, but is simply reënacting in this bill what I understand to be the general law of the District, I am inclined not to oppose the amendment. I shall vote for it.

Mr. SAULSBURY. Mr. President, I shall detain the Senate but a moment. I do not know that there is anything in the very impassioned speech of the Senator from Maine that calls for any particular reply from me further than perhaps that I ought to make my acknowledgment to him for the very kind advice which he has given me to look around and observe the action of others and to imitate the example of the distinguished Senator from Maryland. I appreciate advice, sometimes even when it is unsought, and I give it that consideration which I think it merits; but I generally pursue my own course afterwards and govern my action upon public questions and personal questions by my own judgment, whatever may be the judgment of others as to the propriety of the course that I pursue.

The Senator charges me with making an assault on this bill. He charges that on every occasion on which questions of this character come before the Senate I take occasion to express my opinions in my own way. Sir, I have made no assault on this bill. I have not said one word about the bill, and did not oppose the bill in any particular; but a proposition was made to amend the bill by putting into it that which in the judgment of the Senator himself as a member of the Committee on the District of Columbia was unwise. He as a member of that committee, thinking that this proposed amendment was unwise, would not report it to the Senate; and because I am of the same opinion, and express that opinion in the Senate, it is said that I am making an assault upon the bill. If my opposition to an amendment condemned by the judgment of the Senator, and condemned by the judgment of every member of the Committee on the District of Columbia, be an assault on the bill, the distinguished Senator from Maine has made that same assault and by his course justifies my action.

Sir, I will not be led into any discussion here on this simple proposition as to what was the cause of this rebellion. I never believed and do not now believe that negro slavery was the cause of the rebellion, any more than I believe a thou-

sand other heresies are which I hear repeated day after day. I believe the attempt to intermeddle with the constitutional rights of the people of the States, and that persistently for years and years, by unlawful means, had much to do with bringing it about, and that the abolition agitators at the North were coworkers with the secessionists *per se* of the South in plunging this country into this horrible war. But, sir, I do not mean to be led into a discussion on this bill of my views on that subject. If I find it necessary hereafter to present them to the Senate, I shall do so when the subject shall be more legitimately and properly before the Senate.

Neither will I be led into any discussion in reference to instincts, North or South. The Senator has been so very kind as to refer to the last census as an evidence of what those gentlemanly instincts are. Sir, I have never set foot on New England soil, though I should like very much to do so, and very seldom upon the soil of a free State; but I doubt not if I were to do so I might find some evidences of the same kind of gentlemanly instincts. But, sir, I will not be led into any retort upon the Senator's section by any remark that he has made upon this subject. I leave the subject just where I left it before upon the presentation of a legal view which I entertain as to the rights of this corporation. I have heard nothing to change it, and I do not think it ought to be changed.

Mr. DAVIS. Mr. President, we have a few railroads in Kentucky, but not many, and I do not remember that I ever traveled in a railroad car there that I did not see white persons and black persons and of both sexes in it. I have seen the negro and the white man and the white lady invariably in the same car; but the conductor sets apart a few seats for the negro, or, if my friend from Iowa [Mr. GRIMES] would prefer it, I will say the colored gentleman and colored lady, and they are not allowed to take their seats with white persons. That is all a private regulation of the conductor of the car. I never saw it produce the least disturbance or objection that negroes were admitted in the same car with white persons in that way; but I never saw a negro man or a negro woman obtruding himself or herself into a seat by a white person, and the thing all went on harmoniously without any sort of disturbance or jar of feeling under the direction of the superintendent of the train.

Now, I will ask the honorable Senator from Massachusetts who presented this amendment if there are not corporate privileges granted by the Legislature of Massachusetts to associations for the erection of public hotels.

Mr. SUMNER. They are allowed to hold real and personal estate, for instance, to certain amounts.

Mr. DAVIS. They are incorporated. Can the Senator point to a single act incorporating a public hotel by the State of Massachusetts in which it is provided by a special clause that citizens of the colored or African race of both sexes shall be admitted to all the dinner tables, all the private chambers, all the saloons, parlors, and reception rooms of the whole establishment equally with the white people? I think not. I suppose all those matters are attended to by the judgment and discretion of the proprietors and managers of the hotels; and it seems to me this matter ought to be left to the same judgment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 19, nays 17; as follows:

YEAS—Messrs. Anthony, Brown, Clark, Conness, Fessenden, Foot, Foster, Grimes, Harlan, Howe, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sumner, Wade, Wilkinson, and Wilson—19.

NAYS—Messrs. Buckalew, Carlile, Davis, Doolittle, Harding, Harris, Hendricks, Johnson, Lane of Indiana, Powell, Riddle, Saulsbury, Sherman, Ten Eyck, Trumbull, Van Winkle, and Willey—17.

So the amendment was agreed to.

Mr. TEN EYCK. I wish to make a verbal correction in the amendment submitted by myself yesterday, in order to carry out the purpose of the amendment. It is to correct the amendment to the second section by inserting the word "and" instead of the word "provided."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LANDLORD AND TENANT LAW.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (S. No. 138) to regulate proceedings in cases between landlord and tenants in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the District of Columbia with an amendment in the nature of a substitute.

Mr. GRIMES. I suggest that the reading of the original bill be omitted, and the substitute only be read.

The PRESIDING OFFICER. That course will be pursued, if there be no objection.

The Secretary read the amendment, to strike out all of the original bill after the enacting clause, and to insert in lieu thereof:

That a tenancy at will shall not arise or be created without an express contract or letting to that effect; and all estates at will may be determined by a notice, in writing, to quit, of thirty days, delivered to the tenant in hand or to some person of proper age upon the premises, or, in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read. The attornment of a tenant to a stranger shall be void, and shall not affect the rights of the landlord unless it be made with the consent, express or implied, of the landlord.

SEC. 2. *And be it further enacted*, That when forcible entry is made, or when a peaceable entry is made and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease by its own limitation, or by notice to quit, or otherwise, on written complaint on oath of the person entitled to the premises, to a justice of the peace, charging a forcible entry or detainer of real estate as aforesaid, a summons may be issued to a proper officer, commanding the person complained of to appear and show cause why judgment should not be rendered against him, which shall be served like other writs of summons at least seven days before his appearance. If it appears by default or upon trial that the complainant is entitled to the possession of the premises, he shall have judgment and execution for the possession and costs; if the complainant becomes nonsuit and fails to prove his right to possession, the defendant shall have judgment and execution for his costs.

SEC. 3. *And be it further enacted*, That if upon trial defendant pleads title to the premises in himself, or in another person under whom he claims the premises, he shall recognize in a reasonable sum to the complainant, to be fixed by said justice, with sufficient sureties, conditioned to pay all intervening damages and costs and reasonable intervening rent for the premises; and the complainant shall in like manner recognize to the defendant conditioned to enter the suit at the next term of the supreme court of the District, and pay all costs adjudged against him; and thereupon the proceedings shall be certified to said court by the justice. If either party neglects so to recognize, judgment shall be rendered against him as on nonsuit or default, and execution shall issue accordingly as aforesaid.

SEC. 4. *And be it further enacted*, That on the trial of said suit, in the supreme court of the District, if the jury find for complainant, they shall assess the damages and intervening rent; and in case of default the same shall be assessed by the court.

SEC. 5. *And be it further enacted*, That the fees of the justice issuing the process and hearing the issue and making up record and certifying same, and the officer for serving the process, shall be those allowed in civil causes.

Mr. HENDRICKS. I wish to inquire of the Senator from Maine having this bill in charge, whether it was not the intention of the committee to regulate the giving of notice. I know that the great inconvenience of the length of the notice that is required in this District to terminate a tenancy is a matter of complaint. It seems to me that is an important subject omitted in this bill.

Mr. MORRILL. I think the Senator will find on examination that that provision is contained in the first section.

Mr. HENDRICKS. The amendment provides only for tenancies at will.

Mr. MORRILL. If the Senator will allow me I will invite the attention of the Senate to the construction of the first section of the amendment:

That a tenancy at will shall not arise or be created without an express contract or letting to that effect; and all estates at will may be determined by a notice, in writing, to quit, of thirty days, delivered to the tenant in hand or to some person of proper age upon the premises, or, in the absence of such tenant or person, then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read.

Mr. JOHNSON. Where is the provision for notice in case of other tenancies?

Mr. HENDRICKS. The first section of the original bill, which is proposed to be stricken out, regulates that.

Mr. MORRILL. The committee have reported the bill in a new draft. I invite the attention of the Senator to the second section of the amendment:

That when forcible entry is made, or when a peaceable entry and the possession unlawfully held by force, or when possession is held without right, after the estate is determined by the terms of the lease by its own limitation, or by notice to quit, or otherwise, on written complaint on oath, &c.

The provisions of the bill are these: first, it provides that there shall be no tenancy at will, except by express contract, and in that case there shall be a notice to quit of thirty days; but where the tenancy is determined by the terms of the lease, which is another case, the only case upon which a question can arise, there no notice is necessary at all except the seven days' notice which is provided for in the second section.

Mr. HENDRICKS. I certainly agree with the Senator that where the tenancy expires according to the terms of the contract a notice is not necessary; but in that large class of cases where it becomes by the holding over a tenancy from year to year, or a tenancy from month to month or from quarter to quarter, certainly there ought to be some provision in this important bill regulating the subject of notice to terminate that sort of estate. That is the trouble with the people in this District.

Mr. MORRILL. In the estimation of the committee, the relations of landlord and tenant do not exist in such a case, and, in the language of the second section, they are to be regarded as holding possession unlawfully, and, on the oath of the person owning the property, a summons is to be issued at once by a justice of the peace.

In order to make myself understood, I will restate what I understand this bill to contain. In the first place, it negatives the idea of a tenancy without an express contract. Then it provides that in cases of tenancy at will, where the tenancy does not expire by the terms of the contract, thirty days' notice shall be given; but in cases where the estate is determined by the terms of the contract, no notice is necessary. Where a person holds the possession of property wrongfully—and he does hold it wrongfully if he holds it without right and without a contract—the owner may proceed against him without notice on complaint. The only notice that it is necessary for him to give is an application to the justice of the peace setting out the fact of the ownership in the complaint and that the party holds it unlawfully. He can then summon him before the magistrate to show cause why judgment should not be rendered against him.

Mr. JOHNSON. I think the honorable member is mistaken as to the effect of this bill in the particulars in reference to which he has spoken. I understand him to say that the bill recognizes no tenancy except a tenancy at will, and a tenancy which is to terminate at some day certain. In relation to the first, it provides a notice of thirty days in order to terminate it. In relation to the last, no notice is required. Now there is nothing in the bill which does away with any existing form of tenancy at all. The first section of the original bill provided:

That on and after the passage of this act all persons renting houses and lands in the District of Columbia by the month, three, six, or twelve months, and desiring to repossess the same, shall give six months' notice for a renting of twelve months; for a six months' renting, a three months' notice; for a three months' or a monthly renting, one month's notice, which shall be prior to the date of said renting.

The first section of the bill as proposed by the committee says nothing of any other tenancy than a tenancy at will. If therefore by the law as it stands now there may be a tenancy from month to month, or for three months or for six months or for twelve months, although it may be fixed as a tenancy to terminate at the end of the time for which the lease is to run, yet if the party holds over it is a tenancy from three months to three months, or from six months to six months, or from year to year; and the law of Maryland is, and the law here is the same, that if six months' notice is required to a tenant for a year and he holds over, he becomes a tenant for the second year, and so on from year to year as long as he holds over.

The mischief mentioned by the Senator from Indiana, I understand, has been quite a great one in this city. A landlord is unable to get possession of his property generally without giving a six months' notice provided it be a tenancy from

year to year. It very often happens where he finds his tenant is not exactly the kind he wants, or he finds he can get a great deal more for his property than the tenant is giving him, that the time is short of the six months, and there is no way in which he can get possession of his property, and the tenant will hold on at the expiration of that year for another year, and so on from time to time.

I will suggest to the honorable member from Maine that it would be better to provide that in all cases of such tenancies as are mentioned in the first section of the original bill there should be the notice which that section provides for. That will get clear of the difficulty: making a notice of twelve months if that should be deemed necessary if the tenancy is for one year, or three months for six months, or one month for three months, and making a tenancy for one month a tenancy at will, as you have done in the amendment. With a view to have such a change made, I will move to recommit the bill if the Senator has no objection.

Mr. MORRILL. I have no objection to that amendment, but I do not think it is necessary to recommit the bill. I do not undertake to speak of what the law of Maryland is; but the construction the committee put on this bill is this: by the first section providing that a tenancy at will shall not arise or be created without an express contract or letting to that effect, we supposed that we cut off all tenancies which were not created by express contract. If a tenancy is created by express contract or lease for a year, at the expiration of that year the tenant becomes necessarily a tenant at will. Being made tenants at will, liable to go out at any time, this notice applies to them; and we supposed that by the adoption of that language we had changed the relation between landlord and tenant so that no question of tenancy could arise where there was an express contract. The honorable Senator of course knows more of the law of Maryland than I do.

Mr. JOHNSON. I am satisfied the law of this District and the law of Maryland is otherwise. This does not change it; it only provides for a tenancy at will.

Mr. MORRILL. It says no tenancy at will shall arise except by contract.

Mr. JOHNSON. "Without an express contract or letting to that effect."

Mr. MORRILL. The argument is that we have negatived the idea of a tenancy at will, except by an express contract.

Mr. JOHNSON. That I understand, but that does not get clear of the difficulty if I am right. A tenant who holds over under a lease for a certain time does not, during the period for which he holds over, become a tenant at will. If he is under a contract for twelve months, and without any notice the contract is to terminate at the end of the year, and he is permitted by the landlord to hold over, he becomes a tenant for the succeeding year. The law is perfectly plain in Maryland, and that was evidently the view taken by the draughtsman of the bill as it stood originally; and if the Senator has no objection I propose to amend his amendment by inserting as its first section the first section of the original bill. The first section of the bill would then read:

That on and after the passage of this act all persons renting houses and lands in the District of Columbia, by the month, three, six, or twelve months, and desiring to repossess the same, shall give six months' notice for a renting of twelve months; for a six months' renting, a three months' notice; for a three months' or a monthly renting, one month's notice, which shall be prior to the date of said renting.

That would get clear of the difficulty.

Mr. MORRILL. That is too long.

Mr. CLARK. Three months' notice is sufficient in any case.

Mr. JOHNSON. Then I will modify the amendment that I propose in that way. In order that we may have an opportunity to examine the subject further, I move that the bill lie on the table.

Mr. MORRILL. I have no objection to that motion.

The motion was agreed to.

UNION GAS-LIGHT COMPANY.

Mr. WILLEY. I move to take up Senate bill No. 155.

The motion was agreed to; and the bill (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia was read a second time, and considered as in Committee of the Whole. It proposes to create Sayles J. Bowen, Benjamin B. French, William Elmer, William Bates, Robert W. Millbank, Andrew M. Kinney, William H. Baldwin, Z. D. Gilman, D. C. Forney, S. P. Brown, John Green, and Gamaliel Gay, and their associates and assigns, a body corporate, under the name of "the Union Gas-Light Company of the District of Columbia," with the powers and privileges usually given to such corporations. The capital stock of the company is not to be less than $500,000, nor more than $1,000,000, to be divided into shares of $100 each.

The company is incorporated upon the express conditions that it shall furnish gas to all the consumers thereof, containing fifty per cent. more illuminating power than that which is now furnished by the Washington Gas-Light Company, and at a cost not exceeding $2 50 per thousand cubic feet; and a failure to comply with these conditions is to operate as a forfeiture of this charter.

The company is not to be authorized to sell gas until it shall have produced to the mayor of the city of Washington and to the Secretary of the Interior satisfactory evidence that it has secured or laid down, in a proper and workmanlike manner, in the avenues and streets of the city, gas mains of an average diameter of at least six inches and a total length of not less than twenty-five miles; nor shall the company connect its gas mains with the pipes supplying the Capitol and other public buildings belonging to the United States until it shall have produced to the Secretary of the Interior satisfactory evidence that it has erected and in operation good and substantial works and holders capable of manufacturing and storing a quantity of gas, of the quality described, sufficient to supply the consumption at all times required in the Capitol and public buildings. And unless the company shall have complied with the requirements and conditions prescribed within two years from the passage of this act, the act is to be null and void; but the company is to have the privilege, at any time, of supplying with their gas and lighting therewith any street a distance not exceeding one mile.

Mr. GRIMES. I have just received a letter from one of the gentlemen whose names are used in this bill as corporators, Mr. Benjamin B. French, who says that after mature reflection he desires that his name shall be stricken out in consequence of the position that he holds in the General Government.

The amendment was agreed to.

Mr. WILLEY. I move to amend line ten of the first section by inserting after the word "coal" the word "zinc."

The amendment was agreed to.

Mr. WILLEY. I further move to amend in section eleven, line five, by striking out the words "secured or," so as to read:

And to the Secretary of the Interior satisfactory evidence that it has laid down in a proper and workmanlike manner; &c.

The amendment was agreed to.

Mr. WILLEY. In line eleven of the same section, the orthography of the word "secretary" should be changed.

The PRESIDING OFFICER. That correction will be made.

Mr. WILLEY. In lines twenty-one and twenty-two of section eleven I move to strike out the words "of supplying with their gas, and lighting therewith any," and inserting "within the said two years of lighting with the gas manufactured by it some one;" so as to read:

That said company shall have the privilege at any time within the said two years of lighting with the gas manufactured by it some one street a distance not exceeding one mile.

The amendment was agreed to.

Mr. TEN EYCK. I propose an amendment as a new section, to be called the twelfth section:

And be it further enacted, That each of the stockholders in the Union Gas-Light Company shall be held responsible, in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

Mr. WILLEY. I suggest to the Senator from New Jersey whether, in describing the title of the company, it would not be better to give it in full, "the Union Gas-Light Company of the District of Columbia." That is the title of the company.

Mr. TEN EYCK. Let that be so. I so modify the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed a bill (No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims; in which the concurrence of the Senate was requested.

The message further announced that the House of Representatives had passed the following bills of the Senate:

A bill (No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and

A bill (No. 97) to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims was read twice by its title, and referred to the Committee on Foreign Relations.

REGISTRATION OF VOTERS.

Mr. DIXON. I move to take up Senate bill No. 114.

The motion was agreed to; and the bill (S. No. 114) to amend section five of an act entitled "An act to continue, alter, and amend the charter of the city of Washington," approved May 17, 1848, and further to preserve the purity of elections and guard against the abuse of the elective franchise, by a registration of electors for the city of Washington, in the District of Columbia, was considered as in Committee of the Whole.

The Secretary commenced to read the bill.

Mr. JOHNSON. I rise to inquire if the Senator from Connecticut is anxious to have this bill disposed of to-day. There are a good many sections in it, and some of the provisions are very important.

Mr. DIXON. I have no desire to dispose of it to-day if gentlemen wish time to examine it.

Mr. JOHNSON. I ask that it lie on the table to give us an opportunity to examine it.

Mr. GRIMES. Let the reading be completed.

Mr. JOHNSON. Very well.

The Secretary concluded the reading of the bill.

Mr. DIXON. I have one or two amendments to propose to the bill, of rather a verbal nature. In the first section, line ten, after the word "taxes" I move to insert "and all taxes on personal property."

Mr. GRIMES. What is the effect of it?

Mr. DIXON. The effect is to require all taxes on personal property to be paid preliminary to the exercise of the right of suffrage. That I understand is the present law. The bill as it now stands only requires school taxes to be paid. I want to insert in addition "and all taxes on personal property."

The amendment was agreed to.

Mr. DIXON. In the fourteenth section, line twenty-two, after the word "vote," I move to insert the words "in said city."

The amendment was agreed to.

Mr. FOSTER. As I understand, it is the object to postpone this bill at the suggestion of the Senator from Maryland, though it is still before the Senate.

The VICE PRESIDENT. It is before the Senate.

Mr. FOSTER. It was understood that it would not be pressed to a vote at this time. I hope, therefore, it will be postponed to some other day.

Mr. GRIMES. Say Thursday next.

Mr. JOHNSON. That will be acceptable to me.

Mr. DIXON. I am willing to say Thursday.

Mr. FOSTER. I move that the bill be postponed until Thursday next, and be made the special order for one o'clock on that day.

The motion was agreed to by a two thirds vote.

PAY AND PENSION OF CHAPLAINS.

On motion of Mr. FOSTER, the Senate resumed the consideration of the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

Mr. FOSTER. The amendments which I proposed and which were ordered by the Senate to be printed have been printed, and I wish to have one of those amendments as printed altered in a few particulars. In the fifth line of the amendment proposed in lieu of the first section of the bill, after the word "entitled" in that line, I move to insert the words "to draw forage for two horses and."

The VICE PRESIDENT. The Senator can modify his own amendment, there having been no action of the Senate on it.

Mr. FOSTER. After the word "entitled" in the fifth line I propose to insert the words "to draw forage for two horses and," and in the eighth line after the word "leave" and before "on" to insert "or."

The VICE PRESIDENT. The Senator's amendment will be so modified. The first question, however, is on the amendment proposed by the Senator from Massachusetts [Mr. WILSON] to the amendment, which is to insert at the end of it:

And chaplains who have been absent from duty by reason of wounds or sickness shall be entitled to receive full pay, without rations, during such absence.

Mr. WILSON. I think that amendment will go in more appropriately after the word "circumstances," in the twelfth line of the amendment of the Senator from Connecticut, rather than at the end of it.

The VICE PRESIDENT. The question then will be on agreeing to the amendment of the Senator from Massachusetts, to come in after the word "circumstances," in the twelfth line of the amendment of the Senator from Connecticut.

Mr. HARLAN. I ask the Senator from Massachusetts if he will not include in his amendment those chaplains who have been absent on account of being prisoners in the hands of the enemy.

Mr. WILSON. Certainly, I will so modify my amendment.

Mr. GRIMES. Is it a fact that a chaplain who is captured and retained in prison draws no compensation whatever?

Mr. FOSTER. Yes, sir. Shocked as the honorable Senator from Iowa is at the fact, it is true; and, worse than that, even if the chaplain is shot down in the field while serving with his men, so as to be disabled, he, from that time until he is able to go back to duty, does not receive a cent of pay.

Mr. GRIMES. I confess that I am astonished at that.

Mr. FOSTER. I knew the honorable Senator would be. That is the law, however, as construed by those whose privilege it is to construe it. I hope, therefore, this amendment will be adopted.

Mr. WILSON. It will be remembered that about a year and a half ago we provided that chaplains, when on duty, should receive $1,200 a year and two rations a day. The construction put upon it at the Department is that if they are absent on account of sickness, or on account of wounds, or on account of imprisonment by the enemy, they draw nothing. The amendment offered by the Senator from Connecticut proposes to correct that, and my amendment proposes to correct the wrong of the past, being retrospective in its character.

Mr. FOSTER. I hope the amendment to the amendment will be agreed to, and I should have been glad to adopt it, but I did not wish to take more weight on my amendment than I should be certain to carry. I shall, however, be very glad to have the amendment of the Senator from Massachusetts agreed to.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on the amendment of the Senator from Connecticut, as amended.

Mr. WILSON. I wish to call the attention of the Senator from Connecticut and of the Senate to this provision in his amendment in the fifth, sixth, and seventh lines:

They shall be entitled to quarters and fuel, subject to the same conditions and limitations as are now by law provided in the case of surgeons.

Mr. FESSENDEN. And as amended it says they shall be entitled to draw forage for two horses also.

Mr. WILSON. I think it but right to allow them to draw forage for their horses when they are in service in the field; but the provision to which I call attention will not reach the men in the field with their regiments, but will apply to hospital chaplains, and it will add nearly eighty dollars a month to their pay. The quarters to which a major is entitled are four rooms, counted in this city at eighteen dollars a month each, and in other places at nine dollars a month. At eighteen dollars a month each, the quarters would amount to seventy-two dollars a month. Now, I am satisfied that $1,200 a year and two rations a day, and forage for two horses for those chaplains who need horses in the field, is abundant. It amounts to about fourteen hundred and sixteen dollars, I think, in actual money paid. I agree that they should have forage for two horses; but I do not think we ought to add to the compensation of chaplains what will be added by giving them the allowance of fuel and quarters.

These places are sought for, and sought for by excellent men. As a general rule, they perform their duties faithfully. I am not willing, however, to add seven or eight or nine hundred dollars a year to the compensation of chaplains in the hospitals, and especially in this city, for it does not reach those in the field.

Mr. FESSENDEN. What do those stationed at hospitals want with horses?

Mr. WILSON. I do not think they need horses, and they will not get horses unless they have to keep them, and a man will not keep the horses unless he needs them. A large number of the chaplains, both in hospitals and in the field, have called upon me this winter for the purpose of looking after the correction of that which we all agree should be corrected; for I suppose we are all agreed that good chaplains are of great service to the Army and to the country, and we are all agreed that we shall do them justice; but we want to act with ordinary prudence and economy in the matter, and I think $100 a month and two rations a day to these men is very good pay. They have sought the places. Most of them are doing good. There has been a great improvement in regard to chaplains as well as in regard to most other matters connected with the Army. In some cases they needed improvement; but that class of men have been generally weeded out, and the men who are now in the service are very faithful men. I hope the amendment will be adopted without the provision to which I have objected.

Mr. FOSTER. Our legislation upon the subject of chaplains, at least as it has been construed by the proper authorities, I consider a reproach to Congress. We judge these officers to be a necessary class in the service, or we should make no provision for them; and yet by our legislation we seem to regard them as an excrescence; we actually put them under the ban and degrade them, so far as it lies in our power.

The honorable Senator from Iowa seemed startled at the fact that when a chaplain was absent from duty, although on account of wounds received in battle, his pay was stopped. Such is the construction put upon the law; and there is at this time certainly one chaplain, perhaps more, lying upon his sick-bed in this city, who was wounded in the field at the late advance of the army of the Potomac over the Rapidan. He was the chaplain of Berdan's sharpshooters, a faithful, valuable man, and in addition to his high qualifications as a chaplain, was, I believe, a very excellent rifle shot, which he has proved occasionally in battle to the enemy's cost. He was wounded in battle or in one of the skirmishes connected with that advance of the army. These sharpshooters were in the advance, and the chaplain, while endeavoring to assist to the rear some of his wounded men, was himself wounded; of course was compelled to be absent from the field, and is now in this city sick in his bed. He is at a boarding-house kept by the widow of a chaplain who was shot dead in the service a short time ago by the rebels. This widow was left by law wholly unprovided for, and this chaplain, who is now suffering under these circumstances, can draw not one cent of pay nor any allowance until he gets well and goes back to duty.

Another chaplain from the State of Vermont, the chaplain of the third Vermont regiment, was ordered to assist two wounded or sick officers home, they not being able to travel without some friend to attend them. He went under the order, and was absent the necessary and proper time to obey it, then came back, and every cent of his pay for that time was struck off at the next pay day. So, too, of those who have been taken and held in captivity by the rebels, their pay stops until they are released and return to duty; and even the pay which they thus get is not paid as it is to every other officer in the service, on their word of honor, but they have to get a certificate in order to be enabled to draw their diminished pittance. Some other officer must certify to the chaplain's roll that he has been present performing duty, or he cannot even get the scant compensation finally allowed by law.

This is what I consider an attempt to degrade the men who are performing the duties of chaplains in our Army. In the first place it is decided that they shall not be paid at all, when all other officers under like circumstances are paid, and, even when paid, that they shall not be paid without a certificate from some other officer that they have not cheated or attempted to cheat the Government out of more pay than belongs to them.

The honorable Senator from Massachusetts suggests that an allowance of fuel and quarters ought not to be made. I do not wish any allowance to be made which shall increase the pay of these officers one dollar. All I wish to accomplish by this amendment is that a chaplain who is assigned to duty in a hospital, or at a post or fort, shall have quarters assigned to him in the hospital or post; some room that he may sit in and call his. That is all I desire. If the honorable Senator thinks the amendment accomplishes more, I am perfectly willing that it shall be so restricted as to accomplish that and that only.

The honorable Senator from Indiana [Mr. HENDRICKS] suggests that that may be left to the colonel in command. Yes, Mr. President, if the colonel in command is disposed to be courteous and to do what is just and proper, it may be; but then I think it is better that the chaplain should have his right, and that he should not have his quarters as a matter of courtesy from the commanding officer. Why should not the chaplain have his right to a place as well as the surgeon or any other officer? Why should we not make the surgeon dependent on the courtesy of the commander? Why should we discriminate against the chaplain? There is no reason for it.

Besides, although I am happy to say that probably most commanding officers would extend this courtesy, all will not. Again and again there have been occasions when a commanding officer has said to the chaplain, "You have no place here; you have no business here; the law does not recognize you; I shall not do anything about giving you quarters or giving you a place, because the law does not; you must find your own quarters; you must do your own duties in your own way; but you must not interfere with the military regulations here." That is not the proper position for a chaplain to be in; and I think the honorable Senator from Indiana will agree with me that the chaplain ought not to have his quarters or fuel or enjoy any right by the courtesy of his superior officer. It is not the way in which the honorable Senator wishes to enjoy his rights or I mine; and why should we impose that upon others which we are not willing to bear ourselves? That which is held at the courtesy of another is no right at all.

I repeat, I am not desirous that this provision shall be construed as the honorable chairman of the Committee on Military Affairs suggests, so as to give a man four rooms, and add seventy or eighty dollars a month to his pay, although I confess I find it difficult to see why a chaplain is not just as much entitled to this as the surgeon. Why make the distinction? The chaplain, socially, is the equal of the surgeon. Ordinarily he is as well, or better, educated. He is a man as much entitled to respect. Why give to the one privileges so greatly superior to those of the other? The honorable Senator says these places have been sought for. It is true that they have been. Have not the places of surgeons also been sought for; and is there any reason why surgeons should have these rights and privileges which does not apply with equal force to the case of chaplains?

I am not disposed by any means to institute

a comparison and claim any superiority for one of these classes of officers over the other, but I say that no man understanding really the condition of the service will assert that surgeons are more deserving than chaplains, that their wants are any greater, and that the duties they perform are any more important, provided each performs his proper duties ably and faithfully. I agree that if the chaplain is a bad man he is not entitled to this or any other allowance or any compensation; he should not have been appointed at all. So of the surgeon. If the surgeon is an incompetent, unskillful, or ignorant man, he is as great a curse to the service as can well be imposed upon it. There may be, and doubtless are, such cases, but it will not do, for that reason, to degrade the whole class of surgeons, or to put them under the ban and outlaw them as we do chaplains.

As, however, no objection is suggested to my amendment except to the point in relation to fuel and quarters, I will state again that I am perfectly willing that that provision shall be so limited that they shall have simply proper accommodations in the hospitals, forts, or posts where they may be assigned to duty. That is my object. I do not wish to increase the pay. The honorable Senator from Iowa [Mr. GRIMES] has handed me an amendment touching this matter, which he thinks will reach the object. He proposes to strike out the words "quarters and fuel" in my amendment and to insert, "and when assigned to hospitals they shall be entitled to quarters and fuel within the hospitals to which they are so assigned." I wish to have the words "posts and forts" inserted after the word "hospitals," because there are some in the same condition who are assigned to forts and posts.

Mr. FESSENDEN. Will they need two horses?

Mr. FOSTER. The chaplains at posts and hospitals will not need horses, and will not keep them because there is no commutation of forage. In the field the chaplain needs horses, because like all other officers he has some effects to carry, which he must carry on his horse, and besides he must carry forage for his horse. He cannot carry his necessary effects and forage upon one horse, and still have that horse of any advantage to him.

Mr. FESSENDEN. Do they not send their things with the baggage wagons?

Mr. FOSTER. They do not. Not a thing is provided for except what he has on his back. Every officer who is entitled to one horse in the field must be allowed to draw forage for another, or else the use of one horse is of no advantage to him whatever. There is no danger of chaplains keeping two horses merely for the sake of drawing forage for them. If they want forage at all they want it for two horses. There is no commutation of forage now.

Mr. WILSON. I want it to be understood that this allowance of quarters is to be furnished to the chaplains in the hospitals and not to be commuted.

Mr. FOSTER. Of course not. I will read this part of the amendment as I have now modified it:

They shall be entitled to draw forage for two horses; and when assigned to hospitals, posts, or forts they shall be entitled to quarters and fuel within the hospitals, posts, or forts to which they are so assigned, without the privilege of commutation.

I move so to amend the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The amendment of the Senator from Connecticut as amended will now be read.

The Secretary read, as follows:

Strike out all after the word "that," in line three, section one, to the end of that section, and in lieu thereof insert the following:

The rank of chaplain in the regular and volunteer service of the United States is hereby recognized. Chaplains shall be borne on the field and staff rolls next after surgeons, and shall be subject to the same rules and regulations as other officers of the Army. They shall be entitled to draw forage for two horses, and when assigned to hospitals, posts, or forts, they shall be entitled to quarters and fuel within the hospitals, posts, or forts to which they are so assigned, (without the privilege of commutation,) subject to the same conditions and limitations as are now by law provided in the case of surgeons. When absent from duty with leave or on account of sickness or other disability, or when held by the enemy as prisoners, they shall be subject to no other diminution or loss of pay and allowances than other officers in the military service are under like circumstances. And chaplains who have been absent from duty by reason of wounds or sickness, or when held by the enemy as prisoners, shall be entitled to receive full pay without rations during such absence. In all other respects, the pay of chaplains shall be the same as now provided by law.

The amendment was agreed to.

Mr. FOSTER. I move the following amendment, to come in as section two:

And be it further enacted, That it shall be the duty of chaplains in the military service of the United States to make monthly reports to the Adjutant General of the moral condition of the regiments, hospitals, or posts to which they may be attached; and it shall be the duty of all commanders of regiments, hospitals, and posts to render such facilities as will aid in the discharge of the duties assigned to them by the Government.

The amendment was agreed to.

Mr. WILSON. I propose to amend the bill by adding as an additional section:

And be it further enacted, That all chaplains in the military service of the United States shall hold appropriate religious services at the burial of soldiers who may die in the command to which they are assigned to duty, and it shall be their duty to hold public religious services at least once each Sabbath.

The amendment was agreed to.

Mr. WILSON. I now propose another section:

And be it further enacted, That colored chaplains appointed for colored troops shall be entitled to the same compensation as chaplains in the regular and volunteer forces.

Mr. POWELL. I ask for the yeas and nays on that.

Mr. WILSON and Mr. FOSTER. Do not divide the Senate.

Mr. POWELL. Yes, sir; I will divide it now.

The yeas and nays were ordered.

Mr. WILSON. I will simply say before the vote is taken that there have been two or three cases, I think, of chaplains appointed for colored troops who were themselves colored ministers of the gospel.

Mr. FESSENDEN. I should like to ask my friend a question. By the law are not colored troops now on the same footing with white troops, regulars and volunteers?

Mr. WILSON. They will be if the House of Representatives passes our bill, but it is not a law yet, and I think we may as well put so much of it on here now; and I will state a case to the Senate. In the fifty-fourth or fifty-fifth Massachusetts regiment, I am inclined to think the fifty-fourth, a colored minister of the gospel was appointed chaplain by the request of the regiment. He was a man of influence and character, a man of earnestness and zeal, and he spent $300 in fitting himself out to go with the regiment to South Carolina. He has been in his regiment, and all he has had the privilege of drawing is ten dollars a month. The paymasters of the Army paying these troops have declined to pay anything more than ten dollars a month. I think it is a construction that ought not to be; for if he is entitled to be a chaplain I think he ought to have the same pay as any other chaplain. We have raised and are raising about one hundred and twenty regiments of colored troops, and there are many ministers of the gospel among them that have a great deal of influence with them, and will be sought for and be appointed, and there is no reason why they should not occupy the same position as if they were white men.

The Secretary proceeded to call the roll; but before concluding it—

Mr. WILSON. With the unanimous consent of the Senate I ask leave to withdraw the proposition.

The VICE PRESIDENT. Is there any objection to the Senator withdrawing his amendment?

Mr. POWELL. I have none.

The VICE PRESIDENT. The Chair hears no objection. The amendment is withdrawn by unanimous consent.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. POWELL. I move that the Senate do now adjourn.

Mr. WILSON. I hope we shall have an executive session. [Oh, no!]

Mr. POWELL. It is too late for that. I move that the Senate adjourn.

Mr. SUMNER. Will the Senator withdraw his motion for a moment? I merely wish to take up the bill which was made the order of the day for yesterday, to have it up in order to proceed with it at one o'clock to-morrow.

Mr. POWELL. It can be called up at one o'clock to-morrow.

Mr. SUMNER. But if it is taken up now and left as the unfinished business, it will come up then.

Mr. POWELL. What is the bill?

Mr. SUMNER. A bill to repeal the fugitive slave act.

Mr. POWELL. I do not withdraw my motion.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 17, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Dr. MARKS.

The Journal of yesterday was read and approved.

SOUTHWEST BRANCH PACIFIC RAILROAD.

Mr. BOYD. I ask the unanimous consent of the House to introduce a bill to complete the southwest branch of the Pacific railroad.

Mr. HOLMAN. Let the bill be read.

The bill was read *in extenso*.

Mr. HOLMAN. I do not object to that bill if it is referred to the Committee of Claims. That committee has heretofore had the subject under consideration.

Mr. BOYD. I want to have it referred to the Committee of Ways and Means. Moneys have been collected for transportation upon that southwest branch since 1861.

Mr. HOLMAN. The same subject has been referred to the Committee of Claims, and I must object unless this bill takes the same reference.

Mr. BOYD. I agree to that.

The bill was received, read a first and second time, and referred to the Committee of Claims.

PETER NICOL.

Mr. ALLEY. I move that the papers in the case of Peter Nicol be withdrawn from the files of the House and referred to the Committee on the Post Office and Post Roads.

The motion was agreed to.

UNEMPLOYED GENERAL OFFICERS.

The SPEAKER stated the first business in order to be the motion of the gentleman from Ohio [Mr. ASHLEY] to postpone the further consideration of House joint resolution No. 49, to drop from the rolls of the Army unemployed general officers, until yesterday three weeks, on which motion the previous question had been called.

On seconding the demand for the previous question, there were—ayes 35, noes 20; no quorum voting.

Mr. ANCONA moved that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. William J. Allen, Baily, Blaine, Francis P. Blair, Brooks, William G. Brown, Chanler, Freeman Clarke, Clay, Cobb, Cravens, Creswell, Dixon, Eden, Edgerton, English, Finck, Frank, Ganson, Gooch, Grider, Grinnell, James T. Hale, Benjamin G. Harris, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Philip Johnson, William Johnson, Kasson, Orlando Kellogg, King, Knapp, Law, Lazear, Le Blond, Littlejohn, Lovejoy, Mallory, Marcy, Marvin, McKinney, Nelson, Noble, Odell, John O'Neill, Patterson, Pike, Pomeroy, Samuel J. Randall, William H. Randall, Robinson, Edward H. Rollins, James S. Rollins, Scott, Sloan, Smith, Starr, Thomas, Tracy, Wadsworth, Ward, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, Benjamin Wood, and Fernando Wood.

Mr. ANCONA moved, as a quorum had answered to their names, that all further proceedings under the call be dispensed with.

The motion was agreed to.

The previous question was seconded, and the main question ordered.

Mr. ASHLEY called for the yeas and nays on the motion to postpone, and tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

On a division, there were—ayes 52, noes 33.

Mr. SCHENCK demanded the yeas and nays.

The SPEAKER stated that the yeas and nays had been refused.

Mr. SCHENCK demanded tellers.

Tellers were ordered; and Messrs. SCHENCK and HARRINGTON were appointed.

The motion was agreed to; the tellers having reported—ayes 63, noes 43.

Mr. ASHLEY moved to reconsider the vote by which the joint resolution was postponed, and also moved that the motion to reconsider be laid upon the table.

Mr. SCHENCK demanded the yeas and nays on the latter motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 82, nays 37; as follows:

YEAS—Messrs. James C. Allen, Ancona, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Jacob B. Blair, Bliss, Blow, Boutwell, Boyd, Broomall, Chanler, Ambrose W. Clark, Coffroth, Cox, Dawson, Denison, Donnelly, Driggs, Dumont, Eldridge, Eliot, Fenton, Frank, Griswold, Hall, Herrick, Hotchkiss, Hutchins, Kalbfleisch, Kernan, Knapp, Law, Long, Marcy, McAllister, McBride, McClurg, McDowell, Middleton, William H. Miller, Moorhead, Daniel Morris, James R. Morris, Morrison, Leonard Myers, Noble, John O'Neill, Orth, Pendleton, Perham, Perry, Price, Pruyn, Radford, Samuel J. Randall, John H. Rice, Rogers, Ross, Shannon, Smithers, John B. Steele, William G. Steele, Stevens, Stiles, Strouse, Stuart, Sweat, Thayer, Upson, Van Valkenburgh, Voorhees, Wadsworth, William B. Washburn, Webster, Whaley, Wheeler, Windom, and Yeaman—82.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Brandegee, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Eckley, Farnsworth, Harding, Holman, John H. Hubbard, Julian, Kelley, Francis W. Kellogg, Longyear, Samuel F. Miller, Morrill, Amos Myers, Norton, Charles O'Neill, Pike, Alexander H. Rice, Schenck, Scofield, Spalding, Starr, Tracy, Elihu B. Washburne, Williams, Wilder, and Woodbridge—37.

So the motion to reconsider was laid upon the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, notified the House that the Senate had passed the bill (H. R. No. 40) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1865, with amendments, in which the concurrence of the House was requested.

Also, that the President did, on the 15th instant, approve and sign an act (S. No. 120) to amend an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834.

RAILROADS TO NEW YORK.

The SPEAKER announced that the next business in order was the consideration of a bill (H. R. No. 307) to declare certain roads military roads and post roads, and to regulate commerce, the consideration of which was postponed until Wednesday, March 16, the question being on ordering the bill to be engrossed.

Mr. DEMING. This bill was introduced upon the petition of the Raritan and Delaware Bay Railroad Company to have their road declared a lawful structure, and a post and military road of the United States. The bill was reported a week ago yesterday, and laid upon the table upon my own motion, with an order to print it and the accompanying report, that the House might have abundant time for its consideration.

The petitioners have constructed a railroad from Port Monmouth, near Sandy Hook, to Atsion which lies nearly east of Philadelphia, and it is connected by the Batsto branch with the Camden and Atlantic Railroad Company. Thus by means of the road they have constructed, by means of the Batsto branch, and by means of the Camden and Atlantic Railroad Company, they have a railroad constructed from Port Monmouth, near Sandy Hook, to Camden, which is opposite the city of Philadelphia. They have also a steamboat running from the city of New York to Port Monmouth, and a ferry running from Camden to Philadelphia; and thus by means of their railroads, their steamboats, and their ferry, they have a continuous through line from the city of New York to the city of Philadelphia.

In one great emergency of the nation, shortly after the battle of Antietam, and when there was a universal panic through the country, and when the interests of the Republic were most seriously imperiled, this continuous through line from New York to Philadelphia was able to render great service to the nation, and actually carried over this through line upwards of seventeen thousand troops, and upwards of eight hundred thousand pounds of munitions of war. Shortly after they had performed this great service to the country, a petition for an injunction was brought against them by the Camden and Amboy Railroad Company, before the chancellor of New Jersey; and since this subject has been before the committee a decree of the chancellor has been issued in that case, a synopsis of which will be found in the report which accompanies this bill. The chancellor enjoins the use of the petitioners' road, except for local purposes, and orders that the Raritan and Delaware Bay Railroad Company pay to the Camden and Amboy Railroad Company all sums collected by the former for through business, including the amount received for transportation of troops; and the chancellor decrees that the petitioners' road has no right to carry or aid in carrying passengers and freight between New York and Philadelphia.

The effect of this decision, as the House will see, is to destroy this road as a continuous through road between New York and Philadelphia. It confines it to local business between Camden and Port Monmouth. It cuts off both ends of the road; cuts off the steamboat transportation on the Raritan bay, and the ferry upon the Delaware river, thus destroying the road as a continuous through route between New York and Philadelphia.

Under these circumstances the petitioners come to Congress for relief, praying that their roads and its branches, and its accompanying ferries, may be declared lawful structures, and also post and military roads of the United States. In the consideration of the petitioners' case two questions arise: first, has Congress the power to grant the relief for which the petitioners pray; and second, does the application present a proper case for the exercise of that power?

The committee believe that Congress has the power under two clauses of the Constitution: first, under the clause which authorizes us to establish post roads; and second, under the clause which authorizes us to regulate commerce with foreign nations, among the several States, and with the Indian tribes. The committee have gathered together in their report the instances in which Congress has exercised the power of declaring roads post roads and part of the military establishment of the United States. And under the power to establish post roads we have precedents which we regard as applicable to this particular case, and which we think authorize us in granting the relief for which the petitioners pray.

The cases are so fully cited in the report which accompanies the bill that I hardly feel it necessary to detain the House by presenting them in detail. Unquestionably the one most pertinent to the present application is to be found in volume twelve United States Statutes at Large, where, in an act to establish certain post roads, in sections one and two, it is enacted—

"That the bridge partly constructed across the Ohio river, at Steubenville, in the State of Ohio, abutting on the Virginia shore of said river, is hereby declared to be a lawful structure." * * * * * * * *

"That the said bridge and Holliday's Cove railroad are hereby declared a public highway and established a post road, for the purpose of transmission of mails of the United States, and that the Steubenville and Indiana Railroad Company, chartered by the Legislature of the State of Ohio, and the Holliday's Cove Railroad Company, chartered by the State of Virginia, or either of them, are authorized to complete, maintain, and operate said road and bridge when completed, as set forth in the preceding section, anything in the law or laws of the above-named States to the contrary notwithstanding."

In addition to this most remarkable precedent, so applicable to the circumstances which I have already detailed, you will find in the report five or six other precedents bearing upon the question in hand.

The committee also believe that Congress has full power of granting the relief asked for by these petitioners under its power to regulate commerce with foreign nations, among the States, and with the Indian tribes, and the committee, in the report which accompanies this bill, have gathered together from the United States reports the decisions which affect this question, and believe that under those decisions full power is given to Congress to interfere in this case and grant the petitioners the relief which they claim.

It also appears, Mr. Speaker, that the State of New Jersey itself has recognized this right in Congress to establish a road over its territory. By the sixth section of an act relating to the Camden and Amboy Railroad and Transportation Company it is declared—

"That when any other railroad or roads for the transportation of passengers and property between New York and Philadelphia, across this State, shall be constructed and used for that purpose, under or by virtue of any law of this State or the United States authorizing or recognizing said road, that then, and in that case, the said dividends shall no longer be payable to the State, and the said stock shall be retransferred to the company by the treasurer of this State."

Thus the State of New Jersey has recognized the right of Congress to exercise the very power which the petitioners pray for in this case; and the Camden and Amboy Company, by assenting to this act of the Legislature of New Jersey, have debarred themselves from claiming that any of their chartered rights or privileges are infringed by the bill under consideration. Before moving the previous question I desire to give gentlemen an opportunity of discussing this question.

Mr. THAYER. I would like to ask the gentleman from Connecticut a question, if he will let me; and that is, whether the words "built and to be built," in the first section of the bill, in his understanding confers a power upon these companies to go anywhere they please, or whether it is his understanding that the powers conferred are limited to such branches as have been located and are under actual construction?

Mr. DEMING. The latter construction of the gentleman is the correct one.

Mr. THAYER. In that view of it, I shall vote for the bill.

Mr. PRUYN. What was the gentleman's answer to the inquiry of the gentleman from Pennsylvania?

Mr. DEMING. My answer was that the last construction given to the clause by the gentleman from Pennsylvania was, in my judgment, the correct one. By that first section we declare this road to be a lawful structure. The second section declares the continuous through route to be a public highway, and that it may be used for that purpose. The third section authorizes the companies to use the road for that purpose, and extends the franchise to the assigns of the company. My intention is to call the previous question on this bill; but, before doing so, I am willing to give gentlemen a full opportunity to discuss it during my time.

The SPEAKER. The gentleman has forty-five minutes of his hour remaining, and the morning hour will expire in ten minutes.

Mr. ROGERS obtained the floor.

Mr. ASHLEY. Let me say to the gentleman from New Jersey that there are but ten minutes of the morning hour remaining, and then territorial business will come up as the special order.

Mr. DEMING. I shall be obliged, then, to move the previous question.

Mr. ROGERS. I hope the gentleman will not cut off all debate on a bill so important to the State of New Jersey as this is.

Mr. FARNSWORTH. I would ask the gentleman if this bill will not come up to-morrow during the morning hour?

The SPEAKER. It will come up on Tuesday next.

Mr. DAWES. As the gentleman from Connecticut has ten minutes left during the morning hour, I would like to ask him some questions.

The SPEAKER. The Chair would like first to ascertain what the gentleman from Connecticut requires.

Mr. PRUYN. I suggest to the gentleman from Connecticut that this is one of the most important measures ever presented to this body, and the idea of disposing of it in an hour or two, or anything like that, is quite impossible, and would be a tyrannical act on the part of the majority of the House.

Mr. DEMING. I ask the Chair whether this bill will be in order in the morning hour to-morrow?

The SPEAKER. It will not. To-morrow will be private bill day, when the bill in regard to homesteads will come up.

Mr. DEMING. When will this bill come up next in order?

The SPEAKER. It will come during the morning hour on Tuesday next.

Mr. DEMING. In order to give gentlemen an opportunity of discussing it I am willing that the bill shall go over till Tuesday next.

Mr. ROGERS. We agree to that.

The SPEAKER. Then the bill goes over till Tuesday next.

Mr. DEMING. With the understanding that it shall be a special order on that day, and from day to day until disposed of.

The SPEAKER. It has that effect now.

Mr. ALLEY. I, for one, shall object. I am not willing to have all questions made special orders.

The SPEAKER. Then the only course is for the gentleman from Connecticut to occupy the floor till fifteen minutes past one o'clock, when it will go over till next Tuesday.

Mr. ROGERS. I would prefer to submit my views on Tuesday.

Mr. FARNSWORTH. I inquire whether, if the bill goes over till Tuesday next, it will not be the regular business from day to day during the morning hour.

The SPEAKER. It will.

Mr. DEMING. I will consent to that.

Mr. DAWES. I want to get a little information from the gentleman from Connecticut, growing out of the interrogatory of the gentleman from Pennsylvania, [Mr. THAYER.] I see that the phraseology in the first section of the bill, to which the gentleman from Pennsylvania directed his attention, declares this road, and the branches thereof built and to be built, to be lawful structures. The interrogatory put by the gentleman from Pennsylvania was, whether the bill was meant to legalize such branches as were to be built, or only those which are already built. The reply of the gentleman from Connecticut was that the latter was the proper construction. I ask him whether there is anything in the bill that assures us that that is the construction that must be given to it.

Mr. DEMING. That is the legal construction which the committee gives to the bill. I cannot tell what construction may be put upon it by those who are not so thoroughly educated in the science of legal construction as is my friend from Massachusetts.

Mr. DAWES. The bill should be so drafted that there could be no mistake on that point. I have not any apprehension that these branches will be extended into the State of Massachusetts, but I only want to know where these branches are to extend in New Jersey. There is nothing in the bill that restricts them.

Mr. DEMING. I can assure the gentleman that there is no idea of extending these branches into Massachusetts, or any further than the corporation is authorized to go by its charter.

Mr. DAWES. If the bill is to be confined to the branches already built then the phraseology used is incorrect. If it is to apply to some branch to be built, either we must locate, or somebody else will locate it. If somebody else is to locate it I want to know who.

A MEMBER. New Jersey is only wide enough for one railroad track. [Laughter.]

Mr. DEMING. I wish to call the attention of my friend from Massachusetts to the map which accompanies this report. Perhaps, if he will give it as earnest attention as he has given to questioning me upon matters of construction, he will be better prepared, when I rise again on this subject, to play the part of cross-questioner.

The road, as you see by the map, begins at Port Monmouth, near Sandy Hook. In order to reach Port Monmouth it is necessary that there shall be water communication to the city of New York. The distance from New York to Port Monmouth, I will inform my friend from Massachusetts, is eighteen miles. The distance from Port Monmouth to Atsion is sixty-three and three quarter miles, and the distance from Atsion to Camden is twenty-eight and a half miles, making the entire distance from New York to Philadelphia one hundred and ten miles. The other route is ninety-three miles. Any gentleman who has been aware of the extreme pressure brought upon this House to establish another line of transportation between the city of New York and the city of Washington, especially gentlemen who represent States which have instructed them to provide additional means of communication between New York and Philadelphia—those States having said in their resolutions that the present means of intercommunication are notoriously inadequate—can hardly consent to aid in destroying a continuous through line between those cities. The pressure upon the existing routes has been so great that during this winter the Government has been obliged to use water transportation by the way of the Potomac. Gentlemen who know that the commercial community as well as the Government demand increased facilities, and that this House has passed by unanimous consent a resolution which recites in its preamble that the present facilities were notoriously inadequate——

Mr. ASHLEY. Has the morning hour expired?

The SPEAKER. It has.

Mr. ASHLEY. I call for the regular order of business.

Mr. DEMING. What becomes of the pending bill?

The SPEAKER. It goes over to Tuesday next.

Mr. ASHLEY. I call for the regular order of business.

The SPEAKER stated the first business in order to be the special order, being territorial business.

TREATY WITH ECUADOR.

Mr. COX. I ask the unanimous consent of the House to make a report from the Committee on Foreign Affairs to carry out treaty stipulations with Ecuador, recommended by the President in a message sent to us a few days ago, and which will occupy but a few moments.

Mr. ASHLEY. I do not object to that.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported a bill to carry into effect the convention with Ecuador for the mutual adjustment of claims; which was read a first and second time.

The bill was read *in extenso*.

Mr. HOLMAN. I desire to call the attention of the gentleman from Ohio to the third section of the bill, which I think confers extraordinary powers upon the President in respect to compensation.

Mr. COX. The bill has been drawn precisely in conformity with bills passed heretofore in reference to conventions established with New Granada, Costa Rica, and Peru. The usual compensation has been granted to the commissioner in this case. I would not ask instant action on this bill; but the commission will have to meet pretty soon, and the necessary arrangements and the papers ought to be sent out by the next steamer.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the vote to reconsider be laid upon the table.

The latter motion was agreed to.

STATE OF NEVADA.

The SPEAKER stated the first business in order to be the consideration of Senate bill No. 96, to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, the consideration of which had been postponed to this day.

The bill was read *in extenso*.

Mr. ASHLEY. I have nothing to say upon this bill further than this: that it passed the Senate two years ago and again unanimously at this session.

Mr. KINNEY. I ask the gentleman whether the boundaries provided in the second section interfere with the present boundaries of the Territory of Utah?

Mr. ASHLEY. They do not. I demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. ASHLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL CURRENCY.

Mr. HOOPER, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the members of the House two thousand extra copies of House bill No. 333, to provide a national currency secured by pledge of United States stocks, and to provide for the circulation and redemption thereof.

STATE OF COLORADO.

The SPEAKER stated the next business in order to be Senate bill No. 97, to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, the consideration of which had been postponed to this day.

Mr. ASHLEY. This is in the same terms as the bill just passed by the House.

Mr. PENDLETON. Let it go to the Committee of the Whole on the state of the Union, where it can be considered section by section.

Mr. ASHLEY. I prefer, unless gentlemen are anxious to debate it, to put the bill upon its passage.

Mr. PENDLETON. If the gentleman will allow me, I will move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. ASHLEY. I cannot consent to send the bill to the tombs in that way. If the gentleman desires me to yield to any member upon that side to discuss the measure, I have no objection to doing that.

Mr. PENDLETON. After the gentleman has moved the previous question, will it not be in order to move so to refer it?

The SPEAKER. Not under the rules as they now exist.

Mr. COX. I have not had an opportunity to examine these bills critically. I believe they are bills for the admission of three States?

Mr. ASHLEY. Yes, sir.

Mr. COX. I ask the gentleman from Ohio whether he proposes to admit these States when they attain a certain population?

Mr. ASHLEY. No, sir.

Mr. COX. They are not required to have a population equal to the ratio of one member of Congress?

Mr. ASHLEY. No, sir.

Mr. COX. I would like to offer an amendment to that effect. I believe in the general policy which was agreed upon when last we discussed and undertook to mature the territorial policy.

Mr. ASHLEY. These Territories of Nevada, Colorado, and Nebraska have a larger population than Oregon had when she was admitted, and even more than she had under the census of 1860. The gentleman voted for the admission of Oregon.

Mr. COX. I voted for the admission of Oregon; but I was satisfied that she had a population equal to the ratio of a member of Congress. I was satisfied upon that point by the speech of Mr. Stevens, of Oregon, made at the time. But this side of the House, and a large proportion of the members upon the other side, agreed upon a general system as to these bills admitting Territories; and I think Judge Douglas reported a bill in conformity to the idea that no State should be admitted under an enabling act, unless the census showed a population equal to the ratio for a member of Congress.

I do not know whether the gentleman proposes to admit this State under the war power. If not, then it is under the old policy. I suppose the gentleman prohibits slavery by the bill?

Mr. ASHLEY. Yes.

Mr. COX. I have no doubt of it. I should not have asked the question.

Mr. MALLORY. I would inquire of the gentleman what is the use of prohibiting a thing which is dead everywhere according to the theory of the gentleman from Ohio? I think I have heard but one gentleman upon that side of the House contend that there was any life left in slavery; and that was the gentleman from Maryland, [Mr. DAVIS,] who thought it was still kicking a little.

Mr. ASHLEY. In reply to the gentleman, I would say that I have never declared upon this floor, or elsewhere, that slavery was dead, but if my colleague [Mr. Cox] desires to offer an amendment to establish slavery in this Territory, I will yield to him for that purpose.

Mr. COX. The gentleman knows that I never proposed to establish or exclude slavery from the Territories. Our determination was to leave that matter to the people of the Territories always, and the intimation of my colleague does not come with good grace from an intelligent Congressman know-

ing the antecedents of both parties upon that subject.

Mr. MALLORY. If the gentleman will extend to me the courtesy which he extends to his colleague I will propose to amend his bill by striking out that prohibitory clause, thus leaving the bill uncommitted upon that subject.

Mr. ASHLEY. I have no objection to the gentleman making that motion.

Mr. COX. With the permission of the gentleman I will move to amend so as to provide that the Territory shall not be admitted into the Union as a State until there is evidence that she has a population equal to the ratio of a member of Congress, in the form of former bills upon that subject.

The SPEAKER. To which gentleman does the gentleman from Ohio yield to offer an amendment?

Mr. ASHLEY. To the gentleman from Kentucky.

Mr. MALLORY. My amendment is to strike out that clause which prohibits slavery and involuntary servitude.

Mr. ASHLEY. I think that is the only amendment I can receive. I demand the previous question.

The SPEAKER ordered tellers, and appointed Mr. ASHLEY and Mr. COX.

The House divided; and the tellers reported—ayes 60, noes 36.

So the previous question was seconded, and the main question ordered to be put.

The SPEAKER. The first question is upon the amendment offered by the gentleman from Kentucky.

Mr. MALLORY. I withdraw my amendment. I will not insist upon it.

The SPEAKER. The rule states that after the previous question is seconded and the main question ordered, a motion to amend, or other proposition, cannot be withdrawn, because that might have been the inducement to the House to second the previous question.

Mr. MALLORY. The rule has universally been that a member can always withdraw an amendment when he chooses.

The SPEAKER. The Chair will have the rule read. The Chair recollects the rule very distinctly, and thinks he has quoted the exact language of the rule, and the Journal clerk thinks so also. The Chair will turn to the rule, however, in a moment.

Mr. THAYER. I demand the yeas and nays on the amendment.

The SPEAKER. The rule will be read.

The Clerk read from the Digest, as follows:

"A motion to amend cannot be modified after the previous question is seconded, doubtless for the reason that the pendency of a particular amendment may be the inducement for seconding the previous question."

The SPEAKER. The gentleman from Kentucky will see that the Chair quoted the language of the rule.

Mr. MALLORY. I rise to a question of order. I would inquire what my amendment is?

The SPEAKER. It is to strike out a certain part of the bill.

Mr. MALLORY. What part? I have never indicated the precise part.

The SPEAKER. The gentleman's motion was to strike out that part of the bill which requires the constitution to be a free constitution.

Mr. MALLORY. I submit that an amendment of that kind is too vague and indefinite to be entertained by the Speaker of the House.

Mr. WASHBURNE, of Illinois. I submit that the gentleman cannot make that objection to his own amendment.

The SPEAKER. The Chair would state that it is the constant practice of the House to entertain motions to strike out a certain part of a bill without the amendment being reduced to writing.

Mr. MALLORY. I suggest that an amendment must be reduced to writing.

The SPEAKER. The point of order comes too late. If it had been made by the gentleman from Kentucky at the time he offered his amendment the Chair would have sustained it. [Laughter.]

Mr. MALLORY. Can an amendment be out of order when it is offered and afterwards become in order?

The SPEAKER. It is the daily practice of the House to consider bills containing appropriations in the House when the question is put to the House and no objection is made.

Mr. MALLORY. The Speaker of the House is very censurable for entertaining such a vague amendment. [Laughter.]

The SPEAKER. That may be.

The yeas and nays were ordered on the amendment.

The question was taken; and it was decided in the negative—yeas 17, nays 86; as follows:

YEAS—Messrs. James C. Allen, Ancona, Chanler, Cox, Dawson, Denison, Eldridge, Hall, Harding, Knapp, Long, Mallory, William H. Miller, Morrison, John O'Neill, Ross, and Stiles—17.

NAYS—Messrs. Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Francis P. Blair, Jacob B. Blair, Blow, Boutwell, Boyd, Broomall, James S. Brown, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dawes, Donnelly, Driggs, Dumont, Eliot, Farnsworth, Fenton, Frank, Garfield, Gooch, Griswold, Higby, Hotchkiss, John H. Hubbard, Hutchins, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Kernan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Price, Alexander H. Rice, John H. Rice, James S. Rollins, Scofield, Shannon, Smith, Smithers, Spalding, Starr, Stevens, Sweat, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—86.

So the amendment was rejected.

During the roll-call,

Mr. COBB stated that Mr. SLOAN was detained from the House by extreme indisposition in his family.

Mr. FENTON announced that his colleague, Mr. KELLOGG, had been called home on account of sickness in his family, and was paired with Mr. MCKINNEY.

Mr. WILSON stated that his colleague, Mr. HUBBARD, was detained from the House by sickness, and that if present he would have voted "no" on this question.

Mr. COX. I desire now to offer the amendment which I have indicated.

The SPEAKER. No amendment is in order now.

Mr. COX. My colleague [Mr. ASHLEY] gave me the privilege of offering it. I indicated to him my amendment before the gentleman from Kentucky [Mr. MALLORY] indicated his.

The SPEAKER. The Chair asked the gentleman from Ohio [Mr. ASHLEY] to whom he yielded the floor, and he said that he yielded it to the gentleman from Kentucky. The amendment of the gentleman from Ohio [Mr. Cox] was not sent up to the Clerk's desk.

Mr. COX. I think that owing to this misapprehension my colleague will allow my amendment to be voted on.

Mr. ASHLEY. I have another bill here to which my colleague can offer his amendment.

Mr. COX. I prefer to offer it to this bill.

The SPEAKER. It cannot be done, the main question having been ordered.

Mr. COX. The understanding on this side of the House was that we should have a vote upon it.

The SPEAKER. The Chair stated distinctly that the gentleman from Ohio [Mr. ASHLEY] refused to yield except to the gentleman from Kentucky.

Mr. COX. That was after my colleague had agreed to accept my amendment; but I will not press it on my colleague.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. ASHLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. BENNET. I wish to call the attention of the House to a clerical omission in the second section of the bill just passed; and I ask unanimous consent to have it supplied. It is simply to add the words "to the place of beginning."

The SPEAKER. The omission cannot be supplied by unanimous consent. The Chair has examined the bill, and has no doubt that that is now the true intent and meaning of the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (No. 52) to provide for the summary trial of minor offenses against the laws of the United States; in which he was directed to ask the concurrence of the House.

STATE GOVERNMENT FOR NEBRASKA.

The SPEAKER proceeded, as the next business in order, to call for reports on territorial business.

Mr. ASHLEY, from the Committee on Territories, reported a bill to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; which was read a first and second time.

The bill was read in full.

Mr. COX. I move to amend by adding at the end of the first section the following:

Provided, That the said Territory shall not be admitted as a State until Congress shall be satisfied by a census taken under authority of law that the population of said Territory shall be equal to that required as the ratio for one member of Congress under the present apportionment.

Mr. BEAMAN. I move the previous question.

The previous question was seconded, and the main question ordered; which was first on agreeing to Mr. Cox's amendment.

Mr. ELDRIDGE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 43, nays 72; as follows:

YEAS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, James S. Brown, Chanler, Cox, Dawson, Denison, Eldridge, Hall, Harding, Harrington, Herrick, Holman, Kalbfleisch, Kernan, Law, Long, Mallory, Marcy, McAllister, McDowell, Middleton, James R. Morris, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Rogers, James S. Rollins, Ross, John B. Steele, William G. Steele, Stiles, Strouse, Sweat, Voorhees, Wadsworth, Webster, Wheeler, and Yeaman—43.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Francis P. Blair, Jacob B. Blair, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Dawes, Deming, Donnelly, Driggs, Dumont, Eckley, Eliot, Fenton, Frank, Higby, Hooper, Hotchkiss, John H. Hubbard, Kasson, Kelley, Francis W. Kellogg, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Scofield, Shannon, Smith, Smithers, Spalding, Stevens, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Wilder, Wilson, Windom, and Woodbridge—72.

So the amendment was rejected.

During the roll-call,

Mr. PENDLETON stated that his colleagues, Messrs. MCKINNEY, JOHNSON, C. A. WHITE, and J. W. WHITE, were paired off with other gentlemen.

Mr. NORTON stated that his colleague, Mr. ARNOLD, had been under the necessity of leaving the House on account of illness.

The result was announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ASHLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. FENTON. Before the House proceeds to other territorial business, I ask consent to make a personal explanation.

There was no objection.

Mr. FENTON. The explanation I desire to make is not personal to myself, but to a friend of mine.

On the 27th of February the honorable gentleman from Missouri, [Mr. BLAIR,] in his place on this floor, in a speech made by him, read a letter written by Steptoe B. Taylor, which was published in the Baltimore American of February 2, reflecting upon the official conduct of Mr. H. A. Risley, the supervising special agent of the Treasury Department, alleging that he had given a permit to a notorious rebel blockade runner to transport a quantity of goods within the rebel lines in the counties of Northumberland and Lancaster, Virginia, under the trade regulations of the Treasury Department, an act which the gentleman from Missouri remarked would have sent any one other than a Treasury agent to Fort La Fayette.

Now, sir, I am personally well acquainted with Mr. Risley; he comes from my district; and I know him to be a gentleman of high character, honor, and integrity. If I had been in my seat when the speech of the gentleman from Missouri was made, I should have interrupted him, and repelled any assault or charge upon him for official misconduct.

I presume that it had not come within the observation of the gentleman from Missouri that

this letter which had appeared in the Baltimore American of February 2 was corrected very soon thereafter by Mr. Taylor himself, upon the receipt of a letter from Mr. Risley. I ask that that letter may be read.

The Clerk read, as follows:

TREASURY DEPARTMENT,
WASHINGTON, *February* 3, 1864.

Messrs. Editors Baltimore American:

My attention has been called to the communication of Steptoe B. Taylor, in the American of this morning, in which it is stated that Samuel G. Miles, as the agent of another party, has cleared merchandise from Baltimore, with permission from Mr. Risley, the agent of the Treasury Department, sanctioned by General Butler, to take the same within the rebel lines.

Allow me to say that no person has at any time received authority from me, or from the Treasury Department, to transport merchandise within the rebel lines.

Regulation VII, of the Treasury Department, concerning commercial intercourse with and in the insurrectionary States, prescribes that "commercial intercourse with localities beyond the lines of military occupation by the United States forces is strictly prohibited; and no permit will be granted for the transportation of any property to any place under the control of insurgents against the United States."

No permission has been given in violation of this regulation by me, or by any officer of the Treasury Department, with my knowledge.

Generals commanding departments have exclusive control beyond the lines of military occupation by United States forces, and whatever action has been taken by General Butler in the way of supplying necessaries to the people of Lancaster and Northumberland counties, or bringing out their products and thus diminishing the supplies of the rebel army, he can doubtless justify on some ground of military expediency or necessity. H. A. RISLEY,
Superintendent, Special Agent, &c.

—

BALTIMORE, *February* 8, 1864.

GENTLEMEN: You will confer on me a favor by publishing the following apology, which I desire to make to Hon. H. A. Risley, special agent, &c., Treasury Department. I said, in a former communication, "that the schooner Ann Hamilton, Captain Sterling, with Samuel G. Miles on board as the agent of another party, cleared from this port, &c., with permission from Mr. Risley." I made this statement, so far as Mr. Risley is concerned, on information received from a gentleman in whom I have every confidence, but I am perfectly satisfied now that he was mistaken, (Mr. Risley's denial being perfectly satisfactory to me;) and as I have made the assertion through your paper, I desire to apologize to him through the same, and I deeply regret that I should have been led into such an error, thereby causing me to bring a charge against him for that with which he had nothing to do. I will also state that I have (apart from Mr. Risley's assertion) received information which satisfies me that I was in error so far as he was concerned.

But, Messrs. Editors, the said vessel and cargo did clear from this port for the Great Wicomico river, Northumberland county, Virginia. Mr. Samuel G. Miles, who is acknowledged by every one who knows him to be a rebel of the *first water*, did go in her as *agent*, and the district of country to which she has gone is entirely under rebel jurisdiction.

I think it also due General Butler that I should say that in a communication I received from him in reference to this subject, he says, "I will have the matter of your complaint investigated forthwith." I am sure he will do it.

Very respectfully, &c., STEPTOE B. TAYLOR.
Messrs. Editors of the Baltimore American.

Mr. FENTON. This much I deemed to be due to my friend, a faithful public officer and a gentleman in every social, private, and official relation.

Mr. WASHBURNE, of Illinois. The explanation just made by my friend from New York [Mr. FENTON] in regard to Mr. Risley may be proper, in view of the manner in which the charges have been made, but certainly no such explanation can be deemed necessary by anybody who has ever known Mr. Risley. I have known this gentleman for many years as a man of the highest character, probity, and intelligence, and I take great pleasure in adding my testimony in this behalf to that which has been so justly borne by the gentleman from New York, [Mr. FENTON.]

Mr. PRUYN. I wish to say in reference to Mr. Risley that I have had the pleasure of knowing him for many years as a man of honor and integrity, and I should not pay the slightest regard to any charges made against him. I have no doubt they are utterly unfounded.

TERRITORY OF MONTANA.

Mr. BEAMAN. I desire now to withdraw the motion which is pending to reconsider the vote by which the bill to establish a territorial government for the Territory of Montana was referred to the Committee on Territories, and now report the bill back from that committee with amendments.

The SPEAKER. The bill is then before the House for its action.

Mr. KINNEY. The amendments of the Committee on Territories change the boundaries of this proposed Territory. I wish to inquire whether it takes anything from the Territory of Utah.

Mr. ASHLEY. If the gentleman will look at the map he will see that it does not come within a hundred miles of Utah.

Mr. KINNEY. I understand it lies north of Utah.

Mr. BEAMAN. It does not interfere with the Territory of Utah at all. I now demand the previous question upon the bill.

Mr. DAVIS, of New York. I ask the consent of the gentleman to offer an amendment to the third section of the bill before the previous question is ordered upon it.

Mr. BEAMAN. I will hear the gentleman's amendment.

Mr. DAVIS, of New York. I desire to move the following to be added to the third section:

Provided, That any of the officers now appointed under the act of March 3, 1863, for the Territory of Idaho, which is subdivided by this act, may without any new commission be assigned by the President of the United States to the new Territory hereby created if he shall deem it expedient. Such designation shall be equivalent in all things to the appointment authorized by this act.

Mr. BEAMAN. I have no objection to that amendment being offered and a vote of the House taken upon it, and will withdraw the demand for the previous question for that purpose.

The amendments reported by the Committee on Territories were agreed to.

Mr. SPALDING. I desire before the previous question is seconded upon the bill to say that I understand the Territory of Idaho was only organized during the last session of Congress, and that its organization is not in fact yet complete. And I am at a loss to perceive why we are now called upon to make another Territory out of the Territory of Idaho, thus doubling the expenses of the management of that tract of country. If there is any good reason for this increase of our national expenses then I am willing to vote for this bill, but until gentlemen give me some information upon that subject I cannot so vote.

Mr. STEVENS. I have listened to the amendment of the gentleman from New York, and approve it for this reason: the President would have the power to transfer them; but he would have to send them again to the Senate to have new commissions. If he chooses to transfer those already appointed from Idaho to Montana without the delay consequent upon new commissions, I think that he should; at any rate he has the power. We know very well that in framing the original bill the capital is fixed at the extreme northwestern corner. I suppose that the officers appointed by this division will, in effect, no matter where they reside, be thrown over into that part known as Idaho. If he chooses to retain any officers in Montana, and to appoint others in that Territory, I can see no objection to his doing it.

Mr. DAWES. You cannot by an act of Congress make the judges appointed for Idaho the judges for Montana.

Mr. STEVENS. Territorial judges are entirely upon a different footing from other judges.

Mr. DAWES. I am aware of that; not in appointment, but in the duration of their service, arising from political considerations.

Mr. STEVENS. I think it depends altogether on the act of Congress.

Mr. DAWES. One of the great arguments against the fugitive slave law is that judges have been created by act of Congress. It was argued before the Supreme Court of the United States by our political friends—I do not know whether they were the gentleman's—as one reason why that law was unconstitutional, because judges were made by act of Congress, and not by nomination by the President and confirmed by the Senate.

Mr. STEVENS. Territorial courts are congressional courts created by acts of Congress. This is a limit of jurisdiction and nothing else. Therefore there is nothing in the gentleman's argument.

The amendment was again reported.

Mr. BEAMAN. Mr. Speaker, in reply to the gentleman from Ohio [Mr. SPALDING] in reference to the necessity and propriety of organizing new Territories, I will say that this Territory of Idaho is about three hundred and twenty square miles wide. The Territory is divided by the Rocky mountains. According to the best information I can get in reference to this question, it seems there are from forty to fifty thousand in the Territory. About seventeen thousand of these inhabitants are upon the east side of the mountains, the remainder being upon the west side of the mountains. The seat of government at the present time is upon the west side of the mountains, and nearly all of the officers of the Territory are there. Now these seventeen thousand men upon the east side of the mountains are without governmental organization of any kind whatever. I am informed that members of the Legislature who were elected on the east side had to travel seven hundred miles to get to the seat of government.

It is said that this mountain is difficult to pass, and that a large portion of it is impassable. Here are seventeen thousand people, as I remarked before, without a government at all. I am informed by one of the judges of Idaho that not long since, under orders of a vigilance committee, the people hung twenty-one men.

It is utterly impossible, sir, that government can be maintained on both sides of the mountain under the same organization with any degree of efficiency whatever. I am also informed that the population is increasing there very rapidly. It is estimated by a gentleman with whom I have conversed that by next midsummer there will be a hundred thousand people in this part of the Territory. I ask the Clerk to read a memorial from the Territory of Idaho on this particular subject.

The Clerk read the following:

Memorial praying for a division of the Territory, and the erection of the eastern portion thereof into a new Territory to be called Jefferson Territory.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislative Assembly of the Territory of Idaho would respectfully represent:

1. That the great extent of the Territory, and its intersection by ranges of mountains, the trails across and through which are, in the season when the Legislative Assembly should convene, obstructed by snow, renders it in all cases difficult and hazardous, and in some impossible, for the members of that body to meet at any point on either side of the mountains.

2. That the Territory is naturally divided north and south by the great chain of the Rocky mountains, the Cour De Luce and Bitter Root mountains, which present an almost insurmountable barrier to communication between the inhabitants of the eastern and western portions for at least six months in the year, and will prevent the inhabitants of that portion in which the capital may not be located from being properly represented in Legislature.

3. The mining and agricultural interests of the eastern portion of the Territory are being greatly and constantly developed, and the population is rapidly increasing, amounting now to about fifteen or twenty thousand, whose interests would be greatly subserved by such a division, and who elected loyal men to the first Legislative Assembly, pledged to support this memorial.

Therefore, your memorialists would respectfully ask your honorable bodies to erect the eastern portion of the Territory of Idaho into a new Territory to be called Jefferson Territory, recommending the following as the dividing line between the two Territories: commencing at a point where the summit of the main chain of the Rocky mountains intersects the southern boundary of the Territory of Idaho; thence northerly along said summit to where it intersects the one hundred and thirteenth meridian of longitude; thence north along said meridian of longitude to where it again intersects the summit of said chain of mountains, north of latitude 47°; thence northerly along said summit to the forty-ninth parallel of latitude.

Passed the Council December 22, A. D. 1863.
Passed the House of Representatives December 23, 1863.
JAMES LUFTS,
Speaker House of Representatives.
JOSEPH MILLER,
President of the Council.

Approved December 30, 1863.
WILLIAM B. DANIELS,
Acting Governor of Idaho Territory.

—

I certify that the foregoing is a true copy of an original memorial passed by the Legislative Assembly of the Territory of Idaho now in session.

In witness whereof I have hereunto set my hand and [L. S.] affixed the seal of the Territory of Idaho this 2d day of January, A. D. 1864.
WILLIAM B. DANIELS,
Secretary of Idaho Territory.

Mr. WILSON. With the permission of the gentleman from Michigan [Mr. BEAMAN] I will say one word. I hope the House will not indulge in any such absurdity as that of the pending amendment. It does seem to me there can be no question as to its impropriety and our want of power. The Constitution makes this provision in relation to the President:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, MARCH 19, 1864. NEW SERIES.....No. 74.

It does seem to me we are creating, by this bill, public offices. We are establishing them by law; and the only way in which they can be filled properly, and in accordance with the Constitution, is by nomination to the Senate by the President. If the judges appointed for the Territory of Idaho should assume to act in the Territory of Montana, and their right to so act should be questioned in any way, the evidence would be the commission. When the commission is produced we find the judge is a judge of Idaho, and not a judge of Montana, unless we have the right to create judges in the Territories. And if we have, in the manner which this amendment provides, then we may, in a bill creating the Territory, name certain gentlemen as judges, and make them judges by our own legislative act. We may create any number of judges in a given Territory, and then the President may parcel them out to other Territories.

I do not know what cause there is for asking an amendment of this kind, unless it be for the benefit of some gentlemen who happen to reside in that portion of Idaho embraced within the Territory of Montana. But we cannot afford to set a precedent of that kind in order to accommodate any gentleman who wants to hold an office in the Territory of Montana. Let the responsibility rest with the President, and let him select. If a gentleman does not wish to be a judge in Idaho he can resign. The President may appoint him for Montana. Let us not in this indirect, and in my judgment unconstitutional, way, seek to arrive at an end which the Constitution requires shall be done in one particular way and no other.

Mr. BEAMAN demanded the previous question.

Mr. ASHLEY. I ask my friend to withdraw that call for a moment.

Mr. BEAMAN. I withdraw it.

Mr. ASHLEY. I want to answer the point made by my colleague from Ohio as to the necessity for the organization of this Territory. In the first place the Legislature of the Territory of Idaho petitioned Congress to make this division, and the Delegate from the Territory consents to the division. The Rocky mountains are impassable three fourths of the year to the people living on the eastern slope of those mountains. In the Rocky mountains, and in the valley east of the Bitter Root mountains, the large gold regions discovered in Idaho are found. Emigrants are flocking there by thousands, and to-day there are from eighteen to thirty thousand people there without an organized government.

Now, sir, I claim as a matter of economy, to say nothing about justice and the imperative obligation resting upon Congress to protect its citizens, it is better to erect not only this Territory but other Territories. I have been out in that western country, and I know the pilgrim going over those immense plains and deserts makes his line for the capital of the Territory. It is the point around which the civilization of the Territory centers; it is the point from which the emigrant receives protection; and I can tell this House that if the northern part of Dakota had been organized into a territorial government, with proper territorial officers, at the head of the Red River of the North, we should not have had that terrible massacre of the citizens of Minnesota which we had last year.

You cannot more cheaply and more economically govern those Indians than by having your Territories cut up, and your Governors appointed to superintend and take charge of those Indians. They yield readily to the authority lodged in these temporary governments. It was my fortune a year and a half ago to be in the Territory of Colorado. While there the Governor appointed and held a meeting with the Indians, at which I was present; and I am satisfied that that meeting prevented a war which would have cost this country ten times as much as it will cost to keep that Territory in an organized state. There can be no greater act of injustice to our own people, and certainly no more unwise course of economy, than that which permits our citizens to go into this Territory without having any government, thereby forcing them to the necessity of having vigilance committees to protect themselves, and creating that condition of affairs which we have to-day east of the Rocky mountains in that part of the Territory proposed to be erected into the Territory of Montana.

Now, sir, I hope that this penny-wise and pound-foolish policy which has taken possession of some gentlemen will not prevent them voting for this bill. I am very sure that they would not vote against it if they had been over that region of the country as I have been. The cost of a territorial government is about twenty thousand dollars a year. Some three months ago fifteen or twenty of our citizens, who were descending the Yellow Stone river, were murdered and robbed of over one hundred thousand dollars in gold. If there had been a territorial government established in Montana no such tragedy would have been enacted.

Let a man start from one of the western States to go westward, and, as the Territories are now organized, he has to travel over six hundred miles before he reaches a point where he can have Government protection. I hold that it is the highest duty of the Government to protect its citizens, especially in a Territory like this, which is developing the rich mineral resources of the country, so as to enable the Government to pay something of its enormous debt in gold. I hope I have satisfied my friend from Ohio of the necessity for the organization of this Territory.

Mr. DAVIS, of New York. I have but a word to say as to the point raised by the gentleman from Iowa, [Mr. WILSON.] As I understand, there are already judges, commissioned by the Government, who exercise jurisdiction throughout this entire Territory of Idaho, from which it is proposed now to subtract the new Territory of Montana.

Mr. WILSON. I ask the gentleman from New York whether this bill does not create a new court, and thereby create a new jurisdiction.

Mr. DAVIS, of New York. It does.

Mr. WILSON. Then of course these judges, as judges of Idaho, cannot have jurisdiction unless we provide that the jurisdiction of the court of Idaho shall extend to the Territory of Montana. But if we create a new court in the Territory of Montana we create a new jurisdiction, and must have new judges.

Mr. DAVIS, of New York. I do not see that it is necessary in this way to legislate the judges out of their present jurisdiction. We establish a new court, and, instead of extending their jurisdiction, we simply restrict it. Of course the appointing power of the Government will commission new judges. I can see no difficulty arising on that point.

Mr. BEAMAN. I move the previous question.

The previous question was seconded, and the main question ordered; which was first on Mr. DAVIS's amendment.

Mr. WASHBURNE, of Illinois. I desire to ask the gentleman from Michigan whether this amendment meets the approval of the Committee on Territories.

Mr. BEAMAN. No, sir.

The question was taken on the amendment; and it was rejected.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COX. Before the question is taken on the passage of the bill, I desire to say that I do not like the proposed name of this new Territory. I do not know whether it is Spanish, French, or English.

Mr. ASHLEY. It is a Spanish word, meaning mountainous.

Mr. COX. I know. But I ask the gentleman whether he cannot give it a name that will be a little more significant. Cannot he give it some Indian name?

Mr. WASHBURNE, of Illinois. I suggest that the gentleman from Ohio propose that it shall be called Abyssinia. [Laughter.]

Mr. COX. Oh, no; that is not the right color. I was about to suggest a copper-colored name for it. I am in earnest about having this Territory properly named. I do not think that there is a gentleman present who, on reflection, will not concede that this name has no signification applied to a Territory which lies almost entirely east of the mountains.

Mr. BEAMAN. What name does the gentleman from Ohio propose for it?

Mr. COX. I suggest an Indian name—Shoshone, if my colleague [Mr. ASHLEY] will tell me what that means.

Mr. BENNET. It means snakes. [Laughter.]

Mr. COX. I believe it means copperheads. [Laughter.]

Mr. BEAMAN. The gentlemen particularly interested in the name are, as I understand, entirely satisfied with it.

Mr. COX. I do not legislate on the satisfaction of other people. I should like this Territory to be properly named; and I think the gentleman might indicate some name that will be more appropriate than this.

The SPEAKER. The bill is at a stage now when an amendment can be offered only by unanimous consent. The bill has been read the third time, and the question now is upon its passage.

Mr. COX. I understand that the Legislature has asked that the new Territory shall be called "Jefferson."

Mr. ASHLEY. Oh, well, we are opposed to that.

Mr. COX. Opposed to Jefferson! I propose then that we name the new Territory, by unanimous consent, "Douglas Territory." I think the gentlemen opposite will agree to that.

Mr. ASHLEY. Oh, no; we cannot do that.

Mr. PRUYN. In reference to the name of the Territory, I will say that I was told by the Governor of Idaho, who has recently departed for that Territory, that with reference to the physical features of the country the names ought to be reversed. I know nothing about it myself. I supposed that some gentleman here would have been prepared to make some motion on the subject if the name had not been changed in the committee. I am told that no such change has been made. I was informed by the recently appointed Governor, Mr. Lyon, that, with reference to the features of the country, the names agreed upon by the committee for these two Territories ought to be reversed.

Mr. BEAMAN. The gentleman is mistaken. I cannot yield further.

Mr. COX. One word only. I proposed to call this Territory "Douglas," because I thought it would suit the other side of the House as well as this; you have got your Frederick Douglass, and we upon this side had a white man, whom we reverenced, by that name.

Mr. WEBSTER. I desire to made a suggestion to the gentleman from Ohio, and it is this: I think every father has a right to name his own child, and as this bill is the progeny of the Committee on Territories I think they have a right to name it. I do not understand that the gentleman from Ohio has any business in that thing at all. It is a family matter. [Laughter.]

Mr. BEAMAN. I think it is very well christened, and I demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. BEAMAN moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. BEAMAN moved to amend the title of the bill by adding thereto the words "and for other purposes."

The amendment was agreed to.

SALARIES OF TERRITORIAL JUDGES.

Mr. ASHLEY, from the Committee on Territories, reported a bill to equalize the salaries of

the judges of the several Territories of the United States.

The bill was read. It provides that the annual salary of the chief justice and associate justices of each of the Territories of the United States shall be equalized, by taking the gross amount paid annually to each of the judges in the organized Territories and dividing the sum thus obtained by the number of Territories, and the dividend, whatever it may be, from and after the expiration of the present fiscal year, shall be the salary to be paid to each of the judges of the United States Territories.

Mr. STEVENS. I would like to ask the gentleman what the effect of this bill will be upon the present salaries of these judges?

Mr. ASHLEY. It equalizes them.

Mr. STEVENS. Does it equalize them down or up? [Laughter.]

Mr. ASHLEY. It equalizes them; but it neither increases nor diminishes the gross amount.

Mr. STEVENS. Then it must reduce some.

Mr. ASHLEY. Yes, sir.

Mr. STEVENS. Who do you take off from?

Mr. BENNET. I will state, if the gentleman from Ohio will permit me, that in three of the Territories—Nevada, Colorado, and Dakota—the salaries of the judges are $1,800 each. In the other Territories the salaries are $2,500 each. In the three Territories first named the judges have a large amount of business to do, and especially in Nevada and Colorado, which are mining countries. The object of the bill is not to increase the gross amount of money drawn from the Treasury to pay the territorial judges, but to equalize the salaries to perhaps $2,200 to each judge.

Mr. STEVENS. I would ask whether it is intended to reduce the salaries of the judges now appointed?

Mr. ASHLEY. After the expiration of this fiscal year.

Mr. STEVENS. I think we had better let this bill lie over and soak a little. [Laughter.] It is a profligate bill.

Mr. ASHLEY. I withdraw the report.

PUBLIC BUILDINGS IN THE TERRITORIES.

Mr. RICE, of Maine, from the Committee on Territories, reported a bill making appropriations for public buildings in the Territories of Colorado, Nevada, Dakota, Idaho, Arizona, and Montana, and for other purposes; which was read a first and second time by its title.

Mr. HOLMAN. I rise to a question of order. This bill seems to make large appropriations, and must be first considered in a Committee of the Whole.

Mr. RICE, of Maine. I do not propose to consider it in the House. I move that it be referred to the Committee of the Whole on the state of the Union.

Mr. WASHBURNE, of Illinois. I wish to ask a single question. I see that in these provisions for public buildings no appropriation is made for a penitentiary in Nebraska. I desire to know why Nebraska is left out.

Mr. STEVENS. Why, I understand that Nebraska is a State.

Mr. RICE, of Maine. Not yet.

Mr. STEVENS. I thought we had just made a State out of it.

Mr. RICE, of Maine. The bill for that purpose has not yet become a law. If my amendment is deemed necessary to the bill to provide for Nebraska the bill can be so amended in committee.

Mr. WASHBURNE, of Illinois. It will be recollected that an appropriation was voted in in committee for a penitentiary in Nebraska, but the House rejected that amendment.

The SPEAKER. The Chair will state for the information of the Committee on Territories that if the bill be referred to the Committee of the Whole on the state of the Union it will be a special order for to-day, but if it is not disposed of to-day it will lose its position as a special order.

Mr. RICE, of Maine. I understand that. I do not, however, expect to dispose of the bill to-day. I propose to allow discussion upon it, and when we come back in the House I will then ask that it be assigned as a special order for three weeks from to-day. I move now that the bill be printed.

The motion was agreed to.

Mr. RICE, of Maine. I now move that the bill be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. RICE, of Maine. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PERRY in the chair,) and proceeded to the consideration of the bill just referred to the committee making certain territorial appropriations.

The first reading of the bill was dispensed with.

Mr. KINNEY. Mr. Chairman, Delegates are to a great extent dependent upon the courtesy and liberality of the House for such legislation as their Territories require. With no vote in this body, with no one in the other branch of the national Congress directly interested in measures of legislation affecting the welfare of their people, we look to you with a feeling and hope not unlike that which actuates the child when addressing the parent, asking for food and clothing for the nourishment and protection of the body. Indeed, sir, the relation of the Territory to the parent Government may not inaptly be compared to that existing between the child and a parent. You, sir, breathed us into existence; by your legislation were we created; by your bestowments do we as an organization maintain our territorial government. The Federal Government, as our presiding head, appoints our officers and appropriates the money for paying our executive, legislative, and judicial expenses. All this, yea, more, kindness, attention to, and respect for our lesser wants, are all due from the parent Government during our minority.

But, Mr. Chairman, as the child growing into manhood naturally feels restive under restraint, humiliated by control, desiring to be freed from servient obligation, and to exchange it for the full liberty of noble, dignified manhood, so with Territories; after passing through the restraints of youth and arriving at the full status of State manhood, they naturally long for the liberty, the independence, and blessings which alone are to be found in providing for their own wants and maintaining their own existence.

But, sir, territorial relation is unlike that of the child in this: there is no prescribed time of service due to the parent Government. While the son, at the age of eighteen years, may be physically and mentally qualified for the stern duties of life, he still owes allegiance to the parent until he attains the mature age of "twenty-one." Not so with the Territory. No time is fixed, either by the Constitution or law or by any well-settled rule, when the relation of territorial dependence shall cease and that of State manhood commence. Depravity and crime have made it necessary to ordain governments, enact, administer, and enforce law, that the guilty may be punished and thereby the innocent protected. Experience, however, has proved that a republican Government, securing to the people the largest possible amount of liberty consistent with protection to life, liberty, and property, is better adapted to the wants, prosperity, and happiness of man, than any other that has ever been devised. Such a Government did our fathers ordain for us, and it is to be fervently hoped that summary and retributive punishment will speedily overtake those who are endeavoring to destroy it.

But, Mr. Chairman, it has well been questioned whether a territorial form of government, such as now exists, is consistent with the principles of our republican Government as established under the Federal Constitution. With becoming deference to the opinions of others, and in a spirit of inquiry which only seeks to expose the true character of these governments with a view to change, I may be permitted to examine them by the lights which the history of the country and the principles of the Constitution afford.

The rule among jurists in construing junior statutes is to inquire, first, what was the old law; second, what was the mischief complained of; and third, what was the remedy intended or provided by the subsequent statute? Let us apply this rule in construing our Constitution or form of Federal Government. What, then, was the old law under the colonial government? I answer, taxation without representation and the appointment of officers to rule over the people without their consent.

What was the mischief complained of? Simply the oppressive and despotic tendency of such unjust laws, the enactment by the British Parliament of statutes for the government of the colonies without allowing them either voice or vote in the forum enunciating the law, and the appointment of men to office in the colonies from Great Britain who had no interest in common with the people.

Mr. Chairman, the war of the Revolution was fought to get rid of this kind of government imposed upon the colonies, to destroy the divine right of kings to rule over the people without their consent, to establish free government, with taxation and representation inseparably united, and to give the people (the source of power) the right to choose their own officers, especially those intrusted with the law-making power. This, I repeat, was the remedy intended for the mischief, under the old *régime*, by the fathers of the Revolution. The appeal to the God of battles was not in vain. The weaker became the stronger party. The divine right of man to govern himself triumphed; and our republican Government was established, the Federal Constitution was adopted, an elective Congress created, but clothed with certain well-defined powers, and prohibited from the exercise of any but those that were delegated.

In looking into the Constitution, however, we find no express power conferred upon Congress to organize territorial governments. As Congress derives all of its powers from the Constitution, it follows, as a necessary sequence, that it must be confined in its legislation to the exercise of only such as are therein enumerated. But it has been said that the power lurks in the second section of the fourth article of the Constitution:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

By this section Congress may do two things: first, dispose of the territory, that is, the land, alienate the title to the soil; second, make needful rules and regulations respecting the territory, the land, the timber, the manner of alienation. I believe in no place else in the Constitution is the word "territory" used. Here it is used as property, clearly so, as the words "other property," immediately following, determine its signification, and force the mind to the conclusion that it was intended in that sense, and in that sense alone. Territorial governments are the "rules and regulations" for the people, and not for the territory; and as the people are not property, you cannot rely upon this clause in the Constitution as the basis of the power for their government.

But it is said that with the right to acquire is coupled the right to govern. This is true when applied in a military sense; but how can it be true in a legislative sense, providing Congress derives all of its authority from the enumerated powers of the Constitution, and providing the power to govern by the formation of territorial governments is nowhere conferred?

The first section of the first article of the Constitution is as follows:

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The words "herein granted" confine Congress in its legislation within the scope of the specified powers therein expressed. But not to dwell; grant that the power is derived from the Constitution, it follows that your territorial courts, created by act of Congress, based upon the Constitution, should be organized as provided in the first section of the third article. It reads as follows:

"The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior."

Congress derives its power to establish inferior courts from a clause in the eighth section of the first article, among the enumerated powers, to wit: "to constitute tribunals inferior to the Supreme Court;" but section one of the third article above cited, vests the judicial power of the United States in the supreme and such inferior courts as Congress may ordain and establish, and the judges thereof shall hold their offices during good behavior. All territorial courts established by Congress are United States courts. The judicial power

of the United States is in part vested in these courts. The only power to ordain them that Congress has is derived from the Constitution. Yet, strange to say, the law creating these territorial courts as the judicial department of the territorial government provides for the appointment of the judges for four years; and who does not know that it has been and is the practice of the President to remove these judges at pleasure?

It follows, then, that if we look to the Constitution for the authority for these territorial governments we are in doubt, trouble, and embarrassment, and I am at a loss to find the source of power except we resort to that full and overflowing fountain, the *Dred Scott decision*.

My only object in calling the attention of the House to the constitutional question involved is that the difficulty may be obviated by admitting those Territories as soon as possible. If the question is asked, How are the people to be governed prior to admission into the Union? I answer in the language of articles nine and ten of the Amendments to the Constitution:

"ART. 9. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

But, sir, these territorial governments once established, what is their character? Are they republican? Not, Mr. Chairman, if you mean by the word republican the right of the people to elect their own rulers. I said in the commencement that it had been gravely questioned whether our territorial governments were consistent with the principles of our republican government. Our fathers fought to get rid of the old law—officers to rule over them without their consent, taxation without representation—and it has been generally understood, perhaps erroneously, that they were successful; that they planted upon American soil republican liberty, taxation and representation, both growing upon the same stalk, and self-government, free and universal suffrage among the people, as the most precious fruits of the Revolution.

But how is it with your territorial governments? I answer, mere colonies, occupying much the same relation to the General Government as the colonies did to the British Government prior to the Revolution. You give them the form of a government, but withhold from the people the right of the elective franchise. You appoint their Governor, their secretary, their judges, their marshal, and their district attorney, and too often impose these officers upon them from a class of men who have no interest in common with the people, and know nothing of the trials and struggles of their infant settlement. Aside from this anti-republican feature, it is a serious hardship to the people of our western Territories, who are forming the nucleus of mighty States. Bold and enterprising, full of adventure and intelligence, the hardy pioneer turns his back upon the refinements of civilization, and with his family penetrates the unexplored West, and there establishes the foundation of a great empire which in a few years is destined to make you powerful among the nations of the earth. Who can, who dare deny them the right secured to them, as was supposed, by their fathers, that of selecting from their number their own men to administer the affairs of the new colony? But such has not been the practice of the Government.

It is said they have the right to elect members to the Legislature to form their own laws. This is true; but of what avail is this right in the Territory I represent when the Governor, who is appointed by the President and the Senate, has an absolute veto upon all of their legislation? The members to the Council and House, maybe unanimously chosen by the people, understanding their local wants, may pass without a dissenting vote in either branch such bills as the interests of their constituents may require, and when sent to the Governor, who is fresh from some of our northern cities, unless it meet with his royal sanction their legislation is all in vain. He is not even required to veto the bill and return it to the House from whence it originated, with his objections. It must be approved by him or it cannot become a law. Hence he has only to deposit the bill in his capacious pocket, treat the Legislature with supreme contempt, as his negative power overcomes and overrides the united action of an entire legislative body. So arbitrarily was this power exercised over the legislation of Utah during the session of 1862–63 that only two bills of a general nature, and they unimportant, met with executive favor. The vital legislation of that session, the appropriation and other important bills, passed during a session of forty days, were summarily ignored by "his Excellency," and that, too, without even deigning to stoop from the giddy height of gubernatorial elevation to return the bills to the Legislature with his objections.

Mr. Chairman, the very first cause of complaint against King George by our fathers, as recorded in the Declaration of Independence, is the following:

"He has refused his assent to laws the most wholesome and necessary for the public good."

Comment is unnecessary. The analogy is too striking; and I leave it for the future historian to determine the respective merits of George III and Stephen S. Harding, late Governor of Utah.

But I have referred to the causes of the Revolution, and, as one of those, taxation without representation. Do the people of Territories pay a tax? Most certainly, upon all foreign articles which they consume they pay the same tax as the people of States according to their consumption. Have they any representation in the Congress, where the tax upon foreign imports is levied? Not at all, sir. It is true that each Territory is allowed a Delegate in Congress; but he has no vote and cannot record the will of his constituents upon any of those questions of legislation that may be pending seriously affecting their interests. It is the right to vote that constitutes representation, and without this right there is no proper representation. Why is this representation denied the people of the Territories? I answer, first, because territorial governments were not provided for in the Constitution. Second, because the second section of the first article of the Constitution provides as follows:

"Representation and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," &c.

Is it not a little strange, Mr. Chairman, that while you deny us representation because of this inhibition, or rather because of this inclusion of States as alone entitled to representation, you levy a direct tax upon the Territories which is equally forbidden in the same sentence? "Representation and direct taxes shall be apportioned among the several States." Hence Territories never have been represented by vote in Congress, and cannot be while this section remains. But representation and direct taxation are conjoined in the sentence, and if by it Territories are excluded from representation are they not alike excluded from direct taxation? But so far as the people I represent are concerned, when your direct tax was assessed against them they raised no constitutional question; they made no objection; they did not stop to inquire whether it was constitutional or not. It was enough for them to know that the nation was struggling to put down a rebellion whose gigantic proportions had no parallel in history; and, true to their impulses of loyalty, they at once assumed the payment of this tax by an act of the Legislative Assembly, as follows:

"*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That the said Territory does hereby assume the direct tax apportioned to said Territory, agreeably to an act of Congress entitled 'An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes,' approved August 5, 1861; and that the Governor of the Territory so notify the Secretary of the Treasury of the United States, on or before the 2d day of February next." Approved January 17, 1862.

This tax has been collected from the people without objection or complaint.

But, Mr. Chairman, to pass to another branch of my subject. Probably no settlement has ever been made on this continent under more painful circumstances than those attending the first settlement in Utah. I will not pause at this time to relate the tragic story; to recount their wrongs; to describe the patient suffering of the people, as they slowly journeyed, the aged, the sick, the infirm, across an unexplored country, (twelve hundred miles of it through hostile tribes of Indians,) until they penetrated, and, worn down with exposure and fatigue, halted in the very center of the great western desert. Nor stop to tell you how here, with provisions exhausted, they, in a half famished condition, subsisted, until they raised the first crop, upon roots dug from the mountains, or how at times they were compelled to eat the hide that was taken from the faithful ox that had been their companion in toil. I will not ask you to go with me in imagination over the road which they first made across the continent, and which if all trace were obliterated could still be readily found by the graves left behind, standing as lonely, solitary milestones, to remind the traveler as he journeys from east to west, and passes these mournful monuments of their sufferings, how cruel it was to drive loyal American citizens from American soil. All this, yea, more, the patient spirit of the people under greater sufferings, more terrible affliction, pledges broken, property destroyed, life taken, have all passed into history, and the picture of persecution and cruelty will some day startle the student as we are startled in reading the history of the Reformation in the sixteenth century.

But, Mr. Chairman, while I would avoid the history of their complaints, preferring to cicatrize and heal up an old and painful wound, inflicted without cause, I must be permitted to speak of the history of their achievements. The history of the settlement of Utah is full of interest. The development, thus far, of the country has been attended with wonderful results. In the summer of 1847, the pioneer company reached the Valley of the Great Salt Lake, and on the 24th day of July, a day which will be ever memorable in their history as the day of their deliverance from long, weary marches across the plains, they prostrated themselves before that divine Power that had preserved them not only from their enemies but from the tomahawk and scalping-knife of the savage, and offered up the gratitude of humble hearts for the safe asylum afforded them in the chambers of the mountains. The country was, in all respects, forbidding. The heavens withheld the early and latter rain. The ground was parched and baked with heat and drought, and the eye rested upon naught save rugged mountains, sterile and arid valleys. The Indian held undisputed control, and no evidences were to be found that civilization had ventured so far into the secret caves of the mountains. With provisions exhausted, near fifteen hundred miles from cultivated fields, far, far into the interior, from all supplies, with mountains over their heads and a desert beneath their feet, it is not strange to suppose that the mind naturally wandered back to the comfortable homes, the result of their own industry, of which they had been deprived in the country of their birth. They were now in a foreign land, standing upon foreign soil, in a Mexican province. Still, the old stars and stripes were flung to the breeze, and appeared even more glorious and beautiful than usual on this the day of a new era in their history. But, Mr. Chairman, all were not there. Some had fallen by the wayside, not able to endure the exposure and hardship which the fate of cruel circumstances had forced upon them. The babe slept quietly upon the plains. The aged father had fallen—the old, familiar staff, unable longer to sustain its burden. The youthful maiden, unaccustomed to such hardships, had yielded her frail form to the kind deliverer, and the heart-broken parents performed the last solemn ceremony by gathering up stones and placing them over her resting-place, to protect the form, that was still beautiful in death, from the ravages of the American hyena.

But aside from those who had fallen victims upon the plains, there were those that were living who would have been glad to have been permitted to associate with their friends and brethren on an occasion so interesting as the one I have mentioned—the arrival of the pioneers in the Valley of the Great Salt Lake. There were five hundred of these brave, hardy, and stalwart men, who were almost indispensable to the formation of a settlement in this new country that seemed to mock in derision the efforts of man to subdue and reclaim it. The future home of those men was here. Their families were here. Their interests, hopes of the future, and all that was dear to them in life clustered around and were associated with the pioneers in their efforts to establish a colony on the west side of the Wasatch range of the Rocky mountains. Why was it that these five

hundred men were not present at the "dedication?" Did they linger behind? Oh, no! Had they proved false to their faith, and deserted it in the hour of danger and trial? Not at all, sir. Why, then, is their place vacant; and why is to be seen among this group of pioneers such a large proportion of aged and infirm men? I will tell you, Mr. Chairman. After these men had been exiled, and after they had traveled across unsettled Iowa with the flag which now floats so proudly over the pioneer camp, borne at the head of their column, and after they had gone into tents on the banks of the Missouri river, an order came from the President of the United States asking them to furnish five hundred men as volunteers to assist in preserving the honor of the nation in a war with a foreign Power.

As pertinent to this piece of history, I have taken the following extract from the able official report of Captain Stansbury's exploration and survey of the Great Salt Lake valley, published among the Executive Documents, special session, March, 1851. After speaking of the injuries which the people had received and the wrongs which they had endured, Captain Stansbury says:

"But from all that I saw and heard, I deem it but simple justice to say, that notwithstanding these causes of irritation, a more loyal and patriotic people cannot be found within the limits of the Union. This I think was emphatically shown in the promptitude and cheerfulness with which they responded to the call of the Government to furnish a battalion for service during the Mexican war. While in the heart of an Indian country, and on the eve of a long and uncertain pilgrimage into an unknown wilderness, they were suddenly called upon to surrender five hundred of their best men to the hazards of a hostile campaign, and to the exposure and vicissitudes of a march of two thousand miles across trackless deserts and burning plains to fight the battles of their country. Their peculiar circumstances presented almost insuperable objection to a compliance with the requisition, yet not the slightest hesitation was evinced. 'You shall have your battalion at once,' was the reply of President Young, 'if it has to be a class of our elders;' and in three days the force, recruited principally among fathers of families, was raised and ready to march. Here, certainly, was no evidence of lack of patriotism."—*Report*, pp. 144, 145.

Colonel J. Allen, who raised what is known as the Mormon battalion under the peculiar circumstances spoken of by Captain Stansbury, before his departure sends to J. C. Little, Esq., a letter of which the following is a true copy:

HEADQUARTERS MORMON BATTALION,
COUNCIL BLUFFS, *July* 20, 1846.

DEAR SIR: Colonel Kane has informed me of your intended departure for the East, and of your desire that I would express to you my opinion concerning the character of the Mormon people as derived from my observation among them on my present duties.

I have been intimately associated with this people since the 26th ultimo, as my duty required, in raising the battalion of volunteers now under my command. In the hurry of business connected with my immediate march from this place I have only time to say that in all of my intercourse with the Mormons I have found them civil, polite, and honest as a people. There appears to be much intelligence among them, particularly with their principal men or leaders, to whom I feel much indebted for their active and zealous exertions to raise the volunteer force that I was authorized to ask for the service of the United States.

The president of the council, Mr. Brigham Young, is entitled to my particular thanks. All of this people are entirely patriotic, and they have come with cheerfulness, but under circumstances of great difficulty to them, to enlist themselves in the service of their country.

In my official report to the War Department, which I shall make on my arrival at Fort Leavenworth, I will speak more fully of the community of the Mormon people, or Mormon church, and will here say to you that I think them, as a community in their circumstances, deserving of a high consideration from our Government.

Very respectfully, your obedient servant,

J. ALLEN,
Lieutenant Colonel Commanding Mormon Battalion.

J. C. LITTLE, Esq.

Colonel P. St. George Cooke, who commanded the battalion, after he reaches the shores of the Pacific issues the following order:

[Orders, No. 1.]

HEADQUARTERS MORMON BATTALION,
MISSION OF SAN DIEGO, *January* 30, 1847.

The lieutenant colonel commanding congratulates the battalion on their safe arrival on the shore of the Pacific ocean and the conclusion of its march of over two thousand miles. History may be searched in vain for an equal march of infantry. Nine tenths of it has been through a wilderness where nothing but savages and wild beasts are found, or deserts where, for want of water, there is no living creature. There, with almost hopeless labor, we have dug deep wells, which the future traveler will enjoy. Without a guide who had traversed them we have ventured into trackless prairies, where water was not found for several marches. With crowbar and pick and ax in hand, we have worked our way over mountains which seemed to defy aught save the wild goat, and hewed a passage through a chasm of living rock more narrow than our wagons. To bring these first wagons to the Pacific we have preserved the strength of the mules by herding them ever over large tracts, which you have laboriously guarded without loss. The garrisons of four presidios of Sonora concentrated within the walls of Tucson gave us no pause. We drove them out with their artillery; but our intercourse with the citizens was unmarked by a single act of injustice. Thus marching, half naked and half fed, and living upon wild animals, we have discovered and made a road of great value to our country.

Arrived at the first settlement of California, after a single day's rest you cheerfully turned off from the route to this point of promised repose to enter upon a campaign and meet, as we believed, the approach of the enemy; and this, too, without even salt to season your sole subsistence of fresh meat.

Lieutenants A. J. Smith and George Stoneman, of the first dragoons, have shared and given you valuable aid in all these labors.

Thus, volunteers, you have exhibited some high and essential qualities of veterans. But much remains undone. Soon you will turn your strict attention to the drill, to system and order, to forms also, which are all necessary to the soldier.

By order of Lieutenant Colonel P. St. George Cooke.

P. C. MERRILL, *Adjutant.*

These official papers explain the absence of the five hundred men on the day the pioneers reached their new home "in the valleys of the mountains." They were proving their fidelity to their country, their devotion to its flag, by fighting under the stars and stripes of that banner which is now planted, for the first time, upon soil which never before was penetrated by civilization.

But, sir, these people were no strangers to pioneer life. They were pioneers in Missouri, and published the first newspaper west of Jefferson City, I think in 1831. They were pioneers in western Illinois, and built the beautiful city of Nauvoo. They first settled western Iowa, published the first paper in that part of the State, and made a settlement where now stands the thriving city of Council Bluffs. They landed the first ship freighted with emigrant settlers where now stands San Francisco, a city unrivaled in wealth, population, and commercial importance for its age in the history of the world; a city which we, as Americans, are all so proud of. They were the first of our American citizens to remove the earth and unkennel the gold which had lain for ages in its undiscovered resting-place, the result of which revolutionized the commercial world. These are all facts which have passed into and become a part of the history of the country. Wherever they have been industry and enterprise have marked their progress.

But, sir, to return to the settlement of Utah. This settlement was commenced when that which now constitutes Utah belonged to Mexico. The treaty of Guadalupe Hidalgo, if I am not mistaken, by which our extreme western and southwestern possessions were acquired, was not signed until February, 1848, six months after the pioneer settlement. While the brave Mormon battalion, under its gallant leader, were enduring the sufferings of a military campaign in Mexico, their brethren and families were planting American civilization and American industry in a Mexican province, where the red man had for ages held undisputed dominion. The country was a desert, so known in your geographies and upon your maps. It was uninhabited, except by the Indian, and understood to be uninhabitable for purposes of cultivation. High ranges of mountains towering into the very heavens, covered with perpetual snow, deep gorges, narrow and impassable cañons, chasms, and fissures, everywhere surrounded the small valleys which reposed in wild and undisturbed nature at their base, presenting a cold and cheerless prospect to an agricultural people. Experimental cultivation had never been tried, and so confident was the old mountaineer and Indian trader Captain Bridger that when tried it would prove a failure, that he offered $1,000 to the bold pioneers for the first ear of corn that was raised. Add to these frowns of nature the appalling fact that the country was destitute of rain, and that death from starvation must be the inevitable result if they failed to raise a crop, and you may well imagine how a people with less faith would have felt situated as they were.

But, sir, this was not all. The company, consisting of men, women, and children, had penetrated twelve hundred miles west through a continuous Indian country. Eight hundred miles still further west to the Pacific was an unbroken Indian country; while to the north for six hundred miles the Bannocks and Flat-Heads kept the white man at bay and from occupying the inviting valleys of the Willamette and Columbia, and for almost an unknown distance on the south the Utes, Pah-Utes, Pi-Utes, and Navajos held proud and undisputed possession.

This, sir, is a mere glance at the condition of the country at the time the pioneers arrived and commenced their first settlement in July, 1847. Still, under such circumstances, which Captain Stansbury well says were enough to appall the stoutest heart, they faltered not, but under the direction of their wise president, Brigham Young, they went to work, building forts for protection against the Indians, erecting their houses, laying out their city, planting fields, digging ditches for irrigation, and making preparations for the subsistence of human life. Only four years afterwards Captain Stansbury in his report uses the following language in speaking of Great Salt Lake City, where the first settlement was commenced:

"When it is remembered that within the space of four years this country was but a wild and dreary wilderness, where the howl of the wolf and the yell of the miserable Indian alone awoke the echoes of the mountains, and where the bear, the deer, and antelope roamed securely over what is now a compact and populous city; that the physical obstacles to the occupation of a region so unpromising were sufficient to discourage the most sanguine imagination and to appall the strongest heart, the mind is filled with wonder at witnessing the immense results which have been accomplished in so short a time, and from a beginning apparently so insignificant."—Page 144.

But, sir, the people have been blessed in their efforts to subdue the desert. The city here mentioned by Captain Stansbury has now a population of about fifteen thousand people, with nearly every branch of mechanical and manufacturing industry represented, and not a drinking saloon, a billiard saloon, or a bowling saloon to demoralize the people and check the onward progress of industry. What city in America of its population can say as much? It is truly a gem in the desert. The half-way house to the Pacific, it is a most convenient resting-place for the traveler after journeying twelve hundred miles over plains of sand, without a tree or shrub save the constantly recurring sage, and before encountering a desert which still lies before him, a distance of six hundred miles, before he reaches the Sierra Nevada.

The comparatively small beginning in 1847 has grown and lengthened until now the settlements extend a distance of five hundred miles north and south; and wherever a valley can be found that can be watered there you will find the industrious, uncomplaining settler, making an honest living in the way most congenial to nature and most conducive to health, by the cultivation of the soil. Not only are the ordinary vegetables and cereals produced, but in the southern part of the Territory they are raising cotton, and last year exported some tons to the States, the product of free white labor, thereby removing the objection of some of our eastern friends to the use of this necessary article. In a word, the desert has been converted into the fruitful field, and the frowns of nature exchanged for smiles and gladness.

But, Mr. Chairman, all this has been the result of constant, uncomplaining toil, great hardship and exposure, and often the sacrifice of life. For the first few years of the infant settlements, the people were compelled to huddle together, and build and live in forts for protection against the jealous hostility of the Indians. Their policy has been to feed and not to fight them. It has been estimated that it has not cost the people less than $100,000 annually to support these wards of the General Government since 1847, making a total of $1,600,000. During the same period what have your Indian wars in Oregon cost the Government? in New Mexico? and the Indian service in California? More, I venture the assertion, in one year than the Government has paid for Indian service during the entire time Utah has been a Territory.

To the peaceful, wise, and conciliatory policy pursued by Governor Brigham Young, who was appointed Governor and *ex officio* superintendent of Indian affairs by Mr. Fillmore on the organization of the territorial government, and who was continued in office over seven years, is to be attributed the fact that Utah has not been afflicted with Indian wars as have other Territories. By this policy vast sums of money have been saved to the United States.

In relation to the appointment of Governor Young, Captain Stansbury, on pp. 144–147, says:

"Upon the action of the Executive in the appointment of the officers within the newly created Territory, it does not become me to offer other than a very diffident opinion.

"Yet the opportunities of information to which allusion

has already been made may perhaps justify me in presenting the result of my own observations on this subject. With all due deference, then, I feel constrained to say that, in my opinion, the appointment of the president of the Mormon church and head of the Mormon community in preference to any other person to the high office of Governor of the Territory, independent of the political bearings, with which I have nothing to do, was a measure dictated alike by justice and sound policy. Intimately connected with them from their exodus from Illinois, this man has been indeed their Moses, leading them through the wilderness to a remote and unknown land, where they have since set up their tabernacle, and where they are now building their temple. Resolute in danger, firm and sagacious in council, prompt and energetic in emergency, and enthusiastically devoted to the honor and interests of his people, he had won their unlimited confidence, esteem, and veneration, and held an unrivaled place in their hearts." * * * * * "Intimately acquainted with their character, capabilities, wants, and weaknesses, identified now with their prosperity, as he had formerly shared to the full in their adversity and sorrow, honored, trusted, the whole wealth of the community placed in his hands for the advancement both of the spiritual and temporal interests of the infant settlement, he was surely, of all others, the man best fitted to preside, under the auspices of the General Government, over a colony of which he may justly be said to have been the founder. No other man could have so entirely secured the confidence of the people; and this selection by the Executive of the man of their choice, besides being highly gratifying to them, is recognized as an assurance that they shall hereafter receive at the hands of the General Government that justice and consideration to which they are entitled." * * * * * "As to the imputations that have been made against the personal character of the Governor, I feel confident they are without foundation." * * * * * "Certain it is that the most entire confidence is felt in his integrity, personal, official, and pecuniary, on the part of those to whom a long and intimate association, and in the most trying emergencies, has afforded every possible opportunity of forming a just and accurate judgment of his true character."

Governor Young was succeeded by the appointment, in 1857, of Alfred Cumming. Early in the present session of Congress a very serious charge was made by the gentleman from New York [Mr. FERNANDO WOOD] against the people, charging them with rebellion, which I replied to at the time. He said this "rebellion commenced early in 1857. The immediate cause was the exercise of Federal authority and the appointment of a territorial Governor." The truth is, so far from there having been any opposition by Governor Young to the exercise of Federal authority by his successor, Governor Cumming, that it is a notable fact that Governor Young sent out a party to escort the new Governor into the city, and furnished Governor Cumming with fresh animals, and the party conducted the new Governor into Great Salt Lake City; and when he arrived he was greeted and made welcome by Governor Young as his rightful successor in office. It is due to Governor Cumming to say that he discharged the duties of his office to the entire satisfaction of the people. From the elaborate work of Captain Burton, (the English tourist, and author of that celebrated work The Lake Regions of Central Africa,) entitled The City of the Saints, page 215, I quote the following relative to the *entrée* of Governor Cumming:

"He had been told before entering that his life was in danger. He was not, however, a man to be deterred from a settled purpose, and experiment showed that so far from being molested he was received with a salute and all the honors."

This information was obtained from Governor Cumming, when the author was in Great Salt Lake City, in 1860.

I propose now, sir, in conclusion, to review, in a brief manner, the repeated efforts made by the people of Utah to be admitted into the Union.

As preliminary to this, I extract from the well-considered report of Captain Stansbury, to which reference has already been made, as containing the views of this able officer, formed after an intimate acquaintance of more than a year with the people. On page 144 he says:

"Apprehensions have been entertained as to the expediency of giving any countenance to the founding in our midst of an association of men so peculiar in views and so distinct in principles, manners, and customs from the rest of the American people. Serious doubts, too, have been expressed in regard to the policy of appointing Mormons to offices of high trust in the administration of the affairs of the newly created Territory; and direct charges have been widely published, seriously affecting the patriotism and personal reputation of the Mormon leaders, as well as the loyal feelings of the people toward the General Government.

Such doubts and apprehensions are, in my judgment, totally groundless; and the charges I believe to be either based upon prejudice or to have grown out of a want of accurate information. A residence of a year in the midst of the Mormon community, during the greater part of which period I was in constant intercourse with both rulers and people, afford much opportunity for ascertaining the real facts of the case."

He also says, on page 133:

"Nothing could exceed the appearance of prosperity, peaceful harmony, and cheerful content that pervaded the whole community."

And on page 134 he uses this language:

"In their dealings with the crowds of emigrants that passed through their city, the Mormons were ever fair and upright, taking no advantage of the necessitous condition of many if not most of them. They sold them such provisions as they could spare at moderate prices, and such as they themselves paid in their dealings with each other. In the whole of our intercourse with them, which lasted rather more than a year, I cannot refer to a single instance of fraud or extortion to which any of the party was subjected, and I strongly incline to the opinion that the charges that have been preferred against them in this respect arose either from interested misrepresentation or erroneous information. I certainly never experienced anything like it in my own case, nor did I witness or hear of any instance of it in the case of others while I resided among them." * * * * * "In short, these people presented the appearance of a quiet, orderly, and well-organized society, as much so as one would meet with in any city of the Union, having the rights of personal property as well defined and as religiously respected as with ourselves, nothing being further from their faith than the spirit of communism, which has been most erroneously supposed to prevail among them."

These are the views of a highly educated and impartial Army officer, as set forth in his official report to the Government. I cannot but regard them as possessing more truth and merit, and entitled to far more weight, than the partisan statements of disappointed demagogues.

In this connection I cannot refrain from quoting the concluding part of the eloquent lecture of Colonel Thomas L. Kane, delivered before the Historical Society of Pennsylvania at Philadelphia. He has spent much time with the people, knows them well, and sustains no relation to them, except that formed by the tie of a common humanity. A brother to the illustrious Dr. Kane, his character is well known to some of the members of this House:

"I have gone over the work I assigned myself when I accepted your committee's invitation as fully as I could do without trespassing too largely upon your courteous patience. But I should do wrong to conclude my lecture without declaring in succinct and definite terms the opinions I have formed and entertain of the Mormon people. The libels of which they have been made the subject make this a simple act of justice. Perhaps, too, my opinion, even with those who know me as you do, will better answer its end following after the narrative I have given.

"I have spoken to you of a people whose industry had made them rich, and gathered around them all the comforts and not a few of the luxuries of refined life; expelled by lawless force into the wilderness; seeking an untried home far away from the scenes which their previous life had endeared to them; moving onward, destitute, hunger-sickened, and sinking with disease; bearing along with them their wives and children, the aged, and the poor, and the decrepit; renewing daily on their march the offices of devotion, the ties of family and friendship and charity; sharing necessities and braving dangers together, cheerful in the midst of want and trial, and persevering until they triumphed. I have told, or tried to tell you, of men who, when menaced by famine, and in the midst of pestilence, with every energy taxed by the urgency of the hour, were building roads and bridges, laying out villages, and planting cornfields, for the stranger who might come after them, their kinsman only by a common humanity and peradventure a common suffering; of men who have renewed their prosperity in the homes they have founded in the desert, and who, in their new-built city, walled round by mountains like a fortress, are extending pious hospitalities to the destitute emigrants from our frontier lines; of men who, far removed from the restraints of law, obeyed it from choice, or found in the recesses of their religion something not inconsistent with human laws, but far more controlling; and who are now soliciting from the Government of the United States, not indemnity, for the appeal would be hopeless, and they know it; not protection, for they now have no need of it, but that identity of political institutions and that community of laws with the rest of us which was confessedly their birthright when they were driven beyond our borders.

"I said I would give you the opinion I formed of the Mormons: you may deduce it for yourselves from these facts. But I will add that I have not yet heard a single charge against them as a community, against their habitual purity of life, their integrity of dealing, their toleration of religious differences in opinion, their regard for the laws, or their devotion to the constitutional Government under which we live, that I do not from my own observation, or the testimony of others, know to be unfounded."

Colonel Kane, as does Captain Stansbury, indorses the loyalty of the people and their devotion to our constitutional Government. This, sir, is proven by their desire and efforts to be admitted as a State. Never were they more anxious than now, in the present unfortunate condition of the country. They want to constitute one link in the chain, stretching from the Atlantic west to the Pacific, binding together in one glorious sisterhood a cordon of States across the American continent. To this end they desired to be admitted in 1850; but on the 9th day of May of that year you made California a State with no larger resident population than Utah, and organized Utah into a territorial government. Early in 1856 a convention prepared a constitution which was ratified by the people, and special delegates were sent to Washington for the purpose of presenting it. It was in all respects republican, and I think no one was sufficiently fastidious to raise the slightest objection to the constitution. Still the application did not meet with favor, and no formal action was had in Congress. However Utah submitted to the disappointment with as much grace as was possible for a disappointed child when forbidden the hospitalities of the family board. She returned to the scanty fare of a territorial government, her patriotism and loyalty undiminished.

After enduring her semi-colonial condition six years more, the people of Utah called another convention, and prepared another constitution. Again were the people called upon to vote, and again was the constitution unanimously adopted. This, like the other, was republican, and in all respects unobjectionable. It was presented to Congress by my predecessor, Hon. John M. Bernhisel, but was never brought to a vote in the House.

Following in the wake of Nebraska, Colorado, and Nevada, I have had the honor of presenting a bill for an enabling act to authorize the people to form a State government. This I trust will be more fortunate.

Mr. Chairman, in forming your new western States is it proposed to jump over Utah, and take in Nevada, that is but an offshoot of Utah, once belonged to her western boundary, has had a territorial existence of only about three years, and has far less population than Utah? Is it proposed to take in Nebraska, lying immediately west of the Missouri river, Colorado west of it, and then take in Nevada, and leave out the most valuable and important link in your chain of States to the Pacific? Why, sir, these Territories are infants in age and population when compared with Utah. Fourteen years has Utah had a territorial existence, and at no period since her organization has she not had a larger resident population than either Nebraska or Colorado.

In behalf of near one hundred thousand people I protest against this unjust discrimination. In behalf of those who first explored and settled the country west of the Missouri river seventeen years ago, who made the road across the continent, opened up the way to California, discovered the rich placers of gold on the shores of the Pacific, and gave you to know and understand that there was a great and mighty West, rich in mineral resources, away beyond the Rocky mountains, I ask for justice and equality. In behalf of those who with lives in their hands in an Indian country have reclaimed your deserts, prepared the way for your great postal interoceanic communication, your telegraph and Pacific railroad, who have contributed more to the settlement of California by reason of the facilities and position of their settlements than all the ships of the Pacific, I ask for justice and equality. In behalf of those who follow with intense interest and anxiety your flag, whose whole heart beats in unison with the Constitution and Government, and who, if admitted, will be represented in Congress by those who will vie with the foremost in sustaining your nationality, I ask that you do not turn them coldly away and for the third time reject their petition and prayer. We come to you in friendship and love. We offer you our devotion, our industry, our enterprise, our wealth, our humble counsels in the affairs of the nation in this the darkest hour of our country's history. We present to you for a State your deserts reclaimed and fertilized by persevering industry and the sweat of uncomplaining toil. We offer you one hundred thousand people who can truthfully boast that in all their settlements is not to be found a drinking saloon, a billiard table, or a bowling alley, and who with pride point you to their cities, their churches, their school-houses, their manufactories, their farms, and possessions as evidences of their achievements and the results of their industry. Will you accept the offering? The Constitution invests you with the power; exercise it charitably, deal justly, and decide wisely.

Mr. BENNET obtained the floor, but yielded to Mr. Cox, who moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. PERRY reported that the committee had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House making certain territorial appropriations, and had come to no resolution thereon.

Mr. RICE, of Maine. I move now that the bill to-day under consideration in committee be made the special order for three weeks from to-day.

Mr. HOLMAN. I must object to the bill being made a special order. I have no objection to its being postponed to the day named by the gentleman, but I really see no good reason why this bill should not be considered in Committee of the Whole on the state of the Union.

Mr. RICE, of Maine. My proposition is not that the bill be taken out of committee, but that it be made a special order in committee.

Mr. HOLMAN. I have no objection to that.

The SPEAKER. The Chair will state that there are seven appropriation bills in Committee of the Whole on the state of the Union which are special orders, and which, by the rules of the House, take precedence of all other special orders. This bill would not therefore come up until they have all been disposed of.

Mr. RICE, of Maine. I ask, then, that the committee be discharged from its further consideration, and that it be made a special order after the morning hour in the House for the day I named.

Mr. HOLMAN. I must object to the special order.

Mr. RICE, of Maine. I will state that I do not propose to call the previous question on it at once, but to leave it open for a reasonable discussion.

The SPEAKER. Objection being made to the bill being made a special order, the Chair will consider the Committee of the Whole on the state of the Union as discharged from its further consideration, and the bill postponed.

VOTE RECORDED.

Mr. RANDALL, of Pennsylvania, asked consent to record his vote upon the motion of Mr. MALLORY to strike out the free State clause from the bill for the admission of new States.

No objection was made.

Mr. RANDALL, of Pennsylvania, stated that he voted in the affirmative.

IDAHO WAGON ROAD.

Mr. DONNELLY, by unanimous consent, introduced a bill for the construction of a wagon road, with branches from Minnesota, Iowa, and Utah, to Idaho Territory; which was read a first and second time, and referred to the Committee on Roads and Canals.

SPEAKER PRO TEMPORE.

By unanimous consent leave was granted to the Speaker to designate some member to act as Speaker *pro tempore* for Saturday next.

On motion of Mr. RICE, of Maine, the House then adjourned.

IN SENATE.

FRIDAY, *March* 18, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARLAN presented resolutions of the Legislature of Iowa, in favor of a grant of lands to aid in the construction of a railroad from McGregor, on the Mississippi river, to a point in the western bounds of Iowa between Sergeant's Bluffs and the north boundary of the State; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. BUCKALEW presented four petitions of citizens of Philadelphia, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented a memorial of merchants of Philadelphia and citizens of Pennsylvania, praying that the circulation of State banks may be so taxed as to compel them to call in their notes, thus securing to the country the use of a national legal-tender currency, par at all points within the United States; which was referred to the Committee on Finance.

Mr. GRIMES presented a memorial of George H. Plant, praying to be refunded an amount abated from his account for coal furnished to the navy-yard at Washington, District of Columbia, under a contract in 1862; which was referred to the Committee on Naval Affairs.

Mr. WILSON presented a memorial of paymasters and military storekeepers in the ordnance department of the Army, praying to be allowed the rank, pay, and emoluments of paymasters in the Army of the United States; which was referred to the Committee on Military Affairs and the Militia.

Mr. JOHNSON presented the petition of Rebecca S. Harrison, widow of Lieutenant Horace N. Harrison, deceased, praying for a pension; which was referred to the Committee on Pensions.

Mr. SHERMAN presented a petition of citizens of Sandusky, Ohio, praying for the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Commerce.

Mr. HARRIS presented a petition of citizens of Brooklyn, New York, praying for the passage of a law "to confiscate utterly and without reserve the lands of rebels; and to give of the same, without other formality than occupation, one hundred and sixty acres to each private in the naval service, and to each man in the rank and file of the Union Army, and of the rebel army who will take the prescribed oath of allegiance to the United States; and that the lands thereafter remaining be open to settlement under the homestead law;" which was referred to the select committee on slavery and freedmen.

Mr. DOOLITTLE presented the petition of Charles Goodyear, jr., executor of Charles Goodyear, deceased, praying for the passage of a resolution to authorize the Committee on Patents and the Patent Office, or a commission, to take testimony, by sending for persons and papers, in relation to a reissue of his patent for vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a memorial of the Legislature of Wisconsin, in favor of causing all the unsurveyed lands in that State to be surveyed and brought into market at the earliest practicable day; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Wisconsin, in favor of a mail route from the city of Fond-du-Lac to Stockbridge, in the county of Calumet, in that State; which was referred to the Committee on Post Offices and Post Roads.

Mr. SHERMAN. I present the remonstrance of the officers of the national banks of Cincinnati, remonstrating against any amendment of the law organizing national banks which shall make it compulsory upon them to redeem their notes in the city of New York. I desire, in this connection, to say that no such proposition is pending before Congress; and that the misapprehension into which these officers have fallen, with many others in the West, has grown out of an erroneous telegraphic dispatch. The provision in the bill against the passage of which they remonstrate provides for the redemption of their notes in the principal cities of the Union, and not in the city of New York. I make this explanation in order that these parties may be relieved from all anxiety. There is no such proposition pending in Congress; and I therefore move that this remonstrance be laid on the table.

The motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. FOSTER. The Committee on Pensions, to whom were referred certain resolutions of the Legislature of Iowa in favor of an amendment to the pension laws, allowing pensions to the widows of chaplains and surgeons in the Army who die or may be killed while in the service of the United States, have instructed me to report the same back, and ask to be discharged from the further consideration of the resolutions, the previous action of the Senate having made it unnecessary for this body to take further action on the subject.

The report was agreed to.

Mr. FOSTER. The same committee, to whom was referred the petition of William Harding, praying for compensation for services as a soldier in the war of 1812, have instructed me to report the same back and request that that committee be discharged from its further consideration, and that the memorial be referred to the Committee on Claims, it being a claim for a debt and not for a pension.

The report was agreed to.

Mr. FOSTER. The same committee, to whom was referred the memorial of George D. Dods, praying for a pension in lieu of his support at the Naval Asylum at Philadelphia, have instructed me to report it back with a recommendation that the prayer of the petitioner ought not to be granted, as it would be changing the policy of the Government to allow those men who have been in the service and are now comfortably taken care of at the Asylum to go home, thus breaking up the institution, or, at all events, to a certain extent breaking it up, and not really providing as well for the men as they are now provided for. The committee recommend, therefore, that the prayer of the petition be not granted.

The report was concurred in.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a bill (S. No. 38) to authorize the settlement of the accounts of A. Bush, late public printer for the Territory of Oregon, reported it back without amendment, and submitted a report; which was ordered to be printed.

Mr. WILSON, from the Committee on Military Affairs and the Militia, who were instructed by a resolution of the Senate to consider the expediency of presenting to the State of Kansas the "Hopkins battery," captured by the troops of that State at the battle of Fort Wayne, submitted an adverse report thereon.

Mr. LANE, of Kansas. I want to be heard upon that adverse report of the Committee on Military Affairs.

The VICE PRESIDENT. It will go on the Calendar in its order.

Mr. LANE, of Kansas. I also ask that the papers reported from the committee in relation to the "Hopkins battery" be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 180) in relation to university lands in Minnesota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 35) to compensate the sailors on the gunboat Baron de Kalb for loss of clothing; which was read twice by its title, and referred to the Committee on Naval Affairs.

UNITED STATES MAILS.

Mr. COLLAMER. I desire to move that all previous orders be suspended for the purpose of taking up House bill No. 299. It is a bill in relation to the Post Office Department, which has already passed the House of Representatives, and I am informed by the chairman of the House committee and by the Department that it is very necessary that there should be immediate action upon it. The Committee on Post Offices and Post Roads of the Senate propose to make certain amendments to the bill, and it is necessary to pass it at once in order to get action upon those amendments in the House of Representatives. I ask the Senate as a favor to take up this bill at the present time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes. It provides that all steamers and sailing vessels belonging to citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board and securely convey all such mails as the Post Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and promptly deliver them to the proper authorities on arriving at the point of destination, and shall receive for such service such reasonable compensation as may be allowed by law. Upon the entry of every steamer or sailing vessel from any foreign port the master or commander thereof is to make return, on oath or af-

firmation, showing that he has promptly delivered at such foreign port or ports all mails placed on board of the steamer or vessel under his command before clearance from the United States. In case the master or commander fails to make such oath or affirmation, showing that he has delivered the mails placed on board his steamer or vessel in good faith, the steamer or vessel is not to be entitled to the privileges of a steamer or vessel of the United States. The Postmaster General is to be authorized to make contracts to continue not exceeding four years, for the transportation of all mailable matter other than letters, and of such letters as may be so directed, by the isthmus of the Nicaragua routes; but the expenditure for the service is not to exceed $160,000 per annum. And in case more than one company is engaged in rendering this service, the Postmaster General is to determine the proportion which shall be paid to each.

All mailable matter which may be conveyed by mail westward beyond the western boundary of Kansas, and eastward from the eastern boundary of California, is to be subject to prepaid letter postage rates; but this section is not to be held to exclude the transmission by mail of newspapers from a known office of publication to *bona fide* subscribers, not exceeding one copy to each subscriber, to and from the intermediate points between the boundaries above named, at the usual rates. The Postmaster General may, if he shall deem it for the public interests, enter into contracts for any period, not exceeding one year, for the transportation of the mails in steamships, by sea, between any of the ports of the United States; and the sea-service already performed by his order on the Atlantic coast and Gulf of Mexico is to be paid for out of any moneys appropriated for the service of the Post Office Department. Also, for such service already performed upon the Pacific coast a sum not exceeding $1,500, to be paid for out of any moneys appropriated for the service of the Post Office Department. If any person or persons shall paint, print, post, or in any other manner place upon, or attach to, any steamboat or other vessel, or any stage-coach or other vehicle, which steamboat or other vessel, or stage-coach or other vehicle, is not actually used in carrying the mails of the United States, the words "United States mail," or any other words, letters, or characters of like import; or if any person or persons shall give notice, either by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage-coach or other vehicle, is used in carrying the mails of the United States, when the same is not actually so used, every person so offending or willfully aiding or abetting therein, shall, on conviction thereof in any court of competent jurisdiction, be fined in any sum not less than $100 nor more than $500 for every such offense; one half for the use of the United States, and the other half to the use of the person informing and prosecuting for the same.

The Committee on Post Offices and Post Roads reported the bill with amendments, the first of which was in section three, line five, after the word "isthmus" to strike out the word "of" and to insert "of Panama or," and in line six to strike out the letter "s" in the word "routes" and to insert "or either of them;" so that it will read:

That the Postmaster General be, and is hereby, authorized to make contracts, to continue not exceeding four years, for the transportation of all mailable matter other than letters, and of such letters as may be so directed, by the isthmus of Panama or the Nicaragua route, or either of them.

The amendment was agreed to.

The next amendment of the committee was in section four, line six, to strike out the word "exclude" and to insert "extend to," and in line nine, after the word "subscriber," to insert "nor to franked matter;" so that the proviso will read:

That this section shall not be held to extend to the transmission by mail of newspapers from a known office of publication to *bona fide* subscribers, not exceeding one copy to each subscriber, nor to franked matter, to and from the intermediate points, &c.

The amendment was agreed to.

The next amendment of the committee was to add the following additional proviso to the fourth section:

Provided further, That such franked matter shall be subject to such regulations as to its transmission and delivery as the Postmaster General shall prescribe.

The amendment was agreed to.

The next amendment of the committee was to add the following as an additional section:

SEC. 7. *And be it further enacted*, That so much of the eighth section of the act of 31st of August, 1852, as authorizes the conveyance of letters otherwise than in the mails be, and the same is hereby, repealed, except only as to letters containing money or accompanying packages.

Mr. COLLAMER. I wish to add at the end of that section these words, "and relating thereto."

The VICE PRESIDENT. It will be so modified.

The amendment, as modified, was agreed to.

Mr. COLLAMER. I now wish to have the bill put on its passage. I assure gentlemen it involves no expense at all. It is only regulating the mode and manner of business in the Department.

The bill was reported to the Senate as amended, and the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

A message was subsequently received from the House of Representatives announcing its non-concurrence in the amendments of the Senate, and the appointment of Mr. J. B. ALLEY of Massachusetts, Mr. C. COLE of California, and Mr. J. V. L. PRUYN of New York, as conferees on the disagreeing votes.

The Senate agreed to the conference, and appointed Mr. COLLAMER, Mr. CONNESS, and Mr. BUCKALEW as its conferees.

REPEAL OF FUGITIVE SLAVE LAW.

Mr. SUMNER. I had proposed to ask the Senate to proceed to-day to the consideration of the bill for the repeal of all fugitive slave acts, but on conference with the Senator from Kentucky, [Mr. DAVIS,] I find that he is not disposed to proceed with his remarks to-day, though I understand from him that it will be agreeable to him to proceed with them on Monday. I therefore ask the Senate to take up the bill now, and make it the special order for Monday at one o'clock.

Mr. POWELL. I hope that bill will not be made the special order for Monday, for on that day I expect to call up the bill to prevent interference with elections by the military. The Senator from Michigan, not now in his seat, [Mr. HOWARD,] desires on that day to address the Senate on that bill, and I wish to have it continued until it is disposed of. I hope the Senator will fix some other day for his bill.

Mr. SUMNER. The Senator will pardon me; I have given way, as the Senator will remember, day after day on this subject. This bill for the repeal of the fugitive slave act was made the special order for two or three times; but other matters have pushed it aside. I think we can take it up on Monday and dispose of it, and then the next day we can take up the Senator's proposition.

Mr. POWELL. I can inform the Senator that that bill will not be disposed of in one day or two days or three days or four days.

Mr. SUMNER. Very well, we can begin. We can see on Monday what the argument against the proposition is.

Mr. POWELL. I desire to call up the bill on Monday to which I have referred. I should have done it before but that the Senator from Michigan was not prepared to go on with his speech, and I did not wish to call it up until he was ready.

Mr. JOHNSON, (to Mr. SUMNER.) Fix Tuesday.

Mr. SUMNER. The Senator from Maryland says, "Fix Tuesday." I will change my motion at his suggestion, and make it Tuesday.

The VICE PRESIDENT. The first question is on the motion to proceed to the consideration of the bill.

The motion was agreed to.

The VICE PRESIDENT. It is now moved to postpone the further consideration of the bill till Tuesday next at one o'clock, and make it the special order for that day.

Mr. GRIMES. There is a special order for Wednesday, if I am not mistaken, the joint resolution of the Senator from Illinois, [Mr. TRUMBULL,] in which is embodied the proposition to change the Constitution so as to abolish slavery throughout the United States. If this is taken up on Tuesday it will probably crowd out that proposition, if it is going to be discussed by both of the Senators from Kentucky.

Mr. SUMNER. I have no desire to discuss it, and I doubt whether the discussion will occupy much time. It certainly will not on this side of the House, so far as I am informed.

Mr. CLARK. I desire to suggest to the Senator from Massachusetts whether he had not better let this lie until that is taken up amending the Constitution, and let us pass that first.

Mr. SUMNER. But the Senator will remember the other bill has had priority, and has been several times made a special order, and it seems to me I ought not to allow it to be crowded out. I think that if we take it up one day we can see very easily whether it is going to cause a protracted debate.

Mr. CLARK. I desired simply to make the suggestion to the Senator from Massachusetts that he had better come to the fundamental measure of altering the Constitution.

Mr. SUMNER. But all the measures are fundamental.

Mr. CLARK. Not in that sense.

Mr. SUMNER. Let us go on with it on Tuesday, and make as much progress as we can. If we cannot finish it, then we may proceed with what remains another day.

Mr. FOSTER. I would suggest that we only embarrass ourselves by fixing a particular bill as a special order for a given day. We are getting to that stage of the session when business is crowding. Sometimes business occupies longer than we expect, and runs over from day to day, and we find ourselves involved in a vast deal of trouble by having special orders conflicting with each other. It seems to me that it is better to go on with our legislation as rapidly and speedily as possible, taking that which seems to be most important first and disposing of it, and not assigning special orders any more than is absolutely necessary; and it does not seem to me to be necessary in this case.

Mr. SUMNER. I am only following the habit of business in the Senate. The Senator from Connecticut knows very well that it is the habit to make special orders.

Mr. FOSTER. It is a bad habit.

Mr. SUMNER. It may be a bad one, but I am not disposed to see it corrected now for the first time on this bill. If there are special orders, as the Senator says, that may come in conflict with this, why not set aside those? I do not think there can be many measures before the Senate of equal practical importance to this.

The VICE PRESIDENT. The question is on postponing the bill until Tuesday next, and making it the special order for that day at one o'clock.

Mr. CONNESS and Mr. SUMNER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS. I will merely remark that I regard my word as somewhat pledged to the Senator from Massachusetts. I will vote "yea;" though if I had not given that pledge I should vote "nay."

Mr. CLARK. I will say on behalf of my colleague [Mr. HALE] that he has been called home by a death in his family.

Mr. TEN EYCK. I will simply say that my colleague [Mr. WRIGHT] is detained at his house by sickness.

The result was announced—yeas 19, nays 20; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Conness, Davis, Dixon, Foot, Harlan, Howard, Howe, Lane of Kansas, Morgan, Pomeroy, Ramsey, Sprague, Sumner, Wade, Wilkinson, and Wilson—19.

NAYS—Messrs. Buckalew, Carlisle, Clark, Collamer, Fessenden, Foster, Grimes, Harding, Harris, Hendricks, Johnson, Lane of Indiana, Morrill, Nesmith, Powell, Riddle, Saulsbury, Ten Eyck, Van Winkle, and Willey—20.

So the motion was disagreed to.

Mr. SUMNER. I now deem it my duty to give notice that I shall take every proper occasion to call the bill up and press its consideration upon the Senate. Senators around me suggest that I shall move to proceed with it now; but Senators forget that I have already come into an arrangement or understanding with the Senator from Kentucky not to proceed with it now. The Senator from Vermont [Mr. COLLAMER] suggests that we make it a special order for next Thursday.

Mr. COLLAMER. I said my own impression was that, as the special order of the Senator from Illinois [Mr. TRUMBULL] was for Wednesday, I preferred to have that acted on first; and that consideration governed my vote, and I think the vote of a good many others.

Mr. SUMNER. I was merely giving notice that I should deem it my duty to press the consideration of this measure at the earliest day.

Mr. CLARK. I may perhaps be permitted to say that the consideration on which I gave my vote was a desire that the matter in charge of the Senator from Illinois should come up first. I have not the least objection to this bill being proceeded with now or at any time when the Senate is disengaged and the Senator from Massachusetts chooses to call it up. I do not desire to embarrass him, but I do desire that the joint resolution reported by the Senator from Illinois should come up first, and that this should not be made a special order immediately before that, so as to embarrass us.

Mr. HOWARD. I beg leave to present——

The VICE PRESIDENT. This bill is now before the Senate.

Mr. HOWARD. I merely wish to make a motion for printing a document which may be necessary in regard to a bill with relation to the arsenal on Rock island.

Mr. WILSON. I move the postponement of this bill until Thursday of next week.

Mr. SUMNER. There is a special order already, I think, for Thursday.

Mr. WILSON. Well, I move to postpone it until to-morrow, and that will leave it subject to be called up at any time.

The motion to postpone was agreed to.

PRINTING OF A DOCUMENT.

Mr. HOWARD. I move for the printing of the document to which I have referred. It is a communication from the Solicitor of the War Department to the head of that Department relating to the title to the land upon Rock island, upon which, according to an act of 1862, the United States are to establish an arsenal; and this communication is very necessary in consideration of a bill which is now pending before the Senate. It is a document of only sixteen pages.

The VICE PRESIDENT. The Senator from Michigan moves to print the document to which he has alluded. If there be no objection, the order to print will be made. The Chair hears no objection. The order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House had passed the bill of the Senate (No. 60) amendatory of the homestead law, and for other purposes.

The message further announced that the House of Representatives had passed a bill (No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; in which it requested the concurrence of the Senate.

EXTENSION OF CAPITOL GROUNDS.

Mr. HENDRICKS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire and report what, if any, legislation is necessary for the extension and improvement of the Capitol grounds, and whether it is expedient now to extend and improve the same.

ADJOURNMENT TO MONDAY.

On motion of Mr. HENDRICKS, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

NOMINATIONS IN OPEN SENATE.

The VICE PRESIDENT. The following resolution offered yesterday by the Senator from Iowa [Mr. Grimes] is in order:

Resolved, That the following be added to the rules of the Senate:

All executive nominations shall be submitted to and considered and decided by the Senate in open session.

Mr. SHERMAN. Has that been referred to any committee?

The VICE PRESIDENT. It has not.

Mr. SHERMAN. It is a very important proposition, and I think it ought to be referred to the Committee on the Judiciary. I make that motion.

The motion was agreed to.

ERRORS OF ENGROSSMENT.

Mr. WILSON. I am informed by one of the engrossing clerks that the bill (S. No. 151) relating to enlistments and for other purposes has not been properly engrossed; that one section that was stricken out in the Senate has been engrossed in the bill, and the bill so sent to the House of Representatives. I therefore offer the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. No. 151) "relating to enlistments and for other purposes," for the purpose of correcting an error in the engrossment of the bill.

The order was agreed to.

A message was subsequently received from the House of Representatives returning, agreeably to the request of the Senate, the bill (S. No. 151) relating to enlistments and for other purposes; and, on motion of Mr. Wilson, the Secretary was directed to cause the error in the engrossment of the bill to be corrected.

On motion of Mr. FOSTER, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill of the House (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," for the purpose of correcting an error in the engrossment of the amendments made by the Senate to the said bill.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, was read twice by its title, and referred to the Committee on Territories.

ENLISTMENTS IN THE ARMY.

On motion of Mr. WILSON, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes; the pending question being on the amendment of Mr. Brown to strike out the third section of the bill, and in lieu of it to insert:

Sec. 3. *And be it further enacted*, That the proclamation of the President of January 1, 1863, declaring all persons held as slaves within certain designated States and parts of States then in rebellion against the Government of the United States to be thereafter free, be and the same is hereby confirmed and made of full effect as law, and all courts of justice are required to recognize the same; and all persons declared to be free by the said proclamation, or by this act or any subsequent act of Congress, shall be entitled to sue and be sued and give evidence in all courts of justice as other citizens.

Sec. —. *And be it further enacted*, That from and after the passage of this act there shall be neither slavery nor involuntary servitude in any of the States or Territories of the United States otherwise than in punishment for crime, whereof the party shall have been duly convicted, any law, usage, custom, or claim to the contrary notwithstanding; but all persons shall be held to be born free.

Mr. JOHNSON. Is that bill upon its passage?

The VICE PRESIDENT. It is now before the Senate as in Committee of the Whole, and the question is on the amendment which has just been read.

Mr. WILSON. I had hoped that that amendment would be withdrawn, at any rate for the present; and I appeal to the Senator from Missouri who presented it to oblige me by withdrawing it, and let me amend the bill as I desire to have it stand, and then if he wishes to offer the amendment he can do so.

Mr. BROWN. Very well. I withdraw the amendment for the moment, to be renewed hereafter.

The VICE PRESIDENT. The amendment of the Senator from Missouri being withdrawn, the bill is open to amendment.

Mr. WILSON. I move now to strike out the entire bill after the enacting clause, and to insert the amendment which I send to the Chair.

The words proposed to be inserted were read, as follows:

That when any person of African descent, whose service or labor is claimed in any State under the laws thereof, shall be mustered into the military or naval service of the United States, his wife and children, if any he have, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That it shall be the duty of the commission appointed in each of the slave States represented in Congress under the provisions of the twenty-fourth section of the "Act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,' approved March 3, 1863," approved February 24, 1864, to award to each loyal person, to whom the wife and children aforesaid may owe service, a just compensation, to be paid out of any moneys which may be appropriated by Congress for that purpose.

Mr. WILSON. I propose to strike out the entire bill and insert the amendment which has just been read. Several sections of the original bill have already been incorporated into another bill that has passed the Senate and is now pending in the other House. In fact, the only section of the bill left is the one that provides for making free the mother, the wife, and the children of the enlisted soldier of African descent. By the law of 1862 it is provided that the soldier, his mother, his wife, and his children shall be free, if the mother, wife, and children belong to rebel masters. I propose in this amendment to make the soldier's wife and children free, no matter to whom they may belong. We have provided in the enrollment act that a slave enlisted into the military service of the United States is free when he is mustered into the service. We have exercised that great power to strengthen the Government in putting down the rebellion. We have enlisted about eighty thousand colored men, and we are continuing to enlist colored men in all parts of the country.

But, sir, the enlistment of colored men causes a vast deal of suffering, for a great wrong is done to their families, and especially is that so in the State of Missouri. I have several letters from officers in the service of the United States who are recruiting in that State, detailing the sufferings of the wives and children of soldiers enlisted into the service. From the letter of a provost marshal of one of the districts in that State, dated February 8, I learn that we have raised in the State of Missouri forty-five hundred colored troops, and he adds:

"Complaints are coming from all parts of the State that negroes will not enlist unless they know what is to become of their families. By Order 135, the slave enlisting is free, but not the families; and among the disloyal class if a slave leaves them they immediately sell their families. Cannot something be done? If so it should be done at once. As far as I know all in this office are disposed to aid the negroes to the full extent, but our hands are tied, we can do nothing. I take a great interest in the families of those who are left behind. Cannot an act be passed for *immediate emancipation*? But in the mean time what are we to do with those being sold again to slavery? If nothing else, cannot you have the Secretary of War order that no passes be given to persons to take slaves out from this State? You would be astonished to know what a trade is carried on between this State and Kentucky."

Lieutenant Mayball, a recruiting officer, writing at Louisiana, in Missouri, to General Pile on the 4th of February, says:

"Lewis Emerson and Anthony Fleener, discharged for disability, have returned to their place, and their masters claim them as their property. They have claimed protection of me, and as it is something new to me I wish you to inform me whether they are to receive protection, and whether any one has a right to demand their papers.

"I also wish to call your attention to the fact that the soldiers' (colored) wives and families are being awfully abused, particularly those belonging to rebels. Some twenty-five or more of the wives of men who have enlisted here came into Louisiana and called upon me to protect them, and I assure you I was doing all I could for the poor unfortunates, but on Thursday evening I received an order from the provost marshal general to drive all the women and children out of the quarters and to notify their masters to come and get them. But before I received the order some of the copperheads of this vicinity had posted the rebels, and when they came in after them, you, I am confident, never saw such a scene in your life. I hope I may never witness the like again. General, for the sake of downtrodden humanity, use your influence to have the negro recruiting stopped, or else protect the families of the poor soldiers who are enlisting to defend the Government. If the Government calls on the negro to fight her battles, in God's name protect their wives and children while they are in the Army. I will be down in a short time and will tell you the sights I have seen since I have been here. The order I have has completely put a stop to the recruiting business, and if you can do anything to have General Order No. 135 carried out I can recruit three hundred men in this county besides those I have already sent down."

Captain A. J. Hubbard writes from Benton Barracks to General Pile, February 6, 1864, "that the wives of Simon Williamson and Richard Beasley, members of his company, have again been unmercifully whipped by their master, John Crauder of St. Clair, Franklin county, Missouri, and that he refuses to let them receive their letters, and whips those who attempt to bring their letters to them;" and asks that they be relieved, as the men are good soldiers.

Lieutenant Deming writes to General Pile "that the wife of Martin Patterson is subjected to ill-treatment by her master, James Patterson, of Fayette, Howard county, Missouri; that she is compelled to do out-door work, chop wood, husk corn, &c., and that one child was suffered to *freeze to death*." Lieutenant Deming further states that William Brooks makes the same complaint, his

wife being badly treated by her master, Jack Sutler, of Fayette, Howard county, Missouri, and is also obliged to chop wood, split rails, &c. Brooks and Patterson desire to move their families to Jefferson City.

The wife of a colored soldier writes to her husband from Mexico, Missouri, that she has been very badly treated since he left; that she was beaten "*scandalously;*" that they will not take care of her children, and do nothing but quarrel with her all the time.

Another wife writing to her husband from Paris, states they are treating her "worse and worse" every day; that she and her "little ones" are almost naked. Tells her husband not to send her money letters to "Hogsett," as he will keep the money. James A. Carney, adds a postscript to this letter, telling the husband to direct his wife's letters to him, (Carney,) and that "Hogsett" has forbidden her coming to his house, and they therefore have to read her letters to her privately.

Lieutenant R. B. Foster, first Missouri volunteers of African descent, reports that private Marshall Taylor of his company says his wife and children were run off to Kentucky about the 10th of December; and J. McFadden, company H, second Missouri volunteers of African descent, says he heard Robert Bledsloe of LaFayette county, Missouri, say that he took off thirty on the night mentioned, and Taylor's wife and children are supposed to be in that lot. They are the slaves of James M. Taylor, of La Fayette county, who is a strong secessionist and has been in the rebel army.

General Pile to General Rosecrans states that the wife and children of Richard Glover, a colored soldier, are now held by him, their master, George W. Cardwell, a notorious rebel, having endeavored to take them into Kentucky; that William Smithey, a man who attends to Cardwell's matters during his absence, whipped Glover's wife most cruelly on Monday, December 28, 1863, with a strap taken from a harness, and this when she was *pregnant* and *near her confinement.*

General Pile in a letter of February 9 to a member of this body says:

"I herewith inclose you copies of several communications setting forth the treatment that the wives and children of colored soldiers enlisted in this State are receiving from their rebel masters. I have information from a variety of sources that this state of things exists in a large portion of the State. I have applied to department military authorities for a remedy for these evils, but I am certain any remedy in their power will be inadequate, only mitigating and not removing the evil. Nothing will reach the case but the *immediate emancipation* of these people. I claim that it is the plain and *imperious* duty of the Government to protect the families of these colored soldiers, and every humane consideration urges that this be done immediately. I appeal to you in behalf of these suffering patriots, and ask that you use your influence to secure an order from the *President*, declaring the parents, wife and children of all enlisted colored men forever free, and in case this cannot be done, that Congress take the matter in hand, and pass a law emancipating immediately the parents, wife and children of all colored soldiers. In the name of God and humanity let something be done at once."

In a letter of February 26 to the Senator from Missouri, [Mr. BROWN,] General Pile says:

"The treatment which the families of colored soldiers are receiving at the hands of their masters has almost suspended enlistments under Order No. 135. Many of these families have been taken to Kentucky clandestinely, and many more by permission from Government officers. I herewith inclose you copy of a letter addressed to Major General Rosecrans on this subject, containing, as a sample of many others, a statement of one case. The general promises to act on the suggestions given, and to correct the evils as far as lies in his power; but there is no remedy but *emancipation immediate* and unconditional. We cannot wait for the routine of 'amendment to the Constitution;' we want an immediate remedy. Can one be provided at Washington? Having been instrumental in causing the enlistment of these men I cannot see their families thus treated, if there is any possible remedy that can be reached."

This letter, written by General Pile, commanding the colored troops there, and these letters written by recruiting officers in various parts of the State of Missouri, show that in many cases the wives and children of colored soldiers are abused or sold and sent out of the State as soon as the husband and father enlists into the military service; that this action discourages enlistments; and that in many cases where their master's sympathies are with the rebels the wives and children are made to suffer for the patriotism of the husband and father. Many of these officers say that we ought to stop the enlistment of these colored men unless we protect their families. Justice, humanity, and patriotism demand prompt and decisive action.

Sir, if reports be true some of the Government officers are violating the law of the land, outraging humanity, and bringing dishonor upon our country. I quote from a letter published a few days ago in the Missouri Democrat:

"Captain Reed, provost marshal of this district, is now engaged in the *laudable* enterprise of *returning to slavery, and their former owners, from five to twenty negroes daily,* and this against the strongest entreaties and protestations of the poor creatures. It would make your heart bleed to witness the misery and distress of mind the poor creatures are in at the idea of their return to bondage. I witnessed a sight yesterday that has *engraved itself on my heart's memory so that time could not erase it, though I should live a thousand years.* I don't wonder at this people being in disfavor with Him who rules over all nations, and who is now manifesting His just displeasure in so fearful a manner. Yesterday a party of some six or seven men, women, and children were taken to the depot to take car No. 4, freight, *going south.* The *owner* of this '*property*' informed me it was safer for him to travel on the freight than on the passenger train. If it were known by the men in Guitar's regiment they would save the negroes from being dragged back." * * * * * * * * *

"Two of the party of negroes above named were grown women, and talked very sensibly. They said they would as soon die as go back; and in talking about it they could not help shedding tears. The men were equally averse to returning, but said the provost marshal threatened them with imprisonment if they made any resistance. They were disqualified from entering the United States service. One poor boy, about fourteen years old, excited my sympathy most—a grand-looking fellow, black as Othello himself, and with native bearing that was lofty, but he hung his head and refused to be comforted. When asked if he would rather stay and work for the Government he quickly turned and answered, 'Yes; and if I was a little older I'd show them if they could keep me a slave.'"

From a Missouri paper I quote the following statement:

"The provost marshals in this district of north Missouri have at times lent their aid to rebel masters for returning negroes in cases where, after being sworn in, they have, upon subsequent medical examination, been rejected, and the wives and families of enlisted colored soldiers have been repeatedly returned to rebel owners by the connivance of these same officials."

Mr. President, this is a proposition to make the wife and children, those who are of the family and ought not to be separated from the husband and father, free, and to protect them in their freedom while the husband and father is fighting the battles of our country. It has been deemed necessary for the interest of the country to call for two hundred thousand additional men. On the 17th of October we called for three hundred thousand; then in January for two hundred thousand; and now there is a call for two hundred thousand more. In the brief space of five months, seven hundred thousand men are called for to defend and protect the country. We want soldiers, and we must have soldiers. Why, sir, in the city of Baltimore a bounty of $500 is paid to colored soldiers, the State paying $300 and the city $200; and every effort is made to enlist these men to fill up the quota of that State.

We passed a resolution two years ago to encourage emancipation in the border States. I voted for it most cheerfully, for I have always been ready to do whatever I could and to take whatever burdens might come upon the country or be imposed upon me or upon my State, to aid the cause of emancipation; because I believe the cause of emancipation to be identified with the unity of the country, the liberties of the people, and the development of our institutions. We gave such a vote—made such a pledge. We have provided that colored men who are slaves may be enlisted and drafted into the military service. If they are drafted they are made free; if they are enlisted they are made free; but their wives and their children are not free. Those wives and children are left behind, may be sold, may be abused; and how can a soldier fight the battles of our country when he receives the intelligence that the wife he had left at home and the little ones he left around his hearth were sold into perpetual slavery; sold where he would never see them more? Sir, if there be a crime on earth that should be promptly punished it is the crime of selling into slavery in a distant section of the country the wives and children of the soldiers who are fighting the battles of our bleeding country.

We provide in the first section of this amendment for the emancipation of the wives and children of these men who will enlist in our service. That will encourage enlistments. It will give assurance to tens of thousands of colored men that if they enlist into the military service of the country, they are not only to fight for their own liberties, but to fight for the liberties of their wives and their children—those near and dear to them. Sir, when we are calling for the blood of this country, when we are casting a drag-net over this land and gathering up every man fit for military service, we ought to encourage the enlistment of these men; and to do that we ought to make their wives and children free, and we ought to protect them against abuse. Now wife and children plead to the husband and father not to enlist, to remain at home for their protection. Pass this bill, and the wife and children will beseech that husband and father to fight for the country, for his liberty, and for their freedom.

The second section of the amendment provides that the same commission that is to be appointed to assess the value of the slave who shall enlist into the service of the country, shall examine the cases of the wives and children of slaves who enlist, and shall report a just compensation, for the payment of which Congress is to provide.

I think this proposition will encourage emancipation in the loyal border States; that it will encourage enlistments; that it will save the blood of our people; that it will strengthen the cause of our country; that for reasons of economy, as well as of justice, it will be good policy to pass it. I hope, therefore, that the Senate will adopt the amendment, and that we shall make the wives and children of the slaves who enlist into the military service free, as well as themselves. There cannot be any doubt of the effect of its passage. The permanent and enduring interests of the country, justice to these colored men who have enlisted, and are fighting our battles, and humanity to their families require it. It can certainly do no wrong to their masters, because everybody knows that slavery can linger but a very few months longer in these border States. It must pass away, in some form or other; and I therefore hope the amendment will receive the support of the Senate.

Mr. WILKINSON. I should like to ask the Senator from Massachusetts if it is his purpose to pay the estimated value of the wife and children of every slave that is enlisted in the United States service to their masters?

Mr. WILSON. Yes, sir; in the States represented in Congress. This commission is to make an estimate of what they regard as a fair and just compensation, to be reported to Congress.

Mr. WILKINSON. I suppose the honorable chairman has made an estimate of the expense; how much these soldiers would cost per head?

Mr. WILSON. I cannot tell exactly; but I think very much less than the bounties we are now paying to soldiers.

Mr. WILKINSON. I will inquire of the Chair if the amendment is subject to amendment?

The VICE PRESIDENT. It is.

Mr. WILKINSON. Then I move to strike out the second section.

The VICE PRESIDENT. That motion is in order.

Mr. POMEROY. I should like to have that section amended before a motion is made to strike it out. Perhaps the objection of the Senator to the section will be removed by my amendment.

The VICE PRESIDENT. A motion to amend it will take precedence of a motion to strike out.

Mr. WILKINSON. I will hear the proposition of the Senator.

Mr. POMEROY. I will state the amendment for the information of the Senator. I should like to have that section amended in the eighth line by striking out the words "to award to each loyal person to whom the wife and children aforesaid may owe service a just compensation," and inserting:

To settle the account between each such person made free and his or her owner, and award to each party such just compensation as may be found due.

I think before we undertake to say there is nothing due to either party, as the bill alludes to a commission already appointed, that the business of that commission should be to ascertain and settle the account between the two parties. I moved this amendment once before. When the question of compensation to pay for slaves to be made free in the District of Columbia was under consideration, I insisted upon it that that commission who were to be appointed to compensate loyal owners by the payment of $300, should take into consideration the condition of the persons to be made free, and settle and adjust the account as between them and their masters. If they had rendered

unpaid service all their lives, some compensation might be due the slaves. On the other hand, if they had been a bill of expense to the master, if he had been educating and supporting them and they had not been able to render service sufficient to defray the expense they had been to him, then he should be paid.

Mr. GRIMES. By whom?

Mr. POMEROY. By the Government. By making one sweeping clause to pay $300, or whatever they might be adjudged to be worth, there was a manifest injustice done. I insist that before loyal owners shall be paid, the question shall be fairly ascertained whether, and how much, if anything, is due them. I am for rendering a "just compensation," as this bill says; but it may be made very unjust by a general law indiscriminately paying all alike. There may be those who have rendered such valuable and important service that they ought to be paid by the Government. I want this commission, before they undertake to pay indiscriminately, to investigate that question. I believe my amendment will secure that object, and I desire to have that amendment made to this section of the bill. At any rate, I desire to have a vote upon it before any motion is made to strike out the section.

Mr. WILSON. Will the Senator state his amendment again?

Mr. POMEROY. I will send it to the Chair. It is, in the eighth line of the second section, to strike out the words "to award to each loyal person to whom the wife and children aforesaid may owe service a just compensation," and to insert:

To settle the account between each such person made free and his or her owner, and award to each party such just compensation as may be found due.

It is too late for us to undertake to say that there may be nothing due to a slave. I notice that the chairman of the Committee on Indian Affairs, [Mr. DOOLITTLE,] every now and then states to the Senate that a tribe of Indians are going to commence life anew; that is, they are going to be made citizens, they are going to sustain a new and important relation to the Government; and that they may commence their new life under favorable circumstances, he brings in a bill to appropriate so much money to set them up. Now, here is a class of persons whom we propose to make free, who have rendered unpaid services for a life-long. I submit whether there are not the same reasons why, commencing life under new and as I hope under more favorable circumstances, they should be set up. If there is anything due, instead of paying it over to the master in all cases as this bill provides, let this commission discriminate, and in some cases pay it over to those slaves to whom the compensation may be fairly and justly due.

Mr. SHERMAN. As this bill provides for an appropriation of a very large sum—not less than six million dollars according to my calculation, but the amount is very uncertain, it is from six to one hundred millions—I move to postpone it until Thursday next, with a view that we may act upon the main proposition, the amendment to the Constitution to abolish slavery in the United States, and I hope that will be disposed of before this bill is passed. I submit that motion.

Mr. SUMNER. I desire to make one remark to the Senate. The Senator speaks about acting on "the main proposition." The main proposition, sir, is to strike slavery wherever you can hit it, and I tell the Senator that he will not accomplish his purpose if he contents himself merely with a constitutional amendment. I am for a constitutional amendment; I have made the proposition on this floor in several different forms; but how long will it take to carry that proposition through both Houses of Congress, then to carry it to its final consummation by the votes of the Legislatures of the country? Are we to postpone action on all these questions until that possibly distant day? No, sir. Let us act in the present, meet each question as it comes, and not undertake to postpone it; certainly not undertake to postpone it under the illusion that we settle this question by an attempt, for it will be an attempt only, at a constitutional amendment.

Mr. WILSON. I hope the bill will not be postponed. Senators speak of the great expense that is to be incurred under its provisions. There is not a member of the Senate who believes that it will be so expensive as the bounties the country is paying for soldiers. I have not the slightest idea that we shall pay so much for colored men as the country is paying to raise soldiers to put into the Army. We want soldiers at this time. Soldiers put into the service of the United States to-day are costing the country eight hundred or a thousand dollars in some form or other, and we want all the soldiers we can get. We want to crush this rebellion during the present year.

Here is an opportunity to encourage enlistments into the service by saying to every slave in the loyal States that if he will enlist not only he shall be free, but the wife of his bosom and the children of his love. I think it is a measure to fill up our armies, and it ought not to be postponed an hour. Then as a matter of justice, how can you go to a man and ask him to enlist to fight the battles of his country when he knows that the moment his back is turned his wife and his children will be sold to strangers? I know nothing more inhuman than the intelligence we have from portions of the country that the masters, exasperated by the fact that their slaves enlist into the service of the United States, sell their wives and children, in revenge, and I think we ought to correct it. As to the few dollars it will cost, it will be very slight indeed. The matter is in our hands. Everybody knows that the slaves in most of these States are worth very little; I have not an idea that the average of the families of these slaves will cost $200.

Mr. CONNESS. Will the Senator allow me to say one word here?

Mr. WILSON. Certainly.

Mr. CONNESS. I ask the Senator from Massachusetts whether they will not be worth less in a little while, in his opinion?

Mr. WILSON. I think so.

Mr. CONNESS. Then is it not wise to delay their purchase? I am opposed to this bill upon that principle. It is bad economy. The idea of the Government rushing into the market to buy slaves while the price is high, when it is notorious that they are getting worth less and less every day is very bad economy, in my opinion.

Mr. WILSON. While the Senator is waiting for the price to fall, the man whom we want for a soldier is waiting to have his wife and children protected before he will fight the battles of the country, and the country is going to ruin while you are higgling about a fall in the price of the slave.

Mr. WILKINSON. If the Senator will accept my amendment, it will obviate all that difficulty.

Mr. WILSON. I am willing to take a vote upon it. You have a general in the service of the United States, a general known intimately by the Senator from Missouri, who sends here a dozen letters from officers all over that State, saying that the enlistments are falling off, because the men enlisted find that their wives and children are sold in revenge or are abused by their masters, and men will not enlist unless they know that their wives and their children are to be taken care of. Among these letters is one from a wife to her husband, in which she tells him how she is treated, that she cannot get letters from him, that she thinks he ought not to have left her and left her children to suffer in that way; and then she adds: "I cannot ask any of our neighbors to enlist and have them suffer as I am suffering."

As to the cost of this measure, I have no idea that it will amount to as much as the bounty we are now paying. Besides, it obtains the soldiers now, and it helps to break down the slave system. The spending of a few million dollars in hurrying to its end the only thing that continues this war is true economy. If, however, Senators do not wish to vote for this provision, let them move to strike it out, and let us take the question on the simple proposition to emancipate the wives and children of the soldiers who will enlist. I have no objection. I would rather have the proposition in that simple form, if I could.

Mr. WILKINSON. I cannot waive the amendment that I offered for the purpose of accepting the amendment of the Senator from Kansas, [Mr. POMEROY.] My reason is that I do not think it would be very profitable or satisfactory to the people of the United States to send a commission all over this country to ascertain how much every negro has earned from his infancy up to the present time, in order to strike a balance between the master and the slave. I do not think we should obtain any very satisfactory results from such a proposition. But I am utterly opposed to the proposition contained in the second section of this bill. I do not want this Government to become the purchaser of slaves. I think we have already gone too far in acknowledging the right of property in slaves; and, as I do not believe there can be any such thing as property in man, I do not like to see the words "just compensation" inserted in a bill which provides for the freedom of the families of soldiers; nor a provision made that "just compensation" shall be paid by the United States to any man who claims property in another man. I am opposed to inserting here the same words which are employed in the Constitution of the United States in the provision that requires compensation to be made for property taken for public use. I think it is time that the idea that slaves are property like horses and oxen should be utterly repudiated by the Congress of the United States.

Besides, by the provisions of a bill which was introduced by the Senator from Massachusetts some time ago, we have already agreed to pay to loyal masters $300 for every slave who may enlist. The second section of the bill now before the Senate proposes to pay a "just compensation" for their families so as not to conflict with the terms of the Constitution, as those who advocate the doctrine of property in man claim.

Now, sir, what will these soldiers cost us apiece under this bill? We have already agreed to pay $300 for the soldier himself, and we now propose to pay a "just compensation" to the loyal master for the soldier's wife and children. It is reasonable to suppose that for every married slave who is enlisted there will be four persons to be paid for under this provision. "Just compensation," under this bill, will be probably regarded at from four to five hundred dollars apiece. Four hundred dollars each, I am told by my friend from Kentucky, [Mr. DAVIS,] will probably be the estimated value of each member of the families of soldiers. That would require you, for every enlisted slave who has a wife and three children, to pay $1,600. Then, adding the $300 you have already agreed to pay for the man himself, the amount would be $1,900 for every slave whom the honorable Senator from Massachusetts would enlist into the Army of the United States who belonged to a loyal master. If we should carry out this idea, I think it would draw heavily upon our Treasury. I am opposed to the whole policy, even if it would not cost us more than $100 each. I believe these persons owe service to the United States Government, and when they are called upon by the authorities to uphold the nation, we are under no more obligation to pay for them than we are to pay the father whose minor son is placed in the service of the United States.

Mr. LANE, of Kansas. Do I understand the Senator from Minnesota as being willing to call negro men into the Army as fighting men against the enemy without securing freedom to their wives and children in some way?

Mr. WILKINSON. If the Senator had listened to my amendment he would have seen that I am in favor of the first section of the bill, and for striking out the compensation clause. I am for giving freedom to the wife and the children of every man who bears a musket in the armies of the United States, but I am utterly opposed to sending out a commission to ascertain what the value of the wife and those children of the soldier is, and paying a "just compensation" to their pretended masters. I am for setting them free at once. They earn their freedom by serving this nation. I believe that the allegiance which they owe to this Government is paramount to any obligation that they are under to any human being on earth, and that this Government has a right to demand their services, and in compensation therefor it can declare that they shall be free forever, without paying anybody any money out of the Treasury of the United States.

I am not, however, very particular whether this bill shall be postponed or not. My opinion is that before a vote is pressed upon so important a measure as this, which will involve millions upon millions of expenditure, careful consideration should be given to it.

Mr. WILSON. Why not go on and take a vote on your proposition?

Mr WILKINSON. The vote on this very amendment will be a most important vote, and I think the proposition of the Senator from Ohio is correct, to let it go over in order that it may be more fully considered.

Mr. LANE, of Kansas. I differ with the Senator from Minnesota as to the question of time. This is a bill that in my opinion should be voted upon at the very earliest day; or else we should stop enlisting black men. The idea of calling into the service of the United States soldiers and not being able or willing to guaranty to their families freedom is to me a proposition most unjust in its character. I am extremely desirous that the bill shall pass securing freedom to the wives and children of the soldiers; and while thus anxious, I shall vote against remunerating the owners of those wives and children, or giving them one cent. Guaranty freedom and square accounts between the master and the slave—that is justice.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio to postpone the further consideration of the bill until Thursday next.

Mr. SHERMAN called for the yeas and nays, and they were ordered.

Mr. GRIMES. I voted this morning to postpone the bill that came from the committee on freedmen and slavery until after next Wednesday, in order to give precedence to the joint resolution in charge of the Senator from Illinois, [Mr. TRUMBULL,] and I thought there was a propriety in doing that because there was no pressure upon us to pass the bill which the Senator from Massachusetts [Mr. SUMNER] had in charge. But here is a bill which, it seems to me, it is very important that we should pass at an early day in some shape or other, either in the shape in which the Senator from Massachusetts [Mr. WILSON] presents it to us, and which I do not really approve, or as proposed to be amended by the Senator from Minnesota, [Mr. WILKINSON,] or as proposed to be amended by the Senator from Missouri, [Mr. BROWN,] and I do not know of any bill that is before us or that is likely to be before us to-day which deserves the careful and the immediate attention of Congress more than this bill does; not that it is perfect now, for I do not think it is, but I think we should perfect it and put it in such a condition that it will be made efficient. If it be made efficient it will become a means of strengthening the armies of the United States more than almost any bill which we are likely to have under consideration.

I trust the Senate will not postpone the bill. I do not know of anything that is of more importance. What is the proposition which is fixed for next Wednesday? It is to propose to the several States of the Union to amend the Constitution of the United States so as to abolish slavery. Nobody supposes that those States are going to meet in their Legislative Assemblies and adopt that constitutional amendment under a year or two. What effect is that to have on the provisions of the bill which the Senator from Massachusetts [Mr. WILSON] is attempting to get the Senate to adopt? None whatever.

Mr. SHERMAN. I do not intend now to engage in a debate on this bill; but I suggested in its discussion a long time ago practical difficulties which the Senator from Massachusetts has not met. Who is the wife of a slave? Who is the child of a slave? What is the use of passing this bill without employing some definite and distinctive language that will embrace the persons whom it is designed to embrace? I agree that it would be monstrous to allow the wife and the children, as we understand the meaning of the words, of a man who has served his country in this war to be slaves for life. Some provision ought to be made for their emancipation; but certainly it should not be made in this loose and general phraseology.

I discussed this subject at length here once before, and I will not now repeat the argument I then used. If it is intended to make this bill the basis of a general scheme of emancipation, it does not contain the provisions necessary for that purpose, and I think the best beginning of any general scheme of emancipation (and I will favor it) is to commence with a constitutional amendment, which I believe can be made and ingrafted in the Constitution much sooner than the Senator from Massachusetts supposes.

Mr. GRIMES. Allow me to suggest that we have three propositions before us; one the amendment of the Senator from Missouri, proposing to ratify the President's proclamation of January 1, 1863——

Several SENATORS. That was withdrawn.

Mr. GRIMES. Only withdrawn "for the moment," as the Senator from Missouri said.

Mr. SHERMAN. There is scarcely enough in any of these propositions to be made the basis of a general law providing for the emancipation of slaves.

Mr. BROWN. Will the Senator from Ohio permit me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. BROWN. The Senator from Ohio has alluded on one or two occasions to the objection which he has again presented—the question who is the wife of a slave and who is the child of a slave; and yet he says he is willing to have some general law made on the subject which shall solve the doubt. But the Senator should remember that is a question of fact which we shall be just as able to get at under this proposition offered by the Senator from Massachusetts as we shall be under any other general law. It is well known to the Senator and to all others conversant with ths subject that the local laws of the slave States do not recognize marriage among the slaves; but I apprehend that no general system, nor any specification which we could here make, would change the state of facts, the actual relationship of husband and wife and parent and child that exist under that local law. There is, therefore, really no point or force in the objection which the Senator makes, unless he intends to exclude from the benefit of freedom all who may not have taken out a license or obtained a master's assent prior to any union. But, as has been well observed by the Senator who preceded me, neither common sense nor common law accept any such limitation on the marriage relation under such circumstances as those which surround populations in a state of bondage.

You have got a practical matter to deal with. You have the fact before you that these colored soldiers are going into the Army of the United States. You have the further fact before you that slave owners are hounding on a persecution in the border States and selling the wives and children of those soldiers, making merchandise of their flesh and blood, and doing it as a punishment for their entry into our Army as volunteers for our defense. And shall we tolerate that scene? Shall we legislate here sending men day after day to sacrifice their lives for our protection, and yet sit quietly by with no legislation to prevent and see others sending the wives and the children of those men day after day into further and harsher bondage because they have done so? If that is not a subject worthy of the attention of the Senate of the United States, I do now know what can fitly move this body to determined interposition.

Mr. President, permit me to say that the condition of affairs in the State of Missouri, as represented by the Senator from Massachusetts, as represented by the public press, as represented by hundreds of letters in my own possession, is in this respect utterly disgraceful, and it ought to be righted now and not put off for a future day. Therefore it is that this question ought to be taken up at the earliest moment and acted upon. You cannot remit it in view of your constitutional amendment. That is going to cover a period of years. You have no other legislation before you that proposes to right this wrong. Why, then, shall you let it go over, why shall you refuse to act upon it, why shall you raise technical objections, when this gross and glaring outrage which is a disgrace to the nation is being perpetrated every day before your eyes? I trust that we may insist upon the passage of this bill as amended by the Senator from Wisconsin, before proceeding to take up any other business.

Mr. SHERMAN. My answer is this: when I propose to make a guarantee, I want to make that guarantee effective. I say there is no proposition here pending before us now that will make the guarantee effective. If this bill shall pass, it will not be effective; it will not reach the persons whom you desire to reach. The appropriation provided for in the second section is totally indefinite, without limits and without restraint. You enable commissioners, to be appointed under the general enrollment law, to reach their hand into the public Treasury, without any control by Congress or any supervision by any auditing officer of the Treasury Department. The whole system embraced in this bill is totally impracticable. By the second section you authorize a simple commission, provided for by the enrollment act, to assess the value of the wives and children of these slaves, and you require the money to be paid out of the Treasury on their assessment, without any control, or any limit, or any supervision. You do not know how much you appropriate by this bill.

I say we must not legislate blindly. It seems to me that the proper way is by a carefully considered amendment of the Constitution to wipe out the whole system of slavery, not to do it by piecemeal, not kill the dog by detachments, but destroy the institution of slavery in the proper way by a constitutional amendment. Suppose that shall take a year, what of it? It will then be thoroughly done, done according to law, done according to the existing Constitution, done in the mode provided by the Constitution, so that neither courts nor lawyers will be able to find any fault with it or to pick any flaws in it.

Sir, there are grave questions of constitutional power involved in this proposition which I will not now discuss. The general object proposed to be accomplished I desire as much as any one; but I want to do it in an effective way, and I think it is much wiser for us to defer all these propositions in regard to slavery until we can by a general plan, based upon a constitutional amendment proposed by Congress and submitted to the people, aided by ancillary legislation, wipe out the whole system in the mode provided by the Constitution, and thus relieve ourselves and those who come after us here from the discussion of this subject in all time to come.

Mr. GRIMES. The suggestions of the Senator from Ohio in regard to the defects of the bill would be very substantial arguments against the bill itself on its passage, or in favor of committing it to a committee to be amended; but that is not his proposition. His proposition is to postpone it until next Thursday, until after we shall have acted on some other bill, and then this bill is to come up again to be acted upon. So far as relates to the section of the bill to which he has referred, that providing for taking money from the Treasury, I am opposed to that section, and I propose to vote against it; but I insist that we shall go on to perfect the bill as far as we may be able to perfect it to-day; and if we do not succeed in doing it to-day, we can postpone it until to-morrow or the next succeeding day, and so go on, and get it in such a shape that it shall be acceptable to a majority of the members of the Senate and to the people of the country.

I do not apprehend that there is going to be any great trouble in ascertaining who are the wives and children of these men. As has been well said by the Senator from Missouri, we all know that the laws of the slave States do not recognize the relation of husband and wife, or parent and child, but we recognize the fact that such relations do *de facto* exist, and that is enough for our purpose; it ought to be enough; and we shall be justified by the people of the country who sent us here in regarding it as enough for all the purposes of this bill.

I have had, and I think my colleague has had, communications from Missouri, from General Pile, who has charge of enlisting colored troops there, that I was authorized to use, and if I supposed this bill was coming up to-day, I should have brought them here and read them to the Senate, that they might go to the country, to show what atrocities are being committed by some of the men who profess to be the owners of slaves because some of those slaves have volunteered to enter the public service as soldiers. It is to prevent these atrocities, it is to right a great wrong, that I would go on and act upon this bill to-day, and not postpone it until the middle or the latter part of next week, in order that we may be involved in a debate on the question of amending the Constitution which may take two or three weeks to find a passage through the Senate; and after we have got it through the Senate and the other House, what then? It is to be sent to the Legislatures of the States, and it is to be ratified by each one or by a certain number of those bodies,

and it would not become a part of the Constitution under the next twelve or eighteen or perhaps thirty-six months. In the mean time, what is to become of the families of those soldiers who have gone into your service, or who are anxious to go into your service?

Mr. President, there is no measure before Congress, there has been no measure before Congress, there will be none before Congress at this session, that more imperatively demands immediate attention than the bill now under consideration.

Mr. WILSON. I think the Senator from Ohio is entirely mistaken in what he says of the second section of the amendment I have offered. We have provided, in the twenty-fourth section of the enrollment act, for the appointment of commissioners who are to assess the value of slaves who shall enlist into the military service.

Mr. SHERMAN. But there is a limit to the price to be paid in that case, while there is no limit here.

Mr. WILSON. The limit in that act is $300.

Mr. SHERMAN. And that money is to be paid out of a special fund, which is limited, while this is to be paid out of any money in the Treasury not otherwise appropriated.

Mr. WILSON. It is to be paid out of money that may be appropriated hereafter.

Mr. FESSENDEN. But of course we shall be bound to pay the appraisement. We must make the appropriation.

Mr. WILSON. In the first place you appoint a commission to appraise the value, and they are to report the appraisal, and then you are to appropriate the money. You have got everything in your own hands.

Mr. FESSENDEN. I should like to ask the Senator what sort of morality that is. He says we can appoint a commission to establish what the value is, and then pay that value or not, just as we choose, afterwards.

Mr. WILSON. I did not say that.

Mr. FESSENDEN. That is substantially what the Senator said.

Mr. WILSON. I beg the Senator's pardon. I said you had everything in your hands. You appoint the commissioners who make the assessments, and I apprehend the commission appointed will be disposed to do justice. I do not suppose that in the present condition of the country the wives and children of the slaves who have enlisted or may enlist are worth $100 on the average. I have consulted with gentlemen who are enlisting them, and they do not believe the amount to be awarded will equal the amount that we are paying for bounties. If it shall be the judgment of the Senate to strike out that section, I shall not object. I inserted it to meet the requirements made when the bill was discussed some weeks ago, and I desired to do what seemed to be liberal to aid the practical working of the system. I have read a letter from one of your provost marshals addressed to a member of the Senate, in which he says that there are complaints from all parts of the State of Missouri that slaves will not enlist on account of abuses to their families. The present condition of things discourages enlistments. The information comes from all quarters that the abuse and sale of families discourages enlistments.

Now, sir, we want to encourage enlistments; and if we do not pay more to obtain these colored soldiers than we are paying for others, why should we not encourage their enlistment? The States are paying large bounties. The State of Maryland pays to a free colored man volunteering $300, and the city of Baltimore pays $200, making $500 bounty. The State of Maryland pays a portion of the bounty it offers into the hands of the slave himself, recognizing him as so much of a man; and it is a very liberal policy, and is honorable to the State of Maryland.

The Senator from Ohio takes the position that because there is a proposition pending to amend the Constitution of the United States to abolish slavery, we are to do nothing else against slavery. Sir, I say it is sound policy to strike this system of slavery whenever and wherever you can get a blow at it. It is to perish, if it perishes at all, by hedging it around by every enactment and breaking down every barrier that surrounds it, and defeating the three hundred thousand bayonets behind which it is intrenched. The proposed amendment to the Constitution may pass Congress, or it may not. If it shall not pass Congress, then, according to this policy, nothing is done. It may not be adopted by the State Legislatures, and I have no faith that it will be under a year at least, and perhaps two years. It will require the sanction of three fourths of the States; and where can you count twenty-seven Legislatures to-day that you have any security for? What is your evidence that it will be passed through the House of Representatives? I hope it is to pass there; but if I take the record made in that House this session I find no more devotion to the idol that has been worshiped here for thirty years than at this session. The record made in this Congress and the words uttered here for a system that has plunged the nation into the fire and blood of civil war, that has murdered two hundred thousand loyal men and bathed the land in blood and tears will be read with amazement in the future. I say you have no security unless you take occasion by the hand and make the bounds of freedom wider yet, whenever the opportunity is presented.

If the Senate desire to strike out the second section and to pass the bill without it, let them do so. Then we do not say that we will not pay; and if we shall be called on hereafter to make some compensation or ransom, I believe Congress will deal justly.

When we authorized the enlistment of colored men we voted that they and their wives and children, if owned by rebels, should be free. I thought the distinction wrong then, and I voted against it. I thought it wrong to ask a man to leave the wife and children that he loves and enroll his name for the defense of this country, leaving that wife and those children slaves; and we have got the evidence now that they are sold as slaves, or treated with inhumanity.

Mr. CONNESS. If the Senator from Ohio will withdraw his motion to postpone, I propose to move to commit the bill to the committee on slavery and freedmen, with instructions to report a bill upon this subject at an early day. It is very plain and palpable to my mind that this proposition is too important a one, too great a one, to be considered without deliberation and without preparation; and I hope the Senate will take the course I suggest, so that when the bill shall be reported it will embrace such provisions as can command the vote of the Senate.

Mr. SHERMAN. I have no objection to that. I withdraw my motion to postpone.

Mr. CONNESS. Then I make the motion. I move that the bill and all the amendments connected with it be committed to the select committee on slavery and freedmen, with instructions——

Mr. SHERMAN. I would suggest to the Senator not to move instructions. Let the committee act at its own pleasure.

Mr. CONNESS. I received the suggestion of the Senator from Missouri on that point. I said to him that no instructions were needed, but he thought it better to commit with instructions.

Mr. BROWN. I do not desire to press the instructions; but I simply make it as a suggestion to the committee that they act promptly in the premises.

Mr. DOOLITTLE. I have no objection to the motion to commit; but I desire simply to state that there is, as it seems to me, very much more involved in the second section of the bill than the Senator from Massachusetts is aware of. It affects particularly the States of Maryland, Delaware, Kentucky, and Missouri, which are the slave States represented in Congress. There are probably a thousand of these colored soldiers enlisted in Delaware; six thousand in Maryland enlisted and to be enlisted; in the State of Kentucky ten thousand; and ten thousand in the State of Missouri, making in all twenty-seven thousand. If we are to suppose that for each one of these able-bodied colored men there are three other persons standing to him in the relation of mother, wife, and children, to be freed by the operation of this section, it will free eighty-one thousand persons. Some suggest that five would not be a wrong proportion; but if there are only three such persons for every slave enlisted, which is a low estimate, the section affects eighty-one thousand; and if you estimate them at the lowest figure, $100 apiece, it involves the sum of $8,100,000; and I do not suppose this provision of the bill has been really considered by any committee at all. It has been an amendment offered by my honorable friend from Massachusetts, [Mr. WILSON,] and certainly ought to be considered, and considered very carefully, for it is a very important proposition.

Before I conclude there is one word I desire to say by way of reply to my honorable friend from Massachusetts, [Mr. SUMNER.] He seems to denounce in advance the action of Congress upon the subject of amending the Constitution of the United States by providing for the abolition of slavery, for he says it will be but an attempt at amending the Constitution. I take issue with the Senator on that point.

Mr. SUMNER. The Senator entirely misunderstands me. I am for the amendment to the Constitution. I believe in it. I shall vote for it whenever I can get an opportunity, and use any little influence that I may possess to induce other persons to vote for it.

Mr. DOOLITTLE. And still the honorable Senator says it will amount to but an attempt.

Mr. SUMNER. I beg the Senator's pardon.

Mr. DOOLITTLE. That was his language.

Mr. SUMNER. I said the proposition before us now was but an attempt at an amendment of the Constitution. Until it goes through all the different stages, first of a vote of two thirds in this body, then a vote of two thirds in the other body, and then the votes of three fourths of the Legislatures, until the final consummation, it is nothing but an attempt. That is what I said.

Mr. DOOLITTLE. I understand all that, and when we have done all that the honorable Senator still says in effect it is to be but an attempt to amend the Constitution, in which attempt we shall not succeed. There is the issue that I make with him.

Mr. SUMNER. The Senator makes an issue with me on something which I have never said.

Mr. DOOLITTLE. If he now believes that we shall succeed in that attempt, very well, let him say so. If he believes that we shall fail in it, let him say frankly what he does think on that question. I understood him most distinctly to say that the whole transaction, going through the forms of legislation here in this body and in the other House, and submitting it to the Legislatures of three fourths of the States, would result in but an attempt to amend the Constitution of the United States, and not in its accomplishment; and certainly my honorable friend from Massachusetts [Mr. WILSON] repeated again and again that we had no assurance that any such amendment of the Constitution could be carried.

Mr. President, I do feel that we have an assurance that this amendment can be carried. I have faith that it can be carried, and that it will be carried; and with it and when it is carried, this whole question of slavery will be settled beyond the change of parties, beyond the change of Administrations, beyond the legislation of Congress, beyond the decrees of the Supreme Court to affect it. It will be the final verdict of the people in their sovereign capacity pronounced once and for all, to exist now and forever.

Mr. President, I do not go into a proposition with this halting kind of faith that expects to fail. Sir, I would look carefully to the ground upon which I plant my feet, and then I would know "no such word as fail." The amendment to the Constitution of the United States, which has been reported by the Committee on the Judiciary to this body, an amendment which was proposed by the honorable Senator from Missouri not now in his seat, [Mr. HENDERSON,] coming from a late slave State, but which is now undergoing the regeneration which all these States are to undergo; supported too in committee, and I doubt not to be supported in the Senate, by the able speeches and the influence of the able Senator from Maryland, [Mr. JOHNSON,] the representative of another of the slave States of the Union; supported as it will be by the public judgment of this country and by the judgment of all parties in this country when it comes to be discussed—that amendment will not be a mere attempt at a change of the Constitution; it will be a reality, and in that reality we shall restore this country and the life of this country and its institutions.

Besides, Mr. President, I have some further objections to the proposition which is now pending before the Senate being pressed on us at this time without further consideration. It only af-

fects the loyal men whose slaves are taken in the States of Delaware, Maryland, Missouri, Kentucky, and Tennessee, and it holds out to them the hope of compensation at the very time when in their own States they are meeting in convention to abolish slavery without any compensation, and when we ourselves are proposing by the amendment to the Constitution to abolish it, and without compensation. By holding out the idea of compensation to those men for this mass of slave property, what do you do but ask them to resist the action of their own conventions in abolishing slavery both in Maryland and in Missouri and in the other States? The question put by the honorable Senator from California was a very pertinent one, why purchase slaves now when their price every day is going down?

Mr. GRIMES. Allow me to suggest to the Senator that so far as this debate has developed the opinions of the Senate, there is but one man in the Senate who is in favor of that section which the Senator has belabored so much—the section in regard to compensation. Now, let me direct the Senator's attention to the other section which is intended to cover the cases to which the attention of the Senate has been drawn by General Pile, of Missouri, and by the statements which have been made by other persons.

Mr. DOOLITTLE. Well, Mr. President——

Mr. CONNESS. Permit me to suggest to my friend from Wisconsin that he allow this bill to be committed, and we can debate it when it comes back.

Mr. DOOLITTLE. I have no objection to its being committed.

Mr. CONNESS. Then let us have the question.

Mr. DOOLITTLE. I do not wish to take up time.

Mr. WILSON. I object to committing the bill; and I propose to modify my amendment by withdrawing the second section and offering simply the first section. The Committee on Military Affairs, after very careful consideration, brought in this bill containing the third section which amended the law allowing colored men to be used in the military service. The original provision, which made the mother, the wife, and the children of the soldier who enlisted free, was on a military bill. When this bill was before us three or four weeks ago, the objection then was that we had not a well-matured system of paying for the slaves made free. To-day the objection is to paying for them. I proposed it because I wanted to strengthen the measure, but I find it does not do that, and I am willing to abandon it.

All the sections of the original bill but one, as I have already explained, are taken out, and the section which I now propose is to be the whole bill, and it is a clear, plain proposition.

Mr. JOHNSON. What is the amendment as now proposed?

Mr. WILSON. The amendment now proposed is the third section of the original bill, in what I think is a little better form, reading thus:

That when any person of African descent, whose service or labor is claimed in any State under the laws thereof, shall be mustered into the military or naval service of the United States, his wife and children, if any he have, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding.

It is a very simple and plain proposition. It simply provides for freeing the wife and children.

Now, I want to say to the Senator from Wisconsin that I admire his earnestness, his zeal, and his faith. I hope I have quite as much of these qualities as he has, and I hope that my faith is as strong; but I must beg to be excused from following the policy of not voting for a good measure because we intend to do it all at one time by a constitutional amendment. When we can get an opportunity to strike at the slave system let us do it, and let us adopt the constitutional amendment if we can, and I have great hope we shall do it.

Mr. CONNESS. I hope we shall get a vote.

Mr. LANE, of Kansas. As the bill is very simple now, I hope the Senator from California will withdraw his motion and let us take a vote on it.

Mr. CONNESS. It is not simple enough for my mind, and not in a condition that I can vote for it. I feel some anxiety upon this subject. Senators who speak on this question here must not imagine that they are the only ones who feel an interest in this subject. I suggest that the form in which this bill has been introduced to the Senate to-day for the first time by the chairman of the Committee on Military Affairs, with a substitute, I believe, from that gentleman for his own bill, (and now there is an abandonment of an important part of his measure,) is not such a presentation of the subject as the Senate should have before it acts upon it. If the Senate shall see fit not to recommit, and that vote can be taken in a very short time, then we will consider it, of course, a decision that we shall go on with it, and I shall try to give a correct vote upon the subject according to my judgment. I hope we shall come to a vote on the motion to recommit the bill.

Mr. WILSON. I do not think there is any particular hurry as to that. I think we can take our time. I wish to say to the Senator that we reported a bill to encourage enlistments some five or six weeks ago, which was carefully prepared and carefully studied by those who understand it quite well and have given some years to the subject. The debate upon it lasted for several days. The proposition now before us has occupied some five or six days of the Senate. The Senator from Missouri [Mr. BROWN] made a lengthy and very elaborate speech upon it the other day. In order to get through some other provisions in the bill we took them and put them in a new bill which we have passed, leaving this portion of the bill in regard to slavery as we introduced it. It was framed and based upon the provision of the act of 1862 prepared by the same committee. I see no necessity for sending it to any committee at all; but if it is necessary to go to any committee I prefer that it should go to the committee from which it came.

Mr. CONNESS. Very well; let us take the vote.

Mr. CARLILE. As a motion has been made to refer this bill to the select committee of which I have the honor to be a member, I wish to explain why I shall propose to amend the motion of my colleague on that committee by striking out the committee on slavery and freedmen and inserting the Committee on the Judiciary.

Mr. President, if it be in order to speak of an instrument that once was cherished by the American people, and looked up to by their representatives, and closely and carefully considered in this body, when propositions were made interfering with rights of States, persons, or property, I would be glad to call the attention of the friends of this proposition to the question of power involved in it. I know that there are members of the Senate who differ with me as to the power of Congress to conscript either white men or black men; but granting, for the sake of the argument, that that power belongs to the Congress of the United States under the Constitution, where do you derive the power to interfere with the acknowledged rights of the States under that instrument, and liberate, not only the conscript himself, but those who bear to him the relation of wife and children? The only question that seems to me involved in this bill is the question of constitutional power.

I share, I presume, with Senators who believe that the power is in Congress, all the sympathy they entertain for the family of him who enlists in the military service of the country; but that sympathy must be subordinated to the requirements of the oath which I took when I became a member of this body to support the Constitution of the United States—the instrument to which this body owes its existence. It being, therefore, a question of constitutional power—which I regard as the only question involved in the consideration of the bill—I think the proper committee to which it should go is the Committee on the Judiciary.

The difficulties that have been suggested as to ascertaining who are the wife and children of the party I think will not be found to be great when you come to carry it into practical operation. Although there may not be usually what in law is termed a marriage by virtue of a license or the publication of banns, as may be required by State authority, yet there will be very little trouble, so far as my observation has gone, in ascertaining everywhere in any of the slave States of this Union those who bear the relation of wife and children to the individual.

I am not embarrassed, therefore, by these difficulties; but the great question which stands in my way in support of this bill is the question of power. Even admitting that the Congress of the United States has the power to conscript a slave into the military service of the country and to give him freedom—which power I deny—have you the power to extend your legislation so as to interfere with the rights of property in the States by liberating and taking from the owner, either with or without compensation, against his consent, the wife and children of the conscript? I therefore move that the proposition of the Senator from California be amended by inserting "Committee on the Judiciary" instead of "committee on slavery and freedmen."

The VICE PRESIDENT. In the impression of the Chair it is one of those motions, like a motion to adjourn, that is not amendable. The motion to commit to the select committee failing, it would then be in the province of the Senator to move to commit to another committee. The only way to effect his object would be to vote down the pending motion.

Mr. CLARK. I suggest that a motion to refer to a standing committee has precedence.

The VICE PRESIDENT. The Senator is correct; it has precedence by the rules. The Senator's motion, therefore, is first in order, not as an amendment to the other motion; and the question will be on referring the bill to the Committee on the Judiciary.

Mr. CLARK. I am desirous that something should be done with a bill of this kind. I am embarrassed, I must confess, with the same consideration that presses itself upon the Senator from Virginia; but I do not feel that by referring the question to the Committee on the Judiciary I shall be disembarrassed. I think, whatever might be the report of that committee, the question would still press itself upon my mind; and I think I might say that, if that committee should report that there was power within the Constitution, he would still find the question pressing upon his mind.

Mr. CARLILE. Not if they showed sufficient reason for that opinion.

Mr. CLARK. Well, sir, I know the Senator from Virginia so well that I am sure no committee ever could do that: it would not be in their power.

The suggestion I have to make is this: there is no business that I am aware of of any importance pressing upon the Senate at this time, and we may therefore just as well discuss the constitutionality of this proposition in the Committee of the Whole as in the Committee on the Judiciary. We can then have the benefit of each other's thoughts and considerations in regard to it, and we may, in time, reach some practical and useful result. But if you send this proposition to the Committee on the Judiciary, if it is not killed there, it will return with the same question embarrassing it. We have got then to discuss it, and so of the other question in regard to the pay. You may send it to a committee and have that provision in regard to the pay stricken out, and then it will again return, for I think you will find persons in the Senate who cannot vote for the bill unless there is some pay proposed to the persons who own these slaves. They may possibly be satisfied that if you pay the owner for the property it may be considered as taking it for the public use; but if you do not pay they will hardly find provision in the Constitution for this measure at all.

Then again I understand the Senator from Minnesota [Mr. WILKINSON] to propose an amendment by which that section shall be stricken out.

Mr. WILSON. I have taken it out of the bill.

Mr. CLARK. I understand the Senator himself to take it out of the bill; but still, notwithstanding that section may be taken out, I am not certain that some Senators who desire to vote for this measure, in order to see the way to do it, may not require it to be in.

But what I want to say to Senators is this: we may just as well do that here and now as at any time, for aught I know. I am not aware that any measure is pressing upon the Senate at this time. If there is any measure of more importance than this demanding our attention, I will cheerfully give way and agree that this bill be laid aside or go to a committee to be returned back to us immediately; but I do not so understand. Then why should we not consider the measure now?

Sir, I regard this as a very different measure from the one the Senator from Massachusetts [Mr. SUMNER] called up a while ago, the repeal of the fugitive slave law. I am not aware that anybody is attempting now to recover a fugitive slave.

Mr. SUMNER. The Senator is mistaken.

Mr. CLARK. I may be mistaken; but I certainly do not understand that any very serious or numerous efforts are made in that direction.

Mr. SUMNER. Let me ask the Senator if the fact that one human being can be carried off into slavery under that statute is not sufficient reason for us to try to save him.

Mr. CLARK. It might be a reason why we should try to save him; but I do not understand that even one is. But here is a very different question. Here you desire to put soldiers in your Army, and those soldiers have their wives and their children. You are desirous of putting those soldiers in the service at the earliest moment, and the people who want to prevent those soldiers from going into the Army take these very means to torment the soldier so that he shall not go in. He says to him in effect, "If you go into the armies of the United States and fight the battles of the country; I will sell your wife, I will abuse your children." That is very much worse than the rendition of a fugitive slave, and an amendment of the Constitution which would take place months hence does not cure or remedy the evil. Do you propose to stand here and let these wives and children be abused three months, six months, or a year, until you can amend the Constitution, when you want the soldier to-day and to-morrow? It is a matter that cannot be postponed in the way the other can.

If anything is to be done with it it ought to be done now, as soon as we can, after gravely considering the subject and determining how we can best do so. It seems to me we can as well amend the bill in the Senate as in any committee. The Senator from Minnesota, if he chooses to present an amendment, can bring up the whole matter and the question of pay. I am not prepared to say that I want to pay these owners; but I desire that the bill may be discussed.

Mr. DOOLITTLE. I should like to ask my honorable friend from New Hampshire, as this bill only affects loyal men, if he has any information that loyal masters in any of these States have abused these women and children.

Mr. WILSON. It affects all men, loyal or disloyal.

Mr. DOOLITTLE. But the wives and children of slaves belonging to disloyal masters are free now. It only has reference to the wives and children of slaves of loyal masters that are enlisted. Is there any evidence before us that loyal masters have sold or abused the wives and children of those of their slaves that have enlisted in the service of the United States?

Mr. GRIMES. I will state to the Senator from Wisconsin——

The PRESIDING OFFICER, (Mr. HOWE in the chair.) The Senator from New Hampshire is entitled to the floor.

Mr. CLARK. My friend from Iowa is a very good backer, and I have no objection to hearing anything he may say.

Mr. GRIMES. I will state to the Senator from Wisconsin that I have had letters from General Pyle, who has had charge of the recruitment of colored men in Missouri, and I have had letters from the officers of the colored regiments being recruited, in which they say that men professing loyalty, who have taken the oath of allegiance and would be exempted under the amnesty of the President, have committed these acts.

Mr. CLARK. We know that everywhere in these loyal States there are men who are in sympathy with the rebellion. We know that men in the loyal States are opposed to the negroes going into the service. Many of those men—I will not say all—would be willing to punish the negro if he went in, if they are in sympathy with the rebellion, by the abuse of his wife and children. They wish to deter him from going into the service if they can, and they say to him, "Not only shall your wife and children have no care, no food, no protection, but they shall be sold into slavery; and when you return from fighting the battles of the Union you shall find your home desolate, your wife gone no one knows where in slavery, and your children all sent away." Sir, those instances, I have no doubt, are frequent. They come to us from every quarter.

Mr. DOOLITTLE. Not loyal men.

Mr. CLARK. Not loyal men, I admit; but men wearing the guise and the garb of loyalty with the heart of the devil. But what then? Shall we not protect these wives and children from those fiends? Shall we call upon these husbands and fathers to go and fight our battles and leave their wives and children behind? No. Sir, it demands our earliest consideration, now, and I am for considering it here in the Senate. If in any way we can devise any means by which we can prevent these things and protect these innocent and helpless people we should do it. Congress owes it to itself, to patriotism; nay, we owe it to the love of country which we bear. I am against the recommittal of this bill unless there is urgent business pressing upon us which makes it necessary to attend to that business and not to this.

Mr. HOWARD. I hope this bill will not be referred to the Committee on the Judiciary. Notwithstanding the ability which may be brought to the consideration of the question raised in the bill by that committee, I am by no means persuaded in my own mind that they will be able to change a single vote or the opinion of a single member of the Senate by any report which they may make. I apprehend they will not.

The great objection which seems to embarrass some members of the Senate arises from what they allege to be a want of power on the part of Congress to enact a provision which shall emancipate and set free the wives and children of the slaves who may be taken into the military service of the United States as volunteers. I confess, for one, that I see no difficulty of this character. The first question which arises is this: has the Government of the United States power to enlist persons known as slaves into the military service? I apprehend that there can be but one answer to that question. That they have the power is attested by several acts of legislation during the existence of the next preceding and the present Congress. They are persons, in contemplation of the Constitution of the United States, owing allegiance to the United States in the same sense in which white persons owe allegiance, and in none other, I apprehend; and the Government therefore have a right to employ them in the military or naval service. They have a right to enlist that class of persons for the purpose of defending the Government and in prosecuting the present civil war to a successful issue.

If they have this right they also have the power to protect this right and make the right efficient and effectual; and if it shall turn out to be the fact, as is alleged here, and of which I have no doubt, that there is great obstruction in the employment of this class of persons, great difficulties and obstacles raised to their enlistment and employment in the military service by persons who claim to own them, in the form of threats held out to their wives and children of being sold and removed from their homes, I have no doubt that Congress has full authority to remove that obstacle out of the way entirely of enlistments by declaring that the wife and children of the black volunteer shall be held in law to be emancipate and free. I repeat, if we have the power to enlist, if it be the right of Congress to put this class of persons into the military service, we have a right to protect and guard that right in such manner as to make the right effectual for the purposes for which we are attempting to use it.

There may be some difficulty in the apprehension of some gentlemen, perhaps, as to who can claim to be the wife or the child of a slave, inasmuch as the laws of the slaveholding States do not recognize the relation of husband and wife, and of parent and child, in that class. I know of no other mode of solving this difficulty than this: that that person shall be held to be the wife of the slave who recognizes the slave to be her husband and whose husband recognizes the woman to be his wife; adopting the same principle of the common law that applies in other cases, a simple recognition of the relation of husband and wife and of parent and child. I take it that that would be sufficient; and inasmuch as there is a serious obstruction to the enlistment of black soldiers arising from difficulties thrown in the way by their masters, I hold that we have the right and that it is our duty to remove that obstruction by declaring that the wife and children shall be placed beyond the reach and beyond the power of their tyrants, thus enabling the United States to employ as many of these persons as they may see fit.

Mr. FESSENDEN. Mr. President, this question and the questions connected with it have been attended, so far as I am concerned in my consideration of them, with very considerable embarrassment from the beginning. I have listened to nearly all that has been said on the subject with a good deal of attention in order to see if my doubts could be removed in any way, because I was anxious they should be, and I am very glad to be able to say that the view which was originally taken of this matter of freeing the wife and children of the conscript by the Senator from Ohio, [Mr. SHERMAN,] in a speech made some time ago, and the argument which has been urged this morning by my friend from Michigan, have gone far to remove all my doubts on the subject.

Of course I never had any doubt that we could avail ourselves of the services of every man in the Republic, no matter what his condition, of whom a soldier could be made; that slaves were subject precisely to the same laws and could be used in the same way as other persons. The idea that in a country like ours a strong, able-bodied population, for the reason that it is held in a peculiar manner, must be let alone and exempted from military service, has always been to my mind an utterly preposterous idea. How far the idea of property which is connected with that class of persons might affect the legislation necessary to carry it into effect is another question.

My doubt of course was, in the beginning, whether in taking persons of this description and insisting that they should render military service we could go so far as to liberate other persons connected with them. That was a very serious difficulty. But, sir, I have been convinced by the argument of the gentlemen to whom I have referred that we can do anything that is necessary to be done in order to accomplish the purpose that we have in view, and which is not only a legal but a necessary purpose—the salvation and perpetuation of the Republic. Consequently if you once establish the fact that in order to effect that purpose you must free certain individuals connected with those whom you want to place in the military service, I see no difficulty in arriving at the conclusion that you have the right to do it; and of that fact, according to all the principles of legislation that I have ever heard of with reference to such matters, Congress, the legislative power, must be the judge in the first instance. We decide not only upon the law which we are about to pass, but also upon the fact and the necessity which excuses the law.

I have no difficulty, therefore, in voting for the proposition contained in the first section of this amendment, presuming or understanding the fact to be that it is necessary in order to accomplish the purpose we have in view; and of that every Senator must judge for himself, and I, among others, must judge for myself.

I have had some difficulty, however, arising from the argument that has been adduced that the relations of husband and wife and parent and child were not recognized among the class of persons of whom we speak, because they could not legally contract marriage under the laws of the slaveholding States. A little reflection, however, will enable us to remove that difficulty; and the argument has been alluded to by my friend from Michigan. In most of the States, and in most countries, a marriage absolutely solemnized in any given form recognized by the parties to it, and recognized by those having a control over them, may be a marriage to all intents and purposes, and a legal marriage in its effects, although not strictly according to the general laws of the State or country applicable to such subjects. The person solemnizing the marriage may commit a crime or misdemeanor, and be punished for it, if not solemnized according to the provisions of law or against the provisions of law; and yet there are few States in this Union, I presume, that hold that a marriage solemnized and consummated is to be no marriage simply because it is not according to the legal form. That is not usually the case. It may be so in some of the States for aught I know. I am not familiar with the particulars of the laws on that subject.

That being the case there cannot be much diffi-

culty, I apprehend, in arriving at the fact, having a proper tribunal to try it, who is recognized as the wife of the individual in question, and who are recognized as the children of the individual in question. Take a plantation. If with or without (but I will say with, because it is usually with) the consent of the master a man and woman have lived together as man and wife, and have been recognized by the master and by each other as man and wife, and children have been born to them, there will be very little difficulty in ascertaining that fact. At any rate we should recognize that as a relation. It might be difficult to ascertain in some cases whether it was so or not; but I apprehend there would be very little difficulty about it.

It strikes me, however, that there should be some provision in the law itself by which the fact could be ascertained. This proposition stops here, by simply saying that the wife and children of the person thus taken into the service shall be free; but there is no provision by which that can be ascertained in any way. I suggest to the honorable Senator from Massachusetts whether in the law itself there ought not to be some provision to that effect one way or another. Otherwise it leaves room for innumerable and boundless disputes and questions which may have to be settled afterwards.

I thought it proper to say thus much with reference to my own opinion on the subject and the change which my general opinions have undergone, or rather the mode in which my doubts on the subject have been measurably and perhaps fully removed.

But there is another question connected with this subject, and that is the question of compensation. Gentlemen seem to think that no law would be constitutional unless we provide in the law itself a mode of compensation for the property taken, if you recognize it as property. I do not so understand it. A Government in its necessity may take property if it needs it for public uses. The moral and legal and constitutional obligation rests upon it at the same time, taking property in its general sense, to provide compensation for the property thus taken; but it need not be done at the time that it is taken, and, in point of fact, it very seldom is. Much that is taken not under any law, but in the course of warfare and the necessities of warfare, is very seldom, hardly ever, perhaps never, you may say, unless in the case of legislation, provided for at the time. The property is taken, the fact is established afterwards, if you please, and compensation is provided afterwards. Therefore, it may be, in my judgment, perfectly proper and perfectly legal to say that property, if it is recognized as such, may be taken, and yet you may leave the question of compensation open. There is no such thing as a suit against the Government. There is no such thing as a mode of compelling the Government to pay under our system and others, ours particularly. It is an obligation which it is presumed the Government will perform, and perform in its own way, in its own good time, in a just time, when it gets the proper information necessary to act upon.

I am opposed, therefore, in this bill, to providing compensation at all, or any provision with regard to it. I wish to leave that question open. I wish to leave it open for several reasons, not only in this bill but in many other bills that it may be necessary for us to pass. We cannot, as we go along, provide compensation for everything at the present time. We have not a sufficient acquaintance with the facts. We have no mode of providing proper tribunals, in my judgment, which can, upon a sufficient knowledge of the facts, settle all these questions of value. They are most uncertain at the present time, and they must necessarily remain uncertain. We cannot tell what a day or an hour may bring forth. One of these women, if you please, regarding her as property, may to-day be considered worth so much, and to-morrow, especially in times like these, she may be worth vastly less or nothing at all; and yet we undertake to provide beforehand with reference to the very question of compensation, to make a burden upon our Treasury at a time when it is least able to meet it.

Mr. JOHNSON. The value to be ascertained at the time of the public appropriation.

Mr. FESSENDEN. Yes, sir; and yet the facts existing at that very time may not be all known.

Mr. JOHNSON. That is another question.

Mr. FESSENDEN. That is what I say; and you cannot, until the condition of the country becomes more settled than it is now, arrive at any accurate knowledge of the facts that will enable you to fix this compensation.

Sir, we always go to the maximum in most things, and in this as well as others, when we provide any fixed sum for anything. The enrollment bill provided for the payment of $100 in one case and $300 in another, and it may be presumed that it will go to that amount if you get an able-bodied man; and yet I suppose in the State of Maryland at the present time, if you were to pay $500 for an able-bodied slave you would pay twice as much as he is worth.

Mr. JOHNSON. No doubt of it.

Mr. FESSENDEN. Not at all; and yet gentlemen will insist on fixing these sums, and these sums are probably what we shall be obliged to pay under any commission that may be appointed. Therefore I say that now in the present state of things in this country, with our ignorance necessarily of what a day or an hour may bring forth with reference to the value of this property, if you call it property, or any other, and with the burdens that are already on our Treasury from day to day that we must meet, and not knowing in fact what we have got to meet and what the extent of those burdens may be, I am opposed entirely to making any definite provision with regard to the ascertainment and payment at the present time at the Treasury of indefinite sums, when we cannot tell by any possibility what we are to meet. The very illustration and calculation made by the Senator from Wisconsin showed that you do not know and cannot know or infer what you are to do. All questions of this kind must necessarily be settled deliberately, when the condition of the country is such that you can ascertain the facts and know what their precise value is at the time taken. You may take a slave to-day, and I defy any man to tell what he is worth in the present state of things in the country; and yet if you undertake to do the thing to-day you must do it on some basis or other, and are quite as likely to assume, in ignorance of any other, the very highest mark that is given in order to reach that value.

Sir, it is bad policy in any point of view. In the first place, we are assuming to settle certain questions. We settle here off-hand upon the abstract question of property, which, permit me to say, I am not prepared to settle, although I have been obliged to vote upon it in some cases and to vote with the best light I had. You must then settle to-day in the hurry of this legislation the value of the property, and you must settle another thing, as you do in all these questions, when you pass these bills: we have got to meet them at the Treasury, burdened as it is at the present moment.

My honorable friend from Massachusetts [Mr. WILSON] occasionally favors us with a speech on finance; and the burden of his speech always is that the question of money lies at the very foundation of this war; and yet when an idea of this sort is started he seems to forget there is any money in it or that there is to be any limit, and he cares not for the limit. At any rate, he does not seem to know what the limit is, or to inquire, or to provide any mode by which it is really to be ascertained on any correct principle. I want to hold him to one thing or another. His financial ideas are correct so far as I can judge with reference to what lies at the foundation of all, and the necessity of great economy. The question of economy must enter into everything, this question as well as others, in so far as it does not check the exercise of a proper humanity and the doing of that which is necessary to be done before the country and before God, in order to justify ourselves to the world and to the Ruler of the universe; short of that we must look into the question of money on all matters that arise.

Allow me to say, sir, that I am not quite prepared to yield all the force which other gentlemen do when they talk about pledges that have been given with reference to paying for property of this description. I remember that there was a message sent to us by the President of the United States not very long ago in which he recommended the passage of some resolution or other—I forget precisely the shape it assumed—declaring that if certain States owning slaves would emancipate their slaves the United States ought to make compensation. We passed that, I think, in the shape of a resolution. I remember saying at the time that I acceded to that. I was willing to pass a resolution that the United States ought to make compensation. I did not believe at that time that Congress had any power to emancipate slaves under any general power in the Constitution disconnected with the necessary exercise of what are called the war powers, according to our usual mode of speech, unless authority should be given them by those who framed the Constitution or those who had a right to amend it should confer the power. I said I would vote for it in the careful terms in which it was worded. But, sir, I reserved to myself the consideration of the question what that compensation was to be, how far any compensation was due or might be due with reference to all those matters. I said I was not prepared to start off in the beginning and say that Congress had taken that burden on themselves, and to have it thrown in my face every time a proposition of this sort or anything connected with this subject or one implying compensation was under consideration, that I was bound to take it on the instant, and not with reference to questions of that description, but upon questions of far different description where we were exercising an unquestioned power. I wish to reiterate the *caveat* that I then entered with regard to my own action if I live and am in public life at the time action is called for on any question of that description. I say, therefore, that while I believe this particular section should be so amended as to provide some proper mode of ascertaining the fact with reference to the domestic relations of the persons described in it——

Mr. BROWN. If the Senator will permit me for a moment, I will suggest whether that cannot be as well made a matter of regulation under the Department; whether it would not be better that it should be made a matter of regulation under the Department; because we have now a large branch of the service which is devoted to the supervision of colored recruits and of their affairs; provost marshals dealing with them, provost marshals recruiting them, who are perfectly competent at the time these soldiers are recruited to take the evidence, and determine also the fact as to their families, their wives, and their children. I suggest whether it would not be simpler and better to remit that matter to the War Office than to undertake to regulate it by specific laws here?

Mr. FESSENDEN. I have not a very unquestioning and illimitable faith in the capacity and wisdom of all persons employed as provost marshals under the Government. I have seen some specimens that did not impress me so strongly as they might. I do not, however, deny but it may be possible and perhaps not difficult for the War Department to frame the proper regulations for ascertaining the fact; but I will say to the honorable Senator that it is not customary to leave questions of that sort, which are properly questions of legislation, to the Executive Departments. Usually, in passing laws upon such subjects, where we find that a matter needs regulation and it is not a mere matter of detail, but a matter of judgment and principle, Congress fixes the principles upon which the action is to be predicated.

Mr. BROWN. I will ask the Senator whether that is not already left as a matter of regulation to the War Department in regard to the wives and children of persons claimed by disloyal persons?

Mr. FESSENDEN. I do not know precisely the terms of the act. I do not recollect.

Mr. BROWN. My impression is that that is the case.

Mr. FESSENDEN. I do not remember the exact terms of the act on that subject. It strikes me we shall have to make appropriations on that subject, and it must come before us in some measure.

I am not very strenuous about it. I shall vote for this proposition dissevered from the question of compensation, let it stand as it may; but I suggest to my honorable friend from Massachusetts and I suggest to the Senate that in my judgment it would be very much wiser to take a little time to deliberate on this subject, and provide specifically the principles upon which the question of this domestic relationship shall be determined; because I think it ought to be done. It is unsafe

to leave it to regulations which we do not have a hand in making, because there is no knowing how extensive it may be.

I do not know that I wish to add anything to what I have said. Gentlemen have asked me questions, and as I do not possess a great deal of presence of mind in these days, if I designed to say anything else I have forgotten it, and probably what a man forgets is not worth saying.

Mr. CONNESS. I was about to suggest that perhaps we had better take a vote on the question of whether the bill should be committed or not, so that we can then go on and debate it if the Senate refuse to recommit it. It appears to me we had better determine that question first.

Mr. JOHNSON. I suppose it is not the purpose of the Senate to conclude this bill to-day. There is a great deal of business on the table that I think requires an executive session; and I move that the Senate proceed to the consideration of executive business.

Mr. DOOLITTLE. If the honorable Senator from Maryland will allow me I should like to take up a bill that will take but a few moments, and which it is necessary should be acted on before the Indian appropriation bill comes to us. It is a bill in relation to Indian affairs in California. I think it will take but a few minutes to dispose of it; and I will ask the honorable Senator to give way, and allow me to take up that bill. It is Senate bill No. 80.

Mr. JOHNSON. I withdraw it.

The PRESIDING OFFICER. The question is on the motion to commit the bill before the Senate to the Committee on the Judiciary.

Mr. WILSON. I ask the Senator from Maryland to allow me to make a motion.

The PRESIDING OFFICER. The Chair is obliged to remind the Senate that there is a question now pending before the Senate, and it should be disposed of.

Mr. WILSON. The question is on the motion to go into executive session.

The PRESIDING OFFICER. That motion, if put, will of course dispose of the pending question, but the Chair understood the Senator from Maryland to withdraw that motion.

Mr. JOHNSON. I did.

Mr. DOOLITTLE. And I make a motion to postpone all prior orders for the purpose of taking up the bill which I have indicated. It will take but a few moments, and it is necessary to act upon it before the appropriation bill comes in.

INDIAN AFFAIRS IN CALIFORNIA.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 80) to provide for the better organization of Indian affairs in California.

Mr. DOOLITTLE. As the bill, on consultation with the honorable Senator from California [Mr. CONNESS] who introduced it, has been considered by the Committee on Indian Affairs and a substitute has been offered by them to the entire bill, if it will meet his approbation I will ask that the substitute only be read. I do not think it is necessary to read the whole bill.

Mr. CONNESS. Certainly.

The PRESIDING OFFICER. The reading of the original bill will be dispensed with, if there be no objection, and the Secretary will read the substitute reported by the committee.

The Secretary read the amendment of the committee, to strike out all of the original bill after the enacting clause, and to insert the following in lieu thereof:

That from and after the 1st day of April, A. D. 1864, the State of California shall, for Indian purposes, constitute one superintendency, for which there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a superintendent of Indian affairs for said superintendency, at a salary of $3,600 per annum, who shall reside at a point within said State, to be selected by the Secretary of the Interior, and who, upon executing a bond, upon such terms and such sum as may be prescribed by the Secretary of the Interior, and taking the usual oath of office, shall have under his control and management, in like manner and subject to like rules and regulations as are prescribed for superintendents of other superintendencies, the Indians and Indian reservations that are or may hereafter be established in said State: *Provided*, That the superintendent shall be authorized to appoint a clerk, at a compensation not to exceed $1,500 per annum.

SEC. 2. *And be it further enacted*, That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said State, to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said State, and shall be located as remote from white settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended: *Provided*, That at least one of said tracts shall be located in what has heretofore been known as the northern district: *And provided further*, That if it shall be found impracticable to establish the reservations herein contemplated without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and of said valuation to Congress, the same shall be approved and the money appropriated by law for that purpose: *And provided further*, That said tracts to be set apart as aforesaid may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said State, and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary, in order to its complete adaptation to the purposes for which it is intended.

SEC. 3. *And be it further enacted*, That the several Indian reservations in California which shall not be retained for the purposes of Indian reservations under the provisions of the preceding section of this act, shall, by the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be surveyed into lots or parcels of suitable size, and as far as practicable in conformity to the surveys of the public lands, which said lots shall under his direction be appraised by disinterested persons at their cash value, and shall thereupon, after due advertisement as now provided by law in case of other public lands, be offered for sale at public outcry, and thence afterwards shall be held subject to sale at private entry, according to such regulations as the Secretary of the Interior may prescribe: *Provided*, That no lot shall be disposed of at less than the appraised value, nor at less than $1 25 per acre: *And provided further*, That said sale shall be conducted by the register and receiver of the land office in the district in which such reservation or reservations may be situated, in accordance with the instructions of the Department regulating the sale of public lands.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an Indian agent for each of the reservations which shall be established under the provisions of this act, which said agent shall reside upon the reservation for which he shall be appointed, and shall discharge all the duties now or hereafter to be required of Indian agents by law, or by rules and regulations adopted, or to be adopted, for the regulation of the Indian service, so far as the same may be applicable. Each of the agents appointed as aforesaid shall, before entering upon the duties of his office, give bond in such penalties and with such conditions and such security as the President or Secretary of the Interior may require, and shall hold his office for the term of four years, unless sooner removed by the President, and shall receive an annual salary at the rate of $1,800.

SEC. 5. *And be it further enacted*, That there may be appointed, in the manner prescribed by law, for each of said reservations, if in the opinion of the Secretary of the Interior the welfare of said Indians shall require it, one physician, one blacksmith, one assistant blacksmith, one farmer, and one carpenter, who shall each receive compensation at rates to be determined by the Secretary of the Interior, not exceeding fifty dollars per month.

SEC. 6. *And be it further enacted*, That hereafter, when it shall become necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 7. *And be it further enacted*, That all Indian agents shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. And it is hereby made the duty of the said Commissioner to report all cases of the violation of this section to the President, with the request that the agents disregarding the provisions herein contained be at once removed from office.

SEC. 8. *And be it further enacted*, That all acts or parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed; and all offices and employments connected with Indian affairs in California, not provided for in this act, be, and the same are hereby, abolished.

Mr. CONNESS. I desire to offer an amendment to the first section of the amendment of the committee. I move, in the twentieth line of that section, to strike out the word "fifteen," and to insert "eighteen." As it now stands, it provides as a compensation for the clerk of the superintendent a salary of $1,500 per annum. It will be remembered that this bill proposes economy in the Indian affairs of California. We have now two superintendencies in that State, with all their machinery. This bill proposes one, and one only, for the entire State; and I may as well say here that up to this time, as elsewhere, perhaps, the Indian affairs of California have not been as well managed as they should be. It is my desire and disposition in whatever I shall have to do, either in recommending officers or afterwards in observing how they execute their duties, to see to it that there shall be improvement hereafter.

The one superintendent now proposed is to include the entire State, a State a thousand miles in extent. The superintendent will have a great deal of work to do. He will have necessarily to travel and visit the reservations. There can be no business of that kind correctly conducted without watchfulness on the part of him who superintends it. The provision here to pay the clerk of the superintendent $1,500 a year, which, it will be remembered, is to be paid in legal-tender notes, now at a discount of forty cents on the dollar, is a very slender provision. That clerk will have to be equal to the superintendent in his ability to perform the business of the office. The change I suggest is $1,800 in place of $1,500, which will still make it a very small salary. I hope that will be done, and I move the amendment.

Mr. WILKINSON. I hope that amendment will not be adopted. I have no particular feeling about it, but I think the committee, in fixing $1,500, which is considerably more than the clerks of the superintendents in other parts of the country receive——

Mr. CONNESS. Will you not make any allowance for the increased cost of living with us?

Mr. WILKINSON. We have made some allowance. We have advanced this salary some three or four hundred dollars more than any other clerk to a superintendent in the United States receives. I think that is adequate to even the additional expense of living in California over the other parts of the country.

Mr. CONNESS. I will not discuss this amendment. I did not think there would be an objection to it. The Senator does not seem to take into consideration that money in the West is not money in the extreme West; that the legal-tender notes in which this officer is to be paid, as well as all our officers in that State, now are at a reduction of forty cents on the dollar. I do not desire and I have introduced no bill here to provide for making up that loss to our officers. It is the incidental result of the relation of war. I only ask to have it in this case partially done. The salary of the officer, if this increase be made, will be about twelve hundred dollars in the currency of the State.

Mr. JOHNSON. I waived the motion which I made to proceed to the consideration of executive business under the belief that this bill would pass without debate. I move now that the bill be laid on the table, and that we proceed to the consideration of executive business.

Mr. DOOLITTLE. If the honorable Senator will move to go into executive session without moving to lay the bill on the table, it will come up as unfinished business on Monday morning, and then we can dispose of it.

Mr. CONNESS. I suggest to the honorable Senator from Maryland that this is the only amendment that I propose to offer, and I do not think there will be any further discussion.

Mr. DOOLITTLE. I suggest to the honorable Senator from California that there are gentlemen who desire to have a brief statement of what the changes produced by this bill are, and we shall save time if we let it pass over until Monday morning.

Mr. CONNESS. All right.

EXECUTIVE SESSION.

Mr. JOHNSON. I move then that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 18, 1864.

The House met at twelve o'clock, m. Prayer by Rev. Dr. MARKS.

The Journal of yesterday was read and approved.

MINES AND MINERALS.

Mr. BENNET. I ask the unanimous consent of the House to introduce a bill in relation to mines and minerals on the public domains. I also ask to have it printed. It is a bill on an important subject, and has been carefully prepared.

There was no objection; and the bill was introduced, read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARSHAL OF WESTERN DISTRICT OF VIRGINIA.

Mr. BLAIR, of West Virginia. I ask unanimous consent to take from the Speaker's table the bill laid there on motion of the gentleman from

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. MONDAY, MARCH 21, 1864. NEW SERIES.....No. 75.

Maryland [Mr. THOMAS] in reference to the compensation of the marshal of the western district of Virginia, for the purpose of having it referred back to the Committee on the Judiciary.

Mr. WASHBURNE, of Illinois. I do not object if it is agreed that it shall not be brought back on a motion to reconsider.

Mr. BLAIR, of West Virginia. I agree to that.

There was no objection, and it was ordered accordingly.

HOMESTEAD LAW.

Mr. HOLMAN. I call for the regular order of business.

The SPEAKER stated the first business in order to be Senate bill No. 60, amendatory of the homestead law, and for other purposes, the pending question being on the amendment of the gentleman from Indiana, [Mr. HOLMAN,] as follows:

Amend the fifth section by adding the following proviso:

Provided, however, That any private soldier or seaman who shall have served in the military or naval service of the United States for the period of two years shall be entitled to the benefits of this act without payment of any fees whatever, and shall, so soon as he may settle on a homestead selection, be entitled to a patent therefor.

Mr. HOLMAN. This is private bill day, and I suggest that we have a call of the committees for private business.

Mr. JULIAN. I ask that we shall first dispose of this bill.

Mr. HOLMAN. Before the gentleman calls for the previous question I give notice that I have a modification of my amendment to propose.

Mr. JULIAN. I move to amend the amendment as follows:

Strike out all after the word "that," and in lieu thereof insert as follows:

All lands and other real property not included within the limits of any city, town, or village, against which proceedings *in rem* shall be instituted under the provisions of the act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes, approved July 17, 1862, and the acts amendatory thereof, shall, upon the rendering of final decrees of condemnation, be certified, over the seal of the court so condemning, by the clerk thereof, to the Secretary of the Interior; and thereafter the said lands shall be regarded and treated in all respects as part of the unappropriated public lands of the United States, subject to the restrictions and regulations hereinafter mentioned.

SEC. 2. *And be it further enacted*, That all lands and other real property not included within the limits of any city, town, or village, which may be hereafter sold under the provisions of the act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes, approved June 7, 1862, and the acts amendatory thereof, and all such lands in insurrectionary districts which may be hereafter sold under the provisions of the act to provide internal revenue to support the Government and to pay interest on the public debt, approved July 1, 1862, and the acts amendatory thereof, shall be bid off to the United States at the minimum price mentioned in said acts, and the person or persons having lawful charge of such sale or sales shall thereafter transmit a duly executed certificate of sale, or deed, together with a certified transcript of his or their proceedings in connection therewith, to the Secretary of the Interior, and thereafter the said lands shall be regarded and treated as part of the public domain, as provided for in the previous section of this act, subject, however, to the right of redemption, as provided for in the acts aforesaid and the amendments thereto.

SEC. 3. *And be it further enacted*, That upon the receipt of the aforesaid certificates or deeds by the Secretary of the Interior, it shall immediately thereafter be the duty of the officials to be charged with the execution of this act to cause the said lands, thus certified or deeded to the United States, to be surveyed and divided as near as may be into forty-acre lots or tracts, except in cases where official surveys have already been made by the United States, and the plats thereof are duly on file in the proper Department; and it shall be the duty of the President of the United States, by and with the advice and consent of the Senate thereof, to appoint and commission all such officers as may be necessary to execute the provisions of this act; and such officers shall receive the same compensation as is now by law allowed to similar officers under the general land system of the United States.

SEC. 4. *And be it further enacted*, That from and after the date of the receipt of the aforesaid certificates or deeds by the Secretary of the Interior, all persons who have served, or may honorably serve, in the Army or Navy of the United States for two years during the present rebellion, and all persons who have been or shall be discharged therefrom by reason of wounds received or disease contracted therein, shall be entitled to enter eighty acres, or a less quantity, of said unappropriated public lands, certified or deeded as aforementioned, in conformity to the provisions of an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862; and all persons who, during the present rebellion, have rendered, or shall render, honorable service to the United States as soldiers or sailors in the Army or Navy thereof, or as laborers therein, shall be entitled to enter forty acres of said unappropriated public lands, certified or deeded as aforementioned, in conformity to the provisions of the act aforesaid, to secure homesteads to actual settlers.

SEC. 5. *And be it further enacted*, That after said lands shall have been subject to homestead entry, as before specified, for and during the term of five years, all such lands then being vacant, or which may have been forfeited by abandonment for more than six months at one time, shall be offered at public sale to the highest bidder, in quarter-quarter sections or fractional quarter-quarter sections: *Provided*, That no sales shall be made for a less price than $1 25 per acre: *And provided further*, That no person shall be entitled to enter more than a half quarter or fractional half quarter section of said lands: *And provided further*, That no person shall be entitled to receive a patent for any of said lands except upon proof of compliance with the requirements of the preëmption act of September 4, 1841, which specify the qualifications of a preëmptor, and settlement and cultivation, and except upon his subscribing an oath of loyalty in the form and manner required by existing laws: *And provided further*, That all persons so purchasing at public sale, who shall fail to make the proof required within one year from the day of such public sale, without reasons therefor satisfactory to the officer charged with the execution of this act, shall forfeit all right and title to said lands, and the same shall thereafter revert to the United States, and be subject to the provisions next hereinafter enacted.

SEC. 6. *And be it further enacted*, That such lands as shall not be entered by homestead, nor be bid off at the public sales, or which shall revert to the United States as aforesaid, shall thereafter be subject to homestead entries by the parties to whom such privileges have been heretofore granted by this act, or to preëmption entries by all parties: *Provided*, That no patent shall issue for any of said entries until the party applying therefor shall file an oath of loyalty in accordance with existing laws.

SEC. 7. *And be it further enacted*, That whenever lands shall be entered, under the provisions of this act, upon which any buildings, shops, fences, or other permanent improvements, or any agricultural implements or household furniture shall be situated, the same shall be appraised by three disinterested persons, to be appointed by the officer to be hereafter charged with the execution of this act, at such compensation and under such regulations as he may prescribe; and the value of such buildings, shops, fences, improvements, agricultural implements, and household furniture so determined, together with the actual or approximate cost to the United States of the condemnation, or purchase, survey, appraisement, and sale of said lands, shall be paid into the Treasury of the United States within the period of five years, in such installments as the Secretary of the Interior may prescribe, by the person entering the land upon which the same may be situated, and the value so determined shall constitute a lien in favor of the United States upon the land, and upon all the improvements, fixtures, and appurtenances thereof, whether the same shall be found thereon at the time of entering the land, or shall be subsequently placed thereon by the person entering the same.

SEC. 8. *And be it further enacted*, That in the construction of this act no distinction shall be made on account of color or race, but the privileges of this act shall be enjoyed equally by all persons entitled by its terms and provisions to participate in the same; and in case of the death of the person entering lands under the provisions of this act, the required proof and payments may be made by his executor, administrator, widow, or one or more of his heirs.

SEC. 9. *And be it further enacted*, That the Commissioner of the General Land Office be, and is hereby, charged with the execution of the provisions of this act, subject to the supervision of the Secretary of the Interior.

SEC. 10. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HOLMAN. I rise to a point of order, that it is not in order to move as an amendment a bill pending in the House. But I will waive my point until after my colleague has been heard.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed a bill of the House (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," with amendments, in which he was directed to ask the concurrence of the House; also, that that body had passed bills of the following titles, in which he was directed to ask the concurrence of the House:

An act (No. 54) to incorporate the Metropolitan Railroad Company in the District of Columbia; and

An act (No. 155) to incorporate the Union Gas-Light Company of the District of Columbia.

BATTLE OF CHATTANOOGA.

Mr. WASHBURNE, of Illinois. I understand that the report of General Grant of the battle of Chattanooga is ready for transmission to this House, and I submit the following resolution:

Resolved, That the Secretary of War be directed to furnish to this House a copy of the report of Major General U. S. Grant of the battle of Chattanooga, and also the reports of subordinate commanders in said battle.

There was no objection, and the resolution was received and adopted.

HOMESTEAD LAW—AGAIN.

The House resumed the consideration of Senate bill No. 60, amendatory of the homestead law, and for other purposes, and the amendments thereto.

Mr. JULIAN. Mr. Speaker, during the past month I prepared and reported from the Committee on Public Lands a bill to provide homesteads for persons in the military and naval service of the United States on the forfeited and confiscated lands of rebels. The bill was recommitted and printed; and my purpose was to discuss its provisions under the general call of committees for reports, which will bring the subject directly before the House for its action. I find, however, in the crowded state of our business, that this would delay my purpose indefinitely; and I have therefore concluded to avail myself of the opportunity now offered to submit what I have to say.

The measure referred to will be considered a novel one; but it should not therefore be regarded with surprise or disfavor. Our country is in a novel condition. The civil war in which we are engaged is one of the grandest novelties the world has ever seen. We are every day brought face to face with new questions, and compelled to accept the new duties which lie in our path. Whosoever comprehends this crisis, and is willing to assume its burdens, must keep step to the march of events, and turn his back upon the past.

The bill I have reported, however, is less a novelty in its principles than in their application to new and unlooked-for conditions. It involves, among other things, the policy of free homesteads to actual settlers; and since this policy is now seriously menaced, I may be allowed to refer briefly to the subject, by way of preface to what I shall have to say on the special matter before us.

Our homestead law was approved May 20, 1862. Its enactment was a long-delayed but magnificent triumph of freedom and free labor over the slave power. While that power ruled the Government its success was impossible. By recognizing the dignity of labor, and the equal rights of the million, it threatened the very life of the oligarchy which had so long stood in its way. The slaveholders understood this perfectly; and hence they resisted it, reinforced by their northern allies, with all the zeal and desperation with which they resisted "abolitionism" itself. Its final success is among the blessed compensations of the bloody conflict in which we are plunged. This policy takes for granted the notorious fact that our public lands have practically ceased to be a source of revenue. It recognizes the evils of land monopoly on the public domain, as well as in the old States, and looks to its settlement and improvement as the true aim and highest good of the Republic. It disowns, as iniquitous, the principle which would tax our landless poor men $1 25 per acre for the privilege of cultivating the earth; for the privilege of making it a subject of taxation, a source of national revenue, and a home for themselves and their little ones. It assumes, to use the words of General Jackson, that "the wealth and strength of a country are its population," and that "the best part of that population are the cultivators of the soil." This bold and heroic statesman urged this policy thirty-two years ago; and had it then been adopted, coupled with adequate guards against the greed of speculators, millions of landless men who have since gone down to their graves in the weary conflict with poverty and hardship would have been cheered and blessed with independent homes on the public domain. Wealth incalculable, quarried from the mountains and wrung from the forests and prairies of the West, would have poured

into the Federal coffers. The question of slavery in our national Territories would have found a peaceful solution in the steady advance and sure empire of free labor, while slavery in its strongholds, girdled by free institutions, might have been content to die a natural death, instead of ending its godless career in an infernal leap at the nation's throat.

The homestead act did not go into effect till the 1st of January, 1863. Within four months from that date, notwithstanding the troubled state of the country, more than a million acres were taken up under its provisions; and at the close of the year ending September 30, this amount was increased to nearly a million and a half. Peace will soon revisit the land and resurrect the nation to a new life. The energy and activity of the people, now directed to the business of war, will be dedicated afresh to industrial pursuits. Many thousands in the loyal States who will have caught the spirit of travel and adventure, and far greater multitudes in the Old World who will be tempted to our shores, will lay hold of the homestead law as their glad refuge and sure help. It will be the daystar of hope to millions beyond the sea, and it is now the fond child of the millions of our own people who march under the old flag of our fathers. Should it stand for ten years to come, its blessings will outstrip the most sanguine anticipations of its friends. Its overthrow, I have said, is threatened; and this is done by indirection as well as by open assault. Since the date of its passage, Congress has granted nearly seven million acres for the benefit of agricultural colleges, and about twenty million to aid in the construction of railroads. There are now pending before Congress bills making other grants for railroads amounting to nearly seventy million acres. We have a project before us which grants nearly seven million acres for the education of the children of soldiers; another granting two hundred thousand acres in the State of Michigan for the establishment of female colleges, which of course would be extended to the other States; and another granting ten million acres for the establishment of normal schools for young ladies. Every day witnesses the birth of new projects, by which our public lands may be frittered away, and the beneficent policy of the homestead law mutilated and destroyed. And simultaneously with the development of this backward movement, and as if to aid it, speculators are hovering over the public domain, picking and culling large tracts of the best lands, and thus cheating the Government out of their productive wealth, and the poor man out of the home which else might be his at the end of the war.

While the homestead policy is thus invaded by gradual approaches and indirect attack, its overthrow is boldly demanded as a financial necessity. A veteran public journalist, and one of the foremost party leaders of our time, proposes to go back from the Christian dispensation of free homes and actual settlement to the Jewish darkness of land speculators and public plunder. He wants money to pay our immense national debt, and seeks to obtain it by levying on the lands which the nation has already dedicated by law to occupancy and cultivation as the sure means of revenue. What we want and the Government needs is immigration. This is demonstrated by the report of Hon. Samuel B. Ruggles to the international congress which met at Berlin in last September. He takes the eight food-producing States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and shows that between the years 1850 and 1860 their population increased 3,554,095, of whom a very large proportion were emigrants from the old States and from Europe. He shows that this influx of population increased the quantity of improved land in these States, within the same period, 25,146,054 acres; that the cereal products of these States increased 248,210,028 bushels; that their swine increased 2,503,224; their cattle 2,831,098. He further shows that within the same period the assessed value of real and personal estate of these States was augmented $2,810,000,000. These, to a great extent, are the direct results of immigration; and in the light of these facts the interest and duty of the Government are palpable. By all honorable and reasonable means it should tempt Europe to send her people to our shores. From 1850 to 1860 the immigration averaged, annually, 270,762, giving a total of 5,062,414. Within the next ten years, should the homestead policy continue, the number of immigrants will probably far transcend all precedent, while increasing multitudes from our older States will join in the grand procession toward the West. If Thurlow Weed wishes to use the public domain in paying our national debt, here is the process. It is simply to give heed to the divine injunction to "multiply and replenish the earth." It is to give homes to the millions who need them, and at the same time coin their labor into national wealth, by marrying it to the virgin soil which woos the cultivator. It is to compel the earth to yield up her fruits, so that commerce may transmute them into silver and gold. Thus only can we solve the problem of our finances, so far as the public lands are concerned. The project of paying a debt of $3,000,000,000, or even the interest on it, by the *sale* of these lands, is sublimely ridiculous; while the proposition to repeal the homestead law is a proposition to encourage speculation, to plunder the Government, to betray the just rights of millions by violating the plighted faith of the nation, to hinder the march of civilization, and to weaken the force of our example as a Republic, asserting equal rights and equal laws as the basis of its policy.

But I pass from this topic. I have adverted to it, partly because I desired to sound the alarm of danger in the ears of the people, and thus avert its approach, and partly because the considerations I have presented bear directly upon the measure now before the House.

Mr. Speaker, this rebellion has frequently, and very justly, been styled a slaveholders' rebellion. It is likewise a landholders' rebellion, for the chief owners of slaves have been the chief owners of land. Probably three fourths if not five sixths of the lands in the rebel States at the beginning of the war belonged to the slaveholders, who constituted only about one fiftieth part of the whole population of those States; while of the entire landed estate of the three hundred and fifty thousand slaveholders of the South at least two thirds belonged to less than one third of their number. I make my calculations from our census tables, and such other information as I find within my reach. The bill I have reported, therefore, contemplates no general seizure and confiscation of the property of the people in the insurrectionary districts. It looks to no sweeping measures against the rights of the masses, but simply to the breaking up and distribution of vast monopolies, which have made the few the virtual owners of the multitude, whether white or black. It is a bill to restore the people to their inalienable rights by chastising the traitors who conspired against the Government. It proposes to vest in the United States the lands which may be forfeited by confiscation in punishment of treason or of other crimes under municipal laws; by confiscation as a right of war, by military seizure, or by process *in rem;* and by sales for non-payment of taxes. The *quantity* of real estate which will thus pass from the hands of rebels cannot now be definitely determined, but in seeking to estimate it we should bear in mind one important consideration. The war which the rebels are waging against us is no longer a mere insurrection. It is not a grand national riot, but a civil, territorial war between them and the United States. Having taken their stand outside of the Constitution and rested their cause on the naked ground of lawless might, they have, of necessity, no constitutional rights. For them the Constitution has ceased to exist. They are belligerents, enemies of the United States. They still owe allegiance to the Government, and are still traitors, but they are at the same time public enemies, who have simply the rights of war and are to be dealt with according to the laws of war. The rights of war and the rights of peace cannot coexist in the hands of rebels. One party to a contract cannot violate it and yet hold the other bound; and hence the Constitution has nothing whatever to do with our treatment of the rebels, unless we shall see fit voluntarily to waive the rights of war and deal with them as citizens merely. I am not now uttering my own opinion, but the solemn judgment of the nation itself, speaking authoritatively through the highest court in the Union. According to the decision of that court a civil war between the United States and the rebels has been carried on for more than two years and a half. In the celebrated prize cases, decided last spring and reported in 2 Black's Reports, page 635, Judge Grier says, "The parties to a civil war are in the same predicament as two nations who engage in a contest and have recourse to arms;" that "a civil war exists and may be prosecuted on the same footing as if those opposing the Government were foreign invaders, whenever the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts cannot be kept open;" and that "the present civil war between the United States and the so-called confederate States has such a character and magnitude as to give the United States the same rights and powers which they might exercise in the case of a national or foreign war." Such, Mr. Speaker, is the law, as to the relations existing between the rebels and the United States. I am not arguing the point, because all argument is closed by this decision. The rebels are belligerents, and when they shall be effectually vanquished they will have simply the rights of a conquered people under the law of nations, that is to say, such rights as we shall choose to grant them according to the laws of war, untrammeled by the Constitution of the United States.

In the light of this settled principle, Mr. Speaker, I judge of the extent of rebel territory which must fall under our control. The war will increase in intensity and fierceness to the end. The exasperation of the rebels will naturally keep pace with our successes. Our war policy, which has been steadily growing more and more earnest and radical for the past two years, will not again become a "war on peace principles." The amnesty proclamation may reach the case of many, but should it reach even all who are not expressly excepted by its terms, there will still be an immense territory falling under our power. Sir, whether we have willed it or not, this is now a war of *subjugation*, and the law of nations must govern the parties and the settlement of the dispute. We shall not be confined to the penal enactments of Congress on the subject of treason, which require an indictment, a regular trial, and a conviction. The condemnation of rebel property need not depend upon the prosecution of its owner through a grand jury, who may be wholly or in part secessionists, nor upon his conviction by a petit jury of like character, nor upon the finding of a bill within any statute of limitations. Resting our case on the law of nations and the laws of war, we are not compelled to seek the land of the rebel through a trial which must be had in the county in which the offense was committed, and in which both court and jury may be in sympathy with the accused. The several penal acts of Congress on these subjects, and the ordinary safeguards of law applicable to the rights of citizens in a time of peace, are not in our way. The war powers of the Government, as asserted and defined in the fifth, sixth, seventh, and eighth sections of the confiscation act of July 17, 1862, point to a remedy as sweeping as it is just, namely, the military seizure, condemnation, and sale of the real estate of traitors and their abettors. A considerable quantity of land, it is true, may pass from the rebels by judicial proceedings against them for treason, and other crimes under municipal statutes. I know, too, that millions of acres must be forfeited by the non-payment of taxes. But independent of these sources of title, and by virtue of military seizure and condemnation alone, a very large proportion of the lands within the insurrectionary districts must vest in the Government of the United States.

If it be said that the Government has no right to confiscate the fee simple of rebel States, I meet it with a direct denial. In what I have said, I have taken this right for granted. I have never doubted it for a moment, and I shall not now argue the question. The honest refusal of the President, in last June, to allow Congress to touch the fee of rebels in arms against the nation, was the saddest and grandest mistake of his life. That the right to do so was disputed and debated in the last Congress, as it has been extensively in this, by some of our wisest statesmen and greatest lawyers, will hereafter be set down among the political curiosities of this century. Our fathers were not fools, but wise men, who armed the nation with the power to crush its foes as well as to protect its friends. "The Constitution was made for the people, not the people for the Constitution."

It was not designed as a shield in the hands of traitors, but as a sword in the hands of the Government to smite them to the earth. It recognizes the law of nations and the laws of war, nor was it possible for our country to escape them. The builders of our national ship did not so fashion and rig her that she could sail only in calm weather and over smooth seas, but they qualified her to ride out the fiercest tempest in safety, and to defy all pirates. That the nation in this struggle for its life against red-handed traitors and assassins has no power to confiscate their lands, is a proposition which gives comfort to every rebel sympathizer in the country, while it insults both loyalty and common sense. The people know better; and on this question their voice must be heeded. They do not believe, but they *know*, that the lands of rebels are subject to our power under the laws of war, as well as their personal property, their negroes or their lives. The Government, in the course of this struggle, has learned many lessons. Others are yet to be mastered. Having learned how to strike at slavery as the wicked cause of the war, and to arm the negroes in the national defense, it must now lay hold of the lands of rebels. I believe our triumph over them is not so near at hand as we generally suppose. The most terrific fighting of the war is yet to come. They do not dream of surrender, or compromise, on any conceivable terms. They will resist us, to the end, with a spirit as remorseless as death, and as bitter as the ashes of hell. They must be overcome and crushed by the powers of war, and we must employ, with all the might which can be kindled by the crisis, every weapon known to the law of nations. Congress must repeal the joint resolution of last year which protects the fee of rebel landholders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this, the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then "the red lightning of the people's wrath" must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; and nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the Government in blasting the power of the rebels forever.

I come then, Mr. Speaker, to the practical question involved in this bill. This conflict is to be ended by hard, desperate, and perhaps protracted fighting. We shall certainly win; and our triumph will inevitably divest the title to a vast body of land in the rebel States and place it under our control. I think it entirely safe to conclude that it will constitute more than half, and probably three fourths, of all the cultivated lands in the rebellious districts. It will certainly, in any event, cover many million acres. It will include all lands against which proceedings *in rem* shall be instituted, under the provisions of the act to suppress insurrections and to punish treason and rebellion, approved July 17, 1862; all lands which may be sold under the provisions of the act for the collection of direct taxes in insurrectionary districts, approved June 7, 1862; and all lands which may be sold under the provisions of the act to provide internal revenue to support the Government, approved July 1, of the same year.

What shall be done with these immense estates, brought within our power by the acts of rebels? One of two policies, radically antagonistic, must be accepted. They must be allowed to fall into the hands of speculators, and become the basis of new and frightful monopolies, or they must be placed under the jurisdiction of the Government, in trust for the people. The alternative is now presented, and presses upon us for a speedy decision. Under the laws of Congress now in force, unchecked by counter legislation, these lands will be purchased and monopolized by men who care far more for their own mercenary gains than for the real progress and glory of our country. Instead of being parceled out into small homesteads, to be tilled by their own independent owners, they will be bought in large tracts, and thus not only deprive the great mass of landless laborers of the opportunity of acquiring homes, but place them at the mercy of the lords of the soil. The old order of things will be swept away, but a new order, scarcely less to be deplored, will succeed. In place of the slaveholding landowner of the South, lording it over hundreds of slaves and thousands of acres, we shall have the grasping monopolist of the North, whose dominion over the freedmen and poor whites will be more galling than slavery itself, which in some degree tempers its despotism through the interest of the tyrant in the health and welfare of his victims. The maxim of the slaveholder that "capital should own labor" will be as frightfully exemplified under the system of wages slavery, the child of land monopoly, as under the system of chattel slavery, which has so long scourged the southern States. What we should demand is a policy that will guaranty homes to the loyal millions who need them, and thus guard their most precious rights and interests against the remorseless exactions of capital and the pitiless rapacity of avarice. The helpless condition of the poor of the rebel States, when capitalists shall have monopolized the land, is already foreshadowed in the recent report of Mr. Yeatman, of the western sanitary commission. He says:

"The poor negroes are everywhere greatly oppressed at their condition. They all testify that if they were only paid their little wages as they earn them, so that they could purchase clothing, and furnished with the provisions promised, they could stand it; but to work and get poorly paid, poorly fed, and not doctored when sick, is more than they can endure. Among the thousands whom I questioned none showed the least unwillingness to work. If they could only be paid fair wages they would be contented and happy. They do not realize that they are free men. They say that they are told they are, but then they are taken and hired out to men who treat them, so far as providing for them is concerned, far worse than their 'secesh' masters did. Besides this, they feel that their pay or hire is lower now than it was when the 'secesh' used to hire them.

"The parties leasing plantations and employing these negroes do it from no motives either of loyalty or humanity. The desire of gain alone prompts them, and they care little whether they make it out of the blood of those they employ or from the soil. There are, of course, exceptions; but I am informed that the majority of the lessees were only adventurers, camp-followers, 'army sharks,' as they are termed, who have turned aside from what they consider their legitimate prey, the poor soldier, to gather the riches of the land which his prowess has laid open to them. I feel that the fathers and brothers and friends of these brave men should have an opportunity to reap, under a more equitable system for the laborer, the reward of the months of toil and exposure it has cost to open this country to the institutions of freedom and compensated labor. If these plantations were required to be subdivided into parcels or tracts, to suit the views and means of our western men, say in farms of from one to two hundred acres, thousands would soon flock to the South to lease them, especially when it was known that one acre of ground there cultivated in cotton would yield, in dollars, ten times as much as at home. Besides, this subdivision would attract a loyal population, who would protect the country against any guerrilla bands that might infest it."

Mr. Speaker, the poor whites of the South will be as powerless to take care of themselves as the freedmen, unless the Government shall arm them against their masters. "Subdivision" of the land, as Mr. Yeatman says, would also secure a loyal population, since every man who has a home to love and to defend will naturally love his country. This rebellion will present the strongest temptations to land monopoly that were ever offered to the greed of avarice and power. The rich lands of the South have been cursed by this evil from the beginning, and without the interposition of Congress the system will be continued, and vitalized anew by falling into fresh hands. The degraded and thriftless condition of the people, the heritage of centuries of bondage, will pave the way for land monopoly in more grievous forms than have yet been recorded in ancient or modern times. Society cannot possibly be organized on a republican basis, because a grinding aristocracy, resting upon large landed estates, will convert the mass of the people into mere drudges and dependents. African slavery may not exist in name, but the few will practically control the fortunes of the many, irrespective of color or race. In such communities public improvements will necessarily languish. Wasteful and slovenly farming will stamp upon the country the impress of dilapidation, while reducing the productiveness of the soil and hindering the growth of manufactures and commerce. In the midst of large landed estates, towns and villages can neither be multiplied nor enjoy a healthy growth. The want of diversity of pursuits and competition in business will palsy the energies of the people. The education of the masses will be impossible, since the establishment and support of schools within convenient reach of the people cannot be secured. The proprietors of the great estates, as has been well remarked, will be feudal lords, while the poor will have no feudal rights. Under the tendency of a false system, society will steadily gravitate toward the example of South America and Mexico, where some estates are larger than two or three of the smaller States of our Union. The country will find its likeness in England, in which the smaller landholders are daily being swallowed up by the larger.

Says Dr. Channing:

"In the civilized world there are few sadder spectacles than the present contrast in Great Britain of unbounded wealth and luxury with the starvation of thousands and tens of thousands, crowded into cellars and dens, without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighborhood and presence of stately mansions, which ring with gayety and dazzle with pomp and unbounded profusion, shock us as does no other wretchedness."

Sir, the sympathy of the British aristocracy for the rebels is altogether natural. Land monopoly *is* slavery. The great English landlord looks upon the large slaveholders of the South as "brothers beloved," while the "sand-hillers" and "clay-eaters" of Carolina and Georgia are perhaps not more miserably degraded by unjust laws than the English agricultural laborer. Mr. Bancroft, describing the condition of Italy some two thousand years ago, says:

"The aristocracy owned the soil and its cultivators. The vast capacity for accumulation which the laws of society secure to capital in a greater degree than to personal exertion, displays itself nowhere so clearly as in slaveholding States, where the laboring class is but a portion of the capital of the opulent. As wealth consists chiefly in land and slaves, the rates of interest are, from universally operative causes, always comparatively high; the difficulty of advancing with borrowed capital proportionally great. The small landholder finds himself unable to compete with those who are possessed of whole cohorts of bondmen; his slaves, his lands, rapidly pass, in consequence of his debts, into the hands of the more opulent. The large plantations are continually swallowing up the smaller ones, and land and slaves come to be engrossed by a few."

This is not only an exact description of slavery as we have seen it in the southern States, but a parallel in principle to the system of aristocracy in England, founded on the monopoly of the soil. Travelers through that country speak of it as "thinly settled." Outside of the cities and towns this is true. Even the commons, on which the poor used to pasture their cattle and enjoy their games, are now inclosed by legalized land robbers. Those who demand a correction of these evils, in the name of justice and the people, are denounced as "agrarians," just as the enemies of slavery in this country are branded as "abolitionists." The slaveholding land monopolists of this country are to-day reaping the bitter fruits of their unrighteous domination. A retribution to the aristocracy of England, not less terrible, is as certain to come, as that pampered injustice finds no limits to its demands.

But I need not dwell longer upon the evils of land monopoly. The history of civilization furnishes an unbroken testimony to these evils, and thus pleads with us, in the organization of new civil communities, to fortify ourselves against them. A grand opportunity now presents itself for recognizing the principles of radical democracy in the establishment of new and regenerated States. We are summoned by every consideration of patriotism, humanity, and republicanism to lay the foundations of empire upon the enduring basis of justice and equal rights. No revolutionary or destructive measures are required on our part. We are already in the midst of revolution and chaos. Through no fault of our own, the foundations of social and political order in the rebel States are subverted, and the elimination of a great disturbing element opens up our pathway to the establishment of free Christian commonwealths on the ruins of the past. These States constitute one of the fairest portions of the globe. They are larger in area than all the free States of the North. They have a sea and Gulf coast of more than six thousand miles in extent, and are drained by more than fifty navigable rivers, which are never closed to navigation by the rigor of the climate. They have at least as rich a soil as the States of the North, yielding great wealth-producing staples peculiar to them, and two or three crops in the year. They have a finer climate, and their agricultural, manufacturing, and commercial advantages are decidedly superior. Their geographical position is better, as respects the great commercial centers of the world. The institution of slavery, which has so long cursed these regions by

excluding emigration, degrading labor, and impoverishing the soil, will very soon be expelled. The cry which already comes up from these lands is for free laborers. If we offer them free homesteads, and protect their rights, they will come. John Bright, in a recent speech at Birmingham, estimates that within the past year one hundred and fifty thousand people have sailed from England to New York. Let it be settled that slavery is dead, and that the estates of traitors in the South can be had under the provisions of the homestead law, and foreign emigration will be quadrupled, if not augmented tenfold. Millions in the Old World, hungering and thirsting after the righteousness of free institutions, will flock to the sunny South, and mingle there with the swarms of our own people in pursuit of new homes under kindlier skies. Immigration has not slackened, even during this war, and in determining the direction it will take it must be remembered that settlements have very nearly reached their limits in the North and West. Kansas and Nebraska are border States, and must so continue. Their storms and droughts and desert plains give a pretty distinct hint that the emigrant must seek his Eldorado in latitudes further south. In the new northwestern States the richest lands have been purchased, and vast portions of them locked up by speculators. Their distance from the great markets for their produce and their severe winters will also check emigration in that direction, and incline it further south, if lands can be procured there with tolerable facility. The rebel States not only abound in cheap and fertile land, with cheap labor in the persons of the freedmen to assist in its cultivation, but they possess great mineral resources. They have also extensive lines of railroads, which, in connection with their great rivers, bring almost every portion of their territory into communication with the sea.

Mr. Speaker, nothing can atone for the woes and sorrows of this war but the thorough reorganization of society in these revolted States. Now is the time to begin this work. We must not only cut up slavery, root and branch, but we must see to it that these teeming regions shall be studded over with small farms and tilled by free men. We must remember that "the best way to help the poor is to enable them to help themselves." We must guard the equal rights of the people as a religious duty, for "Christianity is the root of all democracy, the highest fact in the rights of man." Labor must be rendered honorable and gainful, by securing to the laborer the fruits of his toil. Instead of the spirit of Caste and the law of Hate which have so long blasted these regions, we must build up homogeneous communities, in which the interest of each will be recognized as the interest of all. Instead of an overshadowing aristocracy, founded on the monopoly of the soil, and its dominion over the poor, we must have no order of nobility but that of the laboring masses of the country, who fight its battles in war and constitute its glory and its strength in peace. Instead of large estates, widely scattered settlements, wasteful agriculture, popular ignorance, political and social degradation, the decay of literature, the decline of manufactures and the arts, contempt for honest labor, and a pampered aristocracy, we must have small farms, closely associated communities, thrifty tillage, free schools, social independence, a healthy literature, flourishing manufactures and mechanic arts, respect for honest labor, and equality of political rights. These ends, to a great extent, are provided for by the bill I have introduced, and no measure of more vital interest to the people has ever been submitted to the Congress of the United States. I voted for the bill which has passed this House providing for a Bureau of Emancipation, but I must regard this measure as a far better "freedman's bill" than that of my honorable friend from Massachusetts, for it provides for the emancipation of all races, and the freedom of labor itself. These regions, blighted by treason, must be cared for, or abandoned, by the General Government. The Heaven-daring conspiracy of rebels in arms has placed them, or will place them, at our feet. Shall we hand them over to the speculator, in the hope of thereby securing a revenue to pay our national debt? I have shown that the true source of revenue is the cultivation of the soil. The future of these rebellious States, involving the well-being of millions for generations to come, is now committed to our hands. We can reënact over them the political and social damnation of the past, or predestinate them to the blessedness and glory of a grand and ever-unfolding future. We can build up a magnificent constellation of free commonwealths, whose territory can support a population of more than one hundred millions, on the basis of free labor and a just distribution of land among the people, or we can again organize society after the pattern of Europe, and thus spare the hideous cancer, which, in the words of Chateaubriand, "has gnawed social order since the beginning of the world." Can we hesitate in dealing with so fearful an alternative? Shall we mock the Almighty by sporting with the Heaven-permitted privilege now placed before us? Shall we heap curses on our children, when blessings are within our grasp? Sir, let us prove ourselves worthy of our day and of our work. Let us rise to the full height of our sublime opportunity, and thus make ourselves, under Providence, the creators of a new dispensation of liberty and peace. Then, in the eloquent language of Solicitor Whiting, "the hills and valleys of the South, purified and purged of all the guilt of the past, clothed with a new and richer verdure, will lift up their voices in thanksgiving to the Author of all good, who has granted to them, amid the agonies of civil war, a new birth and a glorious transfiguration. Then the people of the North and the people of the South will again become *one* people, united in interests, in pursuits, in intelligence, in religion, and in patriotic devotion to our common country."

As regards the particular provisions of the bill before us, I need not occupy much of the time of this House. It has been printed, and gentlemen have had the opportunity of examining it for themselves. It has been prepared with much care, and with the assistance of some of the best lawyers in the Union. The first and second sections of the bill provide the methods by which the title of rebel landowners shall vest in the United States under the acts of Congress now in force on the subject of confiscation and revenue. I shall not discuss the *power* of the Government thus to acquire the title to this land, for it cannot be controverted without overturning all the legislation of the last Congress on the subject of confiscation, internal revenue, and the collection of taxes in insurrectionary districts. I have, in fact, already argued the question of power, in what I have said of our relations to the rebels as belligerents.

The third section provides for the survey of the lands in question as nearly as may be in forty-acre lots. This is deemed necessary from the fact that in several of the insurrectionary districts the old system of irregular surveys exists, and not the present or rectangular system. The section also provides for the appointment of necessary officers and their compensation, and contemplates the application and use of the machinery of the General Land Office within such districts.

The fourth section gives a homestead of eighty acres to all soldiers who shall have served in the Army or Navy two years, and forty acres to all persons who shall have aided in the military service against the rebels for any period of time, either as soldiers or laborers. It also extends the provisions of the homestead act of 1862 over these lands, and thus avoids any new and cumbersome regulations, and exacts a continuous residence of five years to consummate the title.

The fifth section provides that after keeping the lands open for homesteads for five years, those remaining vacant shall be sold at public sale. It prohibits the sacrifice of them by fixing a minimum price, which they must bring. It also requires the purchaser to comply with the preëmption act of 1841, prior to his receiving a patent, thus demanding a residence on the land, and precluding an accumulation of it in the hands of speculators. These safeguards look to the benefit of the mass, and not the interests of a few, even after homesteads have been selected. This section also provides that proof of loyalty shall be made by all persons claiming rights under the bill.

The sixth section, as will be seen, requires no comment. The seventh requires persons selecting improved lands to pay for whatever may be found of value on them, after an appraisement by persons regularly appointed for the purpose, and to pay the costs created by the proceeding. The effect will be that the expenses created by the act will be paid into the Treasury of the United States, and may exceed the expenditures which will be connected with its operations.

The eighth section establishes an obviously just if not a necessary rule of construction as to persons of color, giving them equal rights with white men, and extends the inchoate rights of a settler to his heirs, or widow, who may complete payments and make proof.

The ninth section places the execution of the act in the Department of the Interior, or that more immediately connected with the land system; and the last section repeals all laws inconsistent with the provisions of the act. I will only add that the act has nothing to do with real estate in towns, cities, and villages, which will, of course, continue to be sold as heretofore.

These, Mr. Speaker, are the material provisions of the bill. They embody principles which I have endeavored to vindicate, by argument and by fact. If I am right, then every moment of delay is a golden opportunity wasted forever. Under the present policy of the Government every passing day bears witness to the transfer of thousands of acres of forfeited lands to speculators. According to Judge Underwood, more than two hundred million dollars worth of property in the State of Virginia, chiefly real estate, should be confiscated by the Government. Thousands of acres are now being sold in the vicinity of this city. In September last the President of the United States issued instructions to the tax commissioners of South Carolina, providing for the sale of 40,845 acres, of which 24,316 acres were to be sold to the highest bidder, in tracts of 320 acres. The remainder was to be sold to the heads of African families, for such sums, not less than $1 25, as the Government should see fit to demand. These sales are portions of a lot of 76,775 acres offered on the 9th of last March, when 16,479 acres were sold to speculators; making an aggregate of 40,705 acres which will have been sold in large tracts, leaving for the negro only 16,479 acres, which he may *buy*, if he can raise the money to pay the price fixed by the Government. Such transactions as these, in Port Royal, where so much has been hoped for the freedman, are most significant. If any people have a divine right to these tropical lands, they are the slaves who have bought them, over and over, by their sweat and toil and blood, through centuries of oppression. Degraded and imbruited by servitude, mere children in knowledge and self help, we require them to compete for their homesteads with the sharpened faculties of the white speculator, schooled in avarice by generations of money getting, who believes that the almighty dollar is the only living and true God, and would "run into the mouth of hell after a bale of cotton."

Sir, our Government is false to its trust, infidel to its mission, if it shall lend its high sanction to such wanton injustice and wrong. Had I the power, I would give a free home on the forfeited land of rebels to every bondman in the insurrectionary districts. Let the Government, at least, give him an equal chance with our own race in the settlement and enjoyment of his native land. Less than this would be a mockery of justice and an insult both to decency and humanity. He is excluded from the northern States and Territories by their uncongenial climate, by his attachment to his birth-place, and by Anglo-Saxon domination and enterprise. Let the Government, which has so long connived at his oppression, now make sure to him a free homestead on the land of his oppressor. Let us deal justly with the African, and thereby lay claim to justice for ourselves. Let us remember, in the language of our patriotic Chief Magistrate, that "*we* cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. In *giving* freedom to the *slave*, we *assure* freedom to the *free;* honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless."

I now withdraw my amendment, and demand the previous question.

Mr. HOLMAN. I move the following modification of my amendment, and that it be added as a proviso to the sixth instead of the fourth section.

The Clerk read, as follows:

Provided, however, That no non-commissioned officer or private soldier or seaman who shall be at the time of such entry in the military or naval service of the United States, or who shall have been in such service for a period not less than three months and honorably discharged therefrom, shall be required to pay the ten dollars fee or the commissions mentioned in this act and the act to which this is an amendment: *And provided further*, That any such non-commissioned officer, private soldier, or seaman, being a citizen of the United States, or having declared his intention to become a citizen thereof in conformity with law, and having served in the military or naval service of the United States for a period of not less than two years and been honorably discharged, having made an entry of land in conformity with this act and the act to which this is amendatory, shall be entitled to the patent therefor at any time after having resided on or cultivated such land for a period of one year, and the widow, if unmarried, or, if no widow, the children of such non-commissioned officer, private soldier, or seaman, shall be entitled to such patent on like condition.

Mr. HOLMAN. Before my colleague calls the previous question, I desire to explain the effect of this amendment. It will be remembered that the original homestead act requires the payment of a fee of ten dollars at the time of making the entry of land by the party desiring to avail himself of the provisions of the act. This amendatory act reported by my colleague requires the additional payment of one per cent. upon the minimum value of the lands entered, to be paid at the time of entry, and one per cent. at the time the title is finally perfected, being two per cent. in addition to the ten dollar fee. These payments are in addition to the fees required to be paid the officers of the land office. The bill, as reported by my colleague, requires the payment of all of these amounts and fees by all persons, including soldiers, who may seek to obtain the benefit of the homestead act, and requires also a residence on and cultivation of the land for five years before a patent shall issue. My amendment provides that the soldier being in that service at the time of making entry, or having been in the service for the period of three months and honorably discharged from the service, shall not be required to pay either the sum of ten dollars or the two per cent. commissions upon making the entry and the final perfection of the title. That is the effect of the first proviso of the amendment.

The second proviso of my amendment is to the effect that a non-commissioned officer, private soldier, or seaman, having served for a period of not less than two years and been honorably discharged, shall be entitled to his patent for his quarter section of land after a residence and cultivation of one year; and if he shall die, his widow or his children shall be entitled to the benefits of this provision. Under the original act, and under the amendatory act also, as reported by my colleague —for the principle is not changed at all—a residence and cultivation of land for a period of five years is a prerequisite to obtaining a patent. And this applies to the soldier as well as the civilian. It seems to me there ought to be a discrimination between the soldier who has served his country faithfully and well during the present war and the citizens who have endured none of the hardships of the war, and, availing themselves of the absence of the soldier in the field, have gone and are going in vast numbers into these western States and Territories to locate the most valuable of the public lands under the provisions of the homestead act. Ought there not to be some discrimination? It seems to be manifest injustice that there should not be. You passed this homestead act in the midst of the war; the patriotism of the soldier has deprived him of its benefits, while the most valuable have been seized upon by the ever-ready patriots at home.

By our policy we invite from all sections of the world emigrants to come and take possession of our lands under this homestead act. That may be, in view of the future, a wise policy; but it is certainly, so far as the benefits of this law are concerned, a very unjust policy to the soldiers in the field, who during all the time have been debarred from the privilege of availing themselves of its benefits. Is it just, sir, to place them upon no better footing than citizens in civil life who have sacrificed nothing for their country, and have been able all the time to avail themselves of the provisions of the law, and those whom your bounty invites from all quarters of the world? Why, sir, too manifestly unjust to admit of a moment's argument. The discrimination is all against the soldier. There is not one feature in your policy in his favor. It is true, by the bill he may make his affidavit for entry before an officer in the field; but can he examine the land he would enter? This bill confers on the civilian the right to make the affidavit anywhere. There is another fact to which I desire to call the attention of my colleague, and that is, that the great body of soldiers who would be enabled to avail themselves of the benefits of this provision, and procure their title in a period of twelve months, and without the payment of the sums I have mentioned, are that class of soldiers who went into the public service when we were paying bounties of only $100. Their term of service is now nearly expired, and many of them, worn out by the vicissitudes of war, could accept this bounty at the hand of a grateful country. By this provision we could, in some degree, equalize the bounties. For since that class of soldiers entered the field we have adopted a more liberal system of bounties, and have paid $300, while townships, cities, and States have added their bounties, which have run up the sum in some instances to six or seven hundred dollars to a single soldier.

The effect of my amendment is, in some degree at least, to equalize between these two classes of soldiers. The soldier who went into the service nearly three years ago, and comes out of it upon the expiration of his term of service honorably discharged, is enabled to settle upon these public lands, and, upon a residence of one year, and without the payment of fees, perfect his title. You ought to give him this advantage. It would be unjust to refuse it.

The gentleman may say that the perfection of title within a period of twelve months is of no practical moment; but the experience of the last year has shown that it is of vast practical moment in determining the value of the homestead. A large portion of those who settled upon these public lands under the homestead provision have, even within a twelvemonth, for the purpose of making the title more secure, or for the purpose of making better entries and investments, or to secure more favorable locations, paid $1 25 per acre for their homestead and obtained a patent, rather than wait for the period of five years. The report of the Commissioner of the General Land Office establishes this fact. This provision, then, would place the soldier in some degree upon an equality with his fellow-citizens at home, and would enable him to avail himself of the benefits of this law without waiting the tedious process of five years' occupation. I regard this advantage of obtaining the title in one year of infinitely more moment than exemption from the payment of the fees. As the law is he can do nothing with the land until he occupies and cultivates it for five years; if he leaves it it is a total loss. Give him the title after a residence of one year, and if his location is not a good one, and he wishes to change his location, let him sell his land. Why not, sir?

I prefer myself that the moment a soldier returns from the war he should have the right to select his homestead upon the public domain, secured to you by his valor, and the moment that he and his wife and children have taken actual possession of it, that moment he shall be entitled to a patent, securing to him and his family against all accidents and contingencies, without fee or other charge, a home and a freehold in the soil of his country; but while I cannot obtain this, because as you say it would result to the benefit of speculators, I would still incumber the soldier as little as possible in securing a right which every other citizen enjoys, and from which he has been debarred by his devotion to his country.

The only argument made against that system is that it approximates to the old bounty-land system, and would inure to the benefit of speculators —that great body of men who prey upon the industry and sufferings of their fellow-citizens; but by this provision, requiring a residence of twelve months, that opportunity for speculation is entirely removed or materially diminished. But why such an argument? Congress is all the time granting vast bodies of land to railroad corporations, great and overgrown monopolies, and those lands go to the benefit of speculators, and generally of nobody else.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed bill of the House No. 199, to provide for carrying the mails from the United States to foreign ports, and for other purposes, with amendments, in which he was directed to ask the concurrence of the House.

Mr. ALLEY. With the permission of the gentleman from Indiana, I move that the House non-concur in the amendments of the Senate, and ask a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER thereupon appointed Messrs. ALLEY, COLE of California, and PRUYN, managers of said conference on the part of the House.

HOMESTEAD LAW—AGAIN.

The House then resumed the consideration of the bill of the Senate to amend the homestead law.

Mr. HOLMAN. During the last and also during the preceding Congress, you appropriated millions of acres of the public domain to these vast corporations. You will appropriate millions more during the present session of Congress, from all indications, for similar purposes, thus centralizing the public wealth, and monopolizing the public lands, and all for the benefit of speculators. You have made appropriations already for the benefit of agricultural colleges, institutions which must result to the benefit of but a handful of citizens, of something like ten million acres of the public domain. Speculators and monopolists will seize upon all this. There seems to be, indeed, a determination that the public land shall be exhausted, and exhausted for the benefit of speculators and those who are centralizing your wealth at the expense of labor. But when it is proposed to discriminate in favor of the soldier who has served his country faithfully and well in this terrible war, and give him some advantages over those who suffered nothing and lost nothing by the war, the argument is raised that you furnish facilities for speculation. Why, sir, you are furnishing them in every other shape that ingenuity can devise, and because this benefit to the soldier may in some instances inure to the benefit of speculation you deem it a sufficient argument to withhold the benefit.

My colleague talks about the fairness of partitioning the lands which you propose to confiscate in the South belonging to rebels, not to the soldiers—that seems to be a subordinate consideration—but to those who, according to his theory, are of all others by divine right entitled to them, the African population of the South. My colleague, no doubt under a paroxysm of political passion, is more mindful of the rights of that one class of persons than he is of the rights of that great body of men in whose behalf I speak, and who are the more entitled to public consideration because they are actually engaged in maintaining the common wealth of the whole nation, public domain and all, by putting down the rebellion, which would overthrow and destroy all.

My colleague would discriminate in favor of what he regards as the legitimate and proper population of the southern States, the African, but no discrimination in favor of the gallant soldier. Oh, no; this would destroy the symmetry of the bill!

Now, I think my colleague would discriminate very unwisely and unjustly. I say this without any reference to any prejudices in favor of our own race or against the negro. Three and a half or four millions of Africans remain right in the very hotbed of this rebellion, with your proclamations cast broadcast over the South inviting them to freedom; nay, your policy urged them to assert their freedom and pledges the nation to maintain it. No body of men in the world's history were ever so solicited to strike for their own rights. And yet they have remained perfectly indifferent and passive until your Army has reached them, idle spectators of the war. Not a blow has been struck, not an arm has been raised by them voluntarily in your support. They have not even sought, as many predicted, to avail themselves of the use of the implements of labor in their hands to wage war upon their masters. As you have reached them by the advance of your armies you have made them the special recipients of your bounties. Yet those who remain within

the rebel lines are as submissive as those you have taken under your care. You predicted that a proclamation of emancipation would recall the rebel from the army to defend and provide for his family. In all this your theories have been delusive.

These three or four million Africans—a number almost equal to the number of those who are attempting to overthrow the Government—have remained passive or submissive laborers for rebel masters, while your soldiers, who have suffered none of the wrongs of oppression and servitude, but inspired only by patriotism, leaving their homes and families, have invaded that region of rebellion to establish the supremacy of the Constitution of their country. As between these two classes of men, all prejudice aside, the one passive and indifferent under servitude, the other striving and striking and bleeding, my friend makes no discrimination whatever, or, if any at all, a discrimination in favor of the African and against the brave and gallant soldier who has imperiled life and all for the country.

My colleague speaks of the African as peculiarly entitled to the consideration of the Government; complains of the injustice done him in connection with the sale of lands in South Carolina; asserts that he is entitled to equality in the regenerated South, although he has not voluntarily raised an arm or struck a blow on behalf of the Government, or what gentlemen regard as the same thing, his freedom. I do not understand the doctrine. It claims for the negro, who does nothing even for his own freedom, more than you will yield to the white soldier, who has done all that mortal man could do. I would do all, sir, that humanity demands for the negro. I regret that he is a slave, and still more that he consents to be a slave. Yet I protest against the feelings that consider his rights in preference to those of the white soldier. The argument against my proposition, when fairly spoken, is that it will afford facilities for sharpers by inducing soldiers to sell their lands to those engaged in land speculation. That argument would deprive them of any property. In the instance referred to, Beaufort, South Carolina, where the Government has seized large bodies of lands and sold them at nominal prices to negroes and speculators, no restriction I believe has been imposed on the African, who buys the land at a merely nominal price. No, sir; that would never do. And yet this restriction is to be imposed on the most meritorious class of our fellow-citizens. The Government must withhold the title for five years for fear he might sell his land to a speculator! Very careful of the soldier! If any discrimination is to be made, as in legislation discriminations are generally made, it ought to be made in favor of those who have served their country well, who have imperiled their lives, who have encountered great hardships and dangers, and shown by their conduct and acts the highest devotion to their country.

I have believed, sir, and I still believe, that these public lands should have been appropriated for one of two objects: either as a foundation for the national credit, and to be ultimately applied to the extinguishment of the public debt, or else they should have been applied exclusively or mainly to the remuneration of that class of men who have sacrificed and suffered so much for their country in its hour of peril.

Mr. Speaker, the great body of the soldiers who enlisted during the first few months of the war relied upon receiving their land bounties. They knew that every soldier of the war of 1812 had received this bounty, even though he might not have served for more than a period of fourteen days. They knew that every surviving soldier of the war of the Revolution had received this bounty, that every soldier of the Mexican war and of the Indian wars had received it; and in the western country might have been seen posted up invitations to men to join the Army under a promise of their getting the bounty of a quarter section of land. In this they have been disappointed; but I insist on approaching as near to that policy as the public interests will permit. It is that idea which I have sought to embody in the proposition which I have submitted: a service of three months and an honorable discharge to entitle the soldier to his quarter section of land, without any payment; and a service of two years and an honorable discharge to entitle him to the patent for his land after a residence of one instead of five years, as provided by the bill.

As I know that this day is, to some extent, intended to be devoted to the consideration of private bills, and as the pending bill is unexceptionable, except so far as it fails to provide properly for that class of men for whose benefit I have submitted my amendment, I suppose the House will prefer to dispose of it without any general debate. My proposition is so manifestly right that I trust my colleague will, in view of its justice, assent to it, and that it will be adopted, and that the House will pass the bill thus amended.

Mr. JULIAN. Mr. Speaker, the measure before the House was duly considered by the committee of the Senate which framed the bill, and also by the House committee. Both committees agreed to the bill just as it is, making no exception or qualification as to soldiers except as provided in the sections which I explained on last Friday. It will be recollected that we allow soldiers to make the affidavits required by the homestead law before the officer in command, if they are on duty, and that if they have taken the initiatory steps required in the way of settlement and cultivation, and are afterwards called into the service, they shall not thereby lose their rights, but may save them in the manner pointed out in the bill as we report it.

If we proceed to make further exceptions, if we provide that the soldier shall pay no money as the condition of securing his title, and that one year's occupancy shall be sufficient, it is a precedent for a further departure from the homestead policy and a long step toward its overthrow. That policy looks to the *settlement* and *improvement* of the land. Indeed, this is its grand and redeeming feature. The bill before us corrects the practical defects in the homestead law of 1862, so that its benefits are fairly and equally opened to all; but the committee were unwilling, as I hope this House will be, to make any such radical departure from the principles of that law as my colleague proposes. I have, I trust, as sincere a regard for the soldier as any gentleman on this floor, not even excepting my colleague, but I protest against any measure which must necessarily lead to the mutilation if not the destruction of the homestead policy.

I do not desire to consume the time of the House by further replying to the points brought forward by my colleague, and which have been in the main totally foreign to the subject. He referred to the African question, which I have not mentioned in the discussion of this bill, and which has nothing to do with the vote we are about to take. I have been known to talk on that subject when it was in order, but I do not propose to enter upon it today with my colleague, who seems so much to relish it. Dismissing it, with the long and irrelevant diatribe to which he has treated us, and hoping that the bill will pass just as it came to us from the Senate, I demand the previous question.

Mr. HIGBY. I ask the gentleman to withdraw the demand for the previous question.

Mr. JULIAN. I yield to my colleague on the committee.

Mr. HIGBY. Mr. Speaker, there is another good reason why the amendment of the gentleman from Indiana [Mr. HOLMAN] on the other side of the House should not be adopted. This bill as it has been prepared and passed the Senate has been under consideration by the Committee on Public Lands. It has been reported unanimously by that Committee on Public Lands, containing a provision by way of fees to make up the want of salary on the part of certain officers, those officers of the United States who are not supported by their present salaries even in connection with fees. Provision has been made in the amendments to the homestead bill by which a certain increase of fees is made to those officers. The provision is not to raise their salaries, cut down some time previously. There will not be an increased burden upon the Treasury. A requisition is made upon those who enter lands to pay certain increased fees. If this amendment prevails it will strike at the merits of the bill before the House, and almost render it a nullity. If the soldier does not have pay enough, according to the opinion of the gentleman on the other side of the House, who seems to be trying to be a more ardent friend of the soldier than any one on this side, let him seek some other remedy by which the soldier will have a certain remuneration without striking at the vitality of the bill. I hope that the bill will pass without the amendment of the gentleman from Indiana, and that the whole work of the House and Senate committees thus far will not be destroyed.

Mr. DRIGGS. With the gentleman's permission, I will make a single remark. If the gentleman's amendment prevails, certain provisions of the bill will become nugatory, especially where it is provided that for all personal effects the parties entering the land should give security to pay for them within five years. If after a residence of one year the soldier is to get a title, how can that provision be carried out?

Mr. HOLMAN. I will answer that.

Mr. DRIGGS. I will make one further remark. The man who will not pay ten dollars for forty acres of land will not occupy it. It is simply to pay for the expenses of survey, and I do not think there is a soldier who would accept the privilege and refuse to pay these expenses.

Mr. HOLMAN. I ask the gentleman to yield to me.

Mr. DRIGGS. I will, if the gentleman will renew the demand for the previous question.

Mr. HOLMAN. I will.

Mr. Speaker, it will be understood by any gentleman who reads the bill carefully that the proviso does not conflict with any provision or affect its vitality. The gentleman from California is mistaken. My proviso will make the soldier entitled to the title of this land without the payment of money, and the other class will have to pay ten dollars; and he will get his patent after a residence of one year, while they will have to wait five years. It is only a discrimination in favor of infinitely the most meritorious class of persons. I renew the demand for the previous question.

The previous question was seconded, and the main question ordered.

Mr. STILES demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 54, nays 58; as follows:

YEAS—Messrs. James C. Allen, Ancona, Anderson, Augustus C. Baldwin, Jacob B. Blair, Bliss, James S. Brown, Chanler, Clay, Coffroth, Creswell, Dawson, Denison, Dumont, Eldridge, Hall, Harding, Harrington, Charles M. Harris, Herrick, Holman, Kalbfleisch, Kernan, Long, Mallory, Marcy, Middleton, Daniel Morris, Morrison, Amos Myers, Noble, Odell, John O'Neill, Orth, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, James S. Rollins, Ross, Smith, Stebbins, John B. Steele, Stiles, Strouse, Stuart, Wadsworth, Ward, Webster, Whaley, Wheeler, and Yeaman—54.

NAYS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Boutwell, Brandegee, Broomall, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Donnelly, Driggs, Eckley, Eliot, Fenton, Frank, Gooch, Higby, Hotchkiss, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Leonard Myers, Norton, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, Stevens, Thayer, Upson, Elihu B. Washburne, Wilder, Wilson, and Windom—58.

So the amendment was rejected.

During the call of the roll,

Mr. McDOWELL stated that he was paired off with Mr. WASHBURN, of Massachusetts.

Mr. L. MYERS stated that Mr. O'NEILL, of Pennsylvania, was paired off with Mr. STEELE, of New Jersey.

The result was then announced as above recorded.

The bill was then ordered to be read a third time, and it was accordingly read the third time.

Mr. JULIAN demanded the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the bill was passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SPEAKER PRO TEMPORE.

The SPEAKER. The House yesterday authorized the Speaker, when compelled to be absent on Saturdays, to designate some gentleman to act as Speaker *pro tempore*. As the Speaker will be absent to-morrow he designates the gentleman from Illinois [Mr. WASHBURNE] to act as such to-morrow.

ANNALS OF CONGRESS, ETC.

Mr. SMITH. I rise to a question of privilege. I am directed by the select committee to whom was referred the resolution in reference to Gales & Seaton, to report back the resolution with a recommendation that it should pass.

The resolution was read, as follows:

Resolved, That the Clerk of the House be directed to execute the resolution of the House of the 29th of May, 1862, ordering him to supply the House library with a certain number of Congressional Annals and Debates, so far as to pay the publishers for the volumes delivered prior to the passage of the resolution of the 9th of June, 1862, rescinding the resolution of May 29 aforesaid.

Mr. SMITH. I desire simply to say that from all the evidence before the committee they were decidedly of the opinion that after the passage of the resolution of the 29th of May, 1862, Mr. Seaton proceeded to deliver to this House the number of books contemplated by the resolution as it passed on that day; and in his conference with the Clerk, Mr. Etheridge, at that time he made an effort to secure from him an order for the books and his pay as contemplated under that resolution. Etheridge stated to him that there was no money belonging to the contingent fund of the House, or only a few dollars, and consequently he was unable to pay the money. He half made a statement to Mr. Seaton at that time that there would be an effort made in the House to reconsider that resolution; and the committee believe that whatever books Seaton delivered under that resolution he delivered in good faith, believing that when the House made an appropriation therefor he would be paid for them. There was no circumstance connected with the whole case, so far as the committee could discover after the examination of several witnesses, to induce the committee to believe otherwise than that the whole transaction was fair and just. The books having been delivered in good faith under the resolution, the committee are of opinion that it is the duty of the House to see that that resolution is carried out.

I call the previous question upon the passage of the resolution.

Mr. A. W. CLARK. I ask the gentleman from Kentucky to withdraw that call for a few minutes. I will renew the demand.

Mr. SMITH. I withdraw the call with that understanding.

Mr. A. W. CLARK. Mr. Speaker, I will briefly state what I know of the matter under consideration. Early in the extra session of Congress in July, 1861, a memorial came to the Printing Committee, of which I had the honor of being a member, asking Congress to buy of Messrs. Gales & Seaton one hundred copies of their "Annals of Congress and Register of Debates." On inquiry it was found that they would cost the large sum of $35,500, or $355 per set, embracing, as they did, seventy-one volumes. The proposition was not for a moment entertained, because the situation of the finances of the country forbade the idea of so large an expenditure for books which were not needed. The proposition was not renewed at that session; but at the first regular session, commencing in December of the same year, it was again brought to the notice of the committee by a resolution offered by some member of the House and referred to them. It was the subject of discussion in the committee; and late in the session a majority of the committee determined to report in favor of the purchase, and the resolution passed the House by a small majority. I dissented from the report of the committee, and made a brief statement to the House, giving the number of the same works already in the libraries of the House and Senate, and also of those still in wrappers which had been bought by the Government and placed in a store-room of the Capitol, which had never been opened. The number at that time in the House library was eighty-five *perfect* sets of the whole work and fifteen imperfect ones. In the Senate library there were, I think, thirty-five perfect sets and fifteen imperfect ones. The number in wrappers about forty, all perfect. Thus the Government at that time was in possession of at least one hundred and sixty perfect copies of the work sought to be sold to them by the resolution. The same number is now on hand. On the 9th day of June the resolution was rescinded by a vote of the House by a majority of some fifteen or eighteen. Those gentlemen who are now urging the passage of a resolution instructing the present Clerk of the House to receive and pay for the books claimed to have been delivered to his predecessor, do so on the ground that they were actually delivered and duly received between the time of the passage of the resolution ordering them and the one rescinding that order.

Now, Mr. Speaker, I will state the facts of the case, and in this statement I am fully corroborated by the evidence of Mr. Etheridge, the Clerk of the last Congress, taken before the committee of investigation, of which the honorable gentleman of Kentucky is chairman. I suspect no one will charge him with making statements *against* the publishers of the Intelligencer which facts will not warrant. Soon after the passage of the first resolution, ordering him to purchase the books, (the next day I believe,) I went into his room and advised him not to give the order for them at once, as I knew, or thought I knew, the temper of the House so well on this subject, that they would rescind the resolution when there was a full House. He at once replied that he had already been applied to by Messrs. Gales & Seaton for an order for the books, but that he had declined giving it, on the ground, first, that there was no money in the Treasury to pay for them; and second, that he knew there was to be a contest over it, and *he did not choose to take the responsibility of settling it*, as he would do by giving an order. About a week after this time he told me that Messrs. Gales & Seaton had attempted to deliver the books, but that he refused to receive them, giving to them the same reasons for doing so that he did when the order was asked for. The man who had them in charge asked permission to store them in one of the rooms of the Capitol, as there they would be much less exposed to fire than at the printing office. He (the Clerk) allowed him to pack them away in an unoccupied room, *with the express understanding between them* that he did not by thus granting the privilege in any manner consent to accept of the books. After depositing them in the store-room the agent of Messrs. Gales & Seaton locked the door, and took the key away with him, and it is now in possession of the gentlemen owning the books.

I know there is a high regard entertained by the gentlemen of this House for the surviving member of this firm, a regard and esteem justly earned by a long life of usefulness and upright conduct, and this will, I know, incline many to vote for a resolution appropriating the money, as it is supposed, in his behalf. But I would say to such gentlemen that facts were developed before an investigating committee in the last Congress on this very question, showing that he will be a recipient of but a small amount, if any, of the sum should the resolution pass. Parties swore before that committee that a large proportion of it was due them, and it was on this account they were endeavoring to lobby it through the House. That evidence is now in possession of a member of this House, and if any one desires to hear it he will, I have no doubt, be glad to communicate it.

When all these facts are before the House, if gentlemen feel disposed to vote an expenditure of $35,500 for what is not necessary for the use of the House, and for which there is no just claim, while there are so many honest demands upon the Treasury which are suspended for the want of means to meet them, I shall be mistaken in their sense of justice. I renew the demand for the previous question.

Mr. WILSON. I ask the gentleman from New York to withdraw the demand for a moment.

Mr. A. W. CLARK. I renewed the call upon agreement with the gentleman from Kentucky.

Mr. WILSON. Will the gentleman from Kentucky yield to me?

Mr. SMITH. I cannot.

Mr. WILSON. I ask, then, unanimous consent to make a few remarks.

No objection was made.

Mr. WILSON took the floor.

Mr. SMITH. I understood the previous question was called by the gentleman from New York.

The SPEAKER. That is so; but the gentleman from Iowa has unanimous consent to occupy the floor.

Mr. WILSON. I do not intend to occupy time in submitting any remarks upon this question.

Mr. STILES. I desire to make an inquiry of the gentleman from New York.

Mr. WILSON. I shall be through in a few moments. I wish that the evidence which was taken by the special committee appointed by the Thirty-Seventh Congress to investigate this job shall be placed before the House. I have always had my doubts about the powers of the House to direct the payment of money for this purpose out of the contingent fund of the House; and I understand that Comptroller Whittlesey, during his lifetime, passed upon that question—and I believe in relation to this very case—in which he stated he would not approve a claim based upon a resolution of the House directing the payment of money to purchase books, such as are now proposed, out of the contingent fund of the House.

Mr. WASHBURNE, of Illinois. The gentleman from Kentucky [Mr. SMITH] has made a report from a special committee. I trust that he does not intend to ask the House to act upon that report before it is printed, together with the evidence taken, so that we may see how this matter stands. I think that he ought to postpone it.

Mr. SMITH. If gentlemen will take their seats and listen to me for a minute and a half, I believe I can show them that there is no necessity for postponement.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate insisted on its amendments disagreed to by the House to the bill of the House (No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Messrs. COLLAMER, CONNESS, and BUCKALEW managers of the conference on the part of the Senate.

ANNALS OF CONGRESS—AGAIN.

The SPEAKER. The gentleman from New York [Mr. A. W. CLARK] demanded the previous question.

Mr. WINDOM. He yields to me for the purpose of introducing some of the evidence asked for.

The SPEAKER. Then the previous question is withdrawn. The Chair understood the gentleman from Kentucky [Mr. SMITH] to demand the previous question, but he yielded to the gentleman from New York [Mr. A. W. CLARK] on his promise to renew it. The Chair now understands the gentleman from New York to withdraw the previous question to allow the gentleman from Minnesota [Mr. WINDOM] to speak.

Mr. SMITH. I withdrew the previous question and yielded to the gentleman from New York with the request and with the understanding of an agreement on his part that he would renew the call when he got through.

Mr. WINDOM. I believe I have the floor.

The SPEAKER. The Chair thinks not at present.

Mr. WINDOM. I have some evidence here which I think would be very interesting to the House.

The SPEAKER. If the gentleman from Kentucky yielded the floor to the gentleman from New York with the understanding that he would renew the call for the previous question, then the gentleman from New York has control of the previous question, and can withdraw it. It is a question between him and the gentleman from Kentucky whether he carries out the agreement between them. He now withdraws the previous question.

Mr. WINDOM. I understand, then, that there is some disagreement, and that I am not entitled to the floor.

The SPEAKER. The Chair recognizes the gentleman from Minnesota, the previous question having been withdrawn.

Mr. SMITH. When I yielded the floor to the gentleman I did it with the distinct understanding that he would call the previous question, thereby giving me, as I presumed, a right to control the matter as chairman of the committee. I understand that he has now transferred the floor to another gentleman; and I shall know hereafter how to act in matters of this kind.

Mr. WINDOM. I will yield to the gentleman from Kentucky when I have made my remarks.

Mr. SMITH. Understand me that I do not wish to prevent a full and free discussion of this

question. I am willing to have all the facts brought out. I am willing that every member upon this floor shall discuss it, and that all the testimony in the case shall be heard; and I believe that Mr. Seaton is willing that everything shall be known and understood, so that his claim shall be fully and fairly vindicated.

Mr. WINDOM. I desire to occupy the floor for a very few moments in response to the question asked by the gentleman from New York with reference to this evidence.

I do not propose to discuss the history of this book job, as it was styled at the time, for that has been detailed by the gentleman from New York [Mr. A. W. CLARK] from its origin in the Committee on Printing down to the time when it was finally rescinded.

I believe this claim is now based on what is said to have been a contract with this House by reason of the delivery of these books by Gales & Seaton after the first resolution was passed.

Mr. A. W. CLARK. I ask the gentleman from Minnesota to yield to me for a moment.

Mr. WINDOM. I will for one moment.

Mr. A. W. CLARK. I understand that I have transgressed one of the parliamentary usages of the House in yielding to the gentleman from Minnesota, and, if that is so, I should be glad if he would yield the floor to the gentleman from Kentucky.

Mr. WINDOM. Certainly, I will yield the floor if it has been improperly accorded to me.

Mr. SMITH. Oh no; I do not ask that.

The SPEAKER. The Chair would state that when a gentleman yields the floor to another with the understanding that he shall move the previous question, the gentleman to whom the floor is yielded has control of the previous question; and the gentleman from New York having demanded the previous question, he had a right to withdraw it.

Mr. WINDOM. I said that this claim of Gales & Seaton is based upon an alleged delivery of these books to the House after the passage of the first resolution. The remarks that I desire to make shall be addressed to that point, and to some of the circumstances bearing upon the good faith of that delivery.

I happened to be somewhat conversant with that transaction at the time, and afterwards to be a member of an investigating committee raised for the purpose of examining as to the good faith of that transaction. Immediately after the passage of the first resolution authorizing the late Clerk to purchase one hundred sets of this book, as is shown by the testimony taken yesterday before the select committee, these parties made application to the Clerk of the House to accept said books. They were in hot haste to get an acceptance from him which would bind the House. They knew, as I believe the circumstances show, that an effort would be made to rescind the resolution, and hence they thought if they could secure an acceptance of the books by the Clerk of the House they would have a sort of implied contract upon which they could come in afterwards with a resolution of this kind and secure pay for them. The Clerk of the House of Representatives told them, as he says, that there was no money to pay for those books. He says he had two reasons for not accepting them. One was that the contingent fund was exhausted; and the other was that he believed, from the character of the opposition to the original resolution, that it would be rescinded, or an effort made to do so, and he did not want to settle that question.

It was known, I believe, all through the House, it was known by all the lobbyists who thronged the passages about this Hall, that an effort would be made to rescind the resolution. Hence their haste to secure from the late Clerk an acceptance of these books. The Clerk never officially accepted or received them. He told the parties he would not thus accept them; and he referred them to Mr. Lanman, librarian of the House, who, he said, could probably find a room in the Capitol where the books could be stored for safe-keeping, Messrs. Gales & Seaton claiming that the books were then in an old wooden building where they were liable to destruction by fire. The librarian of the House of Representatives gave them a room in this building for their own benefit and security, and delivered to them the key. The testimony before the select committee yesterday shows that Gales & Seaton have kept the key ever since, and have had entire control of the room. And now, sir, because they have been thus furnished, without charge, with a safe and convenient store-room for their books they come in here and claim that we are in honor bound to pay for them. There is, in my opinion, no contract express or implied, and no obligation of law or conscience on which such a claim can be based. It is simply an effort, too often made, to play a sharp game on the House, and then get paid for it.

It seems to me that there was an undue desire manifested by some party—I will not say by Messrs. Gales & Seaton, for I charge nothing upon them, but by their friends and creditors—to force this claim through the House. The testimony taken before the investigating committee to which I have referred may throw some light on this point. Immediately after the passage of the rescinding resolution the correspondent of the New York Tribune made a charge, in the following words:

"No member of the House had the hardihood to move a reconsideration of the vote by which the resolution was rejected. We have reason to believe, however, that a careful search for a pliable man was instituted, and that some persons were approached ostensibly on behalf of the friends of the resolution with offers of a pecuniary nature. It is too late now to enter a motion for reconsideration."

Thereupon a member from Vermont (Mr. Walton) moved a committee of investigation to inquire into the facts, and to ascertain whether any efforts of a pecuniary nature were made to secure a reconsideration of the vote. The committee was appointed, and I read their unanimous report:

"The select committee, to whom the resolution of the House, offered by Hon. E. P. Walton, was referred, directing an investigation of the charge made by the correspondent of the New York Tribune, 'that he had reason to believe that a pliable man had been searched for to move a reconsideration of a resolution,' and 'that some persons were approached, ostensibly on behalf of the friends of the resolution, with offers of a pecuniary nature,' beg leave unanimously to submit the evidence in the case, with the following resolution, and ask to be discharged from a further consideration of the subject:

"*Resolved*, That, after a full investigation of the case, we are unable to discover that any approaches of a pecuniary nature were made to any members of this House, either by those interested in the proposed measure or others; but they do find evidence that indirect but unsuccessful efforts were made, through third parties, to obtain the influence of officers of the House, sufficient to found the charge made by the Tribune correspondent, and therefore cannot discover that he has been guilty of any breach of privilege awarded to him as a reporter in the House."

I will also read a few extracts from the evidence taken before that committee:

Testimony of Mr. Closse.

"*Question.* Did you ever offer Captain Darling anything to get some one to move a reconsideration?

"*Answer.* I had a talk with Captain Darling; I think he spoke to me first. Something was said about an effort being made to get a reconsideration of the vote. This was on the next day after the resolution was defeated, and when the House was in session. I don't remember all that was said. I think I did not offer him any consideration directly. I merely spoke of what I understood the rumor to be, that they were offering money to get a reconsideration of the vote. I had no money to offer myself, and was not authorized to offer any. I was not interested in it. I heard it said by several that the parties would probably pay money to get a reconsideration of the vote.

"*Question.* Can you tell me the name of any one person who said they would pay money for such purpose?

"*Answer.* I think I heard a Mr. Cowan, of Georgetown, mention it, and a Mr. Gibbs. Hearing these parties wanted to get a reconsideration, I went for the purpose of ascertaining how the thing stood. I went to see two members of the House and asked them to move a reconsideration, and they both refused.

"*Question,* (by Mr. RICE.) Had any person asked you to make an effort to procure a reconsideration; and if so, who?

"*Answer.* I think Mr. John Coyle asked me if I could get anybody to move a reconsideration. There were others spoke to me about it, but I did not pay any attention to it, for I supposed Mr. Coyle represented the interest of Gales & Seaton, whatever they had. He has been in that office as book-keeper, or in some other capacity, for several years. That is my understanding of his relation to the office.

"*Question,* (by Mr. RICE.) Was anything said to Mr. Coyle in relation to compensation to yourself or any one else for procuring said reconsideration?

"*Answer.* Mr. Coyle gave me to understand that the parties could afford to pay something rather than lose the resolution; I did not care to make any terms with the parties until I could ascertain what could be done; I soon ascertained that in my judgment it was past resurrection; I asked him how much funds they had on hand that they could afford to pay to get the resolution through; I think he said they could better pay ten or fifteen hundred dollars rather than lose the resolution; I understood that he intended it for anybody who could get the resolution reconsidered; I saw him (Coyle) two or three times during that day about the passages in the Capitol, and I reported to him that I could do nothing.

"*Question.* What is your business?

"*Answer.* I am a lawyer; this is not my residence, though I have been here several years prosecuting claims before the Departments.

"*Question.* Are you one of the friends of the Intelligencer?

"*Answer.* I am.

"*Question,* (by Mr. GRIDER.) Did you wish to be understood as saying that Mr. Coyle offered you a bribe to procure a reconsideration of the vote alluded to in the House of Representatives, and if he did, by whose authority was the offer made?

"*Answer.* I did not understand he offered me any bribe at all; I do not think Mr. Coyle is capable of offering a bribe to any one who is not the subject of a bribe."

Mr. SMITH. May I request the gentleman from Minnesota to read the testimony of Mr. Coyle on that same subject?

Mr. WINDOM. I will have it read.

Mr. WASHBURNE, of Illinois. If the gentleman from Minnesota will give way for a moment, I will suggest that all of this testimony, as well as the testimony taken before the recent committee, shall be printed, and the whole subject referred to the Committee of the Whole on the state of the Union, where it can be fully discussed.

Mr. WINDOM. I do not yield for the purpose of the motion.

Mr. WASHBURNE, of Illinois. I hope the gentleman will yield for that motion before he concludes.

Mr. WINDOM. I will, unless the gentleman from Kentucky [Mr. SMITH] shall insist on the agreement with him.

Mr. SMITH. I wish to say that the committee had this testimony before them, and that they concluded it had nothing to do with the resolutions of the House.

Mr. WASHBURNE, of Illinois. If the gentleman will permit me, I will remark that it seems that the gentleman from Minnesota [Mr. WINDOM] thinks it has a great deal to do with this question. Let the whole of the testimony be printed, so that every member may see it. The gentleman from Kentucky ought to have the testimony taken before his own committee printed and laid upon our tables before he asks us to vote for this resolution which he has brought in.

Mr. SMITH. The testimony has been read, and the gentleman is lawyer enough to decide now as well as at any other time.

Mr. WASHBURNE, of Illinois. There has been such confusion in the House that I could not hear all of the testimony that has been read.

Mr. DAWES. Has the committee had before them a letter which was written by the Clerk of the last House touching this matter?

Mr. SMITH. We had no letter from the Clerk; but we had a letter from Gales & Seaton containing substantially the facts given by the Clerk.

Mr. DAWES. I read a letter of the last Clerk, of which I have some recollection, and I should like to have it before the House.

Mr. SMITH. Mr. Etheridge was before the committee and gave a full statement of all of the facts.

Mr. DAWES. There was an interesting letter from the last Clerk, and I would ask the gentleman if he knows what has become of it.

Mr. SMITH. I have not seen the letter.

Mr. WINDOM. I know that this testimony was presented to the select committee, and I have been astonished it made no more impression upon them. I desire it to be submitted to the House, that we may see if it will not make a better impression here.

Mr. SPALDING. That testimony was presented to the select committee, and such portions as were pertinent were considered by them. When the gentleman gets through, I will in five minutes state the case as it appeared by the testimony before the committee. I will do it in as few words as possible.

Mr. WINDOM. I will read further from this evidence. Here is an extract from the testimony of William S. King, Postmaster of the House of Representatives:

"The morning after the vote was taken on the proposition of the Intelligencer job, and lost, as I stepped into the House I was asked by a gentleman if I wanted to make some money. I told him I always wanted to do so when I could honestly and decently. He asked me if I could find a friend among the members of the House who would move a reconsideration of a certain vote. I told him it would depend upon the character of the vote, and asked him what it was. He said it was the vote which I have referred to, that the parties desired the reconsideration, and that $1,500 could be had if I would find a man that would move it."

In addition to that, there is testimony in these

papers that Captain Darling, chief of Capitol police, was also approached by these gentlemen in the lobbies around this Hall. He was informed that he might have $1,500 if he could procure a reconsideration of the vote. I do not say that Gales & Seaton or anybody else directly offered to pay $1,500 for a reconsideration; but we know that these claim agents about the lobbies are not dull but astute men, and the impression was general among them that ten or fifteen hundred dollars would be paid to any one who could get a reconsideration moved. Mr. Coyle swears, "I am aware that he did not offer that amount of money, or any other amount, but that he did say or might have said, that he would rather lose ten or fifteen hundred dollars out of his own pocket than that this vote should not be reconsidered." At all events, these simple-minded lobby men received the impression that they were to get ten or fifteen hundred dollars, and at once went to work to procure a reconsideration. I submit to the House whether there was not some good reason for their belief.

Mr. J. C. ALLEN. Read the testimony of Mr. Coyle.

Mr. WINDOM. The gentleman from Maine [Mr. RICE] will do that in a moment.

Mr. MALLORY. If the gentleman from Minnesota believes that the testimony about money having been offered is all false, not a particle of ground for it, and that Mr. Coyle told the truth when he stated that no money had been offered for such a purpose, why does he read these facts?

Mr. WINDOM. Did I state that I disbelieved that testimony?

Mr. MALLORY. I think you did.

Mr. WINDOM. I do not think so; but if I did I did not mean to, for I do not believe that that testimony is false. I yield now to the gentleman from Maine.

Mr. RICE, of Maine. I will read the testimony of Mr. Coyle.

"John F. Coyle sworn.

"*Question*, (by the chairman.) What is your business?

"*Answer*. I am employed as book-keeper in the office of the National Intelligencer in this city. Have been employed in that office about twenty-one years.

"*Question*. Will you please state what you know in relation to the matter of investigation contained in the papers here shown to you touching the charge in the New York Tribune against members of Congress or others concerning the Intelligencer book job?

"*Answer*. In consequence of the pecuniary embarrassments of the Intelligencer office, I had made advances to keep the paper in operation, and was incidentally interested to have the resolution pass; and between the time of the passage of the resolution and the time of its being rescinded, about three hundred dollars had been expended to prepare the books for delivery, and that sum and other advances had been made by me or procured upon my credit for the use of the office, upon the faith of the resolution. I used every legitimate effort in my power to procure the passage of the resolution, and also effect the reconsideration of the vote whereby the last resolution was defeated. All I did to effect said reconsideration was this: I had understood from Mr. Rollins, of Missouri, that Mr. Hanchett, of Wisconsin, had expressed his willingness to vote for the resolution if his vote should be necessary to secure its passage. I then asked my friend, Mr. Porter, of Missouri, a constituent of Mr. Rollins, to see him and ask him to get Mr. Hanchett to move the reconsideration; this was all after the defeat of the second resolution. I understood that Mr. Hanchett declined to submit the motion, and thereupon I went to Mr. Mallory, of Kentucky, Mr. Phelps, of Missouri, and Mr. Segar, of Virginia, and perhaps others, and asked them to make an effort to get some one to move the reconsideration. I did not request these gentlemen or any other person to use such influence and efforts other than as a friendly act. I never offered, or intimated to any person that money could be had or would be paid to effect such object. I have no recollection of having said to any person that the parties or myself could afford to pay money rather than have the resolution fail. I might in my disappointment at its defeat have made the usual observation that I would rather have lost money or something of that kind rather than have it fail. All my efforts were directed toward Mr. Hanchett, as before stated, until I heard he declined to make the motion to reconsider, which was within one hour of the adjournment of the House on the day after the failure of the resolution.

"*Question*, (by the chairman.) Do you know a Mr. Closse, and if so, did you ask him to use his efforts to effect the reconsideration of said vote, and did you offer or suggest to him that money could be had or would be paid to effect it?

"*Answer*. I do know Mr. Closse. I did not seek his aid for that purpose. If Mr. Closse has stated that I made any such effort, or suggested to him the payment of money in any manner, it was in the manner as before stated, and not with any purpose to make him any offer for services or efforts of a corrupt or improper character. I might have asked his aid as I did others, but only in a friendly manner. If I had any such conversation with Mr. Closse it was immediately before the adjournment aforesaid, and after I had heard that Mr. Hanchett had declined to make the desired motion.

"*Question*, (by Mr. GRIDER.) Have you or not read or been told what Mr. Closse stated before the committee upon his examination?

"*Answer*. I never read what Closse stated, nor do I know what Closse stated. I never conversed with any of the committee.

"*Question*. State whether or not your agency was or not superinduced from the fact that you had advanced for the Intelligencer.

"*Answer*. That was one inducement, and my regard for the office was another.

"*Question*. State whether you did anything more than to make a fair effort through your friends to have the resolution reconsidered.

"*Answer*. Positively, no.

"*Question*. State, when you said in the presence of Mr. Closse and others that you rather than ten or fifteen hundred dollars the resolution was reconsidered, whether you understood it as a bid, or whether any one else could rightfully understand you as offering anything to procure a reconsideration.

"*Answer*. I can't answer for other people. I certainly did not so consider it, and the brief period from the time I met Mr. Closse until the adjournment would forbid any such supposition or inference, as at that time I considered all hope of reconsideration over.

"*Question*, (by the chairman.) I think you have stated in your examination that the whole amount granted by the resolution was appropriated or designed for other persons. To what persons did you refer?

"*Answer*. I meant to be understood that it was all designed for creditors of the concern. I decline to give the names of these creditors, as I do not think the committee have the right to ask it, but will do so if the committee decide otherwise. None of such creditors are members of Congress. I mean to say that it was all designed for creditors except sufficient to carry on the business of the office.

"JOHN F. COYLE."

Mr. WINDOM. I will not weary the House with any further testimony. We have brought out the important points in regard to a pecuniary consideration. Members have heard the statements for and against it.

I do not charge that Gales & Seaton had anything to do with this. I do not believe they had. They are honorable men, and I will tell the gentleman from Kentucky that I do not believe they would have had much to do with the money to be received for these books. It was to be paid to a number of outsiders—these persons around the lobby who tried to force it through—and it was from those persons that this expectation of pecuniary consideration arose.

Mr. MALLORY. I understood the gentleman to say that all the testimony went to show that these outsiders said that Coyle was the man who had this ten or fifteen hundred dollars to use to induce some person to get a reconsideration, and I understood the gentleman to speak in high terms of Coyle, and that he believed his testimony, in which he stated that there was not a word of truth in that charge.

Mr. WINDOM. The gentleman misunderstood me; that is all. I said I believed the testimony of the other witnesses. Now, a word in reference to who gets this money. What does Coyle say upon a question by the chairman? Here is the question and answer:

"*Question*. I think you have stated in your examination that the whole amount granted by the resolution was appropriated or designed for other persons. To what persons did you refer?

"*Answer*. I meant to be understood that it was all designed for creditors of the concern. I decline to give the names of these creditors, as I do not think the committee have the right to ask it, but will do so if the committee decide otherwise. None of such creditors are members of Congress. I mean to say that it was all designed for creditors except sufficient to carry on the business of the office."

It was from this source this influence came—from these outsiders, those persons who at the last Congress were seeking to force this resolution through in hot haste in order to fix this contract upon the House; persons who, I believe, are still around these Halls.

Mr. FARNSWORTH. I desire to ask the gentleman whether the evidence in this case shows that any printing was done or any additional labor peformed by Gales & Seaton in the purchase of materials, in consequence of the passage of this resolution. Also, whether the Government requires these books. Also, how much money the passage of this resolution will take out of the Treasury.

Mr. WINDOM. In the first place, I do not know that there is anything in the testimony showing that any money was paid out for printing after the passage of the resolution. I believe there is a statement of Coyle, or some one else, that $300 was expended in moving those books.

The other question of the gentleman from Illinois is what will be the expense of carrying out this resolution. I believe it was estimated at $35,000. I think the records of the Congressional Globe will show that it was stated in debate last Congress that we had on hand some eighty-five sets before these were taken.

Mr. FARNSWORTH. The other question is, does the Government require these books?

Mr. WINDOM. That is for the House to determine. My own opinion is that the Government has not the slightest need of them.

Mr. J. C. ALLEN. I suggest to my colleague [Mr. FARNSWORTH] that all fairness to Gales & Seaton would require that he should address his inquiries to the committee which has had this matter under examination, if he desires information upon the subject.

Mr. FARNSWORTH. I understood the committee had already reported these facts, but I did not hear what the report was.

Mr. J. C. ALLEN. The committee have made no report whatever except a verbal one.

Mr. SMITH resumed the floor.

Mr. WASHBURNE, of Illinois. Will the gentleman yield and allow me to move to refer this matter to the Committee of the Whole on the state of the Union?

Mr. SMITH. I cannot yield for that purpose. I yield to my colleague on the committee, [Mr. SPALDING.]

Mr. SPALDING. I was a member of this select committee, and I entered into the investigation I think impartially. Sure I am no part of this $1,500 was offered me; if it was I have not received it.

I desire only to do justice between the claimant upon the one side and the country on the other. This question involves the purchase of a very valuable book—nothing less than the history of congressional legislation from the first day of the First Congress, in 1789, until the year 1845. The first part of it is called Congressional Annals and the latter part Congressional Debates, and there are seventy-one volumes in all. The price for a single set is $355. It appears to the select committee that the House of Representatives last Congress, by resolution, ordered the purchase of one hundred sets of this valuable work, amounting to something over thirty-five thousand dollars. The resolution was adopted by a vote of 66 to 58. The day after the passage of the resolution Gales & Seaton, or rather Seaton, who is the survivor of Gales & Seaton, applied to the Clerk of the House for a copy of that resolution as it passed the day before. He received it at the hands of the Clerk. Now, it should be known to the House, because it appeared in evidence before the select committee, that at this time this firm was very much embarrassed for want of money. They had effected temporary loans from one or two of the banking houses of this city, and they desired to realize from these books thus supposed to have been sold to Congress enough money to relieve them from that temporary pressure. Hence Mr. Seaton obtained a copy of the order from the Clerk, and he then applied to the Clerk to accept an order upon him for the amount of the purchase-money which would be due to him whenever he had delivered the one hundred sets.

Before this application was made, however, the Clerk, Mr. Etheridge—and I must do him the justice to say that he testified before the committee with the utmost appearance of fairness and candor—when this application was made to him by Mr. Seaton to accept an order for the books, so that he (Mr. Seaton) might obtain money from some one of the bankers of the city to relieve him from the tremendous pressure then upon him, said he could not do it, because there was no money in the Treasury belonging to the House contingent fund, and he must wait until an appropriation bill was passed putting this money under his control. He says he did not tell Mr. Seaton, what he then knew to be the fact, that some individual members of the House had it in mind to get a resolution of rescission passed; but that he had been made aware of that fact perhaps by the member who first addressed the House to-day, [Mr. A. W. CLARK,] and one or two others, who told him that they were opposed to the resolution, and would, at some future season, ask that it be rescinded. This, however, was not imparted by the Clerk to Mr. Seaton, nor to Mr. Seaton's agent.

When Mr. Seaton could not obtain an acceptance of an order for the money, he applied to the Clerk to give him an order for the books so that he could negotiate a sale of that order, or pledge

it and receive money upon it from some person who had money to loan. The Clerk would not do that, and, as he says, his reason was that those gentlemen of the House who were opposed to the resolution would find fault with him if he in any way committed the House upon the subject until the money was in his hands to pay the amount to be paid for the one hundred sets. At the same time he said that if the contingent fund had then been in such a state as that his order upon it would have been met, he would, without the least hesitation, have paid Mr. Seaton the full amount for these books.

Mr. WINDOM. I would like to ask the gentleman a question. Did the committee at that time put the question to the Clerk, Mr. Etheridge, whether, if he had had the money and had paid it, it would have been any settlement of the question which he says he was not willing to settle?

Mr. SPALDING. Yes; and he said that he did not care about answering, because he was not called upon to answer that, as it raised a law question which he was not bound to settle. I think that was about the answer he made. I wish to give the whole of the testimony as it appeared before the committee.

Now, before the resolution of rescission was offered in the House, which I wish the House now to understand was not offered until the 9th day of June, there was a period of ten days which intervened from the adoption of the resolution for the purchase of these books until the introduction of the resolution for rescission, and there is not a particle of evidence that Mr. Seaton or any agent in his employ knew, during those eleven days, that there would be any motion made in this House to repeal or rescind that resolution. I grant you that gentlemen have their suspicions, but I say to you that no evidence of that fact of any sort has been brought to the knowledge of this select committee upon which they could act.

Mr. UPSON. If the gentleman has the original resolution, will he have it read?

Mr. SPALDING. I have it not. I suppose the chairman of the select committee has it.

Mr. UPSON. I would like to have it read.

Mr. SPALDING. I am giving a history of this transaction. On the 9th day of June a resolution was offered to rescind the resolution of the 29th day of May, and that resolution, I wish the House to mark, was adopted by a vote of yeas 66 to nays 48, showing the absence from the House of a great many of the members who had taken part in the previous vote. The first vote, on the 29th of May, was yeas 66, nays 58. And then on the 19th day of June, ten days after the vote of rescission, a resolution was offered in the House, similar to the one now before the House, providing for payment to Gales & Seaton for the number of volumes already deposited in the Capitol before the resolution of rescission was adopted by the House. On that day a vote was taken, and it stood, yeas 70, nays 70, and it was only defeated by the casting vote of the Speaker. This shows the feeling of the House at that time. This shows what would have been the condition of the vote if it had been taken on the 9th of June with a full House, instead of being taken when it was.

Mr. FARNSWORTH. I ask the gentleman from Ohio whether the record does not show that as many members voted to rescind the resolution as originally voted for the resolution?

Mr. SPALDING. Yes; as many members voted to rescind the resolution, precisely, as voted in the first instance to adopt it—sixty-six in each case; whereas it was subsequently shown that these parties had seventy friends in this House, all of whom were not present on the occasion of that decision.

Mr. DEMING. I would like my friend from Ohio to yield to me a moment.

Mr. SPALDING. I do not like to have so many interruptions. I only allude to these votes for the purpose of showing the sense of the House at that time on this very subject.

Now, when we come to that part of the case which is made up of a contract on the part of the House and Mr. Seaton—the deposit of the books in the Capitol—the testimony does not show that Congress was committed by reason of that deposit. I have said already that Mr. Etheridge, the late Clerk, testified throughout with the utmost appearance of candor and fairness. I come now to the librarian, whose character has been questioned heretofore in this House by some members. The librarian was called as a witness. He testified also with the utmost candor and fairness. He said that, under the instructions of the Clerk, he received from Mr. Seaton the number of copies of this work which were deposited in the Capitol, in one of his library rooms, but a short time, one, two, or three days before the rescinding resolution was offered. The librarian testified that when these books were offered to him he applied to the Clerk, and the Clerk refused him permission to receive those books in any official character, but told him that if he had a room to spare he might place them in it as a safe depository for them. After they were thus placed in a room in the Capitol, the key of the room was intrusted to the agent of Mr. Seaton, who locked the room, took the key away with him, and has had possession of it from that day to this. So that, really, the books have been in the Capitol, as the property of Mr. Seaton, for safe-keeping, subject to any disposition which Congress might make of them.

Now, although I was doubtful in my own mind in regard to the propriety of the adoption of this resolution for the payment of this sum of money —$30,000 odd—still, knowing the work to be one of great value to the country, and supposing that even if Congress did not need it for its own use, the books might be distributed among the States, where they would be valuable in public libraries, I did unite in the recommendation that the House adopt a resolution to pay for these books. I believe, and still believe, that however much the Clerk may have known that the resolution of rescission would be afterwards agitated, Mr. Seaton deposited the books here in the utmost good faith, primarily, to be sure, as a safe depository for the property, but believing that whenever the appropriation bill would be passed, the property in the books would pass from him to Congress, and there be an end of the whole matter. I learn, however, that either the last Congress or the Congress before last made a disposition of this very work among the congressional districts of the United States. I have this information from my friend from Massachusetts, [Mr. DAWES,] who says he had two sets apportioned to his congressional district, and that a similar apportionment was made among the other congressional districts of the United States. In view of this distribution among the States, I was about to say that I shall feel inclined to vote against the adoption of the resolution, although I think that will fall with some considerable severity upon Mr. Seaton. I have now given to the House all the information I have on this subject.

Mr. FARNSWORTH. How much money has the Government paid Gales & Seaton for these Annals already?

Mr. SPALDING. The gentleman must ask some other member than myself, as I have no knowledge on the subject.

Mr. BEAMAN. I ask the Clerk to read the original resolution.

Mr. SMITH. I have the floor, and yield to my colleague on the committee, the gentleman from Illinois, [Mr. J. C. ALLEN.]

Mr. J. C. ALLEN. Mr. Speaker, an interrogatory was propounded by one of my colleagues to the gentleman from Minnesota to which I wish to respond. His question was, did the firm of Gales & Seaton incur any expense in the delivery of the books that were placed in the House library after the passage of the original resolution and before it was rescinded? The committee to which this subject was referred did inquire into that fact, and the testimony showed that an expense of $300 had been incurred by the firm of Gales & Seaton in placing those books in the library. It was not, as was answered by the gentleman from Minnesota, in removing the books, but, as the testimony shows, for the work done upon the books at the bindery. They had to undergo the supervision of the binder; and the reason why the one hundred sets were not delivered at the time was that twenty-five sets had not been bound at all, and the others required overhauling. So, then, my colleague will find in that fact the information he seeks. The firm of Gales & Seaton did incur an expense of $300 in sending these books to the binder and removing them to the library under the order of the House.

Mr. WASHBURNE, of Illinois. All we want is a fair understanding of this matter. I ask my colleague whether he can state the provisions of the original resolution? Does he understand the character of the resolution upon which this whole matter was begun?

Mr. J. C. ALLEN. The resolution of 1862?

Mr. WASHBURNE, of Illinois. Yes; I believe that was the original resolution.

Mr. J. C. ALLEN. I cannot state the resolution exactly; and I have no objection to the gentleman reading it.

Mr. WASHBURNE, of Illinois. I ask the Clerk to read the resolution. That resolution will show that it was a matter between the Clerk and the House, and that Gales & Seaton had no more right to send the books than any other.

The Clerk read the resolution, as follows:

"*Resolved*, That the Clerk of the House of Representatives be directed to procure from the publishers, for the use of the House library, at a cost not exceeding what has been heretofore paid for said work, one hundred copies or sets of the Annals of Congress, or Register of Debates; and to pay for the same out of the contingent fund of the House: *Provided*, That the copies or sets remaining shall not be sold or disposed of until they are offered to Congress."

Mr. WASHBURNE, of Illinois. Now let me say a word.

Mr. J. C. ALLEN. I do not yield any further. I have yielded for the purpose of having that resolution read, on the statement of my colleague that it would show this was a matter between the Clerk and the House, and that Gales & Seaton had nothing to do with it. What is the Clerk directed to do? He is directed to purchase these books from Gales & Seaton. He could not purchase them anywhere else. Yet my colleague says they had no connection with this thing at all. Well, sir, if the purchase was made they had connection with it. The House by this resolution imposed that duty upon the Clerk, and pointed out how payment was to be made. The Clerk testified that he furnished Gales & Seaton with a copy of the resolution of the House. He testified his acquiescence in the action of the House, and that he would pay, as soon as he had any contingent fund, the amount due for these books. The testimony shows that he did not express to Gales & Seaton any doubt of his being bound by that resolution. The books were delivered, and eleven days afterwards, Gales & Seaton not having been informed in the mean time of any such intention, the resolution was rescinded.

I must be permitted to say, Mr. Speaker, that there seems to be an extraordinary desire on the part of some gentlemen to defeat this resolution. I will say for myself if this were an original proposition to purchase these books, although I regard them as a valuable history of Congress up to the time when the Congressional Globe commenced, I doubt whether in the present condition of our finances I would vote for it. But, sir, when I look at this transaction of 1862, when I look at the resolution of the House authorizing the Clerk to make this arrangement with Gales & Seaton, when I look at the fact that in pursuance of that resolution a copy of it was delivered by the Clerk to Mr. Seaton, when I consider that in pursuance of and in good faith under that resolution those gentlemen proceeded to have those books rebound and fitted up at an expense of $300, and when I recollect the further fact that upon the faith of that resolution they called upon their financial men and procured upon it money to enable them to carry out that undertaking with the Government, and incurred additional liabilities to enable them to keep their contract, it seems to me, in all candor, that the House did injustice to these men when, eleven days afterwards, and after the contract had been partially completed, they turned round and repealed their resolution. It was not, in my judgment, an act of good faith. It does not become the Congress of the American people thus to trifle with a question of this kind.

But the argument was made by my friend from Minnesota [Mr. WINDOM] that this money was not going to Gales & Seaton; that they were not the parties to derive benefit from it, and therefore we ought not to pass this resolution. Let us see for a moment what that position leads to.

Mr. WINDOM. I beg to inform the gentleman I did not say this money was not going to Gales & Seaton as a reason why the resolution should not pass, but for the purpose of showing that some other persons were getting up this impression that money was to be had for getting a reconsideration of the vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McDONALD, one of their clerks, announced that the Senate requested the House of Representatives to return to the Senate a bill (S. No. 151) relating to enlistments and for other purposes, for the purpose of correcting an error in the engrossment thereof.

There being no objection, it was ordered that said bill be returned to the Senate.

ANNALS OF CONGRESS—AGAIN.

Mr. J. C. ALLEN. Let us look at that argument a moment. Gales & Seaton were at that time, as admitted by everybody, in debt. A portion of this money doubtless was to go through the hands of Gales & Seaton to their creditors. Suppose it was. That accounts for the anxiety of Gales & Seaton to have the contract completed at an early day, and it relieves them from the charge made by the gentleman from New York, that they were guilty of indecent haste in endeavoring to get hold of this money. They were, as is shown by the evidence, and as is admitted by gentlemen upon the other side, in debt. What better reason could men have for an anxiety to receive this money than a desire to pay their honest creditors? An indifference upon their part as to whether they got it or not would argue bad faith in them, and would be only akin to that bad faith which would make them incur these expenses, and then prevent them from receiving the benefit of their undertaking with the Government.

It is a singular argument to make, that because the next day after the resolution passed they went to the Clerk to get an order from the Clerk for the work, and to get the money which, according to the evidence, was to go for the benefit of their creditors, therefore they were guilty of indecent haste. Especially is it a singular argument to come from a man who stated to the Clerk the next day after the passage of the resolution, that he intended to try to get it rescinded, and yet kept that intention eleven days after without making the attempt. Mr. Seaton, in good faith, sought to get this money that a portion of it might go to the creditors, and the other portion to reimburse him for the expense of preparing and publishing this work, which contains a succinct history of the Congresses of the United States from the inception of the Government down to the time that Congress adopted the Congressional Globe as the record of its proceedings. And to-day, at the public expense, my friend from New York, [Mr. A. W. CLARK,] and my colleague, [Mr. FARNSWORTH,] are receiving twenty-four copies each of that Congressional Globe which contains, in continuation, the same kind of information which we find in this work of Gales & Seaton.

Now, sir, while the mere fact of the delivery of these books in the library under the circumstances may not have been any such acceptance on the part of the House as would be binding upon the House, yet the fact that the publishers incurred, according to the testimony, an expense of $300, in my judgment goes far to the confirmation of the contract on their part. That, in addition to the bad faith in the matter, it does seem to me, should induce Congress to stand by their contract. Who can have faith in any action of this House if undertakings of this sort are to be repealed at the whim or caprice of members who may see fit on any occasion after the adoption of such a resolution to thus rescind and repeal it?

I simply desire to say, sir, in conclusion, that it seems to me that the House is in good faith bound to pass this resolution. The question whether or not these books are needed at this particular time in the library is not the question before the House. The work is admitted by all who have examined it to be a valuable one, and my judgment is that if members would examine it more thoroughly and see the high-toned sense of honor which actuated the men who were connected with the early history of the Government, they would not thus pass resolutions one day and repeal them the next; they would learn that the pledges of Congress mean something, and that when resolutions have been passed under which men have incurred expenses they ought not to be repealed at the whim or caprice of members.

Now, there is nothing in the testimony which has been spread before the House by the gentleman from New York, [Mr. A. W. CLARK,] and the gentleman from Minnesota, [Mr. WINDOM,] that goes to show that there was any undue haste on the part of Gales & Seaton, or that they had knowledge that the House contemplated a repeal of the resolution, or going to show that they did not act with entire good faith throughout the whole transaction. It does seem to me, therefore, that it appeals to our sense of honor as well as our sense of right to pass this resolution. I now resign the floor to the gentleman from Kentucky.

Mr. SMITH resumed the floor.

Mr. WASHBURNE, of Illinois. I shall have to appeal to the gentleman from Kentucky to yield me a courtesy which I am sorry my colleague could not yield to me, as he never refused me such a courtesy before during the long service I have had with him.

Mr. SMITH. How long a time does the gentleman from Illinois desire?

Mr. WASHBURNE, of Illinois. But a moment. I never detain the House long.

Mr. SMITH. Does that mean a minute?

Mr. WASHBURNE, of Illinois. Perhaps two minutes.

Mr. SMITH. I will yield the gentleman two minutes of my time.

Mr. WASHBURNE, of Illinois. Mr. Speaker, I approach this subject without any feeling whatever. If I had any, it would be in favor of the gentlemen who are interested in this question, for with Mr. Seaton I have had a long acquaintance, and I have enjoyed, I believe, his friendship, as he has certainly enjoyed mine. But this is a matter which I cannot permit to govern my official action here. When I asked my colleague [Mr. J. C. ALLEN] to yield, in order that the resolution might be read, I desired to say a word upon its construction, but after the gentleman had heard it read he refused to allow one word to be said in regard to its construction. I wish to call the attention of the House to the resolution now, and see how far any contract arose between Messrs. Gales & Seaton and the late House which passed that resolution. The resolution was in these terms: "That the Clerk of the House of Representatives be directed"—to do what? Merely to procure from the publishers for the use of the House, at a cost not exceeding what has heretofore been paid, so many copies of the Register of Debates. We directed the Clerk of the House to do a certain act, and if he did not do it that was a matter between him and the House, and these other parties have no right to intervene or complain. Mr. Etheridge, the Clerk, refused, under circumstances in relation to which he has testified, to procure the work which the resolution specified. The House passed a resolution directing him to procure these books, and he refused to procure them, and then Gales & Seaton undertook to send up the books here, and it is upon that fact that my colleague endeavors to enforce this idea of a contract between the House and Gales & Seaton.

I see my friend from Kentucky [Mr. SMITH] holds up his watch. I will not take up more of his time. I am very much obliged to him for his courtesy.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 97) to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and

An act (S. No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

ANNALS OF CONGRESS—AGAIN.

Mr. SMITH. Mr. Speaker, after the speech of my colleague on the committee [Mr. SPALDING] there is little need for me to say a word. I wish, however, to have the attention of the House for a remark in answer to the gentleman from Illinois, [Mr. WASHBURNE.] I regard his construction of the original resolution, and his criticism on the action of the late Clerk, as one of the most remarkable things ever done by a person pretending to so much ability as the gentleman really possesses.

On the 29th of April, 1862, the resolution was passed directing the Clerk to procure from the publisher certain books, and to pay for them out of the contingent fund of the House. The day after the passage of that resolution Mr. Seaton, the publisher of the work, called on the Clerk and offered to deliver the books to him and to receive the pay for them. The Clerk stated to him, as is shown by the evidence in this case, that he had no money on hand to pay for them, and that, until money was appropriated, he would not receive the books. The Clerk testified further that members had come to him and requested that he should not accept the books, because they intended to move a reconsideration.

Mr. WILSON. Will the gentleman from Kentucky yield to me for a question?

Mr. SMITH. I will.

Mr. WADSWORTH. I must object.

Mr. SMITH. In consideration of the trouble that had been got up over the resolution, Mr. Etheridge declined to accept the books. Then that man, whose reputation has been known in this country longer than that of any man on the floor, came to the Clerk, in good faith, to deliver the books and to receive an order for the money, to be paid after the appropriation should be made. It was not done. I here declare that it is the duty of the House, it is the duty of every member on this floor, whatever his prejudices may be, to vote for this resolution.

My attention was first called to this matter by a note from Mr. Seaton, whom I do not know, whom I never saw in my life, saying that he had been an intimate and personal friend of my father's in this House and in Washington city years ago, and that he would be glad if I would introduce the resolution. After examining the question, I found it was a just and equitable claim, and I determined to stand here pledged to him and the country to vindicate it, and to say that it is honestly due to him, and that the House will be derelict in its duty if it does not pass this resolution. I move the previous question.

Mr. FARNSWORTH. I move to lay the resolution on the table; and on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 67, nays 50; as follows:

YEAS—Messrs. Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Brandegee, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Thomas T. Davis, Dawes, Driggs, Dumont, Farnsworth, Fenton, Frank, Garfield, Gooch, Higby, Holman, Hooper, Hotchkiss, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Leonard Myers, Norton, Odell, Orth, Patterson, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Smithers, Starr, Thayer, Tracy, Upson, Van Valkenburgh, Voorhees, Elihu B. Washburne, Williams, Wilder, Wilson, Windom, and Woodbridge—67.

NAYS—Messrs. James C. Allen, Bailly, Augustus C. Baldwin, Jacob B. Blair, Bliss, Chanler, Clay, Coffroth, Cox, Dawson, Denison, Eldridge, Griswold, Harding, Harrington, Charles M. Harris, Herrick, Kalbfleisch, Law, Long, Mallory, Marcy, McAllister, Middleton, William H. Miller, Moorhead, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, James S. Rollins, Ross, Smith, Stebbins, John B. Steele, Stiles, Strouse, Stuart, Sweat, Thomas, Wadsworth, Ward, Webster, Whaley, Wheeler, and Yeaman—50.

So the resolution was laid on the table.

During the roll-call,

Mr. KERNAN stated that he had paired off with Mr. DAVIS, of Maryland. He would have voted "no," and Mr. DAVIS "ay."

Mr. COX stated that his colleagues, Messrs. JOHNSON, C. A. WHITE, J. W. WHITE, and McKINNEY, were absent on leave.

Mr. WILSON stated that his colleague, Mr. HUBBARD, was absent on account of illness.

Mr. FARNSWORTH stated that his colleague, Mr. ARNOLD, was paired off with Mr. BLAIR, of Missouri.

Mr. A. MYERS, not having been within the bar when his name was called, asked leave to vote.

Mr. MILLER, of Pennsylvania, objected.

The vote was announced as above recorded.

Mr. FARNSWORTH moved to reconsider the vote by which the resolution was laid on the table; and also moved to lay the motion to reconsider on the table.

Mr. VOORHEES called for the yeas and nays on the latter motion.

Mr. J. C. ALLEN. I move that the House do now adjourn, and demand the yeas and nays.

Tellers were ordered on ordering the yeas and nays; and Messrs. STILES, and MORRIS of New York, were appointed.

The House divided; and the tellers reported—ayes thirty-two.

So one fifth of the members present voting therefor, the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 36, nays 65; as follows:

YEAS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Chanler, Clay, Cox, Dawson, Denison, Eldridge, Harding, Charles M. Harris, Herrick, Kalbfleisch, Law, Long, Mallory, William H. Miller, Morrison, Noble, John O'Neill, Perry, Pruyn, Radford, Samuel J. Randall, Ross, Stebbins, John B. Steele, Stiles, Strouse, Stuart, Sweat, Wadsworth, Ward, and Wheeler—36.

NAYS—Messrs. Allison, Ames, Anderson, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Jacob B. Blair, Blow, Boutwell, Broomall, Ambrose W. Clark, Cole, Creswell, Thomas T. Davis, Dawes, Deming, Donnelly, Driggs, Dumont, Farnsworth, Fenton, Gooch, Higby, Holman, Hotchkiss, John H. Hubbard, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McClurg, McDowell, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Orth, Perham, Price, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Smithers, Starr, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—65.

So the House refused to adjourn.

The question recurred on ordering the yeas and nays on the motion to lay on the table the motion to reconsider.

Mr. J. C. ALLEN. As this is private bill day I think it would be well to pay some attention to that business. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The SPEAKER. That motion is in order.

Mr. DAWES. The gentleman from Kentucky [Mr. SMITH] I think has the floor on a contested case. I would suggest that that case be taken up, and the gentleman from Kentucky be allowed to go on and make his speech.

The SPEAKER. That case was postponed until Friday last, and as it was not taken up then, does not come up, as a matter of course, to-day.

Mr. DAWES. But it would be in order to call it up?

The SPEAKER. It would; but the gentleman from Illinois now moves that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The motion was disagreed to.

Mr. DAWES. I now call up the contested-election case of the second district of Virginia.

The SPEAKER. The gentleman has the right to do so, and the gentleman from Kentucky [Mr. SMITH] is entitled to the floor.

Mr. DAWES. I understand that there is a motion pending to lay the motion to reconsider on the table in reference to the matter the House has just been acting upon. It was not my desire to interfere with any pending business.

The SPEAKER. The gentleman does interfere with it by calling up his contested-election case.

Mr. DAWES. So I understand, and I therefore withdraw the call.

The yeas and nays were ordered on the motion to lay the motion to reconsider on the table.

Mr. ELDRIDGE. I move that the House do now adjourn.

Mr. SMITH. I hope the gentleman from Wisconsin will withdraw that motion.

Mr. ELDRIDGE. If the gentleman from Kentucky desires it, I will withdraw the motion.

The question was then taken on Mr. FARNSWORTH's motion; and the result was—yeas 57, nays 20; as follows:

YEAS—Messrs. Allison, Ashley, John D. Baldwin, Baxter, Beaman, Jacob B. Blair, Boutwell, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Thomas T. Davis, Dawes, Donnelly, Driggs, Dumont, Farnsworth, Fenton, Higby, Holman, John H. Hubbard, Jenckes, Kelley, Francis W. Kellogg, Longyear, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Orth, Patterson, Perham, Perry, Price, John H. Rice, Schenck, Scofield, Shannon, Smithers, Starr, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—57.

NAYS—Messrs. Augustus C. Baldwin, Chanler, Cox, Dawson, Denison, Eldridge, Charles M. Harris, Long, Marcy, Middleton, Morrison, Noble, John O'Neill, Smith, John B. Steele, Sweat, Ward, Webster, and Wheeler—20.

The SPEAKER announced that no quorum had voted.

Mr. DAWES. Is it in order now to call up the contested-election case to which I referred a few minutes ago?

The SPEAKER. It is not. No quorum has voted; and all public business is therefore interrupted.

Mr. ELDRIDGE. I move that the House adjourn.

The motion was disagreed to.

Mr. WILSON. I move that there be a call of the House.

The motion was agreed to.

The roll was thereupon called; and the following members failed to answer to their names:

Messrs. William J. Allen, Arnold, Baily, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brandegee, Brooks, James S. Brown, William G. Brown, Freeman Clarke, Cravens, Henry Winter Davis, Deming, Dixon, Donnelly, Eckley, Eden, Edgerton, English, Finck, Ganson, Garfield, Grider, Grinnell, Griswold, Hale, Hall, Benjamin G. Harris, Asahel W. Hubbard, Hulburd, Hutchins, Philip Johnson, William Johnson, Orlando Kellogg, King, Knapp, Law, Lazear, Le Blond, Littlejohn, Lovejoy, McAllister, McBride, McDowell, McKinney, William H. Miller, James R. Morris, Nelson, Odell, Charles O'Neill, Patterson, Pike, Pomeroy, William H. Randall, Robinson, Rogers, Edward H. Rollins, James S. Rollins, Scott, Sloan, Spalding, William G. Steele, Thomas, Tracy, Voorhees, William B. Washburn, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, Fernando Wood, and Yeaman.

The SPEAKER announced that one hundred and seven members—a quorum—had answered to their names.

Mr. WILSON moved that all further proceedings under the call be dispensed with.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. HICKEY, their Chief Clerk, requesting the return of the bill (S. No. 302) to define the pay and emoluments of certain officers of the Army, and for other purposes.

No objection being made, it was ordered that said bill be returned to the Senate.

MISSOURI MILITIA.

The SPEAKER, by unanimous consent, laid before the House a communication from the War Department, transmitting a report from the general in command of the department of the Missouri, relative to the military service rendered by the Missouri militia; which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. ELDRIDGE moved that the House do now adjourn.

The question was put, and the vote stood—ayes 41, noes 46; no quorum voting.

Mr. DAWSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 35, nays 55; as follows:

YEAS—Messrs. Ancona, Ashley, Augustus C. Baldwin, Jacob B. Blair, Chanler, Clay, Cox, Dawson, Denison, Eldridge, Harrington, Charles M. Harris, Herrick, John H. Hubbard, Kalbfleisch, Long, Marcy, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, Ross, Smith, Stebbins, John B. Steele, Stiles, Strouse, Sweat, Ward, Whaley, and Wheeler—35.

NAYS—Messrs. Alley, Allison, Ames, John D. Baldwin, Baxter, Beaman, Boutwell, Broomall, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Dawes, Driggs, Dumont, Eliot, Farnsworth, Frank, Gooch, Higby, Holman, Hotchkiss, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Longyear, Marvin, McClurg, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Orth, Perham, Price, Alexander H. Rice, Schenck, Shannon, Smithers, Starr, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Williams, Wilder, Wilson, Windom, and Woodbridge—55.

So the House refused to adjourn.

Mr. HIGBY moved that there be a call of the House.

Mr. PENDLETON moved that the House do now adjourn.

Mr. STEVENS. I hope the motion to adjourn will be agreed to. We have done very well to-day.

The SPEAKER. The motion to reconsider can be called up at any time, except in the morning hour on Monday.

The motion was agreed to; and then (at a quarter to five o'clock p. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 19, 1864.

The House met at twelve o'clock, m., Mr. WASHBURNE, of Illinois, in the chair as Speaker *pro tempore*. Prayer by Rev. Dr. MARKS.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. HICKEY, its Chief Clerk, notifying the House that that body, having corrected the error in Senate bill No. 154, relating to enlistments, and for other purposes, returned the same to the House for its concurrence.

Mr. DAWES moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) and resumed the consideration of the President's annual message.

RESTORATION OF THE UNION.

Mr. ARNOLD. On the 22d of February, 1832, the one hundredth anniversary of the birthday of Washington, Daniel Webster, speaking of the fearful consequences of disunion, says:

"Other misfortunes may be borne, or their effects overcome. If disastrous war should sweep our commerce from the ocean another generation may renew it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests. It were but a trifle even if the walls of yonder Capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. *But who shall reconstruct the fabric of demolished Government?* Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with State rights, individual security and public prosperity? No, if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of *constitutional American liberty.*"

But I have *faith* that under the guidance of Providence, and on the basis of liberty, this Government is to be "*reconstructed.*" The "skillful architecture which unites State rights and national sovereignty, individual security and public prosperity," is to be again embodied in a still more perfect form; not on the basis of adhering to old errors, "the Union as it was and the Constitution as it is," but national unity without slavery, and the Constitution, the Magna Charta which shall secure *liberty to all* This is our grand aim. The wandering stars are to be brought back with their luster brightened by the ordeal through which they have passed. The grand edifice of American constitutional government is to rise on a broader, firmer, more solid foundation, the basis of universal liberty. Sir, the *old Continental Congress* and the *constitutional Convention* are venerable landmarks in American history. We look back to them with mingled reverence and admiration, The Congress and the statesmen who shall reëstablish national unity with the terrible scourge, slavery, destroyed, who shall heal the wounds of this terrible war, will have rendered a service to our country and humanity equally memorable and still more important.

RECONSTRUCTION.

I approach this question of reconstruction with diffidence, conscious alike of its difficulties and of the fearful responsibilities resting upon those by whom it is to be solved. One thing, I think, may be regarded as settled. We can have no national Union and harmony without freedom. The fearful error of uniting free and slave States we shall never repeat. But if the grand idea can be realized of a free homogeneous people, united in a continental republic based on liberty to all, and retaining the great principles of Magna Charta as living principles of our Government, we shall see realized the noblest structure of government and national polity ever organized upon earth. This is a great aim to struggle for; *it is a glorious purpose to die for.* Is it practicable? Are we equal to it? If so, the terrible ordeal through which we are passing, the trial by fire, and the baptism of blood, will be compensated by the glorious future.

In discussing this subject of reconstruction, I will only venture to-day to make suggestions. The subject naturally divides itself into three parts:

1. What are the relations of the rebel States to the national Government?
2. *What the duty of the Executive?*
3. *What the duty of Congress?*

The status of the rebellious States is, that they are a portion of our country in revolt. The Constitution and laws of the United States are legally binding upon every person within the rebel territory.

Every person who has violated his duty to the Government, or broken its laws and levied war upon it, is liable to be dealt with as a criminal and a traitor.

The people in rebellion who have made war upon the nation are also in the position of public enemies, and liable to be treated as such. The Government may proceed against them both as rebels amenable to our laws, or as public enemies subject to all the liabilities of such. So much of this rebel territory as we have brought by our arms within our lines, is rightfully held under military government; and it is subject, for the time being, to the government of the Executive, as Commander-in-Chief, until loyal States are reorganized, or until Congress provides by law for some other mode of government.

DUTY OF THE EXECUTIVE.

It is the duty of the Executive to see that the laws are faithfully executed in every part of the United States. It is his duty by the sword and by the power of war to destroy all armed opposition to the Government. Everything necessary to accomplish this, and in accordance with the rules of war, as recognized by civilized nations, he may rightfully do. He may emancipate and arm slaves, arrest and confine dangerous public enemies to prevent the execution of treasonable designs; and suppress for the time treasonable publications; all this to be done under the rules of war and the legitimate powers vested in the Executive of carrying on war against public enemies and traitors. It is his duty, also, to see that the constitutional guarantee of a republican form of government under the Federal Union shall be carried out. In the absence of the action of Congress, he may do all that it may be necessary to carry out these purposes. He may appoint military governors. He may levy and collect taxes and assessments. He may institute temporary tribunals to administer justice. He may preserve the peace, prevent anarchy, and see that justice is done to all. In a word, he may and must *govern the country* in its transition state from a rebel to a loyal condition, or until Congress provides by law for its government, or until the people organize loyal State governments and are readmitted into the Union. These principles are sanctioned in the Supreme Court in the California case, so often cited in this House. These powers, or most of them, the President has exercised in Louisiana, in Arkansas, and in Tennessee. He has done this under the advice and with the aid of such men as Andrew Johnson, Generals Butler and Banks; and the results are beginning to develop themselves in the disposition of the people of these States to return to the Union.

WHAT ARE THE POWERS OF CONGRESS?

Congress may and ought to pass all laws which may be necessary to carry into effect the power lodged in the Executive to administer for the time being the government of the territory in rebellion. Congress may regulate the mode of administration. It may control the method of governing the territory. Each House of Congress has the exclusive *power to determine* and judge of the election, return, and qualifications of its own members, and may of course determine when to admit or reject Representatives from the rebel States. I think it requires the concurrent action of both the Executive and Congress for a complete restoration of rebel and revolted States into the Union.

AMNESTY PROCLAMATION.

The President in communicating the amnesty proclamation to Congress invites the aid, counsel, and coöperation of Congress in restoring national unity. This proclamation of amnesty looks to the reëstablishment of loyal State governments in the rebel territory on the basis of freedom. It offers *peace* on the surrender by the rebels of the cause of the war, *slavery*. Practically it is already dissolving the rebel organization. Hundreds of rebel soldiers are daily bringing in and laying down their arms, and accepting the terms of pardon. The advantages of this proclamation are:

1. It gives a rallying point for loyal men in the rebel States.

2. It secures forever *liberty* to the emancipated slave.

3. It will enable the United States to guaranty to every rebel State a republican form of government

4. It will secure national unity on the basis of liberty.

RECONSTRUCTION.

The questions involved in the subject of reconstruction are of the most grave and important character. Broken unions are ever hard to restore. We may crush the military power of the rebels, and yet the southern people may, possibly, sullenly refuse to return and participate in the Government. It is desirable that when the Union is restored it may unite a fraternal people. We do not desire the cotton States to occupy the relation to the national Government of a struggling Poland, or Hungary, or Venice. The only basis on which real cordial union can be predicated is that of liberty. We must remove the cause of our divisions. Remove slavery, and the old American idea of Union and love of country will resume its sway. Yankee Doodle and the Star Spangled Banner will again thrill the hearts of all Dixieland. The old flag—God bless it forever—will be worshiped with an ardor and devotion unknown before the war.

If you cannot have a Union based upon freedom you cannot have it at all. This the President with his usual sagacity has seen, and he offers amnesty and liberty. My firm conviction is, that upon this basis alone is union attainable. This furnishes the only hope; but with freedom, when the sword has subjugated armed resistance, we may weld together the links of this broken chain. From the beginning of the revolt the Government has offered to the rebels peace and good-will, and upon the sole condition that they should lay down their arms. This offer has been met with scorn and defiance. The President now offers peace upon the condition that the insurgents submit and give up slavery. They are asked to abandon that which has been a curse alike to them, to us, to all. Humanity and Christianity pray that these humane, generous, magnanimous terms may be accepted. This cruel war will not stop; this rebellion will never be sanctioned as revolution. The loyal people of the United States, if these terms are rejected, will demand that the diseased limb be amputated. They have been very slow to anger, but they are now thoroughly aroused, and it will soon be difficult to appease their just rage.

The loyal people preferred peace to war, but they are rapidly acquiring a taste for war's fierce excitements and its dazzling glory. They are an indomitable race of men, the descendants of those who conquered England, Ireland, and Scotland, and who have themselves never been conquered. On this continent they have conquered the forests, subdued the Indian tribes, and wrested from England their independence. If driven to it they will exterminate the soft, pampered, sensual, slave aristocracy which makes up the rebel leaders. The time is rapidly approaching when the loyal people will say to the rebels, "We have tried to conciliate you; we have offered you terms; you reject them with scorn; you hate and defy us; you refuse any terms of peace. *Be it so!* We accept the issue. We will treat you as enemies; we will conquer you, and liberating your slaves we will divide your lands among them, the poor whites, and our brave soldiers. Henceforth you are subjects, no longer to be treated as citizens." The President does not yet say this; on the contrary his treatment is to-day, as it has been from the beginning, generous, humane, and magnanimous, such as is becoming the head of a great and Christian nation. He offers peace on the conditions that the rebels submit, give up slavery, and accept freedom. He offers the blessings of peace and prosperity, only requiring the surrender of that terrible curse which has brought upon us and them all the horrors of this war.

IS SLAVERY DEAD?

The distinguished gentleman from New York [Mr. BROOKS] produced a great sensation the other day by announcing that slavery was already dead. I do not know whether we were so much startled by the fact as that that gentleman should be the first to announce it. Like some others who lag far behind in the chase, he seemed determined to be in at the death. But I am not yet willing to admit the fact that slavery is dead. I rejoice to know that it is in a dying condition, but it has not yet given up the ghost. Let the "*rail-splitter*" *of Illinois* give the cursed monster a few more vigorous blows and make its destruction certain. Possibly the gentleman from New York might have been playing a game familiar to western hunters; he, or the institution which he declares dead, might have been playing '*possum*. But to assume a tone more becoming a subject so grave, let me remind the gentleman from New York, who is a scholar, and familiar with history, that in the days of Oliver Cromwell it was supposed monarchy was dead in England. Yet but a few years passed by, and Charles the Second was on the throne of England, and monarchy in full sway, stronger apparently than before the execution of Charles the First. God save our country from the return of the slave kings! God save us from ever seeing the destinies of this nation pass again into the hands of slavemongers! Therefore I am for taking security for the future by *immediately abolishing slavery and amending the Constitution, prohibiting its existence forever in every part of the Union*. But if slavery is indeed dead why do not its friends, those who have stood by it in sunshine and in storm, why do they not now pronounce its eulogy? It was a king in the land. It was a ruler in these Halls, and lord paramount in yonder Executive Mansion. If dead, where are its friends and mourners? If your idol is dead, is it not decent for you at least to seem to mourn?

But, Mr. Chairman, this great revolution has not yet ended. Would to God it were! The storm still rages; dangers and difficulties still overshadow the future. Much remains to be done to subdue the rebel armies, to maintain national credit, to hold the loyal people united, to preserve liberty and law, and reconstruct the edifice of constitutional liberty. A task is before us, taxing to the utmost all we have of skill and bravery in the field, of wisdom and integrity and patriotism and statesmanship in the Cabinet, before we can feel that our country "*has weathered the storm*," and "*all is well*." Our greatest danger arises from insane divisions among ourselves. With Lincoln at the helm of State, with Grant commanding our armies, and Chase holding the scarcely less difficult and responsible position at the head of the Treasury, and a cordial union of the friends of these great leaders and all loyal men, our success is certain.

THE PRESIDENCY.

The constitutional period for the election of a President approaches, and compels an answer to the question, who shall lead us through this fearful storm to the haven of peace? Shall we change leaders while the tempest of battle is raging? No, say the people, with that *instinctive sagacity* which has all along characterized them. They have already settled this question with a unanimity never equaled since the days of Madison and Washington. From Maine to Maryland, from Minnesota to California, from ocean to ocean, from north to south, there is but one voice. It is emphatic, earnest, spontaneous, unprompted; having its origin in the faith which the people everywhere feel in the honesty, justice, truth, courage, patriotism, and good sense of the President. The "*secret circulars*," organizations, and efforts of politicians to divert or change it will be idle and useless. This choice of the people will be ratified at the ballot-box by a vote never before surpassed in unanimity. Why is this? It is because the people recognize in Abraham Lincoln *the apostle of liberty*.

LINCOLN THE APOSTLE OF LIBERTY.

It is his mission to restore national unity on the basis of universal liberty. He is to lead the people through this revolution and preserve the old safeguard of freedom embodied in Magna Charta and the Constitution of the United States. When he leaves the presidential chair, in 1869, we are to be one people, one nation, and every man secured in the enjoyment of "life, liberty, and the pursuit of happiness." Every man equal before the law. Every man enjoying liberty of speech, the freedom of the press, trial by jury, and the writ of *habeas corpus*. Such is the grand ideal which he is laboring practically to realize. To accomplish this he needs the continued confidence, trust, and faith of the American people. With these, by the blessing of Almighty God, those great purposes may be realized.

Mr. Chairman, studied and persistent efforts having been made in this Hall, in the Senate, and elsewhere, to disparage the President, I deem it

a duty, and it is a privilege, to present briefly and as clearly, candidly, and truthfully as I am able, the reasons why the President should continue to enjoy that trust and confidence which has hitherto enabled him to accomplish so much, to advance so far in these great purposes, and to show why all the friends of national unity and those who idolize liberty should have faith in the President. The public life of Mr. Lincoln may be said to have commenced in June, 1856, when he made the memorable speech at Springfield, announcing, in words that arrested the attention of the nation, the antagonism between liberty and slavery. From that hour he became the apostle of freedom. From that day his life has been consecrated to one great purpose, *that of freeing his country from African slavery.* There is not in all history a more striking exhibition of the wonderful, almost miraculous influence of a great truth, uttered at the right moment, than this. It has been, as I have said, publicly announced on the floor of Congress that slavery is dead. If so, Abraham Lincoln, with the sling and stone of truth, has slain the monster.

I said that Mr. Lincoln's public life commenced with his memorable speech at Springfield, June, 1856.

HIS TRAINING.

Let us see what had been his previous training for his great work. It was not the training of the schools; it was better. It was a struggle with difficulties among the people. He had the foundation of perfect integrity, truth, candor, sobriety, self-control, self-reliance, modesty. With clear judgment, sound common sense, shrewd knowledge of human nature, *he is the most American of Americans.* He had served a single term in Congress, but his education, his preparation, was among the people, in humble and homely positions; a flatboatman, a rail-splitter, a surveyor, a member of the Legislature in a frontier State, a lawyer in the log court-houses of the West. While he had no university schooling, few, if any, have had a better training to develop and strengthen their intellectual powers than he. This may seem strange, but let me explain, and its truth will, I think, be conceded. He was trained at the bar in a school where giants were his competitors, and he bore off the crown.

WHO WERE HIS COMPETITORS?

Some twenty years ago, there gathered around the plain pine tables of the frontier court-houses of central Illinois a very remarkable combination of men. Among them, and concededly their leader, was Abraham Lincoln; Stephen A. Douglas, his great *political* rival; Lyman Trumbull, chairman of the Judiciary Committee of the Senate; E. D. Baker, the able, the eloquent Senator, soldier, and martyr to liberty; General James Shields, who won a high reputation at Washington, and on the battle-fields of Mexico; General John J. Hardin, an able and eloquent lawyer, who fell on the bloody field of Buena Vista; James A. McDougall, the present Senator from California; William A. Richardson, present Senator from Illinois; and General John A. McClernand, now in the field. Besides these was the late Governor Bissell, whose manly vindication of the bravery of the Illinois volunteers in Mexico against the aspersions of Jefferson Davis, will be well remembered—a vindication which resulted in a challenge from the traitor Davis, which was accepted by Bissell, but from which Davis backed down, it is said, under the advice of General Taylor. These men, of national reputation, and others equally able, but whose pursuits have been confined at home, were the competitors with Lincoln. These were the men in contest with whom Abraham Lincoln was trained for the terrible ordeal through which he is passing.

CONTEST BETWEEN LINCOLN AND DOUGLAS.

The contest between Lincoln and Douglas, in 1856, was the most remarkable in American history. They were the acknowledged leaders, each of his party; both men of great and marked individuality of character. The prize was the Senatorship of the great State of Illinois, and the success of the Republican or Democratic party. Douglas had the additional stimulant of the Presidency in view. These two trained leaders met, at designated places, and in the presence of immense crowds of people debated the great questions at issue.

Douglas went through this campaign like a conquering hero. He had his special train of cars, his band of music, his body-guard of devoted friends, a cannon carried on the train, the firing from which announced his approach to the place of meeting. Such a canvass involved, necessarily, very large expenditures, and it has been said that Douglas did not expend less than $50,000 in this canvass. Some idea of the plain, simple, frugal habits of Mr. Lincoln may be gathered, when I tell you that at its close, having occupied several months, Mr. Lincoln said, with the idea, apparently that he had been somewhat extravagant, "I do not believe I have spent a cent less than $500 in this canvass."

Senator Douglas was at that time the leading debater in the United States Senate. He had been accustomed to meet for years in Congress the trained leaders of the nation, and never, either in single combat or taking the fire of a whole party, had he been discomfited. He was bold, defiant, confident, aggressive; fertile in resources, terrible in denunciation, familiar with political history, practiced in all controversial discussion, of indomitable physical and moral courage, and unquestionably the most formidable man in the nation on the stump. The friends of Mr. Lincoln were not without misgivings when the challenge was given and accepted for a campaign with Douglas, on the stump. Mr. Lincoln was cool, candid, truthful, logical, never betrayed into an unfair statement; and it was wonderful how, in these discussions, as in every other act of his public life, he has impressed the people with his honesty and fairness. Every hearer of these debates went away with the conviction, whatever his political views, "Lincoln believes what he says; he is candid, and he would not misstate a fact or take an unfair advantage to secure a triumph." He had one advantage over Douglas. He was always good-humored He had always his apt story for illustration; and while Douglas was sometimes irritable and would lose his temper, Lincoln never lost his. Douglas carried away the most popular applause, but Lincoln made the deeper and more lasting impression. Douglas did not disdain an immediate triumph; while Lincoln looked to permanent conviction. Douglas addressed the feelings and prejudices with a power and adroitness never surpassed. Lincoln stated his propositions and proved their truth with irresistible logic. Douglas carried the majority of the Legislature of Illinois, but Lincoln had the majority of the popular vote. Douglas secured the Senatorship, and Lincoln gained the Presidency. The wonderful endurance of these men, both of iron constitutions, was strikingly manifest during this contest. But at its close, Douglas could not articulate clearly for some weeks, while Lincoln's voice was clearer, stronger, and he himself was in better health at the end than he was at the beginning of the contest. The friends of each of these great leaders claimed the victory. All must admit that each met in his antagonist a foeman worthy of his steel.

The nomination of Mr. Lincoln to the Presidency came to him unsought and unsolicited. The great leaders of national parties struggled by their powerful friends and organizations for the nomination at Chicago. Mr. Lincoln remained quietly at his home in Springfield, pursuing the usual course of his quiet, simple life, and the Presidency sought him; he did not go after nor seek it. Many have seen in the manner in which he was called to the Executive Mansion the finger of Providence.

LINCOLN LEAVING HOME FOR WASHINGTON.

I need not recall the dark and threatening aspect of affairs in the winter of 1860-61: a long-planned, deep-laid conspiracy, about to break upon the land, with all the horrors of civil war. Patriots saw the tornado coming, saw the traitors plotting and planning the destruction of the Government, disarming, plundering it, binding it, preparing it to fall an easy victim into the hands of traitors, and yet had no means to resist, because all its machinery was in the hands of traitors. How impatiently and fearfully they waited for the 4th of March all will remember. The President-elect felt the oppressive weight of responsibility resting upon him. There is not a more simple, touching, and beautful speech in the English language than that which he uttered to his neighbors from the platform of the rail-car on bidding good-by to his home to enter upon the duties of the Presidency:

"For more than twenty-five years I have lived among you, and during all that time I have received nothing but kindness at your hands. Here the most cherished ties of earth were assumed. Here my children were born, and here one of them lies buried.

"To you, my friends, I owe all that I have, all that I am. All the strange, checkered past seems to crowd now upon my mind. To-day I leave you. I go to assume a task more difficult than that which devolved upon General Washington. Unless the great God who assisted him shall be with and aid me, I cannot prevail; but if the same Omniscient mind and the same Almighty arm that directed and protected him shall guide and support me, I shall not fail; *I shall succeed.* Let us pray that the God of our fathers may not forsake us now. To Him I commend you all. Permit me to ask that, with equal sincerity and faith, you will all invoke His wisdom and guidance for me."

The feeling of the people was impressively exhibited by the mottoes on the banners which they extended across the streets through which he passed on his way to the capital. "*We will pray for you*" was often the significant motto.

LINCOLN'S INAUGURATION.

No so impressive an inauguration as that of Mr. Lincoln has occurred since the inauguration of Washington. He had been threatened with assassination, and the rebels had intended his murder as he passed through Baltimore. On his arrival here he found the public offices filled with traitors. Strange as it may seem, the rebel Generals Lee, and Joe and Albert Johnston, and Ewell and Hill, Stuart and Magruder, Pemberton and Winder, held in March and April, 1861, leading positions in our Army. Traitors were everywhere. The citizens of Washington were, a large portion of them, in sympathy with the rebels. Secession had been preceded by secret conspiracy, concocted by those holding the highest official trusts. It had been vailed by perjured professions of loyalty. On Mr. Lincoln's arrival here these were the men he found in all the public offices, and he was encircled on every side by spies and traitors. None who witnessed it will ever forget the scene of that inauguration. Standing on the eastern front of the Capitol, the judges of the Supreme Court, the Senate and House of Representatives, the high officers of the Army and Navy around him, a mingled crowd of traitors and patriots, with many an eye looking searchingly into his neighbor's to learn whether he gazed upon a traitor or a friend; standing there amid scowling enemies with murder and treason in their hearts, Lincoln was cool and determined. He read his inaugural with a voice clear and distinct enough to be heard by twice ten thousand people. When with reverent look he swore by the eternal God that he would faithfully "*preserve, protect, and defend*" the Constitution, his great rival Douglas stood, *not by accident*, at his side. Douglas knew, perhaps better than the President himself, the dangers and difficulties which surrounded him. He was observed to whisper in the ear of Mr. Lincoln, and I believe gave to the President the assurance that in the dark and difficult future he would stand by him and give him his utmost aid in upholding the Constitution and crushing treason and rebellion. Nobly did Douglas redeem that pledge. After the rebel attack on Sumter, he boldly made the well-known declaration that there could now be but two parties, patriots and traitors. Had he lived he would have sustained the President with all the vigor and energy peculiar to his character.

REMARKABLE PREDICTION OF DOUGLAS.

Here I will pause a moment to state a most remarkable prediction made by Douglas in January, 1861. The statement is furnished to me by General C. B. Stuart, of New York, a gentleman of the highest respectability. Douglas was asked by Colonel Stuart, (who was making a New Year's call on Mr. Douglas,) "What will be the result of the efforts of Jefferson Davis and his associates to divide the Union?" Douglas replied, "The cotton States are making an effort to draw in the border States to their schemes of secession, and I am too fearful they will succeed. If they do succeed, there will be the most terrible civil war the world has ever seen, lasting for years. Virginia will become a charnel-house; but the end will be the triumph of the Union cause. One of their first efforts will be to take possession of this capital to give them prestige abroad, but they will never succeed in taking it; the North will rise *en masse*

to defend it; but it will become a city of hospitals; the churches will be used for the sick and wounded; and even this house and the Minnesota block (now the Douglas Hospital) may be devoted to that purpose before the end of the war." General Stuart inquired, "What justification is there for all this?" Douglas replied, "There is no justification nor any pretense of any. If they will remain in the Union I will go as far as the Constitution will permit to maintain their just rights, and I do not doubt but a majority of Congress will do the same. But," said he, rising on his feet and extending his arm, "if the southern States attempt to secede from this Union without further cause, I am in favor of their having just so many slaves, and just so much slave territory, as they can hold at the point of the bayonet, *and no more.*"

On the 4th of March thereafter, surrounded by spies and traitors, the Treasury robbed, the Army and Navy dispersed, knowing scarcely whom to trust, the President took possession of the White House and entered upon his duties. On one side the capital was Virginia, with her disloyal militia guarding the long bridge, ripe for revolt, and ready from the heights of Arlington and the Potomac to bombard the capital. Between it and the loyal States lay Maryland, ready to rise in arms the moment the rebel flag was unfurled; nay, not waiting for this, but rising and burning bridges, tearing up railways, and murdering Union soldiers on their way to defend Washington. The seat of Government was thus isolated in the midst of a hostile people. Congress had adjourned, and the fate of the nation and of liberty rested upon the President. He was equal to the occasion. He was wise as he was firm. He saved the capital and he preserved the nation. Contrast the condition of our country then and now, with more than half the territory then in rebellion reclaimed, and deny if you can that Abraham Lincoln has high administrative powers. It has been well said of him in view of his administration, remembering the past and looking to the future, "the people know the necessities of the hour and appreciate the man who is at the helm. They trust him." "By masterly action and by masterly inaction, this sage and hero from the backwoods has commanded the entire confidence of a great people, of a people the most intellectual and forcible upon earth."

It is not my purpose to speak in detail of the acts of this Administration. There are a few general considerations in regard to it to which I ask the candid consideration of the country.

First, our foreign relations few will deny have been managed with ability and success through a period of extreme difficulty and danger. Whatever exception and criticism may justly be made upon particular dispatches, the result has been peace and non-intervention, and thus far the country is satisfied that a cool, wise, and sagacious head is at the helm. The Government has been so administered as to secure the substantial union and harmony of the loyal people of all parties. This has been done amid all the passionate excitement and turbulent feeling growing out of civil war. It has been accomplished during a period in which the President has necessarily exercised the extraordinary power of summary arrests, suspension of the *habeas corpus*, and the suppression of disloyal and treasonable publications by military power; all of them acts which could not but receive the most searching scrutiny of a people like ours, so jealous of their liberties. Yet the great mass of the people have felt perfect confidence in the integrity and patriotism and prudence of the Executive, and rested easy with the full faith that he would exercise those high powers only to secure the life of the nation. Who of all our statesmen could have exercised these extraordinary powers and created so little uneasiness and distrust? However others have doubted and hesitated, Mr. Lincoln's faith in the success of our cause has never been shaken. He has been radical in all that concerns slavery, and conservative in all that relates to liberty.

His course upon the slavery question has shown his love of freedom, his sagacity, and his wisdom. From the beginning he has believed that the rebellion would dig the grave of slavery. He has allowed the *suicide* of slavery to be consummated by the slaveholders themselves. Many have blamed him for going too fast in his anti-slavery measures; more, I think, have blamed him for going too slow, of which I have been one. History will perhaps give him credit for acting with great and wise discretion. The calm, intelligent, philosophic abolitionists of the Old World, uninfluenced by the passions which surround and color our judgments, send across the ocean congratulation and admiration on the success and wisdom of his course. The three leading features of his Administration on the subject of slavery are:

1. His proclamation of emancipation.
2. The employment of negroes as soldiers.
3. The amnesty proclamation, making liberty the corner-stone of reconstruction.

The emancipation proclamation will live in history as one of those great events which measure the advance of the world. The historian will rank it alongside with the acquisition of Magna Charta and the Declaration of Independence. This great State paper was issued after the most careful and anxious reflection, and concludes with these solemn words:

"And upon this act, sincerely believed to be an act of justice, warranted by the Constitution and military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

The considerate judgment of mankind, on both sides of the ocean, has already approved it, and God has seemed to favor it with a series of victories to our arms never witnessed before its issue—a series of victories for which we are more indebted to the President than to any other man.

The country will not forget the tenacious adherence of the President to Grant when nearly all seemed to desert him. True, this trait in his character, this pertinacious adherence to those he trusts, was, I think, carried too far in the long continuance in the service of the hero of the Chickahominy. The President could not convert the hero of the Chickahominy into the hero of the Mississippi; but this same characteristic, if it resulted in many reverses to the army of the Potomac, has given us Vicksburg and Lookout Mountain, and will, I trust, ere long, secure our complete triumph over the rebel armies.

But to return to the proclamation. It has been objected to this proclamation that it did not embrace all the territory in rebellion. For myself, I have always regretted that it did not include all the States in revolt. But I believe the truth is, this was the result of the advice of the loyal men of the border States. For instance, I believe that the man most influential in preventing the great State of Tennessee from being designated in this paper was the patriot and statesman Andrew Johnson; and I believe to-day he regrets more than any other man that it was left out. Yet who will blame the President for listening with deference to the advice of Andrew Johnson in regard to Tennessee?

The employment of negro soldiers needs to-day no vindication. All sanction and approve it, and they themselves are gallantly fighting their way to the favor of the country.

The amnesty proclamation, although assailed by essayists and politicians, is working out practically its own vindication. Hundreds of rebel soldiers are daily bringing in and laying down their arms. In the West it is dissolving the rebel armies. Under its influence, Louisiana, Tennessee, and Arkansas will soon return as free States. The day that sees these States again in the Union as free, loyal States, will see the beginning of the end of this rebellion. Under the influence of this proclamation, with such changes as experience may suggest or as Congress may establish or sanction, we may hope to see the rebel territory all restored, and our great country redeemed from the curse of slavery. Our duty as a loyal people may be expressed in four words, for three of which I have to thank my friend from Maine, [Mr. PIKE.] We must *unite, fight, tax*, and *emancipate*.

But let us not disguise from ourselves that the coming year is one full of peril. The danger is not all in the direction from which it is most apprehended. A nation without a Government is, as Alexander Hamilton said, "*an awful spectacle.*" There are dangerous elements in our midst, and a presidential election in the midst of a civil war will try the capacity of the people for self-government as it has never been tried before. We are in the midst of rushing torrents of opinion and passion dangerous and difficult to control. We are tossing on the billows of a raging sea. Anxious friends of liberty are everywhere asking, will the great American Republic strand for want of order and rule? Confidence in our success has been continually increasing. Is it wise to change our leader in the midst of this storm, and while all the world is admiring the honesty, the justice, the fidelity, and the wisdom of that leader? No; rather let us give no indications of weakness or division among ourselves, but uniting, all, for our country and for liberty, let us rally around the pilot who has thus far guided us in safety. In response to the cry that comes from the rebels at Richmond, "*Anybody* but Lincoln," let us reply, "*Nobody* but Lincoln!" until liberty triumphs and national unity is restored.

ABOLITION OF SLAVERY.

Mr. WILSON. Mr. Chairman, on the first day of the present session of Congress I gave notice of my intention to introduce a joint resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States. On a subsequent day, in pursuance of the notice thus given, I introduced and had referred to the Committee on the Judiciary the following joint resolution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of said Constitution, namely:

ARTICLE XIII.

SEC. 1. Slavery, being incompatible with a free Government, is forever prohibited in the United States; and involuntary servitude shall be permitted only as a punishment for crime.

SEC. 2. Congress shall have power to enforce the foregoing section of this article by appropriate legislation.

I am well aware, sir, that a proposition in the Congress of the United States to so amend the Constitution of the Republic as to weaken or destroy slavery is a novel thing. With bills, resolutions, and propositions to amend the Constitution to more firmly establish, extend, and perpetuate slavery the country has been perfectly familiar. It was long the custom in this body, whenever slavery became excited and angry, to try to appease its wrath by offering it some new hold on the life of the nation, some greater advantage over free government and human liberty. When slavery cried "Give, give," by force of habit and loss of conscience we always responded by offering more than it demanded of us. We were the slaves of the slave power.

When slavery became a political power, and held in its hands the rewards which ambition covets, the nation became its most cringing, fawning, stupidly debased slave; and a most cruel taskmaster it proved. Its political career was an incessant, unrelenting, aggressive warfare upon the principles of the Government, the objects for which the Constitution was ordained, the rights of the people, the development of national resources, the advancement of education, the establishment of public morals, and the purity of religion. It touched everything, defiled everything. And we submitted quietly, tamely, cowardly, while the work of destruction and death was carried on by this insatiable enemy of all that is lovely, desirable, just, and sacred. No political power, whether found in republics or despotisms, ever wielded so baneful an influence on the affairs of nations or men as the one to which we so passively submitted, and under whose shadow we so fearfully dwarfed. Its progress was a constant, crushing dead march over everything which stood in the way of its own aggrandizement; and everything desirable to a free people stood in its way. The nation grew stupid under the manipulations of slavery, and seemed to know but little, and to care less, of the danger which threatened the free institutions of the country with destruction.

The public opinion now existing in this country in opposition to this power is the result of slavery overleaping itself, rather than of the determination of freemen to form it. But, however formed, thank God it is formed, and is our priceless possession of real, active, national life, never to be surrendered. We must hold all we have gained, and add to the strength of public opinion by daring to do our duty as if in the immediate presence of Him who directs the destinies of nations. We

may now talk of freedom, act for it, legislate for it, and above all other acts we may place one which shall stamp universal freedom on our national Constitution, never to be erased, never to die while the Republic lives. To accomplish this great end I introduced the joint resolution to which I have alluded, and I believe its passage is desired by the truly loyal people of the country almost without an exception.

In preparing the resolution I was careful to present but one issue, the incompatibility of slavery with a free Government. This issue is no reflection on the wise and good men who laid the firm foundations and fashioned the sublime architecture of our Constitution. They entertained not the remotest idea that they were tolerating a tenant in the grand structure which would, when warmed into life and developed into the form of a political power, endeavor to tear down the altars of liberty, and erect in their stead a throne of absolutism and death. The oft-expressed and universally understood views of the fathers fully attest that they regarded this tenant as the thing to be tolerated only because it promised speedy dissolution. They found it in the house they were erecting for the protection of themselves and their children, looked upon it with horror, and left it to die, never suspecting the dreadful power it embodied. Surrounded by the grand teachings of a successful war, based upon principles utterly destructive of slavery if enforced, they looked forward to the death of the latter by the mere development and power of the former. They believed in the incompatibility of slavery with a free Government; but they regarded the latter to be the stronger, not yet having had experience with slavery as a political power. These reasons will account in great part for the absence from the Constitution of a section prohibiting slavery. It is impossible to believe that the master-workmen who gave to us this best of human Governments in the laest degree suspected that they were transmitting with it the seeds of dissolution. They believed their work secure from molestation by this tolerated thing which all good men loathed and expected to see pass speedily away. In this they were mistaken, as we have discovered to our deepest sorrow and infinite cost. But their wisdom provided the means for overruling the disastrous consequences of their mistake. The Constitution which they formed, and which the people ordained and established, contains ample provisions for accomplishing the destruction of that power which so long disturbed the tranquillity of the nation, and finally enveloped us in the whirling, leaping, encircling red flame of war. The fifth article of the Constitution of the United States reads as follows:

"Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

This highly practical section of the Constitution, free from all conditions and limitations since the year 1808, with regard to the subjects concerning which amendments may be adopted, with the single exception of the suffrage of the States in the Senate, was provided as a means for adapting the fundamental law of the Republic to the changes incident to the development of the nation. It is the safety-valve of the Constitution, so constructed and guarded as to prevent hasty and inconsiderate action, and utterly destructive of every pretense for forcible revolution. It is impossible to justify a resort to force as a remedy for wrongs imaginary or real, while this recognition of the great doctrine that "Governments derive their just powers from the consent of the governed" remains a part of our organic law; and it would be equally difficult to justify the existence of anything in the Government destructive of the inalienable rights of "life, liberty, and the pursuit of happiness," without, at least, an earnest and determined effort to remove it. When the people established the Constitution, embracing the section which I have quoted, they agreed upon the means whereby the consent of the governed should be determined, and by the same act placed upon themselves and upon us the responsibility attached to those things which interfere with the inalienable rights of man, or which tend to the destruction of free government. Amendments proposed by Congress, or by a convention called for that purpose, and adopted or rejected by the Legislatures of the several States, are the mediums through which the consent of the governed is to be determined concerning all things not now provided for in the Constitution. It was a fair agreement, placing upon each and every citizen, and upon the several States, all of the risks and responsibilities incident thereto, for "we, the people of the United States," made it. It was expected that the nation would develop into grander proportions, its interests become more varied, its wants and necessities increase, and that it might be beset by dangers not occurring to the minds which molded the form of the organic law. It was agreed and expressly provided that the Constitution should grow to meet all of these new demands, keeping within the bounds of its ordination "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

This section of the Constitution is my authority for introducing the joint resolution which I have read; and it also imposes upon this House the responsibility of meeting the question fairly and with a view to the promotion of the best interests of the nation, by releasing it from the thralldoms of a hostile power which has entwined itself around the heart and life of the Republic. The proposition introducces no intricate question of constitutional law for discussion. It simply submits a question of fact for our determination, upon which the past and present throw such a flood of light that not even willfulness can lead us astray. Is slavery incompatible with a free Government? This is the true question involved; and no artful summonings of cunningly devised side issues, or of the ghosts of dead expediencies, can release any member of this body from passing upon this single issue. It is all there is in the case. The contest is squarely between slavery and free government, and in this light it is to be conducted to the end. Let us follow it, and see how it will end.

Slavery is defined to be "the state of entire subjection of one person to the will of another." This is despotism, pure and simple. It is true that this definition concerns more the relations existing between master and slave than it does those between the system of slavery and the Government. But we need not hope to find a system purely despotic acting in harmony with a Government wholly, or even partially, republican. An antagonism exists between the two which can never be reconciled. This our experiences with the principles involved have taught us is a truism from which indifference will not enable us to escape, nor dissimulation release us. But when we connect with the despotism of the slave system of this country the immense land and money power embraced in it, and reflect how thoroughly it had become interwoven with the entire social fabric of nearly one half of the States, we can more readily understand and fully comprehend how and why this antagonism took upon itself the form of political organization through which for many years it controlled the nation, and through which it insisted on the death of the Republic when it could control no longer. We can also understand why the system of which this antagonism is the active life took possession of every department of the local governments of the States where it existed, and hedged itself about with laws which were not only violations of the fundamental principles of our national Constitution but disgraceful to civilization and destructive of free Government. No man, whose conscience has vitality sufficient to make him honest, can read the slave codes of the southern States without admitting that they are utterly repugnant to the genius of our free institutions and irreconcilably opposed to the theory of our Government. And yet every one knows that these tyrannical, hostile, and barbarous codes were absolutely necessary for the preservation of the slave system, even in those dark days of slavery's rule which existed before the present war awakened to its true and real life the moral sense of the nation, and forced its ever-enduring light into the beclouded minds of the bondmen of this land, quickening their perception into that keen appreciation of every man's right to "life, liberty, and the pursuit of happiness," which bids defiance to slave codes, and effectively asserts and maintains the right of every man to own himself. The system, being a pure despotism, was forced to resort to despotic laws for support, defense, and perpetuation.

It was perfectly natural for the comparatively few men who held four million human beings in a bondage which puts to shame all other kindred systems which ever cursed man for their mildness, not only to resort to cruel and despotic laws for aid in their diabolical act, but also to seek refuge in the anti-republican dogma that "the right to govern resides in a very small minority; the duty to obey is inherent in the great mass of mankind." Domestic slavery, backed by immense capital and political power, knitted its lethargic web closely and firmly around statesmen and parties, and soon forged fetters for holding the mass of the people in governmental slavery. The minority commanded, and flew to arms to destroy the Government when the mass of the people refused to obey; and the war which is now so severely taxing the energies of our people, and drawing so exhaustively on the resources of the country, is the legitimate offspring of the attempt of a reckless, insolent, and depraved slaveholding oligarchy to mold this Government into a political counterpart of that barbaric domestic despotism which asserts the right of property in man. "The state of entire subjection of one person to the will of another" struck hands with "the right to govern resides in a very small minority; the duty to obey is inherent in the great mass of mankind." Domestic slavery and political slavery were joined in unholy wedlock in the temple of the Republic, and their infernal progeny are now trying to demolish the grand edifice in which their incestuous parents plighted their criminal vows. The entire combination, from minutest nefarious particle to its aggregated atrocity, is an anti-republican, despotic whole, the sworn enemy of all that is good, the bane of all that is just.

Mr. Chairman, we can cast our eyes upon no page of this nation's history whereon it is not written, "Slavery is incompatible with a free Government." We have tried to close our eyes against this constantly repeated and self-evident truth. We have tried to reason it away, to practice arts which should carry us around it, or over it, or under it. We have failed to accomplish the desired result. As immutable as the laws of God stands the declaration, "Slavery is incompatible with a free Government." Decked with the habiliments of death, surrounded by all the dread scenes of war, this incompatibility is thundering at the gates of the citadel of the Republic, demanding recognition. The loyal inmates command us to obey the summons. But we have not yet had enough of sorrow, desolation, and death. We must stop and reason, while the national treasure pours out in streams of increasing volume, while the life-blood flows from other hearts, while graves in untold numbers are preparing, and the ashes of desolation are cast upon unnumbered hearthstones. We must not act rashly. We must be calm, discreet, dignified. We must inquire why this great thunderer is thus disturbing our old traditions and confusing our conservative ideas. Well, let us examine this demand, and ascertain upon what facts it is supported.

In order to understand perfectly the objects which the people had in view when they ordained the Constitution of the United States, we must turn to the preamble which introduces us to that instrument. When we give it our attention we find it a very plain-spoken guide, void of guile or dissimulation. It discloses to us, first, that the Constitution is the work of the people; and this at once develops the thoroughly republico-democratic character of the Government established. It was a grand creation of the people for their own security in the possession of the great objects expressed in the preamble. All of the powers embraced in the Constitution were placed there for the sole purpose of putting these objects above interference from any source and beyond the hazard of loss. These objects are not only compatible with, but absolutely necessary to, the exist-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 22, 1864. NEW SERIES.....No. 76.

ence and enjoyment of a free Government. No one of them can be destroyed without detriment to the whole; and anything which by its nature is incompatible with either stands in the same relation to all the rest, and must, if permitted to acquire supremacy, ultimately subvert the free principles of the Government itself. How does the account stand between slavery and these great objects? Let us give our attention to this question for a few minutes, for it is one of transcendent importance.

The first object of the people was "to form a more perfect Union." What has been and is now the attitude of slavery toward this primary object of the Constitution? When slavery, in the natural threatening and disturbing course of its development, assumed the character and form of a political power, its first act was a denial that the *people* had formed a "more perfect Union," coupled with the assertion that the Union was a mere compact between the several *States*, which might be dissolved at the pleasure of any party thereto. This position was selected as most likely to terrify the people into submission while their power was being transferred to the hands of the few, and as affording a plausible pretext for the destruction of the Union in the event freedom should prove too strong for slavery and the people should refuse to surrender their power into the hands of those who would destroy their liberties. Shrewd calculators were the men who selected and intrenched this position. For many years the terrors which they exhibited to the people from this cunningly masked battery of error held the mass in check. But, when it was almost too late, the people discovered their danger, regained their power, resolved to enforce the grand principles and traditions of justice and liberty, and stood up in their majesty masters of the situation. Slavery flew to its last resort, sought to enforce by strife and battle its doctrine of a compact of States, and the right to dissolve the same at pleasure, and for three long and bloody years has been by the dread power and fearful engineries of war seeking the destruction of the Union of the people.

The second object of the people was "to establish justice." How could slavery stand otherwise than opposed to this? Slavery is injustice. The establishment of justice would destroy slavery. Both cannot live together in peace. In the very nature of things a state of strife, contention, war, will and must exist unceasingly between these two irreconcilable enemies until one shall succumb to the other. Justice is "the virtue which consists in giving to every one what is his due; practical conformity to the laws and to the principles of rectitude in the dealings of men with each other." Slavery is the direct, perfect, absolute opposite of this. Must not the house in which these two antagonisms exist be divided against itself? Can such a house stand? Is it possible to establish justice and maintain slavery? The long, dark, terrible record written on the pages of an incessant strife, first in unhealthy, feverish, exhausting political excitements, and finally in the best, truest, and bravest blood of the nation, and now culminating amid the awful scenes of a war unprecedented in proportions and unequaled in the matchless glory of its promised results, furnishes to us and to the world an unquestionable negative to the queries I have submitted. Slavery challenged the people in their endeavors to establish justice, and resorted to the ordeal of battle against them in their efforts to maintain a Government founded upon this divine attribute. The ordeal of battle is not yet closed. The contest is in the full tide of its power. All around the combatants the nations of the world as spectators press with an eagerness and intensity of interest never before prepared for the pages of history, while the spirits of the fathers of our republican system look down from their bright and blest abode, hoping for the triumph of justice, and appeal to God who has gathered them to Himself to strengthen the arms which strike for the right. We know, the peoples of the earth know, the spirits of the fathers know, that this grand struggle for victory can be terminated only by the triumph of justice and the death of slavery, or by the success of slavery and the death of the Republic. No compromise can be made, no truce can be adjusted, no silver-tongued appeals for peace can be heard amid the din of this fierce conflict. We must establish justice upon the tomb of slavery, or have it not at all. We must establish it or acknowledge the Republic a failure. We will establish it by destroying, in the manner and form prescribed by our Constitution, that which stands in our way—slavery.

Another object to be accomplished by the adoption of the Constitution was to "insure domestic tranquillity." This was the voice of the people. How stands the account between the Republic and slavery concerning this grand purpose of the people? When, since slavery assumed political proportions, has it subserved the great end of domestic tranquillity? It has been powerful, but what are the fruits of its power? The long line of political, legislative, judicial history of this nation presents not a page which is not disfigured by some blot placed upon it by the aggressive, intolerant, exacting, and despotic spirit of slavery. From school-book to statute-book, from hearthstone opinions to decisions of the Supreme Court of the United States, from political hustings to the sacred desk, from town meetings to Congress, no bright spot appears without a blemish from the hands of the restless, meddling, disturbing genius of slavery. Everywhere its footprints appear, always tending toward a disturbance of our domestic tranquillity. We had no national repose, for constant pro-slavery agitation kept a continual fever in the national system, consuming its energies and its life. This was the condition of the nation in the so-called times of peace, and before the good guns of Sumter answered the war summons of slavery. Since that time our domestic tranquillity, always disturbed, has been enveloped in the dark, dense, impenetrable cloud of war thrown over it and around it by the spirit which discharged the first shot against the flag of the Union, and commenced the present deplorable trial by battle. Instead of insuring domestic tranquillity slavery has been an irrepressible disturber of the nation's repose. It accorded to us no rest in our miscalled day of peace. Steadily it pressed us toward despotism or war. We declined to advance further upon either of these dread alternatives, and turned our faces back to the position which the fathers had occupied. No sooner was our gaze turned in that direction than slavery's shrill bugle-blast aroused the people to the fearful realities of the most gigantic, wicked, and causeless civil war that ever cursed the earth or disturbed the repose of nations. Summoning to its standard panoplied hosts of deceived, misguided, ignorant men, keeping step under the flag of death to the music of disunion, it has forced from the shops and offices and stores and fields of the loyal and freedom-loving North hundreds of thousands of the brave, true, intelligent, patriotic sons of the Republic to sterner work than the enjoyment of domestic tranquillity—to the battle-field, to death, and the grave. Mourning households, broken hearth-circles, bleeding hearts, everywhere bear witness that slavery is the destroyer and not a promoter of domestic tranquillity.

"To provide for the common defense" was another declared purpose of the people when they ordained the Constitution. The common defense of a republic can never be insured by nurturing within it its implacable enemy. The elements on which a republic relies for that concentration of resources and strength necessary to effective common defense must be homogeneous. Anything which prevents this is inimical to the prosperity and success of the Government. Doctrines of government, systems of labor, social organizations, commercial and manufacturing interests, religious, moral, and educational purposes, all must be so connectedly harmonious "as to create a chain of mutual dependencies," each relying on its fellows for support, while all work in unison for the accomplishment of a common end. Interrupt this harmony and the rule which enforces the resulting discord is arbitrary, and consequently at war with free government. And we must remember that the common defense which the people declared for, and which our security demands, is not merely that which shall meet and overcome the assaults of foreign Powers, but has quite as direct reference to the preservation of the equipoise of our republican system in opposition to all hostile efforts and influences originating among ourselves. Very little good would result from a mere maintenance of our territorial proportions in opposition to outward assailants, if we should fail to preserve our republican forms, our Christian principles, our true moral and social characteristics, from internal efforts to destroy them. We have long had, and now have, a wily, aggressive, restless domestic enemy, which has to a greater extent imperiled the nation than have all other foes combined. It has interfered with every element of national strength, by aggressing upon our doctrines of government, forcing collision between systems of labor, distracting our social organizations, disturbing our commercial relations, injuring our manufacturing interests, dividing our religious communities, debauching the public morals, preventing universality of education, and forcing discord into every fiber of the Republic. Slavery has done this, and now wages war for the purpose of completing the destruction of the nation. These are the contributions of slavery to the common defense.

Following naturally and logically in the chain of objects declared by the people we find the next is to "promote the general welfare." In opposition to this slavery has stood as a wall of brass. For the aggrandizement of a privileged class, the upbuilding of an aristocracy, and the debasement of the masses, slavery has been the chief instrument. But all these ends are opposed to the general welfare. That must rest upon things quite different—upon equality, democracy, and the elevation of the masses. There can be no true development of those qualities which make a nation great and prosperous unless its energies are so diffused as to reach all classes, all interests, all sources of power, and embrace them all in its grand march of progress. Who ever measured the mighty resources of this nation before the present war broke the spell which slavery had cast over the people, and set the national mind and conscience free? Three years, marked by the bloody footprints of war, surcharged with the griefs of a hundred battle-fields, have done more for the development of the powers and resources of this nation than half a century accomplished when slavery controlled the national mind. When slavery ruled, the energies of the people were comparatively dormant. What little of vigor worked its way up to and through the incrusted surface was made captive by the interminable political agitations with which slavery disturbed the country and checked the progress of the Republic. Underlying these agitations were false principles of political economy, unsound doctrines of government, erroneous theories of trade and commerce, ruinous systems of public policy, unjust systems of labor—everything which was calculated to retard the true advancement of the nation. These agitations dominated over everything. The brain-force of the country was subject to them. They everywhere overshadowed the material interests of the country, directed its legislation, overawed its executive agents, controlled its courts, corrupted its religion, debased its morals, vitiated its literature, beclouded and benumbed everything upon which a people must rely for greatness, prosperity, happiness, and the promotion of the general welfare. They kept the public mind in a constant state of unhealthy excitement, and infused their poison into every vein and artery of the body-politic.

Sir, this is the past as molded by slavery. Shall the future be its harmonious counterpart? Shall we pass through this horrid political nightmare again to be awakened therefrom by the bugle-

blast and cannon-roar of another war, or shall we secure a permanent peace to ourselves and our children by firmly establishing the general welfare upon the tomb of slavery? We cannot postpone these grave questions for posterity to answer. With us they abide, and we are to answer them. We must answer them, and do it faithfully for freedom, if we would have this war pass into the history of past events, and not "drag its slow length along" the pages of the future. No avenue is presented for our escape except that which leads over the dead body of slavery. This great fact is recognized by the nation. Its immense proportions have attracted the attention of the civilized world. Shall we alone close our eyes to it and attempt to avoid its grave responsibilities? We cannot succeed in this if we should try. We ought not to try, for the general welfare of the nation forbids it.

The last, the grandest, the most sublime of the objects declared by the people in the ordination of the Constitution is, "to secure the blessings of liberty to ourselves and our posterity." Of this great object of the people, Story, in his Commentaries on the Constitution, says:

"Surely no object could be more worthy of the wisdom and ambition of the best men in any age. If there be anything which may justly challenge the admiration of all mankind, it is that sublime patriotism which, looking beyond its own times and its own fleeting pursuits, aims to secure the permanent happiness of posterity by laying the broad foundations of Government upon immovable principles of justice. Our affections, indeed, may naturally be presumed to outlive the brief limits of our own lives, and to repose with deep sensibility upon our own immediate descendants. But there is a noble disinterestedness in that forecast which disregards present objects for the sake of *all mankind* and erects structures to protect, support, and bless the most distant generations."

Let us not overlook that portion of this well-expressed and better-bestowed praise which rests upon the fact that the glorious work of the people was for "the sake of all mankind." Let it bring afresh to our minds that important question propounded by Jefferson:

"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God; that they are not to be violated but with His wrath?"

Has not slavery denied that this great work of the people was intended for the "safety of all mankind," and brought upon us the just chastisement of God, who intended "these liberties" for all of His creatures? What are the thunders of this war but the voice of God calling upon this nation to return from the evil paths, made rough by errors and misfortunes, blunders and crimes, made slippery by the warm, smoking blood of our brothers and friends, to the grand highway of national thrift, prosperity, happiness, glory, and peace, in which He planted the feet of the fathers? Cannot we hear amid the wild rushing roar of this war storm the voice of Him who rides upon the winds and rules the tempest saying unto us, "You cannot have peace until you secure liberty to all who are subject to your laws?" Sir, this declaration must be heeded. It has been whispered into the ears of this nation since first we pronounced life, liberty, and the pursuit of happiness to be the inalienable rights of all men, and now it rolls in upon us like the voice of the ocean, tendering peace or war to our election. Which shall we elect? Shall it be peace? How can it be peace while liberty and slavery dwell together in our midst? These are enemies. These are ideas which cannot dwell together in harmony. How can we have peace? Let slavery die. Let its death be written in our Constitution. Let the Constitution "proclaim liberty throughout the land to all the inhabitants thereof." This is the way to peace—firm, enduring peace, embracing all mankind, and reaching to the most distant generations. In this way only can we secure liberty to ourselves and our posterity.

But, sir, slavery has not contented itself with manifesting its incompatibility with our free Government by opposing the great objects for securing which the people ordained and established the Constitution. It has confronted the Constitution itself, and prevented the enforcement of its most vital provisions. Section two of article six of the Constitution says:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

Of the many provisions of the Constitution devised for the protection of the unity of the nation, this one stands first in importance. Without it the bond of union would be as weak as an invalid between whom and the grave but a breath intervenes. The supremacy of the Constitution, the laws and treaties of the United States, are necessary to our existence as a nation. Our unity can be preserved in no other way. This was the belief of those who ordained the Constitution, and our experience accords therewith. But, sir, slavery planted itself in opposition to this provision of the Constitution, and declared that it should not be enforced. Do you ask for proof? We need not go far to find it. Turn to the Constitution and take as a guide the words:

"The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

To what extent has this been regarded as the supreme law of the land in States where slavery controlled legislation, presided in the courts, directed the Executives, and commanded the mob? It is a provision of most vital importance to every citizen. We could not be a nation of equals without it. It is the peerage title of our people. How has it been observed? What has been the conduct of slavery toward it? Let us turn again to the Constitution for practical aid in the solution of these questions. In the first article of the Amendments to the Constitution we find this language:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The great rights here enumerated were regarded by the people as too sacred and too essential to the preservation of their liberties to be trusted with no firmer defense than the rule that "Congress can exercise no power which is not delegated to it." Around this negative protection was erected the positive barrier of absolute prohibition. Freedom of religious opinion, freedom of speech and press, and the right of assemblage for the purpose of petition belong to every American citizen, high or low, rich or poor, wherever he may be within the jurisdiction of the United States. With these rights no State may interfere without breach of the bond which holds the Union together. How have these rights essential to liberty been respected in those sections of the Union where slavery held the reins of local authority and directed the thoughts, prejudices, and passions of the people? The bitter, cruel, relentless persecutions of the Methodists in the South, almost as void of pity as those which were visited upon the Huguenots in France, tell how utterly slavery disregards the right to a free exercise of religion. No religion which recognizes God's eternal attribute of justice and breathes that spirit of love which applies to all men the sublime commandment, "Whatsoever ye would that men should do unto you, do ye even so to them," can ever be allowed free exercise where slavery curses men and defies God. No religious denomination can flourish or even be tolerated where slavery rules without surrendering the choicest jewels of its faith into the keeping of that infidel power which withholds the Bible from the poor. Religion, "consisting in the performance of all known duties to God and our fellow-men," never has been and never will be allowed free exercise in any community where slavery dwarfs the consciences of men. The Constitution may declare the right, but slavery ever will, as it ever has, trample upon the Constitution and prevent the enjoyment of the right.

How much better has free discussion fared at the hands of the black censor who guards the interests of slavery against the expression of the thoughts of freemen? On what rood of this Republic cursed by slavery have men been free to declare their approval of the divine doctrines of the Declaration of Independence? Where, except in the free States of this Union, have the nation's toiling millions been permitted to assert their great protective doctrine, "The laborer is worthy of his hire?" What member of our great free labor force, North or South, could stand up in the presence of the despotism which owns men and combat the atrocious assertion that "Slavery is the natural and normal condition of the laboring man, whether white or black," with the noble declaration that "Labor being the sure foundation of the nation's prosperity should be performed by free men, for they alone have an interest in the preservation of free government," with any assurance that his life would not be exacted as the price of his temerity? In all this broad land not one could be found. The press has been padlocked, and men's lips have been sealed. Constitutional defense of free discussion by speech or press has been a rope of sand south of the line which marked the limit of dignified free labor in this country. South of that line an organized element of death was surely sapping the foundations of our free institutions, reversing the theory of our Government, dwarfing our civilization, contracting the national conscience, compassing the destruction of everything calculated to preserve the republican character of our Constitution; and no man in the immediate presence of this rapidly accumulating ruin dared to raise a voice of warning. Submission and silence were inexorably exacted. Such, sir, is the free discussion which slavery tolerates. Such is its observance of the high constitutional rights of the citizen. Its past will be repeated in its future if the people permit it to curse the world with a continued existence.

"The right of the people peaceably to assemble and to petition the Government for a redress of grievances," has been as completely disregarded as the other rights I have mentioned by the terrorism which guards the citadel of slavery. If slavery persecuted religionists, denied the privilege of free discussion, prevented free elections, trampled upon all of the constitutional guarantees belonging to the citizen, peaceable assemblages of the people to consider these grievances with a view to petition the Government for redress could not be held. If non-slaveholding whites became alarmed at the bold announcement that "slavery is the natural and normal condition of the laboring man, whether white or black," seeing therein the commencement of an effort intended to result in the enslavement of labor instead of the mere enslavement of the African race, they were not privileged to peaceably assemble and petition the Government in regard thereto, or to discuss the barbarism and to arouse the people in opposition to it. Slavery held political and social power sufficient to crush all such attempts on the part of the injured people. Slavery could hold its assemblages, discuss, resolve, petition, threaten, disregard its constitutional obligations, trample upon the rights of labor, do anything its despotic disposition might direct; but freedom and freemen must be deaf, dumb, and blind. Throughout all the dominions of slavery republican government, constitutional liberty, the blessings of our free institutions were mere fables. An aristocracy enjoyed unlimited power, while the people were pressed to the earth and denied the inestimable privileges which by right they should have enjoyed in all the fullness designed by the Constitution.

Sir, I might enumerate many other constitutional rights of the citizen which slavery has disregarded and practically destroyed, but I have enough to illustrate my proposition: that slavery disregards the supremacy of the Constitution and denies to the citizens of each State the privileges and immunities of citizens in the several States.

The proposition needs no argument. We all know that for many years before the commencement of the gigantic rebellion now in progress the supporters of slavery enforced this disregard of the supremacy of the Constitution and of the privileges and immunities of the citizen by every power and influence known to the communities cursed by the presence of a slave. Legislatures, courts, Executives, almost every person holding political or social power and position in the southern States, were all arrayed on the side of slavery, and what they could not accomplish was turned over to the mob, which, without law, with abuse, indignities, cruelties, and hempen halters, did its work with fearful accuracy and terrible exactness. Twenty million free men in the free States were practically reduced to the condition of semi-citizens of the United States; for the enjoyment of their rights, privileges, and immunities as citizens depended upon a perpetual residence north of Mason and Dixon's line. South of that line the rights which I have mentioned, and many more which I might mention, could be enjoyed only when debased to the uses of slavery. Slave-

holders and their supporters alone were free to think and print, to do and say what seemed to them best on both sides of that line. They could think, read, talk, discuss with perfect freedom in each and every State, and fearfully they used this advantage to destroy the liberties of this country. It is quite time, sir, for the people of the free States to look these facts squarely in the face and provide a remedy which shall make the future safe for the rights of each and every citizen. Had slavery not possessed this advantage, civil war, freighted with sorrow, desolation, and death, would not have visited this nation. But since it has come, the people of the free States should insist on ample protection to their rights, privileges, and immunities, which are none other than those which the Constitution was designed to secure to all citizens alike, and see to it that the power which caused the war shall cease to exist, to the end that the curse of civil war may never be visited upon us again, and that the citizen whose home is in the North shall be as free to assert his opinions and enjoy all of his constitutional rights in the sunny South as he whose roof-tree is the magnolia shall to the same ends be free amid the mountains of New England and the sparkling lakes of the North and the West. An equal and exact observance of the constitutional rights of each and every citizen, in each and every State, is the end to which we should cause the lessons of this war to carry us. Whatever stands between us and the accomplishment of this great end should be removed. Can we reach this end and save slavery? Can we reconcile the antagonisms which have produced this war? Can we mix the oil and water of despotism and republicanism? Can we harmonize the contending elements of absolutism and free government? No, sir; it is not given to human power to accomplish these results. What, then, shall we do? Abolish slavery. How? By amending our national Constitution. Why? Because slavery is incompatible with free government. Peace, prosperity, national harmony, progress, civilization, Christianity, all admonish us that our only safety lies in universal freedom.

Sir, I have endeavored to show that slavery stands arrayed against every object for the attainment of which the people ordained and established the Constitution; that it is seeking the destruction of the Union, is opposed to the establishment of justice, has disturbed our domestic tranquillity, makes war upon us instead of providing for the common defense, promotes wide-spread desolation and ruin instead of advancing the general welfare, and seeks to withhold from us and our posterity the blessings of liberty. I have endeavored to show that it has disregarded the Constitution and trampled upon the most sacred rights of the citizen. But the case is so nearly self-evident that it is difficult to argue it. The antagonism is so marked, and the incompatibility so glaringly apparent, that they overshadow proof and argument. The conscience of the nation is so sensitively active concerning the questions to which I have spoken that it arrives at conclusions with the rapidity by which thought measures distance. Argument cannot travel so fast. At best it is but the baggage-train of the grand army of ideas and aspirations which is now leading this nation to that higher and purer civilization that forms the silver lining of the dark war cloud which overhangs the Republic.

Mr. Chairman, the position which this nation maintains to-day in relation to the true character of slavery is more perfect than that which the founders of the Government occupied. They believed that slavery was so directly opposed to justice, so distinctly arrayed against divine law, so utterly depraved and desperately wicked, that its own aggregation of enormities would speedily accomplish its dissolution. We recognize their faith as most correct, except in its conclusion. We see that the death can only be accomplished by an executioner. Slavery will not kill itself. The decree of death has been enrolled. The death-warrant was sealed by the first shot which struck Fort Sumter. But condemned culprits do not execute themselves, and slavery is no exception to the rule.

I admit that the progress of the war has accomplished much toward giving effect to the decree. In our harvest of blood we have gathered great compensatory results. The spirit of patriotism has returned to us clothed with a resurrectional brightness like unto that which shall light the heirs of glory to the abode of the eternal Father. Manhood, as it stood proudly erect in the grand, colossal, symmetrical proportions known to the early days of the Republic, again gives sublimity to American character. An acknowledged dependence on Him who guides the planets and notices the fall of a sparrow is once more the sure defense of our people. An awakened, invigorated, concentrated national conscience revivifies our observance of justice. Fear of God and love of country blend and course from heart to extremities of the earnest masses who struggle amid the awful terrors and black woes of war for that sublime end, a true peace. These happy results have effected many of the preliminaries to the final death of the condemned disturber of our repose. Already the glowing fruits of ultimate victory gather around and about us. Thousands of human beings who were slaves at the commencement of this accursed rebellion are now enjoying the freedom which God designed for all of His creatures. The limits of slavery have been contracted by State action, and other States are directing their efforts to the further compression of the dominion of the black power which wars upon all that is good. Congress has not failed to provide a way through which men may march from bondage to freedom. The President has nobly performed his duty by striking the chains of slavery from millions of men. Public opinion, the conqueror of men and parties, the maker of Presidents and Congresses, has flung its banner to the breeze, inscribed with the glorious words, "Liberty and Union." Providence has opened up the way to that higher civilization and purer Christianity which the Republic is to attain. The very atmosphere which surrounds us is filled with the spirit of emancipation. Every throb of the popular heart sends coursing to the very extremities of national life the warm blood of freedom. These things all cheer the hearts of the true sons of the Republic. Our Red Sea passage promises to be as propitious as was that of God's chosen people when the waters parted and presented the sea-bed for their escape from the hosts upon whom these waters closed and effected the burial appointed by Him who had declared, "Let my people go." The bow of promise now arches the heavens, but the end is not yet. We have advanced, but promise signifies future. We hope for the end, but it is not yet abiding with us; for hope pertains to that which we do not possess. We feel that we have gained much during the terrible trial to which the Republic has been subjected, and we know that at far too great price have the people purchased the position of which they are now the masters to permit it to pass again into the possession of the enemies of free government. The position must be fortified and the lines advanced. What freedom has gained must be intrenched by the strong arm of the Constitution. The life and treasure which the loyal citizens of the Union have expended, in amount unprecedented and with cheerfulness almost incomprehensible, must be made to secure something more durable than a lull of the storm, a delusive hope, and a deceitful peace. Security for the future must be the result of the great demands to which our people have so nobly responded. The price paid is ample, and its returns must be worthy of the grand patriotism which rose, as if by the command of God, all panoplied for war, and equal to all of the exactions of the awful conflict whose birth was announced by the roar of rebel cannon over the bay of Charleston.

Sir, let us not be misled by delusive hopes, nor deceived by artful words. Let no siren song divert us from the path which the events of our fancied days of peace and the lessons of this war have marked out for us with more unerring exactness than that with which the magnetic needle points the course of the mariner on the trackless ocean. There was a lurking devil in the words of the gentleman from New York [Mr. BROOKS] when he told us that he accepted "the abolition of slavery as a fact accomplished." He knows, the world knows, that none of the acts hostile to slavery which I have mentioned have gone beyond the fact of making men affected by them free; that no one of them has reached the root of slavery and prepared for the destruction of the system. We have made some men free, but the system yet lives, and has its thousands of active tongues all over this land, hissing its defense and seeking to benumb the public conscience by covering it over with the slime of death. One of these tongues, forked and slimy, speaks from the mouth of the man who holds in his hands the reigns of the executive power of the Empire State the words—

"If it is true that slavery must be abolished to save this Union, then the people of the South should be allowed to withdraw themselves from that Government which cannot give them the protection guarantied by its terms."

This man does not believe that the abolition of slavery is a "fact accomplished;" and he has a numerous, active, crafty, unscrupulous party at his back, every member of which accepts the teachings of this master. In this Hall busy tongues paraphrase this guilty declaration, and cry aloud for the "Union as it was," with the great, black crime of slavery "as it was," or "peace on any terms."

From the other end of this Capitol a senatorial tongue has hissed upon the records of the country these defiant words in behalf of slavery:

"By your acts you attempt to free slaves. You will not have them among you. You leave them where they are. Then what is to be the result? I presume that local State governments will be preserved. If they are, if the people have a right to make their own laws and to govern themselves, they will not only reënslave every person you attempt to set free, but they will reënslave the whole race."

And a tongue in this body answers, "If you destroy slavery, you destroy our free institutions." These are the tongues which are to be the oracles of the convention that is to meet at Chicago on the 4th day of next July to organize the elements of a powerful party in the interests of slavery.

Sir, is it not madness to act upon the idea that slavery is dead? We hold it as a condemned, unexecuted culprit, and know that it is not dead. Why shall we not recognize the fact and provide for the execution? We must do so, or go on digging graves and pouring sorrow into the loyal homes of the people; for the systems and ideas which flash their lightning among the clouds of this war will never cease from strife until from hill-top to mountain-top, from valley to plain, from ocean to ocean, from the lakes to the Gulf, the swelling tide of the nation's acclaim announces to the people of the earth that American slavery is to be known to the future only through the history of the past. To us is this great work intrusted. How shall we perform it? There lies no difficulty in our way if we will but do our duty.

The Committee on the Judiciary have authorized me to report to the House the proposed amendment of the Constitution of the United States, with a recommendation that it be passed by this body, and submitted to the Legislatures of the several States for their acceptance. A concurrence in this recommendation is the plain road over which we may escape from the difficulties which now beset us. A submission of this proposition to the several States will at once remove from Congress the question of slavery. No further agitation of this vexatious question need disturb our deliberations if we concur in this recommendation, and we shall be far advanced toward a lasting, ever-enduring peace. Send this proposition to the States, trust it to the people, fix it as a center around which public opinion may gather its potent agencies, and we shall have accomplished more for the future tranquillity of the Republic than ever was effected by Congress before. The people are now convinced of the incompatibility of slavery with free government. Let us impart to them an opportunity to give effect to their conviction. If we refuse, our successors will be more obedient; for the people have decreed that slavery shall die, and that its death shall be recorded in the Constitution. We are to construct the machinery which shall execute the decree, or give place to those who will perform the bidding of the people. We cannot evade the responsibility which rests upon us by declaring that we "accept the abolition of slavery as a fact accomplished." The nation knows that this enunciation is a mere lachrymose, diplomatic intrigue employed by slavery to arrest the grand volcanic action that is upheaving the great moral ideas which underlie the Republic. The nation demands more, its faith embraces more; its acute appreciation of the true nature of the disease which preys upon its heartstrings assures it that the

work of death cannot be arrested until the fact of slavery's dissolution is accomplished; and that this may not be until, by amendment of the Constitution, we assert the ultimate triumph of liberty over slavery, democracy over aristocracy, free government over absolutism.

POSITION OF REBELLIOUS STATES.

Mr. WILDER. Mr. Chairman, during the year which has just closed we have made such progress in quelling the rebellion that the minds of all naturally turn to consider the relations which the revolted States and their citizens will occupy in respect to the Government when it shall have brought them fully under its power. The true state of things subsisting between us and the rebellious States, in my judgment, is that of public war, accompanied by all the rights, on our side at least, that we would possess in a conflict with foreign enemies, and attended on their side by just liability to all such measures as we might adopt toward alien foes under the law of nations, and, in addition thereto, to such penalties as the municipal law denounces against traitors. The Constitution sets no limits to the rights of war. It confers these rights in granting the power to declare war, to raise armies and navies, to make captures, &c. Without defining or regulating the execution of these powers it does enumerate various restraints upon Congress and the Executive. These restraints, however, it has been often and well shown, have relation to a state of peace, and to citizens who submit to the Constitution and uphold it, not to those who renounce its obligations and defy its ministers.

If it should be said that such a discussion is premature, that it is our business to obtain safety before consulting as to the way in which we shall exercise dominion, I might answer that the way in which we may rightfully prosecute the war, and the rights we shall acquire and may legitimately exercise over the revolted States when reduced to obedience, depend upon precisely the same considerations. Those who cavil at the mode and denounce the agencies by which we have of late won so many successes in the war, do it because they dread that utter subversion of their *party* power which will inevitably follow from our exercising rights acknowledged by the law of nations, but not permitted, as they contend, by the Constitution. In this they have been wiser in their generation than the children of light.

But not to go into this now, it is sufficient that the subject is brought directly before us by the President's proclamation of December 8, 1863, designed, while tendering liberal terms of amnesty to repentant rebels, at the same time to corroborate and enforce the proclamation of emancipation which has made the 22d September, 1862, a date never to be forgotten through all the ages.

The first question that arises is, has the President the right to couple the resumption, by loyal citizens of the revolted States, of the power of self-government in the Union, and of a share in the governing *us* their representatives in this House and in the Senate, with the conditions he has annexed; or have the President and Congress, acting together, this power? If either or both possess the power, and it is deemed expedient to exercise, we shall all probably be disposed to avoid all discussion of the question in whom this power derived from war resides by an act of Congress confirming and ratifying the proclamation. We have acted in this spirit heretofore, and have thus postponed to a more convenient season any discussion of the respective limits of the executive and legislative functions; limits which are of no consequence when both agree in the thing to be done, and unite in doing it. For this reason I shall not be particular to inquire in which branch of the Government the war powers reside. It is clear enough to me that whatsoever the President may do in the exercise of his own discretion as Commander-in-Chief of the Army and Navy, he not only may but is bound to do when required by the legislative body.

As to the power of the President to attach such conditions as he may think proper to the pardon of offenders, it is unnecessary to add anything to what he has said in his message. In the proclamation he recites the fact that the confiscation act expressly invests him with the authority to annex such conditions as he may deem expedient for the public welfare to pardon and amnesty. Blackstone says that this faculty existed at common law (independent of any statute) in the English executive, (volume four, page 401,) and he states that the prerogative is *daily* exercised in the pardon of felons on condition of their transportation for life or a term of years. Indeed the colony of Virginia derived a large portion of its early settlers from the acceptance of mercy by felons, male and female, on condition of their being shipped to its shores. Upon their arrival they were sold to the planters to defray the expense of carrying them across the ocean. Many of them, as has been the case in all penal colonies, bleached out, so to speak, into tolerably honest and respectable people, acquired property, and became themselves the purchasers of fresh importations of convicts. The Lives of Colonel Jack and of Moll Flanders, by the same hand that penned the immortal story of Robinson Crusoe, depict with graphic fidelity the adventures of two such founders of the first families. They are fictions, so far as names are concerned, but they owed their popularity to the accuracy and naturalness with which they painted histories, which were substantially true, and universally known to be true, of hundreds of adventurers. It will hardly do at this day for Virginia (not West Virginia) to object to the revival of a system of conditional pardons to which she owes her very existence, and perhaps some of those qualities which her modern sons have delighted to characterize as chivalrous.

What relation has the Constitution to the rights or duties of the Federal Government in a war, or at the successful termination of a war waged for the purpose of bringing back into subjection to the Constitution States which have temporarily broken away from its bonds with the solemn declaration that they have renounced it forever, and with the claim on their part that they are not only in fact but in law and in right aliens and strangers, and holding us no otherwise than as they hold the rest of mankind, enemies in war, in peace, friends? The Constitution, in terms, has confessedly nothing to say on that subject. It contemplates no such state of facts. It would be strange if it did. That would be a remarkable frame of government, or, if anybody prefers the word, a remarkable *compact*, which should undertake to provide for dealing with people as to whom, in the case supposed, it would have no effect, and for a condition of affairs which, so long and so far as it had any force, could never arise. In what language can we imagine the framers of the Constitution to discuss such a problem? The population of South Carolina, a population which has never been hearty in the support of the Revolution or the Confederacy or the present Government, was likely, if anybody, to foresee a time when they would be anxious to know how the Constitution they were framing would bear upon them when they had thrown it off. Suppose their delegates in the Convention to have started the question. They must have stated it in something like this way: "Suppose we shall fail to agree to that extent that we of South Carolina wholly abandon the agreement and refuse to let it have any further operation upon us. What then? How is it to operate upon you in respect to any measures you may feel like taking against us? We don't see that the paper tells, but we do see that it clothes the new Government with the power to declare war, and with the means of making it effectual by an army and navy, and there is no exception *of a State or States* to prevent war upon us; nor is there any limitation upon the manner of conducting war, nor in relation to the fruits the victor may obtain by conquest. How about this?" We may well conceive the answer to have been, "When you rescind the bargain on your side, we, of course, cease to be bound by any part of it on our side if we so elect. So if any precise arrangement for war with you would be fruitless, we decline to make any arrangement or any explanations about the remedies or the consequences of a situation into which you have no right to put yourselves—a situation which it is the very object of the compact to prevent your ever occupying. Besides, what would be the use? If the thing comes to war—that of itself puts an end to all compacts. We doubtless should carry it on according to our strength and according to our interests in precisely the way that would be most injurious to you. That, as simple-minded men understand it, is the object and theory of war. It is a matter of sheer force, and not at all a matter of contract. It reverses the golden rule, and aims to do not what we would like done unto us, but what we would not at all like done unto us. At all events, there stands the compact looking to the possibility of war and containing no restrictions as to *with* whom, or by what means, or with what consequences. You must look for them, if you will make occasion to, outside of the Constitution."

Now we have not the means of knowing that any colloquy like this ever took place; but we *do* know that the Constitution took the shape to which such views of the question unavoidably conduct us. We do know that two propositions were submitted and rejected by the Convention which were intended to clear up such an obscurity as was started in the imaginary colloquy. Luther Martin, the eminent delegate from Maryland, desired, for one thing, that we should not have the capacity to treat rebels both as enemies to be dealt with by arms and as traitors to be punished by fines and penalties. He proposed this provision, namely, that—

"No act or acts done by one or more of the States against the United States, or by any citizen of any one of the United States under the authority of one or more of the said States, shall be deemed treason or punished as such; but in case of war being levied by one or more of the States against the United States, the conduct of each party toward the other and their adherents respectively shall be regulated by the laws of war and of nations."

This was rejected, and the rejection shows that with the proposition before them the framers of the Constitution deliberately refused to trammel the Government in a war with rebellious States by any constitutional restrictions.

It is because the Constitution took this form of significant silence that James Buchanan could find in it no "power to coerce a State into submission which is attempting to withdraw or has actually withdrawn from the Confederacy." "After much serious reflection," he says in his message of December, 1860, "I have arrived at the conclusion that no such power has been delegated to Congress, or to any other department of the Federal Government." He argues that it was expressly refused, and states that on the 31st of May, 1787, the clause "*authorizing an exertion of the force of the whole against a delinquent State* came up for consideration in the Convention." He quotes from a speech of Mr. Madison, who said: "The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound." Upon his motion the consideration of the clause was unanimously postponed, and appears to have never been resumed.

Now, the language of Mr. Madison is just that of a man who saw no propriety in specific provisions for the employment of force, because force of itself abrogates all other laws than those which nations impose upon themselves in the conduct of war. But I refer to this passage for the purpose of saying that either Mr. Buchanan was right in inferring that force could not be employed to hold rebels to their allegiance and reduce them to subjection, or, if he was wrong, then the power to employ force finds no limitation or regulation whatever in the fundamental law. There is no possible middle ground. The way of James Buchanan is one way, and it has been rejected with scorn, not merely by all loyal men, but by nearly all who make any affectation of loyalty. The way of Abraham the Honest is the only other way, and the Constitution has erected no barrier across it.

There are those who instead of squarely combating the argument of Mr. Buchanan have to turn his position by a shadowy distinction between making war on a State, which they rather concede the Constitution does not permit, and making war on all the individuals who constitute the State. I cannot appreciate the distinction. We are to deal with unbending facts as they *are* and not at all with things as they are not but *ought* to be, and would be if the written obligations which should control the subject were fulfilled. We are waging war, not with chance assemblages of miscellaneous individuals of riotous insurrectionary propensities, but with sovereign States complete in all the panoply of peaceful administration and of belligerent struggle; States with all

their departments, executive, legislative, and judicial, fully organized and active, with practically their entire population submitting to and upholding—whether by free will or by compulsion is unimportant as to the main fact—the actual government of such States. But it is needless to talk of this. It has been settled by the solemn adjudication of the Supreme Court of the United States; a tribunal that our conservative friends have so often reprimanded us for not following with the implicit devotion that they think is its due. In the case of the Hiawatha and other prize vessels (reported in 2 Black) this tribunal announces its deliberate judgment thus:

"In organizing this rebellion, they have acted as States, claiming to be sovereign over all persons and property within their respective limits, and asserting a right to absolve their citizens from their allegiance to the Federal Government. Several of these States have combined to form a new confederacy, claiming to be acknowledged by the world as a sovereign State. Their right to do so is now being decided by wager of battle. The ports and territories of each of these States are held in hostility to the General Government. It is no loose or unorganized rebellion, having no defined boundary or possession. It has a boundary marked by lines of bayonets, and which can only be crossed by force. South of this line is enemy's territory, because it is claimed and held in possession by an organized, hostile, and belligerent power. All persons residing within this territory, whose property may be used to increase the revenue of the hostile power, are in this contest liable to be treated as enemies, though not foreigners. They have cast off their allegiance and made war on their Government, and are none the less enemies because they are traitors."

The court, in the same case, in the most distinct and emphatic terms, declare the proposition that "the Constitution and laws of the United States are still operative over persons in all the States, for punishment as well as protection," to rest on assumptions which are "without foundation in the established law of nations." The opinion was pronounced not by any fanatical Republican, but by Judge Grier, a Democrat appointed by James K. Polk. The opinion was concurred in by all the judges, so far as it relates to the quality of the contest and the rights and powers it confers on the belligerents. The only difference of opinion was as to the date when this Government became invested with the unlimited plenitude of war power; the majority holding that the existence of the war, as a mere *fact*, on and prior to the 27th April, 1861, conferred it, independent of any declaration by the President or by Congress; the minority thinking that it was only when Congress ratified the blockade that the power of capture came into existence.

Perhaps it would not be worth while to notice, if Judge Grier had not quoted and emphasized, the recognition by the British Government of hostilities as "existing between the Government of the United States and *certain States* styling themselves the confederate States of America." The court doubtless thought that on a question of this kind, depending not on the interpretation of municipal law but on the *facts*, as viewed in the light of that broad common sense which constitutes the law of nations, the judgment of England and the other foreign Governments who concurred in similar declarations is entitled to considerable weight. I take it then as irreversibly settled that the conflict now raging is a war, not an insurrection; a war not against individual traitors, but against States; a war, therefore, imposing all the duties and conferring all the rights that would attend one waged against Mexico or Canada, subject to no restrictions that would not accompany such a war.

Now, sir, everybody knows that there are no limitations on the power of a belligerent in the prosecution of war, or to his exercise of absolute, uncontrolled dominion over the territory, political privileges, and local institutions of the vanquished, except those which he may prescribe to himself from motives of interest or humanity. This was so conclusively established and the question so thoroughly discussed, so far as it relates to our rights during the prosecution of the war, in the debates on the confiscation act, that I shall say no more on that branch. The judgment of Congress and the Executive has passed upon it; and after the lapse of a year that judgment was more than affirmed by the Supreme Court. So that all the departments of the Government are now irretrievably committed to the doctrine of plenary belligerent rights against the rebels not as insurrectionists merely, but as hostile States.

The question, as it arises under the recent proclamation, is mainly confined to slave property; for as to property of every other description, and as to all other penalties denounced by the confiscation act, the President proposes to revoke it as to all who shall accept the amnesty. Upon this I shall content myself with citing, first, the authority of John Quincy Adams, the most accomplished in the whole line of our statesmen, by all odds the most conversant with public law, for he was engaged in its study and administration from the time when, a stripling boy, he accompanied his father, as the first minister to Great Britain, till he saw, content, the last of earth on the floor of this House. Seventy years, the full allotted time of man, he spent in constant ministration to the law of nations; and this is the ripe result of his study. On the 25th of May, 1836, he said:

"From the instant your slaveholding States become the theater of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way in which it can be interfered with—from a claim of indemnity for slaves taken or destroyed, to the cession of the State burdened with slavery to a foreign Power."

He reiterated this doctrine on this floor on the 7th of June, 1841, and again in April, 1842, saying:

"I lay this down as the law of nations: I say that military authority takes for the time the place of all municipal institutions, and slavery among the rest; and that under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States but the commander of the Army has power to order the universal emancipation of the slaves."

Accepting this, as I reverently do, as a sound exposition of our belligerent rights by the highest American authority, it puts an end to all question as to the power to emancipate slaves, as the President did by his proclamations of September 22, 1862, and January 1, 1863. In my judgment it is superfluous and impertinent to seek to strengthen the authority of John Quincy Adams by that of any other writer. But lest any should imagine that he was influenced by his detestation of slavery, it is right to mention that the same doctrine has been declared by men of eminently conservative views, among them Professor Parsons, of the Dana Law School. If any one is curious to see what he has to say on the subject I refer him to the quotation in Upton's Law of Prize, page 87 of the edition of 1862.

If it be said that the power exists only where it can be and is effectually exercised, that is, only at the time and in the place where our military force can actually execute it, I reply, in the first place, that the admission of the existence of the power under these circumstances necessarily implies and includes the right to promise emancipation as an auxiliary means of obtaining possession of the hostile territory, and such a promise imposes the obligation to perform it. It would heap infamy upon the nation if we should hesitate to redeem its plighted faith. In the second place, independent altogether of any such pledge as that by which the President has bound the nation, it would be entirely competent to us to enact emancipation as a measure of civil administration in a subjugated State. Whatsoever power the most despotic Government has within its acknowledged domain, that the law of nations concedes to any Government in administering the affairs of a State brought under its power by force of arms. So far from the Constitution having any application to such a case, it is an old and received opinion that the Constitution does not limit the power of Congress over a territory not originally a part of the United States but acquired by purchase. This was the opinion of Mr. Webster, and it was on this ground that Congress established in Louisiana, immediately after its acquisition, courts proceeding according to the course of the civil law, *without jury*, though the seventh article of Amendments to the Constitution provides that in suits involving more than twenty dollars the right of trial by jury shall be preserved, and they shall not be reexamined otherwise than according to the course of the common law. The civil law was an abomination to our ancestors, and they intended by this provision to exclude its establishment by the Federal Government, but by its consent and aid thus given it was perpetuated in Louisiana. In that part of the State of New York which was formerly under the Government of Holland the question has been repeatedly before the courts whether the rights of the owners of the banks of streams are governed by the Dutch law, which gives the bed of the stream to the public, or by the English law, which gives it to the proprietor of the bank. In such a case Chancellor Walworth, in the court of errors, declared the law of nations to be this: when a country is acquired by conquest, or even by cession, no formal act of legislation is necessary to change the law, but the mere will of the conqueror is to determine whether the ancient laws shall remain or shall be changed either wholly or in part. He cites various examples of this. Among the more modern is the case of British India, upon the conquest of which the English law was adopted only as to Europeans and their descendants, leaving the rights of the native inhabitants to be determined by their personal laws as they formerly existed, except that in controversies between Hindoos and Mussulmans the law of the defendant is to be the rule of decision instead of the Mussulman law as theretofore. So that in India there are now three systems of law, all of which he says frequently come before the same court for decision. In Gibraltar there has been no act of the Government abolishing the Spanish law and substituting that of England, except the king's declaration of his will that the laws of England should be the measure of justice to be administered between parties as near as might be. Upon this principle the widow of a native inhabitant of Gibraltar descended from Spanish parents was decided to be entitled to dower, although she would not have been entitled to it if the Spanish law had prevailed. I beg your attention to this as being a case affecting private rights of property and succession, because it is frequently sought to take slavery out of the subjection to the will of the conqueror on the ground that though conquest transfers the allegiance of the vanquished, it does not affect the private rights and relations to each other.

As a further evidence of the power of a sovereign to change the whole laws of a conquered or ceded country, Chancellor Walworth refers (17 Wendell's Reports, 588) to it as a well-known fact that upon taking possession of Louisiana by the Spaniards in 1769, under the treaty of cession of that colony made by France a few years previous, Count O'Reilly, the new Governor, did, by a simple proclamation, abolish not only the form of government of the colony, but the whole code of the French law, the customs of Paris, and the ordinances of that kingdom which had theretofore existed, and substituted the Spanish law in their stead. "Immediately after which time," he adds, "the ancient French laws ceased to exist in the ceded province, and the laws of Spain became the legal rules both as to persons and property; and they so continued until after the cession of Louisiana to the United States in 1803, and *are still the laws* of the States originally embraced within the limits of that colony, except so far as they have been changed by subsequent legislation."

If we concede that under the law of nations the conqueror, after the conclusion, is bound not to despoil the vanquished population of their private property without compensation, there still is no difficulty in upholding the recent proclamation. The property in slaves was gone by virtue of the confiscation act as to those who, by personal treason, or giving aid and comfort to the rebellion, had become subject to its penalties. The proclamation of January 1, 1863, worked the same result as to the slaves of all other persons in enumerated States. And if there was any doubt left it is the principal merit of the late proclamation that it removes that doubt; for who can question that pardon, the restoration of political rights and of all other forfeited property, is an abundant compensation for the privation of the claim to property in human beings? If there be any hardship in the operation of the proclamation upon slaveholders who have been loyal in sentiment and in action so far as lay in their power, they have to attribute it to those whose rebellion brought on the war, not to the Government, which, while righteously defending its existence, was compelled by military necessity to involve them in this, as in so many hardships, which do not and cannot be inflicted with any discrimination of the loyal men in the disloyal States. They may have just claims for remuneration upon their States. Believing as I do without the shadow of a doubt that the aggregate wealth of any State is instantly enhanced by the abolition of slavery, I regard it as incumbent on

the community which receives the benefit to compensate those, if any, at whose expense it has been attained, and who, as guiltless of complicity with the rebellion, may be in a position to demand it. The scheme of the proclamation is to give into the hands of such men the reorganized State governments, and thus to enable them to do justice to themselves. What more can be asked in their behalf?

Vattel, who is regarded as among the most humane and amiable of the great writers on the law of nations, makes a just distinction between the mode of treating the inhabitants of a country subdued in a war that was not of their seeking, but forced upon them by their sovereign, and that may properly be applied where the people are themselves responsible for the war, which is the case of the rebels. "In this case," he says, "the conqueror may with justice lay burdens on the conquered, both as a compensation for the expenses of the war and as a penalty. He may, according to the degree of indocility, govern them with firmness and vigor, for dispiriting and weakening them, and if necessary *keep them some time in a state of slavery.*"

After stating that this should endure no longer than the defense and safety of the victor require it, Vattel refers to the obligation in conscience to restore the booty recovered from an enemy to a third party who had been deprived of it in an unjust war. He declares—

"The obligation is more certain and more extensive with regard to a people whom our enemy had unjustly oppressed. For a people thus spoiled of its liberty never departs from the hope of recovering it, if not voluntarily incorporated with the conquering State. If it has not freely assisted against us in the war, the use we are to make of our victory is not that it shall only come under a new master, but its chains shall be broken. To deliver an oppressed people is a noble fruit of victory, and thus to acquire a faithful friend is a great gain."

Can any language more faithfully describe the condition of the blacks, or our interests, our rights, and our duties in regard to them?

It is in the light of these plain principles, which recognize facts as they exist in their outrageous verity, and do not insist that a thing is invisible because it ought not to be seen, that the dismemberment of Virginia and the erection of the new State of West Virginia will finally be justified and maintained. How much wiser and safer is it to stand on obvious truths that plain people can understand than to pile fiction upon fiction and crown the baseless fabric with two Senators affecting to represent that part of the Old Dominion which is still unsubdued, and giving them the same power to resist the action of this House which is wielded by the great and loyal State of New York.

I think it is now apparent that this Government possesses more extensive powers in respect to the revolted States than all that are asserted in the late proclamation. Whether they are vested in the President alone, whether he is not required to exercise them in subordination to the direction of Congress, are other questions. I do not intend to surrender one jot of the legitimate authority of Congress, but while conceding away none of its privileges, I will accept the initiative of the President so far as he proposes measures which my judgment approves, and will support it by statute. I am ready, therefore, now to say in what respect I think the plan of the proclamation may be improved.

In the first place it seems to me an error to make the prescribed oath to abide by and support the proclamations of emancipation contingent in any way upon a future decision of the Supreme Court in respect to their validity. The effect must be to tempt if not invite persons to take the oath and thus to restore themselves the rights of citizens, who are still bitterly opposed to the policy of emancipation, and who rely for defeating it upon a decision which they will assuredly labor to obtain. There was not the least necessity for qualifying the oath with this condition. The right to exact it rests simply on the power to inflict the extreme penalties of treason, or military execution upon those who decline the terms of amnesty. It is very plain that a man may by his own consent waive a right secured to him by the Constitution or laws. So far as I know there is no such penalty as banishment prescribed by the criminal code of any of the States. But it is a familiar practice to pardon offenders upon condition that they banish themselves from the State, or from the United States, and the moment the condition is broken, the original sentence revives and is carried into execution. If, then, the President entertained a suspicion that by possibility his proclamations abolishing slavery might be void, he might have seized the occasion to put the question at rest by extorting the unqualified consent of the slaveholders who accept the amnesty. It is in their power to emancipate those whom they claim as slaves, whether it was in the President's power or not. He could have obtained their ratification, and thus foreclosed all possible controversy. Doubtless this, as a part of the pardoning power, is a prerogative which we cannot control.

For similar reasons I regret the intimation that "a temporary arrangement" in relation to the freed people will not be objectionable to the national Executive. This is liable to be construed as suggesting some such system of apprenticeship as that by which the British Government preceded complete emancipation in its West India colonies. Their experience is anything but favorable to such an experiment. It proved that a transitionary state was worse both for the employer and the laborer than the absolute freedom of the latter. It only protracted dissatisfaction, restless uneasiness, sloth, want of enterprise, and poverty on the part of both. I am not prepared to say that I look with favor on the plan of suddenly reorganizing the State governments under the control of a small fraction of the people. If the one tenth to whom the powers of government are to be committed are really loyal men, it will be found that they have grievous wrongs to avenge suffered at the hands of their disloyal neighbors. All history teaches us that such governments are inclined to do justice with small mixture of mercy. It has passed into a proverb that restorations are vindictive.

If, on the other hand, which I apprehend is the more probable supposition, a majority of those who qualify themselves as electors shall be of the other class, dyed deep in voluntary treason, and submitting only for the sake of immunity from its penalties, then I ask why should we be in haste to commit the State governments to them? Why should we hurry to invite such Senators as they will send into the other Chamber?

Sir, I hold it best for all parties to continue the military government so long as there is a necessity for military occupation. If there is to be a government which requires the support of garrisons, let it be our own Government, and not those of a so-called State, propped on the bayonets of soldiers from beyond its borders. There is not a doubt of our authority to continue it after the formal restoration of peace. This question has also been conclusively settled by the unanimous decision of the Supreme Court in the case of Cross *vs.* Harrison, (16 Howard's R., page 164.) The action was for the return of duties on goods imported into San Francisco after the treaty of peace, by which New Mexico became a Territory of the United States. The duties were collected under a tariff prescribed first by Commodore Shubrick, and afterwards modified by Colonel Mason, signing himself "Colonel of first dragoons, and Governor of California," and attesting the act by the additional signature of "H. W. Halleck, lieutenant of engineers, and secretary of State." These gentlemen had organized and administered a *civil* government. Of this the Supreme Court say:

"The government of which Colonel Mason was the executive had its origin in the legitimate exercise of a belligerent right over a conquered territory." * * * *
"It was the government when the territory was ceded as a conquest, and it did not cease as a matter of course or as a necessary consequence of the restoration of peace."

After citing two earlier cases in confirmation of the doctrine, the court say:

"Our conclusion is that the civil government of California, organized as it was from a right of conquest, did not cease or become defunct in consequence of the signature of the treaty of peace or from its ratification. We think it was continued over a ceded conquest without any violation of the Constitution or laws of the United States, and that *until Congress legislated for it* the duties on foreign goods were legally demanded and lawfully received by Mr. Harrison, the collector of the port," (appointed by Governor Mason.)

This, sir, establishes our right under the Constitution to continue a civil government instituted by military authority, until Congress, in its discretion, deems it wise to ordain a new frame of government. We may then construct territorial governments, giving to such of the inhabitants as may be safely trusted with the elective franchise the power of domestic legislation, subject to the veto of Congress, and the right to be heard on this floor by Delegates. This is more than would be granted by any other nation in the world. It is more than Great Britain allows to her colonies that have never rebelled. When, in addition to this, we are asked to restore revolted States and their inhabitants to that power of governing us which, after exercising for sixty years, they threw away—rejected only because they saw that the time had come when the free States were determined to exercise *their* proper share in the Government—I, for one, demur. I would retain at least a negative upon their legislation for their internal concerns until time has soothed the animosities of the struggle and they can be trusted to deal righteously and kindly with each other. And before I ask their aid in governing me and my constituents, in our national relations, I shall take time to be assured that not a small fraction but the great majority of them have got to such a frame of mind, and have so molded their policy, that there shall be no conflict of interests or feeling to generate fresh controversy. If this be regarded as a punishment it is the most trifling ever inflicted for so great a crime. Think of it, and see how wide is the difference between a victor, whose sovereignty is absolute, who "may either admit the vanquished to the rights of subjects or banish them, as enemies, from the country," and allowing the vanquished to enjoy the capacity of self-government, and the stretch of generosity which invites him to govern the victor.

I have been candid and free in stating my objections to the plan proposed by the President. I have the less hesitation in doing so, because I honor the frankness and integrity with which he states his difficulties, and invites the proposal of amendments. No man in the course of time has been invested with such tremendous responsibilities; no man has discharged himself of his great office with such universal confidence in the honesty of his purposes and disinterested devotion to the public good. I shall give him my cordial support in the general features of his plan, if Congress shall disagree with me as to the objections which present themselves. If not the best that could be proposed, it has at least the merit of being extremely generous to our deluded brethren, amply warranted by the law of nations, and tendering terms of pacification which secure to ourselves much less than we might justly require. We are strong enough to abate something of our legitimate rights, confident enough of our future to put something at risk, and while I cannot counsel, I may concur in supporting the proclamation as it is.

Mr. STILES moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker *pro tempore* having resumed the chair, Mr. BOUTWELL reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the annual message of the President of the United States, and had come to no conclusion thereon.

And then, on motion of Mr. DAWES, (at ten minutes after three o'clock, p. m.,) the House adjourned till Monday.

IN SENATE.

MONDAY, *March* 21, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 8th of February, information in relation to orders to the provost marshals in the States of Kentucky, Delaware, Missouri, and Maryland, concerning elections in those States; which, on motion of Mr. POWELL, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. GRIMES presented a memorial of the Legislature of Iowa in favor of the construction of a military and wagon road from some point on the west side of the Missouri river at or near the

mouth of the Niobrara river, in Nebraska Territory, to Gallatin, in Idaho Territory; which was referred to the Committee on Territories.

Mr. NESMITH presented the petition of J. H. Rogers and others, citizens of Oregon, praying for the establishment of a mail route from Roseburg to Port Orford, in that State; which was referred to the Committee on Post Offices and Post Roads.

Mr. HOWE presented a memorial of the Legislature of the State of Wisconsin in favor of the establishment of a mail route from the city of Fond-du-Lac, in the county of Fond-du-Lac, to Stockbridge, in the county of Calumet; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin in favor of causing all the unsurveyed lands in that State to be surveyed and brought into market at the earliest day practicable; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CLARK presented a memorial of the officers of the northern railroad of New Hampshire, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. SUMNER presented a memorial of the president and directors of the Lowell and Lawrence Railroad Company, and the president and directors of the Salem and Lowell Railroad Company, remonstrating against the extension of the patent of Charles Goodyear for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented six petitions of citizens of New Bedford, Massachusetts, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. SUMNER. I also present a petition which comes from Port Hudson, Louisiana. It is signed by the officers of the United States volunteer army now holding positions in the colored military organizations in Louisiana. They respectfully petition Congress to exercise at the earliest possible moment its constitutional powers for the immediate abolition of slavery throughout the United States, and the advancement of colored men to all the civil and political rights now enjoyed by white men. I move its reference to the committee on slavery and freedmen.

The motion was agreed to.

Mr. POMEROY presented the petition of C. C. Hutchinson, United States Indian agent, praying for indemnity for the loss of a Treasury draft, which was lost in the destruction of the Lawrence Bank, at Lawrence, Kansas, by Quantrill's band in August last; which was referred to the Committee on Claims.

Mr. MORGAN presented three petitions of citizens of New York, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

PAPERS WITHDRAWN.

On motion of Mr. FOOT, it was

Ordered, That George Page have leave to withdraw his petition and other papers from the files of the Senate.

REPORTS FROM COMMITTEES.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the bill (H. R. No. 151) making appropriations for the naval service for the year ending June 30, 1865, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 176) authorizing the erection of buildings for the branch mint at San Francisco, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 175) in relation to deserters from the military service of the United States, reported it without amendment.

Mr. HOWARD, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 173) to organize the invalid corps of the Army, reported it with amendments.

Mr. HOWE. The Committee on Finance, to whom was referred a bill (S. No. 33) providing for the establishment of a branch mint of the United States at Portland, Oregon, have instructed me to report back the bill, and ask to be discharged from its further consideration.

The report was agreed to.

Mr. HOWE. The same committee have also instructed me to report in lieu of that a bill (S. No. 185) to establish assay offices at Carson City, in the Territory of Nevada, and at Dalles City, in the State of Oregon, and for other purposes.

The bill was read, and passed to a second reading.

BILLS INTRODUCED.

Mr. HARDING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 181) in reference to donation claims in Oregon and Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LANE, of Kansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 182) to amend an act entitled "An act for a grant of lands to the State of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;" which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. CLARK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857, which was referred to the Committee on Finance.

Mr. CLARK subsequently said: The Committee on Finance, to whom was referred a bill (S. No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857, have instructed me to report it back with a recommendation that it pass. I desire to have it printed as early as possible, as I wish to call it up in the morning for passage.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 184) to amend an act entitled "An act to define the powers and duties of the levy court of the county of Washington, District of Columbia, in regard to roads, and for other purposes," approved March 3, 1863; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LANE, of Kansas, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 186) for the relief of the Peorias, Piankeshaws, Kaskaskias, and Wea Indians of Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

POST ROUTE IN KANSAS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of declaring the road from Leavenworth city, via Grasshopper Falls and Houlton, to Fort Riley, a post route.

BRIDGE IN KANSAS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the erection of a bridge across the Republican fork of the Kansas river where the military road crosses the same between Fort Riley and Junction City.

PORT OF ENTRY IN KANSAS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of declaring the city of Leavenworth, in the State of Kansas, a port of entry.

MAIL ROUTE IN OREGON.

Mr. NESMITH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of establishing a mail route from Roseburg, via Ten Mile Creek, Camas Valley, junction of middle and south forks of Coquille, Lenherris Prairie, and Sixes Mines, to Port Orford, Oregon.

PAY AND PENSION OF CHAPLAINS.

A message was received from the House of Representatives, by Mr. MCPHERSON, its Clerk, returning to the Senate, agreeably to its request, the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," with the amendments of the Senate thereto.

On motion of Mr. FOSTER, it was

Ordered, That the Secretary cause the error in the engrossment of the amendments of the Senate to the bill of the House (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," to be corrected, and that he return the said bill and amendments to the House of Representatives for its concurrence therein.

MILITARY INTERFERENCE WITH ELECTIONS.

Mr. HOWARD. If it be in order, I move to take up the bill (S. No. 37) to prevent officers of the Army and Navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States, for the purpose of making it the special order of the day for to-morrow at one o'clock.

The motion to take up the bill was agreed to.

Mr. HOWARD. I now move that it be made the special order of the day for to-morrow at one o'clock.

The motion was agreed to.

ENLISTMENTS IN THE ARMY.

Mr. WILSON. If there be no further morning business, I move that the Senate proceed to the consideration of Senate bill No. 41.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes; the pending question being on the motion of Mr. CARLILE to refer the bill to the Committee on the Judiciary.

Mr. WILSON. I desire, after consulting with some Senators, to modify the amendment that I offered to the bill, by adding after the word "wife," in the sixth line, the words "meaning thereby the woman regarded and treated by him as such," and after the word "and," in the same line, to insert the word "his;" so that the amendment will read:

That when any person of African descent, whose service or labor is claimed in any State under the laws thereof, shall be mustered into the military or naval service of the United States, his wife, meaning thereby the woman regarded and treated by him as such, and his children, if any he have, shall forever thereafter be free, any law, usage, or custom whatever to the contrary notwithstanding.

The VICE PRESIDENT. The amendment will be so modified. The question is on committing the bill to the Committee on the Judiciary.

Mr. CARLILE. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 22; as follows:

YEAS—Messrs. Carlile, Cowan, Davis, Doolittle, Harding, Howe, Nesmith, Powell, Riddle, Saulsbury, Ten Eyck, Trumbull, Van Winkle, and Willey—14.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Dixon, Fessenden, Foot, Foster, Grimes, Harlan, Howard, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sumner, Wade, Wilkinson, and Wilson—22.

Mr. ANTHONY (during the call of the roll) stated that his colleague [Mr. SPRAGUE] had been called home by serious sickness in his family.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from California [Mr. CONNESS] to refer the bill to the select committee on slavery and freedmen.

The motion was not agreed to.

The VICE PRESIDENT. The question now is on the amendment submitted by the Senator from Kansas [Mr. POMEROY] to the amendment proposed by the Senator from Massachusetts, [Mr. WILSON.] The amendment to the amendment will be read.

The SECRETARY. In the second section of the amendment——

Mr. WILSON. The second section of my amendment was withdrawn. The only amendment proposed by me now, is the first section of my printed amendment as I have modified it.

Mr. POMEROY. If the second section of the

Senator's amendment is withdrawn, I withdraw my amendment.

The VICE PRESIDENT. The Senator from Kansas has a right to move to amend the section before the question is put on striking it out.

Mr. POMEROY. If there shall be no effort to pass the second section, of course I do not desire to amend it.

Mr. WILSON. I have withdrawn the second section.

Mr. POMEROY. Then I withdraw my amendment.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Massachusetts as modified.

Mr. JOHNSON. I ask for the reading of it.

The Secretary read, as follows:

That when any person of African descent, whose service or labor is claimed in any State under the laws thereof, shall be mustered into the military or naval service of the United States, his wife, meaning thereby the woman regarded and treated by him as such, and his children, if any he have, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding.

The VICE PRESIDENT. This is the proposed amendment of the Senator from Massachusetts to be inserted in lieu of the original bill after the enacting clause.

Mr. DAVIS. I move to amend the amendment by adding to it:

And the loyal owner or owners of the wife or children of all slaves taken into the military service of the United States shall be entitled to a just compensation for such wife and children of said slaves, which may be taken from such owner or owners, to be ascertained by three commissioners to be appointed by the judge of the United States district court for the district in which the wife and children of any slave so mustered into the military service may reside, which commissioners shall make a detailed report to said judge, who shall approve or remand the same to the said commissioners, and when the report shall have been affirmed by said judge, the owner or owners of any wife and children aforesaid, shall be paid such sums as said report may state they are entitled to, out of any money in the Treasury not otherwise appropriated.

Mr. President, I assumed some days ago, and I think established by the most overwhelming amount of authority, that property existed in slaves, and furthermore, that I thought no sane man could controvert that position. I shall consider both these propositions to be established by the authorities which I then adduced, and shall treat the subject as though the property of the owners of slaves, as well in the husband that is taken into the military service as in his wife and children, was conceded; at any rate that it is established.

The most extraordinary positions that I have ever heard asserted and endeavored to be maintained by argument in relation to property, or that I ever read of, have been made in this Senate. I believe propositions about parallel are made in the present and were made in the late House of Representatives of the United States Congress. In addition to the most extravagant and, as I think, utterly unsound and untenable position, that property cannot exist in a slave, was one announced on the last day that this subject was up in this body, that the General Government had a right to take private property without making any compensation at the time, or making any regulations to secure compensation in the future.

If these doctrines were attempted to be carried into effect against the constituency of the members of this body and of the other House who have assumed them, I suppose they would soon adopt my opinions of them. I hold, sir, that the Constitution and the laws in relation to private property, and the power of the General Government over private property, are the same exactly without regard to the class of property. The General Government has no higher right to interfere with property in slaves than it has in lands, or horses, or any other subject of property. Here is a plainly written provision of the Constitution of the United States, and almost every State in the Union has in its constitution a similar provision:

"No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Sir, what does this bill propose to do? To take the wife and the children of every slave man who may be mustered into the military service of the United States from their owners, not only without just compensation but without any compensation at all. Was there ever a more unjust and unconstitutional proposition made in a legislative body? I estimate that the average number of slaves to the soldier that would be taken by this provision would be four—a wife and three children. The average price of the wife and three children would be at least $500, and I believe more. I have entire confidence that if the United States Government would cease its war upon that property it would soon rise largely above that sum. It is now proposed in the Senate of the United States, as a legislative measure, under a Constitution guarantying to all property-holders a just compensation for their property before it shall be taken for public use, to deprive the owners of every such wife and children of them of a property worth $2,000, without making any compensation for that property.

A Republican Senator some days since said that the number of negro recruits which would be required of Kentucky would be about ten thousand. Estimating a wife and three children as the average of each one, at $500 per head, and there will be forty thousand which you propose to take from their owners without one cent of compensation. Forty thousand slaves would be worth $20,000,000. How soon you will rob us of the residue of our slave property, in this or some other way, no person can predict. Yankee invention and ingenuity seem to have lost none of their fertility in the matter of depriving us of our slaves against Constitution and law.

Mr. President, there are a great many vicissitudes in this life, and those vicissitudes are as rapid and as extreme in politics and in the rise and fall of political parties as in any other of the concerns of man. Gentlemen seem to be exercising their authority as though they not only had a life-estate in their present places and power, but as though they had an estate in fee-simple, in perpetuity, in it. They will wake up one of these days to the conclusion that they have indulged a most fatal delusion. I hope that that day is not long to be postponed. Then we shall see the political nostrums which the party in power have been compounding for their opponents in politics tendered to them, and they compelled to swallow them down, and what an awful squirming there will be! What a change will then come over these dominating, unjust, and oppressive men; over their sense of right and wrong, and of the protection which is due to them by their Government under the express and plainly written guarantees of the Constitution!

Sir, I was amazed that the honorable Senator from Maine, [Mr. FESSENDEN,] a gentleman of rare ability and generally of very just modes of thinking, should have assumed the position, when he addressed the Senate a few days since, that the Government might take private property without providing any compensation for it by law, looking to the future and to the sovereign pleasure of the legislative department of the Government whether they would ever make any provision to compensate the owner or not. But that position of the honorable Senator was not so unsound and extravagant as that assumed by other gentlemen, that the Government had the right to take this property, not only without making any compensation for it but avowing at the time that their purpose was never to make such compensation; and that the United States Government had the power thus to rob and despoil all and any class of citizens, discriminating to further their own sinister, corrupt, and selfish purposes.

Sir, suppose the words which I have read from our Constitution were embodied in a contract between two individuals; that one sold a landed estate to another, and in the contract it was provided before the purchaser should have the right of property, or possession, just compensation should be made to the vendor of the property for it. How would the honorable Senator from Maine, as a sound lawyer, construe such a contract? How would the Senator from Michigan [Mr. HOWARD] interpret such a contract? Those Senators learned in the law know that there are three classes of contracts: one independent, second dependent, and the third mutual; and that a contract embracing the substance of the language embodied in the Constitution between two individuals would be a mutual contract; and the stipulations entered into by the respective parties would have to be performed at the same time by each party; or to give to either party the benefit of the contract, he would have to be ready and offer to execute it on his part; and the one failing could not claim the execution, or any right under it; and if the other party had covenanted for the sale of property by it, his right to the possession and title of the property would not be impaired; but he, being in no default, could hold the other liable in damages for his defalcation.

When the Constitution provides that private property shall not be taken for public use without just compensation, it means both substantially and literally that no owner of property shall have it taken for public use without receiving at the time of its being taken just compensation, or such compensation being then secured to him and to be paid within a reasonable time. Why, sir, if all the horses that have been purchased from the Northwest had been taken just as it is now proposed to take negroes from their owners, would the Northwest have ever submitted to such injustice, such robbery? Who will say they ought to have submitted to it? No, sir. It would be their own Government plundering and robbing them against the express provision of the Constitution. They would have had a right to resist, and they could have successfully resisted in the courts of law the depriving them of their property until a just compensation was made or secured to them for it. Failing in that resort, they would have had the right to redress themselves.

Sir, the courts of most of the States have distinctly sustained this great principle. Private property cannot be taken for public use without full and fair compensation being made or secured to the owner before he is deprived of its possession. They have decided expressly, as any man of sound sense and of a just comprehension of right and wrong would decide, that if the owner have his property taken from him without such compensation made or secured to him, it would infract a right solemnly guarantied to him by an express provision of the Constitution, and would not divest or impair his title to the property. If all that vast amount of Army supplies that have been manufactured in the North and sold to the United States Government, amounting to hundreds of millions, and I have no doubt to a thousand million dollars, had been taken from the manufacturers, from the inhabitants of the free States, from those who claim to be the peculiar and the almost exclusive loyal men of the country, without making them compensation—if such a proffer was made to them as would be comprehended in the position of the Senator from Maine at the head of the Finance Committee a few days since, would there have been one man of all the sellers of those Army supplies to the Government of the United States, would there have been one of their representatives in either House of Congress but what would have entered his protest against such oppression and robbery?

Sir, I was also surprised at a position assumed by the honorable Senator from Wisconsin, who is at the head of the Committee on Indian Affairs, [Mr. DOOLITTLE,] that the legislative department of the Government has a right to take property for public use, and itself assess the value of that property. I wondered that so able and sound a lawyer as that honorable Senator is should have taken so unsound and so untenable a position.

Mr. DOOLITTLE. Will the honorable Senator allow me to interrupt him?

Mr. DAVIS. Certainly.

Mr. DOOLITTLE. It is now the time for calling up the unfinished business of the last sitting of the Senate; and I will say to the honorable Senator that there was a bill pending then in relation to the Indian department in California, which I wish to have come up at one o'clock. It now wants but a minute or two of that time, and perhaps I may as well interrupt the Senator at this point of his speech, and ask that that bill be now taken up, unless he very much prefers to finish his speech now. If so, I shall wait till he is through. It will take but a short time to dispose of that bill; and it is very important that it should be disposed of.

Mr. DAVIS. I am willing to consult the pleasure of the honorable Senator from Wisconsin and to submit myself to what the Senate shall decide in relation to his proposition.

Mr. DOOLITTLE. I suppose I am entitled to call up the unfinished business at one o'clock.

The VICE PRESIDENT. It comes up without any motion at one o'clock.

Mr. JOHNSON. It is one o'clock now

The VICE PRESIDENT. The Senator from Kentucky yielding the floor, the Chair will now call up, with the consent of the Senate, the unfinished business of Friday's session, which is the special order for to-day.

INDIAN AFFAIRS IN CALIFORNIA.

The consideration of the bill (S. No. 80) to provide for the better organization of Indian affairs in California was resumed as in Committee of the Whole, the pending question being on the amendment of Mr. CONNESS to the amendment reported by the Committee on Indian Affairs. The amendment of Mr. CONNESS proposed to strike out, in line twenty of the first section of the amendment of the committee, the word "fifteen," and to insert the word "eighteen," so as to read, "that the superintendent shall be authorized to appoint a clerk at a compensation not to exceed $1,800 per annum."

Mr. CONNESS. I believe the opposition which was made to this amendment when we considered the bill last is withdrawn, and I hope therefore it will be adopted at once.

The amendment to the amendment was agreed to.

Mr. DOOLITTLE. I desire for a very few moments, if I can have the attention of the Senate, to explain what will be the effect of this bill in California upon the expense of administering the Indian department there, as near as can be estimated.

Under the existing law there are two superintendencies in California, a northern and a southern superintendency. In the northern superintendency there are now four reservations, the Mendocino reservation, the Nome-lackee reservation, the Round valley reservation, and the Smith River valley reservation. In the southern superintendency there is but one which is denominated as a reserve, and that is the reserve at Tejon; but there are other agencies in California for the Owens' river Indians, for the Colorado district Indians, and for the Tulare river Indian farm. By the present bill it is proposed to reduce the superintendencies into one, and to have but four agents. Under the existing law there are five supervisors, as they are denominated, substantially agents. The present bill reduces the number to four. It provides for the reduction of all the reservations in California to four. There is to be at least one in the northern district; there may be two there and two in the southern, or one in the northern and three in the southern district.

The reduction in the expense of the working force in California in the Indian department will be seen by a short statement. There are now two superintendents at $3,600 each; the bill proposes to have but one, at $3,600. There are now two clerks; the number will be reduced to one. Instead of five supervisors at $1,800 each, there will be four agents at $1,800 each. Instead of twenty laborers at $12,000, as is provided for in the existing appropriation bill and under the existing laws, there will be for each reservation one farmer, one carpenter, one physician, and one blacksmith, at $50 a month; and an appropriation in all for the sixteen (if there are four reservations) at $600 each, will be $9,600, instead of $12,000 for the laborers under the present system. The expense of the whole working force will be reduced to $21,900, whereas under existing laws it is $9,300 more, making $30,200. It will reduce the expense of the Government in the working force of the officers employed in California by the sum of $9,300.

A question was suggested to me by my friend from Maine [Mr. FESSENDEN] in relation to the extent of the reservations which are to be set apart under this bill. The bill provides that these reservations shall be located by the Secretary of the Interior under the direction of the President, and they may be located upon some of the existing reservations. It is true the bill does not limit by metes and bounds, or by numbers of acres or sections, the size of the reservations; but there is this limitation put in the bill, that in relation to any improvements or any property belonging to individuals which the Secretary of the Interior may contract to purchase for the sake of these reservations, those contracts for purchases are to be reported by the Secretary of the Interior to Congress for their examination and for their appropriation before they become binding upon the Government.

Mr. CONNESS. Will the Senator allow me to say one word right here?

Mr. DOOLITTLE. Yes, sir.

Mr. CONNESS. In my opinion no acre will be purchased under that power. There will be no need to purchase any; but on the contrary some of the existing reservations will be sold.

Mr. DOOLITTLE. There is power contained in the bill to dispose of some of the existing reservations, and we hope that what we get for the reservations disposed of will more than pay for all the expenses we shall be subject to in purchasing out the improvements that some white men have got in some of these valleys where we may desire to establish the new reservations.

But, Mr. President, that for which we most hope under this bill is that our Indian affairs of California may be reduced to a system. It has been altogether too indefinite, too expensive, too loose in its administration. We hope also that we may secure a system which will bring us permanent peace. Perhaps it is not known to the Senate, but such is the fact, that in some portions of California there has existed almost continual war between some of our troops and some of the Indians, and these war expenses are the enormous expenses connected with the administration of Indian affairs. It would be far more economical if we should spend by fifties and hundreds of thousands of dollars in feeding Indians and in making presents to Indians, even if we run the risk of having our agents sometimes misapply a portion of the funds to their own use, rather than to deal with them as much as we are dealing with them, in my opinion, at the point of the bayonet, in actual war, because the expenses of these wars run up by millions where the expenses of dealing with them in another mode are counted only by thousands and hundreds of thousands.

Mr. President, the Indians in California, like the Indians all over this continent, are fast fading away. In a short time there will hardly anything be left of them but the beautiful names which they have fixed upon our rivers and our towns. It has been so in our whole history from the earliest colonization, beginning with New England. They have been fading away as the white population has been advancing upon them. They have faded away from the whole eastern slope of the Alleghanies, and indeed they have almost passed away from the valley of the Mississippi; and now since the discovery and opening of California and Oregon and Washington Territory, when our population is setting in upon the Pacific coast, and advancing from the Pacific coast eastward, the Indians are driven to the mountains, and the mountains being discovered to abound with gold our hardy and energetic pioneers are in the mountains, and the Indians are being driven and scattered everywhere. Their game, their means of living, being destroyed, they are reduced to that condition where from the very necessities of their position they are sometimes tempted to plunder upon the white population, to steal, in order to live, rather than starve. This course of proceeding on their part leads to conflicts upon the border beyond the reach to a certain extent of the power of our laws and their administration; and these conflicts between the Indians and the white inhabitants lead on to war and millions of expense to the utter destruction of the Indian race.

The system proposed by this bill corresponds somewhat, as my friend from Maine [Mr. FESSENDEN] will recollect, to the system proposed by another honorable Senator from California, (Mr. Latham,) who preceded the Senator upon my right, [Mr. CONNESS,] and which was adopted by the Senate last year, but was not adopted by the other House, and we were therefore thrown back upon the old system.

Mr. President, as I am upon the floor, and upon the question of our relations to the Indians, I desire to digress for a single moment and to refer to another subject-matter which must very soon be brought before the Senate, and that is in relation to our Indian affairs on this side of the Rocky mountains. It is known that there are large numbers of Indian refugees now in the State of Kansas, who have been driven out by this war from their homes in the Indian territory to take refuge in that State, where they are being fed, at a large expense to the Government, and it is very necessary, if they are to be removed to their homes, that it should be done early; and I expect that in the course of a few days we shall have to take into consideration the passage of an appropriation bill of a considerable sum of money to carry out that purpose. The Indians in the Indian territory—the Cherokees, the Creeks, the Seminoles—are further advanced than most others in civilization, in agriculture; they live by pastures, they cultivate the soil, they raise sheep, horses, and cattle. Many of them were very wealthy at the outbreak of this rebellion, but have been stripped and impoverished and destroyed in consequence of this war. These tribes are capable, if they be returned to their homes, of sustaining themselves; and the Committee on Indian Affairs, while making provision to return them to their homes, desire, as far as possible, to take all the small Indian tribes and remnants that are to be found on this side of the Rocky mountains, and by some new arrangement with those Indians get them to locate within the Indian territory. Possibly it may be thought advisable to give some kind of organization, like a territorial form of government, for the Indian territory. If we expect to save any of the race we must save them there, under some laws and provisions to prevent their commingling with the Anglo-Saxon race.

I do not wish to take up the time of the Senate any further than to explain the views of the committee which induced them to concur in pressing this bill upon the Senate to carry out the views of the Senator from California, [Mr. CONNESS,] for it is to him especially that the Senate is indebted for having this question brought before us at the present time. I hope the Senate will adopt the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed a bill (No. 15) to provide a temporary government for the Territory of Montana; in which the concurrence of the Senate was requested.

The message further announced that the House of Representatives had agreed to the first, second, and third amendments of the Senate to the bill of the House (No. 34) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1865, and had agreed to the fourth amendment of the Senate, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House of Representatives had passed the bill of the Senate (No. 142) for the relief of the owners of the French ship La Manche.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed, on the 16th instant, an act (H. R. No. 50) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1865; and a joint resolution (H.R. No. 43) authorizing the settlement of the accounts of J. N. Carpenter, a paymaster in the United States Navy. And that on the 17th instant he approved and signed a joint resolution (H. R. No. 37) to authorize the Secretary of the Treasury to anticipate the payment of interest on the public debt, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the Vice President:

A bill (S. No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;

A bill (S. No. 97) to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and

A bill (S. No. 60) amendatory of the homestead law, and for other purposes.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 15) to provide a temporary government for the Territory of Montana, was read twice by its title and referred to the Committee on Territories.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate proceeded to consider the amendment of the House of Representatives to the fourth amendment of the Senate to the bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1865; and

On motion of Mr. FESSENDEN, it was

Resolved, That the Senate disagree to the amendment of the House of Representatives to the fourth amendment of the Senate to the said bill, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The Vice President appointed Mr. HOWE, Mr. HARRIS, and Mr. WILLEY.

ENLISTMENTS IN THE ARMY.

Mr. WILSON. I now move that we proceed to the consideration of the bill which was laid aside at one o'clock.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes; the pending question being on the amendment of Mr. DAVIS to the amendment proposed by Mr. WILSON.

Mr. DAVIS. I will proceed with the remarks I was making. I had got to the point of saying a few words in attacking the position assumed by the honorable Senator from Wisconsin. I had expressed my surprise that a gentleman of his ability, of his legal learning, and of his usually fair and just judgment in relation to all questions of truth and law, should have assumed so strange a position as that which he announced the other day, that one of the parties to a transaction of taking private property for public use has the right himself (to use the personal pronoun) to assess the value of that property.

Mr. DOOLITTLE. Will the Senator from Kentucky allow me to interrupt him at this point?

Mr. DAVIS. Certainly, sir.

Mr. DOOLITTLE. I would agree with the honorable Senator that a party to the taking of the property would not have the right to assess it for himself; but the mistake into which the honorable gentleman falls is, in supposing that Congress is a party to the taking of the property. I say Congress is not a party. It is the United States that take the property, and Congress is a disinterested agent of both parties, both of the Government and of the individual, to legislate for the rights of the Government and for the rights of the individual. We do not take it; it does not become our property. We have no interest in the property taken. We have no more interest in it than the judges have who sit in the Supreme Court; and if the judges of the Supreme Court were called upon to decide how much should be given for a certain piece of property, it would not be they that would take it.

Mr. President, I agree that when we do take private property for public use we must either pay for it or we must provide the means—the legal means by which the party whose property is taken may obtain pay for it. It is not necessary that the money should be paid down. It is enough if the agents of the Government, in the exercise of this sovereign power of eminent domain over private property which they exercise when they take for public use private property, provide the means by which the owner shall have his pay. That is a compliance with the constitutional provision.

Now, the point I took, and upon which I feel prepared to defend myself, is that if the legislative power in the exercise of this sovereign right of eminent domain, not in behalf of themselves but in behalf of the people of the United States whom they represent, choose themselves to estimate the value of the property taken, instead of appointing an agent to estimate its value, they have the power to do so. Let me put a case. Suppose we should want to take a piece of property at the mouth of a river—I will say at the mouth of the Mississippi river—on which to build a fort for the Government, and that piece of property belonged to A B; the Constitution says we shall not take that property from him without making him compensation, but we may take it on making him compensation. Now, suppose Congress should send down the Committee on Military Affairs to see this property, to see its condition, to see its necessity, to see its value, and the committee should return to Congress and inform them of its value, its necessity, its military position, and Congress then, upon the evidence which they furnished, should, as the supreme tribunal, assume to act in assessing that value, it would not be a violation of the Constitution. I would maintain that position before any court anywhere.

I know that it is not a convenient mode of proceeding for a legislative body, composed as it is of so many members, to make this appraisal themselves, or to send a committee of their body to examine and pass upon the value of the piece of property, and therefore it is not usually done. They usually provide that a sheriff may summon a jury, or that a court may summon a jury, or they may appoint commissioners without any jury, to appraise the value of the property to be taken. That is what is usually done; but if the legislative power assumes to exercise this authority itself it is a constitutional and a valid exercise of the power.

What did we do here when we abolished slavery in the District of Columbia? Congress did not assume to estimate the value of the slaves who were emancipated; but Congress did assume to say that in estimating the value of those slaves—we, judging from our knowledge of the facts, from our knowledge of the surroundings, from our knowledge of the history of the country, from our knowledge of the value of these things—assumed to say that the commissioners appointed under our act should not estimate their value at more than a certain fixed sum, $300 I think. We assumed to fix that limit. We had the constitutional power to assume it. I have no doubt that if we choose to estimate the value ourselves we may do so. We can do what we may authorize an agent to do. Can an agent of ours do what we cannot do ourselves? Not at all. That would make the creature above the creator. The truth is that Congress can do in relation to the estimating of the value of property that may be taken all that any agent appointed by them may do, if they choose to be at the trouble and to exercise the power. That is the point I made, and I should like to hear the honorable gentleman answer it.

Mr. DAVIS. Mr. President, I understood the honorable Senator before he made this lengthy explanation precisely as I do now. I gave way to my honorable friend for an explanation, but he has made a pretty lengthy speech, to which I do not object, for it is a very good one. I only say that I have got a little more than I bargained for, which is often my fate; but I will now proceed to notice the honorable Senator's position.

The honorable Senator's argument, in my opinion, is merely a whipping of the devil around the stump. He assumes that Congress may do itself in person what it may do by its agents. He assumes furthermore that Congress is not a party to this transaction of taking private property for public use; and that Congress has the right to do this act in the exercise of the power of eminent domain. I submit this proposition to the honorable Senator from Wisconsin: there is no absolute, unqualified right of eminent domain in the United States Government. That is a power not expressly conferred, but arising, I admit, from the Constitution by necessary implication; but I lay down this position, which the honorable Senator is too sound a lawyer to controvert: that this power of eminent domain is qualified by all the provisions of the Constitution; that a right conferred or a power expressly vested, either of which would clash with the exercise of eminent domain by the Government of the United States, to that extent overrules this implied power of eminent domain; otherwise we would have an unlimited power of eminent domain in a limited Government. Each State has the power of eminent domain within its limits, except so far as it is restricted by the powers conferred on the Federal Government by the Constitution, and which may be exercised against the United States as well as a citizen of the State. A State may establish a road over lands owned by the United States within her limits; and in the exercise of her power of eminent domain could appropriate so much of the land as would be needful. This is a well established principle.

I will now meet the second proposition of the Senator. He says that Congress is not a party to this transaction; that the property is taken for the United States Government by Congress, a disinterested agent, and that Congress has the right to exercise this agency itself or by subagents appointed by its laws. The Senator's argument proves too much. Why will Congress proceed to assess the damages at all if it may do the act by its agent? Why not permit the provost marshals and the other military subalterns who take this property to assess its value? According to the Senator's argument, Congress would have the constitutional power to vest that authority in the military subalterns who take the property, and might dispense with acting on the subject itself, and remit it wholly to military agency. That mode would be most convenient to Congress, and might not be more unjust to the owner of the property.

The Senator furthermore said that Congress exercised this power of limiting the value of negro property by its act emancipating the slaves in this District. I admit it; but I have always contended, and I yet maintain, that that was an act of usurpation as well as flagrant injustice to the owners of the slaves, by reason of their inadequate valuation, on the part of Congress. But because Congress did in that case pass an act of injustice and of infraction of the Constitution, does that furnish any reason for the perpetration of a similar outrage? No, sir; but the contrary. Stop the evil before it has grown and received some sanction by repetition and time. But the Senator has not directly assaulted the principle which I assumed governed the question, and my position is invulnerable: the ascertainment of the value of private property about to be taken for public use is a judicial or *quasi*-judicial inquiry, and cannot be made or performed by the legislative branch of the Government. The value is a question between two parties, the United States being one and the owner of the property the other. I concede that Congress may by law establish an agency, in the form of a court or commission, to determine the value; but the inquiry and the mode of inquiry would be of the nature of a judicial proceeding, and is so held in England, in the courts of the United States, and all the States.

Mr. DOOLITTLE. If the Senator will allow me to interrupt him——

Mr. DAVIS. Excuse me, if you please. Although the gentleman sometimes refuses me that opportunity, I have no objection to explanations; but I object to interlarding a long speech in my speech when I have given way simply for an explanation.

Mr. DOOLITTLE. I am not aware of ever having declined to yield to the honorable Senator.

Mr. DAVIS. I am not only aware of it, but I know it.

Mr. DOOLITTLE. It may be so. I once called the Senator to order, but that was on a very different matter.

Mr. DAVIS. I once asked the courtesy of the Senator to make an explanation, and he very promptly, I will not say rudely, but very promptly and very decidedly refused. I will not retort in the same way; and if he will make short explanations, as I do, I will give him the opportunity at all times. However, if my honorable friend wishes to make an explanation, I will give my consent, whether it be short or long.

Mr. DOOLITTLE. The question I was going to put to the honorable Senator was this: whether on the presentation of all claims that individuals have against the Government which are property—a claim against the Government is property—do not our Committees on Claims report the facts; and when Congress acts do they not act in a *quasi*-judicial as well as legislative capacity in passing on the question as to how much shall be given to the individual?

Mr. DAVIS. Yes, sir; but that is a question of making payment of a debt, and not judicially ascertaining its amount. If it were the latter, whatever Congress decide in the premises would govern and conclude the case ever afterwards. But it is a common case for one Congress to reject a claim, and for it to be presented again to many succeeding Congresses, and finally for

an appropriation of money to be made to satisfy it. Many cases have occurred where a less sum than was claimed has been voted, and the case being presented to subsequent Congresses, and an additional sum being allowed and appropriated. When a court or commissioners ascertain the amount of a claim against the United States, Congress makes provision for its payment by passing a law appropriating so much money in the Treasury to the claimant. This is the exercise of a legislative, not of a judicial power. A claim against the United States may be certainly ascertained by the most formal judicial proceeding; and Congress may procrastinate or refuse absolutely to appropriate the money to satisfy it; or it may appropriate such sum as it may choose toward a claim before or without any judicial or *quasi*-judicial ascertainment of the claim or its amount. But whether Congress does this with or without such ascertainment the act of Congress is strictly legislative, and in no sense judicial. I will illustrate the general position I have endeavored to maintain by an example; and I regret my ancient friend from Vermont [Mr. COLLAMER] is not in his place. I have conversed some with him about *betterments*. I believe that is the way they phrase it in Vermont. In our State we say *improvements*, ameliorations, but betterments is probably more precise and expressive.

When land is sued for and recovered, and the tenant has made improvements, nearly all the States have provided for commissioners to be appointed by the court for the purpose of ascertaining and assessing the value of such improvements.

It is a very familiar and oft-repeated act in every State where the action of ejectment or any analogous suit for real estate prevails. Those commissioners are appointed by the court under the express authority of law. They are not parties to the suit. They have nothing to do with the action in which the property was recovered. They act judicially or *quasi*-judicially and hear evidence. They assess the value of the improvements, and if either party is dissatisfied with the assessment, he excepts in the same court to their report, and the matters of exception are heard and adjudged by the court which affirms the assessment or sets it aside, and remands the question of value back to the same or other commissioners. The whole proceeding is judicial.

The proposition of the Senator from Wisconsin, that Congress may pass a law directing private property to be taken for public use, and itself assess the value of the property, or impose a limit beyond which it shall not be appraised or the owner be remunerated, I controvert. Such cases present two parties, the United States being one and the owner of the property the other; they having conflicting interests on the question of the value, and that point is to be decided upon inspecting the subject, and hearing proof of its value, and by those lights forming a judgment. I do not know which position is most unsound: that the decision of this matter is not the exercise of a judicial power, or that a department of the Government having only a limited legislative power may exercise it.

But the bill under consideration does not propose to pay for the property according to an estimate made by a tribunal having no authority to make it, or upon an inadequate valuation, but to wrest it forcibly from the owners without making them any compensation. Sir, that can only be defined to be governmental robbery in defiance of the restraints and guarantees of the Constitution. It would violate the sanctions of private property assured by the common law, by Magna Charta, by the Constitution of the United States, and most all the State constitutions, by the usages and judicial practice of the United States, by the public and general law of the world, and the forms and modes of proceedings in all its most able and learned courts. All the authorities in an unbroken current, including the decisions of the highest courts in the Senator's own State, (Wisconsin,) sustain my position, and I challenge him to adduce a single respectable one against it.

Judge Story, in treating on this invaluable provision of the Constitution securing private property, and preventing it from being taken for public use without just compensation, says:

"This is the affirmance of a great doctrine established by the common law for the protection of private property. It is founded in natural equity, and is laid down by jurists as a principle of universal law. In a deed in a free Government almost all other rights would become worthless if the Government possessed an uncontrollable power over the private fortune of every citizen. One of the fundamental objects of every good Government must be the due administration of justice; and how vain would it be to speak of such an administration when all property is subject to the will or caprice of the Legislature and the rulers."—3 *Commentaries*, p. 661.

There is laid down the same principle, and if possible still more distinctly, by Chancellor Kent, by Wilson, who was a member of the Convention, I believe, in his Commentaries on the Constitution, by Rawle, and by every American commentator and judge. It is also declared by Blackstone, Grotius, Puffendorf, and other high authorities, as a principle of public and general law.

Blackstone on this subject says:

"So great, moreover, is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might, perhaps, be extensively beneficial to the public; but the law permits no man, or set of men, to do this without consent of the owner of the land. In vain may it be urged that the good of the individual ought to yield to that of the community; for it would be dangerous to allow any private man, or even any public tribunal, to be the judge of this common good, and to decide whether it be expedient or no. Besides, the public good is in nothing more essentially interested than in the protection of every individual's private rights, as modeled by the municipal law. In this and similar cases the legislature alone can, and indeed frequently does, interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by absolutely stripping the subject of his property in an arbitrary manner, but by giving him a full indemnification for the injury thereby sustained. The public is now considered as an individual, treating with an individual for an exchange. All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price; and even this is an exertion of power which the legislature indulges with caution, and which nothing but the legislature can perform."

I will now read from the decisions of the Supreme Court and several of the circuit courts of the United States, and also from the superior courts of most of the States, on the point of compensation of private property taken for public use:

"Article five of the Amendments to the Constitution, which inhibits the taking of property for public use without just compensation, restrains the power of the General Government, and was not intended to apply to the States." (Withers *vs.* Buckley, 20 Howard, United States, 84.)

"Justice Washington decided that until just indemnity is afforded the party the power of taking his property cannot be exercised; and chancery will grant an injunction to stay proceedings until indemnity is provided." (Haight *vs.* Morris, 4 W. C. C., 601. Same principle ruled by Chancellor Kent, Gardner *vs.* Trustees of Newburgh, 2 John. Chan., 162.)

Also, in case of Bonaparte *vs.* Camden, &c., Railroad Company, 1 Baldwin, (N. J.,) 205:

"The provision in the fifth article of the Amendments of the Constitution of the United States, that private property shall not be taken for public use without just compensation, does not apply to the States, but only to the United States." (Barron *vs.* Mayor of Baltimore, 7 Peters, 433.)

Kentucky has in her constitution a similar provision for the protection of private property to that embodied in the Constitution of the United States; and I will present the rulings of her supreme court under it:

"Wherever the property of an individual is about to be appropriated to any public use, he is entitled to its actual value in money; and, by the constitution of Kentucky, a just compensation is guarantied to him, regardless of any speculative advantages which may arise from the use to be made of the land." (Rice *vs.* Turnpike Company, 7 Dana, 81.)

"It is not essential that the owner of land which has been appropriated for a public road should be paid the value thereof before the road is constructed; it is sufficient that the assessed damages be secured." (Cashwellar's Heirs, *vs.* McIlvoy, 1 Mar., 85.)

"The property of an individual cannot be taken for public use (as for a ferry) without his consent or an equivalent first paid." (Henry *vs.* Underwood, 1 Dana, 247.)

"Whenever the property of an individual is about to be appropriated to any public use, he is entitled to its actual value in money." (Rice *vs.* D. L. & N. Turnpike Road Company, 7 Dana, 86.)

"When private property is required for public use, the owner is, by the constitution, entitled to just compensation." (Sutton's Heirs *vs.* Louisville, 5 Dana, 30.)

New York:

"This provision for payment of damages is a condition precedent, and a plea of the company to a declaration of trespass *quare clausum* must aver the assessment and payment of damages previous to their entry on and appropriation of the land." (Lyon *vs.* Jerome, 26 Wendell, 48.)

"Additional burden upon the land to the injury of the owner in fee is a taking of his property within the meaning of the provision of the Constitution, which forbids such taking without compensation. The State and municipal authorities combined cannot confer upon a railroad company the right to construct their road upon a highway without the consent of the owner of the fee, or making him compensation." (William *vs.* New York Central Railroad Company, 16 New York R.; 2 Smith, 97; Ways, 110.)

"The provision in the fifth article of Amendments to the Constitution of the United States, that private property shall not be taken for public use without just compensation, does not apply to the States but only to the United States." (Barron *vs.* Mayor, &c., of Baltimore, 7 Peters, 243; Livingston *vs.* Mayor of New York, 8 Wendell, 85. See 1 Baldwin, 220.)

"Where an act of the Legislature authorizes a corporation to make a road and take land for that purpose without the owner's consent, the law must provide for compensation to the landowner."

"An act which authorizes the taking of land for a highway, if it provides compensation to the owner, is not unconstitutional, because the assessment and payment of damages are not made a condition precedent to the right of entering on the land; neither need such assessment and payment of damages precede the actual entry." (Smith *vs.* Helmer, 7 Barb. Supreme Court, 416.)

"Just compensation for property taken wrongfully or taken under the pressure of public necessity, means nothing less than the prompt restoration of everything taken, or its equivalent rendered in something which the taker has a right to bestow." (The People *vs.* The Mayor, &c., of Brooklyn, 9 Barb. Supreme Court, 535.)

"The provisions on this subject, in the constitutions of the United States and the State of New York, are only declaratory of a previously existing universal law." (11 Barb. Supreme Court, 26.)

Pennsylvania:

"When the Legislature authorize the taking of private property, the compensation therefor must be settled either by stipulation between the Legislature and the proprietor, by commissioners mutually elected by the parties, or by the intervention of a jury." (Per Patterson, J., 2 Dallas, 313; S. P. Armstrong *vs.* Jackson, 1 Blackford, 374.)

"Until just indemnity is afforded to the party, the power of taking his property cannot be exercised, and chancery will grant an injunction to stay proceedings until indemnity is provided." (Gardner *vs.* Trustees of Newburgh, 2 Johnson's Chancery, 162. See Bonaparte *vs.* Camden, &c., Railroad Co., 1 Baldwin, 205; Haight *vs.* Morris, 4 Wash. C. C., 601.)

"Where private property is taken for public use it is not necessary that the compensation to the owner required by the Constitution should be actually ascertained, but it is sufficient if an adequate remedy is provided by which he can obtain compensation without any unreasonable delay. The act in question gives to the owner of a lot in Penn street, to which land bounded by the Alleghany river is appurtenant, and to whom the right of landing on said river belongs, an adequate remedy for the appropriation, by the city of Pittsburgh, of said land and right of landing by the opening of Duquesne way." (Pittsburgh *vs.* Scott, 1 Penn. State Rep., 309.)

New Hampshire:

"The Legislature may authorize the laying out of a common public highway over a road made by a turnpike corporation, and the taking of the franchise of the corporation for that purpose, notwithstanding the charter of the corporation is still in force, and the corporation in possession of the road constructed by virtue of it, provided compensation is made to the corporation for their property thus taken." (Barber *vs.* Andover, 8 New Hampshire, 398.)

"In the exercise of the power of eminent domain a part of the whole of the franchise and property of a corporation, however exclusive or ancient the grant, may be taken for public use, upon suitable compensation being made." (Crosby *vs.* Hanover, 36 New Hampshire, 404.)

"A private corporation, created for the purpose of making a road open to public travel, upon payment of a fixed toll, may be authorized by the Legislature to take land for the road without the owner's consent, upon payment of a just compensation, to be determined in some reasonable and convenient method." (35 New Hampshire, 134.)

"But it is not necessary that it should give him the right to try the question of damages by a jury." (Petition of the Mount Washington Road Company, 35 New Hampshire, 134.)

Connecticut:

"The obligation to make compensation for the taking of private property for public use is commensurate with the right so to take it. (Reynolds *vs.* Reynolds, 15 Conn., 84.) And injury to land, which deprives the owner of the ordinary use of it, is equivalent to a 'taking' of the land; and where no compensation is provided for or made to the owner for the injury sustained, he is entitled to recover damages for such injury." (Hooker *vs.* Canal Company, 14 Connecticut, 146.)

New Jersey:

"A partial destruction or diminution of value is a taking of private property." (Glover *vs.* Powell, 2 Stockton, New Jersey R., 211.)

"Government cannot take away private rights and property for public purposes without allowing compensation." (Ten Eyck *vs.* Delaware and Raritan Canal, 3 Harrington, 200.)

"Under the constitution of New Jersey, adopted June 29, 1844, an act of the Legislature cannot authorize a railroad company incorporated by it to take land for the construction of a road without first making compensation therefor to the owner." (Doughty *vs.* The Somerville and Easton Railroad Company, 3 Halst. Ch. R., 51.)

"The soil of a public highway, if owned by an individual, is private property, and cannot constitutionally be taken for any other public use (such as a railroad) without compensation." (Starr *vs.* Camden Railroad Company, 4 Zalvis, New Jersey, 592.)

Maryland:

"The owner of a lot lying on the bed of a street which is taken for public use is entitled to a compensation for it precisely as if no such street was opened over it." (Moale *vs.* The Mayor and City Council of Baltimore, 5 Maryland, 314.)

"The right of eminent domain gives to the legislative authority the control of private property for public uses, subject to the condition that a reasonable and just compensation shall be made to the owner whenever his property is taken." (Hamilton *vs.* Annapolis and Elk Ridge Railroad Company, 1 Maryland Chan. Decis., 107, *infra* 47, 48, 50, 52.)

"It is a portion of the inherent sovereignty of a State, when public necessity or utility requires it, to appropriate to the public use private property, upon securing to the owner a just compensation for any injury he may receive. This is an exercise of the right of eminent domain as contradistinguished from the taxing power." (5 Maryland, 314.)

"In Maryland the right of eminent domain does not authorize the Government to take private property for public uses without making compensation to the owner, even if there were no provision in the constitution restricting it; but such appropriation by law, without compensation, would be in conflict with the sixth and twenty-first articles of the bill of rights." (Harnes *vs.* Chesapeake and Ohio Canal Company, 1 Maryland Chan. Decis., 248.)

"The constitutional prohibition against taking private property for public use until compensation has been paid or tendered means the actual taking, and not the preliminary steps of surveying and assessment of damages, which do not require such tender in order to be legal." (Stewart *vs.* Mayor of Baltimore, 7 Maryland, 500.)

North Carolina:

"The twenty-first section of the Tennessee bill of rights, declaring 'that no man's particular services shall be demanded or property taken or applied to public use without the consent of his representatives or without compensation being made therefor,' means that property shall be taken only when the Legislature have authorized such taking by a previous law, under such regulations to prevent abuse and oppression as their wisdom may prescribe." (Barrow *vs.* Paige, 5 Haywood, 97.)

"A division of militia in the service of the United States, though he could procure forage, &c., in no other way, was held to be an actionable trespass upon the owner." (5 Haywood, 97.)

Ohio:

"The property of a man which has been appropriated to public use must be held to be taken within the meaning of the constitution of Ohio, of 1802, after an ordinance to that effect has been passed. If compensation is secured before the property is taken, it is sufficient. It need not be actually paid to the owner." (Jackson *vs.* Winn, 4 Littell, 323. See also Mercer *vs.* McWilliams, Wright, 132; Bates *vs.* Cooper, Hamon, Ohio, 115; Young *vs.* Buckingham, 5 Hamon, Ohio, 485; Wellyard *vs.* Hamilton, 7 Hamon, Ohio, part 2, 112.)

"Three disinterested freeholders of the county where the property is situated, appointed by a judge of a court of record, are a sufficient tribunal to assess." (Cleveland and Pittsburgh Railroad Co., 5 Ohio, new series, 140.)

Wisconsin:

"Acts authorizing the flowing of lands of others by the erection of mill-dams are constitutional if they provide due compensation therefor, such flowing being taken for public use." (Shien *vs.* Voegtlander, 3 Wisconsin, 461.)

"Open, uncultivated, and unineloscd land, when owned by individuals, is private property within the meaning of that article in the Constitution which prohibits the taking of such property for public use without compensation." (Norton *vs.* Peck, 3 Wisconsin, 714.)

"A plea of justification of taking land for a highway is bad if it omit to set forth that any damages were awarded or compensation made for such taking, according to the Constitution." (Norton *vs.* Peck, 3 Wisconsin, 714.)

Georgia:

"The right of eminent domain, by which the State of Georgia is authorized to take private property for public use, when the necessities of the country require it, is an inherent right of the Government; although, under the constitution, compensation must be made to the owner of property so taken." (Young *vs.* Harrison, 6 Georgia, 130.)

"The Georgia act of 1834 authorized the inferior courts of the several counties in the State to grant the right of private ways, in certain cases, but contained no provision for making any just compensation to the owner of the lands which might be taken for such private ways. Held that it was unconstitutional and void." (Brewer *vs.* Bowman, 9 Georgia, 37.)

"The general rule is, that private property cannot be taken for public use without just compensation, and cannot be so taken without an act of the Legislature authorizing it, and the act must make provision for the compensation." (Parkham *vs.* The Justices, &c., Decatur county, 9 Georgia, 341.)

"That provision of the Federal Constitution which prohibits the taking of private property for public use without just compensation was held to be an affirmance of a great principle of the common law." (9 Georgia, 341.)

"The value of land taken for public use is not restricted to its agricultural or productive qualities, but inquiry may be made as to all other legitimate purposes to which the property could be appropriated." (Harrison *vs.* Young, 9 Georgia, 359.)

"It should require a strong case to justify the courts in interfering with private rights, except for public purposes, and making a just compensation; that is going quite far enough." (Royston *vs.* Royston, 21 Georgia R., 161.)

"The Legislature cannot divest a man of his property against his will without compensation." (Powers *vs.* Armstrong, 19 Georgia, 427.)

"In other cases parties taking private property without first making compensation may be enjoined." (37 Mississippi, 8 Georgia, 172.)

"In estimating damages to which a party is entitled whose land has been taken for the purpose of a levee, no deduction can constitutionally be made for probable benefits to result to him from saving his property from a prospective flood." (37 Mississippi, 8 Georgia, 172.)

Tennessee:

"When land is taken for the construction of a railroad, the 'just compensation' which the Constitution secures to the owner is the value of the land at the time it is taken, without deducting therefrom any benefit or advantage he may in fact or by supposition derive from the making of the road in the appreciation of his remaining land or otherwise. But so far as incidental benefits and damages are involved, the Legislature may take such regulations as are deemed proper in the way of placing one as a set-off against the others. (Woodfold *vs.* Nashville and Chattanooga Railroad Company, 2 Swan, Tennessee, 422.)

Mississippi:

"The Legislature has general power to pass laws providing for measures of internal improvement of the public rivers and other highways within the limits of the State, subject only to the restrictions and limitations in the constitution. One of these restrictions is, that private property shall not be taken or applied to the public use without just compensation. This clause applies to property of a specific, fixed, and tangible nature, capable of being had in possession and transmitted to another, as houses, lands, and chattels." (Homochitto River *vs.* Withers, 29 Mississippi R., 7 Cushing, page 21.)

"Without compensation, for the purpose of making the preliminary examinations and surveys before the location of the road, private property may be taken." (25 Mississippi, 4 Jones, 277.)

"Under the provision of the bill of rights of Mississippi, 'that no person's property shall be taken or applied to public use without the consent of the Legislature, and without a just compensation first being made therefor,' the compensation must precede the seizure for public uses." (Thompson *vs.* Grand Gulf Railroad and Banking Company, 3 Howard, Mississippi R., 240.)

"A provision, therefore, in the charter of a railroad corporation, authorizing the company to take the land of individuals without providing for such previous compensation, is void." (3 Howard, Mississippi, 240.)

"When, and only when, the public necessity is so urgent as to admit of no delay, property may be taken without first making compensation." (Penrice *vs.* Wallis, 37 Mississippi, 8 Georgia 172.)

"Under a constitution providing that private property cannot be taken for public use without just compensation, it would be incompetent for the Legislature to declare that in assessing the compensation the benefits to be derived by the landowner from the public use of his land should be taken into account." (Newly *vs.* Platte County, 25 Mississippi, 4 Jones, 258.)

"Under the general railroad law of Missouri, no entry for the purpose of constructing a railroad upon land taken under the right of eminent domain can be justified until the compensation has been actually paid." (Walther *vs.* Warner, 25 Mississippi, 4 Jones, 277.)

Indiana:

"The constitution of Indiana, articles one and seven, does not require that compensation shall be made before private property is taken for public uses (McCormick *vs.* La Fayette, 1 Carter, Indiana, 48.)

"When a public work is authorized by the Legislature, and a mode of obtaining compensation for private property taken therefor is specifically prescribed, such compensation must be sought in the manner so prescribed, and not otherwise." (Kimble *vs.* The White Water Valley Canal Co., 1 Carter, Indiana, 285.)

California:

"The compensation must be the value of the property at the time of the payment." (13 California, 306.)

"Ample means of compensation must be provided before private property can be taken for public uses, or an injunction will issue against the State ministerial officers. (McCann *vs.* Sierra County, 7 California, 121.)

"Private property cannot be taken by a municipal corporation for public use without compensation or provision therefor, and if none is made the party may retake the property." (Colton *vs.* Rossi, 9 California, 595.)

"Damages must be paid or secured before the property is taken." (Bensley *vs.* Mountain Lake, &c. Co., 13 California R., 306.)

"No right accrues to the taker until such payment be made, or security be given." (13 California, 306.)

"Private property cannot be taken for public use without compensation being made before the citizen is divested of his rights." (San Francisco *vs.* Scott, 4 California R., 114.)

Virginia:

"The franchise as well as the property of the citizen may be taken for public uses, upon making just compensation therefor." (James River and Kan. Co. *vs.* Thompson, 3 Gratten, 270.)

"Private property may be taken for public use, provided that in all cases just compensation is made to the owner." (Donnaher *vs.* State, S. & M., 649.)

Massachusetts:

"It is incident to the sovereignty of every Government that it may take private property for public use, of the necessity or expediency of which the Government must judge. But the obligation to make just compensation is concomitant with the right." (Per Baldwin J., 1 Baldwin 220; per Lane J., 4 Hamon's Ohio, 253; Cooper *vs.* Williams, 7 Greenleaf, 273; Spring *vs.* Russell, 3 Watts, 294; Henry *vs.* Underwood, 1 Dana, 247; O'Hara *vs.* Lexington, &c., Railroad Company, 1 Dana, 232; Perry *vs.* Wilson, 7 Mass., 395.)

The numerous authorities cited, with which there are none in conflict, clearly establish these positions: first, that private property can be taken by the Government of the United States, or of the several States, only for *public use;* second, that the owner is entitled to the fair and reasonable *intrinsic value* of the property; third, that the ascertainment of that value is a judicial question, and the mode of ascertaining it a judicial or *quasi*-judicial proceeding, and therefore not to be done by Congress or the Legislatures of the States, because their powers and functions are exclusively legislative; fourth, the value of the property must be *paid* or *secured* to the owner before it can be legally taken from him, otherwise the title remains with him unimpaired, and any person disturbing his possession of it is a trespasser and subjects himself to a suit; fifth, the chancellor will upon application restrain the officer, United States or State, from taking possession of the property or interfering with the owner in its use; sixth, until the value of the property as determined by the contract of the owner, or by some judicial mode of proceeding, is paid or secured to the owner, he has the right to hold possession of the property against any and all United States or State officers, and to repel all forcible attempts to divest him of it with the force necessary and proper for that end, and if it result in slaying the official trespasser he will be excused as he would be if the trespasser was an unofficial person.

The taking of private property against the consent of the owner is one of the highest and most repulsive acts of political sovereignty; hence general law and the constitutions of the United States and most of the States allow this to be done only for *public use*. That is, as a *necessary agency* to be used in some operation or business of Government; and the cases in which it can be legitimately taken are to be adjudged by the general and combined principle of delegation, limitation, and restriction which pervades the Constitution and the Government it forms. We are now in a great war to put down the biggest rebellion that ever loomed up in the civilized world. Soldiers and supplies are necessary to enable the Government to carry on this war. That is the legitimate operation of the Government. Granting that it is necessary to have slave men as soldiers to fight our battles against the rebels, and to enable the white men of the loyal States to hold the country and enforce its laws, you do not propose to make soldiers of, or to appropriate to any military service their wives and children, but only to free them to stimulate their husbands to volunteer into the military service, when, according to your assumed power, you can *conscript* and *force* into the Army both the *white man* and the *negro*. This is truly a war measure not against the rebels, but against slavery and the loyal owners of slaves.

Mr. FESSENDEN. Will my friend allow me to ask him a question?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. Has he any doubt that if it becomes necessary for the Government, in the pursuit of the accomplishment of a public object, absolutely to destroy property belonging to an individual, they have a right to do so, and that that is taking the property for public use although they make no use of it?

Mr. DAVIS. Why, sir, I read two decisions, one of the Supreme Court and the other of the Court of Claims, the other day to establish that proposition—the opinion rendered by Judge Wilmot, of the Court of Claims, and an opinion of the Supreme Court, by Judge Taney, in a case arising in the Mexican war.

Mr. FESSENDEN. Then they are not bound to use the property.

Mr. DAVIS. They do use it. They use it for the purpose of destruction, and to prevent it from falling into the hands of the enemy; that is a universal *military use* of property. Both of those courts decided this other principle also, that the property must be of such a character as that the enemy could and probably would use it, to make the Government responsible, and unless the case had those features the officer would not be authorized to take or destroy the property or the Government liable for its value; but the officer would be simply a trespasser and personally responsible by the suit of the owner for the property.

But granting everything that the honorable Senator from Maine claims, still it leaves inexorably upon the Government of the United States its plain constitutional obligation to make a just and fair compensation to the owners of such slaves as may be taken in virtue of the bill that is now before the Senate if it shall pass.

But, sir, the proposition in the bill that I am

debating surpasses in assurance and injustice all that I have ever known by experience, reading, or tradition. The one before this, which culminated all others coming to my knowledge, was to this effect: two chums, that had had previously tolerable relations, had fallen into somewhat serious misunderstanding, about like Kentucky and Massachusetts at this time. One said to the other rather savagely "I'll fix you," and set about heating a poker that was hard by; and when he had got it to a white heat insisted that he would run it up the fundament of the other. But he met with such earnest protest and earnest resistance that he agreed to desist, on condition that the other would pay him for heating the poker. The propounder of this speculation must have been a genuine Massachusetts Yankee. But it falls far short of the course of the Administration and its friends to the border slave States. From the beginning, and while they were making such solemn asseverations to the contrary, they intended to rob us of our slaves. They not only concealed their purpose, but vowed that their only purpose was to reinstate the authority of the United States, their Constitution and laws in the revolted States, and not interfere with the constitutional powers, rights, and dignity of the rebel, much less of the loyal slave States. They thus deceived and cajoled the border slave States into the war. They all have furnished their proportion of soldiers to put down the rebellion and to appease the appetite of the Moloch of war for blood. They have become bound for their part of our war debt, that has increased and is increasing to such an enormous amount that all the resources of an overtaxed people will soon be insufficient to meet its interest. A national debt of $5,000,000,000, and the interest and current expenses of the Government requiring $400,000,000 annually. The party in power are moving also in seeming steady and triumphant march upon freeing, by the power of our common armies and navies, of more than five hundred thousand slaves belonging to people who are loyal and not rebels and worth $300,000,000. They at the same time subvert all our personal rights and liberties and grind us to the dust by the weight and tyrannies of an organized military despotism. These usurpers and oppressors are seizing upon our able-bodied negro slaves and organizing them into a standing army already numbering nearly one hundred thousand men, and to be augmented far beyond those figures, to hold us in hapless and hopeless political, social, and commercial servitude to themselves. They run the glowing political poker up and clear through us, and also require us to pay them for heating.

But such a state of things cannot continue always. Belshazzar and his host are now drunk and feasting; but Cyrus and the Persians will soon be upon them. The aroused American freemen will effect their own deliverance at the ides of next November. Military oppression and oppressors will then be put down. Liberty according to the Constitution and laws will then be restored. The nightmare of martial law and despotism will then be removed from the civil courts. Void acts of indemnity and limitation will then be swept away as cobwebs, and great and little delinquents, Lincoln, Stanton, Thomas, and Butler, and their hosts will be held to such accountability and retribution as was Wall, a governor of Angora, a British colony, who, by the instrumentality of a drum-head court-martial, committed a military murder on a British soldier, and returning to England twenty years after the crime, was indicted in one of the courts of Westminster, tried, and by its stern but just judgment sentenced to be executed as a murderer. When our confiding but most outraged countrymen once more regain liberty regulated by Constitution and law, and able, just, and impartial courts, it will be the most glorious jubilee ever vouchsafed by Heaven to man.

The PRESIDING OFFICER, (Mr. CLARK.) The question is on the amendment of the Senator from Kentucky to the amendment of the Senator from Massachusetts.

Mr. DAVIS called for the yeas and nays; and they were ordered.

Mr. WILKINSON called for the reading of the amendment to the amendment; and it was read.

Mr. COLLAMER. I suggest to the Senator from Kentucky to insert "loyal" before "owners."

Mr. DAVIS. The word "loyal" is already in before the word "owner" where it first occurs; but I am willing to repeat it at each place where the word "owner" occurs.

Mr. WILKINSON. Mr. President, if I believed that slaves were property, if I entertained on that question the same views which are entertained by the Senator from Kentucky, [Mr. DAVIS,] I should certainly vote for his amendment. If I believed that under the Constitution of the United States slaves are property in the sense in which the honorable Senator regards them, I should support his amendment. But as I do not believe that a human being who is in the Constitution denominated a "person" is to be regarded as property in the same sense in which a horse or a mule is considered property, I dissent entirely from the positions he has assumed.

This bill, Mr. President, is to give freedom to the wives and children of the soldiers who fight our battles for the Government and for freedom. It has been claimed that if this bill shall pass it will work the emancipation of the whole negro race within the United States. It has also been argued that it is unjust to free the wife and children of a soldier in our Army where they belong to or are claimed as the slaves of a loyal man. To this I answer that it will be equally unjust to free the soldier himself where he belongs to a party who is loyal to the Government. Yet nobody claims—even the Senator from Kentucky will hardly assume—that this Government can afford to commit an act so atrocious as to call upon a slave to serve in our armies and then remand him back to slavery again after he shall have aided in the suppression of this rebellion by his valor and his bravery upon the battle-field. No civilized nation was ever guilty of such barbarity, and no nation in this age of Christian civilization can stand up before the enlightened public sentiment of the world and justify such a course.

I am free for myself to say that I am not only in favor of employing all the slaves which can be mustered into our armies for the suppression of this rebellion, for the purpose of removing the burdens of this war from the shoulders of the white young men of the country, but I favor it also for the reason that I believe it will tend to work the emancipation of the slaves everywhere. I think, Mr. President, that the people of this country have settled down upon the conviction, first, that this Government is to be one Government—not two Governments, nor three, nor twenty, nor thirty Governments—but one Government; secondly, and that it is to be a free Government; that when this war shall have ended a slave will not be permitted to breathe the air of the United States; that there will be no more market-places where men and women and children are bought and sold. There are to be no more slaveholding tyrants to rule the political affairs of this nation, and none of that influence left hereafter to destroy the peace, the happiness, and the prosperity of this people.

The Senator from Maryland [Mr. JOHNSON] the other day stated, if my memory serves me correctly, that no warrant could be found in the Constitution for the employment of the slaves of loyal masters without compensation being first made therefor, and that the warrant for this measure, if any there be, must be found in the necessity of the case. And the Senator from Ohio [Mr. SHERMAN] asked, "has Congress or the President power to employ slaves in the military service?" So far as I am concerned I shall not stop to inquire whether the employment of slaves as soldiers is constitutional or unconstitutional, whether it be legal or illegal. The question with me is, and the only question is, is it necessary; does the great law of necessity, that law which the Senator from Maryland speaks of as the "higher law," the law above the Constitution, require or justify it? And need any one doubt on this question? After nearly three years of bloody, exhausting war, a war which has taxed to the utmost the resources of the country and wasted the most precious blood of the nation, it seems to me that no one should hesitate as to the duty of the Government to invoke all the power of the nation to suppress this rebellion.

If the necessity does not now exist for calling upon the able-bodied negroes to rally to the support of the Government, when, in Heaven's name, can such a necessity arise? Has there not already been suffering enough? Have the sacrifices not yet been great enough? Have not enough of the accomplished young men of the country, the pride of the loyal States, been offered up upon the altar of their country to satisfy us that it is the duty of the Government to avail itself of every means in its power to crush out now and forever this accursed rebellion, together with that most atrocious system of slavery which warmed it into life and gave it all the vitality and power it ever possessed?

I cannot state from personal knowledge as to the condition of the free States of the North, except, perhaps, the young State which I have the honor in part to represent; but as for Minnesota, I feel competent to answer for her. She had just entered the Union as a State when this rebellion broke out. She had not yet recovered from the depressing influences of the financial crisis of 1857 and 1858, and the people were not prepared to meet, without great sacrifices, the demands which the country made upon them. But, notwithstanding this, they responded to the first call that was made upon the State by the President, and, leaving their families upon an exposed frontier, they rushed to the defense of the capital of the nation. From the commencement of the rebellion to the present hour, Minnesota has responded to every call that has been made upon her, and she will still continue to make further and greater sacrifices rather than see the Union, which her people love so well, broken up and destroyed. Better, far better, that her rich fields should remain untilled, their golden crops of wheat sink back again to the bosom of the earth from which they sprang, or that the women and children should be left a prey to the merciless Indian savages upon the frontier, than that liberty should perish forever on this continent, or that this free Government should be destroyed.

I know that it has been said that the life of our country is worth all the best white blood in the nation; but why should we be so eager to expend it when there is in our midst a willing element ready, for the price of freedom, to take a part of the burdens of the war upon its shoulders?

Mr. President, from the commencement of this rebellion to the present hour the course of the Government and of the people of the North has been strangely inconsistent. While the noblest and the best sons of the loyal States were reddening every rivulet in Virginia with their blood, and almost every sod of the Old Dominion was pressing upon the grave of a blue-eyed soldier of the North, we turned our backs coldly upon the only friends we had in the rebellious States, and said to them, "You are black, and are not worthy to suffer and die for freedom; we would rather lose our own liberties than to give freedom to a nation of slaves." I do not know but that it was the design of Providence to blind the eyes of the people of the North to their true interests until they had paid the full penalty for their participation in the great crime of human slavery in this Government. There is a retributive justice in this war, as the Senator from Maryland said, and it is visited alike upon the North and the South, for the North as well as the South has been a guilty participator in the foulest crime that ever blackened the character of a nation.

It was but the other day that the honorable Senator from Maryland told us that the Constitution treated the slave in a kind of double character—that of a person and also as property. I think he said that it had been often held by our courts that while the Constitution spoke of the slave as a person he was also held in that instrument to be properly subject to all the conditions of other property. These decisions to which the honorable Senator alludes are of modern origin. The Constitution nowhere speaks of a slave as property; but wherever any allusion is made to that class of people they are spoken of as persons. This fact seems of late to have been entirely ignored by the whole country, and particularly by the Supreme Court, who, by a long series of decisions, have attempted to establish, as constitutional law, those atrocious features of human slavery which the framers of the Constitution certainly never expressed in that instrument, and we have no reason to believe that it was their intention that such a construction should be placed upon it. It is one of the crimes of the nation that the constituted authorities, for more than thirty years prior

to the breaking out of the rebellion, had been steadily yielding to the inhuman and barbarous demands of the slave power, until at last the Supreme Court, outrunning all the other departments in this race of infamy, declared it as the law of the land that "no black man had rights which a white man was bound to respect."

The honorable Senator from Ohio who is not to-day in his seat [Mr. SHERMAN] seemed in his course heretofore to be thoroughly imbued with the idea that under the Constitution the humanity of the slave is entirely ignored, and that he can only be regarded or even spoken of as property, in the sense in which we speak of a horse or a mule as property. Even the conservative Senator from Pennsylvania, [Mr. COWAN,] who always speaks with great clearness and force upon constitutional and legal questions, said in debate on this floor, not long since, that under the Constitution the slave was only regarded as a person owing allegiance to the United States, and as such might be placed in the armies of the Union to serve as other soldiers serve in defense of their country. And this is the clear intent and meaning of the Constitution; and yet as a people we have labored hard and long, against the plain text of that instrument, to prove that a slave was not a person, with the rights, duties, obligations, and securities of persons, but that he was property, a thing, a chattel to all intents and purposes, with no more *rights, duties*, or *obligations* than the pig or the calf.

In this way we, as a Government, in our power have robbed a nation of three or four million people of the rights which God gave them. We have ground them to the earth; and, as if to find some excuse for the wickedness of the nation, we have attempted to fasten this crime upon the fathers of the Republic. We have by judicial decisions perverted the great charter of freedom by declaring it to be an instrument framed in the interest of slavery and in direct antagonism with freedom. How long can a powerful Government pursue this wicked course without calling down upon the heads of the people the vengeance of a just God? No nation, however strong, can long evade this vengeance if in its power it tramples upon the weak. Retributive justice will sooner or later be meted out to the oppressor. From the days of Egyptian oppression, from the time when the horses and their riders were buried together in the sea to the present hour, no nation that has oppressed the weak has long evaded that vengeance which in the providence of God is repaid to the tyrant and oppressor. That vengeance has at last come upon the people of this country. It has come, not with pestilence or famine to cut off and destroy the people, but it has come with the more terrible and destructive engines of war. It is cutting down the flower of the country as the mower mows down the grass of the field. We have been looking on at this work of destruction and death for the last three years; we have seen two hundred thousand of our brave young men cut down in all the pride and strength of manhood; we have seen sorrow and affliction and mourning carried to the door of every household; we see the weeds of mourning everywhere in the streets; and yet there are those among us who refuse to open their eyes to the nature of this conflict! There are those who still tell us that we must not give freedom to the slave!

I am told that the people of my State, the gallant young State of Minnesota, are bound by the Constitution and laws to send new and fresh regiments into the field to march, to toil, and to fight under the burning summer sun in the southern States for the suppression of this slaveholders' rebellion; that they are bound to leave their bodies to molder away in a distant State, to leave their wives widows and their children orphans; but that we must not call upon the slaves to aid us in this contest, nor must we interfere with the institution of slavery, which institution alone has been the cause of all the suffering and distress which this bloody war has brought upon the country.

Mr. President, is it not time that the eyes of the people were opened? Have we not seen enough already to convince even the most skeptical that in our struggle to uphold slavery we are warring against God? I regard it as my first and highest duty as a servant of the people, acting under the solemnity of my oath of office, by my voice and my vote, while this war lasts, to strike directly at the institution of slavery in this country. It is the chief corner-stone of the rebellion; and as I wish to suppress the rebellion, as the most prompt and effective means to produce that result I would strike directly at the foundation on which it rests. I would free every slave, no matter whether he was claimed by a rebel in arms against the Government or whether he was held by an officer who is fighting in the Union armies. I would "let the oppressed go free," and I would muster every able male slave into the armies of the Union to fight for their country and for freedom.

I have thus felt and spoken and voted ever since this rebellion broke out. There are a few others around me on this floor who have, from the beginning, steadily and consistently acted upon the same principle. The eloquent Senator from Massachusetts, [Mr. SUMNER,] the just and uncompromising Senator from Ohio who sits nearest me, [Mr. WADE,] the honorable members from Iowa, [Messrs. HARLAN and GRIMES,] and from Michigan, [Messrs. CHANDLER and HOWARD,] and, on the other side of the Chamber, the honorable Senator from Maine, [Mr. MORRILL,] and from Kansas, [Mr. LANE,] have never, for one moment, hesitated or faltered in their determination to destroy slavery with this rebellion since it assumed its present proportions. While others, more timid, have been from the beginning rolling constitutional logs in the way of our armies, these honorable Senators have been clearing the way for the rapid and triumphant march of our forces.

Mr. President, on the second day of last month the honorable Senator from Ohio [Mr. SHERMAN] made what some would call a radical speech, to prove that it was right to employ all the able-bodied slaves in the military service of the country, and to secure them their freedom upon the rendition of such service. On this question the honorable Senator said:

"I say from the beginning we should have armed the slaves; but before doing so, in my judgment, we ought to secure them by law, by a great guarantee, in which you and I and all branches of the Government would unite in pledging the faith of the United States that forever thereafter they should hold their freedom against their old masters."

And again, as to the duty of the Government to free the mother, wife, and children of the soldier, the Senator used this language:

"The soldier who has worn our uniform and served under our flag must not hereafter labor as a slave. Nor would it be tolerable that his wife, his mother, or his child should be the property of another. The instinctive feeling of every man of generous impulse would revolt at such a spectacle. The guarantee of freedom for himself, his mother, his wife, and his child is the inevitable incident of the employment of a slave as a soldier."

These, Mr. President, are noble utterances, and I am glad for the opportunity to repeat them here. But when I listened to the speech of the honorable Senator I could but think what progress had been made in the public sentiment of the country within the last two years. Almost simultaneously with the delivery of this speech in the Senate, the New York Herald came to us containing a leading editorial advocating the entire radical abolition of slavery throughout the United States, and that by constitutional amendment. We cannot be told hereafter that the world does not move.

But, Mr. President, there is another point in the honorable Senator's speech in which I do not concur, and that is where he refers to the course of the President and to the effect and propriety of his proclamation of emancipation. The honorable Senator says:

"My sympathies are not necessarily with the negro race; but if the negro now shows by his courage, by his capacity, by his endurance, by his bravery, that he is able to win his freedom and maintain it, then I wish to secure him that freedom by all the sanctions of law, and not to rest it upon the uncertain tenure of a President's proclamation. We are here independent of the President; it is our duty to examine critically the question of his powers and the effect of his acts.

"And, sir, we must not forget that the President who issued this proclamation may abrogate it; he may modify it, or extend the exceptions by a new amnesty. We know that he entered upon this path of emancipation only after the country became wearied and almost exhausted under the unnatural protection extended by his officers to slavery. We know that when General Frémont, early in the war, refused to surrender slaves to rebel masters and by proclamation emancipated slaves who came within his lines, the President set aside his proclamation and extended his confidence only to those who protected the property, even of open public enemies, in their slaves. When General Hunter issued his proclamation in South Carolina, where, if anywhere, such a proclamation could be justified, in the presence of the enemy, in the nest of secession, in the sight of the worst rebels of the country, the President set aside that proclamation. When we were legislating here in anxious deliberation, and finally concluded that it was our duty to emancipate the slaves of the leading rebels in the southern States, those who held high offices, and not only to emancipate their slaves but to confiscate their land and other property, our legislation was suspended, and we were compelled to change it and modify it at the desire of the President, and in that way to destroy the vitality of our legislation. We must also remember, that within one month before the first proclamation of emancipation was issued, the President ridiculed his power to emancipate slaves, and a common remark was attributed to him that such a proclamation on his part would amount to nothing more than the Pope's bull against the comet.

"So far was this conservatism carried—for I will call it by the name its friends choose for it—that the political party to which the President belongs lost every election that fall. Ohio is now represented in the other House of Congress by thirteen gentlemen who certainly do not represent the opinion of the majority of her people, and who owe their seats entirely to the discouragement caused by the mode in which the war was then conducted. The whole of this state of feeling grew out of the backwardness of the President in meeting this question of emancipation and the employment of negroes in this war. We must also remember that the exceptions contained in the President's proclamation very much impair the value of the proclamation, even if it should be sustained by the courts. It has never yet been tested in a single tribunal; no judge has ever yet pronounced in favor of its validity. No constitutional provision can be pointed out to sustain its power. Men have doubts about it. Under these circumstances, can you expect the negroes of the southern States who are informed upon the subject to rally around your banner? or if, as I know they are, they are ignorant and take your promise for your power, I ask you whether you are willing to let them risk their lives upon the basis of a proclamation on the validity of which you yourselves have doubts, especially if you have the power by law to sanction that proclamation and to give it validity.

"We must remember that the Executive is but one branch of the Government. His powers are defined by the Constitution. They are simply executive. He can neither make nor suspend the operation of a law. In time of war he is Commander-in-Chief of our Army and Navy; but is this power sufficient to change the laws of States and communities, or do they extend beyond the lines of our armies, and especially will they extend into the future peaceful times which we hope may soon come upon us? I shall hereafter endeavor to show that Congress is invested with clear power to guaranty emancipation to slaves who enter our armies; but where can such a power be found for the President?"

Mr. President, I doubt very much whether this severe criticism is deserved. But I am quite clear in my opinion that if deserved it should not have been pronounced by the honorable Senator from Ohio. I am not certain but that the Senator's colleague [Mr. WADE] might with some consistency assail the past conservatism of the President, but I am quite certain that it was not consistent in the Senator himself to do it. In speaking of our defeat at the elections a year ago, he charges the whole responsibility upon the conservatism of the President, and he says that it was owing to his backwardness in meeting the question of emancipation and the employment of negroes in this war. Now, while I do not think that the President has gone as fast and as far as he ought to have gone, I was very much surprised to hear the honorable Senator make this charge. I well remembered without referring to the recorded debates of this body that during the last Congress when this measure of employing slaves in the military service, and giving them and their families their freedom, was before us, the Senator himself took very "conservative" ground, and I thought I would refer to the record and see if I was mistaken. Well, Mr. President, I was not mistaken. On the 15th of July a proposition very similar to the one now before us was pending in the Senate, and what then was the honorable Senator's course? I will read from the Senate Journal of Thirty-Seventh Congress, second session, pages 843 and 844:

"The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 394) to amend the act 'calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions,' approved February 28, 1795, and the acts amendatory thereof, and for other purposes; and

"The following amendment, proposed by Mr. SHERMAN, being under consideration, namely: in section thirteen, line two, after the word 'descent' insert 'who by the laws of any State shall owe service or labor to any person who during the present rebellion has levied war or has borne arms against the United States, or adhered to their enemies by giving them aid and comfort.'"

That was the proposition of the Senator from Ohio.

"After debate,

"On the question to agree to the amendment,

"It was determined in the affirmative—yeas 18, nays 17.

"On motion by Mr. LANE, of Kansas,

"The yeas and nays being desired by one fifth of the Senators present,

"Those who voted in the affirmative are,

"Messrs. Anthony, Browning, Collamer, Cowan, Davis, Doolittle, Fessenden, Foster, Henderson, Howe, Lane of

Indiana, Powell, *Sherman*, Simmons, Ten Eyck, Willey, Wilson of Missouri, Wright.

"Those who voted in the negative are:

"Messrs. Chandler, Clark, Foot, Grimes, Harlan, Harris, Howard, King, Lane of Kansas, Morrill, Pomeroy, Sumner, Trumbull, Wade, Wilkinson, Wilmot, Wilson of Massachusetts."

This proposition of the honorable Senator was to free only the soldiers themselves who were the slaves of rebels; and as to the slave soldiers not claimed by rebel masters, after they should have served in our armies we were to remand them back to slavery! And yet that Senator in his speech rebukes the President for "conservatism" and for his "backwardness" in employing black soldiers in our Army and giving them their freedom.

On the same day an amendment was offered to the same bill by the then Senator from Illinois, Mr. Browning, as follows:

"On motion by Mr. BROWNING to amend the bill by striking out in section thirteen, lines three and four, the words 'his mother, and his wife and children,'

"It was determined in the negative—yeas 17, nays 20.

"On motion of Mr. LANE, of Kansas,

"The yeas and nays being desired by one fifth of the Senators present. Those who voted in the affirmative are:

"Messrs. Browning, Collamer, Cowan, Davis, Doolittle, Foster, Harris, Henderson, Lane of Indiana, Powell, Rice, Saulsbury, *Sherman*, Stark, Ten Eyck, Wilson of Missouri, Wright.

"Those who voted in the negative are:

"Messrs. Chandler, Clark, Fessenden, Foot, Grimes, Hale, Harlan, Howard, Howe, King, Lane of Kansas, Morrill, Pomeroy, Simmons, Sumner, Trumbull, Wade, Wilkinson, Wilmot, Wilson of Massachusetts."

Here the honorable Senator by his vote refused to give freedom to the mother, wife, and children of the slave soldier in our Army. His colleague on this floor, [Mr. WADE,] however, was then, and is now steadily advocating every proposition which looks to the emancipation of the families of those brave soldiers who are willing to risk their lives for their country and for freedom.

Again, on the same day, Mr. BROWNING offered the following amendment. I read from the Senate Journal:

"On motion by Mr. BROWNING to amend the bill by inserting in section thirteen the following proviso:

"*Provided*, That the mother, wife, and children of such man or boy of African descent shall not be made free by the operation of this act, except where such mother, wife, or children owe service to some person who, during the present rebellion, has borne arms against the United States, or adhered to their enemies, giving them aid and comfort.

"It was determined in the affirmative—yeas 21, nays 16.

And the Senator from Ohio was among the twenty-one who voted for that amendment.

Again, when the bill was reported to the Senate:

"On the question to concur in the following amendment made in Committee of the Whole, to wit: in section thirteen, line two, after the word 'descent,' insert, *who by the laws of any State shall owe service or labor to any person who, during the present rebellion, has levied war or has borne arms against the United States, or adhered to their enemies by giving them aid and comfort.*

"It was determined in the affirmative—yeas 21, nays 14."

This amendment was, I think, offered by the Senator from Ohio, and was advocated and supported all the way through by him.

I opposed this amendment at the time because it confined the right to free our slave soldiers and their families to those who were claimed as the slaves of those who had committed some overt act of treason. A man might be a moral traitor; he might earnestly desire the success of the rebel armies; he might hate the Union, and stay at home and refuse to give any information to our generals which might aid them to overcome the enemy; he might heartily sympathize with the rebellion; he might even let his sons go to fight their battles; he might do all these things, and yet, if he staid quietly upon his farm and did nothing that would amount to overt acts of treason, by this amendment we were precluded from taking his slaves to fight our battles; and if we should take them, we were forbidden the right to give them their freedom unless we paid this disloyal master for them. I do not think the President ever carried his conservatism as far as that.

These votes were taken upon the question of giving freedom to the colored Union soldier, and to his mother, wife, and children. The record shows that only eighteen months since a majority of this Senate were opposed to giving these soldiers their freedom unless they were claimed as the slaves of rebel masters, and not merely disloyal men but men who had actually committed treason. If we employed in the military service of the country the slave of a loyal master, he was to be compelled to fight for the freedom, yea, sir, for the very existence of the nation, give his pay during the war to his master, and then when victory should have crowned his efforts, when the nation should have been saved through his valor on the bloody battle-field, he was to be remanded back to slavery again, to be thenceforth treated as property, a thing, a chattel personal, to all intents and purposes whatsoever. He might be put upon the auction-block the day after peace was declared, and be sold as horses and cattle are sold. This was the compensation which the honorable Senator from Ohio asked this Christian nation to make to the brave black men who were to fight and to suffer to uphold and preserve the Government! That I may make no mistake in stating the true position of the honorable Senator, I will read from the recorded debates of the Senate what he said in the discussion which arose upon the amendment to which I have referred. In July, 1862, when this measure was before the Senate, what did the honorable Senator from Ohio say? It is almost marvelous that an honorable Senator who now rebukes the President for his "conservatism" should have made such remarks as these on the 10th of July, 1862:

"Mr. SHERMAN." * * * * "If my amendment shall be adopted to the second section, the slaves of loyal persons will not be made free by the operation of the act, and the masters of those slaves will draw the compensation allowed by the Government for their services, and they would get their slaves back, as a matter of course. If my amendment to the second section be adopted, this measure will not affect the loyal master, because he will receive the compensation allowed by law for the service of his slave, and the slave will be his at the termination of that service."—*Congressional Globe, Thirty-Seventh Congress, second session*, p. 3232.

In the same debate he said:

"I desire to give to the master the wages allowed by this law, and to fix the measure of compensation by the language of the law and not leave it open to dispute."—*Ibid.*, p. 3232.

But, Mr. Bresident, the honorable Senator, in his recent severe attack upon the President, courteous in language, it is true, and mild in the expression, but still none the less severe for that, says:

"So far was this conservatism carried—for I will call it by the name its friends choose for it—that the political party to which the President belongs lost every election last fall. Ohio is now represented in the other House of Congress by thirteen gentlemen who certainly do not represent the opinions of the majority of her people, and who owe their seats entirely to the discouragement caused by the mode in which the war was conducted. The whole of this state of feeling grew out of the backwardness of the President in meeting this question of emancipation and the employment of negroes in this war."

Now, sir, I cannot speak for Ohio, but I will say that if the Republican delegation in Congress from Minnesota had stood by the side of the Senator on the question of the employment of negroes, and they had given utterance on the floors of Congress to such sentiments as are contained in the extracts which I have read, it is my deliberate judgment that we could not have carried ten counties in that State. If my colleague in the other House, Hon. Mr. WINDOM, who has represented so ably the most radical district in the State, had assumed in Congress the positions taken by the honorable Senator from Ohio, and had given utterance to such doctrines, he could not have carried a single county in his district. And yet the people of Minnesota, radical as they are, stand firmly by the President. May we not infer that the thirteen members from Ohio in the other House, to whom the honorable Senator referred, owed their election, in part at least, to the conservatism of the honorable Senator himself? I very much doubt whether a single one of the thirteen Democratic members of the other House from his State could be induced to stand up in his place and defend the so-called conservative positions heretofore taken by the Senator from their own State.

May I not ask, were not the Senator from Ohio and those Republican Senators who acted with him, as I have shown, somewhat responsible for the backwardness of the President, of which he now so bitterly complains? Has not the President been held in check somewhat upon this question of the employment of slaves in our armies by the positions assumed by his party friends here in Congress?

Mr. President, let us examine briefly the position assumed by the Senator in the last Congress. I do not desire to misrepresent his position, and therefore I will quote from the record. On the 15th of July, 1862, he said:

"If my amendment to the second section be adopted this measure will not affect the loyal master, because he will receive the compensation allowed by law for the service of his slaves, and the slave will be his at the termination of that service."—*Congressional Globe, Thirty-Seventh Congress, second session*, p. 3337.

When has the President ever uttered a sentiment like that since he has filled the executive chair of this nation? When has he ever uttered the atrocious doctrine that you can employ men in the military service of the United States, call upon them to peril their lives and shed their blood, and then remand them back to slavery as soon as the war should be over? Again, the Senator said in the same debate:

"If you adopt the clause as it now stands, you will emancipate all the slaves of this country under the pretense of using them in prosecuting this war. It is unjust, unfair, and I may say further that it is unmanly, to avail yourself of this condition of affairs brought about by rebels to seize the *property* of loyal people and deprive them of that *property*. It will be unjust."—*Ibid.*, p. 3337.

It will be observed that the honorable Senator from Ohio spoke only of the slave as property. He did not look upon him or speak of him as a man, and he entirely ignored the character of "person" which the Constitution gives him. He did not seem to think that a slave was any more a person than a mule, and we would infer that he denied entirely that a slave can owe allegiance to the United States. How much broader and more statesmanlike are the views of the honorable Senator from Maryland, [Mr. JOHNSON,] coming as he does from a slave State, himself representing a slaveholding population. In a debate on the 15th of December, 1863, in reply to the Senator from Kentucky, [Mr. DAVIS,] the eminent Senator from Maryland said:

"Congress has clothed him [the President] with the power, so that the question which the honorable member will have to meet before he can succeed in making good his proposition, is whether Congress has not the power to call upon the slave population to take part in the war which is striking at the very existence of the Government. Why not? This population, we all know, has a double character. They are to be regarded as men as well as property. They are called 'persons' in the Constitution itself." * * * * "In the character of persons they are clearly liable to the power. Nobody can doubt that. Though not citizens they are *men*, bound to allegiance to the United States; and I therefore individually have never had a doubt that whenever these slaves are called into the service of the United States, either into its armies or into its navies, and render the service, they are by the fact of the service free; and once free, thank God, they can never again be made slaves."

It is clear to my mind that by the Constitution a slave is regarded as a person, and as such owes allegiance to the Government of the United States. I fully indorse the doctrine of my honorable friend from Pennsylvania, [Mr. COWAN,] who lays it down thus:

"I say that when the negro is protected he owes allegiance, and that as he owes allegiance he is a citizen and liable to military service. Although that allegiance may not be the allegiance to which the honorable Senator from Virginia alludes, and which he evidently has in his eye, that is, the allegiance of a naturalized citizen, still it is that allegiance which makes him a citizen—the same allegiance, if you please, which makes a sojourner among us liable to treason for the time being. An alien who comes here and is protected in his sojourn among us, if he commit treason, may be punished for it, and therefore owes a qualified allegiance."

Admit, if you please, that by the local law of some of the States a slave may be regarded as property. So by the local law of most of the States an apprentice owes service to his master for a term of years, and so does the minor child to his father. No one thinks of paying the father for the loss of the services of his son who is mustered into the service of the country at eighteen years of age; nor would you pay the master of an apprentice for the loss of his services in consequence of his being drafted to serve in our armies before he was twenty-one years of age. The honorable Senator from Ohio would take the minor son away from his father who was dependent upon him for support, by conscription, muster him into the Army, send him to Kentucky to defend that State, and yet he would not take the slave of a loyal master living in a State which our northern troops had gone to protect and defend!

Yes, there was one condition upon which the honorable Senator said that he would take the services of the slave of a loyal master, and that was that when the war was over the black soldier, no matter how well he fought for his country, should be returned to slavery again! The honorable Senator complains of the "conservatism" and "backwardness" of the President; but when ever did Mr. Lincoln hold such sentiments

as those urged in the Senate by the honorable Senator from Ohio eighteen months ago?

To show how atrocious he regards his own position and utterances in the last Congress I have quoted a few passages from his recent speech in the Senate. The honorable Senator has opened his eyes at last, and he sees that the proclamation of emancipation is an unsafe guarantee for the slave's freedom. He says now:

"I wish to secure him that freedom by all the sanctions of law, and not to rest it upon the uncertain tenure of a President's proclamation."

As the presidential election draws near the honorable Senator grows more and more radical; so much so that he has great solicitude for the freedom of the slave, and he can see no merits in the efforts of the President to produce that result. He seems to think that the proclamation of freedom which gladdened the hearts of the people is of no effect, or being so may at any time be altered or modified by the President so as to destroy its force altogether, for he says:

"And, sir, we must not forget that the President who issued this proclamation may abrogate it," &c. * * * * "No constitutional provision can be pointed out to sustain its power."

The honorable Senator evidently labored hard to show that Mr. Lincoln was entitled to no credit for having issued this proclamation, because he had no power to proclaim the freedom of the slaves in the rebel States, or having that power he might at any time annul or abrogate it. Now, sir, upon these points I take issue with the honorable Senator from Ohio. I insist that as Commander-in-Chief of our armies he had the full power and authority in virtue of his office during the existence of this rebellion, by proclamation to free every slave in the States which are in rebellion against the authority and Government of the United States. I go further, and say that, in my opinion, the President, as Commander-in-Chief of our armies, may by proclamation free every slave in the Union, whether held in loyal or disloyal States. He has the power to strike at the institution of slavery itself if, in his opinion, the interests of the country demand it, if it stands in the way of the suppression of the rebellion, if it is a clog to our armies and to our efforts in upholding and maintaining the Government. This power is not derived from any written clause in the Constitution, but it comes from the war power of the Government, from the laws and usages of nations—that higher law of which the Senator from Maryland spoke. Upon this question I prefer to quote from the able and elaborate argument of Mr. Adams, in the House of Representatives in 1842, from which my friend from Missouri [Mr. BROWN] read the other day. As this speech of Mr. Adams has been often alluded to, I shall read only a brief passage, as I am not desirous to detain the Senate long:

"I say it is a war power; and when your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them."

In that part of his speech Mr. Adams spoke of the power of Congress. Again, he said:

"I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions, under a state of actual invasion and of actual war, whether servile, civil, or foreign, is wholly unfounded; and that the laws of war do in all such cases take precedence. I lay this down as the law of nations. I say that the military authority takes for the time the place of all municipal institutions, and of slavery among the rest; and that under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States but the commander of the Army has power to order the universal emancipation of the slaves. I have given here more in detail a principle which I have asserted on this floor before now, and of which I have no more doubt than that you, sir, occupy that chair. I give it in its development in order that any gentleman from any part of the Union may, if he thinks proper, deny the truth of the position and may maintain his denial, not by indignation, not by passion and fury, but by sound and sober reasoning from the laws of nations and the laws of war. And if my position can be answered and refuted, I shall receive the refutation with pleasure; I shall be glad to listen to reason, aside, as I say, from indignation and passion, and if by the force of reasoning my understanding can be convinced, I here pledge myself to recant what I have asserted."—*Congressional Globe, Twenty-Seventh Congress, second session*, p. 429.

Mr. Adams here calls upon any one to answer his position. He invokes argument in opposition to it, and declares that he puts forth this argument after mature reflection, and that it is his conviction that it is a settled maxim of the law of nations that in case of war, such as we are now engaged in, the military takes the place of the civil power; and that under such a condition of things the President may decree the universal emancipation of the slaves. And here let me say that Mr. Adams never was answered successfully; and I know of no one, unless it be the honorable Senator from Kentucky who sits near me, [Mr. DAVIS,] who has ever undertaken to answer it. The Senator from Ohio certainly will not claim that he has refuted or even attempted to refute the able, and powerful, and I may add unanswerable argument of Mr. Adams.

But the Senator says that the President may abrogate or modify this proclamation, and thus render insecure the freedom of those to whom it was intended to apply. I do not think it needs much of a lawyer to see at a glance that there is nothing whatever in this statement of the Senator so flippantly enunciated. It is a clear legal proposition that if the President had the power by this proclamation to free the slaves of the rebellious States, by virtue thereof their freedom in law becomes an accomplished fact, and he cannot by any subsequent act reduce them again to slavery. He can free the slaves, but he cannot make slaves of free men. There is no law in the United States, either constitutional or municipal, under which any slave can be held one hour in the rebellious States. We are in actual war, a war of insurrection with the rebellious States, and are carrying on that war under and by virtue of the laws of nations. All the local institutions of those several States in rebellion, under which the loyal and disloyal alike claim their right to their slaves, are, to use the expressive language of Mr. Adams, "*swept by the board.*" The foundation upon which slavery rests in the rebellious States is destroyed by virtue of their acts of war. They have voluntarily thrown off the protection of the Constitution, and placed themselves under the law of nations alone. It is therefore not only our right but our duty to knock off every shackle from every limb. *We should let the oppressed go free.* God and humanity demand the *thorough, radical, entire abolition of slavery* everywhere within the limits of the United States.

Mr. President, I do not wish to reëstablish the condition of things that existed in this country prior to the breaking out of this rebellion. We have wasted too much blood and treasure for that. We have been told on this floor, by those who have *recently* become very radical, that the President is too "conservative," too "backward" to meet the expectations of the people and to meet the great issues before the country with that promptness and energy which the exigency of the hour demands. We are told that there is danger that he may retrace his steps toward universal freedom, and thus to permit those who by his acts have been made free to lapse back to slavery again. I have shown that Mr. Lincoln cannot do this if he would. But is there reason to fear that he would do so if he could? I defy any man to point me to the record where the President has ever taken one step backward in the cause of freedom. He has sometimes moved more slowly than I desired; but having taken a step forward, he has never retraced it. No man stands before the country with a cleaner or purer record than Mr. Lincoln. And no man has to-day so strong a hold upon the affections of the American people as he. And this is because they believe him to be *true, faithful,* and *honest;* they believe him to be a lover of liberty and a hater of slavery; and that it is his fixed and unalterable purpose to maintain the unity of the nation, and that when this war shall have ended slavery shall no longer exist in the land.

Mr. WILLEY. It is my purpose to speak at some length upon this proposition and others connected therewith——

Mr. FOSTER. Will the honorable Senator give way for a motion to adjourn?

Several SENATORS. Let us have an executive session.

Mr. FOSTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened.

MAILS OF THE UNITED STATES.

Mr. COLLAMER, from the committee on conference on the disagreeing votes of the two Houses on the bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the House bill (No. 299) entitled "An act to provide for carrying the mails from the United States to foreign ports, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend to the respective Houses as follows, to wit:

That the House recede from its disagreeing votes to the Senate amendments numbers one, two, four, five, and six, and agree to the same.

That the House also recede from its disagreeing vote to the third Senate amendment, and agree to the same with the following amendment, to wit: strike out the word "either" and insert the word "both;" to which amendment the Senate consent and concur.

That the House recede from its disagreeing vote to the Senate's seventh amendment, and agree to the same as amended so as to read as follows, to wit:

SEC. 7. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and empowered to suspend the operation of so much of the eighth section of the act of the 31st of August, 1852, as authorizes the conveyance of letters otherwise than in the mails on any such mail routes as in his opinion the public interest may require.

And the Senate consent and agree to such amendment and adopt the same.

J. COLLAMER,
JOHN CONNESS,
C. R. BUCKALEW,
Managers on the part of the Senate.
JOHN B. ALLEY,
JOHN V. L. PRUYN,
C. COLE,
Managers on the part of the House.

The report was agreed to.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 21, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Saturday last was read and approved.

CANAL BILL.

Mr. WASHBUBNE, of Illinois. Mr. Speaker, what has been the order of the House in regard to the canal bill?

The SPEAKER. It comes up after the morning hour.

Mr. WASHBURNE, of Illinois. My colleague, Mr. ARNOLD, is confined to his bed by indisposition, and will be unable to be present to-day. I ask that the bill go over.

The SPEAKER. That can be done when the bill comes up.

The first business in order is the call of committees for reports to go upon the Calendar, and not to be brought back by a motion to reconsider.

Mr. HIGBY. Under what rule is the House acting?

The SPEAKER. Rule 51, which is as follows:

"As soon as the Journal is read, and the unfinished business in which the House was engaged at the last preceding adjournment has been disposed of, reports from committees shall be called for and disposed of—in doing which, the Speaker shall call upon each standing committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn. On the call for reports from committees on each alternate Monday, which shall commence as soon as the Journal is read, all bills reported during the first hour after the Journal is read shall be committed, without debate, to the Committee of the Whole, and, together with their accompanying reports, printed; and if during the hour all the committees are not called, then, on the next alternate Monday, the Speaker shall commence where such call was suspended: *Provided*, That no bill reported under the call on alternate Mondays and committed shall be again brought before the House by a motion to reconsider."

FRENCH SHIP LA MANCHE.

Mr. STEBBINS, from the Committee of Ways and Means, reported back Senate bill No. 142, for the relief of the French ship La Manche; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, MARCH 23, 1864. NEW SERIES.....No. 77.

FREDERICK A. BEELER.

Mr. ORTH, from the Committee on Foreign Affairs, reported a bill for the relief of Frederick A. Beeler; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES M. WETHERILL.

Mr. ORTH, from the select committee on the chemist of the Department of Agriculture, reported a bill for the relief of Charles M. Wetherill; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA JANE SKAGGS.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Martha Jane Skaggs; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. The next business in order is the call of States for resolutions, commencing with the State of Kentucky, where it was suspended by the expiration of the morning hour last Monday.

GOVERNMENT RAILROAD TRANSPORTATION.

Mr. HOLMAN introduced the following preamble and resolution:

Whereas by the fourth section of an act of Congress entitled "An act granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile," approved September 20, 1850, it is provided as follows: "That the said lands hereby granted to the said State (Illinois) shall be subject to the disposal of the Legislature thereof for the purposes aforesaid, and no other; and the said railroad and branches shall be and remain a public highway for the use of the Government of the United States free from toll or other charge upon the transportation of any property or troops of the United States;" and whereas said lands have been applied in the construction of the Illinois Central railroad by and through the Illinois Central Railroad Company, by virtue of an act of the Legislature of said State; and whereas lands granted to the State of Iowa on the same conditions by an act of Congress approved May 15, 1856, have been by the Legislature of said State applied to the construction of the Burlington and Missouri railroad, owned by the Burlington and Missouri Railroad Company, and the Mississippi and Missouri railroad, owned by the Mississippi and Missouri Railroad Company; and whereas since the beginning of the present war there has been paid by the War Department to said companies for the transportation of "property and troops" of the United States the following sums of money, to wit: to the Illinois Central Railroad Company the sum of $452,098 62; to the Burlington and Missouri Railroad Company, $6,149 55; and to the Mississippi and Missouri Railroad Company, $49 66; and whereas the House, by a unanimous vote, did, on the 25th day of February, 1862, adopt the following resolution, reported by the Judiciary Committee, to wit: "*Resolved*, That the several railroad companies which have received from States grants of public lands made to such States by acts of Congress for the purpose of aiding in the construction of the roads of such companies respectively, are required to transport the property and troops of the United States over their roads free of tolls or other charges whatsoever:" Therefore,

Resolved, That this House approves of and reaffirms said resolution.

Resolved further, That the Secretary of War be directed to require the said companies to repay to the Treasury of the United States the sums of money so paid to them respectively as aforesaid, and to decline to make any further payments to either of said companies for any transportation hereafter or heretofore required of said companies for his Department.

Resolved, That a copy of this preamble and resolutions be transmitted by the Clerk of this House to the Secretary of War.

Mr. HOLMAN. I demand the previous question upon the resolution.

The previous question was seconded, and the main question was ordered to be put; and under the operation thereof the resolutions were agreed to.

The question recurring on the adoption of the preamble—

Mr. HOLMAN demanded the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the preamble was adopted.

Mr. HOLMAN moved to reconsider the last two votes; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CERTAIN BONDS AND OBLIGATIONS.

Mr. DUMONT introduced an act to declare the validity of certain bonds, obligations, and undertakings, sealed and unsealed, heretofore made or that may hereafter be made; which was read a first and second time, and referred to the Committee on the Judiciary.

TARIFF ON FOREIGN WOOL.

Mr. BEAMAN introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of increasing the tariff upon low grades of foreign wool.

WAGON ROAD TO GOLD FIELDS.

Mr. WILSON presented a joint resolution of the Legislature of the State of Iowa, with reference to the construction of a wagon road from the Missouri river to the gold fields; which was referred to the Committee on Roads and Canals.

POLITICAL PRISONERS.

Mr. ELDRIDGE offered the following resolution:

Resolved, That the President of the United States be respectfully requested, and that the Secretary of State and the Secretary of War be directed, to report and furnish to this House the names of all persons, if any there are, arrested and held in prison or confinement in any prison, fort, or other place whatsoever, for political offenses, or any other alleged offense against the Government or authority of the United States, by the order, command, consent, or knowledge of them, or either of them, respectively, and who have not been charged, tried, or convicted before any civil or criminal (not military) court of the land; together with the charge against such person, or cause for such arrest and imprisonment, if there be any; and the name of the prison, fort, or place where they are severally kept or confined. Also, whether any person or persons, for any alleged like offense, have been banished or sent from the United States, or from the States not in rebellion to the rebellious States, and the names, times, alleged offense or cause thereof; and whether with or without trial; and if tried, before what court.

Mr. WILSON. Does not that resolution go over on account of calling for information from a Department?

The SPEAKER. It does, except by unanimous consent.

Mr. STEVENS. I think the matter had better be decided now.

Mr. WILSON. I object.

The resolution was accordingly laid over under the rules.

REVENUE FROM MINERAL LANDS.

Mr. YEAMAN introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the best mode of securing to the United States the benefit the Government ought to derive from the mineral lands in the gold-bearing regions, and report by bill for that purpose.

CLERK TO COMMITTEE.

Mr. SCHENCK introduced the following resolution, and upon it demanded the previous question:

Resolved, That the Committee on Military Affairs be, and they are hereby, authorized to appoint a clerk at an annual salary of $1,800, commencing with the 1st of March, 1864.

Mr. DAWES. Will the gentleman withdraw his demand for the previous question for a moment?

The SPEAKER. If the resolution gives rise to debate, it will go over, except by unanimous consent.

Mr. DAWES. Then I will proceed by unanimous consent, if there is no objection.

I am in favor of the resolution, but I wish the gentleman to allow me to amend by inserting a clerk for the Committee of Elections; and I will state the reason why. For the last two Congresses the Committee of Elections has been unusually burdened, and the matter before it has so increased that the business of the committee at the last session has been greater than that in the first session. The papers pass over from the first to the second session, and there is every prospect that the committee for the present Congress, and that for the succeeding Congress, will be more burdened with business than ever before. There is great necessity for having their papers preserved, and great labor is imposed upon their clerk; and I ask the gentleman to allow me to move to amend by inserting a clerk for the Committee of Elections.

If the House will for a moment reflect upon the amount of business unexpectedly, in these times, thrown upon the committee, I think they will not object to their having a clerk like the Committee on Military Affairs. I say to the House in all sincerity, and without any disposition to make a place for anybody, there is a necessity which never existed before that the clerk of the Committee of Elections should extend through both sessions of Congress, and be charged with the custody of the papers and the labors of the committee.

The Committee of Elections find it very difficult to keep their present clerk because of inducements from the other end of the Capitol, where clerks of committees are better paid. Unless the committee shall have this privilege granted they will be compelled to seek elsewhere for a clerk. We have an ordinary clerk now, but I ask the gentleman to include the clerk of the Committee of Elections in his resolution.

Mr. STEVENS. How much is the clerk of the Committee of Elections paid now?

Mr. DAWES. Four dollars a day during the session. That is what all the clerks to committees are paid. I have spoken of the large amount of work thrown upon the committee. I desire to state to the House that the reports of contested elections have not been brought down later than 1834. There is a book of precedents in contested elections brought down to 1834. But whenever a precedent of later date than that comes before the committee the clerk or some member of the committee has to search through the records of the House back to 1834 in order that the past action of the Committee of Elections may be known.

Mr. WASHBURNE, of Illinois. I do not know but that there may be a pressing necessity that the clerks of these two committees should be made permanent during this Congress, but I object to anything which will fasten upon the House additional permanent clerks in times hereafter.

Mr. DAWES. I do not want it beyond this Congress.

Mr. WASHBURNE, of Illinois. I have no objection that this clerk shall be put on the same footing for this Congress as the clerks of the Committee of Ways and Means and of the Committee of Claims. I can fully appreciate what the gentleman says in regard to the labors of his committee, and I would not be unwilling that the resolution should be passed to apply only to this Congress, but I would be unwilling to have any resolution pass which should fasten upon the House any more permanent clerks of committees. I know that the last House of Representatives, after a severe contest, refused to pass a resolution making the clerk of the Committee of Military Affairs permanent.

Mr. STEVENS. Would it not answer to increase the per diem, say to five dollars a day during the session? Otherwise the short session will be just as expensive to us as the long one. I would be willing to pay five dollars a day for the time the clerk is actually employed, but I am not quite ready to vote to pay these clerks $1,800 for the three months of the short session. I hope the gentleman from Ohio will accept my suggestion, and fix the pay at five dollars a day when actually employed.

Mr. HOLMAN. Is this subject open to discussion?

The SPEAKER. The discussion is proceeding by unanimous consent, the previous question having been demanded. Unanimous consent was given to the gentleman from Massachusetts [Mr. DAWES] to speak, and he has been yielding the floor.

Mr. DAWES. I hope the gentleman from Ohio [Mr. SCHENCK] will not think that I am trying to kill his resolution. I do not want the Committee of Elections to have a permanent clerk beyond this Congress, but if the House will recollect what the committee had to do in the very last days of the last Congress, and if they will recollect that eighteen cases have already been referred to the Committee of Elections, and that but three or four of them have been disposed of, the certainty that some cases have got to go over until the next session, and the probability that new questions will come up, I think they will see that it is not too much for us to ask that we may employ a clerk during this Congress on the same terms as the Committee on Military Affairs. With the permission of the gentleman from Ohio, [Mr. SCHENCK,] I will move to amend his resolution by inserting the Committee of Elections.

Mr. SCHENCK. Does the gentleman offer that amendment under instructions from his committee?

Mr. DAWES. Not by any formal vote of the committee, but I have conferred with members of the committee.

Mr. SCHENCK. Then I have to say that the resolution which I offer is a resolution which has been withheld for some time by the Military Committee, but at length, the business of the committee becoming so onerous and occupying the whole time and attention of our clerk, we felt that his compensation was inadequate, and I was directed to offer this resolution. I have no doubt of the amount of labor performed, not only by the Committee of Elections, but by its clerk, and if he will offer a distinct resolution under the instructions of his committee, placing the clerk of his committee on the same footing with the clerks of the Committees of Ways and Means and Claims, and on which it is now proposed to place the clerk of the Military Committee, I will vote for it, but I prefer that each case shall stand on its own merits.

I would simply remark that we do not propose that this increased pay shall go back to the commencement of the session, but only to the first of the current month. We think that this additional compensation need not commence with the beginning of the session. The salary of $1,800 per year is precisely the same that is paid to the clerks of two other important committees of the House, the Committee of Claims and the Committee of Ways and Means. I venture to say, without any invidious comparisons being made, that there is not a committee of this House that is more burdened by business or that requires the performance of more labor by its clerk than the Committee on Military Affairs. And this is likely to be the case for a long time to come. I now move the previous question on the resolution, not meaning by that to decide or assert anything against any other proposition of the same kind. I am willing, when they are introduced, to vote upon them on their merits.

Mr. KERNAN. I ask unanimous consent to put a question to the gentleman from Ohio.

There was no objection.

Mr. KERNAN. I inquire what the pay per diem of this clerk now is?

Mr. SCHENCK. Four dollars.

Mr. KERNAN. I may be allowed a suggestion. I have observed that in this body, as in most other legislative bodies, whenever one of these clerkships is made permanent it never goes back to its former condition, and the next year another committee makes a like request for its clerk; and so it goes. There are very few clerks in the Departments who are paid more than $1,800 a year for their whole time. I will vote in favor of giving any fair per diem to this clerk that the committee will recommend for the time of actual service, but I am utterly opposed to this idea of allowing them annual salaries.

Mr. WASHBURNE, of Illinois. The Committee on Naval Affairs is just calling for a permanent clerk, and I think that the Committee on Commerce will also want one directly.

Mr. KERNAN. I trust the House will not adopt the resolution, but will allow this clerk such per diem compensation as may be deemed right.

Mr. SPALDING. I ask leave to make a statement.

There was no objection.

Mr. SPALDING. Mr. Speaker, I shall, if this resolution prevail, certainly introduce a resolution providing for a permanent clerk to the Committee on Naval Affairs. I believe that the business of that committee has increased as much as has the business of the Committee on Military Affairs. I am of opinion, however, that the per diem compensation is preferable to allowing an annual salary. If four dollars per day be not enough let the committee propose a resolution increasing it to five, six, or eight dollars per day. I object to paying these clerks to committees annual salaries, especially in these times, when our expenses are so enormous. I shall, at the proper time, demand the yeas and nays on the resolution.

Mr. DAWES. I desire to make a suggestion.

There was no objection.

Mr. DAWES. I agree with the gentleman from Ohio as to the propriety of paying per diem compensation to the clerks of those committees whose business does not go over from one term to another, where the clerks are not required to consult the records constantly, where it is not necessary for them to make digests of precedents for the last thirty years. If I did not suppose that the clerk of the Committee of Elections had just as much business as he could attend to for the committee during the recess, I would not ask to have an annual salary allowed him. While I have never voted for raising salaries or anything of that kind, I think it not too much to ask the House to permit the Committee of Elections to allow their clerk such compensation as will enable the committee to retain him, instead of forcing it to get a new clerk and go through the task of breaking him in.

Mr. HOLMAN. I move to lay the resolution on the table.

Mr. SCHENCK. I was going to propose to withdraw the previous question, and to modify the resolution.

The SPEAKER. The gentleman has the power to modify the resolution before it is voted on.

Mr. SCHENCK. I will modify my resolution so as to fix the pay at the rate of six dollars per day.

Mr. WASHBURNE, of Illinois. I hope there will be no discrimination between the clerks of committees.

Mr. SCHENCK. I was stating the reason why I fix that particular sum.

The SPEAKER. That is not in order, as the motion to lay on the table is undebatable; but the gentleman can modify his resolution before the vote is taken on it.

Mr. SCHENCK. I ask the gentleman who moved to lay the resolution on the table to permit me to state why I select that sum.

Mr. HOLMAN. I have no objection.

Mr. SCHENCK. I will state to the House that the Committee on Military Affairs found it necessary for the work they had to do to employ a gentleman of acquirements, of legal knowledge; and they have secured a gentleman of that character, whose business for the whole year is necessarily broken up. Six dollars a day will amount to a little over eighteen hundred dollars a year; but being paid only for the sessions of Congress, it does not amount to near the compensation given to these other clerks. I modify the resolution so that it will make his pay six dollars a day during the sittings of Congress.

Mr. MORRILL. Make it at the rate of $1,800 a year for the time he is engaged.

Mr. SCHENCK. I will tell you why that is unfair and unjust. While $1,800 a year may be a proper salary, yet to pay this clerk at the rate of $1,800 would not be in proportion to the labor performed. He can do no business for the rest of the year. I wonder, too, that this suggestion comes from a gentleman who is one of a committee that has a clerk at $1,800 a year. I do not propose to put this clerk upon the same footing, but only that he shall receive six dollars a day during the sessions of Congress.

The resolution, as modified, was read.

Mr. DAWES. I ask the gentleman from Ohio to let me move an amendment for the clerk to the Committee of Elections.

Mr. SCHENCK. I cannot yield for that purpose. Let the gentleman bring in a separate resolution.

Mr. MALLORY. I ask whether, under the operation of the resolution, this clerk will be kept employed during the recess of Congress?

Mr. SCHENCK. He will not. I demand the previous question.

The previous question was seconded, and the main question ordered.

Mr. HOLMAN moved that the resolution be laid upon the table.

Mr. WILSON demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and SCHENCK were appointed.

The House refused to lay the resolution upon the table, the tellers having reported—ayes 42, noes 50.

Mr. SPALDING demanded the yeas and nays on the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 57, nays 53; as follows:

YEAS—Messrs. James C. Allen, Alley, Beaman, Francis P. Blair, Bliss, Blow, Chanler, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Eliot, Farnsworth, Garfield, Griswold, Hale, Hall, Herrick, Hutchins, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Kernan, Knapp, Longyear, Mallory, Marvin, McAllister, McBride, McClurg, William H. Miller, Moorhead, Daniel Morris, Morrison, Leonard Myers, Nelson, Norton, Charles O'Neill, Pendleton, Perry, Samuel J. Randall, Alexander H. Rice, Rogers, Schenck, Shannon, John B. Steele, Strouse, Stuart, Ward, Whaley, Wilder, Winfield, and Yeaman—57.

NAYS—Messrs. Allison, Ames, Ancona, Ashley, Augustus C. Baldwin, John D. Baldwin, Jacob B. Blair, Boutwell, Brandegee, Broomall, James S. Brown, Ambrose W. Clark, Clay, Cravens, Dawson, Denison, Dumont, Eldridge, Fenton, Frank, Harding, Harrington, Higby, Holman, Hooper, Hotchkiss, Kalbfleisch, Long, Marcy, McDowell, Middleton, Samuel F. Miller, Morrill, Amos Myers, Orth, Perham, Pike, Pomeroy, Price, Radford, Ross, Scofield, Spalding, Starr, Stevens, Stiles, Tracy, Van Valkenburgh, Elihu B. Washburne, Wheeler, Williams, Wilson, and Woodbridge—53.

So the resolution was adopted.

Mr. SCHENCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

AMENDMENT TO HOMESTEAD LAW.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 60) amendatory of the homestead law, and for other purposes, when the Speaker signed the same.

CLERK TO THE NAVAL COMMITTEE.

Mr. SPALDING submitted the following resolution, on which he demanded the previous question:

Resolved, That the clerk of the Committee on Naval Affairs be paid six dollars per diem for his services during the sitting of Congress.

Mr. HOLMAN moved that the resolution be laid upon the table.

Mr. ORTH demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 24; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ancona, Ashley, Augustus C. Baldwin, John D. Baldwin, Baxter, Bliss, Blow, Boyd, Brandegee, Broomall, Ambrose W. Clark, Clay, Cole, Cravens, Deming, Denison, Driggs, Dumont, Eliot, Farnsworth, Fenton, Frank, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Higby, Holman, Hotchkiss, Kalbfleisch, Francis W. Kellogg, Kernan, Long, McClurg, McDowell, Middleton, Samuel F. Miller, William H. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Noble, Norton, Charles O'Neill, Orth, Patterson, Pendleton, Perham, Perry, Pike, Pomeroy, Price, Radford, John H. Rice, Ross, Scofield, Shannon, Spalding, Stevens, Stiles, Stuart, Sweat, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Whaley, Wheeler, Wilson, Windom, Winfield, and Yeaman—78.

NAYS—Messrs. James C. Allen, Beaman, Francis P. Blair, Chanler, Cobb, Creswell, Dawes, Griswold, Hale, John H. Hubbard, Julian, Knapp, Longyear, Marvin, Morrison, Pruyn, Samuel J. Randall, Alexander H. Rice, Rogers, James S. Rollins, John B. Steele, Ward, Williams, and Wilder—24.

So the resolution was laid upon the table.

Mr. FENTON. Has the morning hour expired?

The SPEAKER. It has. The Chair would state that he promised the gentleman from Illinois that he would state during the morning hour that the consideration of the ship canal bill was postponed until to-day until after the morning hour. That bill now comes up.

Mr. WASHBURNE, of Illinois. My colleague, [Mr. ARNOLD,] who has charge of that bill, is confined to his room and his bed by very severe indisposition. He is unable to be here, and I ask that the bill be postponed until Thursday next, after the morning hour.

Mr. ANCONA. I would suggest a later day.

Mr. WASHBURNE, of Illinois. I made this application at the request of my colleague, who

is sick and unable to be here. I trust there will be no objection.

Mr. ANCONA. Say Thursday week or Tuesday week.

Mr. J. C. ALLEN. I hope there will be no objection to the postponement until Thursday.

Mr. HOLMAN. But it is not to be considered a special order?

Mr. WASHBURNE. It will stand just as it does now, after the morning hour.

The SPEAKER. The Chair will state that the effect of a postponement to Thursday will probably throw it over to a later day in consequence of the banking bill having been postponed until Wednesday, and made the special order from day to day until disposed of. That bill will probably occupy more than one day, and will take priority.

Mr. WASHBURNE, of Illinois. Then I move that it be postponed until a week from Monday, after the morning hour.

Mr. ANCONA. That will be satisfactory.

The bill was accordingly postponed until Monday week after the morning hour.

LEAVE OF ABSENCE.

Mr. J. C. ALLEN. I desire to ask leave of absence for Mr. McDOWELL for two weeks from Thursday next.

No objection being made, leave of absence was granted accordingly.

MILITARY ACADEMY.

Mr. FENTON, from the Committee of Ways and Means, to whom was referred the bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending 30th June, 1865, reported that they had had under consideration the Senate amendments to said bill, and recommended a concurrence in the first, second, and third amendments of the Senate, and a concurrence in the fourth amendment, with an amendment, as follows:

Strike out all after the word "Academy," in the fourth line of said amendment, down to and including the word "States," at the end of said amendment, and insert the words "and that for one year from the 1st day of July next one additional cadet for each district shall be appointed as now provided by law."

No objection being made, the House proceeded to consider the amendments of the Senate.

First amendment:

Add the following as a new section at the end of the bill:

SEC. 2. *And be it further enacted*, That the thirty-fifth section of the act entitled "An act for enlisting and calling out the national forces, and for other purposes," approved March 3, 1863, shall not be deemed hereafter to prohibit the payment to enlisted men employed at the Military Academy of the extra-duty pay heretofore allowed by law to enlisted men when employed at constant labor for not less than ten days continuously.

The SPEAKER. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Second amendment:

Add the following as a new section:

SEC. 3. *And be it further enacted*, That from and after the 1st of July, 1863, the annual pay of cadets at the Military Academy at West Point shall be the same as that allowed to midshipmen at the Naval Academy, and the amount necessary for that purpose is hereby appropriated.

Mr. HOLMAN. I would inquire what is the increased compensation of cadets made by this amendment?

Mr. FENTON. The present compensation is thirty dollars a month. This amendment would make it forty dollars and a fraction. Midshipmen at the Naval Academy are allowed $500 a year, and this amendment would increase it to that sum. According to the statements of the Superintendent and other officers of the Academy the present sum is entirely insufficient to support these cadets, and that an indebtedness of nearly fifteen thousand dollars has accrued against them for supplies. The Superintendent further states that $6,000 is now required to give the cadets a proper uniform and outfit for the ensuing season, and he has not a dollar for such purpose.

Mr. HOLMAN The whole compensation at his time is thirty dollars per month?

Mr. FENTON. It is.

Mr. HOLMAN. And this amendment increases it to forty dollars?

Mr. FENTON. Yes; forty dollars and a little over—$500 per annum.

Mr. HOLMAN. It gives them $500 a year?

Mr. FENTON. Yes, sir.

Mr. SPALDING. I object to this amendment, sir. I object to it because I regard it as an entering wedge to an increase in all the salaries of our officers. I have looked for this all along. I expected that we should commence with the cadets at West Point, and now it is upon us, and I think we ought to take our stand.

If we adopt this amendment of the Senate and increase the pay of these pupils at West Point, we will have to increase the pay of every clerk in every Department of the Government.

Mr. WASHBURNE, of Illinois. I believe that I have been with the gentleman from Ohio [Mr. SPALDING] on every measure which has been proposed in regard to the increase of salaries, and I trust that I shall be with him to the end, but I differ with him with regard to this amendment.

Mr. SPALDING. I had not quite finished my remarks. I was about to say that this is a matter of principle, and hence I feel constrained to vote against this increase of pay to the cadets at West Point. I have uniformly since the commencement of this session of Congress voted against increasing the pay of any employés of the Government. I would not do it in my own case; I would not do it in the case of any favorite friend of mine, and I think there is nothing in the distinction about to be taken in behalf of these students at West Point which should call upon us to increase their pay. Why, sir, who are they? Are they the sons of poor and poverty-stricken men who cannot maintain themselves and purchase decent wearing apparel? There is nothing of this. A great majority of these cadets are the sons of men of wealth and position.

Mr. FENTON. I would state to the gentleman that a majority of those at present in the institution, according to my information, are either the sons of poor parents, or orphan boys.

Mr. SPALDING. One of the cadets from my district wrote me a letter asking me to vote for this increase of wages, and said to me the reason was that he could not have new and fashionable coats as often as he wished to under the present pay. I know that the parents of that young man can maintain him if they see fit to do so, and it is not necessary for the Government to give him this increased pay in order to keep him in decent apparel.

Mr. THAYER. I would ask the gentleman if he has that letter? It would probably throw some light upon this subject if he would read it to the House.

Mr. SPALDING. The letter is in my room, if I have preserved it; and if I have, I do not think the gentleman has any right to call upon me to produce it. It is a private letter; but I state the contents correctly, substantially, upon my honor and upon my official responsibility. Is the gentleman from Pennsylvania satisfied? I have done, sir.

Mr. WASHBURNE, of Illinois. I have already stated that I have been opposed to all these propositions for the increase of salaries. But in this case I can perceive the absolute justice of raising the pay of these cadets to the same amount as midshipmen receive at the Naval School. I know of no reason for any distinction. And so far as the amount which these cadets receive is concerned, I know it to be, from information which I know to be trustworthy, absolutely insufficient to support them there. The cadet whom I had the honor of appointing, and who stands very high in his class, is the son of a poor man, and his father is unable to furnish him with funds sufficient to meet his expenses. I think it just and proper, and I hope that the House will agree to the amendment.

Mr. STEVENS. I hope this amendment will prevail. It is very well ascertained, certified upon the responsibility of the Superintendent of this department, that the present pay will not clothe the cadets in a decent manner and support them, and they have been obliged to incur, under a most economical administration, a debt for past times; and they say that the amount now proposed is as little as they can be supported at without drawing upon other funds.

Now, it is not true, so far as my knowledge extends, that these boys are the children of rich parents. There may be some of them who are so. It is no crime to be the son of a rich parent, and I would not exclude lads on that account. But I know that those who have been appointed from my district have uniformly been the sons of poor persons who could not furnish a dollar for their support.

Sir, I adopted this rule: I asked three gentlemen to act as examiners of all applicants. They were three learned men, and they did so, and I requested them in my instructions not to consider wealth as disqualifying candidates, but that where there was equality of qualifications they should prefer a poor man's son, and they have done so, and those from my district in both the Military and Naval Schools are the sons of poor men, and they were sent there in pursuance of my instructions. I say that their parents cannot, under these circumstances, contribute to their support; and those who resist this proposition are, without intending it, making a discrimination in favor of the sons of rich men and against the sons of poor men. Unless this amendment be adopted the sons of poor men will have to leave the institution, and their places will be supplied by the sons of wealthy parents.

Mr. DAWES. Mr. Speaker, I wish to add my testimony to what has been said by the gentleman from Pennsylvania, [Mr. STEVENS.] I do not know what may be the class from which cadets from Ohio are selected. Very likely it is as the gentleman [Mr. SPALDING] suggests. But the cadet from my own district is a poor Irish boy. The only time I ever saw him he was shoveling sand. He was selected on a competitive examination, in the same manner as has been suggested by the gentleman from Pennsylvania. I know that he would not spend a dollar unnecessarily. He never saw so large a sum as thirty dollars until he went to West Point. His father is a day-laborer, working with his spade and shovel for his daily support, and is, of course, unable to contribute anything to the defraying of his son's expenses.

Mr. ELIOT. Mr. Speaker, I merely desire to say that, so far as I know the case of these young men, the precise result will be brought about that has been spoken of by my colleague, [Mr. DAWES.] Resignations must take place among the sons of poor parents unless the pay of the cadets is increased. The only young man that I have appointed there is one whose parents are too poor to be able to contribute anything to the payment of his expenses. And I have notice, because his friends cannot provide means for his support, that he will have to retire from the Academy unless Congress increase the compensation to cadets.

Mr. ASHLEY. I desire to ask the gentleman from Massachusetts if he cannot clothe himself on $300 a year.

Mr. ELIOT. It is not the matter of clothing entirely.

Mr. ASHLEY. What is it—whisky?

Mr. ELIOT. No, sir; it is not whisky.

Mr. ASHLEY. The Government supplies their board.

Mr. ELIOT. I beg the gentleman's pardon. Their board is charged to them. I have seen a statement of the necessary expenses of these young men, and I say to the gentleman from Ohio that these expenses cannot be defrayed out of their present pay.

Mr. WASHBURNE, of Illinois. It is not clothing merely. It is the whole expenses. The cadet is charged for board and everything.

Mr. FENTON. From 1802 to 1857 the pay of cadets at West Point School was sixteen dollars per month with two rations, which amounted in all to about thirty-four or thirty-five dollars a month. In 1857 it was changed to thirty dollars a month, and that sum was barely sufficient to support the cadets prior to the advanced rates which have resulted from the war. Not only the clothing and board, but all the other expenses are charged against them, and have to be paid out of the thirty dollars a month. This pay is entirely insufficient for the purpose, and already, as I have before stated, an indebtedness of some $15,000 has been incurred. I take the liberty to read from letters of the Superintendent. The first is dated December 10th last:

"I take the liberty of reminding you of the absolute necessity for putting the cadets at the Military Academy on the same footing as the cadets at the Naval Academy. It is now a demonstrated fact that with the greatly increased value of provisions, and all the necessaries of life, the pay of the cadets is insufficient to support them. Month after month, with the closest economy, their indebtedness increases, and now the corps have purchased on a credit

amounting to $15,000. Unless they can obtain relief it is not difficult to foresee how the matter must end. Many of the cadets are absolutely in rags."

He writes again on the 25th of February:

"Touching the arguments in favor of the increase of the cadets' pay, I beg to state that two days since I suggested to Colonel Clitz, the commandant of the corps, that during the fine weather it would be well to have full dress parades. His reply was that so many of the corps were ragged and shoeless that not enough were left to make a respectable show, and he thought it had better not be attempted. The 'ragged squad' is increasing so rapidly that if something is not done to relieve the corps before the season of out-door exercises begins, we shall not have presentable cadets enough to make a corporal's guard that may appear out of the area of barracks. This should not be. Something must be done, and done quickly. Every species of economy known to me, and to the other officers in charge, is used to eke out the inadequate pay, but with what results the above statement will show."

I move the previous question.

Mr. CHANLER. I ask the gentleman to allow me to make a statement.

Mr. FENTON. Certainly. I withdraw the previous question.

Mr. CHANLER. Mr. Speaker, I am in favor of this proposition, because it equalizes the two institutions—the Military Academy and the Naval Academy—which certainly should be on the same footing. There is no reason why a discrimination should be made between them. West Point is the older institution of the two, and has certainly furnished able and excellent illustrations of the advantage of such a military school. A plan has been adopted in the city of New York which I hope will spread gradually over the whole country, opening to the children in the public schools the avenues of promotion which some gentlemen seem to think are exclusively open to the children of the wealthy classes. There certainly can be no reason why an opportunity should not be given to the sons of the poor to get into the Military Academy as cadets, with the same advantages in every respect as those enjoyed by the sons of the rich.

Mr. FENTON demanded the previous question on the Senate amendments.

The previous question was seconded, and the main question ordered.

Mr. SPALDING demanded the yeas and nays on the pending amendment.

The yeas and nays were not ordered.

The amendment was concurred in.

Third amendment:

Add as an additional section:

SEC. 4. *And be it further enacted*, That cadets found deficient at any examination shall not be continued at the Military Academy or be reappointed, except upon the recommendation of the academic board.

Mr. HOLMAN. Is not that the law now?

Mr. FENTON. It is substantially the practice at present. This leaves the matter to the academic board.

The amendment was concurred in.

Fourth amendment:

Add the following as an additional section:

SEC. 5. *And be it further enacted*, That no part of the money hereby appropriated shall be applied to the support or pay of any cadets hereafter appointed not in conformity with the express provisions of law regulating appointments of cadets at that Academy; and that until the rebellion is suppressed the President shall be authorized to appoint a cadet for each congressional district not represented in the House of Representatives, to be selected from the meritorious and deserving young soldiers in the regular and volunteer forces of the United States, to be apportioned among the respective States as near as may be according to the population of said States.

Mr. FENTON. The Committee of Ways and Means recommend that the amendment of the Senate be concurred in with the following amendment:

Strike out all after the word "Academy," and in lieu thereof insert the following:

And that for one year from the 1st day of July next one additional cadet for each district shall be appointed as now provided by law.

The amendment to the amendment was agreed to.

The Senate amendment, as amended, was concurred in.

Mr. FENTON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NATIONAL CURRENCY BILL.

Mr. A. W. CLARK, from the Committee on Printing, reported back the following resolution, and demanded the previous question on its adoption:

Resolved, That there be printed for the use of the members of the House three thousand extra copies of the bill of the House No. 333, to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, the same to be in pamphlet form.

The previous question was seconded, and the main question ordered, and under the operation thereof the resolution was adopted.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PRINTING OF THE LAWS.

Mr. A. W. CLARK, by unanimous consent, introduced the following resolution; which was referred to the Committee on Printing:

Resolved, That the Superintendent of Public Printing shall cause to be printed one thousand copies of all laws and joint resolutions immediately upon their passage for the use of members of the House; and shall, in addition thereto, cause to be printed and bound, at the end of the session, five thousand copies thereof for the above use.

PORT OF PORTLAND, MAINE.

Mr. SWEAT, by unanimous consent, introduced a bill providing that the port of Portland, Maine, shall be placed upon the same basis as the ports enumerated in the ninth section of the act approved May 7, 1822, entitled "An act further to establish the compensation of officers of customs, and to alter certain collection districts, and for other purposes;" which was read a first and second time, and referred to the Committee on Commerce.

FRENCH SHIP LA MANCHE.

Mr. STEBBINS moved that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of Senate bill No. 142, for the relief of the owners of the French ship La Manche, and that it be put on its passage.

The motion was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STEBBINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FLEET PAYMASTERS, ETC.

Mr. RICE, of Massachusetts, by unanimous consent, introduced the following bills; which were read a first and second time, and referred to the Committee on Naval Affairs:

A bill authorizing the appointment of fleet paymasters and fleet engineers; and

A bill to provide for the education of naval constructors and engineers at the Naval Academy, and for other purposes.

MARY E. HAZZARD.

Mr. DUMONT, by unanimous consent, introduced a bill for the relief of Mrs. Mary E. Hazzard, wife of the late Captain George W. Hazzard, who died of wounds received at the battle of White Oak Swamp, Virginia; which was read a first and second time, and referred to the Committee on Military Affairs.

NAVAL AND MILITARY PENSIONS.

Mr. PERHAM, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Invalid Pensions be instructed to inquire whether any further legislation is necessary to equalize the naval and military pensions, and report by bill or otherwise.

UNITED STATES PROPERTY AT ST. LOUIS.

Mr. BLOW, by unanimous consent, introduced a bill to adjust the southern boundary of the United States reservation powder magazine and marine hospital tract; which was read a first and second time, and referred to the Committee on Public Lands.

ARMY APPROPRIATION BILL.

Mr. STEVENS. I now move to postpone the special order, and that the House resolve itself into the Committee of the Whole on the state of the Union on the Army appropriation bill.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WILSON in the chair,) and proceeded to the consideration of the bill (H. R. No. 198) making appropriations for the support of the Army for the year ending June 30, 1865.

The bill was first read through, and subsequently read by clauses for amendment.

The clause having been read making appropriation for the transportation of the Army, &c.,

Mr. KERNAN said: I move to amend by inserting at the end thereof the following proviso:

Provided, That no part of the moneys hereby appropriated shall be expended for the transportation of persons employed in the civil department of the Government to or from their homes at the public expense.

In offering this amendment I desire to call the attention of the House to abuses which I believe to have been practiced, and which, if practiced, certainly should be stopped. This bill, and this part of it with others, appropriates large sums for transportation. We recently passed a bill appropriating large sums, and many millions beyond the estimates. Now, sir, I have been informed, and upon authority so good that if a committee be appointed to examine it I think it can be proved, that very large sums of the public moneys were expended last year for the purpose of the transportation of persons employed in the civil department of the Government to their homes and back again. It was done for the purpose of enabling those persons to vote in the States where they resided.

Now, sir, it is very proper that persons holding clerkships here should, if they see fit, go home to vote; but it is very improper that they should be sent home by thousands, as I have been informed they have been, every man of them having a ticket which transported him at the public expense, as though they had been soldiers going to and from the war. I do not state this, of course, of my own knowledge; but I do not state it upon mere rumor. I believe I can name persons who, if sworn, will have to testify that committees came to the Departments in this city from the State of Pennsylvania and from other States, that clerks were interrogated how they would vote, and every man who said he would vote in favor of the Republican candidate had a furlough of two weeks without loss of pay, and was furnished transportation home and back, and at the public expense, as I am led to believe.

Now, I am sure this House would not sanction such a practice. It is an outrage upon the Treasury, and I have desired to put a proviso in this bill which shall call attention to the fact that Congress and the law prohibit the transportation of civil employés of the Government home at the public expense for the purpose of voting, or for any other purpose. If they choose to visit their homes they must visit them at their own expense, as every other employé not a soldier in the Army must do. Abuses, I am informed, have been practiced to a very large extent, men being selected out because they would vote in a particular direction, and then furnished with transportation home, they all the time drawing their pay and doing no duty during the two weeks. Now, if they go home to vote, let them go like any other citizens, at their own expense, and do not let us saddle the Treasury with any such corrupt expenditure of the public money.

Mr. STEVENS. There is no necessity for this amendment, unless it be intended as an implied censure upon times past. The bill does not authorize any such expenditure. On the other hand it confines it entirely to the military service of the country.

But the gentleman from New York [Mr. KERNAN] has been entirely misled, for if he had known the truth he would not have said what he has said; I am quite sure that his candor would have prevented him from making such statements if he had known the truth. I therefore take it that he has been deceived by what he supposes to be correct information, but which is not. I venture to say that the gentleman does not affirm it upon his own knowledge. The gentleman may hunt through the Departments, and examine into every case of a clerk who went home to vote, or upon any other business, about the time of the election, and he will find that in no case has transportation been furnished by the Government.

I know that so far as Pennsylvania is concerned,

although a good many clerks desired to go home, according to ancient and uniform custom, to vote at the time of the election, they all either paid their own transportation or it was paid by their friends, or, if you please, out of a political fund, and was not charged upon the Treasury, nor upon any Department of the Government.

I assure the gentleman that upon examination he will find that his information has been wholly incorrect; and I am sure that if he had known it to be incorrect he would not have made this charge against the Government. There is, therefore, no necessity for this amendment, and there was, excepting through misinformation upon which the gentleman relied, scarcely any justification for making the statement which he did. I know he made it honestly; I know he would not have made it otherwise; but he made it under a mistake, and in consequence of information which has deceived him. I venture to say that he will find all of it to be untrue.

Mr. KERNAN. I certainly would not make any such grave charge, even as a matter of belief, if I had a serious doubt as to its correctness. I took pains to say to the House that I did not affirm this of my own knowledge. I do not. I did say to the House, however, that I made the statement on information quite direct, and which I believe to be true. I will state now that I did get the information from those who were then employés in Departments of the Government, and are now. I may go that far without any impropriety. I did understand that every man who went home went home not at his own expense. My informant stated that he did not understand that their expenses were paid by a committee, and that he believed they were sent at the public expense. Now this may be all untrue; for the sake of the country I hope it is; but that is pretty direct information to come to a member of Congress and he not call attention to it, that there may be a vindication if there is a mistake, and that a strong hand may be laid upon it if any such corrupt practice has prevailed. I also got further information from a clerk in the transportation department, who, as I understand, saw the passes, which went through his hands, and they were, as he gave me to understand, such passes as soldiers who are transported by the Government use when they pass.

Now, I may be in error. I say again I hope that I am. But it will do no harm to put in this proviso, and let the committee of this House whose duty it is to look into the public expenditures—I call their attention to it—examine and see whether these clerks, who went home in large numbers, had their expenses paid by some political committee, or traveled at the expense of the tax-payers of this country. I know, sir, that the law does not permit it to be done; but if such a thing has been done it is right that the House should mark their condemnation of the act by putting a proviso in this bill forbidding the transportation of civilians employed by the Government at the public expense.

Sir, I learned these facts somewhat incidentally. These gentlemen did not come to me to inform, but they made remarks which led me to believe that this outrage on the Treasury had been perpetrated. I desired, at the first opportunity, to have a proviso inserted in the proper bill forbidding this; and I desired, in this manner—properly, I trust—to call the attention of the House, which should be the guardian of the Treasury, to information that I have had which leads me to believe it was so. I desire that there shall be an investigation into this thing, that we may know whether it be true or whether it be false. If it be false I shall rejoice; if true we cannot express too strongly the condemnation by Congress and people of any such practice.

Mr. STEVENS. Mr. Chairman, as I said before, there is no part of this bill which would justify an expenditure for anything but what is specified in the bill, and the adoption of such an amendment would be a mere censure. If there has been any such abuse of the powers of the Government it is right that it should not only be declared here but investigated. But I am sure that the gentleman does not want to have this go forth to the public as a suspicious rumor. I call upon him now to give the name of his informant, and I pledge myself to introduce a resolution, before this House adjourns to-day, to send the investigation to the committee on the conduct of the war.

Mr. KERNAN. As I said before, it would not be proper in me to bring the name of the individual on whose information I spoke before the public; but if a committee of investigation be raised I will name witnesses who must know whether it be true or not.

Mr. STEVENS. The committee on the conduct of the war is already raised, and I call upon the gentleman, as a duty which he owes to the country, as a duty which he owes to himself as a man of honor, to give us the name of his informant, and I shall undertake to send the matter forthwith to the committee. I pronounce the whole thing false.

Mr. KERNAN. While I cannot say that it is true——

Mr. STEVENS. Then the gentleman should not have mentioned it.

Mr. KERNAN. If the gentleman will give me, not a whitewashing committee, but an investigating committee, I will name the witnesses who I think will prove the truth of what I said.

Mr. STEVENS. If the gentleman will not give us the name of his informant, that we may send it before that committee, I hold him responsible for the clamor, and the country will hold him responsible for it. The Administration cannot be scandalized in this way by gentlemen occupying a privileged place here, unless they are willing to come up and declare the authority for their statements. If the thing charged has been done, those who did it deserve the severest censure. If it has not been done, those who raise the false clamor cannot be held excused. And I again call on the gentleman from New York to furnish me, either here or privately, with the name of his informant, that I may send it before the committee.

Mr. KERNAN. I will not be put in a false position. I took great pains to say to this House, in guarded language, that I could not affirm it was true. I took great pains, nevertheless, to say that I had acquired information which led me to believe it to be true. Let there be a fair committee raised to investigate at whose expense these men were transported home to New York and Pennsylvania from their Departments; and if what I have stated is not shown to be true, no man will be readier than I to admit that I was misled. The gentleman [Mr. STEVENS] is an old parliamentarian. He knows very well that I cannot come before the House and expose clerks who may have made remarks inadvertently in my presence and who would be subjected to great persecution if their names were divulged here. But give us an investigating committee, and I will furnish the names of witnesses who will testify as to this matter, and we will get at the truth.

Mr. STEVENS. There will be no persecution of the man who tells the truth. If he is a liar and perjurer, he will be punished; but if he tells the truth, he will deserve the thanks of the country. If the gentleman from New York has allowed himself to be misled and placed in an unenviable position, he ought to set himself right. As to the committee being impartial, it does not lie in the mouth of a gentleman to impeach a committee already raised by both branches of Congress by insinuating that it is not impartial. Had some other gentleman made this allegation I would not have been surprised; but they come to me with astonishment from the gentleman who has made them; and I again say that unless he gives the names he must be put down as the calumniator.

Mr. HARRIS, of Maryland. Mr. Chairman, I have a strong belief in the truth of the charge made by the gentleman from New York, [Mr. KERNAN.] I do not believe this Administration of the Government incapable of doing what has been charged on it; and I shall wait for the investigation offered to be made to bring the facts to light. I do not know the facts that have been stated; but, as I have already said, I have the strongest suspicion that they are true.

I should like to know who furnishes transportation for the slave women and children stolen from St. Mary's county, Maryland. Recently, sir, Government vessels and steamers came there and robbed the owners of their women and children under the pretense that they were the wives and offspring of those who had enlisted in the United States Army. Who paid for that? Where is the law which will justify even the robbing the owners of the negro women and children of Government soldiers?

Mr. STEVENS. I call the gentleman from Maryland to order. He is not speaking to the amendment before the committee, but has raised issues of his own. [Laughter.]

Mr. HARRIS, of Maryland. I did not hear the witty remark of the gentleman from Pennsylvania. He always has something to excite the mirth of that side of the House.

I assert here, sir, that there is no law for the robbery perpetrated by the infamous General Benjamin F. Butler. There is no law to justify the bringing of steamers along the shore and robbing my constituents of their slaves. You have passed laws to take certain negroes within certain ages, and then there is an order of the military department by which these steamers are brought along the shore to rob us of women and children and to take them to Fortress Monroe. This has taken place in St. Mary's county, where I have lately been. Some of my constituents have been robbed of all their servants. I myself have been a great sufferer. I am not excited on that account, although I have a right to demand justice. I think that the Administration which would sanction such a robbery would be guilty of anything, and especially the charges made by the gentleman from New York.

Mr. KELLEY. Mr. Chairman, I had not the pleasure of hearing the remarks of the gentleman from New York, [Mr. KERNAN,] but I heard his brief response to my venerable and distinguished colleague, [Mr. STEVENS,] in which he implicated Pennsylvania and the city of Philadelphia, and I beg leave to say that loyal and honest voters absent from that city and State on duty were concentrated there, and patriotic soldiers who were legally entitled to vote, but were in hospital here or elsewhere, were transferred to their respective voting districts that they might exercise their legal right. I beg leave also to say to him and this House and to the country, that the Government sent no civilian or soldier to that city or State to vote. The patriotic people knew the great issue involved in the last election. They knew that the armies in the field were either to be sustained by patriots at home or overthrown by a wily foe in the rear, and they did not mean that the results of nearly three years of bloody war should be lost for the want of the expenditure of a few tens of thousands of dollars. They knew the candidate of the Democratic party for the gubernatorial chair of the State had expressed his entire sympathy while upon the supreme bench with the South by announcing that if a division line should be made he wanted it upon the north side of Pennsylvania.

Mr. STILES. Will my colleague yield to me?

Mr. KELLEY. Yes, sir. Does my colleague undertake to controvert that proposition?

Mr. STILES. In what portion of the State of Pennsylvania did the candidate of the Democratic party ever use that expression?

Mr. KELLEY. He proclaimed it from the bench.

Mr. STILES. In what case?

Mr. KELLEY. It was in the hearing of the bar of Delaware and Chester counties.

Mr. STILES. In what case?

Mr. KELLEY. It was not in any case; it was in a conversation between the judge and the bar while waiting five minutes before beginning the argument of the list of cases from those counties.

Mr. STILES. Does not my colleague know that the slander was refuted in the canvass?

Mr. KELLEY. No, sir. The truth of it was not even denied in the contest.

Mr. STILES. It was denied all over the Commonwealth, and I pronounce the statement here utterly untrue.

Mr. KELLEY. I call upon my colleague who represents the Delaware and Chester district [Mr. BROOMALL] to say whether he, the Messrs. Darlington and two other distinguished members of that bar, did not hear Hon. George W. Woodward make the remark I have attributed to him from the supreme bench of Pennsylvania.

Mr. STILES. I call upon them too; for I deny that he ever made the remark.

Mr. BROOMALL. As I am called upon I feel bound to state what I did see and hear upon the occasion alluded to. My colleague [Mr. KELLEY] is somewhat mistaken in stating the facts. It was not from the bench that the declaration was made, and it was not during the trial or argument of a cause. It was before the session commenced and

while we were waiting for the hour of opening court. I stated what I then heard upon every stump last fall upon which I was during the State canvass; I never heard it denied; I never saw it denied in any paper; and I do not think it would be denied in the State of Pennsylvania. I said on all occasions that I held myself responsible for what I said, that I had the proof, and the witnesses, and named them.

And now I will state what was said. I cannot remember the time at which this conversation took place, but I well remember it was after the great issues now being decided before the country upon the field had become imminent, but before any outbreak had occurred, and possibly before any State had actually seceded, though of this I am not sure. But it was common talk in the country that this thing was going to be. On that occasion the gentleman who was the candidate for Govefnor last fall opposed to the Unionists in the State of Pennsylvania, in the supreme court room, in the presence of probably some of his fellow judges, certainly in the presence of the bar of the district I represent, and without any pretense to secrecy, but aloud in public conversation, said that if a division took place between the North and the South he wanted the dividing line to go north of Pennsylvania. I remember the circumstance very well, for I had never heard such a thing fall from the lips of any Pennsylvanian before.

Mr. KELLEY. I renew the assertion, qualifying it only in that he was not on the bench but was waiting at the steps to ascend it, there being five minutes of time before the argument-list could properly be called, that George W. Woodward did make the remark I attributed to him; and I say further that no man who values his character for veracity has contradicted it or will contradict it, for the bar of two counties certify to it.

Sir, I say that, knowing the character of the Democratic candidate for Governor, knowing or believing as they did that the results of nearly three years of bloody war depended upon the election, the loyal people of Pennsylvania, chiefly, to their praise be it spoken, of Philadelphia, contributed their thousands and tens of thousands of dollars, and selected from among themselves men of integrity and character to execute their noble purpose, and thus carried to the mountains and valleys and towns and cities of Pennsylvania the wounded and stricken soldiers who, unable to serve their country upon the field, might protect her at the ballot-boxes. And, sir, in thus expending their money they relieved thousands of brave men from the monotony of the hospitals in which they longed for the comforts and joys of home, and secured them the right which that same candidate had, as judge of the supreme court, by a doubtful decision, denied them.

I can also speak for other States and for the men at the head of our Government. Away back in the early part of last spring, when the snow covered the surface of New England, it was my privilege to assist in the campaign in New Hampshire, and I know that those people, whose souls are said by the chivalry of the South to be of less value to them than their dollars, contributed from the wealth they extract by unremitting industry from their thin and barren soil thousands of dollars to bring their brave sick and wounded soldiers home; and I know the clerks in the Departments from the two States of New Hampshire and Pennsylvania made up by general contribution a fund to bear the expenses of those who could not afford themselves to go home. In all this no Government conveyance and no dollar of public money was used. And I unite with my distinguished colleague in asking the gentleman, [Mr. KERNAN,] as a duty pertaining to a man of honor, to indicate to the Government that one of its employés who thus slanders it and tries to bring it into disrepute with the loyal people, and I cast back his aspersion of the State and city which I have the honor in part to represent.

Mr. STILES. I understood my colleague to say that this conversation with Judge Woodward took place in November of last year?

Mr. BROOMALL. Oh, no.

Mr. KELLEY. If my colleague will yield to me for a moment I will fix the time within a few months.

Mr. STILES. I beg my colleague's pardon; I thought he fixed a time.

Mr. KELLEY. I say that I will fix the time.

Mr. STILES. It now turns out that this conversation took place before any State had seceded from this Union—before this war, long before this war; and I say to my colleague that this slander, which was circulated all over the State of Pennsylvania, was dated since hostilities commenced, and was refuted all over that Commonwealth, denied through the press and denied by Judge Woodward himself.

My colleague says that certain money was raised in the State of Pennsylvania for the purpose of transporting these soldiers to their homes that they might vote. I say here, upon undoubted authority, that that fund was raised in the city of Philadelphia by contractors under the Government. Twenty-five hundred dollars were paid by one individual having a contract in that city, and the fund was altogether made up by money raised from contractors who were plundering this Government.

Sir, we have heard these slanders against the Democratic candidate for Governor of Pennsylvania from the beginning of this session of Congress. I say to my colleague that, in his own city of Philadelphia, men who had no residence in that city, who were confined in hospitals—I have it from the best authority—were allowed to vote in that gubernatorial election.

Mr. KELLEY. Will my colleague yield to me for a moment?

Mr. STILES. Oh yes, let him speak.

Mr. KELLEY. Will my colleague deny that Judge Woodward ever used that language to the bar of Chester and Delaware counties?

Mr. STILES. If he did, it was a conditional statement.

Mr. KELLEY. Then you decline to answer my question?

Mr. STILES. The remark was entirely unmeaning, if he made it, for no hostilities had then broken out, no date of the conversation is furnished. This remark was made in private conversation between Judge Woodward and gentlemen who were then present, and it received no word of dissent from any of the gentlemen present at the time. It was only in a contingency that that remark was made to apply, if made at all; which was the contingency of a separation; and yet it was brought up against Judge Woodward when he became a prominent candidate for Governor of the Commonwealth of Pennsylvania, and never until then.

Mr. BROOMALL. My colleague will allow me to say that he is mistaken in the idea that that remark of Judge Woodward was received with no word of dissent. More than one of those present expressly dissented from it, and one of them, in particular, with a considerable degree of warmth.

Mr. STILES. Who was that?

Mr. BROOMALL. Mr. William Darlington, of West Chester.

Mr. STILES. Did my colleague who has just taken his seat join in the publication of those remarks of Judge Woodward?

Mr. BROOMALL. I never published those remarks except from the stump, and I never heard them denied, and I never saw any denial of them in the State of Pennsylvania.

Mr. STILES. Then my colleague never read the newspapers in the State.

Mr. MALLORY. If the gentleman will yield to me, I would like to ask one or two questions. The gentleman from Pennsylvania, [Mr. BROOMALL,] as I understand him, states that Judge Woodward said in that conversation that if ever a dividing line were drawn he would want the line run north of Pennsylvania. Did he say where he wanted the line run? It seems to me to have been a very indefinite sort of conversation that gentlemen are disputing about here. We want accuracy in this matter. Where, for instance, did he want the line to go?

Mr. STEVENS. He wanted to go with the South, and you ought to thank him for it.

Mr. BROOMALL. I have been asked a question. There could be no mistaking where Judge Woodward wanted the line—at least it was clear he did not want it along the Canada line, because he had in the same conversation indulged in the same remarks about the Yankees, who, I believe, live south of the Canada line, that I suppose the gentleman from Kentucky [Mr. MALLORY] entertains and indulges in.

Mr. MALLORY. Will the gentleman allow me——

Mr. BROOMALL. I must first answer the other question asked by the gentleman. I do know that the gentleman who dissented from that partition of the Union wanted the dividing line a little south of the Gulf of Mexico, certainly not across any part of the territory of the country.

Mr. MALLORY. The gentleman does me injustice in imputing to me any disrespectful feeling or opinion about the Yankees. I have never expressed or felt such an opinion, and I defy the gentleman to refer to any such opinion expressed by me.

Mr. BROOMALL. I am very glad to be corrected in that particular. I am very glad indeed that the gentleman from Kentucky differs from Judge Woodward, of Pennsylvania.

Mr. MALLORY. I express no difference of opinion. I deny that I ever expressed an opinion concurring with Judge Woodward in his detestation of Yankees; and I say that the gentleman has no right to impute to me such a feeling.

Mr. BROOMALL. There were two distinguished gentlemen of Pennsylvania who agreed during that canvass. One was General McClellan and the other Judge Woodward. I am glad the gentleman from Kentucky does not agree with either of them.

Mr. MALLORY. If General McClellan agreed with Judge Woodward I believe I must agree with him also. I follow General McClellan's lead anywhere.

Mr. STILES. Mr. Chairman, if this conversation, said to have taken place between Judge Woodward and some gentlemen of the Delaware county bar, was not alluded to in the canvass it was because it was not considered a matter of any importance. If he made the remark it was in the event of the party now in power breaking up the Union, which, by their accession to power, they hoped to do, and which they had labored to do for years. In that case he said, so says my colleague, he would desire the line to be north of Pennsylvania, an event he did not desire, and hoped would not take place. That is all. He never desired a separation of these States; but on the contrary, every act of his long public life, and every act of his private life, illustrates his devotion to the Constitution and Union. Every slanderous tongue that utters a word to the contrary does injustice to a pure man, and is a libel upon his name and upon the great Democratic party of his native State who have honored him from early manhood until now. I pronounce all these vile slanders unworthy of notice in this House. His name will live when his assailants are forgotten in the infamy that awaits them.

One word as to the very proper amendment offered by the gentleman from New York. It provides that no portion of this appropriation shall be used for the purpose of transporting persons in the employ of the Government to and from their homes. It means, I hope, to prevent interference in the elections. If the Government, through its corrupt agents, furnished no transportation to soldiers and civilians to return to their respective States for the purpose of carrying the elections, the amendment can do no harm.

I do not know whether the charge made by the gentleman from New York is true or false. It has been charged in the press all over the country. Neither does my distinguished colleague from the Lancaster district know whether it is true or false. But I repeat that the amendment can do no harm. Public rumor has said that the Government had furnished transportation to a large number of men to go into Pennsylvania for the purpose of influencing the election in that State. And we have the astounding fact, notwithstanding nearly one hundred thousand men were in the field from that State, that at that election there were thirty thousand more votes cast than ever had been cast before at a general election in that State.

I do not see that there can be any sound objection to the amendment; and the fact that it has greatly excited my colleague from Lancaster, shows that it is not without point. I desire that it shall be adopted, so as to protect the public Treasury, and at the same time to preserve from invasion the rights of the people.

Mr. GOOCH. I should like to ask the gentleman from New York if he can inform us to what

State these men were transported at Government expense?

Mr. KERNAN. My information was as to the State of Pennsylvania.

Mr. GOOCH. The reason why I asked the question is this: the State of New Hampshire held an election a few days since, and I am informed by a gentleman now present on this floor who has had the entire management of transporting civilians from this vicinity to New Hampshire, that not a single dollar was paid by the Government for such transportation, but that on the other hand every clerk and civilian who went there did so at his own expense or through the contributions of his political friends.

I have before me the names of the men who went to New Hampshire to vote at the late election, with the amount paid by each for transportation; and a high officer of this House will verify by his oath the truth of the record. Here, then, we have the proof that the Government has not paid a dollar for the transportation of any clerk or other civilian to New Hampshire to vote in the late election, and I submit that there is no reason to believe that it has paid one dollar for the transportation of any person to any other State for such purpose.

I understood the gentleman from New York [Mr. KERNAN] to say that the committee on the conduct of the war, a committee composed of gentlemen from both political parties, is a whitewashing committee. Did I understand the gentleman correctly?

Mr. KERNAN. I said that I wanted the matter investigated by a committee appointed by the House, and that I did not want it to go to a whitewashing committee. I meant no disrespect to the gentleman. I do not know who the members of the committee are. I said that I did not want it to go to a whitewashing committee. I said I wanted a committee appointed to investigate the subject if anything were done at all.

Mr. GOOCH. It comes to this, then, that the gentleman from New York has as much authority for charging that the Government transported civilians to their States to vote as he has for insinuating that a committee of this House is a whitewashing committee; and no authority for either. The gentleman from Pennsylvania [Mr. STEVENS] proposed that this matter should be referred to the committee on the conduct of the war for investigation. No member of that committee asked it. No member desires it. If it is referred to them they will investigate it thoroughly and to the satisfaction of everybody.

Mr. KERNAN. Let me state my meaning. The gentleman from Missouri [Mr. BLAIR] the other day charged fraud and corruption upon the Treasury Department in reference to the trade in cotton. He promised upon his responsibility to prove the charges to be true. Instead of appointing a select committee, his resolutions were referred to the committee on the conduct of the war, and in my presence he called for the yeas and nays, saying that he wanted to know who were for sending his proposition to a whitewashing committee. Does not the gentleman know, when charges are made against an Administration in power and a committee is appointed of the friends of that Administration, that it is always called a whitewashing committee? I appeal to older parliamentarians than I am. The friends of the Administration try, so far as they are able, to screen it. I believe in such cases the expression "whitewashing" is almost universal. Never before did I think it was personal to call a committee a whitewashing committee. As I have said, the gentleman from Missouri tried to get a select committee, and when they proposed to refer his resolutions to the committee on the conduct of the war he called for the yeas and nays, as he said he wanted to know who desired to send his proposition to a whitewashing committee. It is a general expression.

Mr. GOOCH. Mr. Chairman, several of my colleagues on the committee and myself were absent from the House on public business on the occasion to which the gentleman refers. I fear that he has followed a bad example in this case. His insinuation against the committee is precisely of a piece with his charge against the Administration If I understand him correctly he says that any committee of this House, no matter for what purpose created, composed of a majority of the friends of the Administration, is a whitewashing committee, and that gentlemen on the other side have a parliamentary right to call it a whitewashing committee. It is on this principle, I suppose, that the gentleman feels authorized to charge upon the Administration a corrupt expenditure of the public money, shielding himself behind the fact that he is an Opposition member.

Mr. J. C. ALLEN. I desire to ask what the question before the committee is?

The CHAIRMAN. It is upon the proposition of the gentleman from New York, [Mr. KERNAN.]

Mr. J. C. ALLEN. Well, sir, I think the debate is about exhausted upon that, half a dozen members having spoken on both sides.

The CHAIRMAN. General debate upon the bill has not been closed.

Mr. CHANLER. The question before the committee has, through the various turns of debate, been brought to this: whether my colleague [Mr. KERNAN] is entitled (should he see fit to ask the House to examine this question) to a committee of investigation for the purpose of inquiring into certain improper and fraudulent practices charged to have been carried on by the present Administration for the purpose of securing a majority in the elections. He proposes to ask no more than an investigation; he will ask of Congress no more than a public avowal of facts. But he is met upon the threshold of his inquiry with the charge of fraud and slander by the pure-minded and high-minded chairman of the Committee of Ways and Means, a man who never at any time impugns aught against another, who never rises without sneering as he takes his seat, who allows every reputation to go untainted. That gentleman, with an indignation not manifested on any other occasion, hurls the full force of his rhetoric against a man simply asking for truth.

The gentleman from Massachusetts, [Mr. GOOCH,] too, is indignant that his party committee is not called by their own name. He charges, in effect, my colleague from New York with great impropriety because he did not call them a blackwashing committee. They want to smut the matter over; they want to cover up the operations of this wrong which they dare not bring to light. They do not hesitate to impugn the motives of a member upon this floor seeking for truth, while they themselves are denying the only practicable means of arriving at the truth.

Mr. KELLEY. I ask the gentleman from New York to allow me to inquire when the gentleman from New York has moved the appointment of a committee? I have known no such motion to be made. I supposed we were discussing a pending amendment to the bill under consideration.

Mr. CHANLER. I will inform the gentleman that the discussion upon this amendment has turned upon the matter of this investigation, which it is very well known the gentleman from New York stands ready to move whenever the proper opportunity offers in the House. The whole drift of this debate has been to that effect. Upon that proposed investigation the chairman of the Committee of Ways and Means turned upon my colleague from New York and demanded that inasmuch as he had asked an investigation he should transfer that investigation to a committee already existing; so I understand the gentleman to have said.

Now, sir, the point before this committee is one of honor and of honesty. These gentlemen propose to smut over the inquiry. They do not like the name of "whitewashing committee." Let them have their own name and their own way, but let us on this side of the House have the truth. All want the light.

If the gentleman from New York, my colleague, is right, if he proves his case, then the gentleman from Massachusetts admits that his committee is a whitewashing committee. He has accepted the proposition that if the charge is true his committee is a whitewashing committee. He admitted it in his argument.

Now, to remove himself from the impropriety of his position, from the dilemma of his own choice, he must in honor and fairness permit this question to come before a committee for investigation, and I understand my colleague is ready to move such an investigation. I ask this House whether this charge which has been made is to be turned off by these personal assaults? What we desire is an investigation for truth.

Mr. STEVENS. I do not rise to answer the gentleman, but merely to see whether this debate can not be brought to a close. The gentleman who has just spoken need not fear that I will make any insinuation or sneer or thrust at him; there are some reptiles so flat that the common foot of man can not crush them. [Laughter.] I move that the committee rise for the purpose of closing this debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WILSON reported that the Committee of the Whole on the state of the Union having, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 198) making appropriations for the support of the Army for the year ending June 30, 1865, had come to no conclusion thereon.

Mr. STEVENS. I move that when the House again goes into the Committee of the Whole on the state of the Union all debate upon the clause under consideration be closed in one minute after the committee shall resume its consideration.

The SPEAKER. General debate will have to be closed upon the whole bill before the motion of the gentleman will be in order. The rule provides that all debate upon a clause or a section of a bill may be closed after general debate has been closed on the bill.

Mr. STEVENS. I move, then, that all general debate upon the bill be closed in five minutes after the House shall again go into committee.

Mr. ELDRIDGE. I desire to know whether the gentleman proposes to cut off all debate upon this bill?

Mr. STEVENS. All general debate; not the five-minute debate.

Mr. ELDRIDGE. I understood the proposition to be to cut off all debate.

The SPEAKER. The proposition is to cut off the hour speeches, leaving the five-minute debate to proceed. And then the gentleman proposes to move that all debate upon the particular clause shall cease in five minutes.

The motion of Mr. STEVENS was agreed to.

Mr. STEVENS. I now move that all debate upon the pending clause, in committee, be closed in five minutes after the committee again resumes its consideration.

The motion was agreed to.

Mr. STEVENS moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WILSON in the chair,) and resumed the consideration of the Army appropriation bill; the pending question being on the amendment offered by Mr. KERNAN.

Mr. HOLMAN. I desire to make an inquiry of the gentleman from Pennsylvania, the chairman of the Committee of Ways and Means, as to the propriety of the proposed amendment. Even admitting it to be true that employés in the civil department of the Government have not been permitted to use Government transportation for the purpose of reaching their respective States to vote, this amendment is still necessary. This proposition goes further—it proposes that no part of this appropriation shall be expended for the purpose of transporting civilians not connected in any way with the Army. The gentleman from Pennsylvania seems to think there is no law or regulation that now allows that kind of transportation. I wish to inquire of the gentleman whether he has not seen within the last few months an order issued by the War Department authorizing a distinguished bishop of one of the churches of this country, residing in the Northwest, to proceed by these facilities offered by the Government, and at the expense of the Government, to the city of Memphis, New Orleans, and perhaps elsewhere, for the purpose of taking charge of certain church property which the Secretary of War deemed it important, for civil purposes at least, to put under his control, but in nowise connected with military opperations. Indeed, as far from it as a peaceful religion is from war.

Now, if such an order was issued, and the Government transportation was used for such a purpose, I submit it would be certainly very wise to limit the appropriation of this fund to the specific objects of the war and purposes properly connected with it, and for no other purposes whatever.

Mr. STEVENS. Evidently this amendment was not intended for any such purpose. That order was issued in the legitimate discharge of the duties of the office, and therefore I suppose the amendment was not intended to prohibit it.

Mr. HOLMAN. Would not this amendment prohibit it?

Mr. STEVENS. It ought not.

Mr. HOLMAN. It seems to me it should. It seems to me the Secretary of War as an officer of war has no connection with the churches of the country, and has nothing to do with church property as such, so far as the Government is concerned; and I think the use of Government transportation for the purpose of looking after ecclesiastical matters and regulating the religious denominations is just as far from the legitimate purposes of the war as the Secretary of War could possibly get. What has he to do with church property, unless he uses it for war purposes, and with the employment of bishops to look after that species of property? To my mind it is a monstrous proposition that under the unfortunate circumstances of the times there should be, through the agency of the Secretary of War or any other agency, a bringing together of these two elements so foreign to each other of Church and State. The agents of consolidation are sufficient without this. I think it very desirable, for the express purpose of cutting off an appropriation of the public treasure to objects having no legitimate connection with the war, that this amendment should be adopted.

Another thing: it has not been at all uncommon for civilians, speculators, favorites of quartermasters, under various pretenses—I am saying nothing now about elections—to be furnished with transportation. Some quartermasters are more rigid than others, but such transportation is constantly afforded, and a provision expressly prohibiting the application of public transportation to private purposes, except in connection with the Army, would not possibly do any harm, and might and would result in preventing a real abuse.

Mr. MILLER, of Pennsylvania. I move to amend the amendment by striking out the last word. I confess, Mr. Chairman, I have been somewhat surprised at the direction which this debate has taken. I confess I cannot see the pertinency of a great deal that has been said here to the amendment under consideration. But I may be excused for indulging in illegitimate debate in view of the fact that my colleagues from Pennsylvania have taken occasion at this time, as they have done heretofore, to attack one of the purest, ablest, and best of the sons of the Keystone State. I am not surprised that a man like Judge Woodward should be assailed by those who are foremost in the work. I am not surprised that they should come even into this Hall and retail stale slanders which met with no credence at his own home or among their own people.

Now, sir, with a view of answering the man who has made himself mainly responsible for these attacks, I will put in contrast with the record of him whom he has assailed that of one who has assumed to be a leader on yonder side of the House and for this Administration; and he has no right to complain if I weigh him in the scales which will do justice to both parties. I ask the Clerk to read the article which I send up.

Mr. KELLEY. From whence do you derive it?

Mr. MILLER, of Pennsylvania. It is from a Philadelphia paper, and is an extract from the Pennsylvanian when edited by Colonel John W. Forney, now a leader under this Administration, and the article appeared in his paper as editorial.

The Clerk read as follows:

"In order that we may do no injustice to this virtuous Representative, and as it will doubtless be more agreeable to him to have the testimony of one of his dearest political friends as to his character, we republish the opinion which the present Clerk of the Senate had of him at that period.

"The Pennsylvanian of September 19, 1851, thus spoke of him:

"'KELLEY now stands before the public blackened with the guilt of shameless inconsistency, personal treachery, and the meanest hypocrisy.' * * * * 'We may as well expect the example of Benedict Arnold to produce converts to treason as the nomination of WILLIAM D. KELLEY, under the circumstances, and in violation of a pledge that a brave and honest man would have died rather than have forfeited even by implication, to induce Democrats to abandon their party.'

"The Pennsylvanian, September 20, 1851, said:

"'It was predicted of WILLIAM D. KELLEY, by more than one of his intimate friends, the moment he was appointed judge by the lamented Francis R. Shunk, that he would eventually forget the hand that raised him to power, and stab the generous party that took him from obscurity.' * * * * 'Those who had used him did not hesitate to' * * * * * 'despise the shamelessness of an example which in any man would have been regarded as base, but which in a jurist, clothed with sacred powers, was the extreme of infamy. Little more was heard of him for a year or two. His position with the bar always was that of an exceedingly weak man, whose whole stock in trade was that of being a noisy and impudent declaimer, and whose only claim to official favor had been his effectual denunciations of the Whig party. He had few or no legal abilities, and he was too willing to take his opinions, ready made, from his more able and painstaking associates.'

"After accusing Judge KELLEY of deliberate falsehoods, the article goes on:

"'The following is the distinct and comprehensive pledge sent by Judge KELLEY to the Democratic conference, which he says was not allowed to be read to that body, coolly forgetting that none of the other pledges from the other candidates were read, according to a resolution of the conference:'

"'*Pledge.*

"'PHILADELPHIA, *September* 4, 1851.

"'MY DEAR SIR: I have just learned with surprise that my name was yesterday placed in general nomination before the Whig convention.

"'This was done without my knowledge or consent. I have never been a member of that party, but have uniformly voted the Democratic ticket; and if I am not nominated by the Democratic convention, I will accept no nomination. I beg leave to request you to lay this before the convention over which you preside.

"'I am respectfully yours,

"'WM. D. KELLEY.

"'Hon. CHAS. BROWN.'"

Mr. MILLER, of Pennsylvania. In the face of that pledge this gentleman was elected to a responsible office by a party then in antagonism to the Democratic party, which had refused to nominate him for that position; and what I have had read is the language of the Secretary of the Senate, the editor of this Administration and court journal of the city of Washington! That is what Colonel Forney thought then, and God only knows what he thinks now.

I have felt compelled to resort to this personal line of remark for the reason that if there has been any one man on the other side of the House who has been unrelentingly arrogant, and has done injustice to those who have rights here, though in a minority, it has been the gentleman to whom I now refer. I have done it in defense of Hon. George W. Woodward, and at the same time in my own and the defense of those I represent. I presume that this amendment will share the fate of the proposition to inquire into speculations in General Butler's department, and that it will be tabled.

Are these times when the representatives of the people ought to show an indisposition to investigate, to sift to the very bottom what may have been the conduct of their officials and those to whom they have intrusted their rights and their means? And yet such seems to be the disposition of gentlemen upon the other side of the House. It is a matter of public notoriety—I have heard it throughout my entire State, not from my own party, but tacitly admitted by gentlemen opposed to me in politics—that the presence of soldiers at the polls in the late Pennsylvania election could be accounted for upon no other theory than that they had been sent home, not at their own expense, but at the expense of the Government, and that upon the express stipulation that they would vote the self-styled *loyal* ticket.

If there has been nothing wrong in regard to this matter, investigation can do no harm. Hence I say that it is the duty of this House, in a proper, honest, candid, bold discharge of its duty, to adopt the amendment of the gentleman from New York.

Mr. KELLEY. Justice to the memory of my colleague's lamented father requires that I should say a few words in response to him. He was my friend in the campaign of 1851, and approved my acts and congratulated me on the ten thousand majority with which the people honored me in spite of this slander.

The production of this stale slander is the frankest avowal of coöperation with the confederate forces I have yet heard made on this floor. The author of the article just read was Robert Tyler, the present register of the confederate treasury, the son, and, as he believed, heir apparent of the late accidental President of the United States, John Tyler. Colonel Forney is by no means responsible for it.

Mr. MILLER, of Pennsylvania. I rise to a personal explanation.

Mr. KELLEY. I decline to be interrupted by the gentleman. I did not interrupt him, and I do not wish to be interrupted by him. Not even *he* will dare to say that that letter from me which he has caused *to* be read was ever presented to the convention to which it was addressed. It never reached the convention. And so indignant was the body of the Democratic party at the trick practiced upon them that they took up its author, and, while the ticket of that party generally prevailed in the election, gave him ten thousand majority. I let the people of Pennsylvania answer Robert Tyler's slanders, thus retailed by my colleague.

A word as to the amendment of the gentleman from New York, [Mr. KERNAN.] It is in keeping with citations from Robert Tyler, register of the treasury of the so-called confederate States. Presented under the guise of protecting us against official corruption, or the possibility of political slander, what does it prove to be? Why, it is to be the means of preventing the women and physicians and philanthropists and patriots of the country from flocking to the battle-field to gather and relieve the wounded and the dying. It is a blow at the sanitary and Christian commissions.

Mr. KERNAN. Will the gentleman from New York allow me to interrupt him for one moment?

Mr. KELLEY. No, Mr. Chairman, I yield to none of them.

Mr. KERNAN. The amendment is expressly against sending men home at Government expense to vote at elections.

Mr. KELLEY. When I was at Antietam's field of horrors I saw that there was but one road by which women could come to the relief of the wounded soldier——

Mr. STILES. Mr. Chairman——

Mr. KELLEY. The gentleman knows I will not yield to *him*. Sir, this amendment is a blow aimed at the wounded and dying of our Army.

Mr. STILES. I raise the point of order that the gentleman is not discussing the question before the committee.

The CHAIRMAN. The gentleman will proceed in order.

Mr. RANDALL, of Pennsylvania. Let him say all he has to say, whether in order or out of order.

Mr. KELLEY. I was, as I have said, at Antietam, and civilian as I was, lay for three days and nights with a body of untrained civilians, protecting the flank of McClellan's army, and I remember how we hailed the regiment led by my gallant friend from Maryland [Mr. WEBSTER] in Kenly's brigade, when it took position on our flank, and we felt that we had some disciplined soldiers near us to share our duty and danger. There was but one mode of conveyance to that field, and it was in possession of the Government. The gentleman's amendment would have excluded every wife and daughter and sister of a soldier from all chance of getting there. It would have kept from that field not only the bishop that has been referred to in this debate, but every other pious man and woman who hastened thither to soothe the dying and speed them on their way to the patriot's heaven. Sir, it is a blow the most open that has yet been struck at our Army, and cannot be concealed under the slender disguise of its being a proposition to protect the Government against the whispered falsehood of a craven scoundrel who, while holding an office under the Government, slanders it and pledges the gentleman to whom he breathes his slander that he will not couple his name with the lie he utters.

Mr. Chairman, the amendment is not needed for the protection of the Government, people, or Administration; and there is not in the land a soldier or a patriot who will not curse the man that votes for this accursed stab at our soldiers, wounded and dying on the bloody field.

Mr. KERNAN. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. KERNAN. I do not want to debate, but ask the gentleman from Pennsylvania to read the

amendment, and he will see that his remarks do not apply to it.

Mr. MILLER, of Pennsylvania. I withdraw the amendment to the amendment.

Mr. KERNAN. My amendment simply provides that persons employed in the civil department of the Government shall not be transported to and from their homes at the public expense. It does not refer to benevolent persons, or to the wives or children of soldiers.

Mr. HOLMAN. I move to amend the amendment by adding:

Except, however, such transportation as may be properly furnished for the wives and relatives of sick and wounded soldiers, and members of the sanitary commission.

Mr. CHANLER called for the reading of Mr. KERNAN's amendment.

The amendment was read.

The CHAIRMAN. Debate upon this clause is not in order.

Mr. HOLMAN. I desire to say that upon reading the proposition of the gentleman from New York, the gentleman from Pennsylvania [Mr. KELLEY] was so clearly mistaken in his statement, it so clearly does not mean what he suggested it meant, that I will withdraw my amendment.

The CHAIRMAN. The gentleman is out of order in debating.

Mr. ODELL. I will move to insert in the amendment of my colleague the word "civilians." The amendment as it is before us would only embrace a very small class of persons.

Mr. KERNAN. I will accept the modification suggested by my colleague.

The question was put on the amendment of Mr. KERNAN as modified; and on a division, there were—ayes 42, noes 65.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and THAYER were appointed.

The question was again put; and the tellers reported—ayes 42, noes 63.

So the amendment was disagreed to.

Mr. HOLMAN. There seems to be but one section to the bill. I wish to inquire whether it would be in order to go back to a paragraph we have passed. I desire to submit an amendment to the paragraph at the end of line forty.

The CHAIRMAN. The motion would not be in order.

Mr. HOLMAN. I move to amend at the end of line one hundred and fifty by adding "to be applied for the benefit of persons in the service of the United States." The paragraph would then read:

For medical and hospital department, $8,935,640, to be applied for the benefit of persons in the service of the United States.

There ought to be no objection to that amendment, as it can scarcely be desired that this money should be applied for the benefit of any other class of persons. The whole appropriation is $8,935,640. The object is for the medical and hospital department. I discover in looking over the estimates for this purpose that they are based upon the following calculation: in the first place the estimates were made to amount in the aggregate to $10,080,000, calculated at the rate of ten dollars per man for an aggregate of twenty-three thousand five hundred and sixty-four regulars, seven hundred and twenty thousand volunteers, and five dollars each for three hundred thousand contrabands, making $1,500,000. These estimates, however, seem to have been subsequently revised, and the aggregate reduced to $8,935,640, but which still includes an estimate for three hundred thousand contrabands at five dollars each, persons not in any way employed by the Government. Thus, while the aggregate is reduced, the aggregate still retains the $1,500,000. Thus nearly one sixth of the entire expense of the medical and hospital department of this great Army is devoted to contrabands, not colored soldiers, who have been taken under the charge of the War Department. I add the estimate, which explains itself, although in the estimate preceding both of the above the number of soldiers at ten dollars each, and five hundred thousand contrabands, make the aggregate of $14,892,730. In the statement below the number of soldiers is reduced, and the number of "contrabands" also reduced to three hundred thousand at five dollars each:

SURGEON GENERAL'S OFFICE,
WASHINGTON, D. C., *November* 21, 1863.

SIR: I have the honor to submit revised estimates of funds required for the medical and hospital department of the Army for the year ending June 30, 1865.

In accordance with your instructions, the several items and aggregate amount have been reduced four tenths from the estimate of the 2d of October. That estimate of $14,892,730 was calculated at ten dollars each for an aggregate of one million two hundred and thirty-nine thousand two hundred and seventy-three soldiers, and five dollars each for five hundred thousand contrabands. The present is calculated at the same ratio for seven hundred and fifty-three thousand five hundred and sixty-four soldiers and three hundred thousand contrabands, and amounts to $8,935,640.

Very respectfully, your obedient servant,
JOSEPH K. BARNES,
Acting Surgeon General.

Hon. E. M. STANTON, *Secretary of War.*

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message was received from the Senate, by Mr. HICKEY, their Chief Clerk, informing the House that the Senate had passed a bill for the better organization of the Indian affairs in California; in which he was directed to ask the concurrence of the House.

The committee then resumed its session, and proceeded again to the consideration of the

ARMY APPROPRIATION BILL.

Mr. HOLMAN. Now, if these persons here called "contrabands," for whom, as it will be seen from this statement, $1,500,000 of this money is designed, were in the service of the United States, whatever might be my opinion as to the propriety of their employment, still the appropriation would be proper, and ought to be made. But if, on the contrary, $1,500,000 or $900,000 is to be appropriated out of the Treasury for the benefit of a class of persons in no wise connected with the Government, and having no employment under the Government, then I think the amendment I have offered restricting the benefits of the appropriation to those in the service of the United States is proper and ought to be adopted. There seems to be no estimate here for the families, wives, and children of white persons who have been driven from their homes in the progress of this war from Missouri, Arkansas, Tennessee, and North Carolina, by reason of their loyalty to the Union, and who are in destitute circumstances, losing everything, indeed, in their noble hostility to treason, but the benefit is all to go to contrabands; they alone are entitled to sympathy. Now, I know of no reason why this $1,500,000 should be appropriated unless it be to persons having some connection with our Army, and I hope, therefore, this amendment will be adopted.

Mr. STEVENS. I hope this amendment will not be adopted. We are making this appropriation in the ordinary way to defray a portion of the public expenses. I know the gentleman is very much disturbed at the idea of a contraband or a fugitive from treason now and then getting into one of these hospitals and receiving some medicine at the expense of the Government. It is very bad, to be sure, but I am not after all disposed to limit the discretion of the medical officers of the Army as to who shall be admitted into the hospitals. I do not think it is worth while for us to select the exact men and determine exactly how far each man in the hospital is in the service of the Government before he gets his medicine. I hope the gentleman's amendment will be rejected. We have had it offered already on one or two occasions; it has been supported with the same remarks, and the House has voted it down in the same way.

Mr. HOLMAN. If it is proper to appropriate $1,500,000 for this particular class why is it not proper to appropriate $1,500,000 for that very large class of white persons driven out of the same section of country, and who may be presumed equally to need the fostering hand of the Government? The objection I have is that it appropriates so much for a particular class called contrabands, and not a cent for others who have been driven out by treason—they are to have all the kindness of the Government, and no appropriation is made for white persons.

Mr. STEVENS. If any of that class gets to the hospital he will get as much medicine as he wants. I do not wish to restrain them, and I think it had better be left as it is at present. We can discuss all of these questions during the next campaign.

The amendment was rejected.

The Clerk read as follows:

For the expenses of the commanding general's office, $10,000.

Mr. FARNSWORTH. I move to strike that out. The amount is not large, but I am in favor of retrenchment in small as well as in large items. I do not see the necessity for these expenses. Every officer in the headquarters here is allowed offices or commutation for quarters, and I do not see the propriety of the Government furnishing offices and at the same time paying commutation for quarters. Unless, therefore, the chairman of the Committee of Ways and Means can show some necessity for this appropriation I hope it will be stricken out.

Mr. STEVENS. There is a headquarters established in this city for which this appropriation is necessary. We made it last year and the year before. We made the same appropriation to pay the expenses of that institution. We are asked to do the same thing now, and we are not disposed to refuse it. Unfortunately, General Halleck is not commander-in-chief; but if I understood the recent order of Lieutenant General Grant, this office is to be kept up, and Major General Halleck is to be chief of staff, to whom all communications are to be addressed. Unless this appropriation is made there will be no fund to keep up that office. It is no more now than it was before. If I understood the Department rightly, it is absolutely necessary, and I hope the amendment will not prevail.

The amendment was rejected.

The Clerk read as follows:

For repairs and improvements at arsenals, including new and additions to present buildings, and machinery, tools, and fixtures, $2,000,000.

Mr. PRICE. I move to add the following:

For continuing the work on the Rock Island armory, at Rock Island, Illinois, $100,000.

Mr. STEVENS. I hope that amendment will not prevail. The present appropriation is not confined to any particular work, but the Department may expend it wherever it deems proper.

The amendment was rejected.

Mr. STEVENS. I move to add the following:

For compensation of two clerks in the signal office, $2,800.

The amendment was agreed to.

Mr. HOLMAN. I move to add the following:

For enabling the wives and friends of sick and wounded soldiers to visit the same, where unable to incur the expense, to be applied under the direction of the Quartermaster General through assistant quartermasters in the several States, under such restrictions as may be approved by the Secretary of War, $150,000.

Mr. Chairman, I only want to say in behalf of that proposition that the wife of many a sick and wounded soldier is actually debarred from visiting her husband in the hospital or in the field, even in the cases where such visits are permitted, from inability to incur the expense. The soldier's wife with her family of little children, supported by her own labor and whatever the soldier can spare of his pittance of thirteen dollars per month, is actually excluded from the privilege of soothing his agony from wounds or sickness in the cheerless hospital, by the indigence to which you consign the private soldier by the insufficiency of his pay. By this bill you appropriate $1,500,000 to persons having no connection with the public service nor any peculiar claims on your bounty. Is it not proper that this appeal to the beneficence of Government should be favorably considered?

I have known many instances where the benevolence of the community had provided the small pittance to enable the wife to visit her sick or dying husband.

Mr. STEVENS. I rise to a point of order, if I understand the amendment. I ask that it may be read again.

The amendment was read.

Mr. STEVENS. I first thought it related to disabled soldiers, but I see it does not. It creates a new law, and therefore I object to it.

Mr. HOLMAN. I do not understand the point made by the gentleman from Pennsylvania. This

amendment only authorizes an appropriation of money to enable the wives of sick and wounded soldiers in the service to visit them in cases where the wives and friends are unable to do so.

Mr. STEVENS. There is no law authorizing such persons to visit sick and wounded soldiers.

The CHAIRMAN. The Chair sustains the point of order, as there is no law authorizing the appropriation of money for such a purpose.

Mr. HARDING. I move to amend by adding the following proviso.

Provided, That no part of the money herein appropriated shall be applied or used for the purpose of raising, arming, equipping, or paying negro soldiers, and that all negro soldiers now in the Army shall be disbanded and discharged from the service.

Mr. STEVENS. It is too near dark, I suggest, to bring in the negro now. I raise the point of order that the latter part of it repeals the existing law, and is therefore not in order.

The CHAIRMAN. The Chair sustains the point of order so far as the latter part of the amendment is concerned.

Mr. HARDING. I modify the amendment by omitting the latter clause.

Mr. STEVENS. I think now it ought to be adopted, so that we can have a vote by yeas and nays on it in the House.

The amendment, as modified, was agreed to.

Mr. DAWSON. I move to amend by inserting on page 3, after line forty, the following:

And that the same be paid in gold or its equivalent: *Provided*, That the relative value of any paper currency tendered shall be ascertained by the Secretary of the Treasury, and his certificate shall be conclusive evidence thereof, if dated thirty days before payment is made.

Mr. STEVENS. That is going back in the bill, and I object.

The CHAIRMAN. The Chair sustains the point of order. Clauses in appropriation bills are regarded the same as sections in other bills, and the clause to which the amendment is proposed has been passed.

Mr. DAWSON. I must say I cannot understand the principle upon which the amendment is ruled out of order.

The CHAIRMAN. Does the gentleman appeal from the decision?

Mr. DAWSON. No, sir; but I would be glad to have the Chair hear what I have to say.

The CHAIRMAN. The Chair decides the amendment out of order.

Mr. DAWSON. Upon what principle?

The CHAIRMAN. That paragraphs in appropriation bills are regarded as sections are in other bills, and we have passed the clause the gentleman proposes to amend.

Mr. DAWSON. Then I offer it as an amendment to come in at the end of the bill.

Mr. STEVENS. Another point of order: either the law now allows us to pay soldiers in gold, or the amendment creates a new law. This latter would not be in order.

Mr. DAWSON. In answer I would say that the present law does not specify the kind of money that shall be paid.

Mr. STEVENS. Then the amendment creates a law providing payment in a certain way.

Mr. DAWSON. Certainly.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DAWSON. Does the Chair decide that it is not in order, for the reason that it prescribes a particular mode in which soldiers shall be paid?

The CHAIRMAN. Because it proposes to make a new law.

Mr. DAWSON. I appeal from the decision of the Chair; and upon that question I have the right to be heard. It does not change the existing law. The law fixing the compensation of soldiers does not prescribe the currency in which they shall be paid. Gold and silver are the only legal currency known to the Constitution.

Mr. STEVENS. If I understand the gentleman, there is no law now for——

The CHAIRMAN. No debate is in order. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was put; and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. DAWSON. I move to amend by adding at the end of the bill the following:

And provided further, That the first payment made after the passage of this act shall be at the rate of twenty dollars per month for private soldiers.

Mr. STEVENS. I make a point of order. His amendment amounts to nothing, and he is offering frivolous amendments.

The CHAIRMAN. The Chair sustains the point of order. The amendment proposes to change an existing law.

Mr. STEVENS. I move that the committee rise and report the bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WILSON reported that the Committee of the Whole on the state of the Union had had under consideration bill of the House No. 198, making appropriation for the support of the Army for the fiscal year ending June 30, 1865, and had directed him to report the same to the House with sundry amendments, in which he was instructed to ask the concurrence of the House.

Mr. STEVENS demanded the previous question upon the bill.

The previous question was seconded, and the main question ordered.

The amendments reported from the Committee of the Whole on the state of the Union were agreed to, with the exception of the following:

Provided, That no part of the money hereby appropriated shall be applied or used for the purpose of raising, arming, equipping, or paying negro soldiers.

Mr. STEVENS demanded the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 18, nays 81; as follows:

YEAS—Messrs. Ancona, Dawson, Denison, Eldridge, Harding, Harrington, Benjamin G. Harris, Long, Mallory, Marcy, William H. Miller, Morrison, Samuel J. Randall, James S. Rollins, Ross, Stiles, Stuart, and Wadsworth—18.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Brandegee, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Driggs, Dumont, Eliot, Fenton, Frank, Garfield, Gooch, Hale, Higby, Hooper, Hotchkiss, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Kernan, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Radford, Alexander H. Rice, John H. Rice, Schenck, Scofield, Shannon, Spalding, Starr, Stebbins, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, and Winfield—81.

So the amendment was rejected.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIAN DEPREDATIONS IN DAKOTA.

Mr. JAYNE, by unanimous consent and in pursuance of previous notice, introduced a bill making an appropriation to reimburse the Territory of Dakota for expenses incurred during the Indian wars of 1862; which was read a first and second time by its title, and referred to the Committee of Ways and Means.

LEAVE OF ABSENCE FOR A MEMBER.

Mr. COBB. I ask leave of absence for my colleague, Mr. MCINDOE, for two weeks from to-day.

There being no objection, leave of absence was granted.

OREGON INDIANS.

Mr. McBRIDE. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 25, to authorize the President to negotiate treaties with the Klamath and Modoc Indian tribes in southeastern Oregon.

Mr. STEVENS. I will not object to the bill being taken up, but I presume the gentleman does not ask action upon it at this late hour of the evening.

Mr. HOLMAN. It seems to me such a bill as that ought to go to the Committee on Indian Affairs. I must object.

Mr. STEVENS. Will not the bill come up in the morning?

The SPEAKER. It will not, in its present position. A motion to suspend the rules would bring it up next Monday; or, if it be taken up now, it will come up to-morrow as unfinished business.

Mr. STEVENS. I have no objection to its being taken up then, but I cannot permit it to come up to-night when there is nobody here.

Mr. HOLMAN. I will withdraw my objection to the taking up of the bill, with the understanding that no action will be asked upon it this evening.

The bill was then taken from the Speaker's table, and read a first and second time by its title.

And then, on motion of Mr. STEVENS, (at twenty minutes after four o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *March* 22, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented eight petitions of citizens of New York, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

He also presented a memorial of one hundred and seventeen members of the New York Legislature, and a memorial of Erastus Corning and others, of the State of New York, remonstrating against the extension of the patent of Charles Goodyear for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. RAMSEY presented a memorial of the Legislature of Minnesota in favor of the establishment of a mail route from St. Charles, in Winona county, by way of Saratoga and Troy, to Preston, in Fillmore county; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

He also presented a memorial of the Legislature of Minnesota in favor of an increase of the Army and Navy pensions; which was referred to the Committee on Pensions, and ordered to be printed.

Mr. CLARK presented memorials of the Providence and Newport railroad, of the Boston and Providence railroad, and of the Concord and Claremont railroad, remonstrating against the extension of the patent to Charles Goodyear for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. HENDERSON presented a memorial of the Legislature of Missouri, remonstrating against an increase of the tax on tobacco; which was referred to the Committee on Finance, and ordered to be printed.

Mr. GRIMES. I present a remonstrance of the City Councils of the city of Washington against the passage of an act now pending before the Senate providing for a registration of voters in the District. I move that it lie on the table, as the bill was made the special order for Thursday next.

The motion was agreed to.

Mr. HARLAN presented a petition of citizens of Iowa, praying that a bounty may be granted to Benjamin F. Spafford, a private in company F, twenty-fifth regiment Iowa volunteers, who was discharged from the service in consequence of injuries received while acting as guard on the steamboat Stephen Decatur at St. Louis, Missouri; which was referred to the Committee on Pensions.

Mr. BROWN. I desire to present the preamble and resolutions adopted by the Union Merchants' Exchange of St. Louis, praying for increased facilities for transportation to market of all articles of such a nature as cannot bear the high rates of railroad transportation. They urge the construction of a ship canal around the upper and lower rapids of the Mississippi river as a measure of national importance, and also the further improvement of the Illinois and Michigan canal, and the construction of slack-water navigation on the Illinois river, and the construction of a ship canal around the falls of Niagara, and the improvement of the New York canals, as matters of great interest and military importance. I ask

that the preamble and resolutions may be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SUMNER. I offer a memorial from a committee appointed by the German Radical National Club of Philadelphia, in relation to military conscription, the conclusion of which is as follows:

"That they appeal to the wisdom of Congress by the laws providing that instead of conscription hereafter we shall have a military system properly classifying all able-bodied men without substitution, and with only few exemptions of a strictly determined character; which system, if faithfully executed beyond the reach of favor and discrimination, political or medical, would, in our opinion, make this nation unconquerable by any enemy, foreign or domestic."

This is signed by a committee several in number. I ask its reference to the Committee on Military Affairs and the Militia.

The motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. SUMNER, from the Committee on Foreign Relations, to whom was referred a message of the President of the United States, transmitting a copy of a treaty between the United States and Great Britain for the final settlement of the claims of the Hudson Bay and Puget Sound Agricultural Companies, and recommending an appropriation to carry into effect the first, second, and third articles of said treaty, reported a bill (S. No. 187) to carry into effect the treaty between the United States and her Britannic Majesty, for the final settlement of the claims of the Hudson Bay and Puget Sound Agricultural Companies; which was read, and passed to a second reading.

Mr. SUMNER. The select committee on slavery and freedmen, to whom have been referred a large number of petitions calling upon Congress to provide by legislation for the extinction of slavery, have had the same under consideration, and have directed me to make a report in part of a bill (S. No. 188) to prohibit commerce in slaves among the several States, and the holding or transporting of human beings, as property, in any vessel within the jurisdiction of the national Government.

The bill was read, and passed to a second reading.

Mr. GRIMES, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 84) to incorporate the Metropolitan Gas-Light Company, in the District of Columbia, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, who were instructed to inquire whether any additional legislation is necessary to improve the sanitary condition of Washington and Georgetown, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, who were instructed to inquire into the expediency of watering Pennsylvania avenue during the session of Congress, asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. MORRILL, from the Committee on Claims, to whom was referred a bill (S. No. 87) to extend the provisions of an act entitled "An act to provide compensation for the services of George Morell in adjusting titles to land in Michigan, reported it adversely.

Mr. HARLAN, from the Committee on Public Lands, to whom was referred a resolution of the Legislature of Kansas in favor of a grant of land to aid in the construction of a railroad from Fort Leavenworth to Fort Scott, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a bill (S. No. 180) in relation to university lands in Minnesota, reported it adversely.

Mr. HARDING, from the Committee on Public Lands, to whom was referred a bill (S. No. 181) in reference to donation claims in Oregon and Washington, reported it with amendments.

PRINTING OF A REPORT.

On motion of Mr. MORRILL, it was

Ordered, That the supplemental report of the engineer of the Washington aqueduct of February 22, 1864, made to the Secretary of the Interior, and by him communicated to the Committee on the District of Columbia, be printed.

BILLS INTRODUCED.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 189) for the increase of the marine corps of the United States; which was read twice by its title.

Mr. GRIMES. I ask for the reading of the bill at length.

The Secretary read it. It provides that from and after its passage the United States marine corps, as now organized, shall be increased by the addition of one brigadier general commandant, five captains, five first lieutenants, five second lieutenants, fifty sergeants, sixty corporals, ten drummers, ten fifers, and one thousand privates. The additional officers thus authorized are to be appointed first by promotion according to rank in the line of the marine corps and then by selection. The title of colonel commandant, now established by law in the marine corps, is also changed to that of colonel.

The bill was referred to the Committee on Naval Affairs.

Mr. McDOUGALL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 36) in relation to the occupation of Mexico by France; which was read twice by its title.

Mr. McDOUGALL. I ask that the joint resolution be laid on the table and printed. I give notice to the chairman of the Committee on Foreign Relations and the Senate that I shall call it up on Friday next.

The VICE PRESIDENT. The joint resolution will lie on the table, and the order to print will be made if there be no objection.

REPORT ON INDIAN AFFAIRS.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate copies of reports made by a commission appointed by the Secretary of the Interior or by the Commissioner of Indian Affairs, in 1861, consisting of Messrs. Day, White, and Wattles, or by either of said commissioners, and that he transmit to the Senate copies of all correspondence between the Secretary of the Interior or the Commissioner of Indian Affairs, upon Indian affairs, with said commissioners or with either of them, including all communications made by either of them.

BOUNTY TO NINE MONTHS' MEN.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate what number of troops have been raised for nine months' service under the act of Congress approved July 17, 1862, entitled "An act to amend the act calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, approved February 28, 1795, and the acts amendatory thereof, and for other purposes," specifying what number have been raised as volunteers and what number as militia; also, whether the bounty of twenty-five dollars, provided in the third section of said act, has been paid to all the volunteers so raised, and if not, to what number said bounty has been paid, and for what reasons said bounty has been withheld from any such volunteers; also, whether said bounty has been paid to any of the militia called out under said act.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed a bill (No. 198) making appropriations for the support of the Army for the year ending the 30th June, 1865; in which the concurrence of the Senate was requested.

CENT AND TWO CENT COINS.

Mr. CLARK. If there is nothing before the Senate I will ask the Senate now to take up the bill (S. No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857. It is a matter of some importance that it should be immediately passed.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. The standard weight of the cent coined at the Mint of the United States is proposed to be forty-eight grains, or one tenth of one ounce troy, and the cent is to be composed of ninety-five per cent. of copper and five per cent. of tin and zinc, in such proportions as shall be determined by the Director of the Mint; and from time to time there is to be struck and coined at the mint a two cent piece, of the same composition, of the standard weight of ninety-six grains or one fifth of one ounce troy, with no greater deviation than four grains to each piece of the cent and two cent coins; and the shape, mottoes, and devices of these coins are to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury. The laws now in force relating to the coinage of cents and providing for the purchase of material, and prescribing the appropriate duties of the officers of the Mint and the Secretary of the Treasury, are to be extended to the coinage thus provided for. All laws now in force relating to the coins of the United States and their striking and coining are, so far as applicable, to be extended to the coinage thus authorized, whether these laws are penal or otherwise, for the security of the coin, regulating and guarding the process of striking and coining, for preventing debasement or counterfeiting, or for any other purpose. The Director of the Mint is to prescribe suitable regulations to insure a due conformity to the required weights and proportions of alloy in these coins, and he is to order trials thereof to be made from time to time by the assayer of the Mint, whereof a report shall be made in writing to the Director. These coins are to be a legal tender in any payment, the one cent coin to the amount of ten cents and the two cent coin to the amount of twenty cents; and these coins may be paid out in exchange for the lawful currency of the United States, except cents or half cents issued under former acts of Congress, in suitable sums, by the treasurer of the Mint and by such other depositaries as the Secretary of the Treasury may designate, under general regulations proposed by the Director of the Mint and approved by the Secretary of the Treasury; and the expenses incident to such exchange, distribution, and transmission may be paid out of the profits of the coinage, and the net profits of the coinage, ascertained in like manner as is prescribed in the second section of the act to which this is a supplement, are to be transferred to the Treasury of the United States. It is further provided that if any person or persons shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device whatsoever, in metal or its compounds, intended to pass or be passed as money for a one cent piece or a two cent piece, such person or persons shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine not exceeding $1,000, and by imprisonment for a term not exceeding five years.

Mr. CLARK. The bill simply provides for the making of a cent with a different alloy from that which we now use—a bronze cent alloyed with tin and zinc, instead of nickel, on account of the difficulty of obtaining the alloy of the cent now used; and also provides for the coinage of a two cent piece of the same kind. I have in my hand a communication from the Secretary of the Treasury, recommending this to be done for the reason that I have suggested, and also a communication from the Director of the Mint. I will not take the trouble to have them read, unless some Senator desires it. The bill was carefully prepared at the Department, and the Committee on Finance recommend its passage.

Mr. TRUMBULL. I should like to inquire whether this provision for the coinage of a new cent, and the introduction of a two cent piece, deteriorates the intrinsic value of the cent. The cent as a general thing does not circulate in the country now, I think. We see some few of them here, but in my travels I very seldom see a cent. I do not know how it may be in other portions of the country.

Mr. CLARK. There is a very large demand for them, and we are coining a great many of them. I think that on account of the rise in the price of nickel the cent cannot now be made for a cent, and it is also found to be an inconvenient alloy. Perhaps I had better send the communication of the Secretary of the Treasury to the Clerk, and have it read.

The Secretary read, as follows:

TREASURY DEPARTMENT, *March* 5, 1864.

SIR: I have the honor to transmit herewith a copy of a communication from the Director of the Mint at Philadelphia, under date of the 2d instant, recommending the disuse of nickel in the cent coinage of the United States, and the substitution of bronze, on account of the scarcity and increased expense of the former and the superiority of the latter for purposes of coinage; also, the coinage of a two cent piece of bronze. I transmit the draft of a bill providing for the above changes, which I concur with the Director of the Mint in believing to be to the advantage of the public interests, as well as for the convenience of the

people, and request that the matter may be presented for the action of Congress as promptly as possible.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. W. P. FESSENDEN, *Chairman Committee on Finance, United States Senate.*

MINT OF THE UNITED STATES,
PHILADELPHIA, *March* 2, 1864.

SIR: In my last annual report I recommended the disuse of nickel in the cent coinage, and the substitution of the alloy lately introduced in France and England called bronze. It is composed of copper, tin, and zinc, and makes a beautiful and ductile alloy. This change in the material of the cent is not only desirable in itself, but has become a necessity from the advance price of nickel, (for a supply of which we are at present entirely dependent upon the foreign market, paying for it in gold or its equivalent,) and the great uncertainty of procuring an adequate supply for the future from any source at a price within the legal limit.

Besides this, nickel is itself objectionable as an alloying metal. It is harsh, brittle, most difficult to melt, requiring the fiercest fires even when in alloy with copper, and is very destructive of dies, machinery, &c., thus increasing the cost of production, which will soon exceed the value of the product if the price of copper, labor, coal, &c., continues to advance, as it is almost certain to do. In that event, the coinage of the cent must cease.

It is not proposed to change the size or devices of the cent, only the weight. The weight of the new coin would be forty-eight grains or one tenth ounce troy. This will secure a coin in every respect superior to the slumpy nickel.

I also propose for your consideration the coinage of a *two cent* piece, same material and double the weight of the cent. The size of this coin would be much less than the old copper cent, be a great public convenience, and its coinage, in my opinion, should be authorized.

If you approve of the proposed change in material and denomination, the inclosed bill, prepared with care, can be submitted to Congress for their action.

Permit me respectfully to suggest that immediate action is necessary, for if nickel is retained it will be impossible to meet the enormous demand for cents, and the increasing cost of production may compel a cessation of that coinage. The demand for cents is now far beyond our ability to supply it.

The substitution of bronze for the nickel alloy was examined by the commissioners of the last annual assay in February, and was by them cordially approved. The commission consisted of Professors Joseph Henry, Washington, District of Columbia; John Torrey, New York; Alexander, Baltimore; Rogers and Rand, Philadelphia; Judge Putnam, Boston; Hon. H. McCulloch, Washington, District of Columbia, and the three *ex officio* members from Philadelphia. The opinions of such gentlemen, though not officially expressed, are deserving of consideration.

Would it not be proper to authorize the introduction upon our gold and silver coins of the larger denominations a motto expressive of a national reliance upon the divine Sovereignty? The times seem to demand it. I hope it may receive the sanction of law.

Yours, most respectfully,

JAMES POLLOCK, *Director.*

Hon. S. P. CHASE, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *March* 18, 1864.

SIR: Referring to the letter addressed to you on the 5th instant, inclosing a copy of a communication from the Director of the Mint in reference to the substitution of bronze for nickel in the coinage of cents, and the coinage of a two cent piece of bronze, together with a bill providing therefor, I have now the honor to submit herewith another communication from the Director of the Mint, calling attention to the very serious inconveniences which exist on account of the limited supply of nickel for coinage, and the impossibility of obtaining more from abroad at prices suitable for Mint purposes, and urging the necessity of immediate legislation to meet the difficulty in question.

I concur with the Director in thinking that the public interests and convenience require the abandonment of nickel and the substitution of bronze for one and two cent pieces, as provided for by the bill already submitted; but he fears that the opposition created by private interests may defeat the proposed measure, and he therefore submits the inclosed section as a substitute for section first of the bill, providing for the continuance of the coinage of the nickel cent, at a reduced weight, and the coinage of a two cent bronze piece, which measure will, in his opinion, reconcile conflicting interests and remedy the existing difficulty, as well as result in a large saving of expense to the Government. In view of the pressing and extensive demand for the accommodation which the proposed coinage will supply, I trust the matter will receive the early attention of Congress.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

Hon. W. P. FESSENDEN, *Chairman Committee on Finance, United States Senate.*

MINT OF THE UNITED STATES,
PHILADELPHIA, *March* 16, 1864.

SIR: The continuance of the cent coinage is now not only a question of *price*, but supply. Our present stock of nickel will be exhausted in a few days, and an adequate supply cannot be obtained from any source. Our foreign correspondents inform us that nickel cannot be furnished at present prices, nor can any considerable amount be had for some months. We are thus shut up to the home supply, from the works of Mr. Wharton; but if we could receive all made at his establishment the amount would be wholly insufficient, would be from five hundred to eight hundred pounds per week, not more than one half the amount required under ordinary circumstances. Something must be done by Congress, and that at once, to meet the constant and overwhelming demand for cents. Our daily orders range from two to five thousand dollars; our daily productions about one thousand dollars. We cannot increase it, for we cannot procure the material. The wants of the public could be fully met by substituting bronze for the nickel alloy. But private interests have induced opposition to this proposition. Can these private interests be reconciled, and at the same time the public interests and convenience be promoted? I think they can, by reducing the weight of the nickel cent from seventy-two to forty-eight grains, and continuing the coinage of the nickel alloy at this reduced rate, making a more convenient and desirable coin, and at the same time authorizing the coinage of a two cent bronze piece. This will meet the wants of the people and Government, and be satisfactory to Mr. Wharton and his friends. Although every consideration of public interest and convenience requires the abandonment of nickel, yet the plan now proposed, if adopted, will greatly aid the Mint in meeting a demand that is unceasing and increasing. I inclose an amendment or new section to the supplement forwarded some weeks ago, embracing the present proposition. If bronze is substituted, or the submitted plan be adopted, a clear revenue of at least two hundred or two hundred and fifty thousand dollars will, under the present demand for cents, annually accrue to the Government. I hope the subject will receive the early and favorable action of Congress.

Yours, very respectfully,

JAMES POLLOCK.

Hon. S. P. CHASE, *Secretary of the Treasury.*

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was read the third time, and passed.

CONVENTION WITH ECUADOR.

Mr. SUMNER. The Committee on Foreign Relations, to whom was referred the bill (H. R. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims, have directed me to report it back with an amendment. As I have already reported a bill on the same matter, which is before the Senate, and was printed some days ago, I ask the Senate now to proceed to the consideration of this bill. It will take only a minute.

By unanimous consent the bill was considered as in Committee of the Whole. For the purpose of carrying into effect the convention with Ecuador for the mutual adjustment of claims, signed at Quito, on the 25th of November, 1862, it provides that the commissioner to be appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed a compensation, in full for his services, of $3,500, and ten dollars a day in commutation of traveling expenses for the time actually and necessarily occupied in going from the place of his residence to Guayaquil and returning to his home after the termination of his duties. But if the President shall elect to appoint the minister resident of the United States in Ecuador to perform the duties of commissioner under the convention, he shall receive as compensation for his services fifty per cent. of that sum, pursuant to the provisions of the ninth section of the act of August 18, 1856, to regulate the diplomatic and consular systems of the United States. The President is to make such provision for the contingent expenses of the commission, including the moiety of the United States for the compensation of the umpire, and of the secretary who may be chosen by the commissioners, pursuant to the provisions of the convention, as he shall deem just and proper.

The amendment of the Committee on Foreign Relations was in section one, line nine, to strike out "$3,500" and insert "$3,000," so that the compensation of the commissioner shall be $3,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 198) making appropriations for the support of the Army for the year ending the 30th June, 1865, was read twice by its title, and referred to the Committee on Finance.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 60) amendatory of the homestead law, and for other purposes;

An act (S. No. 96) to enable the people of Nevada to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States; and

An act (S. No. 97) to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 25) to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon.

The message further announced that the House of Representatives had passed a bill (No. 356) requiring the proof of payment of duties on foreign salt before payment of the allowances provided for by the acts of July 29, 1813, and March 3, 1819; in which the concurrence of the Senate was requested.

The message further announced that the House of Representatives had insisted upon its amendment to the fourth amendment of the Senate to the bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1865, disagreed to by the Senate, and had agreed to the conference asked by the Senate upon the disagreeing votes of the two Houses thereon, and had appointed Mr. REUBEN E. FENTON of New York, Mr. HENRY T. BLOW of Missouri, and Mr. JAMES R. MORRIS of Ohio, managers at the same on its part.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 142) for the relief of the owners of the French ship La Manche.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 356) requiring the proof of payment of duties on foreign salt before payment of the allowances provided for by the acts of July 29, 1813, and March 3, 1819, was read twice by its title, and referred to the Committee on Finance.

ENLISTMENTS IN THE ARMY.

Mr. WILSON. I move that the Senate now proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 41) to promote enlistments in the Army of the United States, and for other purposes; the pending question being on the amendment of Mr. DAVIS to the amendment of Mr. WILSON.

Mr. WILLEY. Mr. President, there are several bills before the Senate, each having a special design to accomplish, and all of which have a general purport. The special design of each bill is apparent on its face; but the general object of all these bills, and I am disposed to believe the main object, is the destruction of slavery. Among these bills is one to repeal what is usually called the fugitive slave law. There is another to make persons of color competent witnesses in the Federal courts; and there is also the bill now under consideration more especially.

I was and am very desirous to bring my mind to the conclusion to vote for the bill under consideration, and to see it put in such a form that I could, consistently with my convictions of justice and duty, do so; and it was with the view of having it put in such a form that I voted yesterday to send that bill to the Judiciary Committee.

I confess that my commiseration was excited the other day by the reading of the letters presented to the Senate by the honorable Senator from Massachusetts, [Mr. WILSON;] but I am disposed to believe that those instances of vindictive cruelty to which the Senator alluded, and to which also the Senator from Missouri [Mr. BROWN] alluded, were more the result of another consideration than they were the result of the pique and passion of the masters of the slaves,

exasperated by their enlistment. I think the sales of those women and children may be more justly attributable to the impending universal emancipation of slavery in Missouri than to any exasperation of the master growing especially out of the enlistment of his slave into the service of the United States.

Again, if those wives and children were sold by their masters because the husbands and fathers had enlisted in the military service of the United States, it is my opinion that a change of masters would work no disadvantage to them. They may well be glad to escape from the custody and ownership of a miscreant who would indulge his evil passions on account of any such consideration.

But the greatest difficulty that I have in bringing my mind to vote for this bill is this: I am satisfied that if it passes in its present form it will lead to almost endless confusion and to very distressing difficulties in the States where these slaves live. The marital relation is not known at all between slaves in any of those States. I do not know how it is in Missouri. It was not and I presume is not yet recognized in Virginia. I believe it is not recognized in Maryland. Of that, however, I am not certain. Marriage is a civil contract, and it has been expressly held by the courts of Virginia that a slave is incompetent to make a contract. There can be therefore in Virginia between slaves no legal marriage; there can be therefore no wife in the eyes of the law; there can be no children of slaves in the eyes of the law.

Let me allude to a decision of the supreme court of appeals in Virginia to show how far our courts have gone to destroy the idea of personality in the slave at all. A benevolent master made his will and died. In that will there was a provision that the executors should hire out the slaves for so many years and that they should sacredly keep and preserve the proceeds of their labor until the end of the term, and then such of the slaves as should elect to be free and to go to Africa might do so, and should thereby be entitled to the proceeds of their previous labor. Our court of appeals decided that the slave could not make any such election; and notwithstanding the explicit provisions of the will, they retained him in slavery and distributed the fund, the proceeds of his labor during the term which I have stated. There is, therefore, no such relation as the wife of a slave in Virginia, and his offspring is truly *nullius filius*.

It seems to me that unless the terms of this bill are more strictly guarded a conflict may arise with the State courts and much distressing confusion will necessarily ensue. It was from these considerations that I desired to see this bill go back to the Committee on Military Affairs or to the Committee on the Judiciary, that there might be a careful consideration of some means by which the identity of the persons referred to in the bill might be legally fixed and established.

Then, sir, I have another difficulty. I see in the Constitution which I have taken an oath to support a very plain provision that we shall not take private property for public use without just compensation; and it seems to me that the plain principles and obligations of constitutional law and the simple dictates of justice should compel the Senate to incorporate in a bill of this character a provision looking to that result. It will not do to tell me that there can be no property in slaves, and that, therefore, there ought to be no compensation for them. The very terms of the bill negative any such idea as that. I agree perfectly with Senators as to whether slaves should have been regarded as property in the first place; but we are to look at things as they are and at facts as they exist. I say then the very terms of the bill itself include the idea of property in slaves. Else where the necessity for the emancipation of the slaves whose husband and father enlists in the service of the United States? The main and fundamental principle of the bill is predicated upon the very idea that there is property in a slave. It is to take him out of the custody of his master and give him to himself. I should like, therefore, (for I want to vote for this bill,) to see this plain requirement of the Constitution recognized in the provisions of the bill, this plain response to the dictates of common justice, and I had nearly said of common honesty, heeded and obeyed under our obligation to the Constitution.

But, sir, I can never bring myself to rest contented while the father and husband is fighting the battles of his country that his children and the woman whom he regards as his wife shall be left in the bonds of slavery; and I trust, ere we are brought to a vote on this matter, there may be some amendment of this bill whereby the difficulties to which I have alluded may be obviated and the requirements of the Constitution complied with.

But it was not my intention to go very largely into these considerations. I alluded to another bill, and I propose to submit a few remarks in relation to that bill. I may as well do it here as when the bill comes up, and especially so since the main object of my desiring to occupy the attention of the Senate was to suggest another measure, which might well supersede all these partial means of abolishing slavery. The bill to which I allude is that introduced by the honorable Senator from Massachusetts, [Mr. SUMNER,] to repeal the law for the return of fugitives from labor to their masters. The constitutional provision on that subject is very plain:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

It seems to me that the idea that slaves escaping from their masters in the slaveholding States to the free States were not intended to be embraced in the terms of this clause of the Constitution that I have read utterly ignores the entire legislative and judicial history of our Government from its foundation to the present hour. Many of the men who framed the Constitution helped to frame the first law for the return of these fugitives. They were fresh from the labors of the formation of the Constitution itself. They gave that construction to this law, and every action of our national Legislature on that subject, from that day up to this, has given the same construction to this section of the Constitution.

Moreover, the Constitution has provided a tribunal which is to settle finally every question of constitutional law arising under it; and in repeated instances the supreme judiciary of the land have given this interpretation to the words in the clause which I have read, and this application of these words. They have repeatedly recognized not only that fact and that construction of those terms, but they have recognized the constitutionality of the law of 1793 as well as of the law of 1850.

After this uniform recognition of the plain meaning of the terms of the Constitution from the origin of our Government up to the present hour, after this uniform current of our legislative history on the subject, after the repeated decisions of the supreme judiciary of the land arriving at the same result, it seems to me a little singular, after three quarters of a century of our history, that there should at this late day spring up any idea that it was not intended that this clause in our Constitution should apply to the reclamation of fugitive slaves. But, sir, I merely make this reference without intending to go into the argument, because it seems to me that a simple statement of the case is the best argument that can be made in the premises, and I shall content myself with the authority of our present excellent Chief Magistrate. In his inaugural address he said:

"It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the lawgiver is the law. All members of Congress swear their support to the whole Constitution—to this provision as much as any other. To the proposition, then, that slaves, whose cases come within the terms of this clause, 'shall be delivered up,' their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law by means of which to keep good that unanimous oath?

"There is some difference of opinion whether this clause should be enforced by national or by State authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by which authority it is done. And should any one, in any case, be content that his oath shall go unkept on a merely unsubstantial controversy as to *how* it shall be kept?"

I think the case is very plainly stated, sir, and therefore I shall conclude my remarks on that branch of the topics which I propose to discuss to-day by simply saying that I cannot vote for any repeal of our fugitive slave law until there is another law proposed accomplishing the same result in a better and more humane manner. If the honorable Senator from Massachusetts had introduced a law to supply the place of this, so that we might keep our constitutional obligation, and if that in its terms had been efficient and more humane, it would give me great pleasure to vote for it; but while this obligation rests upon me as a member of the Senate, while I am one of those who have taken that "unanimous oath," I shall feel as long as there is a slave remaining with the shackles on him, however much I may detest slavery in the abstract, that it is my solemn duty to make a provision to carry into effect the plain requirement of the Constitution.

But, Mr. President, my main object to-day was to discuss the necessity and propriety of a remedy for all these evils of a different character from any of these and perfectly conclusive in its effects; and in doing so to ask the Senate to indulge me for a short time in a course of remarks which has as much reference to my own personal vindication as it has to the question in hand. It is known to the Senate that in consequence of the peculiar condition of West Virginia and my relations to that State I have become involved somewhat in this controversy about slavery; and I wish to-day, on the floor where I committed the offense, if any offense was committed, to make my vindication for the position I then assumed.

Mr. President, whoever is responsible for the questions connected with African slavery which are now agitating the public mind, these questions have, I think, assumed such importance and become so interwoven with the policy and current history of the nation as to involve not only the propriety of discussion but the necessity also of final adjustment. They cannot now be avoided or evaded. Whether they should have been introduced it is useless now to controvert. They have been introduced, the issues are made, and there is no alternative but to meet and decide them.

For myself, however, I can have no hesitation to say where the responsibility properly belongs. It rests with Mr. Jefferson Davis and the other conspirators who coöperate with him. They are the real, practical, and efficient abolitionists of the day. Had they remained faithful to the Constitution slavery to-day would have been where it was when the present Administration came into power, secure under the guarantees of the Constitution and under the obligation of the party in power to maintain in good faith the pledge which they made to the country in the fourth resolution of the Chicago platform:

"That the maintenance inviolate of the rights, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

Not only had these conspirators the protection of the Constitution and the pledge of the party coming into power, but they also had a majority in both Houses of Congress. Yet they revolted under pretense of danger to their domestic institutions. But that is not all. The friends of slavery, both in the North and in the South, have now placed it upon grounds which challenge controversy and preclude indifference to it. Formerly it was generally acknowledged to be a moral, social, and political evil, tolerated only because no feasible mode of getting rid of it had been suggested. But now it is maintained as a moral, social, and political blessing. It arrogates to itself the divine sanction. It is heralded as the chief cornerstone of the insurrectionary confederacy. It is proclaimed as essential to the consummation of any high degree of civilization. If this be so, the policy of the Government should be to encourage rather than to contract its expansion.

Sir, the apology so often repeated in extenuation of the rebellion, that it originated in a just apprehension of unlawful interference by the General Government with the institution of slavery in the States where it existed, is not warranted by the truth. To refute such a pretense it is only necessary to quote the well-considered speech of Mr. A. H. Stephens, the vice president of the confederate States, delivered in Georgia prior to the ordinance of secession which assumed to dissolve the connection of that State with the Federal Union. In that speech he said:

"Pause, I entreat you, and consider for a moment what reasons you can give that will even satisfy yourselves in calmer moments. What reasons can you give to your fel-

low-sufferers in the calamity that it will bring upon us? What reasons can you give to the nations of the earth to justify it? They will be calm and deliberate judges in the case; and to what cause or one overt act can you name or point on which to rest the plea of justification? What right has the North assailed? What interest of the South has been invaded? What justice has been denied, and what claim founded in justice and right has been withheld? Can either of you to-day name one governmental act of wrong deliberately and purposely done by the Government of Washington of which the South has a right to complain? I challenge the answer. While, on the other hand, let me show the facts (and believe me, gentlemen, I am not here the advocate of the North, but I am here the friend, the firm friend and lover of the South and her institutions, and for this reason I speak thus plainly and faithfully, for yours, mine, and every other man's interest, the words of truth and soberness) of which I wish you to judge, and I will only state facts which are clear and undeniable, and which now stand as records authentic in the history of our country. When we of the South demanded the slave trade, or the importation of Africans for the cultivation of our lands, did they not yield the right for twenty years? When we asked a three-fifths representation in Congress for our slaves was it not granted? When we asked and demanded the return of any fugitive from justice, or the recovery of those persons owing labor or allegiance, was it not incorporated in the Constitution, and again ratified and strengthened in the fugitive slave law of 1850? But do you reply that in many instances they have violated this compact, and have not been faithful to their engagements? As individual and local communities they have done so, but not by the sanction of Government, for that has always been true to southern interests.

"Again, gentlemen, look at another fact. When we have asked that more territory should be added that we might spread the institution of slavery, have they not yielded to our demands in giving us Louisiana, Florida, and Texas, out of which four States have been carved, and ample territory for four more to be added in due time, if you, by this unwise and impolitic act, do not destroy this hope, and perhaps by it lose all, and have your last slave wrenched from you by stern military rule, as South America and Mexico were, or by the vindictive decree of a universal emancipation, which may reasonably be expected to follow.

"But again, gentlemen, what have we to gain by this proposed change of our relation to the General Government? We have always had the control of it, and can yet, if we remain in it and are united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of southern Presidents to their twenty-four, thus controlling the executive department. So of the judges of the Supreme Court. We have had eighteen from the South and but eleven from the North. Although nearly four fifths of the judicial business has arisen in the free States, yet a majority of the court has always been from the South. This we have required so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the legislative branch of Government. In choosing the presiding Presidents (*pro tempore*) of the Senate we have had twenty-four to their eleven. Speakers of the House we had twenty-three, and they twelve. While the majority of the Representatives, from their greater population, have always been from the North, yet we have so generally secured the Speaker because he, to a great extent, shapes and controls the legislation of the country. Nor have we had less control in every other department of the General Government. Attorney Generals we have had fourteen, while the North have had but five. Foreign ministers we have had eighty-six, and they but fifty four. While three fourths of the business which demands diplomatic agents abroad is clearly from the free States, from their greater commercial interests, yet we have had the principal embassies, so as to secure the world's markets for our cotton, tobacco, and sugar on the best possible terms. We have had a vast majority of the higher officers of both Army and Navy, while a larger proportion of the soldiers and sailors were drawn from the North. Equally so of clerks, auditors, and comptrollers filling the executive department; the record shows for the last fifty years that of three thousand thus employed we have had more than two thirds of the same, while we have but one third of the white population of the Republic. Again, look at another item, and one, be assured, in which we have a great and vital interest. It is that of revenue, or means of supporting Government. From official documents we learn that a fraction over three fourths of the revenue collected for the support of Government has uniformly been raised from the North.

"Pause now while you can, gentlemen, and contemplate carefully and candidly these important items. Leaving out of view for the present the countless millions of dollars you must expend in war with the North, with tens of thousands of your sons and brothers slain in battle, and offered up as sacrifices upon the altar of your ambition; and for what, we ask again? Is it for the overthrow of the American Government, established by our common ancestry, cemented and built up by their sweat and blood, and founded on the broad principles of right, justice, and humanity? And as such I must declare here as I have often done before, and which has been repeated by the greatest and wisest of statesmen and patriots in this and other lands, it is the best and freest Government, the most equal in its rights, the most just in its decisions, the most lenient in its measures, and the most inspiring in its principles to elevate the race of men, that the sun of heaven ever shone upon. Now, for you to attempt to overthrow such a Government as this, under which we have lived for more than three quarters of a century, in which we have gained our wealth, our standing as a nation, our domestic safety while the elements of peril are around us, with peace and tranquillity, accompanied with unbounded prosperity and rights unassailed, is the height of madness, folly, and wickedness, to which I can neither lend my sanction nor my vote."

If further or more conclusive proof is required, we have it over the signatures of William L. Yancey, P. A. Rost, and A. Dudley Mann, in their joint letter addressed to the London Times:

"It was from no fear that the slave would be liberated that secession took place. The very party in power has proposed to guaranty slavery forever in the States, if the South would but remain in the Union. Mr. Lincoln's message proposes no freedom to the slave, but announces subjection of the owner to the North. Even after the battle of Bull Run both branches of the Congress at Washington passed resolutions that the war is only waged to uphold that (pro-slavery) Constitution and to enforce the laws, (many of them pro-slavery,) and out of one hundred and seventy-two votes in the lower House they received all but *two*, and in the Senate all but *one* vote."

I will read additional authority. Senator Hammond, of South Carolina, in a speech made in that State October 24, 1858, said:

"The rock of Gibraltar does not stand so firm on its basis as our slave system. In this very quarter of a century our slaves have doubled in numbers, and each slave has more than doubled in value. The very negro who as a prime laborer would have brought $400 in 1848, would now, with thirty years upon him, sell for $800."

Mr. A. H. Stephens, in a speech delivered by him in 1859, said:

"I do not believe that slavery has sustained any injury from these agitations. On the contrary it had been greatly strengthened and fortified by the action of the Government."

And we all know the oft-quoted expression of Mr. Rhett, of South Carolina, in the convention of that State:

"The secession of South Carolina is not the event of a day. It is not anything produced by Mr. Lincoln, or by the non-execution of the fugitive slave law. It is a matter which has been gathering head for twenty years."

We must, therefore, look for the motives of the insurrectionists elsewhere than in their fears for the security of slavery; and, sir, I am greatly mistaken if, in the prosecution of this inquiry, we shall not discover a design looking beyond the dissolution of the Union and the establishment of an independent southern confederacy. Their dissatisfaction went further than hostility to the Union; it consisted, in fact, in hostility to the fundamental principles of republican government. It was a revolt against popular institutions—a repudiation of democracy. The ultimate result contemplated was and is the establishment of an oligarchy, if not a monarchy. Their present form of political organization is a temporary expedient devised to cover up the fundamental purpose of the conspirators, and to be used as the deceptive agency by which they will accomplish the destruction of the equal rights and liberties of the southern people. This purpose, at first faintly shadowed forth, is becoming every day more and still more apparent. It is wonderful that it has not attracted more of the public attention. It seems to be better understood and better appreciated abroad than at home. It furnishes the explanation of the sympathy and favor with which foreign monarchists regard the great rebellion. They recognize the true design of it, and see in its success not only the destruction of the unity of the Republic, but that it will be a serious if not fatal blow against republican institutions, here and elsewhere, now and forever.

Perhaps the public indifference in this respect may arise from incredulity as to the reality of such a purpose. It may not, therefore, be amiss to advert to some of the evidences indicating such a design. I need hardly remind Senators of the arbitrary provisions existing in the fundamental law of many of the southern States, such as the qualifications of members of the General Assembly of South Carolina, requiring that they should own slaves and land, and the apportionment of representation upon the basis of property, as in Virginia. Nor is it necessary to do more than allude to the indisputable fact that free labor in the South is everywhere esteemed as degrading. The teachings of Mr. Calhoun against the *jus majoris* found a wide-spread lodgment in the minds of southern statesmen. An aristocratic sentiment, carefully and sedulously inculcated, had become everywhere prevalent, especially in the Gulf States, prior to their ordinance of secession.

I remember well with what vehemence Mr. Preston, of South Carolina, one of the commissioners sent by those States to the Virginia convention in the spring of 1861, and one of the most eloquent men I ever heard, in an address to that body, foreshadowed the aristocratic designs of the revolutionists; and I remember, too, with what sadness and dismay I saw the manifest favor with which the promulgation of his imperial utterances was received. Among them was the following:

"In the free States the simple, isolated, exclusive, sole political principle is a pure democracy of mere numbers, save a scarcely discernible modification by a vague and undefined form of representation. In these States there can be no departure from this principle in its extremest intensity. The admission of the slightest adverse element is forbidden by the whole genius of the people and their institutions. It is as delicate in its sensitiveness as personal right in England, or slavery in Carolina; it is the vitalizing principle, the breath of the life of northern socialism. The almighty power of numbers is the basis of all social agreement in the northern States. A fearful illustration of this is at this moment exhibiting its results in the Government under which you are consenting to live. That Government was 'instituted and appointed' to protect and secure equally the interests of the parts. By the agency of mere numbers one section has been restricted and another expanded in territory; one section has been unduly and oppressively taxed, and one section has been brought to imminent peril, and in this hour the people of the North are consulting whether they can subjugate the people of the South by the right of numbers.

"'The government by the people' is equally the rule of the South, but the modification of 'the rule of numbers' is so essential in the slave States that it cannot coexist with the same principle in its unrestricted form. In the South it is controlled, perhaps made absolutely subject, by the fact that the recognition of a specific property is essential to the vitalization of the social and political organisms. If, then, you attempt to institute the rule of either form into the organism of the other, you instantly destroy the section you invade. To proclaim to the North that numbers shall not be absolute would be as offensive as to proclaim the extinction of slavery in the South. The element of property would neutralize the entire political system at the North; its exclusion would subvert the whole organism of the South."

He continued by saying:

"Southern civilization cannot exist without slavery. None but an equal race can labor at the South. Destroy involuntary labor, and the Anglo-Saxon civilization must be remitted to the latitudes from which it sprung."

This same convention appointed a committee to report to an adjourned session what amendments ought to be made in the constitution of Virginia. The chairman of this committee was Mr. Stuart, formerly Secretary of the Interior. The report made by him recommended very fundamental restrictions upon the right of suffrage, took from the people the right of electing most of the public officers whom they had hitherto chosen, and among other enunciations declared:

"Governments are instituted for the protection of the rights of person and property; and any system must be radically defective which does not give ample security to both. The great interests of every community may be classed under the heads of labor and capital, and it is essential to the well-being of society that the proper equilibrium should be established between these important elements. The undue predominance of either must eventually prove destructive of the social system. Capital belongs to the few, labor to the many. In those systems in which capital has the ascendency, the Government must, to some extent, partake of the character of oligarchy, while in those in which labor is predominant, the tendency is to what Mr. John Randolph graphically described as 'the despotism of king numbers.'

"In the opinion of your committee, no system of government can afford permanent and effectual security to life, liberty, and property which rests on the basis of unlimited suffrage, and the election of officers of every department of the Government by the direct vote of the people."

* * * * * * * * * * *

"This tendency to a conflict between labor and capital has already manifested itself in many forms, comparatively harmless, it is true, but nevertheless clearly indicative of a spirit of licentiousness which must, in the end, ripen into agrarianism. It may be seen in the system of free schools, by which children of the poor are educated at the expense of the rich."

When our fleet was menacing Port Royal, Governor Pickens, of South Carolina, in his message to the Legislature, made this recommendation:

"As far as the northern States are concerned their Government is hopelessly gone; and if we fail, with all our conservative elements to save us, then, indeed, there will be no hope for an independent and free republic on this continent, and the public mind will despondingly turn to the stronger and more fixed forms of the Old World.

"In this point of view I most respectfully urge that you increase the power and dignity of the State through all her administrative offices, and adhere firmly to all the conservative principles of our constitution."

So palpable were these manifestations of hostility to republican government then becoming that Governor Brown of Georgia, not then, I suppose, fully initiated into the secret purposes of the leaders of the rebellion, (if he be yet, judging from his late message,) indignantly denounced them. His language was that some of these men desired to establish

"A strong central Government, probably, prefering, if they did fear to risk an avowal of their sentiments, a limited monarchy, similar to that of Great Britain, or other form of Government that will accomplish the same thing under a different name."

Not long afterwards the Raleigh Standard, one

of the leading journals of North Carolina, thus expressed its apprehensions:

"We have for months had fears that an organization existed in the southern States, or may be in process of formation, to pull down the fabric of the southern confederacy, to establish in its stead a despotism or monarchy." * * * * "We assert what we know to be true, that there are destructive office-holders in North Carolina who ignore the confederate constitution and republican institutions. They are avowedly in favor of a military despotism or king. They are tired of freedom of speech and free press, and they would to-morrow, if they could, vote to change the character of our institutions. That these views are entertained by a large number of the secession destructive office-holders, both in the army and in civil life, we have the best of reasons for believing. These views are held both by the destructives of the old Whig school and by fiery open-mouthed States rights Democrats."

Recent developments have established the fact that the rebellion was not the fortuitous result of a sudden impulse, but was the deliberate consummation of a long meditated and carefully matured plan, and that the fundamental purpose from the beginning was to repudiate the principles of democratic government. During the session of the Legislature of South Carolina in 1850–51 Mr. Perry, a member of that body, rebuked Mr. Memminger, the present secretary of the treasury of the rebel government, in the following significant terms:

"I was very much surprised, Mr. Chairman, at the honorable member's speech from Charleston (Colonel Memminger) who said he had rather South Carolina was attached to the Government of Great Britain, as she was previous to the revolutionary war, than to remain a member of this Union. Such an expression neither becomes an American nor a Carolinian, and must have been uttered in the heat of argument and declamation, without due consideration."

It seems the sober second thought has not cured that distinguished financier of his propensity for oligarchical forms of government.

The leading political organ of the South, the Democratic Review, in the January number, 1850, forgot its usual prudent reserve, and promulged its views in explicit language. It said:

"The formation of the cotton States with Cuba into a great cotton, tobacco, sugar, and coffee-producing Union, calling forth the boundless fertility of Cuba, and renovating the West India islands with the labor of the blacks of the southern States, in those hands in which their labor and numbers have thriven so well, and this empire annexed to Britain by treaties of perfect reciprocity, giving the latter the command of the eastern commerce by way of Nicaragua, and all the benefits of possession without the responsibility of slave ownership, would be a magnificent exchange for the useless province of Canada."

In August, 1862, De Bow's Review, true to the policy and principles of its prototype of 1850, reiterates the same political dogmas in terms equally plain. This is its language:

"A nation trammeled with a written constitution is like a man with his hands manacled. Its capacity for action is cramped and diminished.

"The confederate constitution is a mere tub thrown over to the whale. No intelligent man who voted for it deemed it would be permanent, but only considered it a temporary expedient, a giving way for the time to popular prejudices, a bridge or pass-way between mobocracy and anarchy and conservative republicanism.

"No people can be well ruled by a Government of limited powers—by a constitutional Government."

A writer in the same journal, of large influence and reputation, in an elaborate article, published in 1860, had avowed similar sentiments in the following language:

"England has once tried to dispense with nobility, and France twice, but each experiment was a failure. In America we have the aristocracy of wealth and talents, and that aristocracy is somewhat hereditary. The landed aristocracy of the South, who own slaves, approach somewhat to the English nobility. Time must determine whether the *quasi*-aristocracy of the South has sufficient power, permanence, and privilege to give stability, durability, and good order to society. It is sufficiently patriotic and conservative in its feelings, but we fear wants the powers, privileges, and prerogatives that the experience of all other countries has shown to be necessary." * * * * "The most perfect system of government is to be found in armies, because in them there is least of liberty and most of order, subordination, and obedience."

These are not the vagrant ebullitions of obscure and frenzied individuals. The principles thus avowed have the sanction, directly or indirectly, of the wisest and greatest men of the South. Among others I may refer to Judge Pratt. He expatiates upon the subject with all the calmness and precision of a philosopher. Hear him:

"The contest is not between the North and the South as geographical sections, for between two such sections merely there can be no contest; nor between the people of the North and the people of the South, for our relations have been pleasant, and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North and the other at the South. Society is essentially different from Government, as different as is the nut from the burr, or the nervous body of the shell-fish from the bony structure which surrounds it; and within this Government two societies had become developed as variant in structure and distinct in form as any two beings in animated nature. The one is a society composed of one race, the other of two races. The one is bound together but by the two great social relations of husband and wife and parent and child; the other by the three relations of husband and wife and parent and child and master and slave. The one embodies in its political structure the principle that equality is the right of man, the other that it is the right of equals only. The one embodying the principle that equality is the right of man, expands upon the horizontal plane of pure democracy; the other embodying the principle that it is not the right of man but of equals only, has taken to itself the rounded form of a social aristocracy. In the one there is hireling labor, in the other slave labor; in the one, therefore, in theory, at least, labor is voluntary; in the other involuntary. In the labor of the one there is the elective franchise, in the other there is not; and as labor is always in excess of direction in the one, the power of Government is only with the lower classes; in the other the upper. In the one, therefore, the reins of Government come from the heels, in the other from the head of the society; in the one it is guided by the worst, in the other by the best intelligence; in the one it is from those who have the least, in the other from those who have the greatest stake in the continuance of existing order."

Nor are these sentiments of dissatisfaction with our system of republican equality and popular institutions confined to Quarterly Reviews. They fill the columns of the metropolitan daily papers, and are thence transferred to the country press. Even so late as May 28, 1863, the Richmond Examiner, emboldened by the partial successes of the confederate arms, with jubilant eagerness proclaims:

"The establishment of the confederacy is verily a distinct reaction against the whole course of the mistaken civilization of the age; and this is the true reason why we have been left without the sympathy of the nations until we conquered that sympathy with the sharp edge of our sword.

"For 'liberty, equality, fraternity,' we have deliberately substituted 'slavery, subordination, and government.' Those social and political problems which rack and torture modern society we have undertaken to solve for ourselves in our own way and upon our own principles. That 'among equals equality is right;' among those who are naturally unequal, equality is chaos; that there are slave races born to serve, master races born to govern. Such are the fundamental principles which we inherit from the ancient world, which we lifted up in the face of a perverse generation that has forgotten the wisdom of its fathers. By those principles we live, and in their defense we have shown ourselves ready to die. Reverently we feel that our confederacy is a God-sent missionary to the nations, with great truths to preach. We must speak them boldly; and whoso hath ears to hear, let him hear."

In perfect harmony with all these expositions of the principles and purposes of the leaders of the rebellion, the literary journals of the South lend their pages and presses to the common onslaught against popular liberty. The Southern Literary Messenger, the leading literary periodical of Virginia, after adverting to the dangers of the extreme democratic and popular tendencies of the times, uses this language:

"It is against this tendency that we would warn our young republic. Let us learn from history that popular principles are but poor guarantees of liberty.

"We would not be understood as uniting in the belief of the impossibility of a successful republic, that we cry out for the reëstablishment of royalty in this free country, whose noble sons daily attest their detestation of tyranny in all its forms by those terrible libations which it is the habit of liberty to exact from her votaries. We have no special objections to royalty when restrained by constitutional barriers. The glorious career of freedom in England, illustrating for centuries the beauty and truth of free government, demonstrates that royalty and liberty are incompatible. Certainly the condition of a subject of the Czar of Russia, the most absolute of monarchs, is preferable to that of that democratic Government which we are nevertheless assured is the 'freest and best Government the world ever saw.'"

That is a very distinct allusion to the speech of the vice president of the southern confederacy.

Again, tracing the genealogy of the races of this country, the Puritan and the Cavalier, the writer closes his argument in this language:

"Who will insist that the Saxonized mawworms, creeping from the Mayflower on to the cold, forbidding crags of the North, have any right to kinship with the whole-souled Norman British planters of a gallant race, on a welcoming sunny soil?"

Sir, the conspirators who devised the constitution of the confederate States are entitled to more credit for sagacity than we are accustomed to vouchsafe to them. They are not obnoxious to the reproaches which are so often cast upon them for the want of foresight in the construction of their system of confederate government. Their wisdom is to be measured by their motives; and when we apprehend the truth that the ultimate object of the rebel leaders was the establishment of an oligarchy, or a monarchy, we shall be able to understand the policy of their fundamental law, which contains within itself the irrepressible elements of its own destruction. Their object was to superinduce its overthrow, and to coerce their people to adopt some form of despotic government as a refuge from the greater evils of the disorder and anarchy which they have foreordained shall inevitably overtake them. In the language just quoted from their review, their constitution was "a tub thrown over to the whale." They intended to compel the repudiation of "a Government of limited powers."

Do we not therefore, Mr. President, find in this juster appreciation of the purposes of the rebellion, and in this juster apprehension of the consequences of its success, enhanced motives for resistance to it? For, if thus far in the history of the nation the policy of opposing the intervention of foreign Powers in the affairs of this hemisphere has been wise, if the existing efforts of France to establish an imperial dynasty in a distant and different part of the continent be just cause of apprehension and animadversion, what shall be said of the danger to our free institutions in the loyal States if a part of our own people, on a part of our own soil, shall succeed in erecting a system of anti-republican government so near that the shadow of its throne will darken the portals of our Capitol?

Mr. President, my relation to some of the questions involving the merits of slavery as an institution, especially in my own State, has subjected me to the severe animadversion of both friends and foes. But the people whom I have the honor to represent have, I thank God, vindicated me with a unanimity hardly ever paralleled. They have made West Virginia a free State by a vote of 28,743 to 572. Sir, I am ready to acknowledge a change, not of opinion as to the character and merits of slavery in the abstract, (for in that respect I entertain the same opinions now that I have always done,) but of my sympathies for slavery. There was a time when it had my sympathies. Once I was ready to resent the obloquy cast upon it and to resist the threatened encroachments on the slaveholder's rights. But now, sir, when from the lips of the second officer of this insurrectionary government I am assured that no southern man "can name one governmental act of wrong done by the Government of Washington of which the South has a right to complain;" and when, notwithstanding this, I look abroad upon the desolated fields, the sacked cities and villages, the scenes of blood and carnage, and the widowhood and orphanage with which the land is filled, all, all of which have been brought upon the country in order that a new government shall be erected upon the ruins of the Republic, having for its chief corner-stone the institution of slavery and discarding the principles of republican institutions, my sympathies for slavery are supplanted by the higher obligations of duty to resist by all lawful means a proposition so monstrous and humiliating. Whatever the slaveholder is entitled to by the laws and the Constitution, that I will give him—nothing more. I will invade none of his legal rights. These must be sacredly regarded. I will infringe none of his constitutional guarantees. I will give "the devil his due." But if the force of naked law cannot preserve slavery, then, so far as I am concerned, it must fall. I will give it no aid in word or will, in deed or thought, beyond what the strict obligations of law will compel me to give to it. As for me, henceforth and forever it must stand, if it can stand, by the vigor of its own inherent strength and the support of the legal guarantees that surround it. If this be abolitionism, then I am an abolitionist.

And, sir, when its apologists and defenders, not satisfied with the legal securities upon which alone it has a right to rely, abandon the only tenable grounds which can be consistently urged for its existence in this nineteenth century of the Christian era, and challenge for it the approbation of mankind as an institution essential to the liberty of the white race and to any high degree of civilization and social and intellectual refinement, I do not feel inclined to allow the challenge to pass without question or rebuke. Mark you, Mr. President, with what superciliousness and with what terms of contempt this challenge is sometimes made! I read, sir, from a leading organ of southern sentiment, the Richmond Whig, of

June 14, 1861; and the extract is quite exemplary of the general tone of southern journalism:

"This vast region, inhabited by a people who are bred from childhood to horsemanship and the use of arms, and who know what liberty is, and love and adore it, is portioned out for subjugation by the disgusting Yankee race, who don't know how to load a gun, and look contemptible on horseback. That they may be drilled into respectable military machines by the Virginian"—

This was in the days of General Scott—

"who commands them is likely enough; but without disjointing the eternal fitness of things and dislocating the order of nature, that they should become capable of empire is simply absurd. Grant that mere force should enable them to overrun the land like a cloud of eastern locusts, their reign would pass with themselves. They possess not one quality that fits them for command. Since their beginning as a nation, and out of all their seething population, they have never yet produced a general or a statesman. That is an effort beyond their ability. But for organizing hotels, working machinery, and other base mechanical contrivances, they are without equals in the world. And the very law of nature which invests them with excellence in those inferior departments of humanity condemns them to inferiority in those of a nobler and more exalted station."

Sir, when the assumed superiority of the slaveholding States, which these extracts imply, is attributed to the existence of slavery, it certainly will be neither impertinent nor unprofitable to inquire into the truth of the allegation.

Sir, I would not detract a jot or tittle from the true excellences of southern character or from the just fame of the immortal names which adorn the history of the southern States. I am, as an American citizen, proud of them all. They are a part of the rich heritage of our common country. But, sir, when slavery is assigned as the source of this greatness, and is thus made to invoke our homage and approbation as a political and social blessing, I must enter my emphatic demurrer. Sir, in what element or department of moral, political, or intellectual excellence have the slave States exhibited any superiority over the free States? Where is the illustration of the inimitable excellence of the influence of slavery upon individuals or upon society? It appears to me that there is something of temerity, not to say of judicial blindness, in these defiant boasts of the advocates of slavery. But as the appeal is made to facts, let facts settle the controversy.

Now, sir, the best system of political economy is one of the highest problems addressed to the mind of the statesman. Taking actual results as the surest test of wisdom here, what do they teach us? I shall not weary the Senate with details. I only ask you to contrast the slave States with the free States; slave labor with free labor. When you do so every constituent of national prosperity and power; every element of progress and development; increase of population; increase of wealth, education, agriculture, commerce, manufactures, the sciences, the arts, ay, the fine arts too, all, all attest beyond the reach of the caviler, the superiority of free labor over slave labor. The census is a standing refutation of the economical claims of slavery. Nor will it avail anything to attribute these advantages to soil, or climate, or geographical position, for in all these respects no section of the earth is to be compared with the southern States. But then we shall be told that these are mere physical achievements resulting from the peculiar adaptability of the "Yankee race" to mechanical and menial pursuits. It is in the higher fields of intellectual culture and refinement where the peculiar and beneficent influences of slavery are to be sought for and realized. Well, sir, let us survey some of these exalted fields. Is jurisprudence one of them? And was not Marshall a southern man? He was. But did slavery make him a jurist? Let his own estimation of the institution answer the question. In 1835, in an interview with Miss Harriet Martineau, he said:

"He had seen Virginia the leading State for half his life; he had seen her become the second and sink to the fifth. Worse than this, there was no arresting her decline if her citizens did not put an end to slavery."

Besides, if Virginia had a Marshall, New York had a Kent, and Massachusetts a Story.

Then, sir, there is the field of history, which I suppose might not be beneath the ambition of the higher civilization of slavery. And yet what slave State has produced a Bancroft? What age or nation has furnished another Prescott? In the department of general literature, what country would not be proud to claim the nativity of Irving? And in poetry, where is the southern parallel of Longfellow?

Two or three nations have claimed the honor which undoubtedly belongs to Fulton. Shall his genius, which has revolutionized the economy of all civilized nations, and now controls their destinies in an eminent degree, be sneered at as merely mechanical, and therefore base and degrading? Upon the same principle the social position of Morse must be assigned to a servile rank. But one thing is certain, their nativity belongs to the North. Sir, if "cotton is king," he was a sovereign without dignity or dominion until the genius of Whitney placed a scepter in its hand in the form of the cotton-gin.

Still advancing in the contrast, what shall be said respecting the eloquence of the two sections? Will slavery point to Henry as without a parallel? Sir, I shall not pause to perform the ungrateful and invidious task of seeking for his compeer. But in our reverence for his memory let us not forget the lessons he taught when he said, in a letter to R. Pleasants:

"The time will come when an opportunity will be offered to abolish this lamentable evil. I shall honor the Quakers for their noble efforts to abolish slavery."

Are instances of excellence in this department to be multiplied upon us? Does the name of Clay challenge comparison? Sir, he never had a more ardent admirer than myself, both for his eloquence and his manhood. But although he was born in the South and lived and died in the South, yet he "knew no North, no South." And the thrilling echoes of his voice have hardly yet died away among the Halls of this Capitol, where he exclaimed:

"So long as God allows the vital current to flow through my veins, I will never, never, never, by word or thought, by mind or will, aid in admitting one rood of free territory to the everlasting curse of human bondage."

Sir, I cannot forbear to read an extract from a speech of Mr. Benton referring to this grand passage in Mr. Clay's life. It was delivered by him in St. Louis in 1856. He said:

"It was a great and proud day for Mr. Clay, toward the latter days of his life, and if an artist could have been there to catch his expression as he uttered that sentiment, with its reflex on his face, and his countenance beaming with firmness of purpose, it would have been a glorious moment in which to transmit him to posterity—his countenance all alive and luminous with the ideas that beat in his bosom; that was a proud day. I could have wished that I had spoken the same words. I speak them now, telling you they were his, and adopting them as my own."

But it seems that statesmen are the special results of the influences of slavery. And who are the eminent men to be adduced as the apposite illustrations of this assumption? The memory instinctively recalls the names of Madison and Jefferson. I ask, does the name of Hamilton suffer by a comparison with them? I may enlarge the scope of inquiry and challenge the world to produce another Franklin.

"Eripuit cœlo fulmen, sceptrumque tyrannis."

But, sir, what was the opinion of Jefferson and Madison, those illustrious, if not incomparable statesmen, respecting the institution of slavery? The former, in a letter written in 1814 to Edward Coles, Esq., said:

"The hour of emancipation is advancing in the march of time. It shall have all my prayers, and these are the only weapons of an old man. It is an encouraging observation that no good measure was ever proposed which, if duly pursued, failed in the end."

I have heard that sentiment of Mr. Jefferson stigmatized as the result of his dotage; but I will quote now from his Notes on Virginia, written when he was quite a young man, in which he said:

"Indeed I tremble for my country when I reflect that God is just, and that His justice cannot sleep forever. Doubtless a God of justice will awake to their [the slaves] distress, and by diffusing a light and liberality among their oppressors, or at length, by His exterminating thunder, manifest His attention to the things of this world, and that they are not left to the guidance of blind fatality."

Mr. Madison declared in the Federal Convention that he "thought it wrong to admit in the Constitution the idea that there could be property in man." (3 Madison Papers, 1429.)

In the debate in Congress on the memorial of the Pennsylvania Abolition Society, in 1790, drawn up by Benjamin Franklin, in favor of "*the restoration to liberty* of those unhappy men who, *in this land of freedom*, are degraded into perpetual bondage," Mr. Madison said:

"The dictates of humanity, the principles of the people, the national safety and happiness, and prudent policy, require it of us. The *Constitution* has particularly called our attention to it."

And, sir, that other name which is incomparable—a name belonging not to the North or the South, nor to one clime or age, but to all climes and to all ages to come, and to all races of mankind—Washington, shall we forget that he wrote to R. Pleasants as follows:

"There is not a man living that wishes more sincerely than I do to see a plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is by legislative authority, and this, so far as my suffrage will go, shall not be wanting."

Again, to Sir John St. Clair, he wrote:

"I never mean, unless some particular circumstance should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."

Sir, it is a remarkable fact that nearly all of the illustrious men of the slaveholding States who are so constantly and boastfully held up to our admiration as examples of the elevating influences of southern institutions have left the most unequivocal testimony of their disapprobation of slavery. Is it not so, sir? Even at the risk of trespassing on the patience of the Senate, I propose to prove it to be so. And the Senate, I trust, will the more readily indulge me since I have been and still am wantonly assailed as having forsaken the old paths of my fathers and begun to follow strange gods, even the false gods of northern fanaticism. Sir, I deny the imputation. I am standing to-day where my fathers stood, a humble disciple of the political doctrines which they taught. If other evidence than that which I have already given be required to prove this assertion, I am ready to produce it. Sir, I have long suffered in silence the taunting cry that I am guilty of political infidelity, that I am untrue to my section, that I have been false to the interests of those I have represented, and am wandering after an *ignis fatuus* engendered in the hot-bed of modern abolitionism. Sir, what are the facts?

Before the Declaration of Independence, while Virginia was yet a colony, the House of Burgesses declared:

"The abolition of domestic slavery is the great object of desire in these colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated efforts to effect this, by prohibiting and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative, thus preferring the advantages of a few British corsairs to the lasting interests of the American States, and to the rights of human nature deeply wounded by this infamous practice."

George Mason, the author of the bill of rights of Virginia, and one of her most eminent early statesmen, has left this record of his opinion of slavery:

"Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities."

President Monroe, in the constitutional convention of Virginia in 1829–30, used this language:

"We have found that this evil has preyed upon the very vitals of the Union. It has been prejudicial to all the States in which it has existed."

Benjamin Watkins Leigh, a member of the same body, and a very distinguished man too, in discussing the matter used this language:

"I wish, indeed, that I had been born in a land where domestic and negro slavery is unknown. I wish that Providence had spared my country this moral and political evil. It is supposed that our slave labor enables us to live in luxury and ease, without industry, without care. Sir, the evil of slavery is greater to the master than to the slave."

In the convention of Virginia which adopted the Constitution of the United States, Patrick Henry took the ground that if the General Government was clothed with power "to provide for the general defense," it would have authority "to pronounce all slaves free." In reply, Governor Randolph said:

"I hope there is none here who, considering the subject in the calm light of philosophy, will advance an objection so dishonorable to Virginia; that at the moment they are securing the rights of their citizens, an objection will not be started that these unfortunate men now held in bondage by the operation of the General Government may be made free."

Nor were such opinions peculiar to Virginia. They were entertained by the leading men of the entire South. William Pinkney, in the Maryland

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. THURSDAY, MARCH 24, 1864. NEW SERIES.....No. 78.

House of Delegates, in 1789, made this declaration:

"Never will our country be productive, never will its agriculture, its commerce, or its manufactures flourish, so long as they depend on reluctant bondmen for their progress. 'Even the earth,' says Montesquieu, 'which teems with profusion under the cultivating hand of the free laborer, shrinks into barrenness from the contaminating sweat of the slave.' This sentiment is not more figuratively beautiful than substantially just."

Luther Martin, in a speech before the Legislature of Maryland on his return from the Federal Convention, thus expressed himself:

"Slavery is inconsistent with the genius of republicanism, and has a tendency to destroy those principles on which it is supported, as it lessens the sense of the equal rights of mankind and habituates us to tyranny and oppression."

Judge Gaston, of North Carolina, in a speech before the literary societies of that State, said:

"Disguise the truth as we may, and throw the blame where we will, it is slavery which, more than any other cause, keeps us back in the career of improvement. It stifles industry, and oppresses enterprise; it is fatal to economy and providence; it discourages skill, impairs our strength as a community, and poisons morals at the fountain head."

Even South Carolina has furnished illustrious witnesses to the pernicious effects of slavery. Governor Hammond used this language in regard to the effects of slavery upon the white population:

"They obtain a precarious subsistence by occasional jobs, by hunting, by fishing, by plundering fields or folds, and too often by, what is in its effects far worse, trading with slaves, and inducing them to plunder for their benefit."

Mr. William Geary, of the same State, another distinguished gentleman, said:

"A man who is an observer of things could hardly pass through our country without being struck with the fact that all the capital, enterprise, and intelligence are employed in directing slave labor; and the consequence is that a large portion of our poor white people are wholly neglected, and are suffered to while away an existence *in a state but one step in advance of the Indian of the forest.* It is an evil of vast magnitude, and nothing but a change in public sentiment will effect its cure."

Mr. Farren, another southern man, said:

"In the more southern portion of this region, the non-slaveholders possess, generally, but very small means, and the land which they possess is almost universally poor, and so sterile that a scanty subsistence is all that can be derived from its cultivation; and the more fertile soil being in the possession of the slaveholder, must forever remain out of the possession of those who have none."

Mr. Jefferson when he died desired that there should be two inscriptions on his tombstone; one of them was, that he was the author of the bill for religious liberty in Virginia, and the other, of the bill abolishing the rights of primogeniture. Sir, the proper effects of the latter bill can never be felt and enjoyed in the slave States until slavery is abolished. Until then the poor white man will always be kept in subjection; the land and capital will be in the hands of the slaveholders.

Henry Laurens, of South Carolina, wrote to his son, in 1776, "You know, my dear son, I abhor slavery."

Sir, when a northern man of distinction, influenced by his amiable feelings of compromise, made somewhat of an apology on the floor of Congress for the existence of slavery in the South, Mr. John Randolph rose in his place, and said:

"I envy neither the head nor the heart of that man from the North who rises here to defend slavery upon principle."

The delegates to the General Congress assembled in 1774, two years before the Declaration of Independence, ordained and subscribed certain articles of association. The second article was as follows:

"2. That we will neither import nor purchase any slave after the 1st day of December next, after which we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it."

These articles were signed by the southern delegates as follows:

"Maryland: Matthew Tilghman, Thomas Johnson, jr., William Paca, and Samuel Chase.

"Virginia: Richard Henry Lee, George Washington, Patrick Henry, jr., Richard Bland, Benjamin Harrison, and Edmund Pendleton.

"North Carolina: William Hooper, Joseph Hawes, and Richard Caswell.

"South Carolina: Henry Middleton, Thomas Lynch, Christopher Gadsden, John Rutledge, and Edward Rutledge."

Sir, I will not trespass further on the time and patience of the Senate by the citation of other evidences of the anti-slavery sentiments of the fathers of the Republic. You will observe that I have confined myself to southern authorities. I have not referred to the opinion of a man north of Mason and Dixon's line. These are the expressed opinions of the founders of our Government. At their feet and around the altars consecrated by their virtue and wisdom, I learned the lessons of the political faith for which I have been arraigned; and for the profession of and adherence to these principles of Washington and Madison, Marshall and Mason, am I assailed as a political reprobate. Sir, I might well retort upon my accusers. They are the real apostates. It is they who are the innovators and renegades from the early principles and policy of the South, as enunciated and maintained by the leading men of the South. But, sir, it is said we have received new light on the subject. It has been recently ascertained that slavery is a divine institution. Holy men, it is said, in holy orders, pronounce their blessing upon the Heaven-ordained institution. But, sir, it will be hard, I think, to find anywhere in the Bible a warranty for African slavery as it exists in the United States; and I can but believe with Mr. Madison, who said in 1835 that "the clergy perverted the Bible, because it is altogether against slavery."

I will say nothing of those occasional barbarities which are inseparably incident to the relation of master and slave. Instances of cruelty occur, beyond question, which are shocking to humanity. But like instances of cruelty and barbarism are constantly occurring among the free population of the North, in every department of society. Such exceptional cases afford no fair criterion of the general character of the society where they happen. Sir, I take pleasure in bearing testimony to the humanity and kindness with which a very large proportion of southern masters treat their slaves. And I doubt now, as I have always doubted, whether the effect of immediate universal emancipation will not be to greatly diminish the comfort and happiness of the slave for the present if not for many generations. I had hoped heretofore to see some plan of gradual emancipation adopted by the States, preceded and accompanied by some process of moral and intellectual culture which should prepare and qualify the poor, miserable, and ignorant slave for the duties and responsibilities of his new position. I fear, however, that the logic of events and the exigencies of the country do seem to indicate that such delay is now impolitic if not impossible. The condition of our own race is too critical to be embarrassed by much attention to the welfare of any other. But, sir, that is not the question I was discussing. I was inquiring if slavery had, as its friends say it has, the divine sanction. And, sir, while I shall not stop to controvert the assumption that negroes are of an inferior race, yet I do say they are human beings, that they are bone of our bone and flesh of our flesh. That fact has the divine sanction beyond all caviling. The Bible teaches the unity of the human race. And further, slaves, negroes, have souls to save. They are the purchase of the Redeemer's blood—of Him who, by the grace of God, tasted death for every man. That is another fact verified by the Bible and having the divine sanction. We and the slave are children of the same heavenly Father, equally dependent on Him, and equally helpless in His sight; endowed with the same natural affections and sympathies. It is the legal consequences of slavery which clothe it with its blackest horrors.

Sir, when I know that by the actual, written laws of many of the States where slavery exists —not alone by the casual and arbitrary exercise of individual cruelty, but by positive statutory law—this race of men, these children of the same federal head and same heavenly Father with ourselves, these subjects and objects of redeeming grace, are debarred from the benefit of the marital relation in some States under heavy penalties; and by like stringent provisions of law are forbidden to learn to read the word of God; when, sir, I have a hundred times seen the regularly authorized officers of the law, in the lawful discharge of their duties, seize and drag away from the arms of the father of her children the miserable mother by process for debt, and seize and carry away from her bosom the helpless infant, and sell one here and another there—one to be carried to the cotton-fields of Georgia, the other to the sugar-mills of Louisiana; when I have seen all this done under authority of law—have seen females on the sale-block, at public vendue, subjected to the close inspection and manipulation of every limb and part by shameless and unfeeling speculators in human souls and bodies, and have heard men say, have heard ministers of the gospel say, have heard grave and honorable Senators say that this African slavery was a divine institution, I have been astounded that there ever was credulity to believe or presumption to avow a blasphemy so abhorrent to every essential attribute of the Supreme Being. Sir, if I could believe that such a recognized and legalized system of inhumanity as this had the divine sanction, I would accept the advice given to the patriarch of old in the hour of his extremity, and "curse God and die." No, sir; the founders of our great Republic never approved an institution so demoralizing in its nature, so cruel in its incidents, so adverse to all the interests of a wise political economy, so anti-republican in its spirit and tendencies, and so repugnant to the principles of Christianity. They condemned it, and deplored its existence, with hardly an exception. Looking forward to the day when the country should be relieved from it, Mr. Madison said:

"I object to the word slave appearing in a Constitution which I trust is to be the charter of freedom to unborn millions; nor would I willingly perpetuate the memory of the fact that slavery ever existed in the country. It is a great evil, and under the providence of God I look forward to some scheme of emancipation which shall free us from it. Do not, therefore, let us appear as if we regarded it perpetual by using in our free Constitution an odious word opposed to every sentiment of liberty."

So Washington, in his letter to La Fayette respecting the ordinance forbidding involuntary servitude in the Northwestern Territory: "The prevailing opinion in Virginia is against the spread of slavery in the new Territory; and I trust we shall have a confederacy of free States." So, too, we have the fact of the hostility to slavery of the great men who established our national Government emphatically attested by Mr. A. H. Stephens in his rather notorious speech at Savannah since the commencement of the rebellion:

"The prevailing ideas entertained by Jefferson and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was a violation of the law; that it was wrong in principle, socially, morally, and politically. Our new government is founded upon exactly opposite ideas; its foundations are law, its corner-stone rests upon the great truth that the negro is not the equal of the white man; that slavery is his natural condition."

Thus, sir, I think I may safely say that recreancy to the South and to the principles and policy of the South, as enunciated and defined by her early leading statesmen, who were the founders of her State governments and of the Federal Government, belongs not to me—not to me, Mr. President—but to those modern converts to slavery whose zeal for their new-born faith seems to have power to manifest itself only in the opprobrious, unvarying, Guinea-fowl cry of "abolitionist," "abolitionist," against all who reverence the traditions of the past or adhere to the principles of the fathers of the Republic.

But, sir, I am sustained in my views of slavery by later enunciations of the opinions of many of the leading men of the South, and especially of the more prominent men of Virginia, my native State. And, sir, I now propose to vindicate my present position by reference to some of those more recent expressions of opinion.

The first to which I shall allude is the Richmond Enquirer of January 7, 1832. Everybody knows what the Richmond Enquirer was, and everybody used to know Thomas Ritchie, and between the man and his paper there was very little public sentiment in Virginia that he did not dictate or control. In his paper of that date I find the following editorial article, as any Senator can find by reference to the bound volume in the Library:

"It is probable from what we hear that the committee on the colored population will report some plan for getting rid of the free people of color. But is that all that can be done? Are we forever to suffer the greatest evil which can scourge our land not only to remain but to increase in its dimensions? 'We may shut our eyes and avert our faces if we please,' writes an eloquent South Carolinian, on his return from the North a few weeks ago, 'but there it is, the dark and growing evil at our doors; and meet the question we must, at no distant day. God only knows what it is the part of white men to do on that momentous and appalling subject. Of this I am very sure, that the differences—nothing short of frightful—between all that exists on one side of the Potomac and all on the other is owing to that cause alone. The disease is deep-rooted; it is at the heart's core; it is consuming, and has all along been consuming, our vitals, and I could laugh—if I could laugh on such a subject—at the ignorance and folly of the politician who ascribes to the act of the Government that which is the inevitable effect of the eternal laws of nature. What is to be done? Oh, my God, I don't know. but something must be done.' Yes, something must be done, and it is the part of no honest man to deny it, of no free press to conceal it. When this dark population is growing upon us, when every new census is but gathering its appalling numbers upon us; when within a period equal to that in which the Federal Constitution has been in existence those numbers will increase to more than two million in Virginia; when our sister States are closing the doors on our blacks for sale, and when our whites are moving westwardly in greater numbers than we like to hear of; when this, the fairest land on all this continent for soil and climate and situation combined, might become a sort of garden spot if it were worked by the hands of white men alone, can we, ought we, to sit quietly down and fold our arms?"

This editorial of the Richmond Enquirer was prompted by a rising of the slaves, known as the "Nat Turner insurrection" or "Southampton massacre." This event produced a profound sensation throughout the State of Virginia. At the session of the Legislature next after its occurrence numerous memorials from all parts of the State were presented, asking the Legislature to adopt some means to relieve the State from the evils of slavery. A select committee was raised, to whom all these memorials were referred. The result will appear from the following abstract which I have made from the journal of the House of Delegates.

Virginia Legislature of January 25, 1832:

"*Resolved*, (as the opinion of this committee,) That it is inexpedient for the present to make any legislative enactments for the abolition of slavery.

"Mr. Preston offered as a substitute the following:

"*Resolved*, (as the opinion of this committee,) That it is expedient to adopt some legislative enactments for the abolition of slavery.

"Mr. Witcher moved that the whole matter be indefinitely postponed—ayes 60, noes 71.

"Among the noes were the names of Wood of Albemarle, Randolph of Albemarle, Garland, Rives, Bryce of Goochland, Marshall, Leigh, Preston, Faulkner, Rutherford, Moncure, &c., &c.

"The question then recurring on the adoption of Mr. Preston's amendment, the vote stood—ayes 58, noes 73. Among the ayes are the names of Randolph, Garland, Faulkner, Good, Moore, McDowell, Preston, &c.

"Mr. Bryce, of Goochland, then moved to amend the report of the committee as follows:

"Profoundly sensible of the great evils arising from the condition of the colored population of this Commonwealth, induced by humanity as well as policy to an immediate effort for the removal, in the first place, as well of those who are now free as of such who may hereafter become free, believing that this effort, while it is in just accordance with the sentiment of the community on the subject, will absorb all our present means, and that a further action for the removal of the slaves should await a more definite development of public opinion, *Resolved*, &c.

"Ayes 67, noes 60. Among the ayes were Randolph, Faulkner, Bryce, Preston, Leigh, McDowell, &c.

"The question then recurring on the report as amended, it was adopted—ayes 65, noes 58."

Thus it appears to have been the deliberate sentiment of Virginia in 1832, as these proceedings demonstrate, that slavery was an unmitigated evil; and the only reason preventing the Legislature from removing it from the State was the want of ways and means to do it.

While the report of the committee referred to in the proceedings which I have recited was under consideration, the merits and demerits of slavery were freely discussed by the leading men of Virginia. I beg leave to read copious extracts from the speeches delivered, all of which may be found in the Richmond Enquirer, a file of which is in the Congressional Library.

Mr. Moore, of Rockbridge, said:

"Is it not due, sir, to our character, as a moral, a just, a sincere and magnanimous people, that we should yield obedience to those principles contained in our bill of rights, and which we have solemnly declared to be applicable to and obligatory upon all mankind? Can we be justified in the eyes of man or Heaven in withholding from our negroes rights which we have declared to be the common property of all the human race; and that too in violation of the fundamental principles of our Government?"

In the same speech he said:

"No man can doubt, sir, but that the deterioration in the appearance of the country is owing mainly to the careless manner in which the soil is cultivated by slaves, and the indolence of the white population; nor can we hesitate to ascribe the flourishing condition of the non-slaveholding States, which are everywhere covered with highly cultivated farms, thriving villages, and an industrious white population, to the absence of slavery."

Mr. Bolling said:

"There is yet another evil growing out of our present system of slavery. It drives from us the laboring man, the honest, industrious poor. The hard struggle they have to make for the bare necessaries of life, to say nothing of its luxuries, puts an effectual extinguisher upon all the humble aspirations of their ambition. The sparseness of the white population opposes almost insurmountable obstacles in the way of the education of their children."

Jefferson Randolph, the grandson of Mr. Jefferson, and one of the leading men in Virginia, said:

"Is it wise to fold our arms in indifference upon it as an irremediable evil? To shut our eyes in imitation of the sagacity of the ostrich, who, if it hides its eye behind a pebble, imagines its huge body concealed from its enemies? Would silence restore the death-like pall of the negro mind? It might be wise to let it sleep in its torpor, but has not its dark chaos been illumined? Does it not move and feel and think? Has it not existence? The hour of the eradication of the evil is advancing; it must come. Whether it is effected by the energy of our own minds, or by the bloody scenes of Southampton and St. Domingo, is a tale for future history."

His allusion was to the excitement produced on the mind of the African race in Virginia, growing out of what was called the Nat Turner insurrection and the Southampton massacre. If the murder of a few families and the tocsin of war in some of the eastern counties of Virginia was pointed to as cause of alarm on account of its influence on the mind of the slave, what must be the condition of that aroused mind to-day, after three years of bloody war, and after the thunders of cannon all through their midst?

Mr. Rives said:

"On the multiplied and desolating evils of slavery he was not disposed to say much; the cause and its deteriorating consequences were within the observation and experience of the members of the House and the people of Virginia, and it did seem to him that there could be no two opinions about it."

Mr. Brodnax said:

"That slavery in Virginia is an evil and a transcendent evil it would be idle and more than idle for any human being to doubt or deny. It is a mildew which has blighted in its course every region it has touched from the creation of the world. This is the incubus which paralyzes Virginia's energies, her every effort at advancement."

All of us are acquainted with the reputation of Charles J. Faulkner. Some of us have been in the habit of saying harsh things of the distinguished Senator from Massachusetts, [Mr. SUMNER,] for the harsh things he sees proper to say sometimes in regard to slavery. Here is a Virginian on the soil of Virginia who uttered language as terse and severe as I ever heard anywhere, and in the very hall of Legislature of Virginia he used the language which I beg leave to read to the Senate:

"Slavery, it is admitted, is an evil; it is an institution which presses heavily against the best interests of the State. It banishes free white labor, it exterminates the mechanic, the artisan, the manufacturer. It deprives them of occupation. It deprives them of bread. It converts the energy of a community into indolence, its power into imbecility, its efficacy into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer that the slaveholder may continue to gather his vigential crop of human flesh? What is his mere pecuniary claim compared with the great interests of the common weal? Must the country languish, droop, die that the slaveholder may flourish? Shall all interests be subservient to one; all rights subordinate to the slaveholder? Have not the mechanics, have not the middle classes, their rights, rights incompatible with the existence of slavery?

"Sir, so great and overshadowing are the evils of slavery, so sensibly are they felt by those who have traced the causes of our national decline, so perceptible is the poisonous operation of its principles in the varied and diversified interests of this Commonwealth, that all whose minds are not warped by prejudices and interest must admit that the disease has now assumed that morial tendency as to justify the application of any remedy which under the great law of State necessity we might consider advisable."

Mr. Preston, afterwards a member of Mr. Fillmore's cabinet, exclaimed:

"The gentleman from Brunswick [Mr. Gholson] after depicting in glowing colors the prosperous character of our country, the beauty of our daughters, the high and manly chivalry of our sons, concludes by telling us that the only wealth of eastern Virginia was in the increase of her slaves. In the name of God, Mr. Speaker, has it come to this? Does the wealth and the beauty and the chivalry of Virginia derive its support and owe its existence to the increase of our slaves? If it be so, Mr. Speaker, I would relieve them of so heavy a reproach."

Mr. Summers said:

"It will not be denied, I think, that slavery tends to diffuse ignorance among those more immediately in contact with it. I do not mean to assert that a location in a slaveholding community is incompatible with the highest development of human intellect. Such a position would be controverted by facts." * * * * "But, sir, I speak in reference to the great body of the people, and ask you to compare the general distribution of elementary education in the non-slaveholding States with the slaveholding States."

Sir, I will read one further extract, and that will be from a speech delivered in the same Legislature, by James McDowell, jr., of Rockbridge, subsequently Governor of Virginia, whose name is a household word in Virginia; whose purity of life, whose culture of mind, and whose unimpeached and unimpeachable character commanded the universal homage and respect, not only of Virginians, but of all who knew him in the United States. Here is his language:

"Who, sir, looks at this property as a legislator, and marks its effects on our national advance, but weeps over it as the worst of patrimonies? Who that looks to the unhappy bondage of our unhappy people, in the midst of our society, and thinks of its incidents and its issues, but weeps over it as a curse upon him who inflicts as upon him who suffers it?

"If I am to judge from the tone of our debate, from the confessions on all hands expressed, there is not a man in this body—not one, perhaps, that is even represented here—who would not have thanked the generations that have gone before us, if, acting as *public* men, they had brought this *bondage* to a *close*; who would not have thanked them, acting as private men on private notions, if they had relinquished the property which in their mistaken kindness has devolved upon us?

"Proud as are the names for intellect and patriotism which enrich the volumes of our history, and reverentially as we turn to them at this period of waning reputation, that name, that man, above all parallel, would have been the chief who could have blotted out this curse from his country; those, above all others, would have received the homage of an eternal gratitude, who, casting away every suggestion of petty interest, had broken the yoke which in an evil hour had been imposed, and had translated as a *free man*, to another continent, the outcast and the wretched being who burdens ours with his presence and defiles it with his crimes.

"But, sir, it has been otherwise appointed; slavery has come down to us from our fathers, and the question now is, shall we in turn hand it over to our children? Hand it over to them aggravated in every attribute of evil? Shall we perpetuate the calamity we deplore, and become to posterity the objects, not of kindness, but of cursing?"

I ask, sir, if I am not vindicated in the action I have taken on this subject? Take away the names which I have recited to-day, the Marshalls, the Madisons, the Washingtons, the Leighs, the Henrys, the Randolphs, the McDowells, the Riveses, &c., and what is there left? What is there left but the mad, fanatical ravings of the Wises and the Pryors, *et id omne genus*? While I am sustained by these great names, while I am fortified by the principles which they taught, I think I can well afford to treat, not with scorn, yet with indifference, the imputation that I am a renegade from the principles of my fathers, and false to the section in which I have lived.

But, sir, all this does not absolve us from the obligations of the Constitution as it is. It is the law paramount; and whatsoever may be our theoretical views respecting slavery, the guarantees of the Constitution must be observed while those guarantees remain a part of it. Slavery is an evil; but a broken, demoralized Constitution would be a greater evil. It is for the integrity of the Constitution, to restore its power and authority, that I understand we are now waging this terrible war. Its prosecution can be justified on no other consideration; and we shall do well to take heed to the fact that civil war, beyond all other causes, is fruitful of pernicious and dangerous passions and antipathies, leading to a disregard of constitutional obligation. The sectional character of the rebellion adds another and still more malignant element to the inflammation of the public sentiment ordinarily incident to revolts against the civil authority. And I think I utter no paradox when I say further, that the manifest justice of our cause constitutes in itself a source of danger. Justly exasperated at the wanton wickedness of the bad men who, in seeking to overthrow our wise and benignant Government, have plunged the country into all the sins and

sorrows by which we are surrounded, we are liable to be transported by a just and patriotic indignation beyond the limits of a lawful resentment. And now it is to be feared that corrupt men, demagogues, unprincipled politicians, will be ready to avail themselves of this patriotic excitement, and under the cover and pretext of a holy zeal for the public good, seek to accomplish their own ambitious personal ends in defiance of the law. It is in times like this when written organic laws become valuable. It was to meet such contingencies especially that our Constitution was ordained.

In times of peace and harmony and prosperity, when there is little occasion or temptation to do wrong, but little restraint is required to prevent the commission of wrong. When the sea is smooth and the wind is fair the vessel glides safely on with little attention to compass or rudder; but when the tempest rises and the waves roll high, and especially when the crew mutinies, then it requires a steady, true hand at the helm, and the trumpet of the commander should utter no uncertain sound. So I may say now, when the great deep of the human passions is convulsed and lashed into frenzy and tumult by the shocks of battle, the nation's life depends upon a firm and unfaltering adherence to the Constitution. This is the great sheet-anchor of the national safety. Nothing else can enable us to outride the storm that is beating upon us. Detached from this firm mooring our noble vessel of State, freighted with the happiness of the people, and with the final hopes of liberty, will be stranded on the breakers of political anarchy and ruin, and thenceforth forever its wrecked fragments, scattered along the shores of time, shall be quoted and commended by tyrants and despots as the miserable mementoes of the futility of the last great effort of humanity to vindicate the capacity of man for self-government.

Now, therefore, has come the crisis when the value of our national Constitution is to be tested, and when the wisdom and foresight of its immortal framers are to be exemplified and consecrated in the successful application of its powers and adaptations to the overthrow of its enemies and to the preservation of the public liberty. Now, too, has arrived the hour in the history of the country when those who are intrusted with its destinies should rise to the full stature of a wise and lofty statesmanship. My humble abilities and limited experience may forbid me from any worthy participation either in its duties or its honors. But, sir, I think I can properly conceive of what an American Senator ought to be, and of what, when I look around upon this august body, I feel assured he will be, in this great national trial. He will rise above the prejudices and passions of the hour. He will be incapable of the motives of mere revenge or retaliation. No narrow sectional influences will trammel his conduct. Fully instructed by the wisdom of the past, calmly meeting the exigencies of the present, and profoundly comprehending the behests of the future, he will march steadily forward to the accomplishment of the simple and only lawful purpose of the war—the suppression of the rebellion, the integrity of the Union, and the supremacy of the Constitution. No motive of unholy ambition will warp his purpose. No thirst for blood will taint the pure aspirations of his patriotic heart. No eagerness to inflict punishment beyond what is essential to enforce obedience to lawful authority will prompt his action or deform his policy. He will disregard the idle clamors of the mere partisan, and scorn the angry menaces of the political zealot. Recognizing the force of the maxim that "law is reason without passion," he will be dispassionate in the administration of the law.

And, sir, let it not be said that such a course will fail to meet the exigencies of the country. There will be, there can be, no other course so successful. Let the Government clothe itself with the awful sanctions of the Constitution, and eschew all other motives than the vindication and reëstablishment of its legitimate authority, and thus proclaim its pure, unimpassioned purpose in prosecuting the war, and the moral influence of such an attitude will be more potential than "an army with banners." It will appall the guilty conscience of the States in rebellion; it will add tenfold force to every blow struck by our armies; it will silence the clamors of northern factionists, who are eagerly seeking for pretexts to embarrass the Administration; it will unite and consolidate all the friends of the Union; it will command the homage and sympathy of foreign nations; it will secure the blessing and favor of Heaven; and thus it will insure final victory. Animated by such a sentiment and guided by such a principle, the day is not distant when our great Republic, purified by the fiery ordeal through which it shall have passed, its integrity restored, its Constitution unimpaired, its authority everywhere reëstablished and acknowledged, and with a history which shall secure it against all future attempts to overthrow it, will renew its onward march of prosperity, power, and glory. Then, sir, we may catch the inspiring vision of one of your northern poets, and sing:

"I see the living tide roll on;
It crowns with fiery towers
The icy capes of Labrador,
The Spaniard's 'land of flowers;'
It streams beyond the splintered ridge
That parts the northern showers;
From eastern rock to sunset wave
The continent is ours."

Mr. President, I commenced these remarks by saying that the question of African slavery could no longer be evaded, and that it ought now, if possible, to be finally adjusted. But how shall it be adjusted? In my opinion, the most effectual method of accomplishing this result is a vigorous prosecution of the war for the suppression of the rebellion. I do not mean to say that the extinction of slavery should constitute the motive of the war. No, sir. The purpose of the war is and should be now what it was declared to be in the beginning; and that now, as then, "Congress, banishing all feeling of mere passion and resentment, will recollect only its duty to the whole country; that this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for *the purpose* of overthrowing or interfering with the rights or established institutions of the States in rebellion, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."

But while in the prosecution of the war for these justifiable ends no constitutional right of any individual or of any State should be renounced or infringed, yet if by the necessary and lawful exercise of the authority and power vested in or pertaining to those to whom the conduct of the war properly belongs slavery shall be destroyed, and our beloved country be thus redeemed from "the everlasting curse of human bondage," it will be just cause of joy and gratitude to every patriot and Christian, and go far to indemnify our country and the human race for the sacrifices of treasure and blood made in the accomplishment of a result so beneficent. One thing is certain; the rapid and universal advance of our arms into the insurgent States, to which all are agreed, and for which all parties are urgent, must necessarily, less or more, obliterate slavery wherever they go. In proportion as we succeed in redeeming the insurgent States from the thralldom of the rebellion, almost in the same proportion will they be released from the thralldom of slavery. My own State is an example. When the loyal sentiment was left free to act, it abolished slavery. The same result has been virtually accomplished by the same means in Missouri. Arkansas has crossed the Rubicon; Louisiana is on the shore. So is Tennessee. Even North Carolina indicates her purpose to unite in the general emancipation as soon as she is relieved from the yoke of the rebellion.

The public sentiment of the slaveholding States which never passed any ordinance of secession is beginning to demand the abolishment of slavery in their limits. Maryland has already inaugurated the good work. Delaware, never more than merely a nominal slaveholding State, must soon follow her neighbor; and the tide of public sentiment in Kentucky, tending to the same result, is rapidly advancing, destined soon to sweep away the institution in that gallant and chivalrous Commonwealth. Nothing can suppress the rebellion but the power of our arms; and while the rebellion lasts slavery will endure. Every great victory obtained in the field is of more practical value than a thousand proclamations of emancipation, and whole volumes of acts of confiscation. It is war, sir, stern war, and not words, which shall put down the rebellion; and in proportion as we successfully prosecute the war, and so put down the rebellion, in the same proportion will slavery be put down. Its political power is even now forever annihilated. And, sir, a few more victories will place slavery in a condition where it will be just and expedient to inaugurate the only wise and competent measure for its extinction. What is that measure?

The Committee on the Judiciary have reported a proposed amendment of the Constitution prohibiting slavery. This, in my opinion, is the true solution of the question. It is conclusive, it is final; and, moreover, it conforms to the requirements of the Constitution. It works out this great result in the mode prescribed by the Constitution. It accomplishes its purpose directly and lawfully, and thus avoids all those indirect, partial, and questionable, if not unlawful expedients which have been proposed. I should have preferred a national convention; and I would, perhaps, have postponed the measure until the next Congress. I will even now venture to suggest to the Committee on the Judiciary and to the Senate some of the reasons why I think it would be better to postpone the proposition until the next Congress. I believe that many of the insurgent States will then be represented here by loyal men. I suppose, too, that by that time many of those States, by the action of their own people, will have abolished slavery, and their representatives here will be the most earnest advocates of the amendment proposed. Will it not be so in Arkansas, in Tennessee, in Louisiana, in North Carolina, and perhaps other States? These States represented in Congress, and advocating, as I feel assured they will, the proposed amendment of the Constitution, in connection with the States of Maryland, Missouri, Delaware, and West Virginia, constituting half of the southern States, would not only avoid the imputation of unfairness in acting upon the subject when the former States were not represented here, but would certainly secure the two-thirds vote of Congress required by the Constitution, as well as the more immediate adoption of the amendment by the requisite number of States, and would give to the measure a moral influence that would silence all the partisan clamors of simulated sympathy in the non-slaveholding States.

And moreover, it is not to be denied, Mr. President, that the public excitement consequent upon the condition of the country, in the midst of the most bloody and tremendous war known in the annals of history, is not entirely compatible with the calm deliberation with which so grave a matter as the alteration of our fundamental law in reference to a most delicate and exciting subject should be considered. But, sir, if a majority of the friends of this measure think this is the proper time to propose it, I shall waive my preference for postponed action, and support the measure now. Sir, I believe that this amendment of our Constitution is demanded, either now or soon hereafter, by every principle of justice and by every consideration of expediency; by the history of the past, by the woes of the present, and by the hopes of the future; by the blood of our fellow-citizens sacrificed on the altar of their country in defense of the Union; by our defeats at Bull Run and at the Chickahominy; by our victories at Antietam, at Gettysburg, and at Chattanooga; by the millions of our national debt; by the burdens of Federal taxation; by the genius of our American liberty; by the spirit of our Christianity; by our love of freedom; by our hatred of tyranny; and by the voice of the people, which, in this instance, is the voice of God.

MILITARY INTERFERENCE WITH ELECTIONS.

Mr. HOWARD. Senate bill No. 37, to prevent officers of the Army and Navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States, was assigned for to-day at one o'clock. I will inquire whether it will be in order to proceed to the consideration of that motion.

The VICE PRESIDENT. A motion to that effect would be in order.

Mr. HOWARD. I make that motion.

Mr. JOHNSON. I suggest to the honorable member from Michigan that the hour is rather

too late to take up that bill, and with his permission I will move that it be passed over.

Mr. HOWARD. I will cheerfully give way to a motion to go into executive session, but I should like to have this bill taken up, so that it may be the first in order to-morrow.

The motion to take up the bill was agreed to.

Mr. SUMNER. Do I understand the Senator to wish this bill to supersede the question of constitutional amendment to-morrow?

Mr. HOWARD. I made the motion to take up the bill with a view to proceed to its consideration. I do not wish to supersede that.

Mr. SUMNER. The other is the special order, but as the unfinished business this will take precedence.

Mr. HOWARD. Of course.

The VICE PRESIDENT. The bill is now before the Senate as in Committee of the Whole. The report of the committee is adverse to the passage of the bill.

Mr. HOWARD. It is my purpose to say a word on the bill; but as the Senate is quite thin this afternoon, and the hour is so far past, perhaps we had better go into executive session.

EXECUTIVE SESSION.

Mr. WILSON. As the Senator prefers to go on to-morrow, and it is desirable to have an executive session to-day, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 22, 1864.

The House met at twelve o'clock m. Prayer by Rev. FREDERICK HINCKLEY, of Lowell, Massachusetts.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE TO MEMBERS.

Mr. J. C. ALLEN asked leave of absence for his colleague, Mr. HUTCHINS, for ten days from to-day.

Leave was granted.

Mr. PENDLETON asked leave of absence for his colleague, Mr. LONG, for a week from to-day.

Leave was granted.

MURDER OF CAPTAIN REED.

Mr. RANDALL, of Pennsylvania, by unanimous consent, offered a resolution, which was read, considered, and agreed to, requesting the Secretary of War, if not inconsistent with the public interest, to instruct the commander of the middle department to order the commanding officer of the counties of Accomac and Northampton, on the Eastern Shore of Virginia, to institute inquiries at once concerning the murder of Captain Theodore Reed, who resided in the city of Philadelphia, and who, on the morning of Thursday, the 3d instant, was shot, in Tangier sound, Chesapeake bay, by pirates.

MARY E. HAZZARD.

Mr. DUMONT asked and obtained unanimous consent to have the bill (H. R. No. 252) for the relief of Mrs. Mary E. Hazzard, widow of the late Captain George W. Hazzard, transferred from the Committee on Military Affairs, to which it had been referred, to the Committee of Claims.

MARY COLE.

Mr. MARCY, from the Committee on Revolutionary Pensions, presented an adverse report in the case of Mary Cole, wife of Lewis Cole; which was laid on the table, and ordered to be printed.

NAVAL AFFAIRS.

Mr. RICE, of Massachusetts. Mr. Speaker, I was absent last week on official business, with the other members of the committee, when the Committee on Naval Affairs was called, but I understand that the House agreed to give two days to the business of the committee. I desire now to ask that Tuesday and Wednesday of next week be assigned to that business.

Mr. WASHBURNE, of Illinois. I have no objection to that, provided it will not interfere with the business of the Committee on Commerce. That committee has not been called for several months, and has a great deal of business before it ready to be reported, which ought to be acted on at once.

The SPEAKER. On the 10th of March the Committee on Naval Affairs was called in regular order. The committee was absent on official business, and the House authorized the committee when it should return to designate not two days but two morning hours. The chairman of the Committee on Naval Affairs now designates Tuesday and Wednesday of next week.

There being no objection, the order was made.

ATTACHMENT OF UNITED STATES PROPERTY.

Mr. ELIOT, by unanimous consent, reported from the Committee on Commerce a bill to authorize the Secretary of the Treasury to stipulate for the release from attachment or other process of property claimed by the United States, and for other purposes.

The bill was read. It enacts that whenever any property owned or held by the United States, or in which the United States claim an interest, shall in any judicial proceeding under the laws of any State, district, or Territory be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, it shall be lawful for the Secretary of the Treasury, in his discretion, to direct the Solicitor of the Treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that, on such discharge, the person asserting the claim against such property shall become entitled to all the benefits of the act. In all cases where such stipulation is entered into, and where the property shall be discharged and final judgment shall have been given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceeding to be carried, affirming the claim and the right of the person asserting the same to enforce it, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person as against the United States to such rights as he would have had in case the possession of the property had not been changed. If such claim be for the payment of money, and if the same shall by such judgment be found due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers of the Treasury for the allowance thereof, and the same is to be thereupon allowed and paid out of any money in the Treasury not otherwise appropriated.

Mr. ELIOT. The bill simply gives to the Government the power, which every private citizen has, to release property from attachment which the Government may want to use. It gives to the Secretary of the Treasury the power, at his discretion, to release property from attachment, instead of allowing it to be tied up by the officers of the law. That is the whole bill.

The bill was read a first and second time.

Mr. ELIOT moved the previous question on the third reading.

The previous question was seconded, and the main question ordered; and under its operation the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FIRST REGIMENT OF ILLINOIS CAVALRY.

Mr. HARRIS, of Illinois, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Whereas the papers in the matter of the claims of the officers and privates of the first regiment of Illinois volunteer cavalry, for horses and other property lost at the battle of Lexington, Missouri, in September, 1861, have been withdrawn from the Committee on Military Affairs under a misapprehension of their condition before such committee: Therefore,

Resolved, That leave be granted for the return of said papers, and that the case remain as it would had no such leave been granted and such papers remained with the committee.

COLONEL JOSEPH PADDOCK.

Mr. HARRIS, of Illinois, by unanimous consent, also submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to investigate the claim of Colonel Joseph Paddock for services as commandant of the fifth regiment Indiana volunteers in the Indian war of 1810 and 1811, and the war of 1812 with Great Britain; and that the resolutions of the board of supervisors of Warren county, Illinois, of December 17, 1858, and of December, 1863, and the petitions of General E. A. Paine and others, and of Judge James Thompson and others, praying the allowance thereof, be referred to them; and that they report by bill or otherwise.

PURCHASE OF ROCK ISLAND BRIDGES.

Mr. HARRIS, of Illinois, also, by unanimous consent, introduced resolutions relative to the purchase of bridges from the city of Rock Island and the town of Moline, Illinois; which were read, and referred to the Committee on Military Affairs.

TREATY WITH OREGON INDIANS.

The SPEAKER stated the first business to be an act (S. No. 25) to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon.

The bill, which was read, provides that the President be authorized to conclude a treaty with the Klamath, Modoc, and Snake Indians in southeastern Oregon for the purchase of the country occupied by them, and that for the purpose of carrying out the provisions of the act $20,000 be appropriated from any money in the Treasury not otherwise appropriated, to be expended under direction of the Secretary of the Interior.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. McBRIDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

E. F. AND SAMUEL A. WOOD.

Mr. HALE. I ask the unanimous consent of the House for leave to report back from the Committee of Claims Senate bill No. 105, for the relief of E. F. and Samuel A. Wood, and that it be now acted upon.

Mr. WILSON. I object.

Mr. HALE. The bonds provided for by this bill were lost by the destruction of the Golden Gate. I do not see how there can be any objection to it.

The SPEAKER. The gentleman from Iowa objects.

FRAUD UPON THE TREASURY.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to report from the Committee on Commerce a bill requiring the proof of the payment of duty on foreign salt before the payment of allowances provided by acts of July 29, 1813, and March 3, 1819, and that it be put on its passage. The bill is founded upon a letter from the Secretary of the Treasury that it is necessary to prevent frauds which are now committed. Fishermen defraud the Treasury by purchasing salt abroad, and therefore escape the payment of duty upon salt purchased at home. I tried to get it in once before, but it was objected to.

Mr. STEVENS. Would it not more properly come in as an amendment to the tariff bill?

Mr. WASHBURNE, of Illinois. It has nothing to do with the tariff.

Mr. STEVENS. I do not object.

Mr. SWEAT. Does the bill come from a committee of this House?

Mr. WASHBURNE, of Illinois. It is the unanimous report of the Committee on Commerce, upon the recommendation of the Secretary of the Treasury. I am sorry that I have not the letter of the Secretary of the Treasury, as it has been mislaid. He states that these fishermen purchase their salt abroad, and thus defraud the revenue. These men have bounties given to them, and I think that it is ungracious for them to attempt to defraud the Government by the purchase of salt abroad.

There was no objection.

Mr. WASHBURNE, of Illinois, demanded the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SOLDIERS OF THE WAR OF 1812.

On motion of Mr. SPALDING, and by unanimous consent, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill (H.R. No. 266) granting pensions to the surviving soldiers of the war of 1812, and the same was recommitted to the Committee on Revolutionary Pensions.

Mr. DEMING. I call for the regular order of business.

RAILROAD TO NEW YORK.

The SPEAKER. The regular order of business is the consideration of the bill (H. R. No. 307) reported from the Committee on Military Affairs by the gentleman from Connecticut, [Mr. DEMING,] to declare certain railroads military and post roads, and to regulate commerce; on which the gentleman from New Jersey [Mr. ROGERS] is entitled to the floor.

Mr. ROGERS. I desire to yield ten minutes of my time to my colleague, [Mr. STARR.]

Mr. STARR. Mr. Speaker, I feel it to be a duty I owe to my constituents, and also the State I have the honor to represent in part upon this floor, to oppose the passage of this bill. In my plain way I shall attempt to give to this House my reasons for so doing.

The corporations asking for this law were chartered by the Legislature of the State of New Jersey, subject to an act passed in the year 1832, declaring that it should not be lawful to construct any other railroad than those of the Camden and Amboy Railroad Company to transport passengers or freight across the State of New Jersey between New York and Philadelphia, which special privilege expires in the year 1869. By the acceptance by these companies of the acts of incorporation, subject to these provisions, they voluntarily bound themselves to the observance of its provisions.

Here is a contract that has been affirmed and reaffirmed by the contracting parties, and by the courts whenever its validity has been questioned, and subject to this contract these corporations accepted their charters.

Now, sir, these companies come here asking Congress, in defiance of the power creating them, against their own express obligations to the State of New Jersey that gave them existence, to violate the laws, the very laws of that State by virtue of which they exist. Will this House, without some overpowering necessity, take away, by the passage of this bill, the jurisdiction and power of the State itself over the corporations within her limits and of her own creating, and destroy the vested rights of the citizens of New Jersey, who hold their property by virtue of the laws of the State, now attempted to be thrust aside, not, as I believe, from any necessities of the country at this time, but rather to relieve the necessities of the English bondholders, who hold the $600,000 of the bonds of these corporations, now pressing the passage of this law?

Let me here say that no sacrifice on the part of my State or the citizens thereof would be too great at this time if the necessities of the country required it; but as we have always been ready with our blood and our treasure to meet the requirements of the country, we have a right to ask of this House to stand by us, and not override our laws, destroy our contracts, and take out of our control the corporations of our own creation, and upon our own soil. More especially have we a right to ask it when it is patent to every one who has taken the trouble to examine the merits of this act, that it has been gotten up and pushed forward solely and entirely for the purposes of private speculation.

If there is any public necessity for the passage of this law it must be for military or postal purposes. Congress has already passed a law investing the President with power to take possession of or use these railroads for such purposes; so that the whole object and intention of this law is to annul and set aside the laws of New Jersey at the instance and for the benefit of foreign and domestic speculators. Not only set aside our laws, but it is also a direct appeal from the decisions of our courts to these Halls, unprecedented, as I believe, in the history of the country. When before has Congress been asked to override the decisions of the courts, and who and what are these applicants demanding such unprecedented legislation? Am I not justifiable, in the name and in behalf of my State, to protest against the passage of this act, that can in nowise benefit the country, while it destroys private rights, private property, and wipes out the laws of a sovereign State, and sets at defiance the decisions of its highest courts?

Mr. ROGERS. This proposed legislation before the House is one that has never been proposed to the Congress of the United States before in the history of this country. It is an unusual and unprecedented attempt to transfer the power and jurisdiction of a State over its railroads and canals located solely within the lines of that State to the Halls of Congress, and to override and set at naught the decisions of the courts of New Jersey in reference to one of its own domestic railway systems, established by its own sovereign power, within its own jurisdiction, and only on its own soil.

I cannot believe, if the House understand this question, that they will for a moment recognize this attempted unfair and unjust legislation upon the State of New Jersey; that State that has cheerfully responded to every call for men made upon her, which has always been true to the Union, true to the best and noblest interests of the country, always foremost in furnishing her respective quotas, whose troops in the field have shown a bravery and patriotism unequaled in the history of the world, whose railroads and canals have always been at the service of the Government in forwarding troops and military supplies, and has extended to the Administration every means in her power to assist him in putting down this rebellion. The bill proposed to be passed has no parallel in the history of legislation in this country. It is a direct strike at the rights and chartered interests of a corporation of the State, whose privileges have been guarantied to them by the solemn contract and plighted faith of the State.

The bill declares that the Camden and Atlantic Railroad Company and the branches thereof, built and to be built, and the railroad of the Raritan and Delaware Bay Railroad Company and the branches thereof, built and to be built, are hereby declared to be lawful structures and public highways of the United States; that the said railroads and branches, with a ferry or ferries from Camden, in the State of New Jersey, to Philadelphia, in the State of Pennsylvania, and steamboats and other vessels from Port Monmouth, in the State of New Jersey, to the city of New York, running in connection with said roads, are hereby established and recognized as a post route, military road and public highway of the United States for the purpose of the transmission of the mails, troops, and munitions of war of the United States, and for the transportation of goods, wares, and merchandise of foreign growth across the State of New Jersey under permits granted by the collectors of ports of the United States authorized to grant the same, and for commerce among and between the several States of the United States; and that the Camden and Atlantic Railroad Company and the Raritan and Delaware Bay Railroad Company, chartered by the State of New Jersey, or either of them or their assigns, are hereby authorized and empowered to complete, maintain, and operate the said railroads and branches, and to establish, maintain, and run the said ferries, steamboats, and other vessels as a line of transportation for goods, wares, and merchandise of all descriptions, and passengers, between the cities of New York and Philadelphia, and between the intermediate places and said cities respectively, and for commerce between and among the several States of the United States, anything in any law or laws of the above-named States to the contrary notwithstanding.

I claim there is no necessity for this legislation, and that if there was there is no warrant in the Constitution of the United States that will allow Congress through her Representatives from other States of this Union to interfere with the local railway system of any individual State which it has incorporated merely for the purpose of doing business within its limits. This bill before the House is not a bill for the purpose of declaring this railroad a mere post route; it is not a bill for the purpose of regulating commerce among the several States; but it is a bill giving to two corporations which are creatures of the State of New Jersey, and which derive their sole power through the Legislature of that State, to do the business of common carriers against the contract they made with the State when they became creatures of it by virtue of the charters which gave them power to run railroads between particular points in the State for the purpose of doing a local business.

It is not then for the purpose of declaring these post roads; it is not a bill for the purpose of declaring them military roads; it is not a bill for the purpose of regulating commerce between the several States of this Union under the grant of power given to Congress under the organic law; but it is a mere bill to enrich Wall street speculators in New York, and English capitalists who own $700,000 of this stock, and come here to induce Congress to make worthless roads, the stock of which is worth but twenty cents on the dollar, sell in the market for one hundred, and thereby transfer the capital of New Jersey and of the United States to England for the purpose of fitting out piratical vessels to prey upon the commerce of this country, and to break down and destroy the fundamental principles which lie at the foundation of our national existence.

They are trying to make this a political question. This immense body of Wall street speculators come here for the purpose of filling their pockets at the expense of the loyal people of New Jersey. They have and endeavor to get votes for this bill from the other side of this House by pretending that this is a political question. I say it is no political question. It is a question which interests the State of New Jersey and the whole railroad system of the Union, because it is to settle whether the States shall regulate their own railroad, canal, turnpike, and transportation systems, or whether they shall be regulated by the Congress of the United States.

I believe if my honorable friend [Mr. DEMING] who reported this bill understood the history of the railroad legislation of New Jersey, he would withdraw the report which he pretends and asserts was made unanimously by the committee, when but four or five members were present when the matter was passed upon by the committee. In 1830, when scarcely any railroads had been established in this country, when there was no railroad communication between the great city of Philadelphia and New York——

Mr. DEMING. Do I understand the gentleman from New Jersey to allege that this report was not made unanimously?

Mr. ROGERS. I was told that four members of the committee were not present and did not agree to the report of the committee. If I am wrong I am willing to be corrected.

Mr. DEMING. I merely wish to correct an error in fact.

Mr. ROGERS. How many members of the committee were present when the report was agreed to?

Mr. DEMING. At the time the bill was agreed to I think there were five or six members of the committee present, and those who were not then present have since assented to the report.

Mr. ROGERS. I have it from a member of the committee that they did not agree to this report.

Mr. SCHENCK. I think this matter should be set right at the start. I would like to know what member of the committee has made such a statement outside of the committee. It was my distinct understanding that the report was unanimous.

Mr. ROGERS. I decline to yield to the gentleman any longer, as I have but an hour's time, which will compel me to make a hurried and very rapid discussion.

Mr. SCHENCK. Then I call the gentleman to order. It is not proper to refer to what took place in the committee. The gentleman is traveling out of his record and referring to conversations with a member of the committee, disclosing to him what took place in a committee of this House in regard to a difference of opinion among its members, when there was none really, and when there is no minority report.

The SPEAKER. If the gentleman professes to state what occurred in the committee-room he is clearly out of order. The informal conversation of gentlemen out of the committee-room, as to what took place in the committee, is only a question resting on their own veracity. No member has a right upon the floor of the House to

speak of the proceedings in committee; but informal conversations as to the assent or dissent of any particular member of the committee, as stated by him to any member, may of course be referred to.

Mr. ROGERS. I was stating my information obtained from a member when not in committee, and the vote will show, upon the final passage of the bill, that several of the committee will not support it.

Mr. SCHENCK. Then I will so far interrupt the gentleman as to say that this report was understood to be assented to by every member of the committee; and I ask now that the gentleman who gave different information be named. [Cries of "Order!" "Order!"]

Mr. ROGERS. I was proceeding to say that at a time when there was no railroad to New York, and no means of reaching that city by railroad communication from any point of this Union, the Legislature of New Jersey, in 1830, chartered the Camden and Amboy Railroad and Transportation Company for the purpose of constructing a railroad from Camden to Amboy, and thus by water make a through line from Philadelphia to New York. At that time it was supposed that the investment would be a hazardous one, and it was with the greatest difficulty that capitalists could be induced to invest their means in the undertaking, and on that account the Legislature of New Jersey bound themselves that if the company would build this road from Philadelphia to New York, during the time the charter lasted, which will expire in 1869, they would authorize no other corporation to compete with them in the through business between New York and Philadelphia, and it was only because of these exclusive privileges given to the corporation that this company established this railroad communication between the two great cities, which was one of the first railroads ever established in this country.

Its charter provided that in thirty years from the completion of the road the State might take it, at its appraised value, and that the company should pay, in lieu of all other taxes, ten cents for each passenger and fifteen cents for each ton of merchandise transported on the road, and provided that if the State should authorize the construction of any other railroad for the transportation of passengers across the State from New York to Philadelphia, within three miles of the termini of the said company's road, the tax should cease.

By a supplement passed February 4, 1831, the tax was limited to passengers and goods transported from the Delaware to the Raritan. The company at that time, deeming the investment doubtful, were unwilling to be bound to pay taxes beyond what would be a fair ratio on the amount of business transacted. It is charged upon the State of New Jersey that she taxes the citizens of other States who travel over her territory. The charge is false. It is immaterial whether the passenger be a citizen of New York or Pennsylvania; whether he gets on the cars at Camden or Bordentown. She never taxed the passengers one cent for crossing the State, and only adopted that mode of taxing the business of the road. Each State has its own mode and manner of taxing its corporations. The company have to pay this tax upon all passengers that ride from Bordentown, in New Jersey, on the Delaware, to the Raritan, whether they come from Philadelphia or New York, or are citizens of the State. There is no discrimination in taxing the company, whether the passengers go across the whole State or not, whether they are Jerseymen or citizens of another State. It is a tax simply upon the business of the road, upon the same principle of our internal revenue act.

On the 15th of February, 1831, the Camden and Amboy Railroad Company, and the Delaware and Raritan Canal Company, both of whose charters were granted at the same time, were consolidated into one company, and the fare between Philadelphia and New York was limited to three dollars, which is less than is charged upon most of the roads of the State, and upon the roads between here and Philadelphia. It is a short road, and had sixty-six miles of railroad and thirty miles of water communication; the whole route being only about three cents a mile, which is less than any railroad of that short distance charged. The expense of running a short road is much more in proportion than a long road; hence the New York Central or Erie railroad can afford to run for a less price per mile than a short road.

In 1832 the joint companies were authorized to transfer to the State one thousand shares of stock in addition to the same amount previously given, and were to guaranty that the transit duty and the dividends on such stock should amount to $30,000 annually, and the act declared that it should not be lawful at any time during the railroad charter to construct any other railroad in the State without the consent of the said companies, which should be intended or used for the transportation of passengers or merchandise between the cities of New York and Philadelphia.

In 1837, the Legislature of New Jersey chartered another railroad by authorizing the joint companies to construct a branch railroad from New Brunswick to Trenton and Bordentown, thus connecting the New Jersey railroad, which runs from Jersey City to New Brunswick, with the Philadelphia and Trenton railroad at Trenton and the Camden and Amboy at Bordentown, thus making a new line of communication between New York and Philadelphia independent of the Camden and Amboy line. In 1852, the Legislature of New Jersey chartered another railroad, which is one of the roads that are now asking for these special privileges. It authorized the Camden and Atlantic Railroad Company to build a railroad from Camden to Absecom inlet, now Atlantic City, for the purpose of doing local business between those two points. The Legislature afterwards, in 1854, chartered another railroad company, the Raritan and Delaware Bay railroad, (the other line named in this bill,) to construct a road from some suitable point on Raritan bay east of the village of Keyport, in the county of Monmouth, by the way of certain designated places, to Cape Island, on the Atlantic ocean, for the purpose of doing local business between these two particular points. The charters of these roads were subject to the charter of the Camden and Amboy railroad. These roads when they accepted their charter knew that they had no right to compete in business with the joint companies, and they took their charters with full knowledge of the exclusive privileges granted by the State to the joint companies.

After thus taking their charters, they come here to Congress and ask Representatives from Ohio, from New York, and other States, men of the East and men of the West, to trample upon the laws of the State of New Jersey, to trample upon the decisions of her courts, to destroy her domestic railroad communications, and place them under the sole jurisdiction of the United States. When the Raritan and Delaware Railroad Company were about completing their road they wrote a letter to the Camden and Amboy Railroad Company, making proposals in which they admit they could not go to Camden without the consent of the joint companies. Are the Representatives of the eastern, middle, border, or western States willing to open such a door to fraud, and let it walk forth in bold and undisturbed impunity?

These roads were chartered in 1852 and 1854. Seven years after the last charter, in 1861, these two companies entered into a joint contract to connect their roads, so as to make a through route from New York to Philadelphia, and one of them, the Raritan and Delaware Bay Company, began to build a branch road from Atsion to Jackson, where it connects with the Camden and Atlantic railroad, for which they had no right at all in their charter. The Camden and Amboy Railroad Company and the Delaware and Raritan Canal Company, believing that the object of this was to do a through business between Philadelphia and New York, and thus interfere with their vested rights, in July, 1862, filed a bill of complaint in the court of chancery of New Jersey against them for an injunction to restrain the intended connection, alleging it to be illegal, an invasion of their rights, undertaken in bad faith and with the intention to use them for transportation of passengers or freight from New York to Philadelphia. That bill was answered under the solemn oaths of the presidents and directors of these two railroad companies. They declared before God, and on their solemn oaths in the high court of chancery of New Jersey, that they had no intention of connecting their roads for the purpose of doing through business. I now read from the opinion of the chancellor in that case to show to what they swore:

"They also deny that they intend in any way to violate the chartered rights of the complainants, or that they *intend during their existence to violate any of the alleged exclusive privileges of the complainants.* And the defendants, all and each of them, declare that it is not and never has been their intention, by the construction of their railroad, or its connections with the Camden and Atlantic railroad, or otherwise, to interfere with the complainants' chartered rights by competing with the railroad of the complainants by the transportation of passengers or merchandise between the cities of New York and Philadelphia or otherwise."—Page 5.

The chancellor decided that because the companies had sworn that they were simply making this connection for the purpose of doing local business, which they had a right to do, the application for the injunction must be denied, and the joint companies were turned out of court.

After this decision was made, they proceeded to finish their road and connecting branch, and used every means to attract the freight business between New York and Philadelphia over their line, and began to carry freight and passengers through from city to city.

The joint companies then filed a supplemental bill charging the facts and demanding the interposition of the court.

The Raritan and Delaware Bay Company procured their connection with Philadelphia by bad faith to the Camden and Amboy Company, and avoided an injunction to prevent such connection by deceiving the court, and swearing that they had no intention to use the roads for through business, while the contrary was their manifest intent.

In this case, upon the supplemental bill, the chancellor decided that they had a right to do a local business, but that they had no right to do a through freight or passenger business between Philadelphia and New York; and he granted a perpetual injunction against them to prevent them from doing a through business in the future. I refer to the opinion of the chancellor to show how much the oaths of these gentlemen are worth, and that the law is clear upon the exclusive privileges of the joint companies. They took a solemn oath before the court and high Heaven, and after violating that solemn oath ask Congress to sustain them in their perfidy. I read from the opinion of the chancellor, to sustain the position that the contract between the State and the joint companies is a lawful and constitutional one:

"It is difficult to conceive of a more express engagement on the part of the State, or of a clearer recognition of the exclusive rights of the companies, than is contained in these statutes. Whatever doubts may be entertained as to the construction of the contract, there can be none as to the fact of making it.

"That the engagement is not in the form of a contract renders it none the less obligatory. It is the form in which the faith of the State is usually pledged, and in which contracts with corporations, touching the exercise of exclusive franchises under legislative authority, are entered into."

* * * * * * * * * * *

"The contract is founded upon a valuable consideration paid by the companies.

"It was made as an inducement to private enterprise and private capital to construct an important highway required for public travel and the convenience of commerce, and which it was incumbent upon the State in its sovereign capacity to provide either directly by its own means or through the agency of others." * * * * * *

"The existence and validity of the grant of exclusive privileges by the State to the complainants, which they ask to be protected, are satisfactorily established."

* * * * * * * * * * *

"The complainants' rights are clear and unquestioned. They have been in the actual enjoyment of their franchise for more than thirty years. The defendants by using or permitting their roads to be used for the establishment of a through route for the transportation of freight and passengers between the cities of New York and Philadelphia have exceeded the powers conferred upon them and interfered with the rights and the property of the complainants. There is nothing in the charters of the defendant corporations or of either of them which expressly or by implication confers the power of establishing such route or the franchise of taking tolls thereon. The Legislature cannot be presumed to have intended or contemplated any grant inconsistent with the manifest design of the charters of the defendants. Whether the complainants' rights have been invaded by a mistake or a fraudulent exercise of power is immaterial. In either event they are entitled to have their rights protected and the wrong suppressed. The complainants are entitled to an injunction restraining the defendants from using or permitting to be used their roads, or either of them, for the purpose complained of, pursuant to the prayer of the supplemental bill."

It is a well-settled rule of law that public grants are to be construed strictly; and in cases of grants of franchises by the public to a private corporation, any ambiguity in the terms of the charter must operate against the corporation and in favor of the public. The corporate body can take

nothing not clearly given by its charter. (Proprietors of Stoarbridge Canal *vs.* Wheely, 2 Barn. & Ad., 793; Beaty *vs.* Lessee of Knowler, 4 Peters, 168; Prov. Bank *vs.* Billings, 4 Peters, 514; United States *vs.* Arredondo, 6 Peters, 738; Charles River Bridge *vs.* Warren Bridge, 11 Peters, 420; Richmond R. R. Co. *vs.* Louisa R. R. Co., 13 How., 81; Proprietors of Bridges *vs.* Hoboken Land Co., 2 Beasley, 81.) This shows that the companies named in this bill have no authority to establish a through business between New York and Philadelphia; neither have they a right to permit these roads to be used for that purpose. They cannot jointly do what neither can lawfully do; nor can they effect by the agency of another what they cannot do themselves.

The corporations asking for this legislation are creatures of New Jersey for limited and specified purposes, with reserved powers, are distinct bodies, each to do local business between defined points. This bill in effect consolidates them into one, with additional powers of extension, divests the State of her sovereign jurisdiction over them within her own limits and upon her own soil. It is claimed under the Constitution, which gives power to Congress to regulate commerce with foreign nations and among the several States and to establish post offices and post roads. Congress has no such power as is claimed in this case, but under the power to regulate commerce among the several States it has a right to pass general laws applicable alike to all the States to regulate commerce among them, but that is a very different power from that of consolidating bodies corporate specially by name, within a single State, with power to extend branch roads everywhere in the State and do the business of common carriers. It was a well-settled principle of the common law that if one had a ferry by prescription and another erected another ferry so near it as to draw away its custom it was a nuisance. The same principle applies to the exclusive privileges given the joint companies. The corporations applying for this legislation have gone beyond the powers which their charters give them. The friends of this bill say that these exclusive privileges and taxes imposed upon the joint companies are in violation of the right of Congress to regulate commerce among the several States.

To sustain myself upon this point I refer to a case in the supreme court of New Jersey, between the State of New Jersey and the Delaware, Lackawanna and Western Railroad Company, decided February term, 1864. The object of this suit was to test the validity of a claim for tax alleged to be due from the defendants:

"This tenth section provides 'that all corporations regularly doing business in this State, and not being corporations of the State, shall be assessed and taxed for and in respect of the business so by them done and transacted in this State, in manner following, that is to say: Every such company shall pay a transit duty of three cents on every passenger and two cents on every ton of goods, wares, and merchandise, or other articles carried or transported by or for such company on any railroad or canal in this State, for any distance exceeding ten miles, except passengers and freight transported exclusively within the State.' * * *

"It is insisted by the counsel of the defendants that it is in violation of the eighth section of the first article of the Constitution of the United States, which confers upon the Congress of the United States the power to regulate commerce with foreign nations and among the several States. It is claimed that this power conferred on Congress has been adjudged to be exclusive, and that any attempt on the part of a State to regulate commerce among the States, by interfering with its freedom, or making hostile or burdensome discriminations, is an infringement of that power, and void."

* * * * * * * * * * *

"And it may be added, the local necessities of domestic intercourse, 'where the subjects of such intercourse,' (continues Judge Curtis,) 'are in their nature national and requiring uniform system of regulation, may justly be said to require exclusive legislation by Congress.'

"Where commerce is of this national character, there is no constitutional or legal power in a State to interrupt, impede, or regulate it. But when it has not such national but a local character, the States do many things to regulate it, and some that more or less effect commercial intercourse without any violation of the Constitution. Laws, for example, for the regulation of pilots and pilotage are not questioned as to their constitutionality. The regulation of the fares and tolls on turnpikes, railroads, and ferries, even directly between two States, are wholly within the jurisdiction of the State, and such power has been continually exercised, and in the case of the Chosen Freeholders of Hudson County *vs.* the State, 4 Zabriskie R., 730, it was held by the court of errors that the exercise of such power was in nowise repugnant to the provisions of the Constitution."

* * * * * * * * * * *

"Does the act in question attempt to interrupt or to regulate commerce; or to impose duties or imposts on exports or imports?

"It does not exclude from the State any class of persons or of property, or of vessels, or other vehicles of transportation; as did the act of New York, which granted to certain individuals the exclusive use of its waters for navigation by vessels propelled by fire or steam, and which was declared to be unconstitutional in Gibbons *vs.* Ogden, 9 Wheat. R., 1." * * * * * * *

"It imposes no impost, tax, tribute, or duty, directly or indirectly, on passengers or goods, and is not within the principles of the Passenger cases, (7 How., page 283,) nor does it impede the export of any article by requiring stamps upon bills of lading, or otherwise, and is not within the ruling of Alney *vs.* The State of California, (24 How. R., 169.) It makes no discrimination between the property of citizens of this State or other States. Nor are the passengers or owners of goods, or the goods themselves, in anywise made subject to the tax or retarded by it. The tax is laid on the company without respect to the ownership of the goods or to the residence of the passengers." * * *

"It is a tax upon the company 'for and in respect of the business by them done and transacted within the State,' computed by the tons of merchandise and number of passengers transported." * * * * * *

"The tax in question is neither more nor less than a tax on the income of the company from its business in this State; the easiest mode of ascertaining which is by the company's annual statements of the number of passengers and of the tons of merchandise transported.

"It imposes, it is true, this tax on a foreign corporation, and because it is foreign." * * * * *

"The principle of the section of the act in question is not novel, nor its application without precedent. By the act of February 4, 1830, the Camden and Amboy Railroad and Transportation Company were required to pay to the State at the rate of ten cents for each passenger, and fifteen cents for each ton of merchandise transported on their road."

* * * * * * * * * *

"If legislative construction of a measure is of any value, we surely have it in the acts referred to. They are all based upon the principle that a State may tax individuals or companies who exercise privileges within the State, and are protected by its laws; and they emphatically declare that by so doing no article of the Constitution of the United States is violated. I am satisfied that the act in question in the case is not in violation of any clause of the Constitution of the United States, or of this State."

The committee refer to the Wheeling bridge case as a precedent for this legislation. I will read so much of the act in question as bears on this case, (10 United States Statutes at Large, page 112, an act making appropriations for the Post Office Department,) in sections six and eight of which it is enacted:

"That the bridges across the Ohio river at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's island, in said river, are hereby declared to be lawful structures in their present position and elevation, and shall so be held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding; and that said bridges are declared to be and are established *post roads for the passage of the mails* of the United States."

They also refer to the case of Pennsylvania *vs.* The Wheeling and Belmont Bridge Company, (18 Howard, United States Supreme Court Reports, page 421,) sustaining the said act of Congress; which are no precedents for the exercise of the powers attempted by the bill under consideration, but are precedents against it.

The Ohio river was a public highway of commerce, which under the Constitution of the United States had been regulated by Congress, as will appear by the Journal of Congress, volume four, pages 637 and 638, and by the Ordinance of 1787, article four, and by the act of Congress admitting Kentucky. (Acts of Congress for enrolling and licensing ships or vessels to be employed in the coasting trade and for regulating the same; 1 United States Statutes at Large, page 305. Act of Congress authorizing duties to be paid at ports on the Ohio; 4 Statutes at Large, page 480. Green *vs.* Biddle, 8 Wheaton, 1.)

The navigation of the river as a common highway of commerce having been established by regulation of Congress and compact between the States, it could not be lawfully obstructed by any State authority; and before the building of the bridge at Wheeling Congress had fully exercised the constitutional power to regulate commerce on the Ohio river, and by its own action prohibited the erection of the bridge at Wheeling so as to interfere with commerce. At the second session of the Twenty-Fourth Congress application was made for leave to build a bridge across the Ohio at Wheeling, and opposed on account of its injury to navigation, and on that ground it was defeated.

In 1847 the Legislature of Virginia, who owned the whole river to the banks on the Ohio side, granted a charter to the Wheeling and Belmont Bridge Company to construct a bridge across the Ohio river at Wheeling, and while the company were in the act of building it the State of Pennsylvania filed a bill in the Supreme Court of the United States against them, and prayed an injunction against the erection of the bridge and for general relief, alleging that the bridge would so obstruct the navigation of the river as to cut off and direct trade and business from the public works of Pennsylvania, impair and diminish the tolls and revenue of the State, and render its improvements useless; and the court held that no State law could hinder the free use of a license granted under an act of Congress, and decided that the bridge must be raised to a certain height within a designated time or be abated.

In the summer of 1854 the bridge was blown down by a violent storm, and the company were preparing to rebuild it according to the original plan.

In 1854 the State of Pennsylvania in vacation moved for an injunction to prevent the rebuilding of the bridge over and across the eastern channel, between Zane's island and the main Virginia shore, at a less elevation than was prescribed by the former decree of the court, which was granted.

In the mean time, between the first decree and the granting of the second injunction, in 1852, the act of Congress referred to by the committee was passed, declaring the bridge across the Ohio at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's island, lawful structures, anything in any law or laws of the United States to the contrary notwithstanding, and that the officers and crews of vessels should regulate the rise of the vessels and the pipes or chimneys so as not to interfere with said bridge.

Congress being the power that made the Ohio river a public highway for commerce had an undoubted right to so far repeal its former legislation as made the bridge a nuisance, declaring it a lawful structure. The same power that gave had a right to abridge or take away, because in Congress was confided the exclusive legislation in relation to commerce upon the Ohio river. This act of Congress did not override the law of Virginia, but upheld and sustained it. This was a lawful bridge by the laws of Virginia; but because it interfered with the free navigation of the Ohio, which navigation had been guarantied by Congress, it was necessary, in order to make it a legal structure against all the world, that Congress should repeal a part of its legislation, and hence the act in question was obtained. The difference between that case and the bill under consideration is this, that while that only ratified and confirmed what was a lawful structure by State legislation, this attempts to make a through route legal which has been declared by the courts of New Jersey to be illegal. Instead of sustaining the laws of a State it overrides and destroys them, and says that the people of New Jersey shall not be permitted to declare what railroads they will have in their own State to do through business from New York to Philadelphia, and not only authorizes the roads to carry the mails, troops, and munitions of war of the United States, but to transport goods, wares, and merchandise of all descriptions, and passengers, between the cities of New York and Philadelphia and intermediate places.

The act of Congress was to establish a post route for the purpose of transporting the mails of the United States. It is declared a lawful structure across the Ohio river by act of Congress, because it had been decided to be a nuisance on account of the previous legislation of Congress. They did not undertake to authorize the company to do business as common carriers, for freight and passengers, but simply, in the exercise of sovereign power, to establish a post route. Virginia had already in 1847, by an act of the Legislature, authorized the Wheeling and Belmont Bridge Company to construct this bridge across the Ohio river.

The court decided that this bridge was an unlawful structure against the commerce of the country. Why? Because Congress had declared the Ohio river to be a public highway for the purpose of commerce among the several States; and because this bridge interfered with that act of Congress, it was necessary to get this act of Congress to repeal so much of its former legislation which made that bridge a nuisance, and thereby make it a lawful structure. It was simply this, and nothing more, that Congress had the right to repeal its own laws. It had supreme jurisdiction over the Ohio river in regard to commerce, and it had passed a law which made this bridge a nuisance, and it had a right to repeal so much of

that law as made it a nuisance, the repeal of which would make it a lawful structure. The unauthorized obstruction of a public navigable river is an offense at common law, and may be punished in a criminal proceeding by indictment. (4 Blackstone's Com., 167.)

Is there any better settled principle of law to be found in the law books of our own or any other country than that Congress, or any other legislative body, has a right to repeal so much of its legislation as it sees fit?

The case of the State of Pennsylvania *vs.* The Wheeling and Belmont Bridge Company shows that Congress has no constitutional authority to pass such a bill as this, because this legislation is not within the meaning or letter of the power given to Congress to regulate commerce among the several States. I will read from the opinion of the court in that case, in 18 Howard, page 432:

"A class of cases that have frequently occurred in the State courts contain principles analogous to those involved in the present case. The purely internal streams of a State which are navigable belong to the riparian owners to the thread of the stream, and as such they have a right to use the waters and bed beneath for their own private emolument, subject only to the public right of navigation. They may construct wharves or dams or canals for the purpose of subjecting the stream to the various uses to which it may be applied subject to this public easement. But if these structures materially interfere with the public right, the obstruction may be removed or abated as a public nuisance.

"In respect to those purely internal streams of a State, the public right of navigation is exclusively under the control and regulation of the State Legislature; and in cases where these erections or obstructions to the navigation are constructed under the law of the State, or sanctioned by legislative authority, they are neither a public nuisance subject to abatement nor is the individual who may have sustained special damage from their interference with the public use entitled to any remedy for his loss. So far as the public use of the stream is concerned, the Legislature having the power to control and regulate it, the statute authorizing the structure, though it may be a real impediment to the navigation, makes it lawful."

I also refer to 5 Wendell, 448, 449; 15 Wendell, 113; 17 T. R., 195; 20 T. R., 90, 101; 5 Cowan, 165.

The Twenty-Fourth Congress refused to authorize the construction of this bridge upon the ground that it would interfere with the free navigation of the Ohio river. The cases to which I have referred show point-blank that no such bill as this is constitutional, because it is not within the meaning of the power granted to regulate commerce among the several States. It is simply an interference with the rights of a loyal State; a State which has poured out her blood and treasure in defense of the Union; a State which has been loyal and furnished more men and money, according to population, than any other State.

After they were refused this act of Congress, after the Legislature of Virginia chartered this bridge across the Ohio river at Wheeling, and the decision of the courts was against it, in order to avoid that decision, in 1852 they came to Congress to get the action of Congress to legalize it. For what purpose? Not to interfere with the laws of Virginia, but to repeal so much of the law of Congress as had by its action over this commercial highway forbidden any obstruction upon it, and had declared the bridge a nuisance. Suppose a railroad were chartered in this city to run by horse power, could they, in violation of the charter, run by steam? No more could they do that than can these corporations of New Jersey override their own acts of incorporation which gave them an existence, and which made them comply with certain designated points and certain designated purposes. If Congress can exercise the power claimed in this bill, they can charter horse railroads in Broadway, New York, or turnpike roads in the States, or authorize the horse railroads of Newark, New Jersey, to run by steam, in violation of their charters.

Now, this very opinion the committee brought here to sustain this unprecedented legislation is against them:

"The bridge had been constructed under an act of the Legislature of the State of Virginia; and it was admitted that act conferred full authority upon the defendants for the erection, subject only to the power of Congress in the regulation of commerce. It was claimed, however, that Congress had acted upon the subject and had regulated the navigation of the Ohio river, and had thereby secured to the public, by virtue of its authority, the free and unobstructed use of the same; and that the erection of the bridge, so far as it interfered with the enjoyment of this use, was inconsistent with and in violation of the acts of Congress, and destructive of the right derived under them; and that, to the extent of this interference with the free navigation of the river, the act of the Legislature of Virginia afforded no authority or justification. It was in conflict with the acts of Congress, which were the paramount law.

"This being the view of the case taken by a majority of the court, they found no difficulty in arriving at the conclusion that the obstruction of the navigation of the river by the bridge was a violation of the right secured to the public by the Constitution and laws of Congress, nor in applying the appropriate remedy in behalf of the plaintiff. The ground and principles upon which the court proceeded will be found reported in 13 Howard, 518.

"Since, however, the rendition of this decree, the acts of Congress, already referred to, have been passed, by which the bridge is made a post road for the passage of the mails of the United States, and the defendants are authorized to have and maintain it at its present site and elevation, and requiring all persons navigating the river to regulate such navigation so as not to interfere with it.

"So far, therefore, as this bridge created an obstruction to the free navigation of the river, in view of the previous acts of Congress, they are to be regarded as modified by this subsequent legislation; and, although it still may be an obstruction in fact, is not so in the contemplation of law. We have already said, and the principle is undoubted, that the act of the Legislature of Virginia conferred full authority to erect and maintain the bridge, subject to the exercise of the power of Congress to regulate the navigation of the river. That body having in the exercise of this power regulated the navigation consistent with its preservation and continuation, the authority to maintain it would seem to be complete."—18 *Howard, United States Supreme Court Reports*, p. 430.

I say, gentlemen, that the charter of New Jersey to the Camden and Amboy Railroad and Transportation Company, even if their exclusive privileges impeded the commerce of the State, cannot be interfered with by the Congress of the United States.

Congress cannot have the power to control the railroads of thirty-four States, and when the Legislature of a State refuses to charter a railroad to give it a charter here. It would take three fourths of the time of this House to legislate upon these charters. The very statement of the principle is contrary to the assumption of any such power on the part of the Congress of the United States. This bridge was declared a lawful structure because the Ohio river is a highway of commerce, and therefore Congress had to declare the bridge a lawful structure. What for? For the transmission of the mails. I do not deny that Congress has a right to make all the railroads of the country post routes by one general law sweeping over all the States, but not in regard to any one particular State alone. Congress has already declared all the railroads of the country post routes and a part of the military establishment of the United States.

The committee also refer to an act of Congress establishing certain post roads, in which it is enacted that the bridge partly constructed across the Ohio river, at Steubenville, in the State of Ohio, abutting on the Virginia shore of said river, is hereby declared to be a lawful structure. That the said bridge and Holliday's Cove railroad are hereby declared a public highway and established a post road for the purpose of the transmission of the mails of the United States, and that the Steubenville and Indiana Railroad Company, chartered by the Legislature of the State of Ohio, and the Holliday's Cove Railroad Company, chartered by the State of Virginia, or either of them, are authorized to complete, maintain, and operate said road and bridge when completed, anything in the law or laws of the abovenamed States to the contrary notwithstanding. (12 United States Statutes at Large, 569, 570.)

This is not a parallel case, and no precedent for the proposed legislation.

On the 24th of February, 1848, the Legislature of Ohio chartered the Steubenville and Indiana Railroad Company, to construct a road from Steubenville to the Indiana State line.

On the 12th of May, 1849, the Legislature of Ohio authorized the company, with the consent of the Legislature of Virginia, to construct a bridge at Steubenville across the Ohio river so as to connect the road with a road leading eastward from that place, so as not to interfere with navigation. (Volume 46, Laws of Ohio, page 256.)

In 1860, the Legislature of Virginia chartered the Holliday's Cove Railroad Company, to construct a railroad from the Pennsylvania line to Steubenville, Ohio, with power to erect a railroad bridge across the Ohio river.

In 1861 the State of Virginia seceded from the Union. In November, 1861, the convention which formed the constitution of West Virginia held its session at Wheeling; and on the 3 st of December, 1862, the State was admitted into the Union by act of Congress.

The act making the bridge at Steubenville a lawful structure and making a post road of the Holliday's Cove road was passed by Congress on the 14th of July, 1862, a year or more after Virginia had seceded.

The Steubenville and Indiana railroad was lawfully chartered by the State of Ohio and built when the act in question was passed, and the Holliday's Cove railroad was lawfully chartered by the State of Virginia and partly built before the act in question. Virginia had seceded and was out of the Union when the act of Congress was passed.

I hope the members of this House will not violate the laws of New Jersey and place her on a footing with disloyal Virginia because Congress saw fit since this war, and after Virginia had seceded, to declare a road chartered by Virginia when she was loyal and in the Union a post road. New Jersey is in the Union, true to every pledge of our fathers, heroic with the fame and gallantry of her soldiers in this war, always following in the path of liberty, and with alacrity responding to the call of her country upon all occasions.

Do not violate the laws of my State and add insult and injury to her institutions while she is struggling to uphold the Government that ought to protect her.

This last act of Congress gave no power to an individual corporation to transgress upon the laws of a State, and did not attempt to make a corporation legal which by the courts had been declared to be illegal. But for the purpose of establishing a general commercial system throughout the United States, and for the purpose of transporting the mails across this bridge, its construction was sustained.

It was necessary for Congress to declare the bridge a lawful structure, because previous acts of Congress and the United States court had declared the Ohio river to be a public highway of commerce and that no bridge ought to be erected over it. The Constitution vests Congress with the power to regulate commerce among the several States; but Congress did not declare, in that case, the railroad to be a lawful structure. This bill proposes to declare the railroads lawful structures, anything in the laws of the State of New Jersey to the contrary notwithstanding.

What was the object of that bill? It was a bill to establish post roads, and it gave authority to these two railroad companies, one lawfully chartered by the Legislature of Ohio and the other lawfully chartered by the Legislature of Virginia, to build a bridge across the Ohio river. But Congress did not claim the power to declare the railroads lawful structures, because the provision of the Constitution only authorizes Congress to regulate commerce among the several States. Congress only undertook to declare the bridge a lawful structure, which they had a right to do, because it interfered with the previous legislation of Congress in making the Ohio river a highway for the purposes of the commercial intercourse of the nation. (Committee's report, page 2; volume 12, United States Statutes at Large, 569, 570.)

It was necessary to declare that the bridge should be a lawful structure, because it was across the Ohio, which, by act of Congress, had been made a public highway of commerce, and the bridge, on that account, would have been illegal without Congress repealed a part of its former legislation, by declaring the bridge a lawful structure, but it does not declare the Holliday's Cove railroad a lawful structure, but made it a public highway and post road for the transmission of the mails of the United States, and authorized the Steubenville and Indiana Railroad Company, and the Holliday's Cove Railroad Company, to complete, maintain, and operate said road and bridge when completed, for the purpose of the transmission of the mails of the United States; and all other business done is by the State laws. It merely authorizes the Steubenville and Indiana Railroad Company, who by their charter were authorized to construct a bridge at Steubenville, across the Ohio river, with the consent of Virginia, so as to connect their road with the road in Virginia, and the Holliday's Cove Railroad Company, which, by their charter from Virginia, had a right to erect the railroad and a bridge across the Ohio at the same place, to complete and operate the roads and bridges for the purpose of carrying the mails, and in no way interferes with the rights of the two companies,

or the laws of the States, and neither State could prevent such an act of Congress, being purely one for mail purposes, and there is nothing in the act compelling the companies to do any particular kind of business, and only attempts to legislate as far as authorized by the organic law of the United States. The bridges and the Holliday's Cove railroad were lawfully authorized by the State of Virginia, and this act of Congress merely made the bridges lawful structures as to the navigation of the river, which for all other purposes were lawful by the laws of Virginia and Ohio. They were not declared post routes for the purpose of carrying passengers and freight between one place and another in violation of the chartered rights of any other railroad.

I ask you if there is any precedent for the passage of such a bill as this? On the contrary, the precedents cited by the committee show that previous legislation has been simply to regulate commerce among the States, and not to interfere with the commercial intercourse of one State.

This bill is in violation of the fifth article of the Amendments to the Constitution of the United States, which declares that private property shall not be taken for public use without just compensation.

That part of the franchise granted by the State to the joint companies, that they shall have the exclusive right to carry through passengers and merchandise between the two cities, is as much the private property of the joint companies as are the road and its equipments; and this bill proposes to take away that right, by granting the privilege to other corporations, without any compensation whatever.

Can it be pretended that Congress has a constitutional right to pass a law that has the effect and operation to annul the judgment of our State court, already rendered, or the rights determined thereby in favor of the joint companies, without even any compensation? The assumption of such a power is without precedent, and, as a precedent for the future, is of dangerous example.

It impairs and invalidates the obligation of the contract upon the part of the State with the joint companies, and, if passed, may deprive the State of ower one hundred and eighty thousand dollars a year in taxes and dividends, which are paid to her by the joint companies for these exclusive privileges, unless they are permitted to enjoy them.

The exclusive rights given to the Camden and Amboy Railroad Company are no regulation of commerce, because the mere refusing to grant a charter for another railroad across the State between the two cities would be just as much a regulation of commerce as these exclusive privileges.

Parties cannot construct a railroad or turnpike in any State without authority of the Legislature of the State. Each State charters as many companies for such purposes as it pleases. Its neglect or refusal to charter others has never been deemed a regulation of commerce. It has always been considered a part of the domestic prerogatives of a State to regulate its own road system, and Congress has never yet interfered in this matter. When Congress in 1806 authorized the great national road from Cumberland to Wheeling, it was upon condition that the States through which it went should give their consent.

Will Congress authorize a creature of New Jersey legislation to override the laws of the State, and authorize the property of the joint companies to be taken, regardless of their rights and the honor of the State, and arouse State jealousies in these times when every power of the States ought to be exerted to put down this rebellion, and inflict a deadly blow upon the institutions of a State whose people are paying larger bounties and making more herculean efforts to save the nation than any State in the Union according to population, and wring from the Camden and Amboy Railroad Company their vested rights; a company that only last summer, while New York city was convulsed with riots, gave in one donation $30,000 to raise volunteers to put down the rebellion, and have and are making extraordinary expenditures in double tracks, equipments, and preparation of their entire route to accommodate the transportation and travel connected with the great movements of the war, and have during this war placed at the disposal of the Government their entire roads and equipments, and in every way facilitated military operations without regard to cost or sacrifice, and having struggled through the periods of experiment should now have the fruits of their labor given to other corporations who did nothing to establish this great State railroad and canal communication without even compensation?

All the railroads in New Jersey are subject to the right of eminent domain, and the Legislature can grant rights to other corporations, interfering with the exclusive privileges of the joint companies, upon making them just compensation. If the public necessities require it, the exclusive franchises as well as all the property of the joint companies may be taken by the State for public use, upon making just compensation. (West River Bridge Co. *vs.* Dix, 6 How., 529. Richmond R. R. Co. *vs.* Louisa R. R. Co., 13 How., 83. Enfield Toll Bridge Co. *vs.* Hartford and New Haven R. R. Co., 17 Conn., 40. Boston and Lowell R. R. Co. *vs.* Salem and Lowell R. R. Co., 2 Gray, 1.) Why then do not these companies apply to the Legislature of New Jersey? That is the sovereign power to grant these privileges asked of us.

The case I refer to in the supreme court of New Jersey shows that the cases of Gibbons *vs.* Ogden, 9 Wheaton, and the New York and Massachusetts Passenger cases, do not conflict with the exclusive privileges of the joint companies.

There is no necessity for this legislation, and the precedents referred to by the committee show it, which I will now read:

"The second instance in which Congress exercised the power is to be found in an act to establish certain post routes, and to discontinue others, (5 United States Statutes at Large, page 271,) where, in section two, it is provided that each and every railroad within the limits of the United States which now is, or hereafter may be, made and completed, shall be a post route, and the Postmaster General shall cause the mail to be transported thereon.

"The third instance is in an act to establish certain post roads, approved March 3, 1853, (United States Statutes at Large,) where the same legislation is reaffirmed; and it is again enacted in section three of said act, 'that all railroads which now, or hereafter may be, in operation, be and the same are hereby, declared to be post roads.'"

* * * * * * * * *

"The fifth congressional precedent is to be found in volume twelve, United States Statutes at Large, page 334. In an act to authorize the President of the United States in certain cases to take possession of railroad and telegraph lines, and for other purposes, approved January 31, 1863, it is enacted that 'the President of the United States, when in his judgment the public safety may require it, be, and he is hereby, authorized to take possession of any or all the railroad lines of the United States, so that they shall be considered *post roads, and part of the military establishment* of the United States.'"

They show that the General Government has enough power, having the right to take all the railroad and telegraphic lines in the United States of America and make them military roads for the transportation of mails and munitions of war. I ask any reasonable man whether the chartered rights of the Camden and Amboy Railroad and Transportation Company to its exclusive business between New York and Philadelphia are not private property as much as its railroad stock is?

[Here the hammer fell.]

Mr. ROGERS. I hope the House will grant me ten minutes longer.

There was no objection.

Mr. ROGERS. I say that the present exclusive privileges of these joint companies are their property. That was the inducement that made them undertake in the first place to invest their capital in these works, and Congress has no right to deprive them of these chartered rights, especially without it makes them compensation. Why should the companies of these sand roads, running twenty-three or twenty-four miles out of the way along the sand-banks of the Atlantic ocean, be permitted to take away from these other companies this private property of theirs without any compensation? If the Legislature of New Jersey makes me a grant of property, has the Congress of the United States a right to take that property away from me without making me a just compensation for it?

I appeal to the magnanimity and judgment of mankind, to the well-settled construction of the Constitution, to the principles of justice, whether it would not be a libel on the organic law of the land, upon the good order of society, and upon the legislation of the country, to take away these exclusive privileges and put them in the hands of foreign capitalists who did nothing to make New Jersey the great inter-State railroad communication of the United States? I cannot stand here and see New Jersey overridden in this manner, not for the purpose of benefiting the General Government, but for the purpose of putting money into the pockets of a few speculators in England and Wall street.

There is not as much necessity for this road through New Jersey as there is for the air line from Washington to New York, which has been refused, because there is only one road from here to Baltimore and one from there to Philadelphia, while there are two lines from Philadelphia to New York, besides the Delaware and Raritan canal line:

1. The Camden and Amboy line, by way of Amboy and Camden.

2. The New Jersey railroad and Camden and Amboy branch line, by way of New Brunswick and Trenton.

3. The Delaware and Raritan canal line, which is run by steam propellers carrying four hundred tons burden. They make the trip in less than twenty-four hours, and come through to Baltimore or Washington, and for the transportation of cavalry and many kinds of stores are preferable to railroad cars.

There is also the Central railroad line running through the State, by way of Easton and Harrisburg.

I appeal to the members of this House in the name of the patriotism and love of country shown by the citizens of my native State, her great exertions in the cause of her country, her adherence to the law, her devotion to the determination to break down this rebellion, her revolutionary glory, her sons who left their wives and families, their homes and fathers, to battle under the old flag, whose bravery and discipline have whitened the pages of our history, the honor and interest of the State, the chartered rights of her citizens, and her immense outpouring of blood upon the battle-fields of Antietam and Gettysburg, to not override her laws and set her courts at defiance.

This same bill was before the Senate of the United States and tabled, and these gentlemen now come here with it. The Postmaster General in his report to the Senate, in pursuance of a resolution of that body, says there is no necessity for any new lines between here and New York, and shows that there is less necessity to establish new routes in New Jersey than from here to Philadelphia. I read from his report on pages 2, 4, 5, 6, and 7:

"The usual speed of through mail trains should be thirty miles an hour, but to attain that speed and preserve it with regularity, the train should not consist of more than six cars, including the mail and baggage, attached to one locomotive. This appears to be the average size of the through trains when they leave New York, but at Philadelphia they are sometimes increased to an extent entirely disproportionate to the capacity of the engine, and consequently fail to reach Washington on time." * * * * "A double track has been completed from Jersey City to a point three miles short of the southern terminus of the New Jersey railroad, near New Brunswick, and is now in course of construction, and will soon be completed the whole length of that road. The next road is the Camden and Amboy branch, extending to Trenton. Four miles of this road has a double track; it then makes a curve by which it approaches the Delaware and Raritan canal, on the banks of which it runs to Trenton. An entirely new road has been made, some twenty miles in length, for the purpose of straightening this curve, and it is now used by the down trains. This new line is mostly graded and ballasted for a double track, and will soon be completed; but as the new and the old lines are both used, it is now equivalent to a double track from the Hudson to the Delaware. The next road is the Philadelphia and Trenton railroad, on which part of a second track is laid; and it would have been entirely completed but for the difficulty in getting the requisite labor and materials." * * * * "It thus appears that the chief difficulty in the way of an expeditious and certain mail service between the two cities—the want of a double track—will soon be removed." * * * *

"But instead of removing this inconvenience by attempting now to build a new road, the efforts of the managers of the existing roads to improve the service would be greatly hindered, nor are the inconveniences to which we have been subjected such as that it can be said to be necessary to have an additional road."

The committee report that the chancellor decreed that the companies named in this bill should pay to the Camden and Amboy Railroad Company all sums collected by the former for through business, including the amount received for the transportation of troops, which is not so, and could not be so, as the joint companies could only recover to the extent of the profits of that through business. I refer the House to the chancellor's opinion, on page 31, which reads as follows:

"It will be referred to a master to take an account of all the through passengers and freight which have been car-

ried over the road since the opening of the route; and also all damages which the complainants have sustained thereby. In taking the account the master will include all the soldiers, horses, baggage, and munitions of war that have been transported, distinguishing this part of the account from ordinary business.

"No proof has been offered in support of the allegation of the answer that they were carried over the roads of the defendants by orders of the Secretary of War or by orders of the General Government. Should it appear before the master that any such orders were made he will report the evidence thereon, and the disposition of that part of the case will be reserved till the coming in of the report."

The committee report that from September 1, 1862, to June 1, 1863, there were transported from New York to Philadelphia, over the petitioners' roads, 17,428 men, 649 horses, and 805,245 pounds of freight, under the order of the Government. That business was obtained by their paying to the officers or persons who had the control of that business twenty-five cents a head for each man, in order to get the business over their roads. I assert that this is a fact, and if any one dare deny it, it can be proved by affidavit. These companies presented an account to the Philadelphia and Baltimore Railroad Company for half of this bribery, which the latter company refused to allow, because they had arrangements with the Camden and Amboy lines to do their through business; and at the same time the joint companies were ready to do that business, and were in waiting for it. The joint companies have always been ready and able to do more business for the Government than they have ever been required to do. I refer the House, for proof of my assertions, to the affidavits of Edwin A. Stevens, Ira Bliss, John Simpson, James Herring, George B. Raymond, William H. Gatzmer, R. S. Van Rensselaer, and Walter Freeman, Esquires.

New Jersey, to wit:

Edwin A. Stevens, of Hoboken, being duly sworn according to law, on his oath deposeth and saith that he is and has been for several years past the President of the Camden and Amboy Railroad and Transportation Company; that the means of communication possessed by said company between Philadelphia and New York are as follows:

Ferry-boats from Philadelphia to Camden, railroad from Camden to Amboy, steamboats from Amboy to New York.

Railroad from Philadelphia (Kensington station) to Trenton, thence to New Brunswick, uniting there with the New Jersey Railroad and Transportation Company, whose railroad extends to Jersey City, from thence the communication is by ferry-boats to New York.

Railroad from Camden through New Jersey to Trenton, thence to New Brunswick, and as in the last-mentioned line to New York.

And said company, with the Delaware and Raritan Canal Company, (the affairs of both being managed by a joint board,) has also the Delaware and Raritan canal, extending from New Brunswick to Bordentown, accessible by vessels of large tonnage at New Brunswick, from the Raritan river, which empties into Raritan bay, and accessible at Bordentown from the Delaware river, and navigable by steam propellers of four hundred tons burden, which can and do make the passage from New York to Philadelphia in twenty-four hours; that immediately upon the breaking out of the rebellion in the month of April, 1861, deponent in his official capacity as president of said company tendered to the Government the use of all said means of communication exclusively, so long as the emergency or necessity therefor should continue, and also tendered the use of a stanch and suitable steamboat of said company, to be sent around to Perryville, and to keep up a communication between that place and Annapolis, although said places were entirely beyond the lines under the control of said company.

That from the said first tender until the present time, said company has made the utmost exertion to forward the national troops, and that no troops have been delayed in their transportation over said lines of communication of said company, by any want of facilities or diligence of the officers or agents of said company; that orders have from time to time been given and continued in force by deponent's directions, that every facility should be given by the officers and agents of said company for such transportation, and that the transportation of troops should take the precedence of all the other business; that said company has the appliances and facilities to carry more troops than have ever been carried.

That the said company has kept unemployed and in readiness for Government employment at all times a steamboat at New York, and when not employed by Government she is kept as a spare boat.

E. A. STEVENS.

Sworn and subscribed before me, at Hoboken, this 1st day of February, 1864.

J. HARVEY LYONS,
Master in Chancery, New Jersey.

New York, to wit:

Ira Bliss, being duly sworn according to law, on his oath deposeth and saith that he is the general agent of the Camden and Amboy Railroad and Transportation Company at the city of New York, and has been such for many years; that the requisitions for the forwarding of troops between New York and Philadelphia on said railroad have been generally drawn upon deponent as such agent, and he has been cognizant from time to time of their transportation; that no troops forwarded on said company's road have ever been delayed a day by want of preparation of said company, or the want of facilities, boats and rolling stock, or neglect of the officers or agents of said company; that more troops could and would have been carried over said railroad of said company on any day than were offered; that deponent's orders, and the orders he has given to his subordinates, have been at all times to carry troops in preference to doing other business, and such orders have been carried out; that the boats of said company have repeatedly waited for troops who were expected, but did not go on said company's road, as they were taken on the Delaware and Raritan Bay railroad, and that on other occasions the boats of said company have been delayed for as much as twenty-four hours waiting for regiments who did not come according to the requisitions made on the company, and that the offices of the company have been kept open and their employés at work on such days for the purpose of receiving and meeting requisitions which were expected; that for the last two years, at least, the said company have kept in reserve, for the accommodation of troops only, a large and convenient passenger boat, and said boat has always been kept in readiness, sometimes steam being kept up for a week at a time; that said company have not only transported troops from their termini and depots, but have repeatedly sent their boats to Riker's and David's Islands, in the East river, and Staten Island, and taken therefrom and carried thereto and over their railroads said troops, between New York and Philadelphia, without extra charge for the extra service.

IRA BLISS.

Sworn and subscribed before me, at New York city, this 1st day of February, A. D. 1864.

JEROME BUCK,
Notary Public City of New York.

New York, to wit:

John Simpson, being duly sworn according to law, on his oath deposeth and saith that he is, and has been for many years past, (say about fifteen years,) the captain of the steamboats of the Camden and Amboy Railroad Company which ply between New York and Amboy; that deponent has been diligent since the commencement of the rebellion to keep informed of the passage of troops between New York and Philadelphia; that the said company have always been prepared to take all troops which came for transportation, and have always been able to take more than came; that the officers of said company have instructed deponent to give the transportation of troops the preference over all other business, and said orders have been obeyed; that deponent recollects the times when troops have gone to Philadelphia by the Delaware and Raritan Bay railroad, and that at such times the Camden and Amboy Railroad Company were prepared to carry such troops, and their boats were repeatedly kept hours waiting for troops; that the capacity of the appliances, boats, and rolling stock of said company is far greater than necessary to carry all the soldiers that have passed between New York and Philadelphia, whether on said Delaware and Raritan Bay railroad or on said Camden and Amboy railroad, or on both.

JOHN SIMPSON.

Sworn and subscribed before me, at the city of New York, this 1st day of February, A. D. 1864.

JOHN HEGEMAN,
Commissioner of Deeds.

New York, to wit:

James Herring, being duly sworn according to law, on his oath deposeth that he has for the last three years and long before been pilot of the steamboats of the Camden and Amboy Railroad and Transportation Company which ply between Amboy and New York; that since the commencement of the rebellion deponent has watched the movement of troops between New York and Philadelphia; that he recollects distinctly the times when troops went from New York to Philadelphia by the Delaware and Raritan Bay railroad, and at such times the officers and agents of the Camden and Amboy Railroad Company expected to take such troops, and were prepared to do so, and that the boats of said company were kept waiting for hours and until it was definitely ascertained that the said troops had gone by the Delaware and Raritan Bay railroad.

JAMES HERRING.

Sworn and subscribed before me, at the city of New York, this 1st day February, A. D. 1864.

JOHN HEGEMAN,
Commissioner of Deeds.

New York, to wit:

George B. Raymond, being duly sworn according to law, on his oath deposeth and saith that he is, and has been since the month of January, A. D. 1863, the transportation agent of the Camden and Amboy Railroad Company in the city of New York; that he has had the particular charge of the transportation of troops between New York and Philadelphia; that no troops have ever been delayed a day in such transportation by want of rolling stock of said company or of the attention and diligence of the officers and agents of said company; that from the time deponent undertook the duty of agent as aforesaid he, until the fall of 1863, was in the habit daily of sending to the quartermaster's office in New York and inquiring what was desired to be done in behalf of the Government in the way of forwarding troops that could be performed by said company; that deponent's instructions were to give the preference to Government transportation over all other business, and such instructions were communicated to said quartermaster; that said company could have transported many more troops than were offered to them to transport, and boats and rolling stock have been kept constantly in readiness and prepared to obey any sudden requisition of the Government; that deponent recollects the transportation of troops over the Raritan and Delaware Bay railroad, (he thinks in March, A. D. 1863,) and that at the times troops were so transported on said Raritan and Delaware Bay railroad the boats of the said Camden and Amboy railroad were waiting and prepared to transport them in said boats to Amboy, on the said Camden and Amboy railroad, to Philadelphia, and could have transported the same troops in addition to any that were offered to the Camden and Amboy Company.

GEORGE B. RAYMOND.

Sworn and subscribed before me, at the city of New York, this 2d day of February, A. D. 1864.

J. H. WASHBURN, *Notary Public.*

City of Philadelphia, Pennsylvania, to wit:

William H. Gatzmer, being duly sworn according to law, on his oath deposeth and saith that he is the general agent at Philadelphia of the Camden and Amboy Railroad and Transportation Company; that deponent's duty as such agent requires him to be informed of the extent of transportation over the railroads of said company, and that he has given attention particularly to the capacity of said railroads to carry troops between New York and Philadelphia, and has observed the extent to which such capacity has been taxed; that there have been transported over said railroads between New York and Philadelphia as many as six thousand troops in a day; that the said company have and have had during the rebellion sufficient rolling stock and agents and employés to do vastly more of the transportation of troops than they have ever been required to perform; that no troops have ever been delayed a day in the transportation between New York and Philadelphia over said roads; that deponent recollects the times when troops were carried over the Raritan and Delaware Bay railroad, and in almost every instance, if not in every instance, the boats of said Camden and Amboy Company were prepared to carry the same troops, and the officers and agents of said Camden and Amboy Company expected to take the same troops, and that the said Camden and Amboy Railroad Company could then have carried the same troops.

WILLIAM H. GATZMER.

Sworn and subscribed before me, at Philadelphia, this 2d day of February, A. D. 1864.

Witness my hand and official seal.

JOHN H. FINK,
Notary Public, No. 223 Dock street.

Pennsylvania, to wit:

Robert S. Van Rensselaer, of Bordentown, in the State of New Jersey, being duly sworn according to law, on his oath deposes and saith, that he is the superintendent of the Camden and Amboy Railroad and Transportation Company; that from the beginning of the rebellion the instructions received by deponent and given to his subordinates have been that the transportation of Government troops over the railroads of said company should have the preference of all other business, and such instructions have been carried out; that above six thousand troops have been carried in a day, at times, between New York and Philadelphia, over the railroads of said company; that deponent recollects one occasion on which, besides the regular trains which were uninterruptedly run, there were eighteen extra trains run on one day between New York and Philadelphia, nine each way, all of which carried nothing but troops and their baggage; number of regiments was nine or ten; that troops have never been delayed a day on the said railroads of said company by want of rolling stock or of the attention or diligence of the officers or agents of said company, but that the company's boats and cars have frequently been kept waiting for hours for the arrival of troops after the hours at which the company had been required to be and were ready to transport such troops; that the said company could at any time during the rebellion have carried and can now carry many more troops than have ever offered; that deponent recollects the times when troops were carried between New York and Philadelphia over the Raritan and Delaware Bay railroad; that at such times the Camden and Amboy Company were prepared to carry the same troops, and expected to carry the same, and could and would have carried the same more expeditiously than they were carried over said Raritan and Delaware Bay railroad.

R. S. VAN RENSSELAER.

Sworn and subscribed before me, at Philadelphia, this 2d day of February, A. D. 1864.

JOS. T. FORD,
Notary Public, Philadelphia.

Pennsylvania, City of Philadelphia, to wit:

Walter Freeman, being duly sworn, on his oath deposeth and saith, that he is now and hath been for several years past in the employ of the Camden and Amboy Railroad Company as transportation agent; that the said company have always carried on their railroads between New York and Philadelphia all troops that have ever been brought to be transported, and could have carried double the number of troops without at all interfering with the regular trains; that no troops have ever been delayed a day in their transportation between New York and Philadelphia; that deponent's instructions have been, from the beginning of the rebellion, to give to the transportation of Government troops and supplies the preference over all other business; that deponent recollects the times when troops were carried over the Raritan and Delaware Bay railroad, and at those times the said Camden and Amboy Railroad Company were soliciting the transportation thereof, and desirous of doing it; that their boats were in waiting and ready to carry the troops, and the employés expected the troops would come by the said Camden and Amboy route; that at such times the Camden and Amboy railroad could have carried the same troops, and have done all the business they were doing without interruption; that the capacity of the railroads of said Camden and Amboy Company has never, in the judgment of deponent, been at all taxed in the transportation of troops in addition to their regular business.

WALTER FREEMAN, *Ag't Trs.*

Sworn and subscribed before me, at Philadelphia, this 2d day of February, A. D. 1864. Witness my hand and official seal. JOHN H. FINK,

Notary Public, No. 223 Dock street, city.

We are told that the war is nearly over. The demands of the Government hereafter cannot be as great as they have been heretofore. What, then, is the necessity for this union of roads? The Government does not ask for it. There has been no petition presented here by anybody except these persons. It is not asked for by the Government nor by the State of New Jersey.

The persons named in the affidavits swear that the joint companies have done all of the business offered to them, and that they were ready and willing to do all that the Government wanted, and that they are ready to transport fifty thousand troops in one day from Philadelphia to New York. They gave the road up to the Government and drove away the State business when the rebellion broke out, and flooded this city with troops that saved it from Jeff. Davis and his cohorts that were thundering at its gates.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, notified the House that the Senate disagree to the amendment of this House to the fourth amendment of the Senate to the bill of the House (No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865; ask a committee of conference with the House on the disagreeing votes of the two Houses thereon; and have appointed Mr. HOWE, Mr. HARRIS, and Mr. WILLEY the committee of conference on the part of the Senate.

Also, that the Senate have passed a bill (H. R. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims, with an amendment, in which the concurrence of the House was requested.

FOREIGN MAIL SERVICE.

Mr. ALLEY. I rise to a question of privilege. I desire to submit a report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the House bill (No. 299) entitled "An act for carrying the mails from the United States to foreign ports, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to the respective Houses as follows, to wit:

That the House recede from its disagreeing votes to the Senate amendments numbers one, two, four, five, and six, and agree to the same.

That the House also recede from its disagreeing vote to the third Senate amendment, and agree to the same with the following amendment, to wit: strike out the word "either" and insert the word "both;" to which amendment the Senate consent and concur.

That the House recede from its disagreeing vote to the Senate's seventh amendment, and agree to the same as amended so as to read as follows, to wit:

SEC. 7. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and empowered to suspend the operation of so much of the eighth section of the act of the 31st of August, 1852, as authorizes the conveyance of letters otherwise than in the mails on any such mail routes as in his opinion the public interest may require.

And the Senate consent and agree to such amendment and adopt the same.

J. COLLAMER,
JOHN CONNESS,
C. R. BUCKALEW,
Managers on the part of the Senate.
JOHN B. ALLEY,
JOHN V. L. PRUYN,
C. COLE,
Managers on the part of the House.

Mr. ALLEY. Upon the first six amendments there was no disagreement, as they were verbal amendments, with a single exception, and that was comparatively unimportant.

To the seventh amendment of the Senate the House disagreed, and that was an addition to the House bill by the Senate of a section which I will read:

SEC. 7. *And be it further enacted*, That so much of the eighth section of the act of 31st August, 1852, as authorizes the conveyance of letters otherwise than in the mails be, and the same is hereby, repealed, except only as to letters containing money or accompanying packages, and relating thereto.

This additional section repeals the law of 1852 so far as it authorized the conveyance of letters otherwise than in the mails. By the law of 1845, all mail matter was prohibited from being carried upon post routes by any one out of the mails. In 1852 that law was amended so as to provide that letters and other mail matter might be carried by express companies or by individuals, provided the legal postage was prepaid and the envelopes in which the matter was carried were stamped. The Senate proposed by this additional section to repeal that law. In case of the repeal of that law, we should fall back upon the law of 1845. That law was regarded as working a hardship, at the time of the enactment of the law of 1852, upon the business interests of the country, and the reasons alleged by the Senate for its repeal were, that upon the Pacific coast, in many instances, great abuses had been practiced.

The conference committee agreed upon an amendment to that provision of the Senate, and to it the unanimous assent of the committee of both Houses was given. As proposed to be amended it will read as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and empowered to suspend the operation of so much of the eighth section of the act of the 31st of August, 1852, as authorizes the conveyance of letters otherwise than in the mails on any such mail routes as in his opinion the public interest may require.

That leaves the matter entirely in the discretion of the Postmaster General, and he may adopt the remedy so far as it may seem necessary to promote the interest of the public service. To this provision, with the modification indicated, the conference committee could see no objection. They therefore agreed to report to their respective Houses a recommendation that the amendment with this additional provision be adopted.

Now, if no additional information is required, I will move the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the report was agreed to.

MILITARY ACADEMY BILL.

Mr. FENTON. I desire to inquire of the Chair whether a committee of conference has been requested by the Senate upon the Military Academy bill.

The SPEAKER. It has.

Mr. FENTON. I move that the request of the Senate be granted, and that a committee of conference be appointed upon the part of the House.

The motion was agreed to; and

The SPEAKER subsequently appointed as such committee Mr. FENTON, Mr. BLOW, and Mr. J. R. MORRIS.

GOVERNMENTS FOR REBELLIOUS STATES.

Mr. DAVIS, of Maryland. Mr. Speaker, I now call up my motion, made some time since, to reconsider the motion by which the bill of the House (H. R. No. 244) guarantying to certain States whose governments have been usurped or overthrown a republican form of government was referred to the select committee on the rebellious States.

Mr. WASHBURNE, of Illinois. I desire to make a suggestion. I understand that this bill was referred to the select committee and is now before it, and that it will be in order for them to report it at any time when the committee is called. The suggestion I wish to make is this: that if this measure is brought before the House by the motion to reconsider, it will block up all the other committees for the time during which it is being discussed in the House.

Mr. DAVIS, of Maryland. Whether it will block them up or not will depend upon the action of the House. I demand the previous question upon the motion to reconsider.

Mr. HOLMAN. Does the gentleman intend to ask action on the bill now?

Mr. DAVIS, of Maryland. I ask consideration of the bill, but not immediate action.

The previous question was seconded, and the main question ordered; and under the operation thereof the motion to reconsider was agreed to.

The question recurred upon recommitting the bill to the select committee on the rebellious States; and being put, it was disagreed to.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. DAVIS, of Maryland, then addressed the House. [His speech will be published in the Appendix.]

Mr. BEAMAN. Mr. Speaker, the principal features of the proposed legislation now under consideration were before the House nearly two years ago, in the form of a bill reported by Mr. ASHLEY, chairman of the Committee on Territories, to establish provisional governments for the districts of country in rebellion against the United States. That bill was laid on the table without discussion; but soon thereafter, in Committee of the Whole on the state of the Union, I attempted to show that its provisions were in accordance with the Constitution and suitable to the distracted condition of the country.

In justification of such legislation, I assumed the ground that the so-called seceded States had ceased to exist under the Constitution; that their constitutional governments had been abrogated; that if *de facto* governments had supervened—being in opposition to and in defiance of the Federal Constitution, and in a state of actual war against the Union—they were illegal and void; that to deny this and maintain their existence as legitimate, organized States is an admission of the doctrine of secession; because, having repudiated the Federal authority and formed a hostile confederacy and waged war against the United States, and having no governments that can be recognized under the Constitution, if such States or governments have a legal existence, they must be regarded as foreign Powers. But I denied the doctrine of secession, and insisted that though a State, or the people and constituted authorities thereof, may commit treason and forfeit their franchises and cease to have existence as a legal State organization, still they cannot lawfully cast off their allegiance to the Federal authority, and that when a State becomes vacated by treason, her territory and people still remaining within the limits of the United States and under the jurisdiction of the Federal Constitution, it is the right and the imperative duty of the national authority to provide a government for the people and secure the restoration of domestic tranquillity. That bill, though somewhat different in its details, was in principle similar to the one now under consideration. Its competency rested upon the same basis, and the remarks I offered in reference thereto would be equally applicable in the present discussion; but I shall not here repeat them.

During the last two years we have made progress. There has been much discussion touching the condition of the seceded States, and a very radical change has transpired as well in the public mind as in the policy of the Government. For a long time after the commencement of the war there seemed to be great apprehension on the part of all branches of the Government that something might be done or omitted that would operate as an admission that the rebel States have in law seceded. For some time we seemed to be confounded by the anomalous state of affairs, and the confusion of ideas everywhere prevalent. A very respectable class of our people, in point of numbers, denied that a rebellious State can be lawfully coerced into submission; others, admitting the sovereignty of the nation and demanding an enforcement of the supremacy of the laws, were nevertheless fearful of the adoption of unconstitutional means. We did not, in the earlier stages of the rebellion, seem to comprehend precisely the status of the seceded districts. We saw State after State renounce allegiance to the Union and enter into a hostile confederacy. We saw that whatever of government remained in those States was antagonistic and inimical; still we spoke of them as States of the Union. We did not readily apply the familiar principle that an illegal government is a void government, and that a void government is no government. It is not intended by this that where a State government becomes void in law by reason of treason, there is necessarily no body-politic, no *de facto* organization; but in such case the State has no legal existence under the Constitution. We knew, in point of fact, that the great mass of the rebels had taken an oath of allegiance to a hostile confederacy, and were represented in a rebel congress. We felt at liberty to shoot them down, and sent half a million men to the field for that purpose. We knew if they had any laws, any constitutions, they had carried them into the rebel camp; but nevertheless we continued to talk about the rights of the States, the requirements of the local laws, and the inviolability of domestic institutions. We did not clearly distinguish between abandonment or abrogation and legal secession. We did not believe that a State can lawfully secede, and therefore we somehow got the impression that South Carolina, though waging war

against the Union, was a legal subsisting State organization under the Constitution of the United States, and entitled to recognition and respect. Hence we did not immediately discover that the destruction of local government had prepared the way for the substitution of Federal authority.

Acting under such delusions, our generals in the field published orders and proclamations preventing as well the release as the escape of slaves. Colored men were property by the laws of Virginia, and therefore you must not let them shoot their masters. In some instances avowed rebels proceeded to our camps and demanded and received the surrender of slaves, claiming them as property, secured alike by their own State laws and the supreme laws of the land. Belligerent rights were adopted with caution, lest the independence of the rebels should thereby be conceded. Everywhere extreme prudence was observed, and everywhere defunct laws of defunct States were attempted to be galvanized into life. Even in this Hall, for a long time during the last Congress, we exhibited the farce of calling South Carolina and her sister conspirators for bills and resolutions. In July, 1862, the President—with his habitual caution and prudence, and in consonance, it is believed, with a very extensive public sentiment, in a solemn document in relation to the confiscation act laid before both Houses of Congress—declared that it was "startling to say that Congress can free a slave within a State;" and yet, on the 1st day of January following, he issued a proclamation that will render his name as famous and imperishable as that of Washington, in which he declared freedom to nearly all the slaves in the seceded districts.

But I repeat, we have made progress. We have after much delay determined to confiscate the property of rebels. We no longer drive back the fugitive from oppression to miserable bondage. We no longer force him against his will to prosecute acts of treason and rebellion, but we invite him to partake of the blessings of freedom; we give him a musket, and rank him among the defenders of the country. We have determined to prosecute the war in accordance with the laws of nations, disregarding the pretended constitutional claims of rebels in arms. Still, sir, there is some difference of opinion in the country in regard to the proper mode of treating those States and in respect to the power of Congress over them. Even in this Hall we occasionally hear a feeble echo of non-coercion sentiment; but the voice of the people is for war and complete subjugation.

Perhaps among the friends of the Administration there is not entire unanimity on all points of minor consideration; but I believe they generally agree that the Government has authority to superintend, regulate, and control the manner of the restoration of the seceded States to the Union, and to impose such conditions as the public safety may require. I regard the difference of opinion on this side of the House as one rather of terms than of ideas, of theory rather than of practice. Whether, as it seems to me, the State is out of existence, or as is alleged by the gentleman from Maryland, [Mr. DAVIS,] the State survives, but the government is abrogated and the constitution is "absolutely dead," (which I think is substantially the same proposition,) "and incapable of revival except by a revolutionary process;" or as is affirmed by the gentleman from Pennsylvania, [Mr. STEVENS,] the seceded States are foreign Powers, is not perhaps material to the present discussion. The important inquiry is not what technical words will most aptly define the anomalous condition of the seceded districts, but the pertinent, practical questions are, What can we do with them? How far can the national Government exercise jurisdiction within its own territorial limits? To what extent may it intervene to protect its own loyal citizens in the midst of rebels? What are its powers as an agent in the reëstablishment of lawful State governments, and to what extent may it provide for security in the future?

Each of the theories to which I have referred asserts all the power necessary to warrant the passage of the bill in question, as well as all the authority that I have ever deemed requisite for a safe reconstruction of the Government. Nor do I perceive that the adoption of either in exclusion of the others would produce any practical difference in results. If the State be abrogated we may permit a new creation with such restrictions as we may be pleased to direct. If the State survives, but her constitution and government have been destroyed, we may allow a reorganization under such conditions and with such limitations as we see proper to impose. If the State has become a foreign Power, then, as a conquered province, we may treat her as a part of the national domain; and in either case we may provide for her people suitable government and for such length of time as she shall be unable to resume her place in the Union. Indeed, we are solemnly bound by the organic law to "guaranty to every State in this Union a republican form of government." But how? What is the construction of this provision, and what is the extent of the obligation? It is clear that it does not bind the Union in any case to maintain a State government. Such an obligation, for reasons that I shall state hereafter, would be as absurd as it would be impossible of performance.

This clause in the Constitution, by misconstruction, as it seems to me, has led the minds of gentlemen into the strangest and wildest mystification. They argue that as a necessary consequence of its existence, both in law and in fact, a State once organized and admitted into the Union will ever remain a legitimate, organized State; and therefore, assuming this as a postulate, it is alleged that a State cannot secede. The truth or falsity of this corollary depends upon what is understood by the term secession. The rebels, who are entitled to the credit of introducing this word into our political language, claim that it is the right of a State at any time, at her election, to withdraw peaceably from the Union. This, in popular language, we call the doctrine of secession; a doctrine, I need hardly add, to which no loyal American will subscribe. Taking this as the true definition of secession we say that no State can secede, that is, legally withdraw from the Union without the consent of the other members. Whether there may be secession in fact is a question of physical power. Should the rebels prevail and establish their independence, such a result would not vindicate the doctrine of secession, but it would be the establishment of secession in fact. Would it not, in that event, be ridiculous to affirm that because, by the Constitution, there is to every State guarantied a republican form of government, therefore those established independent States were still States of the Union?

For the same reason, it is said that no State can commit suicide; but no sane man believes that a policy of life assurance will secure immortality to the assured. So it may be said that no man can commit murder, because, in all ages, it has been a crime against law; and the Constitution of the United States expressly declares that no man shall "be deprived of life, liberty, or property without due process of law." Yet Cain slew his brother. Gibbets, as punitive instruments, may be seen throughout the country; and within the last three years the rebels have murdered a quarter of a million of our fellow-citizens.

Now it seems to me that the principles applicable to the questions of secession, State suicide, the abrogation of State constitutions and State governments, are simple and easily illustrated. No State can, without consent, legally withdraw from the Union; therefore there can be no legal secession. No State can release her territory and people from the claims and injunctions of the Federal Constitution until she shall have established her independence by force of arms; so in that sense no State is out of the Union. When a State, by the consent and active participation of her officers and people, has repudiated and foresworn the Federal authority and joined an antagonistic confederacy, she is no longer a State in the Union; but her territory and people, until she shall have established her enfranchisement, will remain within the jurisdiction of the United States and amenable to Federal authority. If she succeeds, whatever may be the guarantees of the organic law, her whole territory is out of the Union. By the action of the people and the State authorities in making war upon the United States and forming a foreign alliance, the State, or the government, if you like the term better, is out of existence. Certainly you do not recognize the rebel authorities, and there is no other in those States; so it follows that there is no government in the seceded districts that can be recognized under the Federal Constitution. As here used, I regard the terms State and government as synonymous, because I cannot conceive of a State, in the sense used, as applicable to our political system, without some kind of governmental organization.

Now, I repeat that the Constitution does not guaranty that every State shall maintain a State government. It does not agree that every State shall be properly officered; that she shall be represented in Congress, and retain her constitution, her laws, and her organization. It does not agree that the machinery of government shall be kept in operation. There is no power in the General Government to elect a Governor of a State. Neither the President nor Congress, nor both combined, can elect a Federal Senator or Representative, a member of a State Legislature, or even a town constable. There is no power to prevent a State from amending, changing, or abolishing her constitution, and should she abrogate it by a vote of her people, there is no power in the General Government to make another for her. State governments, State constitutions, and State elections spring from the will of the people. If the people will not have them they cannot exist; you may guaranty and protect the people against monarchy; but you cannot be assured, and therefore you cannot undertake, that they will keep in operation those functions of government without which there can be no State.

What then is the true construction of this clause of the Constitution? The meaning seems to me obvious. The Federal Government has pledged its faith that no State of the Union shall be forced or even permitted to have a monarchical government, and that it will render all needful aid to enable the people to sustain one republican in form; but if they will not have it you cannot exercise the functions of State government for them. Such is the present condition of the rebellious districts. They had State governments under the Constitution and within the Union, but they tore them into pieces and cast away the fragments. They would not have them; they would not be protected. But amid the traitors, surrounded by the ruins of those fallen governments, are true patriots and loyal men. They are citizens of our common country, and entitled to all the benefits guarantied by the Federal Constitution. They had not votes and arms sufficient to resist the traitors. You have strength to crush out rebellion, but you cannot vote nor elect officers for them. But you can give them temporary government, republican in form, such as is now enjoyed by hundreds of thousands of American citizens without the limits of State organizations; and adopt prompt and efficient measures for an early restoration to their former rights and privileges. Such, I understand, is the purpose of the bill.

I shall not now inquire whether this bill is in all respects the best that can be devised. On questions so grave and so new it is not to be expected that different minds will arrive at precisely the same conclusions, especially in matters of detail. But it appears to me that it provides substantially for the exigencies of the case. It asserts very distinctly that the governments of the seceded States have been overthrown. It declares the right, where local laws have become extinct, to substitute Federal authority. It provides for the appointment of a provisional "governor, who shall be charged with the civil administration of such State until a State government therein shall be recognized." It provides, "so soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have sufficiently returned to their obedience to the Constitution and laws of the United States," and one tenth of the white male citizens shall have taken an oath to support the Constitution of the United States, for the calling of a "convention charged to declare the will of the people of the State relative to the reëstablishment of a State government." It excludes from the electors of delegates, as also from the delegates to such convention, every "person who has held or exercised any office, civil or military, State or confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States." It provides "that all persons held to involuntary servitude or labor in the State" shall be "emancipated and discharged therefrom." It provides also that there shall be

incorporated into the constitution of the State the following provisions:

"1. No person who has held or exercised any office, civil or military, State or confederate, under the usurping power, shall vote for or be a member of the Legislature, or Governor.

"2. Involuntary servitude is forever prohibited, and the freedom of all persons is guarantied in said State."

From the very commencement of civil war, to statesmen, as well as to the masses of the people, the question of reconstruction has been a source of great embarrassment. While in some quarters theories and plans were suggested at an early day, in others it was insisted that the question should be postponed until after the suppression of the rebellion and the restoration of order. It is difficult, however, to understand how the latter proposition can be carried into effect, how seven million people can be reduced to order without some kind of civil government. But for some months past we have been admonished by the course of events that delay cannot, with safety, be much longer tolerated. In Arkansas, Louisiana, and Tennessee the loyal men are demanding protection and deliverance from anarchy, misrule, and tyranny. Their voice has been heard at the Executive Mansion, and responded to in a proclamation accompanying the last annual message. This is the first distinct act of any branch of the Government looking to a solution of the difficulty. Without stopping, sir, to inquire to what extent this power is conferred upon the executive department, I hail the proclamation with gladness as a step in the right direction. It is a beacon-light by which we may be led out of the labyrinth in which we have been groping. The President has performed his part; it remains to us to do ours. What he has thus happily initiated we must fashion and complete. He could do no more. He is the Commander-in-Chief of the Army and Navy. He can declare martial law and repress rebellion, but he has no power to institute civil government. He may impose conditions, grant pardons, and proclaim an amnesty, but he cannot admit new States. This bill, or something akin to it, comes in requisition as a handmaid to the proclamation, in order to render it safe and efficient. Nor is there any conflict or incongruity between the two. The proclamation asserts that "the loyal State governments of several States have for a long time been subverted." It assumes the right to require oaths and to prescribe terms as conditions precedent to the reëstablishment of a State government that "shall be recognized as the true government of the State."

The bill goes somewhat further, but the principle upon which the authority is assumed is the same in each. If you have power to intervene in the local affairs of the seceded districts, it is upon the assumption that the State or at least the local government is overthrown. Certainly you could not require test oaths, nor dictate as to the class of persons who should control the government of Michigan or any other loyal State. If you can impose one condition you may insist upon others. The proclamation suggests it, "as not improper, that in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions" therein "stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government."

Now, it is manifest that if the President has power to direct the organization of a "new State government" with "modifications" he may direct and require just such and just so many modifications, not inconsistent with the Federal Constitution, as shall seem to him expedient. If he may require modifications that shall guaranty the liberty of freedmen, he may also insist upon such changes in the constitution and laws as will abolish the institution of slavery and exclude traitors from the elective franchise. Conceding, then, the competency of the proclamation, it is clear that the difference between that instrument and the bill does not arise out of the question of constitutional authority, but that it consists in the extent to which the acknowledged power is proposed to be exercised. It is a difference in degree and not of principle.

Should there be any doubt of the correctness of my construction of the proclamation, in so far as it relates to the condition of the seceded States and the power of the Federal Government as an agent in reconstruction, it would be removed, I think, by reference to the proclamation of General Banks, issued at New Orleans, January 11, 1864, in pursuance, as he says, "of authority vested" in him "by the President of the United States," inviting the loyal citizens to cast their votes for the election of State officers. This proclamation declares that certain officers therein named "shall, when elected, for the time being and until others are appointed by competent authority, constitute the civil government of the State under the constitution and laws of Louisiana, except so much of the said constitution and laws as recognize, regulate, or relate to slavery, which being incompatible with the present condition of public affairs, and plainly inapplicable to any class of persons now existing within its limits, must be suspended, and they are therefore and hereby declared to be inoperative and void."

The proclamation also asserts the authority to call a convention for the revision of the constitution, to declare the basis of representation, the number of the delegates, and the details of election, in the following language:

"IV. In order that the organic law of the State may be made to conform to the will of the people and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the constitution will be held on the first Monday of April, 1864. The basis of representation, the number of delegates, and the details of election will be announced in subsequent orders."

It is hardly possible to assert a more complete and total abrogation of the constitution and laws of Louisiana, or to claim a more absolute and undivided authority and control over the local affairs of that disorganized portion of our country.

I have said that I approve of the President's proclamation as a step in the right direction. I do not complain that it goes no further; but with profound respect I submit that the aid of congressional action may be found convenient, perhaps absolutely necessary, to render it entirely adequate to a safe reconstruction of the government.

"New States," says the Constitution, "may be admitted by the Congress into this Union." Now, if the restoration of Florida would not be the admission of a new State, it would at least, in the language of the President's proclamation, be the recognition of a "new State government." It would be giving an influence and participation in the administration of the governmental affairs of this country to a State government that now has no existence. It is certainly analogous to the admission of a new State, and I need hardly amplify the argument to show that it is a proper subject for the deliberation of Congress.

I will now, for a moment, call your attention to the proclamation with the view to consider whether, independent of the suggestions just made, the object to be attained would not be facilitated and more certainly secured by concurrent aid from legislation. That document grants "a full pardon" to certain persons "upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate," and directs that said "oath be registered for permanent preservation." I read from the proclamation:

"I, ——, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

It also contains a proposition for the reëstablishment of State governments which I will also read:

"And I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one tenth in number of the votes cast in such State at the presidential election of the year of our Lord 1860, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall reëstablish a State government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that 'the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or the Executive, (when the Legislature cannot be convened,) against domestic violence.'"

There is also another sentence in the proclamation to which it may be proper to call your attention:

"And it is suggested as not improper that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government."

Now, it will not escape observation that the proclamation does not require nor suggest any modifications of the constitution and code of laws existing before the rebellion declaring the qualification of voters, nor does it require or suggest the adoption of any constitutional provision abolishing slavery. On the contrary, "it is suggested as not improper, that in constructing a loyal State government in any State," "the constitution and the general code of laws as before the rebellion be maintained, subject only to the modifications made necessary by the conditions" thereinbefore stated, "and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government."

What are those conditions, if any, which by the terms of the proclamation require modifications of the constitution and general code of laws? There is a condition demanding an oath. It is also made a condition that the State government shall be reëstablished by a number of persons having taken the oath not less than one tenth in number of the votes cast in the presidential election of 1860. I do not observe that any other conditions are mentioned. It does not make it a condition precedent that the constitution and laws shall be changed in regard to the qualification of voters. Now, I understand that the elective franchise is entirely under the control of State regulation, and that it is generally provided for in the organic law. When, therefore, the "new State government" has been reëstablished in Mississippi, by one tenth of the voters, retaining "the constitution and general code of laws as before the rebellion," what shall hinder Jefferson Davis from exercising in that State the elective franchise? Is there anything in the constitution and laws of Mississippi that will disqualify an unconvicted rebel from voting? Where will you find authority to prevent the traitors, the other nine tenths of the voters, from overpowering the one tenth at the polls, and taking possession of the government of the State? Care is taken to secure the protection of the freedmen, to the extent of the ability of the one tenth, against the nine tenths; but I do not discover that any modification is enjoined that will have the effect to abolish slavery in the State. Conceding the legality and sufficiency of the executive proclamations for liberating the slave, I fail to perceive that any one of them has vacated the constitution or laws under which the institution of slavery is protected and sustained. The people of the newly organized governments may be true to their oaths and sustain in good faith all the proclamations of the President, and yet in those reëstablished States, as in times gone by, you may again hear the cry of the wretched slave writhing in agony under the taskmaster's lash, and again you may witness, with pity and shame, the sale of men and women upon the loathsome auction-block. The oath does not eschew the traffic in human beings. The recipient of the amnesty does not forswear the slave trade. When Arkansas shall have been restored, though all of her late slaves shall have been emancipated, commerce will be left free and unrestrained; and what legal principle shall prevent her people from buying and holding in bondage all the slaves in Kentucky and Tennessee?

The bill proposes to interpose guards against the possible occurrence of the calamities to which I have referred; and it also makes special provisions for initiating and regulating the preliminary

proceedings for reconstruction, which are not very definitely pointed out by the terms of the proclamation. It may be said that all incipient proceedings may be instituted and directed by military officers, and that all needful rules and regulations may be provided from time to time by military orders adapted to the circumstances of each particular case. It may be so. I have never shared in the frightful forebodings of approaching military despotism by which some gentlemen seem to be so seriously disturbed. I have the utmost confidence in the ability and purity of intention of the present Commander-in-Chief of the Army and Navy; but we have no right to cast upon him those duties which the Constitution and the people have clearly imposed upon us; and it cannot be denied that, according to the spirit of our political institutions, the organization of civil government belongs rather to the civil than to the military department. Besides, it seems to me not wholly free from danger to confide matters of so great concern entirely to the hands of any Executive. Though we may be quite satisfied with the present policy, we have no assurance of its continued duration. Notwithstanding the Constitution provides that no person shall be deprived of life without due process of law, we have seen that there is a power above the Constitution; and death or rotation in office might produce the most disastrous results. Another Executive might adopt a different policy; another Commander-in-Chief might issue proclamations and military orders of an entirely opposite character; and an enlightened people need not be told that the destinies of a great nation should not be made dependent upon the life or continuance in public service of a single individual.

I do not make these suggestions in the spirit of unfriendly criticism. While there may be grave doubt of the power of the President to establish or inaugurate "new State governments," I am rejoiced to know that the Chief Magistrate of the nation asserts the sovereignty of the Federal Government and its paramount authority over every part of its territory. The absurd doctrine of the immortality of State governments is denied; and the right to impose terms and conditions precedent to the recognition of new organizations is distinctly asserted.

"A mode in and by which the national authority and loyal State governments may be reëstablished" has been "suggested;" a mode which, in my judgment, if seconded by the passage of this or some similar bill, will be found ample, safe, and effective. Then the system will be uniform by which the prodigal States, from time to time, can present themselves with the certainty of recognition by all branches of the Government; and the country will feel confidence in their return as the result of entire regeneration, and as giving promise of permanent restoration.

But to avoid misapprehension I desire to say that I would not refuse to recognize a reorganized State simply because she had not been reconstructed under the provisions of this bill and the President's proclamation. According to the practice of this Government, almost uniform, States have been admitted from the Territories in pursuance of enabling acts of Congress; but in exceptional cases some have been received without preliminary legislation. Should North Carolina to-day present herself with a constitution providing for the purity of elections and inhibiting slavery, and with evidence of sufficient popular favor to give assurance of permanency, I would not hesitate to recognize her government simply because it had not been initiated and perfected under the proclamation and the proposed legislation. It is said that Arkansas will soon appear at the doors of Congress under circumstances similar to those I have suggested. Let her come. I would welcome her with joy and with kindly greeting. I would rejoice to see her stripped of the vile rags, rank with secession and treason, with which she has been clothed, and the hands of her people cleansed from the blood of patriotic martyrs.

But the passage of this bill would exclude no such State from the Union. Congress would still be at liberty to exercise its judgment and free to use a wise discretion in any special case that might arise. But the possibility that some State or that all the States in rebellion may at some future time take voluntary action and emerge from anarchy without encouragement and aid from Federal authority, cannot justify us in the neglect of the plain duty to adopt measures for an early and methodical reorganization. We may not adopt the improvident policy of Micawber and wait for something to turn up. It is due to those true patriots and loyal men who have endured sufferings indescribable in their devotion to their country that the policy of all branches of the Government be distinctly defined and proclaimed; that the conditions precedent to acknowledged restoration be so clearly and unambiguously defined and declared that when they present themselves they may demand recognition as a right. All occasion for conflict between the several departments of the Government should be removed. The time of this House should not be occupied in the examination and acrimonious discussion of the claims of gentlemen to seats on this floor as the representatives of constituencies in districts where it is not known that there is any State government. And it is equally due to the people of the loyal States who have sent brothers, sons, and husbands to the battle-field, whence they will not all return, that ample provisions be made to prevent a recurrence of treason and civil war. This bill would provide guards and checks, and it would guaranty against surprise from rebels and the resuscitation of slavery; but it would not retard—on the contrary, it would accelerate—the restoration of permanent peace and union. As a people without government or organization are in a state of anarchy, their efforts to establish law and order must be more or less impeded by caprice, by divided counsels, and by the want of form, regulations, and method. The passage of this bill is the establishment of incipient civil government, and provides at once rules, regulations, and system, with the proper officials to carry them into execution. Too much care cannot be observed in all our movements to prevent treachery and consequent miscarriage. The oaths of men whose hands are dripping with innocent blood should be received with great caution. We have already on too many occasions had experience of the sad consequences of attempting to rely on Punic faith. The rebels have a two-fold inducement to take the oath of allegiance: first, to avoid punishment and save their estates; and second, to get control of the new government as a means of crushing out the loyal men and advancing their treacherous, nefarious schemes. The advice of the imitative Sambo to his companion to administer the oath to the rattlesnake and let it run is sufficiently suggestive. The oath of a traitor thrice perjured may well be regarded with suspicion.

Mr. Speaker, my exhortations to wariness in the establishment of new State governments may seem indicative of over caution. I confess to great anxiety on this subject. When I reflect upon the ruin that has been brought upon the country; when I know that the nation has been well-nigh depopulated; when I think of the bleeding hearts, the widows and orphans in every part of the land; when I consider that universal liberty has been endangered; when I can see in imagination in this and in future generations the increased toil and privations that will become necessary in order to discharge the immense national debt accumulated in consequence of this causeless rebellion, I am not willing that thoughtlessness, want of foresight, timidity, or a false sentiment of tenderness shall prevent the adoption of means, however stringent in their character, that may by possibility be necessary to prevent those governments from relapsing into the hands of traitors. Such, I believe, are the sentiments of the loyal people everywhere manifested. It is their wish and determination that the end of this war shall forever close the door against treason and rebellion. They desire to make the settlement a finality. They insist upon complete, absolute, and unqualified submission to the Constitution of the United States, without mental reservation and beyond any contingency. Nor do they believe such a consummation attainable without the utter annihilation of the slave power. They will not be satisfied to rest upon probabilities; they will take nothing upon trust. They have no confidence in men who have been, of their own free will, actively engaged in rebellion; and they will expect that in the reconstruction of State governments positive provisions will be made for disfranchising leading rebels.

Mr. Speaker, I desire now to recur for a moment to a provision of the bill to which I have already briefly alluded. I refer to that clause which it is proposed to insert in the constitution of the State in which it is declared that "involuntary servitude is forever prohibited, and the freedom of all persons is guarantied in said State." During the time that I have occupied a seat in this Hall I have purposely refrained from entering upon the discussion of slavery. I have not pursued this course with a view to the concealment of my opinions. My views as to the peculiar institution are familiar to my constituents; and the yeas and nays, so often recorded in the Journal of the House during the last three years, would indicate that they are not wholly unknown in this Hall. But while I am opposed to slavery in every form and have voted on all occasions in accordance with my convictions, I have not felt the necessity of vindicating my opinions in set speeches.

The question of slavery is not new. It has been a subject of discussion ever since my earliest recollection; and I have been informed that it was occasionally mentioned in history before I was born. A speech at this day upon the origin, character, and evils of slavery would not properly be called a "thrice-told tale." Numerically it would be more accurate to say that it is a repetition for the millionth time. The poet has recounted its wrongs and cruelties in mournful strains; the historian has warned you that it saps the foundation of nations; the divine has shown you that it is a crime against the claims of universal brotherhood and the Christian religion; the political economist has proved that it impedes the growth of national wealth; the ethnologist complains that it obliterates the distinctive characteristics of the races; and an eminent individual, disdaining analysis, has comprehensively declared that it is the "sum of all villainies." Indeed, for years the question of slavery has been conspicuous at the hustings, in the Halls of Congress, in the pulpit, in the lecture-room, in the public journals, in the literature of the country, in the literature of the civilized world. The man who, at this day, can originate one new idea, or the statistician who can marshal one new fact in relation to slavery, should have a patent for his invention, and be ranked as one of the greatest discoverers of any age. I shall not, therefore, depart from the rule by which I have thus far been governed, and allow myself on this occasion to be betrayed into the character of a rehearser. Nor shall I make an argument to prove, what by the rebels is not denied, that slavery is the sole cause of the present rebellion. Taking this fact as admitted, and satisfied, as I am, that such a system of bondage is wholly incompatible with the permanent existence of republican institutions, I regard the adoption of the freedom clause of the bill into the constitutions of the rebel States as absolutely essential to a safe reconstruction of the Union.

This ubiquitous and ever-absorbing question of American bondage has at length become the great problem of the war. It was not so considered at the commencement of hostilities. While we all understood the nature of the malady, we all, nevertheless, determined to remove the disease without disturbing the exciting cause. But it could not be done. Providence and the rebels had otherwise determined, and I accept with cheerful submission the joint decree. Every vestige of slavery in the entire country must be removed; and to that end we must watch with the keenest vigilance every step that is taken to reconstruct the rebel States. Let the great cotton and sugar-growing regions be made forever free. Adopt speedy and efficient measures to procure an amendment to the Federal Constitution that will banish the evil from all the loyal States; hope for its speedy extinction everywhere; but ever remember that so long as a slave breathes within our borders there is no safety for republican institutions.

I am not unmindful, Mr. Speaker, of the announcement, so often repeated, that "slavery is dead." The early friends of emancipation, whose lives and fortunes have been devoted to the cause of humanity, seeing at length a prospect of the realization of the hope of their lives, already too long deferred, with credulity pardonable, but too prompt and easy, catch up and reëcho the declaration that slavery is dead. The demagogue, from personal considerations, and as a plea to excuse

himself from an honest discharge of palpable duty, exclaims with enthusiasm that slavery is dead. The ancient allies and present sympathizers with southern aristocrats, in order to moderate the activity of earnest men, quietly concede that slavery is dead. Even the gentleman from New York [Mr. BROOKS] a few days since produced some sensation and drew forth the protest of his friend from Indiana, [Mr. VOORHEES,] by declaring that he accepted the abolition of slavery as a fact accomplished. But let no man be deceived; slavery "is not dead, but sleepeth." In 1787 it was said to be smitten with mortal disease; but it "is ever, ever dying, yet never dead." The wisest of our early statesmen, with prophetic vision, foresaw our present calamities, and with promptness and fidelity sounded the alarm; but their warning voices died away unheeded. How small an effort at that time would have rooted out the evil and saved us the ruin that is now upon us; and what a lesson of instruction is here afforded to show the errors of the past and to direct our steps in the future! Then no man attempted to justify slavery on Christian principles. It was admitted to be a social, moral, and political evil; but it was said that it carried within its own system the seeds of dissolution, and would gradually and quietly disappear. Philanthropists and patriots were quieted, while the magnitude of the evil was steadily increased.

Again, at a later day, thoughtful men were aroused to action by the astonishing increase of slavery and the rapid expansion of aristocratic power, and public journals were established to awaken and enlighten the public mind; but again the people were quieted by the appliances of party machinery, by the invention of schemes of colonization, and by repeated assurances of the efficacy of natural causes and the humanitarian spirit of the age, in due time, to dispel all apprehension of danger. Still this waning institution continued to expand, until new and wider fields were demanded for its subsistence and occupation, when at length its champions, feeling secure in their position, threw off all disguise, advanced the doctrine that slavery is the normal condition of the colored race, and caused grave divines to proclaim its divinity from the sacred desk. That institution which was dying in 1787, but which has continued to breathe painfully up to the present time, has ruled this country with an iron hand for sixty years; has brought on a war that has cost us half a million lives and now holds in bondage millions of human beings. But in the plenitude of its power its devotees became too confident and daring. Not content with the quiet, unmolested control of all departments of the Government, they sought and demanded a recognition of its absolute supremacy. They would not be confined within State limits nor bounded by parallels of latitude. They would make the Declaration of Independence a lie and the great Republic a house of bondage. They cast the Constitution under their feet and invoked the protection of the sword. Throwing aside every legal claim and pretension, they risked all upon the fortunes of war. In their insane arrogance and greed for power they inflicted an injury upon their cause beyond anything that all the abolitionists of a century had been able to effect, and it cannot be denied that at length slavery has been severely wounded in the house of its friends. The legal barriers by which it was surrounded have been broken down, and it now lies bleeding and prostrate at our feet. It is at our mercy. Shall we save or shall we destroy? Shall we imitate our fathers, and after all our bitter experience wait with patience to see its flickering life quietly ebb away, and thus run the hazard of resuscitation and complete convalescence, or shall we, like prudent and wise men, dispatch the monster and bury it out of our sight? Do we desire to put an end to human bondage? Then let us declare our inclinations. Do we intend such a result? Then let us act accordingly. For myself, I think the path of duty lies before us, plain and distinct. I have no doubt as to what my course should be. By no consent of mine shall a single one of the wayward States ever be permitted to participate in shaping the destinies of this nation until she has by her organic law forever prohibited involuntary servitude, except as a punishment for crime, within all her borders; nor, while I have life and strength, will I cease to urge by all constitutional means the freedom of every inhabitant of the United States, without regard to color or race.

Mr. J. C. ALLEN. I desire to present some views upon this subject, but not expecting this discussion to come up this morning I am not prepared at this time to present what I have to say. I will, therefore, if it be the pleasure of the House, yield to some other gentleman who may desire to proceed with the discussion, or to the chairman of the Committee of Ways and Means if he desires to go into Committee of the Whole.

Mr. STEVENS. In what position would that place this bill?

The SPEAKER. It would come up in the morning hour as soon as the Delaware and Atlantic railroad bill, so called, is disposed of.

Mr. ASHLEY obtained the floor.

Mr. DAVIS, of Maryland. I should be glad to have the bill made the special order after the morning hour, on some specified day.

Mr. J. C. ALLEN. If the gentleman will name some day I shall have no objection.

Mr. DAVIS, of Maryland. Say immediately after the currency bill is disposed of, which is the special order to-morrow.

Mr. WASHBURNE, of Illinois. Will that interfere with the reports of committees?

The SPEAKER. It will leave the morning hour to be used for reports.

No objection being made, the bill was postponed until after the disposition of the currency bill, and was made the special order after the morning hour from day to day until disposed of.

And then, on motion of Mr. RICE, of Maine, (at ten minutes to four o'clock, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 23, 1864.

Prayer by Rev. THEODORE L. CUYLER, D. D., of Brooklyn, New York.

The Journal of yesterday was read and approved.

PATENT OFFICE REPORT.

The VICE PRESIDENT laid before the Senate a letter from the Commissioner of Patents, communicating the annual report of the Patent Office for the year 1863; which, on motion of Mr. COWAN, was referred to the Committee on Patents and the Patent Office.

PETITIONS AND MEMORIALS.

Mr. TEN EYCK. I present a petition numerously signed by citizens of Washington, praying for an appropriation for the purpose of clearing out the Washington canal. They set forth, among other reasons, that it is necessary as a sanitary measure. I ask that the petition and accompanying map be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. TRUMBULL presented the memorial of Alfred Spink and Daniel Wolf, praying for remuneration for certain cotton seized by the Government at Memphis, Tennessee, on the 9th of October, 1862; which was referred to the Committee on Claims.

He also presented a petition of citizens of Lasalle county, Illinois, praying for the establishment of a mail route from Ottawa to Mendota in said county and State; which was referred to the Committee on Post Offices and Post Roads.

Mr. BUCKALEW presented a petition of one hundred and seventy citizens of Pennsylvania, praying for the passage of an act for increasing the pay of soldiers in the Army; which was referred to the Committee on Military Affairs and the Militia.

Mr. DIXON presented five petitions of citizens of Hartford, Connecticut, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. SUMNER presented a petition of women of the United States, praying for the passage of an act emancipating all persons of African descent held to involuntary service or labor in the United States; which was referred to the select committee on slavery and freedmen.

Mr. MORGAN presented three petitions of citizens of New York, in favor of increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. RAMSEY presented four petitions of citizens of the counties of Fillmore and Winona, Minnesota, praying for the establishment of a mail route from Preston via Arondale and Argo to Enterprise, in that State; which were referred to the Committee on Post Offices and Post Roads.

Mr. NESMITH presented a petition of citizens of Oregon and the Territory of Washington, praying that the two Indian superintendencies of Oregon and Washington Territory may be consolidated, and that said State and Territory may constitute but one Indian superintendency; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. LANE, of Indiana, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General, reported it without amendment.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 308) to establish a Bureau of Military Justice, reported it with amendments.

Mr. CARLILE, from the Committee on Public Lands, to whom was recommitted the bill (S. No. 109) to expedite the settlement of titles to lands in the State of California, reported it with amendments.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred a bill (S. No. 166) authorizing the archives in the office of the recorder of land titles in the State of Missouri to be delivered to said State, have instructed me to ask to be discharged from its further consideration, and that it be referred to the Committee on Public Lands, as it appropriately belongs to that committee, and I suppose it was referred to the Committee on the Judiciary by mistake.

The report was agreed to.

NOTICES OF BILLS.

Mr. BROWN gave notice of his intention to ask leave to introduce a bill to donate the unsold public lands along the route of the Iron Mountain railroad to aid in the extension and construction of that road to a point on the Mississippi river.

Mr. TRUMBULL gave notice of his intention to ask leave to introduce a bill to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes.

BILL INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No 190) to establish a navy-yard and depot at Cairo, in the State of Illinois; which was read twice by its title, and referred to the Committee on Naval Affairs.

REPORT ON EMIGRATION.

Mr. POWELL submitted the following resolution:

Resolved, That the President of the United States be requested to furnish the Senate the report of the Commissioner of Emigration for 1863, with his account of the existing contracts, and other necessary information on the question of emigration.

Mr. HARLAN. Let it go over. I think we have that information on our desks.

The VICE PRESIDENT. Objection being made, it will lie over.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President of the United States had yesterday approved and signed an act (S. No. 142) for the relief of the owners of the French ship La Manche.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed a bill (No. 355) to authorize the Secretary of the Treasury to stipulate for the release from attachment or other process of property claimed by the United States, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills:

A bill (S. No. 25) to authorize the President to

negotiate a treaty with the Klamath, Modoc, and other Indian tribes of southeastern Oregon; and

A bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes.

HOUSE BILL REFERRED.

The bill (No. 355) to authorize the Secretary of the Treasury to stipulate for the release from attachment or other process of property claimed by the United States, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

PRINTING OF MESSAGE AND DOCUMENTS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution submitted by the Senator from Illinois [Mr. TRUMBULL] to print five thousand additional copies of the message of the President, with the accompanying documents, to report it adversely. I desire to state that the message and accompanying documents will make six volumes, and the cost of printing the five thousand additional copies would be $30,000, which the committee suppose is more than the Senate would like to incur for that purpose.

Mr. WILSON. Has not the type been distributed also?

Mr. ANTHONY. Yes, sir. The Superintendent of Public Printing states that the type has been distributed; and if a new edition should be ordered, such is the immense quantity of printing already ordered for Congress and the various Executive Departments that the work could not be executed at the Government printing office before next fall.

The Senate will remember that at the last session a bill was passed to facilitate the printing of the public documents, which required that all the reports should be prepared before the commencement of each session of Congress, in order that they might be printed and laid on our tables very early in December. Some of the reports it was impossible to present in time from the Departments, and I believe it was the opinion of the War Department that it was hardly proper to make some of the reports public for fear they might give information prematurely to the enemy. Those that were presented were printed immediately; and those that were presented after the meeting of Congress, although not within the time prescribed by law, were printed earlier than they ever were before. The Joint Committee on Printing propose to submit to Congress an amendment to the law in regard to public printing that will somewhat increase the number of documents of this character printed, which is manifestly too small at present; but they hardly deem it advisable to recommend the setting up of type anew.

The report of the War Department has not yet been printed, and at the last interview I had with the Superintendent of Public Printing it had not all been sent in. It was impossible to do it for the reasons I have stated. When it is sent in it will perhaps accomplish the object of the mover of this resolution to have extra copies of that report printed, which can be done without resetting the type, and at comparatively very small expense.

Mr. TRUMBULL. Before this subject passes from the consideration of the Senate, I should like to inquire if now would not be the proper time to make that order for the publication of an additional number of copies of the report of the Secretary of War, or the first we shall know the type of that report will be distributed. Never in the history of the country have these documents been so much sought for as at the present time. The reports of the Secretary of War and the Secretary of the Navy give a history of the doings of our Army and of the Navy during the past year. They are sought for by the people very generally. We are publishing but very few copies of them. It seems to me that no expenditure we could make would be more serviceable to the country than to inform it of the movements of our Army and of the Navy. Everybody is interested in them. The perusal of these reports will have a tendency to increase the patriotism of the country. It seems to me we ought to publish more than some two or three thousand copies of them. I do not know the precise number.

Mr. ANTHONY. Two thousand.

Mr. TRUMBULL. Only two thousand of those reports are published, it seems. If this is the proper time, I will submit the motion I have indicated.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) If there be no objection, the resolution will be considered at this time; and no objection being interposed the resolution reported from the Committee on Printing is now before the Senate and open to amendment.

Mr. GRIMES. Let it lie over for the present.

Mr. TRUMBULL. But the first we shall know the type will have been distributed, and then there will be additional expense.

Mr. GRIMES. It has not been sent to the printer yet.

Mr. TRUMBULL. A portion of it has.

Mr. GRIMES. Of the report of the War Department?

Mr. TRUMBULL. I understand so.

Mr. ANTHONY. A portion of the War Department report has been sent to the printer.

Mr. TRUMBULL. So I supposed.

Mr. ANTHONY. The reason why the committee did not recommend the adoption of this resolution in substance is, that the rule of the committee is never to report in favor of printing any document without an estimate of the cost of it, and it is impossible to get an exact estimate of the cost of this until the whole shall have been sent in. The Senate, however, can weigh that objection without any difficulty, and can come to a conclusion for themselves. The House of Representatives has ordered ten thousand copies of the correspondence of the State Department, which is very voluminous and very interesting, to be printed for the use of that Department, and that, I suppose, will supply all the demand for that document. Of the Navy report there have been fifteen hundred extra copies printed for the use of the Navy Department.

Mr. GRIMES. But the extra copies of the Navy report have been printed so as to put one copy on board each vessel-of-war. Six hundred and eighty-eight of them, therefore, have gone for that purpose, and some of the others go to the navy-yards, so that there are very few of them left for distribution.

Mr. TRUMBULL. Now it is disclosed by the chairman of the Committee on Printing that the House of Representatives has ordered the publication of ten thousand copies of the report of the Secretary of State in relation to foreign affairs. What interest does that possess to the great mass of the people compared with the report of the Secretary of War and its accompanying documents? There is not a family in this land that is not interested in watching the progress of our arms. The people want to see the reports of our generals. If we can publish ten thousand copies of the foreign correspondence of the State Department, it really seems to me that we ought to be able to publish more than two thousand of the official reports of our generals, giving an account of the movements of our troops, of the battles that have been fought, in which there is scarcely a family in the land that is not interested. I suppose it is competent to amend the resolution.

The PRESIDING OFFICER. It is open to amendment.

Mr. TRUMBULL. I move to amend the resolution by striking out all after the word "resolved," and inserting the following:

That there be printed for the use of the Senate ten thousand additional copies of the annual report of the Secretary of War, and accompanying documents, communicated to the Senate at its present session.

I will confine it to the report of the Secretary of War, that being the most valuable.

Mr. GRIMES. It strikes me that we had better let this resolution lie on the table for the present, and for this reason: I understand the chairman of the Committee on Printing to say that a part of the report of the Secretary of War has been submitted and printed, and it may be possible that the type of that portion has been already distributed——

Mr. TRUMBULL. If it has, I would reset it.

Mr. GRIMES. But then we ought to know what that portion is. Is it the report proper, or is it the report appended to it of some battle, or of some engagement, or of some general? Let us know exactly what it is that we are going to order to be printed. It may be possible that that part which has already been printed may be a mere statistical part that is not of very great value, and which, through the bureaus of the War Department, the Secretary of War was able to send in at the commencement of the present session of Congress without any trouble, whereas other portions of it have been kept back and he has not been able to submit those other portions up to this time. We are legislating in the dark until the chairman of the Committee on Printing can tell us the exact condition of that portion of the Secretary's report which is now in the hands of the printer; and the resolution will not lose anything by lying over for a day or two until we find out what the facts are.

Mr. TRUMBULL. I have no objection to this course, (and perhaps it would be the most appropriate,) to let the amendment be adopted as a substitute for the original resolution, and then recommit it to the committee, and let them hold it until they can report back intelligently to the Senate as to what the condition of the report of the Secretary of War is. What I desire is to get before the country the history of last year's doings.

Mr. ANTHONY. I desire to state, before the subject passes from the consideration of the Senate, that these documents which grow more and more voluminous every year, and which include a great deal of useless printing for popular distribution, ought to be edited. There should be some competent person to take the whole of them, to select those portions that are proper for popular distribution, and have large numbers of those printed, and of the full documents small numbers printed for libraries. In the Navy report each individual bid for every article of supplies ordered is printed——

Mr. GRIMES. That is required by law.

Mr. ANTHONY. It is required by law of that Department, but is not required by law from any other Department; and I cannot see any possible use of it in the Navy Department. The disbursements for public printing for the year 1862 were $549,000, and for the year 1863 $1,404,000. This increase of course was rendered necessary by the calls for printing from the Treasury and the War Departments. The printing for the Internal Revenue Bureau has been enormous, all the blanks having been printed here instead of having them printed in the various States. The Superintendent of Public Printing estimates that at the rate at which printing is now ordered the amount expended this year will not be less than $2,000,000.

Mr. SUMNER. I should like to know if the Senator from Rhode Island can give us any idea of the possible extent of this publication. Will it be one, two, or three volumes?

Mr. ANTHONY. I think it will be pretty voluminous, but I can give no idea.

Mr. SUMNER. I understand it is proposed that the resolution lie on the table.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois.

Mr. SUMNER. There is one remark that I should like to make in regard to something that fell from the Senator from Rhode Island. He said that these publications ought to be edited. I agree with him. They are comparatively useless from the fact that they are not edited and that they have no proper index. It is absurd to print one of these large volumes, and a collection, if you please, running through two or three volumes, without a complete index. Let any one refer to the English Blue Books or the corresponding papers of the Legislature of France, and he will see that every volume is armed with a perfect and most exhaustive index. We ought to have the same for every volume that we publish, and I think there would be no better economy of our money than the expenditure laid out upon such a work.

The amendment was agreed to.

Mr. GRIMES. I move now that the resolution be referred to the Committee on Printing.

Mr. TRUMBULL. I should like to have it recommitted with the understanding, though it is probably unnecessary to put it in the shape of an instruction, that the Committee on Printing will examine and report what portions of the report of the Secretary of War and accompanying documents it is advisable to publish. Of course we do not want bids and things of that kind published.

Mr. ANTHONY. They are not published in the War Department, but in the Navy Department only.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, MARCH 25, 1864. NEW SERIES.....No. 79.

Mr. TRUMBULL. There may be many papers connected with the report of the Secretary of War that the public will have no general interest in; but certainly there are portions of those documents of the highest interest, and I should be glad if, without any instructions about it, the committee would take it upon themselves to report to the Senate when they report back the resolution what portions of the report of the Secretary of War it is advisable to publish.

The motion to recommit was agreed to.

EXPENSES OF COMMITTEE ON THE WAR.

Mr. WADE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 37) for the payment of the expenses incurred by the joint committee on the conduct of the war; which was read twice by its title.

Mr. WADE. I ask the unanimous consent of the Senate to consider it at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to appropriate $20,000, or so much thereof as may be necessary, to pay the expenses of the joint committee of Congress appointed to inquire into the conduct and expenditures of the war. The money is to be drawn from the Treasury upon the order of the Secretary of the Senate as it shall be required by the committee. Any portion of the amount appropriated that shall be allowed by the committee to witnesses attending before it, or to persons employed in its service, for per diem, traveling, and other expenses, and paid by the Secretary of the Senate in pursuance of the order of the committee, is to be accordingly credited and allowed by the accounting officers of the Treasury Department.

Mr. WADE. I will barely state that this is the same resolution in terms as the one on the same subject passed at the last Congress. It asks, however, for a larger appropriation than that. That was $10,000, but from the instructions we have received from the Senate and House of Representatives already to investigate certain matters, I suppose it will be more expensive than any investigations we made during the last Congress, and I cannot tell to what extent it will go, but I can give a pledge that we shall spend no more than is absolutely necessary.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading; and it was read the third time.

Mr. POWELL. It seems to me that is a very large sum for the expenses of a committee. There are no items mentioned, and we do not know what it is for, except generally. I think the resolution ought to be accompanied with some explanation. I hope the chairman of the committee will tell us what this $20,000 is for. Of course I do not expect him to go into minute details.

Mr. WADE. It is impossible to make specifications now, because we do not know exactly what sums will be necessary. We have been instructed by the Senate to investigate certain matters in Missouri and along the Mississippi river, and at Charleston, and many other places that will require considerable time and considerable expense if we go into them and obey the instructions we have received. We are also incurring some expenses here constantly now for investigations that we are making. I cannot tell the extent of these expenses. If I could I would be willing to limit the resolution; but it is impossible to limit it precisely, inasmuch as it is impossible to tell what the expenses will be. Gentlemen can see that. We have limited the expenditures, however, in the resolution to the matters which the committee are instructed to investigate. We cannot go outside of that. This money will be required for expenses of traveling, for witnesses' fees, and for a stenographer that it will be necessary for them to take along with them perhaps. All those necessary expenses will be paid, and nothing more.

I can give the Senator an assurance that there will be no more expended because the sum is fixed at $20,000 in the resolution than though it said half that amount, provided we can do with less. Of course we cannot go very much beyond the expenses that Congress is willing to allow. I put it at $20,000 because I thought it might possibly be that we should have to spend that sum. We may not have to spend one half of it. That is all I have to say about it.

The joint resolution was passed.

EDITING OF PUBLIC DOCUMENTS.

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to consider the expediency of providing that the public documents published by Congress shall be edited, especially so as to secure good indexes.

DESERTERS FROM THE ARMY.

Mr. WILSON. I move that the Senate postpone the consideration of other matters, and take up the bill (S. No. 175) in relation to deserters from the military service of the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in addition to the other lawful penalties of the crime of desertion from the armies of the United States, all deserters who have deserted beyond the limits of the United States, and who shall neglect or refuse to return and reenter the military service at the places and in the time and manner hereinafter described, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship of the United States, and their rights to become citizens thereof, and such deserter shall thereafter be incapable of holding any office of trust or profit under the United States, or of exercising any of the rights of citizens of the United States. Immediately after the passage of this act, the President of the United States is to issue his proclamation declaring that all soldiers absent without leave, who have departed beyond the limits of the United States, may return, within a time specified, to such place or places as he may designate in his proclamation, and reënter the military service of the United States for the term of their original enlistment, without punishment, except the forfeiture of pay and allowances due at the time of their desertion and during their absence, and all deserters who do not return and reënter the service, at the time and places specified by the President, are to be liable to the penalties described in the first section of this act. The President may in his proclamation authorize the reënlistment of all deserters who may return and avail themselves of the benefits of this act into new regiments, or other organizations, to be formed at the places designated by him, or he may direct that all such deserters shall be restored to the regiments or other organizations in which they originally enlisted; and if the President shall authorize the reënlistment of such deserters into new regiments, or other organizations, he shall appoint and commission the officers of such regiments or organizations. If any person shall hereafter desert the military service, and depart beyond the limits of the United States during the time for which he may have enlisted, he is to be liable to the penalties described in the first section of this act.

Mr. WILSON. Mr. President, it will be remembered that some time since we passed an act directing the President of the United States, within thirty days after its passage, to issue a proclamation declaring that all deserters who would report themselves for duty within a certain time should be pardoned. The President of the United States issued that proclamation, and several thousand deserters in various parts of the country reported themselves and joined their commands, and I believe have since been faithful in the discharge of their duties.

It is represented that we have now eighty thousand deserters. I think that is a great mistake. I do not believe we have more than forty thousand. A great many of the persons who are represented as deserters have in some form or other, through the hospitals or in some other way, got out of the service, and the record has not been kept properly. Within the past twelve months under the provost marshal system we have had about twenty-eight thousand deserters returned to their regiments. We are at the present time hunting up these men in all parts of the country; and there are comparatively very few desertions from the service, for the reason that under the system established by the enrollment act it is very difficult for a soldier to desert and escape detection. In fact, I have no doubt that all the expenses incurred by the enrollment act have been amply justified in the return of deserters and the effect it has had on the Army to keep men from deserting. In that respect alone it has more than paid all the cost of the system.

It is represented that we have at this time somewhere from ten to fifteen thousand deserters in Canada and the other British provinces. It is estimated by some gentlemen who have examined the subject very carefully that the number will reach fifteen thousand. There is no doubt whatever that there are many thousand men there who have left the service of the United States, many of them at an early day when it was not so great a crime to desert the service as at the present time, because the discipline in our Army has been very much improved.

Mr. COLLAMER. And in those days you could get as many as you had a mind to.

Mr. WILSON. At that time it was rather easy to get men into the service, and very easy for them to run away. A very lax and loose system prevailed. A great many persons then left the service and went not only to other parts of the country, but to Canada, and many who went to other parts of the country, under the pressure since have gone over the line. It will be remembered that the statement of the condition of the army of the Potomac at Harrison's Landing showed thirty-five thousand men absent without leave.

It is said by gentlemen who have been in communication with these deserters in Canada, that they are very anxious to return to the United States. They are scattered up and down that country. The rewards of labor there are very light. Many of them are hardly able to support themselves at all. The war has continued longer than they expected. They find that running away from the Army and going into Canada is much harder than being in the service and doing their duty. They are afraid to return to the United States for fear of being arrested and tried, and having the penalties of the law executed upon them. It is proposed in this bill that the President of the United States shall issue his proclamation pardoning these persons if they will return to such places as he shall name and serve out the time for which they were enlisted into the service of the United States. It is thought by some persons who have examined this subject carefully, that if some places were named, say Detroit, Buffalo, Ogdensburg, Rouse's Point, and some point in the State of Maine, where they could come from Canada and the other British provinces, we might gather up a large body of men who would return to the United States and do the duty that they agreed to do.

Mr. COLLAMER. Is there anything in the bill providing that these men shall be pardoned for any little offense they may have committed against the rules which led to their desertion? Some of them were guilty of some little things, and got scared and ran off.

Mr. WILSON. This bill provides that they shall be pardoned. All that will be required of them will be that they serve out their time; but they are not to have pay for the time they were absent.

Mr. COLLAMER. The point I am after is this: here were young men, to my certain knowledge, who got into some little difficulties in the Army; they had a drunken frolic, for instance, and imagined that they were going to be put into prison, and got scared and ran off to Canada, and

they are afraid to come back. Now I want a pardon for them for running away and for whatever offenses they have committed up to that time.

Mr. WILSON. This bill says that they may return "without punishment, except the forfeiture of pay and allowances due at the time of their desertion and during their absence." The object is to pardon them entirely.

Mr. COLLAMER. I want all these little offenses wiped out.

Mr. WILSON. I think it would be a very wise arrangement, and provision is made for it in this bill, never to return these men back to their own regiments again. It is said that when several thousand of these men, I think some twelve or fifteen thousand, returned under the previous proclamation of the President and joined the ranks of the Army and went back into their old regiments, there was a very deep feeling of indignation in those regiments that they should be pardoned and allowed to come back without punishment. The men who had been faithful to the flag thought it wrong that the Government should permit those men to return without punishment; but they came back and were not punished in any respect whatever, and I believe they have been as faithful as other men ever since.

I think the true way would be this: these persons who have gone out of the country should be allowed to report at several points along the Canadian line, say Detroit, Buffalo, Rouse's Point, Ogdensburg, and Portland, to officers appointed to organize them into companies, and then those companies should be organized into regiments, as the bill provides they may be if the President chooses to do so; and then you can send them away to the Southwest or anywhere else in the country.

My judgment is that the bill will have a tendency to bring back into the service of the United States several thousand men who have deserted it. In order to hasten their return and make them feel what they are losing, we provide in the first section of the bill that in addition to the penalties they have incurred they shall be deemed to have forfeited their rights of citizenship. The penalty of desertion is death in every case if they are brought back and the court-martial chooses to inflict it upon them. Perhaps all of them are not morally guilty of the crime. Some of them, perhaps, ran away thoughtlessly, and did not mean to commit such an offense as they have committed; but they are in reality guilty of the crime of desertion, and the penalty of death rests upon them. We provide in addition to all the penalties now upon those who refuse to return, that they

> Shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship of the United States, and their rights to become citizens thereof, and such deserter shall thereafter be incapable of holding any office of trust or profit under the United States, or of exercising any of the rights of citizens of the United States.

Mr. CARLILE. If the Senator will permit me, the object of the Senator from Vermont, it seems to me, might be obtained by inserting after the word "punishment," in the eighth line of the second section, the words, "for desertion or any offense committed by them while in the service." That would reach the suggestion of the Senator from Vermont. It would be a general amnesty, not only for desertion, but for any misdemeanor that might have caused desertion.

Mr. WILSON. I am not clear that it is best to put that in. This bill now covers all the cases of desertion from the service.

Mr. COLLAMER. Has not the President that power now?

Mr. WILSON. He has the power to pardon them after they are tried; but he has not the power to get them back. He has not the power to pardon them in advance. There is no law that allows it, and he cannot issue any such notice. Congress passed an act to allow him to do it once, and he did it under the positive order and direction of Congress; but the President cannot issue any such proclamation of his own motion.

Mr. COLLAMER. The President, under the Constitution, has the power before a man is tried at all to pardon him for any offense.

Mr. WILSON. They do not so understand it.

Mr. COLLAMER. It is so; and a man may go into court and plead his pardon.

Mr. WILSON. The question has been pressed on the Government by Army officers and others for the last three or four months; but the President and the Secretary of War felt that they ought not to do it, and that they had not the power to do it without the sanction of Congress. They may technically have that power; but we passed an act through Congress requiring the President within thirty days after the passage of the act to issue a proclamation of pardon, and that proclamation brought back to the service of the country from twelve to fifteen thousand men.

Mr. CLARK. If the Senator will allow me I will state a case which will perhaps illustrate this whole matter, and show that the President thinks he does possess the power. A case occurred within a few weeks past—and this will show how easily men may get out of the Army as well as how easily they may be returned—where a young man from my own State received a furlough, because he was sick, to go home. He was not well enough to return when his furlough expired, and his physician undertook to get him an extension of that furlough, and afterwards to get him a discharge; but he failed to do it. The young man became frightened, understanding that his name was borne on the books of his company as a deserter, and he did not dare to go back to his company. But he would not quit the service, and he went and employed himself as a teamster for a quartermaster. After he had been in that service something like a year, he became dissatisfied. He felt for his father; he felt for his friends; he felt for himself. He did not like to be considered as a deserter. Nobody had ever apprehended him. He had sometimes been back to his own company and they had known him; and yet nobody would arrest him.

He came to me some little time ago and explained the matter to me. I went to the President and laid his case before him. The President said to me, "If that young man will go back and serve in his company and regiment faithfully I will give him a pardon. Bring him up here and let me see him." I did not carry him up there, but the President sent me a pardon for that young man, and he has gone back to the service and has never been tried. The President has the power without any law to do that. He may send any of these men back.

And now, while I am up, perhaps the Senator will permit me to say that I doubt very much whether we ought to bring these men back in this way. If they will not return upon the voluntary proclamation of the President they will be forever expatriated. The President may authorize them to come back and go into the service if he will, and have we the power under the Constitution, let me inquire, to direct the President and say that he shall issue this proclamation and shall pardon these men? Are we not attempting to use the very authority which was given to the President by the Constitution? We say in the second section that he shall do it, that he shall issue a proclamation promising them that if they return there shall be no further punishment. That is left entirely in the discretion of the President, according to the Constitution; it is not left to a law of Congress. While I would be very glad to have these people return, as many of them as will upon proclamation, there may be danger in it. As is suggested to me by the Senator from Iowa, [Mr. GRIMES,] it may demoralize the Army. It may show to the men in the Army how easily a deserter can return and how slight a punishment is inflicted. I know there is great objection on the part of true and loyal soldiers to have deserters by the side of them. They may be organized in separate regiments, but what would a regiment of deserters be worth, and where would you put them except in jail or prison? Who would want to command them except a deserter?

I have been of opinion that severity, more severity than we have been exercising on these deserters, was necessary and useful. I know there are a great many of them, and we cannot punish them all; but I suggest to the Senator whether it would not be better to leave this matter entirely in the hands of the Executive. If he does not choose to issue his proclamation and offer to these people pardon if they will come back, they will be just where the bill proposes to put them—forever expatriated. They will not dare to return. If they do, they will come back as a thief in the night, and not dare to show themselves. They will forever be a living and a standing punishment, an example to everybody, with the mark of Cain upon them. I think that the matter stands well as it is. I doubt whether the bill will do good. Still I am not opposed to it if the military authorities think it to be necessary upon more consideration than I have given it.

MILITARY INTERFERENCE WITH ELECTIONS.

The PRESIDING OFFICER. The morning hour having expired, it is incumbent on the Chair to call up the special order of the day. The Chair will remark by way of explanation that there are two special assignments for this hour. The first is the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, which was assigned for this day at one o'clock as a special order. The other is the bill (S. No. 37) to prevent officers of the Army and Navy, and other persons engaged in the military and naval service of the United States, from interfering in elections in the States. That comes up as a special order, being the unfinished business of the last day's sitting; and according to the express rule of the Senate, as the unfinished business of the preceding session, it takes precedence among the special orders. That bill, therefore, is now before the Senate; and upon it the Senator from Michigan [Mr. HOWARD] is entitled to the floor.

Mr. TRUMBULL. Before the Senator from Michigan proceeds, as the special order for to-day is superseded by the unfinished business of yesterday, which I very much regret, I desire to ask that the joint resolution which was the special order for to-day be made the special order for to-morrow, so that it will come up to-morrow. I hope the Senate will consent that we take it up then, and not have it postponed by other matters again.

The PRESIDING OFFICER. That order will be entered, if no objection be made, without the question being put on the motion.

Mr. SUMNER. There is a special order for to-morrow. I merely make a remark with a view to the public business. The special order for to-morrow is a bill which was assigned, I think, on the motion of the Senator from Iowa, [Mr. GRIMES.]

Mr. GRIMES. That will not stand in the way of the Senator from Illinois.

Mr. FESSENDEN. I hope to be able to take up the Navy appropriation bill to-morrow.

Mr. POWELL. I hope the bill which is now up will be pressed until there is a vote on it. I dislike to have any special order made for to-morrow. The Senator from Maryland, as I understand, desires to follow the Senator from Michigan in the discussion of the bill which is now before the Senate. I hope the Senator from Illinois will not insist upon his motion.

The PRESIDING OFFICER. The Senator from Illinois moves the postponement of the bill under consideration with the view of taking up for consideration the joint resolution proposing amendments to the Constitution, for the purpose of making that resolution the special assignment for to-morrow at one o'clock.

Mr. DAVIS. I do not like that mode of doing business. I think that when the Senate has taken up a subject and is progressing in its discussion it ought to finish that subject by continuous action from day to day before taking up another. It seems to me that the practice of blending debates upon different subjects is not the best mode of doing business. I hope, myself, that the subject upon which the honorable Senator from Michigan intends to address the Senate to-day will be disposed of before any other subject is debated.

Mr. SAULSBURY. I presume that the remarks of the Senator from Michigan to-day may refer to occurrences in my own State which have been investigated by the Legislature of that State, and if so, I should like an opportunity to reply to his remarks so far as they may relate to that State. I hope, therefore, that if the Senator from Michigan speaks to-day upon the bill introduced by the Senator from Kentucky, [Mr. POWELL,] an opportunity will be allowed to such of us as may feel called upon to reply in behalf of our States and the people of our States, to do so without the intervention of any special order which may possibly prevent the bill now before the Senate from being considered at a future day. If I knew that even next week we could call up this bill again, and be allowed to reply to the remarks

of the Senator from Michigan, I should have no objection to a postponement; but I am apprehensive that after the Senator from Michigan makes his speech on this subject, if the Senator from Illinois succeeds in making the subject to which he has referred a special order, we may not have the opportunity of considering this matter even at a future day.

The PRESIDING OFFICER. The first question is, will the Senate take up the joint resolution at the present time, with a view to consider a further motion to postpone it to a future day, and make it the special order for such day?

Mr. TRUMBULL. I do not wish to take up the time of the Senate to-day in a discussion as to whether it shall be made a special order or not, and thereby defeat the object I have in view, which is to get the early consideration of the Senate to this important question of submitting to the States an amendment to the Constitution, so as to forever prohibit and abolish slavery. I have heretofore had that matter set as a special order for two different days. I think there is a disposition in the Senate to consider it. It has met the favor of the Committee on the Judiciary, and has been reported to this body; and I do ask of the Senate that at some time they will consider it and not have it put off from day to day in this way. And now, not to take up further time, I withdraw my motion to make it a special order for to-morrow, and give notice to the Senate that I shall move at one o'clock to-morrow to proceed to the consideration of the joint resolution to amend the Constitution. It will then be for the Senate to decide. If a majority decide that they will not consider it, of course they may do so. I shall have done my duty in reference to it.

Mr. COLLAMER. Why not go on with it to-day?

Mr. TRUMBULL. Because another special order has preference of it, and the Senator from Michigan is entitled to the floor and is prepared to go on. That is the reason I have to give way to-day. I would prefer going on to-day, but the Senator from Michigan claims the floor on the unfinished business of yesterday.

The PRESIDING OFFICER. Senate bill No. 37, to prevent officers of the Army, &c., from interfering in elections in the States, is before the Senate as in Committee of the Whole.

Mr. HOWARD addressed the Senate for about two hours. [See Appendix.]

Mr. HALE. If the Senator from Michigan will yield the floor, I will move that the Senate adjourn.

Mr. HOWARD. I give way.

Mr. TRUMBULL. I hope the Senator from New Hampshire will withdraw that motion and let us go into executive session.

Mr. HALE. I withdraw it for that purpose.

EXECUTIVE SESSION.

Mr. TRUMBULL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 23, 1864.

The House met at twelve o'clock, m. Prayer by Rev. W. P. TILDEN, of Boston.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. FENTON. I ask leave of absence for ten days from Monday next.

Leave was granted as requested.

The SPEAKER. As requests for leaves of absence have become so frequent of late, the Chair deems it to be his duty to state that, in his opinion, even when granted they do not exempt members from deduction from their pay, for the reason the law is imperative that deductions shall be made in no case except where the member is sick himself or there is sickness in his family.

THADDEUS MORRICE.

Mr. DAWSON, by unanimous consent, introduced the following resolution:

Resolved, That there be paid out of the contingent fund of the House to the mother of Thaddeus Morrice a sum equal to his salary to the end of the present session of Congress; also his proper funeral expenses.

Mr. DAWSON. There is a congressional precedent for this resolution in the proceedings of the Thirty-First Congress. I trust that it will receive the unanimous sanction of this House. No employé of this House is more entitled to our just and generous consideration than Thaddeus Morrice. He was a young man of excellent character, distinguished for his wonderful knowledge of parliamentary law, and of great fidelity in the important office he filled so well.

The resolution was agreed to.

GOVERNMENT TRANSPORTATION TO CIVILIANS.

Mr. KERNAN asked unanimous consent to introduce the following resolution:

Resolved, That a committee of five be appointed by the Speaker to investigate and report to this House whether civilians in the employ of the Government in and about Washington were sent or allowed to go to their homes with the view of their voting at State elections; for what length of time were they granted leave of absence for such purpose, and did their pay continue while they were thus absent; were all such employés sent or allowed to go home for such purpose, or those only who professed to belong to the Republican party so called, or professed or promised they would vote for its candidates; and were said employés transported home and back at their own expense or was their transportation or any part of it at the expense of the Government; and said committee is authorized to send for persons and papers, and to employ a clerk, and that they have leave to report at any time.

Mr. STEVENS. I will say to the gentleman from New York, [Mr. KERNAN,] that if he will modify his resolution so as to refer this matter for investigation to the committee on the conduct of the war instead of to a select committee, I will not object to it. [Cries of "Oh no."]

Mr. KERNAN. No, sir; I prefer to let the resolution stand just as I have drawn it.

Mr. STEVENS. Then I object to it.

PERSONAL EXPLANATION.

Mr. McCLURG. Mr. Speaker, I ask the unanimous consent of the House to make an explanation. In my remarks of the 9th instant, some reflections were cast upon the character of one of my colleagues from Missouri, [Mr. BLAIR,] and an open question was left in regard to veracity and the matter of an alleged forgery. I hope I shall be permitted by the House to make an explanation upon that subject.

The SPEAKER. The gentleman can proceed, by unanimous consent. The Chair hears no objection.

Mr. LAW. Before the gentleman proceeds, I ask him to yield to me for a moment on a question of privilege.

Mr. McCLURG. I yield to the gentleman for that purpose.

CORRECTION.

Mr. LAW. I rise to a question of privilege. I find in the Globe of yesterday my name recorded as voting in the negative upon an amendment to what is called the "gold bill." I did so vote; but I find also that during the roll-call the following remarks were made:

"Mr. ALLISON. I have paired, by an arrangement made by the gentleman from Ohio, [Mr. PENDLETON,] with Mr. LAW. I desire to ask the gentleman from Ohio whether in his judgment that pair ought to extend to this vote. I should, if permitted, vote for this amendment.

"Mr. PENDLETON. I will say to the gentleman from Iowa that in my judgment under his pair he ought not to vote on this question."

I desire to say, sir, that no such arrangement took place and no such pair was made. I never have paired with any gentleman in this House, and I do not know that I ever shall. I think the gentleman has mistaken me for Mr. LONG.

I am informed now that the gentleman from Ohio [Mr. PENDLETON] did pair me, but he did it without my knowledge or consent. If I had been paired, I certainly ought not to have voted, and should not have done so.

The SPEAKER. The Chair thinks it is an error. The Chair thinks the gentleman alluded to was not the gentleman from Indiana, but was Mr. J. W. WHITE, of Ohio. The Chair is certain that the statement did not refer to the gentleman from Indiana.

Corrections of the Globe are not, however, questions of privilege, although corrections of the Journal are. Unanimous consent has to be asked for corrections of the Globe as for anything else not a question of privilege.

The gentleman from Missouri [Mr. McCLURG] has the floor to make a personal explanation.

CHARGE AGAINST A MEMBER.

Mr. McCLURG. Mr. Speaker, I am sorry that my colleague from the first district of Missouri [Mr. BLAIR] is not in his seat. If any of his friends know where he is I hope they will send for him.

Mr. Speaker, in my remarks on the 9th instant some reflections were cast upon the character of my colleague from the first district [Mr. BLAIR] by the inference being drawn that he was probably connected with what may have been a liquor speculation. I was interrupted by my colleague, and in reply I intimated I had no disposition to do him injustice, and, whenever satisfied that an error had been committed, that I would gladly retract. I desire therefore to make such explanation as will place all parties fairly before the public. I hope I will have unanimous consent.

Mr. Speaker, doubt may have remained on the minds of some as to the truth of the execution of a certain order for liquors by my colleague, [Mr. BLAIR,] a copy of which, with a corresponding invoice, was given in my speech of 9th instant. It will be recollected that my colleague, [Mr. BLAIR,] in one of his interruptions, seemed to be surprised that I had not seen the acknowledgment by a Treasury agent, Mr. Bonner, of St. Louis, that the order and invoice were forgeries, and that he, Mr. Bonner, knew them to be forgeries when they were published. I here quote the language of that interruption. It is as follows:

"Mr. BLAIR, of Missouri. I ask my colleague if he does not know that the order which he has quoted here was a forgery committed by one of Mr. Chase's agents, and that its publication was procured by another of Mr. Chase's agents, who knew it to be a forgery, in a paper which was in the pay of Mr. Chase. The whole thing can be traced to malice and malevolence. It is acknowledged now to have been a forgery on the part of these two agents of Mr. Chase.

"I was in the field doing my duty when these miserable miscreants committed this forgery which the gentleman parades here. I suppose he has seen the denunciation of that pretended order as a forgery in a St. Louis paper, and he may have all the credit he can get for circulating the forgery of Mr. Chase's agents.

"Mr. McCLURG. Will my colleague give us the name of the person he alludes to?

"Mr. BLAIR, of Missouri. I allude to Mr. Bonner.

"Mr. McCLURG. I have seen the printed correspondence on this subject between the gentleman's friends and the friends of the Treasury Department, and I am confirmed in the belief that I have given the correct and fair interpretation of this whole matter. I shall, with great pleasure, at any time, acknowledge the error if the gentleman will convince me of it; but he does not convince me by the remarks he has now made.

"Mr. BLAIR, of Missouri. I tell the gentleman that I have the admission of Mr. Bonner himself that he knew it was a forgery at the time he published it.

"Mr. McCLURG. If the gentleman will get his written admission and produce it to me, I will withdraw and retract what I have said about this matter."

My colleague [Mr. BLAIR] stated that Mr. Bonner acknowledged "he knew it was a forgery at the time he published it." I plainly intimated I did not so believe, but stated I would retract if, at any time, my colleague [Mr. BLAIR] would produce in writing such an acknowledgment from Mr. Bonner. The gentleman [Mr. BLAIR] has had time to procure that acknowledgment. Two weeks have elapsed, and in one week a letter is conveyed by mail to St. Louis and an answer returned. That acknowledgment has not been produced; it cannot be. I desire, Mr. Speaker, to remind those under the sound of my voice of one of the acknowledged principles in passing upon testimony and determining whether it should be admitted or rejected. It is this, when translated into English: "False in one, false in all." Therefore, one falsehood of a witness being exposed, the whole testimony of that witness is rejected as worthless.

The gentleman [Mr. BLAIR] has, on several occasions, appeared here as his own witness. I exposed the falsehood in the charge he made of duplicity and infidelity to the President against his four radical colleagues, when, in the face of his own language, he then acknowledged he did not intend to apply his remarks to the radicals of the House. I also produced the proof that decided in favor of his colleague from the second district [Mr. BLOW] the question of veracity as to the gentleman's [Mr. BLAIR] having approved a resolution for a delegation to procure the appointment of another commander in Missouri than General Schofield. It is also borne in mind that not many days since it was denied by the gentleman [Mr. BLAIR] that slaves had been run off to Kentucky

from Missouri; when at the same time a letter was produced from an officer stating that such was the fact. If not the fact, Major General Rosecrans must be exceedingly ingenious in framing orders for imaginary causes, in order that his name may appear in print; for the following is part of the first paragraph of General Orders No. 35, dated at St. Louis, March 1, 1864:

[General Orders, No. 35.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
ST. LOUIS, *March* 1, 1864.

I. Missouri, for the coming year, needs all the slave and other labor she has within her own border. Humanity, as well as justice, forbids sending away to other States our helpless slaves. Moreover, bad men have been engaged in stealing and carrying negroes out of the State, and selling even those who were free. The exportation of negroes from Missouri is therefore prohibited. * * * *

By command of Major General Rosecrans:

O. D. GREENE,
Assistant Adjutant General.

"Bad men have been engaged," &c., "selling even those who were free." Here, then, are three cases in which the statements of the gentleman [Mr. BLAIR] who testifies in his own cases are proven to be incorrect. Apply the principle, "false in one, false in all," and what becomes of his maddened attempt to relieve himself of the suspicion of an effort to speculate by smuggling liquors in violation of regulations? His statements fall to the ground as of a witness not entitled to credibility. But, Mr. Speaker, I have a feeling of sympathy for a fellow-man when I see him in distress. The gentleman [Mr. BLAIR] is embarrassed, and well may he be. As I can relieve him, it is my duty to do so, especially so when I have no disposition to treat any member unjustly. But it is such relief as is experienced by the condemned criminal when suspense is removed by the sentence of condemnation. Not believing he [Mr. BLAIR] would be able to procure from Mr. Bonner the statement he desired and which is necessary to sustain him in the assertion which he made on the 9th instant, I volunteered to correspond with Mr. Bonner. One result is a letter from Mr. Bonner, which is as follows:

ST. LOUIS, *March* 17, 1864.

SIR: I have read with great surprise the remarks of General F. P. BLAIR, Jr., as reported in the Congressional Globe of the 9th instant. The language used by him appears to have been used for the purpose of relieving himself from the odium of a transaction in which he was engaged known in common parlance as "Blair's liquor speculation," and appears in the Globe as follows:

"Mr. BLAIR, of Missouri. I ask my colleague if he does not know that the order which he has quoted here was a forgery committed by one of Mr. Chase's agents, and that its publication was procured by another of Mr. Chase's agents, who knew it to be a forgery, in a paper which was in the pay of Mr. Chase. The whole thing can be traced to malice and malevolence. It is acknowledged now to have been a forgery on the part of those two agents of Mr. Chase.

"I was in the field doing my duty when these miserable miscreants committed this forgery which the gentleman parades here. I suppose he has seen the denunciation of that pretended order as a forgery in a St. Louis paper, and he may have all the credit he can get for circulating the forgery of Mr. Chase's agents.

"Mr. MCCLURG. Will my colleague give us the name of the person he alludes to?

"Mr. BLAIR, of Missouri. I allude to Mr. Bonner.

"Mr. MCCLURG. I have seen the printed correspondence on this subject between the gentleman's friends and the friends of the Treasury Department, and I am confirmed in the belief that I have given the fair and correct interpretation of this whole matter. I shall, with great pleasure, at any time acknowledge the error if the gentleman will convince me of it; but he does not convince me by the remarks he has now made.

"Mr. BLAIR, of Missouri. I tell the gentleman that I have the admission of Mr. Bonner himself that he knew it was a forgery at the time he published it.

"Mr. MCCLURG. If the gentleman will get his written admission and produce it to me, I will withdraw and retract what I have said about this matter."

Now these are the simple facts of the case: on the 10th day of July, 1863, I received the appointment of assistant special agent of the Treasury Department and entered upon the discharge of the duties of my office on the 20th of that month. By reference to the books and original papers on file at the custom-house it appears that one Michael Powers, who for many years past has been and still is a warm personal and political friend and partisan of General Blair, came to St. Louis with a power of attorney purporting to be signed by General Blair and the members of his staff, for a quantity of liquors, cigars, &c. The purchase was made some time in June last, of Mr. David Nicholson, and amounted to $8,651. On this amount the Government tax of five per cent. was paid, and on the 15th day of June, 1863, a permit for the shipment of the merchandise was obtained from Mr. R. J. Howard, collector of the port of St. Louis, who is a devoted personal friend and partisan of General Blair, and has been so for many years. This merchandise was shipped on the steamer Gladiator about the date of the permit. These facts becoming known led to several anonymous communications in several of the newspapers of St. Louis, neither of which was written or advised by me, in which copies of the original power to purchase, the invoice, and permit all appeared. During the publication of these articles, and for months afterwards, I never heard the genuineness of the papers questioned, although General Blair, for a portion of the time at least, was in St. Louis. Some time after these publications, Mr. R. J. Howard told me that one of General Blair's staff told him that one word in the power of attorney authorizing Powers to purchase the liquors, also the last item for canned fruits, had been fraudulently inserted after it was signed.

At the earnest solicitation of several of the friends of General Blair, I published the following card, to wit:

Editors Missouri Democrat:

I am requested by personal friends of F. P. Blair to state what has come to my knowledge with reference to a certain order made by General Blair and members of his staff, on which Mr. Michael Powers obtained a permit from the collector of this port for the shipment of a certain lot of liquors to Vicksburg, and as to the forgery of any part of said order.

I will state that I never saw the order referred to until after the liquors were seized at Cairo. No suspicion was raised in my mind as to any part of the order being a forgery until after there had been some newspaper criticism in relation to the shipment, when Mr. Howard, the collector, called my attention to the original order, stating that a member of General Blair's staff had, on examination of the paper, pronounced the word "*each*," as it appeared in the order, also the last item on the order, as forgeries. Mr. Howard also gave it as his opinion at the time that the same were forgeries, and while I am not prepared to charge that any gentleman connected with this transaction would perpetrate a *forgery*, I will state that to my mind there does exist a dissimilarity between the chirography of the word "*each*," also the last item of the order, and the balance of the order.

Yours, very respectfully, B. R. BONNER.

This is the only statement, verbal or written, which General Blair or any other person has ever had from me in relation to the genuineness of the power alluded to.

I will state further that since the publication of your speech I have compared the copies of the power and invoice as inserted in your speech with the original papers on file in the surveyor's office in St. Louis, and find no error in your statement. That the word "each" and a small item for canned fruits, which are the only items which General Blair's friends ever claimed not to be genuine, affect merely the quantity—nothing more.

Upon a further examination of the original papers (which I have obtained from the surveyor) I am very far from being convinced that any such alterations as claimed by General Blair were made after the execution of the power. With General Blair's signature I have long been familiar, and have no doubt of its genuineness to the power in question. Although the paper has been submitted to several persons most familiar with General Blair's handwriting and signature, I have found no one who doubts that General Blair signed the paper in question. The original power is dated June 3, 1863. On the 15th of June the permit for the shipment of the merchandise on the steamer Gladiator was given by Collector Howard. My appointment was made July 10, 1863, and I entered upon the discharge of the duties of my office on the 20th of July, more than a month after the purchase and shipment of the liquors. And never until in August afterwards did I have any knowledge or information of any kind of the transaction referred to when I was applied to in my official capacity by Mr. Nicholson, the vendor of the goods, to have them released from seizure at Cairo.

It will thus be seen that General Blair, without the slightest excuse, has coolly and impudently, in the House of Representatives of the United States, uttered a willful, malicious, and deliberate falsehood; and now stands branded and must forever stand branded as a reckless and unscrupulous slanderer, utterly regardless of truth.

Yours, very respectfully,

B. R. BONNER,
Assistant Special Agent of the Treasury Department.
Hon. J. W. MCCLURG, *Washington, D. C.*

The SPEAKER. The Chair would state that if this is read as a part of the gentleman's speech it is clearly out of order, as violating the rule of the House forbidding personalities.

Mr. MCCLURG. Mr. Speaker, it appears, from the only communication Mr. Bonner ever made on the subject, he did not acknowledge that a forgery had been committed by any one. He says Mr. Howard—collector of the port of St. Louis, an appointee of Mr. Lincoln, and a personal and political friend of my colleague, [Mr. BLAIR]—contended there was a forgery. And this was some time after a permit had been given for the shipment of the liquors, by a deputy of Mr. Howard. Mr. Bonner, in his kindness of feeling to one [Mr. BLAIR] who has shown himself incapable of making return, except in abuse, was induced to commit the indiscretion of saying there appeared to be some disagreement in the chirography of the order, in one or two parts. This was some time after the order had been acted upon by Mr. Powers, the personal and political friend of my colleague, [Mr. BLAIR,] and by Mr. Nicholson, who filled the order, discovering nothing wrong in it, and after the permit for shipment had been granted by the deputy of another personal and political friend. No one had anything to do with that order except the personal friends of my colleague until the "liquor speculation" became a matter of public discussion. The forgery was an after-thought, after discussion, and the attempt is made to mystify the transaction by casting suspicion somewhere; and the gentleman [Mr. BLAIR] thinks best to throw it upon a Treasury agent who was not appointed until weeks had elapsed after the liquors were shipped. In his recklessness he [Mr. BLAIR] again suffers himself to be guided by his natural instincts, and attempts to place a dagger in the heart of an old friend, Mr. Bonner, whose proverbial kindness of heart is shown in this instance by a disposition to conceal the faults of *one he had loved*, [Mr. BLAIR,] but who was attempting to tear himself [Mr. BLAIR] from the embrace of those who reluctantly gave him up.

But my correspondence with Mr. Bonner had another result, which will enable others to see whether or no they can discover any disagreement in the chirography of that order in any of its parts. It imposes upon me the duty devolving on the executioner, whose trembling hand severs the cord that binds to life. That correspondence has brought me the original order, the original invoice, and the application and affidavit for the shipment, all which I hold in my hand, and which are for inspection. My colleague can examine them if he desire, and I would like to know, when I shall have concluded, if he deny the genuineness of the signature, "Frank P. Blair, jr.," which appears to that order. If he do not, it will require more than the words of all the generals in this House to convince one scribe that the word each (as Mr. Howard contended) was not written when that order was written. It was by the same hand, with the same pen, from the same ink. That all who desire may satisfy themselves, I have had these original papers photographed, and will have photographs in a few days, and others can be had at a trifling expense from the same negatives. The last item, "25 box. can fruits," appears to have been written by the staff officer whose name is last signed. And it was perfectly natural for the appetites of the group of nine, whetted at the prospect of the excitement to be produced by such an abundant supply of choice liquors, to suggest "canned fruits;" and surely twenty-five cases were not a large addition for *each one*, who had already shown to each of his comrades that his mind was capacious enough to contain twenty-five gallons brandy, twenty-five gallons whisky, twenty-five half barrels ale, and Catawba, claret, and cigars in proportion. Michael Powers understood all this, and purchased *nine* times twenty-five cases "canned goods," and other articles in proportion.

Now, Mr. Speaker, I think I have performed a duty to myself in placing this question of forgery in its true light, as it had been intimated I must have seen a different and satisfactory explanation; a duty I owed to Mr. Bonner, who sustains as high a character as any citizen of St. Louis; a duty I owed the country, to enable public men to be seen in their true colors. *Justice must be done*, though tears of anguish be drawn from the past and present friends of the condemned criminal.

Mr. BLAIR, of Missouri, obtained the floor.

The SPEAKER. The gentleman from Missouri asks leave to be heard in reply to his colleague. Is there any objection?

Mr. SPALDING. I will not object to the gentleman replying to his colleague. I shall hear him with pleasure; but I give notice that after he has concluded I shall object to any further time of the House being taken up in this way.

The SPEAKER. The Chair hears no objection; and the gentleman from Missouri will proceed.

Mr. BLAIR, of Missouri. I move—and I hope the House will do me the justice to vote for my motion—that a select committee of three members be appointed by the Speaker of this House to investigate the charges made against me by my colleague.

I pronounce his allegation from beginning to end a base and miserable falsehood. He has taken the place of the forger and falsifier, and I pronounce him an infamous liar and scoundrel. [Great sensation.]

The SPEAKER. The Chair must state to the gentleman from Missouri that those remarks are in violation of the rules of the House, as the Chair stated of similar remarks which his colleague had read. The Chair intends to enforce the rule for-

bidding personalities against both sides of the House, if the House will sustain him in so doing.

Mr. BLAIR, of Missouri. There is no other fit language that can be used toward him.

The SPEAKER. Such language should be used elsewhere than in this Hall.

Mr. BLAIR, of Missouri. There can be no other fit language to apply to an allegation so unprovoked, so false, and so utterly contemptible. I make the motion that a select committee of three be appointed by the Speaker with power to send for persons and papers, and to investigate this matter. If I have been guilty of the crime charged by my colleague, I am not a fit person to occupy a seat in this House. I desire to bring this matter to an arbitrament that will either fix this guilt where it is alleged to rest, or will let it recoil on those who have assumed to make the charge here.

The SPEAKER. The gentleman from Missouri will please reduce his resolution to writing.

Mr. BLAIR, of Missouri. Yes, sir.

The SPEAKER. And the Chair will feel obliged if the gentleman will state in the resolution the charge he refers to.

Mr. McCLURG. I have no sort of objection to any investigation being made. I have papers now before me purporting to have been written by some officers on my colleague's staff, which I will be very much pleased to lay before the public. It, of course, will be noticed here that I produce the original order. The gentleman does not pretend to say that he did not sign it.

Mr. BLAIR, of Missouri. I do not propose to reply to any inquiry put to me by that infamous scoundrel.

The SPEAKER. The Chair must again call the gentleman from Missouri to order.

Mr. BLAIR, of Missouri. I desire that this matter may be investigated by a select committee of three of my brother members, and I desire him to bring that paper before the committee, where it will be found whether this loose talk of his be true or false.

Mr. McCLURG. I ask that the original document be examined by the gentleman.

The SPEAKER. This debate cannot proceed until after the gentleman [Mr. BLAIR] shall have submitted his resolution.

PATENT OFFICE REPORT.

The SPEAKER laid before the House a communication from the Commissioner of Patents, transmitting the annual report of that officer for the year 1863; which was laid on the table, and ordered to be printed.

Mr. WASHBURNE, of Illinois, moved that one hundred thousand extra copies be printed.

The motion was, under the rules, referred to the Committee on Printing.

KANSAS SCHOOL LANDS.

Mr. WILDER, by unanimous consent, introduced a bill to grant to the State of Kansas lands for school purposes in lieu of school lands before taken for other purposes; which was read a first and second time, and referred to the Committee on Public Lands.

DUTIES ON WOOL.

Mr. SPALDING, by unanimous consent, offered a resolution, which was read, considered, and agreed to, instructing the Committee of Ways and Means to inquire into the expediency of imposing adequate duties on all wool imported from foreign countries from the 1st day of July, 1864, and to report by bill or otherwise.

ARMY FENCING-MASTERS.

Mr. GARFIELD, by unanimous consent, reported back from the Committee on Military Affairs the memorial of Edward de Reu for the employment of competent fencing-masters to instruct officers and men of the Army, and asked that the committee be discharged from its further consideration, and that the memorial be laid on the table.

It was so ordered.

GEOLOGICAL SURVEY OF NEW MEXICO.

Mr. MILLER, of New York, by unanimous consent, reported back from the Committee on Public Lands adversely a bill (H. R. No. 102) to provide for a geological survey of the Territories of New Mexico and Arizona, and asked that the committee be discharged from its further consideration, and that it be laid on the table.

It was so ordered.

CHARGE AGAINST A MEMBER.

Mr. BLAIR, of Missouri. I now offer the following resolution:

Resolved, That a select committee of three members be appointed by the Speaker, with power to send for persons and papers and to investigate the charge made by Hon. J. W. McCLURG of Missouri against FRANCIS P. BLAIR, Jr., of said State, of violating the laws in the matter of an alleged liquor speculation.

Mr. GARFIELD. I suggest to the gentleman to modify his resolution by referring to himself as a Representative from the first congressional district of Missouri.

Mr. STEVENS. I suggest that perhaps this resolution will not exactly meet the question, and that it should instruct the committee to inquire into the genuineness of the order alleged to have been given by the gentleman from the first district. That seems to be the whole question.

Mr. BLAIR, of Missouri. I think the resolution that I have offered covers the whole ground. It authorizes the committee to investigate and examine into the whole matter, and that is what I want done.

Mr. STEVENS. Will the gentleman modify it so as to authorize the committee to inquire into the genuineness of the order referred to by his colleague?

Mr. WASHBURNE, of Illinois. I ask that the resolution be again read.

Mr. BLAIR, of Missouri. I wish the truth of the charge to be investigated.

The SPEAKER. The Clerk will report the resolution, and it is open for amendment or action.

The resolution was again read.

Mr. STEVENS. If the gentleman from Missouri does not wish the floor I will move an amendment.

Mr. BLAIR, of Missouri. I will hear the gentleman's amendment.

Mr. STEVENS. I move to strike out the last part about violation of law. Read it.

The SPEAKER. The words proposed to be stricken out are, "violating of the laws in the matter of an alleged liquor speculation."

Mr. STEVENS. And I move to insert in lieu of them these words, "and inquire into the genuineness or falsity of the document which the gentleman produced and alleged to be genuine."

Mr. BLAIR, of Missouri. That is an ingenious attempt to narrow the case down. It does not cover the case. The allegation was against me, that I had violated the law in attempting to make a speculation in liquor. I desire the whole matter to be investigated.

Mr. STEVENS. I move to add the words which the Clerk will read.

The Clerk read as follows: "and to inquire into the genuineness or falsity of an order for the purchase of liquor."

Mr. STEVENS. Alleged order. I do not assume it to be genuine.

Mr. BLAIR, of Missouri. It is impossible to be genuine, for it is a forgery.

Mr. STEVENS. I want to say "alleged order dated June 3, 1863."

The amendment as modified was agreed to.

Mr. GARFIELD. I move, after the name "F. P. Blair, jr.," to insert, "of the first district of Missouri," so as to be descriptive. I want it to appear that this investigation is in regard to a member of this House, and not in regard to an outsider.

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. BLAIR, of Missouri, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The SPEAKER. The Chair will announce the committee during the day. Under the practice, unless the gentleman from Missouri [Mr. BLAIR] declines, the Chair will have to appoint him chairman of the committee.

Mr. BLAIR, of Missouri. I hope that that formality will be dispensed with in this instance.

The SPEAKER. The Chair does not wish to act so that the gentleman can complain of his course.

Mr. BLAIR, of Missouri. I only defended the Speaker the other day against the allegations of his friends.

The SPEAKER. The Chair merely stated the fact to prevent any misunderstanding.

HON. A. G. MILLER.

Mr. WILSON. I ask unanimous consent of the House that the Committee on the Judiciary be discharged from the further consideration of memorials for the impeachment of Hon. A. G. Miller, judge of the district court of Wisconsin, and that they be laid upon the table.

There was no objection.

Mr. WILSON. Mr. Speaker, I wish to say in behalf of the Committee on the Judiciary that they have given this matter the most careful consideration. The case has occupied a large portion of the time of the committee since its reference by the House. Witnesses have been examined, records have been inspected, and everything done necessary to arrive at a just result. The interest which had centered in this case induced the committee to bestow on it more than usual care and labor, and this course has brought the committee to the conclusion that no one of the charges contained in the memorials, which, if true, would successfully sustain an effort to impeach the judge, can be maintained by proof, and that there is nothing in the case showing that the judge acted corruptly in regard to any of the acts of which the memorialists complain. I move therefore that the committee be discharged from their further consideration, and that they be laid upon the table.

The motion was agreed to.

MILITARY AND POST ROADS.

The SPEAKER stated the regular order of business to be House bill No. 307, to declare certain roads military and post roads and to regulate commerce; on which the gentleman from New York [Mr. DAVIS] was entitled to the floor.

Mr. DAVIS, of New York, addressed the House. [His speech will be published in the Appendix.]

Mr. PERRY. Mr. Speaker, as a Representative of the State of New Jersey I hope that the bill now under consideration will not become a law; and without needlessly consuming the time of the House I shall attempt in the briefest possible compass to give objections which I trust may serve to dissuade this body from an act of legislation which is not only unwarranted and uncalled for, but derogatory to the honor of a loyal sovereign State, and constituting an invidious and unfriendly enactment which presents an unworthy return for inestimable services promptly and cordially rendered to the nation in its hour of peril.

In the first place, Mr. Speaker, the road contemplated by this bill is superfluous. Neither the public service, nor the public welfare, nor the public necessity requires it. The bill proposes to authorize what already exists and which is ample for every civil or military emergency, namely, "a continuous line between Philadelphia and New York for postal and military purposes." This, I repeat, Mr. Speaker, we have already. A continuous line of the character described, fully adequate to the wants of the traveling and commercial community, as well as to those of the military service, already exists; and it has faithfully performed its full duty to the public and to the nation with as little hinderance as could possibly be insured by any other route or multiplication of routes, such delays as have occurred having been purely exceptional and accidental, and proceeding from circumstances which no human foresight or energy could anticipate or control.

For the past three years the exigencies of war have required hundreds of thousands of soldiers and vast amounts of munitions of war to be carried to and fro over the existing lines, and oftimes the demands for transportation have been made without an hour's warning.

But, notwithstanding these circumstances, I challenge the most earnest advocate of the new route as a military necessity, to show that in a single instance any serious delay has occurred, any inadequacy of means of transportation been experienced, or any indisposition or inability to supply promptly the requisite means of transit for this sudden and unprecedented demand been man-

ifested. It is a fact that will not be controverted that there has been no delay, no lack of facilities, no sign of unwillingness on the part of the managers of the existing line to defer all other business to the pressing and paramount necessities resulting from the war; and the only instance when the line which now traverses New Jersey did not forward all that was required by the Government, was when the roads which are interested in procuring the passage of the bill now before this House solicited the privilege of carrying a number of men and a quantity of freight, which in amount were not much greater than the existing roads were accustomed to carry habitually every day, and for the transportation of which at that very time they had cars and boats in waiting. This diversion of business from the regular and direct route was not instigated by the public necessity; not because the existing lines could not or would not transport them as speedily and as promptly as the rival route, but it was to establish a precedent and commit the Government unwittingly, so far as the authorities were concerned, to an act which, at some future time, they might cite to their own advantage, as they now attempt to do. I repeat, then, Mr. Speaker, that for any military purposes, the passage of this is unnecessary. It has not been called for by the President, nor by the Secretary of War, nor by any of their military subordinates; neither have any of these officials made complaint against the existing lines, and for the simple reason that they have had no grounds for such complaints; their wishes, so far as these lines are concerned, having been fully and satisfactorily carried out.

Turning from the military to the civil service, we still find the proposed road to be unnecessary. I will not deny nor attempt to conceal that for a certain period there were provoking delays in the transmission of the mails and of passengers by the existing lines between this city and New York; but these were occasional and accidental, arising from causes which were beyond human control, and operative throughout the whole country. They were not chargeable upon these lines exclusively; but the same embarrassments which they suffered were experienced by almost every road in the northern States, and in a majority of cases to a much greater extent and for a far more prolonged period. But even these delays, though presented as a strong argument in favor of the passage of this bill, were in but small degree attributable to that portion of the route which runs through New Jersey, for we have virtually two distinct lines of communication between New York and Philadelphia, and for a great portion of the route there are three tracks to carry freight and passengers. Of the two tracks running entirely through our State, one starts from Camden, opposite Philadelphia, and runs to Amboy, thence by steamboat to New York; this was the original Camden and Amboy road. The other leaving the same city on the Pennsylvania shore of the Delaware to Trenton, across the State to New Brunswick, and thence over the New Jersey Railroad and Transportation Company to Jersey City. The latter route has a double track now most of the way, only waiting for rails to complete the balance. I refer to these facts now but to refute the popular error that the New Jersey roads are largely responsible for the delays referred to. But with the exceptions named, the *postal* service has been satisfactorily performed; and that a new road for postal purposes is not required by the public interests we have the full and explicit assurance of the Postmaster General, in his communication to the Senate, in answer to a resolution of that body asking information relative to the subject.

Again, the proposed road is unnecessary, if we consider the wants of the traveling or commercial community. The present lines are not only adequate to every demand of necessity or convenience, but they are infinitely preferable to the one proposed by the bill, on the score of convenience and directness. The existing lines are direct, and you will be surprised to find, Mr. Speaker, if you have not already given attention to the subject, how direct. Test them by the rule and compass, and you will perceive that they form almost if not quite that much talked of desideratum, "air line." The present lines, I repeat, are direct, the proposed line is circuitous, and I venture to assert that no intelligent business man, unless he were an utter neophyte in railroad traveling, would ever choose to travel by the proposed route between New York and Philadelphia, or *vice versa*.

But, Mr. Speaker, if the road called for by the bill under consideration is unnecessary when the existing line is tried by the *past*, it is still more so if we have regard to the *future*. Although, as I have shown, the present lines have responded promptly and satisfactorily to all the drafts that have been made upon them for the military and civil service—with such rare and providential exceptions as I have noted—they are still putting forth the most extraordinary exertions to increase their facilities proportionate to any possible contingencies. They are straightening and shortening their tracks to an exact air line, building bridges, increasing their rolling stock as fast as Government demands upon private shops will permit, and as speedily as the iron can be procured laying a double track, which is rapidly approaching completion. When these improvements are finished—and they will be completed long before the new route proposed by the bill before us is in working order—there will be not only a superabundance of all the accommodations that can possibly be needed, but humanly speaking, the accidents which have caused delays, disappointments, and vexations in the past will be amply provided against.

I have thus far confined my remarks to the consideration of the proposition that the road proposed by the pending bill is unnecessary, neither suggested, asked for, nor needed by the heads of the military or postal service, for the especial benefit of which it purports to be intended. I now propose to examine it from a higher stand-point.

Mr. Speaker, New Jersey will deny nothing to the Government which may be demanded by the general welfare; she will make any sacrifice that a free people ought to make for the general good; she will not meanly or grudgingly count the cost when she is called upon to serve the Republic; she will give freely of whatever she has to give that may be necessary to the public safety. This road is not necessary, and New Jersey asks you to pause before passing a measure that has but a fancied necessity, and which will be insulting to her Legislature, insulting to her judiciary, and violative of her pledged public faith. The question that is now before this House has already been before the Legislature of New Jersey, and both the parties that are now here have been suitors there. The Legislature of New Jersey made its decision in accordance with its convictions of duty, and in conformity with its honor and plighted faith. That decision was adverse to the parties interested in the road proposed by this bill; an appeal was then made by them to the courts, and so far as they have gone in this direction the decision has still been against them. But the law has not yet been exhausted; there are other courts whose duty and province it is to review and reverse erroneous decisions, and to set aside unlawful enactments. Why, then, do the parties to this bill stop short? Why do they hesitate to make their appeal to a higher tribunal? Is it because they doubt the justice of their cause? And if they decline or fear to appeal to the courts, have they any claim upon the consideration of this House, or ought this House to disregard and override the acts of the Legislature of New Jersey, sustained as they have been by the courts? I appeal to the magnanimity of this House not thus to override the unimpeached judiciary and Legislature of my State, or to forestall judicial examination or decision. I appeal to its sense of justice, to its sense of honor, to its reverence for pledges of public faith, nay, I appeal to its sense of right and duty, not to pass this bill, which will be an insult to the dignity and an infringement upon the rights and powers of New Jersey.

The source from which this bill proceeds should also admonish gentlemen to hesitate before voting for it. Its source, as I have already shown, is not the public necessity or welfare; it is not asked for by the officers of the Government who are responsible for the conduct of the civil or military service; they never suggested it, nor do they desire it. Where, then, does it originate? I reply that it emanates from that fruitful source of questionable jobs, that elysium of stock operators, that organ whose keys are the financial interests of the country, Wall street. It originates in no sense of patriotism, from no absolute conviction of right or duty; but simply from the ambition of "money making." It is a Wall street speculation, a stock-jobbing venture, this and nothing more. Is it for such a purpose, Mr. Speaker, that we are called upon to punish, to insult, and to humiliate the State of New Jersey? What has New Jersey done to merit such treatment from the Federal Congress? Have you forgotten that when Sumter was fired upon, and the first call for troops was made by the President, that New Jersey sent a full brigade of volunteers to protect the national capital, and that in doing so she not only exceeded her proportion by a regiment, but was the first of all the States to forward her full complement to the field? And have you forgotten that the "Jersey Blues" have fought at almost every place where fighting was to be done, from Bull Run down to Chattanooga? Have you forgotten the New Jersey dead? Do you bear in remembrance the gallant Ewing who on land and sea upbore the honor of the nation and defended the nation's flag? Have you heard of the glorious Phil. Kearney, or of "Varuna Boggs?" If New Jersey has done her part faithfully and well, if her sons have responded quickly and battled nobly, if her authorities have strained every nerve to meet every requirement, if her soldiers and sailors have been steadfast, enduring, and valiant, if she has contributed her proportion to the national safety, or has reflected any glory upon the national name, then I appeal to you to deal justly with New Jersey, and pause, I entreat you, ere you inaugurate this needless and unjust crusade upon her sovereignty, ere you press upon her an issue which she can yield but with her honor. I appeal to you as Representatives, jealous of your own honor and the reserved rights of your respective States, not to perpetrate this gross indignity, not to cast this unmerited insult upon her. Withhold, I beseech you, the step that would unwittingly trample upon her rights at the instigation of envious and unscrupulous defamers and adventurers.

I again entreat you to pause.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had passed a joint resolution for the payment of expenses incurred by the joint committee on the conduct of the war; in which the concurrence of the House was requested.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

An act (S. No. 25) to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southern Oregon; and an act (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes; when the Speaker signed the same.

SPECIAL COMMITTEE.

The SPEAKER appointed, as the special committee ordered by the House this morning, Mr. HIGBY, Mr. CLAY, and Mr. PRUYN.

NATIONAL CURRENCY.

Mr. PENDLETON. Has the morning hour expired?

The SPEAKER. It has; and the regular order of business is the bank bill, reported from the Committee of Ways and Means, which was made the special order for this day and every day after the morning hour until disposed of.

Mr. PENDLETON. I would suggest to the gentleman who has charge of the bill [Mr. HOOPER] that he refer the bill to the Committee of the Whole on the state of the Union, with the understanding that the consideration of it be continued from day to day in the committee until disposed of, and that it take precedence over all other business in the committee.

I desire further to say that there are amendments which have been adopted by the Committee of Ways and Means, and I suggest that on the first reading of the bill, for information, the gentleman from Massachusetts indicate those amendments, and they can be incorporated in the text of the bill. It seems to me that will facilitate the consideration of the bill, and not delay it.

Mr. HOOPER. I have no objection to that

course being pursued, if the House considers it preferable.

The SPEAKER. The bill is now a special order in the House after the morning hour from day to day until disposed of. The gentleman from Massachusetts, adopting the suggestion of his colleague on the Committee of Ways and Means, [Mr. PENDLETON,] now asks unanimous consent that the bill be referred to the Committee of the Whole on the state of the Union as a special order, to be considered in priority to all other special orders, the House to go into Committee of the Whole on the state of the Union immediately upon it, and when the bill is read the first time for information, the Committee of Ways and Means to have an opportunity of offering their amendments.

Mr. STEVENS. I must object to its taking precedence of other special orders in Committee of the Whole on the state of the Union. We can go on and consider and amend it in the House where it now is just as well.

The SPEAKER. Objection being made, if the bill be referred to the Committee of the Whole on the state of the Union, the only way in which it can be reached will be by a vote of the House postponing the special orders which antedate it.

Mr. PENDLETON. I should be very glad to take that course, but I do not desire to embarrass the consideration of the bill at all.

If that course meets the approbation of the gentleman from Massachusetts, I will move to postpone the prior special orders in the Committee of the Whole on the state of the Union.

Mr. HOOPER. I hope the gentleman will make no motion the effect of which will be to put this bill behind other bills.

The SPEAKER. The gentleman from Ohio can test the question by first moving to postpone all the special orders in Committee of the Whole on the state of the Union, and if that motion prevails he can then move to refer this bill to the Committee of the Whole, where it will have precedence of the special orders.

Mr. STEVENS. I hope that will not be done. I can see no reason why we cannot consider the bill now in the House.

The SPEAKER. The Chair was only suggesting the manner in which the gentleman from Ohio can accomplish his purpose.

Mr. PENDLETON. I move, then, to postpone all the special orders now before the Committee of the Whole on the state of the Union.

Mr. WASHBURNE, of Illinois. I rise to a question of order. That cannot be done except by unanimous consent.

The SPEAKER. A majority of the House can postpone special orders.

Mr. WASHBURNE, of Illinois. Not special orders that are in Committee of the Whole on the state of the Union, I believe.

The SPEAKER. Certainly; the House is the only body that can postpone special orders. The Committee of the Whole on the state of the Union cannot do it. A majority of the House can do it, and they do it almost every day on the motion of the chairman of the Committee of Ways and Means. The Chair would state, however, that there is another obstacle in the way of the consideration of the bill in Committee of the Whole on the state of the Union: unless it be made a special order in Committee of the Whole, the President's message and a variety of other matters will be in advance of it.

Mr. PENDLETON. I have no disposition to embarrass the gentleman from Massachusetts, and therefore I withdraw my motion.

The SPEAKER. The Chair repeats that special orders can be postponed by a majority of the House, and that is the only way in which they can be postponed.

Mr. HOOPER. There seems to be a desire that the bill shall be read at the Clerk's desk, and I ask that as it is read I may have an opportunity of presenting the amendments which are recommended by the committee which reported the bill.

The SPEAKER. The bill must be read to the House, at any stage, once on the demand of any member. That differs from the rule in Committee of the Whole, where the bill is first read for information, and then for amendments. The gentleman from Massachusetts demands the reading of the bill.

Mr. FENTON. I presume my colleague on the Committee of Ways and Means does not care about its being read, unless other members desire it, if the House will consent that he shall offer the amendments of the committee without having the whole bill read.

The SPEAKER. He can do that by indicating where the amendments are to come in.

Mr. HOLMAN. It seems to me that the bill ought to be read through.

The SPEAKER. If the gentleman demands its reading now he cannot demand it again at any other stage. The question before the House is, "Shall the bill be engrossed, and read a third time?"

Mr. PRUYN. I hope the gentleman from Indiana will consent to the suggestion of the gentleman from Massachusetts, that as the bill is read the gentleman shall have an opportunity of offering any amendments he thinks proper.

Mr. HOLMAN. The usual practice is to have a reading of the bill in full before it is read for amendments.

The SPEAKER. That is in Committee of the Whole on the state of the Union, but we are now acting in the House, where only one reading in full is allowed as a matter of right.

Mr. HOLMAN. I desire the bill to be read.

The Clerk then read the bill in full.

Mr. HOOPER. I now ask leave of the House to propose the amendments which have been recommended by the Committee of Ways and Means for the purpose of perfecting the bill and to dispose of those amendments at this time.

The SPEAKER *pro tempore*, (Mr. BRANDEGEE in the chair.) Is there any objection to that proposition?

Mr. BROOKS. I certainly have no objection to the course proposed by the gentleman from Massachusetts; but before any action is taken on those amendments, I desire to see them in print. The bill itself was carefully reported. It proposes an entire change in the banking system of the States. What changes in the bill the gentleman from Massachusetts now proposes I wish to have time to read in print and thoroughly to consider; and, indeed, I want time to consult parties on the subject. I ask the gentleman from Massachusetts to give us that time; and if so, I shall have no objection to his offering the amendments now.

Mr. HOOPER. The greater part of the amendments which I have to propose are verbal, some of them to correct errors in printing and some to correct errors in transcribing.

Mr. BROOKS. In a matter so important, so interesting to the currency and property of the country, we must proceed with deliberation, even in verbal matters, so that we may be able to comprehend the bill thoroughly.

Mr. HOOPER. If it be thought, after the amendments are offered, that it is expedient to have the bill reprinted I will have no objection.

Mr. BROOKS. All that I want is to reserve my right to object to the introduction of the amendments.

The SPEAKER *pro tempore*. Is there objection?

Mr. BROOKS. I object except with that understanding.

The SPEAKER *pro tempore*. The Chair cannot recognize such an understanding.

Mr. HOOPER. If the House deem it expedient to have the bill reprinted after I shall have offered and explained the amendments I will have no objection.

Mr. BROOKS. But the gentleman from Massachusetts will bear in mind that he cannot introduce his amendments now, except by general consent. That general consent I desire to give if the bill lies over till to-morrow, and if the amendments are printed. The changes can be made without change of form and with but slight expense.

Mr. STEVENS. I suggest to the gentleman from Massachusetts that he go on in the regular way, offer his amendments, and let the votes be taken on them as we go along.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Massachusetts offering his amendments?

Mr. BROOKS. I object, unless I can see those amendments in print.

Mr. HOTCHKISS. I hope that the committee having the matter in charge, and particularly the gentleman from Massachusetts, [Mr. HOOPER,] will consent that the amendments which he proposes may be printed, so that we can examine them.

Mr. WASHBURNE, of Illinois. I suggest that the gentleman will first be allowed to explain his amendments. They may not be material.

Mr. HOOPER. I have stated already that most of these amendments are verbal. They are to correct errors in printing or in transcribing the bill. Some few of them, but very few, are of a more substantial character.

Mr. STEVENS. I think we had better go on and act in the regular way.

Mr. HOOPER. The first amendment which I desire to offer is to the sixth section. It is to add after the word "specify" the word "substantially," so as to make it read:

That persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify substantially; &c.

Mr. PRUYN. I would like to ask the reason for this amendment.

Mr. HOOPER. I think the reason is so obvious that any person can understand it.

Mr. PRUYN. It strikes me that it is making the whole thing too loose. This requirement can certainly be complied with without any difficulty.

Mr. HOOPER. I withdraw the amendment, as there is an objection to it.

Mr. BROWN, of Wisconsin. I should like to offer one or two amendments which the gentleman has apparently passed over. I propose to strike out of the first section, providing for the appointment by the President of the Comptroller of the Currency, the words "on the recommendation of the Secretary of the Treasury." The Constitution provides for the mode in which appointments shall be made. I hold that we have no right to select other parties on whose recommendation appointments are to be made. Therefore this line which I move to strike out is in violation of the Constitution. It must absolutely be made either by the Secretary of the Treasury or by the President.

There are one or two other amendments to which I shall call the honorable gentleman's attention.

Mr. WASHBURNE, of Illinois. I have a proposition to make which I hope will meet with the concurrence of the gentleman from Massachusetts and of the House, and that is that this bill shall be considered in the House as if it were in the Committee of the Whole on the state of the Union, to be read section by section for amendment.

The SPEAKER. The Chair understands that the gentleman from Massachusetts [Mr. HOOPER] proposes to submit certain amendments from the Committee of Ways and Means. After those have been submitted and considered the bill will be open for further amendment.

Mr. WASHBURNE, of Illinois. I understand that; but we can get along with the bill much better if we consider it in the House as if it were in the Committee of the Whole on the state of the Union. Let the bill be read section by section by the Clerk, then all will have an opportunity to move amendments without confusion. It is the best course for us to pursue to act upon the measure understandingly.

Mr. HOOPER. I do not object to that course being pursued.

Mr. PENDLETON. I made a proposition to accomplish that purpose this morning, and it was objected to. I believe I must object now.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Ohio will not object on that ground.

Mr. PENDLETON. The gentleman from Pennsylvania [Mr. STEVENS] objected to my motion that the House resolve itself into the Committee of the Whole on the state of the Union to consider this bill there as a special order.

Mr. WASHBURNE, of Illinois. The gentleman from Pennsylvania withdraws his objection.

Mr. PENDLETON. Then I do not object.

Mr. HOOPER. I understand the bill is to be read by sections for amendment.

Mr. STEELE, of New York. I appeal to the chairman of the Committee of Ways and Means, [Mr. STEVENS,] and to the gentleman from Massachusetts, [Mr. HOOPER,] to let this bill be referred to the Committee of the Whole on the state

of the Union, as was proposed this morning by the gentleman from Ohio, [Mr. PENDLETON.] That would obviate, I think, all the confusion of our present proceeding.

Mr. STEVENS. I do not object to that. I move that the House resolve itself into the Committee of the Whole on the state of the Union, with the understanding proposed this morning that the bill be considered a special order, to take precedence of all others, and to be considered until disposed of.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BRANDEGEE in the chair.)

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union on House bill No. 333, to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, which is a special order, taking precedence of all others.

The Clerk read, as follows:

That there shall be established in the Treasury Department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by Congress respecting the issue and regulation of a national currency secured by United States bonds. The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate; &c.

Mr. BROWN, of Wisconsin. I move to strike out the words "on the recommendation of the Secretary of the Treasury."

Mr. Chairman, I base that amendment upon article two, section two, of the Constitution, which provides that the President shall have power to "nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments." The power here is to belong absolutely to the President or to the Secretary of the Treasury. There is no right on the part of Congress to alter the jurisdiction which the President may have to make appointments.

Mr. HOOPER. I hope that the amendment will not prevail.

Mr. STEVENS. I move to strike out the word "shall," and to insert in lieu of it the word "may," so that it will read, "he may be appointed by the President," &c. That will not make the law imperative.

Mr. PRUYN. Is it intended, by using the word "may" instead of "shall," that the President may carry out this act or suspend its operations at his pleasure? I think that the word "shall" is right.

Mr. STEVENS. If there is any difficulty about my amendment I withdraw it.

Mr. BROOKS. As I understand the proposition of the gentleman from Wisconsin, I hope it will be adopted. It is only within a year or two, or since the commencement of the last session of Congress, that we began to reverse the whole financial policy of the Government from 1787, by taking from the President of the United States the control of the public Treasury and giving it to the Secretary of the Treasury. The gentleman from Wisconsin proposes that we shall return to the old policy and the policy of the Constitution, and let the President and not the Secretary have the control of the Treasury.

I have never been able to comprehend, either in this or some other bill which has been acted upon by this House, why that wise policy pursued by George Washington and his Secretary, Alexander Hamilton, through the whole history of the United States, should be changed now, and the President be deprived of his constitutional power and of the power given him by precedent, and the whole power given to the Secretary of the Treasury. The President alone is the responsible officer; we have no control over the Secretary of the Treasury, nor have the people any such control. It is the President of the United States who is, has been through our whole history, and who should be, responsible.

And permit me here to say, not unkindly, I am utterly unable to comprehend why the President of the United States is distrusted, and there is taken from him his legitimate control over the public money; and why in this and in other bills there is given to the Secretary of the Treasury that control which ought alone to be in the President of the United States. I am unable to comprehend. I have never heard any satisfactory reason given here or elsewhere for that change of our public policy. If there be any reason for the change I should be happy to hear it. But as the bill now stands it is an expression of distrust on the part of the House, and upon the part of Congress, if the bill passes through Congress, either of the capacity or integrity of the President of the United States to exercise his legitimate and constitutional control over the public money. I say it is an expression of distrust, and therefore I hope the amendment of the gentleman from Wisconsin will prevail.

Mr. BROWN, of Wisconsin. Before the question is taken, I desire the Clerk to read the latter part of article two of the Constitution, in which is contained the provision in reference to making appointments.

The Clerk read, as follows:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Mr. BROWN, of Wisconsin. Now the point is this: that by that provision the President has the unlimited power of making the selection, and is not to be trammeled by the idea of either the Secretary of the Treasury or of any other public functionary, unless we vest that power directly either in the head of a Department or in the judge of a court. In this instance the power is vested in the President, and for that reason, under the Constitution, we cannot trammel or limit the exercise of that discretion.

Mr. STEVENS. I have no doubt of our power upon this subject. We could vest the appointment entirely in the Secretary of the Treasury if we chose. The Constitution is very express upon that point. But I do not think it is worth quarreling about; and since there is now such a unanimous confidence in the President of the United States I propose that the words be stricken out. They were put in merely to guard against the danger that some gentlemen might not have the same unqualified confidence in the President that we have. I find we were mistaken, and that everybody in the House has the most perfect confidence in him. I hope, therefore, the amendment will prevail.

The amendment was agreed to.

Mr. HOOPER. I propose to take this opportunity to make some remarks upon the general character of the bill before we proceed further with the reading of it.

It is not my intention to detain the House with any long examination of this bill, but only to call attention to the principal changes which are proposed by it from the act passed at the last session of Congress to establish the national banking system. It should be borne in mind that this is not a bill to establish the system of national banks; its only purpose is to amend the act which established that system, to correct what the experience and observation of the past year have shown to be imperfect, and to render the law so perfect that the State banks may be induced to organize under it, in preference to continuing under their State charters.

It is unjust to consider the national banking law as inimical to the State banks; on the contrary, the object has been to offer every facility to the State banks to organize under it, while it encourages banking upon sounder principles, which will render it more secure for the stockholders, more profitable to them in the long run, and more beneficial to the people throughout the country.

I frankly confess that I look upon the system of State banks as having outlived its usefulness, as being unequal to the exigencies of the present time, with the demands which this war is making on the resources of the country and on its financial and monetary systems. I refer to them as institutions connected with the growth and prosperity of the country. Let us consider for a moment what would have been our condition now if we had attempted to carry on this war without the changes that have been made, and had relied on the State banks to furnish all the currency that was needed.

Within the very first year of the war their inadequacy for this purpose was shown. The Government was of course obliged to call on the monetary interest of the country represented by the banks for means to carry on the war; the property and the money interest of the country was bound to furnish the means, because the security of all property depends upon the protection of Government, and its value upon the ability of the Government to protect it.

The first important application by the Government to the banks to furnish money was made in the summer of 1861, for $150,000,000, which the banks of the principal cities agreed to furnish, from time to time, by installments extending from the middle of August to the end of that year. But this created so great a strain upon them that before the end of the year they deemed it necessary to suspend specie payments. It then became necessary for the Government to rely upon its own powers and its own resources, the result of which was the introduction of the legal-tender currency of Government notes. Many who opposed this measure at the time it was adopted, and the few who oppose it now, object that it creates an irredeemable paper currency in place of coin; and, in opposing it, all the arguments that have been used from the time of Adam Smith down to the latest writers on finance have been arrayed to prove the advantages of a currency of coin over one of paper money, as if it were a question which of those two, paper money or coin, the Government should have availed itself of in that darkest period of trial. A currency of coin was an absurdity at that time, as it has been ever since, and those who talked about it knew it to be so. The only question at that time was which of two paper currencies should be selected; whether it should be a paper currency furnished by the banks, which would be extended almost indefinitely by the Government use of it, and would be controlled entirely by the banks for their own profit, or whether the Government should furnish a currency of its own, to be under its own direction and control, made secure to the holders of it by the pledged faith of the Government, all the profits of which should accrue to the whole people of the country, and which at this moment is contributing directly more than four hundred million dollars, without any cost for interest, to the pecuniary means of the Government to carry on this war, besides the means which it indirectly furnishes, at a moderate rate of interest, and the facilities it affords in the negotiation of loans. I confidently believe that if the bill authorizing the issue of the legal-tender notes had failed to become a law, and the Government had been obliged to depend on the State banks, and to use their notes for currency to carry on the war, we should have had an inflation before this time beyond anything that has occurred since the days of the French assignats, and the Government and the country would have been entirely prostrated in its finances and in its currency.

We are told from the other side of this House that there can be but one end to a currency of paper money, based on the faith of the Government. All the old speeches of the Opposition in Parliament, during the suspension of specie payments in Great Britain, from 1797 to 1820, are hunted up to be ventilated afresh here as original views and opinions, to light us in our dismal path to financial destruction; as if every one did not know that the history of the "assignats" in France, and of the Continental money in this country, were rather the exceptions than the rule in regard to nations that have made use of paper money to carry them through the temporary exigencies of great wars. How many are there of the nations of Europe that have not in times of war resorted to the use of paper money, and when peace was restored returned to the sounder basis of coin?

The distinguished gentleman from New York

[Mr. FERNANDO WOOD] enlightened us with the facts that Great Britain, under a system of paper money, accumulated a debt of $4,000,000,000; that in the three or four last years of a war extending over a period of a quarter of a century, her system of taxation was so far improved as to yield, I think, from half to two thirds annually of the means to carry on the war, while only one third to a half was derived from loans; and he also informed us that Great Britain, after all this long period of paper money and enormous accumulation of debt, has now the most perfect financial system in the world. I certainly will not deny the truth of his statements; and I thank the gentleman for presenting them to the House. I hope we shall learn wisdom from the study of this experience of Great Britain, and improve upon it, and when peace is established that we shall be equally ready to make any sacrifices that may be necessary to put our finances and currency upon the soundest basis. But until peace comes, with its attendant blessings, I trust that no exertion will be spared, no sacrifice be withheld, and none of the energies of the nation be relaxed to conquer and overcome this rebellion, whatever it may cost.

I believe it was not only a wise measure to authorize the issue of the legal-tender notes, but that it was the only measure that could have been adopted with safety. The loan bill, including the issue of legal-tender notes, the national bank act, and the tax law were recommended by the Secretary of the Treasury as the three measures to be relied upon to carry the nation through the financial difficulties of this war. The last Congress enacted them, and it is the duty of the present Congress to do all in its power to perfect them. They certainly have worked successfully thus far, and I trust all attempts to perfect them will meet with a generous support from the House.

This bill presents many amendments of the bill of the last Congress, but most of them are of a verbal character, with the view of making the meaning of the law more clear and distinct, to avoid misunderstanding and different constructions. It contains also some amendments of a more important and substantial character, to which I will call attention. The bill has had the benefit of a year's experience of the working of the present law, and of most careful study and thought by the able, sound, and accomplished banker who occupies the position of Comptroller of the Currency. It has also been carefully examined by the Secretary of the Treasury, as well as by the Committee of Ways and Means.

One of the purposes of the amendments is to remove objections made by the State banks to the present law, which in some cases are well grounded, and in many others are only apprehensions in regard to the possible construction of the language of the law, and of its unintended but possible effects. It will be noticed that one section provides for the Bank of Commerce, in the city of New York, to be organized as one of the national banks, in the only way in which that bank could organize under the law; that is, by removing, in regard to that bank, the individual liability of its stockholders for the debts of the bank, for the reason that one of the articles of association under which the bank was formed, and which cannot be changed, was that no stockholder should be liable beyond the amount invested by him in the stock of the bank. My own preference would be to strike out the individual liability clause altogether from this bill, as the circulation is made secure, under all circumstances, by the pledge of Government bonds for its security, and their redemption by the Government provided for if the bank fails to redeem them. Having thus made the circulation secure, I think the other creditors have sufficient security in the paid-up capital of the bank, and beyond that they are as well able to take care of themselves as the stockholders, who, in a majority of instances, in a bank that has been long in existence, are persons retired from business, females, minors, trustees, guardians, and charitable institutions.

One of the most important amendments of this bill is the provision that every bank shall redeem its circulation at some one of the commercial cities named in the bill, as well as at its own counter; so that no note can be in circulation that is not redeemable at par in one of the ten or twelve commercial centers of the country. So long as that is the case, and while at the same time they are receivable at par for all dues to the Government, except duties on imports, none of their notes can be at any considerable discount in any part of the country.

Another important amendment is making the maximum rate of interest uniform at seven per cent., instead of leaving it as now to be determined by the legal rate at the place where the bank is located. The only objection I have heard to this was from a gentleman who informed me that the legal rate in his State was twenty-four per cent.; therefore no bank would be organized there under this law if they could not charge more than seven per cent. for money. I should prefer to make six per cent. the maximum rate of interest, believing that to be as much as capital should ever be allowed to take from the industry and labor that makes the capital profitable.

If a man uses his own capital in any employment which he carries on, he gets the profit of the capital and of the industry which he applies to that employment; but if he has not the industry or the inclination to work, whether it arises from infirmities or any other cause, and loans his money to those who are inclined and able to labor, six per cent. seems to me a full and fair compensation for his share of the result, and is as much as any stable employment can afford to pay for the use of money. A higher rate of interest benefits and stimulates speculation more than it benefits the regular employment of the industry of the country.

Another amendment limits the minimum capital of any bank at $100,000, instead of $50,000, as in the present bill, and requires fifty per cent. of the capital to be paid in before business is commenced, and ten per cent. in each succeeding month thereafter. Another is that each director must be the owner of at least ten shares of the capital stock.

There are other amendments of less consequence, to which I will call attention as they come before the House to be acted upon.

Mr. BROOKS obtained the floor, but yielded to Mr. SPALDING, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 333) to provide a national currency secured by a pledge of United States stocks and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

And then, on motion of Mr. SPALDING, (at fifteen minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *March* 24, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT signed the following enrolled bills, which were yesterday signed by the Speaker of the House of Representatives:

A bill (S. No. 25) to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes of southeastern Oregon; and

A bill (H. R. No. 299) to provide for carrying the mails from the United States to foreign ports, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. TEN EYCK presented resolutions of the Legislature of New Jersey in favor of the employment of the Billinghurst and Requa battery in the public service; which were referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. LANE, of Indiana, presented a memorial of the mayor and common council of the city of Jeffersonville, Indiana, praying for the location of an armory and navy-yard at that place; which was referred to the Committee on Naval Affairs.

Mr. MORGAN presented a memorial of M. S. Beach, proprietor of the New York Sun, praying for the remission of the tax on that paper for the 29th of March instant, so that the entire proceeds of the paper on that day, including receipts for advertisements, may be given to the sanitary fair; which was referred to the Committee on Finance.

Mr. LANE, of Kansas, presented the petition of Baptiste Peoria, a member of the confederate bands of Peoria, Piankeshaw, Kaskaskia, and Wea Indians, praying for the passage of an act giving him the same power to contract and be contracted with, to sue and be sued in courts of justice, as if he were a citizen of the United States; and providing that where he bought land from members of his tribe prior to any regulations on the subject, and paid a fair price for it, and had taken a deed therefor, such title shall be good and effectual; which was referred to the Committee on Indian Affairs.

Mr. DOOLITTLE presented a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Legislature of Wisconsin in favor of aid in the construction of railroads running from Sioux City, in the State of Iowa, through St. Paul to Hudson, on the St. Croix lake, and thence to Superior or Bayfield, on Lake Superior; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

Mr. CONNESS presented a petition of citizens of Contra Costa county, California, praying that they may be authorized by law to institute legal proceedings to try the validity of their titles to certain lands settled and occupied by them; which was referred to the Committee on Public Lands.

PRINTING OF A MEMORIAL.

Mr. FOOT. I move the printing of the memorial presented yesterday morning by the Senator from New Jersey [Mr. TEN EYCK] from citizens of the city of Washington, praying an appropriation for the cleaning out of the Washington canal and for other purposes of a sanitary character. As it contains important information, I move that the memorial be printed.

The motion was agreed to.

ADJOURNMENT FOR GOOD FRIDAY.

Mr. JOHNSON. I move that when the Senate adjourns to day it adjourn to meet on Monday next. To-morrow is Good Friday, and I do not think the Senate is in the habit of sitting on that day.

The motion was not agreed to.

REPORTS FROM COMMITTEES.

Mr. HARLAN, from the Committee on Public Lands, to whom was referred a bill (S. No. 149) granting lands to the State of Oregon to aid in the construction of a military road from Portland to Dalles City, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred a resolution of the Legislature of Kansas, in favor of a grant of lands to that State in lieu of the sixteenth and thirty-sixth sections of the public lands sold for the benefit of certain Indian tribes, submitted an adverse report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. LANE, of Kansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 191) for the relief of Baptiste Peoria; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LANE, of Kansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 192) to amend an act entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;" which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

NOTICE OF A BILL.

Mr. HARLAN gave notice of his intention to ask leave to introduce a bill explanatory of the tenth section of an act to reduce the expenses of the survey and sale of the public lands of the United States, approved the 13th day of May, 1862.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that

the House of Representatives had passed the joint resolution of the Senate (No. 31) authorizing the issue of a register to the steamer Mohawk, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had agreed to the amendment of the Senate to the bill of the House (No. 341) to carry into effect the convention with Ecuador for the adjustment of claims.

The message further announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 34) making appropriation for the support of the Military Academy for the year ending June 30, 1865.

The message also announced that the House of Representatives had passed a bill (H. R. No. 306) to amend an act entitled "An act prescribing the times and places for holding terms of the circuit court for the districts of Iowa, Minnesota, and Kansas," approved January 13, 1863, in which it requested the concurrence of the Senate.

STEAMER MOHAWK.

Mr. TEN EYCK. I ask the Senate to take up the joint resolution (S. No. 31) authorizing the issue of a register to the steamer Mohawk, which has just been returned to us from the House of Representatives with an amendment, with a view of concurring in it.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives to the joint resolution, which was to add at the end of the resolution the following:

Provided, That nothing herein contained shall in any wise affect any legal proceeding now pending in regard to the said steamer Mohawk.

The amendment was concurred in.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HARRIS (during the progress of Mr. HOWARD's speech) said: With the consent of the Senator from Michigan, I present a report from a committee of conference.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) It will be received by unanimous consent.

The Secretary read it, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 34) making appropriation for the support of the Military Academy for the year ending June 30, 1865, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House of Representatives recede from their amendment to the fourth amendment of the Senate, and agree to the same with the following amendment: strike out lines six, seven, eight, nine, ten, eleven, twelve, thirteen, and fourteen of said amendment; and that the Senate agree to said amendment to their fourth amendment.

W. T. WILLEY,
IRA HARRIS,
Managers on the part of the Senate.
R. E. FENTON,
HENRY T. BLOW,
JAMES R. MORRIS,
Managers on the part of the House.

Mr. GRIMES. Let us hear an explanation of that report.

Mr. TRUMBULL. I should like to know what those amendments were.

Mr. HARRIS. The effect of this report is simply to recede from the vote of the House of Representatives increasing the number of appointments to West Point, leaving the law to stand as it is now. That is the only effect.

Mr. GRIMES. I will inquire of the Senator what has become of the amendment proposed by the Senator from New Hampshire?

Mr. HARRIS. That remains in the bill.

Mr. HOWE. I suppose it has been noticed that I did not concur in the report of the committee. I am not about to object to the adoption of the report by the Senate, but I think it due to my colleagues, and perhaps to myself, that I should state in as few words as I can the reasons why I did not concur in that report.

The Government of the United States is maintaining a Military School at West Point at a very heavy cost. The law provides to-day that the number of pupils to be instructed in that School shall be limited to the number of congressional districts in the United States, with the addition of ten to be selected at large by the President. It gives the appointment of those cadets to the President of the United States, instructs him to assign the cadets to that School; but the law instructs him to select those cadets from the several congressional districts.

Mr. HOWARD. I did not yield the floor with the expectation of having a subject intervened which was going to consume much time.

Mr. HOWE. I was not aware that the floor had been yielded. I came into the Senate and found this report before the Senate. I did not expect it would come in this afternoon, and if it did come in I did not expect it would be taken up, and especially I did not expect it would be taken up until I was present. I found the question pending here.

The PRESIDING OFFICER. The report was received by the unanimous consent of the Senate, and is now before the body.

Mr. HARRIS. I did not suppose the matter would elicit discussion. I supposed it was a mere matter of form, and therefore asked to have it considered; but if the Senator from Wisconsin desires to speak on the question, I am willing to have it passed over for the present and let the Senator from Michigan go on with his remarks.

Mr. LANE, of Kansas. I move that this report lie over until to-morrow.

The motion was agreed to.

MILITARY INTERFERENCE WITH ELECTIONS.

Mr. FOOT. As there appears to be no other morning business, I move that the Senate now proceed to the consideration of the unfinished business of yesterday.

The VICE PRESIDENT. Does the Senator mean the unfinished business of the morning hour or of the day?

Mr. FOOT. The unfinished business of the day on which the Senator from Michigan was addressing the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 37) to prevent officers of the Army and Navy, and other persons in the military and naval service of the United States, from interfering in elections in the States.

Mr. HOWARD resumed and concluded his speech. [It will be published in the Appendix.]

Mr. TRUMBULL. Mr. President, I move that the Senate now proceed to the consideration of the joint resolution for the amendment of the Constitution.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) It is moved by the Senator from Illinois that the Senate now proceed to the consideration of the joint resolution indicated by him.

Mr. SAULSBURY. Upon that motion I have but a word to say. I think after the speech made by the Senator from Michigan, and his allusions to other States of the Union than that which he represents himself, it is proper that this debate should proceed. I should have no objection, however, to the motion of the Senator from Illinois if I knew that at an early day next week, say Monday or Tuesday, we could be allowed to resume the consideration of the bill now before the Senate. But, sir, coming from that "great and mighty" State of Delaware, to which the Senator from Michigan has alluded, a State which was a State when the territory that he represents here was a waste, howling wilderness, and whose early citizens helped to frame and fashion and mold the institutions of the Government under which we live and through whose action in part he has been permitted to make the speech that he has delivered here to-day, it is proper that we should have an opportunity to reply to those remarks; and if no other Senator, the action of whose State has been called in question, shall desire to proceed to address the Senate this afternoon, I will take upon myself to reply to the assaults which that Senator made both in his report and in his speech upon the "great and mighty" State of Delaware.

These remarks perhaps are not pertinent to the question now before the Senate. The question is whether the Senate will proceed to the consideration of another matter. I trust they will not unless there can be a distinct understanding that, at the furthest during the early part of next week, we may have an opportunity to resume the consideration of this subject.

Mr. TRUMBULL. I should like to inquire of the Senator from Delaware whether he is prepared to go on now and desires to proceed now.

Mr. SAULSBURY. I care nothing about preparation; I have no preparation to make. I am perfectly willing to let this bill go over to next week or to proceed now; but I do not want this matter to be postponed so that we cannot bring it up again. ["Go on now."]

Mr. TRUMBULL. The inquiry I addressed to the Senator was not in regard to preparation. I wished to know whether he was ready to proceed this afternoon with the discussion of the matter now under consideration.

Mr. SAULSBURY. Yes, sir. I will go on now.

Mr. TRUMBULL. If the Senator desires to proceed now at once I will withdraw my motion, and he can proceed.

Mr. SAULSBURY. If the Senator withdraws his motion I will proceed at once.

Mr. TRUMBULL. Very well.

The PRESIDING OFFICER. The motion is withdrawn. The Senator from Delaware is entitled to the floor.

Mr. SAULSBURY. Mr. President, I congratulate my friend, the Senator from Kentucky, upon the success which has so far attended his efforts to institute an inquiry into the proceedings of this Administration, into the enormities practiced by them upon the rights of the States and the people of the States in respect to their elections. It will be remembered that during the last session of the Senate I made several ineffectual attempts to bring this matter to the consideration of the Senate. I offered a resolution, coming immediately from my people who had suffered from this interposition of Federal power, calling upon the Secretary of War to know whether the interference that had taken place with the freedom of elections in my State had been by his authority or by the authority of the Federal Government. The Senate by a party vote refused to make that inquiry; and every attempt that was made during the last session was uniformly voted down by the party in power in this Chamber. My friend, the Senator from Kentucky, however, has been more successful at the present session, so far at least as to be allowed to introduce this bill, to have it referred to the Committee on Military Affairs, and then to have it taken up for consideration by the body. This is one step in the right direction. I therefore congratulate my friend that he has been more successful than I was at the last session of the Senate.

Ought this bill to be passed by the Senate? That is the question. It depends upon several considerations. First, is there any necessity for its passage? If so, what is that necessity? The Senator from Michigan has told us that it ought not to be done; and one of the reasons which he has assigned why it should not be done is the fact that it has never been done during the previous history of the country, and that no application has heretofore ever been made to the Congress of the United States for the enactment of such a law as this. He has told us that we passed through the war of the Revolution, and no such enactment as this ever was asked for; that we passed successfully through the war of 1812, and that the Congress of the United States was not called upon to enact a bill of this character. He might have added that we passed successfully through the war with Mexico, and there was no necessity for such an enactment.

Did it not occur to the Senator that there was a very good reason during those wars why the Congress of the United States should not pass a bill of this character? Could he not perceive the reason why the people of the United States did not then ask for the passage of such a measure as this? The reason, sir, was that the men who lived in those days saw nothing in the history of the times, nothing in the action of political parties, nothing in the vast strides of Federal power, to call upon them to enact such a measure as this.

During the war of 1812, in the times in which the Senator has said there was such imbittered partisan feeling, wise men, great men, giants—political giants—controlled and shaped the policy of this country and guided the ship of State amid that storm. We had not then, sir, political pigmies perched on Alps, the laughing-stock of the universe. We had men at the head of affairs who had laid the deep foundations of this Government in constitutional liberty. We had men at the head of affairs who had helped to frame that Constitution against the violations of which we now complain. The fathers lived then; and while they

lived no man was so rash as to dare, under any circumstances, to say that a President of the United States or any military officer had the right to invade a sovereign State and to deprive its citizens of the free right of suffrage guarantied to them by their State constitutions. No such attempts were made in those days as have been made, to the sorrow and to the destruction of the liberty of the people, in the days in which we live.

During the war of 1812 James Madison, who is sometimes called the Father of the Constitution, presided over this country; and though the pulpits of the North, and the press of the North, and the public assemblages of the North, and the public men of the North denounced him in most unmeasured terms, and while in one section of the country they were holding the Hartford Convention for purposes, it was believed at the time, inimical to the true interests of the country, and while men were charged, and even charged by an ex-President of the United States from that section of the country, with being engaged in a treasonable plot to carry New England out of the Union, James Madison and the men who then administered the affairs of this country never found it necessary to send the military forces into any State of the Union to deprive its citizens of the free exercise of the elective franchise; no presses were muzzled; no bastiles were built or filled with free men; no public speaker, simply because, in the exercise of his clear, constitutional right, he dared to dissent from the policy of the Administration, was by presidential edict banished to a hostile country or to a foreign land.

I say, therefore, to the Senator from Michigan, that the reason why such an act was not asked for or proposed during the wars to which he has alluded was that a different class of men administered the affairs of this Government, men more deeply read and men truly read in the history of constitutional liberty, men who cherished the principles of constitutional and civil liberty to an extent that they dared not, in violation of the oaths which they had taken to preserve and defend the Constitution of the United States, invade the rights of the States or of the humblest citizen by denying to him the right to cast his vote for those who should administer the Government under which he lived.

Sir, at a subsequent period in our history, although I do not recollect that that was distinctly alluded to by the Senator from Michigan, when we passed through another foreign war, the war with Mexico, a man who had read, and deeply read, the constitutional history of his country, and who had profited by the examples of the great and wise men who preceded him, was President of the United States, and had wise and patriotic counselors around him. And although that war, which was a war with a foreign Power, was denounced as an unjust war, although it was proclaimed by a certain party throughout the length and breadth of this land that the Mexicans were right and that the people of the United States were wrong, and although in the State in which I live men who now are the most blatant Union men throughout the land (if you would believe them) addressed the people and told them that they would be drafted and carried off to a foreign, unjust war, and all for the purpose of carrying an election, no presidential hand, no military hand was laid even upon the humblest of all the opponents of the Administration then in power. Speech was free, press was free, personal liberty was free.

Is it so, sir, to-day? If so, I ask you whence that moan which comes up upon every breeze from the heart-stricken wife and the worse than orphaned child, whose husband and whose father has in the dead hour of the night by military power been dragged from home and banished to a hostile shore?

Is it so, sir, now? If so, why those touching appeals addressed from every quarter of the country to the Executive of this nation and to the party in power, calling for the release of the hundreds and thousands who groan beneath oppression's yoke in your modern bastiles, built and manned to defend the country against foreign foes, but converted into prison-houses for the confinement of freemen?

I say then, sir, again to the Senator from Michigan that the reason we have had no such enactment in the past as that asked for now is because the circumstances of the past are quite different from those which exist at the present. The constitutional rights of the people were respected; the right of the people to meet and to petition for redress of grievances; the right of the people to discuss the measures of public policy was respected; and no man in those days was rash enough or had so little regard for the Constitution of his country and the constitutional rights of his fellow-citizens as to attempt any such practices as those against which the provisions of this bill are aimed.

Congress have the constitutional power, I apprehend, to pass this bill, and the question recurs, ought it to be passed? If there had been no invasion of the rights of the citizen there would be no impropriety in the passage of the bill, because it might be possible in the future, and especially in a time of great civil commotion like this, that those rights might be invaded, and hence it might be a wise policy to prepare against an anticipated or possible evil in the future. But, sir, I do not place my advocacy of this bill upon such a ground as that. I place it upon the distinct, express, unequivocal, and undeniable ground that the rights of the people in this respect have been invaded, in some instances destroyed, and that the evil is of such a magnitude as calls imperatively upon the Legislature of the country, the Congress of the United States, to interpose for the protection of the rights of the citizen.

The Senator from Michigan has confined his remarks in reference to this aspect of the question chiefly to a consideration of the cases arising in the State of Kentucky and in the State of Maryland. His allusion to my State was very brief, although designed to be very severe. Let me say to that Senator that there is not strength enough in his puny arm or in the bow which he draws to reach the "great and mighty" State of Delaware, as he calls her, and no attempted sarcasm in reference to the State of Delaware by him can affect any one injuriously except him who has the rashness to attempt it. *De gustibus non disputandum est.* If it is agreeable to the taste of the Senator from Michigan thus to indulge in sarcasm in reference to a State of this Union, I will not dispute with him as to the propriety or impropriety of his taste.

Mr. President, before I proceed to offer the proofs in this case arising in my own State, I wish to lay down one simple proposition which is a denial of the whole basis of the argument of the Senator from Michigan. He admits that in times of peace the Federal Government would have no right to interfere with the exercise of the elective franchise in a State; but he contends that in time of war it may become necessary, and being necessary, they have the right to do it.

I was somewhat surprised to hear the Senator from Michigan refer to such an old-fashioned document as that which I now hold in my hand, one which is so much ignored at the present day, one whose provisions are so little regarded by the present Administration and party in power; but he has had, to my utter amazement, I will not say the rashness, to refer to the Constitution of the United States. Now, sir, my proposition, as preliminary to what I intend to say on this subject, is found in that old-fashioned instrument whose principles are so little regarded by the Senator and by this Administration.

I lay down the proposition that it is not within the competency of the Federal authorities to intervene in a State of the Union for the purpose of controlling any of its domestic affairs, or even to suppress violence, unless they are invited by the authorities of the State. Section four of the fourth article of the Constitution declares that "the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence." The pretense, as I gather it, upon which the intervention of the military in the several States of the Union has been attempted to be justified is, that it was to prevent violence by an opposing political party; that it was to give to a certain class of voters an opportunity to exercise their rights under the Constitution of their State; the right to vote, for example, that being the matter now before the Senate.

Well, sir, let me inquire by what authority the President of the United States undertakes to send the military into a State to interfere with the freedom of elections. I inquire for the authority of the President of the United States, because I hold him responsible for all this. As to your Schencks and your Burnsides, and such little brief heroes who make war upon women and children, and upon unarmed citizens, rather than like brave and chivalrous men meeting the armed enemy in the field, I deal not with them. It is not with any such pigmies that I deal. I deal with their master, the man who sits enthroned at the other end of the avenue, and who is fondly dreaming of an extension of his authority to rule and despotically rule over the liberties of a once free and happy people. I hold the President of the United States to be the man that is responsible, because he either gave the orders to his subordinates, or they having been given by his subordinates, he had the right to interfere in behalf of the citizens to prevent the invasion of their constitutional rights, and he did not do so.

Neither, sir, do I hold responsible for these transgressions the soldiers of the Army who execute these orders, whether made by the President or by his subordinate officers. As soldiers, they are bound to execute their orders, and I doubt not that many a true-hearted, brave, and gallant American soldier, who when he enlisted in this war thought he was enlisting to fight a bold and manly enemy in the field, felt himself humiliated when called upon to go into a quiet, peaceful neighborhood, and with bayonet charge upon its peaceful citizens, as has been done in my State, for no crime, for no offense, but only because, in the exercise of a clear constitutional right, they presumed quietly to approach the polls and offered to exercise their part in selecting those who were to administer the laws by which they were to be governed.

Then, sir, where does the President of the United States get the power to send the military into a State to interfere with the freedom of elections, or to send them into a State to do any other act or thing? Whatever power he has he derives from that section of the Constitution which I have read, and it is only to be exercised upon the application of the Governor of the State when the Legislature is not in session, or of the Legislature itself when in session.

Sir, indulge me in another preliminary remark. Who decides as to the qualification of voters, constitutionally and legally? So far as that right belongs to a citizen of a State, it is controlled and governed exclusively by the constitution and laws of the State in which he lives. It is not contained in the Constitution of the United States. It is not conferred by the Constitution upon the President of the United States or upon any of his military subordinates. When, therefore, he attempts to exercise it, he does, in the strong but true language of the Senator from Kentucky, become a usurper, and he owes among a free people his impunity from visitation of punishment simply to his power.

Let me ask, sir, why should there be opposition to this bill? If it is simply to secure a free and fair election, if that be the object of those who advocate it, why should this bill be opposed? In case there is any attempt to violate the right of any citizen of a State, in case there is any apprehension that on the day of election such a thing may be done, the State authorities are competent and alone authorized to prevent or redress the wrong. And in case domestic violence exists or is immediately threatened to an extent beyond the control of State authority, the constitutional right of the Governor or the Legislature of the respective States would still exist to call upon the President, under this article of the Constitution I have referred to, for aid in putting down this domestic violence. The only inference, therefore, which I can draw from the opposition to a measure so wise, so just, so harmless for the purposes of evil, so effective for the purposes of good, is, that it may be deemed necessary to perpetuate power in one political party organization, and against the will of the people to keep in power those who may have abused their trust!

If I discuss this question somewhat desultorily it arises from the fact that I speak without preparation, and only from that sense of duty to my people which the report of this committee and the

speech of the Senator from Michigan render necessary.

Another ground taken by the Senator from Michigan is that the bill is unconstitutional because there is no right in the Congress of the United States to intervene for the enforcement of the laws of a State. Does this bill call upon the Congress of the United States to intervene by legislative enactment or otherwise for the enforcement of the laws of a State? I will admit, with the Senator, that the true and only authority for enforcing the laws of a State (except in time of domestic violence, when, upon application of the Governor or of the Legislature of the State it may become necessary to invoke Federal authority to assist them,) is State authority. But does this bill ask Congress to intervene in behalf of the execution of a State law? Not at all, sir. It only asks Congress to intervene thus far and no further, to prevent men in the military service of the country, officers having charge of the military of the country, from carrying that military to places of voting, and interfering with the rights of the people of the States and destroying the governments of the States.

Mr. LANE, of Kansas. With the consent of the Senator from Delaware, I move that the further consideration of this subject be postponed until to-morrow.

Mr. TRUMBULL. I object to that.

Mr. SAULSBURY. I do not ask for the postponement; it is no favor to me.

Mr. TRUMBULL. This is precisely what I expected. The business of the Senate is about to be crowded out for these speeches.

Mr. SAULSBURY. I do not ask for the postponement.

The PRESIDING OFFICER, (Mr. POMEROY in the chair.) Does the Senator from Kansas withdraw his motion?

Mr. LANE, of Kansas. No, sir. My motion was offered with the consent of the Senator from Delaware, and I insist upon it. We did not finish the business of the morning hour to-day, and it is now almost four o'clock. I think we ought to be permitted to finish the business of the morning hour. It is not at all probable that the Senator from Delaware will conclude to-night.

Mr. ANTHONY. I hope that if the Senator from Delaware desires a postponement until to-morrow we shall grant his request.

Mr. SAULSBURY. I do not ask any courtesy if any Senator has any objection to a proposition to extend courtesy. I did not suggest this postponement myself.

Mr. LANE, of Kansas. I suggested it.

Mr. TRUMBULL. I am certainly not disposed to deny to the Senator from Delaware any courtesy, as the Senator from Rhode Island seems to intimate; but here is a question taking up the time of the Senate and excluding the active business of the Senate, taking up time by long speeches, commencing one day and continuing into the next, and claiming the floor from day to day. I ask the Senator from Delaware if he thinks it consistent with our public duty here, when great measures are pressing upon us, to have these political speeches continued from day to day, and adjournments had upon them, to the exclusion of the business of the country. The Senator from Delaware was distinctly asked before he commenced his remarks if he was ready and desired to go on to-night, and he said he would go on to-night, in reply to my question, and to get rid of a motion which I had made to take up another subject.

Now, sir, I do not wish to press the Senator from Delaware or any other member of this body to speak out of time; but I insist that neither the Senator from Delaware nor any other Senator shall day after day occupy the floor here when there is business to be done. If the Senator from Delaware is willing to take his chance to finish his speech when the convenience of the Senate will permit without interfering with other business, I have no objection to this measure being put over; but if it is to be put over to the exclusion of all other business to-morrow during the business hours, I do object to it.

Mr. POWELL. I do not believe, sir, there has been or will be before this Congress a bill of greater importance than the one now pending, and I hope the debate upon it will continue until it is voted upon, either adopted or rejected. The Senator from Illinois speaks of putting this bill away and taking up the business of the session; and he asks us not to make speeches upon this bill and prevent the business of the Senate going on, as if this were not business. Sir, there never was before any deliberative body a more important bill than the one under consideration, and I hope the debate on it will continue until the subject is finally acted upon. I have no objection to the length of time occupied by the honorable Senator from Michigan, or any other Senator. It is a subject of the gravest importance, and upon it depends the very perpetuity of our institutions, because it is to secure free ballot to the people. I do not think there ever was or ever will be before a deliberative body a question of graver import than this. It is business, and business of the greatest moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to postpone the pending bill until to-morrow.

Mr. LANE, of Kansas. The course suggested by me, with the consent of the Senator from Delaware, is the identical course pursued toward the Senator from Michigan yesterday. I think it unjust to the Senator from Delaware to compel him to go on at this hour, and I think the postponement is a proper courtesy which we ought to extend to him.

The motion to postpone was not agreed to.

Mr. SAULSBURY. Mr. President, in response to the remark of the Senator from Illinois that he would not allow or permit the Senator from Delaware or any other Senator to occupy the time of the Senate in making political speeches when grave matters of legislation were before the body, let me say to that Senator that the Senator from Delaware has neither asked him to permit nor to allow. The Senator from Delaware does not ask for authority from any such source for the course he may see fit to pursue here.

Mr. President, the Senator from Michigan put the right of the military to interfere with elections in the States upon the ground that we are engaged in civil war. The proposition that we are engaged in civil war I shall not deny, for when others were calling it simply a little sedition or insurrection, I in my place in the Senate proclaimed that it was not only a civil war but a great civil war, and that the controversy must be governed by those grave rules of the modern law of nations which applied to civil wars throughout the civilized world and among all Christian people. That was then considered a heresy, and it was said that the difficulty was nothing but a little sedition or insurrection that was to be suppressed by seventy-five thousand men in sixty or in ninety days; but lo and behold! men who then scouted the idea that this controversy was of sufficient magnitude to amount to a civil war, who said it was nothing but a little sedition down South and to be suppressed in sixty or in ninety days, have woke up at last to the great and important fact that when a million and a half of men on the one side and seven hundred thousand or eight hundred thousand on the other meet in the deadly conflict of battle it is something more than a sedition or insurrection; and I congratulate them upon the correctness of the perception, however slow in its operation, which has at last admitted this great truth.

The argument of the Senator from Michigan is that the right of the military to intervene with reference to the elections of the States—mark you, I shall confine my remarks simply to States professedly and knowingly within the Union—exists because it is a belligerent right. The principle to govern its exercise has no other authority, even by the admission of the Senator from Michigan himself, than that authority which upon all occasions is invoked in this Chamber and by this Administration and the party in power, the authority of "necessity;" a word which, when applied hereafter, when the mind of the people of this country shall become steady, and when reason shall have resumed its throne and passion shall have died away, will not only be scouted, but the use of which in these days will then be deeply regretted, because no usurpation, however great, no infraction of the Constitution, however attended with disastrous consequences, can be perpetrated that those who hang around the throne of power and pay adulation and homage to him who sits thereon do not invoke this great, potent magic of "necessity."

The Senator says that we are engaged in civil war, and that you cannot draw lines between the belligerents, that they are commingled together, and he cites the authority of the Supreme Court of the United States to sustain him; and yet the courts over the country now are deciding that this controversy is confined to locality, and as I am told it has been recently decided in the State of New York that if a man has his domicile in the State of Virginia he cannot sue in the courts of New York, because he is to be regarded as an enemy; and at least two judges of your Supreme Court have declared themselves alien enemies by a decision which they made declaring people residing in southern States out of the Union or in an enemy's country. Therefore, sir, in answer to the suggestion of the Senator, I appeal to the judicial decisions of the country that this is a controversy local on both sides, and the attempt that the honorable Senator has made to say that in the adhering States of this Union there resides a portion of the public enemy against whom you are to exercise a belligerent right, is only brought forward in this case to support the unwarranted and unconstitutional exercise of power by this Administration.

But, sir, let me ask the honorable Senator, and let me ask this Administration, if they ever listen to an honest question, let me ask the intelligent men of this country, who has given to a General Schenck, or a General Burnside, or to the President of the United States, without a resort to the legal tribunals of the country for a determination of that question, the right to decide that any citizen of my State is an enemy against whom belligerent rights are to be exercised, and against whose constitutional rights under his State the military power of this country is to be invoked? Whence do they derive their power? Not from this document to which the Senator even alluded, not from any law, Federal or State; but simply from the exercise of their own omnipotent will. Has it come to this, sir? Are the monstrous principles upon which this Administration acts in reference to the government of this country to be carried to such an extent that the question whether I am a public enemy of my country, or whether the Senator from Michigan is a public enemy of his country, and not entitled to any of the provisions of this written charter of our liberties, is dependent, not upon the charter, not upon Federal law or State law, but upon the will of the man who for the time exercises the functions of President of the United States? Has it gone still further, and is the great question, who is a public enemy and who a citizen and inhabitant and friend of his country and the Constitution of his country, to be decided by the subordinate even of subordinates? And has American liberty no higher sanction, no greater nor nobler guarantee than the mere will of some one who yesterday was naught, but to-day struts upon the boards with epaulets upon his shoulders, and chooses to domineer over a down-trodden and defenseless people? If that be the only liberty to which the descendants of the once proud freemen of this country are entitled, if that be the only liberty which we are to transmit to future ages, to our children and our children's children, then, sir, were all the noble aspirations of the past a delusion; then were the labors of our fathers worse than naught; then was every drop of blood shed in our revolutionary struggle vainly shed; and then have the people of this country for the last seventy-five years been delusively dreaming a lie.

No, sir; that liberty achieved for us by our fathers, that liberty guarantied in this Constitution, that liberty of which we have boasted in the past, that liberty which all of us have ourselves in time past enjoyed, has a nobler and greater and more sacred guarantee than that; and let me tell the Senator, however the passions of the maddened hour may delude him and others, the time will yet come in the providence of God when the sons of the United States of America will rise up and vindicate their birthright, and assert before the world, peaceably assert if they can, but yet assert, even forcibly if they must, and triumphantly assert, that ancient liberty which their fathers enjoyed, and will spurn and scoff this modern, useless, worse than useless liberty which the Senator would tell us only has been our heritage.

Mr. President, did it not occur to the legal mind of that Senator when he was addressing himself

to the grave questions involved in the measure now before the Senate that consequences might result from the premises which he laid down, from the argument which he was making, from the doctrines which he was advancing, that might render the freedom, the personal safety of every man, woman, and child in the adhering States perfectly worthless and a thing of naught?

But, sir, we are in times of revolution. He is a wise man who, amid such scenes as those through which we are now passing, can keep his intellect cool or his heart unimpassioned. But, sir, history has a voice; it comes up through hundreds of years; it teaches a great lesson. If no other consideration could operate upon the mind of the Senator, and those who entertain views similar to his, I should think that sometimes, in the quietude of night, in the seclusion of home, when darkness and silence are all around, the voice of that history would whisper in his ear, teaching him and instructing him of this fact, that although, in the first moments of revolution, and of the oppressions of a successful party, those who advocate and support a departure from fundamental principles, and therefore, for the time being, are secure, may yet, in the turn of the wheel of fortune, become the very objects and subjects of that oppression which they have inaugurated, and against which others raised their warning voices.

It is no new drama, sir, that we are enacting. The pathway of the past is illuminated at every step, and teaches us the great lesson that those who inaugurate and justify oppression, under the operation of that retributive law of justice and of God which sooner or later will vindicate itself and set all things even, become the subjects of their own arbitrary doctrines. Who was it, sir, in the days of the French Revolution that came to the block? Those who inaugurated and justified oppression. I trust that the day may never come in the history of this people when a similar visitation may come upon those who upon all occasions justify oppression, for I know of no man and no body of men and no political party in this country against whom, even when their teachings shall be discovered to be unwise, when their policy shall be overruled, and when men of different sentiments and opinions shall be installed in power, that I would have to be injured even to the smallest hair of his head. But, sir, God sits in heaven; his laws are immutable, justice is immutable, and that which a man sows, says God's word, he shall also reap.

I said, Mr. President, that the only justification for the interference by Federal authority through its military in a State was upon application made by the Governor of the State when the Legislature thereof was not in session, or by the Legislature when in session. The Senator from Michigan has said on this occasion what has frequently been said before, that he can see nothing, or very little at least, in the action of the military within the States which is reprehensible. He assumes that whatever has been done has been done from patriotic motives and considerations. Although I speak somewhat warmly and feelingly generally upon a subject in which I take interest, I will say frankly that it is more charitable to think with the Senator from Michigan, if the facts involved in the case will allow you to entertain such a charitable opinion. For myself, I have no idea that this military interference with the elections in the adhering States of the Union has been prompted by any patriotic consideration, or any desire whatever to preserve the Union or to regard the constitutional rights of the people. I believe that it has resulted and resulted alone from a desire to perpetuate political power in the hands of those who now have it, and to give to them the control in the future over the destinies of this people; and that they are not willing that the people of the adhering States, in which there has been not one particle of attempt to oppose any action of the Federal Government by force since the commencement of the present troubles, shall be trusted with the free exercise of their rights as citizens, lest the judgment of that people should be against the policy of the party in power and against the perpetuation of that party power in the future. The unconstitutional acts of this Administration and of the party in power are a sufficient and conclusive warrant for the expression of this opinion.

The Senator alluded to my State, and I do not propose to say anything in reference to the other States to which he referred. I shall say nothing in reference to the State of Kentucky. She has two noble champions upon this floor perfectly able and always willing to defend her rights and the rights of her people. I shall say nothing in reference to the State of Maryland, because her distinguished Senator [Mr. JOHNSON] is perfectly competent, as is known to the Senate and to the country, to vindicate her here and before the country. I shall therefore confine what I have to say to the fact of military interference in my own State as evidencing the necessity for the passage of the bill now under consideration.

Mr. POWELL. If the Senator from Delaware will allow me, I will move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. SAULSBURY. I make no application for an adjournment, but I yield for the motion.

Mr. JOHNSON. If that motion be waived for a moment, I move that when the Senate adjourns to-day it adjourn to meet on Monday next. To-morrow is Good Friday.

Mr. POWELL. To-morrow is Good Friday, and I think every good Christian ought to adjourn on that day.

The PRESIDING OFFICER put the question, and declared that there was no quorum voting.

Mr. CLARK. I suppose then it is not competent for us to do any business.

Mr. POWELL. Did I understand the Chair to announce that the motion to adjourn to Monday was not agreed to?

The PRESIDING OFFICER. The Chair has not announced the vote except simply to declare that a quorum has not voted.

Mr. POWELL. It does not require a quorum to adjourn.

Mr. CLARK. But it does to adjourn over.

Mr. TEN EYCK. I ask for the yeas and nays on the motion to adjourn to Monday.

The yeas and nays were ordered, and taken with the following result:

YEAS—Messrs. Anthony, Buckalew, Carlile, Conness, Foster, Harris, Henderson, Howard, Johnson, Morgan, Powell, Ramsey, Riddle, Saulsbury, Van Winkle, and Wilcy—16.

NAYS—Messrs. Chandler, Clark, Doolittle, Foot, Harlan, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—15.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. FOOT. There is evidently no probability of securing the presence of a quorum, and I therefore move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 24, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

COMMITTEE ON THE CONDUCT OF THE WAR.

Mr. LOAN. I ask the unanimous consent of the House to take up from the Speaker's table the joint resolution No. 37, for the payment of expenses incurred by the joint committee on the conduct of the war.

Mr. HOLMAN. Let it be read.

The joint resolution was read.

Mr. HARRINGTON. I object.

ISSUE OF A REGISTER.

Mr. WASHBURNE, of Illinois. I hold in my hand Senate bill No. 31, authorizing the issue of a register to the steamer Mohawk. I am directed to report it back by the Committee on Commerce with an amendment. It is a bill in which the gentleman from Michigan [Mr. UPSON] is interested, and is in relation to the issuing of a register to a Canadian-built steamer.

There being no objection, the bill was reported back from the Committee on Commerce.

The bill, which was read, merely authorizes the Secretary of the Treasury to issue an American register to the Canadian-built steamer Mohawk.

Mr. WASHBURNE, of Illinois. It seems from an examination of the papers in the case that there are some legal proceedings in regard to this vessel, and I am therefore directed to offer the following amendment:

Provided, That nothing herein contained shall in any wise affect any legal proceedings now pending in regard to the said steamer Mohawk.

The amendment was agreed to.

The bill, as amended, was then ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. STEVENS. I desire to have one or two bills taken from the Speaker's table, and referred.

Mr. CHANLER. I object.

AMENDMENT TO THE CONSTITUTION.

Mr. BLAINE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Judiciary Committee be directed to inquire into the expediency of proposing an amendment to the Constitution of the United States, by striking out the fifth clause of section nine, article one, which forbids the levying of a tax on articles exported from any State.

UNITED STATES COURTS IN THE WEST.

Mr. WILSON, by unanimous consent, from the Committee on the Judiciary, reported back bill of the House No. 306, to amend an act entitled "An act prescribing the times and places of holding the terms of the circuit courts for the district of Iowa, Minnesota, and Kansas," approved January 13, 1863.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

POLICE OF THE DISTRICT OF COLUMBIA.

Mr. MORRIS, of Ohio, by unanimous consent, introduced a bill supplementary to an act entitled "An act to amend an act to create a metropolitan police department of the District of Columbia, and to establish a police therefor," approved July 16, 1862, and for other purposes; which was read a first and second time, and referred to the Committee for the District of Columbia.

Mr. MORRIS, of Ohio. I would like to have the bill printed.

Mr. WASHBURNE, of Illinois. It is not customary to print bills before they are reported back, and therefore I must object.

WILLIAM WHEELER HUBBELL.

Mr. MOORHEAD, by unanimous consent, from the Committee on Naval Affairs, reported a joint resolution relative to the claim for letters patent of William Wheeler Hubbell; which was read a first and second time, ordered to be printed, and recommitted to the same committee.

INVALID PENSIONS.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill supplementary to an act entitled "An act to grant pensions," approved July 14, 1862; which was read a first and second time, ordered to be printed, and recommitted to the same committee, with privilege to report at any time.

DIPLOMATIC, ETC., APPROPRIATION BILL.

Mr. KASSON, by unanimous consent, moved to take from the Speaker's table Senate amendments to House bill No. 40, making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1865, and to refer them to the Committee of Ways and Means.

The motion was agreed to.

FOREIGN COINS, ETC.

Mr. KASSON, by unanimous consent, also moved to take from the Speaker's table Senate bill No. 183, in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857; which was read a first and second time, and referred to the Committee on a Uniform System of Coinage, Weights, and Measures.

AGRICULTURAL COLLEGES.

Mr. CLAY. I ask the unanimous consent of the House for leave to report back from the Committee on Agriculture Senate bill No. 12, extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

Mr. HOLMAN. I object, unless I can have an opportunity to move an amendment permitting Indiana to appropriate the lands she is entitled to for certain purposes. Otherwise I must object.

Mr. CLAY. I am instructed unanimously to report that bill back, with the recommendation that it do pass.

Mr. WASHBURNE, of Illinois. Let the bill be read.

The bill was read *in extenso*.

Mr. HOLMAN. I object unless I am allowed to move the amendment I have indicated. I have had the subject referred in a different form to the Committee on Public Lands.

Mr. CLAY. This bill comes from the Committee on Agriculture.

Mr. HOLMAN. I presumed the Committee on Public Lands would have reported upon it before this time. I ask the House to give the gentleman leave to report his bill back to-morrow in the morning hour.

Mr. WASHBURNE, of Illinois. What will be the condition of the bill if it is allowed to come in and it gives rise to debate?

The SPEAKER. It will occupy the time until disposed of.

Mr. WASHBURNE, of Illinois. It will prevent other committees from reporting, and I object.

The SPEAKER. The gentleman from Indiana proposes that the gentleman from Kentucky shall have the privilege to report the bill back to-morrow, which is private bill day.

Mr. WASHBURNE, of Illinois. I do not object to that.

Mr. HOLMAN. And with the understanding that I shall have an opportunity to submit the amendment I have indicated.

Mr. PRUYN. I also have an amendment to submit.

There was no objection; and it was ordered accordingly.

MRS. MARY E. HAZZARD.

Mr. SCHENCK. I move that the Committee on Military Affairs be discharged from the further consideration of the bill for the relief of Mrs. Mary E. Hazzard, and that it be referred to the Committee of Claims.

The SPEAKER. That was done some days ago on motion of the gentleman from Indiana, [Mr. DUMONT.]

SCHOOLS FOR NEGROES.

Mr. SCHENCK. I move that the Committee on Military Affairs be discharged from the further consideration of the petition of J. D. Ray, relative to schools for negroes, confiscation, &c., and that it be referred to the select committee on the rebellious States.

The motion was agreed to.

MILITARY ROAD IN IDAHO.

Mr. SCHENCK moved to discharge the Committee on Military Affairs from the further consideration of the memorial of the Legislative Assembly of Idaho Territory for a military road connecting the navigable waters of Missouri and Columbia rivers, and that it be referred to the Committee on Roads and Canals.

The motion was agreed to.

NEW ROAD FROM WASHINGTON TO NEW YORK.

Mr. SCHENCK moved that the Committee on Military Affairs be discharged from the further consideration of the petition of citizens of Philadelphia for increased facilities for the transportation of mails, passengers, and freight between New York and Washington, and that it be referred to the select committee on the subject.

The motion was agreed to.

EXCUSED FROM SERVICE ON COMMITTEES.

Mr. SCHENCK. Mr. Speaker, some time since a special committee was raised to consider a uniform system of coins, weights, and measures, and the Chair did me the honor to appoint me a member of that committee. But I find that the pressure of business upon me as chairman of the Committee on Military Affairs prevents the possibility of my paying proper attention to this other committee. I therefore ask to be excused from service on the special committee.

Mr. SCHENCK was excused; and Mr. STEBBINS was appointed in his place.

Mr. WADSWORTH. Mr. Speaker, I desire to be excused from serving on the Committee on Public Lands. I am on two other committees, and find the duties too onerous.

Mr. WADSWORTH was excused; and Mr. DAWSON was appointed in his place.

LEAVE OF ABSENCE.

Mr. WADSWORTH asked and obtained leave of absence for two weeks for Mr. BLAIR, of West Virginia.

EDUCATION OF NAVAL CONSTRUCTORS.

Mr. RICE, of Massachusetts, by unanimous consent, reported back from the Committee on Naval Affairs a bill (H. R. No. 353) to provide for the education of naval constructors and engineers at the Naval Academy, and for other purposes; which was recommitted, and ordered to be printed.

NATIONAL ARMORY.

Mr. CRAVENS, by unanimous consent, presented a memorial from the mayor and common council of Jeffersonville, on the question of a national armory; which was referred to the special committee on that subject.

RAILROADS TO NEW YORK.

The SPEAKER stated the regular order of business to be the consideration of reports from committees, under which the House would resume the consideration of House bill No. 307, in regard to the Raritan and Delaware Bay Railroad Company, on which the gentleman from Ohio [Mr. PENDLETON] was entitled to the floor.

Mr. PENDLETON. I understand that an arrangement has been made by the gentleman who has charge of this bill that a vote shall not be taken upon it till next week, or some future time. If that be so, I suggest that the bill be postponed to the day fixed, and made the special order after the morning hour. I understand there are a number of gentlemen who desire to speak on the bill, and it will certainly facilitate business, and not block up reports of committees, to have it take that course. I suggest, if it be agreeable, that it be postponed till to-morrow two weeks and made a special order after the morning hour.

Mr. WASHBURNE, of Illinois. I object to its being made a special order.

The SPEAKER. There are two postponements already—the one the bill to grant to certain States a republican form of government, which is made the special order after the bank bill shall have been disposed of; also the bill in relation to unemployed Army officers, which is postponed till April 6 and made a special order.

Mr. PENDLETON. I have no choice as to the day. My proposition is only to facilitate business. I hope the gentleman from Illinois [Mr. WASHBURNE] will not object to its being made a special order for some future day; any that will be convenient to the gentleman who has charge of the bill and to the House.

Mr. WASHBURNE, of Illinois. My objection is to its being made a special order after the morning hour. The Committee on Commerce, of which I have the honor to be chairman, has a vast amount of business before it, and I do not see any prospect of that committee being called, unless we adhere more strictly to the rules of the House.

Mr. PENDLETON. I have no disposition to have it made a special order if the gentleman who has charge of the bill does not desire it. I move to postpone it generally till to-morrow two weeks after the morning hour.

Mr. STEVENS. Unless there is some special reason for the contrary I hope we will go on with this bill, and clear the track.

Mr. DEMING. Mr. Speaker, I certainly must object seriously to the postponement of this bill in the manner indicated by the gentleman from Ohio, [Mr. PENDLETON.] We were prepared this morning to hear gentlemen who intimated that they were prepared to speak on this subject during the morning hour, and then to have it take its course in the regular order of business of the House. I made an arrangement yesterday with gentlemen on both sides—those in favor of the bill and those opposed to the bill—that I would not move the previous question this morning, but I did not anticipate that a motion to postpone it would be introduced, thus denying it the precedence which it already has in the morning hour.

Now, I am perfectly willing to go on at this time and discuss the bill during the morning hour, or, if it can be done without prejudice to its position, I am willing to postpone it until the next day, when it may come up in the regular order of business. I must, however, certainly decline to accede to the postponement of the bill for a fortnight, thereby depriving it of the place it already occupies on the Calendar.

I had supposed the gentleman from Ohio was ready to go on with a discussion of the bill this morning. Other gentlemen had intimated to me that they were ready to go on with the discussion this morning, and if that be the case I am willing that the discussion shall proceed during the morning hour; but I am, as I said, strenuously opposed to its postponement for a fortnight.

Mr. PENDLETON. My object was not to place the bill in any worse position in respect to precedence than it now occupies; but the proposition I made was made because I understood several gentlemen wished to be heard on this bill, and because I understood the gentleman from Connecticut, [Mr. DEMING,] who has charge of the bill, had postponed taking a final vote upon it until some day next week. I therefore proposed that the bill should be postponed until such day as the gentleman from Connecticut had determined for taking the vote upon it, and then to allow the debate to go on until the debate should become exhausted, and then let the vote be taken. I will not, however, press the motion against the wishes of the gentleman who has charge of the bill.

Mr. DEMING. I will state again that I have made no arrangements in reference to this bill except, for the accommodation of gentlemen who are opposed to the bill and also those who are in favor of the bill, that the vote should not be called upon it to-day. I feel honorably bound to adhere to that arrangement. I could not do otherwise without a violation of my honor and without a breach of good faith, for upon that assurance gentlemen who are in favor of the bill as well as gentlemen opposed to it are not now in the House.

I desire to ask the Speaker, if the bill goes over now, when it will again come up in the regular order of business.

The SPEAKER. If the morning hour is consumed in the discussion of the bill, it will come up in the regular order of business in the morning hour on Tuesday next, unless business should intervene to take precedence of it. If the bill which has been postponed and made a special order for Monday after the morning hour—the ship canal bill—is not disposed of on that day it will come up on Tuesday as unfinished business and would take precedence of this bill. Otherwise this bill would come up on Tuesday next in the morning hour.

Mr. DEMING. Then if the discussion goes on to-day during the morning hour, will the bill come up again on Tuesday?

The SPEAKER. It will, except in the contingency the Chair has stated.

Mr. DEMING. So I supposed, and I therefore proposed that the debate should go on; but I understand now that the gentleman is not ready to go on at this time.

Mr. PENDLETON. I did not say that I was not ready to go on. I am ready.

The SPEAKER. The Chair will state that if this bill goes over now by unanimous consent until Tuesday, the call of committees may then be proceeded with during the morning hour.

Mr. STEVENS. I cannot give consent to any further interruption of the regular order. I think we had better go on in order.

Mr. DEMING. I am perfectly ready to go on with it.

Mr. BROOMALL. If the gentleman from Ohio who is entitled to the floor is not ready to go on to-day, I desire to submit some remarks on the bill to-day.

Mr. PENDLETON. I will yield to the gentleman.

The SPEAKER. Does the gentleman yield a portion of his time, or does he yield unconditionally?

Mr. PENDLETON. I yield unconditionally, hoping I will be able to obtain the floor again before the vote is taken.

The SPEAKER. That will depend upon the alternating of speeches.

Mr. BROOMALL. I am opposed to this proposed enactment, for reasons which I will now endeavor to make as plain to the House as I can.

The parties asking for this legislation are the Camden and Atlantic Railroad Company and the Raritan and Delaware Bay Railroad Company. What they ask is, in effect, that Congress should enact an amendment to their charters, granted by the State of New Jersey.

The Legislature of New Jersey, in 1852, chartered the Camden and Atlantic Railroad Company, with power to run a road from Camden, opposite Philadelphia, eastward to the ocean, at Atlantic City.

In 1854 the same body chartered the Raritan and Delaware Bay Railroad Company, with power to run a road from Sandy Hook bay, near New York city, southward to the Delaware bay, at Cape May. This second road crosses the first one nearly at right angles. After the second company had run its road a part of the way southward toward Cape May it formed a connection with the road which it was intended to cross at right angles, and thereby made a continuous railroad from Camden to the bay opposite New York, and commenced, as I understand it, to carry freight and passengers in opposition to the Camden and Amboy railroad. The Camden and Amboy Railroad Company, having until 1869 the exclusive right to certain transportation across New Jersey, objected to this, and the question came up before the courts of New Jersey—the proper tribunals to decide what the powers of those two roads were under their charters—and on the 3d of February last the chancellor of New Jersey, the highest judicial power in the State, as I understand it, decided that these roads could not thus form a connection and make an air line between New York and Philadelphia in the shape of one's elbow when very much crooked.

That decision was made on the 3d of February last, and within a month of that time a bill was reported to this House, the object of which is to correct what gentlemen here suppose to be blundering New Jersey legislation.

Either the decision of the chancellor was final or there is a higher court to which this company can take the question and have it adjudicated. If it is final, then all the rights which these two companies obtained from the Legislature of New Jersey are what they are decided to be by the chancellor; and that is the law of New Jersey. If it is not final, these companies have the opportunity to take the question further and ascertain what their rights are.

But instead of doing that they choose to come here and ask us to enact an amendment to their charter. That is a plain, simple statement of the matter. We are now either asked to entertain an appeal from the highest court in the State of New Jersey upon the question of chartered privileges to companies the creatures of the Legislature of New Jersey, or we are asked to enact an amendment to their charter, and in either case I am opposed to this whole business.

It is said, with very great truth, that we have the right to make military and post roads through States, and to regulate commerce, and I have no kind of doubt of our right to do all that is necessary to carry out the powers vested in us by the Constitution, and that without regard to what any particular State may want or object to. But it must be borne in mind that our rights must come under one of these three heads in order to justify us in using the power to enact this legislation. I have no doubt of the power of Congress to make military roads across any part of the United States; I have no doubt of the power of Congress to adopt roads, already made, as military roads; I have no doubt of the right of Congress to provide post routes and either make them anew or adopt those already existing; and I have no doubt of the power of Congress to regulate commerce between the States.

Now, let us see whether the legislation asked for comes within either of these three heads. Is it pretended that this road is necessary for military purposes? Is it pretended that the Government of the United States needs a more direct mode of transporting troops between New York and Philadelphia than the straight-line road? If it is, in answer to that I will say, without this legislation these roads are military roads by the law of the land. By the first section of the act of January 1, 1862, any railroad in the United States, either made then or to be made hereafter, may, without further legislation, be taken as a military road at any time when the President of the United States thinks necessary to do so. That power has been exercised in respect to many of the railroads in the United States, and it may be used in respect to these roads whenever it shall become necessary.

There is, therefore, no military necessity for the act which is now being asked of us. That to my mind is clear, and any gentleman who will look at the act of 1862 and see the general powers conferred upon the President of the United States to take railroads anywhere for military purposes, will see that this enactment is not needed for any such purpose.

It is remarkable, too, that this report comes from the Military Committee of this body. Does not that committee know that these roads are already military roads? If so, that committee should have had nothing to do with this bill, but should have done as was done with other matters this morning, asked its reference to some other committee, say the Committee on Post Roads, for example.

But the Committee on the Post Office and Post Roads, when taking up this bill, would have found themselves very much in the predicament of the Military Committee, because they, too, would have found that no legislation is necessary to make these roads post roads. They are made so by the act of July 7, 1838. The second section of that act authorizes the Post Office Department to take any railroad, either then built or thereafter to be built, without any further legislation whatever, as post routes; so that the Committee on the Post Office and Post Roads would have had to return the bill to the House and ask its reference to some other select or standing committee.

My colleague [Mr. WILLIAMS] suggests the next reference would have been to the Committee on Commerce, and I will grant there would have been some sense in that. But I deny the propriety of any other committee meddling in this business at all. It looks to me supremely ridiculous for either the Military Committee or the Committee on the Post Office and Post Roads to have anything to do with it or make any report upon it, because, as I have already shown by legislation which exists, and to which I have referred, there is no military necessity and no postal necessity for any such enactment.

Now, what would my colleague's Committee on Commerce have done with this matter? If there is a commercial necessity for doing this, I will grant that we have a right to do it, although if there is such commercial necessity, I want to know why we should take this circuitous route rather than a direct one? I am not apt to limit the powers of Congress within very narrow constitutional limits. I have grown to be of late years almost afraid to say that Congress has not the constitutional power to do any given thing, for fear those to whom I am talking might look me in the face to see what metallic symptoms might be there. But I will say this, and I say it without fear of contradiction, that Congress has no right or power under the Constitution to make two lines of a triangle taken together shorter than the third; Congress has no right to make a straight line between New York and Philadelphia which shall take in Cape May. [Laughter.] Congress has no constitutional right to do anything which would render this body more ridiculous than it has been sometimes heretofore.

When I first came here a proposition coming from my own State, and from various other quarters, was presented for a great national railroad between New York and Washington. At first I was taken with the idea, but from some doubts about the propriety of our exercising the power at this time I voted, I confess, against it. Consideration of the matter since has, however, led me to a somewhat opposite conclusion; and when that question comes up before us I am not prepared to say that I shall not be in favor of it. It would be a grand scheme to lay a great national road with four tracks abreast between New York and Washington; and I am willing to admit candidly that it will be a still grander scheme, in my judgment, inasmuch as it must run through my district, unless Congress should take it upon itself to make an "air line" round us by way of Pittsburgh or Erie. [Laughter.]

I am the more pleased with the idea of a great national road, inasmuch as there exist in my own district about fifty miles of the road which the Government would require already built. I allude to that portion of the West Chester direct road and the Baltimore Central road, extending all the way from Philadelphia in a direct line toward Baltimore, almost to the Susquehanna, through a country second in productiveness to none in the world, and densely populated by a thriving, industrious, and highly educated people. I say that the idea is a grand one; and when the question comes up it will require very considerable consideration.

But when the thing melts down, wilts down, fizzles down, if you will allow the expression, into a mere squabble between two New Jersey corporations, it looks to me as if the Congress of the United States had stepped down about a half a dozen steps beneath its dignity in taking any part in the quarrel.

Mr. Speaker, what will those gentlemen who, with myself, are pleased with the idea of a great national road from New York to Washington, say to this beginning? You start at New York and run almost to Cape May, then you turn at right angles and run to Philadelphia, and where you will go then with your air line it is impossible for me to say. But it does strike me that Congress only raises up another opposition to this grand air line between Washington and New York when it creates this additional new railroad company out of two old ones. Gentlemen may expect the report of the committee on an air line to be met by the opposition of this elbow line which it is now proposed to create, as well as by that of the Camden and Amboy line. These corporations are creatures of the New Jersey Legislature. It is asked that we shall extend their powers. Is it not remarkable that New Jersey corporations, existing only by virtue of New Jersey laws, when they get from the New Jersey Legislature all the privileges they can, should come here and ask us to give them more?

Now, suppose we were to pass this act, what will these corporations be then? Will they be New Jersey corporations? I do not know. Will they be United States corporations? I do not know. It strikes me that their character will be much more amphibious than some other things which are in the habit of being pronounced so on this floor. In what courts would you proceed against these corporations? In the courts of New Jersey? If so the corporations would say, "We get our powers from the Congress of the United States." If you proceed against them in the courts of the United States they will say, "We are creatures of the Legislature of New Jersey." How will you hold them to their duty? Will they not be something new in the history of corporations?

But again, I have said they derive their very existence from the Legislature of New Jersey. Let that Legislature withdraw their privileges, as it can do to-morrow, by repealing their charters, and what becomes of them then? There is then no Raritan and Delaware Bay Railroad Company. There is then no Atlantic and Camden Railroad Company. What then becomes of our legislation? The people of New Jersey, the Camden and Amboy Railroad Company, and the world will laugh at us for our folly. If we want a corporation, let us have one of our own making. Let us, if you please, have a corporation to make a road from Washington to New York; but let it be our corporation, amenable to our laws, with a charter subject to modification and repeal here, and not in any State Legislature. Let us not mix up jurisdictions in the ridiculous way in which it seems to me this bill proposes to mix up those of New Jersey and the United States.

I have heard it said, on many occasions, that the Camden and Amboy Railroad Company is

behaving badly to all the rest of the people of the United States. It is very possible. Railroad companies have a habit of doing that. It is not peculiar to the Camden and Amboy Railroad Company. But the Camden and Amboy Railroad Company is not our creature. We have nothing to do with it. We can take possession of its road for military purposes whenever we choose. We can take possession of its road for postal purposes, as far as is necessary, whenever we choose; but we have nothing to do with the corporation. We cannot sit in judgment upon it, and say that it has or has not exercised the powers given to it. This monopoly, which is so much decried here, will expire in five years from this time; and for that five years we are asked to do this unwarranted and unprecedented folly.

But how far has the Camden and Amboy Railroad Company injured the rest of mankind? I am told that the through traveling between New York and Philadelphia, on the Camden and Amboy railroad, is as cheap as on any distance of the like length between New York and Washington. Is that so? I am told it is. I believe the railroads in my own State are not cheaper in the transportation of freight, merchandise, and passengers than this road. So that after all the complaints I do not see that they amount to much. It is said that this railroad company taxes every traveler crossing the State ten cents a head. I wonder whether any outsider that has crossed New Jersey on the Camden and Amboy railroad line ever paid that tax. I guess not. It is simply a tax on the company for its chartered privileges. That is the price which this company pays for this exclusive right up to 1869; and it may be that it has a right to those exclusive privileges by paying the tax. But when I get my ticket in Philadelphia for New York for a less sum than I pay for going the same distance in any other direction, does it make any difference to me whether the Camden and Amboy railroad pay ten cents of the amount to the State of New Jersey or not? It strikes me not.

But, sir, all our railroads pay taxes. All our companies are taxed, and why should not this railroad be taxed in some way? This objection, it seems to me, falls to the ground when it is shown that the traveling public are not injured, they having to pay no more for traveling over this road than they have to pay for traveling the same distance in any other direction.

But the same objection is made against the legislation of the State of New Jersey. It is said that the State of New Jersey obstructs the travel over her territory. Let us for a moment look at that. Do gentlemen know that more railroad lines are completed and in progress of construction across the State of New Jersey than across any other State of the same size in the United States? There are no less than eleven railroad lines, almost all of them completed and running, across the State of New Jersey; ay, sir, eleven railroads running from one border of New Jersey to the other, and yet we are met with the assertion that she is a selfish State, and will not let people cross her territory. Where is the ground for that charge? Nowhere, sir, nowhere.

It is true that all of these roads do not center in Philadelphia, and therefore some of my colleagues from that neighborhood may object that they are not railroads at all, or, at least, not railroads worthy of consideration; but, sir, dividing all mankind into two classes, Philadelphia and the rest of the world, to the latter division this objection would not be entitled to the same weight.

It is said that New Jersey is in the habit of voting wrong. That remark is made by gentlemen on this side of the House. Well, sir, I admit, more in sorrow than in anger, that New Jersey is open to that charge; and I am sorry for it. I am always sorry, when I look across the Delaware and see that beautiful little State, that she should be so near out of the Union as she seems sometimes to be. And if gentlemen will contrive some way to make the State of New Jersey vote right, if they will accomplish that object even by congressional enactments—constitutional ones—I will unite heartily with them in it. But, sir, I will not take part in any petty quarrel between New Jersey corporations merely because the State of New Jersey does not vote right.

The State of New Jersey, however, may not be utterly beyond hope even in this respect, as will be seen in the fact that one gentleman upon this side of the House comes from that State. And, sir, let us hope that the State of New Jersey will do better in future. Let us advise her to reform her politics. All that is well enough, but is it worth while because she is in the habit of voting wrong to undertake to amend her State enactments, or to interfere with the decisions of her State courts on the powers of her own corporations? Let us not do that.

The remark is often made, for the purpose, perhaps, of taunting New Jersey men, that if New Jersey were located a few hundred miles further south she would be alongside the parties she likes best; and, sir, if I believed that assertion were true I would not still strain the provisions of the Constitution against her.

I have before me two maps of the State of New Jersey, and I would like any gentleman who proposes to vote for this bill to look at these maps. I invite any gentleman especially who supposes that by voting for this bill he is voting for an air line, to look at them, and see the kind of air line it is proposed to establish. I was taught to believe a straight line the shortest distance between two points, and I really think the map had better be well examined before this House undertakes to establish this as an air line between Philadelphia and New York.

Mr. Speaker, I will conclude by simply repeating that the present laws supply the place of the one now proposed, so far as any military necessity or postal necessity is concerned, and we have then no need of the passage of this bill on that account.

Then, as far as commerce is concerned, this proposed legislation is at least not shown to be necessary. Besides that, this bill proposes to take hold of those State creatures, which we cannot control even if we are disposed to; creatures that will die the very moment the legislative privileges in their charters are taken from them by the State of New Jersey.

Considering then the measure, so far as the alleged objects are concerned, needless and pernicious, useless and ridiculous in every other point of view, I shall vote against it.

Mr. GARFIELD. I do not desire, Mr. Speaker, to ask the attention of the House but a short time on this question. As I observe nearly all those who have addressed the House this morning, and are seeking the floor, are on one side of the question, it occurs to me a few words ought to be said in favor of this bill.

Before I speak to the merits of the question I must be allowed to express my disapprobation of all that class of remarks, of which we have had very much since this debate began, respecting the motives of gentlemen connected with this matter, of the motives of committees of the House, and of members of the House. It seems to me that this is all unworthy of this House, of its committees, and its members.

Some member has intimated since this debate began that the Committee on Military Affairs was not unanimous in their action upon this bill. I would be glad to know what gentleman is authorized to say that the Committee on Military Affairs was or was not unanimous. I would be glad to know what member of the House or what member of a committee claims that he has the right to state what things occurred within the committee-room. It is my understanding of the duty of a member that he shall not state the action inside a committee, except so far as he is authorized by that committee. If any member of the Military Committee is opposed to this bill he can speak for himself. We have been told, sir, that there are outside influences at work here, that the lobbies are full of corporation agents, which are crowding around upon us on all hands and pressing their influences upon the committees and the House. Now I have to say to all this, that such remarks are wholly unworthy of men called upon to enact laws for a great people, and should be laid aside as undignified and unbefitting the character of men holding the high place of legislators for the American nation.

The gentleman from Pennsylvania [Mr. BROOMALL] who has just addressed the House stated that New Jersey politics, New Jersey interests, and New Jersey legislation were brought before us and animadverted upon in order to control our action. This is all small-talk, and should not have a feather's weight in determining the action of this body.

I will endeavor to state the merits of the measure, as I understand it. I ask attention to the fact at the outset that, outside of all collateral considerations, this is only a part of a much greater question which we are called upon to decide. The gentleman who addressed us this morning facetiously treated the Raritan and Atlantic railroad as a part of a proposed air-line road, and has given us a lesson drawn from the horn-books of elementary geometry to prove that the broken line of this railroad does not come up to Euclid's definition of a straight line. We do not need discussions of that sort to enable us to understand the nature of a monopoly or our duties as legislators. The question, I say, belongs to the larger question of more railroad facilities between New York and Washington. The considerations which bear upon that bear also upon this. It is a notorious fact that the means of communication between the commercial metropolis and the political metropolis of this country are exceedingly deficient. This cannot be denied. We have it from the Post Office Department, we have it from the War Department, we have it from the business public, and we have it from the experience of every gentleman who has traveled over this route or has had occasion to transport freight over it. Everybody knows that there is scarcely to be found in the United States railroad facilities between any two important cities so inadequate as those between New York and Washington.

There is a fact to which I wish to call the attention of the House, and I have the consent of the committee to which I belong to state it, that in reply to a letter addressed to him, the Quartermaster General states that the facilities of the present roads are not sufficient for the transportation of forage for the animals belonging to the army of the Potomac and the troops about this city. He states officially that it requires three hundred and seventy-five car-loads of long forage and seventy-four car-loads of short forage per day to feed the Government animals attached to the army in front of Washington. This does not include all the transportation of quartermasters' stores. It does not include commissary supplies at all. It does not include the ordinary necessities of trade in this capital. It is only this one item—the supply of the animals of the army—that requires four hundred and forty-nine car-loads per day, and all this must come to the city of Washington over a single track, the only means of access in time of winter to the great capital of the nation. A large part of these supplies comes over the line between New York and this place. When the ice blockade occurred, on the 1st of January last and the week succeeding, the Quartermaster General reported that he got but twenty loads of forage over that line for a whole week. He should have had seven times four hundred and forty-nine. The Potomac was blockaded with ice, and the railroad itself, which in two places crosses an arm of the sea, was also blocked with ice.

The Quartermaster further reported that if the blockade had continued one week more the animals of the army would have been in a starving condition.

Mr. MORRIS, of New York. I would inquire of the gentleman whether all the forage comes from the State of New Jersey?

Mr. GARFIELD. No, sir, not all of it, but a very large share of it does.

I am speaking now of the general necessity; I will come to the special necessity directly. I say it stands before this Government as a matter of fact that had God let His ice remain in the river two weeks longer, the animals of the army of the Potomac would have been dead. You could not have fed your army, you could not have preserved your animals, you could not have maintained your war, if the providence of God had not broken the fetters of winter, simply because a power not in the hands of the Government, but in the hands of a great corporation, holds the key to all communication between this and the outside world.

Now the question comes, has this Government the right to protect itself; has this great nation the right to feed itself; has it the right to feed its Army? If it has any of these rights, it has all the consequent right of searching out, of finding, of adopting and using the means to accomplish this purpose. No small-talk about New Jersey

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. SATURDAY, MARCH 26, 1864. NEW SERIES....No. 80.

and Pennsylvania politics, no small-talk about an air line, a broken line, or curved line, will meet this gigantic fact which stares Congress in the face that we must feed our Army, and use the means to do so by increasing our railroad facilities from this place to the outside world. And if we must increase these anywhere, most of all should we increase them between this and the great commercial metropolis of the nation. Now I turn from this general consideration to the specific one, the bill before us.

Mr. MORRIS, of New York. The gentleman speaks of obstructions by reason of ice. I wish to inquire whether that will be remedied in the future if this bill is passed? In other words, is the obstruction on either of the roads in this bill?

Mr. GARFIELD. I will answer that the proposed new road, for the construction of which the select committee on that subject has prepared a bill, will be on a line above tide-water, where all the streams can be permanently bridged, thereby avoiding the ice, and completely answering the question which the gentleman raises.

Mr. MORRIS, of New York. I repeat the question, whether the interruption is upon either of these roads under consideration?

Mr. GARFIELD. I have thus far, as I said before, only discussed the general question.

Mr. MORRIS, of New York. How will this bill remove the grievance of which he has spoken?

Mr. GARFIELD. Will the gentleman please have patience? I have thus far only elaborated the fact that we are miserably and notoriously deficient in means of communication between this city and New York; and now, as a necessary corollary to that, anything we can do to increase the facilities between this and that place will be a general help to the necessities of transportation.

The Legislature of New Jersey has done what perhaps it had the right to do. I do not interfere with that, and I do not ask this House to legislate for New Jersey, but for the Union. That State made an arrangement that there should be a railroad between New York and Philadelphia, and placed limitations and restrictions in the charter of that road. It provided that no other road should do the through business between those two points. Now that is the only point with which we have to deal here. Suppose New Jersey had made a law that there should never be any railroad through her territory. If she were isolated like Florida she probably might have made such a law without wrong to her sister States, and it could not have been considered an interference with general commerce between the States.

But, I ask, gentlemen, if New Jersey, located as she is, had passed such a law, would any of you deny the right of the General Government to order or permit the construction of a road across that State for the general good of the country? Let us take a stronger case. There is one State in the Union that cuts the Union in two, and that is the State of New York. Its northern boundary touches the British dominions, and its southern boundary touches the sea. It is the only land communication between New England and the West. Suppose that New York should decree that there should be no railroads forever within her limits; then no man in New England could reach the West except by the sea or through a foreign country.

Now, suppose that instead of such a law as that she should have enacted that there should be but one railroad across her territory, but one highway between New England and the West, and suppose that that road could do but three fourths of the required business; I ask if that would not be precisely the same as though New York should decree that one fourth of all the necessary business between New England and the West should never be done; if she would not thus destroy one fourth of all the commerce between New England and the West. And I ask any gentleman if, in that event, he would not consider it our duty to give the rights of New England and the West a hearing on this floor, and if he would not feel it to be our duty to override that decision of New York, and determine that free course should be given to the commerce between the great West and the New England States. It seems to me that no sane man can doubt it.

A precisely similar thing has been done by the State of New Jersey. It is true she does not span the continent; it is true she does not reach from the ocean to Canada; but she does lie exactly between the two great cities which are the political and commercial centers of this country, and it happens to be in her power, if we do not exercise a superior power, to say that there shall be no road, or that there shall be but one road used between those two great cities.

Now, she has chosen not to do the former, not to interdict all roads, but to do the latter, namely, to say that there shall be no commerce between Washington and New York beyond what one road is able and willing to do. Who will deny that this is *pro tanto* an interdiction of commerce—a decision that all the surplus business over and above what the Camden and Amboy road can do shall not be done at all? If there is one pound of freight ever offered for transportation over that road more than it can carry, and carry promptly, then I tell you that New Jersey has decided by solemn law that that pound of freight shall not be carried by railroad across her territory. She has absolutely interdicted it. It is to meet this very urgency that the power of this Congress is now invoked.

Now, what constitutional powers do we possess in this behalf? If gentlemen will take time to read the very able report of my colleague on the Military Committee, the gentleman from Connecticut, [Mr. DEMING,] they will see that five distinct times has the Congress of the United States affirmed and exercised this right to establish military and post roads, and to regulate commerce between the States in the way of opening roads or permitting the opening of roads and bridges—five clear and well defined cases. And not only so, but on one memorable occasion which is fresh in all our recollections, the Congress of the United States actually annulled a decision of the Supreme Court of the United States upon this question. The Supreme Court declared the Wheeling bridge structure a public nuisance; decided that it existed without sufficient warrant of law and should be removed.

Immediately on the rendering of that decision by the Supreme Court this Congress passed a law declaring that structure a lawful one and part of a post road, any law of any State or decisions of any court to the contrary notwithstanding. Will the gentleman from Pennsylvania, [Mr. BROOMALL,] who has just taken his seat, claim that this was an indignity to the Supreme Court? He says that the legislation proposed here is an indignity to the Legislature and the judiciary of New Jersey. Well, New Jersey has risen very high in her dignity if the Congress of the United States can interfere with her dignity by legislating as it has done five times before. If New Jersey is insulted by this legislation, what will the gentleman say of the Supreme Court of the United States, whose edict was at once revoked by the Congress of the United States? I know of no power on earth that should possess more dignity than the sovereignty of the American people in Congress assembled. I know of no body politic, corporate, or national, that can be insulted by the legitimate and constitutional action of this body.

Mr. BROOMALL. The gentleman is certainly mistaken in supposing that I claimed the want of power in Congress to make such enactments, or that I stated that the dignity of the State of New Jersey would be insulted. I claimed no dignity for New Jersey and denied no power to Congress; I merely denied the policy of amending New Jersey legislation by act of Congress.

Mr. GARFIELD. If the gentleman's statement of his own position be correct—and of course I accept it, but I distinctly understood him otherwise—I do not agree with him that we should never interfere and amend things that are wrong. I take it to be our special duty here to do justice, and if any of the powers that be have done injustice to correct that injustice either by amending or abrogating their action. I am very glad that the gentleman has taken away all suspicion that he denies the power of Congress to legislate on this subject.

Now, what are the facts in relation to this New Jersey railroad? That it is a complete and sweeping monopoly no man can deny. That it has paid the revenues and expenses of the State of New Jersey for many years has been proven on this floor beyond any doubt. Not a dollar of tax for the current expenses of the government of New Jersey has been levied for years until this war began. The Camden and Amboy Railroad Company has paid $2,600,000 since it received its charter into the treasury of the State of New Jersey. And that has been collected, not on the local business of the New Jersey people, but on the through business from Philadelphia to New York, nine tenths of which was collected from men who were not citizens of New Jersey. Disguise it under any color you please, New Jersey's taxes have been paid by citizens of other States. The government of the State of New Jersey has been sustained by citizens of Pennsylvania, of New York, of the West, and of New England, and not by her own citizens. It is very true that if any man in the interior of New Jersey chanced to go over to Philadelphia, and buy his ticket to New York, he paid his ten cents tax to the State; but it is also true that if he had staid inside his own border he would have had to pay less per mile to ride over the road than he would have been charged as a through passenger. This has been a crying shame in the eyes of the people of the country. Men of justice and equity have condemned it everywhere. I say it without any ill-feeling toward New Jersey or her people. It has brought a cloud over the fair fame of New Jersey which, if I were a Representative from that State, I should be the first to desire to see removed.

Now, what is the purpose of the bill before us? A line of road has been constructed from the Raritan bay to Philadelphia, or rather to the middle of the stream opposite to Philadelphia. The supreme court of New Jersey has decided, first, that that road is a legal structure. Put a point there. Let that be noted. But the court has also declared that although the road is a legal structure, no man in Philadelphia can ride over it to New York; that no freight from Philadelphia can be carried over it to the city of New York. The court has sealed up the two ends of the road. It has sealed it at the middle of the river opposite Philadelphia. It has sealed it at high-water mark on the Raritan bay.

Now, what is asked of Congress? We are asked to commence on the State line and unseal one end of the road. And we are asked to go to high-water mark, at the boundary of the ocean, which is under our exclusive jurisdiction, and unseal the other end of the road. That is what we are asked to do.

But I am informed that the morning hour has expired. I have but a few words more to add, which I shall submit when the consideration of this bill is resumed.

The SPEAKER. The Chair will state before the House proceeds to other business, that in the remark made by him some minutes since as to this bill coming up on Tuesday next, he was mistaken in this respect. The Chair now recollects that by unanimous consent, some days ago, permission was given to the Committee on Naval Affairs to occupy the morning hour of Tuesday and Wednesday next with their reports. Unless therefore the Naval Committee shall have completed their reports before the expiration of the morning hour on Wednesday, this bill will come up in order on Thursday of next week in the morning hour.

MILITARY ACADEMY BILL.

Mr. FENTON. I rise to a privileged question. I present the report of the committee of conference on the Military Academy appropriation bill.

The report was read. It states that after full

and free conference the committee recommend to their respective Houses that the House of Representatives recede from their amendment to the fourth amendment of the Senate, and agree to the same with an amendment, striking out from the said amendment of the Senate from line six to line fourteen inclusive; and that the Senate agree to the said amendment.

Mr. FENTON. The effect of this amendment is to strike out the last portion of section five, by which, as adopted by the Senate, the President is authorized to appoint cadets to the Military Academy for districts not now represented in Congress.

The House amendment to that portion of the Senate amendment was to strike out that which I have referred to, and to insert "that for one year from the 1st of January next an additional cadet for each district may be appointed, as now provided for by law."

There are now about two hundred and ninety cadets at the Military Academy. If the amendment of the House should prevail it would add to the number now there, as I understand, about one hundred and ninety, making the whole number at the Academy about five hundred.

Now, there are not accommodations sufficient in the Academy for over three hundred and ninety or four hundred cadets, and this being the fact, the amendment of the House was rendered inadmissible. The proposition then recurred upon the amendment of the Senate to allow the President to fill up the vacancies for districts not represented in Congress. To this the committee upon the part of the House did not agree; and it was agreed upon the part of the conferees of both the House and the Senate to entirely strike out that portion of the amendment of the Senate, which leaves the law as it now stands without any alteration or amendment. I demand the previous question upon the adoption of the report.

Mr. STEVENS. I would like to ask the gentleman a question, if he will withdraw the demand for the previous question for that purpose.

Mr. FENTON. I will, certainly.

Mr. STEVENS. I want to know whether some power in this Government, without any law, has not been appointing a large number of cadets, and if so, whether that cannot be remedied, and whether it is remedied by this report.

Mr. FENTON. It is not remedied by this report. The law, if the report of the committee of conference be adopted, will not be changed in any respect in regard to the authority of members of Congress or others to appoint cadets to the Military Academy, nor will the number authorized be increased.

During the last year or two—to answer the question of the gentleman fully—there have been in all, I believe, forty-seven or forty-eight appointments made to the Military Academy in addition to those appointed in the manner heretofore practiced. I was informed by a Senator who is very conversant with this subject that the additional number was forty-seven; but General Totten's report shows that sixty-two have been appointed by the President and Secretary of War other than those appointed in the ordinary way through the members of Congress.

Mr. STEVENS. What I desire now to know is, by what authority they were appointed, under what law.

Mr. PIKE. The Secretary of War simply appointed them.

Mr. STEVENS. Then it was without any law at all?

Mr. FENTON. The honorable gentleman is a better lawyer than I am, and if he is in doubt as to the authority or construction of law it is in vain for me to attempt to explain.

Mr. WILSON. I wish to know whether the appointments made by the President and Secretary of War are of persons residing in the districts in which the members have failed to make nominations. I believe the law requires that at least to be done.

Mr. FENTON. They are not, except, I believe, in three or four instances. Most of those who have been appointed in the manner I referred to have been taken from the Army in the field on the recommendation to the President by corps commanders. I understand that twenty-seven appointed in this way were sent from the army of the West under the recommendation of General Sherman and other officers in General Grant's command. There were three from the army of the Potomac, and others from different divisions of the army on the Atlantic coast, making in all, as I am informed, forty-seven.

I demand the previous question.

Mr. WASHBURNE, of Illinois. I ask the gentleman from New York to withdraw the demand for the previous question.

Mr. FENTON. I withdraw it to hear what the gentleman has to say.

Mr. WASHBURNE, of Illinois. As I understand, the latter portion of section five has been stricken out.

Mr. FENTON. That is so.

Mr. WASHBURNE, of Illinois. That will leave the first part, which provides that no portion of the money hereby appropriated shall be applied to the support of any cadet not appointed in conformity with law.

Mr. FENTON. The effect of that portion of the Senate amendment which is left is this: many appointments have hitherto been made not in conformity with the express provision of law, and under the amendment that cannot be done hereafter.

Mr. WASHBURNE, of Illinois. That, then, is an answer to the inquiry of the gentleman from Pennsylvania. I am glad that it is in the bill and is likely to become law, so as to prevent illegal appointments in the future.

Mr. FENTON. Whatever has been done heretofore the matter will be right hereafter. I renew the demand for the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the report was adopted.

Mr. FENTON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPEAKER'S TABLE.

Mr. STEVENS moved that the House proceed to the consideration of the business upon the Speaker's table.

The motion was agreed to.

The business upon the Speaker's table was taken up and acted upon as indicated below.

PAY OF ARMY OFFICERS.

Amendments of the Senate to House bill No. 302, to amend section nine of an act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;" which were referred to the Committee on Military Affairs.

CONVENTION WITH ECUADOR.

Senate amendment to House bill No. 341, to carry into effect the convention with Ecuador for the mutual adjustment of claims.

The SPEAKER. The amendment is brief, and, if there be no objection, will be acted on now.

There was no objection; and the amendment was read, as follows:

Strike out "$3,500" and insert "$3,000;" so that it will read:

That, for the purpose of carrying into effect the convention with Ecuador for the mutual adjustment of claims, signed at Quito, on the 25th of November, 1862, the commissioner to be appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed a compensation, in full for his services, of $3,000, and ten dollars a day in commutation of traveling expenses for the time actually and necessarily occupied in going from the place of his residence to Guayaquil and returning to his home after the termination of his duties.

The amendment was concurred in.

COLUMBIA INSTITUTION.

An act (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees; which was read a first and second time, and referred to the Committee for the District of Columbia.

STEAM FIRE-ENGINE.

An act (S. No. 168) providing for the purchase of a steam fire-engine; which was read a first and second time, and referred to the Committee for the District of Columbia.

SUMMARY TRIAL OF MINOR OFFENSES.

An act (S. No. 52) to provide for the summary trial of minor offenses against the laws of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

METROPOLITAN RAILROAD COMPANY.

An act (S. No. 54) to incorporate the Metropolitan Railroad Company in the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

ENLISTMENTS.

An act (S. No. 151) relating to enlistments, and for other purposes; which was read a first and second time, and referred to the Committee on Military Affairs.

UNION GAS-LIGHT COMPANY.

An act (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

INDIAN AFFAIRS IN CALIFORNIA.

An act (S. No. 80) to provide for the better organization of Indian affairs in California; which was read a first and second time, and referred to the Committee on Indian Affairs.

WAR COMMITTEE EXPENSES.

Joint resolution (S. No. 37) for the payment of expenses incurred by the committee on the conduct of the war; which was read a first and second time, and referred to the Committee of Ways and Means.

CONFEDERATE STATES.

A bill (H. R. No. 118) to abolish certain laws in the conquered territory of the confederate States, and to prescribe terms of their admission into the Union.

Mr. STEVENS. Let that bill lie upon the table for the present.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. DAWES asked for indefinite leave of absence.

There was no objection, and leave was granted.

NATIONAL CURRENCY.

Mr. STEVENS moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BRANDEGEE in the chair,) and resumed the consideration of the special order, being House bill No. 333, to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The second section of the bill was read, as follows:

SEC. 2. *And be it further enacted*, That the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of approval by the Secretary of the Treasury, shall be filed in the office of the Secretary of State with an impression thereof, which shall thereupon become the seal of office of the Comptroller of the Currency, and the same may be renewed when necessary. Every certificate, assignment, and conveyance executed by the Comptroller, in pursuance of any authority conferred on him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever; and all copies of papers in the office of the Comptroller, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Mr. PRUYN. I desire to call attention to the latter part of this section, and to inquire whether the provision is necessary or not. I believe it is the practice of all the Departments to impress their seals directly upon the paper or instrument used. It seems to me that if we adopt this clause we shall throw a doubt upon the validity of such practice. If this special authority is needed we should make it, but if it is not we ought not to adopt this latter clause.

Mr. BROOKS. I hope the House will excuse me for the presumption of rising to address it upon a matter so differing as this bill does from the usual pursuits and studies of my life; but so important is this proposed change of the currency of the whole country, and so alarming is this transfer of the control of that currency from the States which have hitherto held it in custody now ex-

clusively to the Government of the United States, with the consequent transfer of all legislation upon that subject from the capitals of the different States of this Union here to this the city of Washington—the political capital of the country—that presumptuous as it may be, I cannot refrain from discharging my duty to the great commercial metropolis and its banking interests that I in part represent. I hope, I say, the House will moreover excuse me for the presumption in which I seem to indulge in venturing also to come into conflict with the opinions of the honorable gentleman from Massachusetts, [Mr. HOOPER,] who has given so much time, attention, and study, and who has had so much experience in all matters relating to the money, currency, and banking of the country.

But the honorable gentleman from Massachusetts will forgive me if I differ with him in opinion, because in defense of that difference of opinion I am able to say I was educated in his school, in no small degree, by the books or pamphlets he himself has written, and thus I had become a humble pupil, with a deference to his principles of banking and currency, from which he will now find it difficult to uneducate me. One of the books or pamphlets which the honorable gentleman has published I have now in my hand, and another I have in my library at home, and which I regret I have not here to-day for our common edification. These books, I need not say to those who have read them, differ altogether from the new light and new lessons which in his speech of yesterday he introduced for the consideration of the House and for the instruction of the country. The honorable gentleman has hitherto been a hard money man, almost of the hardest kind, as well as a State bank man of the strictest and straitest school, whereas now he turns up here, to my knowledge for the first time, as an advocate of irredeemable paper money, not only from the necessity of the case, but for irredeemable paper money, as a thing *per se* desirable or indispensable in the existing state of things, and that paper money to be issued not in commercial centers or capitals, but exclusively here in the political capital of the United States.

Sir, the honorable gentleman is the organ of the committee which introduced this bill before the House—a bill of some fifty pages in length, and having in it sixty-four sections. The three best of those sections, in my humble judgment, are the three last: section sixty-four, which reserves to us the power and the right at any time to amend, alter, or repeal the act; section sixty-three, which exempts one of the banks of the State of New York—the Bank of Commerce—from the personal liability provision of this act, and which takes that bank practically out of the act—a provision excellent in itself, but defective in that it leaves the other forty-nine banks of the city of New York wholly subject to the provisions of the bill; and the sixty-second section, considered by me as the very best, because it repeals *in toto* the banking law of 1863, and thus condemns it as unendurable after only the trial of a single year. Hence I pronounce these last three sections of the bill to be the very best; one, because it reserves to us the right to alter, repeal; another, because it establishes the precedent of exempting one State bank in New York; and the third because it repeals an act only a year old, and thereby comes before the country confessedly acknowledging that the legislation of that year was hasty, unwise, unendurable, and necessary to be repealed after the experience of only a single year.

The honorable gentleman from Massachusetts [Mr. HOOPER] was pleased to say in his speech that "the State banks had outlived their usefulness." I regretted to hear such a remark from the honorable gentleman, but I suppose I must accept his remark as the opinion of a large number of members of this House, who have not only decreed the doom of the State banks, but are willing to use his strong language, and hence say "these banks have outlived their usefulness." Alas! we have reached a period in our history when too many of our State rights and State institutions have, in the opinion of too many men, outlived their usefulness. The State courts, in the judgment of too many, have outlived their usefulness, and hence the legislation of this Capitol for two or three years past, has been violently directed to take from the States not only the control of their legislation, but the control of their judiciary, and to transfer the power, authority, dignity, the common law of the country, and the adjudications upon that common law, from the States of this Union to the Government of the United States here in this capital. Other State institutions have also "outlived their usefulness." The State militia, which hitherto has been the great defender of the rights of the States and of the United States, our gallant countrymen having up to this period always rallied and protected their country; the State militia have outlived their usefulness, and by a decree of these many people, the State militia is abolished, and the whole military power of this country is now transferred from the States to the Federal Government. State institutions of all kinds, indeed, if not already abolished, are in the process of being abolished. Why, what do we witness here in this Hall now? Day after day we hear speakers on this floor advocating the transfer of State internal improvements from the States to the United States; and these State internal improvements are about to be transferred, or threatened to be transferred, from the capitals of the States, such as Augusta and Albany and Indianapolis and Harrisburg to the Halls of this Capitol. Indeed, we are called upon here practically to incorporate State railroads, and to take from the authorities of the States the power over their internal improvements, when that power has been hitherto legitimately and beautifully exercised by them in the creation of the most wonderful system of internal improvements ever exhibited by any country whatsoever on the face of the earth.

The time is coming, if this process of legislation is to go on, when I expect to see discussed in this Hall the propriety of a street railroad in Chicago or Springfield, Illinois; in Albany, or in Augusta, Maine; in Lexington, Kentucky, or in Milwaukee or San Francisco; or the propriety of a railroad on Broadway, or of a 'cross-town railroad in New York; and when the lobbies and galleries of this Capitol shall be unable to hold the swarming thousands who will come here to press upon this Congress the adjudication of all matters whatsoever, not only appertaining to the States but to the municipalities in the States. State authority, State dignity, State power, if not already gone, are going. They are held up at auction, as it were, in this Capitol, the auctioneer crying "Going! going!" alas! under the hammer, soon to be "gone!" We hear now for the first time in the history of the country that State banks, the successful creations of the States of this Union ever since the creation of the Bank of North America at Philadelphia—that "State banks have outlived their usefulness!" That is authoritatively pronounced here, and we are invoked to take from the States, from the capitals of the States, from the representatives of the States in those capitals, all authority whatsoever over their own State banks, and to vest that authority here in Washington, in the President of the United States or his Secretary of the Treasury.

Sir, I am opposed to this whole scheme for trampling down the States and of reducing them to mere municipalities or corporations. I have never been in my political position an ultra States rights man. Educated in the old Whig school in the middle position of the Democracy and of those who were the upholders of States rights in the South, my politics have been medium politics; but here is a system of Federal centralization and consolidation never dreamed of by Alexander Hamilton, and never ventured to be uttered by any of the monarchist framers of the Constitution in any part of the debates which resulted in the promulgation of that Constitution in 1787.

Mr. HOOPER. I would like to ask the gentleman from New York how many State banks there were in 1787?

Mr. BROOKS. I thank the honorable gentleman for recalling to my mind that period and that era.

Sir, when in 1780 from excessive issues of paper Continental money, that species of currency was becoming comparatively worthless, and when the credit of the country was at its lowest ebb, Robert Morris and a few associates started a bank in Philadelphia, the principal object of which was to supply the army of Washington with rations and with rum. Congress pledged the faith of the United States to reimburse and indemnify them. The bank then established and which afterwards, in April, 1782, was chartered by the State of Pennsylvania, was no mere paper money bank, such as the honorable gentleman from Massachusetts would now by hundreds create, but a hard money bank whose notes were redeemable, not in Continental paper but in gold and silver, and this, too, in the darkest period of the American Revolution. The name of the bank thus created was the Bank of North America; and that bank, that specie-paying bank, the offspring of the financial genius of Robert Morris, it was, that next to the military genius of Washington successfully carried us through the Revolution. The crisis of 1776, 1780, 1781, and 1782 developed great minds and great men worthy of the era. Washington improvised armies, and Robert Morris improvised credit and capital, and with more than the power of the alchemist converted them into gold and silver. Sir, I never speak of that great man, Robert Morris, but with reverence, if not with awe. Oh! that now we had such a man in the administration of the Government, who could look above and through these mists of miserable delusion, these paper legal tenders and interest-bearing Treasury notes, made legal tenders, into the pure mines of silver and gold. Oh! that some Robert Morris in the midst of this our civil war, in 1864, would arise as in 1782 and rescue us from Treasury notes, but another name for the Continental money of the Revolution of 1783! Nay, why should not the honorable gentleman from Massachusetts aspire to the immortal fame of Robert Morris, and instead of littering the land with paper banks, as he now proposes in his bill, establish in lieu thereof some Bank of North America to issue notes redeemable in gold and silver? And now, with the recollection of that Bank of North America before him, a State bank, too, will the honorable gentleman insist upon it that all State banks have outlived their usefulness?

But I must proceed with the course of my remarks, from which I have been diverted by the inquiry, of what State banks there were during and at the close of the Revolution. The honorable gentleman from Massachusetts has such authority and weight with this House that I am not disposed to stand altogether on my own arguments in replying to his remark that State banks could not have carried us through the existing crisis; that if they had attempted it they would have failed, and that, therefore, it becomes necessary to substitute banks in the States under the Washington Government independent of the States, in lieu of the bank legislation that springs from the capitals of the States. Or, in other words, the States having failed with their paper money, the Federal Government alone can do what the States have failed to do, that is, provide paper money to carry on the war, as if paper manufactured or printed as money in Washington was better than if printed in New York, Philadelphia, or Boston. Now, in replying to the allegation that the State banks could not, even with Federal coöperation, have successfully carried us through the money crisis, I stand not altogether on my authority. I hold a pamphlet in my hand written by the representative man of a great class of financiers in this country—a man who bears the honored name of Gallatin, the son of Albert Gallatin—in which he says, in substance, that in his opinion if Mr. Chase had not misused the $170,000,000 of gold which he withdrew from the State banks, if he had administered the finances of the country as they had been hitherto administered by Secretaries of the Treasury, the State banks could have gone through the crisis, successfully administering this Government as a hard money Government to carry on a hard money war. This is the opinion of James Gallatin, whose authority I can safely offset even to the high authority of the gentleman from Massachusetts. I might add in corroboration the names of many other distinguished financiers.

But the honorable gentleman from Massachusetts indulges—if he will permit me to use the word in no offensive sense, but there is no other in our language which characterizes it—in many errors, errors too often repeated in this House, and too often repeated elsewhere, and which must be met here as often as they are repeated. One of his errors is that there is but $400,000,000 of paper currency in circulation. No error can be more deceptive, no error more ruinous; for as currency is the measure of prices, of the wages of labor,

and of the value of all property, it is the first duty of the statesman and lawgiver to understand, and exactly understand, what is the basis of all this property, that is, what is the amount and character of the currency. Of late, and only of late, we have been enabled to obtain from the Secretary of the Treasury monthly and semi-monthly statements of his issue of paper and of his currency, although the law has been from the beginning that he should publish such statemements, which are of the highest importance to all men in the country, but most especially to all business men. I hold in my hand the official statement of March 15, by which it appears that there had been issued, up to that day, in temporary loans, $47,207,545.

Now, let me not be told that these temporary loans are not currency, because, substantially, they are currency. I call the attention of the honorable gentleman from Massachusetts to the fact that in my own city of New York, on Monday last, when the statement of the clearing-house was made, there appeared to be $13,000,000 of these temporary loans acting as currency in the transactions of the clearing-house, used in the settlements of the banks as currency, and no doubt they are used elsewhere as currency just as they are used in New York.

There had been issued on the 15th of March in United States Treasury notes $449,073,616—$49,073,616 of United States Treasury notes beyond what the honorable gentleman from Massachusetts says is the currency of the country, which he set down as only $400,000,000. There had been issued on that day, of fractional currency, $19,173,320. Of the new Treasury notes, which the Secretary of the Treasury has the authority to issue to the amount of $400,000,000, there was issued on the 15th of March, in one-year Treasury notes, $14,600,000; in two-year Treasury notes, $115,531,441. Of certificates of indebtedness there had been issued on that day $134,098,000. The table, therefore, of currency issued March 15, 1864, stands thus:

Temporary loan	$47,207,545
United States Treasury notes	449,073,616
Fractional currency	19,173,320
Interest-bearing Treasury notes	130,131,441
	$645,585,922
Add certificates of indebtedness	134,098,000
	$779,683,922

Let me here, before passing from this subject, call the attention of the House to some kindred facts. The public debt of the United States was on the 1st of March $1,513,291,042; on the 15th of March, $1,580,201,744. The increase has been $83,296,592 in fifteen days! The items of increase have been as follows:

Two-year legal tenders	$20,079,383
One-year legal tenders	8,740,000
Fractional currency	427,600
Five per cent. certificates at ten days	7,018,626
Unpaid arrearages	39,640,416
Total	$75,906,125

Of this increase, in round numbers $30,000,000 has been in currency, or $2,000,000 per day, and if all the claims on the Government had been paid the increase would have been $40,000,000 more.

Sir, these are facts that need no comment. They point of themselves irresistibly to the great paper gulf into which we are drifting. The Government (March 15) had a paper currency of $645,585,922, without the certificates of indebtedness, often acting as currency, but with them $779,683,922 in all. Sir, no Government on earth, no people can long swim and not sink in such fathomless depths of paper money acting as currency. The rise in gold, as well as the rise in beef, pork, &c., the strikes of laborers for higher wages, are all terrible admonitions to the Administration of the Government of the bottomless pits they are digging to bury up the industry and the property of the country.

Now, the honorable gentleman from Massachusetts and those engaged with him in this bill propose—what? To stop, to pause? Oh! no, but to go on with this expansion of the currency, and to add under this bill $300,000,000 more, making in all $1,000,000,000 in currency! Sir, I was about to make a remark upon a currency, thus running beyond the hundreds of millions into the billion, but I forbear, as figures and facts themselves, even if silent, are the most eloquent and significant commentators.

The honorable gentleman from Massachusetts will go with me further, because he is on record as going with me further, in his publications, that there are many other species of currency besides those I have described in the tables I have been giving. And I have not only the authority of the honorable gentleman, but I have also the authority of Hon. Albert Gallatin, the second great financier of our country, given in a work which he published in 1830 in order to defend before the country the then United States Bank. In that book he speaks of many kinds of currency, and among them of bank notes and bank deposits. The honorable gentleman from Massachusetts in his own work, to which I have alluded and which I now hold in my hand, admits that bank deposits are to be considered as currency, so that he is on record with Albert Gallatin in support of this proposition, that not only bank notes but bank deposits, as well as bank drafts, bank acceptances, and bills of exchange, are all included in the currency of a country. So that upon the actual basis, as it now exists, of the currency of the country, an extension is already going beyond the powers of arithmetical calculation to describe it; which can only be well understood in the formulas of algebra.

Now, sir, the effect of such an enormous expansion of the currency is seen, shown, and felt on all sides of us. I call the attention of honorable gentlemen to the statements of the clearing-house in New York; and there is no fact which shows more significantly this gigantic increase in the exchanges and the currency than these reports of the clearing-house in New York. The reports for ten years prior to the close of 1861 show that the average daily clearances in the clearing-house in New York were only $22,000,000 a day, while for a considerable period of time recently, the clearances of the banks in the city of New York have reached an average of $115,000,000 a day, and on Monday last, as shown by the bank tables published in the papers, the clearances in the city that day ran up to the enormous sum of $146,000,000; so that since the commencement of the issue of this paper currency authorized by Congress the increase of daily clearances has run from twenty-two millions up to one hundred and forty-six millions on Monday last. The consequence is that in the revelry and intoxication of speculators and speculations, the country exhibits a spectacle never before exhibited on earth since the days of John Law. Wall street now, in its numerous boards of brokers, in its gold board, its mining boards, &c., is just as wild as was the famous *Rue Quincampoix*. No pen nor pencil can picture, even, the scenes there daily exhibited; and as if day were not long enough for men to enrich themselves, when the increase came by thousands, perhaps, the hour, the fury is prolonged till late in the night at the Fifth Avenue Hotel, in the upper part of the city. Such an exhibition, I say, of daily and now of nightly speculation the world, I think, never saw before, not in the South Sea bubble, certainly, nor even in the Mississippi bubble of the famous John Law. The rage of 1836 in our own country, nor of any other period in our history, has equaled it. The Continental money speculations of 1780–81, when paper was as five hundred to one of gold, and when $200,000,000 of old Continental notes were in the agonies and throes of their expiration, were nothing like what we now see. We exhibit the amazing spectacle, or rather the amazing delusion, of growing richer and richer the more we consume of life and property by war; and we reason or seem to reason that war is a divine institution to make the rich richer and the poor as rich as the rich. We go on importing far beyond our exports; and the looms of Lyons cannot weave silks and satins and tapestry costly enough for us, nor the cashmeres of India now satisfy our luxurious tastes. The china of Dresden nor of Prague nor of Sèvres, nor the figured carpets of Aubusson, appease us; while the world looks out as upon a people in a mad-house, who, in the midst of all the horrors of a civil war, strip themselves of their precious metals to put the proceeds upon their backs or in their boudoirs or buffets. The man, or set of men, who expands the currency of his country up to or beyond $700,000,000 is responsible for all this, and the man, or the set of men, who would add on our currency $300,000,000 more, is responsible more, for all eyes now are wide open to the fatal consequences.

The honorable gentleman from Massachusetts also is pleased to tell us that his $400,000,000 of currency was issued without cost to the public; that is, that this $400,000,000 of legal tender, which goes floating in and out of the Treasury, was issued without cost to the people or to the credit or honor of the country. Nothing is more illusive; no declaration could have been more erroneous, no conception could have been more fatal to the public credit or to the public confidence than an idea like this, so often repeated here and elsewhere.

Let us look for one moment at the effect upon the public debt of the country. The debt of the United States on the 15th March, 1864, was $1,510,201,774. Now, sir, had this debt been contracted upon a specie basis, estimating gold at a value of sixty-two and a half per cent. premium, it would have been, on the 15th March, 1864, only $943,876,109; which would have been a saving to the United States of $566,325,665. But gold, instead of being sixty-two and a half per cent. premium, stood yesterday in the New York market at sixty-six and sixty-seven. So then the Government has lost, by the transfer from gold to paper currency, about six hundred millions. If we do not appreciate that fact now, we shall when the debt as well as the interest comes to be paid in gold. There would, I repeat, have been that saving if the country had continued under a hard money currency.

I wish to call the attention of the honorable gentleman from Massachusetts to the exceeding loss to the country by the issue of his $400,000,000 of paper currency in the great increase of prices that it has effected. I hold in my hand a table of prices in December last, and found in the December report of the Secretary of the Treasury, showing the increase in a number of articles necessary in this war, which I ask the Clerk to read, because it will be better heard and be better understood if read at the desk than by myself.

The Clerk read, as follows:

Prices of December,	1860.	1863.
Flour, per barrel	$4 75 to $4 85	$7 45 to $7 50
Oats, per bushel	37 to 38	90
Corn, per bushel	67 to 69	1 21 to 1 23
Coffee, Rio, per pound	13 to 14	32 to 33
Gunpowder, rifle, per twenty-five pounds	5 25	7 25 to 7 50
Iron, English bar, per ton	42 00 to 43 00	72 50 to 75 00
Lead, pig, per cwt	5 62 to 5 70	9 50 to 9 60
Pork, prime, per barrel	11 50 to 12 00	12 00 to 12 25
Beef, mess, per barrel	5 00 to 5 25	5 00 to 7 00
Butter, per pound	15 to 21	25 to 30
Salt, Turk's Island, per bushel	19 to 20	50
Soap, brown, per pound	5 to 8	10¼
Teas, Souchong, per pound	31 to 32	60 to 62
Average price for the thirteen articles above named in December, 1860		$6 00
Average price for the thirteen articles above named in December, 1863		$9 43
Average percentage of increase of prices, 63¼ per cent.		

Mr. BROOKS. It will be observed that the two tables of debt and prices nearly correspond. The increase in the premium of gold is about the increase in the price of these articles. So as the currency has been inflated the price of these leading articles has been inflated also, and the Government has become so much the more debtor to the capitalists who loaned the money to buy these articles at their inflated prices than it would have been if it had issued no legal tender as gold, but had done its business actually in gold.

The honorable gentleman from Massachusetts was also pleased to say that a war like this could not be carried on without paper money. I am indisposed altogether to assent to that proposition. I have shown from the authority of Mr. Gallatin, and I could show from the authority of a hundred as distinguished financiers, that this war could have been carried on as a hard money war without the suspension of specie payment. The history of the world, too, shows that it could have been done. I call the attention of the House and the country to the fact that at this moment in one third of the territory of this nation, from the Rocky mountains to the Pacific, and up and down the Pacific slope, paper currency has not been permitted to exist. California and the surrounding region has a hard money currency. That people discharge all the functions of their business in gold, which is the only currency. The higher law of gold thus operates over one third of the territory of the Republic. Ay, in full one third exists hard money currency. The people there are as much at war as we are, and yet the gentleman

from Massachusetts says that war could not be carried on without paper money when it is carried on there without it now.

I call his attention again to the fact that the closing scenes of our Revolution were carried on by hard money. The war was carried on with paper money until 1780 or 1781; but in April, 1781, in Philadelphia, Continental money stood as 130 to 1, (gold,) and in May as 220 to 1, when the bubble burst, and the whole $200,000,000 issued went down. The peace of 1783 was, under Robert Morris, acting through the Bank of North America, a hard money triumph as well as a triumph of liberty. The closing glorious scenes of the Revolution were all a triumph of hard money, when Continental money was not worth the paper it was printed upon. So it was in the French Revolution. In the early period of the Revolution, when the wild men of that Revolution ruled and were destroying and devouring each other, when despotism was installed in every place and liberty thrown down everywhere, the days of Danton, of Marat, and Robespierre, then paper assignats were spread far and wide. Then was the era of French paper money, and of great financiers in *assignats* and *mandats*. Then paper money was legal tender, and forced upon people in all parts of France. There were issued in all forty-five milliards of assignats—that is, forty-five milliards in francs, equivalent in our money to $9,000,000,000; but long before this wild issue their imaginary value even had blown up. The French people lost everything, not only the liberty for which they had struggled, but their property too. In the midst of that downfall and overthrow there arose in France, not a genius of peace, like Robert Morris, who, in his specie-paying bank, evoked order out of chaos, but a genius of war, who, sword in hand, cut away from paper money, and evoked order out of chaos by the splendor and the terror of his arms. That man was Napoleon. He brushed out of existence at once the whole system of paper money, assignats and mandats, and down they went at his bidding. Gold was the money of Napoleon; hard money was the foundation upon which he stood the imperial guard of France; and the paper chaos of Marat and Danton and Robespierre fled at once, while the imperial eagles were planted upon the palaces of Potsdam in Prussia, the overhanging hills of Dresden, the beautiful Schoenbrunn of Austria, and the Kremlin of Moscow. Gold and the guard were the companions of Napoleon from the Tuileries up to the day when he was stricken down in battle by the combined Powers of Europe upon the bloody field of Waterloo; and then he went down not buried in paper assignats, nor in Continental money, nor in Treasury notes, but with the golden eagle in his soldiers' or his marshals' pockets, and with the golden record: "I found France ruined in assignats and mandats; I stood her up upon a platform of gold."

So, too, in the war of 1812. The war of 1812 was not a paper money war. None of the banks of the United States suspended specie payment in that war until six months before the treaty of peace; and, if I am correct in my recollection, the banks of Massachusetts never, during the war of 1812, refused to discharge their obligations in specie, at least the banks of Boston. That is my impression, that is my belief; I have so read, and I think I am right. The gentleman from Massachusetts nods assent, and I hope the example of his illustrious State will tempt him to invoke order out of this existing chaos, and reëstablish Boston as the golden hub of the universe by making gold and silver the basis of money there and everywhere.

Mr. BOUTWELL. I would inquire of the gentleman whether he refers to the same Massachusetts of which he spoke so disparagingly the other day?

Mr. BROOKS. Disparagingly! I thought I exalted Massachusetts, certainly the power of Massachusetts, to the skies. I bow to Massachusetts. One gentleman from that State introduced this bill, and another gentleman from the same State introduced the freedmen's bill the other day; I know that whatever Massachusetts ordains is the law, and hence I bow to the power of Massachusetts. I acknowledge her sovereignty; I am the victim of her will and her ordinances, and I am prepared to obey.

Well, now, what is the remedy of the honorable gentleman from Massachusetts [Mr. HOOPER] in the existing order of things? Why, he and his friends tell us they have only introduced the New York system of free banking, and have limited the capital to $300,000,000. I answer that the New York system, under the superintendence of the banking department, is kept distinct from the treasury throughout, not entangled at all in it as in this bill. It is an isolated department, not connected with the Executive or treasurer of the State, nor with any branch of the State government, but is a separate and distinct department throughout, free from interference or control, save by law formally enacted, through all the branches of the State government; and such I hope will be the character of this bill before we get through with it.

This system differs in another great respect from the New York system. That is based upon redemption in gold and silver, and only in gold and silver, while the system of the honorable gentleman from Massachusetts is based upon paper, exclusively upon paper, and upon nothing whatsoever but paper.

Mr. STEVENS. Are the banks of New York redeeming their notes in gold?

Mr. BROOKS. I knew the gentleman was going sarcastically to ask me that question, for I had heard him in the Congress preceding indulge in the same sarcasm. But I am disposed to answer him. They would redeem in gold had not the party which the honorable gentleman leads declared by law paper to be the equivalent to gold. [Mr. STEVENS then seemingly preparing to ask another question.] And now he is going to ask me if they did not suspend specie payment before the legal-tender act. [Laughter.]

Mr. STEVENS. That seems to follow.

Mr. BROOKS. I knew he was going to ask me that. The New York banks would have been compelled to redeem their notes in gold and silver, or to go into liquidation long before this period, if the Government of the United States had not interfered and enacted that with a Treasury note worth only about sixty cents on the dollar the full dollar of obligation could be legally discharged. We should have done our duty in New York—we have done our duty hitherto—and long before this we would have driven all these banks into liquidation if they had not redeemed in gold.

Mr. STEVENS. If I remember correctly, the New York banks took the $150,000,000 loan and paid $100,000,000 of it in coin; and about the time of the meeting of Congress refused to pay the other $50,000,000 in coin, and paid it in currency.

Mr. BROOKS. If I were to answer that remark, it would lead to another half hour's discussion, and upon an irrelevant matter, and consume all my allotted hour's time.

Mr. STEVENS. I beg the gentleman's pardon. I withdraw the suggestion. [Laughter.]

Mr. BROOKS. Then I will avail myself of some other occasion.

The honorable gentleman from Massachusetts was also pleased to refer, in the course of his remarks, to some observations of my honorable colleague [Mr. FERNANDO WOOD] as if in justification of the system of debt and finance which exists in Great Britain, and therefore directly, not by implication, to justify this country in following the system of finance which has been adopted in Great Britain. The remarks of my colleague bear no such implications; but let that pass.

Now, sir, in my judgment, no more fatal step could ever be taken, than in matters of debt and finance to hold up to the people of the United States the example of Great Britain as an example for us to imitate or to follow. I speak not without observation with my own eyes, and I speak by the authority of books too, when I say that while England is nominally the freest country in Europe, if not now in the world, a system of social slavery and of labor slavery exists there worse than in any part of continental Europe south of Russia. The people of England are more ground down by taxation and poverty and misery and social slavery than almost any other people in Europe. A native-born American, if he has not a title or a million of money, finds it next to impossible to live in freedom, ease, and happiness among the people of Great Britain, unless he is willing to be a pariah among a privileged class. Their manufacturing population, their laborers, their peasants, the whole class of workmen in Great Britain are, with exceptions certainly, but in a great part, the most miserable and degraded of laborers that exist anywhere in Europe, Russia excepted, or on the confines of Europe—I was about to add in Egypt or upon the shores of the Mediterranean. The immense debt of Great Britain, the consequent enormous taxation, the classes of society it has created, from the high-up rich to the down-trodden poor, are, or ought to be, beacons of terror for every American to affright him from her whole financial system.

Look at England, and Ireland too; read of them in the books; go into the manufacturing districts or the collieries of England; walk from the Hebrides, or the Highlands, then throughout Yorkshire and Lancashire, or throughout Great Britain generally, and you will find that more poverty, more misery, more human degradation exists among laborers there than in Austria, or France, or Prussia, or anywhere in Europe, unless it may be in some parts of Greece or Turkey in Europe, or possibly in some parts of Russia; and all this is the result of their debt and the necessary imposition of high taxes to support it, and the consequent oligarchy of capital and of aristocracy of title to rule in coöperation with that oligarchy over the great masses of the people.

Sir, I know this is not the day nor the hour to speak irreverently of any man or set of men who are exalted now to a pinnacle of glory as the great paper financiers of our country. I do not expect a verdict this day or in this House; but I know what will be the verdict of hereafter. I know because I have read history; and it is a logical inference from what has been that the same causes are certain to produce the same effects again. John Law, the author of the Mississippi bubble, at one time stood in France upon the very topmost round of human elevation. A Scotchman and a Protestant, he was adopted by the French nation, a Catholic people, as a son and child of that nation, and for his successful financiering lifted up from obscurity to be the greatest man in all France. But he had to fly from France as an exile to save his life, driven away in the dark hours of the night; and that was the end of one paper money financier.

Sir, in my own day I have seen Nicholas Biddle on Wall street surrounded by the richest men in New York and the neighboring cities, hoping for a smile on his face, bowing to him with veneration, observing his motions, and trembling before his frown, watching the very movements of his eye for the rise or fall in their prosperity. Millions and millions were supposed to depend upon the will and caprice or knowledge of Nicholas Biddle; and if I, on Wall street, in 1836 or 1837, had spoken of his paper money system that he was then creating as I now speak of this of Mr. Chase, another successful financier, I should not have been treated there with half the decorum that I am treated with in this House now in denouncing the existing paper money system.

Labor is labor. Work is work. Man is made to earn his bread by the sweat of his face. There is no other means of legitimately earning support for life. Gold is omnipotent, next to God, here on earth. It is "a higher law," and far above all human legislation. No military power can reach it, no military necessity, no military tyranny; no gold bills of this House or of any other legislative body. Gold is majesty, high enthroned above king or emperor or czar or kaiser, and imperiously ruling both over kings and men. Gold only is money, and there is no other money but gold. Nevertheless, I tell the gentleman from Massachusetts and his friends here, I bow now on this bill, as I have bowed before, to the majesty of Massachusetts in this House, when Massachusetts ordains the law. I comprehend that this bill, or the substance of it, is to be the law; and hence I wish generously to coöperate with him in good faith in bettering the bill as much as lies in my power. I wish, therefore, to call his attention, and the attention of his friends, to a few of what I deem the deficiencies of some of the provisions of this bill even to carry out the purposes he desires.

Let it be remembered, first, that there is not provided in this bill the uniform currency which the gentleman from Massachusetts promises. Instead of providing here by law, as the Comptroller of the Treasury advises, one place only for the redemption of the $300,000,000 of currency about to be issued, the bill provides ten places,

namely: St. Louis, Louisville, Chicago, New Orleans, Cincinnati, Baltimore, Philadelphia, Boston, New York, and San Francisco. One of these places is the distant city of San Francisco; another is New Orleans. When Charleston and Richmond are reannexed to the Union, as I trust they some day will be, Charleston and Richmond will make twelve places of redemption for this currency. There is not, there cannot be, any uniform currency in this way. The brokers and the money-changers will everywhere soon be shaving the people under such a discordant and distant system of redemption as that. The New York banking system provides that in the great monetary capital of the country, in the city of New York, or in Albany, not far from it, the issues of the State banks shall be redeemed. But under this bill, a bank established at Yonkers, New York, within a few miles of the city of New York, can make its notes redeemable in San Francisco or New Orleans. Under such a system as that there cannot be a uniform currency of course.

Mr. HOOPER. The gentleman will allow me to say that it must be with the consent of the Comptroller of the Treasury.

Mr. BROOKS. Yes; but I suppose that the Comptroller of the Treasury will be guided by their request.

Mr. HOOPER. What I want to call the attention of the gentleman to is the provision in the bill that each bank shall select a bank in one of the cities named, at which to redeem, and that the selection must be approved by the Comptroller of the Treasury.

Mr. BROOKS. Well, that is better; but twelve different and distant places of redemption, and only one of them the monetary center, cannot give a uniform currency. There is no way to create a uniform currency in this country except on some such system as the old United States Bank had, where its branch issues were redeemed by other branches, and in that way created a uniformity, or else by compelling all the banks to redeem in New York. The only way to have a uniform currency is to strike out these twelve different and distant places of redemption, and to redeem all in the great monetary capital, the city of New York, or, if you please, in Boston and Philadelphia in addition, in close contiguity to that monetary capital, and but parts and parcels of it. All other "uniform currency" in the hour of trial will be found to exist only in name, never in reality, and to become by and by the merest mockery.

I now call the attention of the House, too, to another great change made by this bill; that is, the abolition in substance of the independent Treasury of the United States, the overthrow of that which was and is the pride and honor of the Democratic party, and which successfully forced itself on the approbation of even the old Whig party, and that was the abstraction of the public money from the banks of the country and the creation of an independent Treasury, which was alone to hold that money. This bill in one of its sections changes, alters, overthrows all this, and gives the whole public money of the country to that brood of new banks which is to be created here. The pet bank system is a part of the inglorious history of our country. Every one who reads the history of 1836-37-38 knows what a fatal history that was. Every one knows what broods of new banks sprang up only to receive the deposits of the Secretary of the Treasury; banks with almost unpronounceable names, and in towns and cities often known only on the paper on which the lots were engraved. Read the correspondence of Levi Woodbury, the then Secretary of the Treasury, with the then banks all about the country. The record is one as comic in chicanery and fraud as it was tragic to some of the best property interests of the country. Read of the amount of money lost. Read there the report of Secretary Guthrie, in 1856-57, which states that after all his labor to collect the public money from those banks there was at that time of unavailable funds $1,609,072. Millions upon millions will now be lost if again we recede and return to the exploded pet bank system of 1836-37.

I object to this system, too, because it has not made these pet banks pay the cost of the transfer of the public money, but the transfer is to be paid by the United States. Under the old United States Bank, when money in New Orleans in the bank was to be transferred to New York, to Portland, or to St. Louis, the cost of the transfer had to be paid by the bank; but under this bill the difference of exchange as it may rise or fall is to be met by the Treasury of the United States, and all the expense of the transfer of the funds of the public money is to be at the cost of the United States Treasury. If, therefore, this system of banking is to be persisted in I hope the honorable gentleman from Massachusetts will amend the bill in that particular, and give us at least as good a system of transfer as Mr. Biddle gave the country in 1830 and 1836.

I object, too, that this system is calculated to lead to corruption and is already leading to corruption of the worst kind. In my own city, New York, it is known to every man connected with the banks that no sooner does the Secretary of the Treasury deposit a large sum of money in a pet bank than that pet bank goes to the sub-Treasurer and invests in the five per cent. temporary loan; or, in other words, the public money belonging to the Government deposited in the banks without interest is lent to that very Government at an interest of five per cent. If the honorable gentleman from Massachusetts will give his attention to the subject and make inquiry he will find that five, six, or seven hundred thousands of the public money have already been thus deposited in certain banks of the city of New York, and that just such deposits are now going on. Sir, no Government, no people, can stand this, thus feeding upon itself——

[Here the hammer fell.]

Mr. HOOPER. I wish before the gentleman from New York sits down to call his attention to a fact in regard to the Bank of North America, which he claims is a State bank. I find, on looking over the documental history of the Bank of the United States, that "the Bank of North America, which was the precursor of that of the United States, was first incorporated in 1781 by an ordinance of the American Congress;" although I think afterwards that same bank was changed to a State bank and acted under a charter from the State of Pennsylvania. But as the gentleman has referred to the high authority of Robert Morris at that time, I should like to read him one of the resolutions introduced into Congress on the 26th of May, 1781. It is as follows:

"*Resolved*, That it be recommended to the several States, by proper laws for that purpose, to provide that no other bank or bankers shall be permitted within the said States respectively during the war."

One other single extract from this history. It seems that during the third session of the First Congress, on the 4th of December, 1790, a very elaborate report was made by Alexander Hamilton, showing that the gentleman was correct in saying that the Bank of North America became a State bank. In that report it says:

"The directors of this bank on behalf of their constituents have *since accepted* and *acted* under a new charter from the State of Pennsylvania, materially variant from their original one, and which so narrows the foundation of the institution as to render it an incompetent basis for the extensive purposes of a national bank."

Mr. KERNAN. If no other gentleman desires to make remarks at this time, as I will be compelled to leave the city this afternoon to visit my family, I will take this occasion of calling the attention of the House to one or two considerations in respect to this bill.

I do not propose to discuss the general subject of the currency of the country or the policy of this bill; but believing as I do that it is in some form to become a law, I desire to call attention to some features in it which I hope may be amended, and one is this: every gentleman must see that this bill will give to the Federal Government and those who administer it a power far greater than has ever been wielded by any party or Administration in this country; I mean the power of controlling to some extent the entire banking capital of the country.

If all men who please may become bankers, with a charter making them a corporation under this act, it seems to me that there ought to be no provision leaving it within the power of any single man to prevent their going into business if they comply with the law. It seems to me that the last clause of section twelve would give the Comptroller of the Currency that power. I may be wrong. If so, I desire to be corrected. Now you will observe that the prior parts of the bill say in general language that five or more persons making certain articles of association, and complying with certain terms laid down in the bill, shall be authorized to commence the business of banking. I call the attention of the committee to the last clause of section twelve. If I understand it, no one man should have such power. It provides that—

The Comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business whenever he shall have reason *to suppose* that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

So that, while the act professes to put all men upon an equality who will comply with the law, yet here is a clause which, if I understand it, says that this officer, the Comptroller of the Currency, appointed by the President, whenever he shall have reason to *suppose* that they have formed associations for any other purposes than that specified, shall have power to prevent them commencing business. I hope that will be changed, no matter what party is in power. If any officer can do that, without assigning any reason, then he has arbitrary power over the banking business. In States where they have general banking laws they provide that persons shall conform to certain conditions, and when they have so complied they have a right to begin business. If then they do other than a legitimate business, the courts will lay their hands upon them and stop them. The courts see to it that they do a legitimate business, and that is the proper way to control these associations.

I ask gentlemen to see to it that this is changed, if, when they come to that part of the bill, they find I am right. Let the law throw the banking business open to all who will comply with its terms, and not permit a man appointed by the President to say who shall and who shall not commence business. I do not care who has the power, I fear that it will be abused. Certainly the execution of such a power ought not to be intrusted to any one man.

There is another suggestion I desire to make to the friends of this bill. Section fifty provides that

On becoming satisfied, as specified in this act, that any association has refused to pay its circulating notes, as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association—

in short, to wind them up. It is right and proper that there should be a provision to put them into liquidation when they fail to redeem or are in danger of insolvency. In States where the courts select the receiver, they look to see whether he is a fit man. They look to see whether there is any reason to take the property out of the hands of the shareholders and to put it into the hands of a receiver. Here the power is given to the Comptroller of the Currency without the assent of the Secretary of the Treasury. I hope the House will change that, and leave the power to a judge of the courts. In my own State the court of chancery or the court of equity has the general power to appoint receivers. I want this bill amended in that particular, so that this power shall be vested in a judge, and not in one officer of the Government appointed by the President, no matter how good and pure that officer may be. It is not a power which should be intrusted to any but the judiciary acting at general term, or to a judge sitting in chambers if the exigency requires it.

I make these suggestions in good faith; for if the bill is to pass I want it to pass as perfect as possible. I have no time to go into a general discussion of the bill, and I content myself with pointing out defects which I have observed.

Section forty-one provides that

The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act, respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act; and such tax or duty shall be in lieu of all other taxes on such associations.

In other words, as I understand the bill, they are to be exempt from taxation under State laws for State or municipal purposes; and they are to be subject to no taxation unless the United

States see fit to impose a tax on them. Gentlemen will pardon me when I ask them to give me their attention and see where this law will lead us. Under this law all the wealth of the country, all the personal property can be put into the banks to the amount of $900,000,000—if I am wrong the gentleman from Massachusetts will correct me—because the only limitation of this act is that there shall be but $300,000,000 of currency, and for that currency there must be deposited United States stock. But no bank is required to put up stock beyond thirty-three and one third per cent. of its capital. Then we may organize a bank of $300,000, and we need put up but $100,000 of United States stock, but we may pay in and use for banking purposes $200,000 more.

Mr. HOOPER. I think the gentleman narrows the limit too much. The only limit to the amount of the bank capital is the amount of the public debt, and there may be capital of three times the amount of the debt of the United States.

Mr. KERNAN. I was looking to the provisions of the sixteenth section. That section contains this provision:

Every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the Treasurer of the United States any United States registered bonds bearing interest to an amount not less than one third of the capital stock paid in.

Therefore you can have a bank of $300,000 capital, it may all be paid in, and you are only required to put in one third of that in United States stocks.

All the capital that is put into these banks is by this law exempt from any taxation. Now I think that is very unwise. Remember that these banks share in all the benefits of the State government; they have all the protection which the State government can afford them; they have the use of all the machinery which the State government affords, the courts and judicial tribunals of the State; and should they not bear their proportion of the burden of supporting the State government? Will you allow the wealthy men of the State to take their personal property and put it into one of these banks and say that shall be exempt from taxation, and throw all the burdens of the State upon the real estate owners, many of whom are men of comparatively small wealth? Is it wise; is it just? All our banks in the State of New York are put upon the assessment rolls, and they pay a tax upon the real estate which they occupy for bank purposes and pay a tax upon their personal property paid in, deducting the value of the real estate. Now, if you take millions of personal property from under the taxing power, the tax will be thrown upon the real estate, and the effect would be to work great hardship.

Mr. KASSON. I desire to call the attention of the gentleman to the fact that the prohibition, if extensive as he supposes, does not extend to the tax upon the income of the stockholder in a bank. Just so far as the persons are within the jurisdiction of any State, just so far may their income on the property in the bank be taxed. His argument, therefore, if I am correct, entirely falls to the ground, inasmuch as it leaves the representative of the stock in bank subject to taxation, although the bank itself might be entirely exempt from it.

Mr. KERNAN. I am much obliged to the gentleman, but I fear that will not help the matter. In all our States we levy a tax upon property, and I do not see any mode of legislation by which a particular class of men may be taxed upon their income so as to make them equal with others. I may own $5,000 in a bond and mortgage, and although the man fails and I do not get a dollar of income, yet the capital is taxed, and is placed upon the assessment roll.

But I desire to suggest, because an illustration makes a matter plainer, that in the city where I reside the wealth, the personal wealth of the whole country, is gathered there in our banks. They pay a considerable portion—about one fourth—of the city or municipal taxes, being rated like others. A great portion of our population is composed of mechanics who own their houses and lots, and there are a few men who own stores.

Now, then, if this bill becomes a law all the State banks have got to come under its provisions; they are tempted by the benefits on the one side and lashed by the penalties on the other, and they must all come under it. By exempting them from taxation, you take all that personal estate from under taxation, unless it can be got at by some special legislation.

Mr. KASSON. With the permission of my friend I will say that I do not think he has appreciated the extent of the suggestion which I made to him. It was not merely that it might be taxed as income so far as dividends were realized, but that the representation of that stock might be reached for the capital invested by him in the bank.

Mr. KERNAN. In other words, if I had $100,000 invested in the bank I might be assessed for that amount.

Mr. KASSON. This clause only extends to the exemption of the corporation as a corporation.

Mr. KERNAN. I object to that, because it has been the universal policy of the States and of the General Government to tax corporations, and the effect of the gentleman's suggestion would be to impose an income tax upon the corporation and make individuals pay it.

Suppose a stockholder holds $1,000 of stock in a bank in the city of Utica, and that he removes his residence to New Jersey, how is he to be reached for the purpose of taxation? He is a non-resident of the State of New York and cannot be taxed. This is a common occurrence. Men are accustomed to live in New Jersey and do business in New York so that they cannot be taxed in New York on their personal property. As the result of this war taxation will necessarily be very heavy for the nation, the States, and the cities, and you will find that stockholders in these banks will not reside where their capital is invested. They will be non-residents of the city or State in which the corporation which is using their capital does business. So that unless you tax the capital of the corporation they will be entirely beyond your jurisdiction. That is so particularly in regard to municipal governments. They have to pay all the expenses of police, of lighting, of street-cleaning; and corporations come there and locate because of the convenience for business, enjoying all the protection of the city government, while their stockholders, by living elsewhere, avoid contributing to those expenses. We cannot tax them at all unless we do it by laying the tax on the creature which the law creates, and which is, for all those purposes, deemed a person.

The committee will pardon me if I read an extract from the report of Mr. Van Dyke, the superintendent of banks in the State of New York, and who is—lest gentlemen may suppose that party feeling influences him in this matter—himself a member of the party in power. He speaks of this subject for this reason: our banks were buying up these United States bonds that are exempt from taxation, and converting their capital into them; and the courts had held that that part of their capital thus invested was not liable to be taxed. This bill is much more sweeping in that respect. It not only exempts the capital thus invested, but when two thirds of it is so invested, it exempts the whole.

Mr. Van Dyke says in his report:

"Heretofore the *capital* of each bank, association, &c., has been the direct subject of taxation." * * *

"The banking institutions of the State hold United States securities to an amount exceeding their aggregate capitals. Even this bears but a small proportion to the sum held by individuals, and when this amount of capital is abstracted from the taxable property of the State, it becomes obvious that the burdens imposed upon other forms of investment must be greatly enhanced." * * * * "It cannot be deemed unjust that the burdens of the State should be imposed without partiality on the property of the State. Banks, corporations, and individuals share alike in the protection of State laws and the advantages of local government. The equity which releases a large portion of the wealth of the State from local taxation, and fixes the deficiency upon property less negotiable in its character—which exempts the bonds of the capitalist from State taxation only to assess it upon the dwelling of the humble mechanic or the land of the agriculturist—will not be readily admitted. Had Congress limited the immunities conferred upon the holders of United States stocks to exemption from taxation for all purposes of the national Government, it would probably have subserved every desirable end. But when it goes further, and assumes to remove the property of citizens from beyond the jurisdiction of the State in which it is located, and exempts it from all burdens of a municipal character, it trenches upon ground of questionable utility, which may be productive of popular discontent, alike injurious to the government and the institutions availing themselves of the immunities offered."

Now, Mr. Chairman, that was written in reference to the law as it stood before, by which United States bonds were exempt from taxation. The wealthy men of the community who, by the self-interest which always moves men, invested their personal estate in these bonds, were exempt from taxation for State, county, town, village, or city purposes. They were free from those burdens which they should have shared; and the burdens of the State and city governments whose advantages they enjoyed were cast upon other classes of persons with great inequality and great injustice, as the bank superintendent says. But this bill not only proposes to exempt United States bonds, but also to exempt the entire capital of these banks whenever a certain proportion of it is invested in this way.

I trust, Mr. Chairman, that those who deem this to be a wise measure will give a fair consideration—that is all I ask, as it affects all generally alike—to this feature of it. I have received letters on the subject from private persons, and resolutions from towns, calling my attention to this, and asking that Congress shall have its attention called to this exemption of United States bonds from State taxation, saying that it enables the wealthy to put their property in these securities, thus avoiding taxation, and throwing the burdens of it on the other classes of the community. They argue that it would be better to pay a higher rate of interest, or favor their negotiation by exempting them from United States taxation, but that this getting up a discrimination at home among the people was unjust, in the first place, and would be injurious.

Mr. Chairman, I desire only to call attention to this view of things, especially in reference to my own State; and I can see no distinction between that and others. I have endeavored not to enter into a general discussion of the policy of the bill, which, however, I hope will be fully discussed, for it seems to me to be a bill fraught with more of good or evil than most bills which come before us. It is one certainly which, combining as it does all the banking capital of the country, will in the hands of a party Administration wield for that party an influence far greater than was ever wielded by any Administration or any party in the history of the country.

But, sir, as I remarked in the outset, I do not intend to discuss this bill in its general principles; I merely call the attention of the House to these particular features, which I trust will be amended if it is to become a law. I hope they will receive the careful consideration of the House and of Congress.

Before I take my seat I will indicate an amendment which I have prepared, and which some gentleman may perhaps offer at the proper time in my absence. I propose to amend the eighth section by adding as follows:

And such associations and corporations shall severally be subject to such municipal taxation upon their real and personal estate the same as persons residing at their respective places of business are subject to such taxation by State laws.

Mr. PRUYN. Mr. Chairman, as this discussion will probably continue for some days, I may at some future time, if opportunity offers, present some general views in regard to the policy of this measure. But at present I wish to make a few remarks, in regard to an amendment which I shall propose at some proper time, in order that it may be understood by gentlemen upon the other side of the House, and that it may be acted upon either now or at some future stage of the consideration of the measure, as may seem most desirable.

As has already been stated by my two colleagues who have preceded me, [Mr. BROOKS and Mr. KERNAN,] it is evident that this bill, in some shape, is to pass, that this policy is to be inaugurated, that this addition is to be made to the powers of this central Government. I feel that it will be the greatest blow yet inflicted upon the States; that this is to be the greatest stride toward that despotic power which, if the policy of the present Administration be continued, must, in a few years, spread over this country.

At the request of friends, and of those who are interested in this bill, I have gone through with all of it, and shall be prepared, as the committee proceed with its consideration, section by section, to submit such amendments as I believe will go to perfect the scheme, and make it as little objectionable as possible; at any rate, to enable it to work as smoothly as such a scheme can work.

I beg gentlemen upon the other side of the House, who will have the responsibility attend-

ant upon this measure, and particularly those who have especial charge of it, to remove this bureau, this branch of the Government, as far from the fluctuations of politics and of political influences as possible. I think that sufficient prominence and sufficient position is not given by this bill to the head of this department. It should be made, not a bureau of the Treasury Department—the Treasury has enough to attend to already—but it should be made a separate administrative Department of the Government, and it should be located at the commercial center of the Government, at New York, and not at Washington. It should be removed from the political influences and the political fluctuations which attend everything here. Its head should receive an ample salary, as large as any other officer of the Government. All this should be done for the purpose of removing this vast power as far from the great influences of party as possible, for it will prove a power, if this policy is to be carried out, that can hardly be overestimated, in this Government. With a desire, therefore, to disconnect it as far as possible from such influences, I would place it outside of any existing Department and put it where it ought to be, in the commercial center of the country.

For this purpose I have prepared an amendment which I shall submit to the committee as a substitute for the first section of the bill, or as an independent section, which, if adopted, would necessarily take the place of the first section of the bill when we come to perfect the measure.

I will send my amendment to the Clerk to be read.

The Clerk read, as follows:

Strike from the first section the words: "That there shall be established in the Treasury Department a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by Congress respecting the issue and regulation of a national currency secured by United States bonds. The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, by and with the advice and consent of the Senate; he shall receive an annual salary of $5,000; he shall have a competent deputy, appointed by the Secretary, whose salary shall be $2,500, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in such office and during his absence or inability; he shall employ, from time to time, the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law;" and in lieu thereof insert the following:

That there shall be established a separate administrative Department of the Government, to be called "the Bank Department," which shall be charged with the execution of all laws respecting the issue and regulation of a national currency. The head of the said Department shall be called the Comptroller of the Currency. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of four years, unless sooner removed by the President, by and with the consent of the Senate. His office shall be in the city of New York, and his salary shall be $8,000 per annum. The said officer may appoint a deputy to discharge such duties as may be assigned to him, whose salary shall be $4,000 per annum, and who shall possess the power and perform the duties of the said Comptroller during a vacancy in his office, and during his absence or inability. The said Comptroller may, from time to time, employ such clerks in the said Department, and at such compensation, as he may deem proper; and he shall have authority to make all necessary arrangements for conducting the business of the said Department in all its branches.

Mr. STEVENS. I rise to a question of order. The first section has been passed, and the committee is now on the second section. The gentleman's amendment is therefore not in order.

Mr. PRUYN. I am quite sensible that we have passed from the first section. The Clerk has read the first section, and passed to the second; but no vote has been taken. It is in the power of the committee to go back.

I take it for granted, Mr. Chairman, that we are in good faith discussing this whole project with a view of arriving at what may be considered the best results. For my part I am prepared, as far as I am able, to offer suggestions in good faith on various points connected with the bill, with a view of making it what I believe its friends intend it to be.

Mr. HOOPER. I ask the gentleman from New York whether his amendment is a part of the bill prepared by Mr. Gallatin?

Mr. PRUYN. It was written by me, and the ink is not yet dry upon it. I have not seen Mr. Gallatin's bill.

Mr. HOOPER. I was going to suggest that that bill be brought up as a substitute for the one pending.

Mr. PRUYN. I did not know that Mr. Gallatin had prepared a bill. I wrote the amendment at my desk while the discussion was going on.

I have already stated, and I wish to enforce the view if it be necessary to do so—the subject is so important I believe I am justified in substantially repeating it—that it is highly desirable and important to the success of this scheme that it should be separated, as far as possible, from the changing politics of the day. I offer this amendment in good faith, believing if a Department be established of this character it will be more stable, and its duties will be more fairly exercised. I mean by that, that it will be withdrawn from political influences, which will strengthen the system and draw to it the confidence of the people. I will, if the Committee of Ways and Means see fit, offer it as a substitute for the first section, or reserve the right to offer it as a substitute for the bill. I will pursue either course for the purpose of arriving fairly at the point I wish to present. I know that it requires unanimous consent to go back and move my amendment to the first section, and I now ask that unanimous consent.

Mr. STEVENS. I object. When we get through, the gentleman can move a substitute for the bill.

Mr. PRUYN. It is hardly worth while to undergo the labor of preparing a substitute for the whole bill if the real essence and germ of that substitute can be tested in an amendment.

Mr. STEVENS. I will go further and say that when we go into the House the previous question shall not be called until the gentleman has had an opportunity to submit a substitute for the first section. That will answer his purpose and enable us to get along with the bill.

Mr. PRUYN. I appreciate the kind feeling of the gentleman from Pennsylvania and his desire to accommodate me; but I really think if we are going to discuss the bill with the great principles involved in it, we should consider the questions and propositions which bear upon it now. If the Committee of the Whole go through this bill with a view of carrying out the scheme as reported by the Committee of Ways and Means it can hardly be expected that the House will overturn their action by adopting a substitute to be all gone over again.

Mr. STEVENS. If we allow the gentleman's request to go back, which we should be glad to do, we cannot refuse it to anybody else who loses his time. I hope the gentleman will adopt the other course. If his proposition has merit in it, it will pass in the House.

Mr. PRUYN. What is the rule in regard to the matter?

The CHAIRMAN. Where the committee is considering a bill section by section and clause by clause it is not in order to recur to any section or clause which has been passed.

Mr. PRUYN. Whether a vote was taken or not?

The CHAIRMAN. It is considered as assented to whether amendments have been offered or not, and whether a vote has been taken or not.

Mr. PRUYN. For the purpose of a test vote I move my proposition as a substitute for the section under consideration. It has already been read and the committee understand it.

Mr. KASSON. I ask to call the gentleman's attention to this fact: this proposition can at any time, embracing half a dozen lines, be presented to the House as an independent clause conferring all of these powers conferred by this bill upon the Comptroller of the Currency, or upon the Secretary of the Treasury, upon an officer to be called the Comptroller of the Treasury, who shall keep his office in New York city. At any time half a dozen lines will enable him to test the sense of the House.

There are so many important considerations connected with the proposition, that I should be glad to have it considered as a separate subject—that it should be fairly considered as a proposition to create an independent Department. It does not concern the merits of this bill as to its general features, and embraces so many considerations independent of this bill that I prefer, if agreeable to the gentleman, to have it presented as a new bill, which he can do at any time.

Mr. PRUYN. I submit that that is not the way to reach a point of this kind. We are considering the whole thing and desire to put it in the best shape possible. The Committee of Ways and Means propose to enact a law which some of us think objectionable, and the gentleman from Iowa asks us to bring in a statute amendatory of that law. It strikes me that our duty is to get at it and to meet it fairly now. If gentlemen do not mean to allow it to be fairly met, let them say so. If, in our efforts to put this thing in the best shape for the future of the country, we are to be met from the other side of the House with objections purely technical, then there is an end of all fair discussion on this subject. I submit whether this is the true way to meet this question. If gentlemen on the other side of the House think that is, it is in their power to do so. All I can do is to insist on what I consider the true way. If my proposition is not agreeable to the other side, they will vote it down. If it has merits it ought to be introduced now, for it affects the whole framework of the bill.

On a division there were—ayes 15, noes 43; no quorum voting.

Mr. STEVENS demanded tellers.

Tellers were ordered; and Messrs. PRUYN and HOOPER were appointed.

The question was put; and the tellers reported—ayes 32, noes 55; no quorum voting.

Mr. PRUYN. Rather than break up the committee I will withdraw my amendment, intending to offer it at another time.

The Clerk read the fourth section, as follows:

SEC. 4. *And be it further enacted*, That the term "United States bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States by the Secretary of the Treasury in pursuance of law.

Mr. PRICE. I move to insert the words "and coupons" after the words "registered bonds."

Mr. HOOPER. If the gentleman will give me his attention for a moment I think he will withdraw his amendment. The object was to transfer only registered bonds for the security of the bonds, they not being transferable from hand to hand, by delivery. The coupon bonds, if they be stolen from the Department, pass from hand to hand, and are good in the possession of any person who happens to hold them. I call the gentleman's attention to an amendment I am directed by the Committee of Ways and Means to offer at the proper place, which authorizes the Secretary of the Treasury to exchange any coupon bonds for registered bonds. It will cover, I think, the point he has in view.

Mr. PRICE. That will answer my purpose, and I withdraw my amendment.

The sixth section was then read.

Mr. HOOPER. I move to amend this section in line four, page 4, by inserting after the word "association" the words "which name shall be."

The amendment is merely a verbal one.

The amendment was agreed to.

Mr. HOOPER. I move to amend by inserting in line twenty, after the word "notary," the word "and;" another verbal amendment.

The amendment was agreed to.

Mr. PRUYN. I desire to suggest to the gentleman of the Ways and Means who has charge of this bill, an amendment in reference to the phraseology of the third subdivision of this section. It reads:

Third. The amount of its capital stock, and the number of shares into which the same shall be subdivided.

I move to strike out all of that clause after the word "stock," and insert in lieu thereof the words "which shall be divided into shares of $100 each."

The amendment was not agreed to.

Mr. PRUYN. I suggest further that in line seventeen, where it is provided that "the said certificate shall be acknowledged before," &c., the word "acknowledged" does not seem to be quite definite enough. There is no requirement that the party shall be known to the officer, and no form of any kind is prescribed for the acknowledgment. Acknowledgments in one State are different from those in another State.

Mr. HOOPER. I think that should stand as it is.

Mr. PRUYN. Very well. I will call the attention of the gentleman to another thing. The latter part of the section reads as follows:

Copies of such certificate, duly certified by the Comp-

troller and authenticated by his seal of office, shall be a legal and sufficient evidence, in all courts and places within the United States or the jurisdiction of the Government thereof, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

The question may arise as to the genuineness of the signature, and of course you would be compelled in such a case to produce the original certificate. I move to strike out the words "and of every other matter or thing."

Mr. STEVENS. If those words stood by themselves I should think it proper to strike them out, because that would be loose kind of proof; but as the clause makes this copy the original certificate, it seems proper it should remain, because it will prove what the original would, and nothing else.

The amendment was not agreed to.

The seventh section was then read, as follows:

SEC. 7. *And be it further enacted*, That no association shall be organized under this act, with a less capital than $100,000, nor, in a city whose population exceeds fifty thousand persons, with a less capital than $200,000.

Mr. KASSON. Not only upon my own motion, but in accordance with the views of other members, I move to amend that section by adding thereto the following proviso:

Provided, That the Secretary of the Treasury shall be, and he is hereby, authorized to allow the organization of a bank with a capital of not less than $50,000 at any town having a population of not more than fifty thousand persons; but in such case the entire amount of capital shall be paid in before it shall be authorized to commence the business of banking.

I offer the amendment for the reason that in many of the more thinly settled States there is an amount of capital proportioned to the amount of business transacted in certain local centers; and many banks now under State authority are established upon a basis of $50,000. In my own State, for example, that is the minimum limit for the branches of the State bank of Iowa. There are several such in Maryland, and in other States; and it has been deemed by myself, and by other gentlemen also, important to conform the provisions of this bill in that particular to the ascertained necessities and condition of things in different portions of the United States. This provision has been inspected by the proper authorities, the Comptroller of the Currency among others; and I offer the amendment and ask the opinion of the committee upon it.

Mr. KELLOGG, of Michigan. I move to amend the amendment by striking out the words "but in such case the entire amount of capital shall be paid in before it shall be authorized to commence the business of banking." In many small towns in Michigan and other States, banks are desirable and the people wish to establish them, and $50,000 is sufficient capital to meet the wants of the localities. Now, I see no reason for putting such banks on a different footing from banks in larger places. I would vote for the proviso if the words I have specified are stricken out. I hope they will be.

Mr. KASSON. Mr. Chairman, a single word on that amendment which proposes to strike out the clause requiring the $50,000 to be paid up. I believe we ought to have a respectable capital in any of these institutions before we give them the general privileges of banking, while in all cases where there is a population in any given community demanding a bank at all, the capital ought to be, I have no doubt, $100,000. There are reasons which I have already referred to, resting upon the condition of things, which should lead us to take that $50,000 as a basis. There is no banking system that I know of that authorizes a bank with less capital than $50,000. I think that in all those cases which it is desirable to provide for, at least fifty thousand dollars capital should be paid in. If we get below that sum, and allow persons to commence the business of banking on twenty or thirty thousand dollars, it seems to me that we will be getting the banking system down to too trifling a basis, and one not calculated to inspire confidence in the community. It is for that reason that we have thought it best to accept the suggestion of the Comptroller of the Currency, and fix that limit in the case of these small banks.

Mr. PIKE. I desire to inquire of the gentleman from Iowa whether the practical working of the present law has been found objectionable with the present limit of $50,000 capital? It seems to me that if this banking system is a good one, of which I have always had doubts, and in which I am free to say I have yet no faith, it would be well perhaps to distribute it as widely as possible. As the limit in our State, and in the State of Iowa, and in other States is $50,000, I would inquire of the gentleman what reason there is for raising that limit?

Mr. KASSON. If I understand my friend from Maine, he says the limit under the present law is $50,000.

Mr. PIKE. Yes, sir.

Mr. KASSON. I presume it is a paid-up capital of $50,000. This only requires the capital to be paid up, $50,000, before the business of banking is commenced. I think the people are entitled to that much security of the *bona fides* of the proprietors of these banks. I am informed by my friend from Massachusetts, [Mr. HOOPER,] that there has been inconvenience experienced under the present system, which authorizes the commencement of the business of banking on less capital; that there is a very large proportion of small banks, larger than is desirable, larger than contributes to confidence in the system.

Mr. PIKE. I do not understand that that objection should apply. A bank with $50,000 capital is organized on the same principle as a bank with a capital of $5,000,000; and why should not the bills of the smaller bank carry the same degree of credit as those of the larger, when both are alike secured by national stock? The amendment proposed by the gentleman from Iowa makes an invidious distinction between the two. Besides, it proposes that these banks with $50,000 capital shall only be located in towns with less than five thousand inhabitants. In our State, which is sparsely settled, and where there are a great many small towns, there are banks, very convenient for local purposes, established in towns of less than five thousand inhabitants.

Mr. KASSON. My friend from Maine certainly does not understand the proposition. It is for the express purpose of giving the banking privilege to towns of less than five thousand inhabitants.

Mr. PIKE. Where towns have a population slightly exceeding five thousand there have been banks established with a capital of $50,000. This bill will prevent that.

Mr. KASSON. It is necessary that the bill shall fix a minimum of capital and a designation of population. It fixes the capital of a bank at one or two hundred thousand dollars, according to the population of the city where it is established. You must fix some figure for the population when the capital is reduced to $50,000. Otherwise you will bring the entire system into discredit by allowing men of small means, and without the requisite knowledge of banking, to establish a great number of these small banks. I take the theory which discriminates capital according to population, and ask simply that Congress shall extend this privilege to small towns not likely to have a bank with a capital of $100,000, and permit them to do business on a capital of $50,000. My own town, for instance, having a population slightly over five thousand, would be able to raise a bank with $100,000 capital. But, sir, we had to select some limit as a basis of action, and I took the mean of the general estimates that were made; some were higher, and some lower. The limit I have fixed in my amendment will go beyond what it should be in the judgment of some with whom I have conversed, and will fall short of it in the estimate of others. I therefore fixed it at five thousand, supposing that any town with a larger population will be able to raise a bank with a capital of $100,000.

Mr. PIKE. Do I understand the gentleman from Iowa to say that in practice the banks with a capital of $50,000 have brought the system into discredit?

Mr. KASSON. I answer the question of the gentleman from Maine, as I think I stated before, that to give permission for the establishment of banks with so small a capital in any place irrespective of population will fill the country in cities as well as smaller towns with a great preponderance of these little petty banks; and I renew my declaration that it would not be calculated to give credit to a system of public banking.

Mr. PIKE. My question was one of fact and not one of theory. My question was whether in the practical working of the banking system it has been found that the conduct of the small banks, such as those having a capital of $50,000, has been such as to bring the system into discredit?

Mr. KASSON. The gentleman misunderstands the application of my remark. What I desire to say is that in practice under the present system of banking great inconvenience has been found from the large preponderance of these small banks. In other words, in the large towns and cities where a capital of $100,000 or $1,000,000 could have been raised a good many persons with very little capital, and knowing nothing about the business, have started those petty banks with $50,000 capital.

Mr. PIKE. Suppose they have, what of it?

Mr. KELLOGG, of Michigan. The amendment proposed to the amendment of the gentleman would prevent an undue accumulation of those small banks, because it leaves it in the discretion of the Secretary of the Treasury to say whether such banks with a capital of $50,000 may or may not be established in each case.

But I should like to know why a bank with a capital of $50,000, when it is authorized, should have difficulties and obstacles thrown in its way, why it should have special conditions imposed upon it that are not imposed upon one with $5,000,000? Why are we in these small towns to be subjected to these inconveniences that are not placed upon the larger and more wealthy towns? Why make this distinction? Sir, let us give to all the same privileges, let us have equal rights. There are a good many towns with five thousand, six thousand, or three thousand inhabitants in which it would be convenient to have a bank, but where $100,000 capital could not be easily raised and where the wants of the community do not require so large an institution; and I can see no reason why the people of these towns should be subjected to hardships which are not imposed upon others. I can see no reason why a bank with $50,000 capital should not be just as safe as a bank with $5,000,000 capital, nor can I understand why these small towns in Michigan, for instance, should not be permitted to raise the banking institutions which are necessary for their business with the same privileges that are extended to New York, Philadelphia, Baltimore, or Boston.

Sir, we in the sparsely settled country of the West desire to avail ourselves of this national system of banking. We desire to support the national currency; we believe it to be a good currency. I am willing that the discretion should be left in the Secretary of the Treasury to say in each instance whether one of these banks of $50,000 shall be established, but when authority has been given I want all to be placed upon the same footing.

The amendment to the amendment was adopted; and then the amendment, as amended, was rejected.

Mr. PIKE. I move to strike out "one hundred" and insert in lieu thereof "fifty."

Mr. STEVENS moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 333, to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims; when the Speaker signed the same.

CLOSE OF DEBATE.

Mr. STEVENS moved that all general debate in the Committee of the Whole on the state of the Union on the national currency bill be closed in five minutes after its consideration shall be resumed.

And then, on motion of Mr. BROOKS, (at twenty minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *March* 25, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesteday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, communicating, in answer to a resolution of the Senate of the 15th instant, a report from the Secretary of State in relation to the establishment of monarchical Governments in Central and South America; which was referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ANTHONY presented resolutions of the Legislature of Rhode Island in favor of the proposed exploration of eastern Asia by Dr. McGowan; which were referred to the Committee on Foreign Relations, and ordered to be printed.

He also presented the petition of George W. Hall and others, owners of the bark A 1, praying for indemnification for alleged losses occasioned by the seizure and detention of that vessel at Philadelphia on the 18th of December, 1863; which was referred to the Committee on Claims.

Mr. DIXON presented nine petitions of citizens of Hartford, Connecticut, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. BROWN presented a petition of citizens of the United States, praying for the confiscation of the lands of rebels, and their distribution among the rank and file of the United States Army, and such privates of the rebel army as will take the oath of allegiance; which was ordered to lie on the table.

Mr. POMEROY presented a petition of citizens of Kansas, praying for the establishment of a mail route from Lawrence to Paola, and a petition of citizens of Kansas, praying for the establishment of a mail route from Topeka to the Sac and Fox agency in that State; which were referred to the Committee on Post Offices and Post Roads.

REPORTS FROM COMMITTEES.

Mr. HARLAN, from the Committee on Public Lands, to whom was referred a resolution of the Legislature of Kansas, in favor of a grant of land to that State for the benefit of schools, reported a bill (S. No. 193) to extend the eighth section of an act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights;" which was read, and passed to a second reading.

Mr. COLLAMER, from the Committee on Post Offices and Post Roads, to whom were referred a memorial of the contractors on the overland mail route, praying for a continuance of their contract, and resolutions of the Legislature of California in favor of a reduction of the present schedule time for the transportation of the mails between Atchison, Kansas, and Folsom, California, reported a bill (S. No. 194) to authorize the Postmaster General to contract with the Overland Mail Company for the carrying the mails; which was read, and passed to a second reading.

Mr. MORRILL, from the Committee on the District of Columbia, reported a bill (S. No. 196) to enlarge the powers of the corporation of the city of Washington; which was read, and passed to a second reading.

Mr. CLARK, from the Committee on Claims, to whom were referred the papers in relation to the claim of Charles L. Nelson for services as agent for harbor improvements at Burlington, Vermont, submitted a report accompanied by a bill (S. No. 197) for the relief of Charles L. Nelson. The bill was read, and passed to a second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. HARLAN, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution (S. No. 38) explanatory of the tenth section of an act to reduce the expenses of the survey and sale of the public lands in the United States, approved the 30th day of May, 1862; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TRUMBULL, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 195) to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

Mr. DOOLITTLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 198) to aid the Indian refugees to return to their homes in the Indian territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN.

On motion of Mr. HALE, it was

Ordered, That the legal representatives of J. E. Martin, deceased, have leave to withdraw their petition and other papers from the files of the Senate.

On motion of Mr. WILKINSON, it was

Ordered, That the petition and other papers of the heirs of Joshua Chamberlain, deceased, be taken from the files of the Senate, and referred to the Committee on Revolutionary Claims.

REFERENCE OF A BILL.

Mr. NESMITH. I desire to move to take up a bill for the mere purpose of reference. It is a bill that was reported yesterday morning by the chairman of the Committee on Public Lands. It should have been referred to the Committee on Military Affairs. I now ask to have it taken up and referred to that committee. It is a bill (S. No. 149) granting lands to the State of Oregon to aid in the construction of a military road from Portland to Dalles City.

The VICE PRESIDENT. That order will be made, if there be no objection, and the bill will be referred to the Committee on Military Affairs.

REPORT ON EMIGRATION.

Mr. POWELL. I move to take up a resolution that I offered the day before yesterday, asking the President to transmit to the Senate an account of the moneys expended for colonization. I suppose there will be no objection to its passage.

Mr. FESSENDEN. If that resolution will not take up any time I shall not interfere with it, but I desire very much to take up the naval appropriation bill this morning.

Mr. POWELL. I do not desire to debate it.

The VICE PRESIDENT. The resolution is now before the Senate in its order, and will be read.

The Secretary read it, as follows:

Resolved, That the President of the United States be requested to furnish the Senate the report of the Commissioner of Emigration for 1863, with his account of the existing contracts and other necessary information on the question of emigration.

The resolution was adopted.

RETURN OF MANUSCRIPTS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the original manuscript copies of the reports of the battle of Pittsburg Landing or Shiloh, laid before the Senate on the 28th of June, 1862, be returned to the Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed a bill (No. 360) for the prevention and punishment of frauds in relation to the names of vessels; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed the following bills of the Senate:

A bill (No. 34) in favor of the legal representatives of Israel C. Wait; and

A bill (No. 105) for the relief of E. F. and Samuel A. Wood.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bill and joint resolution; which thereupon received the signature of the Vice President:

A bill (H. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims; and

A joint resolution (S. No. 31) authorizing the issue of a register to the steamer Mohawk.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 360) for the prevention and punishment of frauds in relation to the names of vessels was read twice by its title, and referred to the Committee on Commerce; and the bill (No. 306) to amend an act entitled "An act prescribing the times and places for holding terms of the circuit court for the districts of Iowa, Minnesota, and Kansas," approved January 13, 1863, was read twice by its title, and referred to the Committee on the Judiciary.

MILITARY INTERFERENCE WITH ELECTIONS.

Mr. FESSENDEN. I move to postpone all prior orders for the purpose of taking up House bill No. 151, being the naval appropriation bill.

Mr. SAULSBURY. I will inquire whether that will supersede the unfinished business of yesterday?

The VICE PRESIDENT. It will not. The unfinished business will come up at one o'clock.

Mr. FESSENDEN. If the Senator will insist on going on with his speech at one o'clock, I do not know that I shall push this motion; but I am extremely desirous, for the accommodation of some gentlemen, to dispose of this bill to-day. I do not wish, however, to interfere with the just rights of the Senator, if he desires to go on to-day.

Mr. SAULSBURY. I will say to the Senator from Maine that my only desire on the subject arises from this fact: I did not make any extended notes of the speech of the honorable Senator from Michigan to whom I am replying, and if the subject goes over until next week I presume the Senator from Illinois [Mr. TRUMBULL] will press his bill before the Senate, and I may not get an opportunity to finish my remarks at all. I assure the Senator I shall occupy but a very short time. I should not have occupied yesterday more than an hour if I had not been interrupted.

Mr. FESSENDEN. Is the Senator ready to proceed now?

Mr. SAULSBURY. Yes, sir.

Mr. FESSENDEN. Then I do not know but that the Senator had better finish his speech now if he insists on going on, and we can take up the Navy bill afterwards, instead of breaking in on it at one o'clock.

The VICE PRESIDENT. Does the Senator submit that motion?

Mr. FESSENDEN. I withdraw my motion to take up the Navy appropriation bill, and move to proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 37) to prevent officers of the Army and Navy and other persons engaged in the military and naval service of the United States from interfering in elections of the States.

Mr. SAULSBURY. Mr. President, I assure the Senate that my desire to go on this morning does not arise from any wish on my part to interfere with the business of the Senate; nor is it from any desire to be heard in this body; but it is simply because the question under consideration is one in which the people of my State have a deep interest, one in which I, as the representative of that State, feel a deep interest, and one which I think is more important than any measure that has been before this Senate at the present session, or is likely to come before it; because it involves no less a question than the constitutional rights of the States, and the freedom of elections in the States. It is a question of civil liberty; a greater question than which cannot possibly engage the attention of the Senate.

Mr. President, the Committee on Military Affairs, to whom the bill under consideration was referred, notwithstanding the extraordinary report in other respects which they have made, seem to have received a gleam of light, which appeared to flash upon their minds and to influence their judgment for an instant at least. Hence I find in their report the following remarks:

"That elections should be free from all violence and intimidation, is an axiom of free government accepted by all, and so evident that it need not be discussed. Violence and threats of violence, and all disturbance, actual or threatened, calculated to keep the legal voter from the polls, or to constrain his free will and choice in exercising his right, are plainly incompatible with the principles on which our governments, whether State or Federal, rest."

Now, Mr. President, the bill which is pending

proposes to remedy an evil which (if it exists, it is admitted by the Committee on Military Affairs, and by the honorable Senator from Michigan, who drew the report, or who, at least, is responsible for its presentation to the Senate) strikes at the very foundation, in their own language, of our form of government, both Federal and State. Sir, if the charges made against this Administration of having interfered with the freedom of election in the States be true, then what greater, what more important subject can engage the attention of this Senate? It is a question, sir, in which, as is admitted by the report of the committee, is involved the very existence, not only of your State, but of your Federal Government.

But, sir, we are told by the honorable Senator from Michigan that the time is unpropitious, that we are engaged in a civil war, that this is no time to hear complaints against the exercise of authority by those who administer the affairs of the Government. The only reason which he assigns for this conclusion is that we are engaged in war.

Sir, I commend to the attention of that Senator, and all others who sympathize with him in feeling and who believe with him, the example of one of the greatest English statesmen that ever lived. I refer to Sir John Eliot, who in the days of Charles, when the liberty and the chartered rights of English subjects were threatened with destruction, although his country was engaged in war with a foreign power, rose in his place in the British Parliament and declined to discuss the issues of war or the questions involved in war so long as the birthright of the English subject was in jeopardy. Sir, the burning words of eloquence which that champion of English liberty uttered upon that occasion will live and be cherished as long as the acts of tyranny and oppression of Charles are remembered and hated. It is true that his noble utterances in the vindication of the rights of English subjects, it is true that the noble sentiments which he uttered in behalf of the principles of English liberty, cost him his liberty, caused him to be imprisoned for years until disease came to his relief, and his death-chamber was in one of the prisons of Charles. It may be, sir, that during the unhappy times through which we are passing the utterance of similar sentiments may subject others to a like fate; but the patriot statesman knows no rule of conduct but that of duty, and seeing the path of duty plainly marked out before him he will pursue it, regardless of all personal consequences.

But, sir, I object to this notion of the honorable Senator from Michigan, that times of civil war are not the times in which American statesman or American citizens should look to their rights and observe closely the principles of the fundamental law. In times like these, the strides of power are rapid and great, and tyrants in all ages of the world, who would subvert the liberties of their countrymen, under the pretense of preserving those liberties, have, in such periods, appealed to this same great, high doctrine of necessity. Sir, I ask you, I ask the country, whether it is probable, whether it is likely, whether there is any reason to believe that if we now temporarily abandon the rights which we have received from our fathers, and which are guarantied in the fundamental law, both State and Federal, we shall ever regain them? Look back through this world's history and tell me, if you can, where there is a single instance in which a free people have voluntarily surrendered their chartered liberties into the keeping of their rulers, under the plea of necessity, that they have ever regained them. The example does not exist in history; and if we now (under the delusion that by temporarily surrendering our liberties and intrusting all our rights into the keeping of those who administer the affairs of the Government, we shall preserve the Union of the States and the constitutional rights secured in that Union) yield up our rights, we shall wake up hereafter, when power shall become more firmly fixed, when ambition shall be still further gratified, when the numbers of those who crawl around the feet of power shall be increased, when their interests to support the exercise of unwarranted power shall be increased, and we shall find that the dream we have indulged in of preserving our liberties by any such surrender of our rights is a delusion, and a most deep delusion.

Sir, the constitutional rights secured to us in the fundamental law were secured to us not only for times of peace but for times of war. They are as the rudder to the ship, which, if abandoned, the ship is lost. Neither, sir, is there any ground for the pretext that the surrender of those liberties temporarily is necessary for their preservation permanently. It is said by the Senator from Michigan, and others who entertain the same view that he does, that all those acts which it is alleged have been done by authority of the Administration, and which find a champion in him, are necessary for the preservation of the Constitution and the Union. What an absurdity, Mr. President! The idea that the Union can be preserved, and that the Constitution which makes that Union, and which is the bond of that Union, can be preserved by its destruction! Neither is it, in my judgment—and I have a right here to speak my opinion of the public acts of public men, and I shall exercise that right—the object which those who enact these scenes have in view to preserve the Union and the Constitution. Why do I say so? I say so because their own acts demonstrate the fact, and their utterances also evince the truth of what I say. These acts done to preserve the Constitution and the Union! Let any man in this country at this day say in a public speech in any community, and let it come home to the ears of those who exercise power, that he is in favor of the Union as it was and the Constitution as it is, and what is the judgment they pass upon him? That he is a disloyal man, that he is not faithful to his obligations to the Government under which he lives. That noblest of all sentiments uttered during these days of revolution, "the Union as it was and the Constitution as it is," is adjudged by the very men who are guilty of perpetrating these acts as an evidence, clear and unquestionable, that he who utters the declaration is a disloyal man. Now, sir, I hold that the only disloyal men in this country, the only real traitors in this country, the only men who will be adjudged to be such by an honest future history, are those who scout and scoff at "the Constitution as it is and the Union as it was." To that Constitution, and to that Constitution alone, I owe my allegiance. To that Union as it was, and to that Union alone, have I any right to cherish any love or any attachment. But he who is opposed to that Constitution as it is and to that Union as it was, and who attempts to inaugurate or advocate a policy destructive of either, is the real traitor, and the only man in the limits of this country who deserves to be branded as a traitor.

Sir, what is the object of these military orders and of this military interference with the freedom of election in the States, of which we complain? It is to exclude from the polls that class of American citizens who declare themselves to be in favor of the Union as it was and the Constitution as it is. Coming home to my State, what party is it against which this military interference has been leveled? Is it against members of a political organization who have declared aught except attachment to the Constitution as it is and the Union as it was? No, sir: That motto was emblazoned upon every banner which for the last two elections they have unfurled before the people. The proceedings of their State and county conventions and of all their primary assemblages have declared their devotion to that Union and to that Constitution, and that they were unalterably opposed to the infraction of the one or the destruction of the other. And yet, sir, so enormous, so heinous has been their transgression, that the power which sits enthroned—I trust in God, however, only temporarily—at the other end of the avenue, finds it necessary to send his armed bands to keep a free people in the exercise of their constitutional rights from declaring their attachment to the old Constitution made by the great and wise men of the past, and to that Union under which our fathers lived and under which a majority of the people of my State desire still to live. They are considered disloyal because they are in favor of keeping their oaths and observing the precepts of their fathers.

What was the oath that I took when I became a member of this body? Was it to support a new Union and a new Constitution? Was it to enter into that house with all the modern improvements which the patriot Butler declared they were going to build up when the old Union was torn down? Ye gods! the work of George Washington and James Madison and the fathers of the country to be torn down by Archbishop Butler, and a new house to be erected by that grand political architect with all the modern improvements, and a decent man invited to walk in and sit down by the side of Butler!

Sir, the party opposed to this Administration in my State desire no such covering from the presence of the coming storm. They seek not to enter into Mr. Butler's palace, though it may be furnished with all the adornments which he can pick up in the Gulf department. He may furnish it with all the costly mirrors and all the fine and sweetly-strung instruments which his patriotism may cause him to transplant from the possession of their original owners, and he may place them in this building to be erected by his patriotism, but we desire not to look into his mirrors nor to hear the sound of his music. We prefer the good old strains which come up from the past, which we heard in infancy, which we have heard in manhood, and we say our only desire is to live in the Union as it was and under the Constitution as it is. And for a declaration of this kind have these outrages been perpetrated upon the people of my—I had almost said State; it was once a State, but it is now in fact a military province; for that offense alone has the tyrant hand of power been laid upon them, and a majority of the people deprived of the exercise of their constitutional rights, kept from the polls, not allowed a voice at the last election in reference to the selection of a candidate to represent them in Congress. A satrap reigns over that province. In times of civil commotion and revolution, such creatures will come up, but, thank God, the sober second sense of the people generally gets rid of them.

I am told, with no personal disrespect either, that these things are not true, or that if true there is a necessity for them, because we deserve them, or else that we must consider the times and bear them. Such a response as that may well come from those who wish to eat the crumbs that fall from the table set at the presidential mansion. It will receive no respect, however, from one who desires neither his crumbs nor his fat things.

I say, sir, that the declaration of the attachment of the dominant party in my State to the Constitution as it is and the Union as it was is their sole offense, unless you consider it to be an offense that they would not vote just as the Administration wished them. Let me tell you, sir, this military interference may continue until the youngest child in that State is gray-headed, and at a fair expression of popular opinion in that State a majority of the people will never so vote, because the majority against the policy of the Administration and its acts only increases with every attempt that they make to deprive the people of their liberties. You can never conquer the spirits of brave men. You may keep them from the polls by mere brute force. You may deny them their equal rights. You are usurpers when you do it. They may either not desire to bring themselves in collision with your power, or they may not have the power to resist it; but those of them who remain outside of forts and bastiles, and who are not banished, will retire to the quietude of their homes and scorn your power.

It seems to me that those who advocate this interference with the freedom of elections in the States have never properly considered the consequences to which it may lead. You have now about a million and a half of armed men. You have received at least that many under the various calls made upon the people of this country. They are subject to the President as their Commander-in-Chief. He has in the past interfered with the free exercise of opinion in the States, but he has only interfered against those who were opposed to his measures of public policy. He seeks a reelection at the hands of the American people, provided he chooses to allow the people to go through the forms of an election. Suppose that he should be the successful nominee of the party now in power, with this army of a million and a half of men, and the power of removing out of that army every man politically obnoxious to him. Suppose that after exercising these acts of power, he finds that his supporters, instead of condemning those acts, approve them, as the Senator from Michigan seems to approve them. Suppose it should turn out that he is not after all a man superior to the

promptings of ambition. Suppose that after four or eight years of the exercise of rule over this great people he should think that the Railsplitter, as his friends call him—I say it in no disparagement myself—might become the greatest monarch or despot that ever sat upon a throne. Suppose after two, three, four, five, six, or eight years of long and bloody war, the Army should become willing instruments in his hands, and he should proclaim himself permanently in power, and that he would transmit this Government to his children after him. Could you prevent it? Could the freemen of this country prevent it? With a million and a half of armed men out of a population of twenty or thirty millions, how could the people prevent it?

But you may say, all this is talk for popular effect. You may say that the man is too honest, that he loves his country too much to be guilty of any such act as that. An English statesman once said that confidence was a plant of slow growth in aged bosoms. I am not very old, but it is extremly slow in mine. I know of but one Washington. I see nothing in the acts of the present Executive of the United States to make me believe that, with the same power and under the same circumstances, he would be the second.

Mr. President, history is written for our instruction. Even in my boyhood days, when I read the magnificent History of the Decline and Fall of the Roman Empire, by Gibbon, I was struck—it has been impressed on my memory and forced upon my mind almost constantly ever since—with the power of a few armed men over the large unarmed mass. If you will turn to the pages of that great historian you will find that while writing the decline and fall of the Roman people he makes this remark: "Fifteen thousand well-armed, well-disciplined soldiers, can keep in subjection ten million unarmed people." If that be true what could a million and a half of armed men do, at the command of the present Executive of the United States, or of any other Executive, in a population of twenty or thirty millions?

I do not mean to say that the soldiers who are in the Army would lend their countenance to such a thing. I believe, and have always believed, that when they entered into the public service it was with the noble purpose of trying to preserve the Union of these States—the Union as it was—not to build up a new one; to preserve the Constitution as it is, not to make a new one.

But, sir, no man can tell the changes that may come over the minds of men, because men are not perfect. Association begets not only like purposes but like ideas, and power being exercised, and the soldiers being placed under officers having a common purpose, and forced to obey orders however much in their hearts they might be opposed to them, it leaves us but little hope that in the hands of an ambitious man, one regardless of the rights of the people, there would be the remotest chance for the preservation of constitutional liberty in this country if the present Executive should be continued in power.

And here I will take occasion to digress thus far to say that while I would not support any gentleman prominent before that party for its nomination, yet if I belonged to that party I would take several of the men who are named for the place before I would take the present Executive. Why? Because it is safer for the liberties of the people that a change should occur once in four years, even if they suffer, and suffer greatly, during those four years, than that the same person who has been guilty of these oppressive acts should be continued, and continued that he may strengthen himself in power and have greater opportunities for the accomplishment of the objects of his personal ambition.

Before I proceed on that branch of the subject which will conclude the remarks I shall make on this occasion, I simply wish to refer to one remark made by the Senator from Michigan. He lays down the broad proposition that these military orders are law. He says that the proclamation of Governor Bradford in Maryland—I do not intend to enter into the interests of Maryland in this controversy further than to refer to the principle—in reference to the freedom of election in his State was a usurpation of power; that when he called upon the people of his State to go to the polls and exercise their right of suffrage according to the constitution and laws of the State, the Governor was guilty of usurpation. The Senator reflects very severely on the Governor of Maryland; and on the ground that the military orders of General Schenck had the force and effect of law, and that the Governor's proclamation advised resistance to the law, because it advised resistance to these military orders. Strangely enough, he compliments a man who never was Governor of the State of Delaware by the choice of the people of that State, but a man who was put there by him who sits enthroned at the other end of the avenue by the force of bayonets, because he issued an order commanding the judges of election in all election precincts to be most obsequiously observant of the commands of his master, Schenck.

But, sir, I come to the question of law. Where does the Senator from Michigan find his authority for the legality of these orders? He attempted to cite a case in the Supreme Court of the United States as establishing the fact that military orders by General Schenck had the force of law and were entitled to the operation of law. I have not taken the pains nor the trouble to look at 21 Howard, where the case is reported. I have read it, and I know what the case was, and it has just as much application to the matter in behalf of which it is invoked as it has to do with the man in the moon.

Mr. JOHNSON. What was it?

Mr. SAULSBURY. The case of Booth. What was the case of Booth? An attempt was made to execute the fugitive slave law in the State of Wisconsin. Booth was guilty of opposing forcibly the execution of that law, and of opposing the due execution of the marshal's process, and he was indicted and tried for a violation of the law of the land on account of his forcible resistance to a statute of the United States. The court said that the officer, being charged with the execution of the process, had a right to use force to execute his process if it became necessary. That is all the case decides, that a legal officer with a legal process has a right to execute his process, and yet that case is invoked in the Senate of the United States to prove that when Mr. Schenck or Mr. Burnside—whom the women and children of this country love, whom the exiles in foreign lands admire, and whom the votaries of human liberty in all ages of the world will place by the side of Hampden and Sidney and the great patriots of the past—this case is invoked to show that an order emanating from such virtuous and patriotic gentlemen has all the force and effect of law!

The Senator from Michigan seemed to shudder at the enormity of the offense committed by the Governor of Maryland. He thought it semi-treason, and said, "Suppose the advice of the Governor had been carried out, what would have been the effect? Why, that the soil of Maryland would have been reddened with the blood of her citizens." It might have been so. I have no doubt that the Federal Administration were powerful enough to overpower the authorities of the State of Maryland; that they could have caused the soil of that State to be reddened with blood; but against whom would the voice of that blood come up from the ground in judgment? Would it have been against the patriotic men who were attempting simply to exercise a plain constitutional right, or would it have been against those who by physical force caused their blood to redden the ground, because they dared to exercise their inalienable, constitutional rights? Suppose that hundreds of thousands of women had been made widows and hundreds of thousands of children had been made orphans, against whom would every tear which they shed have been bottled up against that last and dreadful day to flash conviction in the eyes of the guilty? Not against Governor Bradford, or the citizens of Maryland, who were acting only legally; but against him who sits enthroned at the other end of the avenue and those whom he commissions—Major General Schenck and those who coöperated with them. There would have been murder, deep, foul, black, damning, but theirs would have been the guilty souls, and not that of Governor Bradford or those of the people of Maryland.

Mr. President, I know that it is thought by many that we in the border States manifest too much feeling on this subject. Some gentlemen may think that our complaints are groundless. If they would only transplant themselves to our locality, and after having enjoyed under written constitutions and established laws the privileges which they had exercised, should then become subject to the outrages which have been perpetrated upon our people, they would go further than we, (for we have never done that:) they would invoke revolution, and they would welcome any blast, whether it came from heaven or hell, that should give them their liberties. But we have never invoked the spirit of revolution or of lawlessness; we have quietly submitted to it; and as far as my own State is concerned, although this report charges that there were great numbers of disloyal persons in that State, and a great many persons who had been engaged in the rebellion, not one word of which is true, the history of the State shows and the history of the country shows that from the beginning of these troubles there has not been a meeting of even two men in the State, much less a meeting of any political party, much less any combination of any considerable portion of the people, to obstruct, by force, intimidation, or otherwise, the execution of any Federal law, or any attempt to carry that State out of the Union, or to persuade it to be unfaithful to its obligations to the Constitution. No, sir; there is the ground of complaint we have.

I have sometimes thought, Mr. President, that this Administration, those who exercise power in this country, have had one of two objects in view in reference to the border States: either to force them to take up arms against the Federal Government and attempt to go out of the Union, or to harass and oppress them in every possible mode, and try how much human nature can bear.

It is true that the Senator from Michigan finds cause of complaint against the Legislature of my State because they passed certain resolutions which he denominates traitorous. I will simply say to that Senator that when the Legislature of my State wishes to take lessons in patriotism and devotion to the country—and especially after his speech and the principles of constitutional law he has announced—they certainly will not consult the distinguished Senator from Michigan. It may be a light that may illuminate the very cold regions on the lakes, and the waters of the lakes may reflect back that light to a very considerable distance; but it has never reached the "great and mighty" State of Delaware, as he denominates my State, and it never will.

Sir, those resolutions declare, first and foremost, a deep and ardent attachment to the Union framed by our fathers, a deep devotion to the Constitution, which is the bond of that Union; and they declare, as freemen have a right to declare, that this Administration, under the pretense of prosecuting a war to suppress a rebellion, has needlessly and outrageously trampled upon the constitutional rights of the people, and for partisan purposes has oppressed the people of the States, and the people of the State of Delaware particularly; and they denounce as one of their grievances, and a just cause of complaint, that he has sent his military to control their local elections; and that is semi-traitorous, says the Senator from Michigan.

Suppose that when James Buchanan, or Franklin Pierce, or James K. Polk, was President of the United States, either of them had sent the Army of the United States into the not "great and mighty" State of Michigan to control its local elections, would the honorable Senator have thought it was no cause of complaint, and that the Legislature of Michigan must not even say one word in opposition to the acts of the Administration? "Consistency is a jewel," it is said, and it makes a wonderful difference, Mr. President, whether it is your bull or my ox that is gored.

Another act of the Legislature of my State against which the Senator complains is the act which they have passed to protect their citizens in the execution of their constitutional rights as electors. What did they do? Did they provide for calling out any armed force even to resist the usurpations of the Federal Government? Not at all; but they declared that any person who being a citizen and inhabitant of that State should bring a military force within a certain distance of the polls on the day of election, or should attempt by military interference to control that election, should be subject to fine and imprisonment. That is what they did. Had they not a right to do it? Was it not a just, constitutional exercise of legislative power and authority? And yet that is

evidence that the Legislature of Delaware is disloyal!

Mr. President, there are two words that ought to be blotted out of the English language, since they have been so miserably perverted as they have been in these modern days, and they are the words "loyalty" and "disloyalty." If something could come over the human memory that these words could never be remembered it would be a relief. Men repeat, parrot-like, words whose true signification is not objectionable, but words which are miserably perverted to partisan purposes. The Senator from Michigan declares that the resolutions passed by the Legislature of Delaware, and the act of the General Assembly, amount almost to an act of secession. That is just about as sensible a definition of secession as what we hear in every boy's and girl's mouth that can neither read nor write, and in the mouth of every ignoramus who never read the history of his country or the Constitution of his country, because a man objects to his political views, his partisan views, "You are a secessionist!" Parrots learn these things, and can utter them about as distinctly as some people.

Mr. President, the Senator from Michigan said that there was no evidence, or very slight evidence, of any interference with the freedom of elections in the States. I propose to furnish that Senator and the country with some evidence of it. I hold in my hand a volume of upward of three hundred and fifty pages, being a report of a committee, and the sworn testimony of witnesses examined by that committee, of the Legislature of the State of Delaware, showing what the military interference in that State has been. I do not propose to read this book to the Senate; but I do propose to call their attention to some matters deposed to by the witnesses, which will furnish proof of this military interference.

I stated yesterday that the only justification, if there was violence or apprehended violence in a State, for the interference of the Executive of the United States was the power given him in the fourth section of the fourth article of the Constitution, when he was applied to by the Governor of the State when the Legislature was not in session, or by the Legislature if it was in session. At the time of our general election of 1862, to which this document relates, our Legislature was not in session. It meets biennially in the month of January and generally adjourns in March. But we had a Governor. It is true he happened to be a Democrat. He did not call upon the President of the United States for any military force to aid in the execution of the laws of the State of Delaware. His testimony is to be found on the 4th page of this document. In it he states that he was Governor of the State of Delaware in November, 1862; that he never applied to the President of the United States or any Federal officer for aid to preserve the peace of that State, or to send troops into that State; and that no citizen of the State ever applied to him to make such an application to the Administration. He further swears in effect that he never knew or heard of any cause why they should have been brought in, and that he had no official information from the General Government that troops would be sent into the State on or about the 3d day of November, 1862. Yet on the day previous to the election in that month and year every village of our State was filled with soldiers; and on the day of the election soldiers with bayonets and with charged guns were at the polls, and at every poll in the State, I believe, except one or two. How did they come to be there? Had there been any trouble in the State? Had there been any outbreak of violence in the State of any kind? Had any been threatened? If so, I demand the proof. The only authority for executing the laws of the State and preserving the public order of the State is the State authority, and that is intrusted to the Governor of the State as commander-in-chief of its militia, except when he or the Legislature shall apply to the Federal authority under the fourth section of the fourth article of the Constitution of the United States; and yet in that State, simply because it was a small State and a feeble State—feeble in numerical numbers, but, thank God, not feeble in the spirit of its sons—the military were brought in and stationed at the polls. How did they come there?

I now call to the stand a man who never was a Democrat in his life, who never voted the Democratic ticket, and who was voted for and supported by this very same Union party—they call it the Union party; I call it and believe it to be the disunion party. Vincent C. Gilpin, mayor of the city of Wilmington, on page 286 of this report deposes that he was mayor of Wilmington at the time, and that at the very election where these things took place he voted the Union ticket. He states that on a Sunday he was in church, and that he was sent for by a colonel, Henry S. McCoombs, of Newcastle county, to go to his house. Mark you, McCoombs is not a fighting colonel, but one of those colonels who get contracts from the Government and become rich by making war upon the Treasury. He was never in a battle and he never smelt gunpowder. Mr. Gilpin swears that he went there and "met Mr. George P. Fisher." Mr. Fisher is the gentleman who was at that time a candidate for a seat in the other House, and a gentleman whom this body has confirmed as judge of a court in this District after having been defeated by the people of the State for Congress, even though he was supported by bayonets.

"I met Mr. George P. Fisher, Mr. Nathaniel B. Smithers"—

A gentleman who now sits in the other House—

"and, I believe, a gentleman by the name of Lofland—James R. Lofland, I presume."

He met them at the house of Colonel McCoombs. Now we come to the particulars of the meeting.

"*Question.* Will you please to state for what purpose they were in Wilmington, and upon what subject they wished to consult you?

"*Answer.* They wished to consult me on the subject of having a military force in Wilmington on the day of the election, in order to keep the polls open and free of access; whether I wished a force for this purpose. I replied that I did not wish any military force in Wilmington; that I was satisfied in my own mind that, with the police force, I could keep better order than I could with a military force, and that I required no military force to keep order.

"*Question.* Was there a military force sent there, and stationed at the voting places in the different wards on that day?

"*Answer.* There was in several wards, to my knowledge. I did not visit all the wards.

"*Question.* Do you know by whose order that military force was sent there, and distributed as you have described?

"*Answer.* I do not." * * * * * *

"*Question.* What reply did Mr. Fisher, Mr. Smithers, Mr. Lofland, or Colonel McCoombs make to your remonstrance against sending a military force to the city of Wilmington, or rather to your assurance that you did not desire or need such a force?

"*Answer.* None, that I recollect, sir.

"*Question.* Was there anything said in that interview in reference to the placing of soldiers at the different voting places of the several hundreds of New Castle county, outside of the city of Wilmington?

"*Answer.* There was.

"The *Chairman.* Please to state what was said in reference to that subject as nearly as you can recollect.

"The *Witness.* They asked me what number of persons I thought would be required at certain polls in the county. I replied I did not know; having no knowledge of any difficulty that might occur at those polls.

"*Question.* Do you recollect which of those gentlemen asked that question?

"*Answer.* I do not, sir. But I presume it was a general question.

"*Question.* Was there anything said at that interview in reference to the bringing of armed soldiers into Kent and Sussex counties to be present at the polls on the day of election?

"*Answer.* There was, sir.

"The *Chairman.* Please state what was said as nearly as you can recollect.

"The *Witness.* Those gentlemen said there would be so many soldiers required at one place, and so many at another. I do not remember exactly what they said. I did not charge my mind with anything not relating to the city of Wilmington.

"*Question.* Did you learn at that interview, or have you learned since, whether Colonel McCoombs had been in the city of Washington to solicit or make arrangements for the bringing a military force into this State to be present on the day of election?

"*Answer.* That was my impression at the time."

I wish here to remark that the Secretary of War, in sending to the Senate his answer to the resolution offered by the Senator from Kentucky, inquiring what military orders he had given relative to the elections in the border States, attempts to deny that any had been given, and he sends a letter from some of his subordinates in which they state that none had been given by them, and he says that none had gone from his Department directly. I have shown here by proof that this Colonel McCoombs, a contractor under this Government, was so patriotically inclined that he came here and sought to have the military sent into that State; and I will show, before I am through, the commissions to the provost marshals who were appointed the Sunday before the election, signed "Edwin M. Stanton," and produced before this committee by the provost marshals themselves. It is true that I cannot show the orders accompanying the commissions; but I can prove from one of the provost marshals that orders did accompany them. I shall show that he sent blank commissions for the appointment of provost marshals, and that those blank commissions were filled up in part by George P. Fisher and this man James R. Lofland, who has got his pay by being made a paymaster in the Army, and that those commissions were delivered to the provost marshals on the Sunday preceding the Tuesday which was the day of our election, and that the instructions were filled up in one instance, at least, I am capable of proving, by this James R. Lofland, and yet the Secretary of War declares to the Senate of the United States that no orders have gone directly from his Department on this subject. What is the meaning of the word "direct?" There may be indirectness in this answer. If any man were arraigned on an accusation of crime before a petit jury in this country, and I could bring such strong circumstances against him to show his criminality as I can furnish here against the Secretary of War when he is charged with military interference in the election in my State, no jury of twelve honest men would fail to convict. Mayor Gilpin in his testimony also declares his impression to be that if the military had not been there, there would have been much less difficulty in preserving order than there was.

Governor Cannon was a witness on that occasion, and he testified himself that he had several times applied to the Secretary of War to furnish troops to be present at the polls; and apprehensive that the Secretary of War would not answer favorably, he, who then was a candidate for Governor of the State, and in whose behalf the military was invoked, applied to Colonel Wallace, a subordinate stationed down on the Eastern Shore of Virginia, to send up troops to be present at the polls. So apprehensive were they lest they might not receive a favorable answer from Washington, that they went to tampering with a subordinate officer. If it had been a Democrat who tampered with an officer for such a purpose, he would, under these new regulations, I suppose, have been tried by a military commission and been shot. Colonel Wallace very obsequiously observed the behests of the candidate of the Republican party for Governor, and marched his men up into the State of Delaware from the Eastern Shore of Virginia to control its elections, and dispersed them through that State.

What pretense did this Governor give when put upon his oath before an investigating committee of the Legislature? Why, that he had been told, but he could not say by whom, by some responsible party, that some secessionists from Maryland, to be headed by Curtis W. Jacobs, were to go to the polls in one of the hundreds in the county in which I reside, and that they were to keep the Union men from voting; and also that he had understood that at the little election, about four weeks before, some Democrat had drawn a pistol upon a Republican. He was contradicted in both these facts, for Mr. Jacobs was called to the stand as a witness, and he swore that he never entertained such an idea, he never heard it suggested, he was taking no part or lot in the elections in Delaware, and had no idea of doing so, but being a large landholder in the State of Delaware, living near the line, having been born in the State, and his wife born in the State, he frequently visited, once or twice a week, his farms in the lower part of our State; and he happened on the day of election to ride near the polls to see two men on business, and a provost marshal arrested him and confined him until four o'clock and then released him. In that hundred, as you would see if I had time to read this testimony, numbers of citizens were arrested and maltreated by the military, and yet no attempt was made to raise a hand against them, even when Democrats suffered from these outrages. No pretext was alleged, much less proved, that there had ever been in that State any attempt to create any violence or to thwart the operation of any Federal law, or even any order of a General Schenck.

Mark you, Mr. President, I want to trace this matter home. Mr. Stanton, I will show you, sent blank appointments for provost marshals, and the Republican candidate for Congress was one of the men who filled them up, and another Republican

who has since been appointed paymaster in the Army assisted him. I ask the attention of the Senate for a moment to the testimony of Judge Wootten, residing in the county in which I live. On page 81 of the report he swears that there was great intimidation of Democrats by the presence of the military at the polls upon that day, and that some dozen Democrats were run off the ground; and other witnesses show that for two or three days they remained hid in a swamp to prevent themselves from being arrested by this armed soldiery sent into the State for the purpose of "preserving the purity of elections," and "allowing true Union men to vote!" On page 90, Judge Wootten states this very important fact, that during the sitting of the court in Newcastle a conversation took place on this subject, and one reason being assigned—

"I remarked that that could not have been the cause, for I heard a respectable gentleman say, after the election, that the commissions of two provost marshals were received on Friday previous to the election. Mr. George P. Fisher said that that was not so, that he knew that they were not made out until Sunday; that he helped to fill them up."

Mr. Fisher, the Republican candidate for Congress, as proved by the sworn testimony of Judge Wootten, said the appointments of provost marshals in the State of Delaware were never made out until the Sunday before our election on Tuesday, for he, the Republican candidate for Congress, had helped to fill them up on that day. Sir, let the country know that you have at the head of the War Department a man who does not fill up the commissions which he sends out by himself or by any person connected with his Department, but that upon the eve of an election in a State he sends his blank commissions to partisans, and those partisans candidates for office, and allows them to fill up the commissions with such names as they please. Talk not to me about a desire to preserve the Constitution and to maintain the Union and the purity of elections, when I find it proved by the sworn testimony of honorable men that he who is charged with the administration of your War Department is guilty of such acts as these. Sir, it is partisanship, and partisanship of the basest, deepest dye. Patriotism is no element in any such conduct, and a patriotic man would scorn to be guilty of it.

I wish now to call attention to another fact, for I want to bring this matter home to the Secretary of War. Inasmuch as a casual reader of the response which the Secretary has made to the Senate might conclude that he was as innocent of the whole transaction as a child unborn, I wish to bring it home to his door; and I call attention now to the testimony of Daniel J. Layton, a Republican who came on as far as Baltimore at least, and went down on board the steamboat where the troops were sent, to see how this thing came to be done. He swears to having had interviews with Colonel McCoombs, Mr. Fisher, Mr. Lofland, and others, in reference to this matter; and then his testimony goes on:

"*Question.* Do you know whether Colonel McCoombs is colonel in the regular Army or a colonel of the Delaware volunteers?

"*Answer.* He was appointed colonel of the fifth Delaware volunteers, commissioned by the Secretary of War. There had been communications between the Secretary of War and Governor Cannon and George P. Fisher in relation to sending troops into this State; and, as I understand and believe, it was the opinion up to that time of a large portion, if not the majority, of the influential men of the party, (Union party,) that no troops were needed; and I was informed Colonel McCoombs so informed the Secretary of War. On Friday previous to the election, or I might say that before I left home, these same parties, who had been opposed to the introduction of troops, were now convinced that it would be a measure to prevent disturbance and preserve the public peace, and therefore requested that a force sufficient be sent into the State. Colonel McCoombs then went down to Washington to request the Secretary of War to send troops into this State to be present on the day of the election, and also to permit the Delaware volunteers to return home to vote."

Now, sir, see how these commissions for provost marshals came to be sent to Delaware in blank. On the Friday before the election, Colonel McCoombs comes to Washington to get soldiers sent into the State, and he has an interview with the Secretary of War, and the just inference is that he returned home with his pockets filled with blank commissions; and the candidate for Representative in Congress, and the gentleman who was to be Secretary of State and who was Secretary of State under Mr. Cannon, and this Mr. Lofland were invited to meet him in the city of Wilmington on Sunday, and these commissions, as Mr. George P. Fisher says, were filled up on Sunday because he helped to do it.

But, sir, what was the object of sending them there? It leaks out. On pages 191 and 197 is to be found very important testimony showing at whose instance and for what reasons the troops were sent into the State of Delaware. Mr. Minos Conway, at page 191, testifies:

"*Question.* Do you know at whose solicitation those soldiers were brought there and placed at the polls?

"*Answer.* I heard Nathaniel Conway say that he and several other gentlemen, namely, William Ellegood, Jacob Moore, Judge Layton, and Jesse P. Conway, signed a petition to have them brought into the State of Delaware.

"*Question.* Do you know to whom they petitioned?

"*Answer.* I do not.

"*Question.* Do you know when it was they signed the petition?

"*Answer.* He told me they signed the petition the day after the little election."

That was four weeks before our general election. It was the election for election officers, usually called the little election, in which the Democrats swept the State and showed that there was no possibility even for "greenbacks" to carry the State, and that the only thing that could do it was an overpowering military force.

"*Question.* Did you understand for what purpose they petitioned for soldiers to be brought into the State, and to be here on the day of the general election?

"*Answer.* I understood it was to carry the election for the Republican party.

"*Question.* Did you hear Nathaniel Conway express himself in regard to the soldiers, and for what purpose they were to be brought?

"*Answer.* Mr. Conway told me, 'They are to keep the Democrats at a distance.'

"*Question.* Did the presence of the soldiers at the polls on that day produce much intimidation?

"*Answer.* I should think it did."

Inasmuch as the names of private citizens necessarily have appeared in this evidence, I wish to say that I bring them in not with any view of saying anything unkind toward any gentleman of my State, however much I may differ from him, however much I may condemn his political principles and his political action. I do it from no motive of personal unkindness, but simply as this question is before the Senate and the country to show that there is just cause of complaint.

It is the testimony of nearly all the witnesses who were examined that it did produce intimidation, and I shall not trouble the Senate with reading the testimony of witnesses to prove that fact, because nearly every witness swears to it. But the more important part of Mr. Conway's testimony will be found on page 197:

"*Question.* You have spoken in a former part of your testimony of knowing or hearing of certain persons in Sussex county petitioning for soldiers to be sent into this State, to be present at the polls on the 4th day of November last. Did you hear any one of those gentlemen express himself in relation to that subject prior to the general election, and if so, please state what it was?

"*Answer.* I heard Judge Layton remark in conversation the next morning after the little election, that the Republican party had been beaten at the little election, and that the Democrats had a majority of the inspectors, and that the Republican party must have some force to carry the election, or else the Republican party would be beaten more at the general election.

"*Question.* Did he (Judge Layton) say that he believed that there had not been a fair election at the little election, and that it would be necessary to resort to any extraneous means at the general election in order to secure a fair election?

"*Answer.* He did not. He gave no reason further than that they were beaten. I would say further that he thought he was talking to a Republican when he was talking to me—I having been introduced to him by a Republican friend of his. The judge was left in the dark as to my politics. The conversation then ended."

I will here remark that Judge Layton is one of the most prominent Republicans in our State. Certainly, whatever he may have done in life, he never voted a Democratic ticket, and never will.

Mr. President, I have shown you by the testimony of the mayor of Wilmington, who was supported for that office by the Union party so called, and who voted the Union ticket at the same election, that the candidate for Congress on the Republican ticket, a contractor under the General Government, and a subsequent appointee to office under the General Government, all Republicans, on the Sabbath day met in the city of Wilmington to consult the mayor as to what force he would like to have in that city. The mayor was an honest man, and he said, "None; there is no need for military here;" and yet despite his remonstrance they were stationed at every poll in the city of Wilmington; and, according to the sworn testimony of the mayor, their presence there created disorder, and disorder which would not have existed if they had not been there. I have shown you that this same Colonel McCoombs applied to the Secretary of War on the Friday immediately previous to our election, and that he was met at his own house on the following Sunday by Mr. Fisher and the other gentlemen to whom I have alluded; and I have shown you that Mr. Fisher himself helped to fill the blank commissions. I have shown you by the sworn testimony of unimpeached witnesses that prominent Republicans were heard to say that, having been beaten by the Democrats at the little election, it was necessary, in order to carry the general election, to have force, not force to preserve the right of the voter, not force to secure a fair election, because every witness who testifies states that the little election only four weeks before had been, to an unprecedented degree, a peaceable and quiet one, but force to beat the Democrats. And yet men have the effrontery, ay, sir, the audacity, when we complain against these outrages, either to deny them or to justify them. Sir, some men would justify the war of Lucifer against the Almighty God who hurled him to the bottomless pit, if thereby they could profit.

Now, Mr. President, I wish to show you while I am on that branch of the subject that the signature of Mr. Stanton was attached to these commissions. On page 93 will be found the testimony of John C. Hazzard, a provost marshal, a Republican. There was not a Democrat in all the State of Delaware fit to be intrusted with a provost marshalship on that day. I will read a portion of his testimony:

"*Question.* Were you provost marshal on the day of the last general election?

"*Answer.* Yes, sir.

"*Question.* From whom did you receive your commission as provost marshal?

"*Answer.* Edwin M. Stanton, Secretary of War."

* * * * * * * * *

"*Question.* By whom was this commission delivered to you?

"*Answer.* By John D. Rodney."

A Republican.

"*Question.* On what day?

"*Answer.* On the 2d day of November.

"*Question.* Was the 2d of November the Sabbath day?

"*Answer.* I believe it was." * * * * *

"*Question.* Did you believe then, or do you believe now, that there was greater necessity for the military to preserve order at the polls than had existed at previous elections?

"*Answer.* I cannot say that I do or did. I will add that the soldiers or military were not there by request or solicitation of mine made to any person."

He was ashamed of it after the thing was over that he had been engaged in the dirty work.

I will now read from the testimony of Rhodes Hazzard, on page 17, another one of these beautiful specimens of provost marshals, who it is proved here drove the voters away from the polls and would not allow them to vote:

"*Question.* When did you receive your commission as provost marshal?

"*Answer.* On Sunday evening."

On Sunday a special train flew up to Wilmington, the commissions were filled up, and then the train flew back again and messengers were sent out and were engaged all Sunday night in riding about to deliver Secretary Stanton's commissions to persons that he never heard of or knew anything about, but men whose names were inserted in the blank commissions by George P. Fisher, Republican candidate for Congress, and James R. Lofland, now a paymaster in the Army; and yet you would believe from the Secretary's communications to the Senate that he was a most wonderful military man, and would soon put down this rebellion by sending men into the field to fight an open enemy in the field. Mr. Hazzard says his commission was from the War Department, and signed by E. M. Stanton.

Here is the testimony of Garrett S. Layton, another provost marshal, on page 18:

"*Question.* When did you receive your commission?

"*Answer.* On Sunday night.

"*Question.* Do you know by what means it was conveyed to you?

"*Answer.* I was told a gentleman on the railroad brought it.

"*Question.* From whom did you receive your commission?

"*Answer.* From the Secretary of War, E. M. Stanton."

A number of witnesses swore that the commissions were filled up some by George P. Fisher and some by James R. Lofland. S. W. Lacey, on page 168, testifies:

"*Question.* By whom were you appointed?

"*Answer.* I suppose I was appointed by Edwin M. Stan-

ton, Secretary of War. I received my commission through and by a man by the name of Isaac T. Dunning.

"*Question.* Will you allow me to see it?

"*Answer.* Yes, sir.

"[Witness presents the commission.]

"*Question.* Were there any orders accompanying the commission?

"*Answer.* Yes, sir.

"[Witness presents the orders.]

"*Question.* Will you please to look at the handwriting in which the commission was filled up, and also the handwriting in which these orders were made out, and tell me whether you think they are the handwriting of the same person?

"*Answer.* I think they are both the handwriting of James R. Lofland." * * * * * * *

"[The witness presents the commission, which is as follows:

"WAR DEPARTMENT,
"WASHINGTON CITY, D. C., *November* 1, 1862.

"SIR: You are hereby appointed special provost marshal for Baltimore hundred, Delaware, under General Orders No. 140, from this Department. Immediately on receipt hereof, please to communicate to this Department, through the Provost Marshal General, your acceptance or non-acceptance, and with your letter of acceptance return the oath herewith inclosed, properly filled up, subscribed, and attested.

"Your headquarters will be at Tunnell's store, and you will make such arrangements, when absent on duty, that any communication from this Department may reach you without delay.

"EDWIN M. STANTON,
"*Secretary of War.*

"SAMUEL W. LACY."]

Here is proof that your Secretary of War was sending out blank commissions and orders to persons of whom he knew nothing. He did not know what was to be put in them, but he left it all to the candidate for Congress on the Republican ticket and a subsequent appointee under himself to fill up the commissions and orders with whatever names they pleased. All this was done "to preserve the purity of elections," "to preserve the Union and the constitutional rights of the people," and to give the people "a fair election!" Pardon me, sir, for saying that confidence is not only a plant of slow growth in aged bosoms, but in young bosoms also in these days.

William H. Taylor, page 297, testifies:

"*Question.* From whom did you receive your commission as provost marshal?

"*Answer.* It was signed by the Secretary of War, Edwin M. Stanton."

He swears that he received his commission on Sunday evening immediately preceding the election; and they all swear to the same effect.

William Ellegood, provost marshal of the town in which I live, testifies, on page 69:

"*Question.* From whom and when did you receive your commission as provost marshal?

"*Answer.* Edwin M. Stanton, Secretary of War. My commission was dated the 1st day of November; it was received on the 2d day of November."

Mr. President, I shall not trespass on the patience of the Senate to go through any more of the testimony of these provost marshals to show that they did get their commissions in blank from Mr. Stanton, and that they were filled up by the Republican candidate for Congress, because I have shown you enough, and certainly nobody will dispute the veracity of these Republican provost marshals. They will certainly be believed by Mr. Stanton.

On the Monday previous to our election of Tuesday, an unusual sight was seen in the little, quiet, peaceful village of Seaford, a town in the county in which I reside. A steamboat arrived at its wharf loaded with armed men headed by a major general of the United States, a man who in former wars with the public enemies of his country had shown great bravery, and who had a reputation that a military man might be proud of, but who in his last days was humiliated by orders, as I assume, from the War Department, to invade a quiet little town of some six hundred inhabitants at the head of armed men to be present at the day of election. Had he the control of the military in that town the next day? No, sir; but this major general of the United States admitted, as I shall prove to you, when appealed to to allow the voters there to have a fair election, that he had no control over the provost marshals, and that if he must confess the truth, he was subject to the provost marshals himself—these Sunday night appointees, many of whom are not worthy the notice of any decent man, although some of them, I admit, before these times when men's judgments and sense and hearts become perverted, had had some respectability of character.

I ask the attention of the Senate now to the testimony of ex-Governor Ross of our State on page 91 of this book:

"*Question.* Will you please to state all you know about the arrival of troops at Seaford; when they came, when they left, and what they did while there?

"*Answer.* I was told about twelve o'clock that some soldiers had already arrived there. I went down there and sought an interview with Colonel Wallace. I succeeded after a while in seeing the colonel. My object was to know what the soldiers were brought there for. The colonel gave me but little satisfaction, but said the soldiers were not brought there to prevent the Democrats from voting. I learned through the colonel that General Wool was on his way up the Nanticoke river with two or three boat loads of soldiers from Baltimore. When the boat arrived at Seaford I made an effort to go on board to have an interview with the general. Colonel Wallace told me the general was engaged and I could not see him then. After a while the general came ashore, escorted by a number of citizens of Sussex county, who, I afterwards learned, were the provost marshals of the different hundreds of the county. The general, with the provost marshals, went to Mr. Coulborn's hotel at Seaford. Then I, with Dr. McFerran and Captain Wright, again endeavored to obtain an interview. Dr. McFerran and I succeeded in getting into the room where he was, surrounded with military officers and the provost marshals. When the provost marshals discovered we were in the room several of them arose and by their manners showed that they considered our entrance an intrusion, upon which we left the room. Mr. Coulborn then invited us into another room, where we were joined by a number of other gentlemen belonging to the Democratic party. Our object in meeting was to consult as to the best means of obtaining an interview with the general, and our only object in seeking such an interview was to ascertain whether we could have a fair election. After consulting together for some time I finally proposed to address a letter to the general, reminding him of having spent an evening with him, about the year 1852 or 1853, at the St. Nicholas Hotel in New York. All of the gentlemen present approved of my proposition. I accordingly wrote such a letter, and stated that I and others had been denied admittance into his room that evening, but of course without his knowledge, for no other reason, as I considered, than that of being Democrats. The letter was sent in by the landlord, John L. Coulborn. As soon as the general received it he came out of the room into the passage and sent for me. He professed to recognize me and to be glad to see me, but said that he was then very much engaged and would see me again in a few minutes. This was about half past five or six o'clock in the afternoon.

"I waited impatiently until ten o'clock at night. About that time I was asked, being hard of hearing, if I heard that? I replied 'No, what is it?' I was told the soldiers were going out of town singing the song of 'John Brown's soul is marching on.' I then proposed to go home, and told my Democratic friends that an interview with the general was unnecessary, as I considered the mischief then done. The gentlemen present insisted on my remaining, which I did until eleven o'clock, at which time General Wool came to the room. I introduced him to all present, and then asked him the object of bringing the soldiers to Delaware. I do not recollect his answer, except that it was his wish that we should have a fair election. The next day I was told by Silas C. Winright and others that Mr. Hazzard, the provost marshal, would not allow certain persons to go to the window to vote. I took Winright down to General Wool's room, and on entering asked the general if he did not assure me we should have a fair election. He said he did. I told him that I had been informed that the provost marshal had constituted himself both inspector and judge of the election, and that I considered the election an unfair one. I told the general that I wished he would instruct the provost marshal to let the judges of the election settle the question in regard to doubtful voters. He said he could not do it. I asked him why—if he appointed him he could instruct him as to his duty. He said he did not appoint him; that he had been appointed either by the President or the Secretary of War, and that he had no control over him. 'Indeed,' said he, 'if I must confess, so far from the provost marshal being under my control, I am, for the time being, rather under his.' Upon which I apologized for having interrupted him, and left the room."

General Wool was subject to these provost marshals of Sunday midnight appointment.

Now, Mr. President, was there violence at the election? I will invite your attention to the testimony of Joseph Marvel, page 201; and I wish it understood that all this testimony was under oath:

"*Question.* Where were you on the 4th day of November last?

"*Answer.* I left my home for the election ground in Dagsborough hundred, I suppose about nine o'clock in the morning.

"*Question.* When you arrived there did you see anything unusual or different from what you had ever seen there before?

"*Answer.* Yes, sir. We arrived, about fourteen of us, in a wagon. We saw about forty soldiers there. They had bayonets in their hands. We had not got within one hundred yards of the place where they deposit the votes when the soldiers came running at us in two lines. They said to us, 'Give up the wagon and flag!' We did so. We had no contention. The boys handed the flag right out to them. A number of them, I do not know how many, jumped on it and stripped it from the pole; some of the others caught hold of our mules hitched to the wagon, some others caught hold of four of our men and took them down to the place near where we voted, their headquarters I suppose, and put them in there. After they put our men in there, they went in and loaded their guns. I saw one of them walking in the crowd having his gun, with a cap on it, already cocked and ready for shooting. I did not know what he was going to do. I slipped up and voted in a hurry. I believe some of our party ran clear home. One of them ran or walked about six miles, I believe. Another ran about two miles, so they said. People kept coming to me and telling me that I was the owner of the wagon, and had better leave. I then went to Georgetown and remained all night and until nine o'clock next morning. I thought if I went home they might come there after me, and it would make a big fuss.

"*Question.* Did you learn the cause which induced the soldiers to take your wagon and arrest the men?

"*Answer.* I have heard causes, but I do not know whether they were so or not. The soldiers said we had a secesh flag. Jacob Moore"—

He was once a flaming Breckinridge Democrat and refused to vote for the resolution in the Democratic convention of our State to unite with the Douglas men; but now he is one of the best Union-savers in all the land in his way of saving it, by voting the Republican ticket with the expectation of personal profit thereby—

"Jacob Moore helped to contribute money for the flag; also myself and the present sheriff, Aaron B. Marvel. It was made six years ago and more. Jacob Moore is a lawyer in Georgetown, and at that time belonged to the Democratic party. He now belongs to what some call the Republican party."

There is a case of violence for you, sir. I shall now quote from the testimony of Peter Martin, page 49. Speaking of what occurred on the day of election in Georgetown, he said:

"*Question.* Were any persons there so much intimidated as to be induced to leave the election ground?

"*Answer.* Yes, sir.

"*Question.* Please state who they were.

"*Answer.* Kendall Wingate, James Wingate, George Pepper, Alfred Kollock, myself, Coulter Hart, Dutton Hart, and Peter Pepper, who are all I remember.

"*Question.* Do you say that all these persons were induced by intimidation, on account of the presence of the soldiers, to leave the election ground sooner than they would otherwise have done?

"*Answer.* Yes, sir.

"*Question.* Where did they go?

"*Answer.* To the swamp.

"*Question.* Did they all go together, or in different directions?

"*Answer.* I believe they all did not start together, but we all, except two, got together that afternoon."

* * * * * * * * *

"*Question.* Had any persons been arrested that day?

"*Answer.* Yes, sir.

"*Question.* Who had been arrested?

"*Answer.* Alfred Hart, Oliver Greenly, and Peter Hart."

They all happened to be Democrats. Two of them were sitting at the hotel porch quietly talking to themselves. This occurred in the town in which I live. I know what occurred in that town on that day. I know that Democrats were intimidated; but a Republican could go up to a Democrat talking to a doubtful voter and command him to be silent, and he had to obey. They were not free to act on that occasion.

"*Question.* Do you know the politics of these parties?

"*Answer.* Yes, sir; they were sound Democrats, all of them."

To show you the conduct of the soldiers on that day—they were put up to it by others; of course they did not know these men; they were told to do it and they obeyed orders—I will read another extract from Martin's testimony. He states that he was driven from the ground through fear; that he had been told he would be arrested:

"*Question.* Was there any attempt subsequently made to arrest you?

"*Answer.* Yes, sir.

"*Question.* When, and by whom?

"*Answer.* On the day of election. I started home as soon as I heard the news that they were going to arrest me. I got about three hundred yards of home and looked back and saw seven or eight soldiers, with Adolphus Ewing ahead of them, running their horses. I jumped into the ditch and remained there until I saw where they were going. I did not know whether they were going to my house or down into Dagsborough hundred, until I saw them turn into our gate. I then started for the swamp. I looked around and saw two of them ride up through the yard; one of them stopped at the bedroom door and the other at the cook-house door. I could not see the others, as they were on the front side of the house.

"*Question.* Have you since learned what they said or did while there that morning?

"*Answer.* Yes, sir. Those who went up in front jumped off their horses, started into the house, Adolphus Ewing being ahead of them. My wife met them at the door, and told them that Adolphus Ewing could not come in; that they were welcome to come in. They inquired if Mr. Martin was at home. She told them no, sir. They said they were ordered by the commander to come out there to arrest him, and to do whatever Adolphus Ewing told them to do."

He is a man who keeps a hotel in the town in which I live.

"My wife told them that they were welcome to search the house; they did so, went up stairs and searched every room above, she said, and below, went to the smoke house, went to the insane apartments, and through the rooms of the poor, back to the house."

He was the overseer of our almshouse.

"My wife invited them in, and asked them if they would take something to drink; they said they would. She then asked them to take some dinner; they said they would; she told them to take seats; they said no, they would stand up and eat. They ate their dinners and went into the sitting-room. The lieutenant told my wife that he did not want to arrest me; that they had nothing against me; that she must not think hard of them; it was that damned rascal that stands at the gate who was the cause of their coming. Adolphus Ewing let my wife know he would have her arrested. The soldiers told him no; that they did not come out there to arrest ladies."

And yet there was no intimidation, no interference with the freedom of election! All these acts were done that there might be a free and fair election!

Curtis W. Jacobs, on page 205, testifies as follows:

"*Question.* The Governor of this State, in giving in his testimony to this committee, stated, in substance, that one reason for his asking that soldiers should be stationed at the polls on the day of the last general election in this State was that he had been informed by a number of reliable persons in Baltimore and other hundreds, that a number of secessionists from Maryland, amounting to fifteen or twenty, to be headed by Curtis W. Jacobs, had entered into arrangements with the Democrats in Delaware to take possession of the polls in Baltimore hundred, and prevent Union men from voting. I ask you, sir, whether this statement was true, or whether there was the shadow of foundation for such a statement.

"*Answer.* The whole statement, sir, so far as it applies to myself, or any one else of my knowledge, is false *in toto*; false in its conception and in all of its details. I never conferred with any man in Maryland or Delaware with the view of doing what the Governor of this State has alleged I intended to do."

Mr. Jacobs then goes on to state that on the day previous to our election, being a large landholder in our State, though living in Worcester county, Maryland, he went down to visit some of his farms, and the next day he returned from his farm to see two men at the election. I will read from his testimony:

"I had scarcely got upon the ground when the lieutenant told me, 'You must leave or you will be arrested.' He granted, however, that I could see the two men on business, and take them off the ground. While in that act, the provost marshal, Samuel W. Lacey, came up, and told me I should leave at once, or be arrested, which I did in company with the two men aforesaid. When at the distance of between two and three hundred yards from the voting place, and out of view of it, the lieutenant—Walters, I think his name was—with a number of cavalry, overtook me, and arrested me.

"Walters was a lieutenant of the thirteenth Pennsylvania cavalry, stationed at Baltimore. This was about ten o'clock in the day. I was confined in an old storehouse from then until half past four o'clock in the afternoon. I requested to know of the provost marshal for what I was arrested. He gave me no satisfactory answer, but intimated at different times in the day that the charges against me were quite serious, and that there would have to be a thorough investigation of my case, when I might possibly be released at the close of the polls, or sent on to General Wool in Baltimore."

Curtis W. Jacobs is a very wealthy and a very intelligent man, and this provost marshal is one of the most insignificant creatures that ever crawled on the face of the earth, with no social position or anything else worth having. I suppose he thought it was something grand for him to arrest a gentleman, and probably that was the reason.

"I asked him to confront me with the witnesses or persons who had made any charges against me, which he declined. I never heard any charge against me up to the time of my arrest, and had no suspicion that they intended to arrest me; nor do I now know for what I was arrested."

He then goes on to testify that they arrested Mr. James and locked him up. All Mr. James, as he swears himself, did on that occasion was, when he saw Jacobs arrested, who was in the habit of staying in his house, not knowing that this fellow had been appointed provost marshal the Sunday night before, to tell him that he had no right to arrest Mr. Jacobs, whereupon they arrested him and locked him up. They arrested several others also at the same place on the election ground for no other cause than that they were Democrats, and to intimidate all those who would not vote the black Republican, abolition, disunion ticket.

I will now read from the testimony of Isaac Giles, pages 172 and 185. Mr. Giles is one of the most intelligent gentlemen that reside in the county in which I live, a man of high standing in that county, and who is to be believed in whatever he says:

"On arriving at Laurel on the morning of the election, I saw the soldiers parading the streets, and while I was yet in my carriage I saw them rush into a store and drag out a man. I heard the captain say to the men, 'Take him to the guard-house.' They took him down the street. I did not see what they did with him. I then went down to the house where the election was held, the election not being then open. Shortly afterwards Captain Watkins came down with a squad of soldiers, said to be forty or fifty. He went up to the house where the votes were received, and ordered the people to fall back, or rather pressed them back, and formed a square probably thirty by fifty feet in front of the window, and ordered all persons outside of the square. He then made a speech."

These fellows become orators and statesmen and everything else after you take them and give them a little brief authority and tell them to go and oppress Democrats. I speak of such of them as would be guilty of such dirty deeds. I do not apply it to the officers or men generally, for I hope there are very few of them who would like to be engaged in such dirty work.

"He then made a speech in which he said there was to be no intimidation, and that they must take care how they talked; that their thoughts belonged to themselves, but their words and actions belonged to the Government."

That is called a free election, and it is said there was no intimidation!

In another part of his testimony this gentleman, who was one of the judges of the election, says:

"Shortly after that a man by the name of James L. Davis came up to vote. Being an Englishman, I demanded his naturalization papers, or proof thereof. The captain came up shortly afterwards and asked me what the contention was. I told him that the man was a foreigner, and I demanded his naturalization papers or proof of his naturalization. He says, 'You require impossibilities.' He then said to the inspector, 'Take the vote, or I will smash the ballot-boxes and the whole damned concern.'"

And yet it is said there was no interference with the freedom of election! All this was done to preserve the Union! Sir, it is one of the most vital stabs that could be made at the Union, and those who are guilty of such conduct or countenance it are the basest traitors that ever lived.

At the polls of one election district for some two hours a Democrat was not allowed to approach the poll; but Republicans could vote when they pleased. That is all proved in this sworn testimony; and if it were not that I do not wish to trespass too long on the patience of the Senate I would read the proof at large. Men who had ribbons in their coats could carry up to the polls whoever they pleased to vote. They could go through the line which was formed of the soldiers or they could pass across it, but no Democrat for some two hours was allowed to vote. Some who went up were forcibly driven from the polls; some left the polls without voting. The candidate for the Legislature had a bayonet scratching his flesh. This was all done to have a fair election!

The next witness that I will call to the stand is Henry Ridgely, son of the former Senator from our State, himself the president of the Farmers' Bank of the State, and whose word will be believed anywhere where he is known without his oath; but under oath, on page 182, he declared in reply to the question:

"What was the occasion which induced the soldiers to make these several charges of which you speak?"—

In the town of Dover they charged with bayonets upon the citizens on several occasions—

"*Answer.* The cause of the first charge, as I understood, was from a very unprovoked attack of Mr. George P. Fisher (the same who filled up Stanton's blank commissions) on Mr. Joseph Wicks, both of this place. The cause of the second charge I did not know. I heard of it afterwards, but cannot speak of my own knowledge.

"*Question.* Was there, in your judgment, any necessity for the presence of soldiers at the polls in Dover on that day in order to preserve the public peace and to insure a quiet election?

"*Answer.* No, sir; not the slightest necessity.

"*Question.* Did there appear to be much intimidation among the voters at the polls on that day; and if so, what political party seemed to be most intimidated?

"*Answer.* In my opinion there was intimidation that day on the part of the Democratic voters.

"*Question.* Do you think that intimidation was sufficient to make a difference in the result of the vote on that day, and if so, to what extent?

"*Answer.* I think it did make a difference in the result of the vote, and in favor of the Republican party. I cannot say to what extent.

"*Question.* Have you not been an active Democrat for a number of years and in the confidence of the Democratic party, knowing all its principal plans and operations in conducting campaigns?

"*Answer.* Generally speaking, I have, I believe, sir.

"*Question.* Did you ever hear of a purpose, or an intention, or a desire, on the part of any Democrat to interfere with the polls at the last election, so as to prevent a fair election?

"*Answer.* No, sir. There seemed to be a strong desire, on the contrary, that everything should pass off peaceably and quietly."

Every prominent Democrat who was examined by the investigating committee confirms Dr. Ridgely's statement as to the earnest wish of the members of the Democratic party throughout the State that the election should be a fair and peaceable one. They were determined to give this despotic and tyrannical Administration and its unprincipled minions no pretext of justification for interfering with the constitutional rights of the people, or for disturbing the peace of the State, and hence there was a general understanding among the Democrats throughout the State that so far as the party of which they were members could contribute to such a result, the election should be free, fair, equal, and peaceful.

"*Question.* Do you know anything else bearing upon the subject of this investigation? If so, please state it.

"*Answer.* I was particularly struck on the election day with the remarkable good order observed by the residents and voters of East Dover hundred. The most troublesome and disorderly men in the town on that day were men dressed in the uniform of United States soldiers, and said to belong to the fourth Delaware regiment. They seemed to be nearly all drunk, cursing and swearing, and threatening almost every one they met. They made frequent attacks upon the peaceable citizens of the place, and not the slightest effort was made, that I could see, to keep them in order by the Maryland home guards, who were in the town that day. One case, in particular, came under my own immediate notice. A man came running near me on the court-house pavement pursued by another dressed in the uniform of a soldier. The man who first came near me seemed very much frightened, while the soldier was cursing and swearing. I stepped in front of the soldier and asked him what he meant by pursuing that man. He said he wanted to kill the damned secessionist. I asked him if he knew the man was a secessionist. He said 'no; and he did not care.' I believe I only recollect seeing one man who lives in East Dover hundred, and who belongs to the Democratic party, and who was drunk and at all troublesome, and he was soon carried off."

Sir, we all know that when soldiers are brought on the election ground through the agency of the members of one political party, the understanding of the whole community is that they are brought there to aid that political party in the election, and that the very presence of the soldiers, even if they did not touch a single individual on the occasion, of itself would make a vast difference in the result of an election. The people not being used to such scenes, and to be confronted in the exercise of their peaceful rights by armed men, would necessarily be intimidated; and I have no doubt that if no man had been assaulted, and if no man had been forcibly prevented from voting on that day, the difference would have amounted to hundreds in the aggregate vote of the State, because timid men would be afraid to exercise their influence or their persuasion in order to benefit their party.

I now call upon the stand a gentleman known to all of you, Senators; a gentleman who was associated with you in this body; a gentleman who through all his life has voted against the Democratic party until the last two elections I believe. I refer to Hon. Joseph P. Comegys, late a Senator in this body, whose testimony will be found on page 222:

"*Question.* Mr. Comegys, were you present at the election in this town on the 4th of November last?

"*Answer.* Yes.

"*Question.* Did you see anything unusual and different from what you had ever seen before, at or near the polls that day? If so, state what it was.

"*Answer.* I did. I saw a military force at different times during the day, sometimes at and at other times near the polls. They were armed with muskets and fixed bayonets.

"*Question.* Did you see them make a charge upon any of the citizens of the town or hundred?

"*Answer.* I did, on two occasions, see them make a charge upon the people at and about the polls, nearly all of whom I believe were citizens of the town and hundred.

"*Question.* Was there, in your judgment, any necessity for either of those charges?

"*Answer.* None, whatever.

"*Question.* Did not the soldiers themselves, or their presence, occasion most of the difficulty and trouble which occurred around the polls?

"*Answer.* I was not at the polls often during the day, and cannot say what occasioned most of the trouble, but I know that their presence excited a great deal of comment and bad feeling; I think there was an unusual degree of the latter on that day. The only difficulty I saw at the polls, independent of the usual contest of words on such occasions, was when the person in command of the military attempted to induce the officers of the election to receive a vote, which they afterwards rejected; in speaking here about difficulty, I did not intend to include the charge of bayonets of which I have before spoken; at the time of the attempt to have the vote referred to taken, there was considerable difficulty, though, as I recollect, no actual violence." * * * * * * * * *

"*Question.* So far as your observation went, did you think the soldiers were acting in concert with either of the political parties; and if so, with which?

"*Answer.* I considered they were acting in concert with the Republican party, because the Democrats, so far as I heard any expression, were hostile to their being here, and they were under the command, as the officer before

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. MONDAY, MARCH 28, 1864. NEW SERIES....No. 81.

named informed me, of Major Napoleon B. Knight as provost marshal, who is himself a member of the Republican party. And I also consider that they were acting in concert with the Republican party, because I believed then and believe now that they were brought here at the instance of leading Republicans, and that their object in bringing them here was, in some way, to promote the interests of their party. And furthermore I never heard any but opponents of the Republican party object to their being here, or complain of anything that was done by them on that day." * * * * * * * * *

"*Question.* I ask you whether, in your judgment, there was any necessity for the presence of the military either at this place or any other voting place in this county, on the day of the last general election, to preserve the public peace, or insure a fair election?

"*Answer.* Not the least, in my judgment.

"*Question.* I ask you, Mr. Comegys, whether, from all your means of ascertaining the state of public opinion previous to the last general election, it was not generally conceded that if the election were a fair one, the Democrats would carry this county by a large majority

"*Answer.* So far as I know, it was."

And so stated most of the witnesses who were examined in reference not only to that county but the State, and there is no doubt of it; the State would have been carried by an overwhelming majority. As it was, Governor Temple was elected Representative to Congress, and in the two lower counties the Democrats elected their members of the Legislature, giving them two thirds of the Legislature.

David Harrington, on page 240, swears to an attempt by soldiers to stab an aged man at the polls at Hazlettville, in Kent county, and also to an attempt to stab him.

I will now read the testimony of William D. Fowler, page 318:

"*Question.* Do you remember any instance where Mr. Lofland interfered to influence unfairly the vote of any citizen of that hundred?

"*Answer.* I do. James R. Lofland, in company with two or more soldiers, came to the Democratic headquarters. I met him at the door."—

This was in Milford, in Kent county—

"He said he wanted Joseph Sparks out of the room. Joseph Sparks, in the mean time, had voluntarily come into the room, and called me one side, and asked me whether he would be arrested and placed in Fort McHenry if he voted a Democratic ticket. To use Sparks's own language, James R. Lofland told him so. He said he was a Democrat and wanted to vote the Democratic ticket. I then started out of the room, in company with Sparks, to the polls to vote. We met James R. Lofland, with two or more soldiers, at the head of the staircase. James R. Lofland stopped Sparks himself, and told him that he should not vote with me, and asked him why he got out of the lines. Sparks answered that he had no right to hold him in the lines, as he was home on his parole. He was a paroled prisoner, having been taken by the southern army. He told Lofland he was a Democrat and was going to vote that ticket; that he had changed his views. Lofland told him he should not vote. I then made a proposition to Mr. Lofland to give him a ticket of each kind, and let him go by himself and deposit which one he saw proper. Lofland answered that he had no compromise to make. Sparks then went down the stairs in company with myself, and went over into the store of William Hill & Son. I there asked him if he had paid his tax, upon which he produced his tax receipt. I gave him a ticket, and told him to show his receipt, showing he had a right to a vote. He went, in company with Mr. Cannon, to the place of voting. The soldiers, who were standing with their bayonets locked, pushed him back, and told him he could not vote then. He produced his tax receipt, and told them he had a right to vote, and was going to vote a Democratic ticket, holding it in his hand. I then demanded of the soldiers to know why they challenged his vote—to let him go to the window and the judges would decide whether he was a qualified voter. The answer was, the provost marshal had told them not to allow Sparks to vote in his absence. In the mean time James R. Lofland, the provost marshal, seized him by his coat, pulled him out of the porch, and ordered two soldiers to bear him away. To the best of my knowledge I saw him no more until the next morning."

William M. Jester, page 186, swears that the soldiers made several bayonet charges on the people, and that while he was doing nothing at all they knocked him down and stabbed at him with the bayonet. I will refer to his testimony so as to show violence, for I want to bring it within the rule laid down by the committee themselves that such conduct is subversive both of our State and Federal Government:

"*Question.* Did those soldiers offer intimidation to the voters; and if so, state the manner in which that intimidation was offered?"

He was a voter at the capital of the State; and his answer is:

"I saw them make a charge, in the afternoon, across the pavement in front of the polls, in which they struck me, standing on the pavement near the polls, and injured me very seriously. I was confined about six weeks—there were eight weeks during which I could not attend to business—attended by Doctor Saulsbury. James A. Clifton was struck, while standing at my side, in the same charge. While I was lying on my back, one of the soldiers thrust a bayonet at me, and was seen by John Pennington and others. I saw the gun, with the bayonet on it, at my side as I lay on my back. They kicked my hat and wig off into the middle of the road.

"*Question.* What were you and Mr. Clifton doing at the time you were struck?

"*Answer.* We were standing near the polls when the charge was made, I with my back to the soldiers, and did not see them until they were within a few feet of my back with their bayonets. I had no chance to escape them. There was a little disturbance created by the men of the fourth Delaware regiment. I was standing looking on this affair, talking to nobody, when they made the charge and struck me."

I might go through the whole of this testimony of upwards of one hundred witnesses on that occasion, all showing acts of intimidation and violence, some of whom were actually prevented from voting; but I will close this reference by the testimony of my present colleague in this body as to what occurred in the city of Wilmington. He was then in private life, and was summoned as a witness before the committee of investigation:

"*Question.* Mr. Riddle, where did you vote on the day of the last general election?

"*Answer.* In the fifth ward of the city of Wilmington.

"The *Chairman.* Please to state all you know in reference to the presence of the military in that or any other ward of that city, what their conduct was at the polls, and what effect their presence had upon the result of the election.

"*Answer.* I know very little of any ward, other than the fifth. I had occasion to visit the City Hall, which was one voting place for the fourth ward, where the collector of taxes was stationed.

"In the fifth ward I went to vote early, but found a file of soldiers, with muskets and bayonets, before the window. They afterwards stacked arms, and voted, all who had receipts. There were four of the soldiers who knew me, who were assessed, but had no receipts. I sent to the collector money for their receipts, and was enabled only to procure one. Late in the afternoon, finding that some of these soldiers were likely to vote the Democratic ticket, they were ordered by the officer in command to the headquarters, and there detained, with the exception of the one whose receipt I had obtained, until after the polls had closed. This one, according to his own statement, had scaled a high fence in order to get to the polls. At the first precinct of the fourth ward I saw a great many soldiers loitering about, but was not there long enough to know what they did. So far as the military were concerned, I believe they prevented, directly, to some extent, but indirectly, to a greater extent, fair expression of public sentiment in Wilmington; directly, they encouraged soldiers to vote contrary to their known previous predilections; indirectly, they emboldened persons disposed to commit frauds upon the ballot-box, but for which frauds Wilmington city, in my opinion, would not have given one hundred and fifty majority for the Republican ticket, instead of which it gave, according to my present recollection, about six hundred."

Mr. President, were it not that I do not desire to take up longer the time of the Senate by reading the testimony in this case, I could furnish from many more witnesses evidence of acts of violence and intimidation on the part of the soldiery at our election in 1862; and could establish the fact to the satisfaction of every fair and honest mind that there was no necessity whatever for the presence of the military at our polls; that their presence there created disorder; that they acted in union and harmony with one political party for the defeat of the other, and that but for their presence the result of the election in 1862 in the State of Delaware would have been a vastly greater triumph in behalf of the Democratic party. We have had a special election since, a special election last fall to fill the vacancy created in the other House by the death of Governor Temple. Finding that despite of all their military interference in 1862 they had failed to accomplish their entire purpose of electing everything in the State, and only succeeded in foisting upon an unwilling people a man for Governor whom they never would have elected, the Administration determined to make sure work of it this time. They sent home a vastly increased number of soldiers to vote, but with the distinct understanding, as one of those soldiers told me himself, that those who returned should vote the Republican ticket, and that where it would be necessary for some to stay on duty the Democrats would be selected for that purpose. They sent their military again when there was nothing except a member of Congress to be elected in that State and stationed them at the polls, and General Schenck issued an order which on its face contains a falsehood, because it declares that there were many disloyal persons and persons who had been engaged in the rebellion within the State of Delaware.

"It is known," says General Schenck in his order No. 59, and that order carried the election in the State of Delaware and nothing else—

"It is known that there are many evil-disposed persons now at large in the State of Delaware, who have been engaged in rebellion against the lawful Government, or have given aid or comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to attempt to take part in or embarrass the approaching special election in that State."

I pronounce this statement a falsehood. There is not a word of truth in it. In my judgment there was not a man in the State of Delaware who had been engaged in the rebellion; I do not believe there was a Democrat in the State who intended to interfere with the freedom of the election, or to aid in rendering it unfair. How did this wiseacre, with military straps on his coat, find it out? "Dressed in a little brief authority," and having a military force at his back that he could command, he can lord it over a people who wish no conflict with the Federal authorities, and who intended to have none, and he can publish to the world that which every man, woman, and child in the State of Delaware knows to be false, and which he himself knew or might have known to be false. This order was sent into our State requiring an oath to be taken by the voters if they should be challenged, and soldiers to be stationed at the polls. The members of the Democratic party, and the conservative portion of the people of that State who intended to vote with them, did not intend to have any conflict with the Federal authorities. They had never raised their hands from the commencement of this whole trouble against the execution of a Federal law, or even the order of a military officer, and they did not intend to give Mr. Schenck or Mr. anybody else the gratification of having to say that they courted or would have any conflict with the Federal authorities. They knew that when the military was sent there with this oath, a portion of them, but only a portion of them, but not a sufficient number to effect any useful result, might be allowed to vote, and no doubt would be, so as to herald throughout the country the result of the mock election as a "great Republican victory; Delaware completely abolitionized." Having notice of this fact only two days before the election, they resolved to stay away from the polls. Although they knew they could carry that State by from one to two thousand majority at a fair election, they resolved to stay away, and only fourteen votes were cast for the gentleman who was nominated by the Democratic party.

A circumstance occurred at one of the voting places in Sussex county which illustrates the object and demonstrates the motive prompting to this interference with the right of free suffrage. It proves conclusively that it was for partisan purposes alone.

When the polls were opened in Cedar Creek hundred the judge of the election announced that General Schenck had made his celebrated order No. 59, requiring a test oath to be taken by the voters, that the military were there to enforce the order, and that he should administer it to every person whose loyalty should be questioned. He himself challenged the vote of nineteen Republicans on the ground of disloyalty, and they refused to take the oath prescribed in the order. Their votes were refused on that ground, and on that ground alone. A provost marshal was sent for who threatened to arrest the judge if he did not receive their votes, declaring, as I am informed, that the oath was not intended to be administered to Republicans. The judge was compelled to receive the votes of these nineteen Republicans who

would not and did not take the prescribed or any other oath.

The Republicans had it all their own way. In the town in which I live I did not even presume to go down to the square where the votes were being taken although my office was on that square. Democrats did not approach the polls. In that very town they voted men from Maryland; they voted boys under age, they voted convicted felons; and at every voting place in the State they did pretty much as they pleased; and yet throughout the country it was heralded as a "great Republican Union victory; Delaware has gone by so many thousands for the Republican party."

Mr. President, I have endeavored to lay some proofs before the Senate of the interference with the freedom of election in my State. I have felt it due to the people of my State, due to the cause of justice and right, due to law and to Constitution, both State and Federal, to present these evidences to the Senate and to make this statement. I appeal, therefore, to the candor of the Senate whether I have not, so far as the State of Delaware is concerned, by the sworn testimony of the witnesses, brought that case within the principle laid down by the military committee, who say:

"That elections should be free from all violence and intimidation, is an axiom of free government accepted by all, and so evident that it need not be discussed. Violence and threats of violence, and all disturbance, actual or threatened, calculated to keep the legal voter from the polls, or to constrain his free will and choice in exercising his right, are plainly incompatible with the principles on which our governments, whether State or Federal, rest."

I have shown, I hope, that the acts of this Administration, so far as my State is concerned, have been such as to jeopardize the fundamental principles upon which both our State and Federal Governments rest.

I will not refer to matters extraneous to the subject now before the Senate by noticing the presidential plan of allowing persons to vote in the seceded States, and of changing their constitutions to suit his purposes. In his letter to General Steele he allows the people of Arkansas to vote according to the constitution of Arkansas as modified by him. He not only interferes with the exercise of the rights of legal voters in the adhering States, and the due execution of the laws of a State peaceably and quietly suffering under his rule and praying most fervently that the day may come when they may be relieved by the election of a Democrat who will regard their constitutional rights, or, if that be not possible, even by some honest Republican who could fill the presidential chair with more credit to himself and more usefulness to the country than the present incumbent, but he says to General Steele, "an election may be held in Arkansas under the constitution of Arkansas modified as aforesaid"—that is, that slavery shall not exist there—"if the voters take the oath according to my proclamation of the 8th of December;" that is, to support all his proclamations. Mighty man! Upon what meat has this our modern Cæsar fed that he has grown so great?

Sir, in this military interference with the freedom of elections in the States, Mr. Lincoln is but following in the footsteps of Cæsar. Tyrants or would-be tyrants always act according to the same rule. I call your attention, sir, to the parallel afforded by history between the conduct of Cæsar and the present Executive. Abraham Lincoln is not the first man in the world that has sent soldiers to control elections, although he is no better than those who preceded him in the same work in my judgment. I quote from Plutarch's Life of Pompey. Speaking of the appearance of Cæsar on a certain occasion, and the persons who approached him to pay attention to him, he says:

"Insomuch, that when he passed back again over the Alps, and took up his winter quarters in the city of Luca, there flocked to him an infinite number of men and women, striving who should get first to him, two hundred senators included, among whom were Pompey and Crassus; so that there were to be seen at once before Cæsar's door no less than six score rods of proconsuls and prætors. The rest of his addressers he sent all away full fraught with hopes and money; but with Crassus and Pompey he entered into special articles of agreement, that they should stand candidates for the consulship next year; that Cæsar on his part should send a number of his soldiers to give their votes at the election."

Here was our President's example. Was not Cæsar great? Had not Cæsar a powerful army? May not the present Executive of the United States be great and have a powerful army? Did Cæsar regard the freedom of elections? Whether the President has ever read Plutarch or not I do not know. It seems he has read Shakspeare, and given as his opinion that the finest passage in Shakspeare is:

"O, my offense is rank, it smells to heaven."

Well might he say it, for a ranker offense by any man intrusted with the rule over a people never existed than was the offense committed by the President of the United States, which rises to heaven in its stench and calls for vengeance. God is just, and that vengeance will follow. But to continue:

"That as soon as they were elected they should use their interest to have the command of some provinces and legions assigned to themselves, and that Cæsar should have his present charge confirmed to him for five years more."

Observe the similarity, except that the President does not ask anybody to send soldiers to the polls, but sends them himself, that his command over this people may be continued for four years more; and he finds willing instruments in your Schencks and your Burnsides. Let the people of this once proud country take warning in time. There is meaning in all this; there is a fixed purpose in all this, and it is my honest judgment that if it is submitted to and goes unrebuked, and the people of this country by their votes—for I make no appeal to force—allow this present Executive to be reëlected with the vast army that he will have at his command, he will defy the American voters four years afterwards and declare himself permanently in power. If he does not, he will be a most extraordinary man indeed.

Sir, I do not wish to obtrude into the differences existing in the Republican party, but notwithstanding the radical opinions attributed to Mr. Chase, I would, if I were a member of that party, infinitely prefer him, and support him, in preference to the present Executive of the United States, because it never entered into my imagination to conceive that any man, intrusted with the high office of the President of the United States, could be guilty of the acts which the present Executive has been guilty of; and if any man can be guilty of worse, I am willing to run the risk.

But, sir, there is some more refreshing reading in this parallel between the present Executive and Cæsar:

"When these arrangements came to be generally known, great indignation was excited among the chief men in Rome; and Marcellinus, in an open assembly of the people, demanded of them both whether they designed to sue for the consulship or no. And being urged by the people for their answer, Pompey spoke first, and told them perhaps he would sue for it, perhaps he would not."

The arrangement was all made. If any one should go to the White House now, and ask the present Executive whether he would stand again, perhaps that would be very much like the answer he would give, "Perhaps he would, perhaps he would not." I do not know, however. Whatever his answer might be, his violated pledges to the country in the past affords ample proof that no confidence could be reposed in it from the fact that it was his answer.

"Crassus was more temperate, and said that he would do what should be judged most agreeable with the interest of the commonwealth; and when Marcellinus persisted in his attack on Pompey, and spoke, as it was thought, with some vehemence, Pompey remarked that Marcellinus was certainly the unfairest of men to show him no gratitude for having thus made him an orator out of a mute, and converted him from a hungry starveling into a man so full-fed that he could not contain himself."

Let not Mr. Chase attack Mr. Lincoln too vehemently, or the latter, in the spirit of a Pompey, may regard him as a Marcellinus.

Mark you now:

"Most of the candidates, nevertheless, abandoned their canvass for the consulship."

Why? They knew the arrangement entered into between Cæsar, Crassus, and Pompey:

"Most of the candidates, nevertheless, abandoned their canvass for the consulship; Cato alone persuaded and encouraged Lucius Domitius not to desist, 'since,' said he, 'the contest now is not for office, but for liberty against tyrants and usurpers.'"

So we say at the present time, and you charge that we are disloyal and are not true to our country. Your chief is following the example of Cæsar, and you encourage him in it. We imitate Cato in protesting against this combination to subvert liberty by military force. You are all patriots, we are all disloyal! There was a Pharisee, we are told, who once went up to pray, and he thanked God that he was not as other men, and especially as this poor publican. That is the way with the self-righteous Republicans of the present time; they thank God that they are not as these disloyal Democrats; and many of them have good reason, because they are living upon the crumbs that fall from their master's table. I expect that among the Democrats there are some honest men who can sincerely thank God that they are not even like them. But let me continue with the history:

"Therefore, those of Pompey's party, fearing this inflexible constancy in Cato, by which he kept with him the whole senate, lest by this he should likewise pervert and draw after him all the well-affected part of the commonalty, resolved to withstand Domitius at once and to prevent his entrance into the forum. To this end, therefore, they sent in a band of armed men who slew the torchbearer of Domitius as he was leading the way before him, and put all the rest to flight; last of all, Cato himself retired, having received a wound in his right arm while defending Domitius. Thus by these means and practices they obtained the consulship. Neither did they behave themselves with more decency in their further proceedings; but in the first place, when the people were choosing Cato prætor, and just ready with their votes for the poll, Pompey broke up the assembly upon a pretext of some inauspicious appearance,"—

There was an "inauspicious" interference in the State of Delaware. An election had lately been held; and the next election must be broken up or made a farce of, and the military must be sent by this second Cæsar to control it.

"And having gained the tribes by money"—

There were plenty of "greenbacks" in the State of Delaware on the day of election—

"And having gained the tribes by money, they publicly proclaimed Vatinius prætor. Then, in pursuance of their covenants with Cæsar, they introduced several laws by Trebonius, the tribune, continuing Cæsar's commission to another five years' charge of his province; to Crassus there were appointed Syria, and the Parthian war; and to Pompey himself all Africa, together with both Spains, and four legions of soldiers, two of which he lent to Cæsar, upon his request, for the wars in Gaul."

Mr. President, I invite the attention of the sober-minded, honest, reflecting voters of this country to this parallel between Cæsar and the present Executive. Continue this military power, this irresponsible power with the President, allow him to do as he pleases, and not only will he do as Cæsar did, subvert forever the liberties of his countrymen, but he will remember the example of Caius Octavianus, afterwards surnamed Augustus, who, with his prætorian bands of only fifteen thousand men, despotically governed all Rome, which prætorian bands afterwards put up the Government of Rome at public auction and sold it for a price. Such, I say to my countrymen, may yet be the fate of what was once the free Republic and the great Republic of the United States of America.

But, sir, why do I make this appeal in behalf of liberty? Why do I make this appeal in behalf of the rights of the people of my State? Why do I make this appeal, not only in behalf of all the living of the present day, but of all the generations that shall come up in the future? Upon its success may depend the future destiny of millions who with longing eyes are looking from distant lands for an asylum from oppression here. I may be answered as were certain people on a former occasion who appealed to power for the preservation of their chartered rights. The appeal may be but mocked. I have no hope, even, that it can be successful, because in other days when chartered rights were appealed to in behalf of liberty, power gave its answer, which power may give and will give now. The appeal is made to those who control the military operations of the Government, to the President and his Cabinet. They will not listen, but they will answer the appeal as Pompey answered the Mamertines. I refer to the same authority:

"About this time news came to Sylla that Perpenna was fortifying himself in Sicily, that the island was now become a refuge and receptacle for the relics of the adverse party, that Carbo was hovering about those seas with a navy, that Domitius had fallen in upon Africa, and that many of the exiled men of note who had escaped from the proscriptions were daily flocking into those parts. Against these, therefore, Pompey was sent with a large force; and no sooner was he arrived in Sicily but Perpenna immediately departed, leaving the whole island to him. Pompey received the distressed cities into favor, and treated all with great humanity, except the Mamertines in Messana; for when they protested against his court and jurisdiction, alleging their privilege and exemption, founded upon an ancient charter or grant of the Romans, he replied sharply, 'What! will you never cease prating of laws to us that have swords by our sides?'"

Sir, such a response will this appeal receive

from the President and from his advisers. I turn from him and I appeal to the august forum of the Senate of the United States, in whose custody are the rights of the States and the rights of the people. I appeal from Cæsar to the Senate, and I invoke you by that love of constitutional liberty which animated your fathers, by that love of civil liberty which caused the effusion of such precious blood in revolutionary times, by that love of civil liberty which has animated the hearts and awakened the hopes of the wise and good in all ages of the world, interpose your power for the protection of the rights of the people of this country, save them from this impending military despotism, allow no pretext of necessity to prevent you from a manly, senatorial discharge of your duty, because it is not only the fate of those now opposed to this Administration that is involved in this question. If power accomplishes its purposes in this instance, as it has in former instances and on former occasions, you who have built up that power may find yourselves the subjects of the same common oppression. I appeal, therefore, to a sense of right, to a sense of duty, and to a sense of interest. Rising to the height of this "great argument," and considering calmly the importance of the appeal which a violated Constitution and the sufferings of an oppressed people make to you, interpose your high senatorial authority against further executive usurpation. Interpose now, or civil liberty to yourselves and your posterity will be forever lost.

Mr. JOHNSON. It is my purpose at some future day, with the permission of the body, to address the Senate upon the bill which has been the subject of debate for the last two or three days; but I do not propose to do it at this time, nor to do it at any time when the Senate may be engaged in business that requires more immediate attention. I move, therefore, that the bill lie over informally, and I will call it up at some other time.

The VICE PRESIDENT. The Senator from Maryland moves to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

On motion of Mr. TRUMBULL, it was

Ordered, That when the Senate adjourn to day, it be to meet on Monday next.

MILITARY ACADEMY APPROPRIATION BILL.

On motion of Mr. HOWE, the Senate proceeded to consider the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865.

Mr. HOWE. I wish to say two or three words to the Senate in vindication of my own course upon this bill, and not with any hope or any desire of procuring a rejection of the report. The mischief in the present law which it was the purpose of our amendment to correct was this: the present law gives the power to select cadets for the Military Academy at West Point to the President of the United States; it limits the number of those cadets to the number of congressional districts in the United States with ten additional selections to be made by the President at large. It happens at this time that there are sixty-one congressional districts within the United States which are not only not represented in the House of Representatives, but which owing to their peculiar position are so circumstanced that the President cannot obtain the necessary information in order to make proper selections for the School from them. We have no communication whatever with a large portion of those districts. In many of them, probably, suitable pupils could not be found. Thus it happened that there were sixty-one vacancies in that School until some appointments were made by the President recently. It was the object of the amendment to enable the President to fill up those vacancies by selecting proper pupils, and not confining him to the several congressional districts not now represented at that Academy.

That was the purpose of the amendment; and the amendment had this further purpose, to instruct the President to select those pupils from the Army—meritorious young men who have rendered military service to the country in this war. The purpose I deemed a just one, and am unwilling to abandon it. The loyal people of the United States are now sustaining the whole cost of maintaining the School, and ought to have the full benefit of the School. The School ought to be full. If we are put to the expense of providing the instruction and the accommodation certainly our young men should have the benefit of the instruction for which we pay and those accommodations which we have provided.

But it was objected to in the other House, on the ground that the amendment proposed here gave the right to the President to make these selections. I have already stated that the President has a right to-day to make the selection of every pupil that goes to that School, and does do it. Voluntarily, by his own will, he is guided in those selections by the recommendation of the Representatives from the several congressional districts, not as a matter of law but as a matter of regulation which he has adopted for his own guidance.

Mr. TRUMBULL. Long practice.

Mr. HOWE. I understand "long practice," but it is sanctioned by no law whatever, the law expressly giving to the President the right and the power and the duty of assigning pupils to this School. The amendment was amended in the House of Representatives so as to provide that each Representative in the present House should select an additional cadet to that Academy. The effect of that would be to increase the number about one hundred and ninety, to make the whole number about five hundred, when four hundred is the utmost limit to which the accommodations of the School are equal. The moment this was pointed out, it was conceded, and Senators have undoubtedly noticed, from the statement in the House of Representatives, that it was conceded that the amendment proposed by that House must be abandoned, that each member could not be allowed to select a cadet because the School could not accommodate them. There was no way therefore in which the House of Representatives could by possibility, if the right were ever conferred upon them, exercise this power of selecting this additional number of delegates unless they could go into Committee of the Whole by themselves and select the given number to fill up the School.

In that state of the case, a majority of the conference committee saw fit to abandon the effort to fill up the School at all; and the result of our action, if we concur in the adoption of this report, is precisely this: to leave the School, run at our cost, maintained at the expense of the people, unrepresented to the number of some fifty or sixty cadets. I was unwilling to acquiesce in that necessity, and therefore I declined to concur in the report of the committee.

Mr. TRUMBULL. I should like to ask the Senator from Wisconsin a question before he sits down. Do I understand him to say that the President has filled up heretofore from the vacant districts by appointments recently made, and what is to prevent his continuing to do so?

Mr. HOWE. I understand that the President of the United States has made some appointments to that Academy, exceeding the number of ten which he is by law authorized to appoint, making the selections at large. The precise number he has so appointed I do not know; but it is said here, and I think correctly said, that he has disregarded the existing law in making these selections, because he is instructed by the existing law to select them from the respective districts; they must be residents of the several districts from which their appointments purport to be made; and the object of this amendment, as I have already intimated, is to relieve him from that limitation and allow him to make the selections from the Army, to give him the express authority of law for doing what he has done. It seems to me very necessary to be done.

Mr. TRUMBULL. Then I understand that the President already makes these appointments; and if I understand the Senator from Wisconsin rightly, it is not proposed to change it at all. The President proceeds, without strictly complying with the law, as I understand him, to fill up the Academy under existing laws, and this does not change it. Well, will not the President pursue this practice? There is nothing in this bill, if I understand it correctly, to change the practice that the President has adopted of filling up the Academy without strictly conforming to the law, and I suppose he will go on to make these appointments.

Mr. HOWE. There is an amendment already agreed to by both Houses, which provides that no cadet hereafter appointed not in accordance with law shall be paid.

Mr. TRUMBULL. It is intended to check that practice?

Mr. HOWE. It is a positive instruction to the President not to make any more appointments unless he can select from those districts which are not now represented in the House of Representatives.

The report was concurred in.

AMENDMENT OF THE CONSTITUTION.

Mr. TRUMBULL. I move that the Senate now proceed to the consideration of the joint resolution (S. No. 16) for the amendment of the Constitution.

The motion was agreed to.

Mr. DOOLITTLE. I suppose the honorable Senator from Illinois does not desire to go on with that subject this afternoon, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 25, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

POST ROUTES IN IDAHO TERRITORY.

Mr. WALLACE, of Idaho, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Fort Bridger, in the Territory of Utah, via Richville, Soda Springs, the upper crossing of Snake river, and Virginia City to Hell Gate, in the Territory of Idaho. Also, a post route from Boise City, in the Territory of Idaho, via Croylon, to connect with the mail facilities leading to San Francisco at or near Humboldt, in the Territory of Nevada. Also, from Placerville to Fayetteville, in the Territory of Idaho.

PREVENTION OF FRAUD.

Mr. WASHBURNE, of Illinois, by unanimous consent, from the Committee on Commerce, reported a bill for the prevention and punishment of fraud in relation to names of vessels; which was read a first and second time.

The Clerk read the following letter:

TREASURY DEPARTMENT, *January* 8, 1864.

SIR: There are no adequate statutory provisions in force for the punishment of masters and owners of vessels for changing the names of the latter, and for similar fraudulent practices. Worthless hulks have been vamped and repainted, either to be disposed of to Government agents on some sudden emergency, at exorbitant prices, or to be sent out under new names, to endanger large amounts of property and the lives of hundreds of passengers. The third section of the act of December 31, 1792, provides that "the name of every 'registered' ship or vessel, and the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length;" and affixes a penalty of fifty dollars for a violation of the provision. But this has been evaded by painting, in larger letters, on the *wheel-houses*, a different but similar name, and advertising by the same; while complying literally with the statute by keeping the old name upon the stern, where it is less conspicuous, and consequently less likely to attract the attention of the unwary.

Stringent enactments for the prevention of frauds of this character, and for their adequate punishment, seem to me to be desirable.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. E. B. WASHBURNE, *Chairman of Committee on Commerce, United States House of Representatives.*

Mr. HOLMAN. Is it not equally important that these rules shall be applied to sailing vessels as well as steamboats?

Mr. WASHBURNE, of Illinois. This fraud cannot be perpetrated upon sailing vessels as easily as upon steamboats. I have heard of no complaint concerning sailing vessels.

Mr. HOLMAN. I think that the fraud can be perpetrated upon sailing vessels.

Mr. WASHBURNE, of Illinois. On the Mississippi the original name appears upon the stern and another name is painted upon the wheel-houses. There are few sailing vessels that carry passengers. I demand the previous question.

The previous question was seconded, and the

main question ordered. The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. WASHBURNE, of Illinois, from the Committee on Commerce, reported adversely upon the following cases; which were laid upon the table:

Petition of J. W. Roach and Joseph L. Haley, for compensation for brig Madeira sunk by United States steamer Clyde, and other losses occasioned thereby; and

Papers relating to the compensation of collectors of customs upon the northern frontier.

SATURDAY SESSIONS.

Mr. STEVENS. I move that Saturdays hereafter be devoted to business instead of to making speeches. Last Saturday the speeches seemed to have run out.

Mr. WASHBURNE, of Illinois. If the gentleman wishes to consider public business on Saturdays I do not object.

Mr. STEVENS. I propose that public business shall be considered.

The SPEAKER. That will require unanimous consent.

Mr. HOLMAN. I trust that the proposition will not include to-morrow. Members have made arrangements for to-morrow to attend at the Departments. Let it operate after to-morrow.

Mr. STEVENS. I do not object to that.

Mr. HARRINGTON. If I understand the gentleman from Pennsylvania, I have an objection.

The SPEAKER. The gentleman has the right to move to rescind the order setting aside Saturdays for general debate, but the rule requires that the morning hour of Saturday be devoted for private business.

Mr. WASHBURNE, of Illinois. But I suppose at any time the chairman of the Committee of Ways and Means or any other member may move to go into the Committee of the Whole on the state of the Union, even during the morning hour.

The SPEAKER. That is true, but in the House the morning hour will be devoted to private bills.

Mr. WASHBURNE, of Illinois. Unless the chairman of the Committee of Ways and Means moves to go into Committee of the Whole.

The SPEAKER. The chairman can move to go into Committee of the Whole at any time. Is there any objection to the proposition of the gentleman from Pennsylvania?

The Chair hears no objection, and after to-morrow the entire Saturdays will be devoted to public business.

The SPEAKER subsequently stated that under the order of the House in reference to setting aside Saturdays for public business, the Chair could entertain no motion on Friday to adjourn over until Monday.

Mr. STEVENS. Of course that was the reason I made the proposition.

Mr. PENDLETON. I do not think that understanding was had generally by the House. Surely the effect of the proposition of the gentleman from Pennsylvania was not understood, or it would have been objected to.

The SPEAKER. The Chair thinks it is too late now to object.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. No. 31) authorizing the issue of a register to the steamer Mohawk; when the Speaker signed the same.

AGRICULTURAL COLLEGES.

The regular order of business having been called for—

The SPEAKER stated that the regular order was a report from the Committee on Agriculture, according to leave granted yesterday.

Mr. CLAY, from the Committee on Public Lands, reported back, with a recommendation that it do pass, a bill (S. No. 12) extending the time within which the States and Territories may accept the grants of land made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and mechanic arts," approved July 2, 1862.

The bill was read *in extenso*.

Mr. HOLMAN offered the following amendment, to come in after the first section:

Provided, however, That the State of Indiana, instead of appropriating the land, land scrip, or the proceeds thereof, to which that State shall be entitled by accepting the provisions of said act, to the purposes specified in said act, may, in the discretion of its Legislature, apply the same to the education of orphan children of soldiers and seamen of said State who have died, or may hereafter die, from wounds received or sickness contracted in the line of duty while in the military or naval service of the United States during the present war, in such manner as the said Legislature may provide; it being the intention of this provision to enable the said State to apply the land, land scrip, or the proceeds thereof, to either of the purposes aforesaid, but to no other purpose whatsoever. And if applied to the purpose specified in the act aforesaid, it is not intended by this provision to relieve the said State from any of the conditions of said act.

Mr. WASHBURNE, of Illinois. I move to amend the amendment by inserting the State of Illinois.

Mr. STEVENS. Is this bill before the House for action?

The SPEAKER. It is.

Mr. STEVENS. I would suggest that the bill had better be printed and the matter allowed to go over for the present. It makes a very radical change in the general policy.

Mr. HOLMAN. It certainly makes no change in the general policy. The joint resolution extends the time two years from this period, during which the States may accept the grant under the conditions of the act, and this proviso authorizes the State of Indiana either to apply the land to this particular subject or else to apply it to the benefit of and educating the orphan children of deceased soldiers and seamen who shall die during the present war. But the State can apply the land to those two objects only; and if they accept the land and apply it to the purposes specified in the original act, then all the provisions of that act will apply to the State. I think I am prepared to say that this amendment, which affects Indiana alone, is not only generally satisfactory to gentlemen upon this floor who represent that State, but will be entirely so to the people of that State. It enables the State to apply the land to one of two objects, the Legislature to determine which would be the most beneficial to the people interested. The grant to the State is unimpaired. Indiana accepts the donation on the same terms as the other States, and if she applies the lands to the original object of the donation, the conditions of that donation must be complied with as in other States. If, however, the effects of the war, in the judgment of her Legislature, demands the appropriation of the lands to the benefit of the orphan children of her citizens who have fallen in the national defense, you confer the power to make such appropriation, nothing more.

Mr. MORRILL. I trust the House will understand the proposition which is presented by the gentleman from Indiana. If the House see fit to adopt that, any State can come forward hereafter with appropriation to divert this fund to any other charitable and benevolent purpose, and in the end the whole design of the act will be frittered away. I do not understand that the State of Indiana has even asked that the act shall be changed as the gentleman proposes by his amendment. But if they do so propose, I trust this House will hesitate long before they divert a fund solemnly dedicated to another and entirely different purpose. As I understand it, the object of the original donation was to enable the industrial classes of the country to obtain a cheap, solid, and substantial education. I trust the House will not begin thus early to fritter away the whole purpose of that act. If we are to begin now, any other State, as has already been suggested by the gentleman from Illinois, [Mr. WASHBURNE,] without any expression upon the part of the Legislature or the people of a State for that purpose, may come in here with a similar request, and in the end the whole purpose of the act will have been destroyed.

Mr. WASHBURNE, of Illinois. The gentleman from Vermont will have perceived, if he listened to the reading of the amendment, that it proposes to leave it discretionary with the Legislature to apply these lands to the education of the orphan children of soldiers and seamen of the State who have died or may hereafter die from wounds received or sickness contracted in the service.

Mr. MORRILL. There are a great many other worthy and benevolent objects. Another State might come forward and, instead of proposing to benefit orphan children, ask permission to establish a deaf and dumb and blind institution. I am opposed to mingling these subjects together. I trust the House will vote down any proposition of so insidious a character as the one now presented.

Mr. HOLMAN. I do not exactly like the temper in which the gentleman from Vermont [Mr. MORRILL] approaches this subject. It may be much better for the State of Vermont to apply these lands to the purpose originally indicated by the bill. It may be far better for the State of Indiana to apply the lands for this other purpose. The condition and wants of the States may be entirely different. I do not know that the gentleman from Vermont can say to the Representatives from Indiana that it is better for her people that these lands shall be applied for the purpose of agricultural colleges rather than to the benefit of the children made orphans and rendered destitute by the calamities of war. These children need and must receive the fostering care and support of the Government, unless the Government is willing to forget that in its defense their natural protectors, the parents, who would have educated them, have yielded up their life. If you would treat these children justly, you will place them, at least as to education, on the same footing as other children of the States. If in your service the father has fallen you must supply his place in the education of his children. I do not think that upon such a subject one State can properly dictate to another. It is a question of local interest, and whenever a State asserts that this bounty of the Government can be better applied within her limits to an object manifestly just and proper and more deserving, than to the purpose originally designed, I will not set up my judgment against the judgment of her Representatives and her people.

I say that so far as the merit of these two modes of application is concerned there is no possible comparison. This nation is now, sir, in such a condition that she cannot look simply to her present material interests. Other considerations have sprung up, other duties are imposed by this terrible war, and those duties must be met. And if there is any purpose to which this nation should now devote its energies, it is first to maintain its national integrity, and then to mitigate, as far as may be, the social misfortunes, the domestic misery, the tendencies to an unjust inequality which ever follow in the footsteps of war. The original object of these grants was perhaps proper enough at the time; it did not greatly matter then how you disposed of your bounty; but now, sir, it is not a matter of indifference, it is not a question of convenience or of policy, it is one of absolute justice and duty. Five thousand little children in my own State, rendered orphans by your service, demand not your bounty but your justice. So far as the merits of the two measures are concerned there is no comparison. The appropriation of these lands to an agricultural college is a measure of partial benefit; a handful of citizens, presidents, and professors, a small number of favored youths already possessed of the benefits of a common-school education, with parents able to educate them, will always derive any benefit such institutions can furnish. The State should have nothing to do with colleges designed to benefit favored classes of its people. The real farmers of the State, the men of labor, would be the last to receive any benefit from your colleges. Shall these lands be applied to such a purpose while the children of your dead soldiers who have given their lives for the life of the nation are left to grow up in ignorance and poverty? No, sir; they are now the children of the nation, entitled to its protection and justice. You must provide for them.

All that Indiana asks through her Representatives now, is simply permission to apply these lands to one or the other of these two objects, and I trust that no gentleman representing any other State will think that, upon such a subject, the judgment of Indiana is not at least entitled to as much consideration, so far as it affects herself, as

the judgments of other gentlemen representing other States. The merits, however, of the two modes of application is a question the State herself should settle.

Mr. WINDOM. I desire to ask the gentleman a question.

Mr. HOLMAN. I will yield for a question.

Mr. WINDOM. I desire that the provisions of his amendment should apply to all the States. I am in favor of the amendment, and will vote for it if it be extended to all the States. I believe that originally this agricultural colleges bill was wrong, and that the lands will be frittered away anyhow, and placed in the hands of speculators, and if we can do anything to correct it, I am in favor of doing it, but I think the amendment should apply to all the States.

Mr. HOLMAN. I do not object to any amendment the gentleman may desire to offer, and will yield to him to offer it.

Mr. WINDOM. I move, then, to extend the provision to Minnesota.

The SPEAKER. That is not in order. The gentleman from Illinois [Mr. WASHBURNE] has moved to extend it to Illinois, and that is an amendment to the amendment.

Mr. HOLMAN. In order to dispose of the amendment to the amendment I move the previous question upon it.

Mr. STEVENS. Allow me to say a word.

Mr. HOLMAN. Certainly.

Mr. STEVENS. Mr. Speaker, I think the gentleman from Indiana takes a wrong view of this question when he considers it a local question. When the original bill was framed it was intended to be national and to establish a national system of education, bestowing national property for that purpose, and anything that would mar the harmony of that great measure I think ought to be discouraged by this House.

Now, sir, all these children to whom the gentleman refers can come in now into the colleges already started. There is no exclusion of them now; but under the amendment of the gentleman from Indiana all others may be excluded from the benefits of this bounty, and hence the institution would become one for the benefit of a privileged class. I hope before this great change is effected, before the law is broken down by a change in reference to Indiana, another in reference to Illinois, and another in reference to Minnesota, that the proposition will be well considered, and that a general bill will be brought in. Let the matter be referred to the Committee on Agriculture, and let them report a bill applicable to all—one that will be uniform in its provisions.

I hope the gentleman from Indiana [Mr. HOLMAN] will consent that the question shall be postponed to a day certain, and that the bill and all amendments shall be ordered to be printed, so that we may see them. I move that its further consideration be postponed for two weeks from to-day.

Mr. HOLMAN. This bill is reported from the Committee on Agriculture by the gentleman from Kentucky, [Mr. CLAY,] and I must object to a postponement.

Mr. STEVENS. The House ought to have time to consider the diversion of this grant of land from its original purpose.

Mr. HOLMAN. I think that this is the proper time to consider that diversion.

Mr. STEVENS. Unless there is some objection, I move to postpone the bill for two weeks from this day.

Mr. HOLMAN. And make a special order?

Mr. STEVENS. I agree to that.

Mr. CLAY. I do not see the necessity for the postponement of this bill. It is a simple question. It is simply to extend the provisions of an act passed at the last Congress to grant lands to States for agricultural colleges. Some States have accepted the grant and others have not.

Mr. STEVENS. I have no objection to the bill as reported from the Committee on Agriculture, but it applies exclusively to the amendments which have been offered.

Mr. CLAY. I hope the House will vote down the amendments. I think they are destructive of the whole bill.

As I have already stated, some of the States have accepted the terms of the grant and others have not. If any particular State is allowed to do what it pleases with this land, then all the States will come here for the same privilege. The effect will be to destroy the whole force of the law, and I hope the amendments will not prevail.

Mr. HOLMAN. I demand the previous question on my amendment.

Mr. STEVENS. I understand it will be in order for me, after action has been had on the gentleman's amendment, to move a postponement. I therefore withdraw my motion.

Mr. HOLMAN. My object in calling the previous question on the amendment is that the bill may be still open for amendment.

Mr. DUMONT. I ask my colleague to yield to me.

Mr. HOLMAN. Certainly.

Mr. DUMONT. Mr. Speaker, the State of Indiana has not embraced the benefits of this bill. I understand that Illinois and other States have accepted them.

I had the honor to submit a bill some time since, the Legislature of Indiana not meeting until after next July, to extend the provisions of the original law for the benefit of that State. If that be not done the time will lapse before the Legislature will meet. My proposition was similar to the original bill, and it was referred to the Committee on Agriculture. Another bill came from the Senate, which was also referred to that committee. That is the one reported back, I understand, instead of the one I have introduced.

Mr. WASHBURNE, of Illinois. Did I understand the gentleman right in saying that Illinois had accepted the benefits of the act?

Mr. DUMONT. I understood that she had, but did not pretend to speak advisedly. The gentleman doubtless himself knows what the facts are on that point.

Mr. WASHBURNE, of Illinois. I understand from gentlemen who ought to know that such is not the case.

Mr. DUMONT. I understand the amendment of my colleague [Mr. HOLMAN] to leave it to the discretion of Indiana to determine what shall be done with the lands granted to her, and I am in favor of that amendment. I have a letter from the secretary of the Indiana State board of agriculture, who does not seem to think it would be very wrong to pass the act in the form of the amendment, but I cannot say that he speaks for the board of agriculture, but simply to utter his own patriotic sentiments for what they are worth. It is hardly true to say that he favors the amendment. It would, perhaps, be a more just interpretation of his letter to say that he does not seem to think badly of the amendment.

Mr. JULIAN. Did my colleague state that the Indiana board of agriculture is in favor of this amendment?

Mr. DUMONT. I did not so state. I stated that I had a letter from the secretary of the board, not purporting to be written on behalf of the board or in an official capacity, who does not seem to think badly of such an appropriation of the land as that proposed by this amendment. He would doubtless prefer the original bill, but I am willing that, if the grant is secured to the State, the Legislature of that State may determine which of these two great and good objects the grant shall be applied to. Either is a worthy object, and I am willing to submit the choice to my State; but I would prefer that a grant should be made for each purpose; and with the hope that may be done, I am willing the bill and amendments may be recommitted to the Committee on Public Lands, of which my colleague is the intelligent and able chairman. In his hands I know the interest of the soldier and that of agriculture will be safe; and if he can provide for both objects, all the better.

Mr. JULIAN. I desire to say that the amendment of my colleague was offered here three or four weeks ago in the form of an original bill, was referred by this House to the Committee on Public Lands, and that committee is now considering the proposition. I am not opposed to my colleague's amendment, but the State of Indiana has in no way signified her wish to divert this fund from the purposes designated by Congress originally, and I submit that some little time for deliberation and for the consideration of this bill should be had before any final action is taken upon it. I hope my colleague will allow his proposition to be printed and postponed, as the Committee on Public Lands are considering it and will report very soon.

Mr. HOLMAN. My colleague will certainly agree that it is the proper time to consider this subject in connection with this bill; it is the only chance we have of obtaining action on the subject. The very fact that this proposition has been before the House more than three weeks, and referred to the Committee on Public Lands—unnecessarily, I think—takes away the force of the argument in favor of postponement. The proposition is the naked one of applying these lands to one or the other of two objects, either one of which, my colleague will admit, possesses at least some merits. Our State should determine for herself which is the most meritorious.

Mr. JULIAN. The delegation from Indiana are themselves divided upon this subject, and it seems to me that some time should be had for considering the propriety of making this inroad upon the general policy.

Mr. HOLMAN. I wish to say to my colleague that if there is any diversity of opinion in the delegation from Indiana, beyond the objection of my colleague to its passage now, I am not aware of it. I thought I could speak for every member except my colleague as being in favor of conferring this right upon Indiana. I felt that I was authorized to say that it would receive no opposition from Indiana. Although I had not consulted my colleague on the subject, I had consulted the other members from Indiana, and I thought I could speak of their general approval of this measure.

Mr. ORTH. This matter was brought to my attention for the first time yesterday. I remarked to my colleague [Mr. HOLMAN] that I was favorable to this measure, but I preferred to hear from our State before I took definite action upon the matter. I did not understand from him then that this matter was to be brought up at so early a day. I prefer now that time be given for the delegation from our State to correspond with the agricultural board of our State, which represents all portions of that State, as is well known to the gentleman; and I would ask now that this subject be postponed for a week or two until we can get that information. In the mean time we can perfect this matter.

There seems to be a disposition upon the part of the House to make this bill, in the shape indicated by my colleague, [Mr. HOLMAN,] general; and for that reason, if for no other, it ought to be postponed in order that we might perfect it. I told my colleague yesterday I was in favor of this measure, but preferred to ascertain, as far as I could, what the sentiment of our people was in reference to a diversion of this fund, and as the board of agriculture was the only organized board in our State with which we could consult, I preferred to consult with them.

Mr. WASHBURNE, of Illinois. As my colleague, the chairman of the Committee on Public Lands, has intimated a wish for the further consideration of this matter, I suggest that the bill, with the amendments, be recommitted to the Committee on Public Lands. I am in favor of the two propositions going together. They should not be disconnected.

Mr. HOLMAN. If the gentleman from Kentucky [Mr. CLAY] will consent—and I would not make the motion without his consent, as he has charge of the bill—I will make the motion to recommit, and——

Mr. CLAY. If the bill is to be recommitted I have an amendment here which a gentleman from New York proposed to offer.

Mr. WASHBURNE, of Illinois. I will enlarge my motion and embrace any amendments which gentlemen desire to offer, so that the Committee on Public Lands may have possession of the whole subject.

Mr. HOLMAN. The proposition I propose to make is this: that the subject shall be postponed for two weeks from this day, made the special order after the morning hour, and that the pending amendments and such as may be offered, shall be printed.

Mr. CLAY. I have no objection to that.

Mr. HALE. I object to that. Friday should be devoted to private business.

The SPEAKER. The bill can be postponed by a majority vote, but it cannot be made a special order except by unanimous consent.

Mr. HOLMAN. I trust my colleague will not object to it.

Mr. HALE. Make it some other day.

Mr. HOLMAN. After the morning hour. We

generally dispose of our business in the morning hour.

Mr. HALE. Say Monday; we never do anything that day.

Mr. HOLMAN. I will then say one week from Monday next after the morning hour, that the bill be made a special order, and that the bill and amendments be printed.

Mr. ASHLEY. Say Saturday two weeks.

Mr. MORRILL. I object to the bill being made a special order for any day.

The SPEAKER. The gentleman from Indiana moves that the bill be postponed until Monday week after the morning hour.

Mr. HOLMAN. It does seem to me that the bill ought to be made a special order. I ask that it be postponed till to-morrow two weeks, and made the special order for that day.

Mr. MORRILL. My own impression is that that would clog the business of the House, and there may be more important subjects that we ought to dispose of.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Indiana will not postpone it till Saturday.

Mr. HOLMAN. I hope the gentleman from Vermont will not object to the bill being made a special order for Friday—this day two weeks—after the morning hour, as that is private bill day.

Mr. MORRILL. I do not object to that.

Mr. HOLMAN. Then I make that motion.

The motion was agreed to.

An order was then made for the printing of the pending amendments, and of such other amendments as gentlemen might desire to offer, and which might be handed in at the Clerk's desk.

JOSIAH O. ARMES.

The SPEAKER stated that the next business in order was the consideration of bill No. 161, for the relief of Josiah O. Armes, reported from the Committee of the Whole House without amendment.

Mr. STEVENS. I was about to move to go into Committee of the Whole on the state of the Union on the special order.

The SPEAKER. The gentleman can move to go into Committee of the Whole on the state of the Union, but the special order will not come up until the expiration of the morning hour, which will be in twenty-five minutes from this time.

Mr. STEVENS. Then I will waive my motion.

Mr. WASHBURNE, of Illinois. The bill before the House involves very important questions, some of the most important that can arise during this whole session of Congress. It involves the question of paying for the destruction of private property. I desire to submit some remarks on the subject, and am not now prepared to go on.

Mr. HALE. When will it come up again if passed over now?

The SPEAKER. It will be in order every Friday until disposed of. The chairman of the Committee on Claims can call it up on any Friday. It will be passed over for the present.

BUSINESS OF THE DISTRICT OF COLUMBIA.

Mr. DUMONT. I ask unanimous consent of the House that two weeks from to-day be set apart for the consideration of the business of the District of Columbia.

The SPEAKER. Two weeks from to-day after the morning hour has just been assigned for the consideration of another bill.

Mr. DUMONT. Then I will ask that two weeks from yesterday be assigned for that business.

There was no objection, and it was so ordered.

The SPEAKER then proceeded, as the regular order of business, to call the committees for reports of a private nature.

INCREASED MAIL FACILITIES.

On motion of Mr. ALLEY, the Committee on the Post Office and Post Roads was discharged from the further consideration of a petition for increased mail facilities between Philadelphia and New York; and the same was referred to the select committee on a railroad between Washington and New York.

SHORT RATIONS.

Mr. YEAMAN, from the Committee on Military Affairs, reported back, with a recommendation that it do not pass, joint resolution of the House No. 28, providing for payment to soldiers in the field of the value of short rations; and the same was laid upon the table.

REPRESENTATIVES OF ISRAEL C. WAIT.

Mr. HALE, from the Committee of Claims, reported back, with the recommendation that it do pass, bill of the Senate No. 34, in favor of the legal representatives of Israel C. Wait.

The bill was read. It provides that the Secretary of the Treasury pay to the legal representatives of Israel C. Wait, late a lieutenant in the United States Navy, the sum of $1,500, that being the amount of unpaid balance due him under the "act to promote the efficiency of the Navy."

Mr. HALE. I ask that the bill be acted on now.

The SPEAKER. That will require unanimous consent, as the bill contains an appropriation.

Mr. WASHBURNE, of Illinois. Let the bill take the usual course.

Mr. WASHBURNE, of Illinois, asked for the reading of the report.

Mr. HALE. Let the letter from the Fourth Auditor be read.

The letter was read by the Clerk.

Mr. WASHBURNE, of Illinois. It appears by the letter from the Fourth Auditor that there is a balance in the Treasury really belonging to this man. I withdraw my objection.

The bill was ordered to a third reading; and was read the third time, and passed.

Mr. HALE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

E. F. AND SAMUEL A. WOOD.

Mr. HALE also, from the Committee of Claims, reported back, with a recommendation that it do pass, a bill (S. No. 105) for the relief of E. F. and Samuel A. Wood.

The bill was read. It directs the Secretary of the Treasury to cause to be issued, executed, and delivered to E. F. and Samuel A. Wood duplicates of the following described bonds of the United States of America Treasury Department, for the Oregon war debt, issued by the United States under an act of Congress approved March 2, 1861, payable at any time after July 1, 1881, at the Treasury of the United States, with interest at the rate of six per cent. per annum, namely: Nos. 1329 and 1334 to 1338, inclusive, for the sum of $500 each, and No. 271 for $50, dated Washington, March 24, 1862, and Nos. 1352 to 1359, inclusive, for $500 each, No. 665 for $100, and No. 266 for $50, dated Washington, March 24, 1862, and No. 877 for $100, No. 400 for $50, dated Washington, May 22, 1862, and each and severally signed L. E. Chittenden, Register of the Treasury, entered R. E., recorded I. O. with thirty-seven interest coupons attached to each of the $500 bonds for $15 each, payable semi-annually; eighteen interest coupons attached to bond No. 665, and nineteen interest coupons attached to bond No. 877 for $6 each; eighteen interest coupons attached to bonds Nos. 266 and 271; nineteen interest coupons attached to bond No. 400 for $3 each, payable annually, all of which coupons are signed G. Luff, for the Register of the Treasury; in all nineteen Oregon war bonds, amounting to the sum of $7,350; provided that before the issue of such duplicate bonds E. F. and Samuel A. Wood, or either of them, shall execute, or cause to be executed, and deposited with the Secretary of the Treasury of the United States, to the full acceptance and satisfaction of the Secretary, such bond of indemnity as is usually required by the regulations of the Treasury Department for the issue of duplicate certificates of inscribed stocks and bonds.

Mr. HALE. These bonds were delivered to the Adams Express Company, and lost when the Golden Gate was destroyed.

Mr. WILSON. Is there a report accompanying the bill?

Mr. HALE. There is.

Mr. WILSON. I ask that it be read.

The report of the Senate Committee on Naval Affairs was read.

Mr. WASHBURNE, of Illinois. I understood the gentleman from Pennsylvania to say that these bonds were sent by express.

Mr. HALE. I was mistaken in that. They were sent by mail.

Mr. WASHBURNE, of Illinois. It appears that this was a package sent by mail and lost, and now Congress is asked to make good that loss.

Mr. HALE. There is no money required to be paid. The bill is merely to authorize the Secretary of the Treasury to issue duplicates of these bonds, taking a bond that if the papers are ever found they would be of no account.

Mr. WASHBURNE, of Illinois. I would not give a snap of my finger for all the obligations of that kind that the Government can get.

Mr. HALE. Is it possible that an honest Government can refuse to replace one of its bonds that has been lost? Certainly not. This bill is only to replace bonds issued by the Government and proved to have been lost by these parties. I move the previous question on the third reading of the bill.

Mr. WASHBURNE, of Illinois. I hope the gentleman will not move the previous question, or that the House will vote it down.

Mr. HALE. I am satisfied that the gentleman from Illinois shall have an opportunity to speak; and I therefore withdraw the previous question.

Mr. WASHBURNE, of Illinois. If the House has listened to the reading of the report it will perceive that these claimants make a demand for legislation that is without a parallel in the history of this country. It is alleged, and perhaps may have been proved, that these bonds were lost on the steamer Golden Gate, and now it is proposed to issue duplicates of them, with a proviso that a bond shall be taken to hold the Government harmless.

There are two reasons why I think this sort of legislation should not be adopted. In the first place, we are establishing a precedent, and no man can tell where it will end. How many bonds out of the $100,000,000 of the national debt may have been or may be lost, or may be alleged to be lost? If we pass this bill, parties will come in and, on the allegation that they have lost bonds, ask Congress to authorize the issue of new bonds.

Mr. ASHLEY. I desire to ask the gentleman from Illinois if he is not entirely satisfied that the Government should adopt such rules for replacing lost bonds as railroad and other corporations adopt? If a railroad bond owned by the gentleman is destroyed the railroad company will reissue it.

Mr. WASHBURNE, of Illinois. Let some general law be passed. But as the matter stands now I am utterly opposed to having special legislation on the subject. It is said that these bonds have been lost on board the Golden Gate. I understand that divers are at work fishing up valuables from this wreck every day. It may not be long before the safe in which these bonds were will be found, and the bonds put on the market.

Mr. HALE. These bonds are all numbered.

Mr. WASHBURNE, of Illinois. Suppose they are. They can be passed from hand to hand. The gentleman from Pennsylvania might purchase one of these bonds to-morrow, and would never think of going to the Treasury to see whether there was not a duplicate of it issued.

Mr. SCHENCK. Are these coupon bonds transferable by delivery, or are they registered bonds? They may be good in the hands of the holder without any assignment or indorsement.

Without inquiring, however, further into the case I move that the bill be referred to the Committee on the Judiciary. I think it proper, as the gentleman from Illinois [Mr. WASHBURNE] has suggested, that, if any provision should be made in regard to this case, some general law should be framed in reference to bonds alleged to have been lost. If there be any legislation needed it ought to be general, covering the whole subject.

Mr. HALE. I have no objection to the law that the gentleman suggests. I think it is a proper one; but when gentlemen come with a plain case, prove that they have lost Government bonds, and offer to indemnify the Government for issuing new ones, I think they ought not to be exposed to the inconveniences of waiting for a general law to be passed. I will vote for such a general law when it is submitted. These men come within the rules. They have established that they have lost these bonds, and no Government ought to refuse to supply others for them.

The ship upon which they were, we all know,

was entirely destroyed by fire. The presumption is that these bonds were destroyed. There is no reason why this act of justice should be postponed. I think the proposition is a fair one. They are entitled to this now, and they ought to have it now. I gave way to the gentleman from Illinois with the idea that when he had concluded what he had to say he would renew the demand for the previous question.

Mr. WASHBURNE, of Illinois. If the gentleman had intimated such an understanding I would have done so.

Mr. HALE. I withdrew the demand for the previous question to hear what he had to say, expecting that he would renew it.

The SPEAKER. The Chair did not understand the gentleman from Pennsylvania to ask the gentleman from Illinois to renew the demand for the previous question. The motion has been made to refer the bill, and it must be entertained.

Mr. SCHENCK. Gentlemen ask me to withdraw the motion to refer the bill, but I must insist upon it. I think it is proper that the House should vote on it.

The gentleman from Pennsylvania says that these questions ought not to be subjected to the chances of a bill which may or may not pass. Why, that is what they are now subjected to. Here is a bill which may or may not pass. Members may vote against this proposition who would be willing to agree to a general bill. They are now subjected to the contingencies of the passage of this bill. I am, sir, for general legislation on this subject. However clear the gentleman may think this particular case, I believe that special legislation is one of the troubles that ought to be avoided wherever it can be.

We ought to have a general act providing how proof should be taken, under whose supervision, and in what form it should be presented. And my question has not yet been answered whether these bonds were transferable by delivery or assignment. We might as well have legislation for the relief of those who lose greenbacks as for those who lose coupon bonds. The whole matter requires to be investigated; and with a view to that investigation and the bringing in a general bill covering all cases where bonds are lost, I have moved that the pending proposition be referred to the Committee on the Judiciary.

Mr. WASHBURNE, of Illinois. The bill does not say that they are registered bonds.

Mr. DAVIS, of New York. I do not know this special case, and I only look to the principle involved. I think it unsafe for the Government to legislate for the security of these parties without knowing all of the facts. I know nothing of these parties, but I do know if we establish this sort of legislation we will have a good many cases of the same character before us. When it comes to be known that such claims are allowed, men will lay their plans for the purpose of committing great frauds upon the Government and the public Treasury. I have in my mind an action brought against an insurance company in New York for the recovery of insured specie lost coming from San Francisco. That company resisted the claim, because they believed the claim was founded on fraud, though the loss was established by affidavit after affidavit of persons belonging to the vessel. Pending the investigation the insurance company took the precaution of sending down and finding the sunken vessel. On reaching the hold and bringing up the boxes said to contain gold, they found nothing but old rusty iron-nails. If we act upon the principle of allowing men to receive pay upon bonds which they pretend to have lost, and which they may in this way prove to have been lost, we will expose this Government to great depredations. I protest against such action.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. NICOLAY, his Private Secretary, informing the House that he had approved and signed an act for carrying the mails from the United States to foreign ports, and for other purposes.

E. F. AND SAMUEL A. WOOD—AGAIN.

The SPEAKER. The morning hour has expired.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HALE. I appeal to my colleague from Pennsylvania to allow us to take a vote upon the pending bill.

Mr. STEVENS. I will if you will call the previous question.

Mr. HALE. I move the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. STEVENS. With the permission of the House I would inquire whether the committee had clear proof before them that these bonds were destroyed?

Mr. HALE. Yes, sir. The bill passed the Senate and the report of the Senate has been read to the House. The Oregon war bonds were registered bonds and payable to particular individuals.

Mr. WASHBURNE, of Illinois. I object to any further remarks, as the previous question has been seconded.

Mr. WEBSTER. The gentleman from Illinois objects, when he himself held the floor by the courtesy of my colleague on the committee.

Mr. WASHBURNE, of Illinois. I did not hold the floor by the courtesy of the gentleman from Pennsylvania.

Mr. HALE. I gave it to the gentleman from Illinois. I would inform gentlemen that these bonds do not pass by delivery. I am informed that they have to be specially assigned before a judge or notary public. They are not payable to bearer.

The question recurring on the motion to recommit the bill to the Committee on Public Lands—

Mr. WASHBURNE, of Illinois, demanded the yeas and nays, and called for tellers on the same.

Tellers were ordered; and Messrs. HALE, and WASHBURNE of Illinois, were appointed.

The House divided; and the tellers reported—ayes twenty-one; a sufficient number.

So the yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 35, nays 65; as follows:

YEAS—Messrs. Ashley, John D. Baldwin, Beaman, Boutwell, Brandegee, James S. Brown, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Deming, Dumont, Eckley, Eliot, Farnsworth, Frank, Charles M. Harris, Higby, Francis W. Kellogg, Morrill, Norton, Orth, Pike, Pomeroy, Price, John H. Rice, Schenck, Scofield, Smithers, Spalding, Upson, Van Valkenburgh, Elihu B. Washburne, Wilson, and Yeaman—35.

NAYS—Messrs. James C. Allen, Alley, Allison, Ames, Anderson, Baily, Augustus C. Baldwin, Baxter, Blaine, Jacob B. Blair, Bliss, Brooks, Broomall, Chanler, Clay, Cravens, Donnelly, Driggs, English, Ganson, Griswold, Hale, Hall, Harding, Herrick, Holman, Hooper, Hotchkiss, John H. Hubbard, Hulburd, Julian, Kalbfleisch, Law, Longyear, Marcy, McBride, McClurg, Samuel F. Miller, James R. Morris, Nelson, Noble, Odell, John O'Neill, Patterson, Pendleton, Perham, Perry, Pruyn, Radford, William H. Randall, Rogers, Ross, Shannon, John B. Steele, William G. Steele, Stevens, Stuart, Sweat, Wadsworth, Webster, Whaley, Wheeler, Williams, Windom, and Winfield—65.

So the motion to recommit was not agreed to.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HALE moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NATIONAL CURRENCY.

Mr. STEVENS. I now renew my motion to go into Committee of the Whole upon the currency bill.

The SPEAKER. The Chair would say that when the House adjourned yesterday a motion was pending to close all debate in five minutes after the committee should resume the consideration of that bill.

Mr. BROOKS. If the gentleman from Pennsylvania will allow me, I wish to make a suggestion. There are a great number of men connected with the clearing-house of the city of New York and representing the great banking interest of that city who desire to be heard upon this subject section by section. They have their amendments in print, and they wish to present them to the House. If possible I wish this bill might be passed over until Monday, and those men allowed to be heard. They are not in my way of political opinion, and they expect this bill to pass, and they desire it to be passed; but they wish it to be made as perfect as possible. Among them is Mr. Gallatin, I believe, whom the honorable gentleman from Massachusetts [Mr. HOOPER] referred to yesterday in connection with the honorable gentleman from Albany. There is hardly a quorum in the House to-day, as many members have gone home, not expecting action upon this bill at present. I said these gentlemen desired this bill to pass; I should say my opinion is they expect it to pass. They did not wish it as an original system, but it is better than the existing system, and they wish to make it perfect. They are among the most intelligent financial gentlemen there are in the United States, and their interests are wrapped up in the interests of their country, and it would be only proper to give them a fair opportunity for consultation.

Mr. DAVIS, of New York. I desire to say that I concur in the views which my colleague [Mr. BROOKS] has presented in respect to the propriety of delaying action upon this bill, and for the reason that there are many intelligent men upon the subject of banking to whose notice this bill has been presented only within the last two or three days, and they are here for the purpose of conferring with members of this House and with the committee on the subject.

I believe that they are acting in entire good faith. They wish to have this bill presented in such form as will best accommodate the views of the Government and protect the interests of the country. They wish nothing else. I can say this from my personal knowledge of gentlemen who are here in reference to this subject; and therefore, inasmuch as this bill is one of very great and universal importance, I hope that the chairman of the Committee of Ways and Means will consent to its temporary postponement.

Mr. STEVENS. Mr. Speaker, if there had not been sufficient time for deliberation upon this measure, these requests would seem reasonable. But the bill has been before the country for ten days in its amended form, and its main features have been for a year before the country. All the gentlemen referred to saw it, I presume, immediately after it was printed. They did prepare amendments—and not a few—which I now hold in my hand, and they have been fully heard before the Committee of Ways and Means. Their amendments are all matured, and any gentleman can offer them when the bill is taken up section by section.

I do not understand the learned gentleman from New York to say that they desire to be heard at the bar of the House; they have been heard before the Committee of Ways and Means personally as long as they desired.

Mr. BROOKS. I think the gentleman is mistaken in saying that they have been heard before the committee personally. One institution has been heard before the committee, but the others I think have not been. Let me say to the gentleman that the representative of the clearing-house in the city of New York, who represents these great institutions, has not been heard.

Mr. STEVENS. I think the gentleman is mistaken.

Mr. BROOKS. I am quite sure I am right.

Mr. STEVENS. I call upon my colleague on the committee [Mr. HOOPER] to say whether he has or has not.

Mr. HOOPER. Mr. Lyman, the head of the clearing-house committee, was present with Mr. Gallatin and eight or ten others, and spent nearly a whole forenoon with the committee, and they submitted their amendments, which I have here in a printed form, most of which were very judicious, and had in fact been adopted by the committee previously to this interview. The only class of amendments recommended by them that we did not adopt, that I remember, were those proposing to remove the office of the Comptroller of the Treasury to New York and place it there. But I think almost all of the amendments relating to the business of banking had been previously adopted by the committee.

Mr. BROOKS. The amendments proposed by the representatives of the banks of New York have only been brought to my attention since I came to the House to-day, and I have not had time to read them. They are voluminous, and I should wish time between now and Monday to examine them.

Mr. STEVENS. I think we had better proceed with the bill now.

Mr. WASHBURNE, of Illinois. It is only the representatives of the banking interest who apply for a continuance. The people themselves,

who are interested more than anybody else in regard to the currency, are not asking a continuance.

Mr. GRISWOLD. I would merely suggest to the gentleman from Pennsylvania that I think he is mistaken as to there having been opportunity furnished to examine this bill. I have myself sent to the document-room for it several times, but have never been able to get one.

Mr. STEVENS. I cannot be mistaken in the fact that a large delegation from New York, headed by the eminent men who have been referred to, Mr. Gallatin and Mr. Lyman, have been heard patiently before the committee. They went over every part of the bill and proposed their amendments, and they have all been deliberately considered by the committee. I think the House had better consider them now and go on with the bill.

Mr. GRISWOLD. I did not refer to those gentlemen from New York at all.

The SPEAKER. Does the gentleman from Pennsylvania insist on his motion to close debate?

Mr. STEVENS. I do, sir; the five minutes' debate will still be open, of course.

Mr. BROOKS. I hope the motion will not prevail.

The SPEAKER. It is not debatable. This general conversation has been indulged in by unanimous consent.

The question was put; and on a division there were—ayes 46, noes 46.

The SPEAKER voted in the affirmative, and announced that the motion was agreed to.

Mr. BROOKS. On so important a matter as this I feel it my duty to demand the yeas and nays.

The SPEAKER. The Chair thinks the call comes too late.

Mr. BROOKS. I made it as quickly as I could.

The SPEAKER. The gentleman made a short speech before he called the yeas and nays.

Mr. BROOKS. Well, I can assure the gentleman from Pennsylvania that no progress will be made in the bill to-day.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

Mr. BROOKS. Is it in order to have the yeas and nays on that motion?

The SPEAKER. It is.

Mr. BROOKS. I want to be in time.

The SPEAKER. The Chair is yet unaware whether the gentleman desires the yeas and nays or not.

The question being put on Mr. STEVENS's motion to go into Committee of the Whole on the state of the Union—

Mr. BROOKS. On that question, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 57, nays 42; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Brandegee, Broomall, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Frank, Hale, Higby, Hooper, John H. Hubbard, Kelley, Francis W. Kellogg, Longyear, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Norton, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, John H. Rice, Schenck, Scofield, Shannon, Smithers, Spalding, Stevens, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Webster, Whaley, Wilson, and Windom—57.

NAYS—Messrs. James C. Allen, Anderson, Baily, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, Chanler, Clay, Cravens, English, Ganson, Griswold, Hall, Harding, Harrington, Charles M. Harris, Herrick, Holman, Kalbfleisch, Law, Marcy, McAllister, James R. Morris, Morrison, Nelson, Noble, John O'Neill, Pendleton, Perry, Pruyn, Radford, Rogers, James S. Rollins, Ross, Stebbins, William G. Steele, Stuart, Sweat, Voorhees, Winfield and Yeaman—42.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BRANDEGEE in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; on which, by order of the House, all general debate was to close in five minutes.

The CHAIRMAN. The committee rose last evening pending a call for division on the amendment of the gentleman from Maine [Mr. PIKE] to the seventh section of the bill, to strike out $100,000 and insert $50,000, so that no association shall be organized under this act with a less capital than $50,000.

Mr. HOOPER. I hope the gentleman from Maine will withdraw his amendment, and allow me to offer in lieu of it a proviso at the end of the section, somewhat varying from the proposition yesterday.

Mr. BEAMAN. Let it be read.

Mr. HOOPER's amendment was read, as follows:

Add to section seven the following:

Provided, That banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

Mr. PIKE. I withdraw my amendment, and will consent to the proposition of the gentleman from Massachusetts.

Mr. BROOKS. Mr. Chairman, I object to this amendment, for the reason that it gives the Secretary of the Treasury the power to say whether a bank may or may not be established. He can withhold his permission from one of these $50,000 banks or let it be established, just as he pleases. I suggest that, especially under existing circumstances, that is a power which ought not to be lodged in the Secretary of the Treasury, however safe it might be to lodge it in the Comptroller of the Treasury. Indeed, it seems to me that the whole bill, undesignedly without doubt, concentrates extraordinary powers in the hands of the Secretary of the Treasury. This is a high and dangerous power to give to any one man, particularly to the Secretary of the Treasury at this moment, standing in the peculiar relation to the country that he does. It is a mischievous and dangerous experiment to allow him to say whether in some small town of Illinois, Michigan, Maine, or any other State, a bank shall or shall not be allowed under this law. There should be certain fixed principles established. Congress, not the Secretary of the Treasury, should lay down the chart. I object to that feature of the amendment.

Mr. ROSS. I move to amend the amendment of the gentleman from Massachusetts by striking out the words, "with the approval of the Secretary of the Treasury."

The CHAIRMAN. The Chair will inform the House that the time to which general debate was limited has expired, and that debate is now in order only under the five minutes rule.

The question being on Mr. Ross's amendment to the amendment,

Mr. PRUYN. Am I in order in speaking to the amendment?

The CHAIRMAN. If the gentleman rises to oppose the amendment he is in order.

Mr. PRUYN. Mr. Chairman, this proposal to lessen the minimum of capital; and consequently to increase the number of institutions to be organized under this law, affords me the opportunity to say a few words on a subject I inadvertently omitted to allude to yesterday, and that is the remark of the gentleman from Massachusetts, [Mr. HOOPER,] that the State bank system had proved to be a failure, and it had therefore become necessary to establish a national system. My colleague [Mr. BROOKS] noticed this statement quite fully in the remarks made by him, and I shall not go over the ground he occupied. But let me ask, why was it that the State bank system failed; that is, that these banks suspended specie payments? Had any legitimate demands been made upon them which they could not meet? Had they failed to do their duty in aiding the commerce or conducting the exchanges of the country? Had they not come up in the boldest manner to the aid of the Government? Was it not the course adopted by the Secretary of the Treasury which led to their suspension?

Let us look at this: the Secretary at the opening of the war had two courses before him to carry on the finances of the country. The one was that which he adopted. My limited time will not allow me to comment on this. The other would have maintained our finances on a specie basis. A large part of the additional currency which the country needed would have been immediately supplied by the State banks, and with perfect safety to the community, as that currency is now almost universally based on the security of the State stocks in addition to the liability of the banks. If needed the Secretary of the Treasury might have added an amount of Treasury notes or exchequer bills, one or two hundred million dollars, if you please, just as much more or less as the wants of the country demanded, receivable at all points in payment of all obligations to the Government. This would have given us an ample amount of currency. For, as my friend from New York [Mr. BROOKS] well said yesterday, currency does not consist of small notes, of five and ten and twenty dollar notes only, but of drafts of well-established houses, of checks and orders, which pass from hand to hand throughout the length and breadth of the country just as readily as if they were bank notes or Treasury notes. Had this course been pursued the State banks would not have been forced to suspend specie payments; and had the Secretary of the Treasury continued to sell the stocks of the Government at what they would bring in the markets, with specie payment maintained, the result would, in my judgment, have been that a large five per cent. stock which before the war sold at a considerable premium, instead of being worth as it now is only something over sixty per cent. in gold, would never have gone below eighty-five or eighty per cent. Not only our own people but foreigners would have had that confidence in our engagements which unfortunately does not now exist. More than this, the Government would have procured its supplies for the war at their real value instead of paying the largely increased amount which they are now paying. If, as is generally believed, our public debt will, at the close of the present year, be $4,000,000,000, at least $1,000,000,000 of this amount has, in my judgment, been uselessly incurred by the erroneous financial policy of the Government.

Mr. HOOPER. I hope that the amendment will not be adopted.

The CHAIRMAN. Debate is exhausted on the amendment.

On a division on the amendment, there were—ayes 5, noes 40.

Mr. STEVENS demanded tellers.

Tellers were ordered; and Messrs. KELLOGG, of Michigan, and BROOKS, were appointed.

The question was again put; and the tellers reported—ayes 1, noes 50; no quorum voting.

The CHAIRMAN directed the roll to be called.

The roll was called; and the following members failed to answer to their names:

Messrs. William J. Allen, Ancona, Anderson, Arnold, Francis P. Blair, Jacob B. Blair, Boyd, Brooks, William G. Brown, Chanler, Coffroth, Cox, Creswell, Henry Winter Davis, Dawes, Dawson, Deming, Denison, Dixon, Driggs, Eden, Edgerton, Eldridge, Farnsworth, Fenton, Finck, Gooch, Grinnell, Hall, Harding, Harrington, Asahel W. Hubbard, John H. Hubbard, Hutchins, Jenckes, Philip Johnson, William Johnson, Julian, Kasson, Kelley, Orlando Kellogg, Kernan, King, Lazear, Le Blond, Littlejohn, Long, Lovejoy, Mallory, Marvin, McBride, McDowell, McIndoe, McKinney, Middleton, William H. Miller, Daniel Morris, James R. Morris, Amos Myers, Leonard Myers, Odell, Charles O'Neill, Orth, Pendleton, Samuel J. Randall, Alexander H. Rice, Robinson, Rogers, Edward H. Rollins, Schenck, Scofield, Scott, Sloan, Smith, Spalding, Starr, John B. Steele, Stiles, Strouse, Thayer, Thomas, Ward, William B. Washburn, Whaley, Chilton A. White, Joseph W. White, Wilder, Winfield, Benjamin Wood, Fernando Wood, and Woodbridge.

The committee then rose; and the Speaker having resumed the chair, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the national currency bill, and finding itself without a quorum had caused the roll to be called and directed him to report the names of the absentees to the House.

Mr. HOOPER. I move that there be a call of the House.

Mr. STEVENS. Let us have a call of the House, and make an example of those members who will not attend to the business of the country.

The motion was agreed to.

The roll was accordingly called; and the following members failed to answer to their names:

Messrs. James C. Allen, William J. Allen, Ancona, Arnold, Jacob B. Blair, Boyd, William G. Brown, Coffroth, Cox, Creswell, Henry Winter Davis, Dawes, Dawson, Denison, Dixon, Eden, Edgerton, Eldridge, Farnsworth, Fenton, Finck, Gooch, Grinnell, Hall, Asahel W. Hubbard, John H. Hubbard, Hutchins, Jenckes, Philip Johnson, William Johnson, Julian, Orlando Kellogg, Kernan, King, Lazear, Le Blond, Littlejohn, Long, Lovejoy, Mallory, Marvin, McAllister, McDowell, McIndoe, McKinney, Middleton, William H. Miller, James R. Morris, Amos Myers, Leonard Myers, Odell, Charles, O'Neill, Patterson, Samuel J. Randall, Alexander H. Rice, John H. Rice, Robinson, Edward H. Rollins, Schenck, Scofield, Scott, Sloan, Smith, Spalding, Starr, Stiles, Strouse, Thayer, Ward, William

B. Washburn, Chilton A. White, Joseph W. White, Wilder, Benjamin Wood, Fernando Wood, and Woodbridge.

The SPEAKER. The Doorkeeper will now close the doors, and the Clerk will call the roll for the purpose of receiving excuses for absentees.

The doors were closed.

Mr. ROSS. I would inquire if a quorum have answered to their names.

The SPEAKER. One hundred and three members have answered.

Mr. ROSS. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

The Clerk then proceeded to call the names of the absentees for excuses.

JAMES C. ALLEN. No excuse offered.

WILLIAM J. ALLEN.

Mr. KNAPP. My colleague has been absent from the House on business nearly two weeks, I think with leave of the House, though I am not certain. I move he be excused.

The motion being lost on a division,

Mr. KNAPP demanded the yeas and nays.

The yeas and nays were ordered.

Mr. STEVENS. I did not hear the excuse given by the gentleman.

Mr. KNAPP. I am not certain whether he had leave of absence, but he is in Illinois to-day, on business imperatively demanding his presence there.

Mr. STEVENS. Is his family ill?

Mr. KNAPP. I do not know. I understood the necessity of his leaving on business was imperative two weeks ago. I have nothing further to say.

Mr. STEVENS. I think, under that statement, we had better excuse him, and not make it a matter of contest.

Mr. KELLOGG, of Michigan, moved to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider prevailed.

The yeas and nays were then refused.

The question recurred on the motion to excuse Mr. ALLEN, and it was agreed to.

SYDENHAM E. ANCONA.

Mr. PENDLETON. I move that Mr. ANCONA be excused, as he is absent from the city.

The motion was agreed to.

ISAAC N. ARNOLD.

Mr. WASHBURNE, of Illinois. Mr. ARNOLD is confined to his room and bed by very severe indisposition. I move he be excused.

The motion was agreed to.

JACOB B. BLAIR.

Mr. WASHBURNE, of Illinois. He has had leave of absence granted him by the House.

Mr. PRUYN. That of itself is an excuse.

The SPEAKER. The Chair would so decide were it not that his leave of absence commences to-morrow instead of to-day.

Mr. PRUYN. To-day being Good Friday, I think we ought to excuse him, and I move he be excused.

The motion was agreed to.

SEMPRONIUS H. BOYD.

Mr. BLAIR, of Missouri. I move he be excused. I have no doubt he has a good excuse, though I do not know what it is. [Laughter.] I call for the yeas and nays.

Mr. STEELE, of New Jersey, demanded tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The motion was not agreed to.

WILLIAM G. BROWN.

The SPEAKER. Mr. BROWN has leave of absence.

ALEXANDER H. COFFROTH. No excuse offered.

SAMUEL S. COX.

Mr. BLISS. I ought to state to the House that Mr. COFFROTH went to Philadelphia to attend a general convention of the State which was held yesterday.

The SPEAKER. The Chair thinks the excuse comes too late, as another name has been called.

Mr. PENDLETON. I have been informed that Mr. COX went to Ohio for the benefit of his health. I move he be excused.

Mr. STEVENS. Was Mr. COX much out of health?

Mr. PENDLETON. I am not prepared to answer the question whether he was much out of health; but I think he would improve it by going for that purpose, and I understand he has gone for that purpose. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 62, nays 30; as follows:

YEAS—Messrs. Alley, Anderson, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Francis P. Blair, Bliss, Blow, Boutwell, Brandegee, Broomall, James S. Brown, Chanler, Ambrose W. Clark, Freeman Clarke, Thomas T. Davis, Henry C. Deming, Eckley, English, Griswold, Hall, Harding, Benjamin G. Harris, Charles M. Harris, Herrick, Hooper, Hotchkiss, John H. Hubbard, Hulburd, Kasson, Knapp, Law, Marcy, McBride, Moorhead, Morrison, Nelson, Noble, Norton, John O'Neill, Pendleton, Pruyn, Radford, William H. Randall, Rogers, Ross, Scofield, Spalding, Stebbins, William G. Steele, Sweat, Thomas, Tracy, Van Valkenburgh, Voorhees, Wadsworth, Elihu B. Washburne, Whaley, Wheeler, and Winfield—62.

NAYS—Messrs. Allison, Ames, Baxter, Beaman, Blaine, Cobb, Donnelly, Driggs, Dumont, Eliot, Frank, Ganson, Garfield, Higby, Kelley, Francis W. Kellogg, McClurg, Samuel F. Miller, Morrill, Orth, Perham, Pomeroy, Price, Shannon, Smithers, Stevens, Upson, Williams, Wilson, and Windom—30.

So Mr. COX was excused.

During the roll-call,

Mr. ASHLEY said: As I understand my colleague had to go to the Democratic convention, I vote "ay."

Mr. WASHBURNE, of Illinois. As the gentleman's colleague says that he is absent on account of his health, I vote to excuse him.

Mr. BALDWIN, of Massachusetts. In consideration that the gentleman's illness is much more severe than I had supposed, I change my vote to "ay."

The result of the vote was announced as above recorded.

JOHN A. J. CRESWELL.

Mr. WEBSTER. My colleague, Mr. CRESWELL, is absent from his seat, and has been for a day or two. A distinguished gentleman, who was a member of this House not long since, would say he had gone to "foreign parts." He has gone to the Eastern Shore. I move that he be excused.

The motion was not agreed to.

Mr. HALE, (at ten minutes after three o'clock, p. m.) It is manifest that we will do no more business to-day, and being Good Friday, I move that the House do now adjourn.

The question was taken; and there were—ayes 36, noes 54.

So the House refused to adjourn.

HENRY WINTER DAVIS. No excuse offered.

HENRY L. DAWES. Absent on leave.

JOHN L. DAWSON.

Mr. BLISS. I make the same statement which I attempted to make in reference to another gentleman, in behalf of Mr. DAWSON. He is absent attending the general convention of the State of Pennsylvania, which was held at Philadelphia yesterday. He has not yet returned, but will probably be back to-morrow. I move that he be excused.

The motion was agreed to.

CHARLES DENISON.

Mr. O'NEILL, of Ohio. I desire to say in behalf of Mr. DENISON, that he has been complaining of ill-health for some days past, and I think that is probably the cause of his absence, although I am not able to state it positively. I move that he be excused.

The motion was agreed to.

NATHAN F. DIXON.

Mr. ELIOT. Mr. DIXON left the city some days ago on account of sickness which rendered it necessary for him to go home. I move that he be excused.

The motion was agreed to.

JOHN R. EDEN. No excuse offered.

JOSEPH K. EDGERTON.

Mr. HOLMAN. My colleague is confined to his room by sickness, and has been for some time past. I move that he be excused.

Mr. WILSON. I rise to a question of order. The gentleman from Indiana was not in the Hall when his name was called, and therefore is now absent and cannot make a motion. [Laughter.]

Mr. HOLMAN. By referring to the record the gentleman will find that I answered to my name when it was called.

Mr. WILSON. I saw the gentleman looking through one of the doors after the doors were directed to be closed.

The SPEAKER. The Chair will state that by the record the gentleman appears to be present.

Mr. HOLMAN. Yes, sir, I was present, although apparently absent. [Laughter.]

The SPEAKER. The Chair instructed the Doorkeeper to admit any member who had answered when his name was called; but that before admitting any member after the doors had been closed he must consult the record to ascertain if he had answered to his name.

Mr. STEVENS. I move that the gentleman be absent, and that the Doorkeeper be held to his duty. [Laughter.]

The SPEAKER. If the gentleman was not present when his name was called, he is not rightfully in the House.

Mr. HOLMAN. I answered to my name when it was called, and I now move that Mr. EDGERTON be excused.

The SPEAKER. The gentleman states that he was present when his name was called, and answered.

Mr. HOLMAN. I was present when the call took place, and left the Hall immediately afterwards.

Mr. BALDWIN, of Massachusetts. I recollect distinctly that the gentleman from Indiana was present when the roll was called.

Mr. HOLMAN. I was present, and I now make the motion to excuse my colleague.

The motion was agreed to.

CHARLES A. ELDRIDGE.

Mr. BROWN, of Wisconsin. No member has been more constantly in attendance than my colleague, [Mr. ELDRIDGE.] For that reason I conclude he must be strongly indisposed, or he would be here. I move that he be excused.

Mr. WASHBURNE, of Illinois. Do I understand the gentleman to say that his colleague was indisposed to be here?

Mr. BROWN, of Wisconsin. I say that there has been no member more constantly in his seat than my colleague, and I draw the inference, from the fact that he is not here now, that he is indisposed.

Mr. WASHBURNE, of Illinois. Indisposed to be here?

Mr. BROWN, of Wisconsin. I did not say that. I do not know why he is not here, but he is almost constantly present when the House is in session, and therefore I ask that he be excused. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 53, nays 39; as follows:

YEAS—Messrs. Alley, Ashley, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, Broomall, James S. Brown, Chanler, Clay, Cravens, Eckley, English, Ganson, Grider, Griswold, Harding, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, John H. Hubbard, Hulburd, Kalbfleisch, Knapp, Law, Marcy, Morrison, Nelson, Noble, John O'Neill, Pendleton, Perry, Pruyn, Radford, William H. Randall, Rogers, Ross, Scofield, Spalding, Stebbins, John B. Steele, William G. Steele, Stuart, Sweat, Thomas, Tracy, Voorhees, Wadsworth, Webster, Wheeler, and Winfield—53.

NAYS—Messrs. Allison, Ames, Baxter, Beaman, Boutwell, Brandegee, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Deming, Donnelly, Driggs, Eliot, Frank, Garfield, Higby, Hooper, Kelley, Francis W. Kellogg, Loan, Longyear, McClurg, Samuel F. Miller, Moorhead, Morrill, Norton, Orth, Pomeroy, Price, Shannon, Smithers, Stevens, Upson, Van Valkenburgh, Elihu B. Washburne, Williams, Wilson, and Windom—39.

So Mr. ELDRIDGE was excused.

Mr. STEVENS. Mr. Speaker, it is very evident that the House does not desire to do business. I move that the House do now adjourn.

The motion was not agreed to.

REUBEN E. FENTON. Absent on leave.

WILLIAM E. FINCK. Absent on leave.

DANIEL W. GOOCH. No excuse offered.

JOSIAH B. GRINNELL. Absent on leave.

WILLIAM A. HALL. No excuse offered.

ASAHEL W. HUBBARD.

Mr. PRICE. My colleague, Mr. HUBBARD, has been confined to his room for weeks by erysipelas. I move that he be excused.

The motion was agreed to.

JOHN H. HUBBARD.

Mr. HUBBARD, of Connecticut. I desire to say, sir, that I this morning received a letter from Hon. T. B. Butler, one of the chief justices of my State, requesting me to appear before the Supreme Court of the United States and procure an appearance to be entered in a case in which he was interested. Not being acquainted with the clerk of

that court, (Mr. Middleton,) I requested the gentleman from Ohio [Mr. SPALDING] to go with me and give me an introduction to him. He consented, though with some reluctance, to go with me. We were both absent in the discharge of that duty when our names were called. But we came in, I believe, before the doors were shut.

Mr. BRANDEGEE. I inquire of my colleague whether he stopped at the refreshment saloon, called "The Hole in the Wall."

Mr. HUBBARD, of Connecticut. Not at all. I am a stranger to that place.

Mr. GANSON. I would like to ask the gentleman whether the Supreme Court is sitting to-day?

Mr. HUBBARD, of Connecticut. It is not; but we found Mr. Middleton, the clerk of the Court, who received my communication and kindly agreed that the entry should be made in the case.

The SPEAKER. This is not the appropriate time for the gentleman from Connecticut to excuse himself, he having been absent when his name was called. He has come in without authority.

Mr. ASHLEY. In violation of the rules.

The SPEAKER. The doors were open until the roll-call was concluded; but persons who were not present when their names were called will be arrested by the Sergeant-at-Arms.

Mr. STEVENS. Do I understand that the gentlemen from Connecticut and Ohio [Messrs. HUBBARD and SPALDING] are not marked as present?

The SPEAKER. They are not marked as present; but they came in before the doors were closed. They are still liable to arrest.

Mr. STEVENS. By what authority, then, do they vote?

The SPEAKER. The Chair will state that they ought not to vote.

WELLS A. HUTCHINS. No excuse offered.

THOMAS A. JENCKES. No excuse offered.

PHILIP JOHNSON.

Mr. STEELE, of New Jersey. The gentleman from Pennsylvania has long been detained at home by severe sickness, and I move that he be excused.

The motion was agreed to.

Mr. ELIOT. Mr. JENCKES's name was passed without my being aware of it. His colleague is also absent. I ask unanimous consent to state now that the gentleman from Rhode Island [Mr. JENCKES] is detained at home by sickness, and I move that he be excused.

The motion was agreed to.

GEORGE W. JULIAN. No excuse offered.

ORLANDO KELLOGG.

Mr. HIGBY. The gentleman from New York is absent on account of a death in his family, and I move that he be excused.

The motion was agreed to.

FRANCIS KERNAN.

Mr. GANSON. My colleague left here yesterday, on account of sickness in his family, and I move that he be excused.

The motion was agreed to.

AUSTIN A. KING. No excuse offered.

JESSE LAZEAR.

Mr. MOORHEAD. I have received a letter from my colleague stating that he is at home, sick, and I move that he be excused.

The motion was agreed to.

FRANCIS C. LE BLOND.

Mr. BLISS. I understand that Mr. LE BLOND is absent, in New York, attending to committee business, by order of the House, and I move that he be excused.

The motion was agreed to.

DE WITT C. LITTLEJOHN.

The SPEAKER stated that the gentleman had been absent for a long time on account of sickness.

It was moved that he be excused.

The motion was agreed to.

ALEXANDER LONG.

Mr. PENDLETON. My colleague has leave of absence from the House.

OWEN LOVEJOY.

Mr. DAVIS, of New York. The gentleman from Illinois is lying dangerously ill at Brooklyn, and I move that he be excused.

The motion was agreed to.

ROBERT MALLORY.

Mr. WADSWORTH. My colleague is absent on account of sickness, and I move that he be excused.

The motion was agreed to.

JAMES M. MARVIN.

Mr. PRUYN. I think my colleague has leave of absence.

The SPEAKER. The Clerk thinks not.

Mr. MARVIN was not excused.

ARCHIBALD McALLISTER.

Mr. HALE. My colleague left for home this morning to attend to important business; and I move that he be excused.

The motion was agreed to.

JAMES F. McDOWELL.

Mr. HOLMAN. My colleague has leave of absence.

JOHN F. McKINNEY. Absent on leave.

GEORGE MIDDLETON.

Mr. STEELE, of New Jersey. Mr. MIDDLETON was called home last night by important business; and I move that he be excused.

The motion was agreed to.

WILLIAM H. MILLER.

Mr. O'NEILL, of Ohio. He is absent for the same reason as his colleague, Mr. DAWSON; and I move that he be excused.

The motion was agreed to.

AMOS MYERS. No excuse offered.

LEONARD MYERS.

Mr. KELLEY. He was telegraphed for on account of extreme illness in his family; and I move that he be excused.

The motion was agreed to.

MOSES F. ODELL.

Mr. KALBFLEISCH. My colleague told me that he could not be here to-day.

Mr. STEELE, of New York. I suppose that he is absent on the committee on the conduct of the war.

The SPEAKER. The members of that committee have leave to be absent during the sittings of the House, and he is therefore excused.

Mr. BOUTWELL. I now move that the two other absent members of that committee, Mr. GOOCH and Mr. JULIAN, be excused.

The motion was agreed to.

CHARLES O'NEILL.

Mr. KELLEY. My colleague was called home by a death in his family, and I move he be excused.

The motion was agreed to.

JAMES W. PATTERSON. No excuse offered.

SAMUEL J. RANDALL.

Mr. SCOFIELD. Mr. RANDALL is absent attending a State convention—the same reason for which Mr. DAWSON is absent. I move he be excused.

The motion was agreed to.

Mr. HARDING. I move the House do now adjourn.

The motion was not agreed to.

ALEXANDER H. RICE.

Mr. ALLEY. My colleague left the House last evening very ill, and I have no doubt he is confined to his house to-day by sickness. I move he be excused.

The motion was agreed to.

JOHN H. RICE.

Mr. BEAMAN. I move Mr. RICE be excused. I have no doubt he is absent upon important business.

The SPEAKER. The Ghair understands he is in the lobby waiting to be arrested. [Laughter.]

The motion was not agreed to.

JAMES C. ROBINSON. No excuse offered.

EDWARD H. ROLLINS.

Mr. HULBURD. I left Mr. ROLLINS in New York yesterday, where he is on business upon a committee by order of the House. I move he be excused.

The motion was agreed to.

ROBERT C. SCHENCK.

Mr. GARFIELD. I have received a contraband message from my colleague stating that on Good Friday he will eat nothing stronger than bivalves and other shell-fish, and that he is engaged in that business at this time. [Laughter.] I move he be excused.

The motion was not agreed to.

GLENNI W. SCOFIELD.

Mr. SCOFIELD. I am present. [Laughter.]

The SPEAKER. Was the gentleman within the Hall at the roll-call when his name was called?

Mr. SCOFIELD. No, sir.

Mr. STEVENS. I would like to know how my colleague got in. Somebody has not done his duty.

Mr. SCOFIELD. I was in during the call of the roll, but I did not hear my name called. The first name I heard called was "Smith."

Mr. STEVENS. I saw a gentleman from New Jersey, now in the House, a very pleasant gentleman, looking through the window of the door after his name was called.

The SPEAKER. Which gentleman from New Jersey?

Mr. STEVENS. The gentleman from Newark, [Mr. PERRY.]

The SPEAKER. The gentleman from New Jersey answered to his name upon the call of the House.

Mr. WILSON. Does the roll show that the gentleman from Maine [Mr. PIKE] was present when his name was called?

The SPEAKER. The gentleman from Maine also answered to his name upon the call of the House.

Mr. PIKE. I am very much obliged to the roll, for the roll is perfectly correct.

JOHN G. SCOTT. No excuse offered.

ITHAMAR C. SLOAN.

Mr. COBB. My colleague, Mr. SLOAN, is now and has been for some weeks at home dangerously sick. I move he be excused.

The motion was agreed to.

GREEN CLAY SMITH.

The SPEAKER. Mr. SMITH is absent by leave of the House.

Mr. NELSON. I desire to make an excuse for Mr. SCOTT.

The SPEAKER. The Chair thinks it is too late.

RUFUS P. SPALDING.

Mr. SPALDING. Here.

The SPEAKER. The gentleman was not here during the call of the House, according to the roll.

Mr. SPALDING. I was not.

JOHN F. STARR.

Mr. STEELE, of New Jersey. My colleague, Mr. STARR, has been during the whole session in a very bad state of health, and I have no doubt he is now detained from the House on account of sickness. I move he be excused.

The motion was agreed to.

JOHN D. STILES.

Mr. HOLMAN. Mr. STILES, I believe, is absent for the same reason that Mr. RANDALL, of Pennsylvania, is absent, who is absent for the same reason that Mr. MILLER, of Pennsylvania, is absent, who is absent on the same ground that Mr. DAWSON is absent. [Laughter.] I therefore move that he be excused.

Mr. UPSON. I would like to know what ground that is?

Mr. WASHBURNE, of Illinois. I can inform the gentleman. It is the same ground on which Mr. RANDALL is absent. [Laughter.]

Mr. STILES was excused.

MYER STROUSE. No excuse offered.

M. RUSSELL THAYER. No excuse offered.

ELIJAH WARD.

Mr. BROOKS. My colleague's health is very poor. I am sure he would be here but for illness. I move that he be excused.

The motion was agreed to.

WILLIAM B. WASHBURN.

Mr. ECKLEY. I ask the House to excuse Mr. WASHBURN. He has gone home on important business and is paired with Mr. WHITE.

Mr. WASHBURN was not excused.

CHILTON A. WHITE.

Mr. HARRIS, of Illinois. I wish to inquire if Mr. CHILTON A. WHITE is not absent on leave? I think he is, if the Chair can ascertain that fact.

The SPEAKER. The Journal Clerk thinks not. There have been so many leaves of absence granted that it is impossible for the Clerk to turn to them all on the Journal at a moment's notice.

Mr. HARRIS, of Illinois. My impression is that he has leave of absence.

The SPEAKER. If the gentleman states he knows it, that is sufficient.

Mr. HARRIS, of Illinois. I cannot be certain of the fact.

Mr. WASHBURNE, of Illinois. I think it would be well for the Clerk whenever leave of absence is granted to make a separate memorandum. I propose that by unanimous consent an order to that effect be made.

The SPEAKER. The Journal Clerk states that he will follow the suggestion of the gentleman from Illinois hereafter.

Mr. PENDLETON. Mr. WHITE told me that he had leave of absence from the House.

The SPEAKER. That is sufficient.

JOSEPH W. WHITE. Absent on leave.

A. CARTER WILDER. No excuse offered.

BENJAMIN WOOD.

Mr. KALBFLEISCH. Mr. WOOD has been so constantly in his seat that I think he ought to be excused. [Laughter.]

Mr. GANSON. I understand he is absent by the force of habit. [Laughter.]

Mr. CHANLER. He is detained at home by sickness. I move that he be excused on that ground.

The question was put, and the negative vote seemed to prevail.

The SPEAKER. The Chair would state to the House that it is always usual to excuse a member who is absent on account of sickness.

Mr. GARFIELD. Does the gentleman from New York [Mr. CHANLER] state that his colleague is absent in consequence of sickness?

Mr. CHANLER. I stated it in so many words.

The SPEAKER. The Chair would state further that he has received a note to-day from Mr. WOOD himself, saying that he is absent on account of sickness.

Mr. BENJAMIN WOOD was excused.

FERNANDO WOOD.

Mr. CHANLER. I have the same motion to make in regard to him. I am informed by himself that he is detained from the House by sickness. I move that he be excused.

The motion was agreed to.

FREDERICK E. WOODBRIDGE.

Mr. BAXTER. I ask that Mr. WOODBRIDGE be excused. Last night he received by mail a letter from the Lieutenant Governor of Vermont asking him to go to Fortress Monroe to see General Butler, and if possible get his son from the Libby prison, where he now is in a very low state. I move that he be excused.

The motion was agreed to.

The call being completed,

Mr. STEVENS. I move that warrants of arrest for all the unexcused absentees be now issued, and that they be brought to the bar of the House.

Mr. BAILY. Before that motion be put I ask that my colleague [Mr. STROUSE] be excused, he being absent for the same reason for which my other colleagues have been excused.

The SPEAKER. That motion can only be received by unanimous consent.

Mr. HIGBY. I object.

The objection was afterwards withdrawn, but was renewed by another member.

Mr. MORRILL. I ask that the gentleman from New Hampshire [Mr. PATTERSON] be excused. He had stepped out accidentally when the doors closed.

Objection was made.

Mr. CRAVENS. I ask leave to move that the gentleman from Missouri [Mr. BOYD] be excused. He is in the lobby, and has been for half an hour.

Objection was made.

Mr. BRANDEGEE. I ask that the House will entertain a motion to excuse my colleague Mr. HUBBARD.

Mr. KNAPP. I object.

Mr. HUBBARD, of Connecticut. I will say to the gentleman that I have voted to excuse every member on that side. [Laughter.]

Mr. KNAPP. Then I do not object. [Laughter.]

Mr. STEVENS. I object.

Mr. BROOKS called for the yeas and nays on Mr. STEVENS's motion.

The yeas and nays were not ordered.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken by division; and the Speaker announced that the noes had it.

During the count,

Mr. STEVENS said: I make the point of order that the gentlemen from Ohio and Connecticut [Messrs. SPALDING and HUBBARD] shall not be counted in the vote.

The SPEAKER. The Chair does not count gentlemen who are reported as absent. [Laughter.]

Mr. SPALDING. Mr. Speaker——

The SPEAKER. The gentleman from Ohio will suspend a moment till the Chair signs a warrant of arrest. [Laughter.]

Mr. SPALDING. I desire to waive process. [Renewed laughter.]

Mr. FRANK. I understand that my colleague, Mr. MARVIN, has been called home on account of illness in his family. I move that he be excused.

The motion was agreed to; and Mr. MARVIN was accordingly excused.

Mr. HUBBARD, of Connecticut. Mr. Speaker——

The SPEAKER. The Chair cannot recognize a member who is reported as absent.

Mr. PENDLETON. I desire to say that my colleague, Mr. MORRIS, was called from the House by a message requesting him to attend to receiving the property of a disabled officer in this city, and left the House for that purpose. I move that he be excused.

The motion was agreed to; and Mr. MORRIS, of Ohio, was accordingly excused.

Mr. HARDING. I desire to say that Mr. SCOTT is at home in Missouri, and has, I believe, leave of absence.

The SPEAKER. The Chair is informed by one of the clerks that they have no recollection of the gentleman from Missouri having received leave of absence.

Mr. WADSWORTH. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. SWEAT. I understand that the gentleman from New Hampshire [Mr. PATTERSON] is sick. I move that he be excused.

The SPEAKER. That motion has been stated to the House twice already.

Mr. WINFIELD. The gentleman from Pennsylvania [Mr. THAYER] has been an unusually attentive member of the House. I know that he has been quite unwell for several days past, and I have no doubt that he is absent now in consequence of indisposition.

Mr. GARFIELD. I object.

Mr. WINFIELD. I state it as a fact known to myself that Mr. THAYER has been indisposed.

Mr. GARFIELD. If the gentleman from New York says that he knows that the gentleman from Pennsylvania [Mr. THAYER] is absent on account of indisposition I will withdraw my objection.

Mr. WINFIELD. I am not sufficiently cognizant of the facts to pledge my word that he is sick.

Mr. GARFIELD. And I am not sufficiently cognizant of the fact to withdraw my objection.

The objection was subsequently withdrawn, and Mr. THAYER was excused.

Mr. PIKE. I ask unanimous consent to excuse my colleague, Mr. RICE. He is a very pleasant gentleman, and I know he would be very glad to come in.

Mr. STEVENS. I think these gentlemen had better enter into bonds and be escorted gallantly into the House by the Sergeant-at-Arms. I object.

Mr. HOLMAN. I wish to say that every other gentleman from Pennsylvania who is absent attending the State convention in that State, except Mr. STROUSE, has been excused. Now, sir, I see no reason why this discrimination should be made, even if the excuse in the first place was not a sufficient one. I hope, therefore, that Mr. STROUSE will be excused.

At this point the Sergeant-at-Arms appeared at the bar of the House, presenting under arrest A. CARTER WILDER, H. WINTER DAVIS, and SEMPRONIUS H. BOYD.

Mr. WEBSTER. I rise to the question of order, that there is no order in the House.

The SPEAKER. The Chair sustains the point of order, and hopes the House will preserve order.

Mr. STEVENS. I hope the House will proceed to arraign the members at the bar of the House.

The SPEAKER. A. CARTER WILDER, you are under arrest for having been absent from the House without its leave and against its order. What excuse have you to offer?

Mr. WILDER. I have been absent in consequence of sickness in my family.

Mr. CRAVENS. I move the gentleman be excused.

Mr. STEVENS. I move to amend by adding "on payment of fees."

Mr. CRAVENS. I accept that amendment.

The motion, as amended, was agreed to; and Mr. WILDER was accordingly excused.

The SPEAKER. HENRY WINTER DAVIS, you have been arrested for being absent from the House without its leave and against its order. What excuse have you to present?

Mr. DAVIS, of Maryland. Peccavi, sir. [Laughter.]

Mr. STEVENS. I move that the gentleman be released from arrest upon payment of fees and a fine of one shilling.

Mr. KNAPP. I move to amend by making the fine two shillings.

Mr. PRUYN. I rise to a question of order. That is not American currency.

The SPEAKER. The Chair cannot entertain the question of order.

Mr. CRAVENS. I did not understand the reason the gentleman gave.

The SPEAKER. The gentleman said "peccavi," which the Chair supposes to mean that he pleads guilty.

Mr. BROOKS. A shilling in my State is twelve and a half cents, but in New England where I was born it is one sixth of a dollar, and it is that, I believe, in other portions of the country. How is the exact amount of the fine to be ascertained?

The SPEAKER. The gentleman will have to settle that with the Sergeant-at-Arms.

A MEMBER. It means an English shilling.

Mr. DAVIS, of Maryland. If it means an English shilling, does it include exchange?

The SPEAKER. No. It must be paid in lawful money, according to the bill of the gentleman from Pennsylvania. [Laughter.]

The amendment submitted by Mr. KNAPP was agreed to.

The motion, as amended, was agreed to; and Mr. DAVIS was thereupon released from arrest.

The SPEAKER. SEMPRONIUS H. BOYD, you have been arrested for having been absent without leave, and against the order of the House. What excuse have you to present?

Mr. BOYD. I was absent, sir, attending to the business of the people of the county of Douglas, State of Missouri, at the Post Office Department. They sent me a petition with seventy-five names to it asking to have a post office established, and I went to attend to that business.

Mr. STEVENS. I move the same fine of a shilling and the payment of fees, and that the gentleman be released from arrest.

The motion was agreed to.

The Sergeant-at-Arms reported that he had arrested in their seats RUFUS SPALDING and J. H. HUBBARD.

The SPEAKER. Bring them to the bar of the House.

The SERGEANT-AT-ARMS. They refuse to come to the bar of the House.

The SPEAKER. The order of the House is that the Sergeant-at-Arms take into custody and bring to the bar of the House such members as are now absent without the leave of the House. The gentleman from Ohio and the gentleman from Connecticut have failed upon two calls to answer to their names, and are therefore properly subject to arrest. The Chair can only instruct the Sergeant-at-Arms to obey the order of the House.

The Sergeant-at-Arms presented Mr. J. H. HUBBARD at the bar of the House, who was thereupon arraigned by the Speaker for being absent without leave.

Mr. HUBBARD, of Connecticut. Mr. Speaker, I have this excuse to offer. I have stated it al-

ready. On the morning of the present day I received a letter from Hon. Thomas B. Butler, one of the chief justices of my own State, requiring me to go immediately before the Supreme Court of the United States to procure an entrance to be made in a cause there pending in which he was interested. Not being acquainted with Mr. Middleton, the clerk of the Supreme Court, I cast about for some one to introduce me. I found my friend, Judge SPALDING, of Ohio, and invited him to go with me. He acceded to my request and gave me an introduction to Mr. Middleton.

Mr. DEMING rose.

Mr. HUBBARD, of Connecticut. Let me make my statement. I feel some interest in reference to this matter.

As I have stated, Judge SPALDING consented to go, and an introduction was had. My business was transacted with Mr. Middleton and then we returned to the House. We were absent perhaps four or five minutes in all. We were in the House before the absentees were called a second time. We were here before the doors were closed and here we are now.

I certainly choose to yield obedience to the summons of the House and to any sentence that it may impose in the premises. I have not neglected the interests of my constituents or of the country by this necessary absence of mine. Everybody knows that we are called out from time to time during the sittings of the House. I have not been absent from the House from the organization of Congress when a single vote has been taken hitherto. I mean to discharge my duty as well as I can, and I do not feel that I am in the slightest degree to blame for this brief absence.

Mr. STEVENS. I move that the gentleman's excuse be deemed satisfactory, and that he be discharged without the payment of costs.

The motion was agreed to.

Mr. WADSWORTH. I move that all further proceedings under the call be dispensed with.

Mr. HUBBARD, of Connecticut. I crave the indulgence of the House while I move that the gentleman from Ohio [Mr. SPALDING] be excused for his absence.

Mr. STEVENS. He is not before the House, and no motion to excuse him can be made.

Mr. HUBBARD, of Connecticut. If the gentleman committed an error, it was not his fault, but mine.

Mr. BRANDEGEE moved that the House do now adjourn.

The motion was disagreed to.

The House then refused to dispense with all further proceedings under the call.

Mr. KNAPP. I move that the Sergeant-at-Arms be directed to do his duty, and to arrest the member and bring him to the bar of the House.

Mr. STEVENS. That is the duty of the Sergeant-at-Arms now.

Mr. SPALDING rose to address the Chair.

The SPEAKER. The Chair cannot recognize any gentleman reported absent.

Mr. SPALDING. I submit to the indulgence of the Chair. That is all I can do.

The SPEAKER. The Chair is of the opinion that the gentleman from Ohio should submit to the order of the House. This has all been done by order of the House. When he presents himself at the bar he can make whatever excuse he pleases.

Mr. WASHBURNE, of Illinois. What is the bar of the House?

The SPEAKER. In front of the Chair, this side of the middle door.

The Chair will state that if he were a member he would submit to whatever orders the House would make. All members must submit to the orders of the House.

Mr. SPALDING. I submit to the Chair and to the House that I cannot go to that bar, for I do not feel myself guilty of any offense.

Mr. STEVENS. I move that an attachment issue against the Sergeant-at-Arms for not obeying the order of the House.

The SPEAKER. To whom?

Mr. STEVENS. Specially directed to the Doorkeeper.

Mr. HOLMAN. I think that motion should be modified. It should direct him to show cause why he has not performed his duty. The rule should not be made imperative in the first instance.

Mr. STEVENS. I accept that modification. Let it read that the Sergeant-at-Arms show cause why he has not obeyed the order of the House.

Mr. SPALDING here came forward to the bar of the House with the Sergeant-at-Arms.

Mr. PRUYN. Am I in order in making a suggestion?

The SPEAKER. After the officer has made his report.

The Sergeant-at-Arms announced that Mr. SPALDING had presented himself at the bar of the House.

Mr. SPALDING. Only to exonerate the Sergeant-at-Arms.

Mr. PRUYN. We have heard the gentleman from Connecticut [Mr. HUBBARD] detail this whole matter, and I move Mr. SPALDING be excused.

Mr. CRAVENS. I move to amend by adding, "on payment of a fine of fifty dollars for contempt of the House in violating its rules."

Mr. PRUYN. He has not refused to appear.

The SPEAKER. The Chair thinks the gentleman from Ohio [Mr. SPALDING] has obeyed the order of the House.

Mr. HOLMAN. What is the excuse of the gentleman from Ohio for not being present at the roll-call?

The SPEAKER. The gentleman from Connecticut has made the excuse, referring to both absentees.

Mr. PRUYN. I do hope the House will excuse the gentleman, as it appears already that he was not at fault.

Mr. STEVENS. I have no desire to do anything which may look harsh, but the House has had exhibited before them a scene which requires notice—an absolute refusal to obey the order of the House; and when the gentleman comes before the bar now, he says he appears to exonerate the Sergeant-at-Arms, and for no other purpose. That is not an excuse; and I am ready to vote for the amendment to fine him.

Mr. WASHBURNE, of Illinois. But he has appeared in response to the order of the House, notwithstanding what he said.

Mr. PRUYN. I think the gentleman from Pennsylvania has misunderstood the gentleman from Ohio. I heard only what he said in his seat. He appears to obey the summons of the House, but he appeared evidently with reluctance, but he did appear. We are not to inquire into outside reasons.

Mr. RADFORD. I hope the gentleman will be allowed to make his own excuse.

Mr. SPALDING. It has already been stated by the gentleman from Connecticut, [Mr. HUBBARD,] that I went out at his request to introduce him to the clerk of the Supreme Court. I went with reluctance. We were then in Committee of the Whole, and I inquired whether it was likely a vote would be taken. An amendment was offered, and a gentleman got up to speak upon it, and I thought I should have time to go and return before a vote would be taken. I went and introduced my friend to the clerk of the Supreme Court, and coming immediately back I came in just before the doors were ordered to be closed. So far as any fine the House may see fit to impose upon me is concerned, so far as it is within my means, I will pay it cheerfully.

Mr. CRAVENS. I have no doubt the fine is a matter of little consequence to the gentleman; but I made the motion to fine him because he has violated the rule of the House. The House ought to defend its own rights. If we do not, by permitting this case to go without punishment or censure, I should like to know how we shall preserve order.

Mr. BROOMALL. I was going to move that the excuse be deemed sufficient.

Mr. WADSWORTH. I rise to a point of order. It is that the question now before the House is whether or not the excuse is sufficient, and not whether the gentleman has committed a contempt of the House. I submit it is improper to make a motion to fine for contempt. He has given a good excuse for his absence, and if we excuse him for that we cannot fine him for contempt.

The SPEAKER. The Chair sustains the point of order to this extent: the latter part of the motion in reference to contempt is not in order, as the gentleman is now at the bar of the House; but a motion to fine the gentleman any amount the House sees fit to impose is in order. Any question as to contempt of the House must come up hereafter as an independent proposition.

Mr. WASHBURNE, of Illinois. I move the previous question upon the motion of the gentleman from Pennsylvania [Mr. BROOMALL] that the excuse be deemed sufficient, and that the gentleman be discharged.

The SPEAKER. That is not the motion. The pending motion is the motion of the gentleman from New York [Mr. PRUYN] to excuse the gentleman absolutely, and the amendment of the gentleman from Indiana [Mr. CRAVENS] to fine him fifty dollars. The other part of the motion the Chair has ruled out of order.

Mr. WASHBURNE, of Illinois. I move as an amendment that the gentleman from Ohio be honorably discharged; and on that amendment I move the previous question.

Mr. PRUYN. I accept the amendment.

Mr. BEAMAN. I raise the point of order whether there is any evidence before the House that the gentleman from Ohio has refused to obey the order of the House.

The SPEAKER. That is for the House to determine.

Mr. STEELE, of New York. I desire to ask whether it is the business of a member to appear at the bar, or the business of the Sergeant-at-Arms to bring him there? If it is the business of the Sergeant-at-Arms to bring him, then I do not see how the member from Ohio can be guilty of any contempt.

Mr. CRAVENS. I understand that the Sergeant-at-Arms has already reported that the gentleman refused to appear at the bar, and that on that report a peremptory order was issued.

The question was taken on Mr. CRAVENS's amendment; and it was not agreed to.

The question recurred on Mr. PRUYN's motion as modified, that Mr. SPALDING be honorably discharged.

Mr. STEVENS. I move to amend the motion by striking out "honorably discharged," and inserting in lieu of it "discharged on payment of fees."

Mr. WASHBURNE, of Illinois. I moved the previous question some time since.

The SPEAKER. Then the amendment of the gentleman from Pennsylvania is not in order.

The question being on the demand for the previous question,

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. HOLMAN, and WASHBURNE, of Illinois, were appointed.

The House divided; and the tellers reported—ayes 48, noes 37.

So the previous question was seconded, and the main question ordered.

Mr. VOORHEES demanded the yeas and nays on the motion of Mr. PRUYN.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 60, nays 21; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ashley, Baily, John D. Baldwin, Baxter, Blaine, Francis P. Blair, Blow, Boutwell, Boyd, Brandegee, Brooks, Broomall, Chanler, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Deming, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Frank, Gooch, Griswold, Hotchkiss, John H. Hubbard, Hulburd, Julian, Kelley, Longyear, McBride, McClurg, Moorhead, Morrill, Noble, Norton, John O'Neill, Pruyn, William H. Randall, Rogers, Ross, Scofield, Shannon, Stebbins, John B. Steele, Stuart, Van Valkenburgh, Wadsworth, Elihu B. Washburne, Webster, Wheeler, Williams, Wilder, and Wilson—60.

NAYS—Messrs. Augustus C. Baldwin, Cravens, Grider, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Higby, Holman, Kalbfleisch, Knapp, Morrison, Orth, Pendleton, Radford, Smithers, William G. Steele, Stevens, Sweat, Voorhees, and Winfield—21.

So the motion was agreed to.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

Mr. HOLMAN. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes before five o'clock p. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 26, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HICKEY, its Chief Clerk, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Military Academy bill.

LEAVE OF ABSENCE.

Mr. STUART. I ask leave of absence from the House for two weeks from Monday next.

The SPEAKER. The Chair is of opinion that that would contravene the order of the House, as it would require a vote.

Mr. BOUTWELL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) and resumed the consideration of the President's annual message.

CONDUCT OF THE WAR.

Mr. MOORHEAD. Mr. Chairman, my colleague from the twenty-first district [Mr. DAWSON] has made confessedly the ablest speech on the other side of the House, and has stated with great frankness and clearness the grounds of his opposition to the war. Although it was well answered by my colleague from the nineteenth district, [Mr. SCOFIELD,] I feel it incumbent upon me to give some attention, as our districts adjoin, have like interests and feelings, and as special efforts have been made by the circulation of his speech to affect the political sentiment of western Pennsylvania. We both live at the head of the great channels of trade formed by the Ohio and Mississippi rivers and their tributaries, down which the coal, lumber, and agricultural products, and the manufactures of glass, steel, iron, copper, wood, &c., of our people, were accustomed before the rebellion to float safely and without let or hinderance to the inhabitants of thirteen States, and on through the Gulf to foreign markets. Valuable as the Federal Union is to the people of other States, it is beyond all price to Pennsylvania, and especially to his constituents and mine, who alike love their country, are proud of its history, believe in free government, hate slavery, are ready to die rather than see their national flag dishonored at home or abroad, and will not permit the destruction of their Government by aristocratic slaveholders, who treat and speak of northern people—Democrats as well as Republicans—with more scorn than they feel for the slaves on their plantations. The blow of the traitors who made this war fell first and heaviest on our constituencies, when they closed the navigation of the Mississippi, seized and confiscated property, and destroyed trade more than sixty years enjoyed, and for restoration of the right to which our people have been vigorously fighting for nearly three years. I do this, Mr. Chairman, the more readily, because the doctrines he announces are the very same which brought on the war, and if not condemned by the people, would make southern rebels our masters forever.

My colleague began his speech by reminding us in glowing terms of the happy and prosperous state of the country "about eight years since," when he left these Halls. He left two years *before* Mr. Buchanan became President. What was its condition when Mr. Buchanan handed the Government to Mr. Lincoln? Why is my colleague silent as to the pregnant fact that when Mr. Buchanan retired the gloom of that awful period was such that its mere remembrance comes like an evil shadow over the heart of every patriot?

It has been suggested he has been in a deep sleep during the eight years he was absent from political life. His speech furnishes strong evidence of it. Let me then inform him what he should know, and what many of his constituents do know, that not merely are we now "in the midst of a revolution," but the country was in the midst of a revolution when Mr. Buchanan retired, and has been on the brink of a revolution at different times for thirty years.

Jackson suppressed treason in 1832. Jeff. Davis and his fellow-conspirators made some signs of beginning a revolution under old Zach. Taylor in 1850 when California was admitted as a free State, but the hero of Buena Vista squelched it by announcing that he would hang the first rebel who dared to lift a hand against the Union, and Jeff. Davis knew well he would do it. They prepared for it while Pierce lived in the White House and Davis governed the country. They persevered while Buchanan was President and Floyd controlled the Army, until—between the 4th of November, 1860, the day Lincoln was elected, and the 4th of March, 1861, the day he was inaugurated—every southern fort, except Pickens and Sumter, every armory and arsenal, all the ordnance, arms, and ammunition, all the custom-houses, post offices, and mints, in a word, all the property of the Federal Government in every seceded State was seized by slaveholding traitors, without a blow being struck or a shot being fired in their defense; and thirty days before Buchanan's term expired eight slaveholding States had openly rebelled against the Government, cast off allegiance to it and excluded its authority, hauled down its flag, captured its troops, arms, forts, ships, munitions of war, assembled a congress at Montgomery, Alabama, adopted a constitution, elected a president, prepared to raise armies, and organized a confederacy as a foreign and hostile government, all under that Democratic rule which my colleague is so anxious to restore, and all done by Democratic leaders! What did Mr. Buchanan do to prevent these great crimes? Nothing. What did the Democratic party do to prevent them? Nothing. What did they propose to do? Nothing. On the other hand, they resisted everything that looked like protecting the public property and preserving the nation's honor.

Sir, so widespread was treason, so faithless the President, that all hope was exhausted except the single one that his term would expire before all was lost. Thank God! Abraham Lincoln became President before the cause of the Union was totally ruined, and then the work of rescue began.

My colleague, in a speech of twenty-nine pages, says not a word in denunciation of these rebel insults and outrages, nor does he show any sympathy with those of his neighbors whose blood has enriched every battle-field in defense of their country, and whose bones are before Richmond and Charleston, at Antietam, Gettysburg, Vicksburg, and Chattanooga, and whose heroic valor has protected his home and mine from threatened invasion by his late political friends. Nor has he any charges to make against anybody except of "madness and folly" against the people, and railing against the Government, the Quakers, and abolitionists. The rebellion is tenderly mentioned as an "*ill-judged rebellion*"—no crime in it—no blood on the rebels' hands; only a mistake of judgment, a bad guess as to time and result! Sir, I do not think my colleague has allowed his good feelings to find expression in his speech; but as it was made to aid in restoring the Democratic rule, its errors and fallacies should be pointed out.

My colleague sees no prospect of the end. He says: "Nearly three years of civil war have now discharged their relentless fury upon our unhappy country, and we are yet apparently as remote from any satisfactory adjustment of our differences as when we first flew to arms." Sir, I broadly deny this extraordinary statement. It is the policy of the rebels, and those who sympathize with them, to undervalue the results already accomplished, and to discourage the public feeling of the North. Jeff. Davis says the South cannot be conquered, and my colleague deliberately shuts his eyes to the astonishing results already attained. The rebellion is in its last agonies; immense regions have been reclaimed, several States are returning to their allegiance, and on every hand there is but one indication, and that of the increasing power of the Union and the increasing weakness of the rebellion. My colleague should see this; but there is none so blind as he who will not see. His doctrine as to the true character of the Government is a specimen brick of the genuine Calhoun mold. He "finds no difficulty in a divided allegiance," and he "holds *that* allegiance to bind the citizen in equal degree to the government of the State and to that of the nation, both proceeding from the same source—the people of the several States." This doctrine has deluded multitudes into treason, has undermined the Federal Government, brought on this war, and sacrificed the lives of thousands of our people. General Jackson in his day denounced it, and warned the country against it; and even Mr. Buchanan, in his last annual message, declared it "to be inconsistent with the history as well as the character of the Federal Constitution." It means that we have no national Government; that under the Constitution there is no Union, but only a knot of States that may be tied or untied at pleasure; that there is no such thing as a citizen of the United States, and no national flag to shelter him.

But, Mr. Chairman, the most cruel feature of my colleague's speech is that which, *openly* proclaiming his approval of Mr. Buchanan's course, *impliedly* censures that of the great old patriot whom he and I, once and again, but vainly, labored to make President of the United States—General Lewis Cass, whose patriotism and statesmanship revolted at the truckling policy of Mr. Buchanan, and who, when his proposition to garrison the southern forts and maintain possession of the public property was refused, promptly tendered his resignation and withdrew from the Cabinet. If Mr. Buchanan's policy was wise General Cass's was unwise; if Mr. Buchanan was faithful in his high position General Cass was mistaken in judgment; if Mr. Buchanan properly met the great duties of the hour, then General Cass utterly failed to appreciate the difficulties. But not so. I can never subscribe to such a sentence of condemnation against an old friend whom I have long admired, whom I now revere as among the worthiest statesmen the country has ever had, and whose claim to the love and gratitude of posterity rest, in my judgment, more firmly upon his unshaken fidelity when treason was so general, than even upon his brilliant records of both civil and military service. About the time he retired from the Cabinet he was filled with gloom and anguish at the threatening aspect of public affairs, as he fully comprehended the great and growing dangers which threatened the ship of State. His impressive exclamation at the time, in my presence, was: "We are lost; we are destroyed; our great and glorious country will be ruined. It might be saved—it might be saved. I have tried to save it, but can do no more." Glorious words! betokening the great heart of a brave, clear, patriotic statesman, who would have saved the country, the public property, and subdued the rebellion had HE been President in place of Mr. Buchanan. As he was not, and the President would do nothing, he left the Cabinet. Yet my colleague indorses Mr. Buchanan and his policy, thus impliedly casting censure and blame upon General Cass. I resent the imputation, and appeal with confidence from his words to the judgment of a free people who *will be saved* despite the open treachery of Buchanan or the covert treachery of his allies and friends.

I have alluded to the fact that rebellion is not a new thing in American history; all remember how promptly Jackson put down one, and Taylor nipped another in the bud. Lincoln has aroused the loyalty and patriotism of the country to subdue the last and worst; and we who are thus this day engaged are but following the teachings of those departed patriots around whom a united country threw its protecting arms, and upon whose memories it continues to lavish its praise. "The Union, it must and shall be preserved," was the motto of Jackson: it is the heart-work of Lincoln. The rebellion of 1832 was invoked against existing legislation; this, much less justifiable and more wicked, was inaugurated in the absence of offensive legislation, in fact at the moment when all legislation was not only harmless but harmonious on the late disputed territorial question, when, by the confession of the ablest of their leaders, the slaveholders of the South had no cause to justify secession,* and when by the truth

* The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, *I tell you frankly, candidly, and earnestly, that I do not think that they ought.* In my judgment, the election of no man, constitutionally chosen to that high office, is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in main-

of history there was no actual grievance whatever. This is most vigorously and clearly presented by the following extract from a speech of Alexander H. Stephens, delivered in the secession convention of Georgia, in January, 1861:

"This step [of secession] once taken can never be recalled; and all the baleful and withering consequences that must follow will rest on the convention for all coming time. When we and our posterity shall see our lovely South desolated by the demon of war, *which this act of yours will inevitably invite and call forth*, when our green fields of waving harvest shall be trodden down by the murderous soldiery and fiery car of war sweeping over our land, our temples of justice laid in ashes, all the horrors and desolations of war upon us, *who but this convention will be held responsible for it?* and who but him who shall have given his vote for this unwise and ill-timed measure, as I honestly think and believe, *shall be held to strict account for this suicidal act by the present generation, and probably cursed and execrated by posterity for all coming time*, for the wide and desolating ruin that will inevitably follow this act you now propose to perpetrate. Pause, I entreat you." * * * * * * "*What right has the North assailed?* What interest of the South has been invaded? What justice has been denied, and what claim founded in justice and right has been withheld? Can either of you to-day name one governmental act of wrong deliberately and purposely done by the Government at Washington, of which the South has a right to complain? I challenge the answer." * * * * * "We have always had the control of the General Government, and can yet if we remain in it, and are as united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of southern Presidents to their twenty-four, thus controlling the Executive Department. So of the judges of the Supreme Court, we have had eighteen from the South, and but eleven from the North; although nearly four fifths of the judicial business has arisen in the free States, yet a majority of the Court has always been from the South. This we have required, so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the legislative branch of Government. In choosing the presiding presidents (*pro tempore*) of the Senate, we have had twenty-four to their eleven. Speakers of the House we have had twenty-three and they twelve. While the majority of the Representatives, from their greater population, have always been from the North, yet we have so generally secured the Speaker, because he, to a greater extent, shapes and controls the legislation of the country." * * * * "Attorney Generals we have had fourteen, while the North have had but five. Foreign ministers we have had eighty-six, and they but fifty-four." * * * * "We have had the principal embassies, so as to secure the world's markets for our cotton, tobacco, and sugar, on the best possible terms. We have had a vast majority of the higher offices of both Army and Navy, while a large proportion of the soldiers and sailors were drawn from the North." Equally so of clerks, auditors, and comptrollers, filling the Executive Departments. The records show for the last fifty years that of three thousand thus employed, we have had more than two thirds of the same, while we have but one third of the white population of the Republic." * * * * "A fraction over three fourths of the revenue collected for the support of the Government has uniformly been raised from the North. Pause now while you can, gentlemen, and contemplate carefully and candidly these important items." * * * * "For you to attempt to overthrow such a Government as this, under which we have lived for more than three quarters of a century, in which we have gained our wealth, our standing as a nation, our domestic safety, while the elements of peril are around us, with peace and tranquility accompanied with unbounded prosperity, and rights unassailed, is the height of *madness, folly*, and *wickedness*, to which I can neither lend my sanction nor my vote."

Sir, this rebellion was a cold-blooded, premeditated, infamous attempt of ambitious, desperate, and wicked conspirators to destroy the Union, overthrow free government, establish a sectional one over the southern portion of it, and thus prepare the way by European intrigues for an aristocratic or monarchic form on this land of freedom. The man who in the loyal States tolerates, sympathizes with, or fails to check this movement, would in revolutionary times have been denominated a traitor. The man who halts in his fidelity, who quibbles about this technicality or that, who aids the rebels by decrying the power of the Government to suppress the rebellion and by decrying its finances, should be ranked and despised as an Arnold who would sell his country.

But it is said by these sympathizers with treason that it is the fault of this Administration and its friends that this war exists; that it is an unholy war, and should be stopped, and that Mr. Buchanan's policy was one of peace and conciliation, while that of Mr. Lincoln has been one of usurpation and tyranny.

While the answer to these allegations, full and ample as it is, may be important to the future historian, I will not stop to make it here, as the war is upon us, and our present duties are to suppress it and its cause. It is waged for the purpose of dissolving this Government. It is enforced by vast armies, which are kept in the field by a military despotism of the most relentless character. The great question of the day is, not by what process this condition of things has been reached, but how to suppress the rebellion, how to beat back our rebel foes, how to save our people from spoliation and slaughter, our country from division, our Government from overthrow—duties in whose presence every other political duty "hides its diminished head." I have, Mr. Chairman, uniformly observed that the men who waste their energies in discussing the past are the least willing to meet the responsibilities of the present and rise to the stature which it demands of all loyal citizens.

Still, sir, I am not willing to let so much of that part of the charge remain unanswered as fixes upon the loyal North the responsibility for this war. The imputation is wholly false. The slaveholders were the aggressors. They were stimulated to the heinous crime by hatred of the progress of free communities, by jealousies of their rising power, by envy of their great superiority in every art and pursuit of life, and of the higher civilization which paid, intelligent, and free labor has conferred upon the free States of the Union. Does any one doubt this? If so, let him read the debates in Congress of the last ten years, but especially during the sessions of 1859–60 and 1860–61—debates to which I was compelled to listen, and which abounded in the most malignant expressions of hatred, scorn, contempt, and disloyalty, plainly foreshadowing the base revolutionary schemes then fairly entered upon, and hurling defiantly at northern Representatives the vile and untenable doctrine of the right of secession. One class of northern members, I regret to say, encouraged these declarations, sympathized with their authors, and abetted their designs, believing that they saw in them the material of successful political influence. But for this there would have been no secession. Another class boldly denounced the falsehoods, resented the insults, and hurled back the threats of secession, declaring that under no circumstances would they consent to a separation of these States, or permit the mere result of an election to be made the pretext for revolution. Sir, I firmly believe that had all the northern members joined in these clear declarations of fidelity to the Constitution and the Union, and announced their determination to maintain the existing Government at all hazards, the secession movement would never have risen to formidable proportions, or given cause for serious alarm. But everywhere over the South secession was proclaimed to be a peaceful remedy for alleged grievances, and it was publicly and constantly proclaimed that any attempt to coerce the South would be followed by a division in the North, that blood would flow in northern streets, and a civil war among ourselves would render secession safe, certain, and complete. It is too true that many northern Representatives in that critical period misrepresented their constituencies, fearfully deceived the rebel leaders, and thus covered themselves with a guilt scarcely less deep and infamous than belongs to Jeff. Davis himself and his traitorous cabinet.

While this was the position of members on this floor, what was the attitude of Mr. Buchanan and his administration? He cowered before the storm. Floyd shared his confidence until he had transferred a large portion of the arms to southern arsenals, without interference, until arrested in his treasonable attempt to remove the cannon from Alleghany arsenal to pretended forts in Louisiana, by the determined patriotism and courage of my constituents at Pittsburg, and then resigned because Mr. Buchanan refused to order Major Anderson back from Fort Sumter to Moultrie, and thereby maintain the promise previously given to South Carolina by Floyd, with Mr. Buchanan's consent, "that the status of affairs should not be disturbed in the harbor of Charleston." Cobb remained in the Cabinet until by his financial management the credit of the Government was so low that money could scarcely be borrowed at any rate even to pay the necessary expenses of the Government, and in that time of peace temporary loans could not be made except at most exorbitant rates of interest. Thompson, while holding a seat in the Cabinet, journeyed to North Carolina to aid in switching the old North State out of the Union, and continued to possess himself of Cabinet secrets to be transmitted south for the benefit of rebels, until his sensitive honor could not endure the alleged concealment from him of Mr. Buchanan's tardy effort to provision Fort Sumter. Meanwhile the President, trembling with fear and overcome by the threats of rebels, was dragooned first into a modification of his last annual message so as openly to abandon the doctrine of coercion, which greatly corrupted northern opinion and contributed vastly to southern acceptance of the rebel programme; and then for weeks, as if struck with paralysis, when it was proposed to do anything in assertion of the rightful and inherent power of the Government to preserve itself, this weak and timid old man performed a role which has covered his name with infamy, and will forever load it with the nation's contempt. Such is my estimate of the reputation of James Buchanan, (once, I regret to say, known as "Pennsylvania's favorite son,") as finally left for the judgment of posterity.

General Cass, in his expressions referred to before, erred in one point. He miscalculated the extent of the evil done by Mr. Buchanan, and overestimated the influence of his imbecility and treachery upon the loyal masses. Yet at the time, so dark and protentous were the clouds, so general was public suspicion, so wide-spread and powerful the conspiracy, that it seemed to be hoping against hope to have any cheerful anticipations when looking into the dark and gloomy future; and it is not surprising that his patriotic heart was overwhelmed with grief. On every hand the enemy was busy, the Government silent and indifferent, bound hand and foot by its Attorney General, who, narrowly paring down the power of the Government *to protect itself*, advised the President "that the Union must utterly perish at the moment when Congress shall arm one part of the people against another for any purpose beyond that of merely protecting the General Government in the exercise of its proper constitutional functions." Such was the chosen and deliberate phraseology within which lurked the fallacious and destructive error that our fathers had constructed a Government without power to preserve itself or enforce its laws, to assert its unquestioned and inherent rights, to suppress insurrection, and save its own existence from active and armed treason; and in my opinion, Mr. Chairman, to the enunciation of this legal opinion, more than any other cause, are we indebted for the open outbreak of war. When, however, the overt act was committed, the long-impending blow struck, the dignity of the Government insulted, its rights invaded, its power defied, and the stars and stripes fired upon in Charleston harbor, the patriotism of the people, long dormant, and by some supposed to be extinct, was electrified into life with the power of a giant, their instincts stripped off the wretched sophistries of the ex-Attorney General, the heart of the people burst into life, burning with the sense of shame, injustice, and wrong which timid and faithless counsels had too long invited, and the cry of stern judgment upon the traitors rang throughout the land. The Union, plotted against, and deemed not worth preserving, or not capable of preservation, at once asserted its supremacy over the national heart, and, safe from the intrigues of the pliant and the expedients of the cowardly, it became a national divinity,

taining the Constitution of the country. To make a point of resistance to the Government, to withdraw from it because a man has been constitutionally elected, *puts us in the wrong*. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the Presidency, and that, too, in accordance with the prescribed forms of the Constitution, make a point of resistance to the Government without becoming the breakers of that sacred instrument ourselves, withdraw ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, *that we were untrue to our national engagements*. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the Republic is to go down, let us be found to the last moment standing on the deck, with the Constitution of the United States waving over our heads. Let the fanatics of the North break the Constitution if such is their fell purpose. Let the responsibility be upon them. I shall speak presently more of their acts; but let not the South, let us not be the ones to commit the aggression. We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the Government, and go out of the Union on that account, *the record would be made up hereafter against us.—Speech of Alexander H. Stephens before the Legislature of Georgia, delivered November* 14, 1860.

which from that day to this has called forth the willing sacrifices of every true American heart, and will continue to do so until its enemies are extirpated, and its false friends consigned to a just sentence of scorn and contempt.

The progress of events has been steadily onward. The military power of the rebels greatly weakened, the territory once held by them vastly reduced and cut in twain by our rescue of the Mississippi river from their grasp, gradually they are being beaten back, their supplies being exhausted, their available forces constantly reducing, and the disaffected elements rapidly increasing. Upon the ruins of their original structure of government a merciless military despotism has been erected, which vigorously strikes down every opposing right and privilege, which has broken every contract made with the people, has practically repudiated the entire currency, has conscripted the entire arms-bearing population, and their officers shoot down all who will not willingly obey their summons, broken up courts, and, in a word, has erected a military organization the most concentrated and vigorous the world has ever seen. Such are, as I believe, our enemies; while our Administration has been ever scrupulous of public and private rights, and has never unjustifiably invaded either. No man ever exercised summary power more cautiously than Mr. Lincoln, none more honestly; none ceased it more gladly than he will when the public interests may justify. They who denounce him as a usurper know little of his high conscientiousness, and regard but little that public interest which is, with him, the pole-star of duty, and which now calls so loudly for his reëlection. Meanwhile, under the unparalleled financial management of the Secretary of the Treasury, our Government loans are taken with eagerness, the taxes are paid with promptness and cheerfulness, the Army is being filled by reënlistments, and the heart and voice of the nation are rallying more closely and bravely around the Administration, insuring us against triumphs of our foes in the field or our political foes at home. Sir, among the people of my district there are few, very few, who are not faithful to the nation in this great crisis of its need. The defection there, as elsewhere, is confined to extreme pro-slavery men, who uphold it not only for its own sake, but as a means of achieving partisan success, in shameless disregard of their solemn duties to the country. Why should slavery be upheld? It deserves no such fate. It has long divided, distracted, and troubled us. It was from the beginning, and has gone on ever-increasingly to distract and embroil us. It has been, and is, the great bone of contention, over which, at last, we have come to blows. To save it is to perpetuate this discord. To destroy it is to secure the present, and make peaceful and glorious the future. But it cannot be destroyed by proclamations alone; the power of law should be invoked to make the destruction complete in character and perfect in extent. It must be written in the Constitution *that slavery shall no more exist in any American State.* Then, and only then, may we sing the requiem of slavery. At present it is wounded, deeply wounded by the blows that have been given by its own friends. It bleeds, but its wounds may be stanched, unless by a staggering blow the people utterly destroy it by force of public and unchangeable law.

The *principle* of slavery is the inspiration of the rebellion, and it is yet so held and defended by the organs of public sentiment in the rebellious States. I quote one declaration: "So far from believing that slavery must die," says the Richmond Whig, "we have long held the opinion that it is the normal and only humane relation which labor can sustain toward capital. When the war is over we shall urge that every Yankee who ventures to put foot on southern soil be made a slave for life and wear an iron collar as a badge of inferiority to the African. Slavery will stab itself to death about the time the Yankees learn to tell the truth, and no sooner."

Sir, there is no safety for liberty on this continent, nor for free labor, without the suppression of the rebellion, and the extirpation of the pestilent aristocracy of opinion which sustains it, and the complete conformation of our institutions to the principles of the Declaration of Independence. I pity while I despise the man in the loyal North who sympathizes with this rebellion, for it is based upon the narrowest and most exclusive ideas. It is aimed as a blow at the doctrines which underlie our whole system of republican liberty, and if successful it is intended to be the lever by which European systems are to be introduced and established upon this free continent, and by which the whole current of events, which thus far has tended to the amelioration of human suffering and the extension of human rights, shall be reversed and become assimilated to the monarchical and aristocratic systems of Europe. The man who is engaged in this work is a public enemy; the man who in this home of liberty aids and abets him deserves the execration of mankind.

But the object of those struggling for political power, under this view of the case can never be accomplished, because the Union cannot and will not be restored except through the successful prosecution of the war.

The rebels remain or pretend to be sanguine of success. They are bold, daring, and impracticable; they propose no terms of negotiation, and will listen to none except with the fundamental condition that this Government recognize their independence. This done, they will then treat concerning the navigation of the Mississippi, international trade, the return of fugitive slaves, and the thousand and one questions that would arise between citizens of the contiguous Governments. Who is prepared for this? None, I trust, although the peace policy advocated by gentlemen on the other side of the House leads inevitably to this result. The amnesty proclamation of the President has gone forth; let the power of the Army and the vigorous prosecution of the war follow until the rebels are subdued and plead for terms. There is no other hope for any one of us, or for any interest, outside of this. I have no especial anxieties about reconstruction and the questions which will arise out of it. I believe the President has skillfully escaped the difficulties surrounding the problem; and I believe that the people of the South, removed from the pressure of the military power of the rebels, and anxious to escape the tyrannical exactions which have been laid upon them, will rally around the old flag, and under the inspiration of the great lesson that has been taught will reconstruct their State governments, resume their relations with the General Government, and make those relations stable and secure by abolishing slavery, the cause of all the evil. Already Tennessee, Arkansas, Missouri, and Louisiana are treading in that direction. Alabama also shows signs of wheeling into line. The others of our "erring sisters," redeemed and disinthralled, will in due order of progression follow, until finally we have a Union of reconstructed States without a blemish or deformity, and every star restored to more than its former brightness and glory.

What is to prevent this result, and why should it not be attained speedily? While southern conscription has dragooned into the army not only the able-bodied men of proper age, but old men and boys have not been spared, and they have thus gone on until nearly their entire force is exhausted, we on the other hand have only fairly commenced, and not more than one fifth of our available population has been called to arms. While the southern finances have become exhausted, and the issues of their treasury almost as worthless as the paper upon which they are printed, our financial success has become the wonder of the world, and our own loyal citizens have freely and promptly purchased the Government loans at par, thus furnishing the means necessary to prosecute the war without borrowing a dollar from foreign Powers. While the southern army and southern citizens are famishing for want of commissary supplies, the granaries of the North are filled with abundance. While commerce, trade, and agriculture in the South are almost totally destroyed, and by a rigid and vigorous blockade they are cut off from trade with the world, the northern States never were so completely prosperous as at this moment. Agriculture, commerce, manufactures, and trade of all kinds are working up to their fullest capacity; the people by honest industry and toil are becoming rapidly enriched; the ability to pay taxes sufficient to lay a foundation deep and broad enough to sustain the public credit should the public debt quadruple its present proportions is ample; and with a loyalty of heart and devotion of purpose they are as willing as they are able to pour their wealth into the public Treasury until treason is blotted from this continent.*

Why then should any one doubt or fear the result? With the rebellion thus suppressed, all elements of discord removed by the destruction of slavery, the national life regenerated, we may safely anticipate an unbroken and prosperous future for the Union. Under the influence of its intelligent and educated labor wisely directed, of the unparalleled productions of which it is capable, of the wealth it will draw from the Old World, which shall be tributary to it, this great country shall become, and remain, under the smiles and protection of a kind and just Providence, the favored spot of all the earth, and the asylum of the down-trodden and oppressed of every nation, where honest labor and merit will receive their full reward. There shall be no bound set in the limitless future to the grandeur, prosperity, and power of the United States of America.

POLICY OF THE ADMINISTRATION.

Mr. HERRICK. Mr. Chairman, in the remarks I design to make upon the President's message, I do not propose to dwell upon the manifold crimes of the present Administration against the people of this country. I do not intend to expatiate upon its audacious usurpations of undelegated power, nor to consider its subversion of the rights guarantied to these States, and its unwarrantable interference with the freedom of the press, the freedom of speech, and the personal liberty of the citizen. Heinous as these offenses are, I charge upon the Administration a crime of far greater magnitude, and one fruitful of more numerous and more grievous evils than all of these together. The greatest crime that can be committed by men to whom the dearest interests of a nation have been confided, is to make the honor, prosperity, and peace of the country a secondary consideration in their administration of its affairs to the temporary success of a party, to the political preferment and pecuniary aggrandizement of the leaders of that party. Compared with this crime robbery is but a venial sin, and murder a trivial misdemeanor; for in itself, a financial and military crisis such as now exists in this country necessarily includes and comprehends both. The men now having control of the Government I do not hesitate, Mr. Chairman, to declare guilty of this high crime. They have no desire nor intention to bring this war to a close; nor are they endeavoring to accomplish such a result. They are making no calculations in that direction, but are shaping everything for a long war. Had they so desired, peace, with the Union restored and the Constitution preserved, might have been secured long ago, and an immense waste of blood and treasure saved. Every gallant soldier whose life has been offered up with humble patriotism, a willing sacrifice upon the altar of his country, since the war could thus have been ended, has been literally murdered by the Administration; while every dollar that has been expended since that time to carry on the war has been in reality stolen by it from the people.

It is the first and most imperative duty of the Administration to bring this war to an end at the earliest possible moment consistent with the objects for which only it can be rightfully waged; and it is because it does not seek to do so, but on

* The fourth volume of Macaulay's History of England, chapter nineteen, contains a very interesting account of the origin and progress of the national debt of England. He says:

"Such was the origin of that debt which has since become the greatest prodigy that ever perplexed the sagacity and confounded the pride of statesmen and philosophers. At every stage in the growth of that debt, the nation has set up the same cry of anguish and despair. At every stage in the growth of that debt it has been seriously asserted by wise men that bankruptcy and ruin were at hand. Yet still the debt went on growing, and still bankruptcy and ruin were as remote as ever."

And again he says:

"A long experience justifies us in believing that England may, in the twentieth century, be better able to bear a debt of sixteen hundred million pounds sterling than she is at the present time to bear her present load. But, be this as it may, those who so confidently predicted that she must sink, first under a debt of fifty million pounds sterling, then under a debt of eighty millions, then under a debt of one hundred and forty millions, then under a debt of two hundred and forty millions, and lastly under a debt of eight hundred millions, were beyond all doubt under a two-fold mistake: they greatly overrated the pressure of the burden; they greatly underrated the strength by which the burden was to be borne."

the contrary continues to introduce new issues, to multiply difficulties, and to barricade all the avenues to an honorable peace under the Constitution, that it is morally guilty of treason to the people.

In reviewing the operations of the Administration since the removal of General McClellan from the command of the army of the Potomac, many events and circumstances are found to justify the assumption that the war has been purposely prolonged to accomplish other objects than the suppression of the rebellion, the restoration of the Union, and the enforcement of the laws. Yes, Mr. Chairman, and for even still other purposes than the enfranchisement of the negro race, which has now become the principal plank in the war platform of the President and his supporters. Party supremacy and the perpetuation of partisan power are matters of paramount importance to the politicians who now rule the destinies of this nation, while military operations are made altogether subservient to party ends regardless of any result affecting the great issues of the conflict which involves the life of the nation.

The war has been, and still is, the strength of the political organization now in possession of the Government; and the ruling minds of that organization fully comprehend the importance to their party of its continuance. Without the war, they know that they would be as powerless as a party as Samson when shorn of his locks. It may be that in the conduct of the war for the last three years the Administration has done its best to overthrow the rebellion, and that we owe our sad failure to achieve any great results, after an expenditure of lives and treasure unparalleled in the history of modern wars, entirely to its imbecility; but to me, when I consider the military operations which have originated in Washington, and the efforts made by our friends on the other side of this House to exasperate the rebels, obliterate the Union sentiment in the South, and multiply the issues involved, and when I contemplate the barren fruits of the sanguinary conflict thus far, it does not seem unfair to assume that the ruling minds of the dominant party have determined at all hazards to keep the war alive as a "political necessity," and as the best means of insuring them a continuance of political power. The immense volume of patronage in contracts, civil offices, and military commissions which would be lost to them if the war should be concluded by a restoration of the Union, is esteemed by them of far greater value as political capital than any popular *eclat* they might obtain by a speedy extinguishment of the rebellion, even though emancipation should be secured at the same time. As a means of achieving political success in the approaching presidential election the Republican politicians have a motive sufficient to impel the leaders of that party to continue this exhausting and bloody war, until they shall have secured at least another four years' lease of the governmental machinery of the country, with power to further operate the much-worn printing presses of the Treasury Department.

I think, Mr. Chairman, I do that party no injustice in ascribing to it these unworthy motives for continuing the war. All their movements justify the presumpuon. Sir, the politicians who now despotically rule the country with a rod of iron, unscrupulous in their schemes to plunder the people, North and South, having found in the war and their war-cry of "freedom to the slave" a cement which binds to their car the negro fanatics of the land, as well as the innumerable horde of public plunderers, contractors, speculators, placemen, spoilsmen, and "soldiers of fortune" generally, which the violent disturbance of the social and political elements of the country has drawn to the surface of the troubled waters, have evidently determined that the war shall be resolved into a presidential campaign. All the movements of our armies are now dictated by partisan motives. The subjugation of the free people of the loyal States to the abolition party yoke, and the subversion of the "Constitution as it is," have become matters of vastly more importance to the Administration than the crushing of the rebellion and the restoration of peace and fraternal relations between the two sections of our country now at war. While they evidently regard the continuance of this unnatural conflict as their only hope for prolonged power, they will never consent to relinquish the war and with it their political supremacy if they can avoid it on any plausible pretext. We can hardly expect to find in them patriotism of so exalted a character. It would not at all tally with the past history of the party they represent.

Mr. Chairman, it is because the sagacious and unscrupulous politicians of the Republican party fully realize that the war and its profits, as political capital, and as a pecuniary resource for conducting partisan operations, are of more value to *them* than a restored Union, whose Government they would never be able to control, that the distinguished gentleman from Pennsylvania is "about sick" of hearing of "the Constitution as it is and the Union as it was." "This Union," remarked the distinguished gentleman who is the recognized leader of the other side of the House, "*never shall be restored* under the Constitution, with slavery protected." So, also, the gentleman from Michigan, [Mr. BEAMAN,] and others on that side of the House, have proclaimed that none of the rebel States shall be recognized as States of the Union until they amend their constitutions and abolish slavery. Why not, Mr. Chairman? What is there so objectionable in the Union and the Constitution which our fathers established that should render a sanguinary and devastating war preferable to their further continuance? Slavery was no impediment to the formation of the Union; why should it be to its continuance? What is there to make the gentleman "sick" of hearing the Democracy talk of restoring the glorious Union under which we have lived and thrived, exulting in the greatness of our country as one of the most powerful nations of the earth? The people who have been taught to believe that our Government under the Constitution, which the abolition party are disposed to repudiate, is the best that was ever vouchsafed to man, may well wonder why the gentleman and his associates pronounce so vehemently against its restoration as it was before this accursed rebellion broke out. The great secret of this antipathy to "the Union as it was" will be readily found in the fact that such a restoration would put an end to their political power!

From the foundation of this Government, slavery has been *protected* by the Constitution, as a local institution, in all such States as were pleased to tolerate it; and yet our country prospered and our people were continually blessed as no other people under heaven ever were, until the fanatical philanthropists of the North commenced the abolition agitation which culminated in this rebellion, and sought to encroach upon the constitutional rights of their fellow-citizens of the slave States who were perfectly content with what the Constitution gave them. By the Constitution they were inhibited from any interference with this matter, and had no more right to meddle with the institution of slavery in Virginia than with the system of labor in Cuba. Slavery in the southern States was as much removed from their interference by the Constitution as slavery in Brazil; and neither the President nor Congress had a right to interfere with it in any respect, otherwise than to provide laws for the return of fugitives to their masters. It is not my design, Mr. Chairman, on this occasion to discuss the almighty negro or to undertake to trace the origin of the rebellion to its true source, with the fanatical abolitionists of the North, who worship the memory of old John Brown of Ossawatomie, as that of a martyr!

It is sufficient to know that a gigantic war is upon us, no matter for the present how it came about. The problem to solve is, how shall it be brought to an honorable close? How shall the further effusion of fraternal blood be stopped? How shall the devastation of our country be stayed, and the monstrous and needless expenditure of borrowed money be checked? The honor of the Federal Government *must* be maintained; its integrity *must* be vindicated, and its supremacy reëstablished over every foot of soil within our national borders, while the Constitution framed by the fathers of the Republic, which has fallen into such disrepute on the other side of this House, must be upheld in every point that originally formed the bond of our Union. We must have peace and the Union. This consummation so "devoutly to be wished," Mr. Chairman, can never be achieved by the party now in power. That is plainly apparent. It is not the vocation of those who have done so much to destroy the Union to restore it; and the people must open their eyes to that pregnant fact. The hopes of the country are now centering upon the efforts which the patriotic Democracy of the North will make in the ensuing presidential campaign to unseat and consign to hopeless political perdition the crafty demagogues, the short-sighted fanatics, and the remorseless plunderers now in power, who are wasting the precious lives of the people and mortgaging the labor of this and many succeeding generations without accomplishing any adequate results. They are constantly multiplying the objects of the war, with an evident design to its procrastination, while they totally ignore the legitimate and constitutional programme declared by Congress and the President in 1861, and boldly avow that they will not have "the Union as it was," or any other Union, until slavery is abolished by force of arms.

Mr. Chairman, the great Democratic party, whose policy for the most part has guided this nation in its past glorious career, and achieved for it all the prosperity and power which attached to it when this unholy rebellion broke out, will come united to our country's rescue in November next, and may God grant it success in the salvation of the Union. That great party, whose unlucky defeat in 1860 has proved so disastrous to the country, aims now to bring this war to a close by means of an honorable peace and a perfect reconciliation at the earliest possible moment that the misguided men now in rebellion can be induced, by coercion or otherwise, to lay down their arms and return to their allegiance. When they shall be found ready to desist from their opposition to the Government, and shall unresistingly submit to its laws, the party to which I belong would kill the fatted calf, and proclaim a general amnesty without any such conditions as the President has imposed, welcoming back to the fold of the Union all the States disposed to return, with a reservation, perhaps, that the principal leaders of the secession movement should pay the penalty of treason. We would not impair in the least degree the rights guarantied to the States. We would have no "reconstruction" of the State governments, save such as the people might inaugurate for themselves. We would teach them by our conduct toward them to acknowledge that there was no justification for their rebellion, and would afford them no pretext for a defense of their treason by denying them any right or privilege they ever possessed. We would let their negroes alone, and respect all their rights to property, to free suffrage and equal representation in the Government. When they will accept such terms we would forget the animosities of this war and fraternize with them as fellow-citizens. The Democracy, Mr. Chairman, are seeking in the restoration of the Union to preserve our territorial integrity, while standing forth, as they always have, champions of the rights and dignity of the State governments. They would punish the individual traitors who set this wicked secession rebellion in operation, while they would not impair the constitutional prerogative of each and every State to regulate its own system of labor and control its own social institutions.

The Democracy are for closing this war the moment it can be done with honor, irrespective of the fate of the negro, and regardless of its effect upon the presidential election or partisan politics; and herein we differ from our abolition friends on the other side of the House whose interests and political hopes are all found in a procrastination of the war.

The tardy progress of military operations—the failure in three years to produce any practical results bearing upon the legitimate issues involved—the frequent diversion of our armies to make startling movements for political effect, and to perform such contemptible party maneuvers as that which the President's late private secretary recently undertook in Florida at the cost of a thousand or two of lives and two or three millions of money—these things, as well as the absurd, unconstitutional, and impracticable fulminations of the President touching the emancipation of the negro and the reconstruction of States upon the principle that one tenth of the people may govern the whole—I say, Mr. Chairman, these things, coupled with the negro legislation of this Congress, have convinced me that the designing poli-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 29, 1864. NEW SERIES.....No. 82.

ticians who now wield the power of the Federal Government would not have peace even if accompanied by the complete submission of the South, until they shall have tested their ability to capture the Federal Government for another term of four years. They want power and not peace. It is the war and its patronage that has consolidated and invigorated the partisans of the Administration and given them the prestige of power they now wield as a political organization; and it is only the belief of the contractors, speculators, office-holders, and public plunderers, who in a great measure constitute that party, that the war will be indefinitely continued under Republican rule, that gives them the ghost of a chance to elect their candidate for the Presidency in the coming election.

When this Republican party first came into power it was a minority party in the country and in Congress. The rebellion it was which gave them a majority in Congress, through the unwarrantable desertion of their seats by the southern representatives in both Houses, and they well know that the moment the Union is restored under the Constitution—and I cannot comprehend how it is to be otherwise restored—political power will depart from them forever, no matter what may be the fate of the blacks. As they were, in fact, indebted to the rebellion for the acquisition of their predominance, so they must depend upon the war, and its patronage and plunder, for a perpetuation of their governmental control. Fully realizing that their political ascendency must pass away, never to return, so soon as the war is ended, it would be idle to suppose that they would be willing to sink their whole political capital by consenting to any peace at this stage of the game. As the eloquent gentleman from Indiana [Mr. VOORHEES] well observes, they refuse to negotiate, because they know that negotiation would bring peace upon terms that would satisfy a majority of the people of both sections and restore the Union; but slavery would not be abolished, and their idea of a great central Power to supersede State governments would have to be abandoned, and with it their political supremacy. Well do they know that when their political sun goes down at the close of this war, the memory of their infamous rule for four years will be followed by the execrations of a plundered and outraged people, while the anathemas of a host of widows, orphans, invalids, and cripples will haunt them in the obscurity to which they will be consigned. It requires no ghost to tell us that the Republican party will be overwhelmed and pass into oblivion when it shall be deprived of the patronage and plunder of this war, even should the "cohesive power" of this plunder prove equal to the preservation of that party from the intestine war now in progress among its leaders.

The maintenance of union in their party ranks I fancy is now a matter of more concern to many gentlemen on the other side of this House than the crushing out of the great secession rebellion in the South. They are more solicitous to conciliate the antagonism of the partisans of the great abolition and financial oligarchy now ruling the country than they are to harmonize the conflict of arms which has been draining the life-blood of the nation for the last three years; fully appreciating the fact as they do that so soon as the sluice-ways of corruption and robbery which the war has opened shall be closed by an honorable and conciliatory peace, and the people, having put away the insane worship of the negro, are once more clothed in their right mind, their occupation as rulers of the land will be gone! While the singular fanaticism which rules the present hour pervades the public mind, bearing down all reason and argument, and riding rough-shod over the Constitution, the laws, and the rights of white men, our friends over the way are having full swing, and we are powerless to disturb their saturnalia of public plunder in the midst of which the country is fast approaching the abyss of ruin. The people, who are eager to sustain the Government in putting down the rebellion, have been taught by the misrepresentations of a subsidized press and the falsehoods of an army of abolition lecturers and missionaries who have penetrated every hamlet in the country to regard the Democratic party as the enemies of the Government and sympathizers with the secession traitors of the South. Too many have confounded the Administration with "the Government," and the efforts of the abolitionists to propagate the idea that the opponents of the President and his policy of conducting the war are hostile to the Government and to the reëstablishment of the Union have been astonishingly successful. Mr. Chairman, the only disunionists I have ever found in the North are the Republican abolitionists who proclaim, like the gentleman from Pennsylvania, that they will have no Union under the Constitution "as it is."

Sir, the Democratic party oppose the principles and policy of the men now in power, because they see that those principles and that policy, if further pursued, will inevitably destroy the country by rendering it impossible to accomplish a restoration of the Union upon any basis that will reconcile the people of the two sections again to dwell together in fraternal bonds as one people.

My belief is that the salvation of this country now depends more upon the ballot-box, next November, than upon the armies we have in the field. The decisive battle for the Union is to be fought at the election polls, in which a Democratic victory will be salvation, or an abolition triumph damnation. The stock in trade of the Republican party for this campaign is the war and its horrors! Its corruption, patronage, and plunder will supply them with the means to work their party machinery effectively, and we may expect the whole energy and strategy of the Administration to be turned from our rebel enemies in the South to avert a triumph of the Democracy of the North in November.

Stimulated with the hope of a continuation of the rich pickings which the leading Republican politicians and their friends have enjoyed, in the way of contracts, railroad transportation, stock-jobbing, and fat offices, growing out of the war, with the prospect of a still richer harvest of plunder in the confiscation of rebel estates, upon the promised extermination of the white race in the slave States, their policy is to nurse the war and procrastinate all effective military operations that might lead to its speedy termination upon the basis of the Crittenden resolution.

We all know that the rebellion can only be crushed and the war ended by the destruction of the armed power of the confederates. Their great armies must be overthrown, dispersed, or captured, before we can expect the rebels to yield; and yet in all the flourish of trumpets we fail to discover indications of any such concentration of the Federal forces as will be likely to accomplish that end. The recent disastrous adventure of Colonel John Hay in Florida, where the lives of nearly two thousand of our soldiers and a million or two of dollars were sacrificed in an attempt to capture three electoral votes for the Presidency; the late foolish, unproductive, and calamitous raid of Kilpatrick, the abortive expedition of General Sherman, the practical withdrawal of our forces from before Charleston, and the general "scatteration" of our armies, while bogus State governments are being tinkered up in Louisiana, Arkansas, and other rebel States, indicate that profitless movements to amuse the public mind rather than vigorous and concentrated efforts to destroy the large armies of the rebels are still to characterize the military operations of the Administration, unless, perchance, General Grant, in the exercise of his newly-acquired power as lieutenant general, shall change the programme upon which the spring campaign has been opened by the Administration. The grand results of this campaign so far, are thus succinctly specified in the New York Times, a leading Lincoln organ:

"Four expeditions, and what looks like FOUR FAILURES. An expedition from Jacksonville marches into Florida, and is driven back with loss. General Sherman marches from Vicksburg, and having gone one hundred and twenty miles in his grand strategy, marches back again! General Smith starts a cavalry expedition (from Memphis!) to join Sherman, and they march back again. The cavalry under Kilpatrick start off to Richmond, and after destroying some mills, and canal locks, find themselves comfortably at Fort Monroe."

Suffering a loss of three hundred men, several valuable officers, and ruining two thousand horses.

"Thomas makes a tremendous movement on Dalton, captures Tunnel Hill and marches back again! Now, we have the telegraphic reporters (those most enlightened of all living generals) announcing that these are only a series of *raids!* Well, what was their *object?* What was to be got? They march *back again.* Who commands the American Army? Why, obviously, General Scatteration; and these are his performances. He marched out five armies in five different directions—*not one of them strong enough to accomplish any definite object.*"

This is a Republican brief of the opening of the spring campaign. There *is* some hope that when General Grant shall get fairly in the harness of his new position as commander of all our armies, this sort of trifling, as well as the balls, dress parades, and other amusements in camp, will be done away with, and that effective movements upon the enemy's works and forces will be inaugurated under his direction, which will be productive of more satisfactory results. But even then we have good reason to apprehend that the summer campaign will be carried on more for the capture of electoral votes than for the destruction of rebel armies and strongholds. Political supremacy, and not the restoration of the Union or the emancipation of the negroes, is the present grand aim of those who possess the power to direct General Grant as well as to control the Government; and while he may, by his genius and activity, be able to win splendid victories, and may even capture Richmond, and drive the rebels out of Virginia, the politicians who have so much at stake on a continuance of the war will take good care that no peace shall follow until they secure a new lease of power. When they shall have triumphed—God forbid such a calamity—in the election, the motives of plunder and patronage connected with the war will still remain, and, judging from the past, we may safely calculate that the overthrow of Jeff. Davis and his humbug confederacy will still be a secondary consideration, and that the war will continue so long as the bright visions of financial responsibility which dazzle the eyes of my colleague [Mr. STEBBINS] can induce investments in Treasury securities.

We have high Republican authority in the famous "Pomeroy circular" to justify our belief that should Mr. Lincoln be reëlected to the Presidency not only will "the dignity and honor of the country suffer," but that in such an event "*the war may continue to languish during his whole administration, till the public debt shall become a burden too great to be borne.*"

This sentiment, so boldly proclaimed from one wing of the Republican party, is no doubt the general conviction of the country; and if I read correctly "the signs of the times" a majority of the people will unite in the same declaration at the ballot-boxes in November next, and retire Mr. Lincoln to private life.

Would the leaders on the other side of the House, Mr. Chairman, gauge all our legislation for three years more of war, if they had any design to close it within the present year? The country should know and understand that nobody here connected with the Government thinks or talks of winding up the war for years to come. The idea of peace is not tolerated here short of the extermination of the white race in the South, and a division of the rebel estates among the negroes and Yankee speculators. The Crittenden or congressional platform of the war, as laid down in 1861, has become obsolete in this latitude, and the rights of the States to the control of their own affairs and to regulate their domestic institutions must now be entirely obliterated before the party in power will listen to any proposition looking to peace and reunion. "The Union as it was" must give way to the abolitionists' "Union as it ought to be" before the terrible slaughter, the wicked devastation, and the mountainous expenditures of

this "cruel war" can be arrested, if the people fail to overthrow the ruling powers at the approaching election. All discussion of even a basis of settlement is cut off, and all talk of an honorable adjustment of the issues involved in the war is stifled by the insolent and overbearing majority in Congress, whose political supremacy depends entirely upon a continuance of the war in all its gigantic proportions. It is for this reason that no olive-branch, other than the President's absurd and unlawful amnesty proclamation, has ever been held out to induce repentant rebels to lay down their arms and return to the protection of the old Union, while the repulsive features of the confiscation act impose upon them the necessity—ay, the necessity, of continuing to fight to escape sectional humiliation, personal degradation, and absolute pecuniary ruin!

Think you, Mr. Chairman, that eight million white men of the "genuine breed and blood" will ever, even though they may be overcome by our military power, *consent* to reunite with us in a common Government upon any other than terms of equality? Think you, sir, that they can by any privation be compelled to embrace the condition which the amnesty proclamation imposes, of swearing to support the unconstitutional negro edicts of Mr. Lincoln, or to yield support to State constitutions framed under the direction of the Federal Executive, as a condition precedent to the enjoyment of their rights to representation in Congress and their relief from the rule of an arbitrary military Government? I much mistake the southern people, Mr. Chairman, if they would not prefer the extermination our friends on the other side of the House talk of, to such conditions; and I fancy if we are to wait for peace and reunion until the rebels are brought to such terms, millions more of troops will have to be raised and new printing presses will have to be supplied for the manufacture of bonds and "legal tender" to meet the expenditure.

It seems to me, sir, that if the President had desired to render peace and reunion *impossible* he could not have accomplished his purpose more completely than he has by the terms of his amnesty proclamation; for nobody will for a moment suppose that the white men of the rebel States, after the determined resistance they have made, will ever consent to yield up their property and make oath to sustain such usurpations of their constitutional rights as the price of the free suffrage which belongs to every citizen.

The President's assumption of power to prescribe conditions for the exercise of the elective franchise, by designating who shall be voters in *any* State, is a feature in his reconstruction policy which can never be tolerated by American freemen, North or South. Suffrage is a matter that pertains exclusively to the State governments, and no "military necessity" can warrant the "war power" in encroaching upon it in any degree. Neither Congress, the President, nor any other national power is authorized to interfere in any manner with the free suffrage of the people; and the President's amnesty proclamation in this particular is simply the arbitrary assumption of a prerogative as foreign to his powers as the Chief Executive of the nation as it is to his attributes as Commander-in-Chief of the Army.

Mr. Chairman, I am further justified in assuming that the Republican party intend to prolong the war until the wretchedness, poverty, and humiliation of every man, woman, and child in the South is fully consummated, or the white race exterminated, by the circumstance that the President and his advisers have entirely lost sight of the indisputable fact that no union, however formed, can be of any value to the people, or amount to anything as a national governmental organization, which is not made acceptable to the great body of the white people who compose the population of the now disaffected States—so far, at least, as those States are concerned. It is perfectly safe to say that no one tenth of the voting population of any State will be permitted by the other nine tenths to control its politics, if the spirit which the southern people have manifested in this rebellion is any index of their true character. Indeed, they would shame their lineage if they should submit to any such humiliation. A majority of the people living in the "reconstructed States" proposed by the President must participate, upon equal terms, in organizing any new Government to be set up, or such Government cannot be expected to stand a moment longer than its authority is enforced by military power. Even when the Federal authorities shall have completely overpowered the physical resistance of the rebels, a majority must then be found willing to acquiesce and coöperate in any effective Government which may be set over them, or a new rebellion for its overthrow will be the consequence. All pretended civil government in the southern States will be a mere farce if external military power be required to sustain it (as in Louisiana and Alabama, for instance,) against the will of a majority of the people

This war, Mr. Chairman, has not been carried on with a proper appreciation on the part of the Administration of the fact that it is a CIVIL WAR, and the belligerents fellow-countrymen, who are again to form one people. The truism uttered by the President in his inaugural, "that after much fighting peace must come," for the reason that "we cannot fight always," has not been kept so prominently in view by the managers of this war as it should have been. We seem not to have sufficiently regarded the fact that in case the rebellion is conquered, the masses of the people whom we now regard as traitors, and their descendants, are to live with us and our children in all after time, under a common Government. For this reason, if no other, the war should have been carried on with a view to prevent the growth of the rankling hatred toward us, which the policy of the Administration has engendered. The southern soldiers whom our armies encounter in battle are our countrymen, with whom we hope to reëstablish fraternal relations in Government, trade, and social intercourse, so soon as they come to a realizing sense of their wickedness and folly in attempting to destroy the Union and set up another national Government within the territory of the United States. Instead of permitting this consideration to soften the asperities of the conflict, the Administration policy has rather augmented its vindictiveness and multiplied the atrocities which have characterized its progress, as though the two sections of our country now at variance are to remain implacable and unreconcilable enemies forever! Instead of a policy of warfare intended to secure the respect of the misguided men who have assailed the Government and win back their affections, through a renewed love for our glorious old Union, the Administration has deliberately adopted one calculated to intensify their hate and render indelible a harrowing remembrance of the wrongs they claim to have suffered at our hands. Instead of extending to them the olive-branch and laboring to convince them that their best interests would be found in the Union, and that their happiness and prosperity as a people would be best promoted by laying down their arms and resuming their allegiance to the Federal Government, we have rather sought to irritate and exasperate by destroying private property in the progress of our armies through their territory, by emancipation proclamations, by propagating negro equality, and by confiscating enactments, entirely inconsistent with the idea of future association and intercourse as fellow-citizens of the same country. To me it would seem as if nothing calculated to generate sectional hatred, arouse bad blood, provoke a spirit of revenge, and stimulate the worst passions of an excitable and sensitive population, and give vigor to the rebellion by uniting all the people of the South in hostility to the Government, had been omitted on the part of the Administration during the progress of this war. A different policy might have worked out a different result; but since we have striven to provoke their hatred and imbitter their animosity, we will necessarily have to deal with implacable foes, when after much fighting we reach that period of negotiation referred to by the President in his inaugural.

Those who have guided the Government in its work of devastation and confiscation, who have directed its violation of the Constitution in stripping the southern people of their rights, and its violation of God's laws of humanity, who now urge upon it the barbarity of exterminating the white race in the insurgent States, and of desolating one third of this continent, are nothing else than *disunionists*. They are as much enemies of the Government and the country as the rankest secessionists of the South; and the policy of warfare they advocate will do more to prevent the restoration of the Union than all the military power the confederates can combine. In fact, President Lincoln's proclamations have already done more to recruit the rebel armies and sustain the rebellion than anything the rebels have themselves done; and the negro legislation of Congress and its confiscation enactments can have no other effect than to render an honorable peace and a restoration of the Union utterly impossible, until, through a revolution in the public sentiment of the loyal States, the present occupant of the presidential chair can be constitutionally unseated, and a majority in Congress secured who will not hesitate to set aside the paper proclamations of the President, and expunge from the statute-book the whole series of unconstitutional laws which have been feeding the fires of the rebellion and fanning the flames of secession, making reconciliation, peace, and union still more difficult when the fighting shall be finished by exhaustion and we proceed to the inevitable negotiation spoken of by the President in his inaugural. There is no use, Mr. Chairman, in attempting to escape the fact that the great body of the people in the rebel States must be reconciled to the condition of living under the Federal Government with us. This reconciliation would not have been difficult if the war had been prosecuted in strict accordance with the pledges of the President at its commencement, and upon the theory of the Crittenden resolution. The masses of the people whom we now justly regard as rebels were duped into rebellion and treason by the misrepresentations of their leaders. They really have no ambition and no interests hostile to the Federal Union, and if their constitutional rights can be guarantied to them, it will not, even now, I apprehend, be difficult for them to become our friends, and to learn once more to respect the old national flag, and to rejoice as of old in the prosperity and glory of our common country.

Either through the severe discipline of the war, the magnanimity of the Government, or a rational conviction of duty on their part, the rebels now in arms against the Union must be converted into true and loyal citizens of the United States. When that shall have been accomplished, and not till then, peace will spread her wings over our now distracted country, and our Union will start anew to work out for the benefit of universal humanity the great problems presented by a free Government in which the people hold the sovereign power.

At the outset of this rebellion, Mr. Chairman, it is conceded that the President was correct when he stated his belief that in no State save South Carolina were a majority of the people in favor of the secession movement. There can be no question of the fact that the South was carried out of the Union against the wishes of a majority of its people. Now, after three years of bloody and devastating war, the end of which no man can foresee, the people of the seceded States are unquestionably very near a unit in hostility to the Government. What has produced this change in the popular sentiment of the South? Nothing but the proclamations of President Lincoln and the threats of the Government to sweep away all the constitutional rights of the southern people, and to confiscate their property. Originally, secession was set on foot by a few political demagogues, ambitious for power, with whom a majority of the people in whose behalf they professed to act did not sympathize. But the unconstitutional policy of the Administration with regard to the negro, who should have been studiously kept out of the fight, and the threats of confiscation, soon changed the current of popular feeling in the South, so that the people who at first abhorred secession and loved the Union, when they discovered that the war was to be carried on for the enfranchisement of the negro and the sequestration of their property, and not for the Union, were driven for self-protection into the ranks of the rebellion *en masse*. Thus it was that the South became united in support of the schemes of their designing politicians, and secession was able to present a front so formidable that with all our power and resources we have not yet been able to penetrate it.

In the outset the President himself professed the Democratic doctrine of non-intervention with the negro, but the fanatics finally succeeded in getting him off the track; and when he consented

to make the war a crusade for the liberation of enslaved negroes he became answerable for all the calamities that have since fallen upon our unhappy country. Had he adhered to his first position, had he followed the spirit of the Crittenden resolution, we should have held the South divided, while the North would have been resolutely united in any movement to crush the revolt. In such a case who can doubt that the rebellion, which still rears its head in proud defiance and still threatens to ingulf all that remains of our free Government, would have been nipped in the bud? But now, after a desperate struggle of three years, which has no parallel in history, involving an unexampled sacrifice of life and treasure—after depleting our country in its youth and manhood and pecuniary resources to a frightful extent—after suffering deep national humiliation and imposing upon future generations a load of debt, the interest of which will swallow up an immense proportion of the annual products of the enterprise, industry, and capital of the nation, we find ourselves apparently further from a termination of the struggle than when it first commenced—always supposing that the war is to be continued to consummate the emancipation and reconstruction policy of the President and his abolition advisers, as proclaimed from the other side of this Hall. Does history present any record of so sad a failure on the part of any established Government to quell a rebellion within its own borders? If we could even now turn the attention of the Administration from its efforts to carry the presidential election, and its pestilent idea of negro philanthropy, to the great business of abolishing the rebel armies and destroying the military power of the secessionists, we might possibly see the war closed and the Union saved before the end of the present year. But we shall see no such thing. The continuance of the war is a part of the Republican programme of the election, and a restoration of the Union would be a fatal blow to the hopes of the horde of public plunderers whose vocation will cease when Mr. Lincoln retires from the presidential mansion.

Just here, Mr. Chairman, permit me to ask what has the freedom or slavery of the black race, their comfort or misery, their rights or wrongs, their elevation or depression, to do with a war for the restoration of the Union under the Constitution, the purposes of which were so clearly defined in the Crittenden resolutions of 1861? What we want, Mr. Chairman, is to establish the supremacy of the Federal laws in all the States of the Union. When that is done, what will there be to fight for? Shall we then continue the war to emancipate the negroes constitutionally held to service? Gentlemen upon the other side say yes! Why not as well war with Spain, Brazil, Turkey, and other slave nations to enforce the liberation of the black slaves in their dominions? Why not as well commence a war with the remaining slaveholders in the loyal States, in Kentucky, Maryland, and Delaware, where the President did not presume to molest their "property in man" by his proclamation? As the fate of the negro, under any circumstances, must depend upon the local laws of the State in which he dwells, why not leave him to take care of himself while we look after the interests of the white race and endeavor to stay the tide of blood and carnage which has already spread so much desolation and mourning throughout the land?

Considering our immense preponderance of population, our superior facilities for bringing large armies into the field, our advantages of a powerful and effective naval force, our almost unlimited means to arm, feed, clothe, and pay our troops, while in all these respects the rebels have been cramped and embarrassed, having comparatively no manufactories of their own, with their seaports so closely blockaded as to almost exclude them from obtaining arms and other supplies from abroad, have we not made an exceeding poor show to the world of our ability to conquer this rebellion by force of arms? With all these advantages—with the expenditure of more than twice if not four times the amount of money disbursed for the support of the rebellion, and the sacrifice of tens of thousands more lives in battle and by disease than have been lost by the rebel armies—what actual results have been achieved in the way of restoring the Union? Aside from the anticipated exhaustion of the rebel resources, what assurances can we give the people to-day that this war will not be continued for years and years to come, and that Government will not require draft after draft of men to continue this harvest of death? Do our Republican friends fail to remember that a defensive war was never yet stopped by financial destitution on the part of those who were defending their homes and fighting for what they conceived to be their rights? History makes no such record. Whatever their present will or purpose, Mr. Chairman, the sad experience of the last three years proves to my mind that the men now in power are incapable of putting down this rebellion and restoring the Union upon any programme they may adopt. And, Mr. Chairman, in view of the unpleasant facts and cheerless circumstances to which I have referred, I am impelled to the conclusion that the vast army of public plunderers, contractors, placemen, and "venal patriots," who have been "running" this Administration from its commencement, have resolved that the war shall not end while they can retain the power to keep it in operation.

Our constituents, Mr. Chairman, were lately consoling themselves with the thought that they had escaped a draft to fill up the new army of half a million men then being organized for three years' service. Not long, however, were they permitted to "lay the flattering unction to their souls" before another draft was ordered, which is still pending, for two hundred thousand more; and when that shall be supplied, if the present Administration is continued for another term, other armies of like or greater magnitude will be demanded over and over again before negro freedom and equality becomes the "fixed fact" so prematurely recognized by my colleague, [Mr. BROOKS.]

The cupidity of the leaders of the Republican party has overslaughed their patriotism, and they have evidently become more anxious how to protract the war without exciting the suspicions of the people as to the mercenary and personally ambitious motives which govern them, than to restore peace, tranquillity, and union to our suffering country.

The gentleman from Ohio [Mr. GARFIELD] proclaims that this is an abolition Congress; that ours is an abolition army; that the country is abolition in sentiment, and that no conditions of peace are to be entertained which do not concede the complete abolition of negro slavery, in every State, forever! Other gentlemen upon that side have boldly advanced the same theory. If such a result were possible without violating the Constitution and without the sacrifice of the white race, without beggaring whatever of loyal people there may be in the South, the innocent dupes of the arch-traitors who set the rebellion in motion, whom we hope to see once more in the fraternal embraces of the Union, and who will then be expected to help pay the debt which has been incurred in compelling them to submit to the laws, I would rejoice in its consummation, and so would, I doubt not, the entire Democracy of the North. Sir, I am no advocate or defender of slavery, nor was I ever. Nor was the Democratic party ever a pro-slavery party, as gentlemen on the other side delight to aver. Simple non-intervention has been the uniform policy of the Democracy upon the negro question, and that policy they would have applied to the conduct of this war; and that policy they would adhere to in adjusting the terms of a return of the seceded States to their allegiance. We would let the people of those States, as the Constitution provides, fix the status of the negro.

If slavery is now abolished, as my colleague from the city of New York says it is, whether that result has been accomplished as an incident of our military operations or by virtue of the President's proclamations of emancipation and amnesty, it is not the mission of the Democratic party to reëstablish it, as it was not our right to destroy or molest it when the powers of the Government rested in our hands. As a party, we owe nothing to slavery or slaveholders; but we do owe something to the Constitution. We are as much bound to regard the provision in respect to "persons held to service" as any other; and so far as that instrument protects slavery, the northern Democracy has assented to its existence in such States as have been pleased to tolerate it as a system of labor. We had no right to move for its abolition, as the party now in power have no right to make its extinction a condition precedent to a restoration of peace, union, and friendly intercourse with the rebellious States. The pro-slavery stigma which the abolitionists have sought to fasten upon the Democratic party was always a calumny, and as such has been repelled in all the controversies that have arisen in regard to negro slavery since the annexation of Texas, when the quarrel which now convulses the nation first entered prominently into the party politics of the country.

The right of States to control their domestic affairs and to have slavery or leave it alone—to abolish or continue it—is a constitutional prerogative which the Democracy never questioned; and when that right has been assailed by fanatics and negro worshipers, it has been the province of the Democratic party, as the champion and special guardian of the Constitution, to defend that provision as a portion of the fundamental law of the land. Our efforts have ever been to keep the negro question out of the arena of politics and out of the halls of Congress. If the people of any State desired slavery, we were willing they should have it. If any desired to abolish or prohibit it, we said, "Amen!" But our inability to exclude the irritating controversy which the agitation of the slavery question engendered, from the issues in party politics, and the determination of our opponents to make the negro and his wrongs, real or fancied, a prominent feature in all their political operations, has brought upon the country, as we always predicted it would, disunion and war, followed by dire calamities too numerous and too mournful to recapitulate upon this occasion. From a multiplication of these calamities and a long continuance of this cruel, bloody, and exhausting war, I can see no deliverance short of ejecting from power, in a constitutional way, the radical abolitionists who are incited by interest as well as policy to prosecute this fraternal strife to secure political results.

The Democratic theory of this rebellion was well stated the other day by my colleague, [Mr. KERNAN,] whose position was that the *States*, as such, are not in rebellion, but individuals and combinations of individuals have set up a resistance to the national Government, and the Government is striving to subdue them. The States, as *States*, are not to be punished or disfranchised for the acts of these individual rebels, even though they constitute a majority of the people in the State and have usurped the power of the State. The business of the General Government is to overthrow the usurpers and rescue the State government from their hands; and when it shall have overcome the insurrection, it can punish the individual traitors according to their crimes and in accordance with law. What we want is power to enforce the law against individuals. We have nothing to do with States, or with their constitutions or laws, otherwise than to know that they have a republican form of government and that their laws are in accordance with the Constitution of the United States. The rebel States are still a part of the nation. They have never been out of the Union. Their ordinances of secession are null and void. They had no power to take themselves out of the Union, and the rebels are therefore still citizens of the United States, amenable to Federal law.

Sir, I repudiate the theory of the chairman of the Committee of Ways and Means that they are a foreign people, alien enemies, and that upon their return to the Union the southern States are to be treated as conquered provinces. I adhere to the war platform of Congress in 1861, and contend that so soon as the Government finds itself able to enforce the Federal laws within and throughout the territory of any State in rebellion, by civil process, that moment military operations against the people of that State should cease, and recourse should at once be had to civil authority for the punishment of crimes and the enforcement of the laws.

In this view, I cannot resist the conclusion that if this nation is ever saved from the ruin which now threatens it, the States must first come again together under "the Constitution as it is," however "sick" it may make the gentleman from Pennsylvania, before a permanent adjustment of the pending difficulties can be made. When all the States are once again in fraternal communion, chastened by the calamities of the war, and con-

fronting the huge national debt which has been heaped up for future generations to pay, any defects that may have been discovered in the fundamental law under which we live and under which we must thereafter live in peaceful relations, and in the amendment of which all have a right to participate, may then be remedied in the manner therein prescribed, so as to meet the present views of a majority of the States. If need be that African slavery shall be prohibited, let the Constitution be so amended, legally, as to prohibit it in all the States. In my view, this is the only proper and effective way to get rid of slavery legitimately and peacefully. It would, no doubt, accomplish the emancipation our friends on the other side profess to be contending for, without the further shedding of blood or destruction of property. But as legal emancipation in that way would be of no benefit to them in this election it is idle to hope that they will embrace it.

Mr. Chairman, I am one of those who believe that if the Administration had adhered to the spirit of the President's inaugural, and confined itself to the objects of the war as set forth in the Crittenden resolution, the rebellion would now have been at an end, with the old Union restored and the vacant seats in this House and the Senate filled with loyal representatives from all the States now in antagonism with the Government. I also believe, that had the amnesty proclamation which accompanies the President's message now under consideration, contained no other requirement than unconditional submission to the laws and the Constitution of the United States, it would have been more powerful for the extinction of the rebellion and the restoration of the Union than the half million men who are now being gathered for the further prosecution of this abolition war, and the two hundred thousand more who are to be drafted in April. The effect of such an offer to the rebels would have been to scatter their armies, the rank and file of which are probably by this time ready to abandon the secession enterprise upon any honorable pretext, to avoid further sacrifices in a fruitless effort to acquire the independence of their so-called confederacy, provided they could return to their allegiance as they only honorably can, with their constitutional rights unimpaired. I am sustained in this view by an intelligent correspondent of the New York Herald, who has just returned from a year's captivity in the South, whose interesting narrative was published this week in that journal. In speaking of the feeling prevalent among the most intelligent citizens of the South with whom he conversed, he says:

"Some of them have also told me that a full and complete amnesty to all engaged in the rebellion, and a repeal of the confiscation act, might have a tendency to end the war immediately. 'If you would only do that,' said a rebel officer who held a high command, 'I believe there would scarcely be a southern soldier under arms in thirty days. But the last amnesty proclamation of Mr. Lincoln defeats the object sought to be attained; for it excludes from clemency the very men who have the power to disperse the armies.' 'If a universal amnesty were proclaimed,' he repeated, 'I believe there would scarcely be a southern soldier under arms in thirty days.'"

There is a world of truth and sound logic in this brief extract from the returned prisoner's narrative.

The untenable position of the President, that the rebels can only be restored to citizenship, and allowed the right of suffrage, by swearing to support an abolition proclamation which he had no authority to issue, but increases the difficulties that prevent a reconciliation of the rebels to an abandonment of their insane struggle for independence. Although it is probable that two years ago the rebel leaders might have scouted the idea of a "compromise" with the Government, and would not have listened to any terms of peace short of the recognition of their independence, it by no means follows that they would not now "take the back track" and permit their States to resume their places in the Union, if such terms could be obtained as would leave them in the same position, as to their rights under the Constitution, which they occupied at the time they so wickedly, foolishly, and causelessly resorted to arms. They possibly now perceive the error of their movement, and would, perhaps, return at once if a way were opened for them to conciliation without degradation. They are now holding out against a Government which threatens their extermination; which exacts of them a sacrifice of their property; which imposes upon them degrading conditions, and proposes to overturn their entire social system, demanding of them an oath to relinquish their property, their constitutional rights, and to yield support to State governments organized by one tenth of their population! Can we expect that they will submit to such repulsive conditions? Ought we to expect it? Their only alternative is to fight on until more acceptable terms are offered; and that, I apprehend, is more satisfactory to the blood-thirsty politicians who are "running" this Administration than would be their most abject submission, for it insures a continuance of the war, and supplies them with political capital for the important election now before us.

This glorious Union, so long the pride and glory of the friends of civil and religious liberty throughout the world, founded in compromise, concession, and conciliation, maintained in like manner for three quarters of a century, and which can only be perpetuated upon the same just principles, is now sought to be sustained, not by the willing support and free consent of a majority of the people, but by an unyielding proscription of one section, by despotic edicts, and by a total disregard of the rights, interests, and, I will say, prejudices, which our fathers thought it expedient to recognize, consult, regard, and conciliate, when constructing the Constitution which secured to us the best Government the world ever saw. To be entitled to the protection of that Constitution, the work alike of the North and the South, and to share in the blessings which it showers upon all who repose beneath the shadow of our flag, the people of one section of our territory, loyal men as well as rebels, are required by the Administration not only to yield up their property, but to swear that they will support the unauthorized, oppressive, and unconstitutional edicts of the President, which they abhor. The fiat of abolition has, however, gone forth, and the people are notified by the organs of the Administration upon this floor that so long as a negro remains in bondage the war must progress, and the red harvest of death be continued. Civil liberty is now dethroned, State constitutions and State laws are overridden, while the Federal Constitution is nullified and the laws of Congress set aside under the plea of "military necessity" whenever they are found to stand in the way of the plans and policy of the Administration. No man's rights are safe from encroachment, and personal liberty, in loyal as well as rebel States, depends upon the will of the despots who have set aside the Constitution, ignored the laws, and usurped arbitrary power. There is no *habeas corpus*, and there is no citizen in any State who is not liable to arrest at any hour of the day or night without legal process, without being charged with any offense or crime, without being apprised of the cause of his arrest or being allowed to inform his friends of the fact of his being in custody. He is audaciously kidnapped and incarcerated in some remote fortification or prison. He suddenly disappears from among his friends, is mysteriously absent from his business, nobody knowing what has become of him. His family are in distress, and days pass before it is ascertained that he has been stealthily spirited away by the minions of power and imprisoned in Fort La Fayette, the Old Capitol, or some other bastile where the victims of the reigning despotism are kept in close confinement until it pleases the powers that be to discharge them, with or without trial as they may please. Cases of this kind, Mr. Chairman, are too numerous and too well known to particularize, and very many more than have been made public have transpired.

Sir, the remedy for these evils and the only escape from the despotism that now holds sway is first to be sought at the ballot-box in the great political contest now before the country. The peaceful strife at the polls in November will be pregnant with more important results to this country and the cause of civil liberty throughout the world than all the bloody battles that have been or may be fought in our efforts to subjugate the South and give freedom to the negro race. If the people fail in this constitutional mode to rescue the Government from the hands of those who now wield its power, and leave the country to suffer four years more of the policy that now prevails, I, for one, shall cease to hope for anything short of the utter ruin of the American Republic.

THE REBELLION.

Mr. ECKLEY. More than three months have elapsed since we first met as members of the Thirty-Eighth Congress. During that time I have heard what has been said, and witnessed what has been done. No Congress ever met with greater responsibilities. A war, greater in magnitude than any the world ever saw, is raging around us, dealing out its untold calamities, and leaving behind a train which the pen of the historian will grow weary in attempting to describe, and, sick and discouraged, will give it up in despair. But if reason had ruled our counsels, and able, faithful, and patriotic men had been intrusted with the administration of the Government, this war with its long train of evils could have been avoided.

For more than a quarter of a century the States now in rebellion had been preparing for the overthrow of the Government. Through the means of a powerful political organization they had done much toward effecting their diabolical purpose. By that means they had annexed Texas, had inaugurated a war with Mexico, had attempted to spread African slavery over all our Territories, had tried to keep young California out of the Union as a free State, and had broken up that time-honored compact, the Missouri compromise, that the black pall of human slavery might overshadow the virgin plains of Kansas, and had held up the threat of civil war as the consequence of opposition to these measures.

The fearless love of freedom of the bold adventurers on the Pacific coast for a time postponed the evil hour by the formation of a free State without the aid of Congress. The vigorous emigration to the fertile and inviting regions of Kansas drove out the hordes of bandits and lawless vagrants who, as the emissaries of the southern States, were attempting by violence to carry out the folly of Congress and defeat the will of the people of that Territory by trampling down their most sacred rights, which were guarantied to them by the Constitution, and secured as an inheritance by the God of their fathers. In despite of their organized bandits, their acts of lawlessness, of fraud, perjury, and murder, she emerged from the flames purified by the fire, and laid at the feet of the Government her free institutions, and demanded a place in the sisterhood of States, with a constitution prohibiting slavery forever.

The southern States were, through the means of southern conventions, attempting to control the commerce of the country and to prevent their people from trading in northern cities. Southern men were seeking seats in Congress for the avowed purpose of bringing about a dissolution of the Union. While these things were taking place a close political organization governed the Democratic party both North and South. They acted together and voted side by side. If one faltered he was denounced and expelled from his party.

The unprecedented acts, the revolutionary measures of the South, alarmed the North, and they attempted to arrest them in their wild and dangerous conduct, proposing no means not clearly within the Constitution; for they had a right to say that the annexation of Texas was unwise, that a war should be avoided, and that our Territories should be free.

These eventful things had now passed, and the shock of the excitement had not impaired the power of the Government. Its departments, executive, legislative, and judicial, were in full force. Through the political organization of southern rebels and northern Democrats every department of the Government was under their control when approached the great struggle of 1860.

History has already recorded the misplaced and betrayed confidence of the country. At this important time the robber's hand held the purse-strings of the nation; thieves occupied the Cabinet; treason unrebuked boldly proclaimed itself in the Senate and in the House; weak imbecility filled the Executive Chair, and corruption stalked boldly forth at noonday.

In this condition of things came the day of political trial, when, in the manner prescribed by the Constitution, the present able and patriotic Chief Magistrate was chosen President of the United States, and the power departed from the South. The southern States now set about their diabolical work. One after another they declared their ordinance of secession, placed themselves in open hostility to the Government, disregarding its laws

and defying its power. Civil war had actually commenced, and Sumter was reduced. The President elect, amid threats of assassination, reached the capital, and organized his Administration; but the Treasury had been robbed, our arsenals were empty, our Navy scattered, while the capital itself was beleaguered and threatened by an army of rebels.

During this eventful chapter of high-handed, bold, and treasonable designs, neither the President, Senator, or Representative sounded any note of alarm, or employed any means, or sought any aid, to arrest the murderous hand, now raised to take the life of the Government and plunge us into civil war. What patriot but must blush at conduct such as this? What American but regrets the day when such a party held the power of the Government? And what philanthropist that will not weep as he looks over the graves of the mighty dead, visits the scenes of deadly conflict, or ponders over the broken circles and bereaved hearthstones of those who have suffered by this terrific war, which might have been prevented by the party then in power? A party that now coolly asks to be reinstated in the administration of the Government; that proposes to restore a country it has distracted; to give peace to a weary people that it had broken up; to enforce the laws, the majesty of which they had disregarded, and restore a Constitution, the power of which they had contemned. But how do they propose to do it? By a dishonorable compromise, giving up the contest, and recognizing the independence of the southern confederacy. Such a profanation of the temples of civil liberty could receive naught but the indignant scorn of the American people; the heart would sicken at the spectacle; the world would judge us unworthy of free government; and the doom of anarchy and ruin would be our inheritance; while the progenitors of the destruction of such a Government as this would live in history as the Ephesian incendiary, immortal in infamy. They would take their places side by side with Cromwell, Catiline, and Judas, would live despised by the good and the great, scorned by the world, and at whom the beasts as they passed would turn up their noses in disgust.

The commotion in the country indicated its only course, that was, to bury past political differences and unite all parties in putting down the rebellion. The Republicans, then holding the political power in most of the northern States, abandoned their organization, and with them united many loyal Democrats and what remained of the American party, and formed the Union party that holds now and is destined to hold the power in this Government.

The remnant of the Democratic party, such as is represented on the other side of this Hall, refused to coalesce to save the country. Party with them was paramount to every other consideration. They had been weakened in the North by the loss of the loyal men that had acted with them. They were further divided by the acts of the rebel States. Their great power was in the South. And the northern and southern wings were now separated from each other. In battle array stood great armies between them; yet who has not marked the wonderful coincidence of thought and expression of the remote sections of this great party? The South claimed that they possessed the constitutional right of secession; and Mr. Buchanan said the Government had no power to coerce. Jefferson Davis charged that our Army went South to murder and plunder; and it is repeated here that the mission of our Army was blood and famine. Davis said that the arrest of citizens was a violation of their constitutional rights; it is repeated from this Hall that arbitrary arrests are unconstitutional. Davis said that the suspension of the writ of *habeas corpus* by the President was without the shadow of authority; and we hear it declared here that the only safeguard of the citizen's liberty has been trampled down. The southern rebels say that our resources are exhausted, and that bankruptcy was staring us in the face. The same thing is amplified in this House. Mr. VOORHEES said:

"Our fall from bounding wealth and unlimited resources to pinched and shrunken poverty and cowering bankruptcy, is as certain and as fatal under our present policy as the fall of Lucifer, the morning star, from heaven."

The rebels say that the President is exercising a more despotic power than any crowned head of Europe. It is said in this House by Mr. VOORHEES that—

"It will not be long if our present career is unchecked until the terms dictator, king, and emperor will be as familiar in Washington as in the palace of St. Cloud."

The members of the confederate congress say the South is powerfully supported in the North by the conservative Democratic element that will come to their relief. It is said here by Mr. VOORHEES:

"And I here to-day, in the spirit of one who expects and desires his posterity and theirs to live together in the ancient and honorable friendship of their fathers, warn the southern people not to look forward to separation and independence, but to embrace every opportunity for coöperation with the conservative men of the North, who will aid with their lives, if need be, to secure them all their rights and institutions as free and equal citizens of the United States."

The Richmond Enquirer declares that the North, distracted, exhausted, and impoverished, will, through the agency of a strong conservative element in the free States, soon treat with them on acceptable terms. The gentleman from New York [Mr. FERNANDO WOOD] declares that "we will have to treat with the rebels, that the war was commenced without cause, and continued without glory, and will end in disintegration and destruction if carried on for another Administration. Peace must come!" Davis said in a speech before the Legislature of Mississippi that "on the other side of the river our prospects are brighter than ever before, and ere long he hoped that we would be enabled to proclaim Missouri free. Kentucky, too, was an object of solicitude to him, and he spoke of her gallant people in the kindest and most commendable terms." And my honorable colleague [Mr. C. A. WHITE] earnestly declares that "we can never conquer the South, and we must compromise." The rebels charge that "this is an inhuman war waged against the institutions of the South;" and forty-two members of this House solemnly resolve that this is an inhuman war, and they might have added the words of Mr. FERNANDO WOOD, "commenced without cause and prosecuted without glory."

I might collect the sentiments of those at Richmond and here until I could fill a volume, in which the most discriminating mind could not detect a difference. Indeed, a stranger, if he listened to the debates here, would think himself in the confederate congress. I do not believe that if these Halls were occupied to-day by Davis, Toombs, Wigfall, Rhett, and Pryor, they could add anything to the violence of assault, the falsity of accusation, or the malignity of attack with which the Government has been assailed, and the able, patriotic, and devoted men who are charged with its administration have been maligned in both ends of the Capitol. The closing scenes of the Thirty-Sixth Congress, the treasonable declarations there made, contain nothing that we cannot hear in the freedom of debate without going to Richmond or to the camps of treason, where most of the actors in those scenes are now in arms against us.

Many of the errors of our lives are attributed to the weakness of our nature, the impressions of association, and the early influence of education. It has much to do in forming our characters and making us useful and wise. The same causes may produce the converse of these. None understood that better than did the southern politicians. For more than half a century they had labored, and not without success, to indoctrinate the country in the baneful doctrines enunciated in the celebrated Virginia and Kentucky resolutions of 1798, which contained the *veriest* poison to stable government, and was nothing more and nothing less than the doctrine of secession, as claimed by the rebel States.

For years the Democratic party had exhumed this heresy from the rubbish to which the good sense of mankind had consigned it, and through the influence of southern politicians made it a cardinal doctrine of their political faith. I propose to read the resolution adopted by the convention that nominated Mr. Buchanan in 1856:

"That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and the report of Mr. Madison, made to the Virginia Legislature in 1799; that it adopts these principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import."

The party that could solemnly pledge itself to the support of such a doctrine, so dangerous and treasonable as that, is to be deplored. When it was yet young, its fearful character called out from the shades of retirement, in the evening of his eventful and honorable life, that stern patriot and orator, Patrick Henry, that he might cause to be wiped from the records of his own Commonwealth that foul stain that the traitor's hand had placed upon it. Before he accomplished the work of regeneration he died. The resolutions lived, nursed and fostered by a political party and used as a shield and protection for every traitor that was found defying the power of the Government. To-day we are reaping their bitter fruits. The fields of carnage, the scenes of blood, the bereaved widow, the weeping maiden, and the heart-broken orphan, all point you to the fruits of the doctrine of secession contained in that damnable heresy that to-day the rebel States are attempting to carry out by the physical power of arms. Up to this hour the Democratic party, though divided, have not recanted, either North or South, this treasonable doctrine. There it stands, as much the creed of that party to-day as it was the day they proclaimed it to the world. No one can fail to see the evil consequences of such a doctrine when carried into practice. It was conceived in fraud and it closes in blood. For its wickedness it is doomed to perish, and with it shall perish also its advocates. The justice of the world, the peace of mankind, and the judgment of experience have doomed them to political death, and that host of conquering heroes who now hold every field on which their gallantry was displayed or glory won, will consign them to a sepulcher so deep that the hand of resurrection will never reach them.

Another reason is given why we should submit to dishonorable terms of compromise: that is, the pecuniary difficulties and the inability of the Government to carry on the war; an allegation that is not true. It is as dangerous to our prospects to declare that we must call back our armies because we have not bread to feed them or garments to clothe them as it is to declare that we have not men to continue the contest. Either would be injurious, and both are false. We have both men and means. Our whole agricultural region is full; our factories and workshops supply our wants and glut the market beside with their surplus. Indeed, sir, we could withstand a famine almost as long as that which God sent on Canaan. Our hills are covered with our gamboling flocks, and our valleys are musical with the lowing of our herds; our storehouses groan beneath their loads of cereal grains; our fields are green with hope and promise; and a million of men but await the call of their country to put on the panoply of war. The most formidable navy the world ever saw rides out upon the ocean, guarding our four thousand miles of coast, and protecting our commerce on every sea. Our material resources are so great that they astonish even ourselves. A country so vast in magnitude, so fertile in productions, and so rich in natural advantages, was never the boast of any people. The agricultural productions alone of our country amount to the enormous sum of $3,000,000,000 per year; our works of art produce per year $3,000,000,000 more; our commerce and public improvements add their $4,000,000,000 to that.

And there is still another branch of our wealth not included in the above. In the report of the Director of the Mint at Philadelphia it appears that the receipts of bullion for the year ending October 10, 1861, amounted to $121,000,000. The recent discoveries of gold in new regions will add largely to that, and we may safely count on the receipt of $200,000,000 per year. With these vast resources who but those in sympathy with the rebellion would intimate our inability to carry on this war to a successful and honorable termination? None but those with whom the wish is father to the thought. We could carry a debt five times as large as that already incurred, a condition of things by no means desirable, but better for us and far better for our posterity than to leave them without a Government or country with the present debt upon them. The present debt is not greater in proportion to the resources to meet it than was the debt of Pennsylvania or Ohio in 1841.

The war has, in my judgment, progressed with

wonderful success. Three fifths of the territory held by the rebels at its commencement has been subjugated, and over which our flag now floats, with a loss to them of the ocean coast, the entire Gulf, and that great artery of commerce, the Mississippi river, with nearly all its tributaries. Napoleon, in his thirst for power, or Lord Wellington, in his most successful campaigns, never accomplished so much in the same length of time. The future is full of hope. Unless we are betrayed by northern people our final triumph is not far in the future. Of that we need have no fears. The number in the North whose sympathies are with the traitors is but small. In voting they cannot endanger a single loyal State, and as belligerents they are entirely harmless.

Therefore, warranted by the facts, I declare my conviction that the developed resources of the country leave no room to doubt the ability of the Government to meet every demand legitimately incurred; if the same ability continues which has marked the management of the Treasury Department during this day of commotion and the same skillful hand continues to guide the helm, the ship will outride the storm and land us in a haven of safety without a single rent in the sails of our credit.

In order to secure our triumph in this struggle the necessary means must be employed, and they must have a cordial support. Thus far we have had to contend with two enemies: the one in arms, and the other opposing all measures and trying to defeat the legitimate and necessary policy. The lofty inspiration, the wise measure, the patriotic object, and the necessary proposition have not failed to be denounced by both the tongue and pen of the partisan. Should this fair fabric be overturned and the boon of civil liberty lost to this people, the driveling demagogue, who by his appeals to ignorant followers or who by falsehood destroyed its credit, is equally guilty with the traitor in arms, and far more to be despised.

Great forbearance, untiring patience, and mature wisdom are essential to meet the questions that are forced upon us, as incidental to the great revolution now going on. For the manner in which we shall perform our duty the enlightened world, the eyes of posterity, and the God of justice will hold us responsible.

Among the things incident to this war is having cast upon us four million African slaves, who are now or will be free. The moral duty to provide for them is one of transcendent obligation.

Two and a half centuries ago a Dutch ship came up the James river, freighted with human beings, and discharged its mortality among the planters of Virginia. This was the commencement of the institution of slavery on this continent. It was then small, but it grew into great power, eventually controlling the policy of the Government, and wedding to its interest the political party represented on the other side of this Hall. Finally, it plunged the country into the yawning gulf of civil war. It has raged for three years with unabated fury. The duty of the loyal citizen in this was plain, and his course clearly marked. It was that this great crime against humanity, condemned by the Christian world, at war with the justice of Heaven, and denounced by the mild teachings of revelation, for thus attempting to undermine the foundation-stones of freedom had forfeited its life and deserved to die. We could not engage in this bloody contest, exhaust our substance, and sacrifice our manly sons who have gallantly, amid the terrific fire of battle, borne our banner in triumph over a hundred stricken fields, to secure this damnable institution its existence forever. No! Our own safety, the demands of humanity, and the injunctions of Heaven doomed it to death.

There never was a measure of more wisdom or of purer justice than the proclamation of emancipation. No State paper ever had so great an effect. It not only gave hope and encouragement to the Army but it gave assurance that the cause of this rebellion would be wiped out. It ended all hope of the recognition of the confederacy by foreign Powers, and it taught the rebels that their only support was their own weakness.

Its fruits already are manifest in the freedom of Missouri, Arkansas, Louisiana, Tennessee, Virginia, and Maryland—all free, now and forever. The balance of them but wait the progress of our arms to rid themselves of this blighting curse and take their places side by side in the great galaxy of free States.

This fact casts upon us the further duty of taking care of the emancipated or providing for them to take care of themselves. We have already placed arms in their hands, and when they have achieved the freedom of their race and aided in achieving the freedom of ours it will not do to send them back to slavery. An act of such gross injustice would call down the vengeance of Heaven upon us.

History has not left us without an example of what our fate will be should we be guilty of so great a crime. When the Lacedæmonians were confronted with a powerful army, and their all staked upon the result of a single battle, for a while the contest seemed doubtful, but fate turned against them; their columns, thinned and weakened, began to give way, when five hundred slaves threw themselves into the breach, drove back the invading hosts, and victory perched upon the standards of this ancient people.

What were they to do with their slaves? They had won the victory, they had saved the fate of the day, and even this barbarous people would not remand them to their chains. They were like the gentlemen on the other side—they were jealous of their freedom; and to relieve themselves from both they drove them to the place of execution and deliberately murdered them.

But the vengeance of Heaven overtook them, offended justice smote them, their country, torn by wars, was devastated, their cities sacked, and they as a people obliterated from the earth. The wild beasts now roam unmolested over their plains, the bramble grows in their streets, and their palaces, once merry with the song of contentment, are desolate and abandoned, the foxes bark from their windows, and the owl hoots from their domes.

We shall not follow their example, nor will we incur the just fate that overtook them. We will, governed by the broadest philanthropy, do our duty to this unfortunate waif that for more than three centuries has been floating upon the tide of human avarice and crime.

If wisdom prevails in our councils the gallantry of the greatest Army the world ever saw will soon bring us peace and restore our country; a peace that will be honorable and lasting. The causes of distraction will be removed, and our country, baptized anew in the fires of war, will come forth purified, and with renewed vigor will enter upon her mission of future usefulness and glory. She will assume a higher position among the nations of the world, the last blotch of shame washed from her escutcheon. Securely seated upon the mountain summits of her own freedom, in one hand holding out to the world the olive-branch of peace and in the other the thunderbolt of rightful but reluctant war, bounded by the oceans, the lakes, and the Gulf, there may she sit forever, with the stars of Union on her brow and the rock of freedom beneath her feet.

VIOLATED PLEDGES.

Mr. HARRINGTON. Mr. Chairman, I address the committee to-day with feelings far from buoyant for the future of the country. At the time I took my seat in this Hall it was not my intention to occupy any of its time in the Committee of the Whole, leaving to other gentlemen on this side of the House the matter of discussion. I designed to record my votes and aid in such legislation as I believed to be most conducive to the welfare of a distracted country. But, sir, I represent directly on this floor twelve thousand electors, whose opinions in general as to the conduct and policy of this Administration correspond with my own, and who cannot be heard by the nation except through the voice of their Representative; and further, sir, the conservative element in this House is in the minority, and subjected constantly to the anathemas and unjust insinuations of a fanatical and merciless majority, who labor assiduously to add to the necessary confusion of the times strife, discord, distrust, and terror among the citizens of the States represented by their armies in the Federal field and by their dead inhumed in the soil of many battle-fields.

These considerations in mind, I feel it would be little less than moral cowardice to be silent. I have not the vanity to suppose, sir, I can add anything to that which has been already said by gentlemen during our present session; but in this hour of trial and uncertainty the conservative element of the country has a right to the moral force of the convictions of the public mind in every portion of the country.

Mr. Chairman, from the day in which the batteries at Charleston harbor had done their work upon Fort Sumter to this hour, the fact of the existence of a war between the Federal Government and a portion of the States constituting in part the political and constitutional Union of the Government, and the necessity of maintaining that war until such time as might offer a restoration of the Union and peace to the country, has been recognized and acted upon by myself and the people of the country generally. The people of the non-seceding States with great unanimity have admitted the right and duty of the Government (its coördinate branches each performing its constitutional functions to that end) by force of armies to overcome resistance to the authority of the United States as conferred by the only power that gave us a Union or created any obligations toward that Union upon the States or the people, the organic law. From that source alone Congress and the Chief Executive, representing the war power, derive authority to take up arms against the seceding States, and that right exists as a power to preserve the unity of the States and enforce and discharge the mutual obligations of the several States, the people and the General Government, because that unity and those obligations are created by the instrument. We have no Federal nation, sir, except that created by the Constitution; the people never assented to any other nationality as a Union; from that our Government derived existence, and from that must receive its nourishment or perish. The President in his proclamation of April 15, 1861, acknowledges fully the foregoing principles. He says:

"Whereas the laws of the United States have been for some time past and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law:

"Now, therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, in order to suppress said combinations, and to cause the laws to be duly executed."

The same position was taken in his inaugural. These official announcements to the country met with a warm and patriotic response, without regard to party differences. The conviction that the President designed to enforce the Constitution and laws of the United States and preserve the property of the General Government in the seceded States and hold them as political organizations in the status given them by the Constitution, and that the President would act in good faith to that end, surrounded him at once with all the material and executory aid desirable; millions of money raised by banking corporations, cities, and towns, donations of citizens and appropriations of Congress, furnished ample means for munitions and expenses of war. The country swarmed with hundreds of thousands of sturdy freemen moving toward the capital like a swollen torrent to increase the armies of the Government. Under the call for seventy-five thousand men more than two hundred thousand responded. In July, 1861, the President said, officially:

"One of the greatest perplexities of the Government is to avoid receiving troops faster than it can provide for them. In a word, the people will save their Government if the Government itself will do its part only indifferently well."

Sir, he had reason to say so, for a generous and confiding people, from the Atlantic to the Pacific, from the Canadas to the borders of the rebellious States, gave a simultaneous response to the calls of the country. To use the language of the President, sir, "The response of the country was most gratifying, surpassing in unanimity and spirit the most sanguine expectation." I have referred to the pledges of the President. On the 22d day of July, 1862, the resolution of the lamented Crittenden passed this House with great unanimity, and thereby the legislative and executive powers were pledged to preserve the Union under the Constitution, and in strict obedience to its provisions. At a later period of our history it was declared by a majority in this House, and by the President, that volunteering had nearly ceased, and that compulsory legislation was necessary to

fill up our depleted Army, and that a conscript law was the next step necessary to carry on the war. A change in the public mind had been wrought by means, sir, of so marked a character, that Congress resorted to a conscript law, always odious to republics. They set up in the national capital of a free people that death skeleton of Austrian and French tyranny, and covered its hideous proportions under the garb of military necessity. Why, sir, this change in public sentiment? Who created the military necessity? Had the people lost their valor, or ceased to cherish and revere the institutions of our fathers? Sir, the President and his wicked advisers, if the necessity existed, were responsible for it. They had unblushingly, as we shall hereafter notice, broken faith with a generous and confiding people, and set the public mind afloat upon a sea of doubt. The love of free institutions filled our Army upon the first and second calls of the President, and the same noble impulse renders a people jealous of their rights at home, and sensitive to any indications of encroachments upon the established institutions of the country.

Mr. Lincoln, either from a want of appreciation of the attachment of the public mind to laws and civil rights, as indicated by the uneasiness of the people at his first departure from his pledges and the path of duty, or for some ulterior and sinister motive, followed other offensive acts with the suspension of the writ of *habeas corpus* in all the loyal States, placing at the malice, cupidity, or prejudice of military commandants and provost marshals the liberties of twenty million people. One flash over the wires, and the freedom of speech and of the press and the liberty of the citizen were as effectually blotted out as if they never had a place in the charter of liberty. Under the pestilential influence of this assumption of arbitrary power and lawless aggression the political and military subordinates of the President entered the peaceful abodes of citizens without warrant or process of law, dragged the inmates thence and confined them in loathsome dungeons and political bastiles, to remain without trial or a knowledge of the offense with which they were charged. Many now remain immured, ignorant of their destiny and of the real or pretended grounds of imprisonment.

Sir, at this session of Congress resolutions have been offered calling upon the proper Departments for information of the number and names of American citizens rotting away their existence in political dungeons, and the charges upon which they are imprisoned; the red-handed Jacobin element of this House finds means, under the rules, to smother investigation; but if a negro, in attempting to obtrude himself into a street car of this city, is ejected for his impudence, it is so grave a matter it must become the subject of reference to a committee of one branch of this body and the theme of legislative debate; but the sufferings of white men, groaning in the damps and darkness of prison, to the fanatical mind of the hour are unworthy of alleviation or a passing notice. Sir, if prisoners of State are guilty of any crime against the laws, try and punish them—I would not exempt the guilty—but if they are the victims of a political persecution, let them be heard, and restore them to their families and liberty which of right belongs to them.

Sir, the arbitrary power assumed and enforced by armed violence has overshadowed and rendered nearly powerless the judiciary of the country, has closed the peaceful and constitutional avenues to redress. An order issued in the department of Missouri, section two, says:

"All such prosecutions [suits for false imprisonment and destruction of property by military subordinates] are prohibited, except by consent of the commander of the district in which the prosecution is commenced, or by consent of higher military authority, which will always be granted when consistent with the ends of justice and interest of the service."

Here, sir, is the civil under the dragon foot of the military power; the peaceful and wronged citizen is forbidden the approach to the altar of justice unless permitted by the arbitrary pleasure of a military commander; and these are the modes by which the laws and the civil power of the country are to be restored! Such orders will soon envelop the entire country. In the border States have originated all the aggressions that have spread over the northern and western States. Such measures of the President, and corresponding acts of Congress, practically change and subvert the internal police regulations of the States, and are aimed, as I believe, at a social and political revolution in all the States, that shall rest upon a consolidation of powers inconsistent with the existence of the States. *Constitutional* State rights are broken, and the fragments are gradually being drawn to the central Government.

These fundamental changes *must* be at the expense of some portion of the liberty of the people. Sir, it is my opinion that the confusion and corruptions they engender and protect, tend directly toward the subversion of free government. I will not charge that the President and his partisans design to overthrow our institutions and permanently subvert the Government of our fathers; but I will assert he is fast approaching that rugged channel the shores of which are strewn with the wrecks of republics. The President's zeal or some ulterior motive is drawing him, step by step, from those palpable principles without which free government cannot exist; is inducing him in the States true in their fidelity to the institutions and laws of the country to overleap the Constitution and trample under foot personal rights. If he will consult history I think he will find he must soon reach that point from which there is no safety in return, but that onward in the path of aggression is the only resource for him who has ventured to remove the landmarks of constitutional liberty. Another alarming feature as to the condition of the country is that the legislative has become subordinate to the executive power, as is evidenced by the fact his acts in violation of constitutional rights and obligations are coated over with the forms of retroactive legislation. It is said, sir, a military necessity, a *monster* not known to our laws nor consistent with the genius of our institutions, warrants a disregard of the laws of the country; but I submit to you, sir, if the demand is conceded, we have neither the form nor substance of free institutions left. It would place at the absolute will of one man the liberty of the subject, the entire resources of the country, and the power of self-aggrandizement. No matter upon what plea the concession is made, the fact still remains; it is the Government of *one man* and not a Government of the people.

Sir, the acts warranted by the supposed necessity are not defined by any law or tradition of the country, and must depend upon the will and caprice of the President. Say you he is well-disposed and of honest purpose? Grant it if you desire. But the people cannot be unconscious of the fact that he is surrounded and influenced by the sycophants of power festering in the corruptions of the times; that the scepter of State tremulously vacillates between irresponsible factions, who would uproot practical constitutional government and transplant in its place the Utopia of fanatical dreamers. The axiom of the French constitution *was*, "As wills the king so wills the law." In that was involved arbitrary arrests, the graspings of sovereign power, and the long catalogue of wrongs which mark in history the beaten road to the revolution which stained France with the blood of millions of victims and which brought to the surface a Marat, a Robespierre, and their bloody coadjutors, who in the name of universal liberty disgraced humanity and sowed in the breast of France the poisonous seeds which rendered abortive the labors and sufferings of her people and prostrated her at the feet of a new despotism. Sir, look over the acts of the last Congress and the files of this session and you will find the slavish axiom of the French constitution acted upon in some instances and certainly recognized. Violations of well-defined rights are attempted to be legalized, involving not only wrongs to the citizen but millions of money squandered for illegitimate purposes.

Sir, another cause of alarm, discontent, and anxiety to the public mind in the loyal States is the interferences with the freedom of elections by military officers for partisan purposes. In many of the loyal States this has become a systematized plan, and peaceful citizens from the moral and physical effects of gross violations of the elective franchise have been deprived in many instances of any voice in the national and State representation, and elections have been a degrading and insulting farce in many portions of the loyal States. In the State of Kentucky, at the general election of 1863, most of the precincts of twenty counties were visited by military officers with detachments, the names of candidates were publicly erased from the poll-lists, the officers determining who should be voted for, disregarding the laws of the Commonwealth of Kentucky. This conduct seemed partisan in its character, a crusade against the only political party that connects the present with the constitutional past. The number of votes reported in Kentucky were one hundred and eighty-three thousand, and but seventy-nine thousand of this number were cast. There were also military interferences with elections in the States of Maryland, Delaware, and Missouri upon an extensive scale in localities, as we have reason to believe; and this interference in the border States has made its appearance in some degree in the non-slaveholding States. As an auxiliary to the destructive partisan interference with elections, the press that could not be subsidized with the people's money has been muzzled by the Administration. An appeal to the constitutional provision, "Congress shall make no law abridging the freedom of speech or of the press, or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances," has been pronounced treasonable, and made the cause of new insults and imprisonments. Does not the Administration, sir, understand that such a state of affairs in the loyal States endangers in those States that peace and good order so necessary in our present national afflictions? I do not hesitate to predict that a country based upon a constitutional, elective Government cannot bear for any considerable time interference by force with the freedom of elections and survive as free, and no fixed and cherished national institutions perish except in blood.

It is said, sir, elections are free to all loyal men. Who judges of these rights and of loyalty? There is no law or fixed regulation by which the fact is established under this new universal liberty *régime*. Arbitrary will controls it, sir, exercised with partisan zeal, and not for the welfare of the country. The President and the War Department deny issuing any orders sanctioning interference with elections in the States I have named. What are the people to understand when the head of the war power denies complicity with the gross outrages, and still retains those in confidence and office who with force have struck down the freedom of elections? Has there been any court of inquiry, any reprimand of the officers who have disgraced the cause of free government by such conduct? None whatever. Sir, the President is responsible to the people for these outrages. The officers interfering were his subordinates and liable to be called to account by him for a violation of civil rights, and his omission to do so is a tacit approval of the wrongs. Sir, Edward of England, at a time elections were declared free, addressed a circular letter "to all the sheriffs, commanding them to give notice to the freeholders, citizens, and burgesses within their respective counties that our pleasure and commandment is that they shall choose and appoint, as nigh as they possibly may, men of knowledge and experience within the counties, cities, and boroughs; 'but, *nevertheless*, that where the *Privy Council* should' recommend men of learning and wisdom, in such case their directions be regarded and followed. Several persons accordingly were recommended by letters to the sheriffs and elected as knights for different shires, all of whom belonged to the court or were in places of trust about the king." Louis Napoleon declared a free election for first consul in France, but his military interfered with the electors and controlled the elections by *force*, and Napoleon declared himself elected by the *free suffrages* of France. Who doubts but Edward was responsible for the acts of his sheriffs and their posses, and Napoleon for the violence of his grenadiers? Sir, this mockery of law and of the rights of the people is not recent; it is written in blood upon the pages of history, and when carried to its natural results nations have groaned and perished in its iron grasp.

Thus far the disturbance of the freedom of elections has been local and not so serious in its immediate or remote consequences as would have been had the elections been for a Chief Executive

of the country. The people love the constitutional liberty of the country as they love life and honor. They forbear much patiently, hoping the dark clouds that envelop the nation may pass away, and leave it once more in the unobscured effulgence of constitutional liberty. No power can with impunity tax their patience beyond rational endurance. The election of a President by peaceful and constitutional means, whoever he may be, will satisfy the people; but the office usurped by force and fraud will place upon the brow of the incumbent a crown of thorns. In such lamentable case the usurpations of the Old World will rush across the public mind, nerving to manhood the weak and effeminate. Let us pause here and give heed to the voice of the past. An eminent British subject, who wrote in 1675, uttered sentiments in monarchical England that democratic America may profit by. He says, speaking of a Chief Executive:

"He acts also contrary to his trust when he either employs the force, treasure, and officers of the society to corrupt the representatives, and gain them to his purposes, or openly preengages the electors and prescribes to their choice such whom he has by solicitations, threats, promises, or otherwise, won to his designs." * * * * "Thus to regulate candidates and electors, and new model the ways of election, what is it but to cut up the Government by the roots, and poison the very fountain of public security?" * * * * "To prepare such an assembly as this, and endeavor to set up the declared abettors of his own will for the true representatives of the people and the lawmakers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the Government, as is possible to be met with. To which if one shall add rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of to take off and destroy all that stand in the way of such design and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing." * * * * * "And one cannot but see that he who has once attempted any such thing as this cannot any longer be trusted."—*Locke's Civil Government*, page 470, tenth edition.

I may be over-sensitive, sir, but I fear much enumerated by the writer is intended by the President. The reasons for such fear will be set forth in full before I close. I may say here, sir, the people *will* have a free election for President the coming fall; and I sincerely hope and am inclined to believe it will quietly be accorded them, notwithstanding the indecent ambition shown by the President and his oath-bound secret organizations for his reëlection. What has this to do with the message? We shall see, sir. The policy of the President in issuing his proclamation must be read in the light of his past conduct and of the legislation of a Congress a majority of whom are opposed to any and *all* conservative elements of the country.

Before I proceed to examine the future plans of the President and his supporters, I desire, sir, to pause and state my own convictions of duty and necessity under the present trials of the country. We, sir, are in the midst of a war that I believe could have been avoided by honorable compromises and mutual concessions, and that when the conflict shall terminate, *all* who forced upon the country this calamity will be called to a fearful account for the deaths, woes, and calamities that unhallowed ambition and ever-corroding fanaticism have brought upon a once happy, free, and prosperous people. I am no apologist for secession and rebellion. I believe the rebel States were not justifiable in the attempt to sever by force their relation to the United States and their allegiance to the constitutional Government. I deny that the Constitution gives any right of secession upon the arbitrary will of any State or States by force. The right of secession against the will of the General Government and other States, would defeat the ends intended to be secured by the Constitution. I am an advocate of State rights, and opposed to the modern notion of consolidated powers in the General Government, but the right to depart from the Union is not one of the rights reserved by the States. I am satisfied, sir, the Government has the right, and it is its duty, to enforce by the armed power of the nation submission and obedience to the Constitution and Union of the States.

The right of voluntary secession, though claimed by abolition Massachusetts and South Carolina years ago, would render our national Union a mockery, and subject the framers of the Government to the charge of unparalleled folly. The Administration and its supporters in office have the constitutional control of the Government, civil and military. Under it I see no hope of compromise and honorable nor forcible adjustment of the difficulties that environ the country. Sir, I have been and am in favor of furnishing all necessary means and men to maintain the national unity and overcome rebellion, if possible. To this end my votes have been given here and my counsel at home. I am satisfied this Administration does not intend to restore the Union, that its principal object is the slave; but as matters now stand I can see no alternative except to rely upon our Army and maintain it in the field. Opposed to the Federal Government is a large and desperate army and nearly eight million people, who are exasperated at the destruction, devastation, and numberless evils that accompany an invading army, and by the swarms of Government favorites who, as our Army advances, are let loose upon the population of the rebel States. These favorites are not soldiers; they do not slay, but fatten on the corpses of the dead. Sir, to withdraw our Army from the field would leave the people represented by the Army subject to conquest by the confederate arms, and the nation subject to dictation for terms of peace and indemnity on northern soil. We could expect nothing less.

After a bloody conflict of three years, which has aroused the grosser and most violent passions of the people on both sides, with the affairs of the nation under the control of fanatics, an absolute separation of the seceded States *must* be recognized *before* the cessation of hostilities, or the conquest of the northern States, as an indemnity for losses, must follow the withdrawal of our Army. I, sir, am not prepared for either alternative. This condition of affairs has arisen from the maladministration of the General Government. It has changed a legitimate war into an insane crusade, having for its object the remodeling of the mental, moral, social, and physical condition of three or four million African slaves. Still a mangled and distracted country looks for deliverance to conservative men; and if a safe deliverance is ever granted, it will be through such men. When the madness and folly of the hour subside, the conservative power of the country must take the reckoning, and enter upon its mission—the task of restoring the country and laws, surrounded by the difficulties the weakness and folly of the Administration have brought upon the nation. The first move in that direction is an appeal to the people. They will get right; they cannot indorse the cruel hypocrisy of the Administration; they can now see no faith can be put in its pledges. With our Army to protect us for a season from southern secessionists in arms, and the people at home with a free canvass and untrammeled elections, I hope the country may at last be rescued from the two disintegrating elements, treasonable secession and intolerant fanaticism; that adjustments may yet be made consistent with the honor, unity, and future repose of a great nation.

Sir, I desire peace and quiet to an overburdened and distracted people. I desire once more to witness the uninterrupted progress of the industrial pursuits of the country, the return of our commerce to its accustomed channels, and the progressive development of the arts and sciences. I desire returned to their families the thousands of patriots who now brave the dangers and toils of war. We cannot return the braves fallen in battle, nor can we restore to vigor the wrecked and disabled forms that bear the cruel marks of war. But the Administration by a wise policy could long since have stayed the work of death, and it can by its follies send misery to millions more of innocent hearts.

Is it wise, is it humane, to scatter death like the blasts of winter over every portion of the country, exacting the blood, toil, and substance of twenty million freemen in the outside work of forcing the African slave from his condition, and the experiment of pulling down the white population to a social and political equality with the negro—a relation which, if forced upon the people, could not last five years after despotic force is removed? The President has prolonged this war and destroyed the most valuable rights of a loyal people; has obliterated State lines, abrogated State constitutions and laws, and virtually declared the Union of the States under the Constitution shall not be permitted, to the end he may accomplish the abolition of slavery. And in this he is supported by the abolition, constitutional-hating majority in this House. The gentleman from Massachusetts on my right [Mr. BALDWIN] said:

"'The Union as it was;' this is impossible. If we could go back to the past and have the Union precisely as it was, under the slave power for some years before the outbreak of this rebellion, what thoughtful man would desire it, in preference to going forward to something better?" * * * * "Is a return to all this, instead of deliverance from it, something to pray for?" * * * * "That volume of our history is now at a close. We are about to commence another. The contents of this new volume, unknown to us now, because we cannot lift the vail that hangs over the future, will be determined by the result of this contest, and especially by the policy that shall regulate the restoration of peace." * * * * "In the near future the nation will be 'all slave or all free.'" * * * * "Henceforth, if we have the Republic at all, we must have it as it ought to be, as its founders meant it should be."

Sir, this means we are to have no restoration of our cherished Union, under which we have grown strong and influential; that negro slavery shall be blotted out or the nation shall *not be free;* that our fathers did not intend the Government they adopted to be perpetual; that a new volume of history was about to be opened, separating the present from the past, a volume that shall discard the practical admonitions of Washington for the wild and treasonable frenzy of Massachusetts. Sir, such language can be found in the history of the radicals of France, but the volume of history there was opened in characters of blood and closed by the power of despotism; a Louis Philippe lost the throne, but a despot succeeded.

Sir, when this war burst upon the people, the President and his partisans hailed it as the star in the east, and resolved under the name of patriotism to pour out the blood of a faithful people for the principal purpose of realizing a morbid desire for the emancipation of the African. The design was concealed, and all honest men who saw through the deceit were by the *slaves* of *power* and *patronage* declared unfaithful to the country; and now after three years of blood and taxation the design is unmasked, because the President believes he has the power to strike down the citizen if he dare stand in the way of his negro-loving fanaticism. His proclamation of 1863 was issued to try the temper of the people and for no practicable end. In his message to the House of December, 1863, speaking of the emancipation of slaves and their enlistment in the Army, he says:

"At home the same measures have been fully discussed, supported, criticised, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning: the crisis which threatened to divide the friends of the Union is passed."

It is declared by the President that the annual elections of 1863, that resulted in Republican majorities, were indorsements of his emancipation policy of freeing and placing the negro slave as an equal with the white soldier in the field. In the same document he says:

"Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, one half of which actually bear arms in the ranks."

Sir, the people at the election of 1863 did not indorse the policy of the President as he claims. The issue was concealed and not made up; it unmasked on the 8th of December, 1863, for the first time. The leading men of his party prudently shrunk from the real issue in that election, and carried the elections under the *false* cry of Union and loyalty, called upon the people to restore the Union *under the Constitution*, and hurled the charge of sympathy with rebellion upon those who denied they were sincere. The President in his message admits that his negro edicts threatened the country; a crisis, a danger was involved, and with a knowledge of the jeopardy to the free Government of twenty million people he puts into experiment his favorite scheme, and for the realization of which he remorselessly uses the blood and substance of the nation. Upon paper he has assumed to blot out involuntary servitude; and to accomplish that end places the slave in our Army, relying upon the stringent power of military discipline to quarter him by the same camp-fire with the scar-worn veteran. The slave who is to be made the comrade of our heroic soldiers, after the rebellion had disorganized and weakened the State wherein he was held to servitude, had not the cour-

age nor love of freedom to strike a manly blow, but quietly toiled upon the soil where the rebellion found him until our noble Army opened a safe mode of escape, and the War Department furnished transportation to some quiet nook where the orgies of abolitionism might confer a new order of knighthood on the sable transcendental hero. That portion of the proclamation and accompanying oath, and the *pretended* reconstruction of rebellious States can be comprehended only when read by light of the past and present acts of the President and Congress. The message proclamation, sir, assumes that all States which passed ordinances of secession are *out of the Union*, that *de facto* and as a matter of law, the Constitution of the United States and the constitution and laws of the several seceded States as to them are abrogated, and that an undefined right of control over those States lingers in the General Government. The President has placed the right of governmental interference in the preamble of his proclamation as follows:

"Whereas in and by the Constitution of the United States it is provided that the President shall have power to grant repricves and pardons for offenses against the United States except in cases of impeachment."

The President, sir, does not explain by what logical process the power to grant pardon confers upon him the right to reconstruct at his caprice a government in the rebellious States. If he possesses the power it must be traced to the provisions of the Constitution. He, by virtue of the organic law, and by virtue of that alone, is President of the United States and Commander-in-Chief of the Army. That instrument clothes him with all legitimate power the people can confer upon him short of a revolution. This position as to power is correct, or it must follow the President is a *usurper*. If, sir, he acts under the Constitution, will some gentleman on the other side inform the House where in its provisions may be found the authority for his *imperial decree?* Certainly not in the power to respite sentences and pardon felons. The provision on that subject cited is simply one of clemency, where the demands of the criminal law cannot be turned aside by extenuating circumstances. It certainly confers no power requisite to create State governments, and adopt at his pleasure the *monstrous* doctrine of State suicide. The claim that "limited and conditional pardons accord with well-established judicial expositions of the pardoning power" cannot sustain the proclamation. The conditions, sir, by all judicial constructions, must attach to the criminal and his acts of omission or commission as imposed by the pardon, and not to his kindred, the citizens of his State, nor to the State as a people or political organization. Nor can the pardoning power impose conditions upon the culprit which would be in violation of the Constitution and laws of the United States, and you cannot arraign in gross as felons eight million people in any legal sense and apply the pardoning power. This would be equivalent to indicting *mankind;* and, sir, if such an absurdity were possible, as long as there is one man in the rebellious States guilty of no crime and loyal to the *constitutional* Government, no conditions that affect his rights as a citizen can be imposed, for it would be in violation of law. Violence and lawless power often confound the innocent with the guilty, but the law is chargeable with no such absurdity and outrage. The President's claim to reconstruct under the pardoning power is a pretext too transparent to require any extended examination. He at the same time *invokes* and *violates* the Constitution.

But, sir, the President has friends on this floor who abandon the *source* of authority pointed out by the President's message, and maintain his right "to admit into the Union" with new laws or *edicts*, and fractured constitutions, the rebellious States, under the following provision of the Constitution: "The United States shall guaranty to every State *in* this *Union* a republican form of government." If this provision is literally construed, and the theory of negroites, that the seceded States are no longer in the Union *as States*, is correct, then, sir, this provision is not applicable to the subject-matter of the proclamation. Sir, it applies to States *in the Union*, and not to a case where State laws and constitutions have been *expunged*, and the States as bodies-politic under the Constitution obliterated. But, sir, if I concede that, by reason of domain, the United States have the right within the area of the rebellious States to establish local governments, and receive the territory covered by them into the Union, the President under the broad concession cannot sustain his proclamation *unless* he can establish the fact *he* is the *United States*, that *he* is constitutionally both the *executive* and *legislative* power. I apprehend, sir, the clause referred to was intended to apply to the *kind* of government to be maintained, in contradistinction to a monarchy, oligarchy, or aristocracy. We must look to other provisions of the Constitution, sir, as to the modes of accomplishing the ends in the supposed case.

Article four, section three, of the Constitution provides for the admission into the Union of new States by Congress, and it is under this provision, if at all, the power is given. But, sir, the President cannot exercise any of the powers of Congress; he is not the legislative power; and any attempt to arrogate that power is a *tyrannical usurpation*, which, if tolerated, will serve as a precedent which will ultimately destroy representative government. I need not pause, sir, to establish the fact that Congress cannot delegate by prior or retroactive legislation any legislative power. I am therefore forced to the conclusion that the proclamation of the President can be sustained by *no* organic or statute law, and is a palpable violation of the trusts reposed in him, and an utter disregard of constitutional obligations.

Mr. Chairman, I have considered the subject thus far granting, for argument's sake, the premises that the rebellious States are out of the Union; that their ordinances of secession and the conflict of arms have sundered them from the political fabric. But, sir, I cannot pay that compliment to treason, nor could you on the other side of the House, Mr. Chairman, if the negro were not involved. He, in your estimation, is the talisman before which the liberty and the constitutional rights of the freemen of the country pale and expire. If the rebellious States have separated from the Union, they have sundered the strong bonds of the Constitution, as the vessel breaks the chain that confines her to the firm anchor.

Sir, I ask gentlemen on the other side of the House to inform me by what principles this departure from the body-politic has been accomplished? The ordinances of secession were treasonable and absolutely void. I presume no honorable gentleman on this floor will claim those ordinances had any *legal* force. If they had, then the Government had no right to oppose them. What is legal and binding cannot justly be resisted by force. The ordinances were void and criminal. Mr. Chairman, what further has transpired to change the *political* relation of those States to the Union? It cannot be the fact of establishing *forms* of independent governments; the right to do this depended upon the *void* ordinances, and the foundation upon which they built was treason to the United States; this I trust will not sustain any claim of the guilty actors. Sir, there only remains that the secession and formation of pretended governments has been followed by a war of three years of various fortunes; but, sir, every soldier of the seceded States who has discharged a gun at our Army has committed an overt act of treason, (unless secession is a voluntary right,) and the many conflicts in the field have not yet changed the crime nor made rebellion legal; if they had, the civilized world and the country would have recognized the fact and put an end to the sanguinary conflict.

Mr. Chairman, when the rebellion broke upon the country, every State involved in it had a constitution and laws, which for years had been recognized by the executive, legislative, and judicial departments of the United States as republican in form, and binding upon its subjects, and entitled to the protection of the Government. (This, I suppose, is what the gentleman from Maryland [Mr. H. WINTER DAVIS] declared the folly of the fathers.) Sir, what has become of those constitutions and laws? Will any gentleman on this floor admit that void and treasonable ordinances, laws, and hostilities have abrogated them? I had supposed that a void could not destroy a valid law. We are only justified in the prosecution of this war upon the theory that all acts of the rebellious States as such are absolutely void; that the constitutional Union, for the purpose of self-protection, confers a war power upon the Government. Mr. Chairman, we must abandon our theory of treason or concede that the rebellion has not changed the constitution and laws existing in the States when they were involved in the treason. I am satisfied, sir, the true and rational principle is, that the old constitutions and laws in these States and of the United States are legally in force, and binding within their respective limits. All that is wanting is the power to enforce them; and to accomplish that end our Army is in the field.

I am aware, sir, that the officers of State have vacated, in the rebellious districts, their official positions, but this fact does not destroy the constitution and laws of the States; they provide for elections to fill vacancies, and expressly recognize the sovereignty of the people. The duty of this Government is simply by force to remove the treasonable obstructions in those States to the free action of the laws, and the vitality of the body-politic in every State will set in motion the functions of complete government. We are not, if we succeed in the contest, in the situation of conquerors of a foreign nation. We engaged in this war, sir, under the mandates of the Constitution, and its continuance cannot be justified except it be to restore the rebellious States with their old constitutions and laws to the Union under the Constitution of the United States. This, sir, is the basis of the much-abused doctrine, "the Union as it was and the Constitution as it is." The obstructions to the execution of national and State laws in the rebellious States would long since have terminated had the Administration desired to restore the Union and acted as zealously to that end as it has for the stupid negro. We are told it is not possible to restore the Union as it was. This is not true, unless it be admitted we cannot overcome the rebellious States. If you have the power, sir, to carry out one tenth of the ruinous and unwise legislation of this and the preceding Congress, you have the force to put into successful action the organic and statutory laws of every rebellious State.

What, sir, is the Union as it was? Is it not the sovereign control of the Constitution and laws of the United States and of the several States subject to the delegated powers to the General Government, extending throughout the territory of the confederate States, each affected and performing its functions within the territorial limits designated by its constitution and laws before the rebellion? Whether property of any kind has been destroyed by the iron tread of war, whether fields have been desolated and cities left in ruins, does not change the principle; the laws act on whatever remains when the resistance is overcome. The nature of the Government and the relation of the States in no manner depend, as far as the *Union* is concerned, upon the kind or quantity of property in the States, North or South; nor do I think it depends, after cessation of hostilities, upon the number of persons who have violated the laws of the United States in any or all of the States; and any unconstitutional proclamation or act interfering with property will in the end prove abortive. The question as to the rights of property and violations of law in the seceded States must ultimately be one for judicial determination, and never can be put to rest by the sword. War is an unnatural condition of society, political and social, necessarily limited in its duration and destructive in its career.

But, sir, there is a principle as unlimited in its duration as time, that neither war nor conquest can annihilate or subdue: it is rational liberty. Its *protégé* is man. Armed legions may walk over its prostrate form; merciless fanaticism, in her moments of frenzy, may assail it, but cannot entomb it with departed republics; it abides with man, and passes from generation to generation inextinguishable. It may be obscured for a time; but, as the crimson torrents of war subside, it guides and shapes the destiny of nations. It will not abandon a people worthy of its protection, nor will it abide with the coward slave. Its instruments are constitutions, laws, and the umpirage of a judiciary. To these from the surging sea of human passions we must return, or squander, in the frenzy of fanaticism and the grasping for unreal objects, the grandeur of the past. The sooner we retrace our steps and follow the footprints of the fathers the better for the country and humanity.

Sir, I have considered the authority to issue the proclamation. I propose briefly now to examine the terms of the proclamation and the question of its design and probable effects. The proclamation, the President says, "to prevent misunderstanding," is intended "to present the people of the States wherein the national authority has been suspended and loyal State governments have been subverted, a mode in and by which the national authority may be reëstablished." It is well his Excellency gave the explanation, or the people, who have been familiar with the *majority rule* in the better days of the nation would not have suspected he intended to restore a government in these States *republican* in form, and restore an elective representation *under the Constitution*. His one-tenth vote is a joke a little too practical on the remaining nine tenths of the voters in the designated States. Who, sir, are the electors through whom the President will establish a democratic form of government in Louisiana and the ten remaining States? One tenth part of the voters of each State, as shown by the vote of 1860 for President. As to the character and antecedents of the electors who are to nurse this bantling of White House republicanism the President shall speak for himself. He says:

"Whereas it is now desired by some persons *heretofore engaged in said rebellion* to resume their allegiance to the United States, and to reinaugurate loyal State governments within and for their respective States: Therefore I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have directly or by implication *participated* in the existing rebellion," &c.

Treason, sir, is the foundation of reconstruction, is to be the main pillar of universal liberty! Men who return from rebel battle-fields crimsoned with the blood of patriots, and who, for three years, have with cruel ferocity hunted down the Union-loving men of the seceded States, are the men who may constitute the one-tenth reconstruction basis, no matter, sir, if their reeking hands stain with the blood of recently slain patriots the parchment upon which the perjured oath is written; provided only they are content to be the slavish instruments of Mr. Lincoln, they are to be the warders of the inner temple of liberty and the equals of their recent slaves. The basis of our representative Government is that a majority controls. The President has discovered, however, that an oath of fealty to himself is equal to the votes of nine men, and the act of taking the oath and voting gives a plain constitutional majority. Sir, the President offers treason the fruits of its iniquity as a bribe, on condition the traitor will practically secure to him another term of office through the medium of *sham* electoral votes. I am not averse to adjustments, consistent with the honor of the country, which will revive the laws in the disaffected States; but a reconstruction upon the policy of the proclamation is an utter impossibility, and shocks all notions of representative Government. Sir, the imposed oath is intended to bind the conscience of the voter to violate the Constitution of the United States and the laws of his own State, and to bind the supposed freeman to support and maintain all future acts of Congress and proclamations of the President upon the subject of slavery.

The proclamation binds to acts that the old laws of the States make criminal; such an oath is not binding, morally or legally. But, sir, suppose it is taken by the requisite number, how long can it be relied upon? He who has raised his parricidal hand against his country, and the liberty and happiness of the people, and shelters from the penalties of treason under a *slavish oath*, will not regard its obligations when it is safe to abandon them.

The President in his message of the 4th of July, 1861, says:

"It may well be questioned whether there is to-day a majority of legally qualified voters of any State except South Carolina in favor of disunion."

That must be the case to-day, unless the proclamations and unwise policy of the Administration have driven Union men in the South into secession. That there are loyal men in all the seceded States no one doubts, and the President's message placing the traitor and the Union man whose property he has destroyed and whose life he has compassed in such relations is monstrous. To require men who have stood in the South amid the dangers of treason, whose property has been destroyed, to take an oath contrary to any law, and insulting to an honorable manhood, will be chronicled as a monstrous tyranny.

This revolution has given birth to a system of oaths of which history makes no mention. Swearing seems to be the mania of the President. He seems confident of reconstructing the Union upon affidavits. He feels quite sure he can have the negro sworn into freedom and the white man sworn down to his level. Would you pass from the ranks of treason into the full-blown honors of the Republic for good or evil, you must swear. Would you exercise the sacred right of voting, you must swear by Lincoln and the negro. Would you hold position or rob the people, the President has some new-vamped oath which you have only to take. No matter if the oaths are void, the President has a penchant for them, and is satisfied the Constitution can be destroyed and restored by affidavits. If the Constitution had been a long affidavit, the President by proclamation, I presume, would declare it had not and could not be violated.

Mr. Chairman, the proclamation and acts of Congress relating to the States in rebellion do not look to a reconstruction of that constitutional Union; they relate to the negro. I am willing to leave him where the Constitution does, subject to the vicissitudes of war. I am not a slavery propagandist, nor am I an abolitionist; but, sir, you couple the abolition of slavery with the freedom and rights of the citizens, and the long train of abuses the white man has been subjected to is traceable to your abolition schemes. Millions of money have been expended in furtherance of those designs; the war has been prolonged and the strife rendered more deadly by your policy. Sir, the Government now is enlisting in our Army negroes, not to fight our battles, but to furnish an excuse of emancipation. An act of Congress of this session provides for paying bounties to them, and taxing the people to purchase their freedom. Sir, under that act the War Department takes the lame and the old, takes women and children, under pretense of recruiting, and conveys them within the lines. The pretense that we depend upon the negro to fight our battles is the false scheme of abolitionism. Let no man be deceived; not one white man less will be called out by reason of negro recruits in the Army. The enormous call of seven hundred thousand men was made that we might have white men sufficient in the draft, without depending upon the prowess of negro slaves as soldiers. Sir, arms are put into the hands of that class to accomplish their freedom, and sooner or later, if it be necessary to that end, abolition fanatics and negroes will turn these arms against the people. The affair bears the marks of the incipient move toward the scenes of St. Domingo. The effort to equalize the negro and depress the white man will be futile. Call the cause prejudice, or what you will, laws and society are made up by the aggregate mind, and that mind is composed of reason, passions, likes and dislikes, which must be respected by the lawgiver, and can never be destroyed by any force.

Sir, our large Army is depleting the labor of the country; millions cease to be producers and are consumers. And you still remove from plantations in loyal States and within the lines of our Army the negro, who might upon the soil safely become a producer for the benefit of the country. Hundreds and thousands are daily brought in as additional burdens upon the overtaxed people. Gentlemen on the other side of the House say they are our children and incapable of taking care of themselves, and we must provide for them. Sir, these incompetents are the negro soldiers an abolition press prates so much about. Sir, the negro policy of the Administration has already cost the country millions of dollars to be raised by taxation, and if the people will not in a proper manner stop it, will sow the seeds of war and strife for generations. You say slavery is the cause of the war. It was caused by the ambition of men, and slavery seized as an excuse for partisan ends. But, sir, if it was the cause of the war is it wise to adopt a policy which will furnish ample causes for future wars? In your efforts to remove the cause you may slay the dragon, but, sir, you sow his teeth, from which will spring up armed men in deadly and blind strife from generation to generation. Your course, sir, is cruelty to the producing and laboring classes of the loyal States. You tax their toil to ultimately bring by their sides the competition of negro labor and negro social relations. A member on this floor has stated our Army is an abolition Army. This, sir, is not correct. The gentleman mistakes the Army. It feels keenly the negro-enlisting policy, but laws of discipline place the soldier where he is compelled for the present to submit, and he who supposes our soldiers are abolitionized does them great injustice.

Mr. Chairman, I would be ready to expend all the available means of the country to restore the Union and laws and insure the safety of the country; but, sir, the people will pause and inquire what this favorite scheme of emancipation is costing the nation. The value of all real and personal property in the States not in secession, as estimated in 1860, was $10,957,530,561. This sum covers much unproductive land. Our indebtedness at this time is more than one third of this value, with an expense of over one million dollars per day, adding to the present debt. With the increase of indebtedness that it is reasonable to expect from the course of the Administration, three years' longer conflict will leave upon us a debt exceeding the entire value of the property of the loyal States. Gentlemen on this floor figure the sums, and declare the labor of the country by small contributions from each year's earning can keep down the interest of this debt. Sir, upon all the property included in the estimate labor cannot earn more than two and a half per cent. upon the capital of the country, while the enormous debt calls upon the produce of labor upon capital for not less than six per cent. How long can any nation endure this, and how long will it be before capital will own the entire labor of the country; the laboring classes become subjected to the capitalists not of this country only, but of Europe? Sir, with three years' more continuance of prodigality and current expenses not a man in the country will be worth one dollar; the Government lien for taxes will be equal to all his effects. All personal property and labor is now taxed, and direct taxation upon lands must soon follow.

I desire to notice, before closing, one or two remarks, sir, of the gentleman from Maryland, [Mr. H. WINTER DAVIS.] In his remarks in the House he said:

"But it is necessary now to determine our policy respecting the negroes when freed; to form some definite ideas as to what shall be the future of the negro race; in other words, what disposition we will make of them when we have broken the masters' yoke, when Maryland shall have broken it hereafter, when Missouri shall have finally broken it, when West Virginia shall have finally broken it, and when slavery in all the rebel States shall have been destroyed and broken up in fact."

I understand from this he desires the abolition of slavery by the war power or some other means; but those who are familiar with the tortuous course of the gentleman politically, and know the fact that he appears upon the surface only when some trouble or violence distracts his district, will not receive his convictions as those of his State, or even of the district he represents, without further knowledge than the mere fact of a commission and seat in this House. The honorable member also opposes colonization of the emancipated negro, and desires him to remain with the white population in the midst of which he has been a slave; the gentleman insists that there is no danger of a war of races, and that the African can obtain and quietly retain a position as a freeman with those who have held him as a slave, and he puts to members the sophistical inquiry following:

"Mr. Speaker, what is the foundation of this view? The negro must be colonized if he be free, or a war of races will exterminate him! What justifies this alternative? Will gentlemen tell me where in the history of the world they find the fact upon which they base that astounding generalization? Civilized people have overborne savages, men of one religion have borne down men of a different religion, ambition has overturned one nation by another; but where in the history of the world is there any case of a nation going to work to exterminate a large portion of its people of another race living in the midst of it, of the same religion, civilized in the same manner, conforming to its laws, subject to its will, willing to work for its wages, not ambitious, and not disturbing the public peace, because they are of a different race? Where is the instance in the history of the world of the subjugation and massacre of a different race under these circumstances?"

Living in the midst of it, of the same religion, civilized in the same manner, conforming to its laws, subject to its will, willing to work for its wages, not ambitious and not disturbing the public peace. Why, sir, the gentleman supposes a state of facts which he cannot show is applicable

to the case. Not ambitious, subject to the will of the whites, conforming to the laws of the country, civilized in the same manner, not disturbing the public peace! The gentleman takes for granted that all these suppositions will prove correct if the negro is emancipated, and draws deductions from a state of facts created by his imagination. Sir, will the emancipated negro slave, under the influences of a morbid abolitionism, conform to the laws, be subject to the will of the nation, will he be willing to labor, will he be unambitious, will he not be the cause of the disturbance of the public peace?

All of the questions must be settled before the conclusions of the member from the Baltimore district can be sustained. Sir, he supposes a state of facts that does not exist in history. The emancipated slave will be jealous of his newly conferred position; the white man will ill consent to be jostled by the black barbarian. The difference of caste will constantly remind the one of his former inferior position, and beget an insolence toward his superior and former master.

The white man will not forget that the negro has been his slave and inferior, and the sudden legal and political equality of the races will be the source of annoyance to the superior race, and of jealousy and hatred to the inferior. The difference of color will continue these remembrances from one generation to another. The negro will either be ambitious, or be to all intents a slave, though nominally free. His struggles for a practical equality will be resisted and engender the contempt and anger of his superior.

Nor will he be civilized by the same means the white man is. The latter finds civilization by the workings of his indomitable will; the negro civilizes only as he comes in contact with his superior. He is raised and improved, not by his own, but by the will and energies of another race, and when he passes beyond this influence he relapses into barbarism. Will he labor? Sir, when left to himself he is the child of indolence. It is well known the free negro labors better in the slave than in the non-slaveholding States. This results from two causes: firstly, the example of slave labor; secondly, the more complete influence of the white race over the black in States where a large proportion of them are held in slavery.

Sir, if all the slaveholding States see fit to emancipate the slave in a legal manner, involving no violence, I would be willing to witness the fact and pleased at its accomplishment. But, sir, emancipation and forcing an equality between the races are different matters. But abolitionists will not be satisfied with emancipation. They will press the equality and mingling of the races until a war of extermination will destroy the negro or drive him back again to bondage. Sir, we cannot remodel mankind by legislation. We must take the races with their differences, their passions and prejudices, and if we are wise will act with a reference to them for the best interests of all.

Mr. Chairman, St. Domingo has been referred to. The war in the island originated during the French Revolution, and not, as I read the history of the times, because the French Assembly had freed the negroes, but because emancipationists had tampered with the negro, conferred on the free negro the right of voting, and afterward denied the right; had placed arms in the hands of the free negro, and inspired him with a desire of equality with the white residents, which they indignantly rejected; and here, after the first steps toward equality in the French portion of the island, began that fearful war of races; the negro being the stronger exterminated the white race to all intents.

But, sir, what was the condition of Hayti after the negro became the master of the land? The products of the island were merely nominal, those branches of industry requiring considerable labor were neglected, and it was declared in the constitution of 1806 that no *white man* should hold landed property in the island. In 1789 the population in the French portion of the island was as follows, to wit: whites, 30,826; free people of color, 27,548; slaves, 465,429.

The state of industry after the independence is shown by the following statistics: clayed sugar under the free Government in 1789, the export annually exceeded 47,500,000 French pounds, and diminished under Toussaint's Government to 16,500 pounds, and under Pitiou's rule to 198 pounds in 1818, and in 1820 to 2,700 pounds. The article of coffee for export in 1789 under French rule was 76,835,219 pounds, in 1801 it declined to 43,420,270 pounds, from 1819 to 1824 it was about 35,000,000 pounds, and in 1826 about 32,000,000 pounds.

It is useless to follow the matter further. The British historian admits industry declined after the independence of Hayti.

Mr. HARDING obtained the floor.

Mr. DAWSON. Will the gentleman from Kentucky yield to me for a moment?

Mr. HARDING. I will if the time occupied by the gentleman is not to be taken out of my time.

The CHAIRMAN. That can be done if there is no objection.

There was no objection.

Mr. HARDING. Then I yield to the gentleman for a few minutes.

Mr. DAWSON. I only desire to say, Mr. Chairman, that I was not in the House this morning when my colleague from the twentieth district [Mr. MOORHEAD] read his speech; but I understand that he devoted a large portion of it to a review of the positions I took in the speech which I delivered on the 24th ultimo. I shall examine his remarks as soon as they are printed, and if I find that an answer is necessary I promise to reply at the earliest moment I can get the floor.

Mr. HARDING resumed the floor.

Mr. NOBLE. If the gentleman from Kentucky will yield to me I will move that the committee do now rise. I think we have been in session long enough.

Mr. HARDING. With the understanding that I am to have the floor when the House next goes into the Committee of the Whole on the state of the Union, I will yield for that purpose.

The CHAIRMAN. The Chair will state that by a vote of the House yesterday this is the last day for general debate in the Committee of the Whole on the state of the Union on the President's message.

Mr. HARDING. Then, if that is the case, I cannot yield.

The CHAIRMAN. The gentleman from Kentucky will proceed.

ACTS AND POLICY OF THE ADMINISTRATION.

Mr. HARDING. Mr. Chairman, after three years of bloody strife have we not reached a point where we may well pause and survey the past? A generous and confiding people have met and supplied with men and money all the demands of this Administration. More than three thousand million dollars have been expended and not less than eight hundred thousand lives have been sacrificed. After this vast expenditure of blood and treasure by this Administration why are all the prospects of the future overshadowed with clouds and darkness; why have the fond hopes of the people been disappointed; and why is there not presented some cheering hope of preserving the Constitution and restoring the Union? Sir, the answer is found in the fact that the Administration and party in power, at an early stage of the war betrayed the cause of the Union they had professedly espoused with so much ardor. They became a disloyal and revolutionary party, and their whole policy has been little else than a fierce warfare upon the Constitution and the Union. They have expended almost to exhaustion the blood and treasure of a great nation, *not* to preserve and maintain the Government of our fathers, but to establish on its ruins a new and different one.

Mr. Chairman, I charge the Administration and party in power with the open violation of the Constitution, according to their own interpretation of its meaning. I charge them with disregarding and trampling under foot their own solemn pledges made to the country. I charge them with a gross violation and abandonment of their own declared and published policy, after a large and gallant army had been gathered under it. And by these acts they have furnished ample evidence of their own disloyalty to the Government.

Mr. Chairman, what is loyalty under our form of government? It is to be true and faithful to the Constitution. The whole idea is expressed in the oath of office, "to support the Constitution." He who does that is a loyal man, and he who willfully fails to do that is disloyal, whether he be found North or South, in Congress or out of it.

Mr. Chairman, the party in power, stimulated by the mad fury and fanatical frenzy of northern abolitionists, has exhibited one of its boldest violations of the Constitution in executive proclamations and congressional legislation on the subject of slavery in the States.

That slavery in the States is recognized and guarantied by the Constitution, and that no department of the Federal Government has any power to interfere with that institution, is, in my judgment, one of the clearest propositions of constitutional law. But, sir, I do not propose to rest the question on my own opinion. I appeal to the highest and most undoubted authority. In one of his great speeches, that greatest of men, Daniel Webster, after expressing his opposition to the extension of slavery in the Territories, said:

"We have slavery already among us. The Constitution found it among us; it recognized it, and gave it solemn guarantees. To the full extent of these guarantees we are all bound in honor, in justice, and by the Constitution." * * * * "Slavery, as it exists in the States, is beyond the reach of Congress. It is a concern of the States themselves; they have never submitted it to Congress, and Congress has no rightful power over it. I shall concur, therefore, in no act, no measure, no menace, no indication of purpose, which shall interfere, or threaten to interfere, with the exclusive authority of the several States over the subject of slavery as it exists within their respective limits."

On another occasion, in a speech in the Senate, Mr. Webster said:

"I have often, Mr. President, expressed the opinion that over slavery as it exists in the States this Government has *no control* whatever. It is entirely and exclusively a State concern. And while it is thus clear that Congress has no direct power over the subject, it is our duty to take care that the authority of this Government is not brought to bear upon it by any indirect interference whatever."

And at a still later period, recurring again to the same subject, in a public speech, Mr. Webster said:

"I hold that Congress is absolutely precluded from interfering *in any manner*, direct or indirect, with this [slavery] as with any other of the institutions of the States." * * * * "I say that there is no power, direct or indirect, in Congress, or the General Government, to interfere in the slightest degree with the institutions of the South."

That is the voice of a profound constitutional lawyer, a great statesman and patriot—the voice of an honest man. How strangely it contrasts with the insane ravings of modern abolitionists! And yet Mr. Webster was no friend of slavery; far from it; but he would not stab through the Constitution of his country to reach and pierce slavery. The authority of Webster on this subject is indorsed and brought home to the party in power by President Lincoln himself. In his inaugural address, and just before taking the oath to preserve, protect, and defend the Constitution, Mr. Lincoln said:

"I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have *no lawful right* to do so, and I have no inclination to do so. Those who nominated and elected me did so with the full knowledge that I had made this and many similar declarations, and had never recanted them. And, more than this, they placed in the platform for my acceptance, and as a *law* to themselves and to me, the clear and emphatic resolution which I now read:

"'*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is *essential* to that balance of power on which the perfection and endurance of our political fabric depend.'"

Mr. Chairman, the resolution then read by the President was a part of the Chicago platform, adopted by the Republican party and himself as a law to them and to him. Some weeks ago, desiring to see whether that party could be checked in their revolutionary career by their own law, I drew up, myself, and submitted to this House the exact resolution read by the President at his inauguration, word for word, and moved the previous question on it. And though the conservative members were all for it on this side of the House, it could not be passed. Its own authors repudiated and disowned it, seventy-three members on that side of the House voting to lay it on the table. Where now is this *law* of that party? Where are all their solemn pledges made to the country? All, with the Constitution, violated and under the feet of the President and his party.

Mr. Chairman, as the President must be regarded a competent witness, especially to testify against himself and his own party, I ask attention to the letter of Secretary Seward to Mr. Day-

ton, our minister in France, written the 22d of April, 1861, after the fall of Fort Sumter, and when the war was raging. And it should be observed that this letter not only passed under the eye of the President, but Mr. Seward states expressly that he wrote it under the President's directions. It is, therefore, to be taken as the words and sentiments of the President himself. After referring to the fact that the framers of our Government did not expect the abrupt termination of slavery, he says:

"They therefore placed the *entire* control of slavery *beyond* the control of the Federal authorities, by leaving it to remain subject to the exclusive management and disposition of the States themselves, and *fortified* it there with a provision for the return of fugitives from labor and service."

And again in the same letter he says:

"The condition of slavery in the several States will remain just the same, whether it [the revolution] succeed or fail. There is not even a pretext for the complaint that the disaffected States are to be conquered by the United States if the revolution fail; for the rights of the States, and the *condition of every human being in them*, will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail." * * * * "It is hardly necessary to add to this incontestable statement the further fact that the new President, as well as the citizens through whose suffrages he has come into the Administration, has always repudiated all designs whatever and whenever imputed to him and them, of disturbing the system of slavery as it is existing under the Constitution and laws. The case, however, would not be fully presented if I were to omit to say *that any such effort on his part would be unconstitutional; and all his actions in that direction would be prevented by the judicial authority*, even though they were assented to by Congress and the people."

Mr. Chairman, it is thus shown, by the President's own carefully prepared and published documents, that slavery was so securely guarded and fortified by the Constitution, that the very idea that he could ever be brought to interfere with or disturb it was met and repelled by him as a slander on himself and party. It is here declared impossible under the Constitution that any single slave could ever be emancipated by the war, however it might terminate; for the condition of all the slaves, "of every human being," was to remain the same, subject to the same laws, whether the revolution should succeed or fail. Sir, it was not only declared by the President in his inaugural address that he had *no constitutional power* to interfere, either directly or indirectly, with slavery in the States, but here again in the letter I have read he solemnly declared and published to the American people and to the world, after the war was progressing, that any effort on his part to disturb the institution of slavery in the States *would be unconstitutional*—so undoubtedly and clearly so, that *all his actions in that direction* would be prevented by judicial authority, even though they were assented to by Congress and the people. But yet, sir, this same President has since then proclaimed the emancipation of every slave in the southern States—those belonging to loyal men as well as the rest. And he has sanctioned an act of Congress emancipating in the loyal border slave States all the slaves who may be drafted or who can be induced to volunteer and join the Army. Sir, this high-handed and open violation of the Constitution does not rest alone on the plain reading of the instrument itself, nor on the high authority of such men as Webster, but also on the testimony of the President himself. He has dared to do the very acts denounced by himself as palpable and flagrant violations of the Constitution, and stands out before the world self-accused, self-convicted, and self-condemned.

Mr. Chairman, the friends and supporters of the President in Congress have sustained and defended and by their legislation aided him in these acts, so that they are involved with him in all these lawless and revolutionary measures. But Congress has made a record of its own on this subject, to which I will now for a few moments appeal. After some of the States had seceded, and as late as the 11th day of February, 1861, a Republican Congress, with the rebellion staring them in the face, passed the resolution which I now read:

"*Resolved*, That neither the Congress of the United States nor the people or governments of the non-slaveholding States have the constitutional right to legislate upon or interfere with slavery in any of the slaveholding States in the Union."

The present Speaker, and many of the leading Republican members now of this House, were members then of that Congress, and all voted for this resolution. They passed it by a unanimous vote. The proposition was regarded as too clear to admit of the slightest doubt or question, and no single voice was raised against it. You have thus declared by your own solemn and recorded act that to interfere with or legislate upon the subject of slavery in the States is a violation of the Constitution, and consequently of the oath to support it. And yet, sir, a large portion of the time of this and of the last Congress has been consumed in legislating upon this very subject. You have passed laws to emancipate slaves in the southern States. By your legislation you have inaugurated a system of emancipation in all the border States, by emancipating all the slaves you may choose to enroll and draft, and all who can be seduced from their homes to volunteer in the Army. My charge, that you have violated the Constitution according to your own interpretation of its meaning, is established. Out of your own mouths and by your own testimony I prove and fasten it upon you.

Mr. Chairman, on the subject of fugitive slaves the President in his inaugural address said:

"There is much controversy about the delivering up of fugitives from service or labor. The clause I now read is as plainly written in the Constitution as any other of its provisions: 'No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, *but shall be* delivered up on claim of the party to whom such service or labor may be due.' It is scarcely questioned that this provision was intended by those who made it for the reclaiming of what we call fugitive slaves; and the intention of the lawgiver is the law. All members of Congress *swear* their support to the whole Constitution, to this provision as much as to any other. To the proposition, then, that slaves whose cases come within the terms of this clause '*shall be delivered up*,' their oaths are unanimous." * * * * "And should any one, in any case, be content that his oath shall go unkept?"

But yet, sir, you have not only bills pending to repeal the fugitive slave law, but you have by law made it a high offense for any officer in the Army to surrender a fugitive slave. And by the proclamations of the President no fugitive slave can ever be delivered up. Though the President, as well as all members of Congress, *swear* their support to this provision of the Constitution, and though their oaths are unanimous that the fugitive slave "shall be delivered up," still you and your President, in the face of all this, have, by law and by proclamations, openly abrogated, nullified, and set aside this plainly written provision of the Constitution, and have unanimously decreed and ordained that "*the oath shall go unkept*," however heavily it may press upon the conscience. And, sir, let no abolitionist seek to evade the issue I make by pouring forth a torrent of indiscriminate abuse of slavery and slaveholders. It would be an easy matter to meet and refute all such slang. Some of the greatest and best men the world ever saw were slaveholders. Many of the heroes of the Revolution, and many of the patriots and sages who formed our Constitution, were slaveholders. Washington, the Father of his Country, was a large slaveholder. But, sir, when abolitionists seek to hide their criminal violations of the Constitution by spitting their venom on the tomb of Washington, and by profaning his memory with low and vulgar abuse of slaveholders, they deserve only to be met with scorn and contempt. You might as well reason with insanity or cast pearls before swine. I am not arguing the abstract question of slavery; I am pressing home upon the President and his supporters, by their own testimony and by their own acts, the high offense of having violated and trampled under foot the Constitution of their country. If slavery should fall, it will fall in consequence of the overthrow and fall of the Constitution, the last and only hope of the liberty of the white race.

Mr. Chairman, on the 22d day of July, 1861, the day after the disastrous battle of Bull Run, Congress passed what is known as the Crittenden resolution, in which it is declared:

"That this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired."

This resolution was passed by an almost unanimous vote, only two members voting against it. It immediately received the sanction and approval of the President. This resolution disavows all designs and purposes of emancipation, or interfering with the institutions of the States. It was on the part of the President and Congress an authoritative declaration, a public and solemn pledge made to the whole country, that the war should be prosecuted to maintain the Constitution and preserve the Union, and to maintain and preserve unimpaired the established institutions of the States, and for no other purpose or object whatever. It had a most wonderful and happy effect. It at once united all loyal hearts. It was the loyal battle-cry of "the Constitution as it is and the Union as it was;" and under its inspiring influence there was a sublime and responsive uprising of the whole people; thousands upon thousands of brave volunteers, more than you wanted or could receive, rushed to your standard, ready to peril their lives and pour out their blood in defense of these principles.

The people at that time believed you were honest and sincere in the avowal then made of your war policy; they did not think it possible there could be any abolition designs concealed under it. But, sir, when you had gathered a large and gallant army under that pledge, and had the reins of power in your hands, the abolition mask was thrown off and that wise policy, with the cause of the Union, repudiated and abandoned. That gallant army was deceived and betrayed; your solemn pledge was violated; and the brave soldiers gathered under it were forced, with the death penalty of desertion staring them in the face, into a war for the abolition of slavery, the overthrow of State institutions, laws, and constitutions; a war to break up and destroy the Union and establish an abolition despotism on its ruins. Mr. Chairman, that change of policy and violation of plighted faith had their natural effect. Before then the people of the loyal States in the North were united, the South was divided. Large numbers of loyal men and strong Union feeling were known to exist in nearly all the southern States. Everything encouraged the hope of a speedy close of the war and the restoration of the Union. But now the loyal people of the North saw they had been deceived. They could no longer trust an Administration that had shown itself faithless to its own solemn pledges, faithless to the Constitution, and faithless to them. Their hopes of saving the Government and restoring the Union through the agency of such an Administration failed. Volunteers could no longer be induced to fill up the fallen ranks of the Army by the largest bounties. The war had been perverted, and soldiers had to be forced into the Army by the iron rigors of conscription. The loyal men in the South saw that they too had been deceived. They saw all the predictions of secession leaders being rapidly fulfilled. They saw the fell spirit of fanaticism controlling this Government, threatening the utter destruction of their local institutions and constitutional rights, and menacing them with extermination. That Union feeling in the South, that should have been nursed and strengthened with the tenderest care, was rudely crushed and murdered, and the arm of the rebellion reinvigorated and made doubly strong. And thus was presented a divided North and a united South, with the cause of the Union, once so bright, now eclipsed and shrouded in darkness.

Mr. Chairman, these measures of the Administration for the abolition of slavery were closely connected with and followed by other unconstitutional measures, all well suited and seemingly designed to work out the same disastrous and ruinous results to the Union. Your emancipation measures were speedily followed by the policy of arming the negroes for the destruction of their masters. Next came your unconstitutional laws, confiscating all the personal property of every kind belonging to the people of the South who were supposed to be connected with or had given aid and comfort to the rebellion, and this without judicial process, trial, or conviction of the supposed offender. And then came your proposition, urged with fiery zeal and pressed through this House, to confiscate absolutely and seize and dispossess these people of all their houses and lands. And all this was done, you say, to restore the Union; done because you loved your erring brethren of the South so tenderly that you could not bear to be separated from them. You wanted to reclaim and bring them back to their allegiance, to live with you in harmony and friendship under the same good old Government. But how perverse

they have been! When you emancipate and arm their slaves, turn them out of house and home, confiscate all their property, and reduce them to beggary and want—when, by these gentle means, you would woo them back, how strange it is they do not throw down their arms and rush into your loving embrace! Who can doubt your sincerity? Who can fail to see that these measures are prompted by a patriotic desire to save the Union and restore peace and quiet to a torn and bleeding country!

Mr. Chairman, all these unconstitutional acts demonstrate the disloyalty of the abolition party. You denounce with bitter execrations the rebel leaders in the South. And it is true that language can scarcely express the enormity of their crime; it has no parallel save in the guilt of abolitionists. But when you pronounce sentence on them you condemn yourselves, for you too have rebelled and trampled under your revolutionary feet the Constitution of your country. You charge that the rebels have made slavery the corner-stone of their government. But you too have rejected the foundation laid by Washington and the fathers. If they are trying to make slavery the corner-stone of a government in the South, you are striving to make abolition the corner-stone of a revolutionary Government in the North. What better are you than they? "Thou that judgest another and doest the same thing," how shall you escape the righteous indignation of a betrayed and insulted people?

Mr. Chairman, time would fail me to enumerate the many violations of the Constitution and usurpations of power by this Administration. Where now is the once boasted independence of the judiciary? Where a free press and free speech? Where the security of the personal liberty of the citizen? Where the important right of free suffrage, the basis and foundation of all other rights? All violated, struck down, and under the feet of this Administration. Martial law has everywhere been proclaimed, the writ of *habeas corpus* suspended, and the judicial arm paralyzed. Hundreds of citizens, without trial, without judicial process or written accusation, have been dragged from their homes and incarcerated in gloomy prisons. The courts can give them no relief, for the independence of the judiciary is gone and the judges under the feet of power. The right of free suffrage has been struck down by military power, and elections carried by bayonets in numerous instances.

Mr. Chairman, the clear and searching penetration of Henry Clay was never more strikingly shown than when he said of this party, the abolitionists:

"With them the rights of property are nothing; the deficiency of the powers of the General Government are nothing; the acknowledged and incontestable powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a Government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their mind, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences."

And, sir, never did ancient seer or prophet look into the future with clearer vision than did Daniel Webster when he said of this same party, the abolitionists:

"Let these infernal fanatics get possession of the Government and they will treat the decisions of the Supreme Court with contempt; they will make laws to suit themselves; they will lay violent hands on *all* who disagree with them; they will bankrupt the whole country, and finally deluge it in blood."

There, sir, is the prophecy; read it, and then look at the laws on your statute-book, made to suit yourselves, without constitutional power; look into your prisons, filled with citizens by violent hands; look at your public debt, rising up mountain high, and casting its dark shadow of national bankruptcy over the whole country; cast your eye on a hundred battle-fields crimsoned all over with fraternal blood; look at all this, and see that prophecy fulfilled to the letter. No living witness of the fearful events and scenes that surround us could record them with more accuracy and truth. Sir, the men of whom Webster spoke *have* got possession of the Government, and their deeds are the literal fulfillment of his prediction.

Mr. Chairman, I ask attention to another clause of President Lincoln's inaugural address, in which he said:

"All profess to be content in the Union if all constitutional rights can be maintained. Is it true, then, that any right plainly written in the Constitution has been denied? I think not. Happily, the human mind is so constituted that no party can reach to the audacity of doing this. Think, if you can, of a single instance in which a plainly written provision of the Constitution has ever been denied. If, by the mere force of numbers, a majority should deprive a minority of any clearly written constitutional right, it might in a moral point of view justify revolution—certainly would if such right were a vital one."

Sir, it was true at that time that no right plainly written in the Constitution had then been denied or violated. The rebels in the South were wholly wrong and without justification. And how deeply I regret that this Administration did not adhere to its early policy and keep the rebels in the wrong, and give them no cause to continue the war. But, sir, if the President was sincere in saying that "the human mind is so constituted that no party can reach to the audacity of denying" or violating any right plainly written in the Constitution, it only proves how little he knew of the human mind; how little he knew of the corrupting influence of power; nay, sir, how little he knew of himself. For he is the very man, and his supporters the party, who since then have reached the daring audacity of doing that very thing. They have denied and violated, not merely *one*, but numerous rights plainly written in the Constitution. And now I ask the question and demand an answer: think, if you can, of a single cherished and important right, however plainly written in the Constitution, that has not been denied and openly violated?

Mr. Chairman, at the beginning of the war, and during the called session of Congress in July, 1861, the Democrats and conservatives on this side of the House were in perfect harmony and agreement with you on that side of the House in the views you then professed to hold in regard to the local institutions and rights of the States, the powers of the General Government, and the policy that should control and govern the war. On all these great questions you professed to believe with the Democrats and conservatives, and solemnly pledged yourselves to stand with them on the same constitutional ground. And, sir, I challenge any man to point to a single instance where any of these principles have been abandoned by this side of the House. But, sir, it is a most important and significant fact, of which the whole country should take notice, that all our debates on these vital questions now spring up solely on the ground that you have abandoned these principles and refuse longer to be governed by them. But we stand to-day where we stood in July, 1861, contending for the same constitutional principles, imploring and beseeching you, in view of the fearful perils that threaten our country, to stand by your own declared views of the Constitution and redeem your solemn pledges to the country. And this shows that if you were ever sincerely and truly loyal, the Democrats and conservatives have always been, and are now, loyal.

Mr. Chairman, we often hear gentlemen on that side of the House exulting in what they consider the prospect of the speedy fall of slavery. But I tell these gentlemen to stop their rejoicing. Slavery is not all that is endangered. There is a more fearful fall—the fall of constitutional liberty in this country—and they as well as others may be involved in its ruins. They are making some progress in giving nominal freedom to the slaves, but equally as much in destroying the liberty of the white race. I defy them to point to a single important and cherished constitutional right of the white man that is not falling under their ruinous policy as certainly as slavery. And their policy has brought nothing to the negroes of this country but increased suffering, starvation, disease, and death, and promises nothing to them in future but their ultimate extermination. If emancipated and thrown upon their own resources, under the circumstances that would surround them in this country, it is utterly impossible that they ever could sustain themselves in an unequal struggle with a far superior and more powerful white race; their fate would be more melancholy than that of the Indians. Sir, the kind master is the truest and best friend the negro ever had or ever will have in this country, and the abolitionist his worst and most cruel enemy, and time will prove it. In all the excitement and clamor of abolitionists, there is neither loyalty to the Government nor sympathy for the negro; it is all wild fanaticism and sectional hate, and in many cases sheer hypocrisy.

Mr. Chairman, if this Administration had been true to its own solemn pledges, true to the Constitution, and true to the country, prosecuting the war on the principles of the Crittenden resolution, for the sole and single purpose of preserving all constitutional rights, State and national, North and South, this bloody drama would long since have been wound up, and peace and quiet restored to a bleeding country. And the blood of thousands who have fallen in this war for unconstitutional and abolition purposes rests, and must forever continue to rest, with all its crushing weight of guilt and crime, on this Administration. Your policy has and will continue to increase the burning fury of sectional hate, intensify the bloody strife, widen the breach, and deepen the gulf of separation between the North and the South. But it needs not the wisdom of the statesman; the man of common sense, acquainted with human nature, sees and knows that your policy never will, never can, reclaim, bring back, and restore these States to peace and harmony under the same Government. You have gone on and on, pressing one extreme measure after another, until you have brought this great nation to the trembling verge of ruin, where the gulf of national dissolution yawns to receive all we hold most dear. This Government can never survive four years more of abolition rule.

But, sir, while there is life there is hope, and that hope rests on the coming presidential election. It is the last and only hope. The great battle for free government will then be fought and the fate of the Union decided. Let the people everywhere look to the fearful dangers that threaten them; let them shake off their slumber, rise in their majesty, and expel from place and power all who have betrayed and deceived them; and let them elect true men who will be true to the Constitution and true to the country, and this Government, purchased with the blood of our fathers, may yet be saved and transmitted to posterity. But if the people slumber on a few months longer and suffer this Administration to perpetuate its power, then a long and dreary night of despotism, full of the horrors of revolution, anarchy, and blood, is all they can expect for themselves and children after them.

Mr. HOLMAN moved that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOUTWELL reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the President's annual message, and had come to no conclusion thereon.

And then, on motion of Mr. HOLMAN, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

MONDAY, *March* 28, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, communicating, in compliance with a resolution of the 15th of January last, a list of the special agents of the Treasury Department, and their assistants; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. GRIMES presented a petition of citizens of Washington, District of Columbia, praying for an appropriation for the improvement of Maryland avenue from the Capitol grounds to Camp Barry; which was referred to the Committee on the District of Columbia.

Mr. COWAN presented two petitions of merchants and business men of Philadelphia, praying that the Raritan and Delaware Bay railroad may be constituted a postal and military road; which were referred to the Committee on Military Affairs and the Militia.

Mr. TEN EYCK presented a petition of merchants and business men of Camden, New Jersey, praying that the Raritan and Delaware Bay rail-

road may be declared a postal and military road; which was referred to the Committee on Military Affairs and the Militia.

He also presented the memorial of James R. Quinter, praying for compensation for services rendered in recruiting volunteers for the first regiment District of Columbia volunteers, and company K of the first regiment Maryland volunteers; which was referred to the Committee on Claims.

He also presented the memorial of J. W. Barnaclo, justice of the peace of Washington county, District of Columbia, praying for the payment of fees for swearing volunteers into the service of the United States; which was referred to the Committee on Claims.

Mr. MORGAN presented the memorial of F. Gustavus Fincke and others of New York, praying for the passage of an act declaring slaveholding in the United States to be a criminal offense, and providing for its punishment; which was referred to the select committee on slavery and freedom.

Mr. WILLEY presented a petition of citizens of the District of Columbia, praying for a grant of lands to the county of Washington for the benefit of common schools, and to aid in the establishment of an industrial normal school with a library and lecture-room attached; which was referred to the Committee on the District of Columbia.

Mr. SUMNER presented two petitions of citizens of Philadelphia, praying for the emancipation of all persons held to involuntary service or labor in the United States; which were referred to the select committee on slavery and freedmen.

Mr. CLARK presented a memorial of the president and directors of the Contoocook River railroad, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a petition of citizens of Portsmouth, New Hampshire, praying for the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a memorial of officers of national banks of Cincinnati, Ohio, remonstrating against any amendment of the banking law by which it shall be made compulsory for national banks to redeem their circulation in the city of New York; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. WADE, from the Committee on Territories, to whom was referred a bill (H. R. No. 15) to provide a temporary government for the Territory of Montana, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, reported it without amendment.

Mr. FOOT, from the Committee on Pensions, to whom was referred the report of the Commissioner of Pensions with instructions to inquire what additional facilities, if any, are necessary to secure the prompt payment of claims of pensioners, reported a bill (S. No. 199) relating to the compensation of pension agents; which was read, and passed to a second reading.

Mr. WILSON, from the Committee on Military Affairs and the Militia, who were instructed to inquire into the facts connected with the examination, by a board of officers appointed by the quartermaster's department, into the alleged advantages of concentrated feed for horses and mules in the cavalry service, and whether any report favorable to its adoption was made, and if so, why the said feed has not been used in the service, submitted a report; which was ordered to be printed.

Mr. HARLAN, from the Committee on Indian Affairs, to whom was referred a bill (H. R. No. 162) for the relief of Nathaniel McLean, Richard G. Murphy, and Charles E. Flandreau, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, showing the amount due to the Quapaw tribe of Indians, under treaty stipulations, and recommending an appropriation of the amount to be applied to the payment of expenses incident to their removal from Kansas, submitted an adverse report; which was ordered to be printed.

BILLS INTRODUCED.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 200) for a grant of lands to the State of Kansas to aid in the construction of the Osage and Cottonwood Valley railroad in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 201) relating to the Military Academy; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 202) making an appropriation for the Ottawa and Chippewa Indians, of Michigan; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CONNESS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 203) authorizing a grant to the State of California of the Yosemite valley, and of the land embracing the Mariposa Big Tree Grove; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 204) providing for the formation of corporations and regulating the same in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

SEAMEN FOR THE NAVY.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate how many, if any, seamen or ordinary seamen have been transferred from the Army to the Navy; how many vessels-of-war are now awaiting complements of men, and what further legislation is necessary in order to supply any deficiency of men for the naval service which now exists.

BRIDGING OF STREAMS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for bridging the streams on the military road between Fort Leavenworth and Fort Scott in Kansas, and between Fort Scott and Fort Smith in the State of Arkansas.

PRINTING OF A BILL.

On motion of Mr. WILSON, it was

Ordered, That the bill (S. No. 170) to promote the efficiency of the artillery of the Army of the United States be printed.

PRINTING OF A REPORT.

Mr. LANE, of Kansas. There is a report on the table from the Secretary of the Interior, on the subject of the expenses of the southern Indian superintendency. I move that it be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. DOOLITTLE subsequently said: There was a motion made this morning to print some documents. I desire to move to reconsider the vote by which they were ordered to be printed, until they can be examined by the Committee on Indian Affairs or be referred to the Committee on Printing. There is a large mass of them, and I presume it would be very expensive to print them. I therefore move the reconsideration of the order, with a view of having it referred to the Committee on Printing.

The motion to reconsider was agreed to; and the motion to print was referred to the Committee on Printing.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the Vice President:

A bill (S. No. 34) in favor of the legal representatives of Israel C. Wait; and

A bill (S. No. 105) for the relief of E. F. and Samuel A. Wood.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. HAY, his Secretary, announced that the President had approved and signed on the 25th instant the following act and joint resolution:

An act (S. No. 25) to authorize the President to negotiate a treaty with the Klamath, Modoc, and other Indian tribes in southeastern Oregon; and

A joint resolution (S. No. 31) authorizing the issue of a register to the steamer Mohawk.

REVOLUTIONARY PENSIONS.

Mr. FOSTER. The Committee on Pensions, to whom was referred the bill (H. R. No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office, have instructed me to report it back, with a recommendation that it pass; and, as the youngest man concerned in this bill is ninety-four years old and the oldest one hundred and five, I am instructed by the committee to ask of the Senate its present consideration. It is a very short bill.

By unanimous consent the bill was considered as in Committee of the Whole. It provides for the payment of $100 per annum to the surviving soldiers of the Revolution, now on the pension rolls, during their natural lives, in addition to the pensions to which they are entitled under former acts of Congress; this payment to date from and commence on the 1st day of January, 1864, and to cease at their death.

Mr. FOSTER. To make the bill certain—I think there is a little uncertainty in it—I move to amend it by inserting in the fifth line, after the word "to," the words "each of." As it stands I think that, strictly construed, it may be held to provide for the payment of $100 to the whole twelve. Of course the meaning is that it shall be $100 to each, and therefore I move the amendment.

The VICE PRESIDENT. The words proposed by the Senator will be inserted, if there be no objection. The Chair hears none.

The bill was reported to the Senate, and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

CALIFORNIA LAND TITLES.

Mr. CARLILE. I move that the Senate postpone all prior orders, and take up for consideration the bill (S. No. 109) to expedite the settlement of titles to land in the State of California.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. The Committee on Public Lands reported the bill with an amendment to strike out all of the bill after the following lines in the first section:

Be it enacted, &c., That whenever the surveyor general of California shall, in compliance with the thirteenth section of an act entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851, have caused any private land claim to be surveyed and a plat to be made thereof.

And to insert:

He shall give notice that the same has been done by a publication, once a week for four consecutive weeks, in two newspapers, one published in the city of San Francisco and one published near the land surveyed; and shall retain in his office, for public inspection, the survey and plat until ninety days from the date of the first publication in San Francisco shall have expired; and if no objections are made to said survey, he shall approve the same, and transmit a copy of the survey and plat thereof to the Commissioner of the General Land Office at Washington, who shall immediately, upon receipt, proceed to examine the same; but if objections are made to said survey within the said ninety days, by any party claiming to have an interest in the tract embraced by the survey, or in any part thereof, such objections shall be reduced to writing, stating distinctly the interest of the objector, and signed by him or his attorney, and filed with the surveyor general, together with such affidavits or other proofs as he may produce in support of the objections. At the expiration of said ninety days the surveyor general shall transmit to the Commissioner of the General Land Office at Washington a copy of the survey and plat, and objections, and proofs filed with him in support of the objections; and also of any proofs produced by the claimant and filed with him in support of the survey, together with his opinion thereon; and the said Commissioner shall, immediately upon receipt, proceed to examine the same; and if the survey and plat are approved by him, he shall indorse thereon a certificate of his approval. If objections are made to such survey and plat by the said Commissioner, he may require a further report from the surveyor general of California touching the matters objected to, or proofs to be taken thereon, or may di-

rect a new survey and plat to be made. Whenever the objections are disposed of, or the survey and plat are corrected, or a new survey and plat are made in conformity with his directions, he shall indorse upon the survey and plat adopted his certificate of approval. After the survey and plat have been, as hereinbefore provided, approved by the Commissioner of the General Land Office, it shall be the duty of the said Commissioner to cause a patent to issue to the claimant as soon as practicable after such approval.

SEC. 2. *And be it further enacted*, That the provisions of the preceding section shall apply to all surveys and plats by the surveyor general of California heretofore made, which have not already been approved by one of the district courts of the United States for California, or by the Commissioner of the General Land Office.

SEC. 3. *And be it further enacted*, That where a plat and survey have already been approved or corrected by one of the district courts of the United States for California, and an appeal from the decree of approval or correction has already been taken to the Supreme Court of the United States, the said Supreme Court shall have jurisdiction to hear and determine the appeal; but where from such decree of approval or correction no appeal has been taken to the Supreme Court no appeal to that Court shall be allowed, but an appeal may be taken within twelve months after this act shall take effect to the circuit court of the United States for California, and said circuit court shall proceed to fully determine the matter. The said circuit court shall have power to affirm or reverse or modify the action of the district court, or order the case back to the surveyor general for a new survey. When the case is ordered back for a new survey, the subsequent survey of the surveyor general shall be under the supervision of the Commissioner of the General Land Office, and not of the district or circuit court of the United States.

SEC. 4. *And be it further enacted*, That the district courts in considering objections taken by the United States to the confirmation of claims to lands under the said act of March 3, 1851, shall be limited to such objections as shall be specifically stated; and it shall be the duty of the district attorney to file with the clerk of the court, previous to the hearing of each case, a specific statement of the objections which will be urged to the confirmation. The appellate jurisdiction of the Supreme Court shall in like manner be restricted to such specific objections.

SEC. 5. *And be it further enacted*, That whenever the district judge of any one of the district courts of the United States for California is interested in any land, the claim to which, under the said act of March 3, 1851, is pending before him on appeal from the board of commissioners created by said act, the said district court shall order the case to be transferred to the circuit court of the United States for California, which court shall thereupon take jurisdiction and finally determine the same. The said district courts may also order a transfer to the said circuit court of any other cases arising under said act pending before them affecting the title to lands within the corporate limits of any city or town, and in such cases both the district and circuit judges may set.

SEC. 6. *And be it further enacted*, That all the right and title of the United States to the lands within the corporate limits of the city of San Francisco, as defined in the act incorporating said city, passed by the Legislature of said State on the 15th of April, 1851, are hereby relinquished and granted to the said city and its successors, for the uses and purposes specified in the ordinances of said city, ratified by an act of the Legislature of the said State, approved on the 11th of March, 1858, entitled "An act concerning the city of San Francisco, and to ratify and confirm certain ordinances of the common council of said city," there being excepted from this relinquishment and grant all sites or other parcels of lands which have been or now are occupied by the United States for military, naval, or other public uses, or such other sites or parcels as may hereafter be designated by the President of the United States within one year after the rendition to the General Land Office by the surveyor general of an approved plat of the exterior limits of San Francisco as recognized in this section, in connection with the lines of the public surveys: *And provided*, That the relinquishment and grant by this act shall in no manner interfere with or prejudice any *bona fide* claims of others, whether asserted adversely under rights derived from Spain, Mexico, or the laws of the United States, nor preclude a judicial examination and adjustment thereof.

SEC. 7. *And be it further enacted*, That it shall be the duty of the surveyor general of California to cause all the private land claims finally confirmed to be accurately surveyed and plats thereof to be made whenever requested by the claimants: *Provided*, That each claimant requesting a survey and plat shall first deposit in the district court of the district within which the land is situated a sufficient sum of money to pay the expenses of such survey and plat and of the publication required by the first section of this act. Whenever the survey and plat requested shall have been completed and forwarded to the Commissioner of the General Land Office, as required by this act, the district court may direct the application of the money deposited, or so much thereof as may be necessary, to the payment of the expenses of said survey and publication.

SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor general of California, in making surveys of the private land claims finally confirmed, to follow the decree of confirmation as closely as practicable whenever such decree designates the specific boundaries of the claim; but when such decree designates only the out-boundaries within which the quantity confirmed is to be taken, the location of such quantity shall be made, as near as practicable, in one tract; and if the character of the land or intervening grants be such as to render the location impracticable in one tract, then each separate location shall be made, as near as practicable, in a compact form. And it shall be the duty of the Commissioner of the General Land Office to require a substantial compliance with the directions of this section before approving any survey and plat forwarded to him.

SEC. 9. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act to define and regulate the jurisdiction of the district courts of the United States in California, in regard to the survey and location of confirmed private land claims,'" approved June 14, 1860, and all provisions of law inconsistent with this act, are hereby repealed.

Mr. CARLILE. At the end of the second section of the amendment I move to insert the following proviso:

Provided, That where proceedings for the correction or confirmation of a survey are pending on the passage of this act in one of the said district courts, it shall be lawful for each district court to proceed and complete its examination and determination of the matter; and its decree thereon shall be subject to appeal to the circuit court of the United States for the district in like manner, and with like effect, as hereafter provided for appeals in other cases in the circuit court, and such appeals may be in like manner disposed of by said circuit court.

The amendment to the amendment was agreed to.

Mr. CARLILE. In the last word of the fifth section of the amendment, I move to strike out the letter "e," and to insert the letter "i;" so as to make it "sit," instead of "set."

The VICE PRESIDENT. That does not require any motion. It is a correction of orthography.

Mr. CARLILE. In the fourth and fifth lines of the sixth section of the amendment I move to strike out the words "said State," and to insert "the State of California."

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

The bill was reported to the Senate as amended; and the question was stated to be on concurring in the amendment made as in Committee of the Whole.

Mr. HENDRICKS. I desire to ask the Senator from Virginia who has this bill in charge, whether the chairman of the Committee on Public Lands has not an amendment to offer? I see that he is not in his seat at present.

Mr. CARLILE. Not that I know of.

Mr. CONNESS. What is the question?

Mr. HENDRICKS. The chairman of the Committee on Public Lands was speaking to me the other day about a proposed amendment to strike out a section from the bill, which I thought was a very important amendment.

Mr. CONNESS. I believe the bill has been made to conform to his wishes.

Mr. HENDRICKS. I should like the Senator from Iowa to have an opportunity to be heard on that question before the bill passes. I see that he is now in his seat.

Mr. HARLAN. The section referred to by the Senator from Indiana is section four of the amended bill, commencing at page 8 and ending on page 9. I move that that section be stricken out.

Mr. CONNESS. I hope the Senator will state the objects and purposes of striking that section out.

Mr. HENDRICKS. Let the section be read.

The VICE PRESIDENT. The words proposed to be stricken out will be read.

The Secretary read, as follows:

SEC. 4. *And be it further enacted*, That the district courts in considering objections taken by the United States to the confirmation of claims to lands under the said act of March 3, 1851, shall be limited to such objections as shall be specifically stated; and it shall be the duty of the district attorney to file with the clerk of the court, previous to the hearing of each case, a specific statement of the objections which will be urged to the confirmation. The appellate jurisdiction of the Supreme Court shall in like manner be restricted to such specific objections.

Mr. HARLAN. I called the attention of the Senator from Indiana to this section from the fact that he has had experience in the practical operation of our land laws, having been at the head of the Bureau of Public Lands for a series of years. This section, it will be perceived, refers to the pleadings. It occurred to me that if the Government should unfortunately appoint a blundering lawyer to act as district attorney who would not file very perfect pleadings, the interests of the United States might be prejudiced by compelling the court to follow the pleadings. It might become manifest to the court under the law as it stood that the claim was invalid; and yet if the pleadings were not so framed as to raise the question, the interests of the Government would be prejudiced. I think the Senator from Indiana concurred with me in that opinion. If so, he is perfectly competent to state his own view of the case.

Mr. CONNESS. I really cannot see the purpose of striking out this section. I cannot see any greater necessity than that of confining parties who plead to specific objections. The very purpose of this act is to expedite the settlement of land titles. I do not know indeed what possible injury can take place or occur to any interest under this section. I should like to hear the Senator from Indiana on this subject, having much respect for his opinion. This bill has been considered by the Land Department and by the Commissioner who is now at the head of that Department.

Mr. HENDRICKS. The Senator from California says he can see no reason why this section should be stricken out. My attention was called to the section, and I could see no reason why it should be in the bill. It is the duty of the Government to secure a confirmation of every incomplete title which came to us on the acquisition of California; but the act of 1851 requires that the party shall present his claim in proper form and shall establish it so that it shall be approved by the courts. It is now proposed for the first time that if the attorney for the Government in the court below shall not state specifically all the objections to the title as presented, those objections shall not be regarded by the court below nor by the Supreme Court of the United States. Why ought that to be, sir? Any case that comes to the Supreme Court of the United States comes upon the whole record, whether it be between the Government or between private parties litigating. Shall we establish a different rule for the cases coming up from California? I am not able to see a reason for it. If the attorney for the Government should neglect to state an objection to the title in the court below, although in the Supreme Court it might become very obvious on the whole record that the title ought not to be confirmed but that the land ought to go to settlers instead of to the claimant, still, under the operation of this section, although the record showed that the title was invalid, the Supreme Court would not be at liberty to say so, because at the commencement of the investigation the attorney for the Government had failed to indicate this particular objection. It is known to every attorney that in the progress of the examination of a cause an objection will arise, and then again another and another, until finally the very merit of the case is understood; and very frequently objections to the title do not appear until the case comes into the Supreme Court, where a very careful examination is had.

It seems to me that it would be jeopardizing the rights of the Government and of settlers to say that the Government should not, in the Supreme Court, avail itself of an objection, plain upon the record, to the title, unless the attorney below had indicated in his pleadings that objection. I hope the section will be stricken out. I think the motion of the Senator from Iowa, representing the Public Land Committee, ought to be sustained.

Mr. CONNESS. Mr. President, I suppose the Senator from Indiana would not have an appellate court travel out of the record presented to it. I really cannot understand the force of the objection made. The tendency of the argument of the Senator is to leave the implication that there is a covert purpose in this section which is to produce the confirmation of titles claimed to land. I would divest it of that implication, as there is no purpose of that kind. A provision that there should be power to amend the objections made, at certain stages in the progress of the investigation, perhaps would be proper enough. The only purpose sought here is to confine the adjudication of these cases to the record in each case, and I cannot see any objection to that.

Mr. HENDRICKS. I made my objection very poorly indeed, if all the Senators understood me as the Senator from California has. I did not suggest that the Supreme Court should go outside of the record. I knew very well that the court could not go out of the record; but this is the point: if upon the face of the record the title is not a good one, and ought not to be confirmed, shall the Supreme Court confirm it, simply because the attorney below has failed to indicate the fatal point of objection to the title?

Mr. DAVIS. This matter does not concern me or my State; nevertheless I will make a remark in relation to the bill. I suggest to my honorable friend from Indiana that a proviso be added to the bill authorizing an amendment of the pleadings at any time before judgment. That princi-

ple obtains in all the recent modes of pleading, I believe. I know it does in New York and in the State of Kentucky.

By the act of 1789 the judges of the courts of the United States have the right to modify and to prescribe the modes and forms of pleading. If there was anything in this bill that was improper, the tendency of which was to defeat a fair trial and the administration of justice growing out of a defect of allegations or of pleadings, the courts would have the power to modify the forms and modes of proceeding so as to obviate the evil. But I suggest to the honorable Senator from Indiana that he propose an amendment, by way of proviso, that the pleadings may be amended at any time before judgment in the case.

Mr. HENDRICKS. I desire to ask of the Senator from Kentucky, who is a very able land lawyer, if, under any system of pleading, a title is ever pleaded? You aver in your pleading your right to the property, but you do not plead the title; neither under the common-law system nor under any of the systems adopted under the codes of the different States. I presume (although I am not familiar with that particular question) that in the practice which has grown up under the act of 1851 in respect to the California land titles, there is no pleading of title. The claimant must show his claim to the court; but the Government is not expected to plead a chain of title, whether there is a better title in another, or in herself. She puts herself upon the denial of the title of the claimant. That is the issue, and it is tried. Now all that I insist is that, when a case shall come up to the Supreme Court of the United States thus joined, if the record itself shows that the title ought not to be confirmed, we shall not require the Supreme Court to confirm it.

Mr. COLLAMER. I wish to inquire of the Committee on Public Lands whether the section proposed to be stricken out would deprive the court of the power of looking at an error apparent on the record; if it was not assigned there? Is that the point? Suppose there is an error on the record; if it is not assigned for error, is the court to look into it or not?

Mr. HARLAN. The Senator will see by looking at the text of the section which the amendment proposes to strike out, that it refers to the original trial of the case as well as to the trial in the superior court.

Mr. COLLAMER. Does the section proposed to be stricken out limit the court in its action to that which is assigned for error?

Mr. HARLAN. Certainly.

Mr. COLLAMER. Then clearly it should be stricken out.

Mr. HENDRICKS. Yes, sir; and an assignment before there is a trial.

Mr. COLLAMER. That should never be.

Mr. HENDRICKS. Of course not. There are no assignments of error in the Supreme Court of the United States, I believe.

Mr. COLLAMER. If it is not assigned below, the court will rectify the error and should be allowed to do so. I think this section clearly ought to be stricken out.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa to strike out the fourth section of the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. JOHNSON. Having had some practical acquaintance with what the operation of the law in relation to these titles now is, I should like to know of the honorable Senator from Virginia why it has been thought necessary to repeal the act of June 14, 1860? Under that act the location of lands in California which have been in dispute, (if the grants themselves have been ratified either by the court below or by the Supreme Court of the United States upon appeal,) is to be made by the district court to whom the proceedings are sent, and all persons, whether they are parties to the suit or not, are at liberty to appear, or, in the language of the act of 1860, to intervene; and if they can show that they are interested in the manner in which the grant is to be located they are to be considered as parties, and have the same right to bring up any question decided against them in relation to the location that the original parties have. I do not know that any practical mischief has been the result of that law. The change proposed is to substitute the Surveyor General and the Land Office here for the district court, and (if the parties think proper to appeal, either the United States or the claimant, or the intervener,) for the Supreme Court of the United States.

The Senate is, of course, perfectly aware that there are two questions, and each of them very important, one of them almost as important as the other, involved in these land titles. The first is whether the grant itself is a good one; but after that is ascertained in favor of the claimant, the other question arises, how is the grant to be located? That is a question that interests a good many others besides the mere claimant and the United States. The grants in California, as well as everywhere else, sometimes are found to be conflicting in their boundaries. In such cases the elder grantee has the better title with reference to location according to the true location of which the grants are susceptible; and where his grant has not been passed upon by the courts, has never been brought before the commissioners under the act of 1851, never been the subject of legal controversy, when the conflicting grant which is brought before the commission is ascertained by the board, or by the district court, or by the Supreme Court, as there may be an appeal or not, to be a valid grant, and the question arises as to the manner in which that grant is to be located, then the person who has held undisturbed under an elder title has a direct interest in keeping the location of this junior title so as to exclude it from the lines of his elder title. Now, you propose to change the law allowing intervention in such a case. Certainly, in relation to all inchoate titles, all titles that have not been consummated by grant, if you pass this bill, and one of these junior grants shall be located by the surveyor, and that location be affirmed here so as to conflict with the true location of an elder grant, the elder grantee will not be concluded by that location.

The object of passing the act which you are now asked to repeal was to avoid the very unjust results that would necessarily follow from an occurrence of that kind; and in my judgment, unless some good reason can be assigned why the mode of treating the question now should be altered from the mode provided for by the act of 1860, I should think it was rather mischievous to attempt to change it in the way in which this bill proposes to change it. There are now in the Supreme Court of the United States a variety of cases which involve the right under the act of 1860 of one who is not a party to the original suit as between the United States and the grantee, to be heard in relation to the proper location of that grant after the grant shall have been affirmed. A case which has excited a good deal of interest in the public mind, and particularly in the mind of that portion of the public who deal in stocks, who in these days constitute a large class, the case of what is called the New Almaden quicksilver mine, claimed by the Quicksilver Mining Company, illustrates what I have just stated.

The Quicksilver Mining Company claims under a grant made or alleged to have been made, and no doubt properly alleged to have been made, by the Mexican authorities to a man by the name of Justo Larios, and afterwards by him or by mesne conveyances from him vested in a man by the name of Fossat. The Quicksilver Mining Company having purchased all the interest that Fossat had, it became very material to them that they should obtain such a location of that grant as would include within its lines what was called the New Almaden quicksilver mine. But there was a coterminous grant, elder in point of date, made by Mexico to a man by the name of Berreyesa; and the controversy between the holders of that title and the holders of the Larios title was as to the manner in which the two were to be located, and that question is now before the Supreme Court of the United States undecided. Those who hold under the Berreyesa title, claim that by the true location of that title the mine will be drawn within its limits. The Quicksilver Mining Company for the most part claim under the Larios title, which is in Fossat, claim that the true location of Berreyesa's grant is to exclude the mine, and that the true location of their grant is to include it. That question involves, or is supposed to involve, millions of dollars; and if this bill which it is proposed to pass had been in existence at that time, that question would have been decided here in the Land Office, first by a surveyor who is in only for a period of time, who has not the independence which belongs to the judiciary, has not, generally speaking, the talent which belongs to the judiciary, and the Land Office here which is equally without the independence that belongs to the judiciary, and generally speaking is without the particular talent that belongs to the judiciary to decide questions of that sort involving thousands and hundreds of thousands and millions of money, instead of leaving them to be decided by that tribunal which we have been taught to believe, and I think properly taught to believe—such is the history of England and such is the history of the United States and of every State in the United States—is better able to decide such questions, free from all extraneous influences which may be brought to bear upon their decision, either by an appeal to ignorance or an appeal to cupidity.

I should like to know, therefore, whether there has been any particular mischief from the effect of the act of 1860, which renders it necessary to dispense with courts altogether and leave these questions to be decided by the executive officers. That certainly is new in the history of legislation. Such a thing is not to be found in the States, so far as I am advised. Questions of location undoubtedly in all the States in which there have been grants of land have been considered as in their nature altogether judicial; questions of grant have of course been considered as judicial; but the character of the first class it is just as important should be considered as judicial as it is important that the second class to which I have adverted should be considered as standing in the same relation. Therefore, before I can vote for this bill I should like to know what has been the practical mischief, if any, in the law as it now stands.

Mr. CARLILE. One of the objects of this bill, as well as to expedite the settlement of titles to lands in California, is to relieve the Supreme Court from the decision of the very questions which the Senator claims should properly be left with it. It was supposed that the correction of surveys could be more properly made through the action of the surveyor general and the Land Office here than by the Supreme Court. That is the reason assigned, I believe, for that section of the bill. The Senator from California, who is more familiar with the operations of the law of 1860 than I am, will reply further, I presume, to the Senator from Maryland, if he desires to do so.

Mr. CONNESS. One of the purposes of this act is to make the change to which attention has been called by the Senator from Maryland. The settlement of the question whether a grant exists is unquestionably a judicial question. These grants are made within extensive exterior boundaries. After the decision of a grant affirmatively by the courts, the question of its proper location is generally supposed to be a ministerial or administrative question, and not a judicial one. It was so regarded up to 1860, when the act was passed which is proposed to be repealed. At that time a change was obtained in the law by which thereafter the survey and location of a grant within exterior boundaries was to be determined also by the courts; and the result of that has been that they have "dragged their slow length along" until instead of making progress in the settlement of our land titles, we are really further off from their settlement than ever. This difficulty and disability has attracted the attention of all our people. It has attracted the attention even of the members of the Supreme Court. They see very distinctly, I will state for the information of the Senator from Maryland, that the settlement of a survey or boundary is not in its nature a judicial question, that they can know little or nothing about it, and they ask, without doing it officially, that that provision of the existing law be repealed or changed.

There is another difficulty. I cannot say that it belongs to the determination of these matters in court; but that it is a growing evil there is no doubt. The exhibit of surveys made under the present system has been placed before the Committee on Public Lands, and it must surprise any intelligent person. How a grant of land should ever have been made in the shape that the courts have finally determined some of these to occupy and be in, is a wonder to any intelligent person.

There are two objections to the present system. The objection in the first place is that after the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, MARCH 29, 1864. NEW SERIES.....No. 83.

owner of land has gone through three judicial tribunals, namely, the land commission, the district court of the United States, the Supreme Court of the United States, he has got again to go through the district court and the Supreme Court of the United States to determine where his land lies; and thus it is rather a misfortune than a matter of good fortune to be the owner of land. Whatever he saves in the end, whatever he has as a result, is so inconsiderable that it is profitless that he shall have owned land. The question has been brought before the Committee on Public Lands, and they have examined it with a good deal of care, and I will leave its further discussion to the chairman of that committee.

The VICE PRESIDENT. The morning hour having expired it becomes the duty of the Chair to call up the unfinished business of Friday.

Mr. HARLAN. I think it will not occupy more than a few moments to dispose of this bill; and it is of importance, I think, that it should be acted on. I propose, therefore, that the regular order be informally passed over.

The VICE PRESIDENT. The Chair will pursue that course if there be no objection.

Mr. SHERMAN. If it would be as agreeable to the Senators interested in this bill to allow it to go over until to-morrow, I should like to make a few observations in reply to a speech made the other day, and I should like to take this occasion to do it.

Mr. CONNESS. I have no objection.

Mr. SHERMAN. I hope the special order will be taken up.

The VICE PRESIDENT. The special order is the unfinished business of Friday, the joint resolution proposing amendments to the Constitution.

AMENDMENT OF THE CONSTITUTION.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States.

The joint resolution, as originally introduced by Mr. HENDERSON, proposed the following articles as amendments to the Constitution of the United States, which, when adopted by the Legislatures of three fourths of the several States, shall be valid, to all intents and purposes, as part of the Constitution:

ART. 1. Slavery or involuntary servitude, except as a punishment for crime, shall not exist in the United States.

ART. 2. The Congress, whenever a majority of the members elected to each House shall deem it necessary, may propose amendments to the Constitution, or, on the application of the Legislatures of a majority of the several States, shall call a convention for proposing amendments, which in either case shall be valid, to all intents and purposes, as part of the Constitution, when ratified by the Legislatures of two thirds of the several States, or by conventions in two thirds thereof, as the one or the other mode of ratification may be proposed by Congress.

The Committee on the Judiciary proposed an amendment to strike out all after the resolving clause and insert the following:

(Two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

Mr. TRUMBULL. Mr. President, as the organ of the Committee on the Judiciary which has reported this resolution to the Senate, I desire to present briefly some of the considerations which induced me, at least, to give it my support. It is a proposition so to amend the Constitution of the United States as forever to prohibit slavery within its jurisdiction, and authorize the Congress of the United States to pass such laws as may be necessary to carry this provision into effect.

Without stopping to inquire into all the causes of our troubles, and of the distress, desolation, and death which have grown out of this atrocious rebellion, I suppose it will be generally admitted that they sprung from slavery. If a large political party in the North attribute these troubles to the impertinent interference of northern philanthropists and fanatics with an institution in the southern States with which they had no right to interfere, I reply, if there had been no such institution there could have been no such alleged impertinent interference; if there had been no slavery in the South, there could have been no abolitionists in the North to interfere with it. If, upon the other hand, it be said that this rebellion grows out of the attempt on the part of those in the interest of slavery to govern this country so as to perpetuate and increase the slaveholding power, and failing in this that they have endeavored to overthrow the Government and set up an empire of their own, founded upon slavery as its chief corner-stone, I reply, if there had been no slavery there could have been no such foundation on which to build. If the freedom of speech and of the press, so dear to freemen everywhere, and especially cherished in this time of war by a large party in the North who are now opposed to interfering with slavery, has been denied us all our lives in one half the States of the Union, it was by reason of slavery.

If these Halls have resounded from our earliest recollections with the strifes and contests of sections, ending sometimes in blood, it was slavery which almost always occasioned them. No superficial observer, even, of our history North or South, or of any party, can doubt that slavery lies at the bottom of our present troubles. Our fathers who made the Constitution regarded it as an evil, and looked forward to its early extinction. They felt the inconsistency of their position, while proclaiming the equal rights of all to life, liberty, and happiness, they denied liberty, happiness, and life itself to a whole race, except in subordination to them. It was impossible, in the nature of things, that a Government based on such antagonistic principles could permanently and peacefully endure, nor did its founders expect it would. They looked forward to the not distant, nor as they supposed uncertain period when slavery should be abolished, and the Government become in fact, what they made it in name, one securing the blessings of liberty to all. The history of the last seventy years has proved that the founders of the Republic were mistaken in their expectations; and slavery, so far from gradually disappearing as they had anticipated, had so strengthened itself that in 1860 its advocates demanded the control of the nation in its interests, failing in which they attempted its overthrow. This attempt brought into hostile collision the slaveholding aristocracy, who made the right to live by the toil of others the chief article of their faith, and the free laboring masses of the North, who believed in the right of every man to eat the bread his own hands had earned.

In the earlier stages of the war there was an indisposition on the part of the executive authority to interfere with slavery at all. For a long time slaves who escaped from their rebel owners and came within our lines were driven back. Congress, however, at an early day took action upon this subject, and at the very first session which met after the rebellion broke out, the special session of July, 1861, a law was passed declaring free all slaves who were permitted by their masters to take any part in the rebellion. Under the provisions of that act, had it been efficiently executed, a great many slaves must necessarily have obtained their freedom. The constitutionality of the act would seem to be clear. I do not suppose that even my honorable friend from Kentucky [Mr. DAVIS] would deny the proposition that if we captured a slave engaged, by consent of his master, in constructing rebel works and fortifications, we might set him free.

That act, however, has not been executed. So far as I am advised not a single slave has been set at liberty under it. Subsequently, at the regular session of Congress which convened in December, 1861, an act of a more comprehensive character was passed—a law providing for the freedom of all slaves who should come within the lines of our armies, who should be deserted by their masters, or who should be found in regions of country which had been occupied by rebel troops and afterwards came within our possession, and who belonged to rebel masters. It is under the provisions of this law that most of the slaves made free have been emancipated. This act also authorized the President of the United States to organize and employ as many persons of African descent as he should think proper to aid in the suppression of the rebellion. But it was a long time before this law was put in operation. Although it was an act called for by the public sentiment of the country, and although it was the duty of those charged with the execution of the laws to see that it was faithfully executed, it was more than a year after its enactment before any considerable number of persons of African descent were organized and armed; and even at this day a much smaller number are in the service than would have been by an efficient execution of the law. It was not until after the passage of this act that our officers, especially in the West, ceased to expel slaves who came within the lines of our Army; and so persistently was this practice persevered in that Congress had to interfere by positive enactment, and declare that any officer of the Army or Navy who aided in restoring a slave to his master should be dismissed from the public service, before it could be stopped.

But, sir, had these laws, all of them, been efficiently executed they would not wholly have extirpated slavery. They were only aimed at the slaves of rebels. Congress never undertook to free the slaves of loyal men; no act has ever passed for that purpose.

At a later period, the President by proclamation undertook to free the slaves in certain localities. Notice of this proclamation was given in September, 1862, and it was to become effective in January, 1863. Unlike the acts of Congress, which undertook to free the slaves of rebels only, and of such as came under our control, the President's proclamation excepted from its provisions the regions of country subject to our authority, and declared free the slaves only who were in regions of country from which the authority of the United States was expelled, enjoining upon the persons proposed to be made free to abstain from all violence unless in necessary self-defense, and recommending them in all cases, when allowed, to labor faithfully for reasonable wages.

The force and effect of this proclamation are understood very differently by its advocates and opponents. The former insist that it is and was within the constitutional power of the President, as Commander-in-Chief, to issue such a proclamation; that it is the noblest act of his life or the age; and that by virtue of its provisions all slaves within the localities designated become *ipso facto* free; while others declare that it was issued without competent authority, and has not and cannot effect the emancipation of a single slave. These latter insist that the most the President could do, as commander of the armies of the United States, would be, in the absence of legislation, to seize and free the slaves which came within the control of the Army; that the power exercised by a commander-in-chief, as such, must be a power exercised in fact, and that beyond his lines where his armies cannot go his orders are mere *brutum fulmen*, and can neither work a forfeiture of property nor freedom of slaves; that the power of Frémont and Hunter, commanders-in-chief for a certain time in their departments, who assumed to free the slaves within their respective commands, was just as effective within the boundaries of their commands as that of the Commander-in-Chief of all the departments, who as commander could not draw to himself any of his presidential powers; and that neither had or could have any force except within the lines and where the Army actually had the power to execute the order; that to that extent the previous acts of Congress would

free the slaves of rebels, and if the President's proclamation had any effect it would only be to free the slaves of loyal men, for which the laws of the land did not provide. I will not undertake to say which of these opinions is correct, nor is it necessary for my purposes to decide. It is enough for me to show that any and all these laws and proclamations, giving to each the largest effect claimed by its friends, are ineffectual to the destruction of slavery. The laws of Congress if faithfully executed would leave remaining the slaves belonging to loyal masters, which, considering how many are held by children and females not engaged in the rebellion, would be no inconsiderable number, and the President's proclamation excepts from its provisions all of Delaware, Maryland, Kentucky, Tennessee, Missouri, and a good portion of Louisiana and Virginia—almost half the slave States.

If then we are to get rid of the institution, we must have some more efficient way of doing it than by the proclamations that have been issued or the acts of Congress which have been passed.

Some, however, say that we may pass an act of Congress to abolish slavery altogether, and petitions are sent to Congress asking it to pass such a law. I am as anxious to get rid of slavery as any person; but has Congress authority to pass a law abolishing slavery everywhere, freeing the slaves of the loyal, the slaves of the friends of the Government as well as the slaves of the disloyal and of the enemies of the Government? Why, sir, it has been an admitted axiom from the foundation of this Government, among all parties, that Congress had no authority to interfere with slavery in the States where it existed. But it is said this was in a time of peace, and we are now at war, and Congress has authority to carry on war, and in carrying on war we may free the slaves. Why so? Because it is necessary; for no other reason. If we can do it by act of Congress it must be because it is a necessity to the prosecution of the war. We have authority to put down the enemies of the country; we have the right to slay them in battle; we have authority to confiscate their property; but, mark you, does that give any authority to slay the friends of the country, to confiscate the property of the friends of the country, or to free the slaves of the friends of the country?

But it is said that freeing slaves would aid us in raising troops; that slaves are unwilling to volunteer and enter the public service unless other slaves are made free, and that we could raise troops better, sooner, and have a more efficient army if slavery were declared abolished. Suppose that were so, is it a necessity? Can we not raise an army without doing this? Has not the Congress of the United States unlimited authority to provide for the raising of armies by draft, by force to put any and every man capable of bearing arms into its service? Have we not already passed a law compelling men to enter the service of the Government in its defense and for the putting down this rebellion? Then there is no necessity to free the slaves in order to raise an army.

But it is a convenience, perhaps some will say. Sir, it is not because a measure would be convenient that Congress has authority to adopt it. The measure must be appropriate and needful to carry into effect some granted power, or we have no authority to adopt it. I can imagine a thousand things that would aid us to raise troops which no one would contend Congress had authority to do. We now find that it is costing us a large sum of money to carry on this war. There are apprehensions in some quarters that the finances of the country will not be sufficient to prosecute it to the end. A measure that would enable us to carry on the war cheaper would certainly be one in aid of this war power. In consequence of the prosperity which prevails in the country, wages at this time are very high. Men are unwilling to enlist without large bounties and large pay, because they get high wages at home. Suppose we introduce a bill that no man shall be paid in any manufacturing establishment, at any mechanic art, or for his daily labor, more than ten cents a day, and we visit with penalties and punishment any man who shall give to his employé more than that sum; do you not think that would hold out an additional inducement to volunteer? But who would contend that Congress had any such authority? Manifestly it has not. Nor can I find the constitutional authority to abolish slavery everywhere by act of Congress as a necessity to prosecuting the war.

Then, sir, in my judgment, the only effectual way of ridding the country of slavery, and so that it cannot be resuscitated, is by an amendment of the Constitution forever prohibiting it within the jurisdiction of the United States. This amendment adopted, not only does slavery cease, but it can never be reëstablished by State authority, or in any other way than by again amending the Constitution. Whereas, if slavery should now be abolished by act of Congress or proclamation of the President, assuming that either has the power to do it, there is nothing in the Constitution to prevent any State from reëstablishing it. This change of the Constitution will also relieve us of all difficulty in the restoration to the Union of the rebel States when our brave soldiers shall have reduced them to obedience to the laws.

To secure its passage requires, in the first instance, a vote of two thirds in its favor in each branch of Congress, and its ratification subsequently by three fourths of the States of the Union. Can these majorities be obtained? It is very generally conceded, I believe, by men of all political parties, that slavery is gone; that the value of slavery is destroyed by the rebellion. What objection, then, can there be on the part of any one, in the present state of public feeling in the country, to giving the people an opportunity to pass upon this question? I would appeal to Senators upon the opposite side of the Chamber, and ask them—for I expect some of them to support this measure, and I trust all of them will—what objection they have to submitting this question to the people and letting them pass upon it? Do any of you deny that slavery lies at the bottom of this rebellion? Do you believe that we should have had this terrible war upon us had there been no slavery in the land? I repeat, then, why not afford an opportunity to the people to pass upon this amendment? I trust I do not assume too much when I assume that it will receive the requisite vote of two thirds of each branch of Congress.

Having obtained that, the question then arises, is it probable that it can have the ratification of three fourths of the States? We have now thirty-five States, and bills have passed both branches of Congress and been approved by the President for the creation of two more, Colorado and Nevada, which will make thirty-seven. When these States are admitted it will require the concurring vote of twenty-eight States in order to adopt this amendment.

If Nebraska should be admitted, for the admission of which a bill is now pending, that would make the number of States thirty-eight, and the votes of twenty-nine States would then be requisite to adopt the amendment. But the admission of Nebraska would not probably affect the result, as, if admitted, she would most probably vote for the amendment.

Of the thirty-seven States, twenty-one are free States, including Colorado and Nevada, and I assume that all those States would vote for this constitutional amendment. There are, then, the States of Maryland, West Virginia, Missouri, Arkansas, Tennessee, and Louisiana, all of which have taken initiatory steps for the abolition of slavery within their borders; and I think we might confidently count that they would unite with the free States to pass this amendment. These six added to the twenty-one free States would make twenty-seven. Then there is the State of Delaware, with hardly slaves enough in it to count, which would be left standing alone with free States all around her. Although she has not yet, so far as I am aware, taken any legislative steps for the abolition of slavery, though the question is agitated among her people, I cannot think she would stand alone in such a locality, resisting a constitutional amendment which would forever give us peace on this question.

I have assumed that all the free States will adopt the amendment. It is now very generally conceded that slavery is not a divine institution. The few in the northern or free States who attempt to uphold it do so on constitutional grounds, denying the authority of the Government to interfere with it; but none of these persons deny or can deny the power of the people to amend the Constitution in the mode prescribed by the instrument itself. If, then, they shall oppose an amendment for the abolition of slavery, it will not be because to abolish it in that form is unconstitutional, but because it is not right, or, if right, not expedient.

I think, then, it is reasonable to suppose that if this proposed amendment passes Congress, it will within a year receive the ratification of the requisite number of States to make it a part of the Constitution. That accomplished, and we are forever freed of this troublesome question. We accomplish then what the statesmen of this country have been struggling to accomplish for years. We take this question entirely away from the politics of the country. We relieve Congress of sectional strifes, and, what is better than all, we restore to a whole race that freedom which is theirs by the gift of God, but which we for generations have wickedly denied them.

I know that the passage of this measure will not end this rebellion. I do not claim that for it. There is but one way to do that; and that is by the power of our brave soldiers. We can never have the Union restored, the authority of the Constitution recognized, and its laws obeyed and respected, until our armies shall overcome and vanquish the rebel armies. We must look to our soldiers, to our patriotic Army, to put down the rebellion. But, sir, when they shall have accomplished that, this measure will secure to us future peace. That is what I claim for it. I trust that within a year, in less time than it will take to make this constitutional amendment effective, our armies will have put to flight the rebel armies. I think it ought long ago to have been done; and I think but for the indecision, the irresolution, the want of plan, and the scattering of our forces, it would have been done long ago. Hundreds of millions of treasure and a hundred thousand lives would have been saved had the power of this Republic been concentrated under one mind and hurled in masses upon the main rebel armies. This is what our patriotic soldiers have wanted, and what I trust is now soon to be done.

But instead of looking back and mourning over the errors of the past, let us remember them only for the lessons they teach for the future. Forgetting the things which are past, let us press forward to the accomplishment of what is before. We have at last placed at the head of our armies a man in whom the country has confidence, a man who has won victories wherever he has been, and I trust that his mind is to be permitted uninterfered with to unite our forces, never before so formidable as to-day, in one or two grand armies and hurl them upon the rebel force. Let him put to flight the main rebel army which has threatened the capital for the last three years, and the small rebel armies will quickly succumb. I look for that result during the coming campaign, and with that result, if we civilians do our duty, we shall have the authority of the Constitution vindicated, constitutional liberty reëstablished, the Union restored, and freedom everywhere proclaimed.

Mr. SHERMAN. Mr. President, I shall support this proposed amendment to the Constitution, but I have already said all that I intend to say on that subject. My purpose now is to reply to a most remarkable speech made the other day by the Senator from Minnesota [Mr. WILKINSON] while I was necessarily absent from the Senate Chamber. I could not get access to this speech until it was published in the Globe on Friday last. I am told that it was a written speech, prepared, conned over, deliberated on, and pronounced here in my absence. I shall be able to show that it was not made for the purpose of illustrating the proposition before the Senate. The motive of the Senator I can scarcely conceive, but will allow Senators to form their own conception when I call their attention to it.

It was not an attack upon a political adversary or to convince a political friend. It was made upon a proposition that I had already spoken in favor of, and had said I intended to vote for, upon which he and I did not differ; but still it was an attack, personal in its nature, not only intended for myself, but for several other gentlemen with whom I am proud to act, and by whose association I am honored. Sir, this speech contains several statements that are false—I do not wish to use unkind language, because since I have been a member of a legislative body I have never will-

ingly violated the rules of the body, and have never said an unkind word but in self-defense—but this speech contains several statements that are not true; that are grossly false; and neither courtesy nor truth requires me to let them go in silence.

The Senator commences his personal allusions to me by a statement utterly unfounded. He says:

"The honorable Senator from Ohio, who is not to-day in his seat, [Mr. SHERMAN,] seemed in his course heretofore to be thoroughly imbued with the idea that under the Constitution the humanity of the slave is entirely ignored, and that he can only be regarded or even spoken of as property, in the sense in which we speak of a horse or a mule as property."

I say that statement attributed to me is totally false. I never entertained such a sentiment. I never uttered such a doctrine. Long before that Senator took his seat in Congress I had occasion frequently in the other House to express my opinions on this subject, and they are now upon record. I have always said, and so insist now, that the Constitution recognizes slaves as persons, and so they are spoken of in several clauses of the Constitution. It is true that by the local law of several States, individuals may have property in their services just as I may have property in the services of a white man; and that debt or service by the local law of these States is regarded as property. It is bought and sold; it is deeded, devised, and transferred. In the Constitution of the United States that relation is recognized as existing in several of the States, but in the Constitution they are spoken of as persons owing service and labor. I say this statement attributed to me therefore is false, and would convey an impression totally unjust and unfounded.

But let me read another passage to show the animus of this speech. The Senator says:

"But when I listened to the speech of the honorable Senator I could but think what progress had been made in the public sentiment of the country within the last two years. Almost simultaneously with the delivery of this speech in the Senate the New York Herald came to us containing a leading editorial advocating the entire abolition of slavery throughout the United States, and that by constitutional amendment. We cannot be told hereafter that the world does not move."

The Senator, in the absence of one of his own political associates, arraigns him before the Senate of the United States, classifies him with the New York Herald, and, after commending certain portions of his speech, he whistles him down the wind by sneeringly saying the world has made great progress, that he and the New York Herald have suddenly changed their opinions, and sneers at the motives of both. Is this the proper mode of discussion in the United States Senate? This is only one of a dozen extracts which I might read from this speech to show the character of it.

But let us look to the main purpose of his speech. He intends to reply to a speech I made on the 2d of February. What were my positions? I sought to prove that we were justified by the Constitution and the laws and practices of nations in ancient and modern times in employing slaves in our military service; that as a necessary incident to the employment of slaves as soldiers, followed their emancipation and that of their families, and that it was the duty of Congress as the legislative branch of the Government authorized to raise armies to secure this emancipation by an act of unquestioned authority; and in this connection, and in this connection only, I expressed my doubts of the power of the President to secure this result, and that his efforts in that direction should be sanctioned by Congress and by an amendment of the Constitution. Did the Senator take issue with me? Did he controvert my positions? Did he apply his mind to the business before him? Not at all. He approves what I said. He indorses it. He doubtingly says I "made what some would call a radical speech," and then assails me for inconsistency. He proceeds to quote at length what I said in regard to the President's proclamation. Does he take issue with it? He doubts; to use his exact language, "I doubt very much whether this severe criticism is deserved." What did I say of the President? Did I arraign him in the usual style of the Senator? Did I follow the example so often set by that Senator, not only as to his fellow Senators but as to the President himself, of assuming pharisaical radicalism and holding off other men as less radical and therefore less pure than he? He relieves me from this imputation by saying that I was "courteous in language, it is true, and mild in the expression."

What is the substance of the extract he read? Why, that I doubted the constitutional power of the President to emancipate slaves beyond his military lines; that a mere proclamation liable at any time to be modified, changed, or revoked, was not a sufficient guarantee to secure to slaves that which we promise them—emancipation. And I urged Congress to do its part promptly, to give to that proclamation their legal sanction, and to extend it by an amendment of the Constitution so as to make emancipation universal.

In this the Senator does not differ with me, but he makes a personal issue. He says if this criticism upon the President's proclamation is deserved I had no right to pronounce it; to use his precise language, "I am quite clear in my opinion that if deserved it should not have been pronounced by the honorable Senator from Ohio." Why not? Is there anything in the position, abilities, or standing of that Senator that entitles him to have a monopoly of criticising the public acts of the President? He says my colleague might have done it; and he proceeds to classify the Union Senators into two divisions, the conservatives and the radicals. He names them. He is a radical. He puts himself at the head of this class, by first extolling how he has "felt and spoken and voted since this rebellion broke out;" and then he patronizingly confirms and elects a "few others around him on this floor" who have been steady and consistent chosen followers in his radicalism. And he tells us the other class, "more timid, have been from the beginning rolling constitutional logs in the way of our armies." It is consistent for the one class to declaim, denounce, arraign, and abuse the President and all in authority, while the other class are estopped by their conservatism from even a manly criticism of public acts. That I do not do injustice to his position, I will read an extract from his speech:

"I have thus felt and spoken and voted ever since this rebellion broke out. There are a few others around me on this floor who have, from the beginning, steadily and consistently acted upon the same principle. The eloquent Senator from Massachusetts, [Mr. SUMNER,] the just and uncompromising Senator from Ohio who sits nearest me, [Mr. WADE,] the honorable members from Iowa, [Messrs. HARLAN and GRIMES,] and from Michigan, [Messrs. CHANDLER and HOWARD,] and, on the other side of the Chamber, the honorable Senator from Maine, [Mr. MORRILL,] and from Kansas, [Mr. LANE,] have never, for one moment, hesitated or faltered in their determination to destroy slavery with this rebellion since it assumed its present proportions. While others, more timid, have been from the beginning rolling constitutional logs in the way of our armies, these honorable Senators have been clearing the way for the rapid and triumphant march of our forces."

"Upon what meat does this our Cæsar feed," that he comes into the Senate of the United States and classifies Senators of the same political organization into two distinct parties? He divides Senators from the same State, some on one side and some on the other. He says one class are brave and noble men who have always done their duty, but the others are timid men, who are throwing constitutional logs in the way of our armies to impede their progress. Why, sir, such a discussion as this is unworthy of a Senator and of this place. Of what sin have I, and the other Senators who agreed with me in the votes to which I shall now refer, been guilty? The Senator has had an opportunity to examine my course. He has taken the pains to do so by a careful, elaborate, and long speech, conned over and matured more than a month after I made the speech to which he refers. He has had before him my political life for years in the stormy scenes of this Capitol; and what is my offense? Why have I not the power and the right to criticise the President as well as he?

I call attention to the specifications of the indictment made against me particularly, but really against all who acted with me, and who are assailed as well as myself. The first and the material point made against me is that I proposed an amendment to a certain bill that was pending, introduced, I believe, by the Senator from Massachusetts, [Mr. WILSON,] providing for the employment of slaves in the military service. That bill provided that where a slave was employed in the service of the United States, not in the military service merely, but in the service of the United States for any purpose, he, his wife, his children, and his mother should be free. I offered an amendment confining the emancipation of slaves under that bill to the slaves of rebels; but I also provided that the slaves of loyal men and rebels alike, all the slaves in the country, might be employed in the service of the United States and render any duty required of them. The Senator takes this amendment offered by me, strips it from the context, brings this vote into the Senate, and arraigns me for it. He says:

"This proposition of the honorable Senator was to free only the soldiers themselves who were the slaves of rebels; and as to the slave soldiers not claimed by rebel masters, after they should have served in our armies, we were to remand them back to slavery!"

Now, this assertion is false.

He says that upon that vote the line was drawn between the brave and the timid. That is not his language; but he brings that vote, the yeas and nays, before the Senate, and how does it stand? It seems my amendment was adopted. The yeas were—

"Messrs. Anthony, Browning, Collamer, Cowan, Davis, Doolittle, Fessenden, Foster, Henderson, Howe, Lane of Indiana, Powell, Sherman, Simmons, Ten Eyck, Willey, Wilson of Missouri, and Wright."

If I was guilty of any very great wrong I was in very good company. All those Senators are liable to the same criticism.

But, sir, in this connection allow me to say the Senator has quoted a portion of some remarks that I made for the purpose of conveying an erroneous impression. He detached from their context two sentences used by me so as to convey the exactly opposite meaning of what he must have known I said; and here it is on the record. I was astonished when I read it. He quotes this remark that I made in the course of the debate on this amendment:

"Mr. SHERMAN." * * * * "If my amendment shall be adopted to the second section the slaves of loyal persons will not be made free by the operation of the act; and the masters of those slaves will draw the compensation allowed by the Government for their services, and they would get their slaves back, as a matter of course. If my amendment to the second section be adopted this measure will not affect the loyal master, because he will receive the compensation allowed by law for the service of his slave, and the slave will be his at the termination of that service."—*Congressional Globe, Thirty-Seventh Congress, second session*, page 3232.

This extract was introduced for the purpose of showing that I was opposed to the employment of slaves in the military service, and that I had changed my mind on the subject. While I advocated, in the speech to which the Senator was replying, the employment of slaves, he quotes this paragraph to show that I was at one time, only two years ago, opposed to the employment of slaves in the service.

Mr. WILKINSON. If the Senator will permit me one moment——

Mr. SHERMAN. I yield.

Mr. WILKINSON. The Senator is mistaken in regard to my purpose in introducing that extract and reading it. My object was to show that the honorable Senator was in favor of employing in the armies of the United States slaves belonging to loyal men, and then advocating the doctrine of remanding them back to slavery again after the war should be over, and of allowing them to be held as slaves after they had fought for the country. That was the purpose for which I introduced that extract, and not for the purpose of showing that the honorable Senator was opposed to employing them in the Army.

Mr. SHERMAN. That is not the purpose announced in his speech, and no gentleman after reading the speech would infer that as the purpose. I stand here on record, and the record is before me. If that was the idea sought to be conveyed by the Senator then his whole argument falls, because in the very speech that he commends and extols, my position is that the slaves of loyal masters should not be taken without compensation. I said two years ago on that point precisely what I said in my recent speech, that they should not be taken unless provision was made for the compensation of the loyal owners. If the Senator introduced this garbled extract for the purpose he now states, he must have known that my position then was the same that it is now. But, sir, notwithstanding the disclaimer of the Senator, I will cheerfully give way to him if I misinterpret his meaning. Upon the face of this paper any person would suppose that I had changed my opinions on the subject of the employment of negroes in this war; but I will read

the short speech from which he took this extract; the whole was very short and might easily have been quoted:

"There is no reason why the slaves of loyal men should not be employed just as well as the slaves of disloyal men. The only question is, what compensation should be made to the masters of slaves?"

Then follows the extract he read:

"If my amendment shall be adopted to the second section, the slaves of loyal persons will not be made free by the operation of the act, and the masters of those slaves will draw the compensation allowed by the Government for their services, and they would get their slaves back as a matter of course."

"There is no desire, so far as I have heard any expression, to affect the right of any loyal master in the United States. It seems to be the general desire, so far as I know, to treat him fairly; not to deprive him of what is regarded by the local law as his property, without fair and just compensation. I shall, therefore, vote against this amendment to the first section, because I think all these persons are subject to military duty, and they ought to be allowed to be employed at the discretion of the President. It may be that the slaves of loyal persons are the very ones who would desire employment, whom the President would naturally employ in the first instance, and I see no impropriety in leaving them subject to military duty, as they are by the Constitution of the United States."

Mr. WILKINSON. What page is that?

Mr. SHERMAN. Page 3232. The extract read by the Senator is just in the middle of what I said. The first paragraph is in opposition to the amendment of the Senator from Missouri, proposing to limit the power of the President to the slaves of rebels. I opposed that amendment on the ground that the slaves of loyal men ought to be taken. The Senator takes the middle of what I said, although the whole was but short, and prints that in his speech, leaving out the beginning and the end, which would have shown precisely my position; and for that I am arraigned here in the Senate of the United States in my absence, and the impression sought to be made, that, for some offense or other, myself and other honorable Senators are excluded by our heresies from commenting upon the conduct and the official acts of the President of the United States. Why, sir, this whole debate, in which it seems I took a more active part than I had any idea of, shows that throughout I advocated the employment of all the slaves in the country, the slaves of loyal masters and of rebel masters all alike. I notice that in the course of the debate the Senator from Delaware put to me a question as to whether I believed Congress had the power to authorize the employment of the slaves of loyal men, and I answered distinctly—this was some days before the quotation of the Senator—

"I have no doubt that it is within the constitutional power of Congress, in raising armies, to enroll whites and blacks, free and slaves. And it is equally clear that Congress may, when military service is required, deprive a father of his right to the labor of his son, and the master of the services of his slave."

Sir, in the whole debate, extending over one hundred pages of the Congressional Globe, a conversational debate, to which that bill was subjected, I uniformly insisted upon the employment of slaves, but in all cases insisted that when the slaves of loyal men should be taken for military service the Government was bound to give them reasonable and honorable compensation. I held the same position then that I hold now, and the same that I uttered the other day. But suppose that the honorable Senator from Minnesota should convict me of inconsistency, what then? I never saw a man for whom I had any respect whatever but changed his mind many times in his life. If a man is so stubborn and determined in his opinion that he will not yield to reason, it shows that he has not the light of reason to guide him.

But in regard to the employment of slaves, such has not been my condition. From the very beginning I have favored the employment of these slaves; and in the speech to which I have referred I remonstrated with the military authorities because they did not treat this question right, and insisted that they should have employed slaves long before; and yet the Senator, seizing upon the middle of a little paragraph uttered by me, distorting it from the rest, publishes it in his speech in my absence to show to the community that I have forfeited my right to criticise public proclamations by some heresy and schism; and the honorable Senators who voted with me for that amendment are also placed in the position of timid men, who are throwing constitutional blocks in the way of the Government.

Sir, what else is this accusation based upon? It seems also that the honorable Senator from Missouri [Mr. HENDERSON] moved to strike out the words "mother, wife, and children," and that with the same Senators I voted with him on that proposition, so as to confine the operation of this law to the slaves of rebel masters so far as the question of emancipation was concerned, but to allow the employment of all slaves whether they belonged to rebel or loyal masters. In the same connection I stated that I should be perfectly willing to emancipate the slaves of loyal men who were actually mustered into the Army, and their wives, their children, and their mothers, if provision was made for the compensation of those loyal men. That is stated here several times in the course of this debate. The only point on which I differed from any of my political friends was, whether we should strike down the property interests of these loyal men, some of whom were actually serving in our armies, fighting for our cause, without giving them the compensation required by the Constitution of the United States. A majority of the Senate agreed with me that we should not emancipate the slaves of loyal men unless we provided for a constitutional compensation. That is precisely my position now.

Mr. FESSENDEN. It was according to the bill passed the other day.

Mr. SHERMAN. Yes, sir, according to the very proposition made by the Senator from Massachusetts, [Mr. WILSON.] The proposition made by him would cover every position I have taken on this subject.

Mr. WILKINSON Will the Senator permit me to ask him a question?

Mr. SHERMAN. I will not allow myself to be interrupted. If I do the Senator injustice he may make any explanation he desires.

Mr. WILKINSON. I wish to make a single statement in regard to the point on which the Senator has just been speaking, that he was at that time in favor of employing the slaves of loyal masters and paying for them, if I understood him correctly. Now, sir, the Senator took directly the opposite position, and assumed that we could not, from the condition of our Treasury, pay for the slaves of loyal men. He opposed such a proposition when offered by the Senator from Kansas, [Mr. LANE,] in connection with this same question, on a different day. The Senator from Kansas made a proposition to pay for the slaves of loyal masters, and the honorable Senator from Ohio opposed that proposition, but favored the employment of the slaves of loyal masters and their return to slavery after the war should be over.

Mr. SHERMAN. Mr. President, I yielded to the Senator, which is always a courtesy, to make an explanation of his own position, and he interrogates me. I will in due time show that his present statement of my position is entirely unfounded.

As far as I am concerned I am willing to defend all my votes. I will in a moment refer to and have marked the very matter to which he now refers; but before coming to that, I wish to call attention to a remarkable statement made by the Senator in his speech, a statement that I would not utter in any contingency. Here is what the Senator states:

"So far as I am concerned I shall not stop to inquire whether the employment of slaves as soldiers is constitutional or unconstitutional, whether it be legal or illegal."

Mr. WILKINSON. Read the whole sentence.

Mr. SHERMAN. It continues:

"The question with me is, and the only question is, is it necessary? Does the great law of necessity, that law which the Senator from Maryland speaks of as the 'higher law,' the law above the Constitution, require or justify it?"

Look for a moment at this proposition. The Senator tells us that he will not stop to inquire whether the employment of slaves is constitutional or unconstitutional, legal or illegal; he will decide the question by the law of necessity. Mr. President, did not the Senator take the oath of office prescribed by the Constitution? How can he say this in the face of that oath? Did he not swear before God in the most solemn way by which we can appeal to the Deity that he would support and maintain the Constitution of the United States? And yet he tells us that he will not even stop to inquire whether the measure is constitutional or unconstitutional, legal or illegal!

Mr. WILKINSON rose.

Mr. SHERMAN. I cannot yield. The Senator will have plenty of time.

Mr. WILKINSON. I insist that he shall read the whole paragraph, and not make the statement in the way he does.

Mr. SHERMAN. The Senator can read what he pleases when he comes to speak.

Mr. WILKINSON. But——

The VICE PRESIDENT. The Senator from Minnesota will not interrupt the Senator from Ohio in his remarks.

Mr. SHERMAN. Did the Senator read the whole of what I said, when all that I said was included in a few lines which are now before me, and when he arraigned me in my absence? He is present, and will have an opportunity to reply to me. He says he will be guided by the great law of necessity. Why, sir, who is to judge of the necessity? Our political opponents have attributed to us such a position, and I have denied that we have ever knowingly violated the Constitution of the United States. Over and over again in the campaign last fall we were arraigned as being reckless men, who were willing to disregard our oaths and violate the Constitution of the United States; but I everywhere said that we had not violated the Constitution; and I defended our acts as being within the constitutional powers granted to us in a state of war; and yet here a Senator who arraigns me in my absence says that he does not stop to inquire whether a measure is constitutional or unconstitutional, legal or illegal; and this declaration of his will be rung through this country in the next presidential campaign.

Mr. President, it is not true. I affirm here on behalf of the great Union party of this country that this declaration is false; that we never have knowingly violated the Constitution of the United States, and so help me God, I never will, and no wild idea of necessity, no phantasm of the brain will justify the utterance of so atrocious a sentiment or the practice of it. But yet here it is; and by this same Senator I am arraigned because I will not in violation of the Constitution of the United States seize upon the property of loyal men who are fighting in our armies, deprive them of their right to the services of certain persons in the southern States without compensation, in plain and palpable violation of the Constitution. Sir, as long as this sentiment stands recorded in the speech I do not care for the arraignment of the Senator from Minnesota.

Now, Mr. President, I come to the paragraph I have marked in regard to the subject of emancipation and the debate that occurred between the Senator from Kansas [Mr. LANE] and myself.

It seems that the Senator from Kansas proposed an amendment to the bill, which authorized the President of the United States to employ slaves either in the military or naval service, or in throwing up breastworks, or as teamsters, or as agents, or as mule-drivers. It required the United States to pay for the slaves so employed, their children, wife, and mother; that is, if a negro, the slave of a loyal master, was employed only for a single hour to carry a message for an officer, if he was employed for a single day to drive a mule team, or if he had run away and was practically free, under the proposed amendment of the Senator from Kansas the United States would be required to pay the full value of those slaves, whether they were employed in the military or naval or civil service of the United States, whether their labor was of any value or not. That was the effect of the amendment. It is here before me; and the honorable Senator from Kansas, with a frankness for which I always give him credit, stated explicitly in the debate that his purpose was to emancipate as many of these slaves as he could. That, no doubt, is his desire, to emancipate the whole race. He proposed therefore that if a slave was employed for any service, not in the military service alone, but in any service whatever, the mere employment should operate as the emancipation of that slave, his mother, his wife, and his children; and thereupon the United States should pay the full value of all these slaves. When that proposition was made it seems I opposed it on the ground that it would involve a very large expenditure of money; that it was idle and ridiculous to propose it; and I say now that if that identical proposition was made here I would oppose it now. By it a shovelfull of earth thrown

upon a breastwork by a slave, or a message carried for an officer by a slave, or the pitching a tent by a slave, or even the cooking of food for a soldier, would have been construed as an employment in the service of the United States, and have entailed an expense of thousands to pay for the slave and his family.

Where a slave is employed in the military service of the United States, actually puts on our uniform, and serves with us in the military ranks as a soldier, I am willing to guaranty him his freedom, and have always been so; but where his service is a mere incidental matter, not connected with the military service, so broad a proposition as that of the Senator from Kansas would have been indefensible and unjust. I opposed it on that ground; and here are my remarks on that subject, and in these very remarks I go on and state distinctly that I did not wish to limit the power of the President to employ slaves for any purpose whatever, that I wanted them employed in the military and naval service, and that I did not wish to extend emancipation to cases where the slaves had not rendered military service. I did not wish to make the putting down of the rebellion a mere pretext to destroy slavery, when the object of the war is not to destroy slavery, but to protect our nationality and maintain the authority of the Government against rebels in arms against it. And, sir, the Senator from Minnesota with discreditable unfairness applies my language against this crude amendment to slaves who actually assume the perils of war by taking their places in our ranks, when he must have known that I have uniformly insisted that military service by a slave carried with it, as an inevitable incident, emancipation for himself and family and compensation to a loyal master.

Mr. LANE, of Kansas. I hope the Senator from Ohio will allow me a word.

Mr. SHERMAN. Certainly.

Mr. LANE, of Kansas. I know that the Senator from Ohio does not intend to do me injustice, although he speaks of a proposition emanating from me as absurd and ridiculous. As he has so spoken, I desire to say a word in defense of my proposition, which was to place a loyal slaveholder in the same situation that I occupy. When the Government seizes my property, I have a claim against the Government for that property. So with the loyal slaveholder. If it be true that the slave is property, he has the same claim upon the Government that I would have. An appropriation in advance to pay the slaveholder is not required, in my opinion, any more than an appropriation to pay for my property. They seize my property without an appropriation, and I have my claim upon the Government. I proposed in that amendment to free the mother, the wife, and the children of the soldier or the employé in the Government service, leaving the slaveholder in the same situation that I, myself, would be in if my property was seized by the military authorities of the country.

Mr. SHERMAN. I certainly do not wish to do the Senator from Kansas any injustice, because he is a frank man; and I need not tell him that his relations and mine are very kindly, and I would not do him injustice. I do not think that I characterized his proposition as absurd, but I think it is indefensible. Here is the argument, just as it occurred. While the Senator was speaking, it seems I put this question to him:

"Mr. SHERMAN. The Senator from Kansas would scarcely take the slave of a loyal person without paying for him."

Then came the answer:

"Mr. LANE, of Kansas. I propose to pay."

My reply covered the objection:

"Mr. SHERMAN. Then the question is, is the Government of the United States able, at this time, to pay for all the slaves who may be employed temporarily, even for an hour, in the service of the Government?"

There is the answer which I gave to that question; and I went on then to discuss the matter, to show that under his proposition if a slave was employed for but an hour to carry a message, or to drive a mule team, or to do any act whatever, that slave and his family would be emancipated and the Government would be bound to pay the money for them. I showed how much that would cost, and I opposed it on that ground, and I believe the amendment was finally withdrawn, or at any rate it was not pressed to a vote so far as I can see. So the Senator, I think, was partially convinced by my reasoning. The debate went on; but the amendment was never pressed to a vote. And yet what I said in this incidental debate against paying for slaves not employed in the military service is tortured and perverted by the Senator from Minnesota to show that I was not willing to pay for slaves actually enrolled and employed as soldiers. What fairness is this to a political friend even if he is classed among the timid men who roll constitutional logs in the way of our armies?

But, Mr. President, let us come back to the vote for which I am arraigned. When the bill was reported to the Senate the vote was taken upon the amendments *seriatim* by yeas and nays after some further debate. The vote upon the principal amendment, which I offered, and for which I am arraigned, was yeas 21, nays 14. Among the yeas I am happy to find myself in very good company. I will read the yeas who belonged to the political organization of which I am proud to be a member. They were: Messrs. Anthony, Browning, Cowan, Doolittle, Fessenden, Foster, Harris, Henderson, Howe, Lane of Indiana, Sherman, Simmons, Ten Eyck, and Willey. It seems to me that for voting with these Senators upon a proposition that was carried by a large majority of the Senate, it is rather too hard for that Senator to arraign me in my absence as being a timid man who wanted to put blocks in the way of the Government, and a man who may properly be classed with the New York Herald, to be "whistled down the wind." The Senator has not the caliber to do it, sir.

I do not know that it is necessary for me to pursue this matter any further. There are further extracts from this speech which I might present, but I will not follow it further. In the arraignment which it makes, the votes to which I have called attention are the only votes that are brought up and the only charges made against me. It will be remembered that a year or two ago the Senator from Minnesota was not so warm in his admiration of the President as he is now. If I would follow his bad example I might quote his language about the President that is neither polite nor agreeable. But he is a radical. And yet, when I am away, he says that my radicalism now, evinced by my recent speech, is probably in consequence of the approaching presidential election. He says that I am becoming more radical as the presidential election approaches, imputing to me a motive that he must have known to be false. Whenever I find a man imputing improper motives, I always watch him, lest the same imputation might be cast upon him. You seldom find Senators or citizens seeking dishonorable motives in others unless they are guided by such motives in their search.

Sir, I am independent of the President of the United States. I have supported his administration wherever I thought it was right, and in the main throughout. I did not say in the speech which I made here the other day a single unkind word of him. I did not say anything but what the Senator himself was compelled doubtingly to indorse. I am willing to render him a fair and manly support. I yield to his high office the respect due to the Chief Magistrate of a great nation; but I claim for myself the quality of independence, and in the office I hold from the people of Ohio to be equal to any other Senator on this floor, and as such the right to criticise the public acts of President or constable.

What a spectacle was presented here when the Senator from Minnesota attempted to divide the great Union party into two equal divisions! On the very amendment he talks about, as many Union Senators voted with me as voted with him. Why then draw a line of demarkation right in the midst of this great triumphant party, and say that on the one side are true and loyal men, and on the other timid men who throw constitutional clogs in the way of our armies?

I ask the Senator if his position in the country is such as to entitle him to make this broad distinction? No, Mr. President; we must stand shoulder to shoulder, we must stand side by side, in this contest. We have a duty to perform. We must render ours here in the Senate with manly independence. The President has a still higher duty. Let him perform his, and he shall have my hearty and cheerful support. Let the Army perform their duty. Let us cast no firebrands; let us have no quarrels, no contentions. Let us reason with each other like men, as independent citizens. Anything like division or distraction in the ranks of the Union party would be fatal to our cause. Our adversaries are watchful and ever eager to seize upon these declarations. They will seize upon that atrocious sentiment uttered by the Senator from Minnesota, and they will herald it all over this country and make honest, confiding people believe that such is the sentiment which dictates the policy of the Union party. I disclaim it; I denounce it; and I say no such sentiment was ever acted upon by that party.

But the gentleman speaks for the President, or rather seems to speak for him, because I know he does not. On each and every one of the very votes for which he has arraigned me, the President of the United States, if he had been sitting in this body, would have voted with me. Who doubts it? who denies it? who controverts it? Upon the very propositions on which I am arraigned, the President, if he were here, would have voted with me. No one questions it. And yet, sir, we are to be arraigned before the country substantially as having been false to our duty, as being timid counselors in a time of war, as throwing the Constitution as an impediment in the way of our Army, doing what we can to prevent the success of the cause. Sir, such a policy as that is will never succeed.

I have already said more than I intended to say when I rose, but I could not allow this remarkable speech made in my absence to pass unnoticed, and I have taken the earliest and first opportunity to reply to it thus briefly.

Mr. WILKINSON. Mr. President, the Senator from Ohio seems to think that in my speech last week I arraigned every gentleman who voted with him on the propositions to which I then referred. I did not intend to arraign those honorable gentlemen, for the simple reason that the honorable Senator from Ohio is the only one of all those Senators who voted with him on those occasions that has risen in the Senate and assailed the President of the United States for his conservatism and his backwardness on the question of emancipation. The honorable Senator from Ohio took occasion to say that owing to the "conservatism" of the President, and owing to his "backwardness" in arming the negroes and giving them their freedom, the State of Ohio a year ago last fall was lost to the Republican party and given over to the Democracy. Let me read his exact words on that point, for I prefer to hold the honorable Senator to the record rather than to follow him in his vague and general denunciations. The honorable member seems to regard it as very unkind in me to refer to his past record, but had felt no backwardness in attacking the President for his past official acts. He said:

"So far was this conservatism carried—for I will call it by the name its friends choose for it—that the political party to which the President belongs lost every election last fall. Ohio is now represented in the other House of Congress by thirteen gentlemen who certainly do not represent the opinions of the majority of her people, and who owe their seats entirely to the discouragement caused by the mode in which the war was conducted. The whole of this state of feeling grew out of the backwardness of the President in meeting this question of emancipation and the employment of negroes in this war."

Now, Mr. President, of all the conservative Republican Senators, of all those who voted and acted with the Senator from Ohio, he is the only one who has risen here to arraign the President for his "conservatism," and that is the reason why I singled out that Senator as justly entitled to criticism for the course which he had pursued. As I said before, the President of the United States has not been as far in the advance as I think he ought to have been; but I said then, and I now repeat, that it does not lie in the mouth of the Senator from Ohio to utter a rebuke against the President for his "conservatism" and his "backwardness" on the questions of emancipation and the employment of slaves in our Army.

The Senator rebukes me for having used certain language in my speech the other day, and I must say that he took a great deal of pains to garble my speech, for he refused to read the whole of that part of it to which he objected, and read only enough to form a basis for a severe rebuke to me for expressing a willingness to violate the Constitution of the United States, if necessary to save the country. I will read the whole paragraph to which

he referred, to show precisely what I did say on that question:

"So far as I am concerned I shall not stop to inquire whether the employment of slaves as soldiers is constitutional or unconstitutional, whether it be legal or illegal. The question with me is, and the only question is, is it necessary? Does the great law of necessity, that law which the Senator from Maryland speaks of as the 'higher law,' the law above the Constitution, require or justify it? And need any one doubt on this question?"

I have a little higher authority on this question than that of the Senator from Ohio, even. Some years ago a debate arose in the House of Representatives on the question of returning to General Jackson the fine that was imposed upon him by a judge in the city of New Orleans, and a very able statesman of this country, Hon. Stephen A. Douglas, in a speech which he made on that occasion, used this language:

"But, sir, for the purposes of General Jackson's justification, I care not whether his proceedings were legal or illegal, constitutional or unconstitutional, with or without precedent, *if they were necessary to the salvation of that city.* And I care as little whether he observed all the rules and forms and technicalities which some gentlemen seem to consider the perfection of reason and the essence of wisdom. There was but one form necessary on that occasion, and that was, to point cannon and destroy the enemy."

Sir, if it is necessary to employ the negroes to put down this rebellion, I reiterate what I said before, that I care not whether it be constitutional or unconstitutional, legal or illegal, with precedent or without precedent, whether the Senator from Ohio favors it or not I am for employing all the resources of this vast nation to crush this rebellion, and the Senator from Ohio shall not by any constitutional sophistry prevent me from moving onward directly to the consummation of this purpose. I think I have just given him pretty good authority for the position I assumed on that question.

The authority from which I have read is a speech made by Hon. Stephen A. Douglas in the House of Representatives in January, 1844, to be found in the Appendix to the Congressional Globe for the first session of the Twenty-Eighth Congress, page 45.

Now, sir, let me ask the honorable Senator whether, if it was necessary to save the country, he would not employ all the able-bodied negroes in the country whether it was constitutional or not?

The Senator objects to the statement which I made that he heretofore seemed to regard slaves as property. Upon the question of the employment of slaves and paying for them, the Senator opposed the proposition; but he did, as I showed in my speech the other day, advocate directly and distinctly the doctrine of employing slaves, allowing them to fight in our armies, and then returning them back to slavery again after the war should be over. He contended that that did the master no harm, because you would pay him the wages which the slave fought for and earned, and then you gave him his slave back again after the war was over. The Senator may talk as much as he pleases about garbled extracts; but I assert here that that was the position he assumed. It was clearly laid down in his speech. There is no doubt or equivocation about it. It was not in a single speech that he assumed this position; but he adhered to this doctrine on different occasions and at different times. But having uttered that theory eighteen months ago, he now comes into the Senate and arraigns the President for being the cause of our losing the election in Ohio a year ago last fall. I stated in my speech, and I reiterate here to-day, that if my colleagues in the House of Representatives had uttered that doctrine of the Senator from Ohio on this floor they could not have carried ten counties in the State of Minnesota.

The objection that I have to the course of the honorable Senator is not that he has changed his position and become more radical, but that he assumes to arraign the President for his "conservatism," and charges on him the loss of our elections a year ago. I do not blame the honorable gentlemen who agreed with the Senator then, because I know that wise men are liable to change their views, and all men must change their sentiments in such a revolution as this; but when they come up a year and a half afterwards and, closing their eyes to their own acts, reprove the President because he is not up to their present standard, it is legitimate and proper to let the country know what has been the record of those gentlemen who now assume to arraign the President.

The plain matter of fact is that there is a political organization in our own party which is determined that Mr. Lincoln shall not be the next President. There has been a committee organized for the purpose of elevating to the Presidency the honorable Secretary of the Treasury from the gentleman's own State; and it looked very much to me, when he came in here with his speech, as though he was a party to this arrangement, and as though he wished to bring about the same result; and hence, knowing the advancement of the country in radicalism, knowing how far the people had advanced on this question of employing slaves, the honorable gentleman, as it seemed to me, thought he would join with the honorable Senator from Kansas who sits upon his left [Mr. POMEROY] in this crusade against the President, and tear him down if possible, in order that another might be elevated to his place. If the record of the gentleman rises up in judgment against him, so much the worse for the honorable Senator from Ohio. He should have had a little charity for the President; for when this war commenced neither the President nor any of us were expected to go as far as we do now. Nobody expected this result when the war commenced; and it is not for me nor for the honorable Senator from Ohio to rebuke the President for his course; and when he essays to do it, I submit to the Senator that it is legitimate that any one should search his record and see whether he stands up a head and shoulders above any man in Israel in this great work of emancipation and of employing slaves in our Army. Sir, the truth is that the honorable Senator has been far, very far, behind the President ever since this war commenced. I remember to have heard the President say in private conversation—I presume it was a year and a half ago—that if any man bore a musket upon his shoulders and fought in the armies of the Union to restore the Constitution and to restore our Government, so far as he was concerned, that man should never be returned to slavery again. Did the honorable Senator from Ohio assume that position? No, sir; he assumed directly an opposite position, and when the proposition was made to pay for the slaves of loyal masters, he said:

"I believe if we are at all crippled in the prosecution of this war it will be because of the failure of our finances. We are already embarrassed by a depreciated currency. Our bonds are already sold under par. We have been wasting—I cannot but say it—the treasure of this country with a lavish hand. We have deliberately refused any measure of reform except that which relates to the Army; we have refused to look upon the difficulty by which we are surrounded; and I warn Senators that this is no time for us to undertake a new responsibility which may not be covered even by $1,000,000,000. If the war is to be prosecuted to its ultimate termination, and one million of these slaves are held by loyal masters, you may involve this country in an expenditure equal to the value of one million slaves, which, superadded to all the other difficulties by which we are now surrounded, will certainly swamp us; and when you have passed this provision once, ingrafted it in your law, you have made it a contract between the Government and the master and the Government and the slave; and then this Government is bound by honor to emancipate the slave and to pay the loyal master."—*Congressional Globe, Thirty-Seventh Congress, second session*, page 3338.

How can the honorable Senator after this rise up and say that he was in favor of employing the slaves of loyal masters at that time and paying for them? No, sir, it was not his position. His position was to employ them and return them to slavery again after the war should be over—a position which he now declares, in his speech of the other day, to be atrocious. I will read what he said on that point in his last speech:

"I say from the beginning we should have armed the slaves; but before doing so, in my judgment, we ought to secure them by law, by a great guarantee, in which you and I and all branches of the Government would unite in pledging the faith of the United States that forever thereafter they should hold their freedom against their old masters."

What did he say two years ago? I know that he says the extract which I am now about to read is garbled, but it is an extract taken word for word from the recorded debates of this Senate, and there is no doubt about its meaning. Two years ago he said:

"If my amendment to the second section be adopted, this measure will not affect the loyal master, because he will receive the compensation allowed by law for the service of his slaves, and the slave will be his at the termination of that service."—*Congressional Globe, Thirty Seventh Congress, second session*, page 3337.

What can be clearer than that? Can there be any mistake about this language? Why, sir, a child can understand it. I know it is an unpleasant record for one who claims to be a radical, but I cannot help it. It is the honorable Senator's own record, and he must stand by or renounce it.

I ask the honorable Senator if he did not assume both these positions on this floor? My objection to the course he has pursued, as I said before, is not that he has changed his views, but that he has the effrontery to stand up here and chide the President and rebuke him for his "conservatism," and charge upon him the loss of the election in the State of Ohio a year ago last fall.

I have it in my recollection pretty clearly that it was not long ago that the Senator from Ohio turned to the Senator from Massachusetts who sits furthest from me [Mr. SUMNER]—I have not now the record before me, but if my recollection serves me he pointed to that honorable Senator—and charged that he stood alone on this floor in the advocacy of his peculiar views of emancipation and employment of negroes in our armies.

Now, the Senator seems to take offense and seems very much troubled because the New York Herald has come out for emancipation. I rejoice at it. I am willing that the New York Herald should act with me, and I do not feel any tenderfootedness like the honorable Senator from Ohio because the New York Herald does come out for emancipation. I am glad of it. I wish all the copperhead papers in the country would come out for emancipation, and that they would join with every hater of slavery in the suppression of this accursed institution. I wish to see slavery destroyed, and I am not very particular as to the agents employed to bring about this result. I am inclined to think that before this war shall have ended scores of men who have heretofore been fighting against abolitionism will be found in the ranks laboring earnestly for the destruction of slavery; and I shall rejoice at it.

Mr. President, the Senator complains that I made my speech in his absence. I will say that I had intended to make it long before I did, but I waited for a long time before making it. He had gone to his home in Ohio, and remained some time, and I refrained from speaking until the bill came up which afforded the only proper and legitimate occasion for me to make that speech. The honorable chairman of the Committee on Military Affairs almost insisted that I should speak, if I had anything to say upon the proposition, at the time when I did, because the bill was being crowded to a vote and he wished to bring up other business. I had no desire to make any remarks in the absence of the Senator from Ohio, and I will say now that there was no unkind word in my speech toward him; I simply read the record. Perhaps I ought to admit that there was an unkind word, because the record of the honorable Senator himself on this proposition is the most unkind thing that could be uttered on this floor against him. His record is against him; his utterances in this Chamber are against him if he assumes the position which he assumed the other day in his speech. I am glad, however, that he has now assumed a proper position; I am glad to see that the country is coming up to the great question of liberty, rising above all those constitutional objections and quibbles that have heretofore been laid in the way, and that even the honorable Senator from Ohio himself is coming up to look this great question of slavery or freedom directly in the face. In my humble judgment the course of that honorable Senator and those who have acted with him has kept the President back from assuming the high position on this question of slavery which he ought to have assumed, and, instead of the honorable Senator charging his backwardness upon the President, he should have had the manliness to say, "I am in part to blame for the backwardness of Mr. Lincoln in working out the great problems of emancipation and the employment of slaves in the armies."

Mr. SHERMAN. Mr. President, the Senator from Minnesota talks about manliness. I will leave to my fellow Senators to settle that question of our manliness between us. He talks about "effrontery," using the language of the market-house, not of the council-chamber. Effrontery for what? Because I expressed my opinions boldly and fearlessly, without regard to him.

Now, Mr. President, I have but a few words to say in reply to the Senator from Minnesota. He says that I arraigned the President, in my speech the other day, for the very offense of which I was guilty two years since. In the very debate of two years ago, which is now before me, and from which he has taken the garbled extract, I arraigned the policy of conducting our armies then in severer language than I did in my recent speech. It was when the confiscation law was threatened with defeat by a veto, when our armies were used to return slaves to rebel masters. I find in the debate now lying before me the very same condemnation of "conservatism" that I made in my recent speech. But the Senator says I have changed my mind in regard to emancipating slaves for military service. Why, sir, I said on that point, in the very debate from which he read, what I will now read, and I would test my position even by the advanced opinion of the Senator from Massachusetts, [Mr. SUMNER.]

Mr. WILKINSON. The Senator is mistaken; I did not say so.

Mr. SHERMAN. The Senator does not know what he says when he gets excited. This is what I said on that point:

"How far emancipation should be extended to those slaves who render faithful service to the country is a more difficult question—but upon a few propositions we certainly can agree. Who would surrender to his rebel master the heroic slave pilot who, by his courage and sagacity, added a vessel to our Navy? Who would surrender to a rebel master the slave who, amid heat and storm and battle, fed and cared for and waited on our officers and soldiers? Who would give up to perpetual slavery the very many negroes who, during the war, have risked their lives to convey us important intelligence? Sir, whatever vagaries and prejudices may cling to us, I trust no one among us would consent to reward the services of loyal slaves by perpetual and hopeless bondage to rebel masters. Such a policy would be far more infamous than the rebellion itself. Without further defining my views upon this subject at this time, I am willing to affirm for myself that never will I consent to surrender a slave who has rendered any service, however menial, to our Army to the custody of a rebel master; nor will I deprive a loyal master of his interest in the services of his slave without full compensation."—*Congressional Globe, Thirty-Seventh Congress, second session*, page 3199.

And I now affirm that the only difference between the Senator from Minnesota and myself in this whole matter is this: that he would rob the loyal master of what by the local law is property without compensation, in violation of an express provision of the Constitution, while I would not. That is just the difference between us, the length and the breadth of it, and the whole debate shows it. The debate between the Senator from Kansas and myself shows that I would have extended emancipation to all those slaves actually employed in the military service in our Army, but because a negro in Kentucky was employed to carry a message or was hired to drive a team, I would not extend the provision for compensation to his case. In that debate I said that whenever a negro, whether slave or free, wore the uniform of the Army of the United States and served in our ranks, I never would surrender him to either a loyal or rebel master, but that I would not extend emancipation further than the laws of war justified, and I would not rob a loyal man of what by his local law is property without giving him just compensation; nor would I in these times of trouble, when we want all the money that we can husband and gather, extend this emancipation to every slave simply because he was employed in casual service not necessarily connected with the Army, and only for the time being, and agree to give for him compensation out of the Treasury of the United States.

Now, Mr. President, I have answered these two points. I have shown that I have said more against the policy then going on, by which our Army was conducted, two years ago, than I said in my recent speech. I have shown you that my position then was precisely the same as it is now. And yet the Senator, in my absence, in a carefully conned and prepared speech, arraigns me here, talks about "manliness" and "effrontery," talks about rolling constitutional blocks in the way of our Army, talks of timid men who want to defeat our armies. Why, sir, he mouths about patriotism, what he has done and will do for his country, what sacrifices he will make. Sir, what has he done? What sacrifices has he made? He would jump into the grave of Ophelia, and rant about what he would do to save this great country of ours. There is nothing within the limits prescribed by law that he would do that I would not do. And if his sacrifices over mine, if his services beyond mine, if his willingness to devote wealth, treasure, and blood to the cause of his country give him a higher rank in the roll of the loyal men of this country, let him take it, and I will give him the praise due to his position. I leave that point, however, to those who have seen our mutual efforts to advance the cause of our country; not to him.

I say again, in conclusion, this attack, made in my absence, not simply upon me but upon all the Senators who agreed with me on these questions of constitutional law, was unjustifiable and unpatriotic, tending to divide and distract those who must stand together shoulder to shoulder, and it ought to be and I believe has been rebuked.

Mr. WILKINSON. The Senator insists that he holds the same view he did before——

Mr. SHERMAN. If the Senator will allow me before he proceeds, I wish to say a word further. The Senator referred to the Senator from Kansas, [Mr. POMEROY.] He is here to speak for himself. The Senator from Kansas is one of those radical men who voted with him. He is not one of those "timid men" who put constitutional blocks in the way. The Senator from Minnesota says, or seems to intimate by insinuation, that I am a member of the committee of which the Senator from Kansas is chairman. Why did he not have the manliness, since he talks about "manliness," to go and ask the Senator or me was that true or not?

Mr. WILKINSON. I said no such thing, made no such intimation.

Mr. SHERMAN. The Senator did say that he believed I was connected with the committee, or something of that kind.

Mr. WILKINSON. I did not say any such thing.

Mr. SHERMAN. I simply wanted to make this statement in correction. If the Senator wanted any information on that subject he could have got it either from the Senator from Kansas or me, by an emphatic denial.

Mr. WILKINSON. I did not say any such thing. I said that it was well understood here and throughout the country that there was a committee organized, of which the honorable Senator from Kansas [Mr. POMEROY] was chairman, the purpose of which was to defeat Mr. Lincoln for the nomination for the next Presidency. I did not know of whom the committee is composed except the chairman, who, I believe, avows it boldly; and probably his reason is because Mr. Lincoln is not radical enough to suit him. I said that it seemed to me as if the speech of the Senator from Ohio was made in the interest of those who are seeking to destroy Mr. Lincoln. That was my statement.

I understand the honorable Senator to say that he holds the same views now that he did before. Let me read an extract from a speech of his made two years ago. The extract is nearly one third of all he said at the time; but it is perfect of itself, and I hope he will not say that it is garbled. If he shall say so, he can read the whole of it to show whether he holds now the same views he did then. I must repeat what I said before, that the Senator has no right to accuse Mr. Lincoln or anybody else of not being radical on this question. I read the forepart of this same extract when I was up before; now I will read further; this is on page 3338 of the Globe for the second session of the Thirty-Seventh Congress:

"Mr. President, before we embark in this movement, we ought to pause a little. We do no injustice if we employ the slave of a loyal master; he is no more a slave than he was before; he is made no worse; on the contrary, he receives the incidental benefit which must arise from the emancipation of the great body of his race, and it will, probably at no very distant period, lead to his emancipation and the emancipation of the whole African race. He receives the incidental benefit of that employment in rendering loyal service to the country. He is not injured at all.

"When he renders service, he is none the less a slave. If there are runaway slaves in Kansas, and I take it that must be the case, if they are employed in the service of the Government, and they are discharged after that service is rendered, they are no worse off than they were before; and it does not follow that because we now need the service of a slave we shall therefore guaranty to him for a temporary employment what may cost the Government thousands of dollars."

Remember, the Senator was talking about paying for the slaves of loyal masters.

"This is too serious a proposition for us to act upon lightly. We have no money to throw away. If we ever had the lamp Fortunatus, if we ever had an accumulation of money, it is now wasted and gone, and we are compelled by the sober realities of war to look upon these financial questions, and not to embark in a new expenditure and pledge our credit for a large sum of money without counting the cost. I know the most thankless of all business in the world is to make objection, and that which is but a repeated objection; but that is our duty now; and I trust the desire of the Senator from Kansas to emancipate the slaves of loyal masters, or his desire to avoid even a hard case, may not involve us in a principle which may be dangerous, and which will add very much to our already accumulated difficulties."

I assumed from this, in connection with the other extracts which I read and which were published in my speech, that the honorable Senator was not in favor of paying for the slaves of loyal masters; but while they would be received in our service, he was for returning them back again to slavery and paying the masters their wages, because he said so in direct terms.

THE DEATH OF SLAVERY IS THE LIFE OF THE NATION.

Mr. WILSON. Mr. President, "our country," said that illustrious statesman, John Quincy Adams, "began its existence by the universal emancipation of man from the thralldom of man." Amidst the darkling storms of revolution it proclaimed as its living faith the sublime creed of human equality. From out the rolling clouds of battle the new Republic, as it took its position in the family of nations, proclaimed in the ear of all humanity that the poor, the humble, the sons of toil, whose hands were hardened by honest labor, whose limbs were chilled by the blasts of winter, whose cheeks were scorched by the suns of summer, were the peers, the equals, before the law, of kings and princes and nobles, of the most favored of the sons of men. When its splendid edifice of constitutional government rose in grandeur and beauty upon the vision of mankind, the champions of popular rights in the Old World, and the people, in whose hearts still lingered the dimly-remembered accents of liberty, as they turned their gaze hitherward, hailed and welcomed the advent of the new-born Republic. In after years, amid the throes of revolutions, they turned ever to the rising Republic beyond the seas for the inspiration of faith and hope in the final triumph of struggling humanity. And the republics of the New World, as they emerged from colonial dependence, through the fire and blood of revolutions, to national life, turned toward united America as the great exemplar whose steady lights would illume their darkened pathway to national unity and power, and liberty regulated by law.

We of America have been accustomed, Mr. President, to contemplate with something of gratified and patriotic pride the strength of our democratic institutions and the stability of our republican Government. As we have watched the fraternal strifes, the bloody and desolating wars of factions that, in the republics of the New World, have followed each other like the fleeting shadows of summer clouds, as we have watched, too, the revolutionary throes and struggles, the falling and rising thrones and dynasties of the Old World, we have often turned fondly and proudly to our own country in the undoubting faith that the Republic was immortal, that, sustained by the vital and animating patriotism of a Christian people, it was ever instinct with the freshness and bloom of youth and the vigor of matured manhood. Gazing with beaming eye and throbbing heart upon the grandeur and beauty of this splendid edifice of constitutional government in America, we came to believe that it was as imperishable as the memory of its illustrious builders.

But the Republic of the United States, the land of so much of affection, of pride, and of hope, now presents to the startled and astonished gaze of mankind a humiliating and saddening spectacle. The treasonable menaces of other days have now ripened into treasonable deeds. Civil war now holds its carnival and reaps its bloody harvests. The nation is grappling with a gigantic conspiracy, struggling for existence, for the preservation of its menaced life, against a rebellion that finds no parallel in the annals of the world.

When the echoes of the cannon treason trained upon Sumter smote upon the startled ear of the nation, patriotism summoned the people to assume the responsibilities of consummated power, and by the red hand of war shield the life and

protect the liberties of the nation, menaced by this foul revolt against law and order, liberty and civilization. That patriotism which garners the hallowed memories of the past, which comprehends the vital issues of the present, which is instinct with the aspirations of the future that looms up grand and great, bade wealth open its coffers to meet the needs of the imperiled nation, and the citizen bare his bosom to the blows aimed at the nation's life; it bade the mother offer upon the altar of her endangered country her fair-haired boy in the bloom and pride of youth; it bade the wife send forth the husband of her love and hope to the harvest of death; and manhood

> ——"offer youth and beauty
> On the wasting shrine
> Of a stern and lofty duty."

Mindful of a country to serve and to save, hundreds of thousands of the young men of loyal America have left their blooming fields, their forests and mines, their ringing workshops and mills, their ships that "help to wind the silken chain of commerce round the world," their homes hallowed by associations and memories, their parents, brothers, sisters, wives, children, friends, the dear and the loved, to follow the old flag of united America to the battle-field, there to bear soldiers' burdens, do soldiers' duties, and fill, if it might be, soldiers' graves. We saw them as they thronged at the summons of duty around the unrolled banners of the Republic; we heard the glad music of their march; we gazed upon the glittering steel and upon the gleaming banners as they flattered away from our straining sight; and with throbbing heart, quickened pulse, quivering lip, and tearful eye, we commended them to the guardian care of that Being who notes even the sparrow's fall.

Through nearly three years of alternate successes and disasters, of weary toils, wasting marches, and decimating battles, they have borne bravely the banners of our unity and power. Many, who went from us in the pride of lusty life, now sleep in their bloody shrouds in the crowded and shallow trenches of the fields made immortal by their constancy and valor. Many, wasted by disease or falling by the hand of war, rest beneath lonely mounds on battle-fields, along the lines of marches, around the encampments and the hospitals, or in the graveyards beneath their own northern skies. Many, broken by disease, or maimed by shot or shell, lie in the hospitals, or linger among us, reminding us of the appalling sacrifices of this revolt of barbarism. Worn out and wasted by the storms of war, regiments that marched away with crowded ranks are standing sternly front to the armed foes of the Republic wherever they menace the authority of the nation, ready to follow their torn and faded flags into fresh battle-fields. The wasting battalions that opened the Mississippi, so that its waters, from their sources to the Gulf, reflect back the stars of our national flag; the war-smitten regiments of the army of the Potomac, that on the immortal field of Gettysburg rolled back the advancing legions of the rebellion, broke its power, and blasted its hopes forever, must yet be renewed by the fresh vigor and blood of the people. The needs of the imperiled country still demand that the decimated ranks of our veteran heroes that now bear upon their bayonets the unity and existence of the nation should be crowded with the manhood of the Republic.

Why is it, Mr. President, that this magnificent continental Republic is now rent, torn, dissevered, by civil war? Why is it that the land resounds with the measured tread of a million of armed men? Why is it that our bright waters are stained and our green fields reddened with fraternal blood? Why is it that the young men of America, in the pride and bloom of early manhood, are summoned from homes, from the mothers who bore them, from the wives and sisters who love them, to the fields of bloody strife? Why is it that millions of the men and the women of Christian America are sorrowing with aching hearts and tearful eyes for the absent, the loved, and the lost? Why is it that the heart of loyal America throbs heavily oppressed with anxiety and gloom for the future of the country?

Sir, this gigantic crime against the peace, the unity, and the life of the nation is to make eternal the hateful dominion of man over the souls and bodies of his fellow-men. These sacrifices of property, of health, and of life, these appalling sorrows and agonies now upon us, are all the merciless inflictions of slavery in its gigantic effort to found its empire and make its hateful power forever dominant in Christian America. Yes, slavery is the conspirator that conceived and organized this mighty conspiracy against the unity and existence of the Republic. Slavery is the traitor that madly plunged the nation into the fire and blood and darkness of civil war. Slavery is the criminal whose hands are dripping with the blood of our murdered sons. Yes, sir, slavery is the conspirator, the traitor, the criminal that is reddening the sods of Christian America with the blood of fathers and husbands, sons and brothers, and bathing them with the bitter tears of mothers, wives, and sisters.

Sir, slavery—bold, proud, domineering, with hate in its heart, scorn in its eye, defiance in its mien—has pronounced against the existence of republican institutions in America, against the supremacy of the Government, the unity and life of the nation. Slavery, hating the cherished institutions that tend to secure the rights and enlarge the privileges of mankind; despising the toiling masses as mudsills and white slaves; defying the Government, its Constitution and its laws, has openly pronounced itself the mortal and unappeasable enemy of the Republic. Slavery stands to-day the only clearly pronounced foe our country has on the globe. Therefore every word spoken, every line written, every act performed, that keeps the breath of life in slavery for a moment, is against the existence of democratic institutions, against the dignity of the toiling millions, against the liberty, the peace, the honor, the renown, and the life of the nation. In the lights of to-day that flash upon us from camp and battle-field, the loyal eye, heart, and brain of America sees and feels and realizes that the death of slavery is the life of the nation! The loyal voice of patriotism pronounces, in clear accents, that American slavery must die that the American Republic may live!

Mr. President, the imperishable records of the Republic will bear to future ages the amplest evidence that slavery has ever been hostile to the spirit of her free institutions. Planted in America by the commercial and colonial policy of the British empire, fostered by British legislation, protected by British kings and queens, lords, judges, and prelates, slavery, from the day it entered the harbor of Jamestown to the dawn of the Revolution, was an alien in America, an enemy to law and order, liberty and progress. The pages of our colonial history bear to us the amplest testimony that our fathers saw its malign influence, and protested against the slave trade and the slave-extending policy of the British Government. The bright pages of our history, upon which are recorded the heroic deeds of the men who accepted the bloody issues of civil war in defense of their periled liberties, and whose names are forever associated with national independence and constitutional Government, will transmit to all coming generations the glorious fact that the founders of the Republic believed slavery to be an evil—a moral, social, and political evil—that would pass away under the influence of the ideas and principles they had proclaimed.

But slavery, ever lawless, aggressive, seductive, glided into the illustrious assembly that proclaimed America independent, and there bade the men who were hurling defiance at the most powerful empire of the world erase from their immortal declaration the words Jefferson had traced, branding the African slave trade as an "execrable commerce," "a piratical warfare," "a cruel war against human nature itself." In the Continental Congress, when the exhausted and bleeding country needed soldiers to fight her battles, slavery raised its imperious voice, as it does in these days of peril, against arming black men and permitting them to fight and bleed for the Republic. Yes, when the heel of British power was on Carolina and Georgia, and the youthful and accomplished Laurens sought to summon bondmen to the defense of the struggling country, slavery was "the triple-headed monster that shed the baleful influence of avarice, prejudice, and pusillanimity in all our assemblies." Slavery came into the Convention of illustrious statesmen met to frame a Constitution for United America, and by the voice of the Pinckneys defiantly declared that "South Carolina could never receive the Constitution if it prohibits the slave trade;" and that assembly of immortal statesmen who had met unawed the power of the British empire were forced to permit the African slave trade to continue for twenty years longer, unchecked by national legislation, and to incorporate into the new Constitution a provision under color of which slave-masters could hunt their fleeing bondmen over fields once moistened with revolutionary blood.

Sir, under the new Constitution, framed to secure the blessings of liberty, slavery strode into the chambers of legislation, the halls of justice, the mansions of the Executive, and, with menaces in the one hand and bribes in the other, it awed the timid and seduced the weak. Marching on from conquest to conquest, crushing where it could not awe, seduce, or corrupt, slavery saw institutions of learning, benevolence, and religion, political organizations and public men, ay, and the people too, bend before it and acknowledge its iron rule. Seizing on the needed acquisitions of Louisiana and of Florida to extend its boundaries, consolidate its power, and enlarge its sway, slavery crossed the Mississippi and there established its barbarous dominion against the too feeble resistance of a not yet conquered people. Controlling absolutely the policy of the South, swaying the policy of the nation, impressing itself upon the legislation, the sentiments, and opinions of the North, slavery moved on to assured dominion. Under its aggressive advances emancipation societies, organized by the men of the revolutionary era in the first bright ardor of secured liberty, one by one disappeared; presses and churches forgot to remember those in bonds as bound with them, and recreant sons disowned the sentiments, opinions, and principles of a glorious ancestry. And slavery, in the pride of power, proclaimed itself in the Halls of Congress, through its apostles and champions, its Calhouns and McDuffies, "a positive good," "the only stable basis of republican institutions," "the corner-stone of the republican edifice."

But amid this general defection from the faith of the statesmen and heroes of the revolutionary age, a fearless and faithful few clung to the teachings of Washington and Franklin, Jefferson and Jay, and their illustrious compeers. Unawed by its power, unseduced by its blandishments, they opposed to the aggressions of slavery—ay, to slavery itself—a stern and unyielding resistance. They proclaimed emancipation to be the duty of the master and the right of the slave. To advance the cause of emancipation and to improve the condition of free people of color they avowed their readiness to use "all means sanctioned by law, humanity, and religion." Slavery marked and branded these heroic men as political and social outlaws; compelling them, in the words of John G. Whittier, "to hold property, liberty, and life itself at the mercy of lawless mobs." Slavery cast its malign influence over all the land, maddening the brain and firing the heart of a deluded people against the fearless few who opposed its aggressions and pitied its hapless victims. Passion—blind, unreasoning passion—ruled the hour. Cities were lighted by the sacked and burning dwellings of a proscribed and hated race. Churches, institutions of learning, and presses, were often forcibly closed or destroyed at the bidding of slavery by the lawless violence of "gentlemen of property and standing."

Slaves were held in the District of Columbia, and slave pens and the slave trade polluted and dishonored the national capital under the color of laws for which the people of America were responsible in the forum of nations and before the throne of Almighty God. Christian men and women, oppressed with the sin and shame, humbly petitioned Congress to relieve them from that sin and shame by making the national capital free. Slavery bade its tools—its Pattons, its Pinckneys, and its Athertons—violate the constitutional right of petition, and willing majorities hastened to register its decree. Slavery arraigned before the bar of the House of Representatives John Quincy Adams, the illustrious champion of the right of petition and the freedom of speech, and it expelled the fearless and faithful Giddings for the offense of daring to construe the Constitution of his country and interpret the law of nations. Slavery stepped upon the decks of Massachusetts ships in the harbor of Charleston, seized colored seamen, citizens of the Commonwealth, and con-

signed them to prisons, to be fined, to be lashed, and to be sold into perpetual bondage. Massachusetts, mindful of the rights of all her citizens, sent Samuel Hoar, one of her most honored sons, to test the constitutional rights of her imprisoned citizens in the judicial tribunals. Slavery cast him violently from South Carolina, and enacted that whoever should attempt to defend the rights of colored seamen in the courts of that Commonwealth should suffer the ignominy of imprisonment.

Slavery cast its devouring eye upon the broad, rich fields of Texas, and sent its pioneers to wrench them from the feeble grasp of the Mexican republic. By the pen of Calhoun, its great champion, slavery in the name of the nation demanded, in the face of Europe, the annexation of that slaveholding republic, to defeat ultimate emancipation there, and to tighten the fetters of the bondmen here. In obedience to the humiliating demand of slavery, Texas was forced into the Union by an unconstitutional joint resolution, and the nation plunged into a war with Mexico. When peace returned, it brought with it half a million square miles of free territory. The North, the humiliated North, timidly asked that this territory, made forever free by Mexican law, should be forever consecrated to freedom by national legislation; but slavery demanded the right to extend itself over these free Territories, and threatened the dismemberment of the Union if that claim was denied. California framed a constitution and asked admission as a free Commonwealth, but slavery resisted her admission with menaces of disunion and civil war. To appease slavery, a pliant Congress organized Utah and New Mexico, so that slave-masters could range over them with their fettered bondmen, gave fifty thousand square miles of the free soil of New Mexico to slaveholding Texas, and with them $10,000,000, and enacted the unconstitutional, inhuman, and unchristian fugitive slave act, that has dishonored and humiliated the nation before earth and heaven. Slavery then, in its hour of complete triumph, insolently demanded that the two great political parties, who had shrunk appalled before its menaces of disunion and civil war, who had betrayed the cause of freedom, humanity, and civilization in America, should now declare these its acts "finalities," and bid the people forever cease "agitation."

Having forced these parties to pronounce its legislation of 1850 a "finality in principle and substance," slavery strode like an imperial despot into these Chambers and demanded the repeal of the Missouri prohibition of the 6th of March, 1820, and a faithless Congress and a subservient Executive hastened to open half a million square miles, in the central regions of the Republic, consecrated forever to freedom and free labor, to the footsteps of the bondman. Northern freemen went to that magnificent Territory to found there the institutions of freedom. Slavery made its brutal tools invade Kansas, seize the ballot-box, elect a territorial Legislature, enact inhuman and unchristian laws, bathe the virgin soil of that beautiful region with the blood of civil war, frame a slave constitution by fraud, and force it upon a free people. Faithfully did the propagandists of slavery labor in Kansas and in Congress, and in the Executive Departments of the Government, to execute its decrees. They invaded the Territory, they usurped the government, they enacted slave statutes, they robbed and burned, they murdered brave men contending for their lawful rights. In Congress, the champions of slavery were hardly less brutal than in the wilds of distant Kansas. My colleague [Mr. SUMNER] portrayed the crimes of slavery against Kansas, and he was smitten down upon the floor of the Senate by "a brutal, murderous, and cowardly assault." The propagandists of slavery framed a slave constitution, sustained it by fraud and violence, and the weak and wicked Administration of James Buchanan, in obedience to the imperative demands of slavery, attempted to force it by corruption through Congress upon an unwilling people, but for the first time slavery was baffled, defeated, dishonored. Freemen triumphed; Kansas came into the Union radiant with liberty.

Sir, slavery saw its waning power; it saw, too, that its criminal victories of the past were but barren and fruitless triumphs that turned to ashes on the lip. It then wrung from the Supreme Court the Dred Scott decision, by which it hoped to control the vast Territories of the Republic, even against the will of the actual settlers. It bade the Legislature of New Mexico enact a slave code, and also a code for the enslavement of white laboring men. It sent Walker and his fillibusters to Central America to win slave territory. It sighed for Cuba, which it could not clutch. It mobbed, flogged, expelled, and sometimes murdered Christian men and women in the South for no offense against law, humanity, or religion. It maddened the southern brain and fired the southern heart. It turned large masses of the people of the South against the institutions and the people of the North, against the Constitution and the old flag of their country. It came into the Thirty-Sixth Congress threatening to dismember this Union of constellated Commonwealths if the people of America should elect a President opposed to its admission into the Territories. It rushed into the Democratic national convention, and, as the first step toward disunion, severed the Democratic party. It then went into the presidential election, seeking defeat, yet threatening the vengeance of disunion and civil war if defeated. Regardless, however, of its treasonable menaces, the people went to the ballot-boxes and made Abraham Lincoln President of the United States. Slavery instantly raised the banner of treason, dragged South Carolina with headlong haste into open rebellion, and forced other States swiftly to follow her example. Slavery organized conspiracies in the Cabinet, conspiracies in Congress, conspiracies in the States, conspiracies in the Army, conspiracies in the Navy, conspiracies everywhere for the overthrow of the Government and the disruption of the Republic. At the bidding of slavery the oft-vaunted southern confederacy, the dream of slaveholding traitors for thirty years, rose upon the recognized basis that bondage was the normal condition of all men of the African race. Slavery bade those of its champions who were in the service of the nation leave Cabinets and Senates, military posts and naval stations, for the service of the rebellion; and at the bidding of slavery, Floyd, its truest exponent, left the Cabinet when there seemed nothing more for him to steal; and Davis and Toombs, Slidell and Mason, Hunter and Benjamin, and their guilty compeers in treason, in solemn mockery left the Chambers of Congress when the plots, conspiracies, treacheries, and perjuries imposed upon them by the great architect of ruin seemed accomplished.

Sir, not content with seizing forts, arsenals, arms, and public property everywhere within the rebel States, slavery bade the frowning batteries menacing Sumter fire upon the Star of the West sailing under the protecting folds of the national flag, and freighted with bread for starving soldiers; and when that act of armed treason failed to arouse to action an insulted but patient and forbearing country, slavery bade those rebel batteries open their fire on Sumter and its few starving but heroic defenders; and those consuming batteries, in obedience to its command, hurled shot and shell upon that devoted fortress till the glorious old flag of united America came down, and the rebel banner waved over the smoking ruins. And thus slavery, after an aggressive warfare of two generations upon the vital and animating spirit of republican institutions, upon the cherished and hallowed sentiments of a free and Christian people, upon the enduring interests and lasting fame of the nation, organizes a treasonable conspiracy, raises the standard of revolt, and plunges the nation into a bloody contest for the preservation of its menaced life. To the full comprehension of every man in America whose heart, brain, and soul have not been poisoned by its seductive arts and malign influence slavery is the cause, the whole cause, of this foul, wicked, and bloody rebellion. Every loyal American whose reason is unclouded sees that slavery is the prolific mother of all these nameless woes—these sumless agonies of civil war. He sees that every loyal soldier upon the cot of sickness, of wounds, and of death, was laid there by slavery; that every wounded and maimed soldier hobbling along our streets was wounded and maimed by slavery; that the lowly grave of every loyal soldier fallen in defense of the country was dug by slavery; that mourning wives and sorrowing children were made widows and orphans by slavery. Before the tribunal of mankind of the present and of coming ages, before the bar of the ever-living God, the loyal heart of America holds slavery responsible for every dollar sacrificed, for every drop of blood shed, for every pang of toil, of agony, and of death, for every tear wrung from suffering or affection, in this godless rebellion now upon us. For these treasonable deeds, for these crimes against freedom, humanity, and the life of the nation, slavery should be doomed by the loyal people of America to a swift, utter, and ignominious annihilation.

But slavery, Mr. President, should not only be doomed to an ignominious death, to perish utterly from the face of the country, for the treasonable crime of levying war upon the Government, but the safety if not the existence of the nation demands its extermination. The experience of nearly three years of civil war has demonstrated to the full comprehension of every loyal and intelligent man in America that slavery is the motive-power, the heart and soul and brain of the rebellion. Slavery fills the hearts of the southern people with its sweltered venom, with its dark and malignant hatred of the free States, and with its bitter scorn and contempt for the toiling masses, for the policy that cares for their rights and interests, and for the institutions that improve and elevate them. Slavery instinctively feels that the achieved institutions of twenty million free people, their free speech, free presses, their political, moral, and religious convictions, their permanent interests, all forbid that its policy should continue to control the national Government. Slavery realizes, too, that every enduring element of the Constitution, every permanent principle of national policy and interest, is and must continue to be hostile to the ascendency of its principles and its policy. Slavery, hating, scorning, despising the toiling millions of the Republic, conscious that it cannot longer retain the permanent control of the national Government, consolidates the public opinion of the South against the people and Government, and fires southern ambition and interest with the idea of a splendid slaveholding empire, sitting on the shores of the Mexican Gulf, and extending its imperial sway over Cuba, Mexico, and Central America.

Sir, slavery not only fires the southern heart, brain, and soul, and nerves the southern arm in council-hall and on the battle-field with its malignant hate and bitter scorn of Yankee laborers and Yankee institutions, its lofty contempt for the principles and policy of freedom, its haughty defiance of the authority of the national Government, and its gorgeous visions of the future power of the southern confederacy, commanding the commerce of the world by its tropical productions and its millions of slaves, but it uses the bones and sinews of more than three millions of the bondmen of rebel masters in support of the rebellion. These slaves of rebel masters sow and reap, plant and gather the harvests that support rebel masters and feed rebel armies. By their ceaseless, unpaid toil, these millions of bondmen enable their traitorous masters and the poor white men of the rebel States to leave their fields and shops and rush to the battle-field to shed the blood of our loyal countrymen, of our neighbors and friends and brothers and sons. These bondmen throw up fortifications, dig trenches and rifle-pits, make roads and bridges, fell forests and build barracks, drive teams, and relieve in many ways the toil of rebel soldiers, thus making more efficient the rebel armies. It is as clear as the track of the sun across the heavens that these slaves of rebel masters are as efficient instruments for the overthrow of the authority of the Federal Government, for the dismemberment of the Republic, and the establishment of the rebel empire, as are rebel soldiers in camp or on battle-field. The spade and hoe of the slaves of rebels support the rifle and bayonet of rebel soldiers. Slavery is not only the motive-power, the heart and soul of the rebellion, but it is the arm also. Therefore the preservation of the life of the country, and the lives of our brave soldiers battling for national existence, as well as the just punishment of conspiracy and treason, demand that the loyal men of the Republic shall swear by Him who liveth evermore that slavery in America shall die.

Not only the punishment of its appalling crimes, not only the lives of our countrymen and the preservation of the life of the nation, demand the utter extermination of slavery, but the future repose of the country also demands it. Slavery has

poisoned the very fountains of existence in the South; it has entered into the blood and bone and marrow and the soul of our southern countrymen. It has filled their bosoms with bitter, fierce, unreasoning hate toward their countrymen of the North, and the institutions, the Government, and the flag of their country. So long as slavery shall live, it will infuse its deadly and fatal poison into the southern brain, heart, and soul. Then let slavery die a felon's death, and sink into a traitor's grave, amid the curses of a loyal nation. Then, when slavery shall sleep the sleep that knows no waking, in the grave of dishonor and infamy, reason will assume its mild sway again over our now maddened, poisoned, and intoxicated countrymen of the South. Take the maddening cup from the trembling hand of the drunkard, who, in his wild delirium, hates the mother who bore him, the wife of his bosom, and the children of his love, and that drunkard will be a man again, and love, cherish, and protect the mother, wife, and children he would smite down in his madness. Smite down slavery, strike the fetters from the limbs of its hapless victims, and slave-masters will become loyal again, ready to pour out their blood for the Government they now hate and the country they now assail. They will recur to the recollections of the early days of the Republic with gratitude and patriotic pride, they will look forward with undoubting confidence in the future of their country. Their hearts will again throb with kindly regard for their countrymen of the North, and they will hail once more the beneficent institutions of a united country. The old flag, under which the men of the North and of the South fought and bled, side by side, on land and wave, will again be an object of affection and pride; its stars, now obscured to their vision, will gleam again with brighter luster and more radiant beauty.

Sir, would we, then, punish the foul conspirator, the lawless traitor, the giant criminal, that organized this conspiracy, inaugurated this civil war, and murdered our sons; would we preserve our country one and indivisible; would we secure for our countrymen, our institutions, our country, and our Government future repose and affection, let us crush out and utterly exterminate slavery in America. Surely the needs of the country, the pressing exigencies of passing events teach this as our first and highest duty. Surely the far-seeing intelligence of loyal patriotism is rising to the full comprehension of this duty to an endangered country, to the present and future ages. Surely the Congress of the United States and the Chief Magistrate of the Republic should come to the realization of this transcendent duty.

When slavery, in the spring of 1861, stained the land with the blood of civil war, the President, by proclamation, summoned the Thirty-Seventh Congress to meet on the 4th of July, and at noon on that day Congress assembled, to enter upon the mighty task imposed upon it by the national perils. Vacant chairs in both Chambers vividly impressed upon the mind the gigantic proportions of the rebellion, and the fearful magnitude of the impending struggle, and inspired the soul with something of awe in the presence of events so transcendent. Few of the chiefs of slavery were present to dominate, seduce, or corrupt. The clear-headed, practical, dominating Davis; the erratic, reckless, blustering Toombs; the accomplished, timid, cautious Hunter; the eloquent, polished, insincere Benjamin; the pretentious, pompous Mason; the bold, adroit, unscrupulous Slidell; the dark, cold, bitter Clay; the genial, courteous, fanatical Brown, and their compeers in conspiracy, sedition, and treason, plotted their foul, dark, and infernal work no longer in the Capitol of the nation. But Breckinridge, the chosen chief of incipient treason, not less guilty than his absent compeers in crime, was present to cavil and to criticise, denounce the acts of loyal patriotism, ere he slunk away to strike at the heart of the country that had trusted and honored him. The chair of Douglas was vacant; life-long opponents gazed sadly upon it, for they gratefully remembered that the closing hours of his crowded life were given to patriotism, to adjuring his devoted followers to cling to the Union, and crush the rebellion with the iron hand of war. Andrew Johnson, baffling the assassins of the Union in Tennessee, was present to cheer and to animate by bold and patriotic counsels.

Sir, seldom in the history of nations have statesmen been called to the performance of higher duties than were the men who were summoned by the Administration they had placed in power to legislate for a land rent and torn by discord and stained by fraternal blood. They entered with brave hearts and resolved spirits upon the great work imposed upon them with unsurpassed devotion and tireless industry. The Administration asked for four hundred thousand men and $400,000,000, and Congress promptly gave it five hundred thousand men and $500,000,000. The Army and Navy were increased, and laws enacted for the organization and government of the military and naval forces, and for supplying the Government with the needed means to carry on the war, whose gigantic proportions startled and amazed the world.

Statesmen of the majority in both Houses of Congress clearly saw that slavery was not only the cause and motive-power of the rebellion, but that the ceaseless toil of its millions of enforced victims enabled treason to fill the ranks, feed and pay its armies. They would quickly strike at the vitals of the insurrection by confiscating the property of leading rebels, and freeing the slaves of all rebel masters; but prudence demanded that they should yield, at least for a time, to the counsels of the cautious and the fears of the timid. Slaves were used by rebel armies to erect fortifications, dig trenches and rifle-pits; but it was not until after the defeat of Bull Run that a majority could be obtained in Congress to enact that such slaves should be declared free. The timid and the cautious feared that Union men in the border States would be alarmed by the emancipation of the slaves used to construct works, behind which rebel legions might hurl shot and shell into the bared bosoms of our devoted sons, battling for their country under the old flag. But this measure, denounced by the traitor Breckinridge as "the first of a series of acts loosing all bonds," became the law of the land.

Sir, as the rebellion developed its gigantic proportions, as the rebel confederacy manifested its great military power, the loyal masses, whose instincts outrun the deductions of statesmen, did not fail to see that slavery was the vital and impelling force of the rebellion, and that it should be crippled by the exercise of all the constitutional and war powers of the Government, so they hailed and welcomed the proclamation of John C. Frémont.

Congress assembled in December, 1861, instructed by the events of the war, and assured by the sentiments of the people. Measures of transcendent magnitude pressed for consideration, and to the consideration of these measures Congress addressed itself with an industry never surpassed —no, never equaled by any Congress in the history of the Republic. Important measures concerning the Army and Navy were passed, a great system of internal taxation was devised, and the revenue laws revised. The Pacific railroad bill was enacted, and that beneficent measure, the homestead bill, was made the law of the land. Other measures for the defense, protection, and interests of the country, hardly less important, were matured and enacted; but the crowning glory of the Thirty-Seventh Congress was its comprehensive, far-reaching legislation against slavery, the declared enemy of the country, and the common enemy of the race. For two generations slavery had polluted the national capital, under the sanction of the nation. On the day Congress reassembled, three thousand men, women, and children, fettered by the people of this Republic, as they held up their manacled hands, could see the stars and stripes wave over the Capitol. Congress, by decisive majorities in both Houses, struck the shackles from the limbs of these three thousand bondmen, and made the capital of the nation free for evermore. Slavery, sunk to madness, muttered maledictions, painted the miseries of freedom, drew vivid pictures of the horrors of San Domingo, and predicted anarchy and strife; but the enfranchised bondmen assembled in the churches of the living God, and offered up the thanks of a grateful people for the priceless boon of personal freedom.

The fifteen thousand persons of African descent in the District of Columbia were subjected to inhuman and oppressive laws and ordinances. Congress enacted that they should be tried for the same offenses in the same manner and be subjected to the same punishment as were white persons. The free colored people of the District were compelled to pay taxes for the support of schools from which their children were excluded, and Congress authorized them to establish schools, and to pay their own money for the support of their own schools.

Slavery demanded the right to enter and range over the Territories unchecked by national legislation or local law. It bade the legislators of New Mexico enact a barbarous slave code, and also a degrading code for the oppression of white laboring men; but those legislators hastened to repeal those dishonoring codes, when the nation put its heel upon the neck of the slave power in the autumn of 1860. On every rood of the vast territory of the United States, the Thirty-Seventh Congress has written, Slavery shall be prohibited forever and forever. The irrepealable decree has gone forth that evermore those prairies and forests and mines, with their illimitable resources to be developed for mankind, are consecrated to freedom and free institutions for all, chains and fetters for none.

Slavery, unmindful of the commercial interests of the country, although the commercial interests of the country have been too often mindful of the interests of slavery, persistently refused for two generations to acknowledge the independence of Hayti, but the Thirty-Seventh Congress by large majorities acknowledged the independence of Hayti and Liberia. For many years the African slave-traders carried on their inhuman and accursed traffic under the protecting folds of the American flag, but slavery saw neither inhumanity nor dishonor in this degrading prostitution of the emblem of our national sovereignty. The Administration early negotiated a treaty with the British Government for the more effectual suppression of that loathsome traffic, by the mutual recognition of the right of visitation and of search on the coasts of Africa, and the Senate of the United States, no longer controlled by the oligarchs, ratified that treaty, and the Thirty-Seventh Congress enacted the needed legislation to carry it into full effect. In spite of all persuasive influences and noisy clamors the President of the United States permitted the violated laws to be enforced upon a slave pirate in the city of New York, by which he died a felon's death and left a felon's name.

Officers in the military service often dishonored that service by surrendering persons claimed as fugitive slaves, who sought protection and service under the flag of the country. Sometimes persons claimed as fugitive slaves were given up to rebel claimants and inhumanly tortured. Our encampments were sometimes searched by traitor masters, weaponed for violence, and humane officers were sometimes arrested and punished for refusing to stain their souls with the crime of surrendering to rebel masters escaped slaves, who were ever ready to serve their country with a noble fidelity—a fidelity now acknowledged by William H. Seward in these apt and ever-to-be-remembered words:

"EVERYWHERE THE AMERICAN GENERAL RECEIVES HIS MOST USEFUL AND RELIABLE INFORMATION FROM THE NEGRO, *who hails his coming as the harbinger of freedom.*"

The Thirty-Seventh Congress enacted by decisive majorities a new article of war for the government of all our armies, that persons claimed as fugitive slaves shall not be surrendered by persons engaged in the military or naval service on pain of being dismissed from that service.

Sir, the Thirty-Seventh Congress declared in the confiscation act that no slave escaping into any State, Territory, or the District of Columbia, should be delivered up or deprived of his liberty in any way except for some offense against the laws, unless the person claiming said fugitive shall make oath that he has not been in arms against the United States, nor given aid and comfort to the rebellion in any way; and that no persons in the military or naval service shall assume to decide upon the validity of any claim to fugitive slaves, nor surrender any such persons to the claimant, on pain of being dismissed from the service. By the ninth section of that act, the Thirty-Seventh Congress provided that all slaves of persons in rebellion against the Government of the United States escaping and taking refuge within the lines of the Army, or captured from such persons or

deserted by them, should be deemed captures of war and should be forever free. By this sweeping act the Thirty-Seventh Congress decreed that freedom should follow the advancing flag of the Republic wherever our armies should march in the rebel States.

The President was authorized by the Thirty-Seventh Congress to receive into the military service of the United States the slaves of rebel masters, and the slaves so accepted for military purposes, their mothers, their wives, and their children if held in servitude by rebel masters were made free forever. This series of acts of the Thirty-Seventh Congress "loosing," in the words of John C. Breckinridge, "all bonds," though resisted, misrepresented, and maligned will be sanctioned by the approval of the present and of coming ages, by that patriotism that embraces the permanent and lasting interests of United America, by that humanity that cares for the poor and lowly, by that religion that recognizes in the humblest of the children of men a being made in the image of God for whom Christ mounted the cross. The act giving a gratuity of $1,000,000 to the loyal slave-masters of the District of Columbia, and the vote pledging the nation to aid emancipation in the loyal States, will stand forever as evidences of the moderation, the justice, and the self-sacrificing spirit of the statesmen who carried through Congress this series of humane, Christian, and patriotic measures.

Sir, on the 22d of September, 1862, the President of the United States called the attention of all persons engaged in the military and naval service to these humane, wise, and comprehensive provisions of the laws of Congress, and he "enjoined and ordered" them to "observe, obey, and enforce them," and those title-deeds to freedom were thereafter to be enforced in the land of the rebellion by the glittering bayonets of a million men.

But the President of the United States, on the 22d of September, 1862, startled and thrilled the nations by that immortal proclamation that announced "that on the 1st day of January, in the year of our Lord 1863, all persons held as slaves within any State, or in any designated part of a State, the people whereof shall be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom." On the 1st day of January, 1863, the President of the United States, "invoking the considerate judgment of mankind and the gracious favor of Almighty God," redeemed this solemn pledge of the 22d of September, which the recording angel had registered. On that day the irreversible decree was sent forth to master and slave, to earth and heaven. By this exercise of the war powers of the Government all persons held as slaves in any State or part thereof in rebellion were declared to be "then, thenceforward, and forever free," and the Executive, the military and naval authorities were pledged to recognize and maintain the freedom of such persons. This complete, absolute, and final decree of emancipation in rebel States, born of military necessity, proclaimed by the Commander-in-Chief of the Army and Navy, is the settled and irrepealable law of the Republic, to be observed, obeyed, and enforced, by Army and Navy, and by the irreversible voice of the nation.

The enforcement of this proclamation will give peace and order, freedom and unity, to a now distracted country; the failure to enforce it will bring with it discord and anarchy, a dissevered Union and a broken nation. The issues are clearly and distinctly drawn by this proclamation between law and order and freedom and a united nation on the one hand, and anarchy and discord and slavery and a shivered and dishonored Union on the other. Freedom, humanity, and religion, the unerring voice of patriotism, pronounces all attempts to defeat the enforcement of this proclamation decreeing the freedom of all slaves in rebel States as unpatriotic, as criminal, ay, as treasonable, too, as were the efforts to defeat the final establishment of the Declaration of the 4th of July, 1776. The men who sought to defeat the consummation of that "proclamation of the universal emancipation of man from the thralldom of man" sank into obscure and dishonored graves under the blasting and withering fires of outraged patriotism. The fires of patriotism burn as brightly now as in earlier days, and the men "who," in the words of a gallant soldier, "emerge from their gloom as the shadows fall upon their country," the men who prate of the constitutional rights of slavery, treason, and crime, should remember the fate of the "skulking neutrals" and the sticklers for "rightful authority" in 1776 ere joining in giving aid and comfort to the traitor chiefs. Patriotism instinctively indorses this proclamation of emancipation; treason in every fiber of its being strives with bloody hands to throttle it. In the fiery and bloody struggles through which this proclamation has passed, struggles that have stirred this nation to its profoundest depths, patriotism will mark and brand the men who care more for the safety of the slaves of rebel masters than for the blood of brave men fighting the battles of the endangered country, more for the perpetuity of slavery in rebellion than for the unity and the perpetuity of the Republic.

Sir, eighteen eventful months have passed since the policy of emancipation in the rebel States was announced to the doubting nations. Met on its announcement by the vehement resistance of mighty interests, assailed by passion and prejudice, misunderstood by timidity and ignorance, that transcendent measure, sanctioned alike by liberty, humanity, and patriotism, has fought its way till it has won for our country doubting friends, conquered the country's enemies in the Old World, and laid low the vaunted power of its assailants in the New. It has lifted up the bloody civil war in America from what European statesmen were wont to characterize as "a mere struggle for power on the one hand, and independence on the other," to a holy war for liberty, humanity, and civilization against the rebel slavemongers, fighting to perpetuate in Christian America a vulgar, brutal, and loathsome barbarism. This proclamation of emancipation, sent forth by the President in the name of the menaced nation, by elevating the struggle in which we are engaged, is fast winning for our country the active sympathies of humanity the wide world over.

Since emancipation in the rebel States was proclaimed as the settled policy of the Republic, the huge, horrid, and ghastly system of human slavery in republican and Christian America, that in the pride and arrogance of its power mocked and jeered at the claims of toiling millions, scoffed at and derided the higher law, and defied the authority of the country, is hastening to its inglorious end, to the grave of dishonor that knows no resurrection. Its worshipers, who were swift to come to its support before they were called, and to run on its errands before they were sent, are slinking away from it in this its hour of bitter humiliation, or hastening to announce, in accents of anguish, that the idol of their worship is dethroned, fallen, dead forevermore.

Sir, slavery in the loyal States is hastening to its fall. Delaware sends to the House of Representatives an immediate emancipationist as the exponent of her sentiments and opinions that ere long will be embodied in a decree of liberty. Maryland has summoned a convention to smite the fetters from the limbs of her bondmen, and to place her in the list of free Commonwealths. West Virginia, carved out of the ancient dominion, begins her career by a deed of gradual emancipation. Missouri proclaims a system of gradual emancipation, which her interests and advancing public sentiment alike demand shall be transformed into a system of immediate and unconditional abolition. Kentucky alone, among the loyal States, bears the banners of slavery proudly and defiantly Spared by the tender mercy of the President of the United States, slavery there vauntingly proclaims its power, and assumes to control the destinies of that Commonwealth. But the inexorable logic of events, the advancing sentiments of her people, the efforts of many of her noblest sons, will rescue "the dark and bloody ground" from the domination of slavemasters, and the opprobrium of continuing to be what she now is, the slave-pen of loyal America, into which slavemongers run slaves from the States where slavery is perishing, and where men made free by the President's proclamation in rebel States are often arrested and imprisoned in shameless defiance of Federal authority. Tennessee, excepted by the President in his proclamation of emancipation, is, under the lead of Andrew Johnson, ripening for immediate and unconditional emancipation. Arkansas accepts the proclamation and prohibits slavery forever in her organic law. Louisiana elects a State administration pledged by her Governor in his inaugural address to the "universal and immediate extinction of slavery as a public and private blessing," to base the regenerated State on a "devotion to the Union, on a love of liberty to all men, and on a spirit of justice and humanity"—to put her constitution in harmony with the proclamation of freedom. The government of Virginia recognized by the Congress of the United States, by an amendment to her organic law decrees immediate emancipation, and Federal bayonets will enforce that decree in that ancient Commonwealth, where repose the ashes of Washington and Henry, Jefferson and Madison, Mason and Marshall, and other champions of emancipation in her better days. Congress, not by the consent of the loyal States or loyal masters, but by the will and power of the nation, makes free at once and forever every slave who enlists into the military service. The Attorney General pronounces the black man, who was said to have no rights that white men were bound to respect, a citizen of the United States. The Secretary of State gives the black man the passport of citizenship, which in every quarter of the globe is evidence that the bearer is a citizen of the North American Republic. The Secretary of War commissions a black man to be a surgeon in the military service of the United States, and the President organizes a hundred and twenty regiments, of eighty thousand black men, who are bearing upon their flashing bayonets the unity of the Republic, and the destinies of their race.

Sir, slavery in America, though upheld by interests, customs, and usages, trenched about by inhuman statutes, and hedged around by passionate, vehement, and unreasoning prejudices, is fast crumbling to atoms beneath the blows rained upon it by a liberty-loving and patriotic people. But let anti-slavery men listen to no truce, to no compromise, to no cry for mercy. Let them now be as inflexible as justice, as inexorable as destiny. Whenever and wherever a blow can be dealt at the vitals of the retreating fiend, let that blow be struck in the name of the bleeding nation, and of the "dumb, toiling millions bound and sold." A truce with slavery is a defeat for the nation. A compromise with slavery is a present of disaster and dishonor and a future of anarchy and blood. Mercy to slavery is a crime against liberty. The death of slavery is the annihilation of the rebellion, the unity of the Republic, the life of the nation, the harmonious development of republican institutions, the repose, culture, and renown of the people.

Though riven and shattered by the storms of the stupendous civil war it inaugurated, slavery still battles for existence with the reckless audacity of that desperation which sees with clear vision its impending doom. Though waning in power, slavery still retains in its grasp vast masses of men in the loyal States, ready to do its bidding, and presents in its defense a rampart of three hundred thousand gleaming bayonets. Those masses must be won over to the gathering hosts of freedom, or utterly routed, and that rampart of glittering steel must go down before the advancing legions of the Republic, ere slavery sinks into the grave that knows no resurrection.

Sir, let not the anti-slavery men of this age forget that the founders of the Republic believed slavery would wither and die beneath the blended rays of the Christian and democratic institutions they founded. Let them not forget that slavery was then a mendicant, pleading for forbearance and mercy, for a little time to hide itself from the gaze of that humanity it outraged and dishonored. Let them remember how it eluded and deceived our fathers, and from a feeble mendicant became the master of the Government and the people, until it consummated its crimes by the inauguration of the revolution to blot the North American Republic from the muster-roll of nations. Let them remember that masses of our countrymen have been, and still are, its pliant instruments, ever swift to execute its decrees; at its bidding to trample upon the sacred right of petition; to arraign John Quincy Adams before the bar of the representatives of the people;

to expel Joshua R. Giddings; to annex slaveholding Texas for the extension and perpetuation of its power; to open the free territory won from Mexico to its blistering footsteps; to enact an inhuman fugitive slave law; to repeal the Missouri prohibition of slavery north and west of 36° 30'; to invade the territory of Kansas, seize the ballot-boxes, elect a Legislature, enact black codes, murder free State men for no offense, frame a Lecompton constitution, and attempt to force it upon an unwilling people by executive power and corruption; to promulgate the Dred Scott decision; to demand the incorporation into the Constitution of the recognition and protection of slavery south of 36° 30'; the right to carry slaves in transit into, through, and over free States; the denial of the right to make the national capital free without the consent of slaveholding Virginia—the denial of the right of citizenship and of suffrage to colored men in the free States, and a pledge to expend the treasures of the nation in colonizing free colored men at the will of slavemasters. Let them remember, too, that hundreds of thousands of our countrymen in loyal States, since slavery raised the banners of insurrection, and sent death, wounds, sickness and sorrow into the homes of the people, have resisted, and still continue to resist, any measure for the defense of the nation, if that measure tended to impair the vital and animating powers of slavery. They resisted the act making free the slaves used by rebels for military purposes; the confiscation of rebel property and the freedom of the slaves of rebel masters; the abolition of slavery in the capital of the nation, and the consecration of the Territories to free labor and free laboring men; the proclamation of emancipation; the enlistment of colored men to fight the battles of the country; the freedom of the black soldier, who is fighting, bleeding, dying for the country, and the freedom of his wife and children. And, now, when war has for nearly three years menaced the life of the nation, bathed the land in blood, and filled two hundred thousand graves with our slain sons, these men of the loyal States still cling to the falling fortunes of the relentless and unappeasable enemy of their country and its democratic institutions. They mourn, and will not be comforted, over the expiring system, in the border slave States, and in tones of indignation or of anguish they utter lamentations over the proclamation of emancipation and the policy that is bringing rebel States back again, radiant with freedom.

The past with its crowded memories of the development and power, corruptions and crimes of slavery, the present with its lessons to be read by every eye, all demand that the anti-slavery men of united America should seize the first, the last, and every occasion to trample down and stamp out every vestige of slavery. Let them swear it, write it upon the lids of their Bibles, engrave it upon their door-posts, and proclaim it in the face of earth and of heaven, that the barbarous, treasonable, man-dishonoring, and God-defying system of human slavery in America shall perish utterly from the face of the Republic; that its supporters, apologists, and sympathizers shall never more guide the councils or wear the honors of the emancipated, disinthralled, and regenerated nation.

Engraving on every rood of the vast territories of the Republic, on the magnificent forests and prairies, valleys and mountains in the central regions of the continent in letters of light, "Slavery shall be forever prohibited," obliterating slavery and annulling the slave code in the capital of the nation, decreeing under the war powers more than three million bondmen in the rebel States "thenceforward and forever free," proclaiming the emancipation of the slave by the fiat of the nation the instant he writes his name on the muster-roll of the defenders of the Republic, has riven and shivered the slave system into broken and dismembered fragments; and that huge and ghastly system now lies prostrate in the convulsive throes of dissolution. National legislation, executive action, judicial decision may still further wound and weaken, degrade and humiliate the now impotent system that once in the pride of power gave law to republican America. The hideous fugitive slave act still blackens the statutes of this Christian land, reminding us of the degradation and humiliation of our country when the heel of that master was on its neck. Justice and humanity, self-respect and decency, all demand that the lingering infamy shall be obliterated from the page it blackens. The decree of emancipation, too, should be enforced and sanctioned by measures of legislation; the colored soldiers who are fighting our battles with unsurpassed devotion and heroic courage should be entitled by law to receive the pay and emoluments of other soldiers of the Republic, and their wives and children should be made free by act of Congress, and placed under the protective care of the country for which their husbands and fathers are periling liberty and life on battle-fields in spite of that merciless ban of the rebel leaders which denies to them the rights and usages of civilized warfare.

But, sir, the crowning act in this series of acts for the restriction and extinction of slavery in America is this proposed amendment to the Constitution prohibiting the existence of slavery forevermore in the Republic of the United States. If this amendment shall be incorporated by the will of the nation into the Constitution of the United States, it will obliterate the last lingering vestiges of the slave system; its chattelizing, degrading, and bloody codes; its dark, malignant, barbarizing spirit; all it was and is, everything connected with it or pertaining to it, from the face of the nation it has scarred with moral desolation, from the bosom of the country it has reddened with the blood and strewn with the graves of patriotism. The incorporation of this amendment into the organic law of the nation will make impossible forevermore the reappearing of the discarded slave system, and the returning of the despotism of the slavemasters' domination.

Then, sir, when this amendment to the Constitution shall be consummated the shackle will fall from the limbs of the hapless bondman, and the lash drop from the weary hand of the taskmaster. Then the sharp cry of the agonizing hearts of severed families will cease to vex the weary ear of the nation, and to pierce the ear of Him whose judgments are now avenging the wrongs of centuries. Then the slave mart, pen, and auction-block, with their clanking fetters for human limbs, will disappear from the land they have brutalized, and the school-house will rise to enlighten the darkened intellect of a race imbruted by long years of enforced ignorance. Then the sacred rights of human nature, the hallowed family relations of husband and wife, parent and child, will be protected by the guardian spirit of that law which makes sacred alike the proud homes and lowly cabins of freedom. Then the scarred earth, blighted by the sweat and tears of bondage, will bloom again under the quickening culture of rewarded toil. Then the wronged victim of the slave system, the poor white man, the sand-hiller, the clay-eater of the wasted fields of Carolina, impoverished, debased, dishonored by the system that makes toil a badge of disgrace, and the instruction of the brain and soul of man a crime, will lift his abashed forehead to the skies and begin to run the race of improvement, progress, and elevation. Then the nation, "regenerated and disinthralled by the genius of universal emancipation," will run the career of development, power, and glory, quickened, animated, and guided by the spirit of the Christian democracy that "pulls not the highest down, but lifts the lowest up."

Our country is now floating on the stormy waves of civil war. Darkness lowers and tempests threaten. The waves are rising and foaming and breaking around us and over us with ingulfing fury. But amid the thick gloom, the star of duty casts its clear radiance over the dark and troubled waters, making luminous our pathway. Our duty is as plain to the clear vision of intelligent patriotism as though it were written in letters of light on the bending arches of the skies. That duty is, with every conception of the brain, every throb of the heart, every aspiration of the soul, by thought, by word, and by deed to feel, to think, to speak, to act so as to obliterate the last vestiges of slavery in America, subjugate rebel slavemasters to the authority of the nation, hold up the weary arm of our struggling Government, crowd with heroic manhood the ranks of our armies that are bearing the destinies of the country on the points of their glittering bayonets, and thus forever blast the last hope of the rebel chiefs. Then the waning star of the rebellion will go down in eternal night, and the star of peace ascend the heavens, casting its mild radiance over fields now darkened by the storms of this fratricidal war. Then, when "the war drums throb no longer and the battle-flags are furled," our absent sons, with the laurels of victory on their brows, will come back to gladden our households and fill the vacant chairs around our hearthstones. Then the star of United America, now obscured, will reappear, radiant with splendor on the forehead of the skies, to illume the pathway and gladden the heart of struggling humanity.

Mr. DAVIS obtained the floor.

Mr. TRUMBULL. I presume the Senator from Kentucky does not desire to go on to-night, and if not I will move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 28, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Saturday last was read and approved.

LEAVE OF ABSENCE TO MEMBERS.

Mr. STUART. I ask leave of absence for two weeks from to-day for Mr. WADSWORTH, of Kentucky, and Mr. WEBSTER, of Maryland.

There being no objection, the leave of absence was granted.

CONTESTED ELECTION.

The SPEAKER laid before the House additional papers in the contested-election case from New Mexico, of José M. Gallegos *vs.* Fransisco Perea; which were referred to the Committee of Elections.

The SPEAKER then proceeded, as the regular order of business, to call the States for bills on leave to be referred and not brought back by motions to reconsider, commencing with the State of Maine.

DAVID H. BLUNK, AND OTHERS.

Mr. DUMONT introduced a bill for the relief of David H. Blunk, Polly Dufour, widow of John Francis Dufour, and William Hall, of the county of Switzerland, State of Indiana, for boats and lading sunk, burnt, and destroyed by the naval forces of the United States to prevent General John Morgan from using the same in carrying his forces across the Ohio river at Vevay, Indiana; which was read a first and second time, and referred to the Committee of Claims.

On motion of Mr. DUMONT, the proof in support of each claim was also referred to the same committee.

PAY OF FIELD OFFICERS.

Mr. MORRISON introduced a bill for the payment to field officers of regiments for the time actually employed in organizing their respective regiments; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT OF THE CONSTITUTION.

Mr. NORTON introduced a joint resolution proposing an amendment of the Constitution; which was read a first and second time, and referred to the Committee on the Judiciary.

SALARIES OF ASSISTANT SECRETARIES.

Mr. HUBBARD, of Iowa, introduced a bill fixing the salaries of the Assistant Secretaries of the several Departments, and of the First and Second Assistant Postmaster General; which was read a first and second time, and referred to the Committee of Ways and Means.

MEMORIALS FROM WASHINGTON TERRITORY.

Mr. COLE, of Washington, presented the following papers from the Legislative Assembly of that Territory; which were severally referred as indicated below, and ordered to be printed:

Memorial praying Congress for aid in the construction of a railroad from Wallula to Fort Walla-Walla, Washington Territory—to the Committee on Military Affairs.

Joint memorial and resolutions in relation to a road from Lewiston to the head of Bitter Root valley—to the Committee on Roads and Canals.

Memorial relative to a military road from Fort Steilacoom to Fort Bellingham—to the Committee on Military Affairs.

Memorial praying for the establishment of a semi-monthly mail service, by steamer, between San Francisco and Port Townsend, Puget sound—to the Committee on the Post Office and Post Roads.

Memorial relative to an appropriation of lands to the Nisqually Road Company—to the Committee on Roads and Canals.

Memorial praying for an appropriation for the erection of fortifications at the mouth of the narrows at Point Defiance and Gig Harbor at the points reserved by the Government for that purpose—to the Committee of Ways and Means.

Joint resolution relative to an amendment to the organic act of Washington Territory—to the Committee on Territories.

SIXTH STREET WEST.

Mr. STEELE, of New York, introduced a bill authorizing the opening of Sixth street west; which was read a first and second time, and referred to the Committee for the District of Columbia.

ADDRESS BY HON. GEORGE THOMPSON.

Mr. ASHLEY submitted the following resolution, and demanded the previous question on its adoption:

Resolved, That the use of this Hall be granted to the Washington Lecture Association on Wednesday evening, the 6th of April, at which time an address will be delivered by Hon. George Thompson, late a member of the British Parliament, the proceeds of which, after payment of expenses, to be distributed among the families of the District volunteers.

Mr. HOLMAN. I move that the resolution be laid upon the table.

Mr. ASHLEY. I ask to have a letter read.

Mr. HOLMAN. I withdraw the motion to lay upon the table, if the gentleman proposes to let the resolution be debated.

The SPEAKER. If debate arise, the resolution must go over.

Mr. ASHLEY. I want it acted upon to-day. I insist upon my demand for the previous question.

Mr. BROWN, of Wisconsin. Let me make a statement relative to this and other applications which I have from the Doorkeeper.

Mr. ASHLEY. I object.

Mr. ANCONA demanded the yeas and nays on the motion to lay upon the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 37, nays 59; as follows:

YEAS—Messrs. James C. Allen, Ancona, Baily, Augustus C. Baldwin, Brandegee, Brooks, James S. Brown, Clay, Cravens, Eldridge, Ganson, Grider, Griswold, Hale, Hall, Harding, Harrington, Herrick, Holman, Law, Marcy, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Rogers, James S. Rollins, Scott, John B. Steele, William G. Steele, Sweat, Thomas, Webster, Wheeler, and Winfield—37.

NAYS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Francis P. Blair, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Freeman Clarke, Cole, Thomas T. Davis, Deming, Dixon, Driggs, Dumont, Eckley, Eliot, Garfield, Gooch, Grinnell, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, McBride, Moorhead, Morrill, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Smithers, Spalding, Stevens, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Wilson, and Windom—59.

So the House refused to lay the resolution upon the table.

The previous question was seconded, and the main question ordered.

Mr. GRINNELL. Is this not for the purpose of furnishing the soldiers of the District with money?

Mr. HOLMAN. Yes, sir; and a lecture by a man who set the ball of disunion in motion, and occasioned all this bloodshed which now devastates the country. I demand the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 64, nays 39; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Thomas T. Davis, Deming, Dixon, Driggs, Dumont, Eckley, Eliot, Farnsworth, Garfield, Gooch, Grinnell, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, McBride, McClurg, Moorhead, Morrill, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Smithers, Spalding, Stevens, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, and Wilson—64.

NAYS—Messrs. James C. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, Brandegee, Brooks, James S. Brown, Chanler, Clay, Cravens, Eldridge, Ganson, Grider, Hall, Harding, Herrick, Holman, Knapp, Law, Marcy, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Pruyn, Samuel J. Randall, Rogers, James S. Rollins, Scott, John B. Steele, William G. Steele, Stuart, Sweat, Thomas, Webster, Wheeler, and Winfield—39.

So the resolution was agreed to.

During the call of the roll,

Mr. ANCONA stated that Mr. COFFROTH was detained from the House by the severe sickness of his wife, in Philadelphia.

Mr. HOLMAN stated that Mr. STILES was paired off with Mr. MARVIN.

Mr. ASHLEY moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SERVICES BY STATE TROOPS.

Mr. GARFIELD introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to furnish this House with any information in his possession in reference to the claims of States for the payment for services rendered by State troops to the General Government at any time during the present war, stating the character of such services and the amount of the claims.

CADETS AT WEST POINT.

Mr. GARFIELD, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to furnish this House with any reports or other information in his possession in relation to a plan for competitive examinations for admittance of cadets to the Military Academy at West Point.

COURTS-MARTIAL, ETC.

Mr. PENDLETON introduced the following resolution, upon which he demanded the previous question:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any legislation is necessary to give the civil courts power to revise and annul the proceedings of courts-martial and military commissions in cases in which they have exceeded their jurisdiction, in order more effectually to secure the right of trial by jury to all persons not in the land or naval forces or in the militia when in actual service in time of war or public danger.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the resolution was agreed to.

Mr. PENDLETON moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (H. R. No. 312) to increase the pension of revolutionary pensioners now on the roll of the Pension Office, with an amendment; in which the concurrence of the House was requested.

AMENDMENTS TO THE CONSTITUTION.

Mr. STEVENS offered the following resolution, and upon it demanded the previous question:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following articles be proposed to the several States as amendments to the Constitution of the United States:

ARTICLE 1. Slavery and involuntary servitude, except for the punishment of crimes whereof the party shall have been duly convicted, is forever prohibited in the United States and all its Territories.

ART. 2. So much of article four, section two, as refers to the delivery up of persons held to service or labor escaping into another State is annulled.

Mr. HOLMAN. Does the gentleman propose to put the resolution on its passage now?

The SPEAKER. The Chair is not aware. He demands the previous question.

Mr. HOLMAN. I move to lay the resolution on the table.

The SPEAKER. If the gentleman objects to the resolution, the first question is, "Shall this joint resolution be rejected?" this being the first reading.

Mr. ALLEY. Is it in order to move a division of the resolution?

The SPEAKER. The Chair thinks not. This is not in the nature of a simple resolution which is divisible. It is in the nature of a bill, and the Chair knows no way in which a bill can be divided.

The previous question was seconded, and the main question was ordered to be put.

Mr. ANCONA. I demand the yeas and nays upon the motion to lay on the table.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 38, nays 69; as follows:

YEAS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, Chanler, Clay, Cravens, Eldridge, English, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Knapp, Law, Marcy, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Pruyn, Samuel J. Randall, Rogers, James S. Rollins, Ross, Scott, John B Steele, William G. Steele, Sweat, Winfield, and Yeaman—38.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Broomall, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Deming, Dixon, Driggs, Dumont, Eckley, Eliot, Frank, Garfield, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Jenckes, Kasson, Kelley, Francis W. Kellogg, Longyear, McBride, McClurg, Moorhead, Morrill, Norton, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Smithers, Spalding, Stevens, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Webster, Whaley, Wilson, and Windom—69.

So the House refused to lay the resolution on the table.

During the roll-call,

Mr. A. MYERS stated that upon this question he was paired with Mr. LAZEAR, else he should have voted "no."

Mr. O'NEILL, of Pennsylvania, stated that his colleague, Mr. L. MYERS, was still detained from the House by sickness in his family, and was paired with Mr. MILLER, of Pennsylvania.

Mr. STUART stated that he was paired with Mr. THAYER, or he would have voted "ay."

The result of the vote was announced as above recorded.

Mr. HOLMAN. I rise to a question of order. I made the point of order that upon this motion, there not being two thirds of the vote against the rejection of this bill, it does in fact amount to its rejection under the Constitution.

The SPEAKER. The Chair overrules the point of order. The point of order might be good upon the passage of the resolution, but not previously. The Constitution says that Congress, whenever two thirds of both Houses deem it necessary, shall propose amendments to the Constitution. That question must be determined on the passage of the joint resolution.

Mr. STEVENS. I beg leave to modify the resolution by withdrawing the second article.

The SPEAKER. The Chair thinks the gentleman cannot do that except upon amendment after the joint resolution shall have been read the second time.

Mr. STEVENS. Is the previous question exhausted?

The SPEAKER. It is upon the question of rejection.

The joint resolution then received its second reading.

The SPEAKER. The resolution is now open to amendment, commitment, or engrossment.

Mr. STEVENS. I move to strike out the second article.

The question was put; and there were—ayes 60, noes 5.

The SPEAKER ordered tellers, and appointed Messrs. BROOKS, and ROLLINS of New Hampshire, to act as tellers.

The House divided, and for some time no quorum voted.

The SPEAKER. The rule requiring members present to vote is imperative. The Clerk will read it.

The Clerk read the rule, as follows:

"31. Every member who shall be in the House when the question is put shall give his vote, unless the House shall excuse him."

The SPEAKER. The House will see that the language of the rule is imperative; that members in the House shall vote unless they have been previously excused by the House. The Chair can only appeal to members to obey the rules which they require him to carry out.

The division was then completed; and the tellers reported—ayes 72, noes 26.

So the amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. HAY, his Private Secretary, informed the House that he had approved and signed an act (H. R. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims.

ENROLLED BILLS SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 34) in favor of the legal representatives of Israel C. Wait; and

An act (S. No. 105) for the relief of E. F. and Samuel A. Wood.

AMENDMENTS TO THE CONSTITUTION—AGAIN.

Mr. STEVENS. I now demand the previous question on the joint resolution.

Mr. ELDRIDGE. I move that the House do now adjourn.

Mr. PENDLETON. I demand the yeas and nays on that motion.

Mr. WASHBURNE, of Illinois, addressed the Chair.

The SPEAKER. The Chair can scarcely recognize the gentleman while there is a motion pending to adjourn.

Mr. ELDRIDGE. The only reason why I made the motion to adjourn is because gentlemen opposite are attempting to amend the Constitution of the United States under the previous question. [Cries of "Order!" "Order!"]

The SPEAKER. If the gentleman insists on his motion the Chair cannot recognize any gentleman.

Mr. ELDRIDGE. If gentlemen do not intend to press this question to-day I will cheerfully withdraw my motion. [Cries of "Order!" "Order!"]

The SPEAKER. The Chair will state that it is the understanding that the death of a member will be announced to-day, as soon as the previous question is seconded; and that no further vote will be taken on this question to-day.

Mr. ELDRIDGE. I object to the previous question being seconded, and that is the reason why I move to adjourn.

The yeas and nays were ordered.

Mr. WASHBURNE, of Illinois. I ask the gentleman from Pennsylvania to withdraw the demand for the previous question.

Mr. ELDRIDGE. I will withdraw the motion to adjourn if the gentleman will withdraw the previous question.

Mr. STEVENS. I have entered the motion, but I do not ask that a vote shall be taken on it now.

The SPEAKER. The Chair will state that it is the understanding that the gentleman from Illinois [Mr. WASHBURNE] is going to move an adjournment as soon as speeches have been made, and this will come up as unfinished business to-morrow morning.

Mr. ELDRIDGE. If the gentleman will withdraw the motion for the previous question, I will withdraw the motion to adjourn.

Mr. STEVENS. I do not ask any vote on the previous question to-day.

The SPEAKER. The Chair will state that this question will come up anyhow immediately after the Journal is read to-morrow, whether the previous question is moved or not, and the gentleman from Pennsylvania [Mr. STEVENS] will be entitled to the floor.

Mr. STEVENS. In that view of the case, I withdraw the motion for the previous question.

Mr. ELDRIDGE. Then I withdraw the motion to adjourn.

DEATH OF HON. OWEN LOVEJOY.

Mr. WASHBURNE, of Illinois. Mr. Speaker, it becomes my duty to announce to the House of Representatives the death of Hon. OWEN LOVEJOY, a Representative in the Congress of the United States from the State of Illinois. Mr. LOVEJOY expired in the city of Brooklyn, New York, on Friday evening last, March 25, 1864. A man of an iron constitution, he had always enjoyed the most robust health until a short time before the expiration of the last Congress. He was then stricken down by a sudden and severe illness, which detained him at the capital for some time after the Congress had expired. Returning to his home, he partially regained his health during the last summer and autumn. Taking his seat in Congress at the commencement of the session, in the hopeful and buoyant feelings of his nature he flattered himself with the idea of health recovered and energies regained, but there was something in his altered look which, even to the unpracticed eye, told of disease and death, creating in the minds of his friends the gravest apprehensions. During the holidays, in response to the pressing invitations of his friends, he visited Portland, Maine, and delivered a public address on the great events which are now challenging the attention of the country and of the world. It was his last effort at public speaking, and it was worthy of his name and his fame in his palmiest days, and the news of his death will reach that delighted auditory before the accents of his eloquent utterances will have died away.

Coming back to Washington after the recess of Congress, he soon had a return of the disease which had prostrated him nearly a year before. After several weeks' confinement to his room and to his bed, he had so far recovered as to believe himself able to partially resume his duties in this House. He attended our sittings a short time for several days, but his eye had lost its brightness, and the unwonted and ghastly pallor of his cheek told, alas! but too plainly, that death had already marked him as its early victim. Stimulated by the stirring events of the passing hour, the important legislation of Congress, and the claims of a constituency whose interests he had never neglected or betrayed, and whose convictions he had never misrepresented, the effort he made to resume his duty among us was too much for him. A partial relapse was the consequence, and then it was determined that he should, for a time, leave the excitement of the capital and visit a more southern and a more genial climate, in the hope that his shattered and broken health might yet be restored. He left here for New York city some ten days ago, but the trip thither was too hard for him to bear, and he was unable to pursue his journey further. From that time he became rapidly worse until he expired at the time I have stated. Though dying away from his own beloved home, he was yet surrounded not only by kind and sympathizing friends, but by members of his own family, and the pangs of his parting life were assuaged by the affection and the care of a devoted wife.

Mr. LOVEJOY was born at Albion, in the State of Maine, on the 7th day of January, 1811, and was consequently, at the time of his death, a little over fifty-three years of age. The son of a Congregational clergyman in a country town, his early life was devoted to labor upon a farm and to the acquisition of such an education as he could obtain at a New England "district school." He entered Bowdoin College at the age of twenty-one years, and remained there for three years, and then entered upon the pursuit of theological studies. He removed to Illinois in 1836. In 1839 he was ordained as pastor of the Congregational church at Princeton, in that State, and remained its pastor nearly seventeen years. It was his only charge, and he there proclaimed, according to his own statement, the "everlasting evangel of the fatherhood of God, the sonship of Christ, and the brotherhood of man." His first entrance into political life was in 1854, when he was elected a member of the lower house of the Illinois Legislative Assembly. In 1856 he was first elected to Congress for the then third congressional district of Illinois, and he was twice reelected from that district. In the redistricting of the State in 1861, he was again elected to the present Congress from the fifth district, having thus been elected four times, and having served for a longer period, with four exceptions, than any man ever elected from that State. This great fact speaks, in unmistakable language, of the hold which he had upon the confidence and affections of his constituents.

Mr. Speaker, OWEN LOVEJOY was no common man. In saying that in his death a great man has fallen, I speak it in no common or hackneyed sense, for he was great. He was great in the leading idea of his life; great in his convictions; great in the elements of his character; great in his eloquence; great in his courage; and great in his abiding and ever-living faith in the ultimate triumph of the eternal principles of right, justice, and humanity. No man who has succeeded in stamping his ideas and his principles, as he has, with the impress of indelibility, upon the minds and hearts of men, could be an ordinary man. Early impressed with convictions in regard to the subject of American slavery, he followed those convictions with unswerving fidelity, in the face of danger, of obloquy, and reproach. His natural abhorrence of slavery was quickened by the tragic fate of a beloved brother, who fell a victim to his opposition to that institution, and who illustrated his principles by his blood, shed by a lawless mob. In the advancement of this great idea of his life Mr. LOVEJOY toiled with an earnestness and zeal which were "without variableness or shadow of turning;" and in the pursuit of his great object it could truly have been said of him—

"No dangers daunted and no labors tired."

The heated denunciations of partisans, the ridicule and clamor of the vulgar, and the threats of the cowardly and the base, failed alike to turn him from that great purpose of his life, which, like the

"Pontic sea, knew no retiring ebb,"

and which purpose he pursued with unfaltering devotion to the last moment of his earthly existence. If he did not live to see the end of that stupendous struggle which was to establish the great problem which he had spent his life in working out, like Moses he saw the promised land, bright and beautiful, as the last object upon which his expiring eyes fell.

I cannot, Mr. Speaker, dwell at length upon the striking incidents of the life of my late colleague, nor shall the partiality of a long and uninterrupted personal and political friendship lead me to trespass too long upon the time of the House. But serving with him for three full Congresses in this House, I should be recreant to my own sense of what is due to truth and justice did I not bear my testimony to the distinguished ability and the great usefulness with which he served his constituents, his State, and the country, as a Representative in the American Congress. As a legislator he was wise, intelligent, practical, vigilant, independent, and, above all, incorruptible. He was devoted to every duty to his country and to his constituents. Wherever there was any principle involved, he was as firm and unyielding as the hills of his own native State. Yet, in all matters of mere policy, involving no surrender of principle, there was no man more ready or more willing to yield to the suggestions of others. It is perhaps the case that where men have been devoted to a particular idea, they are generally impracticable in all other matters, but it was not so with our late associate. He was eminently a practical man, and a man of great common sense, a good judge of human nature, and familiar with the workings of the human heart.

I have spoken of the deceased as a public man, but who shall speak of the virtues which adorned his private life? Who shall speak of him as husband, father, friend, neighbor, citizen? He was so genial in his intercourse, of a sympathy so quick and ready, so kind, affectionate, and generous, that there seemed combined in him all these qualities which challenged the love and admiration of those who best knew him, and which disarmed the resentment of enemies, and endeared him to the hearts of friends. Upon the immediate family of our late colleague has this blow fallen with crushing force. No words of human sympathy or condolence can stanch the wounds of bleeding affection, and it is alone to Him who "tempers the wind to the shorn lamb" that the appeal must be made.

Mr. Speaker, the proceedings of this House as published in the congressional annals for the last six years will furnish an undying record of the services and labors of the distinguished man whose loss the country so deeply deplores. Serving during a part of the most interesting and turbulent periods of our congressional history, he was one of the most active participants in those scenes in the House which, to the student of history, were the precursors of that terrible civil commotion which has since drenched our land in blood and made the civilized world to stand aghast. I might call to your recollection, Mr. Speaker, and to the recollection of those members of this House who were members of the Thirty-Sixth Congress, that extraordinary scene in the House of the 5th of April, 1860, and which has scarcely a parallel in the history of any deliberative assembly in the

world. It was on that occasion that he displayed that undaunted courage and matchless bearing which extorted the admiration of even his most deadly foes. But I need not recount to you, sir, the many other occasions during your service when he has electrified the House by his outbursts of eloquence. With a mind well stored with classic learning, with a vigorous and enlightened understanding, with a fine personal presence, he was one of the greatest of orators, while yet he scorned the ordinary artifices of eloquence. His was the eloquence of Mirabeau, which in the Tiers Etat and in the National Assembly made to totter the throne of France; it was the eloquence of Danton, who made all France to tremble from his tempestuous utterances in the National Convention. Like those apostles of the French Revolution, his eloquence could stir from the lowest depths all the passions of man; but, unlike them, he was as good and as pure as he was eloquent and brave, a noble-minded Christian man, a lover of the whole human race and of universal liberty regulated by law. While from this tribune he spoke to the nation, and left upon it the impress of his principles and his convictions and of his master mind, the theater of his greatest triumphs as an orator was on the stump and before the masses of the people. It was in his own State, where he was known the best and heard the oftenest, that he achieved his greatest distinction as an orator. In the presence of the people he was invincible. Whatever might have been effected against him by political or personal prejudice, whenever he reached the popular ear all was scattered as if by a whirlwind. But he has left us in the pride of his manhood, and in the fullness of his intellectual vigor—gone almost at the moment when he expected to see accomplished the great work to which he had devoted his life. He expressed that expectation in his great speech of April 5, 1860, by a quotation from the speech of Mr. Webster on the subject of the threatened interposition of Russia to snatch Kossuth from the protection of Turkey for the purpose of sacrificing him on the altar of despotism; and I will close with that quotation:

"Gentlemen, there is something on earth greater than arbitrary or despotic power. The lightning has its power, and the whirlwind has its power, and the earthquake has its power, but there is something among men more capable of shaking despotic thrones than lightning, whirlwind, or earthquake, and that is the excited and aroused indignation of the whole civilized world.

"'The Avon to the Severn runs;
The Severn to the sea;
And Wickliffe's dust shall spread abroad
Wide as the waters be.'"

Mr. Speaker, I submit the following resolutions:

Resolved, That this House has heard with profound sorrow the announcement of the death of Hon. OWEN LOVEJOY, a member of this House from the fifth congressional district of the State of Illinois.

Resolved, That this House tenders to the widow and relatives of the deceased the expression of its deep sympathy in this afflicting bereavement.

Resolved, That the Clerk of this House communicate to the widow of the deceased a copy of these resolutions.

Resolved, That the Speaker appoint a committee of three to escort the remains of the deceased to the place designated by his friends for his interment.

Resolved, That, as an additional mark of respect for the memory of the deceased, the members of this House will wear the usual badge of mourning on the left arm for thirty days.

Resolved, That a copy of these resolutions be communicated to the Senate; and, as a further mark of respect, that this House do now adjourn.

Mr. J. C. ALLEN. Mr. Speaker, I rise to second the resolutions of my colleague. In the death of OWEN LOVEJOY we have another evidence of the uncertainty of life. How impressive is the sentence, that man "cometh forth like a flower, and is cut down; he fleeth also as a shadow, and continueth not." Well may we say that "in the midst of life we are in death."

Of the private character of the deceased I cannot speak. Of the years that he spent as a citizen of my own State, and of his struggles, I cannot speak, for my acquaintance with him dates from his first appearance in this Hall as a member of this House. I have known him from that time as a fearless and bold advocate of his opinions, not stopping at any time to inquire whether they were popular or otherwise, but constantly pressing on to the accomplishment of those purposes which he thought would best subserve the interests of his country and his race. In many of those opinions I differed from him, and yet I am glad to be able to say that notwithstanding these differences, at times, even, when the excitement on these questions became most fearful, his conduct toward me was always kind. In our official and personal intercourse nothing ever occurred to disturb our personal friendship toward each other.

Mr. LOVEJOY, as is known by all his acquaintances, was a vigorous thinker, and adhered to his views and opinions with great tenacity, convincing us of the sincerity of his convictions. He was a man of extensive information, of scholarly acquirements. Without high forensic powers, he was always formidable in debate, either in the forum or before his fellow-citizens. When his health permitted him, he was assiduous in the discharge of all his public duties. He was seldom found absent from his post. The district which enjoyed him as their Representative will necessarily in that regard feel deeply his loss.

But, alas! in middle life, in the fullness of his mental and physical powers, disease came and laid its hand upon him, and his robust constitution sank beneath its power. When he last appeared in his seat in this Hall he was but the shadow of his former self. The last time I met him on this floor, and expressed the hope that returning health and vigor would soon enable him again to participate actively in the business of the House as a Representative, I remember his answer; it was, "I have been very near to the portals of death and eternity; I feel that I must soon enter there." And he looked as though he was expecting and was prepared to meet the messenger on the pale horse.

He has passed from these Halls. His seat is now vacant. The place which has known him shall know him no more forever. Let us learn from his death how uncertain is the tenure by which we hold our own lives, and how trifling become earthly honors and earthly powers when they are brought face to face with death. May we by this dispensation be induced to heed that solemn warning, "Be ye also ready."

Mr. STEVENS. Mr. Speaker, a few words shall suffice for me, for the deceased filled so large a space in the public eye that nothing which can be said here can give the House or the people any better idea of his character and principles.

So clear was his perception and so forcible his diction that no hearer could misunderstand his meaning.

He had a ripe education, and was well versed in classic and modern literature.

Educated for the pulpit, his scriptural knowledge, judiciously used, gave force and elevation to his argument.

While he took a deep interest in everything that affected the public welfare, his whole heart and soul were alive to the great cause of human freedom.

He was not afraid to defend the rights of the injured and oppressed of every race, in this House, nor ashamed to unite with them in worship and kneel at the same altar.

The change to him is great gain. The only regret we can feel is that he did not live to see the salvation of his country; to see peace and Union restored, and universal emancipation given to his native land. But such are the ways of Providence. Moses was not permitted to enter the promised land with those he had led out of bondage; he beheld it from afar off, and slept with his fathers.

If his hatred of slavery sometimes seemed too intense, it must be remembered that in early life he saw a beloved brother murdered by the northern minions of that infamous institution. No wonder that it deepened his detestation of it, and gave unwonted vigor to his anathemas.

We are permitted to linger yet a little while in this land of error and of pain, while he is called to join the assembled throng of "just men made perfect."

The deceased has left among the archives of his country the most solid testimonials of his virtue and courage. He needs no perishable monument of brass or marble to perpetuate his name. So long as the English language shall be spoken or deciphered, so long as liberty shall have a worshiper, his name will be known.

Moses was buried in the land of the stranger, and "no man knoweth of his sepulcher unto this day," but his name is immortal.

Mr. FARNSWORTH. Mr. Speaker, it is now nearly twenty years since I first became acquainted with OWEN LOVEJOY. At that time there were gathered together in a little church, in the town where I still reside, a few friends of freedom. They came from different parts of a large district, embracing nearly the whole northeastern quarter of the State of Illinois, for the purpose of taking counsel together and determining what action duty demanded of them toward their country and toward the slave. Texas had then recently been annexed, and the slave power thereby largely augmented. This it was there and then prophesied would prove a Pandora's box from which would spring all manner of ills to the country. There were not many at that convention, yet it embraced nearly *all* of the professed "anti-slavery" or "liberty" men in many of the towns and counties of that district. At that meeting a "liberty party" was organized, and OWEN LOVEJOY was nominated as our candidate for Congress. It was there I first met him; since then we have been friends; as all, I think, have been who formed that little band of brothers. It seemed a foolish thing to the masses and a very absurd thing to the politicians of that day thus to cut loose from the great political parties, without the faintest hope of electing or even getting votes enough to make the poll respectable; and many were the jeers of derision at the party and its candidate. Indeed, it seemed a forlorn hope—

"Forlorn, forlorn,
Bearing the scorn
Of the meanest of mankind."

To "canvass" and "stump" the district was the custom of the country, and expected of the candidates, and, though it required much nerve to face the mobs, all over that large district was the clarion voice of LOVEJOY heard; by his electrifying and earnest eloquence conquering, if not the convictions of the people, at least their respect and admiration. He had caught an inspiration from the eloquent wounds of a martyred brother murdered by the accursed spirit of slavery; and over his mangled corpse had registered a covenant with his God of eternal hostility to that fell demon; and from that day to the hour of his death steadfastly and well has he "kept the faith." Nobly and valiantly has he "fought the good fight." No sturdier blows have been struck than his, and no more eloquent voice, I may truly say, has been heard the nation over in arousing the people to a sense of the cruel injustice and evil effects of slavery; and yet never, from the time we met in the little church to his expiring breath, did he teach the violation of a single provision or word of the Constitution of his country.

As a public speaker the deceased had no superior. Possessing in a most remarkable degree that electric power which brings an audience into harmony and sympathy with the speaker, with his fine and self-possessed presence, his clear, ringing voice, his distinct but earnest utterances, his vivid and fascinating imagery, and, above all, that manner which shows the soul of the speaker in his words, he held his hearers spell-bound, or moved them at his will.

He was a bold man; brave in the sense of true heroism. This is an age and a nation of brave men; but it is not every man who faces the cannon, the Minie, or the charge, that is truly brave. Pride may keep him up—he may be afraid to be a coward.

My deceased colleague was never afraid to do right, to espouse the side of the despised, to face the hissing, jeering world, to make "himself of no reputation," as did his Master, for truth's sake.

On one occasion, indicted by a grand jury for giving food and raiment to a poor woman who came, footsore and starving, to his door, on her weary way from a land of chains to a land of freedom, he faced court, jury, bar, and witnesses, and against their statutes and their special pleading beat them with the righteousness of his act.

At another time he faced an armed and threatening mob who had seized and bound a man whose only crime was a dark skin, cut his fetters and "let the oppressed go free," while the mob, awe-struck by his presence and determined manner, slunk away in silence.

He had faith in truth, and never doubted its

final triumph. He believed, as a poet phrases it, that

"Never a truth has been destroyed;
You may curse it and call it crime,
Pervert and betray, and slander and slay
Its teachers for a time;
But the truth shall triumph at the last
As round and round we run,
And ever the wrong shall be proved to be wrong,
And ever shall justice be done."

We entered this House together six years ago, and he continued a member of it until his decease. During the four years in which I was a member with him our districts were adjoining, and well do I know that never did a constituency have fuller confidence in or love a member more than his. As a legislator he was ever attentive to the wants and interests of his constituents, while he never lost sight of the great and paramount interests of the whole country.

In a struggle such as this nation is now engaged in none need be told how LOVEJOY would stand. For such as he there could be but the one course: faithful, determined, energetic support of the cause of freedom and the Union. And there he was. It is a pity he could not have lived to see the termination of this struggle and the final end of that great curse which was and is the cause of it. But, thank God, he did live to see his faith adopted by the popular heart, and to witness the death-throes of the institution he had so long and nobly battled. Well has he avenged the murder of the martyred brother, who may have watched and waited for this meeting.

But, Mr. Speaker, I arose not to give a biography of my deceased colleague, only to pay a brief tribute to his memory.

It is said that all men have their faults as well as virtues; that he may have had them is doubtless true, but his virtues so much more abounded and so o'ertopped his faults that they were seldom seen or mentioned. An affectionate and devoted husband, a kind and indulgent father, a good neighbor, an exemplary and consistent Christian minister, a lover and practicer of justice, and a friend of the weak and oppressed.

The poor at his door were never turned empty away; the quivering fugitive from the lash of a cruel overseer was fed and clothed by him, pointed to the *north star*, and sent "on his way rejoicing."

May it not be said to his good spirit, Come, ye blessed of my Father; for I was hungry, and ye gave me meat; thirsty, and ye gave me drink; naked, and ye clothed me; sick and in prison, and ye came unto me; for inasmuch as ye did it unto one of the least of these, ye did it unto me?

Mr. PENDLETON. Mr. Speaker, after friends and relatives have strewed with fresh-blown flowers the new-made and still open grave, it is permitted to acquaintances and even to strangers to approach the narrow tenement where lies wrapped in the cold embrace of death the human form, lately all instinct with the impulses of vigorous life. It is a custom which has grown up in tender consideration of our frail humanity. It enables the living to pay a silent and therefore honest tribute to the qualities of the departed. It enables the dead at the last hour of their stay on earth, even though unconsciously, to do that which might well consummate the perfect work of a useful life: to point the living to that grave to which we are all hastening. So now, sir, after these friends have strewn this bier with roses, made fragrant by their affections, I, comparatively a stranger, approach this mystery of death to pay my tribute and to receive my admonition. I have served with Mr. LOVEJOY since he first entered Congress. I never met him off this floor; I never met him in social life. I differed radically with all of his opinions on public affairs. I cannot speak of his personal qualities; I cannot follow him into the circle of his friends; I cannot follow him into the more sacred circle of domestic life. Sir, I knew him upon the arena of this floor; and here I knew him well. I had seen him in all the vicissitudes of political life; I had seen him when his party upon this floor was in a great minority, and he the leader of the smallest section of that party. I had seen him when parties were so nearly equally divided that after two months' stormy struggle we were unable to elect a Speaker; and I saw him afterwards, when his party was largely in the majority, and where he, with a few active friends, led the van in exploring those pathways which his party was destined so soon to tread.

He was a prompt and ready debater. He was an active and vigorous thinker. He was a brave and bold apostle of the faith which he held. What he said he thought; what he thought he seemed to believe in the innermost recesses of his soul. What he believed he uttered, and what he uttered he was prepared at all times to defend, with all the powers that God had given him. He seemed to be overcome by the strength of his convictions. He was too intense to be always fair; he was too ardent to be always just; he was too thoroughly convinced of his own opinions to be always correct; but it was the very strength of his convictions which made him self-reliant and self-confident; and it was his entire self-reliance which made him always logical in his positions; always candid, frank, outspoken in their expression, and bold, determined, zealous, and constant in their defense.

Sir, this is the tribute which I would lay upon this bier. We saw him in the early portion of this session apparently with the prospect of a long life; soon we heard that he was upon a bed of sickness; then we saw what I think has never been seen before in this House: an absent member, sick upon his bed, sent his argument on a question of pending legislation, which by the consent of the House was read from the Clerk's desk.

A little while more, and we saw him upon the floor of this House, convalescing, as many hoped, to a long and vigorous life. And still a little while, and we are called to follow him to the dark and silent tomb. Sir, let us do it so thoughtfully, so solemnly, so reverently, that even in this din of life, in the secret recesses of the heart of each one of us may be heard the echoes of the voice of his disembodied spirit, as it comes to us through the portals of the eternal world, "Be ye also ready: for in such an hour as ye think not, the Son of man cometh."

Mr. PIKE. Mr. Speaker, there are moments when we are arrested by the stern grasp of the thought that, in the purposes of the Almighty, man is as nothing. The earnest worker, the brave fighter, the strong thinker in the ripeness of his years and the fullness of his powers, is stricken upon the field of his labor where his work seems but half done. He departs and the earth knows him no more, but the work of God goes on.

We take satisfaction from this thought as we pause beside this open grave, and, missing our friend and brother, look back to see what he has done to link his life with ideas that are eternal, how he wrought his life-work, how he endured its burdens, how brave he was, how cheerful, how hopeful when the skies were dark and the tempest threatened, and how firmly and calmly he met the shock when the supreme moment came and anarchy made its dagger-thrust at the nation's life.

I speak of this who from my boyhood knew him well. OWEN LOVEJOY was a native of Maine; born, reared almost within the shadow of those mountains where a stern granite face looking out from the cliff, immovable amid the rage of the elements, unchanged by the changing seasons or the sweep of years, seems like Heaven's impress set upon New England character. The stock he came of had met the dangers of the wilderness and of war. They could take firm hold of an idea. They could govern their lives by a conviction. They could *die* for a faith. No wonder, then, this man, with his large heart and busy brain, his strength of will and energy of purpose, when he left New England for his western home at once took rank among the men of influence who swayed the minds of other men and were looked to as the exponents of their thought and feeling. The sympathy and interest of his native State followed him to that home not very remote from the spot where his brother's life had been sacrificed in vindicating free speech and a free press. Those he left behind looked to see what he would do. If any man could fear and falter and temporize in upholding an unpopular cause, certainly he might after so terrible an example of what the dominant power could do. But he did neither. Going to Illinois to preach, he never forgot to denounce the great crime of the nation, and that without stint. No doubt his words had a large influence in producing the change of public sentiment which called him from the pulpit to the halls of legislation.

It was the beginning of the time of transition. The seed which had been sown in obscure places, and had grown almost unknown, was beginning to put forth fruit for the harvest. Not only conscience and religion were protesting against the wrongs of slavery, but an enlightened common sense was teaching the people that in denying the rights of others they were losing their own. The encroachments of the slave power became menacing, and Mr. LOVEJOY was the champion sent from his district to the Thirty-Fifth Congress to protest and oppose. How well he did both you know; and the multitudes that mourn him to-day through the length and breadth of the loyal States do not need that I should tell. By word and deed, by keen wit and sharp logic, by eloquent pathos and most scathing denunciation he made his presence felt here as few have been felt, and sent his words like a trumpet-blast to stir the hearts of those outside these walls. And he was singularly happy that beginning amid so much opposition and contempt he lived to see the monstrous wrong against which he had vowed ceaseless warfare humbled and wounded to death.

I think it must have been worth years of common life to stand in this Hall as he did on the memorable occasion referred to by his colleague, [Mr. WASHBURNE,] after having repeatedly endured the insults and felt the oppression exercised against those who battled for freedom and the right of free speech; to stand here, with the consciousness of power, and say as he said to those who vainly attempted to silence him, "You shall hear me. I will speak. I stand here to say what I have to say about the great crime of the nation. I will not yield the floor." Those who saw the determined face, the compact, erect form, and the uplifted hand, motionless for five minutes amid the turmoil of opposing voice, well knew the earnestness of the declaration and the stern will that underlay it.

That strength of will might sometimes make him seem impracticable, but it was governed by honest purposes and a high sense of duty and balanced by a sensitive nature full of noble impulses.

He was no mere theorist laying the burdens of charity on other men's shoulders. His kindness of heart never wearied of the obligations imposed by the position he occupied. Philanthropists are said to become chilled and soured in their struggle to reform mankind, but he kept his warm sympathies and his genial nature through all the discouragements of the past and the perplexities of these ill-jointed times. This and his quick perceptions and keen zest of mirth made him a delightful companion for social hours, while his firm faith in God enabled him to speak words of cheer to sustain the despondent and sorrowing. Bitterly, painfully must his loss be felt in the home he has left and the circle of those nearest to him. The benedictions that cluster round his lifeless form, the thrill of grief that ran through many hearts in many homes when the news of his death came, are the best tribute to the memory of a good man gone to his reward—of a brave man who fought the battle of life well, and won a victor's crown.

Sir, his place is henceforth amid the glorious activities of other spheres, but the sacred work to which he devoted himself is still unfinished. The burden he has laid down other hands must take up.

"Brothers and comrades, on you it is falling,
On you the proud voice of your country is calling,
While the lot of the balance is trembling on high."

Mr. NORTON. Mr. Speaker, it is not my purpose to occupy more than a moment or two of the brief space allotted to these mournful proceedings. To what has been so fittingly and so feelingly said by those who have preceded me I cannot hope to add anything. Yet I cannot allow the occasion to pass without offering a brief tribute to the memory of my distinguished colleague.

"Death," it is said, Mr. Speaker, "loves a shining mark;" and if this be so, surely his insatiate cravings have been fully gratified in the instance before us. OWEN LOVEJOY was no common man. In the State of his adoption he had built up a reputation in the hearts of the people which will be cherished long after his ashes shall have moldered back to their mother earth. There

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, MARCH 31, 1864. NEW SERIES.... No. 84

has been mourning, and there will continue to be mourning, throughout the length and breadth of that great Commonwealth, as the news reaches the people in their distant homes that this, one of her favorite sons, has fallen a victim to death.

In this Hall he is mourned to-day by the members of this body, without distinction of party, as one of the most distinguished and most beloved of our number.

His reputation as a public speaker of great power was known and acknowledged throughout the whole country, and his death will be regarded as a public loss.

In this Hall, in his own State, and wherever he was known, he was regarded as a strong man.

He was possessed of a clear and manly intellect, a vigorous understanding, a vivid imagination, and great command of language. These had been strengthened by long culture. He had an almost intuitive knowledge of the avenues to the human heart. His love of justice was strong, and he had the courage to avow and maintain it under all circumstances and at all hazards. It was these qualities, combined with a ready humor and a commanding presence, that gave him such great power before a popular audience. Others may have surpassed him in argument, they may have been more logical, more learned, more accurate, but when the great heart of the people was to be moved, when their passions were to be aroused, Mr. LOVEJOY was found to move among them with the tread of a master. Wherever he spoke the crowd was sure to be found. His greatest efforts have been made in favor of the poor and the down-trodden slave, and for the destruction of that terrible system of wrong and oppression which lies at the foundation of all our perils. And he lived long enough to see that his cherished hopes are to be realized, at no distant day, throughout the country which he loved so well.

Mr. LOVEJOY was an intensely loyal man. From the commencement of hostilities to the hour of his death his energies were devoted with all the strength of his abilities and with an undeviating assiduity to the crushing out of the rebellion, and to the restoration of the supremacy of the Constitution and the laws over every State and Territory of the Union. Surely such a record is worth living for.

In the social circle Mr. LOVEJOY was ever welcome. Frank, generous, genial, full of wit and humor, he could always "set the table in a roar," and spread a glow of kindly feeling wherever he moved.

But he is gone! "The places that once knew him will know him no more forever." "The silver cord is loosed, the golden bowl is broken, the pitcher is broken at the fountain, the wheel is broken at the cistern. He has gone to his long home, and the mourners go about the streets. The dust shall return to the earth as it was; and the spirit shall return unto God who gave it." His seat is vacant; his robust and manly form lies stark and motionless in its narrow house. The eye is dim, the ear is deaf, the tongue is silent, and the heart is still. And this is all that is left to us of OWEN LOVEJOY.

Mr. Speaker, death to most men is ever an unwelcome visitor. To the aged, worn out with infirmities and cares and troubles; to the sick and the wounded, writhing under agonies from which there is no hope of relief; to the unfortunate, from whose hearts all hope has been crushed out, death may sometimes be hailed as a deliverer, as the harbinger of rest. But to the man in the full vigor of mind and body, in the very midst of his hopes, his plans, and his labors, he must be unwelcome.

So it was with Mr. LOVEJOY. He was in the midst of his career, with his hopes, his plans, his aspirations only half accomplished. His iron constitution, his robust health, his great physical strength gave him the right, to all human view, to believe that he had a fairer chance for long life than most of his associates. Death seemed to come to him at an unwelcome moment.

Mr. Speaker, this mournful event speaks in no uncertain language to us. His seat is vacant to-day: whose will be vacant to-morrow? This was *his* turn: on whose shoulder will death fix his icy finger next? You and I, sir, are here to-day: where shall we be to-morrow?

Mr. Speaker, we mourn not for our departed brother "as those without hope." Mr. LOVEJOY was a Christian. He had chosen that better part that shall not be taken away from him, neither in this life nor the life to come. We trust he had cherished the hope and the faith which he had so long preached to others, and that that hope and that faith were his solace in his passage through the dark valley and shadow of death, and accompanied him to that other and better land "where the wicked cease from troubling and where the weary are at rest."

Mr. ASHLEY. Mr. Speaker, on Friday night last the immortal spirit of OWEN LOVEJOY passed from earth. This sad message, borne on the lightning's wing, carried sorrow to the hearts of millions. In his death the nation has lost one of its ablest, most accomplished, and eloquent sons, the slave a faithful friend, and true democracy a cherished defender.

I was not at his bedside, and cannot tell you how he died. The world knows how he lived; and such a life I am sure could only have a fitting close in a Christian death. Let us learn by his heroic example that

"We live in deeds, not years; in thoughts, not breaths;
In feelings, not in figures on a dial.
We should count time by heart throbs. He most lives
Who thinks most; feels the noblest, acts the best."

Mr. Speaker, the death of our friend was not wholly unexpected by me. For more than two years, at our committee meetings, I have witnessed with anxiety, month by month and week by week, the fire of his eye grow dim and the vitality of his organization gradually yield to the approaching destroyer. Though not full of years, he was crowned with honors, and descended to the tomb with the benediction of a nation upon his head. He lived to see the seed he had sown ripen into grain ready for the harvest. He saw the dawning of the morn so long and so anxiously looked for by the friends of freedom in the United States; but he was not permitted to remain with us to join in the general song of joy which awaits the triumph that ere long shall regenerate the nation. That Providence which cannot err, has, for wise purposes, called our friend and brother to his reward. While we sorrow for our loss and sympathize with his bereaved family in their deep affliction, we can truthfully and with exultation say:

"The great work laid upon his *manly* years
Is done, and well done. If we drop our tears,
Who loved him as few men were ever loved,
We mourn no blighted hope nor broken plan
With him whose life stands rounded and approved
In the full growth and stature of a man."

Mr. MORRILL. Mr. Speaker, not until we assembled here to-day had I expected to take any part in the present proceedings; but I feel it a duty and privilege to add a word to the bulk, if nothing more, of what has been already so eloquently said in relation to our late associate.

No one could know much of the deceased without at once perceiving that he was a man of marked characteristics. Ready, resolute, and vigorous, he was ever equal to the occasion, and often rose to the higher keys of eloquence, argument, and wit. He was eminently a man of true courage, moral and physical, and never flinched from the maintenance of his convictions or the protection of the oppressed, however fiercely assailed. When the storms of opposition raged most furiously, then he appeared like the rock secure and unmoved on its base.

I have seen him discoursing in the open air among the people of his own district, and, take him all in all, I have been disposed to regard him, prolific as our country is in this class of orators, as without an equal before a popular audience. Almost from the start he seemed to exert a matchless power, swaying his hearers to and fro at his will as with the wand of a magician. Fertile in all the resources of logic and persuasion, he also abounded in humor and those sallies of wit which make a public speaker both feared and loved.

But I have seen him in his own family, and it was there his virtues appeared to the greatest advantage. There he possessed the unbounded confidence and affection of a beloved wife and a large family, who were cultured and trained to all the generous hospitalities of social life, and to all the duties of Christianity, blended with the perpetual sunshine of his own genial humor. Here he had made up and was surrounded by all we understand by the comprehensive word *home!* He will not soon be forgotten here; *there* he will never be forgotten.

Mr. ODELL. Mr. Speaker, some days since a distinguished member of this body announced to me his intention of going North for a time to recruit his health. I felt, sir, then that I was conversing for the last time with one of my brother members of this House. It was clearly evident to my mind that death had marked him for his victim. I fully realized that our hands were clasped in friendship for the last time. He left the succeeding day, and I saw his arrival announced in the city of Brooklyn, which I have the honor to represent in part upon this floor. He went to the home of his friend and mine. With more than ordinary interest I looked into the local papers to see if our friend was realizing his expectations. Soon, very soon, news came that he was rapidly sinking. On Friday last I received intelligence that he was past recovery. I telegraphed at once to my brother to call upon him, and if proper to convey to him my heartfelt and kindly sympathy. The message was too late. "The strong man had fallen on sleep;" his spirit had taken its flight; he had passed away beyond the reach or need of human sympathy to the enjoyment of the sympathies of the redeemed around the Throne. Soon after I had sent my telegram, you, sir, announced in this Hall the death of Hon. OWEN LOVEJOY.

My apology for intruding myself upon this solemn occasion is in the fact that he died in my district, in the immediate neighborhood of my home, and was attended in his last days by our mutual friends.

And here permit me to say that but few public men had more ardent admirers or warmer friends in the city of Brooklyn than our deceased brother. I first met him upon the floor of this House at the extra session of the Thirty-Seventh Congress, called by the President on the 4th of July, 1861. I deem it due to myself to say that from the widely different political views we entertained I was strongly prejudiced against him. But, sir, I am glad to say here that it required but a few days of personal intercourse for these prejudices to disappear and vanish away. In the discharge of his official duties he was a fearless and persistent advocate of what he thought was right, and was always courteous to his colleagues in debate. He was ever foremost in support of measures to suppress the rebellion. That, to my mind, was with him paramount to the one question which had so long been his aim and object in public and private life. His views upon the peculiar institution of the country he often told me were now subservient to the paramount duty of the nation, the putting down by military power the enemies of our country; he believing that when this was accomplished the object and purpose of his life, for which he had so earnestly labored, would also be accomplished.

His love of country was most strongly marked; his patriotism none could doubt. I am authorized to say that the Executive had in our departed associate at all times a warm supporter of every measure which had for its aim the restoration of the Government. Socially I ever found him genial, frank, and outspoken; with no man upon this floor were my relations more pleasant and

agreeable. He was at all times the Christian gentleman.

One of his colleagues who had long known him in both public and private life, and who is his political opponent, said to me last night that OWEN LOVEJOY was an honest man. In any age of the world this were high praise; but in these degenerate times, when peculation and fraud abound, when the whole nation seems demoralized, such a reputation is of priceless worth. Happy will it be for us who survive him, if when our earthly work is done the same record shall be ours.

Our friend has closed his earthly career. His brief days of life have suddenly ended. We shall no more hear in this Hall his clear, ringing voice, in words of more than ordinary power and eloquence; we shall never again look upon his robust and manly person.

In relation to the closing scenes of his life I learn from home this morning that his dissolution was calm and peaceful. He died resting upon the promises of that gospel which he had for so many years of his earlier life preached to others. His last days were soothed by the presence of a devoted wife and loving daughter. He died away from home, in a strange city, but administered to and surrounded by kind friends.

I would, Mr. Speaker, take to my own heart the lesson taught by this sudden demise of the brevity of human life. It clearly indicates to us all that our life is as "a vapor that appeareth for a little time and then vanisheth away." It warns us in the midst of our exciting duties, even here in the council chambers of the nation, so to live in humble dependence upon God, with faith in our Lord Jesus Christ, that when our labors are ended we also may have a clear title to an inheritance that is incorruptible and that fadeth not away.

The resolutions offered by my honored friend from Illinois have my hearty accord.

Mr. DAVIS, of New York. Mr. Speaker, I have been desired by my associates of the Committee for the District of Columbia, of which our deceased friend and brother was chairman, to express in their behalf the sentiments they entertain in respect to his life and character.

For myself, I never met Mr. LOVEJOY until the commencement of the present session of Congress. He had been known to me by reputation, as he had, I believe, by every man of ordinary intelligence throughout the great Republic, as a man of marked and positive character, entertaining elevated though sometimes extreme ideas, and who exerted all the powers of his intellect to impress his convictions upon others. Confiding in their correctness, with that positive character which pertained to his nature, he doubtless sometimes urged his views so persistently as to excite the censure of those with whom he was brought in contact or association.

I supposed, sir, until I knew him, that he had not only an ardent but a vindictive temper; that he was rough and savage in his nature. I knew his intense hatred of slavery, and I supposed that the fact that his murdered brother had fallen in his arms years ago, as the first sacrifice in this country to the liberty of the press in its denunciation of human bondage, had so intensified and diffused his hate as to give tone to his entire character.

I knew him as a man of intellectual power, because that appeared from his speeches in this Hall; but it is not from the power of intellect upon this floor that we are to form a correct judgment of character. Intellect is sometimes cold, icy, unaffected by human sympathy, and indifferent to human suffering. It was only when we came together in our committee-room, where the formalities which prevail here are laid aside, and in frank intercourse men express their sentiments, that we from whom our associate has been taken away found that the highest intellect was combined with childlike simplicity of character. No man ever possessed a more kindly or genial nature than OWEN LOVEJOY. He was ever amiable and gentle, always ready to do full and ample justice, to listen patiently to those who sought redress of wrong, yet never willing to yield one jot or tittle of that high principle which he applied to the government of his actions.

Allusion has been made, Mr. Speaker, by the eloquent gentleman from Illinois to some of the incidents of the early life of Mr. LOVEJOY. He was born dependent. By his own labor in the field he acquired the means for even a classic education. It is one of the crowning glories of our Government and institutions, of which he was so loyal and able a defender and advocate, that they open the pathway of the poor young man to the halls of learning, and, tearing down every barrier to advancement, bid him cultivate his intellectual powers for the benefit of his country and his race.

As an advocate of human freedom, Mr. LOVEJOY's name was known through the civilized world; and probably no man in this entire country was more universally admired, for the boldness with which he expressed his sentiments and his inflexible fidelity to the cause of freedom, than OWEN LOVEJOY.

In social life I scarcely ever had the pleasure of meeting him; but from what I know of the simplicity of his character, his kindness, his genial nature, and his firm integrity, I doubt not that his home and his fireside were ever cheered and made happy by his presence, and that he, when he was called to rest,

> "Like one that wraps the drapery of his couch
> About him, lay down to pleasant dreams."

Mr. Speaker, death, which has come to him, must come to all. Despotic power may rear no barrier at its palace gates to stay death's entrance. Through frowning walls, behind the bars and bolts of the prisons of the State, into the darkest, deepest dungeon of the meanest criminal, death will find its way. The monarch on his throne, the vassal in the hall, the peasant in his cottage, the bondman in his chains, the legislator in his seat, must die. Death is and ever has been the universal, the inexorable, the immutable law and condition of organic life. God has written in His own autograph, upon the enduring rocks and mountains of the globe, in language that science has interpreted for the benefit of our race, the history of order after order and generation after generation of organic and animal life, which for untold ages before the ingress of man lived, died, and sank into the earth's bosom.

Yet though under the mandate of this stern, original law man enters the grave,

> "Legions of angels can't confine him there."

The portals of the tomb but open on the pathway to a new life, and we enter there with all the capacity for enjoyment or suffering which we have created for ourselves by our performance or neglect of duty here. Who can doubt that OWEN LOVEJOY has passed to his reward? Perhaps, sir, death came suddenly and unexpectedly. Often it comes unheralded; it comes in the midnight hour; it comes in the morning's dawn; it comes in the miasma of the atmosphere; it comes in the flash of the lightning, with step unseen, unheard.

> "Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all,
> Thou hast all seasons for thine own, O Death."

Sir, death to Mr. LOVEJOY came not in fear. He had no reason to fear it. It was nature's law. My eloquent friend, the gentleman from Ohio, [Mr. ASHLEY,] told us truly that life is measured by actions, not by years; and he who in life, whether short or long, has aided in the elevation of his race, has relieved human suffering, has fed the hungry, clothed the naked, and lifted the shackles from the slave, has lived well, and, no matter when he dies, dies nobly. The life of our friend was a life of duty conscientiously performed, and to him I may apply the language of the poet:

> "'Life's duty done, as sinks the clay,
> Light from its load the spirit flies,
> While heaven and earth combine to say,
> 'How blessed the good man when he dies.'"

Mr. GRINNELL. Mr. Speaker, I have just returned from a long journey, and it is only since I came into the Hall this morning that I received an intimation that I was to speak on this mournful occasion. My few words shall be the sympathetic utterances of a mourning friend rather than those of a classic eulogist. I had the honor of an intimate acquaintance with the deceased, having shared the bounteous hospitality of his western home, and at his bedside in this city I strove to drink in the inspiration of his spirit.

But a few weeks since, in his sick-room, I expressed fears for his recovery. I saw the tears course down his manly cheek as he said, "Ah! God's will be done, but I have been laboring, voting, and praying for twenty years that I might see the great day of freedom which is so near and which I hope God will let me live to rejoice in. I want a vote on my bill for the destruction of slavery root and branch." He saw the sun of national liberty but in its rising when he hoped to gaze on it with raptures in its midnoon splendor; but mysteriously has God called him above the storm-clouds of war, bringing rest to his weary spirit, and new vision, with an exchange of the sorrows of earth for the joys of heaven. A Christian and a hero has gone home where there will be a multitude to welcome and no one wronged to confront him.

As I review his eventful life I am constrained to believe that had he died thirty years ago the world would have said, We have lost a promising scholar. Had his decease been twenty years since he would have been called a fanatic by almost universal acclaim. Had he left the world ten years since the narrow circle in which he moved would have felt the loss of an obscure free-soil candidate for Congress and a Congregational minister. But what have ten years of noble, heroic devotion to freedom achieved! The clergyman by leaving his flock for the promising field which invited his labors is justified. A man and a citizen before a minister, he proved that his politics were consistent with and not derogatory to Christian and ministerial character, following the example of Mayhew, Cooper, and Witherspoon of our early days, who were not more eminent in the pulpit than learned and useful as legislators, neither of whom made apology for a change of avocation when they might speak for a nation in the forum and espouse the cause of liberty for the world. Our friend loved peace, and accepted the arbitrament of the sword only as a dire necessity. In his holy hate for the rebellion, and slavery, its cause, he was

> "For the peace which rings out from the cannon's throat,
> And the suasion of shot and shell,
> Till rebellion's spirit is trampled down
> To the depths of its kindred hell."

And then for his country there was the ideal of the church, "beautiful as Tirzah, comely as Jerusalem, and terrible as an army with banners," to which he was consecrated. The witnesses of his early and later devotion made him as eyes to the blind, feet to the lame; and the cause which he knew not he searched out. His home was his castle, where he gave assurance of shelter and defense to the escaped from the southern prison-house, who were thousands, and he caused the widow's heart to sing for joy, while the blessing of many ready to perish fell on him.

Mr. Speaker, it is too early to pronounce the eulogy on our deceased brother. *Respice finem;* wait till the ripening of that of which he sowed the seed. Give time to gather up the great thoughts first expressed in the log school-house, which gathered volume, reëchoed from the pulpit, and, taken up by the telegraph and the press as from the statesman, true to his convictions and the fearless unapproached orator. The glory of his life and the grandeur of his character will be unappreciated until the last shackle falls from the slave and the muse of history asks for those who were of the first to strike for the poor and end their life with humane and Christian devotion.

It is well expressed, OWEN LOVEJOY was no ordinary man. In the stern period of our history, breasting prejudice and obloquy, he rose to that proud distinction to which the impassioned eloquence of this morning is a fitting accord. His marked characteristics were evinced in firmness like his native mountains, and there was a scope of mind which seemed to borrow breadth and beauty of imagery from the expanse of his prairie home, carpeted with tasteful and floral decoration. Above all, he died a Christian. With more than the honors of a conqueror will his dust rest in sepulture among the people by whom he was so ardently loved, and his soul, ascending to his God, would, if it might speak to us, counsel, Love your country, remember her despised poor, and if you would rescue anything from the wreck of time, lay it up in God.

Mr. ARNOLD. Mr. Speaker, my own indisposition renders it entirely impossible for me to

attempt to add anything to the eloquent words spoken here to-day of our deceased colleague. I will not attempt it. I will only say that in looking over our country to-day, among all the brave and eloquent and noble men, both in civil and military life, who are seeking to uphold the flag of our country, there lives no truer, nobler, braver heart than that which beat in the breast of OWEN LOVEJOY.

One incident in his life, which I shall never forget, has been recalled to-day. More than twenty years ago, the first time that I ever saw Mr. LOVEJOY, I had the pleasure of hearing him in the city of Chicago speak upon the subject which always lay near to his heart, the subject of liberty to the slave; and I heard him on that occasion describe, in words the eloquence of which has not yet faded from my mind, the scene of his brother's death, that brother who fell a martyr to liberty and liberty of the press. And I remember that after describing the scene of that death in words that stirred every heart, he said that he went a pilgrim to his brother's grave, and, kneeling upon the sod beneath which sleeps that brother, he swore by the everlasting God *eternal hostility to African slavery.* Well and nobly has he kept that oath; and when the scene of these days shall have passed, when peace shall once more be restored to our country, when the historian shall write upon his records the names of those who have done most to accomplish the great desideratum for which he lived, the destruction of African slavery, in my judgment he will record the name of no man who has done more than OWEN LOVEJOY.

Sir, it is too early to write his epitaph or to pronounce his eulogy. When this civil war shall have been ended, when our country shall be once more restored to unity based upon liberty, then full and complete justice will be done to OWEN LOVEJOY.

The question was taken on the resolutions; and they were agreed to.

The SPEAKER appointed the following as the committee authorized by the resolutions: Messrs. FARNSWORTH, RICE of Maine, and ROSS.

And thereupon (at five minutes past three o'clock p. m.) the House adjourned.

IN SENATE.

TUESDAY, *March* 29, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. SUMNER. I offer a petition from a committee of the German Radical National Club of Philadelphia, in which they set forth certain objections at length, being seven in number, to the amnesty proclamation of the President and his proposed system of reconstruction, and they conclude by calling upon Congress to provide by some effective legislation against the evils which they think will come from carrying out the policy of the President. As the whole subject of reconstruction has already been referred to the Committee on the Judiciary, I ask that this petition may have that destination.

The VICE PRESIDENT. That reference will be made.

REPORT FROM A COMMITTEE.

Mr. FOOT, from the Committee on Public Buildings and Grounds, to whom was referred the memorial of Charles F. Anderson, architect, praying for compensation for his time, labor, and professional knowledge and skill employed in conceiving, devising, and preparing plans for the extension, enlargement, and improvement of the Capitol building, submitted a report accompanied by a bill (S. No. 207) for the relief of Charles F. Anderson. The bill was read, and passed to a second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 205) authorizing the Secretary of the Treasury to pay to the Governor of Minnesota, or his authorized agent, the further costs, charges, and expenses incurred in suppressing Indian hostilities within that State, and upon its borders, in the year 1862; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

NAVY-YARD ON THE DELAWARE.

Mr. COWAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 206) for the establishment of a navy-yard and naval depot on the Delaware river; which was read twice by its title.

Mr. GRIMES. I ask for the reading of the bill at length. I should like to hear it.

The Secretary read it. It authorizes the Secretary of the Navy to construct a navy-yard and naval depot on the Delaware river at such place as shall be most advantageous to the Government and the public service, taking into account the advantages of location and economy of construction. The location of the navy-yard and naval depot is to be fixed within the limits named by a commission to be appointed by the Secretary of the Navy, and to consist of seven scientific and practical men, none of whom is to reside or own lands within fifty miles of the Delaware river or bay; and a report of a majority of the commission, when approved by the Secretary of the Navy and the President of the United States, is to be final.

The bill was referred to the Committee on Naval Affairs.

ARREST OF WILLIAM YOCUM.

Mr. DAVIS submitted the following resolution:

Resolved, That the Committee on the Judiciary inquire and report to the Senate whether or not William Yocum, a citizen of the United States, late a resident of Cairo, is or not confined in the penitentiary of New York, situated in Albany, or some other prison, by and under the sentence or a military court, for which the said William Yocum has received the full and unconditional pardon of the President of the United States; and that the said committee have power to send for persons and papers.

Mr. SUMNER. Let that lie over. The chairman of the Committee on the Judiciary is not now present.

The VICE PRESIDENT. Objection being made, it will lie over under the rule.

CHARLES L. NELSON.

Mr. CLARK. I move that the Senate now proceed to the consideration of the bill for the relief of Charles L. Nelson. It is a small bill, and will not take any time.

The motion was agreed to; and the bill (S. No. 197) for the relief of Charles L. Nelson was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Charles L. Nelson $308 for his services as agent for the improvement of the harbor of Burlington, Vermont, from January 15, 1853, to April 2, 1853, inclusive, at four dollars per day.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

COMMISSIONER OF PUBLIC BUILDINGS.

Mr. FOOT. I move to take up Senate bill No. 43, relating to the office of Commissioner of Public Buildings.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been recommitted to the Committee on Public Buildings and Grounds, and reported with amendments.

Mr. FOOT. There are two amendments reported by the committee, which are the amendments adopted in Committee of the Whole when the bill was under consideration before it was recommitted.

The first amendment of the committee was in line eleven, after the word "Washington," to insert "except those connected with the extension of the Treasury buildings;" so that it will read:

And all appropriations hereafter made for the public buildings and grounds belonging to the United States in the city of Washington, except those connected with the extension of the Treasury buildings, shall be disbursed by said Commissioner, &c.

The amendment was agreed to.

The next amendment was in line fourteen, after the word "appropriation," to strike out the following words:

And the office of said Commissioner shall be under the supervision and control of the President of the United States.

Mr. FOOT. That was also adopted before in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LANE, of Kansas. The Senator from Indiana [Mr. HENDRICKS] is very anxious to be heard on this subject, and as he is not now in his seat I should be glad to have this bill postponed for the present.

Mr. FOOT. The Senator from Indiana is somewhere about the Chamber. He has been in his seat since the opening of the Senate, and was with me in the Committee on Public Lands this morning. I would not call up the bill for consideration in his absence. I have delayed it an entire week in consequence of his absence. I should regard that as due in courtesy to the Senator from Indiana as a member of the committee that reported this bill. I see that he is now present.

Mr. President, I am not unaware of the difficulty which very often attends any attempt to discontinue or get rid of an office or agency under the Government, however unnecessary or however useless it may have become, and especially if it be an office or agency that pays well to the incumbent of it. In fact, the more useless it is, except for the salary of the incumbent of the office, the greater the difficulty I have sometimes thought in getting rid of it; and the case before us, it seems to me, is not an unapt illustration of this general remark.

Since the 1st of July last, and then for the first time, we have had what is termed in his commission from the Secretary of the Interior a general superintendent of the Capitol extension, &c., with a salary stipulated and fixed by the Secretary at $2,500 a year, and with the privilege of a clerkship, which is also filled, at $1,600 a year, making the sum of $4,100 annually for this general superintendency now of the Capitol extension and dome. The Committee on Public Buildings, who have had the subject in charge and under consideration, have thought and are of opinion that there is no necessity for this office or agency, and consequently no occasion for this additional cost to the Government. The committee have thought, and are of opinion, that the duties, whatever they are, of this office or agency may as well be performed by the Commissioner of Public Buildings; and the sole purpose of this bill is to commit these duties to the Commissioner, and thus to dispense with this office or agency of general superintendent, and its cost of $4,100 a year, as being wholly unnecessary. That is the opinion of the committee, whether right or wrong.

I have endeavored on a former occasion briefly to show that there was really no necessity for this office and this additional expense. I will not repeat what I have before said on that point.

But there is another question of legal right and authority on the part of the Secretary of the Interior to make such an appointment, to create such an office. When this subject was before the Senate some weeks ago, and I was making some remarks in reference to this appointment, speaking of it as a mere agency, not an office known to the law or whose duties were prescribed by any law, my colleague put the inquiry, and a very appropriate and pertinent inquiry it was too, out of what fund this general superintendent was paid, and by whose authority? My answer to that inquiry was at the time, and correctly I think, that the superintendent was paid out of the appropriation for the Capitol extension and dome, and by the Secretary of the Interior, or under his direction.

That inquiry suggests the further question, what authority of law, or of usage, if you please, has the Secretary to make this appointment of a general superintendent, stipulating for and fixing his salary at $2,500 a year, and paying it out of the Capitol appropriation fund? I am of opinion, Mr. President, that this appointment is without authority of law, and without authority of usage or practice, as well as being unnecessary at the present time.

From the commencement of these works upon the extension of the Capitol, now some thirteen years, and through all its progress up to the 1st of July last, there has never been an appointment as an original appointment, with a fixed salary by the power making the appointment, until the 1st of July last. This is the first instance of such an appointment as an original independent appointment with a fixed salary at $2,500 a year or any other salary, and a clerkship in addition at $1,600 a year or any other salary. From 1853 to 1861 the supervision of the Capitol extension and dome

was in the War Department by order of the President of the United States, and its immediate supervision was placed under an officer of the Army. General Meigs was detailed from the engineer corps and assigned to this special duty, which he performed for about eight years, from April, 1853, I think, until April or May, 1861; and performed it, I will say, with signal ability, skill, and success, and without ever having received one dollar by way of salary or compensation aside from his pay and allowances as an officer of the Army and according to his rank, which at that time was that of captain of engineers.

I say again there is no authority that I can find, by law on your statute-books, of usage or of practice, for this appointment, of a general superintendent, and fixing his salary, at the pleasure of the power making the appointment; and in this instance it has not even the apology or excuse of necessity, or of expediency, or of convenience even.

Mr. GRIMES. Nor of precedent.

Mr. FOOT. Nor of precedent, as the Senator well says. I am aware of the general rule, or theory, on doctrine, if you please to call it so, that where authority and direction are given to do a certain act, as to erect a public building, as in this instance; in other words, where a specific prescribed duty is imposed, the authority to perform that duty carries with it the implied power of employing the necessary men to accomplish that act or perform that duty; but this implied power in practice under our Government does not extend beyond the employment of the necessary number of laborers, workmen, and the purchase of the necessary material, &c.

This implied power never extended to the appointment of superintendents or agents or architects, or clerks even, and fixing their rates of compensation. The exercise of an implied power to this extent would indeed be a dangerous one; and hence Congress has always taken care, and always should take care, to limit the exercise of this implied power by itself providing for such clerical or executive or administrative forces as may be necessary, and itself fixing the rates of compensation. Witness, for instance, for illustration, in all the Executive Departments of the Government no head of a Department assumes to appoint a clerk in his office except by express authority from Congress. The Secretary of the Interior cannot appoint to a clerkship in his own office beyond the number, or fix his compensation beyond the sum, authorized by express law.

Then I ask again, and emphatically, by what authority does the Secretary of the Interior appoint this superintendent and pay him $2,500 a year out of the appropriation for the Capitol extension?

Let me not be misunderstood in this as imputing to the Secretary of the Interior any intentional assumption or exercise of power or authority that he did not think belonged to him. Probably it was an act of inadvertence, and the appointment was made without examination as to the question of his authority or right to do so.

This is all I have to say on this subject in addition to what I have said before.

Mr. HENDRICKS. I have very little to add to what I felt it my duty to say to the Senate when this bill was before the body on a former occasion. I then explained the reasons why I could not support the bill introduced by the Senator from Vermont; why I could not support it in the committee of which he was chairman, nor in the Senate; and I have but little to add to what I then said.

I wish to call the attention of the Senate to the measure that is before it. The Senator from Vermont has discussed it as if it were a bill to remove the present superintendent who is in charge of the work on the dome and the extension of the Capitol and aqueduct. That is not the bill. The bill is to take the work from under the charge of the Secretary of the Interior and to place it under the management and control of the Commissioner of Public Buildings. The Senator who supports the bill assigns one reason for it—I know of but one—and that reason is, that the Secretary of the Interior, in carrying forward this work, has appointed a certain gentleman superintendent of the work at a salary of $2,500 a year. It is argued by the Senator that this is an exercise of power not possessed by the Secretary; that it is an extravagant use of the public money. That is the position of the Senator, as I understand it. Because the Secretary of the Interior has seen fit to appoint a superintendent of the work at a salary of $2,500, is that a sufficient reason why the Senate should vote to take the work from him, when in other respects he manages it properly, and give it to another officer? That is the sum and substance of the argument of the Senator, so far as I understand it.

The Secretary of the Interior thought at the commencement of the present fiscal year that it was proper to make a change in the management of this work. He made the change; and in his annual report he has communicated to Congress the result of that change. The material point of the change was the appointment of a superintendent, and a reduction of the administrative force employed upon the Capitol in other directions; and I wish to call the attention of the Senate to the result of that change.

I am not going to spend much time in answering the question which the Senator has asked, by what authority the Secretary of the Interior has appointed a superintendent? He says that it was not done before; that no superintendent had been appointed before that time; that it was an excess of authority; and the logic of it is that the Secretary ought to be rebuked by taking the work from him because he has appointed a superintendent. I think the Senator is mistaken. There was a superintendent before—not a superintendent of the whole work, but of a portion of the work; and I will call the attention of the Senator to a letter which is in his own possession from the Secretary of the Interior, from which he will find that a Mr. Eustis was superintendent of the stone work; that that superintendent was found by the Secretary of the Interior not to be qualified for the position; that he lacked all the qualifications necessary for the position to such an extent that he could not make up the accounts so that the Government could settle them from his books, but reference had to be made to the contractors' books to enable the Department to make a settlement with the contractors; and that under that superintendency the Government had to depend on the accuracy of the contractors' books for a settlement rather than on the books kept by the officer of the Government. I will ask the Senator by what authority of law there was appointed prior to July 1 a superintendent of stone work?

Mr. FOOT. The answer is, it is a mere play upon the terms or words designating the character of the office. There was no general superintendent of the work prior to July last, as an independent appointment. I have already said that during the period of time, the eight years, it was under the supervision of the War Department, it was placed under the superintendence of an officer of engineers, but without any additional salary. An officer was assigned by the War Department from the engineer corps to that specific duty, but received no pay except that of an officer of the Army according to his rank. This Mr. Eustis, to whom reference is made, was a mere foreman of the stone work. There was also a foreman of the brick work. There was also a foreman, if you please to call him so, or receiver of marble. They were mere foremen of different branches of the work, mere overseers.

I am willing to admit that Mr. Eustis was an illiterate man, not qualified for a clerkship, not qualified to make up the accounts. I will admit further, and accord to the Secretary the credit of it, that under his direction, by his order, the present superintendent did make inquiry and investigation into the organization of the clerical and administrative force upon the work, and did recommend that certain overseers be removed; in other words, there being some four or five of those overseers of different branches of the work, stone work, brick work, &c., &c., that they should be united and combined under one head, and placed under one supervision. That was done, and I think it was well done. It was a saving of unnecessary expense to the Government to that extent; but to whom does the credit belong? Not to the superintendent. It is no merit of his. It was done by order of the Secretary of the Interior, and he is entitled to credit for reducing the expenses of the Government in this behalf to that extent.

Mr. HENDRICKS. The question I was discussing when the Senator took the floor was, by what authority did the Secretary of the Interior appoint a superintendent of the work? This Senator admits that the work was well enough conducted before, and as it was conducted before there was a superintendent for each particular part of the work. There was a superintendent of the stone work. I ask the Senator by what authority he was appointed superintendent? He was appointed superintendent with a salary. By what authority was he appointed superintendent of stone work with a salary? That salary is not fixed by the law. The office of superintendent of stone work is not fixed by law. It was the exercise of the power which the proper department had in carrying on the work. This work cannot be carried on except through the instrumentality of agents; and there was one agent and superintendent, as the Senator calls him, the foreman of stone work; another the superintendent of brick work. The Secretary of the Interior found the work not going on to his satisfaction, and instead of having four or five superintendents he appointed Captain West as the superintendent of the whole work, not only as superintendent——

Mr. GRIMES. Does the Senator mean to say there is no foreman of the stone work?

Mr. HENDRICKS. I dare say there is.

Mr. GRIMES. What does the Senator mean, then, when he says that the Secretary appointed Captain West in place of these other men?

Mr. HENDRICKS. Mr. Eustis was removed, and I do not understand that another man was appointed in his stead. Does the Senator so understand?

Mr. GRIMES. I do.

Mr. HENDRICKS. Who is he?

Mr. GRIMES. I do not know; but I understand there is a foreman to each one of these departments.

Mr. HENDRICKS. But the argument I attempted to make was this: that if there was an authority on the part of the Secretary or of the department having charge of the work to appoint a superintendent of stone work, there is an authority to appoint a superintendent of the entire work. I cannot say why there should be a lack of authority for the one purpose and authority found for the other.

The Secretary appointed Captain West as superintendent of the whole work. What has been the result of it? I will call the attention of the Senate to a few figures upon this question. The Secretary in his annual report says that by the change in the management of the work there has been a saving to the Government; more work has been done at less expense; and here are the figures, which the Senator from Vermont will find in a communication from the Secretary of the Treasury in his possession. Captain West was appointed on the 1st day of July last as general superintendent. For the six months preceding that, the work done upon the Capitol amounted to $236,539. The clerical and administrative force employed in doing that amount of work cost $12,215 75. From the 1st day of July to the 31st of December last, six months, the work done amounted to $255,359 70, and the cost of the clerical and administrative force was $9,081 57. In other words, $18,829 70, more work was done during the last six months at a cost of $3,134 less for administrative and clerical force.

That is the showing that the Secretary of the Interior makes: $18,000 more work done in the last six months at a cost for clerical and administrative force of $3,000 less than the six months before. How far that is to be attributed to the fact that he appointed a very skillful man as superintendent I cannot say. The Secretary of the Interior in his report says there was a saving. In his letter to the chairman of the Committee on Public Buildings and Grounds he shows the facts that I have stated: a saving of $3,000 in six months, a saving of nearly seven thousand dollars in a year, securing $36,000 more work done in the course of a year. And yet the Senator from Vermont wishes to go back to that management which existed before the 1st of July last. It seems to me that the single fact that the Secretary has seen fit to appoint a superintendent is not a sufficient reason. The cost of the superintendent for the entire year is $2,500. The saving under the administration of that superintendent for the first six months is $3,000. There will be

a saving of nearly five thousand dollars over and above the salary of the superintendent during the course of the year, if he is as successful for the next six months as he has been for the last six months.

This superintendent, the Secretary of the Interior informs us, is a skillful architect. I will give in brief what the Secretary says on that subject in a communication to the committee. He says that to the end of securing economy and dispatch in the work, he appointed Captain West chief clerk, and afterwards appointed him superintendent and disbursing agent. He says he appointed him because he was an architect acquainted with the details of the work. Captain West had been before this employed in some subordinate position, perhaps under the architect, Mr. Walter, upon the work; and so the Secretary says he was acquainted with the details of the work. He says, further, that he was a scholar, possessed of superior clerical ability; and, withal, a man of the strictest integrity and of more than ordinary capacity. He had been recommended at the incoming of this Administration by many Senators and Representatives for the office of Commissioner of Public Buildings. He had been employed before this in the Army as quartermaster, and always gave satisfaction in that position, and was honorably mentioned in public orders by his superiors.

This is the person appointed by the Secretary of the Interior superintendent of the work; an architect, a man skilled as a clerk, familiar with the details of the work. Under his administration more work has been done, and there has been a large saving to the Government; and yet, because he was appointed superintendent, the chairman of the committee insists that the work ought to be taken away from the Secretary of the Interior. Has the Senator said to the Senate that this work has cost more than it ought to cost? He has not said so. Has he said that this superintendent has not shown himself competent for the place? He has not said so. Has there been any question of his integrity? No such question has been raised. Here is a skillful architect appointed to superintend the work, who saves money to the Government, and secures more work at the end of six months than for the six months previous; and yet it is asked that for that appointment this work shall be taken away from the Secretary of the Interior!

I wish to call the attention of the Senate also to the fact that the appointment of Captain West was not as superintendent of the work alone, but as disbursing agent of the work upon the Capitol and also upon the aqueduct, and that he gave bond in $40,000 as disbursing agent of the work on the Capitol, and $30,000 as disbursing agent for the work on the aqueduct.

Mr. FOOT. Let me suggest to the Senator that the appointment of disbursing agent for the aqueduct is a separate and independent appointment, for which he receives an additional salary of $500, making $3,000 for the superintendency and disbursing agency of both works.

Mr. HENDRICKS. I understand that his entire salary is $2,500.

Mr. FOOT. His entire salary as superintendent and disbursing agent of the work on the Capitol extension is $2,500; but, in addition to that, he receives $500 as disbursing agent of the aqueduct.

Mr. HENDRICKS. That is not the information I have.

Mr. FOOT. I speak advisedly upon it.

Mr. HENDRICKS. As the Senator is informed on the subject, of course I shall not question his statement. I had understood that the entire salary was $2,500. Then his entire salary is $3,000, and he has given bond to the amount of $70,000. Is it questioned that a disbursing agent may be appointed? Captain West is superintendent of the work; he is also the disbursing agent, and is his own chief clerk, as I understand. He dispensed with the services of a chief clerk, which services were required under the former administration, and he discharges the duties appertaining to that position, the duties appertaining to the position of superintendent of the work, and also of disbursing agent.

It seems to me, then, when the Secretary of the Interior has adopted a system of management of this work which saves to the Government better than $6,000 a year, and secures nearly $36,000 more work to be done, there is no argument against the continuance of his control over the work.

Mr. LANE, of Indiana. Mr. President, this question presents itself to me in this form: as you have heard from the chairman of the Committee on Public Buildings and Grounds, the superintendency of this Capitol extension was in the War Department originally, and continued there some eight years. At the end of that time a law was passed, giving the superintendence of the extension of the Capitol building to the Secretary of the Interior. This bill proposes to take that superintendency from the Secretary of the Interior and give it to the Commissioner of Public Buildings. What are the reasons assigned for that change? What is the evil sought to be remedied by the passage of a new law? Has there been any maladministration in the superintendency of the Secretary of the Interior? The argument is, that in point of economy it would be better to change the superintendence, because the Secretary of the Interior has appointed a superintendent of the work at a salary of $2,500, and because, forsooth, there is no law for such an appointment.

These are the whole grounds urged for the change of this superintendency. The papers on file with the committee, which I hold in my hand, show that the administration of the Secretary of the Interior has saved at the rate of nearly eight thousand dollars a year over the superintendence heretofore. The work has been done more economically. No one says it has not been done as well. But the argument is, that we should change the law on account of the appointment of this superintendent.

Now, let me direct the attention of the Senate to one fact: why was this superintendent appointed, and at whose instance? Was it upon the motion of the Secretary of the Interior that the superintendent with a salary of $2,500 was appointed? Not a word of it. He was appointed under the recommendation of Mr. Walter, the architect, and under the representation and request of Mr. French, Commissioner of Public Buildings and Grounds, the very men into whose hands you propose to place this extension. There is the letter on file in the office of the Secretary of the Interior, signed by Mr. French and Mr. Walter, urging the appointment of a superintendent, and stating that it was absolutely necessary some eighteen months ago to make the appointment.

When Mr. Smith went out of office as Secretary of the Interior that letter was found on file. Mr. Usher found it, and upon examination saw that he could save money to the Government by appointing this superintendent at the request of Mr. Walter, and Mr. French himself, the Commissioner of Public Buildings and Grounds. If, therefore, there is any wrong in this appointment it did not originate in the Interior Department, but was under the request of Mr. Walter, and Mr. French, the Commissioner of Public Buildings, the person—and I doubt not a very competent and honest and able officer—into whose hands you now propose to devolve this trust. Why should we make a change, then, on grounds of economy, when I hold in my hand the report of the Secretary, showing the facts to be a diminution of the expense amounting to some seven thousand dollars per annum, and more work done than ever was done before?

This bill proposes, in addition, to authorize the Commissioner of Public Buildings to make his report, not to a Department of the Government, to be revised by the head of one of the Departments, but to make his report directly to the President of the United States, and to draw his requisitions directly upon the Treasury of the United States without any supervision either by the War Department or by the Department of the Interior.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. LANE, of Indiana. I have no objection to that; but I wish before I close to read the report of the Secretary of the Interior, showing that there is no pretense for this change growing either out of maladministration or economy.

The VICE PRESIDENT. The Senator will suspend his remarks to allow the reception of a message from the House of Representatives.

DEATH OF HON. OWEN LOVEJOY.

The following message was received from the House of Representatives, by Mr. McPHERSON, its Clerk:

Mr. PRESIDENT: I am directed to communicate to the Senate information of the death of Hon. OWEN LOVEJOY, late a member of the House of Representatives from the State of Illinois, and the resolutions adopted by the House thereupon.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read them, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 28, 1864.

On motion of Mr. E. B. WASHBURNE,

Resolved, That this House has heard with profound sorrow the announcement of the death of Hon. OWEN LOVEJOY, a member of this House from the fifth congressional district of the State of Illinois.

Resolved, That this House tenders to the widow and relatives of the deceased the expression of its deep sympathy in this afflicting bereavement.

Resolved, That the Clerk of this House communicate to the widow of the deceased a copy of these resolutions.

Resolved, That the Speaker appoint a committee of three to escort the remains of the deceased to the place designated by his friends for his interment.

Resolved, That as an additional mark of respect for the memory of the deceased the members of this House will wear the usual badge of mourning on the left arm for thirty days.

Resolved, That a copy of these resolutions be communicated to the Senate, and as a further mark of respect this House do now adjourn.

Mr. TRUMBULL. Mr. President, this is the third time death has entered the small circle of the congressional delegation from Illinois since I have been a member of this body—Harris, Douglas, and Lovejoy, all in the prime of life and vigor of manhood, have been called hence within the last six years. They were all men of mark, and by their own efforts worked their way to places of eminence and distinction, not only in Illinois but in the nation. In many respects they were not unlike: they all came to Illinois when mere youths, without means or other fortuitous circumstances to aid them in entering on the struggles of life; they were all men of strong wills, great resolution, and indomitable energy.

Hon. OWEN LOVEJOY, whose loss we are now called upon to mourn, expired Friday night last, at the house of a friend in Brooklyn, New York, in the presence of his wife and one of his daughters, the only members of the family who were with him. He had gone to Brooklyn some two weeks since in the vain hope of regaining his health by escaping the anxieties and excitements to which as a member of Congress he was here exposed. He was naturally of a vigorous constitution and possessed of great physical power. A little more than a year ago, however, he was attacked by an acute disease in this city, which prostrated him for a long time and from which he never entirely recovered. Soon after the commencement of the present session of Congress he was again taken down, and was confined to his bed most of the time for two months previous to going to Brooklyn. He leaves surviving him a widow, three sons, and six daughters.

Mr. LOVEJOY was a native of Maine, and fifty-three years of age at the time of his death. The first I remember to have heard of him in Illinois was in 1837, at the time his brother was killed by a mob at Alton, in that State. The circumstances of that transaction have passed into history. Suffice it here to say that his brother, in undertaking to defend a religious press which he had established in the interest of freedom, was wickedly slain. That transaction, very possibly, had something to do in molding the future life of my deceased colleague, who, at the time, stood by his brother's side, and, as I have been told, kneeling over his body as his life's blood gushed out, vowed eternal hostility to slavery. Not more faithfully did Hannibal, the greatest captain of ancient times, keep his youthful vow of eternal hostility to Rome, than did OWEN LOVEJOY his of eternal hostility to slavery.

But there was this difference between the vows: one was made in a spirit of vengeance against a rival nation in behalf of ambitious Carthage; the other in a spirit of philanthropy for a down-trodden race doomed to perpetual bondage. Nobly did Mr. LOVEJOY redeem his pledge. The first knowledge we have of him in Illinois he was battling against slavery, and he never ceased the strife till his last earthly struggle was over. It was not permitted him to witness the consummation of the

great object to the accomplishment of which his life had been devoted, the entire abolition of slavery; but he lived to see measures taken, with the inauguration of which he had much to do, which it is believed will soon effect that result. Like the great Jewish captain, he was permitted to look forward to the land of deliverance and promise, not to enter upon it.

In Illinois Mr. LOVEJOY has occupied a prominent and influential position for many years. Long before he held political office or entered political life he was known as an anti-slavery lecturer of great power and eloquence. He first held office as a member of the Illinois Legislature from the county of Bureau, in 1854. In the fall of 1856 he was elected a Representative to Congress, and since then has been consecutively returned at each election, having been three times elected from the district as it existed previous to the last apportionment and once from the district as it now is. He acquired and maintained his popularity by appealing directly to the masses. He had nothing to do with, and knew little about, the appliances sometimes resorted to by politicians to acquire position. At the outset of his career his anti-slavery views were far in advance of most of those around him. Nothing daunted by this, he never hesitated to promulgate and avow them whenever opportunity offered, and often sought and made opportunities for doing it. He was a pioneer in the great and holy cause of freedom, and a brave, bold, and eloquent man. No man in the State, if any in the nation, ever exerted a greater influence on the masses by his speeches than OWEN LOVEJOY. He had a loud, clear voice, was thoroughly in earnest, and throwing his whole soul into his subject, usually having some relation to slavery, never failed to impart to others something of that detestation and abhorrence of human bondage which he himself felt.

In some portions of Illinois the prejudice against abolitionists, of whom Mr. LOVEJOY was denominated the chief, was such that he could not address public assemblies without danger of personal violence, but when he once got a hearing such was his eloquence and power over the people that he never failed to disarm all personal opposition, if he did not wholly convince his hearers. No man in the State did so much as he to overcome the pro-slavery prejudices of a large portion of its inhabitants, and to elevate that great State to the proud position it now occupies on the side of freedom and of right.

But it is not alone as the eloquent advocate of human rights that we should look upon my departed colleague. As a great leader and champion of the oppressed he has, indeed, carved out for himself a reputation as lasting as time; but, endowed by the Great Author of all with faculties of the hightest order, and susceptible of indefinite improvement, his philanthropic and noble spirit was accustomed to look beyond this earthly sphere to a country where the wicked cease from troubling and the weary are at rest. My departed colleague spent his life in pleading as well for deliverance from sin and death as from that of human oppression. For sixteen years previous to holding public office he was the acceptable pastor over the Congregational church at Princeton, the place of his residence.

There are few men who have left behind them a brighter record than OWEN LOVEJOY. He was the friend of the oppressed, the genial companion, the eloquent orator, the able statesman, the Christian divine, the affectionate husband and father. What more can I say of him? To his bereaved widow and children there is no consolation except that which cometh from that other and better world whither he has gone and now beckons them to follow.

I offer for adoption the following resolutions:

Resolved, That the Senate receive with sincere regret the announcement of the death of Hon. OWEN LOVEJOY, late a member of the House of Representatives from the State of Illinois, and tender to the family of the deceased the assurance of their sympathy with them under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. LOVEJOY a certified copy of the foregoing resolution.

Resolved, That in token of respect for the memory of the deceased the Senate do now adjourn.

Mr. POMEROY. I wish, Mr. President, to pay but a passing tribute to the memory of one I learned to love many years ago. OWEN LOVEJOY was the valued and tried friend, also, of the people of my State during a period when such friendship was invaluable. His heart and hand, his voice and pen, were all consecrated to such a work as the free State men of Kansas were called to achieve. I well remember the decided and cordial approval he gave to the course we were pursuing. And when some doubted, and others hesitated, he was ready to act. And during the long and trying years of 1855 and 1856, his voice cheered us; his hands, and others like his, sustained us.

I remember the hospitality at his fireside, as well as the stirring eloquence with which he plead our cause before his own people, and in his own pulpit.

I had the pleasure often of being with him while he addressed the assembled thousands of earnest and free men of that portion of the great Northwest during the exciting and ever-memorable canvass of 1856. That campaign did more than any other to establish in this country a literature of freedom.

But, sir, I need add nothing to what has been said, for this is no occasion for many words. Indeed, I have known enough of sorrow and felt enough of its desolation to realize that the truest tribute is oftener paid in the silence of grief and by the eloquence of tears. In this budding springtime the prairie burying-place at his own chosen home in Princeton will receive what remains of OWEN LOVEJOY. And though the grass may wave and the flowers bloom above and around him, yet nothing, nothing can ever add beauty or fragrance to that name martyred and historic before, now and hereafter forever to be dear to freedom, and as immortal as liberty—the name of OWEN LOVEJOY.

Mr. SUMNER. It is proposed to adjourn now in honor of OWEN LOVEJOY, whose recent death we mourn. Could his wishes prevail, he would prefer much that Senators should continue in their seats and help to enact into law some one of the several measures now pending to secure the obliteration of slavery. Such an act would be more acceptable to him than any personal tribute.

He spoke well always; but he believed in deeds rather than words, although speech with him was a deed. It was his contribution to that sublime cause for which he toiled always. "Words are the daughters of earth, deeds are the sons of heaven;" so says the Oriental proverb. But there was little of earth in his words. Proceeding from a pure and generous heart, they have so far prevailed even during his life that they must be named gratefully among those good influences by which our triumph has been won. How his enfranchised soul would be elevated even in those abodes to which he has been removed to know that his voice was still heard on earth encouraging, exhorting, insisting that there should be no hesitation anywhere in striking at slavery; that this unpardonable wrong, from which alone the rebellion draws its wicked life, must be blasted by presidential proclamation, blasted by act of Congress, blasted by constitutional prohibition, blasted in every possible way, by every available agency, and at every occurring opportunity, so that no trace of the outrage may continue in the institutions of the land, and especially that its accursed foot-prints may no longer defile the national statute-book. Sir, it will be in vain that you pass resolutions in tribute to him if you neglect that cause for which he lived, and do not hearken to his voice.

Shortly before he went away from Washington to die, I sat by his bedside. There, too, within call, was the beloved partner of his life. He was cheerful; but his thoughts were mainly turned to his country, whose fortunes in the bloody conflict with slavery he watched with intensest care. He did not doubt the great result. But he longed to be at his post again to teach his fellow-citizens, and to teach Congress, how vain it was to expect to make an end of the rebellion without making an end of slavery. It is only just to his fame that now, on this occasion of commemoration, all this should be faithfully told. To suppress it would be dishonest. I could not speak at his funeral, if I were expected to unite in robbing his grave of any of these titles derived from his transcendent courage and discernment in the trials of the present time.

The Journals of the House show how faithfully he began his labors at the present session. On the 14th of December he introduced a bill, whose title discloses its character: "A bill to give effect to the Declaration of Independence, and also to certain provisions of the Constitution of the United States." It proceeds to recite that all men were created equal, and were endowed by the Creator with the inalienable right to life, liberty, and the fruits of honest toil; that the Government of the United States was instituted to secure those rights; that the Constitution declares that no person shall be deprived of liberty without due process of law, and also provides—article five, clause two—that "this Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, and the judges in each State shall be bound thereby, anything in the constitution and laws of any State to the contrary notwithstanding;" that it is now demonstrated by the rebellion that slavery is absolutely incompatible with the union, peace, and general welfare for which Congress is to provide; and it therefore enacts that all persons heretofore held in slavery in any of the States or Territories of the United States are declared freedmen, and are forever released from slavery or involuntary servitude except as punishment for crime on due conviction. On the same day he introduced another bill to protect freedmen and to punish any one for enslaving them. These were among his last public acts. And now they testify how honestly he dealt with that *question of questions* in which all other questions are swallowed up. It is easy to see that he scorned the wicked fantasy that man can hold property in man. This pernicious delusion, which is the source of such intolerable pretensions on the part of slave-masters, and, worse still, the source of such intolerable irresolution on the part of professed opponents of slavery, could get no hold of him. He knew that it was a preposterous falsehood, as wicked as false, born of prejudice and infinite credulity, and therefore he brushed aside as cobweb all the fine-spun snares of law or Constitution so ingeniously woven in its support. Recognizing freedom as the God-given birthright of all who wear the human form, he knew no duty higher than to protect it always; and to this end law and Constitution must minister.

He had never been a judge, and was not even a lawyer, so that the technicalities and subtleties of the profession had no chance of enslaving him. Besides, to a nature like his, independent and self-poised, what were the sophisms of learning and skill when employed in the support of wrong? It was enough that wherever slavery appeared it was in defiance of that commanding law of right before which all unjust pretensions, whatever form they may take, must disappear like the morning dew under the flashing arrows of the ascending sun. From the beginning and at all times he was fixed against all compromise with slavery, and stood like a fortress. Sir, let it be spoken here in his honor. He lies cold in death; but he could have no better epitaph than this: "Here rests one who would not compromise with iniquity." When Senators and Presidents bent to the ignoble behest he stood firm. He was gifted to see that slavery—unlike the tariff or bank—did not come within the range of compromise any more than the decalogue or multiplication table. He saw clearly how shamefully unconstitutional and inhuman was the fugitive slave act, in spite of every apology of compromise, and refused it all support. He lies cold in death; but his principles will live to sweep this unutterable atrocity from the statute-book, which it still fills from cover to cover with blackness.

He was not only a faithful counselor, of perfect loyalty, in whom truth was a religion and an instinct, but he was a counselor whose experience of mankind and of public life united with an aptitude for affairs in giving to what he said an added value. He sat for several years in the other House face to face with the slave-masters, who then ruled the country, so that he knew them well in every respect, but especially in their open brutality and their surpassing effrontery. During this period, while shut out from participation in the public business, his duty was that of champion, and nobly did he perform it. But those who have watched him under the responsibility recently cast upon a Representative of his char-

acter, have observed that he developed a practical talent, which rendered him useful not only as champion, but also as workman in the machine of Government. He was a supporter of the present Administration, and of that declared policy which, according to the motto of Algernon Sidney, adopted on the arms of Massachusetts, seeks "placid quiet under liberty"—*placidam sub libertate quietem.* But there are few among his associates who may not be instructed and inspired by his magnanimous example.

He had been a life-long soldier of liberty—baptized into the service with blood. While he was yet young his brother, who was an editor in Illinois, devoted to the slave, fell a victim to the cause he had served so well. His fate awakened a wide sympathy throughout the country, drawing Channing from his retirement to speak at Faneuil Hall, and touching with a living coal the lips of Wendell Phillips, whose voice then and there, for the first time, flamed forth against slavery. It was natural that OWEN LOVEJOY should assume those vows of perpetual warfare with the tyrant murderer which he so truly kept; tyrant murderer of a cherished brother; tyrant murderer of liberty, not only on the plantation but everywhere throughout the land; tyrant murderer of the Constitution, which guards alike the rights of States and citizens; and tyrant murderer of national peace, without which there can be no true prosperity or happiness. Thus, as a soldier of liberty he began, and he kept his harness on to the last.

He was one of the most amiable of men, whose heart was abundant with goodness and gentleness, and whose countenance streamed with sunshine. But on this account he was only the more inexorable toward a wrong which was so cruel in all its influences. A child of the New Testament, he was no stranger to the early Hebrew spirit, and he had little patience with those who, born among northern schools and churches, strove to arrest or mitigate the doom of slavery. The famous curse of Meroz, so solemnly denounced against neutrality, which had been echoed from ancient Judea by English Puritans in their great contest, found an echo also in his heart: "Curse ye Meroz, said the angel of the Lord; curse ye bitterly the inhabitants thereof because they came not to the help of the Lord; to the help of the Lord against the mighty." (Judges, chap. 5, verse 23.) Of course in this spirit he used plain words, and did not hesitate. But if he did not hesitate it was because he saw clearly the path of duty. Amiability did not make him doubt. He was a positive man of positive principles, who knew well how much was always lost by timid counsels, especially on great occasions. Because there were some about him who were skeptical and irresolute, he was not disheartened; but he preserved to the last an example of fidelity which history will piously enshrine. His own illustrations were from the sacred writings; but a heathen poet has given a warning which is a part of the lesson of his life:

"Old Priam's age or Nestor's may be out,
And thou, O Taurus, still go on in doubt.
Come, then, how long such wavering shall we see?
Thou may'st doubt on; but then thou'lt nothing be."

But of all doubts, there are none more painful or indefensible than those by which human rights are put in jeopardy.

He was a Representative of Illinois, born in Maine when Maine was a part of Massachusetts, so that he was in a certain sense a connecting link between the East and the West. The welcome which he found in the West, and his complete association with that region, while his sympathies overflowed to his early home, attest better than arguments the ligaments which bind together these different parts of our common Union; so that, should hereafter any malignant spirit seek to sow strife between us, his name alone will be a standing protest against the perversity. Born in the East, he was honored in the West. Honored in the West, he never lost his love for the East. But the whole country, not excepting the South, had a home in his patriotic, hospitable, and capacious heart. He hated slavery; but he loved his country in every part with heart, soul, and mind.

He was of the Old Guard of anti-slavery, and we bury him with the honors that belong to him. Flags are at half mast, and funeral guns are sounding in our hearts. But from his new-made grave he speaks now to the whole vast Republic, animating all good citizens to labor as he labored, and to live as he lived, that this land may be redeemed. Especially does he speak to the State which honored him in life, and to those associate States, which constitute the mighty Northwest, where he had found the home of his mature years—Indiana, Michigan, Wisconsin, Iowa, Minnesota—exhorting them to take up bravely and without faltering the cause which he had made his own, that it may not lose by his death. But alas! the vigilance of many will be needed to supply the place which he filled.

Such a character must be mourned in Congress; but he will be mourned throughout the country at all those virtuous firesides where fathers, mothers, brothers, and sisters speak of those who have helped the cause of human happiness on earth. And there is another company who cannot yet pronounce his name, but who, as they hear how truly he was their friend, will rise to call him blessed. Already, unseen of men, in vast uncounted procession, the slaves of the Union help to swell his funeral.

The resolutions were adopted *nem. con.;* and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 29, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

REPORTS OF COMMITTEE ON COMMERCE.

Mr. ELIOT. Mr. Speaker, I ask the unanimous consent of the House to be allowed to report from the Committee on Commerce several bills of a public nature on Friday next. I shall be absent from the city when the committee is called, and therefore I make this request.

Mr. HOLMAN. I do not desire to object, but I do desire to prevent the business of the Committee on Commerce occupying the time on Friday so as to prevent the consideration of private business.

Mr. ELIOT. These measures will not occupy more than an hour and a half at the furthest. They are bills of a good deal of importance.

Mr. HOLMAN. Saturdays have been set apart for public business, and we have only Fridays for the consideration of private bills. I hope the gentleman will limit his time to less than an hour and a half.

Mr. ELIOT. I hope the gentleman will not object. I do not think it will take more than an hour, but I would not like to be limited in time.

Mr. HOLMAN. Say during the morning hour.

Mr. ELIOT. Very well.

No objection being made, leave was granted to the Committee on Commerce to report public bills on Friday next during the morning hour.

LEAVE OF ABSENCE.

Mr. ANCONA asked and obtained leave of absence from the sittings of the House for his colleague, Mr. STILES, who was called home on important business, for three weeks from yesterday.

Mr. WASHBURNE, of Illinois, asked and obtained leave of absence from the sittings of the House for his colleague, Mr. ARNOLD, for ten days.

Mr. BAILY asked and obtained leave of absence from the sittings of the House for a few days from to-morrow.

Mr. HALE asked and obtained leave of absence from the sittings of the House for his colleague, Mr. MCALLISTER, for one week from to-day.

NORTHWESTERN PACIFIC RAILROAD.

Mr. STEVENS. Mr. Speaker, I ask to have Saturday next fixed for the consideration of the Northwestern Pacific railroad, reported from the select committee on the Pacific railroad. It was the fifth bill reported this session, and in order not to have it obstruct public business I have let it lie till this time. I now ask to have Saturday next, after the morning hour, set apart for its consideration.

Mr. WILSON. I ask the gentleman from Pennsylvania whether there are not other bills of more importance to the country awaiting action by the House?

Mr. STEVENS. I do not think that the consideration of this bill on Saturday next will obstruct anything. We have heretofore devoted Saturdays to talk.

Mr. WILSON. I think we had better go on and consider the currency bill. I understand that to-day and to-morrow have been set aside for the consideration of reports from the Committee on Naval Affairs. I think we had better get this currency bill and some others out of the way before we take up that railroad bill.

Mr. STEVENS. I think the currency bill will be out of the way before Saturday. The gentleman from Iowa has the right to object. Does he object?

Mr. WILSON. I do object.

GEORGE W. ASHBURN.

Mr. HALE, by unanimous consent, introduced two bills for the relief of George W. Ashburn; which were severally read a first and second time, and referred to the Committee of Claims.

COLLECTION OF NAVAL HOSPITAL DUES.

Mr. WASHBURNE, of Illinois. Mr. Speaker, since the commencement of the war there have been a great many American vessels sold in foreign ports, and the consequence has been that the hospital dues have not been collected. The Secretary of the Treasury has sent to the Committee on Commerce a bill authorizing the collection of hospital dues in foreign ports. I am directed by the Committee on Commerce to report it, and I ask leave to do so.

There being no objection,

Mr. WASHBURNE, of Illinois, reported from the Committee on Commerce a bill to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters; which was read a first and second time.

The bill authorizes and requires, in case of the sale or transfer of any vessel of the United States in foreign ports or waters, the consul, vice consul, commercial agent, or vice commercial agent of the United States, within whose consulate or district such sale or transfer is made, to collect from the master or agent of such vessel all moneys due to the United States under the act for the relief of sick and disabled seamen, approved July 16, 1798; and also requires such consular agent to retain possession of the papers of such vessel till such dues are paid; in default of which, the sale or transfer shall be void, except as against the vender. The act is not to take effect until the expiration of sixty days from and after its passage.

The following letter from the Secretary of the Treasury was read:

TREASURY DEPARTMENT,
January 21, 1864.

SIR: I have received your note of the 19th instant, inclosing copy of a resolution of the House of Representatives in regard to the collection of hospital dues from vessels of the United States sold in foreign ports; and agreeably to your request, transmit a bill incorporating my views upon the subject.

With great respect,
S. P. CHASE,
Secretary of the Treasury.

Hon. E. B. WASHBURNE, *Chairman of Committee of Commerce, United States House of Representatives.*

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DEPOSITARY OF PUBLIC MONEYS.

Mr. WASHBURNE, of Illinois, by unanimous consent, reported back adversely from the Committee of Claims a bill (H. R. No. 92) to regulate the compensation of the depositary of public moneys at Chicago; which was laid on the table.

COLORADO STATE GOVERNMENT.

Mr. BENNET, by unanimous consent, introduced a bill supplementary to an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 21, 1864; which was read a first and second time, and referred to the Committee on Territories.

INDEMNIFICATION OF MISSOURI.

Mr. BLAIR, of Missouri, by unanimous consent, reported back from the Committee on Military Affairs a bill to indemnify the State of Missouri for expenses incurred in the defense of the United States; which was ordered to be printed, and recommitted to the Committee on Military Affairs.

PAY AND EMOLUMENTS OF ARMY OFFICERS.

Mr. SCHENCK, from the Committee on Military Affairs, reported back the amendments of the Senate to House bill No. 302, to amend section nine of an act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;" and moved that they be disagreed to, and that the House ask for a committee of conference on the disagreeing votes between the two Houses.

The motion was agreed to; and the Speaker appointed Messrs. GARFIELD, ODELL, and SMITHERS as the managers of said conference on its part.

CONSCRIPTION.

Mr. SCHENCK, from the same committee, moved that the committee be discharged from the further consideration of the memorial of the National Club of Philadelphia, praying Congress to establish a military system by which citizens shall be enlisted for military duty and substitution shall be avoided; which motion was agreed to, and the memorial was laid upon the table.

AMENDMENTS TO THE CONSTITUTION.

The SPEAKER stated the first business in order to be amendments to the Constitution of the United States, moved by the gentleman from Pennsylvania [Mr. STEVENS] yesterday, on which the previous question had been demanded.

Mr. STEVENS. Mr. Speaker, I understand several gentlemen desire to consider this subject more deliberately, and I have no objection to that course being pursued. I therefore move that its further consideration be postponed for two weeks, after the morning hour.

Mr. HOLMAN. I ask the gentleman from Pennsylvania to allow his joint resolution to be referred to the Committee of the Whole on the state of the Union, to a more free consideration of the subject.

Mr. STEVENS. Perhaps when it comes to be considered we may do so. For the present I desire to have its further consideration postponed for two weeks.

The motion was agreed to.

Mr. SCOFIELD. I ask unanimous consent of the House for leave to record my vote against the rejection of the joint resolution. I supposed yesterday I was paired with my colleague, but since then I have found that I was not.

There was no objection, and it was ordered accordingly.

Mr. JULIAN. I also ask unanimous consent of the House to record my vote against the rejection of the same joint resolution.

There was no objection; and it was ordered accordingly.

Mr. HOLMAN. My colleague [Mr. MCDOWELL] was absent yesterday by leave of the House, and is paired with some member on the other side. If he had been present he would have voted for the rejection of the joint resolution.

Mr. ANCONA. My colleague [Mr. STILES] is paired with the gentleman from New York, [Mr. MARVIN.] If he had been present he would have voted in favor of the rejection of the joint resolution.

Mr. DAWSON. I ask unanimous consent of the House to record my vote in favor of the rejection of the joint resolution.

There was no objection, and it was ordered accordingly.

Mr. COBB. I wish to state that my colleague [Mr. MCINDOE] was paired with the gentleman from Indiana, [Mr. DEDOWELL;] and that if he had been present he would have voted against the rejection of the joint resolution.

The SPEAKER stated that the morning hour to-day and to-morrow had been set apart for reports from the Committee on Naval Affairs.

ACTING ASSISTANT PAYMASTERS.

Mr. RICE, of Massachusetts, from the Committee on Naval Affairs, reported back Senate bill No. 108, relating to acting assistant paymasters in the Navy and regulating the appointment of cadets in the Naval Academy; which was ordered to be read a third time; and it was according read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EQUALIZATION OF GRADE.

Mr. RICE, of Massachusetts, also, from the same committee, reported back House bill No. 303, to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862, with amendments in the nature of a substitute.

The substitute was read.

Mr. RICE, of Massachusetts. Mr. Speaker, I shall occupy but a few moments in stating the proposition contained in this bill. It is for the purpose of regulating and changing in some particulars the method of making promotions among officers in the naval service of the United States. The present practice is to promote officers in accordance with the seniority in the date of their commissions, so that there is very little opportunity under the present system for a meritorious officer to make his conduct help in the line of his advancement.

This bill abrogates the rule of absolute seniority so far as promotion is concerned, and requires that no naval officer below the grade of commodore shall be promoted until he has passed an examination in respect to his mental, moral, professional, and physical fitness to perform at sea the duties of the grade to which it is proposed to promote him; the examination respecting the first three particulars mentioned to be by a board of examiners to be appointed by the President of the United States and of senior rank to the officer to be examined, and the physical examination to be by a board of naval surgeons. The general examinations are to be open, and the officer to be examined may state his own case in person and offer witnesses and other testimony. This statement and the testimony of witnesses and any matter pertinent to each case on the records of the Navy Department with the finding of the examining board are to be submitted to the President of the United States for his approval or disapproval of the finding.

It is believed that if this bill passes and these examinations are instituted and become the law and the practice, the result will be to secure, first, much greater efficiency in the naval service than exists at the present time, and also to do away to a considerable extent those jealousies, heart-burnings, and charges of favoritism which now distract the service and injure the operations of the Department.

The second feature of the bill is the providing of a remedy for the action of the advisory board, which has been deemed necessary and found to be necessary under the operation of the plan of promoting by seniority only. It has been found that officers entirely unfit for responsible duty, either on account of their natural incapacity or on account of some other unfitness, some disability, have choked up not only the high places, the duties of which they were unfit to perform, but they have also choked up the avenues to those places so as to shut out meritorious officers below them in the line. To remedy this difficulty advisory boards have from time to time been established, who have taken a list of naval officers and selected therefrom such as in their opinion were deemed fit for promotion to the highest grade.

The action of these boards has been in some cases somewhat unnecessarily arbitrary. The last Congress, by the fourth section of the act of July 16, 1862, provided for the establishment of an advisory board of this kind. That board was formed under the direction of the Secretary of the Navy, and proceeded to revise the list of the line officers of the Navy, and to report such as in their opinion were suitable for promotion to the higher grades. The effect of this was to fill up all the places in the Navy to which promotions could be made, with those officers whom the board recommended, and virtually to set aside altogether those officers of the Navy who were not recommended by this board for promotion.

The sittings of this board were secret; the officers who were passed upon had no opportunity to appear in person or by counsel, or to submit any testimony or to make any statement whatever, nor were they apprised of the decision in their respective cases until the proceedings of the board were made public. And when the proceedings were made public, the board simply announced the result to which they had come without giving any reason whatever which had led to the conclusions they had reached. While it is no doubt true that in the main the action of that board was just and proper, yet it is believed that in some instances injustice was done to some meritorious officers; and in a multitude of other cases there was room for officers to enter complaints against the action of this board and to appeal to their friends, to the Department, and to Congress for relief from the decisions of that board.

The Navy Committees of both Houses of Congress have their tables piled up with petitions for relief from the action of the advisory board from those officers who were not recommended by it for promotion to the highest grades. Now the fifth section of this bill provides that officers not recommended for promotion by the last advisory board shall have an opportunity to have their cases revised and rejudged by the examining boards which are provided for in this bill, and that in case the decision of the two boards shall be confirmatory of the action of the advisory board, then those officers shall be retired and placed out of the line of actual service. But if, on the contrary, these two boards shall rescind the action of the advisory board, then those officers who have been unjustly displaced shall be restored to the same rank and grade to which they would have been entitled if they had been recommended by the advisory board.

The sixth section provides that any meritorious officer in the naval service who shall distinguish himself for extraordinary heroism or conduct in battle may be advanced thirty numbers in the grade to which he belongs, thereby giving him an earlier chance for promotion.

The seventh section of the substitute provides for the appointment of fleet engineers and fleet paymasters, a grade of officers which has become necessary by the greatly increased numbers of naval vessels, and the extended duties of the service. Heretofore each vessel has reported by its chief engineer and by its paymaster directly to the Department and depot of naval supplies. That could be conveniently done in time of peace, but when the number of vessels in a squadron becomes very great, forty, fifty, or possibly a hundred, that practice of referring, by the respective officers of each vessel, to the Department and to the naval station on shore, was found to be too complicated and hazardous. It has therefore been found necessary to appoint fleet engineers who shall have charge of all the machinery and tools of the vessels of the fleet or squadron to which he is attached; and in like manner to appoint a fleet paymaster who shall exercise a general supervision over all the accounts of the paymasters of the several vessels of the respective fleets, who shall take account of all provisions and other supplies belonging to that department, who shall make requisitions from the shore station, and return the accounts of the fleet to the Secretary of the Navy or to the Fourth Auditor of the Treasury, and perform all other duties belonging to that kind of service.

Mr. WASHBURNE, of Illinois. Will the gentleman state the number of these fleet paymasters that will have to be appointed should this bill become a law?

Mr. RICE, of Massachusetts. The number will depend, of course, upon the number of fleets and squadrons that we have in the service, but it will probably be not more than twenty-one. The committee will report another bill, if I shall have the opportunity to do so, by which the number will be limited to twenty-one.

I believe, sir, I have stated the substance of the bill, and I now call the previous question.

The previous question was seconded, and the main question ordered.

The substitute reported from the Committee on Naval Affairs was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CLERKS OF NAVAL PAYMASTERS.

Mr. RICE, of Massachusetts, also, from the Committee on Naval Affairs, reported back, with the recommendation that it do pass, bill of the House No. 300, for the classification of the clerks to paymasters in the Navy, and graduating their pay.

The bill was read. It authorizes the Secretary of the Navy to divide the clerks of paymasters into four classes or divisions, and to graduate and fix the pay of said classes in proportion to their respective duties and responsibilities, and to dispense with the services of clerks in small vessels, provided that the aggregate amount of the annual compensation of said clerks of all classes shall not exceed the sum paid to said clerks on the 1st day of January, 1864, for the same number of vessels and stations.

Mr. WASHBURNE, of Illinois. I desire to know if this bill proposes an increase of pay. I would ask also if the bill just passed does not increase the pay of officers of the Navy.

Mr. RICE, of Massachusetts. I think not. It seems to be the purpose of the present Congress—the wisdom of the policy I will not now stop to consider—to oppose any increase of salaries. The only object of this bill is to classify the clerks to paymasters in the Navy and to appropriate the present sum of money for the payment of such clerks under the new classification. The present compensation of clerks to paymasters in ships of the line is $700 per annum, clerks to paymasters of frigates $500, and in smaller vessels $400. Gentlemen will see at once that these salaries are very meager indeed for the kind of service which these officers are called upon to perform.

Now, sir, since the present classification was made there have been radical changes in the kind of vessels employed in the Navy. We have none of the old line-of-battle ships, and none have been to sea for twelve or fourteen years. Steam frigates like the Wabash have taken the place of line-of-battle ships, and second-class vessels like the Hartford have taken the place of frigates; and vessels of the class of the Hartford, which carry a larger number of men, and are in all respects more important vessels than the old frigates, have paymasters' clerks receiving salaries of only $400 a year. If this bill shall pass, it is proposed, as I understand, to divide the clerks of paymasters into four classes, to dispense with the services of the paymasters' clerks now employed in the smallest vessels, and to divide the amount appropriated into salaries of about twelve hundred, one thousand, eight hundred, and seven hundred dollars for the respective classes one, two, three, and four, and to require the stewards to perform the duties at present discharged by paymasters' clerks in vessels of the smallest class.

It will be perceived, therefore, that the bill only classifies the paymasters' clerks, and makes a new disposition of the money now appropriated for their pay without asking any increase of the appropriation. I ask the previous question on the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, informed the House that the Senate had passed a bill (S. No. 197) for the relief of Charles L. Nelson; in which he was directed to ask the concurrence of the House.

LOSS OF THE BRIG BAINBRIDGE.

Mr. RICE, of Massachusetts, also, from the same committee, reported back a bill (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes; and asked to have it put upon its passage.

The bill, for the purpose of fixing the time at which shall commence the pensions, under existing laws, of the widows and orphan children of the officers, seamen, and marines, and others in the service, lost in the United States brig Bainbridge, as well as the time up to which pay shall be allowed, fixes the 21st of August, 1863, as the day to be deemed and taken as that on which the said brig Bainbridge foundered at sea.

The second section entitles the widows, orphan children, parents, brothers or sisters of the officers, seamen, &c., lost in the said brig, to receive out of money in the Treasury not otherwise appropriated, sums equal to twelve months' pay of their deceased relatives aforesaid, in addition to the pay due to them at the date of the loss of the vessel.

The third section directs the proper accounting officers to settle the accounts of Charles C. Waldron, late acting assistant paymaster of the Navy, lost in the brig Bainbridge, with all the vouchers, money, stores, supplies, &c., by allowing him credit for whatever sum appears due to him on the books of the Department.

The SPEAKER. Is there objection to considering this bill in the House?

There was no objection, and the House proceeded to its consideration.

Mr. RICE, of Massachusetts. Mr. Speaker, the brig Bainbridge was a vessel of the Navy, which sailed from New York for Port Royal on the 14th of August last, and which was lost at sea a few days afterwards, off Cape Hatteras. All the officers and crew, with a single exception, perished. The object of the bill is simply to fix the date of the loss of the vessel, in order that the Department may know the time at which the pensions are to commence, and also to settle the accounts of the paymaster.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SACKETT'S HARBOR.

Mr. RICE, of Massachusetts, from the same committee, reported back a joint resolution authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York.

The joint resolution authorizes and empowers the Secretary of the Navy, at his discretion, to sell at public auction, after proper advertisement, and to convey by quit claim or otherwise, lot No. 13 in the village of Sackett's Harbor, New York, not being wanted for use by the United States.

Mr. HOLMAN. Will the gentleman from Massachusetts explain for what purpose this property has been previously held by the Government?

Mr. RICE, of Massachusetts. I will answer the gentleman by sending to the Clerk's desk a letter from the chief of the Bureau of Yards and Docks, which contains the information he asks.

The letter was read.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENGINEER CORPS OF THE NAVY.

Mr. RICE, of Massachusetts, also, from the same committee, reported back, with a substitute, a bill (H. R. No. 351) to establish additional grades in the engineer corps of the Navy; which was ordered to be printed, and recommitted to the Committee on Naval Affairs.

APPOINTMENT OF NAVAL OFFICERS.

Mr. PIKE, from the same committee, reported an act authorizing the Secretary of the Navy to appoint certain officers in the Navy; which was read a first and second time.

The bill authorizes the Secretary of the Navy, for and during the present insurrection, to appoint acting lieutenant commanders and acting commanders, with the same rate of compensation allowed to officers of the same grade in the Navy. The second section repeals the proviso in section ten of an act to establish and equalize the grade of line officers of the Navy of the United States, approved July 16, 1862.

Mr. PIKE. I will explain the object of this bill. It is, in the first section, to assimilate promotions among officers of the volunteer Navy to promotions among officers of the volunteer Army. The Secretary of the Navy is now authorized by law to appoint mates, ensigns, masters, and lieutenants. This bill authorizes him to appoint two higher grades. And as the Secretary will make the appointments only on account of meritorious service in actual conflict with the enemy, which is now the mode of appointing acting lieutenants, there is no reason why these meritorious officers should not be advanced these two grades; provided they have achieved distinction and done sufficient work to warrant the promotion. That is the object of the first section. The second section makes but one change in the law of 1862. The law of 1862 provides for a transfer of lieutenants from the volunteer service to the regular service, provided that the lieutenants shall have received the thanks of Congress on the recommendation of the President of the United States. In that case of transfer to the regular service the number in that grade, it is provided, shall not be increased. This bill provides that the President may place them in the regular Navy of the same grade they occupied when they distinguished themselves in the volunteer Navy. If there be no objection, I demand the previous question.

Mr. GANSON. I ask the gentleman to yield to me.

Mr. PIKE. I will hear what the gentleman has to say.

Mr. GANSON. I propose an amendment as an additional section.

The Clerk read, as follows:

SEC. 4. That it shall be the duty of the Secretary of the Navy to designate from the Mississippi squadron and from each coast squadron the officer of whatever rank who in command of a single vessel has captured or destroyed the largest amount of shipping or other property afloat belonging to or in the service of the enemy, and that the President nominate the persons thus designated, not exceeding one from each squadron, for promotion to the grade next above that which such person shall at the time hold in the Navy of the United States.

Mr. PIKE. As the organ of the Committee on Naval Affairs, I cannot consent to accept that amendment. Not wishing to be discourteous to the gentleman, I will permit the amendment to be presented for the decision of the House.

The amendment was rejected.

Mr. PIKE demanded the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PIKE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

NAVAL APPOINTMENTS.

Mr. PIKE, from the Committee on Naval Affairs, reported back Senate bill No. 76, relating to appointments in the naval service and courts-martial, with an amendment.

The amendment was read. It strikes out the first section of the bill, which provides that volunteer appointments in the Navy shall be subject to the confirmation of the Senate as well as regular appointments.

Mr. PIKE. Mr. Speaker, the committee did not see the necessity of submitting these temporary volunteer appointments to the Senate for confirmation. It has not been done up to this time, and it would work great inconvenience to submit all of these minor appointments to the Senate before the men were sent on duty. It is known that the Senate is overworked now in the matter of appointments.

I demand the previous question.

The previous question was seconded, and the main question ordered.

On the amendment, on a division, there were—ayes 60, noes 18; no quorum voting.

The Chairman ordered tellers, and appointed Messrs. AMES and HOLMAN.

The amendment was concurred in, the tellers having reported—ayes 69, noes 37.

The bill, as amended, was ordered to be read a

third time; and it was accordingly read the third time, and passed.

Mr. PIKE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

On motion of Mr. PIKE, the title was amended to agree with the amendment in the body of the bill.

WILLIAM WHEELER HUBBELL.

Mr. MOORHEAD, from the Committee on Naval Affairs, reported back House joint resolution No. 51, relative to the claim for letters patent of William Wheeler Hubbell.

Mr. SPALDING. Mr. Speaker, this joint resolution is reported from the majority of the Committee on Naval Affairs, but I doubt much the propriety of its passage. If the party has not the right to go before the Court of Claims I do not see why we should do for him what we do not do for others. If he has that right, why does he not go there without this resolution? I am opposed to the resolution.

Mr. MOORHEAD. The preamble sets forth the facts in the case.

Mr. ASHLEY. Let the joint resolution be referred to the Committee of Claims.

Mr. MOORHEAD. I cannot agree to that.

Mr. ASHLEY. I move that the resolution be laid upon the table.

Mr. MOORHEAD. The gentleman has not the floor to make that motion. The papers which this gentleman laid before the committee this year and last year are very voluminous. The committee have looked at them somewhat carefully. This bill sends the case to the Court of Claims, and provides that that court shall investigate the question whether this party is the patentee, whether he is the original inventor, and whether he is entitled to any compensation. If they find that he is, they are to inquire what amount of compensation he shall have. The shells are certainly very valuable, and if he is the inventor he is entitled to compensation. If he is entitled to compensation, the amount might be a very large sum. The committee have limited that, and the court cannot find an amount exceeding $100,000. The committee reported last year, and they report this year again, and the question is now before the House for its determination.

Mr. ASHLEY. I do not know how this claim got before the Naval Committee, but I do know it was not properly referred. I am opposed to passing the bill as it is reported by the committee for the reason that I will not consent to give the Court of Claims jurisdiction in a single case where they may, by their decision, draw money, as I take it, contrary to the Constitution of the United States from the Treasury without a special act of Congress in each case. Now, sir, the proper place for this gentleman to present this claim against the Government, if there is a claim against us, is before the Committee of Claims of this House. That committee is charged with guarding the special interest of the Government, and to see that justice is done to claimants.

Now, I do object to bringing in here, from various committees, claims, some of which are valid and others which I know by personal investigation to be invalid. I object to sending such cases to the Court of Claims, where the Government has not sufficient protection, where there is no jury to try the case, and where a majority of the court may, if they choose, enter up judgment to the full amount to which they are limited—which in this case is $100,000—without our knowing whether the claim is just and proper or not.

I prefer that the old policy of the Government shall be adhered to, and that the Committees of Claims in this House and the Senate, which are created for the express purpose of passing upon all legitimate and honest claims against this Government, shall have the examination of these cases, shall report the facts to the House, and upon the judgment of the House, recorded here, the man having the claim shall obtain his money out of the Treasury. Certainly, in this system of legislating we are introducing an entirely new policy—that of allowing a committee of this House, who have not time to examine a case because of the large number of witnesses to be examined, to shove the responsibility off of themselves, and send the case to a court and authorize it to draw hundreds and millions of dollars from the Treasury without ever submitting the case to Congress to be passed upon by it. I call upon the members of this House to look at these cases. We had one or two of these cases here before, and I sat quietly in my seat, preferring that older members should take the lead in opposition to this policy, but now I cannot sit here and allow this precedent to be established. To secure a test vote of the House I move that the report and accompanying bill be referred to the Committee of Claims.

Mr. KELLEY. Like the gentleman who has just taken his seat, I do not know how this matter got before the Committee on Naval Affairs; but I do know it was referred to that committee by the last Congress, and was reported upon by that committee, though it was not finally acted on by the House. The case grows out of a matter entirely connected with the business of the Navy. The claim arises against the Naval Department, and it seems to me that is the appropriate committee. It seems to have been the sense of this House at an early day of this session, as it did last Congress, to refer the matter to the Naval Committee.

I know nothing of the special merits of this case, but it happens that I know the claimant. I have known him one half of his life, and that portion has been devoted to the questions involved in this claim—that of naval gunnery, shells, and fuses. I know he was almost lost for a long series of years from the bar of Philadelphia, of which he was a member, by his devotion to this matter; and I know that the experiments he made attracted not only the attention of the community at large but of great numbers of naval men and officers of our Army. Whether he has a just claim or not I cannot say. He holds patents from the Government for shells: they are now used; for fuses: they are now used; and I think that it is asking but a small favor from the Government, which should try to deal justly with its own people, that one of its own courts may investigate the question and decide upon it.

We are drawing near, I trust, to the close of the session, and I think great injustice will be done to the claimant, who does not come and ask an appropriation but simply a judicial investigation of his claim, that it shall, near the close of the session, be referred to another committee after having been regularly referred by the House to the Naval Committee, reported by that committee, and the report recommitted, as it has been.

Mr. ASHLEY. Does the gentleman pretend to say that no appropriation is contemplated by this bill?

Mr. KELLEY. I say that it does not make an appropriation. It simply asks an investigation. The Committee on Naval Affairs simply recommend that what appears to be a complicated question and one of some magnitude shall be referred to a competent forum for investigation and adjudication.

Mr. ASHLEY. Does the gentleman prefer that this question and all others like it shall go to the Court of Claims and not to the Committee of Claims of this House?

Mr. KELLEY. I am speaking of this question, and not of all others like it. I think that something like a sense of justice should govern us in this case, and in every other case, and I say that after having been, throughout the last Congress, before the Naval Committee, and after being referred to the Naval Committee by this Congress, and after that committee has reported and their report has been recommitted, it would be dealing unfairly by this claimant to make a new reference now, and put him back into the position he was in at the beginning of this session. I believe that the Committee of Claims have just about as much business before them as they can well attend to; and I shall regard a reference of this bill to that committee as a refusal on the part of the House to act upon it during this Congress, because before they can act on it, and make a report, we shall be in the crisis of business at the close of the session, and there can be no action upon it.

Mr. SPALDING. I desire to ask my colleague on the committee why it is necessary that this claim shall go to the Court of Claims through this Congress. The claimant now has an opportunity to bring his claim before that court.

Mr. KELLEY. I do not know that I can answer the gentleman's question. I know the Naval Committee seem to have thought it important that this bill should pass. They could not take time to examine the claim. They are meeting daily, and very frequently in the evenings. They were in session yesterday afternoon after the short session of the House, because their hours are all filled.

Mr. WILSON. I wish to ask the gentleman why this party does not take his claim at once to the Court of Claims without coming here.

Mr. KELLEY. This directs him to do that.

Mr. WILSON. It directs him, then, to avail himself of a remedy which he has already without any action of Congress.

Mr. KELLEY. I have not charge of this bill. I only give the reasons why I think that the bill ought not to be diverted to another committee at this time. My distinguished colleague [Mr. MOORHEAD] who reported the bill can answer the gentleman's question.

Mr. HOOPER. Has the morning hour expired?

The SPEAKER. It has, ten minutes since.

Mr. HOOPER. Then I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

Mr. ASHLEY. Will this bill come up as the unfinished business in the morning hour to-morrow?

The SPEAKER. It will come up to-morrow morning immediately after the reading of the Journal.

MESSAGE FROM THE PRESIDENT.

The SPEAKER, pending Mr. HOOPER's motion, by unanimous consent, laid before the House a message from the President of the United States, transmitting a report of Mr. Charles B. Stuart, consulting engineer of the State of New York, upon the proposed improvement to pass gunboats from tidewater to the northern and northwestern lakes; which was referred to the Committee on Roads and Canals, and ordered to be printed.

REVOLUTIONARY PENSIONERS.

The SPEAKER, by unanimous consent, laid before the House the amendment of the Senate to the bill (H. R. No. 312) to increase the pensions of revolutionary pensioners, now on the rolls of the Pension Office.

Senate amendment:

Insert the words "each of," so that it will read, "the sum of $100 per annum to each of the surviving," &c.

The amendment was concurred in.

PATENT OFFICE PRELIMINARY REPORT.

Mr. A. W. CLARK, from the Committee on Printing, reported a resolution, which was read, considered, and agreed to, to print for the use of the House twenty thousand copies of the preliminary report of the Commissioner of Patents, and ten thousand for the use of the Department.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NATIONAL CURRENCY.

Mr. HOOPER. I now insist on my motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BRANDEGEE in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; on which, by order of the House, all general debate was closed.

The question was on the amendment offered by Mr. ROSS, to strike out of the amendment proposed by Mr. HOOPER the words, "with the approval of the Secretary of the Treasury."

Mr. HOOPER's amendment was as follows:

Add to section seven the following:

Provided, That banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

The question was taken on the amendment to the amendment; and it was rejected.

The question recurred on Mr. HOOPER's amendment; and it was agreed to.

Mr. PRUYN. I desire to call the attention of the committee to the first provision of the eighth section of the bill, which declares that every association formed pursuant to the provisions of this act shall from the date of the execution of its organization certificate be a body corporate, but shall transact no business except such as may be incidental to its organization and necessarily preliminary until authorized by the Comptroller of the Currency to commence the business of banking. Under this clause persons may be incorporated for weeks and months without the public knowing anything of it. They may enter into agreements and contract liabilities, and if the association do not perfect its organization, they may say that they were a body corporate and were not personally liable for the preliminary agreements which they may have made. It strikes me that that is a very loose way of permitting a corporation to exist as a corporation, without there being any public record of it anywhere. I think that should be corrected.

Mr. HOOPER. I think if the gentleman will look at the sentence that follows he will find there is not much force in his objection. It provides that no business except such as may be incidental to the organization, and necessarily preliminary, shall be performed until authorized by the Comptroller of the Currency.

Mr. PRUYN. I have observed that; but the objection which I make goes beyond that. Here we have a corporation existing for certain purposes, while there is no public office where a man can go and find out who the corporators are or what the corporation is. The arrangements preliminary to going into business may be large or small, depending upon the future or the capital of the corporation. Liabilities may be contracted to the extent of thousands of dollars, and while the parties dealing with them may suppose they are dealing with them personally, the corporators may turn round afterwards and say they were a corporation, and may produce the instrument, which may be dated six months back. It is true they cannot transact business as a banking corporation, but still it strikes me that it is all wrong to allow a body politic to exist for any purpose whatever without there being a record of it in any public office.

The CHAIRMAN. Does the gentleman from New York propose an amendment?

Mr. PRUYN. I propose to amend the section by making it read:

Shall be a body corporate from the time of the publication of a notice of the execution of its articles of organization in a newspaper published in the place in which its business is to be transacted.

Mr. STEVENS. Mr. Chairman, I do not see any necessity for the amendment; on the other hand, I think it would be injudicious. The association subscribes to the stock. When that is done they sign an organization certificate. They can do nothing more than prepare a place for business, renting a house, or, if there be a necessity, buying one, for the purpose of transacting business—simply that which is preliminary to the banking business. There is nobody trusting them; they issue no certificates; they enter into no contracts, except the contract as individuals to provide a place for business. That is preliminary, and necessarily preliminary, to their entering into business. The public have nothing to do with it. There is no circulation, no bills to discount; nothing of this kind done. I hope that the amendment will not be adopted.

The amendment was disagreed to.

Mr. BOUTWELL. I move the following amendment:

In section eight strike out the words, "by buying and selling gold and silver coin and bullion, by loaning money on real and personal security;" and in lieu thereof insert, "by selling any coin received as interest on United States bonds held by such associations."

Mr. Chairman, I will not trouble the committee with any extended remarks. I could not well pass by this provision without offering a substitute for it. These words I propose to strike out must mean real estate. I only say I supposed that banks with that authority had almost ceased to exist in the commercial world. There is also authority to loan money upon personal security, which I suppose to mean personal property. In the preceding paragraph I find these words:

"And exercise under this act all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, checks, bills of exchange, and other evidences of debt; by receiving deposits."

If this be not considered authority to loan money upon a pledge of personal property, then it is unnecessary. If it is, then it is authority to do the business of pawnbroking.

I think it unwise to give to these banks authority to buy and sell gold and silver coin and bullion; and I call the attention of the committee to the marked difference between this bill and the law as it now stands. In the existing law, section eleven, authority is given to buy and sell gold and silver bullion, foreign coin, and bills of exchange. Authority is given to the banks to buy and sell gold and silver coin of the United States. We have been complaining of the value of gold in the market produced by speculators. We propose by this bill to do two things which I think very unwise, or rather one thing based upon a great fact; we have created a system of banks, with authority to issue $300,000,000 of currency; they have authority to increase and inflate the currency, and to increase, therefore, the price of property, including the price of gold in the market; and we give them authority to deal in coin: therefore they have authority to fix the standard which shall measure the value of coin and to go into the market to buy and sell. For one I will not consent to that authority.

Mr. STEVENS. So far as this provision is concerned it is precisely as it is now. It allows them to sell gold and silver bullion, for all coin is now bullion, subject to be dealt in. Suppose that these banks have accumulated a quantity of gold, and suppose that that gold, by the operations of our currency, is sixty per cent. above par, is it to be expected that the banks will loan that out at par? They will sell it the same as the State banks. The time has passed when you are to consider gold as currency. It is a commodity of traffic as much as bills of exchange. So much for that.

With regard to loans on real and personal security, the gentleman from Massachusetts, with his knowledge of law, knows that personal security means the security of a person—not the security of personal property. Personal security is a drawer and indorser.

Then there is another thing provided for here. It is, that the banks may make loans in addition to those upon real estate. How? It may be that a bank is willing to loan to a manufacturer. They may not know his security, his indorsers; or it may not be convenient for the manufacturer to find the indorsers they want. He then gives his promissory note, payable according to the provisions of this banking law, and, as collateral security, gives a mortgage upon real estate, instead of giving a friend as an indorser. I wish this always had been the law, and that they had not been allowed to give a personal indorser. Some of us would have been greatly better off, and so would the banks. If there be a sufficient margin taken by mortgage, with a continuing guarantee for renewal, there would be no difficulty. This is the very safest security for a bank, the most handy to the lender, and most convenient for its friends.

The question recurring on the amendment,

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. GANSON and Mr. BOUTWELL were appointed.

The committee divided; and the tellers reported—ayes 18, noes 52; no quorum voting.

The call for a division was withdrawn; and the amendment was not agreed to.

Mr. BROOKS. I call the attention of the committee to the language of the twenty-sixth line. I move to amend that line by striking out the words "real and," so that the clause shall read, "by loaning money on personal security." My object in moving the amendment is to say that in the State of New York we for a considerable time discounted on security of real estate. Experience soon taught us that that was a dangerous system of banking. And the western States, which copied our original banking law, suffered greatly thereby, and their currency became unavailable when in a crisis it was demanded for immediate use. Experience taught the State of New York, under the free banking system, that the use of real estate in banking was unsafe.

In reply to some remarks of the gentleman from Pennsylvania upon this subject, permit me to say, first, that the principle of banking requires two available securities, immediately available: first, the drawer of the note, and second, the indorser. Now, if a mortgage on real estate is given as security, and in time of trial the note is not paid, and recourse has to be had to the security, the mortgage has to be foreclosed and all the laws in relation to real estate have to be gone through with before the reale state can be made available for the purpose of converting this security in the market. However, I do not suppose it is of any use incidentally to enter one's protest against wrong principles of banking contained in this bill, or to discuss them. I do not wish to insist upon a division of the committee if the amendment is not adopted, because that will disclose the fact that there is no quorum here, and that the most important currency and banking bill that ever came before the country is acted upon here without the presence of a quorum.

The amendment was not agreed to.

Mr. BROWN, of Wisconsin. I wish to call the attention of the committee to the language of the eighth section, in line thirty-two, page 7; and, in connection with that, to refer to section five. It says that the board of directors shall have power to determine, among other things, the manner in which its property may be transferred. I move to amend by striking out the words "its property transferred." Section five authorizes these associations to make every regulation not inconsistent with the provisions of this act. That would authorize the corporation to entirely change the law of the land; it would authorize them to say that a verbal guarantee of a note would be good; it would enable them to change entirely the law in relation to indorsers; and it would authorize them to make a mortgage by parol instead of in writing. Now I object to vesting this general and indefinite power in any corporation; and because this line to which I have referred is connected with the provisions of section five, I have proposed to strike it out. Under that sentence a corporation could provide that it should sell its real estate which it might hold by parol, and not by an article under seal.

The amendment was not agreed to.

Mr. WILSON. I move to amend the eighth section by striking out in the twenty-sixth line the words "coin and," and inserting after the word "bullion" the words "and foreign coin," so that it will correspond with the existing law.

The amendment was disagreed to.

Mr. BROWN, of Wisconsin. I move to amend section nine by striking out in lines four and five the words "shall during his whole term of service be a citizen of the United States." I do not understand, sir, that the capacity of any individual to manage the affairs of a bank depends upon the question of citizenship. I know that in my own State there are many banking institutions, or that there are some banking institutions which are owned and managed almost entirely by persons who are not citizens of the United States; and this House, by compelling persons who have taken out their first papers to be enrolled as subject to the draft, has recognized at least the duty of persons who are denizens of this country, though not citizens, of responding to the calls of the Government where those calls involve a public burden. I can hardly understand upon what principle gentlemen can say that persons of this class who invest their money in corporations of this kind shall not have a voice in the management of such corporations.

Mr. STEVENS. Mr. Chairman, I see no reason for striking out those words. I think that a man who has not qualified himself to hold real estate in this country ought not to be allowed to manage the great moneyed interests of the nation. If he desires to enjoy all the advantages of a citizen let him take the oath of allegiance; let him do as other citizens do. This is no provision made against foreigners, but simply against foreigners who design to live and do business in the country without ever becoming subject to or owing allegiance to the Government.

Mr. ELDRIDGE. I wish to ask the gentleman from Pennsylvania if this provision does not

require full citizenship, and if the taking of the oath which he suggests would authorize a man to be a director?

Mr. STEVENS. Whenever a man assumes the oath of allegiance he will be entitled to be a director.

Now, sir, a foreigner cannot be enrolled; he is not liable to military duty.

Mr. ELDRIDGE. Does not this section require every director to be a citizen of the United States?

Mr. STEVENS. Certainly; but it makes no difference between an adopted citizen and a native-born citizen. A foreigner who comes here and is willing to become a citizen is by this law entitled to its privileges.

Mr. ELDRIDGE. I beg pardon of the gentleman from Pennsylvania, but I apprehend that I have not made myself understood. I suppose that a man cannot become a citizen under five years, and yet I understood the gentleman from Pennsylvania to suggest that after he had taken the oath he might be a director under this act.

Mr. STEVENS. After he had taken the oath of allegiance, I said.

Mr. ELDRIDGE. That oath of allegiance is taken when he declares his intention to become a citizen.

Mr. STEVENS. I do not so understand it. He then declares that it is his intention to take that oath and renounce his allegiance to his own Government, but the declaration first filed is no renunciation of allegiance to a foreign Power, and he remains the subject of a foreign Power until he takes the oath of allegiance and takes out his papers of naturalization. That is the way in which I understand the law.

Mr. ELDRIDGE. Then does the gentleman intend to exclude a party from being a director during the five years?

Mr. STEVENS. I intend to exclude him until he becomes a citizen of the United States, and that is no great hardship. If he will not qualify himself, why should he come here with his large capital and govern the whole monetary interests of the country? He might be enabled in that way, without having any sympathy with us, without owing any allegiance to the Government, to enter into competition which would materially control the welfare of the nation. I object to it. I have no objection to naturalized citizens. When they have shown that they intend to be subject to all the laws of the country and have taken the oath of allegiance, then they can hold real estate and then they can become corporators under this law. In my judgment they never ought to before.

Mr. BROOMALL. I ask that the section be read as it will stand if amended.

The Clerk read as follows:

SEC. 9. *And be it further enacted*, That the affairs of every association shall be managed by not less than five directors, one of whom shall be the president. Every director, and at least three fourths of the directors, shall have resided in the State in which such association is located one year next preceding their election as directors, and be residents of said State during their continuance in office, &c.

Mr. BROWN, of Wisconsin. I modify my amendment by striking out also the words "each director shall." I wish simply to make a reply to the gentleman from Pennsylvania. This House, in the bill passed to enroll soldiers, has provided that persons who have taken out their first papers, and who have voted, shall be liable to do military duty. I claim that that liability to answer in involuntary service to the United States shall go hand in hand with the rights of citizenship. The gentleman says, in this, that nearly one fourth of the voters of the State which I represent, who are liable to be enrolled and sent out to the service in the Army, shall be disfranchised in the management of their own property, and be excluded from the poor privilege of becoming stockholders or having a voice in the direction of these banks which we are about to establish.

If the gentleman will do justice, if he will consent to exempt those parties to whom I have referred from their liability under the draft, I have no doubt that each will accept of such exemption in return for the loss of this privilege provided for here. But as long as we say by our acts that they are liable to all the duties of citizenship, I claim that it would be most unjust to disfranchise them of the privileges of citizenship.

The question being on the amendment as modified, tellers were ordered; and Messrs. KELLOGG, of Michigan, and HOLMAN, were appointed.

The committee divided, and the tellers reported—ayes 28, noes 68.

So the amendment was rejected.

Mr. KALBFLEISCH. I move to amend the ninth section by striking out the words "any loan obtained from, or debt owing to, the association of which he is a director," and inserting in lieu thereof the words "for debts due by him." As the section now stands the director of any bank can hypothecate his stock in another bank. The least that can be asked for a director is that he shall own ten shares of stock of $100 each, clear of all debts to anybody.

The amendment was rejected.

Mr. BROOKS. I move to amend the ninth section by striking out the following words:

And at least three fourths of the directors shall have resided in the State in which such association is located one year next preceding their election as directors, and be residents of said State during their continuance in office.

My main object in offering the amendment is to state that in the city of New York there are a large number of bank directors doing business who reside in Connecticut and New Jersey, and even in Vermont, New Hampshire, and Massachusetts. A large portion of New Jersey is almost as much New York as the State of New York itself is. This regulation will operate very disadvantageously to the people of Connecticut and New Jersey, and in some degree to the people of Vermont and New Hampshire, if not of Massachusetts. I suppose that the object of this provision is to have three fourths of the directors of banks in western States residents of the States. In my opinion the practical operation of this whole banking law will be, under the ununiform system of redemption proposed, that gentlemen in Wall street will establish banks in Idaho, Montana, and Nevada, and make their notes issued in New York redeemable in those distant places. There will be no difficulty in sending their clerks out there and letting them acquire residence in order to become directors under this system. I do not think, therefore, that there is much good to be derived from this limitation of residence. On the contrary, I think that it will act disadvantageously on many New York directors who have their residences out of the State.

Mr. STEVENS. Mr. Chairman, this provision was intended to guard against the establishment of what are called "wild-cat banks." It has been the practice in years past for gentlemen to go from New York or any other city to some place in the interior, establish a bank, and have all the directors living outside of the State in which the bank was located. They would then go on and circulate their notes, and when the holders came to look for the responsible persons who had established the bank they were hid in the alleys of New York and Boston. The design of this provision is to require those who establish banks to live where they can be seen, in the neighborhood. Some years ago there was a bank established called the Bank of Warren. It was afterwards called the Hoop-pole bank, because no directors lived near except one who lived by cutting and selling hoop-poles. There was the Owl Creek bank, in the same way. There was one which afflicted my colleague called the Florence bank. I do not know much about it, except that it put to flight all of the money men in Boston. It so alarmed them that this principle was adopted. It is designed that those who manage these banks shall be visible to the persons who have to do with them, and that they shall reside in the neighborhood. If they do not wish to manage them themselves, let them subscribe for those who live there. Let three fourths reside in the vicinity or in the city where the bank is established. I think that it is an excellent provision, one of the best in the bill.

The amendment was disagreed to.

Mr. ELDRIDGE. I desire to submit the following amendment, to come in at the end of the pending section:

Provided, That any person liable to be enrolled under the act for enrolling and calling out the national forces may be elected and hold the office of director under this act, if such person shall own the requisite amount of stock required by this act.

Mr. Chairman, this is a question which affects the people of the West, perhaps, more than it does the people in the older portions of the country. The people who settle in the West go there as often from foreign countries, after they have made up their minds to settle in the United States, as from the older States. They bring their money to the United States, and if they desire to invest it in banking, it seems to me, after they have declared their intentions to become citizens, and when they are liable to be called out in the service of the country to defend it, that they ought to be entitled to the privilege of holding property in banks. I think that they ought to have all of the privileges that those who are full citizens are entitled to. It is for that purpose I have moved my amendment, and I hope that it will prevail.

Mr. STEVENS. Mr. Chairman, it is a benevolent amendment. I admit that at some future day, the condition of the country may be such, that it may be proper to adopt something of the kind. But at the present time I do not think the persons the gentleman intends to bring in are sufficiently educated to become directors of these banks. I suppose the gentleman who has introduced this means it to apply to slaves and persons of color, for they are also enrolled. [Laughter.] For that I am not prepared at this time. I am prepared to go for it when it is proper, but it is not proper now.

Mr. ELDRIDGE. I supposed the gentleman would go for it of course, because it included the blacks.

Mr. BROWN, of Wisconsin. I move to amend the amendment by striking out the last word. The gentleman from Pennsylvania [Mr. STEVENS] seems very willing to impose burdens upon a certain class of our western population, and at the same time to deprive them of corresponding privileges. My intention is not to repeat anything to which I have before alluded; but I simply have to say that, so far as the actual management of banking corporations is concerned, the foreign-born population have generally equal intelligence and equal honesty with the native-born population. I do not hold, as to this matter, it makes any difference where a man is born. It is a question purely of intelligence and honesty, and actual experiment in the West has shown that one is as capable as the other; and I cannot but look upon this provision as a blow made at the vital interests of the West. I cannot help but look upon it as conceived in the narrowest principles of the Know-Nothing party. At this time, when we are trying to summon to our aid all the elements of popular enthusiasm, and to convince all parties that they are interested in carrying on this great struggle, which is the excuse for this most extraordinary law, I cannot but think that to call up from the grave the old Know-Nothing principles, and that, too, when gentlemen on the other side say that they have given up all party for the purposes of this contest, must be disastrous to the country.

Mr. ELDRIDGE. I will suggest a modification of my amendment, so as to meet the views of the gentleman from Pennsylvania. I modify it so that it shall read, "and shall be residents of States, as required by this section." I did not expect to hear the objection of color raised by the gentleman from Pennsylvania. Indeed, I thought if my amendment was so general as not to suggest to the mind of anybody either color, the gentleman would certainly be willing to support it. But I must say in regard to the colored population of the country, that if they are able to own the amount of stock required by this bill, as much as I am prejudiced against some of the acts and some of the policy of gentlemen in opposition to us, I should be perfectly willing that they should be directors in a bank if they can be elected; and certainly they might be elected, I presume, by gentlemen upon the other side of the House. I do not think I should vote for them as directors in any bank where I was a director; but if it is desired to have them, I should not wish the laws of the land to prohibit them from being directors. It is a mere matter of taste; and if it suits the taste of the gentleman from Pennsylvania I would not interpose any obstacle to the indulgence to the fullest extent of the taste which he has.

The amendment was not agreed to.

Mr. DAVIS, of New York. I move to amend this section by inserting in line five, after the words "United States," the words "or, if a foreigner, shall have declared his intention to become

a citizen." I do not offer this amendment with any desire to embarrass the bill. It is one of the most important bills which have been presented for our consideration, and in view of its importance I regret that the time is so limited for discussing any question which may arise upon its merits. I offer the amendment because I know it is the policy of this Government, and of those who control the Administration, to offer every inducement to banks now existing to come in under this national law. I know that in the banks now existing in the State of New York and elsewhere there are men holding large amounts of capital who are not citizens of the United States, men who have brought here their capital, which has gone into Government bonds, gone into the business operations of the country, and contributed to its development and credit; and I am not willing, by any narrow provision of this bill, to strike down those men who have thus contributed to our prosperity. Let me tell you we are pursuing a policy which even England at this hour and day does not pursue. I might name a personal friend, George Peabody, of London, who, under the protection of English law and by American enterprise and sagacity, has carved out for himself a private fortune which has but few equals in this country or any other.

Mr. WILSON. I would inquire of the gentleman from New York whether under the laws of England relating to the Bank of England George Peabody could be a director in that bank?

Mr. DAVIS, of New York. I do not know whether he could or not; but I say this, that under the laws of England he can be the president of the Columbian bank of London.

Mr. WILSON. I suggest to the gentleman that under the laws of England he cannot be a director of the Bank of England.

Mr. DAVIS, of New York. I do not know that he can be. I do not call this a national bank; it is a bank which the Government has authorized, and the basis of which is bonds issued by the Government.

Mr. STEVENS. I suppose the gentleman knows that Mr. Peabody carries on a bank himself as an individual. His bank is no corporation. The gentleman knows also that Mr. Peabody could not be naturalized in England without an act of Parliament.

Mr. DAVIS, of New York. That I know perfectly well; and I do not propose that these foreigners shall go on and become parties to the banking system without declaring their intention to become citizens. But when these men, with their capital, have entered largely into banks already existing—banks which desire to avail themselves of this national arrangement—and ask that they shall have the privilege of protecting and managing their own capital, you deny them the privilege. They reply that they are anxious to become citizens of this country. We say, "You may declare your intentions to become citizens; but until the lapse of five years you shall have no right to control your own capital which is invested in our banks." I submit that this is neither politic nor wise. I wish nothing wrong. I wish to do everything in my power for the support of this Government; but I do not want to repudiate any little common sense which I may have acquired in my little practical experience in the business affairs of the country. I hope that some such amendment as this will prevail, because it will harmonize the interests of these parties and the interests of the country.

Mr. STEVENS. I hope the amendment will not prevail, and that we shall get through with and settle this principle. The gentleman knows very well that men in this condition are not required to serve and cannot hold office in most of the States. Why, then, should they be hurried into managing the finances of the country? Let them wait their five years. It is not too long a time. It is true you can enroll them if they have filed their declaration of intention to become citizens, or have voted, whether they have filed it or not, because voting is taken to be conclusive evidence of their having been naturalized; in other words, *they* cannot say that they have not been. If they have voted without being naturalized, they are rascals, and cannot be allowed to plead that in extenuation of their liabilities. I hope we shall settle this principle and leave the bill as it now is.

The question was taken, and the amendment was disagreed to—ayes 37, noes 58.

Mr. HOOPER. I move to amend section ten by inserting after the word "elected," where it occurs in the third line, and also where it occurs in the seventh line, the words, "and qualified," so that it will read:

SEC. 10. *And be it further enacted*, That the directors of any association first elected or appointed shall hold their places until their successors shall be elected and qualified. All subsequent elections shall be held annually, on such day in the month of January as may be specified in the articles of association; and the directors so elected shall hold their places for one year, and until their successors are elected and qualified, &c.

The amendments were agreed to.

Mr. HOOPER. I move now to amend the same section by striking out in the twentieth line the words "in the county adjoining," and inserting in lieu thereof the words, "published nearest thereto," so that that portion of the section will read:

The director so appointed shall hold his place until the next election; and if from any cause an election of directors shall not be made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto," &c.

The amendment was agreed to.

Mr. DAVIS, of New York. I wish to suggest an amendment in the tenth section. I observe that it is provided in a subsequent section that the Bank of Commerce of New York shall come in under its existing articles of association. This section provides that the election of directors shall be held annually "on such day in the month of January as may be specified in the articles of association." Now, if I recollect the articles of association of the Bank of Commerce of New York aright, they prescribe a day other than in the month of January for the election of directors. I move, therefore, to strike out the words "on such day in the month of January." My recollection of the articles of association of the Bank of Commerce is as I have stated, and those articles provide that they shall remain inviolate and unchangeable. They have, therefore, no power to name a different day for the election of directors than that provided by their articles of association. If, then, that bank should be admitted under this law, they would have no power under the provisions of this bill to have an election of directors at all; and it seems to me that as regards any bank, the election might take place on any day fixed by the articles of association.

Mr. MALLORY. I suggest to the gentleman from New York that he should simply move an amendment to except the Bank of Commerce of New York from the operation of this provision, That will accomplish his object.

Mr. DAVIS, of New York. I am willing to do that.

Mr. STEVENS. If there is to be any provision made about it, it had better be made in the section providing for the Bank of Commerce. But there is no necessity for it. There is no difficulty about the election under this bill.

Mr. DAVIS, of New York. The gentleman may be right. The objection occurred to me from my recollection of the articles of association of the Bank of Commerce. I will, however, withdraw my amendment.

Mr. KALBFLEISCH. I move to amend the section by striking out all after the word "share," in line nineteen, down to the end of the section; which is as follows:

And the Comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

I move to strike out that clause, because I believe it is vesting too much power in any one man, to give him authority to say whether he shall grant a certificate to an association or not.

The amendment was not agreed to.

Mr. ELDRIDGE. I move to amend the twelfth section by striking out the words "equally and ratably, and not one for another." These bank directors generally hold large amounts of stock, and it seems to me they should be willing to be held the one for the other, at least to the extent of the amount invested.

Mr. HOLMAN. I move to amend by striking out the word "responsible," and inserting in lieu of what is stricken out, "individually or jointly responsible," leaving it optional with the creditor of the bank to bring his action against one of the shareholders or all of them.

Mr. ELDRIDGE. I accept the amendment.

Mr. HOLMAN. Then it will read:

Shall be held individually or jointly responsible for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

It is very true that no one individual stockholder can be made responsible for a larger amount than his stock, and as much more on its fair par value. But this mode of liability amounts practically to nothing, in the face of non-resident shareholders. It seems to me that the creditor should have the right to bring action against one or all or any one of these shareholders, and that the liability incurred should be apportioned between themselves. He should not be compelled to sue all, and to recover from each a ratable portion of his debt. If this provision be adopted, it will be found that this individual responsibility amounts to nothing. Such has been the experience of every State where an attempt of this kind has been made.

The question being on the amendment as modified, tellers were ordered; and Messrs. HOLMAN and PIKE were appointed.

The committee divided; and the tellers reported —ayes 30, noes 64.

So the amendment was rejected.

Mr. KALBFLEISCH. I move to amend the twelfth section by adding to it as follows:

But no such refusal to grant a certificate to any association applying for the same shall in any instance be made without first notifying such association thereof in writing, and stating the reasons therefor; and also allowing such association sufficient time in which to answer all objections, with the privilege of an appeal from the decision of the Comptroller to the Secretary of the Treasury, who is hereby empowered to reverse any decision made by said Comptroller, if in his judgment the alleged objections to granting the certificate applied for by any association are deemed insufficient by him to authorize the withholding thereof.

I suggest the amendment because there may be some ill-feeling between the Comptroller of the Currency and the association that may apply, and the association should have power to go before the Secretary of the Treasury on an appeal, thus doing away with the one man power.

The amendment was rejected.

Mr. HOLMAN. I move to amend by striking out "to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares." The effect of the amendment is to render the shareholders responsible ratably and equally for all the debts contracted by the association. It seems to me that that is right. We are conferring extraordinary benefits on a certain class of citizens who are able to go into a system of banking. I think that the shareholders ratably ought to be responsible for the entire debt that they contract. This subject has been largely discussed all over the country, and I have no argument to present except to state the fact that as the bill now stands, the liability of the shareholder is confined to his stock and to an equal amount to that stock; whereas by the amendment which I propose the shareholders become liable ratably for the entire debt of the concern.

Mr. STEVENS. If I understand rightly the proposition of the gentleman from Indiana, it is that the man who holds one share of stock in the bank shall be liable for all the debts, circulation, and deposits of the bank. That is the effect of the amendment. It is only necessary to state the proposition to show how monstrous it is.

Mr. HOLMAN. That is not exactly the effect of it, although it might be that if there was only one responsible shareholder he would be liable for all the debts of the concern, and I believe he ought to be.

The amendment was rejected.

Mr. HOLMAN. I move to amend the section by inserting after the word "shares," in the nineteenth line, the words "and the directors of such associations shall be individuals responsible for all contracts and debts of such associations while

acting as such." If it is not right to make the shareholders responsible for the debts which the association has contracted, on the ground that they are not able to watch the operations of their bank, it is certainly proper that those who contract the debts and mismanage the banking interests, that those who create the liability and who have the charge of this banking system—that they at least should be responsible to the honest and poor creditor for the debts thus contracted. Directors are not to be responsible. They are to go on with their speculations and schemes advantageous to themselves but ruinous to the creditors of the bank, to contract to any amount, and yet they are only to be held responsible to the extent of the stock they hold, and that amount more. These directors will ordinarily hold enough to entitle them to be directors, and not a dollar beyond it. So far as the bank can be made available for their purposes it will be used, and the common laborers of the country, who are compelled to receive this circulation, have no remedy against the director for every dollar of liability he may have created.

Mr. STEVENS. I take it for granted this amendment of the gentleman from Indiana must be the law of his State. He talks about the poor man being affected. The poor man has not large deposits. He may have five or ten dollars of circulation, but the circulation is secured by the deposit of United States bonds to ten per cent. more than the circulation in addition to the capital of the bank. It is idle to talk about securing the poor man. He is secured by the law as it stands, and more than secured. The United States is security for every dollar of circulation that the banks are capable of having. There is therefore no necessity for the amendment.

Mr. HOLMAN. When the gentleman speaks of the security of the United States bonds, does that apply to the liability for the circulation alone? Does that apply to deposits?

Mr. STEVENS. I have stated that they secured the circulation. As to the depositors, they are not poor men; they are rich men, capable of taking care of themselves. They will deposit wherever they please, and the assets of the bank are responsible to them. At any rate they must look out for themselves.

Mr. HOLMAN. I move to strike out the last word. The experience of the world, Mr. Chairman, has proved that the gentleman's theory is not correct. When banks have failed, I do not care in what State of the Union, the weight of the burden has fallen upon the poor men. It is not the large depositors, but the poor man who lays up something of his weekly wages who has uniformly been the victim of these failures. It is upon the poor laborer, the widow who seeks a place of security for her little mite, and all that class of our people that the loss falls. I do not understand that there is any argument against this proposition. The gentleman from Pennsylvania advances none. If the directors are to create these debts they ought to be held to the strictest responsibility.

The gentleman seems to take it for granted that I have referred in my amendment to the banking system of Indiana. If I had I would have referred to the soundest money institution in America—to the old Bank of Indiana, by which nobody ever lost a dollar. Not only was that but each branch bank was liable. It was that mutual liability which for over thirty years kept that institution sound beyond all possibility of question.

Mr. ELDRIDGE. I am a little surprised at the summary manner in which the gentleman from Pennsylvania disposes of these questions. When a motion was made a few moments ago——

Mr. GRINNELL. I rise to a question of order. Is the gentleman opposing the amendment?

Mr. ELDRIDGE. If the gentleman will keep quiet a little while he will find that out.

The gentleman illustrated his argument by saying that if a man held $100 of stock he would be liable for all the debts of the bank. That was admitted, if there was but one individual or stockholder solvent. He says he needs only state the proposition to show it ought not to be adopted; and now, when it is proposed to make the directors liable and make those who have the management and conduct of the affairs of the bank liable for its debts, he tells the committee that there is ample security, that nobody can lose anything. In one line of argument he argues that it is monstrous to make the stockholders individually liable, and in order that the directors shall not be individually liable he tells us there is no liability.

Mr. STEVENS. The gentleman misunderstands me. I said there was no liability beyond the security for the circulation. I said nothing of other debts.

Mr. ELDRIDGE. The propositions are precisely parallel. The liability which it was proposed to be fastened on the stockholders is precisely the liability proposed to be fastened on the directors, and the argument in the one case would certainly apply to the other.

Mr. GRINNELL. I rise to a point of order. It is that the gentleman is not opposing the amendment of the gentleman from Indiana.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ELDRIDGE. I am opposing the amendment last made by the gentleman from Indiana. I am opposed to striking out the last word because it destroys the whole proposition, and I am in favor of the proposition as originally made. However, I shall submit to the ruling of the Chair.

The CHAIRMAN. The gentleman will proceed in order.

Mr. ELDRIDGE. I was saying that the argument of the gentleman from Pennsylvania which demonstrated that the stockholder ought not to be made individually liable, demonstrated most clearly that the directors should be made individually liable, for the reason that they have the management, charge, and conduct of the business. They are the men, and the only men, who can know how the bank is conducted; and the small sums of ten and five dollars, to which the gentleman from Pennsylvania refers, are as much to the poor man as the gentleman's thousands would be to him.

The CHAIRMAN. The Chair is of opinion that the gentleman is not speaking to the amendment before the committee. The last word of the amendment which the gentleman from Indiana proposes to strike out is the word "such," and the gentleman from Wisconsin must confine himself to opposing the striking out of that word.

Mr. ELDRIDGE. If that word is struck out it destroys the entire amendment.

The CHAIRMAN. The Chair is of opinion it does not.

Mr. ELDRIDGE. I have suggested about all I desire to say upon this point.

Mr. HOLMAN, by unanimous consent, withdrew the verbal amendment.

The question recurring upon the original amendment offered by Mr. HOLMAN,

The CHAIRMAN ordered tellers, and appointed Mr. HOLMAN, and Mr. ROLLINS of New Hampshire.

The committee divided; and the tellers reported—ayes 17, noes 64; no quorum voting.

Mr. HOLMAN. In order to avoid a call of the roll, I trust it will be agreed that there may be a vote taken on this amendment in the House, and then I will with pleasure withdraw the call for a division. All I desire is a fair vote upon the proposition.

Objection being made, and no quorum having voted, the roll was accordingly called, and the following members failed to answer to their names:

Messrs. James C. Allen, William J. Allen, Alley, Arnold, Francis P. Blair, Jacob B. Blair, Brooks, James S. Brown, Clay, Coffroth, Cox, Creswell, Henry Winter Davis, Dawes, Denison, Driggs, Dumont, Eckley, Eden, Edgerton, Farnsworth, Fenton, Garfield, Hale, Harding, Harrington, Charles M. Harris, Hutchins, William Johnson, Kelley, Orlando Kellogg, Kernan, King, Knapp, Littlejohn, Marvin, McAllister, McDowell, McIndoe, McKinney, Middleton, William H. Miller, Daniel Morris, Morrison, Nelson, Perry, Radford, John H. Rice, Robinson, Ross, Sloan, Smith, Starr, William G. Steele, Stiles, Strouse, Thayer, Thomas, Voorhees, Wadsworth, Ward, Chilton A. White, Joseph W. White, Williams, Wilder, Benjamin Wood, Fernando Wood, and Woodbridge.

The committee then rose; and the Speaker having resumed the chair, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the national currency bill, and, finding itself without a quorum, had caused the roll to be called and the names of the absentees noted, and had directed him to report the fact to the House, together with the names of the absentees.

A quorum having appeared, the committee resumed its session, the pending question being on the amendment offered by Mr. HOLMAN.

Mr. HOLMAN. Inasmuch as one other question has been reserved for a vote in the House, I trust no one will object to this being reserved for the same purpose.

Mr. STEVENS. If a half dozen men are entitled to call for a vote in the House on a threat to break up the committee, let them break up the committee. I shall not agree to it.

Mr. KALBFLEISCH. That is not half as bad as for one man to control the committee.

The amendment was not agreed to.

Mr. GANSON. I move to amend the twelfth section of the bill by inserting, after the word "act," in the fourteenth line, the words "and issue circulating notes;" so that the clause will read:

The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act and issue circulating notes, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

I will state briefly my reason for offering this amendment. The committee will see by the last section of the bill that the Bank of Commerce of New York, which is an association organized under the law of New York, asks to be exempted under this act from the liability of the stockholders for the debts of the association, upon the ground that under the law by which the association exists personal liability is not imposed upon the stockholders, unless the association elects to issue circulating notes.

Now, I am in favor of putting some clause in this act to enable that association and others existing under State laws to relieve themselves from personal liability if they do not elect to issue circulating notes; and I am opposed, where institutions are organized under a State law by which they are relieved from this liability by reason of their not issuing circulating notes, to their coming here and asking to be relieved from personal liability while there is conferred upon them the additional franchise of issuing circulating notes.

I understand that the object of this personal liability is chiefly to secure the holders of bills that circulate as money. I am therefore in favor of conforming this bill in that respect to the law of the State of New York, from which it has chiefly been taken, and I propose this amendment for the purpose of securing that object.

The amendment was disagreed to.

The fifteenth section of the bill was read, as follows:

SEC. 15. *And be it further enacted*, That if any shareholder or his assignee shall fail to pay any installment on the stock when the same is required by the foregoing section to be paid, the directors of such association may sell the stock held by such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city where the association is located, if the same be located in a city, and if not so located, then in a newspaper published, or of general circulation, in the county where the same is located, to any person who will pay the highest price therefor and not less than the amount then due thereon, with the expenses of advertisement and sale, and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association and the costs of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order within six months from the time of such forfeiture; and if not sold, it shall be canceled and deducted from the capital stock of the association; and if such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by this act, the capital stock shall, within thirty days from the date of such cancellation, be brought up to the requirements of the act, in default of which a receiver may be appointed to close up the business of the association according to the provisions of the fifty-first section of this act.

Mr. HOOPER. I move to amend that section by inserting, after the word "city," in line seven, the words, "or county."

The amendment was agreed to.

Mr. HOOPER. I move to strike out, in lines eight and nine, the words "if the same be located in a city, and if not so located," and to insert in lieu thereof the words, "and if no newspaper is published in said city or county."

The amendment was agreed to.

Mr. HOOPER. I move further to amend by striking out in lines nine and ten the words "or of general circulation, in the county where the

same is located," and inserting in lieu thereof the words "nearest thereto."

The amendment was agreed to.

Mr. HOOPER. I move further to amend the section by striking out "fifty-first," in the twenty-seventh line, and inserting in lieu thereof "fiftieth."

The amendment was agreed to.

Mr. BROWN, of Wisconsin. I move to amend the section by inserting after the word "may," in the fourth line, the words "bring suit for the amount in default, or;" so that it will read:

That if any shareholder, or his assignee, shall fail to pay any installment on the stock when the same is required by the foregoing section to be paid, the directors of such association may bring suit for the amount in default, or sell the stock held by such delinquent shareholder, at public auction, &c.

The object I have in view will not be accomplished by that amendment alone. It will be followed by another amendment. We have just been discussing a section in which personal liability is established on the part of the shareholders. Now, by means of this section, whenever a fraudulent organization has been established, the directors may proceed and forfeit the stock, and by that means the shareholders, so far as the depositors and creditors of the corporation are concerned, may escape from their liability. It will be necessary in addition to the amendment I now offer to add a proviso that in case there shall be a default and a sale of the stock, the party whose stock is thus forfeited shall not escape from any liability which may have accrued under the preceding section.

The amendment was disagreed to.

Mr. HOOPER. I move to amend the sixteenth section by inserting, after the word "than," in line seven, "$30,000, nor less than;" so that it will read:

SEC. 16. *And be it further enacted*, That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the Treasurer of the United States any United States registered bonds bearing interest to an amount not less than $30,000, nor less than one third of the capital stock paid in, which bonds shall be deposited with the Treasurer of the United States and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act.

Mr. Chairman, it will be noticed that there is a proviso in the eleventh line that contains this provision. I shall propose to strike out that proviso and to insert another in place of it.

The amendment was agreed to.

Mr. HOOPER. I now move to amend the sixteenth section by striking out the following:

Provided, That the amount to be deposited with the Treasurer before the commencement of business shall in no case be less than $30,000: *And provided.*

And inserting in lieu thereof the following:

And the Secretary of the Treasury is hereby authorized to receive and cancel any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run, and.

The object of this amendment will be obvious to every one. Many of the banks have the coupon bonds to deposit, and this is to authorize the Secretary of the Treasury to make the exchange and give them registered bonds. There is risk in keeping the coupon bonds on deposit, as they are passed from hand to hand, while the registered bonds are recorded.

The amendment was agreed to.

Mr. HOOPER. I move to amend the twenty-first section by striking out the words "or of equivalent United States bonds bearing a less rate of interest," and inserting in lieu thereof the words "and not exceeding eighty-five per cent. of the par value of the bonds deposited, if bearing interest at the rate of five per cent.," so that the section will read:

SEC. 21. *And be it further enacted*, That upon the transfer and delivery of bonds to the Treasurer, as provided in the foregoing section, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per cent. of the current market value of the United States bonds so transferred and delivered, but not exceeding ninety per cent. of the amount of said bonds at the par value thereof, if bearing interest at the rate of six per cent., and not exceeding eighty-five per cent. of the par value of the bonds deposited, if bearing interest at the rate of five per cent., and at no time shall the total amount of such notes, issued to any such association, exceed the amount at such time actually paid in of its capital stock.

Mr. BROOKS. Mr. Chairman, this is an important amendment; but if the gentleman from Massachusetts has thoroughly considered the subject I am not disposed to make any objection to it.

Mr. HOOPER. Mr. Chairman, as the five per cent. stock is worth par in the market the Committee of Ways and Means considered it perfectly legitimate and safe to hold it as security to the extent of eighty-five per cent. of its present value, while the six per cent. bonds are held for the same purpose to the extent of ninety per cent. The relative value is rather in favor of the five per cent. bonds. I think there can be no objection to the amendment.

Mr. BROOKS. I think the gentleman from Massachusetts is wrong in his estimate about these five per cent. bonds being at par. They are at par on paper; but the amount we are paying now on these five per cent. bonds is actually ten per cent. per annum, a very high rate of interest. What is paper par differs immensely from what will be, by and by, gold par.

The amendment was agreed to.

Mr. HOOPER. I move to amend the twenty-second section by inserting after the word "plates" the words "and dies," so that it will read:

SEC. 22. *And be it further enacted*, That the entire amount of notes for circulation to be issued under this act shall not exceed $300,000,000. In order to furnish suitable notes for circulation, the Comptroller of the Currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations.

The amendment was agreed to.

Mr. HOOPER. I move to amend the twenty-second section by striking out the words "and issued under the provisions of this act, which statement shall be;" so that it will read:

Which notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, attested by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury.

The object of this amendment is merely to lessen the amount of printing to be placed on the notes. It will be sufficient if the substance be stated without these words.

The amendment was agreed to.

Mr. GANSON. I move to amend the twenty-second section by inserting the words "one dollar, two dollars, three dollars;" so that it will read:

And to have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to receive the same.

Mr. HOOPER. Mr. Chairman, I do not propose to make any very serious objection to this amendment; but I beg to call the attention of the committee to the fact that the Treasury Department is authorized to issue legal-tender notes of less denomination than five dollars; and I understand that it is the intention of the Department to increase the issue of the small notes. The Secretary thinks he can make them sufficiently abundant without authorizing their issue by these banks. I thought it proper to make that statement, and leave the committee to do as it chooses in the matter.

Mr. BEAMAN. I wish simply to say to the gentleman from Massachusetts [Mr. HOOPER] that these large Treasury notes are very little circulated in the West. I am informed by a gentleman who has taken some pains to make inquiry that not more than one dollar out of ten is in circulation in Michigan.

A MEMBER. Legal tenders?

Mr. BEAMAN. Yes, sir. It seems, therefore, that there should be small notes to accommodate the people of the West.

Mr. WASHBURN, of Massachusetts. Mr. Chairman, I wish to say in regard to this amendment that I hope it will pass. I believe that the country demands it. If I am rightly informed, with the exception of some of our large cities, perhaps New York and Boston, there is no section of the country which does not feel the absolute necessity of having small bills. I know that the Treasury proposes to issue small bills. Any individual acquainted with banking knows if they do issue small bills they will stand differently from what they would if you permitted the banks to have the bills themselves. For instance, the Treasurer is to issue $4,000,000 of currency. What difference does it make to him whether it is in small bills or bills of five dollars and upward? It is $4,000,000 of currency in circulation. Suppose the banks have $3,000,000 of circulation. My colleague well asked what difference it makes to these banks? I answer that it makes a material difference in the country where the banks are located. Suppose each bank has its proportion of small bills necessary to carry on its business; and no bank will want any more small bills than the business requires at that location. Suppose it has a circulation of $200,000, one sixth of which is small bills. It pays out small bills to its customers in order to do business. It has its place for redemption. If in the State of Massachusetts it would be at Boston. It pays one sixth part of its circulation in small bills. Those small bills go to the place of redemption. The bank where it redeems collects these small bills. It has the control of these small bills. You should then supply each section of the country with small bills necessary to carry on that business.

On the other hand, if my colleague's plan be adopted, and we have the same system that we have had up to the present time, it will be different. Suppose this bank with $200,000 circulation sends to the commercial centers, to Boston or New York, to express a certain quantity of small bills, and when they have been expressed the bank pays them out to its customers, there is then nothing to control these small bills. When they are paid out they go to the customers, and are never returned. When they become scarce, a premium has to be paid on them.

[Here the hammer fell.]

Mr. HOOPER. My object in restraining the banks in reference to the issue of small notes was to let the Government have the profit to be derived from them.

Mr. WILSON. Unless we allow the national banks to issue small notes we will find it difficult to supply the demands of the business of the country for them. The small notes issued by the Government, being legal-tender notes, will be hoarded by the banks, and thus withdrawn from circulation. The banks will derive the benefit intended to be conferred on the people. This we should prevent by authorizing the national banks to issue small notes. We must have something to supply the place of the notes of the Government which will retire from circulation to the vaults of the banks.

Mr. HOOPER. I wished the Government to have the benefit of any circulation below five dollars.

Mr. PIKE. If the gentleman thinks it well that the Government should have the control of the circulation below five dollars, why not as well above five dollars?

Mr. WASHBURN, of Massachusetts. If the General Government is to have the advantage of a certain portion of the circulation, which he proposes to give, what is the difference to the Government whether it be five dollars or one dollar? What benefit would it be to the Government?

Mr. HOOPER. It would require more than five minutes to answer that fully. I therefore wish to confine my remarks to this proposition, that the Government should have the benefit of issuing all the circulation required below five dollars. When we come to resume specie payment there should be no issue below five dollars of small circulation. The substratum of circulation should be filled with coin. And if the committee adopt this amendment, I hope they will also allow me to move an amendment, as a proviso to the section, which I will now read:

Provided, That not more than one sixth part of the notes furnished to an association shall be of a less denomination than five dollars; and that after specie payment shall be resumed no association shall be furnished with notes of a less denomination than five dollars.

I will propose that as a separate amendment if this one is adopted, to limit the small notes to the period of the suspension of specie payment, and that when specie payment is restored there may be no issue of paper of a denomination below five dollars.

Mr. WASHBURN, of Massachusetts. I withdraw my amendment.

Mr. HOTCHKISS. I move to amend the amendment by inserting the word "four." Experience in the State of New York has shown that we cannot at any time conveniently dispense with small bills. We have tried the matter there thoroughly. We once had a small-bill law, but were obliged to repeal it. And it does not make any difference whether specie payment be suspended or not. It is a simple question between the bank and its customers whether the convenience of the community requires the furnishing of small bills. If there is any reason why we should issue large bills instead of specie the same reason applies to small bills. It is a practical question, and when it has been once determined by any community, that is a sufficient guide to them.

I hope we shall be permitted to have small bills under this law. The bills of our State banks are, by this law, driven out of circulation. We cannot get gold and silver, and we must rely upon these bills for use.

As to the Government deriving a revenue from issuing these bills, the same principle applies to large denominations of bills as well as to small ones.

Mr. PIKE. I hope the amendment will not prevail. I desire to call the attention of the committee to the anomalous position we hold in presenting to the country this bill. We spent the last days of last Congress in imposing burdens upon the circulation of State banks, with the double idea of raising a revenue and lessening that circulation. The evil we then experienced was an over circulation. It was proposed by a large taxation to lessen the circulation of State banks, but I submit that that evil to-day, instead of being diminished, is very largely increased. We have now a circulation of the General Government of $447,000,000, by the exclusive circulation of which gold has run up to seventy per cent. premium. And it is proposed by this bill to encourage still further circulation. We are now discussing an amendment to outrun the proposition of the committee, and to have a circulation not only running down to five dollars, but in order to get more of it, to have a circulation under five dollars. Of course the banks issue notes under five dollars, because they can keep such bills in circulation when they cannot keep bills above five dollars in circulation. Now, the Government has a circulation of $447,000,000, and we are getting up here an additional circulation of $300,000,000, upon which we propose to pay $18,000,000 of interest.

Mr. WILSON. I would suggest to the gentleman from Maine, in this connection, that he may find himself mistaken, for he now sees the gentleman from Massachusetts [Mr. HOOPER] is becoming a convert to the doctrine that we ought to save all this interest by the Government providing a currency itself.

Mr. PIKE. I should be happy to see any conversion upon the part of the gentleman from Massachusetts. I merely rose to make the suggestion to the committee, and I have accomplished my purpose.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

Mr. HOOPER. I now move to amend by adding the following proviso to the section:

Provided, That not more than one sixth part of the notes furnished to an association shall be of a less denomination than five dollars; and that after specie payment shall be resumed no association shall be furnished with notes of a less denomination than five dollars.

The amendment was agreed to.

Mr. BROOKS moved that the committee rise.

The motion was agreed to.

So the committee rose; and Mr. ASHLEY having taken the chair as Speaker *pro tempore*, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the national currency bill, and had come to no conclusion thereon.

And then, on motion of Mr. DAVIS, of Maryland, (at twenty minutes before five o'clock, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *March* 30, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting the report of Charles B. Stuart, consulting engineer, appointed by the President upon the invitation of the Governor of New York, according to the law of that State, upon the proposed improvements to pass gunboats from tide-water to the northern and northwestern lakes; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions of the Legislature of Kansas, in favor of a grant of lands for the construction of a railroad and telegraph line from the eastern line of the State, via Paola and Emporia, to intersect the Atchison, Topeka, and Santa Fé railroad at the nearest point west in the Cottonwood River valley; which were referred to the Committee on Public Lands, and ordered to be printed.

Mr. RAMSEY presented a memorial of the auditor of Minnesota, praying for an appropriation to reimburse that State for the costs, charges, and expenses incurred in suppressing Indian hostilities within that State and upon its borders in the years 1862 and 1863; which was referred to the Committee on Claims.

Mr. GRIMES presented a memorial of citizens of Burlington, Iowa, remonstrating against an increase of the tax on lager beer; which was referred to the Committee on Finance.

He also presented a petition of citizens of Iowa, praying for an extension of the act of March 3, 1857, for the relief of purchasers of swamp lands; which was referred to the Committee on Public Lands.

Mr. BROWN presented resolutions of the Legislature of Missouri, requesting the Senators and Representatives of that State in Congress to oppose an increase of the tax on tobacco; which were referred to the Committee on Finance, and ordered to be printed.

Mr. MORGAN presented a memorial of the American Institute of New York, praying for an appropriation to aid in the proposed exploration of eastern Asia by Dr. McGowan; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a letter of the Assistant Secretary of the Treasury, addressed to him, communicating a copy of an extract from the report of the commissioner appointed in pursuance of an act for the release of certain persons held to service or labor in the District of Columbia; which was referred to the Committee on Claims.

Mr. HOWE presented a memorial of the Legislature of Wisconsin, in favor of an increase of the monthly wages of the non-commissioned officers, musicians, and privates, sailors, and marines; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin, in favor of a grant of land to aid in the construction of the Southern Minnesota railroad; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. WILKINSON presented six memorials from citizens of Minnesota, praying for the amendment of the joint resolution now before Congress amending the act granting lands to the State of Minnesota to aid in the construction of railroads therein, approved March 3, 1857, so far as such joint resolution changes the original act, so as to allow the building of a road from Winona via St. Peter or Mankato to the Big Sioux river, south of the forty-fifth parallel of north latitude; which were referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COLLAMER, it was

Ordered, That the petition and other papers in the case of Reuben Clough, praying to be allowed arrears of pension, be taken from the files of the Senate and referred to the Committee on Pensions.

Mr. JOHNSON. I presented the other day a petition from the Merchants' Exchange Company of Baltimore, which was referred to the Committee on Claims, I think. I move now that they be permitted to withdraw their papers from the files of the Senate, as they have determined to present their case to the Court of Claims. There has been no report and no consideration.

The VICE PRESIDENT. That order will be made.

COMPENSATION OF PENSION AGENTS.

Mr. FOOT. A day or two since I reported from the Committee on Pensions a bill relating to the compensation of Government pension agents. Since that time I have received a communication from the Secretary of the Interior containing important and valuable suggestions upon that subject, and also covering the draft of a bill embodying his views upon the subject, which I regard important to be placed before the committee for their consideration in connection with the bill which has been reported. I therefore move that that bill be taken up and recommitted to the Committee on Pensions.

The motion was agreed to; and the bill (S. No. 199) relating to the compensation of pension agents was read a second time, and recommitted to the Committee on Pensions.

Mr. FOOT. I now present the communication from the Secretary of the Interior on that subject, and move its reference to the committee.

The motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 205) authorizing the Secretary of the Treasury to pay to the Governor of Minnesota, or his authorized agent, the further costs, charges, and expenses incurred in suppressing Indian hostilities within that State and upon its borders in the year 1862, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HARLAN, from the Committee on Public Lands, to whom was referred a resolution of the Legislature of Iowa in favor of a grant of land to aid in the construction of a railroad from McGregor to the Missouri river, reported a bill (S. No. 208) making a grant of lands to the State of Iowa to aid in the construction of a railroad from McGregor to some point on the Missouri river, and certain lateral roads to connect with the railroads in Minnesota. The bill was read, and passed to a second reading.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred a bill (H. R. No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865, reported it with amendments.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a memorial of the Legislature of Minnesota, praying for an appropriation for a geological survey of the mineral lands on the north shore of Lake Superior, within the limits of the State of Minnesota, asked to be discharged from its further consideration; which was agreed to.

BILL INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 209) for the relief of Mary Throckmorton; which was read twice by its title, and referred to the Committee on Claims.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. HAY, his Secretary, announced that the President had approved and signed on the 28th instant the following acts:

An act (S. No. 34) in favor of the legal representatives of Israel C. Wait; and

An act (S. No. 105) for the relief of E. F. and Samuel A. Wood.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 108) relating to acting assistant paymasters in the Navy, and regulating the appointment of cadets in the Naval Academy.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 1, 1864. NEW SERIES....No. 85.

The message also announced that the House of Representatives had passed the bill of the Senate (No. 76) relating to appointments in the naval service and courts-martial, with amendments; in which the concurrence of the Senate was requested.

The message further announced that the House of Representatives had agreed to the amendment of the Senate to the bill of the House (No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office.

The message further announced that the House of Representatives had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes;

A bill (No. 300) for the classification of the clerks to paymasters in the Navy, and graduating their pay;

A bill (No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862;

A bill (No. 367) to provide for the collection of hospital dues from vessels of the United States, sold or transferred in foreign ports or waters;

A bill (No. 369) to appoint certain officers of the Navy;

A joint resolution (No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13, in the village of Sackett's Harbor, New York; and

A joint resolution (No. 51) relative to the claim and letters patent of William Wheeler Hubbell.

The message further announced that the House of Representatives had disagreed to the amendments of the Senate to the bill of the House (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," insisted upon its disagreement to the said amendments, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES A. GARFIELD of Ohio, Mr. MOSES F. ODELL of New York, and Mr. NATHANIEL B. SMITHERS of Delaware, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the Vice President:

A bill (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865; and

A bill (H. R. No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 28th instant, an act (H. R. No. 341) to carry into effect the convention with Ecuador for the mutual adjustment of claims; and on the 25th instant an act (H. R. No. 299) to provide for carrying the mail from the United States to foreign ports, and for other purposes.

STATISTICAL CENSUS TABLES.

Mr. VAN WINKLE. I am instructed by the Committee on Finance, to whom was referred a resolution submitted by the Senator from Missouri, [Mr. BROWN,] requiring the Superintendent of the Census to prepare statistical tables, expressing in full the population of the United States, classed according to the hydrographic divisions of North America, as arranged in a newspaper article accompanying the resolution, and also the relative industrial occupations of the population in each hydrographic subdivision, distinguishing the rural from the town population; and also the agricultural, manufacturing, and commercial statistics of each, to submit a report; and I ask that the report be read.

The Secretary read the report, in which the committee say that the Superintendent of the Census declares that a literal compliance with the resolution would involve an amount of labor which would seriously interfere with the ordinary legitimate business of his office, and unless there exist reasons unknown to him why the clerical force of his office should be diverted from the current duties prescribed by law to perform those prescribed in the resolution, the public interests would not be promoted by its adoption. Concurring in this opinion, and not being able to perceive that the required compilation of information to be found in the forthcoming report from the Census Office would be of great or general utility, while the expense under any circumstances would be considerable, and the diversion of the clerks from their duties would necessarily delay the completion and publication of the report from that office required by law which will supply the desired items of information, the committee recommend that the resolution do not pass, and ask to be discharged from its further consideration.

Mr. BROWN. I ask that the report lie on the table for the present.

The VICE PRESIDENT. Objection being made to the present consideration of the report, it must lie over under the rules.

COST OF SURVEY OF PUBLIC LANDS.

Mr. HARLAN. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (S. No. 38) explanatory of the tenth section of an act to reduce the expenses of the survey and sale of the public lands in the United States, approved the 30th day of May, 1862, to report it back without amendment and with a recommendation that it pass; and as I suppose there will be no objection to its passage, I move that it be taken up now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the tenth section of "An act to reduce the expenses of the survey and sale of the public lands in the United States," approved May 30, 1862, providing for the deposit of money in a proper United States depository to pay for the survey of public lands, shall be construed to be an appropriation of the sum so deposited for the objects contemplated in that section; and the Secretary of the Treasury is to cause the sum deposited under that section to be placed to the credit of the proper appropriations for surveying service; but any expenses in the sum so deposited over and above the actual cost of the survey, comprising all expenses incident thereto for which they were severally deposited, are to be repaid to the depositors respectively.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes—to the Committee on Naval Affairs.

A bill (No. 300) for the classification of the clerks to paymasters in the Navy, and graduating their pay—to the Committee on Naval Affairs.

A bill (No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862—to the Committee on Naval Affairs.

A bill (No. 367) to provide for the collection of hospital dues from vessels of the United States, sold or transferred in foreign ports or waters—to the Committee on Commerce.

A bill (No. 369) to appoint certain officers of the Navy—to the Committee on Naval Affairs.

A joint resolution (No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13, in the village of Sackett's Harbor, New York—to the Committee on Naval Affairs.

A joint resolution (No. 51) relative to the claim and letters patent of William Wheeler Hubbell—to the Committee on Naval Affairs.

MARYLAND ELECTION OF 1861.

Mr. JOHNSON submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is requested to furnish the Senate with the original or a copy of a telegraphic dispatch or order, on the files of the Department, of Major General Dix to Provost Marshal Dodge, of Baltimore, dated the 5th of November, 1861, concerning the election held in Maryland on the following day.

TERRITORY OF MONTANA.

Mr. WADE. I move to take up House bill No. 15 to provide a temporary government for the Territory of Montana.

Mr. POWELL. I hope the Senator from Ohio will yield to allow me to offer two resolutions.

Mr. WADE. I cannot do it, sir. If I yield at all I must yield for good. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. POWELL. I will ask the unanimous consent of the Senate to present a resolution of inquiry before the yeas and nays are called. I hope the Senator from Ohio will yield that much. It can take but a moment, as one objection will send it over.

Mr. WADE. I should be glad to yield if I could do it without giving up my own proposition; but it seems I cannot do that.

Mr. POWELL. The yeas and nays having been ordered, you cannot lose it under the rule.

The question being taken by yeas and nays, resulted—yeas 29, nays 7; as follows:

YEAS—Messrs. Brown, Chandler, Clark, Collamer, Conness, Cowan, Davis, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Howard, Howe, Johnson, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Wade, Wilkinson, Willey, and Wilson—29.

NAYS—Messrs. Buckalew, Carlile, Hendricks, Lane of Indiana, Powell, Riddle, and Saulsbury—7.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and will be read.

Mr. POWELL. I move to postpone the further consideration of the bill until ten minutes before one o'clock, in order that we may present resolutions properly belonging to the business of the morning hour.

Mr. WADE. I hope not.

The question being put on the motion to postpone, it was declared that it appeared to be rejected.

Mr. POWELL. I ask for the yeas and nays on the motion to postpone.

The yeas and nays were not ordered, but five members seconding the call.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and will be read.

The Secretary read the bill. It provides that all that part of the territory of the United States commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west on the forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south along the thirty-fourth degree of longitude to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence due west along the forty-fourth degree and thirty minutes of north latitude to a point formed by its intersection with the crest of the Rocky mountains; thence following the crest of the Rocky mountains northward till its intersection with the Bitter Root mountains; thence northward along the crest of the Bitter Root mountains to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the

British possessions; thence eastward along the boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning, is to be created into a temporary government by the name of the Territory of Montana. The bill contains the usual reservation of powers of the General Government, and provides that the rights of the Indian tribes to territory within those limits which has been secured to them by treaty shall not be impaired.

After the usual provisions for the establishment of a Legislature, a judiciary, and all other necessary officers, it concludes with a provision directing that all that part of the Territory of Idaho commencing at a point formed by the intersection of the thirty-third degree of longitude west from Washington with the forty-first degree of north latitude; thence along the thirty-third degree of longitude to the crest of the Rocky mountains; thence northward along the crest of the Rocky mountains to its intersection with the forty-fourth degree and thirty minutes of north latitude; thence eastward along the forty-fourth degree thirty minutes north latitude to the thirty-fourth degree of longitude west from Washington; thence northward along the thirty-fourth degree of longitude to its intersection with the forty-fifth degree of north latitude; thence eastward along the forty-fifth degree of north latitude to its intersection with the twenty-seventh degree of longitude west from Washington; thence south along the twenty-seventh degree of longitude west from Washington to the forty-first degree of north latitude; thence west along the forty-first degree of latitude to the place of beginning, shall be incorporated temporarily into and made part of the Territory of Dakota.

Mr. WILKINSON. In section five, line two, I move to strike out the words "white male inhabitant," and insert "male citizen of the United States and those who have declared their intention to become such;" so that the clause will read:

That every free male citizen of the United States, and those who have declared their intention to become such, above the age of twenty-one years, who shall have been an actual resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, &c.

Mr. JOHNSON. If that amendment is adopted it is about to inaugurate a policy which seems to me very ill-advised. I speak it with great respect. The bill as originally drafted in this respect is in accordance with the uniform practice of the Government from its beginning to the present time. The effect of the amendment—and I suppose that in a great measure is the object of the amendment—is to admit to the elective franchise in the proposed Territory black men as well as white. The black population that has heretofore been in a state of slavery, to the extent that our armies have gone, and to the legitimate extent that may be attributed to the declarations of the President in the form of proclamations, and the laws which have been or are proposed to be passed, and the constitutional amendment which may or may not be adopted, is to be emancipated; and all the Africans now in the United States are some four millions. I suppose that it can hardly be seriously contended that of that four millions, such portion of them as have been in a state of slavery from infancy to the present time are intelligent enough or likely to become intelligent enough at once to exercise the right of suffrage. They may go, for aught I know, in numbers to the proposed Territory, and may get the whole control of the Territory. If they do not do it of themselves by their own prompting, they may be induced to do it through the influence of others, and if so we may have among us, perhaps, a question just as likely to excite the public as the question of the existence of slavery in itself.

I do not propose to discuss it; I rose with no such view; but merely to state my objections to it, and request that when the vote is taken it be taken by yeas and nays.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. WADE. I move to suspend all other business and proceed with the consideration of this bill.

Mr. TRUMBULL. I hope not. We have had up the constitutional amendment, on which the Senator from Kentucky [Mr. DAVIS] is entitled to the floor, and I trust we shall be permitted to go on with it.

The VICE PRESIDENT. The Senator from Kentucky is entitled to the floor on the unfinished business.

Mr. TRUMBULL. I hope he will proceed.

The VICE PRESIDENT. Unless the Senator from Kentucky yields the floor to the motion to postpone, that motion cannot be made.

Mr. DAVIS. I am not very tenacious on the point any way.

Mr. WADE. Neither am I. I supposed this bill would not lead to much debate and that we could get through with it immediately; but if there is any wish to take up other business I give way, notifying the Senate that I shall move to take up this bill to-morrow morning.

The VICE PRESIDENT. It will be the unfinished business of the morning hour to-morrow.

Mr. SUMNER. I suggest that the special order be passed over informally for fifteen minutes, and that will give us an opportunity to dispose of this bill.

Mr. GRIMES. This will come up to-morrow morning in the morning hour.

The VICE PRESIDENT. The unfinished business of yesterday is before the Senate, and on that question the Senator from Kentucky is entitled to the floor.

Mr. FOOT. I will inquire of the Chair what is the unfinished business of yesterday? What was the measure before the Senate that was left under discussion?

The VICE PRESIDENT. Senate joint resolution No. 16, proposing to amend the Constitution, was called up, and immediately succeeding it a communication was received from the House of Representatives and business was suspended.

Mr. FOOT. That subject was under consideration the day before yesterday.

The VICE PRESIDENT. And was called up yesterday at one o'clock, immediately after which a communication was received from the House of Representatives in regard to the death of one of its members, which was announced, and the Senate adjourned.

Mr. FOOT. It had escaped my recollection. That was the reason of my making the inquiry.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, the pending question being on the amendment reported by the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Kentucky is entitled to the floor.

Mr. DAVIS. Mr. President, I was, and am, entirely indifferent whether I proceed with the remarks which I intend to make on this subject now or at any time hereafter. Indeed, I would much prefer it if the subject upon which I am about to address the Senate, and the remarks that I propose to make in relation to it, were both postponed until doomsday. If such an arrangement as that could be made, I assure the Senate it would meet with my hearty concurrence; but I suppose that is impracticable.

Mr. DAVIS proceeded to address the Senate in opposition to the joint resolution. [His speech will be published in the Appendix.]

Mr. SAULSBURY. I move that the further consideration of this bill be postponed until to-morrow at one o'clock.

Mr. DAVIS. I omitted in the course of my remarks to present an amendment that I intended to offer.

The VICE PRESIDENT. The Chair will receive it, if there be no objection. The question is on the motion of the Senator from Delaware.

Mr. TRUMBULL. Before the vote is taken on that, I move that the Senate proceed to the consideration of executive business. I believe that will leave this joint resolution before the Senate as the unfinished business.

EXECUTIVE SESSION.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 30, 1864.

The House met at twelve o'clock, M. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

EMPLOYÉS IN TREASURY DEPARTMENT.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, transmitting a list of the clerks and other employés in his Department during the year ending December 31, 1863; which was laid upon the table, and ordered to be printed.

LEAVE OF ABSENCE TO A MEMBER.

Mr. BRANDEGEE. I ask leave of absence from this House for two weeks from to-morrow morning, for the purpose of enabling me to return to Connecticut to record my vote there in the election on Monday next, and to remain at home for a few days for the purpose of recruiting my health.

There being no objection, leave of absence was granted.

PERSONAL EXPLANATION.

Mr. STROUSE. I beg leave to state, Mr. Speaker, that on my return to this city, I find that during the call of the House on Friday last nearly all my colleagues who left here to attend the Democratic convention in Philadelphia were excused except myself. I wish to state that I had paired off with Mr. THAYER, my colleague from the fifth district. That fact was known to a number of gentlemen upon both sides of the House; but the House refused to excuse me while they excused every other absentee from my State, as I find by the official proceedings as published in the Globe. I simply rose to ascertain if possible—it may be somewhat of a matter of privilege—in what respect I have incurred the hostility and ill-will of the members of this House that I am selected as the only party to whom objection is made. The request was made upon both sides of the House that I should be excused, but objection being made thereto, I was not excused.

Now, I may take the liberty to say that I am about as attentive to my duties as any member here. I have never before been absent, except on account of sickness in my family. This was the first time, and I supposed that it would have been stated to the Chair that I was paired off. I say this in justice to myself, and I should really like to know why I was singled out from a large number of absentees from my State not to be excused.

The SPEAKER. The recollection of the Chair is that when the gentleman's name was called the excuse was not presented, and after that time it required unanimous consent, which was refused. That is the recollection of the Chair.

Mr. STROUSE. It is so stated in the official report.

COLONEL JOSEPH PADDOCK.

Mr. ODELL, by unanimous consent, from the Committee on Military Affairs, reported back the papers in relation to the claim of Colonel Joseph Paddock, with the recommendation that the parties be permitted to withdraw said papers, a bill having been passed on the 24th of February last granting the relief asked for.

Leave was granted for the withdrawal of the papers.

MRS. ROLAS Y ROBALDO.

Mr. ODELL also, by unanimous consent, and from the same committee, reported back the papers relating to the claim of Mrs. Rolas y Robaldo for damages incurred in the war with Mexico in the year 1847, with the recommendation that the party have leave to withdraw the papers and present them to the Court of Claims.

Mr. HOLMAN. A reference to the Court of Claims can only be made by a vote of the two Houses, and only by a bill or joint resolution. I desire to know if it is proposed in this manner to confer jurisdiction in the case upon the Court of Claims?

Mr. ODELL. Oh no; the recommendation of the Committee on Military Affairs is that the parties have leave to withdraw their papers from the House and present them to the Court of Claims or elsewhere as they choose. We give no directions about it.

Mr. HOLMAN. I shall not raise any objec-

tion to the withdrawal of the papers, provided copies are left on file.

Mr. ODELL. There is no objection to that.

Leave was then granted for the withdrawal of the papers.

VOTES RECORDED.

Mr. DENISON. I ask unanimous consent of the House to record my vote on the rejection of the joint resolution of my colleague [Mr. STEVENS] amendatory of the Constitution.

No objection was made.

Mr. DENISON. I record my vote in the affirmative.

Several other members made a similar request.

The SPEAKER. If there is no objection, the Chair will understand that leave is granted to gentlemen to record their votes at the Clerk's desk on the rejection of the joint resolution of Mr. STEVENS amendatory of the Constitution of the United States.

No objection was made.

The following votes were recorded in the affirmative: Messrs. MALLORY, FINCK, and JOHNSON of Pennsylvania.

In the negative: Messrs. BLAIR of Missouri, WASHBURN of Massachusetts, and MILLER of New York.

Mr. JOHNSON, of Pennsylvania. I desire permission to state to the House that my long absence was occasioned by sickness. I arrived in the Hall last Monday just after the vote was taken on the joint resolution for the amendment of the Constitution. I should have voted for its rejection, and will so vote now.

WILLIAM WHEELER HUBBELL.

The SPEAKER announced the regular order of business to be the consideration of reports from the Committee on Naval Affairs, the question being on the motion of the gentleman from Ohio, [Mr. ASHLEY,] to refer to the Committee of Claims joint resolution No. 51, relative to the claim and letters patent of William Wheeler Hubbell.

Mr. MOORHEAD. I hope the motion of the gentleman from Ohio will not be agreed to. My colleague on the committee, [Mr. EDGERTON,] to whom the case was referred, is not present to-day. He and myself spent a good deal of time examining it last session, and we were satisfied then that the claim was a just one. There are legal questions involved in it which the gentleman from Indiana [Mr. EDGERTON] could explain. I see no reason why the case should go to the Committee of Claims. As the claim is for shells used in the Navy, it was properly referred to the Committee on Naval Affairs. This not only provides for the payment of the amount now due to Hubbell, but it also provides for the purchase of the patent, so that no account for its use shall be hereafter running against the Government. I think the Committee of Claims has no jurisdiction in the matter unless Congress shall give it. I hope, therefore, that the motion will be voted down and the resolution passed.

Mr. WASHBURNE, of Illinois. The House will recollect that this case is almost parallel to the one in reference to the broom patent, which came here a short time since from the Senate.

Mr. ASHLEY. I hope not; for that was all a fraud.

Mr. WASHBURNE, of Illinois. When the resolution in that case came here from the Senate, giving the Court of Claims jurisdiction of it, the House very properly sent it to the Committee on the Judiciary. I think that this case should also go there.

Mr. MOORHEAD. I have no objection; but I think the case has been before the proper committee, and I desire the action of the House on the report.

Mr. WASHBURNE, of Illinois. I move to refer the joint resolution to the Committee on the Judiciary. It is certainly very proper that this case should go to the Judiciary Committee. The joint resolution regards the jurisdiction of the Court of Claims, and it is therefore a matter which ought to be examined very carefully. I think that the Court of Claims has jurisdiction enough already. If we go on extending its jurisdiction in every case where a party thinks he has a claim against the Government, we will overburden that court, and give it a jurisdiction which it should not have. I appeal to the gentleman from Ohio [Mr. ASHLEY] to let this case take the same direction that the other case took, involving the same questions as this does.

Mr. ASHLEY. The objection that I have to sending it to the Judiciary Committee is this——

Mr. MOORHEAD. I did not know that I had yielded the floor to the gentleman from Ohio.

The SPEAKER. The Chair supposed the gentleman had surrendered the floor.

Mr. MOORHEAD. No, sir.

The SPEAKER. Then the gentleman from Pennsylvania has the floor.

Mr. MOORHEAD. I am opposed to the reference of this case to the Judiciary Committee or to the Committee of Claims for the reasons given in the preamble to the joint resolution. The case is a very voluminous one, comprising an immense mass of testimony. During last session the Naval Committee spent something like a week in investigating it, and as there seemed to be a good deal of conflicting testimony in it, the committee came to the conclusion that it was impossible for a committee of the House to give it due consideration and attend to other public duties. For that reason the committee reported this resolution. I hope, therefore, that it will not be referred to any other committee. I do not want to have another committee of the House burdened with it. I think it should go to the court, where it can be legally investigated and properly adjudicated. I will now yield to my colleague, [Mr. BROOMALL,] who seems anxious to get the floor.

Mr. BROOMALL. Mr. Speaker, I do not see any objection to the passage of this bill as it stands, and I see no propriety in referring the matter either to the Committee of Claims or the Committee on the Judiciary. There is involved in the matter a kind of double question, which would make it probably not a proper subject for any single committee. If the Judiciary Committee and the Committee of Claims could be incorporated they would probably make what the Court of Claims now is, a court competent to decide the whole question.

The preamble of the joint resolution sets out that Hubbell claims compensation for the use of his patent by the United States Government. It also sets out that the Government does use the article claimed to be patented, and that it is a useful invention. If that is true—and that is a matter for the Court of Claims to ascertain, both the utility and the legality of the patent—if that is true, certainly the Government does not want to make use of absolute power to prevent itself from paying what it legitimately owes to one of its own citizens.

It is said that this case is on a par with a certain broom case which came up here, and was said to be wholly founded upon fraud; and that that case was disposed of by one of the committees of this House ascertaining that it was founded upon fraud. If this case is founded upon fraud, if there never was such a patent, the Court of Claims is competent to ascertain that as well as any other tribunal. I suppose the case disposed of in the summary manner alluded to to-day, if it had been referred to the Court of Claims instead of to the committee to which it was referred, would equally have arrived at a just conclusion; perhaps the Court of Claims would have arrived at the same conclusion as the committee. We are referring the claim of an individual to the court of our own selection—an arbitrator of our own choosing; and the idea of his getting an unfair advantage against the Government in a court of its own is to me a rather singular one.

Is this bill sufficiently guarded? Does it sufficiently protect the Government of the United States? It does not, if you will look at it, make the decision of the court final, because it allows an appeal to the Supreme Court of the United States by either party within ninety days. If that is not sufficiently guarding it I would like to know what it is. In other words, it is allowing the claim of the individual to be submitted to an arbitrator of our own choosing, to the Court of Claims; and if we do not like its award it allows us to take an appeal to the Supreme Court of the United States. Is there any chance for this individual to get an unfair advantage of the Government of the United States by such a proceeding as that? I must confess that I do not see it.

Again, there is still another guard by this bill. No matter how the Court of Claims or the Supreme Court of the United States may decide upon this claim, how just they believe the claim to be, and how much ought to be paid to the claimant, they cannot exceed the fixed amount of the bill. So that all of the guards that it seems to me to be necessary to place upon any claim or any bill are placed upon this claim.

The Court of Claims is allowed, first, to ascertain whether there is a patent and whether it is infringed; and, secondly, to ascertain what sum should be paid, not for past infringement, but for all future use, so that the patent shall be in the Government itself. The tribunals are of our own choosing. I, for one, am not willing to say that I will not trust the Court of Claims nor the Supreme Court of the United States.

It was a grave question whether the Court of Claims had not power to take cognizance of claims of this sort without coming to Congress; but it has been decided in a recent case by the Court of Claims itself that it has not jurisdiction unless they are specially referred by Congress. That is what the bill proposes to do.

If this claim be not referred to the Court of Claims it will come up at the next session, and again and again until acted upon; and ultimately it will have to be referred to the Court of Claims, which seems to me competent to decide with justice alike to the individual and to the Government of the United States.

Mr. ASHLEY took the floor.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. MOORHEAD. I yield to the gentleman from Ohio.

Mr. ASHLEY. I am opposed to allowing this Court of Claims to have any more power or authority than they have now. I am opposed to allowing any solicitor of the United States to go before the court and present claims for judgment against the United States without first having the supervision of Congress. This is simply a proposition to establish a precedent whereby the Court of Claims will become a great power in the Government, and whereby millions of dollars can be drawn from the Treasury without the scrutiny of Congress. I know nothing of the justness of this claim. I do not care to know anything about it. I am not a member of the Committee of Claims. I asked to be excused and this House excused me from serving upon that committee, but I hold that it is the only proper and legitimate place to which this claim should go, and I am determined, if my vote can carry it there, that it shall go there. The gentleman from Pennsylvania who reports this bill does not pretend that the committee all concur, but simply that a majority concur, in thinking that something is due this claimant; and thereupon a joint resolution is brought into this House giving the Court of Claims jurisdiction, and appropriating blindly $100,000 to this claimant. Such is the proposition before the House broadly stated.

Now I ask gentlemen whether they are willing to stand here and put themselves upon the record in favor of allowing claimants, however meritorious their claims may be, to come in here in this way, and in favor of blindly appropriating hundreds and thousands of dollars in advance, and authorizing a court to enter up a judgment against the Government, where the Government cannot in the very nature of things, have that protection and care and guardianship of their Treasury which they can have in this House and the Senate.

In reply to the gentleman from Pennsylvania, who has just taken his seat, I will say that I do not put this case upon a par with the patent broom case which was lugged in here the other day. I distinctly stated that I did not know but that this was a meritorious case; but I object to its going to the Judiciary Committee simply because I do not think that is the proper committee. The Committee of Claims was raised and created for the purpose of considering just such claims as this. The experience of the Government proves that a committee of this kind is necessary; and every possible claim which can be trumped up against the Government should be sent to that committee; and we ought not to send them to the Judiciary Committee, to the Military Committee, or any committee except the Committee of Claims. The report of that committee and the evidence in the case should be submitted to the House for their adjudication. We should not shirk the responsibility which belongs to every member here

by sending claims from this House of hundreds or thousands of dollars, as the case may be, and authorizing a court to draw the money out of the Treasury for it. It is establishing a dangerous precedent; and I prefer to return to the old policy of this Government, under which the Committee of Claims of this House was an honorable and responsible committee, having charge of these matters, and having a care to the interests of honest creditors and the Government alike.

I claim that the committees of this House and Senate are just as competent to pass upon and adjudicate these matters as the Court of Claims. If not, their members had better resign. I hope the resolution will not be pressed through in this summary way, and above all that we will not clothe the Court of Claims with any additional power.

Mr. STEVENS. Will my colleague yield to me a moment?

Mr. MOORHEAD. I will.

Mr. STEVENS. I cannot agree to the doctrine advanced by the gentleman from Ohio, [Mr. ASHLEY.] Some years ago when this Court of Claims was constituted; it was for the very purpose of taking cases from the Committee on Private Claims. It was found that the committee of this House which was called to act upon private claims was overburdened, and that the most just claims which were brought here were postponed from year to year, until the suffering applicant went down to his grave unrewarded. In order to get rid of that great evil, an evil which the Government has a right to inflict by its sovereign power, but which it ill becomes them to exercise, this Court of Claims was established; and I had thought all these claims, by the terms of the bill, were referred to that tribunal to ascertain and report to this House. But it seems now there is a doubt about it, and it is contended that claims of this kind are still to be decided by that committee. And yet you see every Friday, when these cases come before us, the most meritorious claims go over from week to week and from Congress to Congress, until the applicant is driven from his application to Congress, however just may be his claim. Now, I think that tribunal is far better qualified to ascertain and judge upon the rights of parties than any committee of this House. I do not know of whom the Committee of Claims consists—I dare say of the ablest and most responsible men that could be selected; but a court whose sole duty it is to examine witnesses and hear evidence and decide according to law, is always better qualified to determine these cases than any committee of this House can be. I know nothing of the merits of this case. If it has merits, the applicant ought to be heard; if it have no merits, he ought to be heard and thrown out of court by the tribunal after a hearing.

I trust, therefore, that this joint resolution will not be sent to any other committee, as it has already been before one committee, but that it will be sent to that tribunal that is properly constituted for deciding these cases, and that the sovereign power of this Government will not deprive individuals of a hearing before the tribunal constituted by itself, that they may some day know whether they are entitled to anything or not.

Mr. MOORHEAD. I now demand the previous question.

Mr. WILSON. I ask the gentleman to yield to me for a moment.

Mr. MOORHEAD. I must insist on the previous question.

Mr. WILSON. I hope the House will vote it down.

The question was taken, and the House refused to sustain the previous question.

Mr. WILSON. The only material, or the most material question involved in this joint resolution is one which proposes to extend the jurisdiction of the Court of Claims, and it does seem to me that the committee who have had the joint resolution under consideration have not considered the statute relating to the jurisdiction of the Court of Claims, nor have they examined the decisions of the Court of Claims in relation to questions of this kind.

Now, I hold in my hand a decision made by the Court of Claims in a patent case which was before the court for determination, and in that opinion I find the following:

"The right of the claimant to this patent right is not disputed, nor is it controverted that this right has been infringed by persons apparently acting for and on behalf of the United States. The only question raised and discussed is, whether this court has jurisdiction. What is the nature and character of the injury of which the claimant complains? At common law, the infringement or disturbance of a right of this kind was held to be a tort, for which an action of trespass on the case was the appropriate, if not the only, remedy at law. (Bull N. P., 75.) Under our statutes in relation to patent rights the same form of action has been prescribed. The fourteenth section of the act of July 4, 1836, enacts: 'Whenever, in any action for *damages* for making, using, or selling the thing whereof the exclusive right is secured by any patent heretofore granted, or by any patent which may hereafter be granted, a verdict shall be rendered for the plaintiff on such action, it shall be in the power of the court to render judgment for any sum above the amount found by such verdict as the *actual damages sustained* by the plaintiff, not exceeding three times the amount thereof, according to the circumstances of the case, with costs. And such *damages* may be recovered by *action on the case*, in any court of competent jurisdiction.'

"The seventeenth section of the same act provides 'that all actions, suits, controversies, and cases arising under any law of the United States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court.'

"These provisions, it seems to us, not only designate the form of action—point out the mode of proceeding—but specify the very tribunal in which the remedy must be administered. It is to be by action on the case; a verdict of a jury is to fix the amount of damages, and the court to increase them, within prescribed limits, according to its discretion. The proceedings of this court are not according to the course of the common law. We have no jury, and it will be readily seen that, constituted as this court is, it would be impossible for us to take cognizance of these cases and meet the requirements of the acts of Congress. Besides all this, there is the direct and explicit enactment confining the jurisdiction to 'the circuit courts of the United States, or any district court having the powers and jurisdiction of a circuit court.'"

Now, Mr. Speaker, it appears from this opinion of the Court of Claims that they have not the machinery necessary to the adjustment and trial of these cases.

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. WILSON. Not at this moment. The question is whether we are disposed to establish a precedent which shall ultimately result in giving to the Court of Claims a jury with all the machinery necessary to the determination of causes of this kind.

It may be said that this is not intended as a precedent; but we find that this is the second case that has come before the House within a few days. Committees have reported two cases in which they propose to extend the jurisdiction of the Court of Claims to patent cases. If we intend to give parties and the Government that full and complete remedy which the law now provides for patent cases, we must go further and provide a jury for the Court of Claims. It is, therefore, a very important question of jurisdiction, and one which I think should be considered by the Judiciary Committee.

Again, sir, why should we place this claimant in any better position than any other claimant under a patent issued by the Government of the United States, or, if it will not place him in any better position, why place this claimant in any worse position than other claimants having similar claims?

Now, I do think that unless we are prepared to follow up this legislation with an act providing a jury and all other machinery to the Court of Claims, we had better have this question fully investigated before we conclude to act in the premises. I will now yield to the gentleman from Pennsylvania, [Mr. KELLEY.]

Mr. KELLEY. I desired to ask the gentleman how the case to which he referred came into the Court of Claims, whether by congressional reference or upon the original petition of the claimant.

Mr. WILSON. It was upon original petition.

Mr. KELLEY. Exactly; then the court had no jurisdiction. But if the gentleman will examine the first section of the act establishing the court, he will find that it provides for the reference by Congress to that court of just such cases, and in that will be found an answer to the inquiry put to me yesterday, why the claimant did not present his claim originally to the Court of Claims? Sir, he could not do it. The law gives the court jurisdiction in all matters of contract arising under an act of Congress, or an order of one of the Departments, but where a claim comes sounding in tort, as this does, by the improper use of a patent or the infringement of the rights of a citizen, then it may be sent there—so says the original act—by a reference by Congress, and, therefore, to refer this case to the court, is by no means to extend its jurisdiction, but merely to execute the jurisdiction confided to it by the act originally creating it, to wit, the reference of such cases sounding in tort as Congress may find itself inadequate, from want of time, to examine, and yet in which there is a real question at issue between the Government and an honest claimant.

Mr. WILSON. Mr. Speaker, this joint resolution does propose to extend the jurisdiction of the Court of Claims. The Court of Claims have decided in a similar case that they have not jurisdiction. This resolution proposes to confer it expressly.

Mr. STEVENS. Will the gentleman from Iowa permit me to ask him a question?

Mr. WILSON. Certainly.

Mr. STEVENS. In the case alluded to, was it referred to the Court by Congress?

Mr. WILSON. No, sir; it was not. If the Court of Claims has jurisdiction now, there is no necessity for the passage of this act. If it has not the jurisdiction now, does the gentleman think we ought to extend it?

Mr. KELLEY. The gentleman will permit the act itself to answer.

Mr. WILSON. I understand what it says.

Mr. KELLEY. It provides that the court shall hear and determine all claims founded on any law of Congress, or on any regulation of an Executive Department, or on any contract, express or implied, with the Government of the United States, that may be presented to it by a petition filed therein. Now, the case to which the gentleman refers was not such a case; and therefore the court had no jurisdiction. But the act proceeds:

And also all claims which may be referred to said court by either House of Congress.

It has been the constant usage of both Houses of Congress to refer just such cases as this to that court, under that clause. Therefore I say that the reference of this case is not an extension of the jurisdiction of the court.

Mr. WILSON. The Court of Claims does not base its want of jurisdiction on the ground simply that the case was not referred to it. In addition to that, the court says that it is not provided with a jury, or with the machinery necessary for the trial of the case. Does the gentleman propose to send a jury to the Court of Claims with this case? The court says it has no jurisdiction because the case has not been referred to it by Congress; and that if it had been referred, the court could not try it because it is not provided with a jury, to which the parties are entitled.

Mr. MOORHEAD. I did not give the gentleman my entire time.

Mr. WILSON. I yield the floor.

Mr. MOORHEAD. The claimant here has got into the hands of the lawyers, and we have had a legal discussion of it. I do not profess to know much about its legal points, but I do profess to know something about the principles of justice and honesty. I think that if Congress does not refer this man's claim where it can be properly examined and adjudicated, it will be a denial of justice to him. I believe this is a just claim, and I have examined it thoroughly.

I hope the matter will be referred to the Court of Claims, where it can be duly investigated, and that the proposition to refer it to the Committee of Claims will be voted down. I renew the call for the previous question, and hope that it will be seconded now, as the question has been legally and thoroughly discussed.

Mr. SCHENCK. I propose to offer a substitute for the bill if the gentleman will withdraw the previous question.

Mr. MOORHEAD declined to withdraw it.

Mr. SCHENCK. Then I hope it will be voted down. I do not recognize the right of the gentleman first to move the previous question, and when that is voted down to claim the floor again.

The SPEAKER. There are two motions pending to refer the bill, one to the Committee on the Judiciary and the other to the Committee of Claims, and these would cut off the motion to amend.

Mr. SCHENCK. If the previous question be voted down, will it be in order to propose instructions to the committee?

The SPEAKER. It will be.

Mr. SCHENCK. Then if the previous question be voted down I will submit an amendment with instructions.

Mr. MOORHEAD. I hope the House will sustain the previous question.

The previous question was seconded, and the main question ordered.

Mr. ASHLEY. I accept the amendment offered by the gentleman from Illinois [Mr. WASHBURNE] to refer to the Judiciary Committee.

The SPEAKER. That can be done only by unanimous consent.

Mr. MOORHEAD. I object.

The question being on Mr. WASHBURNE's amendment to Mr. ASHLEY's motion,

Mr. ASHLEY called for the yeas and nays, and for tellers on the yeas and nays.

Tellers were ordered; and Messrs. ASHLEY and MOORHEAD were appointed.

The House divided; and the tellers reported—ayes thirty.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 51, nays 59; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Beaman, Boutwell, Boyd, Brandegee, James S. Brown, William G. Brown, Chanler, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Dumont, Eliot, Frank, Garfield, Gooch, Grinnell, Higby, Asahel W. Hubbard, John H. Hubbard, Julian, Francis W. Kellogg, Samuel F. Miller, Morrill, Norton, Odell, Orth, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Smithers, Spalding, Thomas, Tracy, Upson, Elihu B. Washburne, William B. Washburn, Wilson, Windom, and Woodbridge—51.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Anderson, Baily, Augustus C. Baldwin, Baxter, Blaine, Francis P. Blair, Bliss, Brooks, Broomall, Clay, Driggs, Eldridge, English, Finck, Grider, Griswold, Hale, Hall, Harding, Harrington, Herrick, Holman, Hotchkiss, Philip Johnson, Kalbfleisch, Kelley, Law, Lazear, Longyear, Mallory, Marcy, McClurg, William H. Miller, Moorhead, James R. Morris, Morrison, Amos Myers, Leonard Myers, Noble, Charles O'Neill, John O'Neill, Patterson, Pendleton, Perham, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Scott, Shannon, Stevens, Strouse, Stuart, Whaley, Wheeler, and Winfield—59.

So the House refused to refer the bill to the Committee on the Judiciary.

The question then recurred on Mr. ASHLEY's motion to refer the bill to the Committee of Claims.

Mr. WASHBURNE, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. MALLORY. If the bill is not referred to the Committee of Claims, I understand that the question will then come up on referring it to the Court of Claims.

The SPEAKER. The bill provides for referring the claim to the Court of Claims.

The question was taken; and it was decided in the negative—yeas 53, nays 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Beaman, Boutwell, Brandegee, James S. Brown, Chanler, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Dumont, Eldridge, Eliot, Finck, Garfield, Gooch, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Francis W. Kellogg, Samuel F. Miller, James R. Morris, Norton, Odell, Orth, Pendleton, Pomeroy, Price, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Tracy, Upson, Elihu B. Washburne, William B. Washburn, Wheeler, Wilson, Windom, and Woodbridge—53.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Anderson, Baily, Augustus C. Baldwin, Baxter, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brooks, Broomall, William G. Brown, Clay, Cravens, Denison, Driggs, English, Grider, Griswold, Hale, Hall, Harding, Benjamin G. Harris, Herrick, Holman, Hotchkiss, Philip Johnson, Kalbfleisch, Kelley, Law, Lazear, Loan, Longyear, Mallory, Marcy, McClurg, Moorhead, Morrison, Amos Myers, Leonard Myers, Noble, Charles O'Neill, John O'Neill, Patterson, Perham, Perry, Samuel J. Randall, William H. Randall, Alexander H. Rice, Robinson, Rogers, Scott, Stevens, Strouse, Stuart, Ward, Whaley, Wilder, Winfield, and Yeaman—63.

So the House refused to refer the bill to the Committee of Claims.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MOORHEAD demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. WASHBURNE, of Illinois, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 67, nays 47; as follows:

YEAS—Messrs. James C. Allen, Ancona, Anderson, Baily, Baxter, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brooks, Broomall, Clay, Cravens, Denison, Driggs, Eldridge, English, Grider, Griswold, Hall, Harding, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hooper, Hotchkiss, Philip Johnson, Kalbfleisch, Kelley, Francis W. Kellogg, Law, Lazear, Loan, Longyear, Mallory, Marcy, McBride, McClurg, William H. Miller, Moorhead, James R. Morris, Amos Myers, Leonard Myers, Charles O'Neill, John O'Neill, Patterson, Perham, Perry, Pike, Samuel J. Randall, William H. Randall, Robinson, Rogers, James S. Rollins, Scott, Shannon, Stevens, Strouse, Stuart, Ward, Whaley, Wilder, Winfield, and Yeaman—67.

NAYS—Messrs. Alley, Allison, Ames, Ashley, John D. Baldwin, Beaman, Boutwell, Brandegee, Chanler, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Dixon, Dumont, Eliot, Finck, Frank, Garfield, Gooch, Higby, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Morrill, Morrison, Norton, Odell, Orth, Pendleton, Pomeroy, Price, Edward H. Rollins, Schenck, Scofield, Smithers, Spalding, Thomas, Tracy, Upson, Elihu B. Washburne, William B. Washburn, Wheeler, Wilson, Windom, and Woodbridge—47.

So the bill was passed.

Mr. MOORHEAD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865; and

An act (H. R. No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, their Secretary, notifying the House that that body had passed Senate joint resolution No. 38, explanatory of the tenth section of an act to reduce the expenses of the survey of the public lands of the United States, approved May 30, 1862; in which he was directed to ask the concurrence of the House.

RESOLUTIONS OF WISCONSIN.

Mr. COBB, by unanimous consent, submitted the resolutions of the Legislature of Wisconsin on the condition of the country; which were ordered to be printed, and laid upon the table.

MILITARY ROAD.

Mr. YEAMAN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the practicability and utility of furnishing and using as a military highway the railroad from Henderson, Kentucky, to Nashville, Tennessee; and to report by bill or otherwise.

Mr. HOOPER moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GRISWOLD. I desire to make one or two adverse reports from the Committee on Naval Affairs, which I apprehend will meet no objection. I ask the gentleman from Massachusetts to yield to me for that purpose.

Mr. HOOPER. I will yield on condition that they give rise to no debate.

CAPTURES MADE BY ARMED VESSELS.

Mr. GRISWOLD, by unanimous consent, from the Committee on Naval Affairs, reported back a bill (H. R. No. 269) in relation to the captures made by armed vessels in the service of the United States, with a recommendation that it should not pass.

The bill was laid on the table.

JAMES M. WATSON.

Mr. GRISWOLD also, by unanimous consent, from the Committee on Naval Affairs, made an adverse report upon the petition of James M. Watson, commander in the United States Navy.

The report was laid on the table.

RITCHIE'S COMPASS.

Mr. GRISWOLD also, by unanimous consent, from the Committee on Naval Affairs, made an adverse report on the resolution to purchase the right of using and manufacturing Ritchie's compass for the use of iron-clad ships.

The resolution was laid on the table.

LIEUTENANT JOHN H. RUSSELL.

Mr. MOORHEAD. I ask the same privilege of the gentleman from Massachusetts.

Mr. HOOPER. Certainly, on the same conditions.

Mr. MOORHEAD, by unanimous consent, from the Committee on Naval Affairs, reported back a joint resolution tendering the thanks of Congress to Lieutenant John H. Russell and the men of the steamer Colorado, with a recommendation that it do not pass.

The resolution was laid on the table.

CAPTAIN HENRY WALKE.

Mr. MOORHEAD also, by unanimous consent, from the Committee on Naval Affairs, reported back a joint resolution tendering the thanks of Congress to Captain Henry Walke, with a recommendation that it do not pass.

Mr. SPALDING. Before the question is taken on laying this resolution on the table, I hope the report will be read. I am certain it does no injustice to Captain Walke.

The report, which was read, states that the Naval Committee, to which was referred the joint resolution tendering the thanks of Congress to Captain Henry Walke for his efficient services rendered the country in connection with the opening of the navigation of the Mississippi river, had had the resolution under consideration, and highly appreciate the bravery and conduct of Captain Walke and his brave associates in connection with the navigation of the Mississippi river, yet from feelings of delicacy to many other brave and heroic men, whom it would be impossible to name individually, the committee were constrained to report adversely on the resolution.

Mr. WASHBURNE, of Illinois. As the Committee on Naval Affairs have concluded not to report back the resolution favorably, I could only be contented with the result on the ground that no thanks are to be voted for any officer in like rank to that held by Captain Walke, of whose services I have known much, and who has rendered brave and gallant services with many other officers in command upon the western waters. If any resolution of thanks were to be passed to any of those gentlemen in that rank, I should certainly be in favor of the passage of the resolution in behalf of Captain Walke.

Mr. FINCK. I think great injustice would be done to this gallant officer if the report should be concurred in by the House. I was not apprised by the chairman of the committee that such a report would be made this morning, or I should have been prepared to furnish the House with evidence which would satisfy it that this resolution should be adopted without a single dissenting voice. No more gallant officer belongs to either the military or the naval service of the United States than Captain Henry Walke. He was the first officer of the Navy that undertook to run the batteries of Island No. 10, and he accomplished it to the satisfaction not only of his superior officers, but of the Secretary of the Navy, and to the entire satisfaction of the whole country. He has participated in fourteen engagements in the present war, and has been under fire, perhaps, as often if not oftener than any man of his age in that arm of the service, and it seems to me exceedingly strange that an officer who has done so much during this struggle, and who has acted so bravely, should receive at the hands of the Naval Committee this kind of gratitude. We have been thanking generals in the Army and commanders in the Navy, and I think it would be unjust to Captain Walke if this House should refuse to pass this resolution recognizing his brave and gallant services. I therefore trust that the recommendation of the committee will not be concurred in, but that the resolution of thanks may receive the unanimous vote of this House.

Mr. HOOPER. I must object to any further discussion.

The SPEAKER. The Chair understood the gentleman from Massachusetts to yield on condition that no debate should arise on these adverse reports.

Mr. WASHBURNE, of Illinois. I suggest

that, by general consent, the report be recommitted to the Committee on Naval Affairs.

Mr. MOORHEAD. He has been thanked by the Department in a letter from the Secretary, and he has been promoted; and the report of the committee does virtually what the gentleman wished us to do formally. We do not think we can do it formally without doing injustice to others, but this thanks him virtually, and I think the gentleman had better accept the report of the committee.

Mr. HOOPER. I must insist on my motion.

The SPEAKER. The Chair will have to arrest this debate. The gentleman from Massachusetts yielded only on condition that the reports made would give rise to no debate. This bill can be recommitted, or it will come up to-morrow morning as the unfinished business, but the pending motion to lay upon the table is not debatable.

Mr. BRANDEGEE. I hope the gentleman from Pennsylvania will withdraw the report and let it come up at some other time.

Mr. MOORHEAD. Well, I withdraw the report.

NATIONAL CURRENCY.

Mr. HOOPER. I now insist on my motion to go into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BRANDEGEE in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The CHAIRMAN stated that when the committee rose last evening the twenty-second section of the bill was under consideration.

Mr. BROOKS. I move to strike out, in the fifth and sixth lines, the words "under the direction of the Secretary of the Treasury," so that the clause will read:

In order to furnish suitable notes for circulation, the Comptroller of the Currency is hereby authorized and required to cause plates to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations.

Mr. Chairman, the committee will remember that in the first section of this bill we struck out the provision that the Comptroller of the Currency shall be appointed by the President *on the recommendation of the Secretary of the Treasury*. We struck out the phrase "on the recommendation of the Secretary of the Treasury," and thereby we agreed, or seemed to agree, that the President of the United States should be made to have control of this subject through his agent, the Comptroller of the Currency. To be congruous and not incongruous in our action, it is now necessary in this section to strike out the words "under the direction of the Secretary of the Treasury." The principle we started with was that the Comptroller appointed by the President should have control of this bureau, if I may so call it—this agency. I repeat, then, that in order to be consistent with our prior action, we must follow it up by striking out these words, leaving this furnishing of suitable notes for circulation altogether to the Comptroller of the Currency.

Permit me to add that this causing of plates and dies to be engraved and the printing and circulation of notes is not a matter which should belong to the Secretary of the Treasury, but one that should belong to the Comptroller of the Currency. The Secretary of the Treasury has too much to do already, too much employment. He cannot give sufficient time and attention to the printing and circulation of these notes, and therefore it should be left exclusively, I think, to the Comptroller of the Currency.

Gentlemen will bear in mind that some weeks ago I called attention to the mode and manner of printing in this Department and to those who were there employed in printing these circulating notes. I had hoped some attention would have been paid to this matter to which I called the especial attention of the House, but no such attention has been paid to it. The printing of notes goes on as heretofore; and if some great mishap does not occur, some public calamity, some great misfortune, it will be to the credit of the Republican party. I can assure gentlemen, as a printer myself, that it is with the greatest difficulty that we can regulate and control our printing offices so as to prevent the abstraction of newspapers worth only three cents apiece, while the temptation here is vast beyond all calculation.

Let, then, the Comptroller of the Currency, who has not the issuing of bonds, who has not the regulation of the tariff, who has not the vast interests of the country under his control, as the Secretary of the Treasury has, have the direction of this matter. It should be left as much as possible to some other person than the Secretary of the Treasury, and that person, in my judgment, should be the Comptroller of the Currency.

Mr. GARFIELD. I desire to ask the gentleman from New York if he knows of any wrong that has been committed in this Department, and if so, what?

I do not profess to understand this matter at all, but I have become thoroughly tired of these constant insinuations that there is something very rotten somewhere in the management of the Government. If the gentleman would make some definite statement which could be met or acknowledged, I would be obliged to him.

Mr. BROOKS. Why, Mr. Chairman, I produced here a public document, on record, from which I showed that the man who has the printing and control of the public money was engaged in a most fraudulent transaction, as reported by a Republican committee of this House at a previous session of Congress. What could have been more definite or more particular? And if the gentleman now will give me a committee, I will undertake an examination, with associates, that will establish that fact and much further facts. I make the charge and I ask for a committee; I demand a committee to investigate this whole subject of printing the public money, and if the honorable gentleman will give it me, he will be answered to his full satisfaction.

Mr. GARFIELD. I will say, Mr. Speaker——

The CHAIRMAN. The Chair will inform the gentleman from Ohio that debate on the pending amendment is exhausted.

Mr. GARFIELD. Then I move to amend the amendment by striking out the last word. I will say in answer to the gentleman that the document to which he refers——

Mr. ELDRIDGE. I rise to a point of order. The gentleman from Ohio must be restricted to an argument in favor of striking out the last word. That was the rule of the Chair yesterday in regard to myself.

The CHAIRMAN. The Chair is not able to ascertain, as yet, to what point the gentleman from Ohio is speaking.

Mr. GARFIELD. I do rise to have the last word. That is the matter I am discussing.

Mr. ELDRIDGE. I have no objection to the gentleman from Ohio making a speech. I only raised the point of order because the Chair ruled that upon me yesterday.

The CHAIRMAN. The Chair will hold the gentleman from Ohio to the same rule as was imposed yesterday on the gentleman from Indiana.

Mr. GARFIELD. The last word to which I refer is the word which the gentleman from New York [Mr. BROOKS] has just uttered on this subject, and I answer him——

The CHAIRMAN. Debate is not in order on what the gentleman from New York uttered, but only on the pending amendment to the amendment.

Mr. GARFIELD. I wish then to say that, in regard to striking out this last word, it can only be justly stricken out, to show that the amendment which the gentleman himself proposed to this section is based to a very great extent on the argument which the gentleman has referred to, namely——

The CHAIRMAN. The Chair cannot see the relevancy of the remarks of the gentleman from Ohio. The question is on the amendment to the amendment.

Mr. GARFIELD. I withdraw it.

The question recurred on Mr. BROOKS's amendment.

Mr. STEVENS. I do not understand that the amendment of the gentleman from New York has yet been opposed. If not, I will say a word in opposition to it.

The CHAIRMAN. Debate is open on that amendment.

Mr. GARFIELD. I was ruled out on that point.

Mr. STEVENS. Mr. Chairman, if the proposition of the gentleman from New York——

Mr. GARFIELD. If the gentleman from Pennsylvania will allow me, I wish to say that I was ruled down in an attempt to speak on that same point on which the gentleman from Pennsylvania is declared to be in order.

The CHAIRMAN. The gentleman from Ohio proposed an amendment to the amendment.

Mr. GARFIELD. Not until after I was ruled down. I rose to speak in opposition to the amendment of the gentleman from New York, and was told by the Chair that it was out of order to say anything further on that question. Then I offered an amendment and was ruled out again.

The CHAIRMAN. The Chair understood that after the gentleman from New York [Mr. BROOKS] proposed his amendment the gentleman from Ohio [Mr. GARFIELD] rose and submitted some remarks in the nature of a question, and finally proposed an amendment of his own to the amendment. The point of order being raised, the Chair held that the gentleman from Ohio should confine his remarks strictly to the amendment to the amendment, which was on striking out the last word.

Mr. GARFIELD. The Chair distinctly announced that debate on the amendment of the gentlemen from New York was exhausted.

Mr. ELDRIDGE. I think the Chair is mistaken. I made the point of order myself.

The CHAIRMAN. The gentleman from Pennsylvania claims the floor and is entitled to it.

Mr. STEVENS. Mr. Chairman, the motion of the gentleman from New York involves the supposition that the Comptrollership of the Currency is a separate Department, for his object is to take from the Secretary of the Treasury all control of it. Now, the whole bill goes upon the supposition that the Comptrollership is a part of the Treasury Department. The very first section of the bill which we have already passed, says:

The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury.

Mr. BROOKS. The committee has struck that out.

Mr. STEVENS. No, sir.

Mr. BROOKS. I appeal to the Chair.

Mr. STEVENS. We only struck out that part of the section that interferes with the appointment of this officer, requiring him to be appointed on the nomination of the Secretary of the Treasury.

Mr. BROOKS. Does the gentleman refer to the ninth and tenth lines?

Mr. STEVENS. I refer to the first section, from the seventh to the tenth lines:

The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury.

Mr. BROOKS. Am I not correct in saying that in the eleventh line we struck out the words "on the recommendation of the Secretary of the Treasury?"

Mr. STEVENS. Yes, sir; but before that it is provided that this bureau shall be under the direction of the Secretary of the Treasury. We struck out only that which seemed to dictate to the President how he should make his appointments. Unless you mean to make this a separate Department you ought not to adopt the amendment of the gentleman from New York. But I see no occasion for taking it away from the direction of the Secretary of the Treasury. I believe there has been no honest or intelligent man in this House who has charged the Secretary of the Treasury with corruption or short-comings. It seems to me since the days of Alexander Hamilton no abler and no purer man has filled that office than the present incumbent. I have done, especially as I see that my time is out. [Laughter.]

The amendment was rejected.

Mr. PIKE. I move to strike out the words "one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars." This bill proposes an addition to our currency, or rather it contemplates the addition of $300,000,000. The question for us to decide is whether that addi-

tional sum shall be furnished by the General Government in the shape of greenbacks—what we call United States notes—or shall be furnished by the bankers of the country, through the national banks that are contemplated by this bill. Of course, if the General Government furnishes the greenbacks for this currency it gets all the benefit of so furnishing the currency. It saves the interest. It gets any resulting benefit from the loss of notes. If the banks furnish these notes the banks get these benefits. They get the interest, and they get what gain there is by the loss of notes. Now, sir, so far as I am acquainted with the sentiment of the country, everybody is well satisfied with the currency of the Government. In all quarters of the country they take these greenbacks with avidity. Where is the necessity of authorizing the banks to issue this $300,000,000? Still, if this amendment be adopted, there is room for exercising bank functions.

The last section of the bill brings within the scope of this law the Bank of Commerce of New York city. That bank, as it is well known, is a bank of deposit and discount. It is not a bank of circulation. This amendment places these national banks upon the same footing as the Bank of Commerce. It makes all the banks authorized by this law simply banks of deposit and discount. Where is the necessity of making them banks of issue? My amendment contemplates that the larger bills, which may be useful by way of exchange so as to save interest, may be issued by the banks, and that the smaller bills which enter into circulation from hand to hand shall be procured directly from the United States Government, instead of being filtered through these banks.

Mr. HOOPER. If the gentleman from Maine is sincere in his proposition, he will not object to an amendment that I will make to his amendment. I move to add, as follows:

It shall not be lawful for any person, association, or corporation, to issue any note, check, or other evidence of indebtedness designed or calculated to circulate as money.

Mr. PIKE. I have no objection to that amendment, and accept it as a modification of my own. It is a question whether Congress has that power as an original question. I should have no doubt that Congress has that power, but the gentleman from Massachusetts [Mr. HOOPER] is aware that the Supreme Court of the United States has decided that the issues of the State banks are entirely proper and constitutional. That was in the case of the Kentucky banks. Consequently when the gentleman offers the amendment, it would result very well if it could be carried out; but he is running in conflict with the decision of the Supreme Court of the United States. We attempted last Congress to obviate that difficulty by taxing these notes out of existence. We laid a tax the last days of the session upon the issues of State banks, upon the ground that we had that authority, if we could not prohibit their circulation. I voted for that provision, and the House concurred in it, and we taxed out of existence the circulation of State banks which were sound; and now we are engaged in the process of procuring the issues of other banks to take their places, and which will be no better than they.

The amendment to the amendment was not agreed to.

The amendment was not agreed to.

Mr. BROOKS. I am going to make one more effort to amend this section in line twenty-four. I move to amend by striking out the words "Secretary of the Treasury," and inserting in lieu thereof the words "Comptroller of the Currency;" so that the clause shall read:

And the said notes shall bear such devices and such other statements, and shall be in such form, as the Comptroller of the Currency shall, by regulation, direct.

I should not insist in urging this subject on the consideration of the committee, but that I feel it to be a matter of the greatest importance that the vast money power of this country should be divided up as much as possible in its control. The centralization of these immense loans, of this immense debt, of this vast control of the public money, in the hands of one man almost without responsibility, is a centralization and consolidation of power frightful to contemplate and frightful in its consequences. I therefore, in good faith, make this persistent effort to divide, if possible, the responsibility in the management of this matter.

I took occasion upon this floor some days since to say that I served in Congress some years ago with the honorable Secretary of the Treasury, and that I believed him to be an honest man, indorsing what the gentleman from Pennsylvania says. But at the same time I took occasion to say that in my whole experience in public life I never knew a man to be surrounded and enveloped by so many unprincipled men as the honorable Secretary of the Treasury, and, as a specific feature, I called attention to the particular fact of the distribution of the $500,000,000 loan. Before we enacted a law giving the Secretary of the Treasury power to issue $510,000,000 of public debt, he, by the record, had issued over five hundred and ten millions, upon which he had paid $444,000 into somebody's pocket. And it is my belief at this day and this hour, that this money is used by the opponents of Mr. Lincoln for the establishment of anti-Lincoln Republican papers in the city of New York and elsewhere. I have nothing to do with the mode and manner in which they make use of the public money, but I have a great deal to do with the denunciation of that system by which the Secretary of the Treasury permitted $450,000 to be taken from the public money upon this loan, and to be deposited and given to favorites, without any right of control over it.

Hence I persist in this effort to dissever as much as possible the Secretary of the Treasury from the control of this loan, and to give the President some share of that control. The power is vast; and the day is coming when the Republican party, as their electioneering campaign progresses, will do me the justice of admitting I have a foresight in this whole matter; and if they are wise they will listen to me.

Mr. STEVENS. This is but a repetition of the same motion the gentleman made before; and I hope it will not prevail. I am glad the gentleman concedes there is one honest man in the Treasury Department in this Administration. I wish he could say as much of the last. I do not just now recollect the individual he could point to, nor do I know who the gentleman means by the dishonest men who surround the Secretary of the Treasury. These vague denunciations are easily made; they are the weapons of party. They are generally the weapons of the small men of the party; the light artillery used by mere skirmishers; they are not generally used by the whole body of the party, as is the case with the gentleman from New York. I am sorry, therefore, that he allows this to be used by others to whom it would do no discredit.

But, sir, as to the fact now alleged by the gentleman, that this $450,000 is put into the pockets of somebody, does he suppose that there was to be no expense in printing and taking in the subscriptions for the $500,000,000 loan—a loan which ran a year before $18,000,000 of it was taken, and which was not taken until these agents were employed? What gentlemen he refers to as using this money for the purpose of establishing anti-Lincoln papers I do not know. I can hardly believe that any of these money operators would be so generous and disinterested. I have not been accustomed so to consider them. If it were not for the high authority of the gentleman from New York I would not believe a word of it now. But, sir, I do not know that there is any anti-Lincoln paper or anti-Lincoln club now being established. I suppose the gentleman does not mean the McClellan clubs? He can hardly refer to them. Nor does he refer to any clubs established by his party.

Mr. BROOKS. I said Republican.

Mr. STEVENS. His party consists only of himself and one member claiming a seat, I believe, from Missouri, [laughter,] and I presume they are not to be supposed to be engaged in it.

Now, I do not believe there is anybody opposing Mr. Lincoln. The other side of the House have taken to praising him, and they are merely trotting out General McClellan for the purpose of giving a stronger race and exercising the present incumbent, who is in the field, I suppose. [Laughter.] They are not in earnest in attempting to run him, as they know he cannot raise a trot. [Laughter.] He never did when a forward movement was in question. [Renewed laughter.]

But, sir, where is this anti-Lincoln opposition in the Republican party? Not in this House. I have not heard of it. There is perfect unanimity here, so far as the Republican party is concerned. If there is any such movement among small men in the country known to the gentleman from New York, it is not very alarming to the friends of the Administration; and I do not think it will produce from the Executive anything more than a pertinent joke. [Laughter.] I have no idea, therefore, that anything but some wild vision is haunting the imagination of the gentleman.

I hope this amendment will not be agreed to, and that my friend from New York will not persevere in his efforts to destroy the Secretary of the Treasury.

The amendment was disagreed to.

Mr. BROOKS. I move to strike out "Secretary of the Treasury," and to insert "Treasurer of the United States."

Mr. Chairman, the gentleman from Pennsylvania is pleased to say, in reply to some remarks that I made, that I make only vague charges. Why, sir, it is an arithmetical, numerical charge that I make against the Secretary of the Treasury or his surrounders. The charge I made against the Secretary of the Treasury is, first, that on the 1st of March, prior to the passage of the law by Congress, he had issued $510,000,000 of five-twenties without any law whatsoever and in defiance of all law. The second charge I make is that the premium upon those bonds was 108, and that the Secretary of the Treasury thereby gave to somebody $450,000 of the public money. This is no vague charge, but a specific, numerical, arithmetical, algebraic charge, which cannot be denied successfully, if denied at all.

Sir, it is true that I belong to no party. I would not wear the collar which some gentlemen wear in this House if it were a collar of gold. I would not belong to the mechanism of a party which is obliged to vote according to the direction of the gentleman, or of any other man, if the mechanism itself were of gold. I do not belong to any such party mechanism or combination as that, but my whole object in this House is to try to do right, independent of all parties, and to the best of my ability.

Mr. STEVENS. Will the gentleman allow me to ask him a question?

Mr. BROOKS. Certainly.

Mr. STEVENS. I understand the gentleman to reproach this party for voting according to what some members' principles are. I ask the gentleman if his party do not vote unanimously as he votes?

Mr. BROOKS. Always, and not unfrequently I have the pleasure of breaking the chains of some upon the other side of the House, and see some of the honorable gentlemen opposite cast their votes with me. Sir, I would not be a party dog nor wear a party collar in time of war. It is my proud honor and the honor of my constituency that they elected me and sent me here to support the Administration in what is right and condemn it in what is wrong. That is the record on which I have tried to stand and on which I mean to stand; and it is because I stand on that record that I distrust the Secretary of the Treasury, who, through the influences surrounding him, has given away $450,000 of the public money.

Sir, I did not come here to make a President; either to make General McClellan or any other man President. I can tell you all, upon all sides of the House, that however you arrange your mechanism and your combinations, unless you restore this Union by frugality and economy and by success in arms, your mechanism will all be broken, as it has been broken before, by the people outside and independent of all party combinations.

Sir, I hope the amendment will prevail. I repeat, public money is being appropriated within the bosom of the Republican party to produce troubles and severances and collisions in that party. But all that is nothing to me. I stand only as a guardian of the public Treasury, and it is for that alone that I speak when I address the House, and for which I ask and beg the House not to trust millions and thousands of millions solely to the custody of the Secretary of the Treasury.

The question was taken on Mr. BROOKS's amendment, and it was rejected.

Mr. HOOPER. I move to amend the twenty-fourth section by striking out the words "and in case such notes shall be delivered to the Comptroller by an officer or agent of such association,

in person, then in the presence, also, of such officer or agent."

The amendment was agreed to.

Mr. HOOPER. I move to amend the same section by striking out the words "given to such officer or agent," and inserting in lieu thereof the words, "forwarded to the association whose notes are thus canceled."

The amendment was agreed to.

The section, as amended by the two foregoing amendments, reads as follows:

SEC. 24. *And be it further enacted*, That it shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any such banking association, and to deliver in place thereof to such association other blank circulating notes to an equal amount. And such worn-out or mutilated notes, after a memorandum shall have been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled, shall be burned to ashes in presence of three persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, and one by the Treasurer of the United States, under such regulations as the Secretary of the Treasury may prescribe. And a certificate of such burning, signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled.

Mr. HALE. I move to amend the same section by inserting the words "also on due proof of the loss or destruction of any such circulating notes." I call the attention of the gentleman having this bill in charge to this amendment as being a very proper one, and one which may be necessary. I think it will commend itself to the judgment of the committee. There may be cases in which these bills are destroyed, and ought to be replaced. There is no authority in the bill, as it stands, to replace them. My attention has been called to this point from the fact that in a recent fire in my own town a large amount of internal revenue stamps was destroyed, and there seems to be no provision in the law for replacing them. The law allows commissioners to replace stamps that are mutilated or defaced, but not to replace those that are destroyed entirely. I submit that there may be cases where notes are entirely destroyed by fire, or lost on board shipwrecked vessels, or in other ways; and I hold that on due proof of the fact the Comptroller ought to have authority to replace them. I hope the amendment will be agreed to.

The amendment was agreed to.

Mr. HOOPER. I move to amend the twenty-sixth section by striking out the words "ninety per cent. of the current market value of;" so that the provision will read:

Provided, That the remaining bonds which shall have been transferred by the banking association offering to surrender such circulating notes shall be equal to the amount of all the circulating notes retained by such banking association.

The amendment was agreed to.

Mr. HOOPER. I move to amend the same section by adding after the word "reduced" the words, "below the amount of the circulation issued for the same;" so that it will read:

And if, at any time after said bonds shall be deposited with the Treasurer of the United States, as aforesaid, the market or cash value shall be reduced below the amount of the circulation issued for the same, the Comptroller of the Currency is hereby authorized to demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association receiving said bills, to be deposited with the Treasurer of the United States as long as such depreciation continues.

The amendment was agreed to.

Mr. HOOPER. I move to amend the twenty-sixth section by striking out the last two provisos, as follows:

And provided, That said return of bonds shall not diminish the amount of bonds in the hands of the Treasurer below the amount to be kept on deposit with him by this act: *And provided further*, That there shall have been no failure by such association to redeem its circulating notes, and that there shall have been no other violation by such association of any of the provisions of this act for the security of the creditors of such association; nor shall the Treasurer be required to surrender such bonds in fractional sums less than $1,000.

The amendment was agreed to.

Mr. PRICE. I move to amend the twenty-sixth section by striking out the word "may," and inserting in lieu thereof the word "shall;" so that it will read:

But the Comptroller of the Currency shall give to any such banking association powers of attorney to receive and appropriate to its own use the interest on the bonds which shall have been so transferred to the Treasurer by it.

The reason of the amendment is obvious. So long as banks are not in default, the Comptroller is bound to hand to them their interest as it becomes due. That should not be optional with him.

Mr. HOOPER. I have no objection to the amendment.

The amendment was agreed to.

Mr. DAVIS, of New York. I move to amend the twenty-seventh section by inserting, after the word "imprisoned," the words, "not less than one and;" so that it will read:

And any officer who shall violate the provisions of this section shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not exceeding double the amount so countersigned and delivered, and imprisoned not less than one and not exceeding fifteen years, at the discretion of the court in which he shall be tried.

It is usual, in fixing imprisonment as a punishment for crime, to insert both the minimum and the maximum terms. Here we place it in the discretion of the court to imprison a man for fifteen years for a violation of the statute, or to reduce the imprisonment to a single day. If there be anything in the crime that is worthy of public notice and that should be punished at all, I say that the punishment should exceed one day, or one month, and that there should be a minimum inserted in the section.

Mr. STEVENS. If the gentleman from New York will amend his amendment by inserting the word "or" instead of "and," before the word "imprisoned," I will not object to it.

Mr. DAVIS, of New York. I accept the modification of my amendment.

The amendment, as modified, was agreed to.

Mr. HOLMAN. I move to add the following to the twenty-eighth section:

And it shall be the duty of any association having acquired real estate not necessary for its immediate accommodation in the transaction of its business to cause the same to be offered for sale at public auction at the door of the banking house of such association within six months after acquiring the title to the same (if not previously sold) after giving notice of such sale; and such association shall sell the same at such public auction if any person will bid therefor such sum of money as would be required in the sale thereof if sold on execution in conformity with the laws of the State in which such association shall be organized.

Mr. Chairman, I desire to say in behalf of that amendment that its only object is to prevent these associations from becoming extensive holders of real estate. They may acquire it in two or three modes: by conveyance to them in payment of debts, by purchasing lands sold under executions in their favor, and so on. There is no proposition in this bill requiring them to dispose of these lands, and they will become extensive landholders, and it is not the object of the Government to enable them to own extensive tracts of land. As I have said, there is no provision requiring them to dispose of these lands not necessary for banking purposes, and my amendment is to supply that want.

Mr. STEVENS. I think that that would be a vicious and injudicious amendment to the bill. Suppose an institution is obliged to purchase real estate which they do not require, they will dispose of it as soon as the condition of the country will enable them to do so to advantage. If there be such a depression as there was in 1837 and 1857, and it should continue for two or three years, this provision would compel the banks to sell the land which they might hold instead of letting them hold it to a future time when it may be disposed of to advantage.

Mr. HOLMAN. This amendment expressly provides that the lands shall only be sold when it may be done at the rate of appraisement under the laws of the State where it may be located.

Mr. STEVENS. During the crash some years ago the lands held by the Bank of the United States were taken for debts due by men who became by the change of times very poor. The lands were held by the bank, and it allowed a given time within which they could be redeemed by the payment of the debts for which they were held. The lands so raised in value that gentlemen at Pittsburg and other places who were bankrupt at the time, by the sale of the lands were not only able to pay their debts to the bank, but to become wealthy. They are now among the most wealthy men in that region of the country. I do not wish to take these privileges from the banks, but that they may allow such time for the redemption of these lands as they may think proper.

There were, on a division—ayes 14, noes 62; no quorum voting.

Mr. HOLMAN. If it is understood that I shall have the opportunity to offer my amendment in the House, I will now withdraw it.

The CHAIRMAN ordered tellers, and appointed Messrs. MYERS and HOLMAN.

The tellers reported—ayes 20, noes 50; no quorum voting.

Mr. HOLMAN. I withdraw my amendment.

The Clerk read, as follows:

SEC. 28. *And be it further enacted*, That it shall be lawful for any such association to purchase, hold, and convey real estate as follows: 1. Such as shall be necessary for its immediate accommodation in the transaction of its business. 2. Such as shall be mortgaged to it in good faith by way of security for loans made by such association, or for moneys due thereto. 3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings. 4. Such as it shall purchase at sales under judgments, decrees, or mortgages held by such association, or shall purchase to secure debts due to said association. Such association shall not purchase or hold real estate in any other case or for any other purpose than as specified in this section.

Mr. DAVIS, of New York. I move to insert after the word "association," in the third clause, the words "in the usual course of its banking business." I offer this amendment because I discover under the provisions of this section these banks may accumulate very large amounts of money and loan it originally on bond and mortgage. We know in a debt this bond represents the debt, and the mortgage the security. I simply want to prevent these banks from going into business of loaning money out of the legal course of banking.

The amendment was rejected.

Mr. BLAINE. I move to amend section thirty, in line four, by striking out the words "of seven per cent. per annum," and inserting in lieu thereof the words "established by law in the State where the association is located."

Mr. HOLMAN. I move to amend, by way of a substitute for the amendment of the gentleman from Maine, by striking out "seven," and inserting "six."

Mr. BLAINE. The gentleman has not the floor to offer that amendment now. The clause, as I propose to amend it, will read:

That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at the rate established by law in the State where the association is located.

The object I aim to accomplish will be reached entirely by the amendment suggested by the gentleman from Indiana. My object is simply to prevent an increase of the rate of interest in localities I am acquainted with. We have in New England at least one advantage, and that is an accumulation of capital. It stimulates enterprise, and gives great advantage to men entering into business enterprises. Now, to add one sixth part to the burden of interest imposed upon every man who wants to enter into any manufacturing or business operation, is what the Congress of the United States ought not to do. If the committee will insert six per cent., I will go for it with all my heart. I moved my amendment because I thought it the most practical form in which I could present it.

Mr. HOLMAN. My amendment is more appropriate to the text of the bill. I will submit it as an amendment to the amendment, in the nature of a substitute. It is to strike out the word "seven" and insert "six."

Mr. COLE, of California. I am in favor of the amendment of the gentleman from Maine, [Mr. BLAINE,] but upon entirely different grounds, however, than those specified by him. The proposition I would have made was to strike out the entire section. That would leave the rate of interest on the money which is issued by these banking establishments under the control of the States respectively. That, in my judgment, should be done.

It is well known to all gentlemen here that interest varies in different localities. It is higher in new countries than in old countries; and it is higher in America than in Europe; it is higher in the western States than in the Atlantic States; and it is higher west of the Rocky mountains than on this side. This is owing undoubtedly to the fact that persons seeking a new country go without

capital, and in pursuit of fortunes. Those who have money generally remain at home, as is the case with most of the constituents of the gentleman from Maine, [Mr. BLAINE,] I suppose.

In California the interest is by law, where no rate is expressed in the contract, ten per cent. per annum. But the rate is left altogether to be governed by the contract between the borrower and the lender. The usual rate of interest there is two per cent. per month; and men are very frequently glad to get money at that rate, and are sometimes unable to do it. It is frequently an advantage for persons to pay that and even a higher rate of interest. The persons who propose to borrow money are probably as competent to judge of the advantage it will be to them as the community in general.

There is no reason for any law upon usury any more than there is for a sumptuary law; no more reason than there is for a law regulating the price of board or wheat, or the wages of labor.

If this provision is adopted, it will interfere with the laws of the several States upon the same subject, because they vary materially. In New England the rate of interest is six per cent.; but it is not so in the western States. In Iowa it is different; in Michigan I presume it is different; and there is no reason for creating this discord by establishing a rate of interest for States different from what prevails there by their own laws. Therefore I am in favor of striking out the section, thereby leaving the matter entirely under the control of the several States. That is the proposition of the gentleman from Maine. He proposes to leave it to the local legislation of the several States entirely.

Mr. BLAINE. Entirely.

Mr. COLE, of California. There is no necessity for an interference by Congress; there is no call for such interference, and no reason for it. I have not heard any reason advanced yet why Congress should interfere with this matter of interest, when it is palpable that interest varies in the several sections of the Union, arising from a necessity which has been recognized by the legislation in each.

Mr. DRIGGS. In Michigan the legal interest is seven per cent.; but by contract between the parties it may be increased to ten per cent. Now, sir, the proposition of my friend upon the right [Mr. BLAINE] leaves the matter to be regulated by the laws of the different States. That will cover the whole ground, and I certainly hope it will prevail.

The amendment to the amendment, in the nature of a substitute, was not agreed to.

The question recurred on Mr. BLAINE's amendment.

Mr. PRICE. I offer the following as an amendment to the amendment:

Strike out in line four the words "interest at the rate of seven per cent. per annum," and insert, "such rate of interest or discount as is for the time the established rate of interest for delay in the payment of money under contract between the parties by the laws of the several States in which the associations are respectively located, and no more."

Mr. HOLMAN. I rise to a question of order. I submit that the substitute proposed by the gentleman from Iowa is precisely the same as the amendment of the gentleman from Maine; it is a mere change of phrasecology.

Mr. BLAINE. Oh, no.

The CHAIRMAN. That is a matter for the committee to decide in voting upon it. The Chair cannot exclude it on that ground.

Mr. PRICE. My purpose in offering this amendment is to accomplish the same object sought by the gentleman from Maine, with an additional object. The rate of interest in some of the States is fixed definitely. In others it is fixed at a definite point with contract and at another without a contract. My amendment covers the whole ground. It allows the rate of interest to be as it is established in all the States, whether the established rate be fixed with or without contract, thereby accomplishing everything sought by the gentleman from Maine, and leaving the rate of interest to be regulated by the different States in which the banks are located.

Mr. BLAINE. I do not think that the amendment of the gentleman from Iowa is one that ought to be adopted by the House. If I understand it, the effect of it would be to give to the banks in the western States, for example, a certain advantage in getting high interest which they do not now have, but which individuals loaning money outside of the banks do have.

Now, while I am opposed to Congress interfering at all with the rate of interest, I would be opposed especially to its interfering so as to raise the rate of interest; and if the gentleman's amendment is adopted, the effect will be that every bank in the Northwest will have just the same facilities for shaving at high rates that individuals outside the banks now have. I do not think the Congress of the United States ought to do that thing, and hence I am opposed to the amendment.

The amendment to the amendment was disagreed to.

The question again recurred on Mr. BLAINE's amendment.

Mr. STEVENS. I move to strike out the last word. I believe we had better leave the bill as it is. This bill professes to establish a uniform system of banking throughout the United States. That is one of the great objects of the bill. I think it ought to be uniform in the matter of interest as well as in everything else. But if you adopt this amendment, then, instead of fixing an interest which the dealers at these banks may take, you allow the States to fix it, and thus you break in upon the whole system and take the management away from Congress and vest it in the States. Now, I think the rate of seven per cent. ought to be adopted, and for the reason that several of the States now take seven per cent., although some of them, my own State for instance, take six, and some higher.

But, sir, I do not understand the object of the gentleman from Maine, [Mr. BLAINE.] If you allow the banks in New York, Massachusetts, or Pennsylvania, under this system, to take seven per cent., and yet by the law of his State the banks there can only take six per cent., what will be the consequence? It will be to drive capital from the State of Maine, where only six per cent. can be taken, into those States where a larger percentage can be taken.

Now, it is for the purpose of equalizing the opportunities for investment everywhere, and especially in Pennsylvania, that I am in favor of this provision of the bill. The States can still have banks taking six per cent. if they please, and if individuals choose to borrow at six per cent. they can go to the State banks; they need not come to these banks. There are banks in the West where, I am told, eight or ten per cent. is taken. If individuals there wish to give eight or ten per cent. instead of seven, let them go to those banks. I do not see why gentlemen from that part of the country should desire to interfere with those who can borrow at seven per cent.

Mr. PRICE. Will the gentleman from Pennsylvania allow me to say a word?

Mr. STEVENS. Certainly.

Mr. PRICE. The reason why I made the proposition was that I have letters in my pocket from persons in my State who want to establish national banks, but who want that regulation.

Mr. STEVENS. I think that those who have the advantages of these national banks will have advantages enough with interest at the rate of seven per cent. If individuals in places where there are banks that charge eight or ten per cent. interest think proper to deal with them, this bill does not prohibit them doing so. It is a taste which I do not understand. Nobody will deal at those shops unless they please. But let Congress fix a uniformity of interest in these national banks, and not have thirty or forty different rates of interest in different parts of the Union.

Mr. PIKE. I merely wish to suggest that the amendment proposed by my colleague is according to existing law, and that this bill is an innovation on the existing law.

Mr. STEVENS. I withdraw my amendment to the amendment.

The question being on Mr. BLAINE's amendment,

Mr. GRINNELL demanded tellers.

Tellers were ordered; and Messrs. BLAINE and DAWSON were appointed.

The House divided; and the tellers reported—ayes 52, noes 41.

So the amendment was agreed to.

Mr. BEAMAN. I move to amend the thirtieth section by striking out the following:

And in case a greater rate of interest than seven per cent. per annum has been paid, the person or persons paying the same, or their legal representatives, may recover back, in an action of debt, twice the amount of interest thus paid, from the association taking or receiving the same: *Provided*, That said action is commenced within two years from the time the usurious transaction occurred.

It seems to me, Mr. Chairman, that the punishment proposed in the first part of the section is sufficiently stringent—the forfeiture of the entire interest of the bill or note before its payment. The proper time to make a defense of this kind is before payment of the money. It seems to me that the only effect of that clause in the section which I propose to strike out is to make litigation, while it will be, in fact, no particular protection to the borrower.

Mr. HOLMAN. I move to amend the part proposed to be stricken out—to strike out seven per cent. and insert six per cent.

Mr. BLAINE. After the vote of the House amending the fourth line of the section, it is quite evident that two other points in the section have to be amended in order to make it consistent. One is in the eighth line, where it says that "the knowingly taking, receiving, reserving, or charging a rate of interest greater than seven per cent. per annum, shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon." I want to amend that by inserting the words "greater than that established by law." The other is in the twelfth line, where it says that in case "a greater rate of interest than seven per cent. per annum has been paid." I want to amend that by making it read "greater than the legal rate of interest." I presume that that meets the object of the gentleman from Indiana.

Mr. HOLMAN. No, sir. I adhere to my own proposition.

Mr. BLAINE. The adoption of that would make the bill provide, first, that the States should establish the rates of interest, and then that any bank that should charge more than six per cent. should be prosecuted.

Mr. HOLMAN. It is in the nature of a proviso on the present power—that if they do charge higher than six per cent. it can be recovered back.

Mr. KELLOGG, of Michigan. I am opposed to the amendment of the amendment, and to the amendment itself. I should be glad to have a uniform rate of interest throughout the whole United States. I am aware of the plea that is made use of in some portions of the western States, that we must permit high rates of interest in order to draw capital into the country. I am of the opinion, from some experience of the matter, that it would be better never to have a dollar brought from the East into the western States than to have it lent there at a higher rate than ten per cent. I have seen so much of the ruinous effects of lending money at ten, twelve, fifteen, and twenty-five per cent. that I want to see no more of them. I would be in favor of imposing severer penalties on those who shall violate the section of this law that prohibits the taking of more than seven per cent. interest. If we cannot procure money to do business with at seven per cent. per annum, let us do without it, and let the business remain undone. Let the wolves and bears dwell in the country till money can be obtained at rates at which men can afford to do business. The amendment is offered by eastern members who object to a higher rate of interest than six per cent., because the banks in that section do not receive a higher rate of interest.

I am, for one, opposed to this amendment for another reason. They talk about making the rate of interest subject to the laws where these banks are established. I am tired of hearing this talk about States, State corporations, State powers, and all that; and I pray to God that we may have a United States by and by; that we may have a nation; that we may have a power somewhere to determine what kind of currency we may use, and what shall be the rate of interest. We are trying to do that now. Should any State, then, have the power to come in and say that we shall not have a uniform rate of interest? New Jersey will not allow any traveler to cross her borders without paying her the tax that she may impose.

One of the States may fix the rate of interest at ten, twenty, or even thirty per cent. It will be taken by sanguine men who are dealing in city lots; men who are engaged in speculations, and

are willing to pay any interest, thinking that they will never lose until the day of ruin comes. They expect to escape in one way or another; and when the day of ruin comes, they take their friends down with them.

I hope that we will not agree to a higher rate of interest than seven per cent. If New England wants it reduced to six per cent. I am willing to reduce it, but I want the rate uniform all over the United States. Under all circumstances let us have a national currency. Let us know what we have to pay, and let the men who undertake to loan money understand that they will encounter these penalties when they attempt to impose upon the credulity of any person whatever. Six or seven per cent. is enough anywhere. I would be inclined to go for six per cent. for the whole Union. The committee seem to be of the opinion that seven per cent. is right, and I agree to that. I hope this amendment and the amendment to the amendment will not prevail.

The amendment to the amendment was agreed to; there being, on a division—ayes 47, noes 46.

Mr. STEVENS. I move that the committee rise, so that the Committee of Ways and Means may consider whether they will further press this bill, as the amendment adopted takes away its whole virtue.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BRANDEGEE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 333, to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 108) relating to acting assistant paymasters in the Navy, and regulating the appointment of cadets in the Naval Academy; when the Speaker signed the same.

Mr. STEVENS. At the suggestion of several gentlemen, I move, for the purpose of debate only, that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) and resumed the consideration of the President's annual message.

LIBERATION AND RESTORATION OF THE SOUTH.

Mr. ASHLEY. Mr. Speaker, the hour has come in which Congress must deal with the great crime of the nineteenth century. The leading conspirators must be punished by punishments commensurate with their terrible deeds. Every loyal citizen of the United States will expect this of those to whom they have, at this time, confided the destinies of the nation. They will demand that this great crime be so dealt with that the Government shall obtain "indemnity for the past and security for the future." As one of the Representatives of the loyal people of Ohio I demanded at the beginning of the rebellion, and I demand now, that it shall be so dealt with that a like crime from the same cause shall in the future be impossible.

The proper disposition by Congress of the causes which produced the rebellion, and all questions intimately connected with it, have given me, as they doubtless have given every loyal man, great anxiety.

The question before us is, how shall the States whose governments have been usurped or overthrown be reëstablished and their loyal citizens be reinvested with all the rights, privileges, and immunities of citizens of free States in the American Union?

This is indeed a question of transcendent importance, one with which the mere politician has as little fitness as disposition to grapple. To meet and properly dispose of it demands the highest order of statesmanship. The untried problem of reëstablishing loyal State governments over vast districts of country, so long in rebellion, involves the gravest responsibility, and presents questions of constitutional power which have never before been discussed, as they must now be discussed, by the national Congress. I am free to confess that from the first my anxiety has been not so much how to conquer the rebels as how to secure an honorable and enduring peace after they were conquered. This is a question which, until its final settlement, will demand the serious consideration of the ablest statesmen in the nation.

It may be an unwelcome question to many gentlemen in this House. I doubt not that it is. I have reason to know that it was an unwelcome question to many in the last Congress, but whether welcome or unwelcome, it cannot now be disposed of or excluded from these Halls as it was two years ago by parliamentary strategy and congressional dodging.

The logic of events is forcing the nation onward with such rapidity that we cannot, if we would, evade this question, and many gentlemen are now prepared to act who were opposed to all action two years ago. Thanks to our heroic Army, the rebellion is now so far suppressed that the question of reconstruction is forced upon and demands our immediate consideration. All can now see that it ought not to have been delayed so long, and I am sure all will agree that it cannot longer be neglected without great injustice to the loyal people of the rebellious districts.

At the outbreak of the rebellion, practical men saw and urged the importance and necessity of an act of Congress to provide temporary governments of some kind for the districts of country in rebellion; to authorize the loyal citizens residing therein, as soon as the rebellion was sufficiently suppressed, to reorganize State governments, where they had been usurped or overthrown, and to guaranty to them State governments, republican in form, as prescribed by the national Constitution. The bill from the select committee, now before the House, recognizes fully and clearly the authority of Congress to pass all laws which are necessary and proper to carry into practical effect that constitutional guarantee. The authority to legislate on this subject once admitted, whether under the war powers or peace powers of Congress, the only questions which can possibly divide the unconditional Union men in Congress, or throughout the country, will be as to matters of detail. It will be noticed that the committee have sought to avoid the adoption of any especial theory in the bill which they have presented. Whether the rebel usurpation has destroyed the constitutional governments of the seceded States, or whether those State governments are simply suspended or in abeyance by reason of the abdication of their officers, or whether by the acts of treason and rebellion on the part of their citizens and constituted authorities, the States thus in rebellion have committed State suicide, the committee have thought best to leave to the determination of each member for himself. Hence, no report is submitted with this bill. For the same reason, no report accompanied the bill submitted by me on this subject two years ago, with the approval of a majority of the Committee on Territories. The sovereignty of the United States, and the power of Congress under the Constitution, to legislate for the districts of country in rebellion, are fully recognized by this bill. All that I have ever contended for touching the question of congressional power is here admitted.

Determining from the outbreak of the rebellion that slavery should die, I have sought only for such congressional action as would restore the rebel States to the Union with freedom as their fundamental law. For this purpose I then insisted and now insist that until such time as the loyal citizens, in each of the rebellious States, are numerous enough to maintain a State government, and shall adopt a constitution prohibiting slavery forever, they ought to be treated and governed as citizens of the United States residing within the national jurisdiction, on national territory, without State governments. With me this has been from the first the all-important point. Practically, this idea pervades the entire bill before us. I care not whether the power to govern the districts of country declared by the President's proclamation to be in rebellion, after they shall have been subjugated, is derived from the war powers or the peace powers of Congress. I believe either to be constitutional and sufficient. I believe we may establish either temporary military governments or temporary civil governments. Certainly Congress may, as the representative of the sovereign power of the nation, pass such laws as in its opinion may be necessary to secure the rights and liberties of the loyal people in those States whose governments have been destroyed by traitors. To this end Congress may, by authority of the national Constitution, prescribe such conditions for the restoration of the States whose governments have been usurped or overthrown, as will best secure the peace and stability of the nation and guaranty to such States republican governments. Believing that this can be done in no way so safely and so well as by organizing and recognizing new State governments, as provided for by this bill, I am in favor of its passage.

Mr. Speaker, in attempting a solution of the difficulties which environ us on this question of reconstruction I have sought only for the adoption of such measures as would secure the *safe* and *speedy* restoration to the Union of all States in rebellion, on a basis that would command the approval of the ablest statesmen of the country. I have had and now have no *theory* that I will not yield to accomplish this most desirable result. I believe it to be the imperative duty of Congress to lay deep the foundation of our proposed action on this subject. I believe it to be our duty to declare in the most solemn manner that if hereafter any State shall renounce its allegiance to the national Constitution and appeal from the decision of the ballot-box to the arbitrament of the sword, it shall be subjugated by the sword, and all its prerogatives as a State be forfeited until such time as Congress provides for its reorganization, or until its loyal citizens shall, in the exercise of their inherent rights of self-government, call a convention and adopt a new State constitution, republican in form, in conformity with and subject to the Constitution of the United States, and be recognized or readmitted by Congress to exercise their proportionate part of the governing power of the country.

Mr. Speaker, I can give my support to this bill and defend it only on the assumption that there are no constitutional State governments in the rebel States. Are there any such State governments? I hold that there are not. I hold that a State may forfeit its right as part of the supreme governing power of the Republic. I think this proposition cannot be successfully controverted. A majority of the electors of any State in this Union may, unquestionably, alter or abolish their written constitution and refuse to establish another in its stead. If they may, as all concede, do this, then the abolition of a State constitution, in the manner prescribed by the organic or statute law of the State, and the adoption of a new constitution, renouncing their allegiance to the United States, would terminate their right under the Constitution to exercise any part of the governing power of the nation. If, then, a State of this Union may, by the action of its citizens, forfeit its rights under the Constitution to exercise part of the sovereign power of the nation, or in any way cease to maintain such a State government as can be recognized by Congress under the Constitution, the assumption that "a State once a State is always a State" is a fallacy as pernicious as it is false.

I trust that no argument is needed at this late day to refute the illogical and sophistical reasoning which was so prevalent in this Hall and throughout the country during the Congress immediately preceding the rebellion. It will be remembered that it was then, and is now to some extent, maintained that if any one or more States withdrew from the Union by the action of a majority of its qualified electors, "for reasons, the sufficiency of which, before God and the great tribunal of human history, they alone should be the judge," that their action in so doing, in conformity with the laws of their own State, destroyed the Government of the United States, and left each State free to act for itself as an independent nation.

It was only those who were indoctrinated with the false theory that the United States were a confederated Government and not a nation, or who were blinded by the Calhoun doctrine of State rights, who set up for answer to this shallow assumption the claim "that a State once a State is always a State."

Mr. W. J. ALLEN. Will the gentleman allow a loyal State to come in with slavery?

Mr. ASHLEY. Never.

Mr. W. J. ALLEN. Does my friend regard the States in rebellion as out of the Union?

Mr. ASHLEY. I am answering that question.

Mr. W. J. ALLEN. Do you so regard them?

Mr. ASHLEY. Their acts are good against themselves.

Mr. W. J. ALLEN. Do you think they had a right to go out of the Union?

Mr. ASHLEY. I do not.

Mr. W. J. ALLEN. Then if they had no right to go out of the Union, they are in the Union.

Mr. ASHLEY. I will answer the gentleman before I get through.

Mr. W. J. ALLEN. I wish the gentleman's answer was more *apropos*.

Mr. ASHLEY. I lay it down as a proposition, which I do not believe can be controverted, that the constitutional relations of a State to the national Government may terminate, and the State cease, as a political organization, to be a State invested by the Constitution with part of the sovereignty of the nation, in one of the following modes:

1. By successful revolution and the establishment of an independent government.

2. By the conquest of a foreign Power.

3. By the treaty-making power, whereby one or more States, or any part of a State, may be ceded to a foreign nation.

4. By acts of treason and rebellion on the part of the constituted authorities of a State sustained by a majority of its citizens.

5. By the refusal of a majority of the electors in a State to perform their duties as citizens, and by prohibiting the minority from exercising the functions of a State government under the Constitution.

Other modes might be named, and have doubtless suggested themselves to gentlemen who have examined the subject. These, however, will suffice to illustrate the views I desire to present.

The first and second propositions will not be disputed. All will concede that by successful revolution or by conquest States may cease to be members of the Union.

There may be some who will deny that by the treaty-making power the Government of the United States can cede one or more States or any part of a State to a foreign Power. Those who claim that "a State once a State is always a State" will doubtless deny any proposition at war with this theory. The power, however, to acquire and to cede territory is an attribute of sovereignty fully recognized by the civilized Governments of the world. John Quincy Adams declared, in a speech delivered by him in the House of Representatives many years ago, that a State could constitutionally be ceded to a foreign Power. If one State may be ceded, then two or more States or any part of a State may be ceded. In settling the disputed boundary between Great Britain and the United States, Mr. Webster negotiated a treaty ceding to Great Britain part of the State of Maine, which the Senate of the United States ratified, and it became, and is to-day, the law of the land. If that treaty had ceded all the territory included within the limits of the State save one hundred acres, would the families occupying the remaining territory have the right to assume the government of the State and put the machinery of a State government in operation, elect themselves to office, and send Senators and Representatives to Congress? If "a State once a State is always a State," this right would be unquestionable, and they would assuredly be clothed with that power. It is said if there be but ten or even two loyal citizens in any State, which by the votes of a majority of its legal electors has, in the manner prescribed by law, abolished its State government, established a new and hostile government, and made war against the United States to maintain it, that the two or ten citizens remaining loyal, or professing loyalty, are, by virtue thereof, invested with the entire power of the State government as it existed before the rebellion; that, indeed, the old constitution survives the action of the majority which has abolished it and adopted a new one, and that the two or ten loyal men may, under it, elect and inaugurate officers from their own number, and thus, while assuming that the acts of the majority are null and void, hold within themselves and perpetuate the existence and government of the State.

What wonder that we have had such blundering in Virginia and Louisiana on this question of reconstruction, when we have loyal men claiming to be statesmen in the Senate and House of Representatives misleading themselves and the country with such transcendental propositions as that which assumes that "a State once a State is always a State," and that ten men may set up and maintain a State government in a State which half a million of men have voted to abolish.

But I desire, more particularly, to call the attention of the House to the fourth proposition, that the constitutional relations of a State to the national Government may be terminated, by the action of its constituted authorities, sustained by a majority of its citizens, in abolishing their State constitution, establishing a new one, and making war upon the supreme Government, to maintain the new government thus established. I claim that a State which is guilty of such action divests itself of all rightful authority to participate in and be part of the Government which it is seeking to destroy, just as every citizen who commits treason forfeits his right to citizenship, property, and life. The territory constituting the State is still within the national jurisdiction and constitutes part of the national territory, its citizens, though in rebellion, are still citizens of the United States, and under the Constitution they owe a paramount allegiance to the national Government; but the State, having been converted by the treason of its rulers and citizens into an engine of war for the destruction of the nation, has justly and legally forfeited all its rights as an organized political community, invested with part of the sovereignty of the nation.

Whatever part of national sovereignty was by the Constitution and laws of the United States vested in such State lapsed by virtue of its treason and rebellion, or the treason and rebellion of its citizens, and remains in the supreme Government.

Gentlemen have asked, with an air of apparent gravity, "when did these States cease to exist? Was it on the passage of their secession ordinances? If not, at what precise period of time did they cease to be States and get out of the Union?" I answer that the territory and people constituting the State have not and cannot "get out of the Union," as gentlemen are pleased to term it; that is, they cannot withdraw themselves and the territory of the State from the constitutional jurisdiction of the national Government except by successful revolution; but when a majority of the electors of any State in compliance with the spirit and forms of their organic or statute law change their State constitutions and governments, and renounce their obedience to the national Constitution, their State governments cease from that very hour. Gentlemen must remember that this is not a rebellion on the part of the majority or indeed any part of the people of the rebel States against the constituted authorities and former recognized governments of those States, but a rebellion on the part of the constituted authorities and a majority of the people of those States against the Government of the United States. If it were a rebellion of a minority, or even of a majority of the people of those States, against their old State government and constituted authorities, as well as a rebellion against the national Government, the old State governments would remain if their constitutions had not been abolished and their constituted authorities had remained loyal; but their State governments would be in abeyance while the rebel insurgents held possession of the State. The constitutions and governments of all the rebel States, however, having been changed or abolished in the manner prescribed in the organic or statute laws of said States by the will of a constitutional majority of their qualified electors, surely no lawyer will claim that a legal State constitution and government exists in any of those States such as can be recognized by Congress or any department of the national Government. When such a change of their constitutions and governments was affected, their constitutional relations to the national Government ceased. They then ceased to be States of this Union as political organizations, invested by the Constitution and laws of the United States with part of the governing power of the Republic, but the territory and people remain as before, legally subject to the laws and Constitution of the United States.

If this theory be not the true one, then all that the conspirators in Congress from the rebel States needed to have done, and all they need do in case of another rebellion, is to remain in the Senate and House, and insist that the States which they represent, though waging war against the national Government to destroy it, are still States, endowed with part of the sovereign power of the country, and that as Representatives from these States they have the constitutional right to retain their seats as part of the governing power of the country.

Sir, if the conspirators and rebel chiefs could have known that a doctrine so fatal as this to our very existence as a nation would have been seriously maintained by loyal men in the midst of this great rebellion; if they could have known that men claiming to be statesmen would assert as a principle that "a State *once a State is always a State*," and that the minority of its citizens had the constitutional right to send full delegations of Senators and Representatives to Congress, though a majority, with the constituted authorities of the State, were in rebellion against the national Government; if they could have been made to believe that the Thirty-Seventh Congress would have insisted that this minority in any of the rebel States, without an organized civil government, recognized by Congress, had the right to fill these Halls with their Representatives, on condition of swearing fealty to the Government, without regard to the number of their constituency, so that they ranged anywhere from ten to one or two hundred professedly loyal voters for each member of Congress; I say, if the conspirators and rebel chiefs could have anticipated all this, they would doubtless have materially changed their programme, and every vacant chair in Congress would have been filled from the outbreak of the rebellion to this hour with the open or secret enemies of the Government, all laboring for its destruction.

Mr. Speaker, I know, and alas! we all know, too well, that southern statesmen, for the past thirty years, have had good reason to be familiar with the stupidity of northern Representatives in Congress; but, sir, I venture the assertion that no southern man, in the maddest hour of his passionate contempt for the North, ever conceived that northern men would be guilty of the stupidity of claiming to-day that South Carolina, or any other rebel State, has a State government in existence which entitles it under the national Constitution to exercise part of the governing power of this nation. Gentlemen may insist as long and pertinaciously as they please that States cannot dissolve their political relations to the national Government, and that when they are once States they are always States. The fact that States, with the approval of a majority of their citizens, have abolished their State constitutions, renounced their allegiance to the national Constitution, and made war upon the national Government to destroy it, is as notorious as the fact that our armies are engaged in putting down the rebellion. I hold that no act of rebellion and levying war on the part of the constituted authorities of a State, and no ordinance of secession passed by a State Legislature or a convention in any State, with the approval of every elector in it, can legally or constitutionally affect the rightful jurisdiction of the national Government over the people and territory of such State, but such ordinances of secession and acts of rebellion and levying war on the part of the constituted authorities of said State, sustained by a majority of its citizens, destroys, as a matter of fact, the political organization known and recognized as a State by the national Constitution, and no State thus in rebellion can maintain constitutional relations to the General Government until it is reorganized by the loyal people, subject to and in conformity with the Constitution and laws of the United States. Before they are thus reorganized, and until Congress recognizes them as States and admits their Senators and Representatives, the governing power heretofore lodged in them as political organizations, having by their acts of treason and rebellion lapsed, remains in the people of the States which are faithful to the national Constitution.

When I first advanced this theory in 1861, and again by the bill introduced by me in March, 1862, professedly loyal editors were not wanting in my own State who were so narrow-visioned as to charge me with indorsing the doctrine of secession. Indeed, the minority of my own committee submitted two reports to this House at the first regular session of the last Congress, making substantially the same charge. It might be both amusing and instructive at this time to review those reports did time permit. I ask gentlemen if there can be any greater contrast between the doctrine of secession and that which I then claimed and now claim as rightfully belonging to the supreme sovereign power of the nation. I held then, and hold now, that the Government of the United States has the constitutional right to maintain its authority over every State in defiance of State secession and State rebellion. The object of the bill introduced by me more than two years ago was to aid in enforcing this right. That is the object of the bill now before us. Gentlemen who can discover in this a recognition of the right of secession are evidently remarkable logicians and should be known at once to the great masters, in order that their names may be embalmed with those who "were not born to die."

The leading ideas embodied in the bill reported by me from the Committee on Territories, in the last Congress, and at which many gentlemen on the other side professed to be so greatly shocked, have all been adopted, as they know, as part of the policy of the Government. Even the liberation of millions of slaves by proclamation has been accomplished, and many of these liberated slaves have had the plantations of their rebel masters given to them for homesteads, in accordance with the policy indicated in that bill, and yet, the nation "still lives."

The national Government not only lives, but it is powerful enough to put down the rebellion and these rebel State governments. Having done this, it will doubtless find constitutional power to prescribe such conditions as shall keep them down and maintain its supreme authority over every citizen and every foot of the national territory, until such time as the loyal citizens of each State shall reconstruct new State governments, with republican constitutions, and they shall have been recognized by Congress.

I might fortify my position still further, if it were necessary, by showing that both the executive and legislative branches of the Government have by their repeated acts recognized the fact that the old constitutional State governments were destroyed or had been abolished in all the so-called seceded States. There are many clever theories on this subject; one is that these State constitutions and governments still exist, notwithstanding they have been abolished by the action of their citizens and the new State governments are at war with the national Government. This legal crotchet possesses the minds of some gentlemen, who insist that the old constitutions and governments still remain because the action of the majority is illegal, and therefore null and void. To this I interpose the stern fact that a majority of the legal electors have abolished their State governments, and that there are no Governors, judges, or legislators recognized by the national Constitution in those States; that, therefore, those States, as political organizations, are dead. Gentlemen may parade before us the ghosts of these dead States, and call them living and palpable, but they are no more States with constitutions and laws which can be recognized by Congress than the artificial ghosts which are used to illustrate the drama are the ghosts of departed saints or sinners. The State organization, with its Governors, judges, and legislators, and its written constitution, is gone. Philosophically speaking, perhaps, as Mr. Brownson suggests in the January number of his Quarterly, there must be, with every people sufficiently numerous and intelligent to maintain a republican Government, an unwritten before there can be a written constitution, and in this sense a constitution may be said to exist in every State. But all the rebel States have written constitutions. They may not now faithfully reflect the unwritten constitution of the people in the rebel States. We shall see how that is when they come to act under the provisions of this bill in reorganizing their State governments and making another written constitution. If the action of the constituted authorities of the rebel States, sustained by a majority of their electors in abolishing their State constitutions and governments, has not changed the legal relations of these States to the United States, then the national Government has no legal cause of complaint against these States. The *fact* is, however, despite all theories, that the constitutional relations of these States to the national Government are changed, and there is not a day passes in which this stern fact is not in some way acknowledged by every department and officer of the Government.

I need not elaborate the fifth proposition. It will not be denied that the majority of the legal electors of a State may refuse to maintain a State government, that they may refuse to send Senators and Representatives to Congress, and may prohibit the minority from exercising the functions of a State government by abolishing the State constitution, by refusing themselves to establish, or to permit others to establish, another in its stead. The Government of the United States cannot compel the people of a State against their wishes to maintain and perform the functions of a State government under the Constitution. They cannot compel the people of a State to send Senators and Representatives to the national Congress; and the only alternative left to the Government of the United States, when State constitutions are abolished, or the people refuse to maintain State governments subject to the Constitution and laws of the United States, is for Congress, representing the supreme sovereignty of the nation, to provide by law for the protection of the lives and property of its citizens, and for governing the territory formerly within the local jurisdiction of the State until such time as a constitutional State government can be formed and recognized by Congress. And here, sir, I dismiss this part of my subject.

Mr. Speaker, I do not claim that this bill is perfect. Under the circumstances, however, I believe it is the best we can get. I do not think it safe beyond question to authorize the organization of State governments when only one tenth of the electors are loyal to the United States. I admit that this provision was in the bill introduced by me in the early part of the present session. I incorporated it in the bill to make it harmonize with the President's suggestion, and not because it had the sanction of my own judgment. As a member of the committee charged with the subject of providing for the reorganization of constitutional State governments by the loyal citizens in the rebel States, I have sought to secure the best bill I possibly could. It is not all I could desire, and I do not intend to offer any amendments to it, but if an amendment is offered increasing the number of loyal electors required to organize a State government, I shall feel obliged to vote for it. I believe the democratic idea the better one, that the *majority* and not the *minority* ought to be invested with the organization and government of a State. Certainly it is safer to intrust a State government to the maintenance of a *majority* than to *one tenth* claiming to be loyal while *nine tenths* are openly disloyal.

In answer to many objections which have been urged by distinguished gentlemen who have written me on the subject of the *ten per cent.* basis, I will say that the loyal *one tenth* are to represent all the inhabitants, loyal and disloyal, in the State; that representation in Congress is not based upon the number of *electors* or loyal citizens in any State, but upon the whole number of inhabitants. Formerly in the South, *three fifths* of all the slaves were included in their enumeration. Since the emancipation of the slaves, the three fifths representation clause in the Constitution is practically abolished, and each emancipated slave will hereafter be enumerated as an inhabitant. So that there is no injustice to the North in allowing the old representation in Congress from the rebel States. That part of the population known as the *two* fifths free and slave, not counted in the enumeration, will now be added, and two fifths of four millions will probably exceed the number of whites killed or driven from the southern States. If we should undertake to apportion Representatives in Congress from the several States upon the number of loyal electors, we should find, I fear, a number of districts in the North quite as disloyal as many in the South.

I believe that the safety of the Government and justice to loyal men demand that we should put the entire authority of reconstructing new State governments in the rebel States into the hands of loyal men and none others. If it is deemed safe to intrust ten per cent. of the number of electors in each State in 1860 with this power and responsibility, so be it. If we invest them with this power, they must represent at the ballot-box, and in all the offices, State and national, the entire population of those States, loyal and disloyal, including all the colored inhabitants.

There are some other points in the bill, which I am prevented from noticing for want of time.

Mr. Speaker, if we would avoid all possible complications, and the danger of another conspiracy and rebellion, let us provide, before this Congress adjourns, by law, for the reëstablishment of republican governments by the loyal citizens in the rebel States. A subject of so much importance must not be left to the caprice or whim of a military commander.

Mr. Speaker, suppose the doctrine be adopted that "a State once a State is always a State," and that a small minority claiming to be loyal may at any time and in any part of a State occupied by our forces call a mass convention of those favorable to organizing a new State government, and when the convention is assembled it selects a Governor and State officers, and authorizes them to assume the functions of a State government either under the old constitution, as was done in Virginia, or under a constitution proclaimed by martial law, as was recently done in Louisiana, and that the Governor thus chosen proceeds to issue his proclamation for the election of a Legislature, and members thereof, in pursuance of said proclamation, are elected in some half dozen counties of the State, and convene and organize as the Legislature of the State and frame a law apportioning the State into congressional districts, and elect two United States Senators, and appoint a day upon which Representatives are elected to Congress, and send their electoral vote here for President and Vice President next winter, what action would this House take upon such a condition of things? If five or six or more of the rebel States in which we have a military force should by the action of a few hundred men to thus organize and send their electoral vote here, and claim, as they would, that it should be counted, would this House consent to it? Suppose the electoral vote thus sent here should change the result of the presidential election, and if counted elect a President in sympathy with the rebels; or suppose there were three presidential candidates before the people, and that the votes of these assumed State organizations are so cast as to defeat an election by the people, and make it necessary for the House to select the President, do not gentlemen know that the excitement which attends such a contingency would exceed in violence anything ever witnessed in this country, and that it might terminate in another rebellion? Are not gentlemen apprehensive that the conspirators of the South, driven to desperation, may undertake to accomplish their purpose by some such scheme as this? And is not our present unguarded and loose manner of reorganizing the rebel States well calculated to invite the rebels to just such an effort as I have suggested? I frankly confess that I am not entirely free from apprehension.

Gentlemen may reply that we have a majority of the States as now represented in Congress, and that therefore there can be no danger. To this I rejoin that every State so reorganized will have its Senators and Representatives here next winter demanding admission, and if the executive department of the Government has "recognized them as the true government of the State," there will be danger that a majority of this House would vote to admit them as members, as they did in the last Congress. I desire, therefore, to guard against any possible contingency of the kind now. If we pass this bill, such a conspiracy cannot possibly succeed.

I think I may safely speak for a large majority on this side of the House, when I declare that never, by their authority or consent, will a single electoral vote from any rebel State for President or Vice President be counted in this Hall until that State shall have reorganized a State government, republican in form, and it has been recog-

nized by Congress. In other words, before one of the so-called seceded States can be permitted to reassume any part of the governing power of the country, it must first resume its constitutional relations to the national Government in conformity with and subject to the Constitution of the United States. The State governments which have been overthrown or destroyed must be replaced by new governments, organized by the loyal people; and these new governments can only become constitutional governments when thus organized and recognized by Congress.

This is certainly a point about which there ought to be no dispute among loyal men. I lay it down as a principle, from which we ought not to depart and which we cannot safely yield, that this whole question of reconstruction, whether under the war powers or the peace powers of the Government, is a question confided by the Constitution expressly to Congress, and not to the President or to any general charged by him with the execution of military orders. I desire the House and the country to understand that by silence we sanction every assumption of doubtful constitutional power by any department or officer of the Government. The dominant party in Congress ought to remember that it is making history, and will be held responsible in history for every dangerous precedent established with its consent. It ought not to be forgotten that every act of the Executive and Congress becomes a precedent, to be revived hereafter, if occasion offer, by those who shall then be charged with the administration of the Government. I may be deemed over-anxious on this subject. But, sir, I know the power of example, and I much prefer that the President and every officer appointed by him shall do no act unless clearly authorized by the Constitution or by act of Congress.

I prefer that before any doubtful constitutional power is exercised by the President or any officer of the Government the question shall be submitted to Congress for its decision and advice. I think we ought to demand the establishment of this rule, and insist on its strict observance by the President and every department of the Government. However ready we may be as partisans to apologize for or justify the assumption of doubtful constitutional power by those endowed by us with authority, as a Representative I am unwilling that the President of my own choice or any officer of his appointment should exercise any power which I would condemn if exercised by a political opponent.

Mr. Speaker, I have the most unlimited confidence in the President. His patriotism no man can doubt who knows him as well as I do. That he does not intend to assume any of the prerogatives of Congress I know. He is the last man in the world whom I would suspect of using unwarranted power for personal or selfish ends. And precisely here is the danger. We have no fear, because we who know him confide implicitly in his honesty of purpose, and believe that he intends every act for the public good. But we ought not to forget, Mr. Speaker, that the precedents, which every department of this Government are now making, may be used hereafter by ambitious and bad men for very different purposes. The safe way is the better way; and that is for every department of the Government to keep strictly within the limits prescribed for it by the Constitution and laws of the United States. Many gentlemen seem to act as though the President, during the continuance of the war, could assume the entire war power of the Government, and that our functions as Representatives were suspended until the close of the war, except to act as mere recording scribes. I protest against such an assumption, and against that silence which might be interpreted into an assent to it. It is true that the President of the United States is made, by the Constitution, Commander-in-Chief of the Army and Navy, and in that capacity he may issue such orders to the officers and men as he may deem proper to accomplish the *military* object sought by Congress when declaring or recognizing war, but legally he can issue such orders *for no other purpose*. In addition to this, every order must be in strict conformity with those rules and articles of war, which have been or may be enacted by Congress, or with the well-known laws of war as recognized by civilized nations. The President can make no new rule or article of war. That, sir, is a prerogative which belongs to Congress alone. The idea which I wish to impress upon the minds of gentlemen is this, that Congress, by the express terms of the Constitution, is invested with the war-making power of the nation. Whatever rules and articles of war it adopts must be enforced. Whatever it declares shall not be done, as an act of war, cannot properly be done.

The President, in time of war, is authorized to do many acts by virtue of the power vested in him by the Constitution as Commander-in-Chief, by the rules and articles of war enacted by Congress, and by the laws of war recognized by civilized nations, which he cannot do as a civil Chief Magistrate. As a civil Chief Magistrate he cannot confiscate property or emancipate slaves by proclamation; but in time of war, by the laws of war, as Commander-in-Chief he may confiscate enemy's property and emancipate all slaves. He may govern the country which he conquers by martial law, until Congress shall otherwise direct. But I have failed to find any power conferred by the Constitution, or by the rules and articles of war, or by the laws of war, authorizing the President to establish, without the direction of Congress, civil State governments over conquered territory, or to reorganize new State governments, or to prescribe what kind of constitutions the loyal citizens should adopt, before he will recognize them as States restored to the Union.

I believe this entire power is vested by the Constitution in Congress, and not in the President. Congress is not only the war-making but the law-making power of the country. In time of war and in time of peace Congress must exercise the sovereign power of the country, or there is no safety for the future of this nation and for republican institutions.

Mr. Speaker, I do not object so much to some things which have been done, or the objects sought to be accomplished, as I do to the manner in which they have been done. I do not intend quietly to permit the President or any head of a Department, or any general in charge of an army, to assume the legislative functions of the Government. A great question, such as the one before us, of the organization and restoration of States to civil life and power, with free constitutions, cannot safely be intrusted to any power but Congress. And, sir, that is where the Constitution has placed it. In addition to this, sir, I object to any effort at forestalling the action of Congress by the military power. I object to precipitating great civil questions of the magnitude and importance of this upon the people of the rebel States before the loyal resident citizens are prepared to meet them and are properly organized to insure success. I object to it because, whether the reconstructed State governments are satisfactory or not to the unconditional Union men of those States or of Congress, as the Representatives of the nation we are placed in a position where we must either refuse to recognize the States so reorganized, and recognized by the military authorities in command, as the constitutional governments of such States, or we must quietly submit to the assumption of authority by the military power and by the executive department of the Government, which belongs alone to Congress.

Suppose the convention in Louisiana organize a government obnoxious to a majority of the unconditional Union men of that State, and either refuse to submit the Constitution to the loyal people for their approval or rejection, or, if it be submitted it is submitted as the Kansas-Lecompton constitution was submitted, and the openly disloyal and pro-slavery conservative elements claiming to be loyal are permitted to vote for it, thus securing a majority in its favor. If the general in command and all the departments of the Government, except Congress, treat the officers of a State government thus organized as the constitutional government, what shall Congress do? Submit to it and admit their Senators and Representatives, or reject them? I should like to ask gentlemen, if Congress should refuse to admit them and refuse to recognize the new government as the constitutional government of the State, whether the electoral vote of that State, if sent here, either under the old State organization or under the new one, thus constituted and recognized, would by the authority of this body be counted, and the governing power of the country, to that extent, be placed in the hands of a mere handful of men controlling a State government which we refused to recognize. Suppose, further, that all the departments of the government but this House should recognize the new organization, and that the Senate should admit its Senators as they have done in the case of East Virginia, while we refuse admission to their members elected to this House, would the electoral vote be counted if sent here? Would this new government be the constitutional government of the State until recognized by Congress—I mean by the concurrent action of the Senate, House, and President? Gentlemen who examine this subject cannot fail to see the complications and difficulties in which we may be involved unless some uniform policy regarding the reorganization of States is adopted by Congress and strictly observed by the Executive Departments of the Government.

[Here the hammer fell.]

Mr. GRINNELL. I move that the gentleman have leave to proceed.

Leave was granted.

Mr. ASHLEY. The President in his late proclamation says:

"And I do further proclaim, declare, and make known that whenever in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina a number of persons not less than one tenth in number of the votes cast in such States at the Presidential election of the year of our Lord 1860, *having taken the oath aforesaid*, and not having since violated it, and being qualified voters under the election law of the State existing immediately before the so-called act of secession, and excluding all others, *shall re-establish a State government*, which shall be republican, *and in nowise contravening said oath*, shall be recognized as the true government of the State."

"Shall be recognized as the true government of the State" by whom? The fair interpretation of the language used is that the State, when organized in conformity with the provisions of the proclamation, will be recognized by the President. The country so understands the proclamation. And yet I can speak authoritatively when I say that the President does not intend to do anything of the kind without the concurrence of Congress. If the rebel States still retain their political organizations under their old constitutions, neither the President nor any general in command can by proclamation or orders change those State constitutions. If the old State constitutions and governments of the rebel States are destroyed, then neither the President nor any general under him can, with the military power, establish civil State governments with such constitutions as they may dictate, without the consent of Congress.

The military power and the civil power must not be confounded. Above all, it must not be forgotten that Congress alone is clothed with the war power and the civil legislative power of the nation.

Mr. Speaker, suppose the Union men, by unwise divisions and personal ambitions, are defeated in the coming presidential election, and by such division a President is elected by the opposition: would gentlemen on this side of the House quietly sit here and permit a pro-slavery President, with the entire military power of the country, and one tenth of the local population of the rebel States, professing to be loyal, to reorganize State governments, and recognize them as the Constitutional governments of these States, without the consent of Congress? No, sir. From a hundred men now on this floor a protest would come in the name of an outraged people, protesting against such a usurpation of the prerogatives of Congress, and against such a flagrant violation of the Constitution. Why would we all cry out with one voice if such a scheme for reorganizing the rebel States was in process of enforcement by an opposition President? The answer is easy. We would not submit to it, because we would be certain that with such power in the hands of their President they would reëstablish slavery and the old slave State governments in every rebel State, and thus bring back many of the traitors to the vacant seats here. Of course, sir, we would all protest; and as I would protest then so I protest now against the adoption of any policy by the executive or military departments of the Government on this question of reconstruction until it shall first have had the sanction of Congress. Sir, I want no precedent established by this Administration, touching the exercise of doubtful

constitutional power, which I would object to if adopted by an opposing Administration. Whatever power I claim for an Executive of my own choice, I am willing to concede to another who is not my choice.

Mr. Speaker, let us keep every department of the Government strictly within its constitutional limits, and in the future we shall not be driven to the disgraceful necessity of apologizing for or repudiating our own acts, before we can with any show of propriety or fairness arraign those who, though following our precedents, are doing so for different purposes.

Mr. Speaker, if a President may, because war exists, civil or foreign, exercise any of the powers conferred by the Constitution on Congress, whether relating to the civil or military administration of the Government, an ambitious and unscrupulous President can find pretext enough for precipitating the nation into either a foreign or civil war, as was done in the case of Mexico and with the Mormons. Then following such precedents as we are establishing by our silence, the Executive could assume to exercise almost every function of the Government under the plea of necessity, and the right conferred by the admitted war powers of the Government. Suppose the pro-slavery State-rights party of this country should elect a President, and a majority of this House, this year, owing to causes such as I have suggested, (which may Heaven forbid!) and they should conspire, as it is not at all unlikely they would, to reinstate the old order of things, assume the confederate debt, reënslave all persons emancipated by the President's proclamation or by Congress, and restore all confiscated estates to their former owners, would they long want a pretext for continuing this war, or involving the country in another civil war, if thereby their President could assume unlimited power, and with the army and ten per cent. of the voting population, without regard to its loyalty, revive the old State constitutions, and obtain their recognition by the executive branch of Government as the constitutional governments of these States without the consent of Congress?

I confess, sir, I believe there are thousands of men in the North to-day who stand ready at any opportune moment to enter into just such a conspiracy. If gentlemen will recall what has transpired in this country since the days of Tyler, Calhoun, and Texas annexation, especially during the Administrations of Polk, Pierce, and Buchanan, they will not find it difficult, in my judgment, to reach the conclusion that either of these Administrations, if in power in 1865, would cordially have entered into just such a conspiracy as I have delineated. Do gentlemen say that this is impossible? I answer, by repeating what I have said before to the people of my own, and, indeed, of every district in which I have spoken, that I fear an attempt will be made if the pro-slavery party of this country elect a President of their peculiar faith to accomplish all I have depicted, and the confederate rebel debt will be the lever power employed for that unholy purpose. If they should succeed in an election, no man need predict what they will not attempt. The country has not yet forgotten how the Texas annexation scheme was bought through Congress by the leaders of this pro-slavery rebellion. They had but $10,000,000 in bonds to operate with, worth from *five* to *seven* cents on the dollar; annexation and assumption made them par. In this new political and financial scheme the conspirators will have three or four thousand million dollars in confederate bonds with which to effectuate their purposes. Sir, when I remember what infamous, God-defying acts the American Congress under the lead of the present pro-slavery rebels has been guilty of in days that are past, I shudder when I contemplate the terrible ordeal through which the nation in its process of regeneration must pass after the close of the war.

Mr. Speaker, I have already, in passing, referred to the action of General Banks in Louisiana. Let me call the attention of the House and the country to his unwarrantable and indefensible assumption of civil authority in that State. In the first place, against the protest and in defiance of the well-known wishes of the only organization known to the country, or recognized by the unconditional Union men of Louisiana, General Banks issues an order for an election, on the 22d of February last, of State officers, under the old State organization and pro-slavery constitution. If the old pro-slavery constitution and State government of Louisiana are to be thus reëstablished and recognized in defiance of the wishes of the loyal men of that State, and without the sanction of Congress, this House ought to understand it. For myself I enter my protest against any such assumption of civil authority by the military power. Let us look a little further into the matter. After ordering an election for State officers under the old constitution, which, if acquiesced in by Congress, will legally revive the old order of things in that State, General Banks issues another order directing that an election shall be held for delegates to a convention for the purpose of amending the constitution of the State so that it may conform to something—it is difficult to say what. The following is his order upon the subject:

"In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the constitution will be held on the first Monday of April, 1864."

Whence did General Banks derive authority to issue such an order? Certainly not from Congress, nor from the laws of war as recognized by civilized nations, nor from any rule or article of war known to our military code. If the power to issue the order is not derived from either of these sources, then the action of General Banks is a most wanton and defenseless assumption of military power, as well as an outrage upon the only organized body of men known and admitted by all to be free State men. As a military commander in the service of the United States, he may govern a conquered people by martial law until Congress or the people, in the exercise of loyal, popular sovereignty, recognize a civil government subject to the Constitution of the United States, without interference or coercion from him by the military force under his command. But neither General Banks nor the Commander-in-Chief can, by martial law, proclaim a constitution for the civil government of any State. General Banks, however, declares in this extraordinary proclamation that "*the fundamental law of Louisiana* is martial law." If any gentleman can enlighten the House or the country about this matter he will entitle himself to the lasting gratitude of all loyal men. Will any gentleman tell me how "martial law" can become the "fundamental law" of any organized civil State government known to the Constitution of the United States? I hold that neither General Banks nor any other general in command of a department has authority to order an election for State officers in any of the rebel States under any fundamental law, whether it be martial law or civil law; still less has he any show of power or excuse for ordering an election of delegates to a constitutional convention if there is an existing fundamental law in the State.

If the State officers who have been elected by General Banks's orders assume the functions of civil government they will undoubtedly be recognized as officers under the old State constitution of Louisiana, whatever General Banks may say about martial law, as the fundamental law of the State. If they are not officers of the civil government of Louisiana, then the late election was a farce, for martial law does not provide that the people, or any part of the people over whom it is operating, shall themselves select the officers to administer and exercise it.

I undertake to say that if these recently elected State officers are installed into office and recognized by Congress, such recognition will legally reëstablish the old State constitution and slave code of Louisiana. In addition to this the State government, thus established and recognized by Congress, may legally refuse to submit to or recognize the validity of any new State constitution adopted by the convention ordered by General Banks to be elected in April, after the State officers elected under the old constitution are inaugurated and invested with the civil government of the State. They undoubtedly will refuse to recognize the action of that convention unless it be in conformity with their wishes, because they can properly claim that the old State constitution, having been revived and recognized by their election and inauguration, it provides the *manner* in which it may be amended.

In order to obtain an early recognition of the assumed State organization under martial law, the newly elected Governor may, if he sees fit, order an election for members of the State Legislature and Congress instanter, and I shall not be surprised if we have Senators and Representatives applying here for admission from the government thus organized by the military power before we adjourn. If such should be the case, and they are admitted before the action of the constitutional convention is submitted to the loyal people for their approval, and the present State officers accept and recognize that constitution, if adopted by the people, as the constitution of the State, these officers may, if they choose, legally disregard the action of that convention and remain under the old constitution. If they should do this what remedy would be left to us? If Congress should recognize this assumed State government, before the constitutional convention now ordered by General Banks to be elected should assemble, or before it had adopted and submitted a constitution to the loyal electors of the State for their approval, its whole power under the newly elected officers *could* and *might* be used to defeat the wishes of the free State men, and if desired by the present State officers this would be a better way of accomplishing their purposes than by refusing to accept the constitution formed by the convention and adopted by the people. I have no doubt that the officers of this assumed State government could, if they were recognized by Congress, defeat the adoption of a free State constitution in Louisiana if they desired to do so. I do not say that they will attempt it, should Congress recognize them, for I do not know them. I only say that they could easily do so, if they preferred the old constitution to the new one.

Gentlemen will readily see the necessity of avoiding such complications, and all must agree that the safer and better way is to have new State constitutions adopted and approved by the loyal people and by Congress before elections for State officers are ordered by any one, and before we admit either Senators or Representatives in Congress from any of the rebel States.

I hope we will have no such difficulty in Louisiana as I have suggested. I have always had such a high appreciation of the character and ability of General Banks, that I regret very much that I have felt it to be my duty to say what I have of his acts touching the reorganization of the State. I cannot, however, shut my eyes to the fact that the policy adopted by General Banks affords every inducement for the secret enemies of the Government, by uniting with the conservative faction opposed to a free State, to bring about just the condition of things I have described. I trust we are not to have in Louisiana a repetition of the Missouri troubles.

If General Banks, instead of ordering an election for State officers under the old constitution of Louisiana, had listened to the free State men and ordered an election of delegates to a convention to amend the old constitution of Louisiana, or to make a new one for the State, the loyal men of the nation might have tolerated such an unauthorized assumption of power on his part. As it is, loyal men are compelled to protest against it, not only because of his exercise of power for which there is no law, and his disregard of the wishes of the free State men, but because of the difficulties and complications which a repetition of such acts in other States may bring upon us. Here is what the free State men of Louisiana say on this point:

"*Resolved*, That this free State general committee, not relinquishing its judgment that the only true path to reconstruction is a convention to form a new constitution before any election for State officers; and not renouncing its lawful claim to have slavery abolished immediately, without the danger of any futile scheme of gradual emancipation; and not yielding its assent to the idea that the election of seven executive officers can, by proper use of terms, be styled the civil government of Louisiana; but, nevertheless, recognizing the patriotic duty of endeavoring to place in office men whose opinions are in harmony with the wants of Louisiana and the spirit of the age, will take part in the elections."

The farce of an election was gone through with, and of course the men representing an organization whose loyalty never was questioned were defeated, and the candidate of General Banks was elected. It could not well have been otherwise. A military commander who announces that "*martial law is the fundamental law of the State*," and

that all must vote, would not find it very difficult to elect any one he might designate, especially when the aggregate vote did not exceed *ten* or *eleven* thousand, with three candidates in the field. Hahn's whole vote in the State, as claimed by his friends, is only 6,171, less than one fourth of the vote of my congressional district.

There are fifty-four parishes in the State, only twelve of which are under our control. Of the number who voted for Hahn, I have been credibly informed that over 1,000 were employed in the quartermaster's department; about 550 are policemen in the city of New Orleans; city laborers 1,100, and other city officers 100; some 1,600 were soldiers claiming to be citizens of Louisiana. The acting mayor of New Orleans was removed by General Banks, and one appointed who could and would control the votes and influence of the 550 policemen, city laborers, and city officers. With all the military power of the department to support Hahn, with the votes of all the Government employés, the Louisiana soldiers and policemen, his entire vote in the twelve parishes is but 6,171, and yet this insignificant vote is paraded before the country, and unblushingly called the voice of the entire State of Louisiana, which, in 1860, gave a vote of over 50,000. Hahn had hardly as many votes in the entire State as Mrs. General Beauregard had sympathizing rebel mourners in attendance upon her funeral in the city of New Orleans a day or two after this election.

I have said nothing of General Banks's orders and treatment of the freedmen of Louisiana. God knows I have no desire to say a word that I ought not to say, but I cannot remain silent when such irregularities are being committed. I am heart-sick of this pandering to rebels and slaveholders. When General Butler was in command at New Orleans no recognized free State man complained of his masterly administration. The rebels and slaveholders, however, made day and night hideous with their howling; and General Butler was removed. Since General Banks has been in command there has not been a rebel or pro-slavery complaint, but frank and manly protests come to us from well-known Union men, who have been tried as by fire, and whose loyalty was never tainted by taking an oath to support the rebel government, or by voluntarily defending and justifying it. This simple fact tells its own story, and I need not add another word.

Mr. Speaker, let us see to it that there is no repetition of these acts by any other general in an attempt to organize a civil government for a rebel State without the *express* authority of Congress. Enact this bill as a law, and you insure the liberation, regeneration, and restoration of the South. Refuse to pass it, and the loyal men of the South are left to the mercy and caprice of military rulers. Professed loyalists and open-throated rebels, who have been guilty of every crime, will conspire together to crush the free State men as they did in Missouri. The amnesty oath will be taken by thousands, who will at once strike hands with perjurers, robbers, and murderers to destroy the men who have, from the first, been faithful to the Constitution and the Union.

Mr. Speaker, the war ended, I feel confident that the wily enemy will attempt to regain by diplomacy much that he has lost by an appeal to arms. Therein, sir, as I apprehend, lies our danger. The nation, anxious for peace, will eagerly listen to the voice of the returning prodigal, until like the song of the siren, it will, as of yore, lull many loyal but too confiding men into a plausible but delusive security. Cunningly devised schemes of adjustment, declared by their authors to be "honorable to all parties," will be thrust upon us, and every form of sophistry employed to conceal their deformities and extol their merits. Let us meet these issues now, and meet them like men. Let us define clearly and unmistakably the policy of the Government upon all questions touching the reconstruction and restoration of the rebel States to the Union, and thus render forever impossible all humiliating compromises. The truly loyal men of the North and the South will expect and demand this of us. They will demand that their heroic sacrifices and sufferings shall not have been all in vain. And, sir, such a people have the right to make such a demand. Their will must be consulted, must be obeyed. I know that obedience to it will make freedom and justice the prominent elements of every newly organized State. Mr. Speaker, I believe I may safely say that never in the history of any nation has there been grander exhibitions of patriotism and heroism than have illustrated every battle-field of this terrible rebellion. Why, sir, when I go through my own district and hear the simple and touching story told in almost every household, about fathers and sons, husbands and brothers, who have gone into the Army that the Republic might live, I am proud of my country, and thank God that I belong to such a heroic race.

Mr. Speaker, I have witnessed, when aiding to fill our armies, many beautiful and imposing though touching and heart-rending scenes. It is the same story of devotion and valor everywhere. The scene which I have in my mind's eye has its counterpart everywhere throughout the North. The picture is daguerreotyped upon the mind and soul of every man whose heart has been in this struggle. In one of the agricultural counties of my district, around the domestic hearth, before a blazing fire, is gathered a family group. They have just returned from a war meeting, and are engaged in serious and thoughtful discussion. The question is, how many can be spared from home, how many can volunteer to go and fight for their country? At length, amid the contending struggles of patriotism, duty, and affection, it is settled. Two brothers make the stern resolve. Quietly and methodically they prepare for their uncertain absence. When that is done they enter their names as volunteers, and await, and that not long, the orders which summon them to the field. The day of parting comes. At the railroad station are gathered fathers, mothers, brothers, sisters, and friends to bid these and other brave spirits farewell. The approaching train is crowded with other volunteers, who rend the air with shouts as they catch a glimpse of the new recruits—shouts which modify, perhaps, but cannot entirely repress the tears and sobs of those who are now about to part, and possibly forever. The last shake of the hand is given, the last kiss imprinted upon manly brows, the last farewell uttered; the train moves swiftly away, and this patriotic family, who have given up their sons, turn to wend their steps to their now less cheerful home. Let us accompany them, and strive to realize their condition. Listen, as they gather around the evening altar, to the prayer which from heart and lip ascends to the God of nations and of men—a prayer that the country may be saved, and that the precious lives of the beloved ones who have gone to fight for it may be spared, and they in due time restored to their family and home. One phase in the scene we are contemplating is over. Time has healed the poignancy of the sorrow which attended the parting, and the household moves on in accustomed routine. Weeks have elapsed. A flash along the wires announces a battle in which the absent ones have participated; but alas! it is too meager to allay their anxiety. Away for miles, over a bad and frozen road, haste a company on horseback to get fuller details from the papers. Behold, with what trembling anxiety the father glances along the column of killed and wounded to see if the name of either of his sons is there! And when the dread intelligence is found, go now to that bereaved family circle and witness the more than Roman fortitude with which it is accepted, and tell me in what former period of human history the world has afforded a more exalted exhibition of valor and patriotism.

Sir, these are common scenes. Thousands of homes thus bereft have uttered no complaint, but have sent forth other sons to bleed and die, perhaps, or perish by disease, in some future campaign of this dreadful struggle. Nor has the voice of complaint yet reached us from the battle-field, from the hospital, or from the horrible dens of the Libby or Belle island, tenfold worse than either. Our fellow-citizens have only asked that the war might be prosecuted with vigor, until the rebellion was effectually broken, and a triumphant peace was achieved.

At such a time, amid such scenes, and in the presence of such a people, how indefensible, how criminal, is all personal and partisan strife. Sir, when I witness, as I must wherever I go, such scenes as I have so poorly delineated, my heart is filled with the deepest sympathy and sorrow, and I involuntarily ask myself what there is that can ever compensate for all this affliction, this endurance, and this self-sacrifice. There is but a single answer. Nothing, absolutely nothing, but the entire regeneration of the Republic by making "liberty and Union one and inseparable." That the earnest men of this great nation will accomplish this work I have never doubted. To me it is the simple logic of the contest. I have believed from the first that it must come, because I have believed that Providence would bring to naught the counsels of the wicked and the crafty. Indeed I contemplate the future of this struggle with rapture. The clouds which to the eyes of many have darkened our political horizon for three years, have all had their silver linings for me. No hour has been dark enough to cause me to feel one throb or to utter one wail of despair. My hope has been that justice would at last triumph; and the progress we are making assures me that it will. I advocated from the first the emancipation of all slaves, because I believed ideas were more formidable than armies, justice more powerful than prejudice, and truth a weapon mightier than the sword. Thank God, that as a nation and people, after three years of war and mourning, we are beginning to comprehend our duty and to feel in this life-struggle for national existence, that

> "The laws of changeless justice bind
> Oppressor and oppressed;
> And, close as sin and suffering joined,
> We march to fate—abreast."

I have believed that as a nation we should grow stronger and gain victories only as we became manly and just, and that at last liberty would emerge triumphant from the conflict, changing constitutions, customs, and laws to meet the requirements of a higher and better civilization; and that thus emerging, she would vivify by her magic touch every desolate waste, and cause to bloom every spot consecrated by the blood of her fallen sons. Anything short of this would be hollow mockery; with it accomplished,

> "Who will mourn that in these dark days
> His lot is cast?
> God's hand within the shadow lays
> The stones whereon His gates of praise
> Shall rise at last."
>
> * * * * * * * * * *
>
> "Turn and o'erturn, O outstretched Hand,
> Nor stint nor stay;
> The years have never dropped their sand
> On mortal issues vast and grand
> As ours to-day."

Mr. LONG obtained the floor.

Mr. ANCONA moved that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOUTWELL reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the President's annual message, and had come to no conclusion thereon.

And then, on motion of Mr. GRINNELL, (at five minutes to five o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *March* 31, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report from the Secretary of War, communicating, in answer to a resolution of the Senate of the 15th instant, statements showing the number of men in Kansas subject to military duty, the number of regiments and independent organizations furnished by the State of Kansas (including colored troops) under all calls, and the name, number, and description of troops serving in the department of Kansas subject to the orders of Major General Samuel R. Curtis; which, on motion of Mr. POMEROY, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of the Cincinnati Horticultural Society, praying for liberal appropriations in aid of the Department of Agriculture; which was referred to the Committee on Agriculture.

He also presented a petition of citizens of Ohio, praying for the sale of the mineral lands of the Rocky mountain country, and that liberal aid

may be granted for the construction of the Northern and Central Pacific railroads; which was referred to the Committee on Public Lands.

He also presented a petition of citizens of Knox county, Ohio, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. TEN EYCK presented a petition of citizens of Ocean county, New Jersey, praying for additional railroad facilities between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

Mr. HALE presented a petition of citizens of Rochester, New Hampshire, praying for the abolition of slavery, and an amendment of the Constitution of the United States forever prohibiting its existence; which was referred to the select committee on slavery and freedmen.

Mr. CONNESS presented the petition of George P. Ihrie, late colonel and A. A. D. C. on the staff of General Grant, praying for compensation for the loss of personal baggage and property, captured and burned by the rebel cavalry on or about the 11th of January, 1863, on the line of the Mobile and Ohio railroad; which was referred to the Committee on Claims.

He also presented the memorial of commander Fabius Stanly, United States Navy, protesting against the alleged unjust action of the late advisory board in withholding from him a recommendation for promotion; which was ordered to lie on the table, a bill in regard to such cases having been reported from the Committee on Naval Affairs.

He also presented resolutions of the Legislature of California, in favor of opening to preëmption the Nome Lackee Indian reservation, in the Marysville land district, the same having been abandoned by the Indians; which were ordered to lie on the table and be printed.

Mr. WILLEY presented a petition of officers, non-commissioned officers, and privates of the eighth mounted infantry regiment of Virginia volunteers, praying for an increase of the pay of non-commissioned officers and privates now in the service or hereafter mustered in; which was referred to the Committee on Military Affairs and the Militia.

Mr. BUCKALEW presented four petitions of citizens of Philadelphia, praying for increased railroad facilities between that city and New York; which were referred to the Committee on Military Affairs and the Militia.

OVERLAND MAIL TO CALIFORNIA.

Mr. COLLAMER. I desire to call up a bill which was reported from the Post Office Committee a short time since, being Senate bill No. 194.

Several SENATORS. What is it?

Mr. COLLAMER. It is to authorize the Postmaster General to contract with the Overland Mail Company for carrying the mail.

Mr. POWELL. I hope we shall be allowed to get through with the morning business. I have been trying to get in a little resolution of inquiry for two days past, and unless resolutions are called for in their regular order I despair of ever getting unanimous consent to put it in. I very much regret to have to interpose this objection when the Senator from Vermont is on the floor, for he is always very courteous indeed.

Mr. COLLAMER. I shall be obliged to insist on my motion. The bill which I have moved to take up is a bill reported by the committee unanimously, and the public interests demand its passage. It will occasion no debate, I am sure.

Mr. POWELL. I suggest to the Senator that we be allowed to go through with the morning business. Those of us who cannot obtain the unanimous consent of the Senate can get in none of our morning business, and I am not one of the favored class. Unless I can present my morning business in the morning hour, under the regular call, I cannot present it at all, and hence I oppose taking up any bill until the morning business is gone through with.

Mr. COLLAMER. The same remark will apply to me. If I cannot get a little bill of this kind passed in the morning hour, about which there is no difference of opinion, I cannot get it passed at all. At one o'clock there come up important questions, such as the amendment of the Constitution, and the floor is held on such questions for days and days together, and I cannot get action on a matter of this kind unless I get it in the morning hour. I hope my motion will be adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the bill (S. No. 194) to authorize the Postmaster General to contract with the Overland Mail Company for the carrying the mail was read the second time, and considered as in Committee of the Whole. It authorizes the Postmaster General, in his discretion, to contract with the present contractors on the present route, No. 10773, commonly known as the Overland Mail Company, or any other competent party, for the term of four years from the 1st of July next, to carry on that route, to commence at Atchison or St. Joseph, and to Folsom, in California, all the mail except that part which he is authorized by law to send by water, for such price as to him shall be judged best for the public interest, not exceeding $1,000,000 per annum, to be conveyed at the rate of sixteen days for eight months in the year and twenty days for the remainder; but as the Pacific railroad shall be constructed it is to be used for the transportation of mails upon that route, and the time limited for the trips of the company is to be proportionately shortened, and the compensation allowed proportionately diminished.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WADE. I move that the Senate take up House bill No. 15 for consideration and postpone all other business.

Mr. POWELL. I hope that may not be done. I hope we shall be allowed to dispose of the morning business, to present resolutions and make reports.

Mr. COLLAMER. I desire to know what the bill is.

The VICE PRESIDENT. It is a bill in relation to the creation of the Territory of Montana.

Mr. WADE. It is the bill we had up yesterday. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. SHERMAN. I would vote for my colleague's motion ordinarily, but I think it would be better to allow us a few minutes to get through with the morning business, and then I hope he will have an opportunity to pass his bill before the morning hour is concluded. We are wasting more time in this way in endeavoring to get up bills than we should by allowing the morning business to be presented.

Mr. WADE. I am wasting none, sir.

Mr. CARLILE. As the yeas and nays are called for on this question, and as I voted yesterday against taking up this bill, I feel it due to myself to give the reasons that influenced me then and will influence my vote this morning. As a member of the Committee on Territories I would always vote with that committee upon any proposition unless there was some overruling reason. Now, sir, if the rules of the Senate, which are made for the protection of the minority in this body, are to be set aside by a vote of the majority, it is very clear that the rights of the minority cannot be asserted, and really amount to no rights at all. I am satisfied that the Senator from Ohio does not make this motion from any consideration of that kind, or any desire to withhold from any one in this body the rights to which he is entitled under the rules; but although that may not be his intention or his wish, the action of the Senate, if conformable to his proposition, will amount to the same thing, and therefore I shall feel compelled to vote against the motion.

Mr. WADE. I certainly did not wish to practice any discourtesy here, or to do anything unusual. I moved to take up this bill yesterday, and I proposed to do what I have always done, after I made the motion to allow this formal business to be transacted, I still holding the floor; but it was ruled that that could not be done, and I suppose ruled properly, and I lost the floor by it. I have now learned something more about the rules. I do not care much about rules ordinarily. I think the Senate ought to govern itself with propriety without much reference to rules. That has always been my idea; and the notion that the Senate of the United States must be bound down by rules to bind them to a kind of good behavior is what I have never studied or practiced much.

The Senator from Kentucky seems to feel hurt because he did not get in his resolution yesterday, and this morning he said something about discourtesy on this subject. Now, sir, I was driven to this position by what I understood to be the ruling yesterday. I was disposed and wished to give him a chance to get in his resolution before I took up the bill; but I found that if I did I could not get it up at all. I believe the whole Senate will bear me witness that I occupy but very little time here; that there are very few Senators on this floor who have not occupied more time in debate than I have. I do not pretend that they have done it unduly or improperly, or any more than they ought to have done; but they have felt it their duty to occupy infinitely more time on this floor than I have. If the Senate agree to my motion and take up the bill, I understand that then I may let in such motions as gentlemen see fit to make, and I am disposed to do it; but if they drive me to stand on my rights, I shall have to insist upon the vote of the Senate. If it is adverse to me, of course that is all there is of it. If the Senate will agree to take up my bill, I shall be willing to let the Senator from Kentucky or any other Senator go through with those formal motions that do not consume much time, and I believe that has been a common and usual way of doing business here.

Mr. POWELL. I beg that the honorable Senator from Ohio will not think that I am at all captious because I could not get an opportunity to offer my resolution yesterday. I have no complaint to make about that; I am perfectly willing to abide by the rules of the Senate. If they vote to take up the Senator's bill, I shall submit gracefully; but I notify Senators that when the rules are constantly in my way, they will find them in theirs for the residue of the session. That is all.

Mr. SAULSBURY. I understand that all the Senator from Ohio asks is to have his bill taken up; and then, with the consent of the Senate, he retaining the floor, he proposes to give way for morning business, and then go on with his bill. I think that is proper.

Mr. WADE. That is what I propose.

Mr. SAULSBURY. I think the Senate ought to agree to that, and I make that suggestion if it meet with the approval of the Senate.

Mr. POWELL. If the bill shall be taken up there will have to be a motion made to postpone it in order to let the morning business be called through, or it will have to be received by general consent.

Mr. SAULSBURY. It can be done by general consent.

Mr. POWELL. The bill of the Senator from Ohio is the unfinished business of the morning hour anyhow, and the moment we get through with the call of the morning business it will be before the Senate.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. WADE. I withdraw the call for the yeas and nays. I will not contend about such a thing in the Senate of the United States.

The VICE PRESIDENT. If there be no objection, the call of the yeas and nays will be dispensed with. The Chair hears none. The question is on proceeding to the consideration of the bill indicated in the motion of the Senator from Ohio.

Mr. TRUMBULL. I hope the Senator will withdraw that motion, and let us go on with the morning business.

Mr. WADE. I withdraw my motion. Let the morning business go on.

The VICE PRESIDENT. Reports from committees are in order.

REPORTS FROM COMMITTEES.

Mr. WILLEY, from the Committee on the District of Columbia, to whom was recommitted the bill (S. No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia, reported it with amendments.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. FRIDAY, APRIL 1, 1864. NEW SERIES.....No. 86.

No. 360) for the prevention and punishment of frauds in relation to the names of vessels, reported it without amendment.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 220) to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta valley, reported it with amendments.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 210) establishing a port of entry at Washington, District of Columbia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 211) to authorize and regulate the writ of attachment in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

APPROPRIATION OF CHURCH PROPERTY.

Mr. POWELL submitted the following resolution:

Resolved, That the Secretary of War be directed to transmit to the Senate all orders that have been issued from his Department, or by generals of the Army of the United States, authorizing any person or persons to take possession of any church or churches, or house dedicated to the worship of God, or house or property belonging to any home or foreign mission society, or houses and property belonging to any denomination of Christians in the United States; and that he inform the Senate how many churches and how much property, and of what kind and description, have been taken possession of in pursuance of said orders, and where the same is situated, and to what denomination of Christians the property so taken belonged.

The VICE PRESIDENT. Is there any objection to the consideration of this resolution at the present time?

Mr. CONNESS. I object.

The VICE PRESIDENT. Objection being made, it must go over under the rules.

DIRECT TAXES IN INSURRECTIONARY DISTRICTS.

Mr. POWELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate the amount of money expended, and the number of officers appointed, and the salaries paid to the same, to carry out the act of Congress entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June 7, 1862; and that he inform the Senate the amount of money received into the Treasury from direct taxes in the said insurrectionary districts, and the quantity of land that has been sold for taxes in said districts.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. TRUMBULL. I suggest that the mover of the resolution confine the call for information as to the money received in insurrectionary districts, to money received under the provisions of the act referred to. I suppose that is what he wants to get at.

Mr. POWELL. It is; and so the resolution provides and cites the act specifically.

Mr. TRUMBULL. The title of the act is recited; but the latter part of the resolution, if I heard it read correctly, requires the Secretary of the Treasury to report how much money has been received in insurrectionary districts. That would seem to be a general call; but I suppose the intention is to confine it to money received under that act.

Mr. POWELL. That is the intention, and the resolution says "the amount of money received into the Treasury from direct taxes in the said insurrectionary districts." I think that is explicit; but if it is not, the Senator can modify it.

Mr. TRUMBULL. There may be—I do not know whether it is the fact or not—money received in these insurrectionary districts under general law and not under the provisions of the act referred to.

Mr. POWELL. I will modify the resolution by adding the words "under the provisions of said act."

The resolution as modified was agreed to.

PAY AND PENSION OF CHAPLAINS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," disagreed to by the House of Representatives; and

On motion of Mr. WILSON, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. WILSON, Mr. FOSTER, and Mr. RIDDLE.

VOLUNTEER NAVAL APPOINTMENTS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate (No. 76) relating to appointments in the naval service and courts-martial.

The amendments of the House of Representatives were to strike out the following words after the word "that," in line three:

Hereafter all appointments in the volunteer naval service of the United States shall be submitted to the Senate for confirmation, in the same way and manner as appointments in the regular Navy are required to be.

SEC. 2. *And be it further enacted*, That.

and to amend the title so as to read, "An act relating to naval courts-martial."

On motion of Mr. HALE, it was

Ordered, That the amendments be referred to the Committee on Naval Affairs.

TERRITORY OF MONTANA.

The VICE PRESIDENT. The unfinished business of the morning hour is now before the Senate as in Committee of the Whole, being the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana. The pending question is on the amendment of the Senator from Minnesota, [Mr. WILKINSON;] and upon the question of agreeing to this amendment, the yeas and nays were requested by the Senator from Maryland, [Mr. JOHNSON.]

The yeas and nays were ordered.

Mr. BUCKALEW. I ask for the reading of the amendment.

The Secretary read the amendment, which was in section five of the bill, line two, to strike out the words "white male inhabitant," and to insert "male citizen of the United States, and those who have declared their intention to become such."

The Secretary proceeded to call the roll.

Mr. LANE, of Indiana. I have just received a note from my colleague [Mr. HENDRICKS] stating that he is detained from the Senate by severe indisposition, and that is the reason why he is not here to vote.

Mr. POMEROY. My colleague [Mr. LANE, of Kansas] is absent from the city.

The result was announced—yeas 22, nays 17; as follows:

YEAS—Messrs. Brown, Chandler, Clark, Collamer, Conness, Dixon, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Howard, Howe, Morgan, Morrill, Pomeroy, Sumner, Wade, Wilkinson, and Wilson—22.

NAYS—Messrs. Buckalew, Carlile, Cowan, Davis, Harding, Henderson, Johnson, Lane of Indiana, Nesmith, Powell, Riddle, Saulsbury, Sherman, Ten Eyck, Trumbull, Van Winkle, and Willey—17.

So the amendment was agreed to.

Mr. WADE. I propose to amend the bill on page 14, after the word "annually," in line fifty-six, by adding "not to exceed sixty days," limiting the time that the Legislature can sit. I think it ought to be done. It is in most of the territorial bills.

The amendment was agreed to.

Mr. HARLAN. I move to amend the bill in section ten, line eighteen, by striking out all of the section after the word "services," in the following words:

There shall also be appointed by the President of the United States, by and with the advice and consent of the Senate, a surveyor general for said Territory, who shall locate his office at such place as the Secretary of the Interior shall from time to time direct, and whose duties, powers, obligations, responsibilities, compensation, and allowances for clerk hire, office rent, fuel, and incidental expenses, shall be the same as those of the surveyor general of New Mexico, under the direction of the Secretary of the Interior, and such instructions as he may from time to time deem it advisable to give.

And to insert in lieu thereof:

The said Territory shall be attached to and be a part of the surveyor general's district of Kansas and Nebraska.

Mr. WILKINSON. I hope this amendment will not be adopted. I suppose the argument urged in its favor is——

Mr. HARLAN. If the Senator will permit me, the Senator from Ohio suggests that the words proposed to be inserted should read, "the said Territory shall for surveying purposes be attached to and be a part of," &c., and I make that modification.

Mr. WADE. Otherwise the whole Territory goes.

The VICE PRESIDENT. The amendment will be so modified.

Mr. WILKINSON. I hope this amendment will not be adopted. I think the country is so vast, the territorial extent of this new Territory is so great—I suppose two or three times as large as the State of Ohio——

Mr. WADE. Three times.

Mr. WILKINSON. Three times as large as the State of Ohio; and if this surveyor general's office is carried over to Kansas and Nebraska, it will remove the surveyor so far from the territory to be surveyed that the difference in expense will not be at all commensurate with the inconvenience that will arise in the management of that office. I was talking the other day with the Commissioner of the General Land Office, and he disapproved of the action of Congress heretofore in consolidating some of these surveyor generals' offices in the other Territories. He thought that it was not good policy. For this reason I think it would be wiser and better if this surveyor general's office was established in this new and vast Territory.

Mr. HARLAN. The Committee on Public Lands had this subject under consideration a short time since, and there was no dissenting opinion in the committee in relation to the propriety of diminishing the number of surveyor generals. It has not been the policy of the Government until recently to have so many officers of this class. A surveyor general was appointed for the northwestern district in the first place, who had charge of the surveys in that whole vast Territory, and it has been only during a very few years last past that the effort has been made to establish a surveyor general for each newly organized Territory.

There is no necessity for a surveyor general residing in the Territory or being near it. He executes no surveys in person, never sees the field surveyed, and never sees a mile of the line surveyed. The execution of the survey is effected by a deputy surveyor who contracts with the Government to perform these surveys. The most convenient point for the location of the surveyor general's office is where the deputy surveyor can most conveniently secure his supplies. Now the deputy surveyors who may be appointed to survey land in this new Territory must necessarily secure their supplies at the Missouri river, at Sioux City, or below; so that there is no reason practically for the location of the surveyor general in the Territory. It is not an office that attaches to or becomes any part of the territorial government. In point of fact, the surveys might be done under the direction of the Commissioner of the General Land Office at Washington city, as well as under the direction of the surveyor general at what may become the capital of the new Territory.

Then there is a propriety in attaching this district to the district of Kansas and Nebraska from this fact: the base line of parallels of meridians will be projected from the public surveys heretofore executed in that surveyor general's district. The surveyor general's district for Kansas and

Nebraska includes the State of Kansas and the Territory of Nebraska. If the Senator's reasoning would hold good in relation to this Territory, why not divide that surveyor general's district?

Within a few years last past the surveyor general whose office was established at Dubuque, Iowa, included in his district the whole of Iowa and the whole of Wisconsin and Minnesota. Iowa and Wisconsin are still included in the same surveyor general's district. The division of that district and the location of another office at St. Paul was made because two men in the Senate had a quarrel between them as to who should control the patronage of the office. It was finally settled that my former colleague, Mr. Jones, should retain the office at Dubuque, and have the appointment of a surveyor general and the patronage that might accrue in Iowa and Wisconsin, and the contestant from Minnesota should have a new office and a new surveyor general and the patronage that might accrue in surveys in Minnesota. There was no public necessity for the division of that district. There is none now for the creation of a new district. It merely makes an office for somebody to fill, and quarters the incumbent on the Treasury of the United States.

Mr. WILKINSON. Of course the chairman of the Committee on Public Lands is better informed on this subject than I am, as he has made it somewhat of a study; but in this particular matter I think I am authorized in saying that the Commissioner of the General Land Office disagrees with him. I believe everybody has confidence in the integrity and good judgment of the Commissioner of Public Lands. It is his opinion that the consolidation of these surveyor generals' offices, to the extent to which we have carried it during this session, instead of working economically will work disastrously, or rather it will embarrass that department.

I had a conversation with him the other day about it. So far as I am concerned, I do not care a fig about the amendment. I would just as soon have this clause stricken out as to have it remain in the bill; but that is the opinion of the Commissioner of the General Land Office, and for that reason I oppose the amendment.

Mr. HARLAN. I think I ought to say on that point that I have not conversed with the Commissioner of the General Land Office on this subject this year, but I did last year; and while the statement may be true as presented by the Senator from Minnesota in relation to some features of the bill that passed at this session, I am quite sure, unless his opinion has undergone a change since last year, that the general statement is not correct. The bill that was adopted some two years ago for the purpose of diminishing the expenses of the survey and sale of the public lands was drawn up in the Land Office.

Mr. WILKINSON. I understood the Commissioner to say that he thought this consolidation had been carried too far at this session. He did not speak to me about this particular bill, because it was not up at the time I had the conversation with him.

Mr. HARLAN. But then, Mr. President, if it was his opinion that this consolidation should not take place, that is, if he should carelessly throw out an intimation of that kind, I would account for it in this way: there are very few of the heads of Departments or bureaus that are willing to curtail the patronage of their offices. I remember now very well that when I proposed a year ago to consolidate the Dakota district with that of Kansas and Nebraska, or with that of Minnesota, an objection was raised in the office, and when I came to inquire into the facts I found that a brother of the Commissioner was the present incumbent in Dakota; and supposing that men are influenced by the ordinary motives that sometimes sway the judgment of men, I drew the conclusion that that might possibly have a slight influence on his judgment. The Commissioner of the General Land Office, however, can know no more about this subject than any other person whose attention has been called to it.

Mr. WADE. I am rather convinced by the argument of the Senator from Iowa that we ought to make this amendment. It will save one officer and his salary.

Mr. GRIMES. It will save half a dozen.

Mr. WADE. It will save several, and the salary of one in particular. I am inclined to favor the amendment myself; but I hope there will not be much debate upon it.

Mr. GRIMES. I have only one word to say. When I became a citizen of the State in which I now live the surveyor general's office was at Cincinnati, Ohio. His district embraced the States of Ohio, Michigan, Indiana, Wisconsin, Iowa, Minnesota, and all the country west as far as the Pacific ocean, and it remained so for a great many years. I never heard that there was any inconvenience experienced by anybody during that time that we were all connected with those States in one surveyor general's district. The original surveys in the eastern part of the State of Iowa were made while we were in that district, and the returns sent to Cincinnati. It was only some years subsequent to that time, when there seemed to be a greater purpose to secure offices, that that district was subdivided and new districts created.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. WADE. I move that we informally pass over the order of the day and continue the consideration of this bill. I suppose it will take but a few moments to dispose of it.

The VICE PRESIDENT. If there be no objection, the special order will be passed over informally and the consideration of this bill continued.

Mr. TRUMBULL. I desire it to be understood that it is with the condition that there is to be no further debate upon it. If we can come to a vote on the bill at once I shall not object.

Mr. POMEROY. I do not care to make any remarks about this amendment. I will simply say that this proposed Territory is not an agricultural country, and there is no need of any surveys. The Pacific railroad is going through there; and in all the mineral districts of the country they do not go by the Government surveys. They have surveys of their own. There is no need, therefore, of having a surveyor general's office there at all.

The amendment was agreed to.

Mr. POWELL. I should like to make an inquiry of the chairman of the committee who has charge of this bill. I should like to know what population is embraced within the limits of this new Territory? What is his information on that subject?

Mr. WADE. I understand, from the best light I can get on the subject from the delegation from the Territory about to be divided, that there are about twelve thousand inhabitants on each side of the mountain that divides the present Territory, and it is very fast increasing.

Mr. POWELL. Twenty-four thousand people.

Mr. WADE. About twenty-four thousand in all in the whole Territory at present; about twelve thousand in each of the Territories after this division is made. Gold mines have been discovered there, and the population is increasing with great rapidity, and it is filling up very fast. I did not calculate to make any observations on this bill, but the necessity for it arises from the fact that there are impassable mountains there dividing the present Territory, and it is just as necessary to have two Territories as it is to have one. It is a vast region. The whole Territory undivided is about eight times as large as the State of Ohio.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SUMNER. The name of this new Territory—Montana—strikes me as very peculiar. I wish to ask the chairman of the committee what has suggested that name? It seems to me it must have been borrowed from some novel or other. I do not know how it originated.

Mr. WADE. I cannot tell anything about that. I do not know but that it may have been borrowed from a novel. I would rather borrow from the Indians, if I could find any proper Indian name.

Mr. SUMNER. I was going to suggest that in giving a name to this Territory, which is to be hereafter the name of a State of the Union, I would rather take the name from the soil, a good Indian name.

Mr. WADE. Suggest one and I will agree to it.

Mr. SUMNER. I am not familiar enough with the country to do so.

Mr. HOWARD. I will say to the Senator from Massachusetts that I was equally puzzled when I saw the name in the bill, and I labored under the same difficulty which my honorable friend from Massachusetts seems to be in. I was obliged to turn to my old Latin dictionary to see if there was any meaning to the word Montana, and I found there was.

Mr. SUMNER. What was it?

Mr. HOWARD. It is a very classical word, pure Latin. It means a mountainous region, a mountainous country.

Mr. WADE. Then the name is well adapted to the Territory.

Mr. HOWARD. You will find that it is used by Livy and some of the other Latin historians, which is no small praise.

Mr. WADE. I do not care anything about the name. If there was none in Latin or in Indian I suppose we have a right to make a name; certainly just as good a right to make it as anybody else. It is a good name enough.

Mr. HARLAN. I will ask the attention of the chairman of the committee to the seventeenth section of the bill, in the latter clause of which it is provided "that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law." I will inquire of him if that will not attach the superintendency of Indian affairs in this Territory to Idaho? The law establishing the Territory of Idaho makes the Governor of the Territory the superintendent, *ex officio*, of Indian affairs.

Mr. WADE. I think not.

Mr. WILKINSON. The second section of the bill provides that the Governor shall reside within this Territory, and "shall be commander-in-chief of the militia and superintendent of Indian affairs thereof."

The VICE PRESIDENT. If no amendment be suggested the question will be on ordering the amendments to be engrossed and the bill to be read a third time.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time.

Mr. SAULSBURY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. SAULSBURY. My object in asking for the yeas and nays is simply on account of the amendment which has been adopted to this bill. Had the bill stood as it originally came from the Committee on Territories, I should not have offered any opposition to it, and I shall now offer no opposition further than to ask the privilege of recording my vote against it. As I understand it, the amendment which has been adopted, if, as is contended by those who now administer the affairs of this Government, a negro is a citizen of the United States, gives the privilege to every negro in the land who shall be in this Territory for the period of thirty days, not only to vote but to be eligible to any office in that Territory; and it may be, if the people shall be so unwise as to do it, that a negro may be elected to the office of legislator of the Territory, or Delegate in Congress. Being opposed to the whole system of giving to this subordinate race any such privileges, I, for this reason, shall record my vote against the passage of this bill.

Mr. JOHNSON. I ask for the reading of that part of the bill.

The Secretary read:

"That every free male citizen of the United States"——

Mr. JOHNSON. That will do. I was about to say, in order to explain my reason for asking for the reading of the amendment, that if the object of the Senator from Minnesota [Mr. WILKINSON] is to put it beyond all doubt that Africans in the Territory shall be permitted to exert all the political rights that under the bill will be exercised by white men, he had better say "all black men," instead of saying "all citizens," because the Supreme Court of the United States has decided, and that question was directly before the court in the Dred Scott case, that a person of African descent is not a citizen of the United States. The objection to the authority of that decision did not apply at all to that particular question; it was to the other question which a majority of the court decided as to the unconstitutionality of the Missouri restriction. The opinion of a large part

of the public, not only confined to what may be called laymen, but including a great many professional men, was that, so far as that question was concerned, the decision of the court was extra-judicial; but as far as related to the other question, the capacity of the African to sue in the courts of the United States, there was no doubt in the mind of anybody that the decision, until it shall be reversed by the court itself, is conclusive, and conclusive upon the question that a person of African descent is not a citizen of the United States within the meaning of the Constitution.

I objected to the amendment when it was proposed by the honorable member from Minnesota, because I was apprehensive that it might lead to some difficulty in its practical operation in this new Territory; but I suggest now to the member that if he really wishes to place Africans upon the same footing with all other persons in the discharge of any of the political functions which all other persons will be at liberty to discharge, he had better provide that whites as well as blacks, who have the qualification stated, of residence, shall stand upon the same footing. I think he will not accomplish his purpose, if that is his purpose, by the amendment, if the bill shall pass in its present shape, without some additional explanation.

Mr. WILKINSON. I am willing that it shall stand as it is, and let the decision of the Supreme Court be whatever it may. I simply wish to strike out the qualifying term there, and let the results take care of themselves. I neither want "white" nor "black" put into this bill.

Mr. SUMNER. I take it that each branch of the Government can interpret the Constitution for itself. I think that Congress is as good an authority in its interpretation as the Supreme Court, and I hope that Congress, in its legislation, will proceed absolutely without any respect to a decision which has already disgraced the country and which ought to be expelled from its jurisprudence.

Mr. JOHNSON. Mr. President, if the opinion of the Senator from Massachusetts was conclusive upon all such questions, guided and controlled the public mind, it might be considered now as settled that the decision of the Supreme Court in that case was a disgrace. But I have yet to be advised that the honorable member, either by nature or by education, has attained so much intellectual celebrity, or possesses such transcendent mental ability as to be able to pronounce *ex cathedra* against a decision pronounced by the Supreme Court of the United States. There are many men, the equals of the honorable Senator, to say the least, intellectually, who think that that decision was anything but an outrage. However they may regret it because of its effects, and however they may regret that the Constitution should have been so framed as to leave that question an open one, yet there are throughout the United States, I repeat, the equals of the honorable member from Massachusetts, and I say it with no view to disparage him, who think very differently of that opinion; and if the honorable member will read—prejudice cast aside, if he can cast it aside upon questions of this description—the opinion of the majority of the court as pronounced by the Chief Justice, he will I think admit that there is in that opinion at least so much plausibility that very honest men may think that the conclusion to which it led the learned Chief Justice was right. And I have never heard any complaint of that decision, I mean as to the motives by which it is supposed it was governed, or any complaint in relation to the authoritative character of that decision except the one to which I alluded just now; and in reference to that one individually, I felt at the time and have felt ever since that there was considerable difficulty.

The suit was instituted by Dred Scott, who was of African descent, in the courts of the United States. The master against whom the application for his freedom was instituted pleaded that because he was an African he was not a citizen; and as the act of 1789, constituting the circuit courts of the United States, limited the jurisdiction of that court in cases of that description to controversies between citizens of different States, (following in that respect the language of the Constitution,) he maintained that upon that ground—irrespective of the question whether he was free or not, by having been carried into the State of Illinois where slavery did not exist, or having been carried north of the Missouri compromise line, where slavery was prohibited—the suit itself must be dismissed. The Supreme Court decided—contrary to the opinion of the court below, who ruled against the objection—that the objection was well taken; and of course they decided that any judgment pronounced in that case by the court below, whatever may have been the judgment, or any judgment which the Supreme Court should have pronounced in that case, would be of no avail if the court had no jurisdiction over the parties to the controversy.

The Chief Justice in giving the opinion of the court, however, and speaking in that particular for six of the judges, I think, supposed that there was a difference between cases brought into the Supreme Court of the United States upon writ of error or appeal from the circuit courts of the United States and cases brought before it by appeal or writ of error under the twenty-fifth section of the judiciary act; that in the latter class of cases, by the very terms of the judiciary act of 1789, the jurisdiction of the court was confined to certain specific questions, questions involving the Constitution of the United States; questions involving the constitutionality of a law of a State on the ground that it was in conflict with the Constitution of the United States; questions involving the constitutionality or construction of an act of Congress; but he supposed, speaking for the court—whether correctly or not I am not here to contend—that in a case brought up from a circuit court of the United States, it was the right and duty of the Supreme Court to decide the case upon all the grounds on which it had been decided in the court below; and inasmuch as the court below decided against the plea to the jurisdiction and then went on to decide that having jurisdiction the party was not entitled to his freedom, to which the Supreme Court came, yet the Supreme Court thought it proper to examine into the latter question as well as the first.

Now, Mr. President, I think, whatever may be the opinion of the honorable member from Massachusetts, or of any other member of the Senate, that if there is any department of the Government which, from the beginning of its organization to the present hour, the public, in the general, may be proud of, it is the judicial department of the Government as far as the Supreme Court constitutes a portion of that department. And I am not singular in that opinion. It is not necessary to advert to what was the impression of the people of the United States, the bar, and the public, during the days when that tribunal was presided over by Marshall, for the purpose of calling to the recollection of the Senate what I am sure is fresh in their remembrance, and to which, therefore, their recollection need not be specially called, that there was throughout the length and breadth of the land the most implicit confidence not only in the absolute integrity of every member of the bench, but in the unequaled ability of all the members of the court, and especially of him who in public estimation towered above the rest, John Marshall. And although it would seem to be perhaps inappropriate, let me say to the honorable member from Massachusetts that much as he may now disparagingly think of the venerable man who presides over the deliberations of that tribunal, and has for the last twenty or thirty years, he is not alone in that particular. When his name was before the Senate of the United States for confirmation, first as justice of the court, and secondly as Chief Justice, his confirmation was resisted steadily, zealously, by, among others, Clay of Kentucky. There was hardly an opprobrious epithet which, as he told me himself afterwards, he failed to use against the nomination; and from a conviction that the nominee was unfit, and would prove to be unfit, for the discharge of the duties of the judicial station. But I say it, and it is due to the memory of the dead, and due to him who now survives, survives tremblingly, his life having been protracted much beyond, as we know, the ordinary period of human life, and who has devoted himself with untiring energy, and with exclusive devotion, and with unsurpassed ability, to the duties of his station, that after he had been upon that bench some four or five years, and Mr. Clay had been the witness, from having practiced before him and read his decisions, of the manner in which his duties had been discharged, he, as he told me himself, after hearing an opinion delivered by the presiding judge, went to his quarters to see him, and found him alone; he said he felt the embarrassment necessarily incident to the object of his visit; and after exchanging the salutations suited to the occasion, and being about to leave him, he took him by the hand and said: "Mr. Chief Justice, there was no man in the land who regretted your appointment to the place you now hold more than I did; there was no member of the Senate who opposed it more than I did; but I have come to say to you, and I say it now in parting, perhaps for the last time, I have witnessed your judicial career, and it is due to myself and due to you that I should say to you what has been the result: that I am satisfied now that no man in the United States could have been selected more abundantly able to wear the ermine which Chief Justice Marshall honored." And with the tears trickling down the cheeks of both—I speak the words of Henry Clay—they parted; and that opinion he continued to hold up to the last moment that his life was a blessing to the country.

Mr. President, it is no light thing to assail the Chief Justice of the United States or that high tribunal. We have an interest, jurisprudence has an interest, justice has an interest, the nation has an interest in maintaining the character of that tribunal against all unjust reproach. It is no light thing to pronounce a decision given by such a tribunal as that as a disgrace. I never deal in epithets, Mr. President, if I know myself. I am willing to give, and I always do allow, to him who differs from me upon any question about which it is possible for a difference of opinion to exist, the credit of sincerity and honest conviction; and I cannot therefore stand still and hear a tribunal like that assailed, as I think unnecessarily, by anybody, and particularly by the honorable member from Massachusetts, who stands, in the estimation of his friends, so high aloft that his voice is heard the land over, and is, in their impression, potential.

Mr. SUMNER. The multiplication table tells us that two and two make four. Now, if a tribunal honored like the Supreme Court should undertake to declare that two and two make five, and a Senator as distinguished as the Senator from Maryland should uphold the high tribunal in its decision, I do not think that it would be presumptuous in me to call that decision in question. But the Dred Scott decision was as absurd and irrational as such a reversal of the multiplication table, besides shocking the moral sense of mankind. The Senator will pardon the little scruple with which I now denounce it. I claim nothing for myself. I may be weak. But, according to the measure of my abilities as God has given them to me, I enter a standing protest against that atrocious judgment, which was false in law and also false in the history with which it sought to maintain its false law.

The Senator seems to imply that I am not familiar with that case. Sir, I know it too well. I have read carefully the opinion of the Chief Justice which the Senator now vaunts, and I have read also the opposing opinions, by the side of which that much-vaunted opinion of the Chief Justice is dwarfed into the pettiness which becomes a production in such a cause; ignoble in character and impotent except in that little brief authority which is incident to the judicial position. The Senator pleads for this judgment in the name of jurisprudence, of justice, and of the nation. Sir, in the same name I denounce it; in the name of jurisprudence, which it disgraces; of justice, which it denies; and of the nation, which it has offended.

Among the influences and agencies which helped forward the present rebellion and set fellow-citizens in bloody battle with each other, the Dred Scott decision can never be forgotten. It gave to conspirators new confidence. It filled patriots for a while with despair. It was the platform of slavery, whose behests would have triumphed had this decision been allowed fully to prevail. Hating the rebellion in its origin and the circumstances which nursed it into being, we must hate this decision.

But the Senator wandered into a eulogy of that old Supreme Court, now departed, when Marshall was Chief Justice, and claimed from the past consideration for the present. Sir, I have not been a careless student of the decisions of that court in its palmy days. I know their learn-

ing, wisdom, and ability, and am proud that there are such pages in the jurisprudence of my country. But my sentiments toward the court of that day are warmed also by personal experience. It is among the cherished reminiscences of many years ago that I was privileged to know, as a youth might know, that illustrious magistrate whom the Senator praises so well. He received me at his table and allowed me to accompany him in his walks. He was a venerable character. But I pray the Senator not to claim for the Dred Scott decision any of the reverence which justly belongs to his name. There is no question now of tribute to Chief Justice Marshall, or respect for the decisions of the tribunal while he presided over it. The Dred Scott decision is more noticed from its contrast with all that is good and great in the decisions of other days. It is hard that the tribunal which had established such an authority among us should do an act by which all its authority has been endangered.

But this whole debate is in the nature of a diversion or a deviation, and therefore I bring it back to the precise point from which it started. The Senator from Maryland invoked the Dred Scott decision as a reason why Congress should not recognize colored persons as citizens. In the remark which I made it was my purpose to vindicate the right of Congress to interpret the Constitution without any constraint from the Supreme Court. Each branch of the Government must interpret the Constitution for itself, according to its own sense of obligation under the oath we have all taken. And God forbid that Congress should consent to wear the strait-jacket of the Dred Scott decision!

Mr. JOHNSON. This debate is not of my seeking, and I do not propose to continue it at any length. The honorable member from Massachusetts is mistaken if he supposes I have attempted to criticise him or any other Senator. I always listen to him with pleasure; and there is no man who is more logical, more powerful, more learned, and, above all, who exhibits upon all occasions such admirable taste. I have not attempted to vindicate the Dred Scott decision. I have expressed no opinion of my own. What I do object to is that the honorable member should in this instance have departed from that rule of good taste which in the general almost ever characterizes him, and indulged in opprobrious epithets in relation to the decision and to the tribunal by whom the decision was pronounced. He, in his place, thought proper to tell the public that the decision was a disgrace. That is no comment upon the decision. It may be wrong in the judgment of the enlightened Senator from Massachusetts, who always sees truth just as she is, who never can be wrong, perhaps, in his opinion, who certainly does not seem to think it possible that he can be wrong in this instance. The decision may be erroneous; but in the judgment of a great many others it is barely possible—and I submit it to the reflection of the honorable member from Massachusetts that when the reasoning of the Chief Justice and of the court by whom that decision was pronounced is held in the one hand, and the reasoning, if it can be called reasoning, to which the honorable member from Massachusetts has referred is held in the other—I say it is barely possible that very well-judging men may think that the weight of authority is in the right hand. I do not say that it is.

The honorable member has been a guest of Chief Justice Marshall. I am glad to hear it, but somewhat surprised that the teachings that he must have had at that time have apparently been so entirely forgotten. Did he ever learn from the lips of that man that it was either wise, or prudent, or politic, or statesmanlike, to assail with vituperative epithets the decision of the highest tribunal in the land? That man was assailed in his day and generation. He who led the Democracy, controlled by prejudice, under which, as I think, the honorable member from Massachusetts, more or less, now stands, preceding and during the trial of Burr, and preceding and during the decision of the case, McCulloch *vs.* The State of Maryland, denounced the Chief Justice in terms of biting severity, which, I have no doubt, he regretted before he was called to his account. He charged Marshall with willfully dismissing the prosecution against Burr; and yet who now remembers, unless his attention is called to it, the anathemas of Jefferson, and who has not always in fresh recollection, as one of the most cherished of the recollections of his life, the high and spotless honor and matchless ability of Marshall?

As to the capacity of the present Chief Justice, let me say to the honorable member I am some years older than he is; it was my good fortune to be with the present Chief Justice and opposed to him while at the bar, and almost every day for years; and for consummate ability in his profession, for unsullied integrity in all the relations of life, while he graced and honored our bar, there was no man in the Government, and no man in any other Government, acquainted with his character, who would think himself at all disparaged by having Taney considered, in the judgment of the men who knew him, his equal. And without meaning to offend the honorable member from Massachusetts, and with all the personal regard which I feel for him, and recollecting the courtesy that he has extended to me, and which I have reciprocated from the bottom of my heart, I say to him, without any purpose of offense, that if I am obliged to act upon the weight of authority upon all questions of constitutional law, I shall prefer holding to the opinion of Taney than holding to the opinion of the honorable member.

Mr. HALE. Mr. President, I believe it is not a great many years since the Senate of the State of New York was a supreme court of errors, to revise the proceedings of the highest judicial tribunal of that State. I was not aware that such was our position, that the Senate of the United States was a court for the revision of the errors of the Supreme Court of the United States; but it seems to be so considered. I do not propose to enter into this discussion, but simply to make a single remark, in which I am compelled to differ with my honorable friend from Massachusetts. He says that the Dred Scott decision was a disgrace to the Supreme Court of the United States. I do not believe that I think any better of that decision than he does: I think it was an outrage upon the civilization of the age and a libel upon the law; but I do not think it was a disgrace to the Supreme Court of the United States. [Laughter.]

Mr. TRUMBULL. I feel bound to interpose. It was understood that this bill was not to be discussed; and unless the discussion ceases, I must call for the order of the day. If a vote can be taken, I have no objection.

The VICE PRESIDENT. The Secretary will call the roll on the passage of the bill.

The question being taken by yeas and nays, resulted—yeas 29, nays 8; as follows:

YEAS—Messrs. Brown, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Henderson, Howard, Howe, Lane of Indiana, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—29.

NAYS—Messrs. Buckalew, Davis, Johnson, Powell, Riddle, Saulsbury, Van Winkle, and Willey—8.

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 80) to provide for the better organization of Indian affairs in California.

The message further announced that the House of Representatives had passed a bill (No. 272) for the relief of Julia A. Ames; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 108) relating to acting assistant paymasters in the Navy, and regulating the appointment of cadets in the Naval Academy; which was thereupon signed by the Vice President.

AMENDMENTS TO THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States.

The joint resolution, as originally introduced by Mr. HENDERSON, proposed the following articles as amendments to the Constitution of the United States, which, when adopted by the Legislatures of three fourths of the several States, shall be valid, to all intents and purposes, as part of the Constitution:

ART. 1. Slavery or involuntary servitude, except as a punishment for crime, shall not exist in the United States.

ART. 2. The Congress, whenever a majority of the members elected to each House shall deem it necessary, may propose amendments to the Constitution, or, on the application of the Legislatures of a majority of the several States, shall call a convention for proposing amendments, which in either case shall be valid, to all intents and purposes, as part of the Constitution, when ratified by the Legislatures of two thirds of the several States, or by conventions in two thirds thereof, as the one or the other mode of ratification may be proposed by Congress.

The Committee on the Judiciary proposed an amendment to strike out all after the resolving clause and insert the following:

(Two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

Yesterday Mr. DAVIS moved to amend the amendment by striking out all after the word "that," and inserting:

The States of Maine, New Hampshire, and Vermont are formed into and shall constitute one State of the United States, to be called North New England; and the States of Massachusetts, Connecticut, and Rhode Island, including the Providence Plantations, are formed into and constitute one State of the United States, to be called South New England; and Congress shall pass all laws necessary and proper to give full effect to this amendment of the Constitution.

Mr. SAULSBURY. Mr. President, the joint resolution now before the Senate, reported by the Committee on the Judiciary, proposes an amendment to the Constitution to provide that "neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." I engage in the discussion of this proposed amendment to the Constitution, not from any desire to treat of a subject not only distasteful to myself, but which I believe is distasteful to the country, but from a sense of duty to those whom I represent.

We have grown, Mr. President, vain enough to imagine that had we been the creators of the universe and of all things that exist therein, we could improve upon the workmanship of the Almighty. Had such been the case, no Eve would have plucked the forbidden fruit; no Adam would have been doomed to earn his bread in the sweat of his brow; the earth would not have been so cursed as to bring forth briers and thistles; the air would have been always balmy; the food of man would have been manna; every cedar would have been as those of Lebanon, and every twig as the majestic tree of the forest. No tornado's blast, no earthquake shock would have affrighted or alarmed the world, or destroyed any portion of the human race. Vernal flowers would have bloomed throughout the year; nothing but happiness, universal happiness, would have ever existed. But, sir, we were not the creators of the universe or of existence anywhere, and we must look at questions in a practical light, view them according to the circumstances by which we are surrounded and by the light of current events. In that light I propose to view the question now before the Senate.

Slavery had existed under some form or other from the first period of recorded history. It dates back even beyond the period of Abraham, the father of the faithful, in whose seed all the nations of the earth were to be blessed. We find that immediately after the flood the Almighty, for purposes inscrutable to us, condemned a whole race to servitude: "*Vayomer Orur Knoan Efet Afoatim Yeahio Le-echot:*" "And he said, Cursed be Canaan; slave of slaves he shall be to his brethren."

It continued among all people until the advent of the Christian era. It was recognized in that new dispensation which was to supersede the old. It has the sanction of God's own apostle; for when Paul sent back Onesimus to Philemon, whom did he send? A freeman? No, sir. He

sent his δουλος, [*doulos*,] a slave, born as such, not even his *andrapodon*, who was such by captivity in war. Among all people and in all ages has this institution, if such it is to be called, existed and had the countenance of wise and good men, and even of the Christian church itself until these modern times, up at least to the nineteenth century. It exists in this country, and has existed from the beginning.

Mr. President, in 1783 there existed on the Atlantic slope of what was once the United States of America, and which I trust will yet in the providence of God again become the United States of America, thirteen independent, free, absolute political sovereignties. In the treaty between Great Britain and the colonies which recognized their independence, those colonies were distinctly named, each one, and each was recognized as an independent and sovereign State. They had in fact been independent since the 4th of July, 1776; and before their recognition by the mother country they had entered into Articles of Confederation by which they were to be governed. Although I am no secessionist, and never have been, and never expect to be, it may be refreshing in these times to call the attention of the Senate and of the country to one very important fact in this connection, and that is that the Articles of Confederation were entered into not for any temporary purpose; they were articles existing between all the thirteen original colonies, and the Union thereby formed was declared to be a perpetual Union, and the faith of each and of all was pledged to the maintenance and the preservation of that perpetual Union. Sir, we are sprung from a race of secessionists, however much we may discard the name now, and however excited may be our feelings toward those deluded brethren who have undertaken to assert the right of secession and to act upon it, in our judgment without sufficient cause, unwisely for themselves, injuriously to us, injuriously to the world both now and throughout future time. In those Articles of Confederation it is declared thus:

"Whereas the delegates of the United States of America in Congress assembled did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, namely:"

Then, after reciting the Articles of Confederation, the convention of ratification goes on to declare:

"And whereas it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said articles of confederation and perpetual union: Know ye, that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the *union shall be perpetual.*"

And yet, sir, in nine short years, in violation of the solemn stipulations contained in the Articles of Confederation, and in violation of that spirit of union to the preservation of which the faith of each and every one of those States, and of the people thereof, was pledged, what do we find? All the other States seceding from New York, Virginia, North Carolina, and Rhode Island. Have we followed the example which our fathers set us in treating of the great question which now agitates and which for three years past has agitated the public mind? Have we done as John Quincy Adams said would be wise, in 1839, in a public address in New York, that when the affections of the people of one portion of the country became alienated from the other, and nothing could keep together the alienated parts but force, then we should recur to the early precedents in our history, follow those examples, endeavor to reunite the whole by peaceful and wise remedies? No, sir, but war desolates the land, and nothing, it seems, but blood can satisfy the people.

Mr. President, at the time the colonies declared themselves free of the parent country slavery existed in every one of them. It had been transplanted from other shores, transplanted here to a great extent against the remonstrances of the colonies themselves. When the Declaration of Independence was formed, which is often quoted as evidence that these modern doctrines in reference to slavery are the correct doctrines, every one of the colonies which helped to frame that declaration was a slaveholding colony, and most of the men who were members of that Congress were slaveholders. Because they inserted in the beginning of that declaration a general speculative truth that "all men are created equal," it is said that was an acknowledgment by them that slavery itself was wrong. Why, Mr. President, how absurd! The authors of the very instrument, themselves slaveholders, declaring to the world that they were criminals, and up to the time of their death, by holding slaves in bondage, continued to be criminals! No, sir. They were speaking not of the rights of the subject race in their own midst, but of those rights to free and independent government which distinct political communities had, and that as against other distinct political communities a separate people had a right to govern itself, and derived that right from their Creator. It might with as much reason be contended that because in the preamble to the Constitution it is said "We, the people of the United States," that thereby is meant that the negro race, the slaves at that day, helped to form the Constitution of the United States because they are persons. But in the sense in which the instrument was formed they constitute no people, having no voice in the Government under which they live.

Slavery being transplanted to this country, and the slave trade continued too in the Constitution of the United States by the framers of that instrument for twenty years, and that by the vote of some two or three of the New England States, we are told in the face of these facts that the framers of the Declaration of Independence and the framers of the Constitution of the United States were opposed to the existence of slavery, that they bore testimony against it, and that the desire expressed now by some of us that it should not be interfered with is a departure from the wisdom and the policy of the fathers.

Why, sir, in that instrument they not only continued the foreign slave trade for twenty years, but they guarded and protected the right of the master to his slave by provisions which if they had been faithfully observed these unhappy times would not now be upon us. They provided for the return of the escaped fugitive, and in the language of Justice Story that provision was essential to the formation of the Union, and unless it had been incorporated in the Constitution no Union could have been formed.

But, sir, the fathers left the matter not there; but during the first Administration, during the period that Washington was President of the United States, to carry out in good faith this provision of the Federal Constitution, the first fugitive slave act was formed. He, who among men was the foremost of all men, whose memory not only the people of this country have honored, but whose memory is dear to freemen everywhere throughout the world, gave the sanction of his great name to the first fugitive slave law that was formed. He did not profess to be wiser than the Almighty, nor better than Paul, who returned the slave to his master; and although men dare not, even in these deluded days, and amid the wild excitement which now rages through the North, arraign his memory or stain his character, they cannot withdraw him from the class to which he belonged, the class of slaveholders, and the attempt now to repeal the fugitive slave act is only an attempt to repeal that which, had he been living at the present day, would have received his sanction, if we can judge by his act when he signed the bill of 1793.

Mr. President, the question before the Senate is whether the resolution proposed by the Committee on the Judiciary shall be adopted by this body and the proposed constitutional amendments be submitted to the States. I may be about to announce a heresy, but if it be heresy I firmly believe in the truth of it, that if the Senate of the United States were to adopt this joint resolution, and were to submit it to all the States of this Union, and if three fourths of the States should ratify the amendment, it would not be binding on any State whose interest was affected by it if that State protested against it. I know the popular doctrine is, that if a convention is called by two thirds of the States and proposes any amendments whatever to the Constitution, which amendments are ratified by three fourths of the States, such amendments then become the supreme law of the land, and are binding on each and every State—those who had not assented to them as well as those who had. Such is not the opinion which I entertain of this matter. I may be in error; I know my view is against the popular opinion; but let us test it and see who is right and who is wrong. Who framed this Constitution? Who made it?

The preamble to the Constitution commences, "We, the people of the United States," and hence some say that this is a popular Government; and they would have you believe that it has the same effect as though the people in mass meeting had framed it. Sir, that clause of the Constitution is susceptible of a rendering perfectly legitimate which would do away with this idea, even if the preamble to the Constitution could govern its provisions, and that is, "We, the people of the States united," who are but the people of the United States. Sir, that Constitution was framed by the States, by the people of the States, who elected delegates to their conventions or Legislatures. It was submitted separately to each State. It never was submitted to the people of the United States as an aggregate body. It was not even submitted to the Congress of the United States elected by the people from the particular States. It was not submitted to a general convention of delegates elected in the different States, but it was submitted directly and immediately to the States themselves. It was to bind no State, and had no effect in any State except those States which, in their independent and separate character, ratified it.

Our seceding fathers withdrew not *en masse* from the old Articles of Confederation. The State which I have the honor in part to represent, although now one of the least populous in the Union, was the first seceder. New Jersey, Pennsylvania, and other States followed, until finally New Hampshire made secession complete from the other States by ratifying that Constitution. New York, Virginia, North Carolina, and Rhode Island were left to determine the great issue of peaceable separation or forcible opposition to it. They were left to try the power of military coercion or to exclaim that their wayward sisters might depart in peace. New York and Virginia soon seceded from the old Confederation and came in, and finally North Carolina; but Rhode Island would not whip them back again.

I am not going to discuss the question of the power of the Federal Government to coerce States back into the Union. This is not the time to discuss any such question. It has been discussed heretofore. We are now engaged in war, and we must look to the great and momentous issues of war and to the circumstances by which we are surrounded. I do not propose to enter into any discussion of that character; but I will say this, as a historical and legal truth, that there was as much authority in Rhode Island and these other States, when the nine left them, to coerce them back and make them live up to their plighted faith, for the preservation of this "perpetual Union," to which their honors were plighted, as there is in the Federal Government to coerce any of the seceded States back again. Those, however, were practical days. Practical men lived in those days. They pursued a different plan, and a "more perfect Union" was formed than that created by the Articles of Confederation. If out of all this terrible war and the struggles between the several States a more perfect Union shall be formed, a Union in which the rights of the citizen and of the States shall be respected, and in which civil liberty shall be preserved, no one will be more rejoiced than myself.

But, sir, I denied the proposition that it was competent for three fourths of the States by an amendment of the Constitution to say to any dissenting State, "This shall be your Constitution, and you shall live in this Union notwithstanding we have interfered with your independent control over your domestic rights." Let us test the doctrine.

I shall not test it in reference to the subject of slavery; for notwithstanding what may be the

opinion of some of my honorable friends here and some portion of the people at large, for the question of slavery I care not. I am not so fond of the principle of human bondage, or of bondage of any kind, that I advocate it for the love of it. I have no interest or very little in the institution of slavery more than any member on this floor has. Could I have had my way, could I have been the creator and governor of all things, perhaps no bondman would have ever trod the soil; the infants, even, would have been cherubs, and the men would have been archangels. We vainly imagine that we could have made all things better. I look at the subject of slavery only in a practical light and in its legal constitutional aspects. Convince me that your policy is authorized by the Constitution of the United States and by the rights of the States, and will conduce to the advancement of the white race and the improvement of the negro race, and I will support it. Senators on the other side have as much fondness for the system of human slavery as I have, although we differ in our theories in reference to it. I look at it in a practical light; they in a theoretical light. I regard it neither as unconstitutional, illegal, immoral, impious, or sinful in any aspect of the case, but in perfect accordance with the ways of Providence to man.

Mr. President, if the ratification of your proposed amendment by three fourths of the States can give it the validity of a constitutional provision, obligatory upon a protesting State, then would a ratification by three fourths of the people in reference to any other matter, except that simple one that each State shall have two Senators, be obligatory. I know that the popular theory is that a convention can frame a constitution, and if three fourths of the States ratify it it is obligatory in reference to anything and everything they do; that absolute sovereignty is with them, not only in reference to the purposes of general government, but absolute sovereignty in respect to every right which the people of the States have. I have not so read either the Constitution of my country or the teachings of those who framed that Constitution. If that be so, then I ask you, could three fourths of the States say that you should have no manufactories, that you should plant no corn, that you should not have property in anything else which is the subject of property?

I go further. If it would be competent for them to make such a provision as this the paramount law of the land, as the constitution of that land, and if this theory be true, that omnipotent power, so far as the purposes of government are concerned, resides with three fourths of the States, then they could blot out of existence any State in this Union. Does any gentleman suppose that it would be competent for a convention to so frame the Constitution, and for three fourths of the States to ratify it, that property should not be held in any State of this Union, or that all existing property should be swept away? Would it be competent for such a convention, with such a ratification, to provide that all the mills and factories of New England should never run more, and that no property should exist in anything which was the product or the manufacture of those mills and factories?

Sir, property is not regulated and was not intended to be regulated by the Constitution of the United States. Property is the creature of the law of the State, and whenever this Government undertakes, either by legislative enactment or operating through and by three fourths of the States, to say to the people of any State, "We will say what shall be property and what shall not be property within your midst; that subject shall be regulated by a Federal Constitution or by a Federal law," they violate the purposes and objects for which the Constitution was framed, and do that which, if they had proclaimed had been their object in the beginning, would have prevented the formation of that Constitution and of the Union.

Sir, my motives may be misinterpreted and my views may be erroneous. They are honestly entertained. It may be said that I wish to justify what has been done by the seceded States, and that I may want their example followed. It is vain in these days for any man to attempt to declare what his own honest purposes are. A too willing public lends a too ready ear to misconstruction and misrepresentation. I want secession to be imitated! What have I or my people to gain by any such thing as that? It was ruin and desolation to us. We were happy, contented, and free, in the enjoyment of all our constitutional rights, until it took place. Since then we have been bondmen; and such is the fate which threatens us in the future, if the policy of those now in power shall continue to govern this country. What good could separation bring to us on the border, exposed to and in front of hostile people? We have never courted and never desired such a thing; but we are resolved, even amid the din of arms, to cling zealously to our constitutional rights, and to adhere to those fundamental principles of government which are essential to our safety.

But, sir, to recur again to the argument, I submit to Senators this question: if you were to propose an amendment to the Constitution in the form you do this, and that amendment should be ratified by three fourths of the States, that the State of Delaware and the State of Maryland should hereafter exist and be but one State, would that be binding upon the people of Delaware and the people of Maryland, unless they assented to it? I hold it would be a justifiable cause for secession. The popular theory would be that it might be done; for even in the earlier moments of this great struggle, a Secretary of War, whom I never heard accused of looking into a law book, or reading the Constitution of his country, did devise a scheme in his first report for uniting Delaware and some portion of Maryland into one State, and some portions of Maryland and Virginia into another. He was going to do the thing speedily; and therefore, inasmuch as he was honored with the high position of Secretary of War, I presume there must be men in this country who think like him, and think that if such a thing is not competent by a simple act of the national Legislature it is competent by a national convention, or by an amendment of the Constitution by the ratification of three fourths of the States, so as to effect that result.

The Constitution of the United States is a contract made for the government of the people of the whole United States. It is a contract to which, in the language of Mr. Madison, the States themselves are parties, and it is to be construed just as any other contract is to be construed, by its own terms and by the surrounding circumstances showing the objects and the purposes for which it was formed. What were those purposes? To form a union among the States for common purposes, not to give them the control over the domestic relations existing in the States, not to regulate the right and title to property in the States; but there were great common purposes to be subserved by the formation of this Union which could be better subserved by the States in the aggregate than by the States separately. They were intrusted with the interests of the States so far as intercourse with foreign nations were concerned, with the regulation of commerce, with the coinage of money, and many other things. But the framers of that instrument show in it the object which they had in forming it, because they delegate the powers which the Federal Government should have, and then declare that the powers not therein delegated, and not prohibited to the States, are reserved to the States respectively or to the people.

Do any suppose if, at the time of the formation of that Constitution, it had been suggested that, by allowing it to be amended by the ratification of three fourths of the States, a future convention would undertake to invade the rights of the States and to determine what should be property in the States, or to regulate the relation of parent and child, husband and wife, master and slave, within those States, that the fathers would ever have entered into such an agreement? Why, sir, even with the omission from that Constitution of the provision which provides for the rendition of fugitive slaves, we are told by so high an authority as Justice Story, the Constitution could not have been framed. Do you suppose that men who were so tenacious of their rights—men who had waged a long seven years' war for the achievement or preservation of those rights, after all their experience in that bloody conflict—would ever have committed to any body of men, present or in the future, the power to regulate the relation of parent and child or husband and wife?

Sir, if you can go into the States and attempt to regulate the relation of master and slave, you can go into a State and attempt to regulate the relation between parent and child or husband and wife. If you have a right to go into a State and say that one particular species of property which has heretofore been property shall not in the future be property, you have a right to say that any other subject of property heretofore shall not be property in the future; and you have a right to say in that case, by way of amendment, that there shall be no such thing as property at all. It will not do to answer me by saying that no convention of the States would do this; that three fourths of the States could not be found to ratify any such provision as that. Why, sir, the thing is just as likely now to be done in the future as it was likely, when that Constitution was framed, that in seventy-five years a dominant party in this country would attempt to invade a State to determine the question of what should be property by abolishing an existing institution.

But, sir, this provision goes further. It is not only prospective in character so as to affect future rights, but it absolutely proposes by an amendment of the Constitution to sweep away and blot out hundreds of millions of dollars' worth of property in the States. That is the destruction of property. It operates for the destruction of property, because if this amendment becomes incorporated in the Constitution and is submitted to, that property ceases. Then I ask, where is the difference in principle between the destruction of this amount of property invested in slaves and the destruction of that amount of property invested in manufactures, in agriculture, or in the mechanic arts?

Again, can a convention frame an amendment, or can Congress propose an amendment to the Constitution, which, being ratified by three fourths of the States, shall become the supreme law of the land, by which there shall be made an equal distribution of property throughout the United States? Can they do that? Let it be known that it is within the power of three fourths of the States to do that, and a party may rise up in the country most clamorous for the exercise of that power. I apprehend, however, it will be admitted that a convention of three fourths of the States cannot propose an amendment, which, being ratified by three fourths of the States, can do any of the things that I have mentioned.

But it may be said it can only be done in reference to slavery. What more power has a ratification of a proposed amendment to the Constitution, by three fourths of the States, over the question of slavery than it has over any other description of property? Show me the distinction. Slaves were as much property in the eye of the framers of that instrument, in the eye of the existing Constitution, as any other species of property. If three fourths of the States have a right to destroy property in slaves they have a right to destroy it in anything else. Their power is just as extensive, and no more, in reference to this species of property as any other; for I presume we are not to be asked to amend the Constitution upon humanitarian grounds.

The sinfulness of slavery or the evil of slavery among those with whom it exists is not to be invoked as affording power, in the absence of anything else, to make this proposed change. If that be the source whence is derived the authority to make this amendment to the Constitution it is an authority against which I cannot argue, for the simple reason that I and my antagonist never could agree. In my judgment he advocates a sickly sentiment, I a practical question. He professes to be wiser than the Almighty, under whose providence this system of human bondage has been allowed to exist in all ages of the past; wiser than the Saviour of the world, who when he was on earth never interfered with the law of slavery, although he walked up and down the plains of Judea, where there were slaves, and the law of whose people recognized the existence of slavery—the law that was given to them from Mount Sinai, amid lightning and thunder, amid smoke and flame; and recognizing the existence not only of this relation but the rightfulness of it. "Thou shalt not covet thy neighbor's wife, his servant, (slave,) his ox, his ass, nor anything that is his." What is the meaning of "servant?" Among the people to whom that law was given

there were hired servants; there were bondmen and bondmaids. *Efet*, the original in the Hebrew language, which means a slave, means a slave born as such, just as much as δουλος, [*doulos*,] in Greek, means a slave born as such. I cannot argue with such an antagonist, because he sets his judgment up against the history of the race and of mankind in all past ages.

I presume, therefore, that this amendment, if it is adopted, must be upon the ground that in the opinion of Senators, three fourths of the States would have the right to ratify it and incorporate it in the fundamental law of the land. I have no right to question the honesty of the opinion of any Senator who so thinks, and I do not question it. I only claim for my own opinion the same honesty that I yield to others.

But, Mr. President, we are told that the reason why this amendment should be made is, that slavery has caused the present national difficulties; that if it had not been for the existence of slavery there would be no war. The honorable chairman of the Judiciary Committee tells us that even if the present troubles have been brought on by the interference of northern fanatics with the institution of slavery, then if slavery had not existed there would have been nothing for them to interfere with, and the rebellion would not have taken place; that if it was brought on by the desire of the people of the South to strengthen and encourage the institution, then if it had not existed the rebellion would not have taken place; and he seems to think that to it we owe the loss of freedom of speech, freedom of the press, and most of the ills under which we are now suffering. He therefore propose as the great remedy, I presume not only to heal our present troubles, but as a bond of peace in the future, that the institution of slavery shall be wiped out by a change of the Constitution.

If there had been no fire, so large a portion of the city of New York as was burned down in 1835 would not have been burned down. If there was no water, there would be no overflowing floods. If there was no sun in the heavens, no man would fall prostrate to the earth and die from the heat of that sun. Let the Senator correct all the ills of life. Let him quench the fire that warms all the human race, and no incendiary then could burn our dwellings; let him dry up the fountains of the deep and close the windows of heaven that there shall be no more water; let him pluck the sun from on high that his heat shall no more cause death.

But, sir, I hold that if you adopt this amendment, and you could get three fourths of the States to ratify it, it would not be obligatory upon the others for another reason; and that is, that you cannot propose this amendment to all the States, as contemplated by the Constitution of the United States. There are confessedly some eight or nine of these States now out of the Union, over which the Federal Government does not pretend to exercise control. What is the meaning of the clause that the Congress of the United States may propose amendments, which, when ratified by three fourths of the States, shall become a part of the Constitution? It means that you shall propose those amendments, not to a portion of the States, but to all the States, so that all the States may have the power to act upon them. I ask you, suppose we were at peace to-day; suppose this revolution had never occurred, and it had been considered proper and necessary by a majority of the people of the United States to change their fundamental law by making amendments to the Constitution; suppose, in reference to this matter or in reference to any other matter, you had adopted a joint resolution proposing those amendments, and you submitted them to three fourths of the States, and not to the other one fourth, and that they had been ratified by three fourths of the States, would you tell me that they would be a part and parcel of the Constitution because they were ratified by three fourths of the States?

Hence occurs the principle with which I started, that the Constitution of the United States is the same as any other contract. It is a contract between the States, who, in the language of Mr. Madison, are parties to it, and the plain, evident, honest import of this clause of the Constitution giving the power of ratification to three fourths of the States is and must be so understood by all right-thinking men, that all the States shall have the power of passing upon that proposed amendment, of ratifying or rejecting it, and that if any State is denied that privilege, if your amendment is not proposed to any State, it cannot operate upon that State, because it would be in violation of the just terms and fair interpretation of the Constitution. The correctness of this principle would not be denied at all in reference to a contract between parties in a court.

Then I say you cannot propose to or have your proposition acted on by a portion of the States, because you have actually declared them a hostile power, and are engaged in a war with them. You have recognized as between you and those very States belligerent rights. This only shows the impropriety of this proposition at the present time. If you wish to make an amendment to the Constitution of the United States which shall be binding and obligatory in all future time upon the parties to that Constitution, why not wait till peace is restored; why not wait till passion ceases to inflame the breast and madness to warp the judgment and craze the brain of men? The fundamental law of a great people should never be changed amid the shock of arms. Reason should sit calmly on her throne; judgment should be brought to the "line" before acting on such a question.

But, sir, I oppose this proposed amendment on another ground. It is impossible for it to be ratified by a vote of three fourths of the States. The enator from Illinois, the chairman of the Committee on the Judiciary, said it would require twenty-eight States, and he named the States which he supposed would vote to ratify it. He included all the adhering States with the exception of my own, and he thought she could not stand against it. Let me tell the honorable Senator that if the resolution is passed, I do not suppose my State will be in the way of it; not because she will approve of it; not because the majority of her people will not be honestly opposed to it and would not vote against it, but because you do not intend that they shall ever act upon it. The Senator said that Maryland had inaugurated this policy, and she would be in favor of it. I have some acquaintance with the people of that State. She will agree to it, just as the Senator, if met by a highwayman, solitary, alone, and unarmed, presenting a pistol at his head and demanding his purse, would agree to give it up.

But he expects to receive accessions from Arkansas, Tennessee, North Carolina, and Louisiana in favor of this proposed amendment. I appeal to the honorable Senator, would he have an amendment to the Constitution and get up in his place in the Senate of the United States and declare that that was an amendment adopted by the people of Arkansas, Tennessee, North Carolina, or Louisiana, if the election were to be held at the present time? Does the Senator believe that if the people of those States were free to act, and could pass upon his proposed amendment according to their wish or judgment, there would be one man in ten who would vote to ratify it? It is impossible for the Senator so to believe.

What is your government in Arkansas, in Louisiana, and in Tennessee? Take away your soldiers, and there would be scarcely one man in fifty in either of those States that would either approve your amendment or recognize your authority. And yet the Senator would affect the rights of nearly one half of what was once this Union by going through—I say it in no disrespect to the honorable Senator, but I say it because I believe it and think it—going through the farce of an election under military control and restraint, and then come in the presence of the Senate of the United States and before the people of the country and of the world, and proclaim that the people of three fourths of the States of the Union, in the spirit which their fathers intended them to act and in the free exercise of their judgments and their opinions as guarantied to them by their fathers, have agreed to amend their Constitution and forever hereafter wipe out the foul blot of slavery!

Mr. President, nothing is to be gained by this except one thing, and that you may accomplish. You may succeed by such an amendment as this, by an election—no, not by an election, but by a farce enacted in the border States and by a worse farce enacted in some of the seceded States—you may succeed in abolishing slavery in the States of Delaware, Maryland, Kentucky, and Missouri. That is what you can do. You can succeed in injuring those who never tried to injure you; but unless you conquer the South, unless you subjugate them, unless you make them pass under the yoke as you avow your purpose to do, unless you take bodily hold of their slaves and draw them within your lines and keep them there, you have accomplished nothing. You have regarded them as belligerents, and consequently the slave you take to-day from them and put your uniform upon, if he is recaptured by them, is not free, though proclamations and legislative enactments may so declare, but is a slave still, and not only a slave by reason of the fact that he is in possession of his original master, but, by a sound principle of the law of nations, the *jus postliminii*, he reverts to his original owner.

But, sir, I shall not pursue the speech of the Senator from Illinois, to which I have referred simply to show in a few words the unsoundness of the principle which he assumes, that because slavery exists and people intermeddle with it and have brought on this state of affairs, or because those who were interested in it were unreasonable in their demands and thereby contributed to such a result, that therefore slavery must be wiped out. There is nothing good in life which by that mode of argumentation and reasoning the honorable Senator could not wipe out and abolish forever. The very food which man eats is often the agency which destroys life; and the reasoning would be just as sound to say that food must be destroyed because it has killed men as that slavery must be abolished because intermeddlers with it have brought about the present state of affairs.

I believe that there has been wrong on both sides of this question; that the abolitionists of this country and what are sometimes called the fire-eaters of the South, the secessionists *per se*, have been coöperators and coworkers in the same damnable cause; that history will judge them both criminal, and humanity in all ages of the world will curse their memory. Had political abolitionists refrained from intermeddling with the just rights of the South in respect to slavery, there would have been no secessionists. Abolitionists, therefore, are the real disunionists, and primarily responsible for our present troubles. But, sir, while discussing the authority of this measure, I do not mean to be led into a question of party politics.

As was said in reference to another matter, the subject of military interference with elections, by the honorable Senator from Michigan, [Mr. HOWARD,] the time is unpropitious for such a measure as this. Wait in hope until the day of peace returns, and then, if it is found necessary or wise in the judgment of the people of this country to attempt changes in their organic law, apply yourselves to that high office in the same spirit, with the same singleness of purpose, with the same honesty of intention, with the same fairness of disposition, and with the same lofty patriotism in which it was formed by your fathers.

Mr. CLARK. Mr. President, I do not propose to discuss at large the power of Congress to propose this amendment to the States. I find in the Constitution as it now stands this provision:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States," &c.

I understand that course to be now proposed. I understand that Congress is about to propose to the States certain amendments to this Constitution. I understand that when those amendments shall be ratified, if they ever are, by three fourths of the States, they will be, in the language of the Constitution now, "valid to all intents and purposes." But, says the Senator from Delaware, you cannot amend the Constitution in this particular; the framers of the Constitution did not anticipate that such an amendment would be proposed. Has the Senator from Delaware carefully considered the provisions of this Constitution?

The framers of the Constitution said that you might amend it in this way and it should be valid to all intents and purposes except in three particulars: one was in regard to the slave trade; another was in regard to the capitation tax; and the third was in regard to the equal representation of the States in this branch of Congress. Why, sir, article five of this Constitution shows conclusively that the framers of the Constitution had the subject of slavery directly under their thought and control when they said, you shall not amend it in regard to the slave trade for twenty years, but was silent as to everything else in regard to it, and you may amend it. There is no provision here that you shall not abolish domestic servitude. There was and is a provision that you should not touch the slave trade within twenty years, but you might abolish slavery. The implication is clear and forcible that you may do it whenever two thirds of both Houses of Congress see fit to propose the amendment and three fourths of the States to accept it.

But, Mr. President, I do not propose to pursue this constitutional argument. I propose to show that the great evils of slavery as it now exists in these United States have arisen from this very Constitution. Yes, sir, slavery in the United States owes its giant growth to the Constitution; not that it was created by it, for it existed before, but that it was planted in it, fenced round and protected by it, so that no national power could weed it out short of an amendment to the Constitution. Sir, this fearful destruction of life; this devastation of homes, this marching and struggling of slaughtering armies, these graves by Manassas and Malvern Hill, by the Rappahannock and Rapidan, by the Chickahominy and the Chickamauga, by Cedar and Lookout and South Mountains, at Shiloh and Murfreesboro', at Vicksburg and Port Hudson, at Wagner and James's Island, at Antietam and Gettysburg; these hospitals with their rows of sickened and maimed inmates; these deadhouses out of which is carted away the dead soldier, often unattended, to rest in the soil he gave his life to defend; these "widows' weeds," these "orphans' tears," are but the terrible harvest from the immunities, the protection, and the culture secured by the Constitution to the accursed institution. And there is another harvest, too, where by the shores, and in the bays, the rivers, and the roadsteads, in the caverns of the "deep blue sea," lies many a sailor boy cut down by this terrible reaper.

Mr. President, I am not now about to call to account or blame the founders of this Government. They were wise and patriotic men. They were statesmen of broad and patriotic views. They had great difficulties to contend with, and in the main they managed them with admirable skill and judgment. They did the best they could, as well, perhaps, as any men could then have done. The form of government which they conceived and presented to the American people, with its admirable division of State and national powers; with its granted and reserved rights; its checks and its balances; its restraints and ample resources; its generally clearly marked division of legislative, judicial, and executive functions; its protection of the liberties of the people, with its guards against the abuse of power, has excited the admiration of the world. Commentators have examined and illustrated it; nations have copied it; generations have blessed it. It was one of the crowning glories of Washington's life that he presided over the Convention which devised and reported it to the people for their adoption.

The general peace and prosperity of the country under its administration; the wonderful development of its resources, never half appreciated until now; the expansion of its territory; the increase of its population; its advancement in intellectual and moral culture, as well as political power, all attest the value of the work they achieved.

Still it was not perfect. It could not be so. It was of human wisdom, looking sharply to the future, but sometimes failing to "pierce the vail," and unable to provide for all the emergencies which misdirected, combined, and hellish passion or ambition should create. Nay, it rather bore within itself the seeds of weakness and disease, and secured food and incitement to those very passions which it had most to dread.

Mr. President, the honorable Senator from Maryland who sits nearest me, [Mr. JOHNSON,] with great force and justice the other day declared that "our present difficulties were the awful retributions of Providence upon a stupendous crime." They are so; but equally true is it that they are but the normal growth and harvest of our own planting. Had there been no recognition of slavery in the Constitution; had its idea and substance not been admitted or allowed there; had it received no countenance or protection from the national Government; had the Constitution provided for its gradual extinction in the old States and its utter exclusion from the new, slavery would not now have sought the overthrow of that Constitution which has ever been its best and strongest protector.

When Washington laid aside the robes of office, he besought his countrymen to cherish the Union they had formed. Alas! that the section of the country in which he lived, his own Virginia, should have been the first battle-field with those in arms to overthrow it; and that his own home cannot now be safely visited by Union-loving men without throwing out a picket guard to protect their liberties and their lives.

Alas! that in Richmond, the capital of his own State, men should be imprisoned and starved till their eye-balls glare upon vacancy, because they will fight for the supremacy of that Constitution which he so counseled them to cherish and defend; and this, because in the very instrument which formed that Union there was wrapped up a very Pandora's box of evil.

Mr. President, certain things in the material world cannot exist together in the same place and at the same time. Fire cannot dwell with water. Thrown together they hiss and sputter until one is extinguished or the other evaporates in steam. So of acids and alkaline salts. They foam and effervesce until one is destroyed or both are neutralized. In the moral and political world there is the same law of antagonisms: vice repels virtue and virtue abhors vice; innocence precludes guilt and guilt shuts out the very idea of innocence; government represses anarchy and anarchy overthrows government; tyranny destroys liberty while liberty prostrates tyranny; freedom strikes at slavery and slavery seizes her chains and endeavors to bind them upon freedom. Neither will nor can rest in the presence of the other. Both will struggle for the mastery until one or the other must succumb; and in the contest they are "like the troubled sea, whose waters cast up mire and dirt."

The framers of the Constitution forgot, or overlooked, or disregarded this law in human affairs. They attempted to form a more perfect Union, and yet in that very bond of Union they admitted antagonistic forces which have well nigh rent that Union asunder. They established justice upon a foundation apparently stable, but with a material in it so unfitted for the structure that it has well nigh toppled the whole to destruction. They thought to insure domestic tranquillity by planting together seeds of discord, which have ripened to an awful harvest of civil war and blood. Seeking liberty to themselves and posterity, but denying it to an inferior and subject race, they have nearly lost it to both.

"Can a man take fire in his bosom and not be burned?" No more can man admit the idea of human bondage into the charter of a free Government and not find it in the end a blackened scroll crumbling to ashes in his grasp.

Sir, Mr. Madison, with scrupulous care, excluded the *word* "slave" from the Constitution, but by a fatal mistake allowed the thing itself to remain. He chased away the shadow but left the substance, with the same fatuity that would induce a parent to call an asp or a scorpion a pretty bird, and leave it to sting his offspring to death. True it may be and is that he and his compeers thought slavery would gradually die out, but they little knew the terrific vitality of the fiend which should so grow and strengthen that in seventy-five short years of the nation's life it should wind itself in and about it with the grasp of an anaconda, and with impious breath claim it was of divine sanction and origin.

Here is the issue clearly made up and plainly stated. Slavery says, "I am of God and eternal and absolute right;" Liberty cries, "You are of your father the devil, and his works you do." Now, can these two warring forces exist together, and did not the framers of the Constitution when they admitted into the charter of free government the idea of human bondage put into it an element of unrest, strife, and death?

Let us consider. Slavery procures its recognition and admission into the Constitution. It has achieved a great and almost fatal work. It has nestled into the very bosom of the nation's life. It has secured the nation's protection. It has allied with its defense the nation's arm. It has an anchorage-ground from which no political gales can drive it; a fortress where no hostile arm can assault it, and whence it can go forth to secure new triumphs as the nation advances in territorial power. True, her name is not in the Constitution; but, alas! she is there—there in vigor and strength—and in the very first article of that instrument she provides for her representation in Congress, where her voice and her votes have been of signal potency. She gained at a bound the legislative hall, and ever since has sat and hissed and writhed about the nation's limbs. True, again, her name was not in the instrument, but her power was there.

For years before she had freighted ships from Africa to these shores, laden with human beings, to endure the tortures of the middle passage, and if they escaped those to be forever bondmen and bondwomen. She said these men "have no rights which the white man is bound to respect;" and she demanded in that instrument that this inhuman traffic should not be prohibited to her for twenty years and more, and that she might have time and leisure and opportunity to fill the land with slaves before any prohibition beyond a nominal tax could be laid upon the trade. Was slavery to die out? So said and so I think believed the fathers; but why, then, this provision for an unlimited supply of victims for twenty years, upon which she could feed and fatten and increase? True, again, her name was not in the instrument. But see, slaves will run away. Man, black or white, does not love bondage; God has made him free, and if chains are put upon him, upon opportunity given he will slip them off and escape. Who shall return him? Shall he be free? "In nowise," says the Constitution; "he shall not thereby"—that is, by running away to another State—"be discharged such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Delivered up? By whom? By the United States, said those who interpreted the law. And thus by this Constitution slavery assumed monstrous functions and powers. She could sit by the sea-side, and, reaching her hundred arms across the Atlantic, sweep the wretched coasts of Africa and draw to herself the miserable beings whom she could seize and fetter. She could then turn inland, and if any of her panting, sweating, bleeding victims escaped from her house of bondage she could demand the aid of the Government with all its power to return the fugitive to her clutch; and then she could ascend into the halls of legislation to demand new guarantees and to lash with her "scorpion's tail" all who questioned her right or spoke of her with other than the most obsequious respect.

Such was slavery in and by the Constitution. Such are now its provisions in regard to her, save that the time for her to carry on her cruel foreign slave trade has expired.

Shall she keep her position? Or shall she be cast out as a demon, and forever prevented from again entering the halls of justice, the Houses of Congress, or the national domain?

To determine more fully and clearly this question I propose to examine for a little while the history of slavery in connection with this Government; not to go into detail or particular acts, but into great national, historic transactions, which may serve to show how carefully she has used the power which she gained by her recognition in the Constitution.

And here I accuse her of divers and sundry grievous misdoings for which she richly deserves to die, and for which now in the righteous retributions of Providence she must suffer.

Slavery is intrinsically and by nature grasping and encroaching. Her animus necessarily is hostile to freedom and free territory; and hence,

though the framers of the Government had appropriated the territory of the United States to the erection of free States, no sooner was she installed in the Constitution, and Vermont was admitted as a free State, than she looked about for more slave States, and Kentucky was born of Virginia, under the Constitution, a slave State.

"To secure the blessings of liberty," says the preamble, was the Constitution ordained and established. How did slavery then pervert its end and aim! And to-day there is no State among the non-seceding States so wedded to this institution as this first-born slave State Kentucky. Halting in her patriotism, limping in her support of the Government, divided betwixt her love for the Union and her love for slavery, preferring to sacrifice her white sons to subdue rebellion rather than put her slaves in the Army, she is a most melancholy spectacle, showing to the world how low this accursed weight could drag down the gallant old State, how, torpedo-like, it could benumb its energies, paralyze its efforts, and divide and arm its citizens against themselves.

Look at these two States of Vermont and Kentucky in this struggle. How nobly did the Green Mountaineers "march to the music and keep the step of the Union!" How cravenly and unpatriotically did the gallant Kentuckians mount the platform of neutrality, and leave the old flag to be borne and upheld by other hands! They have nothing to choose between patriots and rebels! Mr. President, why was it, and why is it so? Plainly and simply because Vermont had no slaves, and Kentucky had. Amend the Constitution, make slavery impossible in Kentucky, she will be more patriotic, and will in the end rest happy, quiet, and prosperous in the Union, and receive an untold gain.

If all the new States admitted after the formation of the Constitution had been free States, slavery never could have increased as it has, nay, must rather have diminished, and we should have escaped this cruel civil war. But under the Constitution slavery ran a race with freedom to secure a slave State as often as there was admitted a free State; yes, and more; for the first half century of the Government six free States were admitted and nine slave States: Vermont in 1791; Ohio in 1802; Indiana in 1816; Illinois in 1818; Maine in 1820; Michigan in 1837; Kentucky in 1792; Tennessee in 1796; Louisiana in 1812; Mississippi in 1817; Alabama in 1819; Missouri in 1821; Arkansas in 1836; Florida in 1845; Texas in 1845.

Mr. President, I would amend the Constitution and banish slavery from the United States for that. She has spread herself since the formation of the Constitution over millions of square miles and among millions of people. She has excluded from that territory free schools and those institutions of learning which are accessible to the poor, and thus kept the people in comparative ignorance. She has degraded labor and increased poverty and vice. She has reared an aristocracy and trampled down the masses. She has denied oftentimes in those States to citizens of other States their rights under the Constitution. She has shut up to them the liberty of speech and the press. She has assaulted them, imprisoned them, lynched them, expatriated them, murdered them, for no crime, but because they testified against her. She has debarred from that territory most of the improvements which mark a free people. She has perverted knowledge. She has opened in parts of it the foreign slave trade, and obstructed the punishment of the kidnapper and the pirate. In other parts she has degraded the people to the infamous business of raising negroes for sale, and living upon their increase. She has practiced concubinage, destroyed the sanctity of marriage, and sundered and broken the domestic ties. She has bound men, women, and children, robbed them, beat them, bruised and mangled them, burned and otherwise murdered them. To their cries she has turned a deaf ear, to their complaints shut the courts, and taken from them the power to testify against their oppressors. She has compelled them to submit in silence and labor in tears. She has forbidden their instruction, and mocked them with the pretense she was christianizing them through suffering.

She has devised and set up the doctrine of State rights, denying that her people owed allegiance to the national Government, thus weakening their attachment to it and sapping its foundations.

She has claimed to nullify the acts of Congress and to yield obedience to those only which she chose to obey.

She agreed to a division of the national domain by the line of 36° 30′, abided by it till she had appropriated the part assigned to her, then abrogated it, and filled Kansas with fraud, violence, and blood to secure the rest.

She stole into Texas, caused it to rebel against Mexico, and then erected it into a slave State in the Union, and made the nation pay the debts of the adventure.

She made war again on Mexico for more territory; and when California, a part of the territory obtained by the war, asked to be admitted as a free State, she refused her assent until appeased by new compromises.

She went into the court, and,

"Squat like a toad,"

she whispered into the ear of the Chief Magistrate that the negro had no "rights which the white man was bound to respect." She caused the court to deny him the rights of a citizen, and, breaking down the old landmarks, drive him from the justice-hall a castaway without aid and without hope. Failing to elect a President agreeable to herself, she prepared to revolt. She sent assassins to murder the Chief Magistrate-elect on his way to the capital. She emptied the Treasury; she sent away the Army and the Navy; she transferred arms from the North to the southern arsenals, and stole them when they reached there; she beleaguered and assaulted and captured the fortifications of the United States; she threatened the capital; she burned bridges to obstruct the arrival of succor; she shot down Union soldiers in the streets of Baltimore; she has set armies in the field, and she now seeks the nation's life and the destruction of the Government. To this end she has waged this war of rebellion three long years, and will continue to wage it till subdued by superior force and arms.

Mr. President, this rebellion is slavery in arms; and slavery is the ward if not the child of the Constitution. Right well has the guardian discharged the trust. But the creature thus protected and warmed into life has stolen to the bosom of its protector and aimed its dagger at the life of the Government. Sir, it is time this disastrous relation should cease. Let the letters of guardianship be revoked. Reviewing this history and recounting this catalogue of crimes, let Senators, Mr. President, tell me if slavery should longer be tolerated in our Government. Should it not cease to exist? Should not the Constitution be amended so as to entirely forbid and prohibit it? Nay, sir, can any one for a moment suppose the wise framers of the Constitution would not have provided some means for its extinction could they have anticipated the hideous proportions it would assume or the atrocities it would commit and the destruction it would threaten?

And here let no one tell me that it is already dead, for it is not so. It is wounded, sick, and it may be of little value, but it is not dead; it is vital in every part, and cannot but by annihilation die. It exists in Virginia, it exists in Kentucky, it exists all through the States where it formerly existed, unless it has been extirpated by the action of one or two States—Arkansas, Virginia, possibly, and Louisiana; but it is not dead; and if you do not make a final finish of it it will rise again to torment and to punish you for the loss of this opportunity.

I would not only, like the Senator from Massachusetts, smite it on every occasion, but, as the son of Jesse did to the giant of Gath, I would cut off its head with its own sword. I would so fight this rebellion as to finish it, and I would make its future existence forever impossible by the adoption of the proposed amendment of the Constitution.

There is, Mr. President, an essential difference between the emancipation of slaves and the abolition of slavery. The act of Congress of the 17th July, 1862, set free certain classes of slaves. The President's proclamation of January 1, 1863, proclaimed freedom to those of certain districts. Both were measures of emancipation. They concerned the persons of slaves, and not the institution of slavery. Whatever be their force and extent, no one pretends they altered or abolished the laws of servitude in any of the slave States. They rescued some of its victims, but they left the institution otherwise untouched. They let out some of the prisoners, but did not tear down the hated prison. They emancipated, let go from the hand, but they left the hand unlopped, to clutch again such unfortunate creatures as it could lay hold upon. This amendment of the Constitution is of wider scope and more searching operation. It goes deep into the soil, and upturns the roots of this poisonous plant to dry and wither. It not only sets free the present slave, but it provides for the future, and makes slavery impossible so long as this provision shall remain a part of the Constitution. Sir, this amendment will be most propitious. On all the slave-accursed soil it shall plant new institutions of freedom, and a new or regenerated people shall rise up, with an undying, ever-strengthening fealty to that Government which has bestowed nothing but benefits and blessings.

Even to old Virginia, beat down the rebellion and make her a free State, prosperity would return. Her people would learn to labor, and she would respect its dignity. Commerce would cover her bays and glide into her noble rivers; products would fill her marts and luxuriant grains wave in all her fields. With a mild climate, a rich soil, abundant harbors, bays, rivers, and water-courses, with rich and undeveloped mineral resources, she would become the land of abundance, and on every hand would grow villages and towns, with schools and churches, and all the institutions of a higher civilization.

But, sir, I am told that this is not the time for such an amendment of the Constitution. Pray when, sir, will it come? Will it be when the President has issued more and more calls for two or three hundred thousand men of the country's bravest and best? Will it be when more fathers and husbands and sons have fallen, and their graves are thicker by the banks of the rivers and streamlets and hillsides? Will it be when there are more scenes like this I hold in my hand —an artist's picture, a photograph of an actuality —of a quiet spot by the side of a river, with the moon shining upon the water, and a lonely sentinel keeping guard, and here in the open space the head-boards marking the burial-places of many a soldier boy, and an open grave to receive another inmate, and underneath the words, "All quiet on the Potomac?" [Exhibiting a photograph to the Senate.] Will it be when such scenes of quiet are more numerous, not only along the Potomac but by the Rapidan, the Chickahominy, the Stone, the Tennessee, the Cumberland, the Big Black, and the Red? Sir, *now*, in my judgment, is the time, and the fitting time. Never until now could this amendment have been carried, and now I hope and believe it can. "Whom the gods would destroy they first make mad."

Maddened by its profits, its growth, and its strength, to preserve and perpetuate slavery, to found an empire on its hateful basis, eleven of the slave States have revolted from and armed themselves against this Government. In theory and law no State can secede from this Union. They are bound in indissoluble constitutional ties; but actually, and in fact, these States have broken away from the Union; they are practically out of it; they take no part in it, and we have no control over them, except so far as we have taken and now hold the country by force of arms. They are revolted States. There remains to us the right to compel them to submit, to reduce them under the sway of the Constitution and the laws, and we mean to do it. But what has been the effect of this revolt and separation on slavery?

Slavery's strongest and safest guarantees were in the Constitution, and its supporters were mad when they cast away and threw off those guarantees. Remaining in the Union, no one would probably have moved for an amendment of the Constitution. Loyal to the Government, hostile armies would not have set free their slaves, nor laws now necessary and expedient have authorized their employment against their masters in arms.

But now, sir, every free State will gladly, it is hoped and believed, vote for the proposed amendment. Most would rejoice to do it; while numbers of the slave States, aghast at the miseries of secession and the horrors of this cruel civil war, recognizing slavery as the cause of all this disturbance and all these woes, would be among the foremost to sweep it forever away.

Now, sir, is the time to do it. And not only is now the time, but the necessity and the duty of doing it are upon us. We can have no permanent peace nor restored Union until it is done.

There are those who cry "The Union as it was and the Constitution as it is!" But I am free and bold to confess that I am for a Union without slavery, and an amended Constitution making it forever impossible. This revolt was to preserve slavery, and we shall fail of our whole duty if we do not remove the inciting cause. To restore this Union with slavery in it when we have subdued the rebel armies, would be again to build your house on its smoking ruins when you had not put out the fire which burned it down.

If the dire calamities now befalling us be the "retributions of Providence upon a stupendous crime," what mad folly to hug that crime, and seek to avoid its future punishment! "Let my people go." But Pharaoh would not let them go; and then came sufferings, and plagues, and the smiting of the first-born. Oh! how many of our first-born have been smitten and fallen. Let us be wise and heed the teaching. There is a Providence in the great events now transpiring. The people see the hand. It points the way. They are filled with hope and faith. They follow the pillar and the cloud, and will struggle and endure.

I know, Mr. President, that the suppression of the rebellion will necessarily wound and maim slavery. I know that every victory over the rebels is a victory also over the cause of the rebellion, and I know, too, that the arming of the slaves will make the future enslaving of these men and their kindred well nigh impossible; but slavery will still exist, not in much vigor or strength, but in the root and principle. This amendment will dig out the root and repudiate the principle.

Mr. President, in a quiet church-yard, near his home, is the grave of a soldier who returned to die. At the head of his grave is a marble slab, and on it these few but expressive words, "Mustered out." Let both Houses of Congress, by a two-thirds vote, recommend this amendment abolishing slavery, and let three fourths of the States, burying slavery by their ratification, come and write its epitaph on the Constitution, "Mustered out."

The soldier was "mustered out," we trust, to enlist again in the shining cohorts in advance of earth's extreme picket line, but let this be "mustered out" to go, like Judas, to its own place.

The PRESIDING OFFICER, (Mr. SHERMAN.) The question is on the amendment of the Senator from Kentucky [Mr. DAVIS] to the amendment reported by the committee.

Mr. DAVIS. I withdraw that amendment, and offer this one which I now send to the Chair.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky as now modified will be read.

The Secretary read the amendment to the amendment, which was to strike out all after the word "namely," in line eight of the committee's amendment, and insert:

No negro, or person whose mother or grandmother is or was a negro, shall be a citizen of the United States, or be eligible to any civil or military office, or to any place of trust or profit under the United States.

Mr. DAVIS called for the yeas and nays, and they were ordered, and taken with the following result:

YEAS—Messrs. Buckalew, Carlile, Davis, Powell, Riddle, and Saulsbury—6.

NAYS—Messrs. Brown, Chandler, Clark, Cowan, Dixon, Doolittle, Fessenden, Foster, Hale, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, McDougall, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, and Wilson—28.

Mr. JOHNSON (when his name was called) voted "yea;" but before the result was announced said: I am not sure that I understood the proposition on which I voted in the affirmative.

The PRESIDING OFFICER. It is a proposition to strike out the amendment reported by the committee, and to insert the amendment of the Senator from Kentucky in lieu of it.

Mr. JOHNSON. Then I vote "nay." I thought it was an independent proposition.

Mr. VAN WINKLE. I wish to state that my colleague [Mr. WILLEY] has gone away, supposing that no vote would be taken this afternoon.

The PRESIDING OFFICER announced the vote—yeas 6, nays 28; not a quorum voting.

Mr. TRUMBULL. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. FESSENDEN. That is perfectly useless, let me suggest to the Senator, because they are not obliged to come. It is now after four o'clock, and I move an adjournment.

Mr. TRUMBULL. I do not think it is useless, on the ground that the Senator from Maine suggests, that they are not obliged to come. Certainly Senators will not wait to be compelled to be brought to the Senate when they are notified that we are without a quorum. I should think when they were so notified they would attend. At any rate, we might as well make the effort to secure their attendance——

The PRESIDING OFFICER. The Senator from Maine submits a motion to adjourn; it is not debatable.

Mr. FESSENDEN. I withdraw the motion.

Mr. CHANDLER. I renew it.

Mr. TRUMBULL. The Senator from Michigan has hardly got the floor for that purpose, I think.

The PRESIDING OFFICER. The Senator from Illinois is entitled to the floor.

Mr. TRUMBULL. I will not persist in the motion if there is an indisposition in the Senate to take measures to secure the presence of a quorum; but I think we ought to have an understanding that Senators shall stay here to transact the public business. If we be left every day without a quorum at this hour of the day, I do not know when we shall be able to get through.

Mr. FESSENDEN. The only understanding we can have is the understanding that gentlemen shall stay here until the Senate adjourns, and not go away and leave us in this condition. We have no power to compel their attendance, and by the attempt to do so now we should only waste considerable time and then adjourn. I think the only remedy is to call the yeas and nays, and let it appear on the record who are the absentees, who prevent the business of the Senate from being done, and then leave it to the sense of gentlemen at this period of the session whether they will remain or not.

Mr. JOHNSON. I desire to address the Senate upon the constitutional amendment which is proposed. It is too late in the day now, and I am so situated that I shall be unable to do it to-morrow, because I am under an engagement in the Supreme Court of the United States. I now move that the Senate adjourn, intending, if the Senate will permit me, to address them on Saturday, if they sit on Saturday, or on Monday. I move now that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 31, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. ELIOT asked leave of absence for Mr. DEMING for ten days after to-morrow.

Leave of absence was granted.

INDIAN AFFAIRS IN CALIFORNIA.

Mr. SHANNON. I ask unanimous consent to report back from the Committee on Indian Affairs a Senate bill (No. 80) having reference to Indian affairs in California, for the purpose of having the same acted on now.

The bill was read for information.

Mr. HOLMAN. I do not desire to make any objection to this bill being acted on now, if an opportunity is had for obtaining the necessary information upon which the House can act. This is a Senate bill. I desire to submit to the gentleman from California some inquiries in reference to the system which now prevails in that State. This bill provides for the organization of the State of California into a single district for the purposes of Indian superintendency. It then proposes to subdivide the State into four such sub-superintendencies, and the appointment of a superintendent for each one of those reservations; and fixes the salary of the general superintendent at $3,600 per annum, and that of the sub-superintendents at $1,800 per annum. I desire to know of the gentleman in what manner that region of country is now divided for the purpose of the superintendence of Indian affairs, and the salaries now paid.

Mr. SHANNON. The State of California is now divided into two superintendencies, and there are two superintendents in the State. There are four reservations, and the agents and sub-agents mentioned in the bill now fill those places at the salary provided in this bill, $1,800. This bill proposes to consolidate the two superintendencies into one, giving one superintendent the control of all the Indian affairs of that State, thereby saving to the Government one salary of $3,600 a year. Therefore the Government will save that amount of money; and the reorganization of the whole system of Indian affairs contemplated by this bill will save a great many thousand dollars aside from that. It proposes to dispense with the present reservations and locate them in a different part of the State, more conducive to the interest of the Indians as well as to that of the white people. Those reservations will sell for more money than new lands will cost under the direction of the Land Office. As a matter of fact the bill looks to the interest of the General Government in everything pertaining to Indian affairs.

Mr. HOLMAN. Will the gentleman tell me what is the present number of Indians within that State, and to what extent this measure is recommended by either the Commissioner of Indian Affairs or by the Secretary of the Interior?

Mr. SHANNON. I cannot inform the gentleman what the number of Indians is. This bill, I understand, meets the approbation of the Commissioner of Indian Affairs, and of the California delegation, who know something about the imperfection and absurdity growing out of the Indian system in California, as well as of a great many other places. We propose a reformation by this bill, and if it becomes a law it will be a reformation in this Government so far as the saving of money and the interests of the Indians are concerned. I hope there will be no objection.

No objection being made, the bill was reported, ordered to be read a third time, read the third time, and passed.

Mr. SHANNON moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

JULIA A. AMES.

Mr. WASHBURN, of Massachusetts. I ask unanimous consent to report back from the Committee on Invalid Pensions a bill (H. R. No. 272) for the relief of Julia A. Ames, widow of John E. Ames, late sergeant of the sixth regiment Massachusetts volunteers, who died of injuries received in Baltimore on the 19th of April, 1861.

The bill, which was read for information, directs the Secretary of the Interior to place the name of Julia A. Ames, widow of John E. Ames, upon the pension roll at the rate of eight dollars per month from April 19, 1861, to continue during her widowhood.

Mr. HARRINGTON. I would ask the gentleman whether the reason for reporting this bill is because it is a special case, and because the sergeant was not mustered in?

Mr. WASHBURN, of Massachusetts. As the law now is, there is no way to cover this case except by a special law. This is the only case of the kind we have acted on.

Mr. HARRINGTON. I have no objection then to the bill.

No objection being made, the bill was reported back, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURN, of Massachusetts, moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RAILROAD TO NEW YORK.

The SPEAKER. The business next in order is the consideration of House bill No. 307, to declare certain roads military roads and post roads and to regulate commerce; on which the gentleman from Ohio [Mr. GARFIELD] is entitled to the floor.

Mr. STEVENS. I wish the gentleman from Ohio would let that bill go over, and let us go on

the currency bill at once and finish it. This bill will come up next in order.

Mr. GARFIELD. Does that meet the views of the gentleman who reported the bill?

Mr. DEMING. I have no objection to it.

Mr. STEVENS. I will move, then, that the House go into Committee of the Whole on the state of the Union.

Mr. GARFIELD. I do not quite understand what the gentleman desires to do.

Mr. STEVENS. To go into Committee of the Whole on the state of the Union on the currency bill. This bill will come up afterwards.

Mr. GARFIELD. I would ask the Chair when it will come up?

The SPEAKER. The Chair would answer the gentleman from Ohio that if the currency bill should be finished in Committee of the Whole on the state of the Union to-day and the House should conclude the voting upon it to-day, this bill will come up immediately afterwards. If not, it will come up on Saturday morning.

Mr. ALLEY. I would like to inquire whether, if this arrangement is carried into effect, it will not interfere with other committees reporting? If so, I shall object.

The SPEAKER. It depends entirely upon the gentleman from Ohio, [Mr. GARFIELD.] If he surrenders the floor, the gentleman from Pennsylvania has a right to move to go into Committee of the Whole on the state of the Union.

Mr. STEVENS. I withdraw the motion, as I understand the gentleman desires to go on now.

Mr. GARFIELD. I have no personal desire in the matter; but that seems to be the wish of the friends of the measure.

LEAVE OF ABSENCE.

Mr. STEVENS. I desire to ask leave of absence for my friend, Mr. HUBBARD, of Connecticut, for one week after to-morrow. He is a little doubtful about going away without leave of absence after what transpired on Friday last. [Laughter.]

Leave of absence was granted.

RECIPROCITY TREATY.

Mr. WARD. I ask the gentleman from Ohio to give way to me for a moment.

Mr. GARFIELD. I yield to the gentleman.

Mr. WARD. I desire to make a report from the Committee on Commerce in relation to the reciprocity treaty, with a view to have the joint resolution and report printed and postponed for some two or three weeks.

Mr. ALLEY. I object.

RAILROAD TO NEW YORK—AGAIN.

Mr. GARFIELD. Mr. Speaker, when this subject was last before the House, I submitted a few remarks, but the morning hour expired before I concluded. I then undertook to show by the reports of the Quartermaster General and the Postmaster General that our communications between this city and the city of New York were notoriously insufficient for the wants of the Government and the general public. That statement was demonstrated by quotations from official reports. I then made the point that if any State prohibited the construction of more than one line of communication, and that line was not sufficient for all the business required, it was *pro tanto* an inhibition of transportation across that State. I showed, I think, conclusively, that such was the fact in regard to transportation across the State of New Jersey, and that the prohibition which now exists is, in fact, a refusal to grant the necessary rights of transit across the territory of New Jersey, and a direct interference with commerce between the States.

I know that the gentleman who preceded me, [Mr. BROOMALL,] made the point that while he was in favor of an "air line" or direct route across the State of New Jersey, he was not in favor of an "elbow line" or circuitous route. I answer, if the route is a circuitous one, it cannot be competitive, unless transportation by the usual route is insufficient. If you allow that it is insufficient, why not permit the use of the circuitous route rather than cripple the commerce of the country? But the new road is competitive, because the old routes are not sufficient. The Government has transported over the "elbow route" during the past season, 31,394 United States troops, 620 horses, and 108 car loads of baggage for the troops thus transported. The road *is* a competitive route, and a New Jersey court has so decided. Why competitive? Because in railroad traveling time is a more important element than distance, and the running time of the new road between Philadelphia and New York is ten minutes less than that of the Camden and Amboy between the same places. It is true, the distance is twenty-three miles greater, yet because of the sparsely settled country through which it passes, there are fewer stopping places, fewer hinderances to travel, and hence it is a quicker route. It does its business more rapidly and promptly than the Camden and Amboy.

The monopoly complains because greater facilities have been afforded to the American people. The road itself has furnished testimony of its inability to meet all the demands of commerce. In a document which its directors have circulated among the members of this House they attempt to show that they have filled all orders promptly and thoroughly. One of their own witnesses, a captain in the Army, says:

"In answer to the several interrogations contained in the pencil memorandum which you handed me yesterday I have to state as follows, namely:

"Fourth interrogation.—'Camden and Amboy railroad could have carried more troops at any time than were offered.' I have no means of knowing how many troops could have been carried if the whole facilities of that road had been given to the Government; but the demands at times have been very heavy, probably more than any one road in this or any other country could have met without considerable delay. Troops have been often sent by steamers to Washington to relieve the railroads.

"D. STIMSON,
"*Captain and Assistant Quartermaster.*"

I wish to ask this House who it is that complains of these increased facilities, who comes into court and claims to be aggrieved? It is the Camden and Amboy railroad, and none other.

I hold in my hand a book which ought to be called the Register of Greatness and Official Dignitaries, or rather the Blue Book of the State of New Jersey. It is a collection of the reports of the Camden and Amboy monopoly from the formation of the company to the present time, and I venture to say that such another book cannot be found in America as this. The monopoly has taken New Jersey under its protection. It praises, admonishes, or censures New Jersey according as she follows or disregards the standard of the Camden and Amboy monopoly theory of political economy. I venture to say a parallel cannot be found in the history of the Republic to the records of this book. I will read a few passages. In 1846 the monopoly issued an address to the people of New Jersey. It tells them that New Jersey is vastly superior to her sister States in the management of public concerns; it goes on to say that Pennsylvania and New York have foolishly expended money in building public improvements and developing their material wealth, and then concludes with an air of triumph, as follows:

"New Jersey has no coal lands or salt springs to be converted into monopolies; but she has a most enviable geographical position in the Union, which it is her duty to improve for the benefit of her citizens. She has done so in the manner deemed most advisable and profitable; and has reason to be proud of the wisdom which dictated her policy."

She has "improved her geographical position" by creating a sweeping monopoly and taxing all freight and passengers between the great commercial cities of Pennsylvania and New York. The monopoly congratulates New Jersey on her cunning device to raise taxes without cost to herself.

This monopoly is sometimes as "'umble" as Uriah Heep, and at others as proud as Lucifer. When it wants favors from the Legislature of New Jersey it is very humble, but when the State wanted favors from it, it has been exceedingly haughty. In 1860 the monopoly came before the country for a loan of $6,000,000. To secure this on reasonable terms it became necessary to exhibit the resources of the company. I will read a passage from another of the company's proclamations to the people of New Jersey.

Let it be remembered that this monopoly tells the people of New Jersey that it relies chiefly on New York and Philadelphia for the money it makes. Now, what has this company done? It exhibits its condition as follows:

"1. The peculiar advantage of their geographical position. 2. The extent and number of railway lines now belonging to the joint companies compared with their single line of sixty-one miles in 1834. 3. The revenues of the companies now compared with the estimate of probable revenue in the infancy of their enterprise.

"The cities of New York and Philadelphia, which are connected together by our canal and railways, are still in advance of all other cities in the United States in wealth, population, and commercial advantages. It has been upon their growth and prosperity that we have chiefly relied for revenue and its progressive increase. This reliance has not been indulged unwisely." * * * * *

"In 1834 the net income of the company was $450,000. By reference to the annual sworn report of the State directors, made in January, 1860, to the Legislature of New Jersey, it will be seen that the net income of the Camden and Amboy Railroad Company from their different through lines of railway was $911,242, and that of the canal company was $335,129; in all, $1,246,371; being nearly three times greater in amount than the original estimates of income in 1834." * * * * * * *

"The population of the United States doubles in a little over twenty-three years, and that of the cities of New York and Philadelphia in about eighteen years; but the revenues of the joint companies increase in a ratio exceeding that of the increase of the population of New York and Philadelphia; and when in twenty-five years New York and Philadelphia may each contain two million people and the United States sixty million, the annual revenues of the joint companies may be safely estimated at $5,000,000.

"It is no exaggeration to say that there is not on the continent of North America any railway or canal franchise so valuable as that of the joint companies. They possess a capacious canal, itself worth more this day than the whole amount which we propose to borrow upon the security of the united companies.

"They are proprietors likewise of one entire through line, and of two thirds of a second line of railway connecting two great cities, the commercial emporiums of the western world. They have a controlling property also in a line of railway, more than one hundred miles in extent, reaching into the coal and iron fields of Pennsylvania, the products of which annually augment with the unbounded demand which is ever in advance of their supply.

"The interest of the State of New Jersey is identified with that of the joint companies as we have said before, and she is relieved from the necessity of imposing any State tax by the ample revenue which she derives from the companies.

"New Jersey is distinguished for the conservative character of her people and her legislation; and when her citizens have invested their capital in works designed for the public benefit, she has always refused to impair the value of a franchise devoted to such objects by the creation of a rival. Efforts indeed have within the past thirty years been sometimes made to induce the Legislature of New Jersey to grant charters for rival railroads, but invariably without success. What could not be done when, in the infancy of the companies, the revenue of the State derived from them was small, need excite no apprehensions now, when the whole expense of the State government is provided for from the income furnished by the business of our railroads and canal."

There is a list of seventeen names appended to this official report of the company, and it embraces a large share of the leading politicians of New Jersey. The road to glory in that State appears to be a railroad. Were I a citizen of New Jersey and desirous of advancement among my fellow-citizens, I would pray all my friends to get me appointed brakeman or baggage-master, and I might then hope to be promoted to Congress, and ultimately become a director of the company that controls New Jersey.

Was there ever anything so barefaced? The monopoly comes here boasting of wealth unprecedented, of rights and franchises unprecedented, and that it draws its chief wealth from citizens outside of New Jersey, because that State has a geographical position which enables her to make money out of the cities of other States. And this is the party which comes here and asks us to forbid the Raritan road to exercise the right of transportation between New York and Philadelphia!

How have they managed their matters and made their money? The charter of their road prohibited them from charging more than three dollars passenger fare between Philadelphia and New York, and yet from the year 1835 to 1849 they charged four dollars in the face of the law. In 1842, however, the Legislature of New Jersey determined that one half of all the company charged above three dollars should be paid into the treasury of New Jersey; in other words, they said to this company, "If you will steal give us one half the stealings; we really cannot help your doing it, but if you are bound to do it, give us one half the proceeds." But they never did even that.

I will call the attention of the House to another fact. This line of roads between New York and Philadelphia is ninety miles long, and the passenger fare is now three dollars. I desire to compare this with some other rates of fare as I find them lately quoted in a daily journal: Camden and Amboy to Philadelphia, 90 miles, $3; Hudson river to Rhinebeck, 91 miles, $1 80; Harlem to Albany, 154 miles, $3; Erie to Port Jervis, 87 miles, $2 10; Lackawanna to Stroudsburg, 90

miles, $2 55; New Haven and Hartford to Meriden, 94 miles, $2 34; New Haven and New London to Guilford, 94 miles, $2 35. All the routes save one are longer than the Camden and Amboy, and some of them charge but a little more than half as much. The road from Harlem to Albany is one hundred and fifty-four miles long and charges just three dollars, while this New Jersey monopoly charges the same for ninety miles. They have violated all the common laws of wholesale and retail trade. It is generally understood that if I buy a pound of coffee it costs me more *pro rata* than if I buy a thousand pounds. But if you travel one mile in New Jersey you are charged less per mile than if you travel ninety miles. The local rates within the limits of the State are not half so great as the through rates from New York to Philadelphia or from Philadelphia to New York. It is by this kind of outrageous violation of all the laws of trade that New Jersey has made her money out of this country.

Now what does this monopoly ask that this new road which has opened its route and has been transporting United States troops shall do? Here is the prayer they made before the chancellor of New Jersey:

"My first point was that the road had been used; by their own admission, for the transportation of soldiers and munitions of war; the fact that they allege as an ample and sufficient excuse is that this was done by order of the Secretary of War. I insist that, no matter by whose order it was done, it was a transportation of passenger and freight by railway across the State and between the cities in every sense of the words." * * * * "By which New Jersey is robbed of her tax of ten cents on each passenger." * * * * "I say it is no defense whatever if they have succeeded in obtaining an order of the Secretary of War when we call upon them to give us the money they made by it; and that is one of our calls. They have no right to get an order to deprive the State of New Jersey of the right of transit duty, which is her adopted policy."

In other words, this gigantic monopoly that reaches into the heart of Pennsylvania and other States and draws its life-blood from them demands that this new road which has served the Government in the transportation of troops and munitions of war should pay over to this monopoly what it has received from the Government for those services.

What answer did the chancellor of New Jersey make to that demand of the monopoly? I have his answer here. He decided, in the first place, that the Raritan road was a legal structure from Camden to Port Monmouth—from the western to the eastern line of the State. In the next place, he decided that no passengers or freight could be taken over that route from Philadelphia to New York. What kind of a decision is that? Is not New Jersey thus legislating for New York and Philadelphia? New Jersey says that a man may go by this route from one border of the State to the other, but he cannot go beyond her border. Did any one ever hear of such a decision? The road is a legal one, but no man can pass over it and go outside of the State because he will not pay the State the revenue which she derives from her established arrangements! That is the decision of New Jersey; and if it is not legislation for New York and Pennsylvania, there can be no such thing as interference with the legislation of other States. Under the chancellor's decision, the Raritan company has been compelled to instruct its agents to sell no tickets to any one unless they know of their own knowledge that the party purchasing is not going through the State. The result is to destroy at least one third of the local business; but the company is compelled to do it to save itself from further injunction.

I ask again, what rights have we on this subject? Why does this matter come here? Because, in obeying the orders of the Secretary of War in transporting troops and munitions of war, this road has been wronged; and it comes to the Congress of the nation for redress. The Military Committee has recommended that it shall have redress. I believe no gentleman here will deny that Congress has ample power to establish military roads, to establish post roads, to protect and preserve the Government, and feed its armies. But there is another power which should not be overlooked. I mean the power to regulate commerce between the States. That power has been declared over and over again by the courts to reside exclusively in the Congress of the United States, and not in the Legislature of any State. It was so decided in Gibson *vs.* Ogden, 9 Wheaton, and in the Passenger cases, 7 Howard, and in the Wheeling bridge case, 18 Howard. It is a decision which has been so frequently made that no gentleman of any legal learning will risk his reputation by a denial of it.

But, Mr. Speaker, we have something more than the mere statement of the right. We have the admission of the State of New Jersey that Congress has this right; and if any person or any power on earth comes in to deny it, New Jersey is the power that has no right to make that denial. I call your attention for a moment to a law of New Jersey passed February 4, 1831. In the sixth section of that act she says:

"SEC. 6. *Be it enacted*, That when any other railroad or roads for the transportation of passengers and property between New York and Philadelphia across this State shall be constructed and used for that purpose under or by virtue of any law of this State or the United States authorizing or recognizing said road, that then and in that case the said dividends shall be no longer payable to the State, and the said stock shall be retransferred to the company by the treasurer of this State."

This law required the acceptance of the company to make it valid, and the company did accept it. A solemn compact—New Jersey is addicted to the use of that word—was thus made between New Jersey and the company, that when Congress shall see fit to authorize and establish a road, or to recognize one already established, the Camden and Amboy Company shall lose its special monopoly privileges. There the parties not only admit the possibility that Congress may do it, but they engage in a solemn compact in which that very action of Congress is a condition. And that, sir, is the thing I desire Congress now to do. When Congress uses that power the monopoly will be dead forever.

Not only so. New Jersey took another step in the same direction in 1854. She extended the monopoly charter ten years. The law by which it is extended is prefaced by the most extraordinary preamble I have ever seen. It is instructive:

"Whereas the Legislature of New Jersey has granted to the Camden and Amboy Railroad Company special and exclusive privileges, in consideration of," &c., &c. * * * * "And whereas the extinguishment of these privileges is a matter of great public importance: Therefore,

"*Be it enacted*," &c.

Mark that! The extinguishment of these privileges is a mark of public improvement; therefore *we extend this monopoly for ten years!* I do not very much admire the logic of this law, but I do admire the preamble exceedingly. It acknowledges by the voice of New Jersey that it is a matter of public concern that this exclusive privilege shall be extinguished.

I hope Congress will listen to this desire of New Jersey, and help her out of the difficulty by the extinguishment of these special privileges.

My time is nearly exhausted, but I must hasten to another matter. Since this bill has been before us, and since I last had the honor to address the House, we have heard from the Governor and the Legislature of New Jersey in regard to this bill. I ask the indulgence of the House while I read some portions of the proclamation of his Excellency the Governor of New Jersey:

"In the consideration of this question two inquiries naturally arise: First, would the proposed action of Congress, if consummated, affect the pecuniary interests of this State? Secondly, and *chiefly*, would such action infringe upon the sovereignty of the State?" * * * * *

"It is for you to inquire whether the proposed action of Congress would affect the interest of the State in the stock, dividends, or transit duties derived from said companies.

"But the pecuniary interest of the State is of little importance in comparison with the principle involved, and I therefore direct your attention particularly to the second inquiry, before mentioned. New Jersey is a sovereign State, and it is our duty, by every lawful means, to protect and defend her sovereignty, and to transmit unimpaired to posterity all her rights as they were received by her from our fathers. In the exercise of her rightful powers she may build, maintain, and manage lines of public travel within her territory, and she may grant to others the right to contract works under such regulations and upon such conditions as she may see fit to impose. When the States entered into the national compact they yielded to the General Government the right to establish post roads for the conveyance of mails, and power to construct military roads in time of war, for the purpose of transportation of troops; but even these roads must be operated by the Government, and not through the agency or for the benefit of private corporations. A law of Congress to exceed the powers granted by the States infringes upon the reserved rights, and detracts from the State Legislatures a portion of their rightful authority." * * * * * * * *

"Let it be distinctly understood by those who would inflict an indignity upon our State, that while New Jersey will comply with every legal obligation and will respect and protect the rights of all, she will not permit any infringement of her rights without resorting to every lawful means to prevent it. JOEL PARKER."

Mr. Speaker, this lifts our subject above corporations and monopolies to the full height of a national question; I might almost call it a question of loyalty or disloyalty. I have only to say in regard to the language of this proclamation that if his Excellency had consulted Calhoun and his resolutions of 1833 he would have its doctrines stated much more ably and elegantly. He calls upon the Legislature of New Jersey to inquire whether this bill will take away any of the revenue of the State, and how it will affect the sovereign rights of New Jersey. He says *New Jersey is a sovereign State*. I pause there for a moment. Mr. Coleridge somewhere says that abstract definitions have done more harm in the world than plague and famine and war. I believe it. I believe that no man will ever be able to chronicle all the evils that have resulted to this nation from the abuse of the words "sovereign" and "sovereignty." What is this thing called "State sovereignty?" Nothing more false was ever uttered in the halls of legislation than that any State of this Union is sovereign. Consult the elementary text-books of law and refresh your recollection of the definition of "sovereignty." Speaking of the sovereignty of nations, Blackstone says:

"However they began, by what right soever they subsist, there is and must be in all of them a supreme, irresistible, absolute, uncontrolled authority in which the *jura summi imperii* or rights of sovereignty reside."

Do these elements belong to any State of this Republic? Sovereignty has the right to declare war. Can New Jersey declare war? It has the right to conclude peace. Can New Jersey conclude peace? Sovereignty has the right to coin money. If the Legislature of New Jersey should authorize and command one of its citizens to coin a half dollar, that man if he made it, though it should be of solid silver, would be locked up in a felon's cell for the crime of counterfeiting the coin of the real sovereign. A sovereign has the right to make treaties with foreign nations. Has New Jersey the right to make treaties? Sovereignty is clothed with the right to regulate commerce with foreign States. New Jersey has no such right. Sovereignty has the right to put ships in commission upon the high seas. Should a ship set sail under the authority of New Jersey it would be seized as a smuggler, forfeited, and sold. Sovereignty has a flag. But, thank God, New Jersey has no flag; Ohio has no flag. No loyal State fights under the "lone star," the "rattlesnake," or the "palmetto tree." No loyal State of this Union has any flag but "the banner of beauty and glory," the flag of the Union. These are the indispensable elements of sovereignty. New Jersey has not one of them. The term cannot be applied to the separate States only in a very limited and restricted sense, referring mainly to municipal and police regulations. The rights of the States should be jealously guarded and defended. But to claim that sovereignty in its full sense and meaning belongs to the States, is nothing better than rankest treason. Look again at this document of the Governor of New Jersey. He tells you that the *States* entered into the "*national compact*." National compact! I had supposed that no Governor of a loyal State would parade this dogma of nullification and secession which was killed and buried by Webster on the 16th of February, 1833. There was no such thing as a sovereign State making a compact called a constitution. The very language of the Constitution is decisive: "We, the people of the United States, do ordain and establish this Constitution." The States did not make a compact to be broken when any one pleased, but the people *ordained* and *established* the Constitution of a sovereign Republic; and woe be to any corporation or State that raises its hand against the majesty and power of this great nation.

This proclamation closes with a determination to resist this legislation of Congress. This itself is another reason why I ask this Congress to exercise its right to rebuke this resurrected spirit of nullification. The gentleman from Pennsylvania [Mr. BROOMALL] tells us that New Jersey is a loyal State, and her citizens are in the Army. I am proud of all the citizens of New Jersey who are fighting in our Army. They are not fighting

for New Jersey, but for the Union, and when it is once restored I do not believe those men will fight for the Camden and Amboy monopoly. Their hearts have been enlarged, and there are patriotic men of New Jersey in the Army and at home who are groaning under this tyrannical monopoly, and they come up here and ask us to strike off the shackles that bind them, and I hold it to be the high right and duty of this body to strike off their fetters, and let them go free.

Congress has done this before. They did it in the case of the Wheeling bridge across the Ohio. There is a still stronger case. A corporation spanned the Ohio river at Steubenville under a charter granted by the State of Virginia, but with conditions appended which could not be fulfilled. The corporation came to Congress and asked that the bridge might be declared a legal structure and part of a post road. By solemn law Congress determined and declared it to be a post road; and no law of the State of Virginia or of the State of Ohio to the contrary should interfere with it. (See twelfth volume United States Statutes at Large.)

We have used this power of interfering hitherto, but we have never before been called upon to exercise it in any case so deserving as that which gave rise to this bill.

Mr. PENDLETON obtained the floor.

Mr. STEVENS. As the gentleman from Ohio cannot make his remarks before the morning hour expires, I suggest that we go into Committee of the Whole.

Mr. PENDLETON. I yield to the gentleman to make that motion.

COLONELS COMMANDING BRIGADES.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting a report of the number and names of colonels in the United States Army commanding brigades and the length of time such colonels severally have been so commanding; which was laid upon the table, and ordered to be printed.

NATIONAL CURRENCY.

Mr. STEVENS. I now move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The CHAIRMAN stated that the committee had under consideration when last in session the thirtieth section of the bill, and that the pending question, when the committee rose last evening, was on the amendment offered by Mr. BEAMAN to strike out the following clause:

And in case a greater rate of interest than seven per cent. per annum has been paid, the person or persons paying the same, or their legal representatives, may recover back, in an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same: *Provided*, That said action is commenced within two years from the time the usurious transaction occurred.

The amendment was disagreed to.

Mr. STEVENS. I move to strike out the whole of the thirtieth section as it now stands amended, and to insert in lieu thereof the following:

SEC. 30. *And be it further enacted*, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate not exceeding seven per cent. per annum; and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than the aforesaid, shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in an action of debt, twice the amount of the interest thus paid, from the association taking or receiving the same: *Provided*, That said action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a *bona fide* bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than current rates of exchange for sight drafts, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Mr. HOLMAN. I rise to a point of order. I understand the substitute offered by the gentleman from Pennsylvania to be in the exact language of the original section of the bill which the House has amended.

The CHAIRMAN. The Chair overrules the point of order. The language of the substitute is different.

Mr. HOLMAN. I understood it to be exactly the same.

Mr. STEVENS. I desire to say that there is a wide difference between the section as it now stands and the substitute which I offer. The section as originally reported made the rate of interest absolute at seven per cent. The amendment now offered so modifies it as to allow the banks to take a *less* interest than seven per cent., but not a larger, so that if they choose to conform to the State banks and take below seven per cent., they are allowed to do so. There are also some other changes as to bills drawn on sight.

The section as it now stands as amended by the gentleman from Maine [Mr. BLAINE] conforms the rate of interest in each State to the rate fixed by the State law. In Maine it is six per cent.; in Iowa, I believe, it is ten; in Illinois it is ten; I do not know what it is in California; I am told they get two per cent. a month, or perhaps ten per cent. a month.

Mr. COLE, of California. Formerly it used to be ten per cent. a month, now it is two per cent. a month.

Mr. STEVENS. Then they have greatly improved. This bill does not prevent individuals or private banks from loaning money at any rate they can get, but it designs to cut off from the national system the privilege to take more than seven per cent. Six per cent. is the legal rate in Pennsylvania; seven per cent. in New York. This amendment proposes to reduce them to the same rate, so as to produce congruity; that is to say, they may take seven per cent., but not above that; and if they choose to conform to the State law and take six per cent., nobody will object, and the constituents of the gentleman from Maine who do not choose to give seven per cent. will go to the banks that loan at six per cent. and get their money there. There is no part of this law which compels men to deal with these institutions; but when they do deal with them they are to deal upon uniform principles. It was first amended on the motion of the gentleman from Maine, [Mr. BLAINE.] That left it open. Then it was amended by the more proper amendment of my friend from Indiana, [Mr. HOLMAN,] which provided for inflicting penalties upon any person that loaned money at a rate above six per cent. I am not aware whether that satisfied the gentleman who has raised this difficulty by enlarging the rate, or not.

As the bill now stands, you can loan it at six per cent., but nothing more; for when you go beyond that it inflicts these penalties. The bill allows those who deal with the national banks to make the best bargain that they can. It allows the banks to charge seven per cent. without any penalty. I do not think there is anybody in this House who can hesitate to prefer the present substitute for the section as it now stands. If there is any they will vote for it.

I trust that those who are in favor of this system at all will consider this a test question. The committee are willing to make it a test question. If this section is to be mangled, of course the bill is worthless; and I hope that the House will vote understandingly upon this matter.

Mr. BLAINE. Mr. Chairman, it is a great privilege that the amendment of the gentleman from Pennsylvania [Mr. STEVENS] leaves to the customers of the banks, that the banks shall have the right to discount at a less rate than seven per cent. It is a new feature in banking, that the banks may take less than the legal rate. I would like to know why this should be?

There is another feature of the amendment of the gentleman from Pennsylvania which I think is not less objectionable. It says that those who want to pay seven per cent. can go to the national banks, and those who want to pay six per cent. can go to the State banks. If this system is to become successful it will drive out the State banks. If it does not drive out the State banks it will not have strength enough to stand up to be knocked down. It goes upon the plan of driving the State banks out of existence. The Committee of Ways and Means must admit that.

Now, sir, I have a compromise for that which I will move. I take it that gentlemen mean to amend the section as it was adopted yesterday. I propose that the interest shall be at the rate established by law in the State where the association is located, not to exceed seven per cent.

For seventy years past the rate of interest in New England has been six per cent. In these seventy years there has never been a plethora of money like that of to-day. In those seventy years the tendency of the country has never been so to throw power into the hands of the capitalists as now. Now, when the capitalists have their coffers overrun with money seeking for investment, when the banks have money looking for channels for investment, when the three million people of New England, who use a great deal of money for industrial and commercial purposes, want money, Congress declares to them that they shall pay one per cent. more for money than they have ever paid for it before. If that is the bill, upon the workingmen of New England and upon the workingmen everywhere, upon every commercial enterprise, it increases the price of money to seven per cent. It adds one sixth more interest than was ever paid before. That is the precise effect of this bill.

I hope the committee will stand where it stood yesterday, leaving the matter as it is in the several States. The gentleman from Pennsylvania prognosticates a fearful calamity if that be done. He intimates unless the Committee of Ways and Means are sustained upon this point they will give up the bill. I believe the country will survive if the bill never passes. I believe the country will survive without this $300,000,000 of currency as we do now.

Mr. HOLMAN. I do not understand that the gentleman from Maine has offered an amendment to the substitute. I will therefore move to amend it by striking out "seven," and inserting in lieu thereof "six," so that the rate of interest shall be six per cent.

I think the gentleman from Pennsylvania is right when he says he regards this as a vital feature of the bill, and it is certainly very desirable that we should settle this question of interest at once. I thought it was settled last evening by a decided vote in favor of six per cent., but the friends of high interest are not satisfied. I hope a direct vote will be taken, and that it will be understood to be a test vote between the six per cent., as I propose, or the seven per cent. as proposed by the gentleman from Pennsylvania and the peculiar friends of this bill; and if the House now determines to adopt the rate of seven per cent. instead of six, that certainly ought to be an end of the controversy upon this point.

I hope, sir, this decision will not be against the interests of labor, and only to the advantage of capital. Some respect should be had, in a general system of banking like this, to the general sentiment of the country, and above all to the just rights of labor. The rate of interest is fixed at six per cent., I think, by a very large majority of the States. I believe most of the States of New England and all the States east of Ohio, with the exception of New York, have fixed the rate at six per cent. And that principle prevails mostly in the West, although in California, and probably in the States of Illinois, Iowa, and one or two other States, the rate exceeds that. But it may be said with great safety that the common judgment of the country is against a higher rate of interest than six per cent., and banking institutions, in view of their immense advantage over the individual citizen, have generally been especially the subjects of careful restriction. Yet no vigilance has prevented them from attaining ur just advantages.

But even at six per cent. we are fixing a high rate of interest. These banks will receive their six per cent. of interest on their bonds deposited as their basis, and six per cent. on their circulation secured by these bonds. Thus you enable capital to realize the enormous interest of twelve per cent., all of which is a tax upon labor, a tax on industry for the benefit of capital; and yet you propose seven per cent. by this bill, in all thirteen per cent., six of which is paid in gold, and all paid by the actual labor of the country. And yet the six per cent., as I propose, is a higher inter-

est than is paid in any other civilized country. To confer upon a banking system, that may control for all time to come the labor, the currency, and the wealth of the country, the advantage of loaning money and transacting business at the enormous profit of seven per cent., besides the six per cent. paid by the Government, when the great body of States through their Legislatures have sought to protect their citizens against the oppression of capital and the cupidity of corporations, is an unexampled abandonment of the rights of labor and a monstrous concession to capital. There is no disguising the fact that this monster bank, with its hundreds of heads and its $300,000,000 of capital, will control the financial affairs of the country; and whatever rate of interest you adopt here will, from the very nature of the case, have to be adopted everywhere else. The same power that will control the capital will control the politics of the country; and if the rate of interest is not advanced in the States where six per cent. is now the standard, (if you adopt the gentleman's proposition,) it will be because the banking associations will prefer a monopoly which gives them seven per cent. while every citizen is limited to six per cent.

But without their interference, if you will allow these banks to charge seven per cent., and the State Legislatures, persevering in their former policy, should decline to advance their rates of interest where it is now only six per cent., you will discriminate most unjustly in favor of these grasping corporations and against private citizens. Take, for example, the gentleman's own State, Pennsylvania, where there may be twenty of these banks established. They, with their capital, will be able to charge this rate of seven per cent., while private citizens will be limited to six per cent. It will be a new feature in the history of the legislation of this country when a mammoth corporation receives rights and immunities which are denied or withheld from the citizen of the country, in matters, too, in which the enterprise of the citizen should be at least equally favored.

And, sir, the very fact that the amount of currency is to be largely increased by the $300,000,000 to be issued through this agency alone, in addition to the $450,000,000 of legal-tender notes issued by the Government, ought to secure a reduction instead of an increase of interest. The increase of currency, according to all the laws of trade, should diminish, and yet by your policy, you would, for the benefit of capital, increase its value, increase its production, and all this for the benefit of the banks—of voracious centralized capital, for, if nothing worse, the currency of your pet banks will drive out your legal-tender notes, which is a loan to the Government without interest, and thus increase the interest-bearing part of the public debt, or else inflate your currency beyond all endurable limit. You ought to cheapen the price of money so as to favor labor at a time when it is called upon to bear such enormous burdens of taxation. But instead of that you propose to make interest, this eating canker, more and more oppressive upon the labor of the country, and that, too, for the sole benefit of banks, for out of the toil and sweat of labor the seven per cent. you now propose and the six per cent. paid on the bonds, which are the sole foundation of these banks, will be wrung with remorseless promptness by these instruments for centralizing the public wealth. Yet, sir, the toiling million will have to pay it all. Labor ceases to have a voice in the public councils——

[Here the hammer fell.]

Mr. KASSON. I regret very much that this debate seems to have taken a turn that may incline some gentlemen to lose sight of the great objects of the bill in their desire to introduce into the bill their special view resulting from established systems in the different localities of this country. Suppose, sir, that on my part I were to ask this House to adopt a condition of things existing in my own new State of Iowa, and apply the system and rate of interest adopted there to control the rest of the country. I take it for granted that very few gentlemen in the House could see in that any particular reason why the whole balance of the country should be subjected to the same system; and I think that when the gentleman from Maine comes here and asks that the Representatives of the entire Union shall adopt a rule that is adapted to the condition of things, as he thinks, in his own State, he asks too much of the sound judgment of the House.

Mr. BLAINE. Will the gentleman allow me to interrupt him?

Mr. KASSON. My time is so short that I prefer to say what I have to say, and then, if I have any time left, I will yield to the gentleman.

In my own State, sir, we allow a rate of interest of ten per cent. per annum, and the banks in that State are allowed a rate of interest of eight per cent. per annum, and where no contract at all is made the rate is six per cent. per annum. I have been besought by the banking interest of my State to concur in this movement to allow the State Legislatures to regulate the rate of interest. I have protested against it on the ground, first; that this banking system is demanded by the whole country in the interest of uniformity.

Now, sir, in respect to commerce and manufactures, which furnish the very basis of banking, and to facilitate which this very act itself is proposed—in respect to these two great interests there are no States in this Union; we are one country in respect to these interests; and by express provision of the Constitution of the United States the inter-State commerce is put under the control of Congress, for the reason that whatever affects the commerce of the country you must not allow to be obstructed by State legislation or State lines. And now, when we come here with a proposition to establish a currency to accommodate the whole country, gentlemen tell us, "You must not make a uniform system of currency; you must still leave it dependent, in its application to commerce and manufactures, on State legislation." I beg gentlemen upon all sides of the House to look carefully at this question and see whether it is safe for us to forego the privilege conferred by the Constitution, in the incidental relation of this question to the commerce of the country, by allowing the State Legislatures to come in at any time and interfere with the success of the monetary system of the country. Sir, you cannot do it with safety. You should not have interest on the one side of an imaginary line controlled by one system of laws, and on the other side controlled by another system of laws.

You have different usury laws in the different States of this Union as well as different rates of interest. A patron or an applicant to a bank on one side of a river, or of this invisible geographical line, finds himself subject to one law in respect to usury and the rate of interest, and on the other side to another law; and even where cities on opposite sides of the line are intimately connected in their business transactions, you find yourself embarrassed by this want of uniformity.

Sir, if we have a right to establish an institution of this kind at all—and I leave every gentleman, of course, to vote on the final passage of this bill as he thinks proper—I ask that at least you will perfect the bill in accordance with the views of those gentlemen who design to establish a uniform system of banking, and in accordance with the views I believe unanimously of both sides of the House, so far as represented in the Committee of Ways and Means, and if the advantages of the bill as a whole do not exceed its disadvantages, vote it down; if they do, let us sustain it.

The question being on Mr. HOLMAN's amendment,

The CHAIRMAN ordered tellers; and appointed Messrs. HOLMAN and KASSON to act as such.

The committee divided; and the tellers reported—ayes 25, noes 67.

So the amendment was disagreed to.

Mr. HIGBY. I move to amend the amendment by striking out the words "at a rate of interest not exceeding seven per cent. per annum," and inserting in lieu thereof the words "not exceeding the rate established by law in the State in which the bank is established." I am aware that a proposition of this kind was voted down yesterday——

Several MEMBERS. No; voted in.

Mr. HIGBY. Well, all the better. This is a new section proposed for the one passed upon. The gentleman from Iowa [Mr. KASSON] argued to-day—and I think I heard the same argument used yesterday—that the having different rates of interest in different States is not going to give us a uniform currency. Gold and silver is the established currency of the Government of the United States; yet in one State it may be worth eight per cent. a year, in another ten, and in a third twelve per cent. The rate of interest does not affect the uniformity of currency throughout the United States. The question of uniformity depends upon whether a dollar in one State will be received as a dollar in another State, or whether there will be a discount of one half, one, two, three, or five per cent. on whatever is presented as currency. The question of interest does not affect the question of the uniformity of currency.

If my amendment shall be incorporated in that proposed by the distinguished member from Pennsylvania, [Mr. STEVENS,] allowing the banks under this system to have the benefit of the rates of interest allowed by the laws of the different States, it does not go to the question of uniformity in the least. I do not know that any one State is of any particular consequence. I am not particular as to this question of State rights or of the individuality of States. But as a business transaction, so long as it does not affect general policy, I think it a good plan to allow institutions of this character to conform to the practice of the different States.

The law, as it stands, will be tantamount to an exclusion of this banking system from the State of California. There can be no bank under this bill in that State. I do not know that there will be any great objection on the part of the people there to that result. The State of California does not tolerate the establishment of banks of issue at all. There never has been one in the State, and the constitution does not tolerate it. There is nothing allowed there but banks of deposit. No bank can be established there unless under a general law of Congress of this character. Our State laws establish an interest of ten per cent. where nothing is said of interest in the agreement. But parties may agree to any rate of interest they please, three, four, five, six, or ten per cent. From one and one half to three per cent. a month is the common rate of interest there. It goes down very seldom as low as one and one half per cent. per month. It is very evident, therefore, that no banking institution can be established there under this bill. I have myself paid that rate of interest, and am paying now two per cent. a month. It is the common rate of interest.

[Here the hammer fell.]

The question being on Mr. HIGBY's amendment to the amendment;

Tellers were ordered; and Messrs. HIGBY, and STEELE of New York, were appointed.

While the committee was dividing,

Mr. HIGBY withdrew his amendment to the amendment.

Mr. PIKE. I move to amend the amendment by striking out the words "at a rate of interest not exceeding seven per cent. per annum," and inserting in lieu thereof the words:

At interest not exceeding the rate established by law in the State in which the bank is established: *Provided*, That the rate does not exceed seven per cent. per annum.

This is adopting the suggestion of my colleague, [Mr. BLAINE,] made just now to the chairman of the Committee of Ways and Means. It answers the purpose of providing a uniform currency at a low rate of interest. The rate cannot be under seven per cent. unless by the law of the State where the bank is established the rate shall be below that. In other cases it shall be seven per cent. I would make no endeavor to change the terms of this bill, under the intimation of the chairman of the Committee of Ways and Means in regard to it, were I not firmly impressed with the belief that this bill is not in the interest of the Government. If the $300,000,000 additional is to be issued as proposed by this bill, I, for one, am in favor of having an additional issue of greenbacks, and not have the issue come from these banks and the profits go to them.

As I do not deem the bill to be in the interest of the Government, so it is very plainly manifest that in very large sections of the country it is not in the interest of labor. The contributions that labor makes to capital in the shape of interest are already large enough. The experienced financier who reported this bill from the Committee of Ways and Means, [Mr. HOOPER,] expressed his opinion that six per cent. was as high a rate of interest as should be paid to capital. In that I

agree with him; but now, at a time when labor is to be taxed beyond all precedent in this country, when taxes are to be increased or the Government is to perish, we are called upon here by the Committee of Ways and Means to pass this bill and to tax labor, not in behalf of the Government, not to aid this Government in its struggle for life, but in behalf of bankers and capitalists. Were this bill or any part of it necessary to carry this Government through this great crisis, I would not say a word. But I have never deemed it so. I do not to-day.

I liken this bill, in its efforts to carry this Government along, to a man overboard swimming for life and crying for dry clothes, when everybody sees that his first business is to get ashore, and when ashore he may clothe himself as he pleases. In my judgment, this whole system is as important in the struggle in which the Government is engaged as dry clothes to the man struggling in the water.

The amendment I propose does not vary the bill in a vital part. The bill itself is at variance with the existing law upon the subject, and is entirely in the interest of capital. Capital has been taxed by our income law, and gentlemen who have large investments in banks are called upon to forego three per cent. of their earnings to support this Government, and because of that they come here clamoring about the halls of legislation, asking the Government to make up the loss to them by aiding them to tax labor one sixth more in the shape of interest. I, for one, protest against it.

Mr. ALLEY. Mr. Chairman, I rise to oppose the amendment. If it be voted down I shall propose the following:

Provided, That no State shall have the right to reduce the rate of interest below seven per cent., as applied to any institution under this act, within the limits of said State.

I think that that will satisfy the gentleman from Maine, [Mr. PIKE.] I am sure that it will satisfy his colleague, [Mr. BLAINE.] I think that it virtually covers the whole ground that is sought to be obtained by the provision which the gentleman has proposed to the committee.

Now, Mr. Chairman, I do not believe any good will result in tinkering a bill in this kind of way, especially one that has come from a committee so able, so intelligent, and so careful as the Committee of Ways and Means; and I certainly would not offer a proposition of this kind in any other form than as a matter of compromise. I think it highly important that we should have a uniform rate of interest under this bill throughout the country; and it is perfectly evident that the committee has agreed in regard to this matter. I am in favor of six per cent. The gentleman who reported this bill, my colleague, [Mr. HOOPER,] has declared to this House and the country that he is in favor of six per cent. Why has he introduced seven per cent. into this bill as the rate of interest to be established throughout the country, when he has declared to the House and the country that six per cent. is all that capital ought to receive, and that it is all that the labor of the country can afford to pay? It is simply this: because the bill could not be got through in that form, and the gentleman has yielded his convictions on that point to meet the wishes of gentlemen all around the House. That is the only reason. He had to surrender his own opinions to harmonize and reconcile all these conflicting interests.

If my provision is inserted in the bill it secures to New England all she can ask. It secures to her the privilege of reducing within her own borders the rate of interest to six per cent. But it requires additional legislation to effect that. If the State of Maine, where six per cent. is now the legal rate, wishes that to be the established rate in this bill, then all she has to do is to enact a law to that effect, and under my provision only six per cent. can be taken. So with regard to Massachusetts.

[Here the hammer fell.]

Mr. PIKE. I wish to say to the gentleman from Massachusetts that I did not allude to the State of Maine. We look upon Massachusetts as a capital State, and we are a labor State with the other States of the Union.

Mr. ALLEY. The gentleman knows that from time immemorial six per cent. has been the rate in Massachusetts as well as in Maine. And I believe it is the opinion of the capitalists of Massachusetts, almost universally, that six per cent. is all that should be allowed. Now, I say that those gentlemen who are in favor of the rate of seven per cent., as is the case with members from New York and many other States of this Union, ought not to make any objection to a provision of this kind, because it secures to them everything they can desire, and all the States in New England, at least where the legal rate is only six per cent.

[Here the hammer fell.]

The amendment to the amendment was not agreed to.

Mr. ALLEY. I now propose to amend the amendment by inserting after the words "per annum" the words:

Provided, That any State shall have the right to reduce the rate of interest below seven per cent. as applied to any institution under this act within the limits of such State.

So that the clause shall read:

Interest at a rate not exceeding seven per cent. per annum; *Provided*, That any State shall have the right to reduce the rate of interest below seven per cent. as applied to any institution under this act within the limits of such State.

As I indicated in my previous remarks, I propose this as a compromise and as a substitute for the proposition of the gentleman from Maine. If the gentleman from Maine does not choose to accept it as such, and it is voted down, it will be to my mind an indication of a purpose by the House not to attach any amendment of a similar character to the bill. That would be entirely satisfactory to me, Mr. Chairman, because, as I said before, I believe this bill has been thoroughly matured by gentlemen abundantly capable of presenting to this House a bill which shall be as nearly perfect as it can well be made. After listening as they have to all the suggestions, all the statements, and all the varying views of gentlemen representing every interest from every section of the country, I think it is fair to conclude that they have presented to us the very best bill they could. While there are some provisions in it which do not meet my approbation, and this provision of allowing seven per cent. interest is one, I am satisfied, after conversation with those who framed and presented it, that they have done the very best they could under the circumstances, and that, though it does not in all respects reflect even their views and opinions, nevertheless, as it is the best bill which can be obtained, I am in favor of it as it is, and I would not offer this amendment were it not, as I stated before, for the purpose of compromising a matter which it seems to me is of considerable interest, and which may hazard the passage of the bill. It seems to me that while it secures to all New England all she can rightfully claim, it does not seriously impair or violate the principle of uniformity sought to be obtained.

Mr. PIKE. I would inquire of the gentleman whether his amendment is not open to the objection that the Legislature of any State might fix the interest of one of these national banks at five per cent. when the general interest of the State would be six per cent. In other words, would it not enable the Legislature of a State to kill off the national banks of that State?

Mr. ALLEY. I will answer the gentleman that under that amendment it would; but Congress has the remedy in its own hands, because it can tax these State banks in their circulation to any extent it chooses.

Mr. PIKE. Would it not be better to modify the amendment so as to prevent such a result?

Mr. STEVENS. I think the gentleman from Massachusetts has not well considered the effect of his amendment. I know the anxiety of the gentleman to perfect the matter satisfactorily, and indeed if that cannot be effected the great objects of the bill will be defeated, and the bill had better not pass. As the proposed amendment now stands, I have no doubt the State of Maine, as suggested by the gentleman from Maine, and from what I see here, would reduce the interest of the national banks to three per cent., and leave the State banks as the only banks there. But that is not the best way to get at this thing.

Mr. GOOCH. If my colleague should modify his amendment so as to provide that the rate of interest for one of these banks should be the same as the rate fixed in the State for other banking institutions, as the general rate of interest, would he not remedy the defect which he points out?

Mr. STEVENS. That is the proposition which has just been voted down, and it cannot be repeated. I think it has been voted on three times already. The House may just as well come at once to the naked proposition. I do not find fault with anybody who is opposed to this system. It is one about which men may very well differ in opinion; but if you are going to allow this system to exist at all, I think it should be established with uniformity. I am not very anxious about the matter one way or the other. Let the bill be killed if the sense of the House is against it and it is thought better that there should be no such system; but let us not mar its proportions and make it very different from what it was designed to be.

I hope, therefore, gentlemen will be content to take a vote on the proposition. We all understand it well enough. The substitute brings the question fairly up whether there shall be a uniform rate of interest. If the House decide against it I shall be content and shall not complain. It is not one of those things which we are going to quarrel with or complain of anybody about, but let us have a fair vote on the naked proposition.

Mr. ALLEY. I modify my amendment so as to read as follows:

After the word "annum," in line five, insert:

Provided, That any State shall have the right to reduce the rate of interest below seven per cent. as applied to any institution under this act within the limits of such State: *Provided further*, The rate of interest so established shall not be less than the legal rate of interest in said State.

The amendment was disagreed to—ayes 36, noes 56.

The question recurred on Mr. STEVENS's amendment.

Mr. BLAINE. I move to strike out the last word of the amendment. I want simply to state my understanding of the position of this question. The House yesterday, on a division by tellers, incorporated an amendment into this section of the bill providing that interest shall be at the rates established by the laws of the States where the associations are located. I am satisfied that that is the only proposition that can be carried as against the Committee of Ways and Means. It is now incorporated in the section. The substitute of the gentleman from Pennsylvania would bring the section back precisely where it stood yesterday before my amendment was adopted, with the addition of the great and magnanimous privilege that the banks may have the liberty of taking less interest if they are willing to do so. I suppose that will be a great boon to the banks.

I think the gentleman from Iowa [Mr. KASSON] stated my position very unfairly when he said that I wanted to inflict upon the whole country the rate of six per cent. because that was the rate in Maine. Sir, I want to inflict upon the whole country the right of settling this matter within State limits, just as the majority in the State may decide. I have heard a great deal more said upon this side of the House about not allowing States to do anything in the regulation of their domestic affairs than I can entirely agree with. I think that in this matter of currency, before this unhappy rebellion broke out, the country was getting along very comfortably, and each State was managing its own affairs in its own way. And while, perhaps, the very seed of all our present evils was the heresy of State rights, I think a good many gentlemen here, and foremost among them the gentleman from Iowa, [Mr. KASSON,] are running to the opposite end of the pole and reducing our States to the condition of counties. I think the States are entirely competent to the management of this matter. They have managed it for seventy or eighty years with marked success.

I do not wonder, sir, that the gentleman from Massachusetts, [Mr. HOOPER,] the member of the Committee of Ways and Means who reported this bill, sticks so strenuously to this provision of the bill. He represents a district of capitalists. There is not a poor man in it. A poor man has no business there, and could not afford to live there. [Laughter.] But I say that representing, as I do, an agricultural and manufacturing district in the State of Maine, I should be ashamed to go home and look them in the face if by my vote they should be required hereafter, if they desire to borrow a dollar, to pay one sixth more to the capitalists who live in my friend's district than they have ever been called upon to pay before; and every

gentleman from New England who represents an agricultural and manufacturing district will be held to the same accountability.

Now, if the committee will vote down the amendment offered by the chairman of the Committee of Ways and Means, we will stand just where we stood yesterday, leaving each State to regulate this thing just as it pleases. In Maine we have already regulated it, fixing it at six per cent. In New York it is seven per cent. And we have had very large commercial connections with New York, and got along very comfortably and very prosperously to both. Let New York have her seven per cent. Let Maine have her six per cent. And if California wants her two per cent. per month let her have it.

Mr. KASSON. Mr. Chairman, I desire to say but a single word more; and that not because of any added argument by the gentleman from Maine, [Mr. BLAINE,] but because I had not finished what I had to say when my five minutes expired before. I wish to call attention to the remarkable logic on which the gentleman first proceeded, announcing a plethora of money in the State of Maine to-day, and arguing from that plethora of money that the rate of interest would be increased by virtue of this act. Sir, you cannot legislate an abundance of legal money into any State. The rate of interest, subject to the general maxims resting on political morality, is dependent on the abundance of money. Why is it that we of the West to-day find capital concentrated in New York? Because capital goes where it can be best placed. When capital realizes seven per cent. in New York and only six per cent. in Iowa, it will stay in New York.

You cannot get a uniformity of system from the complex systems existing to-day under the various laws of the several States. You must equalize the thing. I cannot get for my State everything that I want to secure for it under this bill. I do not ask that everything that I want shall be given to my State. But I ask gentlemen on each side of the House, those representing two per cent. a month and those representing six per cent. per annum, to yield something for the great purpose of uniform currency contemplated by the Constitution and sought for by the fathers of the Government. To-day there are thousands and hundreds of thousands of dollars to which the people of my part of the country are subjected annually in the way of shaving these miscellaneous bank notes that come there all the way from Maine to Louisiana. These notes are brought out there, and in order to get them back to where they belong they have to be sold to bankers and brokers. What we want is uniform currency, that will be as good in Iowa as it will be in Maine, and as good in Maine as it will be in Iowa.

I earnestly hope that gentlemen will either vote against the bill as being opposed to the system of banking—as suggested by the distinguished gentleman from Pennsylvania, [Mr. STEVENS]—or that they will favor the bill as being as perfect and uniform as possible, that we may at last secure for this country a system of currency, as long as we shall have paper money, that will be of equal value all over the country.

[Here the hammer fell.]

Mr. BLAINE withdrew his amendment to the amendment.

Mr. DRIGGS. I renew the amendment to the amendment. I want to inquire whether, by the action of the committee yesterday, an amendment was not adopted providing that the rates of interest shall be regulated by the States. The gentleman from Indiana [Mr. HOLMAN] afterwards offered an amendment imposing penalties for the exaction of a larger rate of interest than that established under the previous action of the committee, six per cent. That amendment was adopted. Now, it strikes me that we are committing the singular absurdity of having first decided that the rate of interest shall be that established by the State, and afterwards attached penalties to the charging of more than six per cent. Now, we propose to introduce some additional legislation. That is the way the matter stands, if I am correct.

I do hope from all the arguments made that the States will be left to regulate that themselves. In the State of Michigan where I live we cannot accumulate in our banks as large amounts of deposits as in the older States; and the banks cannot afford to lend money quite as cheaply as it can be lent by the banks of New York, Boston, and Cincinnati. I know instead of helping the poor man it would be crushing him to the earth to say that he should not hire money at a rate exceeding seven per cent. when his interest is to be affected by it, to be judged of by himself. I hope it will be decided by the House to be left to be regulated by the States. Are gentlemen afraid to trust the Legislatures of their States? As was well remarked by my friend from Maine, [Mr. BLAINE,] we have got along well enough for sixty or seventy years, and I hope that it will commend itself to the good sense of the House to leave it to the State Legislatures to regulate this matter.

Mr. PIKE. I want to say one word on the question of a uniform currency. We have now a perfectly uniform currency. It is so uniform that a trader in my State said: "What is the use of having your gold dollar? It is up one day and down the next. Why not take greenbacks, which are the same every day everywhere?" How, sir, can you have a more uniform currency than that? What is the proposition? It is to drive that uniform currency out, and substitute for it $300,000,000 of currency of local banks. Have you any belief that that will give a uniform currency? Who will say that a bank bill issued by a bank in Colorado Territory, and redeemable at St. Louis, will pass in New York at par? Does any one say that? Will a bill of the First National Bank of Idaho, redeemable in San Francisco, pass in Philadelphia without discount? Nobody believes it; and yet this is the currency you will establish by this bill, and you call it a uniform currency. You will drive out the constitutional currency which we have established here to the extent of $450,000,000, upon which the Government does not pay one dollar of interest, for the establishment of such a currency as this, and call it uniform.

I am entirely opposed to such uniformity as this; and as there is no other argument but that of uniformity, when that fails I think that the whole system ought to fail.

The amendment to the amendment was rejected.

Mr. COLE, of California. I move to add the word "thereon." I have moved that amendment for the purpose of saying a word. I regret that the members of the committee have not yet given us some reasons why the States should not have the regulation of the rate of interest within their own limits. I am not aware that any complaint has come up to the Committee of Ways and Means from the States on that score.

I heard it broadly stated that those who are in favor of restricting the rate of interest in this matter are not in favor of a uniform currency. I do not see the force of that argument. It seems to me that this can only be a uniform currency by establishing these banks. If the law is in such form as to preclude persons from putting capital in them, clearly to my mind the currency will be less uniform by far than if they were open to all persons to put their capital in as in any other undertaking.

It was said by the gentleman who preceded me that if money is not worth more in any community than the rate prescribed by this law, then persons will not avail themselves of the money offered by these banks, but will secure the money from some other source. What is the consistency or propriety of having two rates of interest established by law in the same community? What is the benefit of having two systems of usury in the same State? Here, while a transaction with one individual is lawful, with another it is unlawful. There is a difference if done with one class from what there is if done with another. I cannot see any propriety in it.

Gentlemen say that this is the soul of the bill; that it will not be worth having if it is stricken out. It seems to me if there be no greater necessity for it, then it had better not become a law; it should be strangled at its birth. It seems to me if there were no restrictions upon these banks there would be greater facilities afforded.

[Here the hammer fell.]

Mr. COLE, of California. I withdraw my amendment.

Mr. MILLER, of New York. I renew the amendment. I wish to say I am opposed to the leaving the regulation of this matter of interest to the several States. I can understand a State bank system, where the control is left wholly to the State; and I can also understand a national banking system, the control of which belongs to the General Government in Congress; but I cannot understand this mongrel system, partly national and partly State. I believe if you try to unite the two systems you will find they will clash in every State, as the interests of the States may vary, and as the feelings of the different Legislatures may be toward this national banking system. I know that in the State of New York the time has been when there was some prejudice against the national banking system on the part of the State banks; and do you propose to leave it to the Legislature of the State of New York to cripple this banking system? I think it unwise unless you mean to kill it.

I can readily understand why the gentleman from Maine, [Mr. PIKE,] who is evidently opposed to the whole bill, should offer the amendments he does, because if he is opposed to the whole bill he of course desires to kill it outright, and the proper mode of doing that is to propose and adopt such amendments. I am not prepared to say but there may be some force in the idea that the rate of interest should differ according to the circumstances of the different States, but I do insist that the power of regulating the interest should be left with Congress if you would have any stable national system of banking. The adoption of any other idea will be fatal to it.

But let me allude to a point made by eastern men. They seem to have more fear than western men that you will make the interest seven per cent. Gentlemen say it should not exceed seven per cent. Of course the proposition does not say you shall always have seven per cent. I do not believe you could get seven per cent. in the New England States, or even in most parts of the State of New York, at present. I know that in my own district, a rural one, men have been borrowing money for the last year for five and six per cent. You see this rate of seven per cent. is the maximum; the bill does not compel you to pay seven per cent.; it does not compel labor to pay seven per cent.; it does not tax labor at that rate, as is supposed by some. When money is as plenty as it is now, interest will not reach that maximum rate. When you are increasing the amount of money you will not have to pay these high rates of interest. If money is abundant the rate of interest will be lower.

Mr. STEVENS. I do not think we can be enlightened any further upon this question. I move that the committee rise, with a view to close debate upon this section. [Cries of "Question," "Question."] Very well; if gentlemen are ready to vote, I will not press the motion.

The amendment to the amendment was withdrawn.

The amendment of Mr. STEVENS was agreed to.

Mr. HOOPER. I move to amend the thirty-first section, in line nineteen, by inserting the word "its" before the word "lawful"—a mere verbal amendment.

The amendment was agreed to.

Mr. HOOPER. I move to amend the same section by striking out the words "and available for the payment of the debts of an association, shall be estimated to the amount thereof as a part of the lawful money required to be kept on hand by such association," and inserting in lieu thereof the following:

Shall be deemed to be lawful money in the possession of any association belonging to such clearing-house holding and owning such certificate, and shall be considered to be a part of the lawful money which such association is required to have under the foregoing provisions of this section.

This amendment is merely to correct the language of the section and make the meaning more clear and distinct. It does not change the meaning.

Mr. STEVENS. If I understand the amendment, I am opposed to it. I would prefer to strike out, without inserting. I do not understand why these certificates between the banks of cities should become lawful money. It is contrary to my notions. I know how it is that they make them circulate in the cities, but I am not exactly ready to legalize them, and if the amendment of the gentleman prevails, I shall move to strike out the whole clause.

Mr. HOOPER. I will move to strike out the

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. SATURDAY, APRIL 2, 1864. NEW SERIES.....No. 87.

last word of the amendment merely to say to my friend that he is entirely mistaken as to the meaning of the amendment, or at least of the section. These clearing-house certificates are not transferable, and are never used as currency. It is not the certificate of a balance due from a bank, but the certificate of an actual amount deposited for the purposes of the clearing-house. I can speak of the practice in my own city, for example. The banks make a deposit of coin at one of the banks, which has generally been, before the suspension of specie payment, about three million dollars, against which this bank issues certificates representing that $3,000,000 in coin, merely to avoid the handling of the coin, and those certificates are made payable to the bank that makes the deposit, and are only current among the banks for this purpose in settling balances with the clearing-house. It is merely to obviate the moving of coin from one bank to the other that they use certificates representing the coin instead. I think if my friend from Pennsylvania had not misunderstood the character of these certificates, he would not have objected to my amendment.

Mr. STEVENS. I do not know whether I fully understand it now. I did understand last year, when we were discussing the taxation of deposits, that these certificates were used as currency, and really swelled the volume of circulation. Suppose a bank holding one of these certificates from another bank buys anything with it in New York, does it not circulate as currency? I may have mistaken the character of these certificates. The gentleman says I have, and he ought to know better than I do; but I do not like the idea of dignifying them with the name of lawful money.

Mr. HOOPER. One word in explanation. This is not a deposit in the usual mode; it is a special deposit.

Mr. STEVENS. Is it not a certificate of balance when they settle during the day?

Mr. HOOPER. No, sir; it is a certificate representing an amount of coin always on deposit, always left in the possession of this bank, and never paid out except to one of the banks.

Mr. STEVENS. Suppose that of two banks one has a balance against the other, is not this a certificate given by the other bank, which may be used again in future settlements?

Mr. HOOPER. Instead of passing over the coin they pay over the certificate.

Mr. STEVENS. Well, I am not willing to call that lawful money, but if the House sees fit I do not object.

Mr. HOOPER. I now withdraw the amendment to the amendment.

The amendment was then agreed to.

Mr. HOOPER. I have one or two other amendments which I desire to offer. I move to insert after the word "Cincinnati," in the twenty-fifth line, the words "Detroit, Pittsburg, Cleveland, Albany;" so that the proviso will read:

Provided, That three fifths of said fifteen per cent. may consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller of the Currency, organized under this act, in the cities of St. Louis, Louisville, Chicago, New Orleans, Cincinnati, Detroit, Pittsburg, Cleveland, Albany, Baltimore, Philadelphia, Boston, New York, and San Francisco.

Mr. STEVENS. I hope the gentleman will add "Milwaukee."

Mr. HOOPER. I accept that modification.

Mr. STEVENS. It is desired, I know, by some gentlemen from that State.

Mr. BROOKS. I have only to remark that that makes sixteen places of redemption of this "uniform currency." I have no doubt the gentleman has provided a sufficient number of places in this bill to carry the arrangement through.

Mr. HOOPER. There are only fifteen, I think.

Mr. BROOKS. I count sixteen.

Mr. GRINNELL. I would like the gentleman to include Davenport, Iowa.

Mr. HOOPER's amendment was agreed to.

Mr. HOOPER. I move to strike out the word "those," in the thirty-seventh line, and to insert "the southern" in lieu thereof; so that the proviso will read:

Provided, That the cities of Charleston and Richmond may be added to the list of cities, in the national associations of which other associations may keep three fifths of their lawful money, whenever, in the opinion of the Comptroller of the Currency, the condition of the southern States will warrant it.

The amendment was agreed to.

Mr. PENDLETON. I move to insert after the word "that," in the twenty-fifth line, the following:

Three fifths of said twenty-five per cent. may consist of balances due to said association on deposit in New York, Philadelphia, or Boston, and liable to draft at sight.

Mr. DAVIS, of New York. Allow me to call the attention of the gentleman to the fact that the language of the bill is fifteen per cent.

Mr. PENDLETON. The provision which I offer is intended to apply to those banks which are required to keep twenty-five per cent. on hand. The provision of the bill is that three fifths of the fifteen per cent. to be kept in banks which are not in cities of redemption may be in these balances. The provision which I send to the Chair is intended to provide that balances in New York, Philadelphia, and Boston, liable to draft on sight, which is the most available means in which western men or western associations can have their money, shall constitute part of the balance required to be kept on hand.

Mr. STEVENS. That would evidently be reducing the strength of the banks, as I understand it.

Mr. PENDLETON. Not at all.

Mr. STEVENS. It requires them to keep just so much less on hand. I doubt the propriety of that.

The question being on Mr. PENDLETON's amendment to the amendment,

Mr. PENDLETON demanded tellers.

Tellers were not ordered.

The amendment to the amendment was rejected.

Mr. PRICE. I offer the following amendment:

Strike out all after the word "enacted," in the first line of section thirty-one, on page 25, down to and including the words "warrant it," in the thirty-seventh line on page 26, and insert in lieu thereof the following:

That every association organized under the provisions of this act shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per cent. of the aggregate amount of its notes in circulation and its deposits. And whenever the lawful money of any association organized as aforesaid shall be below the amount of twenty-five per cent. of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, or make any dividends of its profits until the required proportion between the aggregate amount of its deposits and outstanding notes of circulation and lawful money of the United States shall be restored.

The object of this amendment, Mr. Chairman, is to compel banks to keep twenty-five per cent. of their deposits and circulation on hand at all times. As the section now stands it allows banks in certain localities to keep but fifteen per cent. on hand. It will be observed that three fifths of this amount may be in eastern cities against which they can draw. The practical effect of that is just this: a bank with a circulation of $100,000, and with a deposit line of $100,000, making an aggregate of $200,000 of liabilities, is required only to keep $30,000 of that amount on hand. Three fifths of that may be in some distant State. Three fifths of $30,000 is $18,000; $18,000 deducted from $30,000 leaves $12,000; so that a bank will only have $12,000, while it has a direct liability of $200,000, half of which is an immediate liability, because the deposits are liable to be drawn at any hour.

I am aware that the objection to this view is, that in the New England States and in the eastern portions of Pennsylvania and New York, the currency can be supplied at short notice. But this does not apply to the western States, and I submit whether a bank with $200,000 liabilities is safe with $12,000 currency and no more on hand. It may be replied that good banks will keep a sufficient amount of currency on hand to meet their liabilities. I answer to that, that we do not make laws for honest men; that the checks in this bill are not intended for honest bankers, but for wild-cat bankers, adventurers, and speculators. The objection to banking in all ages of the world has been that men go into the business without money. It is to guard against this that it is provided that these banks shall have fifteen or twenty-five per cent. of their liabilities on hand at all times. There are such laws in existence in some of the States, and they have been found to work well. If they have worked well in some places they will work well in others. No matter how low the proportion required to be kept on hand is fixed, these small bankers will always come down to that line. If you require them to keep $1,000, that class of bankers will keep no more.

This is an improvement on the old law, under which men could establish banks without money. This bill proposes that they shall have some money before they can start a bank. Now it is proposed that, after having the money and starting the bank, they shall keep so much of it on hand, so that when parties who have claims against these banks come in they shall be able to get their checks cashed, and not be told that they have their money in New York. It is no answer to me, when I come with my check to be cashed, to be told that I can have a draft on New York, because I may want the currency to use it. There is no safety otherwise.

Mr. HOOPER. I am opposed to the amendment of the gentleman. This section has been prepared very carefully to meet the necessities of the banks in small places outside of the centers of business. Bankers who have been consulted have generally agreed that it was more convenient to the public and the banks that they should hold their balances at these central points where redemption is required. It rarely occurs that a party would go out to some distant place to receive coin. They would prefer to take a draft upon a central place.

Mr. PRICE. I want to say to the gentleman right here, there is no coin in the bill.

Mr. HOOPER. Lawful money is the expression. This bill is not for a day. We trust there will be a resumption of specie payment.

Mr. PRICE. I hope that my friend will live long enough to see it.

Mr. HOOPER. I do not look upon it as so long off if we get the control of the currency for the General Government instead of leaving it to the States as now. If the gentleman looks further in the bill he will see that all of these banks are required to select a bank in one of the central cities named to redeem its bills. I think that that will obviate the objection the gentleman has made. I hope the amendment will not prevail.

The amendment was rejected.

Mr. GRISWOLD. I move to insert, after "San Francisco," "the city of Troy, New York." I offer this amendment, Mr. Chairman, for the reason that the city of Troy is an important banking center. Although within a short distance of Albany, (which has been added to places named,) its business relations are to a great extent distinct. Troy is connected by railway and other communication directly and distinctly with the northern part of the State of New York, with Vermont, and with western Massachusetts. The banking institutions in all this region to a great degree correspond and keep their accounts with and redeem at banks in Troy, and their interests and convenience will be materially subserved. I claim, Mr. Chairman, there are quite as decided reasons for adding this as in naming both Chicago and Milwaukee. I hope the gentleman from Massachusetts who has the bill in charge [Mr. HOOPER] will consent to the amendment.

Mr. HOOPER. I believe that Troy is only about six or seven miles from Albany. New York has two redeeming places, and I think that is her full share.

Mr. GRISWOLD. Troy is separate and distinct in this regard. She has large commercial connections irrespective of Albany.

Mr. HOOPER. If the gentleman moved to substitute Troy for Albany it would be better.

The amendment was rejected; there being, on a division—ayes 32, noes 42.

Mr. BLAINE. I move to insert "Portland, Maine."

In this bill there is only one point of redemption east of the city of New York for those States which lie in that direction. My amendment proposes to insert another.

Mr. BROOKS. Do I understand the gentleman from Maine to say that there is only one place for the New England States—that there is no place east of Boston?

Mr. BLAINE. One east of New York city. We ought to have another.

Mr. BROOKS. So I say.

On a division, there were—ayes 45, noes 41.

Mr. STEVENS demanded tellers.

Tellers were ordered; and Messrs. BLAINE and WINFIELD were appointed.

The tellers reported—ayes 47, noes 39; no quorum voting.

Mr. STEVENS. Let the amendment pass. We give it up. I want to put in Stumptown next. [Laughter.]

The amendment was agreed to.

Mr. FRANK. I move to insert Buffalo, New York.

The amendment was agreed to.

Mr. WILSON. I move to amend by striking out all of the places named except New York.

Mr. STEVENS. Include New York and I will agree to it.

Mr. WILSON. This is for a uniform currency throughout the United States. I know of no way by which we can establish that uniformity except by fixing one place of redemption. Then the notes of western banks would be at par.

MESSAGE FROM THE SENATE.

The committee informally rose; and the House received a message from the Senate, by Mr. HICKEY, one of their clerks, announcing that the Senate had passed an act (H. R. No. 15) to provide a temporary government for the Territory of Montana, with sundry amendments; in which the concurrence of the House was requested.

The Senate insist upon their amendments disagreed to by the House to the bill of the House (No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," agree to the conference asked for by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON, Mr. FOSTER, and Mr. RIDDLE the committee on the part of the Senate.

NATIONAL CURRENCY—AGAIN.

The committee resumed its session.

Mr. WILSON. I was saying that by requiring all the banks to redeem their notes at New York, as well as at their own counters, the rate of exchange will be in favor of the western banks, and in that way we can secure a uniform system of currency. But if you allow the banks in the East to redeem in San Francisco, St. Louis, or Chicago, and the banks of the West have to redeem at the same places, the result will be that the notes of the western banks will not be worth as much as the notes of eastern banks; nor will the notes of eastern banks which redeem in San Francisco be worth as much as the notes of western banks that redeem in New York. You can have no uniform sytem of currency unless you have the money center fixed upon as the place of redemption.

Mr. HOOPER. I am opposed to that amendment, because I think it is far more important that every locality should have its place of redemption at the central point of its business than it is to make New York the great central point of the whole country. Such a provision would cause an immense accumulation of the funds of the whole country in New York. The gentleman says he objects to the eastern banks redeeming at San Francisco. If he will look at the thirty-second section he will see that the approval of the Comptroller of the Currency is required for the selection of the point at which a bank will make its redemption, and I think that will be found to be sufficient to prevent the trouble which the gentleman fears.

Mr. WILSON. I would ask the gentleman from Massachusetts if he expects the Comptroller of the Currency to authorize banks to redeem at any other place than New York?

Mr. HOOPER. Oh, yes.

Mr. WILSON. Well, if he authorizes western banks to redeem at St. Louis, will their notes be worth as much as if the redemption was in New York?

Mr. HOOPER. I am inclined to think they would be. At any rate there would be but a very slight rate of exchange.

Mr. WILSON. The difference would be the rate of exchange, and that is what we in the West do not want to have against us.

Mr. HOOPER. I believe that if we make the circulation of the whole country redeemable at the places named, some fifteen of them, we will have taken a great step toward obtaining a uniform currency. My impression is that when we have done that the banks in these places will find it for their interest to make the currency of their State par at New York. I hope the amendment will not be adopted.

Mr. BROOKS. In order to say a few words, I move that "Brooklyn" be inserted after "New York." I am happy to hear the amendment proposed by the gentleman from Iowa. It has a business look, and is a practical proposition, and the only proposition which will give a uniform currency under this bill. It is the rehabilitation in substance, so far as the currency of the United States is concerned, of the old United States Bank, which, through its branches redeeming all its issues, did in point of fact provide in effect a uniform currency. And this, if carried, will produce a uniform currency, and this alone will do it.

I wish to call the attention of the gentleman from Iowa to a fact which occurred in his own West. But a few weeks since, the banks of St. Louis, new banks, were providing themselves with the currency of the banks of Wisconsin, and those new banks issued the notes of the banks of Wisconsin in St. Louis, while the banks of Wisconsin were issuing the notes of the banks of St. Louis, and the brokers in St. Louis were redeeming those notes at one quarter and one half per cent. discount. This is already one of the practical operations of this banking law. There is no other monetary center but New York; there is no other place where a uniform currency can be obtained; and if gentlemen of the Committee of Ways and Means desire to have a uniform currency they will strike out of this bill the seventeen bids which they have put in it for votes in other parts of the Union, and come to the monetary center, New York.

We in New York have no particular interest in this matter. The more the currency is deranged the more money we will make out of it. We are a people of bankers and brokers, and we know how to profit from the misfortunes of the country and we will profit by those misfortunes. But I repeat that if we desire to have a dollar here a dollar everywhere, there is no other means of obtaining it but that proposed by the gentleman from Iowa. I withdraw my amendment to the amendment.

Mr. CRAVENS. I move to amend the bill by inserting "Indianapolis" after the words "New York."

Mr. WILSON. Is that offered as an amendment to my amendment?

The CHAIRMAN. It is.

Mr. CRAVENS. I withdraw my amendment for the present.

Mr. ALLEY. Is the amendment of the gentleman from Iowa [Mr. WILSON] now pending?

The CHAIRMAN. It is, but debate is exhausted upon it.

Mr. ALLEY. I move then to strike out the last word. I propose to say a few words upon the proposition of the gentleman from Iowa, and I would not say a word but for the fact that the proposition comes from a gentlemen who is generally so sensible as the gentleman from Iowa, and but for the remarkable views also which he has advanced in support of it. I fear, Mr. Chairman, that the gentleman's views might possibly prevail in this House. I fear that there are a great many western men who may agree with him upon this proposition that the rate of exchange will be greatly enhanced by the provision of the bill as it now stands, for if you grant his premises his conclusions are undoubtedly correct.

Now, sir, I can hardly conceive of anything so absurd as to compare the state of things, so far as the currency is concerned, which would exist under this bill with that which has existed in the West in the past in regard to exchange. It seems to me perfectly apparent on the face of it that this measure will secure so nearly a uniform system of currency that the exchange can be nothing more than the insurance and cost of transportation of this paper money from one section of the country to another, which is a mere nothing. At the outside it cannot be over one fourth of one per cent., and I do not believe it need be one eighth per cent.

When the bills are secured by bonds of the Government of the United States and are to be receivable for public dues of every nature and description, except custom-house duties, throughout the Union, can it be possible that it will be higher than that?

The restrictions contained in this bill upon the circulation of the notes, compelling all the banks in the West—and the gentleman alluded to that section of country more particularly—and all over the country, to secure this circulation by bonds of the Government, will prevent undue expansion and prevent an expansion beyond the actual capital which they possess. This security will, of course, give confidence to every holder of these bills. It seems to me, sir, that nothing could be more utterly absurd than the view suggested by the gentleman from Iowa that the rates of exchange under the system proposed by this bill will be anything like what they have been in times past, with a depreciated currency, sometimes five, ten, twenty, and even fifty per cent.

Mr. Chairman, the advocacy of the proposition of the gentleman from Iowa by the gentleman from New York [Mr. BROOKS] is sensible, and might have been expected from him. He is a Representative of the city of New York, and it is his duty to protect the interests of that city; and of course he would like to have all the rest of the country tributary to the city of New York. We are obliged to be so in a great measure now; and so far as Boston is concerned, it is tributary in a great degree in all its interests to the city of New York. That we are compelled to submit to. But we do not want to be compelled to redeem our currency in New York when we can redeem it in Boston as well; and so of all the other central points throughout the Union. The sole purpose of the gentleman from Iowa, he says, is to protect the people of the West from those enormous rates of exchange so ruinous to western interests in the past. This is all very well; but the gentleman and those who think with him misapprehend the matter of exchange and the basis upon which it rests. Now, sir, the difference of exchange between Chicago and New York, upon the basis of coin, is the cost of transportation of that coin between those two points, and nothing more, except it may be insurance. The same rule holds good with regard to paper; and this high rate of exchange in the past was owing to the fact that the paper depreciated, and the exchange was nothing more nor less than a premium of insurance or guarantee, differing in amount, according to the degree of confidence felt in the ability to redeem these issues. Under this system of currency no such result can follow to any extent, because these bills are all secured by Government bonds, and receivable for most public dues. If there is any provision in this bill which more than anything else meets my approbation to the fullest extent, it is that providing for several points of redemption. I hope that the amendment of the gentleman from Iowa will not prevail.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, I have stood here, at all times, resisting centralization of the political power of the Government, and I so stand to-day resisting the financial centralization contemplated by the amendment of the gentleman from Iowa. The practical effect of its adoption would be to cut off Philadelphia, and make it what New Yorkers allege it to be now—a village. I point with great pride to the negotiation of the five-twenties in the city of Philadelphia, where the demand for those bonds was so great that the Government found itself advancing beyond the limit assigned in the law, to the extent of $11,000,000. This is a practical answer to the proposition of the gentleman from Iowa, an answer which a merchant or any sensible man would be quick to give. We have succeeded in

negotiating in Philadelphia $511,000,000 in five-twenty bonds. After that exhibition of financial ability, and after the patriotism shown by the citizens of that city, why should there be an attempt made here to strike down Philadelphia interests? I trust that gentlemen from other sections of the country will see how the interests of their sections are also to be stricken at, and will give a *quietus* to the proposition of the gentleman from Iowa.

Mr. ALLEY. I withdraw my amendment.

Mr. WILSON. I renew it. I merely wish to state in reply to the gentleman from Massachusetts that he cannot teach a western man anything in relation to the rate of exchange which they have to pay in the West. He may theorize upon it, but we have the stubborn facts to deal with. We have the experience of past years. He says that we cannot expect the rate of exchange to be as great against the national currency as it has been against the currency of the western banks. That may be. We have had to pay as high as fifteen per cent. on western money. It may be that we will have to pay two or three per cent. on the currency of the national banks, unless they are required to redeem at New York.

Mr. ALLEY. Will my friend from Iowa answer me one question: whether there was any difference of exchange between the West and the East—beyond, say, one quarter or one half per cent.—that did not grow out of the depreciation of western money?

Mr. WILSON. We had in the West banks established on United States stocks that were just as safe, just as sound as the banks proposed to be established under this bill; and yet we had to pay two, three, five, or ten per cent. exchange on their currency. There will be the same causes operating, probably not to so great an extent, against the currency of the national banks, for this reason: there will be still a currency in existence better than the currency of these national banks. This bill provides for the issuing of $300,000,000 of currency. That is not a sufficient amount to crowd out of circulation all the Treasury notes of the United States. These notes are legal tender for all public or private dues, whereas the notes of these national banks are not to be legal tender as between individuals. Consequently the legal-tender notes of the Government will be better in all parts of the country than the notes of these national banks. That will create rates of exchange greater against the notes of the national banks than against the currency issued by the Government. We must guard against that unless we wish the people of the western States to be taxed unnecessarily. But we have within our hands a remedy that will be ample and complete if we require them to redeem in the city of New York. We will have then established as perfect a uniformity of currency in the country as can be established. We may have to allow one eighth or one quarter per cent. to cover the cost of redemption in the city of New York. That will cover the entire rate of exchange that we will be subject to. I hope every western man will support the proposition. The argument made by the gentleman from Pennsylvania [Mr. RANDALL] against it is merely that of local interest. I hope that we shall look at the interests of the whole country, and allow no higher discount than will cover the cost of redemption in New York. I withdraw my amendment.

Mr. STEVENS. I move to amend the amendment by striking out the words "New York," and inserting in lieu thereof as follows:

And the notes of each national association shall be received by every other national association at par.

Now, Mr. Chairman, I am opposed to this whole system of central redemption. I believe it is enough that every bank pays its notes where it promises to pay them according to the old system, and that there ought to be none of this discrimination.

But I am willing that these notes shall go from one end of the country to the other at par, wherever they go, and that will be the effect if we compel each association to receive at par the notes of every other association. And there is no danger in it. They are all secured in the same way, by national bonds. Then a gentleman starting from Iowa with his pockets full of these notes, as my friend will some day start, when he gets to Milwaukee, can exchange them at par for the money issued there. He can go to New York, and they will be at par, as they will in every part of the Union. I am, however, opposed to requiring these national banks to redeem their circulation at any other point than that where they are issued.

Mr. MORRILL. When the proposition was first before the House I was against the adoption of the system; but the question now arises whether we shall adopt such necessary amendments as will improve and perfect it in its operations, or whether we shall allow it to remain with all the deformities which are acknowledged to exist in it.

I believe that the proposition as originally reported by the Committee of Ways and Means, establishing a certain number of places where these notes were to be redeemed, was amply sufficient, and that the additions which have been made here in a fit of good nature have not been adopted, possibly for the purpose of perfecting the bill, but rather for the purpose of destroying it.

I very much fear that the amendment of the gentleman now pending, if adopted, will in effect put an end to the system, for the reason that capitalists will not invest their money in the stocks of these banks if each is to be responsible for the management of all the other banks in the country.

I do not know whether the gentleman from Pennsylvania offered the amendment for the purpose of killing the bill or not, but I am afraid it will be entirely fatal if it shall be adopted.

Now, sir, I hope when we come to vote upon this bill in the House we shall vote down the amendments, including all the little places which have been voted in here, and that we shall simply include the places incorporated into the bill as originally reported.

The question being on the amendment to the amendment,

Mr. MORRILL called for tellers.

Tellers were ordered; and Messrs. PIKE and ENGLISH were appointed.

The committee divided; and the tellers reported—ayes 54, noes 54.

The CHAIRMAN voted in the negative.

So the amendment was rejected.

Mr. HOOPER. I move to amend the amendment by striking out the last word. I do it for the purpose of saying to the gentleman from Iowa that an amendment was prepared to be put into the next section, which I think will obviate his objection. It is that it shall be at the option of banks established elsewhere than in New York to redeem their circulation there at a discount of a fifth or a quarter of one per cent., or at par, as the House may choose to fix it. In other words, I propose to allow these banks throughout the country to make their redemption at New York instead of at these several points.

Mr. WILSON. That does not meet the idea I had in view at all. I wish to compel these banks to redeem their notes in New York, and not merely leave it at their option to redeem them there. Suppose they determine not to redeem them there, how much will the gentleman's amendment amount to?

Mr. HOOPER withdrew his amendment.

Mr. DAVIS, of New York. I renew the amendment. I do it for the reason that I believe the provisions covered by the amendment are wise ones. We all know that New York is the great center of the commerce of this country, and there is no legislation that this Congress could adopt which would prevent New York from remaining that center. San Francisco, Chicago, New Orleans, and every other city in the country, has its commercial relations in the city of New York, and Congress cannot put a stop to those relations. Vast amounts of gold and paper are sold in market, and the results of that sale in market are concentrated in the city of New York. These institutions are always receiving paper in New York, which goes there for redemption.

Taking that into consideration, there is no hardship in providing that the banks may redeem in New York at one quarter of one per cent. There is an inducement held out to every bank in the country to make its redemption there, because it must of necessity by the laws of commerce have its commercial relations with that point. All you want to do beyond the ordinary benefit these banks have by their collection in New York is to give them what will cover insurance. One quarter of one per cent. is perhaps a fair price for that. Then you must remember that that is no more than every man is willing to pay as insurance on his own account. He gets his draft on New York for one quarter of one per cent. He would prefer to pay that rather than transmit currency by mail.

Every consideration points to the justice as well as the expediency of this provision. It is to the interest of the banks to redeem at New York. I tell gentlemen from the West that I have been in most of the western States, and I say that where ever you find an institution of $100,000 or $200,000 you will find its redeeming and collecting agents in New York city. I do not know of a single bank throughout the broad West which is an exception to that rule. It is to their interest to do so. If we give them power to collect what it costs to put their funds there we will come the nearer to establishing a uniformity of currency than by any other course.

Mr. BLOW. I am astonished when I hear the gentleman from Iowa [Mr. WILSON] propose to concentrate everything in the great commercial capital of the country, the city of New York. I am not surprised when I hear other gentlemen make similar propositions, but I am astonished when I hear a gentleman from the West, the neglected West, offer to part with the privilege we have now to redeem at home. I say, sir, that I cannot withhold my astonishment that this proposition should come from that source when the whole legislation of the country seems to be tending to the sea-board. When we have a system of banking which allows to the banks of the West the privilege that is given to other banks, a western Representative submits a proposition which makes us tributary to the city of New York.

Mr. Chairman, I know something of banking in the West. I know something of banking in Iowa and Minnesota, and I know that the people of those States have been shaved simply for the want of a uniform system of banking. Now, when we are to have a law that will protect the people th[illegible] from enormous losses, the moment we are about to accomplish that purpose, this proposition is moved by the gentleman from Iowa. I hope that the amendment will not prevail, and that the places named in the bill will be allowed to remain.

Mr. DAVIS, of New York. I withdraw my amendment.

Mr. WILSON. I renew it. I am not surprised, Mr. Chairman, at the remarks of the gentleman from Missouri. The fact that in the bill as reported by the committee St. Louis is fixed as one of these points at which balances shall be kept and redemption may be had, is a sufficient explanation. I want to ask him what advantage it would be to a merchant in Iowa to have the privilege of having Iowa notes redeemed at St. Louis when he wants to pay a debt in New York? I say now, as I have said before, that experience is better than theory. I am not legislating for the benefit of St. Louis, but for the security of the people of the West; to secure to them a uniform currency. By allowing the western banks to redeem at St. Louis, Chicago, and San Francisco you will always have the rate of exchange against them. That is my reason for my course, and it is clear enough to my mind to warrant me in asking this House to support the amendment which I have submitted, and which I believe, if adopted, will give universal satisfaction to the business men of the West, unless it may be those located at Chicago, St. Louis, and the points named in this bill where balances are to be kept and redemptions are to be made. I withdraw my amendment to the amendment.

Mr. W. J. ALLEN. I would like to inquire of the gentleman who has charge of this bill whether it is the object of those of his political ilk to drive out of circulation all currency issued by State authority? Is centralization, monetarily considered, now to be the law? This movement—if such be the fact, and I suppose it is from what I have seen here to-day—is but the reinauguration of the old national bank system under the auspices of Nicholas Biddle. Are we to be treated with the same plate of soup in this time of our direst trouble, which nauseated the stomach of the nation at the time when Jackson was at the helm of State? We have no Jackson there now. This must be admitted by all. But we have a man at the wheel of power whose early education

in a financial point of view was dreadfully neglected, as I suppose. Now, if it is the object upon the part of those who have charge of this bill to drive out of circulation all notes issued under State authority, let them say so. The remarks of the distinguished gentleman from Ohio, though significant, are not conclusive upon this point. If we are to have, in this time of tribulation, a resuscitation of the old national bank system, let that be understood. I call upon these gentlemen who have a great deal of character throughout the country for financial ability, to say what their object is in regard to the subject-matter of this bill.

Now I know quite as well as anybody that a machine is at work making money. We all understand that; but how long can it keep at work without some sort of aid at the bottom? My friend from Kentucky [Mr. MALLORY] suggests greasing; I adopt the term, it is a good one. Is not the circulation of the State bank notes at the present hour an adjunct to the national currency? I am no State bank man. I belong to that party which is opposed to all banks, and always have been opposed to banks. I have been in favor of those commodities called gold and silver, which are now away up in commercial circles—almost out of sight. Even though I was a State bank man—which I said I was not—I could not favor this bill. Will not the chairman of the Committee of Ways and Means be in favor of receiving State aid in reference to the national currency?

I simply throw out these suggestions because I want information. The country wants information. I want to be educated; I mean, financially. I am in the same condition about this matter that I think the President of the United States is.

Mr. KASSON. If I understand the effect of the amendment, it is to bring the proposition back to the city of New York alone as the place of redemption. Let me call the attention of the committee to the fact that while it was first proposed to establish the city of New York as the sole place of redemption, a further discussion displayed the fact that the place of redemption should follow the course of trade. Now, we thought in our examination that in many parts of the country the course of trade did not lead to the city of New York as the proper place of redemption. In New England, for example, the principal course of trade leads to Boston; in some parts of the Southwest it has hitherto led to New Orleans; in the Pacific States it leads to San Francisco. We cannot, therefore, in this case, any more than in the other case which was recently so fully debated, attempt to accommodate by an absolute provision every portion of the United States. How, then, shall we accomplish the desired result? for our legislation clearly should follow the ordinary course of trade and commerce and the necessities of the community. We can do it by selecting the leading *foci* of commerce and trade, the leading centers to which the transactions of the community tend, and establish several places of redemption with a view to accommodate the community in that respect.

But gentlemen may ask, "How can you prevent the banks from selecting an inconvenient city of redemption?" We prevent it by making it subject to the approval of the Comptroller of the Currency, a disinterested public officer, who will himself direct such action on the part of the banks in selecting a place of redemption, and keeping their deposits there for that purpose, as will accommodate the laws of trade in the communities in which the banks are established. I submit to the committee that no other rule can be adopted which will so fully meet the wants of the community in the different parts of this widely extended country. If there be too many points established in the bill as it now stands, that, of course, can be corrected. But it is certainly due, I think, to the interests of the different sections of this very extended country that we should allow, subject to the approval of the Comptroller of the Currency, who can be influenced by none other than the public interests, the selection of a city for the redemption of the currency of banks in one part of the country different from that imposed on another. I do not think, for instance, that Maine ought to be compelled to redeem in San Francisco, nor San Francisco necessarily in New York, unless the channels of trade take the currency there.

Mr. WILSON. Will my colleague allow me to ask him a question?

Mr. KASSON. I will yield for that purpose.

Mr. WILSON. I desire to ask my colleague whether a bill drawn at Memphis on New Orleans is worth as much for the payment of a debt in New Orleans as a bill drawn in Memphis payable in New York?

Mr. KASSON. That depends on the course of trade. At certain seasons of the year exchange from New Orleans to New York was, prior to this war, above par, and at other seasons below par. It varies according to the course of commerce, and you cannot fix it by legislation.

Mr. WILSON. Allow me to ask one other question.

Mr. KASSON. Certainly.

Mr. WILSON. I would ask my colleague whether a bill drawn in Burlington, Iowa, on Chicago is worth as much for the payment of a debt in Chicago as a bill drawn in Burlington on New York?

Mr. KASSON. That again depends on the course of trade.

Mr. WILSON. I would like to ask my colleague whether he ever knew of a bill drawn in Burlington on Chicago worth as much as a bill drawn in Burlington on New York?

Mr. KASSON. I am not a merchant; I can only say that on some occasions I found exchange in Chicago on New York at par, and on other occasions above par.

The question was taken on the amendment to the amendment, and it was rejected.

The question recurred on Mr. WILSON's amendment, and it was rejected.

Mr. PRICE. I move to amend by striking out all the places named for redemption except New York, Philadelphia, and Boston. I wish gentlemen to understand the difference between the two sections—the one now under consideration and the one that follows it. The section under consideration does not compel a bank to redeem at all. Mark that. It only fixes the places where these banks may be allowed to keep three fifths of their fifteen or twenty-five per cent. We have been confounding the two sections. It is that which has led to the confusion. The next section is the one that compels the redemption. This only fixes three points where a bank may—not shall—keep a balance to be counted as money. Then you can compel them to redeem where you please. That is done by the next section. It is time enough to consider that when we come to it.

Mr. ELDRIDGE. Mr. Chairman, I conceive that the gentleman from Iowa [Mr. PRICE] has hit on the position which I think is true in regard to this bill. Gentlemen have made a great many arguments on the subject of redemption. But what I desire particularly to ascertain from the gentlemen having this bill in charge is, what is meant under the bill by the term "redemption?" There was a time in the history of the country when we knew what the redemption of a bank bill meant. But we do not know it now. A gentleman beside me says that in Kentucky redemption is the paying in whisky and tobacco. That may be so there. In Wisconsin they pay in some places in badgers, in other places in shingle blocks, and in other places in white-fish. I should like to have some gentleman who is posted on the subject to give us some information as to what is meant in this bill by the term "redemption." I know that the gentleman from Massachusetts [Mr. HOOPER] having the bill in charge said he hoped to live to see the time when redemption would take place, as it used to take place, with lawful money. I think that gentleman's hairs are altogether too white to authorize him to indulge in any such hope. I do not think that the youngest man in this House will live to see the time when this paper currency will be redeemed. I believe it has been said, Mr. Chairman, of this character of paper, that it "knoweth not that its redeemer liveth." I doubt whether any of us can say that it ever will have a redeemer. If gentleman can say when, how, and where, this money is to be redeemed, I wish in God's name they would inform us.

The question was taken on Mr. PRICE's amendment, and it was rejected.

Mr. SPALDING. I move that the committee do now rise.

The motion was not agreed to.

Mr. CRAVENS. I move to amend by adding, after the words "New York," the word "Indianapolis."

Mr. MORRILL. I move that the committee rise for the purpose of closing debate on this section.

Mr. CRAVENS. I hope the gentleman will let the vote be taken on my amendment before pressing that motion.

Mr. MORRILL. The vote can be taken on the amendment immediately after the House goes back into committee.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly, as a special order, the national currency bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that when the House resolves itself into the Committee of the Whole on the state of the Union all debate upon the pending section be closed in one minute after the committee resume its consideration.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. J. C. ALLEN. I move that the House do now adjourn.

MONTANA TERRITORY.

Mr. BEAMAN. Before the question is put on that motion, I ask the gentleman to yield to enable me to ask consent to have a bill taken up, and a committee of conference appointed on it.

Mr. J. C. ALLEN. I yield for that purpose.

The SPEAKER. The gentleman will first have to ask the gentleman from Vermont to yield before the Chair can put his request to the House.

Mr. MORRILL. I will yield to the gentleman for the purpose he has indicated.

On motion of Mr. BEAMAN, by unanimous consent, the bill to provide a temporary government for the Territory of Montana was taken from the Speaker's table, with the amendments of the Senate thereto.

Mr. BEAMAN. I move to non-concur in the amendments of the Senate, and ask a committee of conference on the disagreeing votes of the two Houses on the bill.

The motion was agreed to.

The question recurred on the motion that the House adjourn.

The motion was disagreed to.

GENERAL ANDERSON.

Mr. CHANLER, by unanimous consent, presented the joint resolutions of the Legislature of the State of New York relative to General Robert Anderson; which were laid on the table, and ordered to be printed.

The question recurred on the motion of Mr. MORRILL.

The motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration of House bill No. 333, relative to the

NATIONAL CURRENCY.

The CHAIRMAN stated the question to be on the amendment of the gentleman from Indiana, [Mr. CRAVENS.]

Mr. HOOPER. I desire to make a single remark in reference to that amendment in the minute to which the debate is limited. I desire to say that the Comptroller of the Currency, who was from Indiana, asked me particularly not to insert Indianapolis. [Laughter.]

The amendment was disagreed to.

Mr. HOOPER. I am directed by the Committee of Ways and Means to move to insert a verbal amendment in section thirty-two. I move, in line ten, to strike out after the word "fail" the words "for the term of thirty days," and to insert the words "either to make selection or."

The amendment was agreed to.

Mr. PRICE. I move to amend the same section in the third line by striking out the word "named," by striking out also in the fourth line

the words "in the preceding section," and by inserting the words "Philadelphia, Boston, or New York."

Now, Mr. Chairman, the object of offering that amendment is to provide that these national banks of the United States of America shall redeem their notes in New York, Boston, and Philadelphia, and not as the section would read without that amendment. Gentlemen will observe that we have now included in the preceding section pretty much all the towns between the Atlantic and the Pacific where these banks are allowed to keep balances on hand; there may be a few villages of two or three hundred inhabitants that have not been included.

If this section be adopted, therefore, these banks will be permitted to redeem their notes at any one of these places, which, in my judgment, amounts simply to no redemption at all. My amendment will permit these banks to redeem their bills at the great commercial centers on the Atlantic seaboard and at no other place. That will provide a practical plan of redemption. But as the section stands the effect will be that when you go to one of these banks in Chicago with a note to be redeemed they would tell you that they were redeeming their notes in San Francisco, or at some place away off in the Rocky mountains perhaps. I repeat that practically it amounts to no redemption at all. This redemption must take place at the commercial centers on the Atlantic coast. A redemption that covers all creation is no redemption at all.

Mr. WILSON. I will suggest to my colleague whether the expression "a redemption that covers all creation is no redemption at all" is strictly orthodox. [Laughter.]

Mr. PRICE. There would be a conditional redemption, but no absolute redemption provided for. It is an absolute redemption that my amendment provides for. I do not propose that they shall be redeemed at some place that has no existence. My object is to make these national banks of some account, to place them in such a position as will give confidence in them that they will not be banks of straw, but banks having some stability about them.

If this amendment be adopted I would then be in favor of the amendment proposed by the chairman of the Committee of Ways and Means a while ago, requiring all these banks to receive the notes of all the other banks. That would make your national banks mean something and be worth something. That would give them a foundation upon which a superstructure could be reared that would inspire confidence and that would not be a mere shadow, as unsubstantial as the

"Baseless fabric of a vision."

Mr. MORRILL. I merely rise to oppose the amendment, not because I am against it, but because I think the House has already settled the question.

On a division, there were—ayes 42, noes 50.

Mr. PRICE demanded tellers.

Tellers were not ordered.

So the amendment was rejected.

Mr. ELDRIDGE. I move to strike out the words "as aforesaid," and to insert in lieu thereof the words "in coin," so that it will read:

SEC. 32. *And be it further enacted*, That each association shall select, subject to the approval of the Comptroller of the Currency, an association in either of the cities named in the preceding section at which it will redeem its circulating notes at par; and the Comptroller shall give public notice of the names of the associations so selected at which redemptions are to be made by the respective associations, and of any change that may be made by any association in the association at which it will redeem its notes. If any association shall fail for the term of thirty days to redeem its notes in coin, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver in the manner provided for in this act to wind up its affairs: *Provided*, That nothing in this section shall relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

Mr. Chairman, I ask the gentlemen on the other side of the House to tell us what they mean by redemption? I understand what is meant by redemption in coin. When gentlemen have made as much disturbance as they have to-day about this redemption, I should like to know what it means. What does it amount to? I want to know whether we are to get anything worth more or less? Are they to be redeemed in greenbacks? I want to know it if they are. I want to know when I present my bill at these commercial centers what I am to receive by way of redemption. It is for that reason I have moved to insert the words "in coin."

I know that it is a little odd to talk of coin. I know that it is singular to talk of specie. I know that it is a kind of redemption that has gone out of fashion. But I want to know what I am to receive in the way of redemption. I want to know, in short, what this redemption in the bill means.

Mr. SHANNON. Mr. Chairman, I do not pretend to be a financier or a prophet, and therefore I cannot answer the gentleman's questions. I propose, however, to adopt the Yankee rule and answer by asking another question. If the gentleman will tell me when he and his Democratic friends will cease croaking and harping, weakening the confidence of the people in the stability of our system of Government, thereby aiding and comforting the enemies of the country, if he will tell me when they will cease as leaders to aid Jeff. Davis and turn in with that earnestness and pertinacity to aid us in breaking down the enemy and closing this war, then I can answer his question. It will be but a few years afterwards when we will be redeeming in gold and silver. I speak knowingly, sir, from fifteen years' evidence upon the Pacific slope, that if this Congress will not impose any obnoxious laws to impede the development of the mineral resources of that coast, the gentleman from Massachusetts will have but a few more gray hairs in his head when the gold there produced will redeem the debts of the nation. That region will produce between one hundred and one hundred and fifty million dollars of gold annually. There is the great basis. Give us railroads, give us population, and we will pay your debt in less than ten years with our gold, silver, and copper.

A MEMBER. No copper.

Mr. SHANNON. I mean the true, genuine article of copper, and not the spurious kind we have here. [Laughter.]

Mr. PRICE. I move my former amendment, with these words: "one quarter of one per cent." I do not propose to debate it.

Mr. ELDRIDGE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Iowa. The gentleman who has just taken his seat has undertaken to give us some idea when he proposes to redeem this currency and to redeem in gold. He tells us of some future period when he proposes to do that. He says he will tell when if we will tell him when we will support the currency of the country. I will answer that we will support the currency when he gives us a good currency. We will give him our sympathy and our support if he will give us back the Constitution of the country, which he has taken away from us; we will give him our sympathy and support whenever he respects the liberty and rights of the people as the fathers of the Republic respected them in the past; we will give him our sympathy and support when he gives us the right to go into the market and purchase as we purchased only a few years ago, when he took charge of the Government; we will give him our sympathy and support the moment he gives his support to the Constitution and the Union.

The amendment to the amendment was not agreed to.

The question recurring on the amendment offered by Mr. PRICE,

Mr. STEVENS raised the point that it was not in order.

The CHAIRMAN decided that the point was raised too late.

Mr. PRICE called for tellers on the amendment.

Mr. STEVENS moved that the committee rise.

Mr. RICE. While the committee is dividing it is not in order to move that the committee rise.

The CHAIRMAN. The committee is not now dividing.

The motion of Mr. STEVENS was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

And then, on motion of Mr. COLE, of California, (at four o'clock and fifty minutes, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *April* 1, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

HOUSE BILL REFERRED.

The bill yesterday received from the House of Representatives (No. 272) for the relief of Julia A. Ames, was read twice by its title, and referred to the Committee on Pensions.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of the 28th of March last, information in relation to the deficiency of men in the naval service; which, on motion of Mr. GRIMES, was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. TRUMBULL presented a memorial of the president and other officers of the Galena and Chicago Union Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. MORGAN presented a memorial of citizens of Oneida, Madison county, New York, praying for the immediate abolition of slavery, and for such an amendment of the Constitution as will forever prohibit its existence in any portion of our common country; which was referred to the select committee on slavery and freedmen.

Mr. RAMSEY presented a memorial from the Legislature of the Sate of Minnesota in favor of the establishment of a weekly mail route from Jordan, Scott county, to Cleveland, Le Sueur county, via Lexington and Le Sueur Center, in that State; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. DOOLITTLE presented a memorial of the Legislature of the State of Wisconsin, praying for a grant of land to aid in the construction of the Southern Minnesota railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a memorial of the Legislature of the State of Wisconsin in favor of an increase of the pay of non-commissioned officers and privates in the military service of the United States; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also presented a resolution of the Legislature of Wisconsin in favor of the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Military Affairs and the Militia.

He also presented a memorial from the Legislature of Wisconsin in favor of the establishment of a tri-weekly mail route from the city of La Crosse, in La Crosse county, to Viroqua, in Vernon county; which was referred to the Committee on Post Offices and Post Roads, and ordered to be printed.

Mr. HENDRICKS presented the petition of James M. Confer, late surgeon of the twenty-ninth regiment Indiana volunteers, praying for compensation for loss of property while engaged in the service of the United States; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and other papers in the case of Hayne M. Saloman be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

REPORTS FROM COMMITTEES.

Mr. COLLAMER, from the Committee on Post Offices and Post Roads, to whom was referred a joint resolution (H. R. No. 11) in relation to the claim of Carmack and Ramsay, reported it with an amendment.

Mr. CLARK. The Committee on Claims, to whom was referred the petition of Charles Vinson, praying for compensation for extra services as a clerk in the office of the Third Auditor, have had that matter under consideration, and directed me to make an adverse report. If there be no objection I move that it be indefinitely postponed.

The motion was agreed to.

Mr. CLARK. The same committee, to whom were referred the papers in relation to the claim of George C. N. Roberts, for compensation for services as chaplain at Fort McHenry, have had that matter under consideration, and directed me to make an adverse report. I move that it be indefinitely postponed, if there be no objection.

The motion was agreed to.

PATENT OFFICE REPORT.

Mr. SHERMAN. The Committee on Patents and the Patent Office, to whom was referred the annual report of the Patent Office for the year 1863, have directed me to report the following resolution, providing for the printing of that report:

Resolved, That there be printed for the use of the Senate five thousand copies of the annual report of the Patent Office for the year 1863.

This resolution goes to the Committee on Printing, I believe, under the rule.

The VICE PRESIDENT. Not necessarily under the rule, although perhaps it would be appropriate.

Mr. SHERMAN. I make that motion.

The VICE PRESIDENT. It will be referred to that committee.

SENTENCES OF COURTS-MARTIAL.

Mr. GRIMES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate the names of all persons who have been sentenced by courts-martial for frauds or peculations against the Government and pardoned by him since the 1st of December, 1863, together with the sentences from which his pardon relieved them; and also the names of all persons likewise sentenced by courts-martial for military offenses, other than fraud or peculation, and similarly pardoned.

TERRITORY OF MONTANA.

A message from the House of Representatives, by Mr. LLOYD, Chief Clerk, announced that the House of Representatives requested the return of the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana, a motion having been made to reconsider the vote and action of the House on the amendments of the Senate.

On motion of Mr. WADE, it was

Ordered, That the Secretary be directed to return House bill No. 15, to provide a temporary government for the Territory of Montana, to the House of Representatives in pursuance of its request.

HOUSE BILLS PASSED.

The message further announced that the House of Representatives had passed the following bills and joint resolution; in which the concurrence of the President was requested:

A bill (No. 371) for the relief of the settlers upon certain lands in California;

A bill (No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes;

A bill (No. 374) to exempt certain vessels therein named from enrollment and license, and from the payment of tonnage duty, and for other purposes;

A bill (No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie; and

A joint resolution (No. 55) granting certain privileges to the city of Des Moines, in the State of Iowa.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had disagreed to the amendments of the Senate to the bill of the House (No. 15) to provide a temporary government for the Territory of Montana, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FERNANDO C. BEAMAN of Michigan, Mr. JAMES M. ASHLEY of Ohio, and Mr. JOHN B. STEELE of New York, managers at the same on its part.

ADDITIONAL ASSAY OFFICES.

Mr. NESMITH. I move that the Senate proceed to the consideration of Senate bill No. 185.

The motion was agreed to; and the bill (S. No. 185) to establish assay offices at Carson City, in the Territory of Nevada, and Dalles City, in the State of Oregon, and for other purposes, was read a second time, and considered as in Committee of the Whole.

It is intended to provide by law that an assay office of the United States be located and established at Carson City, in the Territory of Nevada, for the receipt, melting, assaying, and stamping of gold and silver.

For carrying on the business of the office the second section provides that there shall be appointed, as soon as the public interest requires their service, upon the nomination of the President, by and with the advice and consent of the Senate, one superintendent, one assayer, and one melter; and the superintendent is to employ as many clerks, subordinate workmen, and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of those officers and clerks will be fixed by the Secretary of the Treasury, upon the recommendation of the Director of the Mint; and to the subordinate workmen and laborers such wages will be paid as may be determined by the superintendent of the mint, and approved by the Secretary of the Treasury.

The third section provides that the officers and clerks, before entering upon the execution of their offices, shall take an oath or affirmation, before some judge of the United States or of the supreme court of the Territory, faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint or the secretary of the Territory of Nevada and of the Secretary of the Treasury, with the condition of the faithful performance of the duties of their offices.

The fourth section enacts that the business of the office shall be under the general control and direction of the Director of the Mint at Philadelphia, subject to the approbation of the Secretary of the Treasury, and for that purpose it shall be the duty of the Director to prescribe such regulations, and to require such returns, and to establish such charges for melting, assaying, and stamping as shall appear to him to be necessary for the purpose of carrying into effect the intention of the act in establishing the office.

The fifth section provides that the assay office shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of the office, who shall perform the duties of treasurer thereof, is to have the custody of such moneys, and also perform the duties of Assistant Treasurer, and for that purpose he is to be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, which relates to the treasurer of the branch mint at New Orleans.

By the sixth section it is provided that the owner or owners of any gold or silver bullion, in dust or otherwise, or of any foreign coin, shall be entitled to deposit the same in the office, and the treasurer is to give a receipt, stating the weight and description thereof, in the manner and under such regulations as may be provided in like cases of deposits at the Mint of the United States with the treasurer thereof. And such bullion shall, without delay, be melted, assayed, and cast into bars or ingots, and a stamp be put upon each, of such form and device as shall be prescribed by the Secretary of the Treasury, accurately designating its weight and fineness; and in this form the bullion will be returned to the depositor upon payment by him of the proper charges for melting, assaying, and stamping, or in lieu thereof, as he may choose, he shall receive a certificate issued by the treasurer, for the net value thereof, payable in coins of the same metal as that deposited at the branch mint in San Francisco, which certificate shall be receivable at any time within sixty days from the date thereof, in payment of all debts due to the United States at the port of San Francisco for the full sum therein certified. And if the deposit is of foreign coin, after it shall have been assayed and its net value ascertained, a similar certificate will be issued to the depositor, subject to the same conditions as in the case of bullion. And all gold or silver bullion or foreign coins deposited at the assay office, and intended to be converted into coins of the United States, shall, as soon as assayed and its net value certified, be transferred to the branch mint of the United States at San Francisco, under such directions as shall be made by the Secretary of the Treasury, and at the expense of the contingent fund of the branch mint at San Francisco, and shall there be coined. And the Secretary of the Treasury is to be authorized to make the necessary regulations for the adjustment of the accounts between the respective officers, upon the transfer of any bullion or coin between the assay office and the branch mint.

By the seventh section all the laws and parts of laws now in force for the regulation of the Mint of the United States and its branches, and for the government of the officers and persons employed therein, and for the punishment of all offenses connected therewith, are to be in full force in relation to this assay office, as far as the same may be applicable thereto. And by the eighth section the act approved March 3, 1863, entitled "An act to establish a branch mint of the United States in the Territory of Nevada," is repealed, with the exception of the eighth section thereof appropriating the sum of $100,000 to carry its provisons into effect, which sum, or so much thereof as may be required, is now to be considered as appropriated to carrying into effect the provisions of this act establishing this assay office.

By the ninth section an assay office is to be established and located at Dalles City, in the State of Oregon, for the receipt, melting, assaying, and stamping of gold and silver, upon the same conditions and subject to the same regulations and provisions as are set forth in the first seven sections of this act; and the sum of $75,000 is appropriated for carrying the provisions of this section into effect.

Mr. NESMITH. I move to amend the bill by striking out the ninth section, and inserting what I send to the Chair.

The words proposed to be inserted were read, as follows:

SEC. —. *And be it further enacted*, That a branch of the Mint of the United States be located and established at Dalles City, in the State of Oregon, for the coinage of gold and silver.

SEC. —. *And be it further enacted*, That, for carrying on the business of said branch, the following officers shall be appointed, as soon as the public interest shall require their service, upon the nomination of the President, by and with the advice and consent of the Senate, namely: one superintendent, one assayer, one melter and refiner, and one coiner; and the superintendent shall employ as many clerks, subordinate workmen, and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the said officers shall be as follows: to the superintendent, the sum of $2,000; to the assayer, the sum of $1,800; to the melter and refiner, $1,800; to the clerks, subordinate workmen, and laborers, such wages and allowances as are customary, according to their respective stations and occupations.

SEC. —. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take an oath or affirmation, before some judge of the United States or of the supreme court of said State, faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint or the district judge of the United States for the district of Oregon, and of the Secretary of the Treasury, with the condition of the faithful performance of the duties of their offices.

SEC. —. *And be it further enacted*, That the general direction of the business of said branch mint of the United States shall be under the control and regulation of the Director of the Mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said Director to prescribe such regulations and require such returns periodically and occasionally, and to establish such charges for parting, assaying, refining, and coining, as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing said branch; also for the purpose of preserving uniformity of weight, form, and finish in the coin stamped at said branch.

SEC. —. *And be it further enacted*, That said branch mint shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of said branch mint, who shall perform the duties of treasurer thereof, shall have the custody of the same, and also perform the duties of Assistant Treasurer; and for that purpose shall be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, which relates to the treasurer of the branch mint at New Orleans.

SEC. —. *And be it further enacted*, That the superintend-

ent of said branch mint be authorized, under the direction of the Secretary of the Treasury, and on terms to be prescribed by him, to issue in payment of the gold dust and bullion deposited for assay and coinage or bars, drafts or certificates of deposit, payable at the Treasury, or any sub-Treasury of the United States, to any depositor electing to receive payment in that form.

SEC. —. *And be it further enacted*, That all the laws and parts of laws now in force for the regulation of the Mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offenses connected with the Mint or coinage of the United States shall be, and they are hereby, declared to be in full force in relation to the branch of the Mint by this act established, as far as the same may be applicable thereto.

SEC. —. *And be it further enacted*, That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act, and to meet the expenses of the current year, and for the fiscal year ending the 30th of June, 1865.

Mr. NESMITH. Mr. President, early in the present session, impelled by a sense of duty to the State which I in part represent, I introduced the bill which has just been read; it was referred to the Committee on Finance for investigation. That committee did my colleague in this body and in the other House and myself the honor to invite us before them to present such facts as might be within our knowledge bearing upon the question under consideration, and we were not without hope that the reasons we then presented would induce the committee to give us a favorable report upon a measure of such vital importance to our State as well as to our neighboring Territories of Washington and Idaho.

It appears that the committee, deferring to a usage so antiquated as to have almost become the common law of the Senate, after listening to the representations of our delegation, who were supposed to know something about the propriety of the measure, referred the question to the decision of the Secretary of the Treasury, who tacitly admitted that he had no information upon the subject, and who in turn referred it to one James Pollock, Director of the Mint at Philadelphia, and who was the very man who knew less than any other party consulted or likely to be consulted about the question, and who has sent here a communication adverse to the establishment of the proposed branch mint in Oregon, and from which the following luminous extract was made:

"Coinage is one of the highest and most important attributes of national sovereignty, and should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government. It is respectfully suggested whether the providing of additional coinage establishments does not tend toward national disintegration."

While the fate of the measure rested with the unbiased judgment of the honorable Senators who composed the Finance Committee, I had no apprehensions of anything but a favorable result; but when my bill was sent on a voyage of discovery, first to the casemates of the Treasury Department, and thence to the genius who presides over the parent Mint in the city of "brotherly love," I was apprehensive that I should never again behold the fair proportions of my cherished offspring. My worst fears have been realized. My bill has returned from its peregrinations hawked at, torn, and dilapidated by the stupidity and ignorance of the company it has kept, and its mangled remains are now before me in the shape of a recommendation for an assay office.

Before I had ever beheld the American Congress I was so verdant as to suppose that great questions affecting the country, or any portion of it, were decided by the intelligence and good sense of the members, without reference to the narrow, contracted, and antiquated prejudices of some old fogy of some previous generation, whose views could only be valuable as an illustration of what might be said by an active, energetic, and successful candidate for the capital prize at a world's fools' fair.

My constituents are an eminently practical and unsophisticated sort of people. When I return to them I shall be called upon to give an account of all the deeds and misdeeds done by me in this body; and among other things I shall be called upon to explain why their prayer for a branch mint was not responded to. Well, sir, in my shame and confusion, I shall have to state that Mr. Pollock was opposed to the measure. They will naturally enough say, We sent you to the American Congress to urge our claims, and cannot see what Mr. Pollock had to do with the question. You cannot imagine, Senators, how those people, in their simplicity, will be startled and surprised when I deliberately proceed to tell them that before a branch mint can be established for the coinage of their gold the bill must be sent to one James Pollock for his approval or disapproval. If I am so fortunate as to convince them that this Pollock is a coördinate branch of this great and glorious Government, they will very naturally desire to know upon what grounds and upon what reasons he based his refusal to so just a demand. Then I shall be forced to unfold to them the mighty, profound, and luminous reasons of the philosophical, astute, and recondite Pollock, in this wise: "Oregonians, you might have had a branch mint to coin your gold and your silver at your doors, and thus save you from a loss of fifteen or twenty per cent. of the precious metals for which you so industriously delve in the earth, and of which you are daily being robbed, either by speculators or by reason of the risk, exposure, and delay incident to sending your gold and silver thousands of miles away to be coined; but the truth is that by some recondite process beyond my comprehension, and known only to great political alchemists, the profound Pollock, after submitting branch mints to the torturing process of decomposition and analysis, has discovered that their component parts 'consist of treason, secession, withdrawal from the Union,' abrogation of constitutional compacts, denial of Federal authority, disregard of oaths, usurpation of national prerogatives, stealing of public property, arson, and murder; all of which, when recombined into a modern branch mint, constitutes the essence of all these crimes latterly known as *disintegration!*" Why, sir, after this lucid statement of the evils which our people in their simple credulity have invoked upon their own heads, when again the people of Oregon, Washington, and Idaho Territory petition you for the location of a monster of such hideous mien in their midst, you will be enabled to silence their clamors at once by the bare mention of "Pollock Disintegration," or "Disintegration Pollock." Why, sir, its effect will be as instantaneously soothing as the cabalistic invocation of the "*manatoma*" which frightens the young Indian to sleep, or the bare mention of that devil in English which reduces white urchins to a state of propriety if not of slumber. Mr. Pollock, it would seem, has not only found time to draw his annual stipend with the greatest regularity, but has devoted some of his leisure hours to an examination of the Constitution of the United States, upon which instrument he assumes to become a commentator, and with the greatest self-complacency proceeds to inform us that "coinage is one of the highest and most important attributes of national sovereignty, and should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government," and then proceeds to suggest that "additional coinage establishments tend toward national disintegration."

It is true, sir, that our forefathers in forming the Constitution of the United States did define the powers of Congress; and among a variety of specified objects placed within its jurisdiction was that "to coin money and regulate the value thereof;" but Mr. Pollock is the first of the great commentators who has found it necessary to raise his warning voice against a liberal exercise of this, "one of the highest attributes of national sovereignty," so essential to the prosperity and general welfare of a great and powerful nation. His profound reasoning would seem to indicate that even the limited exercise of this great prerogative was only a safe experiment when conducted at the parent Mint at Philadelphia, and under his own personal care and supervision; and while no danger is to be apprehended from "disintegration" upon the slip of land between the Delaware and Schuylkill, yet, from some occult reason, the most dire and disastrous consequences were sure to follow the exercise of this wonderful power beyond those magic limits.

The Constitution also authorizes Congress "to borrow money on the credit of the United States," and no one seems disposed to regard the unlimited exercise of this power as at all dangerous. It also provides that Congress shall have power to lay and collect taxes, duties, imposts, and excises; to regulate commerce with foreign nations and the Indian tribes; to establish a uniform rule of naturalization, and uniform laws upon the subject of bankruptcy; to fix standards of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post offices and post roads; to promote the progress of science and useful arts; to constitute tribunals inferior to the Supreme Court; to declare war and grant letters of marque and reprisal; to raise and support armies. These are but a few of the great powers confided to congressional jurisdiction, to be exercised for the prosperity and development of a great and progressive people. It has remained for Mr. Pollock to discover that at least one of these great powers cannot be exercised beyond the boundaries of his own town. He might with the same propriety propose to restrict the exercise of all the rest within the same narrow limits.

Congress having availed itself of the constitutional grant to coin money and fix the value thereof, exercised this "highest and most important attribute of national sovereignty" by determining the mode by which the thing should be done. Its functions ceased for the time being when the Mint, or factory to execute its mandates, was set in motion for that purpose. No restrictions were placed upon the quantity of coin to be made, that being left to be determined by the quantity of material furnished for the purpose and the capacity of the factory to work it up. No one but Mr. Pollock is impressed with the idea that every time he applies the necessary physical force to the lever to swedge a piece of nickel into the shape of current coin that he is any more exercising the "attributes of national sovereignty" than is every day exercised by the stage-driver who cracks his whip over the team that draws the mail, or the coal-heaver that stokes the fire to generate steam for its propulsion by water. All three are simply doing the physical labor necessary to accommodate the people with coins and mails, in pursuance of different acts of Congress predicated upon a fundamental grant of power. The stage-driver or the stoker could, with quite as much propriety, give us their disquisitions upon the constitutional power or the dangers to be apprehended from its exercise, by reason of "disintegration," resulting from the establishment of new mail routes or increased speed upon the old ones, as Mr. Pollock has for his absurd attempt to prevent the people upon the Pacific slope from being accommodated with pieces of metal fashioned into money at a Government factory by virtue of preëxisting authority.

Mints and branch mints, notwithstanding all the mysterious dignity with which Mr. Pollock attempts to surround them, are mere workshops, or factories, established by the Government for the accommodation of the people, and should be located at points convenient to where the raw material is produced, in order that those engaged in that production should enjoy at least some of the benefits of the fabrication. The man who is so narrow-minded and selfishly prejudiced as to desire to confine their operation to a single and inconvenient point in this great country, so abounding in the precious metals, might as readily urge that every iron-foundery, brick-yard, saw and grist mill, blacksmith, hatter, and shoemaker shop necessary to accommodate more than thirty million people should be established in the same village, and thus check any incipient tendency toward "disintegration."

Why, sir, when the patriotic people of Oregon, and Washington and Idaho Territories read Pollock's letter, and comprehend that his report against their proposed branch mint is based upon his fears that so petty a consideration could shake their loyalty or induce them to become traitors to their country and their flag, they will simply treat his absurd theories with the scorn and contempt they deserve. A public officer who, in the middle of the nineteenth century, could descend to indulge in such imputations against a loyal and patriotic people, under the guise of defending the Constitution, has about as much conception of that instrument as the grave-worm has of the intellect which once animated the body upon which it feeds. The author of such vagaries could not excite the anger of a sensible people, who if he were present among them would be moved by the highest dictates of humanity and philanthropy to cut him for the simples.

We read in the Scriptures that Nebuchadnezzar fed upon grass, but there is no evidence that he

ever became fit for beef; so from analogy we may infer that Pollock, though he directs and controls a factory which he regards as embodying all the attributes of national sovereignty, will hardly ever attain a condition qualifying him for the proper exercise of those high functions.

When my colleagues and myself went before the Committee on Finance to urge upon them the propriety of this measure, we found ourselves laboring under some embarrassment in the production of conclusive evidence in relation to the quantity of gold being produced and likely to be produced in the region of country to be accommodated by the proposed branch mint.

Owing to the great distance that we are separated from our constituents, the delays, difficulties, and uncertainties of communication with them, and in part to their own carelessness and neglect to forward the necessary data upon which to predicate our statements, we were only able to furnish an approximate estimate of the results of their industry in mining pursuits during the last year. With a consciousness that we were within bounds we stated that our exportations of gold for the last year amounted to more than an average of one million dollars per month. When called upon by the honorable chairman of the committee to submit our views in writing, we offered the following communication:

WASHINGTON, *January* 20, 1864.

SIR: At the suggestion of the committee at its late meeting upon the subject of a branch mint proposed to be established at the city of Portland, State of Oregon, the undersigned submit a statement of facts which have induced them to ask the passage of the bill now before you.

Preliminary to this we will remark that, owing to the fact that the local situation of the mining region which will be tributary to the proposed branch mint, and that a large share of the treasure passes out of it by private hands, we cannot pretend to give accurate statistics of its mineral products. The mines lie along the eastern boundary of Oregon, and extend thence north and into the British possessions and east to the summit of the Rocky mountains. This region, embracing all of Idaho on the western slope, and a large share of the Territory of Washington and the State of Oregon, finds its outlet by way of the Columbia river, and draws its supplies by the same channel. A mint located at the city of Portland, which is the commercial mart of all the country drained by the Columbia, would accommodate the whole of this vast region, now rapidly filling with a population whose principal, almost exclusive, business is that of mining.

The Territory of Idaho, organized last March, did not till within eighteen months contain to exceed five hundred white persons. In the month of October last the census taken by the United States marshal showed a population of thirty-four thousand. This increase seems to indicate that the existence of rich and extensive mines is well established. A fair, candid estimate of the population engaged in mining and to be accommodated by this measure would probably place the number at fifty thousand. And we may add that, in proportion to the labor employed, we believe no mines on the western slope yield so well.

Much of the treasure taken from these mines finds its way out of the country in the hands of private individuals. There is no common place of deposit for it where it can be credited to its source, and making it almost impossible to estimate its amount justly. The various express companies can give the amount which they transport, but this leaves an immense amount, which any one knows to exist who is acquainted with the independent mode in which a great many persons transact their business, thus entirely unaccounted for. As an instance of this, a late Portland (Oregon) paper states that the express company brought down by the daily steamer of the Columbia river only $1,000 in gold dust, while the same paper gives the names of two passengers who had over three hundred pounds in their possession, and others mentioned had smaller amounts. We say, therefore, that while the books and receipts of express companies show the only accurate statistics on the subject, they give no idea of the vast resources in mineral of the section, the interests of which will be accommodated by this measure.

Such data as we have we now submit. There are three private assay offices in the city of Portland. The amounts received by them, as shown by their books, an abstract of which is published in the Oregonian newspaper for November last, from January 15, 1863, to October 20, following, is $2,486,496 65. As an evidence of the growth of the product of gold we may mention that one office, making monthly statements of the amount received, gave for each of the two months preceding the last account almost double that of those earlier in the year.

Mr. Benjamin Halliday, of New York, who is the owner of the line of steamships plying between San Francisco and Portland, informs us that he has transported from Portland an average of from six to seven hundred thousand dollars per month during the past summer and autumn. This statement does not include the amounts in the hands of passengers, of which he knew nothing, but which, owing to the high insurance, we must conclude were large.

There being no regulation at the branch mint in San Francisco requiring the depositor of bullion to designate from whence it came, there is no other means of obtaining any just estimate than by reports of the kind to which we refer. The recently published reports from San Francisco made by a commercial board of that city of the amount of bullion received there for the past year, credits Oregon and British Columbia with a product of five millions. This, of course, is based upon the receipts by shipments and through express companies, and leaves a vast amount—the whole that is diffused through the mining region and that portion which enters the circulation of business and agricultural parts of Oregon, and that shipped in the hands of passengers—unaccounted for. This, we do not hesitate to say, we believe amounts to as much more.

Ours is a growing State. Capital is finding many new avenues of employment and investment, and even as far back as 1860, when our mining interest was in its infancy, the city of Portland was, in proportion to the number of its inhabitants, the wealthiest city in the Union. So the census of that year will verify. We might give many items showing that the mines tributary to the proposed branch mint are very productive, but we refer to only one, and that only because it came directly to the knowledge of one of the undersigned. That was an instance where three men in six weeks' time, with their own hands, dug out $180,000. These instances are not common, we admit, but they serve to show the exceeding riches of some portions of this northern region, and indicate the wealth which must soon there be developed. For the purpose of stimulating this development by providing the miner with a place for the assay of his gold without the loss of time, the risk of transmission by sea to San Francisco, and the payment of expressage and insurance fees, and to prevent the swindling dealer in coin from robbing the miner of his fair earnings by his unjust discount, which many prefer to submit to rather than the inconvenience just alluded to, we ask you to favorably consider the proposition.

J. W. NESMITH,
B. F. HARDING,
JOHN R. McBRIDE.

Hon. W. P. FESSENDEN,
Chairman of Senate Finance Committee.

As auxiliary to this statement, we laid before the committee the following extracts from well-known and credible Oregon newspapers relative to the production of gold solely within the State of Oregon:

THE GOLD AND SILVER MINES OF OWYHEE.—The news from the Owyhee mining district is sufficient to warrant the broad assertion that Oregon and Idaho Territory will soon be recognized as the richest countries in mineral wealth on the face of the globe. Mr. Luther Hasbrook, a gentleman who has just returned from the Owyhee, called upon us on Thursday last and exhibited to us a sack full of quartz specimens, taken mostly from the Oro Fino, Morning Star, Evening Star, and Nooonday lodes. Contrary to the usual custom of selecting the *richest* specimens for assay, Mr. H. brought down with him every character of rock which had been obtained in the lode, from the richest to the poorest. A chemical analysis of that taken from the Oro Fino shows a valuation of $22,000 per ton, with the proportion of $3,000 per ton in silver. From the Morning Star an average of $11,000 in gold and $2,000 in silver has been taken from a ton of the rock. The Evening Star is said to equal the Morning Star, while the Noonday, it is believed, will surpass all the others in richness. The above mentioned are all the lodes that have as yet been thoroughly prospected, though many others have been located and will be opened as soon as labor will accomplish it. Mr. Hasbrook could not recollect the names of all the different lodes which have been claimed, but mentions the following: Oro Fino, Morning Star, Evening Star, Noonday, Union, Whisky Gulch, Last Chance, Claremont, Highland, War Eagle, North Pole, South Pole, New York, Empire, Silver Gray, and Moonlight.

The above and a large number of others are found in a district of about five miles square, though Mr. Hasbrook assures us that there is not the slightest doubt of the entire Owyhee valley proving equally rich. Nor is the mineral wealth confined to the Owyhee exclusively, but to the whole country for fifty miles around. Aside from the gold-bearing quartz lodes, several silver ledges have been discovered which rival the richest of the Washoe or Esmeralda districts.

If the above reports be true, (and there is very little reason to doubt them,) we may rest assured that the following season will witness the largest emigration to that region ever yet known. The great success of the miners during the past season has given encouragement to enterprising men everywhere, and instead of being regarded as a humbug, the richness and extent of our mines is acknowledged by all.

—

MORMON BASIN.—From Mr. Perry, a gentleman who has spent the summer in Mormon Basin, we derive the following in relation to this mining district. About two hundred and fifty men have been at work in the Basin during the summer, and their average pay has been fully up to the Boise standard. Indeed, it is thought that if they had an abundance of water in the Basin it would be the best mining camp in the northern country. Working with a rocker the best day's work made was $225. The average pay was ten dollars per day to the hand. The gold is of a superior quality, and assays over seventeen dollars per ounce. On Clark's creek, distant seven miles from the Basin, one hundred men have been at work, making good wages. Many of the miners have come out to winter, and it is thought that not more than one hundred and fifty men will winter in the mines. All through the summer there was a great demand for men. To laborers five dollars per day was paid, and considering the difference in the cost of living, this is quite as good as six dollars in Boise. In the spring there will be a great demand for hands, and it is not unlikely that wages will go up to six dollars. Mr. Perry brought down with him several plethoric purses, filled with Mormon Basin dust. It is coarser than that from Boise, and in the lot that we examined there were many pieces that would weigh from one to two dollars. Without doubt, Mormon Basin is a rich mining district, and with another year a large amount of treasure will be taken out.—*Mountaineer.*

—

TONS OF GOLD.—The Nez Percé Chief brought down last evening the richest freight that any steamer on the Columbia river ever bore. Wells, Fargo & Co. had 183 pounds, ($35,000;) one party of six miners had 800 pounds, ($150,600;) another party of six men had 700 pounds, ($134,400;) another party of two men had 300 pounds, ($57,600;) while one man had 150 pounds, ($28,000.) Thus we have a total of 1,950 pounds ($370,600) in the hands of fifteen "honest miners," and 183 pounds ($35,000) in the hands of Wells, Fargo & Co. All of these fifteen persons our informant, who came down in the Chief, saw and conversed with. He also learned that nearly all the passengers had plenty of money. So it is fair to conclude that *two tons* of gold dust came down on the Chief last evening.—*Dalles Journal.*

From our own personal knowledge of that country, and our acquaintance with gentlemen making these and similar statements, we are satisfied of their reliability.

The region of country which will be accommodated by the establishment of the proposed branch mint extends from the forty-second to the forty-ninth parallels of latitude, and from the Pacific ocean to the Rocky mountains, embracing an area about eight times the size of the great State of New York, or about six times as large as the New England States. Throughout the length and breadth of this vast region, with the exception of but a few localities, both gold and silver abound in inexhaustible quantities. But a few short years since I saw it an uninhabited wilderness, except that portion occupied by the Indians, much of it apparently sterile and unproductive, and, as was then thought by many, perfectly valueless. To-day it contains two hundred thousand busy, enterprising, industrious, and intelligent people, forming a nucleus around which millions will be found within a few brief years. During the last year its scattered and meager population, with but few conveniences or facilities, and with rude appliances, produced $15,000,000 in gold. This year that product will be more than trebled, and that ratio of production will continue in the proportion that an industrious and energetic population is supplied from the older States and from foreign countries, until the production of the precious metals of that auriferous region will amount to $1,000,000,000 per annum. Who, sir, would have had the temerity a few short years since to have predicted the vast revolution to be wrought in commerce, industry, national prosperity, and general enterprise by the discovery of gold upon the Pacific slope?

One morning in the year 1848, Bennett and Marshall, two individuals unknown to fame, picked up some pieces of yellow substance in Captain Sutter's mill-race, on the American river, near Coloma, California. Those men, quite as unconscious of the magnificent results to flow from their discovery as was Columbus when he first beheld the glowing light upon the shore of America, held in their hands the germ that was to give a new impetus to the progress of the world. What has resulted from the discovery made by those two almost unknown men, though it has astonished and filled mankind with amazement, is but the precursor of what is to follow when the vast mining regions of Oregon, Washington, and Idaho have their mining resources more fully developed. As yet nothing has been accomplished upon the Pacific coast but a mere scratching of the surface. With machinery, capital, systematized labor, and good roads affording facilities for ingress and egress, and the cheaper transportation of necessary supplies, the production of gold and silver will be increased a thousand-fold, and the nation will have in its own public domain, so rich in precious metals, resources ample for the liquidation of our public debt, even if we should be compelled to battle with treason and secession for another generation to come.

It does seem to me, Mr. President, that the Government, instead of pursuing a niggardly policy toward the hardy pioneers engaged in developing the region to which I have referred, should extend toward them all reasonable facilities for the successful promotion of an enterprise so fraught with the present and prospective interests of the nation.

The world changes, and he who attempts to oppose its mutations in place of accommodating himself to them can lay no claims to statesmanship. When the Alleghanies were the western limit of the Union, and our annual gold production and coinage were about two hundred and thirty-three thousand dollars, as they were on an average for the twenty-four years from 1793 to 1817, then, when Presidents, Cabinets, and members of Congress, together with the more respectable portions of mankind, refused to send messages by

telegraph, use postage stamps, or ride upon railroads, then the Mint at Philadelphia was at the hub of the American universe and in a central position, and could accommodate the nation. At present there is no more use or propriety in its being there than there would be in sending warming-pans to the East Indies, temperance lecturers to the State of Maine, Christian missionaries to Massachusetts, or steam cotton-presses to Terra del Fuego.

The little old man who so complacently sits in the little old Government workshop in Philadelphia, exercising "the highest functions of national sovereignty" by coining $3,000,000 of gold a year, while the Pacific slope is producing $100,000,000 and wants it coined into a circulating medium, will eventually have to yield to the logic of current events and take his shop to the gold, for the reason that the gold will not come to his shop.

This is a progressive world and a progressive people in a progressive age. Commerce, enterprise, and the great interests of mankind will not be trifled with or retarded by the theories of a bygone age. Those who are too prejudiced or too stubborn to yield must clear the track, or be crushed by the car of progress. The adoption of a liberal and magnanimous policy on the part of Congress toward the remote States and Territories is calculated to cherish and foster the innate love of our people for our Government and institutions. No recipients of such generous favors are likely to regard them as an inducement to secession or "disintegration," especially when the disturbing causes which have led to our present difficulties have no existence with them. This is true of the States and Territories upon the Pacific. It is true that a branch mint was one of the institutions conferred upon the southern States by the liberality of Congress, and was located at New Orleans. That blessing, like any other conferred upon that region, was perverted and abused in the mad career of a people determined to make slavery general and freedom local, but there is not a particle of evidence that it furnished any more inducement to the consummation of secession and rebellion than any other of the thousands of blessings that the southern people derived from their connection with the Union. This folly had its origin in other causes, prominent among which was the absurd claim that State sovereignty was paramount to national authority. The seeds of secession and rebellion, with all their concomitant curses and crimes, had been sown broadcast by prominent southern statesmen for a period of more than thirty years, under the fascinating designation of State rights, and were assiduously cultivated by pretenders who claimed to be the embodiment of all that was chivalrous. They are now reaping a bountiful harvest of their legitimate but accursed fruits. It has proven to be not only a troublesome but an expensive experiment not likely to be repeated anywhere.

Mr. President, in order to refute the visionary theories of what I regard as an insane man, I have thus been led to repel mere assertions which would not be of the slightest consequence were it not, unfortunately, for the official position which by accident he happens to occupy. I regret exceedingly that circumstances beyond my control have compelled me to waste so much ammunition upon such very small game.

It may possibly be urged, sir, with a parent Mint at Philadelphia, and a branch mint at San Francisco, no more minting facilities are required, and that gold will seek the locality where it can be coined the cheapest. I dispose of all such arguments by stating that during the last fiscal year the branch mint at San Francisco by being worked to its utmost capacity was only able to coin gold to the amount of $17,510,963, while only $3,340,931 74 reached and was coined at Mr. Pollock's old curiosity shop in Philadelphia. It should also be borne in mind that at Philadelphia the Government charge for "*parting*," as it is technically called, was only *five cents per ounce*, while at San Francisco it was *fourteen cents per ounce*. These data prove conclusively that gold seeks the nearest mint for coinage, and that the extra charge of nine cents per ounce for "parting" bears no sort of proportion to the expense and delays of transporting gold to the parent Mint at Philadelphia. When, besides, it is taken into consideration that the Government levies and collects a tax upon all money coined at their establishments equal to the expense of coinage, I am unable to perceive how she can lose in a pecuniary point by the adoption of a measure which provides for reimbursing her for all her outlay. Surely the amount asked for by the bill is a paltry sum. You expend without a murmur a larger sum every month in what is called "decorating" the subterranean passages of this building with gaudy daubs, intended, as I suppose, to represent mountains, cascades, beasts, birds, and persons, who never existed except in the distempered brain of the artist engaged in producing them

The wealth, the population, and political power of this Republic are progressing westward with as much certainty and resistless power as causes the light and heat of the morning sun to flow in the same direction. You can neither ignore the fact nor retard its consummation, but you may for a brief period embarrass it by a refusal to comply with the just demands of our people for the same national benefits conferred by the common Government upon older and more favored portions of the country.

Whatever may be the blessings of a paper currency, our people upon the Pacific fail to discern them. Both California and Oregon have prohibited banks within their limits by their constitutions, and nothing is there known or recognized as money but gold and silver; nor can you compel a people whose principal production is gold and silver to recognize any other currency. Paper money there of all sorts and kinds is treated as a commercial commodity, and is bought and sold for its coin value. It is true that the legal-tender clause makes it current at its face in the liquidation of judgments there as here, but he who recovers it can only dispose of it in the same way.

Commerce and the ordinary transactions of life make it necessary to have in that country a large amount of coin in circulation. In order to send our bullion to San Francisco for coinage we are subjected to a tax of about ten per cent., in the way of express charges and insurance, in addition to the constant delay which occurs in the transportation and at the Mint, which, upon an average, amounts to three months. Is there any just or sound reason why the people of that region should have a tax of millions per annum imposed upon them for the mere purpose of enriching insurance and express companies or speculators, or for holding us in a sort of commercial vassalage and as tributaries to a neighboring State? France, England, and other nations of Europe, as well as Mexico and the contiguous States of Central and South America, have been keen enough to appreciate our wants in the way of currency, and have at times flooded us with foreign coins, and have realized great profits by the trade. By the adoption of this measure you relieve us from all this enormous and unjust taxation.

With a firm consciousness of the justice and propriety of my amendment, I invoke the aid of Senators to procure its adoption.

ADJOURNMENT TO MONDAY.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The morning hour having expired, the special order is now before the Senate.

Mr. WILSON. I move that the Senate now proceed to the consideration of executive business.

Mr. HOWE. I will inquire of the Senator from Massachusetts if this bill might not first be disposed of?

Mr. WILSON. I ought not to have given way when I made this motion before. It is very important to act on these generals to-day.

Mr. CONNESS. Will the Senator withdraw his motion to allow me to make a motion for an adjournment to Monday?

Mr. POWELL. Will the Senator be kind enough to yield until I can call up a resolution asking for information?

Mr. CONNESS. The Senator from Massachusetts gives way to me, and I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. POWELL. I move to take up the resolution that I offered yesterday morning calling on the Secretary of War for information. I will state to the Senate that I am preparing a bill on the subject-matter of that resolution, and I wish to have the report of the Secretary before I introduce it. I suppose no Senator will object to the adoption of the resolution.

The PRESIDING OFFICER. It is moved by the Senator from Kentucky to proceed to the consideration of the resolution indicated by him.

Mr. WILSON. I think we had better go into executive session, and settle as many of these cases as we can. It is very important to do it. The failure to act on these nominations is creating the greatest trouble in the Army; and the representations are so strong that I do not see how we can postpone action upon them.

Mr. FESSENDEN. I am perfectly willing to go into executive session and take up the nominations which are alluded to by the honorable Senator if he will fix a day ahead for their consideration—I do not care how near it is—so that everybody may have notice that the nominations are to be acted on at that time. But to take them up suddenly, when we understand that some of them are to be contested by gentlemen who perhaps are not present, I do not think is exactly proper.

I have heard this story, about the embarrassment of the Army with reference to a particular nomination, so many times that I have not quite the belief that military operations must necessarily stop unless we confirm some particular officer in the space of five or ten minutes. I do not think a delay of two or three days can make any very particular difference when we know that their claims for promotion have rested for three or four months without any very great difficulty arising.

If the Senator will notify the Senate that he shall move to go into executive session at a particular hour on some day next week with a view to take up these nominations, I shall interpose no objection to the motion at the time appointed. He may fix it as early as he pleases. But I want all Senators to know when these particular nominations are to be acted upon, and then if they choose to be away and do not attend to them, it is their own fault, and we shall not be met by motions to reconsider, &c., because they are not here. This is my opinion about it. If the Senator differs from me, of course he can pursue his own course.

Mr. WILSON. It seems to me the Senate is fuller to-day than usual, and I do not see any reason why we cannot go into executive session and act on some of these nominations now. If there are any Senators absent who have expressed a desire to be present and vote on particular nominations, we can postpone those cases. We have got more executive business than we can do to-day. The Senator from Maine is well aware that whenever any effort has been made to act on these generals, for several weeks past, they have been put over. There has been a great deal said to us lately in regard to these nominations. The subject has been pressed upon us, and within a few days with a great deal of earnestness, for this reason: there have been quite a number of changes in the generals of our armies, and especially in the army of the Potomac, as everybody knows. It is important that these nominations shall be acted on one way or the other. Their confirmation or rejection will affect a great many brigades and divisions where there is a great deal of trouble. The question whether a man shall command a division or a brigade depends entirely on these confirmations. The Secretary of War is very anxious for action, and I know that the generals who are reorganizing these armies are anxious for action on these nominations. I should like to go on with them as far as we can to-day. If there are any of these cases that any Senator now absent desires to have acted on in his presence, and anybody knows it, I am certainly willing it shall lie over. There are forty-nine cases before us, and we cannot act on all of them to-day.

Mr. HALE. I shall deem it my duty to oppose the motion to go into executive session. I have been waiting nearly the whole session for a time when there should be some little lull in the business of the Committee on Military Affairs, which I believe generally has ground out a bill a day during the session, to present for the consideration of the Senate one or two measures for

the Navy, but I have been like the man standing on the steps of the Astor House waiting for the procession to get by. [Laughter.] It has grown thicker and thicker every moment. I hope the Senate will agree to devote some time or other to the consideration of a few measures relating to the Navy. I have in my hand Senate bill No. 17, which is a very important bill, and which I propose to submit to the consideration of the Senate as early as possible, and I should like to do it now. It is a bill that was passed by the Senate and by the House of Representatives almost unanimously at the last session, but it did not happen to pass within ten days of the close of the session and it did not become a law. I shall move, as often as I can get the floor, to have that bill considered, particularly as I see by the morning papers that the Secretary of the Navy, in a communication from his Department yesterday, complained of our legislation in regard to the Navy. I shall have something to say on that matter when it comes up; but as now advised, I shall vote against taking up every measure except one or two of these little bills that I think ought to be considered; and if the Senate shall vote down the pending motion, I propose to move to take up bill No. 17

Mr. FESSENDEN. The honorable Senator from Massachusetts says that the necessity of the motion which he has made has been pressed for some time. It certainly has not been pressed on the Senate; I do not know how it may have been pressed on him by the Department; but we have not heard anything of it here. I do not want to delay these nominations; I am ready to act upon them at any moment; and if the Senate are so disposed, I shall make no further objection to going on with them now. There is nothing which I want to press particularly now except the bill on which the honorable Senator from Oregon has addressed the Senate, and which ought to be passed speedily, if passed at all. That bill now has precedence of everything except the special order, which I understand is not to be pushed to-day; and I submit, therefore, whether we had not better go on with it. As to the resolution of the honorable Senator from Kentucky, I think no great harm will come to the public if it is suffered to rest for a day or two. I do not think it is so pressing as to interfere with other public business.

Mr. HOWE. I should like to know what the question before the Senate is.

The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from Kentucky, to postpone all prior orders and proceed to the consideration of the resolution indicated by him.

Mr. WILSON. I moved to go into executive session, but some Senators about me think we ought not to take advantage of the absence of some members. I think, however, we may as well go into executive session and act on those nominations that are generally agreed upon. I therefore make the motion.

The PRESIDING OFFICER. The Senator from Massachusetts moves to proceed to the consideration of executive business.

Mr. HOWE. I had proceeded so far as to ascertain what the question was before the Senate. The next inquiry I wanted to make was who had the floor upon it; I have not resigned it. I find, however, that the Senator from Massachusetts has somehow got the floor and got another motion before the Senate. I am not disposed to resist going into the consideration of executive business now, if it be particularly important; but here is a bill before the Senate which it seems to me may as well be disposed of now as at any time. It will occupy but a few minutes. There is to be no debate on it. Inasmuch as it is under my charge, I want to make a very few remarks and have a paper read in reply to the Senator from Oregon; and I think the Senator from Massachusetts can indulge me so far as that, and the Senator from Kentucky, who wishes his resolution taken up, I am quite sure will withdraw his motion until this measure can be disposed of.

Mr. POWELL. It is not my purpose to debate my resolution at all. I merely wished to indicate to the Senate that I am preparing a bill on the subject, and I desire the information from the War Department for the purpose of enabling me to complete it. If we take up the resolution I think we can pass it in less time than has already been consumed in making motions, and I hope the Senator from Massachusetts will withdraw his motion until the resolution comes up, and then I will go with him for an executive session.

Mr. WILSON. I find everybody around me has some object to gain. I do not wish to appear to be unfair in fixing a time and crowding these nominations on the Senate unawares. I know it is important to act at an early day, and for that purpose I give notice now that on Tuesday morning at half past twelve o'clock I shall move to go into executive session and continue until we act on all these cases of appointments; that is, I mean to continue from day to day until we settle the question of generals.

The PRESIDING OFFICER. Does the Senator from Massachusetts withdraw his motion?

Mr. WILSON. I withdraw it now.

Mr. HALE. I move to postpone all prior orders and take up Senate bill No. 17.

Mr. POWELL. I inquire if that is in order. I have already a motion pending to take up a particular subject.

Mr. SHERMAN. I submit a privileged motion. I move that we proceed to the consideration of executive business. I am satisfied that there are so many conflicting claims to precedence that we shall do nothing this afternoon in open session.

The PRESIDING OFFICER. The Chair will remind Senators that a motion to proceed to the consideration of executive business is a question that does not admit of extended debate.

Mr. TRUMBULL. Before the question is taken on that motion, I wish simply to make an inquiry. I understand that if the motion prevail the resolution to amend the Constitution will be the business before the Senate at one o'clock on Monday.

The PRESIDING OFFICER. That resolution is now before the Senate as the unfinished business of yesterday; and if the Senate now proceed to the consideration of executive business it will be the special order at the next sitting of the Senate.

Mr. TRUMBULL. And on that question the Senator from Maryland, I believe, is entitled to the floor. I merely want it understood that that will be the business pending, if we go into executive session now.

Mr. HENDRICKS. It seems to me the Senate will not hesitate to accede to so reasonable a request as that of the Senator from Kentucky. He says that he wishes to prepare a bill, and needs the information called for by his resolution in order to prepare the bill. The suggestion of the Senator from Wisconsin is also certainly a very reasonable one. I will support the motion of the Senator from Ohio to go into executive session as soon as those two little matters are disposed of; and certainly there can be no objection to doing what those two Senators ask.

Mr. CONNESS. I have no objection that the motion of the Senator from Kentucky shall prevail and the Senate proceed to consider his resolution; but to the passage of that resolution I for one am opposed. I am willing that it shall be voted upon, however; I have no objection to that course.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio that the Senate now proceed to the consideration of executive business.

Mr. POWELL. I hope the Senator from Ohio will withdraw his motion.

Mr. SHERMAN. If I do, the result will evidently be a debate as to what business we shall transact. The Senator from California has announced his intention to oppose the resolution of the Senator from Kentucky, and hence it will lead to debate.

Mr. CONNESS. I will say that I do not propose to debate it when the question comes up. I simply propose to move that the resolution lie on the table.

Mr. POWELL. I shall not debate it.

Mr. TRUMBULL. But that is merely getting two votes.

Mr. SHERMAN. I insist on my motion.

The question being put, there were, on a division—ayes 18, noes 14; not a quorum voting.

Mr. HARRIS and others called for the yeas and nays.

Mr. POWELL. I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. HALE. I rise to a question of order. My question of order is by what right the motion to go into executive session supersedes an existing motion which was under consideration.

The PRESIDING OFFICER. It has always been the practice of the Senate to receive at any time a motion to go into executive session, and it is perfectly in order like any other motion.

Mr. HALE. I suppose that is not a subject of extensive debate, as the Chair has said; but I want to give one reason why I shall vote against it. We are now in the fifth month of this session, and the session has been occupied thus far and I cannot get the Senate to take up for consideration a naval bill. The Secretary of the Navy has sent a letter to Congress complaining that the legislation of the two Houses of Congress prevents the action of the Navy and prevents filling it up. I want simply to do what I can to forward it.

The PRESIDING OFFICER. On the motion to proceed to the consideration of executive business the yeas and nays have been requested.

The yeas and nays were ordered.

Mr. DOOLITTLE. I wish to say that on the motion to go into executive session the Senate appeared to be without a quorum. The only motion, then, that could be made was a motion to adjourn.

Mr. FESSENDEN. That was made and negatived.

Mr. DOOLITTLE. But we must first find that we have a quorum before the motion can again be made to go into executive session. We can ascertain that by a vote on the question of adjournment.

The PRESIDING OFFICER. It appearing on a division of the Senate that a quorum was not voting, a call was made for the yeas and nays, so that the fact of the presence or absence of a quorum might be ascertained. The call will show it.

Mr. DOOLITTLE. Very well.

The question being taken by yeas and nays, resulted—yeas 24, nays 16; as follows:

YEAS—Messrs. Brown, Clark, Collamer, Conness, Doolittle, Fessenden, Foot, Foster, Harris, Henderson, Howard, Lane of Indiana, Morgan, Morrill, Pomeroy, Powell, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, and Wilson—24.

NAYS—Messrs. Buckalew, Chandler, Davis, Grimes, Hale, Harding, Harlan, Hendricks, Howe, Johnson, Lane of Kansas, Nesmith, Riddle, Saulsbury, Willey, and Wright—16.

So the motion of Mr. SHERMAN was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 1, 1864.

The House met at twelve o'clock, m. Prayer by Rev. RUSH R. SHIPPEN.

The Journal of yesterday was read and approved.

LANDS TO RAILROADS IN IOWA.

Mr. PRICE, by unanimous consent, introduced joint resolutions of the Legislature of Iowa, asking an extension of time for certain railroad companies in Iowa to receive land grants; which were referred to the Committee on Public Lands, and ordered to be printed.

DES MOINES COAL-BEDS.

Mr. KASSON. I ask unanimous consent to introduce a joint resolution granting certain privileges to the city of Des Moines, in the State of Iowa.

The joint resolution, which was read for information, provides that the United States relinquish to the city of Des Moines all their rights and interests in the coal-beds which underlie the river Des Moines within the limits of said city, provided that no disposition or use thereof shall be made which shall obstruct the free navigation of said river, nor shall any one grant of the privilege of mining the same extend for a longer period than ten years.

Mr. KASSON. I desire to say a word in explanation of the resolution. I have a letter from the city solicitor stating the facts and asking some action. The city have authorized certain persons to mine for a better quality of coal, believing that the vein which now underruns the river Des Moines to contain a superior quality to that found in the bluffs. On investigating the subject, they

fear that they might not be acting in entire accordance with law, and that they have not the sanction of law. According to the request of the city, after consultation with the Commissioner of Public Lands and the chairman and one or two other members of the Committee on Public Lands, whom I was able to see, I have prepared and now offer this resolution. I can discover no possible objection to it. Nor have either of the public officers to whom I have referred found any objection to it. I ask, therefore, that the resolution may be acted upon now.

Mr. HARRINGTON. I desire to inquire of the gentleman by whom the soil is owned in which this coal is supposed to exist. I did not understand the gentleman.

Mr. KASSON. The coal underlies the meanderings of the river, and therefore the land is retained by the United States, private property not extending into the river.

Mr. HARRINGTON. The resolution, then, only applies to mines which underlie the body of the river?

Mr. KASSON. That is all.

No objection being made, the resolution was introduced, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REPORT OF COMMITTEE.

Mr. MORRIS, of Ohio, by unanimous consent, made a report from the Committee for the District of Columbia in reference to a soldier found drowned in the canal; the subject having been referred to that committee.

The SPEAKER. Does the gentleman desire to have the report acted on now?

Mr. MORRIS, of Ohio. There is no necessity for action. Perhaps the report had better be read.

Mr. HOLMAN. It is quite lengthy, and I move that it be laid on the table and printed.

The motion was agreed to.

At a subsequent period of the session, Mr. MORRIS, of Ohio, by unanimous consent, withdrew the resolution.

PRINTING OF LAWS.

Mr. BALDWIN, of Massachusetts, from the Committee on Printing, reported the following resolution, on which he demanded the previous question.

Resolved, That the Superintendent of Public Printing shall cause to be printed one thousand copies of all laws and joint resolutions immediately upon their passage, for the use of the members of the House, and shall in addition thereto cause to be printed and bound at the end of the session five thousand copies thereof for the above use.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. BALDWIN, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PAY OF PRIVATE SOLDIERS.

Mr. HOLMAN. With a view to obtaining some time when the subject referred to may be considered, I ask leave of the House to offer the following resolution:

Resolved, That the Committee on Military Affairs be directed to report to the House the bill for the increase of the pay of the private soldiers of the Army, and that the same be made the special order for to-morrow, and from thence until disposed of.

The SPEAKER. That will require unanimous consent, and the Chair will state to the gentleman that the chairman of the Committee on Military Affairs [Mr. SCHENCK] is not now in the Hall.

Mr. KELLOGG, of Michigan. I believe that the chairman of the Committee on Military Affairs will be absent necessarily to-morrow. He may return on Monday; but perhaps not in season to present the bill. I, for one, am anxious to have it acted on as speedily as possible.

Mr. HOLMAN. Then I shall ask permission to submit this resolution on Tuesday next.

Mr. KELLOGG, of Michigan. I wish to say, if I may be allowed, that the Military Committee are anxious to report this bill, and have been for some time, and that there will be no unnecessary delay.

INTER-STATE COMMERCE.

Mr. WILSON. I ask the unanimous consent of the House to introduce a bill to regulate commerce among the several States, for the purpose of reference only.

Mr. HOLMAN. I ask that the bill be reported.

The bill was read. It provides that each and every railroad company in the United States be authorized to transport freight and passengers passing from one State to another, anything in the laws of any State to the contrary notwithstanding.

Mr. PENDLETON. I object.

LANDS IN CALIFORNIA.

Mr. HIGBY. I ask the unanimous consent of the House to report from the Committee on Public Lands a bill for the relief of the settlers upon certain lands in California. It is a local bill, and I desire action on it now.

Mr. ELIOT. I shall have to object to it if it will give rise to debate.

Mr. HIGBY. I do not think it will give rise to any debate.

Mr. ALLEY. I call for the regular order of business.

Mr. HIGBY. I hope the gentleman will allow this bill to pass. It is reported unanimously by the Committee on Public Lands, and is purely of a local character.

Mr. ALLEY. I will make no objection to the reporting of the bill on condition that it gives rise to no debate.

The bill was then reported from the Committee on Public Lands by Mr. HIGBY, received its first and second readings, was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. HIGBY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

WAR EXPENSES OF STATES.

Mr. BLAINE, by unanimous consent, introduced a bill to provide for refunding to the loyal States certain sums of money expended by them in raising and organizing troops for the Union armies; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. ELIOT. I now call for the regular order of business.

The SPEAKER. The regular order of business is the reporting of bills of a public character from the Committee on Commerce.

Mr. ELIOT obtained the floor.

RECIPROCITY TREATY.

Mr. WARD. I ask my colleague on the Committee on Commerce to yield to me for a moment.

Mr. ELIOT. I yield to the gentleman.

Mr. WARD. I am instructed by the Committee on Commerce to report back a joint resolution of the House (No. 3) to authorize the appointment of commissioners to negotiate a new treaty with Great Britain for the British provinces of North America, based upon true principles of reciprocity, with an amendment in the nature of a substitute, and also to present a report in writing. I move that they be printed, and that the joint resolution be postponed for four weeks from yesterday.

The motion was agreed to.

The following is the substitute reported by Mr. WARD:

Joint resolution authorizing the President to give the requisite notice for terminating the treaty made with Great Britain on behalf of the British provinces in North America, and to appoint commissioners to negotiate a new treaty with the British Government, based upon the true principles of reciprocity.

Whereas under the treaty made by the United States with Great Britain, proclamation of which was made by the President of the United States on the 11th of September, 1854, for the purpose of extending reciprocal trade between the British North American colonies and the United States, nearly all the articles which Canada has to sell are admitted into the United States free of duty, while heavy duties are now imposed upon many of those articles which the people of the United States have to sell, with the intention of excluding them from the Canadian markets; and whereas the President of the United States, in the first session of the Thirty-Sixth Congress, caused to be submitted to the House of Representatives an official report setting forth the inequality and injustice existing in our present intercourse with Canada, subversive of the true intent of the treaty, owing to the subsequent legislation of Canada; and whereas by the fifth article of the treaty provision was made that it should remain in force for ten years from the date at which it should go into operation, and further until the expiration of twelve months after either of the high contracting parties should give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of said term of ten years, or at any time afterwards; and whereas by a further proclamation issued by the President of the United States, bearing date the 16th day of March, 1855, it was declared that the said treaty should go into effect and be observed on the part of the United States; and whereas it is desirable that friendly relations should be continued between the United States and the British North American provinces, and that commercial intercourse should be hereafter carried on between them upon principles reciprocally beneficial and satisfactory to both parties: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and required to give notice to the Government of the United Kingdom of Great Britain and Ireland that it is the wish and intention of the Government of the United States of America to terminate the said treaty at the end of twelve months from the expiration of ten years from the time when the said treaty went into operation as aforesaid; such notice to be given at the expiration of the said term of ten years, to the end that the said treaty may be abrogated as soon as it can be done under the provision thereof, unless a new convention shall before that time be concluded between the two Governments by which the provisions shall be abrogated or so modified as to be mutually satisfactory to both Governments. And that the President of the United States be, and he is hereby, authorized to appoint three commissioners, by and with the advice and consent of the Senate, for the revision of said treaty, and to confer with other commissioners duly authorized therefor, whenever it shall appear to be the wish of the Government of Great Britain to negotiate a new treaty between the two Governments and the people of both countries based upon the true principles of reciprocity, and for the removal of existing difficulties.

RULES FOR PREVENTING COLLISIONS.

Mr. ELIOT, from the Committee on Commerce, reported back a bill (H. R. No. 62) fixing certain rules and regulations for preventing collisions on the waters.

The bill was read in full.

Mr. ELIOT moved to amend the bill by striking out the 1st day of June, and inserting in lieu thereof the 1st day of September, so as to make the bill take effect from and after the latter date.

The amendment was agreed to.

The question being on ordering the bill to be engrossed and read a third time,

Mr. ELIOT. Mr. Speaker the object of this bill is the establishment of an international code for regulating the course of vessels on the water to prevent collisions and to protect property and life. The importance of such a code has been felt a long time by all parties interested. There is at this time no statute regulation of the matter by this Government. The attention of the Government was called to this question about a year ago in a note written from the legation of Great Britain by Lord Lyons, and submitted to the Department of State. In Lord Lyons's note he stated that the attention of his Government had been called to this subject, and that it had provided a code of rules, a copy of which he transmitted to the Secretary of State, desiring that the attention of this Government should be given to the subject in order that a uniform code of regulations, international, might be as soon as possible adopted and put in force; and stating that the regulations thus submitted were to be in force in Great Britain after June, 1863.

The code as it was submitted to the State Department was referred to the Navy Department; and by the Navy Department it was referred to a board which has given to the subject very careful examination. It has also been recommended by the Treasury Department. Since the bill has been reported by the Committee on Commerce, when it was ordered to be recommitted and printed, copies of the bill have been sent to different parts of the country, and the attention of persons interested in these matters was called to its provisions. In order that the House may understand somewhat the views that were entertained by the Government of Great Britain on this question, I will send to the Clerk's desk the letter of Lord Lyons that it may be read.

The Clerk read, as follows:

WASHINGTON, *January* 10, 1863.

SIR: I have received the orders of my Government to address to you the following communication:

The great increase which has lately taken place in the number of ships employed upon the ocean, the changes which are being made in the build and character of those ships, and more especially the introduction and rapid extension of steam navigation, have for some time made it necessary to alter and amend the rules and practice formerly observed for the purpose of preventing collisions at sea.

Certain improvements have consequently been made from time to time, both in the description of lights and sig-

nals to be used by vessels at night, and also in the rules to be observed by vessels when approaching one another. Some of these alterations, those, for example, which relate to green and red side-lights, have already been adopted by most maritime nations; but even in these cases the adoption of the new system by each nation has hitherto only had the effect of a municipal law, while in other cases the rules and practice adopted by different nations are inconsistent and conflicting.

That the law and practice of all the maritime nations of the world concerning the precautions to be observed for preventing collisions at sea should be adapted to the exigencies of modern navigation; that they should be consistent and uniform, without distinction of flag or of place; and that they should have the force of international maritime law, are objects the importance of which it is unnecessary to urge.

Under these circumstances, the Governments of Great Britain and France have prepared a set of rules which will, they believe, if adopted by the maritime nations of the world, fulfill the objects above mentioned.

These rules are to come into force on the 1st day of June, 1863. They will from that date govern British and French ships, and will be capable of being enforced with regard to such ships in the courts of either country. To complete the work thus begun it is necessary to procure the concurrence of other nations, and for this purpose I am charged by her Majesty's Government to communicate to you the inclosed copy of the above-mentioned rules, and to express the hope that the Government of the United States may see fit to apply them to its own ships, and to signify to her Majesty's Government its desire that such ships may in any questions that may arise in British courts of law be treated accordingly.

Her Majesty's Government are the more ready to believe that this course will be willingly acceded to, since the rules in question have been so framed as to adhere as closely as the wants of modern navigation will permit, to the established practice of the sea.

I have only to add that a communication similar to the present will be addressed on the part of the British and French Governments to the Government of every maritime nation, in the hope that the rules in question may thus be universally adopted, and that they may become an integral part of the international law of the world.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. William H. Seward, &c., &c., &c.

Mr. ELIOT. It is evident, Mr. Speaker, that a code of this description is more or less useful in proportion to the extent of its adoption by other nations. If but one maritime nation adopted it, and no other maritime Power availed itself of it, it could not have, of course, the general utility which one uniform code regulating the course of vessels on the water would have. When this bill shall become a law, it will probably be found that all the leading maritime Powers of the world will have the same code regulating the course of vessels on the ocean. A copy of this bill was sent to the Boston Marine Society, and has been subjected to careful examination by that society. I will send to the Clerk's desk the report made to the society on the subject, giving the views of gentlemen highly competent to judge on matters of this kind. I beg to say that the report not only refers to the bill now before the House, but to one which I shall report next from the committee. But the whole letter may be read.

The Clerk read, as follows:

To the President and Trustees of Boston Marine Society:

Gentlemen: Your committee, to whom was referred a "bill fixing certain rules and regulations for preventing collisions on the water," and also a "bill to regulate the tonnage of ships and vessels of the United States," have attended to the duty assigned them, and would respectfully report that we have carefully examined each bill, and are unanimous in the opinion that the bill to prevent collisions at sea is one of very great importance, and supplies a want that has ever existed for the safety of vessels at sea, and for those who navigate our lakes and rivers.

Up to the present time we, as a great commercial nation, have had no established rules of the sea upon a uniform basis, having the sanction of law, by which our navigators could govern themselves with any degree of safety, and by which they could be held responsible for damage arising from the neglect of the same. In this respect we are very far behind many other nations whose commerce is small when compared with our own.

In establishing rules for the sea your committee are aware that great care should be had that they conform strictly to the long-established rules of other nations. They have therefore carefully compared the bill submitted to them in all its provisions, with the English established rules of the sea, which are nearly universally adopted by the nations of Europe, and find they exactly correspond, except in one instance, which is in article ten, relative to fog signals for sailing vessels, where there is a slight discrepancy which your committee deem of much importance, namely: the bill before them provides that all sailing ships or vessels shall, in foggy weather, use a fog horn, to be sounded every five minutes. The English rule is that when the vessel is on the starboard tack a fog horn shall be sounded every five minutes, but when on the port tack the bell should be rung every five minutes. In this particular your committee think the English rule is decidedly preferable, and would prevent confusion, and consequently many collisions, more particularly in rivers and narrow channels. With that slight alteration they think the bill a very good one, and would strongly recommend that it become a law.

With respect to the "bill to regulate the tonnage of ships and vessels," your committee believe the present mode of measuring and calculating the tonnage to be very imperfect, and very far from being uniform; for it is well known that while some ships will only carry their register tonnage, others will carry nearly twice that amount; and this fact alone is sufficient to show the great imperfection of the present method of measuring and calculating the tonnage. It also offers a very strong inducement to sacrifice safety and speed for carrying capacity in the construction of ships, thus increasing the risk of life and property. It also makes the tonnage tax or duty fall very unequal on ships and vessels, while justice and equity both clearly dictate that all property should be taxed in just proportion to its ability to pay.

Upon a careful examination and comparison of the bill submitted to them with the English rule for measuring and calculating the tonnage of vessels, your committee find they agree precisely; and they are of opinion that it is a very great improvement upon the method now in use, and appears to be a rule for determining the actual capacity of vessels upon correct principles; and unless there are more weighty reasons against a change than your committee are at present possessed of, they are inclined to recommend the adoption of the bill submitted for their consideration.

E. DAVIS,
ELIAS J. DAVISON,
WILLIAM PERKINS,
WILLIAM BRAMHALL,
ERASTUS SAMPSON.

Boston, *March* 1, 1864.

The foregoing report was unanimously accepted and placed on the records of the Boston Marine Society.

Attest: HENRY K. LORING,
Secretary.

Mr. ELIOT. It will be seen, Mr. Speaker, that there is a criticism in that report on the tenth article of the bill. On receiving the letter in which it is stated that this provision varies from the English rule, I wrote at once to ascertain from what quarter these gentlemen in Boston had received the rules which they had examined, because the code on which this bill was formed was the copy furnished officially from the English Government. I found by the letter in reply that the copy which had been examined in Boston, although printed in a recent publication, was the rule adopted in 1858. The rule embodied in this bill is the present rule governing English vessels. I believe that the whole bill, as it is reported, conforms with entire accuracy to the rules adopted in Great Britain. From the persons who have written to the committee on the subject there has been but one opinion expressed, and that in favor of the bill as it is reported. I believe it is as nearly perfect as it can be made; and unless gentlemen desire to make inquiries about it, I will move the previous question.

Mr. BROOKS. I was about to ask the gentleman some questions at the beginning of his remarks, but I believe he has met them all, and has explained the bill very satisfactorily to the representatives of all the commercial classes. It seems to me that this bill ought to become a law, for it establishes a great international code of navigation on the ocean. I suppose that if Great Britain and the United States adopt this law it will also be adopted by all the maritime nations of the world. I also suppose that it has not only been submitted to the Marine Society of Boston, but to other marine societies.

Mr. ELIOT. Yes, sir; all over the country.

Mr. BROOKS. I hope that it will be passed.

The previous question was seconded, and the main question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ADMEASUREMENT OF TONNAGE.

Mr. ELIOT, from the Committee on Commerce, reported back House bill No. 119, to regulate the admeasurement of the tonnage of ships and vessels of the United States, with a substitute.

The substitute was read.

Mr. ELIOT. Mr. Speaker, I should not do my duty either to the committee or to the House if I failed to state briefly and distinctly the reasons which have operated upon the committee in reporting this bill to the House, and the objects which are sought to be attained by its passage. The bill which has been just passed providing for the prevention of collisions upon the water was a bill which will contribute to the establishment of a uniform code of rules governing the ships of all nations upon the water. The effect of this bill will be, if it is passed, to contribute very materially to the establishment of uniform rules for the admeasurement of the tonnage of vessels.

I suppose the subject is one not interesting enough to the members of the House to make it probable that they will give me their attention while I state the character of the bill; yet I think they will be somewhat surprised when the fact is stated that we have got along in this country to the year 1864 without any mode of ascertaining what is the legal meaning of a ton as used in shipping, in registering the tonnage of vessels. Our ships are built by the ton; they are purchased and sold and chartered by the ton; they are taxed by the ton; they are dealt with by the ton in all respects; and yet, sir, there is no way to tell what a ton means. The dead-weight ton we know the meaning of, for it is twenty hundred weight; but what is the meaning of the word as used in registering vessels cannot be ascertained, because there is no definite unit of measurement. The ton which is used is not definite. If we were to be deprived of our unit of measurement of weight, of time, or value, gentlemen would see what a chaos would be brought about at once. Yet it is of the same importance to the ship-owners and ship-builders and the merchants who use ships upon the water that there should be a definite rule to determine the capacity of a vessel. There is none now.

The history of the law providing for the admeasurement of tonnage is very brief; and with the leave of the House I will refer to it. The first regulation upon the subject at all, dates back, I think—I speak only of the Government of Great Britain and our own; what the laws have been in the European continental nations I have not examined—in England, then, the first regulation goes back to the early part of the fifteenth century. In the year 1422 a very simple law was passed regulating the measurement of the keels of vessels used for the carriage of coal from Newcastle. It was a simple rule, but a very good one so far as it went. The law required that these vessels should not carry more than ten chaldrons of coal each of fifty-three hundred pounds weight; that is to say, that they should not carry more than fifty-three thousand pounds. The dead-weight ton is two thousand, so that those vessels were permitted to carry twenty-six and a half tons. In order to ascertain whether the vessel had obtained the proper amount, the rule required that it should be loaded at the wharf with twenty-six and a half tons of lead or iron. Then the load-line was ascertained and marked by nails driven in the stem and stern on either side and amidships. Then it was designated to what depth the vessel would be sunk with a full cargo. That was the whole law, and it was a good one, as I said just now, simply because it was based upon truth, which is more than can be said of any other law since passed upon the subject, until the one which recently passed in Great Britain in 1854. That law of 1422 continued until 1694, I think. It was then modified, and there was no other law until 1720, at which time there was one passed in England concerning spirit vessels, vessels that carried wine. That law was very similar to the one which we now have.

In 1773 there was a general law passed by the Parliament of Great Britain regulating the tonnage of all ships and vessels. It was the first general law ever passed; and that law is the same, word for word, we now have in this country, excepting that we have substituted as a divisor the sum of ninety-five instead of the English sum of ninety-four.

Gentlemen will find the law by turning to the statute; but I will state it, and they will see at once wherein it is imperfect and unjust, and at the present time impossible of useful application. There is a line running from the fore part of the main stem to the after part of the stern-post of the vessel. The length of that line is the length of the vessel. The breadth of the vessel is taken at its greatest width across the wales either above or below, and that is the breadth. One half of that breadth is said to be the depth. It is the legal depth. Then from the length thus given three fifths of the breadth of the vessel are deducted, and the remainder represents what is called the tonnage-length of the vessel. That length is multiplied by the full breadth, and the product is multiplied by half of the breadth, which is the depth, or supposed to be so. The product so ascertained

is divided by ninety-five, and the quotient so found is said to represent the tonnage of the vessel.

But it does not represent the tonnage. When the law was passed in 1720, or made general in 1773, all vessels were built upon substantially the same model, just so long, just so wide, and just so deep, and to them the law might well apply. If the ordinary vessels were all built upon models proportioned in the same way, their tonnage could be thus ascertained, and the law would be a reasonably just one, because it would furnish elements with which correct results might be ascertained.

But the rule did not apply with accuracy to any vessel except vessels of that form. In those days it was more desirable to have vessels carry much than sail fast. But by and by it became for the interest of commerce that ships should be so constructed as to sail rapidly. But there was the law. Upon that law all the duties to the Government were ascertained and paid. Now it was easy enough to evade it by changing the model of the vessel, and so it was found, instead of the depth being properly represented by one half the breadth that ship-builders ran their vessels down, making a very greatly added depth, so as to give them a greater carrying power without at all affecting the registered tonnage. So when it was desirable to make vessels sail rapidly, the model would be so constructed as to insure greater speed without violation of the rule of measurement.

This rule continued in force in England from 1773 down to 1833, I think. But during that time many efforts were made to improve the rule. In 1821 there was a commission, under the control of the Board of the Admiralty, appointed for the purpose of revising these rules for estimating tonnage, and great pains were taken to ascertain some correct mode of measurement. But all efforts failed. In 1833 another commission was appointed, and it resulted finally in the establishment of a law by Parliament, which was called the new law, as distinguished from the other, which has been known from that time until now among the naval architects of Great Britain as the "old law." The efforts of the commission resulted in the establishment of a law which was not satisfactory, and very shortly afterwards other commissions were appointed, and between 1833 and 1850 various attempts were made to improve the law and to get a good and correct system established. In 1854 the one which is now the law of Great Britain was passed by the British Parliament. It will be found in the "Merchant Shipping Act" of 17 and 18 Victoria.

Mr. George Moorsom was one of the early authors of the law, and his book, a very valuable treatise, which I have here upon my desk, goes at length into a description of the character of the law. The bill now reported is substantially a transcript of that. It is recommended by the Navy Department; it has the sanction of the Treasury Department; and it has been submitted to the different interests throughout the country, and I believe, with one exception, has not been criticised at all; it has found general favor. One gentleman, an American, Mr. William W. Bates, who seems to have given great thought to this subject, has suggested that it may become necessary to have another measurement for dead-weight cargo besides the internal measurement which this bill contemplates. Perhaps that may be needful by and by, but it is not in my judgment advisable now. The main profits from vessels are found in their capacity to carry freight and passengers, and the result of all the labor that has been given to this subject has shown that the true way to determine the tonnage of a vessel is to ascertain by correct mensuration upon scientific principles the whole internal cubic capacity of the vessel, and that is the purpose of this bill. It simply provides that the entire cubical capacity of the vessel shall be ascertained, and that divided by a hundred gives the tonnage: one hundred cubic feet is declared to be a ton.

In regard to the section of the bill which provides for fees for measuring, I would say that it has been prepared with a good deal of care, as indeed the whole bill was, by the distinguished head of the Bureau of Construction, Mr. Lenthall, and has been submitted to other gentlemen who are familiar with these subjects. It is barely possible that it will be found that this fee bill will have to be altered, but the law will not go into operation until the 1st of January, 1866, before which time it will have become practicable to determine whether the rates are reasonable or not. They are less than the rates in the English law, and which are allowed in Great Britain.

Now, Mr. Speaker, I have not said all I desired to say, but I cannot spend further time on this bill, and therefore, unless some gentleman desires to ask questions, I demand the previous question.

The previous question was seconded, and the main question ordered.

The substitute was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ERIE COLLECTION DISTRICT.

Mr. ELIOT also, from the Committee on Commerce, reported back, with the recommendation that it do pass, bill of the House (No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PORTLAND CUSTOM-HOUSE OFFICERS.

Mr. ELIOT also, from the same committee, reported a bill to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes; which was read a first and second time.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELIOT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

NIAGARA SHIP CANAL.

Mr. ELIOT also, from the same committee, reported back the petition of James G. Overell and others, citizens of Ogdensburg, New York, praying that a ship canal may be made around the falls of Niagara, and asked that the committee be discharged from its further consideration, and that it be referred to the Committee on Roads and Canals.

It was so ordered.

DUTIES ON ARTIFICIAL FLOWERS.

Mr. ELIOT also, from the same committee, reported back the petition of manufacturers of artificial flowers in the city of New York, praying for an increase of duty on imported manufactured flowers, so as to make it at least seventy-five per cent. *ad valorem*, and that no increased burden be placed on that branch of industry; and asked that the committee be discharged from its further consideration, and that it be referred to the Committee of Ways and Means.

It was so ordered.

NAMES OF VESSELS.

Mr. ELIOT also, from the same committee, reported back, with a recommendation that it do not pass, a bill (H. R. No. 253) to change the name of the American-built schooner Starlight to that of Joseph Brady; which was laid on the table.

Mr. ELIOT also, from the same committee, reported back, with a recommendation that it do not pass, a bill (H. R. No. 129) to change the name of the brig Helfenstein; which was laid on the table.

CONSUL GENERAL TO CANADA.

Mr. ELIOT also, from the same committee, reported back papers relative to the arrest of the American consul general to the British provinces, and asked that the committee be discharged from their further consideration, and that they be referred to the Committee on Foreign Affairs.

It was so ordered.

ENROLLMENT OF VESSELS.

Mr. DIXON, from the same committee, reported a bill to exempt certain vessels therein named from enrollment and license, and from the payment of tonnage duties, and for other purposes; which was read a first and second time.

The question being on ordering the bill to be engrossed and read a third time,

Mr. DIXON moved to amend by striking out the 1st of April, and inserting the 1st of August; so as to make the law take effect from the latter date.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIXON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. HAY, his Private Secretary, announced that the President had approved and signed an act making appropriations for the support of the Military Academy for the year ending the 30th of June, 1865; and an act to increase the pensions of the revolutionary pensioners now on the rolls of the Pension Office.

CHARLES A. PITCHER.

Mr. BOUTWELL, by unanimous consent, reported back from the Committee on the Judiciary, with a recommendation that it do not pass, joint resolution (S. No. 30) for the relief of Charles A. Pitcher.

The report was read, and the joint resolution was laid on the table.

Mr. HOOPER. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

TERRITORY OF MONTANA.

Mr. PENDLETON. I hope the gentleman from Massachusetts will give way for a moment until I enter a motion to reconsider.

The SPEAKER. The gentleman can enter that motion.

Mr. PENDLETON. I desire to enter a motion to reconsider the vote of the House yesterday on House bill No. 15, non-concurring in the amendment of the Senate, and asking for a committee of conference. And pending that motion, I move that a message be sent to the Senate to return the papers to this House.

The SPEAKER. The pendency of a motion to reconsider compels the House to send to the Senate for the return of the bill, unless a motion be made to lay on the table the motion to reconsider. Such motion not being made the bill will be sent for.

NATIONAL CURRENCY.

Mr. MORRILL. Mr. Speaker, I suppose that it is the agreement on all sides of the House—and we have adopted a resolution to that effect—that Congress is to adjourn on the last day of May. In the present stage of public business, unless we make more progress than we have done in the last two or three weeks, we will be utterly unable to come up to time. I would make a motion, if assented to on all sides of the House, that all debate in Committee of the Whole on the state of the Union on the special order shall terminate in one minute after we go into committee. We are yet to have before us several appropriation bills—the Indian appropriation bill, the miscellaneous appropriation bill, the tax bill, the canal bill, and other important bills. If gentlemen persist in making motions and speeches on the currency bill, as they have done thus far, we will not get through the bill for some considerable time. If there be no objection I will move to terminate all debate on this special order in one minute after its consideration is resumed. That will not interfere with the offering of amendments.

Mr. BROOKS. I cannot assent to that proposition.

Mr. MORRILL. If there be objection then I withdraw the proposition, and move that all debate on the pending section be closed in one minute after the Committee of the Whole on the state of the Union shall resume its consideration.

The motion was agreed to.

Mr. MORRILL. I now move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the

Union, to take up the national currency bill, which is the special order.

Mr. HALE. I suggest that we go into the Committee of the Whole House on the Private Calendar to consider private bills. This is objection day, and it will not take more than half an hour.

The SPEAKER. The motion to go into Committee of the Whole House on the Private Calendar, although this is Friday, will not take precedence, as the national currency bill is a special order from day to day until disposed of.

Mr. MORRILL's motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The CHAIRMAN stated that when the committee rose last evening the thirty-second section of the bill was under consideration, to which the gentleman from Iowa [Mr. PRICE] had moved the following amendment; and that by order of the House debate had been closed in one minute.

The Clerk read the amendment, as follows:

Strike out the words "named in the preceding section," and insert in lieu thereof, "Philadelphia, Boston, and New York, at one fourth of one per cent. per annum;" so that it will read:

SEC. 32. *And be it further enacted*, That each association shall select, subject to the approval of the Comptroller of the Currency, an association in either of the cities of Philadelphia, Boston, and New York, at one fourth of one per cent. per annum, at which it will redeem its circulating notes at par; and the Comptroller shall give public notice of the names of the associations so selected at which redemptions are to be made by the respective associations, and of any change that may be made by any association in the association at which it will redeem its notes. If any association shall fail for the term of thirty days to redeem its notes as aforesaid, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver in the manner provided for in this act to wind up its affairs: *Provided*, That nothing in this section shall relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

Mr. PRICE demanded tellers.

Tellers were not ordered.

Mr. HOOPER. Let me make a suggestion.

The CHAIRMAN. Debate is exhausted.

Mr. HOOPER. I ask unanimous consent.

Mr. ELDRIDGE. I object.

The amendment was rejected.

Mr. YEAMAN. I move to amend by striking out the words "an association," and in lieu thereof to insert the words "one or more associations."

The amendment was rejected.

Mr. PRICE moved to add the following to the end of the section:

And provided further, That all banks which may be organized under this act, or that have been organized under the act to which this is an amendment, shall at all times be compelled to receive at par, in all transactions at their counters, each other's notes, and to treat them in all respects as their own.

On a division, there were—ayes 21, noes 40; no quorum voting.

The CHAIRMAN ordered tellers, and Messrs. PRICE and YEAMAN were appointed.

The amendment was rejected; the tellers having reported—ayes 41, noes 51.

Mr. DAVIS, of New York, moved the following amendment:

Page 27, section thirty-two, line five, after the word "par," insert the following:

Or an association in the city of New York, at which it will redeem its circulating notes at a discount not exceeding one fourth of one per cent.

Mr. WILSON demanded tellers.

Tellers were ordered; and Messrs. DAVIS, of New York, and ENGLISH, were appointed.

The question was put; and the tellers reported—ayes 48, noes 39; no quorum voting.

The roll was then called; and the following members failed to answer to their names:

Messrs. James C. Allen, William J. Allen, Arnold, Baily, Augustus C. Baldwin, Francis P. Blair, Jacob B. Blair, Branegee, James S. Brown, Coffroth, Cox, Creswell, Dawes, Dawson, Deming, Driggs, Eden, Edgerton, Farnsworth, Fenton, Ganson, Garfield, Gooch, Grider, Grinnell, Harrington, Charles M. Harris, Holman, John H. Hubbard, Hutchins, William Johnson, Julian, Kalbfleisch, Francis W. Kellogg, Kernan, King, Lazear, Le Blond, Littlejohn, Loan, Marvin, McAllister, McDowell, McIndoe, McKinney, Middleton, William H. Miller, Daniel Morris, Nelson, Odell, Perry, Pruyn, Radford, Samuel J. Randall, John H. Rice, Robinson, Ross, Schenck, Sloan, Smith, Smithers, Starr, William G. Steele, Wadsworth, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood.

The committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; and the committee finding itself without a quorum had caused the roll to be called, and directed him to note the absentees and report them to the House.

A quorum having appeared the committee resumed its session.

Mr. WILSON. I move to amend the amendment by striking out "one fourth," and to insert in lieu thereof "one eighth."

The amendment was rejected.

Mr. HALE moved to insert after the words "New York" the words "Philadelphia and Boston."

Mr. DAVIS, of New York. I accept that as a modification of my amendment.

Mr. KELLOGG, of Michigan. Then I hope it will be voted down.

Mr. MALLORY. I move to insert, "and all other cities named in the bill."

The amendment to the amendment was rejected.

Mr. KELLOGG, of Michigan. I move to strike out the words "Philadelphia and Boston."

The amendment to the amendment was rejected.

Mr. PRICE's amendment was then rejected; the tellers having reported—ayes 47, noes 50.

The Clerk read the thirty-third section, as follows:

SEC. 33. *And be it further enacted*, That the directors of any association may, semi-annually, each year, declare a dividend of so much of the profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to twenty per cent. of its capital stock.

Mr. LAW. I move to add the following:

Provided, however, That at no time shall the dividends of the net profits of said association exceed the sum of eight per cent. per annum after its surplus fund paid in shall amount to twenty per cent. of its capital stock; but if the net profits of said association shall exceed eight per cent. per annum after the surplus fund is paid in as provided in this section, said surplus dividend of its net profits per annum shall be paid into the national Treasury for the benefit of the pensioners of the Government whose names are placed on the rolls of the Pension Office.

This section provides that the directors of any association may, semi-annually, each year, declare a dividend of so much of the profits of the association as they shall judge expedient; but each association shall before the declaration of a dividend carry one tenth part of its net profits of the preceding half year to its surplus fund until the same shall amount to twenty per cent. of its capital stock. The clear inference most undoubtedly is, that after the amount of profits paid in amounts to twenty per cent. they have the right to make such dividends as they please. They will have full power and authority to declare dividends of fifty per cent. We all know the grasping power of these banks. I have been a director of a bank myself, and I know how these things are managed. The sole object is to make as much money out of the institution as possible. Now, eight per cent. is unquestionably a good dividend for any bank in these times or in any times. Unless this amendment is adopted the result will be that, instead of making dividends of eight per cent., they will make dividends of fifteen and twenty per cent.

Now, what disposition should be made of these large profits, and to what object should they be applied? We are taxing the people for the very purpose of establishing these very institutions. You are providing here for the establishment of a bureau costing over a hundred thousand dollars a year, and I ask, why should not these large profits beyond a reasonable dividend be applied to the benefit of the people?

My object is to perfect the bill. I do not say that I shall vote for it after it is perfected, because I have no faith in it. I do not believe any bank in the world predicated on paper can succeed. I am perfectly astonished that the gentleman from Boston, [Mr. HOOPER,] the hub of the universe, a place which probably has more specie wealth in proportion to its population than any other place, a hard money man as he is, should have thought to engineer this thing through the House.

What was the necessity of getting up these institutions? None at all. The Secretary of the Treasury had authority to issue Treasury notes *ad libitum*. We tried a similar institution in Indiana and Illinois. It was predicated on State stocks; and what was the result? The institution went down; and to illustrate the state of things there let me repeat an anecdote, as the President of the United States would say, to illustrate my idea of the future value of these notes. A large steamboat was coming down the Ohio, along the coast of Egypt, and the pilot told the captain they wanted wood. He told the pilot to put in at the first wood-yard. He did so, and as they turned into the shore they saw a fellow smoking his pipe, careless of what was going on. The captain called out to him, and asked if he was the owner of that pile of wood.

[Here the hammer fell.]

Mr. LAW. I will be through in a moment.

Mr. HUBBARD, of Iowa. I object.

Mr. PRICE. I propose to let that fellow sit there. [Laughter.]

Mr. LAW. He asked, "How much do you ask for that wood?" "Two dollars and a half a cord." "Will you take Illinois paper?" "Yes." "At what rate?" "Cord for cord." [Laughter.]

The amendment was not agreed to.

Mr. STEVENS. I see the word "net" should be inserted before the word "profits" in the third line.

Mr. HOOPER. I doubt the propriety of making such an amendment. I think if we introduce the word "net" the question will immediately arise, "net" of what? You remember that two years ago a long discussion arose upon the meaning of the word "income" in the tax bill, where the word "net" was put before it. The discussion was continued a long time, and it was finally decided that "income" expressed more precisely the meaning than it would with the additional word.

Mr. STEVENS. Then I suggest that we should strike out "net" before "profits" in the fifth line. If retained in one place it should be in the other. I move the amendment.

The amendment was agreed to.

Mr. GRISWOLD. I move to amend the section by adding thereto the words:

No dividend shall be declared while such surplus does not amount to twenty per cent.

The amendment was not agreed to.

Mr. HOOPER. I move to amend the thirty-fourth section by inserting after the word "Comptroller," in the tenth tine, the word "within"—a mere verbal amendment.

The amendment was agreed to.

Mr. HALE. I move to amend that section by striking out of lines eighteen and nineteen the words, "or if there be no newspaper in the place, then in the newspaper published at the place nearest thereto." We are authorizing the establishment of banks at places where there are no newspapers. I think there should be a newspaper before there is a bank. In this nineteenth century we should require that there should be a newspaper published in a town before it has a bank. I hope the amendment will be agreed to.

Mr. MALLORY. I would suggest to the gentleman from Pennsylvania that he offer an amendment to provide that no bank shall be allowed to be established in any town where there is not a newspaper.

Mr. HALE. This will accomplish that object. There must be a newspaper in the town before a bank is established, if we strike this out.

Mr. ELDRIDGE. I wish to ask the gentleman from Pennsylvania if he cannot accomplish his purpose better by requiring each of these banks to run a newspaper?

Mr. HALE. If my amendment prevails this section will require that there shall be a newspaper in the place before a bank is established. I call for tellers on the amendment.

Tellers were ordered; and Messrs. HALE and BEAMAN were appointed.

The committee divided; and the tellers reported—ayes twenty-six, noes not counted.

So the amendment was rejected.

Mr. KALBFLEISCH. I move to amend the thirty-fifth section by inserting after the word "stock," in the third line, the words "or the shares of the capital stock of any bank established under the provisions of this act;" so that the section will read:

That no association shall make any loan or discount on the security of the shares of its own capital stock, or the shares of the capital stock of any bank established under the provisions of this act, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, &c.

I offer that amendment simply for the purpose of preventing these banks from doing what is vulgarly called on Wall street "kite-flying." They may take the shares of one bank to another and receive the same complement of shares of that bank and loan them on their own stock. If the object of establishing a bank is to facilitate commercial transactions by loaning money to persons who want to use it for legitimate purposes, that is one thing; but if it is for the express purpose of flooding the country with paper money and borrowing from Peter to pay Paul, they should not be allowed to loan money upon any stock.

The amendment was disagreed to.

Mr. STEVENS. I move to amend the thirty-sixth section by striking out in lines nine and ten the words, "against money actually on deposit to the credit of such association, or due thereto;" so that the section will read:

SEC. 36. *And be it further enacted*, That no association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on the following accounts, that is to say: first, on account of its notes of circulation; second, on account of moneys deposited with, or collected by, such association; third, on account of bills of exchange or drafts drawn; fourth, on account of liabilities to its stockholders for dividends and reserved profits.

I do not see why those words should remain in.

The amendment was disagreed to.

The thirty-ninth section was read, as follows:

SEC. 39. *And be it further enacted*, That no association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode put in circulation the notes of any bank or banking association not authorized by this act, nor any notes which shall not at any such time be receivable at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall it knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

Mr. HOOPER. I move to amend that section by inserting after the word "time," in the second line, the words "after the 4th day of July, 1865."

Mr. BEAMAN. I move to amend the amendment by substituting "1866" for "1865."

Mr. HOOPER. I accept that amendment.

The amendment was agreed to.

Mr. HOOPER. I move now to insert after the word "nor," in the sixth line, the words "shall it at any time pay out as aforesaid."

The amendment was agreed to.

Mr. STEVENS. I now move to strike out the whole section. The committee will perceive that this section prohibits a bank instituted under this act from receiving, paying out, or doing business upon any other notes of any other banks, no matter how good they may be.

Now, sir, I think, in the first place, that that is very unjust to all the other banks, and in the next place it is very unjust to these banks themselves. I do not believe that a bank established upon these principles can ever receive deposits to any large amount, or can ever do a business worth attending to. Suppose there are two banks in the town in which I live, one a national bank and the other a State bank. A merchant takes in all the money which circulates as currency in that country. He goes in the evening to make his deposits in one of these national banks, and is told that the bills he presents cannot be received, that the law prohibits the national banks from receiving or paying out any such notes as these. The merchant would at once say that he must go to a bank that will receive them on deposit; and he goes accordingly to the neighboring bank, taking away his business from the national bank and transferring it to a State bank not thus prohibited. I do not believe it possible for banks established under this system to do any business worth attending to. And such is the opinion of the principal bankers that I have seen since this has been published.

Mr. HOOPER. I hope that the amendment of my colleague [Mr. STEVENS] will not prevail. I think he misapprehends the effect of this section. I have consulted with a great many bankers in regard to it, and I have found that they approve of the section. Its object is to prevent a bank paying out any notes that it is not willing to receive.

Mr. STEVENS. May I ask my colleague whether the banks are not confined, in this section, to the notes of the national banks?

Mr. HOOPER. No, sir.

Mr. STEVENS. Then the bill does not express the gentleman's meaning.

Mr. HOOPER. As amended, the section does not confine them to the notes of the national banks. The prohibition is to their paying them out. The object is to prevent any bank from putting in circulation notes that it is not willing to receive. In the experience of past times we have seen banks, which generally have a premonition when a bank is getting into trouble, paying out its notes, notes which they knew would be, the next day, notes of a failed bank. By thus paying them out and putting them into the hands of their customers they avoid loss themselves. The object of this section is to prevent any such practice.

Mr. PRICE. I would inquire of the gentleman from Massachusetts whether, under the section as amended, these banks cannot pay out, until July, 1866, all sorts of trash.

Mr. HOOPER. We hope they would not do so.

Mr. PRICE. But, as your colleague justly observed a while ago, it would be hoping against hope in this case.

The question being on Mr. STEVENS's amendment,

Mr. STEVENS. I move to amend the amendment by striking out the last word. If I understand this section at all, it reads just as I stated before. These banks are not allowed to take any notes except the notes of the national banks, and they are not allowed to take all of them unless they are current. But they are allowed to take no other, nor to do business in any other, if ever so current. My colleague [Mr. HOOPER] is certainly mistaken. He forgets that the principal bankers of Chicago, Cincinnati, and other places, who were before us, protested against this section, and declared that they could do no business under it. My colleague, however, says that the principal bankers agreed to it. That must be an error of memory on his part.

Mr. HOOPER. Will my colleague allow me to interrupt him?

Mr. STEVENS. Certainly.

Mr. HOOPER. The first amendment that I introduced was to meet the objection of these gentlemen, and they gave their consent to it and were entirely satisfied.

Mr. STEVENS. That must have taken place in my absence. It did not take place before the Committee of Ways and Means. That is all I say. I say that these banks should be allowed to deal in just such notes as other banks are allowed to deal in. If they are willing to take them, and if others are willing to receive them, there should be no obstacles put in their way. Otherwise you will cripple these institutions and give all the benefits to State banks. I withdraw my amendment to the amendment.

Mr. HALE. I renew the amendment to the amendment, striking out the last word. The amendment proposed by the gentleman from Massachusetts [Mr. HOOPER] is an admission that he cannot get along with the section as it now stands. The section is not to operate until July, 1865, and I am sure that it must be postponed indefinitely if these banks are to get along at all. That section would prohibit the receiving or paying out the notes of the State Bank of Pittsburg or of the Chemical Bank of New York. It would prohibit the issue of all the notes of State banks, which constitute in my section of the country, and will for years to come, nine tenths of the circulation. It amounts virtually to a repudiation of the State bank notes. A State bank may be as sound as any bank in the country. The banks in my State, for instance, organized under the laws of the State, are virtually repudiated by this section, and their credit will, to that extent, be impaired. These banks, I repeat, are, under this section, prohibited from paying out a solitary dollar issued by any bank in my State.

Now, I submit that such a provision is not likely to carry into effect the objects for which this bill was introduced. If gentlemen will strike out this section, and have these national associations free to receive and pay out the paper of all banks, whether State or national, which redeem their notes in lawful currency, that is as far as we ought to go. I think we ought to authorize these banks to receive and pay out all notes of banks which redeem their notes in lawful currency, if the creditors of the bank are willing to take such paper. The creditor may prefer to receive the paper of State banks, and yet by this section they are prohibited from paying that creditor in the currrency he prefers. At all events, I hope we shall allow the banks to pay their creditors in the currency which they prefer.

I presume the object of this section is to reduce the circulation of the State banks, but I do not think it will have that effect. In my State the State banks receive and pay out the notes of all solvent banks within the State, and if this requirement is made of the national banks it will require them to send special agents to all the little banks in the remote parts of the State to procure the redemption of the currency of such banks which they may receive, making it impossible almost for them to do business at all under this law. I do hope, therefore, that this section will be so amended as to give to these national associations the same privileges that are enjoyed by the State banks.

I withdraw my amendment.

Mr. KASSON. I move to amend the section by striking out the last two words of the amendment.

Mr. PRICE. I rise to a question of order. That amendment strikes out the "United States." That cannot be in order. [Laughter.]

Mr. KASSON. I will restore the gentleman the United States in about two minutes.

The CHAIRMAN. The Chair overrules the question of order.

Mr. KASSON. I desire to say in reply to my friend from Pennsylvania, who has just taken his seat, and others who have expressed like opinions, that perhaps they have not understood the usages which have prevailed in several of the States under which a necessity, in my judgment, exists for a restrictive rule at some time for the security of the currency.

The section as it exists authorizes all the banks to be created under this law to receive whatever currency they choose, subject to only the general restrictions of banks in respect to the solvency of the banks whose notes are presented. But it prohibits them from paying out such notes, and putting them into circulation, as are not fit for circulation or redemption. They may take in any currency they please. There is no restriction placed upon them in that respect.

But what would be the effect of extending the same license to the notes they are to pay out? Every bank desires to keep its own currency out as long as possible, and it will therefore send its own currency to some remote portion of the Union for circulation, while it will pay out to its creditors in its own immediate neighborhood the notes of other banks, and thus place in the way of the redemption of its notes as much difficulty as possible. It, in other words, places it in the power of these banks to extend their circulation indefinitely.

The result will be, if the section is adopted, that these banks will receive the notes of State banks, and keep them on hand until a reasonably large amount has accumulated, when they will send them to the banks by which they were issued for redemption. With the provision now proposed, it will flow gradually, from time to time, back to them. We have the same system in the State of Iowa. Our State bank is authorized to receive whatever bank issues it pleases, but it is not authorized to pay them out. The effect is, that it takes currency that comes from distant places and sends it back to them. I understand from my friend from Massachusetts that that is the law in that State. I think it is the law in several other States of the Union; and I know that it ought to be the law where you want a solid system of currency. It is for this reason that, I understand, the Committee of Ways and Means have adopted

the same system here, that this currency, which may be received by the banks, may gradually, from time to time, go back for redemption.

Mr. HALE. Is the circulation of all the banks received by any of the banks in the State of Iowa? Am I to understand the gentleman to make that statement?

Mr. KASSON. There is only one bank there.

Mr. HALE. I understood him to say that it is so in Massachusetts, and that the issues are received at any bank.

Mr. KASSON. Perhaps there is a final reason for it. It gives the circulation in the community where the banks are, and their condition is known, instead of flooding each community with the notes of banks the character of which is not known; without which we will not be able to secure a uniform currency, but will be flooded with the currency which is now prevalent all over the western country.

Mr. STEVENS. Mr. Chairman, these banks are allowed to receive this money, and if their customers are willing to take that money on loan or discount, what kind of objection can there be to the banks using their capital in that way? Whatever is good enough for them to receive, is good enough for them to pay out to their customers. If they cannot discount on this, then they can never get any deposits. That is out of all question. If these banks are to accumulate these notes and to send them back periodically every week or ten days, it is easy to see how oppressive that would be on the ordinary banks. It would be otherwise if they were allowed to pay out the currency that parties may be willing to take. Then all of the banks will have the same right. You may say that the State banks should not take one of these notes just as well as that they shall not pay them out.

If you do this you will have the States retaliating by passing laws that their banks shall take the notes of no other State or of a national character, but that they shall be confined in their operations to their own State banks. It is as reasonable one way as the other. I hope that the amendment will not prevail.

Mr. KASSON, by unanimous consent, withdrew his amendment.

Mr. UPSON. I move to amend the section by striking out all after the word "circulation" in the fourth line down to and including the word "nor" in the sixth line, as follows: "the notes of any bank or banking association not authorized by this act, nor;" so that the section will read:

SEC. 39. *And be it further enacted*, That no association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode put in circulation any notes which shall not at any such time be receivable at par, on deposit, and in payment of debts by the association so paying out or circulating such notes, &c.

Mr. Chairman, if that amendment be adopted, it will be necessary to strike out an amendment which has been adopted already. I think that then the object of the gentleman from Pennsylvania will be accomplished.

Mr. BEAMAN. I rise to oppose this amendment. I am in favor of striking out this entire section. We must look at the condition of the country and currency as it is. In my State, and I suppose in most of the western States, the entire circulation is that of State banks. Now, it follows we must have State bank notes or no currency at all. I suppose the intention of the gentleman from Massachusetts in excluding these notes from circulation is to build up and strengthen the banks to be organized under this bill. Instead of having that effect the effect will be to destroy those banks. No bank can go into operation in my State and succeed against the State banks, because the State banks can do all of the business. They have all of the deposits and they will do all of the business; and the result will be that the national banks cannot be sustained at all.

The amendment was rejected.

Mr. MORRILL. I move to amend by inserting "unless such an association shall have issued of its own circulation the amount limited by law." With that restriction, I think the gentleman from Pennsylvania will not object to the retention of the section in the bill. I think that will place as great a restriction as ought to be required. The banks certainly should be allowed to get rid of this money which they receive on deposit, and in some other way than by sending it home for redemption.

The amendment to the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and the House received a message from the Senate, by Mr. McDONALD, one of their clerks, returning, agreeably to its request, a bill (H. R. No. 58) to provide a temporary government for the Territory of Montana.

NATIONAL CURRENCY—AGAIN.

The committee resumed its session, the pending question being on the amendment offered by Mr. STEVENS.

The CHAIRMAN ordered tellers; and appointed Mr. MORRILL and Mr. UPSON.

The committee divided; and the tellers reported —ayes 54, noes 36; no quorum voting.

The call for a division being withdrawn, the amendment was agreed to.

Mr. KALBFLEISCH. I move to amend section forty-one by striking out the last clause, namely, "and such tax or duty shall be in lieu of all other taxes on such associations." I move the amendment in order that the section may not hereafter be construed to prevent States, counties, and cities from imposing a tax upon these banks. It strikes directly at the power of States and local governments to tax any of these institutions.

The amendment was not agreed to.

Mr. GRISWOLD. I offer an amendment to this forty-first section at the request of my colleague, [Mr. KERNAN,] who is now absent. The amendment is to insert in line ten, page 32, before the word "taxes," the word "national;" so that the clause shall read, "and such tax or duty shall be in lieu of all other national taxes on such associations;" and also to add to the section the following:

And the said associations or corporations shall severally be subject to State and municipal taxation upon their real and personal estate, the same as persons residing at their respective places of business are subject to such taxation by State laws.

Mr. HOOPER. I hope the amendment will not be adopted. I suppose it comes from Albany, where I understand they have a proposition before the New York Legislature to tax these national banks, and this is offered for the purpose of carrying out that object, as I understand, of the New York Legislature.

Mr. KALBFLEISCH. As I did not understand the gentleman from Massachusetts distinctly, I ask him to be good enough to repeat what he said in relation to this amendment.

The CHAIRMAN. Debate is exhausted.

The amendment was not agreed to.

Mr. KALBFLEISCH. Then I move to strike out the last word of the amendment. I did not distinctly understand the gentleman from Massachusetts, but I understand that this clause of the bill is to anticipate any action upon the part of the Legislature of the State of New York. Now, if the gentleman means to commence by preventing the State of New York from exercising its sovereign power, I hope the House will not follow his lead in that direction. The national banks should be subject to State and other taxes the same as individuals and other banks. I withdraw the amendment to the amendment.

The question recurring on the amendment offered by Mr. GRISWOLD,

Mr. ELDRIDGE demanded tellers.

Tellers were not ordered.

The amendment was not agreed to.

Mr. TRACY. I move to amend the forty-first section by adding thereto the following:

Provided, That no provision contained in this act, or contained in any law of Congress authorizing the bonds referred to in the sixteenth section of this act, shall be so construed as to prohibit any State from imposing such tax upon the dividends of the several banking associations organized therein, under this act, as shall to the Legislature thereof seem just and equitable.

I hope that this section will not be the judgment of this House as to the banking interest of this country, for I take it to be a fact that the friends of this bill propose to make this the banking system of the country. I suppose that it is the intention of the friends of this bill that the currency which is proposed to be established by this bill shall prevail throughout the Union; and, sir, I hope it is not proposed that all this great interest shall be released from taxation within the States.

Sir, how can gentlemen answer, after this money shall have become the currency of the country, to the poor laborer, whose cow, whose oxen, whose horse are taxed for local and State purposes, if you allow the banker across the way, who furnishes the currency of the country, to escape entirely from taxation? I hope, sir, this Congress is not going in this way to override taxation and release these great moneyed interests of the country from taxation and impose it entirely upon other interests. I hope that this amendment will prevail.

Mr. HOOPER. Mr. Chairman, I think the gentleman misapprehends the provision of the bill as it now stands. It does not exclude the States from taxing the personal property of an individual which is invested in the bank, but simply prevents taxation of the bank itself.

Mr. ELDRIDGE. I move to amend the amendment by striking out the last word. I look upon the proposition of this bill as perfectly monstrous. The whole tenor and purport of the bill is to drive the entire banking capital of the country under these national organizations, and then the bill proposes to relieve from taxation all of the capital of the country by virtue of its being organized into banks under this bill.

I think the questions which were put by the gentleman from Pennsylvania [Mr. TRACY] are very pertinent, and they are questions which will be put to every member of this House when taxation comes to be placed upon every individual and upon every article which every individual wears, and the whole banking capital of the country is relieved from that taxation. I did not suppose that that was the object of the bill. Gentlemen tell us that this provision does not prevent taxation upon the personal property of the individuals who may compose the corporation; but it must be perfectly apparent to the gentlemen having this matter in charge that we shall not be able to find the individuals. They may be located in a different place from the one where the bank is located; they may be, for aught I know, in foreign countries, where we cannot reach them; they may live in England, or Scotland, or Ireland, or elsewhere; we cannot reach the individuals, and we cannot, therefore, reach their personal property for the purpose of taxation.

I repeat, therefore, that the proposition of this bill to drive all the banking capital of the country into organization under this national banking system, and then to relieve it all from taxation, is a perfectly monstrous and outrageous proposition.

Mr. MORRILL. Mr. Chairman, I suppose gentlemen upon the other side of the House understand this question, but I should not judge so from the arguments presented here. What are the facts? Why, that this capital is to be entirely composed of the bonds of the United States. Now, if we are to leave it at the option of the States to tax that capital, why we prevent the Government from getting any loan by the issuing of these bonds. It is not true that this capital is going exempt from taxation in any other form than as indebtedness of the United States. It has never been conceded that the debt of the United States can be taxed by the several State governments.

Now, in relation to the other part of the bill, which provides for the issuing of a circulation, that is to be taxed by the national Government to the extent that Congress sees fit to impose a tax. We are to tax the banks also on license; we are to tax them as a direct tax on their circulation; and then, after all that, we are to tax them on their incomes. I submit that these banks are to be taxed, and taxed fully, and it is a fallacy to argue here that they are to go exempt.

Mr. ELDRIDGE withdrew the amendment to the amendment.

Mr. J. C. ALLEN. I renew the amendment to the amendment. I do it, sir, for the purpose of entering my protest against this kind of legislation, that will enable a citizen of one of the States to invest his entire capital in Government bonds, and in that way exonerate himself from paying his proportion of the State taxes. I cannot understand upon what principle of reason, morality, or justice, the Congress of the United States can exempt one particular species of property from taxation by the States, and leave all other classes of property subject to taxation. I cannot understand why it is that when my neighbor invests his money in the stocks of the General Government, and deposits them, under the pro-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, APRIL 5, 1864. NEW SERIES.....No. 88.

visions of this bill, in a bank, as the capital upon which he shall bank, he shall be exempt, by an act of Congress, from paying his proportion of the State taxes upon that capital, while my other neighbor is taxed upon every species of personal property that he possesses. The position cannot be defended on principles of reason or justice. It is but another effort to enable individuals who are possessed of great wealth, and who invest it in this species of property, to exempt themselves from State taxation, while those who are not so fortunate as to be able to deal in stocks, deposit them in banks, and draw their dividends on them, must pay more than their just share of taxation. I believe that every dollar's worth of property, whether it be in mules, horses, cattle, or any other species of property, should be alike subject to taxation. It should be subject, not only to taxation by the General Government, if it resorts to that mode of raising revenue, but also to State and municipal taxation.

This proposition creates an odious distinction between those who invest their money in these bank stocks, and those who, having but small means, invest it in other species of property. I know in my own neighborhood men who, for the mere purpose of exempting their property from taxation, are investing it in bonds of the Government. This bill holds out inducements to others to invest their means in bank stock so that they may avoid their portion of the State taxation which should justly fall on every individual in the State according to the value of his personal property. I know no reason why the amendment should prevail.

Mr. GRINNELL. I supposed, Mr. Chairman, it was a settled fact, and that the position would not be further controverted, that we were to make the attempt by this bill to save to the country thirty or forty or fifty millions a year. The gentleman from Wisconsin [Mr. ELDRIDGE] intimated that we should be called to account, in our respective districts, for permitting the banks to go untaxed. Why, sir, every State has a common interest in the national currency. If you leave it to the States to tax these banks as they please, you may find some of the States taxing the banks out of existence. The men who are opposed entirely to this bill, and who are voting against it on this floor, claim, I believe, that they control the State of New Jersey; and that State would certainly tax out of existence any banks that might be established there under this bill. If they gained power in other States the same result would follow. It could not be otherwise. The enmity and opposition manifested on this floor to the cause of the nation would lead them to depreciate and endeavor to destroy the credit and currency of the country.

I know that there would seem to be something unfair in exempting from taxation the property invested in United States stocks. But I would call to the notice of gentlemen the fact that if we have not all money to invest in these stocks, we have all an interest in the currency and credit of the country, and we wish to save an annual interest of thirty or forty millions to the Government. I think that that is a full answer to the gentleman from Wisconsin. I am prepared to stand before the people on that ground.

Although it may appear that a few rich men will not be taxed so heavily as they would otherwise be, still it must be remembered that they invest their all; that they come forward and put their shoulders to the wheel, expressing confidence in the Government and in the payment of the national debt.

Mr. J. C. ALLEN withdrew his amendment to the amendment.

Mr. WASHBURN, of Massachusetts. I move to amend the amendment by striking out the last two words. I do so in order to express my views in regard to this section as it now stands. It will be observed by every member of the House that the tax proposed is simply on the circulation. Now, it seems to me that with the debt resting on this country that we have to-day, we cannot exempt United States stocks from taxation. I know that the ground has been taken that we ought to do so in order to encourage people to invest in them. But as it appears that the greater portion of the investments of the country are to be in these stocks, the freeing of all these stocks from taxation will increase that on all other species of property.

But the principal point to which I wish to direct the attention of the House is that this section proposes to place a tax upon circulation. The effect of that clause will be to put upon the country banks, who furnish most of the circulation, and who depend upon their circulation, the burden of paying nearly all the taxes which you propose to impose, while your city banks, that have their millions of capital, and yet who have no interest in putting into circulation their own notes, will go free from taxation. Yes, sir, under this bill the country banks, who furnish the community with bank currency, will be compelled to pay nearly all the taxes that are imposed by this bill, while the city banks, which have no circulation, but whose business is far more profitable than that of the country banks, will go almost entirely free of taxation. I believe that all bank capital should be taxed; then banks located in the city and banks located in the country, whatever may be their circulation, will be taxed alike, and no portion of the capital so invested will escape taxation.

My friend from Vermont says that all the capital of these banks is to be invested in United States bonds. Now, sir, if I understand the law it requires that thirty per cent. of the capital of these banks shall be invested in United States bonds. The argument of the gentleman therefore can have only a partial application.

But, sir, I am opposed to giving to the States permission to tax the capital of those banks at all, because the inevitable effect will be to bring the State jurisdiction into conflict with the jurisdiction of the General Government upon that subject. The proposition, as I understand it, is to make this a great national system, to make it responsible to the national Government, to make it subject to any burdens and restrictions the national Government may see fit to place upon it; and to carry out that object it will not do to place it in the power of the States, otherwise you place it in the power of any State which may be opposed to the system to cripple and destroy it. For instance, if a majority of the Legislature in the State of New York, or of any other State, were invested with the power of taxing these national banks within its limits, they might so exercise the power as to destroy these banks within that State. I believe, therefore, that the power of taxation in respect to these banks should be confined to the General Government. But I believe also that the true policy is for the General Government to tax them in such a manner as shall distribute the burdens you impose upon them in proportion to their capital. You cannot satisfy the community, you cannot satisfy the people at large in any other way. You do not reach the object at all in taxing merely the circulation. There is no reason why it should be taxed any more than there is why deposits should be taxed. But if you place your tax upon the capital itself, then all the banks, whether in the city or in the country, will be placed upon an equality.

Mr. STEVENS. It seems to me gentlemen have not properly reflected upon this proposition. I do not suppose there is any member of this House who is for violating our pledges made to the nation. Now, sir, these banks are to have no circulation except what is based upon the bonds of the United States, and not quite to the amount of these bonds, but within ten per cent. of it.

When these loans were taken and when these bonds were issued it was under the plighted faith of the nation that they should not be touched. Such a provision is in every one of these loan bills upon which any of the bonds have been issued; and will gentlemen now vote that the capitalists who have invested their money upon the faith of the nation, upon the laws that now stand upon the statute-books, shall not have that faith kept to them? How can gentlemen with consciences in them undertake to say that they may be taxed, when they were issued upon the pledge that they should not be taxed, upon the pledge that they should be free from taxation by State or municipal authorities? The General Government has reserved the right to tax them itself for national purposes. But they cannot be taxed by State authorities unless gentlemen are willing to disregard the pledges solemnly given by the Government.

But, sir, I deny that the banks chartered by the Government can be taxed by a State. If they can let them try it by leaving out this provision. It has been decided already that banks granted by the Government cannot be taxed in the States. I appeal to the State of Maryland and to the State of Kentucky.

A MEMBER. And the State of Ohio.

Mr. STEVENS. And the State of Ohio too. What will be the result of the doctrine for which gentlemen now contend? Any State may tax out of existence at its pleasure any one of the banks established by this Government if it were in their power. Did my colleague understand that when he made his motion? I am sure it was heedlessly done.

Is this the faith we are to keep with the moneyed men of the country? When we wanted money to carry on the war we borrowed money and pledged our faith to them. When we have obtained $500,000,000 and want $500,000,000 more, shall we violate our faith? I admire the courage that can make a proposition of this kind. I hope that it will not prevail.

The amendment was rejected.

Mr. HOTCHKISS. I move to amend by adding the following:

Provided, That nothing herein shall exempt any association organized under this act from the same State and municipal taxation imposed upon other corporations in the States where such associations are located.

Mr. Chairman, there is no existing law that exempts the banking business in any State from taxation. I do not regard it as an answer to my proposition that these banks are founded upon national bonds which are themselves exempt from taxation. There is no contract existing between the Government and the individuals who hold these bonds, in case they invest them in the banking business, that that business shall also be exempt from taxation.

I offer this amendment, Mr. Chairman, that I may have an opportunity to place myself upon the record on the subject of taxation. The section as it now stands I regard as unjust. It is unnecessary as well as unjust, and if adopted will render the law odious to the people. The State banks now pay in all of the States, in most of the large towns, at least one fourth of the State and county, the corporation and school tax. The proposition is that the capital invested in the banking business shall be exempted from taxation, and that these burdens shall be imposed upon labor. Should that system be adopted in the country there would be an outcry on the part of the people and they would defeat the party that established it.

The friends of the Administration, who are endeavoring to give it credit and character by such a measure, are making a mistake. I know how sensitive the people are upon the subject of taxation. I know that they will not make the distinction we make here, that these banks should be exempted from taxation because their capital is in the bonds of the United States. It is an argument that they will not understand. They will say that, whereas heretofore the banks paid their fair share of taxation, these banks are now exempted; that the effect will be that the rich will be exempted and the poor will have to bear these additional burdens.

It is unnecessary. The idea of exempting these

bonds from taxation was to give them credit and currency with the people. If it is taken into view that when this war is over State indebtedness and individual indebtedness by bond and mortgage will be wiped out in the country and there will be no other opportunity to make investment by capitalists except in the bonds of the Government, I take it that the friends of this measure will see that it is unnecessary to exempt not only these bonds but also the banking business from taxation. There will be no other creditor but the Government.

Mr. WILSON. Can Congress delegate any part of its power to tax to a State or to the States? The power, in my opinion, to levy a tax upon these banks created by Congress under its power to regulate commerce is one which must be exercised by Congress alone; and it cannot be delegated by Congress to the several States. I should like to ask the gentleman whether he thinks it can be.

Mr. HOTCHKISS. I will say that if you will incorporate the word "national" before the word "taxes," as has been proposed, I will waive my amendment, and allow that question to be fairly tested. I tell gentlemen that the objection which has been raised, that the States will tax these banks out of existence, is provided against in my amendment, which proposes that they shall impose no other taxes upon them than such as they impose upon citizens and other corporations.

Mr. BROOMALL. I observe that by the sixteenth section these banks are required to deposit an amount in Government bonds not less than one third of the capital stock put in; and I observe they cannot take out a circulation up to that amount by about one tenth. They therefore cannot be taxed under this section which we are now construing for more than one third of their capital, and not quite that much. I ask the friends of the bill whether they propose to let the remaining two thirds of the capital stock of these banks, which is not invested in United States stocks, entirely escape taxation?

Mr. KASSON. In answer to the gentleman I would say that if gentlemen who have not studied the bill, and do not know the intention of the framers of it, would be good enough to ascertain the facts it would save the friends of the bill a good deal of trouble. This is not a tax bill at all. Not an item of taxation is proposed by the bill. The committee are preparing a bill which will tax the banks in various forms sufficiently heavy to satisfy the gentleman from Pennsylvania.

Mr. BROOMALL. Then there should be stricken out of this section the last clause, which says that such taxes shall be in lieu of all other taxes upon such associations. If the committee have such a taxation bill they ought not at least to preclude themselves from bringing it in by passing this law; for at least one or the other of these laws will be inoperative.

This is a taxation section. It proposes to be an exclusive taxation section, and it proposes to tax less than one third of the capital. I am very glad to be informed that it is the intention of the committee to propose a tax upon the remaining two thirds, and if they do intend it, I ask them to suffer that last clause to be stricken out. But I will say that before this bill can get my vote I want to see the remaining two thirds of the stock of the bank in process of being taxed.

Mr. WINFIELD called for tellers upon the amendment to the amendment.

Tellers were ordered; and Mr. WINFIELD and Mr. TRACY were appointed.

The committee divided; and the tellers reported —ayes 42, noes 54.

So the amendment was not agreed to.

Mr. J. C. ALLEN. I move to amend the amendment of the gentleman from Pennsylvania by striking out the last two words.

Mr. STEVENS. I desire to move that the committee rise for the purpose of closing debate.

Mr. J. C. ALLEN. I cannot yield to that motion.

I desire to say in relation to this question that I shall not undertake to controvert the legal position the gentleman from Pennsylvania has assumed in reference to what the courts have decided as to the power of the States to tax national bank stock, for the reason that the bills establishing national banks heretofore have contained a provision similar to the one contained in this original bill. What we propose to do is to insert into this bill a provision which shall authorize the States to tax these banks. Now, the decision of the courts upon that question was not made in reference to the right of a State to tax any capital or species of property in that State, but only in reference to the power of a State thus to impose a tax under the bill establishing the national bank.

The point I make is this, that it is unjust to the tax-payers of a State, those upon whom the burdens of taxation will fall, to enable particular citizens of a State to exempt themselves from taxation upon their capital by investing it in national securities and depositing it in these national banks. It tends to build up a moneyed oligarchy wherever you have a national bank established, by enabling capitalists to invest their money in this class of securities, and then, by depositing them in one of these banks, to relieve themselves from their fair proportion of State taxation according to the wealth and property they use and enjoy.

Sir, in imposing burdens for the support of the national Government and for the purpose of sustaining the national credit, we ought not to do it for the advantage of a favored few and at the expense of those who are not thus able to invest their means.

But it is said that we ought to encourage those who purchase the debt of the Government in these securities by exempting them from State taxation. Sir, there are other things besides Government bonds upon which the Government is dependent for its success and the maintenance of its credit. Why should we exempt one species of property necessary for those purposes and not another? In order to sustain the credit of the Government, and maintain its integrity, you have to call into the military organization the horses and mules of the farmers of the country. You cannot support the Army without them. You have to feed your Army, and you cannot support it without calling on the farmers of the country for their beef and pork, and flour and corn. All these are essential to the maintenance of the national integrity. If you have a right to exempt from taxation by a State one species of property, you have a right to exempt that other species of property which the farmers of the West contribute to the aid of the Government. That for which the Government is compelled to draw upon the farmers of the West is just as essential for its support as the stock purchased by the capitalist and deposited as the basis of banking.

I appeal to gentlemen of the House not to adopt this provision. I concur in what was said by the gentleman from Pennsylvania, [Mr. TRACY,] that the people of the country will inquire why it is that those who see fit to invest their money in Government stocks are to be exempt, not only from national taxation, but from State taxation also. I ask if it is wise or politic to array the great agricultural interests of the country, and those who are engaged in other branches of business, against the money power of the country by making this discrimination in favor of the latter?

Sir, it is most unjust, and I again enter my protest against it. I warn members of the House that it is a question into which the people of the country will inquire. It is not just that those who have wealth and see fit thus to invest it should be exempt from taxation, while those who have not wealth, and thus are not able to go into the banking business are made to bear the brunt of the burden of taxation, and are thus made the hewers of wood and drawers of water to the capitalists on Wall street, and those who speculate upon the misery and the sweat and toil of the people of this country. I withdraw the amendment to the amendment.

Mr. KASSON. I rise for the purpose of moving an amendment, on behalf of the Committee of Ways and Means, to which attention was called by the remarks of the gentleman from Pennsylvania, [Mr. BROOMALL.]

The CHAIRMAN. There is already an amendment pending.

Mr. KASSON. I believe it is in order to perfect the original section at this stage.

The CHAIRMAN. There is no motion to strike out pending. The amendment pending is to perfect the original text.

Mr. STEVENS. I move that the committee rise for the purpose of closing debate upon this section.

Mr. TRACY. I desire to say a word in reply to my colleague, and I hope the committee will not rise.

The CHAIRMAN. The motion is not debatable.

The question was taken, and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 333, to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

Mr. STEVENS. I move that all debate in the Committee of the Whole on the state of the Union on the pending section of the bill under consideration close in one minute after the committee shall resume the consideration of the same.

Mr. ANCONA, (at twenty minutes after four o'clock, p. m.) I move that the House do now adjourn.

The question was put; and there were, on a division—ayes 40, noes 51.

The SPEAKER voted in the negative to make a quorum, and the motion was disagreed to.

The question recurred on Mr. STEVENS's motion to close debate; and being put, it was agreed to—ayes 51, noes 41.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, all debate on the pending section (No. 41) being closed by order of the House in one minute.

Mr. TRACY. I desire to say to my distinguished colleague [Mr. STEVENS] that I apprehend he has mistaken altogether the object of my amendment. It was not for the purpose of taxing these bonds that this amendment was introduced. It was for the purpose of taxing the dividends on these banks, and I think Congress will do that. My colleague says that it has been decided on several occasions that that cannot be done. I think no such decision could be made under this bill.

Mr. STEVENS. The gentleman will allow me to correct him. I said it had been decided that States could not tax national banks.

The CHAIRMAN. No further debate is in order.

The question was taken on Mr. TRACY's amendment, and it was rejected.

Mr. KASSON. In order to perfect the section, I move to amend by striking out the words "such tax or duty," and inserting "the taxes or duties imposed by Congress from time to time;" so that it will read:

And the taxes or duties imposed by Congress from time to time shall be in lieu of all other taxes on such association.

I wish to say a single word——

The CHAIRMAN. No debate is in order.

The amendment was agreed to.

The Clerk read the forty-second section.

Mr. HOOPER. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

And then, on motion of Mr. MALLORY, (at four o'clock and thirty minutes, p. m.,) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 2, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

OVERLAND MAIL.

Mr. ALLEY. I desire to ask the House to permit Senate bill No. 194 to be taken from the Speaker's table and referred to the Committee on the Post Office and Post Roads.

There being no objection, the act (S. No. 194) to authorize the Postmaster General to contract with the Overland Mail Company for carrying the mail was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Post Office and Post Roads.

TERRITORY OF MONTANA.

Mr. BEAMAN. I rise to a privileged question. I call up the motion made by the gentleman from Ohio [Mr. PENDLETON] to reconsider the vote by which the Senate amendments to House bill No. 15, organizing a government for the Territory of Montana, were disagreed to.

Mr. PENDLETON. Mr. Speaker, my object in making the motion to reconsider the vote by which the Senate amendments were disagreed to was simply that I might call the attention of the House for one moment to the character of those amendments, and that I might give the House an opportunity—if it were so disposed—to adhere to the provisions of the House bill immediately, and to show its disposition to refuse to entertain the proposition sent to it by the Senate. The House will recollect—and I state this by way of reason for having made this motion—that this bill was taken up by unanimous consent the day before yesterday, and the amendments of the Senate nonconcurred in, without being read, I believe, certainly without the attention of the House being particularly drawn to the subject. I am not prepared to say certainly that the amendments were not read to the House; they may have been. I am prepared to say that they did not arrest the attention of any gentleman who did not know what they were from having followed the course of proceedings in the other end of the Capitol.

The provision of the particular amendment to which I refer is intended, and I think it will be so admitted by all its friends, to give to negroes the right to vote at the first election in the Territory of Montana. The amendment differs in its provisions from any bill organizing a Territory of the United States which has ever been passed by either House of Congress. It strikes out the words "free white inhabitants," and substitutes for them the words "male citizens of the United States." If I may be permitted to allude to what has since been made public, the debates in the other House, although attention was called to the fact that under the decision of the Supreme Court no man of the African race can be a citizen of the United States, yet the amendment was expressly intended to overrule that decision and to provide that all persons, of whatever color, who are otherwise qualified, shall have the right to vote in that Territory. I only desire to state this proposition to the House. I only desire that the House shall be thoroughly informed of the character of the amendments sent to it by the Senate. I only desire them to understand that now, for the first time in the history of the Government, one of the branches of Congress has endeavored to establish negro political equality. If they do so they can vote understandingly upon this proposition.

There have been passed, since this war commenced, since Congress convened on the 4th of July, 1861—I say there have been acts passed since then for the organization of, I think, five Territories. In four of these, for Idaho, Nevada, Dakota, and Arizona, following the precedent in the case of New Mexico, in prescribing the qualification of voters at the first election, the terms were used which the chairman of the Committee on Territories in this House adopted in preparing the bill for the organization of Montana. All those bills prescribed that the free white male inhabitants of the United States, who have been residents of the Territory for thirty days preceding the election, shall be qualified electors at the first election in organizing the Territory. And in the case of Colorado, the only exception to that rule made by the last Congress, the provision of law was that the free white male citizens of the United States resident for thirty days within the Territory should be qualified electors. These amendments sent to us by the Senate, ignoring these precedents, ignoring the precedents set by the party now in power in organizing these Territories during the last Congress, provide not that the free white male citizens, not that the free white male inhabitants, but that all of the citizens of the United States, be their color what it may, shall be authorized voters at the first election.

We are making rapid strides, Mr. Speaker. We are advancing rapidly beyond the positions laid down by the Republican party when they first came into power three years ago. I desire to call the attention of the House to it that they may vote understandingly upon this amendment, and determine now whether they are prepared to countenance—I do not mean to say to agree to, I do not mean to say consent to—but to countenance a course of legislation which will lead inevitably, in the organization of the Territories, and after the organization of the Territories in the carrying on of their governments, to the position that negroes shall have the same right of voting as white men.

Mr. HOLMAN. Let me make an inquiry. The gentleman moves to reconsider the vote by which the House disagreed to the amendments of the Senate, and asked for a committee of conference. Now, after the motion to reconsider is agreed to, does he propose to strike this out, or to adhere to the bill as it went from the House?

Mr. PENDLETON. If the House agrees to the motion to reconsider, I propose to move that the House shall adhere to its own bill. I am aware there are other privileged motions which will take precedence, but the House, having the whole question before it, can determine whether it will adhere to its bill and refuse to appoint a committee of conference on this point, and thus show an disposition to entertain this proposition; whether it will put its foot upon this whole proposition, and declare that it will under no circumstances agree to the Senate amendments.

Mr. HOLMAN. The House has already disagreed to the amendments of the Senate, and appointed a free conference on the disagreeing votes between the two Houses. That has been done. Now, if the question comes before the House again under the motion to reconsider, is there any other mode in which the House can express itself further than it has done in disagreeing to the Senate amendments than by instructing the committee not to yield its disagreement.

Mr. PENDLETON. I think that the more expeditious way will be to adhere at once without making any concessions on the subject.

Mr. HOLMAN. That is a disagreement to the Senate amendments.

Mr. PENDLETON. It is a disagreement which permits no concession to be made on that point. It is an expression of opinion which shows that there is no disposition on the part of the House to recede. It does not place it in the hands of a conference committee to control the action of the House. That is what I want to accomplish.

Mr. BROWN, of Wisconsin. I would ask the gentleman from Ohio whether the amendments of the Senate do not not only allow negroes the right of voting, but exclude persons of foreign birth who are inhabitants of the Territory from the right which the House bill gives them?

Mr. SPALDING. I would ask my colleague to let the obnoxious amendment of the Senate be read. I want to know what it is.

Mr. PENDLETON. Certainly.

The Clerk read the first amendment of the Senate, as follows:

Strike out the words "white male inhabitants," on page 6, in lines ten and eleven, and insert in lieu thereof, "every male citizen of the United States and those who have declared their intention to become such."

Mr. HOLMAN. My only object is to have a distinct understanding as to what is to be the effect of this vote. Do I understand the gentleman from Ohio to assume the position that if the House adheres to its own bill the proper policy then will be to refuse to appoint a committee of conference?

Mr. PENDLETON. If the House adheres it will be the proper course for the House to refuse to appoint a committee of conference, and then the bill will go back to the Senate, and to the Senate will be put the alternative whether it will let the bill fail or agree to the proposition of the House. That is the point to which I wish to bring the House. I desire to have the House now determine by its vote whether it is prepared to stand immovably upon the proposition that it will not sanction political equality on the part of negroes, or enter on a course of legislation which indicates a disposition finally to yield upon the question.

Mr. BROOMALL. I desire to ask the gentleman from Ohio if he believes a negro to be a citizen of the United States? I see that the bill allows only "citizens of the United States" to vote.

Mr. PENDLETON. If I had the determination of the question who should vote under this bill as it comes to us from the Senate, I would have very little difficulty in determining that negroes could not vote. But, sir, it does not rest on my judgment; it will not depend on my opinion on that question; and I desire to express it so clearly that no man who entertains a different opinion on the subject from myself shall have it in his power to allow the negroes of that Territory to vote.

Mr. BROOMALL. Will the gentleman allow me to ask him another question?

Mr. PENDLETON. Yes, sir.

Mr. BROOMALL. I would ask the gentleman whether or not it has been judicially determined by the Supreme Court of the United States that a negro is not a citizen of the United States?

Mr. PENDLETON. I believe that it has been so determined, and I would like to ask the gentleman from Pennsylvania whether he and his party are prepared to bow to that decision and carry it out? If they are, and he can say so authoritatively, perhaps there will be no necessity for this reconsideration.

Mr. BROOMALL. I have no right to answer for my party. I would probably agree to the decision if the gentleman could point out to me where these negroes are citizens if not here. Are they still citizens in Africa? [Laughter.] But I would like to ask the gentleman whether or not it has been decided by the Supreme Court of the United States to his entire satisfaction that a negro is not a citizen of the United States, and whether the gentleman is not content to let that decision alone?

Mr. PENDLETON. I will ask the gentleman whether he thinks that it has been so decided?

Mr. BROOMALL. I have so read.

Mr. PENDLETON. Are you content with that decision?

Mr. BROOMALL. I will answer that question when the gentleman answers mine.

Mr. PENDLETON. Then I will answer the gentleman's question. I think it has been so decided, and I am content with that decision; but the present Attorney General of the United States has advised the political departments of the Government that that decision was wrong, and has advised them to act on his opinion, and not on that decision.

Mr. BROOMALL. If the gentleman is satisfied with that decision, I hope he will vote with me on this question.

Mr. PENDLETON. Now, I ask the gentleman if he is satisfied with the decision of the Supreme Court on that point?

Mr. BROOMALL. When it is referred to me to review, if I can ascertain where these persons are citizens, if not here, I may affirm it.

Mr. PENDLETON. I am perfectly satisfied with the answer that the gentleman gives. It was for him to decide whether or not he would answer candidly and explicitly the question which he said he would answer.

I have but a word more to say on this subject. The purpose I had in view has been accomplished. It was to draw the attention of the House to the character of the amendment. It was to say to the House that this was the first instance in which such a provision has been attempted to be ingrafted on a territorial bill. It was to call on the House to determine now whether it will utterly repudiate the idea of negro political equality in the Territories, or whether it will give countenance to the possibility of its conceding that point. I want the gentlemen who are to-day in power in this House to tell us promptly by their action

on this bill, by their vote on this test question, whether they are prepared to stand where they have professed to stand heretofore—on the position that they were opposed to the enslavement of the negro race, but were unalterably opposed to give to it political or social equality.

Mr. BEAMAN. Mr. Speaker, I shall not follow the gentleman in his argument on this motion, because it occurs to me that the position he assumes is rather an argument against the action of the Senate than against the action of this House. I do not propose, at the present time, to discuss the question whether it is expedient to give the elective franchise to the colored race. I wish, however, that the House may understand precisely what the question is. The Committee on Territories reported a bill to this House to organize the Territory of Montana. That bill provided that all white male inhabitants should be electors there. The bill was passed by this House and sent to the Senate. There it was amended by striking out the words "white male inhabitants," and substituting the words "all citizens of the United States." It is insisted by the gentleman from Ohio [Mr. PENDLETON] that the effect of that amendment is to allow colored men to vote. I shall not stop to inquire whether that be the effect or not. Nor, as I before said, shall I inquire whether such legislation is expedient or not. It is enough for me to say that the action of this House has precluded any supposition that negroes are to be allowed to vote, because instead of adopting the amendment of the Senate this House has non-concurred in it.

Now, how do we stand here? We have passed a bill excluding colored men from voting. That bill goes to the Senate and is amended. It comes back here, and we non-concur in the amendments; so that, as the matter now stands, this House has refused to consent to colored men voting. It seems to me that the argument of the gentleman is opposed to the position he assumes here. He says he is opposed to colored men voting. This House says it is opposed to colored men voting. It has passed no bill and has adopted no amendment to allow colored men to vote. On the contrary, it has refused to adopt that amendment. The gentleman stands up here, for what purpose? To argue against the action of the House? No, sir; but to argue against the action of the Senate. I am at a loss to say what sort of consistency there is in the argument which he has assumed here. Has the non-concurrence in the amendments, and the appointment of a committee of conference, the effect of allowing colored citizens to vote? Not at all. So far as the matter stands now, it is directly opposed to that. It is not for me to say what action the committee of conference will take. I have no means of knowing what course it will assume on this question. But I know that the House has said that it would not concur in the Senate amendments, and has asked a committee of conference for the purpose of determining what shall be done in the premises. I therefore move to lay the motion to reconsider on the table.

Mr. COX. I would like to ask the gentleman from Michigan a question, if he will withdraw his motion to allow me to do so.

Mr. BEAMAN. Certainly, sir. I withdraw the motion for that purpose.

Mr. COX. Who in the Territories would decide upon the qualification of these electors?

Mr. BEAMAN. I do not understand the gentleman.

Mr. COX. Suppose there is an ambiguity in this bill. Suppose we cannot tell here under our legislation who will be the electors, I ask the gentleman's opinion, what is the tribunal and who are the persons who are to decide as to who shall be the electors?

Mr. BEAMAN. The judicial tribunals.

Mr. COX. The judiciary of the Territory?

Mr. BEAMAN. Yes, sir.

The SPEAKER. The House disagreed to the three amendments of the Senate and asked for a committee of conference. Yesterday the gentleman from Ohio [Mr. PENDLETON] moved to reconsider the vote by which the House disagreed to the Senate amendments and asked for a committee of conference. The gentleman from Michigan [Mr. BEAMAN] has moved that the motion to reconsider be laid on the table.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmaative—yeas 63, nays 49; as follows:

YEAS—Messrs. Ailey, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Higby, Hooper, Asahel W. Hubbard, Jenckes, Julian, Orlando Kellogg, Loan, Longyear, McBride, McClurg, Moorhead, Morrill, Amos Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Scofield, Shannon, Spalding, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, William B. Washburn, Wilder, Wilson, Windom, and Woodbridge—63.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Clay, Cox, Dawson, Eden, Eldridge, English, Finck, Grider, Griswold, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, King, Knapp, Law, Lazear, Mallory, Marcy, McKinney, Middleton, James R. Morris, Odell, John O'Neill, Pendleton, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Scott, John B. Steele, Strouse, Stuart, Sweat, Whaley, Wheeler, Winfield, and Yeaman—49.

So the motion to reconsider was laid on the table.

During the vote,

Mr. THAYER stated that his colleague, Mr. L. MYERS, was absent on account of illness in his family.

Mr. STILES stated that he was paired with Mr. MARVIN; and that otherwise he would have voted in the negative.

Mr. HOLMAN stated that his colleague, Mr. McDOWELL, was paired with Mr. McINDOE; and that if present he would have voted in the negative.

Mr. O'NEILL stated that Mr. MILLER, of Pennsylvania, was confined to his room by indisposition.

Mr. McKINNEY stated that his colleague, Mr. J. W. WHITE, was detained from the House by illness.

The vote was announced as above recorded.

MILITARY ROAD.

Mr. RANDALL, of Kentucky, by unanimous consent, submitted the joint resolutions of the State of Kentucky in relation to the construction of a military road; which were referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTIES.

Mr. YEAMAN, by unanimous consent, introduced a bill in relation to the payment of bounties in cases of persons who have enlisted and died before being sworn into service; which was read a first and second time, and referred to the Committee on Military Affairs.

PENITENTIARY FOR THE DISTRICT OF COLUMBIA.

Mr. MORRIS, of Ohio, by unanimous consent, from the Committee for the District of Columbia, reported a bill authorizing the construction of a penitentiary, jail, and house of correction in and for the District of Columbia; which was read a first and second time, ordered to be printed with the accompanying report, and recommitted to the same committee.

UNITED STATES JURIES.

Mr. SPALDING, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending existing laws in relation to juries in Federal courts, so as to secure fair and impartial trials therein; and said committee report by bill or otherwise.

COMMITTEE ON PUBLIC LANDS.

Mr. JULIAN. I ask the unanimous consent of the House that next Saturday be fixed for the consideration of business from the Committee on Public Lands. That committee has not been called for three months.

The SPEAKER. Saturday next after the morning hour?

Mr. JULIAN. Yes, sir.

There was no objection, and it was ordered accordingly.

NEW POST ROUTE.

Mr. BENNET, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Junction City, Kansas, to Denver City, Colorado.

CLERK FOR A SELECT COMMITTEE.

Mr. HIGBY. I ask unanimous consent to introduce the following resolution:

Resolved, That the select committee appointed under the resolution introduced by Hon. F. P. BLAIR, March 23, 1864, to investigate, &c., during their sittings have a clerk to take the testimony and keep the minutes of proceedings, the clerk to be paid four dollars per day for each day such committee shall be employed in taking testimony in said investigation.

Mr. STEVENS. I object.

RAILROAD TO NEW YORK.

The SPEAKER. The business next in order is the consideration of House bill No. 307, to declare certain roads military roads and post roads and to regulate commerce; on which the gentleman from Ohio [Mr. PENDLETON] is entitled to the floor.

Mr. PENDLETON being absent, the floor was assigned to Mr. SWEAT.

Mr. SWEAT addressed the House for an hour in opposition to the bill. [His speech will be published in the Appendix.]

Mr. WOODBRIDGE obtained the floor.

The SPEAKER stated that the morning hour had expired.

NATIONAL CURRENCY.

Mr. STEVENS moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union, to take up the national currency bill, which is the special order.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The CHAIRMAN stated that when the committee rose last evening the forty-third section of the bill was under consideration.

The Clerk read the section, as follows:

SEC. 43. *And be it further enacted*, That the Treasurer, on receiving from an association lawful money for the payment and redemption of its outstanding notes, as provided for in the preceding section of this act, shall execute duplicate receipts therefor, one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received, which amount shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account. And it shall be the duty of the Treasurer, whenever he shall redeem any of the notes of said association, to cause the same to be mutilated, and charged to the redemption account of said association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and burned in the manner prescribed for worn-out and mutilated notes in this act.

Mr. HOOPER. I move to strike out the words "for worn-out and mutilated notes."

The amendment was agreed to.

Mr. HOOPER. I move to strike out the words in the forty-fourth section "shall be for the same sum as before," and in lieu thereof to insert, "may be for the same amount, or as they were before the conversion;" so that it will read:

And that it is authorized to commence the business of banking under it, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, except that the shares of stock may be for the same amount, or as they were before the conversion, as is prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act.

The amendment was agreed to.

Mr. HOOPER. I move to add the following to the end of the section:

And provided further, That any bank or banking association now organized in pursuance of the laws of any State, under articles of association which prohibit specified changes therein, may be changed and converted into a national banking association under the provisions of this act, without any such change in its articles of association as may be prohibited by the same, anything in this act to the contrary notwithstanding; and its directors at the time of such change may continue in office, and their successors may from time to time be elected or appointed as provided by its articles of association.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, I desire to say a word or two in reference to that amendment, and in order that the House may have a thorough understanding of the whole matter I ask the Clerk to read the sixty-third section of the bill as a part of my remarks.

The Clerk read, as follows:

SEC. 63. *And be it further enacted*, That the Bank of Commerce, in the city of New York, may, and authority is hereby granted to the said bank to, become a national association under this act; and in such case the articles of association, and the organization certificate required by this act, may be executed by a majority of the directors of said bank. And a majority of the directors, after executing said articles of association, and organization certificate, shall have power to execute all other papers and do whatever may be required to make its organization perfect and complete as a national association; and the directors aforesaid may be the directors of the association until others are elected or appointed, in accordance with the provisions of its present articles of association as a State bank; and the personal liability of the shareholders for any contract, debt, or engagement of the association shall be the same as under its present articles of association as a State bank. And when the Comptroller shall give to such association a certificate, under his hand and official seal, that the provisions of this act have been complied with, and that it is authorized to commence the business of banking under it, the said association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, except as aforesaid, as is prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, any one who will carefully examine the section which has just been read by the Clerk, and the amendment moved by the gentleman from Massachusetts, [Mr. HOOPER,] cannot fail to see that the latter is for the purpose of accomplishing all that was designed by the former. It cannot be successfully denied that this amendment, if adopted, will bring the Bank of Commerce of the city of New York under the provisions of this bill. What is accomplished by the sixty-third section, can in like manner be accomplished by the amendment; and the conclusion is inevitable that the pending proposition was the result of the Committee of Ways and Means becoming satisfied of the hostility in the House to this special and pet legislation. Now, sir, for the purpose of showing what is the precise effect of this amendment of the gentleman from Massachusetts, [Mr. HOOPER,] it will be necessary for me to refer to the powers and privileges of that corporation, the Bank of Commerce of the city of New York, and like corporations. I have only five minutes, and I will be compelled to be as brief as possible, with regard, however, to a clear understanding of the subject. In the first place, the continuance of the bank is provided for until 1889. Then the directors hold office during good behavior, or until they cease to hold one hundred shares of stock. You will observe that that makes it a close corporation. It is provided, further, that the directors shall continue in office and reëlect themselves.

What next? Why, sir, power is given to establish the banking business in the city of New York or *elsewhere*. I call the attention of members particularly to that provision. It gives them a roving commission to establish themselves anywhere as a banking association. That will be found in the third article, sixth section, of the charter of that bank.

Then, sir, it is further declared that the stockholders shall not interfere with the directors.

[Here the hammer fell.]

Mr. GRINNELL. I move that the gentleman have leave to proceed. [Cries of "Agreed!"]

Mr. RANDALL, of Pennsylvania. I move to amend the amendment by striking out the last two words. The stockholders and directors are exempt from all individual liability for any contract or debt or——

Mr. STEVENS. I rise to a point of order. We must some time get through with this bill; and when gentlemen move to strike out the last word of a section or amendment, I shall insist upon their speaking to the amendment.

Mr. RANDALL, of Pennsylvania. I am nearly through.

Mr. STEVENS. I raise the point upon my colleague, because I mean to take the same course with every gentleman.

Mr. RANDALL, of Pennsylvania. I was saying that the stockholders and directors are exempt from all individual liability for——

Mr. STEVENS. I call the gentleman to order, because he is not speaking to his amendment.

The CHAIRMAN. The gentleman has not moved an amendment.

Mr. STEVENS. Then his time is out, and he is not in order.

The CHAIRMAN. He is speaking by unanimous consent of the committee.

Mr. STEVENS. When unanimous consent was asked I rose and objected.

Mr. RANDALL, of Pennsylvania. The stockholders——

Mr. BOUTWELL. I rise to a point of order. It is that the committee cannot give unanimous consent. It is a rule of the House.

Mr. RANDALL, of Pennsylvania. What is the decision upon that point?

The CHAIRMAN. The Chair sustains the point of order.

Mr. ALLEY. I move to amend the amendment by adding to it the following:

Provided, however, That the stockholders of all other banking associations organized under this act shall not be personally liable for an amount exceeding the value of their stock.

Mr. STEVENS. Perhaps the gentleman from Massachusetts does not know that the question has not yet been taken upon his colleague's amendment.

Mr. ALLEY. This is an amendment to that amendment.

The CHAIRMAN. The amendment is in order.

Mr. STEVENS. This same provision is now a part of the bill.

Mr. ALLEY. Not at all. The gentleman says that this same provision is now in the bill. On page 10, section twelve, is found this provision:

The shareholders of each association formed under the provisions of this act, and of each existing bank or banking association that may accept the provisions of this act, shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

The reading of that section shows that the gentleman from Pennsylvania is mistaken in his construction of the bill. I intended to have moved the amendment while that twelfth section was under discussion, but I happened to be out when that section was passed upon, and this is the earliest opportunity I have had to make the motion I now submit. And I will say that I do not object to the amendment of my colleague, provided this additional amendment is adopted. If it is not adopted I am entirely opposed to his amendment, for, as the gentleman from Pennsylvania has stated, it is but the repeal of the sixty-third section. That is all it amounts to. Now, what is the sixty-third section? That exempts the Bank of Commerce of the city of New York, an institution with $10,000,000 of capital, I think, from this personal liability clause.

The gentleman's amendment also goes further. It exempts all similar institutions. In that I think it is an improvement on section sixty-three, which, of course, if his amendment prevails, will be stricken out. But I think we should go further still, and exempt all stockholders from personal liability beyond the amount of stock which they own. I am opposed to making any distinction in favor of any class of stockholders, and I believe also this House is opposed to any such proposition. Such manifest inequality and injustice I cannot believe will be tolerated by this House. I cannot believe this House will consent to exempt such a mammoth institution from such a provision, and hold all the stockholders in all the smaller associations throughout the country to a rigid adherence to that provision. But I am opposed to the whole principle of stockholders' liability where the redemption of the bills is provided for by ample security. I am opposed to holding stockholders liable in any case except to protect bill-holders, because I believe it works gross injustice, and is a great hardship upon stockholders generally. In my own State of Massachusetts we have a similar provision in our banking law, but it extends only to the protection of the bill-holders. It never was conceived of in that State that the depositors should be protected in this way by holding the property of the stockholders liable, for the stockholders have not as good an opportunity for protecting themselves against the mismanagement of the banks as the depositors have, for the reason that the depositors are generally men of business and are conversant with the operations of the banks with which they deal, and know generally whether the banks are well conducted or not, or at least they have an opportunity to know.

[Here the hammer fell.]

Mr. ALLEY. I will withdraw my amendment.

Mr. STEVENS. I object to its being withdrawn, and I shall object in future to the withdrawal of any amendments. I want to get on with the bill.

Mr. J. C. ALLEN. I am opposed to the amendment of the gentleman from Massachusetts, [Mr. ALLEY,] not because I do not consider it an improvement on the amendment of his colleague, [Mr. HOOPER,] but because, in my judgment, it strikes out of the original bill a feature which is very important to the security of those who may be so unfortunate as to have any connection with these institutions, or who may be so fortunate as to have money that they desire to deposit somewhere for safe-keeping. I think the provision of the original bill on this subject is right. I believe that in a bill of this character we ought to make the shareholders in banks responsible not only to the amount of their stock but make them individually liable for the correct management of all the money that may come into their hands; we ought to make them personally liable, not only for the redemption of their paper, but also for the safe-keeping of the deposits committed to their care, and for all bills of exchange drawn upon them.

I am opposed, therefore, to the amendment of the gentleman from Massachusetts [Mr. ALLEY] for the reason that it reduces the extent of their liability; and for the same reason I am opposed to the amendment of his colleague, [Mr. HOOPER.] It proposes to confer upon certain corporations privileges which will not be enjoyed by the great mass of the corporations that go to banking under the provisions of this bill. It is an indirect mode of obviating an objection which was certain to arise against the sixty-third section of this bill. Sir, in many of these incorporations there are provisions which do not render the directors or shareholders individually liable for anything; and this amendment of the gentleman from Massachusetts [Mr. HOOPER] is an attempt to permit those banking corporations that are protected by their articles of association from this personal liability to come in and enjoy the benefits conferred by this bill upon those engaged in banking, and at the same time relieve them from the liability imposed on the great mass of the institutions that may be organized under this bill, or may come in under it, organized under the laws of the several States.

I do not understand how the Bank of Commerce, or any other bank of like capital, can have the hardihood to come into this House and ask that they may be permitted thus to enjoy the benefits of the bill without incurring the same liabilities that you impose upon other similar institutions throughout the country.

I repeat, then, that I am utterly opposed to the amendment of the gentleman from Massachusetts, [Mr. ALLEY,] which reduces this liability; and also to the amendment of his colleague, [Mr. HOOPER,] which seeks to enable the Bank of Commerce and similar institutions to enjoy the benefits conferred by this bill, while they are exempt from the liabilities that you impose upon the other banking institutions of the country.

Mr. ALLEY. I propose to modify my amendment by striking out the last clause of it, so that it will read:

Provided, however, That the stockholders of all other banking associations organized under this act shall not be personally liable.

The amendment to the amendment was disagreed to.

Mr. BROOMALL. I move to amend the amendment of the gentleman from Massachusetts [Mr. HOOPER] by striking out all after the word "association" in the sixth line, and inserting in lieu thereof the following:

And the provisions of the charters of such banks granted under State authorities shall be forthwith annulled.

Mr. Chairman, my reason for offering this amendment is that I am perfectly willing to let the State banks become national banks, but I want to have them cease to be State banks the moment they become national banks. I do not want to have an association that shall be neither the one nor the other, but such an admixture of the two that it will be difficult to see where to take hold of it when you want to do anything with it. It is financial miscegenation. [Laughter.] I am opposed to that kind of amalgamation, and as at least

one half of the House are opposed to all kinds of amalgamation, I suppose that half at least ought to be opposed to this.

Mr. HOLMAN. I would inquire of the gentleman whether the effect of his amendment would not be to repeal the charters of these State banks, and whether he recognizes the power in Congress to do that?

Mr. BROOMALL. The operation of it is intended to be just this, that the moment a State bank becomes a national bank and is incorporated under the provisions of this bill, it ceases to be a State bank altogether.

I will give in short my reasons why I do not like this mixing of jurisdictions and of laws. Any one who will reflect on the curious kind of compound such a bank would be will see at once that there is reason in my objection. I am not willing that Congress shall enact a law which a State Legislature may repeal, and a State Legislature may repeal the charter of one of its own banks the moment that bank undertakes to become a national bank. I am anxious that we shall provide for its becoming wholly national, so that when the State leg is knocked from under it it may not fall.

But I am opposed to the amendment on another ground, and a material ground. I want all the national banks to be on the same footing. This section is intended to give special privileges to certain banks. I am unwilling to do that. While I want them to be national banks I want them to be wholly so. I am not willing for them to come under our wing and become national banks, retaining whatever they choose of their own State privileges, as this amendment provides for, and as, indeed, the section in part seems to provide for. I am opposed to the section, but not if it be amended in the manner proposed by me. I want my amendment incorporated in the section in order that these banks may become wholly national banks, and may be on the footing with all other national banks.

Mr. PIKE. Mr. Chairman, when I made an effort the other day to lessen the rate of interest that these banks could take, so as to allow banks to take the rate of interest allowed by the States in which they are placed, I was told that it was contrary to the plan of this bill, which is to provide a uniform currency, and that the currency could not be uniform unless every part and parcel of this banking bill, in all its operations, was uniform. I suppose it is in pursuance of that uniformity that the gentlemen who have this bill in charge propose now to incorporate associations in all the States as they happen to be made up, like the Bank of Commerce or any other banking institution, however exclusive its privileges may be or however obnoxious any of the provisions of its charter may be, or however long it may have been in operation. Whatever may be the condition of the association, it is incorporated, by this sweeping amendment, if I understand it, in this banking bill; and if so, it would have as many colors as the celebrated coat of antiquity.

The question was taken on Mr. BROOMALL's amendment to the amendment, and it was rejected.

Mr. BROWN, of Wisconsin. I move to amend the amendment by striking out all after the first word. I wish to ascertain what the precise object of the amendment is. I believe, so far as this House is concerned, that the best way of moving toward any point is in straight lines; and whenever an amendment is proposed, I think it is due, in candor, to the committee, that those who offer it or sustain it will let us know its precise object. I would ask the gentleman who proposes this amendment what banks there are to which this amendment applies. If there are no banks to which it is to apply, it is better not to have the legislation. If the gentleman will answer that question—as to what banks this amendment is to apply—he will afford me a piece of information which will perhaps affect my own action, and perhaps affect the action of others.

Mr. HOOPER. I am ready to give the gentleman any information I have on that subject. I know of no bank but the Bank of Commerce in New York that would be affected by it. That bank has been one of the most loyal institutions of the country. It has done more to sustain the Government since the rebellion commenced than any other bank. Its directors are desirous of coming in under this law, but by its articles of association no personal liability beyond the amount of the investment in the stock can be put upon the stockholders. That is one of the fundamental articles of the association. The bank cannot come in under any arrangement that increases the liability of stockholders. It has a capital of $10,000,000 paid up, and I believe it to be useful to bring that bank under the provisions of this bill.

Mr. BROWN, of Wisconsin. Then will the gentleman allow me to ask him one further question? Why does he not abide by the sixty-third section of the bill, which provides for this very bank? Why does he not do that rather than attempt a general amendment, which implies upon its face that there are other objects to which the legislation of the House will apply?

Mr. HOOPER. I will remark to the gentleman that it is a mere matter of taste. My only reason for it was that this was a general law, and that this should be a general provision applying to any of the banks. As I have already stated, I am not aware that it would apply to any other than the Bank of Commerce. If it is adopted I shall propose to strike out the sixty-third section, which makes a special provision for that bank.

Mr. BROWN, of Wisconsin. I am not disposed to doubt anything the honorable gentleman from Massachusetts says in regard to the merits of this particular bank; but for one, I believe in the principle established in this bill, of personal liability, and I do not believe in any exceptions to be made toward any capitalists or any corporation. I can select individuals whom I know personally, to whose mere word, to whose honor, to whose judgment and skill as bankers I would yield more of respect, more of faith, more of credit, than I would to any corporation, without the individual liability clause, formed under this law.

Now, sir, when Congress passes laws it passes them in regard to a whole class. It passes them with a view of reaching general interests. I think thus to establish a rule here which will apply to a great majority of individuals, and then to make an exception, will, by its very terms, seem to imply a censure upon all others who may come in and claim the same degree of loyalty, the same degree of honesty, and the same degree of merit. I think it would be highly improper.

Mr. STEBBINS. I rise to oppose the amendment.

Mr. Chairman, whatever doubt exists in regard to the merits of the law of 1863, it strikes my understanding that there should be but little doubt in the future under a new system as to the propriety of incorporating in the law of 1863 or in the bill now before the House the amendment offered by my colleague on the Committee of Ways and Means.

I understand the object of this bill to be to perfect the existing law, the law of 1863, which during the past year has been shown to be ineffective and inoperative. The sixty-four sections of the bill now before the House are the result of the thoughtful deliberations and reflections of the Comptroller of the Currency for the past year. He submits them to the Committee of Ways and Means, and the Committee of Ways and Means to a sub-committee. The sub-committee report, after thoughtful care, on these suggestions, and arrive at the conclusion that in order to perfect the law of 1863, these amendments are necessary. I regard this bill, therefore, as nothing more than an act amendatory of that law to make it efficient and operative; and hence I have voted for every one of these amendments of the Committee of Ways and Means, and shall continue to do so, and if I am here when the vote is taken, I shall vote for the bill. I will not perpetuate a law in all of its recognized deformity. I will not perpetuate a law that arrays in direct antagonism to itself another system—the present local State system—which is existing side by side and must continue to exist with the other.

I can regard this in no other way than as an effort on the part of Congress to render efficient a law now inoperative; and hence I feel it to be my duty to vote for it. It becomes necessary in order to make it effective that the local bank interests shall be properly protected and conciliated. One of the first difficulties we meet with is in regard to the Bank of Commerce. It is a large and powerful corporation of $10,000,000. It exists under the laws of the State of New York. It has a large deposit line. It has a brilliant record in finance. It has a capital of $10,000,000, with the right to increase it to $20,000,000, and further to $50,000,000. Therefore, if it is left out to operate under the action of State laws, it is clear that in three or four years it may be found in a condition of antagonism to this system you are endeavoring to establish, and be a very heavy impediment in the way of this law.

That is one of the reasons why I feel it is the duty of Congress to gather within the provisions of this bill such a corporation as the Bank of Commerce. But I beg leave to call the attention of the committee to one of the sections in its organic law, the articles of association, to show, no matter what may be the feelings of the Bank of Commerce, it would be utterly impossible for them to pass under the general law, and that it must necessarily pass into liquidation unless it is taken within the limits of this law. The article to which I particularly wish to refer is this——

[Here the hammer fell:]

Mr. BROWN, of Wisconsin, by unanimous consent, withdrew his amendment to the amendment.

Mr. ALLEY. I move to amend the amendment by adding thereto the following:

And that all the powers and privileges conferred by the sixty-third section of this act upon the Bank of Commerce in the city of New York, on becoming a national association, with the exemption from individual liability of shareholders, shall be extended to all other institutions organized under this act.

I concur in most of the remarks of the gentleman from New York, but I would extend this provision to all other banks. I see no reason why this provision should be given to the Bank of Commerce when it is impolitic or unwise to extend it to other similar institutions. If the principle itself is wrong then it ought not to be adopted and applied to the Bank of Commerce. My colleague said, or I understood him to say, that the Bank of Commerce was probably the only institution that would be affected by that provision. He stated further that it was impossible for the Bank of Commerce to organize under this act unless this provision is inserted. Now, if it is impossible for the Bank of Commerce to organize under this act without this provision, then I think there may be some force in the arguments which have been educed in favor of extending this privilege to that bank alone. But I do not so understand it. I understand the Bank of Commerce occupies precisely the same position that any other institution does that is already organized under State laws. That it is more important to that institution on account of its magnitude, on account of its complicated interests, on account of its extended connections, to have such a provision as this applied to it, I admit; but that it is absolutely impossible for that bank to organize under this law I do not believe, any more than that it is impossible for other institutions of a similar character to do it. Therefore I am opposed to making this exception in favor of this bank.

I believe that if the members of this House rightly apprehend the effect of this liability clause they would certainly repeal the provision making stockholders liable beyond the amount of their stock. Who are protected by the law as it stands now? Nobody but the depositors. You have provided that the billholders are to be protected. Who ought to be protected but the billholders? You make the stockholders, who, in my State, so far as the banking institutions are concerned, are more than one third, as the statistics show, composed of widows, orphans, and trustees of trust funds, responsible and personally liable for double the amount of their stock under this law as it now stands. And to protect whom? The depositors, and nobody else. And who are they? They are the business men; the men who receive favors from those institutions; men who of all others have the best opportunity for knowing what is going on inside of banks and of protecting themselves if they choose to do so. And these innocent stockholders who have no voice in the management of the bank, and who are not in any way responsible morally for the mismanagement of the institution, not only lose all their stock but are compelled to pay double the amount for the protection of these individuals.

Now, I cannot believe that this House means to be so unjust to these innocent stockholders as

to compel them to make up the losses of depositors. It has been a cardinal principle, so far as the banks of Massachusetts are concerned, that the stockholders shall be liable for the protection of the billholders to the extent of the stock taken. That has been the understanding which has been carried out by statutory enactments in the State of Massachusetts for many years. It compels the stockholders to protect the billholders to the extent of the stock by each holder, but nothing beyond.

Mr. STEBBINS. I understand the gentleman from Massachusetts to imply from his remarks that if he were satisfied that the Bank of Commerce could not under its articles of association pass from a State into a national institution, he would be willing to withdraw his objection to this provision so far as that bank is concerned.

Mr. ALLEY. The gentleman misunderstands me. I am willing to make the principle suggested applicable to all banks situated as that bank is, applicable to all State banks. But the particular point to which I was speaking was that the stockholders of these banks ought to be protected against the depositors, though not against the billholders.

Mr. STEBBINS. In respect to the position of this particular bank, if the gentleman will listen for a moment to the fourth section of article twelve of the articles of association, he will see that for all practical purposes it is entirely impossible for the Bank of Commerce to comply with the terms of this bill and become a national institution in consequence of its special provisions in regard to personal liability. The section to which I have referred reads:

"SEC. 4. No change shall be made in these articles, nor shall the directors consent to or accept any act of incorporation, or legislative provision, whereby the rights, remedies, or security of the existing creditors of the association shall be weakened or impaired, or whereby any shareholder shall be rendered liable in his individual capacity for any contract, debt, or engagement of the association."

Now, Mr. Chairman, these articles of association were adopted about the year 1839. Every gentleman will see that under this section it is impossible for the Bank of Commerce by its board of directors to accept of any change under which the obligations of the stockholders shall be changed, as they would be changed by accepting the terms of this law, without the unanimous consent of all the stockholders.

This institution has been in existence now for about twenty-six years, and this is now its financial condition. In the first place there are over twenty-two hundred shareholders; about one third of the capital stock is held to-day in the six New England States; but there are shareholders all over the world; they are in England and France, in the British provinces, in Greece, in Asia, in Mexico, in South America, in twenty States and Territories of the United States, and in fact in every part of the globe. There are over seven hundred female stockholders, widows, orphans' trusts, &c., in small sums, and to enable the bank to accept the conditions of this law it would be compelled to dissolve and pay to its shareholders every dollar of their investment, and then reunite only by fragmentary portions of its old shareholders into a national bank, or to obtain the assent of every shareholder. In the event, then, of the adoption of any legislation breaking down the State institutions, it is perfectly clear that the only chance there is for this bank to continue to exist is under this law, and in the adoption of some provision such as is provided for under this section.

Now, sir, I understand that the Bank of Commerce is perfectly satisfied with its condition as a State institution; there is no special desire on the part of the stockholders to accomplish any change, but that, at the same time, they are willing to pass into the new law. They are willing to show by their example what they conceive to be the value of this new national system. So that it is a question whether it is not for the interest of this Congress, in case they adopt such a system as to make it impossible for this institution to come under its general provisions, to make an exception in this instance by which they will obtain the influence which such an institution would exert.

There is another ground on which I present this question. This bank presents such a history in respect to its balance sheets as no other bank in this country, or perhaps any other in America, will show. Its balance sheet for March 21, 1864, exhibits the following condition of it:

Amount of loans and discounted bills.....		$2,688,059 96
Remaining part of New York State stock deposited with bank department for redemption of old circulating notes.....	$9,000 00	
Less for such notes outstanding.....	1,705 00	
		7,295 00
Balances with bankers in London and Paris, exclusive of premium of exchange.....		107,017 59
Real estate, banking-house and lot.....		300,000 00
Investments in United States securities, at par, namely:		
7 3-10 per cent. Treasury notes, convertible into 6 per cent. stock of 1881.....	$4,246,000 00	
6 per cent. stock, payable in 1881.....	3,987,000 00	
6 per cent. stock, payable in 1867 and 1868.....	152,000 00	
5 per cent. stock, payable in 1865.....	90,000 00	
5 per cent. interest-bearing legal-tender Treasury notes.....	4,426,000 00	
5 per cent. certificates of deposit.....	1,160,000 00	
		14,061,000 00
Cash items, namely:		
Notes of other banks and checks.....	$6,062,904 50	
United States legal-tender notes.....	1,751,159 00	
Clearing-house certificates..	120,000 00	
	7,934,063 50	
Specie belonging to the bank.....$1,122,530 00		
Specie belonging to depositors..... 411,912 51		
	1,534,442 51	
		9,468,506 01
Expenses since 1st January, 1864.....		12,361 91
		$26,642,180 47
Capital stock. Full shares and all paid up..		$10,000,000 00
Discount and interest since 1st January, 1864, and profits.....		1,192,647 98
Deposits. Individual.....$12,389,119 09		
Do Of other banks... 3,030,584 10		
		15,419,703 19
Dividends unpaid.....		29,829 30
At the present current market value of the United States stocks and 7 3-10 Treasury notes, the premium on them may justly be estimated at an amount exceeding one million dollars, in addition to the profits, as shown in this statement. No premium is estimated on the gold belonging to the bank.		
		$26,642,180 47

BANK OF COMMERCE IN NEW YORK, *March* 21, 1864.
JOHN A. STEVENS, *President.*
HENRY F. VAIL, *Cashier.*

The amount of loans and discounted bills is about two million six hundred thousand dollars. Almost the entire balance of their capital and their entire sinking fund and some portion of their deposits to the amount of fifteen or sixteen million dollars are now invested in Government securities, and they show themselves to-day to be a national institution in the broadest and most generous sense, and that is a thing which I think this House ought to keep in view in settling a question of this character.

[Here the hammer fell.]

The question was taken on the amendment to the amendment, and it was disagreed to.

The question recurred on the amendment.

Mr. J. C. ALLEN. I move to amend the amendment by adding to it the following:

Provided, That nothing herein contained shall be so construed as to exempt such incorporations from general liability under the thirty-sixth section of this bill.

Mr. Chairman, I offer this amendment simply for the purpose of replying to the argument of the gentleman from New York [Mr. STEBBINS] in favor of exempting the Bank of Commerce from the liabilities which this bill imposes upon all other State banks proposing to come in under its provisions. His argument is simply this, that the Bank of Commerce has become a powerful institution, controlling to a very considerable extent, and to an extent equal to any other bank in the world, the finances of the country. He undertakes to show that the reason why it cannot come in under the provisions of this bill, subject to the liabilities imposed by it, is that the business of the bank has become so diffused and so extensive that it is impossible for them to get, under their articles of association, the consent of the shareholders.

Well, sir, if that be true, it is no argument why the bank should be exempted from the liabilities imposed upon other banks.

Mr. STEBBINS. Will the gentleman allow me to say a word?

Mr. J. C. ALLEN. I cannot yield; I have not time.

Sir, if the shareholders reside in South America, or in China, or in other parts of the world, that is no reason why their assent to this act cannot be obtained, provided the shareholders themselves are willing to incur the liability provided for in this bill. If they are not willing to incur that liability, and will not give their consent to the directors, then they ought not to be permitted to enjoy the benefits of this bill.

Sir, the bill is designed to hold out to these corporations inducements to come in under this system; and the benefits it confers are sufficient to induce the shareholders, wherever they may live, to agree that the association shall come in and organize under it.

It is no argument to say that by their articles of association they cannot come in without the consent of the shareholders. That consent can be obtained if the shareholders are willing to incur the responsibilities imposed by this bill. The question is not as to the difficulty in obtaining the assent of the shareholders, but as to their readiness to incur these responsibilities, because, I repeat, their assent can be obtained. It may be somewhat difficult, and may put them to some trouble, to get the assent of the shareholders; but whether the shareholders be men or women, it can be obtained in time. Let them bide their time, and take the necessary steps to obtain that consent, and then come in under the law, occupying the same position as the other corporations of the country occupy under the law.

It is no argument in favor of conferring upon them exclusive privileges that, as the gentleman says, they wield a capital of $20,000,000 now, with the right to increase it to $50,000,000, to become a mammoth corporation controlling the Government and the whole monetary interests of the country. They get their dividends twice a year and enjoy all the benefits and privileges which any other corporation enjoys, and you invite them in under this bill, subject to the same liabilities that you impose on other corporations. I take it for granted that the fact that they wield such tremendous power, such an enormous capital, is no reason why they should come in with exclusive privileges under this bill and swallow up and break down all the smaller institutions of the country. It is an argument which cannot stand the test of reason. It is an argument rather that these banks should not be permitted to come in here with privileges which do not pertain to other banking institutions in the country.

Mr. DAVIS, of Maryland. Mr. Chairman, I think it is well to understand the precise character of the amendment that we are debating, and which, I think, has been perhaps a little misapprehended. It is not a provision of an exceptional character. It is one to provide for a particular class of cases. Every case similar to that of the Bank of Commerce is covered by the amendment. It is not the exception of the Bank of Commerce from the general provisions applicable to other banks; it is the making a provision applicable to a class of cases. Whether they are one or many is wholly immaterial to the question. It provides that when the articles of any association prohibit a particular article to be changed, that that article shall not be changed by anything in this law. There happens to be in the articles of the Bank of Commerce one such provision. There may be analogous provisions in the articles of association of other banks. Wherever there is such a prohibition on the directors, to accept any act of incorporation or make any modification of their articles, that is protected by the amendment of the gentleman from Massachusetts, [Mr. HOOPER.] There is, therefore, no inequality, and there is no exception. Exception means to take one thing out of the class to which it belongs.

The question, therefore, is whether, since the Bank of Commerce cannot, under its existing articles of association, accept the benefits or assume the burdens of the national bank law, which we are about to pass, we will drive that corporation into liquidation, thereby losing the benefits of its immense power and its immense capital as a support to the national organization that we are now

creating; or whether, by a modification which does harm to nobody, we will allow it, and all others similarly situated—without altering that particular section—to take part in the benefits of the law. I confess I foresee a serious struggle to take place between the banks that we are providing for and the existing State organizations. It is impossible that the State institutions can be allowed to stand side by side with those that we are about to create. It is plain that either in this bill or in the tax bill stringent provisions will be adopted to drive from existence the State institutions, unless we mean that the increasing plethora of currency shall bring on a desolating revulsion like that of 1837. If we are to have that contest I believe it is the part of wisdom to secure to our side the greatest and most powerful money corporation in the United States. When we are having war I am for getting on my side all the allies that it is possible to get; and when I can get this ally by simply providing for the whole class of cases to which it belongs, I think we should adopt that provision, unless there be something inherently improper in it.

Now, is there anything wrong in saying that when persons have formed an association and bound themselves not to allow a change in the rule as to personal liability that rule may be respected? Is there any such great necessity for insisting on personal liability of stockholders as that we should refuse to modify it in a particular instance?

I agree with the gentleman from Massachusetts, [Mr. ALLEY.] I am opposed myself to the principle of individual responsibility. It is a needless trammeling of innocent persons. But whether right or wrong, I am willing to do anything that may be thought best in favor of strengthening this bill and the banks that are to be organized under it in the impending conflict with the State institutions.

Mr. J. C. ALLEN withdrew his amendment to the amendment.

Mr. ALLEY. I move to amend the amendment of my colleague by adding to it as follows:

That all the powers and privileges conferred by the sixty-third section of this act upon the Bank of Commerce, in the city of New York, on becoming a national association, with the exemption from individual liability of shareholders and all other powers and privileges contained in the articles of association of the said Bank of Commerce, in the city of New York, be granted to and conferred upon all banks, banking associations, and corporations organized and doing business under the law of any State, Territory, or District of the United States on becoming associations as provided by this act.

Mr. ALLEY. It will be observed that this amendment is very similar to the one which has already been voted on, though not precisely like it. I offer it in this form because several gentlemen around me have said that they would have voted for that proposition if they had understood it correctly. I did not think when the vote was taken that it was fully comprehended. I called for a division upon it, but was told that it was too late.

I will say, also, that I desire to see who in this House is in favor of granting this privilege to the Bank of Commerce and of refusing it to all other associations under this law.

I can conceive, of course, how gentlemen may be in favor of granting this privilege exclusively to the Bank of Commerce if they cannot do any better; but how any fair-minded man can now be in favor of extending that privilege to the Bank of Commerce and of refusing it to all other associations of a similar character I cannot understand. It is for these reasons that I again offer in substance the same amendment, and call for a division upon it when the vote is taken.

Mr. PRICE. I did not conceive, Mr. Chairman, when this proposition was first presented, that anything serious was intended by it. But finding that I was mistaken I want gentlemen on my right, who appear to be so much taken by the proposition, to reflect for a moment on it. The proposition simply is to establish two classes of banks by virtue of the bill under consideration.

Mr. ALLEY. I rise to a question of order. The gentleman is discussing the amendment of my colleague and not the amendment immediately pending before the committee.

Mr. PRICE. I am discussing the amendment now before the committee.

Mr. ALLEY. My amendment involves no such result.

Mr. PRICE. I repeat, Mr. Chairman, that the proposition now before us is to make two classes of banks under this bill. In the first place, I object to this proposition because it is based upon the supposition that the sixty-third section of this bill will pass the House, which I do not believe will ever occur. But, sir, if that section is not to be stricken out, then this proposition may come in properly as an amendment to it, and that is the only point in the bill where it can properly come in. If this favoritism is to be extended to one bank, the amendment of the gentleman extending the same favor to other State banks may be a matter of justice as between it and them.

But, sir, I ask gentlemen to consider the proposition which is before us. We have organized, or will have organized if we pass this bill, a class of banks, the stockholders of which are individually liable to the extent of twice the amount of the stock held by them. This proposition is to give to a class of banks now existing in the States, whose stockholders are held liable to only one half the proportionate amount, the same privileges.

Now, I want to know if gentlemen are prepared to go before the country with a law incorporating a bank with a capital of $100,000, the stockholders of which are individually liable to the extent of $200,000, and of organizing another bank on the opposite corner of the same street, with the same capital, the stockholders of which are individually liable to the extent of only $100,000? I am at a loss to understand how any such proposition can be seriously entertained. I desire to enter my solemn protest to be recorded here that it may appear hereafter against any such proposition as that.

Again, sir, no man or woman is compelled to invest money in bank stock. No man is compelled to become a stockholder in a national bank, and therefore the question does not arise, as it would if they were compelled so to invest their money in these particular banks, as to whether we do injustice by making them individually liable to the bill-holders and depositors of the banks. It is at their option how they shall invest their money, but I submit that Congress ought to provide that if they invest in these national banking associations they shall be bound for their liabilities as any other man in any other business corporation is liable.

[Here the hammer fell.]

Mr. STEVENS. This thing has "run empteus" for some time. [Laughter.] I move that the committee rise for the purpose of closing debate.

On a division there were—ayes 55, noes 44.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

Mr. STEVENS moved that when the committee shall again resume the consideration of the special order all debate shall be closed in one minute on the pending section.

Mr. ELDRIDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 69, nays 42; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Hulburd, Jenckes, Julian, Kasson, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Edward H. Rollins, Scofield, Shannon, Spalding, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—69.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Brooks, James S. Brown, Chanler, Dawson, Eden, Eldridge, English, Finck, Grider, Griswold, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, Knapp, Law, Long, McKinney, Middleton, James R. Morris, Odell, John O'Neill, Pendleton, Samuel J. Randall, Robinson, Rogers, Scott, Stebbins, John B. Steele, Strouse, Sweat, Voorhees, Ward, Wheeler, Winfield, and Yeaman—42.

So the motion was agreed to.

Mr. STEVENS moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, debate has been ordered to be closed on the pending section in one minute, and in that time I want to make one observation for the information of members of the House. I think that we should not create a distinction between the banks, and in proof of the correctness of the position I have taken, I beg to refer to the petition of forty-seven other banks in the city of New York asking that this provision shall be extended to them under this act. Then, sir, this House must regard that petition as a protest against granting the privilege to the Bank of Commerce only.

The CHAIRMAN. The gentleman's time has expired.

Mr. ALLEY. I modify my amendment as follows:

Provided, however, That the stockholders of the banking associations organized under this act shall not be personally liable.

I demand tellers on the amendment.

Tellers were ordered; and Messrs. STEELE, of New York, and ALLEY were appointed.

The amendment to the amendment was rejected; the tellers having reported—ayes 45, noes 52.

The question then recurred on Mr. HOOPER's amendment.

Mr. RANDALL, of Pennsylvania, demanded tellers.

Tellers were ordered; and Messrs. HOOPER and J. C. ALLEN were appointed.

The amendment was agreed to; the tellers having reported—ayes 49, noes 32.

Mr. HOLMAN moved to add the following:

And provided further, That the individual liability provided for in this act shall not be impaired.

On a division there were—ayes 40, noes 53.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and BEAMAN were appointed.

The question was put; and the tellers reported—ayes 45, noes 46; no quorum voting.

The roll was then called; and the following members failed to answer to their names:

Messrs. Ames, Arnold, Baily, Francis P. Blair, Jacob B. Blair, Bliss, Blow, Brandegee, Ambrose W. Clark, Freeman Clarke, Coffroth, Cox, Cravens, Creswell, Henry Winter Davis, Dawes, Deming, Denison, Dumont, Edgerton, Farnsworth, Fenton, Ganson, Garfield, Hale, Harding, Benjamin G. Harris, Charles M. Harris, Holman, John H. Hubbard, Hutchins, William Johnson, Julian, Kelley, Kernan, Knapp, Le Blond, Littlejohn, Marvin, McAllister, McDowell, McIndoe, Samuel F. Miller, William H. Miller, Daniel Morris, Morrison, Leonard Myers, Nelson, Noble, Norton, Pendleton, Perry, Pruyn, Radford, John H. Rice, Ross, Schenck, Scofield, Sloan, Smith, Smithers, Starr, Stebbins, William G. Steele, Sweat, Thomas, Van Valkenburgh, Wadsworth, Elihu B. Washburne, Webster, Chilton A. White, Joseph W. White, Benjamin Wood, and Fernando Wood.

The committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; and the committee finding itself without a quorum had caused the roll to be called, and directed him to note the absentees and report them to the House.

A quorum having appeared, the committee resumed its session.

The amendment was then rejected; the tellers having reported—ayes 45, noes 57.

Mr. BOUTWELL. I move to insert the following:

And any State bank which is a stockholder in any other bank by authority of State laws may continue to hold its stock, though either bank or both may be organized under the provisions of this act.

The amendment was agreed to.

Mr. HOOPER. I move to amend the forty-fifth section by inserting after the word "bonds,"

in the eleventh line, the words "and otherwise," so that the clause shall read:

And the Secretary of the Treasury may require of the associations thus designated satisfactory security by the deposit of United States bonds and otherwise for the safe-keeping, &c.

Mr. HOLMAN. I would inquire of the gentleman what the effect of that amendment is. The security now required of these depositaries is the bonds of the United States; the gentleman from Massachusetts proposes to insert the words "or otherwise" after the word "bonds;" that is to say, the security shall either be bonds of the Government or such other security as the Secretary of the Treasury may require. What other security does the gentleman from Massachusetts refer to?

Mr. HOOPER. By the present arrangement or rules of the Department, the Secretary requires a personal bond in addition to the deposit of United States stock, and it was to cover that point that I offered the amendment.

Mr. STEVENS. The words are "*and* otherwise," not "*or* otherwise."

The amendment was agreed to.

Mr. HOLMAN. I move to amend the forty-fifth section by adding thereto the following:

But the deposits made by the Secretary of the Treasury with any association shall not at any time exceed the par value of the bonds deposited by such association as security under the provisions of this section.

If these banks are to be made depositories, it is very desirable that the security should be ample, and beyond the control of any officers of the Government. It seems to me it would be very unsafe to allow a system of favoritism to grow up. The deposits of public funds in these banks should be on ample security. If the security is to be these bonds, well and good; but let the bonds at least be equal at par value to the amount of the whole deposit. This will be the great fault of this system, I apprehend. You make these banks the depositories of the entire surplus funds of the Government, and unless a rigid principle of security is adopted a system of favoritism will inevitably grow up. To avoid that the security should be ample.

Mr. BROWN, of Wisconsin. I suggest to the gentleman that he modify his amendment so that it shall read:

Shall not exceed the par value of the bonds of the United States deposited by them, unless the market value be less than the par value, and then shall not exceed the par value.

Mr. HOLMAN. The objection to that would be this: the funds deposited would be based upon the bonds; and hence I think the par value alone should be taken into consideration. As a matter of course, these bonds could not be below par value with reference to the currency; that is, unless we should resume specie payment. Of course it is hardly worth while to provide for that in this system.

Mr. ELDRIDGE. What do you mean by "currency?"

Mr. HOLMAN. Legal-tender notes.

The CHAIRMAN ordered tellers on the amendment, and appointed Mr. HOLMAN and Mr. ORTH.

The committee divided; and the tellers reported —ayes 29, noes 65.

So the amendment was not agreed to.

Mr. BOUTWELL. I move to amend the forty-fifth section by striking out, in lines three, four, and five, the words "shall be depositories of public money, except receipts from customs, under such regulations as shall be prescribed by the Secretary of the Treasury, and they may also," and inserting "may be;" also, in lines seven and eight, by striking out the words "depositories of public moneys and financial," and inserting "such;" also, by striking out of line eight the words "of the Government;" also, by striking out of line ten the words "thus designated," and inserting "so employed;" and by striking out of lines eleven and twelve the words "for the safe-keeping and prompt payment of the public money deposited with them;" so that the section will read:

And be it further enacted, That all associations under this act, when designated for that purpose by the Secretary of the Treasury, may be employed as financial agents of the Government, and they shall perform all such reasonable duties as such agents as may be required of them. And the Secretary of the Treasury may require of the associations so employed satisfactory security by the deposit of United States bonds, and for the faithful performance of their duties as financial agents of the Government.

The committee will readily see what my object is in offering this amendment. It is to take from the Secretary of the Treasury the power of making these institutions the depositories of the public money. In the first place we have in the several parts of the country depositories now existing, the Treasury here at Washington, and the offices of Assistant Secretaries at different parts of the country. We can have no better security for the safe-keeping of the public money.

My objection to this provision as reported by the committee is, that it inevitably locks up many millions of dollars—I cannot say how many millions—and it will lead, I believe, to political and financial corruption; and I cannot say when and how much. And therefore I think, in organizing a great system of banking like this, we should adhere to a well-settled principle, and avoid if we may those evils which, in the experience of the country, have been found very serious.

Now there is no reason why, in New England, when we have an Assistant Treasurer in the city of Boston, any banks should be depositories of the public money. There is no reason in the State of New York or elsewhere. I believe that, as we need the revenue as fast as it is collected to reduce our interest and meet the daily expenses of the Government, we should not deposit one dollar in these banks, but put it all into the Treasury and sub-Treasuries where it may be used by the Government. If it is to be withdrawn from the banks as soon as deposited, then it will be of no advantage to them. If it is to remain in the banks, then it will be an injury and an expense to the Government. My amendment leaves the section in such shape that the banks may be employed as financial agents for the negotiation of bonds, or any other purpose for which the Secretary of the Treasury may require their aid; but the public money collected by taxes levied on the people for the purpose of paying the expenses of the Government should be deposited in the Treasury of the country, and applied to the public service.

Mr. STEVENS. I think this a very pernicious amendment. If a national bank, secured as these are to be, is not a fit and proper place for the collector of taxes in the vicinity to deposit his money until such time as it is to be drawn out by the Government for its use, we had better have no such banks at all. It seems to me that to require that all these taxes shall at once be deposited in a sub-Treasury out of the way of the country where they are collected would create trouble and inconvenience which ought to be avoided. I hope the amendment will be rejected, as others less mischievous have been.

Mr. WARD. I move to amend the amendment by striking out the last word. I desire to express my approval of the proposition of the gentleman from Massachusetts, [Mr. BOUTWELL.] If there is one point upon which the judgment of the people has become confirmed it is in the approval of the sub-Treasury system. It is well known to this honorable body that there was a long contest between political parties as to the proper depositories of the public money, and that it terminated in the triumph of that system which has since worked so well for the public interests.

This section in the bill as reported by the Committee of Ways and Means is virtually a repeal of the sub-Treasury act, by permitting the Government to deposit its funds with special banks, thus creating another prolific source of increased loans, discounts, favoritism, centralization, and power; it proposes to revive substantially the State bank system for deposits of Government money. Its revival will be attended by all the disastrous results that followed the change from the United States Bank to the memorable scheme which has hitherto served as a beacon and warning.

Mr. Chairman, it is well known that after the removal of the deposits in 1833 to the State banks, there was immediately an enormous inflation and a great expansion in the number of banks and banking capital of the country. The history of that period is extremely suggestive, and should be borne in mind at the present time. The withdrawal of the public deposits from the United States Bank took place in October, 1833. In January, 1834, the bank loans and discounts amounted to $324,119,499, but at the corresponding date in 1837, the pet bank system having prevailed in the interim, they reached the amount of $525,115,702, having increased in three years more than sixty per cent. This extraordinary expansion thus stimulated by the removal of the public deposits from the United States Bank to the State banks, led to a great increase in importations, which rose up from $108,118,311 in 1833, to $189,980,035 in 1836. It affected also the sales of the public and other lands. The receipts from the public lands in 1833 were $3,967,682 and in 1836 $24,877,179; a period of over-trading and speculation ensued which resulted in the suspension of specie payments by the banks and a general bankruptcy in 1837. It is a singular fact that after this revulsion, which was precipitated by the "specie circular," there was a gradual decrease in the loans and discounts from that time down to 1843, when they were only $254,544,937, being less than half the amount six years before. Notwithstanding the great prosperity of the country at that time the loans and discounts never attained the same maximum as in 1837 for seventeen years.

Now, Mr. Chairman, it is proposed here by this section to revive that system of public deposits which the public sentiment of the country, without distinction of party, has condemned. We can have no better depositories than the sub-Treasuries. They are safe and secure, and by having the public money in them it will not be used for banking purposes, and we shall prevent the inflation which under the other practice must necessarily ensue.

I am opposed to the whole system of inflating the currency of the country by whatever means. Already the circulating medium is swollen by legal tender, bank notes, and floating evidences of public debts, to an extent much larger than is required by the necessities of the Government and the people. It is proposed by the bill to divert the capital of the country from legitimate and productive investments, to create new banks with this necessary accompaniment of more loans and discounts and fresh issues of paper money. The section under consideration will, if retained, give additional impetus to the most objectionable portions of the present financial system, and contribute at no distant period to produce results the most disastrous to our welfare and honor.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, the ashes of the old Bank and sub-Treasury controversy may be extremely interesting, but we hardly have time for their enjoyment at this stage of the session. I therefore rise to oppose the amendment.

Mr. WARD. They may rise up before the gentleman's vision before many years. I withdraw my amendment to the amendment.

The question was taken on Mr. BOUTWELL's amendment, and it was rejected.

Mr. KALBFLEISCH. I move to amend the section by striking out the word "may" and inserting the word "shall," so that the Secretary of the Treasury shall require this to be done, not leaving it discretionary with him. It is a very simple amendment.

Mr. GRINNELL. As the gentleman remarks, it is a very simple amendment, and I desire to oppose it for that reason. I think it is.

The amendment was agreed to.

Mr. BROOKS. I move to amend the forty fifth section by inserting, in the fifth line, after the word "Secretary," the following:

And such depositaries shall, whenever required by the Secretary of the Treasury, transmit the circulating notes of the associations to the cities named in the thirty-first section of this act for redemption, and provide and furnish all other necessary facilities for the conveyance of the public funds from place to place within the United States, and for disbursing the same in payment of the public liabilities without charging any commission or exchange thereon.

I desire to call the attention of the House to the proposition. We are creating here a system of banks with $300,000,000 capital almost without taxation, which will have no uniformity in the mode and manner of redemption, for there are eighteen or nineteen different places of redemption. I desire that it shall be at least as good an institution as the old Biddle bank in the transfer of the public money. That institution transferred the public money without cost from St. Louis to Portland, Maine, and from Portland, Maine, to New Orleans. Whatever might be the difference of exchange, *pro* or *con.*, the Government of the United States paid nothing whatever for the transfer of the public money. That was done under a bank of $40,000,000. I desire the like to be

done under banks of $300,000,000. I have submitted my proposition in good faith. It may be voted down as my other amendments were voted down, and by a like sort of mechanism. But we shall have a record hereafter, if not in two or three years, then in five or six or seven years, if these banks shall have so long existed.

The question being on Mr. BROOKS's amendment,

Mr. BROOKS demanded tellers.

Tellers were not ordered.

The amendment was rejected; there being, on a division—ayes 43, noes 51.

The Clerk read the forty-sixth section.

Mr. HOOPER. I move to amend by inserting before the word "shall," the words "whose notes are presented for payment, or the president or cashier of the association at which the notes are redeemable;" so that it will read:

SEC. 46. *And be it further enacted*, That if any such association shall at any time fail to redeem, in the lawful money of the United States, any of its circulating notes, when payment thereof shall be lawfully demanded, during the usual hours of business, at the office of such association, or at its place of redemption in one of the cities aforesaid, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association, whose notes are presented for payment, or the president or cashier of the association of which the notes are redeemable, shall offer to waive demand and notice of the protest, and shall, in pursuance of such offer, make, sign, and deliver to the party making such demand, an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof;

The amendment was agreed to.

Mr. WILSON. I move to amend the section by striking out the words "in one of the cities aforesaid," and inserting in lieu thereof the words "in the city of New York or Philadelphia or Boston."

The amendment was rejected.

Mr. ELDRIDGE. I move that the committee do now rise.

The amendment was not agreed to.

The forty-seventh and forty-eighth sections of the bill were read.

Mr. BROOKS. I hope that the gentlemen who have charge of the bill will let us go home now.

Mr. STEVENS. That is a very sensible proposition. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

And then, on motion of Mr. ANCONA, (at four o'clock and thirty minutes, p. m.,) the House adjourned till Monday at twelve, m.

IN SENATE.

MONDAY, *April* 4, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 30th of March, information in relation to a telegraphic dispatch or order from Major General Dix to Provost Marshal Dodge, of Baltimore, dated November 5, 1861, concerning elections in the State of Maryland on the following day; which was ordered to lie on the table.

The VICE PRESIDENT also laid before the Senate a report of the Attorney General, communicating, in compliance with the joint resolution approved March 3, 1863, information in relation to property devised to the people of the United States by Captain Uriah P. Levy, deceased; which was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. WADE presented a memorial of the Board of Trade, ship-owners, and ship-masters of Milwaukee, Wisconsin, praying for the improvement of Frankfort harbor, on Lake Michigan; which was referred to the Committee on Commerce.

Mr. BROWN presented a petition of citizens of Missouri, praying that the officers and crew of the iron-clad gunboat Essex may be suitably rewarded for their gallantry in capturing and destroying the rebel ram Arkansas; which was referred to the Committee on Naval Affairs.

Mr. HOWE presented a memorial of the Legislature of Wisconsin in favor of the extension of the mail route No. 13184, from Ephraim to Washington Harbor, in Door county, in that State; which was referred to the Committee on Post Offices and Post Roads.

Mr. MORGAN presented a memorial of Alpheus Fobes, of the city of New York, United States agent for the payment of pensions in that city, praying for the passage of a bill making provision for the indispensable expenses of his office, to the end that pensioners may be promptly paid and the business thereof may be transacted in a suitable manner; which was referred to the Committee on Pensions.

Mr. BUCKALEW presented a petition of eighty-five merchants of Pennsylvania, praying for the taxation of the circulation of all banks chartered by State Legislatures to such an extent as will compel them to call in all their issue, and for a uniform national currency; which was referred to the Committee on Finance.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 154) to provide for the better organization of the quartermaster's department, reported it with amendments.

He also, from the same committee, to whom was referred a bill (H. R. No. 187) to regulate the dismission of officers in the military and naval service, submitted an adverse report, which was ordered to be printed.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a bill (S. No. 191) for the relief of Baptiste Peoria, reported it adversely.

He also, from the same committee, to whom was referred a bill (S. No. 198) to aid the Indian refugees to return to their homes in the Indian territory, reported it with an amendment; and notified the Senate that, as the bill was one of pressing importance, he would call it up to-morrow during the morning hour.

CLAIMS FOR FRENCH SPOLIATIONS.

Mr. SUMNER. The Committee on Foreign Relations, to whom were referred a petition of sundry citizens of New York presented at the present session, and also numerous petitions and resolutions of State Legislatures and individuals, taken from the files, asking just compensation for individual claims on France appropriated by the United States to obtain a release from important national obligations, have had the same under consideration, and have directed me to report a bill (S. No. 213) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 21st day of July, 1861, with an accompanying report, which I ask to have printed.

The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. SUMNER subsequently said: I desire to complete a report which I made during the morning hour from the Committee on Foreign Relations. I have already reported a bill in reference to the French spoliations; but I have been directed by the same committee to report back to the Senate a bill (S. No. 14) to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, with a recommendation that it be indefinitely postponed; and I ask for action on that now, so that the bill may be out of the way.

The report was concurred in.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HAY, his Secretary, announced that the President had approved and signed on the 1st instant an act (S. No. 108) relating to acting assistant paymasters in the Navy, and regulating the appointment of cadets in the Naval Academy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (No. 62) fixing certain rules and regulations for preventing collisions on the water;

A bill (No. 119) to regulate the admeasurement of tonnage of ships and vessels of the United States; and

A joint resolution (No. 58) relative to the substitution of monarchical for republican government in Mexico under European auspices.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 80) to provide for the better organization of Indian affairs in California.

BILL INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 214) relative to the steamboat International on the Red river of the North; which was read twice by its title, and referred to the Committee on Commerce.

BUSINESS OF UNITED STATES COURTS.

Mr. TRUMBULL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate what number of cases were pending in each circuit and district court of the United States the 1st day of January, 1864, and the number of cases commenced in each of said courts during the year ending on that day.

LAW OF NEUTRALITY.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of so amending the neutrality law as to make it reciprocal to each Government, extending entire neutrality to those which return the same, and to others the exact measure of neutrality that they extend to us.

PRINTING OF A BILL.

On motion of Mr. SUMNER, it was

Ordered, That the bill (S. No. 63) establishing a Bureau of Emancipation be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

A bill (No. 62) fixing certain rules and regulations for preventing collisions on the water—to the Committee on Commerce.

A bill (No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie—to the Committee on Commerce.

A bill (No. 119) to regulate the admeasurement of tonnage of ships and vessels of the United States—to the Committee on Commerce.

A bill (No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes—to the Committee on Commerce.

A bill (No. 371) for the relief of the settlers upon certain lands in California—to the Committee on Public Lands.

A bill (No. 374) to exempt certain vessels therein named from enrollment and license, and from the payment of tonnage duty, and for other purposes—to the Committee on Commerce.

A joint resolution (No. 55) granting certain privileges to the city of Des Moines, in the State of Iowa—to the Committee on Public Lands.

TERRITORY OF MONTANA.

The following message was received from the House of Representatives, by Mr. LLOYD, its Chief Clerk:

Mr. President, I am directed to inform the Senate that the House of Representatives has refused to reconsider its action on the amendments of the Senate to the bill of the House of Representatives (No. 15) to provide a temporary government for the Territory of Montana, and to return the bill to the Senate.

The Senate proceeded to consider its amendments to the bill of the House (No. 15) to provide a temporary government for the Territory of Montana, disagreed to by the House of Representatives; and,

On motion of Mr. WADE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Messrs. WADE, LANE of Kansas, and SPRAGUE.

ENLISTMENTS IN THE SECEDED STATES.

Mr. WILSON. I move that the Senate take up for consideration House bill No. 261, which now lies on the table.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 261) to provide for the voluntary enlistment of any persons, residents of certain States, into the regiments of other States. It provides that any persons resident in the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, or Arkansas, who may voluntarily enlist in the military service of the United States for the term of three years or during the war, shall be entitled to the benefits and privileges of existing laws, and such persons shall be mustered into the regiments or other organizations of whatsoever State they may elect, or in the case of colored troops shall be assigned as now provided by law, and the States or subdivisions of States procuring such enlistments are to receive credit for such persons, in accordance with the laws in other cases; but such enlistments as are authorized in any State under the provisions of this act are only to continue until such State shall have been made subject to a call for troops; and no enlistment is to be made of any soldier, either in or out of any State, except those enumerated in the act, unless full credit is given to the State to which the enlisted soldier belongs.

Mr. GRIMES. Mr. President, if this bill had been submitted to the consideration of the Senate to receive a final vote when it came from the Committee on Military Affairs, I apprehend that very few votes would have been recorded in its favor. I suppose that at this time it will probably pass, for I know the amount of persuasions and importunities that have been addressed to members of the Senate in order to induce them to assent to its being passed; and indeed so strong and persuasive have been the political and personal arguments which have been addressed to me, that there have been moments when I almost felt inclined to let the bill pass by default. But, sir, I believe it to be my duty to put myself on record on this subject, that it may be known hereafter, when the evils that are to spring from the passage of this bill shall be patent, that I had no part or lot in it.

Now, Mr. President, what is the bill? A call was made originally upon the States in proportion to the people, and now in proportion to the number of men who are capable of bearing arms, to rally to the standard of the country in its defense. All the States have patriotically responded; but some have been able to fill up their quotas completely, while others have not been successful in doing it. This bill proposes that those States which have not thus been successful in filling up their quotas under the President's proclamations shall be permitted to go into certain States in rebellion and there secure the enlistment of colored men who have hitherto been slaves, induce them by bounties or otherwise to enlist in their behalf, and apply the men thus enlisted upon their quotas.

That is what the bill now under consideration is, and to that I have a great many insuperable objections. In the first place, if you pass this bill you will demoralize, in a great degree, your Army, and you will render "confusion worse confounded" in every one of your armies along the line. Every State that is now in arrears, and many that are not in arrears but who anticipate a future draft, will send their agents into those several States for the purpose of recruiting in anticipation of future drafts, to be applied upon the quotas that are anticipated in those States. You will have a cloud of men rushing into your Army lines; they will be the representatives of States, subordinate to their States, but not subordinate to the military authorities within whose jurisdiction they may be. The prices paid for these enlisted men will be run up to exorbitant figures, precisely as the competition of your various agents raised the prices of arms during the first twelve months of this war, when they went to foreign countries to buy them; and I suppose in the end a proposition will be made here, and doubtless at some time or other will pass, to have the national Government assume the payment of all the bounties that are now to be paid by the States for the purpose of filling up their respective quotas.

We have acknowledged the belligerent rights of the rebels. One of the rights incident to that condition of things, I understand, is to recruit within their own limits. We have denied them the power of recruiting within our limits, and hung two of their men because they were engaged in recruiting within the lines of our armies. Now, what is to restrain the agents of Massachusetts or Iowa or Connecticut or any other State from going beyond our lines? If they happen accidentally to be caught beyond those lines and are hung by the rebels, is the Federal Government to become responsible for it and to establish a system of reprisal and retaliation? Who is to have control of these agents? How is it possible that you will be able to control them yourselves? This bill had not passed the House of Representatives fifteen minutes before two citizens of my State came to me and desired me to assist them in procuring permission to go down into the rebel States to recruit men in behalf of my own State; and if I had not told them that I was utterly opposed to the bill and did not believe it would receive the sanction of the cool judgment of a majority of the Senate, I presume that even from that State, although its quota is more than full, a cloud of men would have sought to be agents to go down South to recruit, in the anticipation of any draft that might hereafter be made.

Now, let us see how fair this is to the States. Under the calls as they now stand—and I only use the States which I shall name by way of illustration—under the calls that have hitherto been made, the State of Iowa has more than filled its quota, not counting the reënlisted men. So has the State of Vermont; so has the State of Connecticut; so have several other States. Now, suppose that the large States of New York, Pennsylvania, and Ohio have not filled their quotas by thirty thousand each, making a gross amount of ninety thousand; the Government discover that they want ninety-thousand more men. You allow New York and Pennsylvania and Ohio to go down South and recruit these men from this reservoir which we have in reserve with which to meet that call for ninety thousand men, and then there will be a call upon the State of Vermont for three thousand of that ninety thousand, upon the State of Connecticut for four thousand, and upon the State of Iowa for six thousand. But if, on the other hand, you require of the States of New York, Pennsylvania, and Ohio to fill up their quotas as they best may, and the States of Vermont, Connecticut, and Iowa have filled up their quotas, then here is a reservoir to which the national Government can come, and from which they can supply the ninety thousand men that may be necessary to meet the requirements of the Government. Is it just that these States should be permitted to go down and expend their wealth and recuperate their quotas by drawing into their forces these colored men that belong properly to all of us jointly? I think not.

Suppose the State of Massachusetts—and I illustrate it by the State of Massachusetts only because the chairman of the Committee on Military Affairs is right before me and represents that State—suppose the State of Massachusetts is now behindhand in her quota of twenty thousand men, and with her immense wealth she goes down into South Carolina and Louisiana and there fills up her quota from colored men. I do not know how well the troops from Massachusetts reënlist; but suppose the men who enlisted less than a year and a half ago and who have not had an opportunity to reënlist do not reënlist when the opportunity is offered them, and Massachusetts continues to fill up her quota by enlisting colored men to supply the places of these outgoing men who fail to reënlist, what will be the condition of its troops before the end of two years? Why, sir, Massachusetts will be found fighting for the Union with an armed body of colored men by the side of my State furnishing as many troops as she does, if not more, but not one colored man, or not over a few hundred, and they all raised at home. Does anybody suppose there would be a very amiable and fraternal condition of sentiment in the Army when it is known that one State is represented entirely, or almost entirely, by colored troops bought up, to our disadvantage, within the country that is in insurrection against us, while we are fighting with the best blood that we have within our jurisdiction?

Mr. COLLAMER. If the gentleman will indulge me for a moment, Massachusetts may fill up, as he calls it, that is, obtain black troops to replace the white troops who go out, but those troops will not be Massachusetts troops. They will be officered by the United States Government and placed in the United States colored regiments. They will not be Massachusetts troops, but will be credited to her; so that finally we may be without Massachusetts troops altogether.

Mr. GRIMES. I think the little circular which has been placed on our tables to-day by the advocates and friends of this bill seems to convey the idea that they are to be officered by the respective States in whose interest they are raised.

Mr. COLLAMER. No; it is the other way as I read it. They are not officered by the State.

Mr. SHERMAN. Undoubtedly they are officered by the State, if white men in any of these States enlist, because they go into any regiment they select, for instance, a Massachusetts regiment, and become a part of the quota of Massachusetts; but if negroes are enlisted, they go into the United States colored regiments and are officered by the United States Government.

Mr. COLLAMER. The statement in this circular is this:

"Although the regiments thus raised on account of northern quotas will not be officered by the Governors of the States to which they are credited, any disadvantage which may be thought to attach to that consideration will, it is believed, be more than counterbalanced by the fact that they will be enrolled in the national Army," &c.

Mr. GRIMES. So far as I am concerned, it matters not who furnishes the officers, or how they are furnished, or where they come from. It is enough for me to know that under the provisions of this bill a wealthy State can go, by its agents, into the States that are in rebellion, and there, with the aid of its money, purchase substitutes for its soldiers, while the citizens of my State, not being in a condition to buy soldiers, are compelled themselves to fight.

But it may be said that if we do not adopt this method, all these States that are now in arrears will pay the $300 commutation money. Grant it. That is bad enough; but it is a great deal better that they should pay the $300, and we shall procure these colored men, that we should become responsible for them, that we should teach our people to feel an interest in them, that we should protect and defend them, than it is that they should be considered, as they will be, as the mercenaries of any State that sees fit to hire them.

Mr. SHERMAN. The Senator from Iowa in discussing this bill seems not to draw a distinction made here between the negro troops that may be enlisted by the agents of the other States and the white troops. If negro troops are enlisted by the agents of the northern States, they enter into the regiments of United States colored troops. They are credited to the State holding out the inducement to them to enlist; but they enter into the regiments of United States colored troops. But if white men are enlisted in the southern States by the operation of northern bounties, they enter into northern regiments. Take the State to which the Senator has already alluded, or take my own State, for instance: if Ohio sends agents into the southern States, under this bill, and enlists white men, they will form part of our white regiments, to be officered by the Governor of the State of Ohio; but if Ohio bounties induce black men to enlist, they enter into the United States colored regiments and are officered by the United States.

There is some justice in this bill when applied to white men. There is no serious objection to allowing the agents of the northern States to go into the southern States where we have no Governors, no officials to enlist for us, and recruit white men to enter the service of the United States in northern regiments. There is no great harm in that. If there are loyal men in those States who are willing to serve in the Army, there is no organization in which they can enter unless they can enter into northern regiments, because

there are no State organizations of white men in the southern States, I believe, according to law. If I am mistaken in this, I shall be glad to be corrected; but I understand there are no white Louisiana regiments, no white South Carolina regiments, no white North Carolina regiments, and consequently the only way in which a loyal man in the southern States, who chooses to do so, can enter the military service of the United States, is to enlist in one of the northern regiments.

Mr. TRUMBULL. If the Senator will allow me, I should like to inquire if there are not in Tennessee and Arkansas regiments of white men?

Mr. SHERMAN. Tennessee is not embraced in this bill; Arkansas is. I do not know that there are any white Arkansas regiments.

Mr. TRUMBULL. I understood that there were some regiments raised in Arkansas.

Mr. WILSON. Some regiments have been raised in Arkansas by General Steele, commander of the department; but the officers, I suppose, have been appointed by the Government.

Mr. GRIMES. I will state to the Senator that there are white regiments in Alabama, one of which was raised nearly a year ago, and is commanded by a man from my State.

Mr. SHERMAN. As soon as these States are received back into the Union and are represented on the floor of Congress, they cease to be embraced in this bill, as I understand the terms of it. The objection I have to the bill is, that it will allow agents from the northern States to go down into the southern States and enlist black men in United States regiments, and yet the credit of those black men is to be given to the State that enlists them. It will create a competition that will be discreditable, and I think injurious to the public service. The State of Ohio, for instance, is said to be deficient a certain number of men, and she may have to enforce a draft in order to raise that number. We send our agents into Louisiana and into those other southern States for the purpose of recruiting black men. We meet there the agents from all the different States. It will create a competition which, in my judgment, will be injurious to the public service. I believe that all the black men who are enlisted in these seceded States ought to be entered by themselves in United States regiments separate and apart from the State organizations. There is no reason in the world why the northern State that sends money to these southern States to recruit black men should be credited for the men recruited there. The bounties and inducements now held out by the Government to black men are sufficient to get them into the service of the United States without inviting this coöperation from State agents.

In my judgment, every State ought to fill up its quota. If it cannot do it in any other way, let it be done by a draft, and not send competing agents to the southern States for the purpose of inducing black men to enter our service and having them credited to their quota. I think every State ought to be compelled to fill its quota.

I shall, therefore, vote against this bill unless it is confined to white men alone. I have no objection whatever to the bill if it is confined to the enlistment of white men. Where white men in the southern States choose to enlist in any of the northern regiments, I think the State to which the regiment belongs should be credited with those enlistments; but to extend that principle to black men, when there are United States regiments in which they can enter, I think would be unjust. I shall vote against the bill unless that change is made.

Mr. TRUMBULL. I do not know that I understand one portion of this bill. I should like to inquire of the chairman of the Committee on Military Affairs what is meant by the provision in the tenth and eleventh lines that these colored troops "shall be assigned as now provided by law?"

Mr. WILSON. It means that they shall be assigned to the United States colored regiments officered by the Federal Government. By the existing law, the Government of the United States enlists colored men and the President appoints the officers; and this bill provides that if the States shall enlist colored men they shall go into such colored regiments as may be designated, and be officered by the Federal Government. That is the intention of that clause.

Mr. TRUMBULL. Mr. President, it seems to me that the passage of this bill will have a very bad effect upon the public service of the country. As the Senator from Ohio has very justly remarked, it is introducing a competition between the different States in the enlistment of these colored troops in the South; and it is also inaugurating a competition between the Government of the United States and the various States.

I have thought from the early stages of this war that a very great mistake had been made in giving the large bounties that have been offered by towns and counties and States and the General Government for procuring soldiers. I think it would have been much better if, when this rebellion commenced, we had passed a law forbidding the giving of these bounties to raise troops in any of the States. In my judgment, it would have been much better if the people of the States had expended the sum they devoted to bounties in providing for the families of the soldiers, in taking care of those who were dependent on the soldiers that volunteered or who were drafted into the public service of the country. But, sir, that policy has been adopted, and we have created a vast debt by giving these very large bounties—not only a national debt which is now pressing severely upon us and affecting the credit of the Government, leading to expansion in all directions, inflating the currency, and besetting us with many dangers, but the States and counties and towns have also incurred vast debts.

It is now proposed to authorize the States which have not filled up their quotas to go down into the southern States where our armies march, and compete with each other and with the Federal Government in filling up the ranks of our armies by offering bounties. This will have no application to my State. We have furnished all the troops required by all the calls, and that without any draft in the State of Illinois; and almost every man who has gone to the war from that State is a white man. There has been an attempt to raise a colored regiment, and I believe a part of a colored regiment has been raised in Illinois; but we have more than furnished all the troops called for from that State from white persons.

This measure will produce confusion. Of course it will be the end of enlisting troops into the service of the country by the Federal Government if this bill passes, so far as the enlistment of the colored population of the southern States is concerned. Men are now enlisting and being brought into the service of the country there through the agency of the Federal Government. Pass this bill, and that will cease, because the States will pay a larger bounty than the Federal Government pays; which, as I understand it, does not propose to continue the bounties that have been hitherto paid for any considerable length of time.

Mr. WILSON. They are stopped now.

Mr. TRUMBULL. The payment of those bounties is stopped already, the Senator informs me.

Again: as has been truly said by the Senator from Iowa, you exhaust the fund, so to speak, which belongs to all the States; and if half a million men should hereafter be required, the State of Illinois would have to furnish her proportion of that half million men; whereas, if this bill does not pass, there may be no occasion for a future draft, because the Federal Government may be able to keep up its Army to the requisite standard by the enlistments which it may make in the southern States. The enlistments that are to be made under this bill will go to fill up the calls already made. It exhausts the number of men from which the Government may draw by placing them in the ranks and crediting them to those States which have not furnished their quota. It seems to me that this is unjust to the States that have furnished their quotas. I think the effect of it would be bad in every way. I am sure it would be bad in my State if we go home to Illinois and tell the people of that State, who have sent their sons and the best young men of the State to aid in putting down this rebellion, that other States have not furnished an equal number in proportion to their population with the State of Illinois, but have taken their money and have gone down into the regions of country conquered by our troops, and have hired negroes to enter the service, and that they hereafter are to carry on the war in company with these hired troops in the South and not in company with the quotas furnished by the other States from their young men, as the State of Illinois has furnished hers.

I can see nothing but evil in this bill. I see no possible good to result from it. Why pass it? What is the object of it? What are you to gain by it? Have we not already a law authorizing the Federal Government to organize and arm these colored troops? I ask the chairman of the Committee on Military Affairs what possible benefit can be derived from this bill? Do you distrust the Government? Is not the Federal Government competent to manage this thing, that each State must take hold of it? I cannot for the life of me see what possible benefit is to accrue out of this bill, unless you assume that the Federal Government is incompetent to discharge its duties and each State must go to work to raise an army for the Federal Government. The only thing I can see about it is that it will enable certain States which have not supplied their quotas to fill up their quotas with money instead of with men. I think the effect of it would be bad. I hope the bill will not meet with the concurrence of the Senate.

Mr. WILSON. Mr. President, this bill comes from the House of Representatives, having passed that body by a vote of about two to one. It was introduced into the House by a gentleman who has been in the military service, commanding a corps in the Southwest, and received the cordial support of several other gentlemen recently connected with the Army. General GARFIELD said, when the bill was pending, that he believed it the best bill which had been introduced into Congress during the session, or words to that effect. The Senator from Iowa tells us that if a vote had been taken at the time it came from the House few would have voted for it, although he thinks a majority will vote for it now; and I hope he is right in his anticipation. But, sir, the Senator from Illinois does not see any good that can come from passing this bill.

I believe there are some twelve or fifteen States that have not filled their quotas, and the large bounties having now expired, they will have to draft to fill their quotas. It is an easy thing for the Senator from Illinois and for a few Senators to speak in high commendation of the action of the people of their States in promptly responding to the calls that have been made upon them; but I venture to say to the Senator from Illinois that several of the States that have not yet completed their quotas have quite as many men in the Army and in the Navy in proportion to the number of men liable to do duty as have the States of Illinois and Indiana. Those States have filled their quotas more readily than other States, and the reason is a very plain one——

Mr. GRIMES. I will inquire what States the Senator refers to?

Mr. WILSON. I refer to several.

Mr. GRIMES. To several that have more men now in the Army and Navy than their quota?

Mr. WILSON. That have more than filled their quota?

Mr. GRIMES. Yes.

Mr. WILSON. My point was that States which it is said have not filled their quotas have really in the service, including the Army and Navy, more men than some of the States that have overfilled their quotas, for the reason that the latter States have a vast number of young men. Take the States of Indiana and Massachusetts as an illustration. They have in the State of Indiana 118,000 more inhabitants than Massachusetts, and of that 118,000 103,000 are males; and it is so in most of these young western States. The young men of the country have thronged there.

The vast number of foreign immigrants in the country counts against the old Atlantic States. Large numbers of that class of men are enrolled, but when you come to draft them they do not respond to it: they are not liable to do duty.

Mr. HOWE. We have two to your one.

Mr. WILSON. You have a great many I know in some of your western States; but the foreign population, scattered over the agricultural parts of the country, go I think more readily into the service than those in our large cities, and have been more enthusiastic in support of the war and the policy of the country.

The Federal Government has enlisted during

this war but very few men. Nearly all the men that have been put into the service have been enlisted by the States; and the Federal Government does not know much about enlisting men. It has done but very little of it during this war and that at enormous expense. The States have raised most of the men who have gone into the Army. We authorized the Government nearly two years ago to raise colored troops, and they have I suppose seventy-five or eighty thousand men now raised in the country, and a great many of these have been raised by the influence and by the action of the States.

I do not believe that any confusion will come from allowing the States to raise these troops. As our armies advance into the rebel States we find poor Union men willing to enlist into the service of the country and take the bounties offered them. They need the bounties, their families need the bounties for support, for we are supporting the families of thousands of Union men and some families of disunion men in the rebel States. We have enlisted some of these men in all parts of the rebel States; but the State agents or State officers would enlist them much more readily than any agents of the Federal Government could. Then the Federal Government can only pay to these white men $100 bounty. Many of the States are paying three, four, and five hundred dollars bounty. Then if the Federal Government raises these men it puts them into new regiments, and a thousand men raised and scattered through the old veteran regiments are worth for the coming campaign more than three thousand men put into new regiments. We can raise these white men and scatter them through our armies as they advance into the rebel States; the poor white people will take the bounties offered them and go into the regiments, and the States paying the bounties will get the credit. We thus transfer the burden from the loyal to the disloyal section of the country, and in doing it aid the loyal poor white men of that section of the country, and the Senator from Ohio sees no evil in that.

It is of great importance to put colored men into the service of the country, to reach out beyond our lines and bring them in, and offer such bounties and such inducements as will bring them in. Every man taken from the rebellion and added to the cause of the country weakens the rebellion and strengthens us. I believe if this bill shall pass, within one hundred days many thousand more men, black and white, in the rebel section of the country, will be put into the service than will go into it if the Federal Government alone is engaged in enlisting them.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Friday, which is the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States.

Mr. WILSON. I hope the Senator who has the floor will consent to let that question go over temporarily, and let us see if we cannot dispose of this bill this morning.

Mr. TRUMBULL. I hope the special order will not be laid aside.

Mr. WILSON. The Senator from Vermont [Mr. COLLAMER] suggests that this bill will require more debate. I suppose, therefore, I must let it go over.

ORDER OF BUSINESS.

Mr. FESSENDEN. I move to postpone all prior orders for the purpose of taking up the bill making appropriations for the naval service for the next fiscal year. I will state that I make this motion without any objection on the part of the Senator from Maryland [Mr. JOHNSON] who is entitled to the floor on the special order. He says it is a matter of indifference to him whether he goes on to-day or not.

The VICE PRESIDENT. The motion made by the Senator from Maine is a motion which can be interposed only with the consent of the Senator from Maryland, who is entitled to the floor on the special order, which is now properly before the Senate.

Mr. TRUMBULL. I hope the Senator from Maryland will not consent to give way and have the special order go over. It was understood that he was to have the floor to-day, and I was hoping we might come to a vote on the question. If an appropriation bill comes in now it will take a good deal of time probably. I believe it is the general naval appropriation bill, which always takes time. I hope the Senator from Maryland, who is entitled to the floor upon the special order, will go on.

Mr. FESSENDEN. I can only say that I have delayed pressing this appropriation bill for some time, in order that we might make progress in other matters which excite the speaking proclivities of Senators. I am not disposed to urge it against the wishes of the Senate; but I must say that I expect that within a very short time the bank bill will be upon us, and not long after that the internal revenue bill, and it is important to get some of these bills which are absolutely essential out of the way. If gentlemen have any very strong desire to devote another day, in the first place, to the subject that is the special order, I shall give way; but I notify Senators that to-morrow at one o'clock I shall move to take up the appropriation bill and go on with it. It is impossible that I can yield much longer to these other matters. According to the ruling of the Chair, if the assent of the Senator from Maryland is necessary, of course I cannot urge my motion against his objection; and if he has any objection to it I certainly will not press the motion; but I suppose some other gentleman will have the floor for to-morrow, if the special order shall not be disposed of to-day, and I shall be in the same condition then. I give this notice now in order that if I make the motion to-morrow, no gentleman who may then be entitled to the floor may think it a discourtesy that I do so.

Mr. TRUMBULL. Allow me to submit to the Senator from Maine whether he does not think we shall get along faster with business if, when we have a measure of this kind up, we hold on to it and finish it. Of course, the appropriation bills have to be passed and will be passed; but as a mere matter of economy in point of time, shall we not gain by holding on to a measure which has been discussed for several days, and which there is very little probability of adjourning without getting a vote upon in some way?

I think we shall have to vote at some time or other on this constitutional amendment. My experience is, and I think he will find it to be his, if he will reflect, that when we discuss a question like this and occupy a week with it, and then postpone it for three or four days, we have about as long a discussion afterwards before we can get a vote as if the debate was but then commencing, while if we hold on to it when it is under discussion we shall get a vote much sooner and save time by it. It is in that view, of course, that I make this objection. I do not expect to interpose or try to interpose objections to taking up the appropriation bills; but I really think we shall get through with the appropriation bills and all our business sooner, if when we have on hand a measure which will have to come to a vote at some time, we hold on to it until we get through.

Mr. FESSENDEN. I do not feel disposed to urge my motion now; but there is never a time in the Senate when there is not some measure under discussion, and something must give way necessarily for the passage of the bills which are absolutely essential. I would not have made the motion but for my knowledge of the situation and what will be the situation of business with reference to the Committee on Finance in a very few days, which will render it necessary that certain bills should be out of the way. I will yield for to-day; but I give notice that to-morrow I shall make a motion to take up the naval appropriation bill. I withdraw my motion to-day.

Mr. JOHNSON. Mr. President, I would certainly withdraw my assent to taking up the appropriation bill mentioned by the chairman of the Finance Committee, at the request of the honorable member from Illinois, if, in the first place, I had not already given it, and consider myself bound by having done so. And in the next place, if I was at liberty to do so, I think it more important at present to the interests of the country that the appropriation bill should be passed than that we should dispose of the particular measure on which I propose to address the Senate. But the honorable member from Wisconsin [Mr. HOWE] told me soon after I came into the Senate this morning that he was obliged to leave Washington this evening, and as he was desirous to address the Senate on this subject he asked if it would make any difference to me whether he went on now or whether I should hold the floor this morning. I told him with a great deal of pleasure that I had not the slightest objection to his addressing the Senate, and I waived my right to the floor now for the purpose of enabling the Senator from Wisconsin to address the Senate.

Mr. FESSENDEN. I wish to say one word in order to ascertain whether I understood the Chair correctly. I suppose although the special order may come up, and on that special order a Senator be entitled to the floor on it, yet another Senator is at liberty at any time to move to postpone the special order and take up another bill; otherwise it would be impossible ever to introduce anything if a bill went over from day to day.

The VICE PRESIDENT. The understanding of the Chair is that if the Senate adjourns with a member entitled to the floor, when that business comes up as the unfinished business the next day, the person entitled to the floor is entitled to it, and no other member can get it upon that question, no one can introduce a motion to postpone it without the consent of the member holding the floor.

Mr. FESSENDEN. But that motion may be made, I take it, before the bill is actually taken up, even if the hour has arrived.

The VICE PRESIDENT. Not in the impression of the Chair.

Mr. FESSENDEN. Then by the application of that rule it would be impossible to interpose anything if, when the Senate adjourns, a member is entitled to the floor.

The VICE PRESIDENT. The rule has been so administered during all the time the present incumbent has been in the chair, and always, he believes. At a particular moment of time the bill, which is the special order, is before the Senate; and when that is before the Senate the person entitled to the floor on it can claim the floor, and no intervening motion can be made. That has been the practice of the Senate.

AMENDMENT OF THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States.

Mr. HOWE addressed the Senate in support of the joint resolution. [His speech will be published in the Appendix.]

Mr. FESSENDEN. I move that this joint resolution and all prior orders be postponed, and that the Senate proceed to the consideration of House bill No. 151, which is the naval appropriation bill. I do not mean to go on with it this evening, but I want to give it the preference for to-morrow.

Mr. TRUMBULL. Had we not better leave that matter to be decided to-morrow?

Mr. FESSENDEN. Somebody else may get the floor for to-morrow, and then I cannot get in my motion.

Mr. POWELL. If the Senator from Maine will allow me to do so, I desire to ask permission to take up the resolution which I offered the other day.

Mr. FESSENDEN. I desire to have the naval appropriation bill taken up, and then it can go over until to-morrow.

Mr. POWELL. I have no objection to taking up the bill.

Mr. LANE, of Indiana. Before the pending question is disposed of, I desire to ask the Senator from Delaware one question. He said to the Senator from Wisconsin that he had strong intimations that General Wallace proposed to have something to do with the coming Maryland election. I wish to know what order or act of that officer it was to which the Senator referred.

Mr. SAULSBURY. I will answer the honorable Senator with pleasure. I referred to no order whatever; but General Wallace made a speech in the city of Baltimore the other evening in which he congratulated the people who were present upon the efforts made to bring about emancipation in the State of Maryland, and assured them of such aid as he could give. I observed also a correspondence between him and one of the candidates in one of the counties, in which General Wallace put questions to that candidate as to his political views and his political acts in the past, and as to whether if he should

be elected he would take a certain oath prescribed by the laws of Maryland. It was from those acts, not from any order which General Wallace had given, but from the declaration that he would give these men whatever aid he could, and from his propounding questions as a military officer to candidates, he himself not being a citizen of the State and only there simply as a military commander, that I drew the inference I stated.

Mr. LANE, of Indiana. General Wallace did put certain interrogatories to Mr. Kilbourn, first, whether he was a member of the Legislature which attempted to pass an ordinance of secession, to which he responded in the affirmative; and then he asked certain other questions, and finally asked that man if he could swear that he had given no aid and comfort to the rebellion, to which he said that he could not, and he voluntarily declined to run for the Maryland convention at the approaching election. General Wallace only said that so far as he was concerned, without designating any policy which should govern him, he would say that he did not believe a rebel and a traitor had any political rights, and I say here the same thing, and every patriot in the land says the same thing, that a rebel and a traitor in Maryland or anywhere else has no political rights; and he would be recreant to his duty if he did not exclude all such from the polls and all such from candidacy in the State of Maryland.

Mr. SAULSBURY. I rise to make simply one remark, and not to occupy the time of the Senate. I think the Senator from Indiana manifests too much sensitiveness in reference to General Wallace. Nobody has made any attack upon General Wallace. I referred simply to what I saw in the papers, and the point of my remark was that he, being a military officer, not a citizen of Maryland, clothed by no law with authority to propound any interrogatories or do any other thing in reference to the elections in Maryland, I regarded it as an intimation that when an election should take place he would undertake to have some supervision over that election.

Mr. JOHNSON. I think the honorable member from Indiana perhaps does not understand the position which General Wallace has taken, with which I find no fault. He put the interrogatories to the former member of the Legislature of Maryland, referred to by the honorable Senator from Indiana, and the answers which were given he has stated very correctly. There his interference, so far at any rate, has terminated. But there is an election to be held in Maryland during the present week, and General Wallace very properly wrote a letter to the Governor of the State asking what the law was in a certain particular. He wanted to know whether a clause in the law under which the convention election is about to be held authorized the judges of election to put any inquiries that they might think proper in order to ascertain whether the party offering to vote was or was not entitled to vote, and whether his right or title to vote under that law would be affected by its turning out, either by his own answers or by proof *aliunde*, that he had aided and comforted the rebellion during the struggle. To the letter containing these inquiries, he received what he admitted to be a very satisfactory answer from our Governor. The Governor cited the sections of the particular statute under which this election is to be held, and one or two sections of the general laws applicable to the same subject, and told him, and I have no doubt correctly told him, that under those laws it was not only the right but the duty of the judges of election to make the inquiry, and he added, what General Wallace I am very sure will admit to be perfectly sound, that the whole depended upon the laws of Maryland, that they were abundantly able to keep the ballot-box from the pollution of rebellious or traitorious votes, and that the judges are liable to an indictment if they do not faithfully discharge their duty. General Wallace in his letter did not suggest that it was his purpose to interfere by using the military in any way whatever, and I understand that in point of fact it is not his purpose in any contingency to resort to the military unless it shall become necessary to repress some tumultuous violence which the civil authorities of the city or the State may be unable to quell.

Mr. FESSENDEN. I renew my motion to take up the naval appropriation bill.

Mr. TRUMBULL. I hope that will not be done. Let us go on and vote upon the proposition before the Senate, if nobody is disposed to speak on it.

Mr. FESSENDEN. There are others who mean to speak on it.

Mr. TRUMBULL. Let us see. There is nobody proposing to speak upon it now, and there is an amendment pending.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky [Mr. DAVIS] to the amendment reported by the Committee on the Judiciary. The Senator from Maine, however, moves to postpone the present order and all prior orders for the purpose of proceeding to the consideration of the bill indicated by him.

Mr. TRUMBULL. I hope that will not be done. I said all that I can say about it when the matter was called up this morning. There are no new suggestions, that I know of to make. I stated to the Senator from Maine then that I thought we should get through the appropriation bills and everything more speedily by finishing one thing when we have it up. This debate will come to a close before very long, I think, if we continue to hold on to the joint resolution. Suppose we sit here an hour or two longer to-night, and if persons desire to speak upon it we shall get through with the speaking in the course of a day or two by holding longer sessions; and at any rate if everybody speaks we can get through in the course of two or three days more by keeping the subject before the Senate constantly. But if we take up another measure and hear a single speech a day, I do not know when we shall get through with this if it be laid aside for other business.

I think the Senator from Maine will accomplish the purpose which we all have, to facilitate the business of the session and close the session sooner, by allowing this measure to be continued till it is finished. I am willing to sit here at later hours. I hope the Senate will not postpone this for any other subject until we get a vote upon it. If the Senate does postpone it, of course I have no more to say in regard to it. I have made the statement to the Senate, and do not wish to take up time in repeating. I think it is an economy of time to hold on to this joint resolution until it is finished. I hope the Senate will so think.

Mr. FESSENDEN. I can only say it is a matter of entire indifference to me. I have no interest in the matter any more than any other Senator present. My judgment is that in the state of the business which is now before and will soon be before the Committee on Finance, it is advisable to get one or two of the appropriation bills out of the way, and I have several reasons. I should like to dispose of the naval bill and another appropriation bill, the legislative, executive, and judicial appropriation bill, if I can. I will not place any very great reliance on my own judgment, but I think it is advisable, and with my notion and views of the business of the Senate, I advise it to be done. If the Senate shall decide otherwise, I shall be quite content.

Mr. DOOLITTLE. If I may be allowed to say a single word on this question, it seems to me that if the measure which is now pending before the Senate could be before the Senate to-morrow, which is Tuesday, and on Wednesday, with an understanding that we shall close the matter on Wednesday night, all the gentlemen who desire to speak can speak by that time, and it will be out of the way, and I shall be willing then to go with the honorable chairman of the Committee on Finance, to take up his financial bills and stand by him and keep everything out of the way until he disposes of them. But this matter, it seems to me, is exceedingly important. The discussion, I suppose, is nearly through; I understand the honorable Senator from Maryland [Mr. JOHNSON] is to address the Senate, and I do not know that there is any other gentleman who wishes to address the Senate, but there may be; at all events to-morrow and the next day we can close this matter and allow it to go to the House of Representatives. I make that suggestion and shall govern my vote accordingly. I feel anxiety to go on in finishing these financial measures. I agree, they are the measures which must be attended to; but just in the present situation of affairs I hope the Senate will allow this resolution to go on to-morrow and the next day, with the understanding that we come to a vote and close it on Wednesday.

Mr. FESSENDEN. I ask for the yeas and nays on my motion.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 14; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Carlile, Clark, Collamer, Conness, Davis, Fessenden, Foot, Harding, Howard, Johnson, Morrill, Powell, Ramsey, Saulsbury, Van Winkle, Willey, and Wilson—20.

NAYS—Messrs. Chandler, Doolittle, Hale, Harlan, Harris, Lane of Indiana, Lane of Kansas, Morgan, Pomeroy, Sprague, Sumner, Ten Eyck, Trumbull, and Wade—14.

The VICE PRESIDENT. The vote shows the want of a quorum.

Mr. DOOLITTLE. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 4, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Saturday last was read and approved.

CALL OF COMMITTEES FOR REPORTS.

The SPEAKER stated that the first business in order was the call of committees for reports to go upon the Calendar, and not to be called back by a motion to reconsider.

No reports were offered.

BOUNTIES.

Mr. RANDALL, of Pennsylvania, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be requested, if in their judgment advisable, to report to this House a bill so amending the sixth section of the act approved July 22, 1861, relating to the granting of bounties to "any volunteer who may be received into the service of the United States" under said act, whereby the benefits of such amount of bounty may be extended to all volunteers (or their heirs) who enlisted prior to the passage of said act approved July 22, 1861, and who were killed or wounded, and, in the latter case, honorably discharged from the service by reason of wounds received, the same to be paid in like manner as is provided for in the act approved July 11, 1862.

UNDISTRIBUTED BOOKS.

Mr. BALDWIN, of Massachusetts, from the Committee on Printing, submitted the following resolution:

Resolved, That the Committee on Printing be directed to consider and report in regard to some feasible and proper method of distributing the undistributed balances of books heretofore printed or purchased for the use of the members of the House of Representatives.

Mr. PRUYN. Does that embrace anything beyond the books published by the House of Representatives?

Mr. BALDWIN, of Massachusetts. It does not.

Mr. PRUYN. I ask the gentleman from Massachusetts to make his resolution broader. There are now in the Department of the Interior——

Mr. SPEAKER. If the resolution give rise to debate it must go over. If there be no objection, the gentleman will be heard.

There was no objection.

Mr. PRUYN. At the last Congress a resolution was passed for distributing all the books left undistributed in the Department of the Interior. The resolution was imperfect, and the Secretary of the Interior found it impossible to carry it out. It remains therefore for the present. Congress to give such order in regard to that distribution as they may see fit. I ask the gentleman to make his resolution broader, so as to cover the distribution referred to in the act passed at the last session of Congress.

Mr. BALDWIN, of Massachusetts. I have no objection.

Mr. LAW. In regard to that resolution which I reported from the Committee on the Library I will say that there was found to be a great many broken sets of books, and the difficulty was in their distribution.

Mr. PRUYN. We can provide for that.

Mr. BALDWIN, of Massachusetts. It is a proposition that the Committee on Printing shall consider whether any feasible measure can be adopted for the distribution of all such books. I accept the modification of my resolution suggested

by the gentleman from New York, and demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. BALDWIN, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

J. S. AND E. A. ABBOTT.

Mr. ROLLINS, of New Hampshire, introduced a joint resolution in favor of J. S. and E. A. Abbott; which was read a first and second time, and referred to the Committee on the Post Office and Post Roads.

The SPEAKER stated the next business in order to be the calls on the Executive Departments for information which were laid over under the rule.

STATE DEBTS.

The first was a resolution submitted by Mr. BLAINE on the 7th of January last, directing the Secretary of the Treasury to report the amount of debt incurred in the several States in their efforts in suppressing the rebellion.

Mr. BLAINE was not present, and the resolution was laid over.

PAYMENT OF TREASURY NOTES IN COIN.

The next was a resolution submitted on the 7th of January last, by Mr. SCOFIELD, requesting the Secretary of the Treasury to inform this House whether, under existing legislation, the seven-thirty Treasury notes will be paid in coin.

Mr. SCOFIELD was not present, and the resolution was laid over.

STATE QUOTAS.

The next was a resolution submitted by Mr. ARNOLD on the 14th of January last, directing the Secretary of War to furnish a statement of the number of men called into the military service of the United States since March, 1861; the quota of each State under each call; the number furnished and also the number tendered under each call; the length of time for which they were accepted; what State or States furnished an excess over its quota; and how many and what State or States did not furnish its quota, and the number deficient.

Mr. STEVENS. It will take a long time to do that work.

Mr. ARNOLD. The substance of the information called for has already appeared in the newspapers. The object of the resolution was to ascertain what States were behindhand in their quotas under the different calls.

Mr. STEVENS. Say, if not incompatible with the public interest.

Mr. ARNOLD. I agree to that.

The resolution was then adopted.

MAJOR N. H. M'LEAN.

The next was a resolution submitted by Mr. PENDLETON on January 18 last, requesting the President of the United States to communicate to this House the reasons why Major N. H. McLean, lately stationed at Cincinnati, was ordered to report at Fort Vancouver; also, whether any charges affecting the capacity or fidelity to the Constitution of said McLean have been filed in any of the Departments.

Mr. HOLMAN moved to insert the words "if not incompatible with the public interest," and demanded the previous question.

The previous question was seconded, and the main question ordered.

The amendment was agreed to; and then the resolution was adopted.

ARREST OF A CONSUL GENERAL.

The next was a resolution submitted by Mr. GARFIELD on the 18th of January, requesting the President of the United States to communicate to this House such information as may be in the State Department touching the arrest of our consul general to the British North American provinces, and such official communications touching Canadian commerce as may have been made by the Colonial Secretary, or other Canadian or British officer, since the 15th of November, to our Government.

A similar resolution having been already adopted, the resolution was laid upon the table.

SHELBY RAID IN MISSOURI.

The next resolution in order was a resolution offered on the 8th of February by Mr. KING, directing the Secretary of War to lay before the House the official report of Brigadier General E. B. Brown, of the department of Missouri, of his military operations in October last against what was known as the Shelby rebel raid into Missouri.

Mr. STEVENS. I move to amend the resolution by inserting the usual words, "if not incompatible with the public interest."

The amendment was agreed to.

The resolution as amended was adopted.

AMOUNT OF COMMUTATION MONEY.

The next resolution in order was a resolution offered on the 8th of February by Mr. ELDRIDGE, directing the Secretary of War to furnish to this House information as to the amount of moneys received up to this time for commutation by drafted men; also, what disposition has been made of said moneys; if substitutes have been purchased for drafted men, how many; where and who have been procured as substitutes; what sum has been paid for each, and whether for white or black, and how much for each.

Mr. ELDRIDGE. I demand the previous question upon the passage of that resolution.

Mr. STEVENS. I suggest to the gentleman the usual amendment by inserting the words "if not incompatible with the public interest."

Mr. ELDRIDGE. I accept that modification of the resolution.

Mr. STEVENS. This resolution will call for a great deal of labor, and unless there is some use for it——

The SPEAKER. The previous question is demanded, and debate is out of order.

Mr. ELDRIDGE. I will withdraw it for a moment.

Mr. STEVENS. I cannot see of what use the resolution is. It will require a great deal of labor to answer it.

Mr. ELDRIDGE. I cannot see that the resolution calls for a great deal of labor.

Mr. STEVENS. Furthermore, it will furnish information to the enemy. If the gentleman will not consent to let it go over, I shall move to lay it on the table.

Mr. ELDRIDGE. The resolution is so modified that it does not require an answer if it should be inconsistent with the public interest. I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. STEVENS. I move to lay the resolution on the table.

Mr. ELDRIDGE. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 60, nays 46; as follows:

YEAS—Messrs. Alley, Allison, Anderson, Arnold, Ashley, Baxter, Beaman, Blaine, Blow, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Eliot, Frank, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, Julian, Francis W. Kellogg, Orlando Kellogg, Longyear, McBride, McClurg, Moorhead, Amos Myers, Leonard Myers, Charles O'Neill, Orth, Perham, Pike, William H. Randall, Alexander H. Rice, Edward H. Rollins, Shannon, Spalding, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburn, William B. Washburn, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—60.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Grider, Griswold, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, King, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, James R. Morris, Morrison, Nelson, Odell, John O'Neill, Price, Pruyn, Robinson, John B. Steele, Strouse, Wheeler, Chilton A. White, Winfield, and Yeaman—46.

So the resolution was laid on the table.

During the call of the roll,

Mr. KERNAN stated that he was paired off with Mr. MORRIS, of New York.

Mr. JOHNSON stated that his colleague, Mr. STILES, had gone home on pressing business, and was paired off with Mr. MARVIN, of New York, until to-morrow; that Mr. STILES, if here, would have voted in the negative.

Mr. J. C. ALLEN stated that Mr. HARRIS was confined to his room by sickness, and was unable to attend the sittings of the House.

Mr. GRIDER stated that Mr. HARDING was absent on account of sickness.

Mr. O'NEILL, of Ohio, stated that Mr. MILLER, of Pennsylvania, was still confined to his room by indisposition.

Mr. McKINNEY stated that Mr. J. W. WHITE was detained from the House by illness.

Mr. STROUSE stated that Mr. COFFROTH was detained from the House by the severe illness of his wife in Philadelphia.

The result was then announced as above recorded.

NEGRO REGIMENTS.

The next resolution in order was a resolution offered on the 8th of February by Mr. BROWN, of Wisconsin, directing the Secretary of War to communicate to this House: 1. The number of regiments of negro troops already enlisted, the time when each regiment was organized, and the number of privates in each regiment. 2. The amount paid for bounties, pay, and equipments of each regiment, and all other sums paid out in connection with their organization. 3. In what battles negro regiments have been engaged, and what regiments have been so engaged, and how many belonging to such regiments have been killed, and how many wounded in such battles, discriminating between the different battles.

Mr. STEVENS. This is furnishing a muster-roll to the enemy. I move to lay the resolution on the table.

Mr. BROWN, of Wisconsin. I hope the gentleman will withdraw his motion. The resolution calls for information which is very necessary at this time. If the motion is insisted on, I demand the yeas and nays on it.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 64, nays 42; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, Julian, Orlando Kellogg, Longyear, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Amos Myers, Leonard Myers, Charles O'Neill, Orth, Perham, Pike, Price, William H. Randall, Alexander H. Rice, Edward H. Rollins, Shannon, Spalding, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburn, William B. Washburn, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—64.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, King, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, James R. Morris, Morrison, Nelson, John O'Neill, Pruyn, Samuel J. Randall, Robinson, Rogers, John B. Steele, Strouse, Chilton A. White, Winfield, and Yeaman—42.

So the resolution was laid on the table.

SHELBY RAID IN MISSOURI.

Mr. KING. I move to reconsider the vote by which the resolution offered by myself in relation to the Shelby raid in Missouri was agreed to. I have no use for the report now.

The motion to reconsider was agreed to.

Mr. KING. I now move to lay the resolution on the table.

The motion was agreed to.

CASE OF JAMES M. HUNT.

The next resolution in order was one offered on the 7th of March by Mr. MORRIS, of Ohio, requesting the Secretary of War to communicate to this House all the testimony and proceedings before a military commission which convened at Norfolk, Virginia, on the 28th day of December, 1863, for the trial of James M. Hunt, late master of transportation and superintendent of vessels in the quartermaster's department of the department of Virginia.

Mr. MORRIS, of Ohio. As I introduced a subsequent resolution which covered that ground, and which was adopted, I move to lay that resolution on the table.

The motion was agreed to.

POLITICAL PRISONERS.

The next resolution in order was one offered on the 21st of March by Mr. ELDRIDGE, requesting the President of the United States, and directing the Secretary of State and the Secretary of War, to report and furnish to this House the names of all persons, if any there are, arrested and held in prison or confinement in any prison, fort, or other place whatsoever, for political offenses, or any other alleged offense against the Gov-

ernment or authority of the United States, by the order, command, consent, or knowledge of them, or either of them, respectively, and who have not been charged, tried, or convicted before any civil or criminal (not military) court of the land; together with the charge against such person, or cause for such arrest and imprisonment, if there be any; and the name of the prison, fort, or place where they are severally kept or confined. Also, whether any person or persons, for any alleged like offense, have been banished or sent from the United States, or from the States not in rebellion to the rebellious States, and the names, times, alleged offense or cause thereof; and whether with or without trial; and if tried, before what court.

Mr. ELDRIDGE. I demand the previous question on the adoption of the resolution.

Mr. ROLLINS, of New Hampshire, moved to lay the resolution on the table, and demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 62, nays 39; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Thomas T. Davis, Dixon, Driggs, Eckley, Eliot, Frank, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, Julian, Francis W. Kellogg, Longyear, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Price, Alexander H. Rice, Edward H. Rollins, Shannon, Spalding, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Wilder, Windom, and Woodbridge—62.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, Chanler, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Grider, Griswold, Harrington, Herrick, Holman, Phillip Johnson, Kalbfleisch, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, James R. Morris, Morrison, John O'Neill, Pruyn, Samuel J. Randall, Robinson, Rogers, John B. Steele, Wheeler, Chilton A. White, Winfield, and Yeaman—39.

So the resolution was laid upon the table.

Mr. HOLMAN (during the roll-call) stated that his colleague, Mr. McDowell, was still absent, and was paired with Mr. McIndoe.

LAND GRANT TO WEST VIRGINIA.

Mr. BROWN, of West Virginia, by unanimous consent, and in pursuance of previous notice, introduced a bill granting to the West Virginia Central Railroad Company two million acres of the public lands on certain conditions; which was read a first and second time by its title, and referred to the Committee on Public Lands.

WITHDRAWAL OF PAPERS.

On motion of Mr. WASHBURNE, of Illinois, leave was granted for the withdrawal from the files of the House of the papers relative to an increase of the pay of the collectors and deputy collectors on the northern and northwestern frontiers, for the purpose of reference to the Senate.

MEXICAN AFFAIRS.

Mr. DAVIS, of Maryland. I ask the unanimous consent of the House to report from the Committee on Foreign Affairs a joint resolution relative to our relations with Mexico.

The joint resolution was read. It declares that the Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the republic of Mexico, and that they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical Government erected on the ruins of any republican Government in America under the auspices of any European Power.

Mr. BROOKS. What does the gentleman propose to do with the joint resolution?

Mr. DAVIS, of Maryland. I propose to put it upon its passage.

Mr. BROOKS. I have no objection to the joint resolution if it be not a mere paper fulmination. I do object, however, to paper thunder. If it means anything I am in favor of the resolution; if not, I am opposed to it.

No objection being made, the joint resolution was reported from the Committee on Foreign Affairs.

Mr. DAVIS, of Maryland. Mr. Speaker, whether it be a mere paper fulmination or not depends upon whether the Congress of the United States shall adopt it, and whether it represents, in adopting it, the opinions of the people of the United States. It is a declaration simply as to what our policy is to be respecting events which touch our interest very nearly. I take it that it is not a subject which anybody desires here to discuss; and I suspect that if there be a dissent in this House it is about the only dissent that can be found in the United States on this subject.

The joint resolution was read a first and second time.

Mr. COX. Mr. Speaker, I yield my concurrence to that resolution reported from the committee of which I am a member, although I should prefer—as the members on this side of the House would unanimously prefer—that it were more emphatic and decided in its expression as to the intervention of France on this continent. It is a little late in the day for the national Legislature to pass such a resolution. I am aware that not only the present Administration but the preceding Administration have not been as vigilant as they should have been as to our continental relations, and the protection of our traditional policy in that regard. I stood here laboring, in 1860, for the ratification of the treaty made by Mr. McLane, in order that the United States might, in time, foil these very designs of France which have since been developed to the disgrace of our Government and nation and of constitutional liberty on this continent. While I favor the resolution, I fear that it will be looked upon as a mere *brutum fulmen*—words, words, words—nothing more. If we are in earnest, we ought to be ready to back it up by something physical. I think that is the way to back up resolutions of all kinds, and, I may add, proclamations of all kinds.

I believe the resolution ought to be more significant and more emphatic, especially at this time, when Maximilian (who, I believe, is called the *Arch Dupe* of Louis Napoleon,) is about moving to this continent. We ought to be prepared not only to say, but to make it effectual, that no crown shall be established on this continent. We should stand up to the old Democratic doctrine which always cherished a defiance of all foreign dictation. That doctrine, as enunciated by a Democratic statesman, is this: that the establishment of a political protectorate by any one of the Powers of Europe over any of the independent States of this continent, or, in other words, the introduction of a scheme of policy which would carry with it a right to interfere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power. I believe that to-day the people of this country would back up an Administration that would give a proper defiance to this French intermeddling. They would sustain the doctrine of President Monroe, which has been since his time always hailed as the true continental policy of this Government. With these remarks, thanking the gentleman for having yielded the floor to me, I conclude what I have to say.

Mr. DAVIS, of Maryland. I am sorry that my friend from Ohio should have felt compelled to make an argument against the resolution, especially as I understand him to say that he intends to support it.

Mr. COX. I did not make an argument against the resolution; I shall vote for it. Only I wish that it were more emphatic.

Mr. DAVIS, of Maryland. I do not know, Mr. Speaker, how it could be more emphatic than to say that we will not recognize the Government which European Powers contemplate establishing on our southern frontier. I incline to think that everybody acquainted with the conduct of foreign affairs will understand that a Government not recognized by us, resting on our southern border, will have a very uncomfortable time and a very short time to live. Whether it is worth while to say, in so many words—what we are not prepared at this moment to do—that we mean, by force of arms, when the time shall come, and if this warning be not effective, to prevent the accomplishment of any such purpose, gentlemen may judge for themselves.

When the gentleman from Ohio refers to the Democratic policy with reference to this continent, I beg leave very respectfully to remind him that France and England have more than once interfered jointly in collisions, in South America, between different parties, in different republics; and if there was a protest on the part of the Government of the United States, I do not recollect it. Certainly there was no armed intervention on our part to exclude their intervention.

We inaugurate another policy than that which characterized the Democratic party ere power passed from between their feet.

The Democratic policy in dealing with our republican brethren in South America and in Mexico has been that of the wolf to the lamb. Their growl was to frighten foreign wolves from the prey they marked for their own; they hectored, bullied, and plundered them without even stretching out the hand of republican sympathy to appease their dissensions or consolidate their power.

Mr. COX. I trust my friend from Maryland will not forget the services of a distinguished citizen of his State, Mr. McLane, who made a treaty that I know must have received his approbation, not with a view of annexation, but with a view of extending our commerce, and with a view of turning $50,000,000 of silver from Mexico, which now goes mostly to England, to our own country, and which treaty was defeated by a union of New England Senators and secession Senators in the Senate of the United States. I believe many of the party of the gentleman from Maryland approved that treaty which was inaugurated by a Democratic Administration.

Mr. DAVIS, of Maryland. I suppose the treaty of Mr. McLane was intended to smooth the way for the intrusion of the southern interests now in rebellion against the United States into Mexico. It afforded southern men the opportunity, after breaking away from the Union, to fasten themselves upon Mexico. The provisions of that treaty, if I remember rightly, secured such a right of interference and intermeddling in the affairs of Mexico as would have been contrary to the policy of this Government to exercise, unless it was with the further purpose of reducing Mexico to the condition of a province.

If my friend from Ohio had expressed his regret at the failure of the ratification in the Senate of the treaty negotiated by Mr. Corwin, granting pecuniary aid to the Government of Mexico, which would in all probability have prevented this European intervention, I should have heartily agreed with him.

But, sir, that time has already passed. The war is going on, and we wish, before another usurper has placed his foot upon Mexican soil, to let him understand, whether he be of the house of Austria or of the family which for the present disposes of the forces of France, both the well-known enemies of republican government, and the last now making war to overturn the republican Government of Mexico and establish upon its ruins a monarchical Government, that that Government will not be recognized by us.

Our policy is very different from the Democratic policy. We wish to cultivate friendship with our republican brethren of Mexico and South America, to aid in consolidating republican principles, to retain popular government in all this continent from the fangs of monarchical or aristocratic power, and to lead the sisterhood of American republics in the paths of peace, prosperity, and power.

I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DAVIS, of Maryland, demanded the previous question on the passage of the joint resolution.

The previous question was seconded, and the main question was ordered to be put.

Mr. DAVIS, of Maryland, called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 109, nays 0; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Alley, Allison, Ames, Ancona, Anderson, Arnold, Ashley, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Bliss, Blow, Boyd, Brooks, Broomall, James S. Brown, William G. Brown, Chanler, Ambrose W. Clark, Clay, Cobb, Cole, Cox, Cravens, Henry Winter Davis, Dawson, Denison, Dixon, Driggs, Eckley, Eden, Eldridge, Eliot, English, Finck, Frank, Grider, Grinnell, Griswold, Herrick, Higby, Holman, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, Julian, Kalbfleisch, Francis

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. WEDNESDAY, APRIL 6, 1864. NEW SERIES.....No. 89.

W. Kellogg, Orlando Kellogg, King, Law, Lazear, Long, Longyear, Mallory, Marcy, McBride, McClurg, McKinney, Middleton, Samuel F. Miller, Moorhead, James R. Morris, Morrison, Amos Myers, Leonard Myers, Nelson, Norton, Charles O'Neill, John O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Pruyn, Samuel J. Randall, William H. Randall, Alexander H. Rice, Rogers, Edward H. Rollins, Scott, Shannon, Spalding, Stevens, Strouse, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Wheeler, Chilton A. White, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, Woodbridge, and Yeaman—109.

NAYS—0.

So the joint resolution was passed.

Mr. DAVIS, of Maryland, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, their Secretary, informing the House that the Senate insist on their amendments, disagreed to by the House, to the bill of the House to provide a temporary government for the Territory of Montana, agree to the conference asked for by the House, and have appointed Mr. WADE, Mr. LANE, of Kansas, and Mr. SPRAGUE, as such committee on their part.

NORTH PACIFIC RAILROAD.

Mr. STEVENS. I ask the consent of the House to fix next Monday, after the morning hour, for the consideration, as a special order, of the bill reported for a North Pacific railroad. It was the fifth bill reported to the House in the present Congress, and I think we should give it a hearing.

Mr. WILSON. I object.

Mr. STEVENS. I understand the gentleman from Iowa objects to the special order, not to fixing that day for its consideration.

Mr. WILSON. I object to the Committee of the Whole being discharged from its consideration.

Mr. STEVENS. I move to suspend the rules.

The question was put; and on a division, there were—ayes 57, noes 13; no quorum voting.

The SPEAKER ordered tellers; and appointed Messrs. STEVENS and WILSON as such tellers.

The House again divided; and the tellers reported—ayes 75, noes 20.

So the rules were suspended, two thirds having voted therefor.

The motion was then adopted, and the bill was accordingly postponed and made a special order for Monday next after the morning hour.

INDIAN DEPREDATIONS.

Mr. WINDOM, from the Committee on Indian Affairs, reported an act making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863; which was read a first and second time, with the accompanying report ordered to be printed, and recommitted to the same committee.

GEORGE THOMPSON.

Mr. MORRIS, of Ohio, asked leave to submit the following resolution:

Whereas Mr. George Thompson, late a member of the British Parliament, in a letter to John A. Murrell, dated March 18, 1834, declared "that the dissolution of the Union is the object to be kept steadily in view:" Therefore,

Resolved, That the resolution heretofore passed granting the use of this Hall to said Thompson for the evening of the 6th of April be, and the same is hereby, repealed.

Mr. GRINNELL objected.

Mr. MORRIS, of Ohio, moved that the rules be suspended for the purpose indicated.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 44, nays 56; as follows:

YEAS—Messrs. William J. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Grider, Griswold, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, Law, Lazear, Long, Mallory, Marcy, McKinney, James R. Morris, Nelson, John O'Neill, Pruyn, Samuel J. Randall, Robinson, Rogers, Scott, John B. Steele, Strouse, Elihu B. Washburne, Wheeler, Winfield, and Yeaman—44.

NAYS—Messrs. Alley, Allison, Anderson, Arnold, Ashley, Baxter, Beaman, Blaine, Blow, Boyd, Broomall, William G. Brown, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Driggs, Eckley, Eliot, Frank, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, Julian, Francis W. Kellogg, Longyear, McClurg, Samuel F. Miller, Moorhead, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Edward H. Rollins, Shannon, Spalding, Stevens, Thayer, Upson, Van Valkenburgh, William B. Washburn, Williams, Wilder, Wilson, and Windom—56.

So the rules were not suspended, two thirds not voting in favor thereof.

Mr. HOOPER moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the special order, being the national currency bill.

Mr. ALLEY. I ask my colleague to yield to me to move that next Friday after the morning hour shall be set apart for the consideration of business from the Committee on the Post Office and Post Roads.

The SPEAKER. That day has already been assigned to a special order.

Mr. ASHLEY. Until the bill reported from the select committee on the rebellious States is disposed of, I shall object to all special orders.

Mr. ALLEY. I will say Friday of next week.

Mr. ASHLEY. I object.

Mr. ALLEY. I move to suspend the rules.

The SPEAKER. The gentleman has not the floor to make that motion.

Mr. ASHLEY. I suggest that the gentleman move that it be made the special order immediately after the bill relating to the rebellious States has been disposed of.

Mr. STEVENS. I object.

NATIONAL CURRENCY.

Mr. HOOPER moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the national currency bill, which is the special order.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof.

The CHAIRMAN stated that when the committee rose on Saturday evening the fiftieth section of the bill was under consideration.

The section was read.

Mr. HOOPER. I move to insert the words, "subject to the order of the Comptroller of the Currency," so that it will read:

SEC. 50. *And be it further enacted*, That on becoming satisfied, as specified in this act, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he shall deem proper, who, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to such association, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, sell all the real and personal property of such association, on such terms as the court shall direct; and such receiver shall pay over all moneys so made to the Treasurer of the United States, subject to the order of the Comptroller of the Currency, &c.

The amendment was agreed to.

Mr. HOOPER. I move to strike out the word "so," and, after the word "proved," to insert the words "to his satisfaction," so that it will read:

And from time to time the Comptroller, after full provision shall have been first made for refunding to the United States any such deficiency in redeeming the notes of such association as is mentioned in this act, shall make a ratable dividend of the moneys paid over to him by such receiver on all such claims as may have been proved to his satisfaction, &c.

The amendment was agreed to.

The fifty-eighth section was read, as follows:

SEC. 58. *And be it further enacted*, That every person who shall mutilate, cut, deface, disfigure, or perforate with holes, or shall unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt issued by any such association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall upon conviction forfeit fifty dollars to the association who shall be injured thereby, to be recovered by action in any court having jurisdiction.

Mr. PRICE. I move to strike that section out, for the reason that no good can be accomplished by its retention.

The motion was disagreed to.

Mr. HOOPER. I move several verbal amendments to the sixtieth section; so that it will read as follows:

SEC. 60. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any plate, die, or block after the similitude of any plate, die, or block from which any circulating notes issued as aforesaid shall have been prepared or printed, with intent to use such plate, die, or block, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, &c.

The amendments were agreed to.

Mr. HOOPER. I move to insert in the sixty-second section the words "appointments made;" so that it will read:

SEC. 62. *And be it further enacted*, That the act entitled "An act to provide a national currency, secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, is hereby repealed: *Provided*, That such repeal shall not affect any appointments made, acts done, or proceedings had, or the organization, acts, or proceedings of any association organized or in the process of organization under the act aforesaid, &c.

The amendment was agreed to.

Mr. HOOPER. I move to strike out the words "and may adopt a new name in place of or in addition to its numerical designation," and to insert in lieu thereof the following:

And with the approval of the Comptroller of the Currency may, in lieu of the names specified in their respective organization certificate, take any other name preferred by them and duly certified to the Comptroller, without prejudice to any right acquired under this act and the act hereby repealed, but no such change shall be made after six months from the passage of this act.

So that it will read:

That all such associations so organized or in process of organization shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this act, with the approval, &c.

Mr. BROOKS. I would inquire if this amendment does away with the provision requiring that the banks shall be numbered one, two, three, &c., in the different States, and brings them back to the old names?

Mr. HOOPER. That is the intention of it.

Mr. BROOKS. I think it is an excellent amendment.

The amendment was agreed to.

Mr. HOLMAN. I move to amend the sixty-second section by adding thereto the proviso which I send to the Clerk's desk.

The amendment was read, as follows:

That all of the property and effects of the associations organized under this act (except bonds issued by the United States and which may be expressly exempt from taxation) shall be subject to the same taxation and for the same purposes as other property of the State in which the association shall be organized.

Mr. HOLMAN. Without desiring to submit any remarks in favor of this proposition, I wish to inquire whether it would be in order to submit an independent section at this stage of the bill, between the sixty-second and sixty-third sections as they now stand? If it is, instead of offering this as an amendment to the sixty-second section I will offer it as a new section, to come in after the section now under consideration.

The CHAIRMAN. It will be in order to do so at the end of the bill.

Mr. HOLMAN. I will adhere to my amendment.

Mr. STEVENS. This is the very question over which we had such a long debate the other day. I hope we shall adhere to the decision we then made.

On a division of the committee there were—ayes 32, noes 40; no quorum voting.

Mr. HOLMAN. I do not desire to break up the committee, and I trust gentlemen will consent that this proposition may go before the House for the purpose of having a direct vote upon it.

Objection being made,

Mr. BLAINE demanded tellers.

Tellers were ordered; and Mr. STEVENS and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 44, noes 50.

So the amendment was not agreed to.

Mr. HOOPER. I move to amend by striking out the sixty-third section, as follows:

SEC. 63. *And be it further enacted*, That the Bank of Commerce, in the city of New York, may, and authority is hereby granted to the said bank to, become a national association under this act; and in such case the articles of association and the organization certificate required by this act may be executed by a majority of the directors of said bank. And a majority of the directors, after executing said articles of association, and organization certificate, shall have power to execute all other papers and do whatever may be required to make its organization perfect and complete as a national association; and the directors aforesaid may be the directors of the association until others are elected or appointed, in accordance with the provisions of its present articles of association as a State bank; and the personal liability of the shareholders for any contract, debt, or engagement of the association shall be the same as under its present articles of association as a State bank. And when the Comptroller shall give to such association a certificate, under his hand and official seal, that the provisions of this act have been complied with, and that it is authorized to commence the business of banking under it, the said association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, except as aforesaid, as is prescribed in this act for other associations organized under it, and shall be held and regarded as an association under this act.

And inserting in lieu thereof the following:

SEC. 63. *And be it further enacted*, That persons holding stock as executors, administrators, guardians, and trustees, shall not be personally subject to any liabilities as stockholders; but the assets and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be if they were respectively living and competent to act and hold the stock in their own name.

Mr. NELSON. I move to amend the amendment by substituting therefor the following:

And be it further enacted, That the circulating notes now or hereafter issued by banking associations organized by or under the laws of any of the States, the redemption of which is secured solely by a pledge of the stocks of the United States, and to the same extent as the circulating notes issued by the banking associations organized under the provisions of this act, shall be receivable for taxes and all Government dues except duties on imports and interest on the public debt; and the affairs of such State banks shall be subject to the inspection and examination of the Comptroller of the Currency.

The proposition which I have offered as a substitute is highly important—to the State of New York, at all events. That State has a banking system which they consider perfect. Many of the provisions of the act now before the House, I notice, are copied almost word for word from the general banking law of the State of New York. The adoption of the amendment I have proposed can in nowise injure the Government. It will make a sale for the stocks of the United States; and it merely places the State banks, which are secured solely by stocks of the United States, upon the same footing as the banks organized under the provisions of this act. Under the amendment I propose, if they have one dollar of the stock of any State of the Union, their bills cannot circulate the same as those issued by the banking association established under the provisions of this act. Under the amendment I have proposed their issues must be secured by the stocks of the United States to the same extent as are those of banking associations organized under this act; and in addition to that it is provided that these State banks shall be subject to the inspection and examination of the Comptroller of the Currency.

It does one other thing. It allows the State banks either to remain as they are, for instance, in the State of New York—institutions in which the people of that State have unlimited confidence—or allows them to come under the provisions of this act. How? By virtue of the banking law of New York the banks must have to a certain extent a certain amount of State stock as the foundation of their institutions; and if they cut loose from the law of the State and secure wholly by United States stocks, then they come under the provisions of the act. In my judgment, it will do no damage to the Government. It will make all these banks interested in Government stocks; it will make them the basis of their banking capital if they see fit; and it will leave intact and undamaged, at all events to that extent, the moneyed institutions of the State in which the people of the State have confidence.

Mr. STEVENS. I will merely read from the statement of the circulation of the banks of New York to show how this amendment will operate: "Bellinger Bank—capital, $10,000; circulation, $72,000." That is all I have to say.

Mr. KALBFLEISCH. I could not hear what the gentleman from Pennsylvania read. I would like to have it read by the Clerk.

Mr. STEVENS. I merely stated the amount of capital and circulation of one of the banks of New York. The one was $10,000 and the other $72,000.

Mr. KERNAN. Oh! you must be mistaken.

Mr. STEVENS. That is the return.

Mr. KALBFLEISCH. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. KALBFLEISCH. I am not undertaking to debate. I only want to know what the gentleman from Pennsylvania said. I desire that the chairman of the Committee of Ways and Means, when he states facts, shall state them so that they can be heard upon this side of the House.

The CHAIRMAN. The gentleman is not in order.

Mr. KALBFLEISCH. It seems that I cannot be in order.

The CHAIRMAN. The gentleman is not in order. Debate is exhausted on the pending amendment.

Mr. BROOKS. I rise to a question of order. My colleague is not debating, he is only making an inquiry as to what was said by the gentleman from Pennsylvania, [Mr. STEVENS.] The gentleman from Pennsylvania consumed but two minutes of his five minutes. He has three minutes left in which he can let my colleague make his inquiry.

The CHAIRMAN. The gentleman from Pennsylvania concluded his remarks and resumed his seat.

Mr. KALBFLEISCH. He spoke in such an inaudible manner that I could not hear him.

The CHAIRMAN. The Chair overrules the point of order.

Mr. COX. I hope we shall not hurry this debate.

The CHAIRMAN. The Chair has no power but to enforce the rules.

Mr. KALBFLEISCH. The Chair exercises a good deal of power, then, if he has not any.

Mr. KERNAN. I ask the consent of the committee to make a statement.

Mr. WILSON. The committee cannot give such consent.

The CHAIRMAN. Does the gentleman from Iowa object?

Mr. WILSON. No, sir; I only suggest to the Chair whether such consent can be given by the committee after the House has directed the debate to be closed.

The CHAIRMAN. If there is no objection the gentleman from New York will proceed. The Chair hears no objection.

Mr. KERNAN. I simply desire to state, in reference to the banking system of New York, that the gentleman from Pennsylvania must be mistaken in saying that a bank in the State of New York issues more bills than it has deposited stock for. We require by law that each bank shall have all their circulating bills countersigned by a State officer, and it is required to deposit with our bank superintendent dollar for dollar, for the bills which it issues, in United States or State stocks, or in bonds and mortgages, and ten per cent. besides. I know nothing about the Bellinger bank, but I know that it cannot be that it has issued more bills than it has put up the required security for.

Mr. STEVENS. As I was not heard upon the other side of the House, I will only say that I spoke of the capital and circulation of certain banks in the State of New York. The capital stock of the Bellinger bank, as it is returned to us from the Department, is $10,000, and the circulation $72,000. The capital of the Suffolk County bank is $20,000, and the circulation $82,000. It may be that what the gentleman from New York [Mr. KERNAN] says is correct; but I only read from the official statement.

Mr. BROOKS. If the gentleman will permit me, I can give him a better statement than that.

There was no objection.

Mr. BROOKS. I hold in my hand the official statement of one of the national banks of New York—its third quarterly report. The capital stock is $300,000. The Secretary of the Treasury has deposited therein $1,431,791, which pays no interest. The loans and discounts of the bank amount to $518,516. A considerable portion of this is a temporary loan to the Government, on which Uncle Sam pays the bank five per cent.—the loan being out of the Government's own deposits. In other words, the Treasury Department deposits $1,431,791 in a bank which has only $300,000 capital. Now, if the statement of the Bellinger bank is true, this national bank beats it all hollow.

Mr. KALBFLEISCH. I know a little of the banks that are organized under the law of the State of New York. The very first step of a bank, before it circulates any notes, is to deposit either bonds of the State or bonds of the United States, and it cannot commence business unless the capital is paid in. As to the Bellinger bank, I never heard of it before. We have to get the gentleman from Pennsylvania [Mr. STEVENS] to tell us where it is located. I never heard of such an institution in the State of New York. The law of the State requires the capital to be used in the purchase of bonds of the State of New York and of the United States, and these are to be deposited before there is any circulation of notes. I deny here, and challenge contradiction, that there is any bank in the State of New York which has a greater circulation than the amount of its capital.

The question was taken on Mr. NELSON's amendment to the amendment, and it was rejected.

The question recurred on Mr. HOOPER's amendment.

Mr. COX. I am in favor of striking out that section, though I am not in favor of inserting what the gentleman from Massachusetts proposes.

The CHAIRMAN. Debate is exhausted on the pending motion.

Mr. COX. There has been no debate on the amendment proposed by the gentleman from Massachusetts; the debate was on the amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. The Chair is of opinion that debate is exhausted on the amendment offered by the gentleman from Massachusetts.

Mr. COX. I move to amend the amendment by striking out the last word. The amendment of the gentleman from Massachusetts is to strike out the sixty-third section, which gives certain privileges to the already privileged corporation of the Bank of Commerce. I am in favor of striking that out; but for the same reason I am in favor of striking out the amendment proposed by the gentleman from Massachusetts on Saturday, to which my friend from Pennsylvania [Mr. RANDALL] addressed himself. My reason for it is this: this Bank of Commerce, whether it comes *eo nomine* or under the general clause such as offered by the gentleman from Massachusetts on Saturday, has certain special privileges in its articles of association which will give it a favor under this national banking law to which it is not entitled. If it gets that advantage, other banks should also have the same privilege.

I make these remarks, Mr. Chairman, not because I have any hope of defeating the proposition adopted on Saturday, but for the purpose of calling the attention of the committee to the special privileges to be given to this Bank of Commerce. I believe the gentleman from Massachusetts will not say that the object of this movement is to have any other effect than in regard to this Bank of Commerce. What is this bank? My friend from Pennsylvania [Mr. RANDALL] could not in his five minutes explain it fully. I will send to the Clerk's desk and ask to have read a memorandum explaining what this Bank of Commerce is and what its articles are. When this proposition comes to be voted on in the House I will ask to have the vote taken by yeas and

nays. I want members to understand what extraordinary privileges they are granting to this monster corporation. If they understand it fully they never will fix this Bank of Commerce under the general national banking law—never. If there be no objection, I will ask to have the memorandum read.

There being no objection, the Clerk read as follows:

"The articles of association of the Bank of Commerce confer the following extraordinary powers and privileges, namely:

"1. The continuance of the bank until the year 1889, being for fifty years from 1839.

"2. Directors to hold office during good behavior, or until they cease to hold one hundred shares of the stock. This makes a close corporation. The directors appoint their successors, and full power is given to a majority, except for the removal of one of their body; that requires a vote of two thirds of the directors.

"3. Power is given to establish in the State of New York or elsewhere agencies or branches for the transaction of business. The stockholders bind themselves not to interfere with the directors.

"4. Stockholders and directors are exempt from all individual liability for any contract, debt, or engagement of the association, for any act, default, or neglect of any officer thereof, and have full exemption from liability conferred upon them.

"Capital may be increased to $20,000,000 by vote of a majority of the directors, and $30,000,000 in addition may be subscribed by the United States, or by any or either of the States, at such price and upon such terms and conditions as a majority of the directors may elect.

"The board of directors may accept any additional powers and privileges, may apply for and accept any act of incorporation upon such terms as they will accept, and may transfer all the assets of the bank to such corporation, provided that the stockholders are not made liable individually by such act of incorporation."

Mr. COX. I believe that the effect of this will be to create a great monster national institution in New York, with branches all over the country.

[Here the hammer fell.]

Mr. COX withdrew his amendment to the amendment.

The question recurred on Mr. HOOPER's amendment, and it was agreed to.

Mr. WARD. I move the following as a separate section to come in before the last in the printed bill, which last section is, I believe, merely a repealing section:

Any State bank proposing to organize under this act in manner herein provided shall withdraw its State circulation before such organization shall be completed and empowered to transact its business under the provisions herein.

Mr. WARD, (his time being extended by unanimous consent.) Throughout all parts of the country there is a deeply seated apprehension that unless the undue expansion of our paper currency be immediately checked the people will be burdened with debt and taxation exceeding in magnitude those of Great Britain contracted during a century of foreign warfare or inflicted by a Government which we have been accustomed to regard as extortionate and oppressive. I have already had occasion to express the belief that the issue of mere promises to pay, called paper money, instead of adopting prompt, vigorous, and adequate measures of taxation, has from the first been no less injurious to the pecuniary interests of the nation than to a just appreciation of the political crisis and revolution in which we are involved. I have never shrunk from voting all such supplies as the Government considered necessary to overcome the rebellion, yet I have always desired that while the citizens of the United States are growing poorer and poorer every day as long as the war continues, they should be deluded by no fictitious appearance of prosperity, but those truths which they are sure to learn at last should be brought practically home to their minds and pockets from the beginning. Under such a system of taxation as I have advocated greater economy would have been practiced, our securities would have commanded in a greater degree the confidence of capitalists and the people, our national councils would have been more deliberative, and we should have been stronger in the end.

I had hoped there would be no division of opinion among us as to the inexpediency of continuing to increase the volume of such a currency, and yet its amount is but little understood by the country. Until lately we have labored under chronic difficulties in the want of precise information as to our financial condition. During the last month one of my colleagues [Mr. STEBBINS] stated that the amount of the circulating medium was $400,000,000, and quoted the opinion of the Secretary of the Treasury that this was amply sufficient, that it could not be increased except at the hazard of swift destruction to the whole system, and that no increase ought to be considered for a moment; while another, [Mr. FENTON,] in the same debate, and in support of the same enactment, computed the governmental currency as being $608,600,268, and still another colleague [Mr. BROOKS] says the currency issued March 15, 1864, stands thus:

Temporary loan	$47,207,545
United States Treasury notes	449,073,616
Fractional currency	19,173,320
Interest-bearing Treasury notes	130,131,441
	$645,585,922
Add certificates of indebtedness	134,098,000
	$779,683,922

On referring to the report of the Secretary of the Treasury it appears that, including the various notes and certificates of indebtedness issued on behalf of the Government, the amount of this circulation outstanding on the 30th of September, 1863, was $720,073,628. I include these certificates in my estimate, because they are practically substitutes for legal tender, held on deposit or in private hands, and hence have the same effect in producing an inflation of the currency as if they were ordinary notes, and are entirely distinct from permanent loans. A further amount of $104,934,102 was only lent temporarily, and was due upon ten days' notice. Thus we had at that time floating evidences of debt, make-shift expedients to avoid taxation, in all no less than $825,007,730, incurred since 22d of June, 1860, and before September 30, 1863. The permanent loans effected during the same time were less than five hundred million dollars, ($494,963,500;) less than the liabilities left unpaid and to mature early by more than three hundred million dollars—considerably more than sixty per cent.

According to an official statement published more recently the amount of Government notes and fractional currency in circulation on the 15th instant was $598,571,636. Including one and two year notes and certificates of indebtedness this paper money was $824,796,576, while the whole then due by the United States, including a large sum in three-year notes, was $1,580,201,744, so that on this statement far less than one half of the money already spent is permanently funded.

During the forty-two days ending on the 15th March, the issues of one and two-year notes averaged $2,000,000 every day. Between the 2d of February and the 15th of March $80,000,000 were added to the amount previously afloat, showing alike the difficulty experienced in selling the securities of the Government or funding its debt, and one of the reasons why gold continues to rise in spite of legislation intended to arrest it.

The amount of paper money thus in circulation in the loyal States alone is $992,369,376, exclusive of the $300,000,000 proposed by the banks to be created under the new national system. The practical result will, I fear, be alike, whether the actual amount of currency shall be $1,300,000,000 or much less. We are increasing it day by day, adding more to it than we raise by taxation or are able to borrow for such a term of years as we shall inevitably require.

The bill under review, considered by itself alone, will stimulate the spirit of speculation to an extent not only without precedent in this country, but so great that it is hardly possible adequately to realize its effects. It appears from the last report on the condition of the finances that on the 1st day of January, 1863,

The capital of the banks (exclusive of the ten southern and southwestern States) was	$297,791,630
Their circulation was	167,572,810
Loans and discounts	507,637,012
	$973,001,452

While this law authorizes the issue of $300,000,000 in currency, three times that amount, or not less than $900,000,000, may be added to the banking capital of the country; and this direction of money is encouraged by exemption from taxation. Capital invested in agriculture, manufactures, or commerce, pursuits directly productive and giving employment to the industrial masses of the people, may be in various ways subjected to burdens for the support of Government in addition to the income derived from it. Under the proposed system banking capital would be increased from $297,791,630 to $1,197,791,630; the circulation from $167,572,810 to $467,572,810; and as the average of loans and discounts by the banks is nearly seventy per cent. more than the capital, the amount of these would be $1,500,000,000 in addition to $507,637,012 already existing; in all, $2,007,637,012 of loans and discounts. I have no intention to exaggerate, but simply to point out the probable disastrous consequence of the measure under consideration. If I am in error as to the amount of new capital that can be created under this act and which must be employed to be profitable, I desire to be corrected. It is a scheme without a parallel. The United States Bank with its capital of $30,000,000 sinks into insignificance. In some remarks upon this bill my colleague [Mr. KERNAN] said:

"Under this law all the wealth of the country, all the personal property can be put into the banks to the amount of $900,000,000—if I am wrong the gentleman from Massachusetts will correct me—because the only limitation of this act is that there shall be but $300,000,000 of currency, and for that currency there must be deposited United States stock. But no bank is required to put up stock beyond thirty-three and one-third per cent. of its capital. Then we may organize a bank of $300,000, and we need put up but $100,000 of United States stock, but we may pay in and use for banking purposes $200,000 more.

"Mr. HOOPER. I think the gentleman narrows the limit too much. The only limit to the amount of the bank capital is the amount of the public debt, and there may be capital of three times the amount of the debt of the United States."

The public debt now exceeds $1,500,000,000; therefore, according to the views of the honorable member having charge of this bill, [Mr. HOOPER,] the capital may be not only the amount of the present and any future debt, but may be extended three times the amount thereof. It is a scheme that must inflict permanent injury upon the future of the country.

We have not, even of late years, been without practical knowledge as to the effects of financial experiments like those now proposed, although on a scale of less enormity. The currency of the whole nation never before, except in 1857, when the ten southern and southwestern States were with us and the country was a unit, reached $214,778,822. The expansion of that year, then deemed so great, but really so insignificant in comparison with the enormous sums now familiar to us by name but difficult for us to appreciate in their reality, was followed by a collapse, during which individual failures occurred amounting to nearly three hundred million dollars; and it is believed that a depreciation ensued of no less than $500,000,000 in railroad stocks or securities. Results of this kind are not exceptions to the rule, but the natural and inevitable consequences of the financial system now in practice. It is common to admit the truths I have stated. Few will attempt to deny them. The observance of these imperative laws is essential to the safety of the commercial, social, and political body, but in the blind eagerness of partisan warfare they are as little regarded as if they were long-forgotten errors.

The amendment was disagreed to.

Mr. BLAINE. I move to amend by inserting the following as an additional section:

And be it further enacted, That the rate of seven per cent. interest, fixed in section thirty, shall be deemed lawful in all States where no rate is established, but each bank shall be bound by the State law regulating interest in the State where it is located.

Mr. Chairman, this amendment has been voted on and defeated in this committee before, and it is now introduced again for the reason that when it was before the committee in two different forms the objection was made that it would destroy the uniformity of the bill. That issue was very clearly presented by the gentleman from Iowa and the gentleman from Massachusetts. Since that time, however, by the action of the committee, the uniformity of the bill has been dreadfully interfered with, and I am constrained to believe that as they have given way in two most important particulars, they will also give way in this. Every single motion that has been made on this side of the House or that side of the House to make our national currency a uniform currency by establishing some central point of redemption has been voted down.

The uniformity of the bill has also been interfered with, on motion of the gentleman who reported the bill and under whose care it is, by the

adoption of the monstrous principle that down in the State where I live, if I deposit my money in one of these national banks, I may hold the stockholders responsible for it; but if, unfortunately, I happen to have money on deposit in a national bank in the State of New York, there is no responsibility on the part of the stockholders to secure my deposit. The billholders of that bank are secured by the responsibility of the stockholders, but there is no responsibility for the depositors there, while in my State they are responsible. That, sir, is uniformity with a vengeance. A man has to become acquainted with all the State laws on the subject before he knows whether he can safely deposit his money in a national bank. There is no uniformity in the bill; all apparent uniformity is wiped out by the section in regard to the Bank of Commerce of New York, and all other banks which are similarly situated, and by the other section to which I have referred.

Then, sir, the Committee of Ways and Means having given way in these particulars, I hope will also accede to the principle that each State may regulate its own rate of interest. And upon that point I will state, though I do not often vote against the bills reported by the Committee of Ways and Means, yet in this particular instance, unless this to me insuperable objection be removed, I am ready to unite with any and all to defeat the bill.

What reason is there why this amendment should not be adopted? These gentlemen say the uniformity of the bill must be maintained. The rule used to be that in essentials there should be unity, in non-essentials liberality. But, sir, they have destroyed the uniformity of the currency by requiring the bills of these banks to be redeemed wherever they may be located, from Maine to California; and that of itself, in my judgment, ought to be sufficient to defeat the bill.

Mr. WILSON. I move to amend the amendment by adding, "provided that the rate established shall not exceed seven per cent."

Upon the amendment to the amendment 41 voted in the affirmative and 55 in the negative.

Mr. WILSON called for tellers.

Tellers were not ordered.

Upon the amendment of Mr. BLAINE 61 voted in the affirmative and 27 in the negative; no quorum voting.

The CHAIRMAN ordered tellers; and appointed Mr. BLAINE and Mr. HOOPER.

The committee divided; and the tellers reported—ayes 69, noes 31.

So the amendment was adopted.

Mr. VAN VALKENBURGH. I submit the following as an additional section:

And be it further enacted, That nothing in this act shall be so construed as to prevent the taxation by the States of the capital stock of the banks organized under this act the same as the property of other moneyed corporations for State and municipal purposes.

I simply desire to say that I have heard no reason offered why the capital invested in these banks should not be taxed the same as any other property. I therefore submit the amendment, and hope it will be adopted.

Mr. HOLMAN. Mr. Chairman, the only objection that can possibly be urged against the proposition of the gentleman from New York is that it does not seem to exempt from taxation the bonds of the United States, which are made the basis of this system of banking; the laws under which those bonds were issued having, as is assumed by gentlemen, exempted them from taxation; and if this is true, of course the good faith of the nation must be preserved. But so far as the general principle of taxation is concerned, this amendment is right. Here is a system of banking proposing a circulation of $300,000,000, with a capital of $900,000,000, subject to no State taxation whatever; a sum double the wealth of the great State I in part represent upon this floor is to be withdrawn from State taxation, county taxation, township taxation, and all species of municipal taxation—$900,000,000 of favored capital, the earning or rather the spoils of contractors and speculators made out of this war, is to be relieved from the burdens of Government—$900,000,000 gathered together by stock-jobbers and brokers and favorite political managers are to be relieved from taxation, except only such as Congress may impose. Every other dollar of the national wealth must bear not only the tax you impose, but the tax which the necessity of the State may impose for State purposes, county purposes, municipal purposes, but this $900,000,000 shall be the object of your peculiar solicitude and care. It does not do for the gentleman to say that taxation from the national Government will be sufficient, that Congress will impose a tax sufficiently high to equalize this bank capital with other property. Why, sir, you may say the same thing of all property upon which you impose a tax. Congress may determine only what the national tax should be, but each State must also determine what taxes her exigencies require.

The truth is, this pet system of banking, gotten up for the benefit of capital, is intended to be exempted from national burdens. The handful of favorite citizens who will own this enormous wealth are intended to be protected from taxation. The power and wealth thus created and protected at the very outset must become a fearful agent of absolute centralism, a power stronger than the Government, a protector of wealth, an oppressor of labor, a monster dangerous to public liberty. Why should this enormous amount of capital be relieved from the burdens which will be imposed upon the people? Is capital entitled to such peculiar favor? Is labor only to feel the grinding tax resulting from the war? Are all your favors and sympathies reserved for capital, for banks? The States have incurred debts as meritorious and as oppressive as a consequence of this as those incurred by the Federal Government. The same subjects that you tax for national purposes should be liable with all other property to taxation for State purposes. The several States must meet their engagements, somebody must meet the burdens, and yet you will give millions and millions of capital in the several States extraordinary advantages, enormous sources of profit, an interest withheld from your citizens, an interest on your bonds payable in gold, an interest on their circulation, and yet you will not permit the States to tax them, and to relieve them from taxation you thus oppress labor for the benefit of capital. You will tax labor until you coin its very agony into money, and yet will relieve banks from taxation. You centralize capital for its own benefit, and exempt it from just burdens. One of the most fearful consequences of the war will be this system of banks, by which the politics, the wealth, and the labor of the country will be controlled for all time to come. It will control Congress. It will defy you to tax it in the future.

I trust that the House will not render any consent to this proposal to exempt these banks from taxation. If there be only a minority in favor of an honest system of taxation, and opposed to the exemption of monopolies and the oppression of labor, I trust it will never consent to the passage of such a bill containing any such anti-republican and despotic features. I would resort to parliamentary means for delay until doomsday before I would consent to its passage.

I submit as a substitute for the pending proposition the following, to avoid the question of the taxation of the bonds:

That it shall be lawful for the Legislature of any State to impose on the dividends which may from time to time be declared on the stock of any association organized in such State, and on all of the effects and property of such association, (except the bonds issued by the United States expressly exempt from taxation,) the same tax that may be imposed by law on other property of such State.

Mr. PRUYN. Mr. Chairman, I do not propose to discuss the question of State sovereignty, because I hope that this House will do nothing to bring up that question; but I wish to correct the mistake into which the gentleman from Indiana [Mr. HOLMAN] has fallen in reference to the character of the proposed amendment, not the one offered by him, but the one upon which he made his remarks. We do not propose to tax the capital of these institutions in any other way than as capital acting under the franchise granted by the Government. They do with their capital just what they please. These institutions invest it in such way as is most profitable, in buying gold, in bills of exchange, in discounting notes, in Government stocks, or in any other way they choose, but the tax which may be imposed upon them is a tax upon the franchise which we have a right to tax in any way we please. Certain functions are to be conferred upon them by organization under this act, and if they choose to give up their individual character and organize under this act and become possessed of certain franchises, we then tax them or permit the States to tax them; that is, the same as other corporations.

The court of appeals of New York decided last year that legal-tender notes were constitutional; and it has also decided that the act of the Legislature of New York for taxing the banks in that State did not exempt from taxation such portion of their funds as they chose to invest in Government securities. And the intention of that provision was to place the banks of New York upon the same footing upon which it is now proposed to place national banks under the amendment offered by the gentleman from New York [Mr. VAN VALKENBURGH.] I hope, therefore, the gentleman from Indiana will see that the question of good faith is not at all involved in that amendment, and that his own amendment is really unnecessary.

Mr. HOLMAN withdrew his amendment to the amendment.

Mr. DAVIS, of Maryland. I move to strike out the last word of the amendment. If the amendment of the gentleman from New York be not adopted it will be conceded, I presume, by everybody in the House that the States can impose no tax upon any portion of the capital of the banks organized under this act. That is decided under the old Bank of the United States case. The purpose of the amendment is to withdraw these banks from the shield of that decision, and to subject them to the unlimited discretion of State taxation. If that be so, we might as well allow the bill to remain where it is without taking any further vote upon it. The right of taxation in the States places the existence of these corporations at the mercy of the States. We are going, therefore, through the preposterous process of attempting to establish a system of uniform national banking for the purpose of having a uniform national currency, and in the same law giving each State the right of negativing the existence of that system.

Now, if the majority of the committee desire to defeat the bill they will adopt this amendment. If a majority of the House determine that the system shall at all go into operation, they will logically, in accordance with that purpose, vote down the amendment. There is no limitation imposed, and there can be none imposed, upon the discretion of State taxation if you allow them to exercise it; and the amendment in the form in which it is now proposed leaves the States to tax the banks one hundred per cent. upon their capital or upon their dividends. It is, therefore, a question whether these institutions shall or shall not exist.

Mr. KERNAN. I do not understand the effect of the proposed amendment as it is understood by the gentleman from Maryland. I would be opposed to subjecting these institutions, or any class of individuals or corporations, to a discriminating tax against them. As I understand the amendment, the property of these corporations is to be liable to State and municipal taxation the same as other personal property existing at the place where they are located. Therefore the State laws will operate upon the capital of these banks precisely as they do upon the personal property of individuals or any other corporation at the place where they are located. That will protect them from any unfair taxation which would detrimentally or destructively affect them. And that has been the struggle all through this discussion, as I understand, by those who are opposed to having the capital of these banks withdrawn from that taxation. They insist that the whole capital of these banks shall be liable to State and municipal taxation the same as any other personal property located at the place where banks are located, and it seems to me there is reason and justice in it. One of these banks is located in a certain city and State, for instance, and a tax has been levied for defraying the expenses of the city government—the lighting of the streets, sustaining the courts, &c. Now, is it right for the banking capital to have all the benefits of the municipal government and be excepted from all burdens? Nay, should they be exempt and the burdens all thrown upon other property in that locality? The object of the amendment is to provide that they shall be taxed the same as other property is taxed.

Under the amendment the States cannot do what the gentleman from Maryland, if I understand the amendment, seemed to fear they might:

destroy these institutions by taxing them out of existence. They are only to be liable to the same burdens that other property there located is to be subjected to for State and municipal purposes. And there is no trouble about United States bonds. These banks are to have one third of their capital in United States bonds. If individuals holding those bonds are exempt from taxation, the banks will also be exempt, to the same extent; and the other two thirds will be, as it seems to me it should, liable to burdens the same as personal property held by individuals is liable for those purposes.

Mr. DAVIS, of Maryland. I withdraw the amendment to the amendment.

The question recurring upon the amendment offered by Mr. VAN VALKENBURGH—

Mr. DAVIS, of Maryland, said: I move to amend the amendment by striking out the last line—merely for the purpose of making a remark. The argument of the gentleman from New York, [Mr. KERNAN,] who has just taken his seat, I think involves this serious error. He says that bank stock is merely to be liable to the same tax as other personal property. In the first place, sir, that is not the language of the amendment. In the next place, all personal property is not subjected to the same taxation. There is nothing to prevent a State from taxing a horse at one rate, a cow at another, a hog at a third, insurance companies at a fourth, manufacturing companies at a fifth, State banks at a sixth, and national banks at a seventh rate. There is no such thing as a uniform limit of taxation to which this section can refer. In some States there is a general *pro rata* tax on everything that a man is worth; in some there is an income tax; in some States there is a tax on lands at one rate and a tax on personal property at another rate. There is nothing in this amendment that limits or confines or defines the rate of taxation which a State may impose; and it is almost impossible to prescribe a limitation which will be effectual. It therefore does, as I said, leave the banks subject to the unrestricted taxation of the State.

Now, in reference to the question of justice, what in the world has that to do with it? If it is a matter of national moment that the Government of the United States shall have a system of national banks, then it is not a question of justice between money invested in them and money invested in other industrial enterprises. It is a question between the sovereign power of the United States and the necessities of the machinery that it creates and the necessities of the States that desire to tax them.

If State necessity is to domineer over the national necessities, and that is the generally prevailing Democratic view of the country, tending always to disorganization and the dissolution of the Confederacy, then adopt this amendment. If the main thing be to make an effective and powerful national organization which will control and regulate the currency all over the country, then let the bill go through without this destructive amendment.

Mr. MALLORY. It seems to me that the difficulty suggested by the gentleman from Maryland [Mr. DAVIS] is met by the amendment of the gentleman from New York. Such oppressive and unequal taxation as he intimates cannot be imposed. In every State in the Union, although a cow may be taxed differently from a horse, and a horse differently from bank stock, yet I contend that in every State you are compelled to tax all cows equally and all horses equally and all bank stock equally.

The amendment of the gentleman from New York simply provides—and provides properly, I think—that the property of these national banks shall be taxed by the States as the property of other corporations is taxed. That provision precludes the inequality that the gentleman from Maryland apprehends which might work injury and destruction to these national institutions in the States.

Sir, these banks do not seem to me, in view of the privileges conferred upon them by this bill, to be especial objects of our regard and charity. I remember the time when individuals and companies used to come to legislative bodies asking as a boon the privilege to bank on their capital, and in many cases it was denied to them, because the privilege was thought to be too exclusive and too great for any particular set of men to enjoy. And now, sir, this Congress of the United States goes begging to men and offers bonuses to individuals to engage in this potent scheme of banking by which it is proposed to control the whole currency and finances of the country.

Let me point out some of the privileges conferred upon bankers by this bill. They bank upon the stocks of the United States, the bonds of the United States bearing interest at six per cent. Formerly they had to bank upon specie. Now they are to bank upon bonds of the United States bearing six per cent. interest as their capital. When was it ever before known that the capital stock of a bank was loaned out at an interest of six per cent.? And in addition to that, that six per cent. interest is to be paid in specie, which, at the premium it commands now in the legal currency of the United States, makes the interest on this capital equal, I believe, to at least ten per cent. per annum. What more? On the basis of their capital yielding this enormous profit they issue notes, they discount notes, and deal in bills of exchange, by which any set of shrewd bankers can realize at least twelve per cent. more on their capital stock. That gives them power to make a profit of twenty to twenty-two per cent. on their capital stock engaged in business. And yet we are told that if we give to the States power to tax these institutions at all we confer on the States power to destroy them. It seems to me that if we *do not give* the States this power, the banks will destroy the *States*. It seems to me that the whole purpose and object and scope and tendency of the bill is to prostrate State power and put it at the control of the great centralized power to be established here; and I submit that that may be the purpose of the gentleman from Maryland, [Mr. DAVIS.] I advocate the amendment of the gentleman from New York, [Mr. VAN VALKENBURGH.]

Mr. DAVIS, of Maryland, withdrew the amendment to the amendment.

Mr. MORRILL. I renew the amendment. Mr. Chairman, it is perfectly obvious that if this amendment prevail the bill becomes an entire nullity, useless so far as perfecting the system which we adopted at the last Congress is concerned. It strikes me, Mr. Chairman, that the proposition to allow States to tax any portion of the capital of these banks is just as absurd as it would be to allow the States to tax the public buildings of the United States or the ships of the United States. If they could tax them at all, they could tax them out of existence. When the question comes up, it will be in the power of Congress to levy all the burdens on these banks that justice may require. I shall be in favor of taxing them to the fullest extent of their ability to bear. I believe that this House will not let these banks go without bearing all the burdens that they ought to bear. If they escape taxation in the States, it is apparent that they should bear a higher proportion of taxation than other personal property in the States. That portion of the capital of the banks which shall not be invested in United States bonds should be, as a matter of course, taxed higher than that which is so invested.

I submit, Mr. Chairman, that the best course for us is to allow this question to come up when the subject of taxation shall be before the House. Then gentlemen can, if they see fit, tax them even out of existence. But that will certainly be the fittest time to consider how much they should be taxed. I repeat, Mr. Chairman, that so far as the power of the States is concerned, if we allow them to tax these banks at all, we might as well not pass any bill.

Mr. J. C. ALLEN. I rise to oppose the amendment of the gentleman from Vermont. I have listened attentively to the argument in favor of exempting this bank property from taxation, and I confess I have not been particularly struck with the force of the reasons presented by the gentleman from Vermont, [Mr. MORRILL.] Why it is that a citizen of Illinois or of any other State of the Union should be by a provision of this bill exempted from the payment of a State tax on his capital simply because he may see fit to invest it in bonds of the United States or in any of these national banks is something that is entirely inexplicable to me

Under our State laws the individual who may have $500 or $1,000 of surplus capital, and may desire to secure it by taking a mortgage on real estate and receiving an annual interest of eight or ten per cent., is bound to pay into the State a certain tax on his investment. Why a distinction should be made by this bill between him and the man who invests his $20,000 or $50,000 in bonds of the Government and who deposits them in one of these national banks, drawing his six per cent. interest on the bonds and his profit on the investment—all of which is to be exempt from taxation—is something that I cannot understand. There is nothing in the argument that the States would tax these banks out of existence. Their own interest, their own security, the desirableness of a uniform currency will operate against such an idea.

Again, in all the States of which I have any knowledge, the rates of taxation on particular classes of property must be uniform under their constitutions. They cannot impose a rate of taxation on bank stock higher than that imposed on other capital stock. They cannot impose on the income of any man engaged in banking any more tax than they can impose on the income of one who is simply a money-lender, securing his loans by mortgage on real estate. The only thing that there is in the argument is that the bill gives to the General Government the right to strike down the power of States to tax their citizens, and places the States at the mercy of the moneyed interest which this bill is attempting to set up over the people of the country and over the States of the Union. Aside from that there is no reason that has been urged entitled to a moment's consideration. The simple reason that a man invests his money in United States bonds and then invests his bonds in a United States bank, drawing thereby six per cent. interest on his bonds and whatever profits in addition may be made from his investment, is no reason why he should be exempt from taxation upon the capital so invested. I say it is unjust to those who do not see fit so to invest their money. You give by this bill power to the capital of the country to grind the face of the poor while you deny to the States the power to exact their share of contributions for the maintenance of their State governments.

Mr. MORRILL withdrew his amendment.

Mr. DAVIS, of New York, submitted the following as a substitute for the amendment:

And be it further enacted, That it shall be the duty of the Secretary of the Treasury, as soon as practicable after the end of each fiscal year from and after the passage of this act, to make out and transmit to the treasurer of each State a statement of all taxes which shall have been collected in that State from each national bank organized therein during such previous year, and he shall with such statement remit to the treasurer of such State one fourth the amount thus collected from such association in each State, to be disposed of in its discretion.

I offer that amendment simply with the idea of suggesting a principle on which it may be possible for the House to agree. I for one am opposed to acknowledging, if these be national institutions, the power of the States to tax them; and yet I am willing to entirely accede to the justice and equity of the capital which is invested in the different States in the banking business under this system, and which receives from the local and State authority the protection which is due to capital, being made to contribute in an equitable degree to the maintenance of that Government which protects it.

Therefore I believe that in this mode we may accomplish this result. Whether the exact provision I have suggested be the right one I am not certain. I have merely desired to suggest the crude idea. But, sir, there is justice in the principle, and I beg gentlemen when they come to reflect upon this subject to have that principle in mind. It has been said that we are withdrawing $500,000,000 of the capital of this country from taxation. That is not so. This Government is issuing its bonds and its stocks. Is that property before it is issued? It is an obligation, it is not fixed capital; it becomes a credit by the action of the Government for the purposes of the Government at this time as a matter of national necessity. Now, upon the basis of these issues, we allow the banking institutions to conduct their business. We protect their business, their property, and their circulation, and it would be entirely unfair to say that we would suffer the States to impose taxes upon this capital thus invested in these banks, because it is not actual capital but it is Government obligations.

Sir, the money which has gone into these Government securities still remains in circulation. Of the $500,000,000 that have been issued there still remain in the country $400,000,000 liable to taxation by the General Government and State governments in its original form. If I invest $10,000 in the securities of the Government the Government take my money, give me my bonds, and pay out the money to somebody else, and the money which is represented by these bonds is still subject to taxation. There is no change in this regard. We have as much money in the country subject to taxation as before, and therefore there is no valid reason why any heavy hand should be suffered to impose additional burdens upon this property. But there is a reason why it should contribute for the protection afforded to it by local and State laws.

Mr. STROUSE. I am opposed to the amendment offered by the gentleman from New York [Mr. DAVIS] to the amendment; and I entirely concur in the amendment offered by his colleague, [Mr. VAN VALKENBURGH.] I would like to ask the opponents of this amendment what particular exemption or privilege these moneyed institutions are entitled to? In what particular do they differ from business men generally throughout the States who are taxed not only by the national Government but by the States for State, county, or municipal purposes?

Now, sir, we are told that this measure is antagonistic to the supremacy of the Federal Government. There is nothing of the kind in this proposition, and I was pained to hear the distinguished gentleman from Maryland [Mr. DAVIS] bring in party politics. We need be in no fear of a dissolution of the Union because of the proposition introduced by the gentleman from New York, [Mr. VAN VALKENBURGH.] We need be more in fear of that result on account of the very loose system of financiering which we are asked to inaugurate.

I stand here, sir, not as a party politician; I stand here upon this proposition as a citizen of the United States anxious for the perpetuity of the Union and to sustain the credit of the Government at home and abroad. But when we tax the merchant, the miner, the laborer, everybody and everything which the ingenuity of man could search out, why is it that the money-lender, the modern Shylock, shall go free and be exempted from this taxation? It is only right and honest that the States should derive some benefit from the aggregation of capital.

Gentlemen say that they are national banks. How are they made up? By your money and by my money, by all those who buy stock. We buy it partly out of patriotism, and a good many buy it because they think that it is a good speculation. It is only right for us to take the bull by the horns and admit that most people buy stock of the Government because they believe it to be a profitable speculation. Why should we be so charitable, when men have loaned this money for the purpose of making more, as to exempt them from taxation? Gentlemen ought to remember that the States have contributed millions for the vigorous prosecution of this war, for the support of the Government and its cause, for which they ask no remuneration. The State of Pennsylvania, which I have the honor in part to represent upon this floor, has in the way of bounties, public and private, by the action of the State Legislature and of the citizens, expended some five or six million dollars. We ask no return for that. While we have to bear immense burdens, publicly and privately, for the vigorous prosecution of the war, we do protest against withdrawing, as is proposed, such a vast amount of capital from taxaation in New York, Pennsylvania, Illinois, and the other States. Recollect that the several States have done their entire duty, and this exemption from taxation should not be allowed. There need be no fear that the States will tax these institutions to death. Every State has its statute laws on the subject.

[Here the hammer fell.]

Mr. HOTCHKISS. I move to add to the original amendment the following:

And no State shall impose any tax upon said associations or their capital, circulation, dividends, or business at a higher rate of taxation than shall be imposed by the said State upon the same amount of moneyed capital in the hands of individual citizens of said State.

Mr. Chairman, the object of that amendment is to obviate the objection that the States will tax these institutions out of existence. I do not regard it as necessary, for I do not apprehend that the proposed banking system, providing a uniform currency for the whole country, is going to be so odious that any State would be tempted to tax it out of existence. And I do not think that the friends of the measure offer a good recommendation for it when they rest upon the objection that there is danger the people will feel so outraged by this system in the States that they will go to work to tax it out of existence. They forget that it is the only system we are going to have. The State of New York has a banking capital of $110,000,000. Bankers inform me that they must all come under this system. It is proposed that that $110,000,000 shall be exempted from State and local taxation. Whatever effect the proposition may have here, in my State it will have the effect to render the system very odious indeed, and the people of the State of New York will submit to it with reluctance. The feelings of the people of my State are well understood. The Legislature at the last session enacted a law which imposed a tax upon these institutions equal to the amount of their capital. They taxed them upon a sum equal to the amount of their capital. That is the language of the law. That law has been held by the court of appeals to be valid and constitutional, and I do not think the character of that court is to be questioned very lightly. It is a court that gives law to this Union, and its decisions are respected by every other State in the Union, and by the Supreme Court of the United States also. I do not propose to argue the question here; there is no time in a five minutes' speech to prove it.

My district—the twenty-sixth congressional district of the State of New York, composed of the counties of Broome, Tioga, Tompkins, and Schuyler—has a banking capital of $4,000,000. We have raised our quota of men under every call which has been made by the President of the United States, and we have now a surplus of five hundred over all calls. We have raised local bounties ranging from three to five hundred dollars, and besides that we have taken care of and provided for the families of our soldiers by town and local bounties; and we propose to have this $4,000,000 of bank capital do something toward paying the interest on the loans we have made to pay such bounties.

[Here the hammer fell.]

Mr. ELDRIDGE. I have listened to the debate in hopes that I should see some reason why these national banks should not be subject to local taxation, but it seems to me that no sufficient reason has been given. The gentleman from Maryland [Mr. DAVIS] I apprehend has made the real and only objection entertained by the majority of this House against the taxation of national banks. His objection was not against their taxation merely, but it was against their being taxed by the States because they are national institutions. He was opposed to their taxation by the States because he intended by this bill to create a great national system, and because State taxation would interfere with that system.

It seems to me, therefore, that the whole object of the bill is to create a centralized national bank power which shall override and destroy the State banking institutions. It seems to me that the gentleman admits in the outset that these banks are going to be unsatisfactory to the people; it seems to me he admits that the bill itself ought not to pass, because he starts upon the presumption that every State where they shall be located will be so hostile to those institutions that they will go to work and destroy them by taxation.

Now, I say to gentlemen if you have introduced a system of banking, or if you propose to introduce a system of banking, that will meet with the hostility of the entire people of the country, your bill ought to be defeated. You ought not to pass such a bill, especially in these times of great national trial; you ought not to attempt to adopt a measure which shall be hostile to the people. What object can the State have in taxing these banks out of existence? It must be because the people do not desire them. There can be no other reason. The people will not tax institutions which are for their benefit; and if the national banking institutions are not for the benefit of the people, and are not to satisfy them, I ask the gentleman from Maryland what object he has in view in adopting this system. Are the people to have an institution to which they are opposed? Do you desire to create an antagonism between the national Government and the States? Is your object to create an institution which the States will not maintain and support? It seems to me the argument bears no other construction.

Another gentleman tells us he proposes to tax these banks. He thinks they ought to bear more of the national taxes because they are exempt from State taxation. How can the national Government tell what the local taxation is? Local property in a particular locality has to bear a tax uniform with the tax upon all personal property. The national Government cannot know how to fix the tax upon this property so as to graduate it and make it equal to the local taxes. The localities alone can know what taxes should be imposed in order to make taxation equal and uniform. It seems to me that no argument has been introduced here except one, and that is that the purpose of this bill is to create a national system, and that to allow them to be taxed by the States will destroy the national character of these institutions.

[Here the hammer fell.]

Mr. VAN VALKENBURGH. I accept the amendment of my colleague [Mr. HOTCHKISS] as a modification of my own.

Mr. DAVIS, of Maryland. I move to strike out the last line of the amendment. We have listened to a very singular argument just now. It has been said that we are afraid to submit this bill to the will of the people, because we are making an instrument that is to be hostile to them. Now, if the gentleman means to say that the Government of the United States must subject all its machinery to the will of any State under the penalty of having it thrust back upon us that the machinery of the Government is hostile to the State, I suppose the absurdity of that argument will be sufficiently apparent. We are not to have an Army unless we will allow it to be forbidden to cross a State line; we are not to have a collector of taxes unless we will allow a State to say whether he shall collect taxes or not; we are not to have a marshal unless we will allow a State to say whether he shall serve process or not. But if the honorable gentleman means this, that we know from present experience that, whatever the aggregate mass of the people of the United States may think about the Government of the United States, there may exist hostility in particular States that would endeavor to paralyze the machinery of the Government, then I mean to say that if that hostility is so developed we mean to paralyze it. And if the gentleman says that it interferes with "State sovereignty," I say we are dealing with "State sovereignty" now in Virginia, and when it is thrust across the track of the Government in any other State we are ready to deal with it just as well there.

"State sovereignty" is always the form which every attempt to divide, break up, and paralyze the Government of the United States assumes, and it is the worst shape that can be brought before the people of the United States at this day to cover any attempt to embarrass the Government. "Hostile to the people," because we are not willing to allow the people of a particular State to say whether a national bank shall or shall not exist within their limits? No, sir; but this is a Government that does not exist by the will of the people of the States; it exists by the will of the *people of the United States*, and the people of the United States mean that no State shall have a right to say, in any form, direct or indirect, that a national system shall not prevail within its borders. In California, if I am not misinformed, banks are not allowed at all. Where is your rule of taxation there? Do we not all know that in Missouri, in the earlier period of her existence, banks were forbidden? Do we not know that the most intense political hostility in this country prior to the breaking out of the war grew out of the question of allowing banks in the various States? And do we not also know, by the spirit manifested in reference to this amendment that we are in view now of just such a financial war? Do gentlemen mean that this system shall be at the mercy of the States, so that a hostile State shall destroy it, or do they mean that it shall be paramount to the States and do the

work of the Government? How would the system fare with the Legislature of New Jersey at this day? How would it fare with any Legislature bent on embarrassing the financial schemes of the Government? How can we venture to trust to the judgment of any State a measure which has already been made the ground of attack on the Government because of its absolute unconstitutionality? If we mean to go through the child's performance of passing a law here which is to do nothing and fall still-born, let us adopt this amendment. If we mean the system to be a live, vigorous, and active one, let us tell "State sovereignty" to take care of itself, and let us enforce the sovereignty of the United States.

Mr. MALLORY. Mr. Chairman, I admire the bold and candid declarations of the gentleman from Maryland, made in his usual bold and candid style. He has let us know distinctly to-day that he is opposed to this federated form of Government, and is for a central national Government here which is to control the States of this Union, and, I am afraid, the people of the United States of America. He does not believe in State sovereignty. He does not believe in giving to the State the power of deciding upon any act of this Federal Government. He does not believe in giving to the State the power to tax an institution chartered by the Congress of the United States. I am afraid that the gentleman goes further. I am afraid that he is not for conceding to the people of the United States the power to control the legislation of the country, which he wishes to fix by this Congress in such a way as to carry it out hereafter by force of arms and armies in spite of the people of the United States.

The gentleman may be pardoned perhaps for arguing against State sovereignty; but when he comes to attack that other sovereignty, the sovereignty of the people of the United States, I hope his theory may be met with that stern rebuke which it deserves. Whence this dread of allowing States to tax these institutions? Gentlemen have argued on this floor that if you pass the amendment offered by the gentleman from New York, the people of the various States of the Union will have the power to destroy these institutions. Why would they ever wish to exercise such a power as that? Would it not be because they had found these institutions onerous and oppressive, and injurious to their interests? And when, after their deliberate and solemn conviction that these institutions ought not to exist, and after the people of all the States of the Union come to the conclusion that this sort of legislation does militate against their rights and interests, in the name of God is the gentleman from Maryland [Mr. DAVIS] for so tying the hands of the Government, and tying the hands of the State Legislatures, and tying the hands of the people, as to subject them manacled and chained, to the mercy of the legislation of Congress?

Mr. DAVIS, of Maryland. Will the gentleman from Kentucky allow me to ask him a question?

Mr. MALLORY. Certainly.

Mr. DAVIS, of Maryland. Does the gentleman from Kentucky contemplate that any one State Legislature shall have the power to prevent the existence of this system within the State?

Mr. MALLORY. No, sir; no, sir. I have argued in favor of the amendment of the gentleman from New York, which gives to a State Legislature the power to tax these institutions, exactly as it has the power to and does tax similar institutions in that State. Fairness and equity and right require that.

Mr. HOTCHKISS. Will the gentleman from Kentucky allow the section, as proposed to be amended, to be reported?

Mr. MALLORY. I know what it is. It may be read after I am through. Now, Mr. Chairman, I wish to say that if ever the time comes that the people of all the States of the Union wish to tax these institutions, whenever they come to the conclusion that their best interests require that they shall be taxed, the right to do so should remain to them. I am no ultra State-rights man. I believe that the Constitution of the United States of America, and the laws and treaties made in pursuance thereof, should be the supreme law of the land, anything in State constitutions or laws to the contrary notwithstanding. Is not that orthodox enough for the gentleman from Maryland? Is he for carrying out and legislating upon any other principle than that? Is he for destroying those rights which he knows are reserved to the States of this Union? Is he for conferring on the Federal Government other powers than those which that sacred instrument, the Constitution, expressly and distinctly confers upon it, or which are absolutely necessary to enable it to carry out those granted powers? If he be, I take issue with the gentleman from Maryland, and I take issue with any man who entertains such an opinion or who will advocate such a theory as that.

Sir, it seems to me that the whole objection to the amendment of the gentleman from New York is based upon the fear on the part of this Congress to meet the American people. It is based upon the fear on their part to subject themselves to the verdict of their masters—the people—if they are your masters yet. I do not know what they may become when your armies shall have crushed out all the liberty that remains in the United States.

[Here the hammer fell.]

Mr. DAVIS, of Maryland, withdrew the amendment to the amendment.

Mr. HOTCHKISS. I ask that the amendment to the amendment may be reported.

The Clerk read it.

Mr. HOTCHKISS. I propose to amend the original section by adding as follows:

Provided, further. That no State tax shall be imposed upon any part of the capital stock of such association invested in the bonds of the United States.

Mr. DAVIS, of Maryland. Mr. Chairman, the amendment does not at all obviate the difficulties that I pointed out to the first amendment proposed. There is no limitation placed upon the authority of the State to tax these banks to any extent whatever. I think that is apparent from the reading of it.

But what I desire especially to say is to correct some misapprehension into which the gentleman from Kentucky has fallen himself, and into which he may possibly have led others. He argues that if all the States or all the people of the United States were hostile to this measure, he wanted them to have the power to break it down and destroy it. That was his argument as I understood him. He was not, it is true, a State-rights man.

Mr. MALLORY. I beg the gentleman's pardon; I am a State-rights man. I am for maintaining the reserved rights of the States to which they are entitled under the Constitution.

Mr. DAVIS, of Maryland. I entirely agree with the gentleman in that declaration.

Mr. MALLORY. I knew my friend from Maryland would agree with me in that.

Mr. DAVIS, of Maryland. And I do not know of anybody who does not; but when the gentleman wishes to make the reserved rights of the States paralyze the machinery of the United States I take it that his reserved rights of the States are a usurpation against the United States.

Mr. MALLORY. I made no such declaration.

Mr. DAVIS, of Maryland. The gentleman argued this, that if all the States were anxious to get rid of this system he thought they ought to have the right to get rid of it, and one of the steps, I presume, by which he proposed they should get rid of it was this taxation system.

Now, sir, I suppose that if all the people of the United States represented in Congress are opposed to the system they can defeat it now. If at any time during the next Congress they should be opposed to it, they can defeat it then. The point I desire to enforce is that the will of the majority of the people of the United States as expressed by their Representatives here shall be carried into effect. I am now endeavoring to assert their rights. I desire that the will of the sovereign majority—of the people of the United States—shall not be paralyzed by the caprice or the antagonistic policy of any individual State. Take, for instance, the case of New Jersey, or of Missouri, or of any other State which may happen to be opposed to any banking system at all; take the case of California, in which I believe no banks are established; the introduction of this system into those States might be against their local policy, and yet will the gentleman allow them to exclude these national banks from their limits?

Mr. MALLORY. I did not say that.

Mr. DAVIS, of Maryland. I do not wish to submit this question to their arbitrament. It is the right of the people of the United States to say that this system shall go everywhere, and to be uniform it must go into every State. If it may be excluded from any State its whole usefulness is paralyzed.

Now, in reference to the observation of the gentleman that this is a system of despotism to be met by the people wherever it should exist with the scorn and contempt it deserved, I am sure the gentleman did not mean to say anything impolite to me.

Mr. MALLORY. Certainly not.

Mr. DAVIS, of Maryland. I will say to the honorable gentleman that it is no part of this scheme that it shall go into operation in defiance of the people of the United States. It is intended for the mutual benefit of the people. To make it uniform it must go everywhere, and neither Maryland, Kentucky, nor any other State should have the right as States to exclude it.

[Here the hammer fell.]

Mr. J. C. ALLEN. I am opposed to the amendment of the gentleman from Maryland. I admit the authority of the United States in all that pertains to them under the Constitution, to establish these institutions or to do any other act necessary to promote the general welfare. But it seems to me that the gentlemen on the other side of the House who advocate the exemption of these banks from taxation are constrained to assume a fact which does not exist. They talk about stock in these banks being Government stock. They argue the question as though these banks were only established by banking stock and that the property in the banks was the property of the Government. Such is not the fact. When the bonds are purchased by the citizen of a State they cease to be the property of the Government. They become the property of those who see fit to speculate in them. The Government is bound to redeem them, but when issued they cease to be the property of the Government and become the property of the individual holders. The Government then has no right to prevent taxation by the State upon the property of its own citizens. For us to undertake to exercise that authority is a usurpation on the part of Congress against the reserved rights of the States.

As I have already said, we do not propose to tax Government property, but we do propose to reserve to the States the right of taxing the property of its own citizens. Suppose that it should be presumed that certain articles are necessary for the General Government, such as horses and mules, would we have the right to declare that the States should not impose any tax upon them when held by their own citizens? We have the same right in the one case that we have in the other. We have the same right to say that no tax shall be imposed upon these bonds by the States when in the possession of citizens of the States. It is in direct contravention of the rights of the States.

Gentlemen say that it is necessary thus to exclude this class of bonds from taxation when in the hands of citizens, so as to foster these banks, make the currency uniform, and sustain the credit of the Government. There is nothing in that argument. The people of the States will not tax these banks out of existence under the pending amendment, for it is provided that they shall not be taxed higher than other securities. If they be necessary to sustain the credit of the Government it will be to the interest of the States not to tax them out of existence.

The great objection is that by the exercise of this authority you strike down the right which pertains to the States under the Constitution. You make a distinction between the property held in Government securities and other classes of property. In that way you give moneyed monopolies not only control over the States but over Congress. You destroy the constitutional rights reserved to the States.

[Here the hammer fell.]

Mr. WASHBURNE, of Illinois. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United

States stocks, and to provide for the circulation and redemption thereof, and had come to no conclusion thereon.

Mr. ALLEY. I ask the unanimous consent of the House to set apart next Friday week after the morning hour for the reception of reports from the Committee on the Post Office and Post Roads.

Objection was made.

Mr. ALLEY. I move to suspend the rules for the purpose indicated.

And then, on motion of Mr. STEVENS, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *April* 5, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (S. No. 80) to provide for the better organization of Indian affairs in California; which had heretofore received the signature of the Speaker of the House of Representatives.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 58) relative to the substitution of monarchical for republican government in Mexico under European auspices, was read twice by its title, and referred to the Committee on Foregn Relations.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter of the Secretary of the Interior, transmitting a copy of a communication from the Secretary of War, and a copy of a report from the Commissioner of Indian Affairs upon the subject of providing means of subsistence for the Navajo Indians of New Mexico, upon a reservation at the "Bosque Redondo" on the Pecas river, and recommending an appropriation to effect the object contemplated; which was referred to the Committee on Indian Affairs.

The VICE PRESIDENT also laid before the Senate a report of the Secretary of the Interior, communicating, in answer to a resolution of the Senate of the 10th of March, copies of papers on file in that Department relating to the treaty with the Kickapoo Indians, concluded June 28, 1862, and the action taken by that Department to carry the treaty into effect; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. WILLEY presented the memorial of Francis I. Brooke, praying for compensation for certain supplies furnished to the United States army under the command of Generals Banks and Pope in Virginia in 1862; which was referred to the Committee on Claims.

Mr. CONNESS presented the memorial of the American Ethnological Society of New York, praying that a commission be sent to eastern Asia for diplomatic, commercial, scientific, and agricultural purposes, as proposed by Dr. D. J. Macgowan; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. SUMNER presented a memorial of the officers of the Eastern and Fitchburg railroads in Massachusetts, remonstrating against the extension of the patent of Charles Goodyear for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a memorial of directors of the Boston and Lowell, and Nashua and Lowell railroads remonstrating against the extension of the patent of Charles Goodyear for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM COMMITTEES.

Mr. HARRIS, from the Committee on the Judiciary, to whom was referred a bill (S. No. 171) further to amend an act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States," and for other purposes, approved June 7, 1862, reported it with amendments.

Mr. CLARK, from the Committee on Finance, to whom the subject was referred, reported a bill (S. No. 217) for the relief of Warren W. Green; which was read, and passed to a second reading.

Mr. HARDING, from the Committee on Public Lands, to whom was referred a petition of citizens of Contra Costa county, California, praying to be authorized by law to institute legal proceedings to try the validity of their titles to certain lands settled and occupied by them, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a bill (H. R. No. 271) for the relief of the settlers upon certain lands in California, reported it without amendment.

He also, from the same committee, to whom was referred a petition of citizens of California, praying for the right to enter in the land offices in that State the lands upon which they are located, known as the Galbraith claim, reported a bill (S. No. 216) to grant the right of preëmption to certain settlers on the "Rancho Bolsa de Tomales," in the State of California; which was read, and passed to a second reading.

Mr. DIXON, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 167) to incorporate an insurance company in the city of Washington, reported it with amendments.

BILLS INTRODUCED.

Mr. LANE, of Kansas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 215) for the relief of the sufferers at Lawrence, Kansas, by the Quantrell raid of July 21, 1863; which was read twice by its title and referred to the Committee on Finance.

MARSHAL OF DISTRICT OF COLUMBIA.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be instructed to inform the Senate if, since the passage of a law creating the office of warden of the jail in the District of Columbia, there has been any neglect or refusal of the marshal of the District to execute the laws of the District or judgment of the courts.

SUPREME COURT DECISIONS.

Mr. HARRIS. I ask leave, without previous notice, to introduce a joint resolution in relation to the publication of the decisions of the Supreme Court of the United States, and I ask the indulgence of the Senate for a moment, while I make a statement on the subject. An act of Congress passed in 1842 provides that a compensation of $1,300 per annum be paid to the reporter of the Supreme Court, provided the decisions of the court be published within six months after those decisions are made. The Supreme Court is about to adjourn. It has just appointed a reporter, and it will be almost impracticable for him to publish the decisions within the time limited by law. I therefore have prepared a joint resolution for the purpose of dispensing with that condition for the present year, and I ask for the present consideration of the joint resolution.

By unanimous consent leave was granted to introduce the joint resolution (S. No. 39) relating to the publication of decisions of the Supreme Court of the United States for December term, 1863, and it was read twice by its title and considered as in Committee of the Whole. It provides that so much of the act of Congress, approved August 29, 1842, as declares that the reporter of the decisions of the Supreme Court shall not be paid the compensation provided by that act unless he print and publish the decisions within six months after they shall have been made, shall not be held to apply to the decisions of December term, 1863, the present reporter not having been appointed until near the close of the term.

The joint resolution was reported to the Senate without amendment.

Mr. TRUMBULL. I suggest to the mover of the joint resolution if there ought not to be a limit as to the time within which the decisions shall be published. Let the resolution say that the act referred to shall not apply to the decisions of the present term, but that they shall be published within a certain time. If there was any occasion for the original law there ought to be a time specified when the decisions of the present term shall be published.

Mr. HARRIS. I had thought that for the present year the reporter might be allowed all the time that he should find requisite. This resolution only dispenses with the limitation for this year, and then leaves the law of 1842 to stand as it is. A new reporter has just come in, and he has not had the opportunity of hearing the arguments, and he undoubtedly will require a little more time, and I do not think it worth while for the present year to limit him.

Mr. TRUMBULL. If there was ever any occasion for a limit and a requirement that the decisions should be published within a certain time, certainly the reason for that requirement exists in reference to the decisions of the present term as much as any other term. Manifestly, the joint resolution is very proper, to give him an opportunity to prepare these decisions; but why not give him a year to do it in, or put in a limitation of six months from the present time? I think some limit should be fixed. I do not know why the original law was passed.

I should suppose that the demand for the decisions was such as to induce the reporter to get them out at an early day; but it seems that some years ago Congress acted on the assumption that there was a necessity to provide that they should be published within a given time, and I think if there was any reason for that law, we should, in extending the time for the present year, impose some other limit.

Mr. HARRIS. I have no objection to limiting the time to a year from now, if the Senator from Illinois wishes that to be done.

Mr. TRUMBULL. Then I will move that amendment. I move to amend the joint resolution by adding at the end of it the following proviso:

Provided, That such decisions be published within one year from the passage of this joint resolution.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time, and passed.

PRINTING OF AN AMENDMENT.

Mr. ANTHONY. I desire to offer an amendment to a bill now before the Senate, and therefore I will ask the Senate to take up the bill for the purpose of allowing me to offer it and move that it be printed. It is the bill (S. No. 20) for the relief of justices of the Supreme Court of the United States in cases therein described.

The VICE PRESIDENT. The order to print will be made, if there be no objection, without formally taking up the bill.

INDIAN RESERVATIONS IN UTAH.

Mr. DOOLITTLE. I move to take up the bill (H. R. No. 220) to vacate and sell the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the Uinta valley.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It requires the Secretary of the Interior to cause the several Indian reservations heretofore made or occupied as such in the Territory of Utah, excepting Uinta valley, to be surveyed into tracts or lots not exceeding eighty acres each, and so situated as to best adapt them to the natural facilities of the country for the purposes of irrigation, and upon the completion of such surveys he is to cause those tracts or lots to be sold upon sealed bids, to be duly invited by public advertisement, to the highest and best bidder, and apply the proceeds of such sales to the construction of improvements upon the reservations which may be established under the provisions of this act, or by other lawful authority, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians; but no tract of land is to be sold under the provisions of this section for less than its appraised value in cash, to be duly ascertained by commissioners appointed by the Secretary of the Interior for that purpose. The superintendent of Indian affairs for the Territory of Utah is to be required to collect and settle all or so many of the Indians of the Territory as may be found practicable in the Uinta valley, which is to be set apart for the permanent settlement and exclusive occupation of such of the different tribes of Indians of the Territory as may be induced to inhabit the same. For the purpose of making agricultural improvements in the Uinta valley for the comfort of the Indians, and to enable them to become self-sustaining by means of agriculture, the bill appropriates the sum of $30,000, which sum is to

be expended by the superintendent of Indian affairs for the Territory, under the instruction of the Secretary of the Interior.

The Committee on Indian Affairs reported the bill with amendments. The first amendment of the committee was in section one, line seven, after the word "each" to strike out the words "and so situated as to best adapt them to the natural facilities of the country for the purposes of irrigation," and to insert in lieu thereof, "under the direction of the Commissioner of the General Land Office."

The amendment was agreed to.

The next amendment of the committee was in section one, line twelve, after the word "advertisement," to insert:

For a period not less than three months, in a newspaper of general circulation published in the Territory of Utah, and also a newspaper published in Washington.

The amendment was agreed to.

The next amendment of the committee was in section one, line fifteen, after the words "best bidder," to insert:

Said bids may be filed with the Governor of said Territory at the seat of government thereof, and with the Secretary of the Interior in Washington; such bids as may be received by said Governor shall, without opening the same, be forwarded to the Secretary of the Interior, when the same, with the bids filed with him, shall be opened in the presence of the Secretary of the Interior, the Commissioner of Public Lands, and the Commissioner of Indian Affairs, and any bidders who may choose to be present at the opening thereof.

The amendment was agreed to.

The next amendment of the committee was in section one, line twenty-four, after the word "and" to insert the words "the Secretary of the Interior."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

APPROPRIATION OF CHURCH PROPERTY.

Mr. POWELL. I move to take up the resolution I offered a few days ago asking the Secretary of War for certain information.

Mr. TRUMBULL. There is an occasion for an executive session for a few minutes on a matter that needs immediate attention. I move that the Senate now proceed to the consideration of executive business.

Mr. POWELL. I hope the Senator will withdraw that motion to allow this resolution to be disposed of.

Mr. TRUMBULL. It will not detain us long, and we shall be back in open session in a few moments.

Mr. POWELL. It seems that every time I attempt to take up this resolution something else is interposed to prevent it. It has already occurred five times. The Senator from Illinois is one of the Senators who did it the other day.

Mr. TRUMBULL. I should have no objection to allowing the resolution to be taken up if we could have a vote upon it, but I understand there is opposition to it and that it will take time, and it is necessary for us to have an executive session.

Mr. CONNESS. The opposition will not involve debate. I do not intend to debate the resolution.

Mr. POWELL. Let Senators vote it down if they choose after it is taken up.

Mr. TRUMBULL. If there is to be no debate, I shall not object to taking up the resolution.

The motion of Mr. POWELL was agreed to; and the Senate proceeded to consider the following resolution submitted by him on the 31st of March:

Resolved, That the Secretary of War be directed to transmit to the Senate all orders that have been issued from his Department, or by generals of the Army of the United States, authorizing any person or persons to take possession of any church or churches, or house dedicated to the worship of God, or house or property belonging to any home or foreign mission society, or houses and property belonging to any denomination of Christians in the United States; and that he inform the Senate how many churches and how much property, and of what kind and description, have been taken possession of in pursuance of said orders, and where the same is situated, and to what denomination of Christians the property so taken belonged.

Mr. CONNESS. I do not believe that the adoption of this resolution will subserve any public interest, and therefore I move to lay it on the table.

Mr. POWELL. I hope the motion of the Senator——

Mr. HALE. Order!

The VICE PRESIDENT. The motion is not debatable.

Mr. POWELL. Very well. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. WILLEY. I received a note this morning from Mr. HENDERSON desiring me to state that he was too much indisposed to be in his seat in the Senate to-day.

The question being taken by yeas and nays, resulted—yeas 27, nays 11; as follows:

YEAS—Messrs. Anthony, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Grimes, Hale, Harding, Harlan, Harris, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—27.

NAYS—Messrs. Buckalew, Carlile, Cowan, Davis, Johnson, Pomeroy, Powell, Riddle, Saulsbury, Van Winkle, and Willey—11.

So the resolution was laid on the table.

EXECUTIVE SESSION.

Mr. TRUMBULL. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened.

ORDER OF BUSINESS.

The VICE PRESIDENT. The special order of the day is the unfinished business of yesterday, being the joint resolution (S. No 16) proposing amendments to the Constitution of the United States, the pending question being upon a motion made by the Senator from Maine [Mr. FESSENDEN] to postpone the further consideration of that resolution, and to take up the naval appropriation bill. Upon that question the yeas and nays were taken yesterday, disclosing the want of a quorum. The question now is upon that motion, and the yeas and nays will again be taken.

Mr. FESSENDEN. In addition to what I said yesterday I will further state with regard to the naval appropriation bill that it is important to pass it early. I have been urged by the Navy Department to ask for its early passage, because, until it is passed, they cannot make contracts, and it is important to pass it soon, or else they will lose time. Besides it is very likely that the other House will disagree to our amendments, or some of them, and time necessarily be spent before the bill can be finally disposed of. This is the reason why I feel anxious that the bill should be acted upon as soon as possible. I have no other view in regard to it. It is a matter of as much indifference to me as to any other Senator what course of business shall be adopted by the Senate. I know the importance of the joint resolution which is in charge of the Senator from Illinois; but in view of the condition of public business, I deem it my duty to press the naval appropriation bill upon the attention of the Senate at this time.

Mr. TRUMBULL. I should say nothing further in regard to the postponment of the special order if the Senate had been full yesterday when the vote was taken and had deliberately decided to postpone the order upon which the Senate has been engaged for several days past. My only object now is to call the attention of the Senate to the question which all are to decide, and I shall not trouble the body with resisting these motions to lay it aside if the Senate now deliberately decides that the measure under consideration ought to give way to others. I wish it to be understood what that question is, and I confess that I was somewhat surprised by the vote yesterday. I was particularly surprised that gentlemen on the Judiciary Committee who instructed me to report this resolution to the Senate voted for its postponement. It is the most important measure that the American Congress has ever had under consideration. It is a proposition forever to abolish slavery throughout the United States, and to prevent its reëstablishment. It is a question believed, as I suppose, by most of us to lie at the foundation of this rebellion.

Now, sir, this great measure which can only pass by a two-thirds vote, a motion is made to postpone and lay aside for other business, and that, too, for an appropriation bill for the next fiscal year; not an appropriation bill to meet the immediate wants of the Government, but an appropriation bill to provide for the next fiscal year after the 1st of July next. If the Senate, by its deliberate judgment, decides that this proposition to submit to the people of the States the question whether slavery shall be forever abolished is one of such indifference that it ought to give way to the other current business of the session, let us know it.

Sir, if this measure cannot command a majority of the Senate to keep it before the Senate, there is very little hope of its final passage by a two-thirds vote, and we need not take up time about it. I do not suppose, nor do I mean to intimate, that every Senator who voted yesterday or who shall vote to-day to lay aside this question and take up other business is opposed to the constitutional amendment. I do not so believe; I wish to do no injustice to any one; but I do believe that such a vote of the Senate would indicate an indifference to this great question. It would show that a majority of the Senate are willing to give it the go-by for other business. It does not show an earnestness for it; and without an earnestness for it on the part of Congress we never can have it ratified by the people. Unless a majority of the Senate are for this measure in earnest, it is of very little use to submit it to the people. It is important, if it is to pass at all, that it should pass at an early day. It is *the* great question. Some of the Legislatures of the States are now in session, and if we can pass this resolution at an early day and show a zeal and earnestness to amend the Constitution and be rid of slavery forever we may have the indorsement of some of the States whose Legislatures are now in session before their adjournment; but if this proposition is to go limpingly along through the Senate, if an indifference is manifested toward it, if it is to be laid aside to take up other business, and that business which is not pressing, but which is to have its effect after June next, it is saying to the country that there is very little heart in the measure in Congress; and it can never be adopted with such a feeling on the part of its advocates.

Now, sir, I shall be satisfied (of course I am bound to be satisfied, however much I may regret that such is the feeling of Senators) to abide the vote of a full Senate showing that they are not disposed to hold on to this measure and pass it by the requisite vote. The yeas and nays, I believe, have been called, and with what I have now said I am entirely willing to submit the proposition to the Senate and let it be decided whether other business is to push this measure aside or not.

I ought to say another word before I sit down, and that is this: it must be manifest to every Senator who has been for any considerable time a member of this body, that we lose time whenever we take up a question and discuss it for several days and then lay it aside and take up some new measure. It is no economy of time to break in upon a question which has had the consideration of the Senate for several days, with a new question, dispose of that, and then go back to the old question again.

Mr. FESSENDEN. Mr. President, as I stated yesterday, I have no kind of feeling on this subject. I have delayed this naval appropriation bill, owing to certain circumstances, very much longer than I intended to do. I have been pressed at the Navy Department to take up the bill and have it passed, for the reason, as I stated this morning, that it was important to the Navy Department that it should be taken up and passed at once. After we have acted upon it here we shall be obliged to send it back to the House of Representatives, and with such amendments probably as will create a non-concurrence on their part, and thus make new delay. The reason why the Navy Department is anxious for the speedy passage of the bill is this: until they know what the appropriations are they cannot make their contracts for the succeeding year, and time is all-important to them with reference to those contracts. It is important, therefore, that the bill should be passed at as early a day as possible.

When I have said this to the Senate, and when I have explained the grounds upon which my motion is predicated in addition to this, relating to the business of the Committee on Finance, which I stated yesterday, I have done my duty; and if the Senate thinks it unwise or inexpedient to take it up at the present time and interpose it in the way of the present discussion, although probably we can settle it in one day without any

sort of difficulty, I am content with the decision that is to be come to by the Senate.

But, sir, I cannot close the remarks which I have to make on this subject without calling the attention of my honorable friend from Illinois, for whom I have not only great respect but very strong personal regard, as he knows, to the injustice which his words, I hope not his thoughts, do to gentlemen who are his associates in this body and sitting on the same side of the Chamber. It is not the first time that from him and from some others in the Senate we have had intimations of precisely the same character, imputing a dereliction of duty and a dishonesty of purpose to those who are associated with him in this body. His words admit of no other construction.

Here is a great question pending; a question the transcendent importance of which I feel and admit as much as he does; a question that I beg leave to say to him I take as much interest in as he does. I have felt and said from the beginning, and for a longer period than this subject has been in this body, that in my opinion the only remedy for this great evil was an amendment of the Constitution. Such have been my opinions all along; they are so now. But what does my honorable friend say? I will not impute, said he, to all the gentlemen who vote to lay aside this question and take up another, that they are opposed to this amendment of the Constitution now under consideration, but I do impute to them an indifference upon the subject, a want of heart in it, a want of zeal in it—those were not his words, but his ideas—such as I feel and such as others feel.

Sir, at different times in the Senate, when some gentlemen hesitated upon a measure on the ground of its constitutionality, whether it was not an infringement on the Constitution which we are sworn to support, we have had intimations made that we were rolling constitutional logs in the way of the Government; and made, too, sometimes by gentlemen to whom probably it could not be imputed that they would ever roll a constitutional log or raise a constitutional objection on any occasion. Sir, what we choose to say and what we choose to do in the course of our duty certainly ought to be looked upon with reference to our general characters and our general action with regard to these great questions, without these constant imputations in this sideway manner of a want of zeal and earnestness in the great cause which we all favor.

Sir, I do not yield to my honorable friend in zeal and earnestness for the passage of this joint resolution which is now under consideration in the Senate; and I think it is particularly unkind and particularly unjust in him, because I, in the discharge of my duty and in the belief that that duty requires it, choose to make a motion when I think the time is pressing, when I think the subject under debate may go on for days—we do not know how long—and perhaps for weeks—we cannot tell—to give me a day upon a bill which I deem to be important to be passed now in the Senate, to impute to me that because I make this motion therefore I am indifferent and I have no zeal and earnestness in the great object which the Senator is trying to accomplish. I put it to him, is it just or generous to those who are associated with him to try to convey that sort of impression to the country that he and his friends are better than we are because he is for pushing this measure on?

Why, sir, it was only last week that the honorable Senator from Maryland [Mr. JOHNSON] took the floor on this bill, but it was not convenient to him to speak on Friday, and he therefore moved that it be postponed till Monday, two days. The honorable Senator from Illinois did not object on account of the time. He acceded to it. He let two days go over, and merely for the purpose of accommodating an individual Senator. There was no imputation then upon anybody. Why is it made now?

I have said this in all candor and in all kindness to gentlemen who perhaps may think they are more zealous and ardent in what they deem to be a great matter than others, in order that they should make all allowances for the peculiar (if you please to call it so) organization of men and of different minds, and be willing to admit that although they may have a larger quantity of that kind of patriotism, yet that we honestly exert all we have and that we do feel just as much interest in this great question as they do, although we may vote to postpone its consideration for a day or two.

Sir, I have felt it my duty to say thus much, for I do not like to rest under such imputations, especially coming from a quarter which I so highly respect as I do anything that comes from my honorable friend from Illinois.

Mr. TRUMBULL. I certainly tried, when I was up before, to be very careful not to say anything that should impute any wrong opinions to any one. Of course, it is known to everybody that there are some members of this body who are opposed to amending the Constitution so as to abolish slavery. Several Senators have avowed their opposition to any such amendment. When I said that others would vote to postpone this measure in order to take up another, lest I might be misunderstood, I took the pains to say at the time that I did not impute to them hostility to it.

Mr. FESSENDEN. But you did impute indifference.

Mr. TRUMBULL. I believe that many of those who will vote to postpone this measure, if we can get a vote upon it, will vote for this joint resolution. If I did not think so, I certainly should not try to keep it before the Senate, because you cannot pass it by a two-thirds vote without their votes. But I thought they did not estimate the importance of it and of its going with a strong indorsement of the Senate, and with the hearty concurrence of the Senate, to the people, as much as some others did. I thought that voting to take up other business in the place of it showed a sort of indifference to this, which it seemed to me ought not to be manifested toward it. I was trying to satisfy those friends with whom I act that it was important if this measure was to pass at all that it should seem to have the hearty and earnest coöperation of everybody who was friendly to it; and that postponing it for other measures would give a different appearance to the country. I did not do that for the purpose of impugning anybody's motives; but, so far from that, I took pains to say that I believed they were perhaps for it as much as I am, and may be as earnestly for it as I am; but I think, if the Senator from Maine will allow me to say it, that the effect upon the country of postponing it is to show that the Senate is not very much in earnest about it. That is the consequence of the vote—I will not say that Senators mean that—and I tried in the few remarks I made to the Senate to impress upon Senators the importance of acting upon it; I tried yesterday also to impress upon them the importance of acting upon it as a saving of time; but Senators may think there is no force in the suggestions that I make. To me they seem to have much force, and therefore I insist on them.

Mr. TEN EYCK. I do not know, sir, that I have failed during the time I have had the honor of a seat on this floor in sustaining the chairman of the Committee on Finance in getting up his measures whenever there has been a motion of this kind made. I think I have uniformly voted to take up the appropriation bills, because I know and feel how important it is that they should be passed. Without their passage within appropriate periods of time, the wheels of Government must stop. I do not, however, consider that it is indispensably necessary that the bill which it is now sought to take up should be passed this day or perhaps to-morrow. Without intending to trench at all upon what may be considered the prerogative of the chairman of the Committee on the Judiciary, who has charge of the joint resolution now before us, perhaps I may be allowed to say that for the last five years there has hardly a day or a week passed in this body in which the subject-matter involved in that joint resolution has not been before this body in some shape or other, either in the shape of speeches for or against, or in the shape of bills or resolutions, some of which I have thought were inexpedient and others expedient, some of which I have thought were legal and others illegal, and many, if not the most of which, I have thought were ill-timed and misjudged.

But now, sir, when we have arrived at this point, when we can submit to the people of this country fairly and squarely for their decision and determination the question of the abolition of slavery by a constitutional amendment, I am in favor of holding on to that measure. No matter how important the appropriation bills may be, I consider this question as being a head and shoulders above them all, coming in the shape in which it does before Congress and the country; and as I believe a firm adherence to the question now before the Senate, the continuance of it here will exhaust but a little more of our time, and will, by a proper degree of persistence, be brought to a vote perhaps within the period of twenty-four hours, I desire that that question may be continued before the Senate. It is in the shape in which I want it; it is in the shape in which I desire it; it is a great measure which is to strike at this evil; it proposes to tear it up root and branch, and in a way pointed out by the Constitution itself. Such being the importance of it, such being the importance of our immediate action upon it that it may be submitted to the Legislatures and to the people, I, for one, without desiring to antagonize with any one else upon any other measure, desire that this shall be kept continuously before the country, and that it shall be passed by a two-thirds vote of this body.

Mr. DOOLITTLE. Mr. President, nothing is more natural than that each committee having charge of a given subject-matter should feel the importance of the measures pending before them, and especially the chairman of the committee who is charged with carrying them into execution. It is therefore the most natural thing in the world that the chairman of the Committee on Finance should feel pressed upon him from time to time the importance of pushing through the various measures which come from that committee, and so that the chairman of the Committee on the Judiciary should feel this pressure also upon him. I myself believe, and it is from that conviction that I shall act in this case, that while the financial measures are of course among the most important measures that can come before the body, this measure which has already been before the Senate from the Judiciary Committee, which has been discussed, which I believe we can close to-day and to-morrow, and give way after that to the financial measures which are pressed by the Finance Committee, is of paramount importance. I shall vote against postponing the matter which is now pending, and which is before the Senate, and I would venture to appeal to my honorable friend who has charge of the measures of finance that he would consent to an arrangement or an understanding like this: that to-day and to-morrow be devoted to this measure with the understanding that we close it to-morrow. If it cannot be closed then, the necessity of the passage of the financial measures which must pass will perhaps override this measure. I feel myself the very great importance of getting this out of the way. I think that we shall save time, we shall accomplish the purposes of both these committees in carrying through the measure represented by my friend from Illinois, and carrying through the finance measure represented by my friend from Maine. It seems to me it will be a saving of time. I hope that the Senate will take that view of it. Certainly in voting on this motion I wish my friend from Maine distinctly to understand that my course in the future will be as it has been in the past upon almost every occasion hardly without an exception; I expect to vote as I have heretofore voted with him whenever he desires to take up the financial measures, but, from my deep conviction that we ought first to dispose of the pending measure, I feel constrained on this occasion to vote against him.

Mr. CHANDLER. I do not think there is any necessity for any such understanding as the Senator from Wisconsin desires. If we can stop men from talking, we can vote on this measure. There is not a man in this body whose mind is not made up upon it; there is not a man who by making a speech expects to change a vote. Why not go on, then, and vote, and stop this eternal talking on a subject that the Senate and the country have made up their minds about? If the talking men will stop their talk, we can do the business which the country demands of us; unless they will, we cannot.

Mr. FESSENDEN. If there can be an amicable understanding about this matter, I shall be glad. I hope Senators will do me the credit to believe that I have only a desire to do my duty in this matter. I must have the naval appropriation bill disposed of by the Senate during this

week. That is essential. If the honorable chairman of the Committee on the Judiciary thinks that to-day and to-morrow will suffice for his joint resolution, and is willing to try the experiment whether we can get through with it in that time, and will not feel that I shall be trenching on his prerogative on Thursday by insisting then upon our going on with the appropriation bill, I shall withdraw my motion so far as to allow this measure to go on to-day and to-morrow. I do not wish to press my motion now against the sense even of a part of my friends. I would rather accommodate them all if I possibly could.

Mr. TRUMBULL. Of course I cannot tell how many Senators intend to discuss this question, or when we shall get a vote; but I can say that I will take no time upon it, and I will try to bring it to a vote at the earliest moment possible; and I hope we may get a vote in the course of a day or two. Not knowing, however, how many persons may desire to speak upon it, it is impossible for me to say whether we shall be through with it to-morrow or not. I hope we shall be, and I see no reason why we cannot get through with it then; but if to-morrow evening we should find that we were not through, but could finish it even in another day, I think it would be bad policy to lay it aside, and then perhaps spend a week upon it when we take it up again ten days or two weeks hence. I think it better to hold on to it and bring it to a conclusion at the earliest moment we can. I see no reason why it should be protracted. So far as I am advised, there are no persons who desire to speak upon it who will occupy more than to-morrow. In fact I do not know any persons designing to speak on it who will take up more than to-day; but there may be Senators who have not communicated with me on the subject.

Mr. GRIMES. I am as much in favor of the passage of the joint resolution to amend the Constitution, I think, as anybody, and I do not know but that I am just as zealous for it as anybody; certainly I am not indifferent to it; but still, if the vote is to be put, I shall vote to take up the naval appropriation bill, and for this reason: the naval appropriation bill probably will not occupy more than one day, and there are reasons why it should be acted upon at an early day every session that do not apply to any other appropriation bill. The laws on your statute-book governing the Secretary of the Navy and the heads of the different bureaus of that Department, require them to advertise a certain length of time before any contract can be made. They cannot advertise until they know what appropriation is made. The rule does not apply that the Senator from Illinois was so strenuous about enforcing on the Senate as an inference from the fact that this money is not to be expended until after the 30th of June next. That is true; but they cannot make contracts to take effect from and after the 30th of June unless they know whether they are going to have any money to meet those contracts or not. Some of them require four months' advertisement.

The great error we have committed is in allowing this appropriation bill to lie over as long as we have. I do not think that because I shall vote to take up the Navy appropriation bill, and occupy one day of the Senate with it, I thereby show an indifference to the great measure which the Senator from Illinois has in charge. I think it is necessary to keep the wheels of Government moving while we are attempting to amend the Constitution, and not to impose upon our servants who have charge of the Navy Department the necessity of violating the laws of the country that we have established for their government, and that will be the effect of postponing the measure.

The question being taken by yeas and nays, resulted—yeas 18, nays 21; as follows:

YEAS—Messrs. Anthony, Buckalew, Carlile, Clark, Collamer, Conness, Cowan, Davis, Fessenden, Foot, Grimes, Johnson, Powell, Ramsey, Riddle, Saulsbury, Sherman, and Van Winkle—18.

NAYS—Messrs. Chandler, Dixon, Doolittle, Hale, Harding, Harlan, Harris, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Sprague, Sumner, Ten Eyck, Trumbull, Wade, Willey, and Wilson—21.

The VICE PRESIDENT. The motion of the Senator from Maine is disagreed to. The joint resolution (S. No. 16) proposing amendments to the Constitution of the United States is now before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Kentucky [Mr. DAVIS] to the amendment reported by the Committee on the Judiciary.

Mr. JOHNSON. Mr. President——

PERSONAL EXPLANATION.

Mr. HARLAN. If the Senator from Maryland will allow me, I desire to make a personal explanation before he proceeds.

Mr. JOHNSON. Certainly.

Mr. HARLAN. My attention has been called to a remark made by me a few days since in the Senate on the discussion of the bill to organize a territorial government for Montana, in which I alluded to the Commissioner of the General Land Office in these words, as reported:

"If it was his opinion that this consolidation should not take place—that is, if he should carelessly throw out an intimation of that kind—I would account for it in this way: there are very few of the heads of Departments or bureaus that are willing to curtail the patronage of their offices. I remember now very well that when I proposed a year ago to consolidate the Dakota district with that of Kansas and Nebraska or with that of Minnesota, an objection was raised in the office, and when I came to inquire into the facts I found that a brother of the Commissioner was the present incumbent in Dakota; and supposing that men are influenced by the ordinary motives that sometimes sway the judgment of men, I drew the conclusion that that might possibly have a slight influence on his judgment."

I understand that the Commissioner thinks this language may be so construed as to reflect on his integrity as a gentleman or as an officer. I certainly did not so intend it; nor are the words here reported those that I intended to use. I intended to state that his brother was an incumbent in the office, and not to use words implying that he was the surveyor general in the office. I ought to state, I think, in this connection, that in my intercourse with the head of that bureau, I have formed the opinion that he is a man of strict integrity, a very laborious, able, and efficient officer, and one in whom I would confide implicitly; and I *did* not intend to use language that could be differently construed.

AMENDMENT OF THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States.

Mr. JOHNSON. Mr. President, I am fully conscious, in rising to address the Senate, of the great importance of the measure to which I am about to speak. Indeed, in that respect it cannot be exaggerated. To manumit at once nearly four million slaves, who have been in bondage by hereditary descent during their whole lives, and who, because they were in bondage, and as one of the consequences of the condition in which they were placed, have been kept in a state of almost absolute ignorance, is an event of which the world's history furnishes no parallel. Whether if it succeeds it will be attended by weal or by woe, the future must decide. That it will not be followed by unmixed good or by unmixed evil, is perhaps almost certain; and the only question in my view that presents itself to statesmen is, first, whether the measure itself be right, independent of its consequences; and secondly, whether those consequences may be such as render it inexpedient, because inhuman in other particulars, to do what is right.

There was a period in our own time when there was but one opinion upon the question of right, or almost but one opinion upon that question. The men who fought through the Revolution, those who survived its peril and shared in its glory, and who were called to the Convention by which the Constitution of the United States was drafted and recommended to the adoption of the American people, almost without exception thought that slavery was not only an evil to any people among whom it might exist, but that it was an evil of the highest character, which it was the duty of all Christian people, if possible, to remove, because it was a sin as well as an evil.

I think the history of those times will bear me out in the statement that if the men by whom that Constitution was framed, and the people by whom it was adopted, had anticipated the times in which we live, they would have provided by constitutional enactment that that evil and that sin should at some comparatively unremote day be removed. During our colonial dependence, and immediately preceding the epoch when our fathers found it necessary to claim for themselves the freedom which was their right, one of their complaints against the Government from which they were about to disengage themselves was that that Government had, by its own power, and against the will of the colonies, brought Africans as slaves and settled them in the United States; and from the period that their numbers increased so as to promise a still greater increase, almost every man of reflection at that time who looked to the future was satisfied that sooner or later the country would, because of it, be involved in trouble; and they also fondly looked to the period, not only with hope, but evidently with confidence, when, from a conviction of the danger as well as from a conviction of the sin of the institution, it would be removed. Without recurring to authority, the writings, public or private, of the men of that day, it is sufficient for my purpose to state what the facts will justify me in saying, that every man of them who largely shared in the dangers of the revolutionary struggle, and who largely participated in the deliberations of the Convention by which the Constitution was adopted, earnestly desired, not only upon grounds of political economy, not only upon reasons material in their character, but upon grounds of morality and religion, that sooner or later the institution should terminate. Its recognition in the Constitution, therefore, (for it is idle, as I think, to deny that it is there recognized,) the authority given by implication to a trade which might lead to its increase by immigration, was not because a large majority of the members of the Convention, and a large majority of the people of the United States in the mass favored the institution, but because they believed that without provisions of that description it would be difficult to have a Union adopted. Whether they were right or wrong, it is now useless to inquire. Judging by what was occurring at the time, it is possible, and perhaps even more than probable, that they were right; but if they made a mistake as to that fact, if the Union could have been adopted without the recognition of the institution in the Government which formed it, if its gradual extirpation could have been provided for, no one who is a spectator of the scenes around us will now fail to regret that it had not been done.

The opinion that I have, Mr. President, (and I only ask permission of the Senate to recur to it, not because it can have any influence except for the purpose of showing that that opinion has been uniform,) the opinion that I have of it now I have entertained ever since I was capable in my own belief of forming a judgment upon human rights. But in the public situations in which I have been placed heretofore as well as in the one in which I now stand, I have deemed it my duty to recognize the binding and paramount authority of the Constitution, to yield my moral convictions to the obligation of that instrument, and not to esteem myself as excusable or justified in construing it by any views of morality which I might entertain, or in construing out of it any provisions that might be found in it inconsistent with such views. I have therefore in the past when the subject has been before me for official action steadily maintained to the extent of whatever ability I might possess the binding authority of that instrument; and in what I am about to urge now in support of the measure which is upon your table, I am not departing from the conviction that that authority should be implicitly acquiesced in. I am about appealing to the authority of the Constitution itself as a justification for the vote which I shall give upon this measure.

A word or two further by way of preliminary remark. My honorable friend who now presides over the body (Mr. CLARK in the chair) thought proper, and with it I find no fault, to charge nearly all the calamities which the nation has sustained in the past, whatever these may have been, upon this institution. However, in my judgment, the present war might have been avoided by a different course of public policy and of popular sentiment from that which has prevailed, and however satisfied I may be or am that at least during our times, the existence of the present generation, it might have been avoided if a different policy had been adopted, I am satisfied now, and I was satisfied throughout all the contests in which that question has been presented, that sooner or later the present condition of things was inevitable or something nearly like that. If there be justice in God's providence, if we are at liberty to

suppose that He will abandon man and his rights to their own fate, and suffer their destiny to be worked out by their own means and with their own lights, I never doubted that the day must come when human slavery would be exterminated by a convulsive effort on the part of the bondsmen, unless that other and better reason and influence which might bring it about should be successful—the mild though powerful influences of that higher and elevated morality which the Christian religion teaches. I concurred and concur still in the judgment of the great apostle of American liberty, the author of that Declaration which is to live through all time as the Magna Charta of human rights, that in a contest between the slave to throw off his thralldom and the master who holds him to it, the God of justice could take no part in favor of the latter. And as I have said to the Senate already, and alluded to it on a former occasion, my opinion upon the institution is not now for the first time announced.

I participated in a debate in this body in 1847, when Mr. Calhoun was one of its leading spirits, a man of almost unparalleled ability, weakened, if weakened at all in its actual exercise, only by its acuteness. He tried to satisfy the Senate, as I have no doubt he had satisfied himself by his own sophistry, that republican freedom and human African slavery could only exist together, and he proclaimed his devotion to the Union and to the principles of the Constitution upon the ground that those principles recognized the existence of human slavery, and by its recognition enabled republican Government to stand. In replying to that truly great man—and in all the relations of life, at least in all the relations of private life, most excellent man—I expressed views which, with the permission of the Senate, I will now read. Having in the course of the debate denied the authority of Congress to annex to a territorial bill what was called the Wilmot proviso, and, under the then condition of the country, if the authority existed, the expediency of annexing it, (from which it might have been inferred, if I had stopped there, that I concurred in the remarks of the honorable Senator, and that I was one of the southern men who, departing from the teachings of their fathers, had become a convert to the institution itself as one not only warranted morally but guarantied almost as a religious institution,) I said:

"Having expressed this opinion, it is due to myself, and to convictions long and unalterably fixed, to state the opinion I entertain upon the institution of slavery itself. I have no opinion which I wish to conceal upon any question, whether it arises prematurely or not, if it does arise. I believe, and have ever believed since I was capable of thought, that it is a great affliction to any country where it prevails; and, so believing, I can never vote for any measure calculated to enlarge its area, or to render more permanent its duration. In some latitudes, and for some agricultural staples, slave labor may be, to the master, the most valuable species of labor, though this I greatly doubt. In others, and particularly in my own State, I am convinced that it is the very dearest species of labor; and in all, as far as national wealth and power and happiness are concerned, I am persuaded it admits of no comparison with the labor of freemen; and, above all, disguise it as we may, if the laws of population shall not be changed by Providence, or man's nature shall not be changed, it is an institution, sooner or later, pregnant with fearful peril. It is unnecessary and would be improper to enlarge on such a topic. In my own State, sir, I am satisfied that, but for the movements of political abolitionists, slavery would scarcely now have existed. The current of public opinion was all setting toward its gradual extinction. Laws were passed to encourage and facilitate manumission, but these movements have changed this opinion, and caused laws to be modified, almost to the prohibition of freedom.

"The opinion I hold upon this institution is not now for the first time formed or expressed by a southern man. The history of our country proves this. At the period of the Declaration of our Independence—at the period of the adoption of the Constitution—there was but one sentiment upon the subject among enlightened southern statesmen. What I have said was, on every proper occasion, more forcibly said by them, and, as foremost among them, by Mr. Jefferson and Mr. Madison, and, as far as I know, their opinion was ever unchanged. I do most earnestly hope, therefore, and I believe that if the South is left to itself—if the North does not interfere with us—before a century shall have passed, slavery will cease to exist by gradual and peaceful emancipation, and as its consequence, by increasing, instead of diminishing, the wealth and power of the States where it now prevails.

"After having said this much, it is hardly necessary to say that I differ with the honorable Senator from South Carolina as to the conservative influence of slavery upon our free political institutions. I do not hold with him that they depend in any degree upon the existence of slavery. If I did, I should value them infinitely less than I do. In my judgment, they rest upon the virtue and intelligence of the people, and have their firmest support in the blessings which they impart."—*Congressional Globe, Twenty-Ninth Congress, second session, p. 554.*

With these impressions, Mr. President, I am called upon to decide for myself what is best to be done to get rid of an institution so pregnant with mischief, so full of peril. I shall not stop to inquire, as I intimated just now, whether it has produced the war or not. One thing, in my judgment, is perfectly clear, now that that war is upon us, that a prosperous and permanent peace can never be secured if the institution is permitted to survive; and will it not survive unless a measure like that upon your table shall receive the sanction which the Constitution requires? That brings me to inquire into the legality and the effect of the other means by which it is proposed to get rid of it.

The honorable member from Ohio, [Mr. SHERMAN,] if I understood him correctly, in the speech made some weeks since to which we all listened with so much pleasure, and for myself with so much instruction, seemed to consider it as within the power of Congress by virtue of its legislative authority. There are many well-judging men, with the President at their head, who seem to suppose that it is within the reach of the Executive; while, on the contrary, there are some among us who express the opinion that it is not within the scope of either executive or legislative authority or of constitutional amendment. In my judgment, it can only be effected in the latter mode; but before I proceed to the consideration of the questions which belong to that particular inquiry, I will address myself to the other two ways by which it is maintained by some that the end may be accomplished.

First, can it be accomplished by the President? He does not claim for himself—he has not gone to that extent—the authority to abolish slavery except as an incident of the military power with which in the state of civil war in which we are engaged he is vested as Commander-in-Chief of the Army. He maintains that it is a power incident to that command; and the honorable member from Ohio (for the remark is equally applicable to this ground of power as well as to the legislative ground of power) takes apparently the same view. He told us—and in the statement he was partly correct, but for his purpose, as I think, substantially wrong—that the Supreme Court of the United States at the last term had decided that there existed between the seceding States and the United States a condition of war which gave to the United States and the seceding States as against each other all the belligerent rights which belonged to a state of war existing internationally.

I think I speak it advisedly when I state that the Supreme Court, whatever may have been their language, designed laying down no such proposition. They asserted, what cannot be denied, because your own legislation had recognized its existence, and because the fact, independent of that recognition, was apparent, that a state of war did exist; that the insurrection, however it might, in the first instance, have been arrested by means of the mere civil power of the Government, had culminated to a point which placed it beyond the reach of that power, and beyond the reach of any other power but the power of war with which the Government of the United States is clothed; but in so saying they only meant for the purpose of the particular cases which were before them, and in regard to the particular questions presented by those cases, to rely upon the belligerent rights growing out of that condition of things in order to justify the conclusion to which they came, that goods captured upon the high seas abroad from the territorial limits of the seceded States were to be considered as prize of war and to be determined by the principles applicable to prize law as known to the law of nations. But in so saying, and in meeting the objection that although in one sense it was a war, yet in another sense it was a mere rebellion in which each one of the parties concerned in the seceded States was committing from day to day, and as often as he denied the authority of the United States and attempted to maintain his denial by force of arms, treason, they said that these parties were not the less to be considered as enemies because they were traitors.

The Supreme Court never pretended and never intimated, as I read their opinion, that the existence of that belligerent relation terminated all the civil obligations which the citizens of the seceded States were under to the Government of the United States; but, on the contrary, announced it as the inevitable inference from the statement which I have just made, that in their view they were enemies although traitors; that although they were enemies, they were not less so because they were traitors; that in point of fact, as the parties then stood, there was due from each one of the citizens or inhabitants of the seceded States an allegiance and an obligation to fulfill it, and of course to observe the laws and yield to the authority of the United States, which, at the end of the war, if that end should be so successful as to reinstate the Government of the United States in authority, might proceed against them under the laws of the land as traitors, and in the sense of the Constitution which defined the crime of treason.

It would be monstrous, Mr. President, as I think, if it were otherwise. There are now—I think the number has been lessened, and it is due to truth, as I think, so to state, by the policy which has been adopted in the prosecution of the war—but there are now in the rebellious States hundreds and thousands of citizens just as devoted to the Union as any member of the Senate, and just as anxious to see its authority restored as any member of this body. These are entitled, therefore, to the protection of the Government. Their obedience in point of fact and their ostensible obedience to the eye to the power which is around them, in itself a Government *de facto*, is an obedience which they have no power to resist, and upon the well-established principles of the laws of nations is an obedience in which there is no crime.

All that the Executive can do as the head of the military in this war is to be derived, and to be derived exclusively, from what is called the war power. The bringing into existence that power practically is a matter for Congress. The President may, in the absence of an act of Congress declaring war, wage a war of self-defense; may receive war tendered by another nation before Congress shall recognize it. That was done in the case of the Mexican war. All that Congress did by the act which they passed in 1846, after the first battles of Palo Alto and Resaca de la Palma, was to recite, in the act of Congress which provided for the increase of the Army, and appropriated a sum sufficient for that purpose, the existence as a fact of the war brought about by the action of Mexico. The war power, therefore, is in the Congress of the United States, subject to their control, and the power of the President of the United States, consequent upon the existence of a war in point of fact, as a power derived from his right and constitutional authority to command the armies of the United States, as far as a question of this description is concerned, is a power limited from day to day by the progress which the war may make.

If it be true—and I shall not stop to inquire—that it is a legal exercise of a belligerent right to manumit the slaves of the enemy, one thing is perfectly certain as a proposition equally applicable to a civil war, which in this aspect, with reference to the power which it confers on the President, stands precisely in the condition in which his power stands in the case of an international war, that he has no practical power to effect the manumission of slaves belonging to the enemy where he has not the physical power to attain that result. To proclaim freedom in Washington, or to proclaim it upon the confines of loyal territory before your armies have marched at all toward the subjection of the rebellion, toward the conquest of the foe, of itself operates nothing. The President never uttered a truth more absolutely sound than when he stated that a proclamation of manumission or of freedom could have just as much effect upon the slaves of the enemy as a popish bull would have upon the course of a comet. All, therefore, in my view, that can be accomplished by means of presidential power derived from his being by the Constitution placed at the head of the armies of the United States in this war is, that if he can get the slave under the control of the Union he can manumit him.

Slaves are property in one sense. No one, I think, can deny that. That is to say, by the laws of the States where the institution exists they are property; and with reference to such laws there is no distinction at all between that species of property and any other species of chattel property. Everything that can be done in regard to every other species of property can be done in regard to this. That being the case, if the President of the

United States, by proclamation, can, by force of that proclamation alone, strike the chains from the limbs of these poor bondmen, take from the parties who are entitled to hold them the property which by the laws of the States they have in them, he can, by proclamation operating *propria vigore*, take any other species of property and appropriate it to the use of the United States without going within the limits of the rebellious States. Nobody, I suppose, will contend that that can be done.

In my view, therefore, it is just as futile, just as idle to seek to emancipate the slaves in the seceding States by means of a proclamation with which the armies of the United States do not march from day to day, and practically execute by getting possession and control of the slaves, as it would be, futile and idle, if, by a proclamation, the President of the United States was to declare that all the soldiers in arms against the United States should be considered as captives. Whatever authority, therefore, may be the result of the war power with which the President is clothed, it is an authority limited by the actual physical war power which he is exercising under the authority of the war power.

If these slaves come to the standard of the United States, or if that standard is carried within the territorial limits of the foe and the slaves are there within its control, discharged actually from the domination of their masters, the proclamation which declares them free may, and I am inclined to think will, have that effect. But just as sure as anything in the future can be said to be sure, is it, in my judgment, that if the war was to terminate to-day, or whenever it shall terminate, without any provision being made for the condition of the slaves who have not come within the actual control of the military authority of the United States, they will be decided by the courts of the United States to be slaves still.

It is evident that the tendency of the President's own mind led to that result. In his proclamation of amnesty he says, I do not mean by the terms which I offer to you of the rebellious States to announce for myself that your slaves have been emancipated by force of any proclamation which I may have issued; I think that that will be the result; I think the proclamation may have an effect coextensive with your entire territory; that every slave within the limits of the seceding States, whether they have actually come or may come within the authority of the United States or not, will be, by force of that proclamation, made a free man; but when I offer to you an amnesty, coupled with the condition that you are to support not only the Constitution of the United States and the laws made in pursuance of the Constitution by Congress, but that you are to support any proclamations that may have been or may hereafter be issued by the Executive from time to time, I am willing that you shall take that oath subject to the right of having that question decided judicially in the future. He, therefore, by the very terms of his amnesty evidently considered that it will be a question not decided if these rebels shall return, will be open for contest; that he is willing, and he invokes them to come to the same mode of having the question decided finally, that it shall be decided as a judicial question by the courts who may have jurisdiction over it in the future. In that, I think, he was right. In the belief that the courts will so decide in the future, I think he is wrong with reference to that class of slaves who, if the war was to terminate to-day, will, in my judgment, be entirely unaffected by the proclamation and still as much slaves under the Constitution as they were slaves before the rebellion was instituted.

Mr. President, if I am right in thinking that the object cannot be attained by means of the presidential war power——

Mr. FESSENDEN. Will my friend allow me to ask him a question? I do it simply because I wish to have his answer for my own information.

Mr. JOHNSON. Certainly.

Mr. FESSENDEN. What would be the effect of the proclamation, in his judgment, upon a territory not in the possession of the Government or of our Army at the time the proclamation was issued, but which, after that time, should come into our possession, so that the slaves within that territory would be under the immediate control of the Government or the Army?

Mr. JOHNSON. A Territory not a State at the time?

Mr. FESSENDEN. I am speaking of territory generally; a portion of the country, part of a State, if you please, which comes into our military possession after the issuing of the proclamation.

Mr. JOHNSON. What I intended to say (and I am glad that my honorable friend has put his inquiry to me) was, that in my view—and I state it with all the deference for the opinion of others which I sincerely entertain—if the rebellion was terminated to-morrow, and the authority of the United States was reinstated in every one of the States now in rebellion, the proclamation would have no influence at all upon the status of those bondsmen who were not brought antecedently under the influence and control of the military power.

Mr. FESSENDEN. Antecedently to the proclamation?

Mr. JOHNSON. Antecedently to the proclamation. I am speaking of the proclamation.

Now, a word or two only in reply to my honorable friend from Ohio, [Mr. SHERMAN.] He seems to think the object can be accomplished by means of the legislative war power, so to term it. In my judgment the difficulties——

Mr. FESSENDEN. Did the honorable Senator understand me? I wish to know whether I understand him. Suppose, by way of illustration, that before the rebellion ended we should overrun the State of Georgia and that State should be within our military possession, so that every slave was in our possession, would those slaves be free in consequence of the proclamation if nothing further was done?

Mr. JOHNSON. If there is a right to emancipate slaves as a belligerent right, upon which I express no opinion. Mr. Adams, in his controversy with England, as I am sure the honorable member will recollect—I have got the State Papers before me—took the broad ground that the state of war did not authorize a belligerent to emancipate the slaves of his enemy. I am not here to maintain or to deny the existence of that right. I rather incline to the opinion that Mr. Adams was wrong, and that the opinion which he subsequently expressed in a debate in the House of Representatives, I think in 1836, that slavery might be abolished by means of the war power in a certain state of things was the better opinion. But that is a question full of difficulty.

Mr. COWAN. Will the Senator allow me to ask him a question?

Mr. JOHNSON. Certainly.

Mr. COWAN. The question decided by Mr. Adams was that, according to the terms of international law, one belligerent had no right to free the slaves of another. That is neither here nor there as to the question I am about to put, and it is this: suppose that by virtue of the paramount authority of the United States requiring citizens of the several States for military service, she were to disturb for a time the relation which existed between the parent and child, the master and his apprentice, but not disturb it long enough to cover the whole period of the tutelage or apprenticeship; what would be the effect afterwards upon the discharge of the minor or the apprentice from military service? Would he fall back again into his natural place under the master or under the parent as before? Is there any authority in this Government to prevent that return to his original status of owing service either to the master or the parent?

Mr. JOHNSON. If the honorable member from Pennsylvania will excuse me, instead of anticipating what I propose to say on that question, I will give an answer to him when I come to that part of the discussion to which I suppose the question properly belongs.

Mr. Adams, in one of his dispatches which he sent to the President of the United States on the 22d of August, 1815, said, speaking of the taking by the British of our slaves and discharging them:

"We considered them as deviations from the usages of war. Our object was the restoration of all property, including slaves, which by the usages of war among civilized nations ought not to have been taken. Slaves were considered private property. All private property on shore was of that description. It was entitled by the laws of war to exemption from capture."

Mr. SUMNER. If I can have the attention of the Senator for one moment just on that point, I would remind him that Mr. Adams on at least one occasion in the House of Representatives made the statement that he wrote dispatches, as Secretary of State, under the direction of the President, in which he himself did not concur: in writing them he simply held the pen. He did not say that that was one of the dispatches; but he did on an important occasion make that statement; and, as the Senator well knows, on three different occasions in the House of Representatives he undertook to state his own individual views on that precise question.

Mr. JOHNSON. I am aware of that, sir. I do not know that the remark attributed—and no doubt correctly attributed—to Mr. Adams had application to this particular subject. From what I had the honor to know of the character of that statesman I more than doubt whether it had. If there was any man in this land or in any other land who was devoted to human liberty more than any other, it was Mr. Adams.

Mr. DAVIS. Will the honorable Senator permit me to ask him a question? Will he give the Senate the date of that dispatch of Mr. Adams, from whence it was written, and to whom it was directed?

Mr. JOHNSON. I thought I did give the date.

Mr. DAVIS. You did, but I wish you would give it again.

Mr. JOHNSON. It is dated on the 22d of August, 1815.

Mr. DAVIS. Where is the dispatch dated?

Mr. JOHNSON. From London, where he was then minister.

Mr. DAVIS. Then instead of being written under the direction of the President, it was written on the other side of the Atlantic to the President.

Mr. JOHNSON. Yes; but he may have had instructions from the President about it, notwithstanding.

Mr. SUMNER. It might have been written in London, but it was addressed to the British Government.

Mr. DAVIS. I read very carefully the debate to which the Senator alluded, in which Mr. Adams made his declaration. I was present and heard it. It does not accord with my recollection that in relation to that dispatch Mr. Adams made the explanation to which the Senator alludes.

Mr. SUMNER. The Senator will understand I do not say that he did mention this dispatch. He said that it had been his fortune in public life to hold the pen in order to state a case in which he did not concur.

Mr. DAVIS. I will suggest that we all let the honorable Senator from Maryland alone and let him finish his speech in his own way, and then such gentlemen as choose to notice it can notice it in their way.

Mr. JOHNSON. If the Senate will acquiesce in the suggestion of my friend from Kentucky they will personally oblige me, that is, that these questions shall be put after I shall have concluded my remarks, and I will endeavor to answer them if I can, rather than that they should be interposed in the course of my argument. To carry on a running fight with three or four Senators on the other side is rather more than I am equal to.

I was about to say that from my knowledge of Mr. Adams, independent of the testimony which is certainly pregnant with information on the subject to which the Senator from Kentucky refers, I do not believe any man in the world could have got him to announce any principle as a principle of national law that would prove practically injurious to human freedom. He not only announced the doctrine for which I refer to his dispatch of 1815, but when the subject of the obligation of England under the treaty of Ghent to pay for the slaves which her navy had taken off was referred to the arbitrament of Russia in his correspondence as Secretary of State to our minister at St. Petersburg he took the same ground in even stronger terms; that is to say, that there was no belligerent right to emancipate the slaves of an enemy.

My friend from Maine [Mr. FESSENDEN] is under the impression that I did not understand his inquiry. I did; and it would be my fault if I did not, because he always puts his points so as to make them clear almost to the dullest comprehension. His inquiry was, supposing the proclamation of emancipation to be inoperative upon

such of the States as were not at the time within the military possession of the United States, although it is dated at a long antecedent period to subsequent military possession, whether, if that subsequent military possession is acquired while the proclamation remains unrevoked, the proclamation will not be as operative upon the slaves within the territory, the possession of which is thus subsequently acquired, as it would have been if it had been in our possession at the date of the proclamation? It think it will; but still, although I confess the leaning of my opinion, after a good deal of reflection, is to the affirmative of the inquiry, I am not to be understood as holding the very positive opinion that that proclamation would be operative. My impression is that it would be. I think that the view taken by Mr. Adams, in the House of Representatives, on the occasion adverted to by the Senator from Massachusetts, is the sounder opinion. I believe that it is the rightful exercise of a belligerent power to emancipate the slaves of the enemy, if we can get possession of them, just as it is a rightful exercise of a belligerent right to take any other property belonging to the enemy, which may be taken under the civilized rules of modern warfare, or as it is a belligerent right to capture any other person of the enemy.

Now, Mr. President, a word or two upon that subject before I leave it. I have had occasion more than once to say—and that opinion I confidently entertain—that although by the laws of the States, Africans are made property, under the Constitution of the United States they are, with reference to the war power of the Government, persons, may be used as persons, brought into the field to maintain the authority of the Government, to which as persons they owe allegiance. If they are persons subject to our military control, if they are persons adding to our military power, they are for the same reasons persons under the military control of the foe, and may increase the military power of the foe; and they are just as much within the control of the United States as any other thing in the possession of the enemy which may be used advantageously by the enemy in carrying on the war against the United States.

I was about to say a word or two upon the second head, the legislative power, on which my friend from Ohio [Mr. SHERMAN] more or less relied. It is true that the Congress of the United States by the Constitution is clothed with an authority to declare war; and it is maintained that under the authority to declare war slaves may be emancipated. That may be true; but it may not be true so as to do away with the necessity of the measure upon your table. They may be emancipated, *quo modo?* The power, like whatever emancipating power the President may be clothed with under his authority as Commander-in-Chief executing the war power, is limited by the practical exercise of that war power. How far do your troops go? Against whom are they fighting? My friend from Ohio, as I understood him, seemed to suppose—and that is the view, I think, of one of the measures contemplated by the honorable member from Massachusetts—that Congress can by law not only manumit slaves in the seceded States, but slaves in every State.

Now, first, as to the seceded States, how is it to be accomplished by legislative authority under the war power, except as subject precisely to the same limitation with which it can be accomplished by the President under the authority of the same power, that portion of it which by the Constitution is intrusted to him? Can Congress by an act of its legislation declare all the slaves in the seceded States free, and if peace is made to-morrow and the independence of those States is recognized, will they be free? I suppose nobody will contend that; and yet if to make them free is a part of the legislative power of the Government it operates at once; and in point of law, should there be any tribunal who will decide upon the principle of law and justice, slavery will have been ended in every State, although we never should reinstate the authority of the United States, but on the contrary the rebels should achieve their independence. I suppose nobody will pretend that that would be the result of a measure of that description; and if not, why not? If the authority to emancipate is in the Constitution now and operates now, they are free the very moment you exert the authority. Power may bring them back to slavery; or rather power may deny their freedom; the violence which brought their ancestors from their native home may be renewed; but in the eye of justice, in the judgment of every enlightened tribunal, if in point of legal operation a law passed now operates of itself to emancipate them all, although we should terminate disgracefully the war to-morrow by recognizing the independence of those States, all the slaves within the limits of those States would be free. If they would not be free—and I imagine my friend from Ohio will admit that it would not be so in point of law, as we know it would not be in fact—if they would not be free by the exercise of the legislative power in that mode, then there is a limitation of that power when exerted by the Legislature, as well as a limitation upon it when that portion of it with which the Constitution clothes the President is exerted by the President; and what limitation is that? The limitation of actual physical military power. Get the slaves under the protection of your standard, and if you think proper then is the time, (and before then you are impotent to accomplish it,) make them free; but until then the effort to accomplish it by the mere exercise of legislative authority, in my judgment is just as futile as the effort to accomplish it by the mere exercise of executive authority.

That is not all. In order to gain the end which, in common with a majority of the Senate, I have at heart, the abolition of slavery by means of the exercise of this legislative war power, my friend must go a step further and show that it is a power which may be exerted over the loyal as well as the disloyal States. Will that proposition bear examination? The Constitution of the United States, as we all know, in a state of peace gives no power to any branch of the Government of the United States to interfere with slavery in the States A few wild men carried away by some loose and undefined notions of human liberty with which the Constitution does not deal, think that they find in the principles of the Declaration of Independence and in the great principles which were the object for establishing the Constitution of the United States, principles so inconsistent with human slavery that the Constitution not only does authorize the legislative department of the Government to put an end to it, but makes that the duty of the Government; or rather, that it is so inconsistent with the principles upon which the Government is founded that the judiciary, if called upon to decide, will decide that there can be no human slavery. I will not stop to examine that. I assume what, with the exception of a few persons to whom I have just alluded, has been the universal opinion—the opinion pronounced by the convention which nominated the present incumbent of the presidential chair, over and over again announced on the floor of Congress, announced upon the floor of Congress by overwhelming majorities since this rebellion commenced—that with the existence of human slavery in the States, the Constitution of the United States in a time of peace has nothing whatever to do. If it has not, and I admit, for argument's sake, or as I think is the law, that in time of war the Government of the United States may in a certain condition of things effect the object of freeing slaves, putting an end to the institution under the military power, it can only be in those cases and against those people against whom they have a right to exert their power. Because one or more States have seceded and have carried their secession to an extent that they have become belligerents in a certain sense toward the United States, what right have the United States, in the exercise of the power which they are authorized to wield for the purpose of putting down the rebellion and reinstating the authority of the Government, to interfere with the loyal States of Maryland, or Kentucky, or Missouri? Have they any right to declare war upon Maryland, or upon either of the other States that I have named? Certainly not; and if so far from having the authority to carry on war against a loyal State, they are carrying on the war against the disloyal States by means of the power of the loyal States, including Maryland, Kentucky, and Missouri, it is a contradiction in terms that in the exercise of that war power they can, as against themselves, against the loyal States, exert an authority incident alone to the war power, when the war power itself is applicable alone to a state of war.

In my view, then, Mr. President, without troubling the Senate further upon these two heads of inquiry, what we seek, or what I wish to have done, slavery abolished, cannot be done in either of those two modes. Then there is another, an amendment to the Constitution. Now it is said it cannot be done in that mode. The honorable member from Kentucky [Mr. DAVIS] if I understood him correctly, in the very elaborate speech which he delivered upon the subject a few days since, full of all the learning which belongs to the question and pregnant with a very ingenious application of that learning, seems to think that there is something in the admitted sovereignty of the States which is inconsistent with the authority of the people of the United States to amend the Constitution so as to trench at all upon the existing authority of the States. The honorable member from Delaware [Mr. SAULSBURY] takes another ground, and that is, that as slaves are made property by the laws of the States, that property, like every other description of property, is not the subject of Government interference, except as that interference may be necessary for its protection. Now, a word or two upon each objection.

The honorable member from Kentucky is right in saying that in a certain sense the States are sovereign; but if he means by that to say that the United States in another sense are not equally sovereign, he is mistaken. The school of which Mr. Calhoun was the head, and the antecedent school by whose teachings he professed to be governed, that which had for its head Mr. Madison, seemed to have been under the impression, and unfortunately succeeded in inculcating it upon the public mind too strongly for the peace of the country, the safety and prosperity of his own section, that the only sovereignty was that which belonged to the States. There never was a greater political heresy. The States in the first place were never disunited. As one they declared independence. As one they fought and conquered the independence so declared. As one, in order to make that independence fruitful of all the blessings which they anticipated from it, they made the Constitution of the United States. The Articles of Confederation suddenly prepared were found during the war, and for three or four years subsequent to the war, to be not only not suited to the purposes of the men by whom those Articles were agreed upon, but to be destructive of the very purposes for which our fathers fought and bled and triumphed in establishing their independence. They met in convention, they adopted the Constitution in convention, and recommended it not to the States in the capacity of States, not to the governments of the States as governments, but to the people of the States for their adoption; and they could have submitted it in no other way. Any other mode of laying it before the country would have been inconsistent with the preamble to the instrument, which states that it is the work of the people as contradistinguished from the States. How the people were to assemble, where they were to assemble, what influences were to govern them in deciding for or against the Constitution, is immaterial. When they once decided in its favor, the people of each State agreed as a people with the people of every other State that that should be the form of Government. They consented in adopting the Constitution as a people that the Constitution, if adopted by the people of nine States, should be the Constitution of the people of those States in the aggregate.

So said the Supreme Court of the United States in the case of McCulloch *vs.* The State of Maryland in the opinion given by Mr. Chief Justice Marshall. So said the same court in the opinion given, and it was the unanimous opinion, in the case of Booth *vs.* The United States by the present Chief Justice. They both announced as the clear operation of the Constitution and as a fact ever to be borne in mind in construing the Constitution of the United States, that it was the adoption of the people of the United States, and that the sovereignty of the United States to the extent of the powers conferred upon the Government of the United States and the sovereignty conferred upon the governments of the States by the people of the States respectively, was precisely the same and no more than it would have been if they had been framed and adopted at the same time. That is to say, each State, except so far as the people as a people had gone with other

people in depriving themselves of the powers with which they were antecedently clothed, had no authority, as long as that other Constitution remained, to take any step inconsistent with the powers conferred by that Constitution; or, in the language of the court, that each, within the sphere of the authority with which it was clothed, was supreme. There was no absolute sovereignty; that is to say, there was no sovereignty coextensive with the whole scope of political power belonging to the government of either; but each was invested with a portion of the sovereignty which the people might create, and each therefore within the extent of the portion allowed it was to the extent of that portion supreme.

That being the case, what is there in the objection suggested by the honorable member from Kentucky that the States are sovereign? The answer to it is, so is the United States, and so were the people of the United States when they adopted the Constitution of the United States. What they have done is, except in the mode pointed out by the Constitution, irrevocably done, unless there should occur a state of things in which that other and paramount right, never recognized by constitutions of government, comes into existence, the right of vindicating the rights conferred by the existing Government against oppression and tyranny—the right of revolution. There is a letter—I have it not by me now—written in 1833 by Mr. Madison to Mr. Webster, found in the first volume of Mr. Webster's works, the edition by Mr. Everett, and in the biography prefixed to that edition, which states, as I think very clearly, as he ever stated any proposition before him, the character of the two Governments. Mr. Calhoun professed to follow the teachings of 1798 and Madison as at the head of the school by whom the doctrines of 1798 were taught. Madison, however, the founder of the school, so to speak, denounced the conduct of South Carolina as utterly inconsistent with the principles of the school of 1798, and in the letter to which I allude complimented Mr. Webster upon his speech in answer to Mr. Calhoun, as a triumphant vindication of the true nature of the Government, and as demolishing, in his judgment, forever the frightful and unconstitutional heresy of nullification and secession.

Mr. President, if the people of the United States when they assembled together in their several States and adopted the Constitution of the United States were supreme, then it was their right and nobody else's right to provide how long the Government should last, whether it should be changed at all, and if changed how changed. They did provide. They were too wise not to know in advance that the circumstances of the country might change; the Constitution as it was then, admirably suited in their judgment to the wants of the people as they were, might prove inadequate to its cherished end; and they therefore provided by the fifth article of the Constitution for the amendment of the instrument itself, and placed the whole instrument subject to the power of amendment with exceptions, the exception as to the abolition of the slave trade until 1808, and the exception as to the taxing and representative clauses; but everything else was made subject to amendment in the way pointed out by the article, and the article goes on to declare that when amended in the mode so pointed out the amendment shall to all intents and purposes be a part of the Constitution, and of course be as valid as if, instead of coming into the Constitution hereafter by way of amendment, it was incorporated in the Constitution itself as it was originally adopted.

Now, a word or two in answer to the honorable member from Delaware. He says that this measure cannot be constitutionally adopted, because the subject with which it deals, if I understand him, is not a subject for political action. That would be singular.

Mr. SAULSBURY. The Senator will pardon me for interrupting him. He will find no such remark in anything that I said as that the subject was not a subject of political government. I admit that it is a very proper subject for State political government; but I deny the authority of three fourths of the States to take action to abolish slavery in the remaining States, or to destroy property, to say what shall or what shall not be property, because that does not come within the scope, purposes, and objects that the framers of the Constitution, and those who formed the Union, had in making the Constitution. That is the position I have taken.

Mr. JOHNSON. I may have expressed myself inaccurately for the purpose of conveying my own understanding of what the honorable member said; but I did understand him precisely as he has stated now. He says that, with reference to the Constitution of the United States, the institution of slavery is not within the amendatory clause, because, with reference to the Government of the United States, it is not a subject for political interference. Let me ask the honorable member, and he can answer it hereafter if he thinks proper, could human slavery have been abolished by the Constitution originally? I suppose no one will doubt that. If the framers of the Constitution had put a clause in it that slavery should not exist, that it should go out of existence at once, or go out of existence at any period thereafter, instantaneously or gradually, would anybody doubt that it would have been legally operative? Certainly not. If it would have been within the power of the people of the United States, acting precisely in the mode in which they acted in adopting the Constitution as it is, to have provided by an express article for the termination of human slavery, why is it that it cannot be done by them now under the clause which gives to the people of the United States the authority to amend the Constitution? It can only be, not that human slavery is not in itself an object of government; that the honorable member admits not to be the case; it is not because it was not an object of government in 1789; but that it has been taken entirely out of the scope of governmental power, the scope of the political power of the people, because it was not abolished by the Constitution. Why, Mr. President, what says the preamble to the Constitution?

Remember, now the question is, can that institution which deals with humanity as property, which claims to shackle the mind, the soul, and the body, which brings to the level of the brute a portion of the race of man, cease to be within the reach of the political power of the people of the United States, not because it was not at one time within their power, but because at that time they did not exert the power? What says the preamble? How pregnant with a conclusive answer is the preamble to the proposition that slavery cannot be abolished! What does that preamble state to have been the chief objects that the great and wise and good men had at heart in recommending the Constitution with that preamble to the adoption of the American people? That justice might be established; that tranquillity might be preserved; that the common defense and general welfare might be maintained; and, last and chief of all, that liberty might be secured. Is there no justice in putting an end to human slavery? Is there no danger to the tranquillity of the country in its existence? May it not interfere with the common defense and general welfare? And, above all, is it consistent with any notion which the mind of man can conceive of human liberty? The very clause under which we seek to put an end to the institution, the amendatory clause, may have been and in all probability was inserted into the instrument from a conviction that the time would come when justice would call so loudly for the extinction of the institution that her call could not be disobeyed, when the peace and tranquillity of the land would demand in thunder tones the destruction of the institution as inconsistent with such peace and tranquillity; and when the sentiment of the world would become shocked with the existence of a condition of things in the only free Government upon the face of the globe as far as the white man is concerned, and founded upon principles utterly inconsistent with any other form of government than a Government which secures freedom—when the sentiment of the world would be shocked by the continuing existence of human bondage and we should become the scoff and scorn of Christendom.

I am not to be told, Mr. President, that our fathers looked to this race merely because they differed in color from ourselves as not entitled to the rights which for themselves they declared to be inalienable. There was not one of them, from the most humble, intellectually and morally—if there were any humble in that great body which formed the Convention that recommended the Constitution of the United States to the adoption of the American people—who would not have been shocked if he had been told that there was a right to make a slave of any human being. The advocates of slavery now in our midst—I do not mean here, but in the South and in some of the pulpits at the North—say that slavery of the black race is of divine origin. Scriptural authority for its existence and its perpetual existence from time to time, till, as I think, the moral mind has become nauseated by the declaration, has been vouched for its sanctity and its perpetual existence. The Saviour of mankind did not put an end to it by physical power or by the declaration of any existing illegality in word. His mission upon earth was not to propagate His doctrines by force. He came to save, not to conquer. His purpose was not to march armed legions throughout the habitable globe, securing the allegiance of those for whose safety He was striving. He warred by other influences. He aimed at the heart principally. He inculcated his doctrines, more ennobling than any that the world, enlightened as the world was before His advent upon earth, had been able to discover. He taught to man the obligation of brotherhood. He announced that the true duty of man was to do to others as he would have others do to him, to all men the world over; and unless some convert to the modern doctrine that slavery itself finds not only a guarantee for its existence but for its legal existence in the Scripture, excepts out of the operation of the influences which His morality brought to bear on the mind of the Christian world the black man, and shows that it was not intended to apply to black men, then it is not true, it cannot be true, that He designed His doctrine not to be equally applicable to the black and to the white, to the race of man as he then existed, or as he might exist in all after-time.

Is it to be supposed, because of the present condition of this degraded population, that they are not proper subjects for the enjoyment of human freedom? Are they by nature, and in spite of whatever education tyranny may have left them, so mentally and morally deficient that they do not know what are the blessings of human freedom? What do we see? Wherever the flag of the United States, the symbol of human liberty, now goes, under it from their hereditary bondage are to be found men, women, and children assembling and craving its protection. Is it because they expect greater physical comfort, and that they obtain it? The mere physical condition of the man, in many cases, while under the control of a master, was better than that which he received after coming under the protection of our flag; but in the one the iron of oppression had pierced his soul, and in the other he is gladdened by the light of liberty. It is idle to deny, we feel it in our own persons, how with reference to that sentiment all men are brethren. Look to the illustrations which the times now afford, how in the illustration of that sentiment do we differ from the black man? He is willing to incur every personal danger which promises to result in throwing down his shackles and making him tread the earth which God has created for all as a man and not as a slave. It is an instinct of the soul. Tyranny may oppress it for ages and centuries; the pall of despotism may hang over it; but the sentiment is ever there; it kindles into a flame in the very furnace of affliction, and it avails itself of the first opportunity that offers promising the least chance of escape, and wades through blood and slaughter to achieve it, and whether it succeeds or fails demonstrates, vindicates in the very effort the inextinguishable right to liberty.

Then, Mr. President, if, as all men, I think, must admit, who permit themselves to consider the question fairly, all prejudice apart, that slavery is a sin, is a wrong, cries for redress, should be redressed, the only practical difficulty which stands in our way, in my judgment, is, can it be done without introducing worse evils than will result from its present continuance? In my judgment the continuance of the right and authority of this Union and Government, administrated upon the principles to be found incorporated in the Constitution of the United States, is much more important to the welfare of the human race, and to our own portion of the human race, than is the continuation of slavery. Can the two go on together now?

There was a time when I believed that for ages and ages they might go on, that the abolition of the institution would be the result of peaceful causes, influences, though silent, persuasive; but, as I think, owing to misjudging philanthropy in one section, and to a traitorous purpose in another, that time, in my view, has passed. Let the institution be abolished, and the subject is taken from the political controversies of the day on which and in relation to which alone the southern people can be excited to madness by the traitors who may come into existence from time to time. Their first effort to destroy the Government was by the declared asserted oppressions of the tariff and its unconstitutionality. That failed thirty odd years ago. The present incumbent of the presidential chair is elected, elected by a sectional vote, and the moment the news reaches Charleston where some of the leading conspirators were, and here in this Chamber where others were to be found, it was hailed not with regret but with delight. Why? Because, as they thought, it would enable them to drive the South to madness by appealing to the danger in which such an event involved this institution which the people were made to believe was so essential to their power and to their happiness, and that will be repeated over and over again just as long as the institution is suffered to remain. Terminate it, and the wit of man will, as I think, be unable to devise any other topic upon which we can be involved in a fratricidal strife. God and nature, judging by the history of the past, intend us to be one. Our unity is written in the mountains and the rivers, in which we all have an interest. The very differences of climate render each important to the other and alike important. That mighty horde which from time to time have gone from the Atlantic imbued with all the principles of human freedom which animated their fathers in running the perils of the mighty deep and seeking liberty here, are now there, and as they have said they will continue to say until time shall be no more: We mean that the Government in future shall be as it has been in the past, one, an example of human freedom for the light and example of the world, and illustrating in the blessings and the happiness it confers the truth of the principles incorporated into the Declaration of Independence, that life and liberty are man's inalienable right.

Mischiefs may be the result of such a measure; but, as I think, they will be temporary; but mischiefs must be the result of what has already occurred; the institution is now fatally wounded; it can survive but to fester and to trouble us; and it would be a disgrace to the nation if we could suffer those Africans, whom we are now calling around our standard and asking to aid us in restoring the Constitution and the power of the Government to its rightful authority, to be reduced to bondage again. Upon a question like that the heart gives the answer in advance of the intellect. It proclaims at once in a tone that would fill the land, carrying rebuke, stern and crushing, to whoever may deny it, "No, no, never; freedom once enjoyed none but a brute in this age of the world would take it from its object."

Now, sir, a word or two more, and I shall be done. The honorable member from Pennsylvania [Mr. COWAN] inquired what difference there will be on the cessation of this war between the condition of an apprentice or a child who has been summoned into the service of the country and the condition of a slave. All the difference in the world, all the difference imaginable. In the first, justice has nothing to plead, the master's authority may be reinstated, the relation of apprenticeship restored, no wrong civil or moral perpetrated; but in the last, to restore the victim to slavery is a cruelty not less but more in degree than to take away his life. I have always thought that. Terminate whenever the struggle may, whatever may be the condition of this race when it shall terminate, if it be, as I trust in God it will be, a state of freedom, that is to be as permanent as is our own freedom. We are to share the same dangers, enjoy according to our power and our means and our ability the same prosperity, and when we die, die as men, and not as chattels.

The only practical mischief of the measure is the condition of the slaves. They are uneducated. If there was nothing in the teachings of morality which as I think belong to an unadulterated moral constitution, showing the wickedness of this institution, showing how inconsistent it is with such principles and with religion, it might be shown by appealing to the conduct of the slave-owners themselves. Why are these poor creatures kept in a state of absolute ignorance? Why is education, the most humble, denied them? Why are the Holy Scriptures kept from their hovels? Why? Can there be but one answer: that if they knew what knowledge imparts, if they knew what the gospel of our Saviour inculcates, they would be freemen, or sooner or later die in the effort to obtain it?

Mr. President, I feel that I have taken up much more of the time of the Senate than I had a right to exact, and I conclude with saying, not a truth which every Senator here does not feel as strongly as I feel, but with saying what is indelibly engraved upon my soul, that we owe it not only to ourselves and to those who are to follow us, but to humanity, to bring this war to a successful result. All other considerations should, for a time, be forgotten. One single object should ever be before us—the restoration of the Union; and when it shall be restored, as I trust in Providence it will be, and unquestionably can be, if the power of the Government is exerted as it may be, we shall be restored, I trust, with a Government, national and State, in which human bondage has no place, and when we shall be able to say to the world, "However late we were in carrying out the principles of our institutions, we have at last accomplished it. The Union is restored, and slavery is terminated."

Mr. SAULSBURY. Mr. President, the honorable Senator from Maryland in a portion of his remarks referred to a position which I assumed the other day, that it was not competent for the people of the States by ratification to make the proposed amendment to the Constitution obligatory upon any protesting State; and he was kind enough in that connection to put a question to me and to tell me that I could answer it hereafter. I shall not attempt, as it is now near the hour of adjournment, to answer that question this afternoon; but I will take occasion, before the debate closes upon this proposed amendment to the Constitution to give an answer to that question, and to propound perhaps one or two in reply in reference to some of the positions of the honorable Senator in his speech.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky, [Mr. DAVIS,] upon which the yeas and nays have been ordered.

Mr. DAVIS and others called for the reading of the amendment.

The Secretary read the amendment, which was to strike out all after the word "namely" in the amendment reported by the Committee on the Judiciary, and to insert:

No negro, or person whose mother or grandmother is or was a negro, shall be a citizen of the United States and be eligible to any civil or military office, or to any place of trust or profit under the United States.

The question being taken by yeas and nays, resulted—yeas 5, nays 32; as follows:

YEAS—Messrs. Buckalew, Davis, Powell, Riddle, and Saulsbury—5.

NAYS—Messrs. Anthony, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Grimes, Hale, Harding, Harlan, Harris, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Willey, and Wilson—32.

So the amendment to the amendment was rejected.

Mr. DAVIS. I propose another amendment to the amendment of the committee; it is at the end of section one of the proposed article to insert:

But no negro, or person whose mother or grandmother is or was a negro, shall be a citizen of the United States, or be eligible to any civil or military office, or to any place of trust or profit under the United States.

Mr. HALE. Can that amendment be amended further?

The VICE PRESIDENT. It cannot; it is an amendment to an amendment.

Mr. HALE. I should like to put in the great grandmother also. [Laughter.]

Mr. TRUMBULL. Is not that the same amendment on which we just voted?

The VICE PRESIDENT. The Chair has the impression that it is a little different, but can only tell from recollection.

Mr. DAVIS. This is the difference: the proposition upon which we voted before was a substitute for the proposed constitutional amendment; this is an amendment to the amendment by adding to it.

The VICE PRESIDENT. Is this in the same words as the proposition just voted upon?

Mr. DAVIS. Yes, sir.

The VICE PRESIDENT. Then, in the opinion of the Chair, it is not in order.

Mr. DAVIS. Let me suggest this: the first amendment I offered was as a total substitute for the amendment of the committee; I offer it now as an amendment to be appended to the committee's amendment, which, if adopted, will be a part of that proposition.

The VICE PRESIDENT. Then, in the opinion of the Chair, the amendment is in order.

Mr. ANTHONY. I hope we shall have the amendment of the Senator from New Hampshire, [Mr. HALE,] for although it is not in order to amend an amendment to an amendment, I have no doubt the Senator from Kentucky will accept whatever the Senator from New Hampshire may propose. That would be in order.

Mr. DAVIS. I did not hear the honorable Senator from Rhode Island.

Mr. ANTHONY. The Senator from New Hampshire proposed to amend the amendment of the Senator from Kentucky, which the Chair decided to be out of order; but I understand that if the Senator from Kentucky will accept the amendment of the Senator from New Hampshire, it will be in order.

The VICE PRESIDENT. It will.

Mr. ANTHONY. I hope the Senator from New Hampshire will state what his amendment was.

Mr. POWELL. I move that the Senate do now adjourn.

Mr. DAVIS. I wonder what the Senator from Rhode Island has to do with any suggested amendment by the Senator from New Hampshire to my amendment.

Mr. ANTHONY. Merely to endeavor to reconcile the difficulty between the two Senators. [Laughter.]

Mr. DAVIS. The Senator might as well attend to his own business. [Laughter.]

The VICE PRESIDENT. The Senator from Kentucky [Mr. POWELL] moves that the Senate do now adjourn.

Mr. POWELL. I ask for the yeas and nays.

The yeas and nays were not ordered; but four Senators seconding the call.

The question being put,

The VICE PRESDENT declared that the motion was not agreed to.

Mr. POWELL. I ask for a division.

The question being again put, there were, on a division—ayes 4, noes 33; so the Senate refused to adjourn.

The question was put on the amendment to the amendment; and it was declared to be rejected.

Mr. DAVIS. I ask for the yeas and nays.

Several SENATORS. Too late.

The VICE PRESIDENT. The Chair thinks it is rather too late; the result has been announced. The Senator can move his amendment again in the Senate when the joint resolution shall have been reported from the Committee of the Whole.

Mr. DAVIS. I would as soon do it now.

Mr. TRUMBULL. We have just had the yeas and nays on the proposition.

Mr. DAVIS. The propositions are different. I do not care particularly when I have the yeas and nays on this amendment; but I would as soon have them now as at any other time.

Mr. WILSON. Let us give them now.

The VICE PRESIDENT. If there be no objection on the part of any Senator, the Chair will see whether there is a second for the call for the yeas and nays.

Mr. FOOT. This joint resolution is now before us as in Committee of the Whole, and the Senator will have the opportunity of moving his amendment when it shall be reported to the Senate, and I ask him if that will not be entirely satisfactory.

Mr. DAVIS. I have no objection to that course.

The VICE PRESIDENT. The amendment to the amendment is rejected.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, APRIL 7, 1864. NEW SERIES.....No. 90.

Mr. DAVIS. I propose now to amend the amendment reported by the committee by adding these words to the first section of the proposed article:

But no slave shall be entitled to his or her freedom under this amendment if resident at the time it takes effect in any State the laws of which forbid free negroes to reside therein, until removed from such State by the Government of the United States.

I ask for the yeas and nays on this proposition.

The yeas and nays were not ordered; but four members seconding the call.

The amendment to the amendment was rejected.

Mr. POWELL. I move to amend the amendment of the committee by adding at the end of the first section:

No slave shall be emancipated by this article unless the owner thereof shall be first paid the value of the slave or slaves so emancipated.

I should like to speak upon this amendment, but it is rather late now.

Several SENATORS. There is plenty of time; go on.

Mr. POWELL. No; I content myself with asking for the yeas and nays upon my proposition.

The yeas and nays were ordered; and being taken, resulted—yeas 2, nays 34; as follows:

YEAS—Messrs. Davis and Powell—2.

NAYS—Messrs. Anthony, Buckalew, Carlile, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Grimes, Hale, Harding, Harlan, Harris, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Willey, and Wilson—34.

So the amendment to the amendment was rejected.

Mr. DAVIS. I will offer another amendment. I move to add at the end of section two of the proposed article:

And when this amendment of the Constitution shall have taken effect by freeing the slaves, Congress shall provide for the distribution and settlement of all the population of African descent in the United States among the several States and Territories thereof, in proportion to the white population of each State and Territory to the aggregate population of those of African descent.

I ask for the yeas and nays on this proposition.

The yeas and nays were not ordered; but three members seconding the call.

Mr. SAULSBURY. I wish to make a remark before the vote is taken. Some of these amendments present very embarrassing questions to persons who entertain the views that I do. For instance, the amendment just now voted down, providing for compensation to the masters of the slaves who may be emancipated, is one of that character. It is, I believe, considered legitimate to vote for amendments by way of improving a bill, or with a view to defeat a bill. It is evident that it is not possible either to improve this measure or to defeat it. I have never voted for compensation since I have been a member of this body; and for the simple reason that I do not believe there is any constitutional authority in Congress in the first place to pass such a proposition, and in the second place to take money out of the public Treasury for such a purpose. Both I believe to be wrong.

Now the proposition is to amend this resolution by distributing the persons whom you propose to make free among the different States according to their white population. If I could conscientiously vote for such a proposition, if I thought Congress had the power to do it, I would be very glad to transplant all these free negroes to that region of country where they seem to be so popular and where there seems to be such a love for them. But, sir, I cannot vote to give the power—if it is a question of bestowing power—that Congress shall send any of this class of beings into my State. We have enough of them already. About one fifth of our whole population are free negroes set free by a supposed humanity on the part of their masters, which I am satisfied now was no real humanity, whatever may have been the motive prompting it.

But, sir, I wish to have no more of this class of beings within my State. While I do not believe that Congress has the power to distribute them among the States according to their white population, and to say to the States that they shall reside in those particular States, I think that same kind feeling which prompts our northern friends to try to give them freedom should prompt them to take them home among themselves where they can have a personal supervision over them, and where they can see that this long-oppressed race, whose oppression calls to Heaven, as we have been told to-day, for vengeance upon the sins of a guilty land, are protected; where they can act the part of guardians. But I cannot vote for the proposition of my honorable friend from Kentucky, simply because I do not think the power exists in the Federal Government to make the distribution among the States of this class of beings which the amendment contemplates.

Mr. DAVIS. I concede that the Federal Government cannot make such a distribution without a change of the Constitution. Under the present Constitution and the powers which it confers upon Congress, I concede that no such legislation could legitimately take place; but I will remark to my honorable friend that this proposition, if adopted, would relieve his State from some of its negro population, and it is the proposition in substance which he himself made to Congress some twelve or eighteen months ago.

Mr. SAULSBURY. I will ask my honorable friend from Kentucky whether he proposes this to be incorporated as a part of the amendment to the Constitution.

Mr. DAVIS. Yes, sir.

Mr. SAULSBURY. I did not so understand it. I thought it was to be a part of the joint resolution, but no part of the proposed amendment.

Mr. DAVIS. It is a part of the amendment to the Constitution.

Mr. SAULSBURY. That relieves it from the objection. I should be very glad myself to adopt any proposition that would enable us to get rid of some of this class of population.

The amendment to the amendment was rejected.

Mr. HARLAN. I move that the Senate adjourn.

Mr. TRUMBULL. Before the Senate votes on that motion I wish to make a single remark. I understand that the Senator from Iowa designs making some remarks on this subject, and I am not disposed, for one, on a great question like this, unexpectedly to force a vote upon it. I hope the Senate will let us have a vote upon it to-morrow. If any other person designs speaking further upon it he will be afforded an opportunity to do so after the Senator from Iowa shall have concluded his remarks. If we adjourn to-day with an understanding that we shall try to get a vote to-morrow, I hope the Senators will be present and let us have a vote on that occasion.

Mr. POWELL. I am exceedingly glad to find that the Senator from Illinois is willing to exhibit a little courtesy to the Senator from Iowa. He was very anxious to have a vote when I moved an adjournment a few moments since, in order to submit a few remarks on an amendment that I offered. I will cheerfully vote for the motion to adjourn to enable the Senator from Iowa to speak on this subject to-morrow. I do not expect to take up any time to-morrow myself.

The VICE PRESIDENT. All this debate is out of order. The question is on the motion to adjourn, which is not debatable.

The motion was agreed to; there being, on a division—ayes twenty-one, noes not counted; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 5, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

PRIVATE LAND CLAIMS.

Mr. PEREA, by unanimous consent, introduced a bill to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico;" which was read a first and second time, and referred to the Committee on Private Land Claims.

BRIDGES OVER THE OHIO.

Mr. ARNOLD, from the Committee on Roads and Canals, reported back House bill No. 320, supplementary to an act approved July 14, 1862, entitled "An act to establish certain post roads, and for other purposes."

Mr. HOLMAN. Allow me to make a suggestion. My colleague [Mr. CRAVENS] who represents the district upon the Indiana shore particularly affected by the construction of these bridges, is not in his seat. Inasmuch as it affects local rather than general interests, I would be glad if it were postponed until my colleague is present.

Mr. ARNOLD. This bill has been printed for a long time and recommitted to the committee with a view to give gentlemen an opportunity to examine it, and as it is very important to the interests which desire to construct these bridges that it should not be delayed, and that the speedy action of Congress should be had upon it, I do not feel at liberty to delay it.

I will state briefly the character of the bill. It simply provides for the construction of two bridges over the Ohio river with a view of enabling the railroads of Illinois and Indiana to connect with the railroads meeting them on the banks of the Ohio through the State of Kentucky. It provides ample security against the obstruction of the free navigation of the Ohio river. That object being secured, I apprehend there will be no objection to the passage of the bill.

It is of great importance that these railroads running north and south through the State of Kentucky should have the greatest possible facility of connection across the Ohio with the railroads coming from the Northwest to the Ohio. The military operations in Kentucky and Tennessee heretofore have been very greatly embarrassed for the want of these bridges. The supplies for the armies which have been operating in Tennessee and northern Alabama have been very greatly embarrassed for the want of these bridges. And the future operations of those armies in their progress toward the Gulf will be greatly facilitated by the construction of these bridges.

The railroad companies which these bridges are designed to connect are ready to proceed to their construction without cost to the Government, and to construct them in such a way as not to interfere at all with the navigation of the Ohio. I hope, therefore, on these accounts, there will be no objection to the passage of the bill, and that it may be passed immediately, because there is a very large amount of supplies for the Army delayed upon the banks of the Ohio for want of these bridges. It is of great military importance, as well as of great commercial importance to those sections of the Union, that the bridges should be constructed immediately.

There is another reason. It is of great importance that communication between that portion of the country north and south of the Ohio river should be facilitated and made as ready and easy as possible. Therefore I hope the bill will pass.

Mr. MALLORY. I have very little to say in addition to what has been said by the gentleman from Illinois except this: a law was passed and approved July 14, 1862, giving to the Steubenville Railroad Company authority to build a bridge over the Ohio river to enable their road to pass over; and the bill goes on to provide that bridges may be built over the Ohio at any point above the mouth of the Big Sandy where it enters the Ohio river; but the bill omits to give that authority to any railroad company whose road crosses the river below the mouth of the Big Sandy. That is a most singular discrimination in the law. If the law had been general in its operation, we should not have been applying now for the special privilege asked for in this bill.

The gentleman from Illinois has very correctly

stated that the construction of these bridges will not obstruct the free navigation of the Ohio. Obstruction to the river exists there now by the falls of the Ohio. Boats can only pass over those falls at certain stages of the water and by certain chutes indicated by that bill. This bill provides that draws shall be built at the head of each one of those chutes, and these bridges will indicate the stage of the water over the chutes. So really the building of these bridges will facilitate the navigation of the falls of the Ohio, instead of being an obstruction.

The gentleman stated truly the benefits which these bridges would confer upon the General Government. Millions of money have been expended by the Government at those points in conveying their troops, munitions of war, and war materials over that river by the present ferry, and great delays have occurred there materially retarding the operations of the Army. There have been delays in the transportation of materials to the army in Tennessee and Alabama; which, if this bridge had been built two years ago, would not have occurred. I tried then to get a bill through for that purpose. It passed this House, but it was at a late period of the session, and the bill failed in the Senate for want of time. If it had passed, the Government would have saved a million dollars.

Mr. WASHBURNE, of Illinois. As the gentleman from Kentucky seems to be interested in this bill, I would ask him for a little explanation in regard to the second section. The bill provides for the bridging of the Ohio river. I shall leave that question pretty much to those gentlemen who live above the falls of the Ohio. I know something of the effects of building a bridge across the Mississippi at Rock Island, which has substantially destroyed the navigation of the river above the bridge.

But what I desire now is an explanation of the provisions of the bill. The first section provides for bridging the Ohio river at the falls. The second section provides that the act of Congress shall apply to certain other streams. Now, I desire to know what streams those are and the necessity of their being bridged by virtue of an act of Congress.

Mr. MALLORY. I will state for the information of my friend from Illinois that the second section gives authority to the Maysville and Lexington Railroad Company to build a bridge across the Ohio river at Maysville connecting with the Pennsylvania Central when they shall have completed their road; I do not know how long that will be. The second section of the bill authorizes that company, when they may think proper, to build a bridge across the Ohio river at that point. That provision was inserted at the instance of my colleague, [Mr. WADSWORTH,] and the reason is this: as I stated before, by the act of 1862, authority was given to an Ohio railroad company to cross the river by a bridge at Steubenville, and then that act goes on and provides for permission to any railroad company to build a bridge at any time at any point on the Ohio river above the mouth of the Big Sandy. My colleague [Mr. WADSWORTH] thought that inasmuch as this general privilege was given to railroad companies to bridge the river above the Big Sandy, the privilege should be given to the Maysville company to build a bridge below the mouth of the Big Sandy. I think, however, that the provision has no great efficacy, and I am willing that the second section shall be stricken out. All that we ask of the House is to give to the two railroad companies indicated by the bill the right to do below the Sandy river what any and every railroad company has a right to do above that point.

I say again that the bridge provided for by this bill at the falls of the Ohio is the most important bridge for the Government that can be constructed across that stream. It is one which the Government has needed heretofore, and needs especially now.

Mr. Speaker, this matter has been discussed in this House for some two or three sessions; and if there is no objection I will call the previous question on the passage of the bill.

Mr. MOORHEAD. I hope the gentleman will not be so rash as to call the previous question on so important a bill as this, proposing to obstruct the navigation of a river so important as the Ohio.

Mr. MALLORY. I retain the floor, but will yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I want to know if the bill is open to amendment. I want to offer some amendments.

Mr. MALLORY. I cannot yield the floor to allow amendments to be offered. I wish the bill to be tested on its merits as it stands; and if the gentleman from Pennsylvania cannot support it, I cannot help it. I demand the previous question.

Mr. MOORHEAD. I move to lay the bill on the table; and I hope the House will agree to that motion.

Mr. THAYER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 58, nays 61; as follows:

YEAS—Messrs. Ames, John D. Baldwin, Francis P. Blair, Blow, Boutwell, Broomall, Ambrose W. Clark, Cole, Dawson, Denison, Dixon, Driggs, Eliot, Gooch, Grinnell, Hale, Harrington, Higby, Holman, Hotchkiss, Jenckes, Kelley, Orlando Kellogg, Long, Longyear, Middleton, Samuel F. Miller, William H. Miller, Moorhead, Morrill, Amos Myers, Leonard Myers, Odell, Charles O'Neill, Pendleton, Pike, Pomeroy, Price, Samuel J. Randall, Alexander H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, John B. Steele, Stevens, Strouse, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Williams, Wilson, and Windom—58.

NAYS—Messrs. Alley, Allison, Ancona, Anderson, Arnold, Ashley, Augustus C. Baldwin, Baxter, Beaman, Blaine, Bliss, Boyd, Brooks, Clay, Cobb, Cox, Thomas T. Davis, Dumont, Eldridge, English, Finck, Frank, Ganson, Garfield, Grider, Hall, Harding, Herrick, Asahel W. Hubbard, Philip Johnson, Julian, Kalbfleisch, Kasson, Kernan, King, Law, Mallory, Marey, McBride, McClurg, McKinney, James R. Morris, Morrison, Nelson, John O'Neill, Orth, Pruyn, Radford, William H. Randall, Robinson, Rogers, Scott, Stuart, Voorhees, William B. Washburn, Whaley, Wheeler, Chilton A. White, Winfield, Woodbridge, and Yeaman—61.

So the House refused to lay the bill on the table.

Mr. MALLORY. I now insist on the previous question.

Mr. WASHBURNE, of Illinois. I hope the previous question will not be seconded, and that the gentleman from Kentucky will have the bill referred to the Committee of the Whole on the state of the Union.

Mr. MALLORY. That is equivalent to asking me to have the bill killed. I call for tellers on the previous question.

Tellers were ordered; and Mr. WASHBURNE, of Illinois, and Mr. MALLORY, were appointed.

The House divided; and the tellers reported—ayes 33, noes 70.

So the House refused to second the previous question.

Mr. WASHBURNE, of Illinois. I now move that the bill be referred to the Committee of the Whole on the state of the Union; and on that motion I move the previous question.

Mr. MALLORY. I hope the gentleman from Illinois will withdraw the demand for the previous question, and let me move to recommit the bill to the Committee on Roads and Canals.

Mr. WASHBURNE, of Illinois. I decline to withdraw it.

Mr. MALLORY. Then I hope the House will not second it, in order that I may make the motion to recommit.

Mr. ARNOLD. I desire my colleague to withdraw his motion to allow me to move an amendment to the bill by striking out the second section.

Mr. WASHBURNE, of Illinois. I am radically opposed to the whole bill and to the bridging of all navigable streams. My own country has suffered too much by the Rock Island bridge.

The question being on seconding the previous question, tellers were ordered, and Messrs. MOORHEAD and MALLORY were appointed.

The House divided; and the tellers reported—ayes 37, noes 57.

So the previous question was not seconded.

Mr. ARNOLD. As it seems to me that the bill is not fully understood, and as objections have been suggested to the second section, with a view of perfecting the bill so that the navigation of the Ohio shall not be to any extent broken, I move to recommit the bill, and on that I move the previous question.

The SPEAKER. The motion is in order, but will be reserved till after the motion to refer to the Committee of the Whole on the state of the Union is disposed of. That takes precedence, and is the pending motion.

Mr. WASHBURNE, of Illinois. As my colleague has moved the previous question, that will apply to both motions.

The SPEAKER. It will.

The previous question was seconded, and the main question ordered.

The question was taken first on referring to the Committee of the Whole on the state of the Union, and it was not agreed to.

The question recurred on recommitting the bill to the Committee on Roads and Canals.

Mr. MALLORY. With leave to report at any time.

The SPEAKER. That would require unanimous consent.

Mr. PENDLETON. I object.

The SPEAKER. The Chair desires to say that when the committees are next called the Committee on Roads and Canals will have another day to report.

Mr. MOORHEAD. Is a motion to instruct the committee in order?

The SPEAKER. It is not, under the previous question.

The question was taken, and the motion was agreed to.

So the bill was recommitted to the Committee on Roads and Canals.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was recommitted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COINAGE.

Mr. KASSON. I ask the unanimous consent of the House to report, from the Committee on a Uniform System of Coinage, Weights, and Measures, Senate bill No. 183, in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857.

Mr. STEVENS. Does that report come in in regular order?

The SPEAKER. It does not. Unanimous consent was asked to report back the Senate bill.

Mr. STEVENS. I object to it.

Mr. KASSON. Mr. Speaker, allow me a moment to say that the Director of the Mint has urged the importance of early action upon this bill. It is reported by the Committee on Coinage unanimously, without amendment, and I desire very much that it may be acted on as we are losing money every day under existing regulations.

Mr. STEVENS. I desire that it may never be acted on.

DRAWBACKS OF DUTIES.

Mr. PIKE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of reviving so much of the law of 1799 as prohibits drawbacks of duties on foreign merchandise exported to dominions of a foreign State immediately adjoining the United States, so that drawbacks shall not hereafter be allowed on foreign goods shipped to New Brunswick and Nova Scotia.

DUTIES ON FOREIGN WOOL.

Mr. KELLOGG, of Michigan, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of increasing the duties on foreign wool, and report to the House by bill or otherwise.

ANÆSTHETIC AGENTS.

Mr. HOOPER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill to pay the proprietor thereof for the use of anæsthetic agents in the Army and Navy of the United States.

MEXICAN AFFAIRS.

Mr. MORRILL. I ask the unanimous consent of the House to cast my vote on the resolution relative to Mexican affairs, submitted yesterday by the gentleman from Maryland, [Mr. DAVIS.]

Mr. PENDLETON made the same request.

There was no objection, and their votes were recorded in the affirmative.

Mr. MORRILL. I suggest that all members who were absent yesterday shall have the right to record their votes on the same proposition if

they present themselves at the Clerk's desk during the day.

It was so ordered.

INCREASED PAY OF SOLDIERS.

Mr. HOLMAN. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report to the House a bill to increase the pay of private soldiers in the Army, and that the same be made a special order for to-morrow, and from then until disposed of.

Mr. SCHENCK. I move that that resolution be referred to the Committee on Military Affairs.

Mr. HOLMAN. I have the floor; but this motion indicates the fate of this measure.

Mr. Speaker, I will state the object of the resolution. Unless some time is now fixed for the consideration of the bill it is not likely that it will soon receive the attention of the House. The subject was brought to the attention of the House some days since, and was not acted upon in consequence of the absence of the chairman of the Committee on Military Affairs. The House was informed by the chairman of the Military Committee some weeks since that a bill to increase the pay of the private soldiers would be reported at an early day after. The subject has been referred again and again to that committee, yet no such bill has been reported. The object is not only to require the committee to report the bill, but also to fix upon a time when it shall be considered.

In addition to the general argument in favor of this increase of pay, it may be urged in favor of early action on the subject that those who entered the service upon small bounties are rapidly reaching the termination of that service, and as an act of justice to them, if the pay of the private soldier is to be increased, it ought to be done at the earliest moment. Many of those it is true have reënlisted under the increased bounties, but many others, just as patriotic, worn out by the war, or controlled by other considerations, are unable to reënlist. The subject has not been brought prematurely before the House. It was one of the first subjects to which the attention of the Committee on Military Affairs was called. And now, after four months, not a step of progress has been made. The Military Committee still decline to act. If the House wishes to increase the pay it must instruct the committee. I hope that the House will not consent to a reference of the resolution. That is but a defeat of the measure; every gentleman understands that. If the chairman of the Committee on Military Affairs thinks that the subject cannot be acted on to-morrow, let him suggest another day. I disclaim any intention to interfere with the business of that committee, or to censure its action.

Mr. GRINNELL. I ask the gentleman to wait until we have ascertained what revenue we are to raise by the tax and tariff bills.

Mr. HOLMAN. I shall wait for no such purpose. I have objection to postponing action on this subject for one hour. You are increasing the pay of every class of officeholders, you are expending millions for other purposes, and yet the gentleman from Iowa proposes that before we increase the pay of the private soldier we look after the subject of revenue.

Mr. GRINNELL. I am in favor of increasing the pay of the common soldier, but I am not in favor of doing it until I know that the gentlemen on the other side are in favor of levying tax enough to sustain the credit of the Government. Let the gentleman state where we have increased salaries. I deny that I ever voted to raise salaries. I demand specifications.

Mr. HOLMAN. I would but be recapitulating the records of this House upon the subject of salaries if I were to refer generally to the subject of the increase of compensation of the officers of the Government. I do not speak of the gentleman's individual action. But the gentleman's argument, strangely enough, is directed against the private soldier. When we increased the grade of colonel to that of a brigadier, the other day, and increased the pay correspondingly, in one of the pleasant official positions of this city, when we subsequently increased the grade of another colonel to that of brigadier in a similar position, and when we have been doing that over and over again, and have been passing bills appropriating many hundred million dollars for all conceivable purposes, we heard no such argument in favor of delay; but when it comes to affect the private soldier who entered your service at thirteen dollars a month—a reasonable compensation at that time, but now grown totally inadequate by the inflation of the currency for the support of his wife and children—when it is proposed to increase his pay as an act of common justice, when every element of expenditure has immensely increased, and when the soldiers who entered the service upon small bounties are rapidly reaching the time when their service expires, strangely enough, sir, gentlemen who profess to be the friends of the private soldier insist upon delay until it is known whether we on this side of the House will impose a tax or not sufficient to sustain the credit of the Government. This is a marvelous mode of expressing their devotion to our soldiers. Our vote on the tax bill, then, is to determine whether the pay of the private soldier shall be increased! Have you not strength enough to both increase the pay and increase taxation? But for this purpose we will vote all the tax you may desire.

I insist that this subject shall be fairly met. As a friend of the soldier, and fully appreciating the value of his sacrifices and services, as a friend of the Government, and seeing no other hope of maintaining its integrity except by the courage of the soldier and the prudence of your counsels and a vigorous prosecution of the war, I am not willing that in the midst of lavish expenditure on every hand this flagrant injustice to the soldier should be continued. If it is done, sir, no member on this side of the House will be responsible for it. Every member on this side of the House concurs in the necessity and justness of this increase. We have pressed it constantly on your attention. We have imposed no obstacle in the way of proper legislation, and yet we meet day after day the taunt that we are opposed to the war, to the Government, and with those epithets opprobrious and well calculated to excite anger and unprofitable discussion, and all this for unworthy partisan purposes. In these miserable disputes you can consume unlimited time, but not a moment to the just claims of the gallant private soldier of your Army. I should be recreant to my duty to my constituents, to the gallant soldiers I represent, to the wives and children, if I did not urge this matter upon the attention of the House and demand an early consideration of its merits.

And yet, after having increased the salaries and grades of officers over and over again, it is left to the moment when the rights of private soldiers are brought to the attention of Congress for gentlemen to rise and argue in favor of delay until we determine upon an imposition of taxes sufficient to maintain the public credit. We have heard enough of this. If gentlemen are not in favor of increasing the pay of the private soldier, let them say so by a direct vote.

The gentleman from Ohio [Mr. SCHENCK] proposes to refer this subject to the Committee on Military Affairs. We know what a sleep it will sleep there. We have had some experience in that way in respect to resolutions brought before the House for the purpose of obtaining decisive and direct action. Every gentleman in this House knows that the only mode of obtaining action upon this subject is by requiring that committee to report, and fixing upon some day when the subject shall receive the attention of the House. If gentlemen are willing to assume the responsibility of postponing the subject still further, while the country demands that a just increase of pay should be made at once, let them do so openly, and not by some disingenuous pretense; but let them be forever hereafter silent on their hackneyed charge against the Democratic members of this House that they are hostile to the interest of the private soldier and opposed to the war for the restoration of the Union; for injustice to your private soldier, sir, is injustice to the country, and weakens the foundations of your Army. The private soldier alone has made peculiar sacrifices. He alone, with his wife and children, feels the weight of this terrible war, with only the sentiment of patriotism to sustain him; others enjoy the fruits and fame of his valor.

I reiterate, sir, I would regard myself as recreant to every duty I conceive I owe to my own constituents, to the wives and children of the men who are imperiling their lives in defense of their country, who were the pioneers in the great contest, if I were content to remain silent when month after month has been allowed to expire in miserable partisan clamor before a subject so meritorious as this is permitted to receive the consideration of Congress.

I therefore, with a view to understand whether the House intends to increase this pay, have presented this resolution. I have purposely avoided saying anything about the sum which should be paid the soldiers, for we might differ in judgment upon that point, while we should not upon the question whether the pay should be increased. When the bill comes before the House we may determine the amount.

Mr. WASHBURNE, of Illinois. Will the gentleman from Indiana indicate his opinion of what the sum should be?

Mr. HOLMAN. I think it ought to be eighteen or twenty dollars. I am in favor of no extravagant sum. I will vote with the gentleman, if we can do no better, for sixteen dollars a month; I will vote with him for eighteen dollars; but I will vote with more pleasure for twenty dollars, which will be just about paying the soldier what he was receiving at the time he first entered the service.

But my object is not so much to fix the sum to be paid the soldier as to set apart some time for the consideration of the subject. I therefore call the previous question on the pending resolution.

Mr. SCHENCK. I ask the gentleman from Indiana whether, after making an appeal to the Military Committee and to its chairman, he is going to call the previous question without allowing any reference to the business before the committee? If he does, I hope the previous question will be voted down.

Mr. HOLMAN. I will certainly yield to the chairman of the Military Committee.

Mr. SCHENCK. Is the gentleman through?

Mr. HOLMAN. I will yield to the gentleman from Ohio, but before I surrender the floor, if I am permitted to do so, I desire to call the previous question.

Mr. SCHENCK. As I propose to submit another motion, I will not speak now but will rely upon the House to vote down the previous question in order that we may have this matter fully before the House and understand it.

Mr. HOLMAN. Then I move the previous question, and call for tellers upon it.

Tellers were ordered; and Messrs. SCHENCK and HOLMAN were appointed.

The House divided; and the tellers reported—ayes 37, noes 65.

So the House refused to second the demand for the previous question.

Mr. SCHENCK. Mr. Speaker, the gentleman from Indiana proposes a resolution to instruct the Committee on Military Affairs to report immediately, or perhaps to-morrow—I did not hear distinctly the exact phraseology of his resolution—a bill to increase the pay of the private soldiers of the Army, and that it shall be made the order of the day at some early date—to-morrow, I think, is the time indicated—and continued as a special order until disposed of.

I could not hear distinctly all that the gentleman said in support of that resolution, but I think I comprehended the general tenor of his remarks. He said he would feel dissatisfied with himself, and that he would be false to the duty which he owes to the country, and to this most respectable and excellent and deserving class of all the people of this country—the private soldiers—if he were not to make such a motion and insist upon its adoption, and upon early action upon the subject by this House. I am very glad that the peculiar friends of the soldier, with the gentleman from Indiana at their head, upon the other side of the House, are moving in this matter. Of course the country will understand that that party is above all others in favor of sustaining the "poor soldier" in the field, of protecting him generally in his rights and privileges, and permitting him especially to vote when he returns from the war to his family and his friends, or revisits his residence at home!

Sir, how perfectly absurd all this is. What crocodile tears they are which are shed under any such pretense as that!

Now, sir, let me state the fact in regard to this proposed increase in the pay of the common soldiers, and what has been the action of the Com-

mittee on Military Affairs, of which complaint is made. That committee, having the subject before them at a very early day, have bestowed much attention upon it, and have framed with great care and consideration a bill for the purpose of increasing the pay, and have had it ready to report whenever an opportunity should present itself. A bill embodying the views of the committee is now prepared. In the mean time, having had conference with the proper Executive Departments and with the Union members of this House, and looking to the necessity of first passing a bill for taxation, this bill has been for the present withheld. It is desired to ascertain what may be the disposition of members upon both sides of this House to sustain a thorough system of taxation which will enable us to pay the soldiers up to that point of liberality which we think they richly deserve and the country can afford. This measure of compensation, too, it is proposed to date back, so that nothing shall be lost by delay of legislation. The committee intends to report it at an early day, and at such time as the measure can command practical action in the House, and they will then ask for its speedy consideration, and that it may be passed with as little debate as possible. The committee believe that when they report the bill at the proper time it will receive pretty general and concurrent assent in this House. It will have favorable votes on this side of the House, because Union members here desire that the soldier shall be not only justly but generously paid whatever the country can afford to give him for the valuable services he renders in putting down this wicked, infernal rebellion; and it will receive support from that side of the House because one part of the tactics of gentlemen calling themselves Democrats is to affect peculiar love for the soldier.

But I think that the soldier may safely be left to the care of his real friends. I am disposed to think that it may be deemed proper enough that the majority who control the action of this House shall take care of the interests of those who are fighting in the Union cause up to the full ability of the Government at the proper time and in the proper way. We will be glad, of course, to have from gentlemen on the other side their sincere and earnest concurrent action; and from some Representatives there we know we shall receive such support. But we will not be deterred from taking the proper course in the matter by any affected friendship for the soldier and for the interests of the soldier which is not manifested or proved in other things. It will be hard to convince the soldier himself that those are really and earnestly in favor of giving him a proper compensation for his services and sufferings in the field, who are not for imposing those taxes and supplying those means that are necessary to enable us to give this proper compensation. It will be hardly believed by the soldier that those are his peculiar and best friends who, on every occasion, when he is called upon to take a part in the government of the country of which he is a citizen as well as a soldier, array themselves almost in a body against the exercise of such a franchise by him, and who then turn round and shed tears over him as if he and his concerns were their special care, and the subject of their amiable solicitude.

But I do not propose to go into an extended exposition of this subject. When the time comes it can be fully considered. But I say again, that I think it fair to presume that so far as that class of our citizens is concerned—the citizen soldier—they may safely be left in the care of their real friends. I have stated what has been the course of the Committee on Military Affairs. I have stated its preparation to report at a proper time. A bill for that purpose is now in my hands. But as I do not think it either right or proper to attempt, in violation of these facts and of this policy, to force that committee to report at once, without reference to other matters of concurrent and needful legislation, I move that the resolution of the gentleman from Indiana be laid upon the table; and on that I move the previous question.

Mr. WASHBURNE, of Illinois. I hope the gentleman will move to refer the resolution of the gentleman from Indiana to the Military Committee, as he at first proposed.

The SPEAKER. The motion is not debatable.

Mr. SCHENCK. Very well; I am not particular. It may take that course. I move to refer the resolution to the Committee on Military Affairs.

Mr. COX. I hope my colleague will, after the speech that he has made, withdraw the previous question.

Mr. SCHENCK. No, sir.

Mr. COX. To allow us to reply to the style of remark indulged in by the gentleman.

Mr. SCHENCK. There will be time enough for both of us. Remarks have now been made on both sides.

Mr. COX demanded tellers on the previous question.

Tellers were ordered; and Messrs. Cox and GARFIELD were appointed.

The House divided; and the tellers reported—ayes 64, noes 40.

So the previous question was seconded, and the main question ordered, which was on the reference of the resolution to the Committee on Military Affairs.

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered

The question was taken; and it was decided in the affirmative—yeas 75, nays 48; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Amos Myers, Odell, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, John H. Rice, Edward H. Rollins, Schenck, Shannon, Smithers, Spalding, Starr, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—75.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Brooks, James S. Brown, Cox, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Hall, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, Kalbfleisch, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, John O'Neill, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, John B. Steele, William G. Steele, Strouse, Stuart, Voorhees, Ward, Wheeler, Chilton A. White, Winfield, and Yeaman—48.

So the resolution was referred to the Committee on Military Affairs.

Mr. SCHENCK moved to reconsider the vote by which the resolution was referred; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (H. R. No. 220) to vacate and sell the present Indian reservations in Utah Territory and to settle the Indians of said Territory in the Uinta valley, with amendments; and a joint resolution (S. No. 39) relating to the publication of the decisions of the Supreme Court of the United States for December term, 1863; in which he was directed to ask the concurrence of the House.

REPORT OF CHARLES B. STUART.

Mr. DAVIS, of New York, by unanimous consent, submitted the following resolution:

Resolved, That five thousand extra copies of the report of Charles B. Stuart, consulting engineer of the State of New York, in reference to the improvement of her water communication between the Hudson river and the lakes in the West and Northwest, made March 27, 1864, be printed for the use of the House.

Mr. HOLMAN. I do not object to the resolution, but I wish to know by whose authority that survey was made?

Mr. DAVIS, of New York. It was made under the appointment of the President in consultation with the Governor of the State of New York.

The SPEAKER. The resolution will be referred to the Committee on Printing, under the rules.

COLONY OF BLACKS.

Mr. COX. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Secretary of State communicate to this House all correspondence between our consul at Aux Cayes and the State Department in regard to our colony of blacks at the Isle of à Vache.

Objection was made.

UNITED STATES COURTS IN NEW YORK.

Mr. WARD, by unanimous consent, introduced a bill in relation to the United States courts in the southern district of New York; which was read a first and second time, and referred to the Committee on the Judiciary.

ABSENCE OF NAVAL COMMITTEE.

Mr. RICE, of Massachusetts. Mr. Speaker, I am directed by the Committee on Naval Affairs to ask the leave of the House for the absence of that committee for ten days from Thursday next, for the purpose of visiting one or two of the proposed sites for a navy-yard upon the western waters. I will state that this matter has been under consideration by the committee upon various petitions and memorials referred to it from different sections of the country; and the committee are urgently invited to visit one or two places in the western country, supposed to be especially eligible for a naval station upon the Mississippi river and its tributaries. If the committee have the consent of the House to visit those places for the purpose of making a personal inspection, they feel that they may report on the subject with more intelligence.

Mr. WASHBURNE, of Illinois. I desire to ask the gentleman from Massachusetts what particular places in the West and Southwest he proposes to visit?

Mr. RICE, of Massachusetts. The sites which the committee are invited to inspect are upon the Mississippi and Ohio rivers in the immediate vicinity of the city of St. Louis. I will state that the committee have also been invited to visit Buffalo, Pittsburg, Cleveland, Mound City, Cairo, and Milwaukee, but that it is not their intention to visit all of these places. They propose to visit the sites at the confluence of the Mississippi and Ohio rivers.

Mr. WASHBURNE, of Illinois. I ask the gentleman to state what information the committee expects to derive from a personal inspection that they cannot derive from other sources.

Mr. RICE, of Massachusetts. I should not like to trench upon the privilege granted to me by my colleague by expending the remainder of the day in rehearsing the characteristics of the several eligible sites which will be submitted to our inspection in the western country. I have never had the privilege of traveling through that section of the country; and the claims presented here so eloquently by the Representatives of the West I have no doubt will be enforced by this proposed inspection, and that the committee will come back impressed with the importance of that section.

Mr. STEVENS. Mr. Speaker, I need not remind the House that for a month past it has been with difficulty we have been able to get a quorum to do business, and that many hours which ought to have been devoted to business have been expended in getting a quorum. We ought first to go on and do the business necessary to be transacted, and then there is business outside of the House which may be attended to. Yesterday, when every member seemed anxious to vote, there were only one hundred and nine members present. Now, every man who is acquainted with the atmosphere here knows that when a member attends one day he cannot attend the next day. When we have scarcely enough to do business now, it is proposed to give leave of absence to nine of our best business men [laughter] to go into pleasant places from which they will return hardly improved in their capacity for business. [Renewed laughter.] Then it is suggested that guerrillas are prevalent in that section of the country. [Laughter.] I have never been there, and if the Committee of Ways and Means were to see the fertility of that region I have no doubt that we would better know how to impose taxes. [Laughter.] I do not see but that we would gain more advantages by examining the statistics of the business of those flourishing places in the West than the Naval Committee. The most they could do would be to test the water and try its chemical qualities [laughter] and its aptitude for mixing. [Renewed laughter.] That is all they can do. They will come back not much wiser. They will come back with very little information.

But, seriously, I cannot but hope the gentleman will withdraw this proposition. If a month hence, say in May or even in July, they desire to take that time, it will be much more pleasant to them, and more profitable to the House. I hope, therefore, the House will not grant the leave requested.

Mr. RICE, of Massachusetts. The Committee on Naval Affairs I have no doubt would be very happy to have the company of the distinguished chairman of the Committee of Ways and Means, though I doubt somewhat whether he would be able to enlighten us much upon the qualities of the waters of the country, if he should go with us.

But I desire to say, in behalf of the committee, that we did not desire to take the responsibility of absenting ourselves without the sanction of the House. They felt the importance of the business which is pressing upon the House; they felt also the importance of the business which was specially committed to the investigation and charge of the committee. And in fulfillment of that special trust they would make this visit if they could have the permission of the House. They will be governed entirely by the proposition now submitted to have ten or twelve days of absence.

The committee have made a visit to League Island, to Boston, and one or two other places, but they consumed but one working day of the House.

Mr. MALLORY. I wish the gentleman from Massachusetts to permit me to say to him that my vote will depend upon the answer he may make to an inquiry I propose to submit to him. Will the gentleman accept the proposition I made to him to include the city of Louisville in his trip? He and his committee would receive all the hospitality for which that city is celebrated. And I wish that committee more especially to visit that city and report upon the propriety and usefulness to the Government of the United States of constructing that railroad bridge near the falls of the Ohio, about which we had so much discussion this morning. [Laughter.] If he will do that, I think I will vote for his request.

Mr. WASHBURNE, of Illinois. Is this in order except by unanimous consent?

The SPEAKER. It is. Any gentleman has a right to ask leave of absence for himself or for his committee.

Mr. SPALDING. I think I may say advisedly that the Committee on Naval Affairs have no desire to take themselves away from the service of the House and the country unless leave is accorded to them freely, believing that their absence will not occasion any inconvenience. I certainly, as a member of the committee, should not go unless the House can dispense with our presence here without inconvenience.

I would prefer to have the House act upon the request without any reference to any individual feeling, and decide it solely upon their regard for the public good. I know that those who have extended the invitation to us have done so seriously, and I know their hospitality at St. Louis and at intermediate points; and I wish not only that the Naval Committee but the Ways and Means Committee, of which the gentleman from Pennsylvania [Mr. STEVENS] is the distinguished chairman, could go with us.

We now leave it altogether with the House to determine whether they can dispense with our services here without inconvenience.

Mr. WASHBURNE, of Illinois. I would ask my friend from Ohio if he thinks it necessary, as a member of the Committee on Naval Affairs, to go West in order to get such knowledge as he desires in order to act?

Mr. SPALDING. In reply to the honorable gentleman I will say that I do not know how I can be impressed more favorably in respect to St. Louis and Cairo by making a thousand visits to those places than I am at this time.

Mr. BROWN, of Wisconsin. I would ask the honorable gentleman from Massachusetts, the chairman of the committee, whether it is their intention to visit any places upon the lakes, and if so, what places; or whether they intend to confine their visit to the rivers?

Mr. RICE, of Massachusetts. The committee must manifestly be governed, in respect to the number of places they will visit, by the length of time allowed them for their absence.

Mr. BROWN, of Wisconsin. I will then suggest to the chairman of the Naval Committee that if the object of the visit is to select a site for a navy-yard or naval depot, unless that visit is extended to all the places which are rivals for the location of such an institution, then the result, instead of being beneficial to the public interests may be entirely the reverse.

Mr. RICE, of Massachusetts. I will say in reply to the gentleman from Wisconsin that the immediate object of the committee in making this visit is not to select a site for a navy-yard for the lakes. We are prohibited, I believe, by our treaty with Great Britain, from establishing a navy-yard or naval station on any of the lakes, or from keeping more than one vessel of six hundred tons and one eighteen-pound gun on Lake Ontario and two on what are known as the upper lakes. This visit has reference to the establishment of a navy-yard or naval station on one of the rivers of the West, with especial reference to the protection of the Mississippi river and its tributaries.

Mr. BROWN, of Wisconsin. I do not understand that the treaty with Great Britain has any such effect as the gentleman supposes.

Mr. RICE, of Massachusetts. I do not undertake to decide that question at all. I simply say that the purpose of this visit at the present time has no reference to the lakes.

Mr. BLOW. I regret very much that the only proposition that has been made to this Congress for an examination into western interests should meet with opposition, and that that opposition should come from a gentleman from the State of Pennsylvania, which has received so much at the hands of the Government, and from a gentleman from Illinois, who is directly interested in that portion of the country.

Mr. WASHBURNE, of Illinois. I can answer my friend from Missouri very readily. I believe that there is but one point on the Mississippi river suitable for a navy-yard, Cairo or Mound City, and I think the House perfectly understands that. I do not think it necessary to send a committee to the West to examine into the matter.

Mr. STEVENS. The reason why I am opposed to this visit is that we are all in favor of this project.

Mr. BLOW. All I can say then is, that if gentlemen are in favor of the project, they have a most extraordinary way of expressing their feelings. Although we have a fleet of a hundred United States vessels afloat on the bosom of the Mississippi river, not one dollar has ever been appropriated by Congress for the establishment of a navy-yard there, or a station for the repairs of those vessels.

Sir, I consider the objections made to granting leave of absence to this committee as absolutely frivolous and unworthy of my friends. There are one hundred and eighty-three members of this body. Fifty, sixty, and seventy have been absent all the time, and yet no voice has been raised in this House against their absence. Members have gone to League Island and all through the New England States and other States, on every possible errand, to their homes on business, and have been absent with leave and without leave, and who has objected? But now, when a question affecting the interests of the great West and navigable streams of thousands of miles in extent comes up, and the question arises of allowing the committee at the same time an investigation of the wants of the great valley, among which is the removing of the obstructions to the free navigation especially of the Mississippi, which now so much incumbers the commerce leading to and from the very city in which my colleague from Illinois resides, the fear of inconveniencing members living near their constituents and impeding the business of the House causes the proposal to be met with the wit and slurs of members. Why, Mr. Speaker, the greatest improvement that can be proposed, and one purely of a national character, is the removal of the very rapids causing these obstructions to the free navigation of a great stream necessary to the prosperity, commercial and agricultural, of ten western and southern States. I regard this alone as a question of more importance than all your ship canals, and all these great interests are met by objections which I can only characterize as frivolous and inconsiderate.

I ask the House to grant permission to seven of the nine members of the Committee on Naval Affairs to visit the West. I know that after they shall have visited St. Louis, stopping on the way at Pittsburg and Cleveland and other places on the route, no gentleman having a proper regard for the vast interests of the valley of the Mississippi, and interests extending far beyond that valley, will ever regret having granted the leave of absence now asked.

As to the difficulty of getting a quorum, set the telegraph to work and summon the absent members who have disregarded their obligations to this body and to the country. I hope the leave asked will be granted.

Mr. WILSON. Mr. Speaker, I wish to say in reference to the remarks of the gentleman from Missouri, that I believe the people of the West will be better satisfied by every member of the House staying in his place and attending to the business of the country. Members of Congress are paid a salary of $3,000 a year by the Government for their time and services; and there will be time enough, after we shall have concluded the business of the session, for the committees to visit the different points of the West and report to the House at the next session. I therefore hope that no consent will be given to the Committee on Naval Affairs making this trip, or to the members of any other committee leaving their places in this House; but that we will hold members, and go on with the public business.

Mr. DAWSON. I move to lay the motion on the table.

Mr. KELLEY. Before that motion be put I desire to say a single word. Will my colleague withdraw the motion?

Mr. DAWSON. I withdraw for that purpose.

Mr. KELLEY. Mr. Speaker, the gentleman from Missouri has drawn a comparison between the attention given by the House to the interests of the East and of the West. I think that all such remarks are invidious, and that they lead to bad consequences. I want to say in this connection that no member of the House has been absent from it a single working day or hour for the purpose of visiting League Island. The visits to that point have been made at seasons when the House was not in session. The Committee on Naval Affairs has visited more distant points; and even for that purpose has lost but one working day. So that there is not that contrast between the interest which that committee feels in questions pertaining to the East and to the West which the gentleman would lead the people of the West to believe. And I, for one, should the House determine that the Committee on Naval Affairs shall not have leave now, will gladly, as a member of that committee, devote the two weeks following the termination of this session to making this excursion proposed, if deemed necessary by the committee.

Mr. DAWSON. I renew my motion.

The question was taken; and the motion was agreed to.

So the request was laid on the table.

CHARLES L. NELSON.

Mr. BAXTER asked and obtained unanimous consent to have taken from the Speaker's table an act (S. No. 197) for the relief of Charles L. Nelson; which was read a first and second time, and referred to the Committee of Claims.

NAVAJO INDIANS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, recommending an appropriation for the Navajo Indians in New Mexico; which was referred to the Committee of Ways and Means, and ordered to be printed.

MILITARY ACADEMY EXAMINATIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in regard to a plan for competitive examination of cadets for the Military Academy at West Point; which was referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CURRENCY.

Mr. HOOPER. I move that when the House shall have resolved itself into the Committee of the Whole on the state of the Union on the special order, all debate in committee on the special order shall cease in one minute.

Mr. HOLMAN. I make the point of order that that motion is not in order.

The SPEAKER. The Chair sustains the point of order. The motion cannot be made to close debate on the bill until after the last section is read.

Mr. HOOPER. Then I move that all debate on the pending section and the various amendments thereto be closed in one minute after the House shall have resolved itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. HOOPER moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union to take up the national currency bill, which is the special order.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ROLLINS, of New Hampshire, in the chair,) and resumed the consideration, as a special order, of the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, all debate on the pending section and the various amendments thereto being closed by order of the House in one minute.

The question was on the following substitute offered by Mr. HOOPER to the sixty-third section:

SEC. 63. *And be it further enacted*, That persons holding stock as executors, administrators, guardians, and trustees, shall not be personally subject to any liabilities as stockholders; but the assets and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust funds would be if they were respectively living and competent to act and hold the stock in their own name.

To which Mr. DAVIS, of Maryland, offered the following amendment:

Provided, That no State tax shall be imposed upon any part of the capital stock of such association invested in the bonds of the United States.

To which amendments Mr. DAVIS, of New York, offered the following as a substitute:

And be it further enacted, That it shall be the duty of the Secretary of the Treasury, as soon as practicable after the end of each fiscal year from and after the passage of this act, to make out and transmit to the treasurer of each State a statement of all taxes which shall have been collected in that State from each national bank organized therein during such previous year, and he shall with such statement remit to the treasurer of such State one fourth the amount thus collected from such association in each State, to be disposed of in its discretion.

The question was taken on the substitute offered by Mr. DAVIS, of New York; and it was rejected.

The question recurred on the amendment to the amendment offered by Mr. DAVIS, of Maryland; and it was rejected.

The question recurred on Mr. HOOPER's amendment.

Mr. SPALDING. I move the following as an amendment to the amendment:

And be it further enacted, That no part of the capital stock of any banking institution created or continued in existence by this act, so far as the same is made up of United States bonds, shall be subject to taxation by the government of the State within the limits of which it may be situated.

Mr. Chairman, it seems necessary that some such amendment should be introduced; and I do not know of any more unobjectionable than the one I now submit.

The amendment to the amendment was rejected.

The question then recurred on the amendment of Mr. HOOPER.

Mr. DAVIS, of New York, demanded tellers.

Tellers were ordered; and Messrs. VAN VALKENBURGH and ELDRIDGE were appointed.

The committee divided; and the tellers reported —ayes 54, noes 50.

So the amendment was agreed to.

Mr. PRICE. I submit the following amendment:

And be it further enacted, That no association organized under this act shall at any time pay out or put into circulation in payment of any of its obligations any bank bills, or anything intended to circulate as money, which at the time of such paying out or putting into circulation is not being received by such association at par.

The amendment was adopted.

Mr. BROOKS. I wish to offer an amendment, but I do not wish to offer it to the section upon which debate has been closed.

The CHAIRMAN. Debate is not now in order.

Mr. WASHBURNE, of Illinois. I move to strike out the enacting clause of the bill. I make the motion for this reason——

Mr. ELDRIDGE. Is the motion to strike out the enacting clause in order?

Mr. BROOKS. I rise to a question of order. The enacting clause of the bill may be considered as prior to the first section of the bill, and I make the point of order that we cannot retrace our steps except by unanimous consent.

Mr. COX. I ask what will be the effect of the motion of the gentleman from Illinois if it be adopted by the committee?

Mr. WASHBURNE, of Illinois. I understand the effect of the motion to be, that if the House does not sustain the action of the committee, the bill will be recommitted to the committee, and that if we sustain the action of the committee in striking out the enacting clause it will kill the bill.

Mr. COX. The gentleman is mistaken. It only brings the bill before the House. It was the way in which the Kansas and Nebraska bill was brought before the House.

The CHAIRMAN. Debate is not in order.

Mr. WASHBURNE, of Illinois. I ask for the reading of the rule.

The Clerk read, as follows:

"123. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole, with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House."

The CHAIRMAN. The Chair overrules the point of order.

The motion was disagreed to.

Mr. HOLMAN. I move the following as a substitute for the entire bill:

That the act entitled "An act to provide a national currency secured by a pledge of the United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, is hereby repealed: *Provided, however*, That any association organized under said act shall have three years from the passage of this act to retire their circulation and close up the business of such association, during which time and for the purpose aforesaid only the said act shall remain in full force.

The CHAIRMAN. The question on the substitute will be reserved until the bill has been acted on.

The Clerk read, as follows:

SEC. 64. *And be it further enacted*, That Congress reserves the right at any time to amend, alter, or repeal this act.

Mr. BROOKS. That is an excellent section, the only good one in the bill, and I hope that will pass. I move the following as an additional section:

And be it further enacted, That all the gold and silver coin received by every association organized under the provisions of this act for the interest that may be paid on the stocks, bonds, or other securities of the United States deposited with the Comptroller, shall be retained and held by such association until the sum of such specie or coin shall be equal to at least six per cent. of the reserve required to be held by associations located other than in the cities of St. Louis, Louisville, Chicago, New Orleans, Cincinnati, Baltimore, Philadelphia, Boston, New York, San Francisco, Buffalo, Detroit, Portland, Pittsburg, Albany, Milwaukee, and Cleveland, to the amount of at least ten per cent. of such reserve required to be held by the banks, at the redemption places named in the thirty-first section of this act.

Mr. Chairman, I expect that the gentleman from Massachusetts [Mr. HOOPER] who has the custody of this bill will oppose it, and to fortify myself I have provided an argument which comes from the president of the Eagle bank, Boston, Waldo Flint, Esq., which I ask the Clerk to read.

The Clerk read, as follows:

"The present law, and the amendments as proposed by the Comptroller in his new bill, now under consideration by the Committee of Ways and Means, do not require banks to hold any gold or silver coin while the suspension of specie payments continues. We regard this as one of the most alarming features of the new system of banking—as it is directly opposed to all past theory and experience on this subject, and constitutes one of the strongest arguments against the change from State to national organization.

"It is true that bank circulation may be ultimately safe, by the protection afforded by public stocks, held as security by the Government; but there is a wide distinction between security and convertibility, and in times of peace the community require banks whose circulation is amply secured to keep specie in sufficient proportion to enable them to respond to sudden calls.

"The same reason does not apply in time of war, when it is impracticable for the Government or the banks to pay specie on demand, but the argument is quite as strong which should require banks to hold the specie in their vaults as the trustees and custodians of the public, as visible, tangible security, convertible when the state of the country and its relations at home and abroad will admit of its being done with safety.

"But there are other reasons of controlling public policy which demand that specie shall be held on public account and for public benefit.

"Suppose Mr. McCulloch should succeed in compelling all State bank organizations to become merged under the new law in national institutions; what is to become of the millions of specie they now hold—are they to disappear? to be sold at a premium, the new banks getting the nominal advance and thus inflating the market value of their stocks? and who are to be the purchasers? Either individuals for the purpose of hoarding, or importers tempted by reduced prices to enlarge their orders for goods from foreign countries to compete with home manufactures, or to pamper luxury and stimulate extravagance."

Mr. BROOKS. Mr. Chairman, I desire to say that the $20,000,000 of gold in the New York banks, the $5,000,000 in the banks of Boston, and the $3,000,000 in the banks of Philadelphia, if this amendment be not adopted, will be withdrawn from State taxation.

The amendment was not agreed to.

Mr. BROOKS. I have two other amendments to offer as additional sections. They are amendments which meet the assent I believe of the associated banks of New York, with perhaps one exception, and which they are anxious to have incorporated in the bill.

The first one provides the mode and manner of winding up these national institutions whenever in the opinion of two thirds of the directors it shall be deemed expedient not to continue the business longer. I move the following as an additional section:

And be it further enacted, That if at any time before the period fixed for the termination of any association organized under the provisions of this act, the directors thereof shall deem it to be for the interest of the shareholders to discontinue such association, and shall have obtained the assent of two thirds of the shareholders, such directors may by the vote of two thirds of their number give notice to the Comptroller of the Currency of their intention to discontinue the business of banking, under the provisions of this act; and when such association shall have redeemed and paid or secured the payment of their outstanding circulation, and the payment of all their liabilities for deposits, and shall have paid or secured the payment of all its other liabilities, to the satisfaction of the Comptroller of the Currency, he may declare by a public advertisement that it is no longer subject to the liabilities imposed on associations organized under the provisions of this act.

The amendment was disagreed to.

Mr. BROOKS. I have one other amendment to offer, and then my duty in relation to the perfection of this bill will have been discharged. It is for the purpose of preventing that wildcat system of banking which was so much in fashion in some portions of the country some years ago, by which banks having no capital secured depositors by becoming savings banks. I move the following as an additional section:

And be it further enacted, That it shall not be lawful for any association organized under the provisions of this act to do business as a savings bank, or in any way to solicit or receive deposits as a savings bank, nor to pay any interest, compensation, bonus, or other consideration for deposits of money received by it, or in any way to receive deposits as a savings bank, or upon interest; and any association which shall violate the provisions of this section of this act shall forfeit and pay to the United States the sum of $100 for every day such offense shall be continued, to be sued for and recovered by any district attorney of the United States, in any court of the United States, for the use of the Treasury of the United States; and it shall be the duty of the Comptroller of the Currency to proceed against any association which may violate this provision.

Mr. HOOPER. I would like to ask the gentleman from New York whether the banks in his State are prohibited from becoming savings banks by any statute of New York?

Mr. BROOKS. I am not sure whether I can answer the gentleman from Massachusetts satisfactorily. I know what is the general opinion. I cannot definitely, in regard to law, because I have not examined. I know that some six or seven years ago some of these banks turned into savings banks in some portions of the country. But in New York, whether there is any specific law or not, there is a power of opinion higher than law which would prevent it being done there.

Mr. HOOPER. I understood that it was the constant practice.

The amendment was disagreed to.

The question recurred on the amendment in the nature of a substitute for the bill offered by Mr. HOLMAN.

On a division, 40 voted for and 63 against the substitute.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and HOOPER were appointed.

The committee divided; and the tellers reported —ayes 45, noes 63.

So the amendment was disagreed to.

Mr. STEVENS. I move that the committee rise and report the bill to the House.

Mr. GANSON. Before the bill is reported to

the House I would like to suggest to the gentleman who has charge of it that some change ought to be made in the twelfth section.

The CHAIRMAN. The committee have no right to return to the twelfth section.

Mr. J. C. ALLEN. Before the question is put on the motion that the committee rise I desire to ask a question. Several amendments have been adopted in committee. I desire to know whether we may have a separate vote upon each amendment in the House?

Mr. STEVENS. Undoubtedly.

Mr. J. C. ALLEN. With that understanding I have no objection to the bill being now reported to the House.

Mr. STEVENS. It is the right of any gentleman to have a separate vote upon any amendment. I ask that the vote may be taken upon the motion that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. ROLLINS, of New Hampshire, reported that the committee having, according to order, had the state of the Union generally under consideration, and particularly the bill (H. R. No. 333) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, had instructed him to report the same back to the House with sundry amendments, and with the recommendation that the bill as amended do pass.

Mr. STEVENS. I move to amend the bill by striking out the whole of it, and inserting the following substitute.

Mr. HOLMAN. As a matter of order I suppose the amendments reported from the Committee of the Whole on the state of the Union will come up first for the vote of the House.

The SPEAKER. The vote will be first upon the amendments reported from the Committee of the Whole.

Mr. COX. I would like to inquire of the gentleman from Pennsylvania whether the substitute he has offered is the bill as amended by the Committee of the Whole on the state of the Union?

Mr. STEVENS. It is, with the exception of the seven per cent., which is restored the same as the original bill.

Mr. COX. How about the State tax?

Mr. STEVENS. That is left out also.

Mr. WASHBURNE, of Illinois. I desire to ask the gentleman whether the provision is stricken out in regard to real estate security, and which allows the right of the banks to speculate in gold and silver?

Mr. COX. Will not the gentleman allow the substitute to be printed over night, in order that we may examine it?

Mr. STEVENS. Gentlemen will find that there are but one or two amendments differing from the present bill; one restores the seven per cent. rate of uniform interest, and the other strikes out the State taxation clause. I believe there is nothing else of importance. If any gentleman doubts about it, I do not want the bill acted on now. I see my friend from New York [Mr. STEELE] is asking me to yield to him to make a few remarks, which I shall do with pleasure.

Mr. COX. One more question.

Mr. STEVENS. I would call the previous question, but I suppose I may before that allow the gentleman from New York to occupy a few moments.

Mr. WASHBURNE, of Illinois. I ask the gentleman from Pennsylvania to accede to the request, and allow the substitute to be printed.

Mr. STEVENS. We have not yet done with the day's proceedings, and we can decide that matter better by and by.

Mr. COX. May it not be understood by general consent that the substitute be printed to-night and a vote be taken on it in the morning?

Mr. STEVENS. I do not like to say that now. I cannot say what will turn up before we adjourn.

The SPEAKER. Does the gentleman from Pennsylvania call the previous question?

Mr. STEVENS. I will not if the gentleman from New York will call it upon the conclusion of his remarks.

Mr. STEELE, of New York. I will.

Mr. Speaker, it has been with great reluctance that I have at any time asked the attention of the American Congress to any remarks of mine. And at no time have I attempted to address the House when that feeling was stronger than now. Having no claims to superior knowledge in finance, either from education or experience, it has seemed little less than presumption in me to attempt to speak on this subject to men many of whom have given years to the study of this intricate, vexed, and even yet uncertain subject, added to many years of experience in such pursuits as have afforded them facilities for subjecting their investigations to the test of practical observation; and I doubt if I should have so far overcome my scruples as to make this effort were it not that I have received such communications from my constituents as seem almost to make it obligatory upon me. The great kindness uniformly extended to me by my associates here makes me believe that my imperfect suggestions will be received with many degrees of allowance, and given, at least, all the consideration they deserve.

My objections, sir, to this bill are mainly to the system it attempts to perfect and perpetuate, rather than to matters of detail, and therefore I preferred to reserve my remarks until such time as it should be presented to the House for final action. And even now it is not possible to determine what precise form it will assume, as some of the amendments proposed by the Committee of the Whole are yet to be decided upon by the House. Yet I think it may be now safely assumed that most of the important provisions of the bill are settled as they will be submitted for the final action of the House.

It having been my lot to enter first upon my congressional duties after a most infamous attempt had been made by a formidable armed rebellion to break up and destroy the Union and to overthrow the best Government of the earth, it has been my constant desire from the beginning to give earnest and hearty support to every measure necessary or important to sustain the Government in these fearful times. And I will not concede that any one, even my distinguished colleague, who in his great speech on the gold bill made such an earnest, effective, and patriotic appeal to the Congress and the country, is influenced by a more anxious desire to do and to suffer everything needful for the success of our cause and the salvation of our country.

It is suggested that this is no new measure, but one already decided and entered upon, and considered necessary by that Department of the Government having charge of the finances, and therefore it is unpatriotic to oppose it or point out its imperfections, if it has any. Sir, it is not only the privilege but the duty of every Representative carefully to examine and consider every important measure proposed for action here, whether original or amendatory, and if he believes it inconsistent with the genius of our institutions and subversive of the rights of the States or the people, then to oppose its passage with all the power he can command. And I cannot understand how the fact that it is understood to be determined upon by the dominant party can relieve one from such responsibility.

At the time the bill for which this is sought to be substituted was presented for the consideration of the Thirty-Seventh Congress, it was urged as an imminent necessity; and realizing as we all did then, and do now, the importance to our national existence of the financial question, it is not improbable that the fear of doing a substantial injury to the country by its rejection did more to secure its passage than any deliberate conviction that in itself it was either wise or meritorious.

The measure as it was adopted, either from its imperfections and absurdities, or because it was not generally acceptable, has been so little used as to have served no substantial purpose in supplying a currency. In fact, statements were made upon this floor, during the debate on Saturday last, that it was "ineffective and inoperative;" and that, too, by a member of the Ways and Means Committee in favor of this bill, as follows:

"I understand the object of this bill to be to perfect the existing law, the law of 1863, which, during the past year, has been shown to be ineffective and inoperative.

"I can regard this in no other way than as an effort on the part of Congress to render efficient a law now inoperative."

If this be so, then of course the object of this substitute is to give vitality and effect to what is now supposed to be "ineffective and inoperative." Therefore it is quite proper to discuss it, much the same as if it were an original proposition.

A good while ago there grew up in this country a national institution called the United States Bank. Old Hickory Jackson said it was of unlawful origin, contrary to the spirit of our institutions, and dangerous to the liberties of the people. He swore by the Eternal, and it disappeared. And I should like to know what the distinguished gentleman from Pennsylvania, the chairman of the Ways and Means, who not long ago prayed so earnestly for "six months of the leadership of stern Old Hickory Jackson," thinks he would swear by now, if he should appear here and read this bill, knowing it was to pass by the recommendation and vote of that mortal who invoked his presence. The unprecedented popularity and indomitable will of the Hero of the Hermitage carried him safely through his attack upon that mighty monetary power. Yet we all remember well how the death-throes of the expiring monster caused apprehension, embarrassment, and distress all over the land. Sir, if that bank, with its $30,000,000 capital, was so dangerous to liberty, and required the wonderful energies of a Jackson to put it down, what shall be said of this mammoth institution, with its $300,000,000 capital and its almost numberless tributaries, to be established in every part of this vast country? Verily here is an instrument of executive patronage and power worthy the conceptions of the loftiest aspirant.

Nor does the magnificent scheme halt with its present apparent proportions. One of the arguments, which meets with much favor among its advocates, is that the legal-tender system, although well enough in itself, was only intended as a temporary expedient, whereas the national currency system, as it is called, is expected to become a permanent institution and to supplant and take the place of all the other paper money of the country. Whenever the State banks can be annihilated then its volume can be increased. So soon as all the legal tender can be withdrawn it can be again increased. As the country advances, and a further demand for currency can be created, then it is to be increased again and again until the fertile imagination of the financial and political schemer and dreamer loses itself in the misty mazes of the distant future. And were it not that the experience of the past, and the sober consideration of all practical, thinking financial men agree in the inevitable judgment that all visions of an unlimited paper currency not redeemable in coin are delusive and every such system must eventually explode, there might be no end of the amount and volume to which this so-called national currency could be expanded.

But even if it were possible that the vast mineral resources of the country could be developed to such an extent as to provide a specie basis for these untold millions of paper money, what would be the inevitable consequence of having these five, ten, fifteen, or any imaginable number of hundreds of millions currency all under the control of one man? If money is power—and I think most men believe it is—then here is power such as never yet existed on earth, except in the busy imagination.

In this vision of monetary power, let some man appear at the head of affairs sufficiently able and wicked to direct skillfully this vast machinery with a view to control elections; what would be the consequence? Is not the answer apparent? Is it necessary to go further and consider exactly how he would pull the wires upon these millions of banks, and how with untold, fabulous sums of money, and the thousand insidious influences that money can command, the election would be controlled? And at last, when it was apparent that the foundations of free government were being undermined and destroyed by this stealthy, irresistible, and ungovernable monster of our own creation, let some enthusiastic, self-sacrificing patriot, with courage enough to speak out, call for a Jackson to overthrow it, and let a greater than Jackson appear, and what could he do? I tell you a whole army of Jacksons would be impotent against such a system, if once advanced to that position pictured for it in the expanded imagination of its projector. It would be impervious to political attack, and would only fall with its own unwieldy weight or for the want of sufficient foundation.

Experience has shown often during this war that measures urged as of the utmost immediate importance, were not only unnecessary, but of the most mischievous and alarming character. Of all the measures urged upon Congress as indispensable to the salvation of the country, none came heralded with more pompous demands for our support than the odious, unnecessary, and oppressive conscription bill of the last session. It was proclaimed to the world and announced to this House that it had passed the Senate without an opposing vote, and that whoever opposed it here would be considered little better than a traitor to his country. And it was mainly because of this offensive demand made upon members for the support of the measure that I felt bound, although just up from a severe sickness, to state, as I did upon this floor, some of my objections to it. As was anticipated by many of us, it turned out a practical failure, and was productive of the most alarming consequences.

The present bill is not less dangerous to the permanent prosperity of free government than was that to the peace and good order of society. They are both calculated to subvert the liberties of the people and centralize power in the General Government at the expense of the reserved rights of the States and the people. And both alike, having failed to answer the expectations of their supporters, are sought to be bolstered up and perpetuated by alterations and amendments which do not change their character or obviate the most substantial and important objections to their provisions.

If this measure could be carried into successful operation, and the $300,000,000 currency proposed be substituted for the same amount of legal tender, it is difficult to understand how the Treasury would experience great relief after paying interest on the money thus withdrawn and which it now has without interest, in addition to the very considerable expenses of the new system, and the cost and inconvenience of the change.

Section one of the bill provides for the appointment of a Comptroller, &c., as follows:

He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, by and with the advice and consent of the Senate. He shall receive an annual salary of $5,000. He shall have a competent deputy, appointed by the Secretary, whose salary shall be $2,500, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in such office and during his absence or inability. He shall employ from time to time the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed and classified by the Secretary of the Treasury in the manner now provided by law.

Thus at the outset we have a permanent officer with a salary of $5,000 per annum, another at $2,500, and a small army of clerks, unlimited in number, in addition to the expenses of providing the bills for circulation and divers other things, all to be paid by the Government.

If, however, it is supposed to be a sufficient answer to this apparent expense and loss to the Government to say that it is not for one unacquainted with the intricacies and mysteries of finance to question the wisdom of superior knowledge, that will scarcely be accepted as a sufficient answer to important constitutional objections and the impolicy and unsafety of placing all the banks and the entire banking capital of the country under the control of the executive department of the General Government or one of its branches.

It is not denied that it is the inevitable consequence of this system, if successful, to compel all the State banks to suspend business as such, and come under the new arrangement, or give place to such as will. State banks are older than the Government itself. They have not only been accepted and regarded as lawful State institutions by the authors and contemporaneous expounders of the Constitution, but have been repeatedly decided to be so by the Supreme Court of the United States.

The great State of New York, the Empire State of this Union, and the district I represent, are largely interested in this question. We have many banks, founded upon a system which has served as a model for the one now under consideration. They have furnished us a safe and convenient currency. Our people have confidence in them, so much so that they greatly prefer them to the national currency. They pay a very large proportion of our taxes; and we cannot understand what authority the General Government has, either by a sudden blow or a lingering torture, to destroy such valuable State institutions and substitute others, creatures of the national Government, and substantially exempted from local taxation. About one tenth of the entire taxable property of the State of New York is in the State banks, and in many localities a much larger proportion. Suppose this system to be perfected, and that amount of property relieved from local taxation; how are the other tax-payers to make up the deficiency in these times of alarming expenditure? And if lawful State institutions of such magnitude and importance to the States and the people can be directly or indirectly stricken down by Federal legislation, what safety is there for any local or individual right?

And again, perfect your system; let capitalists invest in these banks; establish a privileged class of moneyed men in every vicinity exempted from local taxation: as taxes increase and become more and more onerous, a feeling of dissatisfaction, discontent, and ill-will toward the class supposed to be unfairly protected from taxation will grow up among the masses of the people, likely to result in violence and blood, arson and anarchy. There is not, it is true, in this bill any language which in terms disposes of the State banks. It will be well remembered, however, that the bill of the last Congress for which this is a substitute was speedily followed by another aiming a deathblow at the State banks by the way of taxation; and if we may argue of the future by the past, we have a right to presume this will be immediately followed by another taxing the State banks to such an extent that they cannot live as such.

In the Committee of the Whole on the 2d instant the distinguished gentleman from Maryland [Mr. HENRY WINTER DAVIS] said:

"I confess I foresee a serious struggle to take place between the banks that we are providing for and the existing State organizations. It is impossible that the State institutions can be allowed to stand side by side with those we are about to create. It is plain that either in this bill or in the tax bill stringent provisions will be adopted to drive from existence the State institutions."

From this statement, made openly upon this floor, and not denied or commented upon by the friends of this measure, it seems to be generally conceded, and unless it is now denied by those who know, I shall assume that such is the case. The efforts and the sacrifices of the State banks to serve the Government in its time of need, and the fact that they have several times, and as often as called upon, come promptly to the relief of the Government in its extremity, was remarked upon by my colleague [Mr. BROOKS] the other day; and I will not enlarge upon it now, except to say that in every instance when money has been wanted to fill up the regiments and the quotas sent from the district I have the honor to represent on this floor, our local banks, State institutions, have immediately and voluntarily furnished all the money required for such purpose; and under the last call some, if not all of them, have done so to the extent of nearly one fourth of their entire capital.

And it would seem that, aside from the fact that Congress has no constitutional right or authority to interfere with and destroy lawful State institutions, it is a poor return for such patriotic devotion and the most important services which have, more than once, saved the very life of the nation, to proceed deliberately and resolutely to cripple and eventually destroy them; especially when it is believed the Government could provide for its necessities even better by a continuation of the legal-tender system at present in use, and that there can be no necessity for the proposed change, except for the purpose of establishing a pet system increasing executive patronage, and, by breaking down State institutions and weakening the sovereignty of States in the management and control of their internal and local affairs, make another grand stride in the direction of a consolidated Government and the centralization of power.

The old argument in favor of a national bank, that of giving a uniform currency, is urged now, and yet it seems apparent that the legal tender has advantages over the proposed system. It is not to be supposed that all men will be able to manage the business of banking successfully; and if not, then undoubtedly some of these banks will soon be compelled to go into liquidation; and whenever that occurs, no one can doubt that the delay in realizing, upon notes scattered, as they will be if used as currency, all over the country, will cause depreciation and distrust. Then, again, bills redeemable at a distance, even if there is no other objection to them, will pass, if at all, at a discount. And instead of having a currency like the present legal tender, good alike in all the States, it will soon be found necessary to discriminate between the paying and the non-paying banks, and between those bills redeemable near at hand and at far-off places.

In support of the proposition that the banks of this new creation will be entirely at the mercy of the Treasury Department, and therefore to that extent subject to its control and dictation, I desire to call attention to the following sections of the bill.

Section twelve contains the following:

And the Comptroller shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

Section thirteen, as follows:

Provided, That by no such reduction shall its capital be brought below the amount of its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Section seventeen provides for examination, report of directors, &c.

SEC. 18. *And be it further enacted*, That if, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate, &c.

Two of these sections give a discretion to the Comptroller or Secretary which is unlimited, and may be exercised so as to prevent the organization of any association not desired by the head of the Department. And the other gives authority to consent to or prevent the reduction of the capital.

SEC. 45. *And be it further enacted*, That all associations under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government, and they shall perform all such reasonable duties as depositaries of public moneys and financial agents of the Government as may be required of them. And the Secretary of the Treasury may require of the associations thus designated satisfactory security by the deposit of United States bonds for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government.

Under this provision some can be benefited and others punished by the favors which can be extended to one and withheld from another, or changed from one to another, in the discretion of the Secretary. And any amount of deposits may be removed from one locality to another at any moment, thereby materially affecting the value of stocks and other property in different localities, at the mere will and pleasure of the head of the Department. As the sub-Treasury system is not, more than the State banks, directly attacked in terms by this bill, it may be claimed that there is no intention to interfere with it; yet it is difficult to understand what is to prevent its being substantially abandoned under the provisions referred to. It is not my purpose to enter into a discussion of the merits of that measure. It has been tried and approved by the judgment of the country, and more than once indorsed by the people; and no one recently, so far as I know, has ventured to attack it openly. And it may not be amiss simply to say that, in addition to its safety, it would, if properly continued, prevent the mischievous consequences anticipated from large Government deposits with pet banks, and the changes from bank to bank and from place to place.

SEC. 54. *And be it further enacted*, That the Comptroller of the Currency, with the approbation of the Secretary of the Treasury, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons to make an examination of the affairs of every banking association,

which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine, and who shall have power to make a thorough examination into all the affairs of the association, and in doing so to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Comptroller. And the association shall not be subject to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of law and chancery. And every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined.

Under this power of examination any one of these institutions that happens to incur the displeasure of the Department can be broken down by sending persons "to make an examination of the affairs," &c., which may be ordered by the Comptroller with the approbation of the Secretary, at any time; and if one set of persons appointed to examine as long as they choose, who must be paid five dollars a day each, and two dollars for every twenty-five miles traveled, by the institution undergoing the examination, and the discredit of being subjected to such examination, and the expenses attending it, cannot break down the institution the first time trying, it may be repeated *ad infinitum*, until the desired result is accomplished. And who can doubt the influence that might be exerted in consequence of such power in the hands of one who chose to use it?

It seems to have been forgotten, sir, in these days of much talk about liberty and continual practice of Federal usurpation, that this is a Government of the people; that all the lawful authority of the governors comes from the consent of the governed; in other words, that the power proceeds from the people and the States to the General Government, instead of going from the General Government to the States and the people. If this is so, then it follows that all enactments reversing this order, or tending to impair the lawful authority of the States within their own several jurisdictions, or to encroach upon the sovereignty of the people, are anti-democratic, anti-republican.

And while I am for restoring and preserving the Union as we received it from our fathers and enjoyed it ourselves for many years, at any cost, at any sacrifice, short of a surrender of our liberties and our personal and local rights; and while I should have very little hope of liberty in a permanent Government of the people without the Union, I see no use of and have no desire for a Union without liberty; and if we must surrender all our vested rights, and give up that liberty which alone made the old Union glorious, in order to purchase it back, then, I say, the price is too great.

I will not concede, as did my colleague, [Mr. BROOKS,] that Massachusetts is supreme, yet I know she is mighty in these days; and I appeal to her to remember the teachings of her own great statesman, and not sacrifice liberty even upon the altar of the Union. But give us "liberty and Union, one and inseparable, now and forever."

Mr. STEVENS. I understand from what is said by gentlemen upon the other side of the House that they are anxious to have the whole substitute printed. All I have to say is that that will make a great deal of printing for a very little matter. The only difference between the bill as amended by the Committee of the Whole and that which is offered as a substitute is, that in the substitute the rate of interest is restored precisely to what it was before and as it was printed in the original bill, and the clause in reference to State and municipal taxation is inserted in the substitute. These are the only two items changed by the substitute from the bill as it now is. Now, if gentlemen think it will be sufficient to print those two amendments, it will save a great deal of printing.

Mr. COX. I would inquire whether the substitute has in it the section in reference to the Bank of Commerce which was in the original bill?

Mr. STEVENS. It leaves out the sixty-third section, which relates to the Bank of Commerce, but contains a provision which was adopted by the committee.

Mr. COX. The general provision which embraces all banks?

Mr. STEVENS. The general provision as adopted by the committee is in the substitute. The substitute restores the uniform rate of interest, and leaves out the clause relating to State and municipal taxation of banks. But I have no kind of objection, if gentlemen desire to have the whole substitute printed.

Mr. BROOKS. We have the bill now printed in the form in which it was laid before the House, and also in a quarto form. Now, as the type are probably standing, it will not cost twenty-five dollars to have the substitute printed. We cannot act intelligently unless we have the original bill and amendments—the amendments in italics—and the proposed substitute printed. To the original bill there are thirty or forty amendments, and we cannot well consider them until they are printed. We have, in fact, trusted the honorable gentleman from Massachusetts [Mr. HOOPER] with the making of this bill, and I have no doubt he has made it as he thinks, well, but it is the right of the House—as we intend to call the yeas and nays—to know upon each separate amendment what they are voting on. It will be easy for the Public Printer to lay this bill, either in this form, or in the quarto form, upon our tables to-morrow at one o'clock.

Mr. STEVENS. I have no desire that the House shall act in the dark without time to examine the matter. I made a suggestion to the House in reference to printing the two amendments contained in the substitute, because that would be a little less expensive, but to me it is of no importance which course is pursued on any other account. After I have moved the previous question and it is seconded, the gentleman who reported the bill [Mr. HOOPER] will have an hour, and then I will move to postpone the bill and allow it to go over till to-morrow, and in the mean time the substitute can be printed. I do not myself intend to occupy much time to-morrow. If the substitute which substantially restores the original bill shall be adopted, it will be an improvement upon the old law as it now stands. It will give a uniformity of interest throughout the various States, and the question of taxation will be the same as it now is in the original bill. If the substitute is adopted the only real amendment except those that are mainly verbal will be that of a uniform rate of interest. If, however, the House does not desire to have a uniform system, then I see no kind of use in pressing this bill further. I shall consider the vote on the substitute as a test vote on the bill.

Mr. COX. I would like to make one suggestion to the gentleman from Pennsylvania. The members upon this side of the House desire separate votes upon two or three of the amendments adopted in Committee of the Whole on the state of the Union. They are in fact contained in the substitute of the gentleman from Pennsylvania, or at least it involves the same questions. I hope that by unanimous consent the gentleman will agree to give us a vote by yeas and nays on the propositions about taxation, interest, and the Bank of Commerce.

Mr. STEVENS. If I understand the rules of the House aright, every gentleman has a right to call for a separate vote on each amendment.

The SPEAKER. There can be a separate vote on each amendment. The Chair will state, in order that the House may not be taken by surprise to-morrow, that if the substitute is moved to-day, and the previous question is sustained upon the substitute, and the amendments reported from the Committee of the Whole on the state of the Union, then the previous question cannot be reconsidered until it is exhausted. If the House shall adopt a part of the amendments of the Committee of the Whole on the state of the Union and reject a part, the substitute cannot then be altered. If, on the contrary, the previous question is demanded on the amendments alone, it will exhaust itself when the amendments are disposed of, and the gentleman from Pennsylvania can then move the substitute in any shape he sees fit.

Mr. COX. The vote will first be taken on the amendments reported from the Committee of the Whole on the state of the Union.

The SPEAKER. Certainly, so as to perfect the original bill.

Mr. STEVENS. I now call the previous question, and I suppose I had better do it only on the amendments reported by the Committee of the Whole on the state of the Union.

Mr. BROOKS. Will the gentleman from Pennsylvania allow me an opportunity to say a word? because it is the right and the duty of those of us who are opposed to this whole business to explain what we are after.

Mr. STEVENS. I yield for a moment to the gentleman from New York.

Mr. BROOKS. Our opposition to this measure has been manifest. We know that the existing law will be the law of the country unless some farther legislation takes place. We are aware of that; but if this bill is killed the original system will in the end, by the action of this Congress, be also killed, save as to the existing banks. What we desire is to do away with the $300,000,000 of bank currency, and that if the Government desires more currency it be legal-tender currency; in other words, that the currency be made by the Government and not by the banks. That is what we are after.

Mr. STEVENS. The opposition of gentlemen upon the other side of the House is perfectly legitimate. They, of course, were opposed to this system from the start, and it is not at all surprising that they are opposed to it now. The gentlemen are pursuing a perfectly legitimate and consistent course in opposing the measures recommended by the Administration.

Mr. HOOPER. I want to understand the statement of the gentleman from New York. I wish to know if he meant to include the circulation of the State banks also, and to say that there shall be no circulation issued either by these banks or by the State banks, and that the whole circulation shall be legal tender?

Mr. BROOKS. I will explain to the gentleman. My theory, and the theory, I suppose, of the gentlemen who are now associated with me, is that in this Federal Congress we have nothing to do with State banks; that that is a matter for State legislation and dependent upon the State governments. We are not legislating for the States. What I mean to say is that if the Government desires more paper money and deems it necessary we prefer it in the form of legal tender created by the Government rather than in a currency created by the banks.

Mr. HOOPER. What I wish to know is if the gentleman intends that the State banks shall share with the Government the right to furnish this circulation?

Mr. BROOKS. I think I have answered the gentleman's question.

Mr. STEVENS. I myself would prefer legal tender to the circulation of these banks, either State or national. I will join with the gentleman from New York in a measure of that kind, for the issue of what shall take the place of the circulating medium of the banks of this country, so as to put the legal-tender notes in a better shape and make them more beneficial to the Government. I should have some little fear that the gentleman from New York will not be able to take enough of his friends with him on that side of the House to countervail the few gentlemen on this side who always think and act for themselves, and we should lose them both. Hence it is that I am for taking a vote on this first; and now I move the previous question on the amendments reported from the Committee of the Whole on the state of the Union.

The previous question was seconded, and the main question ordered.

Mr. COX. I move that the bill and amendments, with the substitute of the gentleman from Pennsylvania, [Mr. STEVENS,] be printed.

Mr. STEVENS. The substitute is not before the House, but if there be no amendment it can be ordered to be printed.

There was no objection; and the bill and amendments as reported from the Committee of the Whole on the state of the Union, together with Mr. STEVENS's substitute, were ordered to be printed.

The SPEAKER. The substitute is received for the purpose of being printed, and also to be voted on as one of the amendments; but the previous question will be exhausted before the third reading of the bill is reached; and then if the gentleman from Pennsylvania desires to amend it he can do so.

Mr. J. C. ALLEN. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at four o'clock, p. m.) the House adjourned.

IN SENATE.

WEDNESDAY, *April* 6, 1864.

Prayer by Rev. J. J. MARKE.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT. The Chair will present a communication from the Secretary of the Interior. The Chair will also state that the communication was received yesterday, but not in season to present to the Senate without an interruption of the ordinary business.

The communication was read, as follows:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, *April* 5, 1864.

SIR: I have the honor to inform the Senate, in reply to their resolution of this date, that I am not aware, nor have I any reason to believe, that since the passage of a law creating the office of warden of the jail in the District of Columbia, there has been any neglect or refusal of the marshal of the District to execute the laws of the District or judgments of the court; but, on the contrary, I am apprehensive that his continuing, since the passage of said act, to detain persons in the jail may be regarded as being without sufficient authority of law.

I have the honor to be, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Hon. HANNIBAL HAMLIN, *President of the Senate.*

Mr. HALE. Let it lie on the table.

It was so ordered.

PETITIONS AND MEMORIALS.

Mr. WILKINSON presented nine petitions of citizens of Minnesota, praying for the amendment of the act of Congress granting lands to that State to aid in the construction of railroads, so as to allow the building of a road from Winona, via St. Peter or Mankato, to the Big Sioux river, south of the forty-fifth parallel of north latitude; which were referred to the Committee on Public Lands.

RESOLUTIONS FROM CALIFORNIA.

Mr. CONNESS. I hold in my hand, sir, for presentation, concurrent resolutions of the Legislature of the State of California. They are somewhat remarkable, Mr. President, in character, and I shall be pardoned for saying a very few words upon their introduction.

These resolutions relate to the condition of the country, and give expression to the position of the people of California upon that great subject. They come, too, singularly, or with remarkable coincidence, at a time when this body is engaged in the consideration of a subject of the greatest importance that was ever considered by a deliberative body. I mean the amendment to the Constitution of the United States providing for the expurgation from our political system of the poison that has infected it, providing for the abolition of slavery.

These resolutions, I say, come at this time as if by a remarkable coincidence, as if prepared by the Almighty hand. They come from the farthest-off State in the Union. They come from a State that but recently was represented, at least in this body, by halting opinions upon the great national question. They express no mixed opinions, but are in accord with the progress of the time and the age we live in. I need not say, sir, that they will be a sufficient expression of my sentiments upon the great question before this body—I mean the amendment of the national Constitution—and I indorse the sentiments and opinions they contain. I now present them, and ask that they be read, and ordered to be printed.

The Secretary read the resolutions, as follows:

Assembly Concurrent Resolutions, No. 13.

Resolved by the Assembly, (the Senate concurring,) 1. That the people of the State of California are uncompromisingly loyal; and that we repudiate the political heresy of State supremacy when brought in conflict with Federal authority, holding that each has its proper sphere; but that in all national affairs the Constitution, and the laws of the United States made in pursuance thereof, are the supreme law of the land, and which no State, either by legislation, judicial decision, or otherwise, can disobey, controvert, or evade, without violating this great fundamental principle of our Government, for the maintenance of which the people of this State are prepared to die rather than surrender.

2. That the rebellion is a war of the southern slave-owning aristocracy against the democracy of the nation, and is a blow struck against all free government.

3. That we indorse all the measures of the Administration adopted for the purpose of subduing the present most wicked rebellion; and, first, we indorse the abolition of slavery in the District of Columbia; second, we indorse the act making free from slavery all territory belonging to the United States; third, we indorse the confiscation act; fourth, we indorse the conscription law; fifth, we indorse the suspension of the writ of *habeas corpus;* sixth, we indorse the enlistment of negro soldiers to fight in our national armies; seventh, we indorse the noble stand taken by President Lincoln, that all who wear the uniform of the Union shall receive the same protection; eighth, we indorse the financial policy of the Government and the legal-tender law as *the* great administrative measures for successfully carrying on the war against the rebellion, and which we pledge ourselves to defend and uphold; ninth, we indorse the policy of establishing military governments in the revolted States, as necessary to enable the President to see that the laws therein are faithfully executed; tenth, we indorse the act admitting Western Virginia into the Union.

4. That we indorse the proclamation by the President of the United States of January 1, 1863, declaring the slaves in all the territory which it covers forever free; and we hold that its operation is not contingent upon the occupation of any territory by the national arms, but that it is self-acting, and gives to each slave a full and complete legal title to freedom, and we will never consent that they shall, for any purpose or for any end, be returned to their former condition of bondage; but we pledge ourselves to stand by and support President Lincoln in his noble determination to maintain the plighted faith of the nation inviolate, as expressed in his last message, when he says, "I shall not attempt to retract or modify the emancipation proclamation, nor shall I return to slavery any person who is free by the terms of the proclamation, or by any act of Congress."

5. That we indorse the plan of reconstruction as set forth in the proclamation of the President, and appended to his last message; first, because it establishes in the rebellious States now under the national flag, or that may come under it, a rallying point for the organization of all loyal men; second, because it guards and protects the emancipated slave against the possibility of reënslavement; third, because it will enable the United States to practically guaranty to every State to which it applies a republican form of government, and to protect each of them against invasion; fourth, because it points out a mode by which the deluded masses of the rebellious States may return to their allegiance with the restoration of all their rights, while it reserves the right to punish the guilty instigators and leaders of the rebellion for the great crime they have committed; fifth, because it provides for the support and protection of the freedmen of the rebellious territory as a condition precedent for pardon and the restoration of forfeited rights; sixth, because it presents a mode by which the national authority over every loyal State government may be established, and the State thus restored to its place in the Union; and seventh, because it precludes the possibility of any peace which shall acknowledge the existence or establishment of slavery in any part of the rebellious territories covered by the emancipation proclamation.

6. That the proposition of the copperhead members of Congress to send commissioners to Richmond to sue for peace from armed traitors, should consign their names to eternal infamy; and he who would treat with armed treason is himself a traitor, and deserves a traitor's punishment. California will accept no peace which is not based upon an unconditional surrender.

7. That we indorse their construction of the confiscation law which has for its object the unconditional forfeiture of the property of the rebels; and our Senators are hereby instructed and our Representatives in Congress requested to urge its adoption.

8. That we tender our gallant Army and Navy, officers and men, the heartfelt thanks of the loyal people of the loyal State of California for their glorious achievements, for the renown which they have given to the American name; and we guaranty to them that while they are fighting our battles, traitors at home shall not be permitted to deprive them of the least of their civil rights.

9. That the President's proclamation of pardon, as appended to his message, is limited to the people of the rebellious States, as therein specified, and has no application either to prisoners of war, or to persons who have been tried, convicted, and sentenced by the courts of the country.

10. That the barbarous treatment of Union prisoners by the rebels is without a parallel in the annals of civilization, and should bring down upon them the execrations of the whole civilized world; and we hail with delight the recent action of the Government in placing the whole phalanx of rebel prisoners under the jurisdiction of General Butler, that great rebel-tamer, and we earnestly invoke such a system of retaliation as will force the barbarism of slavery to yield to the humane rules of civilized warfare.

11. That in Abraham Lincoln, President of the United States, we recognize purity of life, singleness of purpose, the far-seeing, conscientious statesman, the uncompromising, unsullied patriot, the aim of whose life is the preservation of the Union and the restoration of peace upon the immutable and eternal foundations of freedom, and freedom only; that to his wisdom, sleepless watchfulness, unselfish patriotism, prompt action, and determined will to pursue the right and abandon the wrong, the people of these United States are indebted for the proud position which they this day occupy on the great map of nations; that when we consider the fiery ordeal through which this man of the people has passed unscathed and untainted, it is not strange that public confidence in him should remain unshaken; and that while we revere and honor other noble patriots who have performed so well their several parts in this great drama, the people still look to Abraham Lincoln as the instrument selected by Providence to lead their country in safety through all its perils, and restore it again to a peace in which no element of discord shall be found, *and that we do most heartily favor his reëlection.*

12. *Resolved*, That his Excellency, the Governor, be requested to transmit copies of these resolutions to the President of the United States, and to each of our Senators and Representatives in Congress.

The resolutions were laid on the table, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (No. 380) for the relief of George W. Murray; in which the concurrence of the Senate was requested.

TRANSFERS FROM THE ARMY TO THE NAVY.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 218) to repeal a joint resolution therein named, which was read twice by its title.

Mr. GRIMES. I ask the indulgence of the Senate while I state in one word the purpose of the bill which I have introduced, and then if any Senator thinks it ought to be referred to a committee for further consideration, I shall interpose no objection; but I think it is very important that it be passed immediately, and I think there can be a perfect comprehension of the subject that is intended to be embraced in it, without any reference.

It will be remembered that in the enrollment bill there are five sections that relate to the transfer of seamen from the Army to the Navy, which passed, I believe, by the unanimous vote of both bodies. During the pendency of that bill, and before it was passed, a joint resolution was passed by Congress on the same general subject, supposing that the joint resolution would be able to reach the President, and be approved before the enrollment bill could reach him. They were both, in fact, approved on the same day; but the joint resolution, in some respects, conflicts with the enrollment bill, and prevents its being carried into execution, the result of which has been that not one seaman has been transferred from the Army to the Navy. The purpose now is merely to repeal that joint resolution, and let the whole matter stand upon the law as embraced within the enrollment bill, to which I think there can be no objection on the part of any one.

Mr. HALE. I do not know exactly what the object sought to be attained by this bill is; but I want now simply to make a statement in regard to this subject of procuring seamen. There does not seem to be an entire uniformity of opinion at the Navy Department upon the subject. I was at the Department not many days ago, and the Secretary made to me substantially the same statement which he afterwards made in a letter addressed to you, sir, as the President of the body. The next day—and all this occurred within ten days past—as I was coming up to the Capitol, I met a couple of gentlemen, members of the other House, one of whom I supposed to be upon the Naval Committee, but it turns out that he was upon the Ways and Means Committee, a member from the State of Iowa; and I mentioned to him this difficulty of the Secretary and expressed a wish that some speedy action might be taken by Congress in order to supply this deficiency. This was Hon. Mr. KASSON. Mr. KASSON remarked to me that he had within a day or two received an application from the State of Iowa for permission to open a naval rendezvous in Iowa, and that he thought there might be a considerable number of sailors recruited there; that he sent it to the Navy Department, and it was referred to the Bureau of Equipment and Recruiting—I believe that is the name of the bureau—of which a Mr. Smith at present is the chief *ad interim;* and that Mr. Smith, as chief of the Bureau of Recruiting and Equipment, had written back word to him declining to give any such authority, and expressing the opinion that the Department would have sailors enough under the recent enactment of Congress.

I confess it was a matter of a good deal of surprise to me to learn that such a letter had been received by Mr. KASSON, and I addressed a note to the Secretary of the Navy asking for a copy of the correspondence. I received an answer that the letter of Mr. KASSON making the application had been returned to him, and they had not got it; but the answer of the chief of the Bureau of Equipment and Recruiting was sent, and was substantially what I have now stated it to be, declining to make any appointment of a rendezvous for recruiting sailors in the West, and expressing the opinion that under the existing legislation they would have sailors enough.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) Is there any objection to the present consideration of this bill? The Senator from Iowa having introduced it has asked unanimous consent for its present consideration. If no objection be interposed, it is before the Senate as

in Committee of the Whole, and open to amendment.

Mr. HALE. I object to its consideration this morning.

Mr. GRIMES. I hope the Senator will withdraw his objection until I make a statement.

Mr. HALE. Certainly.

Mr. GRIMES. An erroneous impression might perhaps be created by the remarks of the Senator from New Hampshire without some explanation. My colleague in the House of Representatives likewise told me that he had made an application to have a naval rendezvous opened at Des Moines, the capital of my State, one hundred and fifty miles in the interior, where not only there are no sailors but there are not even boatmen. They might obtain landsmen by opening a recruiting station there; but I do not suppose twenty sailors could be obtained in the whole State of Iowa. That is not the want of the Navy Department; it is not a transfer of landsmen that is authorized by either the enrollment law or the joint resolution; it is the transfer of seamen and ordinary seamen, technical terms that apply to men who have been in the naval service or who have been mariners heretofore, and who have reached a certain degree of proficiency.

The application of my colleague to have a recruiting office opened there, and the denial of Commander Smith who is in charge of the Bureau of Equipment and Recruiting, only applied, therefore, to the subject of procuring landsmen, for nobody supposed they could get any sailors there.

Mr. WILSON. How many sailors are wanted?

The PRESIDING OFFICER. Objection has been made to the present consideration of this joint resolution.

Mr. GRIMES. I understand from my friend who sits at my side [Mr. FOSTER] that the Senator from New Hampshire has no right to object to the consideration of this resolution, after having gone on and debated it; but I shall not raise that question. The gentleman is charged with the conduct of naval affairs by the Senate, and if he chooses to put the bill over, the responsibility is on him.

The PRESIDING OFFICER. The debate having proceeded so long without objection, the Chair must, if that point is raised, hold that the right to object was waived by the protracted debate which has taken place, and the bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GRIMES. The Senator from Massachusetts asked me what is the number of sailors that will be required. I understand that they will require about twelve thousand sailors; that there are now nearly forty vessels which are entirely prepared for sea and only waiting for their crews, and there are several thousand applications from men in the Army who desire to be transferred to the Navy. The Vice President informed me to-day of some neighbors of his who have made application within a day or two to him to be transferred. I had a letter a day or two ago from a gentleman who is going out in command of the Iroquois, in which he said that a man who had been for twenty-one years a seaman in men-of-war was now in a New York cavalry regiment in the city of Baltimore, utterly disqualified for the performance of the duties of a cavalry soldier, but well qualified for duties on board a man-of-war. One of Farragut's gunner's mates, who was on the Richmond at the taking of New Orleans, is also in that cavalry regiment, and has applied to be transferred and wants to go on the Iroquois. But as it now stands we cannot get them transferred for two reasons: first, the joint resolution declares that no man shall be transferred if it will reduce the complement of the company or the regiment below its regular complement; and second, it requires that the Secretary of the Navy shall refund to the War Department the amount of bounty that may have been received by the recruit who seeks to be transferred, and the Secretary of the Navy has no fund from which that money can be paid. The whole thing is provided for in the enrollment law satisfactorily to all parties.

Mr. TRUMBULL. The Senator from Iowa will allow me to suggest that I have read in the newspapers within a day or two what purported to be an order from the War Department rescinding previous orders that prevented the transfer where the company would be reduced below a certain number.

Mr. GRIMES. I know it.

Mr. CONNESS. Those orders are the law. They cannot rescind the law by an order.

Mr. TRUMBULL. I have seen an order published rescinding the old orders.

Mr. GRIMES. I have that order here in my hand now, but it is in exact conflict with the law; and I do not think we ought to call on the Provost Marshal General to interfere with or set aside a law of Congress.

Mr. TRUMBULL. By no means. I do not think he has any right to issue such an order, if that is so.

Mr. GRIMES. I understand it to be in opposition to that act. I want to clear this thing up.

Mr. CONNESS. Mr. President, I introduced the joint resolution which it is now proposed to repeal. I did it to facilitate the transfer of sailors to the Navy. A great deal of work preceded the introduction of that resolution. It was difficult to get the War Department to agree upon any terms to the transfer of sailors in the Army to the naval service. I succeeded finally in bringing about a conference between the Secretaries of those Departments. I stated, when the resolution was introduced, that it was the joint product of the heads of those Departments. It contained the provision described by the Senator from Iowa, namely: that no transfer should be made which should reduce the company or regiment below its complement; and up to this time it has been entirely ineffective in obtaining men for the Navy. There are now not less than thirty ships waiting men, and I cannot conceive why there should be any objection to the repeal of that resolution, which stands in the way of it. The needs of the nation for seamen are great, very much greater than for soldiers. The men desire to be transferred; and I believe all parties now agree that it should be done without delay. I hope this bill may be allowed to pass.

Mr. HALE. In justice to myself I desire to say a single word.

When this bill was introduced I objected to its consideration. The Senator from Iowa asked me to withdraw it to enable him to make an explanation, which I did, and then it was decided that it was too late for me to make the objection. That is the way it stands. I presume that is the strict enforcement of the rule, but it is different from what I had understood it to be.

In regard to this matter, let me say that I think ordinarily the most correct mode for the Department would be to make their wishes known through the regular channels of communication; but if they see fit to adopt a different course it is not for me to find fault. The resolution now proposed to be repealed, I believe, was passed without being referred to the Naval Committee, and I do not know that it was referred to any committee.

Mr. CONNESS. Not at all.

Mr. HALE. When I saw this communication of the Secretary, made to the Vice President, I called upon the Secretary at that time, although it was not made to the Naval Committee. We had previously received a communication from the Secretary of the Navy, in which he informed us that there was a pending amendment in the House that he thought would answer all the purpose. When this letter was published I called upon the Secretary, and I told him, if there was any communication, or any suggestion, or any measure he wanted, if he would communicate it, he should have my ready and earnest coöperation in producing the legislation which he desired to effect this purpose. He expressed himself unable then to say what he did want. It was on that day or the next, on coming to the Capitol, that I had the conversation that has been referred to with Hon. Mr. KASSON. The letter from Mr. Smith, which I now have in my hands, is as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
WASHINGTON, D. C., *March* 23, 1864.

SIR: In reply to the inclosed letter from Mr. Jacks, I am directed to say that the Navy does not commission any person to obtain recruits.

It is expected that under the enrollment act recently passed enough men will be obtained to man our vessels.

I am, sir, respectfully, your obedient servant,

A. N. SMITH,
Chief of Bureau, ad interim.

HON. J. A. KASSON, *House of Representatives.*

Mr. CONNESS. Will the Senator permit me to say one word?

Mr. HALE. Certainly.

Mr. CONNESS. That is precisely the opinion of the Department, that under the enrollment act they can obtain the men; but the joint resolution now proposed to be repealed by the Senator from Iowa stands in the way of the enrollment act, and the repeal of that joint resolution entirely coincides with the opinion of all parties that then they will be enabled to obtain the number of men required.

I may be permitted to say, with the permission of the Senator, that it is to be regretted if there is not an entire accordance between the Committee on Naval Affairs and the Department. I will say no more on that point; but the public service ought not to suffer as it really is suffering at the present time.

Again, with the liberality of the Senator, I might state here very properly that but one vessel has yet been sent to the Pacific, and none can be sent there, where they are demanded, where there is an urgent need for them, for the want of men.

Mr. HALE. All I can say is, that if there is any want of concurrence in action between the committee and the Department, it is not my fault. I called on the Secretary before I saw this communication and expressed to him my full concurrence in any measure he would recommend and my desire to do anything he wanted. In pursuance of that feeling I had this conversation with these two members of the House of Representatives as they were coming to the Capitol, and I was assured by them, to my utter astonishment, that the chief of the Bureau of Equipment and Recruiting had said that under the enrollment act recently passed enough men would be obtained to man our vessels.

Mr. TRUMBULL. It is very manifest from the discussion which has taken place here this morning that we have involved ourselves and the public service in difficulty by the passage of hasty resolutions here which have not had the consideration of any committee of this body. The Senator from California comes in here this morning and tells us that he got a resolution passed which it seems never went to any committee at all, and now he asks to have it repealed because it stands in the way of accomplishing the object which it is desired to accomplish. I think it should be a warning to us to avoid this hasty and inconsiderate legislation, and to refer all these measures to their appropriate committees. I move that the proposition now pending be referred to the Committee on Naval Affairs. Let us act understandingly; not introduce a resolution and pass it one day and then come in another day to repeal it because it is in the way of accomplishing the very object which it is desired to accomplish.

Mr. FESSENDEN. I agree with the Senator as to the propriety of the reference of bills in nearly all cases; but here when the Senator who introduced the joint resolution proposed to be repealed, and who is perfectly familiar with it, says that it has entirely failed to accomplish the purposes which he designed; and not only that but it stands in the way of legislation which has been carefully prepared and agreed upon; that it is only a stumbling block, and that is the opinion of the Navy Department and the Senator from Iowa who has introduced this bill, it strikes me there is no great danger in repealing the resolution, because it leaves the law to stand as it was designed to stand.

I should not have interposed a word had I not been aware of this difficulty that has existed with reference to the transfer of men to the Navy, owing to this joint resolution, and that it was really in the way of legislation which was thoughtfully and deliberately provided in order to accomplish the great purpose, and were I not also aware further of the extreme necessity, the very pressing necessity, that exists for immediate action in that particular in order to get our vessels to sea. What has been said by the Senator from New Hampshire is perfectly consistent with that state of the case. Mr. Smith says simply that he objects to establishing a recruiting office up in the interior of Iowa, and he says it is expected that they will be able to obtain all the men needed under this enrollment act. He does not refer to this joint resolution, and he undoubtedly was not at the time aware of the effect of the joint resolution, and therefore expected, as everybody else did,

and what everybody concedes will undoubtedly be the case, that under the enrollment act you will accomplish all the purposes which you designed to accomplish.

I therefore suggest to my friend from Illinois whether it is not best, under the circumstances, or whether it would not be quite safe to let this bill pass at once, because the worst that can happen is to take out of the way a resolution which all who were connected with its passage admit has entirely failed to accomplish the purpose designed, and leave the deliberate legislation of Congress on that point to its expected results and effects. I think we had better act upon it now.

Mr. HOWARD. I do not think that the public service will suffer by the short delay that may intervene between its reference and the report of the committee. It is a matter manifestly of great importance; and the Committee on Naval Affairs appears to be the appropriate committee to have it under consideration. I hope, therefore, the motion to refer will prevail, and that the committee will report upon it at an early day.

The PRESIDING OFFICER. That motion takes priority. The question is on referring the bill to the Committee on Naval Affairs.

Mr. CONNESS. I regret to express any wish in opposition to the desire of the Senator from Illinois; but I really cannot see any purpose or result but delay and injury to the public service by referring this bill now. I shall say no more. I hope it will not be referred.

Mr. TRUMBULL. I am a little surprised at the Senator from California, and the course he takes in this matter. He states that he came in here with a joint resolution, the joint product of the War and Navy Departments, and at his instance, without any reference to the Committee on Naval Affairs, he got that resolution passed—just the thing they wanted. Now, sir, we had that kind of legislation once. If that resolution had been referred, as it ought to have been, we should not be in this difficulty. I have no doubt the Senator from California supposed when he was urging the passage of the joint resolution which he now seeks to repeal, that he was rendering the best service he could to the country. He thought that joint resolution was the very thing necessary. He made us all believe so. He got it through this body, and through Congress, without any reference at all. Now, as it is the case with all of us, he finds he was mistaken. He thinks now that he is exactly right; that if we repeal it, it will all come right. I hope he is correct, and that he will now accomplish the object he desires by repealing that joint resolution, and that it was a mistake and nothing but a mistake when he got us to pass it the other day.

But having been mistaken once in regard to it, it is barely possible that he may not be correct now. This is no way for us to legislate. If we have a Committee on Naval Affairs, and measures of this kind are brought in here, we ought to refer them to that committee. The matter may be reported back as soon as possible. I do not wish to delay it a day. I would not delay it a moment, and am as anxious to promote the public service in this respect as the Senator from California or any one else; but I think we shall promote it best by doing business in the regular and ordinary way; and therefore I must insist on my motion to refer this bill to the Committee on Naval Affairs.

Mr. CONNESS. The effect of the Senator's last remarks, as well as the evident purpose of them, was not so much to cause the reference of this subject now as to prove me inconsistent, hasty, and inconclusive in my attempt at legislation. I think the Senator, were he in my place, conceding him all the distinguished ability that I do, could not at that time have done any better than I did; and I do not think that I deserve the strictures of the Senator this morning.

What were the facts then? The enrollment bill was hanging between the two Houses. Other questions were pressing upon Congress. There was no certainty of getting a vote upon that bill within a reasonable time. The State that I in part represent here stood naked and exposed to any hostile ship that might come upon that coast. The Navy Department had waiting at Hampton Roads a splendid new ship to send there wanting her complement by sixty men, and those sixty men could not be obtained by special requisitions that had been sent to all the cities on the Atlantic seaboard by the Navy Department. The War Department, up to that period of time, would not agree that any legislation should be had to transfer seamen found in the military service to the Navy. It was by my importunities perhaps entirely that they agreed to the form of legislation contained in the joint resolution, namely, that such a transfer might be obtained and made upon the payment by the Navy to the War Department of the bounty that the sailors had received when they had enlisted, and provided additionally that the said transfer should not reduce the number of men requisite to form the regular complement of a company or regiment in the service.

These were the best terms that I could obtain at that time; and in view of the position that the enrollment bill occupied between the two Houses of Congress and the questions that were involved in it, whether we should conscript and draft negro slaves in the States or not, I felt it to be my prime duty to aim at the passage and obtainment of such legislation as could be obtained at that time to facilitate the transfer of men from the Army to the Navy. I appeal to the Senator and ask him whether I acted in the dark, whether I acted inconsiderately, or whether I did not act as carefully as he could have acted under the same circumstances?

I make this response to the Senator because the burden of his remarks was to show the Senate that I am inconsiderate, or was on that occasion, in my action and legislation. And now that a general principle shall be carried out, when it is clear to the mind of every Senator that there is nothing to be gained by the reference, the Senator demands that the usual course in legislation be pursued, and that this subject be referred, when you have thirty ships lying idle and the enemy's vessels—I mean the blockade runners—are going in daily and nightly to Wilmington. You have thirty ships lying at your wharves for the want of men. It is plainly stated by all parties that the conditions imposed by the War Department in that joint resolution which passed Congress now stand in the way, and they are willing to give way and allow the more liberal and proper legislation found in the enrollment bill to have force and effect.

Now, I ask Senators whether they are going simply to follow "red tape" far enough to send this subject to a committee when there is no earthly need of it, and the committee in the performance of their duty can but report it back and recommend its passage. Personally, it matters nothing to me what course the Senate may take in regard to this question beyond the deep interest that I feel as a Senator and a citizen that this useful and necessary work be done, and done at once.

Mr. TRUMBULL. I have no disposition certainly to show any inconsistency of the Senator. I merely used the case that was before us as the best illustration I could think of to show the impropriety of this species of legislation. The Senator from California is not responsible for it altogether. I understand him to say that this was the joint production of the War and Navy Departments. The heads of the Departments approved it.

Mr. CONNESS. And the best result that could then be obtained.

Mr. TRUMBULL. Then it would seem that so far as he is concerned he took all the pains he could; but I think it would have been much better if he had referred that joint resolution to the appropriate committee. I do not know that I understand the Senator exactly. He speaks of the enrollment bill as hanging between the two Houses, and that this joint resolution was brought in at a time when the enrollment bill had not been passed, and it was not known whether it would be passed, and it was the best that then could be done. If the enrollment bill passed subsequently to the joint resolution, as a matter of course the joint resolution is not in the way of it. The joint resolution having passed before the enrollment bill, there is no occasion to repeal it because of its interference with the enrollment bill.

Mr. CONNESS. That is a question with the Departments.

Mr. TRUMBULL. There can be no question about the construction, that the last law on any subject repeals and prevails over all former laws and joint resolutions that are inconsistent with it.

Mr. GRIMES. They were approved the same day.

Mr. TRUMBULL. If they were approved the same day, then it appears that the joint resolution was not passed before.

Mr. GRIMES. Allow me to say one word. When the Senator from California brought in his resolution, he stated to the Senate that it was for a temporary purpose, that the steamer Wateree was then lying at Old Point Comfort on her way to California, and lacked sixty men to complete her complement. He had the idea that he could pass that resolution that afternoon through both Houses of Congress, as he told me, and as I think he told the Senate, and that with the aid of that resolution they would be able to complete the complement of that ship.

Mr. CONNESS. And she has gone.

Mr. GRIMES. Expecting that the enrollment bill would stand as the permanent law of the land, he had the joint resolution passed as a temporary measure. Now, all that is asked is to repeal that joint resolution, which was only introduced and passed to accomplish a temporary purpose, and let the enrollment law stand.

Mr. TRUMBULL. That may be very proper, and the Senator from Iowa has examined it and thinks it is. I have very great confidence in his opinion about it. The Senator from California has examined it, and he thinks that is all that is necessary; but they both assume that the rest of us know just as much about it as they do. That is not so. I confess that I do not know much about it. I have confidence in their statements in regard to it, but I should be much better satisfied, and I think the Senate would be better satisfied, to have a proposition of this kind go to the appropriate committee; and I submit to those gentlemen, is it not proper that it should go there? I cannot understand why it is not. I know not why we have a Naval Committee if the matters appropriate for that committee are not to go before it. It does seem to me that it is appropriate and proper that it should go there, and I think we had best not set such an example as to legislate upon a bill of this kind, introduced and passed in the morning hour, without the consideration of any committee at all; not but that it may be right in this instance; but if the Senator from Iowa does it to-day I may do it to-morrow upon some other question, and another Senator the next day upon some other. The precedent is a bad one. It will occasion no considerable delay to let the bill go to the committee and be reported back, and the only reason that I referred to the action in regard to the other joint resolution was as an example to show the impropriety of this species of legislation, and not to make any point upon the Senator from California, whose patriotism I know and appreciate as much as any one, and whose earnest desire to serve the country is manifest upon all occasions where it is proper for him to speak. I only wish that business may be done in the appropriate manner, and that the proper business for our committees may go to the appropriate committees.

Mr. GRIMES. When I introduced this bill this morning I stated that if there was any objection to its immediate consideration I would not press the bill at this time. There was no objection. The Senator from New Hampshire says that he objected, but nobody heard him until after he had made a speech on the subject of the bill. I then inferred that the bill was to be taken into consideration. I concur fully with the opinion of the Senator from Illinois that bills ought to be referred to committees, and I should have been perfectly content to let this bill be referred if it had not been understood that we were to go on with the consideration of it, although there is no particular reason why this should be referred at this time, for it only repeals a joint resolution that was acknowledged to be a temporary law to accomplish a particular purpose, and let the general law on the same subject stand, that law which has been thoroughly digested and fully understood by everybody.

Mr. TRUMBULL. It can be reported back and come up in the morning.

Mr. GRIMES. I am not certain of that. I have had several bills referred to the Naval Committee which are slumbering there, and I do not know how long they will remain there. They have been neither reported favorably nor adversely.

Mr. HALE. Before the question of reference is put, as there has been an imputation made upon the committee, I want simply in justice to myself to say that if the Senator from Iowa thinks he has suffered from not having bills that he has had referred to the committee attended to, it would have been better if he had attended a single meeting of the committee himself, and not confine his discharge of duty to finding fault here on the floor of the Senate with what the committee do when he has not favored them with his presence once.

Mr. GRIMES. As to my attention to the committee, that is a personal matter of which the Senator from New Hampshire has no jurisdiction. If I choose to serve on that committee, it is a matter that pertains to my own consideration. If I do not, I am not aware that the Senator from New Hampshire has anything to do about it.

I have only to say that on the 14th of December last I introduced a bill in relation to this subject of transferring seamen, and it contained a provision allowing all the towns throughout New England to have their recruitments in the Navy credited to their military quotas; and after that bill had slumbered many weeks in the Naval Committee, I got an opportunity to append it as an amendment to the bill introduced by the Senator from Massachusetts, [Mr. WILSON,] in regard to calling out the national forces. Several days after it had been incorporated into that bill, and become a part of it, the chairman of the Committee on Naval Affairs came in with my bill, and proposed to report it, when I gave him the information, which seemed to be the first time he had ever received it, that it had already, so far as the Senate was concerned, become a law. Here is another bill upon the same subject, and I am not informed that the Naval Committee will move with any greater celerity in reporting this bill back to the Senate than they did in reporting that bill back.

The PRESIDING OFFICER. The morning hour having expired, it is incumbent upon the Chair to call up the unfinished business of yesterday as the special order taking precedence of all other business, and that is the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, upon which the Senator from Iowa [Mr. HARLAN] is entitled to the floor.

Mr. CONNESS. I hope the Senator from Iowa will yield to allow us to get a vote on this question, and dispose of it. There will be no more debate.

Mr. HARLAN. I have no objection that the special order shall be passed over informally if the vote can be taken on this subject.

Mr. CONNESS. I only want a vote.

The PRESIDING OFFICER. The Chair will lay aside the special order if there be no objection. ["Agreed."] The question is on the motion to refer the bill introduced by the Senator from Iowa to the Committee on Naval Affairs.

The motion was agreed to; ayes twenty-three, noes not counted.

AMENDMENT OF THE CONSTITUTION.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, the pending question being on the amendment reported by the Committee on the Judiciary.

Mr. HARLAN. Mr. President, the measure now pending proposes an amendment to the Constitution of the United States. Before this joint resolution can become effective it must be passed by a two-thirds vote of each branch of Congress and receive the approval of the Legislatures of three fourths of the States. It cannot then be objected to on constitutional grounds, for the Constitution itself provides for this mode of amendment. Nor can an objection be well taken to the action of the Senate at this time on account of the rebellious condition of a majority of the people of some of the States of the Union, as has been urged from the other side of the Chamber, for it is not contemplated to exclude those States from account in estimating the majority of votes of the Legislatures of the States. There are thirty-five States now in the Union, counting those that have rebelled. It is expected that three more may be introduced during the coming year, making thirty-eight in all. Three fourths of those, omitting fractions, would be twenty-nine. There are now twenty-five States represented in Congress. Including the three new States that probably will be introduced we should have twenty-eight, and we learn that the State of Arkansas, the State of Louisiana, and also the State of Tennessee are preparing to resume the seats that their Senators and Representatives vacated two or three years since, giving us thirty-one States in all, two more than would be necessary to secure a constitutional majority of all the States, counting those that have rebelled. Others may also resume their accustomed places in time to vote on this proposition; in fact, all may do so if they so decide. But if any should not they would have no just right to complain; for such as might dissent agreed in entering the Union to abide by such amendments as three fourths of the States should desire, notwithstanding the objections of a minority not greater than one fourth. Nor could they plead exemption on account of disability to act occasioned by their own rebellion, for it is a settled principle of law that no one has a right to plead or take advantage of his own wrong. And if not, he may not plead a disability growing out of his own wrong. And it is contemplated that all shall be counted as opposing the amendment who do not vote for it. If any of the disabled States would, if the disability did not exist, support the measure, they could not complain of its adoption, and if they would in that case vote against it, and are counted against it, they would have no cause of complaint. Then, as it seems to me an argument on the constitutionality of this measure would be misapplied, the simple question is presented to the Senate of the propriety of the policy suggested by the amendment contained in the joint resolution, and it is on that question that I propose briefly to address the Senate.

Ought this policy to be adopted by the United States? Ought the Constitution of the United States to be so amended as to abolish slavery or to prevent the existence of slavery in all the States of the Union?

It is insisted from some quarters, and has been suggested in discussion here on the floor of the Senate, that any provision of a Constitution which would interfere with the rights of individual members of the community to private property should be rejected; that the right to property does not originate in the Constitution or laws, that it existed preceding the organization of society, and that the great object of the organization of society must have been to protect, among other things, the right of the individual to his private possessions. And I accede to the truth of this allegation. I have attempted to enforce it on the floor of the Senate when other questions were being discussed. I do not believe it would be good policy for the people of any State or any nation to incorporate a provision in their fundamental law that would abrogate the private rights of individuals. Concede their power to do so, I think the policy would be wrong. Hence I proceed to inquire into the nature of the title to the kind of property which would be affected by the adoption of the amendment proposed in the joint resolution —the foundation on which the claim to property in the service of others as slaves is based; and in doing so it will not be amiss, I trust, to state that it is conceded, I think, by the writers on elementary law that property was originally the gift of God; that the title of the individual to property originates in the labor and skill and toil which he uses in reducing it to possession and in enhancing its value after it may have been rightfully acquired; that each member of society has the right to go to the common storehouse of ocean and field or forest, and draw from the common supplies; that all may enjoy this right alike, but that when any individual of society shall, by the application of labor and skill, acquire the possession of any of the products of the sea, fields, forest, or of the air, so much as has been thus rightfully reduced to possession becomes his personal private property. It is also conceded, I think, by all that the increased value of those possessions growing out of labor and skill on the part of the possessor belongs to the person who has applied the labor. To assert the reverse would be equivalent to denying the title of the Almighty to the workmanship of His hands; for what better right can there be to property than the right of the creator to the thing which he has made? If the individual, then, has by his labor or skill created an additional value to the thing rightfully possessed, his title ought to be considered absolute.

Now, Mr. President, this principle may be applied to the title or right of individuals to the service of another, whether claimed under an express or an implied contract. That property may exist in the services of others will hardly be seriously questioned. The right of property in man, as such, is sometimes denied, but I think this is rather a technical than a real objection. I think all admit that title to the service of men may be acquired by contracts both express and implied. It is certainly so with the title of the parent to the services of his children during the years of their minority. All people, savage, civilized, and enlightened, admit that the parent may rightfully control the services of his own offspring for a given period; he may apply their labor for his own benefit, or he may contract for its performance for the benefit of another. But it is universally admitted that this right of the parent to control the services of his child grows out of the application of labor and skill and means on his part in providing food, raiment, and shelter, and instruction for the child during the years of the child's helplessness, and that having received this bounty from the parent the child is under obligations to return an equivalent; he is under obligations to serve the father and the mother until he shall have restored to them an equivalent for the labor and means that they have applied for his welfare during the period of his inability to serve and protect himself. In this country it is supposed that this obligation is discharged by the offspring in from eighteen to twenty-one years from the date of birth. I think in no civilized country is the period of minority extended beyond the age of twenty-five years. When once this obligation shall have been discharged by the child and the period of his minority shall have been terminated, the reason for the obligation ceasing, the child acquires a right to control his own labor. The same principle, I think, is involved in the title of the community to the service of paupers and vagrants. Having provided him with shelter, food, raiment, and protection, the community acquires a right, a just title to the service of the pauper or the vagrant until it shall have received in return a just equivalent for the means thus applied for his benefit.

The same principle is involved in express contracts. It is held, I believe, by all jurists that a contract without consideration is void; or at least it is voidable on proving the absence or failure of consideration. Then there is no difference in principle between an express and an implied contract; the validity of both depends on the existence of a consideration rendered. This leads me to inquire for the origin of the title of the slaveholder to the services of the slave. Whence did it originate? What has he done for his slaves that places them under obligations to serve him? If you press this question he will say that he bought his slave. Well, of whom did he buy him, and what title had the vender to the property sold? He bought him of another, and so back in the chain of title until finally you will be told that he conquered him on the battle-field; he was a captive in war; and the conqueror on the battle-field acquired the right to control the vanquished, the prisoner; and according to the usage of civilized nations this right would continue until the prisoner thus captured is fairly exchanged, or until the end of the war, when the prisoner would have to abide the conditions of the terms of peace.

Now, I will suppose that the prisoners thus captured are never exchanged; that no terms are ever agreed upon; that the war never ends, or that in settling the conditions of peace the freedom of the prisoner is not included; and then it will follow that the title of the victor to the vanquished would continue during his natural life; but the captor could not, on any principles of justice with which we are acquainted, extend his claim beyond this period. And if not, whence his title to the services of the captive's offspring, from generation to generation? According to our ideas of justice, it would be wrong to punish a child for the crimes of his father; it would be very cruel to visit on the offspring the misfortune of the parent. We are told by the divine writer that the saying should no longer be maintained in Israel that the fathers have eaten sour grapes and that the chil-

dren's teeth are set on edge. Whence, then, the origin of the slaveholder's title to the services of the slave's children? Here is the only answer that can be given: *Partus sequitur ventrem.* This is the whole title, the title-deed: the offspring follows the condition of the mother.

But why is the offspring required to follow the condition of the parent? is the question at issue. On what reason is this claim founded? To assert the existence of the custom, in law Latin, is not an answer to the inquiry. Finding the allegation in the Latin tongue, or in the old Roman code, may be satisfactory proof of the existence of the custom of enslaving the children of slave mothers among the old nations. As a historical fact this may be admitted. It may be admitted that this custom has been handed down to the Christian era, and to the present times, and is even now maintained in some of the States of the Union. But this does not answer the question as to the origin of the title, the reason by which it is supported, or the justice of the claim. For polygamy has had an equal antiquity; it, too, existed among the old nations, including the Hebrews, who lived under a theocracy, and it too has been handed down from them to the new era and has been tolerated by some of the nations to the present hour, and until within two or three years last past was tolerated by the local laws of a Territory within the jurisdiction of the United States. If antiquity justified the one does it not equally justify the other?

But again, sir, the immolation of human victims and their sacrifice to idols made of stocks and stones and beasts and creeping things and imaginary deities, representing the basest passions known to the human mind, had great antiquity; that custom, too, has been tolerated from the beginning of history down to the present moment. If antiquity of a custom justifies it, is not this abomination as equally well sustained as slavery?

At a very early period, we are informed in history, men ate the flesh of those whom they vanquished in battle; and even that loathsome custom now exists in some of the populous islands of the southern seas. If antiquity of the custom justifies the enslavement of the children of the slave mother does it not equally well justify this horrible custom also?

But it may be said that the slave mother, owing all the service which she can reasonably perform to her master, can have no time or means to apply in the support of her own offspring, and therefore whatever of labor or means may be applied by her in providing for her children belongs to the owner of the mother, so that the offspring in that case would not owe service in return to the mother, but to the mother's owner. Admit this to be true, and it will follow that the owner of the slave mother will acquire as good a title to the services of the children as the mother herself otherwise would have held had she not been a slave, and no better title. But we have seen a moment since that her title cannot reach beyond the period of the child's minority. Just so soon as the child shall have returned to the mother an equivalent for the care and labor applied by her in the support of the child during the years of its helplessness, her title ceases. Then if the owner of a slave mother takes the same title, and no more, the slavery of the children of a slave mother cannot justly extend beyond the period of the child's minority. Then I inquire whence the claim of title to the services of the child of a slave mother after the period of its minority; after it shall have paid the cost of its keeping during the years of its helpless infancy? To say that slaveholders treat their slaves well is no sufficient answer. This may or may not be true, with indifference.

I suppose that in point of fact a good man who may become the owner of slaves would treat them well; but a bad man would treat them ill, and the slaves have no redress. The question, however, is not a question of treatment; it is a question of title. I inquire whence the origin of the title of the slaveholder to the offspring of a slave mother after the period of its minority?

To say that the slave is black or colored is no sufficient answer. This may or may not be true, with perfect indifference; and where this law Latin originated, a majority of the slaves were, in point of fact, white. Slaves at Rome were not usually colored men of African origin. They were indifferently those whom the Romans conquered in battle and compelled to pass under the yoke. Color at Rome was not even a badge of degradation. It had no application to the question of slavery. A very large majority of the slaves that have existed during the past ages have been either Asiatics or of Caucasian origin.

It cannot be claimed that the superiority of the owner of a slave is a sufficient answer; for here, too, the owner may or may not be the superior of the slave whose services he claims without affecting the question at issue. It is not a question of equality or inequality between the party claiming and the party supposed to owe service. The question is one of right, not of relative excellence. If it were a claim for a debt, payable in coin or lands, and not in labor, who would be so crazy as to allege the superiority of the plaintiff in native endowment and acquirement to the defendant? Would he not plead and prove title, or valuable consideration rendered, and there rest? So it would be in a just claim for services.

Nor is it a sufficient answer to say that the slave belongs to a pauper race, that he requires the guardianship of some one else to protect him from ill. This, too, may be true or not true, with perfect indifference. The question is not whether those that are held to be slaves in this country have the capacity to provide for their own wants unaided by others. The question is a question of title to the services of the adult children of a slave mother. In point of fact, this incapacity does not exist. The allegation is refuted by the condition of this class of people around us here in this district in sight of the Capitol. There are here probably fifteen or twenty thousand free colored people providing for their own wants, providing for themselves food and raiment and shelter, sustaining their own schools and their own churches, paying their own medical bills, and burying their own dead. There are in Maryland to-day probably between eighty and one hundred thousand of these free colored people in a like condition, not dependent upon the white race for their support or guidance as guardians. There are in the free States probably to-day between five hundred thousand and a million of free colored people in a like condition, providing for their own wants in every respect, a very small percentage of them being paupers or vagrants, or in any way dependent on the support of the white race.

But again, sir, the churches a few years since planted a colony of Africans at Liberia, on the African coast. That colony gradually grew and expanded, increased in numbers and strength and wealth, until it was organized as a distinct and perfect civil government, with its executive, its legislature, and its judiciary, since which it has been increasing still more rapidly and subjugating and bringing within its control the territory of the tribes which surround it, just as our fathers originally subjugated the continent on which we live. This State thus organized, has grown in importance until its existence as an independent State has been acknowledged by the great nations of the world, including the United States.

In the face of these facts, is it proper for an American Senator to assert as a reason for the continuation of slavery in this country that these people are incapable of providing for their own wants? The allegation is refuted by the condition of multiplied thousands of colored men right around the steps of the Capitol. It is refuted by the condition of tens of thousands of colored people in the State of Maryland, of which this District was originally a part. It is refuted by the existing condition of between half a million and a million of this class of people in the free States of the North. It is refuted by the present condition of an independent nation on the shores of Africa.

But, Mr. President, if the allegation were true in point of fact, it does not give title to the claimant to the services of the adult offspring of a slave, nor does it impose on the claimant or master as an individual any obligation to provide for the slave's necessities, to become the voluntary guardian of his person or property. The question of capacity is a question for the community to decide, and not for the creditor who claims the services of the adult slave as a debtor. Whether the party be *compos* or *non compos* is a question fit for a judicial tribunal to settle. If settled against the slave, a guardian should be appointed for his person and property, just as you do when the party thus found to be *non compos* belongs to a different race. And here I may be pardoned for diverting far enough from the train of my argument to state that I do not apprehend any interruption in society which could possibly flow from the immediate liberation of all the slaves in the United States. A vast majority of them are capable of taking care of themselves. It is a fact that needs no proof. They have demonstrated it before our eyes, they have satisfied your Army of this truth.

Nearly every soldier and officer that is now serving, or who has been heretofore serving in the rebel territory, has become convinced that a vast majority of the colored people are capable of providing for their own wants. This fact has long since been demonstrated to the satisfaction of the great nations of the world, who have accordingly abolished slavery within their several dominions. But if this were not true, if any considerable portion of them would probably become paupers or vagrants, society can protect itself from danger from this source by applying to them the same laws which are applied to paupers and vagrants of the white race. There is not in the Union probably a single State that has not at this time well-digested laws on the subject, making it the duty of the appropriate judicial officers to try the question of incapacity and vagrancy whenever it arises, and when found to be necessary, to appoint guardians, requiring bond and approved security for the faithful execution of the trust, to secure the application of the proceeds of the pauper or vagrant's labor for the promotion of his welfare or the support of those legally dependent on him. This could not possibly occasion any shock to society, or endanger its peace and prosperity. All will be made secure by applying to paupers and vagrants of African descent the same principles and laws now in force and applied in every State of the Union to paupers and vagrants of Caucasian origin. All that can be necessary will be the application of just laws precisely as these laws are applied to members of the white race.

If then there is no sufficient title to the service of the adult children of a slave mother existing in the considerations that I have cited, I repeat the inquiry again, whence the origin of the title; on what sufficient reason is it based? It is not found at common law. This is admitted by all jurists, all elementary writers on the subject. I will not consume the time of the Senate with the argument of this position. This is deemed useless where the authorities are uniform. I will content myself with making two or three citations only. In giving the opinion of the Court of King's Bench in Sommersett's case Lord Mansfield said:

"The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasion, and time itself, from whence it was created, is erased from the memory; it is of a nature that nothing can be suffered to support it but positive law."

In the Dred Scott case, Mr. Justice McLean said:

"For near a century the decision in Sommersett's case has remained the law of England. The case of the slave Grace, decided by Lord Stowell in 1827, does not, as has been supposed, overrule the judgment of Lord Mansfield. Lord Stowell held that, during the residence of the slave in England, 'no dominion, authority, or coercion can be exercised over him.'" * * * * * *

"There is no other description of property which was not protected in England, brought from one of its slave islands. Does not this show that property in a human being does not arise from nature or from the common law, but, in the language of this court, 'it is a mere municipal regulation, founded upon and limited to the range of the territorial laws?' This decision is not a mere argument, but it is the end of the law, in regard to the extent of slavery. Until it shall be overturned, it is not a point for argument. It is obligatory on myself and my brethren, and on all judicial tribunals over which this court exercises an appellate power."

And Mr. Justice Curtis, in the same case, said:

"Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed by all writers on the subject, but it is inferable from the Constitution, and has been explicitly declared by this court. The Constitution refers to slaves as 'persons held to service in one State under the laws thereof.' Nothing can more clearly describe a status created by municipal law."

In Prigg *vs.* Pennsylvania, (10 Pet., 611,) this court said:

"The state of slavery is deemed to be a mere municipal regulation, founded on and limited to the range of territorial laws." * * * * * * * *

"But we view this as a right existing by positive law of a municipal character, without foundation in the law of nature or the unwritten common law."

Justice Curtis remarks, after citing a list of authorities on this point:

"I am acquainted with no case or writer questioning the correctness of this doctrine."

The opinions of the courts of England and of this country, State and national, in the slave States as well as the free States, seem to have been uniform throughout. It is not a legal or judicial question, therefore, to be settled by the weight of authorities, but it is maintained by all alike. Hence slavery cannot have any support at common law.

I inquire in the next place if it has a legal existence by virtue of any municipal or statute regulation. On that point I will content myself by reading from a speech delivered in 1850 on the floor of the Senate by Mr. Mason, of Virginia, then a member of this body, in reply to a speech made by Mr. Dayton, then a Senator from the State of New Jersey, when the bill to enact the fugitive slave law of 1850 was pending. Mr. Mason said:

"Then, again, it is proposed as part of the proof to be adduced at the hearing after the fugitive has been recaptured, that evidence shall be brought by the claimant to show that slavery is established in the State from which the fugitive has absconded." * * * * "Such proof is required in the Senator's amendment; and if he means by this that proof shall be brought that slavery is established by existing laws, it is impossible to comply with the requisition, for *no such proof can be produced*, I apprehend, *in any of the slave States*. I am not aware that there is *a single State in which the institution is established by law*."

If it does not and cannot exist at common law and does not exist by virtue of any municipal or statute law, and cannot be justified by human reason, pray whence the origin of the title of the master to the services of the adult offspring of a slave mother? The only remaining law that can be cited for its support is the Levitical code. This code is sometimes cited for this purpose. These are the words usually quoted:

"Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids.

"Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession.

"And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever."

I remark in this connection that the Levitical code or the Hebrew law contains a provision for the naturalization of foreigners whether captives of war or voluntary emigrants. By compliance with the requirements of this law they became citizens, entitled to all the rights and privileges and immunities of native Hebrews. The Hebrew slave code applicable to enslaved Hebrews is in these words:

"And if thy brother, an Hebrew man, or an Hebrew woman, be sold unto thee, and serve thee six years, then in the seventh year thou shalt let him go free from thee."

Here I request the attention of those who claim compensation for emancipated slaves to the text:

"And when thou sendest him out free from thee, thou shalt not let him go away empty:

"Thou shalt furnish him liberally out of thy flock, and out of thy floor"—

Which means granaries—

"and out of thy wine press: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him." * *

"It shall not seem hard unto thee, when thou sendest him away free from thee; for he hath been worth a double hired servant to thee, in serving thee six years."

These Hebrew statutes provide that the heathen might be purchased and held as slaves, and their posterity after them; that under their naturalization laws all strangers and sojourners, bond and free, have the privilege of acquiring the rights of citizenship; that all Hebrews, natives or naturalized, might assert and maintain their right to freedom.

At the end of six years a Hebrew slave thus demanding his liberty was not to be sent away empty; the owner, so far from claiming compensation from his neighbors or from the public treasury for setting him free, was bound to divide with the freedman of his own possessions, to give him of his flocks, of his herds, of his granary, and of his winepress, of everything with which the Lord Almighty had blessed the master during the years of his servitude; and then the owner was admonished that he was not to regard it as a hardship to be required to liberate the slave, and to divide with him of his substance. The Almighty places the liberated slave's claim to a division of his former master's property on the eternal principles of justice, the duty to render an equivalent for an equivalent. The slave having served six years must be paid for his service, must be paid liberally because he had been worth even more than a hired servant during the period of his enslavement.

Mr. SAULSBURY. Will the Senator from Iowa allow me in this connection to ask him a question? What interpretation does he give to that passage of Scripture in which the Jews are authorized to buy servants of the heathen round about, with their money, and that they should become an inheritance to their children?

Mr. HARLAN. I think the Senator was not in his seat when I discussed that point. I would prefer not to restate that part of my argument now.

Mr. SAULSBURY. I did not hear the Senator allude to that. I do not wish to interrupt him.

Mr. HARLAN. If the justice of this claim cannot be found either in reason, natural justice, or the principles of the common law, or in any positive municipal or statute regulation of any State, or in the Hebrew code written by the finger of God protruded from the flame of fire on the summit of Sinai, I ask whence the origin of the title to the services of the adult offspring of the slave mother? Or is it not manifest that there is no just title? Is it not a mere usurpation without any known mode of justification, under any existing code of laws, human or divine?

If it cannot be thus justified, is it a desirable institution? If the supposed owner has no title, is it the duty of the nation to maintain the usurped claim of the master to the services of his slaves? Are the incidents of slavery sufficiently desirable to justify such policy? Some of the incidents of slavery may be stated as follows: it necessarily abolishes the conjugal relation. This, I take it, needs no argument for its support on the floor of the Senate. We have the result of the fruits of the accumulated experience and wisdom of the people of the slave States for a period of three fourths of a century before us in the character of their laws. Here may be found the culmination of their wisdom, the fruits of their ripened judgment. The honorable Senator from Maryland, [Mr. JOHNSON,] a few days since, when discussing this subject, stated that in none of the slave States was this relation tolerated in opposition to the will of the slave-owner; and that in many of them, I think he said a majority of them, it was prohibited absolutely by their statute laws. This, I take it then, is the matured, ripened opinion of the people of those States. In their opinion the prohibition of the conjugal relation is a necessary incident of slavery, and that slavery cannot or would not be maintained in the absence of such a regulation.

The existence of this institution therefore requires the existence of a law that annuls the law of God establishing the relation of man and wife, which is taught by the churches to be a sacrament as holy in its nature and its designs as the eucharist itself. If informed that in these Christian States of the Union men were prohibited by positive statute law from partaking of the emblems of the broken body and shed blood of the Saviour, what Senator could hesitate to vote for their repeal and future inhibition? And yet here one of these holy sacraments that we are taught to regard with the most sacred feelings, equally holy, instituted by the Author of our being, deemed to be necessary for the preservation of virtue in civil society, is absolutely inhibited by the statute laws of the States where slavery exists. The conjugal relation is abrogated among four million human beings, who are thus driven to heterogeneous intercourse like the beasts of the field, the most of whom are natives of these Christian States. If you continue slavery you must continue this necessary incident of its existence.

Another incident is the abolition practically of the parental relation, robbing the offspring of the care and attention of his parents, severing a relation which is universally cited as the emblem of the relation sustained by the Creator to the human family. And yet, according to the matured judgment of these slave States, this guardianship of the parent over his own children must be abrogated to secure the perpetuity of slavery.

But again, it abolishes necessarily the relation of person to property. It declares the slave to be incapable of acquiring and holding property, and that this disability shall extend to his offspring from generation to generation throughout the coming ages. We sometimes shed tears over the misfortunes of men, and when by flood or storm or fire they are robbed of their earthly possessions contributions are made to enable them to start again in their accustomed business pursuits; but the Senator who votes to perpetuate slavery votes not only to sweep away every shred of property that four million people can possibly hold, but he votes to destroy their capacity to acquire and hold it and to impose this disability on their posterity forever. If successful in perpetuating it he becomes more disastrous to this multitude of people than storm and flood and fire; more disastrous than the sirocco or monsoon of the desert or the unchained pestilence.

But it also necessarily, as an incident of its continuance, deprives all those held to be slaves of a status in court. Having no rights to maintain and no legal wrongs to redress, they are held to be incapable of bringing a suit in the courts of the United States; a disability as it seems to me that ought to shock the moral sensibilities of any Christian statesman. Robbed of all their rights, and then robbed of their capacity to complain of wrong; robbed of the power to appear before impartial tribunals for the redress of any grievances, however severe!

As an incident of this condition, they are robbed of the right to testify; and, as if to put the cap on this climax of gigantic iniquity, they are denied the right to human sympathy. Yes, sir, denied the right to receive the common sympathies of the human race! How frequently have some of us who have occupied seats on this floor for several years been jeered by brother Senators representing slave States for an expression of sympathy for the oppressed, as if it were a crime to feel for another's degradation; and even yesterday the learned and able Senator from Maryland coupled a citation of sympathy in the North for a down-trodden race with the conduct of rebels in the South, as if philanthropy manifested for the African were equally guilty with treason. How does this accord with our ideas of the character of those emotions when manifested toward any other helpless class of our fellow-men? You find children in the community without parents, without natural guardians of person or property; you at once provide by law for their protection. You secure the appointment of guardians and the establishment of orphan asylums. You find those who are idiotic and insane, or deaf and dumb and blind, and immediately the treasure and the wisdom of the State are taxed for the establishment of schools for their instruction and hospitals for their treatment. You find a feeble people along your frontier, and at once you take them under your guardianship as a nation, and pour out the public treasure by the million to provide for their welfare. And the churches take up collections all over this land to enable them to send teachers and books and apparatus for schools and churches in all heathen lands in every quarter of the globe, including the ancestors and brothers of the Africans held here as slaves. Their fathers and brothers on the shores of Africa are fit objects for human sympathy, for human commiseration, and Christian and philanthropic effort. How is it then a crime to express for them the same compassion in this country in the bosom of Christian States?

And then another incident of this institution is the suppression of the freedom of speech and of the press, not only among these down-trodden people themselves but among the white race. Slavery cannot exist where its merits can be freely discussed; hence in the slave States it becomes a crime to discuss its claims for protection or the wisdom of its continuance. Its continuance also requires the perpetuity of the ignorance of its victims. It is therefore made a felony to teach slaves to read and write.

It also precludes the practical possibility of maintaining schools for the education of those of the white race who have not the means to provide for their own mental culture. It consequently degrades the white as well as African race. It also impoverishes the State, as is manifest by a comparison of the relative wealth, population, and prosperity of the free and slave States of the Union.

If, then, none of these necessary incidents of slavery are desirable, how can an American Senator cast a vote to justify its continuance for a single hour, or withhold a vote necessary for its prohibition? The passage of the joint resolution, its adoption by the States of the Union, would not be injurious to slaveholders themselves. A careful examination of this subject as it seems to me proves beyond all reasonable doubt that the wealth and prosperity of slaveholders would be augmented by a change of their system of labor from compulsory to voluntary.

Its adoption will also increase the military strength of the nation, securing harmony and unity of purpose here at home and furnishing the means to fill up our wasting armies and the crews of our ships of war.

It will also secure the sympathy and support of the nations of the Old World that seem now to be waiting for a favorable opportunity to intervene against our future unity. No one, I think, conversant with our diplomatic history for the last three years can doubt that when in the most imminent peril interposition was prevented by the President's proclamation of freedom.

If, therefore, by the adoption of this amendment to the Constitution of the United States you prohibit slavery and the possibility of its existence hereafter forever, you will secure the sympathy of the masses of the people of the Old World, and thus place it out of the power of despots to endanger the restoration of the Union.

If I am right in my conclusions that slavery as it exists in this country cannot be justified by human reason, has no foundation at common law, and is not supported by the positive municipal laws of the States, nor by the divine law, and that none of its incidents are desirable, and that its abolition would injure no one, and will do no wrong, but will secure unity of purpose, unity of action, and military strength here at home, and the support of the strong nations of the world, as it seems to me, the Senate of the United States ought not to hesitate to take the action necessary to enable the people of the States to terminate its existence forever, and I shall thus vote.

Mr. SAULSBURY. Mr. President, it is not my intention to enter into any elaborate discussion of this subject. I have already spoken upon it. My purpose in rising is simply to respond to an interrogatory propounded to me by the Senator from Maryland [Mr. JOHNSON] yesterday. I shall occupy the attention of the Senate but for a few moments. I shall not undertake to answer the argument of the honorable Senator from Maryland at length, nor shall I attempt to make any extended argument in reply to the speech of the honorable Senator from Iowa.

The Senator from Iowa, as I understand him, denies the right of the slaveholder to his slave as property. He referred in the course of his remarks to the condition of the slaves and the title to slaves among the Jews, and, as I understood him, denied that slavery existed among that people for a longer period than a term of years; and he cited the passage from the Bible where the Hebrews were commanded, after their servants had served them six years, to let them go free. The honorable Senator from Iowa is well read in the Scriptures, and is presumed to know what he is talking about; but I submit to his consideration and ask him if this is not true, that among those people there existed different kinds of servants? They had their hired servants, and their bondmaids and bondmen answering to our slaves. When I propounded the question to the honorable Senator what interpretation he gave to that passage of Scripture which told the Jews that of the heathen round about them they might buy slaves, and they should be an inheritance unto their children after them, I received no response, except that he had already referred to that passage.

As an answer to the honorable Senator I will simply cite a passage from the most learned commentator of his own church, showing that his views are not correct; that slavery, slavery for life, and slaves as an inheritance to their children, existed among that people. If I show this I show that the proposition of the honorable Senator that there can be no title, no right to this species of property, is in conflict with the command of the Almighty and with the practice of His chosen people. It is no answer to me to say that times have changed, and that what was allowable according to the express commands of the Almighty at a former period is not to be allowed now. I know that in these modern days it has been said by some that we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God. I trust that my honorable friend from Iowa, the greater portion of whose life, as I understand, has been devoted to the study and exposition of the sacred Scriptures, has not found since he has become a Senator that it is necessary to discard the old Bible and the God that his fathers worshiped. But, sir, I do not intend to enter into this argument further than to cite a passage from the Commentaries of Dr. Clarke, a most learned commentator of the Senator's own church, upon this subject. Speaking of Hagar, Dr. Clarke makes this remark:

"It must not be forgotten that female slaves constituted a part of the private patrimony or possession of a wife; and that she had a right, according to the usage of those times, to dispose of them as she pleased. The slave being the absolute property of the mistress, not only her person, but the fruits of her labor, with all her children, were her owner's property also. The children, therefore, that were born of the slave, were considered as the children of the mistress. It was on this ground that Sarai gave her maid to Abram."

Why, sir, the passage of Scripture—and since preachers have become politicians, I presume there is no impropriety in politicians becoming preachers, and I may be allowed to refer to the Scriptures, and to the expositions which have been given by learned commentators on this subject—to which the learned Senator referred, that the servant should serve six years, and on the seventh should be allowed to go free, refers, and refers exclusively, as the honorable Senator must know, if he has studied that Book of books as he should have studied it, to those servants who were of Hebrew origin. It is true that by the command of the Almighty a Hebrew was not allowed to hold one of his own race in bondage for a longer period than six years; in the seventh he was commanded to let him go free.

Mr. HARLAN. Perhaps the Senator will prefer that I should explain now the point that he raised while I was speaking. I perceive that he did not hear my remarks, and consequently is firing a little wide of the mark. I cited the passage of Scripture to which he alludes, and read it *in extenso*. It is in these words:

"Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids."

The next verse is as follows, and refers to a different class of persons:

"Moreover, of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever."

This whole passage refers to slaves made of the heathen round about, the captives taken in war, or those that may have sold themselves into slavery. I next stated that in the Levitical or Hebrew code there was a naturalization law that provided for the incorporation of all strangers, slaves and freemen, into the nation as Hebrews, and that when they became Hebrews by naturalization they acquired there, as they do here under our naturalization laws, all the rights of citizenship. They must thenceforward be treated as Hebrews, members of that nationality, controlled by the Hebrew code and entitled to all its rights and privileges.

I next cited the law of slavery in relation to Hebrews or slaves that were made such of the Hebrew nation itself. That part of the law is in these words:

"And if thy brother, an Hebrew man, or an Hebrew woman, be sold unto thee, and serve thee six years, then in the seventh year thou shalt let him go free from thee."

Then the lawgiver takes up the subject of compensation, a point of vital moment to the Senator from Delaware, and here it is:

"And when thou sendest him out free from thee, thou shalt not let him go away empty:

"Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy wine-press: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him." * * * * * * * * *

"It shall not seem hard unto thee, when thou sendest him away free from thee; for he hath been worth a double hired servant to thee, in serving thee six years."

Here is the whole code on the subject of slavery: first, the heathen reduced to slavery might be held for life, unless he became a Hebrew under the naturalization laws, and his posterity might be held also according to the Roman code; but if he became a Hebrew by conforming to the naturalization laws, the ceremonies of which were a little different from those applied in this country, yet were really effective in incorporating him into that nationality, then he became entitled to all the rights of a Hebrew, and as a Hebrew he must necessarily be discharged at the end of the sixth year without compensation to the master; and, still more, the master must pay him for his services; he must not think it a hardship that he is required not only to set him free, but to pay him for the labor he has performed.

This is the whole of the Hebrew code on that subject, not cited *in extenso*, but fairly cited. I stated that the custom of holding the offspring of a slave mother, and its operation from generation to generation, did maintain in the Hebrew nation as well as in the other old nations; but I was inquiring for the title by which they were held and the reasonableness of the claim, and the law on which it was founded.

Mr. SAULSBURY. I am gratified at the explanation of the honorable Senator, although I do not agree to the correctness of any position he has assumed in his remarks. The honorable Senator has been studying the Bible all his life. I ought to have done the same thing. When I was young I did so, though not perhaps as well as the honorable Senator. But the explanation of the honorable Senator affords me all the basis of an argument that I want, and that is this: he admits that the Almighty did allow, did command the Hebrews to make slaves of the heathen round about them, and that those heathens should be an inheritance to their children. I shall not stop to inquire into the naturalization of the Hebrews according to their law; but the Senator himself admits the principle for which I contend, and denies the principle asserted as I understood in the speech of the honorable Senator from Maryland yesterday, that slavery was a sin. He admits that according to the Mosaic law a certain species of slaves might be held as slaves and be an inheritance to the children of the master. By whose authority were they so held? That people derived their law from the Almighty, for He was their great Lawgiver. Then we find, even as admitted by the honorable Senator himself, that according to the law which God gave to His chosen people it was not a sin under all circumstances at least to hold slaves, but they might be held not only during the lifetime of the master, but as property they might be transmitted to the children of the master.

And yet, sir, in these days we hear it said everywhere that slavery, under any and all circumstances, is a sin; and the passions of the people of the entire North (who I do not know are any more pious than people elsewhere, who I have not been taught to believe are more orthodox in Christian faith than people elsewhere) have been inflamed with the idea that away off from them, not in their midst but in other States, there exists an institution called slavery, sinful in itself, and a crusade is invoked for the liberation of the captives in bondage.

Now, sir, I will show from the same learned commentator of the church to which the honorable Senator belongs that his interpretation even of the law of the Jews is not correct. I will show that it is not correct even under the Christian dispensation, and that the right to property in the slave is recognized in the Christian dispensation. I will show that, too, by the most learned commentator of the church to which the honorable Senator belongs.

Upon that passage where Paul is said to have returned Onesimus to Philemon, Dr. Clarke comments thus:

"The Christian religion never cancels any civil relations; a slave, on being converted, and becoming a free man of Christ, has no right to claim on that ground emancipation from the service of his master. Justice, therefore, required St. Paul to send back Onesimus to his master, and conscience obliged Onesimus to agree in the propriety of the measure."

Dr. Scott, whose commentaries perhaps circulate more extensively in this country than any other, and whose commentaries were written after the inauguration of abolitionism in England—I refer now to the edition published in this country in 1822—admits that according to the Jewish law

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 8, 1864. NEW SERIES.....No. 91.

there were not only servants for the period of seven years, who were Hebrews, but that there were slaves for life, slaves that descended as an inheritance; and upon this very passage in the New Testament showing that that law under the old dispensation was not abrogated by the introduction of the new dispensation, he holds that Paul was bound in justice and right to return Onesimus to Philemon. Whom did he return? He returned a slave. Onesimus was Philemon's slave. He had escaped from his master; he had become converted, had become a believer in the Christian religion, and in that epistle of Paul to Philemon Paul expresses a great desire to have Onesimus with him on account of the comfort it would be to him; but he returned him to Philemon because it was a matter of duty and of right; he was his property.

But, sir, I do not propose to enter into this theological argument, and I have only referred to it to show to the honorable Senator that even by the standard authority of his own church his positions are not tenable. Why, sir, there was such a thing as the year of jubilee among the Jews, when all that were held in bondage—I mean of Hebrew origin—returned to their own tribes and to their own inheritance; so that if a man had wasted his property, even if he had become a slave voluntarily, when the year of jubilee came, he returned to his own tribe and to his own inheritance. Was it ever heard, was it ever contended by any commentator on the Scriptures, will it be said by the honorable Senator, whom I take to be well versed in theological lore, and for whose candor and whose honesty and whose character as a Christian gentleman I have the most profound respect, that a slave held under the Hebrew code was admitted to the privilege, upon the return of the year of jubilee, of entering into the possession of any lands? Not at all. Such an idea has never been advanced so far as I have known—and while I am not very well acquainted with these things, I have sometimes looked into them—no such idea has ever been advanced by any Christian writer, unless it has been done in these late days, and the books now published upon such subjects I now never look into, because the children have become so much wiser than the fathers, and the modern Christians so much better than Paul, that I do not trouble myself very much with their teachings or their opinions upon such subjects.

But, sir, this was not my object in rising to submit a few remarks to the Senate on the present occasion. The honorable Senator from Maryland [Mr. JOHNSON] yesterday propounded a question to me. I had stated in some remarks that I had previously made to the Senate that in my opinion it was not competent for three fourths of the States by ratification to make the proposed amendment to the Constitution obligatory upon a dissenting State whose interests were affected by the amendment. If I had doubted the correctness of the position which I then assumed, before the speech of the honorable Senator from Maryland, I should not doubt it now, for the simple reason that when no more has been said against the soundness of that position than was said by him, I have a right to infer that all that could be said against it was said; and I know that no Senator is more able to show its unsoundness than the honorable Senator from Maryland.

The honorable Senator's question was this: was it not competent for all the States, when they formed the Constitution, to provide in that Constitution that slavery should not exist anywhere in the United States? My answer is, that it was perfectly competent for all States agreeing to the ratification of that Constitution to provide that slavery should not exist within the limits of any State agreeing to that ratification; it was competent for them to provide that no State should be admitted into their Union unless they also would agree to that as a condition of union; but it was not competent for them to say that any other State, as North Carolina, Rhode Island, New York, and Virginia, should still be members of the Union with such a prohibition, against the protest of either one of those States against the abolition of slavery in their midst.

The idea which the honorable Senator from Maryland seemed to entertain was, that because it was perfectly competent for the original thirteen States to provide in the Constitution, if they had chosen to do so, that slavery should not, after its adoption, exist anywhere within the limits of the thirteen States, therefore it is competent for three fourths of the States, by ratification, now to do whatever the original parties to the compact might have originally done. I deny the soundness of that proposition. While I admit that it would have been perfectly competent for the original States to bind every party that came into their Union by such an agreement, I deny that that provision of the Constitution which empowers two thirds of the States to propose amendments, and three fourths of the States to ratify those amendments, gives to such two thirds or three fourths the power claimed for them by the honorable Senator.

Let me illustrate. The members of this Senate are engaged in different pursuits in life. They live, if you please, in the same neighborhood. One is possessed of a farm adapted to grazing, and to grazing alone; another's property consists entirely of water-power; another's property is land adapted to a vineyard and to nothing else; another's to growing grain, &c. For purposes common to themselves, regulating their intercourse and trade with the outside world, they agree to enter into written articles of agreement for a common purpose, to promote their common interests. They do enter into such an agreement as that. They agree also in those articles that whenever two thirds of their number think a change of those articles of agreement would be advantageous to them all they may propose such amendments, which amendments, if ratified by three fourths of the whole number, shall become binding, and constitute a portion of the articles of agreement. Suppose, sir, under those circumstances, that three fourths of the number should propose for the common benefit of the whole that your pasture land should be overflowed by my water-power, so that your possession is rendered worthless to you, and that the vineyard of your neighbor should be destroyed or greatly damaged. Suppose that this amendment proposed by two thirds should afterwards be ratified by three fourths of the whole number. I ask you, sir, would you, whose entire possession has been destroyed, or so affected as to become worthless to you, and would the owner of the vineyard whose possession has been rendered worthless to him, be bound against your and his protest to submit to any such conditions as those, simply because in the articles of agreement, and by force of the ratification of three fourths of the number, it had been so provided?

Sir, I submit it to you, to the Senate, and to the country as a question of law, whether, in the case I have supposed, if there was any attempt by the owner of the water-power to overflow your pasture lands, there ever did sit in this or in any other country a court of equity that would not grant an injunction against the exercise of such a power, on the ground that it was a fraud upon the contract, a thing not contemplated by the parties when they entered into the original articles of agreement, a thing foreign to the common purpose prompting the parties to enter into such an agreement? I take it there can be but one answer to that question: that as a question of right, arising too upon plain written articles of agreement, he who administers the law would say that such an attempt by three fourths was a fraud upon the contract and not binding upon the protesting party.

It was upon that principle I stated that a ratification by three fourths of the States of the proposed amendment would not give it the force and validity of constitutional obligation because it was in fraud and in violation of the purposes and objects for which the Constitution was framed and the Union formed. I know of no rules of interpretation in reference to the Constitution of the United States except those rules of interpretation which arise out of the nature of a contract. In interpreting that Constitution, the terms of the instrument, the circumstances surrounding the parties to it, and the common purposes and objects which they had in view in its formation must all be taken into consideration in order to arrive at a just conclusion in reference to the powers which it confers upon the Federal Government and which it denies to the States, or which it confers upon a convention called under its own provisions.

Then I ask in this connection whether the proposed amendment would not be in fraud of the original agreement between the parties to the Constitution; whether it would not be contrary to the common purposes and objects which the parties had in view in entering into it. If it would be, then I hold that the attempt to incorporate it into the Constitution would not be binding upon a protesting State. Otherwise the Constitution would be nothing but a trap and a snare. It will be admitted that before the Constitution was formed you could not have compelled any of the four States that were out to enter into it; but you formed a contract, an agreement, a compact, a Constitution for certain avowed purposes, and provided a way to amend it, in order to get into your Union certain States who would not otherwise have come in, and now you turn around, because numerically you have the power, and, without placing those States in the position they were in before they entered into the Union, giving them an entire disconnection from that Union with the free liberty to act, you say, "We will bind you, because you have entered in." My answer is, "Per fraud;" and although I am no secessionist—I do not care what people think on that subject, though: in these days I do not court the opinion of the populace in reference to the honesty of my course or purposes, or the sincerity of the views I express—yet I do hold that such an amendment would be the clearest cause of secession that could possibly be furnished, or that ever has been furnished to any State in this Union.

The honorable Senator from Maryland seemed to think that this might be done because "we, the people," made this Constitution. In one sense "we, the people," did make it. The people of the States united, acting separately, however, did make it. In the language of Mr. Madison, the States are the parties, and the only parties, to the Constitution of the United States. It was the States that made the Union. It never was submitted to the people *en masse*, or even to a convention of delegates from all the States, or to a Congress composed of representatives from all the States; but it was proposed to the States separately, and it required the separate ratification of the States before it became binding as a covenant of union between the States.

But the honorable Senator from Maryland derived the power to incorporate this provision into the Constitution by way of amendment from the preamble of the Constitution. He cited that preamble in these words:

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty"—

The Senator stopped there. Certainly I do not wish to misrepresent the argument of the honorable Senator, and I will not do so; but the inference which I drew was, that full and plenary power for the enactment of this measure by the Congress of the United States and a justification for its submission to the States arose from these words of the preamble to the Constitution. I shall not enter into any discussion of the question how far the preamble to a written constitution can govern its terms. It may be used, perhaps, in cases of doubt and uncertainty, as explanatory of what the parties meant; but where the terms of the agreement or the constitution are clear as in themselves, the preamble can have no more effect upon the legal interpretation of the

instrument than can a preamble in a statute in controlling the express, unequivocal language of the statute itself, where the language is clear and unequivocal.

But, sir, for whose benefit did the framers of this instrument make it? For the whole world? Did they make it for all the nations of the earth? Had they in contemplation all the people that inhabit the continent of Africa, of Asia, or even of Europe? Had they in contemplation that the object of its establishment was for that servile race which was in their own midst? Not at all. I know it may be said that they may have had, to some extent, the people of Europe in their mind because they provided for naturalization. That is true, and so far as they come into consideration in view of the power of naturalization it was established for their benefit. But, sir, what says the preamble to the Constitution on that point?

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Then, sir, I submit, with all due deference to the honorable Senator, that because this Constitution was ordained "to form a more perfect Union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty," it does not follow that any such amendment as this can be made, because the instrument itself shows for whom these blessings were intended to be preserved—to us and to our posterity. What connection had the slave population of the United States with the formation of this Constitution? Did they constitute any part of "us and our posterity" in the contemplation of the framers of this instrument? Not at all. Without elaborating this idea, I submit that no just or legitimate argument can be drawn from the preamble of the Constitution that the Congress of the United States have authority to propose this amendment, or that it would become binding in consideration of the ratification of three fourths of the States.

Neither is it necessary, aside from the question of constitutional power, for subserving any of the purposes contemplated in the preamble of the Constitution. The honorable Senator asked, is there no justice in it? Is it not necessary for tranquillity? Is it necessary for the common prosperity? My answer is, "no." Whence were we taught—I make this remark, however, not in reference to anything the honorable Senator from Maryland has said, but in reference to that popular delusion which seems now at its height, and which, I hope, will very soon hasten to its setting—whence do we derive the idea that in this abolition movement there is this great and godlike principle of justice? I profess not to be wiser than the Almighty, or better than the servants He has chosen to proclaim His word and His purpose to men——

Mr. HALE. That is modest.

Mr. SAULSBURY. As I am reminded by a kind friend on the other side of the Chamber that that is modest, I will say I wish my Republican friends were just as modest.

I find that almost since the flood this relation has existed upon earth. I have been taught that a just God governs this world; and I choose to consider this relation of life, which takes its origin back to the denunciation of the Most High through the patriarch Noah, as in the order of God's providence, without being committed to any of the fallacies that might arise out of the argument of some who discuss the question of the "divine institution." I accept it as a fact in animal life, in the life of human beings with immortal spirits, just as I accept the facts in physical nature, where I see inequality and diversity.

The theory now common seems to be that the law of God's providence is equality and uniformity. Such a law never did pervade or regulate the works of God's providence to man; but the law of His providence is inequality and diversity. I treat of this inequality of races, of human beings, precisely as I treat of the inequality which I see in inanimate and physical nature all around me. Why is it? it may be asked. My answer is plain: I do not know; nor do you know. And who art thou, O man, says the sacred book, that thou shouldst ask such a question? Shall the clay say to the potter Why hast thou made me so?

Sir, there is a God who rules over this world. He made it. He had a right to make it as to His own wisdom seemed best, and we finite creatures are not presumptuously to arraign the order of His creation and say this thing is right and that thing is wrong and we could have made it better. In due time it will all perhaps be made manifest. I ask you, sir, instead of asking the Supreme Maker and Ruler over all, why is it that everything that has life is not created with immortal spirits and with the loftiest order of intellect? Why do you see the little ant? Why do you see the crawling reptile? Why do you see the least in the chain of being? From the lowest to the highest, the great God could have made them all alike. Had He been disposed to do so He could have made every member of this Senate a Clay, a Calhoun, or a Webster, and He could have given them minds infinitely superior. For purposes of His own He chose not to do so. He could have made the infant as a burning seraph and the most humble being on earth as the mightiest archangel. He did not do so.

My object in making these remarks is simply to call the attention of the Senate and the country to the great practical question. It is time for us to quit theorizing on this subject and look at things as they are.

Mr. President, I stated the other day, as I have stated again to-day, that the parties to this compact of Union, form of Government, or Constitution, whatever you please to call it, were the States. I did not state it simply because it was my opinion, but I cited the express declaration of him who is frequently called the father of the Constitution, Mr. Madison himself. I understood the honorable Senator to deny, yesterday, that the States ever were independent. That, perhaps, was said incautiously, although the honorable Senator is not in the habit of saying things incautiously. The present Chief Magistrate, I believe, when he came into power, announced the same principle and said that the Union made the States. I shall not combat this idea, for I never heard anybody give in their adhesion to it.

But, sir, were these States never separate and independent? What were they before the Revolution? They were separate and distinct colonies. They were not united colonies. The Revolution came. What did they declare in the Declaration of Independence? They sent delegates, it is true, to a common Congress, just as the allied Powers in Europe would send delegates to a common congress. Have the allied Powers of Europe ever lost their separate existence because they have sent delegates to a common congress? Not at all. So the colonies sent delegates to a Congress to consult together for common interests and to secure common benefits.

What did those colonies, through their delegates in Congress, declare on the 4th of July, 1776? Did they declare that they were united, and as united entitled to be one nation? No, sir; but they declared "that these united colonies are and of right ought to be free and independent States;" not an independent State, but independent States, separate and distinct. They thus continued as independent States until they adopted the Articles of Confederation in 1777. Being free and independent States, did the fact that they entered into those common articles of confederation or agreement, as the allied Powers of Europe would do now in case of common interests, deprive them of their separate independent existence? Not at all.

Then, sir, to show that they were separate and independent States, how was the present Constitution formed? They sent delegates to a common Convention to form a Constitution. It was thereupon agreed that if nine of their number could be found to secede from the old Confederation and set up a new Government, they should become united for certain great common purposes. My State seceded right off; New Jersey followed; then Pennsylvania; and finally the State of my honorable friend from New Hampshire seceded, and made secession complete. They seceded separately as States, and as separate independent States framed this Constitution. Then if the States were never separate and independent, I ask what became of Rhode Island? She was left out. With whom was she united? North Carolina was left out. With whom was she united? New York and Virginia were left out. New York and Virginia soon seceded and united with the rest, and then North Carolina; but there was Rhode Island standing out by herself, no part of the Union. I ask if she was not a separate and independent State? Was she bound by the Constitution before she ratified it? Certainly that will not be contended. Was she bound by the original Articles of Confederation? All the parties to it except herself had gone off and left her. If we never had any other independent State in what was once the United States of America, certainly proud little glorious Rhode Island was separate and independent, and had too much sense to go to war to force all the rest back. This is my answer to that portion of the argument of the honorable Senator from Maryland.

Mr. President, my object in rising was not to enter into anything like a speech on this question, because I briefly addressed the Senate once before on this same subject. I oppose this amendment, not because my people are particularly interested in the question of slavery; we have no slaves in our midst to make it of any importance to us, and no such consideration therefore governs my action; but it is from a high sense of duty to my country; because I believe, in the first place, that if you were to submit it to three fourths of the States, and they were honestly, by a majority of their votes, to declare in favor of the ratification, and they should ratify it, as you do not propose it to the other fourth whose interests will be affected by it, and to whom you cannot submit it, it would not be binding upon them; secondly, because I believe the time is unpropitious. The great fundamental law of a free people should never be altered in times of high excitement like these. It is no time to change your organic law while war is raging. We should wait until peace, heavenly descended peace, shall again bless the land, when the judgments of men shall be calm, when reason shall resume its throne, and when a common sense of the common interests of the whole people will influence your action.

I oppose it again, sir, because I honestly believe that even if reunion should be now barely possible, the adoption of this amendment would prolong this war beyond the lifetime of any member of this Senate. I know it is said that the South are doing all they can. I presume that is so. Others are more buoyant in hope in reference to the future than I am. I have never dreamed from the commencement of this struggle that it was the child's play that it was attempted to make the people of this country believe. The promises of its suppression in sixty days, in ninety days, in a year, in two years, in three years, I always thought promises idly and inconsiderately made. The history of the world does not show in all the annals of past time where so many people scattered over that extent of territory have been conquered in two or three years. Adopt this amendment in addition to your acts of legislation already passed by the Congress of the United States, your confiscation bills, and your laws for the punishment of treason, and what inducement have they to return? The alternative presented to them is submission, and to be despoiled of everything and hung, or to fight to the last with the possibility of saving something.

From the commencement of this whole struggle I have been opposed to all this species of legislation. I know that my motives have been misconstrued. I care as much for that as I do for the idle wind which I regard not. I believe that in the commencement of this struggle, had a different policy been pursued, had the Constitution and the rights of the people of the adhering States been respected, had there not been a manifest attempt to make every freeman bow in submission to this Administration, had the struggle been prosecuted in accordance with those high and elevated principles of moral and constitutional law which should characterize the struggles of a great people, when southern men saw that their rights, their lives, liberty, and property could be better protected in the old Union than out of it, a revulsion in southern sentiment and opinion would have taken place, and in course of time reunion might have been had. But, sir, pursue this system of legislation, and in my honest judgment—though it may not be entitled to any very great respect—you and I will molder in the dust before the Union of these States is reëstablished.

Again, sir, why should this amendment be

attempted now? This is not a proper time for another reason: I presume the people of this country, that portion of them among whom slavery does not exist, do not wish to have this amendment adopted right or wrong, whether three fourths of the States agree to it or not. I presume the Senate and the House of Representatives honestly wish that if it shall be ratified it shall be ratified by the honest vote of the people of three fourths of the States. I submit it to you, Senators, is there a possibility that if you submit it to the people under the present circumstances that vote can be had even in the States professedly and knowingly in the Union? I ask you, do you believe that he who is your chosen chief, with an army of a million and a half of men, is going to allow men who are a thousand-fold better Union men than he is to vote? No, sir; that is not his purpose, in my opinion; and I judge of his purposes in reference to the future by his acts in the past.

Then, sir, without entering any further into a discussion as to military interference, I ask you whether, if you want this amendment honestly adopted, it would not be better to wait until there can be a free exercise of the voter's right? Do that, and the people of those States which give it their sanction certainly can have no just cause of complaint as a practical question, and can only question it in reference to its obligatory character as an amendment of the Constitution.

With these remarks, I will not detain the Senate longer.

Mr. HALE. Mr. President, I had not supposed until within a very short period that there were any possible circumstances that could induce me to make a speech, even a short one, upon the question now before the Senate. I say without any arrogance, or affectation, or anything that is unbecoming, that I have made as many speeches upon this question as I ever thought I should make, a great many years ago, some dozen or twenty years ago nearly. I do not know that any practical good can result from anything I am going to say now, which I hope will not be much; but I was admonished once by an incident in my own experience that we do not know precisely to what uses the speeches that we make may come.

Some eighteen years ago I was traveling in a private carriage in a retired part of the State of Maine. My horse became somewhat weary, and about five o'clock on a Saturday afternoon I found it inconvenient to proceed any further, and stopped at a small hotel in Penobscot county, I think on the Passadumkeag river. I found that I had to spend that evening and all day Sunday there. I looked around to see if I could find something to read, something to amuse me. I went to the landlady and told her I should like even an old almanac of last year, if she had nothing else. She looked around, and at last she came to me with a large sheet, an extra of some newspaper there, and upon opening it I found it contained a speech made by John P. Hale in the New Hampshire Legislature, on the abolition question, a year or two previous; and that was all the reading that that house contained, and the best. [Laughter.] It occurs to me that it is possible some of the speeches on this question may amuse the solitary hours of some lonely traveler at some wayside inn in some future years, and therefore I am induced to say a few words.

In the first place, let me say a word to our friends who oppose this resolution. They die hard, very hard. I remember reading that when the British Parliament sat in judgment upon Charles I, and sentenced him to lose his head, they were apprehensive that when it came to the last, and he was actually required to bow down and put his head under the ax, he might resist, and the Commons, with great prudence and prescience, had prepared pulleys and machinery by which if he resisted he should actually be drawn under the ax, and his head severed from his body. That is history that I think is not without its teaching in the present day. I think that the judgment has gone forth that slavery must die. The commons have passed that sentence; and I tell you, sir, if slavery is refractory, and does not quietly submit, the commons will prepare pulleys by which to bring the victim under the ax.

Mr. President, permit me to say that this is a day that I and many others have long wished for, long hoped for, long striven for. It is a day when the nation is to commence its real life, or if it is not the day, it is the dawning of the day; the day is near at hand. The day is to come when the American people are to wake up to the meaning of the sublime truths which their fathers uttered years ago and which have slumbered dead letters upon the pages of our Constitution, of our Declaration of Independence, and of our history—a day when the nation is to be disembarrassed of the inconsistencies which have marked its history and its career, patent to the world and to ourselves when we have had the courage faithfully, fairly, and boldly to look the truth in the face.

Sir, what is the truth? We have had upon the pages of our public history, our public documents, and our public records some of the sublimest truths that ever fell from human lips; and there never has been in the history of the world a more striking contrast than we have presented to heaven and earth between the grandeur and the sublimity of our professions and the degradation and infamy of our practice. That day is to pass away, and to pass away, I trust, right speedily.

I am glad that the conduct of the theological branch of this discussion has been handed over to a man who can so ably handle it as my distinguished friend from Iowa, [Mr. HARLAN;] but let me congratulate him that in conducting that theological discussion very great progress has been made. A little while ago a man who argued this scriptural question had to begin with "cursed be Canaan," at Genesis. We have got by that; Genesis is laid aside; and we have got so far through the Bible that we have actually finished the reading of the epistle of Paul the apostle to Philemon. [Laughter.] We shall soon get through the Testament when we have got thus far. If my honorable friend takes up that question, and accepts the challenge that is thus made to him, I suppose he will illustrate some differences that may be found in the slavery to which Onesimus was sent back and that which we are about to abolish that are somewhat curious. But I will not dwell upon that subject.

But I desire to say a word, in all sincerity and in all kindness, to those gentlemen who still linger here, the representatives, or rather the administrators *de bonis non*, of what was once the old Democratic party. [Laughter.] They pretend to think—and I am not the man to stand here and say they do not believe what they pretend to believe—that it is in their power, if they had the control, to save the country and restore the Union. I am willing to concede, for the purposes of all that I have to say, that they actually believe it; that that is their faith; and I apprehend from some things that have fallen from some gentlemen even in this neighborhood, that my honorable and venerable friend from Kentucky [Mr. DAVIS] is not far from entertaining similar opinions, that the Democratic party might, by some possibility, save the country and save the Union; and what is more than all that, save themselves, too. Sir, it is a delusion, an utter delusion. Let me ask their attention for a moment or two to some considerations which induce me to believe that it is an utter delusion.

How can they do it? Patrick Henry, the great orator of the Revolution—no offense to Massachusetts, [laughter,]—said that he knew of no other lamp to guide his feet but the light of experience. Taking that as a maxim or as a text, let me ask what there is in the history of this Democratic party that gives countenance to the idea that by any possibility, even if they had everything their own way, they could save the country and save the Union? This rebellion, revolution, or whatever you please to call it—I believe it has been judicially decided that we are not at war—commenced under James Buchanan, a Democratic President. They had a Democratic Senate, a Democratic House of Representatives, a super-Democratic Supreme Court of the United States, and a large majority of all the officers of every organization, moral and physical, in the country, including the Army and Navy and ministers; I mean taking the whole country. They had a large majority of the States, of the Governors of the States, the representatives of the States, and they had majorities everywhere that majorities were worth counting. They could not keep the peace with all that. They lost it. Nay, more than that, they had a little love feast of their own down at Charleston; there was no abolitionist, no Federalist there to vex and plague them; and they could not keep family peace. They could not keep national peace, and they could not keep family peace, but split, broke, went asunder, every man his own way, and the present is the result of it.

How are they going to do any better now than they did then? They lost eleven States at one slide that they had then. They are all gone; and I say it with great respect and great kindness to them they have lost, besides, pretty nearly every respectable man they had in the free States that gave character and stability to their party. I need not go out of the Senate Chamber to prove that. Well, sir, they have lost all that; and now in the days of their dissolution and weakness, when their preaching here sounds in one respect something similar to that of John the Baptist—"the voice of one crying in the wilderness," [laughter;] for there is only here and there one of them—they are still impressed with that insane delusion that if they had the power they could save the country and save the Union and save themselves.

I do not desire to argue this question, but merely to suggest the palpable, prominent, indisputable facts of history. It is said to be a hard thing for an individual to find out when his mental faculties begin to fail him. It is not difficult for him to find out when his physical strength fails him, but it is very rare that a man finds out when his mental vigor begins to fail him. I suppose what is true of individuals is true of parties and of collections of men. But let me ask my friends, do they not feel in their own experience when they read the newspapers, do they not begin to find some indications that the day of the strength of the Democracy has departed, that it has gone or is going? It seems to me that they must. I appeal, then, to all who hear me, is it not the part of wisdom to submit to what is inevitable? Charles I did not compel the Commons to put the pulleys on to haul him under the ax; but when he found the ax was up and that the Commons had decreed that his head should go under it and the ax should come down, like a sensible and well-bred gentleman as he was, he put his head under. If royalty could learn that lesson from coming events, and could learn to act with becoming prudence, is it too much to ask the Democratic party when the ax is up and the inevitable sentence from which there is no escape has been pronounced, like that good Christian gentleman, Charles I, quietly to put their heads under and submit to what must come?

Mr. President, what is to be cannot be avoided; and if there is any one thing which, it seems to me, the indications from every side everywhere teach us, it is that the day of this power is over; and there is no indication more indicative of it, more satisfactory, more conclusive to my own mind, than the Christian and statesmanlike effort made by the honorable Senator from Maryland yesterday. When from such quarters and from such sources, such exhibitions of true and inevitable consequences are portrayed before the people of this country, there is no great difficulty in understanding the signs of the times or predicting what is speedily to follow. I ask everybody who hears me, do you not rejoice that the day has come? Are you not glad that this nation, blind and deaf so long to the teachings of history and the commands of God, has at length aroused itself from its lethargy, listened to the voices which heaven and earth, God and nature, are proclaiming, and is preparing to put itself in alliance with the Power which cannot be resisted and whose fiat will most surely be executed.

Sir, when the great founder of the Dutch republic, William the Silent, I think he was called, after losing his armies, his treasure, his finances, and everything but his own indomitable courage and his Christian faith, counseled his followers again to rally and again to strike for freedom, they asked him, "Have you secured any alliances? Are there any of the potentates and Powers of the earth that you could associate with, that will aid you in the struggle in which you propose to engage?" His answer was, "Yes; I have allied myself to the King of kings, and in His strength I invite you to go to battle." Sir, that is the position and the only position this nation can occupy. If we cannot do that, if we cannot put away from us the great sin and the great crime which has separated us not only from the

sympathies of the Christian world, but from the blessings of the God of the Christian world, then indeed is our cause hopeless and our struggle desperate.

But, sir, whenever unconditionally and without equivocation we come up to the mark and place ourselves on the high standard of Christian duty and resolve that despite of all extraneous circumstances, of all doubtful contingencies, of all questions of expediency, we will place ourselves firmly upon the everlasting rock of duty and our action shall be in accordance with our conscientious convictions, then, and not till then, will that pillar of cloud by day and fire by night which led the chosen people from the house of bondage to the land of promise be ours. Then we shall indeed and in truth be worthy of our genealogy and our history. Then the sublime teachings of the Pilgrim fathers who left everything behind them that they might come hither and plant in this wilderness a temple of liberty and throw wide open its doors for the oppressed of earth to enter and be at rest—then will all that be realized. Then without shame, without reproach, and without apology, we can stand in this nineteenth century, soldiers of the new civilization and of an old Christianity, going forth to battle with every impulse of our hearts and every purpose that we entertain in full accordance with the best wishes and hopes of the good on earth and of the God in heaven; when we take this position and take it firmly and ably, then and not until then shall we triumph; then and not till then shall we see the beginning of the end.

Sir, I do not read papers very often; but I tell you that yesterday and to-day I, for one individual, have felt more confidence, more hope, more assurance that we were on the right way, that we were on the way to victory, to peace, to honor, to safety, and renown than I ever have since this rebellion commenced.

Mr. President, let me say one word more, and I shall not detain the Senate longer. When the Saviour of man with the sympathy and pathos with which He loved the chief city of His native land wept over Jerusalem His lamentation was, "If thou hadst known in this thy day the things that belong to thy peace!" Sir, that is what this nation ought to know; that is what the nation ought to understand. It is what I believe; and by a vigorous prosecution of this measure we shall evidence to heaven and earth that we do understand and mean to perform the things which belong to our nation's peace. When we have done that, and not till then, can we look forward with any confident hope to the termination of this war.

Mr. McDOUGALL. Mr. President——

Mr. HENDRICKS. If the Senator prefers to speak in the morning, as it is late now, I shall move an adjournment.

The PRESIDING OFFICER. Does the Senator from California yield the floor to the Senator from Indiana for the motion indicated?

Mr. McDOUGALL. I am willing to consult the pleasure of the body. It will suit me as well to go on in the morning as now. I have not much to say.

Mr. HENDRICKS. I move that the Senate do now adjourn.

The motion was not agreed to.

Mr. McDOUGALL. Mr. President, it is not my purpose to undertake an elaborate discussion of a subject that has been worn threadbare for twenty years, but rather to define my exact position in relation to the question presented to the Senate.

We have had now three years of war, terrible war; more than one hundred thousand of our friends and brethren have gone down on the red battle-field; there are circumstances attending about this present question that should challenge grave consideration, and not permit of the loose jest; and it has seemed to me that the Senator from New Hampshire, in his jibing discourse, commencing with comedy and ending with tragedy, changing the rule of the administration of the theater, has been playing fantastic tricks before high Heaven that should make angels weep. This question is no question for loose debate. It is no question for jest. It is a question for grave consideration. I am surprised that gentlemen get up loosely in their place in this Senate Hall and talk of settling this controversy by the passage of a series of resolutions, when we have against us in arms, in their own country, in their own fastnesses, behind their own defenses, an army equal to our own. They should know, if they remember history, how a few Indians in Florida resisted the American arms; and that a great power in the South is not a power to be trifled with, nor to be made the subject of common jest. These things are too grave for jesting, and demand the grave consideration that was supposed in ancient times, and in the better days of our own Republic, to be the characteristic of Senators.

We have engaged in a war that now has employed our armies for three full campaigns. We have achieved as yet no great success. Richmond is not yet ours. Some question whether we command the current of the Mississippi. We have got a great war before us. I came into this Senate Chamber at the opening of the last Congress, willing to lend my aid in maintaining effective war, and I asked for a million men and full appropriations. That was not the opinion of the other side of this Chamber then; and consequently the war has lingered on, hundreds and thousands of millions have accumulated as the debt which we have to pay as well as its current interest. These are grave things, independent of the blood that has flowed from our kindred, and demand grave consideration.

I thought when I came here that the business of the Federal Congress, the business of the Executive of the Federal Union, the business of this Government, was by the exercise of its full power to put down the rebellion; but what has been the fact? From the time I took my place here until this day, until these last ten minutes, hardly a quarter of an hour has passed that has not been occupied by discussing the status of negroes in the southern confederacy. Our home policy, our finances, our legitimate business, our foreign relations, have all been ignored.

I, as I said on rising, do not propose to discuss this question here: my argument is an affirmation that we have no business with meddling with so grave a question of fundamental and elementary law while we have a war to maintain for the purpose of reëstablishing the Republic. I have from the first protested against the continuous discussion of this question not belonging to armies, not belonging to forces, but belonging to a sentiment or opinion which could not be made use of for any legitimate purpose in the controversy before us. I have asked the Senators on both sides of the Chamber to assert the strength of the Republic and compel obedience to the Constitution and the laws, and so I shall say as long as I occupy my place in this Chamber; but I protest against occupying the time of the Senate of the Republic of North America entirely in discussing subjects that have nothing to do with the reëstablishing of the Republic that has been disintegrated by hostile forces having no faith in the system as it exists.

I shall myself, and I would were I alone, vote against these amendments, not because I am not in favor of freedom, but because they have no proper office at this time in this body, and their tendency is to aggravate the war. I am confident that this provision being passed it will add twenty-five or fifty per cent. to the vital forces of the southern confederacy. We have been inviting those accumulated forces ever since the war commenced. I have opposed that policy. Is it possible, with this measure passed, that the men of the South will not fight to extremity; and if they fight to extremity when will they be compelled to yield? It is said that Rome did not take the men of the north of Britain with all their defenses. It is said that neither Edward I nor any of the succeeding kings of England with three times the force ever conquered the fastnesses of the north. It is history that England had to accept a Scottish king in order to secure peace between those two departments of a single island. Now it is a vain thought and a vain hope that by this system of subjugation, by this system of force, we can compel the men of the mountains of the Alleghanies as they extend south, through South Carolina and Georgia and through Alabama, and as they radiate through the country, to yield to us. The men of the mountains will maintain the land against us. It is a vain thought that the result at which we aim can be accomplished by this pressure of legislation. What strength is there in any Senator's arm? What can he compel and what is the force of your resolution? It achieves nothing that tends toward victory, it only arouses the fierce animosity of now a present violent foe. There is no peace in this. There is no triumph in this. There is no settlement in this. And as things tend now, we shall have to leave to our children, and perchance to our children's children, a legacy of war. I came here unwilling to leave the legacy of controversy to my children, and I have done my best to maintain a strict course of policy that peace might be established in the land and leave no legacy of that kind on my part.

I am compelled to say, Mr. President, that as the year has rolled round, I have seen but little to afford us hope. Only once did I read that melancholy poet who said:

> "Let the heavens be hung in black
> And let the earth put mourning on."

And in my judgment it may well be said of us:

> "Let the heavens be hung in black
> And let the earth put mourning on,"

for in the history of no free people, since the time the Persians came down upon Athens, have I known as melancholy a period as this day and year of our Lord in our history; and if we can by the blessing of God and by His favor rise above it, it will be by His special providence and by no act of ours. I shall vote against the resolution.

The PRESIDING OFFICER, (Mr. FOOT.) Is the Senate ready for the question on the amendment reported by the Committee on the Judiciary?

Mr. POWELL. I have an amendment to offer to the amendment, to come in as an independent proposition at the end of the proposed article:

> ART. 14. The President and Vice President shall hold their offices for the term of four years. The person who has filled the office of President shall not be reëligible.

This is a proposition which I hope will meet with the approval of the Senate. It will be observed that it is independent of the amendment proposed by the committee. If it shall be approved by the Senate and by the House of Representatives, and ratified by the proper number of States, it will of course become a part of the Constitution; but it will not in any way interfere with the proposition of the committee. One may be ratified by the necessary number of States, one may be rejected, or both may be adopted. It is not necessary, and I shall not at any very great length, state to the Senate the reasons why this provision should be incorporated into the Constitution. I believe that no man has been in the presidential office for the last twenty years, who has sought a reëlection, but has used, to a greater or less extent, the power and the influence of the office for the purpose of securing his reëlection. A free nation must protect itself by the virtue and the force of its own laws, otherwise it will sooner or later perish. When we clothe a citizen of this Republic with the office of Chief Magistrate he should not be tempted to use the power of that office for the purpose of securing a reëlection. Whenever he does so he prostitutes the high office he holds. The Chief Magistrate should devote his whole time to the duty of administering the laws of the country and to seeing that they are faithfully executed. He should not be diverted, by any hope of future position, from the single purpose of promoting the good of the country over which he presides.

I suppose every Senator in this Chamber must have witnessed at some period of his life the evils resulting from the executive office being used for the purpose of securing the reëlection of its incumbent. Such efforts always result in evil, and are never promotive of good. We find now on the lips of almost every person who is not in favor of the reëlection of the present incumbent the assertion that he is using his office for the purpose of securing a reëlection. It is said that he hawks offices about, and bestows patronage here and patronage there on unworthy and sometimes corrupt individuals in order to secure their aid to promote his desire for a renewal of his term of service. The same charge has been made against every man who has filled that office and who has sought a reëlection, since I have had any knowledge of public affairs. I believe we can have no man in the presidential office who, if he desires a reëlection, will not use the office to a greater or less extent to secure that result. Our fundamental

law should be so formed as to prevent such a prostitution of power by forbidding it absolutely.

The amendment that I propose cannot affect the one reported by the committee. It cannot affect the reëlection of the present incumbent of the office, for we all know that before the amendment can be approved by the Senate and the House of Representatives, and be ratified by the States by the constitutional majority, the next presidential election will have transpired.

I am opposed to any amendment of the Constitution at this time; but if we are to enter upon that work, let us exhibit to the world that our ideas are not restricted to one. The speeches and arguments which have been made and the amendment which has been proposed by the Judiciary Committee, have reference to but one single object, and that is the subject of African slavery, although there are others admittedly demanding a corrective. Let us while we are engaged in this work do something that will be of permanent advantage, something that will secure, or tend to secure, at least an honest administration of our public affairs in the executive office. When we clothe a citizen with the functions of that office, let him understand distinctly that he has been highly exalted, that he has high duties to discharge, that virtue should distinguish the possession of power, that the administration of justice and of law involves the well-being of the millions of his fellow-citizens who have intrusted their dearest interests to his care, and hence that he is expected to concentrate every faculty of his mind, and the best sentiments and affections of his heart, on his great responsibilities; that if he barters office and prostitutes justice to gratify ambition he is edged about by the Constitution which forbids his reëlection, and will overwhelm him with shame and disappointment; that if he desires to transmit his name to posterity as a wise, virtuous, great, and good man, he can only do it by fidelity and patriotism.

One part of the platform announced a few days since by the Senator from Kansas, [Mr. POMEROY,] I heartily approved, while others I thought were very bad indeed. He approved the one-term principle. I never knew a state of political affairs in this country when the "outs" did not. The "ins," who want reëlection, are only for it in theory.

The one-term principle was a favorite one with General Jackson; and if I am not mistaken he recommended that the Constitution be so changed in one of his messages or inaugural addresses; but even that stern old Roman chief, a man of high, noble, Roman virtue, after his installation into that office not only received, but, it may be supposed, sought a reëlection. I have no idea that the old hero of the Hermitage used that office in such a manner as to prevent his reëlection; on the contrary, I suppose he used it to promote it. All have done so, all will do it; and as wise men, as patriotic men, as men devoted to the perpetuity of their country, if we commence amending the instrument we should correct some of the many evils that we know do flow from such an exercise of the executive office as promotes the reëlection of the incumbent. Let the man that we hereafter put there know that there is no possible hope of a reëlection, and that he must depend on an honest and faithful and patriotic discharge of the duties of his office for his reputation in all future time.

Put this provision in the Constitution, and when a partisan President—and all of them are partisans to a greater or less extent—is clothed with the office he can afford to lay down the partisan robes and execute the office faithfully, justly, and honestly, and like a judge on the bench decide according to right and justice. He will know that he cannot, by catering to this or that wing or faction of party followers, ask or receive future promotion. Consequently, he will dismiss all such from him, and he will enter upon the discharge of the duties of the office with a single purpose to promote the public good. At least, I hope that will be the result.

Senators cannot say that it will interfere with the proposition before the Senate as reported by the Committee on the Judiciary. It is a separate and distinct article; but if it be adopted by the Senate we can remove all doubt about it by providing that the States may ratify one or all of the propositions presented by the constitutional majority, and the portion ratified shall become part of the Constitution. But without that provision I hold that if we were to pass one, two, three, four, or ten separate and distinct articles, the States could ratify one article without ratifying the rest.

Mr. FOSTER. If the honorable Senator from Kentucky will extend the period of service for these several officers—President and Vice President—to six years, I will vote with him for the amendment.

Mr. POWELL. I have no objection to that. I first drew the amendment so as to fix the term at six years, but at the suggestion of a friend I struck out "six" and put it at "four." I will accept the amendment of the Senator from Connecticut. If the Senate prefer "six," I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his proposed amendment to the amendment?

Mr. POWELL. I do.

The PRESIDING OFFICER. That is the form of the amendment proposed to the amendment.

Mr. TRUMBULL. The proposition introduced by the Senator from Kentucky, I am satisfied, meets the approbation of many members of the Senate. I am inclined to think it would be an improvement of our present Constitution not to allow the Executive to be reëlected. But we have now got before us one distinct proposition to so amend the Constitution as to prohibit slavery. That question has been discussed. This proposition now offered by the Senator from Kentucky is a new one. I do not know but that it would command a majority of the Senate or two thirds of the votes of the Senate; but there are differences of opinion in regard to it. It will open a new discussion. I think we had better not adopt it in connection with this great, grand idea of making this Republic free and our Constitution a Constitution to protect free men alone. I want that proposition to go solitary and alone to the American people, and let them pass upon it.

I hope, therefore, that the Senator from Kentucky, if he thinks proper to offer this amendment, will, after we shall have disposed of the present question which has been discussed, offer it as a separate proposition. It may be done to-morrow or any day after we shall have voted upon this and it shall have passed out of the way, and I am not aware but that I shall vote with him. I think there is much force in the suggestions which he has made, but I do not like to have the proposition which we have been discussing for several days, and upon which the Senate is now about ready to act, mixed up with another one which will open a new discussion, and perhaps extend this debate for weeks.

For this reason alone I shall feel compelled, in the present condition of things, in the present condition of the debate, if the proposition is persisted in, to vote against it.

Mr. POWELL. Mr. President, the reasons suggested by the Senator from Illinois do not strike me as being very sound. He desires this amendment presented as an independent, distinct proposition. It is so presented. It is a separate and distinct article in no way connected with the amendment proposed by the Judiciary Committee of which the honorable Senator is chairman. It is perfectly competent for the Senate to pass, by a two-thirds vote, the proposition of the Senator from Illinois from the Judiciary Committee, and also by a two-thirds vote to pass the amendment that I propose. It is then also equally competent, if these two amendments go out together and are submitted to the States, for three fourths of the States to adopt the amendment that I propose and to reject the one proposed by the Judiciary Committee, or to adopt both, or to adopt the one proposed by the committee and reject the one I propose. When the Constitution was first amended, I think there were ten amendments or more proposed, most of which were adopted, but some were rejected.

Mr. TRUMBULL. I am aware of that. That was not the point which I made. I am aware that where several articles are submitted to the States, the States may adopt one and decline to adopt another; but the point which I made, if there was any force in it, was this: that we had had one of these subjects under consideration for some time, that the Senate was about ready to come to a vote upon it, and now that there is proposed another amendment of a different character, not germane to the one which has been under consideration, which will open a new discussion and prolong the debate; and the other objection which I had was that I wanted this one great proposition of freedom to go out by itself—it is large enough to occupy the attention of the whole nation—without mixing it up with the other proposition of making the President ineligible to a reëlection. My desire is to keep this one thing before the public, and not mix it up with another at this time. I am aware that the States could adopt one and reject the other. The Senator is quite right about that.

Mr. POWELL. The Senator admits all that I contended for upon that point; but we have now under consideration the question of amending the Constitution. I am opposed to the amendment proposed by the Judiciary Committee, and shall not cast my vote for it. I do not think this is the proper time for us to enter upon the work of amending the Constitution; but as we have the question before us, as amendments are proposed, as Congress seems determined to submit amendments to the people for their rejection or ratification, let us send out the amendment which I propose if Senators think it a good amendment. My opinion is that the amendment which I propose will be ratified by every State in the Union, if it shall be submitted to the States; but if it be unpopular, it will not in the least jeopardize the adoption of the amendment proposed by the Judiciary Committee, if the two Houses send them both out together.

Mr. HOWE. I wish to ask the Senator a question, the answer to which will guide my vote on his proposition. I am utterly opposed to making the specific amendment to the Constitution which the Senator proposes; but I have not the slightest objection to submitting such an amendment to the people; and I am inclined to vote to do so unless there is some objection to it on this side of the House that I have not heard yet, if in return the Senator from Kentucky and his friends in the two Houses will vote to submit to the people the proposition which we make. I suppose, however, that if the proposition which we have been debating should go to the people he would probably oppose its adoption by the people——

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. DAVIS. I call the Senator to order. I do not think it is in order to make a proposition of bargain and sale between Senators.

Mr. HOWE. Things of no value, like Senators and Representatives, I suppose can be bargained and sold. I was simply saying to the Senator from Kentucky [Mr. POWELL] that I supposed he would oppose the adoption of the amendment which we have been debating here for several days, as I should certainly vote against adopting the amendment proposed by him. But I have no objection to submitting his amendment to the people, and will vote to do so if the main proposition will thereby go to the people with more force. If we can in that way get his vote and the votes of his friends to submit the main proposition, I shall be very willing to do it, and I hope the Senator from Illinois who has charge of this measure will consent to it.

Mr. POWELL. I cannot accept the proposition of the honorable Senator from Wisconsin. I am no political trader; I never have trafficked in that way. Throughout my life I have acted politically independent, I have advocated or opposed measures as I thought they were meritorious, wise, and constitutional, or the opposite. I have never yet so tarnished my political reputation as to vote for or against a measure merely on partisan grounds. I stated distinctly to the honorable Senator that I was opposed to the amendment proposed by the Committee on the Judiciary. I shall vote against it here, and if I shall have any influence in other places I will exert it there against it. I have presented my proposition, and I hope it will prevail on its own merits. If the Senate do not think it a wise provision to put in the Constitution, if they do not think it will result in practical good, it is the duty of Senators to vote it down. If they think it is wise, and will promote the public interests, then, as honest men, and not as political traders, I demand their votes for it. It can in no way injure or mar the amendment proposed by the Judiciary Committee. I present

it as an independent article, and for the very reason that I do not wish to have around its neck the millstone that I think the amendment of the Judiciary Committee would prove to be to it. While I must decline all political trading, I hope that no Senator who believes the amendment I propose is wise and proper will vote against it because I decline to enter into a political traffic.

Mr. ANTHONY. I rise to ask a parliamentary question. I understand that the proposition of the Senator from Kentucky is offered by way of amendment to the amendment reported by the committee. Therefore, if his motion prevails, the question will then be upon the amendment as amended. Is it not so, sir?

Mr. POWELL. It is presented as a separate and distinct article, numbered differently.

Mr. ANTHONY. But it is an amendment to the amendment of the committee.

Mr. POWELL. It is an amendment to the proposition, but not an amendment of the article proposed by the committee.

Mr. ANTHONY. The Senator from Kentucky cannot vote for his own amendment ultimately, as I understand, unless he votes for the proposition that comes from the Committee on the Judiciary, because his amendment, if adopted, is ingrafted on that. The Senator from Kentucky has several other amendments to propose, as I understand, and if we adopt them the result may be that we shall have several constitutional amendments combined, each of which would command separately the vote of two thirds of the Senate, but the whole would be rejected.

Mr. POWELL. As I understand it, each article will be voted upon separately, as if it were a separate and distinct bill. The Senate certainly have the power to do that. I offer this as a separate and distinct proposition.

The PRESIDING OFFICER. The Senator offers it as an amendment to the pending amendment. On the question of order the Chair has no doubt.

Mr. COLLAMER. But is it germane to the pending amendment? Is it not independent matter?

The PRESIDING OFFICER. That does not raise a question of order for the Chair to rule it out on the ground of a want of congruity. That only furnishes a reason to the Senate to vote against it for want of congruity, but does not raise a question of order for the Chair.

Mr. SHERMAN. The Senator from Kentucky says he offers it as an independent proposition. If so, I submit that it should go through the regular form, and receive its various distinct readings.

Mr. POWELL. I offer it as an independent article.

The PRESIDING OFFICER. It is offered as an amendment, by way of additional article, to a pending amendment. There is but one mode of treating it. There is no difficulty about the question. There is one plain mode of treating it: it is an amendment to an amendment, and must be so treated; if adopted, the question will then recur on agreeing to the amendment as amended.

Mr. HOWE. I understood the Senator from Kentucky to offer it as an amendment to the pending proposition, and I supposed he knew, and I suppose still he knows what he meant by it. As I saw him apparently desirous of amending this proposition, I wanted to know what he was disposed to do with it after he should have got it amended; whether he was disposed then to vote for the proposition as amended. It was therefor that I put the inquiry. I am answered satisfactorily; I understand that he will not vote for the proposition. I cannot see the force of the reason which he assigns, which is that he is not a political trader. Really, I did not assume that the Senator was of that character when I put the question to him; I simply wanted to know whether when he got the pending proposition amended to suit him, he would then vote for the proposition as amended, vote to submit these two constitutional amendments to the people of the United States. The Senator seems to think that is opening up a bargain. It may be so——

Mr. SAULSBURY. Will the honorable Senator from Wisconsin allow me to make a suggestion?

Mr. HOWE. Certainly.

Mr. SAULSBURY. I think these questions are divisible; and for one, while I will not vote to amend the Constitution according to the first amendment proposed, I will vote for the amendment proposed by my honorable friend from Kentucky, if I can vote upon it as a distinct proposition. I presume that when the vote is taken, it will be in order to call for a division of the question, and we may vote for the first proposition or against it, and then for or against the second. If that be true, I shall vote in favor of the last proposition and against the first.

Mr. HOWE. We can have that vote on this as an independent proposition to-morrow or the next day, whenever it shall be brought forward by itself.

The PRESIDING OFFICER. It is competent for the Senator from Kentucky, or any other Senator, to move it as an additional amendment; the proposition is separate and independent from the one contained in the pending amendment reported by the Judiciary Committee; but inasmuch as it is offered as an amendment to an amendment, it will, if adopted, combine both propositions in the question upon agreeing to the amendment as amended. It would come in more appropriately if offered as a separate amendment after the Senate should have acted on the pending one reported by the committee.

Mr. HOWE. I am very anxious that the amendment which we have been considering shall be submitted to the people. If I can get any additional votes for submitting it to the people by voting to submit another proposition to them I will do it; but if I cannot, as I understand I cannot, of course I will not vote to submit to the people a proposition to amend the Constitution in a particular in which I do not wish to have it amended.

Mr. WADE. I wish to inquire whether this amendment will require a two-thirds vote or a majority vote for its adoption?

The PRESIDING OFFICER. As an amendment to an amendment, in the judgment of the Chair, a majority will carry it.

Mr. POWELL called for the yeas and nays, and they were ordered.

Mr. HENDRICKS. The Senator from Pennsylvania [Mr. BUCKALEW] desired me to say that he was so sick as to be compelled to leave the Senate.

The question being taken by yeas and nays, resulted—yeas 12, nays 32; as follows:

YEAS—Messrs. Brown, Davis, Foster, Grimes, Hendricks, Nesmith, Pomeroy, Powell, Riddle, Saulsbury, Wade, and Wilkinson—12.

NAYS—Messrs. Anthony, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Willey, and Wilson—32.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The Chair will have the 44th rule of the Senate read in reference to the vote required in order to carry an amendment, or any proposition short of the final question. It does not require a two-thirds vote.

The Secretary read the 44th rule, as follows:

"44. When an amendment to be proposed to the Constitution is under consideration the concurrence of two thirds of the members present shall not be requisite to decide any question for amendments, or extending to the merits, being short of the final question."

Mr. POWELL. I have another amendment to be added to the amendment of the committee as an additional article:

ART. 14. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other officers of the Executive Departments may be removed at any time by the President or other appointing power when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty, and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

Since I have had any knowledge of public affairs here it has struck me that the manner in which the sub-officials in the Executive Departments are removed with every incoming Administration is very detrimental to the public service. If this amendment shall be adopted, the President will have the power to remove without cause the heads of Departments and all the diplomatic corps; but no other civil officers can be removed except for cause; and then when the Senate shall meet, the power that removes must report the names of those removed and the causes for which they were removed.

We know what a most lamentable thing it is to see the emasculated forms of the office-holders here when an incoming Administration makes its appearance. They hardly have any politics; the poor creatures look as if there was very little manhood about them. To be sure, there are exceptions to that rule. We know since the time of General Jackson, whenever an Administration comes into power almost every Department is swept of the officers; faithful, honest, capable men are turned out to give place to political supporters of the successful party.

Mr. SAULSBURY. I know my honorable friend from Kentucky will pardon me for interposing a suggestion. The most distinguished, the ablest man my State ever produced, was John M. Clayton. He made a speech in this body against removals from office, and the *gravamen* of his charge was that five hundred men, including postmasters and all the subordinates, had been removed under General Jackson's administration. I therefore ask my friend to except from his general animadversion the administration of General Jackson, because according to the statement of Senator Clayton on this floor in the master speech of his life—the speech on Foot's resolution—he estimated those removals throughout the United States to amount to five hundred. Do not compare the present Administration to General Jackson's!

Mr. POWELL. I am not comparing it with General Jackson's, and God forbid that I should; I merely meant to indicate that about that period of our history this system of turning men out of office commenced, as I understand. The evil that I propose to correct is a great one, an alarming one, as every Senator here must know. What does the country want in the way of a public official? It wants a man who is honest, who is capable, who is vigilant in the discharge of the duties of his office. When you get that you have promoted the public service as much as you can do so through the agency of an official. But we do know—and I do not charge it alone upon the Republican Administration — that under Democratic Administrations and under Whig Administrations, in many instances, honest and faithful men have been turned out merely because they differed from those then in power in politics; men who were honest, who were vigilant, and who were educated to the discharge of the functions of their office. I wish to prevent that. I know that the proposition that I propose, if it shall prevail, will not inure to the benefit of my political friends, for the offices are now held by those opposed to me politically; but I never would propose an amendment to the Constitution to effect any party interest. If it shall be amended, the amendment will stand perhaps as long as the Government. But we know that the "spoils" system is a very great evil; we know that honest, faithful, capable, educated men in their business have been turned out of office, and men utterly untried and inefficient, and very often dishonest, put in their places.

The public interest does not demand that. The public interest demands the very contrary. All the country has a right to ask is that the public offices be filled by men of integrity, capacity, and industry, and when you get that you promote the public interest; and if you turn such men out to give place to politicians, cross-roads politicians often, who have no capacity to discharge the functions of the office, you absolutely do great harm to the country. It should not be done. I hope the amendment I have offered will be passed. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TRUMBULL. I rise merely to say that I shall vote against this proposed amendment without particular regard to its merits, for the reason already indicated by me in stating why I voted against the other amendment.

Mr. WILLEY. I simply desire to say that in casting the vote which I shall give I wish to be understood as not condemning the principle incorporated in the proposed amendment. If it were a distinct proposition put in proper form, I should like to see it made a part of the Constitution; but I do not desire to embarrass this other great and leading question by any such matters at this time. While I am up I will take the occasion to say that

in voting against the other proposition of the Senator from Kentucky, I did so not because I was not in favor of the one-term principle, but because in that instance, as in this, I did not wish to embarrass the main question by any other matter. I am a little surprised, however, that a Senator who is so hostile to proposing amendments to the Constitution in this particular condition of the country, seems so anxious to introduce so many of them.

Mr. McDOUGALL. I cannot agree with the amendment proposed by the Senator from Kentucky, and my reason is this: we want an Executive, and he must have authority in his own department, or we shall have no Government. I would rather go, as the gentleman suggested by his previous amendment, for extending the term and increasing the power of the Executive than diminishing it at this day. The Executive ought to have authority over his sub-executives; it is a necessary authority; otherwise there is no Government.

Mr. POWELL. The honorable Senator from West Virginia thinks it strange that if I were opposed to bringing in propositions to amend the Constitution at this time I should offer so many amendments myself. I will state to the Senator that so far as the Senate is concerned I see it is determined to propose amendments to the Constitution, and while it is engaged in that work, I deem it a patriotic duty to offer any and every amendment that I think will promote the public interest; and it is for that reason that I have offered this amendment; it is perfectly satisfactory to myself.

The question being taken by yeas and nays, resulted—yeas 6, nays 38; as follows:

YEAS—Messrs. Davis, Hendricks, Powell, Riddle, Saulsbury, and Wade—6.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Cowan, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—38.

So the amendment to the amendment was rejected.

Mr. POWELL. I have made several efforts to get in some wise and salutary amendments, and I propose now to offer one other. I have no idea that I shall be able to get it through; but I will make the effort. I offer this to come in as a separate article at the end of the amendment of the committee:

ART. 14. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

I think I have heard almost every Senator on this floor complain of a species of legislation that is very common here at the close of every session. For instance, or appropriation bills an amendment will be stuck in by one House or the other that is in no way germane to the subject-matter; and by that means a great deal of legislation finds its way on the statute-book which would not otherwise have been passed by either House. The constitution of the State in which I live was once in that respect as the Constitution of the United States now is, and we encountered these difficulties as we do here. In 1849 we had a convention which made a new constitution, and put in it a provision similar to that which I now offer, and we all saw at once the wise working of it. I do not think there is a Senator in this Chamber who, if he were asked the question privately, would not say that he thinks such a provision as this would promote the purity of legislation. It would prevent a great deal of legislation which could not be passed on its own merits, but which yet finds its way upon the statute-book.

A few days ago I was told by a Senator that an amendment was put upon an appropriation bill some years since giving somebody a pension; and upon some money bills, and other bills of importance, may be found clauses giving land grants to railways. All these things should be forbidden by a wise people. Every proposition that is enacted into a law should go through upon its own merits, and not be carried because of the peculiar surrounding circumstances in which, owing to the condition of the public service, a vital measure must be lost or extraneous matter carried through by it. To prevent this state of things hereafter, I have seen fit to present this amendment; and I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 6, nays 37; as follows:

YEAS—Messrs. Cowan, Davis, Hendricks, Powell, Riddle, and Saulsbury—6.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Conness, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, and Wilson—37.

So the amendment to the amendment was rejected.

Mr. DAVIS. I offer as an amendment to the amendment an additional article, which I send to the Chair.

The Secretary read the words proposed to be added, as follows:

The President and the Vice President of the United States shall be elected in the following manner: each State may, within thirty days next before the time appointed for the election of President, in any mode adopted by the State, nominate to Congress one candidate; and on the first Monday of February next before the expiration of each presidential term, the two Houses of Congress shall meet together as a convention, in the Hall of the House of Representatives, and all the candidates nominated by the States within the preceding thirty days, not exceeding one from each State, whose nomination shall have been authenticated to Congress, shall be before said convention as candidates for the Presidency; and thereupon said convention shall proceed, under the supervision of the Presiding Officers of the two Houses, to vote by open ballot from among all said candidates for President, and when any one shall have received a number of votes equal to the number of members, elected and appointed, of both Houses of Congress, he shall be declared by the President of the Senate to be elected President of the United States. In all cases where the balloting shall have continued in this mode through five days, and no election shall have been effected, on the sixth day it shall be resumed, and after each ballot the officers presiding shall drop the candidate who has received the smallest number of votes, or two or more candidates who have received an equal number of votes, and less than all the others; and the balloting shall be so continued among the remaining candidates until one shall receive the majority aforesaid; and thereupon the President of the Senate shall announce him to be elected President of the United States. The convention shall then proceed in the same manner from the remaining candidates to elect a Vice President of the United States. Whenever it may occur in the voting for President or Vice President that all the candidates but two have been dropped, the balloting between them may, if necessary to make an election, continue two days longer; and if then no candidate shall have received the required number of votes, the officers presiding over the convention shall report the state of fact to the Supreme Court of the United States, and it shall thereupon pronounce which of the two candidates shall fill the office. And no Senator or Representative who shall have voted for the candidate that may be elected President, or for the candidate for the Vice Presidency who may have been elected to that office, and upon whom the Presidency may have devolved, shall be nominated or appointed to any office by the incumbent of the Presidency for whom he may have voted.

Mr. DAVIS. My own reflection has convinced me that the two great infirmities of our system of Government are the power of removal, which has produced the spoils system, and the mode of electing the President and Vice President. It is the selection of our king, and it is regarded of such paramount importance that it absorbs every other election, general and local, in the United States. It in truth divides the whole community not only upon the subject of a presidential election or of politics general and local, but it divides the entire community in all its interests, social, religious, political, and business. It absorbs the mind of the people of the nation, and it excites that mind to such an extent that the billows which it raises in one presidential contest are not allowed time to subside until they are taken up in the ensuing one.

I think if gentlemen would read the amendment carefully for themselves, it would commend itself to their own reason and judgment, those especially who have experience, as most of them have, in relation to presidential elections.

Anything that would prevent the whole country from taking up a presidential controversy, and continuing it until the election, and immediately after the President elected has been installed into office, or within a very short time afterwards, precipitating the country into another canvass, in my judgment would be productive of an immense amount of good to the country, and to the proper working of the Government. I will state that this amendment would cut off entirely what is called the presidential campaign, which is eminently exciting, eminently corrupting and mischievous in its results. Within a very short time before the presidential term begins, it permits every State that may choose to do so to present a candidate; it does not compel any State to present a candidate; but enough States would be willing to present their candidates to have plenty in the field.

The amendment prescribes that on a day in February the two Houses of Congress shall get together in convention, and that the two Houses in that convention shall proceed to make the selection in the mode provided in the amendment, which I will not attempt to explain. I feel assured at any rate that if this mode be adopted it will result in relieving the country entirely from the excitement and the corruptions of presidential canvasses; it will present the very best men of each State before the joint convention for the two offices of President and Vice President; each State will have the privilege of presenting but one name, and when the President shall have been selected, the Vice President will be selected from the residue of the persons named by the various States. It provides for a mode of election that would secure the choice of both officers within a few days, and in my judgment would secure the election of better men, and much better men, for both offices than we are in the habit of getting, because it would secure a choice from among the very best and most competent and most virtuous men among the whole people of the United States.

The amendment to the amendment was rejected.

The question recurred on the amendment reported by the Committee on the Judiciary, which was to strike out all of the original resolution after the resolving clause, and insert the following:

(Two thirds of both Houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid to all intents and purposes as a part of the said Constitution, namely:

ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SUMNER. I made no objection to the amendment in committee, but I wish to call the attention of the Senate to the language of the amendment before it is finally acted upon and gets beyond our reach.

The PRESIDING OFFICER. It is properly open to amendment now, and will not be after it shall have been concurred in.

Mr. SUMNER. I so understood, and reserved what I have to say to this moment. Of course, in placing a new text in the Constitution we cannot be too careful, and especially when that text is of such transcendent importance. Now, if I can have the attention of the Senate——

Several SENATORS. Let us adjourn.

Mr. WILSON. It is evident that we are not to have a vote on this question to-night, and I should like to make a report from a committee of conference and to have it disposed of at once.

Mr. SUMNER. I give way.

The PRESIDING OFFICER. If there be no objection, the conference report will be received.

PAY AND PENSION OF CHAPLAINS.

Mr. WILSON submitted the following report:

The committee of conference appointed to take into consideration the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," having met, after full and free conference have agreed, and do recommend to their respective Houses to agree, as follows:

That the House of Representatives recede from their disagreement to the first amendment of the Senate, and agree to the same, with the following amendments, to wit: first, after the word "chaplain," in the first line of said amendment, insert the words "without command;" second, after the word "surgeons," in the fourth line of said amendment, insert the words "and shall wear such uniform as is or may be prescribed by the Army Regulations," and that the Senate agree to the said amendments.

That the House of Representatives recede from their disagreement to the third section of the amendments of the Senate, and agree to the same with the following amendments, to wit: first, after the words "Adjutant General," in the fourth line of said section, insert the words "of the Army through the usual military channels;" second, after

the word "condition," in the fourth line of said section, insert the words "and general history;" and that the Senate agree to the said amendments.

That the House of Representatives recede from their disagreement to the fourth section of the amendments of the Senate, and agree to the same with the following amendment, to wit: add at the end of said section the words "when practicable," and that the Senate agree to the said amendment.

HENRY WILSON,
L. F. S. FOSTER,
GEO. READ RIDDLE,
Managers on the part of the Senate.
J. A. GARFIELD,
M. F. ODELL,
N. B. SMITHERS,
Managers on the part of the House.

Mr. TRUMBULL. It is manifest that we cannot understand that report from the mere reading of it. I hope the chairman will explain it.

Mr. WILSON. I will very briefly explain the report. It provides for amending our first amendment so as to provide that chaplains shall not have command. It only makes clear what was intended, that they shall have assimilated rank but not command. It is also provided that they shall wear the uniform provided for in the Army Regulations.

Another amendment of ours provided that chaplains shall report to the Adjutant General the moral condition of their regiments. It is proposed to amend that by providing that they shall make their reports through the proper military channels—through the commanders. That is a mere matter of form. It is also provided here that in their monthly report of the moral condition of the regiment they shall also include its general history—a brief statement.

Another Senate amendment provided that religious services should be held at least once every Sabbath. This puts in the words "when practicable." When an army is on the march or in the face of the enemy, of course that cannot be done.

The report was concurred in.

VOLUNTEER NAVAL APPOINTMENTS.

Mr. HALE. Before the Senate adjourns, I wish to have a little matter disposed of. Some time since the Senate passed a bill (S. No. 76) relating to appointments in the naval service and courts-martial. The House of Representatives made amendments to the bill, which were referred to the Committee on Naval Affairs. The committee now report in favor of non-concurrence, and I want the matter acted on at once so that the bill may go back to the House of Representatives.

The amendments were non-concurred in.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 380) for the relief of George W. Murray was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO THE CONSTITUTION.

The PRESIDING OFFICER. The question before the Senate is on concurring in the amendment made as in Committee of the Whole to the joint resolution No. 16.

Mr. DOOLITTLE. I understand that the Senator from Missouri, [Mr. HENDERSON,] who introduced the original proposition which was sent to the Committee on the Judiciary, has been sick and confined to his room for two or three days, and he is prepared and expects to speak on this question to-morrow. I think it is due to him that he should have the opportunity, and for that reason I for one am willing to consent to an adjournment. But for that fact I should be entirely opposed to an adjournment until we settled this question; and if we adjourn now, I think it should be with the express understanding that we shall close this question to-morrow. I do not know any persons in the Senate who have intimated a disposition to speak on the question, with the exception of the honorable Senator from Missouri [Mr. HENDERSON] and the honorable Senator from Indiana, [Mr. HENDRICKS,] except that I understand the honorable Senator from Massachusetts [Mr. SUMNER] desires to propose some amendments to the Senate for its action.

Mr. HOWARD. I hope that no such understanding will be had. I trust the measure before the Senate will undergo a full and thorough discussion, that every member of the Senate who desires to say a word upon it will have a full and fair opportunity; because I, for one, regard it as of the utmost importance not only to us but to our country and our posterity. I hope there will be no such understanding as that.

Mr. DOOLITTLE. I beg the Senator not to misunderstand me. I did not desire to say that any Senator should not have an opportunity to be heard; but so far as I had heard expressed among Senators about the Chamber, I was not aware that any other persons desired to speak but those whom I stated; and it was therefore that I was willing to consent to the adjournment.

Mr. HOWARD. I understood the Senator to press upon the consideration of the Senate the necessity of bringing this question to a final vote to-morrow. I understood that to be the understanding which he desired to have entered into. For one, I object to any such understanding.

Mr. HENDRICKS. As the Senator from Wisconsin has alluded to me, I desire to say, lest it might be misunderstood, that I expect to occupy the attention of the Senate for but a very short time, if I shall feel well enough, to-morrow. I was not well enough to-day, or I should have said what I desired to say to-day very briefly.

Mr. RAMSEY. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 6, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

JAY COOKE AND CO.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House, in regard to the services of Jay Cooke & Co. in selling United States securities, &c.; which was laid upon the table, and ordered to be printed.

CABINET OFFICERS IN THE HOUSE.

Mr. PENDLETON. I ask the unanimous consent of the House to make a report from the select committee on House bill No. 214, providing that the heads of the Executive Departments may occupy seats upon the floor of the House of Representatives.

Mr. HOLMAN. It seems to me that that subject ought to be referred to the Committee of the Whole on the state of the Union.

Mr. PENDLETON. I only want the bill and reports printed; and I do not propose to call it up except on due notice, and to suit the convenience of the House.

Mr. HOLMAN. With the understanding that no motion to reconsider shall be made.

Mr. PENDLETON. I desire to make a motion to reconsider in order to select a proper time for taking up the subject for action. I do not propose to have any hasty action.

There was no objection; and the bill was reported back with the accompanying majority and minority reports, ordered to be printed, recommitted to the select committee, and a motion to reconsider entered.

NEW POST ROUTE.

Mr. McBRIDE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of establishing a post route from Dalles City, in the State of Oregon, via Caffon City and Independence, to Boise City, in the Territory of Idaho.

NOME LACKEE RESERVATION.

Mr. COLE, of California, presented the joint resolutions of the Legislature of California relating to the Nome Lackee reservation; which was ordered to be printed, and referred to the Committee on Public Lands.

THE REBELLION.

Mr. COLE, of California, also presented joint resolutions of the Legislature of the State of California, in reference to the suppression of the existing rebellion and the measures necessary thereto; which were laid upon the table, and ordered to be printed.

GEORGE W. MURRAY.

Mr. PERHAM, by unanimous consent, from the Committee on Invalid Pensions, reported a bill for the relief of George W. Murray; which was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PERHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. STEVENS. I ask leave to present a bill regulating the pay of certain officers in the Army of the United States.

Mr. CHANLER. I object.

Mr. STEVENS. I merely want to refer it to the Committee on Military Affairs.

Mr. CHANLER. I object.

Mr. SPALDING. I demand the regular order of business.

The SPEAKER. The bill has not yet come from the printer.

Mr. WASHBURN, of Massachusetts. I ask leave to report from the Committee on Invalid Pensions a bill granting a pension of eight dollars a month to Harris Welch.

Mr. ANCONA. I object.

ENROLLMENT ACT.

Mr. DRIGGS, by unanimous consent, introduced a joint resolution repealing the last clause of section sixteen of the enrollment act, approved March 3, 1863; which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. HOLMAN. I ask the unanimous consent of the House for leave to report from the Committee of Claims a joint resolution for the relief of A. S. Clark, postmaster at Harrison, Ohio.

Mr. WASHBURNE, of Illinois. I object.

NATIONAL CURRENCY.

Mr. SPALDING. I call for the regular order of business.

The SPEAKER stated the regular order of business to be the consideration of House bill No. 333, to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, reported from the Committee of the Whole on the state of the Union, with sundry amendments, and an amendment in the nature of a substitute moved by the gentleman from Pennsylvania, [Mr. STEVENS,] on which the gentleman from Massachusetts [Mr. HOOPER] was entitled to the floor.

Mr. HOOPER. Mr. Speaker, it is not my intention to discuss the provisions of this bill, with which the House is already familiar; but I wish to ask attention to some of the reasons, that are conclusive to my mind, why the paper circulation of this country should be under the control of a national law; believing as I do that the condition of the country, growing out of the exigencies of this war, renders the regulation of the currency by Congress absolutely necessary for the purpose of strengthening and upholding the Government.

In addressing the House last week I said that I looked upon the system of State banks as having outlived its usefulness—considering them as institutions connected with the growth and prosperity of the country—that they were unequal to the exigencies of the present time, with the demands which this war is making on the resources of the country. This remark seems to have shocked the sensibilities of some gentlemen on the other side of the House. It has been said that I must have forgotten the great services rendered to the country by the State banks during the revolutionary war; which I certainly had overlooked, and have yet to learn that they rendered any service or were in existence during that period.

In the war of 1812 it was different. The State banks did then play an important and unfortunate part, and a strong effort has been made to give them now an opportunity to repeat it. But the history of their action, and its effects during the war of 1812, and of the inconvenience and trouble which were caused by using the notes of the suspended State banks then for the currency of the country, has not been forgotten.

Soon after the commencement of the war of 1812 all the banks suspended specie payments,

except some in New England; and the Government was induced, most unwisely as it proved afterwards, to use their irredeemable notes for currency. By the urgent advice of Mr. James Gallatin, who was referred to by the honorable member from New York as "the representative man of a great class of financiers in this country," the banks in the city of New York decided in December, 1861, to suspend specie payments; and their example was promptly followed throughout the country. The Secretary of the Treasury was then strongly urged to adopt the same course as in 1812, but he positively refused to receive and circulate their notes, even for the balance that was still due from the banks on account of the Government loans they had taken. This was the cause, and, in my opinion, the only cause, of the contest which was at once begun by Mr. Gallatin and others against the Secretary and against the financial measures of the Government.

Mr. Gallatin was foremost, as "the representative man" of a great class of financiers, in this contest. The honorable gentleman from New York states, as coming from a pamphlet Mr. Gallatin recently published, that if Mr. Chase had administered the finances of the country as they had been hitherto administered by other Secretaries "the State banks could have gone through the crisis, *successfully administering this Government as a hard money Government to carry on a hard money war.*" But the Secretary of the Treasury obstinately refused to give the State banks that opportunity to administer the Government.

At the time the loan was made in New York on the seven and three tenths Treasury notes Mr. Gallatin opposed it at a meeting of the bank managers, and insisted upon Congress being again called together to raise the rate of interest. After deciding not to take the seven and three tenths per cent., Mr. Chase addressed the meeting, also Mr. Stevens, the president of the Bank of Commerce, and the vote was reconsidered; and it was finally agreed to take the Treasury notes with interest at the rate of seven and three tenths per cent. Without the influence of the Bank of Commerce that loan could not have been negotiated then. The action of this bank has been at all times favorable to whatever the Secretary of the Treasury recommended, and it has rendered invaluable assistance in all the negotiations of the Departments with the banks.

At the meeting of bank managers in the city of New York in December, 1861, Mr. Gallatin successfully urged the suspension of specie payments; he declared to the meeting that the Government must suspend specie payments or the banks must; that it was only a question of time which should suspend first and keep possession of the specie; and that if the Government obtained possession of it the whole amount would soon be expended or hoarded.

The action of the Secretary of the Treasury in declining to receive and circulate as currency the notes of the suspended banks was at first attributed by Mr. Gallatin and others to the want of financial knowledge and experience; they endeavored to persuade him that he did not understand matters of finance; but afterwards Mr. Gallatin, at least, must have changed his opinion on that point, for subsequently, in a published letter, he said substantially of the Secretary, that "he knew the right but still the wrong pursued," because he had himself, by letter, informed the Secretary what the right was. It is possible, however, that the Secretary may have been so occupied with the pressure of his official duties that he never read the letter. If my memory is correct it was a very long letter, and it informed the Secretary what Mr. Gallatin considered right in regard to many other matters than those of finance; among other things he informed him that the wrong men had been sent abroad to represent this Government in foreign countries. In early life Mr. Gallatin had been connected with the diplomacy of the country, I think during the greater part of the war of 1812; and this may account for his wishing to see repeated in this war whatever was done then.

Failing to persuade the Secretary to adopt his recommendations, Mr. Gallatin seems to have gone mad upon the absurd idea that all payments of the Government should be in coin, and that the State banks should make a hard money war and administer the Government. I regret to notice that some members of this House seem to be affected in the same way.

I have been familiar with and have carefully studied the works of the honored father of this gentleman, and I feel quite sure that in view of all the evils that resulted from the unwise financial course of the Government during the war of 1812, he would, if living now, have supported the financial measures of this Administration. Albert Gallatin was one of the soundest and most able writers on finance of this or of any country. After the war of 1812 he used all his powers to promote the resumption of specie payments, and exercised great influence in restoring a sounder and more substantial system of currency than had existed even before that war commenced. The trouble with the son appears to be in the proper application of the financial precepts of his father. If I may be excused for using a hackneyed but apt illustration, I should say that he seemed sometimes "to put the saddle on the wrong horse," by applying the principles and precepts of his father very differently from the way the father would have applied them. For example, before this war, the son was one of the stanchest supporters of the system of bank notes for the currency of the country; now, in the midst of this war, he advocates carrying it on with specie; in both cases, as it seems to me, having the saddle on the wrong horse.

It appears to me also that my friend, the honorable gentleman from New York, who referred with such kind compliments to some former works of mine on currency, sometimes falls into this same error in applying principles differently from what I should apply them. Those humble efforts of mine to which he referred were intended to urge the importance of using some portion of the wealth which was pouring into the country, in a season of peace and unexampled prosperity, to secure a sounder condition of the currency, instead of using it, as was the case, to expand the currency by increased issues of the credit of the banks. The arguments I used are as sound now as they were then, but the issues before the country are somewhat different. I will take the liberty of calling the attention of the honorable gentleman to one short extract on the 87th page of the volume published in 1855, which he left at home. It is as follows, and I wish him to consider it as the key-note to all I have ever said or written on currency:

"If paper money is ever useful to a country, it can only be in great emergencies; and it should be reserved as a resource to supply the means for the defense of the country when other resources are exhausted. At such a time it may be used for the business transactions within the country to release the coin from that service, so that it may be used by the Government in the exigency for the common welfare."

I think the gentleman from New York must be credulous and too easily imposed upon by the statements of designing men, for I am sure he would not intentionally state anything in this House that conveyed a false impression, even if he thought it would weaken the confidence of the people in this Administration. The statement he made yesterday in regard to a national bank having $1,500,000 to the credit of the Government, and at the same time a small amount on deposit with Mr. Cisco, the Assistant Treasurer, in the "temporary loan" at five per cent., was all true; but it was only the naked outline of the truth, which some designing person probably communicated to him for the purpose of producing a false impression upon his mind, with the hope that he would communicate it to the House as he did.

The facts in the case were that this bank had been active in negotiating the five-twenty loan, and had received for it a million and a half of dollars in greenbacks, of which it notified the Department, requesting that it might be transferred to the Assistant Treasurer, as it was inconvenient to hold this large amount of greenbacks in their bank. Until that transfer the bank was in the position described by the gentleman from New York.

Then there is that "stock story" of the gentleman about the fraud at the Treasury Department, "on the authority," as he repeats each time, "of your own investigating committee." The Mr. Clark referred to was a Democrat appointed in Mr. Buchanan's Administration, and was in the Treasury Department under Mr. Cobb. The affair occurred then, and not under this Administration. Probably the investigating committee were too ready to believe any statement against the honesty of one retained in office who had served under an Administration that encouraged stealing in so many ways. The examination of the facts referred to by the investigating committee not only exonorated Mr. Clark, but showed that he had been the means of preventing this payment. It was in connection with a curious contract for stone, so worded that the contractors were entitled to and claimed $35,000 for the two large stones on the buttresses of the platform of the new entrance to the Treasury building. The claim was finally compromised by the payment of about five thousand dollars.

When the banks suspended specie payments in December, 1861, in the midst of a most expensive war, it seemed to me one of those great emergencies for which I had said the use of paper money should be reserved; I was therefore active in advocating its issue by the Government; and I claim now, without fear of contradiction, that it has been an invaluable resource to supply the means for the defense of the nation. It of course must inflate the currency; but it appears to me disloyal and wicked for private corporations to insist upon their right, at such a time as this, to add to their inflation for their own profit.

The consequence of the suspension of specie payments by the banks in 1812 was an enormous depreciation of the currency, varying in proportion to the expansion of the banks of each of the different States; and the depreciation generally increased as you went toward the South, so that any one starting from Boston to visit Washington, with money enough to pay for his journey there and back, found his money increase in amount as he increased his distance from Boston; by the time he reached Washington he had more money than he started with, notwithstanding he had paid all the expenses of the journey, and traveling was far more expensive then than now. The journey back produced a very different result.

One may imagine what effect this condition of the currency would have on all the financial measures of the Government. Its securities were sold at prices much below par, and were paid for in different State currencies that were still more depreciated. The degree of depreciation varied in almost every State, so that when the Government made a loan at sixty to seventy for a hundred, it was paid for with currencies of different values, in some places depreciated to such an extent that often less than an average of fifty per cent. of the value in coin was realized for the loan. Mr. Calhoun, of South Carolina, said in a speech delivered at that time in this House, that the Government issued its paper bearing six per cent. interest, and took in exchange for every hundred dollars of it sixty dollars of State bank paper equally depreciated and bearing no interest. He suggested as a remedy for this that the Government should issue its own notes and make them a legal tender, and that it should exercise its only constitutional powers against the notes of State banks—taxation to drive them out of existence.

Members from the State of New York have referred with great satisfaction to the present condition of the bank currency of that State; but I wish, without any disrespect, to remind them that after the suspension of specie payments in December, 1861, the Government could not receive the bank currency of the State without receiving the notes of every other State in the Union. All bank notes in circulation then were, by law, illegal, irredeemable notes of suspended banks; and New York bank notes stood no better, in the eye of the law, than the notes to which the bank managers of that State often refer under the designation of "wild-cat currency;" which I have always understood to mean irredeemable bank notes.

The New York bank law contains many excellent features, and to my mind some that are objectionable. The banks in that State, outside of the cities of New York and Albany, are authorized to redeem their circulation in those cities at a quarter per cent. discount, and are not required to redeem their notes in specie until fifteen days after demand.

The following list exhibits the circulation of

twenty-five banks, selected as specimens to show what may be done and what is doing by the banks in the way of furnishing circulation:

Statement of certain Banks having a Circulation in excess of Capital.

	Capital.	Circulation.	Percentage of Capital stock.
Hampden Bank, N. Y..	$100,000	$313,220	3.13
Bellinger Bank, N. Y...	10,000	76,280	7.62
Lyons Bank, N. Y	30,000	112,150	3.73
P. R. Westfall's Bank, N. Y	25,000	107,796	4.32
Suffolk County Bank, N. Y	20,000	82,540	4.12
Bank of Orangetown, N. Y	30,000	99,999	3.33
Passaic County Bank, N. J.....	20,000	82,602	4.13
Anthracite Bank, Pa...	99,800	298,149	2.98
Bank of Gettysburg, Pa.	145,150	421,810	2.90
Farmers' Bank of Schuylkill, Pa.....	100,000	304,836	3.04
Farmers' and Drovers' Bank of Waynesburg, Pa.....	150,000	495,500	3.30
Jersey Shore Bank, Pa..	75,150	221,257	2.94
Lewisburgh Bank, Pa..	100,000	324,677	3.24
Lock Haven Bank, Pa..	110,000	311,650	2.83
Mount Joy Bank, Pa ...	54,710	171,179	3.12
Octoraro Bank, Pa	57,970	169,315	2.92
Union Bank of Reading, Pa.....	100,000	298,425	2.98
West Branch Bank, Pa.	100,000	299,109	2.99
York County Bank, Pa.	125,000	395,275	3.16
Bank of Chambersburg, Pa.....	256,838	751,525	2.92
Bank of Newark, Del...	50,000	139,887	2.79
Exchange Bank of Greencastle, Ind	50,350	173,056	3.43
Bank of Geauga, Ohio..	50,000	139,826	2.79
Merchants' Bank of Masillon, Ohio.....	50,000	142,844	2.85
Bank of Delaware, Ohio.	23,000	65,171	2.53
	$1,932,968	$5,998,088	

It will be noticed that of the banks on this list six are in the State of New York organized under the boasted general law of that State, which, I understand, contains no limitation in regard to the capital of the bank, nor to the amount which any bank may circulate. Here are twenty-five banks with an aggregate capital of $1,932,968 issuing circulation to the amount of $5,998,088.

Any one who remembers the condition of the currency during the war of 1812, or who has read of it, must feel grateful to the Secretary of the Treasury, and the country will appreciate his firmness in resisting the pressure of the banks and inaugurating the financial measures which have thus far met with such marked success, instead of inflicting again upon the country the complicated evils which resulted from the different course of the Government in the war of 1812.

I repeat what I said the other day, that the issue of legal-tender notes was not only a wise measure, but that it was the only measure that could have been adopted with safety; and if the Government had, instead of it, depended on the State banks and used their notes for currency to carry on this war, it would have proved an utter failure. The loan bill, including the issue of legal-tender notes, the national bank act, and the tax law, were recommended by the Secretary of the Treasury as the three measures to be relied upon to carry the nation through its financial difficulties. The last Congress enacted them, and it is the duty of the present Congress to do all in its power to perfect them. They certainly have worked successfully thus far; and I trust any attempts to perfect them will meet a generous support from this House.

The gentleman from New York stated the other day in his speech that the very best section of this bill was the one which repealed the law of last year, and thereby condemned it as unendurable after only the brief experience of a single year. Nothing can be further from the truth. So far from condemning that law, the sole object of this bill is to amend and perfect it. Like all new measures, that bill was put in the best shape at the time to insure its passage. It was in fact a good bill; not perfect in all its details, but still a good bill. Its passage established a most important principle, and the brief experience of a single year has been satisfactory. The friends of that law are now endeavoring to give more complete effect to its principles by introducing this bill to perfect its details, and to give more effective action to the banks which have been and are now rapidly organizing under it. It is a novel idea that any bill amending an existing law is a condemnation of the original law.

The constant denunciation from certain quarters of the financial measures that were adopted in the last Congress, and of the action of the Secretary of the Treasury, remind one of the robber crying "stop thief" to divert attention from himself. It is, in my opinion, the State banks which are now doing the most to depreciate the currency of the country, and they are deriving large profits from it. Twenty and even thirty per cent. on the capital has not been unusual as annual profits of some of them during the past two years. They use the legal-tender currency as the basis for extending their own issues and inflating the currency, and then complain of the Secretary of the Treasury, and of the financial measures that have been adopted, as the cause of the depreciation.

That the banks are doing this is not a matter of opinion, but of fact, well known to gentlemen from New York, and patent to any one who will take the trouble to compare the present amount of the loans of the New York banks, or of the State banks generally, with what they were before the suspension of specie payments in December, 1861.

When the great influx of gold from California commenced a few years since, it was supposed by many that it would strengthen the currency, but, instead of being used for that purpose, the banks made it the basis for extending their issues, and they continued to inflate the currency until the suspension of specie payments occurred in 1857.

It may, with almost as much propriety, be said that the inflation of currency which culminated in the suspension of specie payments in 1857, was caused by the gold from California, as to say now, in face of the fact of the great extension of issues and expansion of the State banks, that the present depreciation of the currency is to be solely attributed to the action of the Secretary of the Treasury and the effect of the financial measures of the last Congress.

More gold was exported from the country during the ten years that preceded this war than would have sufficed to supply coined money for the whole currency of this country; but the gold, instead of being used to strengthen the currency, was made a basis for extending the issues of the banks; and it was no sooner landed at New York than it was transferred to a steamer for Europe, to be sent abroad to pay for the excessive imports of foreign merchandise, which was induced by the inflated condition of the currency of the country. This misuse of the gold from California was favorable for stock-jobbing and other speculations, but was a positive injury to all the industrial interests of the country.

The same use is now being made of the legal-tender currency, which the necessities of the war have obliged the Government to issue, in the absence of any other legal and suitable currency that could be used in the great emergency of the war. The State banks are issuing the legal-tender notes as a basis for an enormous inflation of the currency by the extension of the amount of their issues and of their loans.

As I said before, this statement is not a matter of mere opinion, but of fact, that is patent to any one who will examine the subject, and compare the present condition of the State banks with their condition in the summer of 1861.

The gentleman from New York, [Mr. BROOKS,] in his remarks last week, said the Secretary should retrace his steps and diminish the issues of Government paper. But I would ask him, in all frankness, if he thinks this a suitable time to fund the legal-tender currency and to diminish its amount when demands are pressing on the Treasury Department that cannot be met without availing of all the resources that Congress has placed at the disposal of the Secretary; and I would also ask what other effect it could have, if the Government should now fund and retire its issues of legal-tender notes, than to give greater opportunity to extend the issues of the banks. As the Government withdrew their legal-tender notes the banks would issue so much more of their irredeemable paper.

It is useless for the Government to do anything to diminish the volume of the currency so long as the State banks exercise the right, and are watching for every opportunity to extend their circulation; and it is impossible for anything to be done to correct the depreciation so long as the State banks are permitted, without any restraints of law, to fill all the channels of commerce with their own notes. In no other country, civilized or uncivilized, does the power exist with private corporations or individuals to exercise such a control over the currency of the country. Nowhere but here is the sovereign and irresponsible power delegated to individuals and to private corporations of furnishing and controlling the currency, which measures the value of all the property of the country. The cost of paper is only the expense of the paper and engraving and the trouble of preparing and signing the notes; but wherever it is used it regulates the price of all the salable property in the community. Mr. Webster in one of his speeches said, in reference to the excessive issues of the banks, that it was "the most effectual of inventions to fertilize the rich man's field with the sweat of the poor man's brow," and "that banks should be restrained from issuing for circulation bills or notes under a given sum, say ten or twenty dollars; this would diminish the circulation, and consequently the profits of the banks; but it is of less importance to make banks highly profitable institutions to the stockholders than that they should be safe and useful to the community." How much more important is this now than at the time it was uttered by Mr. Webster; now, when the life-blood of the nation is being exhausted by adding the excessive issues of the State banks to what the Government is obliged to issue to sustain itself!

I understand Mr. Webster to have meant that when a sturdy pioneer in one of the new States of the West is induced to borrow money on the pledge of his land at three to five per cent. a month, he usually finds, after two or three years of toil, that he has received no benefit from his labor; that the land he has cleared and cultivated has by law become the property of his accommodating but shrewder neighbor, and thereby it has become the rich man's field, fertilized by the sweat of this poor man's brow. I do not wish to be understood as saying that this occurs only at the West. The same thing is constantly going on in the eastern States. The popular delusion that business is so profitable in this country that men can afford to pay one or two per cent. a month for money tempts enterprising men to extend their operations and to engage in new undertakings, and in the majority of cases with precisely the result illustrated by this pithy expression of Mr. Webster. It is to prevent the national banks from making such loans that we limit the rate of interest, nor in any case to exceed the rate of seven per cent. per annum; and this rate was selected because it is the legal rate in the great commercial State of New York.

The banks authorized under this national law are restricted and controlled in regard to the amount of currency they can issue and the rate of interest on their loans. In none of them can the amount of currency exceed the amount of the capital; and the whole amount of currency to be issued is limited to $300,000,000. The provisions of the law contain every suitable privilege that should be granted to any banks; every inducement is offered to organize the capital of the existing State banks under its provisions by offering every facility to make the change, and to bring in their circulation as a part of the $300,000,000 which this law establishes as the maximum of the circulation of bank notes.

If anything is to be attempted by Congress to control the present depreciation of the currency, the right must be assumed to regulate the issues of notes that furnish the currency of the country; and the circulation of any notes as money that are not sanctioned by this national law must be prevented by the enforcing of some stringent enactment. So long as the State banks are allowed to issue their notes without restraint to be used as money, any action of Congress or of the Treasury Department to prevent the depreciation of the currency is useless. It is just as wrong and just as

indefensible in principle to issue a piece of paper money without the sanction and impress of the Government as it is to issue a piece of metallic money without that sanction and impress. I know no good reason why laws regulating the issues of paper money should not declare the issue and circulation of any other notes to be as great a crime as to issue and pass counterfeits of the coin of the country.

I have said that the national banking system was not inimical to the interests of the State banks, but that the object of this law was to offer every facility and inducement to the State banks to come in and avail of its benefits and be subject to its control. I think that no one can misunderstand that my object in supporting the bill to establish a national banking system has been to bring all the banks that issue notes for currency under it; that the currency of the country may be within the control and regulation of a national law applicable to the whole country, instead of being controlled and regulated by State law as it has been heretofore.

If Congress has not the power to regulate and control the circulation of notes for currency in this great emergency, which requires the exercise of all its powers for national self-preservation, except, as Mr. Calhoun has said, through its power to tax any other currency that interferes with and depreciates its established measures of value, I hope it will exercise the power of taxation to its fullest extent; that it will decline to share any longer with States, or corporations, or individuals the sovereign right of furnishing and controlling the currency which measures the value of all the property within the country. I believe the existence of the nation is at stake upon this issue; that the present necessity requires the use of every legitimate means to sustain the credit of the Government; the national credit is the basis on which the future prosperity of the country depends. In no other way than by the wise and prudent exercise of the sovereign power to regulate the currency can those other important measures to sustain the Government—the loan bills and the revenue bills—be made effective. I appeal to the members of the House, and I ask them if they can excuse themselves to their constituents and to posterity if they sacrifice the great interests that are now at stake to the comparatively petty interest of local banking.

If this war is to be continued until its great object—the overthrow of this rebellion and the cause of it—has been accomplished, the people who remain at home must enter upon the work of sustaining the war with more earnestness. We have reached the point where sacrifices are required to be made; the people must submit to largely increased taxation; instead of increasing the salaries of Government officials we must increase the value of the money in which the salaries are paid by checking the depreciation of the currency. To my mind, there can be no better example of sacrifice than for the State banks to yield to the nation that control over the currency which, so far as it now prevails, is for their corporate advantage, and not for the public good. Without this control by the Government all efforts to check the depreciation of the currency are useless. Those who complain of inadequacy of pay must consider it as their part of the sacrifice which they are called upon to make in this war; and must seek relief by joining in the attempt to create a public opinion in favor of all measures that will raise the value of the currency in which salaries are paid. A bill will soon be introduced from the Committee of Ways and Means largely increasing the taxes; but this will be insufficient for the purposes to be accomplished unless we can have some power to secure the currency against depreciation.

The question has been asked by my friend from Iowa, why any banks should be authorized to furnish notes to be used as currency, instead of confining that right to the Government, and thereby giving to the people all the benefit and advantages, without cost for interest, of the fund obtained by supplying the circulation of the country. This question, from those in the interest of State banks, would seem to me a specious one. They know full well that State banks have so long exercised the right to furnish the currency, that any attempt to interrupt it would be made the pretense to excite prejudices in regard to State rights behind which the State banks could shelter themselves against any direct action of Congress which affected their interest.

The object of the national bank law is neither to destroy capital invested in the State banks nor their circulation, to which the people are accustomed; its only object is to bring under the control and regulation of one uniform national law, applicable to every State of the Union, all the State banks, and make their circulation a part of the $300,000,000 which this law authorizes as the maximum amount of bank circulation in this this country.

When this object is accomplished I am ready to join with the gentleman from New York, or others, on either side of this House, in favor of such practical restrictions of the Government issues as will prevent the depreciation of the currency; and unless defeat and disaster attend the military operations, I believe that specie prices and specie payments might be restored within the coming year.

Another reason why I think the currency of the country should not consist entirely of the issues of Government paper is, that I have more faith in the power and stability of this Government than many on the other side and some few on this side of the House. The restoration of the currency and the resumption of specie payments do not seem to me so far off as others appear to think it; and believing that the resumption of specie payments is desirable and not impossible within no very distant period, it seems to me it may be necessary, when that time comes, to withdraw the Government notes from circulation, so that specie may again be the only "lawful money" of the country.

I see no way in which the Government notes could be redeemed in specie; and I fear that any other legal tender than coin could not well exist with specie payments. Therefore, to confine the right of issuing paper for currency to the Treasury Department would seem to be a permanent arrangement for an irredeemable currency. When the act was passed authorizing the issue of the legal-tender notes no one advocated it as a permanent measure, but only as a temporary expedient to meet the emergency that existed after the banks suspended specie payments at the close of the year 1861.

One more reason I will state, which to my mind is very important: that a Government cannot issue paper as money from its Treasury, and give it active circulation in the channels of trade and commerce throughout a great country, because its only means to accomplish that object is through its payments to public creditors. Whenever those payments are less than the amount required for the circulation, the currency must be insufficient for the business of the country, and may be diverted temporarily into channels where it is not available for the general purposes of the business of the country. It follows necessarily from this that no Government paper can be advantageously maintained in circulation as the money of the country without the Government assuming the functions of a bank by loaning its notes to be used for currency; and the objection to this is too manifest. No Government can perform the functions of a bank by loaning money without becoming corrupt and progressively arbitrary and despotic.

The statement that this bill withdraws the property of individuals from State and municipal taxation is not correct. The property of any individual invested in these banks is taxable, like any other of their property, for State and municipal purposes. While the United States Bank was in existence the shares of stock held by any one in that bank and the dividends received from it were counted in as constituting a part of the property and income for which such person was subject to taxation under State law. But the Supreme Court decided that the bank could not be taxed by State law. Chief Justice Marshall in rendering this decision stated, as one of the reasons for it, that such power to tax was a power to destroy an institution created by the national Government.

To give to the States the power to tax the banks established under this law would destroy their character as national institutions. If the amendment giving that power to the States is adopted, I should consider the law of last year preferable to this, and should, therefore, be opposed to the passage of this bill.

The amendments reported by the Committee of the Whole on the state of the Union upon which no special vote was requested were then agreed to.

Fourth amendment:

Add to the seventh section the following proviso:

Provided, That banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

Mr. BROOKS. I ask for a special vote upon this amendment.

Mr. WILSON called for tellers.

Tellers were ordered; and Mr. WILSON and Mr. BROOKS were appointed.

The House divided; and the tellers reported—ayes 64, noes 54.

So the amendment was agreed to.

Sixteenth amendment:

Insert in section twenty-two, after the words "denominations of," the words "one dollar, two dollars, three dollars;" so that the clause will read as follows:

In order to furnish suitable notes for circulation, the Comptroller of the Currency is hereby authorized and required, under the direction of the Secretary of the Treasury, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply, under this act, the associations entitled to receive the same.

Mr. HOLMAN. I demand the yeas and nays upon this amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 76, nays 54; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Ganson, Gooch, Grinnell, Griswold, Hale, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Charles O'Neill, Orth, Patterson, Perham, Pomeroy, Price, Pruyn, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Spalding, Starr, Stevens, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—76.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Cox, Dawson, Denison, Eden, Eldridge, English, Finck, Grider, Harrington, Herrick, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Law, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, John O'Neill, Pendleton, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Scott, John B. Steele, William G. Steele, Strouse, Sweat, Thomas, Voorhees, Wheeler, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Yeaman—54.

So the amendment was agreed to.

During the call of the roll,

Mr. HARRINGTON stated that Mr. HARDING was confined to his house by sickness.

Thirty-first amendment:

Strike out section thirty, and insert in lieu thereof the following:

And be it further enacted, That every association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at a rate not exceeding seven per cent. per annum; and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt has to run. And the knowingly taking, receiving, reserving, or charging a rate of interest greater than aforesaid shall be held and adjudged a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or persons paying the same, or their legal representatives, may recover back, in any action of debt, twice the amount of the interest thus paid, from the association taking or receiving the same: *Provided*, That such action is commenced within two years from the time the usurious transaction occurred. But the purchase, discount, or sale of a *bona fide* bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight drafts, in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Mr. HOLMAN. I rise to a point of order upon the amendment now being read by the Clerk. I hold in my hand the printed bill, which I suppose is the same now being read. This section was amended by the Committee of the Whole in two respects: first, on the motion of the gentleman from Maine, [Mr. BLAINE,] by fixing the rate of interest the same as that prescribed by the Legislatures of the several States; and second, by providing that where a larger rate of interest than six

per cent. was received the banks which received the same should be liable to refund the money. Those two amendments were adopted, and then the gentleman from Massachusetts [Mr. HOOPER] proposed a substitute, which was adopted. My point of order is that the amendment as reported by the Clerk is not the amendment adopted by the Committee of the Whole.

The SPEAKER. The Clerk will read from page 63 of the Digest.

The Clerk read the following:

"If the committee shall amend a clause, and subsequently strike out the clause as amended, the first amendment thereby falls, and cannot be reported to the House and voted on."

The SPEAKER. After the section was amended the committee struck it all out and inserted a substitute. That substitute is the only one that can be reported to the House.

Mr. HOLMAN. The amendment as reported is to strike out the section and insert another one. I rise to inquire whether the question is divisible, first upon striking out, and then upon inserting?

The SPEAKER. The rules specially prohibit such a division. The motion to strike out and insert is indivisible.

The amendment was agreed to.

Fortieth amendment:

Amend section forty-one by striking out the words "such tax or duty," and inserting in lieu thereof the words "the taxes or duties imposed by Congress from time to time;" so that the section will read:

And be it further enacted, That the plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act, respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act; and the taxes or duties imposed by Congress from time to time shall be in lieu of all other taxes on such associations.

Mr. KERNAN. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 72, nays 61; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Charles O'Neill, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Spalding, Stevens, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Wilder, Wilson, Windom, and Woodbridge—72.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Grider, Hall, Benjamin G. Harris, Herrick, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, John O'Neill, Orth, Pendleton, Pruyn, Radford, Samuel J. Randall, William H. Randall, Robinson, Rogers, Scott, John B. Steele, William G. Steele, Strouse, Sweat, Tracy, Voorhees, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Yeaman—61.

So the amendment was agreed to.

During the call of the roll,

Mr. WOODBRIDGE stated that Mr. HIGBY was detained from the Hall by sickness.

Forty-fifth amendment:

Add to section forty-four the following proviso:

And provided further, That any bank or banking association now organized in pursuance of the laws of any State, under articles of association which prohibit specified changes therein, may be changed and converted into a national banking association, under the provisions of this act, without any such change in its articles of association as may be prohibited by the same, anything in this act to the contrary notwithstanding; and its directors, at the time of such change, may continue in office, and their successors may from time to time be elected or appointed in the manner provided by its articles of association.

Mr. COX demanded the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 65, nays 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Morrill, Daniel Morris, Leonard Myers, Charles O'Neill, Patterson, Perham, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Spalding, Starr, Stevens, Thayer, Upson, Van Valkenburgh, William B. Washburn, Wilder, Windom, and Woodbridge—65.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Bliss, Broomall, James S. Brown, William G. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Driggs, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harrington, Herrick, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, John O'Neill, Pike, Radford, Samuel J. Randall, Robinson, Rogers, Schenck, Scofield, Scott, John B. Steele, William G. Steele, Strouse, Sweat, Tracy, Voorhees, Elihu B. Washburne, Whaley, Wheeler, Chilton A. White, Joseph W. White, Wilson, Winfield, Benjamin Wood, and Yeaman—63.

So the amendment was agreed to.

Mr. JULIAN, during the roll-call, stated that Mr. ARNOLD had left the House in consequence of indisposition.

Fifty-ninth amendment:

Insert the following as an additional section:

SEC. 64. *And be it further enacted*, That the rate of seven per cent. interest fixed in section thirty shall be deemed the lawful interest in all States where no rate is established; but each bank shall be bound by the State law regulating interest in the State where it is located.

Mr. BLAINE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 89, nays 43; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Allison, Ancona, Augustus C. Baldwin, Blaine, Francis P. Blair, Bliss, Brooks, Broomall, James S. Brown, William G. Brown, Chanler, Clay, Cole, Cox, Cravens, Dawson, Denison, Donnelly, Driggs, Eden, Eldridge, English, Finck, Ganson, Grider, Grinnell, Hall, Herrick, Holman, Hotchkiss, Asahel W. Hubbard, Philip Johnson, William Johnson, Julian, Kalbfleisch, Orlando Kellogg, Kernan, Law, Lazear, Loan, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, Morrill, James R. Morris, Morrison, Amos Myers, Nelson, Odell, John O'Neill, Orth, Patterson, Pendleton, Perham, Pike, Pomeroy, Price, Pruyn, Samuel J. Randall, John H. Rice, Robinson, Rogers, James S. Rollins, Schenck, Scofield, Scott, Smithers, Spalding, Starr, John B. Steele, William G. Steele, Strouse, Sweat, Thayer, Tracy, Van Valkenburgh, Ward, Wheeler, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Yeaman—89.

NAYS—Messrs. Alley, Ames, Ashley, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Boyd, Ambrose W. Clark, Cobb, Thomas T. Davis, Dixon, Eckley, Eliot, Frank, Gooch, Hale, Hooper, John H. Hubbard, Jenckes, Kasson, Francis W. Kellogg, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Daniel Morris, Leonard Myers, Charles O'Neill, William H. Randall, Alexander H. Rice, Shannon, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Wilder, Wilson, Windom, and Woodbridge—42.

So the amendment was agreed to.

Sixtieth amendment:

Insert the following as an additional section:

SEC. 65. *And be it further enacted*, That nothing in this act shall be construed to prevent the taxation by States of the capital stock of banks organized under this act, the same as the property of other moneyed corporations, for State or municipal purposes; but no State shall impose any tax upon such associations or their capital, circulation, dividends, or business, at a higher rate of taxation than shall be imposed by such State upon the same amount of moneyed capital in the hands of individual citizens of such State.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 56; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, Brooks, Broomall, James S. Brown, William G. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Grider, Griswold, Hall, Harrington, Benjamin G. Harris, Herrick, Holman, Hotchkiss, Philip Johnson, William Johnson, Kalbfleisch, Orlando Kellogg, Kernan, Law, Lazear, Long, Mallory, Marcy, McKinney, Middleton, Samuel F. Miller, William H. Miller, James R. Morris, Morrison, Amos Myers, Nelson, Odell, John O'Neill, Orth, Pendleton, Pike, Pomeroy, Pruyn, Radford, Samuel J. Randall, William H. Randall, John H. Rice, Robinson, Rogers, Scofield, Scott, Starr, John B. Steele, William G. Steele, Strouse, Sweat, Tracy, Van Valkenburgh, Ward, Whaley, Wheeler, Chilton A. White, Joseph W. White, Windom, Winfield, Benjamin Wood, and Yeaman—78.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Hooper, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Morrill, Daniel Morris, Leonard Myers, Charles O'Neill, Perham, Price, Alexander H. Rice, Edward H. Rollins, Schenck, Shannon, Smithers, Spalding, Stevens, Thayer, Upson, Elihu B. Washburne, William B. Washburn, and Wilder—56.

So the amendment was agreed to.

Mr. SCOTT stated, during the roll-call, that his colleague, Mr. KING, was confined to his room by indisposition.

Sixty-first amendment:

Add the following as an additional section:

SEC. 66. *And be it further enacted*, That no association organized under this act shall at any time pay out, or put in circulation in payment of any of its obligations, any bank bills, or anything intended to circulate as money, which, at the time of such paying out or putting in circulation, is not being received by such association at par.

Mr. COX. I rise to a question of privilege. I rise on behalf of Lindley Murray, Esq., born in the same county of Lancaster with the gentleman from Pennsylvania, [Mr. STEVENS,] the chairman of the Committee of Ways and Means. Section sixty-six does not use the English language in the proper way, and as George Thompson is to speak in this Hall this evening on English matters, we ought to be correct in using the English language. The section reads, "any bank bills" "is not being received." I propose to strike out "is not being," and in lieu thereof to insert "are not."

Mr. STEVENS. The grammar is quite as good as the rest of the bill. [Laughter.]

Mr. COX. On that admission I withdraw my suggestion. [Laughter.]

The amendment was concurred in.

The question then recurred on the substitute moved by Mr. STEVENS.

Mr. HOLMAN. I ask the gentleman from Pennsylvania to state in what respects the substitute differs from the original bill. Otherwise I must ask it to be read.

Mr. STEVENS. The substitute provides for a uniform rate of interest at seven per cent., and withdraws these national banks from State taxation and leaves them to be taxed by the national Government. Those are the only differences.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 59, nays 78; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Thomas T. Davis, Dixon, Donnelly, Driggs, Eckley, Eliot, Frank, Garfield, Gooch, Grinnell, Hale, Hooper, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Morrill, Daniel Morris, Leonard Myers, Charles O'Neill, Patterson, Perham, Alexander H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Spalding, Starr, Stevens, Thayer, Thomas, Upson, William B. Washburn, Wilder, Windom, and Woodbridge—59.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Blaine, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Grider, Griswold, Hall, Harrington, Benjamin G. Harris, Herrick, Holman, Hotchkiss, Asahel W. Hubbard, Philip Johnson, William Johnson, Kalbfleisch, Orlando Kellogg, Kernan, Law, Long, Mallory, Marcy, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Amos Myers, Nelson, Odell, John O'Neill, Orth, Pendleton, Pike, Pomeroy, Price, Pruyn, Radford, Samuel J. Randall, William H. Randall, John H. Rice, Robinson, Rogers, James S. Rollins, Scott, Smithers, Stebbins, John B. Steele, Strouse, Sweat, Tracy, Van Valkenburgh, Ward, Elihu B. Washburne, Wheeler, Chilton A. White, Joseph W. White, Wilson, Winfield, Benjamin Wood, and Yeaman—78.

So the substitute was rejected.

Mr. COX moved to reconsider the vote by which the substitute was rejected; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. SPALDING offered the following amendment to the original bill to come in as an additional section:

And be it further enacted, That each and every banking association, created under and by virtue of this or any other act of Congress, shall receive in payment of its debts the circulating notes of all other banks deriving their powers from the same source, without depreciation or discount from their nominal value.

The amendment was agreed to.

Mr. STEVENS demanded the previous question.

The previous question was seconded, and the main question ordered.

Mr. COX moved that the bill be laid upon the table, but subsequently withdrew the motion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COX demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. STEVENS moved that the bill be laid upon the table.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 90, nays 44; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Alley, Allison, Ames, Ancona, Ashley, Augustus C. Baldwin, Baxter, Bliss, Boyd, Brooks, Broomall, James S. Brown, Chanler, Cox, Cravens, Thomas T. Davis, Dawson, Denison, Donnelly, Driggs, Eden, Eldridge, Eliot, English, Finck, Ganson, Gooch, Grider, Griswold, Hale, Hall, Harrington, Benjamin G. Harris, Herrick, Holman, Hooper, Philip Johnson, William Johnson, Julian, Kalbfleisch, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, Law, Loan, Long, Longyear, Mallory, Marcy, Marvin, McBride, McClurg, McKinney, Middleton, William H. Miller, Daniel Morris, James R. Morris, Morrison, Leonard Myers, Nelson, Odell, Charles O'Neill, John O'Neill, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, Edward H. Rollins, Shannon, Starr, John B. Steele, Stevens, Strouse, Thayer, Thomas, Ward, Elihu B. Washburne, Whaley, Wheeler, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, Woodbridge, and Yeaman—90.

NAYS—Messrs. Baily, John D. Baldwin, Beaman, Blaine, Boutwell, William G. Brown, Ambrose W. Clark, Clay, Cobb, Cole, Dixon, Eckley, Frank, Garfield, Grinnell, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Samuel F. Miller, Morrill, Amos Myers, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, James S. Rollins, Schenck, Scofield, Smithers, Spalding, William G. Steele, Tracy, Upson, Van Valkenburgh, William B. Washburn, Wilder, Wilson, and Windom—44.

So the bill was laid upon the table.

During the vote,

Mr. STUART said that he had paired with Mr. DAVIS, of Maryland; otherwise he would have voted in the affirmative.

Mr. SCOTT stated that he had paired with Mr. BLOW.

The vote was then announced as above recorded.

Mr. STEVENS moved to reconsider the vote by which the bill was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CONTESTED ELECTION IN NEW MEXICO.

Mr. SMITHERS, from the Committee of Elections, to whom was referred the contested-election case in New Mexico, made a report, accompanied with the following resolutions:

Resolved, That the petition of Jose M. Gallegos, asking further time to take testimony in the matter of his contest of the right of Francisco Perea to a seat in this House as a Delegate from New Mexico, be not granted.

Resolved, That the Committee of Elections be discharged from any further consideration of the memorial of contest.

The resolutions were agreed to.

Mr. SMITHERS moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVES OF ABSENCE.

Mr. LONGYEAR. I desire to ask leave of absence for Mr. DRIGGS until day after to-morrow.

Leave was granted.

Mr. PENDLETON. I ask leave of absence for Mr. BLOW for two weeks from to-morrow.

Leave was granted.

GRANT OF LANDS TO IOWA.

Mr. ALLISON, by unanimous consent, reported from the Committee on Public Lands a bill to amend an act entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Public Lands.

REPORT OF COMMITTEE OF CONFERENCE.

Mr. GARFIELD, from the committee of conference, to whom was referred the disagreeing votes of the two Houses upon the bill of the House No. 302, made the following report:

The committee of conference appointed to take into consideration the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," having met, after full and free conference have agreed, and do recommend to their respective Houses to agree, as follows:

That the House of Representatives recede from their disagreement to the first amendment of the Senate, and agree to the same, with the following amendments, to wit: first, after the word "chaplain," in the first line of said amendment, insert the words "without command;" second, after the word "surgeons," in the fourth line of said amendment, insert the words "and shall wear such uniform as is or may be prescribed by the Army Regulations," and that the Senate agree to the said amendments.

That the House of Representatives recede from their disagreement to the third section of the amendments of the Senate, and agree to the same with the following amendments, to wit: first, after the words "Adjutant General," in the fourth line of said section, insert the words "of the Army through the usual military channels;" second, after the word "condition," in the fourth line of said section, insert the words "and general history," and that the Senate agree to the said amendments.

That the House of Representatives recede from their disagreement to the fourth section of the amendments of the Senate, and agree to the same with the following amendment, to wit: add at the end of said section the words "when practicable," and that the Senate agree to said amendment.

HENRY WILSON,
L. F. S. FOSTER,
GEO. READ RIDDLE,
Managers on the part of the Senate.
J. A. GARFIELD,
M. F. ODELL,
N. B. SMITHERS,
Managers on the part of the House.

The report was agreed to.

And then, on motion of Mr. COX, at (four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *April* 7, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Charles Rumney, a soldier of the war of 1812, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. WILSON presented a memorial of Colonel John G. Hudson and other officers of negro troops stationed at the post of Helena, Arkansas, praying that negro soldiers may be placed on the same footing as to pay and emoluments as other soldiers in the Army of the United States; which was ordered to lie on the table.

TRANSFERS FROM THE ARMY TO THE NAVY.

Mr. HALE. I wish to call the attention of the Senate for a single moment to a personal matter. I find myself, in the proceedings of the Senate yesterday, charged with a misstatement, a falsehood. I will read it from the Globe:

"Mr. GRIMES. When I introduced this bill this morning, I stated that if there was any objection to its immediate consideration I would not press the bill at this time. There was no objection. The Senator from New Hampshire says that he objected."

I do not ask anything. I simply want to call attention to this breach of parliamentary privilege and of the rules of the Senate, and having done that I have done.

Mr. GRIMES. The Senator from New Hampshire has made a personal explanation as to a matter in which I am involved, and I desire to say a single word.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. HALE. I wish to make a report first. The Committee on Naval Affairs, to whom was referred yesterday a bill (S. No. 218) to repeal a joint resolution therein named, have had the same under consideration and instructed me to report it with an amendment. As I presume, from what occurred in the Senate yesterday, it is the intention of the Senate to proceed with the consideration of this bill, I move that the Senate proceed to its consideration now.

Mr. DAVIS. I object. I want to go through with the morning business.

Mr. HALE. I present a report on the subject which I ask to have printed.

The motion to print was agreed to.

Mr. GRIMES. The Senator from New Hampshire has called attention to the alleged fact that I charged him yesterday with stating an untruth. I did not intend to make any such charge; and it seems to me it would have been very well if the Senator had read all that I said on the subject. When I introduced the bill yesterday, I did state that if there was any objection to its immediate consideration I would not press it at that time. The Chair did not hear any objection made, and I think I express the opinion of every Senator within the sound of my voice when I say that no one of them heard any such objection made. I had a right therefore to infer, as the Chair did, that no objection had been made.

I stated afterwards that the Senator from New Hampshire said that he had made an objection but nobody heard him. We then went on with the consideration of the case, and the Senator made a speech; and what was the speech? I alleged, what had been alleged by the Secretary of the Navy in his communication to the Senate, what had been published in all the newspapers, what was known to every man in the Senate and every man outside of the Senate, that there was so great a deficiency of seamen and ordinary seamen in the public service that the armed vessels of the country could not be manned. It was known to every man here that it could not be otherwise, because all the machinery of the Government had been used to draw men into the Army to the exclusion of the Navy, because bounties had been paid to men enlisting in the Army and not to men enlisting in the Navy, because the men who were recruited in the various localities into the Army were credited upon the Army quotas, and those that enlisted into the Navy were not credited upon the quotas of their respective States.

It was known to every one else, and might have been known, and doubtless was known, to the Senator from New Hampshire who has charge of the conduct of naval affairs in this body, that there are twelve ships belonging to the Army as Army transports running out of the city of New York alone, the seamen upon which receive from thirty to forty dollars a month, while we are paying our seamen on board naval vessels fourteen, sixteen, or eighteen dollars a month, and charge them with their clothing. It was known, or might have been known, by every man in this body that seamen at the city of New York are receiving $100 the round trip between that city and the port of Liverpool or London. The result was, as everybody knows, that there is a great scarcity of seamen.

When it was known that there was considerable trouble growing out of the passage of those two laws which were both approved on the same day, the 24th of February last, I waited from that time until this for somebody to introduce a bill to repeal that joint resolution. No bill of that kind was introduced by anybody. It was alleged in the Senate yesterday that I introduced the bill which I did introduce, at the instance of the Navy Department. The Senator from New Hampshire was greatly mistaken.

Mr. HALE. I did not say that.

Mr. GRIMES. The Senator insinuated so. He said that if the Navy Department saw fit to have communication with some other person than with the chairman of the Naval Committee, he was not responsible for it, thereby conveying the impression that I had been induced to introduce that bill at the instance of the Navy Department. Why, sir, the Vice President of the United States, the Presiding Officer of this body, was the man who suggested to me yesterday morning to introduce that bill and secure its passage.

When the bill was introduced, knowing the facts in regard to the scarcity of seamen, what did the Senator from New Hampshire do? Without making an objection that I heard, or that was heard by the Presiding Officer of this body, he got up here to make a speech; and what was it? It seems that in riding in the cars he accidentally came in contact with a colleague of mine in the other branch of Congress. He learned from him that that colleague had applied to have a naval rendezvous opened in the capital of my State, in the interior of that State; that that communication had been very properly directed by the Secretary of the Navy to the chief of the Bureau of Recruiting and Equipment, and the chief of that bureau had written in reply to Mr. KASSON that he did not choose to appoint any one to open a recruiting rendezvous in Iowa, and then said that he anticipated a sufficient number of seamen and ordinary seamen would be secured to the Navy under the enrollment law. The Senator from New Hampshire fortified himself with that communication made by the chief of the Bureau of Recruiting and Equipment, and brought it to the Senate to prove, what? To prove either that there were plenty of seamen, and hence there was no necessity for the passage of any law, or else that

the Secretary of the Navy failed to avail himself of the opportunity to raise seamen by establishing a recruiting rendezvous in the State of Iowa, when the Senator might have known as well as I know that there is not one seaman or an ordinary seaman to every hundred thousand of the people of the State of Iowa. There are not ten seamen in the State; and the chief of that bureau very properly decided that he would not go to the expense of establishing a recruiting rendezvous in Iowa for the purpose of raising landsmen, when there could be plenty of landsmen secured at the recruiting rendezvous already established. It was not landsmen but seamen and ordinary seamen, professional trained sailors, that they wanted.

After he had made this speech, then was the first time that I heard, or that anybody in this body, so far as I know, certainly the first time that the Presiding Officer of the body knew that he had raised any objection; and I stated what was the fact, that nobody so far as I knew had heard him raise an objection to the consideration of the bill. I can only repeat what I then said or intended to say, that I did not hear him make the objection; and so far as I know no one heard him make it at the time.

REPORTS FROM COMMITTEES.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a petition of citizens of Oregon and the Territory of Washington, praying that the two Indian superintendencies of Oregon and Washington Territory may be consolidated, and that that State and Territory may constitute one Indian superintendency, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a petition of the confederate bands of Wea, Peoria, Kaskaskia, and Piankeshaw Indians, praying that provision be make for the payment of the amount alleged to be due them under the treaty of May 30, 1854, asked to be discharged from its further consideration; which was agreed to.

Mr. RAMSEY, from the Committee on Post Offices and Post Roads, to whom was referred the memorial of Carlisle Doble, praying compensation for services rendered and expenditures made in transporting the United States mail between Taylor's Falls, Minnesota, and Superior, Wisconsin, from April to November, 1857, submitted a report accompanied by a joint resolution (S. No. 40) for the relief of Carlisle Doble.

The joint resolution was read and passed to a second reading, and the report was ordered to be printed.

Mr. HALE. The Committee on Naval Affairs, to whom was referred a petition of staff officers of the Navy, praying that the retired officers of the staff of the Navy may be placed on an equality in regard to pay with the retired line officers of the Navy of the same relative rank, have instructed me to ask to be discharged from that, because they have made provision for that prayer in a general bill which has been reported.

The motion to discharge the committee was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred a bill (H. R. No. 370) to appoint certain officers of the Navy, reported it with amendments.

He also, from the same committee, to whom was referred a bill (S. No. 165) in relation to naval supplies, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Garrett R. Barry, a paymaster in the United States Navy, praying to be relieved from all responsibility as bondsman for Paymaster John De Bree, for losses incurred in consequence of the disaster to the United States frigate Cumberland, submitted a report accompanied by a joint resolution (S. No. 41) for the relief of Garrett R. Barry, a paymaster in the United States Navy. The joint resolution was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom were referred the following bills and joint resolutions, reported them severally without amendment:

A bill (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes;

A bill (H. R. No. 300) for the classification of the clerks to paymasters in the Navy, and graduating their pay;

A bill (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862;

A joint resolution (H. R. No. 13) tendering the thanks of Congress to Admiral Porter;

A joint resolution (H. R. No. 21) relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati;

A joint resolution (H. R. No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York; and

A joint resolution (S. No. 35) to compensate the sailors on the gunboat Baron de Kalb for loss of clothing.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred a bill (H. R. No. 367) to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters, reported it without amendment.

He also, from the same committee, to whom was referred a bill (H. R. No. 374) to exempt certain vessels therein named from enrollment and license, and from the payment of tonnage duty, and for other purposes, reported it without amendment.

Mr. HARRIS. The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county, in the State of Minnesota, have had the same under consideration, and direct me to report it back favorably; and as it will occupy but a moment, I ask that it may be considered now.

Mr. DAVIS. I dislike to object, but I must do so. I want the morning business to be gone through with.

The PRESIDING OFFICER. Objection being made, the bill will go upon the Calendar.

ORDER OF BUSINESS.

Mr. DOOLITTLE. I move to postpone all prior orders and take up Senate bill No. 198, to aid the Indian refugees to return to their homes in the Indian territory. It is all-important that it should be immediately acted upon. It will not take ten minutes.

Mr. DAVIS. I object to taking up any business until the morning business is concluded. The morning business has not been gone through with, I believe. I dislike to make objections of this character, but I feel compelled to do so.

The PRESIDING OFFICER. The question will be on the motion of the Senator from Wisconsin.

Mr. DOOLITTLE. Gentlemen all around me are appealing to me to allow the morning business to be gone through with. If they can get through with the morning business, the presentation of reports, introduction of bills, &c., without taking up the whole morning hour, I have no objection to waive my motion for a time; but I give notice that before the morning hour expires I shall feel called upon to renew this motion. It is important that this bill should be acted on to-day. I withdraw the motion for the present.

FRENCH SPOLIATION REPORT.

Mr. JOHNSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That three thousand additional copies of the report on French spoliations prior to 1801 be printed for the use of the Senate.

WASHINGTON AQUEDUCT REPORT.

Mr. MORRILL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That one thousand extra copies of the report of the engineer of the Washington aqueduct be printed: five hundred for the use of the Interior Department and five hundred for the use of the Senate.

DISTRICT JUDICIAL EXPENSES.

Mr. TRUMBULL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inform the Senate what amount of fees and emoluments of every kind and character were received by the attorney and marshal of the United States for the District of Columbia respectively, and by the clerks of the several courts for said District, during the year ending December 31, 1863, and what amount was allowed to each of said officers for deputies, clerks, office rent, and other incidental expenses during the same period.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

The message also announced that the House of Representatives had passed the following bills of the Senate:

A bill (No. 79) to incorporate Providence hospital in the city of Washington, District of Columbia;

A bill (No. 82) concerning notaries public for the District of Columbia; and

A bill (No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

The message further announced that the House of Representatives had passed the following bills of the Senate, with amendments to each; in which it requested the concurrence of the Senate:

A bill (No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820; and

A bill (No. 155) to incorporate the Union Gas-Light Company of the District of Columbia.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 1st instant, the following acts:

An act (H. R. No. 34) making appropriations for the support of the Military Academy for the year ending June 30, 1865; and

An act (H. R. No. 312) to increase the pension of the revolutionary pensioners now on the rolls of the Pension Office.

BILL INTRODUCED.

Mr. LANE, of Kansas, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 219) for the relief of the Wea, Peoria, Kaskaskia, and Piankeshaw Indians of Kansas; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

ARREST OF WILLIAM YOCUM.

Mr. DAVIS. I desire to call up the resolution referring the case of William Yocum to the Committee on the Judiciary.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The Senator from Kentucky moves to postpone all prior orders and proceed to the consideration of the resolution indicated by him.

Mr. DOOLITTLE. I inquire whether it will lead to debate.

Mr. DAVIS. I do not propose to debate it myself. I do not know whether anybody else does.

Mr. TRUMBULL. Is it a resolution for reference to the Judiciary Committee?

Mr. DAVIS. That is all.

Mr. COLLAMER and Mr. TRUMBULL. Let it be read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, which was submitted by Mr. DAVIS on the 29th of March, as follows:

Resolved, That the Committee on the Judiciary inquire and report to the Senate whether or not William Yocum, a citizen of the United States, late a resident of Cairo, is or is not confined in the penitentiary of New York, situated in Albany, or some other prison, by and under the sentence of a military court, for which the said William Yocum has received the full and unconditional pardon of the President of the United States; and that the said committee have power to send for persons and papers.

Mr. GRIMES. I propose to amend it.

The PRESIDING OFFICER. The first question is on taking up the resolution.

Mr. DOOLITTLE. I perceive this will evidently lead to debate; and I will say to the honorable Senator from Kentucky that I feel constrained

to oppose its being taken up in the morning hour. The bill to which I have called attention is very important to be acted on in the morning hour. If he desires to have this matter merely referred, I have no objection to that.

The motion to take up the resolution was agreed to.

Mr. GRIMES. I move to amend the resolution by adding:

And that the committee report to the Senate all the facts in regard to the charges against said Yocum, and the proceedings in his trial, and all the facts in relation to such pretended pardon.

Mr. DAVIS. I accept the amendment as a modification of the resolution, with the consent of the Senate.

The PRESIDING OFFICER. The question is on the resolution as modified.

Mr. TRUMBULL. It strikes me that that involves the examination into a judicial question whether Yocum is confined, as I understand it, in a penitentiary, after having received the pardon of the President. If he has been pardoned by the President, let him sue out his writ of *habeas corpus* and be discharged by the courts. The Judiciary Committee is not the proper committee to investigate questions of this character, or rather it is not a legislative question. If there is a person illegally held in confinement in the penitentiary at Albany who has been pardoned by the President, it strikes me there is no difficulty in his case. Why not bring his case before the proper tribunal and have it decided and let him be discharged? Suppose the Judiciary Committee should be of the opinion that he was improperly confined after he had been pardoned, I do not see what legislative action we could take. The laws are sufficient to reach his case now; and if some person in the State of New York, the warden of the penitentiary, is holding a party who is legally entitled to liberty, I do not see what legislation is to be based upon the fact.

Mr. COLLAMER. I cannot perceive what this body or its committees have to do with such a question. Whether this man is imprisoned or not is a matter of fact entirely within the knowledge of the Executive. Whether he has had an executive pardon is a matter of fact entirely within the knowledge of the Executive. It seems to me the inquiry should be of the Executive whether such a man is in prison, and whether he has had a pardon. Let us know what the fact is about it. I do not see how any legislation is called for in relation to it any way. I think this mode of attempting to ascertain how the fact is is a wrong one. The method should be the other one which I have indicated. If the other should fail, if the Senator could not get at the knowledge of the facts which are desired in the proper manner, it might lay the foundation for some legislation to enable him to get at the facts.

Mr. DAVIS. I concur with the honorable Senator from Vermont that there is but one proper mode of reaching this matter, and that mode has already been resorted to without any avail. Before I offered the resolution which is now under consideration, I presented to the Senate, and the Senate passed, a resolution asking for information from the President of the United States in relation to Yocum's case, and that resolution has never received any attention at all. I will now state the facts of the case as I understand them to be.

Yocum was a citizen of Cairo, Illinois. He received from some military officer, some subordinate, something like a trust, as I understand, over what are called contrabands. There was a resident of the State of Kentucky, a Union man, that is as well vouched for as any Union man could be, who had a slave that escaped and got to Cairo, and reached the rendezvous of slaves of which Yocum had the charge. Yocum himself is a Union man, and is strictly loyal, and more loyal than the President of the United States to the Government. The owner of the slave had his case prepared in conformity to the fugitive slave law, and took his testimony to Yocum. Yocum heard the case, and did not detain the slave, and the owner of the slave took him across the river.

For this acquiescence in the act of the owner Yocum was arraigned there before some military court. He was ordered to report to Memphis or to Paducah, I do not recollect which. He did so report. His case was not considered there, and he returned to his residence. He was ordered so to report again at Paducah or Memphis, but I think it was Paducah. He did report, and no attention was paid to him on his second trip to that point. He then returned to Cairo, and some military officer took cognizance of the case, and discharged him. After he was discharged he was taken into custody, and was brought to this city, and confined in the Old Capitol. While he was there in prison four Representatives from the State of Kentucky took testimonials of the loyalty of Yocum, of the loyalty of the owner of the slave, and evidence that that slave belonged to that owner, to the President of the United States, and the President granted to Yocum an unconditional pardon, as one of the gentlemen, a Representative from Kentucky in the other House, informed me. That gentleman took the pardon to the War Office, and filed it with one of the principal officers of the Secretary of War, and the next day, or the second day afterwards, the Secretary of War ordered him to be sent, as a felon and a prisoner, to the city of Albany, to be confined in the penitentiary, and he is there retained.

I am informed upon authority to which I give the fullest faith that these are the facts of the case. If they are not, the authorities that have charge of Yocum ought to be disabused. If they are true, a more oppressive and outrageous case was never brought to the attention of any authority.

Mr. COLLAMER. I would desire to see the gentleman's former resolution to which he has alluded

Mr. DAVIS. I shall have it read directly after I make a remark or two further. Mr. President, we are told that a man once traveling anywhere upon the earth and declaring himself to be a Roman citizen was by that declaration protected against all wrong. We have sometimes instituted a similar boast in this country; but a condition of things has been reached when to be an American citizen, a loyal American citizen, free from crime, free from offense or culpability of any character whatever, is no protection.

The honorable chairman of the Committee on the Judiciary says that we ought to bring this man's case before a judge upon a writ of *habeas corpus*. What is the writ of *habeas corpus* worth now? Where is the judge that is authorized or that has the liberty to perform his duty upon the writ of *habeas corpus* in this Government of ours? The Chief Justice of the United States cannot do it. Everybody is subordinated to and is enslaved by a factitious and accidental military power. The majesty of the Constitution and of the laws and of the great writ of liberty, the writ of *habeas corpus*, is all stricken down before a set of military subordinates that give no heed to it. I suppose that if a judge in Albany or anywhere else was to direct a writ of *habeas corpus* to the keeper of the penitentiary there to have the person of this individual brought before him, and was to take steps to make the officer of his court execute it, he and the officer of the court would both be turned into the military prison also, and kept there.

Mr. TRUMBULL. I inquire then of the Senator from Kentucky what good he supposes legislation will do. The laws of the land authorize a judge to issue a writ of *habeas corpus*, and I apprehend that any judge applied to upon a proper state of case would issue that writ. The existing law, I know, provides that in case the officer having the party in custody makes a certain return, the judge shall not further proceed, but the writ is to be issued whenever applied for, and I am not aware that judges refuse to issue the writ of *habeas corpus* when a proper case is laid before them. At any rate, I should like to have that tested; and if they do refuse to do it when the law makes it their duty, the Senator from Kentucky will accomplish little by having other laws passed.

Mr. DAVIS. Does not the honorable Senator from Illinois know that Judge Leavitt, of the district court of the United States for the southern district of Ohio, refused to issue a writ of *habeas corpus*? But that is not the point I am getting at. The point is this: I ask the Senator, and I ask any lawyer, whether, if the facts as I have related them are true, the Secretary of War has not committed a high offense? If the unconditional pardon of this man by the President of the United States was placed in the hands of the Secretary, and he disregarded it and sent the man off to prison, he committed a high crime—not a misdemeanor, but a high crime, and it is a crime that ought to be punished.

I admit that the Senate have no impeaching power, nor is it right that they should prejudge the case. I have not prejudged this case myself. I do not know that the facts are as I have related them; but I believe them to be so. If they are so, they amount to a high offense on the part of the Secretary of War, and the impeaching power of this Government ought to institute a proceeding to have him brought to justice and made an example of.

Mr. DOOLITTLE. I move to postpone this resolution and all prior orders for the purpose of taking up Senate bill No. 198.

The motion was agreed to.

RETURN OF REFUGEE INDIANS.

The Senate accordingly, as in Committee of the Whole, proceeded to consider the bill (S. No. 198) to aid the Indian refugees to return to their homes in the Indian territory.

The PRESIDING OFFICER. The bill will be read.

Mr. DOOLITTLE. It is not necessary to read the original bill. The Committee on Indian Affairs have reported a substitute for it. Let that be read.

The PRESIDING OFFICER. If there be no objection, that course will be pursued. The Committee on Indian Affairs report an amendment to strike out all of the original bill after the enacting clause and insert what will be read.

The Secretary read the words to be inserted, as follows:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the removal and temporary relief of the refugee and destitute Indians in the southern superintendency, namely: for expenses of transportation and subsistence by the way to the Indian territory, $52,000; for temporary subsistence in the Indian country of refugee and destitute Indians to the close of the present fiscal year, $153,000; for seeds, plows, and necessary agricultural implements to enable them to raise a crop the present season, $18,000.

Mr. DOOLITTLE. Perhaps it is due to the Senate that I should occupy their attention for about five minutes by way of explaining this bill and its necessity. About two years since, as a consequence of the war in which we are engaged, the Indian territory was also in what may be denominated a civil war. The Choctaws, the Chickasaws, a small portion of the Seminoles, about one half the Creeks, and one fourth, perhaps, of the Cherokees, were induced to unite their fortunes and become allies with the rebels. In the military operations which followed, the loyal Creeks, the loyal Cherokees, the loyal Seminoles, and the loyal Chickasaws were driven out in the winter from their homes, in the midst of great suffering and destitution, into the State of Kansas, and they took refuge there, where since that time they have been living, supported by the Government out of those annuities which belong to all the Indian tribes in the Indian territory. Those annuities have enabled the Government to provide for these refugees in Kansas and the Cherokee country up to about the 1st of April of the present year.

In consequence of our military successes in that section of the country, it is believed both by the War Department and the Interior Department that we may safely attempt to send these refugees back to their homes in their own country; and in order to do so, and that they can raise a crop the present season, it is necessary that this should be immediately undertaken. The whole number of refugee Indians in Kansas is eight thousand and thirty-one. There are in the Cherokee country refugees also driven from their homes to the number of seven thousand five hundred. It is also estimated that there has been an increase, since the actual official enumeration, of one thousand five hundred more, making in all about seventeen thousand Indians. It was estimated by the Department that if these refugees were to be removed and to remain upon our hands for one hundred and eighty-three days the whole expense of their removal and their support would amount to the sum of $473,000. The committee have determined to recommend the appropriation of about one half that sum, believing that while we have reported what is necessary for their removal and subsistence on the way and have reported what is asked for by the Department in furnishing them supplies, plows, and the necessary agricultural

implements with which to commence raising their crops, it is not necessary that the Government should provide for their subsistence beyond a period of ninety days. We believe that they can return to the territory in the course of those ninety days and can begin to raise something for their own support. The estimate made by the Department as to the expense of supporting them is at the low sum of ten cents per day per head. The committee look upon it as a very reasonable estimate, and recommend that the bill should pass in its present shape as proposed to be amended by the committee. I hope therefore that the amendment will be adopted and that we shall have the immediate action of the Senate upon the bill.

I will say to the Senate that from all I have heard and read, the sufferings of these refugee Indians in Kansas for their loyalty to the United States are beyond anything I have read of any people in connection with the present war. They were driven out of their territory and compelled to flee to Kansas in the winter, in the midst of snow, destitute of covering, and many of them perished from want. I am told by the Commissioner of Indian Affairs that in consequence of the limbs that were frozen during that terrible flight three hundred amputations had to be performed by surgeons upon these suffering refugee Indians.

The PRESIDING OFFICER. The hour of one o'clock having arrived, the Chair will call up the order of the day, being the joint resolution proposing amendments to the Constitution, which is now before the Senate.

Mr. DOOLITTLE. I move that it be informally laid aside by unanimous consent to enable us to take a vote on this bill.

The PRESIDING OFFICER. That course will be adopted, unless there be objection. The Chair hears none. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

AMENDMENTS TO THE CONSTITUTION.

The PRESIDING OFFICER. The joint resolution (S. No. 16) proposing amendments to the Constitution of the United States is now before the Senate, and the question is on concurring, in the Senate, with the amendment made as in Committee of the Whole.

Mr. HENDRICKS. Mr. President, as I said to the Senate yesterday evening, I do not intend to occupy the attention of the body but for a few moments; and I would not have been induced to say one word of a political character except for the suggestions made by the Senator from New Hampshire [Mr. HALE] in his speech yesterday afternoon. He took occasion, in arguing the subject before the Senate, to make a very grave charge against the Administration of Mr. Buchanan, and to say that during that Administration the war commenced, or at least eleven States were lost to the Union. Sir, I am no extravagant admirer of Mr. Buchanan. I think he departed from the principles upon which he was elected President of the United States; and that departure brought great loss upon the Democratic party, and perhaps some evil upon the country; but I am not willing in the Senate to hear so grave a charge made against him and make no reply, when I think the charge cannot be well maintained.

In the first place, the Senator was mistaken as to the number of States that seceded during the Administration of Mr. Buchanan. During the last few months of that Administration seven States seceded: the States of South Carolina, Florida, Mississippi, Alabama, Georgia, Louisiana, and Texas. After the incoming of the present Administration four more States seceded, to wit: Virginia, Tennessee, Arkansas, and North Carolina. There is a very serious mistake made by the Senator upon the question of fact.

But, although not making the charge directly, he allowed it to be inferred from what he said that the Administration of Mr. Buchanan was responsible to a very considerable extent for the commencement of hostilities. I do not agree with the Senator. What had the Administration of Mr. Buchanan to do with the commencement of hostilities? Mr. Holt and Mr. Stanton were both members of his Cabinet during the last months of that Administration, and one of them is now a member of the present Cabinet and the other holds a high office, and both are regarded as very potential in the present Administration. But, sir, I claim for the Democratic party that it did all that it could do to avoid the commencement of these hostilities. I shall not go over that subject in detail, for it is well understood by the Senate, except to call the attention of the Senator from New Hampshire to the fact that during the session of Congress immediately preceding the commencement of the present Administration, the Democrats in this body and in the other House did all in their power to adjust the differences between the North and the South, and to avoid the calamitous war that has come upon the country. Can the Senator from New Hampshire say so much for his party?

It was stated by Senator Douglas in the presence of the Senator, that if the Republican party of this body, and of the other branch of Congress, would do as much as the Democrats would do in the way of adjustment and compromise, there need be no trouble—the conflict of the sections might be avoided; and the Senator did not deny the allegation of that distinguished Senator. It stands as a statement then undisputed in this body, that if the Republican portion of the Senate and of the House of Representatives had been willing to do as much as the Democrats would do, we could have adjusted the questions in dispute between the two sections, and have avoided this calamitous war. When the proposition of adjustment and compromise came to a vote in this body, I believe every Democrat then occupying a seat here voted for it, while every gentleman in this body belonging to the other party voted against it. The same is substantially true of the history of that proposition in the other branch of Congress.

Then, sir, I think the Senator cannot well say that Mr. Buchanan's Administration or the Democratic party, at that time, were responsible for the failure of the efforts to adjust the questions in dispute between the two sections. I will not say that the South had cause for the course they pursued. Secession had not justification in the fact that a northern party succeeded and that a sectional President had been elected. But will the Senator deny that if a sectional party had not succeeded, and a sectional President had not been elected, this trouble would not have come upon the country? While I do not justify the course that has been pursued by the South, but utterly condemn and repudiate it, I say that if a sectional policy had not been pursued on the part of the North, encouraged and participated in on the part of the leaders in the South, we need not have had the present troubles, which are so calamitous to the country.

The Senator also said that the Democrats were indulging the delusion that if their party could succeed they might bring peace and prosperity again to the country. Sir, I do indulge such a hope, and I think it is not a delusion. It is a hope based upon the experience of the past. I am not ashamed of that party. I believe the Senator himself once did honor to that party by advocating its principles and fighting for its organization. I may be mistaken, but I think that was the case. I am not ashamed of the history of that party. It fought for the Constitution and the doctrines of the fathers. It resisted sectional organizations and the triumph of sectional sentiments, and while that Democratic party was in power in this country we had no sectional troubles that could not easily and speedily be adjusted.

The Senator referred to the few Democratic Senators in this body, and said that when they spoke it was "like the voice of one crying in the wilderness." I thank the Senator for the illustration. That voice was the voice of John the Baptist. His voice was to prepare the way of the Lord in the wilderness, and to make straight a highway in the desert. If it should be the fortune of the few Democrats who are in this body and of the Democrats in the country to prepare a highway in which the people may again walk in prosperity and union and in harmony, I shall rejoice in such a result.

The Senator also referred to the taking off the head of Charles I, and he said that the Democrats might as well good-naturedly place their heads under the ax and let them fall. The Senator did not do well to depart from his first figure. He ought to have stood by his first illustration. John the Baptist, who raised his voice in the wilderness, lost his head, and why did not the Senator adhere to that illustration? Why was he beheaded? Because John the Baptist denounced incest in the palace of the king. Why shall Democrats lose their heads? Because they denounce the evils of the times? Because they denounce the corruption that is found in high places? Because they denounce the departures from the Constitution and the teachings of the fathers? Of what sin has the Democratic party been guilty that it should lose its head? Has it not stood by the Constitution? Has it not appealed to the people to stand by the teachings of the fathers? Has it not fought for the institutions of our country as they are based upon the Constitution, the basis that our fathers established for them? Why, then, should we lose our heads? Ay, if it is to gratify a king upon the petition of a dancing girl in his presence, let the head be taken if we have done sin; but if we have but fought for the right, if we have but contended for the doctrines which have brought such prosperity and greatness to our country, I think we shall not lose our heads.

The gentleman ridiculed and jeered at the possibility of a Democratic triumph in the future. I am not going to discuss the possibility or impossibility of such a result. I pray for it. The condition of the country cannot be worse than it is now. If the Democrats succeed in securing an election, they can but fail in their efforts to restore the Union upon the basis of the Constitution. We can try, and it is certain that any change is better than the present condition of affairs. Liberty cannot be less secure, our institutions cannot be less permanent under some other Administration than under the present.

The Senator, I thought rather unguardedly, said that this was the day he had long desired, the day he had long prayed for. I have heard that sentiment from pulpits, and seen it in the columns of fanatical newspapers, but I had not before heard it in the Senate of the United States, a body in which men are expected to express well-matured and considered opinions. What does the Senator find in the present condition of his country at which he should rejoice? Is it in the fact that we are engaged in a war upon the most stupendous scale that the eye of man has ever witnessed? Is it the fact that we have called into the field above two million men from the North, and that, in proportion to their population, a larger force has been called into the field in the South? Is it in the fact that one tenth of the people of the North have been called from the pursuits of industry to the pursuits of war, from the business of producing to the business of consuming and destroying? Is it in the fact that instead of producing and adding to the wealth of the country we are consuming and destroying it? Is it in the fact that of these two million two hundred thousand men that have been called into the field from the North during the past three years more perhaps than two hundred and fifty thousand of them occupy the green graves along the border? Is it in the fact that in two hundred and fifty thousand homes there is mourning and sadness instead of joy and rejoicing? Is it in the fact that instead of the mothers and wives of the land being happy and rejoicing they are clothed in the weeds of mourning? Is it in the fact that we see upon every side of us our returned brothers and friends, one with an arm gone, another with another limb gone, health destroyed, and happiness departed from them? Are these the sources of gratification to the Senator and the party he represents? Is it in the fact that during the past three years and the year that is to come we have imposed upon the people of the United States a debt of $4,000,000,000? The Secretary's report will not show so much, but I think it is known to Senators that when this war is closed, if it be closed within the coming year, our national debt must be nearly $4,000,000,000. What is the proportion of that debt to the property of the country? I turned my eye this morning to the fact as stated in the late census:

"The marshals of the United States were directed to obtain from the records of the States and Territories respectively, an account of the value of real and personal estate as assessed for taxation. Instructions were given these officers to add the proper amount to the assessment, so that the return should represent as well the true or intrinsic value as the inadequate sum generally attached to property for tax-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 8, 1864. NEW SERIES.....No. 92.

able purposes. The result of this return by all the census takers will be found in table No. 34, whereby it will appear that the value of individual property in the States and Territories exceeds the sum of sixteen thousand million dollars, representing an increase of one hundred and twenty-six and a half per cent. in ten years in value in the aggregate, and an increase of sixty-eight per cent. *per capita* of the free population."

Then the value of the personal and real property of the people of the United States, North and South, is stated in the census to be $16,000,000,000, and our debt at the end of another year will be $4,000,000,000, being one fourth the entire property of the people of the United States, North and South; and there is to be added to this the enormous debt incurred by States, by counties, by cities, by towns, and by townships. What they will add to the burdens of the people of the United States I shall not undertake to estimate. Perhaps I might say one half of the general debt of the United States. Then, sir, against the property of the people of the United States, North and South, of $16,000,000,000, we have an indebtedness by the General Government, by the States, by the cities, by the counties, and townships, of $6,000,000,000, more than one third of the property of the United States. Does the Senator contemplate with pleasure, that upon the people of the United States there will be at the end of the coming year a burden of debt such as is not borne in comparison to their property by any people upon earth?

I suppose the gratification of the Senator arises not from the effects of this calamitous war upon the people of his own race. He knows there is no happiness, no prosperity to come to them from that. He knows that there is but misery, death, destruction, embarrassment, debt, bankruptcy to the men, women, and children of his own race. But I suppose he is gratified when he contemplates the effect upon the four million negroes in the South. Is the Senator right sure that it is going to add to the happiness and prosperity of those people in the South? Is he sure that the four millions who, at the commencement of this war, had masters to take care of them, if turned loose and made dependent upon their own efforts for their subsistence and their prosperity, will be happier after that state of things than they were when they were taken care of by their masters in the South? I am not sure that it is going to be so.

The Senator contemplates that they will be free, that they will go when and where they please; but when they come into the northern States among a people not accustomed to them, and commence to crowd the free white labor of the North, these unfortunate people will come in contact with a northern prejudice that will be hard upon them and upon their prosperity. But, sir, with all the calamities and misfortunes that have befallen twenty-six million white people, the Senator is gratified when he contemplates the happiness that may possibly by chance come upon four million negroes.

Does the history of the last year and a half justify the Senator's exultation and joy? Let him go along the Mississippi, and instead of finding the negroes there happy and industrious, he will find them without protection, and, as the reports are, without provision and almost without clothing, and a large number of them prematurely dead. The Senator from Kentucky [Mr. DAVIS] suggests to me that at least two hundred thousand of them have already perished prematurely. And yet with this state of facts before the Senator he expects a good time for these unfortunate people yet to come!

Are they to remain among us? I can say to the Senator that they never will associate with the white people of this country upon terms of equality. It may be preached; it may be legislated for; it may be prayed for; but there is that difference between the two races that renders it impossible. If they are among us as a free people, they are among us as an inferior people. The Senator from Delaware [Mr. SAULSBURY] most happily expressed it, that this difference between the races is not chargeable upon us; it is not chargeable upon our institutions; it is not chargeable upon the condition in which these people have been kept for many generations past; it was the pleasure of God to mark that difference upon the races; a difference in intellect, in tastes, in all the qualities that enable a race to go upward and onward, which God himself has made and impressed upon them.

I will ask the Senator if he can refer to the negro in any land, in any age, in which his condition was better, in which his physical comforts were secured to a higher degree, in which his intellectual and moral elevation was promoted in a higher degree, than in his connection with the white people of the United States since he was brought to America. What was his condition before he was brought here? Had he any rights then that were respected even by the rulers of his own race? He was brought here a slave, a barbarian, knowing no rights to himself, enjoying no rights, ignorant of that religion which has been taught him in this country. He has been elevated, so far as he could be elevated, by his contact with the white man. I do not believe in this notion that the negro is going to elevate himself if the influence of the white man is removed from him. His tendency has been downward when not in contact with our superior race. Then, sir, I find nothing in the past history of this race, their history in Africa, their history in the islands near by our own coast, their history in the free States, their history in the southern States, to encourage the sentiment that gratifies the Senator so much, that they are to be so much blessed and elevated by the change that is to be made in their condition.

Mr. President, I will not vote for the resolution that is before the body. I do not intend to discuss the merits or demerits of the proposition of general emancipation. That question has been sufficiently discussed, perhaps, by other Senators. In the first place, I will not vote for the resolution because I think the times are not auspicious. It is not a favorable time for us to lay our hand upon the work of the fathers. Our Constitution was made after the war of the Revolution was closed, when peace had returned, when there was but little party prejudice and strife in the country—a time most favorable for laying the foundations of government. Our fathers were statesmen, taught in the scenes of the Revolution. They laid the foundations of government; and, for myself, I am not willing to disturb them in these times of excitement and strife.

Ought not the people deliberately to consider any proposition for an amendment of the Constitution? Ought it not to be considered more deliberately than any ordinary measure of government or of administration? Sir, what is our condition? We are in a state of war. The minds of the people are greatly excited. They come to conclusions now not so much upon reflection and argument and reason as they do upon the passions of the hour. I ask Senators whether a time like this is favorable to consider amendments of the organic law?

Besides that, there are many of the States that are especially in no condition to consider amendments to the Constitution. Three fourths of the States must agree by their Legislatures or by conventions to this amendment before it shall become a part of the organic law. Let me ask the attention of Senators to the condition of a few of the States that must assent to it before this measure can become a part of the Constitution. It may be that twenty-one States could deliberately consider this question. It may be that California, Connecticut, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Wisconsin, and Western Virginia may be in something of a condition to consider the proposed amendment of the Constitution. Those are twenty-one States, not two thirds, much less three fourths. I ask Senators, then, in what condition are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, Texas, and Virginia to consider amendments to the Constitution? Is this to be their Constitution as well as ours? Is this to be a Constitution for Louisiana as well as Indiana, for Florida as well as New Hampshire? Then, sir, if it is to be their great law, to which they will owe allegiance and render obedience, shall they not be in a condition to consider so important an amendment before it is proposed to them?

Mr. HOWARD. Will the Senator from Indiana allow me to ask him a question on this particular point?

Mr. HENDRICKS. Yes, sir.

Mr. HOWARD. If those States to which he refers are not in a condition to participate in the amendment of the Constitution, as is contemplated by this joint resolution, whose fault will it be? Can a party in that attitude take advantage of his own fault, of his own wrong?

Mr. HENDRICKS. I will ask the Senator before I answer his question, whether it be a fault or no fault, can this Constitution be amended unless three fourths of the thirty-five States agree to it? Three fourths of the thirty-five States must agree to it, and it is not a matter of so much importance when we come to the question I am now discussing whose fault it is. I have said whose fault it was. I have said that these States had no just and sufficient cause for secession. I repudiate the act. I am against it, and from the first have condemned it. But I ask the Senator, is it not to be their Constitution as well as ours, and must not this amendment be considered by them and acted upon by them, so as to secure three fourths of the thirty-five States, before it becomes a part of the Constitution?

Mr. HOWARD. I will answer the Senator. It is their duty to take it into consideration when submitted to them; but if, in violation of that constitutional duty, they have placed themselves in such an attitude that they will not participate in it, it is their fault and not the fault of the other States. They have an opportunity to-day, the same opportunity possessed by other States, and may with just as much ease as other States participate in the amendment of the Constitution. Nothing but their own stubborn wills, nothing but their own rebellious spirits, nothing but their open treason prevents them from doing so, if it can be said that those causes prevent them, which I deny.

Mr. HENDRICKS. I shall now insist upon the Senator answering my question. The question which I asked him is, can this proposed amendment become a part of the Constitution of the United States unless as much as three fourths of the States agree to it?

Mr. HOWARD. Of course, I suppose, there must be a concurrence of the constitutional number of States, which number would be three fourths of the States of the Union, or, in the language of the Constitution, in the Union.

Mr. COLLAMER. Will the gentleman indulge me with a single suggestion on that point?

Mr. HENDRICKS. Certainly.

Mr. COLLAMER. If those States were voting and were in favor of the amendment, they would vote for it and would be satisfied with it, if it were adopted, and if they were opposed to it they would vote against it. Now, in counting the thirty-five States so as to get three fourths to agree to it, those States that have not voted at all are counted the same precisely as if they had voted against it.

Mr. HENDERSON. Without reflecting upon the proposition of the Senator, I should think he is right, if I understand him correctly. His proposition is that if twenty States vote in favor of the proposed amendment and fifteen States fail to vote at all, the fifteen States shall be counted as voting against it.

Mr. COLLAMER. If they did not vote at all, in counting up, as we must have three quarters of all the States, they are to be counted the same as if they voted against it.

Mr. HENDRICKS. Precisely so. The Senator, I believe, does not question that three fourths of the States must vote affirmatively in favor of the amendment.

Mr. COLLAMER. I believe they will.

Mr. HENDRICKS. The Senator says he believes they will. It is possible they may.

Mr. WILLEY. With the leave of the Senator, as that is an interesting point, I desire to know whether if they are not prepared to vote this year, they may not be next year? Will not the time come when they will be in a condition to vote? If within ten years from this date, for instance, those States that are in the condition to which the Senator alludes should, as I hope they will, be placed in a condition fairly and peaceably to express their opinion on the subject, would it not be competent for them to do so, and thereby adopt the proposed amendment of the Constitution?

Mr. HENDRICKS. I cannot undertake to answer the Senator, because it is not a question that I have considered. The amendment is proposed to the Legislatures of the States at the present session of Congress. It goes before them all. There are sessions of the different Legislatures. Some act upon it, and some do not. If, say, twenty of them have adopted it, does it remain an open question for action by the other Legislatures for ten years following, or twenty or thirty years? I am not prepared without further reflection to say that the question would remain open, as the Senator suggests.

But, sir, take the old State of Virginia, that contributed so much to the formation of the Constitution as we now have it; the State that passed the resolution in her Legislature which called together first five States, and those five States appealed to the other States to meet them in convention, and in pursuance of that appeal a convention was held; Virginia, that had so much to do with the deliberations of the body; Virginia, that has contributed so much to the construction of the Constitution by the expositions made by her great and learned men—shall Virginia have no full and free voice in the amendment of this Constitution? It may be said that Virginia is a State in the Union, and that she has her Legislature meeting at Alexandria. Will Senators say that that Legislature in such sense represents the people of Virginia as that it ought to control that State in agreeing to an amendment of the Constitution?

But take Arkansas. That State is now claimed to be almost within the Union again. It is said Arkansas is taking steps under the President's proclamation to come back again. She may elect a Legislature perhaps; but how? Under the proposition of the President, that one tenth of the people may elect a State government, may elect a Legislature, may make laws, and may agree to an amendment of the Constitution. Will Senators say that that is such an approval by the people of a State as ought to be regarded as sufficient to adopt an amendment to the Constitution? Surely not, sir. Our fathers were very particular on this subject. They required that two thirds of this body, and two thirds of the other House of Congress, should agree to the proposed amendment before it should go before the people, and then that three fourths of the States should agree to the amendment before it should become a part of the Constitution, contemplating the fullest consideration of the subject and the largest approval of the amendment before it should become a part of the organic law. Are we to say that this plan of the President shall be sufficient not only to make a new State government, but that it shall be sufficient to agree to a change of the Constitution; that one tenth of the people of a State, according to the presidential proclamation, may not only change their own constitution, but may agree to a change of the Constitution of the United States, when this Constitution contemplates that all the people of the country should take part in the deliberations upon that subject?

Take Louisiana also, in which an effort is now being made to form a free State. If the people of Louisiana, acting through a convention properly selected, shall make that State a free State, I shall be very happy to hear it. If the people of any State see fit to change their constitution so as to make their State free instead of slave, I shall be very glad of the result. Then it is properly done. But, sir, I am not willing to see our institutions come to that condition which would be upon us if one tenth of the people of a State could control not only the State constitution but the modification of the Constitution of the United States.

Can there be in the States that I have mentioned, or in any considerable number of them, that deliberation which is necessary when we propose to change the organic law? Take the State of Kentucky, so ably represented in this body: is Kentucky in a condition to-day to say whether she wants her Federal Constitution changed or no—Kentucky, that one week is invaded by rebel troops and the next week under the control of Federal troops—Kentucky, that can lay no claim to a free election? Take Maryland, that has no free election; or Delaware, that is controlled, as was illustrated in the able speech of her Senator [Mr. SAULSBURY] the other day, by provost marshals appointed the Sunday night before the election. Is this the condition in which this country ought to be when we propose to change our Federal Constitution? I say not, sir; and without reference to the merits of the proposed amendment, I say we are not in a condition in any of the States, and especially in the States to which I have referred, because of the excitement caused by the condition of the country and the state of war, for a deliberate consideration of the questions involved on the part of the people.

One more suggestion, sir, and I have said all that I desire on this subject. I am not satisfied that this proposed amendment is one that can be made to the Constitution. The institution of slavery is a domestic institution. It exists, not by virtue of the Federal Constitution, not by virtue of any law passed pursuant to the Constitution of the United States, but it had its existence before the formation of the Federal compact, before the establishment of the Federal Constitution. It was an institution of the colonies. I will not discuss with the honorable Senator from Iowa [Mr. HARLAN] the question whether the slaveholder has a good title to his property. It is enough to know that this institution existed before the Revolution in the colonies; that it continued during the Revolution; that it came with the colonies into their state of independence and separate sovereignty; and when the colonies came into the Federal compact they did not submit that institution, or their other domestic institutions, to the control of the Federal Government. The Federal Government has had nothing to do with the institution of slavery, except so far as by compromise it was protected and respected. It was a basis of representation in the other House; it is a basis of taxation in a certain contingency; and a fugitive escaping from one State to another shall be returned without respect to the law of the State into which he escapes.

These are the connections of the Federal Government with the institution of slavery, but no State in the formation of the Federal compact agreed to lay that institution or any other institution of a domestic sort at the foot of Federal authority. I am not satisfied (although I have not examined that subject as maturely as I would desire if I intended to discuss it at length) that this is an amendment which it is competent to make short of the agreement of all the States of the Union; and then that amendment thus agreed to would have its force not because it was a part of the Constitution, but because each State for itself had agreed to abolish slavery. When each State agrees to it, it is settled. All of our great State men and jurists have held that this institution exists by virtue of State law. That State law may be the common law of the State, the usage of the State, or it may be that system of statutes which recognizes and regulates the institution; and I take it that it is a very grave question whether three fourths of the States can take hold of an institution in the remaining fourth, without the consent of those dissenting States, which those States never agreed in the original compact should be under the control in any way of the Federal Government.

But, sir, my main objection to the adoption of this measure now is that the people are not in a condition to consider proposed amendments to the Constitution. This year we are to have the excitement of a presidential contest, perhaps a very bitter one. Men will take their sides according to party relations. I submit to Senators whether a time like this, when the mind of the people is wrought as the sea is by the storm, is a suitable time to lay our hands upon the fundamental law of the Government, and to change the foundation-stones of that Government; whether we had not better let these times pass by, and when peace shall come, as it was in 1787 and 1789, when our fathers considered the original Constitution, then consider the proposed amendments. If the people of the United States shall then decide to abolish slavery, and it is found that it is a question that may be controlled by three fourths of the States, I shall have no objection to it. If slavery passes away I shall not be found regretting it.

I suppose I have less personal knowledge of the institution of slavery than almost any Senator in this body. I have never spent a whole day scarcely in my life upon slave soil. My life has been spent among the free people of the State of Indiana. I have no attachments to the institution; but I have an attachment to the compacts and agreements of our fathers. I was taught as a part of my politics and morality to stand by what was agreed to. The moral question of slavery I have never discussed before the people. I do not intend to discuss it here, because with the moral question of slavery the Federal Government has nothing to do. That is a question for the consideration of the States that regulate the institution, the States that allow it, the States by whose authority it exists; and by no other authority does it or can it exist.

Although I voted with my friend from Kentucky [Mr. POWELL] in favor of his three amendments, still if it had come to a final vote, separate from the amendment now before the Senate, whether we should submit those three propositions, which I should like to see in the Constitution, I should, upon the final vote, have voted "no," for the reason that at this time I would not submit any proposed amendment to the people.

I would agree as a Senator to submit an amendment of the Constitution to the people for but one reason. If I could become satisfied that a proposed amendment to the Constitution would put an end to these hostilities, would restore this Union, and bring peace again to the country, I would vote for any amendment that was consistent with the right and honor. If Senators could satisfy me that the adoption of this amendment was right and within the power of three fourths of the States, and that it would promote an adjustment and settlement of the difficulties between the sections, I should vote for it, but for no other consideration. On the contrary, sir, I believe that this amendment if adopted will be in the way of final adjustment and the restoration of this Union. What good can it do? Just the same good precisely that the President's proclamation did. The President by his proclamation said, "We have set your negroes free; we leave you no inducement to come back to live under the Constitution as your fathers agreed to it; we cut off hope; we give you an incentive to fight to desperation." And now the Senate propose to say to the people of the South, "You cannot come back upon the basis of the Constitution as it was; you cannot come back and enjoy your institutions as they were. If you do come back, we leave in your midst in many localities of the South a majority of the population black; we make it impossible for you to reside there." Therefore this proposition says to the people of the South, "Fight on; give up never; never hear a proposition of adjustment; but resist until you can resist no longer;" and that is one objection I have had to this Administration. It has gone upon that policy. Instead of holding out those motives that ordinarily influence men, this Administration has said to the South, "We intend to subjugate you, and we will listen to no terms, we will offer no terms." Gentlemen can easily see the result of such a course of policy. Now we are going to make it impossible that they shall come back and stand upon the Constitution as it was. We are going now, if this proposition can carry, to say to the people of the South, "We will take away from you this property for which you commenced this struggle."

Again, I say this is in violation of the plighted faith of the Senate. Did not the Senate, three years ago, in July, 1861, by their resolution, and did not the other House say that this war was not for the purpose of subjugation, not for the pur-

pose of disturbing the institutions of any of the States, but simply and solely for the purpose of restoring the Union and the authority of the Constitution? Can it be pretended that this is a war measure? You must conquer the South before this can have force there; and when you have conquered the South, of what service is it as a war measure? It is like the President's proclamation in that respect. Can you send a proclamation in advance of the troops? Can you send the amendment of the Constitution in advance of the Army, and make an impression on the people in that way? No, sir; you have got to overcome the people, and establish your amendment of the Constitution as you would establish the other portions of the Constitution. It is a war measure after the war is over! And while the war is continuing it is a hinderance to an adjustment and the restoration of peace.

These, in a few words, are the objections that I have to the measure before the Senate.

Mr. HENDERSON. Mr. President, I dislike very much at present to undertake to argue the question that is now before the body, for the simple reason that Senators must be tired of its discussion. At one time I thought it might possibly be necessary for me to say something in behalf of the measure, inasmuch as I was perhaps one of the earliest who introduced a proposition of this character; but now, at a period when Senators expect, and reasonably expect, that the discussion ought to close and the vote be taken, I dislike very much to obtrude any remarks upon the Senate; and I should not do so but for the fact that I in part represent on this floor one of the border States of the Union, and I deem it my duty to say something in order that gentlemen from the non-slaveholding States, like my honorable friend from Indiana who has just spoken, [Mr. HENDRICKS,] may better understand the position that we of the border slaveholding States now occupy.

I do not desire to get outside of the question before the body; I desire to keep myself closely to it and to occupy as little of the time of the Senate as may be necessary to enable me to state what I deem it proper to urge in favor of the passage of the measure; and in order to save time and to keep myself within proper bounds, I have committed to writing the most of what I shall say. I know that this is a practice of which older Senators do not approve, and perhaps I ought not to resort to it; but I do not feel that I have the right upon all occasions to inflict upon this body remarks without thought.

I have already intimated that the Union men in the slaveholding States have pretty much made up their minds as to what course they intend to pursue in regard to the institution of slavery. Whatever may have been their opinions at a previous date, those opinions have undergone important changes. This proposition is to mark an epoch in the history of our country if it shall be adopted, and I take occasion now to express my sincere wish that it may become a part of the Constitution of the United States. The State which I in part represent had in 1860 one hundred and fifteen thousand slaves, and it may be supposed that that State is deeply interested in the proposition now pending before the Senate; but, sir, our great interest, as lovers of the Union, is in the preservation and perpetuation of the Union; and what I shall say to-day will be chiefly directed to northern men.

This war has wrought a wonderful change in the opinions of Union men in the slaveholding States. Heretofore a majority of the people of the North have been opposed to interfering with the institution of slavery where it existed. They opposed it because they believed the South desired to retain the institution—and that seems to be the opinion of my friend from Indiana—and so long as this desire lasted they properly held it to be a breach of faith to disturb it. So strong was this feeling that even after the commencement of practical secession northern Representatives, anti-slavery in their sentiments, with almost entire unanimity in both branches of Congress adopted and presented for acceptance by the States a constitutional amendment, irrepealable in its character, whereby the power of interference was to be forever removed. By it no State could be deprived of the privilege of slaveholding except with its own consent. In January, February, and March, 1861, such an amendment to the organic law would have received the sanction of perhaps every non-slaveholding State in the Union. The South would not accept it.

The only great idea of an anti-slavery character that triumphed, if anything anti-slavery triumphed at all, in the canvass of 1860, was founded on the purpose to exclude slavery from the Territories, and this exclusion was only to last while they were Territories. It did not deny the right of the people, after their Territory had been admitted as a State, to adopt the institution of slavery. The corruptions of Mr. Buchanan's administration gave success to the Republican party. The opposition to slavery, even at the outbreak of the rebellion, had not become so radical as to deny that a slaveholding State might be republican in its form of government. It was admitted that a State might either institute or abolish slavery; that whatever might be the true boundary line between State rights and Federal authority this subject was one of local control, and Congress could not legitimately interfere. To what extent this disinclination to meddle with the institution yet pervades the non-slaveholding States, I, of course, do not know. It cannot be doubted by any rational and reflecting mind that our forefathers, in the adoption of the Constitution, whatever may have been their individual opinions, determined to leave the subject of slavery with the several States. They found it then, as we have ever found it since, a dangerous and impracticable question. The importance of union was then paramount. Union could not be secured except by remitting the whole subject to State authority, Congress retaining only the power to enforce the surrender of slaves escaping from one State to another.

This view of the Constitution, though not conceded to be correct by what has been called the abolition party, was accepted, however, by a large majority of the people in the North. Remembering the compromises of the Constitution, they remembered their duty under them, and wished to comply with the bond. Whatever their individual convictions as to the immorality and impolicy of slavery, they have generally discarded the dogma that the obligations of moral law were superior to those of the municipal law, or that the whisperings of conscience could excuse the violation of the statute. I care not what may now be the prejudices against this institution of slavery or how ignoble this former obedience to law on the part of the northern people may appear at a time when our passions are aroused by the war that party ambition, in the name of slavery, is waging against us, the cooler judgment of the more peaceful future, whenever it comes, will again approve their conduct as essentially patriotic. Governments are not moral codes. They cannot be such. Each individual upon entering into society must agree to yield something of his own opinions to the opinions of others. If any one man's opinions be the law, the Government is a monarchy; if the opinions of a few shall govern, it is an aristocracy or oligarchy; if the opinion of each is a law unto himself, it cannot be other than anarchy. Hence the mass of opinion, in a Government republican in form, must control. That opinion, expressed according to the forms of law, must be the rule of action. He that yields to that expression and obeys the law, so long as it stands unrepealed, is not only the best citizen but the most effective promoter of public morals and also the best teacher of private virtue.

A simple adherence to this principle would have prevented the present rebellion; indeed, it must eventually drive out every heresy in government and establish the right. To deny this proposition is to deny the virtue of self-government. If human slavery be wrong, human reason, under the operation of this principle, is left free to combat it, and slavery must die so soon as reason can obtain expression under the forms of law. It cannot die sooner, for the achievements of the sword, if against reason, last generally no longer than while the sword is drawn. When it is sheathed, reason takes the place of force. Ideas of private interest and considerations of public good, combined with convictions of religious duty, unintimidated by fear, are left free again to shape governmental policy.

The people of the non-slaveholding States generally were willing to trust the solution of slavery to peaceful times. They, like the founders of the Republic, generally hoped for its ultimate extinction. They did not believe that the desolations of war would ever be required to show its injustice, or that war should be waged for its extermination. They had found it within certain limits, and there they left it. It was local, and they who lived in its midst were left to its enjoyment and held responsible for its existence. They felt it to be their duty to leave it alone. They would aid us to rid ourselves of the blighting influences when we might wish to remove it, but until then we must keep it, with all its good, if any it had, and all its evil. This, sir, was right, and under similar circumstances their conduct should be the same as heretofore. But things have now materially changed.

A few words only in reference to the causes and effects of that change. For three quarters of a century this feeling of comity, this reverence of the letter and spirit of the organic law, this overpowering desire to preserve the national unity, had, notwithstanding the existence of slavery, given us peace and prosperity, both public and private, unparalleled in the growth of nations. The genius and industry of the North gave value to the great southern production in the discovery of the cotton-gin and the erection of improved machinery to convert this production into useful fabrics. The northerners were early thrown upon their own exertions, and, taught to rely upon those exertions, they became an active, industrious, inquiring, intelligent people. The southerners, I mean the more favored, enjoying a monopoly in the cotton culture, and finding that slave labor not only brought them large profit but that exemption from toil which, however coveted by men, never fails to corrupt them, soon abandoned themselves to pleasure and the lighter accomplishments of life. These frivolous accomplishments obtained in preference, because easily obtained, to the more solid acquirements, combined with this exemption from labor, soon created a feeling of superiority. They imagined themselves rich and powerful, and like all people under similar circumstances, they became first proud of themselves and then proud of their ancestry. They invested their Cavalier fathers with the same heroic virtues and nobility of soul that Virgil in the palmy days of Roman greatness ascribed to the founders of the imperial city. In both cases perhaps much unreal greatness was thrust upon the dead that the pride of the living might be exalted.

The first difficulty that presented itself to the southern people was to satisfy themselves that slavery is morally right; and the second was to satisfy the people of the North that they could not legally interfere with it except in their own States, and further that the Constitution imposed on them the duty to protect the South in the enjoyment of it. It was southern statesmen who in the earlier periods of our history had most fiercely assailed the institution. It was Washington, Jefferson, Madison, Marshall, Mason, Martin, Williamson, and others in their own land who had stamped slavery with the most decided disapprobation. But a change was to be wrought in some way. These denunciations of the institution were to be put aside and a new dispensation proclaimed. Through the influence of South Carolina and Georgia alone, slavery had secured a footing in the compromises of the Constitution, and upon these compromises the South relied for legal protection. To calm the conscience, religious denominations ransacked the Scriptures, and finding the institution upheld under the Jewish theocracy, and not assailed by Christ and His apostles under the Christian dispensation, this was readily accepted as sufficient. The Senator from Delaware thinks it sufficient even yet. As the production of cotton increased, the conviction of the morality of slavery increased in the same ratio. Its divine character was inculcated in religion, in politics, and in morals. The justice of slavery, its economy, and harmony with republican institutions, were the first impressions stamped upon the youthful mind. The southern people are not the only people who are blind to truth because of the prejudices of early education.

To accomplish the other end, that is, to quiet northern men on the subject, to satisfy them that they, not being responsible for its existence, could not legally interfere with it, and ought to protect the South in its enjoyment, required much argument. But southern men attempted to fur-

nish it. They had nothing else to do. While the slaves produced cotton their masters discussed politics. The whole South was turned into a debating society. Every man was a politician. Every court-house and cross-roads became an arena for political gladiators. The alpha and omega of every discussion was slavery, and everybody was on the same side. If some old fogy, some believer in the doctrines of the past, happened to express doubts of the sacredness of the institution, suddenly many voices were joined to greet him as Paul was greeted at Ephesus. While the northern people built manufactories, railroads, bridges, and canals, erected cities, opened farms, constructed ships, and founded institutions of learning, the South was discussing the negro question. As in all attempts to vindicate error, they fell into the most glaring contradictions, seen by everybody except themselves. They claimed to be fiercely democratic. Holding one half of the population of their States in abject slavery, they clamored loudly for the largest liberty. The privilege of the writ of *habeas corpus* denied to every man held by them in bondage, they insisted that republican government would be instantly lost if the writ were suspended for a moment in the case of a white man. Claiming that the institution was local, deriving its vitality from the States, and that Congress could exercise no power over it at all, they yet insisted that Congress should plant it upon all the national domain. Adopting a false theory of State rights, originally designed for the protection of slavery, which rendered the Constitution powerless on all other subjects, they yet found authority within its grants of power to establish and perpetuate slavery against the will of the local government. Looking only to the preservation of that one institution, they adopted any and every theory that seemed available for the purpose. They advocated the Missouri Compromise, and afterwards ostracized as abolitionists all who did not favor its repeal. They opened the Territories to popular sovereignty, and so soon as it failed to bring a slave State into the Union, the doctrine was discarded, and he who did not at once repudiate it became unto them as the heathen and the publican.

In the mean time the northern people, thoroughly convinced of the immorality and inutility of slavery, began to take its denunciations into the pulpit and the school-room. At this point the divergence between the North and the South commenced. Congregations of Christians who had formerly worshiped at the same altar met and quarreled and separated. Then commenced this idea of two distinct civilizations, this notion that the two races, the one inhabiting the North, the other the South, were not the same; that they were different in origin, different in manners, different in pursuits, and different in ideas of government. Extreme men on both sides urged these reasons in favor of political separation and the establishment of separate governments. The one extreme said the Union could not, must not subsist with slavery; with the other slavery was the *sine qua non* of Union. Politicians at once seized upon this state of feeling, and, instead of pouring oil on the troubled waters, for selfish purposes they added to the agitation. They who became the representatives of the people seemed to look rather to the promotion of party interests than to the substantial welfare of the country. In other words, too many of our statesmen became demagogues. Falsehood was admitted and acted upon simply because the pioneers in reformation are seldom honored; they scarcely ever get to Congress.

The country finally became divided into two great parties. The true cause of division, with a majority on each side, is to be found, no doubt, in the construction given by them respectively to the Constitution, the one confining the powers of Congress to expressly delegated grants, leaving the States sovereign in all other respects; the other finding in the instrument warrant for the exercise of powers deemed necessary "for the common defense and general welfare" of the United States.

The southern people being an agricultural people, looking chiefly to a foreign market for the sale of their surplus productions, not engaged in the carrying trade, believing free trade to be beneficial to their interests, and not feeling the same necessity with the people of the North for improving the lakes, rivers, and harbors of the South, very generally accepted the limited, or what has always been termed the strict, construction of the Constitution. From precisely the opposite considerations sprang the party of liberal or latitudinarian construction. It is plain to see that the pro-slavery men of the South would naturally fall into the ranks of the former party, because the theory of strict construction furnished the best protection for the institution. If Congress could not attack it, it might, in their opinion, retreat from State to State, if attacked by local authority, and thus gain time to fortify its defenses. For the opposite reason, again, the zealous anti-slavery men of the North joined the other party. In the latitude of construction, their assaults upon the institution might be made effective; from State action they had no hope.

As it has always been—and it is as much so now perhaps as ever—extreme men on either side gave tone to party action. The more moderate were controlled by them. They seemed to have no power of resistance. They drifted like floats upon the current. They knew what is right, but they had not the moral courage to pursue the right. In a short time, party platforms became a mere string of dogmas on the subject of slavery. A foreigner seeing them would naturally suppose that we had no other interests in this country than slavery.

But why is it that the extreme men in this case, as they have done in others, succeeded in controlling their respective parties? I ascribe it to the fact that extreme men generally start with an undeniable truth. They boldly challenge refutation of that truth. They seek controversy, and controversy gives them strength. Truth needs but be repeated, and the assent of reason is finally given. The anti-slavery men asserted the proposition that slavery is wrong; that it is condemned in morals, and anti-republican in its very nature; that it is unjust to the slave and prejudicial to his master; that it is corrupting in its social relations, and deeply injurious to the economical interests of the country. This proposition could not be denied. To oppose it but established it the more firmly. The history of the country itself brought new arguments to its support. The great disparity in the material development of the two sections as time passed on gradually strengthened the convictions of anti-slavery men, and struck down the arguments of their opponents. The earnest men of the anti-slavery party who stuck to the one idea of their faith, and demanded its recognition in political platforms, as well as in religious creeds, though branded as zealots, abolitionists, disturbers of the public peace, yet stood upon the one truth, and challenged its denial. If this truth had been acknowledged and acted on by the other side we should have had no war. While they were obtaining the almost universal recognition of this truth, however, in the northern States, and its partial recognition in the South, the fiery conflict through which they were passing unfortunately aroused the fiercest passions. Religion and politics brought their influences to inflame. Many of them became maddened as with frenzy, and struck at slavery without skill, as the wounded gladiator strikes at his adversary.

The arguments used to satisfy others that slavery is wrong had satisfied themselves that no law, human or divine, standing in the way of its destruction, was obligatory on the citizen. The extremist of the South, too, was not without his truth—an equally undeniable truth—for the erection of his party. His truth was the one to which I have already alluded. It was that, however indefensible slavery might be as an abstract proposition, the very bond of Union, the Constitution, left it under the exclusive control of the States interested; that Congress could not abolish it; and that every act of interference with it where it existed was without authority. He claimed, and truthfully, too, that unless its existence had been left free from congressional legislation no Union could have been formed. This became his controlling idea. It was his strong point, his fortress; and to it he retreated when the moral question was urged. He must have it inserted in every platform of principle. Those of the South who looked forward to the final extinction of slavery soon lost courage to assert the truth which lay behind this, and were constantly driven to the assertion of political tenets that stood in the way of such consummation.

Upon this truth sophistry built a thousand errors. Threats of interference by northern extremists helped to stimulate southern pride, in which the injustice of slavery was to be forgotten From this vantage-ground taken by pro-slavery men of the South, and resolutely adhered to, they gradually put forward and developed the principles of that new faith which asserted the divinity of slavery, taught the doctrine of State supremacy, and enforced the heresy of nullification and secession.

The northern Democracy never believed in these heresies. They adopted the strict construction theory of the Government without reference to slavery. If the application of what was thought to be a sound principle of construction inured to the protection of the institution, they yet would not abandon the principle. They did not believe slavery to be ordained of God or productive of human good; indeed, they believe it a curse. They acted with the southern Democracy for two reasons: first, they condemned what they termed the fanatical heresies of the abolitionists, who, they thought, in their pursuit of a moral principle would rush to anarchy; and secondly, their respect for the great constitutional truth to which I have alluded dominated their moral convictions against the institution. Hence, when secession came, the northern Democracy were found on the side of the Government. They have given their blood and their treasure to the prosecution of war, intended for the restoration of the Union. At this point it may be suggested that the difficulty of amending the Constitution added seriously, in my judgment, to our troubles. Why was the power of amendment inserted at all? It was to utilize the experience of the future, to correct error in the Government. The Senator from Indiana is very much mistaken when he says that the Constitution cannot be constitutionally amended in reference to slavery. It is provided that it shall not be amendable in only one particular, and that is, "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." In no other respect is there now any limitation whatever upon the power of amendment. Up to 1808 there were two other clauses in the Constitution that could not be amended, the one in regard to the importation of Africans into this country, and the other in regard to capitation or other direct taxes. The power to amend was a part of the contract; it was a part of the bond of each State when we entered into the Union; and we have clearly and indisputably the power to amend it in reference to slavery.

As I have said, the power to amend was inserted to enable us to utilize the experience of the future and correct error. It was designed to let deliberate and matured convictions of public policy take a place in the organic law. It was to be the safety-valve of our institutions. Ours was to be a Government of the people. Their opinions are the motive-power. When I speak of opinions I mean the satisfied judgment, not the mere sentiment or passion of the hour. If these opinions, rarefied and expanded by the heat of truth, are confined, explosion comes. It had become the settled conviction of three fourths of the people that slavery is wrong. That conviction could find no place in legislation, because it would conflict with the Constitution. It could not find place in the Constitution, because the ratification of three fourths of the States could not be obtained. With thirty-five States in the Union it requires twenty-seven to carry this amendment. It matters not what may be their population, one tenth or one twentieth of the whole, the remaining eight may exclude it. This may be a wise provision, but I have been led to doubt it, and hence my proposition as introduced originally was to remove a part of this difficulty in future cases, to facilitate amendments to the Constitution. I am aware of the danger on the other side, but the recent experience of our own and that of the English Government for centuries, inclines me to think that the greater danger lies in damming up public sentiment until it gathers force to break away its barriers and desolate the country. Indeed, if ministers would leave their posts in our Government when public opinion condemns them, the change would be for the better. The Judiciary Committee, however, have disagreed to this proposition, and to their better judgment I submit.

But I was saying that the northern Democracy

are now acting against those with whom they recently acted. Why do they thus wage war upon those with whom so recently they acted politically? It cannot be because the South is defending slavery against actual aggression, for under the Constitution they had a right to defend it if attacked. Shall I be answered that the South made the war before the institution was attacked, and that their only wrong consists in this? The South declares that the rebellion was inaugurated to protect slavery against northern aggression. Then the northern Democracy at the least must admit that such is the character and influence of the institution that it drove the southern people into unnecessary war before it was jeopardized by the action of Government. They must admit that the groundless fears of those whom they have defended in the enjoyment of slavery heretofore, not upon principles of eternal justice, but because it was thought to be the hard conditions of the contract, have brought upon us the innumerable miseries of this strife. If such be the character of slavery, let us examine the propriety of retaining it.

The war is upon us. The Union is severed in the name of slavery. The civilized world regards slavery as the remote or proximate cause of the war. I discard the question of who is responsible for it—whether the North or the South. I look at things as they are, and ask what is now our duty? Nine tenths, perhaps, of the loyal men of the conntry conscientiously believe that slavery is morally wrong and an evil in government. If they were to-day constructing a new Government, they would prohibit slavery. This I assume to be an admitted proposition. The rebels on the other hand assert its morality, and have established a government whose foundation-stone is slavery. In the interest of slavery they claimed the right to sever the Union. They have done so, to the extent of their power. We have denied this assumed right, and the issue is involved in the pending war. The rebels declare that slavery cannot longer exist under our Government; that the two things, slavery and the Federal Union, have become incompatible. In this alleged belief was found the motive for secession, and in it today consists the strength of secession.

But while so large a majority of our people believe slavery to be wrong, perhaps but a small number, comparatively, believe that Congress possesses the power to abolish it. In other words, they confess that the moral law condemns it, but that the Constitution tolerates it. As an original proposition they think it should never have existed, but being in existence when the Government was framed, they think our forefathers may have adopted the wisest policy in regard to it, if its adoption had been followed by peace.

The sum total of our present position is that a great wrong, in a moral and social point of view, was admitted into the organic law, under a supposed necessity for union. Those opposed to slavery were willing to bear its evils in consideration of the blessings to be derived from a union of the States. If those evils had continued to be compensated by the blessings of peace, prosperity, and repose, which union would have given, the same reasons that influenced the framers of the Government originally might now be urged in its defense with some show of propriety.

But the friends of slavery in its name have destroyed our peace and given us war; they have taken away our prosperity and given us debt and taxes; they have broken our repose and given us the calamities of a civil strife; in fine, they have rudely severed the bond that bound them to the Union, and now defiantly mock the faith that once gave them protection.

Mr. President, all will admit that if slavery be responsible for our condition, there are but few circumstances of mitigation to be urged in its favor. With bloody hands and devilish visage it craves no mercy yet, but points to new fields of carnage and destruction. Its friends have been appalled at its wickedness. The predictions of its enemies have been verified as fully as were the prophecies of Elisha in regard to the future cruelties of the Persian minister.

Then we all admit that slavery is wrong, and that its friends have driven the country to unnecessary war. If they made war once, they may make it again. We cannot remove anti-slavery convictions. Therefore the restoration of slavery is a restoration of political strife. History will repeat itself. New wars will come. The innocent will suffer again. Shall we then leave slavery to fester again in the public vitals? Even its foolish fears have well-nigh ruined the nation. They have sent to untimely graves thousands of men, yea, hundreds of thousands. They have clothed the country in the weeds of mourning, and inflicted burdens under which far distant generations must toil and groan. If slavery has committed this great iniquity once, what guarantee can it give of future forbearance and peace? It has none to give; and if it had a thousand guarantees, it would not give one. The friends of slavery staked its existence upon the result of this rebellion. If rebellion fails, the most sanguine of those friends expect slavery to cease. They do not thank their old Democratic associates of the North for this clamor which demands "the Union as it was, the Constitution as it is." They would not have either. If so, why this rebellion? They had them both before it commenced. They might have had them to-day, but they cast them aside, making a constitution and a union for themselves, differing from the old only in that it builded on slavery. In support of their position they have staked their lives, and never have they asked for peace on any terms that do not involve a dissolution of the Union.

The following comment of the Richmond Whig on the recent speech of Mr. VOORHEES, of Indiana, in the other House of Congress, I know to be the sentiments of the secessionists without exception. I desire to read it for the benefit of my northern Democratic friends:

"Yet Mr. VOORHEES, representing those who claim to be the 'peace party' of the North, the old Democracy, the peculiar friends of the South, warns us, with a delightful simplicity, not to look forward to separation and independence. He commences by saying that a nation which once loses its liberty never regains it. He proves that the Yankees have lost their liberty, and then says that the next presidential election will put an end to war and death, and bring a constitutional union of the States. He says that the Constitution is overthrown; that justice is annihilated; that the guarantees of public liberty are disregarded; that the Government is ruined and bankrupt; its civil agents corrupt and wicked, and its military agents brutal and infamous. And he amiably invites the South to participate in these unequaled and unparalleled blessings. He beckons us on to this delightful entertainment, assuring us that in the coöperation of the conservative men of the North we have a basis of perfect security for our rights and institutions. It would really seem to be time that these 'conservative men' had abandoned all such puerile delusions, and admitted the indisputable fact that the South is fighting for independence of the Yankee Union, and that what they call our rights in the Union are precisely what we do not want. It is time they understood that we have waged three years of bitter warfare, that we have fought a hundred battles, given up our sons and our brothers to the slaughter, and submitted to the desolation of our homes, the devastation of our fields, and the bombardment of our cities, not by any means that the end of all should be a new alliance with the northern Democracy, a recurrence to the intrigues and corruptions of the old Union. It is time that they saw clearly that we wish neither a repetition of the humiliating partisan alliances and conflicts of the past nor a participation in the Yankee slavery of the present. We have got happily rid of the one, and we are determined never to submit to the other."

That is the sentiment to-day of every secessionist in the South. Whether we shall conquer them or not is another question; we shall not, I fear, unless we unite. If they intended this war in defense of sacred rights violated by us, and no other redress was available, they are justified by the teachings of human liberty in this work of revolution, and the Democracy are recreant to every principle of their faith so long as they refuse them recognition. If the Democracy vote money and men to continue this war against rebellion, they either admit the war on our part to be just, or themselves to be hypocrites and knaves. If the South be right, every blow we give is a blow against the right, and we are but burdening ourselves with debt to incur the contempt of posterity. If the South be wrong, the wrong springs as they say from slavery. They themselves give no other cause for their withdrawal. If slavery be not antagonistic to our institutions, why was it not safe under the Constitution? If not safe before the war it cannot be safe hereafter. If mere apprehension of attack was sufficient in times of profound peace and prosperity to drive its friends to war upon their Government, the now quickened prejudices against it will render them still more restless and uneasy in case the Union with slavery be restored. If the moral conflict proved to be unceasing before the war, it will be truly irresistible hereafter if slavery remains. Opposition to slavery will die when slavery itself dies. It will not die sooner, for, slavery being a wrong, the moral sentiments are in constant revolt against it. It is prejudicial to the public interests, and therefore considerations of public good condemn it. A majority of the people, whatever may be the fact, believe it is responsible for the sufferings of the present war, and the desire to punish it as the chief architect of ruin is natural enough. In all its relations, it heretofore conflicted with our ideas of justice. It now stands associated with barbarity and all uncharitableness. Therefore, humanity and reason and instinct tell us to reject it.

It is sometimes said the Republican party is dead, and the Democracy can restore peace to the country by bringing back the old *régime*. As an organization the Republican party may be dead, but the principle of anti-slavery is not dead. A deep conviction of the injustice and impolicy of slavery yet lives. That conviction is now stronger than ever. It has been made so by the many crimes recently committed in the name of the institution. In my honest judgment, Mr. President, slavery and rebellion, by the action of parties, by the course of events which none of us can now control, have become so closely and intimately allied that they must share the same fate. If the rebellion succeeds, slavery for many years may be a cherished institution in the South. If it fails, the rebels themselves will be found too honorable to ask its continuance. If my positions, then, be correct, the following propositions are true: first, slavery, being detrimental to public and private interests, anti-republican in its tendencies, and subversive of good government, should now be abolished; second, the Constitution as it now stands confers upon Congress no power to abolish it; and third, to attain the ends which are essential to the establishment and maintenance of peace, a change in the Constitution, the peaceful and effective mode of governmental reform wisely provided by our ancestors for throwing off such evils as now afflict us and for utilizing the experience of history as developed in national progress, should at once be made.

Our ancestors acknowledged the truth when they proclaimed the inalienable right of liberty unto all men. That declaration gave *them* liberty. It fired the world and enlisted the sympathies of civilization. So soon as they obtained it for themselves, however, the false counsels of expediency came to refuse it to others. When the test of practical government was to be applied, they were content to declare in the preamble of the Constitution one of its objects to be "to secure the blessings of liberty" to themselves and their posterity. In the body of the instrument the liberty of the African is not secured. His return to slavery is enjoined. In this contradiction is the element of strife. Truth and error cannot be reconciled. Right and wrong cannot dwell together in peace. This effort to reconcile antagonisms was vain. It first brought political convulsions; it then brought war. In the kingdom of nature, volcanic disturbances follow the union of fire and combustible material. From various causes the disturbances may be unfelt for many years, but eventually they return, and cease not till the material is consumed. This thing of slavery is a heresy. The fire of truth is upon it, and the moral world will be convulsed until it is consumed. The strong desire for peace may induce some new concession in its favor. This might smother the flames for a few years. Such peace would not be permanent. In process of time our cities would again be blasted by its upheavings; our fields again scorched by its burning lava.

Mr. President, the country may not yet be prepared for the announcement, but I am free to say but two alternatives in this matter present themselves to my mind. There are but two sides to the question. The one is Union without slavery; the other is the immediate and unconditional acknowledgment of the southern confederacy. To this end must it come at last. For the expression of this sentiment I shall be called a fanatic. I cannot help it; it is my opinion, and it is my duty to say it. If it be fanaticism, it is only that species of fanaticism that springs from conviction. It results not from any sudden abhorrence of slavery, for I have been in its midst all my life. It does not spring from hatred of slaveholders, for, whether in honor or shame, I am a slaveholder to-day.

It may be said that the expression of such sentiments tends to weaken the Union cause. Such is not my opinion. If men can be made disloyal by the overthrow of slavery let them take their position at once. If they intend to defend the institution in preference to the Union, let it be known. The alternative will come, and such men will yet carry reinforcements to the enemy before the war closes. The alternative cannot be avoided. We cannot save the institution if we would. We ought not if we could. Therefore let the elements of opposition at once combine so that the friends of the Union may determine upon the best course to secure peace. If those elements are too strong to be subdued except at the expense of our own liberties and the loss of every good for which the Government was established, the sooner we know the fact and act upon it the better. If northern men wish any longer to stand as sentinels and guards for this institution of slavery, and intend to oppose the Government unless it be protected, let us know it. If it become evident that the friends of slavery are strong enough in this country to resist all reasonable efforts to subdue them, I shall act upon it. I am not prepared to ruin the country in a vain effort to do what cannot be done. Shall this war go on forever? Is this common cry of "the last man and the last dollar" poetry, patriotism, or braggadocio? Should the war go on until the public debt equals the entire wealth of the country? Should the whole capital of the people be forced into Federal securities, and these securities made the basis of an irredeemable paper circulation? Should it go on until misery broods over the whole land; until the civil authorities shall become impotent, and all rights of person and property stand at the mercy of military power? Should it go on until the members of the Senate and House of Representatives shall owe their places here to the bayonet instead of the ballot-box; until they become as contemptible as the Rump Parliament that so long enacted the bidding of military usurpation to the overthrow of the English constitution, to be finally expelled from place by the power they had so basely served? Should it go on until corruption and fraud, the necessary concomitants of civil war, shall have crept into high places and put on the garb of patriotism; until officers become so numerous that official patronage may quarter one half of the people upon the other half, and give them the means of perpetuating their own power? Should it continue until, exhausted, the nation would welcome the coming of a Cromwell or a Bonaparte; until provost marshals with military police shall be stationed at every village in the northern States, displacing the civil authority, issuing orders for governing people heretofore supposed to be able to govern themselves, teaching how God shall be worshiped, prescribing new and strange offenses, and punishing them by courts-martial? Should it continue until financial ruin brings misery, and misery rushes into anarchy, when no hope but despotism is left?

Mr. President, a few years more of civil war, and the outlines of this picture will be seen. It cannot be otherwise. It is the necessary result of a long civil strife. Peace parties will spring up; the war party will denounce them as traitors; the publication of newspapers will be suppressed, and freedom of speech denied; mobs will retaliate; the blunders as well as the corruptions of the war party will tend to strengthen the convictions of the peace party; the period being one of violence each party appeals to violence, the one to hold the other to obtain power; the ballot-box becomes a mockery, a cheat; instead of proclaiming the voice of a free people it speaks the subdued language of base subserviency or the bold tones of military despotism.

Such is history. We are not exempt from the passions and frailties that wove this web of history for others. Party pride, blinded vanity, may think so. These have driven many nations from the enjoyment of liberty to the profoundest depths of tyranny. To prevent this state of things we are all interested; one party not more than another, for when it comes, all parties will suffer alike. When the Roman legions had subdued Carthage, the enemies of Hannibal, who in party blindness had compassed his defeat, shared the same fate with his friends. Party revenge may be satisfied when political enemies come to grief, but this is no compensation for a ruined country. When anarchy comes we are overwhelmed alike. The Girondist and the Jacobin followed each other in rapid succession to the guillotine. The Royalist and the Republican, the Presbyterian and the Leveler suffered alike when party divisions sacrificed the blessings of the revolution, and established a despotism for England more loathsome than Charles had ever proposed.

In this moment of danger let all parties abandon the prejudices of the past, and resolve to follow the dictates of right. Whatever establishes justice tends to restore the Union. Whatever perpetuates wrong will continue to disturb our peace. Let us unite to restore the Union, and if that be impracticable, let us abandon the war. The Democratic party in its better days was strong. It was irresistible, because the principles it professed were right. It advocated the largest liberty. It was a party of progress. If our Government should ever again be restored to be permanent, the principles that gave existence originally to that party cannot be disregarded—I mean the principles of Jefferson and Jackson, and not those accursed heresies brought into it by renegade Whigs, apostatized Know-Nothings, and southern slavery fanatics of the Yancey school. When they came into it they changed its whole character as thoroughly as the Goths and Vandals changed the face of southern Europe. It was they who brought feudalism into the party. Then it lost its language, and soon forgot the rituals of its ancient worship. During the administration of Mr. Buchanan it became too corrupt to live longer. Upon its dissolution, those favored leaders who had fattened upon public plunder during the last days of its success knew their conduct had so far disgraced the party as to prevent its early regeneration, and, like all selfish and unprincipled men, they determined to look after their own supposed interests without regard to the public good. If the Union were dissolved, and a new Government established after years of bloodshed, their deeds, deserving eternal infamy, would necessarily become hallowed by the success of the revolution. Without rebellion sustained by force of arms the acts of Floyd would have been without defenders. He who has violated the law has but to overthrow the law in order to avoid punishment. He that has become infamous has only to induce others to indorse the deeds that led to his infamy, and suddenly the stain is removed.

The tendency of our Government now is to centralize power, to destroy the powers of the States and make a nation supreme in all things. This may do in war, but if tried in peace it will bring war again. On this subject the Democratic party is right, and when it shall cease to be the advocate of African slavery its zeal in behalf of the liberty of the white man and the true principles of Government will be properly appreciated. So long as it comes to minister with unclean hands the people will not credit the sincerity of its devotions. Condemning four million blacks to eternal servitude, in which the alphabet, the Bible, and the wages of labor are denied them, the Democracy will be without favor and shorn of all power for good.

The plan now proposed to get rid of slavery should be without objection to that party. It surely is not unconstitutional to amend the Constitution. If adopted by the requisite number of States every good citizen must receive it as the law. The larger proportion of the Union men in the border States are for it. Those who are opposed to it will at once acquiesce because it is law. The Union men in the seceded States will be rejoiced, for it is only upon an anti-slavery platform that they hope for ascendency in the State governments. It will save the people of those States years of political excitement and party feuds that would end in emancipation at last. The freedom of the slave is "the logic of events," and no party can withstand its irresistible force. No party ought to be able to withstand it.

Mr. President, the party in power should remember the past. The responsibility of the present occasion is momentous. Will they be able to save the Union, and if so, will they save anything else that is desirable? These are plain questions, and they ought to be discussed in all candor. I have never doubted that the rebellion could be crushed if the proper course of policy were pursued. But I have always feared that when the southern leaders, who had so long domineered over the minority, left these Halls, the political pendulum would sweep too far to the other side. Every wrong had been previously committed in the defense of slavery. It was but reasonable that thereafter some wrongs might be committed in the name of anti-slavery. In the days of Louis XV the French people had been oppressed in the name of the Church. When oppression had been thrown off, they not only sought and worshiped the ashes of Voltaire, but mocked the emblems of the true religion.

I once before stated, and I now repeat the opinion, that if the people of the seceded States were all united as men are united when inspired by a just cause, when urged on by convictions of duty to self, to country, and to God, they could never be conquered. History furnishes no example of such a thing, and I saw no special reason why the general current of experience should be broken in this case. I thought, however, they could be conquered, because I did not believe they were united. The aid of the slaves might save them, but to secure that aid they must free them, and I did not think the leaders would adopt it. Many of the southern people thought that slavery was wrong and wanted it removed; many were indifferent as to the fate of slavery but had a passionate regard for the Union; while others attached to slavery loved the Union better than slavery, and would sacrifice it if demanded. No one of them brought complaint of wrong against the Government itself. The violent had armed themselves, and the peaceful had to submit. In the beginning it was only necessary for us to have armed the Union men, slaveholders and non-slaveholders. To do so, it was necessary to march armies into the seceded States. Instead of doing so, we have undertaken to surround the rebellion with a long and attenuated line of troops which an active foe has often cut and will as often cut again. The Union element, protected against violence, would have snatched their State organizations from rebel control and the Union would have been restored. The armies of the loyal States might have returned home and left the loyal men in the seceded States to crush slavery and treason together. This plan was not adopted. Whether it ever will be or not I cannot say. It would succeed even yet. For twelve months I once labored to get it adopted in Arkansas, and nearly ruined my political hopes in doing so. The success, however, of the movement will be my vindication.

Mr. President, we have expended two thousand millions of treasure; we daily expend three millions more. The daily destruction of property well-nigh equals the daily expenditure, thereby decreasing our means of payment in the same ratio in which the burdens of indebtedness are increased. The border States have been ravaged, desolated, and now their population is flying to the wilderness Territories of the West to escape the curses of what we call American civilization. They seek peace, in order that when all else has been lost the future rewards of labor may be preserved for the comfort and support of their families. To the holy purpose of restoring the Union we have given a million of lives, and a half million brave soldiers now stand ready to add their blood to the sanguine lake that knows no filling. Rebellion is confronting us yet. Is it weaker than it was? Public opinion says yes. Take the newspaper press of our country and add up for yourselves the reported desertions of rebel troops for the last two years, and it equals the original militia strength of the South. The same authority tells us that the rebel armies are in a state of starvation, and in the same column reports the destruction of commissary stores on the outskirts of rebeldom sufficient to subsist their armies for three months. We are told by the reports of chief engineers and major generals in command that forts have been leveled by our artillery, have become a mass of shapeless ruins and unavailable for defense. These forts, for six months thereafter, have held in security confederate garrisons, and they yet frown defiance at our iron-clad navies.

For three years the armies of the rebellion have defied our power. In April, 1861, the Executive and his advisers thought that seventy-five thousand men could suppress the outbreak in three months. In July, 1861, the Congress supposed

that five hundred thousand men would soon complete the work. With an army of many hundreds of thousands now in the field, the same authorities regard it necessary to add seven hundred thousand more to our present force.

Who is the man that thinks the rebellion weaker to-day than it was one, two, or three years ago? It is easy to say we think it weaker. Indeed, it may not be so strong; but our actions give no evidence that such is our opinion. If deceiving others be excusable, it is scarcely so to deceive ourselves.

In the mean time Congress keeps up the old theme, devising ways and means to cripple slavery. We act as though a presidential proclamation against slavery would end the rebellion. A diseased and morbid sentiment on the subject has spread abroad. We want something done, after which no doubt remains that slavery is dead. This restlessness leads us into many errors. Some of us measure the capacity of officers in the field, not so much by successful strategy against the enemy as by their activity in freeing slaves. In our eagerness to accomplish an end we lay a precedent which under change of circumstances may place our own rights at the mercy of military power. An illegal proclamation against slavery comes like a mantle of charity to cover a multitude of faults. It is as the waters of the Jordan, washing out the taint of leprosy. He who is known to be anti-slavery may drive ten thousand men to unavailing slaughter. The country laments the dead, but honors the hero. Why not? Cæsar lost Dyrachium; Hannibal lost Zama; Napoleon lost Leipsic and Waterloo. The country may bleed, but the heart of our hero is right. He that is thought to be doubtful upon this all-absorbing question is under constant suspicion. Ten nor twenty successful battles can save him. The tale of an idiot against him is believed. We suspect his patriotism, and

> "Trifles light as air,
> Are, to the jealous, confirmations strong
> As proofs of holy writ."

When pro-slavery men had power they urged in defense of slaveholding that the negro could not take care of himself; that he needed a guardian to direct his steps. This argument was made in face of the fact that for two hundred years the negro had not only supported himself but his master's family. Anti-slavery men then insisted that the shackles of slavery being removed the negro would secure his own competency. Nothing was asked but his freedom, that he might become the artificer of his own fortune. That freedom is now given to thousands at a period when the mere ability to labor is riches. He who will labor now seldom needs the help of charity. But many of our anti-slavery friends have forgotten the good sense of the past, and demand that a depleted Treasury shall furnish rations to the "poor contrabands." General Banks adopted a system of labor by which the freedom of the negro might be recognized, his wants supplied by his reasonable labor and the Treasury saved from a burden which would soon drive Mr. Chase to the desperation of M. Necker in the management of French finances. Suddenly General Banks is charged with apostasy to the cause of freedom. If he had fed the negroes from the public commissariat he had not lost his reputation. The laudable exertions of General Steele recently made to revive Union sentiment in Arkansas met with the charge of disloyalty until the result of his conduct placed its wisdom beyond dispute. Party spirit is relentless. It has always been so. It cannot now be exacting except at the expense of the country. Let this amendment be adopted, and thereafter let the negro be treated as a freeman. I insist that the poor white man may be treated with the same consideration.

When the amendment has been adopted this doctrine of State suicide and territorial reorganization may be safely abandoned. The motive for such legislation is to be found in the great desire to which I have alluded—to get rid of slavery. This determination to abolish slavery in some way constitutes the strongest reason for abolishing it legally and without violence to other rights. If it were a blessing I, for one, would be for defending it to the last. It is a curse, and not a blessing. Therefore let it go. Some anti-slavery men have been so much accustomed to rely upon territorial exclusion for the ultimate overthrow of slavery that they naturally resort to it now. The difficulty is to territorialize the States. That difficulty may be removed as the House of Commons in England once removed the House of Lords as a part of the Government—declare the thing done, and then act upon it. They say that the ordinances of secession are void, but invest them with sufficient validity to destroy the State. They claim that our Government is a Government of the people; that it is national, and not Federal, each individual being responsible for his own treason, and yet they hold the State in some way responsible for the acts of the conspirators. They call the rebels traitors, and hold the loyal men as public enemies because of the company they are forced to keep. The argument admits that slavery cannot be abolished by Congress in a State, but insists that it can be in a Territory. The trouble is over when the State is destroyed. Let us see the absurdity of this position.

New Jersey, I see, is putting herself in the way of the public good by confining corporate franchises to but few railroad companies within her limits. The Camden and Amboy road is a monopoly. Whether Congress, under the power to regulate commerce between the States, can charter new road companies in a State may be questioned, but the end may be easily accomplished in another way. If she obstinately persists in sin, let others build a road, and Congress will call it a military road. Once a military road, always a military road. If New Jersey complains, she may be territorialized. Why not? she is nothing but a disloyal State, anyhow. Who, then, will deny to Congress the power to charter a road over the public domain? Such things are now said.

Mr. TEN EYCK. I desire to say in one word that the declaration that New Jersey is "a disloyal State anyhow," is founded in error and not in truth.

Mr. HENDERSON. The gentleman will understand that I am only quoting; my language is not declaratory of the fact, but I am using it to point an argument.

Mr. TEN EYCK. It was hardly necessary for the purpose of the Senator's argument that he should either inferentially or in any other way slander the fair fame of a State which has acted during this rebellion as nobly as any other State in the Union, however much that other State may boast of its loyalty.

Mr. HENDERSON. I hope my friend will take back that word "slander," because really my intention was to declare that, in my opinion, New Jersey is a loyal State. He certainly does not understand what I am about. I believe New Jersey is a loyal State. I cannot believe otherwise when she sends the Senator who has just taken his seat here to represent her.

Mr. TEN EYCK. Of course I withdraw the observation that I made, on the disclaimer of the Senator, but I understood him distinctly to declare that New Jersey was a disloyal State.

Mr. HENDERSON. The Senator misapprehended me. Let us see more of this absurdity. Sir, when slavery has been put aside the West will take control of the Government. The cotton States once had it; the East now has it. When the time comes, why not pass such laws as will make our institutions and our labor systems harmonious? Repeal the tariff, and make war with England and France. There is no trouble in this, for we can certainly whip the world. Our newspaper press assures us it can be easily done. Our politicians tell us that it will act as a stimulant in putting down the rebellion. The sooner then we declare the war the better.

We have to assert the Monroe doctrine, too. Our character as a nation depends upon it. In 1823 Mr. Monroe said that the "American continents, by the free and independent position which they have assumed and maintained, are henceforth not to be considered subjects for future colonization by any European Power." A President of ours said this, and the American people must support their Presidents. To prevent France from stealing Texas, we stole it ourselves, and now France has a much better chance for stealing it than ever. Texas is willing to be stolen. We knew in 1846 that same foreign Power would invade Mexico from the previous mysterious movements of France in regard to Texas. To prevent European colonization we asserted the American prerogative, and colonized a large portion of Mexico ourselves. We took more territory, however, than we could colonize, and like a practical people we quarreled over the privilege of taking stolen men into what I was about to call a stolen wilderness, into which no sane man would have ever taken them, until we lost eleven States by secession, four of them being of the original thirteen. This reminds me that we are quarreling over reconstruction before the States are conquered. France finding this a favorable opportunity, comes again to attach sufficient real estate to satisfy a debt of $90,000,000. To this must be added the costs of suit. Mexico is, therefore, swallowed up, for it never was worth half the money. But money, we all know, never was a consideration with the American people; they always act from principle. We cannot allow our Mexican cousins to be sold out in this way. We must expel the French and reinstate Juarez or Santa Anna. While we are doing this we shall not lose exceeding eight or ten more of our present States, and that is a small matter when weighed against our duty to principle. Among these eight or ten States finding cause of complaint from a long and destructive war, we shall likely find New England. The war of 1812 drove her into the Hartford Convention. If two years of war following the embargo and non-intercourse acts were sufficient to shake her loyalty, ten years of this new war to be waged for glory alone will drive her back to Hartford. How easy, then, to territorialize these six little States, send up a military governor from Arkansas or Louisiana, and, so soon as the people may be safely trusted, readmit the Territory as two States under a proposition which will be most cheerfully prepared by the Senator from Kentucky, [Mr. DAVIS.] If Kentucky, however, preferring to have Louisville, Maysville, and Lexington treated as Paducah was recently treated, and her loyal men expelled rather than be defended by negroes, shall secede, the Senator from Delaware will scarcely fail to see the importance of such division.

But, Mr. President, in all seriousness I do protest against this indirect way of accomplishing an object which in itself may be good. Ever since I have been in the Senate we have acted upon the idea that the States are all in the Union. We have carried this to such an extent that we refuse to do business without the presence of thirty-six Senators, a majority of all if the Senate were full.

Again, I insist that if the seceded States be out of the Union, the very proposition we are now considering may be proposed by two thirds of a bare majority of the members elected to the two Houses of Congress, and may be ratified by eighteen States, which is barely a majority of the whole. Thus the Constitution would be amended without consulting a State in the Union to be affected by it or the citizen of any such State. If they are in the Union and the slavery question shall be settled by constitutional amendment, receiving the sanction of twenty-seven States, the question will be settled beyond all judicial cavil. The public mind will rest in the conviction that slavery is abolished. To abolish it in any other way must be attended with doubts of its legality. The Democratic party, numbering nearly half of the northern people, do not believe in the validity of the President's proclamation. The plan of territorializing the States would meet with no better fate. To consider the seceded States out of the Union and take the sanction of three fourths of the remainder will be attacked for unconstitutionality.

I am not prepared to say that the State governments in the seceded States have ceased to exist, for such is not the fact. It may not be correct to say they have ceased to be republican in form, simply because the State officers are not sworn to support the Constitution of the United States. That there are State governments, existing governments whose acts must have validity now and hereafter, admits of no doubt in my mind. If the Union should be restored, shall we declare all rights accrued during the rebellion in those States forfeited? Will the Federal courts reject the probate of a will because it was proved and recorded under a law enacted after secession and before restoration? Will the laws of descent enacted by Legislatures rejecting allegiance to the Union be disregarded and the rights of inheritance lost? But to make the case stronger, will not contracts made

under such legislation be upheld by our courts? Shall banking companies and railroad corporations lose their franchises and take nonsuits in cases involving their rights, simply because the acts of incorporation may have been passed by a Legislature assembled under the Richmond government? Will not all local legislation passed by the law-making powers of the respective States in rebellion be suffered to remain on their statute-books, and even be recognized by us, unless it should be found to contravene the Constitution of the United States? The same would be true, indeed, if the States had never seceded. However loyal they might be, their legislation in conflict with the Federal Constitution would be void.

In my view of the subject the act of secession is void. It is void only because it conflicts with the Constitution. Acts of a subsequent date are likewise void if subject to the same objection; if not unconstitutional they are valid. One unconstitutional act cannot destroy a government for local purposes. Every act, I admit, passed by the State with a view to promote the interests of the southern confederacy, to compel the citizen to give it aid and support, is certainly invalid. We should give it no countenance. But I am not prepared to say in such cases that rights of third persons already acquired in the enforcement of such legislation should be disregarded after the restoration of peace. So far as the legislative power of the State may have been exercised during the rebellion for local purposes within the bounds of its limited sovereignty the Federal courts will have no jurisdiction to interfere with it. Congress cannot repeal it, because no such power is given in the Constitution. Any executive interference with such legislation would be simply usurpation. It is idle, then, to declare the State dead, for it not only lives, but lives beyond our control. It is true that the Constitution directs that the officers of the State government shall be sworn to support that instrument. It may be urged that this provision was intended to add the obligations of an oath to the duties of the citizen, to insure official action in harmony with the Constitution; that the failure thus to be sworn should no more destroy the State government than the passage of an act of secession by a legislative body that had been sworn. In either case it would be but a violation of the Constitution. The latter of itself is much worse than the former, for in that case there is an act inflicting an injury; in the other case there might be a violation or disregard of the Constitution without injury. For instance, the legislative body, though not sworn, may pass no act in conflict with the supreme law. Their duty as citizens may be sufficient to constrain compliance with the law. Suppose the next administration of State officers in New York should neglect to take this oath, but proceed in the discharge of their duties, the Legislature enacting no law in conflict with the Constitution; would that constitute a reason for interference by the Federal authorities with legislation purely of a local character?

But it is argued that the United States shall guaranty to every State in this Union a republican form of government. That is true; but I hope this war may not be justified under this provision. The definition of this provision may be that the State government shall be one in which, in form at least, the power shall be lodged in the people; a government not monarchical nor aristocratic, but a democracy either pure or representative in character. If there are two governments in a State, Congress may recognize either as the true government. Both might be republican in form, and the interference would not be to change the one or the other, but could only arise under other provisions of the Constitution. If one were republican in form, and the other were not, the former should be recognized.

If the form of government in the seceded States were republican before secession, it is so yet. Their constitutions, I believe, are generally unchanged, even under the usurpation. If there be any change it is to be found in the ordinances of secession, which, being void, could work no valid change. It is true that the revolutionists, for the time being, have silenced the loyal sentiment, and transferred the allegiance of the seceded States to the rebel government at Richmond. Even that government, whatever may be its ultimate designs, is modeled after our own. The people elect their rulers in the same manner as prescribed in our Government.

When rebellion shall have been suppressed in the respective States, the constitutions and laws stand ready made for the loyal element to act. They can elect the members of Congress who will come to Washington instead of going to Richmond. The members of their General Assemblies will elect Senators who will come and take their seats in this Hall. The whole machinery of government will go on as before. The Federal Government will protect the loyal element, and punish the disturbers of the public peace by taking from them political power.

On the score of expediency I cannot but accept the wisdom of this policy. There is a natural pride of State which we all entertain, exhibitions of which we daily see in Congress and elsewhere. To retain the old State lines and the State governments as far as possible will naturally stimulate that pride. The opposite course would necessarily wound it. Again, the power of the Federal Government has been excluded from the seceded States for three years. During that time some sort of government was a necessity, and great changes have taken place in property rights. Many men who are now sincerely for the Union, if any doubts existed as to the stability of those rights, would hesitate long before taking action. To return to the Union would unsettle rather than confirm rights. It might produce anarchy where there is now some order at least. To accept the present condition of things, as far as can be done without jeopardizing future peace, to disturb as little as possible the status brought about even in the absence of Federal authority, will, in my judgment, smooth the road to restoration.

But I am at once answered that by this plan rebels may take part in the elections and vote the State out again. I answer, by no means, if Congress will do its duty. The question of citizenship of the United States is a question in the discretion of Congress. The power of naturalization is in our hands. If one is not a citizen, the terms of his citizenship may be prescribed by Congress. The rebels were citizens of the United States. The question is, can Congress, in the proper exercise of its powers, take away that citizenship; in other words, "denationalize" the subject? Whatever doubts may have formerly existed in regard to the right of "expatriation," jurists everywhere now concede the right with the consent of the sovereign. The American doctrine always conceded the right. If, then, by expatriation, the sovereign and the subject both consenting, the rights of citizenship may be relinquished, why with the same consent can he not be "denationalized?" In the one case he leaves the country, in the other he remains in it. In both cases he elects to withdraw his allegiance from the United States and transfers it to another power. That expressed wish on the part of the citizen, coupled with the consent of the sovereign, is sufficient, whether he remain in the country or leave it, and by similar reasoning it will not matter whether he elects to transfer his allegiance to a government *de jure* or *de facto*.

Many of the States, perhaps all of them, have on their statute-books laws which practically "denationalize" the citizen, so far as concerns his rights under those States. These are generally laws punishing felony, which the citizen voluntarily commits. Congress has passed similar laws. Our statute of treason disqualifies from holding office.

Now, it is a fact known to us all that at the outbreak of the rebellion the constitution of each seceded State required that the voter should not only be a citizen of the State, but also of the United States. If this provision has been changed by ordinances of secession, or by subsequent attempts to amend the constitution, it amounts to nothing, for such acts in aid of the rebellion, I have already said, are void. Then the State remains there. This thing we call the State I apprehend does not consist of voters alone. It may be viewed in a civil as well as a political sense. The women and children of Massachusetts are a part of the State, though they are not voters. Massachusetts may further restrict the elective franchise, attaching a property qualification, and those excluded would be a part of the State, entitled to representation in Congress, but without political influence.

Now, cannot Congress under these principles legally and constitutionally remove all difficulties in the way of reconstruction? A portion of the people of the South have thrown off their allegiance. They have elected to withdraw their rights as citizens under the United States. Why can we not consent to that forfeiture? They certainly will have no right to complain. It is their own choice. It will be observed that we have not yet given that consent. We have not undertaken to separate the traitor from the loyal man. The President from mere necessity has undertaken it, but he certainly has no power to "denationalize," and hence those conflicts at the polls between the citizens and the military. Those conflicts will go on until Congress shall separate the true citizens from the inhabitants, the mere denizens or denationalized traitors. He who has voluntarily taken up arms against the Federal Government, and persists in withholding his allegiance, asserting that it is legally transferred to another power, should not exercise the right of voting. He should be stripped of the privileges of citizenship under our Government. This is but just, and the rebel himself will so recognize it. He ought to be denationalized, and so remain until Congress shall see fit to enfranchise him, in other words to naturalize him. It is the supremest folly to assert the right to put down rebellion in a State, whatever be the numbers engaged in it, if we allow the traitors to usurp the civil government.

If these positions be correct, why cannot Congress apply the needed remedy? If we can consent to this forfeiture of citizenship on the part of the rebels, we can adopt the measures necessary to ascertain who they are. Then why not pass a registration law requiring all persons in the seceded States within a given period (the time may be different, as circumstances demand, in the respective States) to come forward and file with commissioners an oath of allegiance or loyalty to the United States? Those who do so, and who are voters under the State constitutions as they existed when secession took place, are the political power of the State. They who refuse may be "denationalized." They lose their citizenship at their own instance. They have asked to withdraw their allegiance. The Government consents. The State constitution under which they live requires that they shall be citizens of the United States before exercising the elective franchise. They therefore cease to be voters. The adoption of this simple rule would have saved all election trouble in Maryland, Missouri, and Kentucky. It will save much blood in the future. The satisfactory settlement of the coming presidential election may depend upon this action of Congress.

But at this point it will be objected that these rebel States in this manner will get back into the Union with full political power in Congress and in the selection of a President. It is already urged that this plan of reconstruction is anti-republican, that it enables the few in the State to control the many. Has not this always been the case in the States? New York has a population of near four millions. We say suffrage there is unrestricted. How many voters are there? A little over half a million. Missouri has a population of one million one hundred thousand. Its voting population has never exceeded one hundred and sixty-five thousand. Of the others some are citizens, some are not. New York may adopt a property qualification which will disfranchise half of her present voters. So may Massachusetts. So may Rhode Island. Can Congress object? Their doing so would not lessen their political power here Representation is not based on the voting population, not on political strength, but on the strength of the society, "on their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." What matters it to us if the voting strength be great or small? The numbers are there. We can tax those numbers. We can make them bear arms in defense of the country. They are an element of strength in every other respect except in the use of political power. In that they have been an element of weakness to us. This power being legally taken away, the State remains in its full vigor, retaining its political influence in the Federal Government, as Massachusetts would

retain hers after limiting the political power to one fourth of her present voting population.

But I have not time nor inclination to pursue this subject further. I have perhaps said enough. Let this amendment be adopted, and let slavery agitation, with all its errors and its consequent curses to the country, cease. That agitation has brought upon us untold miseries. It has given us a war which we cannot bear to have repeated. It may be that the money to be expended by us must equal the amount wrung from the sinews of the slave; it may be that the anguish and tears of this war must equal the anguish and tears of the African in his long captivity. If the measure of our iniquity was full, let us hope the measure of our retribution is also full. Let the iniquity be cast away. The cup of misery may be at once withdrawn. It can be no worse. I confess I see no probability of restoring the Union with the institution of slavery remaining. I wish the Union restored, but I confess also I do not desire the perpetuation of slavery. I will not be intimidated by the fears of negro equality. The negro may possess mental qualities entitling him to a position beyond our present belief. If so, I shall put no obstacle in the way of his elevation. There is nothing in me that despises merit or envies its rewards. Whether he shall be a citizen of any one of the States is a question for that State to determine. If New York or Massachusetts or Louisiana shall confer on him the elective franchise, it is a matter of policy with which I have nothing to do. The qualification of voters for members of Congress is a question under the exclusive control of the respective States. Whatever qualifications are prescribed by the States for electors of the lower branch of the State Legislatures, the same are constitutionally prescribed for electors of members of Congress. Senators are chosen by the State Legislatures, and the people of each State determine the qualifications of voters for both branches of the Legislature. The manner of choosing presidential electors is left to the Legislatures of the States. So in passing this amendment we do not confer upon the negro the right to vote. We give him no right except his freedom, and leave the rest to the States.

I will not be deterred from doing an act of simple justice from fear of the consequences. It is impossible that great evil should spring from such acts of justice. We may not be able now to solve the many problems that universal emancipation may present. No more can we solve the very difficult one presented by slavery in this war. The evils of amalgamation and consequent deterioration of race are often presented as insuperable objections to the proposed amendment. Such evils may be great, but unless it be certain that the freedom of the slave will increase these evils, no such objection can be well sustained; but if that fact were certain, it must yet be settled that these evils will be greater than those of this causeless and bloody rebellion. When the miscegen race shall bring civil war of three years duration upon the country, I for one shall be willing to prohibit amalgamation by law or constitutional amendment. Until then I shall disregard any such objections.

Hoping, Mr. President, that this measure may, in the providence of God, bring about the speedy reunion of a dissevered and bleeding country; that it may lay the foundations of a lasting peace, upon which national freedom may be built in national strength; and that it may prove to be the era in our history from which to date the beginning of a "more perfect Union"—a Union cemented in the affections of the people—I leave it with Congress and the States.

Mr. WILSON. It is nearly four o'clock, and I think it desirable to have an executive session to-night.

Mr. SUMNER. Before my colleague moves that the Senate go into executive session, I should like to say a word. It will be remembered by the Senate that I have made more than one proposition bearing on this subject, which are now on the table of the Senate. I had no purpose at first to take any part in the debate more than simply to move the amendments of which I have already given notice; but as the debate has gone on, its interest has increased, and I confess a desire to be heard upon it before it closes. I would rather not go on this afternoon, and, as I understand my colleague has business which he wishes to call up in executive session, I content myself with expressing my personal desire to go on to-morrow at one o'clock.

Mr. DOOLITTLE. Under ordinary circumstances I should not object to the honorable Senator having another day in which to take part in this discussion; but we all know that on the fruitful topic which has been discussed upon this joint resolution, it is very easy for a gentleman who has a speech that he desires to deliver to deliver it on some other occasion. The occasion will not be lost. I feel, for one, after all that has occurred in the Senate on this subject and the part taken by the friends of this measure—and in that I believe my honorable friend from Massachusetts joined—that it is wiser for us to close this matter to-night.

Mr. WILSON. I move that the Senate proceed to the consideration of executive business.

Mr. TRUMBULL. Before that motion is put, I wish to say that individually I should certainly be very glad to accommodate the Senator from Massachusetts personally, but I shall be governed by the vote of the Senate. In the position which I occupy, having pressed this matter on the Senate, I cannot myself vote to lay it over in this way from day to day. If, however, the Senate think proper to do so, I must acquiesce in it.

Mr. SUMNER. There is nothing to prevent a vote to-morrow, so far as I can see.

Mr. TRUMBULL. There is nothing so far as the Senator from Massachusetts knows. There was nothing to prevent a vote the day before yesterday so far as I knew. There was nothing yesterday to prevent our getting a vote that I knew of; but still, when the evening came, some one desired to speak. I was not aware the day before yesterday that the Senator from Massachusetts desired to speak, and it seems he did not then.

Mr. SUMNER. I did not.

Mr. TRUMBULL. Probably his speech may draw out others to-morrow; I do not know. I have no personal feeling about the matter. If the Senate think proper to suffer the resolution to go over, very well.

Mr. SAULSBURY. Will the Senator from Massachusetts, who makes this motion, allow me to offer a resolution which I shall desire to call up to-morrow morning? I do not wish to say a word on it now, but to offer it and give notice that I will call it up in the morning for consideration.

The PRESIDING OFFICER. It requires unanimous consent to receive a resolution now.

Mr. WILSON. I understand objection is made to taking up anything else until we settle the point of going into executive session, and then it will be easy enough for the Senator to offer his resolution.

The question being put on Mr. WILSON's motion, there were, on a division—ayes 16, noes 13; no quorum voting.

Mr. DOOLITTLE and Mr. FESSENDEN called for the yeas and nays; and they were ordered.

Mr. HOWARD. I hope we shall extend to the Senator from Massachusetts the usual courtesy of availing himself of this occasion to express his views on this most important measure. I confess I do not see any necessity for pressing this matter so warmly through the Senate. It will certainly pass, I have no doubt, and for one, I confess, I am anxious to hear all that can be said and all that gentlemen desire to say on this most important subject. I hope the utmost liberty of debate will therefore be granted. I know very well that the Senator from Massachusetts has had many important engagements on his hands during the last few days, and it is probable that, like many of the rest of us, he has not had time thus far sufficiently to prepare himself to address the Senate on this subject. I hope the Senate will extend him this courtesy.

Mr. SHERMAN. I should like simply to understand from the Senator from Massachusetts whether he is prepared to go on now.

Mr. SUMNER. I do not like to throw myself on the Senate; but I should not have made the suggestion if, upon the whole, I had felt that it would be convenient for me to go on to-night.

Mr. SHERMAN. I think that if the Senator desires to speak generally on the proposition, he will have an opportunity at some convenient time undoubtedly to speak on this or a kindred measure when he can discuss the general subject. It is very important, as the Senator from Maine properly said the other day, that certain bills now pending should be acted on. If we postpone this subject, it will come up again to-morrow, and perhaps not be concluded to-morrow. The Senator had the floor this morning, I think, at one o'clock.

Mr. SUMNER. I beg the Senator's pardon: the floor belonged to the Senator from Indiana.

Mr. DOOLITTLE. I feel for one that on our side of the Chamber, with those who favor this measure, there has been expressed on several occasions a strong disposition to bring the question to a close and to a vote, and I think that when those who favor the measure have so earnestly pressed it, as it has been pressed by this side of the Chamber, and pressed particularly on those who oppose the measure, with the expectation and determination of bringing it to a vote, those who favor the measure ought not to ask to have it further postponed for the purpose of speech-making. Yesterday I consented for one that it should then be postponed and not brought to a vote yesterday, because the Senator from Missouri, who introduced the original proposition which was referred to the committee, and which was reported upon by the committee, had been sick and confined to his room for several days, and therefore it was impossible for him to go on yesterday. But my honorable friend from Massachusetts, who is almost always ready to speak on these important occasions, can certainly express his views upon the great question of slavery on various other measures that are pending, and I do not feel that I am wanting in courtesy to him when I say that for one I feel as if we ought to come to a vote on this question to-night.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts [Mr. WILSON] that the Senate proceed to the consideration of executive business.

The question being taken by yeas and nays, resulted—yeas 28, nays 12; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Collamer, Conness, Cowan, Davis, Dixon, Foot, Hale, Harlan, Harris, Hendricks, Howard, Howe, Johnson, Morgan, Pomeroy, Powell, Ramsey, Riddle, Saulsbury, Sprague, Sumner, Van Winkle, Wade, Willey, and Wilson—28.

NAYS—Messrs. Clark, Doolittle, Foster, Grimes, Harding, Henderson, Lane of Indiana, Lane of Kansas, Nesmith, Sherman, Ten Eyck, and Trumbull—12.

So he motion was agreed to.

PRAYERS OF THE CHAPLAIN.

Mr. SAULSBURY. Before the doors are closed I wish to offer a resolution, and to give notice that I shall call it up to-morrow morning.

The PRESIDING OFFICER. The Chair will receive it, if there be no objection.

The Secretary proceeded to read the resolution, but before concluding it Mr. HOWARD rose.

The PRESIDING OFFICER. The reading will be suspended.

Mr. HOWARD. I rise to a question of order. I supposed we were in executive session.

The PRESIDING OFFICER. The resolution can only be received by unanimous consent while the doors are being closed.

Mr. FESSENDEN. Nobody objected.

The PRESIDING OFFICER. Nobody objected to it at the time it was offered; but it had not then been read for information. It should be first read for information, so that Senators may know what it is, and a Senator rises to object when he learns the character of the resolution.

Mr. GRIMES. Let us hear it all.

Mr. HOWARD. What is it? A resolution?

The PRESIDING OFFICER. A resolution which the Senator from Delaware proposes to submit.

Mr. WILSON, Mr. FESSENDEN, and others. Let it be read through.

Mr. HOWARD. Judging from certain passages in it, it strikes me to be a thing not fit to be received.

The PRESIDING OFFICER. Is there any objection to the reading of the resolution? The Chair hears no objection, and the resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Chaplain of the Senate be respectfully requested hereafter to pray to and supplicate Almighty God in our behalf, and not to lecture Him, inform Him what to do, or state to Him, under pretense of prayer, his (the said Chaplain's) opinion in reference to His duty as

the Almighty; and that the said Chaplain be further requested as aforesaid not, under the form of prayer, to lecture the Senate in relation to questions before the body.

The PRESIDING OFFICER. Is there any objection to the reception of the resolution?

Mr. HOWARD. I object.

The PRESIDING OFFICER. Objection being made, the resolution cannot now be received.

Mr. SAULSBURY. Then I give notice that I shall offer it to-morrow morning. A minister of the gospel should not make use of his office to——

["Order!"]

Mr. HOWARD. I object to the resolution; it is unworthy of the Senate.

The PRESIDING OFFICER. The whole matter is out of order at the present time. The resolution is not received.

EXECUTIVE SESSION.

The doors were closed; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 7, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

MESSENGER TO THE PRESIDENT.

Mr. WHALEY asked unanimous consent to introduce the following resolution:

Resolved, That the Committee of Ways and Means be requested to inquire into the propriety of increasing the pay of the President's messenger to $1,200 per annum, and that they report by bill or otherwise.

Mr. HOLMAN. I feel compelled to object.

POST OFFICE BUSINESS.

Mr. ALLEY. I ask the unanimous consent of the House to assign Friday of next week, after the morning hour, to the consideration of Post Office business from the Post Office Committee.

No objection being made, the request was granted.

Mr. ALLEY moved to reconsider the vote by which Friday of next week was set apart for the consideration of Post Office business, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

RAILROAD IN MICHIGAN.

Mr. ENGLISH, by unanimous consent, introduced a bill extending the time for the completion of the Bay de Noquet and Marquette railroad, and the Marquette and Ontonagon railroad of the State of Michigan; which was read a first and second time, and referred to the Committee on Public Lands.

Mr. ENGLISH moved to reconsider the vote last taken, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMISSIONED OFFICERS DISMISSED.

Mr. GARFIELD asked unanimous consent to introduce the following resolution:

Resolved, That the Secretary of War be requested to inform this House how many commissioned officers have been dismissed from the military service of the United States by authority of the President, without a trial by court-martial, since the beginning of the present war, and how many such dismissals have been revoked.

Mr. SCHENCK. I hope my colleague will modify his resolution so as to include the names.

Mr. GARFIELD. I will modify the amendment so that it will read, "the number, names, and rank," &c. I demand the previous question.

Mr. SPALDING. I move to amend by inserting the words "if not incompatible with the public interest."

Mr. GARFIELD. I will state that I was instructed by the Committee on Military Affairs to introduce this resolution. A bill recently passed this House, not yet become a law, taking away from the President of the United States the power of summary dismissal without trial by a court-martial, and as a communication has been sent to one branch of Congress from the Executive Department in regard to the bill, it seemed only just to the Military Committee that the facts in relation to this bill should be before the House. It is for that reason that the committee desires the passage of this resolution.

The SPEAKER. The question is upon the amendment of the gentleman from Ohio.

Mr. HOLMAN. The gentleman from Ohio made the motion, but the Chair did not entertain it until after the previous question was demanded.

The SPEAKER. The matter got somewhat tangled up, and the Chair was trying to straighten it out. The Chair thinks the amendment is in order.

The previous question was seconded, and the main question was ordered, being first upon Mr. SPALDING's amendment.

Mr. GARFIELD. I hope that will not be agreed to.

Mr. HOLMAN. I hope not.

Mr. SPALDING's amendment was rejected.

The resolution was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CORRECTION OF THE JOURNAL.

Mr. HARRINGTON. I rise to a question of privilege. On Monday last, a resolution in relation to Mexican affairs was reported by the gentleman from Maryland [Mr. DAVIS] from the Committee on Foreign Affairs. I voted in the affirmative upon that resolution, but my name is omitted from the Journal. If it be in order, I desire that my name may be recorded.

The SPEAKER. The gentleman's name will be recorded, as the House gave consent yesterday to any gentleman who was absent, even, to record his vote on that question.

RAILROAD TO NEW YORK.

Mr. BEAMAN called for the regular order of business.

The House resumed, as the regular order of business, the consideration of a bill (H. R. No. 307) to declare certain roads military roads and post roads, and to regulate commerce, upon which the gentleman from Vermont [Mr. WOODBRIDGE] was entitled to the floor.

Mr. WOODBRIDGE. Mr. Speaker, I hope I shall not detain the House a great while in submitting the observations which I deem it proper to make on the matter under consideration. There are but two inquiries involved. The first is, has Congress the constitutional power to declare the Delaware and Raritan railroad a lawful structure and public highway of the United States? And the second is, is it expedient to do so? I agree with the gentleman from Maine [Mr. SWEAT] that in considering this subject we should divest ourselves of all political and party prejudices. I do not know nor care what effect the passage or defeat of the bill may have upon the political condition of New Jersey. As an individual I deem its present condition as bad as it can be, and judging from the resolutions which have passed her political conventions, I fear that her day of grace is sinned away and her repentance scarcely to be hoped for.

I had not supposed, when this bill came before the House for consideration, that the question of the power of Congress would be seriously doubted. The decisions respecting similar questions have been collected in the able report of your committee, and they have been accurately stated.

The power of Congress, sir, rests under the provisions of the Constitution, enabling it to regulate commerce among the States, to establish post routes, and to provide for the military establishment of the Government. Under one or all of those enumerated powers I have come to the conclusion, after candid consideration, unbiased and unprejudiced, that it is not only within the power of Congress, but that it is the duty of Congress to so legislate that this protected, legalized monopoly called the Camden and Amboy Railroad Company, which, in my judgment, impairs the commercial intercourse between the States, imposes undue burdens upon the people, and cripples the Government in the performance of its duties, shall be destroyed.

But, sir, I shall devote a few moments to the consideration of the constitutional question, and simply because both of the gentlemen from New Jersey, [Messrs. ROGERS and PERRY,] the gentleman from Pennsylvania, [Mr. BROOMALL,] and the gentleman from Maine, [Mr. SWEAT,] who have opposed this measure, have based their opposition upon a denial of the right of Congress to pass this bill.

In addition, we have had a very singular document presented here from New Jersey, called a proclamation of her Governor, claiming that Congress has no power to pass this bill upon two grounds: first, that it will be injurious to the financial interests of New Jersey; and second, that Congress has not the power to interfere, because it would infringe upon the sovereignty of the State of New Jersey. In other words, the doctrine of that declaration is simply this: New Jersey has by her own enactments established the Camden and Amboy railroad a perfect and protected monopoly; and now, no matter what the circumstances may be, inasmuch as New Jersey is a sovereign State, and under that sovereignty had a right to establish this monopoly, Congress has no power to declare that another already existing line shall be a lawful structure, because by so doing it impairs the interest of New Jersey and tramples on her sovereign rights.

By the law of New Jersey the Camden and Amboy Railroad Company imposes, in effect, a tax of ten cents upon every person who passes over the road, and of fifteen cents per ton on freight. If the Legislature of New Jersey has the right to impose these burdens, it is clear that it has the right to increase them. It is not the amount of the tax, it is the principle involved. And if the ten and fifteen cent tax is legal, then the Legislature of New Jersey has a right to impose five dollars per passenger and five dollars per ton of merchandise, whereby the entire commercial intercourse between New York and Pennsylvania would be absolutely destroyed.

And yet we are told, in view of these facts, by the Governor of New Jersey and by gentlemen on this floor, that Congress, to which the Constitution gives the power to regulate commerce among the States, has no power to declare another existing line a lawful structure, whereby the commerce between these two States may be carried on.

Sir, I will for a moment look at this question in the light of decisions. The gentleman from New Jersey [Mr. ROGERS] says that this is not a case similar to the Wheeling bridge case; that there was a mere abatement of a nuisance, and that here is an existing line, and cannot be established as a lawful structure without infringing on the solemn rights of the State of New Jersey.

Now, what was the Wheeling bridge case? The State of Virginia had authorized the Wheeling and Belmont Bridge Company to build a bridge at Wheeling across the Ohio. The corporation had full power to build this bridge unless it were an infringement on free commercial intercourse between the States. The bridge was built. The State of Pennsylvania brought her complaint against this company, and it was sustained by the supreme court of Pennsylvania, and the bridge declared a nuisance. The case came before the Supreme Court of the United States, and the Supreme Court of the United States sustained the decision of the court in Pennsylvania. Pennsylvania came into court and said, what? "This bridge interferes with the navigation of the Ohio river. Inasmuch as it interferes with that navigation it works injury to the public interests of the State of Pennsylvania in her railroads, her public works, and canals which had been constructed between Philadelphia and Pittsburg." The Supreme Court of the United States, after a thorough examination, decided that the bridge did interfere with the navigation of the Ohio, which had been protected by Congress. And hence it affirmed the decision of the supreme court of Pennsylvania. In the mean time the bridge company came to Congress, and after a hearing Congress declared that this bridge across the Ohio at Wheeling was a lawful structure. The bridge company did not obey the decree of the Supreme Court. The State of Pennsylvania then complained through its attorney general, the present Secretary of War, praying for a writ of assistance to enable the decree to be executed. The judge who delivered the opinion in effect says that Congress having the exclusive power to regulate commerce among the several States, it is not for the court to decide whether in this instance it is properly executed or not. Congress by its act is clearly within its constitutional power; and inasmuch as Congress has declared the bridge to be a lawful structure, the motion for assistance is declined.

Now, sir, the gentleman from New Jersey says that that is no parallel to the case under consideration in point of principle. Let us see. The State of New Jersey says that the Camden and Amboy Railroad Company shall do all the carrying trade between Philadelphia and New York. Another line is in existence running between those two points which might do a portion of the commercial business. The Raritan and Delaware Bay Company comes here and asks Congress that its road may be declared a lawful structure whereby it will have the legal power and right to do this business. Congress having the power to regulate commerce between the States, has the power to say that this road is a legal structure, as it did in the case of the Wheeling bridge. That structure was opposed by the State of Pennsylvania on the ground simply and solely that by reason of its interference with the navigation of the Ohio it did absolutely and positively interfere with and prejudice the public works of the State of Pennsylvania.

The State of New Jersey comes here and says, "We have given this monopoly to the Camden and Amboy Railroad Company, and they pay us for the privilege which they have; therefore if Congress grants to this other road the power of doing this through commercial business, then it impairs or inflicts an injury upon the State of New Jersey, and tramples upon her sovereign rights." Are not the decisions exactly consonant and similar in principle? Can any lawyer upon his reputation as a lawyer say that the point involved in the Wheeling bridge case is not precisely and identically the point involved in this case? Can it be said that it is not within the power of Congress to regulate commerce between the States here as much as in the Wheeling bridge case it was within its power to regulate commerce by the establishment of that bridge? It is equally within its power to pass this bill.

The gentleman from Maine [Mr. SWEAT] takes another view of this case. He says, in the first place, there is no necessity for passing this bill, that there is no necessity for it because the Government has the power under existing laws to take possession of this road as a military necessity; and secondly, that it has the power of taking possession of this road as a post route. I agree with the gentleman from Maine that the Government has this power; but can the Government in good faith, in honesty and integrity of purpose, after the decision of the chancellor of the State of New Jersey, exercise that power? What would be the result? All the money paid to this road as compensation for doing the business, the chancellor of New Jersey decides, should be paid over to the Camden and Amboy railroad, the monopoly which we are told New Jersey is bound to protect. That is a power with a vengeance. It is a power which will enable the Government to take possession of my horse for its purpose and pay the money to my friend from Maine. The same is the case if the road be taken as a post route. By the law of New Jersey no through business, of whatever character, can be done by the Raritan road. The postal money, by the decision of the chancellor of New Jersey, must be put into the hands of this Camden and Amboy Railroad Company.

But the gentleman from New Jersey [Mr. ROGERS] rather declines to discuss the main question. I have no doubt he is a good lawyer; he has that reputation. He says that the only true ground upon which we can place this is the right to regulate commerce among the States. He says, if I understood him, and I listened to him with great attention, that the regulation of commerce does not apply to the regulation of railroads. Under the gentleman's definition, what is commerce? It is merely trade, purchase, barter, exchange of commodities. Is that the signification of the word commerce? It is true that commerce does mean traffic, but it also means something more. It means intercourse.

Now, sir, the gentleman will recollect that this point is discussed in 9 Wheaton. I will refer to it for a moment. It is the Ogden case. The Legislature of the State of New York had given to Fulton and Livingston exclusive right to navigate the waters of New York by steam. Their right was finally assigned to Ogden, the complainant.

What was the decision of the court? They say that the exclusive grant interfered with the commerce between the States, and that upon that ground it was unconstitutional. They must have put their decision upon the ground that a grant of an exclusive privilege, being a monopoly, is an interference with the free commereial intercourse between the States.

Mr. Justice Johnson, in discussing this case, declares that "the grant to Livingston and Fulton interferes with the freedom of intercourse among the States."

He also says "that commerce in its simplest significance means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange, become commodities, and enter into commerce."

Now, it does seem to me upon every principle of law, founded upon reason, independent of this decision, Congress has the legal right to pass this bill.

But, sir, when we come to the decisions of similar cases giving construction to the clause in the Constitution in relation to the regulation of Congress, we find that the courts have gone the whole length claimed by the friends of this measure, and it seems to me as a matter of law to be a settled question that Congress has a legal right to pass this bill.

Now, sir, there is another question here which has given me more difficulty—for I confess I have investigated this matter without prejudice—and that is as to the expediency of Congress applying this power to the case under consideration. If the Camden and Amboy railroad, in other words, if the present means of transportation between New York and Philadelphia are not sufficient to do the business of the Government, if by reason of any act of the State of New Jersey there is a restriction upon free commercial intercourse between the cities of New York and Philadelphia, then it is the duty of Congress to interfere.

Sir, what is a monopoly? Sir, it implies restriction. You cannot think of a monopoly without thinking of it as a restraining influence and restraining power, and an interference with other interests. That is a monopoly. It is an exclusive privilege, and an exclusive privilege rests upon the fact that no other person can enjoy the privilege which is secured to the monopoly. Now, sir, I contend that *per se*, that in and of itself, the mere existence of the monopoly of this Camden and Amboy railroad is an impediment to free commercial intercourse. Here is another road which desires to do the through business or a portion of it, but it cannot do it, and why? Because the law of New Jersey prevents. Is it, then, not a restriction? Is there not here an attempt to do that business which cannot be done by reason of, and by virtue of, this monopoly which exists? This monopoly existing, and other parties desiring to do the business which interferes with that monopoly, I would like to know how any other construction can be given to the matter than that it is in and of itself a restriction to the free commercial intercourse between the States.

But there is something more. I do not know whether what I hear is true, but I understand that gentlemen can get from New York to Philadelphia, by paying a local fare within the State of New Jersey and then another local fare to Philadelphia, for $2 20, while the through fare from New York to Philadelphia is three dollars. Is not this a restriction upon free intercourse? If the through fare is three dollars, and the local fares added together are only $2 20, then there are eighty cents which are taken from every passenger by reason of the power of this New Jersey monopoly to tax everybody who passes through the entire borders of the State.

Sir, how is it so far as the Government is concerned? I learn from the report of the committee that the Quartermaster General has written to a committee of this House saying that the facilities between the capital of the nation and its commercial emporium for transportation are inadequate. It also appears that Government had largely used the Raritan road for transportation previous to the decision of the chancellor, and would have used it still further but for that decision, and that it has been obliged to resort to transportation by water to accomplish its business.

Mr. BROOMALL. I desire to inquire of the gentleman whether the act of 1862 does not confer upon the Government all the power to use this road that the act in question contemplates?

Mr. WOODBRIDGE. Yes, sir. That act does confer upon the Government the power to use this road. But what does the State of New Jersey do? It says to this road, "Do this business if you dare, and carry the supplies for the Government if you will; transport munitions of war, and the soldiers of the Government, and take the Government money if you please, but we, by our chancellor, will see to it that you put that money into the hands of the Camden and Amboy Railroad Company, to enrich that monopoly." Congress has the power, and now I want Congress to exercise the right whereby New Jersey and its contemptible legislation shall not say that no portion of the business of Government shall be done over the Raritan route.

Mr. BROOMALL. Will the gentleman allow me to say a word?

Mr. WOODBRIDGE. I cannot yield further.

Mr. BROOMALL. I only want to say that that is not true.

Mr. WOODBRIDGE. I have a right to my construction of the law, and the gentleman from Pennsylvania [Mr. BROOMALL] has a right to his construction. The House must judge between us.

Now, sir, if the Government, by its own showing, admits that it has not facilities for doing the business which is imposed upon it by reason of this war, can it be said, the power of Congress being conceded, that it is not expedient to declare another existing route a lawful structure whereby the facilities may be measurably increased; a line, sir, which is ready and willing to do the business of the Government, and is only prevented therefrom by this unjustifiable legislation of the State of New Jersey? Sir, if the business of the Government alone cannot be done over one line of road, how much more shall it be said that the facilities now existing are not sufficient when we add the great commercial business of the country. Why, sir, there is New York upon the north, the great commercial and financial emporium of this nation. By her hundred railroad arteries she stimulates and develops the manufactures of New England. There is Philadelphia on the south, which, by the Pennsylvania Central railroad, penetrates and opens up the great Northwest. And there is Baltimore a little further south, which, by the Baltimore and Ohio railroad, penetrates and opens up the great Southwest. The markets of New York and the manufactures of New England must furnish the exchange for these vast productions of the West; and the State of New Jersey is so peculiarly situated, as is set forth in one of the reports of the Camden and Amboy Railroad Company, from which extracts were read by the gentleman from Ohio, [Mr. GARFIELD,] that she must furnish across her whole domain the means of transportation for those vast products. And, sir, when this war is ended, when the southern States shall have returned, as I trust in God they will, to their allegiance and integrity, then the whole Atlantic seaboard from Maine to the Gulf must seek this avenue for its entire means of intercommunication.

Why, sir, who that appreciates the present, who that sees the vast expense and the vast business relations of this country, who that sees the already existing commerce between the two great cities of this nation, Philadelphia and New York, and who that considers the necessary and certain development of the future, shall say that one paltry railroad through the State of New Jersey is sufficient to do the commercial business between these two great cities which branch off into the remotest limits of the nation? Sir, the idea is simply absurd.

It does seem to me, upon the proof, that the expediency of this bill cannot be questioned. Upon the proof of the wants of the Government, upon the present and prospective condition of the country, I think every gentleman will say, if he looks at the case through an honest heart and a clear head, that there is a necessity for increasing the facilities of transportation.

Sir, I do not like to descend to the *argumentum ad hominem*. Such arguments are generally addressed to the passions rather than the reason, and I will only say that in my judgment this Camden

and Amboy Railroad Company is as good as any other monopoly of the same magnitude and power which has received the sanction and protection of State legislation and State courts for so many years.

Why is it, sir, that we hear everywhere, on all the corners of all the streets, north and east and west and south, that this Camden and Amboy railroad is an unmitigated nuisance? Why is it that we hear that in general railroad arrangements this company never will come into the *pro rata* divisions, but holds itself aloof, separate and apart from the arrangements of the companies that connect with it at either end? Why is it, sir, that when you leave your home in Indiana for Washington you find your fare nearly double after reaching New York? Why is it that on the baggage which you brought free of extra charge from Indiana to New York you are compelled, when you come to the Jersey City ferry, to comply with the exorbitant demands of some baggage man, and pay extra charges? And why is it that you are told that you must haul your own trunk to the very door of the baggage car or else it will not be taken? I have seen a member of this House, after having paid for having his baggage brought to the ferry, and paid three dollars extra charge for it to Washington, told that he must drag his own trunks to the door of the baggage car or they would not be received. Why is it that when you enter the cars on the New Jersey road they are crowded? Why is it that in summer they are badly ventilated, and in winter scarcely warm? Why is it that when you enter a civil protest, you are at once met with the indignant frown of some conductor, or with an insolent reply from this hireling of aldermanic proportions? Why is it that wherever you go the people cannot tolerate this monopoly? Sir, I will tell you why it is. The monopoly has waxed fat. It has grown rich. It has risen above the people whom it was created to serve. It pours its money into the lap of New Jersey. New Jersey proclaims that this railroad is her king and shall rule forever. And yet for all these reasons, I would not apply the power of Congress to this matter did I not believe that the commercial interests of the different States require it. Did I believe that, in spite of this monopoly which is arrogant, aristocratic, and anti-republican, the business of the country could be carried on by means of a free and unrestricted intercourse, I would vote against this bill.

Mr. WASHBURNE, of Illinois. Will my friend from Vermont tell the House what State it is that now has a bill before its Legislature fining a man $500 or imprisoning him six months for enlisting a colored man to aid in putting down this rebellion?

Mr. WOODBRIDGE. I have understood, Mr. Speaker, that it is the State of New Jersey; and I understand that New Jersey has done another thing. I understand that since this bill was brought before Congress, which, by the statement of its Governor, is going to trample on its sovereign rights—those rights which are devoted and consecrated to freedom, which are now all used for the benefit of the freedom of this Government, and to carry out the generous and noble impulse of the men of the North, as indicated by the remarks of the gentleman from New Jersey—the Legislature of the State has introduced a bill to repeal and take away the charter of the Delaware and Raritan Railroad Company.

Mr. JOHNSON, of Pennsylvania. Will the gentleman from Vermont allow me to correct him as to a statement of fact? He says the Legislature of New Jersey has introduced a bill to repeal the charter of the Delaware and Raritan Railroad Company. It was only a member of the Legislature that introduced the bill.

Mr. WOODBRIDGE. Mr. Speaker, a man may generally be known by the company he keeps. It is true that the repealing bill was introduced by a member of the Legislature of the State of New Jersey, and I have no doubt, from what I hear, that that Legislature represents the interest of the Camden and Amboy railroad. Why is it, sir, that one man, independent enough in the Senate of New Jersey to break away from the trammels of this monopoly, is denounced by that dictatorial, domineering power? Why is it that we are told, in his speech, that which leads us to believe that this monopoly interferes with the primary elections in the State of New Jersey; that it designates who shall be legislators; that it approves or taboos the bills brought before the Legislature; that it nominates candidates to Congress, and elects them, too? Why do we hear this? It is, sir, because of this copartnership between the State of New Jersey and this Camden and Amboy Railroad Company. The railroad company makes New Jersey rich, and New Jersey says, "I will protect you to my latest breath, even to the sending of a respectful protest to Congress to intimidate them from trampling upon your rights and upon our sovereign soil."

Mr. ROGERS. I ask the gentleman to permit me to interrupt him.

Mr. WOODBRIDGE. Certainly.

Mr. ROGERS. Does the gentleman from Vermont undertake to say that the Camden and Amboy Railroad Company elect members of Congress from New Jersey?

Mr. WOODBRIDGE. I think that that is the belief.

Mr. ROGERS. I only want to say that there is not a word of truth in that declaration. If he is a gentleman he ought not to get up here and make a remark of that character. That assertion is false. The company has nothing to do with the election of members of Congress from New Jersey.

Mr. WOODBRIDGE. I have respect for the gentleman from New Jersey. He comes here under the broad seal of that State which he says is so sacred that we ought to respect it. He has come here, I have no doubt, to act as an honorable gentleman. I have no doubt he does so act. He is quite a young man yet, and I take his statement as true to the best of his information and belief. I have information which I consider equally good as that of the gentleman from New Jersey. It comes from a gentleman who states the facts to me that I have stated to the House: that the conventions which nominate members of Congress in New Jersey are attended by the representatives of the Camden and Amboy Company, and that they put their foot upon this man or raise up that man as he may best subserve the purposes of the monopoly. That I believe to be true.

Now, sir, I will not detain the House. I know that they do not wish to hear any more on the subject. I have discussed the legal point. I am satisfied in my own mind of the power of passing the pending bill. I am satisfied of its expediency on my integrity as a member of the House; and believing, as I do, that Congress has the power, and that the interests of the Government require its passage for free commercial intercourse between the great States of New York and Pennsylvania, I shall give it my support.

Mr. PENDLETON. Mr. Speaker, I know nothing of the facts connected with this bill except as they appear in the papers which have been laid upon our tables. I feel no interest in it except as a question involving the power of the Federal Government, and consequently the reserved powers of the States. I shall not, therefore, touch upon some of the questions which have been discussed at large by the gentlemen who have preceded me as to the action of the State of New Jersey in the present war, nor as to the wisdom of the action of her Legislature in regulating the railroad companies within her borders. I will not inquire whether private interests will be subserved by the passage or the defeat of the bill. I will not inquire into the motives of the parties outside of the House who originated and actively press the bill; nor yet will I seek to know whether it is, in fact, the State of New Jersey, as it appears to be, or the Camden and Amboy railroad, which uses the name of the State to protest so loudly against its passage.

Mr. BEAMAN. The morning hour will expire in a few minutes, and I ask the gentleman whether he would not prefer to make his speech on Saturday next?

Mr. PENDLETON. It is entirely immaterial to me. I will yield to the wish of the House. Does the gentleman propose to call up the special order when the morning hour has expired?

Mr. BEAMAN. I do.

The House then proceeded to the consideration of the special order, being matters relating to the District of Columbia.

PROVIDENCE HOSPITAL, DISTRICT COLUMBIA.

Mr. BEAMAN, from the Committee on the District of Columbia, reported back, with a recommendation that it do pass, an act (S. No. 79) to incorporate the Providence hospital of the city of Washington, District of Columbia.

The bill was read *in extenso*.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BEAMAN moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DEAF AND DUMB AND BLIND INSTITUTION.

Mr. DAVIS, of New York, from the Committee on the District of Columbia, reported back, with a recommendation that it do pass, an act (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

The bill was read *in extenso*.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. DAVIS, of New York, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

HOME FOR FRIENDLESS WOMEN, ETC.

Mr. DAVIS, of New York, from the Committee on the District of Columbia, also reported, with a recommendation that it do pass, an act to incorporate the Home for Friendless Women and Children.

The bill was read a first and second time by its title; was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIS, of New York, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NOTARIES PUBLIC IN DISTRICT OF COLUMBIA.

Mr. DUMONT, from the Committee on the District of Columbia, also reported back, with a recommendation that it do pass, an act (S. No. 82) concerning notaries public in the District of Columbia.

The bill was read *in extenso*.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. DUMONT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

STEAM FIRE-ENGINE.

Mr. DUMONT, from the Committee on the District of Columbia, also reported back, with an amendment, an act (S. No. 168) providing for the purchase of a steam fire-engine.

The bill, which was read, appropriates out of the Treasury the sum of $4,000 for the purchase of a steam fire-engine for the Columbia fire company, to be kept in efficient condition by such company or by the corporation of the city of Washington without further charge to the Government.

The amendment which was recommended by the committee provides that said engine shall be under the general direction and control of the municipal authorities of the city of Washington, and that nothing in the act shall be construed in any way to impair the authority of the city government of Washington over said Columbia fire company, or of Congress over the control of said engine.

The SPEAKER. Is there objection to considering this bill in the House at this time?

Mr. THAYER. I object to its being considered in the House at this time unless an opportunity be given to amend it. If it is before the House for action now I move to amend the bill by striking out the words "Columbia fire company," and inserting in lieu thereof the words "fire brigade established by Government."

I believe we all know that the Government, un-

der the supervision of the War Department, has established a fire brigade in this District, and which, I understand, is a very well organized and disciplined body. I think if the Government is to be called upon to appropriate $4,000 for the purchase of a new fire-engine, it would be better that that engine should be under the charge of the regular fire brigade.

Mr. DUMONT. I will take the responsibility of withdrawing the amendment proposed by the committee, and accept the amendment offered by the gentleman from Pennsylvania.

The SPEAKER. That can only be done by unanimous consent. Is there any objection? The Chair hears no objection.

Mr. STEELE, of New York. I do not know that I want to object, but I do not think this thing is precisely understood.

Mr. DAVIS, of New York. I desire to object to the withdrawal of the amendment reported by the committee.

The SPEAKER. Both amendments will then be considered as pending, although to different parts of the bill.

Mr. STEELE, of New York. I was going to ask whether, as we shall have to go into the Committee of the Whole on the state of the Union today to consider the District of Columbia business, it would not be well enough to allow this bill to go there.

The SPEAKER. That motion is in order if the gentleman makes it.

Mr. STEELE, of New York. I would suggest to the chairman of the committee whether it would not be as well to allow this bill to be postponed until the House has disposed of the other bills.

Mr. DUMONT. Very well.

Mr. STEELE, of New York. I move, then, that the bill be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

CORPORATION OF WASHINGTON.

Mr. STEELE, of New York, from the Committee for the District of Columbia, reported back Senate bill No. 126, to amend the act to incorporate the inhabitants of the city of Washington, passed May 15, 1820, with amendments.

The amendments were severally read, and adopted.

The bill, as amended, was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. STEELE, of New York, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

UNION GAS-LIGHT COMPANY.

Mr. TRACY, from the Committee for the District of Columbia, reported back Senate bill No. 155, to incorporate the Union Gas-Light Company of the District of Columbia, with are commendation that it do pass.

Mr. PRUYN. Is it in order to move to recommit that bill?

The SPEAKER. The motion is in order, but the gentleman from Pennsylvania reporting the bill is entitled to the floor to move the previous question on the bill if he desires so to move.

Mr. TRACY. I move the previous question.

Mr. PRUYN. I should like to explain my reasons for wishing to have the bill recommitted.

Mr. TRACY. I will withdraw the motion for that purpose.

Mr. PRUYN. I observe there is a clause in this bill which requires this company to furnish gas of a superior quality to that manufactured by the old company at a reduced price. Now, I take it for granted that the principal object in incorporating this new company is to carry out that intention; and if it be so intended it strikes me that the clause is very carelessly and loosely drawn to accomplish that object.

Mr. TRACY. I will state that the purpose named by the gentleman from New York is the object of the bill.

Mr. PRUYN. I so understand, and for that reason I desire that the bill may be recommitted and so amended as to carry out that object. I take it that the present company has sufficient capital and sufficient facilities to supply the people of Washington with gas—and Congress too, a gentleman in my rear suggests. [Laughter.] I did not know that Congress came into competition with this gas company in that respect. Now, it seems to me that the provisions of this bill are not drawn with sufficient care to carry out that object. I think it should therefore be committed to the Committee for the District of Columbia, and its provisions more carefully considered and drawn.

Mr. TRACY. I do not understand in what particular the bill is loosely drawn. The committee supposed the bill as it was drawn was ample for the accomplishment of the purpose the gentleman suggests.

Mr. PRUYN. I can only say that from hearing the bill read at the desk it occurred to me that it was very indefinite in its character. It provides no tribunal by which the quality of this gas is to be determined. There is no method provided by which this forfeiture is to be made applicable. That is all. I know nothing about the old company or the new company.

Mr. TRACY. I suggest to the gentleman from New York that he could not have listened attentively to the reading of the bill. It provides most distinctly that the Secretary of the Interior shall be satisfied of these facts before they shall be allowed to connect with the mains of the Government.

Mr. PRUYN. I ask the Clerk to read again the tenth and eleventh sections of the bill.

The Clerk read, as follows:

SEC. 10. *And be it further enacted*, That the said company is hereby incorporated upon the express conditions that it shall furnish gas to all consumers thereof containing fifty per cent. more illuminating power than that which is now furnished by the Washington Gas-Light Company, and at a cost not exceeding $2 50 per thousand cubic feet; and a failure to comply with these conditions shall operate as a forfeiture of this charter.

SEC. 11. *And be it further enacted*, That the said company shall not be authorized to sell gas until it shall have produced to the mayor of the city of Washington and to the Secretary of the Interior satisfactory evidence that it has secured or laid down, in a proper and workmanlike manner, in the avenues and streets of the said city, gas mains of an average diameter of at least six inches and a total length of not less than twenty-five miles; nor shall the said company connect its gas mains with the pipes supplying the Capitol and other public buildings belonging to the United States until it shall have produced to the Secretary of the Interior satisfactory evidence that it has erected and in operation good and substantial works and holders capable of manufacturing and storing a quantity of gas, of the quality aforesaid, sufficient to supply the consumption at all times required in the Capitol and public buildings aforesaid. And unless the said company shall have complied with the requirements and conditions in this section prescribed within two years from the passage of this act, the said act shall be null and void: *Provided, however*, That said company shall have the privilege, at any time, of supplying with their gas and lighting therewith any street a distance not exceeding one mile.

Mr. PRUYN. I submit that that does not touch the question at all.

Mr. TRACY. I submit to my friend from New York that it does cover every point. The conditions are prescribed in the tenth section that the gas shall be fifty per cent. at least superior in quality, upon the failure of which the charter itself is to be forfeited. Then in section eleven the company is required to furnish evidence that is entirely satisfactory to the Secretary of the Interior. I submit to my friend from New York that it does cover the entire ground.

Mr. PRUYN. The statement of the gentleman only shows how the committee have been misled in regard to this matter. I do not mean purposely misled, of course; but they have overlooked the connection between the language used in the latter portion of the eleventh section and that in the preceding part of the section.

The first part of the section is that they may go on and lay down these pipes for twenty-five miles, but shall not connect them with the pipes leading to the public buildings until the Secretary of the Interior shall be satisfied, &c.; but the satisfaction of the Secretary of the Interior has nothing to do with the supply of gas to the citizens along these lines of pipes. It does not apply to that at all.

Mr. TRACY. They are not permitted at all to connect with the public buildings until the Secretary of the Interior has been satisfied that they have complied with the terms of their charter.

Mr. PRUYN. Certainly.

Mr. TRACY. And one of those conditions is that the gas to be made shall be at least fifty per cent. better than that now made here. Unless they comply with that condition they cannot have this privilege.

Mr. PRUYN. But the company may go on and lay down twenty-five miles of pipe and supply the inhabitants with gas without complying at all with these conditions. It is true that they must comply with them before they apply for permission to connect with the pipes leading to the public buildings, but suppose they do not apply? They may supply the citizens of the city without any such necessity. My only object is that the bill shall carry out the object expressed. If the company expect to carry it out in good faith, as I suppose they do, it seems to me that some changes should be made in the phraseology of the bill.

Mr. TRACY. I must say that in my judgment, if the gentleman from New York will examine the bill, he will find that as it now stands this company could not furnish or sell gas to the inhabitants along the lines of these twenty-five miles of pipes.

Mr. STEVENS. I will suggest to the gentleman who has charge of this bill that it had better be recommitted and examined into carefully. There does seem to be some doubt about its construction.

Mr. TRACY. It seems to me to be perfectly clear. I do not understand how words could make it more intelligible.

Mr. STEVENS. But it does not seem so to others.

Mr. PATTERSON. I confess I am not able to see the pertinency of the objections of the gentleman from New York to this bill.

This bill has been for some time before the Committee for the District of Columbia, and it provides that this gas cannot be used until it has been tested and approved by the Secretary of the Interior and the mayor of Washington.

I will say furthermore that this gas has already been tested by such men as Professor Silliman, of New Haven, and has met with his approbation. It has also been tested by the chief engineer at Brooklyn, New York, and has met with his approbation. It seems to me, I say, that under these circumstances there is no pertinency in the objection of the gentleman from New York.

Mr. TRACY. I will say in addition that this bill was reported unanimously by the Committee for the District of Columbia. They believe that it is already guarded as amply as it is in their power to guard it, and it will be useless, therefore, to recommit the bill.

Mr. DAVIS, of New York. The gentleman, I take it for granted, means to be correct in the statement he makes that the Committee for the District of Columbia reported this bill unanimously. I can say in reference to one member of that committee that I was not present when the bill was authorized to be reported, but there were certain provisions contained in another bill which the committee had before them which I thought were to be incorporated in this bill; and among them one which covered the point suggested by the gentleman from New York, [Mr. PRUYN.] That provision designated the superintendent of the coast survey and the secretary of the Smithsonian Institution to test and determine the quality of this gas. I supposed that was provided for in the Senate bill, but it seems it is not. Another provision which I supposed was in the bill was that nothing but money should be received in the payment of any subscription of the capital stock, and which I thought was a proper, wise, and safe provision. I understood that that provision was in the bill. I certainly thought it was assented to by the committee.

Mr. TRACY. I can hardly see how my friend from New York has been led into this error. The provision leaving this question to the president of the Smithsonian Institution and the other gentleman he has named was never in the bill. It was proposed, I believe, by the gentleman from New York, but it was never inserted in the bill. I understood that the committee supposed that a better tribunal was the Secretary of the Interior; and that if the Secretary of the Interior wanted the aid of the scientific skill of these gentlemen he would call them to his aid. But I do not understand that that provision was ever put in the bill, or that it was the intention of the committee to put it there. I had supposed, up to this time, that the gentleman from New York gave his entire accord to this bill.

Mr. DAVIS, of New York. Let me say one

word in explanation. I admit the entire truthfulness of the statement of the gentleman from Pennsylvania. I stated that I was not present in the committee-room when the vote was taken on this bill, but I understood this morning that this bill contained certain provisions which the committee had incorporated in an independent bill which had been discussed before them, and one of those provisions was that the quality of this gas should be determined by the two gentlemen I have named.

Mr. TRACY. I would say to the gentleman that that provision was not even in the independent bill to which he refers.

Mr. DAVIS, of New York. I supposed it was, and I think it was so understood by the committee.

Mr. MORRIS, of Ohio. I have no doubt that the language of the eleventh section of the bill admits of the construction given to it by the gentleman from New York on my left, [Mr. PRUYN.] But if we limit or put a restriction upon this new company that they shall lay down twenty-five miles of mains before they shall be allowed to charge for their gas, it seems to me that we might leave it to the gas-consumers to decide whether they will purchase that gas or not. That is a sufficient restriction upon the new company, and a sufficient guard to the old company. We then provide, for the protection of the public interests, that before this company connect their mains with the pipes in the Capitol and other public buildings, the gas shall be of the quality specified in the tenth section. Certainly the citizens can protect their own interests, and judge whether they will purchase this gas or not. But it is for us to say, as guardians of the public interests, that we will not purchase this gas until it has been tested and proved to be of the quality that they claim it to be.

Mr. JOHNSON, of Pennsylvania. The gentleman speaks of connecting the mains of this new company with the pipes which now supply the Capitol and other public buildings. I would like to inquire of him whether there is not danger that this gas will not mix properly with the gas now supplied? It will be a sort of miscegenation.

Mr. MORRIS, of Ohio. I am not much acquainted with this gas question. It is a gassy subject at best. The pipes leading to the public buildings are the property of the Government, and they can be disconnected from the mains belonging to the present gas company and connected with those of the new company whenever the Government sees proper. It seems to me that requiring this new company to lay down twenty-five miles of mains before they charge anything for their gas is imposing a sufficient burden upon the company, and that the consumers may determine the question for themselves whether the gas furnished by the new company has fifty per cent. more illuminating power than the gas now furnished. I think the bill as reported by the committee is correct.

Mr. DUMONT. If this bill can by unanimous consent be amended by three words, it would remove the objection of the gentleman from New York, [Mr. PRUYN.] It is to insert after the words "United States," in the eleventh section, the words "or sell gas."

Mr. PRUYN. I do not care much about it, but I thought I would call attention to it.

Mr. DUMONT. I move the amendment which I have suggested; so that the section will read:

SEC. 11. *And be it further enacted*, That the said company shall not be authorized to sell gas until it shall have produced to the mayor of the city of Washington and to the Secretary of the Interior satisfactory evidence that it has secured or laid down, in a proper and workmanlike manner, in the avenues and streets of the said city, gas mains of an average diameter of at least six inches and a total length of not less than twenty-five miles; nor shall the said company connect its gas mains with the pipes supplying the Capitol and other public buildings belonging to the United States, or sell gas, until it shall have produced to the Secretary of the Interior satisfactory evidence that it has erected and in operation good and substantial works and holders capable of manufacturing and storing a quantity of gas, of the quality aforesaid, sufficient to supply the consumption at all times required in the Capitol and public buildings aforesaid.

The amendment was agreed to.

Mr. TRACY. Inasmuch as we have amended the bill, I move to amend further by striking out the word "of" and inserting the word "in," a mere verbal amendment.

The amendment was agreed to.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. TRACY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDECENCY TO A DEAD SOLDIER.

Mr. MORRIS, of Ohio, from the Committee for the District of Columbia, made a report on the resolution of inquiry adopted by the House, March 15, 1864, as to the neglect to bury a deceased soldier found in the canal, near the corner of Third street and Missouri avenue, on the morning of March 12, 1864, and asked that it be laid on the table and printed in the Globe.

It was so ordered.

The report is as follows:

Mr. MORRIS, of Ohio, from the Committee for the District of Columbia, submitted the following report as the result of the inquiry demanded by a resolution offered by Mr. HARRINGTON, and adopted by the House, March 15, A. D. 1864:

The resolution was as follows:

"Whereas on the morning of the 12th of March, 1864, the remains of a deceased veteran soldier, of a Pennsylvania regiment, were found in the canal in the city of Washington, District of Columbia, and were before eight o'clock a. m. of that day removed from the mud and water to the bank of the canal, and about one hundred feet from the corner of Third street and Missouri avenue, and in plain view of passers by; and whereas the face and breast of the corpse were covered with a dirty, ragged straw mat; and whereas a coroner's inquest was held on the body on the morning of the same day; and whereas the body of the deceased was left lying in that condition in the sun, unwatched and uncovered, and liable to mutilation, all of that day and until after night:

"*Resolved*, That the Committee for the District of Columbia are directed to inquire and report to this House who is responsible for this gross neglect and horrid indecency toward the remains of a deceased soldier."

The committee have endeavored to arrive at the facts in this case, and in order to do so have had examined, under oath, some six or seven witnesses, from whose testimony it would appear that on the morning of the 12th ultimo, about eight o'clock, the body of a deceased soldier was discovered in the canal near Third street. As soon as a police officer was notified of the fact a messenger was sent to Georgetown for the coroner, who in due time held an inquest and the jury returned a verdict of "death by accidental drowning;" the body in the mean time lying in the care of a policeman. On the person of the deceased soldier were found sixteen dollars and fifty cents in money, two combs, a pocket-knife, and a gold ring. On the ring was an inscription in these words: "Anthony Deaver, Co. C, 56th Penn. Vet. Vols." At about twelve o'clock, m., the inquest was concluded. The regiment to which the deceased belonged was at the "Soldiers' Rest" near the depot, and the foregoing facts were made known to its officers. The "officer of the day" for the regiment detailed a corporal and three privates to go and take charge of the body, which they did, promising to attend to it immediately, and also stating that they would take the body home with them. The jury donated their fees, amounting to six dollars, for the purpose of assisting in defraying the expenses of such removal, which was paid over to Corporal Henry W. Drake and his receipt taken therefor. The police officer then left the body in the care of his former comrades. About half past four o'clock officer Pendel, of the metropolitan police, found that the body had not been removed as had been promised him, and no one in charge of it. He immediately reported the fact to Captain Moore, corner of F and Twenty-First streets, who directed a clerk to take down his statements and give immediate attention to the case. At nine o'clock at night, however, the body was still in the same place where the inquest had been held. Officer Pierce being informed of the fact went immediately to the railroad depot and reported to Captain Camp who was in charge there. Captain Camp furnished officer Pierce with five men and a stretcher, and sent Captain Ripley, who was in command of the guard, to the Sanitary Commission Lodge to make arrangements for the reception of the body. Officer Pierce and the soldiers took the body to the dead-house of the lodge and left it in charge of one of the employés. The ring, combs, and knife, were delivered to Lieutenant Colonel George B. Osborne of the regiment to which the deceased belonged.

The committee is informed and believes that if information had been conveyed to Captain Moore at any time before five o'clock, the remains of the deceased would have been properly and decently interred in the cemetery at the Soldiers' Home; but at that hour all the ambulances had been sent to the hospitals. Early the next morning the body was so interred.

The committee propose no action in the premises, as the members of the police were misled by the promises of the comrades of the deceased that they would take care of the body and have it conveyed to Pennsylvania.

The coroner informs the committee that the lieutenant colonel of the regiment to which the deceased belonged was examined as a witness, and that said colonel agreed to see the body properly cared for; that he, the said coroner, told the colonel where a coffin could be procured at the expense of the Government. The coroner further says that in addition to notifying a police officer to inform the officers of the regiment of the death of said soldier, he also directed him to notify Captain Moore. The committee have no information that this was done prior to five o'clock.

The committee have no excuse to offer for Captain Moore for not having removed the body after being notified, except that given above, nor for the police in not notifying Captain Moore before five o'clock.

The fact that the body was left as above described, was a gross outrage upon public decency, but as there seems to have been a misunderstanding in the case, the committee ask to be discharged from the further consideration of the subject.

PENITENTIARY IN THE DISTRICT.

Mr. MORRIS, of Ohio, from the Committee for the District of Columbia, reported back a bill to provide for the erection of a penitentiary in the District of Columbia, with amendments.

Mr. PRUYN. I understand that that bill makes an appropriation, and must be considered in Committee of the Whole on the state of the Union.

The SPEAKER. It appropriates $250,000 for a penitentiary in the District.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (No. 198) to aid the Indian refugees to return to their homes in the Indian Territory; in which he was directed to ask the concurrence of the House.

Mr. MORRIS, of Ohio. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PIKE in the chair,) and proceeded to the consideration, as a special order, of the business of the District of Columbia.

STEAM FIRE-ENGINE.

The first bill in order was an act (S. No. 168) providing for the purchase of a steam fire-engine.

The bill appropriates $4,000 for the purchase of a steam fire-engine for the use of the Columbia fire company, to be purchased and kept in efficient condition by the company or by the corporation of the city of Washington without further charge to the Government.

The Committee for the District of Columbia reported the following amendment:

Add to the bill the following new section:

SEC. 2. *And be it further enacted*, That the said engine shall be under the general direction and control of the municipal authorities of the city of Washington, and nothing in this act contained shall be construed as in any way impairing the authority of the said Government over said Columbia fire company, or of Congress in the control of said engine.

The amendment was agreed to.

Mr. THAYER. I move to amend the first section by striking out the words "Columbia fire company" and inserting in lieu thereof the words "fire brigade established by the Government." Mr. Chairman, it is a matter of public notoriety that the Government has established a fire department here, which is ordinarily denominated the fire brigade. It seems to me to be an absurdity for us to be appropriating $4,000 for a volunteer association to buy a fire-engine, instead of increasing, if it be necessary to increase, the capacities of the organization established by the Government. Why should we vote $4,000 for a volunteer association which may be abandoned in six months?

Mr. MORRIS, of Ohio. Let me say to the gentleman from Pennsylvania that this Columbia fire company was chartered in 1810, that it is the first fire company ever organized here, that its buildings are partly owned by the Government, that they are located in the immediate neighborhood of this Capitol, and that it is the special province of the company to protect Government property, and particularly this Capitol. The members of this company have a fine library. The idea of giving a fire-engine to a brigade organized without authority of law, and which may be dismissed at any time, is absurd.

Mr. THAYER. Mr. Chairman, in regard to what has fallen from the gentleman from Ohio, I can only say that I know nothing of the history or antecedents of this voluntary association, the Columbia fire company, and I therefore know nothing to its prejudice. But, sir, it does seem to me that when we have here an organized body under the control of the Government for this express purpose, which is in actual service and successful operation, and when that organization is a Government creature, that if additional conveniences are wanted for putting out fires, every dictate of common sense requires that

we should enlarge the capacities of that Government organization, rather than expend the money of the United States upon a voluntary association for the same purpose.

The gentleman says, suppose this organization, created by the Government for a mere Government purpose, should be abandoned; if that should be the case, of course the property would revert; or rather, I should not say revert, for it never would have left the control of the United States. It would remain where it is now, if this appropriation should be made, the property of the United States. It is quite a different thing from donating the same amount for the benefit of a voluntary association, which may be abandoned at any time.

Mr. JOHNSON, of Pennsylvania. The gentleman will allow me to ask a question. The gentleman speaks of this fire brigade as a Government organization, and of the Columbia fire company as a voluntary organization. I desire to call his attention particularly to this point, and to ask him whether this fire brigade is not also a voluntary association.

Mr. THAYER. No, sir. As I understand, it is an organization formed under the auspices of the Secretary of War. At the breaking out of the war the facilities for putting out fires were so very few, and there had such a vast amount of Government property accumulated here, rendered insecure by the lack of these facilities, that the necessities of the case, and a proper consideration for Government property, required that the Secretary of War should provide increased facilities for putting out fires in this city.

Mr. JOHNSON, of Pennsylvania. Has there ever been any legislation of Congress in regard to that organization?

Mr. THAYER. I am not aware that there has been. I am perhaps not perfectly well acquainted with the history of this organization, perhaps not so well as my colleague, [Mr. KELLEY,] and who I see is on the floor, who I expected would give the House some information on this subject.

Mr. JOHNSON, of Pennsylvania. I recollect no legislation upon the subject during the last Congress, and I never heard of it before.

Mr. THAYER. I am not stating that there has been any legislation on the subject. I am not aware that there has been. But I do know the fact, and I presume everybody knows the fact, that such an organization has been created, and that it is under control of the officers of the Government, and I say that that being the case, it is better that we should spend this money in a way in which Government shall certainly derive the benefit of it, rather than that we should expend it upon a voluntary association which is not under the control of the Government.

Mr. MORRIS, of Ohio. I understand that this fire brigade is simply Hibernia Company No. 3, from Philadelphia.

Mr. RANDALL, of Pennsylvania. No. 1.

Mr. MORRIS, of Ohio. Exactly, No. 1; brought here by Secretary Cameron, and paid a very high price for protecting the property of the Government, bringing with them their own engine. Now, as a matter of course, as soon as the war is over, this company will return to Philadelphia, while this Columbia company is a permanent institution here, the Government now owning its engine, owning the building in which they keep it, and which, to all intents and purposes, is a Government company; while the other consists of mere volunteers for a particular exigency, and, between the two, is the company to be relied on for the protection of Government property. Is it not, then, better to supply an engine to this company, located in this capital, rather than to a company brought here from another city for a mere temporary purpose?

Mr. THAYER. I hope the gentleman from Ohio will wait until I have concluded what I have to say. I supposed that he rose to make an inquiry and not a speech. I have taken up more time than I expected on this comparatively unimportant subject.

Now, in regard to what has been stated by the gentleman from Ohio in reference to the Columbia fire company. That company is now in occupation of a building owned by the United States. I suppose he will scarcely expect us to believe that the ownership of the building will carry with it the ownership of the engine?

Mr. BEAMAN. Let the amendment be read; I think that it is misunderstood.

The amendment was again read.

Mr. THAYER. It is true, and I suppose that is the object of the gentleman from Michigan in having the amendment read, that this company is under the control of the District authorities. But that does not control the right of property transferred to this company in a steam-engine by the first section of the bill. On the contrary, it simply gives the District authorities a control as it controls all other fire companies which are subject to the local municipal regulations. So much for that. The first section of the bill gives the property to the company.

Now, in regard to what the gentleman from Ohio [Mr. MORRIS] stated in regard to the fire brigade, and about it consisting of steam-engines coming from Philadelphia, I suppose the gentleman can scarcely be unacquainted with the great celebrity of the fire system of Philadelphia, and the famous character which it has acquired throughout the country for efficiency, and will not therefore be prejudiced by the fact that the engines now used come from that city. I presume that no higher recommendation could be given to this organization under the authority of the Government, and no higher hope of its efficiency could be inspired in the minds of any one who knows anything in reference to the history of this fire brigade than to state that both the engines and the firemen come from the city of Philadelphia, a city in which fire companies have gained a reputation which I do not think is exceeded by that of that description of organization in any other city of the United States.

But I do not intend to take up the time of the House by prolonging the discussion on a matter of no great magnitude. It does seem to me, however, to involve a principle which ought to be adhered to, and that is, where we are called upon to appropriate money for any purpose the Government should employ the agents and means to execute that purpose. It is our duty to appropriate money in that way which will keep it under the control of the Government, so as to inure to its benefit and advantage rather than to leave the matter to a company which may have a fluctuating and uncertain existence.

Mr. WASHBURNE, of Illinois. Mr. Speaker, I have seen a great many curious bills brought into this House, especially from the Senate, but I have never seen any more singular than the one now pending. The gentleman who has just taken his seat seems to have addressed his remarks more particularly to the amendment than in opposition to the bill. I am opposed to the amendment as well as to the bill; and I desire the attention of the committee for one moment to the character of this proposition under which we are asked to appropriate $4,000 of our constituents' money to buy a fire-engine for the city of Washington.

It appropriates $4,000 "out of any money in the Treasury not otherwise appropriated" (I do not think there is any large amount in the Treasury not appropriated at the present time) for the purchase of a steam-engine for the use of the Columbia fire company of Washington city. The amendment proposes to strike out the words "Columbia fire company," and to insert in lieu thereof the words "fire brigade established by the Government," which is a sort of institution not clearly defined, so far as I have been able to learn in this debate.

Mr. THAYER. Allow me to say that I thought I had clearly defined it. It is an organization created by the Secretary of War out of the necessities of the Government and under the control of the War Department for the purpose of adding to the facilities for putting out fires in Washington.

Mr. WASHBURNE, of Illinois. That must rest upon a slight basis. It is an organization established by the will merely of the Secretary of War, and can be disbanded whenever he pleases.

Mr. THAYER. The property remains in the custody of the agent of the War Department. I do not want to be considered as the especial advocate of this measure. I simply stand here to say that it is better to appropriate to an organization under the control of the Government than to an irresponsible association.

Mr. WASHBURNE, of Illinois. I differ with my friend in regard to that. If an appropriation is to be made for this purpose I prefer that it should be made to one of the fire companies of the District, rather than to this fire brigade, such as I understand it to be. The bill further provides that the engine shall be purchased for and kept in efficient condition by the Columbia fire company or by the corporation of the city of Washington without further charge to the Government.

I now call the attention of the committee to the proposed amendment. It provides that such engine shall be under the general direction and control of the municipal authorities of the city of Washington, or, if the section is amended as proposed, the fire brigade established by the Government, and that nothing in the act shall be construed in any way to impair the authority of the city government over such fire company, or of Congress over such fire-engine.

The long and short of the whole matter is that we are called upon to vote $4,000 to a fire company in the city of Washington, and I say we have no more right to do that than we have to vote $4,000 for an engine company in the city of Galena, or in the town which has the honor to claim my distinguished friend from Pennsylvania [Mr. THAYER] as one of its citizens. We are asked, notwithstanding all we have done, notwithstanding all we are doing for the city of Washington, to appropriate $4,000 to one of its fire companies. There is no end to the greed of this city. We have paved their streets, we have lighted them, brought water into the city at an expense of $5,000,000; and yet this city of one hundred and fifty thousand inhabitants refuse to sprinkle the streets by the water Congress has brought to their doors, and if that is done at all, it will have to be done by Congress.

I am opposed to this whole thing. I say let the city raise their taxation, and take care of their fire companies and their streets, and make them decent and passable, and if they desire to make those companies a present of fire-engines let them do it themselves, and not call on Congress to compel the people of the United States to foot the bill. The ground upon which it is urged that this purchase of an engine should be made for this fire company is, that it is to protect the property of the Government. If the public buildings cannot be protected without such an appropriation as this, I say let the public buildings go. I am opposed to this whole bill, and all like bills.

Mr. PATTERSON. I am surprised to see so large an amount of eloquence expended upon so small a matter. It is said by the gentleman who last addressed the committee that there is no more reason why we should appropriate $4,000 to buy a steam-engine for a fire company in Washington than there is that we should spend $4,000 to buy an engine for a company in Galena. It ought to be remembered that the Government itself has something like $30,000,000 of property in this city to be protected from fire. In that fact we find reason why the Government should appropriate something for the protection of that property from the flames. We should remember also that there is about an equal amount of property in this city belonging to the citizens of Washington.

I wish to know why a fire-engine company, because it is efficient, should be brought from Philadelphia to protect the property of the citizens of Washington? There may be very efficient companies in Philadelphia and in New York and in Boston; but I find no reason in that why they should be brought here to protect the property of the citizens of this District, and to be paid more than the city pays its firemen in this city for protecting its property.

Mr. THAYER. I would inquire of the gentleman whether the want of efficient facilities here for properly protecting the property of the Government from conflagration would not, in his opinion, be a sufficient justification for bringing here an efficient fire company and their apparatus from New York, Philadelphia, or any other place.

Mr. PATTERSON. I say it is yet to be shown that there is a lack of efficiency in the fire department of this city. Letters were put into the hands of the committee from Professor Bache, and other gentlemen of this city, stating that the fire department here is one of the most efficient which they have ever known.

Mr. THAYER. If the gentleman will permit me, I would like to ask him whether he does not know that it was a matter of public notoriety at the time this fire brigade was created that the

facilities for putting out fires in Washington were entirely inadequate to the exigencies of the case.

Mr. PATTERSON. Even if that were so, sir, we find no reason in it why a company should be transported from Philadelphia here, and be thrown as a public burden upon the Government and paid out of the public Treasury. It would be far better to organize an efficient corps of firemen in this city; and, as I understand it, this fire brigade was organized without law, simply under the authority of the Secretary of War. Now I apprehend it would be better to organize a fire brigade, if you please, or a fire police, in the city of Washington under law, and have the property used by that fire brigade the property of the Government, as it will be if we appropriate this $4,000 for the purpose of securing a steam fire-engine.

The argument of the gentleman from Illinois [Mr. WASHBURNE] goes against all appropriations; and I have been struck in the short experience I have had in this House with this fact, that when a very small appropriation is called for some matter of the utmost importance, why then there is great opposition to it; but if a ship canal or a steamship, or something else that calls for millions comes before the House, it is rushed through here as a thing of the least importance; then our economy looks to the appropriation of those large amounts and we are called upon in the name of patriotism to make the appropriation; but when a man has an honest claim against the Government, or some small appropriation like this is called for, the economy of the House is always brought up here against its passage.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, I think that this appropriation is entirely unnecessary, and that in the present state of the finances of the country the House would not be justified in making it. I desire, however, to say a word respecting the merits of these companies. The gentleman asks why this Philadelphia company came here. They came here at the wish of the Secretary of War. They came here at a moment's notice. They came here preparad to do their duty from the beginning to the end, and the sequel has shown that they stand high in that respect.

I repeat that this appropriation is not necessary, and I think the bill ought not to pass. I am perfectly willing to establish, as far as we are able to do so, uniform and exact regulations as to the control of the fire department of Washington, but I am at the same time unwilling to send this company into the fire department of Washington with free foot to do as they please without rhyme or reason.

As to the appropriation of the money, I have nothing to say about that. If the majority of the House think that they can waste this amount of money, they are welcome to do it. The responsibility does not rest upon me, for I resist the needless expenditure of this amount of money.

Mr. KELLEY. Mr. Chairman, I am opposed to the bill now before the House granting this money to the fire brigade or to the company named; both to the original bill and to the amendment. I am not going to discuss the merits of the Philadelphia fire department, or of any other; but I want to recur briefly to the condition of things at the time at which that steam-engine was introduced into the city of Washington. The Government was aggregating here immense quantities of military stores. The fire department of the District—whatever may be said of the conduct of this particular company at the time this Capitol was burning—was certainly neither very complete in its apparatus nor very efficient in the performance of its duties; and more than that, there was great question as to what might, under certain circumstances, be the fidelity of the department. I had, shortly before that time, seen one of the volunteer companies of the District marched into the space in front of the War Department to be sworn into the service of the United States for the protection of this city, and had seen more than half of them refuse to take the oath. Out of a company of seventy-eight men, forty refused to take the oath; and it was not safe to leave the charge of the public stores to a volunteer fire department made up very much of the same materials that constituted those volunteer companies. It was important that an engine or engines more efficient than the little hand engines of the District should be at hand. The then Secretary of War procured a steam-engine and an efficient company, and stationed it, as I understand, where it is most convenient for the protection of Government stores, which were in frame buildings, easily inflammable, which had been constructed for the temporary shelter of those stores.

I do not think it belongs to Congress to organize a fire department for the city of Washington. I think that is a pretty important part of municipal duty. I know that we of Philadelphia have had as efficient a fire department as, perhaps, any other citizens, and one that for a series of years gave us as much trouble as any other organization in that or any other city. I know that a fire department, to be organized here, should be organized under municipal control, with adequate restraints, and therefore I am opposed to appropriating any money to any volunteer fire company. But, on the other hand, remembering, as I do, that the Government has here now from twenty to forty million dollars of stores, I think it should not be restricted to the one steam-engine that it has here, but that it would be judicious, as a temporary measure, to provide one or more additional ones. But that is a question for those who have charge of the Government stores.

The point that I want to impress on the House is that I do not think we ought to organize a volunteer fire department and give it a steam-engine. And I do not think that we ought to give to what is called the fire brigade here such a sum of money to expend—for it is a mere temporary arrangement—a body of men and an apparatus brought here to be used by the Government during what we hoped would be a brief exigency.

Mr. WASHBURNE, of Illinois. Mr. Chairman, I would not trouble the committee with any further remarks if it had not been for the lecture that my distinguished friend from New Hampshire [Mr. PATTERSON] has read me, all in good temper, and which I received in the same good spirit. It was not necessary for the gentleman from New Hampshire to tell me that any member of the House who runs athwart private interests and the projects of individuals is not particularly popular with parties interested, both out of this House and in this House. The gentleman from New Hampshire insinuated, rather than stated, that while I could be very eloquent over these small things I was very ready to vote for larger appropriations; and he spoke of ship canals and other measures. I believe I have not voted for any ship-canal project this session of Congress, and I presume I shall not vote for any for which the gentleman himself will not vote when the question comes up. And on the same principle I shall vote for that project as I have voted for other military measures connected with the defense of the country, and particularly on the Atlantic coast. I am willing to leave to the country my record in regard to all my votes on our appropriations. I wish there were more gentlemen to go with me in trying to stay some of these wasteful and extravagant appropriations, even some of the smallest, for it is these many small appropriations that make, in the aggregate, a large sum.

Mr. Chairman, let me go a little further. As the gentleman has seen fit to lecture me in regard to my course in resisting what I believe to be unnecessary appropriations, I wish to ask him how he has been found when these questions of appropriations have been before us? I remember some of the votes given by my honorable friend. When the naval appropriation bill was in Committee of the Whole on the state of the Union, I attempted to defeat the appropriation of $135,000 for the purchase of a piece of property at the Charlestown navy-yard. I opposed it first on the ground that it was unnecessary, and secondly on the ground that the sum named was enormous and extravagant, and in fact that it was reported to be a swindle, as it has turned out to be since. The people of Charlestown saw it to be a swindle and sent a committee here to expose it. The gentleman from New Hampshire would not go with me in my vain attempt to get the committee to strike it out, but he voted, if I rightly remember, to keep it in the bill. It was a little thing, only $135,000—a mere bagatelle, and I "grew eloquent over it," as the gentleman would say, and he refused to vote against the appropriation.

There was a bill before the House the other day which will result, I undertake to say, in taking $100,000 from the Treasury, to be paid into the hands of some patent-right man, and the gentleman [Mr. PATTERSON] was found voting for that. He went with the majority of the House, and the majority of the House is, of course, much wiser than I profess to be. I am willing to compare records with my friend from New Hampshire in regard to these votes. I have been, unfortunately, too long in Congress, and I know how these things are brought here. I know the arguments; I know the pressure; and I know how much easier it is to yield and let all these matters go through than to resist them. But I believe there is such a thing as duty to the country in these times, and no member of this House, who is rigid and persistent in his opposition to every dollar of appropriation which is not absolutely necessary, need have any fear of his record when submitted to the scrutiny of his constituents and the country.

But, sir, in these times, when Congress has appropriated tens of millions, hundreds of millions, yes, sir, thousands of millions, as we have since this rebellion broke out, I would appeal to all the members of this House as the guardians of the rights and the purses of the people, that we should guard still more vigilantly all the appropriations that are to come before us. That is the platform upon which I stand in all this matter of appropriations, both great and small, and therefore oppose this bill and all kindred bills.

Mr. ELDRIDGE. I ask the gentleman from Indiana, [Mr. DUMONT,] who is entitled to the floor, to allow me to ask the gentleman from Illinois a question.

Mr. DUMONT. I yield to the gentleman.

Mr. ELDRIDGE. I want to ask the gentleman if he has made his statement as a mere rhetorical flourish, or whether we have actually appropriated these thousands of millions of dollars? I have been aware that the appropriations made by this Congress were exceedingly large, but I did not know how much we had appropriated. It seems to me as if he had spoken the truth, but I should like to know from him whether it is really the fact.

Mr. WASHBURNE, of Illinois. It seems the gentleman did not ask the question for information, then.

Mr. DUMONT. Oh, Mr. Chairman, I cannot agree to allow a triangular fight of this kind to go on.

Mr. WASHBURNE, of Illinois. I merely desire to say this: the gentleman from Wisconsin has access to the records, and I have no doubt without referring to them knows how many appropriations he has voted for himself to carry on the war and put down the rebellion. He can perhaps now state to the House and the country how many appropriations he has sustained to put down Jeff. Davis's rebellion.

Mr. ELDRIDGE. I believe I have voted for them pretty much all, but can the gentleman tell me how much they amount to?

Mr. WASHBURNE, of Illinois. The gentleman, I presume, would like to know; for I am not aware that he has voted for a single appropriation or a single measure necessary for putting down this rebellion.

Mr. RICE, of Massachusetts. I trust that I shall be permitted a single word. Charlestown has not entered at all into the controversy, and I must protest against that portion of the remarks of the gentleman from Illinois which denounces the appropriation of $135,000 in the naval appropriation bill for the purchase of land to increase the usefulness of the Charlestown navy-yard as a swindle. I do not believe there are any facts in the possession of the gentleman from Illinois that will justify him in making the declaration here that it was a swindle.

Mr. DUMONT. I really must go on with what I was saying.

The CHAIRMAN. The gentleman from Indiana will proceed without interruption.

Mr. RICE, of Massachusetts. I hope the gentleman will allow me to conclude what I was saying.

Mr. DUMONT. Very well, go on.

Mr. RICE, of Massachusetts. I submit, sir, that there was not one particle of evidence submitted either to the Committee of Ways and Means or to the Committee on Naval Affairs, or to the House of Representatives, from the time that bill

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 9, 1864. NEW SERIES.....No. 93.

was framed until it passed the House—not one single fact submitted, or a particle of evidence of any description, that there was a fraud or swindle connected with that purchase. I am not aware of any information whatever that casts even a shadow of suspicion of there being any swindle connected with it. It may be merely a question of difference of judgment, that is all, and the gentleman is entitled to his opinion.

Mr. DUMONT. I must insist upon having the floor.

Mr. RICE, of Massachusetts. But he has no authority to denounce it as a swindle.

The CHAIRMAN. The gentleman from Massachusetts will come to order. [Cries of "Order!" and confusion.]

Mr. COX. I rise to a question of order. I do not see any connection between the Charlestown navy-yard and a fire-engine. [Laughter.] I see no relevancy between the two; and besides that I want these brethren on the other side of the House to dwell together in unity. [Great laughter.]

Mr. RICE, of Massachusetts. I believe I have the floor.

Mr. DUMONT. No, sir; I decline to yield the floor any further about that matter. I yield, however, to my colleague on the committee, [Mr. DAVIS.]

Mr. DAVIS, of New York. When this bill was first introduced I felt very indifferent as to its fate, but this discussion has convinced me that we need an efficient fire company here to extinguish the fire among members. I think my friend from Illinois, [Mr. WASHBURNE,] who has become utterly inflamed ought to be put out in some way or other. [Laughter.]

Mr. COX. Agreed.

Mr. DAVIS, of New York. Now, sir, it seems to me we are making a great discussion about a very small matter. The information which came before our committee was such as induced the conviction in my mind that this was an appropriation which ought to be made in the way which the bill provides for. Whether we have a fire brigade under the War Department or not I doubt whether this is the most efficient organization we can have in this city. I doubt, although it is said we have an organization called the "fire brigade," under the War Department, whether that is the most efficient organization which we can have in the city of Washington. We want the companies on the ground. We want prompt firemen who understand their business, whether they come from Philadelphia or elsewhere. I am in favor of having efficient firemen, and from the representations made to the Committee for the District of Columbia by Professor Bache and others, we can have no more efficient firemen than the members of this Columbia fire company. They are represented to be able and efficient firemen, as much so as those imported from Philadelphia some time ago. And inasmuch as my friend from Philadelphia [Mr. THAYER] has stated that those men came here two years ago, at a moment's notice, I take it that they must be anxious by this time to return to their homes. Therefore I presume there can be no objection on their part, especially as we can fill up their places by men from this city, who are citizens, and by long experience thoroughly acquainted with the extinguishment of fires.

Mr. DUMONT. I beg leave to say that I have no doubt my friend from Illinois is right in reference to some incidents referred to by him; but I hardly think he understands the exact nature of the pending proposition. In my judgment he has totally misunderstood the provisions of the bill. It makes no appropriation to any fire company whatever. He takes ground radically against the bill; he strikes at the root of the measure, and declares that it is an appropriation for a fire company. Now, Mr. Chairman, I do not so interpret the bill. I do not so understand the language of the bill. I do not so understand the character of this appropriation. I understand when the Government of the United States appropriates money for the purchase of a steam-engine, or anything else, the custody of that property must be committed to some human agent. It is in this case as it has been in all like cases. We propose to appropriate $4,000 for the purchase of a steam-engine, and for the purpose of affording greater facilities for the extinguishment of fires at this capital. Now, some one has to take charge of this property, and the question is who shall that custodian be? The gentleman from Pennsylvania, on my left, introduces an amendment that this steam-engine shall be committed to the custody of a Philadelphia fire company temporarily in this city. I have no doubt that company came to this city on a righteous errand. I have no doubt that they have done good service since they have been here. I have no doubt of the efficiency of that company, and that it is an excellent institution in this city. They were brought here because of the necessity of the times, and they will remain here only temporarily. They do not pretend to be a permanent institution of Washington. They are incorporated by no law of the land. They have been brought here to answer a temporary emergency, and that, too, under no legislation by this Congress. They may be here to-day and in Philadelphia to-morrow. They are evanescent and uncertain, they do not belong here, and we want men who are associated in a permanent organization in this city. Now, shall we appropriate $4,000 for the purchase of a steam-engine and give it into the custody of a body of men which is acting under no act of incorporation at all; a body of men skilled to be sure in extinguishing fires, but who may be here to-day and off to-morrow?

Mr. THAYER. I wish to correct the gentleman from Indiana. The "fire brigade" is a responsible association. The gentleman must have an imperfect knowledge of the subject, or he could not be led into such an error as to allege that it is not. It was organized by the Secretary of War, and is at this moment under the charge of General Rucker. Under General Rucker there is an engineer. There is no voluntary association of persons about it. They stand toward the Government in the relation of agents employed by the Government for a certain purpose.

Mr. DUMONT. There is as much perpetuity in the institution as in the existence of a butterfly. That is all you can say of it. The question is whether we shall submit the custody of this steam-engine, when it is purchased, to this temporary association of firemen, or to the Columbia fire company, which has been in existence here for so many years. The real estate now occupied by the Columbia fire company is owned in part by the Government and in part by the company itself. It is joint stock, so to speak, in reference to real estate. That is one substantial reason.

But there is another reason, and that is, that the location of this fire building and company is contiguous to the public buildings. Now I have no more interest in this matter, nor have the members of the Committee for the District of Columbia, than everybody else. The question of the expediency of appropriating $4,000 for this engine has been investigated by two committees which have the interest of the public property of this District in charge. The engine, after it is bought and committed to the custody of this company, still belongs to the Government to all intents and purposes. We are not donating a single dollar.

This company is located contiguous to the public buildings. It is an efficient institution, organized in 1810, and entitled to as much credit as any one of a similar character in the city. Perhaps that is not a very exalted eulogy, but all we have to do is to do the best we can. I am inclined to think that this city does demand at the hands of this Congress, and has demanded of past and will demand of future Congresses, a great deal that is not incumbent upon us to grant. But I do not know that this appropriation is to be made at all upon the demand of this city. I think the committee having charge of the safety of the public buildings in the District of Columbia have brought this bill forward with a view to protect the public property, and not to accommodate the District of Columbia or the citizens of Washington.

The amendment offered by Mr. THAYER was not agreed to.

Mr. WASHBURNE, of Illinois. I move that the bill be reported to the House, with a recommendation that it do not pass.

Mr. WILSON. Upon that I demand tellers.

Mr. WASHBURNE, of Illinois. I will withdraw my motion. The bill will have to be reported to the House anyway, to be voted on there.

The bill was laid aside, to be reported to the House with a recommendation that it do pass.

PENITENTIARY FOR THE DISTRICT OF COLUMBIA.

The next bill on the Calendar was a bill (H. R. No. 169) authorizing the construction of a penitentiary, jail, and house of correction in and for the District of Columbia, for which the committee for the District of Columbia had offered a substitute.

The substitute was read.

Mr. MORRIS, of Ohio. I propose to have read by the Clerk the report of the committee accompanying the bill. I think it embodies in brief, perhaps, all I ought to say relative to the matter under consideration. I ask the Clerk to read it.

The report was read.

Mr. MORRIS, of Ohio. I do not know that I ought to add anything further, after having had the report read from the Clerk's desk. But as the Committee for the District of Columbia, in the substitute reported to-day, have proposed some amendments differing somewhat from the report and from the bill as printed, perhaps I ought to call the attention of the committee to those amendments. By reference to the substitute as printed it will be seen that it provides that all these buildings should be located upon contiguous territory. In the substitute reported by the committee to-day, the words "upon contiguous territory" have been stricken out, and the selection of the site or sites of these buildings is left to the Secretary of the Interior, the judges of the supreme court of the District, and the mayors of the cities of Washington and Georgetown.

The bill further provides that before a contract is entered into for the erection of these buildings, this board, consisting of the Secretary, judges, and mayors, shall decide upon a plan and specifications for the erection of these buildings, or such portions of them as may be deemed necessary for the present wants of the District. After the board has decided who is the lowest responsible bidder, and after the contract is entered into, it is provided by the bill that the Secretary of the Interior shall have a general supervision over the erection of the buildings. The committee have, in their substitute, amended that in this particular: they have associated with the Secretary the mayor of Washington and the Commissioner of Public Buildings. It now provides that after the site or sites of such buildings and the plans and specifications have been agreed upon, the Secretary, and the mayor of the city of Washington, and the Commissioner of Public Buildings shall have a general supervision of the construction of the buildings. They have altered the fourth section, which provides that convict labor shall be employed at $1 50 per day, by striking out "fifty" and inserting "twenty-five," so as to make the amount allowed by the contractor $1 25 a day.

These, Mr. Chairman, are about all the amendments that have any particular importance, or to which I think it necessary to call the attention of the committee. The bill provides that there shall be assessed on the cities of Washington and Georgetown and on the county of Washington the sum of $100,000. The committee believe that these buildings can be erected for the sum of $250,000. If, as is required by the bill, this sum of $100,000 is paid into the Treasury by the cities of Washington and Georgetown and the county of Washington, there will be but $150,000 to be

appropriated by Congress for this purpose, which is but one twentieth part of one day's expenditure of this Government. It is but a seven thousandth part of the annual expenditure of the Government. And yet I have heard it objected that in a time like this, when the country is being oppressed by a great national debt, this appropriation should not be made. Is it possible, Mr. Chairman, that in view of the fact that there is no place in the District for the confinement of petty offenders, the seven thousandth part of the annual expenditure of the Government will not be made to erect a house of correction in which juvenile offenders may be reclaimed?

Mr. BLAINE. Mr. Chairman, I do not rise to oppose this appropriation because it is asked for in war times. I should equally oppose it in times of profound peace, if there was an overflow of coin in the national Treasury. I oppose it for this reason: I happened some five or six years ago to be designated by the Governor of Maine to examine into the condition of State prisons throughout the United States, with a view of reporting whether some reformation might not be made in the conduct of our own prison. In nearly all, certainly in a very large proportion of seventeen institutions that I visited, there was a large annual deficit. Among the very worst that I found in that respect was the penitentiary of the District of Columbia. I do not hesitate to say that if the building asked for by this bill were erected and furnished to the Government free of cost, the institution could not be carried on short of an annual deficit of twenty to twenty-five thousand dollars. And that is assuming it to be equal, in point of economy, to the average of State penitentiaries. Every one knows that one of those institutions located here and conducted on the general principles of extravagance that operate in Washington would fall very far behind the average in regard to economy. In the State of Maine, where economy is understood perhaps as well as it is in the District of Columbia, I found that if in 1822 the State had accepted the offer of Massachusetts to take all her criminals, and had paid at the rate of $2 50 per week for each of them, the State would have saved from five to eight thousand dollars a year for the whole time.

There is not the slightest difficulty in having all the convicts of the District of Columbia sent to and kept in a State penitentiary at the rate of $1 25 per week. They need not all be sent as far as Albany. There are two large penitentiaries in Pennsylvania, one in New Jersey, and one in Maryland. Their expense, even if transportation be taken at fifty dollars apiece, which is an extravagant calculation, would be far less than the expense of maintaining a penitentiary here. In saying that, I am allowing the average cost of similar institutions to be taken. Although the $250,000 asked for the erection of a penitentiary here is, considering the population of the District, out of all proportion, yet no gentleman on this floor can believe that that sum will be adequate to complete it. It will only be the entering wedge. It will only dig the foundations and lay the corner-stone. Next session there will be another $250,000 asked, and then another $250,000, and so on. We ought not, as a measure of economy, to throw away this three quarters of a million of dollars in a fruitless attempt to get up a well-managed penitentiary in the District of Columbia.

Mr. GRINNELL. Mr. Chairman, I am opposed to the bill. In the first place I think the appropriation too large, judging from what is expended for penitentiaries in other States. In Iowa, with a population of three quarters of a million, we did not expend more than half of that called for in this bill for a penitentiary building.

Now, sir, the figures which my friend presents here for the purpose of showing the necessity of building this prison are entirely at fault. For instance, he says it costs fifty dollars to take a man to Albany. Who believes that? These men do not cost more than ten or fifteen dollars each. Ten or a dozen of them go in charge of an officer.

Mr. MORRIS, of Ohio. The gentleman will allow me to correct him. That amount has actually been paid for the transportation of all prisoners heretofore sent to Albany.

Mr. GRINNELL. Then I have only to say that it is a robbery of the Treasury of the United States, and I am opposed to robbery, whether it is by this Administration or any other. I repeat, that these men are taken ten or twenty together. They are chained, and they go in company of a single officer, or might, and it cannot properly cost more than ten dollars for each prisoner taken there.

Now, sir, in regard to this expenditure of sixty-five dollars a year for a single prisoner, I know in several States of this Union that the prisoners actually bring in an income to the State. It has been so in my own State. It is so in the State of New York, and other States. The prisoners are not only not a charge to the State, but are actually a source of revenue. The reports say that. Sir, let the Government here propose to the States of this Union to take its prisoners by contract. I will guaranty, and I would be willing to enter into bonds, and find good bondsmen to go with me, that the convicts of the District of Columbia shall be taken care of without any expense to the Government.

But I have another objection. The appropriation that we are called upon to provide for is altogether out of proportion to the Government property of the District. Is it to be said that the Government owns one third of the property in this District? What is it in? Where is it? There is no truth in it. The facts do not justify any such presumption. The Government does not own one tenth of the property in this District, and never has. And now we are called upon to provide for two thirds and more of the expense to be incurred in the establishment of this penitentiary.

Sir, this is no time for us to appropriate this great sum of money. I repeat, that the prisoners here can all be maintained without any expense to the Government or to the District. They can be maintained away as well as they can be here. And, besides, it is a well-known fact, as the history of all the public buildings in this District shows, that when you have appropriated two hundred or five hundred thousand dollars for a building, you have but just begun. Look at this Capitol. Look at the Treasury extension, and all the public buildings in this city. The first appropriation is always merely an entering wedge. Some gentleman says that was under another Administration. Well, sir, I condemn that Administration, and I find fault with this Administration in regard to the appropriation of money when it squanders. If you appropriate $200,000 now for this building, you will have only a foundation. You will be called upon next year to make another appropriation, and again the next year, and so on. It is a desire to expend money, extravagance, and nothing else, when in fact the prisoners of this District can be taken care of without expense to the Government.

Again, sir, even if the appropriation were to be made at any time, I could not justify myself in bringing on here now fancy architects, a swarm of builders, stone-cutters, and mechanics, to swell the price of living, when people are sweltering for room. Living is enormous in this District now. I am opposed to this bill throughout; for this is the time for fighting, for economy, and not for laying corner-stones here preparatory to expending $1,000,000.

Mr. MORRIS, of Ohio. I think the gentleman from Iowa has offered a very good reason why this bill should pass. He says that in his State the penitentiary is self-sustaining. It is not quite so in Ohio, but approaches it. I think it pays, perhaps, about four fifths of the expense. Well, sir, if a penitentiary can be self-sustaining in Iowa, why should it not be self-sustaining in the District of Columbia?

Mr. WILSON. With the permission of the gentleman, I wish to state that the people of Iowa will be very happy to hear that the penitentiary of that State is self-sustaining, because they have never yet found it out. [Laughter.]

Mr. GRINNELL. Do I understand my colleague to deny that statement?

Mr. WILSON. Oh no; but I think my colleague was a little mistaken.

Mr. GRINNELL. I merely wish to say that that was the case when I knew something about the penitentiary. But my esteemed colleague happens to represent the penitentiary district of Iowa now, and I suppose knows more about it than I do. I presume, therefore, he is correct at present. I spoke of one period in the past.

Mr. PATTERSON. I will state to the gentleman from Iowa that it is not only self-sustaining in New Hampshire, but there is a surplus.

Mr. GRINNELL. I refer to the condition of things in my State two years ago. I know from the facts which I have heard that the people of the State of New York would be glad to take, free of cost, all the prisoners of the District of Columbia for the next five years. It is a paying institution with them; and the more prisoners they have, the larger is their profit.

Mr. MORRIS, of Ohio. I am glad to learn, Mr. Chairman, from the statement made by the gentleman from Iowa, that the prisoners in that State are self-sustaining. That of itself is a strong reason in favor of the pending bill and for the erection of a penitentiary in this District. If they are self-sustaining in Iowa, I see no good ground for the belief that they may not be made self-sustaining in the District of Columbia. I am, therefore, in favor of building this new penitentiary instead of paying $21,000 annually for keeping the convicts of this District in the city of Albany.

The gentleman says that the amount of property owned here by the Government is not one tenth part of the property of the District. I understand the value of the Government property in Washington to be between thirty-three and thirty-four million dollars, and the value of private property between thirty-eight and forty million.

Mr. GRINNELL. That depends upon the time the assessment was made. According to the value put upon private property in the District of Columbia at this time that would be a superficial valuation.

Mr. MORRIS, of Ohio. It has also been estimated, Mr. Chairman, that three fourths of the present transient population of the city of Washington have been brought here by the exigencies of the times and because this is the seat of Government, and therefore three fourths of the expense of administering the laws of the District have been incurred through and by the Government of the United States. The committee have assessed $100,000 on the District. They believe it to be its just proportion. It is for infringements of the laws passed by Congress that a penitentiary and house of correction are now needed. It is because the people of this District have no voice in the election of the judges, or in the passage of the laws which they are compelled to obey, that this Government ought, I think, to bear a fair proportion of the expense incident to the erection of these buildings.

Whether it is a proper time to now act upon this measure, I have only to say that in conversing with the judges of this District they have informed me that boys of ten and twelve and fourteen years are brought before them accused of petty crimes, whom they would not send to Albany, and for whom there is no house of correction. I ask the gentleman whether he would rather save the money appropriated by the bill than save these young offenders? For myself, sir, I would rather that the Government should pay this $250,000 for the erection of a house of correction, with a view to the reclamation of juvenile offenders, than to see them sent to the Albany penitentiary. If sent to a house of correction they might be reclaimed, and finally become good citizens. If sent to the Albany prison we must fear the worst.

In order that the matter may be brought to a speedy decision I move that the committee rise and report the bill with a recommendation that it pass.

Mr. PRUYN. I have an amendment to offer.

Mr. MORRIS, of Ohio. I will say to the gentleman from New York that when the bill gets into the House I do not propose to cut off amendments. I merely make the motion to expedite business.

Mr. PRUYN. I prefer to offer my amendment at this time.

Mr. MORRIS, of Ohio. Very well, then; but I hope that we will be permitted to get the bill into the House at as early a moment as possible.

Mr. PRUYN. I move to strike out the fourth section.

Mr. MORRIS, of Ohio. I do not understand that it has been read section by section for amendment as yet.

The CHAIRMAN. The amendment of the committee is in the nature of a substitute, and it is in order for the gentleman from New York to move an amendment to any part of it.

Mr. PRUYN. I desire to move to strike out

the fourth section which provides for the employment of convict labor in the erection of these buildings. I do not propose to discuss now the propriety of undertaking at this time the construction of the three buildings provided for in the bill. It may be important to build a house of correction, while it may not be important to build a penitentiary. I believe that the expense of carrying on a penitentiary together with the interest on the cost of the building will lead the Government into an expenditure every year of three, four, or five times the amount they are now paying.

In 1862 or 1863 an act was passed by Congress which contained a provision authorizing the Secretary of the Interior to contract with the manager or superintendent of a suitable prison located in some convenient place for the imprisonment, subsistence, and proper employment of all persons who should be convicted by the criminal court of this District. By the last section of that act it was provided that whenever a suitable penitentiary should be erected in the District, and completed for the reception of prisoners, it should be the duty of the Secretary of the Interior to cause to be transferred to such penitentiary all persons who shall be then imprisoned outside of the District of Columbia under the sentence of such court.

Under the authority so conferred, the Secretary of the Interior, after conferring, as I believe he did, with a large number of officers of prisons, at any rate after doing all he believed it to be his duty to do, made a contract with the manager of the penitentiary at Albany, New York, for the confinement and imprisonment of convicts there at the small expense of sixty-five dollars a year each. The penitentiary at Albany is under the direction of Captain Pilsbury, formerly of Connecticut, who is known throughout the United States as the best prison manager in this country. I think I am safe in asserting that; and I believe the prison at Albany is the only one in this country, or any other, that has ever for a long series of years, fifteen at least, continually supported itself. Connecticut and New Hampshire may also have done so; but it is at any rate the only one out of New England that has ever accomplished that great and much desired end. The New York prisons at Auburn and Sing Sing have perhaps, at certain times, and under particular administrations, taken care of themselves. But the New York Legislature has continually up to the present year been compelled to make large appropriations for their State prison institutions; yet the penitentiary at Albany, with convicts who are sent there for comparatively short periods of time, ten, twenty, and sixty days, has taken care of itself.

Now, it became necessary in consequence of that contract with the Government, under which some one hundred and forty prisoners were transferred from this city to Albany, for the officers of that institution to very much enlarge the building, and they have gone to a very large additional expense for the purpose of taking care of these prisoners. Now, it is proposed by the fourth section of this bill, notwithstanding the express language of the sixth section of the act to which I have referred, providing that these prisoners should not be removed until a penitentiary in the District should be completed, to take them away from Albany in violation of the agreement made by the Secretary of the Interior, and put them to work upon the construction of these proposed buildings. It is against the violation of that contract that I here protest, and therefore ask that this fourth section be struck out of the bill. I have stated facts here which I believe are uncontradicted.

The warden of that penitentiary appeared before the Commtttee for the District of Columbia and produced the contract made by the Secretary of the Interior in conformity with that statute, and I must express my surprise, after that was done, that this section should have appeared in this bill. Whether it was the unanimous act of the committee, or of a majority, I do not know. But here it is, and it is in utter violation of every principle of good faith applicable to this contract between the Secretary and the managers of that institution, under which they have spent a large sum of money to take care of those prisoners.

These are the reasons which have induced me to move to strike out the fourth section.

Mr. MORRIS, of Ohio. The penitentiary at Albany is a county prison under the control of the supervisors of Albany county, and not under the control of the State authorities of New York at all, and that county is making, in my humble judgment, a very good thing out of this contract.

I am not surprised that my friend from New York [Mr. PRUYN] should be found in this matter protecting the interests of his constituents. I am not surprised that he should object to a proposition which would deprive them of the profits they now enjoy, for the pay which they receive from the Government, and from profits of the labor of the convicts of the District of Columbia. But I ask whether it is not in the power of Congress to annul any contract that the Secretary of the Interior may have made, whenever it deems it proper to do so.

Mr. NELSON. I think the gentleman from Ohio [Mr. MORRIS] misapprehends the position of my friend from the Albany district, [Mr. PRUYN.] That position is that a contract has been made for the care and support of these convicts at the Albany penitentiary, for a given time, and it is not right or just that Congress should do anything to revoke that contract. Every one familiar with the Albany penitentiary knows that the authorities there contract not only with the authorities at Washington, but with the authorities of different counties in the State of New York, and it is well known that the rates vary in proportion to the length of time the contract is for. If the convicts are to be kept for thirty days there is a certain rate paid; if for sixty days a certain less rate; if for ninety days a still less rate, and so on. And undoubtedly when the warden made this contract with the authorities at Washington, he had an eye to the time that it would require for the completion of the penitentiary of the District of Columbia, and fixed the rate accordingly. The county of Dutchess, in which I reside, although possessing a county jail and county poor-house, sends her convicts to Albany penitentiary as a matter of economy, and as the cheapest way to dispose of them. Is it right or just for Congress to revoke the contract made under those circumstances? The question is not whether Congress has the power to do so, but whether it is fair dealing to do so.

Mr. MALLORY. I wish to inquire of my friend from New York [Mr. NELSON] and from the gentleman from the Albany district, how long this contract between the warden of the Albany penitentiary and the authorities at Washington was to last?

Mr. NELSON. Till the penitentiary building for the District of Columbia should be completed.

Mr. MALLORY. I do not see, then, how this bill conflicts with the contract. The convicts will remain where they are till the building here is ready for them.

Mr. NELSON. The fourth section of this bill proposes to take away the convicts and set them to work at the building. There is no objection to the building of one or of ten penitentiaries here, but the Government should keep to the contract it has made.

Mr. MALLORY. I understand that the terms of the contract are that when the District of Columbia provides for these prisoners they are to be taken from Albany. There is no time specified. Whenever the authorities here are ready to take them, they have a right, under this contract, to take them.

Mr. MORRIS, of Ohio. The sixth section of the act under which these convicts were sent to Albany provides that whenever a suitable penitentiary shall be erected in the District of Columbia, and completed for the reception of prisoners, it shall be the duty of the Secretary of the Interior to cause to be transferred from such penitentiary all prisoners who, under its terms, are imprisoned outside of the District of Columbia. This bill provides that as soon as arrangements can be made for the care and safe-keeping of the prisoners in this District, they shall be employed in the erection of these buildings. I do not see anything very incompatible between the provisions of this bill and the terms of the contract.

It was claimed in the discussion of the bill providing for the purchase of a steam fire-engine, and I think it has been claimed by the gentleman from Iowa, [Mr. GRINNELL,] in the discussion of this bill, that the citizens of Washington ought to provide all these things for themselves.

Mr. Chairman, as the law now is, the citizens of Washington are not paying one cent for the maintenance of these prisoners. It is to the interest of the people of this city that this bill should not pass, because their prisoners are now kept at the sole expense of the General Government. But we propose to tax them $100,000, believing that by the passage of this bill we can maintain the convicts of this District cheaper than to send them to Albany. We believe that there is an imperative necessity for a new jail and for a house of correction for juvenile offenders.

Mr. JOHNSON, of Pennsylvania. I ask the gentleman to yield to me for a moment to enable me to call his attention to the law on this subject of January 16, 1863. The first section of that act provides:

"That all persons who shall hereafter be convicted by the criminal court of the District of Columbia of any offense, the punishment of which by law shall be confinement in the penitentiary, shall be confined during the term for which they shall be sentenced by said court in some suitable prison in a convenient State, where they can be employed at suitable labor, to be designated by the Secretary of the Interior."

Then the second section goes on to say:

"That it shall be the duty of the Secretary of the Interior to contract with the managers or superintendent of a suitable prison in some convenient State for the imprisonment and subsistence and proper employment of all prisoners who shall be convicted in said court of such offenses, on the best terms that he can; and he shall, on or before the first day of each term of the criminal court of the District of Columbia, inform said court in writing of the designation and location of the prison in which he shall have made provision for the confinement and support of prisoners; and said court shall sentence all persons who shall, during said term, be convicted of such offenses, to confinement at hard labor in the prison so designated."

Now, it seems to me we have no authority to change these sentences that have been pronounced under this law, confining men in the penitentiary, designated by the Secretary of the Interior under the authority of the second section of this act which I have read.

Mr. STEELE, of New York. We took that responsibility, when we sent them to Albany, of changing the sentence.

Mr. JOHNSON, of Pennsylvania. Very well. But it was not tested then, and therefore does not change the question now. It is certainly a question whether, by changing their place of confinement, we do not release them from the sentence confining them in a particular place.

Mr. TRACY. I ask the gentleman if this Congress has not the power of repealing that law.

Mr. JOHNSON, of Pennsylvania. This Congress, I take it, has not the power of passing an *ex post facto* law changing the sentence of a criminal pronounced in due course of law; an *ex post facto* law being one which fixes a penalty to an act after it is committed, or changes the penalty from what it was at the time the act was committed.

Mr. BROOMALL. The gentleman will allow me to ask him this question: suppose the penitentiary were burned down, and another built a mile off, would we have any power to remove the convicts there?

Mr. JOHNSON, of Pennsylvania. That would be an entirely different question. This penitentiary, I believe, has not been burned down. It remains in Albany, as it did when the prisoners were sentenced.

Mr. BROOMALL. Does that alter the question?

Mr. JOHNSON, of Pennsylvania. It does alter it materially.

Mr. MORRIS, of Ohio. As this is the only day set apart for the District business, I hope we shall dispose of this bill, and unless the question can be taken now, I will move that the committee rise for the purpose of closing the debate.

The motion to strike out the fourth section of the bill was disagreed to.

The substitute reported by the Committee for the District of Columbia for the whole bill was adopted.

Mr. MORRIS, of Ohio. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. PIKE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally

under consideration, and particularly Senate bill No. 168 and House bill No. 169, and had instructed him to report the same back to the House with amendments, and with the recommendation that they do pass.

Mr. WASHBURNE, of Illinois. I move that Senate bill No. 168, making an appropriation for a fire-engine, be laid on the table.

The motion was agreed to—ayes 56, noes 40.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MORRIS, of Ohio. The question now comes up on the other bill in relation to the penitentiary, &c. If the House will assign another day for the consideration of the District of Columbia business I would have no objection to adjourning and allowing this bill to go over.

Mr. WASHBURNE, of Illinois. I hope this bill will be passed upon, and then that the House will give unanimous consent to the assignment of another day to the District business.

Mr. MORRIS, of Ohio. I propose that two weeks from to-day be assigned for the consideration of the business of the District of Columbia.

Mr. WASHBURNE, of Illinois. I will not object to that, after the House takes action upon this bill.

The SPEAKER *pro tempore*. Does the gentleman object now?

Mr. WASHBURNE, of Illinois. I do.

Mr. PRUYN. I ask whether it is not the positive order of the House that this bill be disposed of.

The SPEAKER *pro tempore*. The Chair has already announced that this bill is before the House for its action.

DISTRICT OF COLUMBIA PENITENTIARY.

The next was House bill No. 169, authorizing the construction of a penitentiary, jail, and house of correction in and for the District of Columbia, reported from the Committee of the Whole on the state of the Union with a substitute.

Mr. ELDRIDGE. The gentleman from New York [Mr. NELSON] authorizes me to take back the entire speech which he made against that bill. He admits that he was mistaken in his premises. [Laughter.]

Mr. TRACY moved that the bill be recommitted to the Committee for the District of Columbia.

Mr. WASHBURNE, of Illinois, moved that the bill be laid upon the table.

Mr. ELDRIDGE moved that the House do now adjourn.

The House divided; and there were—ayes 51, noes 45.

Mr. WASHBURNE, of Illinois, demanded tellers.

Tellers were ordered; and Messrs. WASHBURNE, of Illinois, and ELDRIDGE, were appointed.

The House again divided; and the tellers reported—ayes 63, noes 40.

So the motion was agreed to.

And then (at ten minutes before five o'clock, p. m.) the House adjourned.

IN SENATE.

FRIDAY, *April* 8, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

TAXATION IN WASHINGTON.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820.

Mr. GRIMES. I move that those amendments be referred to the Committee on the District of Columbia.

The motion was agreed to.

UNION GAS-LIGHT COMPANY.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia.

The Secretary read the amendments, which were at the end of line two, on page 6, after the word "States," to insert "or sell gas;" and in line twenty-one, on the same page, to strike out the word "in" and insert "of."

Mr. WILLEY. Those are merely verbal amendments, and I move that the Senate concur in them.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 22d of March, a statement showing the number of nine months' volunteers and militia raised under the act of July 17, 1862, and what portion of those troops received the bounty of twenty-five dollars; which was referred to the Committee on Military Affairs and the Militia.

PETITIONS AND MEMORIALS.

Mr. HOWE presented a memorial of the Legislature of Wisconsin in favor of the passage of an act requiring the issue of patents for land purchased from the Stockbridge Indians, in conformity to an act of Congress, approved March 3, 1843, and for the sale of the unsold lands of the Stockbridge reservation, and that the price be fixed at $1 25 per acre; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. WILKINSON presented seven petitions of citizens of Minnesota, praying for the passage of the joint resolution amending the act of Congress granting lands to the State of Minnesota to aid in the construction of railroads therein, approved March 3, 1857, so as to allow the building of a road from Winona, via St. Peter or Mankato, to the Big Sioux river, south of the forty-fifth parallel of north latitude; which were referred to the Committee on Public Lands.

Mr. DOOLITTLE presented a memorial of the Legislature of the State of Wisconsin in favor of the passage of an act requiring the issue of patents for lands purchased from the Stockbridge Indians, in conformity with an act approved March 3, 1843, and recommending the sale of all unsold lands of the Stockbridge reservations, and that the price be fixed at $1 25 per acre; which was referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. MORRILL, from the Committee on Claims, to whom was referred a memorial of contractors and builders of the side-wheel gunboats known as the "double-enders," praying that they may be allowed extra compensation on their contract, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. FOSTER, from the Committee on the Judiciary, to whom was referred a bill (S. No. 131) to consolidate into one district, for judicial purposes, the northern and southern districts of California, and for other purposes, reported it with an amendment.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom was referred a resolution proposing a new rule of the Senate in relation to executive nominations, reported adversely thereon.

WILLIAM G. BROWN.

Mr. HENDRICKS. The Committee on Claims to whom was referred the bill (H. R. C. C. No. 116) for the relief of William G. Brown, have directed me to report it back and recommend its passage, and as the bill is for the payment of but a small sum of money, ninety-nine dollars, and to carry out a judgment of the Court of Claims, I suggest that, if it be the pleasure of the Senate, it be passed now.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to William G. Brown the sum of ninety-nine dollars in full for stone or other materials used by order of the agents of the Government in the construction of a pier in Little Sodus bay, on Lake Ontario, in the year 1853.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DARIUS S. COLE.

Mr. HENDRICKS. The Committee on Claims, to whom was referred the bill (H. R. C. C. No. 115) for the relief of Darius S. Cole, have also instructed me to report favorably upon it; and as it is a similar bill to the other, depending on the same state of facts almost, and also carrying out a judgment of the Court of Claims, I ask that it be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Darius S. Cole the sum of $2,224, in full for materials furnished to the United States for the construction of the pier in Little Sodus bay, Lake Ontario.

Mr. TRUMBULL. I should like to know if there is any report accompanying the bill.

Mr. HENDRICKS. The facts are stated in the finding of the Court of Claims, and therefore the committee thought it was not necessary to make a detailed report.

Mr. TRUMBULL. I will inquire simply if it is recommended by a judgment of the Court of Claims.

Mr. HENDRICKS. It is the judgment of the Court of Claims.

Mr. TRUMBULL. Then I have no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL WORMER.

Mr. HENDRICKS. The Committee on Claims, to whom was referred the bill (H. R. C. C. No. 114) for the relief of Daniel Wormer, have also instructed me to report it back favorably; and as it is of the same class, carrying out a judgment of the Court of Claims, I desire to have it put upon its passage now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Daniel Wormer the sum of $1,778 36, in full for all percentage retained by the Government on payments heretofore made to him, and for all timber or other materials furnished by him in the construction of the pier at Little Sodus bay, on Lake Ontario.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAME OF A COLLECTION DISTRICT.

Mr. CHANDLER. The Committee on Commerce, to whom was referred the bill (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie, have directed me to report it with an amendment, and I ask for its present consideration. It is very short and will lead to no debate.

There being no objection, the bill was considered as in Committee of the Whole. The amendment of the Committee on Commerce was in line three, after the words "Presque Isle" to insert the words "in the State of Pennsylvania."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time, and it was read the third time, and passed.

CUSTOMS OFFICERS AT PORTLAND.

Mr. MORRILL. I am instructed by the Committee on Commerce, to whom was referred a bill (H. R. No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes, to report the same back favorably, and I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. Its purpose is to authorize the President of the United States, with the advice and consent of the Senate, to appoint an appraiser and assistant appraiser for the port of Portland, Maine, whose duties shall be the same as those of similar officers in other ports; and to amend the ninth section of the act of May 7, 1822, entitled "An act further to establish the compensation of officers of the customs, and to alter certain collection districts, and for other purposes," by adding Portland to the ports therein enumerated. And the deputy collectors, not exceeding three in number, and the appraiser of the port are each to receive the compensation of $2,000 per annum, and the assistant appraiser $1,500 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HOWARD. I move to take up a bill of the House of Representatives, No. 206, entitled "A bill in addition to an act for the establishment of certain arsenals."

Mr. ANTHONY. Will the Senator allow me to offer a resolution of inquiry first and ask for its present consideration?

The VICE PRESIDENT. The introduction of bills is first in order.

Mr. MORRILL. I ask leave to introduce a bill.

Mr. ANTHONY. I understand the Senator from Michigan to move to take up a bill.

Mr. SHERMAN. I hope the Senator will allow us to introduce bills.

Mr. HOWARD. I have moved to take up House bill No. 206.

The VICE PRESIDENT. The Chair understood the Senator to yield the floor.

Mr. HOWARD. No, sir, I did not. I wish to take up this bill, and then of course I will accommodate other gentlemen.

Mr. DAVIS. I hope the resolution that I offered, and which was under consideration yesterday morning, will come up, merely for the purpose of having a vote upon it. I do not desire to say a word further in relation to it. I merely ask the Senate to take a vote upon it and I shall trespass upon them no more.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan to take up the bill indicated by him.

The motion was agreed to.

Mr. HOWARD. Now, the bill being up, I will give way to allow morning business to be received for a few minutes.

BILLS INTRODUCED.

Mr. GRIMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 220) to provide for the establishment of a County and District of Columbia Industrial Normal School, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOWARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 221) for the relief of Robert Wagstaff; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 42) to extend the time for the reversion to the United States of the lands granted by Congress to aid in the construction of a railroad from Pere Marquette to Flint, and for the completion of said road; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 222) extending the jurisdiction of district courts; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 223) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 225) for the relief of certain friendly Indians of the Sioux nation in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

NATIONAL CURRENCY.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 224) to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof; which was read twice by its title.

Mr. SHERMAN. Before that bill is referred, I will state that the bill now introduced by me is the same bill that was perfected in the House of Representatives, but by a misunderstanding or disagreement of the friends of the bill was defeated the other day. I introduce it now in its perfected form, and ask its reference to the Committee on Finance.

It was so referred.

PROFESSORS AT NAVAL ACADEMY.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of placing the professors of Ethics, of Spanish, and of Drawing, at the Naval Academy, on the same footing with the other professors.

ARRESTS AT ALEXANDRIA.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate any information in his possession touching the recent arrest of Captain C. B. Ferguson, quartermaster United States Army, and Captain William Stoddard, assistant quartermaster of volunteers, lately in charge of the military depot at Alexandria, Virginia.

ORDER OF BUSINESS.

Mr. DAVIS. I ask that my resolution in regard to Yocum's case be taken up now; and it can be passed by informally to allow gentlemen to interpose other business.

Mr. HOWARD. I will agree to that if it does not displace my bill that is now before the Senate.

Mr. GRIMES. I hope the Senator from Kentucky will permit the bill that the Senator from Michigan has under consideration to be proceeded with. It will take up just about the morning hour. It is a very important bill, I know.

Mr. DAVIS. If my resolution is taken up, merely to be before the Senate at any time that I choose to call it up, I will give place to this business, or any other business that may be offered.

The VICE PRESIDENT. The Senator will permit the Chair to suggest that if the Chair understands the desire of the Senator, if the bill before the Senate should consume the whole of the morning hour, he would not accomplish his object, for that would be the actual pending question at the expiration of the morning hour.

Mr. DAVIS. I have no objection to the resolution being superseded by this bill in that way. If the bill has the effect to supersede it, I will acquiesce cheerfully; but I move to take up the resolution, and if it be taken up I will then consent that the bill desired by the Senator from Michigan shall be taken up, and that my resolution shall be overslaughed.

The VICE PRESIDENT. The bill of the Senator from Michigan has been taken up on the vote of the Senate, and is now before the Senate. All these other motions have intervened by the unanimous consent of the Senate.

Mr. HOWARD. I hope we shall proceed with the bill.

ROCK ISLAND ARSENAL.

The VICE PRESIDENT. The bill (H. R. No. 206) in addition to an act for the establishment of certain arsenals is before the Senate as in Committee of the Whole, and will be read.

The Secretary read the bill. It recites that it is necessary that the Government of the United States should at an early day, for the purpose of the arsenal at Rock Island, in the State of Illinois, provided for in the act passed July 11, 1862, obtain the possession of and title to certain lands, now the property of private persons, upon which to locate the arsenal, with the grounds and buildings needful for and to make a part of the same; and it therefore empowers the Secretary of War to take and hold full, complete, and permanent possession, in behalf of the United States, of all the lands and shores of the island of Rock Island, in the State of Illinois, the same, when so possessed, to be held and kept as a military reservation by the War Department, upon which shall be built and maintained an arsenal for the construction, deposit, and repair of arms and munitions of war, and such other military establishments as have been or may be authorized by law to be placed thereon in connection with such arsenal.

If it shall appear upon examination by the Attorney General of the United States of the titles of the lands on Rock Island taken and occupied by the Secretary of War for an arsenal and other military purposes, that any part or parcels thereof are now the property of, and are rightfully possessed by, any individual or corporation as his or their own private property, the value of the private property so taken, and a just compensation for any damages caused by the taking, shall, if mutually agreed on by the Secretary of War and the rightful owner or owners, and approved by the President, be paid by the Secretary of the Treasury to the rightful owner or owners so agreeing, out of the appropriations made or to be made for the construction of the arsenal; but before such payment shall be made, the owner or owners of such private lands so taken, or such of them as shall agree, shall by good and sufficient deed or deeds, in due form of law, and approved by the Attorney General, fully release and convey to the United States all their several and respective rights in and titles to the lands so taken.

If the Secretary of War shall not agree with any private owner or owners of land so taken for the use of the United States for military purposes, or if any such owner or owners shall refuse to accept the sum to be paid to him or them by the Secretary of the Treasury as the true value, or shall from any other cause neglect or fail for the space of twelve months after the taking to execute and deliver the deed or deeds needful, in the opinion of the Attorney General, to convey to the United States the title of the lands taken, there shall forthwith be selected three competent persons, who shall be named and appointed by the President and constituted a board of commissioners, whose duty it shall be to hear the parties interested, who may appear before them upon reasonable notice of time and place, and ascertain the true value of the land taken, and of the several parcels thereof that shall not have been conveyed to or paid for by the United States, and the names and titles of the claimants thereof, if more than one, and their respective interests therein, and what compensation for the taking of their lands is due to each claimant. The board of commissioners is to report as early as practicable after their appointment to the circuit court of the United States within the district in which the lands are situated; and in case of a difference of opinion in the board as to the matters referred to them, the report of a majority of the commissioners is to be held to be the report of the board.

The circuit court, upon the return and examination of the report of the commissioners, shall, for the parcels of land taken, as to which there appear to be no conflicting claims for compensation, by decree order the sums awarded by the commissioners in their report to be paid to the person or persons who shall, according to the report, be entitled thereto, and who shall apply therefor, and who shall, by writing filed in the court, waive his or their right to an appeal from the determination of the board of commissioners, and agree to accept the sum awarded, in full satisfaction of his or their claims for the lands taken by the United States; but if the party so entitled and applying or filing a complaint, as is subsequently provided in the bill, shall have an estate for life only in the land, or any estate less than a fee simple, or shall be a married woman, or a minor, or *non compos mentis*, the court shall, in its final judgment or decree, make such order for the payment of the compensation to the party or for its payment into court; and as to the investment of the principal and disposal of the income, or interest thereof, as shall be just and equitable, and for the protection of the rights of those interested, in accordance with the rules and practice of courts of equity, in cases where a fund in court is to be divided and administered.

Provision is made to adjust the cases of those who may be dissatisfied with the decisions made, through various courts, with a right of appeal to the Supreme Court of the United States; and in all cases of final judgments or decrees by the circuit court, or, on appeal, by the Supreme Court, where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid either to the claimant or into the circuit court, as the judgment or decree may determine, by the United States, out of the money appropriated for the construction and maintenance of the arsenal, on presentation to the Secretary of the Treasury of a copy of the judgment or decree signed by the presiding judge, and certified by the clerk of the circuit court. Such payment is to be a *full* discharge to the United States for the compensation and damages due for the taking of the lands, in respect of which the judgment or decree was rendered or made, and to forever bar any further claim or demand against the United States arising out of the taking of such land. Every claim against

the United States for the taking of land for public use as authorized in the bill, is to be forever barred unless within three years from the time of such taking the claim for compensation therefor shall be adjusted by agreement with the Secretary of War, or be settled by an award of the board of commissioners, or presented by complaint or petition to the circuit court of the United States in the district in which the land is situated; but the claims of persons who at the time of the taking shall be under the age of twenty-one years, married women, idiots, lunatics, or insane, or beyond seas, shall not be barred if their petition of complaint be filed in the court within three years after the disability has ceased, but no disability other than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

The amendment reported by the Committee on Military Affairs and the Militia was in section eight, after the word "land," in line sixteen, to insert:

And such payment, or the lawful tender thereof, shall operate as and shall be deemed and held to be a full and complete conveyance of the parcel or parcels of land for which it was made to the United States.

The amendment was agreed to.

Mr. HALE. If I understand this bill it involves a new principle in the practice of this Government, and one which, according to my recollection, has never been attempted to be practiced from the earliest period of the Government to the present time. I do not speak with certainty when I say that that is so; but such is my impression. I think there has been no instance of an attempt on the part of this Government to take private property in a State for public uses against the consent of the owner. I should like to hear the learned gentleman from Michigan, who I know is a profound lawyer, on that subject. It strikes me to be a new exercise of power.

Mr. HOWARD. This bill passed the House of Representatives on the 18th of February last. The object is to enable the Government to acquire the title to the whole of Rock Island, in the State of Illinois, for the purpose of an arsenal, that place having been selected by act of Congress of 1862, among others, for the purpose of establishing an arsenal in the West. It is a small island in Rock river, and very commodiously situated for such a purpose; and with the exception of about one hundred and ninety acres of land lying on the island, it belongs entirely to the United States, the title never having been transferred by the United States; and no controversy can arise so far as is now seen under this bill, except as to that portion of the land which is now owned by private persons, those persons being only two in number. Whether they are willing to sell to the United States the lands which they own on that island I do not know; but the object of the bill is to acquire the title to the whole island, their lands included.

The Senator from New Hampshire puts the question whether it is competent for the United States to take the property of private persons for public use without the consent of the State Legislature——

Mr. HALE. No.

Mr. HOWARD. I should like, then, to understand the question which is put by the Senator more distinctly than I do.

Mr. HALE. I stated that I believed this Government had never attempted to take for public use private property in a State without the consent of the owner.

Mr. HOWARD. Whether it has or has not exercised that power is a matter of very little consequence. The only question of any importance before the Senate is whether the Government has power in this manner to acquire the title to private property for public use. As to that question I can entertain no doubt whatever. Certainly the Constitution, by the plainest implication, authorizes the Government of the United States, whenever they shall see fit to take private property for the public use, to do so upon making just compensation. This is in one of the amendments to the Constitution adopted after the main body of the Constitution had been in operation for several years. I cannot doubt it; and until the Senator from New Hampshire shall call to my attention some clause in the Constitution which seems, in his opinion, to prohibit us from the exercise of this power, I shall deem that I have given him a sufficient answer.

We have the right to take private property for public use. I had supposed that that principle had long since been conceded. Whether it has been exercised by the Government of the United States for the purpose of acquiring the title to land from private persons is, as I said before, a question totally immaterial. The Government may or may not have done so; I do not know what the fact is; but that we have the right I entertain no sort of doubt.

There is but one amendment suggested to this bill, that which has just been read, and it is added for the mere purpose of cutting off for the future all controversies as to the title of the property which the Government may thus take upon making due compensation, and placing the title beyond all dispute in the United States.

I will say further in respect to the bill, that in case of any controversy that may arise between the Government and a private person under this bill, the private person has a right to resort first to commissioners, next to the circuit court of the United States, and if he sees fit have the value of his property assessed by a jury regularly called and impanneled; and then, if he is unsatisfied with the proceedings, he has a right to appeal the whole case from the circuit court of the United States for that district to the Supreme Court of the United States; so that I am not able to see any objection to the bill growing out of the suspicion of injustice being done to any private person. I hope the bill will be passed.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. POWELL. I rise to inquire of the Senator who reports this bill, in what State Rock Island is? Is it not in Illinois?

Mr. HOWARD. It is in Illinois.

Mr. POWELL. Is there any provision to get the consent of the sovereign State of Illinois to the transmission of this property to us? Has the Legislature of Illinois taken any action on the matter?

Mr. HOWARD. I am not aware that the Legislature of the State of Illinois has taken any action in the matter. I do not know how that is.

Mr. POWELL. I concur with the Senator from New Hampshire, if I understood the point he made a few moments ago, that we cannot do this thing unless we have the consent of the State. The universal custom from the beginning of the Government has been, if the General Government wishes to obtain property in a State for the purpose of erecting a fort or arsenal or hospital, to procure a law from the State giving the United States jurisdiction.

Mr. HOWARD. I do not believe it to be necessary that the Legislature of Illinois should give its consent to the proceeding which the bill has in contemplation, because, as I have already remarked, I have no doubt as to the power of the Government of the United States to take private property, no matter of what quality, whether personal or real, for the public use by making just compensation therefor.

Mr. FESSENDEN. But that does not confer jurisdiction. Our practice has been to get a cession of jurisdiction from the State in all such cases.

Mr. HOWARD. The question of jurisdiction does not arise at this stage of the proceeding. It will be sufficient to discuss that question when there shall be a conflict of jurisdiction between the State of Illinois and the Government of the United States in respect to this island.

Mr. FESSENDEN. The Senator, I suppose, is aware that the policy of the Government of the United States is well established, not to take lands to be used in this way in the States unless there is a cession of jurisdiction by the States where the lands lie.

Mr. HOWARD. I am quite aware that there are numerous instances in which cessions have been made by States to the Government of the United States.

Mr. FESSENDEN. There is a general law on the subject.

Mr. JOHNSON. Will the member from Michigan permit me to make a remark?

Mr. HOWARD. Certainly.

Mr. JOHNSON. There are two questions, I suppose, presented by this bill. The first is whether we can authorize the condemnation of property and acquire title to property in that way; and the other is whether, if we get the title in that way and nothing else is done, the United States would have jurisdiction over it. The propositions are entirely independent of each other. I suppose with reference to the first point, it would be very clear, if there was not in the Constitution the particular provision to which I am about to refer, that, as an incident of sovereignty, the right of eminent domain belongs to this Government, I mean the right of eminent domain with reference to the powers conferred upon the Government by the Constitution. The member from New Hampshire and the member from Kentucky are mistaken in supposing that this power has never been exercised. The United States some years ago were very anxious to obtain a site for a fort at the entrance to a harbor in California, and they were charged as they supposed a very extravagant price, some one hundred or two hundred thousand dollars for what in point of fact, as they supposed, was worth only some fifteen or twenty thousand dollars, and they proceeded to condemn it. Whether the proceedings were consummated or not, that is to say whether the United States got title under the proceedings or not, I am not so certain.

Mr. COLLAMER. The proceedings were in a State court under a State law.

Mr. JOHNSON. I know that; but by the United States. Now, not only, as I think, is the right of eminent domain incidental to a Government like the United States, and every other Government that can be imagined, as far as relates to its powers, where these powers may be beneficially exercised by exerting the right of eminent domain, but one of the amendments to the Constitution necessarily implies that in the judgment of the people of the United States, by whom it was adopted, and the framers of those amendments, the right did exist. The fifth amendment to the Constitution, adopted, as we know, soon after the Constitution itself was adopted, provides:

"Nor shall private property be taken for public use without just compensation."

It assumes necessarily that private property may be taken for public use, and the provision which I have just read was intended to limit what it was supposed might be the unjust consequences of the exertion of that power; and so it did not take from the Government the power to appropriate private property to public use, but limited the right to acquire by directing that it should only be done on the payment of just compensation. Just compensation, therefore, being provided for, the right exists to apply private property to public use; and this provision in the Constitution of the United States, as it now is, has always been held, and properly held, to be applicable exclusively to the Government of the United States. It is a limitation of the power of Congress. It has nothing to do with the constitutions of the several States. That being the case, it seems to me to be very clear that according to the true meaning of the Constitution there is a right to take private property for public use, subject to the restriction that compensation is to be made.

But there is another objection. The right of eminent domain is an ulterior right, and should never be exercised, and is never exercised by any Government except for the purpose of obtaining title. If you fail to get it by contract because the party who owns it is unwilling to give it upon any reasonable terms, or because there is no person to be found with whom the agreement can be made, you get it by exercising the right of eminent domain. Where you get it by the exercise of the right of eminent domain, and the Government that exercises it has jurisdiction coextensive with the territory, and exclusive jurisdiction, nothing more is necessary to be done than to get the title, jurisdiction existing antecedent; but that is not the case with the Government of the United States. The jurisdiction over all the territorial limits within the several States is in the government of the States——

The PRESIDING OFFICER, (Mr. FOOT.) The Chair is obliged to appeal to the Senator to suspend his remarks for a moment. The rule of the Senate is imperative, and makes it incumbent on the Chair, the morning hour having expired, to call up the special order of the day.

Mr. HOWARD. We can get through with

this bill in a very few moments, and I hope that the order of the day may be passed over informally for a moment.

The PRESIDING OFFICER. By common consent the special order will lie for the time being, that the further consideration of the bill now before the Senate may be continued; and no objection being made, the Senator from Maryland will proceed with his remarks.

Mr. JOHNSON. I was about to say, Mr. President, that in our form of government, or rather, forms of government, the jurisdiction over the lands, as far as those lands are within the government of the States, is a jurisdiction in the State; and although it is not absolutely necessary, or necessary at all, as I think, in order to get title to lands within the State in the United States, yet it is necessary or advisable in a case of this description, at least, that if title is to be obtained in that way, it should be followed by also having united with the title exclusive jurisdiction. It is more particularly necessary if the property is to be appropriated to public uses. It ought not to be subject to the jurisdiction of the States. It seems to me, therefore, it would be very desirable, or, to state it differently, most desirable, before proceeding to occupy this site for that purpose by exercising the right of eminent domain under the provisions of this bill, that it should be preceded by an agreement on the part of the State of Illinois that she would cede jurisdiction over it to the United States.

Mr. HOWARD. I do not apprehend that any difficulty will grow out of the objection which the Senator from Maryland has presented against the bill. It is a well-known fact that in the new States there are immense tracts of land the title of which now is in the United States, lying within the limits of the States. There is no doubt that the jurisdiction of the new States for the punishment of all crimes, the enforcement of contracts, and for all the purposes of State government, extends over the lands thus belonging to the United States. It is hardly conceivable how a collision could arise between the authority of the State and the authority of the United States upon those lands. I do not see, I confess, any reason for supposing that there will be any difficulty arising in reference to this particular island which would not be likely to arise elsewhere in the State of Illinois upon the public lands. It may be conceded perhaps, for the sake of the argument, that the jurisdiction of Illinois for political and civil purposes will extend over this island as it does now, and that the United States will be simply the owner of the property for the uses and purposes of an arsenal. It will not follow, however, that the government of Illinois has any right whatever, and it would have no right, to interfere with the operations of the Federal authorities there in carrying on the affairs of this arsenal. Everything will go on just as harmoniously as if the United States had exclusive jurisdiction over the island.

Sir, I am not sure that it is possible under our Constitution to give to the United States an exclusive political jurisdiction over this island, though I do not propose to spend any time in discussing the question. The old Constitution before it was amended provided that Congress should have power

"To exercise exclusive legislation in all cases whatsoever over such district, &c., and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

I do not know that under that clause Illinois might not concede exclusive jurisdiction; but I do not deem it necessary that she should do so. There will be perfect harmony there between the State authorities and the Federal authorities. All that the Government wants of this island is the use of it for the purposes of an arsenal, and for those purposes undoubtedly the laws of Illinois will be a sufficient protection for the United States.

The PRESIDING OFFICER. The question is on ordering the amendment to be engrossed, and the bill to be read a third time.

Mr. HOWE. Mr. President——

Mr. TRUMBULL. I rise to a question of order. I must insist upon going on with the order of the day if this bill is to lead to discussion, as I presume it will. The Senator from Wisconsin designs discussing it, I believe.

Mr. HOWE. I had some observations to submit on this bill.

Mr. TRUMBULL. Then I must insist on the special order. This bill was only continued after one o'clock by unanimous consent. It is not with a desire to interfere with the remarks of the Senator from Wisconsin at all, but because I consider it my duty, having charge of the other subject, which is the special order, to insist that it shall be taken up.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor for that motion?

Mr. HOWE. Yes, sir.

The PRESIDING OFFICER. Then the special order of the day is before the Senate, upon which the Senator from Massachusetts [Mr. SUMNER] is entitled to the floor.

TRANSFERS FROM THE ARMY TO THE NAVY.

Mr. HALE. I ask the unanimous consent of the Senate to take up for consideration Senate bill No. 218.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor for that purpose?

Mr. HALE. Yes, sir; I have his permission to make the motion. It is the bill which was referred to the Committee on Naval Affairs the day before yesterday, proposing to repeal a certain joint resolution. The committee reported it back yesterday morning with an amendment, which grants substantially all that is asked. It is said to be of pressing importance to the Government that it should be passed at once; and I therefore ask the Senate to take it up now and pass it.

Mr. TRUMBULL. Will it lead to debate?

Mr. HALE. I do not think it will.

Mr. TRUMBULL. If a vote can be taken on the proposition of the Senator from New Hampshire without debate, as it is a matter of importance, I shall not object.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 218) to repeal a joint resolution therein named; which was reported by the Committee on Naval Affairs with an amendment, after the word "that," in line three, to insert the words "the first section of;" so that the bill will read:

Be it enacted, &c., That the first section of the joint resolution entitled "A joint resolution relative to the transfer of persons in the military service to the naval service," approved February 24, 1864, be, and the same is hereby, repealed.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in. The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The VICE PRESIDENT subsequently said: The Chair desires to call the attention of the Senate to a bill which was passed by the body this morning repealing the joint resolution named in it. The bill as originally introduced was to repeal the whole joint resolution, but as amended it repeals only the first section of that resolution, and yet the title reads "A bill to repeal a joint resolution therein named." It should read, "A bill to repeal the first section of a joint resolution therein named," and it will be so amended if there be no objection. The Chair hears none.

AMENDMENTS TO THE CONSTITUTION.

The PRESIDING OFFICER, (Mr. FOOT.) The special order of the day, which is the joint resolution (S. No. 16) proposing amendments to the Constitution of the United States, is now before the Senate, and the question is on concurring in the amendment made as in Committee of the Whole. That amendment is in the form of a substitute for the original resolution, and is open to amendment before the question of concurrence is taken. After the Senate shall have concurred, if they do concur, in that amendment, the text of the joint resolution, the amendment itself being in the form of a substitute, will not be open to amendment. Amendments then can only be offered in the form of provisos or additional sections to the amendment. The Chair deems it proper to make this announcement in advance, that no misapprehension may be entertained.

Mr. SUMNER. Mr. President, if an angel from the skies or a stranger from another planet were permitted to visit this earth, and to examine its surface, who can doubt that his eyes would rest with astonishment upon the outstretched extent and exhaustless resources of this Republic of the New World, young in years but already rooted beyond any dynasty in history? In proportion as he considered and understood all those things among us which enter into and constitute the national life, his astonishment would increase, for he would find a numerous people, powerful beyond precedent, without a king or a noble, but with the schoolmaster instead. And yet the astonishment which he confessed, as all these things appeared before him, would swell into marvel as he learned that in this Republic, which had arrested his admiration, where there was neither king nor noble, but the schoolmaster instead, there were four million human beings in abject bondage, degraded to be chattels, under the pretense of property in man, driven by the lash like beasts, despoiled of all rights, even the right to knowledge and the sacred right of family; so that the relation of husband and wife was impossible and no parent could claim his own child; while all were condemned to brutish ignorance. Startled by what he beheld, the stranger would naturally inquire by what authority, under what sanction, and through what terms of law or Constitution, this fearful inconsistency, so shocking to human nature itself, continued to be upheld. But his growing astonishment would know no bounds, when he was pointed to the Constitution of the United States, as the final guardian and conservator of this peculiar and many-headed wickedness.

"And is it true," the stranger would exclaim, "that, in laying the foundations of this Republic, dedicated to human rights, all these wrongs have been positively established?" He would ask to see that Constitution and to know the fatal words by which the sacrifice was commanded. The trembling with which he began its perusal would be succeeded by joy as he finished it; for he would find nothing in that golden text, not a single sentence, phrase, or word, even, to serve as origin, authority, or apology for the outrage. And then his astonishment, already knowing no bounds, would break forth anew, as he exclaimed, "Shameful and irrational as is slavery, it is not more shameful or irrational than that unsupported interpretation which undertakes to make your Constitution the final guardian and conservator of this terrible and unpardonable denial of human rights."

Such a stranger as I have described, coming from afar, with eyes which no local bias had distorted, and with understanding which no local custom had disturbed, would naturally see the Constitution precisely as it is in its actual text, and he would interpret it in its true sense, without prepossession or prejudice. Of course he would know, what all jurisprudence teaches and all reason confirms, that human rights cannot be taken away by any indirection or by any vain imagining of something that was intended but was not said, and, as a natural consequence, that slavery can exist—if exist it can at all—only by virtue of a *positive text*, and that what is true of slavery is true also of all its incidents; and the enlightened stranger would insist that, in all interpretation of the Constitution, that cardinal principle must never for a moment be out of mind, but must be kept ever forward as guide and master, that *slavery cannot stand on inference*, nor can any support of slavery stand on inference. Thus informed, and in the light of a pervasive principle,

"How far that little candle throws his beams!"

he would peruse the Constitution from beginning to end, from its opening preamble to its final amendment, and then the joyful opinion would be given.

There are three things which he would observe: first and foremost, that the dismal words "slave" and "slavery" do not appear in the Constitution; so that if the unnatural pretension of property in man lurk anywhere in that text, it is under a feigned name or an *alias*, which of itself is cause of suspicion, while an imperative rule renders its recognition impossible. Next, he would consider the preamble, which is the key to open the whole succeeding instrument; but here no single word can be found which does not open the Constitution to freedom and close it to slavery. The object of the Constitution is announced to be "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the

common defense, promote the general welfare, and secure the blessings of *liberty* to ourselves and our posterity;" all of which, in every particular, is absolutely inconsistent with slavery. And thirdly, he would observe those time-honored, most efficacious, chain-breaking words in the Amendments: "*No person shall be deprived* of life, *liberty*, or property, *without due process of law.*" Scorning all false interpretations and glosses which may have been fastened upon the Constitution as a support of slavery, and with these three things before him, he would naturally declare that there was nothing in the original text on which this hideous wrong could be founded anywhere within the sphere of its operation. With astonishment he would ask again by what strange delusion or hallucination the reason had been so far overcome as to recognize slavery in the Constitution, when plainly it is not there, and cannot be there? The answer is humiliating, but it is easy.

People naturally find in texts of Scripture the support of their own religious opinions or prejudices; and, in the same way, they naturally find in texts of the Constitution the support of their own political opinions or prejudices. And this may not be in either case because Scripture or Constitution, when truly interpreted, supports these opinions or prejudices; but because people are apt to find in texts simply a reflection of themselves. Most clearly and indubitably, whoever finds any support of slavery in the Constitution of the United States has first found such support in himself; not that he will hesitate, perhaps, to condemn slavery in words of approved gentleness, but because from unhappy education or more unhappy insensibility to this wrong he has already conceded to it a certain traditional foothold of immunity, which he straightway transfers from himself to the Constitution. In dealing with this subject, it has not been the Constitution, so much as human nature itself, which has been at fault. Let the people change, and the Constitution will change also; for the Constitution is but the shadow, while the people are the substance.

But under the influences of the present struggle for national life, and in obedience to its incessant exigencies, the people have already changed, and in nothing so much as slavery. Old opinions and prejudices have dissolved, and that traditional foothold which slavery once possessed has been gradually weakened until now it scarcely exists. Naturally this change must sooner or later show itself in the interpretation of the Constitution. But it is already visible even there, in the concession of powers over slavery which were formerly denied. The time, then, has come when the Constitution, which has been so long interpreted for slavery, may be interpreted for freedom. This is one stage of triumph. Universal emancipation, which is at hand, can be won only by complete emancipation of the Constitution itself, which has been degraded to wear chains so long that its real character is scarcely known.

Sometimes the concession is made on the ground of *military necessity*. The capacious war powers of the Constitution are invoked, and it is said that in their legitimate exercise slavery may be destroyed. There is much in this concession; more even than is imagined by many from whom it proceeds. It is war, say they, which puts these powers in motion; but they forget that wherever slavery exists there is perpetual war—that slavery itself is a *state of war* between two races, where one is for the moment victor—pictured accurately by Jefferson when he described it as "permitting one half of the citizens to trample on the rights of the other, transforming those into enemies, and these into despots." Therefore, wherever slavery exists, even in seeming peace, the war power may be invoked to put an end to a condition which is internecine, and to overthrow pretensions which are hostile to every attribute of the Almighty.

But it is not on military necessity alone that the concession is made. There are many who, as they read the Constitution now, see its powers over slavery more clearly than before. The old superstition is abandoned; and they join with Patrick Henry when, in the Virginia convention, he declared that the power of manumission was given to Congress. He did not hesitate to argue against the adoption of the Constitution because it gave this power. And shall we be less perspicacious for freedom than this Virginia statesman was for slavery? Discerning this power he confessed his dismay; but let us confess our joy.

We have already seen that slavery can find no support in the Constitution. Glance now at the positive provisions by which it is brought completely under the control of Congress.

1. First among the powers of Congress, and associated with the power to lay and collect taxes, is that "to provide for the common defense and general welfare." It has been questioned whether this is a substantive power, or simply incident to that with which it is associated. But it seems difficult, if not absurd, to insist that Congress should not have this substantive power. Shall it not provide for the common defense? Shall it not provide for the general welfare? If it cannot do these things it had better abdicate. In the discussions on the Constitution in the Virginia convention, Mr. George Mason, one of its most decided opponents, said, "That Congress should have power to provide for the general welfare of the Union, *I grant.*" (2 Eliot's Debates, 327.) But the language of Patrick Henry, to which allusion has been already made, was still more explicit. He foresaw that this power would be naturally directed against slavery, and he said:

"Slavery is detested. We feel its fatal effects. We deplore it with all the pity of humanity. Let all these considerations, at some future period, press with full force on the minds of Congress. Let that urbanity which, I trust, will distinguish Americans, and the necessity of national defense—let all these things operate on their minds; they will search that paper [the Constitution] and see if they have the power of manumission. And have they not, sir? Have they not the power *to provide for the general defense and welfare?* May they not think that they call for the abolition of slavery? May they not pronounce all slaves free? And will they not be warranted by that power? This is no ambiguous implication or logical deduction. *The paper speaks to the point. They have the power in clear and unequivocal terms, and will clearly and certainly exercise it.*"—*Eliot's Debates*, vol. 3, p. 590.

Language could not be more positive. To all who ask for the power of Congress over slavery, here is a sufficient answer; and remember that this is not my speech, but the speech of Patrick Henry, who says that the Constitution "speaks to the point."

2. Next comes the clause, "Congress shall have power to declare war; to raise and support armies; to provide and maintain a navy." A power like this is from its very nature unlimited. In raising and supporting an army, in providing and maintaining a navy, Congress is not restrained to any particular class or color. It may call upon all and authorize that *contract* which the Government makes with an enlisted soldier. But such a contract would be in itself an act of manumission; for a slave cannot make a contract. And if the contract be followed by actual service, who can deny its completest efficacy in enfranchising the soldier-slave and his whole family? Shakspeare, immortal teacher, gives expression to an instinctive sentiment when he makes Henry V, on the eve of the battle of Agincourt, encourage his men by promising,

> "For he to-day that sheds his blood with me,
> Shall be my brother; *be he ne'er so vile,*
> *This day shall gentle his condition.*"

3. There is still another clause: "The United States shall guaranty to every State in this Union a *republican form of government.*" There again is a plain duty. But the question recurs, what is a republican form of government? John Adams, in the correspondence of his old age, says:

"The customary meanings of the words *republic* and *commonwealth* have been infinite. They have been applied to every Government under heaven; that of Turkey and that of Spain, as well as that of Athens and of Rome, of Geneva and San Marino."—*John Adams's Works*, vol. 10, p. 378.

But the guarantee of a republican form of government must have a meaning congenial with the purposes of the Constitution. If a Government like that of Turkey, or even like that of Venice, could come within the scope of this guarantee, it would be of little value. It would be words and nothing more. Evidently it must be construed so as to uphold the Constitution according to all the promises of its preamble, and Mr. Madison has left a record, first published to the Senate by the distinguished Senator from Vermont, [Mr. COLLAMER,] the chairman of the Committee on the Library, showing that this clause was originally suggested in part by the fear of slavery. The record is important, disclosing the real intention of this guarantee. But no American need be at a loss to designate some of the distinctive elements of a republic according to the idea of American institutions. These will be found, first, in the Declaration of Independence, by which it is solemnly announced "that all men are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." And they will be found, secondly, in that other guarantee and prohibition of the Constitution, in harmony with the Declaration of Independence; "*no person* shall be deprived of life, *liberty*, or property *without due process of law.*" Such are some of the essential elements of a "republican form of government," which cannot be disowned by us without disowning the very muniments of our liberties; and it is these which the United States are bound to guaranty. But all these make slavery impossible. It is idle to say that this result was not anticipated. It would be, then, only another illustration that our fathers "builded wiser than they knew."

4. But, independent of the clause of guarantee, there is the clause just quoted, which in itself is a source of power: "*no person* shall be deprived of life, *liberty*, or property *without due process of law.*" This was a part of the amendments to the Constitution proposed by the First Congress, under the popular demand for a Bill of Rights. Brief as it is, it is in itself alone a whole Bill of Rights. Liberty can be lost only by "due process of law," words borrowed from the old liberty-loving common law, illustrated by our master in law, Lord Coke, but best explained by the late Mr. Justice Bronson, of New York, in a judicial opinion where he says:

"The meaning of the section then seems to be, that *no member of the State shall be disfranchised or deprived of any of his rights or privileges* unless the matter shall be adjudged against him upon trial had according to the course of common law. The words 'due process of law' in this place cannot mean less than a prosecution or suit instituted and conducted according to the prescribed forms and solemnities for ascertaining guilt or determining the title to property."—4 *Hill's Reports*, 146.

Such is the protection which is thrown by the Constitution over every "person," without distinction of race or color, class or condition. There can be no doubt about the universality of this protection. All, without exception, come within its scope. Its natural meaning is plain; but there is an incident of history which makes it plainer still, excluding all possibility of misconception. A clause of this character was originally recommended as an amendment by two slave States, North Carolina and Virginia, but it was restrained by them to *freemen*, thus: "No *freeman* ought to be deprived of his life, *liberty*, or property but by the *law of the land.*" But when the recommendation came before Congress the word "person" was substituted for "freeman," and the more searching phrase "due process of law" was substituted for "the law of the land." In making this change, rejecting the recommendation of two slave States, the authors of this amendment revealed their purpose, that *no person* wearing the human form should be deprived of *liberty* without due process of law; and the proposition was adopted by the votes of Congress and then of the States as a part of the Constitution. Clearly on its face it is an express guarantee of personal liberty and an express prohibition against its invasion anywhere.

In the face of this guarantee and prohibition—for it is both—how can any "person" be held as a slave? But it is sometimes said that this provision must be restrained to places within the exclusive jurisdiction of the national Government. Let me say frankly that such formerly was my own impression, often avowed in this Chamber; but I never doubted its complete efficacy to render slavery unconstitutional in all such places, so that "no person" could be held as a slave at the national capital or in any national territory. Constitutionally slavery has always been an outlaw where ever that provision of the Constitution was applicable. Nobody doubted that it was binding on the national courts, and yet it was left unexecuted—a dead letter, killed by the predominant influence of slavery, until at last Congress was obliged by legislative act to do what the courts had failed to do, and to put an end to slavery in the national capital and national territories.

But there are no words in this guarantee and prohibition by which they are restrained to any exclusive jurisdiction. They are broad and general as the Constitution itself; and since they are

in support of human rights they cannot be restrained by any interpretation. There is no limitation in them, and nobody now can supply any such limitation, without encountering the venerable maxim of law, *Impius ac crudelis qui libertati non favet*—"Impious and cruel is he who does not favor liberty." Long enough courts and Congress have merited this condemnation. The time has come when they should merit it no longer. The Constitution should become a living letter under the predominant influence of freedom. It is this conviction which has brought petitioners to Congress, during the present session, asking that the Constitution shall be simply executed against slavery and not altered. Ah! sir, it would be a glad sight to see that Constitution, which we have all sworn to support, interpreted generously, nobly, gloriously for freedom, so that everywhere within its influence the chains should drop from the slave. If it be said that this was not anticipated at the adoption of the Constitution, I remind you of the words of Patrick Henry at the time when he said, "the paper speaks to the point." No doubt. It does speak to the point. Cicero preferred to err with Plato rather than to think right with other men. And pardon me if, on this occasion, when my country is in peril from slavery, and when human rights are to be rescued, I prefer to err with Patrick Henry, the contemporary of the Constitution, rather than to think right with Senators who hesitate against slavery.

Mr. President, thus stands the case. There is nothing in the Constitution on which slavery can rest, or find any the least support. Even on the face of that instrument it is an *outlaw;* but if we look further at its provisions we find at least four distinct sources of power, which, if executed, must render slavery impossible, while the preamble makes them all vital for freedom: first, the power to provide for the common defense and general welfare; secondly, the power to raise armies and maintain navies; thirdly, the power to guaranty to every State a republican form of government; and fourthly, the power to secure *liberty* to every person restrained without due process of law. But all these provisions are something more than powers; *they are duties also.* And yet we are constantly and painfully reminded in this Chamber that pending measures against slavery are unconstitutional. Sir, this is an immense mistake. *Nothing against slavery can be unconstitutional.* It is only hesitation which is unconstitutional.

And yet slavery still exists—in defiance of all these requirements of the Constitution; nay, more, in defiance of reason and justice, which can never be disobeyed with impunity—it exists, the perpetual spoiler of human rights and disturber of the public peace, degrading master as well as slave, corrupting society, weakening Government, impoverishing the very soil itself, and impairing the natural resources of the country. Such an outrage, so offensive in every respect, not only to the Constitution, but also to the whole system of order by which the universe is governed, is plainly a *national nuisance,* which, for the general welfare and in the name of justice, ought to be abated. But at this moment, when it menaces the national life, it will not be enough to treat slavery merely as a nuisance; for it is much more. It is a public enemy and traitor wherever it shows itself, to be subdued, in the discharge of solemn guarantees of Government and of personal rights, and in the exercise of unquestionable and indefeasible rights of *self-defense.* All now admit that in the rebel States it is a *public enemy and traitor,* so that the rebellion may be seen in slavery, and slavery may be seen in the rebellion. But slavery throughout the country, everywhere within the national limits, is a *living unit, one and indivisible*—so that even outside the rebel States it is the same public enemy and traitor, lending succor to the rebellion, and holding out "blue lights" to encourage and direct its operations. But whether regarded as national nuisance or as public enemy and traitor, it is obnoxious to the same judgment, and must be abolished.

If, in abolishing slavery, any injury were done to the just interests of any human being or to any rights of any kind, there might be something "to give us pause," even against these irresistible requirements. But nothing of the kind can ensue. No just interests and no rights can suffer. It is the rare felicity of such an act, as well outside as inside the rebel States, that, while striking a blow at the rebellion, and assuring future tranquillity, so that the Republic shall no longer be a house divided against itself, it will add at once to the value of the whole fee simple wherever slavery exists, will secure individual rights, and will advance civilization itself.

There is another motive to abolish slavery at this time. Embattled armies now stand face to face, on the one side fighting for slavery. The gauntlet that has been flung down we have yet taken up only in part. In abolishing slavery entirely we take up the gauntlet entirely. Then can we look with confidence to the blessings of Almighty God upon our arms. So long as we sustain slavery, so long as we hesitate to strike at it, the heavy battalions of our armies will fail in power. Sir Giles Overreach found his sword, as he attempted to draw it, "glued with orphans' tears." Let not our soldiers find their swords "glued" with the tears of the slave.

There is one question and only one which rises in our path; and this only because the national representatives have so long been drugged and drenched with slavery, which they have taken in all forms, whether of dose or *douche,* that, like a long-suffering patient, they are not yet emancipated from its influence. I refer, of course, to the question of compensation under the shameful assumption that there can be property in man. Sir, there was a moment when I was willing to pay money largely, or at least to any reasonable amount, for emancipation; but it was *as ransom,* and never as compensation. Thank God! that time has now passed, never to return; and simply because money is no longer needed for the purpose. Our fathers under Washington never paid the Algerines for the emancipation of our enslaved fellow-citizens, except as ransom, and they ceased all such tribute when emancipation could be had without it. Such must be our rule now. Any other rule would be to impoverish the Treasury for nothing. The time has come for the old tocsin to sound, "Millions for defense, not a cent for tribute." Ay, sir; millions of dollars—with millions of strong arms also—to defend our country against slave-masters; but not a cent for tribute to slave-masters.

But if money is to be paid as compensation, clearly it cannot go to the master, who for generations has robbed the slave of his toil and all its fruits, so that, in justice, he may be regarded now as the trustee of accumulated earnings with interest which he has never paid over. Any money paid as compensation must belong every dollar of it to the slave. If the case were audited in Heaven's chancery, there must be another allowance for the denial of inestimable rights. The loss of wages may be estimated, but where is the tariff or price-current by which those other losses which have been the lot of every slave shall be determined? Mortal arithmetic is impotent to assess the fearful sum total. In presence of this infinite responsibility the whole question must be referred to that other tribunal where master and slave will be equal, while infinite wisdom tempers justice with mercy.

But the proposition of compensation is founded on the intolerable assumption of property in man, an idea which often intrudes into these debates, sometimes from its open vindicators and sometimes from others who reluctantly recognize it, but allow it to influence their conduct which is thus "sicklied o'er" with slavery. Sir, parliamentary law must be observed; but if an outburst of indignant hisses were ever justifiable in a parliamentary assembly it ought to break forth at every mention of this proposition, whatever form it may take—whether of daring assumption, or the mildest suggestion, or equivocation even. Impious toward God and insulting toward man, it is disowned alike by the conscience and the reason; nor is there any softness of phrase or argument by which its essential wickedness can be disguised. The fool hath said in his heart that there is no God; but it is kindred folly to say that there is no man. The first is atheism, and the second is like unto the first.

Foremost of all persons in history who have vindicated human liberty, and associated their names with it forevermore, stands John Milton, the secretary of Oliver Cromwell and the author of Paradise Lost. Cradled under a lawless royalty, he helped to found and support the English Commonwealth, while in all that he wrote he pleaded for human rights, now in defense of the English people, who had beheaded their king, and now in immortal poems which show how wisely and well he loved the cause which he had made his own. Nowhere has this assumption of property in man been encountered more completely than in the conversation between the archangel and Adam, after the former had pictured a hunter whose game was "men, not beasts:"

> "O *execrable son!* so to aspire
> Above his brethren, to himself *assuming*
> Authority usurped, from God not given!
> He gave us only over beast, fish, fowl,
> Dominion absolute; that right we hold
> By His donation; but man over men
> He made not lord, such title to Himself
> Reserving, human left from human free."
> *Paradise Lost, Book Twelve*—64-73.

But every asserter of property in man puts himself in the very place of this hunter of "men, not beasts," who is described as "execrable son so to aspire." The language is strong; but not too strong. "Execrable" is the assumption; "execrable" wherever made; "execrable" in all its forms; "execrable" in all its consequences; especially "execrable" as an apology for hesitation against slavery. The assumption, where ever it shows itself, must, like Satan himself, in whom it has its origin, be beaten down under our feet.

Again, we are brought by learned Senators to the Constitution, which requires that there shall be "just compensation" where "private property" is taken for public use. But plainly on the present occasion the requirement of the Constitution is absolutely inapplicable, for there is no "private property" to take. Slavery is but a bundle of barbarous pretensions, from which certain persons are to be released. At what price shall these pretensions be estimated? How much shall be paid for the controlling pretension of property in man? How much shall be allowed for that other pretension to shut the gates of knowledge, and keep the victim from the book of life? How much shall be expended to redeem the pretension to rob a human being of all the fruits of his toil? And, sir, what "just compensation" shall be voted for the renunciation of that Heaven-defying pretension, too disgusting to picture in its details, which despoils the slave of wife and child, and hands them over to lust or avarice? Let these pretensions be renounced, and slavery ceases to exist; but there can be no "just compensation" for any such renunciation. The human heart, reason, religion, the Constitution itself, rise in judgment against it. As well vote "just compensation" to the hardened offender who renounces his disobedience to the Ten Commandments and promises that he will cease to steal, that he will cease to commit adultery, and that he will cease to covet his neighbor's wife. Ay, sir, there is nothing in the Constitution to sanction any such outrage. Such an appropriation would be unconstitutional.

Putting aside, then, all objections that have been interposed, whether proceeding from open opposition or from lukewarm support, the great question recurs, that question which dominates this whole debate, How shall slavery be overthrown? The answer is threefold: first, by the courts, declaring and applying the true principles of the Constitution; secondly, by Congress, in the exercise of the powers which belong to it; and, thirdly, by the people, through an amendment to the Constitution. Courts, Congress, people, all may be invoked, and the occasion will justify the appeal.

1. Let the appeal be made to the courts. But alas! one of the saddest chapters in our history has been the conduct of judges, who have lent themselves to the support of slavery. Injunctions of the Constitution, guarantees of personal liberty, and prohibitions against its invasion, have all been forgotten. Courts which should have been asylums of liberty have been changed into *barracoons,* and the Supreme Court of the United States, by a final decision of surpassing infamy, became the greatest *barracoon* of all. It has been part of the calamity of the times, that, under the influence of slavery, justice, like Astræa of old, had fled. But now at last, in a regenerated Republic, with the power of slavery waning, and the people rising in judgment against it, let us hope that the judgments of courts may be reconsidered, and that the powers of the Constitution in behalf

of liberty may be fully exercised, so that the blessed condition shall be fulfilled when

"Ancient frauds shall fail,
Returning justice lift aloft her scale."

Sir, no court can afford to do an act of wrong. Its business is justice; and when under any apology it ceases to do justice, it loses those titles to reverence which otherwise are so willingly bestowed. There are instances of great magistrates who have openly declared their disobedience to laws "against common right and reason," and their names are mentioned with gratitude in the history of jurisprudence. There are other instances of men holding the balance and the sword, whose names have been gathered into a volume, as "atrocious judges." If our judges, who have cruelly interpreted the Constitution in favor of slavery, do not come into the latter class, they clearly can claim no place among those others who have stood for justice, like the rock on which the sea breaks in idle spray. Doubtless the model decision of the American bench, destined to be quoted hereafter with the most honor, because the boldest in its conformity with the great principles of humanity and social order, was that of the Vermont judge, who refused to surrender a fugitive slave *until his pretended master should show a title-deed from the Almighty.*

But the courts have no longer any occasion for such boldness. They need not step outside the Constitution. It is only needed that they should follow just principles in its interpretation. Let them be guided by a teacher like Edmund Burke, who spoke as follows:

"*Men cannot covenant themselves out of their rights and their duties*; nor by any other means can arbitrary power be conveyed to any man. *Those who give to others such rights, perform acts that are void as they are given.*" * * * "Those who give and those who receive arbitrary power are alike criminal, and there is no man but is bound to resist it to the best of his power, wherever it shall show its face in the world. It is a crime to bear it where it can be rationally shaken off."—*Speech on Impeachment of Warren Hastings.*

Or let them be guided by that other teacher, Lord Chatham, when he said:

"With respect to the decisions of the courts of justice I am far from denying their due weight and authority; yet placing them in the most respectable view, I will consider them, not as law, but as an evidence of the law; and before they can arrive even at that degree of authority, it must appear that they are founded in, and confirmed by, reason; that they are supported by precedents, taken from good and moderate times; that they do not contradict any positive law; that they are submitted to without reluctance by the people; that they are unquestioned by the legislature, (which is equivalent to a tacit confirmation;) *and what in my judgment is by far the most important, that they do not violate the spirit of the constitution.*"—*Speech of Lord Chatham in 1770, with regard to the proceeding on the Middlesex election.*

If courts were thus inspired, it is easy to see that slavery would disappear under their righteous judgments.

2. But unhappily the courts will not perform the duty of the hour, and we must look elsewhere. An appeal must be made to Congress; and here, as has been fully developed, the powers are ample, unless in their interpretation you surrender in advance to slavery. By a single brief statute, Congress may sweep slavery out of existence. Patrick Henry saw that in the maintenance of "the general welfare" and under the influence of a growing detestation of slavery this could be done, even without resort to those capacious war powers which proclaim trumpet-tongued that it can be done.

Of course we encounter here again the "execrable" pretension of property in man, and the claim of "just compensation" for the renunciation of Heaven-defying wrongs. But this pretension is no more applicable to abolition by act of Congress than to abolition by an amendment of the Constitution; so that if the pretension of "just compensation" can be discarded in one case it can be in the other. But the votes that have already been taken in the Senate on the latter proposition testify that it is discarded. Sir, let the "execrable" pretension never again be named, except for condemnation, no matter how or when it appears or what the form it may take.

But even if Congress be not prepared for that single decisive measure which shall promptly put an end to this whole question and strike slavery to death, there are other measures by which this end may be hastened. The towering Upas may be girdled, even if it may not be felled at once to the earth.

The fugitive slave bill, conceived in iniquity and imposed upon the North as a badge of subjugation, may be repealed.

The coastwise slave trade may be deprived of all support in the statute-book.

The traffic in human beings, as an article of "commerce among States," may be extirpated.

And, above all, that odious rule of evidence, so injurious to justice and discreditable to the country, excluding the testimony of colored persons in national courts, may be abolished.

Let these things be done. In themselves they will be much. But they will be more as the assurance of the overthrow sure to follow.

3. But all these will not be enough. The people must be summoned to confirm the whole work. It is for them to put the cap-stone upon the sublime structure. An amendment of the Constitution may do what courts and Congress decline to do, or, even should they act, it may cover their action with its panoply. Such an amendment in any event will give completeness and permanence to emancipation, and bring the Constitution into avowed harmony with the Declaration of Independence. Happy day, long wished for, destined to gladden those beatified spirits who have labored on earth to this end, but died without the sight.

And yet let us not indiscreetly take counsel of our hopes. From the nature of the case such an amendment cannot be consummated at once. Time must intervene, with opportunities of opposition. It can pass Congress only by a vote of two thirds of both branches. And when it has passed both branches of Congress it must be adopted by the Legislatures of three quarters of the States. Even under the most favorable circumstances it is impossible to say when it can become a part of the Constitution. Too tardily, I fear, for all the good that is sought. Therefore I am not content with this measure alone. It postpones till to-morrow what ought to be done to-day; and I much fear that it may be made an apology for indifference to other measures.

"To-morrow, and to-morrow, and to-morrow,
Creeps in this petty pace from day to day,
To the last syllable of recorded time;
And all our yesterdays have lighted fools
The way to dusty death."

For myself let me confess that, in presence of the mighty events of the day, I feel how insignificant is any individual, whether citizen or Senator; and yet, humbly longing to do my part, I cannot consent to put off till to-morrow what ought to be done to-day. Beyond my general desire to see an act of universal emancipation that shall at once and forever settle this great question, so that it may no longer be the occasion of strife between us, there are two other ideas which are ever present to my mind as a practical legislator: first, to strike at slavery wherever I can hit it; and secondly, to clean the statute-book of all existing supports of slavery, so that it may find nothing there to which it may cling for life. To do less than this at the present moment, when slavery is still menacing, would be an abandonment of duty.

So long as a single slave continues anywhere beneath the flag of the Republic I am unwilling to rest. Too well I know the vitality of slavery with its infinite capacity of propagation, and how little slavery it takes to make a slave State with all the cruel pretensions of slavery. The down of a single thistle is full of all possible thistles, and a single fish is said to contain two hundred million of ova, so that the whole sea might be stocked from its womb.

The founder of political science in modern times, writer as well as statesman, Machiavelli, in his most instructive work, the Discourses on Livy, has a chapter entitled, "To have long life in a republic, it is necessary to draw it back often to its origin;" and in the chapter he shows how the original virtue in which a republic was founded becomes so far corrupted, that, in the process of time, the body-politic must be destroyed; as in the case of the natural body, where, according to the doctors of medicine, there is something added daily which perpetually requires cure, *quod quotidie aggregatur aliquid, quod quandoque indiget curatione.* He teaches under this head that republics are brought back to their origin, and the principles in which they were founded, by pressure without or prudence within, and he affirms that the destruction of Rome by the Gauls was necessary that the republic might have a new birth, and thus acquire new life and new virtue, all of which ensued when the barbarians had been driven back. The illustration, perhaps, is fanciful, but there is wisdom in the counsel, and now the time has come for its application. The Gauls are upon us, not, however, from a distance, but domestic Gauls, and we, too, may profit by the occasion to secure for the Republic a new birth, that it may acquire a new life and new virtue. Happily, in our case the way is easy, for it is only necessary to carry the Republic back to its baptismal vows, and the declared sentiments of its origin. There is the Declaration of Independence: let its solemn promises be redeemed. There is the Constitution: let it speak, according to the promises of the Declaration.

But the immediate question now before us is on the proposition to prohibit slavery by constitutional amendment; and here I hope to be indulged for a moment with regard to the form which it should take. A new text of the Constitution cannot be considered too carefully even in this respect, especially when it embodies a new article of freedom. Here for a moment we are performing something of that duty which belongs to the *conditores imperii*, placed foremost by Lord Bacon among the actors in human affairs. From the magnitude of the task we may naturally borrow circumspection, and I approach this part of the question with suggestion rather than argument.

Let me say frankly that I should prefer a form of expression different from that which has the sanction of the committee. They have selected what was intended for the old Jeffersonian ordinance, sacred in our history, although, let me add, they have not imitated it closely. But I must be pardoned if I venture to doubt the expediency of perpetuating in the Constitution language which, if it have any signification, seems to imply that "slavery or involuntary servitude" may be provided "for the punishment of crime." There was a reason for that language when it was first employed, but that reason no longer exists. If my desires could prevail, I would put aside the ordinance on this occasion, and find another form.

I know nothing better than these words:

All persons are equal before the law, so that no person can hold another as a slave; and the Congress shall have power to make all laws necessary and proper to carry this declaration into effect everywhere within the United States and the jurisdiction thereof.

The words in the latter part supersede all questions as to the applicability of the declaration to States. But the distinctive words in this clause assert the *equality of all persons before the law.* The language may be new in our country, but it is already well known in history. And here let me show how it has grown to its present place of authority. We must repair for a moment to France.

The first constitution adopted by France, September, 1791, in the throes of revolution, was preceded by a Declaration of Rights, which, after setting forth that "ignorance, forgetfulness, or contempt of the rights of man are the sole causes of public evils and of the corruption of Governments," undertakes to announce "the natural rights of man, inalienable and sacred, to the end that this Declaration, constantly present to all the members of the social system, may without cessation recall their rights and duties; to the end that the acts of the legislative power and those of the executive power capable at each instant of being compared with the object of every political institution, may be more respected; to the end that the claims of citizens, founded on simple and incontestable principles, may turn always to the maintenance of the constitution, and the happiness of all." After this too elaborate preamble the Declaration begins with the following article:

"ART. 1. Men are born and continue free and *equal in rights.*"

Here is a generality of expression not unlike that of our own Declaration of Independence.

Next came the constitution of June, 1793, which, after a preamble, sets forth a series of articles, beginning with three, as follows:

"ART. 1. The object of society is the common happiness. Government is instituted to guaranty to man the enjoyment of his natural and imprescriptible rights.

"2. These rights are equality, liberty, security, property.

"3. *All men are equal* by nature and *before the law.*"

Here this declaration begins to show itself.

This same constitution concludes with what

is called a guarantee of rights, in the following article:

"ART. 122. The Constitution guaranties to all Frenchmen equality, liberty, security, property, the public debt, the free exercise of worship, common instruction, public assistance, the indefinite liberty of the press, the right of petition, the right to assemble in public meetings, the enjoyment of all the rights of men."

Then came the constitutional charter of June, 1814, following the restoration of the Bourbons, which begins with the following article:

"ART. 1. *Frenchmen are equal before the law*, whatever may be otherwise their title and ranks."

This is followed by another, as follows:

"ART. 4. Their individual liberty is equally guarantied, so that nobody can be prosecuted or arrested, except in cases provided for by the law, and in the form which it prescribes."

The constitutional charter of August, 1830, at the installation of Louis Philippe as king, with La Fayette by his side, contains the articles already quoted from that of Louis XVIII, in the same words, placing the declaration of *equality before the law* in the front.

And this article has been adopted in the charters of Belgium, Italy, Greece; so that it is now a well-known expression of a commanding principle of human rights.

It will be felt at once that this expression, "*equality before the law*," gives precision to that idea of human rights which is enunciated in our Declaration of Independence. The sophistries of Calhoun, founded on the obvious inequalities of body and mind, are all overthrown by this simple statement, which, though borrowed latterly from France, is older than French history. The curious student will find in the ancient Greek of Herodotus a single word which supplies the place of this phrase, when he tells us that "the government of the many has the most beautiful name of *ισονομία*," or *equality before the law*. (Book 3, p. 80.) The father of history was right. The name is most beautiful; but it is not a little singular that, in an age when *equality before the law* was practically unknown, the Greek language, so remarkable for its flexibility and comprehensiveness, supplied a single word, not to be found in modern tongues, to express an idea which has been authoritatively recognized only in modern times. Such a word in our own language to express that equality of rights which is claimed for all mankind might have superseded some of the criticism to which this Declaration has been exposed.

Enough has been said to explain the origin of the words which are now proposed. It will be for the Senate to determine if it will adopt them.

Should the Senate not incline to this form, there is still another which I would suggest, as follows:

Slavery shall not exist anywhere within the United States or the jurisdiction thereof; and the Congress shall have power to make all laws necessary and proper to carry this prohibition into effect.

This is simple, and avoids all language which is open to question. The word "slavery" is explicit, and describes precisely what it is proposed to blast.

But if the Senate is determined to adhere to the Jeffersonian ordinance, then I prefer that it should be the ordinance actually, and not as reported by the committee. And I would complete the work by expelling from the Constitution all those words which have been the apology for slavery, by an amendment as follows:

There shall be neither slavery nor involuntary servitude anywhere in the United States, or within the jurisdiction thereof, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted; and the Congress may make all laws which shall be necessary and proper to enforce this prohibition.

But while desirous of seeing the great rule of freedom which we are about to ordain embodied in a text which shall be like the precious casket to the more precious treasure, yet I confess that I feel humbled by my own endeavors. And whatever may be the judgment of the Senate, I am consoled by the thought that the most homely text containing such a rule will be more beautiful far than any words of poetry or eloquence, and that it will endure to be read with gratitude when the rising dome of this Capitol, with the statue of Liberty which surmounts it, has crumbled to dust.

The VICE PRESIDENT. The question is on concurring in the amendment which was made as in Committee of the Whole.

Mr. SUMNER. I move to amend the amendment by striking out the words of the proposed article, and inserting the following:

All persons are equal before the law, so that no person can hold another as a slave; and the Congress may make all laws necessary and proper to carry this article into effect everywhere within the United States and the jurisdiction thereof.

Mr. POWELL. Mr. President, it was not my purpose a day or two ago to make any remarks upon the main question; but I beg leave now to trespass on the Senate for a short time while I reply very briefly to some of the remarks that have fallen from three honorable Senators from New England, two from New Hampshire, and one from Massachusetts, who has just taken his seat.

I do not believe it was ever designed by the founders of our Government that the Constitution of the United States should be so amended as to destroy property. I do not believe it is the province of the Federal Government to say what is or what is not property. Its province is to guard, protect, and secure, rather than to destroy. If you admit the principle contended for by the gentlemen who urge this amendment, logic would lead them to the conclusion that the General Government could, by an amendment to its Constitution, regulate every domestic matter in the States. If it, by constitutional amendment, can regulate the relation of master and servant, it certainly can, on the same principle, make regulations concerning the relation of parent and child, husband and wife, and guardian and ward. If it has the right to strike down property in slaves, it certainly would have a right to strike down property in horses, to make a partition of the land, and to say that none shall hold land in any State in the Union in fee simple. It is not my purpose, however, to discuss the question in that light, for it has been elaborately discussed before.

I do not think, Mr. President, that those who are now urging this constitutional amendment have acted in good faith toward the adhering slave States. If you will trace their history from the very beginning in connection with this whole subject of slavery in the States, I think you will find that they have not acted with that directness and candor that should characterize bold, honest, and fearless men. Why, sir, do you suppose that such propositions would have been proposed heretofore? Not at all. We were told by the Government in every form in which it could speak, at the beginning of this revolution, that whatever might be the result, the institutions of the States would remain as they were. The President, in his inaugural address, announced that he had no constitutional power to interfere with the institution of slavery in the States. The Secretary of State announced it in a communication which he sent abroad. Congress, by a resolution, announced virtually the same thing when they declared that the object of the war was to restore the Union as it was and to maintain the Constitution as it is.

All these measures and promises have been utterly repudiated by the party in power. It seems as if their sole object was to deceive in order to obtain power, and the moment they obtain power they exercise it. We are surrounded by circumstances that cause these valiant knights to think they can do this with impunity, and at once they go to work. Heretofore they have said that not only they had not the power, but whatever might be the result of the present contest, the status of this institution would remain as it was. I do not mean to say that they said they had no power to pass a constitutional amendment; but this portion of my remarks is directed to other policies that have been advocated and other laws that have been passed or are now proposed in this Chamber. I think it must be admitted by all candid men that the border States have been dealt with in bad faith. The Government has not kept faith with them. All candid, all truthful, all honest men must know it and must admit it.

But, sir, they tell us that slavery is the cause of all our difficulties; and the honorable Senator from New Hampshire [Mr. CLARK] read an awful indictment against slavery. He said it was the cause of all our woes; that there was no ill in the land but must be attributed to slavery; and hence, he said, it must die. With great deference to the learned Senator, I do not think slavery has been the cause of all our difficulties. In my judgment the want of faith that has been exhibited toward the border and adhering slave States and the bad faith in not executing and carrying out the laws of the country is the source of our ills. If those who now act with that Senator had carried out in good faith the Constitution and the laws made in pursuance thereof on this subject, we never should have been engaged in this most unfortunate and cruel and disastrous civil war. The bad faith of the abolitionists has done more to bring this war about than all the efforts of the fire-eaters of the South. I admit that those men in the South acted unwisely and foolishly; but I do not think the one could well have produced such results without the other. There were fanatics at both extremes, and those miserable factions have brought this once great and glorious country to its present unfortunate condition. Historians in after times will give that as the cause of our troubles. It was the eternal intermeddling with this institution that aroused the spirits of the southern men, and they in turn committed the greatest indiscretions and follies. Had there been no abolitionists North there never would have been a fire-eater South.

But it is said slavery is the cause of the war, and because it is the cause of the war it must die. If that is the kind of logic on which honorable Senators act they would destroy almost everything that is pure, good, and holy in the world. The blessed religion of our Saviour has been the pretext of more wars perhaps than any other subject. Why not strike down the Christian religion because it has been the subject-matter about which throats have been cut, cities sacked, and empires overthrown? There have been furious wars about territory and territorial boundaries, and there will continue to be such wars as long as the cupidity of man prompts him to make conquests. Why not destroy all tenure in land? Ferocious wars have been waged about women. In Homeric verse we have the historic record of a ten years' contest for frail Helen. Why not destroy the loveliest of God's handiwork? Why, sir, the proposition of the Senator to destroy slavery because it is the cause of the war (which I utterly deny) if carried out logically would destroy everything that is grand, beautiful, lovely, and great in the world. I will not dwell upon that proposition. It is so illogical, so irrational, that I do not think it can influence the judgment of any sane man.

I oppose the proposition now pending before the Senate, in the first place, because I do not think we should enter into any such legislation at this time for the reasons that I have briefly stated. In the second place, I oppose it because I desire the Union to be restored, restored as it was with the Constitution as it is; and I verily believe that if you pass this amendment to the Constitution it will be the most effective disunion measure that could be passed by Congress. As a lover of the Union I oppose it. Adopt this amendment, say to the people of the southern States that they are to be deprived of their property and the earnings of their labor, that their whole domestic policy is to be overthrown, and four million of miserable blacks turned loose among them, if you please, and do you think they will yield while they have arms to strike? Never, sir; and in my honest judgment (I always speak plainly what I think) those fanatical gentlemen on the other side of the House who desire the passage of this measure, intend to do one of two things—either to destroy the institution of slavery or to destroy the Union. If they can make the preservation of this Union a pretext by which they can be enabled to strike down slavery, they will do so. If they find that they cannot, in my judgment they will be willing to recognize the South. Their whole policy indicates that to my mind. Pass this amendment and you make an impassable chasm, as if you were to put a lake of burning fire between the adhering States and those who are out. You will then have to make it a war of conquest and extermination before you can ever bring them back under the flag of the Government. There is no doubt about that proposition.

Why, sir, suppose you were to propose and pass an amendment to the Constitution laying your hand upon the property interest in New England, I will not say equal but half equal to the property interests of the southern States which

you now propose to strike down; does any man believe that all New England would not be in revolution to-morrow? Yes, sir, one half of the violation of their property rights by an attempted amendment of the Constitution of the United States inflicted upon them would put all New England in revolt to-morrow. I do not stand here to denounce our Yankee brethren of the North, but everybody knows that cupidity and love of gain is their strongest characteristic. That is known over the whole world and acknowledged by themselves.

Knowing that this will be the best disunion measure that was ever adopted, and desiring as I do a restoration of the Union as it was with the Constitution as it is, I oppose it, and shall oppose it here and everywhere, with all the power that I have. Those who favor it do not wish the Union to be restored as it was. They are willing, I suppose, to let the southern States come in as conquered provinces, bereft of all their property and all their rights, social and political.

The honorable Senator from New Hampshire [Mr. CLARK] has left us no doubt upon that point. In the very eloquent speech that he made the other day he scouted the idea of the Union as it was and the Constitution as it is. He did not want that Union, and he had the manhood to tell us so in his place in the Senate. Would the Senator have said that three years ago? I very much doubt it. I do want the Union as it was and the Constitution as it is, and in that I differ from the honorable Senator. He wants the Union, he says, without slavery. I want the Union with all the institutions that our fathers ordained; and I desire to leave to each State the control of its own domestic policy, and the choice and management of its domestic institutions; and that was, until very recently at least, the doctrine of the party to which the honorable Senator belongs. That was in their Chicago platform; but platforms with everything else are overturned now. That platform in very many particulars was very offensive to me; but such as it was, the party in power used it merely as a scaffold by which to mount to power, and when they had attained the summit they threw it to the ground and trampled upon it. It is in keeping with the bad faith they have exhibited to the border States during this controversy.

The Senator from New Hampshire is now zealous for a constitutional amendment. The time was when the Senator was fired with no such holy zeal. When the propositions offered by my then venerable colleague, Mr. Crittenden, were before the Senate, the Senator from New Hampshire thought no amendment of the Constitution necessary. All that was wanted, in his opinion, was the execution of the Constitution we had. That Senator was then the most active agent in preventing constitutional amendments, when the whole world knew that if those constitutional amendments were carried out, it would have avoided this miserable war and saved the country as a whole. But it did not suit the ideas of the Senator to favor constitutional amendments then, and hence he proposed his celebrated resolution as a substitute for the Crittenden amendment. Then, sir, when those amendments of the Constitution, which it was avowed on all hands, even by Davis and Toombs and the whole of the southern leaders, would save the Union, were under consideration, no Republican Senator came forward and voted for them. Then, when patriotic men throughout the whole land desired to avert the impending storm that has resulted so disastrously to the country, morally, religiously, politically, and in every other respect; the gentlemen who are now such hot zealots for constitutional amendments were opposed to them. They withheld amendments, and the mad people of the South went off; but now, when this war is upon us and has well-nigh ruined the country, constitutional amendments are their last specific.

Would it not be better that those in power should execute the Constitution as it is before they seek to amend it? Every vital provision of the Constitution as it is is violated, and you complain not; and now you propose to amend it solely for the miserable negro, after rejecting every amendment proposed that was calculated to secure the liberties of the white man.

When I proposed an amendment to confine the office of the President to one term, and thus to terminate the infamous spoils system, it was voted down. When another amendment was proposed to prevent the kicking out of office at the incoming of every Administration of the sub-officials in the Executive Departments, no one said it was not a good amendment; and Senators voted it down. Every other amendment that is calculated to give perpetuity and virtue to the Government you discard. You seem to care for nothing but the negro. That seems to be your sole desire. You seem to be inspired by no other wish than to elevate the negro to equality, and give him liberty. I have offered various amendments to this proposition, but they have all been rejected. I have offered them because I thought that while we were at this work we might do something for the white man, for I believe this Government was made by white men and for white men; and if it is ever preserved it must be preserved by white men. I have never made a speech in this body on the subject of the negro; I have alluded to him incidentally only; but I would ask Senators who are so zealous for the negro to point me to a place on the earth where he has been so civilized, so humanized, so christianized, so well cared for as he is in a state of slavery in the United States of America. He has existed, I suppose, as long as the other peoples of the earth; but if you were to-day to strike from existence everything that the woolly-headed negro has given to art, to science, to the mechanic arts, to literature, or to any of the industrial pursuits, the world would not miss it. He is an inferior man in his capacity, and no fanaticism can raise him to the level of the Caucasian race. The white man is his superior, and will be so whether you call him a slave or an equal. It has ever been so, and I can see no reason why the history of all the past should be reversed.

But the negro absorbs your every thought. For him you will destroy the country; for him you will allow the liberties of the white man to be stricken down, and every sacred guarantee of liberty in the Constitution put under foot without a whimper or a censure. That is a lamentable fact which has exhibited itself during this war.

Not contented with proposing legislation to equalize and to elevate the negro, and with failing to censure even in the mildest and most diluted form those who overthrow the liberties of the white man, you step out of the way to assault in every conceivable manner the slaveholding States. The border slave States are kicked and cuffed here with as little ceremony as if they were disloyal criminals or outcasts. The Senator from New Hampshire [Mr. CLARK] undertook the other day to run a parallel between the State I have the honor in part to represent here and one of the New England States, in which he doubted the patriotism of Kentuckians and elevated that of the Green Mountain State of Vermont. Sir, I will not so far degrade Kentucky as to contrast her in military achievements with any of the New England States. We have had wars before this. We had a war with a mighty Power across the water in 1812, when Kentucky was a young and comparatively a feeble State; but did she ever refuse when the country called to give the blood of her sons to carry that flag in the midst of the enemy? No, sir. In that war of 1812 she furnished more men than were demanded; no draft was ever executed in that proud old Commonwealth; she never went abroad with money-bags to hire men to fill her quota.

After the battle of the River Raisin, when the heroic Governor of Kentucky, her first Governor, Governor Shelby, the hero of King's Mountain, called for volunteers, more flocked to his standard than he could take, and the young men went back home weeping because they could not be allowed to go in the army against Proctor, Tecumseh, and their cruel hosts. She protected all the Northwest from the tomahawk and the scalping-knife of the ferocious savage, and the equally ferocious Briton, when our soil was invaded.

Since then we have had a war with Mexico. What was the condition of Kentucky then? She sent more men to the Mexican war than all New England put together; more of the gallant sons of that proud old Commonwealth of Kentucky went to that war than of all New England; and yet the Senator twits Kentucky about her patriotism and her devotion to the country! Allow me to tell the Senator that in the war with Mexico no draft was ever executed in Kentucky, and the rolls in the adjutant general's office at her capital now show that over fifty regiments volunteered more than were wanted, and they were not allowed to go; and but for that news getting out among the people, twice fifty regiments would have been ready to strike for their country in a foreign war.

The Senator has glorified the patriotism of New England during the present contest. I admit that New England has been rampant in the Senate Chamber for this war; but I deny, and I deny most emphatically and most truthfully, that she has exhibited that spirit at home. No draft has been executed in Kentucky; she has heretofore furnished her quota; she has filled it under every call, and I believe that will be made manifest in a few days. We have the misfortune to be divided in this strife; we have perhaps thirty thousand of our young men in the rebel army; but notwithstanding that we have promptly filled our quota so far, and we have to-day one half of the fighting population of our State under the Union flag; and it is a matter of gratulation to every son of Kentucky, though he may regret that her people have gone South, that no regiment from that proud old State on any field, whether in the rebel or the Union service, has ever shown the "white feather." They fight like true sons of a proud mother, and that they will ever do, for Kentucky is not the land that breeds recreants and cowards. How is it with New England in this war? They sometimes call it a New England war. It is the first war since the war of the Revolution that has had the cordial coöperation of New England. We have had wars with Great Britain; we have had a war with Mexico; but New England then came up coldly to the work; she had no stomach for those fights. How is it now? In the Senate Hall and the pulpit, wherever there is a New England fanatic, he is talking about war, blood, carnage; but do their sons respond and fill up the ranks? I admit that in one or two of the New England States it is so. I believe it is so in the State of Vermont; but how is it to-day with Massachusetts?—and Massachusetts sometimes has the audacious impudence to call it a Massachusetts war—do they give their sons to the battle-field? Has Connecticut done it? Their representatives try to pass laws through here almost every day to allow them to go with their money-bags down South and the world over to buy substitutes to fight in a war that they proclaim is a New England war.

But the other day there was an officer from Connecticut offering high bounties to negroes in the gallant State of Indiana, within ten miles of my home, a State so ably represented by my friends, [Mr. HENDRICKS and Mr. LANE,] and I understand that Governor Morton ordered the Yankee to pack up and clear out. Yes, sir, they are going about with their money to buy the bones of the western people to fill up their ranks in the Army; they are so unpatriotic as not to go in themselves. I was very glad that my neighbor's State through its officials ordered that man away.

How is it with Indiana, with Illinois, and the other western States? Those gallant States of the West in the main have filled their quota. They do not go abroad with money to hire a negro there or a foreigner yonder. They do not send abroad to import men to be put into their ranks. No, sir; western courage is far above that. But through the instrumentality of the most iniquitous tariff laws that were ever on the statute-book of any free and honest people, you fill your coffers with the wealth drawn from the hard products of honest industry in the great valley of the Mississippi, and with that you go into their midst and try to buy the muscle and bones of their people to fill your quotas in the Army that you have not got the patriotism and the courage to fill yourselves. That is the truth. No man can deny it. You are attempting almost every day to slip some law of that kind through. The chairman of the Military Committee has tried it twice, and I was delighted when the Senator from Illinois exposed and defeated it a few days since. If you are really for the war as you say you are, give your people to the strife; do not send out your money-bags, your ill-gotten gains wrung from the hard labor of the western people, for the purpose of buying that people to do your fighting. I want to see the regiments of Massachusetts and of Connecticut filled with Massachusetts and Connecticut men, not with South Carolina negroes, or Germans, or Irish. Kentucky has filled her quota from her

own sons. We have no hoards of wealth which high protective laws have wrung from the labor of other people. We have given so far our children to the strife. So has my gallant neighbor, Indiana. So have Ohio, Illinois, and the whole West; but New England men come here and talk against the patriotism of other States and about their divided allegiance! I scorn that kind of interest in a war that will not send men to the field.

By this kind of clap-trap here you may lead the world to believe that you are the great custodians of the country; but brave and honest men will look to the muster-rolls to see how many are in the ranks from your States, and how many you bought over the Canada line and in neighboring States, and how many you are getting from the rice-fields of Louisiana. The world will not believe that you are in earnest until you come up to the work. I hope Congress will not pass a law to allow Yankee cupidity to buy western patriotism or southern slaves to fill up their ranks. There are few States, to their honor be it said, that have not filled up their quotas.

The other Senator from New Hampshire, the facetious and witty, and I may add eloquent Senator from New Hampshire, [Mr. HALE,] made, I think, the most remarkable speech I ever heard. I had thought that distinguished Senator was filled with humanity, with kindness, with charity; but he talked as flippantly about blood and thunder, and cutting off heads, as a child would about his toys. He advised the Democratic party to submit quietly and gracefully, as did the royal monarch to the severing of his head from his body. He said the decree had gone forth, the Commons had decreed that pulleys be placed about his royal person in case he resisted, to pull him to the block. Ah! and he advised us like that king to come up and gracefully put our heads on the block; and I suppose the Senator would glory in being the executioner. Allow me to tell him that he was most unfortunate in his simile. Charles I was beheaded because of encroachments upon the constitution and laws of the country over which he reigned. The illustration of his case cannot apply to a party who are feeble in numbers in this Chamber and weak in the other House, though stronger there than here, who stand forth manfully resisting the encroachments of tyranny, and battling against the usurpations of those in power. If he had instanced the case of the first Charles to tell the wicked men in executive office that they had better lie down and have their heads severed because of their ruthless overthrow of the Constitution of the country as in the case of that king, the simile would have been apposite.

The Senator from New Hampshire thinks that king was rightfully beheaded. I will not enter into that controversy. In history it is a vexed question. That he committed many grievous wrongs, I admit, but I am gentle and kind in my nature, and I think that perhaps it would have been better if his judges had decreed some milder punishment. The Senator from New Hampshire does not think so; he thinks Charles was rightfully executed; he has told us so more than once. I undertake in this Chamber to declare to the Senator from New Hampshire that if he will take up the history of that unfortunate, and I will say guilty king, for he did commit violent infractions of the constitution of the British empire, and if he will state the infractions committed by Charles of the constitution and laws of England, I pledge myself as a gentleman and a man of honor to give him two for one, and those more flagrant infractions, committed by Abraham Lincoln upon the Constitution and laws of the United States of America, and I defy that Senator or any other Senator who chooses to enter the lists to run the historical parallel. Let him present well-authenticated historical infractions by Charles I of the constitution and laws of the British nation, and I pledge myself to furnish two instances for one of violations of our Constitution and laws committed by the present Executive; and I venture to say that no Senator will attempt to run the parallel between the two cases. But, sir, I shall not talk of putting pulleys upon the President, for really while I think the President has committed great infractions of the Constitution of the country, while I honestly believe he ought to be impeached and turned out of office, I have no such bloodthirsty feeling as to want to see the poor man's head chopped off.

The Senator from New Hampshire says that we had better die gracefully. He comes in as a kind of amateur to give us that advice. I suppose the Senator was ferocious on the day he made that speech, and wanted us to come like lambs to the slaughter, so that he might execute the functions of chief executioner. Let me tell him that the Democracy are not dead, and by the blessing of God they will not die. They have a proud office to fill; they have a glorious mission to execute, and I think they will execute it; and that is to rescue the Union from the dangers by which it is surrounded, to save our imperiled Constitution from the stabs of domestic traitors who now assault it, and to let the eyes of men once more behold this glorious country with the Union restored, the Constitution unimpaired. That is our mission, and that by the blessing of God we will achieve.

The Senator need not mock us because we are few in numbers here. Sir, we have forces in the rear, we have the people at our backs, not only those who have heretofore been Democrats but under our glorious banner we will rally all the conservative and honest men in the country. We call beneath the folds of that glorious flag all who are in favor of constitutional liberty, all who are opposed to public plunder and robbery, and under that sign we expect to drive the Goths and the Vandals from the capital and to execute the laws over the whole people from the cataract of Niagara to the Gulf of Mexico, from the Atlantic to the Pacific, and we will never cease until we accomplish that most desirable object.

But now let me show you what the Senator himself said some time ago. Two years ago he stood out proudly in the list of patriots. At that epoch all his instincts were in the right direction, and I thought we should have his aid in correcting abuses and in driving public plunderers from high places; but now, so far from continuing in that line, he wishes those who resist these encroachments, those who desire to drive the rogues from their places of plunder, to lie down and have their heads chopped off without resistance. Listen to what the Senator said about two years ago when speaking of a little transaction of the Secretary of the Navy giving his brother-in-law in New York a fat contract:

"I do not know but I may over-estimate, entirely over-estimate the character of this transaction; but I tell you, sir, I believe, and I declare it upon my responsibility as a Senator of the United States, that the liberties of this country are in greater danger to-day from the corruptions and from the profligacy practiced in the various Departments of this Government than it is from the open enemy in the field."

And about the same period another distinguished Republican, a Representative in the other House from the State of Massachusetts, [Mr. DAWES,] said:

"In the first year of a Republican Administration, which came into power upon professions of reform and retrenchment, there is indubitable evidence abroad in the land that somebody has plundered the public Treasury well-nigh in that single year as much as the entire current yearly expenses of the Government during the Administration which the people hurled from power because of its corruption."

Thus spoke those two distinguished leaders; but now the few of us here who resist such things and who seek to prevent public plunder are treated by the honorable Senator as worthy of the block. I had hoped that he would adhere to his own good words; his speech from which I have just read an extract was made about two years ago; and since then the robberies that have taken place are a hundred to one to those that had then occurred. The transaction of which he then complained was but earnest of what has since been done. We hear of these things every day; they are all around us. Since then almost every vital principle of the Constitution has been overthrown, not by the rebel in arms, but by the domestic traitor at home. And yet the Senator wants to decapitate those of us who stand up and resist these wrongs. The Senator talked earnestly two years ago, and he had good reason, I think, for making the speech he then delivered; but if he thought then the liberties of the people were in more danger from the corruptions of the Departments here about Washington than they were from the public enemy, what must he think now? Our arms have advanced since then, it is true, but public robbery and theft have increased. Where one dollar was stolen then, hundreds and thousands have been stolen since, and yet he seems quietly to have yielded the contest, to have left the field, and now he wishes to decapitate those of us who stand up against rogues and usurpers!

I regret to say that instead of continuing to expose those breaches of the public faith as the honorable Senator did in the report and speech he made on the occasion to which I have alluded, we find him now acting with those who try to prevent all investigation. But the other day I offered in my place a resolution calling for information of the Secretary of War, asking him to send to the Senate the orders that he had issued empowering certain persons to take possession of churches and church property, and the orders issued by his major generals on the same subject. I wished that information in order to frame a bill to prevent those abuses; but the Senate laid my resolution on the table, and among those who voted thus to kill it was the Senator from New Hampshire. Would any man five years ago have supposed that the Secretary of War would, without warrant of law and in violation of the Constitution of the country, undertake to transfer a church to a minister of a different religious faith from that to which it belonged? That he would send ministers through the whole valley of the Mississippi to take possession of churches belonging to a certain denomination of Christians, and install them as ministers to preach the gospel to perhaps an unwilling people? Would it then have been supposed that the time would ever arrive when a major general of the United States would undertake to clothe provost marshals with the power to appoint ministers of the gospel and to levy taxes on congregations to pay them, all subject to the general's approval? I did not suppose that an American Senate would ever be convened which, when a resolution was offered calling for information on such a subject, most delicate to every free people, would prevent the Secretary of War from returning such public orders for their investigation. But, sir, such is the fact. It stands on record upon the Journal, and there it will remain, in my judgment, to the discredit of those who placed it there.

Mr. President, although the Senate may not allow that information to be sent here officially, we all know that the fact exists. There is evidence before us that the War Office is tampering with religion, taking houses of religious worship, not for the purpose of using them temporarily as hospitals for the sick and wounded—that would be proper—but for the purpose of installing ministers in them to preach to perhaps an unwilling people. That is uniting Church and State, contrary to the Constitution of the country, and I think the Senate ought not to refuse to call for information upon such a subject. If the party friends of the Administration expect to hide these things from the people they are very much mistaken. Some of these orders have already been published. Not only have houses of public worship been taken, but I have evidence that orders have been issued, appointing certain men belonging to the Baptist Home Mission Society in the city of New York to go down through the valley of the Mississippi and take possession of property belonging to the Baptist churches of that region. Everybody knows that the Baptist church is a very republican kind of institution; each church is separate and distinct in its jurisdiction, unlike other denominations in that respect.

I have always been of opinion that in a republican Government like this, all the acts of our public functionaries, except those which were necessarily secret in the way of diplomatic relations, should be open to the inspection of the people. It is the people's Government. They are in theory, and until these unfortunate times they have been in fact, the sovereigns; and through their Representatives they have a right to demand the public official orders of their servants who are in power for the time being. Let the people see what is being done, so that they can, through their Representatives, apply the corrective, if they think it is wrong, and if they think it is right, give their plaudits and their approval to faithful public servants.

I have thought that this kind of secrecy was only fit for the cabinets of princes and potentates

and tyrants, and ill became this country of ours. Such, however, does not seem to be the impression here now.

I tell Senators the people will see these orders, and they might as well agree to let them come here in proper form. Nothing you can do will hide the truth long. We should have it in more authentic form if we got it under the sign-manual of the parties who issued these orders; but the people will have them anyhow. If you give them to us in an authentic form it will be much better, and no objection can be made then that we misstate them. When the Senate here solemnly decree that we shall not have a view of the public acts and orders of our public officials that are not in any way secret, or ought not to be so, the world will think there is rottenness and wrong being hidden which it is desired to conceal from the public. That will be the result; and I think you will only injure your own cause by withholding the information. I give that advice gratis, and I hope it will hereafter be acted upon.

But, sir, I have said that the great conservative party of this country has a high mission to accomplish. That party consists of old Democrats, old Whigs, and Republicans who are ready to leave you, seeing that you have not fulfilled your promises. If you will give us free speech, a free press, and free ballot in November next, we will drive you from power as the hurricane sweeps a feather in its course. But will you give us them? Will you pass laws punishing your officers and those in authority for striking down free ballot? Will you pass other laws punishing by the harshest punishment those who attempt to overthrow the liberty of the press? Will your Executive strike off from his rolls those within his control who raise their hands to imprison citizens who exercise the constitutional right of free speech?

I tell you, Senators, that your only hope is to strike down free speech, a free press, and free ballot, in order to maintain your power. Hence it is that, although we hope, we do not much expect that you will do anything in the right direction. Your past action does not convince us that you will. Give us these three great conservative peaceful agencies; it is all we want. Let us freely canvass your administration of public affairs; let us freely investigate the conduct of your men in power; let us, through the press and the tongue, on the stump and in every cabin, say what we think; let the newspapers go forth pointing to the fact, and showing to the people clearly and distinctly that you are overthrowing the Constitution; that you are plundering them of their treasure; that you are unworthy of trust, and your political days will be numbered. I tell the conservative men, the Democracy, the old Whigs, the honest Republicans, everywhere—and I wish to God my voice could extend to the remote parts of this country—to be of good cheer; and if those in power attempt to enslave them, to put chains upon their limbs, to prevent their free tongues from wagging in words of honest and burning censure against those who are striking down their liberties, if the minions of power attempt to interfere with the freedom of the press, I would advise the people throughout the length and breadth of the land to insist on freedom, and give their lives in its defense. I am for law and for order; I beg, I implore, I entreat, that we may have these great constitutional agencies without blood; but before God, I shall advise the people everywhere, rather than submit to the degradation of having free speech, a free press, and free ballot taken from them, to strike the usurpers to the ground. If a free people will not fight and give their blood for these three inestimable blessings they are unworthy to live as freemen, and the best thing for them would be to die, for they will have to do that or live as slaves.

I hope we shall have hereafter the perfect freedom of elections everywhere; that we shall have free speech, a free press, and free ballot. These are all the weapons we ask. But if they are denied us, I shall advise the Democracy and the conservative men in every State of the Union to fight for them; I do not mean to go out of the Union, but I mean to fight for the ballot, and fight under the Constitution and laws of their country, and defend themselves by striking to the earth those who attempt to prevent them exercising these inestimable blessings of a free people.

The Senator from New Hampshire will have to see that free speech and free press and free ballot are destroyed before he can kill the Democracy. They are not destructible articles. Strike down one by cruel and bloody tyranny, and a thousand will spring up. You may cause some of the timid to be silent; you may cause them to be afraid to go to the polls and vote; but the love of truth and of constitutional liberty is in their breasts; the bold will speak it, and they will strike for it; they will vindicate it with their blood, not in seceding, but in fighting at their own hearthstones, as it were, for the liberties given them by their fathers; and we should be unworthy descendants of the noblest sires the world ever saw, unless we did stand thus boldly for our rights.

Mr. President, I had intended to notice in a very brief manner the most remarkable effort of the Senator from Massachusetts this morning. I have heard that Senator, ever since I have been in the Senate Chamber, reading his long, illogical rhapsodies upon slavery. They are all of them much alike; all speak of the barbarism and cruelty of slavery. They are filled with a good deal of encyclopedia learning, with scraps of quotation here and there. Without meaning any disrespect to the Senator, I must say that they remind me of the rhapsodies of a man who has a nightmare. They remind me of an expression of Shakspeare:

> "It is a tale,
> Told by an idiot, full of sound and fury,
> Signifying nothing."

In the first hour of his speech to-day, the Senator gave us a kind of rehash of the report he made from the committee on freedmen (I believe that is its name) touching the repeal of the fugitive slave law, in which he treated of the question of constitutional power. I will do the Senator the justice to say that his language was excellent; he does write good English; but I must also say that his report is the most illogical and unlawyerlike paper I ever read in my life coming from a gentleman of such learning and reputation. My friend from Pennsylvania [Mr. BUCKALEW] put the subtle knife of truth and logic to it; he exposed its sophistry, its want of candor, its want of historical and constitutional truth; in a single charge he scattered it to the four winds; but we have had a rehash of it here to-day. I shall enter into no constitutional argument for the purpose of overthrowing such kind of rhapsodies. If I had any inclination to do so, the report of my friend from Pennsylvania has relieved me of the trouble. His very searching, potent, though short analysis is on your table, and it disposes of the question.

The Senator from Massachusetts to-day has quoted from Patrick Henry, and he has eulogized him very much. Certainly he does not feel any more admiration for that distinguished orator than I do. Does not the Senator know that an amendment to the Constitution has been adopted since Patrick Henry made that speech, which says that private property shall not be taken for public uses except on just compensation? and that is an answer to his whole quotation from Mr. Henry. I do not believe Mr. Henry was right in the position he assumed in the speech from which the Senator quoted. Mr. Henry was engaged at that time in making an assault on the Constitution in a slave State; he wished to reject it; he did not like it; but even if what he then stated were true, the amendment since adopted explodes the whole of the Senator's argument on that branch of the case, and Mr. Henry's argument along with it.

But the Senator has said that the way to preserve the Republic is to carry it back to the principles of its baptismal font—a beautiful expression, but what appropriateness is there in it in the way in which the honorable Senator uses it? What did our fathers do when they formed the Government? What was their status? What was their condition? When they stood around the baptismal font and proclaimed the birth of the Constitution that carried joy and gladness to the hearts of liberty-loving men throughout the world, every minister at that altar, save those from one State, was a representative of a slave State, and four fifths of them were slaveholders. They were the men who gave us the Constitution so much vaunted to-day by the honorable Senator. I would to God we could go back to those days when men were honest and had regard for property rights, when men were patriotic and exerted themselves in the cabinet and the field for the promotion of the best interests of their country, when our statesmen were wise and philanthropic, prudent and capacious, and took in their broad view the whole interests of the country. None of them were led off by this miserable one-idea fanaticism in regard to negro slavery or any other "ism." They were men of extended catholicism in all their political views. Unfortunately for us, those wise, those good, those virtuous, those great men have departed, and we now have succeeding them a set of men who are governed entirely by a single idea, and who would renounce any theory they had ever held in order to carry out that idea.

I have heard the Senator declare in this Chamber that under the Constitution we had no power to interfere with slavery in the States. To-day he tells us that it is constitutional to strike and crush slavery wherever we can find it.

The Senator swears to support the Constitution, and declares in his place that he would not assist in the execution of the fugitive slave law, a law made in obedience to the command of the Constitution. The Senator disregards the Constitution, his oath of office, and everything that should bind the conscience of a good and just man, to carry out his abolition schemes.

The Senator from Massachusetts talks as glibly about war as if he had all his life had the harness on, as if nothing had ever delighted his eyes but hacked and bruised armor and broken blades. He has talked about this war as being righteous and right; he has advocated it throughout; he has voted all the men and all the money they wanted, and to-day he eulogizes war. Now, what do you think has heretofore been the tenet of that honorable Senator? As I before said, those who have but one predominant idea are not wise counselors. The Senator has changed the whole current of his thoughts within the last few years on this subject of war. Let me read from a most elaborate oration, very handsomely written, and replete with all the encyclopedia learning for which that Senator is so eminent, made some years ago. Let us see what the Senator then said of peace; and if everybody in this Chamber who has witnessed his conduct here does not say that he has run counter to the principles laid down by himself I will admit that I have not capacity to see the truth or to state it. Here is an extract from an oration, made by Hon. CHARLES SUMNER, entitled The Grandeur of Nations, a few years ago.

Mr. SUMNER. What is the date of it?

Mr. POWELL. The 4th of July, 1845, and I would rather have it dated back at that time than now, because it expressed the Senator's ideas when everything was cool and calm and quiet, and there was not the excitement of civil war. I have a right to use it as a weapon against him. He is using this war as an instrument to destroy slavery. That is his whole object; he has none other; and I think he will get up and avow that to be the case. I am sure he will not deny it. Now, sir, let us look to what he said on war in that address:

> "In our age there can be no peace that is not honorable; there can be no war that is not dishonorable."

And those words are put in capital letters. According to his own tenets, the Senator is now urging on a dishonorable war. I do not say that that is what the Senator is doing; but I say that if he uttered the truth when he made the speech from which I have just read, he is now advocating a dishonorable war, because in that speech he said there can be no war that is not dishonorable. I suppose the Senator in the course of his life has had two ideas, a war idea and a peace idea; and when he was on the peace idea he thought nothing under heaven was good but peace. I do not concur with the Senator in that sentiment, for I think there are times in the affairs of nations when it is right to go to war. I read it merely to show the Senator's inconsistency.

Mr. SUMNER. The Senator will allow me to say that at the time I made that remark I had very little idea of the barbarism of slavery.

Mr. POWELL. I have no doubt of that, and if the Senator would look into himself he would find that he is more barbarous than perhaps any slaveholder that ever lived. The Senator is the

perfect embodiment of barbarism—the barbarism of fanaticism. I am a slaveholder; and if I believed that I had about me half the barbarism the Senator has, I should be disposed to hide from the civilized world. But, sir, let me go on with the speech from which I am quoting:

"War is utterly ineffectual to secure or advance the object at which it professes to aim. The misery which it excites contributes to no end, helps to establish no right, and therefore in no respect determines *justice* between the contending nations."

Why does the Senator carry on this war? Just for the love of blood, havoc, public plunder, and the destruction of human life? He boldly and clearly and most perspicuously declared in 1845 that it never will effect its aim. Yet we find the Senator in that most ridiculous attitude, at war with himself. That is the barbarism that fanaticism teaches. It brings him into most striking contradiction. But I will read a little further from the honorable Senator's most elaborate speech. He says:

"Christianity forbids the whole custom of war."

Is the gentleman, in order to carry out his one idea of destroying negro slavery, not only to overthrow the fixed and firm principles of his life, but is he to overthrow Christianity? The whole system of Christianity is to go by the board because the Senator wishes to effect through the instrumentality of arms one single object—the abolition of slavery. He is willing to forego not only his former principles about human affairs, but to overthrow the religion of the blessed Saviour himself, to bring about that, to him, most desirable of all objects.

The honorable Senator from Massachusetts further says on this subject of Christianity and war:

"It was not until Christianity became corrupted that its followers became soldiers, and its priests learned to minister at the altar of the God of battles."

I admit with the Senator that many of the clergy in his region of country have become very much corrupted, because they preach war and nothing else; but I suppose the honorable Senator is willing to see not only the church and the clergy, but everything else, corrupted to carry out this one idea. I have sometimes fallen in among that description of preachers who deliver nothing but political essays. I never heard one of that description but once. When I go into a church and the minister commences preaching in that way, I sit and listen out of the respect I have for the name of Christianity. I do not rise and leave because the thing is offensive to me, but I remain until the services are concluded. But, sir, I never go back to that church again; for I think the Christian minister that does not preach Christ and Him crucified pollutes the pulpit in which he stands, and is an unworthy servant of that blessed Master who is the King of peace.

But, sir, let us go on a little further in this address of the Senator. Here is an extract upon civil war. The Senate will remember that these extracts that I read from the honorable Senator's speech are general propositions. He says:

"The soul trembles aghast as we contemplate fields drenched in fraternal gore, where the happiness of homes has been shivered by the unfriendly arms of neighbors, and kinsmen have sunk beneath the steel nerved by a kinsman's hand. This is civil war, which stands accursed forever in the calendar of time."

Great God! the Senator from Massachusetts says that civil war stands accursed in all the annals of time. Why, sir, he sometimes speaks of this as a war of Massachusetts. To continue:

"But the muse of history, in the faithful record of the future transactions of nations, inspired by a new and loftier justice, and touched to finer sensibilities, shall extend to the general sorrows of universal man the sympathy still profusely shed for the selfish sorrow of the country, and shall pronounce international war to be civil war, and the partakers in it as traitors to God and enemies to man."

Here the Senator declares that those who partake in these civil wars, or in international wars, which he says are civil wars, are traitors to God and enemies to man. Why, sir, to take the Senator's own position here as true, he stands to-day a traitor to God and an enemy to man. And yet that Senator is forever prating about the barbarism of slavery. Had it not been for the eternal ringing of that word in my ear I would not have put the Senator to the cruel torture of quoting to-day his principles which he now stands up and openly violates.

The Senate will bear me witness that this is the first time since I have been a member of the body that I have attempted even to resist or cast back these accusations upon the section of country from which I came. They are distasteful to me; but, sir, there is a point beyond which forbearance ceases to be a virtue, and I think we have reached that point.

Let me read one other sentence from this address. The Senator says:

"A man is higher than the beasts of the field; as the angels are higher than man; as Christ is higher than Mars; as he that ruleth his spirit is higher than he that taketh a city, so are the victories of peace higher than the victories of war."

That is very handsomely said, and in the main it is very true. The Senator then goes on to inveigh against standing armies. He speaks of the vast expense of maintaining them, and quotes a table of expenses of other countries; and yet that Senator is engaged here in a war. When I say he is engaged in a war I will do the Senator the justice to say that he only advocates it on his lips; he advocates it here by word, by speech, by letter. He attempts to fire the hearts of the people everywhere to join in this crusade. The honorable Senator does not go where he would hear the rattle of small-arms or smell gunpowder. Were I for this war as ferociously as that Senator is, I think I would take up a musket and go into the field. But I am opposed to the war (though I do not intend to discuss that) for the reasons I have so often stated here.

I have not much faith in the sincerity of those who always preach war and never fight. It would be better for them to fight a little, and then people will think they are in earnest. The Senator is willing that other people's blood shall be shed. He is willing that a million of the young men of the country shall be sacrificed. He is willing that the whole land shall be laid in mourning, that the weeds of the widow and the tears of the orphan shall everywhere be seen. He is willing that the hard earnings of the laboring man, though his wife and children may be starving, shall be wrenched from him by the ruthless hand of the tax-gatherer in order to defray the expenses of this war, and to pay the interest on the immense debt that is accruing. All these things he is willing to see for the purpose of carrying out a fanatical idea. That he boasts of; that he gloats over; but, sir, he never seeketh the battle even afar off. He does not go within sound of the drum and fife; nor is he like the war-horse that smelleth the battle afar off. I repeat I have not much confidence in the sincerity of that description of patriots.

Mr. President, I have said all I intend to say on this matter. It was not my purpose to open my mouth on this amendment. I had determined to content myself with the very elaborate speeches made by my colleague, the Senator from Delaware, [Mr. SAULSBURY,] and the Senator from Indiana, [Mr. HENDRICKS;] but, sir, such were the inconsistencies of the Senators from New England to whom I have referred, such were their assaults upon the Democratic party, such were their assaults upon my own State, that I felt called upon to say a word in their vindication. In doing that I thought it but right that I should allow the Senator from Massachusetts to look into his own mirror, and hence I have held up the speech he made some time ago to his vision.

Mr. HARLAN. Before the Senator's mind is diverted from this subject, I desire him to reconcile a vote that he gave not long since, with the very remarkable passage of his present speech in which he denounced very severely, if I understand the purport of his language, supposed infringements of the freedom of speech. In the Congressional Globe for the first session of the Thirty-Sixth Congress, part three, page 1937, I find the following:

"Mr. HARLAN. With the consent of the Senator from Mississippi, I propose to offer an amendment to the second resolution of the series, by inserting at the end of it the following:

"But the free discussion of the morality and expediency of slavery shall never be interfered with by the laws of any State or of the United States; and the freedom of speech and of the press, on this and every other subject of domestic and national policy, should be maintained inviolate in all the States."

On page 2321 of the same volume of the Globe I find the following:

"The question being taken on the amendment of Mr. HARLAN by yeas and nays, resulted—yeas 20, nays 36; as follows:"

I will read the negative vote:

"NAYS—Messrs. Benjamin, Bigler, Bragg, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Latham, Mallory, Mason, Nicholson, Pearce, Polk, *Powell*, Pugh, Rice, Sebastian, Slidell, Thomson, Toombs, Wigfall, and Yulee—36."

The language is as I have read:

"But the free discussion of the morality and expediency of slavery shall never be interfered with by the laws of any State or of the United States; and the freedom of speech and of the press, on this and every other subject of domestic and national policy, should be maintained inviolate in all the States."

And the Senator voted "nay." Every Democrat in the Senate, including the Senator from Kentucky, voted in the negative.

Mr. POWELL. There is a very striking difference between the object of that resolution and the free discussion of political acts. The scope of that resolution would have been to send persons down into the slave States to preach insurrection to their slaves. I suppose that actuated every man who voted against it. I would vote "nay" again on that resolution. I voted right.

Mr. SAULSBURY. I wish to offer an amendment to the proposed amendment of the Constitution as a substitute.

The VICE PRESIDENT. The question before the Senate is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. SUMNER. I merely wish to have Senators understand that amendment, and, as I have said, I make it rather in the form of suggestion than proposition. If I understand from my friend the chairman of the Judiciary Committee that he is strongly inclined against it, I certainly have no desire to press it. If the Chair will be good enough, I should like to have it read for the information of the Senate.

The VICE PRESIDENT. It will be read.

The Secretary read the amendment, to strike out the first and second sections of article thirteen as reported by the committee, and to insert:

SEC. 1. All persons are free [equal] before the law, so that no person can hold another as a slave; and the Congress may make all laws necessary and proper to carry this article into effect everywhere within the United States and the jurisdiction thereof.

Mr. SUMNER. Now, Mr. President, the state of the question is this. The Senator from Missouri [Mr. HENDERSON] offered a proposition in this form:

ART. 1. Slavery or involuntary servitude, except as a punishment for crime, shall not exist in the United States.

ART. 2. The Congress, whenever a majority of the members elected to each House shall deem it necessary, may propose amendments to the Constitution, or, on the application of the Legislatures of a majority of the several States, shall call a convention for proposing amendments, which in either case shall be valid, to all intents and purposes, as part of the Constitution, when ratified by the Legislatures of two thirds of the several States, or by conventions in two thirds thereof, as the one or the other mode of ratification may be proposed by Congress.

It will be observed that this proposition of the Senator from Missouri is twofold: the first article applies to the matter which has been under discussion in this debate, the prohibition of slavery; the second, to a proposition which is not necessarily associated with it. I believe, from what has occurred, the Senate is agreed in confining what we do now to the first proposition. I must say I accept that idea completely. I think the first proposition should be acted upon absolutely by itself alone, and therefore however much I may be tempted by other propositions, as I must confess I was by one or two of the propositions of the Senator from Kentucky [Mr. POWELL] the other day, yet I was not disposed to be diverted or turned aside from that great original proposition which it should be now our object to introduce into the Constitution.

I make this comment on the first proposition which we have before us, that of the Senator from Missouri, in order to explain why I should be against that in the form in which it stands; but if we should go to the first article of the proposition of the Senator from Missouri, I am free to say that in some respects I think it better than the article proposed by the committee. It is as follows:

Slavery or involuntary servitude, except as a punishment for crime, shall not exist in the United States.

It is simpler than the proposition of the committee, to which I now come. That is as follows:

ART. 13, SEC. 1.—

It will be observed that it is in two sections—

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted—

Which I must say I think here is verbiage entirely. There is no need of having it in a constitutional proposition—

shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

On the face of that article I object to it, first, inasmuch as it is in two sections when I think it ought to be in one. I have already before mentioned that in this respect it goes against the precedent of the Constitution itself. In article four of the Constitution we have section one as follows:

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every State, and the Congress"—

It will be observed that the Constitution speaks of Congress as "the Congress," putting the article before it—

"and the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof."

It seems to me, in point of form, that it is better that these two sections should be molded into one.

But then my objection to it is, further, if this amendment in this first particular, which is comparatively unimportant, be secured, it seems to me the language is not happy. I do not know that I shall have the concurrence of other Senators in the criticism which I make upon it; but I understand that it starts with the idea of reproducing the Jeffersonian ordinance. I doubt the expediency of reproducing that ordinance. It performed an excellent work in its day; but there are words in it which are entirely inapplicable to our time. That ordinance I will read. It is as follows:

"There shall be neither slavery nor involuntary servitude in the said Territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted."

This ordinance, in precisely these words, was reproduced at a later day, in the very important act by which Missouri was admitted into the Union, containing the well-known prohibition which afterwards caused such debate.

There are words here, I have said, which are entirely inapplicable to our time. They are the limitation, "otherwise than in the punishment of crimes whereof the party shall have been duly convicted." Now, unless I err, there is an implication from those words that men may be enslaved as a punishment of crimes whereof they shall have been duly convicted. There was a reason, I have said, for that at the time, for I understand that it was the habit in certain parts of the country to convict persons or to doom them as slaves for life as a punishment for crime, and it was not proposed to prohibit this habit. But slavery in our day is something distinct, perfectly well known, requiring no words of distinction outside of itself. Why, therefore, add "nor involuntary servitude otherwise than in the punishment of crimes whereof the party shall have been duly convicted?" To my mind they are entirely surplusage. They do no good there, but they absolutely introduce a doubt.

In placing a new and important text into our Constitution, it seems to me we cannot be too careful in the language we adopt. We should consider well that the language that we adopt here in this Chamber to-day will in all probability be adopted in the other House, and it must be adopted, also, by three fourths of the Legislatures of the States. Once having passed this body, it is substantially beyond correction. Therefore, it seems to me, we have every motive, the strongest inducement in the world, to make that language as perfect as possible.

I say, therefore, that I object to the Jeffersonian ordinance even if it were presented here in its original text. But now I am brought to the point that the proposition of the committee is not the Jeffersonian ordinance, except in its bad feature. In other respects, it discards the language of the Jeffersonian ordinance and also its collocation of words. The language of the committee is as follows:

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The Senate will observe what to my ear is a discord, the introduction of those two "shalls" so near together; but that is not of great importance.

Mr. DOOLITTLE. They are both in the Jeffersonian ordinance.

Mr. SUMNER. But they are further apart, and the whole effect is entirely different. As I have said already, the language of the ordinance is, "There shall be." Mark the beginning as compared with that of the committee. The committee say, "Neither slavery nor involuntary servitude," &c. The ordinance says, "There shall be"—the word of prohibition coming first, at the outset—"neither slavery nor involuntary servitude in the said Territory otherwise than in the punishment of crimes whereof the party shall have been duly convicted;" whereas the committee say, "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

If Senators desire the Jeffersonian ordinance, I say let us take it in its original form as it appears in that ordinance, and was subsequently reproduced in the Missouri statute; do not let us take it in this modified form, which, while pretending to be the Jeffersonian ordinance, is not the Jeffersonian ordinance except in that feature which I think, if Senators apply their minds to it, they will see is clearly objectionable. I refer to the words "except as a punishment for crimes, whereof the party shall have been duly convicted." I have already said that for myself I should prefer the form which I have sent to the Chair, and on which the question is now to be taken; but I offer it as a suggestion, and if Senators do not incline to it, I have no desire to press it.

Mr. TRUMBULL. Mr. President, at an early stage of the session, the Senator from Missouri introduced a proposition to amend the Constitution of the United States so as forever to prohibit slavery. That resolution was referred to the Committee on the Judiciary. At a later day, a month or two afterwards, the Senator from Massachusetts also introduced a proposition to prohibit slavery. The committee had both those propositions before them. They considered them. There was some difference of opinion in the committee as to the language to be used; and it was upon discussion and an examination of both these propositions, the one originally introduced by the Senator from Missouri, and subsequently by the Senator from Massachusetts, that the committee came to the conclusion to adopt the form which is reported here. I do not know that I should have adopted these precise words, but a majority of the committee thought they were the best words; they accomplish the object; and I cannot see why the Senator from Massachusetts should be so pertinacious about particular words. The words that we have adopted will accomplish the object. If every member of the Senate is to select the precise words in which a law shall be clothed, and will be satisfied with none other, we shall have very little legislation.

Mr. SUMNER. I have already said I shall be perfectly satisfied with what the Senate do. I am making a sincere effort now to contribute as much as I can to improve the proposition in form.

Mr. TRUMBULL. Undoubtedly in the opinion of the Senator from Massachusetts it would improve the proposition. If I had had my precise way in the committee, very likely it would have improved the proposition to have had the language as I wanted it; but a majority of the committee agreed upon these words; and although the Senator from Massachusetts may satisfy himself that the words he has suggested, copied from the French Revolution, are the best words for us to adopt, I am not at all sure of it. I think there is nothing historical about them, nothing in the source from whence they come to commend them particularly to us. I would not go to the French Revolution to find the proper words for a constitution. We all know that their constitutions were failures, while ours, we trust, will be permanent. I therefore am not inclined to accept the gentleman's suggestions, and I hope he will withdraw them and let the Senate come to a vote upon this subject.

Mr. DOOLITTLE. If the Senator from Illinois will allow me for a single moment, it is said that men's first impressions are sometimes the best, and it seems that the Senator from Massachusetts when he introduced his proposition used in it the very words of which he now makes such complaint, "otherwise than in the punishment of crime whereof the party shall have been duly convicted."

Mr. SUMNER. I beg the Senator's pardon. The first proposition I introduced was a month or six weeks before that; but after the committee made their report, when I examined it and found that they had undertaken to give us the Jeffersonian ordinance, and I saw that it was not the Jeffersonian ordinance, I then prepared that proposition with a view to embody the Jeffersonian ordinance precisely.

Mr. TRUMBULL. I was very much tempted to reply to some of the remarks that have been made in opposition to this proposed amendment, and am strongly tempted also to reply to some of the remarks which have fallen from the Senator from Massachusetts, who in an elaborate argument has attempted to show that no amendment of the Constitution is necessary; but, sir, if we can have a vote on this subject I will forego making any reply to what has been said, and will content myself with the passage of the resolution, which is the object I have in view, to abolish slavery and prevent its existence hereafter. The language as reported by the committee will accomplish these objects; and although it may not be the best possible form to the mind of every Senator here, I wish him to reflect that it is impossible for us all to agree upon the language. We have discussed this matter in committee. As to its being now embodied in two sections that is a matter of taste; there is no importance in it. Perhaps it would be just as well in one.

Mr. SUMNER. Why not alter it in that way?

Mr. TRUMBULL. No, sir, I will not alter it. I cannot alter it. The committee considered this subject and deliberately agreed upon this form. I have no authority to consent to an alteration of it. The Senate can alter it. If each Senator thinks he can find better words and proceeds to offer other words, it will be for the Senate to determine what words they will adopt.

Mr. HOWARD. I believe the proposition now before the Senate is the amendment offered by the Senator from Massachusetts, and on that question I have one word to say.

Mr. SUMNER. The Senator will allow me to make a remark. I cannot resist the appeal of my friend, the chairmain of the committee, and therefore shall not pursue any of the propositions, and I wish to withdraw them. I merely wish to put myself right with my friends. I offered them sincerely with a desire to make a contribution to perfect the measure. I now withdraw them.

Mr. HOWARD. I must object to the withdrawal of the amendment, as I have the floor. I desire, as I said before, to say one word on the subject of the amendment offered by the Senator from Massachusetts. The language of it is this, that all persons are free before the law.

Mr. SUMNER. "All persons are equal."

Mr. HOWARD. Will the Secretary be good enough to read it?

The Secretary read, as follows:

SEC. 1. All persons are free before the law, so that no person can hold another as a slave, &c.

Mr. SUMNER. That is a mistake. It is "equal."

Mr. HOWARD. It is written in the handwriting of the Senator from Massachusetts.

Mr. SUMNER. It is "equal," and not "free."

Mr. HOWARD. I regard it as very immaterial whether the word "free" or "equal" is used in that connection. What I insist upon is this, that in a legal and technical sense that language is utterly insignificant and meaningless as a clause of the Constitution. I should like the Senator from Massachusetts, if he is able, to state what effect this would have in law in a court of justice. What significance is given to the phrase "equal" or "free" before the law in a common-law court? It is not known at all.

Besides, the proposition speaks of all men being equal. I suppose before the law a woman would be equal to a man, a woman would be as free as a man. A wife would be equal to her husband and as free as her husband before the law.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 9, 1864. NEW SERIES.....No. 94.

The learned Senator from Massachusetts, I apprehend, has made a very radical mistake in regard to the application of this language of the French constitution. The purpose for which this language was used in the original constitution of the French republic of 1791, was to abolish nobility and privileged classes. It was a mere political reformation relating to the political rights of Frenchmen, and nothing else. It was to enable all Frenchmen to reach positions of eminence and honor in the French Government, and was intended for no other purpose whatever. It was never intended there as a means of abolishing slavery at all. The Convention of 1794 abolished slavery by another and separate decree expressly putting an end to slavery within the dominions of the French republic and all its colonies.

Now, sir, I wish as much as the Senator from Massachusetts in making this amendment to use significant language, language that cannot be mistaken or misunderstood; but I prefer to dismiss all reference to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it. I think it is well understood, well comprehended by the people of the United States, and that no court of justice, no magistrate, no person, old or young, can misapprehend the meaning and effect of that clear, brief, and comprehensive clause. I hope we shall stand by the report of the committee.

Mr. SUMNER. My proposition is withdrawn, the Chair understands.

Mr. DAVIS. I was going to make one remark in relation to the proposed verbiage of the Senator from Massachusetts. I think that that Senator and all Senators ought to be very guarded in the terms they adopt when they take $500,000,000 of property from other people, in which they have no interest themselves, and propose to give them no compensation for it. When the Parliament of England liberated the slaves in the West Indies they appropriated £20,000,000 as compensation to their owners.

Sir, the owners of no property of that value ever voluntarily dispossessed themselves of it. Whenever any such legislation as that has taken place in the world the legislation has been of a power and by a people that did not own the property. If at the commencement of the war of 1812 a proposition had been made, by legislation or by a change of the Constitution, to take all the shipping interest of New England, and the other States had been strong enough to carry such a measure in the form of legislation or amendment of the Constitution, there did not live a man within the States of New England at that time but what would have been in open revolt against it.

Here are these gentlemen, uninterested in slave property, and, with the exception of one or two in this body, having no interest whatever in it, who actually come up and propose to amend the Constitution and take that property from a great number of people more loyal than themselves, more true to their Government, more true to the true principles of the Constitution and the Union, without making them one cent's worth of compensation for that property. Everything is as smooth as a marriage bell when men who do not own the property propose to take it from those who do own it. It makes no odds what the amount of it is, or in what manner it is to be done, if it is just in accordance with their will. Whatever may be the origin of that will it is all fair, all proper, all politic.

Mr. President, the proposition that I assume I believe to be irrefragably true, that the power of amending the Constitution does not authorize the abolition of slavery. I deny that the power of amendment is illimitable. I deny that it carries every power which the amending power may choose to exercise. I deny that the power of amendment carries the power of revolution. It is an absurdity to say that this power of amendment will impart the power to change the Government and to establish a monarchy if the different departments and authorities authorized to enact the amendment choose to adopt it. It cannot be done, legitimately at any rate.

Mr. President, if the men who are to pass this amendment were as much interested in this property as those who are opposing it here and elsewhere, there is not one of them but would be found in opposition to it. It is a very beautiful operation, to be sure. They say to us, "We will take from you your property; we will make you no compensation for it; and we will do it under the power to amend the Constitution." Sir, property is a matter of State or domestic institution. The General Government have not legitimately, and were never intended to have, any jurisdiction or authority over the subject of property. What subjects should constitute property, how it should be regulated, whether it should exist and continue in one subject or be discontinued in another subject, are questions which were never intended to be intrusted to the General Government. That is a great and fundamental feature of our Federal and State system of governments. The proposed amendment takes that principle to be true in relation to but one subject of property; but if it strikes at it in relation to one subject of property, it may in relation to all.

The power of amendment as now proposed to be exercised imports a power that would revolutionize the whole Government, and that would invest the amending power with a faculty of destroying and revolutionizing the whole Government. In my judgment, it is absurd to say that the power of amendment, which is simply a power to reform, a power to improve, imports and authorizes the exercise of a power to destroy.

I think, if gentlemen are determined to abolish the property in slaves, they have as much right so to amend the Constitution as to make compensation to the owners of the property as they have to deprive the owners of that property of them. If they think the abolition of slavery and the depriving of so many loyal owners of such a large amount of property is such an exercise of authority as that the permanent good of the nation requires it to be done, they ought to have the grace, the justice, the magnanimity to make provision for a reasonable compensation to the owners of that property which they take from the owners. They have as much power to make the compensation as they have to take the property from them.

But, sir, in a closing word, I make my protest against men who have no interest in such a large amount of property as the slave property owned by the loyal people of the United States, undertaking to seize this property without any compensation, ruthlessly, unjustly, and in defiance of the guarantee of property and of justice that the Constitution and Government of the United States gave to all its people. Although I know that the protest of an angel would not be heard, much less the protest of as feeble a worm as I am, I make my last protest against a class of gentlemen, against a portion of the people of the United States, against the great preponderating sectional power of the United States, depriving loyal owners of millions of property, without having the justice, the magnanimity, or the grace to make the least provision for compensation, as the English Parliament did to the slaveholders in the West India islands.

Mr. DOOLITTLE. I should be glad if I had the time to reply to some of the remarks of the Senator from Kentucky; but I will forbear doing so, hoping that we shall now come to a vote. On some future occasion I may answer him.

The VICE PRESIDENT. The Senator from Massachusetts may withdraw his amendment, if there be no objection.

Mr. SUMNER. It is entirely within my power, as the yeas and nays have not been ordered.

The VICE PRESIDENT. It is within the province of the Senator to withdraw it without the consent of the Senate, as no vote has been had upon it, and the yeas and nays have not been ordered. The amendment is withdrawn.

Mr. SAULSBURY. I wish to know whether the amendment I sent up some time since is now in order.

The VICE PRESIDENT. That will be in order as a substitute; but all the other amendments are first in order.

Mr. SAULSBURY. I offer mine as a substitute for the whole.

The VICE PRESIDENT. The Chair so understood the Senator. If no other amendment be offered the Senator from Delaware proposes to strike out all of the words reported by the committee, and to insert what will be read.

The Secretary read, as follows:

ARTICLE XIII.

SEC. 1. All persons shall have the right peaceably to assemble and worship God according to the dictates of their own conscience.

SEC. 2. The use of the public press shall not be obstructed; but criminal publications made in one State against the lawful institutions of another State shall not be allowed.

SEC. 3. The right of citizens to free and lawful speech in public assemblies shall not be denied. Access of citizens to the ballot-box shall not be obstructed either by civil or military power. The military shall always be subordinate to the existing judicial authority over citizens. The privilege of the writ of *habeas corpus* shall never be suspended in the presence of the judicial authority.

SEC. 4. The militia of a State or of the United States shall not be employed to invade the lawful rights of the people of any of the several States; but the United States shall not be hereby deprived of the right and power to defend and protect its property and rights within the limits of any of the States.

SEC. 5. Persons held to service or labor for life, in any State under the laws thereof, may be taken into any Territory of the United States south of north latitude 36° 30′, and the right to such service or labor shall not be impaired thereby, and the territorial Legislature thereof shall have the exclusive right to make and shall make all needful rules and regulations for the protection of such right, and also for the protection of such persons; but Congress or any territorial Legislature shall not have power to impair or abolish such right of service in the said Territory while in a territorial condition without the consent of all the States south of said latitude which maintain such service.

SEC. 6. Involuntary servitude, except for crime, shall not be permanently established within the District set apart for the seat of Government of the United States; but the right of sojourn in such District with persons held to service or labor for life shall not be denied.

SEC. 7. When any Territory of the United States south of north latitude 36° 30′ shall have a population equal to the ratio of representation for one member of Congress, and the people thereof shall have formed a constitution for a republican form of government, it shall be admitted as a State into the Union, on an equal footing with the other States; and the people may in such constitution either prohibit or sustain the right to involuntary labor or service, and alter or amend the constitution at their will.

SEC. 8. The present right of representation in section two, article one, of this Constitution, shall not be altered without the consent of all the States maintaining the right to involuntary service or labor south of latitude 36° 30′, but nothing in this Constitution or its amendments shall be construed to deprive any State south of said latitude 36° 30′ of the right of abolishing involuntary servitude at its will.

SEC. 9. The regulation and control of the right to labor or service in any of the States south of latitude 36° 30′ is hereby recognized to be exclusively the right of each State within its own limits; and this Constitution shall not be altered or amended to impair this right of each State without its consent: *Provided*, This article shall not be construed to absolve the United States from rendering assistance to suppress insurrections or domestic violence, when called upon by any State, as provided in section four, article four, of this Constitution.

SEC. 10. No State shall pass any law in any way interfering with or obstructing the recovery of fugitives from justice, or from labor or service, or any law of Congress made under article four, section two, of this Constitution; and all laws in violation of this section may, on complaint made by any person or State, be declared void by the Supreme Court of the United States.

SEC. 11. As a right of comity between the several States south of latitude 36° 30′ the right of transit with persons held to involuntary labor or service from one State to another shall not be obstructed, but such persons shall not be brought into the States north of said latitude.

SEC. 12. The traffic in slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all the rights and property of persons engaged therein; and the descendants of Africans shall not be citizens.

SEC. 13. Alleged fugitives from labor or service, on request, shall have a trial by jury before being returned.

SEC. 14. All alleged fugitives charged with crime committed in violation of the laws of a State shall have the right of trial by jury, and if such person claims to be a citizen of another State, shall have a right of appeal or of a writ of error to the Supreme Court of the United States.

SEC. 15. All acts of any inhabitant of the United States tending to incite persons held to service or labor to insurrection or acts of domestic violence, or to abscond, are hereby prohibited and declared to be a penal offense; and all the courts of the United States shall be open to suppress and punish such offenses at the suit of any citizen of the United States or the suit of any State.

SEC. 16. All conspiracies in any State to interfere with lawful rights in any other State or against the United States shall be suppressed; and no State or the people thereof shall withdraw from this Union without the consent of three fourths of all the States, expressed by an amendment proposed and ratified in the manner provided in article five of the Constitution.

SEC. 17. Whenever any State wherein involuntary servitude is recognized or allowed shall propose to abolish such servitude, and shall apply for pecuniary assistance therein, the Congress may in its discretion grant such relief not exceeding one hundred dollars for each person liberated. But Congress shall not propose such abolishment or relief to any State.

Congress may assist free persons of African descent to emigrate and colonize Africa.

SEC. 18. Duties on imports may be imposed for revenue; but shall not be excessive or prohibitory in amount.

SEC. 19. When all of the several States shall have abolished slavery, then and thereafter slavery or involuntary servitude except as a punishment for crime shall never be established or tolerated in any of the States or Territories of the United States, and they shall be forever free.

SEC. 20. The provisions of this article relating to involuntary labor or servitude shall not be altered without the consent of all the States maintaining such servitude.

Mr. SAULSBURY. In offering these proposed amendments to the Constitution of the United States, I wish to say that there are embodied in them some things which, as a private citizen, I would not approve; some things that do not meet my personal approbation; but considering the situation in which we are placed and the state of the country, I have been willing to meet the great questions involved in the controversy in the spirit of compromise and concession. For instance, as an original question I would not have agreed to any prohibition with reference to slavery in the District where the capital of the United States is situated; but knowing the feelings engendered and excited on that question, I have waived my personal opinions, and offer this simply as a compromise. I shall make no speech in behalf of these propositions. They were matured by men more learned in the law than myself, and submitted to me for my approval. I have consented to offer them to the Senate of the United States as a peace offering. I offer them in that spirit. Without attempting to enter into any argument to enforce them upon the consideration of Senators, I will content myself simply with their presentation and let the Senate vote upon them.

The amendment to the amendment was not agreed to; there being, on a division—ayes 2, noes not counted.

The amendment made as in Committee of the Whole was concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. POWELL. The Constitution requires us, I believe, to take the question on the passage of such a resolution as this by yeas and nays.

Mr. McDOUGALL. Before the final vote is taken I think it due to myself to make a few remarks, so that my exact position in regard to this whole question can be understood.

It may be known to at least one or two gentlemen upon this floor that for more than a quarter of a century I have been the friend of freedom and free institutions in the Republic of which I am a citizen. It does not become any man to boast; but I have the right to say that in the far West, when to favor free institutions was regarded by the populace as criminal, in the very year in which Lovejoy was killed at Alton, I, a stranger to all those consequences, entertaining the opinions I now entertain, and which opinions I have not changed, did myself march upon fifty rifles of East Tennesseeans and Kentuckians, mad with wine, who were undertaking to mob a few young gentlemen from Massachusetts and New Hampshire because they had signed a petition to abolish slavery in the District of Columbia, and I quelled that mob. I did it alone.

I was born in the North; I early went to the West, and became acquainted with these controversies, maintaining the opinions of my youth. I maintain them now, and have done so since I came into this Senate Chamber. It is convenient for men who seek to run with the current of the stream, or to float with the tide, to espouse doctrines when they may become convenient to them. That has not been my course of policy or my habit of conduct from my youth upward in the various States in which I have lived. I say this much, and there are men of the Republican party high in office to-day who might not have been well in health at this time had it not been for my maintaining them in their young manhood when it happened to be my opportunity. Therefore I shall not be set down in any place by any man as a person who does not love freedom in all its forms.

I have protested, as I did a few days since, against these controversies that are not germane to the business of the Federal Congress or to the Government as it is to-day with the legitimate offices on its hands. I do not believe that from Maine, or Vermont, or New Hampshire, or Massachusetts, or Connecticut, or Rhode Island, or from any northern or eastern State there comes a man who is more attached to the establishment and maintenance of free institutions than I am myself. But I was told in my youth that it was the duty of a lad to speak the truth, and it grew into my manhood, and I dare maintain it here as I have maintained it always, as far as my best judgment and my highest conscience permitted.

I think with regard to these movements that we are by them doing our country a great wrong. I say it not because I please to say it, for I say it with a sense of pain. We are doing our country and our people a great wrong, and then we are doing to another people a great wrong. The evening after we passed the bill to abolish slavery in the District of Columbia, I went to my lodgings, quite late in the evening. A colored man who was the dining-room servant, and a very polite man, waited upon me alone at the dinner table. He was evidently enjoying what he seemed to regard a triumph for his people. I said to him, "Frederick, do not be rejoiced; it may happen as a consequence of this act and other things that will follow this present action that they might as well take you to the Potomac and drown you." I look upon this policy as being a policy for sacrificing the whole of the colored people now occupying parts of this Republic. It has fallen within my own experience to see a beautiful valley, I think the most beautiful in the world, the valley of Napa. It is from ten to three miles in width; it is about thirty miles long. In the valley of Napa grow up the tallest oaks that I have ever seen or witnessed in my time, beautiful groves, a country such as is not in my judgment (and I am so told by men who have traveled throughout the world, which I have not done) paralleled in Spain, or Italy, or France. About the time that I first found myself on the western shores of this continent, there were twenty-five thousand native population; they may be called in one sense free American citizens. When I left my home to come here into the Federal Senate, there were not two hundred of them. They had been destroyed by our own people, by our vices, our luxuries, and our violence.

I have no doubt the Senator from Indiana was correct when he stated yesterday that two hundred and fifty thousand of the people of African descent in this country had been prematurely destroyed. This policy will engulf them. It is as simple a truth as has ever been taught by any history. The slaves of ancient time were not the slaves of a different race. The Romans compelled the Gaul and the Celt, brought them to their own country, and some of them became great poets, and some eloquent orators, and some accomplished wits, and they became citizens of the republic of Greece, and of the republic of Rome, and of the empire. This is not the condition of these persons with whom we are now associated and about whose affairs we undertake to establish administration. They can never commingle with us. It may not be within the reading of some learned Senators, and yet it belongs to demonstrated science, that the African race and the Europeans are different, and I here now say it as a fact established by science that the eighth generation of the mixed race formed by the union of the African and European cannot continue their species. Quadroons have few children; with octoroons reproduction is impossible. It establishes as a law of nature that the African has no proper relation to the European, Caucasian blood. I would have them kindly treated. In the experience of my life and in my practices, I will not allow any person to say that he has been more kind to the people of that race than have I been myself, and I have seen much of them.

But we are undertaking now here to antagonize them, and with what? To antagonize them with immediately the ascendant white race of the South where they belong; and what must be the result? We hear what is said now with regard to their present position. It comes from those persons who go as missionaries and who go as agents by the employment of the Government into the South for the purpose of taking care of these people. Along the shores of the Mississippi they are wanderers without a roof under which to rest, without food to support their animal system, lost people, men, women, and infants. These are facts that have thrust themselves upon the country, and with which every man in the Senate is conversant. It may be within our pleasure to make these evils more complete. It may be within the pleasure of our ignorance to say these things are true and just and right; but nature revolts at the affirmation; truth gives it a firm denial. I will not admit that I am less the friend of the people of the African race than any other gentleman on this floor, even the champion from Massachusetts. I would be their friend, I would protect and preserve them, as I would the men who occupied our groves and fields and hills before the Pilgrims landed at Plymouth Rock; but it must be done by just and wise policy, and not by any of these extravagant measures not asked for or demanded by the day, but sought for by a greedy appetite which, maddened with a present sense of power, seeks to accomplish to-day what they fear may not be within their grasp to-morrow. Against all such policy and all such conduct I shall protest as a man, in the name of humanity and of law and of truth and of religion.

The VICE PRESIDENT. The question is on the passage of the joint resolution, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HENDRICKS, (when Mr. BUCKALEW's name was called.) I desire to say that Mr. BUCKALEW is not able to be in his seat to-day, and he expressed a wish that I should say that if he were present he would vote against the proposition.

The call of the roll having concluded, the result was announced—yeas 38, nays 6; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, and Wilson—38.

NAYS—Messrs. Davis, Hendricks, McDougall, Powell, Riddle, and Saulsbury—6.

The VICE PRESIDENT announced that the joint resolution, having received the concurrence of two thirds of the Senators present, was passed. Its title was amended to read: A joint resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

Mr. SAULSBURY. I rise simply to say that I now bid farewell to any hope of the reconstruction of the American Union.

Mr. McDOUGALL. I desire to ask a question for the purpose of understanding a ruling of the Chair. The ruling, I understand, is that the vote as it stands now has no relation to the States not represented on the floor. I think our vote now being a final vote should have relation to all the States as recognized under the Constitution.

The VICE PRESIDENT. The Chair rules that a majority of all the Senators is a quorum, and two thirds of the number voting, provided a quorum votes, is sufficient to pass any resolution proposing an amendment to the Constitution.

Mr. McDOUGALL. I only desire the privilege of saying that such is not the opinion I entertain.

ADJOURNMENT TO MONDAY.

On motion of Mr. GRIMES, it was

Ordered, That when the Senate adjourns to-day, it be to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the House of Representatives had passed the fol-

lowing bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (No. 383) to incorporate the "Home for Friendless Women and Children;"

A bill (No. 388) for the relief of Jesse Williams;

A joint resolution (No. 60) to refer the case of James H. McCulloch to the Court of Claims;

A joint resolution (No. 61) referring the case of Charles Wilkes to the Court of Claims; and

A joint resolution (No. 62) for the relief of A. S. Clark, postmaster at Harrison, Ohio.

The message further announced that the House of Representatives had passed the bill of the Senate (No. 12) extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; which thereupon received the signature of the Vice President:

A bill (S. No. 79) to incorporate Providence hospital in the city of Washington, District of Columbia;

A bill (S. No. 82) concerning notaries public for the District of Columbia;

A bill (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia;

A bill (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees;

A bill (H. R. C. C. No. 114) for the relief of Daniel Wormer;

A bill (H. R. C. C. No. 115) for the relief of Darius S. Cole;

A bill (H. R. C. C. No. 116) for the relief of William G. Brown;

A bill (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;" and

A bill (H. R. No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes.

On motion of Mr. LANE, of Indiana, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 8, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

MISSOURI CONTESTED ELECTION.

Mr. GANSON. I rise to a question of privilege. I submit a report from the Committee of Elections in the case of contest between John P. Brooks and Benjamin F. Loan, from the seventh congressional district of Missouri, and ask that the resolutions be read, and that the report be laid upon the table and ordered to be printed.

The Clerk read as follows:

Resolved, That Benjamin F. Loan is not entitled to a seat in this House as a Representative from the seventh congressional district of Missouri.

Resolved, That John P. Brooks is not entitled to a seat in this House as a Representative from the seventh congressional district of Missouri.

Mr. UPSON. I submit the views of the minority of the committee, and ask that the resolution which accompanies them be read.

The Clerk read as follows:

Resolved, That Benjamin F. Loan is entitled to retain his seat in this House as a Representative in Congress from the seventh congressional district of Missouri.

The several reports were laid upon the table and ordered to be printed.

Mr. GANSON. I ask that this case be set down for Wednesday of next week.

The SPEAKER. It is a question of privilege, and the gentleman can call it up at any time.

TAXATION OF STOCK SALES, ETC.

Mr. ODELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill providing for an *ad valorem* tax upon all sales of bonds, stocks, specie, real estate, merchandise of every description, also upon receipts of all railroads, coal, gas, ferry, and all other incorporated companies.

PENITENTIARY FOR THE DISTRICT.

Mr. HOLMAN. I call for the regular order.

The SPEAKER stated the business in order to be House bill No. 169, authorizing the construction of a penitentiary, jail, and house of correction in and for the District of Columbia, reported from the Committee of the Whole on the state of the Union with a substitute, the pending motion being to lay upon the table made by the gentleman from Illinois, [Mr. WASHBURNE.]

Mr. MORRIS, of Ohio. I ask the gentleman from Illinois to withdraw that motion so that I may move to strike out the fourth section.

Mr. WASHBURNE, of Illinois. The bill provides for the erection not only of a penitentiary, but a jail and house of correction. Now, I do not know but it may be necessary to make an appropriation by Congress for a jail and a house of correction. If the Committee for the District of Columbia will agree to report back the bill in that way I will withdraw my motion to lay upon the table.

Mr. TRACY. I have a motion pending to recommit which has that object in view.

Mr. STEELE, of New York. Gentlemen can move instructions to the Committee for the District of Columbia.

Mr. WASHBURNE, of Illinois. I withdraw my motion to lay upon the table with that understanding.

Mr HUBBARD, of Iowa. I move the following instructions:

Strike out all that relates to a penitentiary and report a bill appropriating for a jail and house of correction.

Mr. MORRIS, of Ohio. Mr. Speaker, I do not think I would be doing my duty if I did not ask that the question of a penitentiary should be acted on in some way or other. If the House refuses to make an appropriation for that purpose I should be satisfied. If I were to consent to the recommittal of the bill with a view to the striking out of all that relates to a penitentiary I do not think I would be doing my duty.

If it is proposed to make this a test vote, and if the committee are to understand that this House will not build a jail, and will not build a penitentiary, but will build a house of correction, then the committee will know what to do. But I think it imperative upon me, and upon the Committee for the District of Columbia, to insist that there shall be some action which will indicate to them that this House will not make an appropriation for a penitentiary and jail.

Mr. TRACY. With the permission of the gentleman, I desire to say that if this proposition should be adopted by the House I should consider it an instruction to the committee to bring in a bill providing for the erection of a house of correction. I should deem it a specific instruction upon that point, and should consider that we had nothing else to consider. It would not be our province to consider whether the matter was proper or not proper to be done, but I should regard it to be our duty to bring in a bill for a building of that sort.

Mr. SPALDING. I move to amend the instructions so as to instruct the committee to report a bill for the construction of a house of correction.

The SPEAKER. That is the nature of the instructions now pending.

Mr. PATTERSON. When this matter was up yesterday it was stated by one gentleman upon this floor that the General Government had appropriated $5,000,000 for private purposes in the city of Washington. Now, sir, that was not original with the gentleman who uttered it. I remember that in 1858 Mr. Johnson, of Tennessee, stated the same thing in the other end of the Capitol, and, sir, the position which he took was thoroughly refuted by Senator Wilson and Senator Seward at that time. There had been $5,000,000 appropriated by the Government of the United States for general purposes in the city of Washington; but out of that was taken a sufficient amount to pave Pennsylvania avenue; out of that also was taken a large amount for improvements of the Mall, and another part was taken out for improvements of the triangular reservations within the city. These are all for public purposes, and not simply for the private interests of the city of Washington.

It was also stated that not more than one tenth of the property in this city was owned by the Government. Now, I believe, and it has so been stated by the highest authority, that a little more than one half of all the property in the city of Washington is owned by the General Government. Not one cent of tax is laid upon that property for the purposes of this city. The tax which accrued in 1858 upon the private property of this city was near two hundred thousand dollars. Now, there is here an equal amount of property belonging to the General Government which is untaxed. Is there any impropriety or injustice in having that property taxed for the purposes set forth in this bill, the punishment of criminals and the correction of juvenile offenders?

We should remember that many of these criminals are brought here by the circumstance that this is the capital of the nation and the rendezvous of the Army in its passage southward and westward. Such characters congregate here as they do at the capital of every State and of every great nation. Is there any injustice in having a part of the funds of the General Government appropriated, and that a very small portion, for the purpose of the correction and punishment of crime thrown largely into this District by these circumstances? I believe the constitutional question has been settled, and it now is only a question of policy, shall we appropriate $300,000 at this time for this purpose, when the country is in this great war to secure supremacy of the Government and the independence of the people?

It must be remembered that at the present time all of the expenses of the trial and punishment of these criminals are defrayed by the General Government. This bill proposes that $100,000 of the whole amount required shall be taken from the taxes laid upon the people of this District to build this penitentiary, so that the expense shall be divided. But if it is the judgment of this House that this is not the proper time for putting up these buildings, I can heartily acquiesce in that judgment. I have no great earnestness of feeling upon the subject. But there were one or two remarks uttered yesterday by the gentleman from Illinois [Mr. WASHBURNE] to which I do wish to call the attention of the House. It was admitted by himself that a large part of his remarks was simply a figure of speech, a sort of Oriental picture, no doubt resulting from his having his nativity down east. I shall not attempt in these brief remarks to answer his eloquent frenzy, for I have not the physical force to do that. A man's brains ought to lie in his knuckles in order to do that appropriately. But there are two points to which I desire to call the attention of the House. I find in the morning papers these remarks:

"Mr. WASHBURNE, of Illinois, after saying that the gentleman from New Hampshire [Mr. PATTERSON] had read a lecture to the committee, asked where those letters had been found; and, among other things, remarked that the gentleman had voted for a swindle—for an appropriation of $135,000 to enlarge the Charlestown navy-yard."

Mr. WASHBURNE, of Illinois. Where does the gentleman find that report of my remarks?

Mr. PATTERSON. In the Morning Chronicle, and the statement corresponds with my recollection of the gentleman's remarks.

Mr. WASHBURNE, of Illinois. My remarks are published in the Globe, which, I believe, is the official organ of Congress.

Mr. PATTERSON. I remember and will answer to my recollection of the gentleman's remarks, and he was understood by other members of this House as I understood him, and I believe the disting uished chairman of the Naval Committee replied to the accusation that that committee had brought in here a "swindle" and asked the members of this House to vote for it.

Now, all I have to say is that if I voted for a "swindle" on the Government of $135,000, I had a great deal of very good company. I had some of the most respectable and intelligent members of this House to bear me company in that matter; and, sir, I think it was hardly courteous to this House or to any member of it for the gentleman to rise in his place and accuse another member of having voted for a swindle of $135,000. I followed in that matter the lead of the high-minded and distinguished chairman of the Naval Committee, [Mr. RICE, of Massachusetts.] That committee had given this matter a thorough in-

vestigation, and they brought forward this proposition, and said that the demands of the country were such that we should vote for that appropriation. Before voting upon it I also asked the advice and opinion of the distinguished member of the Committee of Ways and Means from Massachusetts, [Mr. HOOPER.] He said that he regarded it as a fair compensation for what might be received. He said also that now was an opportunity which we might never have again for enlarging the operations of the navy-yard at Charlestown. And I though that this was very good authority for me to act upon in the absence of personal knowledge of the facts. I had no idea, under such circumstances, that I was voting for a "swindle" on this Government; and yet the gentleman from Illinois comes forward and accuses me of so voting. Why, sir, I called to mind in giving my vote that this navy-yard lies just at the foot of Bunker Hill. I remembered, sir, that the shadows of the shaft that rises on that glorified summit are cast across that ancient receptacle of naval power; and I remembered also that it is appropriate that the operations of that navy-yard should be extended so as to be made commensurate with the proud history of that splendid State—a history that can never be forgotten to the "last syllable of recorded time."

Again, the gentleman said that I had voted for another "swindle" in this House; that I had voted to withdraw nearly one hundred thousand dollars out of the Treasury of the United States for shells and percussion caps. I must correct the gentleman in that matter. That proposition was brought up by the distinguished member from Pennsylvania, [Mr. MOORHEAD.] He moved that the claim be referred to the Court of Claims. Now, sir, I knew nothing about that claim. It must be remembered that I am a new member upon this floor. I believe that the proposition had been before the House at the last session of Congress. I supposed that the Court of Claims was the proper tribunal to investigate such claims, and I therefore voted for it. The gentleman, if he will take the trouble to look in the record, will find my vote recorded in favor of referring the claim to that court. Was there anything improper in that? Now, sir, I was somewhat astonished that a gentleman of his experience on this floor and of his reputation for ability throughout this country should find it necessary, in order to defend his own position before his constituents and the country, to come in here and mar my brief political record of four months upon this floor. Was it necessary for him to misrepresent the truth in order that he might place himself right before the country? This is the fact in relation to this case, and nothing more and nothing less can be made of it. It is a misrepresentation of facts.

Mr. KASSON. I ask the gentleman from New Hampshire to yield to me for a single moment to say, as I was one of those gentlemen who entertained doubts originally as to the propriety of the purchase of this additional ground at the Charlestown navy-yard, that those doubts were removed by subsequent personal inspection. I have been on the ground since that vote was taken, and I not only regret that a general charge against it as a swindle has been made on the floor of the House, but I desire now to say emphatically that after that inspection and after inquiring of gentlemen on the ground, I am satisfied that this purchase was needed for the use of that navy-yard, and that the price paid was as nearly what it is worth as could possibly be arrived at in almost any business transaction between man and man for the purchase of property.

Mr. PATTERSON. Sir, I may have been very generous and a little too credulous, perhaps, in voting those appropriations, but the gentleman must pardon something to the fact that I am a *novus homo* on this floor. I have but lately entered the field, sir, and may make some mistakes in my votes here. But the gentleman saw fit to drag up my brief record and hold it up here in an invidious comparison with his bright and glorious career of ten years on this floor; and there let it stand. I am willing to abide the judgment of my peers upon this floor or of my peers outside of this House on any vote which I have cast or may cast here. Sir, perhaps after I shall have had a little more experience in legislation I shall bring my votes to accord more exactly to the popular standard of economy marked out by the gentleman, but until I have had that experience the gentleman must pardon any indiscretion on my part. Time will cure all that.

All that I have to say in relation to this matter is simply this—and I wish to make the remark as a general one, and as not referring particularly to the gentleman from Illinois—that if any man on this floor dares to charge me with having willfully voted here a corruption fund, or voted for a fraud of $135,000, I hurl back the infamous charge with ineffable scorn and contempt into his teeth. It was an insult not to myself alone, but to all the gentlemen on this floor who voted for that measure.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed, without amendment, an act (H. R. C. C. No. 114) for the relief of Daniel Wormer;

An act (H. R. C. C. No. 115) for the relief of Darius S. Cole;

An act (H. R. C. C. No. 116) for the relief of William G. Brown; and

An act (H. R. No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes.

Also, an act (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie, with an amendment, in which he was directed to ask the concurrence of the House.

Also, that the Senate had agreed to the amendments of the House to the bill (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia.

PENITENTIARY FOR THE DISTRICT—AGAIN.

Mr. WASHBURNE, of Illinois. I must confess, Mr. Speaker, that I am somewhat surprised that my distinguished friend from New Hampshire should, after resting on it during the night, have come into the House this morning to deliver himself as he has done on the little episode that took place here yesterday. He need not have told us, sir, that he was a new member, because I think if he had been a little older member he would not have taken this little matter quite so much to heart. I am sorry he is disturbed. I did not intend to disturb him or to reflect upon him in any way.

But the gentleman will remember that this is a matter of his own introduction. Because I saw fit to oppose a bill proposing to take out of the Treasury $4,000—that pitiful little sum—to buy a steam fire-engine for the city of Washington, the gentleman from New Hampshire addressed the committee conveying the idea that I had become very eloquent on a very small matter. Now, sir, I never become eloquent on a very small or on a very big matter.

Mr. PATTERSON. I wish to say, sir, that I did not speak of the gentleman. My remark was a general one; and the gentlemen from Illinois saw fit to take it up for reasons best known to himself.

Mr. WASHBURNE, of Illinois. I understand that, sir. The gentleman undoubtedly meant to refer to me. He does not deny it, and he cannot escape in that way. The gentleman insinuated that while I grow eloquent on these very little things I was willing to vote for the largest and most extravagant appropriations, and particularly the ship canals. Of course that did not mean me. [Laughter.] I looked upon all this very good-naturedly. I did not suppose that there was anything intended but as mere badinage, which I took from my distinguished friend from New Hampshire with all the grace and good nature which he and everybody else knows belongs to me. [Laughter.] As to the matter of larger appropriations to which the gentleman referred, I thought it appropriate and just to refer a little to the record of my friend, to which he takes so much exception. I merely say to my friend, with all my good nature, that when I say a thing understandingly I generally stand to it. And notwithstanding that my distinguished friend from Iowa [Mr. KASSON] has come to the rescue of my no less distinguished friend from New Hampshire, [Mr. PATTERSON,] I intend to stand by my position in regard to this Charlestown navy-yard. I stand to-day just where I stood yesterday. I saw that my friend had voted—for what? He does not deny it; that he had voted against striking out an appropriation of $135,000 for the purchase of a piece of land for the Charlestown navy-yard, at a price that was not only extravagant and enormous, but that has since been charged to have been a "swindle." I had information about the facts and I tried to get the attention of the Committee of the Whole to my information. When the report of the debate in Committee of the Whole on the state of the Union reached Boston, a letter was written to me by one of the most distinguished citizens of Charlestown, Massachusetts, and its statements were afterwards corroborated by the mayor of Charlestown, whom I saw. These men charged in the first place that this piece of ground was not necessary for any of the purposes of the navy-yard, and in the second place that the price charged to the Government was enormous. And why?

Mr. SPALDING. I rise to a question of order. I ask whether it is in order on this bill for the gentleman from Illinois to impeach the good name of the Committee on Naval Affairs?

The SPEAKER. In what respect?

Mr. SPALDING. In their recommending an appropriation to this House.

Mr. WASHBURNE, of Illinois. It is the first knowledge I have had that the Committee on Naval Affairs recommended anything of the kind. I hope my friend from Ohio, who generally votes with me on everything, will let me go on.

Mr. SPALDING. In regard to this appropriation for a navy-yard I wish to say to the House that the Committee on Naval Affairs had the matter before them for two weeks, and carefully inquired into the value of this land. I myself, at first, was doubtful in regard to it. After that inquiry we considered the evidence furnished to us was to the effect that the price was a fair one for this land, and we recommended its purchase.

Mr. WASHBURNE, of Illinois. I wish the gentleman would let me go on.

The SPEAKER. Does the gentleman insist on his point of order?

Mr. SPALDING. My friend from Illinois received his letter from a private individual which he submitted to me. I then said to him that we might have been imposed upon. I still think that the price for the land was not too great.

The SPEAKER. If the gentleman makes a point of order he cannot argue the question.

Mr. SPALDING. I withdraw my point of order.

Mr. WASHBURNE, of Illinois. I am glad that the gentleman has withdrawn his point of order. He knows that there was no reflection upon him, upon the Committee on Naval Affairs, or any other committee, or upon any member in this House. But I was just coming to that point in regard to the value of this land. A short time before this matter was reported to the House the owners of this land were not anxious to sell it, as they had no occasion for the money. But they were persuaded, however, to sell it from what they considered the very large price offered for it, some one hundred and twenty-five thousand dollars, I believe, at most one hundred and thirty thousand dollars, for the whole land. Now the Government comes in and pays $135,000 for one half of it. Gentlemen of the House can judge for themselves whether, under these facts, it was not "a swindle," an imposition on the Government, as the people of Charlestown have charged.

I referred merely to the fact that the gentleman from New Hampshire [Mr. PATTERSON] had voted for it. He had charged me, by innuendo at least, with having voted for large appropriations, while I was growing "eloquent" upon these little things. In return I pointed to him as having voted for an appropriation which I considered extravagant and outrageous, and that those who were acquainted with the subject had denounced as "a swindle." So much in regard to that.

In respect to the other matter the gentleman misunderstood me. I am surprised that he should cut out a little slip from the Morning Chronicle of the associated press report and base his remarks on that. He can see my remarks fully reported in the Globe when it comes up this morning. He alleges that I charged him with having voted for another swindle. I did not refer to this bomb-shell bill as a swindle. I stated what I believe to be true, that the bill for which he voted would in the end take $100,000 out of the Treasury. That is all there is of that.

Now, Mr. Speaker, I am surprised that the gentleman from New Hampshire, a gentleman of his distinguished ability and character, should come in here and make such an ado over the little affair we had here yesterday. There was no reflection on him. He knows me, and knows that I know him. I know him too well to suppose that he would have been guilty of having voted knowingly for any swindle. But when he undertook to challenge my votes, he must have known that with the same propriety I could challenge his votes. Of their justice and propriety he is the judge. He is not responsible to me or to my constituents, and I am not responsible to him or his constituents.

Mr. PATTERSON. The gentleman disclaims any design to charge me with having voted for a corruption fund, and I exonerate him fully.

Mr. WASHBURNE, of Illinois. The gentleman never heard me say "corruption fund."

Mr. PATTERSON. Fraud.

Mr. WASHBURNE, of Illinois. No, sir; I said he voted for a matter since charged with being a swindle.

Mr. STEELE, of New York. I have not wished to interrupt this little discussion, but it seems to me it has gone far enough, and I raise a point of order that the business before the House is the bill reported from the Committee for the District of Columbia.

The SPEAKER. The Chair sustains the point of order.

Mr. MORRILL. I desire to occupy a few moments in reference to the action of the Committee of Ways and Means, which has been referred to.

Mr. MORRIS, of Ohio. I thought I was entitled to the floor.

The SPEAKER. The gentleman yielded the floor to his colleague, and when his colleague had concluded his remarks, the gentleman from Ohio was not in his seat, and the Chair assigned the floor to another member.

Mr. MORRILL. I desire to say a word to relieve the Committee of Ways and Means from the imputation that might possibly be cast upon them that they did not fully investigate the matter of appropriating this $135,000 for the enlargement of the Charlestown navy-yard. It is a matter which has been before the committee for several years. It had already been examined and recommended to us by the Committee on Naval Affairs. They had before them, as the Committee of Ways and Means had, Admiral Smith, with all the documents, maps, and plans necessary to an understanding of the case. If there is an honest man anywhere in any of the Departments of the Government in reference to appropriations of public money with a view to economy and the true interests of the country, in my judgment it is Admiral Smith. He came before us with all his documents, and stated to the committee that more frontage was demanded for the navy business at the navy-yard, and that for want of it they were constantly committing trespasses upon the rights and lands of others. Certain parties had land there to sell, and the proposition was that if they could procure or purchase some other adjoining lands which they did not possess, but which were wanted, if any were to be purchased, the Government would buy the entire parcel and pay the proposed price for it. The parties made an arrangement by which they purchased that other lot, and they sold that to the Government, as I understand, for precisely or about the same they paid for it. Of course they realized a profit upon the premises they owned, so far as any increased value was concerned, and I do not now understand that they got more for the land than it is now worth.

I make this explanation in justification of the action of the Committee of Ways and Means.

Mr. WASHBURNE, of Illinois. Do I understand the gentleman from Vermont to say that the parties sold that land at the same price they paid for it?

Mr. MORRILL. Not what they had for some time owned themselves, but what they purchased in order to accommodate the Government.

Mr. WASHBURNE, of Illinois. I know the gentleman from Vermont knows something about this matter, and I desire to inquire of the gentleman if one half of the property bought, some three months since, was not sold to the Government for more than they paid for the whole?

Mr. MORRILL. I do not so understand, except by the letter which the gentleman from Illinois himself has privately shown to me.

Mr. HUBBARD, of Iowa. I desire to modify my instructions so as simply to direct the committee to inquire into the expediency and propriety of proposing a bill for the erection of a house of correction. I do this because I understand there is a bill before the committee relating to that subject, and I do not wish to make my instructions imperative.

Mr. STEELE, of New York. I will detain the House but a single moment. It will be remembered that this bill which has been reported from the committee was also reported by the committee last year. Yesterday was made a sort of gala day here, and it seems to be generally thought that whenever reports are made from the Committee for the District of Columbia that is a time for everybody to make their remarks in regard to the expenses of the Government for the benefit of the District of Columbia, and the grasping disposition of the people of the District to get everything they can out of the Government. Now, I do not propose to make any particular defense of the people of the District of Columbia, but I do ask gentlemen upon the other side of the House to recollect the fact that in the short period we have had the honor of sitting in Congress, they have passed a law abolishing slavery in the District of Columbia, and that almost all the property holders in the District were slaveholders, and that they have suffered very considerably, if not in the way of direct taxation, yet in the loss of property. Now, when we propose to tax them $100,000 for the building of this jail and penitentiary, and the General Government $150,000, I think the proportion is fair. And not only have the criminal courts been filled in consequence of the abolition of slavery in the District, but this has been a sort of "city of refuge" for men who have flocked here from all quarters.

Mr. GRINNELL. I desire to ask the gentleman a question.

Mr. STEELE, of New York. If the gentleman will wait a moment he can then have the floor. I cannot yield to him, because the time of my colleague on the committee from Ohio [Mr. MORRIS] I apprehend is up, and I desire to yield the floor to him.

Mr. MORRIS, of Ohio. I will yield for a moment to the gentleman from Iowa.

Mr. GRINNELL. The gentleman from New York [Mr. STEELE] made the remark that the slaveholders, who were the owners of property in this District, had been impoverished by the action of the Government. I wish to inquire of him if it is not the truth that the real estate of these slaveholders has increased in value more than a hundred per cent., and that these same men are richer now by thousands, if not millions, than they were before slavery was abolished. I think the facts will show that.

Mr. STEELE, of New York. If I understand the matter, the real estate of the District has only increased in value just as much as gold has, and from the same cause.

Mr. GRINNELL. I answer that every gentleman who has known about property in the District of Columbia, and I have known something about it for ten or twelve years, having friends here, knows that those persons who held property here when slavery existed thought themselves comparatively poor, but now regard themselves as rich. I believe that the Government befriended them by taking away slavery from the District of Columbia, and the assessments of the city will sustain my assertion that property in the city is worth now, according to the assessment, millions more than it was when slavery existed here.

Mr. MORRIS, of Ohio. I have no disposition to occupy the attention of the House at this time. My only object is to arrive at a decision, so that the Committee for the District of Columbia may know what is the pleasure of the House, and what action they desire the committee to take. I hope the question will be taken on the instructions offered by the gentleman from Iowa, [Mr. HUBBARD.]

Mr. HUBBARD, of Iowa. I wish to make a single remark. I have become satisfied, from all I have heard upon this subject, and from the information I have in regard to it, that it is not expedient for us to build a penitentiary here at the present time; but I am also satisfied, on the other hand, that there is some demand for a house of correction; and for the purpose of having that matter investigated by the committee I have offered the instructions which are now pending before the House, and I hope that they may be adopted by the House in order that the matter may be fully and fairly investigated. I understand that the adoption of these instructions by the House will in effect instruct the committee that the House is opposed to the building of a penitentiary at this time, and in favor, partially at least, of the building of a house of correction.

Mr. MORRIS, of Ohio. The bill provides for the building of a penitentiary, a jail, and a house of correction. The gentleman's instructions say nothing about the jail.

Mr. HUBBARD, of Iowa. I will modify my instructions so as strike out both the penitentiary and the jail.

Mr. MORRIS, of Ohio. Well, if it is understood that by the adoption of these instructions the House will express its determination not to authorize the building of a penitentiary and a jail, I am satisfied that the vote shall be taken now; I am as ready to take the vote now as I shall be at any other time.

Mr. TRACY. As the gentleman desires to have this question determined now, I withdraw my motion to recommit.

Mr. WASHBURNE, of Illinois. I withdrew the motion to lay on the table on condition that the gentleman from Pennsylvania would make that motion. I now renew the motion to lay on the table.

Mr. HUBBARD, of Iowa. There is one verbal modification which should be made in my instructions.

The SPEAKER. The instructions have fallen, and are not before the House. The gentleman from Pennsylvania [Mr. TRACY] has withdrawn the motion to recommit, and the instructions fall. The gentleman from Illinois [Mr. WASHBURNE] moves now to lay the bill upon the table.

Mr. JOHNSON, of Pennsylvania. I appeal to the gentleman from Illinois to withdraw that motion for a moment.

Mr. WASHBURNE, of Illinois. Is the gentleman from Pennsylvania a member of the Committee for the District of Columbia?

Mr. JOHNSON, of Pennsylvania. No, sir; not on any committee but one that seldom meets.

Mr. MORRIS, of Ohio. I wish to ask the gentleman from Illinois to withdraw his motion, and let the bill be recommitted with the instructions moved by the gentleman from Iowa, [Mr. HUBBARD,] and let that be considered a test vote on this question. Perhaps the House may be prepared to vote twenty-five or thirty thousand dollars for the building of a house of correction for juvenile offenders, while it may not be willing to vote an appropriation for a penitentiary and jail.

Mr. WASHBURNE, of Illinois. The gentleman from Pennsylvania [Mr. JOHNSON] has appealed to me to yield the floor to him one moment. The gentleman from Maine [Mr. BLAINE] wants it also; and therefore I withdraw my motion.

The SPEAKER. Does the gentleman withdraw the motion unconditionally?

Mr. WASHBURNE, of Illinois. I withdraw it unconditionally for that purpose. [Laughter.]

Mr. JOHNSON, of Pennsylvania. I want to call the attention of the House to a single fact which, so far as I have observed, has not been stated in this debate. During the last Congress the Government applied to this House for permission to use the penitentiary which formerly belonged to the District of Columbia. That permission was granted, and this arrangement of sending prisoners to the State penitentiaries was made, and the Government has been using this penitentiary building as an arsenal ever since.

Now, this brings the question home to us, as a simple matter of fact, whether, before the war broke out, a penitentiary was needed in the District of Columbia so much more than it is needed now, with all this increased population of a mixed and various character. I have not heard that point referred to by gentlemen here. The debate has taken so wide a range that I supposed the House had forgotten this, to me, important fact. My impression is that if ever in the history of this city and this District a penitentiary of very large

capacity was needed it is now; and as the Government has taken the old building and is using it for the purposes of an arsenal I do not see why we should not appropriate a sufficient sum to build another.

Mr. BLAINE. Mr. Speaker, I want to make a single explanatory remark. I was yesterday among those members who opposed this appropriation for the erection of a penitentiary and house of correction together. The gentleman from Illinois [Mr. WASHBURNE] moved to lay the bill upon the table. This morning, in conversation with him, he expressed his willingness to withdraw that motion and make no opposition if the Committee for the District of Columbia would withdraw this bill and report another bill for the erection of a new jail and house of correction.

The points of objection to the building of a penitentiary are, in the first place, that it necessarily involves a large expenditure of money, and in the second place, that the convicts from this District can be better taken care of in northern penitentiaries, and at a vastly cheaper rate. The objection does not apply at all to the question of erecting a house of correction for juvenile offenders in the District, and so far as I know the opposition on this side of the House does not touch that at all. But the gentleman who reported the bill insists on a vote on the original proposition, and therefore the gentleman from Illinois insists on his motion to lay the bill on the table. The understanding on which the gentleman from Illinois withdrew his motion seems to have been entirely lost sight of, and hence the necessity of renewing it. If the proposition for the erection of a penitentiary be withdrawn, I take it that there will be no objection to making an appropriation for a house of correction and new jail.

Mr. HUBBARD, of Iowa. I now renew my motion to recommit the bill to the Committee for the District of Columbia, with instructions to strike out all relating to a penitentiary and jail, and to inquire into the propriety of reporting a bill appropriating $—— for the erection of a house of correction; and on that I move the previous question.

Mr. STEELE, of New York. I appeal to the gentleman from Iowa to yield to me for a single moment.

Mr. HUBBARD, of Iowa. I withdraw the previous question for the present.

Mr. STEELE, of New York. I appeal to the gentleman from Iowa to yield to me for a moment to make a statement.

Mr. HUBBARD, of Iowa. I yield to the gentleman from New York.

Mr. STEELE, of New York. Mr. Speaker, the Committee for the District of Columbia have no sort of feeling on this matter. It has been pressed upon them last year and this year, because of the great importance of having a penitentiary and jail in this District. All we ask is, that the House shall take the responsibility of meeting the question fairly and decide it. If the House does not want to build a penitentiary and jail here, the committee have no desire they should do so, but only desire they shall take the responsibility of voting on that subject.

Mr. HUBBARD, of Iowa. I renew the demand for the previous question.

The previous question was seconded, and the main question ordered.

The House divided; and there were—ayes 63, noes 33.

So the bill was recommitted to the Committee for the District of Columbia, with the instructions indicated.

Mr. HUBBARD, of Iowa, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;" when the Speaker signed the same.

REPORT OF CHARLES B. STUART.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution, and demanded the previous question on its adoption:

Resolved, That five thousand copies of the report of Charles B. Stuart, consulting engineer, in reference to the improvement of water communication between the Hudson river and the lakes of the West and Northwest, made March 29, 1864, be printed for the use of this House.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. A. W. CLARK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

C. F. JOHNSON.

Mr. HALE, from the Committee of Claims, reported a bill for the relief of C. F. Johnson, of Alabama; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN GRATZ.

Mr. HALE, from the same committee, also reported a bill for the relief of Benjamin Gratz; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

HUGH LEDDY.

Mr. HALE, from the same committee, also reported a bill for the relief of Hugh Leddy; which was read a first and second time.

The bill was read *in extenso*.

Mr. HALE. I ask that the bill be put on its passage.

Mr. ANCONA. I object.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM JESSUP.

Mr. HALE, from the same committee, made an adverse report on the petition of William Jessup for damages sustained by an encampment upon his premises of several companies of volunteers; which was laid upon the table, and ordered to be printed.

JAMES H. M'CULLOCH.

Mr. HALE, from the same committee, also reported a joint resolution to refer the case of J. H. McCulloch to the Court of Claims; which was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES WILKES.

Mr. PRUYN, from the Committee of Claims, reported a joint resolution to refer the case of Charles Wilkes to the Court of Claims; which was read a first and second time.

Mr. WILSON. What is the nature of this claim?

Mr. PRUYN. It grows out of a change in the grade of the streets in this city.

Mr. HOLMAN. The joint resolution does not give the court jurisdiction if it has not jurisdiction already.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRUYN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SOLOMON PARSONS.

Mr. BROWN, of West Virginia, from the Committee of Claims, reported a bill for the relief of Solomon Parsons; which was read a first and second time.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Solomon Parsons, of West Virginia, the sum of $125 in full payment of twenty-four hundred pounds of beef furnished to the United States troops at St. George's station, Virginia, by order of Captain Kellogg, commander of the post.

Mr. WASHBURNE, of Illinois. I would inquire why this amount was not paid upon the vouchers given?

Mr. BROWN, of West Virginia. Because it was not reported by the proper officer to the Department. The beef was furnished on an emergency, as the certificate of the officer will show. It was called for by a company of Ohio men stationed at St. George's.

Mr. WASHBURNE, of Illinois. I cannot permit this bill to pass now, as it is but one of a large class of similar claims.

The bill was referred to the Committee of the Whole House, and ordered to be printed.

A. S. CLARK.

Mr. HOLMAN, from the Committee of Claims, reported a joint resolution for the relief of A. S. Clark; which was read a first and second time.

The resolution directs the Postmaster General hereafter, in adjusting the accounts of A. S. Clark, postmaster at Harrison, Ohio, to allow him a credit of $523 69, being the amount of money and postage stamps taken from his possession belonging to the United States by the rebel forces commanded by John H. Morgan, on the 3d of July, 1863.

Mr. WILSON. What proof had the committee that the money taken by Morgan's men belonged to the United States?

Mr. HOLMAN. The proof consisted in the first place of Clark's own affidavit, very minute in its details; and also the statement of the Postmaster General and the proper accounting officer of the Post Office Department, as to the amount of money and postage stamps which were in his hands at the time. It occurs that the two statements are exactly alike; that is, the statement of Clark himself in regard to the matter is fully corroborated by the statement of the Department.

The amount of money taken is reasonably well determined by two citizens of Harrison living there at the time. Clark, at the time of the approach of Morgan's men, was at dinner. As soon as he heard that the rebels were approaching he rushed to his office, seized the money and the postage stamps, and endeavored to escape by the back door. The fact of the taking possession of the office, and the seizure of the money and stamps, is established, the committee say, with reasonable certainty. They do not pretend that it is established with that absolute certainty that a case differing from this in character might admit of.

I would state further that Mr. Clark, the postmaster, is well known by several gentlemen upon both sides of the line, the town of Harrison being upon the boundary. The committee have been led to believe, from the testimony before them, that there is a reasonable certainty that he had the amount of money. It is an absolute certainty that whatever money he had was taken, and that he ought to have had this amount of money and postage stamps in his possession.

Mr. WILSON. I understand there is no proof how much money he had upon his person at the time the rebels took it away from him.

Mr. HOLMAN. No, sir; no positive evidence as to the exact amount. The amount he had in his hands is shown by the report of the Postmaster General. Mr. Clark's own statement is very minute.

The case comes within the well-known principle that where a person loses property under such circumstances, even in private transactions, that the knowledge of the existence of the loss must be with himself alone; that for the purpose of establishing the amount his own affidavit may be received. The gentleman will remember that that principle is well established in ordinary controversies between citizen and citizen.

Mr. WILSON. Does Mr. Clark state the amount?

Mr. HOLMAN. He makes a minute and exact statement.

I am not, as gentlemen very well know, very much inclined to regard private claims against the Government favorably, but I regard the facts in this case as well established by evidence as probably in any case brought to the consideration of the Committee of Claims.

Mr. HARDING. I desire to say that a variety of petitions have been presented exactly covering the case which the gentleman has brought up here to-day. All of those petitions have been

referred to the Committee on the Post Office and Post Roads. That committee have instructed me to report a bill covering all such cases. If the gentleman will yield for me to introduce my bill, which I have been waiting to report for several days, it will exactly meet his case and every similar case. I propose to offer it as a substitute for his bill.

Mr. HOLMAN. That cannot be done under the rules. You cannot substitute a general bill for a private bill.

The SPEAKER. That cannot be done under the rules.

Mr. HARDING. I think the gentleman from Indiana will be satisfied himself, when he looks into the number of cases of this character, that it is altogether improper to take them up separately and legislate upon them. There are various well-established cases where postmasters have been robbed; and I have prepared a bill, which I have been instructed to report, which meets all these cases, referring them to the Postmaster General for settlement; and when the evidence is sufficient to satisfy him that a postmaster has been robbed in any case, he is authorized to give him credit for the amount of which he may have been robbed. It is altogether improper to take up any separate case and legislate upon it now. While there may be an individual or two in Indiana who has suffered in this way, the raids in my State have been so repeated and frequent that there are, perhaps, fifty cases there to every one case in his State. The bill which I desire to present has been prepared under the special recommendation of the Postmaster General; and it will embrace the case of the gentleman from Indiana as well as other cases, referring the whole matter, however, to the Postmaster General for him to settle and allow credit when the evidence is sufficient to satisfy him that the postmaster has been robbed.

Mr. HOLMAN. I shall certainly give my very cordial support to the gentleman's bill when it is properly before the House. I am not reporting anything that runs counter to the gentleman's bill.

Mr. HARDING. Then let me report it now.

Mr. HOLMAN. I have not the slightest objection, but it cannot be substituted for this bill, as the Chair has stated, for this is a private bill. This claimant brings himself clearly within the rule that the House has established in its action on this subject. This bill creates only another argument in favor of the very bill which my friend will report. I trust that an exception will not be made in this particular case. I admit the necessity and propriety of general legislation on this subject. Let us pass a general bill; but in the mean time, if parties have brought themselves within the rule of Congress their claims ought not to be deferred.

Mr. THAYER. I desire to ask the gentleman from Indiana whether the postmaster referred to has settled his accounts and been obliged to pay this money?

Mr. HOLMAN. Yes, sir, he has paid the money to the Department; and all I am proposing is that hereafter, in the settlement of his accounts for the money which he may receive as postmaster, he shall be allowed the amount of money which he has been compelled to pay over.

Mr. JOHNSON, of Pennsylvania. I rise to a point of order. I submit that this bill makes an appropriation, and must have its first consideration in a Committee of the Whole House.

The SPEAKER. It is not an appropriation bill.

Mr. JOHNSON, of Pennsylvania. It authorizes an appropriation.

The SPEAKER. The sum would come out of the Post Office revenues, which are appropriated in a specific appropriation bill. This is not, therefore, an appropriation bill, under the usage of the House.

Mr. HOLMAN. I must insist now on the previous question on the bill.

Mr. JOHNSON, of Pennsylvania. I hope the gentleman will not do that, after he has said all that he desires to say and no gentleman has been heard on the other side.

Mr. HARDING. If it is in order I move to refer the bill to the Committee on the Post Office and Post Roads.

The SPEAKER. It is not in order during the demand for the previous question.

Mr. HOLMAN. I will yield the floor to the gentleman from Pennsylvania.

Mr. JOHNSON, of Pennsylvania. It is very evident that we are to have a great many claims of this character. I took occasion in the last Congress to speak against the introduction of special pension bills, because it is impossible for this House to undertake to judge of the merits of each particular case, and the passage of such special bills depends more upon the fact whether the parties have a Representative on the floor here to advocate their claims, than it does on the particular merits of the claim. I am, therefore, opposed to all these special bills. We can reach all these cases by general measures, and I favor the course proposed by the Committee on the Post Office and Post Roads. I can see no reason why this bill should have precedence over many other cases of a similar character, and I therefore move that this bill be referred to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN. I did not yield the floor for any such purpose. I yielded it to the gentleman as an act of courtesy.

Mr. JOHNSON, of Pennsylvania. Can I get the floor for any purpose without having to ask the gentleman from Indiana?

Mr. HOLMAN. Not within my hour, and I shall move the previous question before the hour expires.

Mr. JOHNSON, of Pennsylvania. That is a very accommodating rule.

Mr. HOLMAN. I do not desire to debate the subject, as no gentleman can have a doubt of its being a meritorious case. I therefore move the previous question.

The question being on seconding the previous question,

Tellers were ordered; and Messrs. MALLORY and ORTH were appointed.

The House divided; and the tellers reported—ayes 80, noes 14.

So the previous question was seconded, and the main question ordered; and under its operation the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COLE, of California, moved that the joint resolution be laid upon the table; and called for tellers on the motion.

Tellers were ordered; and Messrs. COLE, of California, and ELDRIDGE were appointed.

The House divided; and the tellers reported—ayes 23, noes 79.

So the House refused to lay the joint resolution on the table.

Mr. HOLMAN moved the previous question on the passage of the joint resolution.

The previous question was seconded, and the main question ordered.

Mr. COLE, of California, called for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 30; as follows:

YEAS—Messrs. Augustus C. Baldwin, John D. Baldwin, Blaine, Bliss, Boyd, James S. Brown, William G. Brown, Chanler, Ambrose W. Clark, Clay, Cobb, Cox, Cravens, Dixon, Driggs, Dumont, Eldridge, Eliot, English, Finck, Grider, Grinnell, Hale, Harrington, Holman, Hotchkiss, Asahel W. Hubbard, William Johnson, Julian, Kalbfleisch, Kelley, Francis W. Kellogg, Kernan, Law, Long, Longyear, Mallory, Marcy, Marvin, McAllister, McBride, McClurg, McDowell, Middleton, William H. Miller, James R. Morris, Morrison, Leonard Myers, Nelson, Charles O'Neill, John O'Neill, Patterson, Pendleton, Perham, Pike, Pomeroy, Price, Pruyn, Samuel J. Randall, William H. Randall, Alexander H. Rice, Robinson, Rogers, Ross, Scott, Smithers, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Thayer, Thomas, Van Valkenburgh, Voorhees, William B. Washburn, Webster, Whaley, Wheeler, Chilton A. White, Joseph W. White, Wilder, Windom, Winfield, Benjamin Wood, and Yeaman—86.

NAYS—Messrs. William J. Allen, Allison, Ancona, Anderson, Baxter, Bontwell, Broomall, Freeman Clarke, Cole, Dawson, Frank, Harding, Herrick, John H. Hubbard, Philip Johnson, Kasson, Moorhead, Daniel Morris, Amos Myers, Orth, John H. Rice, Edward H. Rollins, Scofield, Shannon, Spalding, Tracy, Upson, Elihu B. Washburne, Williams, and Wilson—30.

So the joint resolution was passed.

Mr. HOLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRESIDENT'S MESSENGER.

Mr. WINDOM, from the Committee of Claims, presented an adverse report on the petition of Louis Burgdorf, praying compensation for services as messenger to the President of the United States; which was laid upon the table.

CRIERS AND BAILIFFS.

Mr. WILSON, from the Committee on the Judiciary, presented an adverse report on the petition of E. M. Denison and others, of the District of Columbia, criers and bailiffs, for increased compensation for their services; which was laid on the table.

JESSE WILLIAMS.

Mr. THAYER, from the Committee on Private Land Claims, reported a bill for the relief of Jesse Williams; which was read a first and second time.

The bill directs the Commissioner of the General Land Office to issue a patent to Jesse Williams, of Jefferson county, Iowa, for the west half of the northwest quarter of a section of land in the State of Iowa; provided that no rights acquired by other persons shall be thereby affected.

Mr. WASHBURNE, of Illinois, called for the reading of the report.

The report was read.

Mr. THAYER. The House has been very attentive to the reading of the report, and as the facts are fully set forth in it I have nothing further to say, except to state that I am ready to answer any question that may be asked of me.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THAYER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. C. C. No. 114) for the relief of Daniel Wormer;

An act (H. R. C. C. No. 115) for the relief of Darius S. Cole;

An act (H. R. C. C. No. 116) for the relief of William G. Brown; and

An act (H. R. No. 373) to appoint an appraiser and assistant appraiser for the port of Portland, and for other purposes.

MAJOR N. H. M'LEAN.

The SPEAKER laid before the House a message from the President of the United States, transmitting, in compliance with the resolution of the House of Representatives of the 4th instant, a report from the Secretary of War in relation to Major N. H. McLean.

Mr. PENDLETON moved that the papers be referred to the Committee on Military Affairs, and also that they be printed.

The motion was agreed to.

TARIFF.

Mr. MOORHEAD, by unanimous consent, from the Committee on Manufactures, submitted a report on the tariff; which was referred to the Committee of Ways and Means, and ordered to be printed.

REPRESENTATIVES OF JAMES KEENAN.

Mr. DAWSON, by unanimous consent, from the Committee on Foreign Affairs, reported a joint resolution, accompanied by a report, for the relief of the legal representatives of James Keenan, deceased, late consul at Hong Kong, China; which was laid upon the table, and ordered to be printed.

GRANT OF LANDS TO IOWA.

Mr. ALLISON, from the Committee on Public Lands, reported a bill granting lands to the State of Iowa in alternate sections for the construction of railroads in said State; which was ordered to be printed, and recommitted to the same committee.

AGRICULTURAL COLLEGES.

Mr. HOLMAN. I call for the regular order of business.

The SPEAKER. The regular order of business, the morning hour having expired, is the consideration of the special order, being Senate bill No. 12, extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating

public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, to which several amendments are pending.

Mr. HOLMAN. The amendments which have been proposed to the bill have been printed with the bill, and laid upon the desks of members. One is an amendment submitted by myself, and the others are amendments offered by the gentleman from Illinois, [Mr. WASHBURNE,] and the gentleman from Minnesota, [Mr. WINDOM.] For the purpose of covering the whole ground, without designating Indiana or any particular State, I will submit a substitute.

The SPEAKER. Does the gentleman move a substitute for the whole bill?

Mr. HOLMAN. No, sir. My pending amendment is as follows:

Provided, however, That the State of Indiana, instead of appropriating the land, land scrip, or the proceeds thereof, to which that State shall be entitled by accepting the provisions of said act, to the purposes specified in said act, may, in the discretion of its Legislature, apply the same to the education of orphan children of soldiers and seamen of said State who have died or may hereafter die from wounds received or sickness contracted in the line of duty while in the military or naval service of the United States during the present war, in such manner as the said Legislature may provide, it being the intention of this provision to enable the said State to apply the land, land scrip, or the proceeds thereof to either of the purposes aforesaid, but to no other purpose whatsoever; and if applied to the purpose specified in the act aforesaid, it is not intended by this provision to relieve the State from any of the conditions of said act.

I withdraw that amendment, and for it propose the following:

Provided, however, That any State or Territory, instead of appropriating the land, land scrip, or the proceeds thereof, to which such State or Territory has or shall become entitled by accepting the provisions of said act, to the purposes therein specified, may, in the discretion of its Legislature, apply the same or any part thereof to the support and education of orphan children of soldiers and seamen of such State or Territory, who have died or may hereafter die from wounds received or sickness contracted in the line of duty while in the military or naval service of the United States during the present war, in such manner as the Legislature of such State or Territory shall provide, it being the intention of this provision to enable any State or Territory to apply the land, land scrip, or the proceeds thereof, to either of the purposes aforesaid, but to no other purpose whatever; and if applied to the purposes specified in the act aforesaid the provisions thereof shall be strictly complied with.

The SPEAKER. The question recurs on the amendment of Mr. WASHBURNE, of Illinois, to insert Illinois.

Mr. HOLMAN. The gentleman from Illinois is not in his seat, and if my substitute be adopted his amendment becomes unnecessary. I have withdrawn my original amendment. If the House be not willing to adopt a general proposition, embracing all the States, I shall again submit my original proposition.

The SPEAKER. If the gentleman withdraws his original proposition, then the amendment of the gentleman from Illinois [Mr. WASHBURNE] falls.

Mr. MORRILL. Mr. Speaker, I had forgotten that this bill had been made a special order for this day. I trust a motion so important as that now proposed will receive at least the attention and earnest consideration of the few gentlemen now present. It is to be noticed that on so simple a proposition as this, a mere proviso to a proper but unimportant bill of the Senate, the whole system upon which public lands were granted for the establishment of agricultural colleges, with a view to the instruction of the industrial classes of the country, is to be narrowed and confined merely to those who, unfortunately, happen to be the orphans of men who have fallen during the present war. I do not understand that the orphan children of those who have fallen during the present war are excluded under the provisions of the original act. They are certainly those who will be most likely to receive some benefit from the law as it now stands.

This, sir, was an appropriation originally made for a great and benevolent object. It was for the improvement of the great industrial classes of our people engaged in agriculture and the mechanic arts, to enable them to get in this way a solid, practical, and substantial education, and to get it when they could not in any other way, because of the cost of the classical schools of the country. I rise to call the attention of the House to the proposition now submitted for the withdrawal of the proceeds of that grant and diverting it to any purpose the States may see fit. It is now national in its scope and ought not to become local. I trust the agricultural and mechanical interests of the country, having been for once acknowledged, are not to be ignored and set aside at so early a day. If the gentleman from Indiana desires to make an appropriation for this particular class, let him bring in a separate bill properly matured, so that we may consider it upon its special merits, and then he will encounter less opposition. I trust we are not to give the donation already made, and so worthily made, and upon which several States have already acted, establishing agricultural colleges, which are now in successful operation, a side-blow to destroy them in this way, though one or more States should ask it, and I do not understand that any State yet has so asked.

Mr. HALE. I trust, Mr. Speaker, that the House is not prepared to interfere with the action of Congress appropriating a portion of the public lands for the purpose of agricultural education. This was a portion of the public domain set apart for the express purpose of the improvement of the agricultural science of the country and of the mechanic arts. It was a national measure, and national property was appropriated for that purpose. And if we are to authorize one State to divert their portion of this fund to another object, another State will come here asking us to permit it to divert theirs to another object, and another to another object; and in this way we shall defeat, to a great extent, the purpose of Congress in passing the bill.

Now, I submit to my friend from Indiana, [Mr. HOLMAN,] and to all others who are in favor of this proposed amendment, that the orphans of soldiers and sailors who die in battle are now entitled, if that State shall determine that that particular class of persons are more deserving than any other, to receive the benefits of that act. They may, if they see proper, provide that that class shall exclusively enjoy the benefits of this education. All we ask is that this public property so appropriated shall be applied in good faith to the benefit of agricultural education.

Sir, there is no more important branch of education certainly than that relating to agriculture, and there is no better service that can be rendered by the State of Indiana, or any other State, to the orphan children of those falling in battle than to give them a scientific agricultural education. It is the great interest of the country. It is the best education you can provide for these orphan children. If the State of Indiana, therefore, choose to provide that this class of orphans shall have the preference over all others in reaping the benefits of this appropriation, they have a perfect right so to do; but I protest against this proposed legislation on the part of Congress to divert this fund from the great object for which it was originally intended. It breaks in upon the consistency of the system when we allow a gentleman, for the purpose of popularity, or for any other purpose, to divert this fund to any other object than that for which it has been set apart. And if you give that privilege to one State there will be no end to the scramble that will take place in Congress upon this subject.

It is certainly the part of wisdom, as it seems to me, that we should keep the law upon this subject as it now stands; and if, in the judgment of the authorities of any State, one class of persons is more meritorious than any other, there is nothing in the law to prevent them from enjoying the benefits of this appropriation of land exclusively. If any State thinks proper to entitle any portion of its citizens to enjoy this exclusive privilege, it is perfectly competent for them to do so. But let us not here in the national Congress divert this fund from the purpose for which it was originally intended.

I hope all these amendments, therefore, will be voted down. It is perfectly right that the time fixed by law for the acceptance of this grant should be extended. If any State has not hitherto been in a situation to avail itself of the benefits of this law, it ought to have the time extended to enable it to do so. But I repeat that I do object to the legislation now proposed, the effect of which will be to destroy the great object we had in passing the original bill.

My own State has now in successful operation an agricultural college where we educate a young man for $100 a year. We board them and furnish them with the best instruction the country affords in all branches of an agricultural, scientific education, as well as a practical knowledge of agriculture.

Now, I submit to my friend from Indiana whether his State can do better than to provide an education for the orphan children of soldiers and seamen who may be slain in battle at that low price. That is much better than to appropriate a sum of money directly to them, especially when it will result in so much benefit to the agricultural interests of the State.

I hope, therefore, that the time for accepting this grant will be extended, and that these amendments will be voted down.

Mr. SPALDING. I rise simply for the purpose of entering my protest against diverting these lands from the purpose Congress had in view in making the original grant. That object was the benefit of the great agricultural interests of the country. I do not know a more laudable object. And we ought to hold these lands in good faith for that purpose. If we commence under these specious and plausible pretexts to divert them for the benefit of the children of soldiers who have been killed in battle in one portion of the country, what is to prevent a further diversion for any other charitable object?

If it be necessary to institute and organize schools and colleges for the benefit of the offspring of our gallant soldiers, let us have an original bill for that purpose; I will give it my hearty support. But do not let us do injustice to the laboring classes of our country; do not let us divert from them the means of acquiring a wholesome education, for the purpose of giving these lands for any other purpose whatever. I ask the attention of both sides of the House to the subject, for it is only necessary that the vote should be given understandingly to put down this project decidedly.

Mr. HOLMAN. If this general proposition does not meet the approval of the House I hope at least that such States as may desire the benefits of this provision may be permitted to have it. I am unable, as a matter of course, to speak for other States. I believe I understand what are the views and wishes of my constituents upon the subject, and I think I know what would be the wishes of the people generally of the State of Indiana. But of course I cannot speak for gentlemen representing any other State, or their constituents.

In submitting, however, this general proposition, applicable alike to all States and Territories in lieu of the proposition as it originally stood, I sought to recommend the measure to the favor of gentlemen who might oppose different policy for the several States. The gentleman from Ohio talks about the question of good faith. There is no question of faith at all involved in this matter. There is no agricultural college the rights of which are to be impaired. In any event, it is purely discretionary with the Legislature whether they can appropriate the lands better to the founding of agricultural colleges than to the maintenance and education of that large class of children that must be thrown upon either the justice of the States and nation or upon the charity of the country. For one, I am not in favor of throwing this class of children, daily becoming more numerous, upon mere public charity. I wish to see them placed in a position that they shall receive what they have a right to demand, justice at the hands of the several States, equality of education with all the other children of the country.

I do not know that Congress can understand the interests of any particular State so well as her Legislature. I do not understand that half a dozen or a dozen gentlemen representing a great State can understand as well the interest of that State and the purposes to which these lands should be applied as the two or three hundred gentlemen composing the State Legislature, drawn together from every community within the limits of that State. I do not believe that the appropriation of these lands to the endowment of agricultural colleges will ever amount to anything. We have seen something of the result of attempts to found literary institutions through the patronage of State and national Governments. We have seen one tenth part of the same amount of expenditure, under private control, produce beneficial results great in comparison with the benefits received through the agency of these State and national institutions

The people have a right to demand, so far as the elements of education are concerned, a universality of the principle. But the establishment of one or two of these colleges in a State must always result to the advantage of those who least need the fostering care of the Government. The gentleman from Pennsylvania [Mr. HALE] talks about the benefit agricultural colleges are to bestow, whereby through the expenditure of $100 a year an agricultural education is to be obtained.

But you will have in every State thousands and tens of thousands of these children who ought to be regarded as the children of the nation, who never will receive, unless it be at the hand of the nation, the benefits of that elementary education which will fit them for either an agricultural college or any other college. In my own State the amount of this grant will be three hundred and ninety thousand acres. I can see well many modes by which an intelligent Legislature can apply that land to the benefit and support of those children; but I see but little benefit either to a State at large or to the more deserving population by the endowment of colleges of any kind. Such institutions should be left to private enterprise, but the elements of education should be universal, and furnished by the governments of the several States as a matter of universal concern.

The gentleman from Pennsylvania [Mr. HALE] says the Legislature may appropriate these lands to the especial benefit of the children of deceased soldiers, and can do so consistently with the present law. If the gentleman is correct, that accomplishes the end which is proposed by this amendment. What objection, then, exists to it? But I apprehend my friend is mistaken. But there can be no argument against the amendment if the same power can be exercised under the existing law. I think the gentleman, however, is mistaken about that, and I think that these children will have ceased to be able to receive the benefits of our bounty or our justice long before these agricultural colleges will be able to disseminate any of their blessings throughout the country. You have got to appropriate these lands directly; you have got to predicate upon them State credit in some shape or form to make this fund available, and these children of the nation now demand its care and its protection. Sir, I repel here any intimation coming from any quarter, that this measure is either brought forward or will be supported with a view to any unworthy popular motives. I simply ask that the State of Indiana and other States, if their Legislatures think that they can better appropriate these lands for the support and education of the orphan children of the gallant dead of this war, may devote these lands to that purpose instead of devoting them to the endowment of agricultural colleges; that they may do either the one or the other as their own judgment may suggest or their local interests require.

Mr. DUMONT. Mr. Speaker, I am in favor of the amendment of my colleague. There is a peculiar reason, so far as my State is concerned, why this amendment should be adopted, and it may not be equally applicable to States represented by other gentlemen.

A few years ago, when this appropriation of lands was made, the act making the appropriation required that it should be accepted within two years of the date of the act. Many of the States have accepted the benefits of that act in accordance with the original enactment for agricultural purposes. I do not understand the amendment of my colleague to interfere with the wish of other States in this regard. Any State that prefers that this appropriation shall be carried out in accordance with the original act can carry it out accordingly. Owing to reasons which it is not necessary to detail here, the State of Indiana did not accept the benefits of the act; the Legislature could not legislate, the wheels of legislation became so corroded that they would not revolve, and thus it becomes necessary to bring forward a bill to extend the time so far as Indiana is concerned. If it had not been for that necessity, I presume that no proposition would have been made to divert this appropriation from the original purpose intended. It becomes necessary, however, so far as Indiana is concerned, to extend the time. The time expires in July, and unless it is extended Indiana cannot get the benefit of the act at all, as her Legislature will not again assemble until after that time. We therefore ask that, so far as Indiana is concerned, the time be extended so as to enable the State Legislature to accept the benefits of the act.

Now, I believe the amendment of my colleague to be that the Legislature of the State of Indiana, or of any State, may determine whether this land shall be appropriated for the purposes of the original act, or whether it shall be applied to the support and education of the orphan children of persons who have died or been killed in the military service. Both of these objects are highly beneficial and commendable; they are both good objects, and the simple question is whether we shall give the Legislatures of the various States the right to say to which of those objects the land shall be appropriated. The amendment does not authorize the appropriation of the land to any other objects. It indicates two objects, and gives the Legislatures power to say to which of these objects it shall be devoted. This thing of agricultural colleges is an experiment. If I had a boy that I wanted to send to an agricultural college, the best agricultural college I know of is to send him, at eight dollars a month, to some good farmer. That would be the best thing to do with him, because then he would thus acquire the best scientific acquirements that I know of on that subject. It may turn out that agricultural colleges can be established, that professorships can be founded, and that some useful information can be inculcated; but it is an experiment, to say the least of it, but one doubtless very worthy of being tried; still, so far as this country is concerned, it is an experiment.

Now, Mr. Speaker, we know one thing, and about that there is no dispute: that the orphan children of those who die in attempting to put down this rebellion stand in an attitude that places them before the American people as a most meritorious class of persons. Will we not regard the children of the man who goes into the service, who abandons his home and endures all the toils, dangers, and privations of the tented field, nay, who gives up his life in defense of the country and leaves his wife a widow and his children orphans—will we not, I say, regard the children of such with favor? Who will dare say that they have no claims upon us?

The gentleman from Ohio is not bound to appropriate these lands to the education of these orphan children. If he does not want them educated, if he and his State desire to confer the peculiar benefits of this grant upon the children of the rich, the most wealthy class of the community, and those best able to send their children to college, there is nothing in the way of his State doing it, but so far as I am concerned I am willing that my State may, if it seem to her best, pursue a different policy. I am willing to trust the people of my State in regard to this matter, and that is all that the amendment proposes. For my part, I am willing to give the benefits of this measure to the most humble classes of society, because, disguise it as you may, after all, the rank and file of the Army is made up of poor but noble men. You will find shoulder-straps upon another class of men; but after the whole thing is told, the rank and file of the Army is made up of classes of poor and patriotic men; and after they have laid their bones on the tented field where battles are lost and won, it is not for gentlemen to sneer at the children they leave behind them, and to say that it is more important to be consistent than it is to be just.

Now, what do they say? They say that if this amendment of my colleague's be adopted, it will divert this donation of the public lands from the purposes originally intended. Supposing it does. Why, sir, I have spent all the days of my life in regretting to-day the errors of yesterday. I have spent all the days of my life in making the second sober thought the better thought of the two. That may have been a very proper appropriation at the time it was made; but the country has undergone a change. Nobody, three years ago, could have dreamed of the change that has come over the country. I had heard people talk about disunion ever since I was a child, and believed it was a simple "raw head and bloody bones," a bugaboo to frighten children to sleep. But it turns out to be a terrible and stern reality. It throws on our hands, and on the consideration of the American people, thousands and hundreds of thousands of orphan children. We now hear the moan of the widow and orphan from ocean to ocean, and from the lakes to the gulf, and God forbid that we shall turn a deaf ear.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, its Secretary, announced that the Senate had passed an act (No. 218) to repeal the first section of a joint resolution therein named; in which he was directed to ask the concurrence of the House.

AGRICULTURAL COLLEGES—AGAIN.

Mr. DUMONT. I was about saying, Mr. Speaker, that one of the arguments against the amendment proposed by my colleague is that it changes the original features of the bill. Well, it is simply changing its original features in such localities as the people may desire to change them. It will not change them in the State of the gentleman, [Mr. MORRILL,] where the people can pursue just what course they please. He may represent a wealthy constituency; he may represent men who are well to do in the world, and feel that they alone are to be cared for. I am entirely willing that he shall represent that class of men. I have no prejudices against them; but I am a laboring man myself. I eat bread in the sweat of my brow. I have no other means of supporting my wife and children, or of making a living. And yet I am not willing, on considerations of mere selfishness, to disregard the claims of others.

Take the States of Ohio and Indiana. The State of Ohio embraced the benefits of that act. This cannot change the matter. It does not change it one single particle. It does not divert these lands from the purpose for which they were originally intended. It can have no such effect, and is not intended for any such purpose. Indiana did not do so. It is not necessary to go into the reason; for the very instant I should go into the reason, one of my colleagues on the other side would not agree with me one single inch. The wheels of legislation got locked and would not revolve; and in the absence of legislation the State of Indiana loses its benefits altogether. All that this amendment does, is to say that Indiana may appropriate these lands to one of two objects. My friend, the chairman of the Committee of Claims, [Mr. HALE,] said that if we throw the doors wide open, one State would be appropriating these lands to one purpose and one for another purpose. There is no such proposition. The amendment involves no such thing as that. It simply specifies two subjects to which these lands may be applied. I defy any gentleman to stand on this floor and show for one single moment that the object to which the amendment permits the States to appropriate these lands is not a meritorious one. The original purpose was a good one, and I do not consider the amendment as at war with the original bill, and think that for all practical purposes they may and will be made to harmonize. I am a friend to the noble pursuit of agriculture, am a farmer myself, and would be the last man to aim an unfriendly blow at that interest. I eat my bread in the sweat of my brow, and respect others who do the same.

Mr. SPALDING. Mr. Speaker, if this had been a partition of these lands among the several States, I should be the last man to prevent Indiana from giving her share to any purpose she might select; but as Indiana as yet has no right to these lands, they belonging to the United States, or to those States who have signified their acceptance of the grant, under the act of Congress for the purpose of establishing agricultural colleges, I must object to the diversion proposed by the pending amendments. The State of Indiana has not signified its acceptance under the grant. Hence if these lands, by the change now sought to be wrought by the gentleman from Indiana, [Mr. DUMONT,] be given to that State for the purpose of educating the orphan children of deceased soldiers, then we are making what is tantamount to an original grant from Congress for that purpose. We would be granting to Indiana these lands for the purpose of educating the children of deceased soldiers. These lands were set apart by Congress for a different purpose. I do not speak to-day for Ohio, because she has taken the lands under the terms prescribed by the act of Congress for the purpose of establishing an agricultural college. If Indiana has not done so, or if any other

State has not taken advantage of the privilege, no one doubts but that the time ought to be extended in order that the States that have not may do so. Any member who asks for extension of time can have it. What we object to is the changing of the tenure and terms of the grant. This is changing the purpose intended by Congress.

Now, Mr. Speaker, I do not want gentlemen to think that I am opposed to the interests of our soldiers, or of the descendants of our soldiers. The gentleman from Indiana [Mr. DUMONT] has stated to the House that he himself is a farmer, that he makes his living by the sweat of his brow. I commend him for it. I have been told that the gentleman himself has had straps upon his shoulders, and worn them worthily upon the field of battle. I am told, further, that he has done service to the country in another line, that he has a family of some nineteen children. [Laughter.] If those children are to be educated in the Indiana agricultural college, it is because they are the children of a farmer. His children cannot go into an orphan college, but they may go into an agricultural college. I am, therefore, advocating the cause of his family, and not of Ohio. I fully believe that no more honest man can be found on this earth than he who earns his livelihood by the sweat of his brow, and, for the reasons I have stated, I hope the amendment will be rejected.

Mr. JOHNSON, of Pennsylvania. I have a few words to submit on this measure. I find myself constrained to oppose these amendments for reasons which I will briefly state. I believe I opposed the passage of the original bill as it now stands on the statute-book, upon grounds stated at the time by various gentlemen of the House. It was my desire and the desire of others that these lands should be retained for the purpose of sustaining the public credit, and to furnish bounties for our soldiers. But that being now the law, I am in favor of the passage of the original bill as it stands, and I am opposed to the amendment. I am opposed most especially to the amendment which proposes to make this a general law and to allow the Legislatures of the several States to apply the proceeds of these lands to the purposes stated, because that will affect my own State. The State of Pennsylvania has expended already some two hundred thousand dollars in the erection of an agricultural college, and her Legislature has been engaged for some weeks past in disposing of the proceeds of these lands, either to this one agricultural college—that was the proposition pending—or to other colleges, for agricultural purposes. And I do not wish to see the Legislature divided upon that question by the adoption of this amendment.

Let us look at the matter for a moment. What will be the quota of each State of the proceeds of these public lands? I have no means of making any calculation how far it will go toward that purpose; but I suppose that the proceeds of these public lands, which will come to the respective States, will not educate one fiftieth part of such children of the several States.

Suppose then we pass this amendment, and hand these proceeds over to the several States, what steps would they have to take to educate those children? They would have to establish some kind of a bureau; they would have to put these lands into the market, and commence selling them. If they put them up for sale at auction, it is not probable they would get a large sum for them to start with. If they should wait and sell them from year to year, as they could sell them to the best advantage, they will hardly get enough money from them to keep the officers of the bureau going.

Then, again, there are some facts to be ascertained in regard to these children; such as to ascertain who are the orphan children of soldiers and seamen. The records relating to all these facts are here in Washington city. They are not in the archives of the several States, and consequently this bureau would have to be enlarged considerably, and made something like a pension office in each State, to decide those matters. Applications for admission into these colleges would have to be made formally for this class of scholars. These applications would have to be acted on; and it would have to be shown that the applicants were the children of one of these meritorious classes of persons.

It seems to me, therefore, that the adoption of the provisions of this amendment, if we should undertake to carry them into effect in the several States, would have a tendency to fritter away the money upon public officials, so that the public would never have any benefit from it.

As to whether it would be better to educate the children of soldiers and seamen in the ordinary way or to educate them in agricultural pursuits, that question has already been acted upon by Congress by a bill which has heretofore passed; and the several States have been engaged in considering it, and so far as my observation has gone I think the people of the several States are very well satisfied with the law as it stands. I have always been of opinion that the farmer ought to be educated as well as any other person; and I have been of opinion that there were ignorant farmers as well as ignorant persons in other professions and occupations. But my principal objection to this amendment is that the sums of money accruing to the several States will be found to be so small, especially if the land should be put up and sold at auction, that by the time you had established a bureau to decide upon the parties who were entitled to receive this bounty, and by the time you had got the machinery in motion, the money would all be expended. I cannot for a moment believe that the proceeds of the land would begin to educate one twentieth part of the class of persons named in the bill—the children of the soldiers and seamen.

I think, therefore, that we had better adhere to the original proposition and pass the bill of the Senate extending to such States as have not accepted the provision, and to West Virginia, of course, their quotas of the public lands under the original act, and vote down the amendments.

Mr. MORRILL. I offer the following as a substitute for the amendment of the gentleman from Indiana, [Mr. HOLMAN:]

Provided, however, That any funds or bonds due from the United States to any Indian tribes who have been in actual hostility to the United States since the date of any treaty by which such funds or bonds were set apart or stipulated to be paid to any such Indian tribes, shall be devoted to the support and education of orphan children of soldiers and seamen of the several States.

Mr. WINDOM. I rise to a question of order. I submit that that amendment is not germane to the bill.

The SPEAKER. The Chair thinks it is germane if the amendment of the gentleman from Indiana is germane. The amendment of the gentleman from Indiana provides that these lands shall be used for the benefit of the children of deceased soldiers. The gentleman from Vermont proposes to make the same disposition of other lands.

Mr. WINDOM. Oh, no; it has no reference to lands.

Mr. HOLMAN. It relates to bonds.

Mr. MORRILL. I will modify my amendment by inserting after "bonds" the words "or lands."

Mr. HOLMAN. Have the Indians any lands?

Mr. MORRILL. Yes, we have given them lands in exchange for their own.

The SPEAKER. The Chair, on examining the amendment, doubts whether it is in order. The title of the bill is "An act extending the time within which the States and Territories may accept the grant of lands made by the act entitled," &c. The amendment, therefore, should be germane to that.

Mr. MORRILL. I will not insist on the amendment, but will try to make my speech in order.

The SPEAKER. The Chair did not hear the amendment read, and supposed that it referred to something about lands.

Mr. MORRILL. I offered the amendment merely in order to show to the gentleman from Indiana that he might accomplish his object, if he is really sincere in the purpose of devoting anything to these orphan children of soldiers, as I hope he is, without inflicting damage upon the children of the agriculturists and mechanics.

The gentleman from Pennsylvania [Mr. JOHNSON] has very well exposed the impracticability of the gentleman's proposition, but it was hardly necessary that it should be exposed. We can all see that his purpose is not what he is apparently driving at, but that it is hostility to a measure which has already been passed by Congress. He is coming here like the lawyer after the decision of a court, not for the purpose of arguing the question, but of damning the decision.

Now, sir, after the purpose of the gentleman has been developed—that it is a hostility to the whole principle of a higher education for the industrial classes of the country—I have no apprehension that the House will adopt this amendment.

I hope the House will vote down all amendments to the proposition which comes here from the Senate to extend the time to the States for their acceptance of the grant. That is just and proper; but I trust it will not be the sense of the House to adopt the proposition of the gentleman from Indiana, the avowed purpose of which is to divert the fund because he has no confidence in the plan of education proposed by the original act. About that gentlemen may differ. We have yet to try it. We know that it is an experiment, but we also know that it is an experiment which has succeeded admirably well in other countries, and that if properly managed will succeed well in this. If it does not succeed, it will be because the right men are not placed in the proper positions to control and manage the institutions. I have faith that men in all the States will be found with sufficient ability to vindicate the propriety of a cheap but thorough education of those in whose hands the destiny of our country now is and must be for coming ages.

Mr. HOLMAN. I propose, after a slight modification of my amendment, to call the previous question on the pending amendments. Before doing so, however, I wish to make a statement. I do not desire to speak for the constituency of any other gentleman upon this floor, but I desire to speak for my own constituents. I am not afraid to leave the question of the appropriation of these lands to the Legislature of my State. I am anxious, on the contrary, to do so. I do not think they will have any faith in the beneficial results of agricultural colleges, and I think they will desire to exercise the prerogative of deciding between the two plans of disposing of this fund—the support of agricultural colleges on the one hand, or its appropriation for the benefit of the children of dead soldiers and seamen on the other. I trust gentlemen do not think that the country will fail to see the point involved here. It is not whether these lands shall be diverted from agricultural colleges, but whether it shall be left in the discretion of the State Legislatures to appropriate them to one of two objects. Admitting even that those objects are equally meritorious, then the only question that springs up is, are we ourselves, as Representatives in Congress, better able to decide upon the question as to the comparative merits of these appropriations than the people themselves directly represented in their Legislatures?

Mr. HALE. I wish to know, Mr. Speaker, if the State of Indiana is not now at liberty, if it chooses, to confine the benefits of this act to the orphan children of those who have died in the service of the country? The only restriction on that is, that these children shall be educated in the science of agriculture and the mechanic arts. It does not prohibit their education in all other branches of a good education. That is the limit of the whole bill. And if the people or the Legislature of Indiana choose to confine the benefits of the bill to that class of people, they are perfectly at liberty to do so now. Therefore I protest against the idea that we are legislating against a class of people, when we reject this amendment, so meritorious—as the gentleman says, and as I admit—as are the orphan children of those who fall in the service of the country. All that we require under that act is that they shall have a good agricultural education, or an education in the mechanic arts, not excluding the benefits of education in all other branches. Can any better education than that be provided?

Mr. HOLMAN. The gentleman from Pennsylvania certainly must know that an agricultural college cannot be organized so as to be effective short of fifteen or twenty years. Does the gentleman propose having a single institution in a State like Pennsylvania, or two or three, and then talk about these little children who have not yet received the benefits of the elements of education going to these colleges? The whole thing turns merely on the question whether we are more able to decide on this question than the people or Legislatures of the respective States.

If I were proposing to divert these lands from the purpose of agricultural colleges the point

might be well made by the gentleman from Pennsylvania, [Mr. HALE,] for the gentleman from Vermont, [Mr. MORRILL,] that it was out of hostility to the idea of agricultural colleges. Instead of that, we are proposing that one or the other of two plans—one for the benefit of those already partially educated, the other for the maintenance and education of those who have the strongest claim on the sympathy, the justice, and the support of the American people—shall be adopted.

Mr. MORRILL. Will the gentleman yield to me for a question?

Mr. HOLMAN. Yes, sir.

Mr. MORRILL. The gentleman's proposition either diverts these lands from the original purpose, or it does not.

Mr. HOLMAN. It does not. It leaves the Legislatures of the States the power to divert them if they think proper. If the Legislatures do not think proper to do so, the grant is accepted under the original law.

Mr. MORRILL. I understand that. Congress does not divert them, but it empowers an agent to do so.

Mr. HOLMAN. Yes.

Mr. MORRILL. And what an agent does, the principal does.

Mr. HOLMAN. It empowers the people through their representatives to appropriate these lands to the one or the other of these objects. I am very anxious about this matter. So far as it affects my own State, I am not afraid to trust her people or her Legislature.

Now, for the purpose of avoiding the difficulty which gentlemen may urge—that in some of the States they may not desire to have this diversion made—I wish to offer again the proposition that I originally offered, allowing the Legislature of the State of Indiana to apply these lands to either of these two objects. I so offer it.

Mr. SMITHERS. I ask the gentleman from Indiana to withdraw that, and insist on his original amendment. It was at the suggestion of myself that the gentleman from Minnesota [Mr. WINDOM] so drew it. As he drew it in that way I will support it. I cannot support the amendment referring only to the State of Indiana. If it be left to the option of all the States to divert the lands to the education of orphan children of soldiers, or to use them according to their original dedication by the act, I will vote for it. I concur entirely in the line of observations made by the gentleman from Indiana.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 79) to incorporate Providence hospital in the city of Washington, District of Columbia;

An act (S. No. 82) concerning notaries public for the District of Columbia;

An act (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia; and

An act (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

AGRICULTURAL COLLEGES—AGAIN.

Mr. WINDOM. With the permission of the gentleman from Indiana, I will renew the amendment the gentleman has just withdrawn as an amendment to the amendment.

Mr. HOLMAN. I yield for that purpose, and I now call the previous question on my amendment.

The SPEAKER. The Chair will state that if the previous question be ordered it will exhaust itself when the amendment to the amendment and the amendment shall have been voted on.

Mr. PRUYN. It will not apply to the other sections of the bill?

The SPEAKER. It will not. It applies only to the amendment and the amendment to the amendment.

The previous question was seconded, and the main question ordered to be put.

Upon the amendment to the amendment 21 voted in the affirmative, and 71 in the negative.

Mr. WINDOM called for the yeas and nays.

The yeas and nays were not ordered.

So the amendment to the amendment was disagreed to.

The question recurred upon the amendment submitted by Mr. HOLMAN; and being put, 38 voted in the affirmative, and 65 in the negative.

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were not ordered.

Mr. MORRILL demanded the previous question upon the third reading of the bill.

Mr. PRUYN. I should like to be heard upon the amendment still pending to the bill.

The SPEAKER. Debate is not in order pending the demand for the previous question.

The previous question was seconded, and the main question ordered to be put.

The question recurred upon the following amendment reported by the Committee on Agriculture:

At the end of the first section add:

And any State or Territory which has heretofore accepted, or may hereafter accept, the provisions of the said act, shall be authorized to locate the lands, or any part thereof, to which they may respectively become entitled under the said act.

Mr. PRUYN. I desire to inquire whether with the consent of the chairman of the Committee on Agriculture I can offer a substitute for that amendment?

The SPEAKER. Not at this time, the previous question having been ordered upon the bill.

Mr. CLAY. I will then modify my proposition.

The SPEAKER. The previous question having been ordered upon the bill and amendment the gentleman can only modify his amendment by unanimous consent. If the gentleman asks the unanimous consent of the House for that purpose the Chair will put that question.

Mr. CLAY. I ask unanimous consent to offer the following as a substitute for my amendment:

Provided, The first and second provisos contained in the second section of the said act, approved 2d July, 1862, are hereby repealed, and the several States to which land scrip has been issued, or may be issued, under said act, may at any time locate the lands so granted to them respectively, either wholly or in part, as they may see fit.

Mr. JOHNSON. I object to that.

The amendment was disagreed to—ayes thirty-one, noes not counted.

The bill was then ordered to a third reading, and was accordingly read the third time.

Mr. COLE, of Washington. I ask the consent of the House to submit an amendment to the bill.

Mr. MORRILL. I object. I demand the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER stated that the business next in order was the call of committees for reports of a private nature.

PRESIDENT'S ANNUAL MESSAGE.

Mr. WASHBURNE, of Illinois. I move that the House resolve itself into the Committee of the Whole on the state of the Union upon the President's annual message; and move, to enable the committee to have that under consideration, that all special orders in committee be postponed.

The latter motion was agreed to.

Mr. WASHBURNE, of Illinois. I now ask for the vote on going into committee.

The motion was agreed to.

So the rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOUTWELL in the chair,) and resumed the consideration of the President's annual message, upon which Mr. LONG was entitled to the floor.

Mr. LONG. Mr. Chairman, I speak to-day for the preservation of the Government, and although for the first time within these walls, I propose to indulge in that freedom of speech and latitude of debate so freely exercised by other gentlemen for the past four months, and which is admissible under the rules in the present condition of the House. But for what I may say and the position I shall occupy upon this floor and before the country I alone will be responsible, and in the independence of a Representative of the people I intend to proclaim the deliberate convictions of my judgment in this fearful hour of the country's peril.

And now, Mr. Chairman, as we are in Committee of the Whole on the state of the Union, let us inquire how stands the Union to-day. A little over three years ago the present occupant of the Presidential Mansion at the other end of the avenue came into this city under cover of night, disguised in plaid cloak and Scotch cap, lest, as was feared by his friends, he might have received a warmer greeting than would have been agreeable, on his way through Baltimore, at the hands of the constituents of the honorable gentleman from Maryland, [Mr. DAVIS.] On the 4th of March he was inaugurated, and in his address deprecated civil war, using that ever-to-be memorable language:

"Suppose you go to war, you cannot fight always, and when, after much loss on both sides, and no gain on either, you cease fighting, the identical old questions as to terms of intercourse are again upon you."

Seven States had up to that time seceded from the Union. All believed that war would be averted. At the conclusion of the address the lamented Douglas, who had closely watched every word as it escaped from the lips of the President, turned to a friend, and, with tears in his eyes, "thanked God that after all the election of Abraham Lincoln would not involve the nation in war." A secret meeting of the Governors of a number of States was soon after held in this city. A scheme was devised and a vessel sent out, under pretense of furnishing provisions to the troops with Major Anderson in Fort Sumter. On arriving in Charleston harbor the people of that city fired upon the fort. The telegraph bore the news to this city, and on its first mention to the President he exclaimed, "*I knew they would do it;*" which to my mind is conclusive that it was intended expressly for that purpose. Seventy-five thousand men were immediately called for; war was inaugurated; twenty days were given the insurgents to lay down their arms; an additional five hundred thousand men were soon called for; hostilities commenced; the rebellion was to be crushed inside of sixty days; more troops were called for; the Union was to be restored with all the rights, equality, and dignity of the States unimpaired. No man was permitted to question for a moment the right of the Government to coerce the States back into the Union; to doubt the right or question the speedy suppression of the rebellion and restoration of the Union was to be denounced as a traitor to the Government and a sympathizer with the South. Thus, sir, was the war inaugurated. The first year passed away; the second came and passed in like manner; so of the third; and now, sir, let me again inquire, how stands the Union to-day?

The brief period of three short years has produced a fearful change in this free, happy, and prosperous Government—so free in its restraints upon personal liberty, and so gentle in its demands upon the resources of the people, that the celebrated Humboldt, after traveling through the country, on his return to Europe said, "The American people have a Government which you can neither see nor feel." So different is it now, and so great is the change, that the inquiry might well be made to-day, "Are we not in Constantinople, in St. Petersburg, in Vienna, in Rome, or in Paris?" Military governors and their provost marshals override the laws, and the echo of the armed heel rings forth as clearly now in America as in France or in Austria; and the President sits to-day guarded by armed soldiery stationed at every approach leading to the Executive Mansion. So far from crushing the rebellion in sixty days, three years have already passed away; and from the day on which the conflict began up to the present hour, the confederate army has not been forced beyond the sound of their guns from the dome of the Capitol in which we are assembled. The city of Washington is to-day, as it has been for three years, guarded by Federal troops in all the forts and fortifications with which it is surrounded to prevent an attack from the enemy; and as an evidence of the despondency of the Administration, and the unsuccessful opening of the spring campaign of the fourth year in the progress of the war, the Morning Chronicle of this city, the President's organ, in an editorial a few mornings since said:

"Charleston has not been taken; Lee maintains a bold front on the Rapidan; the Florida expedition was a fail-

ure; the Sherman expedition has not been a success, and the rebels have everywhere shown more vigor than they were supposed to possess."

Although the same paper and others in support of the Administration have told the country from time to time during the past winter that the rebellion was crushed and slavery was dead, that the confederates were deserting in whole regiments at a time, coming within our lines, taking the oath and describing the most horrible suffering and demoralization from want of food, clothing, and ill-treatment, yet at the very time the people have been so deceived and misled from day to day, the President calls for five hundred thousand more troops, and in a few weeks follows it with an additional call for two hundred thousand more, making seven hundred thousand since the 1st of January, and over two million five hundred thousand out of the three million five hundred thousand who voted in the so-called loyal States at the last presidential election, since the commencement of the war, when seventy-five thousand militia were to end it in twenty, or, at most, in sixty days.

Mr. Chairman, I have thus made a very brief statement of facts as to the condition of the Union to-day, and for doing which I have no doubt the usual charge of "encouragement for the rebels," "the prolongation of the war," "the rebels are aided by their friends upon this floor," and the like charges will be repeated again by gentlemen on the opposite side of the House, and as I have heard such charges so repeatedly during the past four months, I say now and here, that the real friends of the confederates, those who give them aid and encouragement and enable them to carry on the war, are on the opposite side of the House and in the control of the Government. Your confiscation resolution, voted for and passed by the friends of the Administration, by which you propose to thrust your hands into the coffin of the deceased father and take all he may have left at his death to his widow and innocent and unoffending children, is worth more than fifty thousand men to the confederate army. The order issued by the President to General Saxton, dividing up and parceling out the State of South Carolina among the negroes and enterprising Yankees of Massachusetts, gives courage, energy, and enthusiasm to the men now in arms in the confederate States. The order of the President to his military commanders in Louisiana and Arkansas, and the order issued in pursuance thereof by General Banks to the people of Louisiana, in which, by a single dash of his pen, he strikes out of existence the constitution and organic law of the State, and by virtue of the power vested in him as a major general proceeds to call and hold an election and inaugurate State officers, and set up a State government, and the legislation consummated and proposed by Congress and speeches made upon this floor, in support of radicalism, is strengthening the confederacy and prolonging the war. Herein, sir, is where they find strength; the true friends of the confederacy in the North are the radical abolitionists and the radical press goading on the President to issue proclamations and military orders, which provide food, raiment, strength, and support for the confederacy.

If Mr. Lincoln had made a gift of millions of greenbacks to Jefferson Davis to be used as bounty money in recruiting the confederate army, he could not have done better service to the cause of the South than he has done by his silly, absurd, and insulting amnesty proclamation, and his equally absurd attempt to create State governments by dictatorial power. He has, in effect, said to the southern people, "You shall not return to the Union except under such local governments as I and my military officers dictate," and with the aid of his friends in Congress he is enabled to add: "In the event of your submission and return, your estates shall be confiscated, your property, personal and real, shall be taken from you; your children shall be disinherited and left homeless and penniless to starve, under the scorn and hatred of northern fanatics; your lands and manor houses shall be parceled out among our retainers; the negro (FREDMAN) and the adventurer shall sit and rule at your hearthstones; and you, beggars and outcasts, shall be forbidden representation in our national councils, and be shut out forever from all offices of trust and honor." Such is the language in which Mr. Lincoln and this Congress and the preceding Congress have spoken and are speaking to the people of the South. And now, sir, with such a prospect before them as the sequel of submission, outlawry, disfranchisement, social, moral, and political degradation, penury for themselves and their children, decreed as their portion, will they throw down their arms and submit to the terms? Who shall believe that the free, proud American blood, which courses with as quick pulsation through their veins as our own, will not be spilled to the last drop in resistance? This is the source, sir, from whence comes encouragement, strength, support, and sustenance for the confederates; herein lies the secret of the unity of their action, the prolongation of the contest, and the desperation of the conflict, produced, not by anything said or measures proposed by gentlemen upon this side of the House, or by any measures proposed or policy advocated by the Democratic party, but by the acts of the gentlemen who make the charges, and the President and his military commanders, who issue the proclamations and military orders.

Mr. Chairman, I have deemed it proper thus to advert to the charges of encouragement to the confederates so repeatedly made upon this floor, and I again recur to the consideration of the Union. Can the Union be restored by war? I answer most unhesitatingly and deliberately, No, never; "*war is final, eternal separation.*" My first and highest ground of opposition to its further prosecution is, that it is wrong; it is in violation of the Constitution and of the fundamental principles on which the federal Union was founded. My second objection is, that as a policy it is not *reconstructive* but *destructive*, and will, if continued, result speedily in the destruction of the Government and the loss of civil liberty, to both North and South, and it ought, therefore, to immediately cease.

In order, Mr. Chairman, that we may know what views were entertained upon the right, as well as the expediency, of coercing States into submission, by some of the departed as well as living statesmen of the country, previous to the commencement of the present war, I propose to call the attention of the House and the country to a few extracts which, to my mind, are worthy of consideration at this time.

In 1827, during the administration of Mr. John Quincy Adams, when the Legislature of Georgia had passed an act setting aside the laws of Congress regulating intercourse with the Indian tribes within her limits, the messages of the President, of the 5th and 8th of February, 1827, in relation thereto were referred to a select committee of the Senate, of which Colonel Benton was chairman, and of which Martin Van Buren and General William H. Harrison, both afterwards President of the United States, were members. The committee in their report (Senate Documents, second session Nineteenth Congress, Document No. 69) say:

"It is believed to be among those axioms, which in a Government like ours no man may be permitted to dispute, that the only security for the permanent union of these States is to be found in the principle of common affection, resting on the basis of common interest. The sanctions of the Constitution would be impotent to retain, in concerted and harmonious action, twenty-four sovereignties, hostile in their feelings toward each other, and acting under the impulse of a real or imagined diversity of interest. The resort to force would be alike vain and nugatory. Its frequent use would subject it, with demonstrative certainty, to ultimate failure; while its temporary success would be valueless for all purposes of social happiness. In such contests, however unequal, and however transient, the seeds of disunion would be thickly sown, and those who may be destined to witness them will speedily thereafter be called to lament the destruction of the fairest prospect of civil liberty which Heaven in its mercy has vouchsafed to man." * * * * "The committee will not enlarge upon the frightful consequences of civil wars. They are known to be calamitous to *single* Governments, and fatal to *confederacies.*"

The prediction of the committee of the destruction of the fairest prospect of civil liberty which Heaven in its mercy has vouchsafed to man, is already in great danger of being realized; and every hour the war is continued only widens the separation and increases the danger.

But, sir, I propose to introduce the opinion of another departed statesman of the school of politics to which the gentlemen on the opposite side of the Chamber belong, and for whose political opinions they entertain the highest regard. That profound statesman, after the experience of many years in the most exalted positions of the nation, and with a perfect knowledge of the subject upon which he spoke, said:

"Nations acknowledge no judge between them upon earth; and their Governments from necessity must, in their intercourse with each other, decide when the failure of one party to a contract to perform its obligations absolves the other from the reciprocal fulfillment of his own. But this last of earthly powers is not necessary to the freedom or independence of States connected together by the immediate action of the *people* of whom they consist. To the people alone is there reserved as well the dissolving as the constituent power; and that power can be exercised by them only under the tie of conscience, binding them to the retributive justice of Heaven.

"With these qualifications we may admit the same right as vested in the *people* of every State in the Union, with reference to the General Government, which was exercised by the people of the united colonies with reference to the supreme head of the British empire, of which they formed a part; and under these limitations have the people of each State in the Union a right to *secede* from the confederated Union itself.

"Thus stands the RIGHT. But the indissoluble link of union between the people of the several States of this confederated nation is, after all, not in the *right* but in the *heart.* If the day should ever come—may Heaven avert it!—when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the disunited States to part in friendship from each other than to be held together by constraint. Then will be the time for reverting to the precedents which occurred at the formation and adoption of the Constitution to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center."

Thus, Mr. Chairman, spoke John Quincy Adams in an address delivered before the New York Historical Society, on the 30th of April, 1839, in commemoration of the fiftieth anniversary of the inauguration of George Washington as President of the United States. Mr. Adams was a believer in the doctrine therein set forth, and the leaders of the party to which he belonged shared in that belief and continued to do so until the commencement of the present unnatural civil war. If it was sound doctrine before secession took place and the war began, what is there, in either, to change the principle?

Andrew Jackson, in his farewell address to the American people, has solemnly warned them that the citizens of one section of the country arrayed in arms against the other would be the end of the Union and an end to the hope of freedom. He says:

"If such a struggle is once begun, and the citizens of one section of the country are arrayed in arms against those of the other, in doubtful conflict, let the battle result as it may there will be an end of the Union, and with it an end of the hope of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin. The Constitution cannot be maintained nor the Union preserved in opposition to public feeling by the mere exertion of the coercive powers confided to the Government."

But this opinion that the Union cannot be preserved by the coercive powers confided to the Government was not confined to the departed statesmen of the country. William H. Seward, in his letter of April 11, 1861, to Mr. Adams, our minister to England, said:

"For these reasons, the President would not be disposed to reject a cardinal doctrine of theirs, [the rebels,] namely, *that the Federal Government could not reduce the seceding States to obedience by conquest*, even though he were disposed to question that proposition. *But in fact the President willingly accepts it as true.* Only an imperial or despotic Government could subjugate thoroughly disaffected and insurrectionary members of the State. This Federal republican system of ours is, of all forms of government, the very one which is most unfitted for such labors."

Such was the language of the Secretary of State in April, 1861, three days before the Sunday on which the President wrote his proclamation calling out seventy-five thousand troops, but after seven States had seceded from the Union. The Secretary shared in the fears of the President, *that the attempt to subjugate the South would destroy the Government.* Three years of civil war, in a vain and fruitless effort at subjugation, attest and prove to-day the correctness of the opinion then held by the President:

"Only an imperial or despotic Government could subjugate thoroughly disaffected and insurrectionary members of the State." * * * * "This Federal republican system of ours is, of all forms of government, the most unfitted for such labor."

Who does not believe it? If there is truth in the Declaration of Independence, and the gentlemen on the opposite side of the House will cer-

tainly not dispute it since they incorporated it in the Chicago platform, which became a law unto the President, who, I ask, can deny the conclusion of the Secretary of State, having in view always, as he and the President undoubtedly had, the great cardinal truth underlying all republican Governments, "which derive their just powers from the consent of the governed?" If the President and his Secretary of State gave utterance to truth in 1861, is it any less a truth to-day? Has not rather the experience of three years of war confirmed it? I believed it then, I believe it now.

But, sir, I have still other witnesses to call. The honorable Senator from Ohio, [Mr. WADE,] as reported in the Congressional Globe, third session Thirty-Fourth Congress, page 25, said:

"You cannot forcibly hold men in this Union, for the attempt to do so, it seems to me, would subvert the first principles of the Government under which we live."

On the 10th of June, 1846, Congressional Globe, page 94, the present Chief Magistrate of the nation said:

"Any people, anywhere, being inclined and having the power, have a right to rise up and *shake off the existing Government*, and form a *new one* that suits *them* better." * * * * "Nor is this right confined to cases in which the people of an existing Government may choose to exercise it. *Any portion* of such people that can may revolutionize and may make their own so much of the territory *as they inhabit*. More than this, a majority of any portion of such people may revolutionize, putting down a minority intermingled with or near about them, who may oppose their movements."

But, sir, I propose to call another witness to testify against this coercive policy, who also spoke in advance of the war. Edward Everett, in his letter of May 29, 1860, to Washington Hunt, accepting the nomination as Vice President of the Union party, of which, I believe, the distinguished gentleman from Maryland [Mr. HENRY WINTER DAVIS] was a member, and for whom a number of gentlemen upon this floor voted, then said:

"The suggestion that the Union can be maintained by numerical preponderance and military prowess of one section exerted to coerce the other into submission is, in my judgment, as self-contradictory as it is dangerous. It comes loaded with the death-smell from fields wet with brothers' blood. If the vital principle of all republican Government 'is the consent of the governed,' much more does a union of coequal sovereign States require as its basis the harmony of its members and their voluntary coöperation in its organic functions."

It will no doubt be said Mr. Everett has changed his views upon the subject; that may be so, but I have not; I believed it sound doctrine in 1860, before secession occurred or coercion began. Three years' experience in attempting "by numerical preponderance and military prowess of one section exerted to coerce the other into submission" has convinced me more thoroughly that it is "as self-contradictory as it is dangerous;" contradictory, because it violates the great principles of free government which "derive their just powers from the consent of the governed," and dangerous because by its exercise, especially when wielded by a weak, vacillating, and unscrupulous man, it destroys instead of maintaining the Union. Constitutions and organic law, civil liberty and personal security are forced to yield to what is claimed to be a military necessity, and the Government itself, in the brief period of three short years, is to-day verging on the very brink of ruin.

I am well aware, sir, that the cry of disloyalty, want of patriotism, and lack of devotion to the Government, which is in every place and at all times raised against those who have the independence to disapprove of any of the acts of Mr. Lincoln, as well as an inordinate desire for Government patronage, from the building of a steamship and a shoddy contract down to the insignificant position of taking charge of a mutilated and depreciated greenback in the Treasury building, has changed the opinions of many men, but the fixed principles of free government as well as the rules of right, reason, justice, and truth, are unchangeable; and although it may be unpopular, and even at the risk of personal liberty in times like the present, to advocate them, they are nevertheless eternal and immutable.

The distinguished gentleman from Pennsylvania, [Mr. STEVENS,] who stands upon this floor and before the country as an acknowledged leader of the Administration party, has had the honesty and independence, in a speech delivered at an early part of the session, to announce what he holds to be the true position of the confederate States. He says:

"Some think that these States are still in the Union and entitled to the protection of the Constitution and the laws of the United States."

This idea he at once repudiates, and then boldly affirms that which he holds to be the true doctrine:

"Others hold that having committed treason, renounced their allegiance to the Union, discarded the Constitution and laws, organized a distinct and hostile government, and by force of arms have risen from the condition of insurgents to the position of *an independent Power de facto*, and having been *acknowledged as a belligerent* both by foreign nations and our own Government, the Constitution and the Union are abrogated so far as they are concerned, and that as between the two belligerents they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best."

In answer to any objections that may be raised to this position he says:

"But it is said that this must be considered a contest with rebel individuals only, as States in the Union cannot make war. That is true so long as they remain in the Union. But they claim to be out of the Union, and the very fact that we have admitted them to be in a state of war, to be belligerents, shows that they are no longer in the Union, and that they are waging war in their *corporate capacity, under the corporate name of the confederate States, and that such major corporation is composed of minor corporations called States acting in their associated character.*" * * * * * * * * * *

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights it places the contending Powers on precisely the same footing as foreign nations at war with each other." * * * * *

"No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the confederate States have maintained their declaration of independence by force of arms." * * * *

"What, then, is the effect of this public war between these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all the obligations."

Now, sir, for once, at least, I agree with the distinguished gentleman from Pennsylvania, that the confederate States are out of the Union, occupying the position of an *independent Power de facto*, have been acknowledged as a belligerent both by foreign nations and our own Government, maintained their declaration of independence for three years by force of arms, and that the war has cut asunder all the ligaments and abrogated all the obligations that bound them under the Constitution. So far I agree with him, and however unwilling we may be to accept such position as the actual condition of the confederate States, the history of the past three years, the law of nations, the genius of our Government, and a regard for truth compel me, at least, to accept it and my judgment to approve it, and if the charge of disloyalty is brought against me for this opinion I have only to shield myself under the broad mantle of the distinguished leader of the Republican party.

At the commencement of the war England and France both declared the confederate States to be belligerents, the United States has treated with them as such in the exchange of prisoners, and the Administration is to-day, without the honesty or independence of the gentleman from Pennsylvania to avow it, doing precisely what he proposes to do under his *war of conquest waged against the confederate States as a foreign nation*. It is not now even pretended that the war is carried on having for its object the restoration of the Union. "Reconstruction," "consolidation," "centralization," "with an entire change in the Constitution," are the terms employed in speaking of the Government that is to exist hereafter. To speak of the Constitution as it is and the Union as it was is an offense, subjecting an officer in the Army to punishment by dismissal from the service, and conclusive evidence of disloyalty in the citizen.

If the time ever was when the Union could have been restored by war (which I do not believe) it has long since been dispelled by emancipation, confiscation, amnesty, and the like proclamations, military orders annulling State constitutions, setting aside State laws, obliterating State lines, and attempting to organize and set up a form of State government in their stead in which one man out of ten who shall turn abolitionist, take and subscribe an oath to execute and obey the will of Abraham Lincoln, whatever it may be, shall govern and rule over the remaining nine who refuse to become abolitionists. These follies of the Administration, and others of like character, have, instead of "crushing the rebellion," crushed out whatever Union sentiment may have remained among the southern people. It is possible that in districts of country occupied by the Army occasionally a man may be found who, seeing nothing before him but ignominy and death, his wife and innocent children appealing to him for protection with all the ties of filial affection, his property to be confiscated and his family to become outcasts and beggars in the world—that such a man, in order for the time being to save himself, save his family, and save his property, may take the oath, but the effect produced by it will be like that of Galileo, who invented the telescope and who first taught the rotary motion of the earth. That noble old Italian, after many years of labor in the study of science, and when he had advanced to the extreme age of seventy, was summoned before an inquisition, tried, condemned, and imprisoned in a dungeon for teaching a heresy. Subsequently he was brought out and offered liberty on condition of his renouncing his heretical doctrine. The effect of once more beholding the glorious light of the sun, and breathing again the pure air of heaven, as contrasted with the loathsome dungeon in which he had been cast, and to which he had to return if he did not renounce his belief in the earth's motion, so far overcame his humanity that he consented to comply, and upon his bended knees, with his hands on the Gospels, he abjured his belief in the Copernican doctrine. Part of his abjuration ran in these words:

"With a sincere heart and unfeigned faith, I abjure, curse, and detest the said errors and heresies, [namely, that the earth moves, &c.;] I swear that I will never in future say or assert anything verbally or in writing which may give rise to a similar suspicion against me."

Rising from his knees, with his eyes still fixed upon the earth, he whispered to a friend, "*E pur si muove.*" "It moves for all that."

So it will be with the man who is forced to take the amnesty oath, to save himself, his family, and his property: he may take it, but in his heart he will detest and despise the authority that requires it. Will such a man be devoted to or make a good citizen of the Government in which he lives? Who shall believe it? The history of Poland, of Hungary, of Italy, and of Ireland furnishes an answer to the question. If imperial Governments are not able to hold in submissive obedience small portions of a vast empire, once in revolt, how much less a Government having for its basis "the consent of the governed!"

But, Mr. Chairman, "subjugation" is the watchword. Liberty and freedom for the slave and subjugation or extermination for the master is the popular cry. "Meet them, fight them, crush them," says the gentleman from Kentucky, [Mr. SMITH.] Sir, that is easily said upon this floor, and is popular with those who from day to day fill the gallery of this House; but even the gentleman from Kentucky as well as a number of other military gentlemen were quite willing to forego the pleasure of the performance and exchange their commissions as generals in the field for a certificate entitling them to a seat upon this floor; and were I to judge by the willingness with which it was done, the tenacity with which they hold on to it, and the efforts some of them are making to return here again, instead of the war spirit they breathe within these walls, I should strongly suspect them of being in sympathy with the peace party.

Mr. Chairman, I am no military man, and therefore incompetent to give advice or advance an opinion in military affairs, but I have often been forcibly struck by the remarks of Marshal Ney in reply to Napoleon, as related by Headley in his Napoleon and his Marshals:

"One day, at Madrid, Napoleon entered the room where Ney and several officers were standing, and said in great glee, 'Everything goes on well; Romania will be reduced in a fortnight; the English are defeated and will be unable to advance; in three months the war will be finished.'"

The officers to whom this was addressed made no reply; but Ney, shaking his head, said with his characteristic bluntness:

"'Sire, this war has lasted long already, and our affairs are not improved. The people are obstinate, even their women and children fight; they massacre our men in detail. To-day we cut the enemy in pieces, to-morrow we have to oppose another twice as numerous. It is not an army we have to fight, it is a whole nation. I see no end to this business.'

"Bonaparte followed his own inclinations, and was eventually defeated."

Mr. Chairman, is there not instruction in the

blunt yet forcible reply of the old French marshal to his superior officer for us? Have we not had from time to time the predictions of Napoleon during the past three years, but without a Marshal Ney to say, "I see no end to this business?"

But, Mr. Chairman, how do we stand in the eyes of the civilized world to-day in waging a war of subjugation and conquest against the confederate States which have seceded from us and set up a government of their own? Are we not inconsistent with all our former acts? Have we not been early to admit this proper with regard to others? There never was a people on the face of earth that demanded an independent Government that did not have the sympathy of the American people, and ought we now to shrink from the doctrine we have been so willing to apply to others?

My earliest recollection is the appeal made by Clay and Webster in behalf of Greece, in 1824, when they so eloquently declaimed in that behalf, on this floor and in the other branch of Congress. Whether it was Greece or the States of South America, or Poland, or Hungary, or Italy, or Ireland, the fact that a large country, for any cause, demanded a distinct and separate Government, always received the warmest sympathy and support of the American people, irrespective of party. Even as late as December, 1860, after Mr. Lincoln was elected, and after the preliminary steps for secession had been taken, the paper having the largest circulation of any in the Republican party, and having more influence than any other in the formation of Republican opinion, declared that it could see no reason why, if three million colonists could separate from the British Crown in 1776 that five million southerners could not separate from us in 1861. I have been as much puzzled as the distinguished Republican editor, Mr. Greeley, to find—looking at it as a revolutionary right—the difference in position. Ought we to shrink from the application of a doctrine to ourselves which we have been so willing to apply to other nations, such as Austria, Russia, and Spain? If we do, what will be the judgment of impartial history?

How much better it would have been for us and for the cause of Democracy throughout the globe, what a splendid tribute it would have been to a republican Government, if we had parted in peace with our dissatisfied sister States, as Mr. Everett recommended as late as February, 1861, sustained by such leading Republican journals as the Cincinnati Commercial, New York Tribune, Indianapolis Journal, Chicago Tribune, New Haven (Connecticut) Palladium, Columbus Journal, and Salmon P. Chase, now Secretary of the Treasury, and many others of that school. What in monarchical countries had required a long and bloody war would have been accomplished by democratic principles and a republican sense of justice. What a splendid proof it would have afforded of the capacity of the people for self-government! What a noble lesson it would have conveyed to the whole civilized world! The fact that we could rise superior to all prejudices and passions, and to have conquered ourselves, would have been the highest triumph that we had ever achieved.

I regret as much, Mr. Chairman, as any gentleman upon this floor, that any of our sister States should have desired to cut asunder the ligaments that bound them to us. None would be more willing than myself to make any reasonable sacrifice to induce them to return to their partnership with us; but still recognizing the truth of the doctrine taught by the fathers of the Republic and so fairly expressed by Mr. John Quincy Adams, that our Government was, after all, in the *heart*, and that it would be better, severe as would be the pang of regret, to part in friendship rather than to hold sovereign States pinned to us by the bayonet, as Mr. Greeley expressed it in 1861. What advance have we made in the science and principles of government?

Mr. Chairman, if we cannot rise above the Austro-Russian principle of holding subject provinces by the power of force and coercion, what becomes of the Declaration of Independence, and of all our teachings for eighty years? After all, Mr. Chairman, it is not the extent of territory which should be the object of our desires. Better sacrifice even nine tenths of the territory than destroy our republican form of government. What our people desired in 1861, and which I honored, though I regarded as mistaken, was the preservation of the Government and the retention of our jurisdiction of the whole territory. They were rightly willing to sacrifice every material consideration for that purpose. Land is nothing, Mr. Chairman, compared to liberty. We existed as a Republic when the mouth of the Mississippi was held by a foreign Power, when we had nothing west of that river; when Florida was held against us; and we could exist again, if by the chastisement of Heaven we should be curtailed to our old territorial dimensions. For $15,000,000 we purchased the whole of that immense territory; and were it a hundred thousand times as valuable its preservation would not be worth our admirable form of government.

Pride of territorial ambition is a vulgar and low ambition of national greatness. Russia, and even China, can vie with us in that, but who would not rather reside in one of the cantons of Switzerland, or in Great Britain, than in those countries? It is not in the extent of territory we possess, but in the manner in which we govern it that renders us respectable. Many gentlemen seem rather to look at the quantity than the quality. All republics have been destroyed by the thirst of territorial aggrandizement and the lust of conquest. The great object of our Government should be to develop and cultivate the internal resources of those friendly to its jurisdiction, rather than to extend it over hostile and foreign peoples. It is in that character that true patriotism is to be cultivated and true national glory found. Especially should all republics cultivate the arts of peace, since it is by the war power that free Governments are commonly overturned.

The charge has been made that democracy is turbulent, warlike, and aggressive, but if so, it is a terrible misconception of its true interests, for upon the people fall the awful calamities of armed collisions. An eminent poet (Lord Byron) has said that war was a game which, if the people were wise, kings and princes would never play at. The venerable Dr. Franklin, at the close of his illustrious career, remarked that there never was a good war and a bad peace. We have made, Mr. Chairman, by this war, eight million bitter enemies upon the American continent. While time shall last the recollections of this bloody strife will never fade from the memories of the people, North and South, but will be handed down to the latest generation. The words Shiloh, Antietam, Gettysburg, Murfreesboro', Richmond, Vicksburg, and Fort Donelson, are words of division and disunion, and will serve to bring emotions of eternal hate. If it was true, as was suggested by a distinguished Senator from Ohio [Mr. WADE] in a speech in Portland in 1855, that he believed "that no two nations on earth hated each other as much as the North and South," how much more true is the remark now after they have been arrayed in such bloody contests.

[Here the hammer fell.]

Mr. WASHBURNE, of Illinois. As the speech of the gentleman from Ohio is the key-note of the Democratic party in the coming election, I hope there will be no objection to his finishing his speech. [Cries of "Order!"] It means recognition of the confederacy by foreign Powers, and peace upon terms of disunion. [Renewed cries of "Order!"]

No objection being made,

Mr. LONG proceeded: It is the object of the sword to cut and cleave asunder, but never to unite. What union is there between Russia and Poland, between Austria and Hungary, between England and Catholic Ireland, where the sword and the bayonet for centuries have been employed? Instead of conferring national strength, they are sources of weakness to the countries that hold them in subjection; and which would this day be stronger without them than with them.

Mr. Chairman, these lessons of history are full of warning and example. Much better would it have been for us in the beginning, much better would it be for us now, to consent to a division of our magnificent empire and cultivate amicable relations with our estranged brethren, than to seek to hold them to us by the power of the sword.

Here let me advert to the common yet perfectly glaring and apparent error, that to part with our jurisdiction over eleven States involves the destruction of our Government. The statement of the proposition demonstrates its absurdity. As well might one say, who had a farm of two hundred acres of land, that he had lost his title deed to all of it because by some misfortune he had parted with fifty. In losing the South, not one function of our Government over us is surrendered. It remains over us as completely sovereign as it ever did. Here let me say on the experience of my individual belief, that if it had been understood in the North as in the South that by the terms of the Federal compact a State had a right to secede from the Union, this disruption would never have occurred. Had the North so understood the matter, there would have been upon its part a forbearance from the exercise of extreme measures, and a desire not to force the southern States to the wall that would ever have maintained the confederacy unbroken. It was the prevalence of the idea of the consolidationists in the North, that the southern States had no right to and would not secede, that tempted them into that fatal policy that has sundered the confederacy.

It is said that no confederacy can exist by a recognition of this principle; but such was not the view of the fathers of the Government. It was not the view of Jefferson and Madison in their immortal resolutions of 1798 and 1799.

It has been said, Mr. Chairman, that it would make a confederacy a rope of sand; but if so, it is strange that the southern confederacy, where it is recognized, should hold together through such a bloody pressure as we have applied to it for the last three years. It is a strange rope of sand that endures all that.

But to return, Mr. Chairman. As will be judged, perhaps, by the tenor of these remarks, I am reluctantly and despondingly forced to the conclusion that the Union is lost never to be restored. I regard all dreams of the restoration of the Union which was the pride of my life, and to restore which even now I would pour out my heart's blood, as worse than idle. I see, neither North nor South, any sentiment on which it is possible to build a Union. Those elements of Union which Mr. Adams described have, by the process of time, been destroyed. Worse, yea, worse than that, Mr. Chairman, I am reluctantly forced to the conclusion that in attempting to preserve our jurisdiction over the southern States we have lost our constitutional form of government over the northern. What has been predicted by our wisest and most eminent statesmen has come to pass; in grasping at the shadow we have lost the substance; in striving to retain the casket of liberty in which our jewels were confined we have lost those precious muniments of freedom. Our Government, as all know, is not anything resembling what it was three years ago; there is not one single vestige of the Constitution remaining; every clause and every letter of it has been violated, and I have no idea myself that it will ever again be respected; revolutions never go backward to the point at which they started. There has always been a large party in this country favorable to a strong or monarchical Government, and they have now all the elements upon which to establish one: they have a vast army, an immense public debt, and an irresponsible Executive. Ambitious to retain power, he is a candidate for reëlection, and, as Commander-in-Chief, it is charged (whether true or false I shall not undertake to decide) that he has already used the Army in the Florida expedition to advance his chances of success. One of the generals he has decapitated (General Frémont) has entered the field to dispute his claim to a continuance in power; and if the Chronicle of this city, the President's organ, is correct in its construction of the suggestions of the New York Herald, speaking of Lieutenant General Grant, the question is already mooted whether he, in certain contingencies, at the head of the Army, would not be justified in assuming the reins of Government.

The very idea upon which this war is founded, coercion of States, leads to despotism. To preserve a republican form of government under any constitution, under the prevalence of the doctrines now in vogue, is clearly impossible. These convictions of the complete overthrow of our Government are as unwelcome and unpleasant to me as they are to any member of this House. Would to God the facts were such that I could cherish other convictions. I may be denounced as disloyal and unpatriotic for entertaining them, but it will only be by shallow fools and arrant knaves, who do not know or will not admit the difference between recognizing a fact and creating its

existence. A man may not desire to die, but nevertheless his belief will not alter the fact of his mortality.

I shall not, in these remarks, recur to the unpleasant and acrimonious controversy of who is responsible for the death and destruction of our Republic. I do not see that any such discussion now would be productive of good. I entertain clear and strong convictions upon that point, convictions that I have no doubt will be shared in by the impartial historian of the future; for the present I am willing to let the past with all its recollections rest, provided we can snatch from the common ruin some of our old relics of freedom.

I do not share in the belief entertained by many of my political friends on this floor and elsewhere, that any peace is attainable upon the basis of union and reconstruction. If the Democratic party were in power to-day I have no idea, and honesty compels me to declare it, that they could restore the Union of thirty-four States. My mind has undergone an entire change upon that subject; and I now believe that there are but two alternatives, and they are either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people; and of these alternatives I prefer the former.

Mr. Chairman, I take little or no interest in the discussion of the question which many of my political friends would make an issue, as to how this war shall be prosecuted, its manner and object. I regard that as worse than trifling with the great question. I do not believe there can be any prosecution of the war against a sovereign State under the Constitution, and I do not believe that a war so carried on can be prosecuted so as to render it proper, justifiable, or expedient. *An unconstitutional war can only be carried on in an unconstitutional manner*, and to prosecute it further under the idea of the gentleman from Pennsylvania, [Mr. STEVENS,] as a war waged against the confederates as an independent nation, for the purpose of conquest and subjugation, as he proposes, and the Administration is in truth and in fact doing, I am equally opposed.

I say further, Mr. Chairman, that if this war is to be still further prosecuted, I, for one, prefer that it shall be done under the auspices of those who now conduct its management, as I do not want the party with which I am connected to be in any degree responsible for its result, which cannot be otherwise than disastrous and suicidal; let the responsibility remain where it is, until we can have a change of policy instead of men, if such a thing is possible. Nothing could be more fatal for the Democratic party than to seek to come into power pledged to a continuance of the war policy. Such a policy would be a libel upon its creed in the past and the ideas that lay at the basis of all free government, and would lead to its complete demoralization and ruin. I believe the masses of the Democratic party are for peace, that they would be placed in a false position if they should nominate a war candidate for the Presidency and seek to make the issue upon the narrow basis of how the war should be prosecuted.

For my own part, as I have already indicated, I fear that our old Government cannot be preserved, even under the best auspices and with any policy that may be now adopted, yet I desire to see the Democratic party, with which I have always been connected, preserve its consistency and republican character unshaken.

Mr. GARFIELD. Mr. Chairman, I should be obliged to you if you would direct the Sergeant-at-Arms to bring a white flag and plant it in the aisle between myself and my colleague who has just addressed you.

I recollect on one occasion when two great armies stood face to face, that under a white flag just planted I approached a company of men dressed in the uniform of the rebel confederacy, and reached out my hand to one of the number and told him I respected him as a brave man. Though he wore the emblems of disloyalty and treason, still underneath his vestments I beheld a brave and honest soul.

I would reproduce that scene here this afternoon. I say, *were* there such a flag of truce—but God forgive me if I should do it under any other circumstances!—I would reach out this right hand and ask that gentleman to take it; because I honor his bravery and his honesty. I believe what has just fallen from his lips is the honest sentiment of his heart, and in uttering it he has made a new epoch in the history of this war; he has done a new thing under the sun; he has done a brave thing. It is braver than to face cannon and musketry, and I honor him for his candor and frankness.

But now I ask you to take away the flag of truce; and I will go back inside the Union lines, and speak of what he has done. I am reminded by it of a distinguished character in Paradise Lost. When he had rebelled against the glory of God and "led away a third part of heaven's sons, conjured against the Highest," when after terrible battles in which mountains and hills were hurled by each contending host "with 'jaculations dire;" when at last the leader and his hosts were hurled down "nine times the space that measures day and night," and after the terrible fall lay stretched prone on the burning lake, Satan lifted up his shattered bulk, crossed the abyss, looked down into Paradise, and, soliloquizing, said:

"Which way I fly is hell; myself am hell."

It seems to me in that utterance he expressed the very sentiment to which you have just listened; uttered by one no less brave, malign, and fallen. This man gathers up the meaning of this great contest, the philosophy of the moment, the prophecies of the hour, and, in sight of the paradise of victory and peace, utters them all in this wail of terrible despair, "Which way I fly is hell." He ought to add, "Myself am hell."

Mr. Chairman, I am reminded of two characters in the war of the Revolution as compared with two others in the war of to-day.

The first was Lord Fairfax, who dwelt near the Potomac, a few miles from us. When the great contest was opened between the mother country and the colonies, Lord Fairfax, after a protracted struggle with his own heart, decided that he must go with the mother country. He gathered his mantle about him and went over grandly, solemnly, and impressively, and joined the fortunes of Great Britain against the home of his adoption.

But there was another man who cast in his lot with the struggling colonies, and continued with them till the war was well-nigh ended. But in a day of darkness, which just preceded the glory of the morning, that other man, deep down in the damned pits of his black heart, hatched the treason to surrender forever all that had been gained to the enemies of his country. *Benedict Arnold* was that man.

Fairfax and Arnold find their parallel in the struggle of to-day.

When this war began many good men stood hesitating and doubting what they ought to do. Their doctrine of State rights, their sympathies, all they had ever loved and longed for, were in the South, and after long and painful hesitation some of them at last went with the enemies of the nation.

At that time Robert E. Lee sat in his home across the river here doubting and delaying, and going off at last almost tearfully to join the enemies of his country. He reminds me in some respects of Lord Fairfax, the stately royalist of the Revolution.

But now, when hundreds of thousands of brave souls have gone up to God under the shadow of the flag, and when thousands more, maimed and shattered in the contest, are sadly awaiting the deliverance of death; now, when three years of terrific warfare have raged over us, when our armies have pushed the rebellion back over mountains and rivers and crowded it back into narrow limits, until a wall of fire girds it; now, when the uplifted hand of a majestic people is about to let fall the lightning of its conquering power upon the rebellion; now, in the quiet of this Hall, hatched in the lowest depths of a similar dark treason, there rises a Benedict Arnold and proposes to surrender us all up, body and spirit, the nation and the flag, its genius and its honor, now and forever, to the accursed traitors to our country. And that proposition comes—God forgive and pity my beloved State!—it comes from a citizen of the honored and loyal Commonwealth of Ohio.

I implore you, brethren in this House, not to believe that many such births ever gave pangs to my mother State such as she suffered when that traitor was born. [Suppressed applause and sensation.] I beg you not to believe that on the soil of that State another such growth has ever deformed the face of nature and darkened the light of God's day. [An audible whisper, "Vallandigham."] But ah, I am reminded that there are other such. My zeal and love for Ohio have carried me too far. I retract. I remember that only a few days since a political convention met at the capital of my State, and *almost* decided to select from just such material a Representative for the Democratic party in the coming contest; and to-day, what claim to be a majority of the Democracy of that State say that they have been cheated or they would have made that choice. I therefore sadly take back the boast I first uttered in behalf of my native State.

But, sir, I will forget States. We have something greater than States and State pride to talk of here to-day. All personal or State feeling aside, I ask you what is the proposition which the enemy of his country has just made? What is it?

For the first time in the history of this contest it is proposed in this Hall to give up the struggle, to abandon the war, and let treason run riot through the land! I will, if I can, dismiss feeling from my heart, and try to consider only what bears upon the logic of the speech to which we have just listened.

First of all, the gentleman tells us that the right of secession is a constitutional right. I do not propose to enter into the argument. I have expressed myself hitherto upon State sovereignty and State rights, of which this proposition of his is the legitimate child.

But the gentleman takes higher ground—and in that I agree with him—namely, that five million or eight million people possess the right of revolution. Grant it; we agree there. If fifty-nine men can make revolution successful, they have the right of revolution. If one State wishes to break its connection with the Federal Government, and does it by force maintaining itself, it is an independent State. If the eleven southern States are determined and resolved to leave the Union, to secede, to revolutionize, and can maintain that revolution by force, they have the revolutionary right to do so. Grant it. I stand on that platform with the gentleman.

And now the question comes, is it our constitutional duty to let them do it? That is the question, and in order to reach it I beg to call your attention, not to an argument, but to the condition of affairs which would result from such action—the mere statement of which becomes the strongest possible argument. What does this gentleman propose? Where will he draw the line of division? If the rebels carry into successful secession what they desire to carry, if their revolution envelops as many States as they intend it shall envelop, if they draw the line where Isham G. Harris, the rebel Governor of Tennessee, in the rebel camp near our lines, told Mr. Vallandigham they would draw it—along the line of the Ohio and of the Potomac—if they make good their statement to him that they will never consent to any other line, then I ask what is this thing that the gentleman proposes to do?

He proposes to leave to the United States a territory reaching from the Atlantic to the Pacific, and one hundred miles wide in the center! From Wellsville on the Ohio river to Cleveland on the lakes is one hundred miles. I ask you, Mr. Chairman, if there be a man here so insane as to suppose that the American people will allow their magnificent national proportions to be shorn to so deformed a shape as this?

I tell you, and I confess it here, that while I hope I have something of human courage, I have not enough to contemplate such a result. I am not brave enough to go to the brink of the precipice of successful secession and look down into its damned abyss. If my vision were keen enough to pierce to its bottom, I would not dare to look. If there be a man here who dare contemplate such a scene, I look upon him either as the bravest of the sons of women or as a downright madman. Secession to gain peace! Secession is the tocsin of eternal war. There can be no end to such a war as will be inaugurated if this thing be done.

Suppose the policy of the gentleman were adopted to-day. Let the order go forth; sound the "recall" on your bugles, and let it ring from Texas to the far Atlantic, and tell the armies to

come back. Call the victorious legions back over the battle-fields of blood, forever now disgraced. Call them back over the territory which they have conquered. Call them back, and let the minions of secession chase them with derision and jeers as they come. And then tell them that that man across the aisle, from the free State of Ohio, gave birth to the monstrous proposition.

Mr. Chairman, if such a word should be sent forth through the armies of the Union, the wave of terrible vengeance that would sweep back over this land could never find a parallel in the records of history. Almost in the moment of final victory the "recall" is sounded by a craven people not deserving freedom! We ought every man to be made a slave should we sanction such a sentiment.

The gentleman has told us there is no such thing as coercion justifiable under the Constitution. I ask him for one moment to reflect, that no statute ever was enforced without coercion. It is the basis of every law in the universe—God's law as well as man's. A law is no law without coercion behind it. When a man has murdered his brother, coercion takes the murderer, tries him, and hangs him. When you levy your taxes coercion secures their collection; it follows the shadow of the thief and brings him to justice; it accompanies your diplomacy to foreign courts, and backs the declaration of the nation's rights by a pledge of the nation's power. But when the life of that nation is imperiled we are told that it has no coercive power against the parricides in its own bosom! Again, he tells us that oaths taken under the amnesty proclamation are good for nothing. The oath of Galileo, he says, was not binding upon him. I am reminded of another oath that was taken; but perhaps it too was an oath on the lips alone to which the heart made no response.

I remember to have stood in a line of nineteen men from Ohio on that carpet yonder on the first day of the session, and I remember that with uplifted hands before Almighty God those nineteen took an oath to support and maintain the Constitution of the United States. And I remember that another oath was passed around and each member signed it as provided by law, utterly repudiating the rebellion and its pretenses. Does the gentleman not blush to speak of Galileo's oath? Was not his own its counterpart?

He says the Union can never be restored because of the terrible hatred engendered by the war. To prove it he quotes what some southern man said a few years ago, that he knew no hatred between peoples in the world like that between the North and the South. And yet that North and South have been one nation for eighty-eight years!

Have we seen in this contest anything more bitter than the wars of the Scottish border? Have we seen anything bitterer than those terrible feuds in the days of Edward when England and Scotland were the deadliest foes on earth? And yet for centuries those countries have been cemented in an indissoluble union that has made the British nation one of the proudest of the earth!

I said a little while ago that I accepted the proposition of the gentleman that the rebels had the right of revolution; and the decisive issue between us and the rebellion is, whether they shall revolutionize and destroy, or we shall subdue and preserve. We take the latter ground. We take the common weapons of war to meet them; and if these be not sufficient, I would take any element which will overwhelm and destroy; I would sacrifice the dearest and best beloved; I would take all the old sanctions of law and the Constitution and fling them to the winds, if necessary, rather than let the nation be broken in pieces and its people destroyed with endless ruin.

What is the Constitution that these gentlemen are perpetually flinging in our faces whenever we desire to strike hard blows against the rebellion? It is the production of the American people. They made it, and the creator is mightier than the creature. The power which made the Constitution can also make other instruments to do its great work in the day of its dire necessity.

Mr. ELDRIDGE. I desire to ask the gentleman a question. I want to know if he did not just say that with nineteen others he stepped forward to the Speaker's desk and swore to support the Constitution?

Mr. GARFIELD. I did; and I am very happy the gentleman has reminded me of it at this time; and I remember in the very preamble of that Constitution it is declared to be ordained for the purpose of promoting the general welfare and providing for the common defense; and on that very ground, based on that very statement of its declared object, I not only lifted up my hand to swear to support that Constitution before God, but it makes me now sorry there had not been a sword in it when I lifted it up, to strike down any and all who would oppose the use of all the means God has placed in our power for overthrowing the rebellion forever.

I am reminded here of a fact which I had well-nigh forgotten. Last summer I remember a Union spy came to our camp bringing two letters addressed to "Major General John C. Breckinridge, C. S. A." They were letters of introduction stating that the bearer desired to obtain a commission in the rebel army, and commending him as a gallant and reliable man whom Breckinridge could trust. One of these letters was signed by a man who lately held a seat in this House! [Cries of "Name him!" from the Democratic side of the House.]

Mr. GARFIELD. I will produce the letter in due time. It is not here with me. The other letter was from an associate of his, prominent in the local Democratic politics of the State of Indiana. I am responsible for producing those letters. [Cries of "Name!"]

Mr. HOLMAN. I hope the gentleman will give the names now.

Mr. GARFIELD. When I produce the letters any further testimony that may be called for can be had at my hands.

Mr. Chairman, let me mention another class of facts in this same connection. We were compelled last year to send our secret service men to ferret out the insidious work of that organization known as the "Knights of the Golden Circle," which was attempting to corrupt the Army and destroy its efficiency; and it was found that by the most subtle and secret means the signs and passwords of that order were being made known to such men in the Army as were disaffected or could be corrupted. Witness also the riots and murders which their agents are committing throughout the loyal North, under the lead and guidance of the party whose Representatives sit yonder across the aisle; and now, just as the time is coming on when we are to select a President for the next four years, one rises among them and fires the beacon, throws up the blue-light which will be seen and rejoiced over at the rebel capital in Richmond as the signal that the traitors in our camp are organized and ready for their hellish work. I believe the utterance of to-day is the uplifted banner of revolt. I ask you to mark the signal that blazes here, and see if there will not soon appear the answering signals of traitors all over the land. If I am wrong in this prediction I shall be thankful, but I am only too fearful of its truth.

Let me say in conclusion, if these men do mean to light the torch of war in all our homes; if they have resolved to begin the fearful work which will redden our streets and this Capitol with blood, the American people should know it at once and prepare to meet it.

Mr. LONG. Mr. Chairman, I desire but a very few minutes to reply to my colleague who has seen proper to call in question very seriously what I have said this afternoon. I stated, sir, very distinctly when I commenced that I spoke for myself, and that I alone would be responsible for what I said. I am well aware of all that I did say. I have said it deliberately. I have said it because my conscience told me it was right and my judgment approved it. I have said it because when I walked down with my colleague to the front of that desk to take the oath required of me in becoming a member of this House, I held up my hand, as he raised his, before Heaven and took upon myself a solemn oath to support the Constitution of the United States; and so help me God, fearless of all the charges that can be made against me by that gentleman or any other, or by all the minions of power in the land, I never will violate that oath, or shrink from the responsibility which I then assumed.

I have never, sir, belonged to a party which took that oath with a mental reservation. I never took the oath with a determination not to obey a part of the laws of the land. I remember the district of country from which my colleague hails, the conventions that have been held there, and the forcible resistance to the enforcement of the law that have been made there. I remember when the party now in power undertook to set aside a solemn act of Congress and appealed to the supreme court of our State to override the Constitution of the United States. Sir, I have never been guilty of that crime. I have never, I repeat, belonged to a party that takes this oath with a mental reservation. It seems to me that if my colleague had desired to stand right before the House and before the country, before he assumed the responsibility of charging me individually with being disloyal, he should have remembered the authorities that I brought before the House, and when he branded me as disloyal would have recollected that the leaders of his own party and the organs of his own party, from the New York Tribune down to the Columbus Journal of the State in which he and I live, have advocated the doctrines that I have promulgated here to-day, and that the Secretary of the Treasury, hailing from our State too, advocates this identical doctrine.

Then, sir, if that be treason, all these men are traitors. I preferred to get my authority from the party to which my colleague belongs when I put myself before the House and country as I have done to-day. I then say, "If that be treason, make the most of it—make the most of it." I have brought here the authorities. In my judgment they are correct and sound. I have not, perhaps, had the opportunities of some other gentlemen on this floor, but my earliest inspirations were those of love and admiration for my country, and for the distinguished statesmen who have adorned the pages of her history. I have not been an unconcerned spectator of what has taken place. When I read the eloquent appeals of Clay and Webster, when I read the eloquent oration of John Quincy Adams, when I read the report which I have produced to-day of Thomas H. Benton, Martin Van Buren, and William H. Harrison, when I referred, as I have, to what the Secretary of State said three days before the Sunday when the proclamation for seventy-five thousand men was issued, and to what Edward Everett said before coercion had commenced, when I referred to what was said by a Senator from Ohio [B. F. WADE] and the present occupant of the presidential chair, when I referred to all these, I knew that they were all leaders of the party to which gentlemen on the other side of the Chamber belong. Then, sir, if I am a traitor, equally so are they! All that I ask is that I may be credited with honesty and sincerity of convictions, and for independence in declaring them in this House and before the country. I am willing to abide the consequences and take the responsibility.

Now, sir, as to the charge in respect to Knights of the Golden Circle, I have no knowledge of any such thing. So help me God I never had, and with God's help I never will have—never! I am a member of no political secret organization. I have never been a member of any except one which was known as the Miami tribe in the county where I live. I defy the world to point to a single instance in my life where I have ever had any connection with or any knowledge of any other secret political organization. So much for the gentleman's charge against me on that score.

Mr. GARFIELD. Mr. Chairman, I did not charge the gentleman as belonging to the Knights of the Golden Circle. If I were so understood I here distinctly disavow any such intention. I think I did not say so. I only said that such an organization existed; and I regarded it as under the protection and direction of the Democratic party.

Mr. LONG. Such an organization may exist for aught I know, but I have no knowledge of it, and no communication with it. I do not know that any such organization exists; I trust in God that it has no existence. I carry no banner; I sound no key-note; I speak for no party. I know that I utter sentiments which those on this side of the House disapprove; but I say what I believe to be true, and what my judgment dictates to be right. I have said it because it meets the approval of my own judgment. I stand upon it. I believe there is no power under the Constitution to coerce sovereign States in the Union. Follow-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, APRIL 12, 1864. NEW SERIES....No. 95.

ing the lead of the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] I am opposed to coercing them out of the Union. I referred to authorities sustaining me in that position, and if the gentleman [Mr. GARFIELD] were so quick in his response to the doctrine, I ask him why he did not rise in his place and make the same denuncion against the leader of his own party [Mr. STEVENS] when he made his speech at an early day of the session in reference to the position of the southern States?

Mr. GARFIELD. Will the gentleman allow me to interrupt him?

Mr. LONG. Yes, sir.

Mr. GARFIELD. If the gentleman will refer to the speech on confiscation which I had the honor to deliver, he will see that I dissented from the doctrine of the gentleman from Pennsylvania, in very pointed and precise terms.

Mr. LONG. That is all very true. I have read the gentleman's speech. I think I also heard him say upon another occasion that he would leap over the barriers of the Constitution to put down this rebellion. I think I heard that escape from his lips during this session.

Mr. GARFIELD. I said what I did say upon that occasion with great circumspection and care, and all I ask is that the gentleman will fairly quote me, as I presume he intended to do. In reply to the gentleman from the central district of Ohio [Mr. COX] who is not now in his seat, when he asked me if I would break the Constitution, I answered that I would not break the Constitution at all unless it should become necessary to overleap its barriers to save the Union. I did not say then, as I do say now, that on such an occasion I would overleap the barriers of the Constitution, but I would leap into the arms of a willing people who made the Constitution.

Mr. LONG. Then I give my colleague credit for honesty and frankness. The difference between him and me to-day is that while he would violate that oath which he took before that desk the first day of the session, and would overleap the barriers of the Constitution which he has sworn to support, I choose rather to stand on this floor and be denounced as a traitor for keeping my obligation to my country, to my own conscience, and to my God. That is the difference between my colleague and myself on that point.

I know my colleague replied in his speech to the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] but he did not reply in the tone, the manner, in the style, nor with the force with which he has replied to me to-day. He made a regular common, plain, set speech, dissenting from the views of the gentleman from Pennsylvania, but he nowhere in any part of his speech, as I recollect it, denounced him once as a traitor, or disloyal, or faithless to his Government.

Mr. GARFIELD. In the remarks the gentleman has just made he has mistaken me again. Though I have no personal pride for what I did say, I wish the gentleman not to understand that I made a set speech. I will say to him here that I had not one note other than what I took while the gentleman from Ohio [Mr. FINCK] was speaking who preceded me. It was not a set speech, but made for a particular and specific purpose at the time.

Mr. LONG. I accord to the gentleman the full benefit of his explanation. I supposed it was a set speech; but I am perfectly willing that he should put himself right before the House. He certainly was sincere in what he said then, and he is certainly sincere to-day when he says he would leap over the barriers of the Constitution. There must be sincerity on the part of my colleague when he puts himself in that position. Upon that point I have done.

I choose rather to consult my own conscience and judgment than to follow his lead in the ranks of a party that is always ready to take the oath to support the Constitution with a mental reservation. I have never so taken it, and, so help me God, I never will. I will support the Constitution despite the threats which may be brought from any quarter, and with the fixed purpose and full determination to stand upon the principles which I have avowed here to-day if I stand solitary and alone, even if it were necessary to brave bayonets and prisons and all the tyranny which may be imposed by the whole power and force of the Administration. I have deliberately uttered my sentiments in that speech, and I will not retract one syllable of it.

I am willing to trust to time. I am willing to await its arbitrament. If I am mistaken, so much the better for me, the gentleman, and the country. Would to God I were mistaken. Would to God I could cherish other convictions than those I have uttered. My earliest aspirations have been for the glory of my country. I have admired its institutions, I have gloried in its statesmen; they have been the pride of my heart. I would make any sacrifice to restore the Union as it was before that unhappy day for this people when the gentleman's party came into power and destroyed the fairest prospects of liberty that Heaven in its mercy ever vouchsafed to man. I would do it, sir, to restore the Government; but I cannot see restoration by the power of the bayonet. Looking at the history of such struggles in the Old World and in South America and elsewhere, I can see nothing but ruin, destruction, and the final overthrow of free government in a continuance of our present policy. I have raised my voice, feeble and humble as it is, against it, because I believe that its continuance will destroy liberty both North and South.

I think, however, my colleague was not entirely honest in the construction he put upon what I said; but he may have misunderstood me. I uttered no sentiment looking to a separation that should be a division from the mouth of the Mississippi to the head of the Ohio river. I uttered no such sentiment. I gave utterance to no such expression. What I did say—and what I said is written out and can be read—was, that when the Government was formed we were not owners of the mouth of the Mississippi, and that we did not own the territory west of the Mississippi river. I did not say that we did not own the Ohio river and the State in which the gentleman and I live; but that we owned no territory west of the Mississippi, and that Florida was held against us. I did then say that if, by the chastisement of Heaven, we should be curtailed to our old territorial dimensions, we could still exist as a free people, and have our republican form of government again. I supposed the gentleman was familiar enough with the history of his country; I supposed that even he, although he has spent part of his time in the Army and left it for a seat upon this floor, knew that the northwestern territory extended beyond the Ohio river, was held by Virginia, and formed part of the original territory when the Constitution was adopted. I thought, therefore, that the gentleman did me intentional injustice in the position he ascribed to me. He may not have done so; but if not, he must certainly be very ignorant of the history of his country and of the amount of territory we possessed when the Government was formed.

Mr. Chairman, I have detained the House much longer than I intended when I rose. I should have been loth to make any response to my colleague if he had not indulged in a personal attack upon me. I should have been reluctant to detain the House at this late hour if he had not seen proper to do what has not been done before on any occasion since the commencement of the session, to get up and denounce me as unfaithful to the Government. Sir, I hurl back the charge. I say that the men who are destroying this Government, destroying these fair prospects of liberty, are the men now in power. They were the authors and originators of all our present difficulties. They first uttered the sentiment that this Government could not exist as our fathers made it; that there was an "irrepressible conflict" which would result either in the overthrow of the institutions of the States on the one side or the overthrow of the Government of the United States on the other. They inaugurated the conflict which has produced this unfortunate state of things. I have simply recognized the work of their own hands. It ill becomes a man upon that side of the House to assail me. That duty ill becomes a man belonging to a party that has always taken the oath to support the Constitution with a mental reservation, and has declared before the country and before God that the institutions which our fathers established, and the Government which they founded, could not exist as they made it in the beginning, with all its compromises. I believe that the fathers of the Republic were as good as we are. I believe that they were as good Christians and as true patriots. They looked at the institution of slavery not in the light in which these gentlemen look at it now. When they came to the communion table to partake of the sacrament they did not push men away because they held slaves. God prospered them in the Revolution and in the formation of the Government. It was a good Government, good enough for me, good enough for my children, and I am willing to make any sacrifices to restore it.

But, sir, we heard these gentlemen of the Republican party in this Hall the other night applauding to the echo the sentiments of a man—George Thompson—who has gloried over the tearing to pieces of our Constitution, the man who originated this separation of the States and this destruction of our civil and political liberties. Such a party I must discard, who thanked God that the hour of compromise was passed and that we were freed from the shackles of the Constitution. I will plant myself, even if it be single and alone, in opposition to a party which plots the destruction of the Government, the overthrow of liberty, and which applauds George Thompson and his sentiments. I would rather live in the State in which the gentleman and I live, with liberty, with a free Government, under the Constitution of our fathers, with my rights political, social, and civil, than live in a great empire under an overshadowing despotism. Give me liberty, even if confined to an island of Greece or a canton of Switzerland, rather than an empire and a despotism, as we have here to-day.

Mr. ALLISON obtained the floor.

Mr. HOLMAN. Mr. Chairman, the gentleman from Ohio [Mr. GARFIELD] has spoken of two remarkable letters written to a rebel major general, one of them by an Indiana politician. I should be glad to hear what citizen of Indiana has been guilty of the crime of treason.

[Loud cries of "Order!"]

The CHAIRMAN. The gentleman from Indiana is not in order.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOUTWELL reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the President's annual message, and had come to no conclusion thereon.

And then, on motion of Mr. MORRILL, (at five minutes before six o'clock, p. m.,) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 9, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The reading of the Journal of yesterday was by unanimous consent dispensed with.

PROPOSED EXPULSION OF A MEMBER.

Mr. COLFAX, the Speaker, (Mr. ROLLINS, of New Hampshire, in the chair as Speaker *pro tempore*.) I offer as a question of privilege the following preamble and resolution:

Whereas on the 8th of April, 1864, when the House of Representatives was in Committee of the Whole on the state of the Union, ALEXANDER LONG, a Representative from the second district of Ohio, declared himself in favor of recognizing the independence and nationality of the so-

called confederacy now in arms against the Union; and whereas the said so-called confederacy, thus sought to be recognized and established on the ruins of a dissolved or destroyed Union, has as its chief officers, civil and military, those who have added perjury to their treason, and who seek to obtain success for their parricidal efforts by the killing of the loyal soldiers of the nation who are seeking to save it from destruction; and whereas the oath required of all members, and taken by the said ALEXANDER LONG on the first day of the present Congress, declares "that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States," thereby declaring that such conduct is regarded as inconsistent with membership in the Congress of the United States: Therefore,

Resolved, That ALEXANDER LONG, a Representative from the second district of Ohio, having, on the 8th of April, 1864, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union, and thereby "given aid, countenance, and encouragement to persons engaged in armed hostility to the United States," is hereby expelled.

Mr. Speaker, before presenting this resolution I reflected, as it was my duty to do, seriously on the obligations under which, in consequence of my position, I feel I am placed. I recognize that there is a double duty incumbent on me; first to the House of Representatives whose kindness has placed me in its principal chair, to administer the duties of that chair and the rules of the House faithfully and impartially to the best of my ability and judgment. That, I can say sincerely and conscientiously, I have endeavored to do, and shall so endeavor until this Congress expires by its constitutional limitation. But I feel that I owe still another duty to the people of the ninth congressional district of Indiana, who sent me here as their Representative to speak and act and vote in their stead. It is in conformity with this latter duty to those who cannot speak here for themselves and who, I believe, would indorse the sentiment of this resolution, that I have felt it my duty to rise in my place as a member of Congress from the State of Indiana and offer this resolution.

I need scarcely say to gentlemen on the other side of the House, or to my own fellow-members near me, or to that one particularly referred to in this resolution, that it is prompted by no spirit of personal unfriendliness toward him. My relations with him personally have been cordial during the entire time that we have occupied seats as members. Nothing has marred those relations. But I rise to offer this resolution in the performance of a high public duty which I felt I could not myself shirk or evade. It is a duty I owe, not only to those of my constituents who are at home, but to the many thousands of them who are in the tented fields meeting the armies of the confederacy in deadly conflict and exposing their lives for the safety and perpetuity of this imperiled Union. Nay, more, sir, I owe it to the many widowed and orphaned families in my district whose natural protectors have been stricken down by the bloody hand of treason, and lost to them in this world forever.

I believe in the freedom of speech. I have not heard anything on this floor during this Congress that would have prompted me to offer this resolution except the remarks made yesterday by the gentleman from Ohio, [Mr. LONG.] He declared distinctly, in so many words, that he was in favor of the recognition of this so-called confederacy, and recognition is the recognition of its independence and its nationality as one among the nations of the earth. The flag of this confederacy was thus boldly unfurled here by a gentleman who had taken the oath at the opening of Congress—and I have no doubt truthfully—that up to that time he had not given any aid, countenance, or encouragement to those who are engaged in armed hostility against the United States. Believing that that oath shows that those who do thus give aid and countenance and encouragement to those engaged in armed hostility against the United States are not worthy of membership here in a Congress of the United States, I felt it my duty at least to ask the House of Representatives to pass their judgment upon it.

I have offered this resolution not as the result of a consultation with any persons upon the floor of this House, but upon my sole and entire responsibility; and I say here deliberately and solemnly that if what fell from the lips of the gentleman from Ohio [Mr. LONG] yesterday is to pass unrebuked by this House, then you have no right to complain of any foreign Government on the face of this earth that recognizes the independence and nationality of this confederacy, which, within your own walls, under your own flag, by one associated with you in the Government of this country, was publicly avowed as his preference and his conviction.

The gentleman from Ohio, [Mr. Cox,] the colleague of the gentleman [Mr. LONG] named in this resolution, I see claiming the floor opposite; and I have this to say before I close my remarks, which I shall not extend to much length, that if any gentleman from the other side of the House feels it would be more proper for any of them, having been in the same political affiliation with the gentleman from Ohio, to show his disapprobation of these remarks by offering a resolution of this kind, I will gladly withdraw mine and allow them to offer it. History, sir, with its impartial pen will state hereafter, if not now, that it would be more fitting and more appropriate they should have done here (but what none have seen fit to do) what I have thought my duty—offer this resolution.

Now, sir, if by the quiet and tacit assent of this House as a House of Representatives this sentiment is to go unquestioned by the Representatives of the United States of America here assembled, then I say you should stop shooting your deserters from the Army, for they have not turned their backs upon the obligation which they have assumed any more influentially by their leaving the flag which they had bound themselves to sustain than has a gentleman who will rise in his place in Congress and state that he is in favor of the men who seek the destruction of this land and the dissolution of the Union by recognizing them as one of the nations of the earth. Nay, more. You should call no more soldiers into the field to endeavor by the peril of their lives to save this country, because it is a solemn mockery to do if from this Hall shall go forth words of encouragement to strengthen those arrayed against them in an unholy and parricidal work. If we allow this to pass here unquestioned and unrebuked, how can we deny to others abroad the right to recognize the establishment of the so-called southern confederacy among the nations of the earth? Can you propose to go to war with any foreign nation who may do this and yet, by opposing this resolution, justify and indorse the open avowal of a similar desire in this Hall?

Mr. Speaker, we have seen since this rebellion opened the other branch of the Federal Congress, at the opposite end of the Capitol, expelling a Senator from my own State. What for? For sending a letter of introduction by a gentleman to the rebel chief who presides at Richmond. For that letter of introduction, thus giving aid and comfort to those in armed hostility to the United States, the Senate of the United States expelled him by a two-thirds vote. I have nothing to say in regard to the politics of my own State, but I have this to say, that a Legislature sat afterwards in my State of the same political views with the expelled Senator, and they had the power to elect two United States Senators, one for the long term and another for the short term. A majority of that Legislature, sir, recorded their votes of approval of the action of the Senate by refusing to send—although they had the power—that Senator back to his seat in the United States Senate.

One or two years ago, perhaps less than one year ago, Ohio was excited by the arrest of a former member of Congress for declaring in strong language his hostility to a military order. His friends went before the people in that State on the issue of the injustice done him, and by a majority of one hundred thousand they declared their approbation of that act of military authority, and the highest court of judicature in our land, the Supreme Court of the United States, refused the other day to reopen or review that judgment.

Mr. Speaker, I have but a word more to say, when I will leave the floor to the gentleman from Ohio, [Mr. Cox,] who seeks it. If this bold and frank avowal, for bold and frank it was, by a member of Congress representing a free district in a loyal State, if this is to go unrebuked by this House, I ask you how you are to close these doors against those who are now sitting at Richmond in the confederate congress, those who have not been in arms against the United States but have been sitting in that congress giving aid and comfort to the arms of the rebellion against the United States? Their hands are stained with no blood, perhaps; they could come here with no blood, as soldiers, upon their skirts; but they may seek to come here, if this is to be the law of this Congress, fresh from the conclave of this confederate congress, saying to us, "We have done no more at Richmond than has been done upon this floor by the member from the second district of Ohio in your presence, unrebuked upon the floor by Congress."

But it is because of its effect abroad that I have offered this resolution. If there is any danger threatening our imperiled Union after the valor of our soldiers has caused the area of the rebellion to become "small by degrees and beautifully less," it is the recognition of the confederacy by foreign nations. On a motion of the gentleman from Maryland [Mr. DAVIS] the other day, this House by a unanimous vote, in which I believe the gentleman from the second district of Ohio participated, declared that we would not allow any foreign country to plant a nation on the prostrate ruins of a republic anywhere upon the American continent; and yet, sir, when we assent by our silence to a proposition to recognize this confederacy, we not only assent to the planting of a foreign nation upon the soil of this continent, but one upon the soil of our own beloved Union. Nay, more than that, when he has seen, when I have seen, when you have seen, and every member upon this floor has seen the emissaries of this rebel confederacy bowing the knee to every sovereign in Europe, asking an alliance with them, and saying in their confederate congress that they would prefer allegiance to a foreign prince than to remain part and parcel of this Union, do not we know that when their independence is acknowledged and recognized there will be an alliance, in their weakness, to make them stronger, with any foreign nation, power, or potentate that sees fit to enter into treaties with them, and then upon that soil, once belonging to the United States, foreign armies will be landed and their forces joined to those of those traitors to invade our own country and destroy our armies and even the liberties of our people? You have no right to pass resolutions like that offered by the gentleman from Maryland, warning foreign nations, if upon your own floor and by your deliberate assent and vote you declare and avow the sentiments uttered here yesterday by refusing to rebuke and condemn them. I have now performed my duty, and leave the rest to the House.

Mr. COX. I approach this matter with becoming seriousness. The extraordinary spectacle is presented of our Speaker descending from the chair to make a motion to expel one of the members of this House for words spoken in debate. The occasion calls for more than the usual gravity of deliberation. I was not present when my colleague [Mr. LONG] made the remarks which have called out this resolution. I am told by members around me that his remarks do not bear the interpretation given to them by the speech and resolution of the honorable Speaker. Before a resolution of this startling nature was introduced we should have had the official report of those remarks in the Globe. If action be demanded for the expulsion of a Representative of the people, for the exercise of his constitutional right of free debate, we should have the most authentic record of that debate. As I am informed, the language of my colleague was so qualified as to make it far less objectionable than the statement of it in the resolution. Still, sir, it may be obnoxious, and yet there may be no just ground for this proceeding of expulsion.

Had I been in my seat yesterday, with all due respect to my colleague, I should have promptly risen and disavowed, on behalf of all the delegation from Ohio with whom I have conversed, any sentiments uttered by him or any one else, looking to the recognition of the confederate government as an independent Power. So far as I can learn, there is not a member acting with this side of the House, unless it be my colleague, who is not opposed in every conceivable view, directly or indirectly, to such recognition.

I speak earnestly and consciously of this, because an attempt was made yesterday to make partisan capital for the other side out of the speech of my colleague. But it should be borne in mind that he said that he spoke only for himself, and not for his party. He was frank, true, and honest in that avowal. He did not speak, nor propose

to speak, for his party. He did not speak for his Democratic colleagues.

Very recently we have had a convention of the Democratic people of Ohio, representing over one hundred and eighty-five thousand voters. In that convention, sir, no sentiments were uttered and none would have been tolerated like those to which exception has been taken. On the contrary, the only person whose name was presented to that convention as a delagate to the Democratic national convention, who avowed sentiments looking toward the recognition of the confederate States, and who printed a learned and able pamphlet to circulate among the members of the convention, in exposition of his views, received but a few votes among several hundred in that convention; showing that the Democrats of Ohio, for whom I speak, are not prepared in any shape, however plausible, to accept the disintegrating doctrine to which this resolution refers. On the contrary, the Democratic people of that State, when the war came, which they endeavored but failed to avert, rallied to the defense of this Government. They sustained it in every emergency. We, the members upon this side of the House, had and yet have our brothers and our friends in the Army doing battle for the Republic, although they do not agree with the peculiar African policies pursued by this Administration.

Mr. WASHBURNE, of Illinois. Abyssinian. [Laughter.]

Mr. COX. I think that idle pleasantry of my friend over the way is nearly worn out. It was very stale when it was started here by him, and it does not become the gravity of this occasion, however much it may accord with his instincts. It proceeds rather from the brains which were located by a brother member in his knuckles, than from any other brains which he has. [Laughter.]

Mr. WASHBURNE, of Illinois. Better have brains in you knuckles than no brains at all. [Cries of "Order!"]

Mr. COX. I do not wish to be disturbed any more by that gentleman. He has not any sense of decent debate, or he would not interrupt me in this manner, without rising or without my permission. I doubt whether he has any sense at all when he touches the negro question, or he would not drag in his old joke, so unseemly under circumstances as grave as the present.

I referred to the position of the Ohio Democracy with pride, because of the imputations thrown upon them by my colleague on the other side, [Mr. GARFIELD.] He followed the speech of my colleague from the second district, [Mr. LONG,] and strove to make political points for his party, not by misrepresenting him so much as by misrepresenting the Democracy.

Now, I propose to show that if the sentiments attributed to my colleague are unpatriotic and treasonable, the prominent men of the Republican party are amenable, for similar sentiments, to the same condemnation. There is scarcely a leading member of the opposite party, from the Executive down, who is not committed in doctrine if not in practice to the separation of these States. I shall show that members opposite deserve expulsion by the same rule which they would mete out to my colleague.

I pass over for the present the sacred, constitutional right to free debate in this Chamber of American Representatives, and proceed to show that this resolution comes with a bad grace from that quarter in which so much sedition and revolution has been expressed and acted.

And first, I desire to ask of the Speaker if he had forgotten when he penned this resolution that in last Congress a most acute member of the Republican party, in good standing and sweet fellowship—Judge Conway, of Kansas—not only made a remarkable speech in favor of the recognition of the South, but offered solemn resolutions affirming the heinous doctrine. If the honorable Speaker has forgotten the fact, let him turn to the Journal of the House of December 15, 1862, page 69, and he will find the following resolutions offered by Mr. Conway. I quote such of them as bear on the points in discussion:

"*Resolved*, That freedom and slavery cannot coexist in the same Government without producing endless strife and civil war; that 'a house divided against itself cannot stand;' and that this nation must be all free or all slave.'

"*Resolved*, That the American Union consists of those States which are now loyal to the Federal Constitution.

"*Resolved*, That the restoration of the Union as it existed prior to the rebellion would be a greater calamity than the rebellion itself, since it would give new life to the 'irrepressible conflict,' and entail upon the nation another cycle of bitter contention and civil war.

"*Resolved*, That the seceded States can only be put down, if at all, by being regarded as out of constitutional relations with the Union, and by being assailed upon principles of ordinary warfare as between separate nations.

"*Resolved*, That it is a matter for serious reflection whether another election of President must not supervene before the rightful authority of the nation can be established; and whether in the mean time it is not a flagrant waste of our energies to continue the war.

"*Resolved*, That unless the army of the west shall have swept through the valley of the Mississippi to its mouth, and the army of the Potomac annihilate the legions of Lee and Jackson, thus subverting the military power of the rebellion within a reasonable time, the best interests of the country and humanity will require a cessation of hostilities.

"*Resolved*, That the States of the North composing the American nation, and wielding its power, must ever remain one and indivisible on the basis of freedom for all, without distinction of race, color, or condition; that their mission must ever be to extend their own civilization over the entire continent, and that whatever derangements, difficulties, checks, or defeats they may encounter, they must forever cherish and pursue the inspiring idea of nationality and continental dominion."

From which it will appear that, after affirming the irrepressible conflict, it was resolved that the American Union consisted only of those States which are now loyal to the Federal Constitution; that the restoration of the old Union would be a greater calamity than the rebellion itself; that the seceded States should be regarded as out of constitutional relations with the Union; that until the election of another President it was a flagrant waste of our energies to continue the war. Does the honorable Speaker remember that those resolutions recognized that only the States North composed the American Union? If he did, why did not this sensitive gentleman, [Mr. COLFAX,] who was not then in the chair but upon the floor, come forward with a resolution for the expulsion of his friend Mr. Conway? I ask the Speaker to respond to that question. Why did you not do it, sir? Is such a resolution fair toward a member on this side and unfair toward a member on the other? You were for free speech and free resolution then; I am for it now as then. Why do you pursue my colleague to disgrace him when you did not lisp a word about expelling one from your own ranks who was in favor of disparting the old Union and recognizing the nationality of the southern confederacy? The Speaker does not, for he cannot, answer. I will yield to him to respond.

Mr. COLFAX. The gentleman from Indiana claims the floor whenever he sees fit to claim it, and declines speaking in the midst of the speech of the gentleman from Ohio.

Mr. COX. The gentleman is distinguished as well for his prudence as for his sagacity.

Mr. ALLISON. I desire to ask the gentleman from Ohio if he believes that Mr. Conway ought to have been expelled from the last Congress under the circumstances?

Several MEMBERS. Oh, that is not the question.

Mr. COX. When the gentleman on the other side answers my question I will answer him. I will do it anyhow. I do not think that he should have been expelled any more than we should expel the distinguished gentleman from Pennsylvania [Mr. STEVENS] for his speech in favor of regarding the confederacy as a *de facto* government, and that war should be carried on against it, according to the law of nations, as an independent Power established by its arms and recognized by the nations. The member from Pennsylvania, [Mr. STEVENS,] if I remember his speech on that subject, quoted Vattel in favor of his policy, which he predicated upon the idea of the independence of the southern government. Ay, and my colleague, [Mr. GARFIELD,] who is a fair debater generally, has taken the same ground as the gentleman from Pennsylvania, holding that an insurrection as formidable as this requires the laws of war to be applied as between two distinct and independent sovereignties. The men who hold that doctrine are not the men to expel another member who holds to the same doctrine.

Mr. GARFIELD. Will my colleague yield to me for a moment?

Mr. COX. With great pleasure. I would not do my colleague any injustice.

Mr. GARFIELD. My colleague does do me injustice in what he has just uttered. If he will do me the honor to read my speech on confiscation, on this particular he will find that I take most decisive ground against the position of the gentleman from Pennsylvania, and therein deny *in toto* the doctrine that these are a foreign people. On the contrary, I therein claim that they are in the Union, and that all the obligations of the Constitution overhang them. But in putting down this rebellion we have been told by the Supreme Court that we are to pursue them by the laws of war, the same as the laws between foreign nations, but not thereby admitting that they are a foreign nation.

Mr. COX. Well, I cannot understand that distinction, but I accept it, and then I ask my colleague, if he holds that the confederacy is not an independent nation, and if he thus antagonizes the position of the gentleman from Pennsylvania, why is he not in favor of expelling that gentleman for holding that doctrine and avowing it openly. Did I understand that my colleague does not follow the leader of his party in this House upon this doctrine? I pause if my colleague will favor me with a reply.

Mr. GARFIELD. I draw a most marked and broad distinction between the opinion of the distinguished gentleman from Pennsylvania and the opinions of my colleague from the second district, [Mr. LONG.] The gentleman from Pennsylvania is in favor of prosecuting the war to the uttermost to bring back these revolted States. The member from the second district of Ohio is opposed, in the first place, to all further prosecution of the war; in the second place, he holds that all compromise is impossible; and in the third place, he declares openly in favor of throwing up the white flag and acknowledging that they have conquered us and are independent, and that we will call back our armies and make no attempt, either by conference or by war, to restore the Union. There is the difference.

Mr. THAYER. I wish to make a statement. I am sure the gentleman from Ohio will not object.

Mr. COX. I will yield to the gentleman one moment.

Mr. THAYER. I simply wish to remind the gentleman from Ohio that my colleague to whom he has referred [Mr. STEVENS] is not in his seat, being detained therefrom by sickness. I think, therefore, it is better not to indulge in these remarks in regard to him in his absence.

Mr. COX. Oh! Mr. Speaker, the remarks of the distinguished gentleman from Pennsylania are as well known as his great capacity. They are printed. I will do him no injustice, but quote them here:

"It is, however, essential to ascertain what relation the seceded States bear to the United States, that we may know how to deal with them in reëstablishing the national Government. There seems to be great confusion of ideas and diversity of opinion on that subject. Some think that those States are still in the Union and entitled to the protection of the Constitution and laws of the United States, and that they, notwithstanding all they have done, may at any time, without any legislation, come back, send Senators and Representatives to Congress, and enjoy all the privileges and immunities of loyal members of the United States. That whenever those 'wayward sisters' choose to abandon their frivolities and present themselves at the door of the Union and demand admission, we must receive them with open arms, and throw over them the protecting shield of the Union, of which it is said they had never ceased to be members. Others hold that, having committed treason, renounced their allegiance to the Union, discarded its Constitution and laws, organized a distinct and hostile government, and by force of arms having risen from the condition of insurgents to the position of an independent Power *de facto*, and having been acknowledged as a belligerent both by foreign nations and our own Government, the Constitution and laws of the Union are abrogated so far as they are concerned, and that, as between the two belligerents, they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best."

Again he says:

"Is the present contest to be regarded as a *public war*, and to be governed by the rules of civilized warfare, or only as a domestic insurrection, to be suppressed by criminal prosecutions before the courts of the country?"

I need not tell the House how the member from Pennsylvania answered this question. He founded upon it his argument in favor of confiscation by the laws of nations and of war. He quoted from Judge Grier to prove the war a public war, and not a domestic insurrection. He constructed an argument to show that this was not a contest with individuals, but with States—

known under the corporate name of the "confederate States." He held it to be idle to regard individuals as making war. "War is made," said he, "by chartered or corporate communities, by nations or States."

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights, it places the contending Powers on precisely the same footing as foreign nations at war with each other." * * * *

"No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the confederate States have maintained their declaration of independence by force of arms."

* * * * * * * * * *

"What, then, is the effect of this public war between these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all the obligations."

"What, then, is the effect of this public war between these belligerent, *these foreign nations?*" Foreign nations! Foreign? Why? Because not under our Constitution, but alien from it by the maintenance of their independence by force of arms. Nations? Having all the autonomy and independence of a belligerent Power in Europe. Yet for these sentiments, who had the courage to question, censure, or propose to expel the gentleman from Pennsylvania? Ah! he is a Republican, and has a dispensation from the higher powers to recognize by his logic (which my colleague unhappily followed) the existence of the South as a separate nation. He is the leader of that side of the House, and may debate without question these momentous issues. My colleague [Mr. LONG] followed him in his premises, although he drew another conclusion. The only difference was between a Democrat and an abolitionist.

Now, I ask my colleague [Mr. GARFIELD] whether he did not vote for a gentleman in Ohio for Lieutenant Governor who held the same doctrine of recognizing the southern confederacy? I refer to Lieutenant Governor Stanton, who announced that doctrine on this floor. He never was expelled for it. No one sought then to abridge his free debate. I heard his remarks. I will send them up to be read before my colleague answers the question.

Mr. GARFIELD. If the gentleman will allow me, they can as well be read afterwards.

Mr. COX. Let them be read now.

The Clerk read as follows:

"Mr. Speaker, when there were fifteen slaveholding States acknowledging allegiance to the Federal Government, and therefore having in their hands the power to protect themselves against any invasion of their rights on the part of the Federal Government, it was a matter of very little consequence whether such an amendment as that was incorporated in the Constitution or not. But the state of the country is now radically and essentially changed. Seven or eight States now deny their allegiance to this Government, have organized a separate confederacy, and have declared their independence of this Government. Whether that independence is to be maintained or not is with the future. If they shall maintain their position, and sustain the authorities there for a year or two to come, so as to show that nothing but a war of subjugation and conquest can bring them back, I, for one, am disposed to recognize that independence."—*Congressional Globe, February* 23, 1861, page 1285.

Mr. COX. I will now yield to my colleague to say whether he did not vote for that man as Lieutenant Governor of Ohio after it was known throughout the State that he thus favored the independence of this confederacy?

Mr. GARFIELD. I answer my colleague that I did not vote for that gentleman nor for any candidate on the ticket that fall, for the simple reason that I was in the Army. If I had been in Ohio I should have voted for that gentleman, and I do not excuse myself on any other ground than the simple lack of being present at the time of the election.

Now, allow me to say that there was a large class of men on both sides of the political questions of that day who in the beginning of this war felt a doubt whether it was not better to let these people alone for a time, hoping that reason might return them by delay. There were others who said "we cannot leave them alone;" and to that class belonged a number of distinguished gentlemen in the parties on both sides. That is one thing. But now, after that question has been adjudicated, after the great American people has determined on war and determined on putting down the rebellion, after three years of war have passed, and when we are almost in the hour of daylight and victory, to arise now and throw up the contest is treason.

Mr. COX. Mr. Speaker, I only asked the gentleman to answer my question, not to go off into a definition of what is treason in his judgment. I would rather take the constitutional definition of treason. I do not think my friend takes the Constitution as his authority, for he has said twice on this floor that he would overleap that Constitution. When you talk of treason, and in the same breath talk of overleaping the Constitution, you are the traitor, if there be such a traitor in this House.

Mr. GARFIELD. Will the gentleman tell me what question it is that he desires I shall answer?

Mr. COX. I do not ask the gentleman any more questions. I am satisfied with his position. It is enough that I have shown that he is not the man to vote for the expulsion of any member for expressing sentiments in favor of the recognition of this southern confederacy. It is not for him who would have voted for a man who was in favor, in advance of war, of the recognition of the southern confederacy—and who thus encouraged the rebels to proceed in their rebellion when it was in its bud—to reflect upon gentlemen on this side of the House who have voted against secession, against recognition, and in favor of sustaining the war for the Union upon the proper policy. It is not for him to censure or expel my colleague, when he has declared that he himself would in some cases overleap the Constitution.

Mr. GARFIELD. I only desire to say that my colleague misrepresents me, I presume unintentionally, when he says that I have on two distinct occasions declared my readiness to overleap the Constitution. That I may set myself and him right on that question, I will say, once for all, that I have never uttered such a sentiment. What I have uttered is this: when asked if I would, under any circumstances, override the Constitution, I said this, and this only—premising, as I believed, that the Constitution was ample enough of itself to put down this rebellion, that its powers were most capacious, and there was no need to override it—that if such a time ever should come that the powers of the Constitution were not sufficient to sustain the Union, if that impossible supposition should ever prove true, [laughter from the Democratic side of the House,] then I would say that we have a right to do our solemn duty under God and go beyond the Constitution to save the creators of the Constitution.

Mr. COX. I am informed by the members around me, and I think that the report of my colleague's remarks will show it in the Globe, that he put no condition like that he makes now. I ask gentlemen on both sides whether my colleague ever qualified his remarks by saying that it would be forever impossible in the future for the Constitution to be infringed by making war. Why make the statement of overleaping the Constitution if it be forever impossible to do it in carrying on this war?

Mr. GARFIELD. Will the gentleman allow me?

Mr. COX. Certainly.

Mr. GARFIELD. I said so in answer to the question of my colleague now upon the floor. I said so, secondly, in answer to the gentleman from Illinois, and put the same question to him. I explained it in the same way. The gentleman is at liberty to look at the manuscript, which I have not yet seen, and may quote from it.

Mr. COX. I have only the Chronicle's report of the debate of yesterday. Perhaps it is good authority for the members on the other side. I will quote from its report:

"Mr. GARFIELD then controverted his colleague's position. The issue was now made up. We should use the common weapons of war. If with these we should not succeed, he would take means, as he would against the savage who attacked himself or family. He would resort to any element of destruction, and, if necessary, he would fling all constitutional sanctions to the winds rather than lose his country."

Is there anything about "*impossible*" conditions there?

Mr. GARFIELD. "If necessary;" there is the condition.

Mr. COX. No, sir, it is not there.

Mr. GARFIELD. It is there.

Mr. COX. No, it is not there.

Mr. GARFIELD. I appeal to the Speaker whether it is not upon his lips hot and wet?

Mr. COX. That is in regard to the last sentence. [Laughter.] There is nothing about the impossibility of the Constitution proving insufficient to put down the rebellion, and in which case alone he would overleap it. Overleap an impossibility! I would like to see the performance.

Another question. I remember that my colleague, on the confiscation bill, said that he would under certain circumstances overleap the Constitution. What did he mean then by that? In that debate his language was precisely this:

"I would not break the Constitution at all, unless it should become necessary to overleap its barriers to save the Government and the Union."

Nothing about the impossibility of ever breaking the Constitution, not a word or syllable, for he contemplates its breach for certain purposes. My colleague cannot escape from the dilemma in which he is placed. And yet he undertakes to make political capital out of the speech of my colleague from the second district after such declarations! If he does not, gentlemen on that side of the House do. They are, I learn, subscribing for that speech by hundreds and thousands to distribute it for partisan purposes; and yet they have advocated the very heresies upon which they ground the present accusation, and give them circulation by sending out the speech of my colleague. I want it understood that the Republican members who have favored recognition and favored the men who favored it, are now striving to expel a member for the same license of speech which they have indulged; that at home they have favored for high offices a public character who took ground in favor of recognizing the rebellion if it should maintain itself "for a year or two." I might well ask my colleague, in view of his position, whether he did not know that those were the sentiments of Governor Stanton when he would have voted for him if he had been at home? To come to the question; was he not thus committed to the policy of dissolving the Union if the rebellion could sustain itself for a year or two? Then I ask him, how much better is he than the member whom he seeks to expel? Wherein does he differ from that member upon this subject of recognizing lawlessness? More than that; the gentleman's party in Ohio favored Benjamin Stanton for Lieutenant Governor knowing his sentiments to be similar to those attributed to my colleague. More than that; they elected a man Senator from Ohio who had uttered the same sentiments as the sentiments of that party. He is the personal and political friend of my colleague. I mean Senator WADE. I will send his remarks to the Clerk's desk to be read, that we may know who are in favor of dissolution and recognition.

The Clerk read as follows, from the Congressional Globe of the third session of the Thirty-Fourth Congress, page 25:

"But southern gentlemen stand here, and, in almost all their speeches, speak of the dissolution of the Union as an element of every argument, as though it were a peculiar condescension on their part that they permitted the Union to stand at all. If they do not feel interested in upholding this Union, if it really trenches on their rights, if it endangers their institutions to such an extent that they cannot feel secure under it, if their interests are violently assailed by means of this Union, I am not one of those who expect that they will long continue under it. *I am not one of those who would ask them to continue in such a Union. It would be doing violence to the platform of the party to which I belong.* We have adopted the old Declaration of Independence as the basis of our political movement, which declares that any people, when their Government ceases to protect their rights, when it is so subverted from the true purposes of government as to oppress them, have the right to recur to fundamental principles, and, if need be, *to destroy the Government under which they live, and to erect on its ruins another more conducive to their welfare. I hold that they have this right. I will not blame any people for exercising it, whenever they think the contingency has come.* I certainly shall be the advocate of that same doctrine whenever I find that the principles of this Government have become so oppressive to the section to which I belong that a free people ought not longer to endure it. You will not then find me backward in being the advocate of disunion; but that contingency never having come, I have never yet opened my mouth in opposition to the Union. I have never entertained a thought disloyal to this Union. But I say, for Heaven's sake, act, not talk. I am tired of this eternal din of 'dissolution of the Union' which is brought up on all occasions and thrust into our faces as though we of the North had some peculiar reasons for maintaining the Union that the southern States have not. I hope the Union will continue forever. I believe it may continue forever. I see nothing at present which I think should dissolve it; but if the gentlemen see it, I say again that they have the same interest in maintaining this Union, in my judgment, that

we of the North have. If they think they have not, be it so. *You cannot forcibly hold men in this Union;* for the attempt to do so, it seems to me, would subvert the first principles of the Government under which we live."

Mr. COX. Now, there is the broadest doctrine laid down in favor of the right of revolution and against the right of coercion. "It would be doing violence to the platform of the party to which I belong," says the Republican leader of Ohio, "to ask the South to continue in such a Union." "You cannot forcibly hold men in this Union—it would subvert the first principles of the Government." Ah! you reëlected him Senator after those avowals, and now would you expel men for the same avowals? If they are treason in a Representative what are they in a Senator?

I ask my colleague if he did not sustain that Senator? Did he not vote for him for Senator, or would he not have voted for him?

Mr. GARFIELD. I had not the pleasure of voting for the distinguished Senator from northern Ohio, but it would have given me great pleasure, and had I had that privilege I should have enjoyed it and acted upon it.

Mr. COX. Does the gentleman approve of Senator WADE's doctrine?

Mr. GARFIELD. Will the gentleman allow me a moment?

Mr. COX. With great pleasure.

Mr. GARFIELD. I wish to send to the desk to be read——

[Cries of "No!" "No!"]

Mr. COX. If it does not come out of my time I will not object. [Cries of "Well!" "Well!" and "No!" "No!"]

Mr. GARFIELD. I recall the paper.

Mr. COX. Will the gentleman indicate what it is?

Mr. GARFIELD. I will only say in reference to this colloquy that if I cannot make my part of the colloquy as I choose, I will make it when the gentleman has concluded his remarks.

Mr. COX. The gentleman can have the paper read if he pleases. I shrink from no responsibility in this debate.

Mr. GARFIELD. I desire to have read an authority which the gentleman himself I think acknowledges. It is upon the same point that has just been in debate between us, and when it is read I have only a word to say.

Mr. COX. Who is the authority?

Mr. GARFIELD. Thomas Jefferson.

The Clerk read as follows:

Mr. Jefferson, in a letter to J. B. Colvin, September 20, 1810, says:

"The question you propose, whether circumstances do not sometimes occur which make it a duty in officers of high trust to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the highest duties of a good citizen, but it is not the *highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property, and all those who are enjoying them with us; thus absolutely sacrificing the end to the means.—*Jefferson's Works*, vol. 5, p. 542.

Mr. GARFIELD. I have only to state that that paper states, more ably and more eloquently than I can, the very doctrine which I have uttered, and for which the gentleman condemns me.

Mr. COX. Now, I do not know as to the authenticity of that quotation presented by the gentleman, but if the gentleman quotes it for the purpose of vindicating the lawlessness against the United States authorities which has been rampant in that part of Ohio where he lives, just as it was prevalent in South Carolina, I doubt if Jefferson would have sanctioned such a pernicious and disorganizing practice. I know the gentleman and his party are in favor of a higher law than the Constitution, or the laws made in pursuance thereof, when, in their opinion, those laws impinge upon their consciences. But I deny all such seditious and anarchical doctrine. Notwithstanding every authority, whether it be from Jefferson, Wade, or my colleague, I deny utterly the right of any one, secessionist or abolitionist, to infract or nullify any law of the United States or any clause of its Constitution, *for any purpose*. I am in favor of the enforcement of the laws everywhere equally upon every citizen of the United States. But my colleague takes the other ground, and quotes Jefferson to sustain it. But with such a lawless programme how can he vote for the expulsion of my friend from Ohio because, as it is alleged, he maintained the same principle? How can a defender of law-breakers expel another for recognizing the breach of the very fundamental law of the Union?

But I asked my colleague a question to which he did not respond. It was whether he was in favor of the sentiments of Senator Wade in reference to the right of revolution and against coercion. He said he would have voted for him. Where does that place my colleague? In the category of my friend from Cincinnati, according to the allegation. How, then, can my colleague vote for the expulsion of a man who agrees with him and with his Senator; and who agrees with another and the principal light of the Republican party? Horace Greeley in his paper states what I will send to the Clerk to be read for the information of the gentleman.

The Clerk read the following from the New York Tribune of the 2d of March, 1861:

"We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the Declaration of Independence, that Governments derive their just powers from the consent of the governed, is sound and just; and that, if the slave States, the cotton States, or the Gulf States only, choose to form an independent nation, *they have a moral right to do so!*"

Mr. COX. Now, I ask my colleague whether he favors that doctrine of Horace Greeley? He has been hitherto very prompt to answer. I have given him every chance. He has no excuse now, and I beg my friend of the Abyssinian joke [laughter] not to interrupt him. I ask my friend if he agrees with Mr. Greeley in the doctrine which he laid down?

Mr. GARFIELD. I will say to the gentleman that I did not attend to the reading.

Mr. COX. My colleague is generally very sharp in hearing everything that falls from this side of the House.

Mr. GARFIELD. I hope my friend will not intimate in any way whatever that I am not perfectly willing to answer every question he sees fit to propound to me.

Mr. COX. I will have it read again for the benefit of my colleague, for I have respect for the opinion of my colleague.

The article was again read.

Mr. COX. I ask my colleague whether he believes in that "moral right of the Gulf or cotton States to make an independent nation?"

Mr. GARFIELD. I am perfectly willing to answer the gentleman, if he will proceed with his own remarks, and I can then get the floor. I would prefer to answer him categorically then.

Mr. COX. I will give the gentleman a chance to answer as I go along. It is so much more interesting. I like that dramatic and vivacious form of debate. My colleague is so apt and ready in debate.

Mr. GARFIELD. I prefer to wait until the gentleman is through.

Mr. COX. I am afraid people will draw a wrong conclusion from my colleague's refusal to answer. He may not get a chance to answer today. But as he seems unwilling, I ask the privilege of printing a few more extracts from the great editorial light of his party, Mr. Greeley, in reference to letting the southern States go. Nobody ever attempted to expel him out of the Republican party for such sentiments.

"If the cotton States shall become satisfied that they can do better out of the Union than in it, we insist on the letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless." * * *

"We must ever resist the right of any State to remain in the Union and nullify or defy the laws thereof. To withdraw from the Union is quite another matter; whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to another by bayonets."—*Tribune of November* 9, 1860.

"If the cotton States unitedly and earnestly wish to withdraw peacefully from the Union, we think they should and would be allowed to do so. Any attempt to compel them by force to remain would be contrary to the principles enunciated in the immortal Declaration of Independence—contrary to the fundamental ideas on which human liberty is based."—*Tribune, November* 26, 1860.

"If it (the Declaration of Independence) justified the secession from the British Empire of three million colonists in 1776, we do not see why it would not justify the secession of five million southrons from the Union in 1861." *Tribune, December* 17, 1860.

"Whenever it shall be clear that the great body of the southern people have become conclusively alienated from the Union, and anxious to escape from it, we will do our best to forward their views."—*Tribune, February* 23, 1861.

Can it be possible that such opinions have been uttered and the paper not suppressed? Can it be that members who read it approvingly, day by day, seek to expel a member of this House for copying its worst features? Why was not the Constitution "overleaped" to suppress that journal and exile its editor? Gentlemen opposite take this journal and swear by it as the gospel of emancipation and the exponent of Republican policy. They cannot get along without it. Why, then, are they so sensitive when it is alleged that a Democrat is going in the direction pointed out by their own shining beacon?

Mr. Speaker, I need not ask my colleague whether he voted for Abraham Lincoln for President. I know that he did. I do not know whether he favors Mr. Lincoln or General Frémont for the next Presidency, but I know that so far as the past is concerned he is committed to Mr. Lincoln and to his record and sentiments. I propose to have read, for the information of my colleague, an extract from a speech made by Mr. Lincoln, of Illinois, on the 14th of February, 1848, and printed by Gideon & Co. especially for circulation among such gentlemen as my colleague. Here is the extract, and to it I solicit his attention. I ask him if he approves of the doctrine. If he does, he cannot consistently vote for the expulsion of my colleague. The Clerk will read from the original and genuine document.

The Clerk read as follows, from the pamphlet:

"Any people, anywhere, being inclined and having the power, have a right to rise up and *shake off the existing Government* and form a *new one*, that suits *them* better."

Mr. COX. I may be allowed, before the Clerk reads any further, to call the attention of the distinguished Speaker to that extract. He voted for Mr. Lincoln. Nobody knows whether he is for him or not now. [Laughter.] I want to ask him whether he approves of the doctrine.

The Clerk read, as follows:

"This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing Government may choose to exercise it. *Any portion* of such people that *can*, *may* revolutionize and may make their *own* so much of the territory *as they inhabit*. More than this, *a majority* of any portion of such people may revolutionize, putting down a minority intermingled with or near about them who may oppose their movements."—*January* 10, 1848.

Mr. COX. I get no response from the Speaker. He must approve of the revolutionary sentiments of the President and be disgusted with his own resolution of expulsion. Perhaps he will move to lay his resolution upon the table, or else vote to impeach Mr. Lincoln.

Mr. COLFAX. Will the gentleman from Ohio yield to me?

Mr. COX. With the greatest pleasure.

Mr. COLFAX. In reply to the remarks of the gentleman from Ohio, I have to repeat that the gentleman from Indiana upon this side of the House does not speak in the midst of another gentleman's speech by his courtesy, liable to be stopped by him as the gentleman stopped his colleague recently. He speaks when he obtains the floor, and has no secret about his opinions in regard to any subject.

Mr. COX. Oh! Mr. Speaker, when the leading man of this House comes down from his high position to offer a resolution to expel a member who comes here by the same right that he does, he cannot escape on account of his peculiar dignity. When he descends to this floor, the common platform of us all, and condescends to mingle with us in debate, he cannot and shall not escape. Is he or is he not in favor of the doctrine laid down by the President in the extracts which have been read? That is a very simple question. You will lose no dignity, sir, by answering it now. [Laughter.] We will look upon you with pride and pleasure as the Speaker of this House if you will condescend to delight us by evincing your opinion upon that subject. I pledge myself that you shall not be interrupted.

Mr. COLFAX. In reply only to the personal remarks of the gentleman from Ohio, I say this to him: that when I appear upon this floor I do not *condescend* from that chair. The position of a member upon this floor is as exalted and responsible as the position of him who sits in that chair to administer your rules. The gentleman brings a reproach upon himself and upon his fellow-members upon this floor when he sneers at me and speaks of me, when I appear upon this

floor as the representative of my constituents, performing my duty, as *condescending*. The highest position a man can hold in this House is that of a representative of one hundred and fifty thousand people, sent here by their willing votes, and not by a mere majority of votes elected here as the Presiding Officer of this body.

Mr. COX. Mr. Speaker, I did not make any personal remarks in regard to my distinguished friend. Far be it from me to throw any stain upon him for his condescension. I admire him too much for his fairness and justice in presiding over our deliberations to reproach him. Never has he heard a word of that kind from me. But when he comes down from his exaltation to this floor and undertakes to engineer a resolution through this House for the expulsion of a brother member, he must take the consequences of the debate which he inaugurates.

Mr. COLFAX. I am willing to do so, perfectly willing.

Mr. COX. My friend does not seem now to be willing to do it. He shall not be interrupted if he answer whether he stands by Mr. Lincoln or not in these traitorous sentiments which I read from his speech. I am opposed to all such sentiments, opposed to secession, opposed to revolution, and opposed to any change of our Government, except in pursuance of the Constitution by the amendment thereof. That is the position of the members on this side. But Mr. Lincoln was elevated to the Presidency by that lawless party on the other side, knowing his sentiments to be in favor of secession and revolution, in favor of "any portion of the people that can, revolutionizing and making their own so much of the territory as they inhabit." I ask gentlemen, if my colleague deserves expulsion, does not the President deserve impeachment?

But if gentlemen say these questions are gone by, then I come to the condition of things since the war and press the question which was not answered, why did you not expel Mr. Conway last Congress? I received no reply. I now ask, why not expel the gentleman from Indiana, [Mr. JULIAN,] the colleague of the Speaker, for his speech on the homestead law, wherein he expressed sentiments which, if carried out, would bring about in the North the very convulsion and anarchy which we now unhappily have in the South.

The gentleman from Indiana, [Mr. JULIAN,] on the 18th of March, 1864, held these sentiments:

"Congress must repeal the joint resolution of last year which protects the fee of rebel landholders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this, the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then 'the red lightning of the people's wrath' must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; *and nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the Government in blasting the power of the rebels forever.*"

Now, Mr. Speaker, we on this side of the House, in our simplicity, were taught last session of Congress by a patriotic and learned member of the opposite party from Massachusetts, (Judge Thomas,) that there could be no Union without the Constitution; that there could be no war carried on except in pursuance of the Constitution; that in using the appliances for subduing the rebellion we are acting within the pale of the Constitution; that we seek domestic tranquillity alone by the sword the Constitution has placed in our hands; that in the path of war, as of peace, the Constitution is our guide and our light, the cloud by day, the pillar of fire by night; that in preserving the Union and the Constitution we vindicate in every part the indivisible Republic in its supreme law; that in seeking to change the Constitution, to break or overleap it, we become the rebels we are striving to subdue; that all our labors and sacrifices for the Union of our fathers are for the Constitution, which is its only bond; that to make this a war, with the sword in the one hand to defend the Constitution, and a hammer in the other hand to break it to pieces, is no less treasonable than secession itself; and that outside of the pale of the Constitution the whole struggle is revolutionary.

If these sentiments be true, sir—and no one will question them—why was not the gentleman from Indiana [Mr. JULIAN] expelled for the treasonable sentiments I have quoted! Why was not a similar resolution to this moved in relation to him? We on this side do not do it. We are in favor of the largest liberty of debate by the popular Representatives. We understand that the Constitution guaranties such debate. We did not disturb your Judge Conway last session for his resolutions. We did not vote for his resolutions; but you are responsible for his continuance in his position till the end of the last Congress.

If it were a reproach to the country, as our distinguished Speaker has stated, that a man should express himself here in favor of the recognition of the southern confederacy; if it dishonors and weakens us abroad and impairs our energies and discourages our efforts at home; if it were equivalent to allowing members of the Richmond congress to come here and take part in our deliberations, (as the Speaker has alleged,) why was not the expulsion of the member from Kansas proposed by him? Ah! his case was of a different hue then. It was of a darker shade then. Now you are in favor of expelling a man from our midst who was sent here by the people, because he utters the same sentiments which this side repudiates, and which one of your own side uttered last session, and which you never sought to repudiate by the grave process of expulsion.

But the Speaker did not resume his seat until he had made a fling at the Democracy of my State for supporting Mr. Vallandigham. Mr. Speaker, I took some part in the last contest for the Governorship of Ohio. I did not fully agree with the gentleman who is now in exile, as members know, in his votes on this floor, nor in regard to his peculiar views of policy or peace. I upheld sadly but firmly the sword, after it had been unsheathed, lest a worse alternative should ensue—the disunion of our beloved country.

Mr. JULIAN. Will the gentleman yield to me for a moment?

Mr. COX. Certainly.

Mr. JULIAN. The gentleman from Ohio read only a portion of a paragraph from the speech which I delivered in this House, and I wish he would allow me to have read at the desk the entire paragraph which I have marked.

Mr. COX. If the members on the other side of the House will agree to extend my time I will yield for that purpose. I will insert it in my speech when it comes to be printed. I cannot yield now, as I have very little time left.

Mr. JULIAN. It is only a brief paragraph.

Mr. COX. As I have said, I will yield if my time is extended.

Mr. WASHBURNE, of Illinois. I object to the extension of the gentleman's time.

Mr. COX. I will insert in my speech what the gentleman desires, but as the extension of my time is objected to, I cannot yield to him. The gentleman does not deny that I have quoted him fairly so far as I have gone. Did not the gentleman say that he was in favor of breaking down the Constitution to save the country?

Mr. JULIAN. It is a perversion of what I did say.

Mr. COX. I would rather have it from your own lips than from any report. Are you in favor of breaking down the Constitution?

Mr. JULIAN. I will answer the gentleman from Ohio. I said explicitly in the paragraph of my speech which I have asked the gentleman to allow to be read, that there was no necessity in the world for breaking down the Constitution in any of its parts to put down the present rebellion in the South. That is my position. I said the Constitution was made for the people, not the people for the Constitution; and that our fathers were not fools but wise men, who armed the nation with the power to crush its foes as well as to protect its friends.

Mr. COX. If that necessity existed?

Mr. JULIAN. If it were necessary to save the life of the nation to depart from the letter of the Constitution I would, as I said in my speech, blast the power of the rebellion forever by the strong hand of war.

Mr. COX. I, too, would blast the power of the rebels by the strong hand of war; but I regard the life of the nation as bound up with the Constitution, and that to blast the Constitution you blast the Government. And by destroying the Constitution you do not put an end to this war nor suppress the rebellion.

Mr. JULIAN. Let me ask the gentleman a question.

Mr. COX. Certainly.

Mr. JULIAN. I ask the gentleman whether, if the salvation of the nation's life required the violation of the letter of the Constitution, the gentleman would be willing to save the life of the nation at that cost.

Mr. COX. I regard it as utterly impossible, under God, ever to save the life of the nation by tearing out its vitals—its heart and brain. The Constitution is the frame in which the Government is enshrined. I know no other Government except that embodied in the Constitution. This is the Government which you are sworn to support; not sworn to support, sir, in a certain emergency; not sworn to destroy, if necessary to save the life of the country, but unconditionally to support at all times and in all places, as if that life were bound up with it forever. You have taken upon your soul the oath to sustain that Constitution. Now you say on certain conditions you would break your oath! What is moral treason? What is moral perjury? I do not charge these upon the gentleman; but I beg him to reconsider and call back his words.

Mr. JULIAN. Will the gentleman yield to me right here?

Mr. COX. I will, if the gentleman thinks I have done him injustice.

Mr. JULIAN. I have taken that oath, and I have asserted publicly that there is no necessity in the world for violating it. But the gentleman has not answered the interrogatory which I propounded to him. I wish him to state explicitly whether, if the life of the nation could only be saved by a violation of the Constitution, he would be willing to save it in that way. [Laughter on the Republican side of the House.]

Mr. COX. I will answer the question. I am used to laughter from that side of the House. It does not distract me, for laughter is not logic.

What is the life of the nation, sir, of which we hear so much? I know no other life of the nation except that incarnate in the written Constitution, which protects property, person, home, conscience, liberty, and life. Take away these, and there is no nation. Society is stagnant and dead. The gentleman regards liberty as the life of the nation—a sort of ill-defined liberty for black and white, I suppose. I regard the Constitution as the embodiment of constitutional freedom in this country, the very body, life, and soul of the Union. That is the Constitution of the United States. When you strike that down you strike down the life of the nation. Therefore we, on this side, have determined, in order to save the life of the Government, to save the Constitution from destruction.

Mr. JULIAN. Will the gentleman allow me to ask him another question?

Mr. COX. If the gentleman is not fully answered I will say this, THAT UNDER NO CIRCUMSTANCES CONCEIVABLE BY THE HUMAN MIND WOULD I EVER VIOLATE THAT CONSTITUTION FOR ANY PURPOSE. [Cries of "That's it!" "That's it!" from the Democratic side of the House.] As Judge Thomas has said, "I would cling to it as the bond of unity in the past, as the only practical bond of union in the future; the only land lifted above the waters, on which the ark of the Union can be moored. From that ark alone will go out the dove, blessed of the Spirit, which shall return bringing in its mouth the olive-branch of peace." To compass its destruction as a probable or possible necessity, is the very "gospel of anarchy, the philosophy of dissolution."

Mr. JULIAN. I want to ask the gentleman a question.

Several MEMBERS on the Democratic side objected.

Mr. COX. If there be any man in this Chamber who holds or utters any other sentiment in reference to the Constitution and his oath than this which I have expressed, I say to him that language has no term of reproach, and the mind no idea of detestation, adequate to express the moral leprosy and treason couched in his language and clinging to his soul. I will not designate such utterances by any harsher language in a parliamentary body.

When interrupted by the member from Indiana I was about to go a little further in answer to what the Speaker said in reference to the De-

mocracy of Ohio. Mr. Speaker, I took a part in the campaign of last year, as I said, not because I approved of the peculiar peace notions of my former colleague. It was well known in Ohio that my votes here did not always coincide with his, and that my sentiments did not agree with his altogether; but when by an arbitrary arrest, without warrant, without a fair trial, in defiance of the Constitution, in defiance of a law passed by ourselves, in defiance of English and American traditions, petitions, and bills of right, he was arrested and exiled, the Democracy of Ohio raised an issue in favor of fair trial, free speech, the immunities of personal freedom, and an honest and lawful administration of public affairs. That was our only issue. I took ground everywhere in favor of the liberty of the citizen and the integrity of the Constitution. Disagreeing always with the peculiar tenets held by him in relation to coercion, I held that he had the same right to speak for peace as the soldier to fight for it. But I will say this for him, that nowhere, here or at home, did he ever utter a sentiment or do an act looking to the recognition of the southern confederacy. He said in his place in this House, again and again, and quoted Mr. Calhoun's opinions on the Mexican war in his justification, that he would not oppose the voting of men and money to carry on this war, the responsibility for which he did not covet nor bear. But, sir, he never would consent to a peace based upon recognition. He so said in the North, and he said the same in his exile in the South.

We were defeated in Ohio on account of the issue made on the peace sentiment. I bowed to that decision. But, sir, while there are some in our party opposed to coercion and in favor of a peace indiscriminately, without regard to consequences, the great body of the Democratic people in our State and in the North have never gone beyond one conclusion; and that is, they are forever opposed to curtailing the limits of our empire by the recognition of a new nation carved out of our territory and made up of our States and people. Come war, come peace, come anything, we would bring about a restoration of the old Government, with the old order. Our determination is to follow the line of duty laid down by the distinguished Governor of New York, Horatio Seymour, to superadd to force the policy of conciliation; not to withdraw our forces from the field and yield to the South independence, but to superadd one other element of Union—kindness and Christianity. If gentlemen cannot understand how two such ideas are compatible in the same mind with each other and with patriotism, I cannot teach them. While we have been ever ready to sustain our gallant soldiers in the field by our money and our men, we have been also ready at every hour of our triumph and at every opportunity for compromise to extend an honorable amnesty to the erring; not the jugglery of the executive amnesty, based upon a proclamation of abolition which is a lie, but an amnesty which shall bring back the great body of the people South—if it be yet possible—to their old allegiance. We desire to make our victories consequential by the rehabilitation of the States as they were, and to make out of them and not out of illegitimate States—the offspring of a corrupt Executive—the old Union, one and indivisible!

This is the policy of the northern Democracy. Upon that platform we intend to contend in the November election. Whoever may be our candidate, that will be our doctrine, and you cannot (as the gentleman from Illinois [Mr. WASHBURNE] tried to do yesterday,) give it a different interpretation, because of the speech of my colleague, [Mr. LONG,] or because of the partisan attempt to expel him for the sentiments he has uttered.

We accept as our platform the integrity of the Union. Upon that platform we will never, in any emergency of this Republic, yield up this country and its Constitution to secession, and to its baleful counterpart, abolition. "Amid all the darkness, the thick darkness around us, we will cling to the single, simple, sublime issue—the Constitution, and the Union of which it is the bond; the old Union. God bless the old Union, and the wrath of the Lamb of God shrivel to their very sockets the arms lifted to destroy it; not in vengeance, but in mercy to them and to all mankind."

Mr. KELLEY. We have witnessed, to accept the language of the gentleman who has just taken his seat, [Mr. Cox,] two extraordinary spectacles this morning, for one, the earlier, of which I am deeply grateful. We have seen the Speaker of the House leave his chair and move what, in my judgment, is a very appropriate resolution of expulsion; and we have beheld a member of the House attempt to justify by indirection that which he dare not vindicate, the language and purposes of his colleague whose expulsion has been proposed. Is the gentleman in favor of the doctrines uttered yesterday afternoon by his colleague, or does he disavow any of them? In a brief passing phrase he makes a disavowal, but the remainder of the hour he gave to a justification of his treason.

Sir, he talks of 1861, and attempts to justify his colleague by raising false issues and irrelevant questions. More than a century of ordinary history intervenes between the days of which he speaks and the hour in which he makes his plea for impunity for the utterance of treason on the floor of Congress. He says that the Lieutenant Governor of Ohio, who was elected last fall, once entertained doubts of the right to coerce a State that might attempt to secede. What if he did? What has that to do with the question before the House? But where did Mr. Stanton stand and what was his attitude when he received the suffrages of so large a majority of the people of Ohio? It was on a war platform, as a friend of the vigorous prosecution of the war, as a friend of the Union, urging by voice and example the people of Ohio to sustain the Government in all its efforts to maintain its supremacy over every inch of our broad territory; and it will not do to talk of what his abstract opinions may have been three years ago, before the rebels had begun the war, any more than it would to impugn the patriotism of General Butler by referring to his votes in the Charleston convention. We were then at peace. Now we are involved in bloody war.

Sir, the question before us is a question of law. The member whose expulsion is moved has sworn and subscribed the oath I hold in my hand, and in which are these words:

"As I will answer under the pains and penalties of perjury, *I will support and defend the Constitution of the United States against all enemies, foreign and domestic; I will bear true faith and allegiance to the same;* I take this obligation freely, without any mental reservation or purpose of evasion; and I will well and faithfully discharge the duties of the office on which I am about to enter."

Sir, this test oath had not been incorporated into the law of our country in 1861, and it is under that oath that the gentleman's colleague is arraigned; nor can the plea of abstract opinions of the construction of the Constitution be raised in vindication of his treason. The whole subject is *res adjudicata*. The Supreme Court of the United States, by which the gentleman on the other side of the House used to stand, has passed upon the question. That court, in the prize cases reported in 2 Black, decided that this Government is involved in a war, a territorial war, and is required by the law of nations and by the Constitution of the United States to treat the people of the rebellious territory as alien or public enemies, or at least that the Government may elect between its belligerent powers and its sovereign powers; nay, need not elect between them, but may exercise them all in order to bring the war to a speedy and successful close.

Will not the gentleman or some of his colleagues utter a living voice and not croak from the tomb of 1861? Are there no men upon that side of the House who remember the oath they have taken, and who find a decision of the United States laws binding on their conscience? The gentleman says that his colleague speaks for himself alone. Sir, does he vote by himself and alone? Is his voice the only one that utters such sentiments? Did not the distinguished leader of his party, the gentleman from New York city, [Mr. FERNANDO WOOD,] tell us early in the session substantially what he told us yesterday, while carefully guarding himself so as to keep his expressions within the limits of the law? Did he not tell us that it was impossible to conquer an agricultural people of the numerical force of the rebels? That our war was wicked, cruel, and a waste of human life? That it could never bring an affirmative result? And are there not always a body of men ready to vote, let the question be what it may, with him who yesterday so frankly pleaded the cause of the rebels? No, he did not utter the voice of an individual. He echoed—nay, it was not an echo—he uttered more boldly than others have dared to do the key-note that guides the conduct of the ruling spirits of the Democratic party in this House and throughout the country. In his speech we find the key to that concert of action which rallies them all upon every proposition that may embarrass the Government in any of its departments. I speak of the leading and ruling minds of the other side of the House, for my eye rests upon gentlemen who often rise above party and vote with the country.

But the gentleman spoke for that solid phalanx which is the vertebræ, muscle, and nerve of the Democratic party, and gives it character throughout the country. "Our brothers," said the gentleman, [Mr. Cox,] "our brothers in the Army stand by the country, but do not approve of the Africanized policy of the Administration." Now, sir, if this be true, and all their brothers in the army are to be found among the men who voted against the Administration in the Ohio election, what I have to say of them is that they are hardly numerous enough to talk about. If the gentleman's assertion be true, there is hardly a brother apiece to the members of this House in the Army; but God only knows, certainly I do not, how many thousands of Ohio soldiers voted against the gentleman's peace doctrines and peace candidates and in favor of what he is pleased to term "the Africanized policy of the Administration." I do not think that of the soldiers of Pennsylvania you will find one in five hundred that would not be ready to brain the gentleman from the second district of Ohio if he would utter in their camps the doctrines that he uttered here and for which his colleague pleads for impunity. Gentlemen, make up the roll of your brothers in the Army who are opposed to the Administration and its policy. Parade them, that we may teach our children to know just how large a delegation the peace party has in the Army of the United States. They will call the roll as a matter of amusement as they sing "the House that Jack built," or other lullabies.

This is a fine time for gentlemen opposite to assail my distinguished colleague, [Mr. STEVENS,] who is detained at home by sickness. "When the cat is away the mice will play." [Laughter.] They have had a delicious time at the expense of my venerable colleague this morning, but I advise them to keep in their holes after he resumes his seat. It was a brave sight to see the freedom with which his arguments, or rather their perversions of his arguments, were put before the House today. Who dare associate his name with that of the traitors in arms against the Government? None with impunity when he is present; and these gentlemen would no more have dared to make their assaults on him in his presence than they would have dared attempt to scale the walls of high heaven. He pleads throughout his able argument for an earnest prosecution of the war. He founds his theory on the decision of the Supreme Court of the United States, and asks the Government to exercise all the power with which it is armed against the rebels—to treat them as "public enemies" whose lands, whose ships, whose every item of wealth, yes, whose very lives, are at the mercy of the Government of the nation against which they war. And shall he, holding doctrines so sustained by theory and absolute decision, and impelled by such patriotic purposes, have his name associated with that of one who comes before the nation and cries, "Heaven bless the traitors and curse my country," for that was substantially the prayer of the gentleman from the second district of Ohio?

As to Judge Conway's resolutions, and the tone of his speech, they found no approval on this floor. The resolutions were tabled by a vote of one in the negative, and every other voice in the House in the affirmative. I well remember the occasion; the motion was made by our lamented friend from Illinois—Lovejoy, the earnest soul. There was no voice to sympathise with them or their author. But what was Judge Conway's drift? It was that from the way the war was then dragging along, and from what he regarded as the inefficiency of the military administration, we would never conquer the South; but that if separation took place, the Union would be reestablished by the conquest northern ideas and

principles would achieve over the people of the South. He had not taken the oath that binds the gentleman from Ohio, nor had the Supreme Court then defined the character of the war, and his query was as to the best and surest means of making liberty and Union one and inseparable forever.

But what was the political action produced by his action? The Kansas Legislature, if I am correctly informed, condemned his doctrine and invited him to resign, and Judge Conway, pure man and earnest patriot as he is, will regret to the latest day of his life that influenced by any train of reasoning he had permitted himself to be brought to such a conclusion. But I again ask you to remember that what he did was done before the adoption of the test oath and before the decision by the Supreme Court in the prize cases which gave us the law for this case. Sir, it was no sudden impulse that moved the gentleman, to whom the resolution relates, to speak as he did. His purposes, when he took the oath of office as a member of this House, were what they are to-day. His convictions pledged him to act, in all things and by every vote he should give, in favor of the rebellion and against his country. Controlled by the opinions he uttered yesterday he could not give a vote that would be, in good faith, either for the maintenance of the Constitution or the support of the country. And if he lie in an unmarked grave it will be because his own fond dreams of a southern confedaracy shall never be realized. For to no northern man is that confederacy more deeply indebted than to him who proclaims to a nation that, in its service, he is willing to wear perjury as a garment, and do the daily work of a perjured man. He is in favor of recognizing the South. He is in favor of giving them their independence. He believes that we can survive if our territorial limits were reduced to their original proportions. Is this Constitution which I hold the one he swore to support? Is it in conformity with its preamble that he would surrender to an enemy at war with us half of our country and nearly half of the States? That preamble reads:

"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Was it, I ask, the Constitution of which that is the preamble that the gentleman swore to support? If it was, you will bear me witness that my language has not been unjustly harsh. Is it under the Constitution, of which section four of article four reads as follows, that he proposes to acknowledge the independence of the so-called confederate States and let them go?

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion."

Does his colleague and friend say that when he took the oath he meant to stand by and maintain the Union, preserve domestic tranquillity, and guaranty to every State a republican form of government? He disavowed the whole theory yesterday, and defended the right and fact of secession. What will he do with the infant giant, West Virginia, when he lets the rebellious States go out of the Union? Will he surrender to the rebel leaders and their tender mercies—to the men who mined the Libby prison with nine hundred Union prisoners in it, and prepared to blow it up—will he surrender to their tender mercies the people of West Virginia, and send them back to make part of the Old Dominion? What will he do with the people of Missouri who have dared to emancipate their slaves and make Missouri a free State? Shall they be compelled to leave their homes, gather up and reënslave such of their former chattels as they can, or be themselves enslaved by the despots of the man-owning oligarchy? How will he dispose of Arkansas, her new constitution, and her free people, white and black. Does the gentleman mean to hand them over to an *auto da fé*? And the people who have made the free State of Louisiana, what will he do with them? I hope he will give us a constitutional reply to these questions. His argument will reduce them all to submission to Jefferson Davis and the infernal crew who since they began this war have filled nearly a quarter of a million graves with the best and bravest of our land. Oh, can it be that the soil of any northern State gave birth to one who would crawl through the blood of his murdered brothers and beg their assassins to pardon and pity him? This is what the gentleman from the second district of Ohio has expressed his desire to do, and what he urges the men of this House to do in the name of our common country.

I will not follow him in his argument. I arose simply for the purpose of exposing the mean pettifogging of his champion on this floor, and hoping to bring from among the brave men of that side of the House some one who would avow the doctrines upon which we descant, or boldly disavow them in the name of his party.

Mr. DAWSON. In answer to that remark of my colleague I wish to say, right here, that the gentleman from Ohio was candid enough to declare in the speech referred to that he spoke for himself, and himself alone, and not for the Democratic party. That ought to be a sufficient reply to my colleague, and I trust that it is satisfactory.

While I am up I have one further remark to make. The gentleman from Ohio [Mr. GARFIELD] yesterday, in speaking of the order known as the "Knights of the Golden Circle," declared that "it was under the protection and fraternity of the Democratic party." Now, there may be such a society as the "Knights of the Golden Circle." For myself, as a Democrat, I declare I have no knowledge of any such order.

Mr. COX. Nor has anybody else on this side of the House.

Mr. DAWSON. In my intercourse with the Democratic party in Pennsylvania and everywhere else, and in my intercourse with Democratic members in this House, I have scarcely ever heard any reference made to that order. I know nothing of its being under the care and protection of the Democratic party, and I repudiate the charge in the roundest terms.

Mr. MILLER, of Pennsylvania. Mr. Speaker, I have but a word to say in reference to the question now under discussion. I have as much regard, sir, for the Constitution of the United States, and the laws made in pursuance thereof, and all the oaths here taken by me to support the provisions of that instrument, as any man upon this floor. But I rise now simply for the purpose of entering a solemn protest against the lectures upon patriotism, fidelity to oaths, and the truthfulness of members upon this side of the House, made by my colleague from Pennsylvania, [Mr. KELLEY,] who stands upon the record now in my hand with having stated upon this floor an utter and deliberate falsehood. He is not the man to talk about perjury. He is not the man to talk about fidelity to oaths. He is not the man to talk about candor and truthfulness.

I am not here, Mr. Speaker, for the purpose of indorsing the sentiments of the gentleman whose name is now so prominently before the House. I disagree with many sentiments uttered by that gentleman. But it ill becomes my colleague, and it ill becomes the members on the other side of the House, to be so sensitive of the faithful discharge of their duty under the oaths they have taken. For I remember who, on the 4th of March, 1861, before high Heaven, and with uplifted hand, swore to maintain, support, and preserve inviolate the Constitution of the United States. It was the only oath he was required to take. We have had Mr. Lincoln himself in the exercise of his discretion pushing that sacred instrument aside. Power was never given him to say that, under certain circumstances, the Constitution should be suspended. That is the doctrine of the gentlemen on the other side. With them the Constitution is pliable, and can be made to bend whenever it is required to bring it down to the level of their views. That is the prime feature of their creed, and that doctrine has pervaded the entire legislation of the present Congress. It has no basis other than that of prejudice and fanaticism.

Now, sir, I cannot be drawn into this discussion. I cannot be induced to indorse all the sentiments uttered by the gentleman from Ohio, [Mr. LONG.] But if the other side of the House are so sensitive upon the subject of a faithful discharge of duty, of fidelity to the obligations we were required to take when we came to occupy seats upon this floor, why did they not commence one year ago?

I made an allegation in regard to my colleague, and I presume it is of so serious a nature that, though he may consider me personally worthy of no notice, the question under consideration is one which he cannot entirely afford to disregard. He said the other day that my lamented father had congratulated him upon his success over the ruin of broken pledges, and upon his having obtained a majority of ten thousand votes as an indorsement of the breaking of that pledge, when my father had been in his grave for fourteen months.

I have said this much in defense of the memory of a man whose memory that man should have respected, and not have had him figuring here upon this floor as an indorser of that which he, during his whole life, long despised.

Mr. KELLEY. My colleague has not startled me nor my friends around me by the announcement he has made. If he has surprised us, it is by the length of time it seems to have taken him to discover the fact that in speaking of his father as having lived to 1851, I had mistaken one man for another. Yet while in my direct assertion I was not accurate, my statement was substantially true.

I am sorry to be dragged thus personally before the House, but the affection borne me by my colleague and one or two of his associates will occasionally give me prominence. He has opened somewhat of a story, for even he shall not by innuendo lead any man to believe that "a would-be traitor" is a proper epitaph for his father, the late Jesse Miller, of Pennsylvania. I ought to speak respectfully and affectionately of that lamented gentleman, for he was my friend through a long series of eventful years. He was secretary of State to Francis R. Shunk, Governor of Pennsylvania, who was elected to that office in the autumn of 1844. Governor Shunk's administration did me the honor, young as I then was, especially in my profession, for I had been in the workshop until twenty-five years of age, to make me assistant attorney general, as will appear by the records of the courts of Philadelphia and the archives of the State.

The secretary of the Commonwealth was my valued friend. During that administration I ceased, by resignation, on the incoming of Hon. John M. Read as attorney general, to be assistant attorney general. I remained out of office about four months, when by the solicitation of the administration I resumed its duties, and at the end of a few months, without intimation to me, that same administration, Jesse Miller being of its councils, appointed me judge of the court of common pleas of Philadelphia.

During all the period to which I refer and until his death there was an intimacy between that gentleman and myself, I may almost say as close and as affectionate as between his son and him. The great struggle now upon us is but the result of what had been going on within the bosom of and around that administration. The slavery question was then doing the terrible work which was to result in this rebellion. Governor Shunk and his cabinet and friends rallied around him who was then the brave young spirit of our Keystone State, David Wilmot. They sustained him in the matter of the proviso, while James Buchanan and those who adhered to him, opposing the State administration, strove to bring Pennsylvania to the feet of the slave power by committing her in public meetings, in State conventions, and through the Legislature, to the extension of the Missouri line to whatever might be or become the western boundary of the country.

In all the councils held upon that subject the gentleman's father and I were in unity, and every man surviving the administration of Francis R. Shunk, who was living at the last presidential election voted for Abraham Lincoln. They are all of the Republican party to-day; they are all of the party, and my colleague will admit the fact.

Mr. JOHNSON, of Pennsylvania. Will my colleague allow me to set him right? He is certainly mistaken. The chief clerk in the office of the secretary of the Commonwealth——

Mr. KELLEY. I do not pretend to say but what there may be some messengers or other very subordinate officers who do not belong to the Republican party.

Mr. JOHNSON, of Pennsylvania. Who are the officers of that administration but the secretary of the Commonwealth and his assistants?

Mr. MILLER, of Pennsylvania. Who of the administration to which the gentleman refers was alive on the day that Abraham Lincoln was elected?

Mr. KELLEY. Benjamin Champney; and he this day is a Republican.

Mr. MILLER, of Pennsylvania. Is that all?

Mr. KELLEY. John Laporte was living at that time.

Mr. MILLER, of Pennsylvania. He did not vote at that election. He was sick in his bed.

Mr. KELLEY. I do not know how that may have been; but I do know that a more earnest and laborious Republican the State of Pennsylvania did not contain. It may be possible that he was unable to be carried to the polls on that election day. Will the gentleman deny that he was a leader of the Republicans?

Mr. MILLER, of Pennsylvania. I do not hesitate to say that he did coöperate with the Republican party this latter day of his life. My object is simply now to state this to the gentleman, which he knows fully as well as myself, that with that exception, and one other to which he has referred, there is not a vestige left, and was not on the day of Mr. Lincoln's election, of Governor Shunk's administration. And when he undertakes to invoke the spirit of that great man as an indorsement of the principles he is advocating here to-day, he is doing injustice to the memory of a man who was a patriot and a supporter of the Constitution.

Mr. KELLEY. The gentleman's earlier reference was not to 1860. The vile spawn of Robert Tyler that he brought before the House relates to 1851. There were a good many members of that administration alive then; and all who were alive were my friends in that contest. My colleague even will not dispute this. Hon. John K. Kane, who had first called me to the office of assistant attorney general, was especially my warm friend. I say this while he has sons, one of them being Brigadier General T. L. Kane, who can confirm or contradict it. Hon. John M. Read and Hon. John M. Purviance, who are also survivors of Governor Shunk's cabinet, are, like their former colleagues, war men, and voted for Mr. Lincoln. Under the excitement of debate, remembering the whole mass of things; remembering the long years of intercourse and correspondence, of friendly and social intercourse; remembering that in all that time no division line had parted Mr. Miller and myself, I confounded him with Hon. John Laporte, and so made the mistake. But I affirm that did Jesse Miller live to-day he would be, as every surviving member of that administration is, for the war and the Government. My colleague proves the fact that other hereditary qualities than gout skip a generation in the line of descent. His father was a man of intellect and principle, and would have been on the side of his country in this season of her trial had he lived.

Mr. J. C. ALLEN. Mr. Speaker, I was absent from the House on yesterday when the gentleman from Ohio [Mr. LONG] made the speech to which allusion has been made to-day. I know not what he said, nor what his speech contained; but I confess, sir, I was somewhat surprised this morning, after the organization of the House, to see the Speaker descend from his chair to the floor and offer a resolution to expel a member of this House for words spoken in debate. I know of no parallel case in the history of our Government. I had imagined that, under our Constitution, Representatives upon this floor had a right to express their opinions upon any public question that might be under discussion here. It is a right which I believe has not been seriously questioned until now.

But, sir, perhaps I ought not to have been surprised, perhaps I ought to have been prepared for this, since the spirit of revolution is abroad and political and social systems are stirred to their foundations. It is, in such times, perhaps not strange that members of this House may not be permitted to express their honest opinions when those opinions happen to conflict with those of the majority here; perhaps I ought not to be surprised that a motion should be made immediately for the expulsion of the member.

Sir, I do not commit myself to anything which the gentleman from Ohio said in his speech yesterday, for I know not what he did say save from what has been developed in this discussion. If he proclaimed his readiness to acknowledge the independence of the so-called southern confederacy, in that he expressed a sentiment from which I dissent, one that I do not now feel and never have felt. But if that is his honest sentiment and conviction I take it that he had a right to express it as a member upon this floor; and when we arrive at the point when members upon this floor are not permitted thus to express their opinions we shall have reached a point when the majority of this House will have become tyrants and can crush out all opposition in spite of the Constitution, in spite of law, and in spite of the rules of this deliberative body.

Sir, I was no advocate of the secession of the southern States; I am not to-day, nor am I willing or ready to admit their independence; but if gentlemen honestly entertain different opinions they have a right to express them, and if in expressing them they are in conflict with the opinions of their constituents, their constituents will change their representatives and remedy the injustice done to them by a legal and constitutional method.

I believe that the resolution of the gentleman from Indiana [Mr. COLFAX] is based upon the ground that the speech of the gentleman from Ohio gives aid and encouragement to the enemy. Well, sir, that may be so, and yet an act which violates the privileges of a member upon this floor will also be calculated to give aid and comfort to the enemies of the Government, since they will see in it that revolutionary spirit which portends the overthrow of the constitutional liberties not only of members of Congress, but of the people of the northern States. Suppose his remarks are calculated to give aid and comfort to the enemies of our Government, to the rebels in arms against it, are we for that reason by a resolution to exclude him from this House in contempt of its rules, in contempt of his constitutional rights and the constitutional rights of his constituents? By so doing we bring into contempt to that extent the Constitution, the rules of the House, and the law by which he holds a seat upon this floor. We surrender up these constitutional guarantees and place ourselves at the mercy of a remorseless majority, who would override the rules of the House, override the Constitution, and wreak their vengeance on members of the Opposition on this floor.

They say that the declarations of the gentleman from Ohio are in violation of his obligations under the oath which he has taken when he took his seat on this floor, and that in that way he gives aid and comfort to the enemies of the country. If a discussion of constitutional obligations is calculated to give aid and comfort to the enemies of the country, there are others in high places who, during this Administration, have been giving aid and comfort to the enemy—others, too, who had bound themselves by solemn oaths to observe the Constitution and preserve the rights of the States. When the President of the United States took the oath of office, he took upon himself the obligation to administer the law and to execute it in the spirit and according to the letter of the Constitution. Let us see whether he has not, not only in one instance by a public expression, but by an official act, violated not merely the letter but the spirit of the Constitution, and thus given aid and comfort to the enemy.

When the President of the United States took that oath of office he pledged himself to the country that all the rights which pertain to the United States should be respected by him. He bound himself under the solemn obligations of an oath thus to execute his official trust. But under the plea of public necessity he has, once and again, violated the letter and the spirit of the Constitution; yet the gentlemen who are so tender on this subject have not submitted resolutions of censure against him. He violated a provision of the Constitution by suspending the writ of *habeas corpus*. He violated the Constitution by suspending that writ in the States that were not in insurrection or invasion, and where the public necessity did not demand its suspension. He violated his oath when he declared all the States of the Union under martial law, putting them in a position where he placed it out of the power of the courts when applied to by a victim of malice to issue their writ and inquire into the cause of his commitment. In doing this he gave aid and comfort to the rebellion. He violated it when he took away from the citizens another constitutional right, which declares that no person shall be punished except upon presentment and indictment by a grand jury, and upon trial in open court before a jury of the country. And thus he gave aid and comfort to the enemies of the Republic.

Is it said that these acts were all necessary? How necessary? When was it that your juries in New England and in the northern States were either incompetent or unwilling to discharge the functions of their office? When was it, in New England or in the northern States, that the course of justice was impeded either by insurrection or invasion? Not certainly during the history of this rebellion. If, then, the courts were open, if the judges were willing and able to administer justice, was there any necessity for the President of the United States thus attempting to render the military power independent of and superior to the civil power? In doing this did he not give aid and comfort to the enemy, showing them that he, in the highest seat of power, was disregarding his constitutional rights as a citizen in thus declaring martial law and closing the courts to those who were charged with crime?

The President has thus, in my judgment, violated his constitutional obligations, and yet gentlemen are as silent as the grave on these acts of usurpation on his part. It is not until a humble member of the House, in the exercise of what has been conceded to be his right as a member on this floor, addresses the Committee of the Whole on public questions that the fears and jealousies of that side of the House are so suddenly aroused. The President of the United States not only struck down the writ of *habeas corpus*, leaving the victims of jealousy or hate to be imprisoned for months and years, but he took away the old right of trial by jury. He took away the presentment and the indictment and the safeguards which the courts of the country throw around those charged with crime. For the warrant of a magistrate he substituted the mandate of a provost marshal; for presentment or indictment by a grand jury he substituted the specifications of a judge advocate; for the jury of his country he gave the accused a military court; and for a speedy public trial in the State or district where the offense was charged to have been committed he substituted a long imprisonment, without the accused being informed of the charge on which he was arrested or the cause of his imprisonment.

Gentlemen talk about the free expression of opinion. They tell us the utterances of the gentleman from Ohio were treasonable, according to their opinion, and their indignation has been aroused to such an extent that they cannot wait to have the Journal of yesterday's proceedings read to the House. Immediately we met, the Speaker comes down from his position as Presiding Officer, comes down upon this floor and here offers a resolution for the expulsion of the gentleman from Ohio for words used in debate. I remarked that there was a spirit of revolution abroad. It has manifested itself most unmistakably here to-day. These gentlemen would exclude a member of this House from his seat upon this floor for the expression of his sentiments. When this proscription has once commenced who can tell where the ax will next fall? I do not know but the ax may fall upon me, devoted as I have always been to this Government and anxious for its success. While I hate the rebellion, sir, I also love the Constitution. I love it because it covers the citizen, high or low, with its panoply of strength and security, against any infringement of his rights. It is because I love it on that ground that I declare my intention to set my face against those whose acts look toward revolution, come they in whatever shape they may. I cannot be mistaken in reference to the right of this House, that we have no right to expel a member for the expression of his opinions in this House on public questions. To concede that we have any such power would enable any Administration when they had the majority to expel the members of either branch of Congress who happen to differ from it in political sentiment. Now, without indorsing the views expressed by the gentleman from Ohio—indeed I do not know what they are, for I was not present when he made his

speech, and I have not even seen the meager report which I have been told by gentlemen may be found in the morning papers—without, therefore, indorsing the views of the gentleman from Ohio, I enter my solemn protest against the passage of the resolution for his expulsion now pending before the House.

Mr. GARFIELD. Mr. Speaker, I shall detain the House but a few moments; I would not speak at this time but that I promised my colleague [Mr. Cox] that when he concluded I would answer the categorical questions he put to me. I will take but a moment to respond to those questions, and then direct my remarks to the resolution itself.

Mr. GRIDER. I would remind the gentleman from Ohio that his colleague does not appear to be in his seat.

Mr. GARFIELD. My colleague is here.

Mr. COX. Here I am.

Mr. GARFIELD. Mr. Speaker, this is a part of the tactics employed this morning to turn the mind of the House aside from the issue in debate. A resolution has been introduced here, in solemn form of law, to expel a member from his seat upon this floor, and the first effort in opposition has been to rake up the history of men not here and men not belonging to this House to find what they have said or written on certain occasions. Gentlemen have been called up and catechised as to their opinions of these sentiments. We have been carried away into the individual quarrels of Pennsylvania and of other States. We have been drawn into a general running debate on the opinions of men here, there, and everywhere throughout this country. I desire to call the House back to the proposition before it, and I tell the gentlemen on the other side that they must meet the issue. We intend to compel an expression of opinion in the solemn form of a vote on the proposition whether gentlemen are in favor of sustaining the Representative from the second district of Ohio who expressed the sentiments yesterday which called forth this resolution, and will vote that he shall retain his place in this House. We will let their votes rather than their opinions answer. But I have promised to answer three questions, and I will do so before I proceed to the argument. My colleague first quoted from the speech of Senator WADE, and I was asked if I agreed to its sentiments. His next quotations were from Mr. Greeley, and I was asked the same question. His third was from the message of the President of the United States, and the question was repeated. My colleague said that those three gentlemen advocated the right of revolution, "which," says he "I hold to be the same as the right of secession, and I *in toto* deny both the right of secession and the right of revolution."

Mr. COX. I never denied the right of revolution generally. I denied the right of revolution in this country under our peculiar form of Government, where our Constitution can be amended. I denied the doctrine referred to in the President's message.

I hold that no revolution is justifiable except for grave grievances, and which these men South have never had; and unless, in the second place, there is a reasonable probability of a successful termination of their insurrection. And in that view I stand against the right of revolution as practiced by these men South, just as I stood against the right of revolution practiced by the abolitionists on the Western Reserve, when they sought to override the authority of the United States there.

Mr. GARFIELD. The gentleman may put on all the qualifications he desires. I will not hold him to the strict and unlimited utterances which he made here, if he disavows them. But I am a little amused at his attempt to draw the line between a general right of revolution and a particular right of revolution. He admits that generally peoples have the right of revolution, but he says that in this country they have no such right. I had supposed that the people of this country had the same rights that belong to human nature generally. It was well expressed by Jefferson in the Declaration of Independence. He bases the American Revolution on that right, and claims it as the inherent right of people everywhere.

I think that single statement clears up all the questions of the gentleman in reference to the three persons I have named. As American statesmen they clearly admit, and have always admitted, the right of revolution. And I say to-day that if the State of Ohio can successfully rebel against the Government of the United States and throw off her allegiance to it, and maintain herself in that declaration, she becomes an independent nation.

This is the right of revolution; but the right of secession is as wide from that as light from darkness. Secession is proposed to be a constitutional right growing out of State rights; it is proposed that States are sovereign, and that in their sovereign capacity they entered into a compact which, having no common superior to sit as umpire, each State can break at will; hence nullification, secession, utter annihilation of the General Government follows as a necessary result. Between that and the right of revolution the difference is so great that no man with half a brain can fail to see and appreciate it.

But now I turn to the resolution before the House. It is the expulsion of a member from his seat here for words spoken in debate. And I grant you at the first view of the case the right of free speech would seem to be decisive in his favor, and against the resolution. The right to say in debate what is in his heart would, without any counterbalancing reason, be supreme, and sufficient to acquit him, and to reject this resolution.

But, Mr. Speaker, the question of right and of duty in human affairs is a relative one. What might have been said with propriety and with loyalty three years ago cannot be said with propriety and loyalty to-day. Truth, as a gentleman near me says, is eternal; but I answer him that man is finite, the conditions of humanity are finite and changeful as the varied circumstances and events of life. If I owned a house and should make a rule that no man with nails in the heels of his boots should enter it I would seem to be unreasonable, and if other parties had some right to enter the house I would be a tyrant and usurper in keeping them out by such a rule; but when I convert my house into a powder magazine then the necessity for the safety of myself and my property makes it not only proper but my right and duty to make and enforce such a rule.

Who does not admit that the existence of war in this country has greatly limited and restricted individual rights? Five years ago I might have traveled at will from one end of the Union to the other. Will it be called tyranny now because I must apply to some provost marshal for permission to cross some river or to enter some village in the territory of the United States? These rules are the inevitable necessities of war. These are proper and just beyond question.

When this struggle was opening, men might well doubt, as they did, what line of policy we should adopt and follow, and express those doubts, but when at last the nation had settled its policy, decided upon war, and entered the field in pursuance of its plan, all the moralities and legalities of free speech were strikingly modified by that decision.

I may justly vote against a declaration of war, though all my compeers oppose me. But when war is once declared, the enemies of my country are my enemies, intercourse with them is illegal, to aid and abet them is treason, even though I was opposed to the war and its cause. This is the law of nations and the law of war.

This nation has been solemnly declared in a state of war, a class of citizens have been declared its enemies, and for three years we have proceeded upon that declaration. We have legislated and fought on that condition, and the utterance of yesterday is a very different thing from what the same sentiment would have been three years ago. This House has committed itself in many ways, by votes almost unanimous, to the work of putting down the rebellion. We are not only a nation with an Army in the field, but a nation fighting. Every citizen, in whatever capacity he may at present be serving, is in some sense a soldier.

Suppose we were in fact soldiers in the presence of the enemy; suppose his lines of bayonets and his hostile banners were in sight; and suppose in the very moment when our plans of battle were matured, and the movement about to begin, some one of our number should inform the enemy that there was division in our camp, and we could not conquer; suppose that one should himself throw down his arms, refuse to fight, and exhort his fellow-soldiers to follow his example. By the laws of war, as old as Sesostris, that man would be shot without trial.

Now, sir, although we are not in the field as enlisted soldiers, yet we are as a nation, and especially as the Congress of the nation, in the field and in the presence of the enemy. The campaign is about opening; and we are only waiting for the next flash across the wires to tell us where the signal of battle will sound. The very silence of the telegrams this morning indicates that the work may have begun to-day. And now, at such a moment, there rises in our camp a man who, having recorded his oath that he has never given aid and comfort to the rebellion—which oath, though retrospective in terms, yet in its spirit and meaning is prospective—that man rises in his place and throws up the white flag in token of surrender; that man rises in his place and refuses to fight, and exhorts others to follow his example; that man rises in his place and declares against the possibility or the policy or the justice of prosecuting the war to a successful termination. We are actually in the field; the justice of law and judgment of mankind would order him shot. Dare we do less than to expel him from this place?

He has said no less than Jefferson Davis would say were he here to-day; there is nothing that should be added to his speech to make Davis's opinion perfect and complete in its expression, except that Davis fears that the rebellion will fail; my colleague does not. If I would vote to retain him in his seat, I would vote to admit Davis to a seat beside him. If there be anything in the whole scope of human action that can aid, abet, and give comfort and encouragement to the enemy, the speech of my colleague is that thing.

What hope have the rebels? They know that our armies are superior to theirs; they know that we have gained steadily upon them; they know that we have pushed them beyond the great mountain wall; they know that we have crowded them back from the great river, and cut their territory in twain; they know that our Navy encircles and blockades their coast; they know that the campaign now opening must be decisive unless—unless what? Unless their one last hope shall be realized, that there will be division in our councils, and that enemies will arise along our lines to break our strength and force us to give up the contest. Their emissaries are at work through the Knights of the Golden Circle. The riots in New York were led by rebel emissaries from the South, assisted by the rebel sympathizers who live among us. They are at work in Illinois, where they collected and secreted arms with which to shoot down soldiers in the streets; they are at work in Indiana, where their footsteps are marked with the blood of citizens; they are at work in my own State, both in convention and in bloody riots.

Mr. EDEN. Will the gentleman from Ohio yield to me?

Mr. GARFIELD. I cannot yield now.

Mr. HOLMAN. I rise to a personal explanation.

Mr. GARFIELD. I cannot yield now.

Mr. EDEN. I merely wish to say that the gentleman's statement in regard to Illinois is not true.

Mr. GARFIELD. These are means, Mr. Speaker, which they are now using in coöperation with the rebels in arms. Beyond doubt there is a correspondence and understanding between rebel officers in the field and leading rebel politicians in the North; they understand each other's movements, and assist each other by giving and receiving information.

If we are resolved to put down the rebellion we must strike it where its vitality and power of resistance reside. And first of all we must strike it in this Chamber where yesterday, for the first time since the seats of the southern members were vacated, open and avowed treason was uttered, not in the heat of debate, but written, conned over, committed to memory, and pronounced calmly and deliberately.

I refuse to be led aside by the inquiry whether he expressed the views of the Democratic party or not. I challenge gentlemen to meet the question on its own merits, not for the Democratic party, but for the country, and against the guilty man himself. It is he whom we arraign in this resolution. It is a solemn proposition, and no evasion or side issues will avail.

We ask gentlemen to meet the issue. If they

indorse the doctrine promulgated by my colleague, [Mr. LONG,] if they believe that its utterance here is not "aiding and abetting" the enemies of the country, let them vote against expulsion. I regret that some patriotic gentleman on that side of the Chamber did not move the resolution. I regret that they did not themselves feel it their duty to remove this foul blot from their party escutcheon.

In conclusion, Mr. Speaker, let me say that this contest has risen above parties and above men. It is a conflict in which are involved the destiny of the present and the hopes of future generations. We fight not for to-day alone, but for the grand future of this great nation. The battle-field is spread out before us; the armies are upon it; but there are armies besides those that carry bayonets. On one side are gathered the invisible legions of evil, while on the other are the benign angels that watch over the better destiny of man. We can almost hear a voice from heaven summoning these powers to the conflict, saying to the one:

"Gather you, gather you, hounds of hell,
Famine, and plague, and war;
Slavery, tyranny, cant, and misrule,
Gather, and fall in the snare!
Hireling sand mammonites, pedants and knaves,
Crawl to the battle-field, sneak to your graves,
In the day of the Lord at hand."

And to the other:

"Gather you, gather you, angels of God;
Freedom, and mercy, and truth
Come, for the earth has grown coward and old;
Come down and renew us her youth.
Wisdom, self-sacrifice, daring, and love,
Haste to the battle-field, stoop from above,
To the day of the Lord at hand."

Let us see to it that we are worthy of that "day of the Lord."

Mr. HARRIS, of Maryland. I came late into the House, and have not had the opportunity of listening to the greater portion of the debate on this resolution. But, sir, I listened yesterday to the language which fell from my friend from Ohio, [Mr. LONG,] and I indorsed every sentiment that he uttered. And I deem it my duty, though others may quake, though others may shrink from his side, to indorse here every sentiment that he uttered.

Mr. MALLORY. Will my friend from Maryland yield to me for a moment to enable me to inquire of the gentleman from Indiana whether it is his purpose to press a vote upon this resolution to-day?

Mr. COLFAX. It is not. It is my wish to allow reasonable time for debate and time for consideration. If the gentleman will allow me I will say that I offered that resolution, not as a matter of pleasure, but as a matter of duty. I desire every gentleman to calmly consider the whole question before he comes to a vote upon it, and I shall not, therefore, call the previous question upon it to-day.

Mr. MALLORY. My object in making the inquiry was this: I am very unwell to-day, hardly able to be in my seat. I desire to be heard upon this resolution before the vote is taken upon it. I wished, therefore, to know whether it was proposed to press the resolution to a vote to-day.

Mr. COLFAX. That is not my purpose.

Mr. KELLOGG, of Michigan. If the gentleman will allow me, I wish to say that as this is a question which requires consideration, and as I presume many gentlemen desire to speak upon it, I hope it will be as soon as possible postponed until some day next week, and that we shall have a chance to proceed with the regular order of business for to-day.

Several MEMBERS expressed dissent.

Mr. KELLOGG, of Michigan. We cannot have a vote to-day.

Mr. HARRIS, of Maryland. Mr. Speaker, I shall not detain the House very long. But, sir, I could not sit here and see an attempt made to tyrannize over one who entertains sentiments which I did not know he entertained until yesterday, but sentiments which I have long entertained, and entertaining I intend to stand by his side for weal or for woe.

Sir, when the honorable gentleman from Ohio [Mr. GARFIELD] replied to his colleague from Ohio who first spoke [Mr. LONG] he said that he had the courage of a lion, that he had the courage to face the cannon and the rifle. It was a compliment to my friend, but no compliment to this House, the intolerance of which has made it a necessity for my friend in speaking his honest sentiments in debate to have the courage to face these implements of war.

Another thing which the gentleman from Ohio [Mr. GARFIELD] avowed led me to suppose that he would not be found in support of such a resolution as this was, that he believed his colleague [Mr. LONG] sincerely and honestly entertained these sentiments.

Now, I would like to know what the reason is, when a man gets up here and avows his sentiments upon a question of public policy, upon a measure which would, in his mode of thinking, lead to a termination of this disastrous war, one of the only modes by which it can terminate, and does it in sincerity, that he is to be denounced as having spoken treason, that he designed treason, and at the same time avow the belief that he was sincere and honest in his statement? Sir, I am willing to go with my friend anywhere you choose to send him upon such an issue. If there is any honesty in any party in this country they will defend us, they will protect us, they will rise like a hurricane and sweep away the vermin race of politicians that are preying upon the very vitals of American liberty.

But, speaking upon the issues before the country. What is the issue? Is not peace an issue? Cannot a man protest against carrying on or favoring a war to the extermination of a whole race of people? Cannot a man get up and say, we do not admire your tactics; we would rather have peace than such a war; we think it is better peace should come; it will save the lives of our people on both sides; it will save the money of the men who are now oppressed with heavy burdens of taxation to carry on this war? Cannot a man say it is better to have peace than war, and especially when he brings authority to show that the position he takes is sustained by the ablest men, by men who advocated your own principles, by men, sir, who governed this country? When the gentleman from Ohio brings here the opinions of such men to back him up, you say that he must discard all such opinions. Why, not one of you, yes, sir, not one of you can be called a fifth-rate man compared with those from whom the honorable gentleman quoted yesterday. [Laughter.]

Mr. GARFIELD rose.

Mr. HARRIS, of Maryland. No, sir, I cannot yield to the gentleman at this time.

Mr. Speaker, when I came here at this session of Congress I was solitary and alone. I could not say for some time whether anybody sympathized with me; I felt myself solitary and alone. Those who were here around me were war Democrats. They never invited me to their caucus. Those I knew would never let me go into their caucus, and I never intended to apply. I would starve among them. I am a peace man, a radical peace man; and I am for peace by the recognition of the South, for the recognition of the southern confederacy; and I am for acquiescence in the doctrine of secession. [Sensation and laughter.] Laugh as you may, you have got to come to it. I thought I was alone. I began to take the advice of Cato to his son,

"When vice prevails and impious men bear sway,
The post of honor is a private station."

I felt like giving up my seat and leaving this place. I stood here solitary and alone on this floor; but now, thank God! there is another soul saved. [Laughter.] I feel that we can baptize my honorable friend from Ohio, [Mr. LONG,] and I am glad to have such able aid. I shall not go home now. When Cato gave that advice he had fought his last battle, and had yielded to the fortunes and ambition of Julius Cæsar, great as he was. He was about to take a victory over himself by a Roman's death, because he saw his cause was hopeless. Not so ours. I feel yet there is a hope in this House. I feel through the rustling of the winds there is a tornado coming that will sweep away the present majority from power and give it into the hands of men who will settle the affairs of this country; men who have something like humanity; men who have regard for the principles of our forefathers. Ay, I recollect how my blood curdled when I heard the discussion on the confiscation bill. The gentleman from Ohio [Mr. GARFIELD] said, let them be expatriated like the Tories of the Revolution. The Tories of the Revolution had the mother country to run to, and were protected there. But where would the gentleman send those whom he would expatriate from the South, as gallant and noble a race as ever walked upon the earth; noble in everything that constitutes men of honor and men of principle—gentlemen? Sir, you would expatriate those people, their wives and children, and send them among strangers to starve. Another member from Ohio, [Mr. SPALDING,] was not only for confiscating their property in fee; he, sir, went through the catalogue. He was for confiscation, he was for expatriation, and he was for extermination. [Laughter.] He emphasized every syllable of that word; and when he did so, I looked at his countenance, and I felt as if I were in a den of hyenas.

I am not here for war, and will not be here for war, so long as I have a heart humane and Christian, when war is carried on upon such principles. No, sir, war never did and never will bring your Union together in such manner as to be worth one cent. I am for peace, and I am for Union, too. I am as good a Union man as any of you. [Laughter.] I am a better Union man than any of you. [Great laughter.] I am a Union man, and have thrown up my head—no, I have not lost that yet—I have thrown up my hat for the cause of the Union, and cheered at its success. I felt as anxious for its success as any man upon this floor. I look upon war as disunion. I look upon continued war as actually keeping off the Union to a still later period, and I scarcely believe that peace would accomplish a Union. And surely, if anything will, it is that sweet angel of peace. She may unite the cords which have been severed by the hand of war, and may tie them more tightly together than ever before; but if we are to have dissolution, in the name of God let us have it. Let us have it, and instead of having one great consolidated Government, one imperious Government, one splendid Government, let us at least have on this continent two happy Governments. But, as I said before, I look to peace as the harbinger of the Union, if there is any harbinger for it.

But, sir, I am a slaveholder. That is to say, I was until Ben. Butler stole my slaves all away. [Laughter.] As an old Democrat, I used to admire him very much; but of course I have not much admiration for him now. His course only shows what he always was. I am a slaveholder, and I have sat here patiently hearing you insult me every day with your assertions that slavery was a sin and the sum of all villainies; for I do not consider that a man can participate in the sum of all villainies without being himself a villain. I have borne all these things, and I have looked upon you as frantic upon the subject. I have really compassionated you. [Laughter.] Now, sir, if slavery is a sin, I am willing to bear the reproach. But as you refer me to God Almighty for my title, I can show you that it is sanctioned by His word. You declare this institution to be a crime; you declare it to be the sum of all villainies; but I tell you that whoever says my father was a villain because he held slaves—and he had slaves and died a Christian; whoever says that my constituents whom I represent are villains because they hold slaves—I know them to be honest and upright men, doing their duty as Christians as much so as anybody; whoever says these things is a liar. I will let no man write such an epitaph upon the tomb of my father. I will let no man say such a thing to me here in my presence without calling him to responsibility. You may consider it a sin as between you and your God, but you shall not use insulting language upon such a subject as that without being called to account.

Sir, the Union is dissolved and there is a gulf of blood lying between the two sections; but upon my honor, upon my soul, I repeat that every drop in that gulf is on the souls of the northern people. I do not think that any candid man who looks at the history of this affair can come to any other conclusion. From the beginning of the Government, from the time of the adoption of the Constitution down to the time of the election of Abraham Lincoln, you have been using terms of insult and terms of irritation, and you have been doing everything you could to bring about the very result which is now upon you. Look at the history of this matter. I shall not repeat it; it is too familiar and has been too often repeated. At first you only cultivated the ground, but when that old

scold and wrangler, the worst man that ever lived in this country, even not excepting Aaron Burr; when that old scold and wrangler, John Quincy Adams, declared that by the war power you could emancipate all the slaves and sell the States which had slaves to a foreign Power, that was the day when you commenced to exert all your powers to excite this people to rebellion. Then it was you said you would not live with them, that the Government was a compact with hell, and that one of the most agreeable things in the world would be to part with the South and slavery. That was the announcement of your public men everywhere, that they could not live with you in peace. Well, they separated from you, and asked to live on terms of peace with you. What did you do? You immediately howled out, "They are traitors; we will hang them all; and when we have hung them we will take all their property and divide it among us." And, sir, all this was to be done, according to your great "higher-law" apostle, William H. Seward, in the course of sixty days! No doubt the facility with which he thought it could be done was a great incentive to begin the work, especially as there were lands in the South and many other benefits that they expected to get hold of very easily down there.

Well, a great many of the Republican leaders went out to Bull Run in July, 1861, to witness the perfect overthrow of the poor southerners. The lamented gentleman from Illinois (Mr. Lovejoy) I think went out there, and one member of this House from Massachusetts went out I think, and one from New York. They carried their pic-nic with them, spring chickens and champagne. [Laughter] They thought they were going to have a very happy time of it popping off their champagne corks amid the blood and gore of the slaughter of the southerners. One of them I think went to Richmond rather faster than he expected. [Laughter] One of them came back howling for mercy, having offered, I have heard, $500 to be driven out of the reach of the "black horse" of Virginia.

You see, sir, that these things were all to have been done in a very short time, but instead of that they have not been done yet. Instead of seventy-five thousand men doing the work, you have had to get a million and a half, and the million and a half will not do it. Those you have sent South have been "welcomed with bloody hands to hospitable graves." You had an idea that the "poor white trash" of the South, as you called them, were the mere dregs of the people, and could easily be conquered. Why, sir, you do not know them as well as I do. A bolder, braver, more honorable set of men do not live on the face of God's earth. And when you attempt to elevate the negro to an equality with these southern white men, or even say that he is no better than the negro, he will strike though he may die immediately. All the attempts to put the negro on an equality with the white man, to give him an equal suffrage at the ballot-box, to give him a place upon the witness-stand to testify against the life or the honor of the white man, or to give him any office that will inflict dishonor upon the white man or run any risk of not keeping up the inequality that now exists between the races, will be resisted to the death by every southern white man.

Now, Mr. Speaker, who was it after all that brought this institution of slavery here and established it among us? The Puritans were first-rate men. They had some peculiarities, but they were honorable, brave, and patriotic men. They approved of slavery. They looked in every corner of the Old Testament, and in every line of the New Testament, and they could find nothing against it, and they approved of slavery. Why, it is said that the very schooner which brought the Pilgrim Fathers to this continent, and landed them at Plymouth, returned to Africa for a cargo of slaves. [Laughter.] I do not blame them for it. But, sir, they brought them here, and they kept them as long as they could use them profitably. Then they sold them to the South. And many a man who looks me now in the face is the son or descendant of one who made his fortune on the deck or in the cabin of a slaver, by the importation of those very Africans whose descendants they are now so anxious to advance in life. They took these slaves to the South and sold them to my ancestors, and the ancestors of men there. They got southern gold for their merchandise, and guarantied the title to it. And now their descendants turn around and say that they will deprive the people of the South of this property. I do not believe that the Puritans would sanction any such doctrine as that. They were honest and straightforward, and I am sorry to see that their sons are so thoroughly degenerate. If I were guilty of such an act politically, personally, or morally, I should consider myself degraded and disgraced. Yes, sir, there is not one of you who pretends to hold up his hand and say that he will vote to pay back the money paid for these Africans. They consider that it would be bad policy. The politicians are against it. Against what? Against honor and honesty. Sir, are we a disgraced people? Are we a people who have no sense of honor? You shall not so slander the American people. I shall wait for that returning good sense that will be able to judge of the merits of the case.

Now, Mr. Speaker, what were the views expressed by the gentleman from Ohio, [Mr. LONG?] That the war must not be continued forever; that it must stop sometime; that it is a horrid war, and that it ought to stop. Who is to say when it shall stop? Have we not that power? Or is that right confined entirely to the party represented on the other side of the House? I say that if you attempt to carry out the principle of this resolution it will open the eyes of the people, and although my friend [Mr. LONG] would be a martyr, he would be a martyr in a glorious cause. The people would rally around him, and would come up and exterminate the politicians who dared to raise their ruthless hands against the great right which he yesterday asserted.

Mr. Speaker, in the early part of this secession movement there was a resolution offered pledging men and money to carry on the war. My principles were then and are now against the war. I stood solitary and alone in voting against that resolution, and whenever a similar proposition is brought here it will meet with my opposition. Not one dollar nor one man, I swear by the Eternal, will I vote for this infernal, this stupendous folly, more stupendous than ever disgraced any civilized people on the face of God's earth. If that be treason, make the most of it.

It is the right of the commoner of England to say that he will not intrust the money to carry on a war to the king, who has the entire war power. I do not know that a commoner of the American House of Representatives ever lost that right. That proposition meets with my approval. If you will not make peace in any other way, and if I have the casting vote here against furnishing the sinews of war, you shall not have them.

The South asked you to let her go in peace. But no, you said you would bring them into subjugation. That is not done yet, and God Almighty grant that it never may be. I hope that you will never subjugate the South. If she is to be ever again in the Union I hope it will be with her own consent; and I hope that that consent will be obtained by some other mode than by the sword. "If this be treason, make the most of it." I am as good a Union man as you are, but we differ as to the best means of preserving the Union.

And now, after giving an expression of my sentiments to you of the Republican party, I will turn to the representatives of the northern Democracy. Abraham Lincoln has proved himself unfit to be trusted an hour.

Mr. TRACY. I desire to ask the gentleman from Maryland——

Mr. HARRIS, of Maryland. I will not yield.

The SPEAKER *pro tempore*. The gentleman from Maryland declines to yield, and will proceed without interruption.

Mr. TRACY. I desire to ask the gentleman from Maryland——

[Shouts of "Order!" and much confusion, in which the remainder of Mr. TRACY's remark was not heard by the reporter.]

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is out of order, and will resume his seat.

Mr. TRACY. I rise to a question of order. My point of order is this: I desire to know whether in these Halls the gentleman from Maryland invoked Almighty God that the American arms should not prevail?

Mr. HARRIS, of Maryland. Is that a question of order, I should like to know?

The SPEAKER *pro tempore*. In the opinion of the Chair it is not a question of order.

Mr. TRACY. Well, if it is not a question of order, I desire to know whether such language is not treason. [Cries of "Order!" on the Democratic side of the House.]

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is out of order.

Mr. TRACY. Is it in order to talk treason in this Hall? [Shouts of "Order!" from the Democratic side of the House, and much confusion.]

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will take his seat, and the gentleman from Maryland will suspend his remarks until the House comes to order.

Mr. WASHBURNE, of Illinois. I rise to a question of order. I ask that the language of the gentleman from Maryland, referred to by the gentleman from Pennsylvania, shall be taken down at the Clerk's desk.

The SPEAKER *pro tempore*. The language will be reduced to writing.

Mr. JOHNSON, of Pennsylvania. I rise to a question of order upon that.

The SPEAKER *pro tempore*. No other point of order can be entertained until that before the House has been disposed of.

Mr. WASHBURNE, of Illinois. I ask that the language of the gentleman from Maryland, which has been taken down by the Clerk, may be read.

The Clerk read the language, as follows:

"The South asked you to let them live in peace. But, no; you said you would bring them into subjugation. That is not done yet. God Almighty grant that it never may be. I hope that you will never subjugate the South."

Mr. HARRIS, of Maryland. That is all right. I indorse every word of that.

Mr. THAYER. I ask that the 61st and 62d rules may be read.

The rules were read, as follows:

"61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.

"62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois calls the gentleman from Maryland to order for the words that have been read.

Mr. WASHBURNE, of Illinois. Yes, sir, and I am preparing a resolution to offer in connection with it.

The SPEAKER *pro tempore*. In the opinion of the Chair the words spoken by the gentleman are not in order.

Mr. HARRIS, of Maryland. Well, Mr. Speaker——

Mr. WASHBURNE, of Illinois. The Chair has decided the gentleman out of order; and under the rules he cannot go on without the permission of the House, if any member objects. And for one, I protest against any man uttering such language on this floor.

Mr. HARRIS, of Maryland. You mean you are afraid of it.

Mr. WASHBURNE, of Illinois. I ask that the rule may be again read, and that it may be enforced.

The rule was again read.

Mr. A. MYERS. I would like to ask the Chair if it is in order to include the name of the gentleman from Maryland in the resolution offered by the Speaker this morning?

The SPEAKER *pro tempore*. It would not be in order at this time. Under the rule that has been read the gentleman from Maryland cannot proceed, objection being made.

Mr. COLFAX. The gentleman from Kentucky a few minutes ago asked me whether it was the intention to press this resolution to a vote to-day. I replied that I did not intend to call the previous question to-day. I do not intend myself

to do so. But it is due to the gentleman from Kentucky, who I see still in his seat, to say that after the extraordinary language that has been used on this floor since that time, while I shall not myself call the previous question, I cannot say what the action of the House may be in that regard.

Mr. MALLORY obtained the floor.

Mr. TRACY. I ask the gentleman to allow me to say——

Mr. COX. I call the gentleman to order. I move that the House do now adjourn.

Mr. WASHBURNE, of Illinois. The gentleman from Ohio has not the floor to make that motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky has the floor, and may proceed without interruption.

Mr. MALLORY. I regard the question now presented by the resolution before the House as a very grave and solemn question, as one which should not be determined until after the most mature deliberation. This is no question to be decided by a party vote. It is not a question to be decided under excitement. It is a great question involving the privileges of members of the House, and therefore the rights of the American people. What has been regarded so sacred in the past as that freedom of speech which has been always allowed in the Halls of Congress? No man, under the Constitution, is to be held liable for words uttered in debate. No man is subject to a criminal prosecution for what he may say in this Hall. Heretofore the most extended discussion has been allowed on all questions affecting the American people.

Mr. SCHENCK. I ask the gentleman from Kentucky to quote the whole language of the Constitution. In section six, article one, it is provided, "and for any speech or debate in either House they," that is, the members of Congress, "shall not be questioned in *any other place.*" I hope he may quote it all the next time.

Mr. MALLORY. I said that a member was not liable to a criminal prosecution for words spoken in debate. I will remark, Mr. Speaker, never in my recollection of congressional debates has the freedom of speech been attacked in former times but on one memorable occasion, and that was when a citizen of Kentucky, a Representative upon the floor of Congress, one of the most able and brilliant men of that State, offered a resolution for the expulsion of John Quincy Adams because he had offered a petition for the dissolution of the Union, signed by a large and respectable body of citizens in the northern States. Mr. Adams, who stood up very properly for the right of free debate, presented that petition, and Mr. Marshall moved his expulsion. The excoriation the latter received, and the vindication of the right of free speech in this House made by that distinguished man from Massachusetts, I hope will long remain to be consulted as authority by those who urge action upon the resolution now submitted by the gentleman from Indiana, [Mr. COLFAX.]

I will not go into the discussion of the question now. My condition will not allow it. I am suffering from a chill to which I have been subject all the morning; and would not, were it not for the urgent necessity, in my estimation, of protesting against this proceeding, have obtruded myself upon the House at all.

Why is it proposed to expel this member? What is the charge as made by the resolution offered by the gentleman from Indiana? There have been members expelled for dishonorable, disgraceful conduct, men who embezzled or stole the public money, who used their place of trust and honor for self-aggrandizement. Such men have been expelled. But never before in the history of this Union has a resolution been moved against any member of this House because of sentiments uttered in debate. What is the charge made against the gentleman from Ohio, [Mr. LONG?] What is the accusation upon which this resolution for expulsion is founded? It is that in asserting in his speech yesterday that the people of the southern confederacy ought to be acknowledged, and peace ought to be now made on the basis of that recognition, he was guilty of using treasonable language.

Mr. FERNANDO WOOD. If the honorable gentleman from Kentucky will permit me, I will read to the House the language used from the gentleman from Ohio. It is not as stated by the gentleman from Kentucky; and in many speeches made on this question to-day, including that made by the mover of the resolution, the language, the idea, of the gentleman from Ohio has not yet been properly stated.

Mr. WASHBURNE, of Illinois. Was the gentleman present when that speech was made?

Mr. FERNANDO WOOD. I hold in my hand the identical manuscript from which the gentleman from Ohio made his speech. If the gentleman from Kentucky will permit me I will read from it. I think it is due to the gentleman from Ohio, as well as to the House itself, which is now called to act upon this resolution.

Mr. MALLORY. I yield to the gentleman for that purpose with a great deal of pleasure.

Mr. BROOMALL. Let me interrupt the gentleman for one moment.

Mr. FERNANDO WOOD. I hold the floor by the courtesy of the gentleman from Kentucky. I was not present in the House yesterday to hear the speech of the gentleman from Ohio. I came into the Hall this morning, making my appearance for the first time in many days, having been confined to my bed by severe sickness. I applied personally to the gentleman from Ohio to know what he did say, and whether I could stand up and indorse the sentiments which he had uttered, or be compelled to agree to a vote of censure upon him. He gave me the identical paper from which he made the speech which has called forth this most extraordinary resolution. He asked me after I had read the manuscript whether I was ready to vote for his expulsion. I said no. The only recognition of the southern confederacy was this. It was presented as an alternative of evils to the country. The gentleman from Ohio said as the choice of alternatives he would accept recognition. That is all there is of it. The language is:

"I now believe there are but two alternatives, and they are either the acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people; and of these alternatives I prefer the former."

Sir, as a choice of evils, rather than see the whole southern people exterminated, men, women, and children put to the sword, he would accept a recognition as an alternative of these two unfortunate and dreadful results.

And, sir, I desire to say that if he is to be expelled for the utterance of that sentiment, you may include me in it, because I concur fully in that sentiment. [Cries of "Agreed!" "Agreed!"]

Mr. MALLORY. I will be through in a few moments, and then gentlemen can proceed with this debate.

I must be allowed to say that as I understood the general scope of the speech of the gentleman from Ohio I do not concur in the sentiments expressed by him. As I understood the general tenor and scope of his speech, it was an indication of feeling against the prosecution of this war from the beginning. My votes and speeches in this House have exempted me from the suspicion, I suppose, of concurring with the gentleman in that opinion, without any declaration of that fact being now necessary.

I was proceeding to inquire what the offense is for which you propose to proceed against the gentleman from Ohio. The gentleman from Indiana has charged that he is guilty of treason, or treasonable language. Well, sir, in the name of high Heaven what is treasonable language? I have heard so much talked about it upon this floor, I have seen so much written about it, that I would like to have some man skilled in philology give me some definition of treasonable language. Is treasonable language the utterance of a declaration of intention upon the part of a man to commit treason? Why, if you give it that construction the gentleman from Ohio has uttered no treasonable language.

The Constitution of the United States defines treason to be levying war against the United States, adhering to its enemies, and giving them aid and comfort. The gentleman from Ohio did not say in his speech that he intended to join the rebels in levying war against the Government of the United States. He cannot be charged with having uttered treasonable language by such an expression as that. But the forced inference against the gentleman from Ohio is that by saying, in a certain contingency he would be in favor of acknowledging the independence of the southern confederacy, he gives aid and comfort to the enemies of the country as contemplated by the Constitution of the United States in its definition of treason.

Mr. COLFAX. Will it be agreeable to the gentleman to allow me to correct him right here?

Mr. MALLORY. Of course.

Mr. COLFAX. The passage read by the gentleman from New York [Mr. FERNANDO WOOD] is one passage of the speech. My resolution is based upon the entire speech which I had the misfortune to hear, and I will give the gentleman an abstract of that speech.

In the first place the gentleman took the ground that there was no constitutional power to coerce a State. The gentleman will not deny that. In the second place he took the ground that it was impossible, at any rate, to subjugate the South. Is not that correct?

Mr. LONG. I deny that.

Mr. COLFAX. I so understood the gentleman, but as he denies it I will take that back. The gentleman assents to the first part, that there was no constitutional ground to coerce a State. The gentleman also, if I understood him correctly, and I think I did, had this remark in his speech: "Let them go." Is that correct? I desire to say that the speech, though in writing, for some reason or other does not appear in the Globe of this morning, and I can only speak from memory.

Mr. LONG. I have had the original manuscript of my speech written for the last four weeks, but it was not handed to the reporter last night in consequence of his own suggestion, but that speech, with what I subsequently said, and all that the gentleman from Ohio [Mr. GARFIELD] said, can appear in the Globe on Monday. I have that written speech here word for word, without the change of a syllable or word.

Mr. COLFAX. I do not believe the gentleman would change a solitary word; and if the gentleman from Kentucky [Mr. MALLORY] will yield to me I will move to postpone this matter until Monday, when we can have the speech before us.

Mr. MALLORY. Certainly.

Mr. COLFAX. I will proceed with what I was saying. The gentleman took the ground that there was no constitutional ground to coerce a State. From that it followed that when they raised their armies and resisted as States they must be let go. He then stated, in conclusion, that there were but two alternatives, either a recognition of the confederacy or their subjugation by arms. He did not say that he took the former as a choice of evils, but he said "I prefer the former." I think those were his very words.

I now move to postpone the further consideration of the resolution until Monday next, at two o'clock, and on that motion I demand the previous question.

Mr. LONG. With the permission of the gentleman, I desire to say a word.

Mr. COLFAX. I yield to the gentleman, of course.

Mr. LONG. I desire to explain the reason why my speech did not appear in the Globe of this morning. It was withheld at the suggestion of one of the reporters at the desk, who came to me and suggested that inasmuch as they could not prepare last night what I had said subsequently, and what my colleague [Mr. GARFIELD] had said, it would be better to withhold all of it until Monday.

Mr. COLFAX. That statement is entirely satisfactory.

Mr. LONG. The manuscript of my speech I will at once hand over to the reporters, and it shall appear just as it is here and just as I read it yesterday. It will pass out of my hands now without the alteration of a single word.

Mr. COLFAX. That is entirely satisfactory.

Mr. BLISS. Will the gentleman allow me to make a single suggestion?

Mr. COLFAX. Certainly.

Mr. BLISS. I desire to suggest, what the gentleman will bear witness to himself, that upon our side of the House but one gentleman has been heard in opposition to this resolution. I wish to submit some remarks upon the subject in justice to myself and my own position, and also in justice to my colleague and in reference to the merits

of the proposition to expel my colleague. I wish to be allowed a few moments for that purpose, if the generosity of the House will accord me that privilege.

Mr. COLFAX. I will say to the gentleman that while I do not think this debate ought to be prolonged so as to interfere with the business of the House, I will not myself call the previous question on the resolution until gentlemen shall have had a reasonable time for discussion.

I now demand the previous question on the motion to postpone.

Mr. COX. That is not necessary. No one objects to the postponement.

Mr. COLFAX. Then I withdraw the demand for the previous question.

The further consideration of the resolution was then postponed until Monday next at two o'clock.

Mr. WASHBURNE, of Illinois. I rise to a question of privilege.

Mr. COX. I move that the House do now adjourn.

Mr. WASHBURNE, of Illinois. The gentleman has not the floor for that purpose.

The SPEAKER *pro tempore*. The gentleman from Illinois has the floor and will state his question of privilege.

Mr. WASHBURNE, of Illinois. I rise to a privileged question. I offer the following resolution:

Whereas Hon. BENJAMIN G. HARRIS, a member of the House of Representatives of the United States from the State of Maryland has on this day used the following language, to wit: "The South asked you to let them go in peace. But, no; you said you would bring them into subjection. That is not done yet, and God Almighty grant that it never may be. I hope that you will never subjugate the South." And whereas such language is treasonable, and is a gross disrespect of this House; Therefore,

Be it resolved, That the said BENJAMIN G. HARRIS be expelled from this House.

Does the Chair entertain that as a question of privilege?

The SPEAKER *pro tempore*. Yes.

Mr. WASHBURNE, of Illinois. On that resolution I demand the previous question.

Mr. PENDLETON. I raise the point of order that the resolution is not, under the 62d rule of the House, in order. The gentleman from Pennsylvania [Mr. TRACY] rose to a point of order on the gentleman from Maryland, [Mr. HARRIS,] which was overruled, and Mr. HARRIS was allowed to proceed. Then the gentleman from Illinois [Mr. WASHBURNE] rose to a point of order on the gentleman from Maryland, [Mr. HARRIS,] and called for the reading of the 62d rule. The words uttered by the gentleman from Maryland were required to be taken down at the Clerk's desk. They were taken down and were read from the Clerk's desk, and the gentleman from Maryland was taken from the floor. He was not allowed to proceed, under the 61st rule of the House, without unanimous consent, and the gentleman from Illinois interposed his objection. That occurred after the words were uttered, for which he seeks now to introduce this resolution of expulsion. Other gentlemen have since taken part in the debate, and other business has intervened.

Now, this is a resolution of censure, a resolution of expulsion—the highest kind of censure—and my point of order is that under the 62d rule of the House it is not entertainable after business has intervened. The gentleman from Illinois will not fail to remember a notable circumstance of a similar kind that occurred at the last session of Congress when a colleague of mine (Mr. Vallandigham) was called to order, and a resolution of censure offered next morning, which was decided by the then Speaker (Mr. Grow) to be out of order under this rule.

Mr. WASHBURNE, of Illinois. I merely desire to say one word in reply to the gentleman from Ohio on his point of order. I say that in this case the rule of the House has been distinctly and specifically complied with. After the gentleman from Maryland had made his remarks the gentleman from Pennsylvania [Mr. TRACY] first raised the point of order, but he did not conform to the rule which the gentleman from Ohio has adverted to, and then I made the point of order and had the words taken down at the Clerk's desk before any other business had intervened. But it is a matter of utter indifference whether that is so or not. This resolution is just as much in order as was the resolution to expel the gentleman's colleague, [Mr. LONG.]

Mr. COX. I give notice to the House that on Monday when the matter comes up I shall make the same point of order in respect to the case of my colleague, [Mr. LONG.]

Mr. WASHBURNE, of Illinois. The gentleman is entirely too late.

Mr. COX. We will argue that at the time. I desire to say in reply to the gentleman from Illinois——

Mr. WASHBURNE, of Illinois. I do not yield the floor to the member from Ohio. Mr. Speaker, there is but one word more——

Mr. ANCONA. I object to the discussion of the point of order.

Mr. WASHBURNE, of Illinois. Mr. Speaker, I have the floor.

Mr. COX. I call the gentleman to order. [Cries of "Order!" "Order!" from the Democratic side of the House.]

Mr. WASHBURNE, of Illinois, I call the gentlemen on that side to order. I introduced the resolution, and am entitled to the floor.

Mr. COX. I object to debate upon a question of order.

Mr. WASHBURNE, of Illinois. I do not propose to discuss the question of order. [Loud calls to order from the Democratic side of the House.]

Mr. WASHBURNE, of Illinois. I have the floor on the resolution.

Mr. PENDLETON. No, sir. I have the floor on my point of order.

The SPEAKER *pro tempore*. The Chair will decide the point of order. In the opinion of the Chair, the gentleman from Maryland in his remarks was entirely out of order. The objection was made in time. The language was taken down as speedily as possible, and the rules of the House were complied with. The Chair, therefore, overrules the point of order. The Chair will further state that the rule which has been read applies to a motion to censure a member, while this resolution is for his expulsion.

Mr. COX. I move that the House adjourn.

Mr. WASHBURNE, of Illinois. The gentleman from Ohio has not the floor for that purpose.

Mr. COX. I ask the Chair to put my motion.

Mr. WASHBURNE, of Illinois. I call the gentleman to order. I have the floor.

Mr. COX. I addressed my motion to the Speaker. The gentleman from Illinois is not Speaker of this House just yet, and could not be elected. [Laughter.]

Mr. WASHBURNE, of Illinois. And the gentleman from Ohio is in the same category. [Renewed laughter.] I demand the previous question on the preamble and resolution.

Mr. J. C. ALLEN. I desire to appeal to my colleague to withdraw his demand for the previous question. This is a very important question, and the gentleman will remember that there has been no discussion whatever on this resolution.

Mr. WILSON. I object to the withdrawal.

Mr. WASHBURNE, of Illinois. The gentlemen all around me object to the withdrawal of the demand, and I decline to do it.

The previous question was seconded, and the main question ordered to be put.

Mr. COX. I move that the House do now adjourn. I do not want to vote upon a matter of this sort without some deliberation.

The motion was disagreed to—ayes 58, noes 70.

Mr. ANCONA. I move that the resolution be laid upon the table.

The motion was not agreed to.

The SPEAKER *pro tempore*. The question is now upon the adoption of the preamble and resolution, on which the yeas and nays have been ordered.

Mr. SCHENCK. I ask if the question is upon the preamble and resolution, or only upon the resolution?

Mr. ANCONA. I call the gentleman from Ohio to order. Debate is not in order.

Mr. SCHENCK. That is true; but the rules of the House are not to be violated.

The SPEARER *pro tempore*. The question will be first upon the resolution.

The question was taken; and it was decided in the negative—yeas 81, nays 58; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Frank, Garfield, Gooch, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Orth, Patterson, Pike, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—81.

NAYS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Grider, Harding, Harrington, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kernan, Law, Lazear, Le Blond, Long, Mallory, Marcy, McAllister, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, Odell, Pendleton, Pruyn, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, John B. Steele, William G. Steele, Strouse, Sweat, Voorhees, Ward, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—58.

So the resolution was not adopted, two thirds not having voted therefor.

During the call of the roll,

Mr. L. MYERS stated that his colleague, Mr. O'NEILL, was at home on account of sickness, and had paired with Mr. STUART.

Mr. WASHBURNE, of Illinois, stated that his colleague, Mr. NORTON, was detained at his room by sickness.

Mr. BOUTWELL stated that his colleague, Mr. RICE, was detained by important business.

Mr. THAYER stated that Mr. MOORHEAD had paired with Mr. STILES.

Mr. DRIGGS stated that his colleague, Mr. LONGYEAR, was absent on important business.

The vote was then announced as above recorded.

The SPEAKER *pro tempore* stated that the resolution having failed, the preamble fell as a matter of course.

Mr. SCHENCK. That resolution having failed, I now offer what I send to the Clerk's desk, and upon its adoption demand the previous question:

Resolved, That BENJAMIN G. HARRIS, a Representative from the fifth district of the State of Maryland, having spoken words this day in debate, manifestly tending and designed to encourage the existing rebellion and the enemies of this Union, is declared to be an unworthy member of this House, and is hereby severely censured.

Mr. COX. I rise to a question of order. I submit that it is too late to raise that point of order, other business having intervened since the language was used.

Mr. SCHENCK. That makes no difference. If it had been uttered months ago I should offer the resolution.

Mr. COX. I think my colleague is not quite up to time.

Mr. SCHENCK. I call my colleague to order. The resolution itself not being debatable, the point of order is not debatable.

Mr. COX. I call for the reading of the rule.

The SPEAKER *pro tempore*. The Chair overrules the question of order.

Mr. COX. The Chair has overruled me before I had the rule read.

The SPEAKER *pro tempore*. The Chair is familiar with the rule.

The previous question was seconded, and the main question ordered to be put.

Mr. MALLORY. I move that the House do now adjourn.

The motion was disagreed to—ayes 49, noes 78.

Mr. ANCONA called for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 21, nays 82; as follows:

YEAS—Messrs. James C. Allen, Ancona, Bliss, Cox, Finck, Harding, Holman, William Johnson, Law, Lazear, Marcy, Middleton, Morrison, Nelson, Pruyn, James S. Rollins, Ross, Strouse, Ward, Joseph W. White, and Fernando Wood—21.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Cravens, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Odell, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, John B. Steele, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, and Windom—82.

So the House refused to adjourn.

The question recurring on the adoption of the resolution,

Mr. THAYER called for the yeas and nays.

Mr. ELDRIDGE. I move to lay the resolution on the table, and upon that I demand the yeas and nays.

Mr. BROWN, of Wisconsin. Before that question is taken, I appeal to gentlemen on the other side to modify the resolution.

[Cries of "Order!"]

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 23, nays 80; as follows:

YEAS—Messrs. James C. Allen, Ancona, Bliss, Chanler, Clay, Denison, Eden, Eldridge, Herrick, Philip Johnson, William Johnson, Law, LeBlond, William H. Miller, Morrison, Pendleton, Pruyn, Samuel J. Randall, Rogers, Ross, Strouse, Chilton A. White, and Fernando Wood—23.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Frank, Gooch, Grinnell, Hale, Harrington, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Orth, Patterson, Pike, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, and Windom—80.

So the House refused to lay the resolution on the table.

Mr. PENDLETON. I rise to a privileged question. I desire to enter a motion to reconsider the vote by which the message of the President of the United States was referred to the Military Committee yesterday.

The motion was entered.

Mr. PENDLETON. I now move that the House adjourn, inasmuch as the previous question is seconded upon the resolution, and I suppose it is immaterial to gentlemen whether the vote be taken to-night or Monday.

Mr. ELDRIDGE. I call for the yeas and nays upon the motion to adjourn.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 23, nays 80; as follows:

YEAS—Messrs. James C. Allen, Ancona, Augustus C. Baldwin, Bliss, James S. Brown, Chanler, Clay, Denison, Eden, Eldridge, Herrick, Philip Johnson, Law, Long, Marcy, Middleton, William H. Miller, Morrison, Pendleton, Pruyn, Strouse, Joseph W. White, and Fernando Wood—23.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Boutwell, Boyd, Broomall, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eliot, Gooch, Grinnell, Hale, Harrington, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Odell, Orth, Patterson, Pike, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Scott, Shannon, Smithers, Starr, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Winfield—80.

So the House refused to adjourn.

During the call of the roll,

Mr. WASHBURNE, of Illinois, stated that Mr. FARNSWORTH had been obliged to leave the Hall on account of illness.

The question recurring on the passage of the resolution,

Mr. THAYER demanded the yeas and nays.

Mr. BROWN, of Wisconsin. I rise to a privileged question. I ask to be excused from voting on the ground that I applied to gentlemen on the other side to modify the resolution so that it should express simply a censure, and they refused.

Mr. ANCONA. On the motion to excuse, I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. HOLMAN. I call for a division on excusing the gentleman from Wisconsin.

Several MEMBERS. Too late.

Mr. HOLMAN. No, sir, I am not too late. I call for a division.

The question was put, and one member voted in the affirmative.

Mr. HOLMAN. I do not desire to leave the House without a quorum, and therefore withdraw the call for a division. My only object was to state that I desire to be excused on the same ground as the gentleman from Wisconsin.

Mr. ANCONA. I renew the call for a division.

The House divided, and the motion was disagreed to—ayes 8, noes 88.

Mr. ELDRIDGE. I move to excuse the Chairman of the Committee on Military Affairs from voting upon this question. [Laughter.]

Mr. SCHENCK. The chairman of the Committee on Military Affairs does not ask to be excused from any vote, and he does not dodge.

Mr. HOLMAN. Is it in order to ask the gentleman who offered the resolution to modify it?

The SPEAKER *pro tempore*. It is not in order; the previous question having been ordered.

The question was taken; and it was decided in the affirmative—yeas 93, nays 18; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Boutwell, Boyd, Broomall, James S. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Cox, Henry Winter Davis, Thomas T. Davis, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Frank, Ganson, Garfield, Gooch, Grinnell, Hale, Harrington, Higby, Holman, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, Loan, Marvin, McAllister, McBride, McClurg, McIndoe, Middleton, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Odell, Orth, Patterson, Pike, Pomeroy, Price, William H. Randall, Edward H. Rollins, Schenck, Scofield, Shannon, Smithers, Spalding, Starr, John B. Steele, William G. Steele, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Winfield—93.

NAYS—Messrs. James C. Allen, Ancona, Bliss, Chanler, Denison, Eden, Eldridge, Law, Le Blond, William H. Miller, Morrison, Pendleton, Pruyn, Samuel J. Randall, Ross, Strouse, Chilton A. White, and Fernando Wood—18.

So the resolution was adopted.

During the call of the roll,

Mr. THAYER stated that Mr. MOORHEAD had paired with Mr. STILES.

Mr. J. C. ALLEN stated that his colleague, Mr. HARRIS, was detained at his room by illness.

Mr. PENDLETON stated that his colleague, Mr. NOBLE, was confined to his room by indisposition.

Mr. SCHENCK moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

And then, (on motion of Mr. WASHBURNE, of Illinois, at five o'clock and twenty minutes, p. m.,) the House adjourned until Monday next, at twelve o'clock, m.

IN SENATE.

MONDAY, *April* 11, 1864.

Prayer by Rev. CHARLES M. TYLER, of Massachusetts.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY called the Senate to order and said: The Secretary has received the following letter from the Vice President:

VICE PRESIDENT'S CHAMBER,
WASHINGTON, *April* 9, 1864.

SIR: I shall be absent from the city on Monday next. Please communicate information of this fact to the Senate on Monday morning.

Yours, very respectfully, H. HAMLIN.

Hon. J. W. FORNEY, *Secretary of the Senate*.

Mr. WILSON. I submit the following resolution:

Resolved, That in the absence of the Vice President, Hon. SOLOMON FOOT be appointed President *pro tempore* of the Senate.

The resolution was agreed to unanimously, and Mr. FOOT took the chair as President *pro tempore*.

The Journal of Friday last was read and approved.

PERSONAL EXPLANATIONS.

Mr. GRIMES. Mr. President, I rise for the first time, and I trust it will be the last time, to a personal explanation.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to make a personal explanation. No objection being made, the leave is granted.

Mr. GRIMES. Mr. President, doubtless Senators have observed upon their desks this morning what purports to be a report of the Committee on Naval Affairs, and to have been presented to the Senate by the chairman of that committee on the 7th of April last. It has been distributed for the first time this morning. The report contains the following paragraph:

"Your committee cannot consent to let this subject pass from the consideration of the Senate without briefly adverting to the circumstances under which this bill was referred to them for their consideration. Several Senators who spoke on this subject professed to know all about it, and assured the Senate that it was nothing but the repeal of a joint resolution, passed for a temporary purpose, and whose only operation now was the obstruction and hinderance of the wholesome operation of the enrollment law; and they seemed impatient that the whole body of the Senators were not as well acquainted with the subject as they themselves were. Indeed, the very suggestion of reference to the Committee on Naval Affairs was seized upon by one member of the committee for a severe reprimand to his colleagues on the committee for the manner in which they performed, or rather neglected, their duties. Indeed, so earnest was the purpose to pass the bill without reference, that those who insisted upon the ordinary course of legislation in this case were undoubtedly looked upon as obstinately, if not factiously, opposing a simple act of legislation which the immediate and pressing emergencies of the country seemed absolutely to demand should be promptly and immediately passed; and it was not till after the morning hour had expired, and the subject had passed from the consideration of the Senate, that by the courtesy of an honorable member of the Senate, who never fails to respond to any appeal to his courtesy, kindness, generosity, or sense of justice, Hon. Mr. HARLAN, of Iowa, the subject was by him permitted to be voted on after he had the floor on another subject. And when the bill under these extraordinary circumstances was thus referred, the committee, the first moment they cast their eyes upon the joint resolution thus summarily sought to be repealed, found that this bill would not only repeal the obnoxious resolution obstructing the operation of the enrollment act, but would also repeal another provision of law which, in their opinion, ought not to be repealed, but the repeal of which would retard and hinder the object which we all wish to effect, namely, the filling up of our Navy with able seamen."

Mr. President, I have taken the trouble to ascertain, and I find that this is a genuine document. It was presented to the Senate by the chairman of the Committee on Naval Affairs as emanating from that committee, was printed at the public printing press, and is filed among the archives of the Senate. It is not, therefore, I can assure the Senate, like another document which they may have had their attention called to, printed at private instance at a private press, in imitation of the type, heading, and size of a Senate document, to which were appended imperfect extracts of testimony and a letter of a client to his attorney, which did not tell the truth. Unfortunately for both client and attorney, that client did not escape the ordeal through which he was passing quite as safely as he represented. But although this report purports to come from the Committee on Naval Affairs, no member of the Naval Committee ever saw it until it was presented to the Senate. If any member of the committee did see it, let him now state that he saw it.

As I receive no response, I infer that I am repeating correctly what each member of that committee has told me. But although this report was not shown to the members of the committee, it was shown, before it was presented to the Senate, to other gentlemen than the members of the committee.

The report says that when the "eyes of the committee" were first cast upon the bill, they discovered that there were two provisions of law which it sought to repeal, leaving us to infer that the chairman of the Committee on Naval Affairs, who is the author of this production, and who is to be held solely responsible for it, was not aware at that time that there had been any legislation upon the subject of advance pay to the sailors who enlisted into the public service. I can inform the Senator and the Senate that we had at the time that resolution was passed a law which authorized an advance of three months' pay.

This report says that "this last provision"—that in regard to advance pay—"is believed to be eminently wise, and well calculated to aid in filling up the Navy with just that class of seamen that are now wanted in the service." It is barely possible that if the distinguished author of this report had known that that section of the joint resolution was adopted at my instance, he would not have spoken so favorably of it in the report as he has done.

Mr. President, if it be intended to be asserted that any Senator assured the Senate in the debate that was had on the introduction of the bill, upon which the report purports to be made, that nothing was meant but a repeal of that part of the resolution which related to the transfer of men, it asserts what is not true. I have taken the trouble to read that entire debate again to-day, and no

Senator who spoke upon the subject made any such assertion. What were the facts? I introduced a bill to repeal the whole resolution; and the question before the Senate was not whether the bill should pass, not whether it should then be amended, but whether it should be considered or not. I had the joint resolution sought to be repealed lying before me. I intended to read and expound it to the Senate if they concluded to consider the bill; and then I intended to satisfy the Senate if I could, and I think I could have satisfied them, that both sections ought to be repealed, the one which was adopted at my instance as well as the one proposed by the Senator from California, because I found that it was creating confusion at the Navy Department and confusion among the men who wished to be transferred and wished to enlist into the naval service. Here was an old law which allowed three months' advance pay, and here was a new law which allowed three months' advance pay, but to be returned to the Federal Treasury out of any prize money that the sailors might be entitled to; and the idea had been propagated by men in New York and Philadelphia, and was being received as true by sailors, that these two provisions were intended to cover the same advance, and would only entitle them to one three months' advance pay, which would have to be returned out of the prize money as well as out of their legitimate pay; and I thought it was better to incorporate all the legislation on this subject in some other bill, so as to make it perfectly clear and patent to the dullest comprehension.

It is true that the resolution of the Senator from California, [Mr. CONNESS,] which was sought to be repealed, was intended to be passed merely for a temporary purpose. No other design was expressed by him; but in order to facilitate the matter at the time, and as I thought it might possibly stimulate recruiting at the different naval rendezvous, I proposed to add the section which I offered as an amendment. When I found that it was not answering the purpose which was contemplated, and when I found, what has been shown by the experience of the last ten days, that in consequence of the enrollment bill, which allows a very locality along our Atlantic coast to be credited with the seamen who may enlist into the naval service upon their military quotas, sailors were beginning to come in, I did not think it was necessary that this additional three months' advance pay should be continued on the statute-book. If the Senate had decided to consider the bill, I should have attempted to convince them of that fact, and I have no doubt I should have succeeded in doing so.

This report asserts that

"The very suggestion of reference to the Committee on Naval Affairs was seized upon by one member of the committee for a severe reprimand to his colleagues on the committee for the manner in which they performed, or rather neglected, their duties."

Why, Mr. President, I never had the most remote idea of reprimanding the Naval Committee. I knew too well by three years' experience how the business of the Naval Committee is conducted. I know that the Senator from New Hampshire considers *himself* the Naval Committee. I know that he calls up bills whenever he chooses, and disposes of them about as he chooses; and I was perfectly well aware, as is evidenced by the fact in connection with this report, which has been submitted to the Senate without having been submitted to a single member of the committee, that he was the man who was solely responsible for the conduct of naval affairs.

Let me say here one word in connection with my service on the Committee on Naval Affairs. I have been for three years a member of that committee. I never sought to be placed upon it. Every member of the party of which I am a member who has been on the committee to designate members of the committees of this body will bear testimony that at every session I have sought to be detached from that committee. It was unpleasant for me to be on that committee. I never asked for any position on any committee, and simply desired that I might be detached from that committee. Why did I not desire to serve on it? For the reason I have stated, that it was unpleasant to me. The Senator from New Hampshire seemed to imagine that because he was chairman of the committee, he had the entire control of it. He told the Senate here in his place that at the commencement of this session he went to the Senator from New York [Mr. MORGAN] and proposed to him to make him the chairman of the Naval Committee. Why, sir, eighteen hundred years ago there was a case somewhat similar, when the Saviour of men was taken upon the Mount and offered all that he beheld if he would only fall down and worship. There was just about the same power to bestow the gift in the one case as in the other; and I am happy to say that in each case both the tempter and the temptation were spurned.

Mr. President, I have no desire to serve on this committee, because I believe that the Senator from New Hampshire, the chairman of the committee, is the most unrelenting, determined, persistent enemy of the Secretary of the Navy, and of the Navy Department, that there is in this country. If there has been any opportunity when he could assail the Department and thereby the public service, either in public conversation or in private, and he has not availed himself of it, I should like to know when it was. He has been appointed by this Senate to protect and guard and defend the Navy Department, and he has protected and defended and guarded it; but it is the protection that the wolf extends to the lamb.

Mr. President, there is another report on our tables, presented at the same time from the same distinguished source, on the subject of the naval supply bill, which I had the honor to present to the Senate, and which was referred to the Committee on Naval Affairs. This report says:

"The system"—

That is, the system of procuring naval supplies at present——

Mr. CONNESS. I will ask the Senator what report that is?

Mr. GRIMES. It is Senate report No. 45, distributed this morning and laid on the desks of Senators:

"The system sought to be overthrown has been in operation, as before stated, for more than half a century, and, in the opinion of your committee, has operated well, and is well calculated to effect the object sought to be attained; namely, supplying the Navy at reasonable prices with the best articles demanded for the service.

"The committee are not aware of any inconveniences to the service by the operation of the present system that can be remedied, or even ameliorated, by the proposed change."

I undertake to say that if any gentleman on the Naval Committee saw this report, and saw that which I have read, only one member of the Naval Committee saw it except the chairman of the committee.

What was the bill that I introduced, and what is the present system? At the instance of a friend of mine, a member of this body, I undertook to draw up a bill which I thought would obviate some of the troubles in connection with the Navy Department and abolish some of the corruptions that I knew were prevailing in connection with the furnishing of supplies under naval contracts. I called to my assistance those men in the Navy Department and out of it, with whom I had conversed before and at the time that I drew it, who, as I knew, had the most experience. After it was drawn the bill was sent to prominent merchants in Boston, New York, and Philadelphia, and from them I received replies and suggestions in regard to amendments.

There was one point in connection with that bill upon which there was a diversity of opinion among those with whom I conversed, and that was whether the purchase of naval supplies should be confined to naval officers, including officers of the line and the staff, or whether they should be made as they now are, through Navy agents who were political appointees. Some of the gentlemen, and among them the chief of the Bureau of Yards and Docks, were in favor of appointing civilians to these offices, but connecting them with the Navy Department as the naval constructors are now connected with it. I did not concur in that view. I believed that the safest and best way was to appoint naval officers of some grade, either of the line or staff, to fulfill these duties, and I reasoned from analogy as well as from experience. What would be thought of selecting quartermasters and commissaries to supply your Army from civil life alone, not making them military officers at all, giving them no commission, not making them responsible before a military tribunal for any of their conduct? And what, pray, is a Navy agent but a quartermaster, and what is a naval storekeeper but an ordnance or military storekeeper, each of whom is subordinate and subject to military law for their conduct?

There being a difference of opinion on this subject between myself and those with whom I consulted, I concluded in this respect to carry out my own view. But that was the matter of smallest consequence in the whole bill. The eighth section of the bill is in these words:

That all laws and parts of laws requiring bids to be made in classes of articles of supply, or that require all of the articles enumerated in a class to be accepted as an entire bid, be, and the same are hereby, repealed.

Under the present system bids are submitted in classes. Suppose the Government wants a large quantity of various descriptions of iron. An order comes from the Navy Department to the commandant of the yard to know how much and what descriptions of iron will be needed at that yard for the next year. The commandant says to the master blacksmith, "Fill out a schedule of these articles and a description of them." The contractor goes to the master blacksmith and corrupts him. He bribes him, and gets him to make a schedule certifying that he will need, for instance, a thousand pounds of one inch square iron, and ten thousand pounds of two inch square iron. The contractor thereupon bids for the largest article the smallest amount; for instance, a quarter of a cent; for that of which the smallest amount is to be furnished he bids eight cents, the average price of iron being four cents. Having this perfect understanding with the master blacksmith, when the contractor is required to fill his contract, and to go on as they are required to do, and fill, in addition to the amount originally stipulated in the contract, any more of that description of iron that is required, only a very small portion of this quarter cent iron will be called for, while enormous quantities of the eight cent iron will be called for. Thus the Government is defrauded. So it is in regard to lumber, and so it is in regard to every article of supply that is furnished to the Navy Department.

Why, Mr. President, I have had an opportunity within a few days of looking into this subject. I have seen how these naval contractors, under the present system, corrupt the officers of the Government—I mean the subordinate officers of the Government; I mean the master workmen in the various navy-yards of this country—by presents and by promises. I have seen, in the handwriting of a contractor, a statement of the amount that he received in one single item of copper, where, by collusion with the master mechanic, the Government had been charged an overweight by which there was received upward of $1,000, and that was divided into three parts between the men who were in collusion to corrupt the officer and to cheat the Government. But the chairman of the Committee on Naval Affairs reports to the Senate that there is no necessity for any change of this description of dealing. This bill goes on to declare:

That if any contractor for naval supplies shall defraud, or attempt to defraud, the Government by false count, measure, weight, or quality of the article to be supplied, or procure, or attempt to procure, the same to be done, or shall directly or indirectly give, or offer to give, to any officer, employé, or servant of the Navy Department connected with the purchasing, inspecting, and custody of naval supplies, or to any member of the family of any such officer, employé, or servant, any bribe or present of any kind or description, for any purpose whatever, or shall offer, promise, or threaten to procure the removal, transfer, or promotion of any such officer, employé, or servant, he shall, on conviction before a naval court-martial, be imprisoned at hard labor in some penitentiary in the United States for a period not exceeding five years, and fined in a sum not exceeding $10,000.

This bill also proposes to repeal the law authorizing the appointment of Navy agents; and why? I do not know but there may be honest Navy agents; I will not say but that there are; I hope and believe that there are some; but I say that under the present system we have no possible control over them, and I would get control of them in some way. We have no control over our naval storekeeper, and I would secure control over him. I am one of those who believe that a life commission and the epaulets on the shoulders of a man who has been reared to believe that honor is the highest consideration of any man and officer, is a greater guarantee to the Government than

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, APRIL 12, 1864. NEW SERIES....No. 96.

all the bonds that you could pile into the Capitol of the nation.

Under the present system if anything is wanted at a navy-yard the Navy agent directs the contractor to procure it. For instance, there is the article of Massey's logs that are used on our ships, and which are manufactured at New York. The place where they are sold is on Broadway. They are sold there at the price of twenty dollars. When we wanted some of them the order to furnish them was given to a man by the name of Scofield, and they were furnished to the Government at the price of thirty-six dollars. The Naval Committee do not think it necessary to abolish the system under which this is done!

The article of pressed hair, which the manufacturer and patentee offered to furnish to the Government for ten cents a pound, was furnished to the Government by one of these naval contractors who are to be protected by the action of the Naval Committee, or rather by its chairman, at nineteen cents a pound.

The bill which I introduced required that all articles such as oil should be analyzed. During the last two years and a half we have been paying from $1 75 to $2 50 a gallon for sperm oil. I honestly believe we have not had in the public service a gallon of sperm oil during that whole time. It has turned out by an investigation that has been gone into that a portion of the oil for which we paid $1 69 was procured by the contractor at eighty cents, and was almost entirely lard oil mixed with a little sperm.

But the Committee on Naval Affairs, or rather its chairman, does not think that the present system should be abolished! He thinks that the present system has operated well, is well calculated to effect the objects sought to be attained, namely, "supplying the Navy at reasonable prices with the best articles demanded for the service!"

There is another provision in this bill that I think ought to be adopted, and that is in relation to corrupting agents and employés of the Government:

That if any officer, employé, or servant connected with or in the employment of the Navy Department, or any officer or agent thereof in any navy-yard or elsewhere, shall defraud, or attempt or be privy to any attempt to defraud said Department by false count, measure, weight, quantity, or quality of naval supply, he shall, upon conviction thereof before a naval court-martial, be fined in any sum not exceeding $10,000, and be imprisoned in some penitentiary in the United States not exceeding ten years.

The extensive house of Phelps, Dodge & Co., one of the largest houses in the United States, said that until a few days ago they were utterly unable to furnish to the Navy Department a single article in their line; and why? They proposed to furnish the article of tin at the lowest figure that it could be bought for anywhere. I think at one time they proposed to furnish it at twenty-nine cents. A naval contractor came to them and bought that same lot of tin at twenty-nine cents. He turned it into the Navy at the navy-yard professedly for twenty-seven cents. How did he make his profit? By corrupting the agent who was to receive it, the master mechanic who was to receive it, and cheating the Government in false weight. What control has the Government over these master mechanics? None whatever. They can be dismissed from the public service, but they have their ill-gotten gains in their pockets, and they set us at defiance. I propose by this bill to put them under martial law, and to declare that if they are convicted of any such offense as that, they shall be incarcerated in the penitentiary in addition to being dismissed. But the chairman of the Committee on Naval Affairs says that

"The system sought to be overthrown has been in operation, as before stated, for more than half a century, and, in the opinion of your committee, has operated well, and is well calculated to effect the object sought to be attained, namely, supplying the Navy at reasonable prices with the best articles demanded for the service!"

Mr. President, the Senator from New Hampshire rose the other day in his place and said:

"I wish to call the attention of the Senate for a single moment to a personal matter. I find myself, in the proceedings of the Senate yesterday, charged with a misstatement, a falsehood. I will read it from the Globe:

"'Mr. GRIMES. When I introduced this bill this morning, I stated that if there was any objection to its immediate consideration I would not press the bill at this time. There was no objection. The Senator from New Hampshire says that he objected.'

"I do not ask anything."

Oh, no; he did not ask anything. I am only astonished that at this place, in imitation of his great prototype, Uriah Heep, he did not utter some of his usual declarations of extreme humility.

"I simply want to call attention to this breach of parliamentary privilege and of the rules of the Senate, and having done that, I have done."

Mr. President, when I rose in my place to reply to the Senator, by a sort of sharp practice he refused to give way to me until he had submitted a large quantity of documents as reports. Now, what were the facts? What I did say and what the Senator pretended to quote was this:

"When I introduced this bill this morning I stated that if there was any objection to its immediate consideration I would not press the bill at this time. There was no objection. The Senator from New Hampshire says that he objected, but nobody heard him until after he had made a speech on the subject of the bill."

The Senator cuts one of my sentences in two in the middle, quotes the first part of it and does not quote the qualifying part; a specimen of pettifogging that would do credit to the most acute practitioner at the Old Bailey bar. Did I tell the truth, or did I not? I asserted that "the Senator from New Hampshire says that he objected, but nobody heard him until after he had made a speech on the subject of the bill." That was the fact, and the record shows it. I introduced the bill and explained it; stated that if there was any objection to its immediate consideration I would not press it. The Senator rose in his place and then commenced one of his usual attacks on the Secretary of the Navy, by attempting to prove that there was either a sufficient number of seamen or else that the Secretary of the Navy was derelict in his duty in not procuring them, by telling us about Mr. KASSON's having applied for the opening of a recruiting rendezvous in the State of Iowa. After he had got through, the Presiding Officer said, "Is there any objection to the present consideration of this bill?"

"Mr. HALE. I object to its consideration this morning.

"Mr. GRIMES. I hope the Senator will withdraw his objection until I make a statement.

"Mr. HALE. Certainly."

I then commenced to explain why it was that the Secretary of the Navy had declined to allow a recruiting rendezvous to be opened in the State of Iowa. While I was speaking, my friend on my right, the Senator from Connecticut, [Mr. FOSTER,] suggested to me that the Senator from New Hampshire had no right to object at that stage of the proceedings, because he had gone on and debated the bill. I said to the Chair, "I understand from my friend who sits at my side, [Mr. FOSTER,] that the Senator from New Hampshire has no right to object to the consideration of this bill after having gone on and debated it." Thereupon the Chair decided, I think the same Presiding Officer who now occupies the chair, that "the debate having proceeded so long without objection, the Chair must, if that point is raised, hold that the right to object was waived by the protracted debate which has taken place, and the bill is before the Senate as in Committee of the Whole, and open to amendment."

To show that I was correct in saying that the Senator did not object until after he had made his speech, I will call the Senator from New Hampshire himself upon the stand, and his testimony may be taken for whatever Senators may deem it to be worth:

"Mr. HALE. In justice to myself, I desire to say a single word.

"When this bill was introduced, I objected to its consideration. The Senator from Iowa asked me to withdraw it."

Withdraw the objection after he had made his speech. Neither the record nor himself pretends that he made any objection at any other time.

"I objected to its consideration. The Senator from Iowa asked me to withdraw it to enable him to make an explanation, which I did, and then it was decided that it was too late for me to make the objection."

Too late after he had made his speech. I then said that nobody heard him object until after he had made the speech. He does not himself pretend that he did make the objection until after he had made the speech. But in order to raise an issue with me, the Senator comes in here and rises to a personal explanation and garbles and cuts in two one of my sentences. That specimen of management, that conduct if done by the pen, would be regarded as moral forgery. Having been uttered here in the Senate, it perhaps does not become me to apply the epithet that I think belongs to it.

Mr. President, I am done now, I trust forever, with the Senator from New Hampshire. I hope that I shall never have occasion to notice him again; but it would be well for that Senator to remember hereafter that non-resistance is not one of the tenets of my faith. I will make another pledge to the Senate that hereafter, with the exception of one amendment which I propose to offer to the naval appropriation bill, I will not annoy them with anything connected with naval matters, but will content myself with recording my votes upon subjects of that kind.

Mr. HALE. I have read somewhere, I do not know exactly where, that sportsmen having colts in training for the race, take them out and exercise them around the course in the morning so that they may be fit for the more arduous duties of the race when it comes on. The Senator from Iowa seems to have subjected himself to such discipline as that in regard to me. He hardly thinks he is fit to go on with the duties of the day until he has had a tilt at me. I will leave him all he makes by it. I have but very little to say in reply to this labored effort. When the Senator's bill which he lauds so much comes up I shall endeavor to defend the report of the committee as well as I may. No doubt the Senate and the country will exceedingly regret that the Senator is not to make any more speeches on these subjects. I hope, however, that the country will survive it, and that the rebellion will be squelched, notwithstanding.

One word, sir, in regard to the personal attack which he makes upon me with reference to the report made the other day, in regard to which he intimates that he has polled the committee. The bill was submitted to the Committee on Naval Affairs at a meeting when there was a majority present, though the Senator from Iowa was absent, and the committee came to a unanimous conclusion and instructed me to draw the report, and I drew it in accordance with the unanimous vote of the committee. I am not aware that it is the practice when such a course as that is taken for the report always to be submitted to the committee after the committee have come to a conclusion and instructed a member to draw a report. In that, however, I may be mistaken; but in this matter I was a little more careful than that, notwithstanding the asseveration of the Senator from Iowa. I drew up about half the report and read it to the committee. After it was all finished I then submitted it to another member of the committee, who asked me if there was anything different from what was read before, and I told him not, and he declined to read it.

So much for the manner in which the committee have been treated by me. I had supposed that the Naval Committee, if their rights were aggrieved by any assumption of the chairman, were competent to take care of themselves. I have stated the fact, the simple fact; and the difficulty in that report, and the only difficulty in it, is that it is true every word of it; and the reason that the facts were presented to the Senate was simply this: after I came to this result I desired to present to the Senate a brief argument against a course of legislation which I thought was improvident, irregular, and unwise, and upon looking it over I thought I could best do it by a simple narration of the facts which occurred in the

Senate Chamber, and that is the reason why I did it.

Now, sir, I have found out one thing this morning which is some relief to me, and I am glad to find it out; and that is the cause of offense which has prevented the country, the Naval Committee, the Senate, the Congress, and the cause of the country from receiving the distinguished services of the Senator from Iowa upon the Naval Committee. It is that he did not have sufficient influence upon the committee; that the chairman was overbearing, usurped the whole, and did everything his own way, and of course therefore the Senator from Iowa did not have that consideration to which he was entitled. Notwithstanding the vituperation with which he has assailed me, notwithstanding the covert attacks—no, hardly covert, the open attacks upon my veracity, the various flings he has made, and the exhibition of good temper and amiability which he has given this morning, I want to say that when the Senator was upon the Committee on Naval Affairs, and met there, so far was I from engrossing the affairs of the committee, that the most important changes that were made in the naval laws during the last Congress, and they were very important, were made by bills introduced into the Senate and which I never saw or heard a word of until after they were introduced; and even in some cases, where matters had been specially referred to a joint committee of the Senate and House of Representatives, and I was at the head of the committee, I was not even there consulted, and when I came to call the committee together I found that they had agreed on their bills and reported them, and I never saw some of them until they were introduced into the Senate. I believe the Senator from Iowa did not exhibit anything more than his usual modesty in the discussions of the naval bills; and I would stand or fall by the assertion of every member who was on the committee that there was more consideration paid to the views of the Senator from Iowa than all the other members put together.

One word, sir, in regard to what I thought was not very assuming. At the commencement of this session, when the matter of organizing the committees was under discussion, I went to the distinguished Senator from New York [Mr. MORGAN] and told him that I thought, considering the size of the State of New York, its commercial interests, its relation to the Navy and to all that was to be protected by the Navy, it was due to his State that he should have the place of head of that committee, and that if he would accept it I would gladly withdraw and use what little influence I had to give him the place. But the Senator from Iowa looks upon that act as an act of atrocity second only to the attempted corruption of the Saviour of the world by the enemy of souls. It seems to me that he must have had rather an exaggerated idea of the consequence that was to be attached to what I proposed to do and the manner in which I proposed to do it.

Mr. President, I regret this as much as anybody; but while that venom existed in the heart of the Senator it was better that it should come out, and come out as it has this morning, openly, and before the Senate and before the world. But, sir, the Senator was not content with all that, and was not willing to let this thing go with such an exhibition as this without winding up with a threat. I can tell the Senator that I value his threat just exactly as much as I do his speech; and if I thought it could influence me to utter a word or to hold my tongue from the utterance of a single syllable, I should look upon myself as the meanest wretch that ever crawled into this place. No, sir, his threat—I will not characterize it nor designate it. I do not know that it is not becoming the decorum of debate and the proprieties of the place, and in entire accordance with what he considers due to good taste and the decorum and propriety of the body. He gives notice that with me he is done. I am glad of it, entirely glad of it. If there is a man on this broad footstool of God that has cause of offense against me, it is of his seeking. If there is a human being that has ever suffered wrong at my hand, let it have been ever so unintentional, that I have not been anxious and earnest and prompt to redress, I do not know it. The Senator may choose his own position and keep it; I shall pursue mine. I shall not descend or condescend to personalities, let them be heaped upon me as they may; and if in the course of the session the Senator's moral or mental health should be such as to require such another ebullition as he has given this morning, I shall content myself with letting it pass in silence.

One word more, sir, before I sit down. The Senator and I disagree in regard to another report that I made. The Senator thinks that there is great corruption in the Navy Department. So do I. We agree there. Where does he think it is? He thinks it is among the mechanics, the blacksmiths, and the employés taken from the middle classes. Mr. President, when the truth comes to be known, when the facts come to be seen, it will be found that you will have to go a little higher than blacksmiths, carpenters, or mechanics to reach the guilty parties. I will go further, and say that when you examine the contracts that have been made, those that have been made in the regular course of business by the Navy Department in the legitimate channels through the Navy agents, and compare them with those that have been made by the Department outside of the regular channels, you will find that the cost of the latter purchases has been at least fifty per cent., I think, in advance of those that have been made where the regular course of the law has been followed. But, Mr. President, I will not be premature in discussing that subject. When it comes up I shall endeavor to stand by the report of the committee.

ROCK ISLAND ARSENAL.

Mr. HOWARD. I move to take up House bill No. 206.

Mr. COWAN. I hope we shall be allowed to present petitions.

Mr. FESSENDEN. The morning hour is now passed, and I desire, after the long delay which has been interposed, to be permitted to take up the naval appropriation bill to-day. I must object to the taking up of any other bill, but I am willing to allow a few minutes for morning business.

Mr. HOWARD. It will take but a short time to dispose of the bill which I wish to take up.

Mr. FESSENDEN. What is the bill?

Mr. HOWARD. It is the bill in relation to the establishment of the arsenal at Rock Island.

Mr. FESSENDEN. Of course there will be debate on that. There was the other day.

Mr. HOWARD. There will be but a very short debate, I think.

Mr. FESSENDEN. I must object to the motion.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The Chair will receive petitions.

PETITIONS AND MEMORIALS.

Mr. COWAN presented a memorial of the members of the Legislature of the State of Pennsylvania, a memorial of the officers of the Philadelphia, Wilmington, and Baltimore Railroad Company, and two memorials of citizens of Philadelphia, remonstrating against the extension of the patents of Charles Goodyear for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

He also presented a memorial of the Board of Trade of Philadelphia, praying for the construction of a suitable pier at Lewes, in the State of Delaware; which was referred to the Committee on Naval Affairs.

He also presented a petition of citizens of Philadelphia, praying for increased railroad facilities between the cities of New York and Philadelphia; which was referred to the Committee on Military Affairs and the Militia.

Mr. CHANDLER presented the petition of the Adams Express Company, praying for the issue of Treasury notes in the place of Treasury notes lost by that company by the sinking of the steamer Bio Bio at New Orleans on the 22d day of March, 1863; which was referred to the Committee on Finance.

He also presented three petitions of citizens of Michigan, praying that a duty of not less than ten cents per pound be levied upon all wool of foreign production imported into the United States; which were referred to the Committee on Finance.

Mr. SUMNER presented two petitions of women of Farmington, New York, praying for the abolition of slavery throughout the United States, and the adoption of measures for so amending the Constitution as forever to prohibit its existence in any portion of our common country; which were referred to the select committee on slavery and freedmen.

He also presented a petition of women of Ontario county, New York, praying for the emancipation of all persons of African descent held to involuntary service or labor in the United States; which was referred to the select committee on slavery and freedmen.

Mr. TEN EYCK presented the petition of Jonathan Ball, praying for an extension of his patent for an improved mode of coating the interior side of metallic water-pipes with hydraulic cement; which was referred to the Committee on Patents and the Patent Office.

Mr. MORGAN presented a petition of citizens of New York, praying for the creation of a new district court of the United States to be held at the port of New York; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of citizens of New York, praying for the creation of a new district court of the United States to be held at the port of New York; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Eliza Donnelly, the mother, and Miss Sarah Donnelly, the sister of Colonel Dudley Donnelly, who was killed at the battle of Cedar Mountain on the 9th of August, 1862, praying for a pension; which was referred to the Committee on Pensions.

Mr. WILLEY presented the petition of Alfred A. Belknap, a paymaster in the United States Navy, praying to be relieved from all responsibility for a certain sum of money belonging to the United States which was stolen from him at the city of New York on the 11th of April, 1863; which was referred to the Committee on Naval Affairs.

Mr. NESMITH presented the petition of William Napoleon Walton, praying that aid may be given to him in the construction of a pneumatic ærograph from the waters of the Missouri river to San Francisco, California, or Portland, Oregon; which was referred to the Committee on the Pacific Railroad.

Mr. WILSON. I present to the Senate the first annual report of the National Academy of Sciences, and move that five hundred copies be printed.

The motion was referred to the Committee on Printing.

Mr. FOSTER. I present the petition of Brainerds & Co. and others, residents of Portland, Connecticut, representing that they are interested in the business of quarrying and transporting Connecticut freestone to various sections of the Union; that by the present reciprocity treaty, which will continue in force until September, 1865, and longer unless notice be given, crude stone and marble is introduced into the United States from Canada free of duty; and that under that treaty also, by a misapprehension of its terms, stone which is to a certain extent worked is also introduced free of duty in a condition for building purposes. The petition prays that that treaty may be abrogated and that steps may be taken to abolish the present practice under it. I present also the petition of E. M. Muhland and others, of Middlesex county, Connecticut, on the same subject. I move their reference to the Committee on Foreign Relations.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 383) to incorporate "the home for friendless women and children"—to the Committee on the District of Columbia.

A bill (No. 388) for the relief of Jesse Williams—to the Committee on Public Lands.

A joint resolution (No. 60) referring the case of James H. McCulloch to the Court of Claims—to the Committee on Claims.

A joint resolution (No. 61) referring the case of Charles Wilkes to the Court of Claims—to the Committee on Claims.

A joint resolution (No. 62) for the relief of A.

S. Clark, postmaster at Harrison, Ohio—to the Committee on Post Offices and Post Roads.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (H. R. No. 251) to organize a regiment of veteran volunteer engineers, reported it without amendment.

Mr. WADE. The committee on the conduct of the war, who were instructed to inquire into the causes of and circumstances attending the recent military expedition into Florida, have instructed me to make a report and to ask that the report and accompanying evidence be printed. As it will be for the use of the House of Representatives and for the Senate also, I move that five thousand extra copies be printed.

The usual number was ordered to be printed, and the motion to print extra copies was referred to the Committee on Printing.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a communication from the Secretary of the Interior, transmitting a copy of a communication from the Secretary of War, and a copy of a report from the Commissioner of Indian Affairs, upon the subject of providing means of subsistence for the Navajo Indians of New Mexico, upon a reservation at the Bosque Redondo, on the Pecos river, and recommending an appropriation to effect the objects contemplated, reported a bill (S. No. 226) to aid in the settlement, subsistence, and support of the Navajo Indian captives upon a reservation in the Territory of New Mexico; which was read, and passed to a second reading.

LICENSES TO INDIAN TRADERS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of abolishing the present system of licensing Indian traders, to report by bill or otherwise.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President of the United States had approved and signed, on the 8th instant, the following acts:

An act (S. No. 79) to incorporate the Providence hospital of the city of Washington, District of Columbia;

An act (S. No. 80) to provide for the better organization of Indian affairs in California;

An act (S. No. 82) concerning notaries public for the District of Columbia;

An act (S. No. 155) to incorporate the Union Gas-Light Company of the District of Columbia; and

An act (S. No. 163) to authorize the Columbia Institution for the Deaf and Dumb and the Blind to confer degrees.

NAVAL APPROPRIATION BILL.

On motion of Mr. FESSENDEN, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 151) making appropriations for the naval service for the year ending June 30, 1865.

The first amendment of the Committee on Finance was to strike out the clause in lines eleven and twelve: "For the construction and repair of vessels of the Navy, $26,300,000," and in lieu of these words to insert the following:

For repair and maintenance of vessels of the Navy, labor, materials, and stores, $11,500,000.

For the completion of sixteen fast steam screw steamships-of-war, $7,200,000.

For the purchase, construction, and repairs of vessels, materials, and labor, for the western waters, $4,000,000.

For the purchase and charter of vessels for naval and blockading purposes, $3,000,000.

For extra labor, expense of repairs, &c., on foreign stations, $800,000.

Mr. FESSENDEN. I will say to the Senate that these items are simply a specification of the various amounts included in the gross sum appropriated by the House of Representatives. It is making the appropriation specific.

The amendment was agreed to.

The next amendment was to insert the words "the completion of" before the word "armored," in line twenty-five; so as to make the clause read:

For the completion of armored-plated vessels, $3,600,000.

The amendment was agreed to.

The next amendment was in line seventy-two, after the word "houses," to insert "in the navy-yards," so as to make the appropriation for that item "for furniture for Government offices and houses in the navy-yards."

The amendment was agreed to.

The next amendment was to reduce the appropriation for contingent expenses of the Bureau of Equipment and Recruiting, from $1,500,000 to $1,250,000.

The amendment was agreed to.

The next amendment was in line one hundred and forty-nine, after the word "quarters" to insert "in the barracks," so as to make that item "furniture for officers" (of marines) "quarters in the barracks."

The amendment was agreed to.

The next amendment was in line one hundred and seventy-one, to strike out the word "moving" before the word "piers," and insert the word "mooring."

The amendment was agreed to.

Mr. FESSENDEN. There is another little amendment needed in that item to make the meaning clear. It now reads "barracks and guard-house, Seavey's Island." The comma after "house" should be stricken out and the word "on" inserted, so as to read "barracks and guard-house on Seavey's Island."

The PRESIDENT *pro tempore*. That amendment will be made.

The next amendment was to reduce the appropriation for the different objects at the New York navy-yard from $719,315 to $669,315, and to strike out the words "and for commencing wet basin on cob dock."

Mr. FESSENDEN. An appropriation of $50,000 was recommended for commencing a cob dock, which it will probably take a considerable number of years to complete.

The committee thought it was not advisable to commence a work of that description at the present time, and have therefore reported this amendment.

The amendment was agreed to.

The next amendment was to strike out from the objects of appropriation for the Washington navy-yard "marine railway in west ship-house," and to reduce the appropriation from $229,465 to $149,465.

The amendment was agreed to.

The next amendment was to add to the appropriations for hospitals the following:

Mare Island, California:
For completion of hospital, $75,000.

Mr. FESSENDEN. I will state to the Senate that $25,000 has been heretofore appropriated for the commencement of a hospital at Mare Island, and a communication was received by the committee from the head of the Bureau of Medicine and Surgery recommending that $75,000 more be appropriated in order to complete the hospital. His idea is to put up a brick building, one that will not cost a great deal of money, or be very expensive, but which will, in his judgment, answer the purposes of the service. There is no hospital there now. They have heretofore had possession of a vessel, but they have been turned out of that, and it would seem as if there should be some naval hospital on that coast. The committee thought it advisable to make this appropriation in accordance with his recommendation.

The amendment was agreed to.

The next amendment of the committee was in lines two hundred and ninety-three and two hundred and ninety-four, to strike out the words, "this appropriation is made upon the basis of no increase of salary," and to insert in lieu thereof, "and the salary of the constructing engineer at Mare Island, California, shall be $3,200 after the close of the present fiscal year;" so that the clause will read:

For pay of superintendents, naval constructors, and all the civil establishments of the several navy-yards and stations, $125,688. And the salary of the constructing engineer at Mare Island, California, shall be $3,200 after the close of the present fiscal year.

Mr. FESSENDEN. I think it would be well to amend that amendment by inserting the word "annual" before "salary." I make that motion.

The amendment to the amendment was agreed to.

Mr. HALE. I hope that amendment will not be pressed. I think the chairman of the Committee on Finance can accomplish everything he desires by striking out of the clause proposed to be inserted the word "and," and inserting the word "provided." It will then read:

This appropriation is made upon the basis of no increase of salary: *Provided*, The annual salary of the constructing engineer at Mare Island, California, shall be $3,200 after the close of the present fiscal year.

That will leave the section just as he desires to leave it.

Mr. FESSENDEN. There is no need of the word "provided" there at all. The word "and" at the beginning of the sentence is perfectly proper; "and the salary of the constructing engineer," &c.

Mr. HALE. I hope the chairman of the committee will consent to have that portion of the amendment rejected proposing to strike out that proviso, and that he will let the words "this appropriation is made upon the basis of no increase of salary" stand as they are.

Mr. FESSENDEN. The objection to that was a matter of taste. We thought it sounded rather like a stump speech. We appropriate a sum of money to cover a certain class of estimates, according to the estimates. We do not specify anything, and we do not provide specifically by those words that no salary shall be increased; but here it is proposed to say that the appropriation is made upon that basis. It is rather an explanation which we thought as a matter of good taste should be out of the bill rather than in it. The words have no legal signification whatever. If the Senate attach any particular importance to them of course I do not care anything about it.

Mr. HALE. I can state to the Senate and to the chairman of the Finance Committee what I am told is the fact. There are some employés in the navy-yards who are appointed within the discretion of the Department or of the head of a bureau whose compensation is not regulated by law. It is proposed as I understand to raise the salaries of some of those employés and possibly to leave out some of them. The committee of the House of Representatives thought it was better to leave the salaries as they are. I am not very particular as to the form of the proposition. It was put in by the House.

Mr. JOHNSON. The words proposed to be stricken out will not accomplish the object, if that is the object, because they may pay just what they please out of their whole appropriation; but it seems to be a little singular that we should put such a provision in this bill. I understand the Senator to say that the compensation which is now being paid may be increased, and the object of putting this clause in was to exclude the idea that these appropriations were intended to be used for that purpose. I do not see what there is in the words proposed to be stricken out which would prevent the superintendent from paying that money among his several employés just as he thought proper. You do not fix by the bill what the superintendent is to get, what the contractor is to get, or what other persons employed under them are to receive. It appears to me that the clause amounts to nothing, and I agree with the Senator from Maine that it is rather in bad taste, certainly it is novel, to insert a provision like this in the bill. It is really saying to the people of the United States that we do not mean to spend more money for the purpose of salaries than has heretofore been spent; but yet we give as much money as is needed. The amount is the thing in which the country has an interest, and not the manner in which that amount is distributed as between the different employés.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the committee as it has been amended on motion of the Senator from Maine by inserting the word "annual" before "salary."

The amendment, as amended, was agreed to.

The next amendment of the committee was after line two hundred and ninety-seven to strike out the following words:

For pay of clerks in the ordnance department at the several navy-yards in lieu of the present per diem pay, namely:

For salary of one clerk at Portsmouth, New Hampshire, navy-yard, $1,000.

For salary of one clerk at $1,200, and one at $1,000 per annum, at Boston navy-yard, $2,200.

For salary of one clerk at the Philadelphia navy-yard, $1,000.

For salary of chief clerk at $1,800, one clerk at $1,000, and one draughtsman at $1,800 per annum, at Washington navy-yard, $4,600.

Mr. JOHNSON. I will ask why that is proposed to be stricken out?

Mr. FESSENDEN. The reason for striking it out is simply this: heretofore the clerks of the ordnance department at the several navy-yards have been paid like all the other clerks employed in the navy-yards, a per diem as their services were needed. This is an attempt to place the ordnance department on a different basis, which is considered unwise. Let them all remain on the same basis as heretofore.

The amendment was agreed to.

The next amendment of the committee was in line three hundred and sixteen, page 14, under the heading of "Naval Observatory," to strike out "three" and insert "four," and in line three hundred and seventeen, after the word "dollars," to strike out the words, "and $4,000 thereof shall be equally divided among the three aids as their salary;" so that the clause will read:

For pay of assistant astronomer, four aids, and clerk, $8,000.

The amendment was agreed to.

The next amendment of the committee was in line three hundred and forty, page 15, after the word "photographer," to insert the words "for ordnance bureau;" so that the clause will read:

For pay of photographer for ordnance bureau, $300.

The amendment was agreed to.

The next amendment of the committee was to strike out the second section of the bill in the following words:

SEC. 2. *And be it further enacted*, That for the purpose of building a floating dry dock for monitors at the New York navy-yard, and also at the navy-yard at Philadelphia, at a price not exceeding $260,000 each, the sum of $520,000 be, and the same is hereby, appropriated, to be paid out of the appropriation of $750,000 for a floating dry-dock at navy-yard New York, provided for by the act making appropriations for the naval service of the United States, approved March 3, 1863; and the balance of said appropriation be, and the same is hereby, repealed.

Mr. ANTHONY. I move to amend that section by striking out the word "floating" before "dry-dock," leaving it at the option of the Department to make it either floating or permanent, as they see fit.

Mr. FESSENDEN. The proposition of the committee is to strike out the whole section.

Mr. ANTHONY. If that motion of the committee is lost, will it still be open to amendment?

The PRESIDENT *pro tempore*. It will be open to amendment; and it is now open to amendment or modification before the question is put on striking out.

Mr. ANTHONY. I suppose there will be no objection to striking out the word "floating."

Mr. FESSENDEN. I wish to make a short statement in regard to the amendment of the committee to strike out this section. The committee were in very great doubt about it. We made an appropriation, I think, of $700,000, for building a large floating dry-dock at the New York navy-yard last year. That will take some time to build. The pressure is pretty strong for a floating dry-dock for monitors and iron vessels, and it was recommended, I think, by the Department—I have been trying to find it, but it may possibly have been recommended after the report was made—no part of that money having been expended at the New York yard, that instead of building one there, two small docks should be built in shorter time and at a less expense, I think $260,000 apiece, at these different points. That was carried in the House, and the residue of the appropriation for a larger floating dry-dock repealed.

There are two considerations connected with this subject, and the committee thought it best to submit them for the consideration of the Senate. It would take some time to build a large dry-dock, though not a very long period, longer, however, than it would take to build two small ones; but if you build these small docks they are for small vessels, and you cannot get a large one into them. It would seem to involve by and by the necessity, and will necessarily, of building a large one in addition. As is obvious, you can get a small vessel into a large one, when you cannot get a large vessel into a small one. Therefore, if we build these two we shall only have them for the smaller class of vessels, while our large iron-clads will be left comparatively unprovided for. The committee therefore thought on the whole it was best to submit the question to the judgment of the Senate on the motion to strike out, which would leave the appropriation of last year for one dry-dock at New York to stand, and that is simply the question.

Mr. JOHNSON. If this section is stricken out as proposed by the committee, as I understand there will then be an appropriation by the law of last session for a dock in New York only, and none in Philadelphia?

Mr. FESSENDEN. Yes, sir, an appropriation of $700,000. The law will then stand just as it was before with reference to that matter. New York is the only place we now have where a dock of that kind can be built. It is a matter, of course, of judgment and discretion. The committee have no strenuous opinion with regard to it, but the weight of our opinion on the whole, on considering it, was that it was best to leave the appropriation to stand as it was. It is, however, for the Senate to decide.

Mr. ANTHONY. I move to amend the section proposed to be stricken out by striking out the word "floating" before the words "dry-dock."

Mr. FESSENDEN. I should like to hear some reasons for that. It is against the judgment of the Department and of the engineers connected with it. They want a floating dry-dock.

Mr. ANTHONY. If that is their judgment they can make it a floating dock. This amendment does not compel it to be a floating dock, but leaves it at the option of the Department.

The PRESIDENT *pro tempore*. The word "floating" occurs twice in the section. The Chair will inquire of the Senator from Rhode Island which he moves to strike out?

Mr. ANTHONY. Both. I wish to leave the Department at liberty to construct a floating or other dry-dock as it sees fit. If the Department desires a floating dock, of course a floating dock will be constructed; but I do not see why we should restrict them to a floating dry-dock. I move to strike out both.

Mr. JOHNSON. The word "floating" may be stricken out in the second line where it first occurs; but in the eighth line where it occurs again it relates to an appropriation already made for a floating dock, and it should not be stricken out there.

Mr. ANTHONY. A "dry-dock" will describe it sufficiently.

The PRESIDENT *pro tempore*. The question will first be taken on striking out the word "floating" in the second line of the section proposed to be stricken out.

Mr. FESSENDEN. I hope that will not be agreed to. The Department have made their own proposition in regard to it. They want a floating dock.

Mr. ANTHONY. If they want it they can have it. This amendment to the amendment will not prevent them from having a floating dock. It merely removes the restriction on the Department, and allows them to have either in their discretion.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The PRESIDENT *pro tempore*. The amendments reported from the Committee on Finance are now disposed of.

Mr. HALE. I am directed by the Committee on Naval Affairs to propose several amendments to this bill. I move to amend the bill by adding the following:

For compensation of petty officers, seamen, and others of the crew of the United States steamer Monitor, lost at sea, December 30, 1862, $3,000.

For compensation of petty officers, seamen, and others of the crew of the United States steamer Cairo, lost in the Yazoo river, December 12, 1863, $8,250.

Resolutions have passed Congress to pay this money, but no appropriation has been made. This amendment proposes simply to make an appropriation for that purpose.

Mr. FESSENDEN. I will ask the Senator whether this comes from his committee?

Mr. HALE. Yes, sir, from the committee and from the Department both.

Mr. ANTHONY. I believe there are two or three other gunboats in precisely the same situation. I think the Senator from Iowa made a suggestion of that kind. Ought they not to be provided for, also?

Mr. GRIMES. There are two or three others that have been lost, but bills to cover these cases were passed at the last session, but Congress failed to make an appropriation.

Mr. ANTHONY. This is to carry into effect an existing law.

Mr. GRIMES. Yes, sir.

The amendment was agreed to.

Mr. HALE. I have another amendment to offer that is recommended by the Department and also by the Committee on Naval Affairs. It is on page 10, after line two hundred and twenty-nine, to insert these words:

For machinery and materials for the repair of vessels at Pensacola, Ship Island, and New Orleans, $100,000.

Mr. FESSENDEN. I should like to have the Senator explain where that comes from.

Mr. HALE. I will read the communication from the Navy Department on the subject. It is as follows:

NAVY DEPARTMENT, *April* 4, 1864.

SIR: I have the honor to inclose herewith a communication from the chief of the Bureau of Yards and Docks, dated the 2d instant, relative to the want of facilities at Key West, Pensacola, Ship Island, and New Orleans, for coaling and repairing the vessels of the Gulf squadrons, and suggesting that provision be made in the naval appropriation bill now under consideration to supply the wants at those places. Estimates for improvements and alterations at Key West and letters from Rear Admiral Farragut and Acting Rear Admiral Bailey accompany Rear Admiral Smith's communication. I earnestly invite the attention of Congress to the subject.

Very respectfully, &c., GIDEON WELLES,
Secretary of Navy.

HON. JOHN P. HALE,
Chairman Naval Committee United States Senate.

Then there is a communication from Admiral Smith recommending $100,000 as the sum.

Mr. FESSENDEN. Anything that comes from Admiral Smith is sufficient.

The amendment was agreed to.

Mr. HALE. I am directed by the Committee on Naval Affairs to offer another amendment, to insert after line three hundred and fourteen, page 14, the following:

For constructing coal wharf at Key West, Florida, $32,000.

Mr. FESSENDEN. That is recommended by the Department, I suppose.

Mr. HALE. It is recommended by the Department. I have their recommendation here, which can be read if desired.

The amendment was agreed to.

Mr. HALE. I have another amendment to offer from the Committee on Naval Affairs, to insert, after line three hundred and fourteen, page 14, the following:

For altering coal depot to storehouse at Key West, Florida, $18,000.

Mr. FESSENDEN. I take it, all these amendments come from the Navy Department, and are approved by the Committee on Naval Affairs.

Mr. HALE. Every one of them is recommended by the Secretary of the Navy, and also by the Committee on Naval Affairs.

The amendment was agreed to.

Mr. HALE. On the same page, after line three hundred and fourteen, I move to insert the following:

For constructing railroad from naval wharf to coal yards at Key West, Florida, $10,000.

Mr. FESSENDEN. I should think that amendment wanted a little explanation.

Mr. HALE. Well, sir, I have it here. The document is rather long. The Navy Department sent out an officer to make an examination on this subject. The officer was John J. Philbrick, who made a pretty voluminous report. The estimates are made in detail; and that is the exact sum that he reports. It is recommended by the head of the bureau and by the Secretary of the Navy. If any Senator desires it, the report can be read. It is a pretty long document. The appropriation is only $10,000.

Mr. FESSENDEN. The Senator can state the substance of the document.

Mr. HALE. The substance of it is this: the engineer who made this report states that the prices charged at Key West by the draymen, &c., for moving the coal from the wharf to the store-house are very enormous, and altogether beyond anything like what prudence would justify them in paying. There are only two modes suggested of remedying this evil: one is, that the

Government shall buy and use their own drays and horses; and the other to build a railroad for a very short distance—I do not remember the exact distance—at an expense of $10,000. The Department thought, and so did the committee, that the cheapest way would be to build the railroad.

Mr. JOHNSON. I know the location very well; and it would be a great deal better to have the railroad.

Mr. HALE, It is so thought by everybody who has had anything to do with it.

The amendment was agreed to.

Mr. HALE. On the same page, after line three hundred and thirty-two, the committee recommend the following appropriation:

For the purchase and preparation of a site for a cemetery for the Navy and marine corps near Philadelphia, $20,000.

The communication from the Navy Department on that subject is very short, and I will read it. It is from Rear Admiral Smith:

NAVY DEPARTMENT,
BUREAU OF YARDS AND DOCKS,
April 2, 1864.

SIR: The circumscribed area of the grounds of the Naval Asylum and Hospital at Philadelphia will not admit of the extension of the burial ground. The war has brought so many sick and caused so many deaths there that it is absolutely necessary to procure a lot for a cemetery for the Navy near Philadelphia, and I therefore request that you will ask Congress for an appropriation of $20,000 for the purchase and preparation of a site for a cemetery for the Navy and marine corps. A site can probably be purchased for twelve or fifteen thousand dollars, and the fencing, &c., for $5,000, but if the appropriation be made a commission should select the site.

I have the honor to be, with great respect, your obedient servant, JOSEPH SMITH,
Chief of the Bureau.

Hon. GIDEON WELLES, *Secretary of the Navy.*

The amendment was agreed to.

Mr. HALE. I have another amendment to propose by the direction of the Committee on Naval Affairs. It is on page 8, line one hundred and seventy-nine, to strike out all after the word "kinds" down to the word "thousand," in line one hundred and eighty-two. To make the amendment intelligible, I will state that this clause now reads as follows.

Boston:

For additional amount for joiners' shop, additional amount for coal house, extension of shear wharf, railroad tracks, and repairs of all kinds, and for extension of water front by purchase of two lots adjoining navy-yard at a price not exceeding $135,000, $319,500.

The committee propose to strike out these words:

And for extension of water front by purchase of two lots adjoining navy-yard, at a price not exceeding $135,000.

And then to subtract $135,000 proposed to be stricken out from the aggregate, $319,500, leaving the amount $184,500. The item will then read:

For additional amount for joiners' shop, additional amount for coal-house, extension of shear wharf, railroad tracks, and repairs of all kinds, $184,500.

Mr. JOHNSON. Why are these words proposed to be stricken out?

Mr. HALE. I will state; and I shall be glad if I can get the attention of what few Senators there are present.

Some two or three years ago, I think in the last Congress, application was made to Congress to extend the navy-yard at Charlestown, on the west side, by the purchase of a lot of ground of Oakman & Eldredge at the price of $120,000. After a long discussion, the Senate refused to agree to it, but finally by a report of a committee of conference it was adopted, and the land was bought. That land had formerly been owned by a Mr. White, who testified that for ten years previous he had been trying to sell it to the Government for $75,000, but he could not do it. He then sold it to Oakman & Eldredge for $66,125. Immediately afterwards, or within a few months—I cannot state the precise time, but very soon afterwards—these gentlemen, Oakman & Eldredge, who bought of White, sold the land to the Government for $120,000. Nothing more was heard of it up to the commencement of this session. There was no estimate made for any additional purchase; no claim made that any more purchase was desired; but Oakman & Eldredge made so good a sale during the last Congress that they went on and bought two additional lots in the same direction, still further west. One of those lots they bought since this Congress has been in session, to wit, on the 18th of December. Of the two lots which they thus bought, they now propose to sell to this Government a little more than half. They gave $104,000 for the whole of the two lots. They propose to sell a little more than half of them to the Government for $135,000. In other words, they propose to ask of the Government $31,000 for a little over a half, more than they gave for the whole.

The city of Charlestown, where this land is located, is very small in territorial limit, and they are very much opposed to this proposition. They have passed resolutions on the subject. They believe that the Government do not want this land, and they are unwilling to have this property taken out of their taxable property and their mercantile facilities. There is abundant evidence—and I suppose it has been submitted to the Committee on Finance—that, in point of fact, the Government now own on the east side of the yard a great amount of property that might be made available at a much easier and cheaper rate than by buying this land of Oakman & Eldredge, who have bought it for the purpose of selling it to us. The water front of the land which the Government owns on the east side of the yard, and which is not filled up, is about three thousand four hundred feet. It is not so deep as on the east side, but the land on the east has been bought by private gentlemen, who have cleared it out, dredged it, and made it available for the purposes of navigation. The Government proposes to buy that, while, by neglecting their land on the east side, the deposits in the river are coming down and filling it up.

There is various evidence that if the Government will improve their own land they can do it at a much more reasonable price, and have better property, than they can get by buying this land at this exorbitant rate. I have before me quite an amount of testimony that has been submitted to the Committee on Naval Affairs, and also a plan of the land, which any gentleman who desires to do so can examine. The Naval Committee believe this thing is entirely unnecessary, and such is the opinion of the most practical men there. I shall not read much of it, but I ask the indulgence of the Senate for a moment while I read one piece of testimony. I propose to read the testimony of William L. Hanscom, who is the Government constructor at the Charlestown navy-yard:

Commonwealth of Massachusetts:

I, William L. Hanscom, of Boston, in the county of Suffolk, on my oath say that I am naval constructor; that I have held said office ten years, and for four years last past have been stationed at the Charlestown navy-yard; that the water frontage on Mystic river is about thirty-four hundred feet; that a large portion of said frontage is now unimproved, which might be improved to great advantage for wharf purposes by the extension of piers, without detriment, but, on the contrary, with great benefit to the yard.

WILLIAM L. HANSCOM.

That is the testimony of the Government officer who is there in charge. I have here also the testimony of Mr. White, the man who owned the land that we bought two years ago, which I will read. It is as follows:

Commonwealth of Massachusetts:

I, George W. White, of Charlestown, in the county of Middlesex, on my oath say that I have lived in said city twenty years; that I have owned wharves within the same, and have done business thereon; as tenant and owner I occupied the wharf next adjacent to the navy-yard for about eighteen years; it contains about one hundred and fifteen thousand superficial feet. In 1860 I tried to sell it to the United States and offered it for $75,000 to them, or rather this offer was made with my concurrence by a joint owner with me, Mr. Darrow, but a sale could not be effected, and we afterwards sold it for a less price to Messrs. Oakman & Eldredge, who, after laying out over twenty thousand dollars thereon, sold it to the United States.

They sold it for $120,000.

Mr. DAVIS. I should like to ask the honorable Senator one question. Who was the agent of the Government who refused to purchase that property from White at a reduced price, and who purchased it afterwards at such an exorbitant price?

Mr. HALE. That I cannot say, but I think the Senator can get all the information at the Bureau of Yards and Docks. I am not conversant with the fact and was not. But this testimony of White continues:

"Within the yard I am certain the Government can construct many valuable wharves without detriment to any interest therein, which would be quite as valuable as any other wharf property in the city, and particularly to the United States, as they would be within the limits of their own yard."

Besides, there are a great number of affidavits here from men who know the property; men who have for many years been assessors of property in the city of Charlestown, who estimate the value of this property for which we are asked to give $135,000 at $60,000. There is among the papers also evidence that the portion that Oakman & Eldredge would reserve to themselves after this sale to the Government would be worth quite as much as that which they sell to the Government.

Mr. FESSENDEN. They offer the whole for only $25,000 more than this piece.

Mr. HALE. I cannot say how that is.

Mr. FESSENDEN. Their offer is $135,000 for this piece, or the whole for $160,000.

Mr. ANTHONY. What did they give?

Mr. FESSENDEN. They gave $104,000.

Mr. HALE. I think the ratio is about eighty to between fifty and sixty. I propose now to read the resolution of the mayor and aldermen of the city of Charlestown on this subject:

CITY OF CHARLESTOWN,
IN BOARD OF MAYOR AND ALDERMEN,
February 29, 1864.

Whereas negotiations are in progress whereby certain agents of the United States Government propose to cause the United States to purchase Caswell's and Brintnall's wharves, so called, in this city: It is therefore

Ordered, (in concurrence,) That his honor, the mayor, be directed to take such steps to prevent the transfer of said property by appearing before a committee of Congress, by counsel or otherwise, as he may deem necessary.

DANIEL WILLIAMS,
City Clerk.

I have here also the deeds, but I suppose there will be no dispute about them. One of them was dated in September, 1863, and the other last December, some eighteen days after this Congress had been in session, to Oakman & Eldredge. I will now read the testimony of Edward Lawrence:

Commonwealth of Massachusetts:

I, Edward Lawrence, of Charlestown, in the county of Middlesex, on my oath say, that Timothy T. Sawyer, Esq., and myself were tenants in common and owners of Caswell's wharf, so called, in said city, prior to last September. I have been a resident of said city nearly forty years, have been constantly in active business pursuits, have been in its city government for several years, and have, during the last fifteen or twenty years at least, been well acquainted with the situation, value, and condition of the real estate therein.

In September last we sold said Caswell's wharf to Messrs. Oakman & Eldredge for $49,000. We thought it better to sell it for that than to hold it and let it. Before selling it, Mr. Sawyer and myself canvassed the question whether the Government would be likely soon, or within any reasonable time, to need it. But upon what we knew and learned we concluded the Government could have no occasion to buy it.

This wharf we considered to be more valuable by some thousands of dollars than Brintnall's wharf, so called, then owned by Mr. Hintinger. It seemed to us then, and it seems to me now, if the Government needs more wharf that it can better make it in its unoccupied spaces in the yard than to buy outside thereof. And I now think the whole or a part of this purchase money, if expended within the yard, would produce far better wharf facilities than will result from this purchase.

My acquaintance with the business affairs of this city teaches me that the withdrawal of this from the hands of private ownership will be a misfortune in several respects, and particularly that our trade and commerce need it, inasmuch as very few wharves now remain in private hands, so that there are not facilities offered for the carrying on of any very considerable mercantile enterprises requiring enlarged wharf facilities. Besides, it operates as a hardship upon our small city of about six hundred acres of real estate to take more of its land from taxation.

But both these considerations and all others I should readily yield if I could see any reasonable exigency on the part of the Government for this property.

I shall not read any more of these affidavits, some of which are from gentlemen who have been assessors of property in Charlestown for a good many years, and who say that $60,000 is the utmost that the property is worth.

Mr. FESSENDEN. This subject of purchasing a small piece or a large piece of land, if you please, adjoining the Charlestown navy-yard, and thereby enlarging the yard, has been a matter that has occasioned considerable debate in Congress, and in one form or another has been under consideration for several years. I regret that the Senate is not in a condition to settle the matter understandingly. On looking around the Chamber I see but about a dozen members present. I suppose the proper business of the Senate, the making of appropriations, is not of much consequence in reality to the country by the way in which we appropriate millions of dollars; and this matter must be left to take its course accidentally, and result well or ill as may happen.

My attention has been called to this matter in one shape or another for a considerable period of time. With regard to the first purchase that was made, it was of a piece of land lying between this

land and the navy-yard, and consequently this land, however much it might be offered, could not be purchased to advantage, and would be of no use to the navy-yard until the other had been purchased. Previous to the war, and while we had comparatively a small need of space, it was not deemed particularly advisable to press the large extension of the yard; but the piece of water front which was purchased some two or three years ago—I do not remember the exact time—for $120,000, if that was the price, was a matter that was absolutely essential to the carrying on of business at the yard. Admiral Smith had been urging it upon Congress for eight years, and trying hard to persuade Congress to buy it.

My friend from Kentucky inquired who was the agent for the purchase. Congress was the only agent for the purchase. It was recommended by different persons to purchase, but the Navy Department could not purchase it until they obtained authority from Congress. The purchase of the piece of land which I speak of, which is now owned by the Government, was urged by the chief of the Bureau of Yards and Docks for several years upon Congress at a time when he could get it cheaper. It was continually rising, and Congress was continually refusing or omitting to purchase, on the same ground that objection is made to it now—that it was an exorbitant price. Congress would not authorize its purchase until it finally fell into the hands of these men, Oakman & Eldredge, who carried on a large coal business there. The navy-yard was so situated with regard to water, its principal works being in that particular portion, that when they laid a vessel at their own wharf it projected over this other piece of ground that we afterwards bought. They got leave at one time from the owners to lay their vessels there and to make some work there; and after they got leave the admiral informed me it was so absolutely essential that they could not let it go, and they held on to it. Although these men had made large improvements there, they told them the Government must and would hold on to it at any rate, for they could not do without it. It was obvious to everybody that looked at it, that in order to carry out the operations of the yard at that particular point, it was absolutely essential to purchase that piece of property. But Congress, with the fashion that prevailed for a great many years, of opposing everything which required an expenditure of money for public works while the matter was in the hands of certain gentlemen whose notions of economy were anything but economical, refused until this period, when these men had purchased, when they had made large improvements upon the land, and when being so annoyed by the continuous possession of the Government and the refusal to give it up, they offered to sell it. There was a great debate about the price, but they would not go below the sum at which they finally offered it, and Congress agreed to buy. That was the case with reference to that particular portion of land.

Now, what made that purchase essential was this: at that particular point of the water front is the deep water. It is where the current of the river comes directly in front of the navy-yard and sweeps out into the stream. The deepest water in the harbor is at that point. It is something over thirty feet deep. There is also situated there all the principal works belonging to the navy-yard. That deep water was essential to them, or else they must take another course: carry out a sea wall for a large extent of their works down to the deep water and build out on to it, or else construct piers over the shallow water, and that would necessitate a continual dredging to keep a sufficient depth of water. It was deemed by the naval officers, and by Admiral Smith, who was perfectly familiar with it, having been in command there for a long period, that it was better and cheaper and in fact actually essential to purchase the piece of land that was there.

Things went on in that way for some time. We obtained that land. These gentlemen, Oakman & Eldredge, have been in possession of all these wharves lying alongside of the navy-yard for many years. They have expended a great deal of money on that land. They carry on a very large and valuable business, making a large income. They coal vessels. They are the owners of the deep waters of the harbor just at the outlet I think of the Charles river, and where it is always kept clear by the current, and where there is no necessity for dredging. They had been holding this property under lease, and finally purchased it. Having purchased it, we are now placed in this situation with reference to the matter, as I understand: we have now a very large business there; we have a very large number of vessels there; many of them are obliged, if they will bear it, to be removed off into the stream. We have a very small water front containing the requisite depth of water. We have, to be sure, several hundred feet of shallow water, but you cannot get within a long distance of the works of the navy-yard without doing one of two things: either making a sea-wall down to deep water, and then filling up to it—and that is the only proper mode of doing it, but it cannot be done, as I said before—or by building out piers, which would necessitate a continual dredging, and which is not the best mode.

Mr. DAVIS. I should like to ask the honorable chairman of the Committee on Finance a question. If it is necessary for the convenience and interests of this navy-yard and the interests of the Government that this land should be acquired, why is it not acquired in the mode in which private land is generally appropriated for public use? Why is not a jury summoned to go upon the premises and assess its value, and then let the Government take it at its value according to the assessment?

Mr. FESSENDEN. Simply because Congress has never passed a law to authorize any such thing to be done.

Mr. DAVIS. I think it is high time such a general law should be passed.

Mr. FESSENDEN. That has been said here repeatedly when a proposition has been made to buy land. The argument always is, why do you not take it? The answer is, that Congress, who ask the question, do not provide any mode for taking it and never have. If such a law were passed, there would be very good reason why it should be done in that way.

But I was about to state that the number of vessels at that yard at the present time is very large. They are obliged to hire wharves; they are obliged to hire docks. They cannot accommodate the vessels that are there. The works of that yard are very great. Some might ask, why not go down to Portsmouth, where you can get deep water enough? You may go to Portsmouth; but you must go there for a limited quantity of business, because Portsmouth has not the appliances necessary to make repairs and construction to so great an extent, and it involves time and labor to extend them. Undoubtedly there is room enough there, all of which we need and shall need, and more too.

This land thus standing in that point of view, precisely in that situation, the Government needing it immediately, these men, Oakman & Eldredge, who have been spoken of by the Senator, became possessed of this property. They purchased it very recently, and after the estimates had been submitted to Congress. Being thus in possession, and the fact coming to the knowledge of the chief of the bureau, a negotiation was entered into to see for how much they would sell what the Government wanted. It is about two hundred and eighty feet front, if I recollect aright, of the best water in the harbor, all deep water, and just at that part of the river where it is kept entirely clear by the current continually, and no dredging is needed. They gave $104,000 for it; but, as one of them said before us, they bought one piece of it at a bargain. I believe they gave $55,000 for it when they considered it worth $75,000. The other portion that they bought they did not buy at so much of a bargain. They professed a readiness to sell the whole of it, upon which, however, they had placed, as it had been in their possession for a considerable time under a lease, about thirty thousand dollars' worth of improvements.

Mr. HALE. On this same piece of land?

Mr. FESSENDEN. Yes, sir, on this same piece of land that they had purchased; and they proposed to sell the whole for $160,000; but the Government does not need the whole. We propose to buy all the water front except about thirty feet, over two hundred and eighty feet water front, leaving them about thirty feet for passage way down. Then it runs at an angle so that the part which they retain is mostly upland, running up to the stream. It is only the water front that we want.

Another thing: all that was wanted on the part of the Government with reference to that purchase was to strike a line at right angles so as to clear the yard, get the front, and, so far as the current is concerned, get the yard into proper shape; and the Navy Department thought it wiser, although this other piece was of considerable extent, in the proportion of fifty or fifty-five to eighty, to save the $25,000, because money expended for what is not needed is always wasted; and that was the proposition. Oakman & Eldredge retain what is entirely insufficient for their business, and cannot be made sufficient for their business at the present time; and doing, as they are, a very large and very profitable business, it involves giving up the whole and finding a new place of business for themselves. As Mr. Oakman—I think that was the man who was before the committee—said, they calculated to make a profit; they would not sell it if they did not make a profit on it; but in his judgment, considering the amount of expenditure, what they sold of it, and what they would retain, it was not anything unreasonable. To denominate it a swindle, as it has been denominated, is a perversion of terms.

Mr. HALE. I did not do it.

Mr. FESSENDEN. I know you did not do it; but it has been said elsewhere. There is no swindle about it. It is a plain business proposition. Everything in regard to it was distinctly understood by everybody engaged in the negotiation.

The matter derived some force in my opinion from the fact that the chief of the Bureau of Yards and Docks thinks it very important, because the moment the Government came in possession of it they have completed the yard, and have the best water in the harbor near to their important works. They are not obliged to wait for new constructions of any kind or description, and they obtain what is exceedingly valuable. The chief of the Bureau of Yards and Docks remarked to me in relation to this matter: "I have no urgency about it so far as I am concerned. It is my opinion decidedly that it would be best for the Government to buy it. It may be a high price; it may be more than it is worth in the market; it may be giving, although on examination I do not think it very unreasonable, more than anybody else would give, or could be expected to give; but the question in my opinion is, is it worth that money to the Government, and, if they cannot get it for less, is it not a valuable and important purchase to be made in the existing state of things?" About that he had no doubt; about that the Secretary of the Navy had no doubt; about that the Naval Committee of Congress, which went on and examined the spot and looked at the whole thing, had no doubt; about that neither of the Representatives from Boston, Mr. HOOPER and Mr. RICE, whose judgment we may rely upon, and whose integrity is beyond all question, has any doubt. Neither, I believe, has either of the Senators from Massachusetts, if they have examined the question.

Now, then, the simple question is this: we have connected with that yard a large extent of water front, three thousand four hundred feet I believe, beyond this on the other side, but it is all low water. You cannot get a vessel anywhere near it at all. It is of no value as water front unless, as I said before, you do one of two things, either go down to the deep water and build a sea-wall and fill up until you come to it, or else throw out your piers at different places and use them. The objection to the latter, as I understand, is the constant dredging that would be necessary in order to keep it clear. This portion of the water front that has been bought is kept clear by its own motion, by its own effect.

I have a plan here, which any Senator can examine who sees fit to do so, in which the depth of water is marked all along, showing what I have stated to be entirely correct and true with reference to it. But if you rely upon the water front which you have, it involves, in the first place, a considerable time before it can be made available; it involves a large expense before it can be made available; and then it involves, it is understood, a continual recurring expense in order to keep it available, unless you build the sea-wall that I

spoke of; and that is a matter that would take many years, and would not answer our first purpose at all; but that would be the only correct mode.

As to the testimony that has been read, there is something very peculiar about the testimony of Mr. Lawrence. He is an inhabitant of Charlestown. He says in the first place that he wanted to sell this land to the Government, but the Government would not buy it of him; and finding the Government would not buy it he sold it to these men. In the same affidavit he tells us that it will not do to sell it to the Government because it will injure Charlestown so much. After trying hard, according to his own statement, to sell it to the Government, and finding he could not, he sells it to these men, and then he turns around and says it will not do to sell this land to the Government; it will be a great injury to Charlestown. It seems that his love of his city did not interfere with his love of pelf so far as the original sale was concerned.

My friend from New Hampshire has read the testimony of Mr. Hanscom, the naval constructor. Why did they not take the testimony of the engineer of the yard? Mr. Hanscom may be a very good naval constructor; he may know all about building ships; but about the expense of making this alteration, and about the necessity of it, it would seem that the testimony of the engineer of the yard was the proper testimony to be taken; but that is avoided. They took the testimony of three or four master workmen, four of whom are aldermen of the city of Charlestown, and the testimony of the naval constructor, who did not know anything about this particular business, and omitted taking the testimony of the engineer, and, I am told, omitted to do so when they knew his testimony would be unfavorable in regard to it, and the testimony of the commandant of the yard. The commandant was Admiral Stringham, who has been urging it very strongly as a matter that was necessary for the wants of the Government. I have no faith in these statements—I do not dispute the integrity of the men—and in the kind of testimony that has been got up here.

They have got the testimony of a considerable number of Charlestown men, the aldermen, &c., and I am told that the opinion of a very large portion of the people of Charlestown is that it is a matter of no great consequence to them. Why, sir, Charlestown lives by the navy-yard. What would become of it if it were not for the great expenditure of money there on that spot? Charlestown is nothing without the navy-yard in any shape or form; and for a city of that limited area to come in and object to proper facilities being afforded for a public work by which they live, and upon which they live, and which makes them all they are substantially would seem to be a little singular.

My friend has talked about going to the other end of the yard and improving there. The mayor of the city, who has been here, Mr. Stone, is a man who is deeply interested in filling up land at the other end of the yard, which, as I am told, he does not pretend to deny that at some time he would like to sell to the Government, where it is now shallow water, at the mouth of the Mystic, and I am told, instead of doing good, very much injuring the water front in consequence of the changes he made. But of that I know nothing. I cannot speak of my own knowledge but only from hearsay.

With regard to this matter I feel just exactly as the Navy Department feels or professes to feel, and I have no doubt does feel, and that is this: we do not any of us want to expend money unnecessarily. I believe I am as much averse as my honorable friend from New Hampshire to expending money for any purpose where it can be avoided; but it is miserable economy not to buy where the Government is absolutely in need of having a place. I am disposed rather to trust to the testimony of such a man as the admiral in command of the yard, of the engineer, of the officers there, of the chief of the Bureau of Yards and Docks, of the Secretary of the Navy, of the two Representatives from the city of Boston, and of the House Naval Committee who have been upon the ground and examined it, and recommended it after seeing it, than to those affidavits that are got up by interested parties giving their opinions of what ought to be done and what might be done. I have not the slightest feeling in the world as to whether this succeeds or fails. I would not turn my hand over on that consideration merely to settle it one way or the other, but the Committee on Finance, after hearing both sides, having had Admiral Smith before them, having had the commandant of the yard before them, having had Mr. Stone before them, and the papers and documents and plans, and looking at the question carefully, after hearing both sides, came to the conclusion all but unanimous (I think the vote stood 5 to 2, if I am at liberty to speak of that) that it was advisable for the interest of the Government, whether this was a high price or not, to purchase this piece of water front. It is the best in the harbor. It gives symmetry to the yard itself which now wants it very much; it furnishes what we want in the way of deep water, gives us facilities for which we have immediate and pressing necessity, and settles all the troubles we have had there before. If, however, on the mere ground that the price is more than ought to be given for it, and that the men who propose to sell it will be making money out of it, the Senate think it advisable to reject the opportunity that is offered them, I shall be perfectly content if that is their decision.

Mr. SUMNER. It seems to me that I ought not to let this question pass without saying a word about it, especially as the Senator from Maine has referred to the opinions of the two Senators from Massachusetts, and also the two Representatives from Boston in the other House. I confess my embarrassment about this question. I do not think the duty of the Senate in regard to it is clear either way, and I was very much struck with the inquiry of the Senator from Kentucky. It seems to me that perhaps that inquiry points to the very course which we ought to take.

My embarrassment is precisely this: how shall we here undertake to determine the value of this property in the face of the positive difference of testimony on the subject? Are we enough of a court seriously, enough at leisure, little enough preoccupied, to undertake to hold the scales and determine the value of this property? If there was no conflict of testimony, of course the way would be easy; but the difficulty here is that there is a very serious conflict of testimony. I have had in my drawer—I shall not read them—these depositions, [exhibiting a bundle.] I do not know how many there are, but there is a large number of them, all relating to this subject, and all going to show very strongly that this sum should not be paid. I have had an abstract of these depositions made, showing the following results:

The facts established by the affidavits are, first, exorbitant price. The price asked is $130,000. The least valuable of the two wharves was bought by the present proprietors last September for $49,000, which would make the value of the two wharves $98,000. But only one half in value is to be sold, making the price asked $130,000; the price paid by the present owners is $49,000. The assessors state the value at $84,000, which would make the value of the part proposed to be sold $32,000, as against $130,000 asked. Other estimates place the value of the part to be sold at $55,000 to $65,000. According to builders' estimates, the part proposed to be sold, seventy-eight thousand feet, would cost at present prices, if built in the best way, $1 00 to $1 50 per foot, that is, $78,000 to $117,000, but the wharf needs heavy repairs; one builder says it will need to be rebuilt at an expense greater than the building of a new wharf.

Second, there are at least equally good facilities in the yard itself. A large part of the water frontage in the yard on the Charles and Mystic is unoccupied. Three wharves at least might be built, with positive benefit to the yard. For the proposed purchase money, or less, better wharf facilities now might be had in the yard.

Third, the need of the wharf proposed to be purchased for the purposes of trade and taxation. Government holds from two thirds to three fourths of the water frontage below the bridges, and this purchase would injure the city's trade. The city has only six hundred acres of land, and as the taxes come principally upon that, the withdrawal of any real estate is deprecated.

That is an abstract of these affidavits; but on the other side are the statements which the Senator from Maine has presented from the Navy Department, from officers there familiar with the subject, and I may say also that I have had a conversation with the owner of this land. He did me the kindness to call on me, and after a conversation with him I confess that I was strongly impressed at the time by the advantage of the proposed purchase to the Government. But then when I recurred to these affidavits, coming all of them from well-known persons in the neighborhood, I again said to myself, "Am I so circumstanced here that I can decide this question of value?" and it evidently has become a question in which there is a great deal of local feeling.

In regard to the character of the parties who have testified, the Senator from Maine has referred to them, and particularly referred to the mayor of the town and some supposed bias that he might be under. I have a letter in my hand that I have received from a very valued friend, not a speculator, resident all his life in Charlestown, of perfect integrity. I will read some of the passages from it. Writing to me under date of April 2, he says as follows:

"The mayor of our city has shown me some depositions of several persons relative to the purchase of wharf property adjoining the navy-yard by the Government. I have no personal knowledge relative to the necessities of the Government for the use of the property in question. If they *need* it, of course they ought to purchase it if they can do so at a fair price. If they cannot so purchase they ought to take it by virtue of eminent domain, and pay its appraised value according to law. My object in writing to you about the matter is to give you the benefit of what knowledge I have, in the hope that it may be of service to you when the question comes before the Senate.

"I know personally very well most of the gentlemen whose depositions I refer to, (copies of which I understand you have seen,) and I know them all by reputation. They are men of large property and character. They are in a position in society such as removes them entirely from the suspicion of being improperly influenced in this matter. Their large experience as property-holders and their well-known sound practical judgment in business matters will not be questioned anywhere under circumstances admitting of a cross-examination of the questioner. The depositions of these men are *absolutely conclusive* as to the value of the property in question, and they would so stand before any tribunal in the world fit to decide upon the question. This being so, the proposed transaction bears upon its face the marks of a speculation by which the Treasury is to be robbed of some seventy-five thousand dollars. With such a sum as this as the stake, it is easy to see that the parties in interest can well afford to pay considerable sums to deceive and befog the officers of the Government. But with the above-named depositions as a part of the record of the case, the Administration which makes such a purchase as is proposed would be utterly without defense in relation to it, if its opponents should choose to use it against them before the people.

"If the Government really need the wharves, it will be far better for them to *take* what they want and have its value appraised. But as to the necessities or convenience of having the property at all, it seems to me the depositions are pretty conclusive against the proposition."

It will be seen, therefore, that this writer in advance comes to the very conclusion of the Senator from Kentucky, that the Government had better have it appraised and pay for it according to the judgment of a jury. Now I come to the mayor of Charlestown, in regard to whom the Senator from Maine made a suggestion. My correspondent goes on to say:

"But the point which I more especially desire to call your attention to, and which has induced me to write to you about this matter, is the attempt to befog the case by auributing motives of rival interest to Mayor Stone in his opposition to this purchase by the Government. It is said that he is interested in lands on the Mystic river, on the other side of the navy-yard, which he is desirous to sell to the Government, instead of having it buy the proposed wharves. I happen to be in a position to know the designs and prospects of the owners of the lands on Mystic river referred to. They are owned by the Mystic River Corporation, which comprises all the riparian owners on the shore of Mystic river between Malden and Chelsea bridges. The same parties, besides their corporate property in the flats, own large estates adjoining in their several private capacities. Therefore it is that the character of the use to which the corporate flats shall be devoted is of much more consequence to them than the price for which the corporate flats shall be sold. They have a most important plan for the improvement of this property which has been prosecuted by them for years with great persistence, and which I can, from my peculiar point of view, see is about to be accomplished. The consummation of this great plan would be completely defeated by a sale of a portion of the corporate lands to the Government. I know, therefore, that they do not want to sell to the Government, and that they would be very unwise to do so at any price. On the contrary, it would be manifestly for the interest of the owners of the Mystic river property to have the Government buy the other wharves, and thus take wharf property out of the way of competing with them for business purposes."

This is what this writer says in regard to the mayor of Charlestown.

Mr. FESSENDEN. What is the writer's name?

Mr. SUMNER. The Senator can have the let-

ter, but I do not wish it to go into the discussion with the name, as it is written to me as a private letter.

Mr. FESSENDEN. What is the writer's occupation?

Mr. SUMNER. The Senator from Maine inquires as to the occupation of my correspondent. I cannot precisely answer that question now, but I can say that he has been repeatedly a member of the Legislature from Charlestown, a man of sagacity and tried integrity, and great familiarity naturally with the home of his youth and of his life in a small place, as Charlestown is. I call attention now particularly to his very positive statement that the mayor of Charlestown who has been brought into this question can be under no personal influence to testify against the purchase of this wharf property. My correspondent concludes as follows:

"This matter is felt by citizens of Charlestown who have no special interest in the profits of a speculation, to be a pretty important one. I have no doubt it will receive your careful consideration."

Under the circumstances, considering the sum involved, considering the diversity of opinion on the question especially of value, considering also the local feeling which seems to have been started in the matter, I must say that I have my doubts about the expediency of the Government undertaking to make the purchase in the way proposed. I therefore think that it would be better for the Senator from Maine, the chairman of the Finance Committee, to introduce a proposition authorizing the Government to take this land by virtue of its eminent domain at the value which shall be assessed by a jury. Let it be done in that way, and then these various protestants against the proposed purchase will have no ground of complaint.

Mr. CONNESS. The last sentence spoken by the Senator from Massachusetts proves how fair he is on this subject. It shows that he, at least, has no motive at variance with the possession of the property spoken of by the Government, because he announces himself as ready and willing and recommends the introduction of a measure for the condemnation of this property to public use. In my opinion, if his correspondent were equally fair with the Senator he would not have written the letter that he has written.

The Senator has said, and we have experienced the fact in and out of the Finance Committee of this body, that there has been a great deal of feeling gotten up on this subject relating to the purchase of this property. It is a matter, perhaps, of interesting inquiry to know why there has been so much feeling at the city of Charlestown as to a matter involving the purchase of $130,000 worth of property by the Government at that place. I do not understand, nor do I wish to place the Senator from Massachusetts in the position of making a contest against this purchase. He has said what he has said more in the way of suggestion probably, but I ask the Senator from Massachusetts whether there is another city in the Union, in his opinion, where the Government would propose to purchase $130,000 of wharf property, water front, that it might be added to a navy-yard located there, where the people would have troubled themselves so much, busied themselves so much, interested themselves so deeply to prevent the "plunder" of the Government as his correspondent says? Is there another city in the Union that would have developed the same amount of public feeling to prevent the plunder of the Government that has been developed in the pure and immaculate city of Charlestown?

Mr. SUMNER. This is under the shadow of Bunker Hill, I would remind the Senator.

Mr. CONNESS. It is a great pity, taking the Senator's explanation, that Bunker Hill is not so high that it should cast a shadow over the entire land. Oh, what a country we should have if all were as pure as the people of the city of Charlestown!

Mr. President, it is not my business to enter into a defense of this purchase. I am an humble member of the Committee on Finance; and the explanations connected with the views reported by that committee here come properly and legitimately from its distinguished chairman, where we generally leave it; but with others I sat with that gentleman patiently, day after day, considering every objection that has been made, including those stated by the Senator from Massachusetts and those stated in the memorandum that I have taken from his desk; and we arrived at the conclusion that the property was needed by the Government if the yard should continue at Charlestown, and that as a consequence the Government could not do better than to buy it.

Just think of such a reason as this furnished by the citizens of Charlestown as a ground why the Government should not add by purchase to the navy-yard located at that place, "the need of the wharf proposed to be purchased, for purposes of trade and taxation!" What does it mean? What is the explanation of that? If the Government shall make this purchase, the taxes formerly derived from this property will be added to the taxes on the property of the Senator's constituents at the city of Charlestown, which rests "under the shadow of Bunker Hill," and we know, according to the Senator's statement, what influence that shadow has exerted over the land.

"The Government holds," this paper continues, "from two thirds to three fourths of all the water frontage below the bridges;" and yet it is stated to you by the chairman of the Finance Committee, and it is an incontrovertible fact, that whenever the Government moored a ship there, they did it with nearly one half its entire length, if the vessel was of any considerable size, reaching across private property, and preventing its use otherwise. They have another alternative, and what is it? It is to take the ship into the stream and anchor it there with four anchors. But the Charlestown people, purified by "the shadow of Bunker Hill," say that the Government holds from two thirds to three fourths of the water frontage below the bridges, and this purchase "would injure the city's trade." It is not my province and perhaps it would not be proper for me to discuss a question involving whether the mayor of the city of Charlestown is interested, or to what extent he is interested, in opposing this purchase. I dismiss that part of the case with this remark, that in my opinion if he were less interested in lands in that vicinity, neither he nor anybody from him would have appeared here to prevent the passage of this appropriation and the purchase of this property. I am clearly of that opinion as to what the mayor's course would be if he were less interested in making land an anchorage for ships in and about the city of Charlestown, which "rests in the shadow of Bunker Hill."

"The city has only six hundred acres of land; and as the taxes come principally upon that, the withdrawal of any real estate is deprecated." Just think of that sir, for a reason! I never would vote for this appropriation to purchase the property involved, if it were not that the withdrawal of the Charlestown navy-yard from Charlestown would be a great loss to the Government; but I would withdraw that navy-yard and put it somewhere else, and see how they would like that; see how the city of Charlestown, luxuriating morally and purely "in the shade of Bunker Hill," would carry on its government without the great expenditures which have built up their city, in the main made by the General Government there.

Why, sir, if I were a citizen of the city of Charlestown, living under the shade of that venerable monument, I would be ashamed to come here to Congress to say to the Government, "You must not pay $130,000 for the property that is there necessary to your possession, because if you do it will impose upon us an additional burden in supporting the government of our city." I would be ashamed of it, to tell you the truth, Mr. President; and if I represented that constituency I would take care, for the time being, that they should have no representative here. They do a meaner thing than that, though that is mean enough for all purposes. Living under the shadow of that venerated monument, and desiring to live cheaply there evidently, and not to be overtaxed, and taking care that the Government should not buy this property that the Government wants and needs, they allege that their motive is that the Government shall not be plundered, which it will be if it buys, and they set forth that this property has been purchased at a lower price, very much lower than the Government is now required to pay for it. I should like to try the mayor of Charlestown, or any other of the pure inhabitants living under the shadow of Bunker Hill, as the owners of this identical property, to see how much less they would take for it if they had it. I am very much inclined to think that they would get the last farthing for it, notwithstanding where they have their abode and the advantages they derive from that.

It would appear as if the Finance Committee of the Senate were in favor of dealing extravagantly with the public money, as they have recommended the purchase of this property, as is proved by the letters and papers read here from the mayor of Charlestown and the great body of its citizens, who are deeply moved for fear Government should be plundered, and as another consequence their taxes should be increased by taking this property away from taxation. I am inclined to think that if I lived under the shadow of Bunker Hill in the city of Charlestown, I should neither want to be mayor of the city nor continue to reside there until they changed their modes and presented other arguments than those found here in opposition to this purchase.

The Finance Committee have considered and examined every shade and view of this question The need of the Government is great. If you continue the yard, you must have this property. you cannot do without it. These men have got up a great dispute as to how it may collaterally affect other property, with which we have nothing to do. I think it is assuming a great deal for either them or any one else when it is assumed that the Finance Committee, of which my honorable friend from Maine is the chairman, would recommend the expenditure of a dollar of the public money that could be avoided at this time or at any other time. I very much incline to think that, notwithstanding the advantages of residence that this pure constituency have as stated by the Senator, they would have done themselves much more credit by remaining at home and allowing the Government through its proper agencies to make such purchases as upon close investigation are found most profitable and necessary to the public service.

Mr. DAVIS. I think the proper course to be pursued by the Senate in relation to this matter is very plain. I know nothing of the parties that have manifestly an interest in the purchase of this property, and I care nothing about them, whether they be the owners of the property, or the people of Charlestown generally; but I know one fact, that the Government in an infinity of instances has been most egregiously swindled and plundered by such transactions, and all for the want of a general law which Congress could pass very readily, I suppose in the course of a week or ten days. When the Government needs real estate in Charlestown or anywhere else, for forts, arsenals, dock-yards, or other public works that are necessary for the operations of the Government, the Government has the right to go upon the property and to have a judicial assessment of its value made, and to take it at its value. All that is needful to produce such a result is a general law on the subject. If a general law to this end had been passed forty years ago, the Government would have saved millions and millions of dollars that have been extorted from it in the most extravagant and fabulous prices it has paid for property that it needed.

The United States have a necessity for the deep waters in Charlestown harbor or the best water in any other harbor: there is a plain and simple mode by which they may get the water and a shore upon the water. It is to pass a law authorizing a judicial proceeding that shall result in the appointment of commissioners or the empaneling of a jury to go and examine the property and ascertain and assess its value, and the Government is then entitled to the property at that value.

Mr. GRIMES. Allow me to state that the Senator from Vermont [Mr. COLLAMER] has just made a suggestion to me, and perhaps the Senator from Kentucky can answer it. It is this: suppose such a law to be passed, would the Government acquire jurisdiction over the property? Would it be exempt from taxation?

Mr. DAVIS. It might not be exempt from taxation.

Mr. GRIMES. But be liable to be taxed for State and corporation purposes?

Mr. DAVIS. Suppose they were, what would it amount to?

Mr. GRIMES. Will the Senator allow me

further to suggest what kind of government we should have in the yard without having jurisdiction from the State ceded? How would you govern the men in the yard?

Mr. DAVIS. The Government could have jurisdiction.

Mr. FESSENDEN. Not unless the State chose to grant it.

Mr. DAVIS. The Government could not have exclusive jurisdiction unless the State would release; but it could have concurrent jurisdiction with the State government and with the State authorities. It could have jurisdiction sufficient for all the purposes of a navy-yard. I admit that it is most convenient, and probably would be most for the harmony of the working of the two jurisdictions, that where this Government acquires property of this kind there should be such a release as would pass to the Government of the United States exclusive jurisdiction over the land. Would there be any difficulty in obtaining such a release of the jurisdiction of the State? I suppose not. It has been obtained in hundreds of other places from the various States; and there will be just as little difficulty in getting it from Massachusetts as from any other State, I suppose.

I have no doubt, from everything I have heard, that this property is offered to the Government for too much money; the price asked is too large; it is more than the intrinsic value of the land; it is more than the United States ought to pay for it; but it is only one case in a thousand. The United States very seldom purchase property in the way of real estate for such a purpose that it does not pay two or three prices for it. If a general law pointing out the mode in which property should be assessed that the Government needed for its convenience or its operations had been passed fifty years ago, millions upon millions would have been saved to the Treasury in getting property at a fair assessed value, and preventing the swindling and plundering operations to which the Government has been made to submit. A policy of this kind ought to be introduced at some time, and now is just as good a time to begin as any other. I believe this appropriation ought not to be made but ought to be voted down, and the Committee on the Judiciary ought to introduce a general law regulating the mode in which private property may be taken, at its value assessed, for public use. Such a law could be passed very speedily, and I suppose in the course of three or four months this piece of property or any other property the Government might need anywhere could be brought under the operation of such a law, and paid for and acquired by the Government in that mode.

I think that is a very plain policy and an imperative one. It is necessary to prevent extortion, and I am amazed that such a law was not passed years and scores of years ago. Every State has such a law, I presume. My State has it, and it never submits itself to be extorted and plundered from by private individuals in their attempt to compel the State to pay the price which the owner of any property may ask for that property where it is necessary to appropriate it to the public use. We have a general law upon the subject. We appoint commissioners or we summon a jury. The commissioners or the jury go upon the premises and assess the value of the land. They do it judicially; they do it upon an investigation of the subject, upon hearing proof of its value. They make their report, and their report passes under the revision and judgment of a court. If there is any error in it of fact or of law of sufficient moment, the report, whether it be by a jury or commissioners, is set aside and a new proceeding is had. But it is upon this mode of proceeding, that is perfectly fair and just between the Government and the owners of private property, that the assessment is made and the property is transferred from the owner to the State for the public use; and it seems to me as plain as the case put by the honorable Senator from Massachusetts, the other day, that two and two do not make five, that such a system as this ought to be adopted, and that now is a very good time to adopt it.

Mr. SHERMAN. As I was not able to concur with the majority of the Committee on Finance as to the necessity of this appropriation, I will very briefly state the reasons why I could not concur with them. As a general rule I am opposed to the purchase of any real estate or other property by the Government during a time of war, unless the necessity of it is made apparent. The appropriations of money in a time like this should be confined simply to the purposes of war unless the necessity is apparent and clear. There is no estimate for this appropriation in the regular estimates. I believe it was not submitted to us in that way. It came in the form of a recommendation from the head of the Bureau of Yards and Docks, Admiral Smith, who appeared before the Committee of Ways and Means, and it was inserted by them in the bill. Admiral Smith and, I believe, Admiral Stringham came before the Committee on Finance and made their statements. I listened to every word they had to say, and also to what was said by those who opposed this appropriation, and I was not convinced of the necessity for it.

The United States own a large tract of land in Charlestown, embracing, I think, over three thousand feet of water front. A portion of this is deep water, and a portion of it is shallow. From an examination of the question I was not satisfied but that, by cribbing, the United States might acquire deep water front on its own ground at a far less expense than would be required by the purchase of this land.

But there was another view that made an impression on my mind. It seems that for several years Admiral Smith desired to purchase a piece of land adjacent to the navy-yard, then belonging to the firm of which Mr. Eldredge was one. After a good deal of delay he prevailed on Congress to buy that land adjoining the navy-yard. During all that time there was no suggestion made, so far as I could see, that any more land was necessary except that particular piece then owned by the firm of Oakman & Eldredge. There was no allegation that more land besides that was needed, that land still further west was needed, and the pressure was made upon Congress to buy that particular piece of land, and after some delay Congress appropriated $120,000 to buy that land of Eldredge. There was no suggestion at that time, as I have said, that we wanted land still further west and adjacent to the purchase then made. That land could have been purchased, according to the testimony before us, at a far less sum than is now proposed to be paid for it; but there was no claim or pretense then made to Congress that more land was needed. The purchase was made of Eldredge for $120,000 and paid for two years ago, in the summer of 1862, since this war commenced. It was purchased on the ground that we were then compelled sometimes to extend our vessels beyond our lines and to front on the land of Eldredge. That argument prevailed, and Congress bought that land.

What occurred then? Shortly afterwards Eldredge bought the adjacent land to that which we had purchased, two pieces containing about three hundred feet of water front, and about as much land fronting on a street in the town of Charlestown, for $104,000. Then for the first time after this firm purchased this land the suggestion was made that the Government of the United States wanted a portion of the water front. I looked at the dates, and that created an impression upon my mind.

If two years ago, when we wanted as much water front as we do now, for all that appears, when we were engaged in the war, if this land that is now about to be purchased was needed, why was not the demand for its purchase made then upon Congress? The whole of it could then have been purchased for $104,000; but no suggestion of that kind was made. Eldredge bought it for $104,000; and now he proposes to sell to the United States less than one half of it in territorial extent, but nearly the whole water frontage, as the Senator from Maine says—all I think but thirty feet of water front—an angle including most of the water front, but none of the back front on the streets of Charlestown, less, I say, than one half the territorial extent of the ground——

Mr. FESSENDEN. More than one half. The proportion is eighty to fifty.

Mr. SHERMAN. The Senator is a good mathematician, and he can calculate it for himself very readily. This piece is an irregular parallelogram. We do not get all the water front and we get none of the back front. I do not know, then, what kind of shape it is by which we can get more than half the territorial extent of the land, and yet not get all the water front and none of the rear. But take the Senator's statement: we propose to pay them $130,000 for a portion of a tract of land that they paid $104,000 for only last fall, and that, too, when we bought a piece of land from them two years ago without any suggestion that it was necessary for us to buy this adjoining piece, which we certainly could have bought as low as Eldredge bought it.

The impression made on my mind was unfavorable, and I paid some attention to the matter. This land is of no value to us unless we can get from the State of Massachusetts the right of eminent domain. I presume the Government of the United States would scarcely purchase it unless the State of Massachusetts would cede jurisdiction to us. Here is a local opposition from the city of Charlestown to our purchase. Is it not likely that local opposition will be carried into the Legislature of Massachusetts and that a controversy will come up there as to ceding to the United States the right of eminent domain?

Under these circumstances, with these doubts, ought we to appropriate the money? I do not regard it as a matter of any very great moment, but simply as a matter of dollars and cents, a business transaction. It seemed to me, first, that the necessity for the purchase was not fully established; second, that the price was unreasonable, as is attested by the fact that within so short a time the whole of the property, of which this is a part, was bought for a less sum; and third, that there did not appear to be any reason why the land already in the possession of the Government could not, by cribbing, be made available for the purposes of this navy-yard. Those are the considerations that induced me to vote against the proposition in committee.

I will state another consideration that it is well enough for us to reflect upon. A great many very harsh and probably unjust statements have been made in the House of Representatives about this purchase. If the necessity of the purchase was made manifest, I would disregard them; but under the circumstances I should prefer that this purchase at least should be postponed until we can have a fuller investigation about it. That certainly will not create any great embarrassment to the Government, because if it be necessary they can take this part of the property by paying whatever is necessary even for its use or occupation. It will be no harm to the Government and no detriment to the public service to postpone the matter until next winter, and perhaps forever.

Mr. FESSENDEN. I do not feel disposed to argue the question over again. I rise merely to suggest that we cannot get possession of this land for use or occupation, because these men occupy it themselves, and carry on their own very large and important business there. If the Government choose to buy it, very well, they will go somewhere else to do their business; but they will not let it to the Government and break themselves up. We must either buy it or not buy it. If we want to use it, we must purchase it.

An important consideration in regard to the price was mentioned by one of the gentlemen who was before us, and I thought there was a great deal of justice in it. He said that they did a very large and profitable business there, and would be compelled if they gave it up to go out of business until they could find some other place in which to establish themselves, and they calculated that loss as matter of dollars and cents in connection with the value of the land.

If I looked on this transaction merely as a question of value, how much the property was actually worth at the present time if sold in the market to anybody but the Government, I should say probably that the price was too high, more than the property is worth to the Government; but my own belief is that in the course of a year or two the Government would lose more by the want of these facilities than the amount that is asked for this land.

A word now in reply to the honorable Senator from Ohio. Men's minds are differently constituted. When I believe men to be high-minded and honorable officers of the Government, I take it for granted that they have acted honestly and honorably unless the contrary appears. My friend from Ohio seems to be constituted differently and to understand or to be disposed to think that

although we have no reason to suppose that such men as Admiral Smith and Admiral Stringham are anything but honorable men, yet as they have not purchased this land before, and it seems from some testimony that it might have been done, therefore suspicion is to be cast upon their motive and their action! They have no more interest in it and feel no more except as the Government is concerned than the honorable Senator and myself. He might just as well impute dishonorable motives to me. I do not think the Senator meant to impute them to anybody.

Mr. SHERMAN. I not only did not mean to say anything against Admiral Smith and Admiral Stringham, but I expressly disclaimed it.

Mr. FESSENDEN. So I supposed; but still the tendency of the Senator's remarks would be to create an impression of that kind, because he put the question, why was not the purchase made before? I gave the explanation. Admiral Smith tried for years to buy that one piece of land adjoining the yard, which was owned by Oakman and Eldredge. He could not get leave to buy that. Of course he could not buy and did not think of buying the land beyond that unless he could get that, because he would be cut off in the middle. He found it almost impossible to persuade Congress to buy that small piece which everybody now admits was absolutely essential, and which we could not get along without. In consequence of the great increase of business, the great number of vessels sent to the yard to be repaired, it has become manifest that the advantage of the Government demands that we should have more land there if more can be had.

The Senator says this land was for sale before and the Government might have bought it. Perhaps the Government might, but it was not offered to them, although the gentlemen who owned it say they held it and would have been glad to sell it to the Government. That is what Mr. Lawrence said; but it did not appear until it was purchased by these men and they came forward and offered it. It having been ascertained that it would be to the advantage of the Government, they are disposed to sell if they can sell on terms sufficiently advantageous to themselves. If they can, very well. If they cannot, so be it. I feel no interest in the matter. I appeal to the honorable Senators from Massachusetts on this question, inasmuch as their colleagues in the other House have expressed their decided opinion, and I felt rather inclined to be bound by them and put the responsibility on them. The honorable Senator from Massachusetts who has spoken lives in the city of Boston close by Charlestown. If he feels inclined to take the responsibility of advising that the Government shall not have these privileges there which the Government thinks it ought to have in order to do the business of the yard, I am not going to stand here to quarrel with him about what lies at his own door. He and his colleague may, if they see fit, take the responsibility of advising against it. I am content with the result. I only want the responsibility to rest where it properly belongs.

Mr. DAVIS. I ask leave to give notice that I shall prepare and introduce a bill providing a general law for assessing the value of real estate that the United States may need to take for public purposes.

Mr. SUMNER. Since the appeal has been so precisely made to me, I will answer. I do live in Boston and I know this property; that is, as one living always in its neighborhood might know it, not pretending, however, from my experience in life to have any particular competency to judge of the value of such property, and therefore personally I give no opinion on its value. I do see, though, very well how important the property may be to the general interests of the town, for the Senate must not forget that Charlestown is really a very small place; some of these papers say six hundred acres only; and all that part of the town that has the best water facilities has been already occupied by the Government. I presume that that adds to the sensibility of the citizens when it is proposed to take the greater part of what remains of the city so far as it fronts upon the water.

I come back, I must say, after listening to the Senator from Maine, to the suggestion with which I started, that the Senate is not the body to audit such a question. We are not masters in chancery or auditors; and since a question has been thrown into this case with regard to the value of this property, we had better, I think, devise some way of determining that question. For one, I do not want to determine that question, though I have advantages which some other Senators may not have, from my familiarity with the locality, and also the character of these witnesses. Yet, sir, I do not want to determine that question; especially I do not want to determine it against the Government. I desire that the Government should have all that it wants. I am not behind the Senator from Maine in that respect, either in my votes or in the expression of my opinions. At the same time I come back to where I was at the beginning, that all things considered, taking into account the local sentiment there in the immediate neighborhood of this property, it would be better upon the whole that the Senate should adopt some other way of arriving at the result. They might follow the suggestion of the Senator from Kentucky.

As for the opinions of our colleagues in the other House I am not aware of them. One of them, to whom the Senator from Maine has referred, I took the pains to ask to come to see me and confer on the question, and I found that he referred me to the party in interest. At that time he had made no special inquiry into the facts himself. He handed me over absolutely to I think it is Mr. Oakman, the party in interest, and I was very glad to see Mr. Oakman. I found him agreeable and intelligent, and I must say that while he was with me it seemed to me that his case was almost irresistible. It was only when again I came to review the evidence and read over these affidavits that it seemed to me there was a doubt.

Mr. FESSENDEN. This Mr. Oakman, I think, stated before the committee that he had no anxiety about it, that he did not care particularly about selling the land——

Mr. SUMNER. So he said to me.

Mr. FESSENDEN. And said he, "If they doubt about the price, just let the Government select twenty men in the city of Boston who are acquainted with the value of such things and know the whole circumstances and understand my business. I do not want Charlestown men, because they are committed on the subject, but men in the city of Boston, and I will take three out of the twenty who may go on and I will abide by their decision and sell it for what they say I can afford to sell it for."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment moved by the Senator from New Hampshire from the Committee on Naval Affairs.

Mr. FESSENDEN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 11; as follows:

YEAS—Messrs. Anthony, Buckalew, Davis, Dixon, Hale, Harlan, Harris, Henderson, Hendricks, Howe, Lane of Kansas, Morgan, Pomeroy, Powell, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Willey, Wilson, and Wright—23.

NAYS—Messrs. Chandler, Collamer, Conness, Fessenden, Foot, Foster, Grimes, Howard, Johnson, Riddle, and Wade—11.

The PRESIDENT *pro tempore*. There is no quorum voting, and the Senate is disabled from proceeding with the public business for the want of a quorum.

Mr. FESSENDEN. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 11, 1864.

The House met at twelve o'clock, m. Prayer by Rev. E. E. HALE.

The Journal of Saturday was read.

CORRECTION OF THE JOURNAL.

Mr. HOLMAN. I rise to a question of order in reference to the Journal of Saturday, which has just been read. My point is this: the record, in stating the language made use of by the gentleman from Maryland, [Mr. HARRIS,] makes use of the word "subjection," when the word made use of was "subjugation."

The SPEAKER. The Chair is informed that the original report is in the hands of the Clerk at present. The reporter instructed the Clerk to change the word "subjugation" to "subjection." The last words are, "I hope you will never subjugate the South." Where it first occurs it is changed by the reporter's authority to "subjection."

Mr. HOLMAN. Was not that done after the vote?

The SPEAKER. It was done before the vote.

Mr. HOLMAN. The language was read from the Clerk's desk, and the word used was "subjugation;" and if a change was made it was made after that reading. After it was read the gentleman from Maryland [Mr. HARRIS] said "that is right." Other members remember the language just as I do.

Mr. HARRINGTON. As I understand, the vote was on the word "subjugation." So I understood the resolution at the time. If there is to be a change, I desire to give another vote.

The SPEAKER. The Chair is informed that the resolution which was passed had the word "subjugation;" that is, the resolution of censure. The resolution of expulsion was the one that was corrected by the authority of the reporters. In regard to the resolution which was adopted by a vote of 93 to 18, the word "subjugation" was in the original. The resolution which failed contained the words as taken from the reporters. They afterwards authorized the Clerk to change "subjugation" to "subjection." One of the gentleman's colleagues was notified of that change before the vote.

Mr. STEELE, of New York. When the vote was taken on the resolution of expulsion it read "subjection," I understand the Chair to say.

The SPEAKER. On the expulsion resolution the word was "subjection." It had been read previously "subjugation," but it was corrected by the reporter. In the resolution of censure there was no change.

Mr. STEELE, of New York. All of us voted on the question of expulsion, with the understanding that the word was "subjugation," and not "subjection."

The SPEAKER. When the resolution came to the hands of the Clerk it read as it is in the Journal.

Mr. ELDRIDGE. I submit to the Chair that the Clerk is not authorized to alter the statement taken down at the time in writing, and when the gentleman sought to be expelled assented to the language as it was read. It cannot be changed on the authority of anybody. The language must stand as it was written down.

Mr. HOLMAN. I suppose a motion is necessary to correct the Journal.

The SPEAKER. The Chair asks the attention of the gentleman from Illinois, [Mr. WASHBURNE.] The Journal clerk is under the impression that when the resolution was offered the word was "subjugation," and that when it was voted on the word was changed to "subjection" by the authority of the reporter. The Speaker was not in the chair at the time.

Mr. WASHBURNE, of Illinois. I know nothing further than that the gentleman from Maryland [Mr. HARRIS] used the word "subjection;" and I made the point in open House.

Mr. HOLMAN. The point of order was made on the particular language used by the gentleman from Maryland, [Mr. HARRIS,] and the Speaker decided the point of order to be well taken, and thereupon the gentleman uttering the words took his seat. I move to strike out the word "subjection" and to substitute for it "subjugation," as the resolution stood originally.

The SPEAKER. The Chair is inclined to sustain the point of order, the reporter having taken down the word "subjugation," and that having been accepted by the gentleman from Maryland. The Journal will be corrected accordingly.

Mr. BROWN, of Wisconsin. I rise to a correction of the Journal in regard to the request I made on Saturday to be excused from voting. The language I used was that I wished to be excused, because, with a view to secure a full support to the vote of censure, I asked the gentleman who moved it to amend it.

Mr. WASHBURNE, of Illinois. I ask that the Journal be read, so that we may see what the gentleman desires to have corrected.

The Journal, which was read, simply stated that Mr. BROWN asked to be excused from voting.

The SPEAKER. The Chair will state that

neither the reason for asking to be excused from voting nor any other debate is ever entered upon the Journal.

Mr. BROWN, of Wisconsin. That is a part of my motion. I now move to correct the Journal by adding to what is entered there the following:

For the reason that with the view of securing a full support to the resolution he had asked the gentleman who introduced it to modify it by striking out a certain word so as to make it purely a vote of censure.

The SPEAKER. The Chair will state that there is no such instance known in his experience, or in that of those near him, in the Journals of Congress; but the Chair has no doubt of the right of the gentleman to make the motion, the same as he would have to move to have his whole speech inserted in the Journal, if he can obtain a vote for it.

The question was put on the motion to amend, and it was decided in the negative.

Mr. HARRINGTON. I ask unanimous consent to make a statement of my vote upon the resolution of censure of Saturday, as it was reduced to writing and voted on.

Mr. WILSON. I object.

Mr. HARRINGTON. I should have voted differently if the language had been so changed. I voted for the resolution based on the language as it stood before correction this morning.

Mr. BALDWIN, of Michigan. I notice that my name is not recorded on the vote of censure. I voted in the affirmative. I ask to have the record amended accordingly.

The correction was made accordingly.

Mr. HOOPER. My name, I find, is not recorded on the same vote. I voted in the affirmative, and ask that the correction be made.

The correction was made accordingly.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with a resolution of the House, copies of the report of Major General U. S. Grant of the battle of Chattanooga, and all the reports of sub-commanders which have been received; which was laid on the table, and ordered to be printed.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports to be referred and not to be brought back by motions to reconsider.

DIPLOMATIC APPROPRIATION BILL.

Mr. STEVENS, from the Committee of Ways and Means, reported back an act (H. R. No. 40) making appropriations for the consular and diplomatic expenditures of the Government for the year ending 30th June, 1865; which was referred to the Committee of the Whole House, and ordered to be printed.

AMASA HOLDEN.

On motion of Mr. PRICE, the Committee on Military Affairs was discharged from the further consideration of the petition of Amasa Holden, a revolutionary soldier asking for a pension; and the same was referred to the Committee on Invalid Pensions.

MRS. SHIRCLIFF.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Mary Shircliff; which was read a first and second time, and referred to the Committee of the Whole House, and ordered to be printed.

EMILY A. LYON.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Emily A. Lyon; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

WILLIAM BURNS.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of William Burns; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

EDWARD WILLIAMS.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Edward Williams; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

PETER NAVARRE.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Peter Navarre; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

MARY SCALES ACCARDI.

Mr. WHALEY, from the Committee on Invalid Pensions, reported a bill for the relief of Mary Scales Accardi; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

CALL OF STATES.

The call of committees having been concluded, the Speaker proceeded, as the business next in order, to call the States for resolutions and bills for reference, commencing with the State of Maine.

NATIONAL CURRENCY.

Mr. HOOPER introduced a bill to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof; which was read a first and second time, and ordered to be printed, and its consideration postponed until Saturday next, after the morning hour.

MERCANTILE MARINE.

Mr. ELIOT introduced a resolution, which was read, considered, and agreed to, instructing the Committee on Commerce to inquire what legislation, if any, is expedient to secure for the mercantile marine service of the United States educated and competent officers and seamen; with leave to report by bill or otherwise.

NAVY-YARD ON THE DELAWARE.

Mr. BROOMALL introduced a resolution requesting the Committee on Naval Affairs to report a bill for the locating and building a navy-yard and naval depot on the Delaware river in Pennsylvania.

Mr. RICE, of Massachusetts. Is it in order to move a reference of the resolution?

The SPEAKER. It is.

Mr. RICE, of Massachusetts. I move its reference to the Committee on Naval Affairs.

Mr. WILSON. I rise to debate the resolution.

The SPEAKER. Then it goes over, under the rule.

DEATH OF JOHN C. RIVES.

Mr. STEVENS. Mr. Speaker, we have all heard, I suppose, of the death of a very amiable officer of this House. Although I never move or vote for an adjournment of the House to attend any funeral unless the deceased is connected with the House, yet, Mr. Rives being an officer of this body, I deem it proper to move that when the House adjourns to-morrow it adjourn to meet on Thursday next, so as to give the members and employés of the House an opportunity to attend the funeral of John C. Rives.

The SPEAKER. The motion can only be made by unanimous consent.

Mr. STEVENS. Then I hope there will be no objection.

MEMBERS on both sides of the House. No objection. Agreed.

The SPEAKER. The Chair hears no objection, and by unanimous consent it is ordered that when the House adjourns to-morrow it adjourn to meet on Thursday at twelve o'clock, m.

BOARD OF NAVAL ADMINISTRATION.

Mr. DAVIS, of Maryland, introduced a bill to establish a board of naval administration; which was read a first and second time, and referred to the Committee on Naval Affairs.

AMENDMENT OF RULES.

Mr. SCHENCK offered a resolution instructing the Committee on Rules to inquire into the expediency of amending the 31st rule of this House by adopting therefor the following; and to report at as early a day as practicable, by rule or otherwise:

And if any member, present within the bar of the House when a vote by yeas and nays is taken, shall neglect or refuse to answer to his name when called, he not having been previously excused by the House, and that fact shall be brought to the notice of the Speaker by any member immediately after the reading of the vote by the Clerk, the Speaker shall then direct the name of the member not voting to be called again by the Clerk, and if said member still declines to answer, the Speaker shall thereupon submit to the House for its consideration and action as a question of privilege what order shall be taken in the case of such recusant member; and no other motion or business shall be entertained till the case is disposed of.

Mr. J. C. ALLEN. I rise to debate the resolution.

The SPEAKER. Then it goes over, under the rule.

AMENDMENT OF THE CONSTITUTION.

Mr. CRAVENS offered the following resolutions, and moved the previous question on their adoption:

Resolved, That in the present condition of the country, when the passions of the people are inflamed and their prejudices are excited, it is unwise and dangerous to attempt to alter or amend the Constitution of the United States; that ample power is contained within its limits as it now exists to protect the national life, and the exercise of power not warranted by its provisions would be to enter the field of revolution, and dangerous to the liberties of the people, tending to the establishment of military despotism and the final overthrow of free government in America.

Resolved, That any attempt by Congress to reduce States to the condition of Territories is as odious and as revolutionary in its character and tendency as secession itself.

Resolved, That it is the duty of the Government to listen to and consider any proposition for reconciliation that may be offered by the insurgents which does not involve the question of separation.

Resolved, That the thanks of the nation are due, and are hereby tendered, to the officers, soldiers, and seamen who have so gallantly borne our flag in this hour of peril to our country.

The previous question was not seconded.

Mr. WILSON. I rise to debate the resolutions.

The SPEAKER. Then the resolutions go over, under the rule.

PUBLIC LANDS IN IOWA.

Mr. MORRISON offered a resolution calling upon the Secretary of the Treasury to furnish to the House at as early a day as possible information showing, first, the amount received into the Treasury of the United States from the two per cent. fund, arising from the net proceeds of the sales of public lands made in the State of Illinois since January 1, 1819, and reserved in her enabling act for road purposes; giving the dates from time to time when so received, and the respective amount of each payment opposite such dates; secondly, whether anything is charged in the Treasury Department against any fund, or any offsets exist against it there, and if so, when and how did such charges occur or were such offsets made, and upon what basis, stating particularly the amounts and dates of said charges or offsets, and the respective times, mode, or manner in which such two per cent. fund was expended, and where, if at all, and the evidence of such expenditure, and the authority therefor.

The SPEAKER. This being a resolution calling for information from one of the Executive Departments, requires unanimous consent. Is there objection?

Mr. ASHLEY. I object.

The SPEAKER. Then the resolution lies over, under the rule.

BREVET RANK.

Mr. FARNSWORTH offered a resolution instructing the Clerk of the House to communicate to the President of the United States the copy of a resolution passed by this House on the 29th of January last, requesting him, if not incompatible with the public service, to give certain information as to the conferring of brevet rank on officers of volunteers, and respectfully to call the attention of the President to the fact that no answer has yet been made to the resolution; and moved the previous question on its adoption.

The previous question was seconded, and the main question ordered; and under its operation the resolution was agreed to.

PUBLIC LANDS.

Mr. DRIGGS offered a resolution stating that Saturday last had been set apart for consideration of reports from the Committee on Public Lands and had been consumed by other business, and resolving that Saturday next be set apart after the morning hour for the consideration of bills from the Committee on Public Lands.

Mr. WASHBURNE, of Illinois. That requires unanimous consent

The SPEAKER. Yes; or a two-thirds vote after the morning hour has expired.

Mr. DRIGGS. I will alter the resolution by fixing Thursday, instead of Saturday.

There being no objection, Thursday next was fixed for that purpose.

WIDOW OF ALFRED M. LYON.

Mr. KASSON introduced a resolution, which was read, considered, and agreed to, instructing the Committee on Invalid Pensions to inquire whether a pension ought not to be allowed to the widow of Alfred M. Lyon, of Des Moines, Iowa, late a sutler in the Army of the United States, who joined his regiment as a soldier in the campaign against Vicksburg, in the spring of 1863, and was killed when fighting with the regiment at Black river; with leave to report by bill or otherwise.

COURTS IN WASHINGTON TERRITORY.

Mr. WILSON introduced a bill concerning the courts and judicial districts of the Territory of Washington; which was read a first and second time, and referred to the Committee on the Judiciary.

INTER-STATE COMMERCE.

Mr. WILSON also introduced a bill to regulate commerce among the several States; which was read a first and second time, and referred to the Committee on Commerce.

NORTHERN INDIAN SUPERINTENDENCY.

Mr. HUBBARD, of Iowa, introduced a bill to abolish the Northern Indian superintendency; which was read a first and second time, and referred to the Committee on Indian Affairs.

NAVAL DEPOT ON THE LAKES.

Mr. BROWN, of Wisconsin, introduced a resolution authorizing the President (the Senate concurring) to appoint a commission of three competent officers of the topographical corps to examine the different harbors on Lake Champlain, with a view to select a proper site for a naval depot, and to report at the earliest time; and moved the previous question on its adoption.

Mr. ARNOLD. I ask the gentleman to include the other lakes in that resolution.

Mr. BROWN, of Wisconsin. I have no objection to that.

Mr. GRINNELL. I ask the gentleman to include the Mississippi river. I think it is perfectly proper that it should be included.

Mr. BROWN, of Wisconsin. That is a different object entirely. I will support any resolution which the gentleman from Iowa may offer for that purpose. I demand the previous question.

Mr. SCHENCK. There is no topographical corps; it has been merged into the engineer corps of the Army.

Mr. BROWN, of Wisconsin. I make it the engineer corps of the Army.

Mr. SCHENCK. If it were open to debate I would say that there ought to be a naval officer on the board; but it is not open to debate, and I do not say this. [Laughter.]

Mr. WASHBURNE, of Illinois. If the gentleman is going to have this commission appointed I ask him to embrace Cairo, Illinois.

Mr. BROWN, of Wisconsin. I cannot do so, because it is on a different subject.

Mr. WASHBURNE, of Illinois. A naval depot is in contemplation at Cairo, Illinois.

Mr. BROWN, of Wisconsin. I demand the previous question.

The House divided on seconding the demand for the previous question; and there were—ayes 50, noes 30.

The SPEAKER (no quorum having voted) ordered tellers; and appointed Messrs. BROWN of Wisconsin and WASHBURNE of Illinois.

The previous question was seconded, the tellers having reported—ayes seventy-one, noes not counted.

The main question was then ordered.

The resolution was referred to the Committee on Naval Affairs.

PAYMASTER GENERAL.

Mr. McINDOE introduced a bill regulating the appointment of the Paymaster General; which was read a first and second time, and referred to the Committee on Military Affairs.

CALIFORNIA POST ROUTES.

Mr. COLE, of California, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of authorizing a mail route from San Buena Ventura, in California, via Revenna City and Big Meadows on the Mohare river to the sink of the Mobare river; and thence to Fort Mobare on the Colorado river; and thence to Fort Whipple and Santa Fé, New Mexico.

NEW MEXICO.

Mr. PEREA presented memorials of the Territory of New Mexico in reference to territorial matters; which were referred to the appropriate committees, and ordered to be printed.

WASHINGTON TERRITORY.

Mr. COLE, of Washington, introduced a bill amendatory of the organic act of Washington Territory; which was read a first and second time, and referred to the Committee on Territories.

DEBTS OF THE STATES.

The SPEAKER stated the next business to be resolutions calling for information lying over under the rule.

The first was a resolution submitted January 7th last by Mr. BLAINE, directing the Secretary of the Treasury to report the amount of debt incurred in the several States in their efforts in suppressing the rebellion.

Mr. BLAINE. I understand the object of my resolution is accomplished by a bill before the Committee of Ways and Means, and I ask it to lie over.

It was ordered accordingly.

PAYMENT IN COIN.

The next was a resolution submitted January 7th last by Mr. SCOFIELD, requesting the Secretary of the Treasury to inform this House whether, under existing legislation, the seven-thirty Treasury notes will be paid in coin.

Mr. FENTON moved that the resolution be referred to the Committee of Ways and Means.

The motion was agreed to.

EVACUATION OF CUMBERLAND GAP.

The next was a resolution submitted on January 18th last by Mr. COX, directing the Secretary of War to communicate to this House copies of a communication from Brigadier General G. W. Morgan to Adjutant General Thomas, dated Mount Vernon, Ohio, June 6, 1863, the same being in reply to that portion of the official report of Major General Halleck relative to the evacuation of Cumberland Gap.

The resolution was laid over.

The SPEAKER stated the next business in order to be resolutions where debate has arisen and which were laid over under the rule.

DICTIONARY OF CONGRESS.

The first was a resolution submitted December 14th last by Mr. DEMING, to print the regular number of copies of a work prepared by the librarian, entitled A Dictionary of the United States Congress, for the use of the members of the House.

Mr. DEMING withdrew the resolution.

OBJECTS OF THE WAR.

The next was a resolution submitted by Mr. FINCK on December 14th last, declaring that the present war shall be waged without feeling of mere resentment, oppression, or subjugation, but to defend and maintain the supremacy of the Constitution.

Mr. FINCK. I have said all I desired to in reference to that resolution on January 28th last.

Mr. COX. I demand the previous question on the adoption of the resolution.

Mr. ASHLEY moved to lay the resolution upon the table.

Mr. COX. I ask my colleague to withdraw the motion to lay upon the table. This is the Crittenden resolution, which has been adopted by the House once already.

Mr. ASHLEY. I withdraw my motion.

Mr. WILSON renewed it.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 81, nays 64; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Henry Winter Davis, Thomas T. Davis, Deming, Driggs, Dumont, Eckley, Eliot, Farnsworth, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Marvin, McBride, McClurg, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Sloan, Smith, Smithers, Spalding, Starr, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—81.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Francis P. Blair, Bliss, James S. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Dawson, Denison, Eden, Eldridge, English, Finck, Ganson, Grider, Hale, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Philip Johnson, William Johnson, Kernan, King, Knapp, Law, Lazear, Long, Marcy, McAllister, McDowell, McKinney, Middleton, James R. Morris, Morrison, Nelson, Odell, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Voorhees, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—64.

During the call of the roll,

Mr. RICE, of Massachusetts, stated that Mr. BRANDEGEE, of Connecticut, who was on his way back from Connecticut to Washington, had been called back by information of the death of a near relative.

Mr. GRINNELL stated that Mr. YEAMAN was confined to his room by indisposition.

Mr. BLAINE stated that Mr. RICE, of Maine, on the vote to-day, as well as on the important votes of Saturday, was paired off with Mr. RADFORD.

Mr. WINDOM stated that Mr. DONNELLY was detained from the House by sickness.

Mr. THAYER stated that Mr. STILES was paired off with Mr. MOORHEAD.

Mr. HOLMAN stated that Mr. EDGERTON was confined to his room by sickness.

Mr. McKINNEY stated that Mr. NOBLE was detained from his seat by sickness.

The result was then announced as above recorded.

Mr. WILSON moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, notified the House that the Senate, in the absence of the Vice President, had chosen Hon. SOLOMON FOOT as President *pro tempore* of the Senate.

The SPEAKER announced that the morning hour had expired.

TAX BILL.

Mr. MORRILL. I ask the unanimous consent of the House to have the tax bill, now before the Committee of Ways and Means, printed for the use of the Committee of Ways and Means. It is a long and very important bill, and a more careful examination can be given it and with much greater facility in print than in manuscript. I hope there will be no objection.

Mr. PRUYN. Is that merely for the use of the committee?

Mr. MORRILL. Yes.

Mr. PRUYN. I move to amend the motion by adding that the usual number be printed for the use of the House. There are many members here who desire to see it.

Mr. MORRILL. I hope the gentleman will not insist upon that. It is quite unusual. The bill is simply yet before the committee, not perfected, and not ready to be reported.

Mr. GANSON. Will this motion to print involve any additional delay?

Mr. MORRILL. None at all. It will rather facilitate the bill.

Mr. PRUYN. I will not insist upon my amendment.

The motion to print for the use of the committee was agreed to.

LEAVE TO VOTE.

Mr. SMITH. I ask unanimous consent to record my vote upon the resolutions of Saturday in reference to the gentleman from Maryland.

No objection being made, Mr. SMITH recorded his vote in the affirmative on both resolutions.

Mr. NORTON. I was confined to my room on Saturday by severe sickness, and I ask the consent of the House to record my vote upon the several resolutions of Saturday.

No objection being made, leave was granted accordingly, and Mr. NORTON recorded his vote in the affirmative on the several resolutions.

Mr. VOORHEES. I was called out of the House on Saturday on the last vote by sickness. I ask leave to record my vote.

Leave was granted accordingly, and Mr. VOORHEES recorded his vote in the negative on the resolution of censure.

Mr. HUBBARD, of Connecticut. I ask to be excused from further service upon the Committee on Patents. My impaired health makes it desirable that I should abstain from the labors of that committee.

No objection being made, Mr. HUBBARD was excused accordingly.

Mr. SLOAN. I ask unanimous consent to record my vote upon the two resolutions of Saturday in reference to the gentleman from Maryland.

Mr. ANCONA. I object in reference to the first resolution.

Mr. SLOAN. Then I ask leave to record it upon the second resolution.

No objection was made, and Mr. SLOAN recorded his vote in the affirmative on the vote of censure.

Mr. WOODBRIDGE. I ask the permission of the House to record my vote on the resolution of censure of Saturday. I went out of the Hall upon a matter of indispensable importance, and did not return in time to record my vote.

Mr. ROBINSON. I object to any further votes being recorded.

Mr. WOODBRIDGE. I will say that I would have voted for the resolution of censure.

Mr. ROLLINS, of Missouri, stated that had he been present on Saturday he would have voted for the resolution of censure.

Mr. O'NEILL, of Pennsylvania, stated that had he been permitted to vote, he would have voted in the affirmative upon both the resolutions of Saturday.

Mr. STUART. I desire to say, in consequence of what the gentleman from Pennsylvania has said, that if I had voted at all, I would have voted in the affirmative on the resolution of censure.

NORTHERN PACIFIC RAILROAD.

The SPEAKER stated that the business next in order was the bill (H. R. No. 5) granting public lands to the Pacific Railroad Company to aid in the construction of a railroad and telegraph line to the Pacific coast by the northern road.

Mr. STEVENS. Mr. Speaker, with the special order before the House to-day there will be no time to make any progress with this bill; nor am I sufficiently well to attend to it. I desire to have it go over until to-morrow; or if that be objected to, I will move to postpone it till this day week.

Mr. WILSON. I do not desire to object, but I would state to the gentleman that I would prefer to have it postponed till next Monday.

Mr. STEVENS. Very well; it makes no difference. I therefore move that it be postponed till next Monday.

Mr. ARNOLD. I have no objection to the postponement, but I object to its being made a special order.

Mr. STEVENS. It is a special order now. I do not ask it to be put in a different position to that which it now occupies.

The question was put on the postponement of the bill till Monday next; and it was agreed to.

The SPEAKER. The Calendar is now exhausted of all the business pertaining to Monday.

PROPOSED EXPULSION OF A MEMBER.

Mr. WASHBURNE, of Illinois. Mr. Speaker, I believe that the question which was pending on the resolution offered by the gentleman from Indiana [Mr. COLFAX] on Saturday was postponed until two o'clock to-day. As there seems to be nothing now before the House I move that by unanimous consent the question be now taken up.

There being no objection, (Mr. ROLLINS, of New Hampshire, taking the chair as Speaker *pro tempore*,) the House proceeded to the consideration of the resolution offered by Mr. COLFAX on Saturday last to expel the gentleman from Ohio, [Mr. LONG.]

Mr. BLISS. Mr. Speaker, I trust that after the quiet and sober meditations of the Sabbath which has intervened since the last discussion of the question now before the House, we shall be able and disposed to regard each side of the proposition in the light of its merits and attendant circumstances, and to dispose of it in the cool blood of unexcited passion.

I cannot but think that the worthy Speaker of this House, instead of hastily introducing this resolution in a moment of excited sentiment, should have taken time to deliberate upon the subject and have made himself better acquainted with the facts upon which his accusation is founded.

The first clause of the preamble of the resolution of expulsion alleges that—

> On the 8th day of April, 1864, when the House of Representatives was in Committee of the Whole on the state of the Union, ALEXANDER LONG, a Representative in Congress from the second district of Ohio, declared himself in favor of recognizing the independence and nationality of the so-called confederacy, now in arms against the Union.

And after two other clauses of allegation comes this resolution:

> *Resolved*, That the said ALEXANDER LONG, a Representative from the second district of Ohio, having on the 8th of April, 1864, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union, and thereby given aid, countenance, and encouragement to persons engaged in armed hostility to the United States, is hereby expelled.

The words of the gentleman from Ohio principally relied upon to sustain the charging part of the resolution are the following:

> "I now believe that there are but two alternatives, and they are either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people, and of these alternatives I prefer the former."

These words are said to be treasonable, showing a state of mind prejudiced against the cause of our Government and partial to the enemy with whom we are at war. If such be the import of the words, their utterance cannot be tolerated; but it seems to me, upon a fair consideration of the words and their connections, and of the whole speech, that the mover of this resolution was much mistaken in the estimate which he put upon the substance of the thought which my colleague expressed. I do not understand my colleague to have expressed here a desire for the success of the confederate cause over the arms of the United States. I did not understand him to have expressed any want of sympathy with the cause of the Union. But I understood him to have expressed simply an opinion of his, an opinion formed from his own reflection, formed, perhaps, from the interpretation which he has placed on the history of the times and on the events which since the institution of this war have transpired, and to have come to the conclusion that the expenses and disasters attendant upon the war to subjugate the confederate power are a greater evil than the acknowledgment of the independence of the confederate States. I do not understand him to rejoice in such a result or such a state of things; but I understand him to express as his judgment under all the circumstances that the lesser evil of recognizing the so-called confederate States might be judiciously adopted by the Government.

It is scarcely necessary for me, Mr. Speaker, to say that I do not assent to the opinion thus promulgated by my colleague. However his judgment may be formed, it does not agree with mine. It does not, as I understand the facts, agree with the sentiment of those I represent upon this floor; and it does not concur with the sentiment of his other colleagues belonging to the same party in our State. I have always put myself upon the record, sir, when I have had the opportunity of briefly presenting my views in this House on national affairs—I say I have always put myself upon the record to the contrary of the sentiment which is complained of in my colleague's remarks. A few days ago I had occasion to declare my views in reference to the question which is now under consideration, and with reference to the great considerations which have produced this vast, unusual, and almost unexplainable excitement in this House. I had occasion to refer to a doctrine advanced by a distinguished individual, once a Representative upon this floor, and now President of the United States. I took occasion respectfully to differ with the sentiment advanced by him, and I declared to the House what I believed in reference to the rights and liabilities of those States and citizens who, in violation of the unity of the Confederacy, have seceded and revolted from the Union. In those remarks I used this language:

> "This view of the President carries the doctrine of revolution considerably further than Democrats are willing to go. That a nation of people or a province under the oppression of a wicked Government may, in the opinion of the world and before God, be justified in resorting to revolution for the purpose of achieving independence and liberty, I believe. But that forcible revolution is the unconditional right of a portion of the people of a nation or the dependency of a nation, to be exercised at their mere pleasure, I do not believe. The justification of the American Revolution which resulted in our national independence was not put upon any such ground. Secession I believe to be no more nor less than revolution. In the American sense of the term, it is the exercise of what is claimed to be the reserved rights of a State in the Federal Union to withdraw itself from the Confederacy whenever the people of such State may elect to do so, with or without any other reason than their desire for complete independence. I do not admit the existence of any such right, nor assent to its assumption. I regard the General Government of the United States in its sphere as a unit, as verily such as the government of a State, and that all the people of the State owe it allegiance which it is not at their option to revoke."

That, Mr. Speaker, I declare to be the common sentiment of the party to which I belong. If there are exceptions to-day they are few and uninfluential in molding the principles or organization of my party. But I do not know, on any other question than that involving the vital principle and the law of the Republic, by what right I can claim to insist that other men's views shall conform precisely and specifically to mine. God has given to me no warrant to assume an infallibility of judgment and to make my own opinion the standard for other men. If I believed that my colleague had come into this House with a disposition, or in it had manifested a disposition, to espouse and maintain the cause of our public enemies, and to remit his good faith and his allegiance to the Government, I would regard him as unworthy of his seat. If he has erred in judgment I am disposed to look upon him with charity. To make that a ground of expulsion would empty all the seats in this House. What is it that gives the right to fallible and misjudging man to exact uniformity of opinion from his fellow-beings when the sources of opinion are so various and adverse?

Now, it is pertinent to the justification of my colleague from the Cincinnati district [Mr. LONG] to say that he utters no novel opinion here when he signifies that in his judgment peace is the better policy. I say that it is not a new idea. It is not so new to the Republican party. We have had the same sentiments from men who occupied position as statesmen, and were affiliated with that party. They have said that if the southern confederacy could maintain its independence for a year or two, then it would be wise and just to let it go. Who can tell where such seed sown upon the human understanding may have taken root and generated the sentiments of to-day?

I do not believe, Mr. Speaker, that this House, in a moment of passion, in a paroxysm of anger, should expel a member, or should put a tarnish upon the character of a member because he entertains and expresses an opinion in the freedom of debate, as it has ever been practiced in the Hall of this House without dissent, not comporting with the sense of a majority of those who listened to him. The speech of my colleague contains nothing significant of any purpose on his part to advance an opinion here to aid the cause of the adversary, or to smother any one's sympathy for the success of his country. He was sent here by his constituents and to express their opinions so far as their sentiments, in the nature of instructions, may be known to him, but beyond that he has occasion for the exercise of his intelligence and his own judgment, and according to them he must speak and think and act as a Representative in this House, where contending and adverse opinions may be expected to be made manifest on all important questions, even on the war.

If he therefore be guilty only of error, and not of intentional crime, why it is useless now to stand here and contend that his language was treasonable, and that it ought to receive that construction from his fellow-citizens.

Suppose, Mr. Speaker, that this sentiment should become increased, and finally involve, by reasons of contingencies which perhaps we have not comprehended and cannot foresee, the opinions of a large portion of our community, and enough of us should come to that conclusion to give weight and force to that sentiment in the councils of the nation; would it be treason for a member of this House, or for an American citi-

zen anywhere else, to propose that negotiations diplomatic should be resorted to for the purpose of settling this controversy and closing this war, and restoring peace upon the basis that the gentleman suggested in his speech upon this floor on Saturday? Would he be deemed a traitor? No, sir, certainly not; and it is only because there is but little prevalence of a sentiment of that kind, which at the first thought gives it the appearance of so much guilt upon the part of the gentlemen who take exception to the giving of opinion in debate.

I wish, as a matter of privilege, during the few moments I may occupy upon this floor, for I have no idea of consuming the whole hour allotted to me, to explain the motives with which I have acted, and which have also been the inducement of friends who have acted with me, in what we have done during the consideration of this subject. I voted against the resolution of yesterday to censure the gentleman from Maryland, and I voted against his expulsion. I voted against it because, although I entirely disapproved of the substance and also of the manner of the remarks which he made in debate, I believed with reference to him, as I do with reference to my colleague, that it was not within the jurisdiction of this House, or within the propriety of its action, if it were technically within its jurisdiction, to expel a member of this House for the utterance of a sentiment, and such a sentiment as he would be very likely, on account of his associations and habits, to entertain as a member of this House. He is the representative of a slave State. He declared himself to be a slaveholder. I did not suppose he was imbued with the antagonist sentiments which characterize some men in reference to the institution of negro slavery. I did not suppose that he found in it that wickedness and infamy which its opposers here are in the habit of imputing to it. It would be more natural to suppose otherwise. And when he came here to express his sentiments and opinions upon this floor, I did not expect them to correspond with the sentiments of my colleague from the Cleveland district, [Mr. SPALDING.] In honest blood, but in a fearless and meautious way, he gave expression to what he deemed to be just and true. Admit him to be as badly mistaken about it as my colleague from the second district of Ohio—Cincinnati. I voted against the resolution of censure of the gentleman from Maryland, not because I approved of his sentiments, but because I thought the resolution introduced by my colleague from southwest Ohio, [Mr. SCHENCK,] was in itself a violation of the rules, and a breach of the privileges of this House.

If, as I understand the rules, objection be taken to words used by a member in debate, he may be censured. Such is the language of the rule, and it is competent for the House, having convicted him of the fact of a breach of privilege in the use of improper language, language forbidden by the rules in debate, to censure him. For what? For his act in violating the rules.

But my colleague [Mr. SCHENCK] introduced a resolution here declaring the gentleman from Maryland [Mr. HARRIS] to be "an unworthy member of this House," and the conclusion is that "he is severely censured." For what? Not for violating the rules of the House; not for any specific thing; but for being, characteristically, an unworthy member of the House. I believe that if the question of order had been raised, the resolution would not have been entertained. It is not to be said it cannot be known how gentlemen on this side of the House would have voted if the request made by the gentleman from Indiana, and concurred in by many other gentlemen, had been granted, and the resolution had been so changed as to include simply a censure against the gentleman from Maryland for the violation of order with which he was charged. But it was a vote exacted on a wrong principle, unauthorized by the rules of legislation here; and no gentleman could vote rationally and consistently on the proposition without voting in the negative.

Now, Mr. Speaker, I promised to be brief in the remarks that I wished to make, and as I think I have expressed the substance of my thought on the subject before us, and have given the reason why I cannot give my vote for the passage of the resolution now pending, for no other offense than the expression of an opinion which, as a citizen of what was and should be now a free Government, my colleague had a right to introduce and communicate to his fellows at his pleasure. He exercised his right of free speech under the protection of the clear guarantee of the Constitution, and to undertake to punish him for it is to ruthlessly assail the fundamental principles of American liberty.

Mr. STEVENS. Mr. Speaker, I will occupy the time of the House but a single moment. The state of my health does not permit me to make a speech, and I should not trouble the House now, had I not learned from some editorial remarks that on Saturday last an effort was made by members of this House to connect the position which I assumed at the beginning of the session with the position occupied by the member from Ohio, [Mr. LONG.] I contended that the confederate States had *de facto* seceded from this Union; that in doing so they have committed a great crime which should be punished, not only by the extreme rights allowable in all cases by the laws of war, but that they had outlawed themselves from all protection under the Constitution and laws of the United States; that they had abrogated the laws and the Constitution of the Union so far as they were concerned, so that they could invoke the protection of neither to save them from the vengeance which should be inflicted by the Union; that in addition to the ordinary laws of belligerents, we ought to confiscate all their property so far as the leaders were concerned; that we ought to take from them their real and personal estate and treat them as a foreign enemy subjugated by the arms of this nation; that they could claim no rights different from those of a conquered foreign enemy waging a most unjust and cruel war against the Government; and that their rights were none other than were accorded by the laws of war in its extremest extent. I contended that they had *de facto*—as is undeniably true—committed the crime of secession; that they stood in that attitude, therefore outlaws and aliens from the protection of the Constitution and the laws of this Government, and that they could invoke the aid of neither for their protection; and then I went on to show the kind of punishment which I believed an alien enemy, composed of traitors, should receive; that they were a belligerent occupying the position of a foreign nation with regard to their rights under the Constitution, but worse than a foreign nation, because they were composed of traitors to their Government, and that their punishment should be pursued by fire and sword to their utter subjugation. Indeed, so much did I insist on extreme punishment being awarded to them, that a certain portion of this House seemed to be struck with horror at the extremity of the vengeance which I asked should be visited on them. And yet I am told that a position assumed in this House, that having by their own crime become *de facto* a secession power—as undoubtedly they are—they shall be permitted to remain so without punishment, and that this Government shall extend to them the right hand of fellowship, in the shape of negotiation, to withdraw our armies and allow them to maintain the attitude which, through their great crime, they had acquired, is to be assimilated to the position which I had assumed. Gentlemen on this floor have chosen to assimilate the two positions—the position of offering to recognize the rebellion as an independent power, as independent not only *de facto* but *de jure*, and entering into a treaty with them as an independent nationality of right, and the position which I assumed.

Mr. COX. With the permission of the gentleman I desire to say a word. I suppose he must have referred to certain remarks which I made here upon Saturday, though I do not know that he does so.

Mr. STEVENS. I did not; for I have not been able to read the debates of this House. All that I learned was from some editorial remarks in a newspaper. I have not read the speech of any member.

Mr. COX. Allow me, then, to correct the gentleman in reference to one conclusion which he draws. As the gentleman was unfortunately not present on Saturday, I could not go as fully as I would like to have done into the peculiar tenets held by the gentleman from Pennsylvania upon this subject. Indeed, I was cautioned on Saturday not to go into the matter at all in the absence of the distinguished member. But, sir, we upon this side of the House undertook upon Saturday to run a parallel between the opinions of the distinguished member from Pennsylvania and the opinions expressed by my colleague, and it was simply this: we held here upon this side of the House that my colleague was no better and no worse than the gentleman from Pennsylvania, because he took the identical premises laid down by the gentleman, although he may have drawn different conclusions.

Mr. Speaker, I hold in my hand—and as a matter of fairness I have inserted it into my remarks made on Saturday—the very remarks made by the gentleman from Pennsylvania upon this subject, in which he took the ground that the southern States were a foreign nation.

Mr. STEVENS. I will excuse the gentleman from Ohio from anything further, as I was not referring to him, and do not even know whether he spoke at all on Saturday.

Mr. COX. The gentleman said he read it in a paper.

Mr. STEVENS. I saw it in some editorial remark that my position was likened to that of the gentleman from Ohio, [Mr. LONG.]

Mr. COX. If the gentleman will allow me to finish my remark, my colleague from Ohio, in the very speech which is now declared to be obnoxious, himself based his argument upon what he quoted from the speech of the gentleman from Pennsylvania, in which he declared these southern States to be an independent nation for certain purposes—for the purposes of war and for the purposes of confiscation.

Mr. STEVENS. I will excuse the gentleman from anything further.

Mr. COX. I hope the gentleman will permit me to finish my sentence.

Mr. STEVENS. I know perfectly well how easy it is for the devil to undertake to quote Scripture and pervert it. [Laughter, hisses, applause, and confusion on the floor and in the galleries.]

Mr. COX. I have not misquoted the gentleman nor perverted his remarks. I quoted him correctly. [Shouts of "Order!" from the Republican side.] The gentleman from Pennsylvania charges me with perversion, and I have the right to interrupt him.

Mr. STEVENS. I have not begun any personalities, and I will not yield to any.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. NICOLAY, his Private Secretary, notifying the House that he had approved and signed bills of the following titles:

An act (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes;"

An act (H. R. No. 114) for the relief of Daniel Wormer;

An act (H. R. No. 115) for the relief of Darius S. Cole; and

An act (H. R. No. 116) for the relief of William G. Brown.

PROPOSED EXPULSION OF A MEMBER—AGAIN.

Mr. COX. I now ask the gentleman from Pennsylvania to yield to me for a moment.

Mr. WILSON. I object, unless the gentleman will obey the rules.

Mr. COX. I have not asked any favor of the gentleman from Iowa.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield?

Mr. STEVENS. I hope the gentleman will excuse me. I have not said anything about him, and do not intend to.

Now, Mr. Speaker, I can easily understand how it may have been that the gentleman from Ohio, who made his speech on Saturday, [Mr. LONG,] took the position which I asserted, that the confederate States were a belligerent *de facto*, as everybody knows they are; but instead of following out what I inferred from that, that they were a belligerent through crime and treason, deserving to be punished by fire and sword and confiscation, as all traitors should be, I understand him to have proposed that they should be admitted as a power *de jure*, that their independence should be acknowledged by a commission from this Government. If I have been misinformed—for I have not read his speech—then my remarks are misapplied.

But, sir, that position was assumed, as I understand, by a gentleman in this House. I refer to no one; and I see that the member from Ohio who spoke on Saturday, [Mr. LONG,] and whose speech has just been handed to me, undertook to assimilate his speech to my position. Why, sir, no honest man could assimilate them to each other. I would as soon be hanged in chains alongside of a gibbeted traitor as to be thus connected with a moral carcass before the House. [Laughter.] It will bear no such construction. I took then, as I do now, a certain attitude for the purpose of justifying the extreme exaction of the laws of war against these traitors and rebels who had assumed this position.

Now, sir, I have not, as I have said before, seen from the papers who assumed this position. I have no strength to examine now or to pursue the subject. I am glad I do not know the names of those who undertook thus to link me with an infamous proposition. I say no man who heard my speech, or read it, thought so who was not a fool or a knave, and perhaps both. [Laughter.]

Mr. FERNANDO WOOD. Mr. Speaker, I am sure that the country will read with profound regret the proceedings of this House on Saturday last. At a time when our armies are standing still in the face of a powerful enemy, when our Treasury is empty, when its legitimate receipts are less than one tenth of the expenditures, when labor is paralyzed and borne down by oppressive taxation and inadequate compensation, when those who produce everything get nothing, and those who produce nothing get everything, for the House of Representatives in this condition of the country to be trifling with its time on a subject beyond its jurisdiction, arraigning a member for the exercise of a constitutional right, will be viewed with profound regret. For his opinions the gentleman [Mr. LONG] is responsible to his constituents.

I regard the position of Speaker of this House to be the highest civilian known to the country. In England the like office is recognized as that held by the first gentleman of England. Now, that the Speaker should descend from this exalted position and enter into this gladiatorial arena of partisan combat for the purpose of arraigning a Representative for exercising the right which God and his constituents gave him is to be deplored. Sir, I have the highest regard personally for the Speaker of this House. Differing as I do from him upon all the leading public questions of the day, I take this occasion to say that he has discharged his responsible duties with ability and with impartiality. I regret that he should for the first time have committed an act which must materially affect his usefulness hereafter in the discharge of those duties. He has taken a position in this proceeding which no man can sustain who recognizes constitutional and individual rights. Leaving the Speaker's chair, he takes a seat upon the floor and presents to the House and country a resolution of expulsion against a gentleman representing the second district of Ohio. Expulsion for what? For the honest avowal of opinions he entertained, and for which he was responsible to no other power or authority than to that he represented in this House, his constituents. He had declared that in a certain contingency, which he stated, he would prefer recognition. As between annihilation and recognition he preferred the latter. Is it criminal so to declare? None of us are in favor of taking human life, and yet all of us are prepared to do it in self-defense. When such an alternative is presented either of us would kill. This is an analogous case. The gentleman declared, substantially, he was in favor of recognition rather than to see every man, woman, and child in the southern States put to the sword. He thought every humane and Christian man would indorse this sentiment, thus presented. But the gentleman was arraigned because, it is said, his speech gives aid and comfort to the rebels. If this were so, the other side of the House have no right to complain. The Republican party have been feeding the flame of rebellion ever since its existence.

It is to be observed that in the resolution of expulsion no quotation is given of the offending language. Sir, it is the first time in the history of the Government that any proceeding of a like character has been taken when the language or the offense clearly and definitely expressed, to which exception is taken, is not quoted in the resolution. The resolution does not pretend to give the language used by the member arraigned. I repeat, sir, that the author of this resolution does not pretend to quote the language used by the gentleman from Ohio; and I will go further and say that he does not in any fair sense give the substance of that language. I stated on Saturday what the gentleman did say. He declared that the alternative was presented to the country whether we will subjugate and annihilate the southern people or recognize them as an independent power. Rather than exterminate, destroy, rid of existence, extinguish the men, women, and children of the South, he was willing to recognize their independence. In the exercise of his constitutional right, in a calm, able, statesmanlike manner, he discussed the whole question of this war. After showing that even if prosecuted for the restoration of the Union (which it is not) it had proved a failure, and if continued must end in annihilation, he declared that, as a choice of evils, he was for peace by recognition.

Sir, the Speaker of the House of Commons did not descend from his chair and arraign Edmund Burke, when that patriot and statesman used stronger language in favor of our independence than this. Nor did the Chancellor of England, presiding over the House of Lords, come down from his high position and arraign Lord Chatham for declarations in favor of our recognition as a nation at the time we were struggling for liberty.

But the Speaker said upon Saturday, when his attention was called to the identical language used by the gentleman from Ohio, that it was for the character of his *whole speech* that he sought to expel him. Sir, he is estopped from taking that position now. He arraigned the gentleman from Ohio, in the language of his own resolution, for the declaration that he was in favor of the recognition of the independence of the South. I defy him or any other gentleman to refer to any portion of that speech that makes a stronger allusion to the question of recognition than that to which I have referred. And so far as the resolution itself is concerned, it proposes to expel the member only because he expressed himself in favor of recognition.

But we are told that the whole speech gives aid and comfort to the enemy. If that be true, whoever else may take exception to giving aid and comfort to the enemy, it ought not to come from that side of the House, or from gentlemen who represent that party. Their whole political career since the commencement of this war, official and otherwise, has given aid and comfort to the enemy. In six months from the firing on Fort Sumter, under a different policy, under an Administration conducted upon other principles, this war would have been closed, with the expenditure of one half of the money and the loss of one half of the lives which it has cost. It has been the fanatical and destructive course pursued by the Administration and the utter disregard of the common principles of humanity and patriotism; it has been the declaration and practical effort to carry fire and sword into every household of the South, and by confiscation, emancipation, and annihilation, leaving the South no alternative but resistance or death, that this war has been prolonged, and is likely to be prolonged until the men who now rule the country shall have ceased to hold political power. This is "the aid and comfort" which has been given to the enemy, and it came from the men who affect now to be indignant at the expressions of the gentleman from Ohio.

Sir, shall he be expelled for *saying* he was in favor of a dissolution of the Union by men who daily act in favor of it? Why, the Republican party was conceived and brought forth in the spirit of disunion. I had the honor of holding a seat here twenty-two years ago, when John Quincy Adams, the founder and author of the dogmas now held by the Republican party, introduced in my presence a petition for the dissolution of the Union. And Joshua Giddings, now holding a high official position under this Administration, in the same Congress presented a memorial from his constituents of the Western Reserve of Ohio in favor of dissolution. Mr. HALE, a Senator from New Hampshire, at a much later period, presented a memorial in favor of a dissolution of the Union; and the votes are recorded of Senator Seward, of New York, and Senator Chase, of Ohio, in favor of the reception of that petition. And, sir, since the commencement of this rebellion the present Secretary of the Treasury, acting in his official capacity as a member of the present Cabinet, seriously and formally advocated the recognition of the southern confederacy, at a time, too, when it had but a provisional government at Montgomery, Alabama, and before the South, using the language of the distinguished gentleman from Pennsylvania, [Mr. STEVENS,] had arisen to its present position as a *de facto* government, or had been acknowledged as a belligerent by any nation of Europe.

Mr. ASHLEY. I deny the gentleman's statement so far as the Secretary of the Treasury is concerned.

Mr. FERNANDO WOOD. I refuse to yield to the gentleman.

Mr. COX. I ask the gentleman to allow me to say a word in reference to this matter.

Mr. FERNANDO WOOD. If the gentleman from Ohio upon the other side of the House does not intend to speak upon this subject, I will yield to him a moment.

Mr. ASHLEY. I desire to ask the gentleman from New York to state where the present Secretary of the Treasury, in any official act of his, advocated the recognition of the southern States as an independent nation?

Mr. COX. With the permission of my friend I will give my colleague the proof. If the gentleman will look at the National Intelligencer of April 22, 1861, he will find a speech reported, made by the mayor of Baltimore, in which he said in a full meeting, on the 19th day of April, that Secretary Chase had told him that. [Laughter on the Republican side of the House.] This came from the mayor of Baltimore, and never has been denied, and my colleague knows very well that Governor Chase never will deny it.

Mr. ASHLEY. Sir, I deny it for him. I know he has never officially or in any published letter or speech advocated the recognition of the southern States as an independent power.

Mr. COX. The gentleman should not deny anything before he hears what it is. He is too prompt to put in a general issue before he knows what I charge. The extract reads that although he (Mr. Chase) opposed the right of secession, yet when independent and powerful States had gone out of the Union, and were determined not to return, he was for telling them to go in peace.

That was announced to the people of Baltimore in a public meeting by an official character, and has never been denied.

Mr. ASHLEY. I deny it now; and deny the authority from which it comes.

Mr. COX. I ask the gentleman what authority he has for that denial?

Mr. ASHLEY. I answer the gentleman, by the character of the man, and my intimate knowledge of his opinions upon all questions.

Mr. COX. Then the gentleman does not speak by authority at all. If I were to judge of a man by his character, I should say that the gentleman was not authorized to deny anything for anybody.

Mr. FERNANDO WOOD. Mr. Speaker, the gentleman from Ohio [Mr. ASHLEY] may deny the fact, but the Secretary of the Treasury himself does not deny it.

Mr. BOUTWELL. Will the gentleman give way for a question? I only wish to ask the gentleman a question in order that the House may understand his position.

Objection was made by several members.

Mr. FERNANDO WOOD. Mr. Speaker, I am surprised that there should be any such denial here now. It is as well understood as any declaration that has been made officially or otherwise by any gentleman connected with this Administration; and when any member of this House will produce an authorized denial from the Secretary of the Treasury himself, the country will believe him, and not before.

But, sir, I have said that the Republican party had its existence in a spirit of disunion, that its fathers and great leaders came into political being on that sentiment. This Administration could not hold together forty-eight hours except by that horrid dogma of destruction, acting in collu-

sion with corruption. I have some few extracts from the recorded opinions of the men who rule the country; were it necessary, I could prove like treasonable utterances on the President and each member of his Cabinet. But by their acts shall they be judged. It is not necessary in their case to refer to *expressions*—their official conduct speaks louder and plainer than words.

J. Q. Adams presents a petition for dissolution:

"On the 24th of February, 1842, John Quincy Adams presented a petition in the House of Representatives signed by a large number of citizens of Haverhill, Massachusetts, for a peaceable dissolution of the Union, 'assigning as one of the reasons the inequality of benefits conferred on the different sections.'"—*Blake's History of Slavery*, p. 524.

J. R. Giddings presents a petition for dissolution:

"On the 28th of February, 1842, Mr. Giddings presented a petition from a large number of abolitionists of Austinburg, in his district, praying for a dissolution of the Union and a separation of the slave from the free States."—*Ibid.*

In their State convention of 1851, the radicals of Massachusetts, on whom the mantle of the Hartford Convention had fallen, and animated by the same purpose,

"*Resolved*, That the Constitution which provides for a slave representation and a slave oligarchy in Congress; which legalizes slave catching on every inch of American soil; which pledges the military and naval power of the country to keep four millions of chattel slaves in their chains, is to be trodden under foot and pronounced accursed, however unexceptionable or valuable it may be in its other provisions."

"That the one great issue before the country is the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance; therefore we have given ourselves to the work of 'annulling this covenant with death,' as essential to our own innocency and the speedy and everlasting overthrow of the slave power."

In 1856 the same party passed the following in convention:

"*Resolved*, 1. That the necessity of disunion is written in the whole existing character and condition of the two sections of the country, in their social organization, education, habits, and laws; in the danger of our white citizens in Kansas, and our colored men in Boston; in the wounds of CHARLES SUMNER and the laurels of his assailants; and no Government on earth was ever strong enough to hold together such opposing forces.

"*Resolved*, 2. That this movement does not merely seek disunion but the more perfect union of free States by the expulsion of the slave States from the confederation in which they have ever been an element of discord, danger, and disgrace.

"*Resolved*, 3. That it is not probable that the ultimate severance of the Union will be an act of deliberation or discussion; but that a long period of deliberation and discussion must precede it, and here we meet to begin the work.

"*Resolved*, 4. That henceforward, instead of regarding it as an objection to any system of policy that it will lead to a separation of the States, we will proclaim that to be the highest of all recommendations, and the greatest proof of statesmanship, and will support politically such men and measures as appear to tend most to this result."

Mr. Garrison made a speech in 1856 in which he declared:

"I have said, and I say again, that in proportion to the growth of disunionism will be the growth of Republicanism." * * * * "The Union is a lie. The American Union is an imposture and a covenant with death and an agreement with hell." * * * * "I am for its overthrow." * * * * "Up with the flag of disunion that we may have a free and glorious Union of our own."

At a Republican convention held at Monroe, Green county, Wisconsin, in 1856, the following resolution was passed:

"*Resolved*, That it is the duty of the North, in case they fail in electing a President and Congress that will restore freedom to Kansas, to revolutionize the Government."

Anson Burlingame made a speech in 1856 in which he blasphemously said:

"The time is coming and soon will be that we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God."

The Montrose Democrat of May 10, 1856, said:

"We recollect that over a year ago we heard Mr. Wilmot make the following declaration:

"'I am determined to arouse the people to the importance of the slavery issue and get up an organization through which they can get the control of the Government in 1856. And if I become satisfied that these efforts will fail, and that the people will not assert their rights, then I'll be d—d if I don't join the party that I think will send the country to h—l the quickest.'"

Horace Mann on one occasion said:

"In conclusion, I have only to add that such is my solemn and abiding conviction of the character of slavery, and under a full sense of responsibility to my country and my God, I deliberately say, better disunion, better a civil or servile war, better anything that God in His providence shall send, than an extension of the bonds of slavery."

"I have before declared that the path of duty was clear as to the fugitive slave act, and that I am bound to disobey it."—*Charles Sumner*, September, 1854.

"On the 7th day of February, 1850, John P. Hale insisted upon, and along with Chase and Seward alone, voted to receive, refer, and consider a petition demanding of Congress an immediate dissolution of the Union, because a Union with slaveholders is violative of divine law and human rights."

"John P. Hale, on the 23d March, 1848, presented a batch of eight petitions at once demanding the dissolution of the Union."

"No man has a right to be surprised at this state of things. It is just what we abolitionists and disunionists have attempted to bring about. There is merit in the Republican party. It is the first *sectional party* ever organized in this country. It does not know its own face, but calls itself national; but it is not *national: it is sectional.* The Republican party is a party of the North pledged against the South."—*Wendell Phillips.*

"If the Republicans fail at the ballot-box, we shall be forced to drive back the slaveocrats with fire and sword."—*James Watson Webb.*

The True American, a Republican organ in Erie county, Pennsylvania, in commenting upon a speech delivered at a Democratic meeting, says:

"This twaddle about the Union and its preservation is too silly and sickening for any good effect. We think that the liberty of a single slave is worth more than all the Unions God's universe can hold."

RUFUS P. SPALDING, now an Administration member of this House, and a member of the convention that nominated Frémont, said in that convention that—

"In the case of the alternative being presented of the continuance of slavery or a dissolution of the Union, I am for dissolution, and I care not how quick it comes."

Mr. SPALDING. I pronounce that false, let it come from what source it may.

Mr. PATTERSON. I ask to say a single word.

Mr. FERNANDO WOOD. The gentleman can reply after my hour expires.

Mr. PATTERSON. Will the gentleman permit me to ask him a question?

Mr. FERNANDO WOOD. I must decline now.

In 1854 the abolitionists of Massachusetts and of other States sent petitions to Congress, from which the following is an extract:

"We earnestly request Congress at its present session to take initiatory measures for the speedy, peaceful, and equitable dissolution of the existing Union as the exigencies of the case may require."

Henry Ward Beecher says:

"A great many people raise a cry about the Union and the Constitution, as if the two were perfectly identical; but the truth is, *it is the Constitution itself* that is the cause of every division which this vexed question of slavery has ever occasioned in this country. It has been the foundation of our troubles by attempting to hold together as reconciled two opposing principles which will not harmonize nor agree."

Salmon P. Chase says:

"Slavery in the States would not continue a year after the accession of the anti-slavery party to power."

Fred. Douglass says:

"From this time forth I consecrate the labors of my life to the dissolution of the Union, and I care not whether the bolt that rends it shall come from heaven or from hell."

I quote from the New York Tribune, which was laid upon the members' desks just before the passage of the Kansas-Nebraska act:

"We urge, therefore, unbending determination on the part of northern members hostile to this intolerable outrage, and demand of them in behalf of peace, in behalf of freedom, in behalf of justice and humanity, resistance to the last. Better that confusion should ensue—better that discord should reign in the national councils—better that Congress should break up in wild disorder—nay, better that the Capitol itself should blaze by the torch of the incendiary, or fall and bury all its inmates beneath its crumbling ruins, than that this perfidy and wrong should be finally accomplished."

General Banks said:

"I am willing in a certain contingency to let the Union slide."

Rev. Dr. Bellows, president of the sanitary commission, in one of his public discourses in the city of New York, disgraced the pulpit by uttering the following:

"It is no longer a war in defense of the Union, the Constitution, and the enforcement of the laws. It is a war to be carried on no longer with the aim of reëstablishing the Union and the Constitution with their old compromises. God means not to let us off with any half-way work. I am now convinced and I consider it the most humane, the most economical, and the most statesmanlike now to take the most radical ground possible; to assume that this is a war for the subjugation or extermination of all persons who wish to maintain the slave power; a war to get rid of slavery and slaveholders, whether it be constitutional or not."

Wendell Phillips again says:

"The Constitution of our fathers was a mistake. *Tear it in pieces and make a better.* Don't say the machine is out of order; it is in order; it does what its framers intended—protects slavery. Our aim is disunion, breaking up the States. I have shown you that our work cannot be done under our institutions."

Again he said:

"No act of ours do we regard with more conscientious approval or higher satisfaction, none do we submit more confidently to the tribunal of Heaven and the moral verdict of mankind, than when, several years ago, on the 4th of July, in the presence of a great assembly, we committed to the flames the Constitution of the United States."

The American Anti-Slavery Society passed the following resolutions:

"*Resolved*, That secession from the United States Government is the duty of every abolitionist, since no one can take office or deposit his vote under its Constitution without violating his anti-slavery principles, and rendering himself an abettor to the slaveholder, and committing a sin.

"*Resolved*, That years of warfare against the slave power have convinced us that every act done in support of the American Union rivets the chain of the slave; that the only exodus of the slave to freedom, unless it be one of blood, must be over the remains of the present American church, and the grave of the present Union.

"*Resolved*, That the abolitionists of this country should make it one of the primary objects of this agitation to dissolve the American Union."

The present United States Treasurer (Spinner) said during the Frémont campaign:

"Should this [the election of Frémont] fail, no true man would be any longer safe here from the assaults of the arrogant slave oligarchy, who then would rule with an iron hand; for the free North would be left the choice of a peaceful dissolution of the Union, a civil war which would end in the same, or an unconditional surrender of every principle held dear by freemen."

James S. Pike, long editorially connected with the New York Tribune, and now minister to the Netherlands, said:

"I have no doubt that the free and slave States ought to separate. The Union is not worth supporting in connection with the South."

John W. Forney, editor of the Philadelphia Press, over the *nom de plume* of Occasional, writing to his paper, said:

"Let us unite the North by any means. When men no longer volunteer let there be conscription. Silence every tongue that does not speak with respect of the cause and the flag. Do away with politics, with luxuries, with comforts. Let us cease for the present to speak of laws and restrictions and what are called safeguards."

Mr. Seward, at Boston, foreshadowed the purpose of the abolition party:

"What a commentary upon the history of man is the fact that eighteen years after the death of John Quincy Adams the people have for their standard-bearer Abraham Lincoln, confirming the obligations of the higher law which the sage of Quincy proclaimed, and contending for weal or woe, for life or death, in the irrepressible conflict between freedom and slavery. I desire only to say that we are in the last stage of the conflict before the great triumphant inauguration of this policy into the Government of the United States."

Mr. Seward, in the Senate, threw this firebrand at the South:

"Then the free States and slave States of the Atlantic, divided and warring with each other, would disgust the free States of the Pacific, and they would have abundant cause and justification for withdrawing from the Union, productive no longer of peace, safety, and liberty to themselves," &c.

In the Republican convention of Chicago, 1860, at which Mr. Lincoln was nominated, the following occurred among the proceedings as published in the New York Tribune of May, 1860:

"Judge Jessup said that he desired to amend a verbal mistake in the name of the party. It was printed in the resolution 'National Republican party.' He wished to strike out the word 'national,' as that was not the name by which the party was properly known."

N. P. Banks, in a speech in Massachusetts in 1856, thus predicts a "military dictatorial government:"

"I can conceive of a time when this Constitution shall not be in existence, when we shall have an absolute military dictatorial government transmitted from age to age, with men at its head who are made rulers by military commission, or who claim a hereditary right to govern those over whom they are placed."

Mr. Schurz, in 1860, said:

"May the God in human nature be aroused and pierce the very soul of our nation with an energy that shall sweep as with the besom of destruction this abomination [slavery] from the land. You call this revolution; it is. In this we need revolution. We must, we will have it. Let it come!"

On the 12th of July, 1848, JOHN P. HALE said:

"All the terrors of dissolution I can look steadfastly in the face before I could look to that moral union which must fall upon us, when we can so far prostitute ourselves as to become the pioneers of slavery in the Territories."

In the Senate, February 26, 1856, Mr. HALE, in speaking of the conflict, said:

"Good! Good! Sir, I hope it will come; and if it

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. TUESDAY, APRIL 12, 1864. NEW SERIES.....No. 97.

comes to blood, let it come. No, sir, if that issue must come, let it come; and it cannot come too soon."

Mr. SPALDING. I desire to know from the gentleman from New York whether that is a new edition of the "Gospel of Peace." [Laughter.]

Mr. FERNANDO WOOD. I decline to yield.

Mr. SPALDING. I certainly have a right to know from what book the extracts have been read.

Mr. FERNANDO WOOD. I will not detain the House by the reading of any more extracts [cries of "Oh! read them"] to prove the allegation which I made, that the Republican party, which now rules this country, was conceived and born in a spirit of disunion, and that whoever else may rebuke my friend from Ohio, [Mr. LONG,] that side of the House should take no exception to any language that may be used looking to disunion or recognition.

Sir, I am not in favor of recognition. I have held but one language and assumed but one position since the breaking out of this unfortunate revolution. I am opposed to recognizing, in any contingency, until after the exhaustion of peaceful negotiation, the independence of the southern government; and I do not concur with the gentleman from Ohio, [Mr. LONG,] in his belief that the alternative has been presented of annihilation or recognition. I believe that if this Government would, in good faith, make an honest effort to restore this Union by peaceful negotiation, if it will guaranty the constitutional rights of the southern States, I believe that even now the Union could be restored without firing another cannon. And until we have exhausted and failed in these negotiations, I, for one, will not allow myself to think of, much less speak of, a contingency so dreadful as that of dissolution.

And it is proper that I should say, on this occasion, that I dissent from the sentiments uttered by the gentleman from Maryland, [Mr. HARRIS,] on Saturday. If I understood him correctly, he declared in favor of not only the right but the policy of secession. I differ from him entirely and altogether. And although I voted against the resolution of censure, I did it because I deny the right in this House to censure any man for the expression of any sentiment he may entertain. Notwithstanding the provision of the Constitution that a member is not to be called to account, out of the House, for anything that he may do here, I deny the right of this House to deprive the Representative of forty thousand people of the liberty of expressing his sentiments, and probably their sentiments, upon any public question of the day.

I will not vote to abridge the expression of sentiment in this House. I am willing to accord to every man, even to those on the other side of the House, the largest liberty of debate. But, sir, I am not in favor of a dissolution of this Union. I am not in favor of recognition. I am not in favor of secession. But I am in favor of peace. I am in favor of doing justice to the southern people. I am in favor of making an effort, through negotiation, for a final determination and adjudication of this question in some way, as the Government has always done under like circumstances.

This war cannot restore the Union. I believe the Democratic party, as far as this immediate question is concerned, cannot be an abolition war party. There can be no such thing as a war Democrat; because when a man is in favor of the war, he must be in favor of the policies of the war as it is prosecuted by the party in power, with its unavoidable tendency to destroy the Constitution and the Union. He cannot be a Democrat and be a disunionist also. I do not want to see the Democratic party brought into power under such policies or on any such platform as that. If the war is to go on, I want the Republican party to carry it on. They caused it, and let them take the responsibility. They get the plunder, let them take the consequences.

Now, sir, can there be such a thing as a conservative Republican? No, sir, a man cannot be a modern Republican and be conservative. Republicanism, as now understood practically, is destructive, fanatical, and ruinous. Conservatism is to protect and preserve life and property. Therefore I say there can be no such thing as a war Democrat or a conservative Republican. Until the American people return to the sober second thought, and realize the inevitable tendency and conclusion of the war, I believe that the disease will run its course, and that the Republican disunionists in power may carry out their doctrines to their bloody and relentless results.

George Thompson was sent an emissary by the British Government thirty years ago to sow the seeds of dissolution in America. He now returns as the guest of his fellow-disunionists, the ruling party, to see the reaping of the bloody harvest. Union, sir, Union with this doctrine of fell destruction and annihilation, where every man, woman, and child is to be put to the sword, where their country is to be laid waste, where their State institutions are to be subverted, where freemen under your Constitution, standing with equal rights with ourselves, are to be made slaves or die! Why, sir, men who talk of such a Union under our system have never read the Constitution. In the elegant language to-day of the gentleman from Pennsylvania, [Mr. STEVENS,] they are "either fools or knaves."

Sir, there can be no such Union. Civil war is dissolution, destruction, extermination. And therefore I am opposed to it, and in favor of making a peaceful effort for the settlement of this great question. I am in favor of bringing back the southern States into a condition of fraternity and brotherhood with the North. I am in favor of the compacts and compromises of the Constitution. I am in favor of this galaxy of beautiful, independent powers being once more gathered under a common Government, entitled to equal rights, equal privileges, and equal exemption from central usurpation and tyranny.

That, sir, is my position. I do not agree with the gentleman from Maryland [Mr. HARRIS] in favor of secession. I do not agree with the gentleman from Ohio [Mr. LONG] that the alternative is even yet presented to the American people of annihilation or dissolution. But I do believe that if the President of the United States would appoint commissioners clothed with power, as has been done under like circumstances by his predecessors from the days of Washington down to the present time, and those commissioners would proceed to Richmond, while I do not think that peace would immediately be restored, I do think there would be a commencement of the end of this war, which would lead to a restoration of the Union either by reconstruction or otherwise.

Mr. Speaker, in conclusion I pray God that, notwithstanding the fell spirit of destruction North and South, notwithstanding the evils which so beset us, He will speedily put an end to this bloody conflict, and in the infinity of His wisdom restore this bleeding land to its former condition of peace, fraternity, and prosperity.

Mr. SCHENCK. Mr. Speaker, a student in natural history would have much to learn upon this floor. Some specimens of the snake family are so slippery that it seems impossible to classify them or to hold them to any place.

I find myself at great loss to understand what ground is occupied by the gentleman from New York, [Mr. FERNANDO WOOD,] who has just taken his seat. He avows that he disagrees to the position taken by the member from Maryland, [Mr. HARRIS,] who was yesterday visited with the censure of the House; he dissents from the arguments and propositions of my colleague, [Mr. LONG,] whose case we are now considering; and yet he says to his fellow-copperheads, those, if any there be, who crawl with him, that there is no such thing as a war Democrat, for a creature of that kind is anomalous. [Laughter.] I may be pardoned, therefore, if I have difficulty in comprehending his own nature or knowing exactly where in the scale to place him.

But at the close of his remarks the gentleman from New York seemed in some small degree to develop his peculiar views and purposes. He has laid down something like the same platform in resolutions which he early in the session offered in this House. Being neither against the war nor for the war, he would send commissioners to Richmond to treat with those arrayed in arms against the country to offer them terms of peace. He preaches a "new gospel of peace," of which he is the great apostle.

How many others on his side of the House may agree with him I know not. But I do know this, whenever any such propositions of northern Democrats have appeared in public print, or their offers or suggestions of peace have been made in any form, they have invariably been received by the rebels at Richmond with scoffing and repelled with scorn. Their rebel friends have not hesitated to declare that such advances and the emissaries who might convey them could only be entertained by them with fingers holding their offended aristocratic noses. [Laughter.] That only is the way they would receive Democrats who came to offer them peace. You must not "come between the wind and their nobility."

The gentleman and his friends, then, are willing and propose to crawl on their bellies to the feet of rebels and insurgents in arms, and looking up piteously to say "Oh, our masters, notwithstanding all your scoffing and scorn, and though you may spurn us from your presence, we implore you to say whether you will not graciously agree to make some terms with us." I cannot comprehend this abasement in any other way.

Thank God, I belong to no such party as that. For the sake of manhood and humanity, I would trust there are few who do. I never will make peace with armed rebels. I am for concluding no treaties, holding no conferences with insurgent States claiming to be an independent and separate nationality. [Suppressed applause.] I believe that the only safety for this country consists in fighting out this war to the end and suppressing this rebellion; in taking care to put it down so effectually that its hydra head will never be raised in the land again. I think that that too may be assumed as the sentiment of this House, and its resolved purpose.

Let me refer to what was the action here on some propositions I had the honor myself to submit some time ago in a series of resolutions. In order to refresh the recollections of members on both sides of the House I beg to recur to the official record. I find by the Journal of the 29th of February last that I moved the adoption of three resolutions, of which the first was in these words:

"*Resolved*, That the present war which this Government is carrying on against armed insurrectionists and others, banded together under the name of 'southern confederacy,' was brought on by a wicked and wholly unjustifiable rebellion, and all those engaged in or aiding or encouraging it are public enemies, and should be treated as such."

How was that resolution received? It passed without objection; not one dissenting voice; no opposition whatever, not even a call for the yeas and nays. By general consent the Representatives of the people of the United States accepted that as one plank in the platform upon which they, as a component part of the Government, were willing to stand in their efforts to put down this wicked and infamous rebellion.

The next resolution is in these terms:

"*Resolved*, That this rebellion shall be effectually put down, and that to prevent the recurrence of such rebellions in future the causes which led to this one must be permanently removed."

Some gentleman upon the other side of the House called for a division of the question, and asked that a vote might first be taken upon the proposition "that this rebellion shall be effectually put down." Upon that one hundred and twenty-five gentlemen voted in the affirmative, and not one in the negative. It passed unanimously.

And here, in passing, I may remark that among that one hundred and twenty-five was my colleague, [Mr. LONG,] whose case is now under consideration. He then voted his opinion as a member of the House of Representatives that this rebellion ought to be effectually put down. It is

for him and for the country to reconcile, if it be possible, that declaration then solemnly made by his recorded vote, with his belief now announced that the rebellion cannot be put down, and that there remains nothing for us but to recognize that insurrectionary pretended government and to accept it as one of the nationalities of the world.

The remaining clause of that second resolution was likewise carried by the unanimous consent of the House. Gentlemen upon the other side affected to believe that "the causes of the rebellion" were not what I plainly intended—slavery and the slave power, and the slave influence in this country; and so we united, they construing the language of the resolution in one way, and I and all the Union members here in another. By that motion, then, perhaps nothing was taken. Under such a subterfuge gentlemen escaped the issue I presented.

But there remained another resolution, the third and last of the series:

"*Resolved*, That in this struggle which is going on for the saving of our country and free Government, there is no middle ground on which any good citizen or true patriot can stand; neutrality, or indifference, or anything short of a hearty support of the Government, being a crime where the question is between loyalty and treason."

That resolution also passed this House by a unanimous vote. The gentleman from New York [Mr. FERNANDO WOOD] was not present, and some who were present did not vote; but one hundred and nine, being all that did vote upon the question, recorded their names in the affirmative. Again there was not one negative. My colleague, whose case we have now before us, was here. He had voted on the previous resolution but declined to answer upon this. With some fifteen other gentlemen upon that side of the House he preferred to dodge the issue, and they avoided being brought to a test whether they believed in such middle ground or not. Upon this middle ground, upon which it was agreed no patriot or true man can stand, the gentleman from New York [Mr. FERNANDO WOOD] selects his uncertain footing. It is the dark, oozy, unwholesome soil, between the solid earth on either side, over which unclassified copperheads do creep, and mark their slimy and doubtful track.

But what assurance have we that the member from New York is going to occupy hereafter and consistently even the ground he has assumed today? He says he is no disunionist. He declares against the war; he is for compromise; for negotiation with rebels; for peace to be acquired in that way. Yet unlike my colleague [Mr. LONG] he would not think of giving up the integrity of the Union. But what are his antecedents? Where stood he at the beginning and after the beginning of this great struggle for the life of the nation? I will turn aside here for a moment to consider as one of the remarkable passages in the speech of my colleague [Mr. LONG] the account he has sought to impose upon the country of the commencement of the war; and then I will see if we can find what position was in that earlier day taken by the gentleman from New York.

My colleague [Mr. LONG] in the speech for the utterance of which he is now held to account before the House has said that hostilities against the Government of the United States did not commence until after the inauguration of President Lincoln. He declares that those hostilities were brought on by the desire of the President of the United States; and the country being drawn into it by a trick the war proceeded and from that point has been progressing. That I may not be supposed to misrepresent his language I will read from the report of his speech as I have it now before me:

"A secret meeting of the Governors of a number of States was soon after held in this city. A scheme was devised and a vessel sent out, under pretense of furnishing provisions to the troops with Major Anderson in Fort Sumter. On arriving in Charleston harbor the people of that city fired upon the fort. The telegraph bore the news to this city, and on its first mention to the President he exclaimed, '*I knew they would do it;*' which to my mind is conclusive that it was intended expressly for that purpose. Seventy-five thousand men were immediately called for; war was inaugurated; twenty days were given the insurgents to lay down their arms; an additional five hundred thousand men were soon called for; hostilities commenced."

That, Mr. Speaker, professes to be history; and yet a more gross, more unwarrantable, bolder perversion and misrepresentation of facts was never perhaps presented to the public ear. Hostilities commenced! When? After Mr. Lincoln was inaugurated, he says, and not until then; after relief had been sent to the garrison at Fort Sumter; after relief had been sent there for the very purpose of provoking hostilities; after troops had been called out time and again to put down the insurgents. Now, is it not well known that before Mr. Lincoln, by inauguration, became the President of the United States, as early as in the December previous, our own western steamboats were attacked and our travel and commerce interrupted and stopped by batteries planted for that purpose on the banks of the Mississippi river by order of the rebel Governor of one of the rebel States? Is it not known to all that in January, 1861, an ocean steamer, the Star of the West, bearing our flag, was fired upon as she entered the harbor of Charleston and compelled to turn and put to sea, as from a hostile port. And yet, my colleague here, in the face of these and other notorious facts, as I have heard others equally reckless elsewhere, dares, for the sake of putting his own Government in the wrong, to aver that not the traitor rebels but our own authorities inaugurated civil war; fixing its commencement months after these events had transpired.

But to return. I said I would refer to this with a view to the former position of the gentleman from New York, [Mr. FERNANDO WOOD.] Whenever and however hostilities commenced, where then was he, and what was his relation to the great rebellious movement by which was sought to be destroyed the integrity and unity of his country?

When our difficulties with the South were ripening into war, when hostilities were actually commenced, when it was not known how far disaffection might extend throughout the several States of this Union, there was a mayor of New York who proposed that that city should secede from the Government of the United States, and set up for itself as a "free city," on the pattern of independent political communities of that sort known on the European continent.

Mr. FERNANDO WOOD. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. SCHENCK. I cannot be interrupted, sir, but will continue as the gentleman insisted on doing when others sought to interrupt him.

Not that alone, sir; the same mayor of New York, after rebellion was already rampant, when boxes filled with arms were stopped by the loyal city authorities on the wharves of New York, and not permitted to go South, that weapons might be put into the hands of those infernal scoundrels who were seeking to overthrow the Government and the country; that same mayor, on being telegraphed to, replied that he regretted he had no power over the matter, or he would gladly prevent any interference with such transmission of these munitions of war.

Mr. FERNANDO WOOD. Mr. Speaker——

Mr. SCHENCK. Yes, I know that that has been denied here, a short time ago, by that gentleman on this floor, and without hearing him now, I give him the benefit of that denial. But he shall also have the benefit of the positive proof produced and published widely in the papers of New York a few days afterwards, nailing upon him the falsity of the denial which he presented to this House.

Mr. FERNANDO WOOD. Mr. Speaker——

Mr. SCHENCK. I am not to be interrupted by that member.

Mr. FERNANDO WOOD. The gentleman states what is false.

Mr. SCHENCK. I have met rebels before, when they had something more than tongues with which to contend, and I am not to be interrupted or put down by the member from New York. As that gentleman has entertained the House by the reading of some precious extracts, I propose also to send something to the Clerk's desk to be read. It is an extract from a paper recently published in his own city.

The Clerk read, as follows:

"Mr. FERNANDO WOOD has the effrontery to deny, in the House, that while mayor of New York he sent a dispatch to Georgia regretting that arms intended for that State had been stopped in New York. He averred that his dispatch related to merchandise only. Here are the dispatches:

MILLEDGEVILLE, *January* 24, 1861.

To his Honor Mayor WOOD:

Is it true that any arms intended for and consigned to the State of Georgia have been seized by public authorities in New York? Your answer is important to us and to New York. Answer at once. R. TOOMBS.

"To this the mayor returned the following answer:

Hon. ROBERT TOOMBS, Milledgeville, Georgia:

In reply to your dispatch I regret to say that arms intended for and consigned to the State of Georgia have been seized by the police of this State, but that the city of New York should in no way be made responsible for the outrage. As mayor I have no authority over the police. If I had the power I should summarily punish the authors of this illegal and unjustifiable seizure of private property.

FERNANDO WOOD.

"Now what excuse will Mr. WOOD have to offer to the House?"

Mr. SCHENCK. That will do. I will ask the question myself; ask it, too, under the light of the further fact that six days before that attempt to give comfort to rebels in arms, Georgia had solemnly declared her secession from the Union, and set herself up by that solemn act in open rebellion. It was an "outrage" not to send arms, and he is no war Democrat! Sir, he *is* a war Democrat, but what kind of a war Democrat? His "war Democracy" consists in an indorsement of a war by his fellow-rioters, led forward under the influence of his teachings in New York, who foully and cruelly murdered, among others, even one of the officers of your noble Army while wearing the national uniform!

Oh, no; probably he slunk away in the midst of that riot. Probably he was not seen in the street. Probably he held no weapon in his hand and applied no torch to any dwelling. But who does not know that it was the uniform teachings of him and his school that roused that angry, that unreflecting, that ignorant populace into deeds of violence, of ruin, of rapine, of murder, in which it indulged?

And now he stands here talking smoothly about peace, and about being no war Democrat!

But, sir, I have another reminiscence for him. There was a time when he was a war Democrat—ay, and a war Democrat of the true stripe, too—not a war against defenseless women and children in the streets of New York. After he had proposed the secession of the city of New York, after he regretted that he could not help Georgia with arms, he became, about the 17th or 18th of April, 1861, alarmed by the roused indignation and swelling voices of a then whole, united loyal people, and met and addressed that people at their great meeting in Union square. And there he pledged himself to assembled thousands that he was for the war, and was for the Union. I apprehend he found it convenient to have it understood then that he was a war Democrat, just like those whom he now denounces around him.

Perhaps he will deny this too. Let him. Happening to be present in New York, and invited, I spoke on that occasion—you may call it honor or dishonor, as you will—from the same stand with him to those assembled thousands. I had no acquaintance with him, but I stood near him while he was thus delivering himself and making those loyal pledges and avowals.

I say, therefore, that I do not know what kind of a war Democrat he may be hereafter, whether he will be against his own people and the Government of the United States, as he is now, or against the insurgents, as he was then. His present profession is to be neither, but to crawl along on the border between the two and try neutrality, which has never yet been attempted by any State or people that it has not proved their curse and ruin. But, sir, he would propose terms of peace, and that peace he would offer to those who scorn him. He would propose terms of peace to those who will extend to him no hand of welcome at his coming. But still he will press upon his southern friends his good offices, reluctant as they may be.

Sir, he sings this siren song of peace for the effect he hopes it may have at home. I ask him again, what mode of seeking peace is that except to crawl prostrate to the feet of insurgents in arms and say to them, "Do with us as you will, tear from the flag of our glorious Union half its gleaming stripes, blot out as many of those stars as you can reach and extinguish, only join us again that you may help us to save the Democratic party, so that we may hereafter, as heretofore, enjoy power and the offices together. For these we will so humble ourselves as none of God's creatures ever humbled themselves before." [Laughter.]

Mr. Speaker, the member from New York has

been occupying the time of the House with the reading of a great number of extracts to show the position of certain men prior to this war, or about the time of its commencement. Some of these extracts are attributed to abolitionists, some to men of other parties, but he strings them all together, seeking thereby, if he can, to fill his magazine with weapons of assault against the Government and against this side of the Chamber.

I did not listen to much that was read. I care little for it for the purposes of this argument. But I did observe in the course of that reading that when it happened in two or three instances that he gave what purported to be the sentiments or declarations of certain members of this body now here present, those extracts were promptly denounced as forgeries, indorsed though they were by the reputable member from New York. It is not unlikely that these spurious specimens indicate the character of the whole collection.

But, sir, I am not here to defend any man. I am not here to inquire whether this man or the other was an abolitionist, a Democrat, a Whig, or a Republican, or what may have been their utterances, prudent or imprudent, wise or unwise, patriotic or unpatriotic, on any other or former occasion; whether they were right or wrong then; that has all gone by. Men might very widely differ and differently express themselves on the eve of such a convulsion. They might widely differ, too, as to what course was most expedient to be pursued in order to avert the great calamity of war from the land.

Three years have now gone by. We are in the midst of that war. Armies are confronting armies; bayonets are crossed with bayonets. The arguments now to be used and the only arguments to be used are the incisive, cutting reasonings of the sword, the sharp-pointed remark of the bayonet, the knock-down conclusion of the bursting bombshell. It is in the midst of such fierce and practical debate as this that the gentleman from New York comes forward and proposes to yield to the arrogant and insolent demands of parricide rebels, bearing in his hands as precedents his collection of extracts, genuine or otherwise, culled from what may have been written in other times and under other circumstances. If he made those quotations for any purpose at all it would only have been to show that others had stood upon his ground. But the difference of occasion is as wide as heaven from hell. Admit that those men were wrong, admit that they were all at fault in proposing, if they did do so, any such expedients. It only follows that they did not then as now understand the true character of our people, or the power of self-preservation which rests in our Government. What parallel is there between such hesitation then and the concessions which would be made by this man here now upon this floor, and almost in the very presence of the public enemy?

Mr. Speaker, I can understand how, in the Revolution, when these States, then colonies, broke away from the mother country, many a man who was attached to monarchical institutions, or fearful of rushing upon the untried experiments of a new form of government to be reached through the horrors of war, might have shrunk back and been a Tory of that day.

But how, after the better part of a century has gone by, and this great Government, under the Constitution adopted at the close of that Revolution, has gone on prospering and to prosper, when it has made its mark high on the roll of nations, and the hopes of a world have clustered around it, how any one with this history and triumph before him can to-day doubt or distrust or bargain away his country's nationality, is more than I can comprehend. I declare, sir, that in my opinion the worst Tory of the Revolution was a patriot and a gentleman compared with a copperhead of 1864. [Applause.]

Mr. Speaker, we are, as I have stated, in the presence of the enemy. Every man in this Union is to-day, in one sense, a citizen soldier. Our people are either in the lines of the Union Army in front facing and fighting the foe, or they are in the rear striving by every means possible to strengthen and advance the common cause.

I repeat, every man is a citizen soldier; and we who are here no less so than others. Now, when a soldier is marching with the Army toward the enemy, or holding his place in line of battle ready to meet the onset or to make the charge, if that soldier—and I beg pardon of our honest, brave fellows in the field for even making such a supposition—if that soldier, instead of attending to his stern and given purpose, to the consideration how he shall best acquit himself in the deadly struggle before him, and to the duty which lies present there for him to do, should turn to his comrades about him, saying to one, "We cannot beat the enemy;" to another, "We had better lay down our arms;" to another, "Our cause is wrong; we never can conquer;" and to another, "Let us demand of our commanding officer to stop shedding blood, and have a truce between the two armies"—if a soldier at such a time should talk thus in the ranks, what would you do with him? You would shoot him!

And is a citizen soldier who undertakes to breed distraction in the country, who claims that we cannot put down the rebellion, who insists that the rebellion, in his view, is altogether right and justifiable, who would compromise, who would temporize, who would have his Government debased to the condition of begging peace from insurgents, is he less deserving of execration and punishment? Though we may not execute such a man on the appropriate gallows erected for criminals, yet, thank God, there is a gibbet of public opinion where we can hang him high as Haman and hold him there, the scorn of all nations and of the world. [Applause.]

A few words now more directly to the resolution before the House. I wish I had as much strength—having just risen from a sick-bed—as I have desire to go on a little further with this examination.

The resolution proposes the expulsion of a member of this House. It proposes expulsion for the use of language in debate upon this floor.

The first objection taken to this resolution is that its passage would be a dangerous interference with the liberty of speech. You must not abridge the freedom of debate in these Halls, devoted to the discussion of great interests upon the right adjustment of which the future prosperity of our country depends.

And, sir, there is something plausible in that objection. Freedom of speech in a free Government is indeed important; and the full privilege of fearless and unrestrained debate is nowhere more important than in these Halls of legislation, where we are meeting and settling the gravest and deepest questions. This principle was not overlooked, we are to believe, by the fathers who framed our national Constitution. Yet the gentleman from Kentucky, [Mr. MALLORY,] who quoted the Constitution yesterday on this point, most strangely omitted a material and significant portion of the clause which he cited. He rose in his place and called solemnly upon the country—called upon you and called upon this House—to witness that here was an attempt to muzzle a Representative of the people, and that, too, in violation of our organic law, which in very terms provides that "no member shall be questioned for any speech or debate in either House." Surprised at such assertion, I took occasion then to remind him that that was by no means all the Constitution says upon that subject. In treating of the powers of Congress, it provided, among other things, that Senators and Representatives

"Shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned *in any other place.*"

Ah, sir, "*in any other place.*" While the framers of this sacred instrument were taking care jealously to protect and hedge around this freedom of debate so that the Representatives of the people might be left to speak fearlessly and without favor here on all subjects and free from any liability to be called to account for such speech elsewhere, they with equal wisdom took care to put in a condition that each House was expected to see to and preserve its own purity and character. The House was to take care that there should be nothing said or done here, here above all other places, which should be prejudicial to good order or inimical to the liberties of this country; nothing which might tend to give up or abandon or break down the very Government itself. I do not wonder that gentlemen engaged in the desperate cause of defending treasonable utterances on this floor should be unwilling to quote the whole language of the Constitution, but should garble, clip, travesty it, and keep out of view that which was put there by wise foresight to meet exactly such cases as this in hand.

But gentlemen make another defense. They say the words of my colleague were not treasonable utterances. In one sense they are right. Treason is defined by law and by the Constitution. It consists not in language, but in certain overt acts, and it can be proved only by certain measure and degrees of testimony. But it does not necessarily follow that when you are arraigning a member for language improper to be used, or acts improper to be done, upon this floor, you must try him only as if by the strict forms and rules of law in a judicial court. I can conceive many instances in which offense might be given here, requiring the intervention of the House and calling for its severest punishment, where there has been nothing even savoring of treason. A member might make an indecent exposure of his person; he might use language so profane and obscene and offensive in character as to require that he should be instantly expelled, and no more and no longer be permitted to remain as one of our body, and yet not be guilty of treason or of any other crime defined by the statutes of the country.

I am not, therefore, in supporting this resolution, driven to the necessity of taking the ground that treason has been committed. And when I say that the language used was treasonable, I mean to be understood in this qualified sense, that while there may not have been a crime committed for which he might be held to account before the other tribunals of the country, yet such words being uttered here and at this particular time, *flagrante bello*, with the rebel force at our very doors, they become in their tendency and effect encouragement to the rebellion and an instigation to the enemies of the nation to go on in their attempts to overthrow it.

Now, sir, I was not present when my colleague [Mr. LONG] delivered his speech. I was in my room, unable by reason of illness to be in my place. But I have a full, official, and authorized report of that speech; and to satisfy me that he deserves the heavy punishment proposed, I do not need to look any further than to passages in it which strike my eye now as I hold it here in my hand. I will read:

"Mr. Chairman, I have deemed it proper thus to advert to the charges of encouragement to the confederates so repeatedly made upon this floor, and I again recur to the consideration of the Union. Can the Union be restored by war? I answer most unhesitatingly and deliberately, No, never; '*war is final, eternal separation.*'"

Again, in speaking of the remarks of the gentleman from Pennsylvania, [Mr. STEVENS,] and in trying to ally those opinions to his—with what want of success the gentleman from Pennsylvania has most triumphantly shown—he says:

"The confederate States are out of the Union, occupying the position of an *independent Power de facto*, have been acknowledged as a belligerent both by foreign nations and our own Government, maintained their declaration of independence for three years by force of arms, and that the war has cut asunder all the ligaments and abrogated all the obligations that bound them under the Constitution."

Here, sir, I propose to make one single remark in reference to my own view of this subject—of the rights of these seceding States and of the people of those States. I belong to that class of theorists—for we all have theories on these subjects—who believe that the rebels by their insurrection and making war on their Government have forfeited, if we choose to enforce that forfeiture, all their rights as citizens of this country, and yet have not released themselves from a single one of their obligations. And I hold, therefore, that we must press them with fire and sword in order to bring them back again into subjection to the law of the land, and to their places as good and law-abiding citizens, as if they were foreigners; and at the same time we have the right, because they are not foreigners and have not rid themselves of their obligations under the Constitution, to treat them as traitors under the law. In other words—to use a homely figure—we pursue them with a double-barreled gun. We may shoot them as belligerents, or we may shoot them as traitors. They are subjects, on the one hand, for the sword, because they have themselves taken the sword and

brought the curse thus upon themselves; and they are, on the other hand, the subjects also of hemp, to be raised to the elevation which only properly belongs to such traitors.

But my colleague, [Mr. LONG,] in these remarkable utterances of his, says that these people are entirely free, and that the war has cut asunder all the ligaments and abrogated all the obligations which bound them under the Constitution. Mark that. Let us pause a moment more on that. They have cut themselves free from all ligaments, and all obligations are abrogated! Then there is no such thing as a traitor in this land. Then Jeff. Davis is an honest and patriotic citizen, entitled to the right hand of fellowship. He has freed himself from every obligation. He owes no duty to the law. He owes nothing to the Constitution. There is no possibility of pursuing him and bringing him to punishment without doing him a wrong. And this is the doctrine preached here in an American Congress! And we are expected not to say that the man who thus talks in his place here is unfit to hold a seat in this House!

A colleague of mine, [Mr. GARFIELD,] replying to that other colleague, [Mr. LONG,] spoke of him as a brave, bold man. I agree with him. He spoke of him, also, as an honest man. Well, he may be honest. That is between himself and his God. But I find it difficult to understand how a man, intelligent and able as this speech proves its author to be, can be so dangerously wrong, and yet with innocent purpose. This speech was made, not on the spur of the moment, but after long weeks of careful preparation, of pruning and filing; and it will not do to let him off on the supposition that it is a mere misapprehension or mistake on his part. I accept the issue which he presents. Either he is all wrong and bad on this subject, and is siding with the enemies of his country, or we are all wrong. The member from New York says we are the disunionists. If so, sir, we have a singular way of showing it. *We* the disunionists on this side of the House; we, who uphold the Government; we, who vote men, money, means, all the men, all the money, all the means, all the appliances for carrying on the war to crush this unholy rebellion; we the disunionists, and he, forsooth, the Simon Pure patriot of the land!

Well, there is a class of people in this country who have almost persuaded themselves, by frequent repetition, that they are in favor of the Union, while at the same time by their speeches, their votes, and their actions, they refuse to do anything to sustain it; men who even proclaim that they are in favor of a vigorous prosecution of the war, too, and yet vote against every practical measure for sustaining our armies in the field. And then these men turn upon us and say, "We are with you; we are in favor of putting down this rebellion; we believe that it can only be effectually crushed by the strong arm of power; but we do not like the way in which you are seeking to accomplish your just object. You suspend the *habeas corpus*, you indulge in arbitrary arrests, you suppress freedom of speech. When the robber is in your house, you will not sit down with us and count the cost, to see how much it will take to turn him out. When the murderer is in your home, with his knife at the throat of your wife and children, you do not ask him to wait, as you should, till you can run to the nearest justice of the peace, make an affidavit, and have him regularly arrested according to law, and therefore we cannot go with you in your measures."

There is one classical precedent for them in these extraordinary positions which I beg to commend to gentlemen upon the other side, and I know there are a good many of them distinguished for their knowledge and familiarity with the English and other classics. If they will look into Gulliver's Travels, that admirable and popular satire of Dean Swift, and see what judgment was passed upon the great Man Mountain by his little Lilliputian friends upon the occasion of his extinguishing the flames which were destroying the queen's palace, they will comprehend the reasonableness of their objections. It was a good thing to stop the conflagration, but very bad to apply the wrong means for doing it. [Great laughter.]

But I have been drawn away from asking your attention to further most objectionable portions of the speech on which my colleague is arraigned. I read again:

"As will be judged, perhaps, by the tenor of these remarks, I am reluctantly and despondingly forced to the conclusion that the Union is lost never to be restored."

Again he says:

"What has been predicted by our wisest and most eminent statesmen has come to pass: in grasping at the shadow we have lost the substance; in striving to retain the casket of liberty in which our jewels were confined we have lost those precious muniments of freedom. Our Government, as all know, is not anything resembling what it was three years ago; there is not one single vestige of the Constitution remaining; every clause and every letter of it has been violated, and I have no idea myself that it will ever again be respected."

And again:

"Mr. Chairman, I take little or no interest in the discussion of the question which many of my political friends would make an issue, as to how this war shall be prosecuted, its manner and object. I regard that as worse than trifling with the great question. I do not believe there can be any prosecution of the war against a sovereign State under the Constitution, and I do not believe that a war so carried on can be prosecuted so as to render it proper, justifiable, or expedient."

Then, according to this, we are engaged in a war which is improper, unjustifiable, inexpedient, and which cannot be prosecuted without resulting in its consequences in the destruction of our Constitution and the overthrow of all free government in the land. Must these and other like expressions pervading the whole of this elaborate argument in favor of secession and against preserving the integrity of our nation go unheeded? I trust not; and I shall greatly have mistaken the patriotism and dignity and sense of justice of this House if they do.

Sir, I desire to say in conclusion, in relation to this whole matter of the war and our country's trials, that believing strong remedies for desperate diseases may be properly resorted to, considering that constitutional power may sometimes have been strained, but that it has not been exceeded, when gentlemen speak with such holy horror of the possibility of "overleaping the Constitution in order to save the country," I confess that I do not see anything so terrible in that figure. What is the Constitution? The form and framework of our system under and through which the people may carry on their Government. It is, after all, the form only, and not the life itself. Mark this difference. The builders of this our framework have provided in itself the mode of its own amendment and renovation; but no such change was ever contemplated for the nation. The Constitution may undergo alteration, but the nationality for which it was made must be one and eternal. To those, then, who talk idly of permitting this nation to be destroyed rather than see any provision of the Constitution in the least exceeded, I say that under the pretense of saving the Constitution they are making war, or encouraging those who do make war, upon the very existence of the nation; while we who stand by the Government would try all the powers of that Constitution to the utmost that the nation itself may live.

Mr. VOORHEES. Mr. Speaker, my health is not such as to permit any extensive participation in this debate. I do not, however, feel at liberty to allow so important a chapter in the history of the country to be written without recording my earnest convictions upon the great question which is under discussion. During the brief space of time I shall occupy the floor I shall not allow myself to be drawn to any great extent, at least, away from the principle which is involved in the motion to expel the gentleman from Ohio. I had not the pleasure of hearing the gentleman from Ohio, nor have I yet read his speech. The position, therefore, which I assume to-day has no reference to the merits or demerits of his sentiments. I stand upon the naked right of an American Representative in Congress to utter his own views. He is not here to utter my views. He is not here to utter your views. He is here to utter his own, responsible in a political sense alone to the people who sent him here, and in a moral sense to the God before whom we all hasten. And when I find a man seeking to become the judge of his brother in a matter of private conscience, I find one who would have burned John Rogers at the stake and have piled the fagots around the shrieking victims at Smithfield. The gentleman from Ohio, [Mr. SCHENCK,] who has just taken his seat, would have led the mob that pelted the Saviour for the freedom of his opinion. He would have stood among the Scribes and Pharisees before the tribunal of Pilate, shouting, "Release Barabbas," but as to the Nazarene, "Crucify him! Crucify him!" Free speech was as odious at that time on the hills of Judea as it is now in these Halls, and had the gentleman from Ohio [Mr. SCHENCK] lived then he would have been its enemy as he is to-day.

Mr. Speaker, this is an old question. There is nothing new about it. The whole history of the world is written over in letters of blazing light with the cherished deeds of the champions of free speech. The same great record contains the eternal, withering, blasting infamy which forever clings to those who, as the champions of despotism, are to-day seeking to strike it down. I stop not to determine whether I indorse a man's opinions. I indorse his right to utter them here and everywhere. The man who will not do it is himself a coward, and deserves to be a slave. Sir, such men are fit instruments to crush out liberty, and in the hands of a tyrant to make slaves of the people.

Let me read from an authority before which the puny light of the gentleman from Ohio [Mr. SCHENCK] pales like that of a rush candle held up to the sun at its fierce meridian. I read from Daniel Webster, whose great intellect is almost a full atonement to the country for all the faults of New England:

"When this and the other House shall lose the freedom of speech and debate; when they shall surrender the right of publicly and freely canvassing all important measures of the Executive; when they shall not be allowed to maintain their own authority and their own privileges by vote, declaration, or resolution, they will then be no longer free representatives of a free people, but slaves themselves, and fit instruments to make slaves of others."

Sir, I take my stand on this doctrine. I will defend it in behalf not only of any man upon this side of the House, but just as readily in behalf of a political opponent. In my opinion I have heard from the opposite side of this Chamber during my service in Congress much of treason. No, not treason, I withdraw the word; treason consists not in language, but in acts; but I have heard much that was calculated to destroy and disrupt the Government; much that was calculated to weaken the ties that bind us together as one people; much that tended to the extinction of liberty and the oppression of the citizen; much that I firmly believe is aimed at the destruction of the Constitution and the erection of an absolute despotism. I do not, however, propose to expel members for uttering those outrageous sentiments. They exercise an unquestionable right in giving them expression. And on the other hand I will allow no man to call in question my exercise of a similar right. I am alone responsible to my constituents. Who is to be my judge, who is to be the arbiter here? Who is to say when I shall speak, and when I shall be silent; what I shall say, and what I shall not say?

The gentleman from Ohio, [Mr. SCHENCK,] when I, supposing he had concluded his remarks, rose to address the House a few moments ago, shouted back, "Be silent!" Be silent! Sir, he little dreams of the consequences if he expects to crack his whip as the satrap of this House, here or elsewhere. There are a million and a half of Democratic voters in this land who will be convulsed with an agony of irrepressible rage when it is proposed that their Representatives shall be silent at the bidding of an insolent party, bloated with unlawful power and steeped in the blood and tears of the nation.

Sir, I again ask who is to judge the principles held by a Representative? Who is to be the arbiter upon this great question? There can be but one—his constituents. He stands upon the Constitution. By it his freedom of opinion and of speech is made secure. It cannot be abridged or disturbed. He can defy the world, as we here defy you to lay the weight of your finger on this inherent and immortal privilege. We yield to you your rights, and you shall yield to us ours, or it at once becomes a question of physical conflict. I tell you not for a moment to suppose that a gag can be placed upon the mouths of the free American people without blood running, from the hills of New England to the mouth of the Columbia—all over the northern land. It is the last bulwark

of liberty; it is the hope of freedom. Give us free speech; give us a free press; give us a free ballot-box, and we will stand all else and respond to every call made upon us. Seek to strike these down, and the last hope of the country will go down in blood and darkness.

Mr. MORRIS, of New York. Will the gentleman——

Mr. VOORHEES. No, sir. No, sir.

Mr. MORRIS, of New York. I only wish to say that the gentleman misunderstood the gentleman from Ohio, [Mr. SCHENCK.]

Mr. VOORHEES. I decline to yield.

Mr. GARFIELD. The gentleman from Ohio did not say "Be silent."

Mr. VOORHEES. This may be as good a time as any to attempt to silence the representatives of the Democratic party.

Mr. GARFIELD. My colleague never said it.

Mr. VOORHEES. The gentleman from Ohio is not in command of this department, [laughter.] Sir, I desire and intend to discuss this great question in a proper temper. I have laid down the reasons why I do not feel myself called upon to vote to expel any man from this House for the decorous expression of a political opinion. Neither will I vote to censure him for such an act. Let me state this issue clearly and properly. I hold that the rules of the House protect its decorum, its personal relations, and, whether men are gentlemen or not, enforce a strict regard for gentlemen in whose presence they are and with whom they associate. I hold that a man observing those rules has a right under the Constitution to express his political sentiments with the utmost freedom.

This is all I understand the gentleman from Ohio has done. You ask me to expel him. Is he my Representative? Am I responsible for him? Are you? Another people sent him here. With that people I leave him. He is their mouthpiece. What is this Government? A representative Government means the voice of the people speaking here by every member upon this floor. The voice of your people of New York speaks through you, [to Mr. FERNANDO WOOD;] and the voice of the constituents of my friend from Cincinnati speaks through him. The people are here in their majesty, speaking through their Representatives. Ask your people to make war upon the people of my district, and we will meet you at the threshold. Let any Representatives seek to silence the Representative whom my constituents send here, and it is their insult as well as mine. The principle of representation is immediately destroyed by such a course. A large portion of the American people, perhaps a majority, are at once disfranchised. Their voice is hushed in the halls of legislation, and they are simply allowed the poor privilege of paying taxes and fighting at the bidding of a master.

Sir, I do not expect to agree with every man's sentiments, but is that a cause for me to seek to purge this House of all contrary opinion? Is that a cause for me to arraign men for the political scaffold? Is that a cause for me to follow in the wake of a modern Robespierre on a small scale in intellect and on a large scale in venom—the gentleman from Ohio, [Mr. SCHENCK]—who says men should be shot, on account of their opinions? I know nothing in the character, nothing in the civil or military career, including his movement on Vienna, which gives him the right to assume superiority over the members on this side of the House. I listened to his low talk about copperheads creeping out of their holes. It was not language becoming the place where he stands; it was becoming the precincts rather of a bar-room political gathering. Indeed, to judge from his allusions to Gulliver's travels, he would be more at home there than he is in the society of gentlemen. Sir, he volunteers this assault on this side of the House. We have not sought it. Every man who has served with me in Congress knows that I dislike and avoid personal controversy with my peers on this floor. But the tenor and tone of the remarks of the gentleman from Ohio seem to invite, to challenge, to provoke unpleasant controversy. So far as I am concerned and those who sit around me, we respond with defiance.

Mr. Speaker, the general principles which I have thrown out on the subject of freedom of debate apply to every person. I am discussing now not merely the right of a Democrat on this floor; I am discussing the right of every Republican on this floor. I go further. I am discussing the right of the humblest citizen of America, the right to escape the galling yoke of tyranny and oppression; the last right, what Mr. Webster properly called a home-bred right, a fireside privilege, on the extreme boundary of which he declared he stood, and which should not be called in question anywhere. We are asked to strike that down. Run your mind's eye back over the history of the world. The dark spirit of bigotry and intolerance once chained down Galileo for saying that the world moved, laid him on the damp floor of a dungeon, as the gentleman from Ohio [Mr. SCHENCK] would do with his political opponents. Opinion was divided. Some said that Galileo was right; some said he was wrong. So it will be as to the gentleman from Ohio, [Mr. LONG.] But while he lay in his festering irons on the floor of the dungeon, he exclaimed to himself, "The world still moves." Chaining his person did not chain his thought, could not control his opinion, nor contradict the fact which he had discovered. Thought is boundless, eternal, and cannot be chained nor controlled. You are making a vain attempt. You are committing a sacrilege against the divinity of human nature. You invade the very holy of holies with unclean feet, the inmost recesses of man's nobility, the right to think for himself. You are actuated by the same fell spirit which a few years ago struck down men because they worshiped God according to the dictates of their own consciences, because they worshiped Him with a crucifix of their Saviour in their hands. It is the same murderous and proscriptive spirit which in Puritan New England whipped, scourged, branded, and seared men and women of the Quaker persuasion. It is the same infamous and damnable spirit which has stamped undying, condign, loathing, and abhorrence for all succeeding ages, on all the names that were ever connected with an attempt to crush the freedom of thought and the freedom of speech.

But, sir, let me go a little further in this connection. I have a kind regard for the Speaker of this House, [Mr. COLFAX.] Nothing but personal kindness and acts of personal courtesy have ever passed between him and me. I regret exceedingly, however, that he has placed himself in the attitude of public accuser on this occasion. I think on a short review of the antecedents of his own political history he will come to the conclusion that I did when I heard he had fathered this prosecution, this accusation—I thought that a little charity would well become him, a little of the kindliness of his natural nature, if I may be allowed to use a tautological expression. I remember that at a time when this country was all at peace, when it was moving on a happy, almost unruffled sea, a piratical craft was suddenly launched on the political waters by one Hinton Rowan Helper, who, if I am not mistaken, now holds office as consul to Buenos Ayres under the Administration you so much love. His book of infamous notoriety, recommended assassination, recommended cowardly murder, recommended that slaveholders be killed by strychnine administered by their slaves, recommended the torch to the roof and the knife to the throat of men, women, and children, declared total exterminating war against slaveholders in express terms. If anybody disputes this I have the book here to convince them. I lamented, I bowed my head with grief, when that incendiary book appeared with some sixty-eight names of the Republican members of this House appended, and the name of the present distinguished Speaker at the head of the entire list. It was recommended by these signers as a work of very great public merit, and approved for general circulation. But I would not expel him for that. No, I would not even censure him for that, except to differ with him as one member may differ from another. I would argue the question with him. I would tell him that he gave his name in a time of profound peace for war; that when the smoke and carnage of battle were not ascending, when the sky was clear and the sun was shining, he gave his voice for strife and desolation—for the war of John Brown—of servile insurrection; not an honorable war, not a civilized war, but a war of murder, of barbarism, of the slaughter of women and children in their beds. Such was the voice of the present Speaker of the House at that time.

The same gentleman now cannot tolerate the gentleman from Ohio; no, he cannot tolerate the gentleman from Ohio. His virtuous, pure, unstained patriotism is shocked; and he rushes from his Speaker's chair, springs to the floor, before anybody else can get in a resolution, with the appearance of saying, "I cannot be held any longer; this thing will not do." And yet this is the gentleman whose voice was for dishonorable war when the country was in a condition of profound peace! The gentleman, I am sure, will not complain at this little episode in his political history. Those who are swift to accuse should not complain if their own deeds make retort upon them. I would be the last man to throw my colleague's record in his face but for the spirit he has shown here.

Sir, let him compare faith and works upon the subject of the Union, upon the subject of peace, upon the subject of fraternity, upon the subject of the preservation of our Government, with the gentleman from Ohio, [Mr. LONG,] and he will have no ground to hurl the first stone. The admonition of the Saviour comes with peculiar force to an indorser of the Helper book, to an inciter of riot, blood, war, and disunion. Let him that is without sin cast the first stone at the gentleman from Ohio for daring to express his sentiments upon this floor. If that injunction had been obeyed, my colleague would have stayed his hand, and remained in the Speaker's chair.

But let me inquire a little further in regard to the right of my colleague to deal harshly with the political frailties of his fellow-members. This Hall was a few evenings ago given up to the great English abolitionist and disunionist, George Thompson. I do not know whether the Speaker presided on that occasion, as he did upon a former occasion of a somewhat similar character, but I have no doubt he gave the light of his handsome, his amiable, and most beneficent countenance. Still he cannot endure that the gentlemen from Ohio and Maryland should have their utterances upon this floor from their own seats, whatever they may be. My distinguished colleague, the Speaker, says they were for disunion. For the sake of the argument, suppose they were. Let us see what kind of company the gentleman himself keeps; let us see who it was to whom he gave aid and encouragement in his work of destruction and career of infamy. I hold in my hand the resolutions of the American Anti-Slavery Society, passed some time about the year 1850, and two of them read as follows:

"*Resolved*, That while we would express our deep gratitude to all those earnest men and women who find time and strength amid their labors in behalf of British reform to study, understand, and protest against American slavery, to give us their sympathy and aid by munificent contributions, AND BY HOLDING OUR UNION UP TO THE CONTEMPT OF EUROPE, we feel it would not be invidious to mention William and Mary Howitt, Henry Vincent, and GEORGE THOMPSON, as those to whose untiring advocacy our cause is especially indebted in this country, as well as for the hold it has gained on the hearts of the British people.

"*Resolved*, That the discriminating sense of justice, the steadfast devotedness, the generous munificence, the untiring zeal, the industry, skill, taste, and genius with which British abolitionists have cooperated with us for the extinction of slavery, command our gratitude. From the abolitionists of England, Scotland, and Ireland, we have received renewed and increasing assurances and proofs of their constant and enlightened zeal in behalf of the American slave. Liberal gifts from all of these countries, falling behind none of the most bounteous of former years, helped to fill the scanty treasury of the slave."

Cluster round him you men of the latter day. Your love of the Union is a modern invention. It comes to you late in life. It is a thing intended to deceive. You may as well stand by your old disunion colors. Rally, I say, round this English standard-bearer of the American abolitionists of the American Anti-Slavery Society, who holds up our Union to the contempt and derision of Europe, and receives public thanks for it.

Oh! how would the authority and power which these men now invoke roll back upon them if it were proposed to punish them for their disunion principles! But I would not punish them for even that expression of their sentiments. Not at all. If you want a monarchy, you have the right to say so. If you want disunion, say so, and discuss it like men. Truth is never afraid when left free. Error is never a dangerous element when truth is left free to combat it. So I say to you here, what you have to say, say it; but do not enjoy your right thus to speak your sentiments and then meanly deny to others the same right.

The Speaker, however, is doubtless satisfied with the political company he keeps, and I have no right to complain. If George Thompson, of England, and Wendell Phillips, of America, suit his tastes, he is only accountable for that sort of patriotism to those who sent him here. If he wishes to hug to his bosom these two unrighteous monsters of disunion and civil war it is no concern of mine. And, indeed, it may meet with warm approval in northern Indiana. It may be that he is correctly representing his constituents. I differ from him widely, and in doing so I am perfectly sure that I properly represent the principles of the district in which I live. According to the views of the Speaker, however, the people who sent me here are somewhat old-fashioned in their ideas. They live in a beautiful and fruitful country. They are settled in one of the oldest and richest portions of our great State. The old men were familiar with Harrison and Taylor, who both fought Indians on the fertile banks of the Wabash and both died in the mansion of Presidents. They have seen the country prosper and become great under the old Constitution and principles of the fathers. They do not think that you can improve the work of 1789. They do not think that Abraham Lincoln can make a better Government than the one which suited George Washington. They are content with what they have. You think you can do better than Jefferson, Hancock, Madison, and Adams. The people I represent do not think you can. If they are to choose between forms of government they would take that of Washington instead of that of Lincoln.

Sir, I too hold, and shall to the last, to the Constitution of my fathers. Its great principles sustain me while standing here in the face of a tyrannical, insolent majority, clinging, like a mariner at sea with hope almost fled, at times in despair for my country, distracted with the darkness overhead and the storm around, still clinging to and willing to perish on that Constitution, unchanged in letter and spirit, believing that it will better restore this Union, if duly administered, than any other instrument which the wisdom of man can give this downtrodden people.

You cannot come to me with your charges about the war. I have done my duty. No dollar of money has been paid out to feed and clothe the soldiers for which I have not voted, unless detained by sickness from my seat. I did not want this war, it is true. I thought it might have been and ought to have been avoided. I think to-day that peaceful remedies will better restore the Union than the prosecution of war under our present Administration. But while we are in war I stand by the soldier in the field. The domineering gentleman from the third district of Ohio [Mr. SCHENCK] cannot say as much. I will now attend to him for a few moments.

Mr. Speaker, I will send to the Clerk's desk to be read a curious paper which shows how the gentleman from the Dayton district gave aid and comfort to the enemy in time of war at a former period of our history. How violent was that gentleman a while ago! How unsparing his denunciations! How fiercely he glared upon this side of the House! If he had the power to wreak the wishes that were inflaming his soul he would have waged a more dangerous war upon us here than he has ever been able to wage upon the enemy in the field. How savagely he menaced this side of the House! Aid and comfort to the enemy! I will prove the gentleman himself guilty of that crime by his own statements.

You say that speaking against war gives aid and comfort to the enemy. You say that voting against supplies gives aid and comfort to the enemy. I will send to the Clerk's desk a series of resolutions offered by the gentleman from Ohio in 1847, one month before the glorious battle of Buena Vista was fought, one month, sir, [to Mr. CRAVENS] before you and other gallant gentlemen upon this floor charged the enemy through a hail of death on that field, a battle-field which gave a President to the Republic.

It will be seen that whether or not the gentleman from Ohio had a Mexican face, he had a Mexican heart at that time in his breast. He was then on the side of the enemies of the country. He offered resolutions to withdraw our Army from Mexico, to be torn, harassed, and scourged by the enemy hanging upon its rear. We were fighting a foreign Power then. Are the southern people worse than a foreign people? Will you wage a more relentless war upon them than upon foreigners? Are Mexicans better than the people of Virginia, Tennessee, Louisiana, and the other southern States? At the expense of being declared disloyal, I say that I would be willing to take them back into my fraternal embrace under the terms of the old Constitution. Ay, sir, gladly and fondly. I would rather make peace with them than with the filthy, broken, fragmentary, diluted race of Mexicans. I ask the Clerk to read the resolutions.

The Clerk read, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in order to terminate the war unhappily existing between the United States and Mexico, with due regard to the rights and national existence and independence of the two republics, and with a view to bring about an honorable peace, the President of the United States be requested to withdraw all troops and military forces of the United States now west of the Rio Grande in Mexico to the east side of that river.

"That all volunteers now in the service of the United States be discharged, taking due care, in the order of discharge, that provision be made for the return of all such volunteers to their respective homes, or to the States in which they were mustered into the service of the Government.

"That the President be requested and advised to keep all, or such portion as he may deem necessary for that purpose, of the regular Army under his command, along or near the western frontier of the United States, prepared to repel or prevent any encroachment or depredation by Mexican citizens or soldiers, on the territory, property, or people of this Union, while any question or controversy shall remain unsettled between the Governments of Mexico and the United States: *Provided*, That this shall not be construed to mean that the President is advised against retaining possession of the disputed country between the western limit of the State of Texas and the Rio Grande, until such time as a treaty settling a definitive boundary line between the United States and Mexico shall be concluded between the two Governments, if the President, in his discretion, shall deem that such continued forcible possession of that disputed territory will tend to promote the making of such treaty.

"That the President be advised and requested to prosecute the existing war against the Government of Mexico by effectually blockading or seizing and retaining, with every proper security, the harbors, ports of entry, and custom-houses of Mexico, on the Gulf of Mexico and on the Pacific coast of that country; and to hold the same until such time as a treaty of peace may be made and ratified between the Governments of Mexico and the United States, establishing a permanent boundary line between the territories of the two countries, liquidating and adjusting, and paying or securing to be paid, all just indemnities for spoliations committed by Mexico or her citizens upon the persons or property of the citizens of the United States, and settling all other questions or causes of controversy between the two Governments.

"That duties shall be levied upon goods, wares, and merchandise imported into Mexico, at the ports of entry and custom-houses that may be held in possession by the authorities of the United States, at the same rate and collected in like manner as such duties are levied and collected for the time being at the custom-houses of the United States, and the proceeds of duties, so collected in Mexico, shall constitute and be made a fund, to be held as security against Mexico until she shall agree to and conclude a treaty as aforesaid.

"That no further increase of the present regular Army of the United States shall be made by enlistment or otherwise; but, as fast as the terms of enlistment of soldiers now in service may expire, the Army shall be reduced until it is brought to the number that was in service on the 1st day of January, 1847.

"*And be it further resolved*, That it is against the policy and interest of this Government to wage a war for the conquest of territory, and there should not be acquired, by any treaty to be negotiated and concluded between the Governments of the United States and Mexico, any territory whatever additional to the territory now lying legally and properly within the present limits of the United States, or within the boundary of any now existing State of this Union.

"*And be it further resolved*, That no application of any money appropriated, or to be appropriated, by act of this Congress, for carrying on the existing war with Mexico, or for increasing, strengthening, or in any way supplying the military or naval defenses or forces of this Government, shall be made, nor is any expenditure thereof authorized, except such application and expenditure be strictly in accordance with the declaration and provisions of these resolutions."

Mr. VOORHEES. The House has heard the resolutions that I have sent up to be read. I have simply to say in regard to them that if members upon this side of the House are traitors in consequence of their opinions antagonistic to the present war, the gentleman from Ohio was a traitor in January, 1847, when he introduced these resolutions. If there is aid and comfort to the rebels in arms in the position of any gentleman here, then there was aid and comfort thrice over to the Mexicans in the resolutions just read. Every Mexican lancer that murdered our wounded men hailed the name of the gentleman from Ohio as his friend. Every guerrilla that preyed upon our trains, struck down and murdered weak escorts, cut off supplies from our starving soldiers, hailed the gentleman from Ohio as a co-worker with him in expelling the American Army from Mexico. The Mexicans were working to get our Army out of their country, and the gentleman from Ohio was working to the same end.

Sir, Ohio seems unfortunate. If the gentleman whom you seek to expel [Mr. LONG] be unfaithful to his country in time of war, he has very illustrious precedents in the former history of his State. Her voice has been heard in the other branch of Congress in tones forever memorable. Aid and comfort to the enemy! Corwin stands high with this Administration. He is very properly a minister to Mexico. He invoked the soldiers of Santa Anna to murder our gallant troops and lay them in hospitable graves in a foreign land. To the very best of their ability they obeyed his bloody instructions.

Such was the position of these distinguished friends of the Administration from Ohio during a war with a foreign foe—Mr. Corwin in the Senate, and the gentleman from the Dayton district [Mr. SCHENCK] in the House. They were co-operating together. By voice and by vote they were encouraging the Mexicans to fight, and to fight on; and while our troops were met in front by Mexicans, they were assailed in the rear by these distinguished allies. By the last resolution just read at the desk no money was to be paid to our troops except in accordance with the provisions of those resolutions; that is, upon condition that they should be withdrawn from the enemy's country. No pay was to be given them while they were there. The meanest vote that any man, in my judgment, ever gave is a vote to stop the rations of the soldier. It matters not whether the war be right or wrong, the soldier must be paid. To starve him is no statesmanlike plan by which to stop an unjust war. Yet that was precisely the vote given by the gentleman from Ohio who now delivers a lecture to the House upon the subject of American patriotism. There it stands recorded. There is a Nemesis of politics which comes back to avenge injustice and iniquity. It comes now to torment and plague the gentleman from Ohio. It avenges the wrong and outrage which he seeks to inflict upon his colleague; it comes now in the face of the soldiers of this war, and tells them that the gentleman from Ohio would leave them to beggary and want if he should become dissatisfied with this war as he was with the war against Mexico. What man has done man will do again.

Sir, I accept no lecture upon the subject of patriotism from such a source. But at the same time I freely admit that the gentleman from Ohio had the right, the moral, legal, and political right, to introduce the resolutions in regard to the Mexican war if they embraced his sentiments. I would have neither expelled nor censured him for his action. They were wrong in my judgment, but if they were right in his then he was right in offering them. I am for toleration in all matters of opinion. We cannot all think alike. God did not make us so. You remember the parable, sometimes thought to be taken from Scripture, but said to have been uttered by Benjamin Franklin, on this great question of freedom of opinion. Aram was sitting one evening at the door of his tent when a wayfaring man came by. Aram invited him to go in and sup with him. The wayfarer did so. Aram asked him to bless before he broke bread. The wayfarer said no, that was not his way of thinking. Immediately Aram arose in wrath, took his stick and beat the stranger, wounding and bruising him, and driving him from the shelter of his roof. In the silent watches of the night, however, the voice of God came to Aram, asking him, "Where is the stranger?" "Why," said Aram, "I asked him to bless and return thanks before he partook of bread, and he refused, so I drove him hence." "But," said the voice of the Almighty, "I have borne with that man, I have known his opinions, I have allowed him to live; I have never beaten him and sent him forth into the wilderness. Go, Aram, and find the victim of your miserable conduct, bring him back, and pour oil into his wounds, feed him, and lay him on your best bed, and take care of him until he is well."

Such is the voice of Divinity in favor of freedom of speech, freedom of thought, freedom of private conscience. I implore gentlemen not to attempt to strike it down. Let the error, if error

it be, exist so long as truth is left free to combat it. In the beginning of time these two principles were made. They have walked the earth together ever since. They have roamed the earth for six thousand years. Truth and error have been combating on fields of reason, on battle-fields, everywhere. You of the abolition party go back thirty years to the beginning of your own organization. What was it you then most warmly contended for? What but the right, the immortal right, to speak your sentiments, to denounce your political accusers, and to stand before the world as freemen? Suppose this gag-law, this instrument of tyrants, this odious relic of barbarism, again revived in this Hall, had been applied to some men now sitting around me!

I protest before the living God that I never knew a man wearing the shape of man whom I would not stand by and protect in his right of free speech were he to utter his sentiments in a decorous and becoming manner. Your party inscribed everywhere on its banners "free speech." Deny it to-day if you dare. Trample it in the dust. Spit upon it and despise it, if you will. The world will despise you when you do the act. History will rake up the deed and preserve it, and the historian will despise you as he writes it down. Posterity will despise this day in all the calendar of time as the one on which liberty was murdered in the Capitol. The heart and judgment of the world will execrate you for the deed, just as it to-day execrates the memory of the bloody monster Robespierre, just as it recalls the memory of Marat to curse it, just as it recalls the form of St. Just to loathe him. There are your models. Go back further. Nero was an early founder of your school of politics. Some one man, I suppose, is to do all the thinking here. So Nero thought. So the blood-stained monsters of the French Revolution thought. So the odious tyrannical bigots of the English revolution of 1640 thought. These are your examples. I implore you to discard them. Walk out in the light of liberty, and appeal to the people. Tell them you will trust them. What a commentary on the intelligence of the people!

You will not allow the gentleman from Ohio to speak. Perhaps next you will not allow me to speak, other gentlemen from Ohio, the gentleman from New York, and others around me. Why? Are you afraid you cannot meet us in argument? Are you afraid the people will not be just and true? Are you afraid they will not have intelligence enough to see that you are right and we are wrong? Are you afraid they have not virtue enough to follow the right and to discard the wrong? You must believe they have not that intelligence, or that they will not be true to their own judgment, or you would be willing to trust them to discriminate between right and wrong. Sir, I trust the people. I challenge you before that great tribunal. I am willing to stand or fall by its decision, and always have been. If you crush me before the American people, before that tribunal where free speech has full sway, I will go down without a murmur. If I can drive you from place and power in the same arena by the same means, if you are honest men you will submit also without complaint.

But if you think because you have the power to-day that you can gag me, that you can tie my tongue, that you can deny to me the right to speak, then woe to this nation. When you undertake to carry that purpose into effect, the day of doom will be upon us. It cannot be done; you know it cannot be done without a conflagration that shall light up the very arches of the sky from ocean to ocean. Are you ready for this issue? Do you want it? If you do, it can be made by the expulsion of the gentleman from Ohio. This will no longer be an American Congress. We will be chained slaves, and the next question to determine will be whether as men of honor we can remain and wear the yoke.

Sir, this is a painful theme to me. I feel more of sorrow than of anger over such an issue. Let me appeal to the sense of justice which I know animates some breasts on the other side of the Chamber. Let us not misunderstand each other. Let us deal with each other as honest men, striving for a common purpose—the restoration of our unhappy country. You may have your views of what policy is most conducive to that end; you have the right to your opinions; I have the right to mine; but because of this difference of opinion in regard to accomplishing the same object, by all that we hold dear in the present, and by all our hopes of the future, let us not cut each other's throats and precipitate strife and violence here and all over the land. The civilized world would cry shame upon such a scene, and the latest generations of our posterity will heap reproaches on our memory.

Mr. ORTH obtained the floor.

Mr. SCHENCK. I ask the gentleman from Indiana to yield to me in reference to some personal points.

Mr. ORTH. Certainly.

Mr. ROBINSON. I object unless the gentleman from Indiana yields unconditionally.

Mr. ORTH. I yield unconditionally to the gentleman from Ohio.

Mr. SCHENCK. I thank my friend from Indiana for his courtesy in yielding me the floor.

As I have said, Mr. Speaker, I asked it for the purpose of noticing one or two matters purely personal which have made a part of the remarks of the gentleman who has just taken his seat.

Mr. ROBINSON. I rise to a point of order.

The SPEAKER *pro tempore*. State it.

Mr. ROBINSON. It is this: the gentleman from Ohio cannot make two speeches on the same point.

Mr. SCHENCK. The point of order comes too late.

Mr. ROBINSON. Let me make my statement. The gentleman from Ohio cannot speak again until other gentlemen who have not spoken have been heard. I raise the point under the rules against the gentleman from Ohio.

Mr. SCHENCK. That would have been a good objection, but not a liberal one, if made in time.

The SPEAKER *pro tempore*. The Chair overrules the point of order raised by the gentleman from Illinois.

Mr. SCHENCK. Mr. Speaker, I was not present during the first portion of the remarks of the gentleman from Indiana, [Mr. VOORHEES.] I understand, however, that in the course of those remarks he took exception to language which he imputed to me and which he denounced as dictatorial and offensive. His statement, as it is reported to me, was that he undertook to get the floor while I was speaking, and that I said to him, "Be silent." The gentleman strangely misunderstood me. I was not even aware that he had made any attempt to get the floor. Possibly, as I am a little near-sighted, that may account for it.

Mr. VOORHEES. Then I have been laboring under a mistake. I understood the gentleman to say, "Be silent."

Mr. SCHENCK. I did not say so.

Mr. VOORHEES. Then I misunderstood the gentleman. His word on that point is sufficient.

Mr. SCHENCK. I used no such language toward any one, nor did I direct any remark to the gentleman from Indiana. My reference was to the gentleman from New York, [Mr. FERNANDO WOOD,] who sought to interrupt me but who had not permitted any one to interrupt him. When he rose more than once during my remarks I declined to yield, and on one occasion said "not yet."

Mr. GARFIELD. I wish to say that I attempted three or four times to inform the gentleman from Indiana that what he said was not according to the fact, and he utterly refused to allow me.

Mr. VOORHEES. I was not aware of the purpose for which the gentleman rose. The cries of order around me prevented me hearing him.

Mr. SCHENCK. That is past. The gentleman from Indiana later in his speech, and in that portion of it which I did hear, in order to prove that I had been at a former time adverse to my country's interests and guilty of a want of patriotism, referred to certain resolutions found of record offered and moved in this House during the war with Mexico. I think he said that I offered those resolutions. Very likely, but I had almost or quite forgotten them until reminded now by their reproduction. They present a somewhat long and elaborate series of propositions, and I hope gentlemen listened to them as they were read at the Clerk's desk. They appear to have been very carefully framed—well drawn, indeed, though I say it myself. It was many years ago, and I was therefore much younger than I am now; and I must confess I feel rather proud of the performance.

Well, it is thought by the gentleman from Indiana that I did something then like that which is now charged against my colleague, [Mr. LOVE.] Sir, I admit that I never believed the Mexican war ought to have been brought on as it was, nor that the cause assigned for it by the then President and his southern party was sufficient or the true one. But when in it I thought it should be fought through. Therefore I voted for all appropriations of men and money to carry on that war—all that were considered necessary for that purpose by the war-directing power.

These resolutions which have been read embodied a plan by which I proposed to bring hostilities to a favorable close. The proposition I made was in brief to withdraw our troops to this side of the river; to retain as many in the field as were necessary, and to post them along the borders to prevent incursions or depredations by the enemy; to blockade strictly the ports of Mexico; to seize all her custom-houses, both on the Gulf and Pacific coasts; to raise money enough from import duties to pay expenses and all our just claims against her; and to hold also what was thus seized until a treaty should be concluded settling satisfactorily the boundary line between us. I still think it was a reasonable proposition—a good way to bring the war to a profitable end. It was my plan for conducting and closing the war. That was all. And there might well be differences of opinion as to the best mode of doing that and "conquering a peace." I hope the gentleman will incorporate the whole of the resolutions as they were read into his speech. I think they will constitute the best part of it.

If the gentlemen on the other side of the House, if any gentleman anywhere, can find any parallel between that and the refusal to furnish men and money to carry on a war to put down an organized band of traitors who are seeking to overthrow their country, they are welcome to the benefit of the discovery. To my mind the cases are totally and utterly different. I was opposed to going into that war, but being in it, I desired to conduct it to the best advantage to my country. But, God help me, I hope I shall never be found enlisting on the side of domestic traitors or encouraging them in their nefarious, horrible attempt to destroy the integrity of our nation.

Now, sir, there is another matter to which I am told the gentleman referred. While I was out of the Hall he made some allusion to my conduct in the affair of Vienna, a military event which occurred at an early period of this war. I desire to know of him what his criticism was upon that movement, and I ask him for the reason that there has been a great deal of misrepresentation indulged in in reference to that matter in public prints and by various persons which I have not heretofore ever thought it proper for me to notice, because they were never repeated or indorsed by anybody in my presence.

Mr. VOORHEES. I do not know that I am competent to criticise a military movement at all. I simply said, and I repeat it now as nearly as I recollect the language, that I knew of nothing in the character of the gentleman from Ohio, either public or private, either in a civil or military capacity, not even including his military achievement at Vienna, which gave him a right to crack his whip as a satrap over this side of the House.

Mr. SCHENCK. What was that military achievement at Vienna to which the gentleman refers obviously with a design to make it a slur and a disparagement? I am determined to know if I can from an authentic and responsible source what is averred in regard to that affair that I may speak of the facts.

Mr. VOORHEES. I have repeated as nearly as I can the language which I used. It may not be exactly what I said, but the substance was that I did not know of anything, even including that affair, that gave the gentleman the right to order me to be silent, or to stifle the full and free expression of his peers upon the floor of this House. As to the details of that affair, I know nothing except as I saw it described in the newspapers as a case of disaster. If the details are desired by the gentleman from Ohio, he doubtless can give them better than I can.

Mr. SCHENCK. All that relates to the dictatorial character of my remarks, which the gen-

tleman has already admitted he misunderstood, has been before disposed of. But the gentleman's allusion to the achievement at Vienna he now refuses to explain with that ingenious boldness with which he usually expresses himself upon all subjects. It is all idle to pretend that it was not intended as a sneer and a slur. The same attack on me has been ventured by one or two other members of this House, but not here; and this is the first time that anybody has ever done it in my presence or where there was an opportunity to reply or correct.

I wish now, once for all, to speak of this matter myself; and the House will excuse the egotism which the circumstances force upon me.

Early in the war, in June, 1861, happening to be the first brigadier general of volunteers ordered across the Potomac, I proceeded with my brigade under those orders to a point where I established my camp on the Loudoun and Hampshire railroad, south of this city, and a few miles above Alexandria.

Brigadier General Daniel Tyler, of Connecticut, soon afterwards arrived and encamped in the same neighborhood. He was ordered a few days afterwards, by our commanding general, to proceed with a force of four hundred men up the railroad, in a train of cars, and did so, extending his reconnoissance not only to, but some distance beyond, Vienna. The next day, or the second day after, I was directed to send, by similar conveyance, one of my regiments up the road to go as far as that point, picketing the line of road by leaving companies at intervals along it, and afterwards to establish the regiment at a crossing on the road to Fall's Church some seven miles below Vienna. A train was sent to me for that purpose from Alexandria. When the cars arrived at my camp, the colonel commanding the regiment (the first Ohio volunteer infantry) which I had detailed for that service not having returned from this city, where he was for the day on leave of absence, though he subsequently overtook us on the road, I took myself the command of the regiment and proceeded on the duty.

When we slowly approached Vienna, having then still three or perhaps four companies remaining, we found a largely superior force of the rebels had taken position at a bend of the railroad, who delivered their fire on us with three pieces of artillery. They were brought there probably from Centreville, in consequence of the alarm given by the expedition of the day before.

The enemy's force was subsequently ascertained to consist of two regiments of infantry, a body of cavalry, and three pieces of artillery. At that time we had neither artillery nor cavalry attached to our Union brigades. By the rebel fire, although at first it was believed and was reported that the loss was greater, the casualties proved to be eight killed and four wounded, two of them mortally. None of us, officers or men, had ever been under fire before. But I had no reason to complain of the conduct of any. Our troops were ordered from the cars, rallied, formed, and afterwards, the night then coming on, fell slowly back, marching along the railroad to the point or crossing six or seven miles below, which we afterwards continued to hold. All the wounded but one were brought away. So far as my conduct in that matter is concerned, it is not for me to comment upon it. The House, I hope, will pardon me for relating, however, that the noble and venerable General Scott took occasion kindly to say to me, a day or two afterwards, when I was at his headquarters: "My friend, I consider you worth a hundred per cent. more than before this occurred. You have now learned how you can stand under fire."

As to the further allusion of the gentleman from Indiana to my military career, I have nothing to say. According as I had opportunity, I did what I could; and whatever I did is of record. It does not become me to speak of my conduct or my capacity. That belongs to others. I will say this much only, that while I have been so fortunate as to receive the commendations of all my commanding officers—of Scott, of McDowell, of Rosecrans, of Frémont, of Pope, of every general under whom I have served in the field, it will not concern me much to find that I have not secured the approbation of those who assail me, either in their ignorance or maliciously, with only misrepresentation, falsehood, or slang.

Mr. WASHBURNE, of Illinois, (at five o'clock, p. m.) I move that the House do now adjourn.

Mr. COLFAX. I desire to state to the House that it was my intention and hope that the House might come to a vote on the resolution this evening; but as it is the manifest desire of the House to adjourn now, and as we have resolved to adjourn from to-morrow till Thursday, I shall feel it my duty to ask the House about three o'clock to-morrow to come to a vote.

Mr. COX. I will say to my friend from Indiana that the vote cannot be taken at that time.

Mr. COLFAX. Then, Mr. Speaker, I hope the House will remain in session. That is why I wanted now to have an understanding.

Mr. COX. The House may do as it pleases. I only say to the gentleman that the vote cannot be taken at the time he suggests.

Mr. WASHBURNE, of Illinois. Is it the purpose of the gentleman from Indiana to proceed with the discussion to-night?

Mr. COLFAX. As the gentleman from Ohio [Mr. Cox] has given notice in language that seemed like a threat that the House shall not come to a vote at three o'clock to-morrow, and as the desire of the House is evidently for action, I hope the House will remain in session. Our soldiers in the field are fighting the enemy night and day, and we ought to be willing to sit and do our duty here.

Mr. WASHBURNE, of Illinois. I presume there can be an understanding as to when the vote may be taken without any unpleasant feeling on the subject.

Mr. COX. I want to say to gentlemen on the other side of the House that in my remark there was no threat made or intended. My remark was predicated on the fact that there are at least a dozen gentlemen on this side of the House who desire to debate the matter more thoroughly than it has been debated. It is a matter of such an extraordinary character that the Speaker himself, my honorable friend, knows that it requires more than an ordinary discussion. It is the greatest question we can have. It would be better to have some time fixed for the future of this discussion, and not compel us to stay here at night.

Mr. WASHBURNE, of Illinois. I think the House can come to an agreement as to when the vote shall be taken without any ill-feeling. I propose that the entire of to-morrow shall be devoted to the discussion of this question, and that on Thursday morning, when every member can be present, we shall take the vote.

Mr. VOORHEES. This is a question that has been thrust on this side of the House. It is one of those questions that do not come up in ordinary legislation. We will make no terms, so far as I am concerned, about when a vote shall be taken. I apprehend, however, in good faith, that when every gentleman on this side has said what he desires to say on the great principles involved a vote may then be had.

Mr. WASHBURNE, of Illinois. I withdraw the motion to adjourn.

Mr. ORTH. Mr. Speaker, it was not my intention, until after I heard the remarks of my colleague from the Terre Haute district, [Mr. VOORHEES,] to take any part in the discussion upon the resolution now under consideration. As one of the new members of this House I have felt that that was at least a becoming modesty in being a silent participator in our proceedings; but there are times when silence would be criminal. I have the honor of representing, in part, a State that has felt a peculiar interest in this war, and which has responded with alacrity to every demand which has ever been made upon her patriotism. For years Indiana has been compelled to submit to a slanderous charge brought against her brave soldiers for alleged misconduct upon the bloody field of Buena Vista. That charge originated with the chief of traitors, Jeff. Davis; and when this rebellion was inaugurated by him and his coconspirators, the people of Indiana, in addition to their devotion to our Government, and their desire to maintain its integrity and supremacy, felt that now the hour had come when she could vindicate her fair fame, and wipe out in blood the foul slander which had thus been attempted to be fastened upon her.

What son of Indiana, proud of her prestige and high destiny, will ever forget the scene witnessed by thousands of our people, when the gallant eleventh regiment under command of Colonel (now General) Wallace were drawn up in front of the State capitol to receive their national colors on the eve of their departure for the field of conflict? Those colors were received, and that entire regiment upon bended knee, imploring the divine protection of Almighty God, vowed in His presence that they would defend that flag, *and that in every conflict with the enemy they would remember Buena Vista.* Such has been the feeling and sentiment of all our Indiana soldiers; and knowing this, I would be derelict in my duty to that State and her brave soldiery did I not rise here and meet the issue which has been tendered by the votes of my Democratic colleagues since this discussion has commenced.

The position of my colleague from Terre Haute is well understood here, and by the country at large. Whatever other merit or demerit may be attached to his action here or elsewhere, in reference to this war and all the questions growing out of it, he is at least entitled to the credit of consistency. On the 10th day of April, 1861, while the guns of an insurgent foe were preparing to open upon Fort Sumter, and the eyes of all American people were turned toward Major Anderson and the soldiers under him, my colleague attended a meeting of those who sympathize with him at the village of Greencastle in our State. He addressed that meeting, as we were told by the published proceedings, in a speech of "thrilling eloquence" for an hour and a half. That meeting adopted this resolution:

"*Resolved*, That as citizens we shall be always prepared to defend Indiana, or our sister States, from 'foreign aggression or domestic violence,' we acknowledge this to be a duty to the cause of well-regulated liberty, and claims of our country; but we deny the right of the General or State Government to embroil us or our fellow-citizens in intestine war or internal strife with the people of the co-States of this Union; and having time and again warned the members of the party now in power of the fatal tendency of their insane course, and implored them to abandon the stubborn and unwise policy of anti-slavery agitation, we here take for our motto, 'Not one dollar and not one man from Indiana with which to subjugate the South and inaugurate civil war.'"

Mr. Speaker, that may be regarded as the initial point in the course of my colleague in regard to the conduct of this war. And, sir, the records of Congress and the records of the political canvasses in my own State, and the State of Ohio in the last canvass, will bear me out when I say that he, at least, has been consistent in all his conduct, public and private, with the sentiments enunciated at that meeting. I do not desire to quarrel with that gentleman. I know the issues that were made in my own State during the dark hours of 1862, when he and my other colleague and myself were returned as members to this House. I know that in his own district that issue was not made, but elsewhere throughout the entire length and breadth of the State of Indiana, the issue was made by the Democratic party that they were in favor of a more vigorous prosecution of the war. Their position was that this Administration would never bring the war to a close, because it did not prosecute it with sufficient vigor, with that vigor which would be the consequence of the success of the Democratic party.

Now, then, upon the record, which we all understand in Indiana, and which my Democratic colleagues upon this floor will not controvert, I desire to meet them. The feeling in favor of a vigorous prosecution of the war was not then confined to what gentlemen are pleased to style the "black Republican party" in Indiana. It was a feeling which pervaded all classes and all parties in that State.

Now, sir, with that feeling animating the people of Indiana, we find in the canvass of 1862 the people of that State sending seven Democratic members to this House and four Union men—seven and four, reversing the delegation as it then stood. Every one of these gentlemen, with the single exception of my colleague from the Terre Haute district, came here, sent by the Democratic party, pledged to a vigorous prosecution of the war then in progress. *They were in favor of a more vigorous prosecution of the war.* That was the position assumed by the Democratic party in 1862, in a State which occupies the noble position of never having failed to respond to the calls of the President on every occasion.

Mr. SPALDING. With the consent of the

gentleman from Indiana, who has the floor, I move that the House take a recess until seven o'clock this evening.

Mr. COX. I hope that it will be understood by gentlemen that no vote will be taken to-night.

Mr. DAVIS, of Maryland. We agree to that if you will agree that the vote shall be taken to-morrow.

Mr. COLFAX. The gentleman from Ohio suggests that no vote shall be taken to-night, but that the evening session shall be devoted to debate only; another gentleman on this side of the House suggests the acceptance of that, provided the vote shall be taken to-morrow.

Mr. COX. We could not make that arrangement now; our friends are not here. The arrangement could not go further now than that the session to-night shall be for debate.

Mr. COLFAX. I will make any arrangement to secure justice to all sides of the House.

Mr. WHALEY. If the object be to cut off debate except to a few individuals, I give notice that I will to-morrow call up the special order on which I have the floor.

The SPEAKER *pro tempore*. This is a question of privilege, and takes precedence of all others.

Is it the understanding that no vote shall be taken to-night?

Mr. HOLMAN. I object.

At twenty minutes past five o'clock, p. m., the House took a recess until seven o'clock, p. m.

EVENING SESSION.

At seven o'clock, p. m., the House resumed its session.

Mr. ORTH. Mr. Speaker, when the House took a recess this afternoon I had stated what the issue had been in Indiana during the campaign of 1862. Upon that issue our people voted; and the result of that election placed in this Hall seven Democrats and four Union members.

Now, then, on behalf of the loyal people of my State I claim the right to speak; nay, it becomes my duty to do so. I know something of the sacrifices they have made to sustain the Government, sacrifices equal at least to those of the loyal people of any State in the Union. In thought and prayer they have followed their soldiers where ever the exigency of war has sent them, whether to the Potomac, to the Mississippi, or the plains of Texas. In sickness or in health, wherever the hand of mercy or the voice of patriotism could reach them, our loyal men and women spared no effort to reach the soldier. This devotion is due to those who have gone to the tented field to risk life and health that this nation may live.

Remembering these things, I cannot do otherwise than lift my voice against the scenes I have witnessed within the last forty-eight hours. My Democratic colleagues have taken it upon themselves to say that they were the friends of the soldiers. They have told you time and again that they were in favor of increasing the pay of the common soldier. They have told you that their affection for the common soldier was so great that they were ready to pay him in *gold and silver*. These are the professions which they have made upon this floor. I am not here to impugn the motives of any man, and least of all those who are associated with me in daily official intercourse. But with facts I have a right to deal; with facts it is my duty to deal. So long as these gentlemen were consistent in a manner with their professions I did not raise my voice against their action. I was willing that they should have the benefit of their professed affection for the soldier.

I come now to speak of the votes of my Democratic colleagues on the resolution pending in this House on Saturday for the expulsion of the gentleman from Maryland, [Mr. HARRIS,] a self-convicted sympathizer with rebellion, and to contrast such votes with the issue upon which they obtained their seats on this floor, and the professions of love for the soldier in which they are in the habit of indulging so freely. That gentleman, [Mr. HARRIS,] with satanic coolness, referring to our soldiers, said, in the presence of this House and of my colleagues, that—

"Your soldiers have gone South to conquer the southern people, but they have been welcomed with bloody hands to hospitable graves."

Not only that; he told you he was a secessionist and in favor of acknowledging the nationality of the so-called southern confederacy. With the gentleman from Maryland [Mr. HARRIS] I have no desire to quarrel. In passing I might probably say that if the heroic Andrew Jackson occupied the White House to-day that gentleman, instead of being in his seat to-night, would be in the Old Capitol prison, where he deserves to be. [Applause in the galleries.]

Mr. HARRINGTON. I move that the galleries be cleared on that side.

Mr. ORTH. I think there is no necessity for it.

Mr. HARRINGTON. I am not willing to sit here and be insulted by the galleries.

Mr. NELSON. That raises but one question here, and that is whether the House has a right to enforce its rules.

Mr. MORRILL. I trust the gentleman will not ask that the galleries be cleared until the Speaker shall have given those in the galleries the notice which was given to-day. I presume there is a new audience here this evening.

Mr. NELSON. It will be satisfactory to those upon this side of the House if the Speaker will now give notice to the galleries that they will be cleared at the next disturbance.

The SPEAKER *pro tempore*. The Chair will endeavor to enforce the rules. The rules of the House will require the Chair to order the galleries to be cleared if there are any further demonstrations of approval or disapproval.

Mr. C. A. WHITE. I give notice now that I shall insist upon an enforcement of the rules upon the first infraction of them.

Mr. ORTH. The gentleman from Maryland declared boldly in his seat, in the hearing of the members of this House, that he was for peace, for recognition, and for secession. He declared further what was stated in the resolution, and which ought to have resulted in his expulsion, and which did result in a severe censure, and of a declaration upon the part of a large majority of this House that he was unworthy of being a member of this House. What is the language? I desire to call attention to it for the purpose of showing to this House, to my constituents, and to the State of Indiana the position which the Indiana delegation, on both sides of this Hall, occupy upon that resolution. The gentleman from Maryland stated that—

"The South asked you to let them live in peace. But no; you said you would bring them into subjection. That is not done yet; and God Almighty grant that it never may be. I hope you will never subjugate the South."

Fearlessly and traitorously upon this floor he implored high Heaven that we might not gain victories by the men we have sent to the field. Such is the language uttered in this Hall, and uttered by a man who is a declared secessionist.

Mr. PRICE. I desire to make a suggestion to the gentleman from Indiana, which is, that it is written in the Good Book that the prayers of the wicked are an abomination in the sight of the Lord.

Mr. ORTH. I thank the gentleman for the quotation; but it is not with the Scriptures but with the imprecations of the gentleman from Maryland that I have to do now—Maryland, that glorious State, who, by her noble vote within the last ten days, set her seal of condemnation upon traitors, secessionists, and secession sympathizers, and declared that henceforth she will take her stand in favor of universal liberty. His language is treasonable in itself, calculated to distract the people of the North, to thwart them in the prosecution of the war, and to give aid and comfort to the rebels in arms, and to their confederates in the Richmond congress.

I have no desire to be uncharitable to the gentleman from Maryland, and hence I will not adopt the suggestion of a friend near me that probably the only reason why the gentleman holds a seat in this Congress rather than in the congress at Richmond, is because greenbacks are better currency than confederate scrip.

When that language was uttered it was promptly reduced to writing, and the gentleman from Maryland was called to order. The gentleman from Illinois, [Mr. WASHBURNE,] as was his duty, offered a resolution of expulsion. That resolution was brought to a vote before the House, and among the yeas, among those from Indiana who were in favor of passing that resolution, those who were in favor of turning that traitor from out this Hall, were Mr. DUMONT, Mr. JULIAN, and Mr. ORTH.

Mr. PENDLETON. I rise to a point of order. I understand the gentleman from Indiana to have applied to a member of this House the term "traitor." I have desired an opportunity during several occasions to-day to make a point of order upon gentlemen who call epithets, and this is the first opportunity and fair occasion I have had for that purpose. I now call the gentleman to order, and ask the Speaker to decide if such epithets are in order.

Mr. ORTH. Yes, sir; I acknowledge that I called the gentleman from Maryland [Mr. HARRIS] a traitor on the floor of the House.

Mr. HARRIS, of Maryland. I say you are a liar; and you are a coward if you do not resent that.

Mr. PENDLETON. I desire that the words shall be taken down at the Clerk's desk.

Mr. UPSON. I make the point of order that, under the rule, the gentleman must himself repeat the words to which he makes exception.

Mr. PENDLETON. I will repeat them. I ask the Clerk to take down the word "traitor."

Mr. KASSON. I call the attention of the gentleman from Ohio [Mr. PENDLETON] to a point of order involved in the proposition which was taken yesterday; that is, that according to the rule no other person shall have spoken between the utterance of the words objected to and the demand to have the words reduced to writing. The gentleman from Maryland [Mr. HARRIS] has spoken.

Mr. PENDLETON. The gentleman from Maryland interrupted me, and was speaking out of order.

Mr. ORTH. Before action is taken on the point of order, I ask for the reading of the resolution adopted on Saturday.

Mr. PENDLETON. I object to any further debate until the point of order is decided.

Mr. ORTH. I am not going to debate it, but I ask that the resolution of the House censuring the gentleman from Maryland may be read.

Mr HIGBY. I hope that the gentleman from Ohio will be allowed to take down the words to which he takes exception.

The SPEAKER *pro tempore*. The Clerk will read the words objected to.

Mr. ORTH. I call for the reading of the resolution.

Mr. PENDLETON. I object. I ask to have the words read that were taken down at my request. I object to anything intervening until the point of order is determined.

The Clerk read as follows, from the remarks of Mr. ORTH:

"Among the yeas, those who were in favor of passing that resolution, those who were in favor of turning that traitor from out this Hall, were Mr. DUMONT, Mr. JULIAN, and Mr. ORTH."

Mr. PENDLETON. Now, Mr. Speaker, I make the point of order that these words are not in order.

Mr. ORTH. I ask for the reading of the resolution censuring the gentleman from Maryland.

Mr. SCHENCK. I make the point of order that——

The SPEAKER *pro tempore*. There is a point of order already pending.

Mr. PENDLETON. A point of order cannot be made upon another point of order.

Mr. SCHENCK. We have a right to know what is the character of this man. [Calls to order from the Democratic side of the House.]

The SPEAKER *pro tempore*. There is a point of order already pending.

Mr. SCHENCK. Precisely; and we want the resolution referring to the member from Maryland read. [Loud calls to order.] That resolution shows [vociferous calls to order from the Democratic side of the Hall] what he is.

The SPEAKER *pro tempore*. Does the gentleman from Ohio object to the reading of the resolution?

Mr. PENDLETON. I do, until the point of order is decided.

The SPEAKER *pro tempore*. In view of the action of the House on Saturday, the Chair will overrule the point of order. [Applause and laughter from the Republican side of the House.]

Mr. ORTH. Mr. Speaker, before alluding to the yeas and nays on this resolution, probably the gentleman from Maryland [Mr. HARRIS] thinks I ought to pay my respects to him for his attempted insult on this floor a few moments ago. I can only say that the foul slabberings of a self-

convicted and self-condemned sympathizer with treason fall harmless at my feet.

Now, Mr. Speaker, I hold in my hand the resolution which my *amiable* friend from Ohio [Mr. PENDLETON] would not allow to be read, and which I shall read as part of my speech. He will hear it from me as he was not willing to hear it read from the Clerk's desk:

"Whereas Hon. BENJAMIN G. HARRIS, a member of the House of Representatives of the United States from the State of Maryland, has on this day used the following language, namely: 'The South asked you to let them live in peace. But no; you said you would bring them into subjection. That is not done yet; and God Almighty grant that it never may be. I hope you will never subjugate the South.' And whereas such language is treasonable and grossly insulting to the House: Therefore,

"*Be it resolved*, That the said BENJAMIN G. HARRIS be expelled from this House."

I have already stated that on the adoption of this resolution the voice of Indiana was uttered here in the affirmative by Mr. DUMONT, Mr. JULIAN, and Mr. ORTH; my colleague, the honorable Speaker, being excused from voting by the rules of the House. You will thus perceive that our State, which has sent one hundred and thirty thousand men into this war, a State which is in mourning for the loss of ten thousand of her brave sons slaughtered by the rebels, a State which has been represented, and gallantly, heroically represented, on every battle-field in this accursed rebellion, has but *three* votes in favor of expelling the gentleman from Maryland [Mr. HARRIS] for the atrocious and treasonable language he uttered in this House.

In the negative of the proposition, in favor of retaining this foul-mouthed sympathizer in his seat, where he insults our soldiers, and votes, as he daily does, to embarrass our efforts and to prolong the war, you will find the names of Mr. CRAVENS, Mr. HARRINGTON, Mr. LAW, Mr. McDOWELL, and Mr. VOORHEES. My colleague from the Fort Wayne district [Mr. EDGERTON] was confined to his room by sickness. It is not for me nor for any one to suppose how he would have voted. Suffice it for me and for the people of Indiana to know that on the part of their Democratic Representatives upon this floor there is not patriotism enough to rid this House of the presence of such a man as that; men, too, who came here, as I have stated, on the direct issue that they were in favor of a more vigorous prosecution of the war than we were. Is this the love of my Democratic colleagues for the soldiers? Is this the manner in which they desire to vigorously prosecute this war when they suffered treason to be avowed and to go unrebuked upon this floor?

I am willing to accept this issue. I am willing to go to my State and to ask the honest men there, without distinction of party, whether they are willing to sanction such conduct as this. If we are to sit here day after day, and hour after hour, to listen to treasonable utterances, then let us withdraw from the tented field the soldier who has gone there that the nation may live. If we can say amen to a man who calls upon God, hoping He may grant nothing but reverses to the Army, the sooner we bring that Army from the tented field the better for us.

Sir, if my Democratic colleagues are correct, I have been in the wrong in calling upon my neighbors and constituents to go to the battle-field. If they are right in sanctioning by their votes this impious language, then I, and those who act with me, have committed heinous crimes in sending our soldiers to the field, and in aiding them to crush this rebellion.

I must be pardoned if I exhibit some earnestness on this occasion. I seldom pass along the streets of my own town that I do not meet the maimed and crippled soldier, or the widows and orphans made so by this war. I have followed on more than one occasion my friends and neighbors to their last resting place—men who had fallen in this war at the hands of traitors with whom the gentleman from Maryland [Mr. HARRIS] sympathizes; and who he prays to God may succeed in this rebellion. I have felt ever since this Congress met there was less patriotism right here than in almost any other place throughout the length and breadth of the land. I have felt time and again that we who are sent here to represent the loyal and patriotic masses of the country, who are making sacrifices such as no people ever made before, are recreant to our duties in not crushing more speedily the traitorous utterances of rebel sympathizers in this House. Is it because we associate with members on the other side of the House who, with a few noble exceptions, are in sympathy with treason? I pray that the words of the poet may not prove true, that

> "Vice is a monster of so frightful mien,
> As, to be hated, needs but to be seen;
> But seen too oft, familiar with her face,
> We first endure, then pity, then embrace."

Is that our condition here? Is it because we have been compelled to associate in an official capacity with men holding sentiments like those of the gentleman from Maryland and the gentleman from the second district of Ohio, whose case is now under consideration? We have lost in some way, I fear, the mesmeric influence of the people who sent us here and who are for the vigorous prosecution of the war and the overthrow of this rebellion. To the eternal disgrace and shame of the Thirty-Eighth Congress be it said that we failed to secure a two-thirds vote for the resolution expelling a man who insulted the House, who insulted the soldiers, who insulted the loyalty and patriotism of this land. After this failure to expel, my distinguished friend from Ohio [Mr. SCHENCK] submitted a resolution of censure in these words:

"*Resolved*, That BENJAMIN G. HARRIS, a Representative from the fifth district of the State of Maryland, having spoken words this day in debate manifestly tending and designed to encourage the existing rebellion and the enemies of this Union, is declared to be an unworthy member of this House, and is hereby severely censured."

This resolution was adopted by a vote of ninety-three to eighteen, nearly five to one, including every member present on this side of the House.

By this vote the House have declared what they thought of the gentleman from Maryland, [Mr. HARRIS.] It was a solemn declaration of ninety-three sworn members of the American Congress that the gentleman from Maryland, in consequence of treasonable words spoken here, words the effect and design of which were for the encouragement of the public enemy, is an unworthy member of this House.

How stands the record of Indiana on this resolution? In the affirmative Messrs. DUMONT, HARRINGTON, HOLMAN, JULIAN, and ORTH. Two of my Democratic colleagues voting with us, [Mr. HARRINGTON and Mr. HOLMAN,] and declaring by their votes that the gentleman from Maryland, [Mr. HARRIS,] in consequence of his treasonable language, is "an unworthy member of this House," yet both gentlemen voted that this "unworthy member" should still retain his seat, to contaminate with his traitorous presence this Hall of American liberty. This action may be reconcilable; if so, I doubt not the loyal men of the third and fourth districts would be glad to see the process by which it can be reconciled.

In the negative we find the names of Mr. LAW and Mr. VOORHEES; the rest of the Democratic delegation from Indiana [Mr. CRAVENS and Mr. McDOWELL] having retired, for reasons best known to themselves.

Here, then, is the record made by the delegation from Indiana; and so far as I am concerned—and I think I speak for my colleagues upon this side of the House—we are ready, and our people are ready, to meet the issue which those gentlemen have tendered to us. If the people of Indiana desire that this war shall not be prosecuted any further, if they desire that the blessings of Heaven shall no longer rest upon our arms, if they desire that, in the language of the gentleman from Maryland, her sons shall be "welcomed with bloody hands to hospitable graves," why, in God's name, let the sons of Indiana be withdrawn from all along the lines of our armies which now stand as a wall of fire between you and the rebel hordes.

In the hurry of this debate I had almost forgotten to pay my respects to the gentleman from the Cincinnati district, [Mr. PENDLETON,] who felt it his duty to come to the rescue of his friend from Maryland, [Mr. HARRIS,] and to call me to order for using the word "traitor" in speaking of his language on this floor. He exhibited a good deal of sensitiveness and not a little technicality. The honorable gentleman occupying the chair, [Mr. ROLLINS, of New Hampshire,] however, very promptly and very properly decided that I had not violated the rules of the House. A solemn vote has affixed upon the gentleman [Mr. HARRIS] the opinion of this House, that he had used words "manifestly tending and designed to encourage the existing rebellion and the public enemies of this nation." This amounts to treason, and in speaking of it I preferred to use the plain Anglo-Saxon word "traitor."

I am in the habit—it is probably a fault of mine—of calling things by their right names. When I am dealing with a man convicted of stealing, I call him a thief; and I prefer, when talking of a treasonable act, to call it treason. It may be a matter of bad taste, it may not suit the peculiar taste of the gentleman from Ohio, [Mr. PENDLETON,] but it suits me, and I believe it will suit my constituents. That gentleman [Mr. PENDLETON] was a devoted follower of the lamented Judge Douglas, and he must pardon me if in these discussions I adopt the designation which that distinguished man himself used in the last speech of his life. Speaking of this rebellion, Judge Douglas said in his Chicago speech:

"Every man must be on the side of the United States or against it. There can be no neutrals in this war. There can be none but patriots or traitors."

Hence, in the language of Judge Douglas, the gentleman from Maryland [Mr. HARRIS] is either a patriot or a traitor. The gentleman from Ohio [Mr. PENDLETON] may regard him a patriot. I have already stated in which category I place him and all others who entertain his views.

My colleague [Mr. VOORHEES] has declaimed most eloquently in favor of free speech. To him and those with whom he sympathizes this is a somewhat recent zeal. When throughout the slave States for years and years the gag was constantly applied to all who did not fall down and worship the god of slavery; when northern men were maltreated, imprisoned, murdered for the expression of their opinions throughout the slave regions of the country, this eloquent tongue was silent. When SUMNER was murderously assaulted in the Senate Chamber for words spoken in debate, was any word of rebuke heard from that quarter? While Jeff. Davis and his co-conspirators are trampling under foot the right of free speech and free press it does not in the least disturb the equanimity of gentlemen on the other side, or call forth their indignant disapproval. I am for free speech, but when it degenerates into blatant treason I am for stopping it, and will stop it whenever I have the power of doing it; nor will I heed the "constitutional" appeals of gentlemen, when they use "free speech" only for the purpose of destroying that Constitution. We are living in peculiar times, and are surrounded by peculiar circumstances. The enemy is within a few hours' march of this very Capitol, the ground on which we stand is threatened by his inroads, and we are permitted to occupy our seats here simply because a cordon of loyal bayonets in the hands of a loyal and brave citizen soldiery surrounds us. While these soldiers are abused and vilified by members on this floor I cannot consent that such abuse shall shield itself under the specious guise of free speech.

A man is free to speak so long as he speaks *for* the nation; when he speaks *against* the nation he shall not, with my consent, do so with impunity on this floor.

Two large armies now confront each other in hostile array. One is marshaled under the time-honored flag of the Republic; the other under the rattlesnake flag of secession and treason. If we cannot legislate here as men and as patriots; if we cannot rise above the paltry bickerings of party; if we cannot faithfully discharge the high and important trust committed to our hands in this most trying hour of our nation's history, in God's name let us adjourn; let us go to the respective camps of these two armies; let each select the flag which most nearly represents his views and feelings; enroll our names under the chieftain we most admire; and thus enrolled, when the drum beats "to arms," let us say,

> "Lay on, Macduff,
> And damned be him that first cries, Hold, enough!"

How often have we been regaled with the false and unblushing assertions that this is an "abolition war;" that the men engaged in restoring the Government, in quelling treason, and in demanding the just punishment of traitors, are "black Republicans." These charges can have no other effect (they may be designed for this very purpose) than to create divisions in the North, to array men against each other on false issues who otherwise would stand together, shoulder to

shoulder, as in the commencement of this war. We are told, and told almost daily, that the Constitution is violated and the dearest rights of the citizen trodden under foot by the "black Republicans," for the sole purpose of abolishing slavery; and in this category truth compels me to assign to the gentleman from Ohio [Mr. Cox] a prominent, probably the most prominent position. According to his logic, men are thrust into dungeons, into "American bastiles," for mere opinion's sake. If any error has been committed by the Administration in this matter, that error has been on the side of lenity; for my opinion is, if ten of these persistent sympathizers with treason had been incarcerated where but one has received such attentions, it would have been better for the country.

The lamentations of the gentleman from Ohio [Mr. Cox] over the case of his friend Vallandigham are grievous in the extreme: like some one of old, he "refuses to be comforted." It should be some consolation to him at least that his friend Vallandigham in all his troubles was in the hands of old Democrats, Democrats of that good old school who love their country too well to see it destroyed by traitors. Vallandigham was arrested by order of a Democrat, General Burnside, a loyal son of Indiana. He was tried and convicted by a court-martial, almost every member of which was a Democrat; and that trial and conviction was fully examined, revised, and confirmed by a Democratic judge, one who received his appointment at the hands of Andrew Jackson, and who is a firm believer in the Jackson doctrine of dealing with traitors. While "waiting and watching over the border," he cannot say that his banishment is the work of abolitionists.

Mr. Speaker, you know, and the country knows, that old and true Democrats are found in every position, civil and military, battling for the country. We have them in the Cabinet, on the floors of Congress, at the head of the Army, in the ranks of the soldiers, in the walks of private life, giving their aid and their support to the Government. My friend from the Toledo district [Mr. Ashley] calls my attention to the remark of the gentleman from New York, [Mr. Fernando Wood,] that there can be no such a person as "a war Democrat." I am aware that this remark was made to-day by the gentleman from New York, [Mr. Fernando Wood,] and I feel satisfied that the country will mark that extraordinary assertion. I know it to be untrue, and my colleagues on both sides of this Chamber will bear me witness that in Indiana hundreds and thousands of men who have been Democrats all their lives, up to the firing of the first gun at Fort Sumter, are now unconditional supporters of the Government, and these men, had they been called upon to vote on the resolution for the expulsion of the gentleman from Maryland, [Mr. Harris,] would have given an emphatic affirmative vote. Sir, I hold in my hand a copy of a memorial and resolutions adopted by the officers and soldiers in the Indiana regiments in the army of the Cumberland, and sent to our Legislature during the session of 1863. I will read a portion of it:

"*To the General Assembly of the State of Indiana:*

"The undersigned officers and soldiers of the Indiana volunteer regiments, submitting with patriotic self-denial to the policy which denied us a voice in the late election, and approving the wisdom of that feature of our Government which secures the civil freedom from the influence of the military power, nevertheless desire to participate in the preliminary councils which are to shape the popular ideas of the State, and consequently to control the actions of its Representatives in the General Assembly. We speak, as soldiers, because our lives are staked upon the issue of the present struggle; as citizens, because, at no distant day, those of us who survive are to share with you the responsibilities of citizenship, and to experience, in common with the people at home, the results of your present deliberations." * * * * * * * *

"In conclusion, we propose the following resolutions to be adopted by the Legislature of Indiana, and to constitute the basis of all those acts bearing upon the interests involved in the foregoing address:

"1. *Resolved*, That we are unconditionally and determinedly in favor of the Union.

"2. *Resolved*, That in order to the preservation of the Union we are in favor of a vigorous prosecution of the war.

"3. *Resolved*, That we will sustain our State and Federal authorities, with money and supplies, in all their efforts to sustain the Union and prosecute the war.

"4. *Resolved*, That we will discountenance every faction and influence tending to create animosities at home, or to afford consolation and hope to our enemies in arms, and that we will coöperate only with those who will stand by the Union and by those who are fighting the battles of the Union."

Here is the voice of forty thousand of the brave sons of Indiana giving their opinion of this war. Hundreds of these men were always Democrats; and do you suppose that if the humblest of them had been occupying a seat on this floor last Saturday, he would have been found voting with my Democratic colleagues to retain in his seat a man who boldly proclaimed that he hoped "God Almighty would never grant success to our soldiers?"

But, sir, I have another document here, signed by some of the most active and prominent Democrats of my State. My Democratic colleagues are familiar with the names of Hovey, Spicely, McLean, McGinnis, and Slack, appended to this address. These are names that will live in history when the names of sympathizers with treason will be remembered only with scorn and detestation.

To the Democracy of Indiana:

The following stirring appeal has been addressed to the Democracy of Indiana by their companions in arms in Arkansas:

Having a deep interest in the future glory and welfare of our country, and believing that we occupy a position in which we can see the effects of the political struggles at home upon the hopes and fears of the rebels, we deem it to be our duty to speak to you openly and plainly in regard to the same.

The rebels of the South are leaning on the northern Democracy for support, and it is unquestionably true that unjustifiable opposition to the Administration is "giving aid and comfort to the enemy." While it is the duty of patriots to oppose the usurpation of power, it is alike their duty to avoid captious criticisms, that might create the very evils which they attempt to avoid.

The name of *Democrat*, associated with all that is bright and glorious in the history of the past, is being sullied and disgraced by demagogues, who are appealing to the lowest prejudices and passions of our people. We have nothing to expect from the South, and nothing to hope, without their conquest. They are now using their money freely to subsidize the press and politicians of the North, and with what effect the tone of some of our journals and the speeches of some of our leaders too plainly and painfully testify.

We see, with deep solicitude and regret, that there is an undercurrent in Indiana tending toward a coalition of the Northwest with the South against the eastern States. Be not deceived. Pause, for the love you bear to your country, and reflect. This movement is only a rebel scheme in disguise, that would involve you, alike with themselves, in the crime of rebellion, and bring to your own hearthstones the desolation of a French Revolution. Separation on either side, with peace in the future, is impossible, and we are compelled by self-interest, by every principle of honor, and every impulse of manhood, to bring this unholy contest to a successful termination.

What! admit that we are whipped? That twenty-three million northern men are unequal to nine millions of the South? Shame on the State that would entertain so disgraceful a proposition! Shame upon the Democrat who would submit to it, and raise his cowardly voice and claim that he was an Indianian! He, and such dastards, with their offspring, are fit "mud-sills" upon which should be built the lordly structure of their southern aristocracy! And with whom would this unholy alliance be formed? With men who have forgotten their fathers, their oaths, their country, and their God; with guerrillas, cotton-burners, with those who force every male inhabitant of the South capable of bearing arms in the field, though starving wives and babes are left behind! Men who persecute and hang, or drive from their lines, every man, woman, and child who will not fall down and worship the southern god. And yet free-born men of our State will sympathize with such tyrants, and dare even to dream of coalition! Indiana's proud and loyal legions number at least seventy thousand effective men in the field, and, as with one great heart, we know they would repudiate all unholy combination tending to the dismemberment of our Government.

In this dark hour of our country's trial there is but one road to success and peace, and that is to be as firmly united for our Government as the rebels are against it. Small differences of opinion amount to nothing in this grand struggle for a nation's existence. Do not place even one straw in the way, and remember that every word you speak to encourage the South nerves the arm and strikes the blow which is aimed at the hearts' blood of our brothers and kindred.

ALVIN P. HOVEY, *Brig. Gen.*
WILLIAM T. SPICELY, *Col. 34th Indiana.*
WILLIAM E. McLEAN, *Col. 43d Indiana.*
GEORGE F. McGINNIS, *Col. 11th Indiana.*
JAMES R. SLACK, *Col. 47th Indiana.*

Helena, Arkansas, *February* 2, 1863.

But, Mr. Speaker, my time is nearly exhausted, although the theme is inexhaustible. I shall vote for the resolution introduced by my friend and colleague [Mr. Colfax] for the expulsion of the gentleman from Ohio, [Mr. Long.] The country will not only sustain but thank him for this act. I shall vote for the resolution because I believe the times demand that this House shall take a bold and decided stand with reference to these treasonable utterances in this Hall. I shall vote for the resolution because if unrebuked it will lead to demoralization in our Army, to divisions, bloodshed, and riots all over the land. I shall vote for the resolution because the member from Ohio [Mr. Long] has declared in favor of the recognition of the so-called confederacy, and hence is unworthy of a seat on this floor. *The recognition of the confederacy is the destruction of the United States*, and by no vote, sentiment, or act of mine will this ever receive my approbation.

We are told, Mr. Speaker, by these gentlemen that they are for peace. So are we for peace. There is not a man on this side of the House, with whom I have the honor of acting on this floor, who is not likewise in favor of peace, but not until the rebels yield obedience to our laws. I am in favor of peace, Mr. Speaker, but not until the last armed rebel bites the dust. I am in favor of peace, but not until the cause of this rebellion shall be utterly exterminated, not until the last shackle shall fall from the limb of the last slave. I am in favor of peace, but not until that starry flag of ours and this Constitution shall be acknowledged and obeyed over every inch of American soil.

Mr. KERNAN. Mr. Speaker, the question before the House is whether one of the Representatives of the people from the State of Ohio shall be expelled from this body for views which he entertains, and in support of which he argued at length on the floor of this House. It certainly, sir, is an important question—one of great importance in itself, and of grave importance to this body as a precedent. It is one which calls upon us to examine it with coolness, with firmness, and with deliberation. The proposition to turn out of this Hall one of the Representatives sent here by the people to act and speak for them is one of great importance in reference to the Representative himself, to the rights of his constituents, to this House as a deliberative body, and to the principles upon which our Government is based.

In the remarks which I shall submit, nothing, I trust, can move or induce me to indulge to any degree in the bitter partisan and personal denunciations which have characterized so much of the debate to-day. Is there a person within this Hall who, when he remembers the condition of our country, surrounded as it is with dangers which threaten its destruction, when he thinks of our soldiers in the field, and of our sorrow-stricken and anxious people at home, believes that we, in the council of the nation, have done or tended to effect any good to the country, or done anything toward preserving that Union which we profess to love so much, by the debate which has occurred to-day? I say this not in disparagement of any gentleman here, and in no spirit of criticism; I speak honestly that which has pressed upon my mind as I have heard bitter and vindictive epithets applied by one member to another in this Hall. I only allude to it to say that I shall not on this occasion allow myself to speak one word of like character toward those from whom I may widely differ. I shall confine myself to those questions which seem to me to pertain properly to the matter under consideration, stating my views in regard to the sentiments put forth by the gentleman from Ohio whom it is proposed to expel, and my reasons for the vote which I intend to give on the resolution for his expulsion.

In order to obviate misconception as to the reasons for my action on this question, it is proper that I should state that I differ entirely from the member from Ohio, [Mr. Long,] both as to his premises and his conclusions, as stated by him in the remarks he submitted to the House, and which are now under consideration. In this speech, as reported in the Globe, he says:

"My first and highest ground of opposition to its [the war's] further prosecution is that it is wrong; it is in violation of the Constitution and of the fundamental principles on which the Federal Union was founded."

He proceeds to give his reasons and arguments for this opinion, citing various opinions of others which he claims sustain this position, and finally says:

"I now believe that there are but two alternatives, and they are either an acknowledgment of the independence of the South as an independent nation or their complete subjugation and extermination as a people, and of these alternatives I prefer the former."

If there is no constitutional power in the Government to prosecute the war, to suppress the rebellion and maintain the Union, then there is nothing extraordinary in his being opposed to its further prosecution. But I am of the contrary opinion. In my judgment the Federal Government is sovereign and supreme within its constitutional limits or sphere, and the State

government is sovereign and supreme as to all matters as to which authority is not granted by the Constitution to the Federal Government or prohibited to the States. The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land and must be obeyed, notwithstanding any State law or constitution to the contrary. This is the letter of the Constitution, and this I understand to be the teaching of the founders of the Government. The Federal Government has the right, and it is the sworn duty of those intrusted with its administration, to enforce the Constitution and laws, to suppress resistance and compel obedience to them within the entire territory of the United States. If ten men combine to resist and endeavor to set their authority at defiance, it is the right and duty of the Federal Government, under and in accordance with the Constitution, to suppress the resistance of these ten men, compel them to obey, and punish them for their disobedience; and it has authority to use all the force necessary to effect this object. So, if a million or any other number of the citizens of one or of several States combine and resist and seek to overthrow the authority of the Constitution and laws of the United States, the Federal Government has the right and it is the duty of those exercising its authority to employ the requisite force to suppress the rebellion and enforce obedience. The State authorities, or the people of a State acting by or through the State government, cannot by State constitution or law shield one citizen of the State in setting the United States Constitution and laws at defiance, or screen him from punishment for disobeying them; nor can they justify the entire people of the State in disobeying or resisting the authority and jurisdiction of the Federal Government or in rebellion against it, because the Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land, and every person within the United States is bound to submit to and obey them.

As to all matters of government, all local matters, over which jurisdiction and authority are not granted by the Constitution to the Federal Government, the people of the States and the State governments they form are supreme; the Federal Government cannot rightfully interfere with these, because "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." That is my understanding of the Constitution; and as to the rightful authority of the Federal Government and those administering it to suppress rebellion against its authority, to use the power of armies and navies to defend and maintain its jurisdiction, I state this my conviction respectfully toward those who may differ from me, but earnestly deepened and strengthened as it is by all the reflections I have been able to bestow upon a question of so much importance under the circumstances in which the country has been, for the last few years, placed.

It is often said in reference to the question of using armed force to suppress the rebellion, "You have no right to coerce States." Why, sir, the United States has nothing to do with coercing States. It deals with individuals who resist the Constitution and laws. It commands them to submit to the law; if they refuse, it enforces obedience and punishes them for disobedience. In doing this, nay, in using armed force to suppress those in rebellion against its authority, it does not intrench upon the rightful jurisdiction or reserved rights of the States. In doing this we are dealing with individuals who owe obedience to the Federal Government and its laws.

I have said thus much to show how widely I differ from those who have doubts as to the authority of the Government of the United States to defend itself and maintain the authority of the Constitution, and thus preserve the Union by employing the necessary armed power to suppress the existing rebellion; and I will add that I regard it to be my duty to sustain those in authority in all needful constitutional measures to bring those in rebellion to obedience.

It is often said, and in my judgment it is true, that the policy of the Administration, as to the mass of the people in rebellion, and in carrying on the war, is not the true one to speedily suppress the rebellion and to defend and restore the Union. Many of the purposes sought to be effected by the party in power in waging the war I entirely disapprove of. I differ from the Administration as to many of its measures, and very much of its policy; nevertheless I do not mean to be placed in an attitude of hostility to the Government of my country. For the present the administration of the Government has been, in accordance with the Constitution, intrusted to the party in power. The President and his chosen advisers can alone now wield its powers, and they and the political party which sustains them decide as to policy and measures. Under these circumstances I deem it to be my duty, as a citizen and as a Representative, to give to them the necessary men and means to defend and maintain the authority of the Constitution and to put down the rebellion, holding them responsible and accountable to the people for the use they make of them. If I believe their policy or measures wrong, I have the right to remonstrate against them, to point out wherein they are erroneous or unauthorized, to advocate a different policy or different measures; and I trust I will never be intimidated from doing so in a proper spirit, and on all fitting occasions, by any denunciation of my acts or imputations upon my motives. If I am, I do not deserve the liberty our institutions were intended to secure to our citizens, and am not worthy of a seat here as a Representative.

The remedy under our form of Government for the misconduct of those administering it, is by an appeal to the electors, who can displace them and indicate the policy they prefer and will have pursued. The remedy, if their policy be wrong, is not in withholding from those intrusted with the administration the necessary means to carry on the Government; is not in a factious opposition or illegal resistance to them; but the remedy is to displace them at the elections. In answer to the argument that we have no right to carry on this war to put down the rebellion and maintain the Union, my platform may be stated in few words. I with every other citizen have a right to say the Government founded upon the union of the States under the Constitution is my Government; its preservation and perpetuation is essential to my liberty, peace, and prosperity, and to that of my descendants; therefore I have a right and it is my duty to defend it against those who seek to destroy it, whether they come from abroad or arise in our midst. When a portion of our own people array themselves in arms, resist the rightful authority of the constituted authorities of the Federal Government, and declare that the Union under the Constitution is to be severed, deeply as I regret the necessity, nevertheless I will stand with those who are in favor of compelling submission by the use of all the armed force which is required to suppress resistance, and to restore the authority of the Constitution and the laws made in pursuance of it.

Mr. Speaker, entertaining these views, I regard it proper to make a few observations in reference to remarks made this morning by one of my colleagues from New York, [Mr. FERNANDO WOOD,] who expressed views different from those which I have just expressed. I make no complaint that he holds the opinions which he has expressed in reference to this rebellion; but I have a right to point out errors he has fallen into as to others. He said there is no such thing as a war Democrat; that this was a contradiction in terms. If, as I understand him, he means by this those of the Democratic party who hold that it is the right of the Government of the United States to suppress by force of arms those who are now in armed rebellion against its authority, with the avowed purpose of establishing an independent confederacy in the southern States, and who hold that the Federal Government has by and under the Constitution authority to employ the necessary armed force to compel those in rebellion to submit to the Constitution and laws of the United States, and that those administering the Government should be sustained in all proper constitutional measures and efforts to effect this object, then I certainly am a war Democrat, and I believe the great mass of the Democratic party are war Democrats.

In the State of New York that party, by each of its State conventions held since the rebellion broke out, has in its declaration of principles denounced secession, declared its unalterable attachment to the Union under the Constitution, and that it would sustain those in authority in all constitutional efforts to suppress the rebellion and restore and preserve the Union. I do not assume on this floor or elsewhere to speak for that party. It is a bold and patriotic party, and always at the proper time and by its Representatives selected for that purpose declares its principles and indicates the policy which it advocates, and which if in power it would pursue. I have simply stated my own views and the position occupied by that party in the State of New York. That party has, I believe, contributed its full quota to the Army which has been summoned to the field, and its members have not been outdone by others in private or public efforts to encourage the soldier by providing for his family and alleviating the hardships which he endures. The members of that party as a whole are, as I believe, earnestly and determinedly in favor of preserving the Union of these States under the Constitution. To that end and for that purpose they are in favor of employing the necessary force to overthrow the military power of the so-called confederate States, and to compel the people to submit to the Constitution and laws. So far as it is necessary, they are in favor of using force to restore and preserve the Union; but they believe that wisdom, statesmanship, and the best interests of our country require that moderation and conciliation should be superadded to the power of the sword to restore the country to unity and peace.

The gentleman from New York [Mr. FERNANDO WOOD] says he is for peace. I desire peace. When we look around and see mourning in every neighborhood, and sorrow and anxiety produced by this unnatural war at almost every fireside, who does not wish for peace? But, in my judgment, it is idle to talk of peace with the Union preserved until we have defeated the armies marshaled to destroy it. It is useless to talk of sending commissioners to treat with the rebel authorities now, because they have declared over and over again that they will not negotiate except upon the basis of separation, of a dissolution of the Union. Peace upon such a basis would be of short duration, while it would be purchased by the destruction of the present Government. Making such a peace, where is to be the division line? How many of the States, after such a peace, will remain united under the Constitution, and how long? No; we must break the military power of those engaged in this rebellion before we can have any peace, except as a condition of separation. Are we prepared for that? For one, terrible as is this war, lamentable as are its consequences, I am not. In my judgment, the evils which will flow from the dissolution of the Union require that we should make every effort to restore and preserve it. Hence, in sorrow rather than in passion, I feel that we cannot desist now from the further prosecution of this war. It should not be prosecuted for the purpose of carrying out any peculiar idea, or to compel the people of the South to regulate their local institutions or conform their State constitutions to the ideas of the people of the northern States. It should be prosecuted solely for the purpose of vindicating the authority of the Constitution, reëstablishing the jurisdiction of the Federal Government, and restoring the Union of States under the Constitution; and when this is accomplished there should be peace. This is my opinion. I do not speak for others; but I believe it is substantially the opinion of the mass of the thoughtful, patriotic, and conservative citizens of the country.

Sir, I ask pardon of the House for occupying this much of its time in alluding to these questions. But I deemed it not improper to do so, inasmuch as I differ so widely from the views of the gentleman from Ohio [Mr. LONG] whose opinions are under consideration; but, nevertheless, shall vote against the resolution to expel him. I trust that no member will be awed by the manifestations which we have seen and heard in the galleries from maintaining the great principle of free speech and fearless debate in this Hall. Our form of government, the rights of the people, and the character of this body demand that the Representative should be at liberty to proclaim and advocate here his views on questions of a public character freely and fearlessly, whether they chance to be popular or unpopular. I have

regretted to observe that while this important question was under consideration, while we were deliberating whether we should expel a Representative of the people for expressing in respectful language his opinions on public questions here, there were American citizens in this Hall so dead to what is due to the place and to the question as to manifest in clamorous applause their approval of the proposition for suppressing free debate here. Let not the lessons of the French Revolution be lost upon the American people. The Chamber of Deputies intended, doubtless, at the outset to relieve the French people from serious burdens and give them a free Government. But by yielding to passion and popular clamor it soon became not a deliberative body to guide and control, but a body to register the decrees of the excited populace. They gave neither freedom nor peace to the French people, but a despotism arose out of the disorder which ensued, beneath which liberty was crushed, and the sons of France were dragged at the will and to subserve the ambition of one man over Europe, drenching it with their blood, and leaving mourning in every household in France. Let us and our people take warning of the danger of giving way to passion, excitement, and undue partisan feeling in times like these. For the sake of our free system of government, and that free discussion among the people, and free debate in our legislative bodies, without which our institutions and liberties cannot long be maintained, let us disregard popular clamor and partisan feelings in deciding whether a Representative of the people shall be expelled for expressing here in an orderly manner opinions upon public questions. Heaven forbid that this Government, under which every citizen has been protected in his rights and been prosperous and happy until this rebellion broke out, should be overthrown, as many a thoughtful man begins to fear it may be although his hope and prayer is that it may not; but if that should be its fate I for one desire to have the consolation of having decided every question according to my judgment, unbiased by the fear of unpopularity on the one hand or the hope of clamorous applause on the other.

The gentleman from Ohio [Mr. LONG] in Committee of the Whole on the state of the Union, the President's message being under consideration, on an occasion when it was entirely proper for him to express his views as to the war, did so. The question is, have we a right to and shall he be expelled for doing so? I beg of members to recollect that we are not to pass upon the correctness of his opinions, or whether we deem them wise or patriotic. As a Representative, and honestly entertaining them, had he not a right to express them here? Had he not a right to try to convince his fellow-members that his views were correct and that they were wrong? If not, then this is not a deliberative body, and debate here is a farce; no opinions can be expressed and maintained here unless they are in accordance with the views of the majority. A Representative believes the policy which the majority is pursuing is destructive of the best interests of the people, that it will lead to no good result, and here in the council of the nation, where it is his right and duty to speak, he proposes and advocates a different policy. Conceding that he is wrong, should he be expelled? Has a majority or two thirds of this House a right to expel him because they think his views erroneous or unpatriotic? If so, what becomes of the freedom of discussion? Where are the rights of minorities here or among the people? His erroneous views should be controverted by arguments, but we have no right by expelling to silence him or to attempt to stifle the voice of his constituents if he speaks their sentiments; and whether he does or not is a question between him and them.

If one citizen or a hundred send to this body a respectful petition praying for precisely what the member [Mr. LONG] has argued, we are bound to receive it. At a former period, when the country was peaceful and happy, when there seemed to be no reason for talking of dissolving this Union and no possible contingency to warrant agitation for that purpose, petitions by citizens of Massachusetts, praying for a dissolution of the Union, were sent to Mr. Adams, a Representative in this body; he presented them and moved a committee for their consideration; and when there was an attempt made to expel or censure him those who made it were abashed and cowed by the excoriation which they received as the eloquent old man vindicated the right of petition in the citizen and the right and duty of the Representative to present his petition here. If a petition to dissolve the Union then could be presented, surely it may be now; and if the people have a right to present a petition they have a right to send a Representative here to advocate their views in proper terms, and we have no right to expel him for doing so.

But without regard to precedents, upon the principles that underlie the Government and which must be recognized in this as a deliberative legislative body, examine the question. The country is engaged in a war to suppress a rebellion. It has become a fearful war in the destruction of life and property. A Representative of a portion of the people who are waging this war, on a suitable occasion for the consideration of the question, argues to this body that the war should not be further prosecuted; that it will not be successful in restoring the Union of the States, and that the independence of the insurgents should be acknowledged, and peace thus secured. We think his proposition unwise and unpatriotic. But the question is one of the questions to be decided by this House. Every time we vote supplies to maintain the Army we decide in favor of continuing the war to put down the rebellion, and try to restore and preserve the Union under the Constitution. Is the member from Ohio [Mr. LONG] to be expelled for differing from the majority, or even for differing with every other member on this question which comes properly before us for decision? If so, it will occur that in exciting times, in regard to vital questions of public policy, the Representative who feels bound to advocate unpopular views will not be overborne by reason and argument, but will be expelled and thus silenced. You will have no debate except that which runs in the one groove, the majority silencing by mere numerical power all who oppose them. I do not wish to see such a state of things in this country within or without this House.

Take, for instance, the last war with Great Britain. We went to war, the whole nation went into that war, in the right spirit, saying that we would carry it on until Great Britain gave up the claim she made of taking our sailors from beneath our flag because they were born upon her soil. We carried on that war for the purpose of forcing her to acknowledge that our flag protected those beneath it. We believed, and we had the right to believe, that it was due to us to carry on that war until our flag should be respected. Yet if a man had come into this Hall and advanced the argument that we had better let them take our sailors from beneath our flag rather than further to carry on the war, although such an argument would have been strongly against the popular feeling, although the people believed it to be unpatriotic and wrong, yet could you expel a man for arguing that which he believed to be right?

During that war I recollect a man by the name of Jeremiah Mason, one of the ablest lawyers sent from New England to the Congress then sitting in this Capitol. I read a speech made by him not long since, in which he alleged that the then proposed conscription act was unconstitutional and tyrannical; that he believed the people would resist it, and that they ought to resist it. Yet nobody attempted to expel him. It might well have been claimed that this language was seditious, especially in time of war. I do not refer to these illustrations as precisely parallel cases. I merely refer to them for the purpose of saying that whether this Representative [Mr. LONG] is right or wrong, whether we think him patriotic or otherwise, whether we think him one way or the other as to loyalty, the question is, and the only question before us is, can we expel a member here because he believes a certain policy wise and gets up in this Hall and advocates it?

Mr. Speaker, if that shall come to be the rule of action in representative bodies like this, then, believe me, the reign of faction, clamor, and disorder will follow. Not that such is the intention, or that such will be the immediate result, but we shall have stricken down that honest and fearless discussion which is the life of liberty. Why, sir, if the members of this House are to be intimidated for advocating a course of policy which they believe to be right, from fear of expulsion or from fear of censure by this body, then the minority will have surrendered all their rights, or, if they do not, there will be nothing but efforts to expel them. I believe it should be a very remarkable case to justify us in passing censure upon any gentleman occupying a seat upon this floor, sent from any constituency within a loyal State, for words decorously spoken expressing his opinions in debate. Although he may express what I believe to be wrong, what I believe to be most unpatriotic, what I believe to be against the best interests of the Government, and contrary to our duty as Representatives, I would not censure him for the expression of such opinion. I would rather bear the evil which may result from the expression of improper sentiments, than to inaugurate here the principle that because two thirds of us differ with a Representative we will drive him out of the Hall, instead of arguing and voting him down. That is not the theory or practice which I have supposed wise to inaugurate under our Government. I have supposed that as long as members were debating subjects under consideration, no matter what views they might express as to the policy of the Government, it was not wise or right for us to censure or expel them for the expression of erroneous or improper opinions.

The Constitution declares that "Congress shall make no law abridging the freedom of speech or of the press." If the opinions of the gentleman from Ohio [Mr. LONG] can be expressed or discussed anywhere in the country, they certainly may be here. Can we rightfully prohibit the people at home, far away from the Army, where they cannot create any special injury, from expressing the opinions expressed here by him? Certainly not. Upon what principle then can we expel him for uttering them here? This is the body to decide upon questions of peace or war, upon all questions of public policy; and is a Representative to be expelled or punished by a resolution of censure for expressing his opinions on these subjects? Mr. Lincoln himself said there must be an end of all wars; that we could not fight always. I trust the time will never come when we must surrender the hope of restoring and preserving this Union. But unless we shall be able to bring this war to a successful close within a reasonable time, no man doubts that the question of having peace upon other terms than the restoration of the Union under the Constitution will have to be discussed and decided. I hope that by success in the field and wisdom in our councils such a question will be avoided; that we shall succeed in reëstablishing the authority of the Constitution and bring those in rebellion under its authority. But I do not believe it will tend to that result to expel a member for holding a different opinion from ourselves. I do not think we shall restore the Union by occupying the time of the House in turning Representatives of the people out of this Hall for opinions expressed on a subject under debate.

Mr. DAVIS, of Maryland. Mr. Speaker, since a disposition has been manifested to avoid the question before the House, I desire to call your attention to that question before I follow the gentlemen on the other side in the rather irrelevant discussion in which they have indulged. It is not whether in the House of Representatives of the United States of America freedom of opinion is secured by law, nor whether the freedom of speech and of the press is the constitutional right of the American citizen, but whether the gentleman who delivered the speech now in question is a fit and worthy member of this House; not whether, out of doors, in his private capacity, he would be entitled to entertain and as an individual to express the opinions which he has uttered here, but whether as a legislator charged to protect the interests of the people, sworn to maintain the Constitution of the United States, he has not avowed a purpose inconsistent with those duties, a resolution not to maintain but to destroy; a determination not to defend but to yield up undefended to the enemies of the United States what he was sent here to protect. That is the question, and that is the only question which has not been discussed by the defenders of the gentleman from Ohio.

They tell us words cannot be the subject of animadversion under the rules of this House, nor under the Constitution of the United States! What becomes of the resolution declaring the member

from Maryland [Mr. HARRIS] to be an unworthy member of this House, adopted by their votes on Saturday? What becomes of the solemn adjudication as far back as 1842, when a majority of this House asserted the right to censure Joshua R. Giddings, not for introducing a petition to dissolve the Union, but for offering resolutions for the consideration of this House declaring that the mutineers of the Creole were not responsible for any criminal act under the laws of the United States, interpreted by the resolution of censure into a justification of mutiny and murder?

It is the judgment of this House, and therefore not necessary to be argued by me, that words may prove criminality when they reveal a criminal purpose; and, if they are sufficiently criminal, that they may be visited first by censure, and, if they judge it only an adequate punishment, by expulsion from the House. I do not envy the gentlemen who refused to expel the gentleman from Maryland for language uttered in the presence of us all, which they immediately after voted to declare tended and was designed to give aid and encouragement to the public enemies of the nation, and therefore he was an unworthy member of the House. Sir, it would seem to have been the logical conclusion that if he is an unworthy member of the House he ought not to be suffered to remain in it, and that gentlemen who so thought would have so said on the first vote for expulsion. How gentlemen will reconcile that glaring inconsistency to their constituents, how they who have declared the gentleman from Maryland an unworthy member but that he should remain a member, who asserted the right to punish by inflicting punishment but refused the only adequate penalty for the offense of which they voted him guilty, will justify themselves in the face of their own votes, it is for them to consider. It would be cruel to aggravate their embarrassments by any observations. *Ab hac scabie teneamus ungues.*

But it remains conceded by the votes of our opponents that in spite of the Constitution of the United States, in spite of the conceded freedom of opinion, in spite of the conceded freedom of speech, words are and may be here, not out of doors, but here in this House, here upon a subject before the House for consideration, here where everybody has the right to express his views upon every measure before the House, words are and have been adjudged by the votes of our opponents to be criminal, may be punished, and have been punished within two days.

The measure of judgment is a matter of discretion. The Constitution says that with the consent of two thirds either House may expel a member, and that means not capriciously but for some wrong, for misconduct, for acts, for words, for purposes, for avowals inconsistent with his duty on this floor, tending to show that he is not a safe depositary of the great powers of a Representative; and the only constitutional criterion of what is and what is not adequate cause of expulsion is the judgment of two thirds of this House.

If that be so, the only further question we have to ask is, whether the gentleman from Ohio, respectable as he is in his private relations, respectable as has been his conduct in this House, honestly as his convictions may be entertained, has not placed himself beyond the pale of that protection which this House accords to freedom of speech, not by speaking as he ought not to have spoken, but by avowing himself in favor of the destruction of the nation.

Now, what is the charge against him? That his judgment is that there are but two alternatives: one, the extermination of the enemies of the United States, and the other the destruction of the United States itself, which he puts in the form of a recognition of the southern States as an independent Government. And not resting on that mere declaration of opinion, and the alternative resting in his own mind, he goes further and says that of the two he preferred the latter. That means, "*I*, here, a Representative, charged and sworn to the extent of my whole influence in the legislation of this House to protect and maintain the integrity of the nation, have come to the conclusion, in the midst of a great war, when the existence of the nation is at stake, that, rather than exterminate the enemies of the nation, I will exterminate the nation." He proclaims himself the friend of the enemies of the nation, and an enemy himself of the United States. He avows it his purpose to destroy it at the first opportunity, to the extent of his vote. The rebel chiefs proclaim independence or extermination the only alternatives. The gentleman from Ohio declares extermination or independence the only alternatives. The rebel chiefs prefer the recognition of their independence to their extermination. The gentleman from Ohio avows himself for recognition and against extermination; and recognition of the southern confederacy means the dissolution of the United States. The Constitution proclaims the perpetuity of the Union; and that Constitution recognizes no dissolution, no end of its existence. Sworn to maintain that Constitution, he now says: "In violation of a solemn oath, in spite of the duty I am sent here to discharge, rather than maintain it to the extent of exterminating its enemies, I will destroy it."

Now, that is the case stated in plain language. It has not been stated here before to-day. And the question which we are bound as gentlemen and as legislators to determine is, whether a gentleman, acknowledged to be respectable, believed to be sincere, entertaining and avowing purposes which do not differ from those of the chief of the rebel confederacy, or of the men in armed array beyond the Potomac bent on ejecting us from this Hall, is the fit companion of gentlemen here, a fit depositary of his constituents' vote, a safe person to be intrusted here with the secrets of the United States, a worthy guardian of the existence of the Republic. Are we to be seriously told that the freedom of speech screens a traitor because he puts his treasonable purposes in words? Does the Constitution secure the right of our avowed enemies to vote in this Hall? May a man impudently declare that his purpose here is so to vote as to promote the success of the rebellion, to embarrass and paralyze the Government in its suppression, to secure its triumph and our overthrow, to bring the armed enemy to Washington, or arrest our Army lest it exterminate that enemy? Then why do not the congress at Richmond adjourn to Washington, push us from our stools, and by parliamentary tactics, under the Constitution, arrest the wheels of Government? You could not expel them! Sir, that picture is history, recent history. In 1860 that side of the House swarmed with the avowed enemies of the Republic. One after one, as their stars dropped from the firmament of the Union, they went out; some with tears in their eyes over the miseries they were about to inflict; some of them with exultation over the coming calamities; some of them with contemptuous lectures to the members in the Hall; some stayed behind to do the traitor's business in the disguise of honest legislators in both Houses as long as they dared. One disgraced the Senate for one long session after armed men were soaking their native soil with their blood, and now he is in the ranks of our enemies.

Are we to be told that gentlemen, entertaining not these opinions but these purposes, resolved to the extent of their power to paralyze the Government, and only limited in what they can do by what it may be safe to do, must be allowed not merely to be members of the House, but to rise and insolently fling in our faces the avowal of their enmity, and invoke the Constitution of the United States in order that they may stab it to the heart? Shall men rise here and be allowed to express, whether in one form of phraseology or another, as may best aid the public enemy, their desire for the triumph of the rebel cause, and that, being too tender-hearted to wish that the enemies of the United States may be exterminated, they prefer our ruin? And is it to be said that that comes within the broad shield of the freedom of public opinion, the right of debate, the freedom of speech? Why, sir, it is not opinion that we complain of. It is not liberty of speech that we wish to restrict. On the contrary, I thank the gentleman [Mr. LONG] for his speech, for it revealed an enemy, and an avowed is more respectable than a concealed foe. He is more frank than the gentleman from New York, [Mr. FERNANDO WOOD,] who, with similar sentiments, conceals them. He is more manly than that gentleman from New York, who on Saturday rose before the House with a paper in his hand, declaring it to be the identical sheet from which the gentleman from Ohio read, read it flauntingly in the face of the House, and declared that he concurred in every word of it, and that if the House expelled the gentleman from Ohio it must expel him also, but to-day, frightened by the explosion of the indignation of the House on the head of the gentleman from Maryland, was careful to say that he did not at all agree with the opinions for which the gentleman from Ohio is called in question. Commend me, sir, to an open adversary; I can respect the one, I cannot have so much respect for the other. It is not for the freedom of the avowal, it is the entertaining the judgment which he does avow; it is not that he violated the orders of the House, it is because he violates the law of the country for his purpose to destroy it, that the gentleman from Ohio is arraigned. We do not punish him by saying what he did, we punish him for meaning what he declares he does mean to do. And that is what we are called upon to do by the highest considerations of public policy, the plainest dictates of patriotic duty.

Oh! but we are told that it touches the rights of his constituents. Let his constituents have an opportunity to pass upon that, after this declaration of purpose. But we must have mutual consideration for each other! Why, certainly, sir. But how far? Is there no end to patience? Is there no avowal showing criminal intent which wisdom requires we should guard against beforehand? What do you suppose would be the fate of a man sitting in the capitol at Richmond who should arise there and propose to recognize the supremacy of the United States? Do you suppose that the freedom of debate which gentlemen have enjoyed on this floor would have been tolerated, even if desired by anybody? Is it not certain that he would have been expelled, if he lived long enough for the vote of expulsion to be taken? Suppose that in the French Assembly, when the life of France was at stake, as the life of this nation is now at stake, and when heroic men were struggling to maintain it, some one had arisen and proposed to call back the Bourbons, and place the reins of Government in their hands—how long would he have remained a member of that body? Suppose that the day before the battle of Culloden, or the day after the battle of Preston Pans, some Jacobite had arisen in the House of Commons of England and declared himself of the opinion that the Pretender could not be expelled without the extermination of the Jacobites, and that therefore they should place him on the throne of England! Do you think the traditional liberty of speech in England would have saved him from summary expulsion? Do you think there is any law in England that could have stood between him and, not expulsion, but death? Would not the act have been considered a crime, and the declaration of it in Parliament have been considered but an aggravation of the crime, demanding his expulsion? Would not the vote of that body have been instantaneous, and his execution swifter than that vote?

Are we to be told here that men are to rise in this Hall, where the guns of the impending battle will echo in our ears, when we only sit here because we have one hundred and fifty thousand bayonets between us and the enemy; when Washington is a great camp, the center of thirty miles of fortifications stretching around us for our protection; are we to be told that here, within this citadel of the nation, an enemy may beckon with his hand to the armed foe, assuring him of friends within the people's Hall, at the very center of power, and we cannot expel him?

Sir, let me say to this House that if it were a constitutional right so to speak, in my judgment this is one of those cases which so far transcends the ordinary rules of law, one of those cases which carries us so near to the original right of self-defense, one of those cases which appeals so directly to the inalienable right of self-protection, that without law and in spite of law the safety of the people requires his expulsion, and I would be one to do it. But, sir, I do not think the Constitution does confer the right so to speak. I think we are within the limits of written law which the wisdom of our forefathers gave us with which to protect ourselves in every emergency, and this among others. And the only question is whether the patriotism of this House goes to the extent of two thirds of its members to rid it of the presence of an avowed public enemy. That, and that alone, is the question.

But, Mr. Speaker, we are told that this is a

question of opinion. It may be such. If it be, it is one of those questions of opinion that nobody in this country has a right to be on more than one side of. On one side is patriotism, duty, and an oath. On the other is treason, crime, and perjury. Is it our duty for the protection of a man in his opinion to allow him to destroy the nation we are trying to defend? Where, in the record of nations, do you find an illustration of that position? By what examples in history do you defend it? By what precedent of statesmanship? The great name of Chatham has often been invoked in this debate, and his words as often misquoted. The great name of Chatham is invoked and desecrated to cover this avowal of preference for the enemy over the country. His example is wretchedly misunderstood. Doubtless his voice was lifted in warning tones against taxation without our consent, and still fiercer against war to enforce it. His example might be pleaded for moderation and respect for the rights of our southern fellow-citizens; but they have not been violated. But never, never to sanction a division of the Republic. His example is the bitterest reproach to those who claim its protection. After years of war unjustly begun and weakly waged, when exhausted England sank before the combined arms of America and France, and the Duke of Richmond rose in the House of Lords to move for peace with America, the patriotic soul of Chatham was stirred within him at the thought of the humiliation and division of that empire whose limits he had expanded and whose name he had decorated; and, frail and dying, his legs swathed in flannel, his crutch in his hand, he was borne to the House of Lords in the arms of his great son to lift his last voice in execration of the folly which had brought England to such humiliation, and to enter his dying protest against the recognition of American independence, already secured in fact by the sword. His English heart had no fear of exterminating the enemies of England in the holy work of maintaining the integrity of her empire. Sir, I accept the example, and I commend it to the consideration of the patriotic gentlemen on the other side of the House. I beg them to read a little further than they seem to have done, the history of this English statesman. Freedom of opinion! Surely, sir, opinion is the life of our nation. It is the measure of every right, the guarantee of every privilege, the protection of every blessing. It is opinion which creates our rulers. It is opinion that nerves or palsies their arms. It is opinion which casts down the proud and elevates the humble. Its fluctuations are the rise and fall of parties; its currents bear the nation on to prosperity or ruin. Its free play is the condition of its purity. It is like the ocean, whose tides rise and fall day by day at the fickle bidding of the moon; yet it is the great scientific level from which every height is measured—the horizon to which astronomers refer the motion of the stars. But, like the ocean, it has depths whose eternal stillness is the condition of its stability. Those depths of opinion are not free, and it is they that are touched by the words which have so moved the House. Men must not commit treason and say its guilt is matter of opinion and its punishment a violation of its freedom. Men cannot swear to maintain the integrity of the nation and avow their intention to destroy it, and cover that double crime by the freedom of speech. *That* is to break up the fountains of the great deep on which all Government is borne, and to pour its flood in revolutionary ruin over the land. To punish that is not a violation of the freedom of opinion or its expression. It is to protect its normal ebb and flow, its free and healthy fluctuations, that we desire to relieve it from the opprobrium of being confounded with the declarations of treasonable purposes here in the high and solemn assemblage of the Union.

The free expression of opinion! I am at a loss to know how the opinions of Abraham Lincoln, or Horace Greeley, or Wendell Phillips, or the gentleman from Ohio, [Mr. SCHENCK,] or Mr. Chase, if truly quoted, and equally criminal with those now arraigned, can extenuate their guilt or shield their author from the indignation of the House. Their guilt is not his innocence. If he imitated their guilt, let him follow their repentance. The time which they have devoted to atoning for error by patriotic services he has dedicated to indurating his error and accomplishing his unpatriotic purposes. But I am not concerned to vindicate in them what I condemn in him. I execrate the avowal equally in every mouth; and if their guilt is beyond my judgment that of the gentleman from Ohio is not.

I can well understand how such examples may serve to vindicate the Democratic party or to delude an ill-informed crowd and teach them that treason is error of opinion and not a crime; but they cannot be successfully urged here before the gentlemen of the House of Representatives to vindicate the gentleman from Ohio; nor even, sir, can it vindicate the Democratic party from the charge of more sympathy with the enemies of the country than with the country itself. The people will laugh at this attempt to impeach the loyalty of the friends of the Administration. They will see in this zealous defense of the gentleman from Ohio only another proof of Democratic sympathy with his views and purposes, hitherto invariably manifested wherever they have been in power. Where have they had power that they have not exhibited their sympathy with the enemies of the Republic? I admit there are honorable exceptions. I admit there are cases of honest delusion. I suppose there are cases of unconscious sympathy. I cannot doubt the prevalence of a criminal interest in the triumph of the rebels. I shall not discriminate one from the other. I speak of the party and its conduct. Where, since the war broke out, from the time that James Buchanan disgraced the American name by his message declaring, as gentlemen on that side of the House declare now, this war is waged in violation of the Constitution, there is no power to coerce a sovereign State, down to this day, is there a Democratic Governor or Legislature which, until warned by the indignant voice of the people, has not tried to embarrass and discredit the Government and to give aid and encouragement to its enemies?

The disavowals of individuals cannot extenuate the conduct of Legislatures and Governors. The prudence or cunning of caucuses or Congressmen, since the chastisement of 1863, cannot make the people forget the conduct which provoked it. Will they ever forget the Legislature of Indiana and its votes on the resolutions for armistice and peace, which swarmed before it; or the Legislature of Illinois and the bill to strip the Governor of his just military authority; and the resolutions for an armistice and a convention at Louisville of western and rebel States, to dictate terms to the United States, actually adopted, I think, by one House; or the New Jersey Legislature, which sent Wall of Fort Warren to the United States Senate, and was ready to adopt peace resolutions, but for an accidental adjournment which enabled the members to gather the whisperings of their indignant constituents? How have they expressed their sympathies on the side of the United States, unless by attempting to array the State authorities against the United States, to excite the prejudices of the people against the necessary suspension of the *habeas corpus*, to represent the assertion of the supremacy of the United States courts and officers in the enforcement of United States laws as invasions of the rights of the States? What Democrat in Pennsylvania did not vote for Woodward? What Democrat in New York did not vote for Horatio Seymour? What Democrat in Connecticut did not vote for Seymour of Connecticut? What Democrat in Ohio did not vote for Vallandigham? It is vain to attempt to conceal it. The history of that party during the war proves the declaration made on this floor that there is no such thing as a Democratic party for the war. There is the greatest variety of judgment at this time from those who, like the gentleman from New York, [Mr. KERNAN,] have a love for the Union and fail when he comes to vote on it, down to those who, like the gentleman from Maryland, [Mr. HARRIS,] glory in the failure of the armies of the United States to conquer the States in rebellion.

The gentleman from New York [Mr. KERNAN] who last spoke, and whose earnest tones all must have felt, declared himself ready to do all in his power to suppress the insurrection, and yet failed to vote for the conscription bill, the indispensable condition to the prosecution of the war. That is the type of the war Democrat! Very earnest in vague generalities for the war, equally earnest in decrying the policy of the Administration, but, having exhausted their earnestness on those topics, are so unable on any practical measure to tear themselves away from party association, so penetrated with valetudinarian views or perverse judgments on the Constitution of the United States, that their aid is more embarrassing than their opposition.

Mr. W. J. ALLEN. I ask to make an inquiry. I want to know what the gentleman charges against the Illinois Legislature?

Mr. DAVIS, of Maryland. The gentleman must pardon me; I cannot yield now.

Mr. Speaker, if it be said that a time may come when the question of recognizing the southern confederacy will have to be answered, I admit it; and it is answering the strongest and the extreme case that gentlemen on the other side can present. I admit it. When a Democrat shall darken the White House and the land; when a Democratic majority here shall proclaim that freedom of speech secures impunity to treason and declare recognition better than extermination of traitors; when McClellan and Fitz John Porter shall have again brought the rebel armies within sight of Washington city and the successor of James Buchanan shall withdraw our armies from the unconstitutional invasion of Virginia to the north of the Potomac; when exultant rebels shall sweep over the fortifications and their bomb-shells shall crash against the dome of the Capitol; when thousands throughout Pensylvania shall seek refuge on the shores of Lake Erie from the rebel invasion, cheered and welcomed by the opponents of extermination; when Vallandigham shall be Governor of Ohio, and Bright Governor of Indiana, and Woodward Governor of Pennsylvania, and Seymour Governor of Connecticut, and Wall be Governor of New Jersey, and the gentleman from New York city sit in Seymour's seat, and thus, possessed of power over the great center of the country, they shall do what they attempted in vain before in the midst of rebel triumphs—to array the authorities of the States against those of the United States; to oppose the militia to the Army of the United States; to invoke the *habeas corpus* to discharge confined traitors; to deny to the Government the benefit of the laws of war, lest it exterminate its enemies; when the Democrats, as in the fall of 1862, shall again, with more permanent success, persuade the people of the country that the war should not be waged till the integrity of the territory of the Union is restored, cost what it might, but that such a war violates the spirit of free institutions, which those who advocate it wish to overthrow, it should stop, for the benefit of the Democratic party, somewhere this side of absolute triumph, lest there be no room for a compromise; when gentlemen of that party in New York shall again, as in November, 1862, hold illegal and criminal negotiations with Lord Lyons, and avow their purposes to him, the representative of a foreign and unfriendly Power, and urge him to arrange the time of proffering mediation with a view to their possession of power and their preparation of the minds of the people to receive suggestions from abroad; and when mediation shall appear, by the event, to be the first step toward foreign intervention, swiftly and surely followed by foreign armed enemies upon our shores to join the domestic enemies; when the war in the cars shall begin, which was menaced at the outbreak of the rebellion, and the friends of Seymour shall make the streets of New York run with blood, on the eve of another Gettysburg less damaging to their hopes; when the people, exhausted by taxation, weary of sacrifices, drained of blood, betrayed by their rulers, deluded by demagogues into believing that peace is the way to union and submission the path of victory, shall throw down their arms before the advancing foe; when vast chasms across every State shall make apparent to every eye, when too late to remedy it, that division from the South is inauguration of anarchy at the North, and that peace without union is the end of the Republic—THEN the independence of the South will be an accomplished fact, and gentlemen may, without treason to the dead Republic, rise in this migratory House, wherever it may then be in America, and declare themselves for recognizing their masters at the South rather than exterminating them! Until that day, in the name of the American nation; in the name of every house in the land where there is one dead for the holy cause;

in the name of those who stand before us in the ranks of battle; in the name of the liberty our ancestors have confided to us, I devote to eternal execration the name of him who shall propose to destroy this blessed land rather than its enemies.

But until that time arrive, it is the judgment of the American people there shall be no compromise; that ruin to ourselves or ruin to the southern rebels are the only alternatives. It is only by resolutions of this kind that nations can rise above great dangers and overcome them in crises like this. It was only by turning France into a camp, resolved that Europe might exterminate, but should not subjugate her, that France is the leading empire of Europe to-day. It is by such a resolve that the American people coercing a reluctant Government to draw the sword and stake the national existence on the integrity of the Republic, are now anything but the fragments of a nation before the world, the scorn and hiss of every petty tyrant. It is because the people of the United States, rising to the height of the occasion, dedicated this generation to the sword, and pouring out the blood of their children as of no account, and avowing before high Heaven that there should be no end to this conflict but ruin absolute or absolute triumph, that we now are what we are; that the banner of the Republic still pointing onward floats proudly in the face of the enemy, that vast regions are reduced to obedience to the laws, and that a great host in armed array now presses with steady step into the dark regions of the rebellion. It is only by the earnest and abiding resolution of the *people* that whatever shall be our fate, it shall be grand as the American nation, worthy of that Republic which first trod the path of empire and made no peace but under the banners of victory, that the American people will survive in history.

And that will save us. We shall succeed and not fail. I have an abiding confidence in the firmness, the patience, the endurance of the American people; and, having resolved to stand in history on the great resolve to accept of nothing but victory or ruin, victory is ours. And if with such heroic resolve we fall, we fall with honor, and transmit the name of liberty committed to our keeping untarnished, to go down to future generations. The historian of our decline and fall, contemplating the ruins of the last great Republic, and drawing from its fate lessons of wisdom on the waywardness of men, shall drop a tear as he records with sorrow the vain heroism of that people who dedicated and sacrificed themselves to the cause of freedom, and by their example will keep alive its worship in the hearts of men till happier generations shall learn to walk in her paths. Yes, sir, if we must fall, let our last hours be stained by no weakness. If we must fail, let us stand amid the crash of the falling Republic and be buried in its ruins, so that history may take note that men lived in the middle of the nineteenth century worthy of a better fate, but chastised by God for the sins of their forefathers. Let the ruins of the Republic remain to testify to the latest generations our greatness and our heroism. And let Liberty, crownless and childless, sit upon these ruins, crying aloud in a sad wail to the nations of the world, "I nursed and brought up children, and they have rebelled against me." [Great applause on the floor and in the galleries.]

Mr. FINCK obtained the floor.

Mr. WASHBURNE, of Illinois. Will the gentleman yield to me for a motion to adjourn? ["No, never! never!" from the Democratic side of the House.]

Mr. FINCK. I yield for that purpose.

Mr. WASHBURNE, of Illinois, (at ten o'clock, p. m.) I move that the House do now adjourn.

Mr. SCHENCK. I hope the House will not adjourn.

Mr. COLFAX. I hope not. I hope that the motion to adjourn will be voted down.

The question was taken; and there were, on a division—ayes 49, noes 74.

So the House refused to adjourn.

Mr. FINCK. Mr. Speaker, it is not my purpose to detain the House very long. But there are some questions to which I wish to direct the attention of the House and of the country. I do not regard the question of this resolution as involving the approbation or disapprobation, by the House, of the positions assumed and discussed by my colleague, [Mr. LONG.] It is altogether a different and distinct question from that. I do not myself, Mr. Speaker, concur, as I understand my colleague, in all the views and positions assumed and expressed by him last Friday. I am to-day, as I have been from the beginning, opposed to secession. I do not believe that any such right exists under our form of Government. I am to-day, as I have been from the commencement of this unfortunate difficulty, opposed to an acknowledgment of the independence of the so-called confederate States. I hold to-day, as I have held from the beginning—in direct conflict with the distinguished gentleman from Pennsylvania, [Mr. STEVENS]—that these confederate States are not outside the Union, and do not constitute a distinct and foreign nation.

My colleague from the second district, in a manly, open, frank, and candid manner, stated distinctly to the House and to the country, that he but expressed his own views and opinions when he spoke to this House. I believe, sir, I know, that my own constituents are opposed to secession, or to a recognition of the so-called confederate States. I believe that the Democracy of the great Northwest, and the great Democratic party of the country, are not to-day, and have not been from the beginning, in favor of the recognition of the confederate States. And although I believe that this unfortunate war could have been avoided by fair, just, and honorable compromises between the two sections of the country; that the only obstacle which prevented that compromise came from the Republican members of Congress; and that to them is to be charged the defeat of the compromises offered by the lamented statesman from Kentucky, (Mr. Crittenden,) yet, sir, great armies are in the field; they now confront each other, and we are on the eve of terrible battles, and I trust that whenever these battles do take place, the armies of the North shall be successful, and that the old flag may be carried in victory wherever it goes. But, sir, candor and frankness require me to state, that I do not believe—and I declare it before Heaven and the country—that force alone can preserve the Union or restore those States; that to the sword must be added conciliation—to the sword must be added prudent and wise statesmanship, alas! such statesmanship as has not yet been exhibited by this Administration. The people of this country require the inauguration of a system of conciliation by which both peace and the Union may be restored.

Sir, I have stated that the question under debate is not the question as I understood it to have been stated by my colleague from the nineteenth district the other day, [Mr. GARFIELD,] that those who vote against the resolution for expulsion vote to indorse the views and sentiments expressed by my colleague, [Mr. LONG.] That is too narrow and restricted a position to be assumed on this resolution. This view would sink the question far below its true dignity and significance. It involves considerations very different from that. It involves a principle, Mr. Speaker, which lies at the very base of our institutions. It is a question whether the people's representatives in this Hall have the right to discuss, untrammeled, all the public measures that are the subject of legitimate discussion. That is it, nothing less, nothing more.

Are we to be told, Mr. Speaker, that the grave questions of peace and war cannot be discussed here? What questions, I ask, are of greater importance to the people than questions of peace and war? There is nothing which so deeply affects a Government as the questions of peace or war, and especially in this House where we are called upon day after day to vote upon questions relating to this war and to the policy of the Administration, is it most important that the broadest liberty and freedom of debate should be awarded to every member upon this floor.

Mr. Speaker, the day when this great right of the people shall be stricken down in this Hall will be one of the saddest days in American history. Why, sir, there is something most strange in the conduct of gentlemen upon the other side of the House in relation to this question. On last Friday, when my colleague [Mr. LONG] was proceeding with his speech, the hour expired, and by unanimous consent he was allowed to go on and conclude his remarks; and who, I ask you, made the motion to extend the time? Why, the distinguished gentleman from the Galena district of Illinois, [Mr. WASHBURNE.] That gentleman sprung to his feet to ask that the time of my colleague might be extended.

And, sir, the country ought to know another fact which occurred within this Hall, while these outbursts of patriotism have been uttered and sent abroad from the other side of the House while they have been boiling over with patriotic indignation at what they are pleased to designate as the treasonable sentiments uttered by my colleague. I find that they have been most liberal in their subscriptions for that speech. One of my colleagues on that side [Mr. ASHLEY] has subscribed for five hundred copies. The distinguished gentleman on the Military Committee [Mr. GARFIELD] subscribed for one hundred copies. Is not that most strange and inconsistent?

Well, Mr. Speaker, I have an idea of this kind—a little secret—which I think I will speak to the House and to the country. I rather suspect that, mixed up with all this patriotic Fourth of July declamation on the other side of the House, there is an undercurrent of partisan feeling and purpose. Do not you think so, sir? Why, sir, when my colleague from the nineteenth district [Mr. GARFIELD] arose and called for a white flag to be brought down the aisle and placed between himself and my colleague from the second district, I did not know but that some grand tragedy was about to be enacted. I thought so when he quoted Milton's Paradise Lost; but when I learned he had subscribed so liberally for that speech, my apprehensions of a tragedy vanished.

If that speech gives aid and comfort to the enemy, why do gentlemen on the other side of the House give so much aid and comfort to the speech? I want the country to know and understand these facts.

Well, sir, I want the country to know another thing. During the last Congress, on the 27th day of January, 1863, while armies were confronting each other, maintaining about the same relative position as now, our brothers, our sons, our friends were in the Army of the North, and I believe the opposing army was then nearer the capital than it is to-day, and what was the scene which was then witnessed in this House? A gentleman upon the other side of the House rose in his place and proposed to stop the war at once and to recognize the independence of the confederate States. Was there any indignation upon the other side of the House on that occasion? Yet upon that day, as I have said, a member of this body on that side of the House proposed deliberately that this war should terminate at once, and that the President should be authorized at once to open negotiations with the confederates for the purpose of their recognition. Where is the evidence of the outburst of patriotic indignation on that occasion? It is perhaps a calamity that the distinguished gentleman from Maryland [Mr. DAVIS] was not here then to have poured out his denunciations upon the gentleman who made that proposition. I wonder, I am surprised, why some patriotic gentleman on the other side did not arise in his place and ask for the immediate expulsion of the gentleman from Kansas, (Mr. Conway.) Why, sir, were not these speeches—partisan speeches, unworthy of a deliberative assembly—made then? Now, what did Mr. Conway say and propose in that speech of the 27th of January, 1863. I beg the attention of the House while I quote from that speech. He says:

"Nevertheless I cannot refrain from expressing my individual opinion that the true policy of the North is to terminate this war at once. The longer its continuance the worse our situation becomes. Let the two Houses of Congress adopt the following resolutions:

"*Resolved by the Senate and House of Representatives, &c.*, That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive.

"*Resolved*, That the Executive be, and he is hereby, further requested to enter into negotiations with the authorities of the confederate States with reference to a cessation of hostilities based on the following propositions: 1. Recognition of the independence of the confederate States. 2. A uniform system of duties upon imports. 3. Free trade between the two States. 4. Free navigation of the Mississippi river. 5. Mutual adoption of the Monroe doctrine."

There, sir, is a direct proposition for the recognition of the independence of the confederate States. Where, let me ask, were the gentlemen then with their resolutions of expulsion? Is it not most strange, Mr. Speaker, that a year ago, while

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 13, 1864. NEW SERIES.....No. 98.

opposing armies were in the field, while the rebel forces were nearer Washington than they are to-day, a gentleman could rise on that side of the House and make a proposition stronger than that of my colleague from the second district, [Mr. LONG,] and there was no outpouring of virtuous indignation against him? Where is your record of expulsion? Where is your record of censure?

But Mr. Conway, abolitionist as he was, had the manliness to say in that speech that the Democratic party was opposed to the recognition of the independence of the confederate States. Let me quote further from that speech. He says:

"The Democrats will not, of course, listen to separation for an instant. Such a suggestion, in their eyes now, is treason, a proposition to dissolve the Union, for which one ought to be hanged.

"They expect the question whether the Union shall be restored by force or compromise to be submitted to the people in the next election, and upon that to carry the country. Their plan is to oppose the Administration simply on its anti-slavery policy. They put in issue the confiscation act, the Missouri emancipation act, and the President's proclamation of emancipation. These measures they pronounce unconstitutional, deny their validity, and everything done or to be done in pursuance of them. In addition to this they attack the Administration on account of its suspension of the writ of *habeas corpus*, false imprisonment, corruption, imbecility, &c., and a thousand other incidents. But on the war and the integrity of the Union they are like adamant itself. They claim to favor the war for the sake of the Union, but to be for compromise rather than war. They say very truthfully that the Republicans have tried force for two years, and exhausted the country, and upon this claim the adoption of their method as all that is left to be done."

I tell you, sir, the country, after the exhibition which we have in this House to-day, will demand an answer to the question, why did you not censure or expel Mr. Conway? The gentleman from Indiana, [Mr. COLFAX,] who presides over this House with so much ability, and who moved the pending resolution of expulsion, was a member of this body when the resolutions which I have read were proposed. Why did he not move a vote of expulsion or censure on that occasion? Does it so happen that the present indignation has been aroused because my colleague from the second district does not belong to the party represented on the other side of the House? I say to you, Mr. Speaker, that the people of the United States are in favor of "fair play," and they will understand this matter. If an abolitionist can make a proposition of recognition, and no rebuke is visited upon him by the other side of the House, I ask why a man not claiming to belong to that side may not on his own individual responsibility make the same proposition? I declare it as my deliberate opinion and conviction that no man who was in this House one year ago and heard the speech and propositions of Mr. Conway, and did not vote to censure or expel him, can now vote for the pending resolution without sooner or later being visited with the withering indignation of a fair and candid public opinion. We may as well understand at once whether this is really the House of Representatives of the American Congress. I wish it distinctly understood, so far as I am concerned, humble, inexperienced as I am, that we claim to be your equals on this floor, nothing more and nothing less; and if we have the manhood about us to represent our constituents as we should, we will never yield up that privilege or surrender any of our rights. Is it, sir, because you happen to have a majority on this floor that we are to be denounced? Is it true, as we are led to understand from the remarks of gentlemen on the other side of the House, that the interests of the country are alone confided to their care and management? Do you not know, and it would be well for gentlemen to remember, that we have as much interest in the honor, the glory, and the prosperity of this country as you can possibly have? Do you not know that we represent a combined constituency, whose political opinions concur with ours, of over one million and a half of voters? And, sir, there is no other million and a half of men who have more interest, moral, social, political, or material, than they have in the preservation of this Union and the maintenance of our system of free government. And we would be base and recreant Representatives of those men if we permitted you to deprive them of representation upon this floor, or in any manner impair their right to be heard in this House.

Mr. Speaker, the Democratic party is not to-day, and has never been, in favor of a dissolution of the Union. Mr. Conway had the frankness to do what gentlemen on the other side have not done, to declare that the Democratic party was opposed to a dissolution. But he need not have announced that fact. The Democratic party is as old as the Government itself, and it is a party which has at all times stood by the Constitution and the Union of the States. But, Mr. Speaker, that I may exhibit to you the freedom of debate which is allowed in one of the highest deliberative assemblies on the face of the earth, I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

"If it become evident that the friends of slavery are strong enough in this country to resist all reasonable efforts to subdue them, I shall act upon it. I am not prepared to ruin the country in a vain effort to do what cannot be done. Shall this war go on forever? Is this common cry of 'the last man and the last dollar' poetry, patriotism, or braggadocio? Should the war go on until the public debt equals the entire wealth of the country? Should the whole capital of the people be forced into Federal securities, and these securities made the basis of an irredeemable paper circulation? Should it go on until misery broods over the whole land; until the civil authorities shall become impotent, and all rights of person and property stand at the mercy of military power? Should it go on until the members of the Senate and House of Representatives shall owe their places here to the bayonet instead of the ballot-box; until they become as contemptible as the Rump Parliament that so long enacted the bidding of military usurpation to the overthrow of the English constitution, to be finally expelled from place by the power they had so basely served? Should it go on until corruption and fraud, the necessary concomitants of civil war, shall have crept into high places and put on the garb of patriotism; until officers become so numerous that official patronage may quarter one half of the people upon the other half, and give them the means of perpetuating their own power? Should it continue until, exhausted, the nation would welcome the coming of a Cromwell or a Bonaparte, until provost marshals with military police shall be stationed at every village in the northern States, displacing the civil authority, issuing orders for governing people heretofore supposed to be able to govern themselves, teaching how God shall be worshiped, prescribing new and strange offenses, and punishing them by courts-martial? Should it continue until financial ruin brings misery, and misery rushes into anarchy, when no hope but despotism is left?

"Mr. President, a few years more of civil war, and the outlines of this picture will be seen. It cannot be otherwise. It is the necessary result of a long civil strife. Peace parties will spring up; the war party will denounce them as traitors; the publication of newspapers will be suppressed, and freedom of speech denied; mobs will retaliate; the blunders as well as the corruptions of the war party will tend to strengthen the convictions of the peace party; the period being one of violence each party appeals to violence, the one to hold, the other to obtain power; the ballot-box becomes a mockery, a cheat; instead of proclaiming the voice of a free people it speaks the subdued language of base subserviency or the bold tones of military despotism.

"Such is history. We are not exempt from the passions and frailties that wove this web of history for others. Party pride, blinded vanity, may think so. These have driven many nations from the enjoyment of liberty to the profoundest depths of tyranny. To prevent this state of things we are all interested; one party not more than another, for when it comes all parties will suffer alike. When the Roman legions had subdued Carthage, the enemies of Hannibal, who in party blindness had compassed his defeat, shared the same fate with his friends. Party revenge may be satisfied when political enemies come to grief, but this is no compensation for a ruined country. When anarchy comes we are overwhelmed alike. The Girondist and the Jacobin followed each other in rapid succession to the guillotine. The Royalist and the Republican, the Presbyterian and the Leveler, suffered alike when party divisions sacrificed the blessings of the Revolution, and established a despotism for England more loathsome than Charles had ever proposed.

"In this moment of danger let all parties abandon the prejudices of the past, and resolve to follow the dictates of right. Whatever establishes justice tends to restore the Union. Whatever perpetuates wrong will continue to disturb our peace. Let us unite to restore the Union, and if that be impracticable, let us abandon the war."

Mr. FINCK. Now I ask how much more has my colleague said than that? And I ask this House the question who they suppose delivered that speech. Was it a "copperhead," as we are politely termed by my colleague, the chairman of the Military Committee, [Mr. SCHENCK?] It was a Senator in the Senate of the United States, advocating on last Thursday the passage of a joint resolution to submit to the States a proposition to amend the Constitution of the United States, so as to authorize Congress to prohibit slavery in the States, and it was no less distinguished a Senator than the Senator from the State of Missouri, who is not now acting with the Democracy, [Mr. HENDERSON.] Was he censured? I ask whether he did not discuss more fully the evil consequences of the continuance of the war than was discussed by my colleague from the second district?

The distinguished Senator discussed the question ably; and can it be possible that if a gentleman upon this floor believes, in his own judgment, sincerely and honestly, that recognition is the best course to be pursued by this Government, he may not so state it to the House and to the country? And while I am opposed to recognition, as I have already stated, yet I claim here as a right that belongs to a Representative of the people, that my colleague had the right as a member on this floor to discuss that question, and to discuss it without fear of censure or expulsion from the House. If we do not agree with him we have the right to meet his argument by fair and manly argument also. We cannot all agree in our opinions in this House. But is that any reason why any gentleman should be censured or expelled? Why, sir, we do not concur with you on that side of the House on many questions of grave importance. If we are wrong in our views, I beg you to use the strong weapons of argument and truth to convince us of our error; and if you are wrong in your views—as I believe you are upon many questions of public policy—we will endeavor to enlighten you, although I fear our efforts will be unavailing.

This is the Hall where the people's representatives assemble. Let them act as become the representatives of freemen. Let us discuss every public measure in that manly spirit which should characterize the representatives of a free people. Sir, the gentleman from Maryland [Mr. DAVIS] has appealed to public opinion. We also propose to appeal to public opinion. We do not believe, and we are earnest in that belief, that the policy of this Administration can restore the Union. We believe that the policy of this Administration is destructive of the best interests of this country. We intend to appeal to that public opinion to which the gentleman has referred. We are determined to resist, by every legitimate means within our power, all efforts, let them come from what quarter they may, to break up this Union, or pull down the pillars of the Constitution.

Sir, I repeat it, we expect to appeal to public opinion, and at the ballot-box to see to it, that this Administration shall be turned out of power and men placed in the power of the Government who will administer it in obedience to the Constitution. That is to be our mission in appealing to public opinion. Sir, have you ever considered the power and the force of public opinion? Have you ever read in history how it has branded with disgrace and infamy the corrupt and unfaithful public servant? Have you ever read in history how it wreathes the brow of the faithful servant with the plaudits and approbation of a grateful people after he may have been stricken down by the hands of power? Sir, I am willing to trust to public opinion. Sooner or later it will settle all these questions right.

Sir, if I mistake not the signs of the times, this public opinion, at the next November election, will vindicate one of the truest, one of the best and noblest men of this country, who has been most ungratefully treated by this Administration. Sir, we intend to appeal to public opinion. Have you ever witnessed its power and force? There is no man so high as to be above it, and he must be low indeed who is beneath it. It penetrates through doors of oak and bars of iron into the secret chambers of kings and princes, where its voice, if not obeyed, is at least feared and respected. It whispers the words of warning and admonition into the ears of the ruler, who in the silent watches of the night tosses with sleepless anxiety on his couch, to ponder upon its meaning. It is to that search-

ing tribunal of public opinion that we intend to present the acts of the Administration and of this Congress, and I warn you to beware of the record you make here. Let it be such a one as shall be sanctioned by the Constitution, and you need not fear the ordeal of public opinion.

But on this great question of the rights and duties of the Representative, I ask to read from the same great speech which was quoted from to-day by my friend from Indiana, [Mr. VOORHEES.]

In a speech which Mr. Webster delivered in the Senate of the United States in 1834, he thus describes the duty of a Representative:

"But, sir, if the people have a right to discuss the official conduct of the Executive, so have their Representatives. We have been taught to regard a Representative of the people as a sentinel on the watch-tower of liberty. Is he to be blind though visible danger approaches? Is he to be deaf though sounds of peril fill the air? Is he to be dumb while a thousand duties impel him to raise the cry of alarm? Is he not, rather, to catch the honest whisper which breathes intention or purpose of encroachment on the public liberties, and to give his voice breath and utterance at the first appearance of danger? Is not his eye to traverse the whole horizon with the keen and eager vision of an unhooded hawk, detecting, through all disguises, every enemy advancing in any form toward the citadel which he guards?

"Sir, this watchfulness for public liberty, this duty of forseeing danger and proclaiming it, this promptitude and boldness in resisting a tax on the Constitution from any quarter, this defense of established landmarks, this fearless resistance of whatever would transcend or remove them, all belong to the representative character, are interwoven with its very nature. If deprived of them, an active, intelligent, faithful agent of the people will be converted into an unresisting and passive instrument of power. A representative body which gives up these rights and duties gives itself up. It is a representative body no longer. It has broken the tie between itself and its constituents, and henceforth is fit only to be regarded as an inert, self-sacrificed mass, from which all appropriate principle of vitality has departed forever."

Sir, this is a right which we cannot, dare not surrender, the right of unrestricted, free debate in this Hall of the people's Representatives. And I say again, the day when that right shall be stricken down in this Hall will be among the saddest days in American history. We intend here, as become men having due regard to the rights of our fellow-members on this floor, on all proper occasions within the rules of the House, to discuss all questions that may pertain to the interests of the people. What, sir, is left to a free people when they do not enjoy the right of free speech and the right of being heard in the halls of legislation through their Representatives? Strike down that great right, and you have no other left worth battling for in a free country. On this subject I cannot read anything so eloquent, so forcible, and so appropriate as that splendid declaration made by Daniel Webster in reference to the right of free speech. He says:

"It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a 'home-bred right,' a fireside privilege. It hath ever been enjoyed in every house, cottage, and cabin in the nation. It is not to be drawn in controversy. It is as undoubted as breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, EXCEPT WHEN THE RIGHT ITSELF IS QUESTIONED, I shall place myself on the extreme boundary of my right and bid defiance to any arm that would move me from my ground.

"This high constitutional privilege I shall defend and exercise within this House and in all places; in time of peace and at all times. Living I shall assert it; and should I leave no other inheritance to my children, by the blessing of God I will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defense of them."

I desire here to say that I most fully adopt these noble sentiments of the great defender of the Constitution. The maintenance of this great right of free speech is the last duty which those whose Representative I am shall find me to abandon. I honor that brave old defender of the Constitution because he uttered that language, which was the language of a free, untrammeled spirit in the discharge of a high duty.

I will detain this House no longer. I have trespassed already too long on its patience. Sir, in defense of the right of my colleague to freely debate and discuss all public questions without expulsion or censure, I hold up before him and against this resolution of expulsion, the sentiments so eloquently expressed by the great Webster and the principles of the Constitution of my country. If through these he shall be pierced and fall, he will be but a common victim in this House, where the rights of the people shall have been stricken down.

Mr. DUMONT obtained the floor, but yielded temporarily to the gentleman from West Virginia, [Mr. WHALEY.]

Mr. WHALEY. Mr. Speaker, holding the floor for a few moments by the courtesy of the gentleman from Indiana, and not being permitted to discuss this most important question at length, I simply desire to repel the assertion made by the distinguished gentleman from New York, [Mr. FERNANDO WOOD,] that there is no such thing as a war Democrat. Coming, as I do, from a newborn State, I wish to say that we have raised twenty regiments and four batteries of artillery composed largely of loyal Democrats—Jackson Democrats, Douglas Democrats, who will stand by the Government and by the Administration. I wish also to reply to a remark of the gentleman from Ohio, and to ask him whether there is a single gentleman on this side of the House calling himself a Democrat who has not been elected strictly on a war platform? Have you not, every one of you, been elected on a war platform? If you had expressed at home, during the canvass, treasonable sentiments, if you had opposed the war, if you had expressed to your people such treasonable sentiments as the gentleman from Maryland, [Mr. HARRIS,] do you suppose your constituents, as war Democrats, would have permitted you to come here? Not one of you.

Why, sir, at the very time the gentleman from Maryland was delivering his speech, pouring out his sentiments of treason, I was in my seat reading a letter from a patriotic citizen of my district, whose wife had been murdered by guerrillas, led on by these traitors of the southern confederacy! Sir, if this is to be the creed of the Democratic party, I want nothing to do with that party in future. If the distinguished gentleman from New York [Mr. FERNANDO WOOD] is to be recognized as the leader of the Democratic party in this House, I do not desire to be counted as one of his followers. What the country wants now is action and not talk. Let us legislate for the good of the country. Let us fight traitors North and South, in the Army and out of the Army. Let us sustain the glorious Army that has gone out to fight the battles of the country. Let us prosecute this war until the star-spangled banner shall be waved upon every hill, in every valley, and until it shall dip its folds in the waves of the blue and deep Pacific. [Applause in the galleries.]

Mr. DUMONT. I confess, Mr. Speaker, that I do not rise to participate in this discussion without trepidation and fear. For me to mingle in discussion in connection with the gentlemen who have spoken upon this resolution seems to be almost presumptuous. And if it were not for the fact that I regard my constituents as equally intelligent with and as equally entitled to be represented upon this floor as the constituents of any gentleman in this House, I would not undertake the task. But, sir, my constituents have the right to be heard here, even though they may be so unfortunate as to have a feeble representative. They have just as dear an interest in this country as the constituents of any other man. They have just as strong an interest in preserving the Constitution of the country as the constituents of the man of the most exalted intellect that ever stood upon this floor. If that Constitution by the conduct of bad men is made to bleed in every pore, they suffer as much as if they were represented by a Daniel Webster or a Henry Clay or the distinguished and brilliant gentleman from Maryland, [Mr. DAVIS.] Therefore it is that, although I am young upon this floor, and although the older I get the more hesitation I have in appearing before the public, I feel it to be my duty on this occasion, and not only my duty but my privilege, to superinduce a few remarks upon the question before the House. Though the body may be weak the spirit should be strong. And I should be able to stand erect like a man, and with a degree of holy boldness, if I may so speak, utter in the language of truth what may be properly spoken.

Sir, we cannot see into a human heart. The human heart is invisible, and therefore it is, when we are trying one of our fellow-men, as we are doing now—for although we are a legislative body, yet for this purpose we are acting judicially—although, I say, we cannot see into the heart, yet, while passing upon the conduct of a fellow-man, arraigned here upon a grave charge, it becomes our duty to judge of his conduct and his purposes by those external signs and tokens through which alone one human being can judge of the intentions of another.

Now, suppose I were to stand here and say there is no God; that the Scriptures, the word of divine truth, is a lie; that I believe man has no soul; that I believe when he dies he perishes like a brute; I believe there is no such thing as virtue; that it is right to steal, to commit rape, arson, perjury, and murder, and, going through the whole catalogue of crime, declare that I believe that he who is most rampant in the commission of these crimes is entitled to the greatest consideration, would not everybody, instead of marching up to me and giving me the hand of fellowship, instead of saying to me, "I admire your independence, you talk like an honest man," be more likely to say, "You do not talk like an honest man; you give evidence of a wicked, depraved, and abandoned heart; you seem to stand before us as a sample of moral depravity?" That, Mr. Speaker, is the reflection which presents itself to my humble mind and to my humble intellect when I hear gentlemen slathering the defendant all over with their praise for his independence, while they condemn his words and admit them almost as flagrant and monstrous as those I have repeated.

Sir, I do not understand any such sentiment. I would just as soon take a slimy reptile or a deadly viper to my bosom. Nevertheless, sir, I entertain no unkind feelings toward this gentleman aside from those engendered by the abhorrent sentiments that he has uttered. I have lived within twenty miles of his residence much of my life. My former district adjoins his, and I do not know whether he recollects it or not, that many years ago we met at a little village on the borders of the two States, but on his side of the line, as antagonists in a profession then common to us both. We then parted in kindness and friendship, and I have not met him since until I met him on this floor and found him on the side of the enemy, battling against his native land, and attempting to trample under foot the flag of his native country, sympathizing with and pursuing a course well calculated to give aid and comfort to the enemy.

Sir, I say a man may utter sentiments in seeming sincerity so monstrous and infamous as to afford an index to his own soul, and to prove it to be wicked, corrupt, and debased. Such as he, does not inspire me with that sentiment of respect; no matter how much candor he may affect, no matter how many hypocritical tears he may shed, I do not feel inclined to take him to my arms. I feel with the gentleman from Ohio, the chairman of the Committee on Military Affairs, [Mr. SCHENCK,] who was assailed for something he did during the Mexican war. He is in the range of my vision and brings the matter to my recollection. He was assailed for some resolutions he offered during the Mexican war in regard to the way in which it should be prosecuted. I bore a part in that war, as did my colleague, [Mr. CRAVENS,] who fought gallantly in that struggle. I bore a humble part, too, and he will bear me witness that the men who were then engaged in fighting for the country were sensitive in reference to any one who gave aid and comfort to the enemy. I say now before God that I have no recollection of any soldier, from the humblest in the ranks up to the major general, as ever having arraigned the gentleman from Ohio [Mr. SCHENCK] for opposition to the Mexican war. I understood it as he understands it, that he had his own opinions in regard to the way in which the war should be prosecuted. Whether they were the precise opinions to be brought forward is not the question. That war was satisfactorily terminated by the noble efforts of the American soldiers who carried the flag, Mr. Speaker, which now floats above you, through many victorious battle-fields. Thank God, sir, that flag was never during that war trailed ignominiously in the dust.

I witnessed a strange sight here on yesterday. I also witnessed a strange sight on Saturday last. There is something peculiar in the human intellect, that you cannot think of one thing without comparing it with another. What I then witnessed turned my mind into thoughts like these. I supposed this a mountainous country, like Switzerland, or the South American States, or Mexico; and as in all mountainous countries hiding places

were afforded for bands of robbers and acute professional men of that character, [laughter,] I supposed that somewhere in the neighborhood of Washington there was a band presided over by a chief, and I supposed a thief were to apply for membership into the fraternity, and imagined how he would go about it. That he would go out into one of their caves and apply for admission into the band as one of the robbers. What would be the question which the master of ceremonies would propound to him when he said, "I want to join this band; I want to unite my destinies with yours; I want to ply my professional avocation with you?" What would be the questions the chief would propound in order to ascertain whether the applicant would make a worthy member and learn what crimes of a deep, dark, and damning character he had committed? Why, sir, he would ask, "What crime have you committed? How many robberies have you perpetrated? How many times have you committed perjuries and arson? Who have you assassinated? Who have you murdered? Give me a list of the crimes you have committed in your brief life." He would go through the catalogue of crimes to ascertain whether the applicant was so steeped in sin as to be a worthy member, whether he was base enough to be trusted. I admit that the parallel is not perfect, perhaps not good at all. All I say is that the two things came up in array before me. I do not contend that it is a perfect parallel, but simply that one transaction brought the other to my mind, and I am not to blame for it, for I could not help it to save my soul. I tried to think of something else but could not.

I understand that it is unparliamentary to make use of the name of a member in discussion. I do not presume, however, that it is unparliamentary on this occasion to call the gentleman from Ohio "Mr. LONG," for I have a right to use any language which is contained in the pending resolution; and by doing it I shall be the better understood. The resolution calls him Mr. LONG. Now, how stands the case? He applies to the gentleman from New York [Mr. FERNANDO WOOD] to come to his rescue. We may infer this from what the gentleman from New York said. And the funniest part of it is that the gentleman from New York tried to make the House believe that before he would consent to defend LONG he required LONG to exhibit to him his speech, (as he had not heard it,) in order that he might see that it was all right, and such as a good patriot could make; and that he would not consent to come to his defense until he had examined it carefully, and found it O. K. In view of the gentleman's own acknowledged sentiments, and in view of his own traitorous utterances upon this floor, this is a rich and racy joke, the best of the season. I am prone to think that the interview between the two was more like that in the cave; and that poor Mr. LONG, before he could enlist the gentleman, was compelled to answer a list of interrogatories not unlike in one sense those that we find in the mouth of the presiding chief alluded to. I do not presume he was examined as to his proficiency in that particular kind of crimes, or those particular villainies, or that he was compelled to establish the same kind of moral excellence; but I confess that I did and do fancy that he was required to show himself as void of patriotism and love of country as the other was of moral principle. That is all I mean, and herein admit the parallel is not perfect.

We have no direct evidence that such language was passed between the gentleman from New York and the gentleman from Ohio; but when we consider the antecedents of the gentleman from New York and the character of Mr. LONG's speech, we must come to the conclusion that the gentleman from Ohio would be compelled to show by the speech sentiments verging close upon those of a traitor, kindred sentiments to those that have been uttered by the gentleman from New York himself before he would consent to stand as his advocate and come to his rescue. Some suppose that if LONG wanted to win a warm place in the affections of the gentleman from New York the shortest road would be to prove himself worthy of a halter; but that is not charitable, and seems in conflict with the intimation we have had from the gentleman himself to the effect that it was his purpose to drop the defendant like a hot potato, or say to him as uncle Toby did to the fly, if he had not shown a clean record. If that is so, LONG is a fortunate man to have at hand so good a speech, making so clean a record to exhibit to his immaculate friend. It seems to me to have been a happy coincidence, a kind of providential interposition, and is an additional proof that we should all heed the lessons taught in the words, "I have been young, and now am old; yet have I not seen the righteous forsaken, nor his seed begging bread." Now, sir, I would not be regarded as censorious, or as making biting and cruel remarks unsupported by evidence. Such remarks always recoil as they should upon their author, and therefore I call upon the Clerk to read the language used by the gentleman from New York on this floor but a few days ago.

The Clerk read as follows:

"This war must cease, I care not how or from what cause, whether by exhaustion on either side, by southern submission or success, by mediation, or by northern magnanimity, or by northern sense of self-preservation. The war must cease. There must be an end of it sooner or later from one cause or from another. I think all will concede this. Admitting, therefore, this conclusion, the next inquiry is, how and when? These are the proper questions for this Congress to determine. When shall this war cease?"

Mr. DUMONT. Then we are not surprised at all, after a declaration of that kind, that it should be followed so speedily by a kindred declaration, when he had the hardihood to declare on this floor yesterday that there was no such thing as a war Democrat. We all recollect his making use of this language upon this floor in reference to the attempt to put down this rebellion and in reference to attempting to rescue this Government from the hands of Vandals. We believe this a righteous cause and a righteous war, in which every man of us is willing to take his dearest friend and lay him upon the country's altar, or to offer up his own life. The mothers of the land, who regard their noble sons as the jewels of their hearts, are willing to bring them forward and lay them upon the country's altar. It is a noble sacrifice we believe, no less than that the good old patriarch Abraham was willing to make when he obeyed the command of his heavenly Father and brought Isaac to the altar. And yet, notwithstanding, we labor under this terrible delusion, the patriotic gentleman [Mr. FERNANDO WOOD] a short time since characterized this war as a hellish crusade of blood and famine.

Now, in determining whether a man ought to be expelled or censured, it is a very legitimate inquiry, (in my humble opinion,) and I would not give my opinion for any man's after I had heard everybody else's opinion and extracted what I believed to be correct and according to Gunter. [Laughter.] I say it is a legitimate inquiry to ascertain what he may say as an index to his heart. I was very much amused to hear the speech of my friend over the way, from Illinois, [Mr. J. C. ALLEN,] who spoke at an early stage of this discussion. He rose with immense dignity, and addressed the House with that clear, ringing, trumpet-toned voice of which he alone is master. And he arraigned the members of this House, for what? For calling a member to account for words used in debate, and he really put no other qualification to it.

Has it come to this? The most contemptible justice of the peace, of the most contemptible township, of the most contemptible county, of the most contemptible State in the Union, has the right to protect himself in his own little eight by ten office from insult; but the American Congress, the most dignified body of men, regarding both Houses, and giving to this House what she lacks and what the Senate can spare, on the face of the earth, has no such power. Every other department of Government can defend itself against unworthy members. I go into a court presided over by a judge no better than myself, discharging his duty, wearing the judicial ermine, and I am guilty of contempt by calling his intelligence or integrity in question, or of contempt in some other way, but he does not run out to make an affidavit against me, he does not call upon the military authority to protect him, but he protects himself. He is the accuser, he is the judge that tries the case, and he inflicts the punishment. Let a man go into a military camp and attempt to excite mutiny among the men, and every officer, from the major general down, will know that it is his duty to arrest him instantly and to bring him to justice. And yet it is advocated upon this floor that if a man seems to be sincere, and does not turn himself into a monkey in making a declaration, and puts on a long face, he may superinduce the most monstrous doctrine, and show himself capable of the most damnable crimes against his country without being called to account.

In the discussion of this question, and in determining whether a member is a worthy or unworthy member, whether he ought to remain here or be expelled or censured, it is pertinent to inquire what members are here for. They are here as trustees of the people to protect the Constitution and the Government of the country, a trust that ought to be carried out, and if not willing to do this, the trustee ought to be removed, whenever that unworthiness is discovered by the utterance of such monstrous and traitorous sentiments as the member has spoken. I admit that if we were sent here simply as political gladiators, that would not be a legitimate inquiry; then it would depend somewhat on men's lungs and brutality; but thank God this nation is not yet sunk into so deep and foul a pit as that.

I want to come back to my colleague, [Mr. VOORHEES,] a most excellent gentleman. I like him very much indeed, but I do not like some of his ways. He is a very clever man of the kind, but devil take the kind. [Laughter.] My colleague must pardon me; I mean no wrong. I only object to the *kind* on account of its political aspect, which I confess I consider no better than it ought to be. But I mean no unkindness. I sometimes find myself betrayed into a mischievous channel without malice. My colleague has treated me civilly, and my words must not be construed in any offensive sense. I want to advert for a few moments to the remarkable dexterity and adroitness which he manifested in defending the gentleman from Ohio, [Mr. LONG.] I confess that it reminded me, as old Abe would say, of an anecdote. It reminded me of scenes which I have witnessed on the plains of Mexico. The transportation in that country of all sorts of merchandise—lumber, mill-stones, brick, timber, and everything else—is done on the backs of mules from the Atlantic to the Pacific, from the east side of the republic on the Gulf of Mexico to the western shores on the Pacific. I have seen thousands of these little animals under their heavy burdens, driven by two or three or four merry fellows called muleteers. They would occasionally halt to let the wearied animals rest. And I have been struck with astonishment at the remarkable sagacity manifested by these animals on occasions of that kind. A mule with a very heavy pack on her back that pressed too heavily on her withers would find a little declivity and turn her head up hill during the rest, in order to throw the weight of the burden on the small of her back. Another mule, whose burden had galled the small of her back or further to the rear, would find a declivity and turn her head down hill, with a view of throwing the burden on her withers. [Laughter.] You know there is an old adage, that "the galled jade winces." Now this is the kind of sagacity that my friend [Mr. VOORHEES] exhibits in defense of his client on this occasion. I mean no disparagement to him. I do not intend to be severe or anything of that kind.

We are frequently very much astonished, indeed, to see as much sagacity in the human species as we see in what we call the unreasoning part of creation. To illustrate: some think talent (I confess I don't know; it is too abstruse a subject for me) is nothing more than the possession of a large number of animal instincts or characteristics, or, more properly speaking, the instincts of a large number of animals concentrated in one of the *genus homo*. We call it talent, genius, versatility of intellect, &c. For instance, it is said that he who would combine the courage of the lion, the ferocity of the tiger, the pluck in deadly grip and fearful tug of the bull-dog, the cunning of the fox, the stealthiness of the cat, the gostration of the cock, and the hypocrisy of the 'possum, would make a great military captain; that with the lion's courage he would be brave in battle, with the tiger's venge would follow up a victory and reap its fruits, with the bull-dog's pluck would never know when he was whipped, and consequently never would be whipped, with the fox's cunning would be great in strategy, and with the stealth of the cat would be constantly

stealing a march on the foe, catch him napping, and win victory by surprise, with the blustering gostration of the cock would scare the enemy to death without a fight and save his powder, and crow the survivors out of countenance after a battle no matter who was the victor, and with the hypocrisy of the 'possum would be great on a feint. I know not how all this is, and simply allude to it to show that I mean nothing wrong by resorting to animated nature for my illustrations and homely metaphors. We frequently, when we would commend the good qualities of a fellow, say: "He is as brave as a lion," "as cunning as a fox," "having, I suppose, eaten a great deal of fox meat," "as sly as a cat," "as faithful as a dog," &c., and yet we mean no harm, but simple commendation.

The gentleman [Mr. VOORHEES] was defending the gentleman from Ohio, [Mr. LONG.] He was contending that this resolution ought not to be adopted. He was contending that the gentleman from Ohio was as good as any other citizen, if not a little better. The constitution of Indiana is against certain privileges, and declares something like this: that no privilege shall be granted to one that may not to another; and my elegant friend the judge, [Mr. HOLMAN,] I think it was, who, as a member of the constitutional convention, offered an amendment to it, to add this: "Because one man is as good as another, if not a little better." [Laughter.] It was touching it off in good style for a Democrat; there is always logic in wit, and wit that is not an argument is no wit at all.

My colleague [Mr. VOORHEES] says that the gentleman from Ohio ought not to be expelled, that the resolution ought not to be adopted; and the first reason he gives is that he does not know exactly what he said. He does not know whether it was patriotic or unpatriotic, whether the gentleman from Ohio was for the country or against the country, for the Constitution or against the Constitution, for the rebellion or against the rebellion, for the traitors or for the land of his birth. But it was words used in debate. And we may as well, he says, surrender up our liberties, trample on the flag that floats above us, abandon

> "Freedom's soil beneath our feet,
> And freedom's banner streaming o'er us,"

as punish a member for *any words* spoken in debate, no matter what they may be. But he could not stand long by this monstrous position; it touched his withers a little, and we beheld the wincing of the galled jade. The load must be shifted. He seems to have concluded that it would relieve the agony that he was required to suffer by defending unbridled licentiousness, under the plea of liberty of speech and liberty of opinion; I say he concluded it would soothe his pain a little to shift his ground and throw the weight of the burden upon parts not so tender by lighting upon the Speaker for daring to quit the chair, descend to the floor and move the resolution now under consideration, as though his constituents must lose the benefit of having a Representative because they had sent one whose talents and noble qualities had elevated him to the Speaker's chair.

This position is so absurd as a defense for the accused that it hurt the small of his advocate's back and endangered his spinal column, and it became necessary to shift his ground and throw the weight of the load toward his withers to find relief. So after harping upon the Speaker's improper condescension a while he came to the conclusion that there was nothing wrong in Mr. LONG's speech, that it was all right, and just such a one as a patriot ought to make; though if I mistake not he said he did not hear it, and had not up to that time read it; and finally he further concluded that if it was unpatriotic, obnoxious, and abhorrent, other people had been unpatriotic too, uttered sentiments just as bad, and therefore Mr. LONG should not be censured; in short, the various parts of his defense were in utter conflict with each other; like the plea in the "kettle case," in which the defendant was sued for cracking a borrowed kettle. He pleaded, first, that he did not borrow the kettle; second, it was cracked when he borrowed it; third, it was sound when he took it home. But, Mr. Speaker, after all I do not know that I have it in my heart to blame my colleague; it was a terrible load to stand under, almost the last pound that broke the camel's back; and who knows if he had undertaken the feat himself he might not have staggered or wavered to and fro, like the young heart sorely tempted, between vice and virtue. Look at the absurdity; an individual member has a right to say what he pleases, utter sentiments the most atrocious, and may not be questioned therefor, because the liberty and freedom of speech demand it; but no matter how flagrant the sentiment and rampant the treason may be, the House may not place upon it the seal and stamp of reprobation without trenching upon God-given rights. The whole House is made up of its parts, and the parts are to have rights, according to this logic, which are to be withheld from the whole body.

The whole body is not to possess the freedom of speech and opinion that an individual member has if it may not pass this resolution and thus condemn his sentiments, and show to the world that such sentiments are not the sentiments of the whole body. I am one of those who believe that mere error of opinion may be tolerated while truth is left free to combat it; but how is truth left free to combat it if the thing may not be condemned; and is it mere error of opinion? Might we not more truly say that it is evidence as strong of the truths of Holy Writ of a wicked and abandoned nature of which the gentleman has favored us with a manifestation?

But the Speaker came down from his exaltation to mingle with the common herd, we are told, and has thereby, forsooth, forever destroyed his influence, and he is to be an outcast now, henceforth, and forevermore, amen! because he came down from the exalted position to which gentlemen had aided in elevating him, and attempted to procure the expulsion or censure of an unworthy member.

Now, I admit, Mr. Speaker, that if a fellow-member on the other side, on this side of the House, or on any side of the House—and I do not like this thing of talking about this or the other side of the House; I believe it was the entering wedge of this infernal rebellion; I believe that the fell spirit of party is really at the bottom of this thing, and that, like Noah's water-cure establishment, it has killed more than it has ever cured, [laughter]—I say I admit that if a gentleman, in the heat of debate, makes use of declarations that nobody would make use of deliberately, abhorrent to the feelings of every man, and if it is simply an unhappy expression, like one I might make use of now, and for which I would ask pardon should I so forget myself, [laughter,] I would no more hold him to a rigid responsibility for it than I would a man who had taken the life of a fellow-man by an unfortunate blow on great provocation and aggravation, when the crime of murder had never entered his soul. I do not think we ought to do it. And hence it is that if a particular clause of the gentleman's speech were simply alluded to in the resolution, although that particular clause might be as bold-faced and obnoxious as you could declare it to be, yet, if the speech, in its general scope and bearing, in its general meaning and intent, was not the speech of a traitor or of a bad man, if we saw that he loved his country by examining his whole speech, by searching it as you would search the Scriptures, then I say acquit him. He is not to be convicted for an unfortunate expression used in the heat of debate.

Gentlemen have talked about the words uttered by the gentleman from Ohio as being in the heat of debate. I should call it rather a cold-blooded debate. He says he wrote his speech more than a month ago, and has not altered a word of it since. Well, sir, he got up here with great decorum and delivered his speech with as much coolness as any man could do. I heard the speech, and confess his tone was solemn, sentimental, and unctuous. It reminded me very much of a scene I recollect witnessing in a court of justice, when I was quite a young man, between people of the very lowest walks in life. Two brothers were at law, and their father was a witness. All three were ignorant, low, degraded men. The old man came upon the stand, and one of the boys, a man some fifty years old himself, drew close up to him by degrees, as a cat steals upon a mouse, so as to be able to whisper in his ear when he began his testimony, for fear he might testify against him, and putting his mouth to his ear, said he, "Dad, go it on the sentimental." [Laughter.] Now, I think that is what some gentlemen here have come to the conclusion they must harp on in order to acquit their client, and, to induce this House to give him a public dinner, they must contend that he went it on the sentimental; that is to say, they must contend that he was sincere in what he said, spoke in good faith, and if so he must be acquitted, no matter what he said nor how disastrous may be its tendency or malign its influence.

It is all right, provided he went it on the sentimental, his defenders would try to persuade us; but I am a disbeliever, and in that respect I suppose a heretic. Disguise it as you may, the gentleman from Maryland [Mr. DAVIS] put this question in its true attitude. It is not a question as to an insult perpetrated on this House. No, sir. When he is tried before this judicial tribunal you are bound to inquire into his motives, not simply whether he was guilty of indecorous conduct or not. The gentleman from Maryland, when he addresses the House, usually exhibits in their true light mere pretenses, and he shoves them aside as unworthy of consideration. With the grasp of a giant he seizes the turning point of the case, and his statement comes in the shape of an irrefutable argument. He says we are to inquire what the man is here for. Is he here for the country? Is he here to protect the country? Is he here to sustain our armies? Is he here to put down the enemy? If his speech answers all these questions in the negative, if he has performed none of these meritorious services, and is unwilling to perform them, then beyond a doubt he is unworthy, and liable to animadversion and censure.

It is as the gentleman from Maryland has stated, that we feel as secure here in this Capitol as we would have done ten years ago, if we had been here; and yet a hundred thousand rebels in deadly hostility, who would take the life of every one of us, are within two hours' ride of where we now stand; and we are only permitted to occupy seats in this Hall because we are surrounded by a cordon of our own stalwart men to keep the enemy at bay.

Now it may be important that this enemy should not be let in. Suppose we were in a walled city, and depended on those walls and upon iron gates and upon iron bars to keep the enemy out. Suppose we had one in our midst, a man who contended that the Government was doing nothing right. Suppose we found a man making declarations which would induce us to believe that he was ready at any moment, at the given signal, to open one of the gates, and to let in the enemy to our destruction; what then? Mr. Speaker, I do not propose to continue this discussion much longer, and I do not propose to have anything more to say on this point than that the man I have referred to would have a short shrift and a quick punishment for his treason. A commander of a vessel does not wait until a mutineer consummates his villainy by the mutiny of the crew, nor until he scuttles the ship; but when satisfied by clear proof that such is the intent, he hangs him at the yard-arm, and saves the vessel, and brings it and its crew safely into harbor, and the world commends him, and Heaven commends him; but we may not even censure a mutineer when his hellish intent and diabolical purposes are discovered lest we trench upon the liberty of speech and the freedom of debate. It is mere words, it is said; but from the abundance of the heart the mouth speaketh, and from his words we may learn that he is base enough to part the holy raiment woven in the loom of the Revolution. The letter of Arnold, whereby his treason was discovered, was mere words too, and yet, if they had not been heeded, the base patricide would have surrendered the noblest army that ever shouldered a musket, and the bravest men that ever carried a knapsack or rallied around the flag of their country, to the tender mercies of a remorseless enemy.

It has been said that the member from Ohio [Mr. LONG] put the matter in the alternative, that he said that sooner than see the rebels subjugated he would acknowledge their independence, that it was that or absolute subjugation, and that of the two he preferred the former. That simply means that he prefers the subjugation of the Union to the subjugation of the rebels, because if the rebels are not subdued the Union must be. It is now pretended that subjugation is a terrible word, that it is equivalent to murdering every man, woman, and child in the South, but it means no such thing; it simply means to bring into obedience and sub-

mission to the laws. Judge Perkins, of the supreme bench of Indiana, never made a dictionary, but he has a good deal of law and abused and berated the Government as soundly as any man living or dead, and criticised the war as severely as it is in the power of either good or conscientious flesh and blood to do. Still he professes to be a war Democrat, and is after his fashion, which I consider a pretty bad fashion, and he talks about subjugation without seeming to think there is any harm in the word, and says:

"I am, then, gentlemen, as I have been, most earnestly opposed to Mr. Lincoln's civil administration, believing it to be controlled by the radical Republicans; but I am for continuing to give a fair and efficient support to the vigorous prosecution of the war, as prosecuted; and to that end, I am for aiding the Government, by all reasonable and proper means, in raising the necessary volunteer soldiers, and in providing the funds required to promptly and liberally pay them—more liberally than the private soldiers are now paid. I do this because I wish to save what can be saved of the Union, and believe that the war is the only instrumentality of which we are now permitted to avail ourselves in attempting to accomplish that object, and will be the only instrumentality during the existence of the present Administration.

"I have said that I believed the war, as now prosecuted, the only instrumentality left us with which to attempt the salvation of any distinct part, in its integrity, of the Union.

"I think a brief statement will satisfy any reasonable man of the truth of this proposition.

"Well, the job first on hand, then, disguise it as we may, is to subjugate the South; this is the point of progress we have reached; and this is one of those jobs which, according to the old adage, is welldone if it be done quickly. It is mercy to the South that it be done quickly. The more dispatch the executioner uses the less the sufferings of the victim."

If I were willing to go through with the speeches made on the other side of the House I would have no difficulty in finding much, whether so intended or not, that gives aid and comfort to the rebels in arms.

My colleague [Mr. VOORHEES] and other gentlemen have resorted to a novel defense of the accused. I have sometimes known it resorted to in bad cases in courts of justice, but have never known it to be sanctioned by an upright judge, and have seldom known it to prevail. It is in substance that others have been unpatriotic and given utterance to treasonable sentiments, and they have attempted to prove the assertion by sending to the Clerk's desk and having read long extracts from speeches, newspapers, yellow "kivered" pamphlets, and other kindred literature, wherein before the war Tom, Dick, or Harry, as the case might be, had expressed a willingness to let the enemy go. The Helper book has been rung in. They forget that every tub should stand on its own bottom, and blind and stolid indeed must he be that cannot see the difference between sentiments that might be uttered before the war and those that may be spoken now to give aid and comfort to the enemy. I would not, Mr. Speaker, utter an unkind word. What I have said or may say that may look like it is more in sorrow than in anger. The Scriptures of divine truth enjoin it upon us to answer a fool according to his folly, and teach that we sometimes rightfully make unto ourselves friends of the mammon of unrighteousness. Pursuant to the first clause of this injunction I presume I may rightfully read from newspapers too, and adduce similar testimony. Of course I do not nor cannot apply the epithet, but only adopt the principle inculcated. The epithet applies not to any gentleman to whom I refer. Gentlemen sometimes use swords that, unfortunately for themselves, cut both ways, and it is said to be a poor rule that won't work both ways.

I read an extract from Richmond papers sometime ago which stated, according to my recollection, that my colleague from the Terre Haute district [Mr. VOORHEES] had made an unanswerable argument; that he had gathered together all the arguments that could be made in behalf of the rebellion. I have not read the speech of my colleague [Mr. VOORHEES] alluded to by the Richmond paper, and do not know whether the strictures are just or unjust. I heard the speech, it is true, but not with that distinctness that I could have wished, notwithstanding it was uttered in clear and distinct tones. The distance between us prevented. I would not state my colleague wrongfully, and therefore prefer to insert the article alluded to in my printed speech, (I will not stop to read it now,) that he may see how he is regarded, and how his speech is interpreted way down in Dixie, and that he may pause and consider whether, however well for buncombe and home consumption his speeches may be intended, he is not in point of fact encouraging the enemy, and inspiring them with hopes that ought not to be realized:

"YANKEE LIBERTY.—Mr. VOORHEES, of Indiana, in a recent speech in the United States House of Representatives, reminded his hearers of a fact which history has demonstrated, but which appears to be always forgotten at the very moment when it ought to yield the most impressive lessons. He said that 'liberty, once lost, has never, in the history of the world, been regained by the same people.' It is useless to attempt to account for this phenomenon, with any view of removing its causes. The fact remains indisputable. From the days of Philip to the days of Napoleon, history in this respect presents, if not identical at least consimilar features. The death of public liberty has never been followed by its resurrection. The fallen temple of freedom has never been reconstructed. After ages wonder at its grandeur, and mourn its overthrow, just as the traveler looks with sad delight on the broken columns of the Parthenon, or the majestic ruins of Palmyra. But the goddess deserts the fallen temple, and abandons her worshipers to the fate they have invited. With some nations liberty appears to have been an era of transition; with others, of culmination. Some have enjoyed it for ages; with others it has been no sooner won than lost. But none that have suffered it to slip from their grasp have ever succeeded in regaining it.

"If, then, history teaches us any lesson at all, it is that no people fit to enjoy liberty has ever lost it. When Mr. VOORHEES said that his countrymen exhibit the spectacle of a dying people, he left us the inference that they are a people not fit to live; that if they have lost their liberty they are no longer fit to enjoy it, or capable of winning it back. Mr. VOORHEES is right. His speech reiterates all that the southern people have asserted of the conversion of the North into a consolidated despotism; of the subversion of the Constitution, of the annihilation of the rights of the States; of the destruction of all the principles on which their republican system was supposed to be founded. Nor was this result at all surprising. The course of events in the United States has many parallels in history. But it has, notwithstanding, its new and remarkable features—features which represent a deeper degeneracy, a more sudden lapse into despotism, than have ever characterized any nation. It required generations of corruption to bend the Roman people to the odious yoke of Tiberius, or the despicable tyranny of Vitellus; but the Yankees plunge headlong from the height of democratic license into the profoundest abysses of tyranny. Historians have deplored the fall of the Athenian commonwealth; but the Athenian commonwealth was subverted by the ability of Philip and the genius of Alexander. The admirers of freedom have mourned over the fall of the Roman republic; but the Roman republic yielded to the greatest statesman and the greatest captain of his age. In short, whenever, in preceding ages, republics have been overthrown, or commonwealths subverted, they have surrendered to the ability of the statesman or the sword of the hero—to a Pericles, a Cæsar, a Cromwell, or a Napoleon. But the Yankees sink at once into the depths of slavish submission, and gladly yield their rights and their liberties to fourth-rate lawyers and third-rate soldiers; to Lincoln and Burnside, and Schenck and Grant.

"If any justification were needed for the course of the South in separating from the North, it would be furnished by the cotemporaneous history of the United States. The causes which led to secession were strong enough to constitute an ample reason; but the causes which forbid reconstruction are infinitely stronger. If the Yankees, before the war, had shown themselves unfit to be our associates, the traits that they have developed since the war prove that they are far more unfit to be our masters. If we were unwilling to live in a Union with the Yankees when they still claimed to be a free people, it must be absolutely impossible for us to return to them when they have become the voluntary subjects of a contemptible but relentless despot. We refused to be their fellow citizens; we can never consent to become their fellow-slaves.

"Yet Mr. VOORHEES, representing those who claim to be the 'peace party' of the North, the old Democracy, the peculiar friends of the South, warns us, with a delightful simplicity, not to look forward to separation and independence. He commences by saying that a nation which once loses its liberty never regains it. He proves that the Yankees have lost their liberty, and then says that the next presidential election will put an end to war and death, and bring a constitutional union of the States. He says that the Constitution is overthrown, that justice is annihilated, that the guarantees of public liberty are disregarded; that the Government is ruined and bankrupt, its civil agents corrupt and wicked, and its military agents brutal and infamous. And he amiably invites the South to participate in these unequaled and unparalleled blessings. He beckons us on to this delightful entertainment, assuring us that in the coöperation of the conservative men of the North we have a basis of perfect security for our rights and institutions. It would really seem to be time that these 'conservative men' had abandoned all such puerile delusions, and admitted the indisputable fact the South is fighting for independence of the Yankee Union, and that what they call our rights in the Union are precisely what we do not want. It is time they understood that we have waged three years of bitter warfare, that we have fought a hundred battles, given up our sons and our brothers to the slaughter, and submitted to the desolation of our homes, the devastation of our fields, and the bombardment of our cities, not by any means that the end of all should be a new alliance with the northern Democracy, a recurrence to the intrigues and corruptions of the old Union. It is time that they saw clearly that we wish neither a repetition of the humiliating partisan alliances and conflicts of the past nor a participation in the Yankee slavery of the present. We have got happily rid of the one, and we are determined never to submit to the other."—*Richmond Whig, March* 16, 1864.

Now, to return for a moment to the gentleman from New York, [Mr. FERNANDO WOOD,] who says we may include him if the gentleman from Ohio is to be punished for his utterances. Look at the Toombs letter. What do you think of the gentleman standing here and defending Mr. LONG who wrote that Toombs letter, or rather the reply to it? "Is it true that arms"—and this was after the firing was opened on Fort Sumter, it was after the dogs of war were turned loose—"is it true that arms belonging to Georgia were seized in the city of New York? An early answer is important not only to Georgia but to New York." Such is the language of the traitor Toombs to the patriot WOOD. There is an innuendo. What does it mean? Does it mean an understanding between them in days gone by? "An early and satisfactory answer is important to Georgia *and New York!*" What did the gentleman from New York reply? "It is true that arms have been seized belonging to the State of Georgia. The police of New York are not controlled by the mayor of New York. If they were I would inflict upon the perpetrators of this outrage most summary punishment." There was a man by the name of Jesse D. Bright; he was and is not, and yet God did not take him. In that respect there is a distinction between the case of Jesse and Enoch. He gave one of his friends a letter of introduction to Jeff. Davis on the subject of fire-arms. He wanted to put fire-arms into the hands of the rebels to assasssinate the Union. So did this man. They are two precious brothers together—*par nobile fratrum.* Lovely in their lives, in death they should not be divided. [Great laughter.]

The gentleman from Ohio [Mr. SCHENCK] told us that the gentleman from New York [Mr. FERNANDO WOOD] did make a patriotic speech in New York after the rebellion had broken out, in which he declared his willingness to aid in putting down this rebellion. The gentleman told us that he sat beside him and heard him make the speech. It has been said if he was unworthy to occupy that stand the gentleman from Ohio ought not to have sat there and heard the speech; that in doing so he was *particeps criminis.* But I don't see how that can be said when the speech being made was patriotic and the thing was right. That I suppose was one of the gentleman's [Mr. FERNANDO WOOD's] repentant moments. He has had such at long intervals and semi-occasionally. I do not know how to account for them.

Perhaps the gentleman from Ohio pursued the right policy. Hamlet, when seeking to wreak his vengeance upon the assassin of his father, unfortunately found him at prayers, and would not kill him then, because, as he said, his soul might go straight to heaven when he wanted to send it to hell. He said he would wait until he found him drunk or in his adulterous bed, or engaged in something that had no relish of salvation in it. Then, said he, I'll

> "Trip him, that his heels may kick at heaven;
> And that his soul may be as damned, and black,
> As hell, whereto it goes."

Hamlet waited his time, and the gentleman from Ohio has bided his time, and now, with amazing dexterity, trips the gentleman, and makes his heels fly in a direction antagonistic to gravitation.

Mr. ELDRIDGE obtained the floor, but yielded to

Mr. HOLMAN, who moved that the House adjourn.

The motion was agreed to, and (at a quarter past eleven o'clock, p. m.) the House adjourned.

IN SENATE.

TUESDAY, *April* 12, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury communicating, in compliance with a resolution of the Senate of the 31st of March, an account of the money expended, the number of officers appointed, and the salaries paid the same, for the collection of direct taxes in insurrectionary districts, and a statement of the amount received from direct taxes and the quantity of lands sold for taxes in those districts; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the Senate of March 22, copies of reports made by a commission appointed in 1861 to inquire into Indian affairs; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting additional papers upon the subject of providing means of subsistence for the Navajo Indians of New Mexico upon a reservation at the "Bosque Redondo," on the Pecos river; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Secretary of the Interior, submitting a report of the Commissioner of Indian Affairs, and the accounts of the superintendent of Indian affairs and Indian agents of the southern superintendency, in pursuance of the act of March 3, 1863; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. JOHNSON presented a petition of watchmen of the navy-yard at Washington, District of Columbia, praying for an increase of their pay to the same standard as the men doing similar duty in the Executive Departments; which was referred to the Committee on Naval Affairs.

Mr. COWAN presented the memorial of Frederick Watts, president of the Cumberland Valley Railroad Company, remonstrating against an extension of the patents of Charles Goodyear for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. GRIMES presented the memorial of Henry O'Rielly, for increasing and cheapening telegraphic correspondence among the American people, and between them and the nations of the Old World; which was referred to the Committee on Commerce.

Mr. DOOLITTLE. I desire to present the memorial of Perry McD. Collins, a citizen of the United States and a resident of California, stating the fact that he has formed an arrangement with the Government of Russia for the construction of a telegraphic line by the Government of Russia to the mouth of the Amoor river; that he has also made arrangements with the Government of Great Britain, by which he is authorized to construct a telegraphic line through the British possessions of America on the north western coast of America, and stating various reasons why the United States are deeply interested, commercially and otherwise, in aiding in the construction of this telegraphic line which shall connect the telegraphic system of the United States with the telegraphic system of all Europe and Asia. I ask, as this memorial is upon a very important subject, one of the most important that can be presented in the present state of society and of the world, the question of telegraphic connection between this continent and the continents of the Old World, that the memorial which is short may be printed, and that the memorial with the accompanying papers may be referred to the Committee on Commerce.

It was so referred; and the motion to print was agreed to.

ADMISSION OF NEBRASKA AS A STATE.

Mr. WADE. I move to postpone all prior orders, and take up for consideration the bill (H. R. No. 14½,) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Mr. FESSENDEN. I do not mean to oppose that motion; but I wish to say to the Senator from Ohio and other Senators that at one o'clock I shall insist upon going on with the regular order of business.

Mr. WADE. I shall not press this bill after that time. I presume we can pass it long before that hour arrives. It is precisely like the bills we passed some days ago to enable other Territories to become States. If the people are to organize under this bill, it is time it should be passed.

The motion was agreed to; and the bill was considered as in Committee of the Whole. The proposed State is to consist of all the territory included within the following boundaries: commencing at a point formed by the intersection of the western boundary of the State of Missouri with the fortieth degree of north latitude; extending thence due west along the fortieth degree of north latitude to a point formed by its intersection with the twenty-fifth degree of longitude west from Washington; thence north along the twenty-fifth degree of longitude to a point formed by its intersection with the forty-first degree of north latitude; thence west along the forty-first degree of north latitude to a point formed by its intersection with the twenty-seventh degree of longitude west from Washington; thence north along the twenty-seventh degree of west longitude to a point formed by its intersection with the forty-third degree of north latitude; thence east along the forty-third degree of north latitude to the Reya Paha river; thence down the middle of the channel of that river, with its meanderings, to its junction with the Niobrara river, thence down the middle of the channel of the Niobrara river, and following the meanderings thereof, to its junction with the Missouri river; thence down the middle of the channel of the Missouri river, and following the meanderings thereof, to the place of beginning.

The bill was reported to the Senate without amendment.

Mr. HARLAN. There is an unusual provision in the twelfth section of the bill to which I desire to call attention. It is as follows:

> That five per cent. of the proceeds of the sales of all public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the support of common schools.

It is not usual to grant the five per cent. on the sale of lands preceding the admission of the State. I call the attention of the chairman of the committee and the Senate to it. The usual provision is to give five per cent. of the proceeds of the sales of all public lands after the admission of the State.

Mr. WADE. This provision was in the bill as it came to us from the House of Representatives, and as those sales do not amount to much anyhow, we thought we might be generous to this State, and that it was not of sufficient importance to strike it out and make an amendment. There has not been a vast deal of land sold there; but the gentleman knows more than I do about the quantity. I suppose it will be somewhat expensive to erect a State government there, and I should be willing to extend this privilege to them, though I am not strenuous about it. If the Senate think it would be generous now to strike it out, they can do so. I prefer the bill as it is, but I shall not resist such an amendment.

Mr. TRUMBULL. I should like to inquire what was the population of Nebraska when the last census was taken, and whether there has probably been any increase of population since that time or not. I know that in these days it is regarded as a very small matter to make a State. It used to be considered a matter of some considerable importance; but now we can make a Territory into a State in the morning hour without anybody scarcely listening to the bill when it is read. I have not looked at the census with a view to this question this morning; but my recollection of the population of Nebraska is that there are some twenty or thirty thousand people there. If Congress think proper to admit every twenty or thirty thousand people they can find anywhere as a State, they will multiply States very rapidly. The number of inhabitants necessary to send a Representative to the Congress of the United States in the old States is about one hundred and twenty-five thousand, I think.

Mr. DAVIS. One hundred and twenty-seven thousand.

Mr. TRUMBULL. This Territory, I suppose, has not got twenty-seven thousand. I imagine not, though I do not know what its population is.

Mr. DAVIS. Twenty-eight thousand and a fraction.

Mr. TRUMBULL. The Senator from Kentucky, who has looked into the subject it seems, says that the population is twenty-eight thousand and a fraction. I am not disposed to take up time in opposition to the bill; but I think it is rather an important matter to be disposed of in the morning hour without any consideration.

Mr. FOSTER. I should like also to inquire whether even this small population of twenty-five thousand or twenty-eight thousand have asked to be admitted as a State. It seems to me if they have it is a very strange fact. For all practical purposes a territorial government is a State government, allowing the people substantially the rights and privileges which they would have if the Territory were a State; but as they are now situated, all their territorial expenses are paid by the national Government from the national Treasury. If twenty-five thousand people in that far-off region are desirous of paying the expenses and bearing the burden of a State government, it seems to me wonderful. I should like very much to know how many of the population of that Territory have asked to be made a State. For one, I should not wish to impose upon them the burdens of a State government without their asking for it. It will make taxation very heavy to sustain a State government there. It is true I shall not have it to pay, and my constituents will not; and the Treasury of the United States will be relieved of supporting a territorial government; but I should hesitate a little before incorporating this Territory into a State without very substantial evidence that they wanted the incorporation.

It is very easy to conjecture how there may be apparently a desire in a Territory to be made into a State. In the first place, a Territory is not represented in this body, and a State has two representatives here. Then again there are various offices in a State which are not filled while the territorial condition continues. Some half dozen influential and ambitious men who aspire to be Senators and members of the House of Representatives and district judges may very easily get up an apparent desire in the population of a Territory to be made into a State. But how far, outside of the men who aspire to these offices, does this desire extend? How far does it extend among the mass of the people? Who is it living in a Territory that would not prefer to have it continue a Territory until it had assumed the size and proportions of a State, than to have it made prematurely into a State? Who, except the men who expect to hold these important offices? They, it is true, might feel ambitious and desirous of changing the territorial condition into that of a State; but I apprehend few besides themselves would be actuated by that feeling. I do not, for myself, believe that if the question were put to the people of that Territory to-day, one half of them would be in favor of changing their territorial condition into the condition of a State. I am at a loss to imagine on what principle those who would vote for the change would so vote. What would they gain by it, and how much do they clearly lose?

If these people are desirous of being incorporated into a State, I certainly shall not withhold my vote from it, although I confess the amount of the population seems to me altogether too small, altogether too insignificant, to be made into a State. Still, if they desire it, and it is the sense of the Senate, I shall not oppose it; but I shall want first to be satisfied beyond a peradventure that the great majority of the people themselves desire this change.

Mr. WADE. Mr. President, I am a little surprised that an objection should be raised to the enabling of the people of Nebraska to form a State government, when no such objection has been made to the other enabling acts that have been passed during this session. I believe this Territory has as many inhabitants as the other Territories that we have already authorized to form a State government.

The first objection of the Senator from Illinois is that the population of Nebraska is not sufficient; that there ought to be population enough there for a representation in the House of Representatives. That has never been the rule in the organization of these Territories. I hardly know of one that has been admitted that had population enough at the time of admission to demand a representation in the House of Representatives under the apportionment. Some of them may have had sufficient undoubtedly, but they were very few. Why, sir, Florida existed as a State for a great many years before it had sufficient population to entitle it to representation. Iowa, also, I think——

Mr. GRIMES. No, sir.

Mr. WADE. I will not be sure about that; but you may take Florida, Arkansas, and Texas, and not one of them had the population requisite to entitle a State to a Representative. Texas had two Representatives assigned to her when she had nothing like population enough to entitle her to one. That has not been the rule upon which we have proceeded. Where a Territory was filling up fast with population, and was immediately to assume an important position in the Confederacy by reason of the fertility of its lands and the rapidity with which it was being peopled, I suppose that constituted pretty much the reason why we have not insisted on any such rule. Certainly a rule that we have never applied to other Territories should not be applied to this.

The next objection is that we are about to impose a State government on a people against their will. I should be as much opposed to that, sir, as the gentleman from Connecticut. He demands of me to know whether it is the wish of these people to be enabled to form a State government. That is the purpose of this bill. It is only to enable the people there, if they see fit, to meet in convention and there determine either to have a State government or not. Do they want a State government? They have a Delegate in the other House, who, I suppose, fairly represents their will and their wishes. He was there advising the passage of this bill. He ought to know whether they want it or not, and I have no doubt he does. I have no question that he fairly represents the people there; but whether he does or not, we only present to the people the power to meet and take upon themselves a State government, and relieve the Government of the United States from supporting their government if they see fit to do so. The Senator is afraid that we shall burden them with the expenses of carrying on a State government. I do not believe they would thank the gentleman for that kind of advice. I have no doubt that they are able to take care of their own concerns; they are intelligent; they do not want any counsel on that subject from without, I presume. If they do not want a State government they are not obliged to have it. The bill only enables them to have it if they want it. Then that objection falls to the ground.

I know of no objection in this case that has not been overcome in every instance where such a bill has been presented; and certainly there is no reason existing against enabling these people to form a State government that has not existed in every case of this kind that has been presented since I have had a seat on this floor. It is a large, fertile Territory, now, under the operation of your homestead law, filling up with population beyond all previous example. Why then should we now adopt a rule to prevent their exercising their will and having a State if they want it? The reasons are all the other way. We have invited men to go into our Territories and take up land and get a title to it under the homestead law. That policy has increased greatly the settlement of our fertile Territories lying contiguous to and of easy access from the old peopled part of the country. I have no doubt that this Territory will have a population amply sufficient for a Representative by the time they get a State government formed and are ready to elect their officers. Therefore I see no reason why we should not follow the rule of all the rest; but I do not wish to take up time in speaking.

Mr. DAVIS. Permit me to make a suggestion to the chairman of the committee, particularly as it is apparent there is not a quorum present, that this measure be laid over informally, so that the morning business may be gone through with.

Mr. WADE. I have no objection to that. I do not wish to press it; but I wish to have it passed in such time that if the people see fit to form a State government they can do it before the next election.

Mr. FOSTER. Before the matter passes from under consideration, I wish to say a word in reply to the suggestion that I am undertaking to give advice to the people of this Territory, they being, as the honorable chairman of the committee suggests, abundantly competent, in his opinion, to decide their own matters for themselves. That is the very principle which I was advocating; and I only asked—and asked what has not been answered—whether the people had requested by petition here—which is the only way they can request it—that a State government be formed, saying that if they had asked it I was ready to give it to them. That was the position in which I was giving "advice."

Mr. WADE. Whether they have asked it by petition or not, I do not know. There was no petition sent to our committee; there may have been petitions sent to Congress. I rely on their representative in the other House.

Mr. FOSTER. If the representative is instructed by his people to ask this, it is all right, but unless that representative is instructed to ask for the admission of the Territory as a State, I submit to the honorable chairman whether he and his committee, and the Senate, if this bill passes, are not advising the people of this Territory, calling upon them to come together, and say whether they will not be made into a State. It is I who am standing here upon the principle of letting the people manage their own affairs in their own way, and when they want to be made a State, to say so. The gentleman goes over the ground of calling them together and asking them if they will not be made a State. I think that is rather dictating, or, at all events, giving advice, instead of waiting patiently for the people to express their own wishes.

Mr. WADE. Will the gentleman allow me?

Mr. FOSTER. Certainly.

Mr. WADE. We wish to give them the right, the privilege, of doing as they please on this subject; and can they do as they please on this subject without our action, provided they want a State government? They cannot have it without our action if they want it.

Mr. FOSTER. Certainly they cannot; but the doors of the Senate are open, the doors of the House of Representatives are open, and if they want a State government it is pretty easy for the people of the Territory to make their voice heard here and let us know that they want it. It seems to me officious, to say the least, for us to pass a bill inviting them to come together and express their views on this question. I think the people are abundantly competent to say, "When we want a State government we will ask you to give us one."

Mr. HARLAN. If the chairman of the committee does not intend to insist upon a vote on this bill this morning I move that it be postponed, and that we take up for consideration Senate bill No. 208.

Mr. WADE. I give notice that I shall call up this bill to-morrow morning, for I wish to get it through in a reasonable time.

The PRESIDENT *pro tempore*. The further consideration of the bill will be postponed until to-morrow. The bill is postponed.

REPORTS FROM COMMITTEES.

Mr. SUMNER, from the select committee on slavery and freedmen, to whom were referred petitions praying that something may be done to ameliorate the condition of persons who have been freed from slavery by the present war, reported a bill (S. No. 227) to establish a Bureau of Freedmen; which was read, and passed to a second reading.

Mr. HARLAN, from the Committee on Public Lands, to whom was referred a joint resolution (H. R. No. 55) granting certain privileges to the city of Des Moines, in the State of Iowa, reported it without amendment.

He also, from the same committee, to whom was referred the petition of C. Mullohan, of Gallipolis, Ohio, praying that additional time be given for the location of land warrants of soldiers of the war of 1812, submitted a report, accompanied by a bill (S. No. 228) providing for satisfying claims for bounty lands, and for other purposes. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 149) concerning certain school lands in township forty-five north, range seven east, in the State of Missouri, asked to be discharged from its further consideration; which was agreed to.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred a bill (S. No. 215) for the relief of the sufferers at Lawrence, Kansas, by the Quantrell raid of July 21, 1863, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the proprietor of the New York Sun, praying for the remission of the Government tax on the paper, to be given to the New York sanitary fair, asked to be discharged from its further consideration; which was agreed to.

Mr. HENDRICKS, from the Committee on Public Lands, to whom was referred a bill (S. No. 160) to grant aid for the construction of certain railroads in Wisconsin, reported it with an amendment.

Mr. HARDING, from the Committee on Public Lands, to whom was referred a bill (S. No. 166) authorizing the archives in the office of the recorder of land titles in the State of Missouri to be delivered to said State, reported it with an amendment.

He also, from the same committee, to whom was referred a memorial of the Legislature of Kansas, in favor of a grant of lands to that State in lieu of the sixteenth and thirty-sixth sections sold for the benefit of certain Indian tribes, asked to be discharged from its further consideration; which was agreed to.

BILLS INTRODUCED.

Mr. DAVIS, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 229) to regulate the mode of ascertaining the value of lands or other real estate that may be taken for the public use of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 230) to prevent the assembling of, and trial by, courts-martial, of capital or otherwise infamous crimes not arising in the land or naval forces of the United States or in the militia when in actual service in time of war or public danger; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 231) concerning the subsistence and pay of the Army; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

RAILROADS IN IOWA AND MINNESOTA.

On motion of Mr. HARLAN, the bill (S. No. 208) making a grant of lands to the State of Iowa to aid in the construction of a railroad from McGregor to some point on the Missouri river, and certain lateral roads to connect with railroads in the State of Minnesota, was read a second time, and considered as in Committee of the Whole.

The bill proposes to grant to the State of Iowa for the purpose of aiding in the construction of a railroad from the town of McGregor on the west bank of the Mississippi river in the State of Iowa, thence extending westward by the most practicable route on or near the forty-third parallel of north latitude to some point on the Missouri river between Sargent's Bluffs and the northern boundary of that State; also to aid in the construction of a railroad commencing at Cedar Falls in that State, thence along or near the valley of the Cedar river to the northern boundary thereof, in the direction of Mankato, in the State of Minnesota; also to aid in the construction of a railroad from Sioux City, in that State, to the northern boundary thereof, in the direction of Mankato, every alternate section of public land of the United States, not mineral, designated by odd numbers, to the amount of five alternate sections per mile on each side of the railroads on the line thereof, within the State of Iowa. But in case it shall appear that the United States have, when the line or route of the roads is definitely fixed, sold, appropriated, reserved, or otherwise disposed of any sections or any part thereof thus granted, or that the right of preëmption or homestead settlement has attached to the same, then it is to be the duty of the Secretary of the Interior to select, in alternate sections or parts of sections, from the public lands of the United States nearest to the specified tiers of sections, so much public land of the United States, not mineral, as shall be equal in amount to such lands as the United States have sold or otherwise appropriated, or to which the rights of preëmption or homestead settlement may have attached; which lands thus selected, in lieu of those sold, reserved, or otherwise appropriated or

disposed of, or to which the right of preëmption may have attached, together with the sections and parts of sections designated and appropriated, are to be held and disposed of by that State for the prescribed use and purpose. But the land to be so selected is in no case to be located further than twenty miles from the lines of the roads; and the lands thus granted are to be exclusively applied to the construction of the roads, and for no other purpose whatever, and are to be disposed of only as the work progresses through the same. All lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, are reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the routes of the roads through such reserved lands; in which case the right of way only will be granted, subject to the approval of the President of the United States. Nothing in this enactment or in any existing law is to be so construed as to prevent the junction of the railroad first named with the Dubuque and Sioux City railroad, at a point west of the Des Moines river, and the construction and use of a common trunk thence to Sioux City, on such terms and conditions as may be prescribed by the State of Iowa, and the application of that portion of the lands thus granted, and heretofore granted for the use and benefit of the Dubuque and Sioux City railroad, pertaining to that part of each road west of the point of junction, to aid in the construction of the common trunk road, as if no junction were made.

The State, in addition to the grant heretofore mentioned, is also to be authorized to locate the roads over any public lands of the United States not otherwise appropriated, reserved, or disposed of, and the right of way over those lands of the United States for that purpose is granted to that State to the width of one hundred feet on each side of the roads as located. The sections and parts of sections of land which by such grant shall remain to the United States within ten miles on each side of the roads are not to be sold for less than double the minimum price of the public lands when sold, nor are any of the lands not heretofore offered for sale according to law to become subject to sale at private entry until they shall have been first offered at public sale to the highest bidder at or above the minimum price. But actual *bona fide* settlers under the preëmption laws of the United States may, after due proof of settlement, improvement, and occupation, as now provided by law, purchase the same at the increased minimum price; and settlers under the provisions of the homestead law who comply with the terms and requirements of that act are to be entitled to patents for an amount not exceeding eighty acres each. The lands thus granted are to be subject to the disposal of the Legislature of Iowa for the purposes specified and no other; and the railroads are to be public highways for the use of the Government of the United States, free of all toll or other charges upon the transportation of any property or troops of the United States.

When the Governor of that State shall certify to the Secretary of the Interior that any ten consecutive miles of either of the roads are completed in good, substantial, and workmanlike manner as a first-class railroad, the Secretary of the Interior is to issue to the State patents for the land opposite to and coterminous with the completed section; and also on the completion of each successive section of ten miles until the roads or either of them are completed, when the whole of the lands thus granted will be patented to the State for the uses mentioned and none other. But if the roads are not completed within ten years no further patents will be issued to the State for the lands, and no further sale of the lands will be made by the State, and the lands unsold will revert to the United States.

As soon as the Governor of Iowa shall file or cause to be filed with the Secretary of the Interior maps designating the probable routes of the roads, it will be the duty of the Secretary of the Interior to withdraw from market the lands embraced within the provisions of this act.

The United States mail is to be transported on the roads under the direction of the Post Office Department, at such price as Congress may by law provide; and until such price is fixed by law, the Postmaster General is to have power to fix the rate of compensation.

The bill also proposes to grant to the State of Minnesota, to aid in the construction of a railroad from Mankato, in that State, to the southern boundary thereof, so as to connect with and become a part of the railroad mentioned in the first section of this act, to be located from Cedar Falls to the northern boundary of Iowa, in the direction of Mankato; also from Mankato to the southern boundary of the State of Minnesota, so as to connect with and become a part of the railroad mentioned in the first section of this act, to be located from Sioux City, in the State of Iowa, to the northern boundary thereof, in the direction of Mankato, every alternate section of public lands of the United States, not mineral, designated by odd numbers, in like quantity per mile of the railroads situated in the State of Minnesota, and on conditions and with limitations in every respect the same as those attached to the grant now to be made to the State of Iowa.

Mr. WILKINSON. In line thirteen, of section one, I move to strike out the words "in the direction of Mankato," and to insert "so as to connect with the Minnesota Central railroad."

Mr. HARLAN. I have no objection to the amendment.

The amendment was agreed to.

Mr. WILKINSON. In line seven of section eight, I move to strike out the words "in the direction of Mankato," and to insert "so as to connect with the Minnesota Southern railroad."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

DEATH OF JOHN C. RIVES.

Mr. COLLAMER. I move that when the Senate adjourn to-day, it be to meet on Thursday next. I make this motion in order to give Senators an opportunity to attend the funeral of Mr. Rives, who was an officer of this body. A similar motion has been agreed to in the House of Representatives unanimously.

The motion was unanimously agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. LLOYD, its Chief Clerk, announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 12) extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed, on the 9th instant, the following acts:

An act (H. R. C. C. No. 114) for the relief of Daniel Wormer;

An act (H. R. C. C. No. 115) for the relief of Darius S. Cole;

An act (H. R. C. C. No. 116) for the relief of William G. Brown; and

An act (H. R. No. 302) to amend section nine of the act approved July 17, 1862, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. The morning hour having expired, the unfinished business of yesterday, as the special order of the day, takes precedence of all other business. The bill (H. R. No. 151) making appropriation for the naval service for the year ending June 30, 1865, is now before the Senate as in Committee of the Whole, the pending question being upon an amendment moved by the Senator from New Hampshire, [Mr. HALE,] by direction of the Committee on Naval Affairs. That amendment is to strike out of the clause making appropriation for the navy-yard at Boston, in lines one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, and one hundred and eighty-two, the words, "and for extension of water front by purchase of two lots adjoining the navy-yard at a price not exceeding $135,000, three hundred and nineteen," and insert "one hundred and eighty-four;" so as to make the clause read:

For additional amount for joiners' shop, additional amount for coal house, extension of shear wharf, railroad tracks, and repairs of all kinds, $184,500.

Upon this amendment the yeas and nays have been ordered, and the Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 25, nays 11; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Davis, Dixon, Hale, Harding, Harlan, Harris, Henderson, Hendricks, Howe, Lane of Kansas, Morgan, Pomeroy, Powell, Ramsey, Riddle, Sherman, Sumner, Ten Eyck, Trumbull, Wilkinson, Willey, and Wilson—25.

NAYS—Messrs. Conness, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Howard, Johnson, Sprague, and Wade—11.

So the amendment was agreed to.

Mr. HALE. I offer another amendment from the Committee on Naval Affairs. I move to strike out in lines seventy-one and seventy-two the words "for furniture for Government offices and houses in the navy-yards," and to reduce the appropriation in lines seventy-eight and seventy-nine from $1,370,000 to $1,358,500.

This amendment is to strike out the appropriation for furniture for Government offices and houses in the navy-yards, and to lessen the total appropriation for contingent expenses of the Bureau of Yards and Docks by the amount estimated for that purpose; and I will make a brief statement as to the facts. After the passage of the law of 1835, regulating the pay of officers of the Navy, and raising it considerably, there was a provision, which gentlemen will find in the older editions of the Navy Register, declaring that that should be in full of all allowances of all kinds whatsoever, except actual travel, when officers of the Navy were ordered to travel. It cut off all allowances which had before been made for other objects. Notwithstanding that, the Department continued to make a small allowance for furniture up to the close of the Thirty-Second Congress. The attention of Congress was called to the subject, and to the provisions of law; and at the Thirty-Third Congress, commencing in 1853, the appropriation for that purpose was stricken out. No appropriation was made by the Thirty-Fourth Congress, the Thirty-Fifth Congress, the Thirty-Sixth Congress, or the first session of the Thirty-Seventh Congress. During all that time no appropriation of that kind was made, simply because it was against the express provisions of the law.

At the second session of the last Congress, the appropriation found its way into the appropriation bill again, for the first time for about a dozen years. By some means or other, that clause which had been omitted for so many years from the appropriation bill got in, and under it there was spent, in 1862–63, at the Washington navy-yard, $74; at the Norfolk navy-yard, nothing; at the Pensacola navy-yard, nothing; at the Mare Island yard, $800. These were all the expenses last year, I think—very trifling. This year, for the Washington yard, where there was $74 expended last year, they ask for $5,000; at Norfolk, where there was nothing spent then, they now ask for $1,000; at Pensacola, where there was nothing spent then, they ask for $500; and at Mare Island, where $800 was then expended, they now ask for $5,000; showing that while last year a very small amount was expended, this year a great deal larger amount is to be expended if the appropriation shall be made.

The Committee on Naval Affairs think that if it is necessary or proper to make this allowance—and they have no opinion now to express on that point—it should be added to the compensation of officers, and had better be done by a law which shall be made universal, applying to all officers, and not leave it to the arbitrary discretion of the officers at the Department having charge of the expenditure of the money. Congress, after much deliberation, determined as long ago as 1853 to drop this appropriation, and it has never been made since until the last Congress.

Mr. FESSENDEN. Let me ask the Senator if he makes a distinction between the Government offices and houses, or does he propose to strike out the whole?

Mr. HALE. I am willing to strike out only the Government houses.

Mr. FESSENDEN. Then how much do you leave in of the appropriation for offices? Have you looked at the estimates?

Mr. HALE. I believe they are not separated in the estimates. I have the estimates before me now.

Mr. FESSENDEN. And does the Senator propose to strike out the whole amount of the estimate for this item?

Mr. HALE. Yes, sir.

Mr. FESSENDEN. Then the Senator allows nothing for the offices.

Mr. HALE. It is impossible to distinguish them in the estimates.

Mr. FESSENDEN. Because they are made together. I supposed the honorable Senator in making such a motion would take pains to inform himself how much was needed for the offices, and not strike out the whole appropriation.

Mr. HALE. I do not know but what it will do to strike out simply the words "and houses."

Mr. FESSENDEN. That would leave too much for the offices.

Mr. HALE. I suppose they would not absolutely feel bound to expend all the money. Let the proposition be simply to strike out the words "and houses."

Mr. CONNESS. I should like to ask the chairman of the Committee on Naval Affairs whether he expects officers to carry the furniture of their quarters around with them, and how furniture is to be provided where new quarters are being built, as at Mare Island, California, where there are no houses for officers, but where they are now being built and prepared? Who does he expect to buy the furniture for these houses? Does he expect the officers to do it, and then sell it out at auction when they change their places and are superseded by other officers?

Mr. HALE. That is not for me to answer. All I ask is that the law be carried out.

Mr. CONNESS. It does appear to me that it is for the Senator to answer. The law gives a certain salary to these officers. An old law that the Senator has hunted up may declare that that compensation shall be the only compensation they shall receive; but I think it is for the Senate to ascertain whether furnishing their quarters with necessary furniture for their accommodation has anything to do, properly, with the allowances made to the officers by law. These officers live in the navy-yards, reside there, houses are properly built for them there; that is where they belong; they are required to be furnished. Appropriations of tens of thousands of dollars are made necessarily to build quarters for officers Does the Senator intend that they shall not be furnished with necessary appurtenances and furniture? It does appear to me that it is for him to answer.

Mr. FESSENDEN. I was prepared to give an explanation in reference to this matter; but my friend from California has in a degree anticipated me, though not entirely. When the subject was before the Committee on Finance, I had great doubt whether it was not best to strike out of this clause the words "and houses," as suggested by the Committee on Naval Affairs in the amendment now proposed; but on making inquiry and looking into the matter, I rather came to the conclusion that it was not advisable. It is true, as the Senator from New Hampshire has said, that for a considerable period of time this item was omitted from this annual appropriation bill. That, however, was at a time when furniture had been provided for most, if not for all, houses that were occupied, and it was not therefore absolutely necessary. The Senate know that an officer of the Navy who is situated at a navy-yard is usually kept there but a very few years. Most of his time he is afloat. Occasionally he is sent to a navy-yard for a year or two. He goes into the occupation of a house there. If he is obliged to live at the navy-yard, as he is by the regulations, he must have furniture for the house. It will readily be perceived that, with the salary we have been paying to our naval officers, it would be pretty hard on them to compel them to furnish houses in the style in which an officer is expected to live and be comfortable and respectable, to stay there perhaps for one year, perhaps for two years, perhaps for three years, or perhaps, though not often, a little longer, and then be compelled to sell the furniture at auction at a sacrifice and go to sea. They must live in the yard; under the regulations they are obliged to live there to protect the public property, &c., and therefore the policy was introduced by the Navy Department of recommending an allowance for this purpose. There is no positive law on the subject, except such law as arises from the appropriation, and a small appropriation was made from time to time to furnish these houses to a certain extent.

Formerly considerable money was spent, but they adopted a system of rules by which they limited the number of rooms that could be furnished by the Department in the houses and also the kind of furniture to be furnished, and adopted a very strict system, spending but little money. I have the printed regulations of the Department now before me showing precisely the system which was adopted. These regulations were established by Mr. Dobbin, and have been followed since. The Department under them furnishes a parlor, a dining-room, a hall, a kitchen, and certain chambers with certain kinds of furniture. For instance, for a parlor the furniture is one dozen chairs, one sofa, one pier or center table, one looking-glass, one pair andirons, one fender, one set shovel, tongs, and poker, one carpet, and one hearth-rug. The regulations prescribe the furniture for the different rooms, limiting the number of rooms, furnishing only the absolutely necessary articles, and also limiting the price so as to have them of a very plain description. The prices are all given here; I need not read them. Then the regulations go on to state the rules, which are very strict, and if the Senate will excuse me I will read some of them:

"On receipt of this order the commandants at the several navy-yards will cause an inventory and inspection to be made, by competent persons, of every article of furniture in the houses and offices on his station belonging to the Government, whether made in the navy-yard or purchased in open market; which inventory shall be compared with the Navy storekeeper's book, a copy sent to the Bureau of Yards and Docks, and the amount thereof returned to the bureau monthly, as other stores are. After the inventory, as above stated, shall have been taken, every officer occupying a Government house or office shall receipt to the Navy storekeeper for each article at its cost; and when officers shall be detached or leave the houses, the commandant shall order a survey and inventory of the furniture, and report, stating its condition, and missing articles, if any, a copy of which report shall be forwarded to the Bureau of Yards and Docks. They shall deliver over to the storekeeper every article, and according to the last receipt by them given. Any missing article must be accounted for to the commandant. On delivery of all the furniture, as above stated, the officer's receipt will be canceled. When commandants assume the command of a navy-yard or station, or officers and others who may be entitled to occupy houses report for duty, they will receipt to the Navy storekeeper for every article of public furniture delivered to them then, and afterwards for such other articles as may be purchased by the United States or made in the yard for them, when delivered; a copy of which receipts will be forwarded to the bureau.

"No article of furniture shall be allowed to be condemned and replaced which has not been in use over five years; after it shall have been that long furnished and is considered unfit for use, a survey may be asked for and held upon it. If reported as requiring repairs, let it be repaired according to the report; if condemned it must be returned to the Navy storekeeper, with a copy of the report of condemnation stating the cause. The storekeeper will credit the officer returning it at the price at which it was charged; then it must be sent to the Navy agent, who is hereby directed to advertise it for sale in like manner as other condemned stores are advertised, and to sell it at public auction to the highest bidder, and deposit the proceeds of sale to the credit of the Treasurer of the United States under the head of 'Contingent.' Requisitions in duplicate for new articles similar to those condemned, if allowed under this regulation, may be made by the occupant of the house, to be forwarded by the commandant to the bureau, and, if approved by it, may be purchased by the Navy agent, passed through the Navy store like other stores, and entered on the books and charged to the officer receiving them, and receipted for by him at cost; at which price they are to be continued in all transfers until condemned by survey. No new article of any kind, however, is to be purchased or made in the yard until the quantity of furniture in the house shall be reduced by condemnation in number and kind to the table herein prescribed. In the purchase of furniture under this regulation, no commutation or transfer of any part of the amount hereby allowed for an article not named, or from one article to another, is to be made either directly or indirectly. The articles named are to be made or purchased on the best terms, for and within the limited price, and in no case to exceed it. All articles made in the navy-yards for persons occupying Government houses are to be charged at cost, and passed through the Navy store in the same manner (except the inspection) that furniture purchased outside of the navy-yard does, and to be so returned and accounted for.

"The Navy storekeeper will be charged with, and held responsible for, all furniture, as he is for all other stores.

"A copy of this regulation to be furnished to each officer occupying a house in the navy-yards; also to the purser of the yard, the Navy agent of the station, the Navy storekeeper, and the master mechanics of each department in a navy-yard, including the boatswain, gunner, carpenter, and sailmaker."

I am informed by the gentleman at the head of the Bureau of Yards and Docks that so far as he knows—and he has been at the head of that bureau for a good many years—this matter has been administered with great caution, with rather a severity of caution, in reference to furnishing the articles. The articles themselves, as gentlemen will see from the prices, are plain, and the rules are strict and stringent. Under the circumstances, looking at it with reference to the officer and the uncertainty of the time he remains at a navy-yard, the houses themselves being owned by the Government, and he being compelled to reside there, it struck me that it was unreasonable to expect him to furnish his house, with the probability of being obliged to sacrifice a very considerable amount by selling it at the termination of his service there, whereas now when he goes away he leaves the furniture for his successor, whoever he may be.

In regard to the question of the amount to be expended, that is easily explained. For a long time we got along with very small amounts; but at certain navy-yards, for example at the one near San Francisco, new houses have been put up. A large amount is called for at the navy-yard here owing to the fact that the soldiers were in possession of the yard for a long time and occupied the houses as barracks, and the furniture became worthless and a large portion of it was destroyed, and that renders it necessary to replace the furniture in point of fact.

Mr. CONNESS. The chairman of the Finance Committee will permit me to call his attention to the fact that the Government is now erecting buildings at Mare Island which are required.

Mr. FESSENDEN. That is a comparatively new yard, and new houses are going up, and that explains fully the occasion for the large expenditure there. The explanation that I have given shows the reason why the appropriation for this year proposed to be made by Congress is necessarily large. It is owing to the peculiar circumstances of the case, the furniture having been destroyed. Probably very little will be required next year. I am satisfied that the fund has been faithfully administered. The Department of course has no feeling about it except the same that I have expressed, that it would seem to be unjust to officers to be compelled to go to large expense in furnishing houses at the navy-yards, when the probability is that it will involve a large sacrifice when they come to go to sea again. That is my opinion, and for that reason I did not suggest the striking out of the appropriation. It is, however, for the Senate to decide.

Mr. HALE. I do not deny the propriety of any of the suggestions which the honorable Senator has made; and if it is necessary to make these appropriations any larger than they are, or as large again, I am willing to do it; but I want the thing done by law. I do not want it left to the discretion of an officer to say who shall have houses and who shall have furniture and who shall not, and what shall be the amount. I want to read what the law is on the subject, and Senators will see how plain it is. The second section of the act of March 3, 1835, to regulate the pay of the Navy of the United States, is in these words:

"SEC. 2. *And be it further enacted*, That no allowance shall hereafter be made to any officer in the naval service of the United States for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States; nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same, nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel, or transporting baggage. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance that shall be received under any circumstances whatever, by any such officer or person, except for traveling expenses when under orders, for which ten cents per mile shall be allowed."

If the necessities of the service are such that these allowances ought to be made, I am perfectly willing to make them, if they are made by a law, and not submitted to the discretion of the chief of a bureau to give what he pleases and to whom he pleases. It will be remarked that this law expressly provides that there shall be nothing paid to officers for rent of furniture; and how singular and anomalous the construction of the law would be if they should not be allowed anything for rent of furniture, but still they might have the furniture itself bought for them. I have nothing fur-

ther to say about these allowances, except that if they are made they ought to be regulated by law.

Mr. FESSENDEN. It is very clear that that statute does not apply at all. We do not allow anything for the rent of houses or rent of furniture, or anything of that kind. We do not allow bills to be brought in for furniture, nor do we give them any furniture. The only question is, when you compel them to live in a Government house at a particular place, whether you will compel them to buy furniture for that house, which they must do unless the Government chooses, to a certain extent, to furnish its own house. The law is not in the way, and does not cover the case or apply to it in any shape or form. It is precisely in the shape in which a dozen other things are done for the Government, not for the officer; and that is to give them a small sum to meet what they conceive to be an expense which the Government ought to be at with reference to it. I do not see any difficulty about it. The officer has nothing to do with it.

Mr. CONNESS. If this appropriation shall be made it will be the law, and as much the law as the statute read by the chairman of the Committee on Naval Affairs. If any other law is necessary governing this subject, the Senator during the long period that he has been chairman of the Committee on Naval Affairs should have provided such a law. It would be better for him to do that than to come forward here without any facts or any reason and oppose an appropriation which is as necessary as one to pay your per diem, sir. I should like, if the chairman of the Committee on Naval Affairs were competent, to make him a naval officer for a while. I rather think he would expect that his quarters should be furnished, and would not petition against it. I am inclined to think he would petition for it.

Mr. FOSTER. It seems to me that there is the same necessity for the Government furnishing a house, when it requires the officer to live in it, as there is for furnishing a ship when the Government puts the officer on board the ship and requires him to do duty there. Why do we not require the officer to furnish the cabin furniture of the ship, the tables and the chairs, and everything that is necessary in the cabin of a ship? If there is anything in this law on the subject it forbids the furnishing of the cabin of the ship as well as the Government house. Why not? Where is the difference? It seems to me the cases are precisely parallel; and if we require an officer to furnish the furniture for a Government house, we should require him to furnish the furniture for the cabin of a ship.

Mr. HALE. I will not insist upon the amendment if it does not accord with the ideas of the chairman of the Committee on Finance.

Mr. FESSENDEN. I hope the Senator will not withdraw it on that account.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire.

The amendment was rejected.

Mr. HALE. I have one more amendment to offer, to come in immediately after the provision for the support of the Naval Academy, after line three hundred and fourteen, on page 14.

Mr. FESSENDEN. You have got a dozen amendments in there now.

Mr. HALE. This is another one to come in at the close of all the amendments that have been adopted at that point. It is to insert the following:

Provided, That no money hereby appropriated for the support of the Naval Academy shall be applied to the support of any midshipman hereafter appointed not in strict conformance with the provisions of the law for appointing midshipmen to the Naval Academy.

This is precisely similar to an amendment that was placed on the Military Academy appropriation bill, and it is the law of the land in regard to the Academy. It is prospective entirely, and simply provides that no portion of the appropriation shall be applied to the support of any midshipman not appointed according to law.

The amendment was agreed to.

Mr. ANTHONY. I am instructed by the Committee on Naval Affairs to offer the following amendment as a new section:

And be it further enacted, That there shall be added three professors to the number of professors of mathematics now authorized by law, who shall be appointed and commissioned as now provided by law, and who shall be a professor of Ethics and English Studies, a professor of Spanish, and a professor of Drawing at the Naval Academy.

This does not increase the number of professors or their pay; it merely gives to all the professors the rank that is now enjoyed only by some of the older ones, precisely the same as at West Point. It is asked for, I believe, by all those who are familiar with the Academy, the Superintendent, and the academic board.

Mr. FESSENDEN. I should like to inquire if it has been recommended by the Department.

Mr. ANTHONY. It comes from the Naval Committee.

Mr. FESSENDEN. Does it come from the Department?

Mr. ANTHONY. It does not come officially from the Department, but I am informed that the Department is in favor of it. The Senator will see that it merely places these three professors on the same grade with the other professors. It merely gives them a commission. It does not increase their pay. It frequently happens that young gentlemen who have been educated at the Academy go there as instructors, but they go there with their grade as commanders or captains, and they rank the professors who have instructed them. It is considered essential to the discipline and the efficiency of the Academy, and in order that these professors may have the respect of their pupils, that they should have a commission and be entitled to wear the uniform.

Mr. FESSENDEN. I will ask the Senator if any communication has been had with the Superintendent of the Academy on the subject?

Mr. ANTHONY. I have had no official communication with the Superintendent of the Academy; but I am quite sure he is in favor of it. I understand that all the professors there, and also the academic board, are in favor of it. I think the Senator from Iowa, and the chairman of the Committee on Naval Affairs also, can bear witness to that fact.

Mr. FESSENDEN. I do not know anything about it. What position do they hold now? What is their title?

Mr. GRIMES. There are three gentlemen at the Naval Academy who have been for a long time connected with it: one the professor of ethics and English studies; another the professor of drawing; and another the professor of Spanish. They are civil professors, without assimilated military rank. They are now receiving, I think, precisely the same salary that they would receive if the amendment proposed by the Naval Committee should be adopted. The only difference, therefore, that the adoption of this provision will make will be that it will make them professors, give them an assimilated rank, and give them a commission, in place of being civil officers.

Among the arguments that have been urged in favor of this measure are those suggested by the Senator from Rhode Island. It is not unfrequently the case, in fact it is the case all the time, that young gentlemen who graduate at the Naval Academy, having completed their four-year course, are returned there as assistant professors, and they rank these men who have been at the Academy for a long time, one of whom I know has been there for fourteen years, and under whose charge this young man has graduated.

Mr. FESSENDEN. What is the consequence of ranking?

Mr. GRIMES. It would not be anything with the Senator and myself.

Mr. FESSENDEN. Is it anything more than that one takes precedence in going into a drawing-room or something of that sort?

Mr. GRIMES. It is more than that in the Navy.

Mr. FESSENDEN. It appears to be a very trivial matter.

Mr. GRIMES. It is a very small matter to civilians, but to a naval or military man it is a matter of considerable consequence. But the great point, I apprehend, is that this amendment gives them a commission and makes them officers of the Navy, whereas now they are only tenants at will of the Secretary of the Navy. The purpose of the amendment is to make them professors precisely as others are now, and with the rank of a professor, and that is the corresponding rank, I think, of a lieutenant commander, but gives no increase of salary.

The amendment was agreed to.

Mr. GRIMES. If the Committee on Naval Affairs are through with their amendments I have one that I desire to propose. It is to add as an additional section:

And be it further enacted, That the United States Naval Academy shall be returned and established at the Naval Academy grounds in Annapolis, in the State of Maryland, before the commencement of the academic year 1865.

I ask the indulgence of the Senate while I very briefly refer to the history as well as to the present condition of the institution about which I ask for legislation.

The idea of establishing a Naval Academy originated with Alexander Hamilton, and was first suggested in his letter to Oliver Wolcott, written on the 5th of June, 1798. In a letter from Hamilton to Mr. McHenry, then the Secretary of War, dated November 23, 1799, his ideas on this subject were elaborated. He proposed that an academy should be established to "consist of four schools; one to be called the foundation school, another the school of engineers and artillerists, another the school of cavalry and infantry, and the fourth the school of the Navy." He suggested that naval and military cadets should be instructed in the foundation school for two years in those branches of mathematics and science that are common and fundamental to both professions, and that such should then be instructed two years longer in those branches of scientific and practical knowledge that are peculiar to their respective professions. He even specified the branches of learning that he considered it desirable to be taught to naval cadets, and what is singular is that they are substantially the branches taught to-day. Mr. Hamilton immediately inclosed to General Washington a copy of his letter to Mr. McHenry; and on the 12th of December, 1799, only two days before his death, that great man wrote to Hamilton, and the last letter I believe that he ever wrote on public affairs, approving of his plan and saying that "the establishment of an institution of this kind upon a respectable and extensive basis has ever been considered by me an object of primary importance to this country." This was before any naval school had been established by any nation, and so far as I know before it had anywhere been proposed to establish one.

In 1802 the Military Academy at West Point was established, but no provision was made for the naval school that Hamilton had proposed should be connected with it. In 1808 Mr. Jefferson transmitted to Congress, with his approval, the recommendation of General Williams, the Superintendent of the Military Academy, that that institution should be enlarged so as to include naval cadets who should be instructed in nautical astronomy, navigation, &c., but the proposition failed to meet the approval of Congress.

In 1813 the Secretary of the Navy was authorized to appoint a limited number of naval schoolmasters, who were detailed as a part of the ship's company on board of the larger class of the vessels of war, and required to instruct midshipmen in the rudimental learning of their profession. Of course, the scholastic training and education acquired on shipboard was of the most meager character. By the act of 1842 these schoolmasters were dignified with the title of professors of mathematics. Of this system of instruction on shipboard Mr. Upshur, in his annual report in 1842, said, "Through a long course of years the midshipmen were left to educate themselves and one another. Suitable teachers are now provided for them, but their schools are kept in the midst of a thousand interruptions and impediments, which render the whole system of little or no value;" and hence he repeated the recommendation of Secretaries Jones, Thompson, Southard, and Paulding, and of President John Quincy Adams, that a naval academy should be established upon a proper basis.

I will not take up the time of the Senate to repeat the arguments of those eminent men, and of committees of this and of the other House of Congress, in which they demonstrated that it was the highest dictate of economy, honor, and duty to give to our naval officers, who are our representatives abroad, the armed embassadors of the nation, the highest professional education possible.

Finally, in 1845, by a mutual understanding between Mr. Bancroft, the Secretary of the Navy, and Mr. Marcy, the Secretary of War, and with the assent of President Polk, Fort Severn, on the

Severn river in Maryland, was transferred to the Navy Department, and the midshipmen then afloat were ordered there for instruction. There has never been any act of Congress positively establishing a naval academy, but there have been numerous acts recognizing its existence, at the place I have mentioned.

The ground upon which Fort Severn was erected was purchased by the Government in 1808, and the fortifications were built under the direction of the present General J. G. Totten, the first labor, I believe, of that eminent officer and faithful public servant. The original site included only seven acres. Since it was transferred to the Navy Department by purchases made in pursuance of the acts of March 3, 1848, and March 3, 1852, the grounds have been enlarged to forty-seven and a half acres, furnishing ample parade and exercise grounds of every description required, the whole surrounded by a high brick wall. A more favorable position could not be found for a naval academy and more satisfactory accommodations for the students could not be devised than existed at Annapolis at the breaking out of this rebellion. Its immediate proximity to Chesapeake bay, the quiet retirement of the city in which it was established, the salubrity of the climate, and the length of the seasons in which out-door military exercise could be indulged, all tended to make Annapolis, in my opinion, a better place for the concentration of youths for nautical combined with general instruction than any place within my knowledge in the whole country.

More than half a million dollars have been expended in the erection of an observatory, dormitories, recitation halls, mess and library halls, officers' houses, hospital, &c., &c., and the entire expenditure in buildings, in the purchase and decoration of grounds, &c., exceeds eight hundred thousand dollars.

I think I hazard nothing in saying that no institution for professional training was anywhere ever conducted with more eminent success than was the Naval Academy at Annapolis. It realized all of the expectations of its founders and furnished to the country the most accomplished naval officers to be found in any navy, the benefit of whose services the nation is now enjoying.

The Academy was in the full tide of successful operation when the present rebellion broke out. When the way to the capital from the northern cities was interrupted by the Baltimore riots in 1861, General Butler proceeded with his command to Annapolis, took possession of the Academy grounds and buildings, and the institution was turned adrift. From that time to this the Academy property has been held by the Army, first as a military depot and latterly as a military hospital, for which purpose it is no longer necessary to the Government.

It is unnecessary for me to take up the time of the Senate in detailing any of the facts in connection with the removal of the Naval Academy to Newport, where it now is, although I happened to be one of the witnesses of that removal and had some connection with its being sent to its present location. When it was removed the idea was entertained by the then Superintendent, who is the present Superintendent, and the officers who were connected with him, that the Academy might be established within the walls and upon the grounds adjacent to Fort Adams, near Newport. After it was taken there it was discovered that there were no accommodations for it at Fort Adams. It then became necessary to plant it somewhere else. It was taken to the city of Newport, in the State of Rhode Island, where it now is.

There are a great many inconveniences and drawbacks connected with its present location, which I think imperatively demand that it should be taken from Newport. If taken from that place I think it should be taken back to Annapolis. Newport unites all the disadvantages of a watering place with a manufacturing town, and the associations and temptations are such it is impossible for the officers of the Academy to keep up that kind of discipline that is necessary at a naval academy. It is in the midst of a large city. The climate is not as good as at Annapolis. During the whole time, and I think it was there fourteen years, that the Academy was at Annapolis there were but two deaths. I have the testimony of the officers that since it has been transferred to Newport there have been several, the number I do not know. The records show that the proportion of ill-health at Newport in proportion to the number of students at the Academy has been much greater than it was at Annapolis, or as one to four.

It is true that many of the disadvantages that would naturally arise from Newport being a watering place are not felt so much by the students while they are at the Academy, because their practice trip generally occurs in the months of June, July, and August, which is the time that the watering season is at its height; but there are circumstances connected with its being a watering place that are regarded by those who are most familiar with the institution as exceedingly deleterious to young men.

I would not say, and I would not have it inferred from anything I may say or do, that the Academy has not been conducted since it has been at Newport as successfully as it possibly could be under the existing circumstances. I know the worth of the Superintendent and of the commandants, and other officers, past and present, who have been connected with the School. I know they are men of intelligence, as well as fine officers. I am perfectly well aware, and I think the parents of all the young men who have been there, or who are there now, recognize the assiduity and the efforts of those gentlemen to discharge their duties fully to the country and to the young men under their charge. But I am only speaking of the sentiment entertained, as I shall show hereafter, by those very officers themselves on this subject.

I know that the Academy, even at Newport, is more successful than any similar institution in the world. I have a letter in my pocket, written by an English officer to a distinguished citizen of this country, after he had been at Newport; had remained there some days thoroughly inspecting the School; had heard the boys at their recitations; had seen them at their gunnery practice, and other exercises, and at their exercise on board ship, and he pronounced that opinion. But still the Academy has not reached that degree of perfection which the naval officers connected with it think that it ought to reach, and which I think it ought to attain.

We cannot guard the morals and preserve the health of the young men who are committed to our care as our duty requires of us.

The allurements and temptations at the Naval Academy are such that we are losing from the service many of our best young men. It is utter folly to suppose that you can establish any rule or any artificial line in a city across which there are temptations to allure young men who are between the ages of fourteen and eighteen years which they will not sometimes transgress and pass over. The fact that they do pass over for the purpose of securing some temptation that is forbidden, may not of itself be an evil and a wrong except that it is a violation of the law of the Academy; and one of the first things that is taught to an officer at the Naval Academy is the duty of perfect obedience; for it is one of the axioms of that profession that no man is fit to command until he has learned to be commanded.

Two classes at the Academy are kept on shipboard. Those ships, I believe, are the Constitution and the Santee. They are dismantled; they are nothing more nor less than barrack ships. One part of the deck is assigned to a school-room, where the young men study in a common school-room; another to a dormitory, also one common room. On board of these ships none of the advantages can be derived that could be secured by being on board of a regular, properly manned and properly furnished man-of-war. These ships are moored about three fourths of a mile from the shore, and the only connection that the young men or the officers on board these ships have with the shore or their teachers who reside ashore is by means of a tug that is constantly kept, at considerable expense, plying between the shore and the ships. The other two classes are kept in a hotel in the midst of the city. The officers, instead of being within the walls as at Annapolis, and immediately associating with the young men, occupy houses, one in one portion of the town and another in another. Hence they can maintain none of that kind of police or guardianship over the young men that they would at Annapolis or at any other properly established and well-regulated school. The result of all this, as I said before, is that a perfect system and discipline cannot be obtained there, and in consequence of it the service is losing many of the most promising youngsters who enter the School, losing many of the young men who would make admirable, dashing, noble, glorious sailors, but who cannot be restrained from violating some of those minute regulations of the Academy which are necessary to be established and to be obeyed.

There is no hospital connected with the Academy at Newport. At Annapolis there was a hospital large enough to accommodate all the sick. There is no observatory and no library at Newport. I do not know whether at this moment the library is now open and occupies a house or not; but for a long time it was kept boxed up in one of the casemates at Fort Adams.

Mr. ANTHONY. If the Senator will allow me, the students of the Naval Academy have the free use of the Redwood library, which is infinitely superior to the library at the Academy in all departments—one of the oldest and best libraries in the country.

Mr. GRIMES. Then, Mr. President, as to the question of expense. At Annapolis we have our own grounds, our own dormitories, recitation-rooms, observatories, library-rooms, and means for imparting all the essential and necessary branches of education to naval officers. At Newport we have none of these. We are obliged to rent houses for our officers and students to occupy, and to maintain ships at large expense, which are constantly needing and undergoing repair, and which we shall be obliged to break up in a little while. We are compelled to keep a tug plying constantly between the ships and the land at considerable expense. I suppose the additional expense of keeping the Academy at Newport over keeping it at Annapolis would not be less than $100,000 a year, although on that subject I am not well informed.

Then in regard to climate: the instruction in gunnery, in infantry tactics and in artillery tactics, in seamanship and naval tactics, is all performed in the open air. I am told by those who are familiar with the subject that there is at least one month more in the autumn and one month more in the spring when these exercises can be performed at Annapolis than at Newport.

What are the objections to removing the Naval Academy back to Annapolis? First, it is said that it will be brought back into immediate proximity to the Army. It will be observed that the amendment which I propose does not seek to bring back the Academy until the commencement of the academic year 1865, which will be in September of that year. I do not seek to disturb the Army at this time. I understand from the chairman of the Committee on Military Affairs that the Secretary of War deems it important to the interests of the public service that the Army should keep possession of Annapolis for the present; and I did not intend to be put in the attitude of throwing any impediment in the way of the War Department, or of the proper prosecution of the affairs of that Department. I have therefore proposed in this amendment, in order to give all parties ample time, that the Academy may remain at Newport until September, 1865.

An objection was made when this proposition was under consideration a year ago to the return of the Academy to Annapolis because of the alleged disloyalty of the people of Maryland. I trust, after the recent developments in that State, that that argument will not be urged to-day.

Now, Mr. President, what are the opinions of others on this subject who are familiar with it and capable of judging? I propose to read a letter from Admiral Charles H. Davis, who is at the head of the Bureau of Navigation in the Navy Department, under whom this Academy is placed by law. I need not tell the Senate who he is, and that there is no man in the country, certainly none who has not been immediately connected with the Academy as a Superintendent or a commandant of midshipmen, who is better able in every point of view to give correct information and good advice on this subject than Admiral Davis. He says:

"The most obvious argument for the removal of the Naval Academy from Newport back to its original site in Annap-

olis is that the latter is a complete establishment, built and prepared for the express purpose, containing all the buildings, such as dormitories, lecture and recitation-rooms, chapel, library, observatory, hospital, &c., &c., and containing also suitable residences for the Superintendent, professors, and instructors of all classes. This argument is so obvious and so weighty, that in order to be overcome it should be met by some counter argument equally conclusive. But the truth is that there is not a single consideration, with one exception which will be noticed hereafter, that is not in favor of Annapolis rather than Newport as the seat of the Naval Academy.

"Among these considerations we may enumerate as one of the most important the comparative healthiness of the two situations. In this respect experience is entirely in favor of Annapolis. During the long residence of the School at the latter place no such instances have occurred of endemic diseases as have once or twice created the most serious alarm at Newport, and threatened to break up the School. It is worth while to inquire into the nature of these diseases, or to ask whether they spring from the very humid climate of Rhode Island in the spring, or from the manner in which the midshipmen are lodged. If it should be argued that these sicknesses have been the result of the midshipmen's living on board ship for so long a time, this very statement is a reason for the return of the Academy to Annapolis, where, with suitable additions to the present buildings, only the junior class would have to live on board ship, and that only for one year.

"Another of the important considerations referred to is the seclusion and freedom from interruption and from temptation afforded by the old Academy grounds. This is a consideration which is entitled to the deepest reflection. It comes home immediately to the most serious anxieties of parents, and of legislators, who in this case stand *in loco parentis* toward midshipmen. What parent would willingly subject his child in the progress of his education, and during his tender years, to such temptations and displays of luxury and wealth as dazzle the eyes and excite the fancy of the young men at Newport, leading them to form very false ideas of what constitutes real usefulness and honor in life? What would be thought of a deliberate proposition to remove the Military Academy at West Point from its present situation, and from all its accumulated advantages of buildings and grounds, to a fashionable watering place, putting the cadets into a hotel built of wood, in lieu of their present excellent accommodations? And the case is precisely similar in respect to the Naval Academy, for the removal to Newport at the beginning of the rebellion was merely regarded as a temporary expedient. Nothing whatever has been done to give to its residence there the character of a permanent establishment; on the contrary, several large ships have been sent there to receive the midshipmen, and the hotel, in which the two upper classes reside, has only been rented by the year; and when the present lease expires (about a month hence) it will be rented by the month.

"Another of the important considerations to be kept in view is the superiority of the climate of Annapolis over that of Newport, in respect particularly of the duration of the winter. We do not speak of this on the score of health, which has already been touched upon, but with relation to its effect upon the education of the midshipmen. In consequence of the greater mildness of the climate of Annapolis, the period of all kinds of out-of-door exercises is much longer, and the exposure attending them is very much less. When it is considered that a most important part of the instruction of the midshipmen in the art of seamanship, in the tactics of single ships, of squadrons, and of fleets, and also a great deal of instruction in naval gunnery, must take place on the water, it will readily be understood that the quiet waters of Chesapeake bay, inclosed, and yet affording the amplest field for all kinds of naval exercises and evolutions, are very preferable to those of a more northern climate and less protected situation.

"These three considerations of the superior healthiness of Annapolis, its seclusion and remoteness, and the mildness of its climate, added to the fact that all the material accommodations, instruments, and means for conducting the School are on the spot, cannot fail to conduct an unbiased mind to the conclusion that the School ought to be restored, at the end of this term, to its original and proper seat; for these are the main considerations, and the only important considerations. Anything that may be said in favor of Newport may be said with much more reason in favor of many situations on Long Island Sound; and yet what would be thought of a serious proposition, instead of making use of the public buildings at Annapolis for the purposes for which they were constructed, to spend $500,000 in erecting the same buildings elsewhere, and in a less suitable place? Newport is thought of as the place for the Naval School simply because the Naval School took refuge there in time of trouble; but the truth is that the result of this experiment, which has now lasted nearly three years, is entirely adverse to keeping the institution at Newport. Whatever may be said in favor of other places, experience has proved that nothing can be said in favor of Newport. It is a fact worth mentioning that the Department has thought it necessary to instruct the Superintendent not to allow the practice ship Marion to go to the southward of Point Judith, that vessel being in an unseaworthy condition. No such restriction would be necessary at Annapolis.

"There are some minor considerations in favor of Annapolis which it may be worth while to touch upon. One is the economy of living—a most serious question to the professors and other officers of the institution who have houses at Annapolis, and are enabled to live there much more comfortably upon their salaries. It would be a real act of humanity to them to allow them to return to their old quarters. Another of the minor considerations is the evils arising from the extreme inconveniences of the present situation of the Naval School. One of the immediate consequences of these inconveniences is that all the advantages arising from the use of the observatory, and from free access to the excellent library of the institution, are suspended, and indeed entirely lost to those of the midshipmen whose education is begun and completed at Newport.

"A third of these minor considerations is (I do not know but that I am wrong in calling it a *minor* consideration) that a great deal of that punctuality, precision, and uniformity of discipline, which belong to a separate establishment, and a distinct inclosure, are unavoidably omitted in such a place as Newport. Annapolis is so situated that nothing interferes with the order and routine of the School; there is no interposition of a public opinion, or sentiment, or of any influence that is foreign to the interests of the institution. The Naval School is there a distinct community, having its own laws, and its own appropriate sentiments. It is needless to undertake to show by any labored argument how much more easy it must be to conduct the education of young men under these circumstances than amidst the bewildering distractions of Newport and its vicinity.

"I promised in the beginning to notice one exception, which is taken against Annapolis, and which at one time might have been allowed to have some moment. This exception is the want of loyalty and Union sentiment in that place."

This letter was written before the recent election in Maryland.

"In the beginning of the rebellion this consideration was an important one on many accounts; it threatened to exercise a corrupting and disorganizing influence on the School; but when the Academy returns to Annapolis the very reverse will be the case, because it is filled now exclusively by young men in whose breasts all the circumstances of this accursed rebellion have created the most passionate sentiments of loyalty and attachment to the Union. So far from there being reason to apprehend that the present midshipmen, or those who are to come after them, can imbibe any taint from the traitors or southern sympathizers that may be lurking in that city, they, on the contrary, will exercise supreme moral control in the opposite direction, and will render treason afraid to show itself and fearful of the sound of its own voice. Besides, this would be a charge against Maryland which it would be exceedingly unbecoming for any one to urge in the present highly patriotic attitude of that State."

That is the opinion of Admiral Davis, the gentleman who has the general charge of the Naval Academy. He has thoroughly investigated the whole subject. He has visited the Academy for the purpose of informing himself before he made that communication to me.

I will now read from the report of the visitors to the Naval Academy in 1862. This board of visitors was composed of Commodore Stribling, Commodore Sands, Commodore Glynn, the deceased Commodore Hudson, Commodore Wilkes, and Commodore Harwood. They say:

"It is scarcely necessary to refer to the causes which led to the removal of the Academy; under the circumstances such removal was unavoidable. Coming here without any previous preparation, the difficulties to be encountered were great and not to be easily overcome. Expedients had to be adopted, and in many ways the Superintendent and other officers of the institution were at a loss how to proceed so as to prevent the studies of the acting midshipmen from being materially interrupted. For the want of proper rooms, inconveniences are still experienced when several classes are reciting at the same time. The library is in boxes at Fort Adams, and appears to be in good condition *now*, but the board does not think that such valuable books should long be kept in a casemate. Doubtless dampness is there, which, in time, will injure or destroy them. Besides, it is important the library should be in a condition for use. At the hotel building there seems to be no suitable accommodation for it. The board is of opinion that as soon as can be done with safety, the Academy should be returned to Annapolis, where every facility exists for the improvement of the students and for the comfortable accommodation of all connected with the institution."

This report is concurred in by all the commodores whom I have mentioned and who composed the board, except Commodore Sands. He does not dissent from it, but expresses the opinion that it was hardly proper for that board to make any intimation at all on the subject, either in favor of retaining it or sending it away from its present location.

I will now read a portion of a letter from the very excellent officer and distinguished gentleman who is now at the head of the Naval Academy—I mean Commodore Blake. In a letter written to me dated on the 18th of March he says:

"The disadvantages of the present temporary location of the Naval Academy are very great indeed, and no one can entertain a doubt of the necessity of its being permanently re-established *somewhere* at the earliest possible moment. We now number over four hundred midshipmen, two hundred and seventeen being in a building erected for hotel purposes, in the heart of a city of fifteen thousand inhabitants, and the rest quartered on board two frigates lying at a small island in the harbor, nearly a mile distant from the building, communication being kept up with them by means of a small steam-yacht of about forty tons. This is the best arrangement (deficient as it is) which we have been able to make here. Two boards of visitors, the presidents of both former Superintendents of the Academy, have inspected it with the utmost care since we have been thus established, and I beg you to look over their reports, particularly that of the last board, of which Rear Admiral Goldsborough was president. Its investigations were of a most searching character, and their report, which is one of the documents accompanying the last annual report of the Secretary of the Navy, will, I think, satisfy you that we have done the best we could *under the circumstances*." The inconveniences which we are contending with are obvious to every one. In the first place, it is extremely difficult to guard the morals of so large a body of youths, and hold them under proper military discipline, situated as we are; though I believe that every intelligent person who has inspected the establishment admits that we have succeeded in this respect better than could have been expected. In the second place, a great deal of most valuable time is lost in passing from one part of the establishment to the other for drills and exercises; and the operations of the commissary, as well as all our domestic details, are, under such circumstances, very difficult to manage."

I have also a communication from Commander Rodgers. I need not tell the Senate who Captain C. R. P. Rodgers is, the third in a line of descent of naval heroes, and himself one of the most accomplished officers of our own or of any navy. He was the commandant of the midshipmen at Annapolis at the time the Academy was removed. He went with it to Newport and remained there until the expedition of Admiral Du Pont to the southern coast was organized, when he was selected for a position infinitely above his rank, although perfectly corresponding with his merits, to command the flag-ship Wabash. Let me say furthermore that Captain Rodgers is a Newport man; at any rate his family resides in Newport; and therefore, if he had any local interests that would govern him in forming any opinion on this subject, it would seem to be adverse to the opinions that he expresses in this letter and the views which I entertain. He says:

UNITED STATES STEAMER IROQUOIS,
BALTIMORE, *March* 11, 1864.

MY DEAR SIR: I have received to-day your letter of the 10th instant, in which you do me the honor to ask my opinion as to the expediency of sending the Naval School back to its old site at Annapolis. I have no hesitation in saying that I think it of the utmost importance that it should be sent thither at the earliest possible moment.

I was the commandant of midshipmen when the Naval Academy was removed from Annapolis, and before I gave up that position to take more active service I became convinced that Newport was not well adapted to become the location of a great naval training school. It is, I think, the most agreeable residence in the country, and the officers and professors of the establishment could not fail to enjoy the genial hospitality and the cultivated society for which the place is so deservedly famous; but Newport is not only a fashionable watering place, and the permanent home of a gay and luxurious society, but is, moreover, a factory town, and abounds in every allurement calculated to distract the minds of students and afford them facilities for dissipation.

It is also one of the most expensive places in the country. The climate is delightful during the summer months, but during those months the midshipmen are absent either on their practice cruise or on furlough. The winter climate is severe and the rigors are protracted during the whole of spring, affording no facilities for those military exercises which must be acquired in the open air, under a more genial temperature than Newport affords before June. These exercises are of the highest importance and cannot be dispensed with.

The School is now chiefly quartered in a hotel, in the center of Newport, without even a police wall about it. The junior class is still more badly quartered on board barrack ships, the tendencies of which, I think, are very pernicious. These vessels must not be considered as ships-of-war; they are simply bad floating barracks, where the midshipmen are herded together, without any privacy, between low and over-heated decks. The habit and routine of these ships is academic and not naval.

On board of them the usages of a ship-of-war in commission cannot be enforced or exhibited, and the habits acquired are in no degree those which will be demanded of the midshipmen when they shall graduate and pass into active service.

I once thought well of quartering the junior class on board the Constitution, but subsequent observation has changed my opinion, and I now consider it of great importance that the members of the entering class should be lodged like the other midshipmen, on shore, under the influence of the senior classes, in suitable rooms, where they may find some degree of privacy, and be shielded from the demoralizing influences inseparable from the practice of massing in one open space the well disposed and those with vicious propensities.

Annapolis was the first seat of our naval training school; it is the *alma mater* of all its graduates; it already has associations that are dear to many naval officers. Upon its grounds and buildings much thought and labor and treasure have been expended. The location is very beautiful, the grounds are cheerful and well adapted to their purpose. The winter is short, the spring far more genial than that of Newport, as the much earlier vegetation will attest. The period of confinement in heated rooms, and deprivation of out of door sports, much more brief.

The cost of food and attendance is moderate. The town itself is small and quiet, and not likely to increase. The barracks for the students, the quarters for the officers and professors, the mess hall, recitation hall, chapel, observatory, hospital, and the like, are already built. A moderate sum will put everything in good condition, and the Naval School can soon be placed on a firm and satisfactory footing; its walls can shut it in from too much intercourse with the neighborhood, and it will be shielded from the allurements which now distract it.

Should it remain in Newport its habits of study must languish, no matter how devoted may be the efforts of those intrusted with its control and instruction, and its tone must

be greatly lowered. The money which is now spent upon it serves only a temporary purpose, and effects no permanent improvement in its *matériel*. When the day of severe retrenchment shall arrive it may be found still quartered in a hired hotel and in barrack ships, and it will be very difficult to obtain an appropriation to place its establishment upon a substantial basis.

All the officials of the School with whom I have conversed have seemed to think it of great importance that it should return to Annapolis at an early day.

I firmly believe that the rank our Navy will take hereafter among the navies of the world will depend chiefly upon the efficiency of its training school. Nautical skill is no longer the sole requirement in a naval officer.

If he is to compete with foreign officers he must be a man of disciplined mind and scientific training, and to be this he must seek knowledge with unswerving diligence, aloof from the resorts of gayety and luxurious pleasure.

The succeeding commandant of midshipmen at the Naval Academy at Newport, after Captain Rodgers was detached, was Captain Simpson, now the commander of the Nantucket in Charleston harbor. He was the assistant executive officer of the Academy for a year or two at Annapolis before it was removed to Newport. I have a letter from him of the same tenor as that which I have read from Captain Rodgers and that which I shall read from the present Superintendent, Captain Fairfax, but I failed to bring it with me to the Senate Chamber. And, sir, let me say here, that although my acquaintance with naval officers is somewhat extensive, I have never seen and I have heard of but one single naval officer who was not in favor of returning the Academy to Annapolis at the earliest possible moment.

I hold in my hand a letter from Captain Fairfax, who is known by reputation at least, if not personally, to many of the Senators present. He says:

NEWPORT, *March* 21, 1864.

DEAR SIR: The United States Naval Academy is composed of two parts, a contracted hotel, becoming very dilapidated, not at all adapted for its purposes at the present time, and the two school ships Santee and Constitution, lying across the harbor, moored to wharves on Goat island, separated by nearly three fourths of a mile, consuming valuable time passing to and fro, both of the line officers and professors. The ships are, in my opinion, miserable places to study. Imagine on board of each vessel, as was the case at the commencement of the term, October, 1863, one hundred and thirty youngsters promiscuously thrown together, undressing and dressing together, no privacy whatever, all sizes and dispositions, from the East and the West, living in this condition for a year and a half and sometimes nearer two years; and why? Simply because the quarters on shore will not admit of more than a half of our whole number. In this state of things, with our instructors and the line officers living at different parts of the city—some a mile from the Academy—we lose half or more than half the services of all in maintaining discipline. Often when required they cannot be found, as they have no academic limits to live in. The trouble of keeping the midshipmen within imaginary bounds is much greater than a casual observer would suppose. It is almost impossible to keep up very fine discipline. The youngsters on shipboard when on liberty from the restraints of a week on board a confined vessel—the only change a contracted island, presenting nothing attractive to the eye—break through all proprieties. The city is full of grog-shops and lewd girls, and you must remember it is a manufacturing place. I merely tell you a *few* of the disadvantages, for at this time, unfortunately, I am pressed for time.

If the Academy is not moved soon it will be necessary to make several important additions to our present arrangements to meet the increase in numbers of those who are or will be properly entitled to come from the ships, and also do numerous repairs to our present building. One important feature that ought to be taken into consideration is the want of hospital room—accommodations for any seriously sick. The question is, what shall we do? Can we afford to build a new Academy, or will Congress do it? If not, and were they disposed to, how long will it take, and where locate it? We must take into consideration the climate, for our work is principally during the winter months. Our exercises in seamanship, gunnery, artillery, and infantry tactics require out-door work. This climate is too severe and very changeable. So far as I can see nothing offers so favorable as Annapolis; with nearly all the requisite buildings, fine, large grounds, properly inclosed, and a wharf next to them to moor vessels for study or practice—with everything concentrated into the Academy grounds—all of our force is available. I feel, even with the objectionable surroundings growing out of a large Army post and paroled prisoners' camp, our discipline would be improved at the latter post; but with the withdrawal of sick and other soldiers Annapolis could be rendered, with the least expense, the most desirable place for a School. I am not actuated by any feeling save that of the best interests of the Academy. So far as I am personally concerned, I vastly prefer living here. For me it will ever be distasteful mingling with any of those who are influenced by southern sectional feeling. You know my position as a strong Union man, and yet a southerner by long line of ancestry. But my time stops me here as the mail is about closing, and already I have been too long answering your letter.

Very respectfully and truly, D. M. FAIRFAX.

Hon. Mr. GRIMES, *United States Senate.*

I have also a letter from General Lockwood of the United States Army, who was for many years, and is at this time, one of the professors at the Naval Academy, although detached for military purposes, written on the 20th of last month. He says:

HEADQUARTERS MIDDLE DEPARTMENT,
EIGHTH ARMY CORPS,
BALTIMORE, MARYLAND, *March* 20, 1864.

SIR: Having been connected with the Naval Academy from its origin in 1845 till April, 1861, when it was removed to Newport, Rhode Island, in consequence of the breaking out of the rebellion, and being still a professor in the United States Navy, and naturally interested in its prosperity, I am gratified to learn that an effort will probably be made, during the present session of Congress, to return the School to Annapolis, which place I regard as a far more suitable location, for the following reasons:

1. The mildness of the climate which enables out-door exercises, so essential a feature of the course of instruction, to be prosecuted one month longer in autumn and to be resumed one month earlier in spring, thereby duplicating the time devoted to these exercises at the Academy.

2. The salubrity of the climate. It may appear strange, but is nevertheless true, established by experience, that the pupils enjoyed far better health at Annapolis than they do at Newport. Being absent during the summer and early autumn, the autumnal diseases, the only ones seriously affecting the Chesapeake locality, are not felt, and the catarrhal and asthmatic affections of the North are not known to any great extent in this locality. The ratio of mortality and some cases of disease in the two places, as shown by the experience of the Academy, are as one to four.

3. Expense of living. This is found to be a serious drawback at Newport, felt not only by the midshipmen, but by the professors, officers, and employés, and rendering it extremely difficult for either to live within their pay.

4. Discipline. From a variety of causes it is found extremely difficult, yea impossible, to maintain a rigid discipline at Newport. Among these causes may be named the influences of fashion in a gay, and of corruption in a manufacturing and seaport city, and the ready access of vice and liquor to the pupils in consequence of the barracks being within the city of Newport.

5. Imperfect accommodations, as affecting not only the health and discipline, but the facilities for instruction; separating the School into remote parts, and placing superior officers so far removed from the pupils that their influence is in a measure lost.

Finally, having recently returned from the post at Annapolis, and having as department commander carefully inspected the buildings, &c., of the Naval Academy hospital, I am enabled to say positively that a very small sum of money would suffice to restore things there to the *statu quo ante bellum*; that the buildings within the Naval Academy walls are not absolutely required for the present wants of the military service; that the St. John's College buildings are pronounced by the surgeons much better adapted to and are entirely sufficient for the sick now there or expected; that any possible deficiency can be supplied by hospital tents, which the surgeon in charge is now using in preference to buildings, because he avers his convalescent patients recover more rapidly; that the commissary and quartermaster departments are now being removed without the walls as of more ready access; and that an expenditure of a few hundred dollars will construct wharfage without the walls far more convenient than that within.

I have the honor to be, very respectfully, your obedient servant, HENRY H. LOCKWOOD,
Brigadier General commanding Department, and Professor United States Navy.

Hon. Mr. GRIMES, *United States Senate.*

I have read these letters to the Senate because they were written by men well known in their profession and favorably known to the general public. They are from officers familiar with the subject about which they write, each of them being now or having been recently attached to the Academy in an official relation. They know its wants, its dangers, its opportunities. Each of the letters I have read is an argument of itself, and a far better one than I could make.

I have several other communications from naval officers, all of the same tenor. They are from men who have been intimately connected with the Academy. They know its wants and its policy, and the policy of the country. They are from men of no party and no section but the party of their country. But I will not take up the time of the Senate with reading. I believe, myself, that the best interests of the Academy and of the service require that it should be removed at the earliest possible day. I am not disposed, in consideration of what the chairman of the Committee on Military Affairs has said to me to-day, to force it back to Annapolis against the wishes of the War Department at this time, although I have no doubt that, as General Lockwood says, who was commandant of this post at the time he wrote me this letter, with a very small expenditure of money the Army could be accommodated at Annapolis without the walls quite as well as within them, and then surrender the Academy grounds to the Academy proper. I do not doubt that it ought to be removed to Annapolis at the beginning of the next academic year.

All I want at present is to give both the War and the Navy Departments to understand, and to let the parents of the young men who are at the Academy understand, that it is not the policy of this Government to keep the Academy where it now is; that it is not our policy to subject their sons and their *protégés* to the temptations to which they are now subjected at Newport; that it is not our policy to encourage them to put their sons into the public service, and then, after furnishing them temptations by which they will be allured from the path of duty, ignominiously to dismiss them from the public service because they have yielded to those temptations. Having done my duty, I leave the issue to the Senate.

Mr. ANTHONY. Mr. President, if I had not been aware of the intention of the Senator from Iowa to bring forward this proposition I should be surprised to meet it here upon an appropriation bill. It has not been called for by the Department, and we have no evidence before us that the Department deems it advisable. Indeed, we have strong negative evidence that the Department is content with the Academy where it is, and has no disposition to remove it. If the location of the Academy were fixed by law, if the President, or Secretary of the Navy acting under him, had not the power to remove it without the direction or the assent of Congress, there might be a propriety in conferring the authority, or even in indicating the opinion of Congress on the subject. But no such power on the part of the Department is lacking. The Academy is not and never has been fixed by law in any place. In fact, it was not created by any special law. Mr. Bancroft, when he was Secretary of the Navy, wisely determined that instead of instructing the midshipmen on shipboard by professors, it would be better to collect them at one place, to subject them all to the same discipline, to give all of them the advantages of all the professors, and to subject them all to the healthful stimulus of associated study and generous competition. With no other authority than what he found in existing statutes, he carried his project into execution, and collected the young gentlemen at Annapolis, where he organized a plan of instruction and discipline. The measure met with the approbation of Congress, and appropriations were made for larger instruction, for wider range of study, and for comfortable and convenient accommodations for the pupils and their professors. Thus started and thus grew up the Naval Academy, which is doing for the Navy what West Point has done for the Army, which has taken such a strong hold on the public regard, and to which to-day thousands of promising young men are looking as the goal of their young ambition and the starting point of their manly career.

When the rebellion broke out and a mob of armed traitors attempted to seize the Academy and to destroy the old ship Constitution, the Academy was hastily and not without much danger removed to Newport. An arrangement was made between the Secretary of the Navy and the Secretary of War for the occupation of Fort Adams by the Academy, and in this arrangement the Senator from Iowa was largely instrumental. Fort Adams was found to be inadequate for the comfortable accommodation of the pupils, and they were transferred to the Atlantic House, a great hotel, with large, airy rooms, beautifully situated, in one of the healthiest places in the world.

Now, whenever it is found that Newport is less desirable than Annapolis or than any other place for the Academy, the Secretary has the same power to remove it that he had to establish it originally at Annapolis and that he had to remove it from Annapolis to Newport. Certainly the Secretary, with the advice of the officers of the Academy and with the counsel of the Navy at his command, is better qualified to judge than we can be here of the necessity of the change. We might as well direct him where he shall build his ships, how he shall make up his fleets and squadrons, what vessels he shall station on the Atlantic, what in the Gulf, and whom he shall detail to command them, as to interfere in this matter of executive business. Surely the Secretary can be trusted in this matter, as he is in affairs of equal importance in his Department; and it seems to me that it is hardly respectful toward him and toward the President thus to direct him in a matter where he has full power and which he necessarily must understand better than most of us can.

The argument of the Senator from Iowa is directed not against Newport but against retaining the Academy in a building where there is

insufficient protection from outside influences, where discipline is not so easily maintained, and where the distractions from study are numerous and strong. That is to say, there should be large and permanent accommodations erected. No one will deny this. The question is, where shall they be erected? For we have not such buildings now at Newport or at Annapolis. The buildings at Annapolis were insufficient for the accommodation of one hundred and eighty pupils. Some of them were obliged to live on shipboard. The School has now increased to four hundred. Every man familiar with building can tell something of the relative cost of repairing and enlarging and adapting old buildings and of constructing new ones on the most improved plans and with all the advantages of experience. Every one knows, too, the comparative value of the two when completed. The entirely new building is generally the cheapest and always the best. A man who repairs and enlarges an old house almost always wishes, when it is finished, that he had laid the foundation of a new one. The accommodations that have been erected a little at a time and patched the new upon the old for the accommodation of one hundred and eighty pupils, cannot be profitably stretched out for four hundred. The wisest plan would be to erect entirely new ones, even if they should be built at Annapolis. Not only the large number of pupils but the larger range of study, the expansion of the whole system demands this. Moreover, the buildings at Annapolis, erected originally upon the site of a military fort, are now occupied and needed for military purposes, for hospitals, and for other purposes. The corps of General Burnside, which is to be recruited up to fifty thousand, and which, I understand, has already reached about forty-five thousand men, is to be organized at Annapolis. Other military expeditions will doubtless be formed at that point, and at this time, and so long as the war may last, the Government property at Annapolis will doubtless be more valuable for military purposes than for the education of naval officers.

Now, when we deduct from the $800,000 estimated by the Senator from Iowa to have been expended at Annapolis—and I think the estimate a large one—the amount that has been paid for property worn out and useless, the amount represented by movable property that would be as valuable at Newport as at Annapolis, the amount that would be as valuable for military as for naval purposes, I have no question that the balance is not equal in value to that of the island which the city of Newport has offered a free gift to the Government for the site of the Academy. On the ground of economy, therefore, nothing is to be gained by removing the Academy. It may then be treated as an original question whether Newport or Annapolis be the most desirable place for the institution. And although I am not unwilling to discuss this question, and although I have no doubt where the balance of advantage would be found, I submit that Congress ought not to be satisfied, that the country will not be satisfied, with anything short of a full examination by a competent board of officers. If this amendment prevails, the place of the Academy will for the first time be fixed by law. The discretion of the Executive to locate it will for the first time be taken from him, and we shall assume the grave responsibility of ordering the Academy to be removed, when there may be the strongest reasons, military or naval, or both, why it should be retained, for the present, at least, where it is. Now, I ask Senators if they are prepared to do this; if they have sufficiently informed themselves on the subject to be ready to take it out of the hands of the Secretary. I am willing that there should be a resolution of inquiry, I am willing that an inquiry should be made by a board of officers; but I protest against making the change without inquiry, and compelling it without leaving anything to the discretion of the Secretary. If it be true that all the officers of the Navy are in favor of it, as all of those whom my friend from Iowa has consulted appear to be—I know some who are not——

Mr. GRIMES. Who?

Mr. ANTHONY. I do not think that the present superintendent of the Academy is in favor of removing it.

Mr. GRIMES. He was here last week, and expressed himself much stronger in conversation with me than he did in his letter which I read.

Mr. ANTHONY. The letter of Commodore Blake only went to show the disadvantages of having the Academy in a hotel and the importance of having permanent accommodations.

Mr. GRIMES. I will state to the Senator that he expressed himself to me—and I state it here publicly, so that he may see it in print—much stronger in conversation than he has in his letter in favor of the removal.

Mr. ANTHONY. But in his letter he does not express himself in favor of a removal from Newport——

Mr. GRIMES. Then I will put it in other words. He expressed himself to me in favor of the removal in the most unqualified terms.

Mr. ANTHONY. Then I dare say he expressed himself in favor of the removal because he——

Mr. GRIMES. The question I asked the Senator from Rhode Island was, who were the officers who expressed themselves in favor of retaining the Academy at Newport. I stated that I knew of one, and only one. I can give him the name of the one.

Mr. ANTHONY. I think two of the board of examination, at the last examination but one, were in favor of its being retained at Newport.

Mr. GRIMES. No, sir.

Mr. ANTHONY. I think the report so shows.

Mr. GRIMES. The report shows that no one of them was in favor of retaining it; but Commodore Sands—I have his report here, and he said only:

"In the main I concur in the views presented by the foregoing report, but respectfully take leave to dissent from that portion of it which would seem to reflect on the motives and conduct of members of Congress who by law are authorized to offer candidates for examination." * * * * "Further, the present juncture of affairs having rendered it necessary to remove the Naval Academy to Newport, Rhode Island, the suggestion that it be returned to Annapolis, at any rate for some time to come, is uncalled for."

He said the suggestion of his associates was uncalled for, not that he was for it or against it. The other members of the board were Commodores Stribling, Glynn, Hudson, Wilkes, and Harwood, and all in favor of it.

Mr. ANTHONY. It cannot have escaped the notice of the Senate that every letter that was read from naval officers by the Senator from Iowa favored the removal of the Academy not from Newport to Annapolis but from insufficient to sufficient accommodations; and because there were sufficient accommodations for one hundred and eighty pupils only at Annapolis, some of them favor that location. I listened attentively to the letters read by the Senator from Iowa, and there was nothing in them from which it could be inferred that proper accommodations at Newport would not be as good as proper accommodations at Annapolis, except the climate. I never expected to have to stand up here and defend the climate of Newport.

Mr. FESSENDEN. The objections were as to the health, the society, the exposure to temptation.

Mr. ANTHONY. That more pupils out of the number of four hundred have died at Newport than died at Annapolis in the same period out of the number of one hundred and fifty or one hundred and eighty may be very true.

Mr. GRIMES. No, sir. General Lockwood gives us the exact figures, and he says that the proportion was as one to four.

Mr. ANTHONY. I do not believe there is upon the face of the earth a place where there is greater healthfulness or greater longevity than Newport. Nobody thinks of dying there under eighty-five, and when a man dies at sixty they speak of him as a promising young man, and if he dies at seventy-five he is "cut off in the prime of his life." It is true there was a little disease there last summer, to which I suppose the allusion is made, a sort of summer complaint, that frightened some people, and the newspapers, I think, feeling rather proud that they could get up a sickness at Newport, which they had never had there before, made a good deal more of it than the facts justified. It is, Mr. President—and for that I would appeal to the vital statistics—as healthy a place as there is in the country or in the world. Nor can I agree with the Senator from Iowa that out-door exercises can be continued one month longer in the fall and commenced one month earlier in the spring at Annapolis than at Newport.

Mr. GRIMES. That is not my statement, but the statement of the commandant of the midshipmen who has been commandant at both places, Captain Rodgers.

Mr. ANTHONY. I do not think that out-door exercises need be interrupted for two months of the whole year at Newport.

Mr. GRIMES. I am not the author of the statement. It comes from a gentleman who has had experience at both places.

Mr. ANTHONY. As to the present condition of Annapolis for military purposes, and its value for a military depot; as to the serious inconvenience and the large expense that would be occasioned by surrendering it to the Academy; as to the effect of carrying on the Academy in the midst of a vast camp, surrounded by all the influences of a great military organization, and especially of an organization composed largely of fresh recruits, I hope we shall hear from the chairman of the Committee on Military Affairs. I am confident, from the enlightened and enlarged view which he takes of our combined military and naval necessities, he will not favor this proposition, at least not till the war is over.

If there be nothing gained on the ground of economy by returning the Academy to Annapolis, and if the two harbors are to be estimated on their respective merits, I have no apprehension that the change will be made. If I were speaking to naval men, to experienced mariners, in any part of the world, I should think it a work of the baldest supererogation to extol the harbor of Newport. It has been celebrated for its unsurpassed, in some respects its unrivaled excellences, ever since it was discovered. I have had occasion before, in this Chamber, to recapitulate some of them. Its great depth of water; its capacious size, large enough for a fleet to maneuver under sail; its great facility of access; its abundant supply of fresh water; its excellent anchorage, "perfectly safe"—I quote from the report of the commission of 1830—"from winds, waves, storms, or floating ice;" its facilities for rapid communication with a dense population, skilled in mechanical pursuits, and of martial character; the remarkable salubrity of its climate—all commend it for naval purposes. Cortiers Harbor island, which the city of Newport has tendered to the Government a free gift for the Academy, is a small island of about one hundred acres in extent, well diversified. It contains a plain of twelve acres admirably calculated for purposes of drill. It is connected with the mainland of Rhode Island by a causeway which can be closed by a gate, giving to the site the advantages of isolation and of free communication. The water is so deep that a line-of-battle ship can lie alongside. The situation is very healthy. The value of this island I think has been estimated at about two hundred and fifty thousand dollars. And that, in my judgment, is more than the value of the property which the Government would necessarily abandon in giving up Annapolis.

Mr. GRIMES. What is the price of land on the mainland adjacent?

Mr. ANTHONY. I do not know. It doubles every month or two. This was estimated at $250,000 when my colleague and myself were at Newport about six months ago.

Mr. GRIMES. Admiral Davis, I think, in a conversation with me the other day, told me that when he was there the land adjacent on the mainland was worth $100 an acre. I suppose the insular position of this tract gives it an additional value.

Mr. ANTHONY. There is a building upon it that is about as suitable for the purposes of the Naval Academy as the buildings at Annapolis.

Mr. GRIMES. A poor-house?

Mr. ANTHONY. Yes, sir, a poor-house. We have good poor-houses in our country. The Senator from Iowa referred to one other objection against having the Academy at Newport; and that is the superior economy of living at Annapolis. If the Academy be sent back to Annapolis, it will be found that the cost of living there now is greater than it was before the removal. One of the professors of the Academy said to a friend of mine that the opportunity of giving to his children as good an education as the country could afford, and without cost, in the free schools of Newport, more than balanced the difference in the expense of living between Annapolis and New-

port. The fact that the library is packed away in casemates does not reflect credit on those who have charge of it. I do not know why the library has not been brought to Newport; but I suppose the reason is that there is a much better library there, one of the best and oldest in the country, free to the professors and pupils; and the professors found probably that there was no necessity for removing their own little library to Newport. I hope the chairman of the Committee on Military Affairs will give the Senate his views upon the subject from a military point of view.

Mr. WILSON. The form the amendment has assumed modifies, to some extent, my opposition to it, although I think we had better not act upon the subject until the next session. If we were through the rebellion, I have no doubt that I should vote to remove the Naval Academy to Annapolis. I believe it would be for the interest of the institution to remove it, but it is certainly of vital importance to the country that the present military position at Annapolis should not be interfered with. The amendment proposed by the Senator from Iowa gives us an opportunity at the next session to arrest the execution of the law. So long as the war lasts, so long as, at any rate, the enemy occupies Virginia, Annapolis is important as a military post, and it is one of the most important military posts the Government now occupies. We have expended at Annapolis $250,000 to fit and prepare it for the military uses of the Government and for a parole camp. It is the point which men by land and by water can reach.

We have had several thousand men there much of the time. Five hundred sick men were brought there in one ship the other day and put into the hospitals. A great military expedition is fitting out there at this time. We may have to fit out half a dozen expeditions before this war closes. In the grounds we have erected buildings for the purposes of the Government. We have extended the wharves; we have built railroads upon them going to the buildings established by the Government; we have erected additional hospitals, and they ought not to be interfered with during this rebellion. I may say that the Secretary of War believes the place is one of the most important military places occupied by this Government, and is growing more important every day. If we were through the war, I should vote, without any hesitation, to bring the Academy back to Annapolis. I believe it will go there in the end. I believe its interests require that it should go there. I acknowledge the force of what the Senator from Iowa has said in regard to the location at Newport—the temptations to the young men at Newport—but I do not think Congress ought to force the school back there against the interests of the Government. I think we might just as well let the matter go over until next session, and then, if we are in a proper condition, pass it. It seems to me that would be the wiser course, although the amendment, in the form in which the Senator from Iowa has put it, is far less objectionable, because a session of Congress intervenes, and, if the interests of the Government require it, we can then repeal so much of this act as requires the removal.

Mr. ANTHONY. If this amendment is to pass—which is not necessary, for it may just as well be passed at the next session—the War Department must immediately begin to prepare for the evacuation of the premises.

Mr. GRIMES. Why so?

Mr. ANTHONY. They cannot extend their buildings or increase their accommodations there. They cannot provide for anything permanent there. According to the amendment they are only to remain there for a year; and I do not see, therefore, that the postponement of the time for the amendment to take effect renders it any more acceptable, except that it gives us an opportunity to repeal it at the next session; that is to say, we may pass a law now for the sake of repealing it at the next session, when we may as well pass it at the next session and not repeal it, if it should be passed at all.

Mr. GRIMES. A great deal that has been said by the chairman of the Committee on Military Affairs applies to the city of Annapolis, but does not apply to the Academy grounds. A large amount of the money that he has mentioned as having been expended by the War Department at Annapolis was not expended within the Academy grounds. The parole camp is not in the Academy grounds. The War Department has built along through the Academy grounds a railroad, and built it at comparatively little expense. It has built a large amount of quartermaster's buildings, which are of a very temporary character, and I suppose the lumber would be worth one half as much when taken down as it is now, and could be removed at comparatively little expense. They have been making some very temporary, and but very few, hospitals outside of the Academy buildings, and, as was said in the letter that I read from General Lockwood, the surgeons are about transferring the men from the Academy buildings into the outside hospital and into the tents, instead of keeping them inside.

But what I want the amendment adopted for is, to give notice to all persons that it is not to be our policy to keep the Academy where it now is, and that we are not going to tempt, to allure into the public service the finest young men in the country and send them where they are to be tempted from the path of rectitude, and then ignominiously dismissed from the public service, and bear reproach the rest of their lives.

If it were not for the present expedition that is being got up, I apprehend that nobody at the War Department would be opposed to the change. I happen to know that most, if not all, of the bureau officers are in favor of surrendering it, or were four weeks ago, for I had conversations with several of them, and they did not deem it at all essential to the public service that Annapolis should be retained as a military post. Since this new expedition of General Burnside has been projected, I can very readily see that there are reasons why it should be retained in charge of the military authorities, and I am therefore willing to abandon the original proposition that I intended to move, to send it back at the commencement of the academic year next September, and say it shall be sent back at the commencement of the academic year a year from next September. Then all parties will have fair notice and can govern themselves accordingly.

Mr. TEN EYCK. I do not mean to enter into the debate so far as regards the relative merits of these two different places. I accord with the Senator from Massachusetts, and also the Senator from Rhode Island, in relation to the impropriety of fixing this matter now and at this time. I do not consider that it is expedient or perhaps judicious. It is admitted on all hands that the location for the Naval Academy has never yet been fixed by law, but that it has been fixed by the nomination or the selection of the Department having charge and control of that matter.

Now, sir, at this time, without being certain or knowing that the way will be clear hereafter for us to carry this Naval Academy back to Annapolis, arising from the continuation of the rebellion, why should we now fix upon that point by law, when it has never heretofore been considered necessary that it should be denominated a place by law for this Academy? It may be that the present accommodations at Newport are unfit. I am inclined to think so. It may be that the attractions surrounding that place are unsuitable for the young men who are collected there for the purpose of a naval education. It is most likely that they will not be able, in time to come, even under the restraints and discipline imposed upon them, to resist the temptations and allurements by which they are surrounded, tending to interfere with the proper course of their studies. But if we determine by law that this Academy shall be carried back to Annapolis at the time designated by the Senator from Iowa in his proposed amendment, we are by no means certain that it will be suitable and proper that the removal should take place at that time. The ground at Annapolis is occupied now for other purposes, as is said, and cannot be used for the purposes of the Naval Academy.

But, sir, I had another view in rising. It will not perhaps be forgotten that about two years since, when this matter was under discussion and came up as a distinct proposition, I had the honor to present a number of petitions signed by highly respectable gentlemen, and also resolutions of a State Legislature, requesting Congress to select another site entirely different and distinct from the two now involved in this amendment, Newport and Annapolis, and that was a position upon the Raritan bay at Perth Amboy, which was supposed and believed to possess greater qualifications and advantages for such a School as this than either of the two places contended for by the rival parties on this floor on the present occasion.

As this School is designed for the benefit of the public service in the naval branch, and as all these considerations are very important, inasmuch as the Naval School has been dislodged from its former position and been compelled to take flight in consequence of this rebellion further North, it would seem to be judicious and highly proper that an opportunity should be afforded for the selection of a site which will combine all the advantages that are necessary and desirable for such an institution. And if we undertake now without a moment's warning to direct the removal to Annapolis we know not what may be the consequence. The Senator from Iowa says that by adopting this amendment all parties will have notice and will be prepared to get ready for this change. Why, sir, the change as proposed to be made by him now is without a moment's notice. We propose by law to fix this point and this spot only, and that by way of amendment upon an appropriation bill, when those persons to whom I have referred and when the country at large have had no notice that any such attempt would be made on this occasion and in this way to remove the Naval Academy from the place where it now has a lodgment to the spot which it originally occupied.

For myself I should greatly prefer that the course should be taken with respect to this matter that is taken in regard to the selection of sites for arsenals and navy-yards: that a commission should be raised and that an opportunity should be afforded through the agency of scientific men whose attention can be directed to the subject, and whose judgment will enable them to decide which position in the country will be the most desirable and beneficial for a school of this description. But if we adopt this amendment, it is a foregone conclusion unless, as the Senator from Rhode Island says, we next year repeal the act which we may pass to-day.

I see no immediate necessity for incorporating this amendment on this appropriation bill. I do not say that I may not vote eventually for the restoration of the Academy to Annapolis, if I shall be in the Senate at the time when that vote shall finally be taken; but I think it is greatly amiss at the present time to fix that as the spot and the only spot, when these other considerations are apparent to every person who has thought upon the subject. I recollect that there was another site proposed in the State of Connecticut, and it was considerably urged by the Senators from that State, two years ago. Whether they have abandoned that, or whether they shall see fit on this occasion, or any other to press it, I know not, but it is a matter within my memory.

Mr. FOSTER. The Senator will pardon me for saying that as our friends in Massachusetts seem very little inclined to keep the navy-yard at Charlestown, and as New London affords excellent facilities for a navy-yard, we perhaps will waive our claim for the Naval School, expecting by all means to have the navy-yard at New London, that at Charlestown being given up, the people there not wanting it. [Laughter.]

Mr. TEN EYCK. It is very manifest that the country, interested not only locally in their own behalf, but interested in the public service and in pointing out suitable and appropriate and advantageous locations for institutions of this kind, is unprepared at this time to have this matter definitely and decisively fixed. I see no object to be gained by pressing the matter now. The Senator from Iowa says he is willing to amend his amendment so that the Naval School shall not be removed to Annapolis until a year after next September.

Mr. FESSENDEN. That is the way it stands now.

Mr. TEN EYCK. I was not aware that the amendment had already been so modified. That is a long time ahead, and we do not know what contingencies may arise or what circumstances may spring up rendering it highly improper and objectionable that it should be located there.

I shall vote against the amendment under the views which I have stated; not declaring by any means that if it shall be discovered that there is no more desirable site than Annapolis I shall not vote cheerfully and frankly for its restoration to

that place, because I know (and that would overcome all local feeling that I might have, or any pride of my own State) that in voting to have it restored there, because of the expenditure already made for the accommodation of the School, I should vote for putting it in a loyal State. Maryland has shown that by recent action, and I believe she will continue to show her loyalty and devotion to the Union, and I should rejoice in seeing her restored to the position she occupied prior to this rebellion; and this would be one of the recognitions of her loyalty by reëstablishing the Naval School within her limits and confiding it to her care.

Mr. SUMNER. Mr. President, the Senator from New Jersey has said so well what was in my mind to say that perhaps it is almost superfluous for me to undertake to say anything. It seems to me that this whole question is in a nutshell. If the Senate is not ready to vote that the School shall go to Annapolis now, how can it vote now that it shall go there next year? It seems to me that the same facts and the same evidence that will enable it to decide in one case will enable it to decide in the other case.

Now, sir, I do not mean to suggest that I should be against the return of the School to Annapolis; and especially I would not suggest that the School should be permanently continued at Newport; but the Senate will understand that the question may be presented in various forms: first, shall the School continue at Newport; secondly, if not at Newport, shall it go to Annapolis; or, thirdly, may there not be some other place to which it should go, neither Newport nor Annapolis. Is the Senate prepared to pass on that question? The Senator from Iowa, in his proposition, postpones the return for more than a year. Why? It must be from some idea, or understanding, or conception that at this moment we cannot act definitively on the matter. If we cannot act definitively on the matter, if we are obliged to postpone final action for more than a year, why do we touch it at all at this date?

It seems to me nothing is gained by it. Senators are driven to say that if anything should occur during the coming year which should cause a change of desire on the part of Congress, that might be expressed by a repeal of this provision. Is that good legislation? I doubt whether it is. Let us legislate when we have made up our minds, and not legislate in such a way that we may during the coming year have to change our legislation; especially do not let us legislate on the theory that within the coming year we may change it. Let us wait till the time has come when all the facts are so clear before us that we may say precisely where the School ought to be placed; and then if it were better that it should be returned to Annapolis, let it be returned there. For myself, I must say that when this question was formerly discussed, I doubted whether it would be expedient for the School ever to be returned to Annapolis. I cannot say that I continue of that opinion. My present impression is, that ultimately the School must swing back to its original moorings; but I do not think Congress is now in a condition to say so.

Mr. JOHNSON. Mr. President, if I supposed, as the member from Massachusetts who spoke first [Mr. WILSON] stated, that the removal of this School back to Annapolis would interfere in any way with the public interest, I should be as far from supporting it as any other member of the Senate; but I am not of that impression, and I am unable to conceive upon what ground the public interests, as far as any other service of the Government is concerned than the Navy, will be affected at all. I think there is a misapprehension with some of the members of the Senate, and a misapprehension on the part of the Executive, and perhaps in that misaprephension the honorable member from Iowa participates, in supposing that the School is not now established at Annapolis in point of law.

The first appropriation was made when I was a member of the Senate, in 1845 or 1846, of some three or four thousand dollars; and from that time to this appropriations have at every recurring year almost been renewed until we have expended some eight or nine hundred thousand dollars; and the expenditure has been, as stated in the appropriations themselves, for the Naval Academy at Annapolis. Congress, therefore, during a series of years have by their legislation considered the Academy as at Annapolis, and they have spent their money and erected the buildings which are now to be found within the limits of the lines of the Academy, and have enlarged the limits of the Academy itself for the purpose of having the Academy there, and my impression has always been and is still that there is no authority in the Navy Department, or in the War Department, or in the President of the United States acting as the controlling power over both, to take away the Academy from Annapolis and locate it anywhere else, except that authority which is to be found in what is termed military necessity. I have no reason to find fault, and I do not find fault with the removal of the Academy as it was under the circumstances in which it was at the time the removal was ordered. The State then was in a condition of great disquiet. It is unpleasant for me to recollect how deep the feeling of hostility toward the United States on the part of a portion of the people of Maryland at that time was; and serious apprehensions were entertained that the Academy would be taken possession of by mob violence, by traitorous machinations, and held as against the Government. I have some reason to believe that Captain Blake, who was the Superintendent at that time as he is still, shared somewhat in that apprehension, and that the authorities here also were influenced by it; and in order to guard against the possibility of such a result, they thought it better to remove the School at once to a State in which disloyalty did not exist at the time, and, to her honor, has never existed, so far as I am advised.

General Butler, when he came with his troops to Annapolis, without any authority than that which was in him as commander of that command, took possession of these grounds, and from that day to this they have remained in the possession of the War Department, the present Secretary of War and his predecessor having exercised exclusive jurisdiction (of course under the authority of the President) over the grounds as if the grounds did not belong to the Navy proper.

I am not now for the first time advised by the letters which my friend from Iowa has read, that in the opinion of a large majority, if not of the entire number of the officers of the Navy, it is to the interest of that branch of the service that the School should be returned to Annapolis. It would be fatiguing the Senate unnecessarily to state the reasons on which that opinion is founded. They have been stated by many of the officers themselves more clearly than I should be able to state them if I were to make the attempt. But the fact is clear beyond all doubt that every officer of distinction in the Navy is of opinion that it would be much better for the naval service that the School should be returned to Annapolis. Mr. Secretary Stanton, however, during the whole period of his administration of the War Department—for the subject is not now for the first time placed before him—has been under the impression that the military service of the United States requires the possession of the naval grounds at Annapolis, that he cannot get along without them. It is a very great mistake. There are some forty-seven acres of land attached to the Naval School. There are some seven or eight or ten buildings which can be used by the War Department; but comparatively speaking the conveniences furnished to the War Department or to the Army by the buildings that are inside of the walls of the Naval Academy are trifling. They have erected others. The parole camp, in which most of the troops are, is some two miles from the Naval Academy. Where the troops that General Burnside is said now, and no doubt correctly, to be collecting at Annapolis, some forty or fifty thousand men, are, is three or four miles from the Naval Academy. The possession of the Academy is of no possible use whatever to the collection or to the management of those troops in any way. But the Secretary with that fondness, perhaps not peculiar to him, but which seems to belong to every man who is in possession of power, thinks that having once got possession of the School, it is due to himself almost that he should hold on, and without reference to the injury that by holding on he inflicts on another branch of the service. I do not know that he knows the fact now, but when he is told, as he will be told if he recurs to the debate, that the officers of the Navy almost with one voice, at least such of the officers as stand high in the public esteem, including the Superintendent himself, who has been there for several years, all concur in the opinion that the good of the Navy demands the return of the School to Annapolis, I have that confidence in his judgment and patriotism that he will very cheerfully yield to the conviction which as I think testimony of that sort will fix upon his mind.

But whether it is so or not, Mr. President, if we are satisfied that that branch of the service will be benefited by the removal of the School, why should we suffer the opinion of the Secretary of War to stand in our way? We are as competent to judge as he is, provided we have all the evidence before us that he has before him, and that is certainly true. How does he know what mischief is not being done to the Navy by having the School where it is now? How does he know what would be the extent of the benefit which would be conferred upon the Navy by returning the School to Annapolis more than we do? Not at all; and it is a branch of the service that we ought, in every possible mode that we can, to foster, and especially at this time. I think it improbable, but it is by no means certain, that we may not in a short time, and a comparatively short time, be involved in a war with some maritime nation. Then especially shall we want this arm of the public service to be as strong as it can be made; and if it be probable in the least degree that the education of these young men who are being trained now to carry our flag the world over as the fit representatives of the nation whose flag it is, can be better prosecuted by their being sent to Annapolis, under all the circumstances that will attend them there, compared with those which are attending them now in Newport, than by suffering them to remain at Newport, why should we not send them to Annapolis? Because the War Department want one or two buildings inside of the walls of the Naval Academy for hospital purposes! What do we see all around this city? We see hospitals spread all around us, erected at a cost comparatively trifling, almost nothing to the Government, and as far as the site is concerned, which in the judgment of the Secretary may render it necessary to have hospitals at Annapolis for the safety of the troops that he may be obliged to collect there from time to time, there is land enough at Annapolis—I was about to say, and my friend from Rhode Island will not take it amiss if I shall say, almost as much land there to build hospitals upon as there is in the whole State of Rhode Island.

Now, Mr. President, I do not know, and I should very much regret if I even suspected it, that there exists in the mind of any member of the Senate, or of any member of the executive department, an unwillingness to return this School to Annapolis because of the supposed disloyalty of the sons of Maryland. The State has already spoken upon that question, and she has spoken in a way which no one, I am sure, who feels any fraternal affection to loyal brethren, or those who ought to be loyal brethren, will doubt the sincerity of; and she has not only spoken so as to satisfy the whole world that she is loyal to the Government and to the Union, but that she is loyal to the cause of human freedom; that she has made up her mind that the last badge of servitude, as far as her limits are concerned, shall be terminated; that her soil shall only be trod by the feet of freemen, without regard to complexion or to race, and she desires and hopes to see the time when her wish may be accomplished; she desires to be and to remain forever a State of a Union in which there shall be no other servitude than that servitude which belongs to an honest and patriotic obedience to the laws.

The honorable member from Rhode Island intimates that it is rather disparaging to the Navy Department, rather a reflection upon the Navy Department, that the School should be by law fixed anywhere. I suppose that there is no difference in that opinion between the Navy Department and the War Department. Was the War Department originally disparaged, and is it to be considered as now disparaged, by the fact that the Military Academy is located by law at West Point? Certainly not. Is there not precisely the same necessity, looking to the interest of the Government, to have the Naval Academy located at a particular place finally, except subject to contingencies which

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 13, 1864. NEW SERIES.....No. 99.

cannot, at all times, be anticipated, as there is that the Military Academy should be located permanently? The only question, therefore, upon a proposition like that before the Senate, is not whether the Academy should not be located permanently, but whether it should be located permanently in Annapolis, or in Newport, or anywhere else. If we are called upon to form a judgment founded upon evidence, throwing aside all partiality, all local partiality, and all the prejudices which more or less belong and grow out of local partiality, is it not very obvious that it is the interest of the service, and therefore the interest of the United States, that the Academy should be permanently located at Annapolis? We may hope to have in the future what we have enjoyed in the past by such a location; we may hope to have these young men educated under circumstances as favorable, and educated as completely, as ever was the case with any other school of the same kind.

The Secretary of War, as I understand the chairman of the Military Committee, thinks that he cannot do without the Naval Academy grounds and its buildings at this time. The objection is met by the form of the amendment as it now is proposed by the honorable member from Iowa. He postpones the return of the School for a year, and one of two things will be certain: the first I think, certainly hope, is certain, that as far as the War Department is concerned the necessity of the grounds for the War Department will not exist at that time, because the war will be at a successful termination at that time; but secondly, if it shall not have terminated, it gives an abundant opportunity to the Secretary of War to provide all the buildings that he may deem it necessary to provide in and around the Academy or in the neighborhood of Annapolis, answering the same purpose for which he is now appropriating a few of the buildings that are inside of the walls of the Academy.

Mr. GRIMES called for the yeas and nays on the amendment, and they were ordered.

Mr. TRUMBULL. If this was a proposition to locate the Naval School permanently at some place I should be inclined to vote for it. I am willing to vote for a permanent location of the Naval School. I think what has been disclosed here to-day shows that the accommodations for the Naval Academy where it now is are not what they should be; and the objections which have been made to its remaining at Newport, as has been very truly remarked, grow chiefly out of the insufficient accommodations there. A portion of the young men are placed on shipboard, and another portion in a hotel, at some considerable distance from each other, and great inconveniences grow out of this. It seems that there is a difficulty in enforcing the proper discipline there; that the young men are subject to temptations which makes it difficult to drill them; and there are obvious reasons why some better provision should be made for the Naval Academy, if it is to be continued.

But, sir, this is not a proposition to make any provision for it, but to leave it in this unsettled way, and to legislate a year and a half in advance that the School shall then be removed to Annapolis, and not to make provision for its accommodation when it gets to Annapolis. The buildings and grounds once appropriated at Annapolis for the use of the Naval Academy have been taken possession of by the War Department and converted to other uses; and if it is to go back there, improvements must be made. The School is much larger than when it was at Annapolis, and larger accommodations will of course be necessary.

For myself I should greatly prefer some proposition that would make provision for the Naval School for the coming year. Vacation is soon to occur there—in June, I believe—and the students will reassemble about the 1st of October. There is abundant time to make some suitable provision for the accommodation of the midshipmen between this and October, and I think it ought to be made; and instead of coming forward here with a proposition to remove the School from where it is a year and a half from now I think we should at once proceed to direct that the Naval School be removed back to Annapolis if it is to go back to Annapolis, and make provision for it there, or make provision for it where it is, if it is to remain at Newport. I would not leave it in the condition in which it now is. There is no economy in it. So far from it, it leads to expense, unnecessary expense, for the provisions of a temporary character to accommodate the large number of midshipmen now in the Naval Academy must be very considerable, whereas if we make them permanent they will not be occurring from year to year.

I shall therefore vote against this proposition, hoping that some better provision may be made for the School than is now provided for the next year and a half.

Mr. FESSENDEN. I believe I am in a condition to speak upon this subject without any very great feeling, for I do not know that the Legislature of my State has suggested that the Academy be removed to Portland or any place in that vicinity, and therefore I do not feel any particular personal interest with regard to it. It is perfectly manifest how this question arose. The Naval School was established at Annapolis; we spent nearly a million dollars there. It was found to be an admirable place, suitable in point of climate, suitable in point of water, suitable in point of retirement, and in every way admirably fitted for the purposes for which it was selected. Nobody made any complaint about it. It was found, however, at the breaking out of the rebellion, that it was necessary temporarily to remove it, and it was removed to Newport, in the State of Rhode Island. Forthwith Newport wants to hold on to it; the State of Rhode Island deems it very important, evidently, that it should remain there, and is making efforts to have it remain there, because it is manifest that unless it is to remain there permanently, there is no wish on the part of Rhode Island or Newport that it should remain there for a year or two. That is of no advantage; but the object is clearly, as any one can see, to keep it along until, having been there several years, it may by accident finally be fixed there.

Next comes in the State of New Jersey. It has got a beautiful place at Perth Amboy; and I do not know how many other places may be suggested, for the reason that accidentally it is driven from the place of its location, which everybody agrees to be fit. I do not think much of this kind of the game of grab with regard to a great public matter. I do not think it is creditable to the places that move it; and I do not think it is consistent with correct views of the public good and what is for the public service.

The only question then is, ought not this matter to be settled? Is it well to leave it open, and to have this continual debate year after year whether the Academy shall go back to its original place, or whether it shall be afloat, with this State and that State and another State seeing if they cannot find a place suitable for it, and asking that it may be put there? I deem it to be important to settle the question, to have Congress decide one way or the other, that it is either to go back to Annapolis, that that is to be considered the permanent, fixed place for it, or else settle it the other way. There has not been even an attempt to show that the place originally fixed is not a most admirable one in all particulars, and one which cannot in any way be objected to, and there has been an attempt to show that Newport of itself is not just about one of the worst places that it could be fixed at, not because Newport is not one of the best places in the world as a general proposition, but because it is one of the worst places for a school of boys situated as these are, owing to the very nature of its society and its temptations and everything connected with it.

Then the question comes back as a simple one, ought we not to settle the question and put an end to these constant struggles and these differences of opinion? The only objection that is made to that is that the War Department wants at present the use of the Academy buildings and grounds at Annapolis. In order to obviate that, the honorable Senator who has moved the amendment has placed it far enough ahead to give every opportunity to make all the arrangements necessary. It is perfectly idle to tell me or to tell anybody who thinks a moment, that these few acres, forty or fifty acres at Annapolis, are essential to the War Department, that there is not room enough there without them. In the first place, the portion of the Academy grounds occupied by the War Department is a very small, almost infinitesimal portion of the land it occupies there. If it is necessary for the great purposes of our Naval School, important as they are for the education of these young men, and for the benefit of this great arm of the service, that the School should go back there, it is certainly not too much to say to the War Department, "You may give up forty or fifty acres to the Naval School, and move outside of them;" and it is, in my judgment, a most unreasonable proposition that the great interests of this very important, one of the most important arms of the service, are to be sacrificed for any length of time simply for the greater accommodation of the War Department, which can find accommodations outside of these grounds without the slightest difficulty. Maryland is large enough, the place itself is large enough for that purpose, as explained by the honorable Senator from Maryland.

The grounds on which I place my vote for this amendment are that I want to put an end to this debate about whether the Academy is to be at Annapolis or not, and not have this continual quarrel, which Senators I know would not engage in if they did not feel that their people at home had got up a little excitement about the matter, and therefore that it was necessary for them to make a show on the subject. I should like to relieve my honorable friend from Rhode Island and take it out of Rhode Island politics; and I want to relieve my honorable friend from New Jersey and take it out of New Jersey politics; and if my friend from Illinois thinks of Rock Island or any place up there for it, I want to relieve the politics of the State of Illinois in the same way, though I know he does not intend it, and therefore my remark as to him is merely a joke. Under these circumstances I shall vote for the proposition.

Mr. HALE. I simply want to state, in a single word, the reason why I shall vote for this removal. Being from New England I may be expected to vote for retaining the School at Newport; but I believe that the Academy was substantially located at Annapolis, that an emergency occurred requiring that it should be carried away, and it was carried to Newport. That emergency has passed——

Mr. SUMNER. Has it passed? That is the question.

Mr. HALE. If that is a question, nothing is settled. Is Massachusetts a loyal State? I say the emergency has passed, and I think good faith requires that the Academy should be carried back to Annapolis. There is another thing. I think that although we should avoid as much as possible any sectional considerations on a question of this kind, justice to all sections requires that as this institution was placed in Maryland it should now go back there. That will govern my vote.

Mr. TEN EYCK. I do not mean to prolong the debate, but I rather feel called upon to notice a remark made by the Senator from Maine, inasmuch as he distinctly referred to me and to my State. I think it was rather a severe criticism on the part of the Senator (though I may not be the proper person to judge of that matter) when he supposed that Senators on this floor must necessarily be influenced by the action of their States and by political feeling in their States.

Mr. FESSENDEN. I judge other men by myself.

Mr. TEN EYCK. I may be more or less so like the Senator from Maine, who admits that he is. I do not think, however, it was exactly the thing, unless it was meant by way of joke, as it

was in relation to the Senator from Illinois. I understood the Senator from Maine to say that because this Academy had been removed it therefore became a matter of grab game as to the place where it should be located, or that because the Legislature of my State adopted resolutions calling the attention of Congress to the fact that there was an eligible site for the Naval Academy within the limits of my State, therefore, of necessity, I was to go for it, right or wrong. I do not see how it can enter into politics in any way so as to influence me; and I ought to say that the resolutions of my State to which I refer were passed two years ago, and under somewhat different circumstances from those which are now prevalent. The position of Maryland was very different two years ago from what it is now on the question of loyalty. The removal of this Academy had then but a short time before taken place. There was some effort, not a scramble, not a grab, on the part of the States of the North on the seaboard to procure the location of the establishment within their borders, because of a proper feeling on behalf of the Government and of the public service that if a new site were to be selected public attention should be called to those sites. In that view and under those circumstances my State did pass a resolution calling upon Congress to notice the fact that there was such a position as Perth Amboy, eligibly situated and admirably adapted for the purposes of the Naval School; but that does not tie my hands or manacle my limbs. I remember, and it may be within the memory of Senators on this floor, that on a question of far more importance, a very important political question, soon after I took my seat on this floor, I took the liberty of voting contrary to the express declared will of the Legislature of my State; and I should do the same thing again to-morrow if the will of the Legislature did not accord with my judgment. How far such things may influence the mind of the Senator from Maine, I can assure him that I have endeavored to preserve myself in times past from such influences, and I trust I shall continue to be able to do so.

Mr. ANTHONY. I desire before the vote is taken to remind the Senate that this is a proposition to direct the Secretary of the Navy to do a thing which he has full power to do now. It is to instruct him upon a question on which necessarily he must have much better means of information than we can have. It is to direct a thing to be done a year and a half hence which it is admitted on all hands it is improper to do now. A session of Congress intervenes between the present time and the future time when it is proposed to order this change to be made, and at the next session of Congress we can pass upon this subject with a great deal more light and information than we have now.

Further, I wish to remind the Senate that the only objections of any weight whatever brought against Newport are the insufficiency of the temporary accommodations in which the School is established, and that the accommodations at Annapolis are about as insufficient as those at Newport, the School having increased since its removal from one hundred and eighty pupils to over four hundred.

Mr. DOOLITTLE. My honorable friend from Rhode Island seems to think that the Secretary of the Navy now has power to move the School back to Annapolis.

Mr. ANTHONY. Unquestionably.

Mr. DOOLITTLE. But that, unfortunately, is not the fact. The War Department seized the School at Annapolis, and hold it; and the instruction which Congress is to give is to the Secretary of War to let go, and that is just the point in the case; unless you give the instruction by Congress in the law that the Secretary of War shall prepare to abandon these premises, and let the Secretary of the Navy have control, the Secretary of War, who controls the forces on land, holds it by the strong hand, and the Secretary of the Navy cannot help himself. That is just the condition of affairs.

Mr. ANTHONY. Allow me to ask the Senator from Wisconsin if he is prepared, against the remonstrances of the Secretary of War, who certainly can have no interest in the matter, and without the request of the Secretary of the Navy, to order the removal?

Mr. DOOLITTLE. In relation to that, the Secretary of War has nearly a year and a half to prepare himself to put his hospitals just outside of the yard, and to take up the temporary railways that he has laid down to run to the bay through the Academy grounds, and lay them down at some other place in the city. As I do not live in any State where there is any expectation of having the Naval School, I can speak, like the Senator from Maine, disinterestedly on that question.

The Naval School was established at Annapolis, and it was one of the institutions of the country, like the Military Academy at West Point. This war intervened, and the rebels, threatening to break up this Government and to break up all our institutions, temporarily compelled us in fact to take the Naval Academy away from Annapolis and put it in New England. While it is conceded that Annapolis is just as good a place as can be found in the United States for the Naval School, I have this sort of feeling that I am bound to restore the institutions of this country so far as the good institutions are concerned, and I will put them back to the place where they belong in spite of rebellion, in spite of this war. That is the feeling which, to a certain extent, operates on my mind; and when it is conceded that this is the place where it was located; when it is conceded on all hands that it is just as good a place as can be found, how is it that gentlemen can say that the question is open where the School belongs? It belongs in Annapolis; it is established there; only temporarily the War Department has seized the place, turned the School out, and now we want by law to instruct the War Department to prepare itself by the end of the next academic year to leave these premises and let the School go into possession.

Mr. ANTHONY. I beg to correct the Senator. The War Department did not turn the School out.

Mr. DOOLITTLE. Substantially that was the fact. General Butler seized the premises.

Mr. ANTHONY. The School was driven from Annapolis by a traitorous mob.

Mr. GRIMES. The Senator from Rhode Island is altogether mistaken about that. I was at Annapolis when the Naval Academy was taken away from there. It was never charged that there was a mob there that drove away the Academy; but it was said there was an engineer on board of the Maryland, a steam ferry-boat that ran between Perryville and Havre-de-Grace, and taken with troops to Annapolis, that would not perform his duty, and some excitable man drew a pistol and held it to his head, and told him that if he did not work the engines properly he would blow his brains out. That is as near as it came to a mob.

Mr. ANTHONY. I expect next to hear it denied here that there has been any rebellion. I do not know of anything that is more satisfactorily proved than that the Naval School was driven away from Annapolis by a traitorous mob.

Mr. JOHNSON. There never was a mob there.

Mr. GRIMES. Never a mob there at all.

Mr. ANTHONY. I understood the Senator from Maryland to say so himself when on the floor.

Mr. JOHNSON. I said they were afraid of it.

Mr. ANTHONY. I will state what was said by the newspapers at the time.

Mr. JOHNSON. I should doubt their accuracy unless they were Rhode Island newspapers. If they are Rhode Island newspapers they tell the truth, no doubt. [Laughter.]

Mr. ANTHONY. It was in all the newspapers.

Mr. GRIMES. I was there myself.

Mr. ANTHONY. I understand the Senator to admit there has been a rebellion.

Mr. GRIMES. Yes.

Mr. ANTHONY. I want to start on some common ground.

Mr. GRIMES. I had as much instrumentality in removing it as anybody else. I came here with one of the younger officers sent up by Commodore Blake—an officer who is now Commander Simpson—and visited the Secretary of War and the Secretary of the Navy before one of them was out of his bed in the morning, so as to aid in getting permission to take the School to Fort Adams, thinking that Fort Adams at that time would afford sufficient accommodation for the young gentlemen and their professors. There was no mob there, and there was not any allegation of a mob; but General Butler had taken possession of the ground, and troops were concentrating there, and they knew it was incompatible with the prosecution of study and the discipline of the Academy to allow it to remain there while military forces occupied a portion of the Academy grounds and the rooms that the students had been occupying as barracks, and hence they proposed to send it to Fort Adams. The students were put on board the Constitution. I saw them go on board myself.

Mr. ANTHONY. I will read what those who were on the spot said at the time.

Mr. GRIMES. I was there.

Mr. ANTHONY. This is by telegraph to the associated press, dated Annapolis, April 24, 1861:

"To anticipate the treasonable intentions of an organization in the vicinity, which had formed a plot to seize the United States frigate Constitution, which lay moored at the wharf of the Naval Academy, Captain Devereaux, with his company, was ordered to take possession of her, which was promptly done, and she was towed out several miles from the town. On Sunday morning, the 21st, the steamer grounded, and the troops were unable to effect a landing till the morning of Monday. They were joined during the interval by the seventh regiment. Some evil-disposed people upon the shore made preparations at this time to erect a battery to command the ship, but they were prevented from completing their work."

Here is an account from the New York Times of the arrival of the frigate Constitution.

Mr. FESSENDEN. What is the use of reading all that?

Mr. ANTHONY. I read it because gentlemen say there was no mob there that drove away the Naval School.

Mr. FESSENDEN. We have the statements of members of the Senate who were there that there was no such mob, and that ought to be sufficient even against the intimations in newspapers.

Mr. JOHNSON. What is the Senator reading from?

Mr. ANTHONY. I am reading from the New York Times, and I shall get through sooner if I am not interrupted.

Mr. GRIMES. I was told that there was a reporter in Philadelphia who telegraphed in regard to affairs occurring in Washington, he all the time remaining in the city of Philadelphia. It is very possible that some of these dispatches were sent by him.

Mr. ANTHONY. This is not a dispatch, but an editorial article in the New York Times, and written from information obtained from the officers of the Constitution:

"The United States frigate Constitution, from Annapolis, arrived last night, in tow of the screw steamer Constitution, bringing one hundred and fifty-one midshipmen from the Naval Academy, and twenty five seamen. Sailed on Friday a. m. Has had strong southerly winds to the bar. After the secession of Virginia, the demonstrations of the secessionists became so apparent that it was deemed of the greatest importance to get her out over the bar. Her crew of twenty-five men and officers had been at their quarters with shotted guns night and day for four days. Troops were drilling on the shore; signals between them were constantly made; large parties were around the ship to find out her assailable points. She had four anchors and seven chains out when the order came, at seven a. m., to get her over the bar."

Mr. GRIMES. Does that show any mob

Mr. ANTHONY. It shows that the officers in charge of the Academy, who certainly were not men to be unnecessarily frightened, thought there was so much danger from a mob that the vessel should be taken away.

Mr. GRIMES. There were fears of a mob. There is no doubt about that.

Mr. ANTHONY. That is a greater admission than I expected to get from the Senator.

Mr. GRIMES. But the allegation of the Senator was that there was a mob. There was not a mob. There were not twenty-five men congregated, so far as I was able to learn.

Mr. ANTHONY. Let me read a little more of this article:

"The captain, pilot, and engineers of the Maryland, which had been seized by General Butler, were very averse to do their duty, and it was only by putting them under a guard with revolvers that they would proceed with the vessel."

I will not go on any further. I think that is about as well proved as anything can be.

Mr. WILSON. There was certainly something of a violent character at Annapolis at that time. Who destroyed the railroad from Annapolis to the Junction? Who destroyed the engines in that town? There were demonstrations of vio-

lence there, and I have no doubt the Academy and the ship Constitution would have been captured if General Butler had not arrived there with his troops when he did. I was there on the 24th and 25th of April, 1861, and left Annapolis in the steamer that carried some of the professors and their families to New York. I went on to New York, at the request of General Butler, to obtain some heavy guns to defend the place against armed men in the neighborhood, and seven huge guns were sent to General Butler to protect and defend the place. To the eighth Massachusetts regiment was assigned the duty of fixing up the railroad, the railroad house, and the engines, and putting the railroad to the Junction in order, and when that work was done, the seventh regiment of New York and the eighth Massachusetts passed over the road to Washington.

But, sir, all that is now passed away and has nothing to do with the question before the Senate. Maryland is now a loyal State, and will soon be a free State. I have no doubt that this Academy will ultimately be taken back to Annapolis, and if the war was over I should very cheerfully vote to put it there now. The only objection I have to fixing the time now is, that we may possibly need that place as an important military post, though I apprehend that if we pass this amendment as proposed by the Senator from Iowa, putting off the return of the School for a year, and the Government needs the place then as they need it now, the enforcement of the act will be arrested in some form.

Allusion has been made to the wishes of the Secretary of War on this subject, and I think it was suggested that his opposition to it was unreasonable. The Secretary of War certainly has taken but little part in the matter. He has expressed quietly, but firmly, the opinion that Annapolis is a most important position for certain purposes. I will read the facts in connection with it, as they are stated in the letter to me from an officer of the Government. The writer says:

"This is the great depot for the location of the paroled prisoners arriving from the South, and about one third of the number are either sick or wounded and require hospital accommodations the moment they arrive. On the arrival of the last boat from City Point nearly five hundred had to be sent to the hospital buildings of the Academy. The War Department has, at the cost of about one hundred and fifty thousand dollars, had built up an extensive establishment for paroled men, and to take away the buildings of the Academy now used as hospitals would necessarily incur a heavy outlay to either remove the parole camp elsewhere or build hospitals. This department has also erected large and extensive buildings on the grounds of the Academy for the storage of quartermasters' and commissary stores for the use of the paroled men. These would all have to be removed. And they have also, at a heavy expense, carried out into the harbor from the Academy grounds large wharf accommodations for the landing of these stores, with railroad tracks leading directly to Camp Parole for the transportation of these stores. All these important works will have to be abandoned if the operations of the Naval Academy are returned now.

"In view of these important facts, I think, as a great military necessity and safety, to say nothing of the immense outlay it would cost the Government at this time to make this change, that if the operations of the Academy could be carried on where it is now located until things are more quiet and the rebellion crushed, it would be good policy on the part of the Government to delay this change. A large expedition is now fitting out from here, which requires the use of these wharves built by the War Department."

Mr. GRIMES. That is all satisfactory.

Mr. TRUMBULL. Mr. President, it seems to me that one of two courses ought to be followed here. We should either vote against this proposition in its present form, or we should amend it so as to remove the Academy back to Annapolis at the commencement of the next academic year. I understand that the academic year commences about the 1st of October.

An objection is made by the chairman of the Military Committee to the removal of the Academy for the next few months. Nobody would desire that. The time to remove the Academy would be during the vacation.

It is said that General Burnside is gathering a large force at Annapolis. Does anybody suppose that the force now gathered by General Burnside is gathered there to remain there permanently? Will it not have left there before October?

Mr. WILSON. Suppose they want another force then?

Mr. TRUMBULL. If they want another force there why legislate at this time? What is the necessity of legislating now in regard to a matter that is to transpire six months after the next session of Congress? We meet here next December and will remain in session until March. If no step is to be taken in regard to the removal of the Academy until a year and a half from this time, or nearly so, why legislate about it now? The Senator from Massachusetts says the Army may want it hereafter. It seems to be conceded by the honorable Senator from Iowa, who has offered this amendment, that the military necessities of the country are such at this time that the Academy cannot go back to Annapolis.

Mr. GRIMES. No, sir. I said I would not stand in the way of the Military Department. I do not know anything about it myself; but after the representations made to me by the chairman of the committee I would not put myself in antagonism to the express wishes of the chairman of the Military Committee and of the Secretary of War.

Mr. TRUMBULL. The amendment itself concedes it. It does not propose to remove the Academy back to Annapolis until a year from next September or October. It is placed in that form. Now, so far as there are any military expeditions collecting at Annapolis at this time, they will all be out of the way before the close of the present academic year in all human probability. If other expeditions are to be organized there, they will be in the way next year, and it will be time enough to legislate about that next year.

It seems to me that we should provide now, so far as we can, for the permanent location of the Naval Academy, and I am willing to vote for it to go back to Annapolis next October. There is not anything which the chairman of the Committee on Military Affairs has disclosed to militate against that any more than against the removal a year from next October. He is informed by the Secretary of War that for a few months they need possession of the buildings which were occupied by the Naval Academy at Annapolis. Is that any evidence that they will need them next October; or if it is, is that any evidence that they will not need them a year from next October just as much as next October? It does seem to me that we ought to locate this School somewhere, in view of what has been disclosed here to-day in regard to the insufficient accommodations for it at Newport; but I cannot see that we gain anything by this amendment at all. It is legislating in regard to a matter that we can legislate upon at the next session of Congress much more advisedly than we can now.

Mr. GRIMES. Offer your amendment.

Mr. TRUMBULL. I will offer an amendment to strike out the words "academic year 1865," and insert, "next academic year of said Academy;" so that the amendment will read:

That the United States Naval Academy shall be returned to and established at the Naval Academy grounds in Annapolis, in the State of Maryland, before the commencement of the next academic year of said Academy.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Iowa, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20, nays 17; as follows:

YEAS—Messrs. Collamer, Conness, Cowan, Davis, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harlan, Harris, Henderson, Hendricks, Johnson, Nesmith, Powell, Riddle, Sherman, and Willey—20.

NAYS—Messrs. Anthony, Buckalew, Chandler, Dixon, Howard, Lane of Kansas, Morgan, Pomeroy, Ramsey, Sprague, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson, and Wright—17.

So the amendment was agreed to.

Mr. POWELL. I have an amendment to offer as an independent section:

And be it further enacted, That from and after the 1st day of July, 1864, all acts and parts of acts granting allowances or bounties on the tonnage of vessels engaged in the Bank or other cod fisheries be, and the same are hereby, repealed.

I desire this amendment to be adopted in this bill, and I have no question but that a majority of the Senate are in favor of it. I have many times attempted to get a direct vote on this proposition in the Senate. I have during the last two years introduced bills for the purpose of effecting this object. During an entire session of the last Congress I had a bill of that kind before a committee of this body. They kept it snugly away and never would report it back. I offered it during the last session as an amendment to a revenue bill, and some Senators who declared that they were in favor of it declined to vote for it as an amendment to a revenue bill, but indicated that they would vote for it as a separate and independent proposition before the Senate.

Some time back I introduced it as a separate and independent proposition again, and I had it sent to the Committee on Finance. By some hocus pocus it got out of the possession of that committee, as I found when I inquired about it, and got again into the possession of the Committee on Commerce, where it was kept during the whole of the last session. I expressly withheld it from the Committee on Commerce at this session and sent it to another committee, because the Committee on Commerce kept it all the last session.

Mr. FESSENDEN. I will explain to the Senator the "hocus pocus." I do not know what he means by that expression.

Mr. POWELL. I do not mean any reflection on the Committee on Finance. I only mean that I do not know how it got away from that committee to the Committee on Commerce.

Mr. FESSENDEN. The Committee on Finance reported the bill back with a recommendation that it be referred to the Committee on Commerce. The honorable Senator was sitting in his seat when I made that report, and made no objection and no comment.

Mr. POWELL. Really I did not know that the motion was made or I should have made objection. I am not, however, censuring the Committee on Finance for what they did. But, sir, I think that this is a proper bill upon which to place this amendment. I called upon the Committee on Commerce, as the chairman will bear me witness, some dozen times to send us the bill back at the last session. I told him, "If you are against it, report it back adversely;" but I could not get it reported back, and I believe it has now gone to that committee for the purpose of being held there until the session is closed. The committees are not so organized in this Chamber as to allow favorable action to the measures of other sections of the country outside of New England.

This is a small matter, Senators say. It has heretofore taken some half a million dollars annually out of the public Treasury for the purpose of paying these bounties to the vessels in the Bank and other cod fisheries, and, in my judgment, without any benefit whatever to the country. The people of the great West and the other parts of the country are taxed to pay this amount of money.

Mr. President, I have looked into this subject of the organization of the committees a little. We have in the Senate represented now twenty-five States. There are twenty-two standing committees; there are three joint committees; there are two select committees; and one joint committee on the conduct and expenditures of the war. They are all virtually standing committees. New England is here with twelve Senators; twenty-five States are represented in the Senate; and New England has fourteen chairmen of those twenty-eight committees.

Mr. POMEROY. You say there are only twelve Senators from New England?

Mr. POWELL. I know there are only twelve Senators from New England; but every Senator from New England, save and except the Senator from Maine, [Mr. MORRILL,] is chairman of a committee; and there are three Senators from New England who are chairmen of two committees. Kansas has no chairman of a committee. Sir, is that a proper distribution of the committees of this body? New England, with a population about equal to that of Pennsylvania, and less than that of New York, I believe, has half the chairmen of committees in the Senate Chamber. What do you give to the great State of New York? My friend, the worthy Senator from that State, [Mr. HARRIS,] is chairman of the Committee on Private Land Claims—a committee from whom I never heard a report but once since I have had the honor of a seat in this Senate, now about five years, and I doubt very much whether that honorable Senator's committee has ever met. The great State of Pennsylvania, so ably represented in this Chamber—a State that has nearly as much population as all the States of New England together—has but one chairman of a committee, and that is the Committee on Patents and the Patent Office, while New England has the chair-

manships of the Committees on the War, the Navy, Finance, and Foreign Relations. These are the committees in these times of the greatest importance. All the others are insignificant compared with the four that I have named.

How is it with the Pacific coast? There is an empire on the Pacific represented by four honorable Senators in this Chamber. There is no chairman of a committee from the whole Pacific coast. How is it with the great West that furnishes the men in this war, and from whom the taxes will be wrung to pay the vast debt incurred by it? Are any of the Senators from the West chairmen of these important committees? No, sir. How is it with the adhering slave States, Maryland, Kentucky, Missouri, West Virginia? Not one of them has the chairmanship of a committee. I believe there never was a body that had committees so organized from one small section of the country before on the face of the earth. It is no wonder, with committees thus organized, that we have matters of great moment to other people, in which that section of the country is interested, that we cannot get before the Senate in proper form. Sir, I am sick and tired of it. If they will report my bills back, even adversely, I shall have a chance of testing the opinion of the Senate upon them; but that they do not do. This measure in particular has been strangled there long enough. I think it is time for them to learn that there are men outside of New England.

It cannot be said that the distribution of these committees is made because of the party politics of Senators here. It has not been the usage of the Senate to give the minority the chairmanship of committees. I do not expect it; I do not ask it. I know it was not the custom of the Democratic party when they held a majority here; and I do not expect any Democrat to be made the chairman of any one of these committees. Nobody has a right to complain of the Republican majority on that account, and I make no complaint of that, because the precedent has been set them by the Democratic party to appoint none but members of the majority chairmen of the committees. But, sir, there are Senators here from the Pacific coast who hold the same political views with the majority; there are Senators here from the adhering slave States who hold the same political sentiments with them; there are Senators here from the great West who hold political sentiments in common with them; there are Senators from New York and Pennsylvania also agreeing with them politically. In my judgment there never was such an organization of committees on the face of the earth.

It may be said that the chairman of the Committee on Commerce that holds my bill is a western man. He is, but when I speak to him about it he tells me, "See Mr. MORRILL," who is on that committee.

They cannot escape from the charge of absorbing the chairmanship of all the committees in that section of the country on the ground that they are given to them by seniority. I know it has been sometimes the custom in the Senate not to give new Senators the chairmanship of committees; but I observe here that a Committee on Manufactures was organized at this session, and a new Senator occupying a seat in this Chamber for the first time made its chairman, although there were eminent Senators here who had served in this body for years and years, Senators of their own party, who were not the chairmen of any committees.

Mr. CONNESS. If the Senator will permit me, as I have not been in the Senate before this session I will ask him, for information, if he will yield it, whether it was his habit to make this complaint a little while ago when the chairmen of the committees of this body were almost exclusively made up from the South?

Mr. ANTHONY. All but one.

Mr. CONNESS. I desire to inquire whether the Senator was in the habit of making this complaint then, and if so, how did the lords of those times take it?

Mr. POWELL. I never had any occasion to make it. When the Democratic party was in the majority here I was not the chairman of any committee and do not expect to be now. I thought the Senator rose to make an inquiry in regard to the bill that I introduced.

Mr. CONNESS. Although the Senator did not understand my inquiry, I did not understand the Senator as complaining that he was not made the head of a committee. I asked him this question, as to whether it was his habit when the committees of this body had their chairmen made up almost exclusively from the South to make equal complaint.

Mr. POWELL. I am not in the habit of making complaints; and while I have noticed this thing from the beginning, I have never said anything about it, and would not now but for the fact that bills that interest all the other people in the country, but strike down a small interest of a portion of New England, cannot get reported in this Senate. That is the reason why I make this complaint, and why I have taken this occasion to expose the formation of these committees.

Mr. WILSON. What committee has the bill?

Mr. POWELL. The Committee on Commerce, the chairman of which is a western man but of New England birth, and when I interrogate him about it he sends me to Governor MORRILL—I beg pardon; I should say the Senator from Maine—who is deeply interested in this matter. I am glad to see the honorable Senator from Michigan [Mr. CHANDLER] in his seat. He knows how persistently I asked him to report this bill at the last session.

Mr. President, the amendment that I propose is eminently proper. Some thirteen million dollars have been paid out of the public Treasury for these bounties. I have heretofore laid before the Senate a report from the Secretary of the Treasury showing that about one half of it was obtained by fraud. Until the last year or two—I have not looked at it since this war commenced, and I do not know how it may be now—the annual amount of these bounties was between five and six hundred thousand dollars or thereabouts; sometimes greater and sometimes less perhaps. There is no reason why the earnings of a great laboring class of this country should be taken for the purpose of paying these bounties.

They say these bounties are necessary to encourage a nursery for seamen. I know the argument that has been employed heretofore and will be employed to-day, if there is any argument on the subject; but, sir, with our immense mercantile marine we want no such nurseries for seamen. The Secretary of the Treasury in the time of Mr. Pierce said it was rather a nursery for fraud and falsehood and false swearing than for seamen. Our people are now being taxed heavily to pay the enormous expenses accruing from this war, and we should retrench at every point. I know very well that the hard earnings of the great laboring interest of this country will have to pay the amount of money paid for these bounties, and it nearly all goes to Maine and Massachusetts. Is it right, is it equitable, is it just? It certainly is not.

I hope my friends from the West, who really are in favor of this proposition, will not cast a vote against it because I propose it as an amendment to this bill. It is eminently proper, in my judgment, that it should be placed here. They know how faithfully I have tried to get a separate vote upon it.

Our people now are taxed as much as they can bear, and do not let us increase it by throwing away the public money in these bounties to enrich a few people in New England. It is not right; it is not creditable; it is not just. We might just as well give the farmers of Kansas or Illinois a bounty for raising pigs or for plowing potato patches, as to give these men these bounties on the tonnage of their vessels engaged in this cod-fishing business, or in any of these Bank fisheries. You may as well give a miller in the West or in any other portion of the country a bounty for the power he employs in his mill to grind the grain of the people.

I am not going to take up the time of the Senate in discussing this proposition. I have made this explanation of the reasons which induce me to offer it as an amendment to this bill, and I hope the Senate will adopt it. My friend from Iowa [Mr. GRIMES] has very properly placed upon this bill an amendment to locate the Naval Academy. I hope that every Senator in this Chamber who is really friendly to this measure will vote to place it here. It will be the surest and best means of getting clear of the unjust and obnoxious law authorizing these bounties. If the law ever had any virtue in it, that time has long since passed. We certainly have plenty of nurseries for seamen now without hiring such kind of training as they have in these Bank fisheries.

Mr. FESSENDEN. I am very anxious to finish this bill to-night, and on those appropriation bills generally I do not allow myself ever to be drawn into a debate; but really the train of remark which has been adopted by the Senator from Kentucky is so very singular that I feel it a sort of duty to say a word upon the subject.

This is not the first time he has taken occasion to attack New England. He did it the other day in his speech. I believe he did not exactly say that New England soldiers and officers were all cowards, but he seemed to intimate such a thing.

Mr. POWELL. The Senator from Maine will allow me to say that I never said the New England people were cowards.

Mr. FESSENDEN. No, sir; he did not say that; but he seemed to intimate that they did not amount to much any way.

Mr. POWELL. I do not think so. If the Senator will allow me, I think the men of New England are as brave as any other men.

Mr. FOSTER. I wish to suggest to the Senator from Kentucky that I happened to be in the chair temporarily or I would have noticed it at the time, and the Senator from Kentucky took occasion to say distinctly that he would not disgrace Kentucky by comparing her soldiers with those of any State in New England.

Mr. POWELL. If the Senator will allow me, he is mistaken even in that.

Mr. FOSTER. I think I have got the exact words.

Mr. POWELL. I said this: that I would not degrade Kentucky so far as to contrast her military achievements in the wars we have had with any State in the Union.

Mr. FOSTER. Her soldiers.

Mr. FESSENDEN. The Senator used very offensive language in regard to it. I did not listen to his speech, and therefore I did not at the time hear it. I will say to the Senator I am not in the habit of listening to his speeches, for the simple reason that I think they are made, not with reference to any questions before the Senate or any rights or interests of the people, but simply with an intention to make some political capital and to produce political effect; and to such speeches I do not think it worth while to attend.

Whatever the honorable Senator may have said about New England then, or whatever imputations he may cast upon her now, I shall not undertake to defend her. I cannot help saying that I will not degrade myself by attempting to defend New England against anything that the Senator from Kentucky chooses to say. She is as far above the reach of any words he may use as heaven is above the earth. He cannot touch her proud record either in the days of the Revolution or in any days subsequent; and, to use a quotation which I believe he recited the other day, his words on that subject are simply

> "Full of sound and fury,
> Signifying nothing."

With regard to this question of the fishing bounties, if the Senator in his remarks had confined himself simply to that, and not made the whole subject a matter of imputation upon the majority here, and especially upon the section of country that I represent, I would not have said a word; I would have left the Senate, I would have left my friends from the West, or any gentlemen here, to decide for themselves upon the propriety of putting a measure of that kind upon the tail of a general appropriation bill providing for the Navy. If there is any Senator on this floor from any section of the country who thinks it a matter of such pressing importance that he would place it upon a bill of this description, standing as it does before the Senate, he would vote so; and no words of mine would convince him of the propriety or impropriety of it. I take it, there is no Senator from any section of the country who, if he chose to vote so, would have any apprehensions that he could not defend his vote in relation to the matter.

Sir, I never have made in this Senate or out of it a sectional appeal or a sectional remark. By "sectional" I mean as between ourselves and the West. In old times I used to have some hot contests with gentlemen from the South upon the slavery question; but, as I said, I have not made a

sectional appeal or a sectional remark certainly with regard to the representatives of the great West on this floor; and why? For the simple reason that I have found them always liberal and manly in their action and disposed to be magnanimous and to do justice, and perhaps to do even more than justice in their magnanimity. Though on some occasions they would make side-way remarks in the heat of the moment, yet I have found when they came to voting and to action that they were mere words of heat and signified nothing, and consequently I had nothing to lay up against anybody.

The Senator thinks unquestionably that he may make something out of this. I do not know but he may in Kentucky. I never have been the man to say a word yet against Kentucky or her action even at the present day. I know the position in which her people have been placed, and I know the very different circumstances under which she stands at the present moment from those under which New England stands, and I make all due and proper allowance for her condition and situation, and consequently for those who represent her. There never has been a day when I have not honored the State of Kentucky in view of what she has been. I lament her fatal attachment to a deadly institution. I think that attachment has led, and is leading, a great portion of her people into error; but, as I said before, I make all due allowance for them. I have not gone so far in any case as to make an appeal to create an excitement especially among those who are laboring for a common cause.

Sir, I cannot give that credit to the honorable Senator from Kentucky. He claims to be laboring for the same cause that we are, and it is not for me to dispute that it is so; but his whole language and demeanor and argument here are calculated to effect anything but union and to accomplish anything but the common object which we all have at heart. Everybody knows that.

What is the object of this speech? If he simply wants to repeal this law, why not confine himself to that? Why make an attack upon the section of country where the law operates? Why appeal to Senators on this side of the Chamber who act with us and endeavor to inflame them, and even the Senators from the Pacific coast, on a political matter? If the subject of the repeal of the fishing bounties is to be presented, argue it, vote upon it, but do not endeavor to inflame the prejudices and passions of Senators, and see if they cannot be excited one against the other, and to see if one section cannot be excited against the other.

Sir, so far as those fishing bounties are concerned, although they affect my State in a very considerable degree, rather than create even the slightest feeling between that section and the West or any other considerable section of the country, I would say sweep them out of existence; let them not stand in the way of perfect unanimity of feeling. I have no question that when Senators from other sections have voted to retain them, it has been not so much for other reasons as for that simple thing; and that is, that in the present condition of things in this country we will do nothing that has an angry or illiberal or unkind look. I give them credit for entertaining precisely the same sentiments in relation to the matter that I entertain myself. The whole subject is too trivial, the merest trifle, the shadow of a shade, in connection with the questions with which we are engaged. Why, then, should these appeals be made?

With regard to this Committee on Commerce it is made up of seven gentlemen. There are two from New England, I think, on the committee, two from the Democracy, and three from other sections of the country. New England does not control that committee. Those in favor of the fishing bounties proper, or those who represent the people who derive benefit from them, do not control that committee. Numerically, they are an insignificant portion of the committee. They are but two out of seven. Why, then, should that be imputed as a fault? Why did the Senator make the remark he did with reference to the "hocus pocus" with which the thing was shuffled from the Committee on Finance to the Committee on Commerce. To be sure, he disclaimed anything offensive to the Committee on Finance; but it all has the same tendency. I can tell him the reason why it was done. It was simply because the bill related to commerce more particularly; it is a question that has always been considered as relating to commerce, and we therefore chose to disburden ourselves of it and send it to the committee that has had the consideration of such subjects in charge. The Senator was in his seat as well as other gentlemen when that motion was made, and if there was any objection to be made to that reference, and it was desired to send it anywhere else, the objection could have been stated at that time.

Then the Senator says New England has assumed too much here, and he inquires how are the committees made up? The query that was put by the Senator from California was a very pregnant one. Let us look at the committees of the Thirty-Sixth Congress and see how they were composed. Of the Committee on Foreign Relations Mr. Mason was chairman; on Finance, Mr. Pearce was chairman.

Mr. CONNESS. If the Senator will permit me, I have that list before me, and I desire him while he calls them off to accompany the name of each with the pertinent inquiry as to where they are now. He will find that a great majority of them are with the rebels.

Mr. FESSENDEN. That is very well understood. Of the Committee on Finance, Mr. Pearce was chairman; on Commerce, Mr. Clay chairman; on Military Affairs, Mr. Johnson of Arkansas chairman; on Naval Affairs, Mr. Mallory chairman; on the Judiciary, Mr. Bayard chairman; on Post Offices and Post Roads, Mr. Gwin —not representing a slave State, but everybody knows that slavery never had a meaner worshiper —was chairman.

Mr. ANTHONY. If the Senator will allow me, Mr. Yulee was chairman of that committee until he seceded.

Mr. FESSENDEN. That is so; and when he went off Mr. Gwin was made chairman. Of the Committee on Revolutionary Claims, Mr. Nicholson was chairman; on Public Lands, Mr. Johnson, of Arkansas, chairman; on Claims, Mr. Bragg chairman; on Private Land Claims, Mr. Polk chairman; on the District of Columbia, Mr. Johnson, of Tennessee, chairman. I believe I have not found a northern man yet; every one of them was from the South. On Indian Affairs, Mr. Sebastian was chairman; on Patents and the Patent Office, Mr. Bigler, from Pennsylvania, chairman—there is the first northern man; on Pensions, Mr. Thomson chairman; on Public Buildings and Grounds, Mr. Bright chairman. There are three northern Senators chairmen of three comparatively unimportant committees. On Territories, Mr. Green was chairman. Mr. Douglas had formerly been chairman of that committee, but he was put off and Mr. Green put in his place. On Engrossed Bills, Mr. Lane was chairman; to Audit and Control the Contingent Expenses of the Senate, Mr. Johnson, of Tennessee, was chairman; on Printing, Mr. Fitch was chairman; on Enrolled Bills, Mr. Saulsbury was chairman; on the Library, Mr. Pearce was chairman. There are four unimportant committees on which the great portion of the body coming from the free States were allowed to be chairmen of committees. Well might the honorable Senator from California inquire of the Senator from Kentucky if he or any of his friends raised his voice against the outrage. Why, sir, he and his friends with him were as silent as the grave.

Now, how did all this happen? In most cases generally as it has happened during this Congress; that is to say, the men who were appointed chairmen of committees had been here for a great many years, comparatively. It was the fashion of the southern States to keep their Senators here Congress after Congress, and term after term, until they became the oldest members of the Senate, and it was always considered a matter of courtesy to allow them to remain upon the committees on which they were first placed and to go up regularly and take positions as chairmen according to their age. That was unquestionably the exposition of it in most cases.

Now, sir, how was it here in this case? Certainly the Senators on the other side of the Chamber have nothing to complain of. On Foreign Relations Mr. SUMNER is chairman. Mr. SUMNER, I believe, was, save one, the oldest Senator in the body, and that one, I think, is the Senator now occupying the chair, [Mr. FOOT;] and more than all that, when the committee was formed he was the only man on the committee who had been there before. Did any Senator wish to depose him? Would any younger man have taken his place? Should he have given his place to my honorable friend from Wisconsin, [Mr. DOOLITTLE,] because he is from the great State of Wisconsin? Would not my friend from Wisconsin have scorned to take it?

I had been a member of the Senate for eight years, and had the misfortune to be the only member on the Committee on Finance who had been there before. The Senate saw fit to make me chairman of that committee, notwithstanding I had the misfortune to come from New England. I am sorry, I have regretted it since, that although my honorable friend from Ohio [Mr. SHERMAN] who stands next to me came into the Senate at the very time I was made chairman, I did not reflect that Maine is a small and unimportant State, and yield my position to the representative of the great State of Ohio. It was a mistake. I hope the Senate will pardon it. He is much more eminently fitted for the position than I am; but it was owing to the fact that I happened to be here for eight years and he not at all that I was placed in that position.

The same remark may be made of all the committees. It was the case with my honorable friend from Massachusetts, [Mr. WILSON,] who is chairman of the Committee on Military Affairs, and my honorable friend from New Hampshire, [Mr. HALE,] who is chairman of the Committee on Naval Affairs. The honorable Senator from Illinois [Mr. TRUMBULL] was made chairman of the Committee on the Judiciary because the place belonged to him. My honorable friend, the other Senator from Ohio, [Mr. WADE,] took the position of chairman of the Committee on Territories. Other Senators took other positions. But it so happened that most of the Senators from New England had been here for many years, had served on these very committees, and in most cases were the only men in the Senate who had served upon them at the time they were made the chairmen.

Although it would have been well and modest in us to consider that we did not represent the great States but came from small ones, and therefore decline to serve on the principle that chairmen of the Senate committees were made not of men but of States, yet it so happened that our friends from the West who belong to the same political party with us and had a hand in making the committees did not take that view of the subject. They seemed to think that it was advisable and proper to follow the recognized rule of the Senate and allow gentlemen who had been here for years and who were the only ones who had been on the committees to take the places that belonged to them and not refuse them those positions simply because they happened to come from New England. They were not troubled with that exquisite sense of right and wrong, of propriety and impropriety, which seems to work so hardly upon the mind of the honorable Senator from Kentucky.

All I have to say with reference to this subject is, that although mistakes are sometimes made in regard to it, Senators are aware that all these things are within the control of the body. The Senators from New England are a minority and a very small minority, comparatively, of the members of the majority here. They are not responsible for what is done in this regard. It is in the power of the Senate to change its committees at any moment; and certainly if anybody feels himself aggrieved—I know nobody does on this side of the Chamber—no one is more ready than myself, and I trust than other gentlemen, to yield the places which we occupy and which can be very much better filled undoubtedly by others. But, sir, I do not want to have it said that New England has placed herself in these positions, for it is not so in any way; nor do I wish to have it said that she assumes anything with regard to this organization, for she has not the power to assume it, in the first place, and, secondly, she has not the disposition.

I have said thus much simply that this matter may be set right. My honorable friend from New Hampshire [Mr. HALE] stated the other day that out of deference to the great State of New York he offered the chairmanship of his

committee, so far as he was concerned, to the honorable Senator from New York, [Mr. MORGAN.] That Senator did not choose to take it. I suppose he thought it would be hardly modest in him, as he had just come into this body, to assume a place of that particular description and importance over a Senator who had been here for some twelve years, though he had the misfortune to come from the small State of New Hampshire.

Notwithstanding what has been said about the outrages to the Pacific coast, there is but one gentleman here from that coast who calls himself not a Democrat, or who regards himself as not belonging to the Democratic party, and I really believe that if you were to propose to my honorable friend from California to take the chairmanship of the Committee on Finance he would decline it to-day.

Mr. CONNESS. I certainly should.

Mr. FESSENDEN. And he does not feel that California has been injured, or insulted, or outraged by the fact that he was not made chairman of that committee on first coming into the Senate, simply because he came from the Pacific coast; and yet that is one of the grievances! I do not think my honorable friends from Oregon have thought of complaining on that subject. No, sir; it is nothing but political talk, intended for political effect. The Senator from Kentucky knows the people of Kentucky better than I do. I should think that if they had a tolerable judgment and education they would turn up their noses at an argument of that sort; but he knows their caliber and their power of judgment so much better than I do, that I leave him to make such arguments to affect them as he thinks will be suitable.

Mr. SHERMAN. Mr. President——

Mr. POWELL. I hope the Senator from Ohio will yield to let me make a reply to the Senator from Maine.

Mr. CHANDLER. I hope the Senator from Ohio will give way to me. The committee of which I have the honor to be chairman, and myself, have been assailed.

Mr. SHERMAN. The Senators will have sufficient time to be heard. I wish to say a few words, and I will not insist upon saying them now unless the Senator from Maine wants to finish the bill to-night.

Mr. FESSENDEN. I prefer to go on with the bill.

Mr. SHERMAN. I would not at this hour of the day occupy the Senate a moment but that I desire, since allusion has been made to the formation of the committees, to remove some misapprehensions, lest those misapprehensions may be carried on to the stump in political life.

The Senator from Kentucky endeavors to incite a prejudice against New England, and his declarations here to-day will be repeated by his political associates on the stump, under circumstances likely to mislead and deceive honest people and to create a prejudice against a portion of the country. I wish, therefore, to explain exactly how the committees were organized, because it so happened that I was one of those who aided in forming the committees at the present session of Congress. The fact that New England had nearly all the important chairmanships had been made known and stated often enough, not only by the Senator from Kentucky, but by many persons who were complaining. The New England Senators themselves, in the conferences which led to the organization of the committees, called attention to the fact, and said promptly that they were willing to give way at once and apportion the chairmanships of the committees among the several States according to geographical position. The proposition was distinctly made, and the question came up before a committee organized for the purpose of arranging the standing committees. It was not a question between ourselves and our political adversaries, because it is admitted on all hands that we have treated our political adversaries with a great deal more deference than they ever treated us. The Senator from Kentucky cannot say that the few men of his political opinions who are here have not been fairly represented.

Mr. POWELL. The Senator from Ohio will allow me to say that I made no complaint of that kind. I said distinctly that I did not expect a Democrat to have a chairmanship.

Mr. SHERMAN. Then it is a complaint made, if at all, about the distribution of the chairmanships among political associates. What was the condition of affairs? Nearly all the Senators from the western States here are new Senators, who have recently come upon the floor. The few among us who have been here for a number of years are very handsomely provided for, and I believe are all chairmen of good committees. The Senator from Michigan, [Mr. CHANDLER,] who has been here a number of years, is chairman of the Committee on Commerce. My colleague [Mr. WADE] is chairman of two committees, the Committee on Territories and the committee on the conduct of the war. The Senator from Iowa [Mr. GRIMES] is chairman of the Committee on the District of Columbia. The Senator from Illinois, [Mr. TRUMBULL,] who has been here for some years, is chairman of one of the most important committees, the Committee on the Judiciary. The Senator from Iowa [Mr. HARLAN] is chairman of the Committee on Public Lands. The Senator from Wisconsin [Mr. DOOLITTLE] is chairman of the Committee on Indian Affairs. Every Senator from the western and the middle States who has been here more than two years, is therefore chairman of a leading important committee. The western Senators are in many cases chairmen of committees distinctly connected with their region of country, such as Indian Affairs, Public Lands, and Territories.

Then take the new members who have come in here recently. I came here two years ago, and I was assigned, not at my request or desire, to serve upon the Committee on Finance. I ask the Senator from Kentucky, or any fair-minded man, whether I would have consented to displace a gentleman of superior abilities and fitted for that position? I could not for a moment think of it. Without saying anything about the Senator from Maine, everybody admits his conceded abilities not only as a debater, but as a business man connected with the department to which he has been assigned. I certainly would not assume the invidious task of appearing before the Senate as chairman of that committee, when he had been here six years before me serving on the same committee. So of the Senator from New Hampshire [Mr. HALE] who is at the head of the Naval Committee. He had been here for years, an old Senator. The next Senator on the committee was the Senator from Iowa [Mr. GRIMES] who was admirably adapted for the position of chairman of the Committee on Naval Affairs. There is no doubt about that; but I ask fellow-Senators whether we could, as a committee, strike from the head of that committee a gentleman who had been here some twelve or fourteen years, who had been one of our political associates, who had been denounced by our political adversaries? I could not reconcile it with my sense of duty and of right to strike his name from the head of that committee, even to give the place to a gentleman so well qualified to perform its duties as the Senator from Iowa. So too with the Military Committee.

In arranging these committees, however, we have so arranged them that the natural course of time will remove all these inequalities. Perhaps it may be five or six years hence, when the present Senators from New England may have passed away and their places be filled by others. Then the West, from the present arrangement of committees, will have nearly all the important committees, because if you look over the list you will see that the next name to the chairman in nearly every case is a western man who has come in here recently, and who, in due course of time, unless displaced by his constituents or by other causes, will assume the position now held by a New England Senator.

I state this much in justice to the New England Senators, that the committee that reported upon the organization of the standing committees was composed of gentlemen who had it in their power to strike off the chairmen of these important committees and assign others for those positions. The caucus or convocation of Senators had it in their power to displace these New England Senators, but I believe and say it heartily that there was not a single member of the political party to which I belong that desired thus to strike off a Senator simply because he came from New England. They would rather meet the taunts and innuendoes and declarations made on the stump by the Senator from Kentucky and his political associates.

Mr. President, I might end here, but I wish to say a word further in regard to the subject-matter. In my judgment, the New England Senators, and not only the New England Senators but all of us ought at this session to repeal the fishing bounties. I will not stop now to discuss that question, but I will state why I cannot vote for the pending proposition. The reason upon which these bounties were originally granted by the Government has now disappeared. There is no longer any necessity for the United States to provide a school for seamen. Our commerce is now so expanded that it is a school for seamen in itself; and if these bounties were not paid we should have the best naval school in the world in our commercial marine. Therefore, not as a question of geography, but as a question of taxation, these fishing bounties ought to be abandoned as no longer necessary to carry out the purpose of their foundation. I have voted in one or two cases to attach the repeal of the fishing bounties to appropriation bills, but I do not think it is a wise plan to do it. The appropriation bills ought to be kept distinct, and as a general rule important measures of this kind ought not to be attached to them as amendments. I am therefore now inclined to vote against the proposition of the Senator from Kentucky, although I heartily approve it in itself; and I give due notice now that when the revenue bill comes up, a bill to provide revenue—a bill in which we shall be called upon to tax all classes and all sections of our people—if no other Senator does it, I will move by a carefully-considered amendment to repeal the fishing bounties, and I shall expect the New England Senators to come up and help me to support it.

Mr. CHANDLER. Mr. President, the Senator from Kentucky has seen fit to arraign the Committee on Commerce and its chairman. I will read the names of the members of that committee. They are Mr. MORRILL, Mr. TEN EYCK, Mr. MORGAN, Mr. SPRAGUE, Mr. SAULSBURY, Mr. LANE, of Kansas, with myself as chairman. I will simply say to that Senator that the Committee on Commerce requires no defense from any assault that he can make upon it. Without any disparagement to any other committee, it is equal to the best—all but the chairman.

But the Senator has gone further. He has arraigned me individually, because I happened to be born in New England. Sir, I am not responsible for that; but I want to tell that Senator that I am proud of my birthplace. I thank God that I was born in a State, and that I now represent a State, neither of which has ever furnished a rebel traitor to fight against his country. I was in this body as a member of the Committee on Commerce with the Senator from Kentucky when Mr. Clay was chairman of that committee—the traitor Clay; the particular friend of the Senator from Kentucky; the man who drew up in the room of the Committee on Commerce the original ordinance of secession for the State of Alabama, while he, a rebel traitor, was drawing the pay of this Government. It was drawn up on Government paper, written with Government ink, and copied by a clerk drawing six dollars a day from this Government. I found it in that room, and I have it now. I never heard a word of complaint from the Senator from Kentucky against that committee at that time in regard to this or any other matter.

The question of the repeal of the fishing bounties has been agitated for a long time. It was regularly before the Committee on Commerce during the time that Mr. Clay was its chairman, and the Senator from Kentucky was in this body for two years while his party had forty-four members against twenty who coöperated with me. Why did he not then arraign the Committee on Commerce? Why did he not then arraign its chairman? Why did he not then arraign this body and Congress? Ah! sir, he was then as quiet as a lamb. He had his friends, the traitors, chairmen of almost every committee of this body, men with whom he coöperated then, and with whom he coöperates now. I do not care to defend the Committee on Commerce, and I will not defend it. It requires no defense from me, or from any other man; and what is more, I consider it a high honor to be arraigned by that Senator, either as chairman of the Committee on Commerce or as anything else that is loyal and true to the country.

Mr. POWELL. The Senator from Michigan, if I understood him, said that I was now the friend of traitors. I wish to understand, distinctly and categorically, whether I understood him properly?

Mr. CHANDLER. You did understand me properly. You have been the friend of traitors, and I voted to expel you as a traitor from this body.

Mr. POWELL. Do I understand you to say that I am now the friend of traitors and treason? That is my question.

Mr. CHANDLER. I simply say that you coöperated with traitors, sir; and I have never known you to cast a vote that was not in favor of the rebellion. If you ever have, I wish you to state when and where.

Mr. FOSTER. I call the Senators to order. Personalities are not in order.

Mr. POWELL. I put the question to the Senator from Michigan whether I understood him to say that I am now the friend of traitors.

The PRESIDENT *pro tempore*. The Senator from Connecticut rises to a question of order.

Mr. FOSTER. I submit to the Chair that personalities are not in order.

The PRESIDENT *pro tempore*. The point of order is well taken. It is a violation of the rules and of the decorum and good order of the body to indulge in personalities. Senators will please restrain themselves in that regard and to that extent.

Mr. POWELL. I only desire to say that if the Senator from Michigan did state, as I understood him—I did not hear him very distinctly, and consequently I repeated the question—that I was the friend of traitors, he says what is untrue. The statement is false. That is all I have to say upon that subject.

The Senator from Michigan says that I did not complain of Mr. Clay, who was chairman of the Committee on Commerce, for not reporting this bill. Why, sir, Mr. Clay was the advocate of the repeal of the fishing bounties. Mr. Clay reported from the Committee on Commerce a bill to repeal them, and advocated it here in a most elaborate speech. I could have no reason to arraign Mr. Clay for anything he did concerning this question, for it is well known that Mr. Clay was in favor of repealing the fishing bounties. He tried to do that after I came into the Senate, and before I came into the Senate he made a report and an elaborate speech on the subject.

But the Senator from Michigan, in order to get clear of the charge of negligence on the part of the committee of which he is chairman, undertakes to talk about traitors and treason, and he does not deny what I have said about the Committee on Commerce not reporting the bill to the Senate at the last session of Congress. The Senator knows very well that I could not get him to report the bill back in time to have action upon it by the Senate during the last session of Congress. The Senator knows that I went to him personally more than once, and asked him to report it back even adversely, so that it might be before the Senate; but it came back from the committee near the close of the session, when there was no opportunity to have action upon it in the Senate.

Now, sir, for most of the gentlemen upon the Committee on Commerce I have very high personal respect; but allow me to tell the Senator from Michigan that he is not one of those for whom I have personal respect.

Mr. CHANDLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield the floor to the Senator from Michigan?

Mr. POWELL. No, sir. I do not yield to a Senator who speaks of me as he has done. The reply I have made to the Senator is of such a character that a gentleman and a man of honor cannot respond to it in this Hall.

Mr. President, I was very much astonished that my remarks should have excited to so great an extent the ire of the Senator from Maine, [Mr. FESSENDEN,] for whom I personally have respect. He got into a flurry of passion and said that I had been assaulting New England, but that I possessed no power to injure New England. I suppose the Senator was right in saying that I could not injure New England, and I do not want to injure New England. But the Senator said that I had assaulted New England. I think the Senate will bear me witness that I have not made assaults upon any section of the country. It has not been my habit or my custom. I have not assaulted or spoken uncourteously of individual Senators, except in my own defense. How came it that I spoke of New England the other day? While I sat here the Senator from New Hampshire [Mr. CLARK] arraigned my State and contrasted it most unfavorably with one of the New England States. He impeached the loyalty of Kentucky. He made a speech most disparaging to my State, contrasting it all the while disparagingly with one of the New England States. His colleague [Mr. HALE] a few days afterwards made a vigorous assault upon the few of us here who are from slaveholding States. The Senator from Massachusetts, of whom I spoke on that occasion, [Mr. SUMNER,] the very hour before I spoke denounced all slaveholders as being barbarians, knowing that there were some of us here who were slaveholders and had slaveholding constituents.

Now, I put it to the honorable Senator from Maine, if after all these assaults, aimed directly in one case at my State by name, I was not right in repelling those charges. I certainly was right. If a Senator here will not defend his own constituency when they are assaulted, if he has not the courage and manhood to resist such aggressions, I think he had better leave his seat and let his constituents send somebody here who will defend them.

Mr. HALE. I ask the Senator if I assailed any State or any individual personally?

Mr. POWELL. I will do the Senator the justice to say that he did not; but he assailed a class of people, and he advised us to put our heads on the block gracefully and die with composure. But his colleague did mention my State, and mention it most disparagingly, too, and the Senator from Massachusetts prated of the barbarism of slavery, as he always does, knowing that there were here men who were slaveholders, though but very few of them. It was in repelling these assaults that I took occasion to speak of New England, but I did not accuse New England even in that speech. I distinctly stated that it was not my object to do so; but in reply to those assaults, as the State of Kentucky had been contrasted with the New England States in this war, and with the action of one New England State in particular, I did run a parallel between the action of Kentucky and the action of the New England States in the war of 1812 and the war with Mexico, and I spoke of the action of the western States and of New England in this war, and it was perfectly legitimate that I should do so. I am not going now to be drawn into an abuse of New England. It is not my province here to abuse any section of the country. I will speak of the abuses that I think certain individuals coming from particular sections may wish to continue in practice in the Government, and when they assail others I think it just as well to tell them a little of their own shortcomings. That is all I did, and that I will do again.

Let me tell the Senator from Maine that there is not strength enough in his feeble arm either to reach me or Kentucky. Does he expect by a kind of jeer at me to bridle my tongue? If he does, he is deceived. He says that my speeches are never on matters of public interest, but always for political effect. The amendment that I now propose is one that I think the people of Maine, who receive the larger of those bounties, will regard as something of business, and hence it is that the Senator flies into such a passion on the subject. The Senator does not wish to see a law repealed that fills the pockets of his constituents with money unjustly wrung from the hard earnings of the laboring classes of other sections of the country.

I spoke of the organization of the committees, as I had a right to do. It is admitted that they are organized as I stated. So manifest is the unjustness of the organization of the committees that the Senator from Maine cannot hear the subject mentioned without losing his temper. The Senator's rage will not prevent the Senate and the country from seeing the facts as they are. But the Senator from Maine contrasts them with the committees as they were formed when the Democrats were in power. I admit that then most of the chairmen came from the slaveholding States, but it was because there were but few Democrats here at that time from other sections of the country, but then so many chairmanships were not confined to a little patch of country, a small area, such as New England occupies. They were scattered from Maryland and Delaware to the Gulf.

It is not my purpose, Mr. President, to enter into any lengthy debate on this subject. I have said enough in reply to the personal allusions of the Senator from Maine. So far as he has referred to the questions about which I speak here, he has a right to his own opinion. I am in favor of the most perfect freedom of speech; but if a Senator utters sentiments toward me and those whom I have the honor to represent that I consider unjust, I will repel them in a proper manner. I think the Senator is perfectly justified in repelling any assault on his section of the country; but I assure him that I will assault no section of the country unless the people I represent or myself or my section is first assaulted. I have heard but little else in this Hall for three years except assaults on the region of country from which I come, and I think I have borne them with a great deal of Christian fortitude, but I will bear them no longer; I will repel them, come from what quarter they may. I can assure the Senator that I will never inaugurate that kind of debate. If it is thrust upon me I will meet it.

I have said enough, sir, in regard to personal matters. I hope the law authorizing these fishing bounties will be repealed, and I trust my friend from Ohio will reconsider his motion of putting the provision for the repeal upon the revenue bill and vote to put it on the bill under consideration I hope that every Senator who is in favor of the proposition I have moved will vote to attach it as an amendment to this bill.

Mr. CHANDLER. Mr. President, the Senator from Kentucky has told the Senate that he has great respect for some of the members of the Committee on Commerce, but not for its chairman. I thank the Senator for that remark, for if there is any man on the face of God's earth whose respect I neither desire, nor will have if I can help it, it is the Senator from Kentucky. I wish to assure him that the feeling is mutual. I have not and have not had any respect for him since this rebellion broke out, and I never shall.

Mr. POWELL. One word. I do not intend to reply to the Senator from Michigan. I think the issue between him and me is so plainly before the Senate that nothing more need come from me.

Mr. SAULSBURY. Mr. President, in the year 1850, for the first time in my life, I visited the city of Washington. The Senate then sat in its old Hall. I had read the utterances of the great men who preceded us as members of the Senate, and so overpowered was I when quite a young man in ascending the steps that led to the galleries of the Senate Chamber, that I forgot in the moment of my excitement to take off my hat. I looked around to see the venerable forms of Clay, and Webster and Calhoun, the great men who then held seats in the Senate. Some eight years afterwards I was honored by my State with a seat on this floor, and I entered it in this new Hall, thinking it the highest object of youthful ambition. I witnessed the scenes that occurred in the Senate after I came here. I found these sectional feelings at their height. I found them indulged in by gentlemen from different sections of the country. I found that on one side representatives from one portion of the country said to representatives from another that they were devoid of that courage, of that spirit of manhood that would cause them to meet their enemies on the honorable field of personal conflict. I found on the other side, and I remarked the spirit evinced, "You think yourselves above us because you are slaveholders," and I found a denunciation of the sin of slavery. I saw this sectional feeling exhibited. On the one side I was reminded of the barbarism of slavery, and on the other I heard the retort.

Sir, I have thought in my quiet home that our present troubles had much of their origin in this spirit of sectional feeling, in this spirit of reproach that came first from one section and then from the other; and I believe to-day that whatever may have been the exciting causes of the present war, if members of the Senate and the House of Representatives could so far have restrained their feelings as to rise above all such considerations as

those, we should not now be in the unhappy state in which we are; and I believe that if we could forget these feelings now, and if we could look at the great issues of this national debate in that spirit of fraternal kindness in which we are bound to look at it, we might come to a common understanding.

I did not hear the commencement of this debate and I mean to take no part in it. I do not know who was right and who was wrong in it. I hope that in the future we may forget these feelings which have been engendered in the school of the past, and that if we do come from different sections of the country, we shall recollect that the great system of government which was formed for our benefit, and for the benefit of those who may come after us, was formed by patriotic sires, from all sections of the country, and that in the spirit of compromise in which they acted we may act, and forgetting the petty jealousies which have influenced us in the past, as a band of brothers we may look at the present unhappy state of our country and act as becomes American statesmen who fill the seats of the greatest statesmen the world ever saw.

Mr. POWELL. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DAVIS. Mr. President, I shall vote for the amendment of my colleague. Whenever I have been in a position heretofore to support the policy of these fishing bounties I have voted for their continuance. Many years ago I was taught, session after session, by gentlemen representing the New England States, that these fisheries were the best nursery of seamen on the globe, and whenever our country should be involved in war these adventurous and hardy seamen would be ready-trained sons of Neptune to man our ships-of-war and privateers, and bear our flag in triumph against all comers through the battle and the breeze, and in that way would compensate the country for the cost it paid for their tuition in the form of these bounties. My own State cherished the laurels won by our gallant tars upon oceans and lakes with as true national pride as did New England, and she voted without grudging these largesses that our country might have the first seamanship of the world.

The principles and policy of my State, too, as her people were imbued by her great statesmen, were to regard every section and every State as equally part of our common country, and entitled in their leading interests to the same protection and fostering care from the General Government. Until since New England has become wholly sectionalized and selfish, we had cultivated for her feelings of fraternal pride, conceding that she contributed her full share to our national greatness and glory, and we sustained the measures and policy that developed her industry, wealth, and power, not only as a duty, but with a generous and proud satisfaction. We felt that whatever was aggrandizing New England was at the same time bearing aloft the United States; and we so regarded every section and every State.

We had been taught by New England statesmen to consider the seamen formed in those fisheries and sustained by these bounties did not belong to that or any other section, but, like the graduates of West Point, to be the property of the nation at large; and that when they took post on the decks of our ships of war they were not to be credited to New England or any State, but to the United States. But since the States of New England have, during this civil war, unanimously claimed and each is to receive the benefit of having her seamen computed in the quota of soldiery she is to furnish to the war, one of the chief arguments for the continuance of these bounties is removed.

Another cogent one when they were first established was, that our marine, both military and mercantile, was then in its infancy, and these bounties were necessary stimulants to foster it against the severe competition of other maritime Powers. This argument was then entitled to and received much consideration, but time and the great growth of our Navy have shorn it of all force.

But the present political position of New England, which she has been gradually approaching for many years, until at length she is absorbed by it, is what chiefly determines me to vote for the repeal of these fishing bounties. The Federal Constitution was formed upon several important concessions and compromises between the northern and southern States, without which it would have been impossible to have formed a Constitution. Than this there is no fact in history better established. New England adheres, as is her right and her duty, to all the compromises in her favor; but those beneficial to the South, to my section and State, she has been for many years fiercely assaulting, against the spirit and letter of the Federal Constitution, until she has become a unit, and in a spirit of destructive frenzy is bent upon the subversion of the Constitution and the Union which it formed, to expunge all the compromises that protect the rights of the slave States.

There is no principle of our complex system of national and State governments more important or more dear to the great mass of the people of the United States than that all the local and domestic institutions, polity, affairs, and rights of each State are in no form, extent, or manner within the jurisdiction or power of the Government of the United States, but are as wholly and exclusively, except in the few matters expressly named in the Constitution, under the control, direction, and government of the States respectively and their people, as though there were no Federal Union or Government. Each State has for itself the sovereign and exclusive right to determine for itself in what subjects property shall or shall not exist, and to make every law and regulation of property within its own limits. Neither the Government of the United States nor any other State has a particle of right or power to interfere with property in another State. This principle has been fully conceded by every American jurist and statesman until this day of mental and moral insanity.

What right, or legitimate power, has New England to abolish slavery in Kentucky, or any other State? The States of New England, each for itself, established slavery, continued the institution during its pleasure, and abolished it when they respectively chose to do so, without being interfered with by the United States Government, or any other State. Would New England acquiesce in the reëstablishment of slavery in her six States by an amendment of the Federal Constitution? If it were to be adopted in the required forms, it would not be an amendment, but a revolution, a destruction of State sovereignty, a subversion of our system of Government, and without the pale of the power of amendment. The proposed amendment to abolish slavery in the States is no less revolutionary and unauthorized. The Chicago convention that nominated Mr. Lincoln inserted this plank in its platform:

"*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions, according to its own judgment, exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend."

His party in the House of Representatives, 11th of February, 1861, with but two or three negative votes, passed these resolutions:

"*Resolved*, That neither the Federal Government nor the people or governments of the non-slaveholding States have a purpose or a constitutional right to legislate upon or interfere with slavery in any of the States of the Union.

"*Resolved*, That those persons in the North who do not subscribe to the foregoing proposition are too insignificant in numbers and influence to excite the serious attention or alarm of any portion of the people of the Republic, and that the increase of their numbers and influence does not keep pace with the increase of the aggregate population of the Union."

When the Senators and Representatives from New England observe no rules of fraternity, liberal policy, or justice toward my State and other States, but, driven on by prejudice against slavery, hate against slave-owners, and a selfish purpose to take advantage of a frenzied state of public opinion, to obtain for herself undue power and enormous advantages in the administration of the Government, she overleaps all the limits of the Constitution to annihilate property in $150,000,000 worth of slaves in Kentucky, she must expect retaliatory measures until she comes to a better performance of her own duties and obligations.

But New England not only disregards all the claims of comity and justice toward many other States, including my own, but, to indulge her malevolence to slave-owners, and for the ends of avarice and ambition, she has combined in manifold and the most alarming infractions of the Constitution. The Government as now administered is practically subverted, and for that limited, free, and constitutional one established by our ancestors, Mr. Lincoln and his party have substituted a most oppressive military despotism. The people of no State have been more truly and steadily devoted to "liberty *and* Union, now and forever, one and inseparable," than have been the people of Kentucky. But it is the "liberty and Union" established and formed by the Constitution. If New England and the party which now holds possession of the Government will, as they seem resolved, sunder liberty and Union, Kentucky will *choose liberty* for her part. Our Government and Union were formed, not to ingulf liberty at the time or in its future administration, but to secure its priceless blessings to those who made them and their posterity. When the Government and its powers are perverted by bad men who have charge of them to enslave the people, before that slavery shall become fixed and permanent, let the Union, the Government, and those who make it an engine of oppression, all perish. Before the present or any future usurpers shall consummate their work of the demolition of the Constitution and the subversion of popular freedom, let the Union be shivered into as many fragments as there are States; and the people, instructed by terrible experience, will form another and still more perfect Union. But whether Kentucky is to form one of a glorious galaxy of States, or is to occupy the position of a *lone star*, may liberty dwell with her forever, or may she maintain a never-ending battle for it. Never were men guilty of a greater or more flagitious abuse of trust and power than those who are now in place. They have disturbed and disorganized the Government, the Constitution, the rights, liberties, and privileges of the people, all that is valuable or desirable in social organization; but those inappreciable blessings are not yet irretrievably lost. There is a power that can still rescue and preserve them. That power is the sovereign people. In their freedom of speech, the freedom of the press, and the freedom of elections, there is deliverance. If they will arouse themselves to this great work it will be done. There is no other hope!

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Kentucky, [Mr. POWELL.]

The question being taken by yeas and nays, resulted—yeas 18, nays 20; as follows:

YEAS—Messrs. Buckalew, Cowan, Davis, Harding, Harlan, Henderson, Hendricks, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Pomeroy, Powell, Saulsbury, Trumbull, Wilkinson, Willey, and Wright—18.

NAYS—Messrs. Anthony, Chandler, Conness, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Howe, Johnson, Morgan, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Wade, and Wilson—20.

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. SHERMAN. I see from the character of the vote in regard to the fishing bounties that my vote will change the result. As I am in favor of the object of the amendment, and hope we shall get rid of this controversy, I move again the amendment submitted by the Senator from Kentucky, as the bill is now before the Senate. I do not wish to say a word about it.

The PRESIDENT *pro tempore*. It will be in order after the Senate shall have acted upon the amendments made as in Committee of the Whole. The first question is on concurring in the amendments made as in Committee of the Whole. The question will be put on all the amendments in the aggregate unless a separate vote is desired by a member.

Mr. ANTHONY. I ask to have the one excepted in regard to the removal of the Naval Academy.

Mr. FESSENDEN. There is an amendment also in regard to the purchase of ground for a cemetery. I call for a separate vote on that, so as to ask a question in regard to it of the Senator from New Hampshire who is chairman of the Naval Committee.

The PRESIDENT *pro tempore*. Those two amendments will be reserved for separate votes. The question is on concurring in the amendments made as in Committee of the Whole, with the two exceptions indicated.

The amendments were concurred in.

Mr. GRIMES. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 12, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. ELIOT. Mr. Speaker, I ask the House for leave of absence from Thursday of next week.

There was no objection, and it was ordered accordingly.

REQUEST TO VOTE.

Mr. CRESWELL. I ask the consent of the House for leave to record my vote in the affirmative on the resolution offered on Saturday last by the gentleman from Illinois, [Mr. WASHBURNE,] and the resolution submitted by the gentleman from Ohio, [Mr. SCHENCK,] in reference to the gentleman from Maryland, [Mr. HARRIS.]

There was no objection, and it was ordered accordingly.

Mr. ROBINSON. I give notice that I shall object to any other member having his vote recorded on those resolutions. If I had heard the request of the gentleman from Maryland in time I would have objected to him.

STENOGRAPHER TO A COMMITTEE.

Mr. HIGBY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the select committee to investigate charges against Hon. F. P. BLAIR, jr., be authorized to employ a stenographer, at the rate of compensation paid for reporting the proceedings of the House for the Congressional Globe.

GRANT OF LAND TO WISCONSIN.

Mr. McINDOE, by unanimous consent, introduced a bill granting land to Wisconsin to aid in the construction of railroads in said State; which was read a first and second time, and referred to the Committee on Public Lands.

BOUNTIES TO SOLDIERS.

Mr. JOHNSON, of Pennsylvania, by unanimous consent, introduced a bill relative to the payment of bounties to soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

COURTS IN NEW YORK.

On motion of Mr. WILSON, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 379) in relation to the United States courts in the southern district of New York; and the same was referred to the Committee of Ways and Means.

DEPRECIATION OF CURRENCY.

Mr. STEVENS, by unanimous consent, reported from the Committee of Ways and Means a bill to prevent the depreciation of the currency; which was read a first and second time, ordered to be printed, and its consideration postponed for one week.

MODE OF SURVEYING.

Mr. JULIAN, by unanimous consent, introduced a bill to authorize a departure from the established mode of surveying in certain cases; which was read a first and second time, and referred to the Committee on Public Lands.

S. V. PENDERGRAST.

On motion of Mr. WASHBURN, of Massachusetts, the Committee on Naval Pensions was discharged from the further consideration of the petition of Mrs. S. V. Pendergrast, widow of the late Commodore G. J. Pendergrast, of the United States Navy, for an increase of pension; and the same was laid on the table.

PROPOSED EXPULSION OF A MEMBER.

The House then proceeded to the consideration of the resolution for the expulsion of Mr. LONG, (Mr. ROLLINS, of New Hampshire, in the chair.)

Mr. ELDRIDGE. Mr. Speaker, I come to the discussion of this question with feelings of awe and sorrow; of awe because of its magnitude and importance, and sorrow because in my judgment it is wrongfully and unnecessarily brought here at this time for our consideration. Its only effect is to delay important legislation and stir up bitterness, strife, and party feeling at a time when good fellowship and unanimity of sentiment ought to prevail. The resolution to expel the gentleman from Ohio for opinions entertained and expressed in debate on the floor of this House, in my judgment presents one of the most important questions ever presented here or in any other deliberative body. It involves the sacred right of free speech in general, and the right of free parliamentary debate. It seeks by lawless and arbitrary power to control or suppress the representative voice of the people. It is a high-handed attempt of a domineering and insolent partisan majority to deprive an individual member of this body of the right to represent faithfully the will of his constituency; and, sir, if it shall succeed, it will destroy the character and usefulness of this House as a representative body. It is another blow aimed at the Constitution and the liberties of the people.

Sir, there is no constitutional warrant for this proceeding; it is entirely without the jurisdiction of this House to expel a member for opinion's sake. The second section of article one of the Constitution provides the qualifications of a member of this House. He must be twenty-five years of age, and have been seven years a citizen of the United States, and an inhabitant of the State in which he shall be chosen. Section five of article one provides that the "House shall be the judge of the election returns and qualifications of its members;" and that the "House may determine the rules of its proceedings, punish its members for *disorderly behavior*, and with the concurrence of two thirds expel a member." Sir, it will be perceived that opinions are not among the qualifications provided for. The right to membership does not depend upon the opinions that may or may not be entertained. The power or jurisdiction to punish or expel is for *disorderly behavior only*. The jurisdiction to determine the qualifications of a member by his opinions was for wise purposes withheld by the framers of the Constitution. If it be the opinions entertained by the member which qualify or disqualify him for a seat in this House, then the House has jurisdiction to determine his right to a seat, based upon his opinions when he comes here from the people in the first instance. If he can be expelled he may be rejected on account of his opinions. Opinions which would disqualify a sitting member would prevent his taking his seat.

Sir, the doctrine that we can expel a member for the opinions he entertains is monstrous. I was amazed at the position taken by the distinguished gentleman from Maryland [Mr. DAVIS] last evening, that it is not for his opinions that it is sought to expel him, but for his judgment formed and delivered. It is difficult to perceive the distinction between opinion and judgment in this instance. But if a Representative has a settled judgment upon the public affairs of the country, has he not the right, is it not his duty to present that judgment for consideration? An honest man cannot change his convictions by his own will or the will of any other man. Honest convictions are above the control of force or power; they are above the jurisdiction and control of this House. Members are sent here to represent different views and opinions. It is acts, "disorderly conduct," and not the expression of opinion, for which this House may expel or punish.

But, sir, what is the offense of the gentleman from Ohio? He has stated what he believes to be a fact, and I and a majority of this House disagree with him. He says:

"I now believe that there are but two alternatives, and they are, either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people; and of these alternatives I prefer the former."

Mr. Speaker, I have not yet come to the conclusion of the gentleman from Ohio. I have not come to the conclusion that secession is a fixed, unalterable fact. I have not come to the conclusion that these two alternatives of the gentleman are the only alternatives presented to this country. It is possible they may be. The gentleman may be right, and I may be wrong. He has come to his conclusion "reluctantly and despondingly, that the Union is lost, never to be restored." He "regards all dreams of the restoration of the Union, which were the pride of his life, and to restore which even now he would pour out his heart's blood, as worse than idle." He has come to his conclusion honestly. I as honestly, I believe, hope that I am right and he is wrong. I cannot agree with him or the gentleman from Pennsylvania, whom he quotes as authority, that the confederate States are out of the Union. But, sir, it is the high right, prerogative, and privilege of these gentlemen, and every gentleman on this floor, to entertain and present for the consideration of this House, at the proper time and in the proper manner, such opinions upon the state and condition of the country as their judgment and conscience dictate. He can as an honest man entertain no other, and with that this House has nothing to do.

I say, therefore, there never was a more dangerous or alarming proposition presented to any deliberative, representative body, than that of expelling one of its members for opinions he may entertain. Sir, this question rises infinitely higher than the right or wrong of the opinions themselves. It involves the whole question of the right of minorities to representation, and individual liberty of conscience. To concede the power or right of expulsion in this case would concede away that prerogative for which the immortal expounder of the Constitution so eloquently contended in those ever-to-be-remembered words:

"It is the ancient and undoubted prerogative of this people to canvass public measures and the merits of public men. It is a homebred right, a fireside privilege. It hath been enjoyed in every house, cottage, and cabin in the nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air, or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty, and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, *except when the right itself is questioned*, I shall place myself on the extreme boundary of my right, and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise *within this House* and in all places; *in time of peace, in time of war, and at all times*. Living, I shall assert it, and should I leave no other inheritance to my children, by the blessing of God I will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defense of them."

But, sir, gentlemen profess to believe that there is danger now because we are engaged in war. Webster asserted the right as existing at all times, "in war as well as peace." If the opinions of the gentleman from Ohio are so clearly and flagrantly wrong, where is the danger? Who fears that the truth will not prevail?

Jefferson, in his first message, speaking on this subject, said:

"And let us reflect that, having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a *political intolerance* as despotic, as wicked, and capable of as bitter and bloody persecutions." * * *

"If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand, undisturbed, as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it."

There can be no danger for truth in such a contest. It is error only that is fearful and intolerant. Wrong and oppression would shrink from a fair, open, and manly warfare.

But, sir, there is nothing in the opinions of the gentleman from Ohio but what, if he believed them, he had a right, as a Representative, to utter in any event. Nay, it was his solemn duty to bring the subject before this House and present it to the country. This is a Government of the people, and they are entitled to the information.

Some of the Republican papers of the country are frank and manly enough to see and declare the folly of this farce. The New York Times of yesterday, which I hold in my hand, says:

"In our judgment, the Speaker's zeal outruns his discretion. *His resolution is neither right nor expedient.*"

The New York Evening Post, also a Republican paper, says:

"But there is more than a question of mere party expediency in this matter. Mr. LONG's was a perfectly legitimate expression of opinion. He thinks that the rebels must be allowed to go in peace or be extirpated; and he stated his thought calmly and respectfully, in proper words." * * * * "Truth has never anything to fear from an open and face-to-face encounter with falsehood."

Mr. Speaker, I did hope that this resolution, so manifestly wrong, would ere this have found some opponent on the other side of the House. I did hope there was some good lawyer, some bold, honest Republican on this floor, who, preferring freedom of speech, and desiring to preserve the dignity and character and privileges of the American House of Representatives, would have proposed the withdrawal of the resolution.

I did believe there were some statesmen among the Republicans of this House who, accustomed to indulge in greater freedom and latitude of debate than even the gentleman from Ohio, would have before now risen and vindicated the privilege which they have enjoyed. Are gentlemen willing by their action on this resolution to pass sentence of condemnation and censure upon their own conduct in this House? Will you, for the purpose of gratifying mere party malice or hatred, abridge the privileges and bring dishonor upon the American Congress?

Sir, if you desire to prevent mischief and the giving of aid and comfort to the enemies of the country, if you would not injure the cause of the Government, let no act of ours show to the rebels, the country, or the world, that in the House of Representatives there is a smothered sympathy with rebellion, which can only be kept down by the restrictions put upon debate, and the fear of punishment and expulsion. What is there in the gentleman's speech that can comfort the rebels? He declares that he speaks for himself, and more than admits that he stands alone, differing with the party with which he had been identified. He declares his love and attachment for the Union, his willingness to lay down his life to preserve it. If he *does* doubt its restoration, he doubts as much the recognition of the confederates, and holds out to them with no less doubts the alternative of subjugation and extermination. I have said I do not agree with the gentleman. I cannot say, however, that he has no reason to doubt the restoration of the Union. Many of the best men in the country have believed that war would result in disunion. Hon. Robert J. Walker, who is now in the employment of this Administration, once said:

"Will civil war preserve or restore the Union?" * * * * "Can a vanquished State, even if she can be vanquished, ever again become a member of the Federal Union? No, my countrymen; let us learn, ere it be too late, that this never can be a Union of victor and vanquished, of sovereign and subject States, but must be a Union of equals, which is the Union of the Constitution. It must be a cordial and fraternal Union, founded on interest and cemented by affection. This was the Union founded by Washington and Franklin and the patriots and statesmen of the Revolution; and that is the only Union that can be preserved and perpetuated. You might perhaps, by superior force, drench in blood the fields of a sister State; you might perhaps wrap her villages in flames; but you could never afterwards restore such a State to the Union established by the Constitution. No, fellow-citizens, when the star of the State is extinguished in blood, it can never beam again in the banner of the Union, for it will no longer be an equal, a sovereign, or a sister State."

Look at the references which the gentleman makes to your own partisan orators to the same purport, and is it strange that he doubts the restoration of the Union? And in view of the fact that leading Republicans on this floor have declared themselves opposed to the restoration of "the Union as it was," is it crime deserving expulsion that he fears you may prevent it?

Mr. Speaker, I greatly fear, although I entertain sentiments of personal respect for the gentleman who introduced this resolution, that there is something beyond mere sense of duty that prompted this movement in this House. I give him full credit for his explanation. But there are some grounds for suspecting that these proceedings were to be taken; that they are not impromptu; that they were not alone from the cogitations of one night.

Hon. John W. Forney said not long ago, through the Philadelphia Press:

"Silence every tongue that does not speak with respect of the *cause* and the flag. Do away with luxuries, with politics, with comforts. Let us cease for the present to speak of laws and restrictions, and what are called safeguards."

And the Boston Commonwealth, previous to this session of Congress, said:

"Ohio, with its ninety thousand Republican majority, will be represented by five Republicans and a dozen or more copperheads. It is fitting that this misrepresentation of popular sentiment in the great State of the West should be offset, if necessary, by a loyal delegation from Delaware and Maryland, *won even at the expense of military interference*. If laws are silent, amid the clank of arms we must take care that the aggregate public opinion of the country *obtains recognition somehow or other*."

Major General Halleck, in April, 1863, wrote to the Union square meeting in New York that—

"The Army will ere long crush rebellion in the South, *and then place their heels upon the heads of sneaking traitors in the North*."

There is a deep significance in this proceeding when viewed in the light of these preceding threats, in the desire to equalize the representation of the State of Ohio. Mr. Speaker, the gentleman from the second district of Ohio is not without a precedent for his speech on the other side of the House. Hon. Mr. Conway, a member of the last Congress from Kansas, on the 12th day of December, 1862, wrote a letter in which he declared:

"For one, I shall not vote another dollar or a man for the war until it assumes an anti-slavery basis."

Following up that declaration, this same gentleman, in January, 1863, when the country was in pretty much the same situation that it was when the gentleman from Ohio made the speech upon which this resolution is predicated, rose in his seat and made a speech which, I have no doubt, had its influence upon the gentleman from Ohio in producing his. There is a remarkable similarity in the two. Mr. Conway says:

"The war which has come in between the North and the South for the past two years has made a revolution. This is the fact, and the fact in such a matter is the important thing. It settles the law. No technicality in such a matter can stand. The war has utterly dissolved the connection between the North and the South, and rendered them *separate and independent powers* in the world."

This abolition gentleman says further:

"The Democrats will not, of course, listen to *separation* for an instant. Such a suggestion, in their eyes, is treason; a proposition to dissolve the Union, for which any one ought to be hanged."

And this same gentleman introduced a resolution—

"That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy and to act in the future entirely on the defensive. And that the Executive enter into negotiations with the authorities of the confederate States with reference to a cessation of hostilities, based on the following propositions: 1. Recognition of the independence of the confederate States."

Mr. Speaker, here we have the proposition for recognition of the confederate States distinctly made by a Republican member of Congress who, before the session, had declared his purpose not to "vote another man or another dollar for the war." Our present worthy Speaker and the gentleman from Illinois [Mr. WASHBURNE] are both in the House, and neither of them presents resolutions of censure or expulsion. He is not even called to order. If patriotism and duty required the rebuke and censure of the gentleman from Ohio, did it not equally demand the rebuke and censure of the gentleman from Kansas? Will gentlemen who then passed by the speech of a Republican without condemning it vote now to expel or censure the gentleman from Ohio for entertaining and expressing like opinions? Where is their consistency? But, sir, the venerable gentleman from Pennsylvania, [Mr. STEVENS,] whose will is the law of this House, whose authority goes unquestioned by his own party, and whose wit and sarcasm always save him when beaten in argument, has on this floor uttered sentiments ten times more abhorrent and treasonable, if words can be treasonable, than even the gentleman from Kansas. When the bill for dismembering Virginia was pending in the House he declared:

"I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding. This talk of restoring the Union as it was and under the Constitution as it is, is one of the absurdities which I have heard repeated until I have become sick of it. There are many things which make such an event impossible. *This Union never shall, with my consent, be restored under the Constitution as it is.*"

Mr. Speaker, it would seem as though there must be treason in the heart to prompt such an utterance. If words can be treasonable, are not those words treasonable? The war then raging, the whole strength and force of the country engaged in a death-grapple against an enemy seeking to destroy the Constitution and the Union, and this venerable leader of the Republican party declaring, "*This Union shall never be restored with my consent!*" The gentleman from Ohio states only what he believes to be a fact, and the gentleman from Pennsylvania tells you what are his own purposes, and that they are against our cause, against his country, against the Union. I know it is said that the gentleman from Ohio is a Democrat, and that Democrats sympathize with rebels. I have scarcely patience to deal fairly and dispassionately with such a charge, but I tell gentlemen upon the other side, you do not yourselves believe the charge is true. You make it against the party for mere wicked partisan purposes. You could not prosecute this war without the aid of the Democracy. If they were in sympathy with rebels or the rebellion you could not carry on the war for twenty days. What! nearly one half of the people of the North against you and all the South, and you prosecute this war? On your consciences, on your honor as men, you do not believe it. The charge is too low for a statesman; it is scarcely fit for a politician. Its only effect is to stir up and engender party hatred and party strife, and alienate and make enemies of those who ought to be friends.

Sir, from the declarations of the leader in this House, and from those of your other prominent men, and from the policy you are pursuing, the gentleman from Ohio has come to the conclusion that his two alternatives of recognition or extermination are all that is left to us. He doubts the restoration of the Union, and for one I can neither vote to expel or censure him for these doubts or for the expression of his opinion. The President in the beginning, and in his first two messages, pledged the country that the war should be carried on for the restoration of the Union under the Constitution, to be administered as intended by those who made it. The honorable gentleman from Indiana, on the 14th day of January, 1862, in a speech delivered in this House, and which is reported in the Congressional Globe, says:

"Cases may arise in which patriotism itself may demand that we trample on the most vital principles of the Constitution, and this has been done already by the present Administration under the exigencies of the war."

Mr. COLFAX. Will the gentleman from Wisconsin state what gentleman from Indiana said that?

Mr. ELDRIDGE. I supposed it was against the rules of the House to speak of gentlemen by name, but I do not know the number of his district. It was Mr. JULIAN.

The gentleman from Pennsylvania [Mr. STEVENS] says, "The Union shall never be restored with my consent." The rebels in the South say the same thing, and are in arms fighting to prevent it. Who is most treasonable, the man who agrees with the rebels, or the man who fears or believes the rebels may prevent the Union from being restored? Is not this the issue?

What quarrel had we with the people of the so-called seceded States, except that they were wickedly striving to break up the Union and destroy the Constitution? I repeat it, sir, and I proclaim it here and now to the country; it is true, and history will so record it, the war was consented to and engaged in and supported by the true men of the North to maintain, preserve, and defend the Constitution and the Union of the States with the dignity and equality of each unimpaired, just as our fathers formed and established them. It was for *that* purpose, and that purpose only, that the noble-hearted, patriotic soldier gave up the comforts and endearments of home, of family and friends, and rushed into the Army. It was for that purpose, and only for that purpose, that a generous people poured in uncounted millions their treasure into the hands of the President. It is that purpose, and that only, that can justify, or in any manner authorize, the sacrifice of another life, or another dollar of money, in the prosecution of the war.

Sir, we are in the midst of revolution. The party of the Administration, however individuals may differ among themselves as to the manner of accomplishing their present designs, is essentially a revolutionary party, not alone in its theories but in its practices. The very strength it acquired by its promises of truth and fidelity to the Union and the Constitution is now being used to overthrow and destroy both. The very principles it avowed as essential to the endurance of the Republic it now denies. It is idle to think of preserving the Union without the Constitution. The subversion of the one is the destruction of the other. They must stand or fall together; and the man or party who is false to the one is false to the other. This is equally true of every clause and provision of the Constitution. He who would support the Constitution must stand by *all of its provisions*. He cannot hold to one and reject the other.

But, sir, the party in power has disregarded it in all its essential particulars. What one principle of civil liberty intended to be secured by the

Constitution can any man boast that he enjoys to-day? Is there a State in the Union where the right of trial by jury has not been denied? Is there one where the right of free speech and the liberty of the press have not been invaded? Can *any* man feel, if the hand of power were laid upon him, that the liberty of his person is safe, and, if wrongfully imprisoned, that any court or judicial officer can issue the writ of *habeas corpus* to inquire the cause? Can any man tell how many of our citizens are confined without authority of law, groaning and languishing in the forts, prisons, and bastiles, arrested without warrant, held without trial, and in utter ignorance of the cause of their confinement? Or is there any lawyer or statesman who can tell you how you can ascertain? Twice during this session of Congress I have myself introduced a resolution calling upon the President and Secretaries of State and of War to give to Congress and the country information as to how many and who are now under arrest and imprisonment for political offenses, together with the cause of such imprisonment, and the partisans of the Administration quickly, and without even allowing a vote upon it, suppressed the resolution. Who thinks of these living burials, these tombs of living men? Whose turn may it be next, and how long shall these things continue in this land where the rights and liberties of the people are secured by a written Constitution?

But, sir, this party of the President, under the name of "Union party," and "Unconditional Union party," is striking its most venomous and fatal blows directly at the heart of the Union itself. As the Union cannot be preserved without the Constitution, so neither can it be preserved without preserving the States composing the Union. The destruction of the States is the destruction of the Union. They, too, must stand or fall together. Strike but one of the States from the Union and the Union is destroyed. Destroy the dignity and equality of one State, degrade one State in the Union of coequal States, and the endurance and perfection of the political fabric are gone. Sir, the President so understood it, so declared, and stands upon the record and history of this country so recorded.

But, sir, in violation of the Constitution, in violation of his solemn and oft-repeated pledges, he issued his proclamation, intended directly to interfere with the institution of slavery in the States; pledging, at the same time, the Army and Navy of the country to carry out and enforce that proclamation. I will not argue the validity of that proclamation. The President himself, by arguments never refuted, denied his right to issue it. Every lawyer *knows* it is an absurdity. His own party are not agreed upon it, and the distinguished gentleman from Maryland [Mr. DAVIS] tells us it is not worth the paper on which it is written. It matters not, however, whether it be valid or invalid, legal or illegal, the Army and Navy are pledged to maintain it. What right had he to pledge our brethren, our sons, our citizen soldiery to maintain that unwarrantable and illegal proclamation?

But, sir, all these plans of reconstruction, under whatsoever plausible names they are called, whether it is the plan of the President prescribing a new and unheard-of oath to support and abide by the illegal acts and usurpations of the President, both in the present and future, or the plan of the gentleman from Maryland to provide for the rebellious States a republican form of government, in either case the Constitution is disregarded. In all those cases it is the bold, reckless work of the revolutionist, overthrowing the constitution of government. The gentleman from Maryland tells us it would be well to amend the Constitution, and reach his purpose in that way, but that would be slow, and he is not quite sure that it would carry, but Congress has the *power* and can do it now and quickly. The gentleman from Pennsylvania hesitates at nothing, but boldly ignores the Constitution and the Union. With him "the Union as it was and the Constitution as it is is an atrocious idea." He would strike the whole fabric down at one fell blow. And, sir, the gentleman from Pennsylvania also tells us that the President's "plan is wholly outside of and unknown to the Constitution." The President, he says, "may not strike as direct a blow with a battering-ram, but with his usual shrewdness and caution he is picking out the mortar from the joints, until eventually the whole tower will fall." A distinguished and eloquent Senator the other day inquired, "Who now cares for the Union of the past?" The gentleman from Indiana [Mr. JULIAN] tells us:

"Now is the time to begin this work; we must not only cut up slavery root and branch, but we must see to it *that these teeming regions shall be studded over with small farms, and tilled by free men.*"

Again he says:

"Should both Congress and the courts stand in the way of the nation's life, then the red lightning of the people's wrath must consume the recreant who refuses to execute the popular will." * * * * "*Not even the Constitution must be allowed to hold back the uplifted arm of the Government.*"

Sir, is not this revolution; bold, daring, reckless revolution? Is not this destruction of the Constitution, overthrow of the States, subversion of the Government? I do not inquire in regard to slavery as an institution. I am no defender nor apologist of slavery; it may be already dead, or dying, amid the conflict of arms; it may survive or perish; it is exclusively a State institution, subject to the control of the people where it exists, and with which the President has repeatedly declared, in the most solemn manner, he had no purpose nor right to interfere. If it were slavery only, if it were one institution of a State, or one State of the Union that is to be overthrown, silence might be pardoned. But it is the destruction of the right of property, it is the revival of Roman agrarianism, it is the destruction of the Union, it is the overthrow of the States, it is the subversion of the Constitution and the wreck of civil liberty. Is it strange that the gentleman from Ohio is disheartened? Sir, it is not rebels, nor rebel sympathizers, who must suffer in the consummation of such doctrines and purposes; there would not be left to any of us the shadow or semblance of the Republic, of the Constitution. In the place of well-defined written constitutions and written laws, protecting the individual liberty and rights of the citizen, and controlling him by the mild influence of self-government, you will have the consolidated power of empire, exerting itself in the name of the popular will, which, undefined and undefinable, will soon come to mean only the power of the action or party accidentally in possession of the purse and the sword.

I know it is said the people of the rebellious States have broken the Constitution, have sought to destroy the Government formed by it, and that thereby they have forfeited all rights under it. It is true they refuse to render obedience to the Constitution, and deny their obligation to do so; and it is for this very reason that we prosecute the war against them, to bring them back to their allegiance. We fight to preserve the Constitution, not to be revenged for its violation; to preserve constitutional government, not to destroy it. But I deny that they have no rights under the Constitution. Their guilt is the consequence of their violation of it, and the measure of that guilt is to be determined by it. It is the penalty attached to a violated Constitution, and not the vengeance of infuriated passion, which they have incurred. The Constitution is not a mere contract between two parties, where the breach of the one relieves the other from his duty to keep or abide by it. The duty and obligation to support and abide by the Constitution are continuing duties. No one man or number of men can relieve or discharge another. Every citizen owes allegiance to it and has a right to demand the allegiance of every other. And every one is as much interested in its being kept by himself as by another. The duty to defend and preserve it is not a mere selfish duty, but it is one we owe to the dead and the living, to the past and the future, to the patriots who consecrated it with their life blood, and to the unborn millions for whom it was made.

But if those who have been loyal and faithful to its provisions are alone entitled to claim its benefits, then the obligation rests upon all who would preserve *their* fidelity to see to it that every man who has remained faithful and true shall not be despoiled of his right. That there are some who have remained amid all their trial and sufferings loyal to the Constitution and Union, no man can doubt. Indeed, we have the highest authority for so believing. In his message before referred to, the President himself says:

"It may well be questioned whether there is to-day a majority of the legally-qualified voters of any State, except, perhaps, South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many if not in every other one of the so-called seceded States. The contrary has not been demonstrated in any one of them. It is ventured to affirm this even of Virginia and Tennessee; for the result of an election held in military camps, where the bayonets are all on one side of the question voted upon, can scarcely be considered as demonstrating popular sentiment."

Again, in February, 1862, Mr. Seward, writing to Mr. Adams by authority of the President, says:

"Notwithstanding the protestations of the insurgents that the people of the insurgent States are unanimous in the determination to overthrow the Government, *we have the most satisfactory evidence* that the Union will be hailed in every quarter as fast as the Army shall emancipate the people from the oppression of the insurgent leaders."

But we need not multiply evidence upon this point. If it be true (and no one doubts the fact) that *any portion* of the people of the rebellious States are or were at the time of the issue of the proclamation loyal to the Constitution, they are entitled to its benefits and protection. Upon what principle of justice or good government are their rights ignored? What is their crime or wrong? Is it that amid trials and sufferings that would have put to severest test the patriotism of the most loyal man in the North they have remained firm and unwavering in their attachment and fidelity to a Government that has been unwilling or *unable* to protect them? Is it a crime in them against their Government that they have been overborne and oppressed during long years by a power that neither they nor their Government have been able to overthrow? In my judgment if there are in any State in rebellion loyal men who have not bowed the knee to treason they are entitled, not only to the enjoyment of all the provisions of the Constitution, but to be protected in it by the whole force and power of the Government.

It is the first and highest duty of the Government to protect and defend these loyal people from the despotism by which they have been crushed and overborne. To protect the weak against the strong is the purpose for which it was instituted; to guaranty, not to overthrow, the governments of the States is the requirement of the Constitution. To have done this would have kept inviolate the oath of the President and preserved the pledges and obligations of himself and his party to the country. It would have fostered and preserved the Union sentiment in the confederate States. It would have won those who had gone astray back to their allegiance, and weakened, if it had not destroyed, the rebellion. It would have saved millions of money and thousands of lives. It would end the war, when it shall end, in the preservation of the Constitution and the Union.

Sir, many, most, of the embarrassments and complications in which the Administration and the country are now involved, most of the bitterness of party feeling, are the consequence of the departure from the Constitution and from the plain, simple principles to which the President pledged himself in the beginning in the conduct of his office and the prosecution of the war. While it was supposed he was adhering to his original avowed policy, the entire people of the loyal States, except the ultra abolition fanatics and a few who may have doubted his sincerity, were ready to stand by him. Party spirit and party bickerings and dissensions were almost forgotten. The restoration of the Union and the Constitution was the animating and inspiring cry throughout the length and breadth of the land. There was no necessity for arbitrary arrests, or for suspending the writ of *habeas corpus* in the loyal States, or denial of the right of trial by jury; no conscriptions to enforce and no riots to quell; no interference with the freedom of speech or the press or parliamentary debate; no mock military trials of civilians, or banishments for opinion's sake. All these things came with the departure from the Constitution and his pledges. It was when the President bound himself to the demands and mad schemes of the abolition fanatics and became the mere leader of a party, seeking only to secure and perpetuate party power without regard to the Constitution, and in violation of his promises, that it became necessary to ignore the rights of the States, and to trample under foot State constitutions, State sovereignty, and State laws. Till then it needed no executive military proclamations proclaiming void the constitutions of

sovereign States for the purpose of "reconstruction;" no acts of Congress to insure republican government, by repealing or annulling State constitutions in the rebellious States when the rebellion should be subdued.

Sir, I deny there is any such necessity, or that there can be any such necessity. No such proclamation, no such act can do any good. It is idle, and worse than idle, to proclaim in advance a policy that must tend to consolidate and strengthen the insurgents and prolong the war. Put down the rebellion, break up the war power of the enemy, destroy its army, and if there be but five loyal men, *five true men*, in each State, who, through all the fiery trials to which they have been subjected, have maintained their fidelity to the Constitution and the Union, they are entitled to their State rights, their State constitution, and the institutions of their States unimpaired. These, with such as are willing to return to their allegiance, and such as ought to be forgiven, could soon, under the policy pledged by the President, set the State machinery in motion, wheel the old State into line, and let her march, and again "keep step to the music of the Union;" and this, too, without any act of Congress creating a new State government. Any other course is revolution. Any other course is State annihilation. The President nor Congress has any other power. Neither the President nor Congress has power to make or to annul a State constitution. The President with the Army may suppress the rebellion, may overthrow the armed power of the rebels, relieve the inhabitants of the States from the military despotism that now rules them, but he has no power to establish civil governments. His war power ceases when the war ends. When the civil authority can assume control, the war authority must cease. The war power was not given to create or make new constitutions, *new governments*, for the States, but "to protect, defend, and preserve" the old ones. This is all the reconstruction that is constitutional, all that is needed, all that the loyal people of the country desire. And this the loyal people of the insurgent States, *of the United States*, have a right to demand.

I know this is not now the policy of the President, his party, or this Congress. Neither has any idea of restoring the Union under the Constitution. The purpose now is to change the entire form of this Government; to centralize, consolidate, and build up a vast central power, which shall overshadow all the States, and control and govern the whole territory under the power and dominion of empire. They are fulfilling the prophecy of Daniel Webster:

"If the infernal fanatics and abolitionists ever get the power in their hands, they will override the Constitution, set the Supreme Court at defiance, change and make laws to suit themselves, lay violent hands on those who differ with them in their opinions, or dare question their infallibility, and finally bankrupt the country, and deluge it with blood."

But it is said slavery is the cause of the war, and the cause must be destroyed. Let not gentlemen deceive themselves. If slavery be a cause, it is not the only cause of war. The honorable gentleman from Indiana [Mr. JULIAN] gave us another cause. He tells us this is a "landholders' rebellion;" and proposes to carry the war on till that cause is destroyed. He proposes to divide up large estates among the *freedmen* for the purpose of a better religion, and to prevent war. Sir, who can believe that such a policy will destroy the *cause of war*, or ever end the present? How long after our division and partition of estates before another will be demanded? Who will be declared rebels next, for the purpose of another division? When and where will it end? When greed and avarice are the motives, causes of war will not be wanting.

I pray gentlemen to stop and consider. What has this struggle already cost? Has it not brought mourning and sorrow into every house and to every fireside? Have we not loaded ourselves and posterity with debt and taxation for all time to come? And what have we gained? Is it believed that we can, or desirable that we should, subjugate or put to the sword the entire people of the insurgent States? The gentleman from Indiana [Mr. JULIAN] tells us the most terrific fighting of the war is yet to come, that we shall inevitably win, and that we shall divest the rebels of three fourths of all the cultivated lands in the rebellious States; and these estates are to be partitioned up and distributed among the former servants of the rebels. This is now the *constitutional* warfare that is being waged. No sane man can believe that permanent peace can ever be obtained by such a policy. Six millions of the Anglo-Saxon race to be so conquered and subdued as to settle down in quietude, in peace, and see their entire estates in the hands and possession of their former servants, and those servants a black and servile race! Sir, we may conquer their armies and scatter their war force, but we can never have peace by such a policy. Remember the six hundred years of Ireland's struggle; remember her confiscated estates and the fate of their occupants. Six million people—of *white people*—were never subjugated. To subjugate the people of the insurgent States will desolate, will destroy the North. How are they to be kept in subjugation, and to whom? It would require a standing army for all time to come of a million men. Will the people consent to the expense, the taxation, the suffering, the trials that will be required to drive three fourths of the people of the rebel States from their homes, their firesides, their estates, and defend the *freedmen* in them? Sir, the "reconstruction" which the people of this country will demand when the military power of the insurgent States is removed, will be the reconstruction of the State authority under the State constitution. Negro freedom and negro equality will soon be lost sight of in the mighty effort which a people accustomed to the enjoyment of their liberties will put forth to regain and save their own.

I know the President tells us in his last message that he shall not retract his proclamation of freedom to the negro; that "it would be an astounding breach of faith" to do so. It *was* an astounding breach of faith toward his own race, his own fellow-citizens, when he pledged the Army and Navy to maintain a proclamation issued in violation of law, the Constitution, his pledges, his oath, and which, according to his own friends on this floor, was not worth the paper on which it was written. *His administration has been an "astounding breach of faith" from the beginning.* Which was the most sacred and binding, which ought now to rest with most force upon the heart and conscience of the President, the pledge of faith which he gave to the whole American people that he would not interfere with the institutions of the States, or the pledge which he gave in the proclamation to overthrow and destroy them? The people cannot always be deceived; the sober second thought will come at length, when this Administration, this party in power, will be called to an account. The people, the masses of this country, desire the restoration of the Union as our fathers made it. The rulers, the party in power, do not. Cover up your wicked purposes as you may; call your party by what names you will, Union, unconditional Union, loyal, or any other, your designs are the destruction of the Union of the fathers, overthrow of the State and national constitutions. And, sir, you may strengthen and increase your power by the overthrow of State banks, the creation of a gigantic Federal moneyed power, your "Freedmen's Bureau," and all your other schemes of empire, the day will come when the people will demand back their Constitution, and will demand, too, that the highest as well as the lowest shall render obedience to it.

You must not expect to prevent this just and reasonable demand of the people. They have remained quiet and hopeful, resting their faith upon the right and purity of the elections. That faith is shaken but not destroyed. It will be a sad, a calamitous day when they feel no longer any confidence in the justice of the elective franchise. To the ballot-box the people now look, not without fear and misgivings, but with hope. Destroy not that hope. Impose no more rulers or governments upon us by force, oppression, or fraud. Let us have a free, pure election. Let not Congress, the Executive, or the sword dictate the form of the Government. Respect the rights, the intelligence, the sovereignty of the people to be governed if you would preserve the State. Stifle not the voice of their Representatives though they would appeal to you in hope or despair, in joy or in sorrow. Let this Hall resound with free debate where truth and not force shall overthrow error, where reason and not power shall bear sway.

Sir, the Democratic party stand now where they did when the President congratulated himself and the country that there was but one party. They will support the Administration in every constitutional measure to put down the rebellion and restore the Union. It is an *unconditional* Union party; it is in fact and in truth the only party that is to-day and at all times for restoring the Union as our fathers made it. We spurn with utter scorn and contempt all your false charges of sympathy with rebels, of disloyalty to the Government and the Union. We will submit to taxation, and cheerfully bear all the burdens necessary to sustain and pay our noble, patriotic Army and Navy, now in the service or hereafter to be called. We will shrink from no duty, but we will consent to no destruction of the Federal Union of these States either by secession or consolidation. And, as you shall find, we will not neglect our representative duty, nor surrender without a struggle our right of *free parliamentary debate on this floor.*

Mr. SMITH obtained the floor.

Mr. SPALDING. Will the gentleman yield to me for a few moments?

Mr. SMITH. Yes, I will give him ten minutes of my time.

Mr. SPALDING. Mr. Speaker, man's fondness for notoriety, when not well regulated and restrained, becomes as dangerous a propellant in the moral as the expansive power of steam in the physical world. Under the influence of this passion, the master works of art have been destroyed by the torch of the incendiary, and the lives of warriors and statesmen have been terminated by the poniard of the assassin. In order that man may become *famous*, he will consent to become *infamous*. It is upon this principle that I acquire a solution of the otherwise inexplicable conduct of the member of this House, from my own State, which is impugned by the resolution now under consideration.

Mr. Speaker, I have carefully read and considered the obnoxious speech of the member from Ohio, and, although from past associations I was prompted to extenuate, I feel bound to affirm that there are no palliatives in or about it. Why, sir, he commences his wild harangue by announcing his intention "to proclaim the deliberate convictions of his judgment;" and these "deliberate convictions" were carefully committed to writing days and weeks before their enunciation in this Hall. Nothing unpremeditated was said, and nothing was said under excitement. And yet, in the very commencement of his singular tirade, the member takes occasion to make a vile fling at our Chief Magistrate by saying that—

"A little over three years ago the present occupant of the Presidential Mansion at the other end of the avenue came into this city under cover of night, disguised in plaid cloak and Scotch cap, lest, as was feared by his friends, *he might have received a warmer greeting than would have been agreeable* on his way through Baltimore."

Thus the assassination of the people's President would, in the "deliberate judgment" of the member from the second district of Ohio, have been "a warmer greeting than would have been agreeable."

But when the member came to speak of his country and Government the *virus* still more distinctly appears. After citing a remark imputed to the celebrated Humboldt—"the American people have a Government which you can neither see nor feel"—he proceeds in this wise:

"So different is it now, and so great is the change, that the inquiry might well be made to-day, 'Are we not in Constantinople, in St. Petersburg, in Vienna, in Rome, or in Paris?' Military governors and their provost marshals override the laws, and the echo of the armed heel rings forth as clearly now in America as in France or in Austria."

And then, as to the war, he says:

"My first and highest ground of opposition to its further prosecution is, that *it is wrong*; it is in violation of the Constitution and of the fundamental principles on which the Federal Union was founded."

As to the Union:

"As will be judged by the tenor of these remarks," he says, "I am reluctantly and despondingly forced to the conclusion that the Union is lost *never to be restored.* I regard all dreams of the restoration of the Union, which was the pride of my life, and to restore which even now I would pour out my heart's blood, as *worse than idle.* I see neither North nor South any sentiment on which it is possible to build a Union. Those elements of Union which Mr. Adams described have, by the process of time, been destroyed. Worse, yea, worse than that, Mr. Chairman, I am reluctantly forced to the conclusion that in attempting to preserve our jurisdiction over the southern States *we have lost our constitutional form of government over the northern.* There is not one single vestige of the Constitution remaining. Every

clause and every letter of it has been violated; and I have no idea myself *that it will ever again be respected.*"

As if to "cap the climax," he says:

"I do not share in the belief entertained by many of my political friends on this floor and elsewhere, that any peace is attainable upon the basis of Union and reconstruction.

"If the Democratic party were in power to-day, I have no idea, and honesty compels me to declare it, *that they could restore the Union of thirty-four States.* My mind has undergone an entire change upon that subject; and I now believe that there are but two alternatives, and they are, *either an acknowledgment of the independence of the South* AS AN INDEPENDENT NATION, or their complete subjugation and extermination as a people; and of these alternatives, *I prefer the former.*"

Mr. Speaker, these sentiments, so utterly disparaging of the Government of the people, and so pregnant with political infidelity, were uttered upon the floor of Congress after the loyal citizens of the Republic had laid upon the altar of patriotism two hundred thousand lives and had expended untold sums of money to defeat the machinations of the mightiest conspiracy against natural and constitutional rights that the world has ever known. They were published within seventy miles of the Rapidan, upon whose banks are encamped two hostile armies, who only wait for a few sunny days to prepare the way for a death-struggle that will help greatly to solve the long-mooted question whether man be capable of self-government.

While this Congress, in obedience to the will of a patriotic people, is heavily taxing every interest in the land to defray the enormous expenses of the war; while they are, by means of large public bounties, filling up the wasted ranks of the loyal forces in the field; yea, now, while our gallant sons are baring their bosoms to the balls and bayonets of the rebellious foe, and are in hourly expectation of the deadly contest, a voice comes up to them from the American Congress: "The war is wrong; it is in violation of the Constitution. I favor the acknowledgment of the independence of the South as an independent nation." Must language like this go unrebuked, lest, forsooth, we may be obnoxious to the charge of abridging the freedom of speech? On the contrary, I hold it to be a criminal licentiousness of speech, which, if not restrained, will do more to sap the foundations of our Republic than the armed cohorts of the southern rebellion. The only safe criterion for "free speech" in these Halls is the old Roman caveat: "See to it that the Republic take no detriment thereby." It will not do for a member on this floor to point out in his speech the way for General Lee to move his army into Washington under the claim that he has a right to speak *freely.* The nature and obvious import and effect of the speech is subject to the criticism of the constitutional number of his fellow-members, always and under all circumstances. The "illustrious exile," as my friend from the Columbus district calls him, is "waiting and watching over the border" because he indulged in too much license of speech. And so it must be, from the necessity of the case, in Congress and out of Congress. No citizen can be permitted to utter sentiments, in time of war, that shall distract and dishearten our own soldiers or strengthen the hands and hearts of the common enemy.

For these reasons I am in favor of the adoption of the resolution.

Before I take my seat I wish publicly to deny the allegation in reference to myself which was read on yesterday from a book sent to the Clerk's desk by the member from New York, [Mr. FERNANDO WOOD.] I was represented as having said in a speech at the Frémont convention in Philadelphia that "the Union might go; no matter how soon," or words to that effect. It is sufficient for me to say that I made no speech at Philadelphia on that, and, I think, on no other occasion. Sure I am that the sentiment imputed to me was never entertained and never uttered at any time nor in any place.

So far from advocating or desiring a dissolution of the Union, I have already during this Congress assumed the last of the alternatives of the member from Ohio as my peculiar doctrine: exterminate the rebels rather than acknowledge them as an independent nation.

ENROLLED BILL SIGNED.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; when the Speaker signed the same.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore* laid before the House a communication from the Secretary of the Interior, in relation to an appropriation for the Navajo Indians in New Mexico; which was referred to the Committee of Ways and Means, and ordered to be printed.

The SPEAKER *pro tempore*, also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, transmitting, in reply to various resolutions of the House, information in regard to armored vessels, their efficiency and capability, and the services which may have been performed by them, especially in the operations in the harbor of Charleston; which was laid on the table, and ordered to be printed.

PROPOSED EXPULSION OF A MEMBER—AGAIN.

Mr. SMITH. Mr. Speaker, in consequence of my absence Friday last I did not hear the speech of the gentleman from Ohio, [Mr. LONG,] and therefore cannot judge of the feeling that accompanied the sentiments of that speech. After reading it, however, and carefully examining it, I have come to the conclusion that there is scarcely a sentiment or a word emanating from that gentleman, whom I regard personally very highly, that I can, as a representative of a portion of the people of the United States, in any wise indorse, nor do I believe they are sentiments such as should be uttered in this House; for whatever may be the political prejudices of men, however much they may cling to parties, however much men may adhere to that party known as the Democratic party, or to any other party in the United States, there is no justification, under the circumstances by which we are surrounded, for them to utter a single sentiment or breathe a word or entertain an opinion or feeling that is detrimental to the interests of the Government, or in any wise giving aid and comfort to the rebels in arms. I have been forcibly struck with the persistency of gentlemen upon the other side of the House to throw the whole responsibility of this war upon the people of the North, and to charge upon a certain class of men in the North that but for them there would have been no war and no rebellion. There may be a degree of honesty about the whole matter, but I rather judge there is, beyond the utterances of these men and their professions of loyalty to the Government and a determination to appropriate every dollar and every man to the subjugation of the rebellion, a purpose and a design above loyalty, to get the "ins" rather than hold on to the "outs."

I believe, sir, that if there were no elections, if there were no high offices to be filled, if there was no money to be distributed, there would be a stronger evidence of patriotism than is manifested here to-day. Now, sir, upon every question of national importance there are two sides, and I beg that gentlemen, while they consider the character of one party, and bring out their long bills of indictment against them, will but remember that there is one upon the other side that is as dark and as black and as damnable as treason, or hell itself. I arraign that party to-day; I charge that party with being the chief organ and instrumentality in bringing on this rebellion. I charge that but for them there would have been no war, and that but for them the crisis would not have assumed the attitude it does to-day, nor would it have assumed the magnitude it now has.

The gentleman from New York [Mr. FERNANDO WOOD] sent to the Clerk's desk yesterday a lot of paragraphs from speeches of men from the North to be read for the edification of this House, and for the purpose of making a political document. They were from the speeches of four or five men from the North, proclaiming that they were in favor of the disunion of this Government. I have before me a much larger list of disunionists—a list of men who were in high places, and who have been sworn, solemnly sworn at the altar of the Government, to sustain the Constitution and maintain the integrity of the Union, and who, in every sentence uttered by them, avowed themselves in favor of treason, in favor of disunion, and in favor of war.

Before proceeding further gentlemen will allow me to say that whatever my political opinions may be to-day, however I may think upon the questions now involved, I have been in the past associated with and identified with the Democratic party.

I know, although I do not personally remember it, of the time when southern people came up to the Congress of the United States asking for the passage of a law making a line between the North and the South, and saying thus far shall slavery go and no further. I remember well the condition of the country at the time of the adoption of that compromise in 1820. I remember the peace that it gave to the country. I remember, also, that with the exception of a few men at the North, who were considered fanatical, and who were opposed to law and order, and who were as much denounced by the North as they were by the South, all parties cast their votes almost unanimously in favor of that compromise. There were, it is true, certain fanatics at the South who hated this Government as much as did these men at the North, but the people generally acquiesced in that compromise as a just, a fair, and a wholesome settlement of the question.

I remember, Mr. Speaker, distinctly, that in a convention of the Democratic party, subsequent to this time, the great question was agitated whether the doctrine of non-intervention should be established as one of the planks of our platform. It was in 1856, or perhaps in 1850, when that man who is gone to his long home, and against whom I will say nothing to-day excepting what the record authorizes me to say—I refer to William L. Yancey—came before the Democratic convention and said that all the people of the South demanded was that the doctrine of non-intervention should be one of the cardinal principles of the Democratic party in the United States. How did that convention act? The people of the North came up and said, "You asked us for compromise, and we gave it to you. You ask us now to repeal that compromise, and you allow the doctrine of non-intervention to prevail, so that men from North and South may go into the Territories with whatsoever property they may possess." The North gave them that. They were numerically stronger. They had the electoral votes; and yet with a magnanimity unequaled in the history of the country, so far as politics are concerned, they came up and gave the South this great right. Then came the difficulties in Kansas, and in Nebraska too. The South proposed to establish slavery there. The North proposed that it should not be permitted to go there. It was an open field and a fair fight. The compromise line had been withdrawn at the suggestion of the South by the Democratic party. And yet, when the Democratic convention met at Charleston, they determined that they would not nominate the man whom they had put forward in Congress to carry out that scheme.

Mr. W. J. ALLEN. Do I understand the gentleman from Kentucky to include the whole Democratic party in that remark? And may I ask him further, if he coöperated with the Douglas Democratic party in 1860?

Mr. SMITH. The gentleman from Illinois asks me if I include the whole Democratic party. I say no. He asks me if I coöperated with the Douglas Democratic party in 1860. I say yes. In acting with that party, I coöperated with the party whose platform and whose candidate pledged them to the Union, the Constitution, and the enforcement of the laws, and to the defeat of traitors at home and abroad. [Applause in the galleries.] Because a portion of that party dare to abandon its platform, as did the southern people, and because a portion of that party North chose to go in sympathy and collusion, and concert with the men of the South who were disposed to break up and destroy this Government, that was no reason why I, as a Douglas Democrat, should do it. The moment that I observed, and that the true men of the country who had before been Democrats observed, that there was an effort made at Charleston to divide the Democratic convention, and to put John C. Breckinridge on a platform as a sectional candidate South, while they charged that Abraham Lincoln was a sec-

tional candidate North, I then determined to support Douglas as a national man, and to the principles of Douglas I adhere to-day. Sir, I reecho the glorious sentiment uttered by him, that there are but two parties in this country to-day—patriots and traitors. [Loud applause in the galleries.]

The SPEAKER *pro tempore*. Demonstrations in the galleries, whether of approval or disapproval, must be dispensed with. It will be the duty of the Chair to order the galleries to be cleared unless order is preserved.

Mr. SMITH. Mr. Speaker, in 1856, one Mr. Keitt, of South Carolina, who is well known to that side of the House, and who has since figured conspicuously in this rebellion, in Virginia, made these remarks:

"I tell you now, that if Frémont is elected, *adherence to the Union is treason to liberty.* I tell you now, that the southern man who will submit to his election is a *traitor and a coward.*"

This speech was fully indorsed by John B. Floyd, who afterwards became Buchanan's Secretary of War.

What does that mean? You talk of freedom of speech, freedom of thought, freedom of the press, freedom of action! Listen to the slang of a vile traitor; a man who would trample freedom of thought, freedom of speech, freedom of the press, freedom of opinion, under his unhallowed and treasonable feet; and yet he is one of the leaders of this abominable and damnable rebellion, who would butcher you and me, and make this beautiful and glorious country a waste and a desert.

Following that, Mr. Preston S. Brooks, of South Carolina, who, in making a speech to his countrymen, uses this language:

"We have the issue upon us now; and how are we to meet it? I tell you, fellow-citizens, from the bottom of my heart, that the only mode which I think available for meeting it *is just to tear the Constitution of the United States, trample it under foot, and form a southern confederacy, every State of which will be a slaveholding State.*

"I believe it as I stand in the face of my Maker, I believe on my responsibility to you as your honored Representative, that *the only hope of the South is in the South, and that the only available means of making that hope effective is to cut asunder the bonds that tie us together, and take our separate position in the family of nations.* These are my opinions. They have always been my opinions. *I have been a disunionist from the time I could think.*

"Now, fellow-citizens, I have told you very frankly and undisguisedly that I believe *the only hope of the South is in dissolving the bonds which connect us with the Government—in separating the living body from the dead carcass.* If I was the commander of an army *I never would post a sentinel who would not swear that slavery is right.*

"I speak on my individual responsibility. *If Frémont be elected President of the United States I am for the people in their majesty rising above the law and leaders, taking the power into their own hands, going by concert or not by concert and laying the strong arm of southern freemen upon the Treasury and archives of the Government.*"

Monstrous idea, unprovoked, unpardonable, and not only villainous but superlatively treasonable; a disunionist ever since he could think, and with infamous and treacherous words inculcating his sentiments among the people, counseling and advising them to resist by force the laws of the Government, tear the Constitution and trample it under foot, and march as thieves and robbers to the capital of the nation and steal the money of the people and possess the archives of the Government. And if he were the commander of an army he would never post a sentinel who would not swear that slavery was right. Then he would not place as a sentinel my honorable friend from Ohio, [Mr. Cox,] who, in his speech the other day, declared that the Democratic party North was an anti-slavery party. He would not place him on the watch-tower of the southern confederacy, but would denounce him as a traitor and a coward, because he was not in favor of the extension of slavery.

Mr. COX. To what gentleman from Ohio does the member from Kentucky refer?

Mr. SMITH. I refer to you, sir.

Mr. COX. The gentleman misrepresents my remarks, and I know he will allow me to correct him. I never held the doctrine here, or at any time, that the Democratic party was an anti-slavery party. I said distinctly that it was neither anti-slavery nor pro-slavery, but that it was in favor of the very doctrine enunciated by the gentleman from Kentucky, of non-intervention by Congress or the Federal Government with that business, leaving the people of the States and Territories the full control of their domestic affairs.

The gentleman, I know, would not misrepresent me. In that I differed with the southern secessionists; in that I never had any affiliation with the men from whom he quotes, and he is in the same category precisely that I am in that regard, unless he has changed his opinion since he voted against Abraham Lincoln and for John Bell, who is now in rebellion.

Mr. SMITH. I beg the gentleman's pardon; I did not vote for Bell.

Mr. COX. Then you must have voted for Douglas.

Mr. SMITH. I did.

Mr. COX. That makes the case stronger against the gentleman, for he is attacking now the men who stood by Mr. Douglas here, and who have been fighting the abolitionists of the North and the secessionists of the South. Why did not the gentleman vote for Abraham Lincoln?

Mr. SMITH. I feel, sir, that the spirit of Stephen A. Douglas is hovering around me now, and that he is indorsing every loyal sentiment that I utter. He is saying to the gentleman from Ohio, "Woe be unto you; you have departed from the truth." [Laughter and applause in the galleries.]

Mr. COX. I did not know that the gentleman was one of the executors of Stephen A. Douglas, nor do I know by what peculiar authority he speaks for him.

Mr. SMITH. Mr. Speaker, I cannot yield for a speech.

Mr. COX. The gentleman has been very kind and courteous, and I would not take the liberty of making a speech during his time. I only want to know what peculiar authority he has to speak for the spirit of the departed statesman of Illinois. If he gets it from any peculiar relations he held with Judge Douglas, I would like to know it. I, sir, have indorsed the doctrines of Mr. Douglas in times of peril here, when the gentleman was not here to assist us. I made the first speech in this Hall against these secessionists, backing him up all the time. I have never departed from them, and the gentleman knows that; and when he represents me otherwise he does not represent me fairly, or those Democrats who parted with the southern men for the purpose of holding the Government together by all the means in their power.

Mr. SMITH. The gentleman asks me by what authority I can state that I am in communication with the spirit of the departed Douglas. I understand from the good Book that all good, honest, and liberal spirits communicate with one another. I believe in the doctrine; and I believe also that there is an impassable gulf between the good and the bad, and hence I am not surprised that the gentleman has never heard from Stephen A. Douglas since he departed. [Laughter.]

Now, sir, I come back to the question. I do not intend to misrepresent my friend from Ohio, for he is a good and amiable gentleman, and I like him much. I tried in 1863 to meet him on the stump in Ohio, when he was canvassing for Mr. Vallandigham, when I was speaking for Brough, in order that I might stop him in his mad career and bring him back to the truth. But he was so swift I could not overtake him. Sir, I understood him to say clearly, in the speech he made the other day, that the Democratic party North was not a pro-slavery party. I so understood him, and I ask him now if I do not quote him correctly. Please answer yes or no.

Mr. COX. I said it was neither anti-slavery nor pro-slavery.

Mr. SMITH. Ah! Mr. Speaker, I see that same old Democratic spirit is in him. He is disposed to dodge on all occasions, and you cannot bring him up to the point.

Now, sir, whatever has been, or may be to-day, the opinion of that party at the North, I know what the opinion of the southern Democracy has been for years, and what its allies at the North are to-day. In 1856, Mr. Butler, of South Carolina, said:

"When Frémont is elected we must rely upon what we have, a good State government. Every Governor of the South should call the Legislature of his State together, and have measures of the South decided upon. *If they aid not, and submit to the degradation, they would deserve the fate of slaves. I should advise my Legislature to go at the tap of a drum.*"

This man held a high place in the councils of the nation. A Senator from his State in Congress, and yet with bold and defiant words advising resistance to his Government and the secession of his State.

Not only did Representatives of the South thus speak, but the papers of every description taught their treason. Listen to the language of the Charleston Mercury, the recognized organ of the South Carolina Democracy. It says:

"*Upon the policy of dissolving the Union, of separating from her northern enemies, and establishing a southern confederacy, parties, presses, politicians, and people are a unit. There is not a single public man in her limits, not one of her present Representatives or Senators in Congress who is not pledged to the lips in favor of disunion.*"

All the members of Congress in the Senate and the House pledged as far back as 1856 to disunion, *and sworn to it.*

Again, sir, during the presidential campaign of 1856, the Washington correspondent of the New Orleans Delta wrote as follows:

"It is already arranged in the event of Frémont's election, or a failure to elect by the people, to call the Legislatures of Virginia, South Carolina, and Georgia, to concert measures to withdraw from the Union before Frémont can get possession of the Army and Navy and purse-strings of Government. Governor Wise is already actively at work in the matter. The South can rely on the President in the emergency contemplated."

Who was President at that time? Franklin Pierce, of New Hampshire! And yet this writer says they can rely upon the President in the event that Mr. Frémont is elected to seize the Treasury and the archives of the nation, and involve this country in civil war, secession, and rebellion. I have read the evidence against you.

But again, Judge Daily, of Tennessee, advising the dissolution of the Union, said:

"During the presidential contest Governor Wise had addressed letters to all the southern Governors, and *the one to the Governor of Florida had been shown him, in which Governor Wise said he had an army in readiness to prevent Frémont from taking his seat* if elected, and asking the co-operation of those to whom he wrote."

Now, where are the men who spoke of freedom of thought, of freedom of the press, and freedom of action? Here are the men who denounced it, and who allege that if the American people shall say that this man or that man or the other man shall be President of the United States then will they go into rebellion, and then will they sever every tie that has bound them to the Government of their fathers. Is that anything less than the suppression of free thought, free action, and the constitutional right of the American people to be governed by the men of their choice? It has been the great theory of the American people, up to this time, that whenever we elected a President the minority would submit. When the Democratic and Whig parties were in vogue, if the Whig party succeeded the Democrats always submitted, and if the Democrats succeeded the Whigs submitted. But now we are told by these gentlemen that this thing has been brought upon us by the abolitionists of the North; that but for the abolitionists these questions would never have been sprung upon us; that Chase and Seward and Frémont and Lincoln were abolitionists, and therefore sectional men, and therefore that neither of them ought to be permitted to take the place of Chief Executive of the American nation. If they are abolitionists, what made them so? Before I answer that question allow me a word. These gentlemen say that the abolitionists prolong this war, and if there had been no abolitionists there would have been no rebellion. Admit that. Then if there had been no slavery there would have been no abolitionists. If slavery is the cause of abolitionism, and abolitionism is the cause of the rebellion, then slavery is the cause of the rebellion. I say to you, sir, I say to this House, I say to this country, that I believe as solemnly as I am standing here to-day that slavery is the cause of this war, and consequently I am for removing that cause. [Loud applause in the galleries.]

Mr. VOORHEES. I trust that the present occupant of the Chair will not any longer attempt to deceive the House by his calls to order. Nobody can be deceived in that way. The side of the House to which I belong is sick and tired of the pretenses of the person who now occupies the Chair to keep order.

Mr. GRINNELL. I call the gentleman to order. He has no right to reflect upon the Chair.

The SPEAKER *pro tempore*. The gentleman from Indiana is not in order, and will take his seat.

Mr. SMITH. I hope, sir, if I have any friends

in the gallery they will keep their feet still and their hands in their pockets till I finish my speech.

I charge upon the Democratic party that while it was in power, and while it controlled the destinies of this nation, it initiated this rebellion. And in addition to the evidence already adduced, I will cite a paragraph from a confederate paper, published in Alabama, which says:

"No one can be deceived as to what are the objects of the Charleston convention. Listen to what their men say:

"'I want the cotton States precipitated into a revolution.'—*W. L. Yancey.*

"'If I had the power I would dissolve this Government in two minutes.'—*J. T. Morgan.*

"'Let us break up this rotten, stinking, and oppressive Government.'—*George Gayle.*

"'Resistance! resistance *to death* against the Government is what we want now.'—*David Hubbard.*"

There can be no misunderstanding of this language, and how earnest they were has only been proven by the troubles, secession, and war of the last three years and now.

But further, sir. Mr. Curry, of Alabama, a member at that time of this House, with the oath warm upon his lips to support and defend the Constitution and Government, said:

"However distasteful it may be to my friend from New Hampshire, [Mr. CLARK,] however much it may revolt the public sentiment or conscience of this country, I am not ashamed or afraid publicly to avow that the election of William H. Seward, or Salmon P. Chase, or any other such representative of the Republican party, upon a sectional platform, ought to be resisted to the disruption of every tie that binds this Confederacy together."

All the Presidents from the organization of the Government had been of the Democratic party with but few exceptions; all of Congress for nearly the whole life of the country had been in the possession and control of this party; the courts and all the foreign ministers, together with the tremendous patronage; yet with all this, and while all these men to whom I have referred, with hundreds of others, were here and over the North and South making their vile and rebellious speeches, their ideas of the liberty of speech and the press and the largest liberty of debate, now so eloquently reflected by the fragment of that party here, *never admitted or dreamed of admitting* the candidate for the Presidency, Mr. Frémont, much less Seward, or Chase, or Lincoln, or any other man of their political faith, to any of these privileges they now so loudly claim, anywhere south of Mason and Dixon's line. No, sir, freedom of speech and the press was hushed in that section of country and attempted to be beaten down here in the Capitol of your nation. But the time is coming and fast approaching when, thank God, there will be all over this land freedom of speech, of the press, and the largest liberty. Mr. Frémont was defeated, Buchanan elected; this gave the party four years' time to prepare for the more perfect dismemberment of the Government, upon which they had already determined. With the election of Mr. Buchanan there was acquiescence on the part of Whigs, Americans, Republicans, and Abolitionists; no forts were taken, no States seceded, no mints robbed, no soldiers of the Republic held as prisoners and enemies, no citizens slaughtered or imprisoned. No, sir, not even did those men referred to by the gentleman from New York [Mr. FERNANDO WOOD] as disunionists raise an arm or offer the slightest resistance.

But on the other hand, how different in 1860, when another presidential election took place, and one which resulted in the election of a man not more sectional, but far more patriotic (I beg pardon for the comparison) than the favorite candidate of the South, John C. Breckinridge. Long before Mr. Lincoln was inaugurated President of the United States, ay, on the very day it was announced to the American people that he was elected President, it was telegraphed from South Carolina to Washington that the secession of that State was a foregone conclusion. Not only that, but December 20, 1860, South Carolina seceded; January 7, 1861, Florida seceded; Mississippi went out January 9; January 11 Alabama seceded; on the 16th of the same month Louisiana seceded; Georgia on the 18th of January; Arkansas May 6; North Carolina the 21st of May, and Tennesssee the 1st day of May; Texas February 5; Virginia April 17. Look at this record, gentlemen, and blush for the party you claim to-day to be the only salvation for the country, and the action the leaders induced the people of the States to take, nearly all of them before Mr. Lincoln was inaugurated.

But let us go further and see what these southern people did while they yet had all the power in the Government, the Treasury, archives, Army and Navy. These States went into rebellion on the days I have given, and began their deeds of capture and plunder, as was their plan. January 2, 1861, South Carolina troops took possession of Fort Johnson; Fort Pickens December 27, 1860. This fort cost the Government $53,809. Anderson was compelled to evacuate Fort Moultrie December 26, 1860. January 3, 1861, Fort Pulaski, in Georgia, was seized, costing the Government as it did $988,859. Fort Jackson, costing the Government $182,000, was occupied January 3, 1861. Fort Clinch, Amelia Island, Florida, cost $170,000, in January, 1861. Fort Marion, St. Augustine Island, Florida, January 7, 1861, cost $51,000. Fort Barrancas, Pensacola, January 12, 1861. Fort McRae cost $444,426. Pensacola seized January 12, 1861. Fort Morgan seized January 4, 1861, cost $1,242,552. Fort Gaines was seized January 4, 1861, cost $221,500. Fort on Ship Island January 20, 1861. Fort St. Philip, near New Orleans, seized January 10, 1861, cost $258,734. Fort Livingston, seized January 10, 1861, cost $362,379. Fort Brown, Texas, March 5, 1861. Fort Smith, Arkansas, taken April 21, 1861, with stores, &c., valued at $300,000. Nearly the whole of this unlawful and rebellious work had been done while the Democratic party was in power.

The then President of the United States, as abominable a traitor as ever trod God's footstool, held that no State had a right to secede, but that there was no power under the Constitution to coerce a State that did secede. He thus fulfilled the prediction of Brooks, of South Carolina, when he said that Pierce would conform to their wishes and let them go.

And not only that, Mr. Speaker, but while he was President of the United States and had his Cabinet here to maintain the Constitution and enforce the laws, he allowed that man Floyd to steal from the Government of the United States over seventy-five thousand stand of arms, and to distribute them throughout what now constitutes the "southern confederacy." Seventeen thousand were sent to Charleston, twenty-six thousand nine hundred to North Carolina, twenty-two thousand to Augusta, Georgia, thirty-one thousand to Baton Rouge. He had distributed the arms all through the South. He had sent our Army out to Utah to "subjugate" Brigham Young because he had forty-five wives more than he had. And so it was with the Navy. Our ships had been distributed over every ocean, so that when the act of secession came we had neither Army nor Navy to bring these men back to obedience to the laws. And yet men rise upon this floor and declare that these are merely erring brethren, and the only way to bring them back is, in the language of the gentleman from New York, [Mr. FERNANDO WOOD,] by peace, glorious peace! Go, if you please, to the battle-fields of Gettysburg, of Chattanooga, of Chickamauga, of Shiloh, of Donelson, of Chancellorsville, and Fredericksburg, and there count the hundreds of thousands of graves of men from New York and Pennsylvania, and from all the loyal States of our country, and weep in shame for the utterance here of sentiments in favor of treating with the men who have thus butchered your sons and brothers with malice and premeditation.

Sir, men talk about reconciliation with the South. Why, sir, whenever you have spoken of reconciliation they have scorned your advances. Whenever a southern man has dared to utter a sentiment of loyalty to the Government of the United States he has been driven out, naked and homeless, to find a shelter only among those who are loyal to the Constitution. Go count to-day the hundreds who lurk in the mountains of East Tennessee, trying to escape from the guerrillas of the southern confederacy. Go ask your Maynard, who stood on this floor in advocacy of the Government and the Union, and the enforcement of the laws, and the protection of the rights and privileges of the southern people, how he was driven from his home and hunted by blood-hounds—ay, by hell-hounds—to bring him, as they said, to justice for the commission of treason against this odious and damnable rebellion. Go ask the old grandsires who have been driven out naked and hungry from their humble homes upon the hill-sides and in the valleys, what story they have to tell of this "southern confederacy," and its sympathizers and minions in the North. Go ask them of all the crimes that have been committed against them, then come with that long catalogue of crime and infamy, and ask me to take counsel with or to recognize those men who would propose their recognition! And yet the gentleman from Ohio, in all his long speech, and with all his denunciation of Abraham Lincoln and the policy of his Administration, had no word to utter against the man who now sits at the head of the southern confederacy, and who issued his proclamation saying that if within *forty days* the people of that country did not come within the jurisdiction, obey the laws of the "southern confederacy," and take the oath of allegiance to it, then their property would be confiscated, and they must leave the lines of the "southern confederacy." Not a word was uttered against him when he uttered his sentiments on the report of the committee of thirty-three, composed of abolitionists, if you choose to call them so, proposing to amend the national Constitution in such way that slavery, that vexed question, should be confined to the States and never more interfered with, and that the Constitution in that respect should be unamendable. These men of the South rejected these overtures and spurned their offer, and in choosing rebellion in preference to this compromise and union, they found men at the North who sympathized with them. My honorable friend from Ohio [Mr. Cox] electioneered for, all over the State of Ohio, and indorsed the gentleman who declared upon this floor by resolution that he was in favor of dividing this country into four parts. I remember to have heard General Sigel, the gallant German who is now in command in West Virginia, say in a speech in New York, "The only solution I can give to the matter is, that he wants to divide the country into four 'leetle empires' that he may be '*leetle* emperor' of one of them." [Laughter.]

Now, Mr. Speaker, I have no friendship whatever for the political opinions of the gentleman from Ohio on my left, [Mr. LONG,] but I have a high regard for him personally. I think he is a very clever gentleman. He made his speech in my absence, and he made it from my seat, sir. [Laughter.] He left his own seat where he concocted all the badness that is in that speech, and all that was in it that is abominable, and came over to my seat to utter it. *Was there ever such a desecration of a loyal seat on the face of the earth?* [Laughter.] And he not only took my seat in my absence, but he referred to me as one who, having been once in the Army, had very willingly and anxiously resigned my position in the Army to take a seat in the Congress of the United States; and he not only referred to me but to other general officers now on this floor. Sir, I did resign my position in the Army to take a seat here, and I did it for the reason that the loyal people, the war people of my district, sent me here. They knew that the Cincinnati district in Ohio might send here a man who would not favor a suppression of the rebellion, and hence they sent me to counteract his influence, and, thank God, I have been willing to do it. The gentleman says that I was willing, more than willing, to quit my place in the Army to take a seat in this House, and in another place he says that he is willing to pour out his life's blood for the salvation of this Union. How much blood did he ever spill? Not an ounce, not a drop. He never heard a cannon fired. He never saw a battery in the field in his life. When he has been in the field for two years and a half as I have been, it will be time, and only then the time, for him to talk about saving this country with his life's blood. He says also that these men are peculiarly anxious to be reëlected to the Congress of the United States. I am inclined to think that the loyal people of Cincinnati will not be anxious to prolong his congressional career, for, having twice since his election repudiated the doctrines upon which he stands, they will send another and a better man in his place.

Now, Mr. Speaker, I have been an observer, to some extent, of the history of this war and the position gentlemen have taken; and I desire to say now that I have come to the conclusion that the members from the North who, in spite of the taunts and jeers and insults that have been heaped upon them by this southern confederacy, still pander to the interests of the South, and are not to-day willing to subdue it and bring it back

to the Government, are either traitors in their hearts or cowards. [Suppressed applause.]

Mr. Speaker, men may differ as to the policy of this Administration. They may think that this measure or that measure is wrong. That is perfectly legitimate. They have a right to do that, and I accord to them that right. But there is a difference between policy and truth and principle. The old Democratic and Whig parties differed only as to policy. There was no difference as to principle. They had both believed, or declared, whether they believed it or not, that it was the duty of the Government to maintain itself; that it was the duty of all to submit to the powers that were; whether in peace or war, to sustain the Government. Our motto, brother Democrats—or rather those who were my brother Democrats in 1846—was, "Our country, right or wrong." We went into the field under that motto. But to-day, while we may disapprove of and abhor the policy of the Administration, our great duty is to sustain and uphold the Government and to put down this rebellion; to subjugate the rebel States, if need be; to exterminate those in armed rebellion against the Government, and to populate the country with a better people.

Now, sir, we hear a great deal of talk about subjugation. The word subjugation, as I understand it, only means to bring within the power of the Government, by force, those who are in rebellion. Why, sir, under the laws of your States and municipalities, you bring to the gallows a man for the commission of murder. Shall you not bring him to the same sentence and judgment for the commission of treason? For in the commission of treason he commits many murders, and should be punished.

[Here the hammer fell.]

Mr. PENDLETON obtained the floor.

Mr. SMITH. I hope the House will allow me a few moments more. I think I yielded fifteen minutes of my time.

Mr. PENDLETON. I will with the greatest pleasure yield to the gentleman if there be no objection.

No objection was made.

Mr. SMITH. I have but a word more to add. In times like these the feeling of the American people, and, above all, the feeling of this Congress, should be in perfect unison for the putting down of this rebellion. Do you expect to have peace until this rebellion is put down? The gentleman from Ohio on my left [Mr. LONG] would recognize the southern confederacy. Does he suppose that we would give up the Mississippi river? Does he suppose we will give up Tennessee and Virginia? Does he suppose we will give up all the territory which we have conquered from this so-called southern confederacy? If he does, I believe from the very depth of my heart that he is a fit candidate for Jeff. Davis's cabinet. All men who believe in the recognition of the southern confederacy should define their position like men and go there. Let the men who believe in the recognition of the southern confederacy say so boldly, and not by their actions and votes and conduct give aid and comfort to the rebellion, and yet live under the protection of our Government and armies.

Mr. Speaker, is it better to suppress this rebellion and subjugate, if you please, those who are in arms against the Government, and make a great and glorious Union of all these States; or is it better to let them go, and have our country separated into small divisions and subdivisions, with its various powers conflicting with one another? No man who is a patriot, no man who is a statesman, no man who is a philanthropist can look upon the one side without mortification and sorrow, or upon the other without a determination to prosecute this war to a successful termination in the restoration of the whole country to the Government of the United States. I have looked in days gone by upon this Government, with its thirty-four States, as a beautiful, powerful, grand, intelligent, and magnificent Government, stretching from the Atlantic to the Pacific slope, and from Maine to Florida, with its beautiful prairies, and its uplifted mountains kissing the clouds that God has lowered over them, and with all of its people free, glorious, and benevolent in sentiment and feeling, as one of the grandest and sublimest spectacles on the face of the earth.

Sir, looking down through the vista of time, methinks I see one hundred free States, such as we have to-day, with three hundred million freemen within their limits, with none to call them slaves, who acknowledge no master but the God who made them and breathed into their souls the breath of life; with such a country, with our institutions free and independent, with churches upon every hill-top, and school-houses in every valley, with our people mingling together as one people, speaking one tongue, and with one feeling of desire for the perpetuity of our glorious institutions, then, indeed, can all of us gather together, and our children and our children's children gather together, and unite in the beautiful and elegant words:

"Flag of the free hearts' hope and home,
By angel hands to valor given,
Whose stars have lit the welkin dome,
And all thy hues were born in heaven.

"Forever float that standard sheet!
Where breathes the foe but falls before us;
With freedom's soil beneath our feet,
And freedom's banner waving o'er us."

God grant that that may be the destiny of the American people!

Mr. PENDLETON obtained the floor.

Mr. COX. Will my colleague yield to me a few moments for a personal explanation in reference to remarks made by the gentleman who has just taken his seat, [Mr. SMITH?]

Mr. PENDLETON. It will give me great pleasure to do so if the House will concur in it. I do not ask any addition to my time.

Mr. GRINNELL objected.

Mr. COLFAX. My impression is that the gentleman has a right to yield to another for a personal explanation, under the rules.

Mr. COX. I will not take up the time of my colleague now. I perhaps may have an opportunity to respond to the remarks of the gentleman from Kentucky at another time, and I shall do it then more triumphantly after more preparation.

Mr. PENDLETON. I have purposely refrained till this moment from taking part in this discussion. I desired to wait until gentlemen upon this side and upon the other side of the Chamber should have said all they thought proper to say by way of criticism on the speech of my friend and colleague, [Mr. LONG.] I desired that gentlemen upon the other side of the Chamber, the gentleman from Maryland, [Mr. DAVIS,] my two colleagues from Ohio, [Mr. SCHENCK and Mr. SPALDING,] and the gentlemen from Indiana, [Mr. ORTH and Mr. DUMONT,] should have poured out the vials of their wrath upon the Democratic party. I desired that the vocabulary of invective and vituperation should be entirely exhausted. I knew it was inevitable. I desired that the gentleman from Kentucky [Mr. SMITH] should have made his speech, in which, though it was an hour long, he did not once allude to the question which is pending. I desired that all the side issues should have been made, that every attempt to draw off attention from the only question before us should have been fully tried; and then I intended to ask the House to come back to the consideration of this resolution.

I, sir, shall not follow those gentlemen. I shall reply to none of their partisan criminations. They do not touch the marrow of this question. They are unworthy of the dignity of this debate. I shall not express my opinion as to the soundness or unsoundness of the views of my colleague. I will be led into no side issues; I will be diverted in no respect from the question before us. Its solution depends in no degree upon the opinion of any gentleman as to the soundness of the views of my colleague, or as to the wisdom or propriety of their utterance at this time.

This question rises to a higher dignity. It is important to my colleague personally; it is important to every member of this House in his personal relations; but it is far more important inasmuch as it touches the organization of this House, the organization of the Government itself. I shall therefore neither participate in partisan discussion, nor retort the partisan allusions which have been made. I shall confine myself, as nearly as I can, to the question involved in the resolution of the Speaker. I shall endeavor to rise to the height of this great subject, and if I shall not be able to do justice to the argument, I will at least do justice to myself and to my own appreciation of the spirit in which it ought to be discussed. And as I shall not discuss the soundness of the views of my colleague, so I desire to say that no person who has spoken had authority to do so for me. I shall not in this debate assent to nor dissent from those views. I have attended no caucus called either to indorse or repudiate them. I do not know that any such has been held; certainly none has been held with my concurrence.

Where are we? In a deliberative assembly whose chief function is discussion. Why were we brought here? Primarily that we might represent the views of our constituents; and next, that by comparison of opinions, by argument, by persuasion, by addressing the reason and consciences of each other, we might be brought into accord and devise a system of legislation which would contribute to the welfare of the people, and, by consequence, to the perpetuation and the glory of the Government. What questions are brought before us? What questions are now pending upon your table? Conscription, confiscation, taxation, recruiting, the reconstruction of State governments, and amendments of the Constitution, and underneath them all lies the great question of the further prosecution of this war. The President of the United States, in his message at the beginning of this session, told us that he had issued a proclamation of emancipation, and that so long as he remained in his present position he would neither recall nor modify it. And yet we all know that proclamation is as worthless as the gentleman from Maryland [Mr. DAVIS] declared it to be—as the paper on which it is written, unless enforced by the power of our armies. The President told us that he had issued a proclamation of amnesty, that those who will take the oath of allegiance and swear obedience to his proclamations shall have authority to reorganize the State governments, even though they be but one tenth part of the population, and that he will maintain those State governments by all the power of our arms.

Following immediately upon that message came a call for three hundred thousand men, and afterwards a call for two hundred thousand more. As a direct consequence, inevitably, we have had here conscription bills, a deficiency bill of more than a hundred million dollars, and regular appropriation bills for the Army for $500,000,000, for the Navy for $150,000,000, and for miscellaneous purposes $200,000,000 more. Taxation is necessary to raise this money, and we have tax bills. Loans are necessary, and we have loan bills. Greed of gain must be satisfied, and we have confiscation bills. Those bills are pending. They are before the House. My colleague must consider them; he must vote upon them. His duty and his oath require it. The solution of all these questions, the propriety and necessity of passing these bills, depend upon the single question whether or not this war shall be further prosecuted, and if so, in what manner and for what purpose? This lies at their very foundation. It is the base of the pyramid of legislation which is sought to be built up.

My colleague [Mr. LONG] at the time appropriated for debate, at the only time when by the rules he could do so, rose in this place and decorously, decently—violating none of the proprieties of debate—with calmness and moderation and dignity, with a sincerity which has not been questioned, appealing to God for the purity of his motives, and to his constituents for the wisdom of his views—proceeded to discuss that question without the consideration of which none of the measures now pending before you can be honestly developed or fairly decided.

He said that he believes this war to have been begun unconstitutionally, to have been prosecuted in an unwise and improper manner. He said that the experience of three years had led his mind to the conclusion that it can never result in a restoration of the Union, but only in the destruction of our republican system at the North; that it ought to cease immediately, even at the expense of recognizing the independence of the confederate States; and he enforced his views by appeals to your reasons, to your judgments, to the highest motives by which legislators can be governed; he asked you to weigh his arguments and if you could honestly agree with him to assent to his conclusions. Will any gentleman tell me that this is not legitimate debate? Will any gentle-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 13, 1864. NEW SERIES.....No. 100.

man tell me that these are not legitimate considerations and pertinent to the matter before the House? Will any gentleman who has enjoyed that freedom of debate which has always reigned in this Hall and throughout this country tell me that my colleague should be limited to a narrower scope?

Mr. Speaker, I do not wish to be misunderstood. The House has ample power to preserve decorum in debate. It has power to expel a member who, by reason of crime or personal turpitude, has rendered himself unfit to perform the duties or enjoy the immunities of membership; but it is not within the constitutional power of the House to expel a member for the expression of any opinion upon any political question, when such expression of opinion is pertinent to the measure before it. This doctrine is essential to the character of this House as a deliberative body. If it were not so, we of the minority would hold our opinions subject to the will of the majority. We would be compelled, at the risk of being expelled from this House, to express them in such delicate terms as would not offend the sensitive organization of your loyalty. Sir, deliberation would be a farce, discussion would be a sham, the pretense of debate ought to be done away with, and this House assume its appropriate position as a mere registry of the predetermined purposes and preconceived opinions of a majority of its members.

And yet gentlemen will say, as they have repeatedly said, that while this freedom of debate ought to be allowed in time of peace, when the country is in a state of profound repose, it must be curtailed when war exists. I take issue with them on that point. The time of war is the very time when we should consider these questions; then our highest wisdom should be invoked. When great dangers threaten the Republic, the people, exasperated by the passions which war excites, or alarmed at the impending peril, are ready to surrender their powers into the hands of their rulers. They are embarrassed, anxious, longing for peace, hoping success, fearing disaster. They cannot bear the uncertainties of their condition; they desire more vigor, more efficiency, more rapidity of action, and they believe they have attained them when they heap power on their favorites. Then this House should exercise the largest liberty of discussion; then it should probe to the bottom the policies and motives of parties and of men. Were it not so the condition of war would perpetuate itself—it would be eternal. It would be treasonable in any man to rise in his place and say that he was in favor of peace upon any other terms than those upon which peace might have been originally maintained.

And why should there not be this free discussion? We have lost our true appreciation of the character of this body. We forget that arguments here are addressed to each other. We are so in the habit of magnifying ourselves that we think every speech made in this Hall will reach the ear of the country. That is a mistake. Debate is for the members. It is for convincing the judgment and influencing the vote of members. The speech made by my colleague [Mr. LONG] was addressed to you. Are you afraid that his arguments will convince you? Are you afraid that they will persuade you to vote with him? Were they so cogent that you fear to trust yourselves? Are you afraid that they will produce an effect upon the people? Are you afraid to trust the people? Are you afraid to trust the power which is behind you and which after two years will fill your places on this floor? Why, I repeat, should this speech not be heard? Gentlemen have said if—and if, and if—some great harm might be done to the Government. But has great harm ever been done by the freedom of debate in this Hall? Have you really any fear of results injurious to the country? Or is this only a pretense under which is vailed your determination to gather in and consolidate the opinion of the country and prevent its wandering, in the least degree, from the paths in which you intend, if possible, to conduct it?

I have said, Mr. Speaker, that the expression of an opinion in this House under the circumstances which I have described, proper in time, pertinent to the subject of discussion, is not the subject of punishment. Over it the House has no power either of expulsion or of censure or of criticism. The history of this body, the history of all free deliberative assemblies, with almost absolute uniformity, shows that I am correct. If there are exceptions they are but milestones which mark the progress of free debate to its present perfection. They point a moral—I beg gentlemen not to forget it now.

The gentleman from Maryland [Mr. DAVIS] told us yesterday that it was not for the expression of an opinion, not even for entertaining it, that he proposed to exercise the punitive powers of the House. He told us the existence of that opinion and the evident intention of carrying it into effect by his votes on pending questions showed that my colleague was unfit to be a member of the House. Indeed! is that true? I had supposed opinions were for constituents. I had supposed that constituents were to decide whether they were wise and sound. I had supposed that the Representative spoke their voice; that his place upon this floor was their place, his rights their rights, and that the immunities given to him were given for their benefit and protection and not for his own. The entertaining of an opinion and being willing to express it here! it is that which makes my colleague an unworthy member of the House is it? Suppose his constituents send him back, will you again expel him? Will you enact again the farce of the British House of Commons in the case of Wilkes, and which after years of trial it was obliged to give up? Entertaining opinions makes him an unworthy member! Why, sir, the opinions of one hundred thousand citizens are entitled to your respect; they are entitled to be represented here whether you respect them or not; and the man who is chosen to represent them holds a seat here as your peer. When you expel him you disfranchise them. When you expel the Representative you deprive the constituents of their voice. And are they to be disfranchised until they elect a man whom you may designate for them? This question is not to be evaded. We are not to be led from it by a false issue. We are not to be told this party or that party is in the wrong, these conclusions or those conclusions are not to be tolerated. I say this House of Representatives must—I speak the word advisedly—must receive the member whom any constituency will elect to represent them.

The gentleman from Maryland [Mr. DAVIS] having announced his opinion of the course of my colleague, and the reason why he should be punished, contented himself with citing two examples in which the House had exercised this power. One was the case of the gentleman from Maryland, [Mr. HARRIS,] upon whom a vote of censure was passed day before yesterday. This resolution was moved by the gentleman from Illinois, [Mr. WASHBURNE,] who at the time called the previous question. The gentleman from Maryland [Mr. DAVIS] is too much of a lawyer to think that a case is of much authority when it is decided without opportunity for argument. The other case, and the only other case to which he alluded, was that of Mr. Giddings. In 1842 he introduced a resolution in reference to the mutiny on the Creole, whereupon a gentleman rose in his place and moved that he be censured by the House, and he was censured. Does the gentleman think that was a fair case in which to exercise this power? Does he approve of the censure? Does he believe the case was fairly within the jurisdiction of the House? If not, he will scarcely cite it as authority for the exercise of the same power in this case.

The gentleman will pardon me if I say that he diminished very much the force of his argument when in conclusion he told us that this was such a case that with law or against law, under the Constitution or against the Constitution, he would expel my colleague. If that be the position on which the resolution is placed, if that be the ground upon which it is offered, if gentlemen abandon all pretense that it is according to law, that it is according to the Constitution, we will meet them on that ground also. For the present we prefer to believe the House sits under the Constitution; that it is organized by the Constitution; that it exercises functions which the Constitution prescribes, and that its powers are limited by the Constitution. We prefer to leave violations of the Constitution to disunionists, whether they be South or North, whether they be off or on this floor.

My colleague from the third district [Mr. SCHENCK] places his support of this resolution upon another ground. He says that the Constitution of the United States provides that for sentiments uttered in this House no member shall be called in question in any other place. Ay, it does; and then, as I would draw the conclusion, the expression of an opinion in this House upon a subject of legislation is, *a fortiori*, protected by the greatest sanctions. A member shall not be called in question for a libel uttered upon this floor, nor for any offense against private rights. He is not to be intimidated by fear of the law, whether invoked in the criminal or civil courts of the country; and, *a fortiori*, he is not to be called in question here by the House itself for the free expression of opinion in fair debate.

You may punish a man for disorderly conduct in the presence of the House. The Constitution expressly says so. There is the limit to your power. You must bring the offense fairly within that definition. The construction of those words is not to be too narrow. Usage has given to them a very large scope; necessity, perhaps, has compelled it; precedent has confirmed it. Yet, after all, the offense, unless it be a crime, must be brought fairly within the meaning of those words. I take it upon myself to say that by no stretch of the imagination can the decorous, candid, honest expression of opinion upon a matter of legislation pending before the House be construed into disorderly conduct.

Mr. BOUTWELL. If the gentleman will permit me to interrupt him, I desire to ask a single question for the purpose of ascertaining whether we understood him correctly. Did he say that the power under the Constitution to expel a member was limited to the cause of disorderly conduct?

Mr. PENDLETON. Yes, sir, I said it was so limited. I said that every case in which the power of censure or expulsion could be invoked and exercised by the House for acts done in its presence must be brought by some latitude of construction, whether more or less broad, within a fair interpretation of the words "disorderly conduct."

Now, sir, just here I am reminded that two gentlemen from Indiana and one gentleman from Maryland undertook yesterday to ask us what rights of free debate were enjoyed in the congress at Richmond. That, sir, is entirely immaterial to me. I do not know. I do not propose to cite them as authority for any purpose. I do not propose to limit or measure our rights of free debate by any rule which they may adopt. It is nothing to me what their rules allow or their practice tolerates. They may be as tyrannical as the gentleman from Maryland or the gentlemen from Indiana would have us suppose them to be. They may be as tyrannical as either of those gentlemen would make this House. Do you mean to follow their example? Do you mean to make this House conform in its rules of order and debate to the practice of the congress in Richmond?

I said a moment ago that the uniform practice of deliberative bodies sustained the position which I assumed, and that if there were exceptions they were so distinct, so well known, that they served only to mark the progress of legislative bodies toward the perfection of free deliberation.

How was it when John Quincy Adams presented a petition in this House for a dissolution of the Union? I beg gentlemen to understand that I do not introduce this example or others for the purpose of comparing the views of my colleague

with the views which were then expressed. I adduce it merely as a striking illustration. That proposition went to the very foundation of the Government. It struck at the very root of the whole governmental system. Yet not in deference to the opinions either of Mr. Adams or the petitioners, but in deference to the right of freedom of debate, the House refused to censure him.

Mr. WASHBURNE, of Illinois. I do not know whether I understood the gentleman. I understood him to state that under the Constitution, in his judgment, this House had no power to expel a member except for disorderly conduct.

Mr. PENDLETON. I will tell the gentleman exactly what I said. I said that to give this House jurisdiction to expel a member, the offense must, by a greater or less latitude of construction, be fairly brought within the meaning of the expression "disorderly conduct."

Mr. WASHBURNE, of Illinois. I believe that in the last Congress two gentlemen were expelled from this House. If I am not mistaken the gentleman from Ohio voted for their expulsion. Was that for "disorderly conduct" in the House?

Mr. PENDLETON. Who were they?

Mr. WASHBURNE, of Illinois. Mr. Burnett and Mr. Reed.

Mr. PENDLETON. I voted for their expulsion because they left their places here and went into the armies of the confederates. Do you not call that disorderly conduct?

Mr. WASHBURNE, of Illinois. That is the gentleman's definition of disorderly conduct, and I accept it.

Mr. GARFIELD. I dislike to interrupt the gentleman, but I wish to ask the gentleman a question, not to interfere with the course of his argument, but to draw him out upon this subject. Suppose I, in a decorous manner, should rise in my place and introduce a resolution against the approaching campaign and plans of Grant about to be adopted on the Potomac; suppose I, having knowledge of those plans, in support of my argument should tell what his plans were in this House, should expose them, should state the number of men; that one column was going in this direction, and another in that; suppose I, by my speech, made in the most becoming manner, as far as style is concerned, should tell the entire plans and operations of the campaign just about to commence, that would not be discourteous or indecorous; yet I ask the gentleman if that would be an offense for which I could be censured or expelled?

Mr. PENDLETON. I will answer my colleague. If he obtained these facts and details and plans from public newspapers, if they were matter of public notoriety, it would be perfectly right to use them, and it would not be within the power of the House to expel him for their use; if he went to the War Department and obtained the knowledge of the facts in confidence from those charged with their execution, if he obtained them surreptitiously, if he obtained them as a member of Congress under the seal of confidence which exists between officers of the same Government, and coming here, having a right to ask this House to close its doors to receive a communication of that kind, he should not do that, but should make his speech the means of communicating information to the enemies of the country, it would be disorderly conduct in the highest possible degree.

I was about to say that Mr. Adams in 1842 presented a petition for a dissolution of the Union. It was sent here from Haverhill, Massachusetts. Mr. Adams presented it, and asked its reference to a select committee, and immediately Mr. Gilmer, of Virginia, and subsequently Mr. Marshall, of Kentucky, moved a resolution of censure. I recollect the scene. I remember where the old man stood in yonder Hall. I recollect he rose in his place all trembling with excitement, and in one of those historic speeches which will live as long as the history of the English language shall remain, vindicated the right of the people to petition for a redress of their grievances, and the right of Representatives to present their petitions on this floor. And he argued the question against all comers; the lists were kept open day by day, until, ashamed of the efforts they had made to repress this freedom of debate in the American Congress, the majority, who had at first persistently refused, at last laid the resolution on the table.

Gentlemen will say to me this proposition to dissolve the Union was made in time of peace. Thomas Corwin in 1847 attacked the Administration upon the policy, the conduct, the origin, and the justness of the Mexican war. The majority did not agree with him; they abhorred his views; but in deference to this great right of free debate in a representative body they permitted it to pass uncensured.

Again, in 1856, a Senator from Ohio, Mr. WADE, in time of peace, speaking of this Union which you now affect so much to revere, used this language:

"But southern gentlemen stand here and in almost all their speeches speak of the dissolution of the Union as an element of every argument, as though it were a peculiar condescension on their part that they permitted the Union to stand at all. If they do not feel interested in upholding this Union, if it really trenches on their rights, if it endangers their institutions to such an extent that they cannot feel secure under it, if their interests are violently assailed by means of this Union, I am not one of those who expect that they will long continue under it. I am not one of those who would ask them to continue in such a Union. It would be doing violence to the platform of the party to which I belong. I see nothing at present which I think should dissolve it; but if other gentlemen see it, I say again that they have the same interest in maintaining this Union, in my judgment, that we of the North have. If they think they have not, be it so. You cannot forcibly hold men in this Union, for the attempt to do so, it seems to me, would subvert the first principles of the Government under which we live."—*Congressional Globe, third session Thirty-Fourth Congress*, vol. 34, p. 25.

Did Senators agree with him? Did they think he was correct? Did they believe that there was no power of coercion, and that any attempt at coercion would destroy the principles of the Government under which we live? Yet the American Senate did not think itself called on to pass a vote of censure or expulsion.

Again, sir, my venerable colleague on the Committee of Ways and Means from Pennsylvania [Mr. STEVENS] said from his place in this House, on the 9th of December, 1862, upon the question of the admission of West Virginia:

"Now, these rebellious States being a power by the acknowledgment of European nations, and of our own nation, subject and entitled to belligerent rights, have become subject to all the rules of war. I hold the Constitution has no longer the least effect upon them." * * * * "Hence I hold that none of the States now in rebellion are entitled to the protection of the Constitution, and I am grieved when I hear those high in authority sometimes talking of the constitutional difficulties of enforcing measures against this belligerent power, and the next moment disregarding every vestige and semblance of the Constitution by acts which alone are arbitrary." * * * *

"This talk of restoring the 'Union as it was under the Constitution as it is,' is one of the absurdities which I have heard till I have become sick of it. This Union can never be restored as it was. There are many things which render such an event impossible. This Union shall never, with my consent, be restored under the Constitution as it is, with slavery protected by it."—*Congressional Globe*, vol. 47, part 1, p. 50.

That was the language of the gentleman from Pennsylvania. I do not cite his language to criticise it. I will institute no comparison between his views and those of my colleague. The gentleman knows that I entertain for him the kindest personal feeling, and that I would say nothing offensive to his feelings. Did the House agree with him? Did any one ever venture to offer a proposition to expel him? He believed it honestly, he said it legitimately, in the exercise of a constitutional right. Sir, I honor him for speaking it boldly, and I honor this House for not having presumed to violate his right to speak it. And yet I call the attention of my honorable friend from Ohio, [Mr. GARFIELD,] who is so loud in his denunciations of our colleague [Mr. LONG] for having uttered these sentiments in time of war, that even at the moment when the gentleman from Pennsylvania spoke, the hosts were marshaled for the fight at Fredericksburg, that even then the pause in the click of the telegraph wire which he told us was the certain signal that the dread contest of arms had begun, was so distinct that its very silence was heard all over this land. It was then, when you had sent your soldiers to that field under pretense of maintaining the Union and supporting the Constitution, that the gentleman from Pennsylvania rose and told you and them and the country that the Union never could be restored, and that with his consent it never should be.

On the 11th of February, 1861, Mr. Craige, of North Carolina, introduced a resolution into this House requesting the President to acknowledge the independence of the southern confederacy, to receive its embassadors, and to adjust terms of commercial intercourse. By the concurrence of the gentleman from Indiana [Mr. COLFAX] it was referred to the Committee on Foreign Relations. Did we have any resolution of censure or expulsion? No member dreamed that it was his duty to offer one.

Need I dwell longer upon this subject? I had intended to go back to those splendid demonstrations of English liberty which occurred at the time of our Revolution. I had intended to recall to you the words of Lord Chatham uttered time and again in the British Parliament against the then pending war in America. The inexorable hour rule bids me be brief. In January, 1776, he said:

"The gentleman tells us America is obstinate, America is almost in open rebellion. I rejoice that America has resisted. Three million people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest."

In November, 1777, eighteen months after the Declaration of Independence, after two years of war, he said:

"As to conquest, my lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly—pile and accumulate every assistance which you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince—your efforts are forever vain and impotent. If I were an American as I am an Englishman, while a foreign troop was landed in my country I would never lay down my arms, never, never, never.

"But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort nor a single shilling."

And Mr. Burke, in 1781, after the surrender of Yorktown had secured the defeat of the British in America, exclaimed:

"The noble lord said the war was not disgraceful; it was only unfortunate. For my part I must continue to call it disgraceful, not unfortunate. I consider them all alike, victories and defeats; towns taken and towns evacuated; new generals appointed and old generals recalled; they are all alike calamities; they all spur us on to this fatal business. Victories give us hopes; defeats make us desperate; and both instigate us to go on." * * * * "Give us back our force nor protract this burdensome, disgraceful, for it is not an unfortunate war."

And yet, were they censured? Did the "first gentleman of England" leave the Speaker's chair to move a vote of censure or expulsion?

But why go so far back? Within this year, in the French Chamber, Thiers, returning after twelve years of exile from office and honors, raised his voice for the liberty of France: "Give us a free press; give us free ballot; give us free debate in these halls—these are the essentials of free government—and I will be a grateful and obedient subject of the empire. If you will not, I warn you, that as the dauphin did not succeed Louis XVI, as the Duke of Reichstadt did not succeed the great Napoleon, as the sons of Louis Philippe are now in exile, so neither will this imperial prince succeed to the throne of his father and perpetuate the dynasty of the second Napoleon." And when, in the same debate, Count Morny, the President, rudely assailed a speaker who uttered like sentiments, and a Councilor of State followed it up by the use of the word "traitor," the indignant members with one accord rose in their places and with irresistible authority demanded that the insolent menial of despotic power should recall and apologize for the offensive word.

And shall it be said that in the American Congress there is less freedom of debate than in England under the house of Hanover, or in France, when she lies a helpless victim, scarce palpitating, in the grasp of a Bonaparte?

The gentleman from Maryland [Mr. DAVIS] told us last night, in terms of eloquence which I cannot emulate, that when Lord Chatham, aged, feeble, wrapped in flannel and suffering from disease, came resting upon the arm of his still greater son, to address for the last time the British House of Lords, and to die upon the floor, he came to speak against the dismemberment of the British empire. It is true, and what did he say? "I told you this war would be disastrous; I predicted its consequences; I told you you could not conquer America; I begged you to conciliate America; you would not heed my advice. You have exhausted the country; you have sacrificed its men; you have wasted its treasures; you have driven these colonies to declare their independence; you have driven them into the arms of our ancient and hated enemy, and now, without striking a blow, without firing a shot, cowardly under difficulties as you were truculent in success, you propose to yield through fear to France what you have refused as justice to America." Did it not

occur to the gentleman from Maryland that possibly at a future day when the history of that civil strife shall have been reproduced in this land another Chatham may come to this House and hurl against those who are now in power these bitter denunciations because they have shown themselves unable to make an honorable peace even as they have been unable to make a victorious war?

The gentleman from Maryland besought the House never to be swerved from its fixed purpose to prosecute the war "with the last dollar and the last man." Sir, his reading told him such stinging exhortation would full soon be needed. In November, 1781, after Cornwallis had surrendered Yorktown and the last battle of the Revolution had been fought, the House of Commons in its address to the throne assured his Majesty that it would vote all the resources of the empire to suppress rebellion in America. In March of the next year, in the early spring, in less than six months, that same House of Commons voted those were enemies to the realm who advised the further prosecution of the war. And here this House this morning voted down the Crittenden resolution, which less than three years ago was passed with only two dissenting votes.

The gentleman from Maryland paid a splendid tribute to the power of public opinion. He compared it to the sea, whose tidal waves obey the fickle bidding of the moon, and roll and swell and sway with restless and resistless force, and yet constitute the level from which all height is measured. "But, like the ocean," said he, "it has depths whose eternal stillness is the condition of its stability. Those depths of opinion are not free." Did he forget what

——"Woo'd the slimy bottom of the deep
And mocked the dead bones which lay scattered by?"
* * * * * * * * * *
"What sights of ugly death within mine eyes!
Methought I saw a thousand fearful wrecks!"
* * * * * * * * * *
"All scattered in the bottom of the sea."

Sir, if there be depths of public opinion where eternal stillness reigns, there gather, even as festering death lies in those ocean depths, the decaying forms of truth, and right, and freedom. Eternal motion is the condition of their purity. Did he think this resolution would for one instant retard its progress? Did he not know that the surging waves would wash away every trace of its existence? Did he suppose this puny effort would avail him? The rocks of the eternal hills alone can stay the waves of the ever rolling sea. Nothing but the principles of truth and right can stay the onward progress of public opinion in this our country as it swells and sways and surges in this mad tempest of passion and seeks to find a secure resting place.

The gentleman exhorted his friends to accept the issue, absolute victory or absolute ruin; and then he painted the absolute ruin of this Government. Even he could conceive it possible. He described this home of liberty deserted; this temple reared by our fathers destroyed; its grace and symmetry and beauty gone; its pillars fallen; its walls thrown down; and amid "this chaos of ruin" those who accept this issue, brave, determined, tearful, sorrowing, overwhelmed with it in a common fate. He exhorted his friends in this House and in the country—he expressly excluded you, my fellow Democrats, and your constituents—to accept this alternative. Do it, he exclaimed, and let the world know that this age has produced heroic children upon whom Heaven has visited the sins of their fathers.

Sir, I trust in God the catastrophe may never come. I trust that the ages, as they roll on, will not thus be called to pass judgment on the men of these days. But, if it must be so, my imagination pictures another scene. When your work shall be accomplished, when your mission shall be executed, when our Constitution is dead, when our liberties are gone, when our Government is destroyed, when these States—no longer held secure in their proper position by the power of our matchless Constitution, so that they emulate in accordant action the stars, as by the divine decree they encircle in their mysterious courses the footstool of the eternal throne, and extract from the harmony of conflicting elements the true music of the spheres—shall have given place to "States discordant, dissevered, belligerent, to a land rent with civil feuds and drenched in fraternal blood," history will hold its dread inquest, and in the presence of appalled humanity will render judgment that base and degenerate children, deserting the teachings of their fathers, deserting the teachings of the past, departing from the ways of pleasantness and peace, rebelling against the wisdom and beneficence of the Almighty, with hearts filled with pride and souls stained with fanaticism and passion, struck the matricidal blow, and at the same moment indignant and outraged Heaven wreaked upon them the just retribution of their terrible and nameless crime.

Mr. A. MYERS. Mr. Speaker, I hardly know whether to say that this is a glorious or a sad day for the Republic. I make use of that expression because we may think it a sad day for this country when men can arise in this Hall and announce doctrines such as are contended for by traitors in arms. But, sir, it may be a glorious day for us, in this, I had almost said the darkest hour of our nation, to know who here sympathize with treason. This knowledge will serve to unite all patriots of every party. I believe that the scenes which we have witnessed here for the last two or three days, and the declarations that have been made, are to be among the things which will aid in leading us to victory, because the country will see who are its friends and enemies.

We have had brought into this discussion eminent men living, and had exhumed for our admiration the opinions of the eminent dead. When I heard men who have ability, on that side of the Chamber, speak of the patriotism of a Pitt, and others in the English Parliament, and wish to assimilate their positions to that assumed by declared treason on this floor, I considered it a double insult—an insult to the memory of the English patriots, and an insult to the memory of the fathers of our revolutionary struggle.

I propose, Mr. Speaker, to look at this matter not as a politician. We have had too many political stump speeches on it already. There is a great difference between the case of Pitt and Chatham and that of the honorable member from Ohio. It is, perhaps, not right for me to refer to the other gentleman who *was* an honorable member of this House until by the vote of censure he became a dishonorable one. Sir, to compare William Pitt and Chatham, who stood up for the colonies fighting because they were taxed without representation, to a man who is giving aid to rebel States which are fighting against a Government which had given them while slave States and in the Union representation without taxation, the attempt to make cases like these parallel, is an insult to the dead as well as to the living.

We have before this high court a man charged with crime—not the crime of overt, but of expressed treason. Must this House wait before we can expel a man until he has his weapons in his hands? Shall we delay action until the gentleman from Ohio, who is now charged before this House, is caught with a revolver in his hand in the service of Jeff. Davis? Are we bound to wait until he enters the rebel army before we can exclude or censure him? That, sir, would emphatically be "locking the stable door after the horse had been stolen."

We have on several occasions had gentlemen upon the other side of the House, from time to time, but always at the wrong time, bringing forward propositions to pay our soldiers and seamen in gold, and among these *patriotic* gentlemen was the one whose case is now under consideration. After this, whenever we hear gentlemen on the *other* side of this House again proposing to pay the soldiers and seamen in gold, the next declaration we may expect to hear from the same source will be that they are in favor of a recognition rather than the subjugation of the southern confederacy.

I am somewhat surprised to hear opposition members from the State of Pennsylvania speak with indignation of the usurpations, as they say, of this Administration and the violations of the Constitution of which it has been guilty in carrying on this war. Why, sir, we hear men talk upon this floor as though the present Administration had violated the Constitution in every article, in its letter and in its spirit too. Do they not know that in times of war you cannot always be governed by the same rules as in times of peace? Do they not know or have they forgotten that in the State of Pennsylvania the man they loved so well and of whose private character they may perhaps be so justly proud, who was their standard-bearer last fall, that he ten years ago declared that doctrine in substance? Yes, sir, this same candidate declared deliberately in a decision delivered by him on the bench of the supreme court of Pennsylvania—and I call the attention of the House to it—that

"In adequate emergencies martial law suspends the writ of *habeas corpus*, inflicts summary punishment, appropriates private property without regard to the guarantees of the Constitution; *inter arma silent leges.*"—*Sharpless* vs. *Mayor of Philadelphia*, 9 Harris, 178.

There, sir, you have the doctrine of one of the able men of the Democratic party of our own State. And we hear gentlemen upon this floor in every debate speaking of the violation of the Constitution upon the part of this Government by confiscation, by a suspension of the writ of *habeas corpus*, by the arraignment and trial of men without jury, and sending Vallandigham within the rebel lines.

But, sir, these things are only indirectly pertinent to the question before the House. Shall we expel this member? I have not read the rule of this House which requires that you must draw up an indictment with ten or fifteen counts in it before you can try and expel a member. Gentlemen upon the other side of the Chamber seem to think that when the Speaker arraigned this member he should have drawn an elaborate indictment with *quasi*-charges and counts in it. As I understand our rules and our Constitution, they require no such thing. The only form which is necessary for this House to expel a member for the utterance of an objectionable sentiment is simply to state briefly the ground of objection in the resolution. Sir, plain Saxon would suit me and my constituents in such cases; but the elegant diction of the Speaker I have no doubt is better suited to this body. The men who are fighting our battles would come to the point very much sooner and dwell upon it more briefly than lawyers would. Were the matter given them to decide, their only resolution would be: "*Resolved*, That the member from Ohio be taken neck and heels and thrown out." That is about the way a soldier would express it; but it would not do in this House. The Speaker knew such words would not be exactly parliamentary, and therefore he adopted the language of the resolution before us.

Now, sir, I propose to prove what the resolution charges from the gentleman's own speech in the few moments in which I shall trouble the House, and I do not propose to *trouble the gallery*. These galleries seem to be a nuisance to *some* members here. I know not why, unless it be from the fact that their applause accompanies the debate upon only one side of this question, and that is not from the quarter over the way. No wonder, when we see so many blue coats occupying the space behind us, that they have no approbatory feet of joy at the expression of sentiments such as we have heard on the other side of the House. I will call no man a traitor in this House. It would be hardly polite. It would certainly not be parliamentary, unless it were just at such a point where my honorable friend from Indiana [Mr. ORTH] caught the word last night. I purpose showing that the honorable gentleman from Ohio, [Mr. LONG,] whose case we have under consideration, feels like a traitor, speaks like one, and entertains their opinions. When a man feels like a traitor, when a man talks like a traitor, and when a man boldly expresses the sentiments of a traitor, he has no right to a place upon this floor. You may judge him by his own declarations. A man who falls into the guilt of crime never reaches that point at once. He may be innocent at first. He may delay at first. When, however, he has got half way he does coolly and deliberately what he would have shrunk from with horror at the beginning.

My honorable friend from Ohio [Mr. SPALDING] anticipated some of my points. I am glad to agree with my honorable friend who has graced the judicial bench. I am happy to reach the same conclusion as does a gentleman of such ability. I would not be understood to say that great minds run in the same channel so far as I am concerned.

How does the gentleman from Ohio open his argument? He says:

"A little over three years ago the present occupant of the presidential mansion, at the other end of the avenue, came into this city under cover of night, disguised in plaid

cloak and Scotch cap, lest, as was feared by his friends, he might have received a warmer greeting than would have been agreeable on his way through Baltimore at the hands of the constituents of the honorable gentleman from Maryland, [Mr. DAVIS.]"

I ask every man in this House, Mr. Speaker, to notice the *premeditation* and the sneering *gratification* with which the gentleman from Ohio says these things. Before I came to that I should have stated that this effort of his was not an extemporaneous one. We have the record on that. On Saturday last the Speaker drew out the gentleman from Ohio to make a statement on the subject. He said that he had had the manuscript prepared for more than four weeks. For four weeks he had sat in his room, while the moon had waxed and waned, while the sun had risen above and gone below the horizon thirty times, pondering over the manuscript of his speech. "Yes," he says, "I have looked over it and deliberated upon it." He cannot therefore ask us not to give his language its full effect. His speech is not the emanation of a heated contest when the blood is up and words are hastily uttered and language incautiously used. Whatever excuse might be offered under such circumstances cannot be suggested in favor of a man who has waked and slept four weeks upon his well-matured speech.

Why so unkind a fling at the honorable gentleman from Maryland? Is it because that glorious old State has recently declared that she desires no slaves to tread her soil?

In the words which I have read you find the disposition with which the member from Ohio [Mr. LONG] starts out. He has this lurking in his heart. I will show you where he gives us an insight as to how he took the oath of allegiance in this House. He does not say that in reference to himself, but he states that Galileo, after he had been in prison, after he had been almost starved to death, after he had been forced to abjure his belief in the Copernican system, as he rose from the ground said, "The earth still turns round, notwithstanding." He goes on to say:

"So it will be with the man who is forced to take the oath to save himself, his family, and his property. He may take it, but in his heart he will detest and despise the authority that requires it. Will such a man be devoted to or make a good citizen of the Government in which he lives? The history of Poland, of Hungary, of Ireland, and of Italy furnishes an answer to the question. If imperial Governments are not able to hold in submissive obedience small portions of a vast empire, once in revolt, how much less a Government having for its basis the consent of the governed."

He was forced to take the oath in order to get a seat in this Congress and draw greenbacks instead of rebel rags. Sir, the leaders, I know, *would* do just so; and the leaders in the rebel ranks this side of the Union lines do the same thing.

Sir, a man can picture his own case very well by supposing another. It shows me the disposition that actuated the member when he came at last to make the other declaration which he did. You tell me you can convict a man of crime without circumstantial evidence, without a chain of testimony. I know that positive proof is often brought against a criminal, but more frequently it is circumstantial. He generally takes the night-time, seeks secrecy, whispers not his intention to those around him, but at the proper time he may mutter the true feelings of his own heart. Now, I say in those declarations we find the disposition. He charged the Government with being despotic. He says:

"The brief period of three short years has produced a fearful change in this free, happy, and prosperous Government; so free in its restraints upon personal liberty, and so gentle in its demands upon the resources of the people, that the celebrated Humboldt, after traveling through the country, on his return to Europe said, 'The American people have a Government which you can neither see nor feel.' So different is it now, and so great is the change, that the inquiry might well be made to-day, are we not in Constantinople, in St. Petersburg, in Vienna, in Rome, or in Paris? Military governors and their provost marshals override the laws, and the echo of the armed heel rings forth as clearly now in America as in France or in Austria, and the President sits to-day guarded by armed soldiers, stationed at every approach leading to the Executive Mansion."

What, sir, compare our Government with those despotisms! There is the language. And why do I contend that evinces the disposition and heart of a traitor? I contend so because that is the very language of those who have rebelled, or did all but rebel so long as they were permitted to occupy seats upon this floor and in the other end of the Capitol.

What is the next point of evidence? He then, speaking with reference to the subjugation of the South, and in relation to language used by the gentleman from Kentucky, gives another insult to the loyalty of the nation. I say these little straws of testimony also show which way the wind of the feelings of that man's opinions blows. He must give these listening galleries a specimen of his uneasiness, knowing as he does that they but represent the loyal sentiments of the country. He says:

"But 'subjugation' is the watchword. Liberty and freedom for the slave, and subjugation and extermination for the master, is the popular cry. Meet them, fight them, crush them, says the gentleman from Kentucky, [Mr. SMITH.] Sir, that is easily said upon this floor, and is popular with those who from day to day fill the gallery of this House."

Oh, how some of us hate popular opinion when that popular opinion *all* runs in a popular current! We hear the argument that because the last Congress did not expel Mr. Conway, therefore this Congress cannot expel a man who says his feelings are more with Richmond than with Washington. Because that Congress failed to do its duty, is this one to follow in the same channel? And yet how is that argument taken up upon the other side of the House? Did you ever, Mr. Speaker, hear so many conflicting reasons for the same conclusion? Nearly all of them must rise in their places and say that they disavow the sentiments of the member from Ohio, [Mr. LONG.] Why? Great God! if they who vote as they generally do must disavow these sentiments, who but rebels would sustain the man who utters them? Why, sir, I ask gentlemen on the other side, what is there wrong in the opinions of the member from Ohio? If you cannot agree with those sentiments there must be some error. What is the error? Sir, it is that terrible error which gives aid and comfort to the enemy. They seem delighted to find the expressions of a few persons who before or at the incipiency of the rebellion had carelessly declared "Let the Union slide," or some such incautious sentiment. I believe it is claimed that a Senator from New Hampshire once offered a petition to the Senate for a dissolution of the Union. Sir, I do not recollect that any such petition was ever offered by that Senator. I deny it, and the man who affirms such a thing must bring the proof.

Mr. Speaker, I shall vote for the expulsion of this member for the reason that I believe from his own declarations here before us and in the face of the foe, it is a conclusive fact, so far as he can externally manifest it in such a place, that he has deliberately, premeditatedly, and by words and actions manifestly shown that he prefers at this time the recognition of the southern confederacy to its subjection. Now, sir, some men talk about the words "subjection" and "subjugation;" and there is a doleful howl over that word "abolition." How harmoniously that word chimes upon the ears of Democrats! They tell us that everybody who does not vote the Democratic ticket is an abolitionist. Before this war commenced who were the abolitionists? A few persons away up North who were trying by the power of moral suasion and religion to introduce churches, schools, and freedom among the southern people. That was all they tried to do—these few men away up North. Did these abolitionists affect the institution of slavery? Sir, they affected it just as much as a large humble-bee could affect the skull of a darkey through its curly tonsorial luxuriance. [Laughter.]

I once heard of an incident happening in a Democratic county in Georgia which may be applicable here. An old colored man and his boy were working in a field. The boy noticed that as the old man was going along hoeing corn or weeding cotton a humble-bee alighted on his head, and was working away with all its industry, energy, and power, its long sting excited to its utmost capacity, every nerve in its brilliant body strained to its utmost tension trying to reach the old man's cranium, but never touching that institution. So, sir, before this war broke out a few persons in the North were trying to sting the institution of slavery. But the boy, not knowing that the old man was perfectly secure, and feeling very solicitous for paternal safety, seized a stick about four feet long and two inches in diameter, and saying, "Daddy, stand still," brought it down with a flail-like motion on the old man's head, missing the humble-bee and nearly killing the old man. [Laughter.] So it has been with the abolitionists and slavery. These secessionists saw a few abolitionists at the North whose arguments and language never came within the confines of the slave States. Why? Because those States were governed by *Democrats*, and were in favor of "*free speech!*" They undertook to break the head of the humble-bee of abolition with their club of secession, and they have knocked the brains out of slavery, while the bee of abolition has flown over, and is taking the circuit of the UNION.

What can you expect from a man who is a traitor? Is that parliamentary, sir? I have not said yet that he is altogether a traitor. He has not got a pistol in his hand; he has not presented Jeff. Davis with a flag; he has not carried any contraband goods that I know of down South; but must we wait until that time, and, sitting here, listen to and witness everything but that?

Sir, gentlemen grow eloquent over the liberty of speech. Has this House no right to say who are worthy members of this body? Have we no right to purify this Hall and to exclude members for the utterance of treasonable sentiments as well as for bad character? The gentleman from Ohio rises in his place here, and this is the culmination of his ideas:

"I believe that there are but two alternatives, and these are, either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people; and of these alternatives I prefer the former."

We may admire the boldness of the utterance. He who comes out thus plainly on the side of the rebels shows more courage than the man who gets up and says he does not agree with those reasonings, that it is a little nearer treason than *he* will go, but that he will still vote to retain such a member in this House.

They tell us we are afraid of public opinion. Yes, sir, we are afraid of *loyal* public opinion; and the man who has not learned to be afraid of it may live to see the day when it may return on his head, or else his children may curse the day when he was their father. Gentlemen are horrified at the phrase "subjugating the South," and would have the people believe that it means something very terrible, as if there was no such thing as Webster's Dictionary in the country, and as if the people did not know that "subjugation" or "subjection" means no such thing as the slaying of all the men, women, children, and Democrats of the southern States. [Laughter.] The word has no such meaning. It means the bringing into legal submission and subjection to authority. Louisiana has been subjugated; but has slaughter come upon the women and children? No, sir; Louisiana is coming back. Arkansas and other States are beginning to hold up their hand. Other States are being also subjugated in the same sense; and so the work will go on.

They tell us we are making a political question of this, and ask us why it is that, if we do not approve of the speech of the gentleman from Ohio, we subscribe for it. I will tell honorable gentlemen why we subscribe for that speech. It is for the purpose of showing our constituents why we vote to expel the member from Ohio. When they read that speech they will say "Amen" to our action.

We have had everything dragged into this debate by gentlemen on the other side. I was almost afraid that they would bring to bear upon it a prayer of the Chaplain to the Senate who, it is said, prayed God the other day to give that body "more brains; more brains." [Laughter.] I expected to have had that brought in as evidence that the Union party was lost. [Laughter.]

Mr. Speaker, my colleague [Mr. BROOMALL] has asked me to yield him a portion of my time, and I now do so with pleasure.

Mr. COLFAX. As no gentleman claims the floor, I will move that the House take a recess till seven o'clock. I will state that I desire to ask the House to come to a vote upon this resolution this afternoon. Gentlemen on the other side of the House, several of them, remarked to me yesterday that if the debate continued during the day and evening, and during to-day, they would think that would be a fair range of discussion, and that they would assist in coming to a vote before the adjournment over until Thursday.

While up, I will say also in this connection that when I shall rise to close the debate and move the previous question, while the rules would give

me the right to make the closing speech, I do not desire to avail myself of that privilege. I desire that the gentleman from Ohio [Mr. LONG] shall have the privilege accorded to him of closing the debate after I have submitted the remarks I may have to make. I wish to do him full justice, and I shall ask the House to accord to him that courtesy, with this reservation, that should the gentleman in the course of his observations depart from the merits of the controversy and indulge in remarks personal to myself, I shall ask the privilege of reply.

Mr. NOBLE. I hope this question will not be pressed to a vote to-night. I myself have been for a week confined to my room, and I do not want to be compelled to remain here during a night session, and I do not desire that such a question as this should be voted on without the privilege of being present.

Mr. COX. I will say to my friend, the distinguished Speaker, that there are several other members who propose to speak, and I think there are several gentlemen on this side of the House who are willing to speak this evening and before we take a recess. I think the best arrangement, therefore, if any arrangement be made at all, would be to take a vote on this resolution on Thursday, and that when we come together on that day it be taken without further discussion.

Several MEMBERS addressed the Chair, desiring to speak.

Mr. SMITH. I rise to the point of order that every member in the House nearly is standing upon the floor, and it is almost impossible to hear what is going on.

Mr. COX. Including the gentleman from Kentucky.

Mr. SMITH. I submit the question of order, and ask the Speaker to recognize it.

The SPEAKER *pro tempore*. The point of order is well taken, and the business will not proceed till the House comes to order.

Mr. HARRINGTON. I am willing to yield the floor for the purpose of a recess, if it is desirable.

Mr. HOLMAN. I hope we shall take a recess until seven o'clock without any further understanding as to anything beyond.

Mr. COLFAX. The gentleman from Ohio [Mr. Cox] made the suggestion that the debate be allowed to go on until Thursday, and the vote be taken then without further debate. I feel it a duty to ask the House to come to an early vote upon this resolution, and as I have the matter in charge I must designate the time when I propose to move the previous question. I am willing, however, to say that if there be a unanimous understanding that we shall close this debate at half past twelve o'clock on Thursday, subject to the speaking of myself and the gentleman from Ohio, [Mr. LONG,] I will consent to that.

Mr. COX. Let me say right here, that the gentlemen on this side cannot consent to that, and I therefore withdraw any proposition I have made. Gentlemen here do not consent to it. They do not know how many may wish to debate this question, whether half a dozen or a dozen.

Mr. ELDRIDGE. I wish to say to gentlemen upon the other side of the House, that there are gentlemen over here who are ready to go on at this moment, and who would rather go on now than to be cut off from expressing their views upon this question.

Mr. SMITH. I ask the gentleman from Indiana to allow me a single word. I hope the gentleman from Indiana nor no other gentleman from that side will insist upon an early vote upon the question. I want each man on this side and on the other side to be heard who desires an opportunity. I think it will be for the benefit of the country, and for the progress of truth and right, that this discussion be full and ample. I hope, therefore, that gentlemen will not insist upon a vote until all have been heard.

Mr. CRAVENS. I hope the House will accord to the sentiments uttered by the gentleman from Kentucky. I know that there are many members here who desire to be heard upon this resolution. It is a matter of the utmost importance that they should be heard, and I hope that no arrangements for closing this debate will be made at this time. I do think, however, that there is a propriety in taking a recess; and I hope my colleague from Indiana will propose that, and then let the debate go on without further arrangement.

Mr. COLFAX. After my friend from Kentucky has been here as many years as some older members of the House he will entertain a different opinion. He will find that if it be proposed to let the debate run until every member who desires to shall have spoken on the subject, it will be months before we can come to a vote. Such at least has been my experience. There have been more names proposed already to speak than can be accommodated in two or three days, and if it be proposed that the debates shall continue until every member has had an opportunity to speak —and every member can speak and will be willing to speak—this matter will go on to the exclusion of all public business.

Now, sir, I will conclude what I have to say. I will withdraw my motion for a recess, as gentlemen desire more time for speaking, and as we are informed there are other gentlemen on that side of the House who are ready to go on now without recess. I will not demand the votes on the propositions to-night, but I give notice that at half past twelve o'clock on Thursday next I intend to ask the House to come to a vote on the propositions subject to the two speeches I have referred to. Then I will desire to test the question as to the sincerity of gentlemen on the other side of the House who told me they wished the debates to be closed for reasons which they stated —not concerning the merits of the questions one way or the other, but in order to proceed to the consideration of the public business. If the debates were suffered to continue to-day they told me that they would aid me in closing it at half past twelve o'clock on Thursday next.

Mr. FENTON. Mr. Speaker, I had hoped that discussion would have been closed on this resolution to-night, and that consent would have been given all around for that purpose. I trust that the effort of the gentleman from Indiana to close it at half past twelve o'clock on Thursday next will be successful. The country demands that we should proceed to the consideration of other questions which are prevented from coming before the House by this discussion. It is time, sir, that we should dispose of the other great public questions which are before us. The tax bill is pending and ought to be acted on. The country demands that we should dispose of that important measure. The finances of the country are at this time staggering. Gold is rising to an unprecedented extent. It is due to the people and to the Government that we should proceed at once to the consideration of the public business.

Mr. GANSON. Is there any tax bill before the House? Has it been reported from the Committee of Ways and Means, or is it ready to be reported?

Mr. FENTON. The committee will be ready to report a tax bill if this matter now pending is disposed of at the time indicated by the gentleman from Indiana. The bill is prepared and already printed.

Mr. GANSON. Then I am opposed to spending any more time in making buncombe speeches if we can proceed to the consideration of legitimate business.

Mr. KNAPP. I ask the gentleman from Indiana whether he will call for a vote on this resolution to-night in any event?

Mr. COLFAX. I will not.

Mr. KNAPP. Then I will help the gentleman to close debate on the resolution.

Mr. HOLMAN. I suggest that we take a recess until seven o'clock.

Mr. COLFAX. I have already informed my colleague that I do not propose to take the vote to-night, and I hope that no recess will be taken.

Mr. BROWN, of Wisconsin. With the permission of the gentleman from Indiana, I will move that the House take a recess.

Mr. HARRINGTON. I yield for the purpose of taking a recess, but for no other purpose.

Mr. BROWN, of Wisconsin. I move that the House take a recess until seven o'clock this evening.

Mr. COLFAX. I am willing to sit here without a recess, if there are gentlemen on the other side who desire to continue the debate at this time.

Mr. HARRINGTON. I do not care whether there is a recess or not.

Mr. BROWN, of Wisconsin. Then I withdraw my motion.

Mr. HOLMAN. I renew it.

The motion was disagreed to.

Mr. HOLMAN. I move that the House take a recess until six o'clock this evening.

The motion was agreed to.

And then (at half past four o'clock, p. m.) the House took a recess until six o'clock p. m.

EVENING SESSION.

The House resumed its session at six o'clock, p. m.

Mr. HARRINGTON, who was entitled to the floor, yielded to

Mr. CRAVENS, who said: I thank my colleague for the courtesy he has extended to me on this occasion, for it will enable me to make a few remarks which perhaps otherwise I should not have the opportunity to offer. The Speaker announced to the House this evening before the recess his determination to move the previous question on to-morrow, which will close the debate after this evening except one or two speeches. There are a number of gentlemen on this side of the House who desire to speak on this question before the debate is closed. I had intended if the discussion was continued to have spoken more at length than I shall now feel at liberty to do. I cannot do more now than state very briefly my position on the subject before us. Under the circumstances I would not even do that if I did not feel that this was a most important question, one involving the fundamental principles upon which the Government is established. I feel that it is my duty to enter my protest against the passage of the resolution if I do no more.

I regret the introduction of the resolution to expel the honorable member from the second district of Ohio. I regret that my colleague (the Speaker of this House) should have felt it incumbent on himself to offer the resolution of expulsion. That work might have been assigned to some member less conspicuous with great propriety, if it had to be done at all. I was not present when the gentleman from Ohio made his speech, but I have read it carefully since its publication, and I do not indorse it. I think it a speech that ought not to have been made under all the surrounding circumstances. I thought so before it was delivered, and so stated to the honorable member from Ohio, who had the frankness to tell me that he was going to take in his speech the position he has taken; but, sir, while I doubted the propriety of his making the speech, I have not nor do I now doubt his perfect right to make it. He is responsible to his constituents, and to no one else. I do not believe that there is anything in the speech which should subject the honorable member to either censure or expulsion. I believe that if it was calculated to do harm to the Union cause the importance given to it by this resolution of expulsion will increase that harm a hundred fold.

The gentleman, after reviewing the progress for the last three years in the prosecution of the war, comes to the conclusion that we have to accept either one or the other of two alternatives; that is, we must acknowledge the southern confederacy or we must subjugate and exterminate the southern people. Of the two he prefers the former. Now, sir, I do not agree that we have to accept either of his alternatives. I hope we may never be compelled to acknowledge the southern confederacy, and I can think of nothing more abhorrent to my mind than the idea of exterminating all the men, women, and children of the South. I do not believe it is possible to do it, and if it were I would not accept it as an alternative. My humanity revolts at the thought of blotting out in blood eight millions of our own people.

Sir, I have been astonished to hear gentlemen on the other side talk so flippantly about exterminating the South, and populating that country with a better people; I think all such talk idle and foolish. I am not surprised that this question has excited the public mind to the extent it has, for it rises in importance far above any personal bearing it may have on the gentleman from Ohio; it touches every member, it reaches home to the people, it goes to the very foundation of your Government. You strike down the freedom of debate here, and you will do the same thing with the people. How are the people to be heard here except through their Representative? Close his lips, and what redress have they? None, except

that which is always open to them for their escape from tyranny, and that is the right of revolution. The next move that will be made will be to have a committee appointed whose duty it shall be to examine the speeches of members before they are delivered, and determine what shall and what shall not be said. It is coming to that, if we do not assert our right under the Constitution to the freedom of debate.

Now is the time when we ought to indulge the largest liberty of debate. We are in a terrible war, daily drawing on the blood and treasure of the people to keep it up. New questions are daily presented to us for discussion, and new issues are constantly before us. We have to meet these issues, and we must be free to do it. We will not be free if you establish a censorship over us. I regret to witness that spirit of proscriptive intolerance which is manifested by the dominant party on this floor and elsewhere toward those who differ politically with them.

Sir, in this great contest it will require the aid and support of every loyal man of the North to put down armed rebellion and restore the Union. Those who are responsible now for the restoration of the Union, if they could comprehend the task before them, would see at once that they could not ignore a million and a half of Democratic electors at the North. They must have the assistance of that element of national strength if they succeed, and yet they seem entirely indifferent toward them. You are swift to denounce every man a traitor or a copperhead who does not agree with you in all your political dogmas. You are vehement in your denunciations of every man who does not to the fullest extent indorse your present war policy; when there is not one man among you of the most common intelligence who does not know that you have entirely changed the policy of the war, and you know that we honestly believe that that change is unwise, if not ruinous, to both North and South; yet we have made no factious opposition to the Administration; we have given you all the men and all the money you have asked for, and if you have not succeeded it is not the fault of the Democracy. We have no faith in you, but we have faith in the Army if your politicians will let it alone. And we have faith in the people. Their sober second thought can hardly fail to be right.

I find that I am trespassing on the time of my colleague. I should like to have replied to some remarks of my colleague from the eighth district [Mr. ORTH] made on last evening, in which he referred to the Democracy of our State, and especially to the Democratic members from the State, whom he said were elected on a war platform; he referred to the Democratic Legislature of the State, and to the soldiers who had published an address to the Democracy of the State.

I have not time to make any comments now upon his speech more than to say that he has not done justice to the Democracy of the State. I will, as soon as I can have an opportunity, vindicate my own position and those who agree with me on the war question in my own State. I shall vote against the resolution, believing it to be one of the evidences that mark our tendency to centralization of power and to despotism. For the present I can only express the hope that our gallant Army in the field may be successful in putting down armed rebellion, that the Union may be restored, and that peace and prosperity may once more bless the land.

Mr. HARRINGTON. Mr. Speaker, before entering upon what I desire to say with reference to the extraordinary resolution now before the House, it may not be improper for me to make my acknowledgment to my colleague, the Speaker of this House, for the courtesy he has extended to me in giving me the floor on this occasion. However I may differ with him with reference to the policy which he may pursue and which he has pursued upon this occasion, I trust I am not so bigoted in my notions that I cannot extend to him an appreciation of the courtesies which he has extended to me; and in the remarks which I shall make in reference to the position which my honorable colleague occupies in reference to the resolution before the House, I shall allude only to his political position, for it is that and not his individual position that appears before the country. I am aware, as has been stated by my colleague, that we are in the midst of a war and revolution which are exercising the mind and energies of the nation. I am aware that not only my colleague and his friends, but myself and every other member who has at heart the interests of our country, are sorely exercised on account of the rebellion that now distracts our country. I am not, sir, one of the number that has ever given one silent thought or one word of encouragement or countenance to the rebellion that would tear asunder this once happy country and leave the people, whose prospects were so bright, and who bade fair to overshadow the nations of the earth, in danger of an absolute destruction of the institutions under which they live.

I was surprised, Mr. Speaker, when I entered this House on Saturday last to find my colleague not in the usual place which has been assigned to him by a majority of this House, and which he has filled with satisfaction, I believe, to this side of the House; I know he has done so as far as I am concerned, and I have no doubt he has done so to the satisfaction of the entire House. I say I was surprised when I found him on the floor as the prosecutor and accuser of a brother member, offering a resolution of *expulsion*. I felt that his position would give *eclat* before the country to the charge he had made. I did not question his right to take the step; but, sir, I do question the propriety of our worthy Speaker turning prosecutor and common informer, instead of leaving the matter to other gentlemen upon the floor, who were certainly as able and willing to assume these duties, and retaining his position as Speaker in the chair. In that respect I believe the resolution that has been introduced for the expulsion of the gentleman from the second district of Ohio has a feature of which there is no record in the annals of this House.

Having said this much with reference to the nature of the prosecution, and without impugning at all the motives of my colleague, I will simply add this remark, that I regard this proceeding as *partisan*, and not as one prompted by patriotism. It is a partisan movement to send before a distracted country, which already reels and staggers beneath an accursed rebellion, one more cause of dissension for political ends, the ends of the party to which my colleague belongs—a party which would baptize the nation in blood, provided that from that baptismal font they could rise triumphant in the coming election. I may do injustice to the gentleman, but I express my opinion honestly and without reserve.

Having said this much with reference to the nature of this prosecution and the intention which I believe exists on the other side of the House to build up the Jacobin party to which they belong, I pass on to address myself for a moment to the remarks of my colleague from the eighth district.

I was somewhat struck when I came into the House last evening and saw my colleague [Mr. ORTH] in a perfect exhibition of contortions, his hands and fingers flying like a thousand streamers from a pleasure-boat, defining the position which I and other Democrats of Indiana had occupied in the canvass of 1862. I do not question his right to do so, but I must say that after listening to my honorable colleague, who until I formed his acquaintance in this House was to me a stranger, the rhodomontade was pretty much all there was of it. He presented himself as the exponent of the issues in Democratic districts in the State of Indiana, and claimed that he had a thorough knowledge of the principles upon which myself and other members on this side were elected in the fall of 1862. I wish to call the attention of the House for a few moments to the issues in the third congressional district. I will not speak of the seventh; the gentleman from the seventh differs from myself on some points. I cannot and will not speak for the second or fourth congressional districts; the members from those districts can speak for themselves; they are in their seats.

My colleague says that the issue in all the districts that are now represented by certain Democrats on this side of the House in the fall of 1862 was that we were for a more vigorous and *ultra* prosecution of the war than the Republicans themselves.

Mr. ORTH. I excepted the Terre Haute and Evansville districts, but in all the other Democratic districts of the State that was the issue as I understood.

Mr. HARRINGTON. Mr. Speaker, I am glad my colleague did except these districts, for really I do not know what the issues were in the others. But he includes my district, which is the third, and says he understands that the issue was in substance this: that the Democracy were for a more ultra and vigorous prosecution of the war than the Republicans, and that therefore my opponent, Hon. Mr. Dunn, was defeated. The gentleman is slightly mistaken. On the 8th of January, 1862, a State convention was held at Indianapolis, at which I had the honor of being a delegate, representing in part the county of Jefferson.

The gentleman [Mr. ORTH] is well aware that in the canvass of 1862 he attacked the platform of that State convention. Mr. Speaker, I voted for that platform and indorsed it. My competitor, Hon. William McKee Dunn, charged upon me in the canvass that though he believed I was loyal to the country at heart, and though he acknowledged my services at the breaking out of the war in assisting to raise forces to overcome this rebellion, still I had the stigma upon me of having been a member of that convention. I never avoided the point, and preferred to meet the issue fairly. I said in the canvass to those who heard me that I was a member of the 8th of January convention; that I voted for each plank in that platform; and that if they could not indorse that, of course they would not indorse me. That was the ground I took before the people at every hustings, for we had a joint debate throughout the district of eight weeks.

What was in that platform? Among other things was a resolution declaring that we were in favor of a war for the purpose of maintaining the Union—the Union as it was and the Constitution as it is—but that we were opposed to a war for the purpose of subjugation. That was in the platform, and it was read and rung by my competitor on every stump. I was for a prosecution of the war within the Constitution, and for the sole purpose of overcoming resistance to the execution of the laws, and maintaining the constitutional rights of *all* and the integrity of the Union. I know the temper of the people whom I represent; they have furnished their quotas without draft from the first to the last call of the President, as they intended for the purposes I have indicated. I do not speak of this boastingly, but to show the folly and madness of those on the other side who think that God has vested in them all the patriotism, manhood, and decency of the country.

That platform, Mr. Speaker, was not only indorsed by me upon the stump, but was made a part of the congressional platform upon which I accepted a Democratic nomination. After declaring for a prosecution of the war, in favor of which I now am, (hoping as I do for a change of Administration,) it also declared that—

"We hereby adopt as a part of the present platform the platform of the Democratic convention held at Indianapolis, in the State of Indiana, on the 8th of January, 1862."

Having said this much in reply to him—I know my colleague will not deny the statements I have made—I desire to present another question with regard to the canvass in the third district. In that canvass I declared myself in favor of the prosecution of the war, in favor of furnishing white troops and money for that purpose; and I pledged myself to my constituents that I would never vote a dollar to put the black barbarian in the Army beside the scar-worn veteran soldier, nor for the purchase of his emancipation. This was and is a matter upon which the citizen and the soldier in and from my district are extremely sensitive. I pledged myself to them, and I have kept that pledge faithfully, and will keep it. Point to your records and you will find that when you have attempted to raise negro soldiers, and you have tried to get my vote for that purpose, it has been given against it. I repeat that I pledged myself against it to my constituents, and had I betrayed them and voted for it upon this floor and return to my constituency, I ought not to have been permitted to remain in my district for an hour. I believe I would have been driven out by violence. I know in such case I would be an object of disgust to a patriotic and overburdened people.

Sir, my constituents are ready to give you white soldiers to put down the rebellion, but they want nothing to do with the negro soldiers who

have been introduced into our armies for the purpose of freeing them under the *abolition pretense* that they are expected to fight the battles of the country, when it is known they will give no fighting strength to our Army, but will be the cause of a *humiliating annoyance* to our western soldiers.

While on the stump during the canvass in my district in 1862 I asked my competitor whether he was in favor of the emancipation of the slaves and the taxing of white men to pay for them, and whether he was in favor of bringing the negroes into the Army to share with the white men of my district the glory of fighting the battles for freedom and the Constitution. When I put that question to him he said, No, I am in favor of using them to fortify and dig trenches and save our soldiers from such labor. To this I had no objection. I undertake to say that any man who would come into that district and advocate the enlistment of negro soldiers and taxation of the people for emancipation would lose half the *Republican* vote, certainly would lose a large portion of it, and the district is Democratic by fifteen hundred votes. Indiana wants no negroes to fight her battles. I am aware that another feeling prevails in another section of the country. I know that the people *at home* in New England want negro soldiers, because the people at home have no stomach for the fight; they want the negro to fight battles for them. [Hisses in the gallery.] Such demonstrations do not disturb me. They are the men who hang about to disturb a deliberative body and want negroes to fight their battles or at least fill the quotas of their States. Indiana and the West send white men to the armies of the country, who with their *own strong right* arms hurl the bolts of war against the enemy with a prowess that adds a noble fame to the arms of the country.

So much for the canvass in the third district of Indiana. I thought this much was due to my constituency. I have said it with no feeling of disrespect for my colleague, because I know him to be too honest a man to misrepresent me or my people or any people knowingly.

Mr. BOUTWELL. With the assent of the gentleman I desire to ask if he has any evidence on which he bases the remark that the soldiers of New England have no stomach for fighting?

Mr. HARRINGTON. I did not say *soldiers*, sir, but the people at home in some of those States. Of those men I can only judge by their Representatives upon this floor, who vote for negroes to fill their quotas. We have no need of negro soldiers in Indiana. Indiana has always filled up her quota on every call promptly with white soldiers. The gentleman asks in reference to New England soldiers. I did not speak of New England soldiers; I spoke of New England Representatives and citizens who do not go into the Army.

Mr. BOUTWELL. I call the attention of the House to the words of the gentleman, that New England soldiers had no stomach for fighting.

Mr. HARRINGTON. Not the soldiers, the *people* who do *not* fill her quotas.

Mr. BOUTWELL. What evidence has the gentleman that the people of New England have no stomach for fighting?

Mr. HARRINGTON. The evidence of their representatives who came to Indiana to recruit negro soldiers to fill their places.

Mr. BOUTWELL. I will ask the gentleman whether he has any evidence that any recruiting officer from New England has gone to Indiana to recruit negro soldiers?

Mr. HARRINGTON. There is no doubt of the fact of Governor Andrew having such recruiting agents in Indiana. I know it by circulars which were issued there, and from the fact that negroes in my own town and district were recruited and sent to join Massachusetts regiments. It was done openly.

Mr. BOUTWELL. I wish to say——

Mr. HARRINGTON. I hope the gentleman will not take up all of my time.

Mr. BOUTWELL. I desire not to take all the gentleman's time, but I wish to ask the gentleman to point to any vote of any Representative from New England, upon this floor or elsewhere, to justify the remark made by him. Sir, no portion of this Union would have suffered so little from peaceable secession as New England. Yet, sir, having control of one half the maritime power of the country, she rallied to the cause of the Republic. She has sent her men without stint; she has poured out her blood from first to last in defense of the Union. I know of no act of her Representatives to justify the remark that her soldiers or her people have no stomach for fighting.

Mr. HARRINGTON. I say it of your people at *home*, because you want negroes to do your fighting for you, and their Representatives have this session voted for enlisting negro slaves in the Army. Indiana has never had a draft. She has filled her quotas by volunteer white men. Can the gentleman say as much for his State? You have had a draft there.

Mr. BOUTWELL. Very likely there will be no draft there, but I will say that if an enrollment is ordered it will be carried into effect, and submitted to without the intervention of any mob to prevent it. [Applause in the galleries.]

Mr. HARRINGTON. We have no mobs in Indiana, but the loyal white men *volunteer* and fight the battles of the country, and do not go round seeking for negroes to do it for them. [Hissing in the galleries.]

Mr. ELDRIDGE. I rise to a question of order. I think we have suffered sufficiently from the manifestations of New England men in the galleries. [Cries of "Order!" from the Republican side of the House.]

Mr. GRINNELL. I object to any man saying here without authority that New England men alone create disturbances in the galleries. [Cries of "Order!" from the Democratic side of the House.]

Mr. ELDRIDGE. I rise to a point of order, and have a right to be heard.

Mr. GRINNELL. I call the gentleman to order.

Mr. ELDRIDGE. I believe that New England men in the galleries are making these disturbances. [Cries of "Order!" "Order!"] You can call order as much as you please, but I have the floor. I make the point of order, and I repeat it, that I believe it is New England men who are making these disturbances in the galleries; and if the House has any respect for itself it ought to put a stop to their interference with its deliberations. [Cries of "Order!" "Order!"]

Mr. ANCONA. I think the noise is made by shoddy contractors.

Mr. ELDRIDGE. Whoever is making this disturbance ought to be excluded from the galleries. I insist that the Chair shall preserve order.

The SPEAKER *pro tempore*. The Chair will endeavor to observe the rules of the House. The Chair will have the rule read for the information of the galleries.

Mr. HOLMAN. The Chair is armed with ample powers to preserve order in this House, and I hope he will exercise it.

The SPEAKER *pro tempore*. The Chair will exercise it when it becomes necessary to do so.

Mr. ELDRIDGE. I give notice that I shall move to clear the galleries if another disturbance is made.

Mr. GRINNELL. I hope that this motion will not be made at this time. Let the gentleman give notice that he will make that motion if the disturbance again occurs.

Mr. ELDRIDGE. That is what I proposed to do, and I will insist on the motion if the galleries undertake to show approval or disapproval of what occurs upon this floor.

Mr. GRINNELL. I wish to say, Mr. Speaker, that——

Mr. HARRINGTON. I cannot yield to the gentleman from Iowa.

Mr. GRINNELL. I do not want it to go out that New England men——

Mr. ELDRIDGE. I call the gentleman to order.

The SPEAKER *pro tempore*. The gentleman from Iowa is out of order, and will take his seat.

The Clerk will read the rule, for the information of the galleries.

The Clerk read, as follows:

"9. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the Committee of the Whole House) shall have power to order the same to be cleared."

The SPEAKER *pro tempore*. The Chair gives notice that he will enforce the rule of the House. Doorkeepers are directed to remove from the galleries any person who makes any disturbance whatever.

Mr. HARRINGTON. One further remark in regard to the speech of my colleague from the eighth district. He stated that forty thousand soldiers mustered into the Army were decided Union men. They are Union men. The very fact of their volunteering without a draft and without force is the best evidence that may be asked that they were Union men. But then, Mr. Speaker, when I have heard during this session on that side of the House that our Army is an abolition Army, I know, as far as the gallant soldiers from the West are concerned, it is not true. They feel bitterly the fact that by the power of the Administration and under an act of Congress the negro is to be placed alongside of them, and to be in the same mess, according to the strict rule of military discipline. I say the armies of the country are not abolitionists so far as the West is concerned, and you will find it out sooner or later. They hate abolition. They hate the abolition leaders in this House. Hundreds and hundreds of letters have poured in upon the members on this side of the House from western soldiers, from officers and men, denouncing the abolition sentiment on that side of the House. Whoever says the soldiers of Indiana are abolitionists, that they are willing to share the same camp and to mess with negroes, slanders them. I know what I say when I make this statement. They are for the Union. Why should they peril their lives unless they are for the defense of the Union and the rights of all under the Government of our fathers?

In the opinion of the gentleman from Maryland, [Mr. DAVIS,] in the opinion of the gentleman from Pennsylvania, [Mr. STEVENS,] no one has helped to suppress the accursed rebellion which has shot athwart the Union the red lightning of this war but their party and the devotees of *fanaticism*. Let me tell you that the soldiers will hurl back this cry of yours to fall upon your heads like the bolts of Heaven. They will do it at the ballot as citizens and *free electors* when the proper time permits.

So much, then, for the gallant soldiers of Indiana; I do not wish to consume the time of the House further in reply.

I have said that the resolution which is now before the House was not prompted by patriotism, but by a desire for party advantage, and from mere petty partisan motives, in my opinion. Why, the best evidence I have of that is that the gentlemen who are horrified at the remarks of the gentleman from the second district of Ohio, [Mr. LONG,] and of the gentleman from Maryland, [Mr. HARRIS,] have been subscribing largely for their speeches to circulate among their constituents and over the country. While the gentleman from Maryland was speaking I saw an exhibition which I never expected to see in a deliberative body. Almost the entire members of that side of the House crowded around him, looked him in the face, grimacing and laughing immoderately, as if they desired to betray him into passion and into some indiscreet remark. Why this? You felt your fortunes were failing; you thought that something was necessary to retrieve what you have lost and are losing before the country; you hoped you could lay the charges against the gentleman from Maryland [Mr. HARRIS] at the threshold of the doors of gentlemen upon this side of the House and the party they represent, and that you could go before the country and charge that the sentiments of that gentleman, and the gentleman from Ohio, [Mr. LONG,] were the sentiments of the Democratic party. Your labor, gentlemen, is in vain; your tricks have been too long before the people for any such shrewd operation to succeed.

The gentleman from the Galena district of Illinois [Mr. WASHBURNE] rose in his seat, and with considerable dignity and with a great deal more bluster than dignity, said that this speech of the gentleman from Ohio was the key-note of the canvass! The key-note of the canvass! He knew better. He knew that upon this side there were but four members who by act or vote had enunciated such doctrines. Do you think you can toy and play with the people in this manner and thus vote your President or yourselves into a new lease of power? Key-note! Look upon the votes given upon this side; four men at the outside reckoning are all who are in favor of such sentiments. The Democratic party upon this floor represent a million and a half of electors. Such misrepre-

sentations may do for you; they may answer as playthings for children, but the people will not take to your bantling. This act of our worthy Speaker, supported by those upon that side of the House, instead of being the impulse of patriotism, in my judgment is a piece of charlatanism in order to make votes before the people at the coming election. The people understand you and will read your motives; will understand your inordinate love of power and the means by which you would gratify it.

I have said thus much in reference to my opinion of the causes which prompted this resolution, and it now becomes my duty to address myself more directly to some remarks made upon the matter involved in this resolution by the honorable gentleman from the Baltimore district, [Mr. DAVIS,] whom I do not see in his seat. In his remarks of last evening he spoke of this side of the House as too tender-hearted to *exterminate*—that was the language—our enemy. Exterminate, sir! Are we engaged in a war of extermination? Is it no longer a glorious conflict of arms? Have we unsheathed the sword to slay the child at the mother's breast, to kill defenseless women, to drive beyond the borders of the rebellious States those who are not combatants, the defenseless and innocent with the guilty? Is that the opinion of the gentleman from Maryland, [Mr. DAVIS?] If it is I can tell him at once that while I would fight the armies of the rebellion, and fight them at every hazard, I am not the man to slay a babe at its mother's breast, or helpless women, or drive the innocent and defenseless wanderers in exile. God made me not such a man. The gentleman from Maryland, if he desires and be sincere, may monopolize the *glory* pertaining to the work of *extermination*. I am no barbarian. I would not recede in civilization to the dark history of a remote past. *Conquer* the armies of the rebel States, and you have accomplished all. Conquer them! The gentleman has no purpose to do that; he said he would exterminate. It is cowardly to exterminate an enemy's population. Brave men fight battles, win victories, conquer armies, but no nation in this age of the world will dare enter upon the mission of blotting out and destroying a *whole people*. It is impossible, sir. I propose to give my aid to overcome the armies of the rebellion. When that is accomplished, sir, our present troubles will end, if we continue to conduct the war upon principles required by the civilized world.

I know that gentlemen upon the other side of the House seem to think that all the patriotism and valor and glory of the country are vested in them. Well, if military commissions make it, they are right; but if patient and disinterested patriotism make it, you are a great way out of your reckoning. "Exterminate! exterminate!" That means to massacre, to drive from roof and shelter, and from home and country. I say to you that I have never read in history of an instance in which eight million human beings have been exterminated, but I have heard where they have been *conquered* by vanquishing their armies. I am for conquering the rebels, but extermination is the wild frenzy and fanaticism of the other side, and, in this age of the world, impossible. Why, sir, extermination has been tried on the continent across the water, but Poland still resists the power of the legions of Russia, and Ireland still protests against the extermination of her children. What I complain of is that Representatives in this body have adopted this uncalled-for cry of extermination, which, for any good purpose, would render a war on either side fruitless. You may conquer, you ought to have conquered long ago, and you would have accomplished that end had the energies of the country been directed to the *one* object, to save the Union and the laws and Constitution of the country.

The gentleman from the Baltimore district [Mr. DAVIS] took occasion to say last night, by way of a fling at the Democracy, that the city of New York ran red with blood as the result of mob violence. It is true, sir, that mob violence did prevail there during the past year; but it does not lie with the gentleman from Maryland to make such a charge. The first time he appeared in this House he floated upon the ebb and flow of a tide of blood from Baltimore to Washington. He appeared here as the Representative of the Plug-Uglyism of Baltimore. It does not lie with him to make capital of charges of that character against the city of New York, for he came here under that reign of terror which prevailed in Baltimore when men were stricken down for their religious opinions and because of the accidental country of their birth. I do not refer to this with any disrespect, but merely to show that men when their minds are much engaged upon a topic forget the rules of consistency and charge upon others errors and faults that may be found at their own doors.

Having said this much, I desire now to address myself directly and very briefly to the question in controversy. I pass over the resolution which was introduced to expel, and the subsequent resolution to censure, the gentleman from Maryland, [Mr. HARRIS;] that has been passed upon, and yet, surprising as it may appear, gentlemen on the other side have spent more time in this debate on the gentleman from Maryland than they have upon the gentleman from the second district of Ohio, because, I presume, they thought him more vulnerable. This is another evidence of the fact that partisan purposes are in view and not an intention to expel a gentleman for any wrong done *legally* authorizing expulsion. I will send the resolution now pending to the Clerk's desk, and ask that it be read.

The Clerk read the resolution:

Whereas on the 8th of April, 1864, when the House of Representatives was in Committee of the Whole on the state of the Union, ALEXANDER LONG, a Representative from the second district of Ohio, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union; and whereas the said so-called confederacy, thus sought to be recognized and established on the ruins of a dissolved or destroyed Union, has as its chief officers, civil and military, those who have added perjury to their treason, and who seek to obtain success for their parricidal efforts by the killing of the loyal soldiers of the nation who are seeking to save it from destruction; and whereas the oath required of all members, and taken by the said ALEXANDER LONG on the first day of the present Congress, declares "that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the United States," thereby declaring that such conduct is regarded as inconsistent with membership in the Congress of the United States: Therefore,

Resolved, That ALEXANDER LONG, a Representative from the second district of Ohio, having, on the 8th of April, 1864, declared himself in favor of recognizing the independence and nationality of the so-called confederacy now in arms against the Union, and thereby "given aid, countenance, and encouragement to persons engaged in armed hostility to the United States," is hereby expelled.

Mr. HARRINGTON. During the pendency of that resolution, another was introduced for the expulsion of the gentleman from Maryland, which failed. A resolution to censure that gentleman was then introduced, and for that resolution of censure I voted. In reference to the resolution now under consideration I will say that I believe the language used by the gentleman from Ohio was substantially this: that in his opinion there were but two alternatives, either the destruction or annihilation of the people of the so-called southern confederacy, or an acknowledgment of their independence, and that of the two he preferred the latter.

Now, sir, I am willing to assume, for the purposes of this debate on the resolution of *expulsion*, that the gentleman stated positively, and not as a mere matter of opinion, that there were only these two alternatives. I do not agree with the gentleman from the second district of Ohio. I think that when he enounced these words in this House he did injustice to the conservative element of the Northwest, and also to the conservative element of the central and eastern States. I am not here to justify him for the language he used, for I tell you here without qualification that I condemn and repudiate his notions. I say that there is another hope than the alternative stated, which I trust may be realized. I believe that we can conquer the armies of the so-called confederacy, and by vanquishing armies enforce the laws. But to exterminate is to apply the torch virtually to our own temple of liberty. To exterminate is to imitate the example of the blind Samson who pulled down the pillars of the temple, and while destroying his enemies himself perished beneath the ruins. I desire to see free government maintained in the States that are now honest in their fidelity to the Constitution. I would not pull down one pillar in the edifice of constitutional liberty. None but a fanatic would do it. I desire to see liberty under the Constitution in the rebel States; and it will again be there enjoyed as well as here if the madness of a majority does not destroy it.

I then do not agree with the honorable gentleman from the second district of Ohio, and I believe he does not represent the sentiment of his district. I do not know that he does not, but I believe he does not. I felt pained as much as you gentlemen on that side when he uttered these sentiments, ay, more than you, for I saw a gleam of pleasure on that side of the House. I marked the pleasure that was shown on the other side, such as the tiger shows when he crouches to spring upon his victim. I felt sad that any man who had been identified with the conservative sentiment of the country should, in this deliberative body of the nation, while war and all its calamities were upon us, take such a position as he has done. I did not agree with the doctrine enunciated by the gentleman from Maryland, [Mr. HARRIS.] But this question was presented to me, "Will you expel the Representative of a free people under the Constitution for the utterance of sentiments which are not only disagreeable to you but painful?" There, sir, again addressed itself to me a principle—an important one—that I regard as a constitutional obligation. While I condemn the sentiments, and while I voted to censure him, I felt that it would be contrary to the Constitution and to the genius of our institutions to give my vote for the expulsion of the gentleman from Maryland.

The other gentleman from Maryland [Mr. DAVIS] says we cannot reconcile our vote of reprimand or censure with the vote against expulsion. I find in the Constitution of the United States that two thirds of the members of the House can expel a member without assigning cause, and I find another provision that a member for disorderly conduct may be censured. The censure, at most, implies a decided difference of opinion in the body in support of which a disapprobation of the individual opinion or conduct is expressed. Now, here was the trouble in my mind in regard to the resolution of expulsion: how do I know that the gentleman from Ohio, as a matter of fact, does or does not represent the sentiments of his constituents? I have no means of knowing. The genius of our institutions is founded on the idea that every portion of the country is to be represented on this floor. This is a fundamental right. For that purpose the States are divided into congressional districts. We are called a deliberative body; how can we deliberate unless we debate? How can we come to a conclusion here unless everybody is free to speak his opinion, if within the rule, subject to censure, to be sure, which is a mere matter of opinion, in the House? I grant that language may be used distasteful to you and to me, and yet at the same time I ask who shall determine the dividing line? What is legitimate debate, and what a ground for disfranchising the people of a district?

Is a representative body supposed to agree on all points? But gentlemen on the other side say we must agree on *vital* points. Who, I ask, shall judge of the vitality? Will you let the gentleman from Maryland, [Mr. DAVIS,] who is for extermination, for blotting out men, women, and children? I would as soon have let Robespierre judge for me, if he mean all his words import. Has our Government become so weak that the expression of *opinions* by two members on this floor is dangerous and likely to *ruin* the country? Have the people of this country become so degenerate that the expression of two opinions here endangers our political fabric and freedom? If so, then we might as well break up our institutions, for we have nothing worth retaining.

Sir, I see no other way than to allow men to utter their sentiments here, whatever they may be, and meet them in debate and denunciation if need be. In the battle between error and truth, truth is sure to triumph. That is the way I would meet the gentleman from Maryland, [Mr. HARRIS.] That is the way I would meet the gentleman from Ohio, [Mr. LONG.] I would battle their arguments with counter reasons founded upon history and principle, and ask the people to judge of the right and the course of duty to be followed by their Representatives.

Ah! but, says the gentleman from Maryland, [Mr. DAVIS,] our Government is made up of public opinion, and therefore there must be no expression here which contravenes public opinion or which may demoralize it. I deny the right of any man to act as censor of public opinion or to withhold from the public the opinions of any Representa-

tive. Is there danger of public opinion being demoralized by two gentlemen on this floor? Is public opinion so weak that it can be overthrown and turned aside from the channel in which it ought to be directed by the language and arguments of such men? If so, then public opinion is not worth preserving and representative government is gone. I tell you, sir, that were there a serried phalanx of steel in this Hall I would not surrender one jot or tittle of free expression of opinions in debate in this presence; for the moment you have surrendered that you have surrendered the vital principle of free government. Neither would I approve or indorse a sentiment detrimental to the interests of the country. I would battle it here as becomes a man and Representative; battle it face to face. I would place the fiat of my condemnation upon it, and trust to the intelligence of a patriotic people and the events of time to decide the controversy. Any other will allow a majority to practically disfranchise the minority of the country.

Why, sir, the gentlemen upon the other side, who seek now to put down the debate in this House by means *quasi* forcible, know the weakness of their cause or their fanaticism. Their cause is not weak if they are for their country, but their fanaticism is intolerable; it abandons reason and leans to force. Sir, you may prostrate the body, you may fetter it, but he who undertakes to prostrate the human mind by force undertakes to walk over the decrees of God. Mind must battle with mind, and if left free for the conflict, right and justice will prevail. Force, *quasi* force, cannot overcome the human mind, and any attempt to accomplish the object by that means will result in disaster.

We on this side claim the right of free discussion. My opinion was, and is still, that the constituents of any gentleman on this floor have the right to demand that he retain his seat, and even though he utters sentiments disorderly, sentiments distasteful to a majority of the House, sentiments that may be injurious in their tendency, injurious to the country at large, you cannot disfranchise the constituency who sent him here. When he goes back and asks for their suffrages, if he has abused their trust he will not receive their vote. If he is, however, indorsed by them, then he faithfully represents his constituency, and you have no right to say that the second district of Ohio shall not be heard upon this floor. When you require by a vote that he and they shall be silent, we are no longer a representative body; you will have become an oligarchy, the few in this House controlling the masses of the people and sitting in judgment upon what shall or shall not be public opinion.

Mr. BROOMALL. I rise for the purpose of offering an amendment to the pending resolution, and when it shall have been read, I desire the floor for a short time for the purpose of giving my reasons for offering it.

The Clerk read the amendment, as follows:

Whereas ALEXANDER LONG, a Representative from the second district of Ohio, by his open declarations in the national Capitol and publications in the city of New York, has shown himself to be in favor of a recognition of the so-called confederacy now trying to establish itself upon the ruins of our country, thereby giving aid and comfort to the enemy in that destructive purpose—aid to avowed traitors in creating an illegal government within our borders, comfort to them by assurances of their success and affirmations of the justice of their cause; and whereas such conduct is at the same time evidence of disloyalty and inconsistent with his oath of office and his duty as a member of this body: Therefore,

Resolved, That the said ALEXANDER LONG, a Representative from the second district of Ohio, be, and he is hereby, declared to be an unworthy member of the House of Representatives.

Resolved, That the Speaker shall read these resolutions to the said ALEXANDER LONG during the session of the House.

Mr. ELDRIDGE. I rise to a point of order; and I ask, in order to ascertain whether this is a proper time for raising it, whether the gentleman offers what has been now read as an amendment at this time.

Mr. BROOMALL. I offer that as an amendment now, but do not desire a vote upon it till Thursday, p. m.

Mr. ELDRIDGE. Then my point of order should be now raised. If it is the desire, however, of gentlemen upon the other side of the House, I am willing the Chair should reserve his decision, and that the vote, if any should be had upon it, may be reserved until another period. I raise the point now, before it shall be too late, and before any *laches* shall occur on this side of the House to prevent it.

My point of order is this: that the speech of the gentleman from the second district of Ohio was made in Committee of the Whole, and that if exceptions were to be taken to that speech, they should have been taken in committee and reported to the House. The remarks to which exception was taken should also have been taken down in committee, and should have been read to the committee before any other business was done under the rules of the House.

I then take this further point of order, that after the committee rose, even if this point of order was not available in committee, as I suppose it was, then it should have been immediately taken on the report of the chairman of the committee to the House, and the words should have been then taken down, then read, and then entered upon the Journal, or the point of order could never be made available. I ask the Clerk to read the 61st and 62d rules of the House.

The Clerk read the rules called for, as follows:

"61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.

"62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

Mr. ELDRIDGE. I make this point of order: that what could not be presented as an original proposition could not be presented as an amendment at this time. That no proposition as an amendment could be entertained now which could not have been entertained at the time the words were spoken, and that the words not having been taken down and other business having intervened without any exception being made, the House cannot receive the gentleman's substitute.

Mr. BROOMALL. I have no objection to the gentleman going on as long as he pleases, if it does not come out of my time.

Mr. ELDRIDGE. A point of order cannot come out of the gentleman's time.

The SPEAKER *pro tempore*. The Chair is of the opinion that the point of order does not apply to the amendment proposed by the gentleman from Pennsylvania.

Mr. HOLMAN. I rise to another point of order.

Mr. ELDRIDGE. I reserve my right to take an appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair has not entirely stated its decision. The preamble of the resolution here offered does not propose to censure the gentleman from Ohio for any particular speech, but by reason of declarations in the Capitol of the nation and publication made in the city of New York. The Chair therefore overrules the point of order.

Mr. ELDRIDGE. I shall reserve my right to appeal from the decision of the Speaker.

The SPEAKER *pro tempore*. Now is the time to take an appeal.

Mr. ELDRIDGE. I shall reserve it until after the gentleman from Indiana has stated his point of order.

The SPEAKER *pro tempore*. No point of order can be received until the pending one has been disposed of.

Mr. ELDRIDGE. Then I now take an appeal from the decision of the Chair.

Mr. SMITH demanded the yeas and nays on the appeal.

Mr. BROWN, of Wisconsin. What are the grounds of the Chair's decision?

The SPEAKER *pro tempore*. The amendment is ruled to be in order, because it does not propose to censure the gentleman from Ohio for any particular language, but for utterances in the national Capitol, and publications in the city of New York. Does the gentleman insist on his appeal?

Mr. ELDRIDGE. I certainly do.

Mr. BROWN, of Wisconsin. I did not hear my colleague's point of order, and I want to hear it, to know whether I shall vote for or against the appeal.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Wisconsin to object to the amendment because the words of the gentleman from Ohio were not taken down at the time.

Mr. ELDRIDGE. Because the words were not taken down at the time the speech was made, and reported from the Clerk's desk; and further, because, when the committee rose and reported to the House, the words were not reported, and business intervened.

Mr. HOLMAN. In order to avoid making these points separately, I make the point that the amendment is not germane to the original resolution. I ask that by unanimous consent these points shall be laid over.

Mr. BROOMALL. Until Thursday morning?

Mr. HOLMAN. Yes, sir. I make the proposition for the purpose of saving time and trouble. If my point of order is sustained, all others are of no moment.

The SPEAKER *pro tempore*. The Chair will now state, for the information of the House, that he is of the opinion that the amendment is germane to the original resolution.

Mr. HOLMAN. Allow me to state my point of order in a few words.

Mr. BEAMAN. I object.

Mr. HOLMAN. My point is this: that the original resolution proposes to expel a member from his seat upon this floor, while the amendment only proposes to censure the gentleman from Ohio. I make the point of order that one is not germane to the other.

Mr. BEAMAN. I rise to a point of order.

The SPEAKER *pro tempore*. There is one point of order now pending.

Mr. BEAMAN. Then I ask to make a statement. I think it was the understanding on both sides of the House that there should be no voting to-night.

Mr. HOLMAN. On the original proposition only.

Mr. ELDRIDGE. I think that to carry out the understanding in good faith there should be no vote taken to-night. I therefore ask that the points be reserved until Thursday next.

Mr. HOLMAN. I had no such understanding.

The SPEAKER *pro tempore*. If, however, the statement made on the floor of the House was that there should be no voting, the Chair will reserve the point of order.

Mr. HOLMAN. Then the proposition is not consented to.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has the floor. Does the gentleman yield to the gentleman from Indiana?

Mr. BROOMALL. No, sir.

Mr. HOLMAN. I rise to a point of order, then.

The SPEAKER *pro tempore*. One point of order is already pending.

Mr. HOLMAN. That point is abandoned unless my friend has it acted on now.

Mr. ELDRIDGE. No, sir; the Speaker has reserved it, and my appeal also.

Mr. HOLMAN. I desire to raise a point of order and have the matter reserved.

Mr. BROOMALL. I object to this and claim the floor.

The SPEAKER *pro tempore*. The gentleman from Indiana rises to a point of order.

Mr. HOLMAN. My point of order is that the proposition submitted now is not germane to the original proposition.

The SPEAKER *pro tempore*. The point will be reserved.

Mr. BROOMALL. I offer that amendment, not because I am opposed to the original resolution, but because when I can do one thing and cannot another, I prefer to do that which I can do, even though it may not be that which I most desire to do. By a vote in this House on last Saturday upon a similar question arising in respect to the gentleman from Maryland, I see very plainly that we are not going to get a constitutional majority to expel the gentleman from Ohio. I am confirmed in that opinion by the remarks which have fallen from gentlemen upon the other

side, and I am forced with some reluctance to the conclusion that there are at least one third of the members of this House who either are of the same opinions with the gentleman from Ohio [Mr. LONG] and the gentleman from Maryland [Mr. HARRIS] or who are under the influence of those who are of those opinions, or who are so used to run in the old Democratic harness and on the old Democratic track that it will require something more than we can urge upon this side of the floor to switch them off of that track.

Knowing that a mere majority of this House is sufficient for the purpose of my amendment, I offer it as the best that can be done to show to the people of the country the utter abhorrence with which we contemplate the sentiments of both of those gentlemen. I would have been glad if we could rid the House of sentiments of that kind; but I find we cannot, and I am not willing, in the effort to do that which we cannot, to lose the chance of doing that which we can. We can censure; we can declare such members here unfit to represent constituencies who are citizens of the United States; but I am forced to the conviction that we cannot get two thirds of this House to concur with us in both those opinions.

I have said I desire this House to express its abhorrence of the opinions entertained by those gentlemen in the strongest language and in the strongest way it can under the rules. I had the satisfaction of hearing the speech of the gentleman from Ohio, [Mr. LONG.] I sat within three or four feet of him during all the time he was delivering it. I plead guilty to one other thing which has been charged upon this side of the floor: I subscribed for one hundred copies of that speech, to send, not to the army of the Potomac, not to Richmond, not to the court of St. James, but to those of my constituents who have not yet found out the entire full extent of the rebellion with which we are engaged.

I may admit also in listening to the speech of that gentleman I was gratified that he should commit himself to the full length to which he did commit himself, and I say further, if we had succeeded in expelling these gentlemen, my opinion is we would have had left worse men than they in this body. I will not say whether upon this side of the House or the other, but we would have left worse men than they within this body.

I believe the Democratic party, as at present organized, has drifted to the position of the gentleman from Ohio and the gentleman from Maryland. I have been forced to that conviction reluctantly, but I think some gentlemen upon the other side of the floor do not know themselves nor the party to which they think they belong. I was gratified with this honest, open, and avowed expression of what I conceive to be modern Democracy.

Some gentlemen upon both sides of the House seem to have forgotten that that great exponent of modern Democracy, Mr. James Buchanan, laid down the same doctrine expressed by the member from Ohio in his speech before the House. They seem to have forgotten that this avowal of James Buchanan stands upon record against the Democratic party, wholly disavowed up to this time; and that avowal was, in the spirit of the language of the gentleman from Ohio, that we have no right to coerce into good behavior those who undertake to overthrow the Government of our country.

Mr. Buchanan did not go to the full extent of the doctrine of the gentleman from Ohio; he did not come to the additional conclusion that we not only have not the right but that we have not the power. He denied the right; and I have yet to see the proceedings of the first Democratic meeting or convention held since that time that has repudiated that idea. Sir, it stands as a plank of the modern Democratic platform to this day, and if the gentleman from Ohio shall feel himself aggrieved by the action of this House, in case they should expel him, or adopt my more active though perhaps less offensive amendment, he will have the consolation of knowing that at least one fellow-citizen of mine, one gentleman from my State, really concurs with him in one of his opinions upon this question.

I have said that there are gentlemen upon this floor—or rather, perhaps, have implied it—who agree with the gentleman from Ohio. I am satisfied of that, although few such have spoken. To the credit of gentlemen upon the other side of the floor, most of those who have addressed the House upon this subject have repudiated that doctrine. It is a wholesome fact. It shows that at least a portion of that party is advancing, is taking warning from the signs of the times; that the great Democratic truth enunciated by James Buchanan during the few last months of his presidential term has been outgrown by the country. They are beginning to believe we have power under the Constitution to coerce evil-doers into good behavior. I am glad to see this, and I for one am not sorry this discussion has arisen, because it shows to us that the dividing line is to be drawn, excluding from the Democratic ranks all who will not subscribe to the sentiments of the gentleman from Ohio. I have looked upon some fifty odd gentlemen in this House who habitually vote together as actually sympathizing with the rebellion, and I always regretted it. I also am of opinion that many gentlemen on the other side of the House do not know exactly where they stand. This discussion will bring out the ideas of gentlemen, and show who it is that agrees with James Buchanan and Jeff. Davis—because he is of the same opinion—and who it is that agrees with us, the defenders of the country.

Sir, I listened to the speech of the gentleman from Ohio with great attention, and when it was concluded I remarked to him, as I shall now remark to the House, that he had taken a position diametrically opposed to gentlemen on the other side of the House; that there are but the two sides, and that his fellow Democrats must either go to him or come to us. I did not add, as I will here, that I believe about one third of them will go to him, and the remaining two thirds to us; and the sooner that occurs the sooner will this rebellion be crushed. It is impossible to tell thus far, at least, who it is that agrees with the gentleman from Ohio to the full extent of his language. But one gentleman on last Saturday seemed to agree with him. I allude to the gentleman from New York, not the one I see immediately before me, [Mr. KERNAN,] but that other gentleman from New York who occupied a prominent position in the city of New York at the same time that the Governor of Georgia, then a seceded State, occupied a prominent position in that State. [Laughter.] That gentleman from New York had some correspondence with the Governor of Georgia, and that correspondence is in evidence here. I understand in that correspondence he regretted his inability to assist the rebels in their undertaking by sending to them the arms then stopped *in transitu* by officers of Government. I do not know whether the gentleman is present or not; but if he or any of his friends undertake to deny this, I will give them a chance. That gentleman from New York, immediately after South Carolina had seceded, and while secession looked as if it might become popular and *Democratic*, advised the city of New York to set up for itself, to imitate South Carolina and inaugurate a little secession there, and become a great city, comparable with Venice and other free commercial cities of the Old World in the olden time.

That gentleman agrees with the gentleman from Ohio—it is not to be wondered at—in the idea that the people of the United States have no power, in their collective capacity, to make men behave themselves. And the gentleman from New York, thinking probably that notoriety is the next best thing to fame, if not quite as good or a little better, asks this House to put him into the same resolution with the gentleman from Ohio. There probably would be little objection to this from any quarter. That far the gentlemen on the other side seem to be committed to the doctrines of Mr. Buchanan.

Now, Mr. Speaker, I rather admire bold treason. I have a respect for my enemy when he comes out and tells me that the very next opportunity he gets he will cut my throat. That is at least honest, even if it is criminal. Therefore it is that I say if these gentlemen were expelled by this House for their treasonable utterances worse men than they will be left behind. The utterances of these gentlemen are the rattles of the snake. They are that which gives us warning; and we have the same degree of respect for the snake that warns us beforehand as we have detestation for the sneaking copperhead that attacks us unawares without giving the smallest notice. I have said I believe this to be modern Democracy, and I have said that there are gentlemen on the other side of the House who have not yet found it out.

Mr. Speaker, I heard with a good deal of satisfaction the speech of the gentleman from New York, [Mr. KERNAN.] I must say that with the exception of the conclusions at which he arrives I can most heartily coincide with him in what I heard, without saying that there may not have been something in his speech which I did not approve. I wonder that the sagacity of that gentleman has not shown him where the party with which he is acting is dragging him. He is not the man to raise constitutional quibbles. He is not the man to shelter himself behind the supposed barriers of the Constitution in his efforts to prevent traitors being struck at. Many times during his speech I thought of what I had heard said of him a day or two ago: that he speaks the best and votes the worst of any member on the other side of the House. [Laughter.]

I listened also with a good deal of attention to the speech of the gentleman from Ohio. I am somewhat embarrassed by the rules of the House, which forbid alluding to a member by name. As there are many Representatives on this floor from the State of Ohio, I will endeavor to distinguish by saying I allude to that gentleman from Ohio who can tell by the smell the distinction between an Abyssinian and any other negro. [Laughter.] Probably that is not understood in this House. [Renewed laughter.] I suppose it is not a sufficient designation. I will try it again. I allude to that gentleman from Ohio who was a follower of Judge Douglas, as long as Judge Douglas played into the hands of the pro-slavery party; but who, as soon as that statesman saw the necessity of repentance and amendment, and turned round to assist the Government of the country against armed rebellion, deserted him. I do not know whether that is a sufficient designation. If not, I have no other way of designating him, inasmuch as the rules of the House would prevent my mentioning his name.

That gentleman, [Mr. COX,] during his singular discourse the other day, took delight in putting questions intended to be awkward to gentlemen on this side. One favorite question of his was whether gentlemen could be induced under any circumstances to violate the Constitution for the good of the country. He put that question to the gentleman from Ohio, [Mr. GARFIELD.] He put it to the gentleman from Indiana [Mr. JULIAN] and to others. These gentlemen answered the question boldly and nobly, each in his own way. I will answer it probably in a different manner. If that gentleman were present I would like to propound to him the question which the gentleman from Indiana [Mr. JULIAN] propounded to him the other day, and which I took occasion to write down, "Would you violate the letter of the Constitution in some small particulars if it were the only way to save our country from destruction?" The gentleman from Indiana put that question four or five distinct times, and on every occasion it was evaded except one, and that brought this response: "Under no circumstances conceivable to the human mind would I violate the Constitution for any purpose whatever." That is the published answer. Now, all that sounds very nicely. We have all taken an oath to support the Constitution and we intend to keep it. There is no doubt about that. But let us follow out the gentleman's position to some of its conclusions. The Constitution prevents a man from being a member of this House before the age of twenty-five years. Suppose a gentleman of the age of twenty-four should be elected to this body and claim a seat here, and suppose to give him a seat should be the only possible way to save the country from destruction, would the gentleman from Ohio [Mr. COX] vote for the admission? If it would increase the Democratic vote in this body I might guess what the answer would be. But the answer might not enlighten me. It might be of less importance to save the country than the Democratic party. In some other parts of the country I have found gentlemen apparently laboring under the same conviction.

By the Constitution we cannot adjourn for a longer period than a year. Suppose by this body adjourning for more than a year and joining the army of the Potomac the country could be saved,

and that should be the only way it could be saved, how would the gentleman vote upon that question? I suppose he would vote against it. I suppose he would look upon the Constitution as of more importance to him than the country.

Let me remind him again that the Constitution prohibits this body from adjourning over more than three days without the consent of the Senate. I am at liberty to suppose cases, because the gentleman says that in no conceivable case, under no conceivable circumstances, would he allow himself in the smallest degree to violate a single letter of the Constitution. I will therefore suppose that the armies of the rebels were beleaguering the city of Washington and it was demonstrated to a certainty that this body could disperse them and save the country, and that unless that was done it was also certain the whole Government and people would be overwhelmed in one common destruction; I would like to ask him how he would vote upon an adjournment of four days to do it. I suppose he would not go for it; he would not save the country in that way. Oh no! The letter of the Constitution would prohibit it. If the Senate should not give its concurrence, it would not do to give four days to the country.

Again, the Constitution prohibits doing business in this body with less than a quorum present. It may be a question whether we are not without a quorum at this moment, without I hope doing any great damage by it. But suppose it were demonstrated that if ten men only remained in this House and the action of the House were required to be immediate in voting supplies for the Army, would the gentleman insist on the roll to see if there was a quorum present that he might not violate the Constitution in saving the country? I think it is likely the gentleman would insist upon it. I think it is very likely he would say the country is a good thing in its place, a very nice thing, but what is the country without a Constitution? What is the country without a *habeas corpus?*

Again, the Constitution requires that the people of the free States shall deliver up to the people of the slave States fugitives from service; in other words, slaves. I would like to put another case to the gentleman from Ohio, [Mr. Cox,] though I am afraid he is not present, for I do not remember any speaker being allowed to go on for this length of time without interruption when he was present. I will put my question, however; for if he is not here he ought to be. He had notice. I say, then, suppose a runaway negro, Abyssinian or otherwise, were to escape into the gentleman's own State, the Constitution would require him to aid the marshal in returning that man back into slavery; but suppose by a violation of that clause of the Constitution, by refusing to return the negro, he could save the country from destruction, what would he do—let the country go and catch the negro, or let the negro go and save the country? I myself would esteem the country cheaply saved by the loss of the negro. Probably the gentleman would not.

Now, Mr. Speaker, it seems to me if there be any moral treason in this body, it is in those who stand upon nice points when the country is in danger. What folly to cavil about the rules for governing a family while the house is on fire!

I have no evasion on this thing. I have taken an oath to support the Constitution of the United States, and I intend to do it, as I have done heretofore. The Constitution requires me to do all that is in my power to preserve my country, and whenever a given thing is shown to me to be necessary to save the country from destruction, I will do it, and in so doing I will claim I am carrying out the Constitution, even if some phrase in that instrument may seem to conflict.

Mr. Speaker, I have already said that I believed the Democratic party proper to be drifting rapidly toward the position occupied by it during the last few months of the term of James Buchanan, having only apparently left that position and never having repudiated it. I have heard this rebellion characterized as a rebellion for the institution of slavery, as a slaveholders' rebellion. I will not deny that the slaveholders have been concerned in it; mainly instrumental in carrying it on. I will not deny that slavery has been the great leading principle. Yet I believe it to be a rebellion of the Democratic party. I cannot forget that wherever the Democratic party has been in the ascendent this rebellion has culminated into civil war. Is not that so? Look at the election for President in 1860. Tell me a single State where the vote was cast for the Democratic party that has not been in open rebellion or in such imminent danger of it as to require the power of the Government of the United States to prevent it. I pause for an answer if there be any such State. It was an ingenious thing for the Democratic party when setting up the standard of rebellion in the South to leave a portion of their body behind to embarrass the action of the Union men by setting up constitutional quibbles. It was ingenious, and the conduct of a few gentlemen on the other side of the House has justified me in saying that those gentlemen are performing that part in this rebellion.

But I am departing from the immediate question. I have been led to do so partly by following the example of others and partly because I desired to say what I firmly believe, and what I now repeat. The Constitution of the United States requires us to take all necessary measures for sustaining the Government. To decide that a measure is constitutional I have only to know that it is *necessary for the preservation of the Government.* I will now come to the immediate question. The gentleman from Ohio [Mr. Long] in his speech laid down three propositions: one is that there is no right in the Government of the United States to coerce the rebels; another was that the Government of the United States and the people of the United States have no physical power to do it; and the third, that it is time for us to withdraw and let the rebels have all they want. I do not misrepresent the gentleman; all this will be found in his speech. It is avowed upon our side of the House that this is giving aid and comfort to the enemy. Is it not giving aid and comfort to the enemy to say that our armies are wrong? Is it not giving aid and comfort to rebellion to say that every soldier in the Union ranks who points his gun at the rebels and pulls a trigger is a murderer? because that is the only conclusion to which we can come on the gentleman's premises. Again, is it not giving aid and comfort to the enemy to say that the Government of the United States is not strong enough to put down the rebellion? What greater aid and comfort can you give?

Let us look at the final proposition. Does the gentleman know that the South claim all south of the Potomac? They claim the old line between freedom and slavery. They ask to have Maryland restored to the South, a State which has declared she loves the country better than slavery. They ask us to restore Western Virginia, born and baptized in the blood of patriots. They ask us to restore to them Louisiana; they ask us to restore to them Missouri; they ask us to restore to them Tennessee. Look how monstrous the proposition is when you come to entertain it in its full length and breadth. And yet, that is the proposition put forward in this House, and which is justified upon the ground that it is merely the exertion of the proper and legitimate freedom of speech. I would have gentlemen to know that there are some luxuries which can only be enjoyed while the country is at peace, and that the fullest license of speech is one of those luxuries. Ah, the freedom of speech is a great thing, and I would be sorry to abridge it; but I must confess the time may come when for the good of my country I will bridle my tongue, or will consent to have it bridled for me.

Let me illustrate. Suppose the gentleman were on board a ship at sea in a storm, and suppose he entertained an honest difference of opinion from the captain about the particular rope to be pulled, or the particular direction in which the helm should be moved; and suppose, while the danger was imminent, and the breakers ahead, the captain should give a certain order, and suppose that gentleman should countermand the order, and reason with the sailors that it was not right to do so; that that was the certain road to destruction, what would be done with him? The captain and the sailors would not shoot him. My colleague [Mr. L. Myers] suggests they might hang him to the yard-arm. I am inclined to think, however, they would do exactly what, in a like case, the honorable gentleman from Indiana, the Speaker of this House, proposes in his resolution to do; that is to say, they would throw him overboard.

Again, suppose the capital of the country were besieged, and suppose the gentleman were to indulge freedom of speech, the great right secured to us by the Constitution, by the Bill of Rights, by the Magna Charta and all those sacred old things, to publish and talk about at the corners of the streets and upon the battlements, and tell where the weak points of the defense were; what do you suppose the people of Washington and the authorities would do then? Would they respect his right of speech, his constitutional right, his freedom of speech which must not be interfered with? What would they do? Precisely what the gentleman from Indiana proposes to do. They would throw him over the walls among the rebels where they would naturally suppose he belonged.

Now, Mr. Speaker, is there anything further to be said upon this subject? It is enough to say that liberty of speech is not license of speech; that the liberty of speech justifies no man in imperiling the safety of his country; that liberty of speech is a luxury to be enjoyed to its fullest extent only in a time of profound peace. And I ask the gentleman why it is that he and the few—for I hope they are few upon the other side of the House who agree with him in opinion—why it is that he and they cannot cordially come to our rescue and assist us in bringing about that profound peace when even the gentleman can talk such things as he has been talking here, with full and entire freedom, and with safety to his country?

Shall it be said in the army of the Potomac that a member from the State of Ohio, from that State which repudiated Vallandigham by so overwhelming a majority, arose in his place upon this floor and deliberately told us we were too weak for our enemies; we had no right to kill them; deliberately asked us to yield all they demanded of us? Shall it be told there that this was done, and not denounced by every other member of this body? What would be the effect of this on any army to which it was told? It would paralyze their efforts; the weapons would fall from the hands of the loyal soldiers; the hesitating would desert, and in all human probability a defeat of our arms would be the result. And yet we are deliberately told here that all this comes within the freedom of speech. Ah! sir, if the gentleman honestly entertains these opinions, knowing the danger of expressing them, he should have locked them up in his own bosom. He should not have told them even to his wife, lest somebody else should catch from him the infection. It is for uttering them here that I want this gentleman to be punished, and the only way in which he can be punished without the constitutional majority of this House is by such a censure as will show to the country that at least we, the majority of this House, are in favor of putting down this rebellion to the full extent of extermination *if need be.* If need be the enemies of America must be absolutely crushed.

It is their fault if they carry their resistance to such an extent as requires it. But they must be crushed, whether that crushing goes to the extent of extermination or not.

Mr. Speaker, I speak as one having some feeling on this subject, because my own State has been invaded by the armies of these rebels. Twice has the sacred soil of Pennsylvania been invaded by the cohorts of rebellion, and twice have they been driven back beyond the Potomac, and that, too, mainly by Pennsylvanians. Sir, I have always felt proud of my State when I have remembered that she is the State first north of Mason and Dixon's line that has never for a moment listened to the counsels of rebellion.

My friend asks me where James Buchanan was during the last raid into Pennsylvania. I really do not know, but I do know that the convention of his party which met at Harrisburg about that time to nominate Judge Woodward as their candidate for Governor, knowing that he sympathized with Vallandigham, seemed to have no fear of the rebels, and I suppose they had no reason to fear them.

Now, Mr. Speaker, I do not know that I have anything further to say in support of my amendment. I sincerely hope it will be adopted. I ask gentlemen upon this side of the House to sustain me in endeavoring to do that which we can do, rather than lose that which we can get, in the

vain attempt to get what we cannot. Every one can see from the demonstrations we have witnessed from the other side of the House that we cannot carry the pending resolutions by a two-thirds majority. I ask you then to aid me in substituting my amendment for it, in order that this moral treason—I was going to say, but probably that would not be in order—this infamous conduct, shall not go wholly unpunished.

Mr. WINFIELD. Mr. Speaker, I had intended when I was honored by the constituency whom I represent with a seat upon this floor to remain, at least for the present session, a silent spectator of the deliberations of this body, participating only so far as its votes were concerned in its constitutional action. But there are occasions when even our wisest resolves must yield to the exigencies and necessities of the hour, and it has seemed to me that this discussion which has been sprung upon this House, that the cast it has taken, that the attitude which has been assumed by certain members of the party to which I belong, that some declarations which I regret to have heard made upon this floor, have rendered it necessary for even so humble an individual as myself to recede from that resolution which I had formed, and to ask the attention of the House for a brief period while I defined my position with regard to some of the absorbing questions of the day.

Sir, I was elected here after a nomination by a political convention, a convention of that party to which I have belonged all my life, whose history is intimately interwoven with the history of this Government, and which, if I have understood its position, has always been the true friend to the Government and of the Union. Having received the support of that party, and having encountered the untiring hostility and opposition of a large majority of the party represented by gentlemen upon the other side of the House, while I feel that my first great duty is to the country whose Representative in part I am, I cannot forget that I owe some debt of allegiance to the party which sent me here.

But, sir, it is due to patriotism that that allegiance shall yield to the higher and holier claims of country whenever it shall appear that the attitude of that party, its professions, its tendencies are running counter to the greater interests of our common heritage. If I supposed for a moment that it had become the settled creed of that party that the great work of restoring this Union and putting down this rebellion was to encounter the stern and unfaltering opposition of that party, I must necessarily cease to be its adherent here or elsewhere. If I supposed for a moment that that party, forgetful of all its past traditions, unmindful of all its past professions, was about to falter in the high duty which it owes to the country in this its hour of peril, I should feel that my confidence in it had been misplaced, that I had misunderstood its precepts, its teachings, and its principles.

Mr. Speaker, I am led to this course of remark by some observations which fell from a colleague of mine [Mr. FERNANDO WOOD] representing one of the districts of the city of New York. That gentleman, in the course of his speech made yesterday, declared among other things that there was no such thing as a war Democrat. I do not know whether that remark was intended to apply to the attitude of individuals or of the party at large to-day in this emergency, or was intended to recount the history of the party in the past or was designed to reach over and establish a platform for party action in the future. But whether it was the one or the other, I am here to say that there is, there always has been, and there will be after that gentleman and myself shall have passed from the stage of action and shall have ceased to participate in the affairs of this Government, such a thing as a war Democrat. There will be war Democrats whenever the honor of the country is in danger. Whether the blow is to be struck from without, or whether it is to fall upon us from treachery within, there has been, there will be, and there ought to be such a party of patriotism as a war Democracy. When our national honor, our national integrity, or our national flag has been assailed in all the past, it has been the boast of the party which has sustained the gentleman who made that remark that it was always on the side of the country and in favor of maintaining its honor and dignity by arms to the extent of the last dollar and the last available resources of the nation. Such I believe to be its position now. This war has not, in my humble judgment, been precipitated on this nation from any misconduct or misconception of duty on the part of the Democratic party or its members. They have, so far as I am acquainted with their history, sustained their country's honor and have adhered to the Union by profession, by precept, and by practice.

But, Mr. Speaker, this war is upon us. It is upon us in consequence (I suppose I am at liberty to say so) of the election of the Chief Magistrate who now presides over the destinies of the nation, and of the unwillingness on the part of the seceding States to accept him as our constitutionally elected chief ruler. It is upon us in consequence, as I am free to say here, in my humble judgment, of the unwarrantable act of those who, unmindful of their constitutional obligations, withdrew from membership under the Federal Constitution and defied the authority of the Constitution and laws. It is upon us in consequence of unjustifiable, illegal, unholy rebellion; and when the fact became patent that it was so upon us, not only the party who are represented on the other side of the House but the party that has its representatives on this side of the House had its duty to perform in reference to the war. The Government was not, in my judgment, in a position to yield to the exactions of rebellion. It was not well, in my judgment, to surrender the integrity of this Union, or to fill this land with the clamor that there was no power under the Government to bring back her rebellious citizens to obedience. We were to meet this question as became those who revered the Constitution, as became those who had professed to love the Union, who under the lead of the gallant old hero of the Hermitage had declared thirty years before that this Union must and shall be preserved. That was the tradition of the party, that was the course to which the party had been pledged. It was the course they did pursue, and it is too late to say now that at the inception of this rebellion, and when it was determined to meet forcible desertion by forcible opposition, there were no war Democrats in this land. We have claimed from that hour to this that our Army has been largely filled up by war Democrats, and that every call made by the President was largely and gloriously responded to by the generous, Union-loving Democracy of the land; and it is too late to say or insinuate that all men who advocate the honest prosecution of this war by constitutional means and for constitutional purposes have forfeited their allegiance to the Democratic party.

I believe this rebellion was in every aspect of it unholy and unjustifiable. After it was inaugurated an effort was made by wise and patriotic citizens to adjust and accommodate our national difficulties. That effort failed, and the failure was, in my judgment, mainly the fault of those who would rather have war than peace with slavery. Still, I believe, in marring the good work so patriotically attempted, these ultraists had ready and willing assistance from extremists at the South, who preferred war rather than to abate a particle from their demands with regard to slavery and its extension, or to submit to the rule of the Chief Magistrate elect. Who was at fault for the fact that negotiation did not secure reunion cannot in any way relieve us from our terrible position or its responsibilities; the effort failed; the South set our laws at defiance, ignored our Constitution, defied the power of our Government, seized our property, and finally fired upon our flag.

The question of duty then presented itself, and it came home with peculiar interest to the understanding and conscience of the Democracy of the nation. More than thirty years before, secession, with white lips and chattering teeth and bated breath, had fearfully whispered its parricidal purposes. The old lion of the Hermitage then trod the quarter-deck of the ship of State and governed and guided its movements. Would to Heaven that in his then maturity of mind, matchless judgment, and indomitable will and energy, he could once more take the helm. "Like an eagle in a dove-cote he'd flutter the voices" of these malcontents, and we should outride this storm and enter in safety the haven of Union and peace. But the lessons taught by General Jackson to treason at that time are, and ought to be, perpetual law with the party then supporting him. They were hailed with delight by the now living as well as those who have since gone to their account. They understood what the man of iron meant when he said, "The Union *must* and *shall* be preserved," and they approved the declaration. They knew and we know that the very moment a citizen or a collection of citizens, however formidable in numbers or influence, committed the overt act of resistance to the Federal law, General Jackson intended to hold them guilty of treason, and, if necessary, invoke the whole military power of the nation to bring them to justice and submission. There were war Democrats in those days; and it would have been a sorry day for my colleague had he been honored with a seat here at that crisis, if he had stood up to declare in his place that no Democrat would support the President in any attempt to coerce South Carolina. The duty that Democrats owed their country then they owe it now. It is due to patriotism, and, what is a minor consideration, to party consistency, due to the memory of their glorious old leader, now sleeping, "after life's fitful fever," beneath the very tread of rebellion, that they should reiterate and keep everywhere and always his solemn oath, that "The Union must and shall be preserved."

In choosing the part—a very humble and unimportant one—which I have taken in relation to this rebellion, I have followed, as I believe, as I know, the traditions and teachings of the great party which has so long administered our Government, and you cannot wonder, sir, that I felt startled to hear myself read out of the party for believing with General Jackson that when citizens defied the laws to compel submission was our obvious duty. To submit our differences to the arbitrament of war was a dire necessity; but I have always understood that our party was pledged, even to the extent of war, to maintain the Union in its integrity. We favored negotiation, and believed in concession and peaceful adjustment; but I think I can safely say that the majority here North did not intend to concede anything, and the majority South did not intend to accept anything short of separation. At all events negotiation failed; both parties armed, one to take the South out of the Union and the other to hold the Union together. I was called upon to elect which plan I would favor, because, Mr. Speaker, it is certainly true that at the stage of this affair to which I now allude the choice was between recognition and war to prevent it. And I cannot yet believe that I have forfeited the public confidence because I cannot assent to the doctrine that there is no remedy but persuasion for treason and rebellion.

Well, sir, at this juncture we all chose our parts in the contest plainly approaching, and, with an unexampled unanimity, the entire North prepared to *fight* for the Union. Even my colleague [Mr. FERNANDO WOOD] spoke in favor of armed resistance, and devoted his time and talents and contributed his money to raise and equip a regiment to "fight rebellion down." Three years have expired, and we are again reviewing this question of duty. I am free to confess that the policy of this Administration has failed to satisfy me. I am compelled, but sorry, to declare that the manner in which the President has treated and disposed of certain questions of policy, collateral to and growing out of the war, has not commended itself to me as wise and statesmanlike. To repeat what has been often and better said before, the presidental plan has, in my judgment, greatly disappointed the conservative sentiment of the North, while it has concentrated and strengthened the purposes of the rebellious South.

So long as the Executive proclaimed that submission to the Constitution and laws was all he sought, and that submission should end the war, the South were fighting for a shadow, and the leaders of the rebellion could not, in the judgment of the wisest and best men of the land, have kept up the masses to their support in so aimless and fruitless a strife; but when we contemplate the present attitude of the belligerents, when we compare what the South is *compelled* to fight for now (if she fights at all) with what she chose to go to war for at first, no man can fail to discover the magnitude of her present stake on the result, or fail thence to conclude that her desperation

will be increased in a corresponding tone. Time would fail me to enter into a critical analysis of the Administration war policy; but can any man doubt that the changes it has undergone from time to time have wrought a change in the temper and purposes of the people and armies opposed to us, or that that change is unfavorable to an early and peaceful adjustment? I hope I offer no injury to the cause of my country when I add that the Executive has not, in my judgment, strengthened the cause of the Union by the manner in which he has treated questions which have arisen from time to time more immediately affecting our own rights and interests as Union citizens of the North.

I have not and shall not cease to protest against the infractions of civil liberty which have been perpetrated under the auspices of the present Executive and for which war necessity has been the uniform but in my judgment insufficient excuse. Freedom of speech and of the press, and free and unrestrained suffrage, are just as sacred and valuable in war as in peace, and that they have been ruthlessly and repeatedly invaded during the last three years, under presidential sanction, is an undoubted fact. These departures from constitutional land-marks, together with the sweeping and radical change of policy toward the seceding States and their citizens, before referred to, have doubtless caused some men to wonder and to doubt as to duty in the present aspect of affairs; they afford the excuse for whatever of hesitancy is to be found in the North as to the course proper to be pursued in the future.

Again, grave men and good patriots complain that the war has not thus far been prosecuted with the skill and good judgment which would have secured success. There is no instance to be found in the world's history where a generous people have poured into the lap of Government so much of treasure or placed at its disposal more or braver men than this people have given to this Administration since the war began. Every call has been promptly and generously met, and it certainly cannot be attributed to any remissness on the part of the people if the seceding States have not been reduced to submission. For one, I am unwilling to concede that the fault lies with our soldiers. They have fought bravely, skillfully, heroically, on every field where they have been tried, and our want of success must not be laid to their charge. If the fault lies with the Government, it certainly calls for early correction, and this brings me to consider a second proposition submitted by my colleague [Mr. FERNANDO WOOD] in his speech of yesterday, which was to the effect that if this war was to continue he wanted to see the present Administration party continue in power to carry it on; and in entering my protest against this proposition I shall define, in my poor way, the position which, in my judgment, the Democracy of the nation should assume and maintain.

Speaking for myself, I protest against this transfer of the Democracy to the fold of Republicanism. While I will not despair of the Republic, I see no reason why the great party that has stood by the nation, and under Providence saved it from every danger, foreign and domestic, which has assailed it in the past, should turn away now, in gloom and despair, without a final and united effort to take the Government by the peaceful means of the ballot-box from the hands that hold it, and then to enter upon the great work of restoring the Union and saving the national honor and integrity.

If great success should attend our arms during the approaching summer campaign, success sufficient to warrant the conclusion that the power of the rebellion was broken—and Heaven grant that it may be so!—the success of the Democratic party might be less essential to the welfare of the nation; but if, on the other hand, with all the means for the vigorous prosecution of the war now at their disposal, with vast armies of veteran soldiers, commanded by our most skillful generals, the Administration fails to make a decided impression upon the enemy now, it seems scarcely possible that the popular judgment should fail to discern the necessity of a change of rulers. And whom in this emergency will the people trust; to whom will they confide their armies and navies and the great work of the salvation of the Government and nation? This war will still exist. My colleague says, "If the war is to continue." It will continue. Does he or any other reasonable and sagacious man believe that the 1st of November will find the war closed up and peace in the land? and if not, we return to the inquiry, who will the people trust in such an emergency?

I give it as the conviction of my judgment, that if the Democratic party shall place itself upon the platform built by the gentleman from Ohio, [Mr. LONG,] indorsed by the gentleman from Maryland, [Mr. HARRIS,] and also as I understood him by my colleague, we shall have a recurrence of past misrule for the four years to come and whatever of disaster which may accompany its infliction.

That policy which would withdraw our armies from the field and trust the work of reunion to the hazard of negotiation alone with a power that has declared repeatedly and always that we could not name the terms upon which they would reunite with us, will not, in my judgment, receive the popular sanction, but will on the other hand be signally condemned in the approaching canvass if any party advocating such a policy arises to ask for popular support. A vast majority of this people believe that we can and we ought to put down this rebellion, and that having gone almost to the limit of the nation's resources to accomplish it, there is nothing but humiliation in the proposition that we shall retire first from the field where so many thousands of brave men have fallen to secure what in their judgment will be lost forever by the withdrawal of our armies.

It is still wise, it is right, therefore, for the Democratic party, in my judgment, conformably to its past professions, consistently with all its past history and tradition, to continue to insist that they who have rebelled against this Government and are seeking its destruction must return to their allegiance, must submit to the authority of the Constitution, must lay down the arms they have taken up to defend themselves in their position of outlawry, and in default of their doing so, that they shall be visited with all the consequences and punishments of overt treason.

I would not prosecute this war in a spirit of bloodthirstiness, conquest, or extermination. Nor would I fail to embrace the first opportunity for an honorable peace, based upon the Constitution as it is and the Union as it was.

Whatever may have been, or may yet be, the consequences of this war upon the institution of slavery, they are upon the head of the party who rebelled for slavery's sake. Manifestly the rebellion, whenever it ceases, has weakened if not destroyed that institution. Slavery, in the language of the rebel press, has, by going to war, "stabbed itself to the heart." But with that, in the prosecution of the war, or in its termination, we have nothing to do. And this people will never sanction a war carried beyond the point where a peace can be honorably attained, with the Union, well and safely restored, merely to accomplish the purposes of abolition fanaticism, or to force any new form of government upon any of the States of the Union. While standing up, therefore, to defend by our arms our Government against its treasonable assailants, let us be prepared to receive and act upon the first overtures which promise an honorable peace. I confess that I have as yet seen no indications of pacific wishes or intents upon the part of the rebellious South, nor do I anticipate the discovery of any such until more signal success shall attend our arms, and their resources be limited and impaired. When that point is reached the popular heart of the suffering South, without regard to the views of ambitious leaders, will rise up against this war and an element be stirred which, when dealt with in a spirit of conciliation and kindness, will bring our armies rest from this work of carnage and our people a welcome and joyful peace. Till that time comes, suing or begging for peace by ourselves will only protract and prolong the period of its attainment, give to the enemy false notions of our own spirit and powers and resources of resistance, and bolster his own pride and arrogance.

Some weeks ago allusion was made by my colleague to a proposition for a peace commission, then pending in the rebel congress, and I understood him to say that it embraced an offer of adjustment upon the basis of the old Union; and in that view, if I mistake not, he was sustained by the very able gentleman from Ohio, [Mr. Cox.] I did not so read or interpret this so-called peace proposition. The object of this commission, as indicated by the resolutions, was to ascertain,

1. Whether the United States and the confederacy could agree upon the terms of an amicable separation.

2. In case that could be effected, to ascertain whether terms of a readjustment and reunion could be agreed upon; and if not,

3. To agree upon treaties offensive, defensive, and commercial.

I have not these propositions as debated in the rebel congress before me, but they were substantially as quoted, and careful consideration has failed to disclose to my mind anything in them but disunion. It is purely and simply a proposition to divide ourselves into two nations, and establish convenient relations between us incident only to such a state of separation to be maintained for all the future; unless, perchance, in our separation we should under some unaccountable, unanticipated impulse or influence, agree to undo immediately what we had just done in so formal and solemn a manner. And even this proposition, so deceptive, so infinitely short of anything which could or would be listened to here, was I believe promptly rejected by the rebel congress, and we may thence infer, as has been before stated, that there is yet a great change to be wrought in the public mind in the rebellious States before the peace opinions lately expressed upon this floor will meet with any encouraging response from them.

I have thus, Mr. Speaker, without the premeditation which a subject of such immense importance demands, given the reasons by which I have been governed in my present and past position relative to our national difficulties. I have also, yet upon no authority but my own judgment, stated what I believed would be the attitude of the Democratic party with relation to the war in the approaching autumn, if the war continue, as there is every reason to fear it will.

In that event I suppose the sympathies of my colleague, in accordance with his declaration before alluded to, will be with the party arrayed against us. I commend him to our long-time political adversaries as a bold, skillful, eloquent, and industrious worker and leader, and I have no doubt of their ability to turn his talents to excellent account.

A VOICE. We don't want him.

Mr. WINFIELD. You had better accept in thankfulness what the gods send you, without being too particular about the motives which prompt the accession.

Before concluding these discursive remarks, I intend a hasty review of the course pursued by gentlemen on the other side of the House since the commencement of this session toward the Democratic members on this floor and their Democratic constituencies. Scarcely a day has passed since we came together that some Administration member has not charged us in some phrase or other with want of patriotism and fealty to the Government, and these charges have been preferred in terms the most insolent and insulting that their authors could possibly have selected.

I protest against such a course, Mr. Speaker, first, because of its manifest injustice. There may be, there doubtless are, men in every section of the country, and attached to every party, who have failed to discharge fully the obligations due to their country's cause in the perilous times through which we are passing; but I utterly deny—and I speak particularly for my own State, as I feel no disposition or right to speak for others—that the Democratic party has set its face against our country and Government in the exigency which is so sorely trying us. I have mingled much in assemblies and in private circles where plans were being devised and consummated to aid in the great work of putting down the rebellion; have some knowledge of the instrumentality by which soldiers and the money for paying them have been raised, and I assert here positively that, so far as my observation extends, the Democracy of the State of New York have not stood back from the discharge of their duty in this crisis, but have given to the war their full and ample share of the men and money which that State has furnished. Collectively the party has, through its conventions, always declared for the war to be prosecuted con-

stitutionally and for constitutional ends; having adopted at every State convention held since its commencement as the State platform the Crittenden resolution, which, if I remember rightly, at a former session of Congress passed this House unanimously; and now, if only the facts have been stated in relation to our connection with the great questions of the day, why is it that gentlemen arise in their seats day after day and hiss offensive epithets and unfounded accusations into our faces? Such a course can only serve a present party purpose. It may do a work of mischief for which a party success will be no equivalent. Are not gentlemen convinced that a large share of the almost unconquerable hate which now exists between the belligerent parties in this war has been engendered by the same sort of reviling, crimination, and recrimination which are being daily practiced in the Halls of Congress now? We want a united North, say you. Shall we have it in this way? Good men will not be driven to treason by the abuse of irresponsible persons; but when the well-meaning and patriotic are told day after day that they are traitors, in league with their country's enemies, upon whom the arms of their country's soldiers are to be turned when the enemy in front is subdued, it takes away that heart for a good cause so essential to its successful advocacy and support.

And how think you, Mr. Speaker, all this denunciation is operating upon the minds and courage of those in arms for the rebellion? If the four or five gentlemen upon this floor who seem to have this work of defamation principally in charge succeed in satisfying Jeff. Davis and his cabinet and congress and armies that rebellion has for its sympathizers and supporters the entire Democratic party North, and that its members only seek a favorable opportunity to declare and fight for secession, how soon, think you, shall we find evidence of that waning confidence in their cause, that gloom and despair which must precede the surrender of their opposition to the Government? I fully believe, sir, the blatant oratory of this session about copperhead Democracy, the unfair and ungenerous denunciation of the whole Democratic party which we hear constantly ringing through this Hall, tending as they do to revive the fading hopes of the enemy, are doing more to prolong the war than all the peace speeches which have been made since its commencement.

Upon two occasions since the commencement of the session, when measures having in view the good of the service and the welfare of our soldiery were under discussion, and when gentlemen on this side of the House were pledging themselves to support the Administration in all its efforts to raise, supply, and render efficient armies to defend our nationality, we have been superciliously told in effect that the gentlemen over the way had that matter in charge, that the elections had rendered our aid and support a matter of no consequence, and that we had as well carry out our mission of opposition to the end.

Let me say to the gentleman from Maryland [Mr. DAVIS] and to the gentleman from Pennsylvania [Mr. KELLEY] that however large a space they may fill in the public estimation, however important the "mission" in which they may be engaged, neither of them is of sufficient influence or consequence to justify his coming between the humblest member on this floor and the discharge of his duty. Mission! Sir, we were all sent here on the same mission—to legislate honestly and wisely, as we know how, for the good of our country and to save her from ruin, so far as our official action could induce such result. And although we may differ as to the details of legislation, what power is there that authorizes the member from Maryland or the member from Pennsylvania to elbow any Representative here from his place at this council-board of the nation with the declaration, "This is our business, and you have neither part nor lot in it?" Who established them censors of other men's conduct or opinions, with the power of saying who shall and who shall not discharge the duties imposed upon him by his oath according to the dictates of his conscience and his judgment? Sir, this is neither the time nor the place for this affectation of superiority. Conceding to the gentlemen referred to all that they can reasonably claim on the score of talent and experience, they "feed on no such meat" as enables them to "get the start of this majestic world, and bear the palm alone." Our places here are held by at least as perfect a tenure as theirs; our responsibilities are as sacred, and as we have no particular account to render to them we protest against the legislative snobbery and effrontery which prompts this twaddle about what they will or will not allow us to do.

While I have the greatest admiration for the talent and ability of the gentleman from Maryland, and have been a delighted listener to several of his confessedly great logical and oratorical efforts on this floor, there is still another course of remark which he has on two several occasions indulged in here, against which, as one of the Representatives of New York, I feel it my duty to protest. I allude to the unfounded and ungenerous imputations against the patriotism of the Executive of our State, and the specious effort to connect him, as aider and abettor, with the recent conscription riots in the city of New York. It may serve a partisan purpose just at this time to revile and vilify Governor Seymour; but I greatly over-estimate his rare qualities of heart and mind, and the many and important services he has rendered his State and country, if his memory is not held in grateful remembrance by a just and generous people long after his enemies and persecutors shall have passed off the stage and been forgotten. I have watched with no common interest his career as a public man, have some knowledge of his views and feelings with reference to this rebellion and the manner of treating it, and all that I have seen and know of him fully authorizes the assertion which I here make, that there is not in public or private life a sincerer patriot, or one who is prepared to go further or make greater sacrifices to subdue and bring back to constitutional obedience our domestic enemy, and to restore the Union to its ancient integrity. In the splendid efforts he made before the people pending his election, and particularly in his memorable Brooklyn speech, he declared boldly for a vigorous prosecution of the war to restore the rightful authority of the Government, and I certainly know of no occasion since his election where he has been found wanting in prompt and generous coöperation with the Federal Government in times of peculiar danger and alarm to secure such a result. His promptness and energy on the occasion of the raid of last summer by General Lee and his army into Maryland and Pennsylvania will long be remembered by all whose natures are capable of gratitude, and will pass from the memory of such only as are incapable of doing justice to a political adversary. When called upon by the Executive, at that hour of gloom and peril, for aid in repelling an invasion so threatening to the Union cause and to the safety of our sister State, he responded with a promptness and energy and with such success as finds no parallel in the individual history of any man, either soldier or civilian, who has been connected with this war. His preparations were far in advance even of Pennsylvania herself, and in an incredibly short space of time fourteen regiments of troops, as good and as brave as ever faced a foe, were sent, fully armed and munitioned, to confront the advancing enemy, to save the beautiful valleys of Pennsylvania from pillage, her towns from destruction, and her citizens from slaughter. If I remember rightly, his prompt and patriotic response to the call of the Government on that occasion elicited the thanks both of the Executive and Secretary of War, and so highly did the latter official appreciate his noble and generous efforts that he extended to him a pledge of future personal friendship.

On the occasion of the President's recent call for additional troops Governor Seymour was the first of all the State Executives to urge a prompt response to the call, and his eloquent appeal has greatly aided in enabling New York to send her full quota to the field under every call thus far made, as she will certainly do.

I have never known where or upon what unfounded pretense originated the idea that Governor Seymour was in the smallest degree responsible for the murderous conscription riot in New York. The charge which is made, with no proof to sustain it, needs only a flat denial. And I here assert that no act or utterance of his, then or ever, incited man or mob to riot or resistance to lawful authority. Quoting from the Governor's speech at the city hall, and drawing from the elegant literature found in "the New Gospel of Peace," the gentleman from Maryland speaks of "Governor Seymour's friends, the Pahdees." The impression sought to be made is, doubtless, that upon the occasion referred to Governor Seymour addressed the excited mob in terms of friendly encouragement rather than in language of defiant power and authority. It will be borne in mind that the speech in question was made at an hour of the day when the up-town residents of New York, embracing thousands of its worthiest business men, were passing down to their places of business, and these had surrounded their friend and favorite, intensely anxious to know what he proposed in that hour of extreme danger. Why should he not address them as his friends? Such they were, and had recently proved their friendship in a way that filled his generous heart with tenderest emotions as he stood among them once more to take counsel for the public safety.

I deny that upon that occasion "he paltered in a double sense" with riot and crime. He asserted firmly the supremacy of the law, and declared firmly his intention to enforce it; and, unsupported as he was by military power, (for let it be borne in mind that he had stripped his own State almost entirely bare of soldiers in aid of Pennsylvania,) he went as far as any man living would have gone in defying and threatening the desperate men he had to deal with.

The Representatives on this floor from the city and State of New York are at a loss to know why riots and rioters in New York should become the so frequent subject of animadversion by the gentleman from Maryland. There are places under the sun where riots are quite as frequent and bloody and irrepressible as in New York. If the gentleman will recur to the last twenty years' history of his own city, he will find that mobs and their cruel and bloody orgies have been an almost yearly disgrace to her historic annals; lawless violence has there become an almost chronic disorder, and organizations of "Plug Uglies" and "Dead Rabbits" are almost a Baltimorean institution. It recurs to me now that at the outbreak of this civil war, when Massachusetts had sent her brave sons to protect the capital, after they had been warmly and generously welcomed in every city and town through which they had passed, they were assailed, beaten, maimed, wounded, and some of them killed in the streets of the gentleman's own city by a mob of traitors, lacking patriotism to fight for their country and too cowardly to take up arms against her; and it is a fact worth remembering, that before the work of shedding of blood commenced, on occasion of the late riot in New York, the proportions of the mob had been largely increased by accessions from Baltimore, Philadelphia, and Boston, brought there by their lust for plunder and natural appetite for blood; and it is said that among those subsequently slain by the officers of the law were found some who had been trained for the lives they led and fitted for the deaths they died in Baltimore city. If the gentleman will accept the suggestion in the same kind spirit which prompts it, I would advise him to stretch his reforming hand over his own city before coming to New York to preach "peace on earth and good will toward men."

Before yielding the floor I desire to notice briefly the course of remark indulged in a few days ago by the gentleman from Ohio, [Mr. SCHENCK,] pending a proposition originating on this side of the House to increase the pay of our brave soldiers. By good management or sharp practice the chairman of the Committee on Military Affairs managed to secure the floor on this resolution, and thus to get control of the motion for the previous question. This enabled him to arraign, accuse, and abuse this side of the House without stint and with perfect impunity; and, refusing to give way for explanation or denial, he availed himself fully of his secure perch to shower down upon the heads of gentlemen on this side of the House the grossest charges of insincerity in their professions of friendship for the soldier and demagogueism in their efforts to increase his pay. The only true friends of the Army were modestly claimed to be those seated on the other side of the Hall, while we on this side were stigmatized as "sham," "professed," and "pretended" friends, and finally

told, in effect, that this matter of doing justice to the soldier was under grave consideration in the Military Committee, and it was no part of our business to be harping upon it or urging it up in the House.

Now, sir, speaking for myself, I shall allow no man, however important may be the position he occupies, or however exalted his talents or influence, to impugn or question the sincerity of my friendship for the soldiers who are fighting our battles and shedding their blood for the restoration of the Union without meeting his unjust and most false accusation with an indignant denial. If, anywhere in this land, there can be found a class of citizens deserving the deep reverence and perpetual gratitude of us all, it is the brave men who have rallied, with such alacrity, around our insulted flag, and braved the dangers of this bloody and destructive war. Better soldiers, with the same experience, the world never saw, and ingratitude is no name for the sin of him who withholds from them that reverential regard their many sacrifices for us merit at our hands. But the soldier cannot live and support his family on praise and gratitude alone. Considering the depreciation of our currency, and the increase in the price of every necessary of life, members on this side of the House have felt, since the commencement of the session, that an early movement should be made to increase the soldier's pay. So clear was our sense of the propriety of such a step, that we even dared to move in the matter without waiting to ask leave to do so of the Military Committee; and this act of indiscretion has brought upon our devoted heads the ire of the formidable chairman of that committee.

Now, I propose to examine in reference to this very question of increase of pay whether all sincere friendship for the soldier is found with the gentleman from Ohio and his friends. That gentleman knew long before he took his seat upon this floor that the soldier's pay of thirteen dollars per month was grossly inadequate to his support and that of his family, and that every month that he receives only such compensation his family either suffers for the necessaries of life or is dependent upon the world's cold charity; yet nearly five months of this session have been allowed to pass by the chairman and his committee, and while a vast deal of legislation upon other subjects has originated with that committee, has been perfected and passed through this House, no movement that the outer world knows of has been made in behalf of the soldier, and when resolutions providing him tardy justice are offered on the floor, resolutions so clearly right in themselves that they could be and should be passed at once, they are voted to the Military Committee by those who, lacking the courage to kill them openly on the floor, send them there for perpetual imprisonment or secret assassination.

The gentleman from Ohio was pleased to inform us for the first time, in his speech the other day, that his committee had under consideration the question of increasing soldiers' pay, and that to that end a bill would some day be reported; but he also said they wanted to see how liberally this side of the House would vote taxes to meet the increased burdens upon the Treasury before they brought forward their measure of relief. Sir, that pretext for delay will hardly serve the gentleman's purpose. He will not, at all events, deny his confidence in the justice and patriotism of his own side of the House, and he knew that their clear working majority, both in the Senate and here, insured just such tax legislation as might be made necessary by any increase of soldiers' pay Congress should vote. But, sir, the question of soldiers' pay was not a question of the sufficiency of the revenue. In the face of his just demands and his distressing necessities, we could not, and ought not, plead the poverty of the Government. This was the last point at which retrenchment should have been tried; to attempt it elsewhere might have been injudicious; here it was cruel; and although our brave heroes will go on and do their duty like true men, yet many a shudder will they give at the reflection that famine's wolf may be prowling at their doors at home.

Reverting to this charge, made without cause and in a spirit of such gross injustice, of unfriendliness to the soldier on this side of the House, I add that it is impossible and unnatural that we should cherish toward him the sentiments attributed to us. My own district, sir, has sent five thousand men to this war. I do not know the exact number, but what I have named is an approximation sufficient for the purposes of these remarks. They have gone off singly, in squads, with batteries, by companies, and by regiments. They were collected from every town and hamlet of the district; hundreds of them were my warmest and most intimate friends; they were going to serve in a cause which I believed a just and righteous one; they were making great sacrifices and braving extremest dangers that our Government might be saved from destruction. Is there a man who deserves the name of such whose heart would not have yearned toward them with affectionate admiration? I have watched their career with mingled emotions of anxiety, pride, and sorrow. They were untried and unpracticed in scenes of blood; and as men have sometimes faltered while passing through the fiery ordeal of battle, we were not without anxiety for our friends until we knew they had been tried, and then our hearts swelled with emotions of just and honest pride that every man had faced danger and death like a hero, and no coward was found among them all. I know of no battle-field of this war where the sons of Orange and Sullivan have not fought and where some of them have not fallen, sealing in blood their devotion to the cause in which they had enlisted. The archangel's trump, not glory's, shall awake them, but

> "When spring returns, with fingers cold,
> To deck with flowers their hallowed mold,
> She then shall deck a sweeter sod
> Than fancy's feet have ever trod."

For those of them who shall survive this war there is in store as warm a welcome home as ever awaited a soldier's return. We know how they have fought; we know that for not one instant have they faltered in the discharge of their perilous duties; and we of the localities from whence they have gone feel honored by their noble bravery. We shall watch their career till its close with affectionate solicitude; and when *they* come back, who are spared to do so, they shall be clasped to warm and grateful hearts.

Mr. Speaker, it was not my purpose in getting the floor to enter into an extended discussion of the particular subject before the House. I had, however, intended to present one or two points which were, in my judgment, pertinent to the issue, and which had not been alluded to; but for that, even, there is not now the time left to me; and I shall content myself with saying that while I dissent entirely from the tone, sentiment, and substance of the speech of the gentleman from Ohio, [Mr. LONG,] I cannot discover in his case such a breach of the privileges of this House as gives me the constitutional right to vote for his expulsion.

Mr. GRINNELL. I did not anticipate a few hours since taking any part in this debate, and I shall not detain the House long now, as I have agreed to divide a portion of my hour with a gentleman who will address the House upon this question.

Before I proceed with my remarks on the question, allow me to say that the gentleman who has just taken his seat [Mr. WINFIELD] has not even hinted at the question under discussion, which was his right, and I conclude that the speech has been laid away long prepared, and that the first opportunity for bringing it to light was this occasion. He left me entirely ignorant in regard to his position upon the question now under discussion. He has not informed the House how he shall vote, and I must remark that this question has brought up disclaimers, apologies, and lectures of the most uncommon character. Why, sir, every other gentleman that has spoken on that side has been called upon to make a disclaimer in behalf of some political brother; and a family of feuds that must be now—anything but a happy family, judging from the lectures they have seen fit to give one another during the two or three days past. I do not propose to go into the family for the purpose of arranging any of their difficulties, which I know are of a very serious character. Their troubles are chronic, and I do not propose to offer medicine to men so sick as the Democratic party—"the sick man" of 1864—too far gone for the use of any known medicines.

While I have listened to this discussion, there has come to my mind, considering the protests and discordance, language which I thought might properly be used, in Macbeth. I quote a few lines, perhaps disjointedly:

> "Fillet of a fenny snake,
> In the caldron boil and bake:
> Eye of newt, and toe of frog,
> Wool of bat, and tongue of dog,
> Adder's fork, and blind-worm's sting,
> Lizard's leg, and owlet's wing,
> For a charm of powerful trouble,
> Like a hell-broth boil and bubble."

The flames of semi-treason rising, let

> "Fire burn and caldron bubble."

That is the bubbling of that harmonious Democratic party, in the language of the witches, in April, 1864.

The gentleman has seen fit to place upon this side of the House the honorable gentleman from New York. I cannot designate him otherwise than the ex-mayor. I beg the gentleman's pardon when he says "whom the gods send we must accept." Ah, sir, I take it upon myself in behalf of this great and this glorious party for the war and the Union to deny that the gods have so sent; that the Almighty has not permitted us to live to this late day to suffer such an affliction as that of that gentleman upon this party; one who declared in the early part of this session that this war was "a hellish crusade of blood and famine," and now gentlemen propose to transfer him to the Union party. He declared that peace must come, and he did not care whether it came by "southern submission or by success." And when he said it, I felt like saying he belonged—not over on that side, for there are good Democrats over there, I trust—but that he belongs in Richmond, yet here minister resident, a peace man. We shall not attempt to transfer to you gentlemen who are free thinkers but for the war and the Union, from this side, and we will not permit it from you.

I cannot proceed to the consideration of the question under discussion for a moment. The gentleman from Indiana, [Mr. HARRINGTON,] who spoke at an early hour this evening, went out of the line of legitimate discussion in an unbecoming manner to traduce and malign the defenders of their country. He spoke disparagingly, I trust thoughtlessly, of the sons of New England, by saying that the soldiers of New England had no stomach for the fight.

Mr. HOLMAN. My colleague is not in his seat; but he stated distinctly to the gentleman from Massachusetts [Mr. BOUTWELL] that he did not say the "soldiers" of Massachusetts, but the citizens of Massachusetts, as represented upon this floor.

Mr. GRINNELL. If the gentleman says he did not say soldiers, I say he did, with all deference.

Mr. HOLMAN. The gentleman labors under a mistake.

Mr. GRINNELL. He said the soldiers of New England had no stomach for the fight.

Mr. HOLMAN. He expressly disclaimed the language.

Mr. GRINNELL. I will not allow the gentleman to utter slanders against New England unnoticed and then leave his seat in the Hall.

Mr. HOLMAN. I simply wished to avoid injustice being done to a gentleman not here. I heard the remark distinctly, and when it was repeated by the gentleman from Massachusetts [Mr. BOUTWELL] I at once discovered the difference of the phraseology of my colleague and that made use of by the gentleman from Massachusetts. As soon as my colleague heard the terms made use of by the gentleman from Massachusetts he corrected the language and said he did not say "soldiers" of Massachusetts, but citizens of Massachusetts as represented upon this floor.

Mr. GRINNELL. Well, I will do no man any injustice.

Mr. HOLMAN. I appeal to the gentleman from Massachusetts [Mr. BOUTWELL] himself to say whether the correction was not at once made by my colleague, [Mr. HARRINGTON.]

Mr. BOUTWELL. My understanding of the words used by the gentleman from Indiana first was this: that the soldiers of New England had no stomach for the fight. I asked him what evidence he had, and I repeated the words I understood him to have used. He then said he did not say the *soldiers* of New England had no stomach

for the fight, but that the *people* of New England had no stomach for the fight; and the evidence consisted of these two facts, that the Governor of Massachusetts had sent agents into Indiana to enlist colored men; and the conduct of the Representatives upon this floor.

Mr. ELDRIDGE. I desire to ask the gentleman from Massachusetts—for I sat near him at the time—if the gentleman from Indiana did not say the "Representatives" of Massachusetts?

Mr. GRINNELL. That is just as gross a slander, if he did.

Mr. ELDRIDGE. I appeal to the gentleman from Massachusetts if that was not what my friend from Indiana said?

Mr. BOUTWELL. The gentleman from Indiana utters the truth in what he says, but that does not qualify what I have stated.

Mr. ELDRIDGE. My inquiry of the gentleman from Massachusetts was whether the gentleman from Indiana in his explanation did not say that his remarks applied to the Representatives of Massachusetts?

Mr. BOUTWELL. If the gentleman from Iowa will allow me I will restate the matter from my recollection as now refreshed.

Mr. GRINNELL. I will yield for that explanation.

Mr. BOUTWELL. I understood the gentleman from Indiana to say, first, that the soldiers of New England, not of Massachusetts, had no stomach for the fight. I then put the question to him, "What evidence have you that the soldiers of New England have no stomach for the fight?" He then said that his words were that the people of New England had no stomach for the fight. Upon being pressed as to the evidence on which he based that statement, he then said that he supported it by the two facts to which I have referred, the fact that the Governor of Massachusetts had sent men into Indiana to recruit colored soldiers for the Massachusetts quota, and the conduct of the Representatives of New England upon this floor; and then he finally said that the Representatives of New England upon this floor had no stomach for the fight.

Mr. GRINNELL. I will say to my friend from Indiana, [Mr. HOLMAN,] who is so fertile in objections and so prone to explanations, that his colleague did say—and I am borne out in it by a dozen members—first, that the soldiers of New England had no stomach for the fight, and then he backed out of it, in what I should call elsewhere a very slippery way, by saying that the Representatives of the people of New England had no stomach for the fight. But, sir, as it is said that towers are measured by their shadows, and great men by their calumniators, I think the people of New England will not feel much grieved over his calumnious assertions, yet for the soldiers I repel them.

Sir, I am proud to own I was born in that New England, although now a resident of the prairies; and I will never allow a man to speak in defamation of the land where I was born, that holds the dust of my fathers or of the mother that bore me, unrebuked. And I will here state what is the belief of the soldiers of the West: that the soldiers of New England have fought as well during this war as the soldiers from any other portion of the country. The soldiers of the East and of the West have slept in the same tents; they have fought side by side, moistening many a battle-field with their blood; and whenever they have been led by generals worthy to lead them and determined for victory, you have found the soldiers of New England, whether at Bull Run, in the swamps of the Chickahominy, with spade or gun, or fighting above the clouds on the mountains of Tennessee, true to the flag, true to their ancestral fame, and true to their God:

> "Right in the van,
> On the red rampart's slippery swell,
> With hearts that beat a charge, they fell
> Foeward, as fits a man."

I could not listen to insults to their character and reproaches to the brave dead and be silent.

We heard threats and semi-traitorous propositions a year or two ago, during the western campaigns, about Union, but leaving New England out in the cold—New England, the home of the agitators, the abolitionists, and Puritans. They simply proposed to cut off the head of the body-politic and leave out New England wealth, brains, and history, with Concord and Lexington and Bunker Hill, and all the memories of this war—New England, which sent her soldiers first to fight our battles, to save this capital, and to fall by the hands of traitors in the streets of Baltimore on the 19th of April, 1861. They are the brothers of my constituents, noble soldiers who sleep uncoffined on the great battle-fields of the West, and are alike enthroned in the great heart of the nation.

I love New England and her soldiers, and am proud of her early and later history. I believe the gentleman from Massachusetts [Mr. BOUTWELL] is to get the floor to-night, and I will leave their further defense to him.

I now come to the question under discussion. We propose to censure the gentleman from Ohio because he has shown that he is not a friend of the Union, and has delivered in this Hall a speech which has given aid and comfort to the enemy in arms, and violated his oath. It is said, first, it is an abridgment of free speech, and we have no precedent for such a course. We have Democratic precedent at least. It will be recollected that in 1842 Mr. Giddings, a member of this House from the State of Ohio, introduced certain resolutions in regard to the slaves on board the brig Creole, a vessel bound from Virginia to New Orleans. For the introduction of such resolutions the House censured Mr. Giddings; every Democrat in the House at that time voting in favor of the resolution to censure him. I will send to the Clerk's desk and ask to have read the material portion of the proceedings of the House on that occasion.

The Clerk read as follows:

"*Resolved*, That slavery, being an abridgment of the natural rights of man, can exist only by force of positive municipal law, and is necessarily confined to the territorial jurisdiction of the power creating it.

"*Resolved*, That when a ship belonging to the citizens of any State of this Union leaves the waters and territory of such State and enters upon the high seas, the persons on board cease to be subject to the slave laws of such State, and thenceforth are governed in their relations to each other by, and are amenable to, the laws of the United States.

"*Resolved*, That when the brig Creole, on her late passage for New Orleans, left the territorial jurisdiction of Virginia, the slave laws of that State ceased to have jurisdiction over the persons on board said brig, and such persons became amenable only to the laws of the United States.

"*Resolved*, That the persons on board the said ship, in resuming their natural rights of personal liberty, violated no law of the United States, incurred no legal penalty, and are justly liable to no punishment.

"*Resolved*, That all attempts to regain possession of, or to reënslave, said persons, are unauthorized by the Constitution or the laws of the United States, and are incompatible with our national honor.

"*Resolved*, That all attempts to exert our national influence in favor of the coastwise slave trade, or to place this nation in the attitude of maintaining a 'commerce in human beings,' are subversive of the rights and injurious to the feelings and the interests of the free States; are unauthorized by the Constitution and prejudicial to our national character."

These were the resolutions of censure:

"Whereas Hon. JOSHUA R. GIDDINGS, the member from the sixteenth congressional district of the State of Ohio, has this day presented to this House a series of resolutions touching the most important interests connected with a large portion of the Union, now a subject of negotiation between the United States and Great Britain of the most delicate nature, the result of which may eventually involve those nations and perhaps the whole civilized world in war; and whereas it is the duty of every good citizen, and particularly every selected agent and representative of the people to discountenance all efforts to create excitement, dissatisfaction, and division among the people of the United States at such a time and under such circumstances, which is the only effect to be accomplished by the introduction of sentiments before the legislative body of the country hostile to the grounds assumed by the high functionary having in charge this important and delicate trust; and whereas mutiny and murder are therein justified and approved in terms shocking to all sense of law, order, and humanity: Therefore,

"*Resolved*, That this House holds the conduct of the said member as altogether unwarranted and unwarrantable, and deserving the severe condemnation of the people of this country, and of this body in particular."

Mr. GRINNELL. Here, Mr. Speaker, is a Democratic precedent, made at the behest of slavery, with the spirit of tyrants, while we act for an imperiled country. Mr. Giddings was bold enough to declare that the slaves on board of the Creole on the high seas were justified in resuming their inherent rights which the God of nature gave them—a proposition so plain that none but the obtusest intellect would dissent from it; and he who would fear to utter it in this Hall is fit for a slave. Yet he was censured by the vote of a Democratic House of Representatives. After that action Mr. Giddings resigned his seat. He was nothing in the world but a "poor, despised Yankee," transferred to Ohio, born in that land whose people, according to the gentleman from Indiana, [Mr. HARRINGTON,] have no stomach for fighting. But what did he do?

Mr. HARRINGTON. Will the gentleman yield to me for a moment?

Mr. GRINNELL. I will yield with very great pleasure after I am done. [Laughter.] What did Mr. Giddings do? He resigned his seat and went home, and the people of his district sent him back here to represent them. Contrast that case and the ground of action with the one we have here before us, and note the action of 1842 and 1864.

The House on Saturday last passed a vote of censure upon a member of this House, [Mr. HARRIS, of Maryland,] declaring that he was an unworthy member. He is a gentleman who boasted here of being a slaveholder—one of the last of that memorable nobility, not a fossil exactly, a representative of the chivalry. And yet he does not seem inclined to follow the proud example set him by Mr. Giddings, a Yankee, the subject of so many jeers. He is not inclined to resign his seat. I will not allude to him as a traitor, although the Chair did decide last night that the use of that language was not unparliamentary as applied to him. I will simply allude to him as "the unworthy member." [Laughter.] By a vote of the House he was censured. That vote was supported by many of the political adherents of the member. Some twenty or thirty members on that side happened to be absent at the time. Perhaps they had gone to dinner, or gone somewhere else. I do not know, not being their keeper. At all events they were fortunate enough not to be here when their names were called. [Laughter.] It will be recorded that so many members of the "unterrified" Democratic party stood by the gentleman from Maryland, so many voted against him, and so many dodged the question. [Laughter.]

But the "unworthy member" from Maryland persists in holding on to his position here, notwithstanding his censure by the House and by members of his own party; while Mr. Giddings, the "grasping, spiritless Yankee," resigned his seat on being censured without a hearing, and on the basest pretenses that he had impaired the value of slave property in Virginia, that mother of slave breeders as well as of presidents. So much for the representatives of the chivalry who never take an insult. They are high-toned, but not so very high-toned but that they will retain their seats after their fellow-members have proclaimed them unworthy of association with them on account of treasonable language. An abolitionist goes to the people and they send him back indorsed with a fresh commission; a vaunting slave-owner, censured, remains here like

> "The last rose of summer,
> Left blooming alone."

When I listen to lectures about New England or Yankees, I thank God that the time is past or drawing near when we shall hear no longer taunts and insults in this Hall—when the crack of the slaveholder's whip will not be heard in this Hall as it has been in the past.

The gentleman from Maryland [Mr. HARRIS] says further—and I hope he will not come any nearer to me than he is—[he comes over toward Mr. G.]—that if a man calls his father a traitor he will do something, I do not know what, some terrible thing, and as I do not want some terrible thing to befall me, I will not call him a traitor. But when the gentleman says that he will answer for all his sins as a slaveholder, I tell him there is a dark and terrible future for him; that every one of his slaves has a note against him bearing compound interest, and that note will be presented in that great day, when I fear that that gentleman will not be able to cash it, or meet the consequences of protest at the bar of the Eternal. He will hear, "Behold the hire of the laborers who have reaped down your fields, which is of you kept back by fraud, crieth; and the cries of them which have reaped are entered into the ears of the Lord of Sabaoth." And it is because those who have gone before us, and have sat in this Chamber, have listened without rebuke to the abuse of these slaveholders, that I believe in God this country has come to what it has, having slavery everywhere.

Sir, great justice, late if not early, will be heard. These men who voted to reprimand and insult John Quincy Adams living, when he was dead

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 15, 1864. NEW SERIES.....No. 101.

could not find words to express their reverence for his memory. And the same thing has taken place during the present winter in reference to one of the leading abolitionists in this country. You called him in his lifetime a keeper of an underground railroad. You exhausted the catalogue of vile epithets to hurl against him. And when he was dead you mourned for him as for one who had stood up for the truth before God; now the Parian marble is not white enough for his monument.

I would not, sir, have thus digressed in remarks but that I may never again lift up my voice in this Chamber, and I desire to have it known by my children and men who come after me that one descendant from those who for three hundred years have struggled and suffered for rational liberty never heard a slaveholder boast of his mastery and take pride in his defense of traitors without standing up to rebuke him, to say with full voice to his face, "Get thee behind me, Satan."

Now, sir, when I use this language in reference to slaveholders, I do not mean to include all in this House who may fall within that category. I do not allude to all these gentlemen from the border States. I do not include all those gentlemen. Ay, sir, and my heart warms toward them when I think of that State that has recently given her voice in favor of emancipating her slaves. Your heroism commands the admiration of the country, denouncing the wrong, and being ready to give your slaves, and let them go to fight the battles of the country. And I could almost forgive the boastings of the member from Maryland when he told us that he had been a slaveholder, but that his slaves had all run away. I was glad when I heard that he, like myself, was obliged to cultivate a few acres of land by hired and paid labor. And when he said the patriarchal relation had been destroyed by General Butler, I said to myself, "Thank God for General Butler!"

By this proposed censure we are charged with inconsistency because we did not expel Mr. Conway, of Kansas, for the introduction of certain resolutions which he offered last winter. What was the crime of Mr. Conway? What did he say by speech and resolutions? The substance of his proposition, the amount of his resolutions was, that if this country was to be controlled by slavery again, or by the Democratic party with all its propagandism, with its old associations, with slavery, the fugitive slave law and all, the supreme law, he preferred there should be a dividing line, all south of which should be devoted to slavery, and all north of which should be absolutely free. Sir, under the circumstances, I do not wonder that he used that language. He spoke as our soldiers would. He used the words of a man who was praying night and day for the success of our Army, voting money, and only fearful, like millions of others, that after the shedding of a sea of blood there would be a compromise with tyrants. He did not invoke God Almighty to prevent our subjugating traitors.

Mr. KELLEY. I ask the gentleman from Iowa to permit me to read the resolutions.

Mr. GRINNELL. Certainly. I yield to the gentleman with pleasure.

Mr. KELLEY. The following are the resolutions submitted by Mr. Conway:

"*Resolved*, That unless the army of the West shall have swept through the valley of the Mississippi to its mouth, and the army of the Potomac annihilated the legions of Lee and Jackson, thus subverting the military power of the rebellion within a reasonable time, the best interests of the country and humanity will require a cessation of hostilities.

"*Resolved*, That the States of the North, composing the American nation and wielding its power, must ever remain one and indivisible on the basis of freedom for all, without distinction of race, color, or condition; that their mission must ever be to extend their own civilization over the entire continent; and that whatever derangements, difficulties, checks, or defeats they may encounter, they must forever cherish and pursue the inspiring idea of nationality and continental dominion."

He did not hold to reducing the country to its primitive dimensions, but——

Mr. CRAVENS. Have the second of the resolutions read.

Mr. GRINNELL. If I had time I would be glad to have that as well as all the Democratic platforms read to the House. I have promised a portion of my hour to another gentleman.

If I believed the Democratic party, under the lead of men that could be mentioned, was to have the control of the party, to reëstablish it in all of its grandeur of pro-slavery guilt, in all its power for enforcing the fugitive slave law, and corrupting the fountain of public justice, I would say a thousand times rather would I see the country divided, the South to go their way, all slave, and the North to go their way, all free, than to see the country once more under Democratic rule.

Mr. HOLMAN. I call the gentleman to order. I ask that the gentleman's language may be taken down and reported by the Clerk.

Mr. GRINNELL. I knew the gentleman would object before I got through with my remarks.

Mr. HOLMAN. Until the words have been taken down and read by the Clerk, I object to anything being done.

Mr. SMITH. The House is now transacting business of grave importance, and I hope members will be required to keep their seats and not crowd into the aisles and the area in front of the Speaker's desk. [Cries of "Order!"]

Mr. HOLMAN. Gentlemen are required to keep their seats, and no business is in order until the offensive words have been taken down and reported to the House by the Clerk.

Mr. SMITH. I rise to a point of order. [Cries of "Order!" "Order!" from the Democratic side.]

Mr. ELDRIDGE. I ask the gentlemen on this side of the House to listen to the gentleman from Kentucky. He extended great courtesy to me to-day, and I myself feel under obligation to make the proper return. [Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The Clerk will report the language of the gentleman from Iowa to which exception has been taken by the gentleman from Indiana.

Mr. ELDRIDGE. I wish to make an appeal to members on behalf of the gentleman from Kentucky. [Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The gentleman is not in order.

Mr. GRINNELL. Can't I tell a short story? [Laughter.]

The Clerk read Mr. GRINNELL's language, as follows:

"I would say, a thousand times rather would I see the country divided, the South to go their way all slave and the North their way all free, than to see the country once more under Democratic rule."

Mr. HOLMAN. The point of order is this——

The SPEAKER *pro tempore*. One point of order is already pending, and in the opinion of the Chair another one is not in order.

Mr. HOLMAN. That is clearly within the definition of treasonable language, and I make the point that the gentleman was not in order in using it.

Mr. COLFAX. I wish the House to understand this question. On Thursday next when I quote the remarks of the gentleman from Ohio, [Mr. LONG,] which I mean to do, I may be called to order with the same justice that the gentleman from Iowa is now called to order for quoting in general terms the language of another person. [Cries of "No! No!" "That is not the point," from the Democratic side of the House.]

Mr. GRINNELL. I was speaking at the time with Mr. Conway's statement before me.

The SPEAKER *pro tempore*. If the gentleman used the language which has been read as his own he certainly was not in order. The Chair, however, understands the gentleman from Iowa to say that he was quoting Mr. Conway's language.

Mr. GRINNELL. That is really what I was doing, in substance if not in exactness.

The SPEAKER *pro tempore*. If the gentleman from Iowa was quoting from the language of another, in the opinion of the Chair he is in order.

Mr. HOLMAN. The words read at the Clerk's desk do not show that he was quoting from the language of another.

Mr. KELLEY. Let me read the language of Mr. Conway, so that it may be compared with the language used by the gentleman from Iowa. It is as follows:

"*Resolved*, That if any person in the employment of the United States, in either the legislative or executive branches, should propose to make peace, or should accept or advise the acceptance of any such proposition on any basis which would restore the slave power to its former supremacy in the Government, or by any new compromise or amendment of the Constitution to recognize slavery as an element of power, such person will be guilty of a high crime."

Mr. HARRIS, of Maryland. I understand the Chair to decide that the gentleman from Iowa is not in order.

The SPEAKER *pro tempore*. The gentleman from Iowa merely cited a quotation from Mr. Conway's speech, and is therefore in order.

Mr. GRINNELL. Now, I wish to say that I dissent——

Mr. HOLMAN. I rise to a point of order. It is that the words for which the gentleman was called to order shall be reported at the Clerk's desk. And I desire to know whether the gentleman says that those very words were quoted from anybody.

Mr. GRINNELL. I call the gentleman to order; he is raising points of order twice upon the same subject.

Mr. HOLMAN. My point is that the gentleman will not say that the words read at the Clerk's desk were quoted by him from anything.

The SPEAKER *pro tempore*. The gentleman from Iowa attributes the words to Mr. Conway.

Mr. GRINNELL. I adopt that language.

Mr. HOLMAN. I call for the reading of the words again.

The SPEAKER *pro tempore*. It will be done if there is no objection.

Mr. NORTON. I object.

Mr. HOLMAN. The gentleman says he adopts that language.

Mr. GRINNELL. I say I do not adopt the language of Mr. Conway.

Mr. HARRIS, of Maryland. Then you speak your own language. [Laughter.]

Mr. GRINNELL. I hope the "unworthy member" will not intrude on me. [Laughter.]

Mr. HOLMAN. I press my point of order. It is that the gentleman has not said that he quoted the very language which has been reported from the Clerk's desk.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman from Indiana as raising a new point of order.

Mr. HOLMAN. I press the same point. The gentleman does not say that he quoted from Conway the very words read.

The SPEAKER *pro tempore*. The gentleman from Iowa says he attempted to quote the language of Conway——

Mr. JOHNSON, of Pennsylvania. He did not say any such thing.

The SPEAKER *pro tempore*. And upon that statement the Chair overrules the point of order.

Mr. GRINNELL. When I was interrupted I was stating what I understood to be the language of Conway which he had with me in general conversation, as well as language used in this extract. In addition to what was said in his speech he did say—and it was said to me less than two months ago—he would rather a thousand times now see the Union go to pieces and all the South be slave and all the North free than to see the Democratic party, headed by its base leaders, come into power. That was the language of the gentleman; and if gentlemen had not interrupted me I should have stated that this was said in conversation connected with this disavowal of secession sentiments contained in the slip I cut from the New York Times, which I hold in my hand.

I dissent from his position in regard to that thought. I would consider it one of the most grievous inflictions which the Almighty could send upon this country. Next to its division,

would be to have it ruled over by those who are like to Pierce and Buchanan. Does the gentleman from Indiana want to ask a question upon that? I knew the gentleman would rise to dissent, and I was only going to ask, that if I was condemned and to be hung with a hair halter, they would give me the gracious privilege of having a hemp halter, provided the hemp was not raised on the soil which has reared so many bloody traitors in arms.

The gentleman's interruption is so accordant with his habits! Why, sir, he would not live in good health, and his days would be shortened, he would reach an untimely grave, had he not the blessed opportunity of rising to object to something suggested by gentlemen who have been in the habit of using free speech in the Hall and out of it.

Now, sir, I think I have done with that. Mr. Conway was not censured, he was not expelled. But I say there was then something like a good reason for indulging such sentiments as he uttered, although I did not justify their utterance a year ago. At that time the Democratic party was so strong that they had elected the Governor of New York, and it seemed as if they were about to carry the whole country by the misfortunes of our Army; and the fear was entertained that slavery, with all its desolating woes and damning disgrace, would be spread over the land by compromise. How different is the position of affairs to-day, when the gentleman from the second district of Ohio gets up to propose that we divide the Union, and yield all to traitors and slavery. Where is the rebel army and where is the Democratic party? The rebel army is reduced, and our Army is strong and confident, having conquered whole States. Where is the Democratic party? Go, sir, into the old Hall of Representatives near us, and what do you see there? You will find in marble the form of a corpse holding the hatchet, lying upon a dark pall. It is the dying Tecumseh. There upon his breast you see two serpents worshiped by "the braves," as if about to sting his life away. That is an illustration of the position of the Democratic party to-day. Its representative is prostrate and dying. It is labeled, "Do not touch it; do not handle it." Thus it is with the gentleman from Indiana; he would label his dying party also, "Do not touch, do not handle it."

Sir, I cannot accept his advice at present; I shall handle the Democratic party; I shall speak of it; I shall approve of the course of those of its members who are true to the country, and condemn the course of those who are not. I do not, sir, attack all the Democratic gentlemen upon that side of the House. There are men there who I believe are true war men; but I do include those gentlemen whose sympathies are with the rebels, who have made grumbling a profession, and who are continually upbraiding this side of the House as abolitionists, to divide our people. That, sir, was the decree which went forth from Jeff. Davis, that hereafter we should all be called abolitionists. The gentleman from the Columbus district of Ohio, [Mr. Cox,] early in the session characterized us as abolitionists and miscegens, and when asked what would become of the negroes when set at liberty, said they would run over to this side of the House, a deliberate insult to men who have declared against slavery, and amalgamation, its accompaniment.

I never understood until of late what the meaning of miscegenation was. I have found out now that it means the mixing of negro blood with the blood of the traitors, one species of Democrat, and I will say for the benefit of the gentleman from Ohio I think the negro blood is greatly vitiated thereby. [Laughter.]

Mr. HARRINGTON. Will the gentleman from Iowa allow me to ask him a question now?

Mr. GRINNELL. Certainly; I could not be ungentlemanly if I should try.

Mr. HARRINGTON. I desire to ask the gentleman from Iowa to whom he refers when he uses in substance the language that a member from Indiana stated that the New England soldiers had no stomach for the fight.

Mr. GRINNELL. My recollection is somewhat indistinct, but I am under the impression that the gentleman who is now questioning me made that remark. I do not know but I alluded to him. I said so.

Mr. HARRINGTON. I desire to ask the member from Iowa if he did not hear me say, when questioned by the gentleman from Massachusetts, [Mr. Boutwell,] that I referred to the people of New England, and if he did not hear me give as evidence the action of Governor Andrew and the conduct of the Representatives of New England upon this floor?

Mr. GRINNELL. I will say to the gentleman that all that has been explained in his absence from the Hall. His very faithful and worthy friend, [Mr. Holman,] general objector to unparliamentary remarks, explained that matter entirely.

Mr. HARRINGTON. The gentleman will pardon me for one moment.

Mr. GRINNELL. I will yield if it is not to come out of my time.

Mr. HARRINGTON. One word only. I wish to do justice to all portions of the country, and I hope the gentleman will not object to my saying a word.

Mr. GRINNELL. I will accept the gentleman's explanation.

Mr. HARRINGTON. I only desire to say——

Mr. GRINNELL. Oh! I cannot allow a speech.

Mr. HARRINGTON. Only one sentence. The gentlemen is mistaken as to what I said. I did not intend, nor did I by my words reflect upon New England soldiers. I believe they are as brave as any soldiers in the field. I spoke of the Representatives of New England, and I think the gentleman ought to have known that, and ought not to have represented my remarks differently.

Mr. GRINNELL. Mr. Speaker, I think I have demonstrated my fairness to the gentleman. I now wish to reply in a few words to the gentleman from the Cincinnati district always fair and able, [Mr. Pendleton,] who maintains that we have no power to censure or expel a member except for disorderly conduct, explained as violent acts or personally offensive words. I have looked for the definition of the word disorderly; it means "irregular, deviating from established rules." Are these words of the gentleman from Ohio [Mr. Long] out of order? Is he not in speech against the country? If I wished to find an explanatory use of the word disorderly, I might perhaps go to the writings of St. Paul, where we have a fair translation of words inspired, and I should not make apology for quoting from that Book of books even here. He says, "Withdraw yourselves from every brother that walketh disorderly;" "for we behaved not ourselves disorderly among you." I maintain that by a fair and legitimate construction of this word in these connections we can expel or we can censure a member. It certainly was not meant that it should only apply in case of theft or in case of profanity. It did not mean grossness, but a walk unchristian, against, in all cases, the order of the church. The law of order here is for the sacred cause of our arms, and I contend that the gentleman from Ohio does nothing less than destroy that order. He is for the enemy, designedly or not, with deliberate speech. He took the oath to support the Constitution, and yet has given aid and comfort to the enemy, proclaiming himself in favor of giving up the contest and yielding to traitors in arms. He is in favor of declaring a dividing line between the Union and the confederacy. He would say to our soldiers on the eve of battle, "You will shed your blood for naught." He is in favor of saying to those who have lost friends in the ranks of the Union Army, "Your sons, your brothers, your fathers have died in vain," and the cause is hopeless. In this way he has lent encouragement to the enemy, and, so far as his words go, paralyzed our Army by the declaration that this war is against the Constitution. I submit that his case comes within the meaning of the word disorderly as used in the Constitution. I believe that instrument gives us every power to deal with those who are opposed to the country and in favor of separation, and to say to them by vote, moved by considerations of self-protection, we believe you to be unworthy of a seat on this floor. I would trample on no rights, but guard free speech when it did not encourage traitors and jeopardize our cause.

Mr. Speaker, I have been subject to so many interruptions that I must leave unnoticed points which could be made in defense of our proposed action of censure.

In the light of Democratic precedent (poor, I admit,) I have shown that we have full justification, and that the Union men in this Chamber could not expel Mr. Conway, who, by every word and act, showed himself a patriot, however indiscreet, and under the Constitution we may use our privilege of censure or expulsion in rebuke to disloyalty on this floor and in encouragement to our Army.

I yield the remainder of my time to the gentleman from Missouri [Mr. Rollins.]

The SPEAKER *pro tempore*. The gentleman has but three minutes left.

Mr. GRINNELL. But for my interruptions I should have given the gentleman fifteen minutes of my time.

Mr. ROLLINS, of Missouri. Mr. Speaker, I feel a good deal embarrassed, because I shall not be able to make a very interesting speech in the course of the three minutes assigned to me; and unless I can draw on the time of my friend from New Jersey, [Mr. Rogers,] who I believe is to get the floor next, I shall claim from the courtesy of the Speaker on Thursday morning the opportunity of submitting a few remarks.

I think, Mr. Speaker, from the demonstrations we have had here to-night, the heart of every patriot in this House and in these galleries ought to be filled with hope and assured with confidence that the country is safe! Certainly no man after the broad, liberal, patriotic, and *anti-partisan views* which we have heard expressed here to-night can have a shadow of doubt that we shall be able to suppress this rebellion!

To be serious, Mr. Speaker, I must confess that my heart is filled with sadness at the continued notes of party, party, party, which I hear sounded. It seems to me it is all for party and none for country. It seems to me that on both sides of the House it is a continual small attempt to obtain some advantage for party, not to promote the great interests of the country, but to promote the interest of party for the next presidential election.

[Here the hammer fell.]

Mr. ELDRIDGE I hope the gentleman shall have leave to go on.

There was no objection.

Mr. ROLLINS, of Missouri. Mr. Speaker, if I could save this country from destruction, I would be willing that this side of the House or that side of the House should select the man to preside over its destinies, not only for the next four years but for the next forty years. If I could save the Government from destruction, it would be a small matter to me whether Abraham Lincoln or George B. McClellan presided over the destinies of the country.

Mr. Speaker, I desire to express my opinion regarding the resolution proposed by the honorable Speaker of this House. I shall not vote for the expulsion of the member from Ohio. I think that resolution is the most ill-timed that has been proposed in this House during the present session. If the speech of the gentleman from Ohio contains poison, which is likely to produce disease in the body-politic of the country, the honorable Speaker could not have selected a more efficient mode of infusing that poison in the public heart of the country than by introducing a resolution to expel the honorable member from Ohio. Except for that resolution, I venture to say that the speech of the gentleman from Ohio would not have been read by perhaps a thousand persons in the United States; but as it is, it will be read in every State, in every village, in every mansion, and in every cabin from one corner of the land to the other. If it had not been for the resolution the honorable Speaker has offered, the speech of the gentleman from Ohio would have fallen still-born from his lips. It would have passed like the speeches of other gentlemen delivered here into the political historical rubbish of the country, and most of us would have forgotten within a few weeks or months that it had ever been delivered.

I repeat, sir, if that speech contains political poison, the censure for disseminating it must fall upon the head of the honorable Speaker of this House. If it be a dagger aimed at the national heart, it is the strong hand of the Speaker that wields it and drives it to its fatal aim! And, sir, if this speech is capable of doing the injury

which seems to be attributed to it, the country will be indebted for the injury far more to the Speaker than to the gentleman from Ohio.

But, sir, I do not apprehend any serious injury from that speech. If the cause of the Union and the cause of the country is to be shaken by such a *speech as that*, it ought to perish; and if one hundred and eighty-three members of the House are not competent, morally and intellectually, to meet the honorable gentleman from Ohio, in his argument, and show that he is wrong; if they cannot furnish the antidote for the poison, then I say we are unworthy to represent a free people in a great crisis like this. We are doing but poor justice to the intelligence and patriotism of the people of this country if we suppose for a moment that a speech *like that* could shake their confidence in the stability of the Government and in the permanency of our free institutions.

For myself, sir, I have no fears of the effect of that speech. I rely upon the discriminating intelligence of the great masses of the American people to correct in their own minds the gross errors with which it abounds; and for the utterances of that speech I would not expel or even censure the gentleman. I would not do it because I am in favor of the largest liberty of debate, especially in times like these. In my judgment the wisdom of our ancestors has been no better illustrated than in that provision of the Constitution which says that no member shall be expelled except upon the vote of two thirds of the members of this body. We see the importance of the rule on this occasion. We see the lengths to which party spirit would run. We see daily in the business that occurs upon the floor of this House that questions of the utmost importance are not decided upon their merits, but are decided invariably according to the strength of the party on this side or that side of the House. And while I do not mean to throw a slur upon any member here in connection with this question, yet in consequence of the hold which party has taken upon the minds of members here, it would be just as easy to expel a man upon any question that might be presented. It is a question of party, and I do not pretend to say that under like circumstances the same thing would not be attempted for party purposes by this side of the House. It is one of the evils of party spirit under a Government like this. It is one of those baneful, poisonous influences which we ought to resist, especially when, as in the present time, the country is struggling for existence.

Now, Mr. Speaker, I go for the largest latitude of discussion upon all questions, and while I disavow the sentiments uttered by the gentleman from Ohio in the speech in question, while I say to him and to the House that I think it was a most ill-timed, injudicious, and, I might add, considering the circumstances in which it was delivered, unpatriotic speech—while I say all this, yet, tolerating as I do the largest liberty of debate, the utmost freedom of discussion, I would not censure him for it. I do not believe that that speech will be as productive of as much harm as many gentlemen suppose. It merely expresses the opinion the gentleman entertained, from his view of the circumstances which now surround us, and much as I condemn the sentiments, and him for speaking them, I would not expel or censure him for his great indiscretion. Sir, if every member who makes indiscreet, unwise, and, I might add, foolish speeches on this floor, was expelled or censured, how long would there be left a quorum, and how little of legislation would command our attention here, except in discussing resolutions of censure? He has merely followed the opinion and example of his great leader, Vallandigham, who delivered substantially the same speech in the last Congress, which members around me heard, and yet no movement was made to expel him for much stronger language than that used on Friday last by the gentleman from Ohio. It was a remark of Thomas Jefferson, that great apostle of American liberty, "that error ceases to be dangerous so long as reason is left free to combat it." And the first amendment made to the Federal Constitution after its adoption is as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *or abridging the freedom of speech or of the press*; or of the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

If, sir, we cannot pass a law without violating the Constitution, in abridging the freedom of the press or of speech, how cautious should we be in adopting another mode of punishment unknown to the Constitution and utterly violative of its true spirit! In despotic Governments the first blow always struck at the liberty of the citizen is in muzzling the press and abridging the sacred right of free discussion—a right inestimable to freemen and formidable to tyrants only. Sir, it is of the very essence of liberty, to form our opinions and to express them according to the dictates of our own consciences. And to this sacred privilege, gradually left unrestrained, as the world emerged from the dark period of the middle ages, to the dawn of light of the last few centuries, we are indebted for the wonderful advancement which we now behold in religion, in science, in government, and in civilization. Talk as you may, sir, but a despotic Government would nowhere be found on the face of the earth, amidst a virtuous, enlightened, and educated people, with a free press and free speech! And a great and free people will not be in danger of losing their liberties so long as these sacred rights are properly guarded and vindicated.

For many years past it is well known, that one great complaint of the northern people has been that they were not allowed without violence to print and to speak their sentiments with freedom south of a certain line, and on a particular subject. And shall we now, sir, after all that has been said on this subject, make a retrograde movement, and here in the very Hall of our national Legislature strike down the right of free discussion by expelling a member from his seat for words spoken in debate? Sir, for one I am prepared for no such work as this. Let us answer and expose the pernicious views of the honorable member, as I take it we are fully competent to do, and then let us turn him over to the tender mercies of his outraged and patriotic constituency, to dispose of his case as to them may seem most proper and right. But let us not desecrate this temple dedicated to the cause of liberty and free discussion by assailing one of its chief bulwarks in striking down the right of free speech. It may be that erroneous and dangerous doctrines may be taught here, and I can well suppose a case where the cause of the Government might be temporarily damaged, but this would be of short duration under the searching operation of free discussion in this representative Chamber.

"Truth crushed to earth will rise again;
The eternal years of God are hers;
But error, wounded, writhes in pain,
And dies amidst its worshipers."

And, sir, in my view, the cause of this Government and of the American Union is the cause of truth, and however much it may be assailed by the puny and traitorous arms of those who would tear it down, or by the still weaker words of those men of faint hearts and vacillating hopes who in the midst of this mighty and unparalleled struggle for national existence would give up all as lost; while I am neither a prophet nor the son of a prophet, I but speak my own earnest faith, that sooner or later the national authority will be vindicated, the enemies of the Government will be driven back in shame and disgrace, those who have spoken or dreamed of recognition will take back their injudicious words, and will be made happy in once more kneeling with all the children of the Republic around the altar of a still unbroken and blessed Union!

I wish I had time on this occasion to go into a history of the discussion of public questions not only here but in the British Parliament, where the utmost freedom of discussion has been allowed, tolerated, and encouraged. During the war of the Revolution, when the infant colonies of this country were struggling for existence, every member upon this floor knows what terrible anathemas were hurled against the British Government by Burke, Fox, Chatham, and other distinguished orators in the British Parliament. The language used by them in its severity has nothing to equal it in anything that has ever been said by any member on this floor, and yet who ever heard of a resolution introduced for their expulsion?

To show how far these men went I will quote one or two short extracts:

"The gentleman tells us America is obstinate, America is almost in open rebellion. I rejoice that America has resisted. Three million people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of the rest."—*Lord Chatham, in* 1776.

In November, 1777, eighteen months after the Declaration of Independence, after two years of war, he said:

"As to conquest, my lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly—pile and accumulate every assistance which you can beg or borrow, traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince—your efforts are forever vain and impotent. If I were an American as I am an Englishman, while a foreign troop was landed in my country I would never lay down my arms; never, never, never.

"But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort nor a single shilling."

"The noble lord said the war was not disgraceful; it was only unfortunate. For my part I must contihue to call it disgraceful, not unfortunate. I consider them all alike, victories and defeats; towns taken and towns evacuated; new generals appointed and old generals recalled; they are all alike calamities; they all spur us on to this fatal business. Victories give us hopes; defeats make us desperate; and both instigate us to go on." * * * *

"Give us back our force, nor protract this burdensome, disgraceful, for it is not an unfortunate war."—*Edmund Burke, in* 1781.

Said Fox:

"There is not an American but *must* reject and *resist* the principle and the right."

I quote, from Mahon's History of England, volume seven, page 135, the language of the younger Pitt in favor of Fox's motion for a committee on the American war in the year 1781. I now read what he said:

"For my part, I am persuaded and will affirm, that it is a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war. It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, devastation."

Again, sir, no member here can have forgotten the memorable language of Mr. Corwin, of Ohio, in the Senate of the United States, during the Mexican war. He said:

"Were I a Mexican as I am an American I would welcome these invaders with bloody hands to hospitable graves."

Yet no one ever dreamed of either expelling or censuring Mr. Corwin for this remarkable utterance, and based upon sentiments hostile to the war then being waged on the part of our country against Mexico.

And yet, sir, in a free country like ours is not a latitude of debate to be allowed? Is not discussion to be as broad as it is under a monarchical Government in the Parliament of Great Britain? Sir, there is no subject on which a free people are more sensitive than that of free speech. It is regarded, and justly so, as one of the bulwarks of freedom, and any attempt to abridge it, and especially in these Halls, must, as it ought to, be condemned by the American people. And to-day, sir, if this House commits the great blunder of expelling the member from Ohio by the passage of this resolution, mark my prediction, he will rally around him a formidable party, not that the people indorse or sympathize with him in the sentiments contained in his speech, but in vindication of the sacred right of free speech in the Representative Hall of the national Legislature.

But, Mr. Speaker, I only rose for the purpose of saying to the House that I, for one, could not and would not vote for the resolution of expulsion which has been offered here by the honorable Speaker of the House of Representatives; and to add, that I think he has done the very worst day's work he could possibly have done by introducing a resolution expelling the gentleman from Ohio, [Mr. Long.] I rose also for another purpose; and that is to express my dissent from every position taken by the gentleman from Ohio in that speech. I differ with him "*toto cælo.*" He is for giving up the struggle. He is for disunion. He is for the recognition of the southern confederacy, now, at once. It occurs to me if the view of the gentleman from Ohio was carried out it would be the saddest day ever the American people would be called upon to witness. Who that has an American heart in his bosom can tolerate the idea for a moment that this great struggle is to be abandoned in ignominy and in disgrace to the cause of liberty throughout the world? I do not believe for one this Government is likely to fail in this struggle. I do not believe but that the people of the loyal States have every assur-

ance and confidence that it will result in our success, and that we will recover authority over every inch of territory belonging to the United States. In opinion I dissent wholly and entirely from the gentleman from Ohio just as well as from the gentleman from Maryland.

I believe, sir, that this rebellion will be overcome; not that the southern people will be exterminated or subjugated, but I believe their military power will be broken; and when it is broken I have confidence in their good sense that they will return to their allegiance and submit to such liberal terms as I doubt not will be proposed. It has often been reiterated that this rebellion is wholly without excuse or justification. This is true to the letter. No people on earth, prior to this civil war, ever enjoyed a higher degree of liberty or a larger amount of happiness than the people of the southern States. And it is right that they should be continually reminded that this rebellion is the offspring of the violent and ungovernable passions of their leading men. In proof of this I desire to quote two extracts from speeches made by Mr. A. H. Stephens, of Georgia, the vice president of the confederate States. In a speech delivered before the Legislature of Georgia on the 14th day of November, 1860, after the election of Mr. Lincoln, he used the following language:

"The first question that presents itself is, shall the people of the South secede from the Union in consequence of the election of Mr. Lincoln to the Presidency of the United States? My countrymen, I tell you frankly, candidly, and earnestly, that I do not think that they ought. In my judgment, the election of no man constitutionally chosen to that high office is sufficient cause for any State to separate from the Union. It ought to stand by and aid still in maintaining the Constitution of the country. To make a point of resistance to the Government, to withdraw from it because a man has been constitutionally elected, puts us in the wrong. We are pledged to maintain the Constitution. Many of us have sworn to support it. Can we, therefore, for the mere election of a man to the Presidency, and that, too, in accordance with the prescribed forms of the Constitution, make a point of resistance to the Government without becoming the breakers of that sacred instrument ourselves, withdraw ourselves from it? Would we not be in the wrong? Whatever fate is to befall this country, let it never be laid to the charge of the people of the South, and especially to the people of Georgia, that we were untrue to our national engagements. Let the fault and the wrong rest upon others. If all our hopes are to be blasted, if the Republic is to go down, let us be found to the last moment standing on the deck, with the Constitution of the United States waving over our heads. Let the fanatics of the North break the Constitution if such is their fell purpose. Let the responsibility be upon them. I shall speak presently more of their acts; but let not the South, let us not be the ones to commit the aggression. We went into the election with this people. The result was different from what we wished; but the election has been constitutionally held. Were we to make a point of resistance to the Government and go out of the Union on that account, the record would be made up hereafter against us." —*Speech of Alexander H. Stephens before the Legislature of Georgia, delivered November* 14, 1860.

And subsequently, in the secession convention of Georgia, in January, 1861, he spoke as follows:

"This step [of secession] once taken can never be recalled; and all the baleful and withering consequences that must follow will rest on the convention for all coming time. When we and our posterity shall see our lovely South desolated by the demon of war, which this act of yours will inevitably invite and call forth, when our green fields of waving harvests shall be trodden down by the murderous soldiery and fiery car of war sweeping over our land, our temples of justice laid in ashes, all the horrors and desolations of war upon us, who but this convention will be held responsible for it; and who but him who shall have given his vote for this unwise and ill-timed measure, as I honestly think and believe, shall be held to strict account for this suicidal act by the present generation, and probably cursed and execrated by posterity for all coming time, for the wide and desolating ruin that will inevitably follow this act you now propose to perpetrate? Pause, I entreat you." * * * * * * * *

"What right has the North assailed? What interest of the South has been invaded? What justice has been denied, and what claim founded in justice and right has been withheld? Can either of you to-day name one governmental act of wrong, deliberately and purposely done by the Government at Washington, of which the South has a right to complain? I challenge the answer." * * *

"We have always had the control of the General Government, and can yet if we remain in it and are as united as we have been. We have had a majority of the Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of southern Presidents to their twenty-four, thus controlling the executive department. So of the judges of the Supreme Court, we have had eighteen from the South, and but eleven from the North; although nearly four fifths of the judicial business has arisen in the free States, yet a majority of the court has always been from the South. This we have required, so as to guard against any interpretation of the Constitution unfavorable to us. In like manner we have been equally watchful to guard our interests in the legislative branch of Government. In choosing the presiding Presidents (*pro tempore*) of the Senate, we have had twenty-four to their eleven. Speakers of the House, we have had twenty-three and they twelve. While the majority of the Representatives, from their greater population, have always been from the North, yet we have so generally secured the Speaker, because he, to a greater extent, shapes and controls the legislation of the country." * * * * "Attorney generals we have had fourteen, while the North have had but five. Foreign ministers we have had eighty-six, and they but fifty-four." * * * * "We have had the principal embassies, so as to secure the world markets for our cotton, tobacco, and sugar, on the best possible terms. We have had a vast majority of the higher offices of both Army and Navy, while a large proportion of the soldiers and sailors were drawn from the North. Equally so of clerks, auditors, and comptrollers, filling the Executive Departments. The records show for the last fifty years that of three thousand thus employed we have had more than two thirds of the same, while we have but one third of the white population of the Republic." * * * * "A fraction over three fourths of the revenue collected for the support of the Government has uniformly been raised from the North. Pause now while you can, gentlemen, and contemplate carefully and candidly these important items."

* * * * * * * * * *

"For you to attempt to overthrow such a Government as this, under which we have lived for more than three quarters of a century, in which we have gained our wealth, our standing as a nation, our domestic safety while the elements of peril are around us, with peace and tranquillity accompanied with unbounded prosperity, and rights unassailed, is the height of madness, folly, and wickedness, to which I can neither lend my sanction nor my vote."

Now, sir, if the question were put to me when I would abandon this struggle, at what particular time, I would answer, in the language of the great Kentucky orator, "Never, never, never!" If asked again, "Shall we abandon the struggle?" I would answer, When the last dollar is expended, and the last man raised for the prosecution of the war for putting down this causeless, this infamous, and this unjustifiable rebellion. Not until the credit of the Union is lost and in irretrievable ruin would I give up the struggle to maintain the supremacy of the law and the authority of the Constitution over our entire soil. Not until the germ of patriotism has withered and rotted in the national heart would I yield up the struggle. Not until the last vestige of respect was lost for that proud and beautiful banner, the emblem of liberty and of law, which decorates your chair. Not, sir, until the thrilling memories which cluster around the actions of those immortal men, Washington and La Fayette, whose images adorn these walls shall have entirely died away in our hearts. Not until the last pulsation of patriotism shall have ceased to beat in the American heart would I yield the struggle in which our people are at present engaged for the national existence and of free institutions. I am for the Union first, last, and all the time. Whatever stands in the way of the Union I say let it perish.

My friend from Ohio, if he will allow me to designate him as such, seems to me when he will get out of the war by recognizing the southern confederacy to be only plunging the country into a war that will continue so long as the endless ages of time shall run their ceaseless course. For the sake of *peace* the gentleman from Ohio would dissolve the Union and stop the war! Sir, I answer him that for the sake of peace, *permanent* peace on this continent, I would preserve the Union, and in order to preserve it I would continue the war. Whatever might have been accomplished before the war, it seems to me, sir, now, that there is but one way to terminate the struggle consistent with the idea of national unity, and that is by effectually overcoming and putting down all who stand opposed to the maintenance of the authority of the Government of the United States. It is idle to talk about the Government having no constitutional power to coerce sovereign and independent States. The Constitution provides that the President shall see that "the laws are faithfully executed;" and how can these laws be executed when either people or States stand in the way of their execution, without applying the necessary force in putting and keeping them in operation?

Talk about coercing States! Sir, what would a Government be worth which had not the authority and energy to preserve its own existence? Suppose the Union was dissolved to-morrow, and the State of Ohio determined to secede from the northern Government, what would the gentleman say? Would he say let her go in peace, and upon the ground that her people were not bound under the Constitution to submit to the national authority? Sir, where would this doctrine terminate? Suppose, sir, every other State determined to secede, and set up an independent government for itself? If the rule is to be tolerated in one case it must govern in all. Why not? And is the gentleman from Ohio prepared to see as many different and independent governments set up on this continent as there are now or may hereafter be States in the Union? Under the prevalence of such a doctrine I would ask him what is to become of the national debt? Who is to pay it? What is to become of the Army and of the Navy? Who is to defend the seaboard? Who is to protect our commerce upon the seas? Who is to own the Territories? Who is to represent the American name abroad? Who is to defend us against foreign aggression? The very suggestion of these questions shows the absurdity of the position assumed by the gentleman from Ohio in his speech, and a hundred other questions of a similar character would overwhelm and confound him and all others who think like him. No, sir, there can be no two separate Governments on this continent. We are bound to live under the same Constitution; this is our only safety, and those people who will not do so peaceably must be made to do so forcibly.

In regard to coercion I might add that all Governments, whether democratic or monarchical, are but different systems of coercion. No Government could stand a day without the principle of coercion. Without it, not only Governments would be broken up, but society itself would be dissolved. In one of his great speeches in the Senate of the United States, Henry Clay used the following language:

"If any one State, or any one portion of the people of any State, choose to place themselves in array against the Government of the Union, *I am for trying the strength of this Government.* I am for ascertaining whether we have a Government or not, practicable, efficient, capable of maintaining its authority, and upholding the powers and interests which belong to a Government. Nor, sir, am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood, If blood is to be spilt, by whose fault is it to be spilt? Upon the supposition I maintained, it will be the fault of those who choose to raise the standard of disunion, and endeavor to prostrate the Government. And, sir, when that is done, so long as it pleases God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the powers of the Union." * * * * *

"If Kentucky to-morrow unfurls the banner of resistance, I never will fight under that banner; I owe a paramount allegiance to the whole Union—a subordinate one to my own State."—*Henry Clay, in the Senate*, 1850.

But, sir, admitting for the sake of the argument that there could be two independent Governments established here, each composed of different States, and based upon the right of secession, I might well ask the gentleman from Ohio, how long would they last? And to-day, sir, he talks seriously about a dissolution of the American Union! If the thing were possible, how would he go about it? What would be the first step? Would he withdraw the splendid Army under the command of the brave and invincible Grant to the north side of the Potomac? And what a spectacle would this be for the American people to look upon at this stage of this momentous struggle! What next? A line of separation is to be established. Where? Where is this boundary to run if we recognize the southern confederacy? Can the gentleman from Ohio answer the question? Let it be remembered that these insurgents claim all the southern States. Let it not be forgotten that all the southern States, with the exception I believe of Maryland and Delaware, are represented in the Richmond congress. Who is to take Washington city? Is yonder monument, commemorative of the virtues and the great actions of him who was "first in peace, first in war, and first in the hearts of his fellow-citizens," to stand upon the soil of a government established upon the ruins of the great Republic? And is that sacred spot, Mount Vernon, with all the glorious associations that cluster around it, with its precious relics, with the sacred ashes that lie beneath its soil, with the old mansion, with its beautiful walks, with its stately trees, with its evergreens and its fragrant flowers, planted by the hand of Washington, to belong to a hostile people? Is the home of the Father of his Country to be denationalized and American citizens be no longer permitted to kneel at his tomb? God forbid! Who is to occupy this splendid and magnificent Capitol? Where is Missouri to go, that young and giant Commonwealth that I have the honor in part to represent on this floor? What

is to become of her Union people, who have sacrificed so much in the cause of their country? If recognition takes place is her broad domain, an empire within itself equal to all New England, and perhaps with natural wealth superior to any other State in the Union; is she to be made the tail end of the southern confederacy, whose chief political doctrine is the right of secession, and whose main corner-stone, in the language of Mr. Stephens, of Georgia, is "African slavery?" And where is Kentucky, the resting-place of Clay and of Crittenden, to go? Will the gentleman from Ohio consent that the flourishing city that he and his distinguished colleague represents on this floor shall be located upon the immediate border of a foreign and hostile country, separated only by a narrow river? Upon the theory of recognition, what is to become of "Old Virginia," that "magna mater virum?" Who is to decide? The people of Virginia? Sir, will her loyal inhabitants, and the loyal people of Maryland, and of the other loyal States ever consent that these two great States shall be lost to the American Union? Does not the gentleman from Ohio [Mr. LONG] see that the first step at negotiation would be a failure? That it is "war to the knife and the knife to the hilt," except upon the condition of the national integrity and unity? Does he not see that the withdrawal of our troops would only be a withdrawal for the purpose of renewing the struggle at once and afresh, until one or the other of these Powers is overcome? I say to the gentleman from Ohio that the southern confederacy will be established and this Government go down, or this Government must assert its authority, maintain its jurisdiction, and crush the rebellion. The two cannot exist side by side, and entertaining this view, I am on the side of the Government. In the language of the immortal Clay, my paramount obligation is to the parent Government and not to the State in which I was born or in which I live.

What does the gentleman propose by recognition? What? I ask him where he would run the line? I have seen no man who could answer that question. The very suggestion of a line brings along with it the idea of continuous war. What is to become of the Territories? Who is to take them; the people of the loyal States or the people of the pretended confederacy? The controversy itself started originally mainly about the Territories, and who is take them in the event of recognition? Look at the sea-coast, reaching from the Chesapeake around to the mouth of the Rio Grande, three thousand miles, with all its bays and harbors, and nearly all of them in the possession of the Government of the United States. Shall we surrender these? And what about the commerce of the great rivers of the West, and especially of that great inland sea, the Mississippi? Who is to command and control the commerce which floats upon its broad bosom into the Gulf and hence to the sea? Are we to give that up? And yet that follows recognition! Do gentlemen expect to obtain peace by dissolution? Vain delusion! Look back at the teachings and warnings of the fathers of the Republic in regard to this mighty question. Let the gentleman from Ohio drink into his heart the inspirations of Washington when the foundations of free government were laid upon this continent. Let him study well the opinions of Clay and Webster and Jackson, and of the great men whose hearts were often overwhelmed with anxiety in the midst of the great political contests which took place in this Capitol in reference to the fate of the American Union. They had no desire to lift the vail and look beyond the destruction of the Government. To their inspired vision the cause of liberty and of progress was identified with the continuance and perpetuity of the Union formed by our fathers. There was no hope beyond this. To them all was uncertainty and doubt and darkness and despotism. In that grand peroration of the noblest effort of his life, and which will be read with admiration as long as the English language is spoken among men, Mr. Webster said:

"I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this Government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the vail. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards,' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—'Liberty and Union, now and forever, one and inseparable!'"

The one is inseparably connected with the other. The cause of civilization and of human liberty must hang together with this Government, in my humble opinion. We owe it to ourselves in gratitude to a noble ancestry, we owe it to the posterity which is to succeed us that this bright casket of liberty shall be transmitted to them unimpaired. This free Constitution of ours was framed after a long and bloody struggle by our patriot ancestors. We had grown up and prospered under it, and had become, up to the breaking out of this rebellion, one of the proudest and most powerful nations on the face of the earth. And damned to everlasting perdition be the degenerate sons of noble sires who would permit such a bright and lovely heritage to pass from them. [Applause in the galleries.]

But, sir, it is not only for ourselves and for our posterity who are to come after us upon this continent that we should maintain this struggle. Where, sir, is the hope of the world? Follow the course of the sun in his annual circuit around the heavens; go to the benighted portions of the world; go to the civilized and Christian parts of the earth, where the people are downtrodden by strong and arbitrary Governments, and where do they look for a model of imitation and for help and succor in the days of their trial? Where but to our own hitherto happy country, the United States of America; ay, sir, the UNITED States! This has been to them the beacon-light, the "bright particular star," which, like the star in the East that appeared over the babe of Bethlehem, is guiding the oppressed of all the earth to the safe and secure resting-place of liberty.

Sir, we owe it not only to ourselves and to our posterity, but we owe it to humanity everywhere, in every country, beneath every clime, that we maintain this struggle against traitors armed for the purpose of destroying the Government, until we can come out of it with the stars and stripes once more floating proudly not only from the dome of this Capitol, but from every hill-top and in every valley from the Atlantic to the Pacific coast, and from the Penobscot to the mouth of the Rio Grande. [Applause from the galleries.]

I am, then, sir, for war, in order that when peace does come it may be permanent and lasting. Better to fight to preserve our national unity than to go to pieces and have thereafter a thousand multiplied causes of war among ourselves. The unity of the nation once settled, the Constitution and laws vindicated and obeyed, and there will be no longer any cause of strife and contention among ourselves and our posterity. We shall not fall a prey to the great Powers of the earth, but feeling that consciousness of strength which unity always inspires, practiced in the art of war as our people will be, and chastened and subdued by the terrible ordeal through which we have passed, our Government and our people will then be able to stand the test of time and defy the world in arms against us.

Nor let it be said that there can be no Union after the end of this cruel and unnatural civil war. Nations, like individuals, are at last governed by their own best interests, and the war once terminated there will be a thousand considerations of mutual interest to bind us indissolubly together. The same motives which prompted our fathers to establish a common Government and Union, will operate with tenfold power on us in restoring that which we had well-nigh lost. The feelings of prejudice and of hate cannot last always; these will wear away with time, and both parties having learned the prowess and strength of each other, will in the future cultivate in a higher degree those sentiments of mutual respect and forbearance which are so essential to the peace of the country and the good order of society.

Such, sir, is the history of the world. Everybody for peace, and yet men engaged in perpetual war. Other nations have had the same trials as those which are now unhappily upon us. They have been rent and torn by civil wars. But at last the powerful motive of self-interest has controlled, and peoples apparently forever alienated have united and lived happily together. The States of ancient Greece after many civil wars did not hesitate to unite to drive back the Persian invader. The border wars between England and Scotland lasting for centuries were finally settled in peace and in union, and under the same monarch. The bloodiest page of English history is the fierce struggle recorded between the houses of York and Lancaster, yet these wars at last terminated, and the white and red roses were happily blended together. Similar illustrations may be found running all through the history of our race, among the Jews, the Romans, the Spaniards, the Germans, and nearly all carrying along with it the encouraging idea that civil wars are not necessarily fatal to the peace of those who are engaged in them, nor to union and harmony when these unhappy conflicts have ended.

Mr. Speaker, I am well aware of the disconnected nature of the remarks which I am addressing to the House on this occasion, and I will detain the House but a few moments longer. How shall the Union be restored when we shall have broken the military power of the confederate States? We hear a great deal about extermination. The gentleman from Kentucky [Mr. SMITH] has spoken of "subjugation, emancipation, extermination." These "harps of a thousand strings" have been played upon pretty extensively here. We have heard, too, of confiscation not only of the property of the rebels, but of their children, and of that other doctrine of "miscegenation." [Laughter.] I believe that is what they call it.

Mr. Speaker, I have entire confidence not only in the patriotism, but also in the liberality and the wise statesmanship of the people of the loyal States of this Union; and in making this remark I apply it to all parties. I believe that when the military power of the rebel States is broken, the most liberal terms will be offered to the southern people consistent with our duty to the Government whose authority and integrity we are defending, and consistent with those just responsibilities and burdens which must fall and rest upon those wicked men who have been instrumental in inaugurating and carrying on this most causeless and unholy rebellion. I have never believed that this war would result in the extermination or degradation or exile of the masses of the people of the South, or the robbery of their property; nor have I ever believed that it would result in universal emancipation, without providing ample and liberal compensation to loyal owners of this description of property, and in giving them full time to dispose of an institution long established among them, and the sudden annihilation of which might lead to the most disastrous consequences both to the white and to the black race. I speak of the masses who have been misled; for I believe that all parties agree that the leaders in this strife, the men who set on foot this rebellion, should be brought to condemnation and punishment, either in meting out to them the full penalty of the law, or by forcing them to leave the country.

But, sir, the work that we have first to do is to break and destroy their military power. Until this is accomplished it is idle to talk about restoration. This is the first thing to be done, and there ought not to be two opinions upon that question between any two loyal men, no matter what party they may belong to. Were it not for a disposition on the part of individuals to promote the interest of this or that party, of this or that candidate to the presidential office, there is no good reason why eight tenths of the members of this House should not agree upon a liberal, enlightened, statesmanlike, and constitutional policy

for the purpose of overthrowing this rebellion and reëstablishing the authority of the Government.

There may be some peace men on this side of the House, as the gentleman from Ohio [Mr. LONG] has avowed himself to be, and as the gentleman from New York [Mr. FERNANDO WOOD] has avowed himself to be. There may be some men (I cannot designate them myself) who are, *per se*, disunionists, and have been these many years; because we know that there are such in the North as well as in the South; and we know that there are some men who claim now to be, *par excellence*, THE Union men of the country, who doubt the loyalty and patriotism of every man who happens to differ with them; and yet but a few years ago they were "singing psalms" to disunion. But a few years ago they were praying for disunion, simply because there happened to exist in the country an institution that was obnoxious to their sensibilities, and their opinion of right. Sir, I have no confidence in the Unionism of such men; and when I see them sneaking around this Capitol, with the blood of this rebellion smelling upon their garments and dripping from their skirts, I cannot repress that indignation which every true patriot ought to feel against all those who have been in any way instrumental at any time in inciting, promoting, or in any way encouraging this rebellion.

Sir, I refer to the radical abolitionists of the John Brown and Phillips school, who have never manifested any respect for the laws or any love for the Constitution of their country, and I take this occasion to say that the country has almost as much to fear from the example and teachings of these radicals as from the rebels who are in arms almost within sight of this Capitol. Sir, we have traitors in the North as well as in the South. But I thank God I have believed and still believe that they are few in number outside of the rebellion. The Republican party proper I have looked upon as an anti-slavery party in the just sense of the term, and according to those principles which were avowed by such men as Washington, Jefferson, and Madison, and other fathers of the Republic when they laid the foundations of free government on this continent. They were anti-slavery then; they regarded the institution of slavery as a great evil, and under the Constitution and according to the forms of law they looked to and desired its gradual extinction in this country. But they were willing to leave this question to the patience, the sound judgment, and the patriotism of their posterity; and but for those pestiferous men, the radical abolitionists of the North and the secessionists of the South, so long working in coöperation, and aiming at the same object, our unhappy country might have been saved this bloody ordeal, endangering the very existence of the Government, causing so many tears to flow and so many hearts to bleed in every nook and corner of the country.

But the great middle class, of which we are the Representatives, the middle men of all parties, Republican and Democratic, in the loyal States, ay, and in the disloyal States too, are true to the core. They can come up to the dignity of the subject. They can appreciate and do appreciate the importance of the restoration and salvation of the Government. All that they desire is more of broad and liberal statesmanship on the part of the leaders of their respective parties, to unite, come together, and pull up by the roots this accursed rebellion, and restore peace to the land.

Mr. Speaker, I hold in my hand a document which I believe I will read before I take my seat. It is from the pen of the present Chief Magistrate of the nation. I know he is not regarded as very good authority with some of my friends around me, and I cannot say that he is the best authority with me on all questions. But I think this is one of the soundest papers that he has written since he came into power. I thought so at the time I first read it. I think so yet. And I do not see why every loyal man may not come up to this standard. It is a letter addressed to Horace Greeley some eighteen months ago. I know that matters have advanced considerably since this letter was written. Though not being a very progressive man, still I have kept advancing "step by step to the music of the Union," and I have at all events, I believe, got up to this letter. I will read it for the benefit of my Democratic friends, who seem to be listening to me with such patient attention:

EXECUTIVE MANSION,
WASHINGTON, *August* 22, 1862.

DEAR SIR: I have just read yours of the 19th. addressed to myself through the New York Tribune. If there be any statements or assumptions of fact which I may know to be erroneous, I do not now and here controvert them. If there be in it any inferences which I may believe to be falsely drawn, I do not now and here argue against them. If there be perceptible in it an impatient and dictatorial tone, I waive it in deference to an old friend whose heart I have always supposed to be right.

As to the policy I "seem to be pursuing," as you say, I have not meant to leave any one in doubt. I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time *save* slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time *destroy* slavery, I do not agree with them. My paramount object in this struggle *is* to save the Union, and is *not* either to save or to destroy slavery. If I could save the Union without freeing *any* slave I would do it; and if I could save it by freeing *all* the slaves I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save this Union; and what I forbear, I forbear because I do *not* believe it would help to save the Union. I shall do *less* whenever I shall believe what I am doing hurts the cause, and I shall do *more* whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views.

I have here stated my purpose according to my view of *official* duty; and I intend no modification of my oft-expressed *personal* wish that all men everywhere could be free.

Yours, A. LINCOLN.

Hon. HORACE GREELEY.

I believe I might put that to the vote of my honorable friends around me, and that with the exception of the honorable gentleman from Maryland, [Mr. HARRIS,] and perhaps the honorable gentleman from Ohio, whose case we have under consideration, it would get a universal "ay." I do not think that my friends on the Republican side will back down from so broad and liberal a policy as is indicated in that letter.

Mr. Speaker, one word further, and I am done. I have referred to the immense interests at stake in the struggle that is now going on between this Government and those who are in rebellion against it. Defeat to us is eternal, everlasting disgrace, and dishonor to ourselves and our children. We must succeed. It cannot be otherwise.

In the mighty struggle which we suppose is now impending, when a more terrible crash of arms will be felt than any that has yet taken place during this terrible strife, suppose that accomplished general, the most accomplished, perhaps, of all the generals on either side, at least equal to any in military skill and prowess, Robert E. Lee, should beat down our forces and drive them back across the Potomac; what then? Are our hearts to sink within us, are we to give up the struggle in despair? Suppose this capital is taken, suppose the President, at the other end of the avenue, is compelled to remove a few hundred miles further North, and this Congress is compelled to go elsewhere for the purpose of holding its sessions. Suppose the Potomac is crossed, the Chesapeake reached? Suppose Baltimore is taken? Suppose they march to the Susquehanna, and pass victorious through Maryland and Pennsylvania, will you then be contented to give up the struggle? Never, never! Stand by your flag! Stand by your Constitution! Rally the power and strength of the loyal States, that have not yet exhibited themselves. Bring out your middle classes; bring out your gray-headed and gray-bearded men, and put the Union at last upon its *real* trial.

Will it take a year longer; two years longer; five years longer? What are years in the history of a nation; what is time; what is money; what is blood, compared to the preservation and salvation of a Government like this? Will you say that we have already lost $2,000,000,000; that we have already lost five hundred thousand men, and that you are therefore ready to acknowledge the effort to save the Union a failure? Sir, here are five hundred thousand more of our sons to be sacrificed, and here is a Government to be saved. Which is of most value, $2,000,000,000 and five hundred thousand men for putting down this rebellion, or this Government? Will you weigh these sacrifices against the preservation of liberty and free institutions, for ourselves, our posterity, and all who shall make America their happy home? God forbid! God forbid! We will not give it up, let the war last five years or ten years. We will continue it as long as any power remains in this Government. And if I could send the same spirit to those beautiful children with which God has blessed me, it would descend to them from sire to son, until that flag which is now streaming from the dome of this Capitol shall wave over every portion of this once happy country, as the flag of a free, powerful, happy, and redeemed people.

Sir, if we do not bring ourselves out of these troubles, if we are so degenerate as to permit a Government like this to die; if we are such degenerate sons of noble sires as to shrink from and give up such a contest, we shall deserve all the curses that will fall upon us. Let us fight on, trusting in that Providence which sustained our ancestors. We are in His hands, and if we are so unworthy of the trust that has been placed in us as basely to surrender it up, God will see to it that this nation was not born so soon to die.

Look at the bright destiny that awaits this country if we can get over the dark and stormy sea that lies before us. Look at the West, at the father of waters, upon which it is my good fortune to live, and a larger, brighter, and richer heritage than that which lies east of that mighty stream is beyond. Even during the present session of Congress we have admitted three new States which the enterprise and energy of our sons have already rendered populous, extending to the base of the Rocky mountains. In Nevada and Colorado and California are to be developed untold riches, which of themselves will be the means of relieving us from the burdens which will have been brought upon us in consequence of this cruel and unnatural war. Let us come out of it, and let the angel of peace once more spread his bright wings over the continent, over a free and united people, and the energy of our masses will be revived anew. Like a young giant they will spring up at a bound; their energies renewed, their hopes inspired, their prospects brightened, they will go forward in the enjoyment of peace, of free institutions, and with a success altogether unknown to them in our previous history.

[Here the hammer fell.]

Mr. ROLLINS, of Missouri. Mr. Speaker, I ask but a minute or two longer.

Mr. ELDRIDGE. There is no objection on this side of the House to the gentleman having the additional time he asks.

Mr. ROLLINS, of Missouri. Mr. Speaker, I will not detain the House at this late hour. That, sir, is the bright day to which I look. That is the question to which my vision turns. I want to see this disastrous war brought to an honorable close, and these difficulties adjusted free from prejudice, and by a liberal, enlightened, wise, and philanthropic policy that will enable the people of all the States to meet once more in counsel together upon terms of fraternity and equality, and consult dispassionately and sensibly in regard to the true interests of themselves and their posterity. Burying in oblivion the sad memories of the last few years, purified by the misfortunes and calamities which unhappily have overtaken us, and relying with unshaken confidence upon that good Providence who watched over the great Republic in its infancy, and a bright destiny still awaits the American people. Our American nationality preserved, and with a name known and honored as heretofore throughout all the earth, our Government will be at once the envy and admiration of mankind. Beneath the broad ægis of a free Constitution and equal laws, with the States and the General Government working in harmony under the influence of well-adjusted and appropriately balanced powers, our country will be the home and the asylum of all who seek to cast their lot where men are protected in all their rights, and where all the avenues to honor, to fame, and to usefulness are open to the humblest citizen who has energy and virtue and talent to recommend him.

Let our watchword be upward and onward, and even during the present generation of men we shall behold our Government the first among the nations of the earth. Wearing the proud title of American citizen, the rights of the humblest man will be respected in every part of the habitable globe. And looking to our hitherto unparalleled advancement in all the elements of national

power, in population, in wealth, in the intelligence of the masses, in mechanical skill, in agricultural industry, and the day is not far distant when that bright and beautiful banner, the emblem of western civilization, will have gathered upon its ample folds one hundred stars, representing that number of independent States stretching across the continent from the Atlantic to the Pacific sea, wearing the proud motto, "*E pluribus unum*," and resting secure within the American Union, giving to all that consciousness of strength which will ever enable us to strangle treason at home and to repel invasion from abroad, and reassuring the world that at last the United States of America is

"The land of the free and the home of the brave."

[Applause in the galleries.]

Mr. ROGERS obtained the floor, but yielded to Mr. HOLMAN, who moved that the House adjourn.

Mr. COLFAX. I wish to give notice, as the debate on this question has gone to an extent that every gentleman must agree has been liberal, and as, in the last vote in the House, when the gentleman from Ohio, Mr. Giddings, was censured and virtually expelled, he was not allowed an opportunity to speak, I will, as soon on Thursday as I get the floor, call the previous question.

The motion to adjourn was agreed to.

And then (at half past eleven o'clock, p. m.) the House adjourned.

IN SENATE.

THURSDAY, *April* 14, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Tuesday last was read and approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (H. R. No. 12) extending the time within which the States and Territories may accept the grant of lands made by the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter of the Secretary of the Interior, communicating a report of the Commissioner of Indian Affairs of the estimated amount required to defray the liabilities incurred for the subsistence of the Sioux and Winnebago Indians removed from Minnesota to Dakota, and recommending an appropriation agreeably to the estimates for that purpose; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate of the 17th of December, 1863, information in relation to armored vessels, their efficiency, capability, and the services which may have been rendered by them, and especially as to operations in the harbor of Charleston; which was referred to the committee on the conduct of the war, and ordered to be printed without the accompanying documents.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented the memorial of the Buffalo and State Line Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. SUMNER presented a petition of women of the United States, praying for the emancipation of all persons of African descent held to involuntary service or labor in the United States; which was referred to the committee on slavery and freedmen.

He also presented the memorial of the president and directors of the Fitchburg and Worcester Railroad Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. FOSTER presented a memorial of the president of the New London and Northern Railroad Company, a memorial of officers of the New Haven and Northampton Railroad Company, and a memorial of the Norwich and Worcester Railroad Company and Norwich and New York Transportation Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. TRUMBULL presented the memorial of the Chicago, Burlington, and Quincy Railroad Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. DIXON presented the memorial of the president of the Naugatuck Railroad Company, and a memorial of the president of the Hartford and New Haven Railroad Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. WILKINSON presented the petition of Thomas J. Galbraith, agent for the Sioux Indians of Minnesota, praying to be relieved from all responsibility for property destroyed by the Sioux Indians on the 18th of August, 1862, and that the accounting officers of the Treasury may be authorized to adjust and settle his accounts upon the principles of equity; which was referred to the Committee on Indian Affairs.

Mr. MORGAN presented resolutions of the Legislature of New York in favor of the payment of a bounty of $100 to the two years' volunteers from that State; which were referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also presented a memorial of the president of the Northern Railroad Company of New York, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. CLARK presented four petitions of citizens of Stratham, New Hampshire, praying for the abolition of slavery, and such an amendment of the Constitution as will forever prohibit its existence in any portion of our country; which were ordered to lie on the table.

Mr. POMEROY presented a memorial of John Beeson, L. F. Peaslee, and A. D. Ruggles, a committee appointed at a public meeting held in the city of Washington, District of Columbia, praying for the adoption of measures to insure justice in the administration of Indian affairs, and to promote the welfare of the various Indian tribes; and recommending that commissioners be appointed to attend Indian councils to be held at important points, to hear from the various Indian tribes a statement of their grievances; which was referred to the Committee on Indian Affairs.

Mr. SHERMAN presented a memorial of the president of the Cleveland, Columbus, and Cincinnati Railroad Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a memorial of the president of the Sandusky, Mansfield, and Newark Railroad Company, and the president of the Sandusky, Dayton, and Cincinnati Railroad Company, and a memorial of the president of the Central Ohio Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. HOWE presented a memorial of the Legislature of Wisconsin in favor of an appropriation to improve the entrance into Fox river from Green bay; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. JOHNSON presented a memorial of the president of the Baltimore and Ohio Railroad Company, remonstrating against the extension of Goodyear's patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. MORRILL presented a petition of citizens of Bath, Maine, praying for such an amendment of the Constitution as will forever prohibit the existence of slavery in any portion of our country; which was ordered to lie on the table.

He also presented the petition of Charles A. Pitcher, praying for compensation for the use in the penitentiary in the District of Columbia of a valuable patent belonging to him; which was referred to the Committee on Claims.

Mr. DOOLITTLE presented a letter of W. B. Shubrick, chairman of the Light-House Board, communicating estimates of amounts required to be appropriated to complete the light-house works at Racine and Milwaukee, Wisconsin; which was referred to the Committee on Commerce.

Mr. CLARK presented a memorial of the directors of the Wilton Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. COWAN presented three petitions of citizens of Philadelphia, praying for increased railroad facilities between the cities of New York and Philadelphia; which were referred to the Committee on Military Affairs and the Militia.

Mr. COWAN. A few days ago I presented a memorial from the Board of Trade of Philadelphia, praying for the erection of a pier at Lewes in Delaware, which was referred to the Committee on Naval Affairs. I now move that that committee be discharged from the further consideration of that memorial and that it be referred to the Committee on Commerce, as I understand that another memorial of a like character has heretofore been referred to the Committee on Commerce.

The motion was agreed to.

ADMISSION OF NEBRASKA AS A STATE.

Mr. WADE. I move now to take up the bill to enable the people of Nebraska to form a State government.

Mr. DAVIS. I object. I desire to have a vote upon the resolution introduced by me some time ago in relation to the case of Yocum; and if the Senate will come to a vote upon that resolution I think it can be done without debate. I shall have no objection to any course that the honorable Senator or anybody else may propose.

Mr. WADE. I suppose the bill will not take long; we had it up the other day and discussed it. I do not think there will be any further debate upon it. My opinion is that the Senate is ready now to pass the bill without discussion, and if the Senate will let me get it up I think it will soon be got out of the way. If the people of Nebraska are to be authorized to form a State government the authority ought to be given soon, in order to enable them to do it in season.

Mr. DAVIS. I dislike exceedingly to interfere with the request of the honorable Senator; but I move to take up the resolution to refer the case of Yocum to the Committee on the Judiciary merely for a vote, and when that is disposed of by a vote, without another word of debate I promise the honorable Senator and all other gentlemen that I will not interfere with them.

The VICE PRESIDENT. The motion of the Senator from Ohio is first in order unless he withdraws it.

Mr. WADE. I do not think I ought to withdraw it, because I feel certain the bill will take very little time.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

The bill was ordered to a third reading, was read the third time, and passed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DOOLITTLE, it was

Ordered, That the message of the President of the United States, communicated at the third session of the Thirty-Seventh Congress, in relation to Indian barbarities in Minnesota, be taken from the files of the Senate and referred to the Committee on Indian Affairs.

REPORTS FROM COMMITTEES.

Mr. FOSTER, from the Committee on the Judiciary, to whom was referred a bill (S. No. 127) to authorize the transfer of indictments from the district to the circuit courts of the United States, reported adversely thereon.

Mr. TEN EYCK, from the Committee on the

Judiciary, to whom was referred a bill (H. R. No. 306) to amend an act entitled "An act prescribing the times and places for holding terms of the circuit courts for the districts of Iowa, Minnesota, and Kansas," approved January 13, 1863, reported adversely thereon.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred a bill (H. R. No. 62) fixing certain rules and regulations for preventing collisions on the water, reported it without amendment.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print five thousand additional copies of the report of the committee on the conduct of the war in relation to the Florida expedition, reported in favor of the motion, and it was agreed to.

Mr. WILKINSON, from the Committee on Indian Affairs, to whom was referred the memorial of Louis Roberts, praying for indemnification for goods destroyed, submitted a report accompanied by a bill (S. No. 234) for the relief of Louis Roberts. The bill was read and passed to a second reading, and the report was ordered to be printed.

RAILROAD GRANT TO KANSAS.

Mr. HARDING. The Committee on Public Lands, to whom was referred a bill (S. No. 101) amendatory of the act entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;" a bill (S. No. 124) to amend an act entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March 3, 1863; a bill (S. No. 182) to amend an act entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State;" and a bill (S. No. 200) for a grant of lands to the State of Kansas to aid in the construction of the Osage and Cottonwood Valley railroad in said State, have directed me to report a new bill as a substitute for all of those bills.

The bill (S. No. 233) making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines was read, and passed to a second reading.

Mr. LANE, of Kansas. I have certain amendments that I shall propose to that bill when it comes before the Senate for consideration, which I ask to have printed.

The motion to print was agreed to.

FRENCH SPOLIATIONS REPORT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print three thousand additional copies of the report of the Committee on Foreign Relations in regard to the French spoliation claims, have directed me to report in favor of the motion, and to ask for its present consideration. The reason why I want it acted on now is that the type is standing, and unless the order be made at once the Government will be at the expense, by and by, of resetting it.

Mr. HENDRICKS. I wish to inquire of the Senator what report that is.

Mr. ANTHONY. It is a motion of the Senator from Maryland [Mr. JOHNSON] to print three thousand extra copies of the report of the Committee on Foreign Relations upon French spoliations prior to 1801.

The Senate proceeded to consider the motion.

Mr. HENDRICKS. I am not able to see that there should be printed extra copies of an ordinary report upon a private claim or a number of private claims. It is not a question of such general interest that extra copies ought to be published, it seems to me.

Mr. ANTHONY. Well, sir, whatever disposition the Senate please to make of it, I shall be satisfied with. The committee thought, as it was a subject of so much interest, that the report ought to be printed. It is not by any means a private claim, but a treaty claim, and there are many persons all over the commercial parts of the country who are deeply interested in it. I only want to have the matter disposed of.

Mr. BUCKALEW called for the yeas and nays, and they were ordered.

Mr. CONNESS. Before the vote is taken on this motion, I should like to hear from some Senator the reasons why three thousand copies of this report of a committee on the question of the French spoliation claims should be printed for the use of the Senate. It appears to me to be an act of liberality not very wise, to say the least of it.

Mr. JOHNSON. I offered the resolution, which has been favorably reported upon by the Committee on Printing, from a conviction that a great many of the people have an interest in the subject, but particularly because the questions themselves are of very great interest. The questions in regard to the obligations of the United States to make good the losses sustained by those who suffered from what are called spoliations by France prior to 1801 are very important ones. They involve the construction of a treaty between the two countries, and they involve also the consideration of very many important questions of national law. Upon these questions differences of opinion have prevailed in the councils of Congress in the past, and with persons of different parties. Most of the reports, however, that have been made in each branch of Congress upon the subject, have been in favor of the payment of these claims. The obligation of the United States to pay them is upon the ground that they being at that time claims upon France, were abandoned by the United States in the treaty of 1801, in order to obtain on their part a release from the obligation, or alleged obligation, under which the United States were by virtue of antecedent treaties.

The report is quite an elaborate one, drawn up with all the fullness which characterizes papers of this description prepared by the chairman of the Committee on Foreign Relations. He has collected together, very accurately, I have no doubt, all the facts connected with the claims. He has given the history of the proceedings in Congress and the proceedings of the Executive, and has examined very fully all the principles of law applicable to the questions which the claims present. The amount proposed to be allowed is $5,000,000, payable in stock; I forget the particular periods at which the stock is to be payable. I think it is due to ourselves, particularly in the present condition of the country, when we are recommending an appropriation of so large a sum as $5,000,000, that we should place ourselves right before the country, and I do not know that we can do it so effectually as by laying before them such a report as is the one made by the chairman of the Committee on Foreign Relations. We are in the habit of printing reports from the different committees upon questions of much less general interest, as I think, than those which belong to this subject, and I therefore thought when I offered the resolution (but it seems I was mistaken) that there would be almost a unanimous agreement on the part of the Senate that some additional copies, if not to the extent of three thousand to some greater extent than are usually printed, should be published of this report.

Mr. TRUMBULL. I do not propose to enter into the discussion of the ability of this report, as I have not read it, or of the propriety of paying these French claims which have been before Congress for a generation, and perhaps two or three generations, and have been discussed here repeatedly. But this is a question of printing, not the usual number of copies which are always printed of every report, and which will be printed of this report, I presume. Some fifteen hundred, I think, are printed for the use of the Senate and House of Representatives, and half a dozen copies or more for each Senator and Representative. The only object of printing extra copies of any of the public documents or reports is to circulate them among the people. Now, does anybody suppose there is a demand in this country from the people for extra copies of the report of the committee in relation to the allowance of these French claims? Does anybody suppose that these extra copies will be read? I do not expect any demand for them from my constituents. Probably the French claimants who are pressing these claims, and who have been pressing them for two or three generations past, would like to see the argument made in favor of their allowance. It may be complimentary to them to send them copies of this report, but so far as legislation is concerned, we shall have copies of the report, as many as any of us want, and we can all read it and understand it. I trust the Senate will not vote to print extra copies of this report. I can see no occasion for it. It is a small matter, it is true. I do not suppose it will cost a great deal, but there has been very much said about the extravagance of printing since I have been a member of Congress.

Mr. FESSENDEN. There is only one consideration which, in my judgment, would justify the printing of this extra number of copies. These are old claims, as stated by the Senator from Illinois; and I can say to the Senate that I have the fortune or misfortune to be personally interested in them; that is to say, a portion of one claim of the kind comes down to me in the position in which I stand under a will. I have examined the claims, and I have no question that they are as just and honest claims as ever were presented to any Congress. They have been reported upon favorably some eighteen or twenty times in different Congresses at different periods, and always kept alive. I believe there never were more than one or two reports against them. The bill for their payment has passed both Houses of Congress several times, but only twice at the same session, and in both those cases the bill was vetoed by the Presidents on grounds which they stated, one because it did not make sufficient provision, and the other because he thought we had not money enough.

Here is another report made. The matter has gone out of the public mind. Nobody out of Congress, and very few in Congress, except the heirs of persons interested, now know much about the subject. The bill proposes to appropriate $5,000,000. I think that if the bill is to be acted upon and passed, it would be well that the public prints should have possession of the facts, that they should know what the facts are on which the bill is founded, in order that the public may understand it. I think that is the only way in which they can be got to understand it; and if Senators think it right, and I believe the Senate, if they come to hear it and discuss it will pass the bill, it would be well to have a copy of the bill and report furnished to the different presses of the country in order that the question may be understood.

Mr. TRUMBULL. Would not the ordinary number be enough for that?

Mr. FESSENDEN. No, the ordinary number would not be enough for that. That is the only ground on which I act. I do not think as to anything else it is of the slightest consequence in the world, because it is of interest to nobody but the claimants. If the Senate think it worth while to print any particular number for the purpose I have stated to put in the hands of the press, in order that the matter may be understood and explained, very well. There is no other reason for it in my judgment.

Mr. ANTHONY. The cost of this printing will be less than $300. The gentlemen from the western States are not aware of the great interest that is felt in this matter in most of the commercial States. I could send twenty copies of this report to my constituents in my little State who are interested in the matter; and certainly if men think they have, as I believe they have a just claim on this Government, it is at least fair to let them know what a committee of one branch of Congress has decided upon the subject. This report is exceedingly elaborate and able. There have been a great many reports written on the subject heretofore; and this contains all the information and all the facts and all the law, and is the starting-point from which the question will be discussed. It ought to be put into the hands of the people; and I do not think that any report has been printed at this session that will have a greater interest to those who are concerned in it; and they are a very respectable and very considerable number of people. I think we have wasted time enough on this matter; and I hope the Senate will dispose of it.

Mr. HENDRICKS. I was astonished when the proposition was made to print extra copies of this report. I have no doubt the Senator from Maryland is quite right in saying that it is an elaborate report, at least it is a lengthy report. I understand that it is a very lengthy report, and to my mind that would be some objection to printing extra copies, because the length of it increases the cost of printing.

Mr. RIDDLE. If my friend will allow me, I

will state that I have a copy of the report in my hand. It only embraces forty-four pages. The type is set. It has been the custom, I think, to print extra copies of important reports like this; but I may be mistaken. I feel sure that in the other House it is done. As it embraces but forty-four pages, it can hardly be called a lengthy report, and the printing cannot, I think, involve even the expense the Senator from Rhode Island supposes.

Mr. HENDRICKS. Forty-four pages is not a very short report, to say the least of it, though it might possibly be longer. But the question is this: does it relate to a matter of such public interest as to justify us in sending it before the country at the expense of the Government? I can conceive of many cases in which it is proper to publish extra copies of a report, such a report as was made the other day by the Senator from Massachusetts, [Mr. SUMNER,] and the minority report made by the Senator from Pennsylvania, [Mr. BUCKALEW.] Extra copies of that should properly be published, because it relates to a proposed change in the policy of the Government, the abandonment of the fugitive slave laws, their repeal, a declaration that the provision of the Constitution on that subject is no longer to be respected. That is of such general concern that as a matter of course extra copies ought to be published, that the public may be informed what the Senate is doing on that public matter. But here is a private claim. It amounts to five millions, it is true, but the report relates to a private claim and not to a policy of the Government, and I cannot see the propriety of its publication to so great an extent. I know that the parties interested in the claim would like to read the report, but they are presumed to know the merits of their claim in advance. Will the Senators who advocate the publication of an increased number of this report say that the claimants themselves are now ignorant of the merits of their claim, that they want to be informed by the report of the Senator from Massachusetts? It is to be presumed that they knew in advance what their claim was, and I cannot conceive that any other parties are interested in the controversy except the public so far as the amount to be appropriated is concerned.

The fact that similar reports have been published at other sessions is an argument against publishing this, for I do not presume it will be claimed that this report can be much other than a compilation of old reports. Are new facts introduced? Do Senators say that new facts have been brought to the attention of the Senate, or that a new view of the law of the case has been presented by the Senator from Massachusetts? That is hardly to be presumed when this question has been discussed for a quarter of a century in this body and report after report has been published. We want this report, as Senators, to vote upon the question. Why we should send out extra copies to the country I am not able to see.

The question being taken by yeas and nays, resulted—yeas 23, nays 19; as follows:

YEAS—Messrs. Anthony, Davis, Dixon, Fessenden, Foster, Harris, Henderson, Howe, Johnson, Morgan, Morrill, Nesmith, Ramsey, Riddle, Saulsbury, Sprague, Sumner, Van Winkle, Wade, Wilkinson, Willey, Wilson, and Wright—23.

NAYS—Messrs. Brown, Buckalew, Carlile, Chandler, Collamer, Conness, Cowan, Grimes, Hale, Harding, Harlan, Hendricks, Howard, Lane of Indiana, Lane of Kansas, Pomeroy, Sherman, Ten Eyck, and Trumbull—19.

So the motion was agreed to.

TREATY RELATIVE TO HUDSON'S BAY COMPANY.

Mr. SUMNER. I ask the Senate to be good enough to proceed to the consideration of Senate bill No. 187, to carry into effect a treaty with her Britannic Majesty, reported by the Committee on Foreign Relations. I am sure it will not occasion debate. I move that it be taken up.

The motion was agreed to; and the bill (S. No. 187) to carry into effect a treaty between the United States and her Britannic Majesty for the final settlement of the claims of the Hudson's Bay and Puget Sound Agricultural Companies, was read the second time, and considered as in Committee of the Whole.

It provides for the appointment by the President of the United States, by and with the advice and consent of the Senate, of a commissioner, whose duty it shall be, conjointly with the commissioner appointed by her Britannic Majesty's Government to investigate, adjust, and determine the claims of the Hudson's Bay Company and of the Puget Sound Agricultural Company against the Government of the United States, pursuant to the terms of a treaty signed at Washington on the 1st day of July, 1863; and the commissioner may appoint a clerk, with a compensation at the rate of eight dollars a day. The compensation of the commissioner is to be $5,000 in full for his services and personal expenses. The commissioner on the part of the United States, in conjuction with the commissioner on the part of Great Britain, is to make all needful rules and regulations for conducting the business of the commission; such rules and regulations not contravening the Constitution of the United States, the provisions of the act, or the stipulations of the treaty. The Secretary of State is to transmit to the commission such papers or records relating to the business of the commission as he may deem proper or as may be called for by the commissioner; and at the close of the commission, and of the duties of the umpire, all the records, documents, and all other papers which may have been presented on behalf of the United States are to be returned to the Department of State.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 232) in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property, and the prevention of frauds in States declared in insurrection; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

PRINTING OF BILLS.

On motion of Mr. MORRILL, it was

Ordered, That the bill (S. No. 222) extending the jurisdiction of the district courts, and the bill (S. No. 223) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes, be printed.

WILLIAM YOCUM.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate the papers in the case of William Yocum, now confined in the penitentiary at Albany, New York, together with the record of the court before which the said Yocum was tried and sentenced to imprisonment.

LIGHT-HOUSES IN WISCONSIN.

Mr. DOOLITTLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be requested to inquire and report what additional appropriations may be necessary to complete the light-house works at Milwaukee and Racine, in the State of Wisconsin.

RETURN OF REFUGEE INDIANS.

Mr. LANE, of Kansas, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate the reasons, if any exist, why the refugee Indians in the State of Kansas are not returned to their homes.

NAVAL APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. No. 151) making appropriations for the naval service for the year ending June 30, 1865.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) Two amendments adopted as in Committee of the Whole have been reserved for a separate vote, the other amendments made as in Committee of the Whole having been already concurred in by the Senate. The first of the two amendments upon which a separate vote has been asked will now be read.

The Secretary read the first reserved amendment, to insert after line three hundred and thirty-two the following clause:

For the purchase and preparation of a site for a cemetery for the Navy and marine corps near Philadelphia, $20,000.

Mr. FESSENDEN. I asked for a separate vote on that amendment in order that I might put a question to the chairman of the Committee on Naval Affairs in regard to it. I ask him whether $20,000 is not a large appropriation for the purchase of land for this purpose? I do not know how near it is to be to the city of Philadelphia.

Mr. HALE. I have not examined the subject, and know nothing about it except from the letter of Admiral Smith. He says it will cost $15,000 to buy a lot and $5,000 to prepare it.

Mr. FESSENDEN. It strikes me that this is a pretty large sum to expend for a cemetery. I had hoped that the chairman of the Naval Committee would be able to give us some information on the subject.

Mr. HALE. I know nothing about it except from the statement of Admiral Smith. He says that owing to the war and the great number of sailors and marines that go to the Naval Asylum at Philadelphia and die there, their present accommodations for a cemetery are altogether insufficient, and they want a new one, and he thinks that $15,000 will be as little as they can get a lot for, and that it will take $5,000 more to prepare it, to build walls, &c.

Mr. FESSENDEN. I think we had better reduce the appropriation $5,000.

Mr. HALE. I have not the slightest objection to that, and I move to amend the amendment by striking out "$20,000," and inserting "$15,000."

The amendment to the amendment was agreed to, and the amendment, as amended, was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be read.

The Secretery read the amendment, which was to insert as an additional section:

And be it further enacted, That the United States Naval Academy shall be returned to and established at the Naval Academy grounds in Annapolis, in the State of Maryland, before the commencement of the academic year in 1865.

Mr. ANTHONY. I move to amend the amendment by striking out all after its enacting clause, and inserting:

That the Secretary of the Navy shall appoint a board of five naval officers to examine and report upon the most suitable place for the Naval Academy.

The amendment which was adopted in Committee of the Whole proposes, for the first time, to establish the Naval Academy at a particular place. It never was established by law at Annapolis. It did not require any law to remove it to Newport. It does not require any law to carry it back to Annapolis. The Secretary of the Navy, acting under the President, has full authority to do that now. The amendment proposes, however, not only to carry it back to Annapolis, but to establish it there. Now, sir, if we mean to establish the Naval Academy at any particular place, we ought to know where is the best place. I dare say that you, Mr. President, [Mr. FOSTER in the chair,] and your colleague, may think New London the best place; and the Senators from New Jersey may think Perth Amboy the best place; and I have no doubt that Newport is the best place; but let us ascertain where the best place is before we go to the very great expense of removing the Naval Academy, so that the question may be ended, and, as the Senator from Maine has said, we may be all relieved from its discussion. I wish that Senator, who stands at the door of the Treasury as the angel at the portal of Paradise with a flaming sword in his hand, to understand that if the amendment be adopted, will take $500,000 out of the Treasury. There will be the destruction of $250,000 worth of military property, as appears by the letter of the Secretary of War, read by the chairman of the Military Committee the other day; and I undertake to say that it will cost just as much to establish accommodations at Annapolis for four hundred pupils, the number now in the School, as it will to erect such accommodations in the city of Newport. But still I am willing that the whole question shall be submitted to those who know most about it; we certainly cannot profess to understand so much about a question of this kind as the officers of the Navy, and the Secretary of the Navy has the whole naval corps to take into his counsels upon this subject. If all the naval officers are, as the Senator from Iowa thinks, in favor of the Academy going back to Annapolis, then it will go back there under my proposition.

It will be understood, Mr. President, that the adoption of the substitute I have offered will not delay the action contemplated in the original

amendment an hour. The amendment, as it was adopted in Committee of the Whole, proposes to remove the Academy from Newport to Annapolis six months after the adjournment of the next session of Congress. Now, I ask that before the next session of Congress we may have all the light upon the subject that the Navy Department is able to throw upon it; and if it shall then appear, as the Senator from Iowa thinks, honestly, I am sure, that the Academy had better be removed back to Annapolis, we shall be deprived of all argument on the subject here; and the Senator from Maine will accomplish his object of taking it out of our discussions.

Mr. FESSENDEN. Will the Senator give me his opinion as to how much it will cost to erect proper accommodations at Newport for this large School?

Mr. ANTHONY. I do not know what it will cost; but I think it will cost no more there than it will cost at Annapolis, because the accommodations at Annapolis were actually insufficient for more than one hundred and eighty pupils, and now it is necessary to have buildings for four hundred. My own little experience in building is, that I would rather build a new house for four hundred than enlarge an old one for one hundred and eighty so as to accommodate four hundred.

Mr. GRIMES. Mr. President, this is simply another proposition to keep the Naval Academy upon wheels, and to have it constantly before Congress at every session to be log-rolled about and managed, and, in the mean time, to allow the young men to remain at Newport, where they are liable to all the temptations which were pointed out here the other day.

I have taken the trouble to ascertain something about the buildings at Annapolis that the Senator speaks of. The quarter of a million of money expended by the War Department at Annapolis is not on buildings within the Naval Academy grounds. All the work that has been done at Annapolis within the Naval Academy grounds is the building of a railroad, the running out of a wharf into the river at a small expense, and the building of some quartermaster's storehouses which could be transferred to a locality outside of the grounds at an expense of certainly not more than $20,000. I have the report of the naval carpenter who was sent down to Annapolis by authority of the Navy Department, and who reports that all that will be necessary to put the Naval Academy buildings into complete order for the restoration of the institution there is between seventeen and eighteen thousand dollars. All that it will be necessary to build, in addition to what is already there, in order to accommodate four hundred pupils in place of one hundred and eighty that could be accommodated before the School was transferred from Annapolis to Newport, is another dormitory. We have the recitation rooms; we have the chapel; we have the observatory; we have the hospital; we have all the other buildings that are necessary except the accommodation for the students that will be furnished by an additional dormitory. Therefore all that it will be necessary to do will be to erect a building that will accommodate perhaps seventy-five or eighty additional students if we allow only the junior class to be kept on shipboard, and not the two lower classes as they are now kept.

The proposition of the Senator is, that a board of naval officers shall be appointed to go around the country and see where the Academy can best be located. When are they to report? To the next session of Congress, I suppose. He says that I shall obtain my end just as soon by getting the Academy moved to some other place, as I would by the adoption of the amendment which was agreed to by the Senate as in Committee of the Whole. Not at all. The amendment which I proposed is, that the Naval Academy shall be restored to Annapolis before the commencement of the academic year in 1865. It makes it absolute that it shall go back at that time. I have not any doubt that in the course of the coming fall the Secretary of War will discover that he can, without any detriment to the public interest, surrender these grounds at Annapolis, and that the Academy will be restored to Annapolis before the expiration of the present year, before the incoming of the next academic year. As soon as Congress shall settle and show to the country that its opinion is that the Academy should be restored to its old place, I am satisfied the Secretary of War or the President of the United States will direct that it shall be restored at the earliest possible moment, and I have no idea that it is going to remain at Newport until September, 1865.

Really, I think that it does become the Senate to take some affirmative action on this subject; and I think that it would be a grateful tribute for this body to pay to the State of Maryland, under the circumstances; and I do not very much admire the persistency with which it is attempted to retain the Academy at Newport, when it was only driven there by stress of weather, as the Senator himself admits, and when all of the naval officers who have been connected with it or are connected with it now, every man who is at all familiar with the institution, says that Annapolis is the very best place where it can be.

Let me say further, Mr. President, that the expense of keeping the Academy at Newport is to this Government more than one hundred thousand dollars a year greater than it could be maintained for at Annapolis; and let me say in addition, that if you had the ground anywhere else upon which to erect your buildings, you could not erect as good buildings as you have now at Annapolis, and decorate your grounds as well as they now are for $600,000. Therefore, every principle of economy, duty to the Government, to the naval service, and to the young men put under our charge, and to whom we hold the relation of guardians, it seems to me should induce us to reject the amendment of the Senator from Rhode Island, and to concur in that which was adopted in Committee of the Whole.

Mr. CONNESS. I would ask the Senator from Iowa what force all the argument that he summed up in the last few sentences of his address have when Rhode Island wants to keep an institution of this kind, having obtained it by accident?

Mr. GRIMES. That depends upon whom the arguments are addressed to.

Mr. CONNESS. I apprehend there can be no mistake as to whom the arguments are addressed. The Senator from Rhode Island seems to think they are addressed to him. It appears to me to be the clever thing, the proper act on the part of the Senators from Rhode Island, to say "Let this institution go where it should go; let it go back whence it came; let it go from the contaminating influences of a city; let it go back to the State that, whether it was disloyal or not at one time, to-day sets the highest example to every part of the country that it is possible could be set by any State in the Union."

I do not wish to suggest a policy to the Senators from Rhode Island, but under the circumstances it appears to me that I would not rise here and advocate the retention of the institution there. Let not this institution be put out to the highest bidder. Let us not go all over the Union to ascertain where we may establish it. Let it go back to Maryland where it did belong, where it now belongs, and where it may be properly established.

I do not wish to enter into the discussion of this question. I do not desire and do not attribute motives to the Senator from Rhode Island beyond what are palpable, namely, that he desires to keep this School at Newport, it having reached there by chance and accident. I hope that he will not make any further contest in this matter, and that we shall come to a vote upon it.

Mr. ANTHONY. The Senator from California assumes that I am arguing against my convictions of the public good from local considerations. I do not think it necessary to reply to that.

Mr. CONNESS. Oh, no; I did not say that.

Mr. ANTHONY. I certainly understood the Senator so.

Mr. CONNESS. I think it is entirely consistent, entirely possible for both to agree.

Mr. ANTHONY. Well, sir, they do agree in this case. I do not stand up here to advocate local interests against the public good. I stand up here to ask of the highest naval authorities an inquiry, an investigation, and a report as to the place where the Academy ought to be. I am not arguing for the retention of the Academy at Newport. I am arguing for the ascertainment of the best place for the permanent location of the Academy, and Senators reply that I am arguing for Newport. To be sure, I think Newport is the best place, but I desire to have the opinion of those men who know more about it than I do, and, with great deference to Senators in this Chamber, who know more about it than any of us can know.

Nor shall I go into the question of the loyalty of different States. I have said nothing about the loyalty of Maryland. I admire as much as any Senator the position which Maryland holds before the country to-day; but if this question is to be decided upon considerations of loyalty, I think a State that has always been loyal is as well entitled to it as a State that has just become so. But that is a question I do not care to go into.

Mr. CONNESS. If the Senator will permit me, I understood him in the discussion here the day before yesterday to introduce the question of the loyalty of Maryland as one of the reasons for the change when made; and in introducing that feature into the discussion I thought I was but referring to a subject already introduced by the Senator.

Mr. ANTHONY. A Senator said in the debate the day before yesterday that the Academy had been seized by the War Department. I said no, the Academy had been driven away by a traitorous mob. The Senator from Iowa denied that there had been any mob in Annapolis. I read from the newspapers of the time to prove that there had been; but I made no remarks and shall make no remarks in disparagement of the State of Maryland.

Now, sir, I think the amendment I have offered is a fair compromise of this whole matter, and I hope Senators will give me a pretty unanimous vote in favor of it, as the Senate seems to be very good-natured at present, and refer this question to those men who know all about it. Then, if they decide against Newport, we shall be entirely disarmed of our argument; and if they decide against Annapolis, I think the other side will be disarmed.

Mr. TEN EYCK. Every one here can understand and appreciate the loftiness of the sentiment of the Senator from California when he claims that the present position of Maryland entitles her to have this Academy restored within her limits. That is a lofty, just, and true sentiment; and if everything else were equal, it should prevail. The Senator from Iowa insists that we ought to restore this Academy to that spot; that we have there buildings and all the accommodations which he has enumerated for the purpose. Why, sir, if I understand the matter correctly, we have none of these things there now.

Mr. GRIMES. Where?

Mr. TEN EYCK. At Annapolis. I mean they are not within our control at the present moment; and it would be highly improper, perhaps, to dislodge the War Department from the possession of that locality at this time, for the reasons which have been iterated and reiterated during this debate.

Mr. GRIMES. If the Senator will allow me, I will inform him that the Secretary of War is entirely satisfied with the proposition that was adopted in Committee of the Whole on the day before yesterday.

Mr. TEN EYCK. Of course I have had no access to the Secretary of War and have not inquired about it, and I have no doubt that the information as given by the Senator from Iowa is correct. But, sir, I can see no objection whatever to the adoption of the amendment proposed by the Senator from Rhode Island. It does not follow, because the Naval Academy has been at Annapolis and because we have some buildings there, selected as that location was without authority of law, that we must forever continue those buildings in that spot. I would do so, and would continue the Academy there if everything else were equal, if there were no advantages possessed by any other place. I do not believe it will occasion any very great injury to the public service, or any very great expense during the time which is to be allowed by the amendment proposed by the Senator from Iowa—the period of eighteen months, during which it is not proposed to occupy the grounds at Annapolis—to have a board of examiners to look into the merits of different localities on our seaboard and their adaptation and qualifications for the establishment of a Naval School of this description, and to have it fixed permanently by the enactment of a law.

I say here frankly that if no other spot can be

found along our seaboard possessing superior advantages for the purposes of such a School, I shall be willing, and prompt, and ready, as an acknowledgment to the present position of Maryland, to restore that Academy back to its ancient place. I think it would be honorable, I think it would be just to do so; and I think it would be an act that would be properly appreciated. But, sir, we ought not to do this thing blindly, in pursuance of a mere sentiment. We ought not to do injustice to the public service. We ought not to expend large sums of money in one spot when the expenditure of the same or smaller sums of money in another locality would be greatly more to the advantage of such an institution and the Navy at large. It is in this point of view that I intend to sustain the Senator from Rhode Island in the amendment which he has offered, and which is now before the Senate. Nothing can be lost by adopting it. We can act at the next session of Congress in relation to the fixed location of this Academy as well as we can now. We should consider also that by adopting the proposition of the Senator from Iowa, we may do now what we may be required next winter to undo, upon the happening of some contingency unforeseen and unexpected. I think, therefore, we had perhaps better suffer the matter to remain as it is, with the passage of an amendment constituting a board of inquiry to determine upon a suitable spot for the location of this School.

Mr. SUMNER. Mr. President, I hold in my hand a sentence which I cut out from a newspaper this morning. It is part of our morning news. I will read it:

"General Grant visited Washington again at a late hour on Monday night, was in consultation with the Secretary of War on Tuesday, and departed for Annapolis on Tuesday evening."

It does not appear what General Grant has gone to Annapolis for. He certainly has not gone there for pleasure or pastime. That is not his habit. He has gone there for work, for military work in defense of the Republic. And now, sir, coming to the Senate I am met by the question whether the Senate, by its vote, will order the Naval Academy to be transferred to Annapolis where the papers of the day announce the commander of the armies of the United States has been actually in the performance of his military duty.

I come back to the position which I took the other day in this debate, that this is not the time for Congress to pass upon this question. I do not mean to suggest that the Naval School should not ultimately be brought back to Annapolis. I say now, as I said the other day, the inclination of my opinion is that it should be brought back there; but I do say that Congress is not now in a situation to pass upon the question. Who knows what may occur between now and next year: whether Annapolis will be at that time upon the whole the best place for the Naval Academy? I cannot venture to pronounce upon that question; and yet the proposition of the Senator from Iowa asks the Senate to pronounce definitively on that question.

Then Senators interpose by the argument, "Let us take this whole question out of the politics of different States." Sir, permit me to say this is a strange way to take this question out of the politics of different States. By a proposition which is prospective, open to repeal during the coming Congress, you positively keep it in the politics of different States. I borrow an expression which has been used on this floor. If you wish to take it out of the politics of different States, there are but two ways of doing it: one is to decide that it shall be at Newport, and the other is to decide that it shall be at Annapolis; but the proposition of the Senator from Rhode Island does not pretend to decide either way. It leaves the whole question open for eighteen months; that is, for eighteen months it hands it over to the politics of different States. Senators will be charged meanwhile with acting under local prejudice with a view, perhaps, of obtaining it for their respective States. That charge must continue until the whole question is definitively settled. As we are not in a condition to settle it definitively, I say do not let us undertake to settle it at all.

Mr. CLARK. Mr. President, there may be considerable force in the argument of the Senator from Massachusetts in one view of the case, and that is, that General Grant had gone to Annapolis for some purpose, [laughter;] but the paper this morning informs us that the general has got back; so I think that argument ceases. I hold in my hand the important news that—

"Lieutenant General Grant returned to Washington yesterday evening from a brief visit to Annapolis."

I am opposed to the proposition of the Senator from Rhode Island to go around and scour the country to hunt up a place to put this institution in. I understand that the place where it was formerly located, to wit, Annapolis, was entirely satisfactory to the country and advantageous to the School. If that be so, I submit it to the good sense of Senators, why should we now appoint a commission to go around and find another place when we have a perfectly good one? Navy officers say that it is so, and experience demonstrates it to be true. It is convenient to the capital, remote enough for the good of the School, and was every way acceptable to the country before the breaking out of this rebellion. There being a disturbance at that time in Maryland it was deemed advisable to carry the School to Newport. It was transferred there; but Newport I understand is found not to be a good place for the School. I do not understand the School to be flourishing there or conveniently located, and it is found to be desirable to remove it somewhere. The proposition of the Senator from Rhode Island seems to concede that, when it proposes, instead of keeping it at Newport, to form a commission to go around and hunt up a place at which to put the institution.

Now, sir, if we have a good place let us return it to that place; and I may say here—I say it cheerfully, I say it gladly—I am happy to be able to give a vote to return this institution to the State of Maryland. It is true she was disturbed at one time; but she never swerved away or swept from her mooring. She always kept true to the Union in this regard, that she never seceded. She was peculiarly placed upon the borders of the rebel States and the loyal States; but there were loyal people enough in that State to hold her to the Union. I would see to it that those loyal people should not suffer. I would not punish the loyal people of Maryland for their exertions to maintain their State in the Union. I would give this institution back to them at the earliest possible moment; and if now is the proper time—the Senator from Massachusetts says it is not the proper time; I think it is the proper time—I would vote to return it to Maryland. Therefore I am against the proposition of the Senator from Rhode Island to appoint a commission to go around the country to find a place for it. I do not want to find another place. If Annapolis is a good place—and it is conceded to be—I want to give it back to that place. I want to restore it to the place it had before this disturbance; and I shall be happy to give a vote for it.

Mr. ANTHONY. The Senator from New Hampshire I think misapprehends the amendment that was adopted in Committee of the Whole. It does not propose to send the Academy back to Annapolis at present, and not until six months after the expiration of the next session of Congress.

Mr. GRIMES. The Senator is mistaken. He inverts the language. The amendment does not say that the Academy shall not be sent back until after such a time, but it says that it shall be sent back before such a time.

Mr. ANTHONY. I take the interpretation which I understood the Senator from Iowa to put on his own amendment on Tuesday, when the chairman of the Committee on Military Affairs read a letter from the Secretary of War showing that——

Mr. WILSON. The letter was not from the Secretary of War, but from a high officer of the Army.

Mr. ANTHONY. I beg pardon; I thought it was from the Secretary. The Senator read a letter from an officer in the Army which showed that the military expenditures which would have to be sacrificed if the School was carried back now would amount to $250,000; and he dwelt upon the great importance of Annapolis, which, in the opinion of the Senator from Massachusetts, was the most important military point in the country. Then the Senator from Iowa said: "Oh, we are not going to remove the School back now; we are not going to remove it for over a year." Now he says they will take it right back again.

Mr. GRIMES. I do not know how the Senator is in the habit of dealing with people, and what he means by his language exactly. I have not conveyed any such idea as I understand him now to attribute to me. I have not said that I wanted to force it back at any time. I do not. I leave it optional with the authorities of the Government to bring it back at any time between now and the commencement of the academic year 1865. The President, who commands both the War and the Navy Departments, if he sees fit to bring it back between now and that time, can do it; but it must come back by the commencement of the academic year of 1865. That is the ground I took in the debate on Tuesday, and the ground I occupy now.

Mr. ANTHONY. But, Mr. President, an amendment was proposed by the Senator from Illinois [Mr. TRUMBULL] to remove the Academy to Annapolis forthwith, and that was voted down by the Senate. The Senate, therefore, has decided that it does not desire to have the Academy put back now; and the Senate having decided that they do not desire the Academy to be removed back to Annapolis now, the question before the Senate is, shall we order it to be removed six months after the expiration of the next session of Congress?

Mr. CONNESS. I call for the reporting of the amendment to the amendment.

The Secretary read the amendment, to strike out all of the amendment adopted in Committee of the Whole after the word "that," and to insert:

The Secretary of the Navy shall appoint a board of five naval officers to examine and report upon the most suitable place for the Naval Academy.

Mr. ANTHONY. Let us have the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 28; as follows:

YEAS—Messrs. Anthony, Buckalew, Chandler, Dixon, Harlan, Morgan, Sprague, Sumner, Ten Eyck, Wade, Wilkinson, and Wright—12.

NAYS—Messrs. Brown, Carlile, Clark, Collamer, Conness, Cowan, Davis, Doolittle, Fessenden, Foster, Grimes, Hale, Harris, Henderson, Hendricks, Howe, Johnson, Lane of Indiana, Morrill, Nesmith, Pomeroy, Powell, Riddle, Saulsbury, Trumbull, Van Winkle, Willey, and Wilson—28.

So the amendment to the amendment was rejected.

Mr. ANTHONY. I have another amendment to offer to the amendment adopted in committee. It is to add at the end of the amendment the following proviso:

Provided, That in the opinion of the President of the United States the public interests will be promoted thereby.

I hope the Senate will at least give me this amendment.

Mr. JOHNSON. What for?

Mr. ANTHONY. Because if it is not in the opinion of the President of the United States for the public interest, I do not think we should want to have it done.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on concurring in the amendment made as in Committee of the Whole.

Mr. TRUMBULL. I move to strike out "1865" and to insert "1864" at the end of the amendment.

Mr. GRIMES. I appeal to my friend to withdraw his amendment. The amendment adopted in committee says that the school shall be returned before such a time. I am very well satisfied that if the War Department can with any sort of convenience surrender the Annapolis Academy grounds before that time, it will be done, after this expression of sentiment on the part of the Senate; and as a friend to the Academy and to the service I hope the Senator from Illinois will not force us to vote on his proposition.

Mr. TRUMBULL. I cannot possibly see the use of the amendment of the Senator from Iowa as it stands. It is a proposition to do something which is not to take place until after another session of Congress. If it is advisable to move the Naval Academy it is advisable to move and fix it before the next academic year. No reason at all has been given in the Senate why it may not just as well be removed this year as next. The fact that we have forces at Annapolis now is no evidence that we shall have them there next October, or if it be evidence that they will be there

next October, it is just as much evidence that they will be there a year from next October. I can see no possible good in legislating in that way in reference to a matter that is to take place a year and a half hence. If we are to remove the Naval Academy and fix it permanently, which I agree ought to be done—that is, that it should be located permanently somewhere—I think we should make that arrangement for the next year.

Mr. GRIMES. The proposition as it now stands before the Senate leaves it discretionary with the Government of the country to send it back at an earlier day than the commencement of the academic year 1865, if the public interests will admit of it. I am willing to leave it there. The argument that is urged in opposition to the proposition of the Senator from Illinois by the War Department is that it will take some months to remove the buildings and the materials that they have accumulated on the Academy grounds. I am not prepared to say that that is not so.

If the Senator says we are anticipating the legislation of the next session of Congress, when we meet at the next session, if we do not take any affirmative action now on this subject, we shall be met precisely as we are now, by being told that the War Department is in possession of these grounds, that they have got valuable improvements there, and we must not subject them to the expense and inconvenience of immediately removing them in order to make way for the restoration of the Naval Academy. But, as my friend from New Hampshire [Mr. CLARK] suggests to me, this proposition serves as a notice to the War Department not to go on and make additional improvements, but to be gradually moving them off as fast as their interests and convenience will admit of.

I certainly have no interest in connection with this Naval Academy, except the interest that I have in the naval service and in the country. No man is more anxious than I am to have it returned to Annapolis at the earliest possible moment, but I am entirely satisfied with the proposition as it now stands before the Senate.

Mr. TRUMBULL. I certainly did not mean to impugn the motives of any one.

Mr. GRIMES. I did not so understand the Senator.

Mr. TRUMBULL. I did not suppose anybody had any other interest in this matter than the promotion of the public interest. I certainly have none other. I have assented to the arguments that have been made here, showing that the Academy is not properly provided for. I know some little about it, not very much, and I think that that is true; that better arrangements ought to be made for the accommodation of the midshipmen at the Naval Academy. It is because I so believe that I think it desirable that we should locate it sooner than a year from next October. The reasons that have been suggested by the chairman of the Committee on Military Affairs have not struck me with any force. The fact that General Burnside is assembling a force at Annapolis preparatory to some expedition does not militate against establishing the Academy at Annapolis next October, for nobody supposes that he is assembling forces at Annapolis for an expedition which is not to start for six months. Nobody anticipates that. The forces that he is assembling at this time will have left there long before that.

The VICE PRESIDENT. The question is on the amendment of the Senator from Illinois, to strike out "1865" and insert "1864" in the amendment adopted in committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on concurring in the amendment made as in Committee of the Whole.

Mr. ANTHONY. I should like to have the yeas and nays on that question.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 10; as follows:

YEAS—Messrs. Brown, Carlile, Clark, Collamer, Conness, Cowan, Davis, Doolittle, Fessenden, Foster, Grimes, Hale, Harlan, Harris, Henderson, Hendricks, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morrill, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Saulsbury, Van Winkle, Willey, and Wilson—30.

NAYS—Messrs. Anthony, Buckalew, Chandler, Dixon, Morgan, Sprague, Sumner, Ten Eyck, Wilkinson, and Wright—10.

So the amendment was concurred in.

Mr. POWELL. I desire now to renew the amendment I offered in Committee of the Whole to repeal the fishing bounties. It is to insert as a new section the following:

And be it further enacted, That from and after the 1st day of July, 1864, all acts and parts of acts granting allowances or bounties on the tonnage of vessels employed in the Bank or other cod fisheries be, and the same are hereby, repealed.

I ask for the yeas and nays upon this amendment.

Mr. FESSENDEN. I wish simply to say that I hope the Senate will not put this measure on this bill, whatever they may conclude to do with it afterwards.

Mr. HARRIS. When this proposition was before the Senate in committee I voted in favor of it, and I am now in favor of repealing these bounties. I regard it as improper, in the present state of the country and the present condition of our finances, that the Government should be paying nearly half a million dollars for these bounties. But I felt when I voted for it, and I feel now, that there is an unfitness in attaching this proposition to this appropriation bill; and upon the assurance of the Senator from Ohio [Mr. SHERMAN] that if the bill providing for their repeal shall not be reported by the Committee on Commerce at an early day he will introduce the proposition in another place, I shall vote against this amendment now.

Mr. POWELL. It is not my purpose to enter into any discussion on the subject; but I think this is an eminently proper place to put this amendment. This is the naval appropriation bill, and it is a matter touching vessels. I do not think there is an appropriation bill on which it could be placed more properly than this.

Mr. POMEROY. I sustained this amendment the other day because I thought the measure a good one; but there is some inconsistency, to my mind, in placing it on an appropriation bill, and as the chairman of the Finance Committee resists any such legislation I shall not vote to put it on the appropriation bill, but I shall sustain the measure at some other time.

Mr. BROWN. The Senator from Kansas has anticipated the remark that I desired to make. I should vote for the repeal of these bounties, but in deference to the judgment and the opinion and the expressed wish of the chairman of the committee who has the conduct of this bill, I shall not vote to attach it to the present measure. I desire to make this explanation, as I was not here when the vote was taken on Tuesday.

Mr. TEN EYCK. I do not see any more propriety in placing this amendment on the present bill than there was in placing the amendment upon the present bill which we have just put on about removing the Naval Academy back to Annapolis. It seems to me they both stand on the same footing, and both are liable to the same objections. I voted, however, against the repeal of the fishing bounties, and I shall vote so now, though there seems to be a different rule applied to different amendments.

Mr. GRIMES. I shall adopt what has been said by the Senator from New York, [Mr. HARRIS,] the Senator from Missouri, [Mr. BROWN,] and the Senator from Kansas, [Mr. POMEROY,] as my sentiment. I voted in favor of repealing the fishing bounties at previous sessions of Congress, and I shall avail myself of the first opportunity I have to do so now. I hope, however, that the Senate will permit me to say, in reply to the suggestion of the Senator from New Jersey, that there is a vast difference between this proposition and that adopted by the Senate in regard to the Naval Academy. Here it is sought to overturn the settled policy of the Government for sixty years in connection with the subject of the fisheries, and to do it by independent legislation upon an appropriation bill, to which, in the first place, the subject is not germane, and in the next place it is a question that has been committed by the Senate to one of our committees, and that committee has not reported upon it; what its report may be I do not know and do not intend to predict. The other proposition, which we have just adopted, was merely to do that which has already indirectly been done by Congress, for, although there may not have been any legislation in past years affirmatively and absolutely establishing the Naval Academy at Annapolis, it has been virtually established there by being recognized as in existence there when we have made appropriations.

Mr. ANTHONY. So at Newport.

Mr. GRIMES. The word "Newport" has never been inserted in any of the appropriation bills, and if the Senator will refresh his memory he will find that we have had one or two controversies on that subject. I believe I have succeeded in having the word "Newport" stricken out.

Mr. ANTHONY. It was stricken out in the Senate but not in the House of Representatives I think.

Mr. GRIMES. The Senator is mistaken. I am confident as to that. But that is a past question. I only say that I shall avail myself of the first opportunity that I have to vote to repeal the fishing bounties, and I understand that the Senator from Ohio has pledged himself that he will move this amendment upon a bill to which it will be germane, namely, that in regard to taxation, which must necessarily come before the Senate, so that, although the Committee on Commerce may not report the repealing bill back to us, the question is bound to come before us for consideration within the next ten days.

Mr. WILKINSON. From the vote that was taken the other day, and from the remarks that are made here this morning, it is very evident that a majority of the Senate are opposed to allowing these fishing bounties; that is, opposed to taxing the people at large to pay about a half million dollars annually to a certain class of people who are employed in the fisheries; and yet Senators are opposed to voting for it here because they say it is out of place. This proposition has been before the Senate ever since I have been here, I think, in some form——

Mr. POWELL. Will the Senator from Minnesota allow me a moment? I know he is friendly to this proposition. There are a number of Senators who voted with us who declare that they will not vote for it on this bill. If he will allow me I will withdraw the amendment, and let the Senate know that I shall move it to the revenue bill. I do not wish to embarrass the friends of the measure.

Mr. FESSENDEN. Before that is done, I wish to say a word.

Mr. WILKINSON. I only wish to say one word, and that is that I shall vote for this amendment, unless it is withdrawn, here or anywhere else that my vote will tend to repeal the law granting the fishing bounties.

Mr. POWELL. I so understood the Senator; but others seem to think this is not the proper place, and I will reserve it for the revenue bill.

Mr. FESSENDEN. I simply want to make a remark before the amendment is withdrawn.

Mr. POWELL. Certainly.

Mr. FESSENDEN. I am very sorry to hear so many of our friends expressing themselves as they have done on this subject; but it is "sufficient for the day" if I accomplish one good object, and that is to keep legislation of this kind off the appropriation bills, which I believe very important and necessary in the business of the Senate. But I will say to my friends who have avowed that their minds are tending in a particular direction in regard to the proposition itself, that when the proper time comes perhaps we may be able to persuade them that there are two sides to the question, and that they have expressed their opinions a little prematurely on the subject. I hope they will hold themselves open to conviction.

I will also say that I think it a little unkind that our friends should be very anxious for this repeal when the honorable Senator from Kentucky [Mr. DAVIS] avowed yesterday that he had always been in favor of these fishing bounties, but he was now, although in favor of them as a general principle, in favor of taking them off, because New England, and particularly Massachusetts and Maine, had behaved so very badly on the slavery question.

The VICE PRESIDENT. The Chair understands that the amendment is withdrawn.

Mr. POWELL. Yes, sir.

Mr. ANTHONY. I wish to offer an amendment from the Committee on Naval Affairs:

For the pay of mileage of visitors to the Naval Academy, $2,000.

Mr. FESSENDEN. If the Committee on Na-

val Affairs have examined the subject, of course I have nothing to say.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed. On motion of Mr. FESSENDEN, the title was amended by adding "and for other purposes."

LOSS OF THE BAINBRIDGE.

Mr. HALE. I move to postpone the prior orders, and take up House bill No. 297, fixing the date of the loss of the brig Bainbridge.

The motion was agreed to; and the bill (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge and for the relief of the officers, seamen, and marines of the same, and for other purposes, was considered as in Committee of the Whole. For the purpose of fixing the time at which shall commence the pensions, under existing laws, of the widows and orphan children of the officers, seamen, marines, and others in service who were lost in the United States brig Bainbridge, as well as the time to which their pay shall be allowed, the bill provides that the 21st day of August, 1863, shall be deemed and taken to be the day on which the brig Bainbridge foundered at sea. It is further provided that the widow or child or children, and in case there shall be no widow or child or children then the parent or parents, and if there be no parents, the brothers and sisters of the officers, seamen, marines, and others in service who were lost in the Bainbridge, shall be entitled to a sum equal to twelve months' pay of their respective deceased relations, in addition to the pay due to the deceased at the date of the loss of the vessel. The bill also directs the proper accounting officers of the Treasury to settle the accounts of Charles C. Walden, late acting assistant paymaster in the Navy, who was lost in the brig Bainbridge with all his accounts and vouchers for expenditures and payment made by him, and with all the money, stores, and supplies procured for the use of the vessel, and to allow him a credit for whatever sum appears to be due from him on the books of the Department.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SALE OF A LOT AT SACKETT'S HARBOR.

Mr. HALE. I move now to proceed to the consideration of the joint resolution (H. R. No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York.

The motion was agreed to, and the joint resolution was considered as in Committee of the Whole. It authorizes the sale of the lot, as it is not wanted by the United States.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOSS OF THE BARON DE KALB.

On motion of Mr. HALE, the joint resolution (S. No. 35) to compensate the sailors on the gunboat Baron de Kalb for loss of clothing was considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the Treasury, in settling the accounts of the petty officers, seamen, sailors, and others of the crew of the United States gunboat Baron de Kalb, to allow to each a sum not exceeding fifty dollars as a remuneration for the damage they may have sustained in the loss of their clothing by the destruction of the vessel.

Mr. CHANDLER. I desire to ask the chairman of the Committee on Naval Affairs if it has been the practice of the Navy Department to make allowances for clothing lost in this way.

Mr. HALE. It has not been the habit of the Navy Department to make such allowances; but it has been the habit of Congress to appropriate the money in such cases. The amount appropriated in this resolution is the amount that was fixed last year.

Mr. CHANDLER. I will remark that the Committee on Commerce have had under consideration a similar application from the men on board a revenue cutter which was seized by the rebels, and rejected it on principle.

Mr. HALE. Congress have passed several of these resolutions at this session appropriating money to pay for clothing lost by the destruction of the vessel, not exceeding fifty dollars to each sailor.

Mr. GRIMES. Let me say to the Senator from Michigan that it has been the settled practice of the Government ever since we have had a Navy to make these allowances, not to the officers, for we never pay them anything of the kind, but to the petty officers and seamen who are not considered as responsible for the loss of the vessel in consequence of defective nagivation, or anything of that kind.

Mr. CHANDLER. Then we made an error in our committee on the subject.

The joint resolution was reported to the Senate.

Mr. TEN EYCK. I should like to know something about the circumstances under which this loss took place. I know that there has been some objection to allowing payment for losses under somewhat similar circumstances, and I know it is the understanding of the Departments that such allowances cannot be made. I have personal knowledge that that is the understanding; but I do not know how far it extends. I recollect one case since I have been here where there was an allowance made to the sailors on board the Varuna, which was sunk in the attack upon New Orleans, and under very peculiar circumstances, in the midst of the fight. There was an allowance made in that case to persons who were not in commission, the ordinary sailors. But there is a rule existing here somewhere, and I have heard it distinctly from one of the Departments, that at least so far as the revenue cutter service is concerned, such allowances are not proper, and I have understood that the reason why it is considered improper is that it tends to encourage carelessness and indifference to the public service.

I have no knowledge of this particular case, but if the circumstances are such as clearly to show that these persons were engaged and exerting themselves in the line of their duty, and that this loss arose from no neglect or inefficiency of service on their part, there might be some reason for the passage of the joint resolution; but it is very important, I should think, that every person on shipboard as well as on land should be held responsible himself individually for the loss of his clothing and his arms and accouterments. Why not apply the principle to the soldiers who lose their arms upon the field of battle, and who cast away their knapsacks in the midst of the fight? Why not allow them for the loss of those arms, with which I understand they stand charged when the captain comes to settle with the War Department for the affairs of his company? Why should not soldiers in the field of battle who are exposed to as much danger and as much hardship as sailors on shipboard, be relieved from the consequences of losses under such circumstances? It seems to me that the two stand upon the same principle, and if there is any difference whatever between the character of the service rendered during the last two or three years, the services of those upon land have been much more arduous and attended with much more danger to life and limb than service on shipboard; at all events to a much greater extent so far as numbers are concerned.

I make this inquiry for the purpose of being satisfied on the subject, because I have understood that the contrary practice from that indicated in this resolution prevails. I recollect but one case of an allowance of this kind, and that was the case I have before stated of the Varuna, commanded by Captain Boggs, which was sunk at New Orleans.

Mr. HALE. The Senator is altogether mistaken. We have at this session, within a very few days, made an appropriation of this kind in the case of two vessels where the act was passed at the last Congress, but by inadvertence without making an appropriation of the money. As was suggested by the Senator from Iowa, it has been the practice of the Government always to make these appropriations, and I do not know how many of them have been made since I have been a member of the Senate, but certainly there have been a great many. No such allowance is ever made to the officers, because the responsibility is imposed on the officers of conducting the vessel properly; but when the sailors lose their clothing by the loss or destruction of the vessel, it has been the habit of Congress to remunerate them to an amount such as we propose to allow here.

Mr. GRIMES. I will say a word about this matter, because the Senator from New Jersey has inquired as to the circumstances of this particular case of the sinking of the Baron de Kalb. It so happens that I know something about the history of that vessel, and know the man who commanded her at the time she was blown up. I shall not speak of him particularly, because he is a townsman and relative of mine. She was the original St. Louis, and was rechristened the Baron de Kalb, composing a part of Foote's fleet, then of Davis's, and then of Porter's. She was a vessel that lay within sixty yards of the embrasures of Fort Hindman, and if anybody wants to know how she was managed then, when she was under the command of the same officer who commanded her when she was blown up, he can refer to the report of Admiral Porter. She was then sent up the Yazoo river, and on the third expedition she made up there she passed over a torpedo and was entirely blown up, completely destroyed. There was no allegation of any want of good seamanship or of proper conduct on the part of any of the officers or men on board. The men lost everything they had; I believe they recovered nothing, and so of the officers; but it has never been the policy of the Government to allow the officers anything in such cases, whether of the line or of the staff, because they are considered as being responsible for the management, and even if an accident befalls them, as in this case, which was unavoidable, which they could not have foreseen, I know of no case in which an officer has been paid; but to the men, who generally have their all embarked in the little kit they have on board, it has been the practice of the Government to pay the sum of fifty dollars each. I remember that the first winter I was here, five years ago, my attention was called to it. The Government lost a sloop-of-war in the Pacific—her name does not occur to me at this time—and we made the allowance in that case, and similar allowances have been made frequently since. It was made to the sailors of the Cumberland and the Congress and the monitor Ericsson, and all the vessels that have gone down. I cannot say what the rule is in the revenue marine; I have never had my attention called to that.

Mr. TEN EYCK. Before the Senator takes his seat, I wish to ask him if he knows the reason of the distinction between the case of those who are on shipboard in the naval service of the United States and those privates who are in the military service of the country on land? Why should a soldier, who, as I understand, is not only charged with his knapsack and with his gun, that may be lost in battle, but who is charged with any clothing that he may have lost in the midst of battle, not be remunerated as well as a sailor?

Mr. GRIMES. For the same reason that we do not pay officers of the Navy. We do not pay an officer when a vessel is lost for his clothing, because he is held responsible for the vessel and responsible for his own property. The soldier on land is responsible for his own garments and his own gun, and everything that he has; but on shipboard, when everything goes down, and the responsibility as we consider rests with the commander of the vessel or his immediate subordinates who hold commissions, surely the common sailor who suffers ought not to be held responsible.

Mr. CHANDLER. As I am informed by military men, it is customary for soldiers before going into battle to do what they call "strip for action;" they throw off their blankets; their knapsacks, in fact all their incumbrances except perhaps their haversack and the cartridge-box and musket. In case of defeat and disaster, certainly the common soldier is not responsible for that defeat. I am told that frequently our soldiers lose almost everything they have, and yet they are not paid for it. I ask the Senator from Iowa if he can see any reason why a soldier losing his clothing in consequence of a defeat, or in consequence of being compelled to strip for action, should not be paid as well as a sailor.

Mr. GRIMES. It is altogether voluntary with the soldier whether he strips or not. It is perfectly involuntary with the sailor; he cannot prevent the ship from going down. We place the

responsibility upon the officer and not upon the man. I will not undertake to say that if a military officer directs all his men to strip, and then lets them get whipped so that they cannot recover the property that he has caused them to leave back at some other place, the Government ought not to be responsible; and I will not undertake to say that we ought not to pay the soldiers in all the cases that have been put by the Senator from New Jersey and the Senator from Michigan. I am only speaking now as to what has been the practice hitherto, and the principle on which I understand that it has always been based. I only know that it was a tradition that had been long in existence, as I understood, when I took my place here in the Senate, that we always paid, I think, originally sixty dollars (and it has been reduced since the rebellion broke out to fifty dollars) to all those seamen who lost property where the vessel went down; in other words, we made good their kit.

But then there is another thing which we should take into consideration. We pay our sailors fourteen or sixteen dollars a month, and we make them pay for their own clothing out of it. That amounts to over eighty dollars a year; I have a statement in my desk showing the exact amount. But you pay your soldiers the stipend that you agree to pay them, and give them clothing in addition. If they are stripped before the battle, and the battle is lost, and they are not able to recover their clothing, who makes it up?

Mr. CHANDLER. The soldier is charged with it.

Mr. GRIMES. I do not know how that is.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. TEN EYCK. This is an important question, and as I can foresee that millions of dollars may be dependent upon it growing out of all this, I should like to have the expression of the Senate on the subject, and I therefore ask for the yeas and nays on the final passage of the joint resolution.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 6; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Clark, Collamer, Conness, Cowan, Davis, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harding, Hicks, Harris, Howe, Johnson, Lane of Kansas, Morgan, Pomeroy, Powell, Ramsey, Riddle, Sumner, Trumbull, Van Winkle, Willey, and Wilson—30.

NAYS—Messrs. Chandler, Henderson, Howard, Sherman, Sprague, and Ten Eyck—6.

So the joint resolution was passed.

THANKS TO ADMIRAL PORTER.

On motion of Mr. HALE, the joint resolution (H. R. No. 13) tendering thanks of Congress to Admiral Porter was considered as in Committee of the Whole. It tenders the thanks of Congress to Admiral David D. Porter, commanding the Mississippi squadron, for the eminent skill, endurance, and gallantry exhibited by him and his squadron, in coöperation with the Army, in opening the Mississippi river.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

LOSS OF THE CINCINNATI.

On motion of Mr. HALE, the joint resolution (H. R. No. 21) relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati, was considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the Treasury, in settling the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati, to allow to each of them all back pay and a sum not exceeding fifty dollars for loss of clothing and other property, by the sinking of the vessel in the Mississippi river, near Vicksburg, on the 27th of May, 1863.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

VOLUNTEER NAVAL APPOINTMENTS.

On motion of Mr. HALE, the bill (H. R. No. 370) to appoint certain officers of the Navy was considered as in Committee of the Whole. It had been reported from the Committee on Naval Affairs with two amendments, the first of which was in the first section, to strike out in lines three and four the words "Secretary of the Navy," and insert the words "President, by and with the advice and consent of the Senate;" so as to make the section read:

That for and during the present insurrection the President, by and with the advice and consent of the Senate, is hereby authorized to appoint acting lieutenants and acting commanders, who shall have the same rate of compensation as is allowed to officers of similar grade in the Navy.

The amendment was agreed to.

The next amendment was to strike out the second and third sections of the bill, as follows:

SEC. 2. *And be it further enacted*, That the proviso in section ten, chapter one hundred and eighty-three, of an act to establish and equalize the grade of line officers of the United States Navy, approved July 16, 1862, be, and the same is hereby, repealed, and that said section shall read as follows:

SEC. 3. *And be it further enacted*, That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant or acting master in the Navy, from civil life, authorized by act of Congress of July 24, 1861, may be confirmed in said appointment in the Navy and placed in the line of promotion from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of Congress for highly meritorious conduct in conflict with the enemy. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers or acting masters' mates, as they may be best qualified, upon the recommendation of their commanding officer, approved by the flag-officer and the Department. Upon such promotion they shall receive a gratuity of $100, and a medal of honor, to be prepared by the Navy Department.

Mr. HALE. The tenth section of the act of July 16, 1862, is as follows:

"*And be it further enacted*, That any person who shall have received, or shall hereafter receive, a temporary appointment as acting volunteer lieutenant, or acting master in the Navy, from civil life, authorized by the act of Congress of July 24, 1861, may be confirmed in said appointment in the Navy, and placed in the line of promotion from the date of said confirmation, if, upon the recommendation of the President, he receives the thanks of Congress for highly meritorious conduct in conflict with the enemy: *Provided*, The number of officers allowed in each grade by this act shall not be increased thereby. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers or acting masters' mates, as they may be best qualified, upon the recommendation of their commanding officer, approved by the flag-officer and the Department. Upon such promotion they shall receive a gratuity of $100, and a medal of honor, to be prepared by the Navy Department,"

The Naval Committee thought unanimously that that clause had better stand as it was in the original bill, and therefore they recommend the striking out of these sections. The proposed change is to strike out the proviso preventing such an appointment unless there is a vacancy in the grade.

The amendment was agreed to.

Mr. GRIMES. I move to strike out in the first section of the bill the words "and acting commanders." The bill as it now stands, without the adoption of the amendment which I propose, authorizes the appointment of acting lieutenant commanders and acting commanders. I do not think there is any necessity for authorizing the creation of this grade of acting commanders. At present there is no higher acting appointment than an acting lieutenant. If the amendment which I propose be adopted, the bill as it will then stand will give the President the power to appoint acting lieutenant commanders—one higher grade of acting appointments than can now be appointed. I do not think there is any necessity for going another grade beyond that.

The present pay of a lieutenant commander when at sea is $2,343, when on shore $1,875, and when doing nothing $1,500. An acting officer when promoted to the grade of lieutenant commander, and doing nothing, will get as much as a master gets at sea. I think the tendency of the passage of the bill as it stands will be probably to create trouble in the Department. It will authorize the creation of acting commanders who will rank lieutenant commanders in the regular service, who have been in the service ever since 1839. The oldest lieutenant commanders that we have now have been in the service since 1839—twenty-five years. I do not think there is any propriety in putting these acting officers over men who have been twenty-five years serving their country.

Mr. HALE. I have no feeling about this matter, but I will state the views that governed the committee. The Department have found themselves embarrassed by having such a very large number of acting officers, with no way of promoting them in any other manner than by putting them into the regular Navy. Some time since a resolution was adopted by the Senate instructing the Committee on Naval Affairs to inquire if there might not be some way of promoting these acting officers, or officers of the volunteer Navy as you may call them, as is done with regard to volunteer officers in the Army. Pretty soon after that resolution was passed this bill came from the House of Representatives, and the Senate committee thought upon the whole they had better adopt this section of it.

Some two years ago the Secretary of the Navy sent to the Senate a large list of officers who had resigned from the Navy, and who were reinstated in the regular Navy. He nominated them for the positions from which they had resigned, and after a long contest—the matter was before the Senate two or three times—the Senate finally confirmed them. To that course I was opposed, and I believe the Senator who moves this amendment was opposed to it; but it was finally carried. I trust I am not offending against the proprieties of the Senate when I say that similar nominations are now pending before the body.

The difficulty is, that no matter how meritorious these officers are, how gallant they are, how much they distinguish themselves, there is no chance open to them for promotion higher than a lieutenant, or, if the bill be amended as now proposed, a lieutenant commander. I do not know that there can be any serious difficulty growing out of the fact that one of these volunteer officers may command a junior who is in the regular Navy, because that thing occurs in the Army every day; volunteer officers are appointed brigadier generals of volunteers and command officers of the line who have been in the service a great while. If, however, the Senate think differently, I have not the slightest feeling on earth in regard to it, and the Senate may take their own course in relation to it.

Mr. GRIMES. In the Army we do not put a volunteer officer and let him take command over a senior regular officer in the same regiment. It will be observed by the Senate that the Army and Navy are very differently organized. The Navy stands as one regiment—the Army as divided up into regiments. You never promote a man from a lower rank in a regiment to the highest rank in the regiment to command his seniors in the service. You sometimes promote him and make him a general officer, but then he is taken out of the regiment; so that there is no analogy between the organization of the Army and the Navy. But this proposition, as I understand the bill, is not to authorize the appointment of these men into the regular Navy, but it merely confers authority on the President of the United States to make these acting appointments of higher grades. Now, is there no necessity for it? Has the Navy Department ever asked for it? If the bill shall be passed as I propose to amend it, it will authorize the appointment of a higher grade than any of them have been entitled to, and will give those so appointed a pay of nearly twenty-five hundred dollars a year when at sea. Is not that enough? Can we afford to do better for them than that?

When the bill comes up which proposes to take these volunteer officer into the Navy proper, I shall be prepared to vote to transfer them to the regular Navy, under proper restrictions and regulations, after they have gone through a proper examination. But that is not the question now. The question now is, whether we shall authorize the appointment of acting volunteer officers of a higher grade than that of a lieutenant commander. I have no interest in it, and have no feeling in it, as the Senator has said that he has none; but I do not believe there is any necessity for that, and I think that the bill as it was originally proposed only included lieutenant commanders, but by some amendment in the House of Representatives, at the instance of one gentleman, the words "and acting commanders" were inserted.

Mr. ANTHONY. I do not understand that this bill requires any appointment of acting commanders, and if trouble would arise in the Department, as the Senator suggests, the Department can protect itself by not making the appoint-

ments. The bill merely confers authority to make them. I do not see why they should not have the authority; and if it is inconvenient, the very place where the inconvenience would first be seen would be the Department.

Mr. GRIMES. The very place where the inconvenience would be first seen would be right here on the floor of the Senate. Every member of the Senate will be importuned to sign recommendations for this man and that man to be promoted to the grade of an acting commander, and there will be a pressure made upon the President of the United States to appoint all the men who have been acting lieutenants to be acting commanders. It has been the policy of the Navy Department—I do not say whether properly or improperly—to put volunteer officers in command of blockaders and require the regular officers to serve on board fighting ships. The result is that a good many blockade vessels have been captured by the acting officers, and the newspaper reporters immediately trumpet these officers to the country as the most accomplished, and daring, and courageous officers in the world. They have their friends here, or if they are not here they will come here, and they will make applications to the Department and to the President to appoint them to the grade of acting commanders, and it will be impossible for them to resist their applications. It is for us to decide whether it is necessary that this grade should be created, and not for us to create it and then leave it to the executive officers to determine whether they will fill it or not.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

PROMOTIONS IN THE NAVY.

Mr. HALE. I move to take up for consideration House bill No. 303, to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It provides that no line officer of the Navy, upon the active list, below the grade of commodore, nor any other naval officer, shall be promoted to a higher grade, until his mental, moral, and professional fitness to perform all his duties at sea shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. The board is to have power to take testimony—the witnesses when present to be sworn by the president of the board—and to examine all matter on the files and records of the Department in relation to any officer whose case shall be considered. The examining board is to consist of not less than three officers, senior in rank to the officer to be examined. Any officer to be acted upon by the board may be present, if he desires it; and his statement of his case, on oath, and the testimony of witnesses, and his examination, are to be recorded. Any matter on the files and records of the Department touching each case as may, in the opinion of the board, be necessary to assist them in making up their opinion, is, together with the whole record and finding, to be presented to the President for his approval or disapproval of the finding; and no officer is to be rejected until after such public examination of himself and the records of the Department in his case, unless he fails to appear before the board after having been duly notified.

No officer in the naval service is to be promoted to a higher grade upon the active list until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea. All officers whose cases shall have been acted upon by the boards, and who shall not have been recommended for promotion by both of them, are to be placed upon the retired list; and if the disqualification of any officer so retired occurred in the line of his duty, or in consequence of his honorable fulfillment of the term active service prescribed by law, he is to be placed upon the retired list one grade higher than that from which he was retired.

All officers not recommended for promotion under the fourth section of the act of July 16, 1862, may present themselves for examination, according to the provisions of this bill, and if found duly qualified, and such finding be approved by the President, they are to be promoted to the same grade and place as if they had been recommended by the board, and to receive the corresponding pay according to the service which they have performed from the date of their rank to that of their promotion. And no further promotions are to be made upon the active list until the number in each grade is reduced to that provided by law.

It is further provided that any officer in the naval service, by and with the advice and consent of the Senate, may be advanced, not exceeding thirty numbers, in his own grade, for distinguished conduct in battle or extraordinary heroism. The President may appoint paymasters of the fleet and engineers of the fleet in the same manner, and with the same rank and pay as fleet surgeons; and the retired pay of surgeons, paymasters, engineers, and other staff officers in the Navy is to be the same as that of the retired officers of the line of the Navy with whom they have relative rank.

Mr. GRIMES. I have no objection to the bill; but I desire to call the attention of the Senate to one fact. I suppose that if the bill shall pass, it will create thirty or forty rear admirals, and the question is whether that is the intention of the Senate.

Several SENATORS. How is that?

Mr. GRIMES. It retires everybody who may be retired, to a grade higher than he occupies on the active list, and it is retrospective so as to apply to those already retired or on the reserved list, as I understand it. I do not know the number; perhaps I ought to say from twenty to forty.

Mr. HALE. What is the section to which the Senator refers?

Mr. GRIMES. The fourth section. I do not wish it to be understood that I interpose any objection to the bill, but I only want the Senate to know what it is. The fourth section reads as follows:

> No officer in the naval service shall be promoted to a higher grade therein, upon the active list, until he has been examined by a board of naval surgeons, and pronounced physically qualified to perform all his duties at sea. And all officers whose cases shall have been acted upon by the aforesaid boards, and who shall not have been recommended for promotion by both of them, shall be placed upon the retired list. And if the disqualification of any officer so retired occurred in the line of his duty, or is in consequence of his honorable fulfillment of the term of active service prescribed by law, he shall be placed upon the retired list one grade higher than that from which he was retired.

That would place all the retired commodores, if they can go before a board—and I understand that by the provisions of the bill they are to go before a board—on the retired list as admirals, because there is another section making this provision retrospective, and to apply to the action of the board that was convened under the act to which this is an amendment.

Mr. HALE. It occurs to me that that difficulty can be avoided by putting at the end of the fifth section a proviso like this: "Provided there is a vacancy in that grade existing by law."

Mr. GRIMES. It might be done in that way; but if it is desired to change it, would it not be better to say, "No one shall be retired to a grade higher than that of commodore?"

Mr. HALE. I have no objection to that. Either amendment would obviate the difficulty.

Mr. JOHNSON. Let me ask what is the difference between the pay of a commodore and a rear admiral on the retired list?

Mr. HALE. I have not got the pay list here, but there is a difference.

Mr. JOHNSON. Very little, I think.

Mr. HALE. No; it is considerable.

Mr. GRIMES. The difference of pay is nominal.

Mr. JOHNSON. So I thought.

Mr. GRIMES. A rear admiral on the retired list draws $2,000 a year, and a commodore on the retired list $1,800.

Mr. JOHNSON. A difference of $200 only.

Mr. GRIMES. These commodores, though on the retired list, are not actually retired, because they are all in employment, but they are in employment on shore, and probably will continue to be. The real difference, therefore, would be the difference between the shore-duty pay of a rear admiral, which is $4,000, and the shore-duty pay of a commodore, which is $3,200—a difference of $800 a year in the case of each one.

Mr. JOHNSON. The promotion under this bill, if it shall pass, of the number of commodores, or of any commodore, only arises, as I understand it, where the party has been by service in war disqualified from going upon the active list.

Mr. GRIMES. Not in war; by continued service.

Mr. JOHNSON. That would be in war or in peace. The language of the section is:

> And if the disqualification of any officer so retired occurred in the line of his duty, or is in consequence of his honorable fulfillment of the term of active service prescribed by law, he shall be placed upon the retired list one grade higher than that from which he was retired.

I was about to say that after an officer has served with distinction faithfully throughout the whole period of time he has been in the Navy up to the time when his disqualification in consequence of that service commences, it would seem to be treating him with somewhat of severity to deny him promotion. These officers, I think, value more the promotion and the rank than they do the pecuniary compensation which the rank may carry. A commodore who may be disabled by wounds in battle—for it applies to him as well as to any such officer who from any other cause turns out to be disqualified for active service—is to go on the retired list, and he would feel himself, I think, seriously injured in reputation if he was not given the higher rank of rear admiral.

Mr. GRIMES. There are none promoted on retirement now.

Mr. JOHNSON. I know that; but this is to provide for it. My friend from Iowa suggests the difference in pay (which is comparatively nothing) if they remain on shore duty after being put upon the retired list; but that is by no means the difference which there will be if they are put upon active duty on the ocean; and he supposes that a good many of these officers who may not be able to stand the test which they are to be subjected to before the board may still be perfectly capable of doing full duty on shore or full duty at sea. Now, to such I suppose it would not be anything but right to give them the rank that this bill proposes in that case to give them. You ought not to make them during life remain still as commodores, although they may up to the period of the termination of life, whether that occurs by reason of disease or in battle, be able to do the duty of the higher rank. Personally, therefore, I should prefer, out of regard to those officers and for the good of the service, that the bill should stand as it is.

Mr. GRIMES. I have no desire one way or the other about this matter. I do not believe, however, in the idea that when you do retire a man you should retire him to a grade above that which he had before. It was with a great deal of difficulty that we carried through a retiring bill here at all, and now we are advancing, according to the provisions of this bill, one step further, and not only giving him the retired pay of the grade to which he belonged at the time he was retired, but we are going to retire him with the pay of a grade higher than that to which he belonged at the time he was retired. It is very easy for anybody to see, who will refer to the Register, that all these retired officers, or nearly all of them, are employed; they are in the performance of shore duty; and therefore when we come to estimate what the difference is between their present pay, or what their pay would be if they were retired in the grade in which they now are and the pay they will receive when retired to the grade next above that in which they now are, you must calculate the difference between the shore-duty pay of those two grades. The difference between the shore-duty pay of a commodore and an admiral is $800 a year. The number on the retired list, according to the Register of last year, of these commodores who may become rear admirals under the operation of this bill, if it shall be enacted, is twenty. This bill I have not paid much attention to, and it only occurred to me while it was being read that this would be the effect of it.

Then on the retired list there are eleven captains who have been in the service long enough to be added to the twenty commodores, who under the retrospective section of the bill may also become admirals. Then we shall have under the

operation of the bill, as I understand it, thirty-one admirals in addition to the nine retired admirals we have now.

There are two questions to be settled: first, are we prepared to retire all these officers, when they are retired, to a pay higher than that which they get; and then here is another thing: take as an illustration a captain in the Navy who is retired as a commodore, and I should like the Senator from Maryland to answer me that question as a legal question: a captain is retired under the operation of this bill and becomes a retired commodore, and he afterwards is employed on shore duty; is he to draw the shore-duty pay of the grade to which he is advanced? I suppose he is.

Mr. JOHNSON. I should suppose so.

Mr. GRIMES. Then the loss to the Government in salary is, as I said before, just the difference between the shore-duty pay of the grade he now occupies and that to which he has been advanced, and that is $800 a year.

Mr. HALE. To meet the difficulty, I propose to amend the fourth section by adding at the end of it these words, which I hope will obviate the difficulty:

Provided, There be a vacancy in the next higher grade as now established by law to which he may be promoted.

Mr. TRUMBULL. I think that proviso relieves the bill from what would seem to me to be a very great objection. I know very little about this bill or about naval matters, but I was very much struck with this feature when it was first read. It is a premium offered for a man to be retired from the Navy. A man who is retired is retired to an advanced grade. That is a very strange provision. The man who remains in the service doing his duty and in active service is outranked by a person who is retired, and a man who is retired not because of any distinguished service; but if he has remained in the service the length of time requisite, without performing any remarkable deeds, he is to be retired, and on being retired is to be advanced one grade. A commander becomes a captain, a captain becomes a commodore, a commodore becomes an admiral, if he can manage to be retired. It seems to me that that is a very strange provision. I should suppose the promotion would be in behalf of those who performed service and remained in the service, and that an inducement would be held out to those in active service. It would never occur to me that the proper way to promote the efficiency of the Army or the Navy would be to offer a reward for men to be retired. I hope certainly the amendment will be adopted.

There is another suggestion that I wish to make while I am up. The sixth section, if I understand it, contains a limitation that ought not to be adopted by Congress. It provides "that any officer in the naval service, by and with the advice and consent of the Senate, may be advanced not exceeding thirty numbers in his own grade, for distinguished conduct in battle or extraordinary heroism." Why limit it to thirty numbers in his own grade?

Mr. HALE. If the Senator will allow me, I will state that by the ninth section of the existing law, which is not repealed by this bill, it is provided "that any line officer of the Navy or marine corps may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession." The provision of this bill to which the Senator refers is put in as a reward of merit not quite equal to an advance of one grade. It does not repeal the law I have just read.

Mr. TRUMBULL. Unquestionably it repeals that law, because it provides—and I was just going to make that point—that "any officer in the naval service"—that applies to all officers—"may be advanced not exceeding thirty numbers in his own grade." Surely that is a limitation upon advancing him more than thirty numbers in his own grade, or advancing him from one grade to another. I was going to inquire how it would be if a person at the head of his grade, being one or two numbers from the head of that particular grade, performed some distinguished service, how could he obtain promotion at all? There would be no thirty numbers in the grade up which he could go, and you could not promote from one grade to another.

Mr. GRIMES. You could put him at the head of his grade.

Mr. TRUMBULL. If he was at the head of his grade, then he could not be promoted for distinguished services; but the other act is repealed by this bill. This provides that "any officer in the naval service"—that embraces all in all the grades—"may be advanced"—how?—"not exceeding thirty numbers in his own grade." Will it be said that that does not repeal a law that authorizes the advancing from one grade to another? It strikes me that it does. Any law inconsistent with this provision that allows an advance exceeding thirty numbers in a particular grade is repealed by this, because if a man goes from one grade to another his advance may be more than thirty numbers. Why the limitation anyway? If an officer has distinguished himself greatly in the naval service, why not, by the nomination of the President and the advice and consent of the Senate, let him be placed in any position which, in the opinion of the Senate, the President, and the country, he may be entitled to? In the Army we are taking men who were at the commencement of this rebellion in the position of lieutenants and captains, and making them brigadier generals and major generals, because they have distinguished themselves in the line of their duty, and shown themselves qualified for these high positions. Why not do the same thing in the Navy? I do not like the limitation in the sixth section; and I do not like the idea of offering a reward to men to be retired; and therefore, if it is in order, I move to strike out the latter part of the fourth section, all after the word "list" in the eighth line.

Mr. HALE. I think my honorable friend from Illinois is mistaken. Here are two provisions, and they are provisions of a different class. In the ninth section of the act approved July 16, 1862, it is provided that—

"Any line officer of the Navy or marine corps may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession."

And under that we have promoted two officers, I think, at this session, Rodgers and Rowan. The sixth section of this bill provides "that any officer in the naval service, by and with the advice and consent of the Senate, may be advanced not exceeding thirty numbers in his own grade, for distinguished conduct," and that without receiving the thanks of Congress. The two are perfectly consistent with each other. This bill contemplates that there may be an officer in a subordinate situation who may so distinguish himself that he is entitled to some promotion, while at the same time he has not so greatly distinguished himself as to be entitled to a vote of thanks from Congress, and therefore for this line of conduct the officer may be promoted thirty numbers in his grade, leaving the other section providing for a promotion of one grade in certain cases in full force.

In regard to the amendment proposed by the Senator from Illinois, I am far from certain that it is not a wise one, and that is to strike out all the fourth section after line eight; and I am the more inclined to consent to that for the reason that there is a provision that they may be promoted on the retired list after they are put there. I shall not object to the amendment.

The VICE PRESIDENT. Did the Senator from Illinois submit a motion?

Mr. HALE. The Senator from Illinois moves to strike out of the fourth section all after the word "list," in the eighth line.

Mr. TRUMBULL. I propose to strike out all of section four after the eighth line.

The VICE PRESIDENT. The impression of the Chair is that the first question is on the amendment of the Senator from New Hampshire.

Mr. HALE. I withdraw that amendment.

The VICE PRESIDENT. Then the question is on the amendment of the Senator from Illinois, to strike out all of the fourth section after the word "list" in the eighth line. The words proposed to be stricken out will be read.

The Secretary read the words proposed to be stricken out, as follows:

And if the disqualification of any officer so retired occurred in the line of his duty, or is in consequence of his honorable fulfillment of the term of active service prescribed by law, he shall be placed upon the retired list one grade higher than that from which he was retired.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

JOSEPH FORD.

Mr. HARRIS. I move that the Senate proceed to the consideration of House bill No. 228, for the relief of Joseph Ford.

Mr. TRUMBULL. That is a private bill, and there is a public bill here of some importance that the Senator from Michigan [Mr. HOWARD] has tried for a week to get action upon; but he has been so unsuccessful that I believe he has withdrawn and pretty much given up trying to get the floor at all. I hope the Senate will allow him to take it up and pass it.

Mr. HARRIS. This bill might have been passed in the time the Senator from Illinois has been occupying. I have been trying for a week to dispose of it.

The motion of Mr. HARRIS was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county in the State of Minnesota. It provides that the title of Joseph Ford in and to the south half of the northeast quarter, and the southeast quarter of the northwest quarter, and the northwest quarter of the southeast quarter of section six, in township one hundred and eleven, of range nineteen, in Rice county, Minnesota, containing one hundred and sixty acres, shall be fully and absolutely confirmed; and that a patent be issued to him.

Mr. TRUMBULL. It seems to me that is a very singular bill. It does not protect the rights of third parties if there is any controversy about this land. I do not know whether there is or not.

Mr. HARRIS. None at all.

Mr. TRUMBULL. But the character of these bills usually is to transfer the Government title to the lands. This bill as it reads absolutely grants the land to this man. If it is public land and there is no dispute about it, very well.

Mr. HARRIS. I will state in a word how it is. Joseph Ford some six or eight years ago entered on this land and filed the usual claim of preëmption. He subsequently purchased a land-warrant and located that land-warrant upon this land. That warrant was a genuine warrant, but he was deceived in regard to it, inasmuch as the warrant had been obtained upon fraudulent or forged papers. The warrant was subsequently rescinded and canceled. Mr. Ford occupies the land, has gone on and improved it, and is now a soldier in the Army. Under these circumstances the House of Representatives has passed this bill establishing his title.

Mr. HARLAN. I will ask the Senator from New York if there is anything to prevent this gentleman from buying another land-warrant and locating it on the same land. That privilege is always, I think, granted to those who have made locations on a fraudulent warrant, and I know of no case heretofore in which Congress has intervened to give the land to a man because he had unfortunately bought a fraudulent warrant.

Mr. HARRIS. There is a report of the committee of the House of Representatives on this subject stating the circumstances of this man; that he is poor, that he is a soldier in the service of the country and has been for a year and a half; that he has a large family in very indigent circumstances on this land; and under these circumstances they passed the bill. That is the whole case.

Mr. HARLAN. It will be a precedent I suppose, if established, that will entitle every soldier who is poor to a quarter section of land.

Mr. GRIMES. I suggest to the Senator from New York that he let this bill go over until we can get the report.

Mr. HARRIS. The report is here, but I have no objection to its going over.

The VICE PRESIDENT. The bill will be postponed until to-morrow.

TERRITORY OF MONTANA.

Mr. WADE, from the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 15) to

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 15, 1864. NEW SERIES.....No. 102.

provide a temporary government for the Territory of Montana, submitted the following report:

The committee of conference appointed to consider the disagreeing votes of the two Houses on the bill (H. R. No. 15) entitled "An act to provide a temporary government for the Territory of Montana," having met, after a full and free conference have agreed to report to their respective Houses and recommend as follows:

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same.

That the Senate recede from their second amendment.

That the House recede from their disagreement to the third amendment of the Senate, and agree to the same.

B. F. WADE,
J. H. LANE,
W. SPRAGUE,
Managers on the part of the Senate.
F. C. BEAMAN,
J. M. ASHLEY,
Managers on the part of the House of Representatives.

The report was concurred in.

ROCK ISLAND ARSENAL.

Mr. GRIMES. I move to take up House bill No. 206.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 206) in addition to an act for the establishment of certain arsenals.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

MASONIC HALL ASSOCIATION.

Mr. WILSON. I move that the Senate proceed to the consideration of executive business.

Mr. SUMNER. Before my colleague makes that motion I ask the Senate to take up a bill so that it shall be in order to-morrow at one o'clock. It is Senate bill No. 141, to repeal all acts for the rendition of fugitives from service or labor.

Mr. WILLEY. That bill will very likely occupy a good deal of time.

Mr. SUMNER. My colleague proposes to move an executive session, and I wish to leave this bill pending.

Mr. WILLEY. I have a little bill here that will not take long, and it is very desirable that it should be put upon its passage this evening. The bill to which the Senator from Massachusetts alludes will evidently lead to a good deal of discussion if taken up to-night.

Mr. SUMNER. The Senator will understand that I make the motion because my colleague has already announced his purpose to move an executive session; and my idea was to have this bill taken up and be pending when the motion for an executive session was adopted.

Mr. WILLEY. I hope the Senator will allow the bill for the charter of a Masonic Hall association in Washington to be taken up and passed.

Mr. SUMNER. Very well. I am willing to accommodate the Senator.

Mr. WILSON. I am anxious to have an executive session, but I will withdraw the motion for the Senator from West Virginia.

Mr. WILLEY. Then I make the motion to take up the bill to which I have referred.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 130) for a charter of Masonic Hall Association, in Washington city, District of Columbia.

Mr. WILLEY. The bill has been read once, and was then recommitted. I suggest, therefore, that only the amendments be read now.

The VICE PRESIDENT. If there be no objection, the reading of the bill will be dispensed with, and only the amendments reported by the committee will be read.

The first amendment of the committee was in section one, after the name of B. B. French, to strike out the letters "K. T.;" after the name of Robert McMurdy to strike out the letters "R. A." and to insert "Royal Arch;" after the name of George C. Whiting to strike out the words, "of the S. P. R. S., thirty-second degree, A. A. R.;" after the name of E. L. Stevens to strike out the letters "A. A. R.;" after the name of Z. D. Gilman to strike out the letters "K. T.;" after the name of W. P. Partello to strike out the letters "U. D. K. T.;" after the name of W. M. Smith to strike out the letters "R. A.," and to insert "Royal Arch;" after the name of W. G. Parkhurst to strike out the letters "R. A.," and to insert "Royal Arch;" and after the name of James Steelle to strike out the letters "R. A.," and to insert "Royal Arch."

The amendment was agreed to.

The next amendment of the committee was in section one, after line twenty-five, to strike out the words, "recognized hereby as a board of trustees," and to insert "and their successors to be appointed in the manner hereinafter declared."

The amendment was agreed to.

The next amendment of the committee was in section two, line five, after the word "appointed," to insert "in the manner hereinafter declared."

The next amendment of the committee was to insert at the end of the second section the following proviso:

Provided, That said corporation shall take and hold no more land than is necessary for a site on which to erect a Masonic hall suitable and convenient for the transaction of the business of the association and the promotion of the principles and purposes aforesaid. But this provision shall not prevent the said corporation from constructing suitable rooms and offices in connection with the said hall, to rent, and renting the same, and receiving rent therefor, to be applied to the promotion of the principles and purposes aforesaid; nor shall it prevent said corporation from securing debts due to it, nor the payment of money loaned by it, by mortgages on real estate.

The amendment was agreed to.

The next amendment of the committee was in section four, line seven, to strike out the word "corporation" and insert "corporators, or a majority of them;" in line nine, to strike out the word "corporation" and insert "corporators, or a majority of them;" in line fifteen, after the word "corporators," to insert "or a majority of them;" in line sixteen, after the word "by," to strike out the words "the rules of said corporation," and to insert "said corporators or a majority of them;" and in line twenty-seven, after the words "personal notice," to strike out the word "of," and insert "served on."

The amendment was agreed to.

The next amendment of the committee was in section five, line two, to strike out the word "company" and insert "corporators;" in line four, after the word "stockholders," to insert the words "on the first Monday of December in each year;" and in line seven, after the word "appointed," to insert the words "in the manner hereafter declared;" so that it will read:

That the government and direction of the affairs of the corporators shall be vested in a board of directors, five in number, elected by the stockholders on the first Monday of December in each year from among the corporators named in the first section of this act, and their successors, elected or appointed in the manner hereinafter declared by the masonic bodies they represent, who shall hold their office for one year and until others are duly elected and qualified to take their places as directors," &c.

The amendment was agreed to.

The next amendment of the committee was in section five, lines thirteen and fourteen, to strike out the words "board of trustees" and insert "corporators aforesaid;" in line fifteen to strike out the word "company" and insert "corporation;" and in line sixteen to strike out the word "company" and to insert "corporation;" so that the clause will read:

And the said directors shall elect one of their number to be president of the board, who shall also be president of the company, and shall elect a secretary from among their own number, or from the corporators aforesaid, who shall also be secretary of the corporation, and they shall also choose a treasurer, who shall give bonds with surety to said corporation, in such sum as the said directors may require, for the faithful discharge of his trust.

The amendment was agreed to.

The next amendment of the committee was in section five, line twenty-four, after the word "appointed," to insert the words "in the manner hereinafter declared."

The amendment was agreed to.

The next amendment of the committee was in section six, line five, to strike out the word "company" and insert "corporation;" and in line eight to strike out the word "company" and to insert "corporation."

The amendment was agreed to.

The next amendment of the committee was to strike out the seventh section in the following words:

SEC. 7. *And be it further enacted*, That the officers and members of the several masonic bodies named in the first section of this act are hereby created and made, separately and individually, bodies politic and corporate, and by their individual name, as given in said first section, may sue and be sued, plead and be impleaded, in any court of law or equity of competent jurisdiction, and shall be capable of taking and holding real and personal estate, and may have and use each a common seal, and may change the same at pleasure, and be entitled to use and exercise, separately and individually, all the powers, rights, and privileges incident to such corporation. And the said masonic bodies shall have power to make and prescribe such by-laws, rules, and regulations as they may deem needful and proper for the disposition and management of the stock, property, estate, and effects belonging to or held by the said masonic body in its individual capacity, not contrary to the charter, or the laws of the United States, or the ordinances of Washington city, and shall have power to alter or amend the same as the interests of the said masonic body, in its individual capacity, may require.

The amendment was agreed to.

The next amendment of the committee was to strike out the eighth section after the enacting clause in the following words:

That the several persons composing the board of trustees named in the first section of this act shall hold their offices for the period of one year from and after the passage of this act, and until their successors are duly elected by the several masonic bodies they represent. And it shall be the duty of the said several masonic bodies named in the said first section, on or before the expiration of the year, and annually thereafter, to meet, and in their separate and individual capacity elect, by ballot, one of their number as their representative in the said board of trustees, and the said representative shall be a trustee for said masonic body, and shall have charge of its stock, property, and effects, in trust, under such rules and regulations as may be prescribed by said masonic body: *Provided*, That should any one of the several masonic bodies named in the said first section surrender or forfeit its masonic charter or warrant, or cease to exist, it shall not be entitled to a representative in the aforesaid board of trustees.

And to insert in lieu thereof:

That each masonic body or organization named in the first section of this act shall be entitled, during the month of November, 1864, and annually thereafter, to meet and select, by ballot, one of its members as a successor to the person then or last representing it as member of this corporation, whose annual term expires next thereafter, or which may have expired next before that time, so that said corporation shall forever consist of one corporator from each of the said masonic bodies named in the first section of this act: *Provided, however*, That should any of the said several masonic bodies, named in the first section of this act, surrender or forfeit its masonic charter or warrant, or from any cause cease to be recognized by the Order of Free and Accepted Masons, it shall not thereafter be entitled to any representation in said corporation, nor shall the continued corporate existence and rights of this association be in anywise affected thereby, so long as there remain five corporators qualified to act as such.

The amendment was agreed to.

The next amendment of the committee was in section nine, line two, after the word "consistory" to insert "now in existence;" in line five, to strike out the words "board of trustees," and to insert "corporators named in the first section, or their successors;" in line six, to strike out the word "board" and to insert "corporation;" and in line eight, after the word "act," to strike out the words, "and shall enjoy all the powers, rights, and privileges granted to said masonic bodies, collectively or individually, by the several sections of this act;" so that the section will read:

SEC. 9. *And be it further enacted*, That any masonic lodge, chapter, council, commandery, or consistory now in existence or that may hereafter be instituted in the District of Columbia, may, by and with the consent of two thirds of the corporators named in the first section, or their successors, be admitted to a representation in said corporation upon an equal footing with the several masonic bodies named in the first section of this act.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DOOLITTLE. I should like to inquire of the Senator from West Virginia who has had charge of this bill, whether it has been changed in those features to which objection was made when it was before the Senate heretofore.

Mr. WILLEY. It has.

Mr. DOOLITTLE. It provides for only one corporation, as I understand it now.

Mr. WILLEY. One corporation with provisions to authorize other masonic bodies to appoint corporators; but there is only one corporation incorporated.

Mr. DOOLITTLE. I am satisfied.

Mr. COLLAMER. I observe that there is in the bill a provision purporting to be a prohibition against this corporation holding any land further than is necessary to build this hall. That is all well enough; but then it goes on to provide that nothing in this act, however, shall prevent them from securing debts due to them by mortgages on real estate. To my mind, as I understand the operation of mortgages, that is nothing more nor less than saying that they can buy as much land as they please. Suppose, for instance, they wish to buy a piece of land and the owner of it is willing to sell to them. They say, "We are not at liberty to buy it; our charter prohibits us from buying any land except what our hall covers; but we will tell you what we can do: we will lend you $5,000 and you can give us a mortgage on that piece of land, and then we will foreclose it, and thus own the land." They could go on in that way from time to time and buy as much land as they pleased. I do not say that there is anything very important in it; but I do not like to have the bill read as if we meant to restrict this corporation in the purchase of land and then did not restrict them at all. It amounts to that practically. I therefore move to strike out that part of the bill relating to mortgages. They do not need to deal in mortgages.

The VICE PRESIDENT. Will the Senator indicate the section?

Mr. WILLEY. I understand the Senator from Vermont to propose to strike out these words in the second section:

Nor shall it prevent said corporation from securing debts due to it, or the payment of money loaned by it, by mortgages on real estate.

Mr. COLLAMER. That is the part I wish to strike out.

Mr. WILLEY. The same suggestion was made to my mind in drawing this proviso to the second section; but it will be remembered by the Senator that when this bill was before the Senate prior to its recommitment this very proviso was acted upon by the Senate and made a part of the bill. It was not considered proper by the committee to whom the bill was recommitted, after the Senate had acted on that part of it, to ignore the action of the Senate.

Mr. COLLAMER. That is a sufficient reason as to why the committee did not make this amendment, but it is no answer to my objection.

Mr. HENDRICKS. I will ask the Senator from Vermont one question. One portion of the bill prohibits this corporation from holding lands on unconditional title, but it goes on to provide that it may hold them as mortgagee. Will that enable them to buy up on foreclosure and hold in fee?

Mr. COLLAMER. I know that this matter will attract differently the minds of lawyers from different States where they have different modes of proceeding. The fact is that at common law the mortgage, when the pay-day has expired, is an absolute title in the mortgagee. There is, nevertheless, an outstanding equity of redemption. A bill in chancery being filed in such a case before the court, they fix the time for foreclosing that equity of redemption, and if the money is not paid in, according to that decree, the mortgagee owns the land in law and in chancery without any sale. That is the common law of mortgages.

I know that in many States they have statutes which require, on the foreclosure of a mortgage, a sale of the land. Some of them make it pay the debt *pro tanto*. Some of them allow possession to be taken before this proceeding, and some after it. They have different statutes in different States about it. But I take it that here the law of mortgage stands on the common law of mortgage. I am not acquainted particularly with the statutes of this District, but I suppose it does. If that be so, the mortgagee owns the land upon the pay-day expiring in law, and upon the foreclosure in chancery he is absolute owner. I repeat, therefore, what I before stated, that when you authorize this corporation to take security on land for debts, you just do away with the prohibition of their owning lands; because on these mortgages and foreclosures they can buy any quantity of land they please. The exception you make covers the whole ground. Therefore, I say, I would either take off the limitation about the amount of land they may hold, or I would make it effective by saying that they should not hold it any more on mortgage than anything else.

The VICE PRESIDENT. The question is on the amendment of the Senator from Vermont to strike out the following words at the end of the second section:

Nor shall it prevent said corporation from securing debts due to it, or the payment of money loaned by it, by mortgages on real estate.

The amendment was agreed to.

Mr. FOSTER. I propose to amend the bill by adding the following as an additional section:

And be it further enacted, That this act may be altered, amended, or repealed at the pleasure of the Congress of the United States of America.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SUMNER. I now move that the Senate proceed to the consideration of Senate bill No. 141, to repeal all laws for the return of fugitives from service or labor, in order to leave it as the order of the day for one o'clock to-morrow, as my colleague proposes to move an executive session.

Mr. FESSENDEN. If it is intended by taking up that bill now to go on with it to-morrow at one o'clock, I must object, for there are several bills now before the Senate coming from the Committee on Finance, which I must ask the Senate to go on with to-morrow. I have yielded repeatedly, until it is now getting late in the session. We shall have the bank bill upon us in a day or two, and we must dispose of some of these other bills now.

Mr. SUMNER. Would it not be satisfactory to the Senator to start with his bills next week?

Mr. FESSENDEN. No, sir. We have lost one day already this week by an adjournment over. There are several bills from the Committee on Finance which should be disposed of as soon as possible, and there is one about to be reported by the Senator from Ohio, [Mr. SHERMAN,] which it will be necessary to act upon just as soon as it can be printed. Then there is the executive, legislative, and judicial appropriation bill, which I must ask the Senate to go on with and get out of the way as soon as possible.

Mr. SUMNER. Does the Senator expect to go on with that bill to-morrow?

Mr. FESSENDEN. My colleague on the Committee on Finance, the Senator from Ohio, is about to report a bill from that committee upon which he must necessarily ask immediate action—not to-day, because it ought to be printed, but as soon as it can be printed, early to-morrow morning. After that is disposed of I must ask the Senate to go on with the legislative, executive, and judicial appropriation bill.

SPECULATION IN GOLD.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred a bill (S. No. 106) prohibiting speculative transactions in gold, silver, and foreign exchange, and for other purposes, to report it back with an amendment in the nature of a substitute. I give notice that I shall call it up to-morrow for action.

EXECUTIVE SESSION.

Mr. WILSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 14, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Tuesday was read and approved.

EVENING SESSIONS.

Mr. WILSON. I ask the unanimous consent of the House to submit the following resolution for its adoption:

Resolved, That until otherwise ordered this House will, on each day, take a recess from half past four o'clock until seven o'clock, p. m., for the purpose of holding night sessions for the transaction of business.

Mr. ROBINSON. I object.

LEAVE TO VOTE.

Mr. YEAMAN. I ask the unanimous consent of the House for leave to record my vote on the resolution censuring the gentleman from Maryland, [Mr. HARRIS.] I ask to have it recorded in the affirmative.

There was no objection, and it was ordered accordingly.

PROPOSED EXPULSION OF A MEMBER.

The House then proceeded (Mr. ROLLINS, of New Hampshire, taking the chair as Speaker *pro tempore*) to the consideration of the resolution offered by Mr. COLFAX on Saturday last to expel Mr. LONG, on which Mr. ROGERS was entitled to the floor.

Mr. ROGERS. Mr. Speaker, I have listened with great attention for several days to the discussion of this grave and important subject, one in which the people of this country are more interested than in any other that has agitated this House during this session. It is a question whether the right which God breathed into man when he placed Adam in the garden of Eden, the right to speak his honest sentiments upon national subjects, shall be permitted in the Congress of the United States. Because the apostles of old proclaimed to the world that man should repent and be saved, the high priest rose up and all that were with him, and were filled with indignation, and laid their hands upon them and put them in the common prison, but the angel of the Lord by night opened the prison doors and brought them forth, and said:

"Go, stand and speak in the temple to the people all the words of this life."

"Then spake the Lord to Paul in the night by a vision, Be not afraid, but speak, and hold not thy peace."

Thus speaks divine revelation in behalf of this inherent right. Remember that the Lord and Saviour of the world was crucified upon Mount Calvary by the enemies of free speech, because He would preach in the temples and synagogues the words of eternal life; and I doubt not that the radicals of the party in power would have, if they had lived in that day, cried out with the rabble, "Crucify Him," and would have taken a hand in placing Daniel in the lion's den and the three innocents into the fiery furnace.

In some countries it is even to this day a crime to speak on any subject, religious, philosophical, or political, anything contrary to the conceived ideas of the Government, however laudable may be the design and motive. It is extended so far that to question the conduct of public men in terms of truth has been and still is considered a scandal upon their stations and characters, and subjects the party to grievous punishment. The Governments in some countries control the printing of all books and shackle the press and allow it to speak only in such language as the Governments license for publication. The common inheritance of the world, which is the Bible itself, has been put entirely under the control of some Governments, and not permitted to be read except in a language unknown to the common inhabitants of the country. The art of printing was once, even in England, to-day the freest country in the world, controlled by the Crown and considered a mere matter of state, and was regulated by the king's proclamations, prohibitions, charters of privilege, licenses, and at last by the decrees of the court of Star Chamber, which limited the number of printers and presses and prohibited new publications without proper licenses; and the Long Parliament of Charles I in 1641 exercised, after their rupture with him, the same powers of the Star Chamber upon the subject, and issued their ordinances founded upon a Star Chamber decree of 1637. After the restoration of Charles II they passed a statute upon the same subject nearly copied from the said ordinances. This act expired in 1679 and was revived and continued a few years after the revolution of 1688. The Government made desperate efforts to keep it in force, but on account of its violent resistance by Parliament it expired in 1694 and has never since been revived. At

this very hour the liberty of free speech and the press in England is free from all power to restrain it, although it has never constituted an article in her bills of rights. These rights are well sustained by authority. I now read from Story's Commentaries on the Constitution, volume three, section one thousand eight hundred and seventy-eight:

"Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

I also quote from the constitution of Massasetts, which reads as follows:

"The liberty of the press is essential to the security of freedom in a State."

I apprehend the gentleman will not question the authority of this abolition State. I hold in my hand the first volume of Kent's Commentaries, lecture twenty-four, in which, after a large survey of the whole subject, he does not scruple to declare the following language:

"It has become a constitutional principle in this country that every citizen may freely speak, write, and publish his sentiments upon all subjects;" * * * * "and that no law can rightfully be passed to restrain or abridge the freedom of the press."

I also read from second volume Kent's Commentaries, page 17, as follows:

"The liberal communication of sentiment and entire freedom of discussion, in respect to the character and conduct of public men, and of condidates for public favor, is deemed essential to the judicious exercise of the right of suffrage, and of that control over their rulers which resides in the free people of the United States."

I also read from 4 Blackstone's Commentaries, page 152, as follows:

"Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press."

Which is the same language used by the learned Story. Even Junius, with his severe and bitter assaults upon established authority and doctrines, utters the following language:

"The liberty of the press is the palladium of all the civil, political, and religious rights of an Englishman."

It is a right recognized and guarantied by the common law of England so far back that the memory of man runneth not to the contrary. It has been so carefully guarded there that if a man by word of mouth charge another with the crime of murder, he cannot be arraigned except before a jury of the country in a civil action for damages. No indictment or other criminal proceeding can be sustained against any person at common law for verbal slander, however false may be the charge or heinous the crime.

However base it may be for a man to speak his sentiments and libel his neighbors, outside of the Halls of Congress, he cannot be arraigned by a criminal prosecution for any invasion of character. By the common law, where a person was prosecuted for slander he could plead but one plea, either a denial that he made the charge or a defense admitting that he made it, and justifying it upon the ground of its truth; and if he pleaded the general issue, and the speaking of the words was proven, although the plaintiff was guilty of the offense, the defendant was not allowed to prove it. Libel or written slander is indictable at common law; and upon the trial of the indictment the defendant was not permitted to prove that the person was guilty of the offense charged; and it was just as criminal to charge a man in writing with the commission of a crime, although he was guilty, as if he was innocent; but in this country, the wisdom of our fathers was such that the constitutions of most or all the different States allow the defendant in a criminal proceeding for libel to give the truth of the libel in evidence; and the Legislatures of the several States have authorized the defendant in an action for slander to plead both the general issue that he did not utter the words charged, and also that the words charged are true, thereby allowing the defendant, if he fails upon the general issue, to prove that the words are true.

Although England has been satisfied with the negative establishment of this fireside right, the people of America have not been willing to rest upon such an uncertain foundation as the pleasure of the Government might dictate. As soon as it was discovered that the organic law of this country had not provided sufficient guarantees of free speech and press, loud complaints were made, and most of the States instructed their Representatives to secure an amendment; and this sentiment was so prevalent throughout the country that the first session proposed an amendment, since adopted by all the States, and made a part of the organic law, that "Congress shall make no law abridging the freedom of speech or of the press;" and the convention of Virginia which ratified the Constitution of the United States declared, in article sixteen of the bill of rights then agreed to—

"That the people have a right to the freedom of speech and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated." * * * * "That among other essential rights, the liberty of conscience and of the press cannot be canceled, abridged, restrained, or modified by any authority of the United States."

But notwithstanding the guarantees given to these home-bred rights, the Congress of the United States in July, 1798, under the Administration of John Adams, passed a law whereby it was enacted that

"If any person shall write, print, utter, or publish any false and malicious writing against the Government of the United States or either House of Congress or the President, with intent to defame them or either of them, or to bring them or either of them into contempt or disrepute, or to excite against them or either of them the hatred of the good people of the United States, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding $2,000 and by imprisonment not exceeding two years."

The consequence of which act was that it created great dissatisfaction among all the people of the United States except those of whom the present party are the disciples, and brought forth the celebrated Kentucky and Virginia resolutions which from that day to this constitute the platform of the Democratic party, upon the principles of which they went into power and so continued for twenty-four consecutive years. The voice of God speaks to us from the fountains of heaven, "What shall it profit a man if he gain the whole world and lose his own soul?" And the spirits of the mighty dead who died for the liberties of this country interrogate us from the bourne of eternal life, What will it profit us if by war we restore our Union and thereby forever lose liberty?

I am not here for the purpose of vindicating the doctrines which the gentleman from Ohio declared, as I am well known to be opposed to any recognition of the so-called confederacy. But I do stand here to vindicate the rights of free speech, and standing here as a Representative of the people, I will, before God and the nations of the earth, declare my sentiments upon the great questions of the day, although prison doors and bastiles may open to receive me the moment they are uttered. Men in this country must be allowed to exercise the right of free speech or we may bid good-bye to liberty and to the grand fabric of human freedom on which the hopes and destinies of the whole civilized world are founded, and we shall go down into the low depths of anarchy, despotism, and tyranny, where our position will be more like that of the serfs in Russia than freemen of America. The object of this resolution, if I understand it, is that no man in this House shall be permitted, whatever may be the result of the war, although the most dreadful calamities may come upon the nation, and the proud pillars of liberty may be sinking beneath the iron heel of despotism, to raise his voice in the Halls of this Congress, and even pray Almighty God to stop this war, without the strong arm of despotism shall drive him from his seat. The rights of free speech are principles of liberty that are laid down in the Declaration of Independence and in the Constitution of my country. Sir, without liberty the Union is worth nothing. I want no such Union as that. It is not such a one as our fathers made, it is not such a one as the patriots and statesmen of the times that tried men's souls established and consolidated for the protection and defense of the liberties of the white race of America. It is a Union of despotism and tyranny, not a Union of fraternal independent States, each legislating for itself its own internal policy. It is a Union without freedom of debate, without freedom to exercise the constitutional right of free speech, that right which has been guarantied to us by the laws of God and man. It is a Union without freedom from those unconstitutional, outrageous, and tyrannical acts which have characterized the Administration in power.

Ah! gentlemen, I ask you to pause and reason with yourselves as men. This is no party question. It is a question affecting the destinies and the liberties of the country. It is a question whether the Representatives of my own native State shall be permitted to come here and exercise the right of free speech fearlessly before God and man, in conformance with the rules laid down in the organic law of the land. I am surprised that no man on the other side of the House has shown the noble heart which God gave him, and raised his voice in defense of free speech, his country, and liberty, and battled for the bulwarks upon which the foundations of the Government rest.

The Constitution says that each House shall determine the rules of its proceedings, and may, for disorderly behavior, by a vote of two thirds of its members, expel a member. The true construction of those words when all taken together is that the member can be expelled only for disorderly behavior. He cannot be expelled for the exercise of any right guarantied by the Constitution, and it is not disorderly behavior to calmly discuss any question, when the Constitution makes provision for that right. But if there is any question about the true meaning of the organic law in construing that part of it, as though there was no other provision in it in relation to free speech, there can be none when we take into consideration all the provisions upon the subject. After our fathers had framed the Constitution, fearing that despotism might at some future time attempt to take the place of liberty, they added to it several amendments, commonly called the Bill of Rights, in the very first article of which it is provided that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press;" in addition to the clause in the sixth section of the Constitution which declares that the Senators and Representatives, for any speech or debate in either House, shall not be questioned in any other place.

The Constitution must be so construed as to conform to the intention of its makers, and its reason and spirit, taking into consideration all the provisions upon the subject, and construing one with the other so that they will all be consistent with each other and the object and intention of the makers, upon the well-settled principles of the construction of statutes, constitutions, and contracts, that the whole contract, statute, or law must be taken into consideration to arrive at its whole scope and meaning. Can any man in his sober senses pretend that it was the intention of the Constitution to authorize two thirds of this House to abridge the freedom of speech by expelling a member for the exercise thereof, and thereby not only abridge but entirely destroy that right, and at the same time expressly prohibit the Congress, including both Houses and all the members in both branches, and not merely two thirds, from passing any law abridging the freedom of speech or the press? What was the object of that article which declares that Congress shall make no law abridging the freedom of speech or of the press? "Was it that the people in their usual industrial avocations should have the right of free speech guarded and more strongly upheld than their Representatives in the Congress of the United States?" Did the framers of the organic law intend to guaranty to the common drunkard, murderer, or thief, in the prison or bar-room, rights of free speech that members of Congress in the sessions of the Houses could not be permitted to exercise? Yet such is the case if two thirds of the members of one House can expel a member for words spoken in debate in a calm, solemn, and decorous manner. No man in this House will pretend that it is treasonable or unlawful in the sense of the Constitution for a person in the newspaper or in a public speech outside of Congress to argue that there is no power in the Constitution to coerce a State, and that, in his opinion, the best interests of his country demand that secession shall be acquiesced in. Why is it not unlawful? Because the Constitution declares that Congress shall make no law abridging the freedom of speech or of the press. Yet this course of the party in power would not allow a Representative of the people who was sent here by his constituents to represent their views, and although he was petitioned and instructed by every voter in his district to advocate upon the floor of Congress their views, which were that they believed the best interests of their Government demanded that the southern confederacy should be recognized and the Government acquiesce in se-

cession, to express their views in the councils of the nation, which they are guarantied in expressing in the press or public speech, thereby leaving those people who sent a member here to represent them without any representation of their views in the legislation of the country.

If it is treasonable or unlawful now to advocate such doctrine it will be equally so in the future, though the war should continue ten or twenty years longer. If four fifths or all of the States in the Union should, in one year hence, instruct and petition their Representatives in Congress to advocate secession, and a member in the Senate should in a speech advocate that doctrine, and the Senate should be, as it is now, largely abolition, according to the precedent which some in this House would establish that man would necessarily be expelled for giving aid and comfort to the enemy. It will not do for lawyers like Mr. DAVIS, of Maryland, to attempt to argue, as he has, the right to expel a man for debate like this upon constitutional grounds; and I would advise those who advocate this power to no longer claim it as constitutional, but exercised under their war power. What is the object of that portion of the Constitution which says that "for any speech or debate in either House they shall not be questioned in any other place?" Does it mean that although their constituents, when they go home to answer for their course in Congress, shall not question them for any speech or debate in either House, it at the same time allows the members of other States to expel a member for that same speech or debate for which his constituents could not question him, although his debate or speech may have represented the views of nine tenths of his constituents? Yet such would be the result of the construction given to the organic law by the learned gentlemen upon the other side. The Constitution, under the construction of the gentlemen upon the other side, would be entirely inconsistent, one part being entirely in conflict with the other, and showing our fathers who formed the instrument to have so drawn it as to destroy the whole object and intent of the law upon the question of speech and press. If this doctrine of the other side of the House is to be the true construction then the people can never, under this Constitution, utter their sentiments through their Representatives in this Hall unless they are in the majority. The Constitution says that no law shall be passed abridging the freedom of speech; and to show that they intended that that freedom should not only not be prohibited but that it should not be even abridged, I will give from Worcester's Dictionary the definition of that word:

"Abridge—to make shorter in words, still keeping the substance; to epitomize; to curtail; to reduce; to contract; to diminish."

The expulsion of the honorable gentleman from Ohio would not simply abridge the freedom of speech, but would deprive him entirely from uttering here one single word. I will not insult the House and the country further with argument upon so clear a case against the expulsion; but it is proposed in case of a failure of expulsion to punish him by a censure. There is no more authority in this House to censure for this debate than to expel, because to censure would, within the meaning of the Constitution, abridge the freedom of speech; and to prevent even the censuring of a member for freedom of speech, the framers of the Constitution used the word "abridging" instead of the word "prohibiting." It is said upon the other side that the ground taken by the gentleman from Ohio is treasonable, because, as they say in the resolution, it gives aid and comfort to the enemy. But the Constitution declares that "treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort;" that "no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act;" and to constitute treason or treasonable language the party must not only give the enemies aid and comfort, but must adhere to them and commit an overt act. And it is so well settled in the law books that mere words uttered in debate cannot constitute treason that I will not detain the House longer upon that part of the case; in fact it is not seriously pretended that the words are treasonable. Treason in England is an offense particularly directed against the person of the sovereign, and consists in compassing the death of the king or queen or their eldest son and heir; in violating the king's wife or eldest daughter unmarried, or the wife of the heir apparent; in levying war against the king in his realm; in assisting the king's enemies in the realm or elsewhere; in counterfeiting the king's privy seal; in filing, clipping, or counterfeiting the king's money, or having coining tools in possession, or importing false coin from abroad; and in slaying the Chancellor or other high judicial magistrates.

These are the different kinds of treason defined by the law of England. Yet, since the time of Edward I, when he sent his file of soldiers into the British Parliament and arrested the five members for their outspoken principles of liberty, not a single individual has been attempted to be expelled from, or censured by, the British Parliament for the exercise of free speech, although in the war between Great Britain and the American colonies members rose in their seats in Parliament and declared the war upon the part of Great Britain to be accursed, wicked, barbarous, and diabolical. I quote, from Mahon's History of England, volume seven, page 135, the language of the younger Pitt in favor of Fox's motion for a committee on the American war in the year 1781. I now read what he said:

"For my part, I am persuaded and will affirm, that it is a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war. It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, devastation."

I quote also the language of Lord Chatham, as expressed by him in the British Parliament in 1777 upon the war with Great Britain and the American colonies:

"I say again this country has been the aggressor. You have made descents upon their coasts; you have burnt their towns, plundered their country, made war upon the inhabitants, confiscated their property, proscribed and imprisoned their persons. I do therefore affirm, my lords, that instead of exacting unconditional submission from the colonies, we should grant them unconditional redress. We have injured them; we have endeavored to enslave and oppress them." * * * * * * *

"As to conquest, therefore, my lords, I repeat, it is impossible. You may swell every expense and every effort, still more extravagantly—pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never."—*Chatham's Life*, vol. 3, pp. 158, 166, 167.

Now, I ask you upon the other side of the House whether you are willing to say by your votes that in America, which has been said to be the "land of the free and the home of the brave," you will deprive an American Representative in Congress of that liberty of free speech which is allowed and guarantied to an Englishman by the monarchical Power of England? Has my friend from Ohio stood in his place and declared that this is a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war, as did Pitt in the Parliament of England, in the rebellion of the American colonies against our mother country? No, sir, as a freeman, a son of Ohio, and an American citizen, he proclaimed his views in conformity to what he believes to be constitutional liberty, for which the fathers of the Revolution fought a bloody seven years' war.

Will any man pretend that when Pitt stood up in the Parliament of England and uttered such language, that in this country, which was free before this party came into power and despotism ruled, the Representative of a free constituency has not the right to advocate such doctrines as he believes will better secure the blessings of liberty to ourselves and our posterity? We intend to have our liberty, although it may afford us no wider a home than the grave!

I claim that under the Constitution no man can be expelled or censured for the expression of opinions in a free debate like this upon a great national question, which we all may have to meet in the same language in which it has been met by the learned gentleman from Ohio. This doctrine of the honorable gentleman is no new doctrine; we have the precedents of the abolition miscegenation and amalgamation party in Congress to sustain him upon the right to advocate dissolution or secession, as well by their voting upon the question as by a resolution offered by one of their apostles. I refer to the resolution offered in the House of Representatives on the 11th day of February, 1861, after several of the States had seceded, by Mr. Craige, of North Carolina, and upon his motion referred to the Committee on Foreign Affairs, while the honorable Speaker [Mr. COLFAX] was a member, and in his seat:

"Whereas the States of South Carolina, Florida, Alabama, Georgia, Mississippi, and Louisiana have seceded from the Confederacy of the United States, and have established a government under the name of "the Confederacy of the United States South;" and whereas it is desirable that the most amicable relations should exist between the two Governments, and war should be avoided as the greatest calamity which can befall them—

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and is hereby, required to acknowledge the independence of said government as soon as he is informed officially of its establishment; and that he receive such envoy, embassador, or commissioner as may or shall be appointed by said government for the purpose of amicably adjusting the matters in dispute with said government."—*Congressional Globe, Thirty-Sixth Congress, second session*, page 854.

I also refer to the resolution offered by Hon. Mr. Conway, of Kansas, on the 27th January, 1863, in the House of Representatives, upon which the honorable Speaker's vote is recorded, and twenty-one months after the war had commenced:

"*Resolved by the Senate and House of Representatives, &c.*, That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive.

"*Resolved*, That the Executive be, and he is hereby, further requested to enter into negotiations with the authorities of the confederate States with reference to a cessation of hostilities, based on the following propositions: 1. Recognition of the independence of the confederate States. 2. A uniform system of duties upon imports. 3. Free trade between the two States. 4. Free navigation of the Mississippi river. 5. Mutual adoption of the Monroe doctrine."—*Congressional Globe, Thirty-Seventh Congress, third session, Appendix*, p. 66.

Why did not the honorable Speaker then move for the expulsion of Mr. Conway. The reason is obvious: Conway was an abolitionist and a disunionist, while my friend from Ohio is a Democrat. No person offered to expel or censure Mr. Conway or Mr. Craige for offering resolutions to divide and break up the Union. In January, 1811, Josiah Quincy, speaking on the question of the admission of Louisiana, said:

"If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the States from their moral obligations, and, as it *will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must.*"

Mr. Poindexter called Mr. Quincy to order, and requested the decision of the Speaker whether it was consistent with the propriety of debate to use such language. The Speaker (Mr. Varnum) decided that the first clause of the sentence was admissible, but the latter contrary to the order of debate. Mr. Quincy appealed from this decision, and it was reversed by the House.

The lamented Stephen A. Douglas declared in one of his speeches in the Senate that war was disunion, eternal and final separation, and I believe that, as carried on by the party in power, it is disunion, eternal and final separation, but that it would and still will restore the Union if carried on in pursuance of the Crittenden resolution which passed both Houses of Congress and was signed by the President. Gentlemen, the time may come when you on that side of the House may be in the minority. Remember that.

"Time at last sets all things even;
And if we do but watch the hour,
There never yet was human power
That could evade, if unforgiven,
The patient search and vigil long
Of him who treasures up a wrong."

I hope to see the Democratic party again in power, and if they should attempt to stifle free speech they would receive my most just indignation. I would discountenance them, and be almost induced to leave the embrace of such a party and seek embraces with some other.

Those who would destroy free speech and a free press are unworthy of the name of freemen. Those who would thus destroy the safeguards of liberty—whether they be Democrats, Republicans, or Abolitionists—are not only unworthy of the name of freemen, but are despots, sycophants, and tyrants. I do not justify the Democrats who censured Joshua R. Giddings. The Speaker of

this House, who administers its rules so impartially, certainly ought not to come here now and say that this precedent should be followed. He should not follow a precedent set by a party which he condemns, which is denounced on that side as disloyal, traitorous, and rebellious; copperheads. We ought to stand by the great principles of liberty that have been handed down to us from generation to generation. We are freemen, and supporters of the right of freedom of speech and freedom of the press.

The gentlemen upon this side of the House love their country and its institutions, and would, if necessary, lay down their lives upon the altar of patriotism, and I ask the majority on the other side, in the name of our ancestors, our country, our lives, our property, our history, and our families, whether they are going to do an act by which the Thirty-Eighth Congress will be made everlastingly infamous, and that is to deny a great body of the people being heard through their Representative upon this floor? The gentleman from Ohio came here and expressed the thoughts of his own soul; his profound and conscientious convictions on a public question. I give him credit for independence and manliness, and while I do not defend the doctrines he has uttered, I defend him in the exercise of the great right of free speech.

The abolition party have established some precedents during this war which are dangerous. The honorable Speaker quoted the case of Hon. C. L. Vallandigham as a precedent for this attempted exercise of despotic power. I do not agree with his doctrines, yet I say his arrest and exile are unworthy of the descendants of revolutionary sires. He was arrested by men who went to his house in the dead hour of night, when he was there with his wife and children who were looking up to him for protection. I say the general and parties who caused that arrest, without warrant of law, and exiled him for his expression of his sentiments, struck a deadly blow at the rights of the free people of America. I do not envy them their glory. These suppliant tools of despotism are worse than midnight assassins. The domicile of no citizen is free from their polluting presence. God bless the poor downtrodden exile, his wife and children in their days of mourning over the downfall of American liberty! These fanatics, despots, and tyrants, like Burnside and the sycophants who follow in his trail, will go down to their graves loaded with the just indignation of their countrymen.

Precedents like these are dangerous things. They will hereafter be cited for authority. Remember the language of the immortal Daniel Webster upon the very rights for which I now contend. He said:

"When this and the other House shall lose the freedom of speech and debate; when they shall surrender the right of publicly and freely canvassing all important measures of the Executive; when they shall not be allowed to maintain their own authority and their own privileges by vote, declaration, or resolution, they will then be no longer free representatives of a free people, but slaves themselves, and fit instruments to make slaves of others."

Gentlemen, if you expel this man I say that this is then no longer a country of republican liberty, but a monarchy, a despotism, and a tyranny, worse than that of France or Russia. No king of England would have dared to exercise such a power as this. Sir, I do not want it said that there were a majority of the Representatives of the people in this House who would expel a man for daring to say, in his place here, that rather than have a war of extermination and subjugation he would go for a dissolution of the Union. Sir, I would go for a dissolution of the Union in preference to a war of extermination. "If that be treason, make the most of it." It would be an uncivilized warfare, and would call down upon us the condemnation of the whole Christian and civilized world. What is a war of extermination? It is one that extinguishes all the men, women, and children at the South. I have looked in the dictionary to see what the term means. It means to extinguish, to destroy, to blot out, to put away forever. In the name of God, has it come to this, that a man is to be expelled for daring to stand up here in the American Congress and exercise the great constitutional right of free speech? His opinions are not the opinions of a majority of those whom I represent, but I have no hesitancy in saying that there are men in the Democratic party who believe with the late Mr. Douglas, that war is eternal and final separation. I have myself, for the course I have pursued upon this floor in standing up for the country and voting you supplies, been denounced by some of my own party. This shows that there are some men in the Democratic party who are honestly of opinion that the war had better be stopped now than that it should be continued another day as you are prosecuting it, hoping that a reconstruction of the Union will follow when reason is no longer controlled by passion, and humanity has its sway.

I am for the Union with slavery as it is; but if I cannot have it entirely as it was, give it to me without slavery. The Union is the uppermost idea in my mind.

I do not honestly believe that the gentlemen on the other side, when they see what their own papers say about this case on trial, when reason resumes its sway, and when prejudice and passion subside, will be willing to record their votes in favor of expelling the gentleman from Ohio, or of infringing upon the right of free speech by branding the utterer of that speech as an unworthy member of this House. The gentleman from Ohio was born as you were born. He is blood of your blood and flesh of your flesh. He is not a slave. He is a free American citizen. He comes here in the habiliments of his rights. He comes here in the vigor of his intelligence. He comes here as the representative of Ohio, the home of the exile and of the patriot who now looks upon our shores from a foreign land, upon this dying nation. All that he asks of you is that you shall extend to him the same rights that you claim for yourselves.

Suppose the day comes when all will see that there is no possible salvation for the country by war, will you not stand up and declare that the power of the enemy has been too much for our Government, and that, rather than have the rebels exterminate us, we had better settle with them on some terms? I would rather divide the great rivers, the principles of the Constitution, and American liberty, and have one spot on this continent for the resting-place of human liberty than have a Union where a man is not permitted in the Congress of the United States to express his sentiments on so grave and important a subject as this.

Do you not recollect that a few years ago abolitionism and disunion were preached from the pulpit and the stump? And although these preachers were not the disciples of heaven but of hell, they were permitted to go around the country and sow the seeds of disunion; and no law of the United States except the law of the old tyrant John Adams has ever attempted to intrench upon the right of free speech. Remember that Jesus Christ, in that divine sermon on the mount, declared, "Blessed are the peacemakers, for they shall be called the children of God." You all know my views upon this war, that I have been willing and have voted for men and money to crush the rebellion. I am here for that purpose, and as there is a God in heaven, I declare here that my heart beats in rapture at the glorious achievement of our soldiers, who, I hope, will live to see this proud fabric of human liberty standing firm and unmoved, and that when they die it may be inscribed upon their tombstones that they died for the liberty of their country.

I shall now proceed to answer some of the cowardly charges and slanders used in this debate by the other side of the House upon General McClellan, Governor Parker, Governor Seymour, the State of New Jersey, and the whole Democratic party, and I shall not spare the assassins of our loyalty, characters, and party. I would not be fit to represent the gallant State of New Jersey did I not denounce her base calumniators.

I give the gentleman from Maryland [Mr. DAVIS] credit for his learning and his ability as a debater. But he has not made a speech during the last four weeks in which he has not attacked the State of New Jersey, that little State which at the last election rolled back the tide of despotism and tyranny, that little State whose gallant sons have been so freely laying down their lives upon the altar of their country, that gallant State whose citizens are for the Union, "one and inseparable, now and forever." I ask you, sir, how you can charge a man like Governor Parker with being disloyal, who has stood by the Government and shown the purest and noblest patriotism, and always stood by the old landmarks of the Constitution, and by his extraordinary exertions sustained the Government in every way in his power?

General McClellan is the noblest-hearted patriot that lives. He twice saved this kingdom and throne of yours from the grasp of the rebels. He is the most abused man on earth. He is the great expounder of Christian warfare. He is governed by humanity and Christianity. He was relieved from command because he would not countenance despotism, abolition, and tyranny, and for fear that his saving the nation might make him President to exercise the authority of a servant of the people instead of the authority of a king, monarch, czar, or sultan, as is now exercised by the present incumbent. His whole soul is bound up in the Union and the liberties of his country. He loves the soldiers, and his whole ambition is to share with them the trials and dangers of battle; but his honor, integrity, Christian character, love of country, and friendship for the old Union are repugnant to every sense of despotism.

Reputation for loyalty is a tender thing, and ought no more to be violated than property or life, and they who attack and blacken it are as vile offenders as they who rob and steal, and there is a just God who knows the patriotism of our human hearts, who will visit upon the violators of our loyalty the iniquities which they justly deserve. I invite them to stop such bickerings and sacrifice them upon the altar of true patriotism. A new language must be invented before I can attempt to express the baseness of such conduct; and although the full vials of despotism have been poured upon many of our heads, and bastiles, banishments, and ostracism have been many patriots' doom, yet I challenge the plodding Israelite, the idiotic African, the downtrodden Chinese, or the imbecile Turk, to equal us in tame submission to the powers that be. I cannot be disloyal to my country, because it is that country which has allowed me to rise from the roof of humble parentage and poverty to the higher grades of life, and to hold this position which I could hold in none but a free country. To that cradle and land of my birth, among the mineral hills of old Sussex, in the noble State of New Jersey, where the roaring of cannon, the groans of the dying, and the rattle of musketry have been heard as an echo of the bravery and valor of her sons and fathers who have borne arms in the contest now raging for the defense of liberty, law, and order, I add to the glory that they have achieved the aspirations of my heart warm with the love of my country, and my invocations to Heaven for its indissoluble union shall be fervent and unremitting while I continue to breathe and my heart to beat; and when I die my prayer shall be for its eternal duration, prosperity, and freedom. I stand by the gallant officers and soldiers in the field. I have used my utmost energies to induce you upon the other side of the House to increase the pay of the poor soldier, but alas! although I offered a bill in this House at the commencement of this session to increase the pay of soldiers and non-commissioned officers, giving to privates of the second class thirty dollars a month, and others of higher grades pay in proportion, no more than they can get at home for ordinary labor, and although four long months have elapsed, and the soldiers have been compelled to take thirteen dollars a month, payable in shinplasters worth sixty-five cents on the dollar, you have not had the manhood to even report the bill or any other increasing their pay. You are no friends of the soldiers. You are the friends of the public plunderer, shoddy contractor, and fat office-holder. If an Army officer's wife is dying and he is compelled to go home to bury her, you deduct from his pay one half of his wages. How ridiculous it is for such men to talk about being the friends of the soldiers! You are the friends of the black blood of the African race, while we are the friends of white soldiers and officers, white men and white women.

One of the honorable gentlemen upon the other side of the House said in his speech upon this question that the figure of dying Tecumseh was in the halls of this building, representing the death of the Democratic party. The thought comes upon me that that figure of dying Tecumseh is within this magnificent structure, which was once the august and beautiful temple, whose dome of liberty seemed to pierce the very clouds, within whose marble walls the blessings of law,

liberty, and order, such as were never before guarantied by God to man, were by our fathers promulgated and sustained, where they once bowed with devout and grateful hearts, and consecrated and dedicated themselves to the protection and maintenance of those immortal principles of the Constitution upon which the banners of our civil liberty were once upheld and sustained, which was then dedicated to patriotism and truth.

If the gentleman will look there he will see the statue of General George Washington, the Father of his Country, appearing in all the majesty of his national greatness, hovering over the scene of disunion, fanaticism, amalgamationism, and abolitionism, which is now being enacted around his colossal figure, uttering from the tomb his farewell address to the people of this land, in which he, in his lifetime, foreshadowed the radicalism and disunion of this hour. I wish Washington's noble spirit would rise from the grave and haunt the party in power with the noble sacrifices which first cemented the old Union, and command his children, North and South, to quell the spirit of passion and revenge, and, by the compromises by which he founded the old Union, restore and construct its foundations upon a base that the combined powers of earth and hell could never shake, and stop this civil war whose infuriated and flaming visage is now appalling the nations of the earth. There are the portraits of Jackson, Clay, and Webster, whose spirits are now bright constellations in the sky. When they lived, and reason, humanity, and Christianity ruled, this nation was united in principle, purpose, and movement like ancient Greece and Rome in the best period of the history of the world; and under their rule the nation won the highest confidence and gratitude of the toiling millions. They bore aloft on its banner the sacred words, "Free speech, free press, and equality of the States." The Constitution was their shield and their sword, and liberty was their watchword. No citizen was then subject to be driven into exile for opinion's sake, or arbitrarily arrested and incarcerated in military bastiles. No brothers and fathers of American and adopted citizens then wasted their lives and fortunes in bloody, civil strife, upon amnesty conditions which would place the black Ethiopian upon a level and equality with the Anglo-Saxon. No doctrines of abolitionism and amalgamationism then caused a civil war to sweep like the raging tempest of death and hell over divided families, ruined fortunes, blood-stained fields, stricken homesteads, widowed women, orphan children, homeless mothers, decrepit fathers, weeping and mourning sisters, feeble and unprotected mothers, lonely graves of noble soldiers, where no board or tombstone marked the spot, pale and emaciated young brides, wan and woe-stricken children, and a dismembered, bleeding, violated, and shattered Constitution. I charge that the accursed one-idea doctrine of abolition at the North lighted up the fires of revolution at the South, and caused to be enacted in this land every horror, wrong, and outrage I have just portrayed.

Although those doctrines have made humanity wail, all nature mourn, and angels weep, yet I am not willing to consent to any arrangement except that by which this great Union, which is so dear to us and posterity, and upon the restoration of which hangs the downfall of the monarchies of the Old World, and the peace, comfort, liberty, and happiness of ourselves and children depend, shall be restored and maintained. The great contest which is soon to be fought at the ballot-box is a contest between disunion, radicalism, despotism, tyranny, perjury, abolitionism, amalgamationism, and usurpation, on the one side, and conservatism, liberty, truth, Union, the Constitution and law, on the other; and the result of that contest upon the side of the latter will be more important to the people of this country and the nations of the earth than was the controversy between Persia and Greece decided by the battles of Marathon, Platæa, and Salamis, which gave ascendency to the genius of Europe over that of Asia.

Before proceeding further, let me make one appeal to the conservative Republicans of the land. I implore you to look back to the promises that were made to induce you to vote for the Administration in power, and the gross and outrageous violation of every such promise and pledge. Upon your action all depends. You are charged with high responsibilities by a patriotic and confiding Democracy. You, in this dreadful crisis in the history of the nation, in an evil hour, hold in your hands the destinies and liberties of this noble nation and this great country. You are governed by honorable considerations, and desire the harmony and unity of this once happy people. I implore you in the name of our God, our families, our children, our liberties, our happiness, our homes, our property, our country, and our lives to help us save this nation at the ballot-box. I invoke Almighty God to give you wisdom to save this people from all impending thralldom. I would gladly join you in any organization that would save our bleeding country, but you have none; abolitionism and amalgamationism have swallowed it up. I know of none but that of the Democratic party. There is no other political organization known in heaven, and there is none on earth, by which the precious benefits of the organic law and liberties guarantied to us by our fathers can be restored and maintained.

Let me also say that those men in the South who reared the gigantic head of secession upon the walls of Fort Sumter and attempted to haul down and trail in the dust that proud banner, whose glory was destined to wave over the monarchies of the world, violated every obligation dear to man and deserve the condemnation of every patriot, and especially of the Democratic masses, whom they, by leaving the Halls of Congress, so egregiously and outrageously wronged and brought upon them all the banishments, misery, and woe which they have since endured, for standing by the landmarks of the organic law of the land. The Constitution gave them no right to secede; they violated their solemn oaths of office when they withdrew from the councils of the nation, and by force and fraud they carried with them the loyal masses of the South, upon a charge of oppression which could have been easily removed had they staid in the Union. I believe the Constitution gives the power to this Government to coerce them back. I am for using the strong arm of the Constitution to compel them to return, with the sword in one hand and the offer to them of every honorable compromise and conciliation by the other, without degrading or unconstitutional conditions, as the stake is so great that no true lover of his country ought to throw one single impediment in the way of a reconstruction. But alas! for my country, it is sinking under the radical policy of the party in power, who are strangling it to death, and driving all hopes of reunion from the true patriot's breast.

I am in favor of filling up our armies and using every measure of wise policy and conciliatory statesmanship to bring this sanguinary strife to a successful close before national and financial ruin shall overtake us; and I now solemnly charge that from the day the President's amnesty edict of despotism was announced, the war was no longer directed against armed rebellion, but against people, property, and local institutions, for the purpose of stripping States of all political rights; but I prefer to submit to this despotism and furnish men and money, upon the hope that at the election this fall the Republic will be baptized by the never-failing waters of liberty, and some one will be elected President that will listen to the warning voice of reason and set at defiance all usurpations of power. If we do not go back to the solemn pledges made in the commencement, national ruin must be our fate, and we will have a consolidated despotism or monarchy built upon the ruins of our Republic. Let us use our armies to uphold the Constitution, restore the Union, break down armed rebellion, temper force with mercy, compromise, and conciliation, until we bring back the seceded States. Our whole failure is chargeable to a lack of statesmanship, and not to the want of the bravery and patriotism of our Army, for their valor and bravery have already astonished the civilized world. Let us stand by our noble defenders in the field, by showing them that their blood shall not be spilled except in defense of our organic law; that their victories are to bring peace, and that the dignity and magnanimity of the nation shall be identified with their patience, fortitude, and bravery, and the generous and humane policy of Christian warfare interposed for the purpose of restoring a lasting reunion of intercourse and fraternal regard; and that the patriotic memories of this second revolution shall cluster around the annals of better days. Let the act of treason that would destroy the rights of free speech and deface the proud fabric of human liberty be left to the unworthy descendants of our revolutionary sires, who first fired upon their glorious flag. Let us go back to the solemn declaration of both Houses of Congress and the President of the United States, "that this war is not waged in any spirit of oppression or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions in those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

Under the garb of Commander-in-Chief, imperial functions are to be performed as arrogantly as ever was performed by Cæsar toward the barbarian Gauls. On the 11th of January last the machinery of despotism was set in motion by a proclamation from Major General Banks, assuming sovereignty over the State of Louisiana, and giving orders for the erection of a new government for the State, to be molded according to the President's will, not only recreating the State, but canceling the constitution and laws that existed previous to the rebellion. He says:

"So much of the said constitution and laws of Louisiana as recognize, regulate, or relate to slavery are hereby declared to be inoperative and void."

This is the despotic mandate of a Federal officer not a citizen of the State nor entitled to a vote. And by another edict he declares that all who will not take the President's amnesty oath and vote shall be banished, and their property confiscated, although the constitution of Louisiana forbids the imposition of a test oath by Federal authority. To see the nation thus die is so revolting to the spirit of republicanism that patriotism shrinks from it in despair.

The party that are libeling and assailing every Democrat and trying to destroy our liberties are men who openly proclaim that the Constitution is a covenant with death and a league with hell; that the Union as it was is man-stealing; that the insurgent States shall not return unless they set the dear negro free and comply with conditions and degradations at which human nature shudders; men who crawl and cringe around the footstool of despotic power, and falsely putting on Union principles as a disguise, have procured for themselves offices of official emoluments and national trust, and cheated and defrauded honest conservative Republicans while they have been engaged in their usual avocations to earn their daily bread; who, in common with the radical secessionists of the South, have been the means of overthrowing this great and glorious Union; men whom the people will yet consign to odium and oblivion for prostrating the Constitution, breaking down the Union, and destroying the rights and liberties of the people of America; men who have used the fratricidal arm of military despotism, usurpation, and tyranny to strike down the liberties of the people and trample upon a bleeding and desecrated Constitution, and by their acts driven from the land where the bones of Washington and Jefferson repose all emotions of love, gratitude, and admiration for the old Union; men who have cried traitor and copperhead into the ears of every man who has invoked the aid of a just God in our efforts of compromise to restore national unity and peace; and have by their conduct imitated the bloody treason of John Brown, who proclaimed from the fatal battlements of Virginia the doctrine of one portion of the party in power, whose first lust for blood was satiated at Harper's Ferry's first bloody scene; men who have allowed their cowardly and heartless satellites to fatten upon the wealth coined from the blood and misery of the land, and afterwards walk boldly and fearlessly among the people they have robbed and wronged; who by their legislation are inflicting upon the people of the border States, who have suffered the most in this contest and shown the noblest and purest patriotism under the terrible trials through which they have passed, further and deadlier evils at the hands of this Government which they are struggling to uphold; men who have closed their eyes to frauds which have nearly, in some instances, destroyed our armies, and for some minor offense against

military law permitted a poor son or father to be sentenced to death; men who have allowed and caused loyal citizens, some of whom were at the death-bed of a dear friend and the grave of a dead wife, to be seized without authority of law and dragged to distant prisons, bastiles, and dungeons, and there incarcerated without trial or redress, and without granting them that which two thousand years ago was the birthright of every Roman citizen, the right to know the offense with which he was charged; men who have dared to proclaim in defiance of the Constitution an insult to the majesty of the law, and have caused great political trade sales to be opened, and intrigue and corruption to put on their repulsive and despotic robes, in which they have caused to be sold the offices of the Army and nation, like the board of a public auction, to the highest bidder; men whose aliment is radicalism and passion, and by their conduct, with their allies in the South, arrayed State against State, man against man, father against son, brother against brother, destroyed all feelings of kindness and charity between the people of these United States, and from such contaminating approaches caused the proud spirit of liberty to flee, and war to silence the voice of disputants while men are wrestling on fields of blood; men who have boldly proclaimed through the bloody edict of their President, in violation of the organic law, that men are not capable of self-government, and that nine tenths of the people shall be disfranchised and represented by such men as the panderers and parasites to despotic rule, to the number of one tenth, shall by their votes determine; who have deprived the people from worshiping Almighty God according to the dictates of their own conscience, and turned congregations out in the streets for refusing to pray for Abraham's royal highness, deprived the people of the precious right of suffrage by armed interference at the ballot-box, and kidnapped and stolen the slaves of loyal masters; men who have countenanced and incited armed soldiers to burn and destroy the presses and property of loyal citizens because they were Democrats; men who have suspended the writ of *habeas corpus* throughout the whole United States, and set the courts of the country at defiance, that great writ of public and private liberty which the monarchy of England has not suspended in two hundred years; men who in their mad efforts to achieve power and revolutionize the noble institutions bequeathed to us by our fathers have drenched the land in fraternal blood, shaken the temples of American freedom to their foundations, denounced the sacred and fundamental covenants of the Constitution, broken in letter and spirit its plainest precepts and vital principles, and proclaimed undying hostility to the Union as it came from its framers; men who, by the mock trial of drum-head court-martial, have consigned to dungeons and banishments the noblest citizens and purest patriots of the land; men who have procured to be passed an odious conscription law, which places the life of every able-bodied citizen of the land in the hands of a one-man kingly power, in derogation of the rights of the States; men who have mortgaged the property and resources of the whole people to a system of unbounded paper currency and a reckless and unbridled extravagance; men who have violated State rights in the partition of the Old Dominion; men who have overthrown by proclamations the whole domestic institutions and social organism of the States, and have openly changed the whole objects of the war; men who have draped the land in mourning, hurried hundreds of thousands to premature graves, and have brought us to the verge of financial and national ruin; men who have established a host of spies, common informers, and secret police, who are prowling about the land seeking whom they may devour; men who have sent among the people great swarms of office-holders in imitation of King George, of England, toward the American colonies, to eat out the substance of the people; men who, in both Houses of Congress, to a man, voted down the celebrated Crittenden compromise, which, if passed, would have saved the Union and relieved us from this dreadful war; who at the commencement of this session boldly ignored the divinity of Jesus Christ, in the election of a Chaplain, by a strict party vote; who have attempted to make the Treasury a mock-auction and Peter Funk shop for the purpose of buying and selling gold, with a sign over the door that uncurrent funds are bought and sold here; who have established a great national bank scheme, depriving the States of the power of taxing millions of capital invested therein; who have caused the jewels, the flowers, the diamonds, and the laces of the daughters of the public plunderers to turn the night of death to the poor into the gay festive scene, while the patient, sad-eyed daughters of labor and suffering have hunger in their eyes, their hands worn and hard with ceaseless labor, their cheeks wan with care, disappointment, and despair, in their fierce, relentless, unremitting efforts to grasp with their thin frail fingers their scanty bread, asking only to be suffered to keep body and soul together, and save enough to keep an aged mother, a helpless father, an orphan household of brothers and sisters from the wolf of hunger that prowls about the door; men who have used the people's money to buy the freedom of the slaves to make them equal with the poor white.

The spirit of the people is too great to weep, and their grief too mighty to be uttered, although iniquity has been exalted, the Constitution trodden under foot, the laws perverted, and the righteous and true depressed and banished. This attempted expulsion and gagging free speech are great tablatures of the horrors of tyranny, of the scandal and infamy of servitude and debasement.

In proof of how far human malice or ambition is an overmatch for human wisdom, laws and constitutions framed by the best and wisest men have become the sport and conquest of the worst tyrants. Could wise laws have insured the stability of a Government, that of Rome would have been immortal, because besides adopting all the best institutions of the free States of Greece, her principal struggle and employment for some centuries was the securing of domestic liberty by wholesome laws, and for laws and arms she was the wonder and glory of the earth; but she, whose force and policy no power could withstand, not even that of Greece or Carthage, fell by the corruption, perfidiousness, and violence of her own representatives. The only sword that could hurt her was her own; with that she trusted Cæsar, and with that he turned upon and enslaved her. Power of itself makes men wanton and cruel.

The most of the Roman emperors began their reigns well, as Nero, Claudius, and Caligula. Cæsar was generous and humane to affectation, but every passion and every sentiment will yield to the ardent lust of power, and had it not been for his great and acceptable qualities he could not have introduced public bondage. The hero and the orator hid the usurper, and palliated at least the usurpation. The acquiring and exercising of power unconstitutionally is tyranny, and if such usurpation is to be countenanced then there is an utter end of all right and wrong, public and private, and every usurper will be a king or emperor, and every magistrate will be a lawless tyrant. I charge that the destruction of free speech and press is a violation of every tie that can bind the human soul, of oaths, trust, and law; of everything dear to human kind; of peace, liberty, rights, and possessions; but the very sound of the abolition of slavery, the superstitious reverence paid to that doctrine, its employments, its victories over the rights of the white race and its great usurpations are all pompous images that dazzle the eyes and give a false luster to the blackest iniquity, tyranny, and despotism. But the severest oppressor can never tie the hands of all the oppressed nor place chains upon their resentments. The bulwarks of liberty have been daily broken down and the people lulled to sleep, until the best acts of radicalism have been but the sunshine of tyranny. Cruelty inspired by hunger is assuaged, but power created by usurpation is never satiated and knows no bounds. Government is a sacred thing and justly claims all reverence and duty, but in the idea of government is implied that of public protection and security; but when what was government ceases, and those who control it become oppressors, and the power is swayed by evil doers to the destruction of those who do not agree with their policy; when law, liberty, and order are banished, property violently seized without constitutional law, and lives wantonly destroyed to enforce the doctrines of abolitionism, and iniquity and radicalism prevail, it is no longer a government of law, but one of despotism and of tyranny, enforced by the kingly idea of a one-man power. The French historians observe that the worst and weakest of their kings were fondest of dominion and power, and their best and wisest contented with stinted power and the rules of law. Lewis XI trampled upon the laws of his kingdom and oppressed his people, but he died in great misery and terror, and his life, death, and memory were equally detestable; while Henry IV, who was born with a soul great and generous, never violated nor distrusted the laws.

I fear that before the people of the South will be subjugated and exterminated, our conduct will invoke the interference of the civilized world, or cause them to cede the States to some European Power. The governor of Louisiana, in his inaugural address of the 25th of January last, says that before they will submit to such terms they will, in convention assembled, without a dissenting voice, cede the State to any European Power. Where controlling power is arbitrary, the oppressed people are apt to think that no change can make their condition worse, and will often risk civil war to be revenged on the Power. Such was the temper of the Romans upon the revolt of Sacrover, who rejoiced in it, and in hatred to Tiberius preferred success to a public enemy. No country governed by mere will was ever governed well, because passion governs the will, and the measure of right and wrong and power without the control of law are not safe to be trusted to any man. This power claimed by the party in power is too mighty for the soul of man, and fit for none but God, who cannot act unwisely or passionately. To govern by mere will is to govern by violence, and invites the people to the same course as did King James, who, paying no attention to law, nor the rights of the people, put himself in a posture of war against his subjects, so that when they had recourse to arms they used them for their own defense. Therefore the least attempt upon public liberty is alarming; it will be repeated often; a few repetitions create a habit, and habit will claim prescription and right, as the nature of man is such when public affairs are once disconcerted, it is almost impossible to restore them to their first firmness, because numbers become engaged in the corruption and will use all their arts and power to support it, and as it grows general and extensive the public will sometimes espouse and defend it, of which we have had an example, and the torrent will become so strong as to bear down authority itself. History is full of instances where great and good men have fallen, and drawn down upon themselves a tragical doom, while striving to restore the State.

Charles V held it to be a greater honor to be Count of Catalonia than King of the Romans, because the Catalons were free men and the Romans monk-ridden, slaves of despotism and tyranny. Had such as were champions for the exaltation of Cæsar and Augustus foreseen what their race and descendants were to suffer under the successors of those usurpers, stooping and groaning under despotic bondage, they would have quenched their zeal and been struck with horror. The laws of war are claimed to vindicate the subversion of the civil law, and the holy gospel of peace and love is urged in defense of persecution and tyranny until we are compelled to observe the strange inversion of order and liberty, dignity debased, infamy exalted, the functions of the Government prostituted, the glorious name of America defiled, the ornaments of liberty trampled under foot, and the administrators of justice corrupted. Rather than support such violations of our organic law, I will invoke the charitable judgment of the civilized world and let posterity pronounce the calm verdict of a not far distant future upon my integrity in dissenting from the blind injustice of partisan rage, and that posterity will judge those who now have their Prætorian guards, and pervert the laws, and through the vile breath of informers make charges of treason against the Democracy of the North and border States, as sanguinary tyrants and oppressors of liberty and humanity.

[Here the hammer fell.]

Mr. ROGERS. I ask further time.

There was no objection.

Mr. ROGERS. We were told by General Burnside, in his answer in the *habeas corpus* case of Hon. C. L. Vallandigham, that the Army could not be induced to assist in the overthrow of the Government and laws. That they are noble and true I well know, but history informs us that

Cromwell's conquest of his country was made by troops the most sober and best disciplined that the world had then seen, and that with the best of all the Roman armies Cæsar established himself tyrant upon the throne.

The honor and oaths of men cannot be trusted where it is in their power to control millions of people. Henry III signed, sealed, and solemnly swore to observe the great charter with many terrible execrations upon himself if he broke it. Yet he violated his oath and bid open defiance to all oaths, all charters and laws, had recourse to avowed oppression, but gained nothing in the end but the just recompense of such enormous measures, shame, scorn, and beggary. It shows that power is a brutal and hideous thing when not tempered by reason and law. It is enough to mortify and grieve any candid man or woman who wishes well to humanity to see this great nation die, its liberties overthrown, human nature so pitifully debased, and human understanding so fanatical. I give warning to those who have violated their solemn obligations and destroyed our liberties and laws that we intend to be freemen in spite of their wicked attempts to enslave us.

We are told by the gentleman from Kentucky [Mr. SMITH] that the South shall be exterminated and peopled with better people, and their lands sold to pay the expenses of the war; but I inform those who advocate that doctrine that the Romans found more opposition from the little free State of the Samnites than from all the absolute princes in the world. Such is the mighty difference between freemen and slaves, and between men who act for themselves and men who breathe and act at the mere mercy of another. The Lacedæmonians and Romans for many ages, on account of their inviolable attachment and support of their constitutions, were so remarkable, enlightened, prosperous, and happy; and it was through the violation of the organic law and the decay of national integrity that Athens was near being destroyed in the Peloponnesian war. This resolution of expulsion and programme of this party are made up of causes similar to those that occasioned those long and desperate civil wars which almost destroyed the great and powerful kingdom of France. It is private ambition carried on under public pretenses. The preservation of the Union is the outward appearance and pretension, but the selfish attachments of the abolition fanatics to the higher law is the secret spring that produces their pernicious edicts and despotic acts which are weakening and impoverishing the nation and debauching the nobler principles of the human mind and thus sacrificing the interests and the very being of the nation to the low, narrow, and ambitious designs of furious factions, and if sanctioned by the people at our coming election must sap the vitals of our political existence and crumble this glorious fabric in the dust. Is it conceivable that such gross violations of the organic law, apparent to the common understanding of all mankind, shall be suffered to be enforced unquestioned and receive that honor and confidence which their authors in the zenith of their good fame had placed upon them by the esteem of their countrymen? Will the assembled people of the land receive with calmness and indifference the fiats of usurpation until the mighty strides of despotism shall overwhelm them, and see the lives and fortunes of millions, and the safety of present and future ages jeopardized, or will they go to the ballot-box and redeem their country from all impending tyranny?

If this usurpation of the Constitution be not stopped it will lead to the debauchment of our Army, the plunder and devastation of our lands, homes, and firesides, the irredeemable dissolution of our Union, and, I fear, an interminable civil war among the people of the North. Let us redeem the country at the ballot-box, and vote from power those who are forging chains to fasten us to the car of the abolition Juggernaut, and by ballots repel that despotism which would wrest the inestimable gem of liberty from us. Let us no longer give ear to the siren voice of pseudo-philanthropy. It is a cursed delusion, adopted by fanatics and recommended by sycophants.

The Athenians ruined their State by a mad and expensive war upon Sicily, they having such an ambition of conquering her that they refused all offers of compromise, the result of which was that they exposed themselves to the attacks of the Lacedæmonians, to the revolt of their own subjects, to domestic disorders, and the change of their Government, and were at last conquered entirely by Lysander, the States subject to them set at liberty, and themselves subjected to the dominion of thirty tyrants, so that they never after recovered their former glory. The Lacedæmonians afterwards fell into the same folly and met the same kind of a fate. By lording over Greece they drew upon themselves a combination of Greek cities, which together, especially the Thebans under the famous Epaminondas, despoiled them of their authority soon after their triumph over Athens. The Muscovite, by falling upon the King of Sweden, roused a tempest that came near overturning his throne, and by refusing the most honorable terms of peace, and urging his revenge, taught his enemies that bravery and discipline which nothing could teach them before, and he had his own brave army routed by forces he despised; he was driven from his dominions a fugitive in a country of infidels, and his provinces were cantoned out among his enemies, who before had offered to compound with him for a moiety of their own dominions.

It only proves how foolish is the reasoning of passion, and that it leads men to throw away strength to gain weakness. If this Union can be restored by an honorable compromise it will be no ordinary triumph, and those who have been the means of bringing it about will be proud to claim the glory. The flashing eye of liberty will then glance from the upturned face of despotism and disunion to the scenes of those heroic achievements which the spirits of our revolutionary sires, at the commencement of this contest, invoked us to emulate, and instead of beholding the equality and mixture of the white and black race in one common blood, will look beyond the gulf of abolition and the plains of amalgamation to the towering columns of the Constitution, whose base broke the waves of radicalism, and saved the nation in its dying agonies. We must not forget that the land of Attica, whose sword shook and whose civilization conquered the world, had the superficial area and about one third the agricultural productiveness of a moderate-sized county in the State of New Jersey; and I warn the abolitionists of this land that, though they may be the greatest conquerors that ever trod the earth, they can never amalgamate the white and black races; and if abolitionism and amalgamation are to be conditions to a restoration of the Union, (which both clearly are to the abolitionists, and the one is expressly made so by the amnesty proclamation,) the Union will never be restored, and those who are now such conditional Union men will meet the same disapprobation of the civilized world that Napoleon did for his wanton rage upon the rights of God and man; and although he was the Gallic Cæsar who led his armies over shattered kingdoms, whose armed power shook the world, decimated Europe, caused millions of mankind to perish, until there was scarcely a habitation, from the polar seas to the Mediterranean, where the voice of lamentation was not heard over slaughtered kindred to swell the conqueror's strength and glory, yet France fell back to her ancient limits, and Napoleon died a repining captive upon a rock of the ocean; and while Napoleon was refusing all overtures of peace and charity, one of the fathers of Democracy on this side of the ocean was seeking to aggrandize his country by conciliation, compromise, and peace. He used no armies, shed not a drop of human blood, caused not a tear of human woe, and without imposing a single act of despotism upon his people, and with the hounds of consolidationism and war lapping at the life blood of the nation, and advocating precisely the same doctrines that are now advocated by the party in power, he acquired by compromise permanently for his country more fertile domains than the sway of Napoleon ever owned or the glory of his plume ever floated over. The advocates of compromise and peace were then met by a party who used the same arguments that are now used, that it was dishonorable to offer terms of peace to a determined foe, and that the dignity of the nation required war, who leaped from one inconsistency to another; acrid, pharisaical, and controlled by a selfish partisanship, they resisted the settlement, acquisition, and compromise desperately to the last.

Those who have and do advocate an honorable compromise will not have their souls steeped in the blood of those who have and will yet be slain for want of it, and the spirits of the gallant officers and soldiers who have been sent to an untimely grave have borne to the bar of divine justice no accusations against them. I shall not hesitate to advocate an honorable compromise, based solely upon a restoration of the Union, nor hesitate or swerve from the great purposes and true interests of the country, notwithstanding the yelpings, howlings, and snarlings of the hungry pack who are living upon the blood and misery of the land, and hunting down every man who dares develop their purposes, because, when I reflect upon the awful and solemn events which surround us, I can but weep for the unity and liberties of my country, and I, in these once sacred Halls of Congress, raise my humble voice and call upon every man, woman, and child in this land and entreat them to advocate some reasonable compromise before our country's doom shall be forever sealed. My soul sickens at the radicalism and fanaticism of the age, unnecessarily squandering away our resources, wasting our public treasure, and spilling the people's blood. An honorable compromise will snatch from the rude hand of usurpation the violated Constitution of our country; it will preserve that instrument in form, substance, and spirit, a precious inheritance for generations to come; and as the furnaces of Egypt lighted Israel to the land of Canaan, and Moses by divine command led the children of Israel out of the house of bondage through the Red sea into the land of liberty, so will the spirit of conciliation and compromise lead us to the enjoyment of liberty and a united Union.

Mr. COLFAX. Mr. Speaker, I rise to demand the previous question; but, sir, I understand that a point of order has been before made by the gentleman from Wisconsin, [Mr. ELDRIDGE.] If I can surrender the floor for the decision of that point of order I will do so.

Mr. PENDLETON. I ask the gentleman from Indiana to hear me for a moment before he calls for the previous question.

Mr. COLFAX. I will hear what the gentleman has to say.

Mr. PENDLETON. I only desire to say to the gentleman from Indiana that there are three or four gentlemen on this side of the House who desire to express their views on the subject. They feel that it is an unusual thing for gentlemen to be called on to exercise the plenary power of the House without expressing their views on the particular case in which it is invoked. They think it is a very hard thing, when the question involves free speech, that the power of the previous question should be brought to bear to prevent the exercise of free speech on the question. There is no disposition, as the gentleman well knows, unnecessarily to prolong the debate or to stray into matters not connected with the pending proposition. I feel it to be the best plan for the gentleman to adopt, as the most in consonance with the feelings of the House and justice, to allow the debate to go on until these gentlemen have been heard.

Mr. COLFAX. If I consulted my own feelings I would yield to the request made by the gentleman from Ohio; but my duty to the public business and to the public interest compels me to insist on my demand for the previous question. This debate has run to a length that every gentleman must be satisfied has been fair and ample. It has extended from Saturday morning last up to this time. I was asked by gentlemen on the other side of the House to call for the previous question on this question on last Tuesday; but I was anxious to give as large an opportunity for discussion as could be fairly asked. I have already subjected myself to the censure of the papers, and perhaps I ought to have called for the previous question on Tuesday evening last. It was debated all day on Tuesday, and Tuesday night, and Tuesday afternoon I gave notice that I should ask the House, at half past twelve o'clock to-day, to second the demand for the previous question.

If this debate be allowed to be further continued we do not know where it is to stop. I understand there are fifteen members whose names are upon the list asking to speak. How many more will feel it to be their duty to be heard if the previous question is not moved I cannot tell. Some twenty-

five or twenty-six speeches have been made already on the subject, and I feel compelled as a duty to the House to call for the previous question.

As I have already stated, this debate presents a strong contrast to the proceedings in this House on the case of Hon. Joshua R. Giddings, from the same State as the gentleman who has made this request. He was censured by the House, which he considered as equivalent to expelling him. That was done without debate. This debate has been prolonged until it may be considered ample.

Mr. PENDLETON. I desire to make two suggestions.

Mr. COLFAX. I will hear the gentleman.

Mr. PENDLETON. I will make two suggestions. The necessity for prolonging this debate does not proceed from this side of the House. The subject was not introduced here by them. The next consideration is this: since this debate has been commenced this side has not yet moved an adjournment or to take a recess. We have been willing to sit here so long as the majority of the House were willing to let debate go on. We are willing to do it now, and to continue it as many hours as the House may think fit.

Mr. COLFAX. The gentleman has made two statements and two mistakes. He says this action did not originate from that side of the House. I think it did, and I shall prove it when I come to make my speech.

In the second place, he says that no gentleman on that side of the House has moved an adjournment or a recess. I think my colleague [Mr. HOLMAN] did, and if I consulted the Journals I might find other instances.

I will state that I understand that on Tuesday night, at a quarter past eleven o'clock, the gentleman from New Jersey, who has just spoken, obtained the floor, but declined to go on at that hour, and yielded the floor to my colleague from the Lawrenceburg district, [Mr. HOLMAN,] who moved that the House adjourn until Thursday. In that manner the debate was arrested at a quarter past eleven o'clock.

Mr. PENDLETON. I desire to say that I stand corrected as to the latter part of my remark. The gentleman from Indiana is right and I am wrong.

Mr. COLFAX. I knew the gentleman would accede gracefully.

Mr. ROSS. I ask the gentleman from Indiana to yield to me.

Mr. COLFAX. I feel compelled—not out of any discourtesy to the gentleman—to ask the House to second the previous question now.

The SPEAKER *pro tempore*. The question is first upon the appeal of the gentleman from Wisconsin [Mr. ELDRIDGE] from the decision of the Chair made on Tuesday last.

Mr. ROSS. I appeal to the gentleman from Indiana to allow me to make a suggestion.

Mr. COLFAX. I am compelled to decline.

Mr. ROSS. I know the suggestion will accord with the views of the gentleman.

Mr. COLFAX. I will hear it, then.

Mr. ROSS. My suggestion is that we are losing nothing by this discussion. The Speaker has seen fit to remark that we are losing time which ought to be devoted to public business. Now, I think we are gaining time by this discussion. The public business will not be retarded by the continuance of this discussion. These speeches will have to be made sometime during the session. Our constituents expect them at our hands.

Mr. COLFAX. The suggestion does not accord with my views. I thought it would not, and therefore I decline to yield any further.

Mr. NORTON. I desire to appeal to the gentleman from Indiana.

Mr. COLFAX. I will hear the gentleman's suggestion.

Mr. NORTON. I rose before the gentleman from Indiana answered the gentleman from Illinois, [Mr. ROSS,] to ask from him the courtesy of allowing me a few moments. I have not occupied the time of the House one half hour during the whole session in the way of debate. I have desired to express my views briefly upon the question before the House. It is an important question, and I have to record my vote on it. I have tried to get the floor. Now, what I proposed to ask the gentleman from Indiana, before he declined to yield the floor to the gentleman from Illinois, [Mr. ROSS,] was to yield to me a short time before he calls the previous question to express my views upon the subject.

Mr. COLFAX. I am afraid that my character for veracity will suffer in the House if I do not comply with the terms I made with the House on Tuesday. I am reluctantly compelled to decline, and to say to my friend that if he had seen fit on entering upon this debate last Saturday to have spoken to the present occupant of the chair, he would have had an opportunity long since to make his speech.

Mr. NORTON. I was sick in bed on Saturday and unable to leave the house, and it is for that reason that I appeal to the gentleman from Indiana now.

Mr. COX. I desire to correct one remark——

Mr. COLFAX. No corrections; excuse me. I will take back anything I have said rather than have any words with the gentleman from Ohio.

Mr. COX. I do not want the gentleman to take back anything.

Mr. HARRIS. I rise to a point of order.

The SPEAKER *pro tempore*. One point of order is already pending. The gentleman from Indiana [Mr. COLFAX] moved a certain preamble and resolution; the gentleman from Pennsylvania [Mr. BROOMALL] moved to amend the preamble and resolution by striking out and inserting; the gentleman from Wisconsin [Mr. ELDRIDGE] raised the point of order that the motion of the gentleman from Pennsylvania was not in order. The Chair overruled the point of order, and the gentleman from Wisconsin appealed from that decision. The question now before the House is, "Shall the decision of the Chair stand as the judgment of the House?" and upon that the yeas and nays are demanded.

Mr. COX. I call for the reading of the rules pertinent to this subject.

The Clerk read rules 61 and 62, as follows:

"61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House.

"62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate if any other member has spoken, or other business has intervened, after the words spoken, and before exception to them shall have been taken."

Mr. COX. Will it be in order to ask the question whether the proceedings of this House show that business did not intervene between the speaking of the gentleman and the taking down the language and the introduction of the resolution of censure?

The SPEAKER *pro tempore*. The Chair overruled the point of order, on the ground that it was not governed by the 62d rule. The resolution of the gentleman from Pennsylvania is based on the ground of the declarations of the gentleman from Ohio, of the second district, made in the national Capitol and published in the city of New York.

Mr. ELDRIDGE. It is upon the ground of the publication in New York, as I understand the Speaker.

Mr. COX. The Speaker held that the rule did not cover the case, as I understood him.

The SPEAKER *pro tempore*. Yes.

Mr. ELDRIDGE. I wish to ask one question of the Speaker. Is there any evidence before the House that the gentleman from Ohio [Mr. LONG] caused the publication of his speech in a New York paper?

Mr. BROOMALL. There is such evidence when that question comes up.

Mr. ELDRIDGE. That is the question now.

The SPEAKER *pro tempore*. That is not a question for the Chair to answer.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 79, nays 66; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Dumont, Eckley, Farnsworth, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Shannon, Sloan, Smith, Smithers, Spalding, Starr, Stevens, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, Woodbridge, and Yeaman—79.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, James S. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Mallory, Marcy, McDowell, McKinney, James R. Morris, Nelson, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Voorhees, Ward, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—66.

So the decision of the Chair was sustained as the judgment of the House.

During the roll-call,

Mr. FENTON stated that he was paired with Mr. WADSWORTH, but that if he had been at liberty to vote he would have voted in the affirmative.

Mr. HUBBARD, of Iowa, stated that he was paired upon all these questions with Mr. MIDDLETON.

Mr. WINDOM stated that his colleague, Mr. DONNELLY, was confined to his room by sickness.

The result of the vote was announced as above recorded.

Mr. COLFAX. Mr. Speaker, as the amendment moved by the gentleman from Pennsylvania [Mr. BROOMALL] will accomplish the same purpose as my original resolution, registering the solemn condemnation of the House of the gentleman from Ohio's views, and as it is evident that gentleman upon the other side of the House will not vote for the resolution of expulsion, I accept the amendment and demand the previous question on the resolution as thus modified. I do it with the understanding that although I have the right, after the previous question shall be sustained, to close the debate, the gentleman from Ohio who is named in the resolution shall have an hour to reply to me; and if he shall make any remarks of a personal character in his reply to me I shall ask to be allowed to reply to him.

Mr. COX. I move to lay the resolution upon the table.

The SPEAKER *pro tempore*. The gentleman from Indiana, [Mr. COLFAX,] who offered the original resolution, is entitled to the floor.

Mr. COLFAX. This is rather an extraordinary time for the gentleman from Ohio to propose to move to lay the resolution upon the table, as that would cut off my right to close the debate.

Mr. COX. I do not intend to cut off my friend's right to close the debate.

Mr. COLFAX. That would be the effect of the gentleman's motion.

Mr. COX. I withdraw it, then; but I give notice that at the proper time I will make that motion.

Mr. DAVIS, of Maryland. I rise to a point of order. I desire to know whether it is competent for the gentleman from Indiana [Mr. COLFAX] to modify his resolution at this stage of the discussion.

The SPEAKER *pro tempore*. The Chair is of opinion that the gentleman from Indiana has a right to modify his resolution.

Mr. DAVIS, of Maryland. Then I desire to say that if the previous question be not sustained I shall renew at the first opportunity the original proposition, and shall ask to have a vote on the question of expulsion.

Mr. COX called for tellers on the previous question.

Tellers were ordered; and Messrs. Cox and COLFAX were appointed.

The House divided, and the tellers reported—ayes 76, noes 71.

So the previous question was seconded.

Mr. J. C. ALLEN called for the yeas and nays on ordering the main question.

Mr. COLFAX. As gentlemen are going to cause delay by voting by the yeas and nays, I believe I will proceed with my remarks now.

Mr. COX. We do not desire to cause delay,

but it is important, in the interest of free speech, to have a vote on closing debate.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 75, nays 71; as follows:

YEAS—Messrs. Alley, Allison, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Dumont, Eckley, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Smithers, Spalding, Starr, Stebbins, John B. Steele, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, William B. Washburn, Webster, Wilder, Wilson, Windom, and Woodbridge—75.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, Boutwell, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Henry Winter Davis, Dawson, Denison, Eden, Eldridge, Farnsworth, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kalbfleisch, Kernan, King, Law, Lazear, Mallory, Marcy, McDowell, McKinney, James R. Morris, Morrison, Nelson, Noble, Norton, John O'Neill, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, William G. Steele, Strouse, Stuart, Tracy, Voorhees, Ward, Elihu B. Washburne, Whaley, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, Fernando Wood, and Yeaman—71.

So the main question was ordered to be now put.

During the roll-call,

Mr. FENTON stated that he had paired off with Mr. WADSWORTH.

Mr. HOOPER stated that his colleague, Mr. ELIOT, had been called from the House and had paired off with Mr. MCALLISTER.

The vote was announced as above recorded.

Mr. COLFAX. "Where are we?" was the emphatic question propounded by the eloquent gentleman from the first district of Ohio, [Mr. PENDLETON,] on Tuesday last. I answer him, we are in the Capitol of our nation. We are in the Hall where assembles the Congress of this Republic, which, thank God, in spite of conspiracy and treason, still lives; in spite of enemies open and covert, within and without our lines, with and without arms in their hands, still lives, and which, thanks to our gallant defenders in the field, will live as long as time shall last. "Where are we?" said he. I will answer him in the language of his colleague, [Mr. LONG,] whose speech is under review:

"From the day on which the conflict began up to the present hour, the confederate army has not been forced beyond the sound of their guns from the dome of the Capitol in which we are assembled. The city of Washington is to-day, as it has been for three years, guarded by Federal troops in all the forts and fortifications with which it is surrounded, to prevent an attack from the enemy."

And yet, sir, while we are thus placed "in this fearful hour of the country's peril," as the gentleman from Ohio [Mr. LONG] says in the opening paragraph of his speech; while the scales of national life and death are trembling in the balance, while our veterans are in the front seeking to save the life of the country, and willing to seal their fidelity if need be with their hearts' blood, with the enemy almost at the very gates of your capital, at such a time as this the gentleman from the second district of Ohio rises in his seat and declares that our Government is dead; nay, more, that it is destroyed; and then, having thus consigned it to death and destruction, he avows boldly that he prefers to recognize the nationality of the confederacy of the traitors which has caused this alleged death of the Republic to any other alternative that remains.

It was on that account that I felt it my duty to bring this resolution before the House. The gentleman from Ohio would lower the banner of beauty and glory that floats above us to-day, betokening that the Congress of the United States is in session; he would pluck from the brilliant galaxy that glitters in its azure field eleven of its stars; he would allow in that diplomatic gallery some Mason, some Wigfall, or Beauregard, as envoy extraordinary and minister plenipotentiary from a foreign nation planted, over the graves of our murdered sons and brothers, upon soil that belongs to the United States. Nay, more than that, he would allow the heights of Arlington to frown with hostile batteries, menacing our deliberations as we sit here in the Capitol.

The gentleman's colleague from the Columbus district, [Mr. Cox,] on Saturday last, said my course was "extraordinary," and that remark seemed to be the key-note of most of the speeches that followed from that side of the House. But there is a parallel and a justification. I call the gentleman from Ohio himself to the stand. On last Saturday he rose in his place and said, alluding to his colleague, [Mr. LONG:]

"He did not speak for his Democratic colleagues. They met this morning in caucus for the purpose of disavowing any such sentiments as those which are attributed to him. They have authorized me so to declare to this House, in justice to them and their constituencies."

Sir, it was "extraordinary" when a speech had been delivered here—nay, it was unprecedented—for the colleagues of the gentleman who delivered it, of his own political faith, to regard it as their duty to their party to hold a caucus and authorize one of their number solemnly to disavow and repudiate it upon this floor. If that can be done for the interests of party, should I be criticised for asking this House to condemn it solemnly to save the country and the country's cause from its deleterious effects? Is the country to be cared for less than the interests of party?

Mr. PENDLETON rose.

Mr. COLFAX. I cannot yield unless my time can be extended, for I only have an hour to answer the speeches on the other side, and to analyze the speech now under review. But I do not wish to decline to yield if the gentleman says that I have made a misstatement of his position.

Mr. PENDLETON. I ask the gentleman to yield to me for a moment to correct a mistake.

Mr. COLFAX. I yield for that purpose, though anxious for all my time.

Mr. PENDLETON. I only want to say that my colleague did not speak in my behalf in making that statement, and, so far as I know, there was no caucus of the Ohio delegation.

Mr. COLFAX. I quoted from the Globe.

Mr. COX. I ask to say a word.

Mr. COLFAX. I will yield if the House will agree to extend my time. [Cries of "Agreed!" "Agreed!" from the Democratic side of the House.]

Mr. COLFAX. I will yield, then, of course.

Objection was made.

Mr. COLFAX. I must proceed, then, without interruption.

The gentlemen on the other side, every one, indeed, who have referred to it at all, have been kind enough to speak of my impartiality as the Presiding Officer of the House. I thank them for this testimonial, which I have endeavored to deserve. But at the same time most of them have expressed "regret" that I left the Speaker's chair and came down upon the floor of the House. I have, however, no regret; not even denunciations of the press, nor the strictures of members upon this floor, to which I have listened in respectful silence without interrupting them, have caused me a moment's regret. I did it in the performance of what seemed to me an imperative duty, from conscientious conviction, and from no personal unkindness toward the gentleman from Ohio, [Mr. LONG.] I have no personal unkindness toward him or any human being who lives upon the earth. And if it had been understood when, as a Representative from the ninth congressional district of Indiana, your kindness and confidence placed me in the Speaker's chair, I was to go there fettered and tongue-tied, and to leave the people of that district disfranchised, that for all time to come during this Congress I should not speak for my country, I should have thanked you for your election, but would have rejected and spurned the commission.

I stand upon this floor to-day by no "condescension" from that responsible position. No, sir. In that chair I am the servant of the House to administer its rules, but on this floor the equal of any other member, no more, no less.

Duty is often unpleasant, sometimes distasteful and repulsive; but, sir, the man who will not fearlessly discharge his duty is not fit to be in public life. If my brother, under the solemnity of the stringent oath taken by members of this Congress for the first time since its enactment, had made this speech which now lies before me, I would have done the same toward him as toward the gentleman from Ohio, not that I loved him less, but my country more. As I stated in the opening of this debate, if the House did not rebuke and condemn this sentiment, you would have no right to complain of foreign countries recognizing this rebel confederacy, which the gentleman from Ohio was willing to recognize. Nay, more, if this was the support which you gave to the soldiers whom you have sent to the field, if this was the aid and comfort you gave them they would have the right to turn upon us, and say, "You called us forth to fight the battles of the Union, while you in the Capitol allow men to make speeches which will be quoted with joy in the confederate congress, which will strengthen the arms and sinews of the men we have to meet in battle array, while they paralyze and discourage us."

The gentleman from Wisconsin [Mr. ELDRIDGE] the other day appeared to doubt my statement that this resolution was introduced upon my own responsibility, and said he could not but believe there had been some consultation. I repeat the statement that I conferred with no member. Knowing it was a grave responsibility to assume I proposed to take it alone. The only member of this House to whom I stated my intention was the gentleman who now occupies the chair as Speaker *pro tempore*, [Mr. ROLLINS, of New Hampshire,] who was notified but five minutes before twelve o'clock that day that I intended to occupy the floor. Not even the gentleman from Iowa, [Mr. GRINNELL,] who moved that day to dispense with the reading of the Journal, which has been regarded on the other side as part of the arrangement, knew anything about it; and he will bear witness to it.

Mr. GRINNELL. I knew nothing of it.

Mr. COLFAX. But I did consult with one life-long friend, and after telling him my purpose he said, "Do you not know you will make yourself the target of attack?" I told him, yes. I had counted the cost, and was willing to be made the target of attack for the sake of my country and for the sake of the thousands of my constituents who have gone into the terrible arena of struggle on the battle-field, and who now themselves are the target of attack for the sake of the country they love. I would have done it had I lost thereby the honorable privilege of occupying that chair to which your partiality elevated me, or if it had driven me into private life, because it was my duty to do it.

On Saturday morning, after the reading of the Journal was dispensed with, I rested a moment, as may be remembered, and it was to see if any other member would offer the resolution—for I would have been glad to have seen it come from the other side of the House—but as none did, I took my place upon the floor as a member and offered it.

I desire before proceeding to analyze this speech of the gentleman from Ohio, in which its exact language shall be quoted, to review rapidly a few personal remarks which have fallen from gentlemen upon the other side of the House.

The gentleman from Ohio, from the Columbus district, [Mr. Cox,] was pleased to speak—although he bore testimony to my fairness—of my "condescending" to come down from that chair to offer this resolution. But there is an illustrious example in one whose shoe-latchet I may not be worthy to unloose; and who in times gone by, in times of war, filled that seat. I allude to him, "of lion heart and eagle eye," whose name is closely associated with a large part of our past history, and who during our last war with Great Britain, when he represented the Lexington district of Kentucky and was Speaker of this House, came down from that chair, and frequently upon this floor entered into the debates of this House. I have looked at the history of those times, for I desired to protect myself against any charges of departing from the privileges of this body.

Mr. MALLORY rose.

Mr. COLFAX. I cannot yield unless my time is to be extended.

[Cries of "Agreed."]

Mr. MALLORY. The gentleman I suppose will not object to my relating in detail an event in the history of our country, when Mr. Clay, who in 1812 was Speaker of this House, descended from his place as Speaker to the floor to reply to remarks made by Josiah Quincy, of Massachusetts. I wish to observe to the gentleman from Indiana that those remarks were very intemperate, I will not say treasonable, because, deeming there is no treason in this case at all, comparisons

could not be instituted between the two, but the remarks made by Mr. Quincy were very objectionable, and Mr. Clay descended from the chair to reply to those remarks, but not to move a resolution.

Mr. COLFAX. My friend from Kentucky is a much abler and older man than myself; but he is not quite as well posted in the history of that Congress as I happen to be at this time. That distinguished man whose history is the history of the nation came down from the Speaker's chair during the Congress of 1812–13, nine different times to make speeches, and at the next session made six speeches more.

Mr. MALLORY. Did he ever move to expel a member?

Mr. COLFAX. The gentleman will have his portion in due season, if he will allow me to get through with my remarks. Mr. Clay came down from the chair and made nine different speeches at one session, and six more at the next; and if the gentleman doubts it, let him go to that library and he will find it is so. They were on the side of his country, and in those speeches he did not hesitate about words. He used words which I shall not copy to-day.

Mr. DAWES. If my friend from Indiana proposes to ask the gentleman from Kentucky [Mr. MALLORY] to state what language of the venerable Josiah Quincy he feels justified in comparing to the speech of the gentleman from Ohio, [Mr. LONG,] I have nothing to say. But unless he does that, I think it is due to the character of that distinguished gentleman that the member from Kentucky be called upon to state what language of Hon. Josiah Quincy, then a Representative upon this floor, justifies him in making the remarks he has made.

Mr. MALLORY. Will my friend from Indiana yield to me for a moment?

Mr. COLFAX. I will just this once; but am anxious for my full hour. [Cries of "Agreed!" on the Democratic side.]

Mr. MALLORY. I do not recollect the precise words used by Mr. Josiah Quincy to which Mr. Clay took exception.

Mr. COLFAX. Please be brief.

Mr. MALLORY. If the gentleman will allow me to answer the gentleman from Massachusetts in my own way, I will do so. If not, I must decline to do so at all.

Mr. COLFAX. I only asked the gentleman to be brief, but I take back the remark.

Mr. MALLORY. I spoke from my general recollection of Mr. Quincy's speeches. I remember that in the specific speech to which Mr. Clay replied, he denounced the war then being waged by this country against Great Britain as causeless, as being hostile to the interests of Massachusetts, and as a war to which he and his people were opposed. That is my general recollection of the language to which I refer. I will not quote any newspaper excerpts from his speeches, but rely upon the statement I have made as to the general tenor of the remarks indulged in by himself and by other members from Massachusetts during that memorable discussion.

Mr. DAWES. I do not desire to mingle in this debate at all, nor to consume the time of the gentleman from Indiana, but it is due to one of the purest, most venerable, and most esteemed patriots in this land that he should be vindicated from any such innuendo or covert attack as has been made by the gentleman from Kentucky. I know that he was opposed to that war, but that he was a lover of his country and a true patriot is as true as that the sun shines.

Mr. COLFAX. Now, sir, I shall not get Kentucky and Massachusetts into collision again.

Mr. MALLORY. The gentleman cannot get Kentucky and Massachusetts into collision.

Mr. COLFAX. I am very glad to hear it. I meant the members from those States.

I have said that Mr. Clay came down from the Speaker's chair, and made nine speeches in the first session of the Twelfth Congress, and used most distinct and emphatic and partisan language, too; and, during the second session of that Congress, he followed that up by coming down upon the floor, as the Representative of his district, and making six speeches more. That was the time when he had the debate with Mr. Quincy, to which reference has been made. But if Mr. Quincy had said—as he did not say—that he was willing to surrender the territorial integrity of this country; nay, more, if he had said, as did the gentleman from Ohio, that he was willing to allow a foreign Government to be planted upon our own soil by traitors, building their traitorous fabric upon the oaths they had forsworn, the impetuous old chieftain of Kentucky would undoubtedly have moved his expulsion on the spot, and the members of that Congress would have acceded to his motion.

The gentleman from New York across the way—it is not parliamentary to call members by name, but I allude to the gentleman who was once the mayor of New York city [Mr. FERNANDO WOOD]—alluded to my "having descended to this gladiatorial arena as a partisan." The gentleman did not know the place to which he was commissioned. This is now no "gladiatorial arena." It may have been so in former times, when men with weapons in their hands sought to prevent others from expressing their sentiments. That day has passed away. This is the Hall where assemble the Representatives of the various States of this Union, but not as gladiators. They assemble here as gentlemen, as public men, as statesmen, to guard faithfully the interests of their country which are committed to their charge, and to which they are solemnly sworn before they enter upon their duties. I did not suppose that that gentleman would indorse my resolution. He will not think it unkind of me for quoting from a speech made by him last autumn at Bergen, New Jersey. In that speech he said:

"There is no such thing as rebellion under the institutions upon which the Government of this country is founded. Suppose New York chose to secede, who dare attempt to prevent her? Virginia has the same right as New York." * * * * "It is the duty of the people now to refuse to give another man or another dollar for the purpose of carrying on the war."

"Suppose," said the gentleman, "that New York chose to secede, who dare attempt to prevent her?"

Mr. FERNANDO WOOD. Mr. Speaker——

Mr. COLFAX. I will yield if the gentleman will say that that is a mistake; but cannot yield for him to argue it.

Mr. FERNANDO WOOD. I desire to say that it is not only a mistake, but that there is not the slightest foundation for the statement attributed to me by the gentleman.

Mr. COLFAX. I read it in the New York Herald, which I supposed was good authority; and find it copied in Harper's Weekly lately. However, I take the gentleman's word for it, as I always take the word of members here. He says his speech was incorrectly reported. Let it pass.

My colleague from the Terre Haute district [Mr. VOORHEES] also paid his respects to me. He declared himself in favor of unlimited freedom of speech. It was a pretty broad assertion. If a man should rise in his place here and counsel the assassination of the President, would my colleague stand by his doctrine of unlimited freedom of speech? I sincerely trust he would not. And yet the inference and teachings of the speech of the gentleman from Ohio were not only to encourage the assassination of the Republic, but to encourage the rebels to continue their assassination of the soldiers of the Republic also. My colleague quoted the inculcations of the Saviour. To them I have always bowed with respect and as authority. But when we turn to the sacred record and look for the doctrine laid down by my colleague, that unlimited freedom of speech is divine and God-given, we find the Saviour himself limiting free speech, prohibiting and condemning profanity as contrary to His law. My colleague had something to say also about the Helper book. That is an old story, dug up from the relics of the past. I was asked if I would give my name to recommend a book contrasting the industrial results of the North and the South, and I said yes. That is the whole of it. Among the supposed extracts read from the book in the ensuing campaign in Indiana, years ago, I found some which on examination proved to be forgeries, and my constituents reëlected me, after all the charges, by over three thousand majority; so that that charge is barred out by the statute of limitations. Let it go.

The gentleman from New York, from the Utica district, [Mr. KERNAN,] to whom we always listen with interest, also criticised me. He said "the speech of the gentleman from Ohio was not made in the presence of the enemy." I replied that it was, in the presence of both armies. Nay, more, it was made in the presence of the on-looking world, for it was not only published in the Congressional Globe, but an abstract of its most important points went on the wires all over the land. Nay, more, it has been borne through the lines of the enemy into the rebel camp, where, before now, it has given joy and exultation to "the banditti of man-stealers in Richmond." It has gone forth to strengthen the rebels in their work and to make them feel they are right.

It is contended by the gentleman from New York [Mr. KERNAN] that the speech of the gentleman from Ohio does not encourage sedition. Yes, sir, it does. The riots in New York city, in Illinois, and in other parts of the country have been encouraged by just such inculcations as these, and unrebuked it would sow the seeds of more. I do not say that that result was intended, for we cannot look into the heart of any one; but there is the speech; it speaks for itself. The gentleman from New York also says that a member (and I took down his words as they fell from his lips) "*has the right, if in favor of the dissolution of the Union, to express it here;* and if we expel him for it we would violate free discussion." I deny that position. To advocate the triumph of the rebellion and the destruction of the Union is in defiance of the oath we have all taken. And to all this talk about Mr. Conway let it be remembered in reply that he was not then under the obligation of the new oath prescribed by the last Congress to forbid any such infidelity to our trust; and, as we all know, this is the first Congress in which members have been under the weighty obligations of this oath, so wide and broad in its scope and so stringent in its patriotic requirements. The oath declares—

"That I have voluntarily given no aid, countenance, counsel, nor encouragement to persons engaged in armed hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto."

And this is plainly a continuing oath, binding on us every day we sit here; so that if we violate it to-day we ought not to sit here, under that oath, to-morrow. Now comes the part of the oath which looks to what we shall do in the future:

"That to the best of my knowledge and ability I will support and defend the Constitution of the United States *against all enemies, foreign and domestic;* that I will bear true faith and allegiance to the same," &c.

I deny that a man who is in favor of a dissolution of the Union can rightfully sit here under that oath. He does not bear true allegiance to the Government against all enemies, foreign and domestic, if he declares in favor of a dissolution of the Union.

Mr. Speaker, it was gratifying to hear the gentleman from New Jersey [Mr. ROGERS] speak of his devotion to the right of free speech. It is good to hear that his party is to be hereafter in favor of free speech. I pass over all the sad record of the past. Can we forget the virtual expulsion of the venerable gentleman from Ohio, Joshua R. Giddings, from these Halls for offering resolutions expressing his opinion as to whether American slavery did or did not exist in American ships on the high seas outside of our State or national limits? That was all. He was censured for this expression by a vote of the House, but he felt that he was virtually expelled, and he resigned. That was done under the previous question. Can we forget the bludgeoning of the distinguished Senator from Massachusetts, Mr. SUMNER, in the other end of the Capitol, because he stood up there, and in debate spoke freely his opinions? Can we forget the Democratic votes in this Hall against expelling or censuring the members who had inflicted this barbarity upon him? Henceforth we are told we are to have a different creed in the Democratic party. Let us all hope gentlemen on the other side will not confine their new doctrine of free speech to those who shall speak in favor of a dissolution of the Union only, which seems just now exclusively the case.

Mr. ROGERS. I ask the gentleman to yield to me for a moment.

Mr. COLFAX. I cannot now, for lack of time.

Mr. ROGERS again rose, and was prevented from speaking by calls to "Order."

Mr. COLFAX. I come next to the gentleman from the Cincinnati district, [Mr. PENDLETON,] who spoke so eloquently, as he always does, and I believe without an unkind remark to myself—at least I heard none.

Mr. ROGERS. Let me ask the gentleman a question. [Cries of "Order!" "Order!" from the Republican side of the House.]

Mr. COLFAX. I would rather yield. But perhaps I can anticipate the gentleman's question.

Mr. ROGERS. Was Mr. Giddings censured or expelled?

Mr. COLFAX. He was severely censured, which he regarded, however, as a virtual expulsion, by a vote of 129 to 65, about a two-thirds vote, and he resigned.

The gentleman from Ohio read from the New York Times. I am glad that gentlemen on the other side regard it as good authority to cite here, and hope they will regard it as such on all other questions, as its editorials now find such favor in their eyes. It spoke of the attempt to expel the gentleman from Ohio as "a disgrace and an outrage." I say to that paper and to this House, that if my course is a disgrace, you can fix the brand on my forehead and I will wear it through life, nor do I want any prouder epitaph on my tombstone than that I dared fearlessly to stand up here and do my duty according to my convictions. [Great applause.]

Mr. Speaker, I desire that the rules of the House forbidding applause should be obeyed. Gentlemen on the other side have been displeased with the galleries during the past few days. We have sat here, sir, when those galleries glowered with hate in their eyes upon those who spoke for freedom, and applauded to the echo those who spoke for slavery, and never were they cleared but once, to my knowledge. It is unseemly in this House for the galleries to indulge in applause or censure of what occurs upon the floor; and I would rather have the "God bless you" of some poor soldier's widow who had seen in her desolate home that I stood up for the cause for which her husband fell, or the "God bless you" of the soldier on his dangerous picket duty in front of our Army, guarding the sleeping host with his own life, than the applause of these galleries, crowded as they are with talent, heroism, and beauty.

The gentleman from Ohio, as well as the New York Times, compared the speech under review with that of Chatham's, in the British Parliament, when he opposed the war against the American colonies. When he used the language which has been quoted here, what was the war in which Great Britain was engaged? The provinces upon this continent were then outlying and distant colonies of Great Britain; they were not integral parts of the British empire. Indeed, they went to war with the mother country at first because they were not; because they were taxed without representation. The man who had risen in the British Parliament and advocated the recognition of Canada during the "Patriot war," or the recognition of India during the Sepoy insurrection, would not, I grant you, have been subject to a resolution of expulsion. The cases are not parallel with the one before us to-day. Let me present a parallel one. Suppose an unprovoked and wicked insurrection should break out in the southern counties of England, upon the very shores of the British Channel; suppose the people of those counties had gathered armies to make war upon the nation; suppose they had taken possession of that sea-coast and had put out the eyes of commerce, the light-houses there; suppose that insurrection claimed the whole of the country from the Channel to the Thames, seeking to make that river the boundary of a new and hostile nation, as it was formerly, before the time of Alfred, and again in the seventh century, a boundary of one of the former subdivisions of the British isle; and then suppose that a man had risen in the British Parliament, with its windows looking out upon the region thus claimed, and advocated the recognition of the nationality and independence of that insurrection: I ask you how long such a man would have been allowed to remain in Parliament?

The gentleman also says that "when our Constitution is dead, our liberties are gone." His colleague says the Constitution is dead now. Then if you believe him, our liberties are gone now. But the gentleman says that we propose to expel his colleague from Ohio for words spoken in debate, and he talks about the freedom of speech. Sir, the reason for this expulsion is that those words show a complicity with this conspiracy and a willingness that it shall triumph. Our oaths require us to maintain our Government. How can one legislate for its maintenance when he declares that it cannot be maintained, and that it is dead already?

My colleague from the Madison district [Mr. HARRINGTON] talked of my appearing here as a prosecutor. I think when I have agreed to allow the gentleman from Ohio to have the last word, when the rules allow me to close the debate, and have done it willingly and not at the suggestion of any gentleman, I might have been spared that taunt.

But, sir, the gentleman from Missouri [Mr. ROLLINS] on Tuesday evening gave me some instructions. I thank him for them. I receive with all proper deference instructions from any gentleman who sees fit to constitute himself my schoolmaster. I know right well that I have much to learn, for every year we live we find that there is much to learn. After informing me what ought and what ought not to be done, he said:

"If the cause of the country can be shaken by any such speech as the one of the gentleman from Ohio, [Mr. LONG,] *it ought to be shaken.*"

It is to be hoped he will analyze that sentence and think over it and modify it before his printed speech goes to the country. For no reason ought the cause of the country to be shaken. He went on to say that the speech of the gentleman from Ohio was a most indiscreet, injudicious, and unpatriotic speech under the circumstances, but that he would not expel or censure him for it. Of course he would not. Although he heard the unpatriotic remarks of the gentleman from Maryland [Mr. HARRIS] he voted against expelling him, and when the question came up on censuring that gentleman the vote of the member from Missouri was not found recorded either in the affirmative or negative. Of course, then, he would not vote either to expel or to censure the gentleman from Ohio.

He said, furthermore, that the gentleman from Ohio had only followed the lead of Vallandigham. I have a witness upon that subject, the gentleman from the Columbus district of Ohio, [Mr. COX.] We have been asked why did we not move to expel Vallandigham? I answer, in the language of the gentleman from the Columbus district, in that part of his Saturday's speech referring to Mr. Vallandigham:

"But I will say this for him, that nowhere, here or at home, did he ever utter a sentiment or do an act looking to the recognition of the southern confederacy. He said in his place in this House, again and again, and quoted Mr. Calhoun's opinions on the Mexican war in his justification, that he would not oppose the voting of men and money to carry on this war, the responsibility for which he did not covet nor bear. But, sir, he never would consent to a peace based upon recognition."

He insists, you see, that Mr. Vallandigham never advocated the recognition of the rebel nationality, which his present colleague so boldly avows.

Mr. ROLLINS, of Missouri, rose.

Mr. COLFAX. Really I cannot spare the time, unless the gentleman says he has been misstated.

Mr. ROLLINS, of Missouri. I desire, with the permission of the gentleman, to say, in explanation of the sentence which he has quoted from my remarks the other evening, that I do not believe that the expressions of any man or that any speech from any individual in this House, however powerful he may be intellectually, can shake, for one moment, the strength and permanency of this Union.

Mr. COLFAX. I understand the gentleman's view; he stated it at some length the other evening. I insist that the uncondemned advocacy here of such views as those of the gentleman from Ohio weakens, to that extent, the nation's sacred cause.

The gentleman from Illinois [Mr. J. C. ALLEN] also spoke on this subject, and here are his words. He said:

"Suppose his words *do* give aid and comfort to the enemy? Are we to exclude him for his rights? It would be in contempt of our rules and of the Constitution."

Why, sir, what a doctrine is that! That if a gentleman's words do give aid and comfort to our enemies, we cannot, according to our rules or under the Constitution, do anything with them. Sir, after the utterance of that sentence early in the debate, it must excite no wonder to see gentlemen opposite with shields locked over and around the member from Ohio to protect him and to say that he *shall* have the privilege of advocating the recognition of treason on this floor; that he *shall* have the privilege of paralyzing the energies of our soldiers in the field, by telling them that their Government and Constitution is dead; that he *shall* have the privilege of nerving to new struggles and to new energies the traitorous armies of the confederacy, which our own gallant troops have been pressing closer and closer, both upon the Atlantic seaboard and upon the Gulf. What support to our imperiled country is this! Ah! sir, what words of encouragement are these to go to the army of the Potomac, which in a few days is to meet the enemies of the Republic in, perhaps, the Waterloo of this great contest. If we permit this, then lift your blockade, because you are sending to the rebel camps what will do more to strengthen them than the munitions of war, which by that blockade you seek to exclude.

Mr. Speaker, I must hasten on, lest my time should expire, unless indeed the House will extend my time, as they have promised, to the length of the interruptions to which I have submitted.

Mr. COX. I object to the gentleman's time being extended, unless I am allowed to make a personal correction.

Mr. COLFAX. I am surprised that the objection should come from that side of the House after yielding to it over ten minutes of my time already on that express understanding, and conceded to the gentleman from Ohio the close after me.

Mr. COX. The gentleman refused to yield to me after he had given way to others.

Mr. COLFAX. I was willing then and am now to yield to the gentleman, and hope all objection will be withdrawn upon this side of the House.

Mr. CRESWELL. No, sir; I objected at the time, and I object now.

Mr. COLFAX. I come now to the speech of the member from Ohio [Mr. LONG] itself, and am going to do it justice, quoting its very words as I comment on it. I pass over his allusion to the President's "coming through Baltimore under cover of night, disguised in a plaid cloak and Scotch cap, lest, as was feared by his friends, he might have received a warmer greeting than would have been agreeable at the hands of the constituents of the gentleman from Maryland, [Mr. DAVIS.]" He ought to have said "at the hands of the enemies" of my friend. And it is to be regretted that when he alluded to that he could not have at least rebuked, even faintly, that plot which was the cause of the Chief Magistrate's coming through Baltimore in that way. But the gentleman is entitled to choose his own words.

He then goes on to speak of the opening of this war, and says, after the inauguration:

"A secret meeting of the Governors of a number of States was soon after held in this city. A scheme was devised and a vessel sent out, *under pretense* of furnishing provisions to the troops with Major Anderson in Fort Sumter. On arriving in Charleston harbor the people of that city fired upon the fort. The telegraph bore the news to this city, and on its first mention to the President he exclaimed, '*I knew they would do it;*' which to my mind is conclusive that *it was intended expressly for that purpose.*" * * * "*Thus, sir, was the war inaugurated.*"

Sir, it is scarcely necessary to vindicate the truth of history, except to say that every one knows that it was in January, 1861, two months before the inauguration of Mr. Lincoln, that the provision vessel intended to supply our troops in Fort Sumter, the Star of the West, was fired upon by the batteries on Morris island in Charleston harbor. Nay, more than that, we all know that when, after that time, Mr. Lincoln stood upon the steps of this Capitol to take the oath which made him the Chief Magistrate of this nation, although on the 18th of February Jeff. Davis had declared at Montgomery that the day of compromise was passed, and that now the North must smell southern gunpowder and feel southern steel, Mr. Lincoln, with a kindness of heart which did honor to him, said in reply, "There shall be no blood shed unless you yourselves commence it." He said it in the hope that their fell purpose might be set aside and that our country might not be

compelled to drink the bloody dregs of the cup of civil war. But, sir, thirsting for blood, and at a time when they could have obtained possession of Fort Sumter in two days by the exhaustion of the supplies of its beleaguered garrison, they opened their batteries on that fort—guns forged under the flowing folds of the stars and stripes, and trained by men who had received their education at the nation's expense at West Point—guns aimed at the very heart of the American Republic. And not even then was war declared on our side. But when the telegraph brought us the rejoicing speech of the rebel secretary of war, Walker, in which he declared that the next month would find their armies in this capital, and that by May they would dictate peace to us in "Independence Hall at Philadelphia," then, and not till then, did Mr. Lincoln lay aside the olive-branch of peace and appeal to the people to draw the sword of war, and to save the country which they had committed to his charge. Then, and not till then, were soldiers called for to resist the triumphal march of the rebel army already in the field, and armed with the nation's guns sent to them by Floyd.

But, sir, that is not the history of the opening of the war which the gentleman from Ohio gives. On the contrary, in this paragraph he seeks to relieve the assassins of his country from the damning guilt of having plunged this country into the horrors of civil war. That cause, abhorred of man as it will be in the future, abhorred of God as I believe it now is, that rebel cause, steeped in shame and scarred with crime, floating a flag black with treason and red with blood, the most wicked cause that ever outraged the justice of God or stained the annals of men, has had no such vindication before as it has now in the speech of the gentleman from Ohio.

But he goes on and says, speaking of these traitors in arms:

"And now, sir, with such a prospect before them as the sequel of submission, outlawry, disfranchisement, social, moral, and political degradation, penury for themselves and their children, decreed as their portion, will they throw down their arms and submit to the terms? Who shall believe that the free, proud American blood, which courses with as quick pulsation through their veins as our own, *will not be spilled to the last drop in resistance?*"

Why not send them an appeal to come back to their allegiance which they have forfeited and forsworn? No, sir, that is not the appeal which comes from these walls to rebels in arms. On the contrary this member says for them, as if the wish was father to the thought, that they will spill the last drop of their blood in resistance!

What does that mean? It means that when they appear in arms against the soldiers of the Union they are to be justified and encouraged by such arguments in spilling their last drop of blood; and that means the murdering of your brothers, your fathers, and your sons in the field, who are faithful to the allegiance which these traitors in arms have repudiated.

Let me quote again from the gentleman. In the same column he says:

"*Can the Union be restored by war?* I answer most unhesitatingly and deliberately. No, never; '*war is final, eternal separation.*' My first and highest ground of opposition to its further prosecution is, that it is wrong; *it is in violation of the Constitution*, and of the fundamental principles on which the Federal Union was founded."

Mr. Speaker, that declaration that the war to save the nation's life is "in violation of the Constitution," is the very echo of the language of Jefferson Davis himself.

The gentleman goes on further; he refers to the views expressed by the distinguished gentleman from Pennsylvania, [Mr. STEVENS.] That gentleman came here from his sick-bed to repudiate, with indignant eloquence and emphasis, the idea that he had given his adherence to any such views; that, on the contrary, he claimed that we had the double right to war on them, as foreign enemies, as they claim they are, and as domestic traitors also.

Still more of the very language of Jeff. Davis is found in the following extract from the gentleman's speech:

"Three years' experience in attempting 'by numerical preponderance and military prowess of one section exerted to coerce the other into submission' has convinced me more thoroughly that it is 'as self-contradictory as it is dangerous;' *contradictory, because it violates the great principles of free government which 'derive their just powers from the consent of the governed,'* and dangerous because by its exercise, especially when wielded by a weak, vacillating, and unscrupulous man, *it destroys instead of maintaining the Union.*"

Then, if we are "violating the great principles of free government," the rebels are right and we are wrong, our soldiers must be murderers, and we a conclave of tyrants when we vote money to keep them in the field. And if I believed as does the gentleman from Ohio, I would not sit here with such associates a moment longer.

The gentleman warms with his theme as he progresses, and says:

"*If the time ever was when the Union could have been restored by war (which I do not believe) it has long since been dispelled* by emancipation, confiscation, amnesty, and the like proclamations, military orders annulling State constitutions, setting aside State laws, obliterating State lines, and attempting to organize and set up a form of State government in their stead in which one man out of ten who shall turn abolitionist, take and subscribe an oath to execute and obey the will of Abraham Lincoln, whatever it may be, shall govern and rule over the remaining nine who refuse to become abolitionists."

I cannot stop to expose at any length this perversion of the President's plan, but draw attention to this sentence in order to show that the gentleman declares here that if ever the time was when the Union could be restored by war or by any other means, that time has passed on account of the emancipation proclamation, &c. It need only be said in regard to the President's proclamation, that it is not an assumption of dictatorial powers, but their abdication. It transfers the care of the State to the ballot-box of loyal citizens instead of ruling it by the bayonet, and his plan should not thus be perverted. Nay, more, the very oath which the President requires sets out that the persons taking it shall not be bound by it if the Supreme Court of the United States shall declare that proclamation unconstitutional.

What wrong is there in that? If that proclamation is constitutional and in force, then every good citizen should give it obedience; and if the highest court of judicature shall declare it unconstitutional, then the oath will not rest upon them a single moment. But the paragraph quoted can only be intended as an argument to these rebels not to return to their allegiance. Let us come to the concluding part of his speech where he speaks of the amnesty. It will be seen that the objections to this speech do not rest on a single paragraph, like the following resolution offered by the gentleman from Illinois in regard to the gentleman from Maryland, [Mr. HARRIS,] but on the whole speech:

"Whereas Hon. BENJAMIN G. HARRIS, a member of the House of Representatives from the State of Maryland has, upon this day, used the following language, to wit: 'The South ask you to let them live in peace; but, no, you said you would bring them into subjection. That is not done yet, and God Almighty grant that it never may be. I hope you will never subjugate the South.' And whereas such language is treasonable and a gross contempt of this House: Therefore,

"*Be it resolved*, That the said BENJAMIN G. HARRIS be expelled from this House."

After making a historical citation of Galileo, he says:

"So it will be with the man who is forced to take the amnesty oath, to save himself, his family, and his property; he may take it, but *in his heart he will detest and despise the authority that requires it.*"

Let the gentleman from Ohio go out toward the front, and there he will find men lurking in ambush for the purpose of murdering our brothers who stand as sentinels against the advance of the enemy. They are men who have taken the oath for the purpose of having the protection of the Government, and obtaining supplies sometimes for their starving families. They are farmers in daytime and guerrillas at night. When our troops capture one of those men and prepare to punish him as a skulking and foresworn murderer, he can present the speech of the gentleman from Ohio and say, "By the counsels of a speech made in your Hall which you refused to rebuke, I was told if I was compelled to take this oath in my heart he would expect me to hate and despise the authority which required it." Is that advice "true allegiance to the Government," and "maintaining and supporting it against all enemies, foreign and domestic?"

But to go on. He says:

"But, Mr. Chairman, how do we stand in the eyes of the civilized world to-day *in waging a war of subjugation and conquest against the confederate States which have seceded from us and set up a government of their own?* Are we not inconsistent with all our former acts? Have we not been early to admit this proper with regard to others? *There never was a people on the face of the earth that demanded an independent government that did not have the sympathy of the American people, and ought we now to shrink from the doctrine we have been so willing to apply to others?*"

Sir, if that means, as it says, to give "sympathy" to traitors in arms, I refuse for one to send them sympathy from this Hall. But through and through, the speech is filled with these inculcations. Let us go still further down in the column. There is much more which there is not time to read. Let me ask your attention, however, to this significant confession of how long he has entertained these views:

"What our people desired in 1861, and which I honored *though I regarded as mistaken*, was the *preservation of the Government and the retention of our jurisdiction of the whole territory.*"

From 1861 till now he has regarded "the preservation of the Government and the retention of our jurisdiction of the whole territory" as a mistake. Why did not the gentleman say so when, in the month of December, he came here and took an oath that he would bear true faith and allegiance to the United States against all enemies, foreign and domestic? If he regarded the preservation of the Government and the Union, and its retention of jurisdiction over the whole country as an error, then he could not, it seems to me, honorably take that oath, which requires true faith and allegiance to the whole Union and hostility to all its enemies. We must pass rapidly over these things. He goes on to say:

"The great object of our Government should be to develop and cultivate the internal resources *of those friendly to its jurisdiction, rather than to extend it over hostile* and foreign peoples."

No, sir; the great object of our Government is to maintain to the latest syllable of recorded time our government over every foot of land which belongs to this Union, every rood and iota of it. It is doubly sacred now; sacred by the sufferings and death of those who established this Union; sacred by the blood that has flowed upon every battle-field, and by the graves of our soldiers scattered all over the sunny South. Jackson did not say in 1832 that we must yield the Union at the demand of "hostile people," but that "the Union must and shall be preserved."

He says further:

"The words Shiloh, Antietam, Gettysburg, Murfreesboro', Richmond, Vicksburg, and Fort Donelson are words of division and disunion."

Oh, no, sir; they are bonds of union. They are battle-fields we can never surrender. For again, sir, our noble banner, not a star dimmed, not a stripe erased, shall wave over every battle-field and court-house and spire throughout the entire South, with none to dare do it despite or dishonor.

The gentleman from Ohio gives us his counsel as he draws toward a close, as follows:

"Mr. Chairman, these lessons of history are full of warning and example. Much better would it have been for us in the beginning, *much better would it be for us now, to consent to a division of our magnificent empire and cultivate amicable relations with our estranged brethren*, than to seek to hold them to us by the power of the sword."

What a summing up is this! We should "consent to a division of our magnificent empire, and cultivate amicable relations with our estranged brethren." Not a word of condemnation for the fiends who have covered the land with slaughter. No syllable of sympathy for a bleeding country. The dead and wounded, fallen on a hundred battle-fields, grappling with the banded murderers of liberty, arouse no sensibility. But these ingrates and parricides are our "estranged brethren," toward whom we should feel "amicable."

We have all heard before of these "estranged brethren" of ours. On the bloody field of Bull Run our heroic soldiers, who had laid down their lives for the country founded by Washington, were dug up from their graves by these our "brethren," their skulls converted into drinking-cups, and their bones into ornaments to be paraded throughout the South. Nay, more. Often this winter I have met at my own residence here and elsewhere in Washington a gallant young officer, whose heroism, though costing him a limb, had won for him honorable fame. How he was beloved by those who knew him you all do know. Manly, warm-hearted, brave in battle, and generous in victory, with a patriotism and devotion worthy of himself, he left here with a heart-full of sympathy for his gallant comrades pining in the prisons of Richmond, and forgot that he was crippled in the trying day and night rides of Kilpatrick's raid on the rebel capital. I allude to Colonel Ulric Dahlgren, young in years, but one of nature's noblemen in deed. He was ambushed and slain.

Our "estranged brethren," with whom we are to cultivate "amicable relations," who are all in the right, while we are all in the wrong, left his dead body in the road to be eaten by hogs; and when at last it had been buried in the field near which he fell, they dug it up and carried it to Richmond, and after exhibiting it like barbarians, his remains, which death might have saved from insult, were tumbled into some unknown pit, and the Richmond papers declared with fiendish and malicious rejoicing that he had died the death and received the burial of a dog! Contrast this with our treatment of O. Jennings Wise, Garnett, Zollicoffer, &c. These men, whose hate ends not at the grave, are our "estranged brethren," with whom the gentleman from Ohio tells us we are to cultivate "amicable relations," besides dissolving our Union at their command. Sir, I felt it to be my duty to ask the House whether they would send the member's speech abroad to the country without expressing their solemn condemnation of it in this fearful hour of our nation's peril. Those who vote against rebuking it may take that responsibility.

If you wish to know more of these "estranged brethren" go with me to Belle Isle, and there receive the hospitalities which they award to prisoners of war. The picture is too saddening and fearful to dwell upon. If you want to see more, then go to East Tennessee, where women, for loving the Union, have been outraged so that they longed for the day of their death as they did for the day of their bridal, and where Union men have been hanged by the neck for no other crime than fidelity to that allegiance to which all of us here are sworn. Shall we cultivate "amicable relations" with such men as these? No, sir, the sword of the Government will never be sheathed except over the grave of treason. But the gentleman goes on to say:

"Those elements of union which Mr. Adams described have, by the process of time, *been destroyed*. Worse, yea, worse than that, Mr. Chairman, I am reluctantly forced to the conclusion that in *attempting to preserve* our jurisdiction over the southern States *we have lost our constitutional form of government over the northern*.

"What has been predicted by our wisest and most eminent statesmen has come to pass; in grasping at the shadow we have lost the substance; in striving to retain the casket of liberty in which our jewels were confined, we have lost those precious muniments of freedom Our Government, as all know, is not anything resembling what it was three years ago; *there is not one single vestige of the Constitution remaining*; every clause and every letter of it has been violated, and I have no idea myself that it will ever again be respected; revolutions never go backward to the point at which they started."

If there is no Constitution left, what did the gentleman swear to support when he stood at that desk? If there was not a vestige of the Constitution remaining, then his oath was, in his own opinion, a nullity and a dead letter, and he knew that when he took it. He says further:

"*To preserve a republican form of government under any constitution, under the prevalence of the doctrines now in vogue, is clearly impossible. These convictions of the complete overthrow of our Government* are as unwelcome and unpleasant to me as they are to any member of this House."

* * * * * * *

"I shall not, in these remarks, recur to the unpleasant and acrimonious controversy of who is responsible *for the death and destruction of our Republic.*"

Sir, if that Constitution is dead, if the Republic is dead and destroyed as he states, if the Government is overthrown as he avers, there is no other constitution left in this land save the Montgomery constitution framed by these rebels. The gentleman does not tell us that, but he says that a government has been organized there, and we all know they claim they have a constitution. With the recognition of the traitor government, we recognize their "constitution" as an existing fact also. And ours being all destroyed, as he says, that one will be the only living one on these shores. Are gentlemen on the other side ready to say that this, too, should not be condemned most severely here?

But when he asserts that the Constitution is destroyed, I answer him from the speech last Saturday of his colleague, [Mr. Cox.] Said that gentleman:

"What is the life of the nation, sir, of which we hear so much? I know no other life of the nation except that incarnate in the written Constitution, which protects property, person, home, conscience, liberty, and life. Take away these, and there is no nation. Society is stagnant and dead."

And then, after this declaration that the life of the nation is incarnate in the Constitution, and that it protects all of us and all our rights, he goes on to say that "under no circumstances conceivable by the human mind, would he ever violate that Constitution for any purpose," and applies his reasoning on these two points, as follows:

"If there be any man in this Chamber who holds or utters any other sentiment in reference to the Constitution and his oath than this which I have expressed, I say to him that language has no term of reproach, and the mind no idea of detestation, adequate to express the moral leprosy and treason couched in his language and clinging to his soul."

His colleague, [Mr. Long,] as shown just now, "holds and utters another sentiment in reference to the Constitution," when he declares that it is dead, destroyed, not a vestige of it remaining; and I leave him to the denunciation of his own colleague, [Mr. Cox.]

Mr. COX rose.

Mr. COLFAX. I cannot yield, having quoted the gentleman's own words from his speech, and having but little time left.

Mr. COX. That language of mine was used, as the gentleman will see if he reads the context properly, with direct reference to a remark made by my colleague who sits near him, [Mr. Garfield,] that he would under certain circumstances overleap the barriers of the Constitution, and also with reference to a remark made by one of the gentleman's own colleagues, [Mr. Julian,] that under certain circumstances he would "blast the Constitution." I said that was moral treason.

Mr. COLFAX. Sir, I am quoting the gentleman's own emphatic language of denunciation and reading from his own speech. I avoid the use of language of that kind myself, but am applying his language, intended, it is true, for others, to the sentiments just quoted from his colleague's speech.

But the gentleman from Ohio, [Mr. Long,] after all this argument, at last boldly declares for recognition of rebel independence and nationality as his choice of all alternatives remaining to us. And here are his words:

"I do not share in the belief entertained by many of my political friends on this floor and elsewhere, that *any peace is attainable upon the basis of union and reconstruction.*" If the Democratic party were in power to-day I have no idea, and honesty compels me to declare it, that they could restore the Union of thirty-four States. My mind has undergone an entire change upon that subject; *and I now believe there are but two alternatives*, and they are either an acknowledgment of the independence of the South as an independent nation, or their complete subjugation and extermination as a people, and of these alternatives I *prefer* the former.

"Mr. Chairman, I take little or no interest in the discussion of the question which many of my political friends would make an issue, as to how this war shall be prosecuted, its manner and object. I regard that as worse than trifling with the great question. I do not believe there can be any prosecution of the war against a sovereign State under the Constitution, and I do not believe that a war so carried on can be prosecuted so as to render it proper, justifiable, or expedient. *An unconstitutional war can only be carried on in an unconstitutional manner,*" &c., &c.

Before I proceed to comment on this extraordinary declaration, let me understand if my time is to be extended, as has been promised when I yielded to these repeated interruptions from the other side.

Mr. CHANLER. I object to any extension.

Mr. COLFAX. I expected the objection would come from that side of the House, although I have voluntarily given the gentleman from Ohio an hour after me, which he had no right to claim. But I ask no favors.

Mr. COX. I claim the right to withdraw the objection I made a while ago to the extension of the gentleman's time.

Mr. COLFAX. Mr. Speaker, I shall resume my seat and submit the case to the House.

Mr. LONG obtained the floor.

Mr. ELDRIDGE. I rise to a point of order. I believe the understanding was that the gentleman from Indiana was to have all the time he desired.

Mr. COLFAX. I will not accept any extension of my time while gentlemen upon this floor object, as I saw the gentleman from New York [Mr. Chanler] object.

Mr. McKINNEY. The gentleman yielded seven or eight minutes of his time to this side of the House. Now I hope he will go on.

Mr. ELDRIDGE. It was distinctly understood on this side of the House that he was to have that right.

Mr. DAWSON. I think the gentleman ought to be allowed to proceed without interruption, and I trust there will be no objection from this side of the House.

Mr. ANCONA. I rise to a point of order. Unanimous consent was given, as I understood, to our honorable Speaker to proceed beyond his hour, and it is too late to object now.

The SPEAKER *pro tempore*. He has proceeded beyond his hour seven minutes.

Mr. ANCONA. No time was indicated.

Mr. ELDRIDGE. He was to have all the time he wished

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. Long] has the floor.

Mr. J. C. ALLEN. I wish it to be distinctly understood that I am no party to this objection raised against the gentleman from Indiana proceeding.

Mr. CHANLER. I wish to assume the whole responsibility of the matter.

Mr. COLFAX. And I am willing the gentleman shall assume the whole responsibility.

Mr. LONG. I appeal to my friend from New York to extend the courtesies of the House to the Speaker and allow him to finish his remarks. I hope he will do it from considerations personal to myself.

Mr. COLFAX. Let me end this discussion. No repentant concession of the member from New York will I accept. [Applause.]

Mr. CHANLER. I simply want to say that I desire to yield to the request of my friend from Ohio. [Loud shouts of "Order!"]

Mr. LONG. I regret this occurrence very much. I had hoped that the gentleman from Indiana would be allowed two hours, if he wished, and I regret very much that this objection has been made by my friend from New York.

Before proceeding, I will ask unanimous consent of the House that the gentleman from Indiana be allowed to print the balance of his speech.

Mr. COLFAX. The gentleman from Indiana prints no words that he does not utter here, and especially none in regard to a matter like this. The gentleman makes the proposition in courtesy, but I cannot consent to it myself.

Mr. LONG. Mr. Speaker, I should have been glad to be relieved from the necessity of making any remarks upon this most extraordinary occasion. I should have preferred not to address the House on a matter so personal to myself; but the extraordinary circumstances by which I find myself surrounded, the peculiar manner in which this discussion has been conducted, and the importance of the occasion to me individually, seem to demand that I should make a brief response to some of the remarks which have been made by gentlemen on the opposite side of the House.

Sir, I was surprised when I entered the doors of this Hall on Saturday last. The first sound I heard was the clear shrill voice of the Clerk reading a resolution for my expulsion. I was amazed when I learned that the Speaker of this House had left his exalted position and moved that resolution. Nor was I less astounded when I heard the speech which he made in its support.

I do not complain of his having offered the resolution. I do not propose to arraign him for having offered it. I shall indulge in no personalities toward him, or toward any gentleman on this floor. Let me say now that, with one or two exceptions, I have been treated by all who have participated in this debate with regard and consideration; and whatever may be the result of the vote which the House is about to take upon the question of permitting me longer to occupy a seat here, I shall always recur with gratification to the manner in which I have been referred to personally in the course of this discussion.

My acquaintance with the gentlemen on the other side of the House is limited. There are but few of them, comparatively, with whom I have become intimate. But all of them, with few exceptions, have referred to me in terms of respect and kindness. They have not impugned my motives; they have not found fault with the manner in which I have expressed myself.

Now, sir, for what am I arraigned, for what am I on trial? In what have I offended, that I am no longer to be regarded as worthy of membership in this body? In what, that I am an unfit associate of gentlemen on this floor with whom I have been so pleasantly connected for the last four months? What is it? Have I done aught inconsistent with that honorable position to which my constituents elected me? Have I conducted myself on this floor in a manner unbecoming the dignity of a Representative of the people? Have I been indecorous or disorderly, or in an unseemly

manner occupied the time or asked the attention of the House? Have I committed any crime? No, sir, no such charge has been brought against me. But on the contrary I have been highly complimented for the manner in which I have expressed my opinions.

What, then, is the offense for which I am arraigned and to be expelled from this floor? It is this: that in this hour of our country's peril, when we are engaged in a war of such magnitude, involving such vast consequences, affecting not only ourselves and our constituents but the cause of free government throughout the world; at this hour, when we have an Army in the field which for numbers, prowess, and expensive equipment is unequaled in the history of the world; at this hour, when the war has lasted three years, and when we are daily called upon to vote appropriations of both men and money for its further continuance; when we are urged to harass the people by heavier and multiplied taxation, and to drag them from their homes by repeated conscriptions; that in this hour, believing that a further continuance of the struggle will not only be fruitless but will ultimately destroy the Republic, and with it the liberties of the people, exercising my right as the Representative of a free constituency, moved solely by a desire to prevent an unnecessary and therefore wicked waste of treasure and a further effusion of blood in what I deem to be a fruitless struggle; moved solely by my desire to preserve the liberties of the people and to maintain the principles and form of our Government, even if we could not preserve all its territory, having no sympathy with and no desire to aid its enemies, I have spoken my honest convictions according to the ability which God has given me.

That is the sum and substance of my offending. I have gathered together materials which the master-workmen of the Republican party have prepared ready for my use. I was not obliged to go either to the quarry or to the forest for my material. I found it already prepared by the hands of skillful and experienced workmen, and without the use of ax, hammer, or any tool of iron I have joined it together; the workmanship is that of the leaders of the departed and living statesmen of your party, and the leading journals which mold and shape Republican opinion. I have justified my position by the authority of those master-workmen, the statesmen of the old Whig and Republican parties. They have prepared the materials for me, shaped them in the most delicate manner, and with the utmost skill, and with the greatest powers. They have supplied the arguments which I collected and from which I drew certain conclusions and presented them to the House. Why, sir, I have studied the statesmen whose political sentiments you profess. I have quoted from your present Chief Executive, from the Secretary of State, from men in authority of equal ability. They have maintained certain principles in regard to the administration of the government in time of war and the coercion of States, and from them I have drawn my conclusions. They forced themselves upon my mind, and I could not resist them. They were that two alternatives only remained to us; neither of them is agreeable to me, but between them I must choose, and for choosing that which I believed to be the least fruitful of evil I am to be expelled from this House.

Now, gentlemen, I ask you to approach that question with care and deliberation. I ask you, before you pass a vote of expulsion or censure upon me, to consider the circumstances in which we are placed and by which we are surrounded to-day. It is an important occasion. I expressed my convictions; my colleague [Mr. GARFIELD] replied to me immediately. Many of my own friends did not agree with me. They have taken occasion to say so. My colleagues on this side have, with few exceptions, hastened to express their dissent. They were speedy to confirm my statement that I did not undertake to speak for them. I may be in error. My judgment and conscience tell me that I am not. I may not look at the great struggle in its true light. I have looked at it deliberately in order to discover, if possible, the end to which it was tending. I have formed my conclusions. I believe there are but two issues to which this war can lead; and so believing, independently as a Representative of the people, honestly and candidly as a man, overcome by a sense of duty to my country and responsibility to my God, I have deliberately, courteously, and gentleman say with great circumspection, expressed my convictions to the House. They commend my manhood and candor; they award me credit for having spoken my honest convictions; but they dissent from my conclusions. That is my offense.

Gentlemen, if there is anything in that, if there is any blame to be attached to me for having thus uttered my convictions, then the God who made me and gave me utterance, and gave me the impulse to say openly what I believe firmly, is to blame, instead of myself. I declared the deliberate conviction of my judgment, I declared the deliberate conclusion of my mind; and having listened with attention to the arguments of gentlemen, I have not yet heard one which has moved me from my position. I may be in error. If you are still further to govern us, I trust, for my country, that I may be. But do not, gentlemen, trifle with the country. If I am wrong, convince me. Do not, in this hour, gratify partisan aspirations at the expense either of our country or of truth. The gentleman from Missouri [Mr. ROLLINS] sees in this movement what I have thought I also very clearly discerned. He says that it was designed to make party capital, and that the effort is more to see how much can be made out of it for the next campaign than to arrive at just conclusions. He told you that it is all party and no word for the country; all party, from the introduction of the resolution to the hour we are going to vote on it. He is the only gentleman on the other side of the Chamber who discussed and combated the principles and arguments of my speech. He did it in a courteous, dignified, and statesmanlike manner; but while I respect him, I must say that he has failed to change my convictions. I may be wrong. I believe I am right. I have not one word to retract. My convictions are as strong, my judgment as firm as when on Friday I gave utterance to my sentiments.

What, sir, is the position on which I stand? Let me call your attention for a few moments to the means by which I arrived at my conclusions. I built upon the foundation laid by the gentleman from Pennsylvania, [Mr. STEVENS.] As so much has been said on the subject, I will read a short paragraph from his speech. He says:

"Some think that these States are still in the Union and entitled to the protection of the Constitution and the laws of the United States." * * * * * *

"Others hold that having committed treason, renounced their allegiance to the Union, discarded the Constitution and laws, organized a distinct and hostile government, and by force of arms have risen from the condition of insurgents to the position of *an independent Power de facto*, and having been *acknowledged as a belligerent* both by foreign nations and our own Government, the Constitution and the Union are abrogated so far as they are concerned, and that as between the two belligerents they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best." * * * * * * *

"But it is said that this must be considered a contest with rebel individuals only, as States in the Union cannot make war. That is true so long as they remain in the Union. But they claim to be out of the Union, and the very fact that we have admitted them to be in a state of war, to be belligerents, shows that they are no longer in the Union, and that they are waging war in their *corporate capacity, under the corporate name of the confederate States, and that such major corporation is composed of minor corporations called States acting in their associated character.*"

* * * * * * * * * *

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights, it places the contending Powers on precisely the same footing as foreign nations at war with each other." * * * * *

"No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the confederate States have maintained their declaration of independence by force of arms." * * *

"What, then, is the effect of this public war between these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all these obligations."

These are the remarks of the gentleman from Pennsylvania, word for word, and which were referred to by the gentleman from Indiana [Mr. COLFAX] as if I were their author. I adopted them. I have simply followed in the lead of the distinguished leader of the Republican party. I drew my conclusions from the speech of the gentleman from Pennsylvania, which I have not heard him take back. I know that some gentlemen upon this side of the House have denounced him for it; and I know some gentlemen upon that side of the House have disagreed with him. Yet I have not heard of a resolution being introduced for the expulsion or censure of that gentleman. He and I agree. These States are out of the Union; they have established an independent government *de facto;* they have maintained their declaration of independence by force of arms for three years. For three years they have so prosecuted the war that by the laws of war and the laws of nations they have cut asunder all the ligaments and abrogated all the obligations which bound them to us under the Constitution. He and I agree in that opinion. If you condemn me, I ask you to be consistent and condemn your distinguished leader. I might not have been brought to that conclusion had not the argument been placed before me by the leader of the Republican party on this floor. If, gentlemen, you censure me for putting myself in position with him you must, to be consistent, censure us both. "Be just, though the heavens fall." Rise above party. If the same words were uttered upon that side of the House as those for which you condemn me, make no difference between me and the member of the Republican party who uttered them; consistency is a jewel. If you must have a victim, if it is necessary that censure should attach somewhere, censure us both; we stand on the same ground; we uttered the same language and hold the same opinion as to the condition of the confederate States.

He goes further than I do. He is for waging war against the confederate States as a foreign nation for conquest and subjugation. I am against it; the difference is purely a question of policy, which is always a legitimate subject of discussion in a legislative assembly. I believe that if a war of subjugation could be successfully prosecuted against the confederate States as a foreign nation, and we held and governed them as conquered provinces by the exercise of the coercive power of the Government, the effect would be to destroy the principles of the Union between all the States North as well as South, and establish an absolute despotism upon the ruins of the liberties of the people; and believing this, I am not willing to sacrifice our republican form of Government for territorial aggrandizement and the establishment of a despotism.

Now, in another part of my speech, I have quoted from the New York Tribune, from the great leading republican paper of my district, the Cincinnati Commercial, from the Columbus Journal, and from a number of papers which I will not enumerate here. I did not give to the House what those papers said, but I extracted from them the materials which I used in coming to my conclusion. I will now ask the Clerk to read some extracts which were published in the Cincinnati Commercial in 1861. That paper is published in my city, and is more influential in molding Republican opinion in my district than any other paper published in the State.

The Clerk read as follows:

"War for the subjugation of the seceders would be unwise and deplorable. There is no province in the world, conquered and held by military force, that is not a weakness to its master. Many of the English colonies have drained England of her wealth. The English people are now eaten up with taxation to hold distant possessions in military subjection, and carry on her world-wide system of filibustering, which has for centuries been a national passion. The wars, which are visited upon her in her monstrous national debt, were occasioned by the pride of her aristocracy and the intrigues of her politicians, and were not, with an exception or two, in the interest of her people. India, upon which she has lavished her strength, and which is the most magnificent trophy of wars of conquest held by any nation, is an incumbrance to her to-day. Algiers is a costly and unprofitable appendage of France. Venetia is the weak spot of Austria, and the life's blood of the empire is drained to hold that territory, which is absolutely worthless to the Austrians, and fetters her armies in the Quadrilateral. The history of the world certainly proves that it is not profitable to govern a people without their consent."

"The logical lesson of this fact in this country is that if there are two nations here who have been living in an unnatural union, they should, for the benefit of one or both, be separated. We do not entertain the opinion that a forced alliance between antagonistic nationalities has existed in the Union which our fathers made. We believe, whatever the difference in domestic institutions, in temperament, in soil and climate, and in ideas of local government, to be found within the limits of the land, that each interest was secure within the Union, and that all sections were more prosperous and happy within than they can be without the Union."

"The dream of an ocean bound republic, which has been

so grateful to Young America, we yet hope to see realized; but in the mean time there is room for several flourishing nations on this continent; and the sun will shine as brightly and the rivers run as clear—the cotton-fields will be as white and the wheat-fields as golden—when we acknowledge the southern confederacy as before. We would not undervalue the Union. It has ministered to our national pride as well as to the prosperity of the whole country. But when it is gone, we still have our fruitful and inviting soil and clime, our seats and channels of commerce, and the unequaled capacity of the people for productive labor."

"We are not in favor of blockading the southern coast. We are not in favor of retaking by force the property of the United States now in possession of the seceders. We would recognize the existence of a government formed of all the seceding States, and attempt to cultivate amicable relations with it."

Mr. LONG. Those articles, as I said before, appeared in the Cincinnati Commercial, the leading Republican paper of my own State. There appeared also at the same time a series of articles in the Columbus Journal, published in the capital of my State. The articles in the Commercial appeared immediately following an interview which took place between the proprietors of that paper and the present Secretary of the Treasury, S. P. Chase, and at the time they were attributed to that distinguished gentleman.

I will not detain the House by referring to the other extracts, but as I said before I found these materials adjusted by the hands of a skillful workman for my use. I chose to go to the leaders of the Republican party rather than draw from what had been written and said by my own party, feeling that thereby my position would be more impregnable against the assaults of my opponents. I was unwilling to believe that the Republican party would repudiate the utterances of its own great statesmen, leaders, and principal journals, but from demonstrations made on this floor for the last few days I am led to the conclusion that I was most sadly mistaken.

I caution you, gentlemen, on that side of the Chamber to approach the subject carefully. It will be the worst record for you that you can possibly make if you now repudiate these principles. You have before avowed them, and I predict here to-day you will be driven to avow them again before another President shall have been inaugurated on the 4th of March, 1865. I warn you, gentlemen, that in voting to expel me from this Hall, or in voting censure upon me for uttering these sentiments which have been avowed by your own leading statesmen and newspapers, you are doing that which will ultimately subject yourselves to a worse odium than that which you are seeking to fasten upon me. Events are progressing rapidly; we know not what a day may bring forth. I do not, in saying this, mean in any degree to intimidate any gentleman, or prevent him from voting as his judgment dictates; but regardless of consequences to myself I make the prediction that you will rue this day, that you will seek to obliterate this record before we shall have dissolved this Congress on the 4th of March next.

I may be in error in the opinions I expressed. Some of my own friends upon this side of the House have planted themselves in opposition to them, and I have received their condemnation. Those who will occupy a position with me in the future upon these great questions will not be those who agree with my distinguished friend on my right, [Mr. SMITH.] But there will be gentlemen from the other side of the House who will come to my principles. I believe that you will come to them, gentlemen. I do not believe that the American people, North or South, will ever agree with the member from Kentucky, [Mr. SMITH,] that we ought to subjugate and exterminate the people of the South, and populate that country with a better class of people. I do not believe that the people of this country, not even of the Republican party, would agree to that. I cannot believe that any man when he lies down on his pillow and communes with his God, when he considers the magnitude of this issue, involving the fate of eight million men, women, and children, could agree to the doctrine of the member from Kentucky.

Mr. SMITH. The gentleman will allow me one moment; I will not occupy more of his time. When I used the expression the day before yesterday that I was willing not only to subjugate the South, but, if need be, to exterminate its people and populate that country with a better class of people, I did not refer to the innocent children who cannot commit treason; but I referred to the men in arms, to those who have by direction or indirection committed treason against the Government.

Mr. LONG. I give the gentleman all the benefit he can derive from his explanation. I regard it as but a very feeble effort to extricate himself from the position in which he and other gentlemen here have placed themselves. I envy not the man who can clasp his hands and close his eyes in prayer and ask the extermination of these people at the South. I have no heart and no disposition to see such a work as that go on. I cannot consent to it. So help me God, I am against it. Standing as I do among you alone, I am willing to raise my voice, feeble as it is, against it. I want peace in this country; peace, peace, if I can have it, rather than the extermination of these people who are struggling in a cause which they believe to be right. Sir, let this war cease. I, for one, am against it. Although I may be expelled from this Hall, and sent home to my constituents branded by the condemnation of the gentlemen opposite, I will utter the convictions of my judgment; I will take the consequences, and will go down, if you please, to infamy, if such is the estimation in which I am to be held, for raising my feeble voice for peace.

Sir, I dislike personalities, and I intend to be respectful to all gentlemen. I must, nevertheless, point out what in my judgment is an inconsistency on the part of the gentleman who has moved this resolution of expulsion.

On the 11th day of February, 1861, Mr. Craige, of North Carolina, submitted on the floor of this House the following resolution. I read from the Congressional Globe, second session Thirty-Sixth Congress, part one, page 853:

"Mr. CRAIGE, of North Carolina. I submit the following resolution:

"Whereas the States of South Carolina, Florida, Alabama, Georgia, Mississippi, and Louisiana have seceded from the Confederacy of the United States and have established a government under the name of 'the confederacy of the United States South;' and whereas it is desirable that the most amicable relations should exist between the two Governments, and war should be avoided as the greatest calamity which can befall them:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and is hereby, required to acknowledge the independence of said government as soon as he is informed officially of its establishment; and that he receive such envoy, embassador, or commissioner as may or shall be appointed by said government for the purpose of amicably adjusting the matters in dispute with said government.

"Mr. CRAIGE, of North Carolina. I hope that the resolution will be permitted to pass, as I doubt not it is the wish of all of us that peace shall be preserved.

"Mr. FARNSWORTH. I object; and move that it be referred to the Committee on Patents. [Laughter.]

"Mr. CRAIGE, of North Carolina. I move that it be referred to the Committee on Foreign Affairs.

"The question was taken; and the joint resolution was referred to the Committee on Foreign Affairs."

Thus, Mr. Speaker, on the 11th day of February, 1861, Mr. Craige, an avowed secessionist, who was in favor of dissolving the Union, who carried out his views and went South, proposed, in his place here, a recognition of the confederacy, and to put in that diplomatic gallery an envoy extraordinary from the confederate States. And this resolution was dignified in this House by a reference to the Committee on Foreign Affairs. The gentleman from Indiana [Mr. COLFAX] was present and assented to that reference. He probably voted for it. He moved no resolution of censure, no resolution of expulsion.

There is another circumstance to which I wish to allude. It has been referred to before, but I choose to refer to it again. Mr. Conway, a member from the State of Kansas, in a speech which he made in this House on the 27th day of January, 1863, uses this language, before proposing two resolutions. I read from Congressional Globe and Appendix, third session Thirty-Seventh Congress, part two, page 66 of the Appendix:

"Nevertheless I cannot refrain from expressing my individual opinion that the true policy of the North is to terminate this war at once. The longer it continues the worse our situation becomes. Let the two Houses of Congress adopt the following resolutions:

"*Resolved by the Senate and House of Representatives, &c.*, That the Executive be, and he is hereby, requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy and to act for the future entirely on the defensive.

"*Resolved*, That the Executive be, and he is hereby, further requested to enter into negotiations with the authorities of the confederate States with reference to a cessation of hostilities based on the following propositions: first, recognition of the independence of the confederate States; second, a uniform system of duties upon imports; third, free trade between the two States; fourth, free navigation of the Mississippi river; fifth, mutual adoption of the Monroe doctrine.

"I am aware that this may be said to be giving up the contest. In one respect it undoubtedly is. It is an abandonment, for the time being, of the attempt to bring the South under the sway of the Union by force of arms. But it cannot be denied that in this object we are already defeated; we have defeated ourselves."

Did I ever say as much? Have I admitted that we were defeated? Have I denied the prowess of the Federal Army? Have I denied its ability to exterminate the South? Not a syllable can be pointed out in my speech which looks to any such idea. Have I ever once claimed that the Federal Army was not able to cope with or overpower the confederates and exterminate the southern people? I object to its extermination. I have not admitted, as Mr. Conway did, that we were defeated. I have not been willing to give up the contest in that respect.

And why do I refer to this now? I refer to it, sir, for this purpose: to show that as well on the 11th of February, 1861, as on the 27th of January, 1863, the present Speaker of this House occupied a seat on this floor and heard these resolutions offered. He heard the speech of Mr. Conway. And he, so far as I am advised, moved no resolution of expulsion or of censure against either of those members.

It has been said that what has been declared by the leaders of the Republican party against coercing the States was uttered before the war began and before blood was shed. It is true this gentleman from North Carolina (Mr. Craige) used that language and offered this resolution before blood was shed. Mr. Conway used his language and offered his resolution after we had been engaged in war two years. The Army was as near to the Potomac then as it is to-day. Washington city was surrounded then as it is surrounded now. The President was guarded then in his mansion by armed sentinels as I said on last Friday: he is guarded now. This gentleman (Mr. Conway) said that we had defeated ourselves; and he proposed a recognition of the southern confederacy. He proposed that the President should recognize it. Where was the gentleman from Indiana then? Where was his resolution of expulsion, where his resolution of censure against Mr. Conway? Where was all his virtuous indignation and his loud-sounding patriotism then? Why did he not stop the business of legislation long enough at least to make an effort at expulsion or censure? What is the difference between us, sir?

On the 27th day of January, 1863, the war had progressed for two years; it now has progressed three. On the 27th of January, 1863, the Speaker who now proposes my expulsion was on the floor of the House, and now he is in the Speaker's chair. Because he occupies that position, does it give him any higher right, does it give him any higher power? I think it does not. The only difference between my conduct and that of Mr. Conway, was that he was an abolitionist and I am a Democrat. Therefore I am to be expelled, while he goes without censure or disapprobation. [Applause in the galleries.]

Mr. COX. I hope the Chair will preserve order. [Laughter.] I presume he will not hesitate to clear the galleries now.

Mr. LONG. I came into this House and delivered my speech on Friday. The Speaker of the House knew that I was going to deliver it and manifested much kindness in respect to it. He evinced much disposition to give me the floor. Other gentlemen on the other side of the House knew I was going to deliver it, and I told them I would go a bow-shot beyond anything that had been yet said.

Mr. COLFAX. The gentleman will bear me witness that he never said anything of that character to me.

Mr. LONG. Certainly I did not say that to the Speaker, but I did to a number of gentlemen now in their seats on that side of the Chamber.

Mr. COX. If the gentleman will allow me for a moment, I want to know from gentlemen on the other side of the House whether some of them were not advised when they went into the Hall on Friday last of the precise character of the speech he proposed to make, and that it would be for the recognition of the South?

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 16, 1864. NEW SERIES.....No. 103.

Mr. LONG. I cannot yield further to my colleague.

Mr. COX. I charge that upon the other side of the House, and then that they undertook to circulate the speech. [Laughter.]

Mr. LONG. I will take care of that. I do not yield to my colleague further.

Now, Mr. Speaker, I delivered that speech in this House, as gentlemen have been kind enough to tell me, very well. I thought it was delivered very badly. I was quite dissatisfied with myself for the manner in which it was delivered. During its delivery the Speaker did me the honor to listen to me. My eye was upon him. A gentleman upon the other side of the House, [Mr. ASHLEY,] who knew in advance the character of the speech, gave me his attention; and after I had nearly completed its delivery, after I had laid down my premises, and drawn my conclusions, after I had not only laid the foundations, but nearly erected the superstructure, and the hammer fell as my hour expired, the distinguished Republican from Illinois [Mr. WASHBURNE] rose in his place and asked the unanimous consent of the committee to give me time in which to conclude my speech, and in connection with that request the gentleman is reported, and I believe correctly, as follows:

"As the speech of the gentleman from Ohio is the key-note of the Democratic party in the coming election, I hope there will be no objection to his finishing his speech. It means recognition of the confederacy by foreign Powers, and peace upon terms of disunion."

What says the rule on that point? I find on page 124 of the Rules as follows:

"If any member, in speaking or otherwise, transgress the rules of the House, the Speaker *shall*, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate."

They knew what I said. They heard me say it. The Speaker heard it and did not feel himself obliged to call me to order. Yet the rule of the House is imperative that he *shall* call to order. So far were they from that that they were willing that I should finish my speech. They gave me unanimous consent to finish it. And my colleague from the Toledo district, [Mr. ASHLEY,] as soon as the speech was delivered, put his name upon the list and subscribed for five hundred copies of it to be circulated as treason. [Laughter.] Yes, sir, a number of gentlemen on that side subscribed for it. The gentleman who took upon himself the responsibility of drawing a parallel between Benedict Arnold and myself subscribed for one hundred copies. [Laughter.] Yet while these gentlemen are doing that, while they are willing to put it forth to the country, treasonable as they say it is, they now demand that I shall be censured or expelled for having uttered it. They have not generally subscribed for a Democratic speech.

They have treated me with great consideration. They have given me great notoriety. They could not have given more if I had made one hundred speeches upon this floor of more ability. For the notoriety that they have given me in the last three or four days' proceedings of the House I ought rather to thank than find fault with them. I ought to feel rather complimented than otherwise.

Gold has gone up from 160 to 190. I do not know that my speech has produced it. [Laughter.] There is something mysterious in this matter.

Mr. SCHENCK rose.

Mr. LONG. I cannot yield to my colleague. I never yield to him. I have the utmost respect for almost every other gentleman on that side of the House except my colleague. He does not command in this department. I thank God that he is not a brigadier general on this floor. If he were I should not be permitted to speak to-day.

Mr. SCHENCK, (in a subdued voice.) If I were I would soon send you over the lines. [Laughter near Mr. SCHENCK's seat.]

Mr. LONG. I have, I say, been treated generally with the highest consideration and respect by gentlemen on the other side of the House. But one member on that side of the House, a member from Pennsylvania, formed a notable exception. He said:

"Among the soldiers of Pennsylvania you would not find one in five hundred who would not brain the gentleman for uttering in camp the doctrines he uttered with impunity in this Hall."

That I may do no injustice to a number of gentlemen from that State who have done me the honor to reply to me, I will say that I mean the man who plays Forrest upon this floor for the amusement of the House, [Mr. KELLEY.] [Laughter.] I dislike to refer to anything he has said; I dislike personalities. Pennsylvania is my native State, and I honor her noble sons whether in the field or elsewhere.

Yet, sir, I despise the man who would appeal to the passions of the soldier in the field to turn his back upon the foe worthy of his steel and assail the citizen at home. I despise the man who would say it; and I go further and say that of each five hundred soldiers which Pennsylvania has sent there is not one in whose bosom a nobler heart does not pulsate than ever beat in the breast of him who would drag them down to a base level with himself. [Applause.]

Sir, I regret that I am obliged to refer to these personalities. I do not fear the soldier. He never has offered me offense, and I do not believe he ever will. I have a high regard for his intelligence and his valor; he can distinguish between his real and his pretended friends. He can distinguish between his true friends and those who, with professions on their lips, vote always against either increasing his wages or to ministering to his wants when he is actually in distress. I have in my hand the letter of a soldier, and I propose to read it. I received it this morning, and it is but one of many which I have been receiving daily since last Monday morning, and in approbation of the position I have taken. The soldier says:

BATTERY ——, *April* 13, 1864.

SIR: Will you be so kind as to send to the subscriber two or three copies of your speech of Friday last if you have it in pamphlet form, and much oblige a soldier who fights for free government, free speech, and the Constitution as it is?

With respect, I remain, yours, sincerely,

—— ——.

Hon. A. LONG.

The name of the battery, company, and State to which he belongs, and location, are all given; and I may here say that his State is ably represented on both sides of this Chamber. I omit to give his name, company, &c., lest he might be reprimanded by his superior officers.

[Here the hammer fell.]

Mr. COX. I make my motion now to lay the amendment offered by the gentleman from Pennsylvania [Mr. BROOMALL] upon the table.

Mr. MORRILL. I ask the unanimous consent of the House to report from the Committee of Ways and Means a bill providing internal revenue, in order to have it printed.

Mr. COX. I ask my friend over the way to allow my colleague [Mr. LONG] to proceed to the conclusion of his remarks. How much time does my colleague want?

Mr. LONG Fifteen minutes.

Mr. COX. My colleague wants only fifteen minutes to conclude his defense.

Mr. COLFAX. I hope the request will be granted.

No objection was made.

Mr. LONG. I thank gentlemen for extending my time. I shall be very brief in my concluding remarks.

Now, sir, I apprehend that gentlemen upon that side of the House have mistaken the character of the American people. I am satisfied that they have placed too low an estimate upon their patriotism and intelligence when they undertake to shut out from them free speech upon this floor. I am willing to trust them with the largest liberty; and I venture to say that had it not been for interfering with free speech, had it not been for opening the door of the bastile for incarcerating men for doing what we have been doing here to-day, we should have been in a better condition to-day, our Government would have been more prosperous, and we would have been nearer the restoration of the Union.

If this principle is to be carried out, why allow the papers from Richmond to come through the lines, and their articles to be copied into our papers and circulated throughout the land? Why are you not willing to allow the people to have light? Why do you propose to keep them in darkness? You call upon them to respond in taxes and in men to carry on this war. While you ask that of them, they want to know what you propose to do; they want to know how you are going to terminate this war; and they want free discussion and free debate. I am willing to trust them. You all think about these matters; if you do not you are not up to the high mission you are charged with in coming here. If you have not reflected how you are going to terminate this issue, if you have no programme, if you are afraid of free discussion, if you are afraid of the expressions of our sentiments, you are not discharging the duty of American statesmen.

I have risked my connection with my party, for they have denounced me, but I have done what I considered to be my duty fearlessly and candidly. I am not willing to believe, so far as I am concerned, that gentlemen upon the other side of the House will strike down free speech in my person.

I have heard reference made to a number of noble Englishmen when our grandfathers were struggling, as mine were, upon the battle-field to achieve our liberties here. I have already heard quoted upon this floor what they said, but I have one quotation which I desire to make which has not been referred to. It will be remembered that after the Declaration of Independence there was almost a unanimity among the English people; the Parliament was united, and the ministers carried their measures by a vote of more than three fourths of the members of that body. And, sir, in the discussion of an address in answer to the Crown, Mr. Fox used this language:

"It has been said that we are reduced to the dilemma of conquering or abandoning America. If that be the alternative, I am for abandonment."

Now, sir, when was that said? It was said in October or November, 1776, after the battle of Long Island and the capture of the city of New York by British arms. It was said, sir, at a time when everything looked favorable to the subjugation of the colonies upon this continent by the British Government. Mr. Fox had the manhood to rise in the British Parliament at that time and declare that if the alternative was presented between conquering the colonies or abandoning them, he was for abandonment; and who ever heard of a resolution offered for censuring him? As early in the history of the Revolution as 1777 Mr. Pitt used similar language in reference to the colonies. He said that in order to save the body he was willing to amputate the limbs, and let the colonies go. Who ever denounced or censured him for using that language?

Again, sir, hear the language of Lord Chatham on the same subject. He said:

"The desperate state of our arms abroad is in part known. No man thinks more highly of them than I do; I love and honor the English troops; I know their virtues and their valor; I know they can achieve anything except impossibilities; and I know that the conquest of English America *is an impossibility*. You cannot, I venture to say it, you CANNOT conquer America." * * * * "MY LORDS, *you* CANNOT *conquer America*." * * * * "As to conquest, therefore, my lords, I repeat it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never, never, never."

Who ever heard of a resolution of expulsion or censure of him for the utterance of those sentiments? These men might have been mistaken. Time and events have proved that they were correct, and that they appreciated the magnitude of the great issue in which their country was involved. But whether they were right or wrong, whether mistaken or not, the British Parliament tolerated that difference of opinion and maintained the freedom of speech. Sir, are we less enlightened to-day, are our people not as intelligent as the English people were then? Can they not discriminate between the truth and error? Cannot they draw the line between patriotism and treason? Can they not rise, as the gentleman from Missouri [Mr. ROLLINS] said, above party politics and look to the interests of their country? They can judge whether a man discussing these great questions is right or wrong. But, sir, give him free speech; do not strike him down in the American Congress; do not strike him down in this enlightened age, in the middle of this nineteenth century, when we boast of our free speech and pride ourselves upon our intelligence and discriminating justice. Let the people decide. Let us go to the people, as the gentleman from Kentucky [Mr. SMITH] proposed. Let the discussion commence here and let it extend to the people.

This great question must be discussed. You may strike me down for having dared to approach it upon this floor—you have the power in point of numbers to do so—but the eyes of the American people are upon you and will hold you to an account for having stifled free speech and the freedom of debate in the Halls of the American Congress. The cant about loyalty has served to conceal your designs and shut out discussion long enough. The people demand light. They have been patient, patriotic, and enduring beyond measure; they are still so; but they want to know what the final result of all this sacrifice of men and treasure is to be, and what form of government they are to live under hereafter. The discussion of these questions is more important to them than who shall be elected President next November.

[Here the hammer fell.]

Mr. COX. I now renew my motion to lay the amendment on the table.

Mr. MORRILL. I ask permission to report from the Committee of Ways and Means a bill to provide internal revenue to support the Government, to pay the interest on the public debt, and for other purposes, with a view to having it printed and made the special order for Tuesday next after the morning hour, and from day to day until disposed of.

Mr. COX. We have no objection, if it can be printed in the mean time.

Mr. MORRILL. It will be printed by to-morrow night.

Mr. KNAPP. I object to its being made a special order. [Cries of "Oh no!" from the Democratic side of the House.]

Mr. MORRILL. I withdraw the motion to make it a special order, and ask merely that the report be received and be printed. I will then ask that it be postponed until Tuesday next.

No objection being made, the bill was read a first and second time by its title, ordered to be printed, and its further consideration was postponed until Tuesday next, after the morning hour.

Mr. COX. I now make the motion to lay the amendment on the table.

The SPEAKER *pro tempore*. The Chair would inform the gentleman from Ohio that there is no amendment pending.

Mr. COX. I had overlooked the fact that the Speaker had accepted the amendment of the gentleman from Pennsylvania, [Mr. BROOMALL.] I move, then, to lay the resolution on the table, and on that motion I demand the yeas and nays.

Mr. ELDRIDGE. I wish to say to my friend from Ohio that it was the understanding upon this side of the House that if the Speaker desired to reply to the speech of the member from the second district of Ohio [Mr. LONG] he should have an opportunity to do so. I hope that opportunity will be extended to him now.

Mr. COLFAX. Mr. Speaker, experience has warned me not to ask unanimous consent of the House. I decline to ask it.

The question was taken on Mr. Cox's motion; and it was decided in the negative—yeas 70, nays 79; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Francis P. Blair, Bliss, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Mallory, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Voorhees, Ward, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—70.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Dumont, Eckley, Farnsworth, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Smith, Smithers, Starr, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—79.

So the preamble and resolutions were not laid upon the table.

During the roll-call,

Mr. HUBBARD, of Iowa, stated that he was paired off with Mr. MIDDLETON.

Mr. ANCONA stated that his colleague, Mr. STILES, was paired off with his other colleague, Mr. MOORHEAD.

The question recurred on the adoption of the resolutions.

Mr. HOLMAN called for a division of the question.

The SPEAKER *pro tempore* stated that the vote would be taken first upon the first resolution, as follows:

Resolved, That said ALEXANDER LONG, a Representative from the second district of Ohio, be, and he is hereby, declared to be an unworthy member of the House of Representatives.

Mr. COX. Is it in order to move to amend the resolution by censuring the New York Republican papers that have condemned these proceedings? [Laughter.]

The SPEAKER *pro tempore*. It is not.

Mr. HOLMAN called for the yeas and nays on the first resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 80, nays 69; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Dumont, Eckley, Farnsworth, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Smith, Smithers, Starr, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Wilder, Wilson, Windom, and Woodbridge—80.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Francis P. Blair, Bliss, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Mallory, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Voorhees, Ward, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—69.

So the resolution was adopted.

During the roll-call,

Mr. W. J. ALLEN asked leave to explain his vote.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. FENTON again stated that he was paired off with Mr. WADSWORTH, otherwise he would have voted ay.

Mr. ECKLEY stated that his colleague, Mr. SPALDING, was paired off with Mr. JOHNSON, of Pennsylvania.

The vote was announced as above recorded.

Mr. COLFAX moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. HOLMAN. Mr. Speaker, inasmuch as the first resolution is adopted and the second is of no practical moment, I move that it be laid upon the table.

Mr. COX. I call for the reading of the second resolution.

It was read, as follows:

Resolved, That the Speaker shall read these resolutions to the said ALEXANDER LONG during the session of the House.

Mr. STEVENS. I rise to a question of order. I desire to know whether laying this resolution on the table would carry anything further with it?

The SPEAKER *pro tempore*. In the opinion of the Chair it would not, the first resolution having been adopted.

Mr. COLFAX. At the request of several gentlemen around me, I will, if there be no objection, withdraw the last resolution.

Mr. VOORHEES and others, on the Democratic side of the House, objected.

Mr. COLFAX. Well, sir, I withdraw my request to withdraw the resolution.

MESSAGE FROM THE SENATE.

A message from the Senate was received, by Mr. HICKEY, their Chief Clerk, informing the House that the Senate have passed bills of the House of the following titles:

An act (No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes;

Joint resolution (No. 13) tendering the thanks of Congress to Admiral Porter;

Joint resolution (No. 21) relative to the accounts of petty officers, seamen, and others, of the crew of the United States gunboat Cincinnati;

Joint resolution (No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York; and

An act (No. 144) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

Also, the following, with amendments, in which he was directed to ask the concurrence of the House:

An act (No. 151) making appropriations for the naval service for the year ending June 30, 1865;

An act (No. 206) in addition to an act for the establishment of certain arsenals;

An act (No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of United States Navy," approved July 16, 1862; and

An act (No. 370) to appoint certain officers of the Navy.

Also, that the Senate have passed a bill and joint resolution of the following titles; in which he was directed to ask the concurrence of the House:

An act (No. 187) to carry into effect a treaty between the United States and her Britannic Majesty for the final settlement of the claims of the Hudson's Bay and Puget Sound Agricultural Companies; and

Joint resolution (No. 35) to compensate the sailors on the gunboat Baron de Kalb for loss of clothing.

Also, that the Senate have agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (No. 15) to provide a temporary government for the territory of Montana.

PROPOSED EXPULSION OF A MEMBER—AGAIN.

The question recurred on the motion to lay the second resolution on the table.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 71, nays 69; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Ancona, Baily, Augustus C. Baldwin, Bliss, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider,

Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Mallory, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, William H. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Smith, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Voorhees, Ward, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—71.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Ambrose W. Clark, Cobb, Cole, Dawes, Deming, Driggs, Dumont, Eckley, Farnsworth, Frank, Garfield, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Schenck, Shannon, Sloan, Smithers, Starr, Stevens, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Wilder, Wilson, Windom, and Woodbridge—69.

So the second resolution was laid on the table.

Mr. HOLMAN moved to reconsider the vote by which the resolution was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. COLFAX. I demand the previous question on the preamble.

The previous question was seconded, and the main question ordered to be put.

Mr. HOLMAN. I call for a division of the question on the preamble.

The SPEAKER *pro tempore*. The preamble will be read, and the gentleman will designate the point at which he proposes it shall be divided.

The Clerk read the preamble.

Mr. HOLMAN. It does not seem to be divisible, and I withdraw my call for a division.

Mr. COX. I think it is very properly divisible by striking out all after "whereas" and leaving that standing. [Laughter.]

Mr. HOLMAN. I call for the yeas and nays on the preamble.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Dawes, Driggs, Dumont, Eckley, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Smith, Smithers, Starr, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Wilder, Wilson, Windom, and Woodbridge—78.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Bliss, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Benjamin G. Harris, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Lazear, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, John O'Neill, Pendleton, Perry, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Voorhees, Ward, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—63.

So the preamble was agreed to.

Mr. COLFAX moved to reconsider the vote by which the preamble was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INDIAN APPROPRIATIONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a communication from the Secretary of the Interior recommending an appropriation for the Sioux and Winnebago Indians of the upper Missouri, removed from Missouri; which was referred to the Committee of Ways and Means, and ordered to be printed.

PROHIBITION OF GOLD SALES.

Mr. STEVENS asked consent to report from the Committee of Ways and Means a bill to prohibit certain sales of gold.

Mr. COX. I object to that bill.

Mr. J. C. ALLEN. I move that the House adjourn.

The motion was disagreed to—ayes 60, noes 64.

Mr. WILSON. I hope the gentleman from Ohio will withdraw his objection to this bill.

Mr. COX. I cannot; and I move that the House do now adjourn.

The motion was agreed to—ayes 58, noes 54.

And the House accordingly (at five o'clock and forty minutes, p. m.) adjourned.

IN SENATE.

FRIDAY, *April* 15, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented seven memorials of the Legislature of the State of Wisconsin in favor of the establishment of certain mail routes in that State; which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Legislature of Wisconsin in favor of such a modification of the internal revenue law as will place the capital invested in the manufacture of agricultural implements on a level with capital invested in other branches of business; which was referred to the Committee on Finance, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin in favor of an appropriation to meet the requirements of the act of the 3d of March, 1864, giving a bounty of $100 to wounded soldiers discharged from the service before the expiration of two years from the time of their enlistment; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HENDRICKS presented the memorial of officers of the Peru and Chicago Railway Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. ANTHONY presented a memorial of the president of the Providence, Warren, and Bristol Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. DIXON presented a memorial of the president of the Housatonic Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. COWAN presented a memorial of the officers of the Alleghany Valley Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. MORGAN presented a memorial of the president of the New York and New Haven Railroad Company, and a memorial of the New York, Providence, and Boston Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. HARRIS presented a memorial of the Rensselaer and Saratoga Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. JOHNSON presented the petition of James R. Baylis, of Baltimore, Maryland, praying for an appropriation to enable him to test, under the direction of the Secretary of the Navy, his invention of an improved "cone propeller;" which was referred to the Committee on Naval Affairs.

Mr. SHERMAN presented a memorial of the Cleveland and Toledo Railroad Company, a memorial of the Bellefontaine Railroad Company, and a memorial of the Cincinnati and Zanesville Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented a memorial of the Lexington and Frankfort Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. CLARK presented additional papers relating to the memorial of Alfred Spink and Daniel Wolf; which were referred to the Committee on Claims.

Mr. BUCKALEW presented additional papers relating to the petition of Rhoda Wolcott; which were referred to the Committee on Pensions.

Mr. SUMNER. Mr. President, I have on my desk a petition in the following words:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the United States, believing slavery the great cause of the present rebellion, and an institution fatal to the life of republican government, earnestly pray your honorable bodies to immediately abolish it throughout the United States, and to adopt measures for so amending the Constitution as forever to prohibit its existence in any portion of our common country.

This petition is signed by forty-one thousand two hundred and eighteen men and women, coming from all of the free States, and some of them also from slave States, as follows: Louisiana, Maryland, Florida, and South Carolina. From Pennsylvania there are more than fifteen thousand petitioners; from New York more than eight thousand. I will not read the list. As one part of the prayer of this petition is still before a committee of this body, I ask that the petition be referred to that committee—the select committee on slavery and freedmen.

The VICE PRESIDENT. That reference will be made.

Mr. MORRILL. I beg leave to present a memorial of the colored citizens and tax-payers of the District of Columbia, who say that they are tax-payers to no inconsiderable amount, but have no voice in the disposition of the proceeds of their labor; that their loyalty has never been questioned; that they have in the field two regiments of volunteers, and a third is in the course of formation; and they respectfully present their claims for the right of suffrage. As that subject is under consideration before the Senate, I move that this petition lie on the table.

The motion was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. WILSON, it was

Ordered, That William Ruffman have leave to withdraw his petition and other papers from the files of the Senate.

REPORTS FROM COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred papers relating to the naval services of Captain S. B. Bissell, of the United States Navy, asked to be discharged from their further consideration; which was agreed to.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution to print one thousand copies of the report of the engineer of the Washington aqueduct, reported in favor of printing the same.

The report was concurred in.

Mr. HENDRICKS, from the Committee on Claims, to whom was referred a joint resolution (S. No. 8) for the relief of the State of Wisconsin, reported it with an amendment, and submitted a report; which was ordered to be printed.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred a bill (H. R. No. 119) to regulate the admeasurement of tonnage of ships and vessels of the United States, reported it with amendments.

Mr. FOSTER. The Committee on Pensions, to whom was referred the petition of Jane B. Carver, widow of Rev. Robert Carver, chaplain of the seventh regiment of Massachusetts volunteers, have directed me to report the same back and to ask that the committee be discharged from the further consideration of the petition, a general law now having been passed which will meet the petitioner's case.

The report was agreed to.

Mr. FOSTER. The same committee, to whom was referred the petition of Susan W. Dunmore, widow of Rev. George W. Dunmore, chaplain of the first regiment of Wisconsin cavalry, praying for a pension, have instructed me to ask that the committee be discharged from the further consideration of the petition, for the same reason.

The report was agreed to.

Mr. FOSTER. The same committee, to whom was referred the petition of certain soldiers, setting forth that they volunteered and enlisted in the service of the United States for the term of

nine months in the autumn of 1862, and that at the time of their enlistment they understood and believed that they were to receive a bounty of twenty-five dollars when mustered into service, according to the act of Congress, approved July 17, 1862, have instructed me to report the same back, and to ask that the committee may be discharged from its further consideration, and that it may be referred to the Committee on Military Affairs and the Militia, it being, in the judgment of the committee, more proper to be disposed of by that committee than the Committee on Pensions.

The report was agreed to.

BILLS INTRODUCED.

Mr. HOWARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 235) to amend the statute of limitations now in force in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FOSTER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 43) authorizing the settlement of the accounts of the late Captain Daniel Hebard, of the United States volunteers; which was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

BILL RECOMMITTED.

Mr. HENDRICKS. House bill No. 371, for the relief of the settlers upon certain lands in California, has been reported by the Committee on Public Lands to the Senate with a recommendation that it pass. I think a further investigation of the bill by the committee will save the time of the Senate. I therefore move that it be recommitted to the Committee on Public Lands.

The VICE PRESIDENT. If there be no objection, the bill will be considered as before the Senate, and that reference will be made.

DESTRUCTION OF PROPERTY BY THE ARMY.

Mr. DAVIS. I ask leave to make an inquiry of the chairman of the Committee on Claims. On the 11th of February last a bill (S. No. 113) to provide for ascertaining and adjusting claims against the Government for injury or destruction of property by the Army of the United States or by military authority during the present rebellion, and for settling the claims of Kentucky against the United States, was referred to the Committee on Claims. I desire to ask the chairman of that committee when the committee will probably report the bill. It is now upward of two months since it was referred to that committee. It is an important bill to sundry of the States, and I should be obliged to him and his committee, for myself and for my people, if they would make an early report upon it.

Mr. CLARK. I think we shall be able soon to come to the consideration of that bill. The Committee on Claims keep a regular docket of the matters referred to them and take them up in their order. I think we have very nearly worked up to that bill, and we shall take it up in its order.

Mr. DAVIS. That is a very satisfactory answer, to be sure.

Mr. CLARK. I think we shall reach it very soon.

LOUIS ROBERTS.

Mr. WILKINSON. I move to take up the bill (S. No. 234) for the relief of Louis Roberts.

The motion was agreed to; and the bill was read a second time and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Louis Roberts the sum of $2,740 99, that being the amount of money advanced by him, out of his own means, to replace certain Indian indemnity goods accidentally destroyed by fire in November, 1855, while being transported by him from St. Paul, Minnesota, to Redwood Agency, for R. G. Murphy, United States Indian agent for the Sioux Indians in Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH FORD.

Mr. HARRIS. I move that the Senate proceed to the consideration of House bill No. 228.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county, Minnesota.

The bill was reported to the Senate without amendment.

Mr. HARLAN. I have only to say that there is no precedent, I think, in the laws of the United States for any such grant.

Mr. FESSENDEN. Is there a report accompanying the bill?

Mr. HARRIS. Yes, sir.

Mr. FESSENDEN. I should like to have it read.

The Secretary read the report. It appears that in the year 1855 Joseph Ford, the memorialist, filed a preëmption claim to the south half of the northeast quarter, and the southeast quarter of the northwest quarter, and the northwest quarter of the southeast quarter of section six in township one hundred and eleven of range nineteen in Rice county, in the State of Minnesota, containing one hundred and sixty acres of land. In the year 1858 Ford purchased, in good faith, a land-warrant (No. 77868) for one hundred and sixty acres, and paid for the same the sum of $200; and under it he located and entered the lands above described in the land office at Henderson, Minnesota, which entry was approved and allowed by the Land Office. Subsequently he expended about twelve hundred dollars in improvements upon the land, and put under cultivation a large portion of the whole and some portion of each forty acres. In March, 1863, he was notified that the warrant under which he had entered and located the lands had been procured by false and forged papers, and that it had been canceled with permission to him to substitute a valid warrant of the same grade, or to enter the lands with cost within ninety days from the date of such notice. Soon after this Ford volunteered as a soldier in the Army, and has been in the military service ever since; and owing to the failure of his crops, sickness in his family, and the neglect of his farm, consequent upon his going to the war, he has been, and still is, unable to procure the means wherewith to purchase another warrant as required, or to enter the lands with money. There is every prospect, therefore, that he will lose his lands and the valuable improvements which he has made unless Congress shall interfere for his relief.

This is a case which, in the opinion of the committee, presents the strongest appeal to the generosity of the Government. A citizen of the United States who has volunteered to serve in the ranks in defense of his country, who has abandoned his family and his home for that purpose, is in danger of beholding his hard-earned home swept away from him, and his family left without shelter or means of support, not by any fault of his, but by reason of the negligence of the officers of the Government who had issued and put into circulation a land-warrant which, after it has been several times sold and assigned, it is now discovered was originally obtained by false and forged papers. There was nothing whatever on the face of this warrant to put a purchaser upon his guard. It was to all appearances as good a warrant as any issued by the Government. Ford paid his money for it in good faith, and with it purchased the house, which he improved, and in which his family now reside. The warrant, it is true, was not a negotiable instrument, but in view of the well-settled principle that where one of two parties must suffer from the wrongful and fraudulent act of another, he shall be made the loser whose negligence gave occasion for the successful perpetration of the fraud rather than an innocent person, it may well be doubted whether Ford's equity to be protected against the consequences of the negligent acts of the officers of the Government would not outweigh the legal title of the United States. But however this may be, the soldier who is away from home engaged in fighting the battles of his country has a right to expect that that country will not under circumstances such as these which have been detailed take from him the last refuge of his wife and children. The committee therefore say that they cannot hesitate a moment in recommending that the United States relinquish all claim to the lands entered and located by Ford under the warrant, and that his title thereto be fully and absolutely confirmed.

Mr. HENDRICKS. I desire to call the attention of the chairman of the Committee on Public Lands to the difference between this case and the cases that ordinarily arise. If a person purchases a land-warrant which is a forgery, he takes it upon his own risk; the Government has never issued the document; or if he purchases a land-warrant the assignment of which is a forgery, he takes it upon his own risk, for there is no genuine instrument upon which he relies. But in this case, as I understand the report, the warrant itself which he purchased was a genuine one, but the Government had been misled by false and fraudulent papers in issuing the warrant; and, acting upon the faith of the Government itself, the party purchased. I think it is different from the ordinary cases which the chairman of the Committee on Public Lands has been called on to consider in that respect.

Mr. COLLAMER. I never heard of this case until now; but as I attended to the reading of it, it seems to me to be a case calling very distinctly on us for the passage of the bill. I agree fully with the distinction taken by the Senator from Indiana. The warrant was a genuine warrant, issued by the Government. It was assigned and passed into the market, and was purchased in good faith by the petitioner, and used in paying for his land which he entered. Now it may be that the Government can say, "We were deceived by the papers that were filed by which this warrant was procured from us, and so we are going to vacate the warrant and all the consequences of entry under it." I do not know but that the Government have power to do that, but it is a great abuse of power. Nor do I believe any court governed by any principle of justice would say that the Government could vacate a paper genuine on its face after it passed into the market, and they had received it in payment for their land. It is not because the man is a soldier or because he is poor, but it is good faith in this Government to take that paper which they themselves issued, and which the man honestly bought.

Mr. HARLAN. I have no personal interest one way or the other, nor do I care personally whether this bill shall pass or not. I felt it, however, to be my duty to notify the Senate that it would establish a new class of claims. What is this? Somebody alleges that John Doe served the United States as a soldier, and forges his name to the papers and gets a land-warrant in his name, and the party to whom it is delivered assigns the warrant and goes into the market and it is sold to somebody else. John Doe was dead; he never applied for the warrant in fact, but somebody applied for it in his name; the whole thing is a fraud from the beginning. It goes into the market and somebody attempts to locate it on a piece of land, and it is returned to the Land Office. In the mean time the fraud is discovered. John Doe, if he ever did serve as a soldier, was dead, and had no ability to apply for the warrant. Now, if Congress comes in and directs the Commissioner of the General Land Office to authorize the location of all such land-warrants, it will require a very large quantity of public lands to take them up. It will be in fact making valid all these warrants. There are very few of them that are rejected on account of fraudulent assignments that were not frauds in the beginning, that were not procured on fraudulent papers and sent to the men that perpetrated the fraud and forgery in the beginning.

Mr. DOOLITTLE. I understand this distinction to exist in relation to a paper which is assignable like a promissory note or a land-warrant, assignable from hand to hand: if it has once been put in circulation, no matter by what fraud it is assigned and transferred afterwards, the holder has a right to derive his benefit under it; but if the act by which it was issued consists of a felony, a forgery or a perjury, the thing has never been issued, and never got into circulation in the eye of the law. No thing can get valid existence which is born in crime; and therefore if a man comes to me and by forgery obtains my note payable to bearer, or by any act which of itself is a crime at the common law, as perjury, obtains my promissory note, that note is not in circulation if I deliver it to him.

Mr. JOHNSON. That is not the case.

Mr. DOOLITTLE. I understand the clear

distinction between what is denominated a crime and obtaining it simply under what you call ordinary false pretenses, or an ordinary fraud or a cheat. The distinction is a valid one, and (certainly I am not mistaken in this) it is very clearly recognized in all the authorities on that subject. I believe I can show that where a paper is obtained through crime it has no circulation; it never is put in circulation legally. But if it is once obtained without crime, so that it goes into circulation, then whoever has it is entitled to the benefit of it. Hence, if this paper was actually obtained from the Government by forgery or by perjury, it never took effect against the Government.

Mr. COLLAMER. If the United States can vacate their warrants which are out in the community circulating among the people, and purchased by them for the purpose of locating land with them, by saying that the Government was deceived in the manner in which they were procured, all the land-warrants are good for nothing, and no man can tell whether he has a warrant with which he can locate land or not. He may know it has a genuine seal to it; he may know that it has a genuine signature; he may know that it has been regularly entered and stands on record; but all that is no security after all; and if at any time, ten, twenty, thirty years afterwards, the Government gets at evidence by which it appears that the officers were deceived in its issue, it is subject to be vacated. In this way men's land may be lost all over the country, and all the lands which have been located with warrants are, if you please, set up and drifted to the four winds of heaven, and no man who has located land with a warrant can tell whether he has any title or not. Not only the men who located land with warrants, but the men who purchased lands of those who so located them, are all liable to have their titles vacated.

I do not believe in the soundness of a doctrine which thus throws open all the titles of the United States which have been obtained by land-warrants anywhere and everywhere; nor do I believe in the policy of it. I understand some gentlemen to say that such things have been done. I merely say that when they come before a tribunal of which I am a member they cannot receive my approbation. I cannot give my vote to say that the Government have any such power, or if they have the power that they have any right to exercise it in this fraudulent manner upon the community.

Mr. DOOLITTLE. I wish to put a question to my honorable friend from Vermont. Suppose these land-warrants have never been delivered, but are stolen out of the safe of the Secretary of the Interior.

Mr. COLLAMER. That is not an analogous case.

Mr. DOOLITTLE. Whether they are stolen or obtained by perjury makes no difference, if they are obtained through a felony. A paper obtained through a felony never has any circulation. Such is the common law, and such is the decision of the courts of New York and of all the courts of all the States that I have ever examined. They uniformly hold that if an instrument has its inception in crime it has no inception whatever. That is just the distinction. If it once has a valid inception so that it is valid in the hands of anybody, then it may be transferred from hand to hand and whoever has it has the right to avail himself of it; but the difficulty is, that where it originates in a crime it takes no legal origin whatever, it is no instrument any more than if it were forged.

Mr. JOHNSON. The honorable member from Wisconsin is almost so uniformly right that I am surprised he should have fallen into such a legal mistake as he has been betrayed into. If I understand him, he tells us that nothing which gets into existence fraudulently can at any time thereafter have any legal validity.

Mr. DOOLITTLE. I did not say "fraudulently."

Mr. JOHNSON. "By crime." That is rather a fraud, I think. Does the honorable member mean to say that if by misrepresentation or fraud of any kind, no matter how gross the fraud may be, he is induced to issue his note, and that note payable to order, and that note comes into the hands of a *bona fide* holder without notice, he may not be compelled to pay it?

Mr. DOOLITTLE. I do say that if it is obtained from me by a crime amounting at the common law to felony, it never in the eye of the law has passed from my hands to take validity or effect in the hands of anybody.

Mr. JOHNSON. I hope the Senator's notes will never get into circulation if he is under that impression, for he would find himself corrected.

Mr. DOOLITTLE. If obtained by a fraud less than a felony at the common law, by a mere cheat, then they do take effect.

Mr. JOHNSON. I suppose if anything in the world can be clear, it is that whoever issues and sends into the market a *chose* in action which may be purchased, it is not for him to say, as between himself and the innocent holder of it afterwards, that he was deceived. It is his business not to be deceived, and the public have a right to rely upon the fact that he was not deceived. How are the citizens of the United States to know, when they are dealing with these warrants, whether they have been fairly obtained at the Land Office or not? Whose province is it, by the law, to know that the person in whose name the land warrant is issued is not entitled? Is it I who go into the market, being told by the Government that if I become the holder of their warrants I can use them in acquiring title to lands of the Government, or is not the Government? Can they in a forum of conscience say to me, "We have been deceived, and because we have been deceived we claim the right to deceive you; because we have been defrauded, it justifies us in defrauding you?"

If it be true that this is but one of many cases, then I say, with the honorable Senator from Vermont, in all such cases the Government could be forced to do justice if there was any forum before whom the Government could be sued, and the Senate of the United States, which is equally bound to do justice between the Government and the citizen, is bound to see that justice in such cases is done. But the circumstances of this case, independent of the mere question of law, appeal to the generosity, to say nothing of the justice of the Government. This poor man, relying honestly that the officers of the Government had done their duty in putting this warrant afloat, purchased it, and after he laid out all his small means he discovers, after getting into the Army and periling his life in our defense, that he is about to lose the land which he thought he had honestly bought, and which he did, as between the Government and everybody else, honestly buy. Is it not, independent, I say, of all question of mere legal right, incumbent on the Government to make good the loss, if there is to be loss?

Mr. POMEROY. I believe that title to land located by land warrants is not precisely, even under the ruling of the Department, what the Senator from Vermont intimates. The manner of disposing of land warrants is after this fashion: the local officer receives the warrant and he issues simply a certificate of location, and it is sent to Washington. There the warrant is examined before the issuing of the patent; and if on the examination the warrant is found to be fraudulent, or if the papers upon which the warrant was issued were fraudulent, they do not issue the patent. They cannot go behind a patent issued; but the location is not patented; the transaction is not completed until the Department at Washington has settled the question, and therefore in this case only a certificate of entry was held by the soldier, and he made his improvement while he held simply a certificate of entry. The operation of the land warrant, the fact of its location was not fully completed until a decision at Washington; but when the Government here decided they decided that it was fraudulent. He never had any title to the land except the certificate; it was only going through a trial in the Department.

Mr. COLLAMER. I cannot see how the suggestion made by the Senator from Kansas alters the case. Those persons who make locations with warrants go into possession, make improvements, sell their rights, transfer them.

Mr. POMEROY. They go into possession before they locate their warrants.

Mr. COLLAMER. They may or may not, as they please.

Mr. GRIMES. Under the laws of the States they are authorized to sell.

Mr. COLLAMER. They do sell. It is an interest capable of being sold, and it is sold every day. The location which is made, whether they take possession or not, is transferable in the market, and no doubt is transferred daily.

Mr. WILKINSON. The title in the case of an entry by land warrant is precisely the same as in the case of an entry with money. Frequently where the land is entered with money, two, three, or four years elapse before the patent issues. The one title stands on the same basis as the other.

Mr. COLLAMER. Whether the land is located with a warrant or with money, the party may transfer his right, and it is done daily.

Mr. WILKINSON. Our people deal with the land after the entry just as they do after the patent issues.

Mr. COLLAMER. I take it that in all the new States where they have public lands, the man who enters the land is treated by the State governments precisely as if he had a complete title. I do not see how the United States are going to get along any better by saying "We will not vacate all the lands located with land warrants to which we have given patents, but we will confine ourselves not to punishing the man who got the warrant but to cheating all who bought the warrant in the market, all who sold it, until the time when the patent finally issues; we will have as large and wide a field as that any way." That does not help the matter to my sense of justice.

Mr. HENDRICKS. Mr. President——

The VICE PRESIDENT. The morning hour has expired.

Mr. HARRIS. I hope the vote will be taken on this bill.

The VICE PRESIDENT. There is no special arrangement for to-day, but the morning hour has expired.

Mr. SHERMAN. This matter does not seem to be very well understood, and I think it had better go over and come up in the morning hour to-morrow.

Mr. RAMSEY and Mr. WILKINSON. Oh, no; let us pass it now.

Mr. FESSENDEN. If this question can be settled without further debate, I have certainly no objection; but I gave notice yesterday that I should ask the Senate to-day to proceed with some measures from the Committee on Finance.

Mr. RAMSEY. I hope the Senator from Ohio will allow us to vote.

Mr. SHERMAN. I have no objection to a vote being taken.

Mr. FESSENDEN. This matter is well understood now.

The bill was ordered to a third reading, and was read the third time.

Mr. GRIMES. I call for the yeas and nays on the passage of the bill. [Oh! no.] This is a much more important question than Senators apprehend. It is going to affect hundreds, and I think thousands of cases. I cannot vote on this bill myself, because twelve years ago I had two land warrants that I obtained for a valuable consideration. They had been obtained, as it turned out, exactly as this one was. I located them upon lands, and the entry was afterwards set aside. I was cheated out of the lands and out of the warrants. I always thought the Government was wrong in doing it, but I had no method of appealing to anybody. I could not get any relief; and now this is going to be a settlement of that question in such a way, I think, that it will affect the decision at the Interior Department; therefore I want to have it settled by a yea and nay vote.

The yeas and nays were ordered.

Mr. HENDRICKS. Before a vote is taken, I think it my duty to state to the Senate one important fact. The acts of 1847 and of 1855 authorized the assignment of land warrants according to such forms and regulations as the Secretary of the Interior might adopt. The Secretary of the Interior adopted his forms, and it became a usage of the Department to allow the assignments of those land warrants to be made in blank, the name of the assignee was left in blank, and they passed from hand to hand like any negotiable instrument by delivery. The instrument came into the hands of this man according to that usage of the Department, and I think it is as obligatory upon the Government to respect that instrument as it is upon the party that gives a negotiable instrument according to the law-merchant to respect it.

Mr. FESSENDEN. I wish simply to say in

reply to my friend from Iowa, that if any number of cases precisely like this can be presented, I shall vote for them; not alone on the mere question of assignment, but upon the other circumstances connected with the case, the man being a soldier, and the particular condition in which he has been placed.

Mr. RAMSEY. This man is a soldier with a large family, and very poor. He expended $1,200 for the improvement of this property. After five years, he is informed that his warrant is void, and he is required to give up the land or pay for it again. In his desperation, he enters the Army, but he finds he can make no advance there toward accumulating the money to buy a new warrant, as he gets but thirteen dollars a month, and his family at home are entirely dependent upon their neighbors. I trust that the Senate will sustain the bill as it came from the House of Representatives.

The question being taken by yeas and nays, resulted—yeas 36, nays 2; as follows:

YEAS—Messrs. Brown, Chandler, Clark, Collamer, Cowan, Davis, Dixon, Fessenden, Foster, Hale, Harding, Harris, Henderson, Hendricks, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Powell, Ramsey, Sauisbury, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, and Wilson—36.

NAYS—Messrs. Doolittle and Harlan—2.

So the bill was passed.

LAND GRANT TO WISCONSIN RAILROADS.

Mr. DOOLITTLE. I desire to call up a bill which will lead to no discussion whatever. It will not take over five minutes, or ten minutes at the outside, to pass it. If there is any discussion upon it I will give way at once, but I believe there will be no discussion whatever. The reason why I ask that it be called up now is that the honorable Senator from Iowa, [Mr. HARLAN,] the chairman of the Committee on Public Lands, having charge of the bill, I understand, is under the absolute necessity of leaving the Senate for some days. I hope, therefore, the Senate will allow me to take up the bill. It is Senate bill No. 160.

Mr. SHERMAN. It is deemed of great importance for the Senate to pass to-day the bill I reported yesterday; but upon the statement made by the Senator from Wisconsin that the bill to which he alludes will not give rise to debate, and if it does give rise to debate or objection he will allow it to pass over, and allow the bill I have charge of to be taken up, I shall make no objection to his motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 160) to grant aid for the construction of certain railroads in Wisconsin.

Mr. DOOLITTLE. The Committee on Public Lands reported the bill with an amendment in the nature of a substitute. I suggest, therefore, that the Secretary omit reading the bill and read only the substitute.

The VICE PRESIDENT. That course will be pursued, if there be no objection.

The Secretary read the amendment of the Committee on Public Lands, to strike out all of the original bill after the enacting clause, and to insert the following in lieu thereof:

That there be, and is hereby, granted to the St. Croix and Lake Superior Railroad Company, in the State of Wisconsin, for the purpose of aiding in the construction of a railroad from a point on the St. Croix river or lake, between townships twenty-five and thirty-one, to the west end of Lake Superior, and to Bayfield, every alternate section of land designated by odd numbers, for ten sections in width on each side of said roads, deducting any and all lands that may have been granted to the State of Wisconsin for the same purpose by the act of Congress of June 3, 1856, upon the same terms and conditions as are contained in the act granting lands to the State of Wisconsin to aid in the construction of railroads in said State, approved June 3, 1856. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections or parts thereof, granted as aforesaid, or that the right of preëmption or homestead has attached to the same, then it shall be lawful for any agent or agents, to be appointed by said company, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, as much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead has attached as aforesaid, which lands (thus selected in lieu of those sold, and to which preëmption or homestead right has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said railroad company for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of the said roads, nor shall such selection or location be made in lieu of lands received under the said grant of June 3, 1856, but such selection and location may be made for the benefit of said company, and for the purpose aforesaid, to supply any deficiency under the said grant of June 3, 1856, should any such deficiency exist.

SEC. 2. *And be it further enacted*, That there be, and is hereby, granted to the Tomah and Lake Saint Croix Railroad Company, of the State of Wisconsin, for the purpose of aiding in the construction of a railroad from the town of Tomah, in the county of Monroe, in said State, to the Saint Croix river or lake, between townships twenty-five and thirty-one, every alternate section of land designated by odd numbers for ten sections in width on each side of said roads, deducting any and all lands that may have been granted to the State of Wisconsin for the same purpose, by the act of Congress granting lands to said State to aid in the construction of certain railroads, approved June 3, 1856, upon the same terms and conditions as are contained in the said act of June 3, 1856. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any sections, or parts of sections, granted as aforesaid, or that the right of preemption or homestead has attached to the same, then it shall be lawful for any agent or agents to be appointed by said railroad company to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, as much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the right of preëmption or homestead has attached, as aforesaid, which lands (thus selected in lieu of those sold, and to which preëmption or homestead right has attached as aforesaid, together with sections and parts of sections, designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said railroad company for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of the said road, nor shall such selection or location be made in lieu of lands received under the said grant of June 3, 1856, but such selections and locations may be made for the benefit of said company, and for the purpose aforesaid, to supply any deficiency under the said grant of June 3, 1856, should any such deficiency exist.

SEC. 3. *And be it further enacted*, That there be, and is hereby, granted to the State of Wisconsin, for the purpose of aiding in the construction of a railroad from Berlin, on the Fox river, in a northwestern direction, to Bayfield, on Lake Superior, every alternate section of land, designated by odd numbers, for ten sections in width on each side of said road, upon the same terms and conditions as are contained in the act granting lands to said State to aid in the construction of railroads in said State, approved June 3, 1856. But in case it shall appear that the United States have, when the line or route of said road is definitely fixed, sold any sections or parts thereof, granted as aforesaid, or that the right of preëmption or homestead has attached to the same, that it shall be lawful for any agent or agents of said State, appointed by the Governor thereof, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections above specified, as much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of preëmption or homestead has attached as aforesaid, which lands (thus selected in lieu of those sold and to which the right of preëmption or homestead has attached as aforesaid, together with sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by said State, or by the company to which she may transfer the same, for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than twenty miles from the line of said road.

SEC. 4. *And be it further enacted*, That the sections and parts of sections of lands which shall remain to the United States within ten miles on each side of said roads shall not be sold for less than double the minimum price of the public lands when sold; nor shall any of the said reserved lands become subject to private entry until the same have been first offered at public sale at the increased price.

SEC. 5. *And be it further enacted*, That the time fixed and limited for the completion of said roads in the act aforesaid of June 3, 1856, be, and the same is hereby, extended to a period of five years from and after the passage of this act.

SEC. 6. *And be it further enacted*, That any and all lands reserved to the United States by any act of Congress for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, be, and the same are hereby, reserved and excluded from the operation of this act, except so far as it may be found necessary to locate the route of such railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 7. *And be it further enacted*, That whenever the companies to which this grant is made, or to which the same may be transferred, shall have completed twenty consecutive miles of any portion of said railroad, supplied with all necessary drains, culverts, viaducts, crossings, sidings, bridges, turn-outs, watering places, depots, equipments, furniture, and all other appurtenances of a first-class railroad, patents shall issue conveying the right and title to said lands to the said company entitled thereto, on each side of the road, as far as the same is completed, and contemminous with said completed section, not exceeding the amount aforesaid, and patents shall in like manner issue as each twenty miles of said road is completed: *Provided, however*, That no patents shall issue for any of said lands unless there shall be presented to the Secretary of the Interior a statement, verified on oath or affirmation by the president of said company, and certified by the Governor of the State of Wisconsin, that such twenty miles have been completed in the manner required by this act, and setting forth with certainty the points where such twenty miles begin and where the same end; which oath shall be taken before a judge of a court of record of the United States.

SEC. 8. *And be it further enacted*, That the said lands hereby granted shall be subject to the disposal of the companies respectively entitled thereto, for the purposes aforesaid, and no other, and the said railroads be and shall remain a public highway for the use of the Government of the United States, free from all toll or other charge, for the transportation of any property or troops of the United States.

SEC. 9. *And be it further enacted*, That if said road mentioned in the third section aforesaid is not completed within ten years from the time of the passage of this act, as provided herein, no further patents shall be issued to said company for said lands, and no further sale shall be made, and the lands unsold shall revert to the United States.

Mr. HARLAN. I have several amendments that are merely verbal to offer to the amendment reported from the committee. In the first section of the amendment, line nine, before the word "land" I move to insert the word "public;" in line eighteen, after after the word "sold" I move to insert the words "reserved or otherwise disposed of;" in line twenty-three, before the word "lands," I move to insert the word "public."

The amendments to the amendment were agreed to.

Mr. HARLAN. In section two, line seven, before the word "land" I move to insert the word "public;" in line eight strike the letter "s" from the word "roads," so as to make it "road;" in line sixteen, after the word "sold" insert "reserved or otherwise disposed of;" in line twenty-one, before the word "lands," insert the word "public."

The amendments to the amendment were agreed to.

Mr. HARLAN. In section three of the amendment, line five, before the word "land" I move to insert the word "public;" in line twelve, after the word "sold," to insert the words "reserved or otherwise disposed of;" in line eighteen, before the word "land," insert the word "public."

The amendments to the amendment were agreed to.

Mr. HARLAN. In section eight of the amendment, line twelve, after the word "shall," I move to insert the words, "when patented as provided in section seven of this act;" so that it will read:

That the said lands hereby granted shall, when patented as provided in section seven of this act, be subject to the disposal of the companies respectively entitled thereto, &c.

Mr. HENDRICKS. I doubt whether that amendment ought to be made. I do not think patents issue in these cases. I think the title goes by certificates from the General Land Office.

Mr. HARLAN. But the seventh section of the substitute as drawn provides that patents shall issue as the roads shall be completed.

Mr. HENDRICKS. Then that is a change of policy.

Mr. HARLAN. Yes, sir.

Mr. HENDRICKS. Very well; I shall not object.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. At the suggestion of some Senators, I propose to amend the third section by inserting after the word "Bayfield," in the fourth line, the words, "and thence to Superior."

Mr. FESSENDEN. I will ask what is the effect of that amendment. I do not understand it. Does it add to the length?

Mr. HENDRICKS. Yes, sir; that will add, I should think, about eighty or ninety miles.

Mr. FESSENDEN. With the same privileges of land, I suppose?

Mr. HENDRICKS. The Senator from Kentucky suggests that it is not quite so much. I am not certain as to the length that will be added by this amendment.

Mr. POWELL. I am not positive as to the length. I have been all through that country, but I do not think it is as much as stated by the Senator.

Mr. HENDRICKS. By water it is about ninety miles.

Mr. POWELL. It is just ninety miles by water.

Mr. FESSENDEN. I do not suppose we people of the East have any interest in this matter, or have a right to say a word about this disposition of the public lands. This may be all very proper and very just. Here is an amendment at the end of the bill to add ninety or one hundred miles of railroad, giving alternate sections of land,

I suppose, on each side of it, without a word being said about it. It is a very queer way of doing business, in disposing of the public domain, to take up a bill here making a grant of land to a railroad, and then add some one hundred miles to the line with the privilege of taking the alternate sections of land on each side of the road, without a word being said about it.

Mr. HENDRICKS. If the Senator——

Mr. DOOLITTLE. If my friend from Indiana and my friend from Maine will allow me I will make this suggestion: this question is an important one, and should be considered carefully. As a matter of course, we desire the Senate fully to understand what it is. I suggest, therefore, that this bill lie over until the bill which the Senator from Ohio has charge of shall be disposed of, and then we can resume its consideration.

Mr. FESSENDEN. I have an appropriation bill that I desire to take up after that. At any rate, I think this subject ought to be very well understood before it is disposed of.

Mr. DOOLITTLE. The Senator from Indiana can go on and explain it now, if there is no objection to proceeding with it now.

Mr. HENDRICKS. Certainly. I acquiesce in the suggestion of the Senator from Wisconsin inasmuch as he is an interested party; but I desire to say to the Senator from Maine that this amendment is not for the first time brought to the attention of the Senate. The original bill as introduced by the Senator from Wisconsin [Mr. DOOLITTLE] proposed that the road should run from Berlin to Bayfield and up to Superior. The committee struck that out.

Mr. FESSENDEN. Did not that occasion a great deal of debate in the Senate when the bill was up before?

Mr. HENDRICKS. Not at all, sir.

Mr. FESSENDEN. The reason why I objected to the amendment was this: it seemed to be passing without a word being said anywhere upon it, and it struck me as a little singular that one hundred miles of railroad with the privilege of taking the alternate sections of land along the line of the road should be authorized by a mere amendment added to the bill without objection.

Mr. HENDRICKS. The bill as introduced by the Senator from Wisconsin provided that the road should run from Berlin to Bayfield and Superior. The committee struck off that part between Bayfield and Superior.

Mr. FESSENDEN. I ought to apologize to the Senate for making a suggestion in regard to the disposition of the public lands in the West. I do not suppose that we in the East really have the slightest interest in it.

Mr. HOWE. I suggest that the Senator from Maine have leave to express his opinions on the question of the disposition of the public lands. [Laughter.]

Mr. DOOLITTLE. I entirely agree with the Senator from Maine, that it is perfectly right and proper that he and every Senator should understand this measure. I do not object in the slightest degree that he asks that it should be explained to him. We are perfectly prepared to do it now, or we will wait until the gold bill is passed, and then resume its consideration.

Mr. FESSENDEN. I think we had better go on with that bill.

Mr. DOOLITTLE. We will let this bill pass over, and allow that bill to be taken up, and we can resume the consideration of this bill after that bill has passed. I will bring in a map in the mean time and show the honorable Senator from Maine precisely the state of the case.

The VICE PRESIDENT. The bill will be laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had agreed to the amendment of the Senate to the bill of the House (No. 206) in addition to an act for the establishment of certain arsenals.

The message further announced that the House of Representatives had non-concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana; further insisted on its disagreement to the Senate's amendment, and asks a further conference; and that said committee be instructed to agree to no report which authorizes any others than free white male citizens, and those who have declared their intention to become such, to vote; and had appointed Mr. EDWIN H. WEBSTER of Maryland, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. JAMES M. MARVIN of New York, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolutions; which were thereupon signed by the Vice President:

A bill (H. R. No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;

A bill (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes;

A joint resolution (H. R. No. 13) tendering the thanks of Congress to Admiral Porter;

A joint resolution (H. R. No. 21) relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati; and

A joint resolution (H. R. No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York.

TERRITORY OF MONTANA.

Mr. WADE. I rise to what I believe is a privileged motion. I ask to have the action of the House of Representatives on the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana read.

The Secretary read, as follows:

IN HOUSE OF REPRESENTATIVES,
April 15, 1864.

Resolved, That the House non-concur in the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the House (No. 15) to provide a temporary government for the Territory of Montana; further insist on disagreeing to the Senate's amendments and ask a further conference; and that said committee be instructed to agree to no report which authorizes any others than free white male citizens, and those who have declared their intention to become such, to vote.

Ordered, That Mr. EDWIN H. WEBSTER of Maryland, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. JAMES M. MARVIN of New York, be the managers of said conference on the part of the House.

Mr. WADE. That resolution I believe is very unusual, if not altogether unknown in conferences between the two Houses, so far as I know. It precludes the idea of a free conference between the two Houses, taking their resolution as it stands. They non-concur in the report of the committee of conference, and ask another conference, and then they instruct their committee not to agree to a report except upon certain conditions. I do not know what course we ought to take; but on reflection, I think we may make this proposition——

Mr. FESSENDEN. I wish to ask the Senator whether there is any other matter of difference than that very question on which the House instruct their committee. Is not that the only one?

Mr. WADE. That is the only question on which there is a disagreement.

Mr. FESSENDEN. Then the question is whether we shall appoint a committee to agree with the House.

Mr. SHERMAN. I suggest to my colleague that he can move that the Senate recede from its amendments, and that passes the bill, leaving it precisely as it was reported from the Committee on Territories.

Mr. FESSENDEN. I would not do it under those circumstances.

Mr. SHERMAN. They are opposed to negro suffrage.

Mr. FESSENDEN. We are in favor of it.

Mr. SHERMAN. Very well; then the Senate can move to adhere.

Mr. WADE. I do not know that this would be the proper mode of proceeding, but I am inclined to think it would: that we agree with the House so far as to have another conference, but disagree as to the instructions they have given.

Mr. FESSENDEN. We cannot disagree to their instructions.

Mr. WADE. Would it be in order to make the motion I have suggested?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) It is not competent, the Chair understands, for the Senate to alter the instructions of the House to its committee.

Mr. WADE. I do not propose to alter the instructions. That is not my motion. It is that we agree with the House proposition to appoint another committee of conference, but disagree to any instructions they have given to their committee.

Mr. GRIMES. They do not ask us to agree to them.

Mr. WADE. No; they ask us to appoint another committee. They have appointed their committee, and they ask us to do likewise.

Mr. GRIMES. But their instructions to their committee are a wholly independent matter.

Mr. CONNESS. Will the Senator from Ohio permit me to make a suggestion?

Mr. WADE. Certainly.

Mr. CONNESS. I was one of the Senators who voted to amend that bill in a manner disagreeable to the House of Representatives. On that proposition I might have voted to recede, but not now under these circumstances. I suggest to the Senator that a message be returned to the House that the Senate refuse to appoint a committee of conference to meet the committee of the House on the terms proposed in the accompanying resolution. That will present to the House the question whether they will recede from that resolution and meet the Senate in free conference or not. I make that suggestion. I think it is the only proper way for the Senate to maintain itself.

Mr. WADE. So far as this matter is concerned it is to me perfectly novel. I have never known anything of the kind before, although I have not been very conversant with these proceedings.

Mr. FESSENDEN. I wish to make a suggestion. The effect substantially of the instructions is that the House adhere to its former vote. That is just what it means and nothing else; that they will not agree under any circumstances with the views of the Senate. Instead of saying that they adhere, they say that they appoint a conference to meet the Senate, on condition that the Senate will agree to recede, a thing perfectly unheard of; and I think on deliberation the House will be satisfied that it is as my friend from Ohio [Mr. WADE] says, a very unusual course of proceeding. If I made any motion with regard to it, I should move, as due to ourselves under those circumstances, that the Senate refuse to concur with the House in the appointment of another committee of conference, and adhere to their amendment.

Mr. SHERMAN. That would defeat the bill.

Mr. FESSENDEN. Very well, let the bill go.

Mr. SHERMAN. I suggest whether it would not be better to disagree to the conference asked for by the House, and then, in any form of language you choose, to ask the House for an open committee of conference. That would dispense with the resolution of the House, and you would have a conference, and the question would then come up on receding. If it were not for what I consider the rather unmannerly message of the House, I would move that the Senate recede, but I will not make that motion with this resolution of the House before us.

Mr. FESSENDEN. I object entirely to our getting down on our knees to the House about this mode of proceeding. They have sent a message here that they adhere, substantially; and as they choose to adhere, all that is left to us is either to recede or adhere. The idea of having another committee of conference under these circumstances is absurd.

Mr. SHERMAN. We can decline the conference asked for by them, and then ask a conference ourselves.

Mr. WADE. Of course they have precluded us from any conference by stating that the only terms on which they will meet us is that we will agree to their views. That, I suppose, is not very courteous to the Senate; but after all I should be unwilling to lose the bill in this way if it can possibly be saved. I will therefore move, as I did in the first place, that the Senate agree to the conference asked for by the House, the conferees to be appointed by the Chair; but disagree to any instructions to the committee.

Mr. FESSENDEN. That we cannot do; we cannot disagree to their instructions.

Mr. WADE. If that is out of order, that is another thing.

Mr. COLLAMER. I move that the Senate decline to unite in the conference in the manner asked for by the House of Representatives.

The PRESIDING OFFICER. And ask for a free conference?

Mr. SHERMAN. That can be done afterwards. When the House of Representatives withdraws this resolution either House can ask for a free conference.

The PRESIDING OFFICER. It is moved that the Senate decline to agree to a committee of conference in the manner asked for by the House of Representatives.

The motion was agreed to.

SPECULATION IN GOLD.

Mr. SHERMAN. I move to postpone all prior orders with a view to take up Senate bill No. 106, which I reported yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 106) prohibiting speculative transactions in gold, silver, or foreign exchange, and for other purposes.

Mr. SHERMAN. As the committee report the bill with an amendment to strike out the whole of the original bill and to insert a substitute covering the same ground, I suggest that the substitute only be read.

The VICE PRESIDENT. That course will be pursued, if there be no objection.

The Secretary read the amendment of the Committee on Finance to strike out all of the bill after the enacting clause, and to insert the following in lieu thereof:

That it shall be unlawful to make any contract for the purchase or sale, or for the loan or delivery, of any gold coin or bullion, or of any foreign exchange, at any time subsequent to the making of such contract, or for the payment of any sum, either fixed or contingent, in default of the delivery of any gold coin or bullion, or of any foreign exchange, or upon any other terms than the immediate manual delivery of such gold coin, or bullion, or foreign exchange, and the immediate payment in full of the agreed price thereof by the manual delivery of United States notes, or national currency, and not otherwise, or to make any contract whatever for the sale, loan, or delivery of any gold coin, or bullion, or foreign exchange, of which the person making such contract shall not, at the time of making such contract, be the *bona fide* owner in actual possession.

SEC. 2. *And be it further enacted*, That it shall be further unlawful for any banker, broker, or other person, to make any purchase or sale of any gold coin or bullion, or of any foreign exchange, or any contract for any such purchase or sale, at any other place than the ordinary place of business of either the seller or purchaser, owned or hired and occupied by him individually, or by a partnership of which he is a member.

SEC. 3. *And be it further enacted*, That all contracts made in violation of this act shall be absolutely void.

SEC. 4. *And be it further enacted*, That any person who shall violate any provision of this act shall be held guilty of a misdemeanor, and, on conviction thereof, be fined in any sum not less than $1,000 nor more than $10,000, or be imprisoned for a period not less than three months nor longer than one year, or both, at the discretion of the court.

SEC. 5. *And be it further enacted*, That the penalty imposed by the fourth section of this act may be recovered in an action at law in any court of record of the United States, or any court of competent jurisdiction, which action may be brought in the name of the United States by any person who will sue for said penalty, one half for the use of the United States, and the other half for the use of the person bringing such action. And the recovery and satisfaction of a judgment in any such action shall be a bar to the imposition of any fine for the same offense in any prosecution instituted subsequent to the recovery of such judgment, but shall not be a bar to the infliction of punishment by imprisonment, as provided by said fourth section.

SEC. 6. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. SHERMAN. The object of this bill is to prevent gambling in gold. The first section prohibits any contract for the purchase or sale of gold to be delivered at a future time. The second section prohibits the sale of any gold by a banker or broker except at his usual place of business. The third section makes the contracts described in the first and second sections void. The fourth section punishes the violation of the act by imprisonment and fine. The fifth section prescribes that the penalty fixed in the fourth section may be recovered by an action of debt.

Mr. President, it is due to the subject, and it is due to the Committee on Finance, to say that they are not sure that this bill, or any bill of a similar character, will accomplish the beneficial results desired. We are confident of this, however, that mere speculative operations in gold at this time have an injurious effect on the public credit; that the sale of gold by a party who has no gold to sell is injurious by exciting speculation in gold. We also feel that the offense that is being committed now every day in the city of New York, of people congregating together in the streets or at the corners and selling that which they have not to sell, is injurious to the public credit. This nation, as any other nation, has the right to punish those things which affect the public credit, not only with imprisonment but by fines; and such is the purpose of this bill.

The Secretary of the Treasury deems the passage of this act as highly important. I will send to the Secretary's desk a letter addressed to the Committee on Finance on the subject, with a view of having it read.

The Secretary read as follows:

TREASURY DEPARTMENT, *April* 12, 1864.

SIR: Notwithstanding the diminished amount of United States notes in circulation, and the gradual withdrawal from use as currency of interest-bearing United States notes, made a legal tender for their face, the price of gold continues to advance. This effect can only be attributed to one of two causes, and is probably due in part to each: first, to the increase of notes of local banks; and secondly, to the efforts of speculators.

I have already submitted through you to the consideration of the Committee on Finance a bill intended as a remedy for the first evil. I now beg leave to submit to its consideration a bill intended as a remedy for the second.

The first bill, if it becomes a law, will have, I doubt not, the most salutary consequences. The effects of the second will probably be more immediate, though perhaps not of such permanent importance.

I ask for both a candid consideration, and, if approved, the favorable action of Congress.

It must not be thought, however, that I regard either or both of these measures adequate remedies for financial disorders. Nothing short of taxation to one half of the amount of our current expenditures, and a reduction of those expenditures to the lowest point compatible with efficiency, will insure financial success to the Government. And without military success all measures will fail.

Very respectfully, yours,

S. P. CHASE, *Secretary of the Treasury.*

HON. W. P. FESSENDEN,
Chairman Committee on Finance, U. S. Senate.

Mr. SHERMAN. The Committee on Finance adopted the view taken by the Secretary of the Treasury, and thought the passage of this bill might tend to make difficult these speculations in gold, and thus tend to some extent to preserve the public credit. We felt that all measures of this kind were merely palliative; that people would buy and sell gold; and we did not propose to punish them for doing so, or to prevent persons from buying and selling gold in the ordinary course of business. The purpose of the bill is simply to prevent people from selling gold who have none to sell, to prevent them from selling it at places unusual, out of the ordinary course of business, and in such a way as to depreciate the price of our paper money. The true remedy for all our difficulties, we all know, must be military success and the passage of tax bills sufficiently burdensome to withdraw rapidly currency into the Treasury of the United States; but believing that this bill will do no harm, and probably do good, we deemed it our duty to report it to the Senate, and ask for its passage.

Mr. HENDERSON. I should like to ask the Senator from Ohio, before we proceed any further in the discussion of this bill, if it is the intention of the committee to prevent the purchase of foreign exchange or gold with the bank notes of the different States; if it is the intention to confine all legitimate transactions to United States notes or the national currency.

Mr. SHERMAN. It is not the purpose of the bill to prevent any purchase of gold or exchange by any person desiring to buy gold or exchange for any legitimate purpose whatever.

Mr. HENDERSON. The provision is what I have suggested.

Mr. SHERMAN. The Senator mistakes the terms. The first section only prohibits the purchase of gold to be delivered in the future, time sales, as they are called. If a man wishes to buy gold for manual delivery it is not prohibited by this section.

Mr. FESSENDEN. One question which would naturally suggest itself to the Senate, as it did to the committee, would be how far the power of Congress extends over the subject. If Congress has this power it is founded undoubtedly on the authority given by the Constitution with regard to the currency and protecting it; and gold being the basis, and a part of the currency, gold coin especially, I suppose it comes within our power to do anything that is necessary to protect the currency of the country from depreciation. If the bill cannot be defended upon that ground it is not defensible upon any ground. Perhaps at first blush there might seem to be some doubt about it; but on deliberation we concluded at any rate that it was advisable to pass the bill, under the circumstances, and leave that question to its natural result, ourselves being inclined to the opinion, very decidedly, that the power existed.

Then came the question with regard to the effect. I believe upon that my friend from Ohio has expressed the views of the Committee on Finance. For myself I have very great doubt on that point, as I had when the other bill was passed some time ago giving the Secretary of the Treasury the power to sell gold; I mean the effect with reference to operating on the speculation which has been producing such injurious effects. It is very doubtful to my mind whether any of these bills can produce any very sensible effect upon the evil that we try to remedy; but nevertheless it is a crying evil; it is one that is having a very injurious effect upon us. It arises from two sources, one unquestionably the feeling which exists among so many persons, the desire to make money at no matter what expense to the country and with no regard to any injurious effects that may be produced upon the country. There is in all communities a number—and I am sorry to say too large a number—of men whose views and whose desires never extend beyond themselves and their own interests, and who will sacrifice everything else, country and all, to what they deem to be their individual profit. It is unquestionably true too (and that is also a feeling that is cultivated by some) that there are men among us who are in the interest of the enemy, and who do not hesitate of course to do everything they can to break down the public credit.

It is useless to heap invectives or to multiply expletives with regard to either of these classes of men. Public opinion, if the better part of the community would exert it strongly in the city of New York where this evil originates and is most prevalent and prominent, might produce perhaps some good, because men who are insensible to all other things are sometimes sensible to shame and can be operated upon by that consideration. But in a great commercial mart like New York, it is difficult perhaps to exert that kind of influence to such an extent as would be productive of good.

Therefore, although we may not believe or feel that a bill of this kind will necessarily produce the effect, and although it may be very doubtful whether it will produce the effect, it is nevertheless a duty in the present condition of things in this country to leave nothing untried which offers even a reasonable ground of hope; and it is upon that supposition, that idea, that faith, that the committee recommend the measure, in the belief that a bill of this kind may produce an effect in two ways: first by operating upon public opinion, and second by high penalties, and especially by the provision which vacates all contracts of this description it may, and I think it possibly will, have an effect to check in some, perhaps not any inconsiderable degree, the rampant and heartless and wicked spirit which is actuating men with reference to this subject, and which at present is so injurious to the best interests of the country. With this view, the committee agreed to submit the bill to the Senate and to recommend its passage.

Mr. COWAN. Mr. President, as I was not fortunate enough to agree with the majority of the Committee on Finance in regard to this bill, I beg leave to state very briefly my reasons for choosing to differ from them.

I am unwilling at this time, much as I may lament the condition of the public credit, to make such a confession, as this bill seems to me to be, of its depreciation. I believe that in no other country and in no other times, even the worst of revolutionary times, has a measure of this kind been resorted to, at least until the public paper was worth about six for one; and as ours has not sunk to that depth in the market, I am opposed to resorting to any such subterfuges as I conceive this to be in order to bolster it up.

Mr. President, what is the evil complained of here? It is well enough to have a clear view of

it before we go any further. Certain persons in New York buy and sell gold when they really have no gold to buy or sell; and they buy and sell foreign exchange when they have no foreign exchange to buy or sell. It is difficult at first sight to see how that could possibly be conceived to affect the value either of gold or of foreign exchange; but in fact it is only a convenient way of betting. These pretended sales are nothing more nor less than a bet that at a given day gold will be of a particular value, or that foreign exchange will be of a particular value. It will be observed that in these transactions there are always two parties. There is a party who bets that gold will be high on a given day, and there is a party who bets that it will be low on that day. One, I believe, is designated a "bull," and the other is designated a "bear," in the slang of the exchange.

Does any sane man in the world pretend to believe that the efforts of these people in thus betting can influence in the slightest the price of gold in the world's market? I cannot conceive of a greater absurdity than to suppose they could. I do not believe they have the slightest influence upon the price of it in any way, and if I did believe it I would oppose this bill. If this betting on the price of gold has a tendency on the one hand to raise it, has it not a corresponding tendency on the other to lower it? If John Smith bets that it will be two hundred next Monday and John Jones bets that it will be only one hundred and fifty, you have two parties, one on your side if you please, and the other against you. What do you confess by this bill? You confess in the first place that these people are influencing the price of gold, and in the second place that your backer is weaker than the other party, and you want to throw the Government into the scale in order to help to force up your credit.

Mr. President, the value of gold depends upon itself, depends upon the nature of the material, upon the fact that it is accepted all over the world as the standard of value. We have heard that cotton was king, and we have heard that iron was king, but after all, if there be any commodity on the earth which is entitled to a regal appellation, which is endowed with sovereignty itself over all other commodities, it is gold. There is no escaping from it, we feel it everywhere. We feel it in spite of all these attempts to make something else a standard.

Then, sir, I am of opinion, with all due deference to the opinions of other people, that no combination of men, or of any number of men, can in the slightest degree influence the price of gold one way or the other. That is a fixed price, and fixed not by what the speculators or gamblers of New York may choose to do in the premises, but by what the world at large does.

How is the price of a commodity affected by combination? It is only by some combination which can obtain a monopoly of the article. Let us suppose, if you please, that the members of the Senate upon this side were to undertake to raise the price of gold, and they should come together and agree that they would not sell below a certain fixed price, would there not be some man here who would be wise enough at once to suggest, "This combination amounts to nothing unless we can get Senators on the other side to agree to it?" And whenever that proposition is started it becomes evident that in order to make it effective it must extend throughout the whole world's domain wherever gold is valued, because if it is not universal those who are not in the combination have the advantage, and they immediately come in and undersell the combination, and it amounts to nothing.

The operation of this bill is not worth anything at any rate, even if buying and selling gold were an evil and calculated to affect the price of gold, because it is evident to everybody who has considered this subject that these men are gambling and betting, not exactly upon the price of gold, but they are betting upon the price of our securities; and when they bet that gold will be of a certain price on a given day they mean to say that our securities will be of a given price on that day. It is measured by gold, and the quotations are made by a reference to the price of gold, but those quotations only show the relation which our currency bears to a gold value.

If this was intended as a police regulation to prevent gambling, not for the benefit of the public credit, not for the benefit of the community, but for the correction of the evil-doer, it would be worth nothing, because all the gamblers have to do is to say, "We are forbidden to bet upon the price of gold, but we are not forbidden to bet upon the price of greenbacks or the price of five-twenties or ten-forties, or any other security of the Government;" and gambling, if it be a mischief, goes on just in the same way. But you have just, as in the other case, two parties. You have one party who is attempting to keep up your public credit, and you have another party who is betting to keep it down, and they always neutralize each other; but by the passage of this bill, throwing it into the scale, we not only render ourselves absurd and ridiculous, as violating all the lessons and teachings of past history, but I think we actually throw ourselves into the scale of those who are trying to depreciate the public credit by confessing that it needs the force and power of the Government in order to keep that credit up.

I will take this occcasion to say, Mr. President, what I devoutly believe, and of which I have no more doubt than that I stand here, that all contrivances of this kind, every one of them, are but hollow and delusive shams, calculated to amuse and delay and protract the proper action of this body to the attainment of a proper remedy. What man who has read history, even modern history—and it is not necessary to go back a hundred years—cannot find plenty of examples of the fallacy of such legislation as this? Even in this country it can be found, and what has it amounted to? It has remained afterwards as a monument of the folly and the fears of men when they were in the tide of a revolution which they had not the manliness to stop by the proper means. I entirely agree with the Secretary of the Treasury in the last clause of his letter. There is but one way in order to restore the public credit. Upon what does that public credit rest? Why is it that our security to-day is not as good as gold? The first difficulty which suggests itself to the mind of the man who is about to receive this security is the stability of this Government. He may be perfectly willing to tell you, "If this Government stands and maintains its integrity, I will pay gold for this note; but I fear it; from all I see about me I fear it." "What do you value the risk occasioned by your fears?" "To-day," he says, "I will give but about fifty-six cents for your dollar." There is another man, however, who has another fear in addition to that. He says, "I am afraid that if this Government does stand, from the temper of its people, from the extent of the democratic principle which is infused through it, the minute distribution of the political power in the hands of everybody, its people even if it does stand will not agree to pay;" and therefore he estimates his risks, and he puts it down to-day along with the other at fifty-six or fifty-seven cents on the dollar.

Now, sir, what are we to do in order to satisfy these men—who if they are wise in nothing else, if they are careful in nothing else, if they calculate about nothing else, do calculate as to their pockets—what are we to do to secure them and to induce them to have a belief in our credit, that is in our stability to exist, and our solvency and our ability to pay? We may satisfy them that we can exist by beating our enemy, by putting down the armed rebellion which now afflicts the country, and by confining ourselves to that task, devoting ourselves with an eye single to that work, endeavoring to concentrate all the energies of the loyal people everywhere upon that work, avoiding everything which is calculated to distract and divide their attention and get them away from it; and in the next place, as the Secretary of the Treasury says, pass a revenue bill which at least will pay half of our current expenses as we go along. If we do that, if in the first place we satisfy the money-lender that we are going to put down the rebellion, and in the second place that we are going to pay the expenses, and that we are going to foot them as we go along, then the public credit at once will appreciate, and public securities will rise, or, if you choose the other phrase, gold will apparently go down, but, as I say, gold will remain precisely where it was all the way through. That, in my judgment, is the true remedy, and I would not resort at this stage of our history to such schemes as have been resorted to heretofore; and I trust the Senate will pardon me when I read a chapter from French history, which to my mind very much resembles the condition we are approaching now, although we have not yet reached it. I read from Thiers's History of the French Revolution, volume two, page 255 and the following pages:

"Government, quite as unfortunate as the people, had no means of existence but the assignats, which it was obliged to give in thrice and four times the quantity in payment for the same services, and of which it durst not make any further issues for fear of depreciating them still more. It became, therefore, a puzzling question how to enable either the people or the Government to subsist.

"The general production, however, had not diminished. Though the night of the 4th of August had not yet produced its immense effects, France was in no want either of grain or of raw or wrought materials; but the equal and peaceable distribution of them had become impossible, owing to the effect of the paper money. The revolution which, in abolishing monarchy, nevertheless proposed to pay its debts; which, in destroying the venality of offices, nevertheless engaged to make compensation for their value; which, lastly, in defending the new order of things against coalesced Europe, was obliged to bear the expense of a general war, had, to defray it, the national property taken from the clergy and the emigrants. To put into circulation the value of that property, it had devised assignats which were the representation of it, and which by means of purchasers were to return to the exchequer and be burned. But as people felt doubtful of the revolution and the stability of the sales, they did not purchase those possessions."

The holders of the assignats were unwilling to invest them in the property of the clergy and emigrants, because they feared that if the Revolution failed and the monarchy was restored, their title would be bad, they would take nothing.

"The assignats remained in circulation like an unaccepted bill of exchange, and became depreciated from doubt and the quantity issued.

"Specie continued to be regarded as the real standard of value; and nothing is more hurtful to a doubtful money than the rivalry of a money of which the value is undisputed. The one is hoarded and kept back from circulation, while the other offers itself in abundance, and is thus discredited. Such was the predicament in which assignats stood in regard to specie. The Revolution, doomed to violent measures, was no longer able to stop. It had put into *forced* circulation the anticipated value of the national domains; it could not help trying to keep it up by *forced* means. On the 11th of April, in spite of the Girondins who struggled generously but imprudently against the fatality of that revolutionary situation, the Convention decreed the penalty of six years' imprisonment against any person who should sell specie; that is to say, who should exchange a certain quantity of gold or silver for a more considerable quantity of assignats. It enacted the same punishment for every one who should stipulate a different price for commodities according as the payment was to be made in specie or in assignats.

"These measures did not prevent the difference from being rapidly manifested. In June a metal franc was worth three francs in assignats; and in August, two months afterwards, a silver franc was worth six francs in assignats. The ratio of diminution, which was one to three, had therefore increased in the proportion of one to six."

* * * * * * *

"All this resulted from the assignats, as the assignats had resulted from the necessity of paying old debts, making compensation for offices, and defraying the expenses of a ruinous war; in like manner the *maximum* was destined to result from the assignats. It was, in fact, to little purpose that a forced circulation had been given to this money, if the tradesman, by raising his prices, could evade the necessity of taking it. Let a forced rate, then, be fixed for commodities as well as for money. The moment the law said such a piece of paper shall be worth six francs, it ought also to say such a commodity shall be sold for no more than six francs, otherwise the dealer, by raising the price to twelve, would escape the exchange."

Then that was remedied by the fixation of a maximum price for a commodity.

"Meanwhile the rise in the price of articles of consumption, which had led to the *maximum*, was general for all commodities of the first necessity. Butcher's meat, vegetables, fruits, groceries, candles, fuel, liquors, articles of clothing, and shoe leather, had all risen in price in proportion as assignats had fallen; and the populace were daily more and more bent on finding forestallers, where there were only dealers who refused a money that had lost its value."

You hear some complaining to-day of forestallers as criminals rather than "dealers who refused a money that had lost its value."

"It will be recollected that in February it had plundered the grocers' shops at the instigation of Marat. In July it had plundered boats laden with soap coming up the Seine to Paris. The indignant commune had passed the most severe resolutions, and Pache had printed this simple and laconic warning:

"'Pache, mayor, to his fellow-citizens:

"'Paris contains seven hundred thousand inhabitants; the soil of Paris produces nothing for their food, their clothing, their subsistence; it is therefore necessary for Paris to obtain everything from the departments and from abroad.

"'When provisions and merchandise come to Paris, if the inhabitants rob the owners of them, supplies will cease to be sent.

"'Paris will then have no food, no clothing, nothing for the subsistence of its numerous inhabitants.

"'And seven hundred thousand persons, destitute of everything, will devour one another.'

"The people had not committed any further depredations, but they still demanded severe measures against the dealers; and we have seen the priest Jacques Roux exciting the Cordeliers, with the view to obtain the insertion of an article against the forestallers in the constitution. They also inveighed bitterly against the stock-jobbers, who, they said, raised the prices of goods by speculating in assignats, gold, silver, and foreign paper."

Precisely the complaint here.

"The popular imagination created monsters, and everywhere discovered inveterate enemies where there were only eager gamblers, profiting by the evil, but not producing it, and most certainly not having the power to produce it."

That is just what I think is true in this case. We are passing this bill to punish people for producing it when they have no possible power to produce it; they are speculating on a public calamity without being the cause of it.

"The depreciation of the assignats had a great number of causes; their considerable quantity; the uncertainty of their pledge, which would be swept away if the revolution were to fail; their comparison with specie, which did not lose its reality, and with commodities which, retaining their value, refused to exchange themselves for a money that had lost its value. In this state of things the capitalists would not keep their funds in the form of assignats, because under that form they were wasting from day to day. At first they had endeavored to procure money; but six years of annoyance had scared the sellers and the buyers of specie. They had then thought of purchasing commodities, but these offered only a temporary employment of capital because they would not keep long, and a dangerous employment because the rage against forestallers was at its height. They sought, therefore, securities in foreign countries. All those who had assignats were eager to buy bills of exchange on London, Amsterdam, Hamburg, Geneva, or on any place in Europe. To obtain these foreign values they gave enormous national values, and thus lowered the assignats by parting with them." * * * * * * *

"Great eagerness"—

I simply read this to show the resemblance between those times and these to some extent—

"Great eagerness was also shown to obtain shares in the stocks of the financial companies, which seemed to be beyond the reach of the revolution and of the counter-revolution, and to offer, moreover, an advantageous employment of capital. Those of the *Compagnie d'Escompte* were in high favor, but those of the East India Company were sought after with the greatest avidity, because they rested, in some measure, on a pledge that could not be laid hold of, consisting in ships and storehouses situated all over the globe. To no purpose they had been subjected to a heavy transfer duty. The directors had evaded the law by abolishing the *actions*, and making them consist in an entry in the registers of the company, which took place without any formality."

I might go on, Mr. President, at great length in order to show that in like situations men are prone, when they are not corrected by the lessons of past history, to resort to the like means to get rid of like evils. I have only to say that I think the means here proposed are inadequate, and that we had a great deal better set ourselves to some method by which, in the language of the Secretary of the Treasury, to levy one half the current expenses of the country from the country.

Mr. FESSENDEN. The Senate ought to be very much obliged to my honorable friend from Pennsylvania for giving us a history, which I suppose none of us knew anything about before, and that was the portion of the history of France which related to the depreciation of their currency. I suppose there is no question that gold has a fixed, determinate value, and that its nominal value may fluctuate according to the character of the currency that is brought in competition with it. It is useless to deny, no person will be unwise enough to deny, that we are in a condition of things in this country where gold must necessarily have a nominal value, if you please to call it so, above that of our currency in use. But the honorable Senator will not deny that, in order to carry on this war, we are under the necessity of resorting to another kind of currency, and that it must necessarily take its course and have its effect. Its value, if you please to call it so, must vary according to our shifting circumstances, and according to the necessities we are under, and according to the confidence which the community has in our success, in our ability to pay and in our disposition to pay. These are principles which have been laid down here repeatedly, and not for the first time here, because they are familiar to everybody; but that is not the question. The question before the Senate is not whether we shall not be obliged to have recourse to other measures. My honorable friend has argued this question as if we did not design to bring in a tax bill; as if we did not design to conquer the enemy if we could; as if we would rest here and not use all our efforts to accomplish the great purposes for which we are contending.

Sir, the committee of which he is a member, and the Secretary of the Treasury, place this bill upon no such ground. The intimation coming from a member of the Committee on Finance so eminent as my friend is, that is implied in his remarks, is enough of itself to alarm the country if unexplained. The honorable Secretary states that he places no great reliance upon the permanent effect of this bill. My honorable friend from Ohio, who reported the bill, has said the same thing, and I have repeated it; and if neither of us had said a word on the subject it would have been manifest to the mind of every man in the Senate who thought upon the subject. We support it only because of the possibility, the probability I will say, that it may have a decided though not a permanent effect in preventing the spread of a great evil.

That it is true in point of fact that this matter is influenced by the shifting efforts of men in a market like that of New York, a single day's experience in the city of New York in the stock market would show, and the honorable Senator has only to have recourse to it to satisfy himself on this subject, where it varies from morning to night, without the slightest change apparently in the circumstances of the day, some ten or fifteen per cent. in value. Does the honorable Senator undertake to say that in the period of one day, from morning, when gold was ninety, to night, when it was seventy-five, confidence in our success and in our efforts had increased just so much?

Mr. COWAN. Will the honorable Senator allow me to ask him whether that fluctuation is in the price of gold or in the price of our securities?

Mr. FESSENDEN. It is in the price of gold, the securities not varying a farthing the same day. But the Senator says this fluctuation in the price of gold is entirely according to the confidence of the community in our ability and integrity, and owing to the circumstances of the country. I ask him what there was in the circumstances of the country yesterday that should bring gold down from ninety in the morning to seventy-five in the evening?

Mr. COWAN. I will answer that. Gold was precisely the same yesterday morning that it was yesterday afternoon, according to my theory. It was the public credit which went up and down during the day; and which was measured by the standard of gold; but gold itself remained the same.

Mr. FESSENDEN. That is precisely the question. What improved the public credit so much from morning to night? What was there between the opening of the money market in the morning and the closing of it in the evening, which changed the public credit fifteen per cent.? What change was there in the circumstances of the country, in the credit of the country, during that time to cause that change? None at all.

But, sir, I did not rise to discuss this question, because the committee has placed this bill before the Senate frankly stating its opinions and stating its belief that good may result, and that no harm can come, for nobody can point out any evil effects that are likely to follow from it. I rose to say, what I have had for some time the intention of saying, a few words in regard to the complaint that exists in the country with reference to the action of Congress upon these matters. Why is it that so much complaint exists? Why ought any intimation be made, especially by my honorable friend, that we are delaying proper measures? So far as the Senate is concerned, everybody who knows anything about legislation knows that we have not had the power up to this moment to act upon a revenue bill. We cannot act upon one until it is sent to us from the House of Representatives; and I say not this for the purpose of imputing any blame whatever to that House upon the subject, because, as I have had occasion to say before, I know the immense labor involved in preparing a revenue bill such as has been now reported to the House of Representatives. If you would take the opinions of our newspaper writers, the wise men who edit them—and I confess that they monopolize among themselves the sum of human wisdom—it is very easy to make a revenue bill of the most involved character in about fifteen minutes. For anybody, especially for an editor of a newspaper, a man who happens to belong to that particularly favored class which, under the dispensation of Providence, has the power of looking through anything and everything intuitively, a revenue bill takes no time, needs no investigation, requires no study, but is to be made without the slightest trouble, and to be put upon the country by a single *ipse dixit*.

That is not the way to consider the subject. I think the public press of the country has not treated us fairly. I speak of that portion of it which has complained so bitterly, because it did not know the immense labor that is necessary, nor did it know the immense labor that has been given and the constant and unvaried assiduity with which the members of the Committee of Ways and Means have been struggling to present as soon as they could a bill which should accomplish the purposes which we all desire to accomplish. Everybody knows, as my friend says, that it is necessary to carry on the war with assiduity, to devote ourselves to that, to conquer the enemy. Are we not trying all we can to do it? Is not every effort being made? If it cannot be accomplished in an hour, or a week, or a month, are we in the mean time to omit those minor measures which may have a slight effect, and perhaps a serious one, in impeding the difficulties with which we are laboring to prevent their being rolled upon us with so much greater force and in so much greater amount? That is not the way to present a case of this character to the Senate. If we cannot do a great thing to-day, but may do a small one which will have some effect, shall we omit the small one? And yet that would seem to be the argument of the honorable Senator. If he does not believe it is of any value, of course that consideration is enough to influence him; but for those who believe that it may be, and who are willing to do all we can to effect the purpose, who, if we cannot do what we would, will do what we can, let us pass this bill and trust the result to experience. I agree perfectly with him that these measures are but palliatives, that they can have but a temporary effect; but shall we omit to produce the temporary result which we believe can be produced, especially in this condition of things? I think that would be a poor principle of action.

Mr. CLARK. For the purpose of calling the attention of Senators particularly to this bill, I move to amend the amendment of the committee by striking out in the eleventh, twelfth, and thirteenth lines of the first section the words "by the manual delivery of United States notes or national currency, and not otherwise."

Mr. COWAN. I hope the Senator from New Hampshire will allow me to say a word in response to the Senator from Maine.

Mr. CLARK. Certainly.

Mr. COWAN. Mr. President, the honorable Senator from Maine has, to some extent, answered the speech I have made, and he has answered, to a very great extent, one which I did not make. However, I shall waive all advantage which I might have from that. I merely wish to say that as I understand the distinct issue between us, it is this: he alleges that it is gold that goes up and down in the market of New York daily; I allege, on the other hand, that it is our securities that go up and down. He asks me why it is. The best answer I can give him and the best description I can find anywhere of the modes by which these gentlemen attempt to affect the market of public securities, I find in the same book which I read before.

"The war"——

Mr. FESSENDEN. The Senator did not understand me. It is a matter of entire indifference, for the purpose of the argument, whether it is the gold or the securities that vary. His argument was that all these outside circumstances produced no effect on the prices of either, that they were entirely dependent on other things which he stated. Then my question was to him in regard to yesterday—I brought it to that—what was there in the condition of the country yesterday to produce a variation of fifteen per cent. during the day to improve the securities of the Government to that extent? for that was the result, according to his argument.

Mr. COWAN. I am just about to answer, and I admit again that I did say that I believed these operations do not affect the value of gold

one way or the other. I read from the same book from which I read before, page 259:

"The war, and the fear of a terrible revolution, had interrupted many commercial operations, and further increased the mass of stagnant capitals that were seeking securities. These capitals, thus accumulated, were employed in perpetual speculations at the stock exchange in Paris, and were converted alternately into gold, silver, merchandise, bills of exchange, companies' shares, old Government stocks, &c. Thither resorted, as usual, those adventurous gamblers who plunge into every kind of hazard, who speculate on the accidents of commerce, the supply of armies, the good faith of Governments. Placing themselves on the watch at the exchange, they made a profit by all the rises occasioned by the constant fall of the assignats. The fall of the assignats first began at the exchange, with reference to specie and to all movable values. It took place afterwards with reference to the commodities, which rose in price in the shops and in the markets. Commodities, however, did not rise so rapidly as specie, because the markets are at a distance from the exchange, because they are not so easily affected, and, moreover, because the dealers cannot give the word so rapidly to one another as stock-jobbers assembled in one and the same building. The difference, pronounced at the exchange, was not felt in other places till after a longer or shorter time: thus, when the five-franc assignat was worth no more than two francs at the exchange, it was passing for three in the markets, and the stock jobbers had sufficient time for speculating. Having their capitals quite ready, they procured specie before the rise; as soon as it had risen in comparison with assignats, they exchanged it for the latter; they had of course a greater quantity, and, as merchandise had not yet had time to rise too, with this greater quantity of assignats they bought a greater quantity of merchandise, and sold it again when the balance between them was restored. Their part had consisted in holding cash on merchandise while one or the other rose in reference to the assignat. It was therefore the constant profit of the rise of everything in comparison with the assignat which they had made, and it was natural that they should be grudged this profit, invariably founded on a public calamity. Their speculations extended to the variation of all kinds of securities, such as foreign paper, companies' shares, &c. They profited by all the accidents that could produce these fluctuations—a defeat, a motion, a false report."

There is the complete answer as to those fluctuations which appear in New York daily. They may arise from the rumor of a defeat; they may flow out of a motion which is made in the Senate or in the House of Representatives; they may arise from a thousand accidents; but that the gamblers, the speculators, the men who deal in them have any agency or can exert any power upon the value of these things is that which I deny.

But the honorable Senator says that he does not care whether it is gold that goes up or paper that goes down, or *vice versa;* he does not care in which commodity the fluctuation is. Then, if the fluctuation be in paper, the gambling should be prohibited in the paper.

Mr. FESSENDEN. That is not a statement of the argument I attempted to use.

Mr. COWAN. I say if the fluctuation is in the public credit, if it is in the value of our securities, then the bet is on that value, not on the value of the gold, but on the value of the bond or the Treasury note or whatever may be the Government currency at the time; and if that be true, if the gambling is upon the value of that currency, that should be forbidden, if anything is to be effected, because that is the true offense if there is an offense in it at all.

One word more, Mr. President. The Senator says that I reflected on the Senate, reflected on this Congress generally, because it had not brought in and perfected and passed a revenue bill.

Mr. FESSENDEN. The Senator does not understand me. I do not think the honorable Senator would reflect upon either or intended to reflect upon either; but I said or intended to say that the inference drawn from his remarks would be to that effect.

Mr. COWAN. I hope not, Mr. President; and if any man is disposed to make such an inference, I trust what I am about to say now will correct it. I reflected upon no one. I think I recognize the difficulties which surround us as well as any man in this assembly or out of it. I think I feel the importance of care and caution and deliberation in every step we take in order to extricate ourselves from these difficulties, and I would not expect to mature and to pass a revenue bill in a day or a week or a month. I have reflected upon nobody; but I do say this, Mr. President, by way of giving my opinions, that unless we from henceforth go to work and devote our energies in both Houses (of course we can initiate nothing here) in order to do something better than this to sustain the public credit, we shall find ourselves before a very great while involved in a calamity from which perhaps we may not be able to extricate ourselves, and I think it is time now to look this danger in the face. When our dollar is worth but a little over half a dollar, fifty-six or fifty-seven cents, when we are going in debt daily twice as much as we ought to go in debt if we could keep our dollar to the proper standard, I say it is time that every man should be awake to the dangers which surround us, and upon the alert in order to prevent them, and that all crimination and recrimination and all reflection upon anybody and everybody should cease, and we should go together as men determined to save our country, shoulder to shoulder, one and all, and endeavor if we can to surmount these difficulties before they overwhelm us and before they become unmanageable on account of their magnitude in our hands.

Mr. CLARK. The effect of striking out the words which I propose to strike out of the bill will be to allow the person purchasing the gold to make the payment for the gold in any current funds of the country that the party selling may be willing to receive. By the provision of the bill as it now stands a party purchasing gold must not only have an actual delivery of the gold to him at the time, but he must make an actual manual payment for the gold in the national currency or in the greenbacks of the country. Let me illustrate it. I am here in Washington and I want to go to New York, and I want to purchase some gold in New York, $10,000 if you please. I have $10,000 in greenbacks here in Washington. It is very inconvenient for me to take them to New York to pay for the gold there. I go to Jay Cooke & Co., and I deposit with them my $10,000 in greenbacks. I draw on them for $10,000 at sight, and ask them to accept it before I depart, and they do so. I go to New York, and I say to a broker there, "I want your gold." He replies, "I will sell it to you at such a price." That is agreeable to me, and I say, "Here is a draft on Jay Cooke & Co., perfectly good." "Oh, yes," he replies, "but I cannot take that; I must have the greenbacks; the law requires it." And thus I am put to the necessity of carrying my greenbacks from Washington to New York to comply with the law because here is a provision requiring it, which I think a very odious and very onerous one.

I have not been able to agree with the Committee on Finance on this bill. I do not believe, in the first place, that it will answer the purpose designed. I believe it will be just as futile as your gold bill the other day, when you proposed to authorize the Secretary of the Treasury to sell gold to bring the price of gold down, and it went up five per cent. before night on the very day you passed the bill. I am entirely willing, however, if the Secretary of the Treasury believes that this bill will aid him, to give it to him, if it can be made so that it will not do any mischief; but it would certainly be a hardship upon the community if a bill should be passed with these provisions in it.

In the first place, by the second section of the bill a man cannot sell you gold if he meets you in any other than his own or your place of business. A gentleman comes here from New York, if you please. I want some gold. I am from New Hampshire and he is from New York. I ask him, "Will you sell me some gold here?" "Yes, sir; but the law is directly in the way; I cannot sell you any gold here; if you will come with me to New York and go to my office, one which I hire and occupy individually myself, or in partnership, I can sell it to you." "Well, I will go and deposit my greenbacks before I start. I do not want to carry them with me as somebody would be very likely to steal them, and I will go and leave them with Jay Cooke & Co., and take a certificate of deposit." "But," he answers, "that will not do. When you get there I will deliver you the gold, but you have got by your own hand, by manual delivery, to give me the national currency in return." I ask what is the design, what is the benefit of restricting a legal and proper trade in that way, because these are transactions in gold that are perfectly proper? I may want to go to Europe to-morrow or next week; I want gold, and it is perfectly legitimate and proper for me to have the gold; but how am I to get it? Why, in the way I propose. I desire that these words shall be stricken out, so that the gold shall be paid for in any of the current funds of the country that the seller of the gold is willing to take. As the Senator from Vermont [Mr. COLLAMER] suggests to me, why not pay in horses, if the seller is willing to take them, provided the gold is delivered down and it is a present actual transaction at the time.

Let me take a familiar illustration. Here is a party living down by the Astor House, in New York. He goes up to the Fifth avenue at night and wants to buy some gold. He finds a person owning gold who says to him, "I will sell it to you; here it is." He answers, "There is my check." The reply is, "Oh, no; I cannot take that; that will not do." "Why not? I have got the money down by the Astor House." "I know it; but I cannot take it; you must bring up your greenbacks here and lay them down on my desk, or I can take my half peck of gold and carry it down there and do it there." What is the use of irritating legitimate trade in this way? Why should not a man who has gold to sell or who wants to buy gold be permitted to take or give a note in payment if he chooses? Suppose I am going again to Europe and I want $10,000 in gold. I have no greenbacks. I say to a person owning the gold, "Here, take my note for thirty days until I come back." He replies, "I cannot do that; that will not do."

In my judgment, there are in this bill useless restrictions. I am willing, as I said before, to give the Secretary of the Treasury every facility that he can desire. I am willing to give him a bill that shall prevent these time contracts and speculation in gold, if that is the mischief; but when I do that I want the provisions of the bill to be so guarded that it shall not restrict or hamper a proper dealing in gold. I understand that this bill is drawn by the Secretary of the Treasury. I understand that he wants to give currency particularly to his greenbacks, or else he wants to make the purchase of gold hard. One of those two things must be the object; but I am not yet prepared to say that a man shall pay in nothing but greenbacks. Suppose he cannot readily lay his hands upon them. Suppose the transaction is to be made through the mail or through the post. If the payment is to be made through the mail or through the post, how then? You cannot transmit the greenbacks in that way. I think you had better, if you choose, pass a bill that time contracts shall not be made; and that will have inconveniences about it. As, for instance, to illustrate it again, I want to go to Europe a month hence, and I want to provide for my gold before I go. I want to know where it is to come from. I say to a man, "Will you have so much gold ready for me thirty days hence?" "Oh, no, sir; I am not allowed to do that. If I happen to have it when you come here to go on board the steamer, and you are ready to take it, I will sell it; but otherwise I cannot do it."

It may be that I am all wrong in this matter; it may be that I am deceived; it may be that there is a great end in this; but I think I see some evils in it. If the Senator from Ohio, who has charge of this bill, can make it so that it will be acceptable to the people, so that it cannot put any restraint on the legal and proper trade in this article—because you must have gold a subject of purchase, as it is not in circulation, and if you get it you must purchase it—I am willing, and shall vote to give to the Secretary of the Treasury the other provisions of the bill for the purpose of letting him try the experiment. I will not take the responsibility of throwing anything in the way of the officer of the Government who is charged with the finances. And here let me say, that I think the Secretary of the Treasury has managed the finances of the country with eminent ability. I distrust my own judgment when I come in conflict with a measure of his; but still I cannot entirely forego my judgment. I cannot vote for evils that I think are apparent on the face of the bill because he desires them; and therefore I desire that this amendment should be made.

I desire further that the second section should be stricken out entirely, and that people should be allowed to trade, if they make an actual purchase at the time, wherever they happen to meet and have the means to do so. By the first section of the bill the gold must be delivered at the time the trade is made. Why, then, is it necessary to say that that trade shall not be made except at the place of business of the seller or purchaser? If you, sir, meet a man from New

York, and you want gold, and you are here, why should you be compelled to go to his place of business to get it? I understand the object, and that is to break up the street knots, the collection of men who get together; but the other provisions of the bill will answer that to a very great extent, because you must have the gold to deliver if these amendments are made, and I think we had better not go too far to make the bill odious and unnecessarily burdensome to accomplish at last a problematical good.

Mr. CHANDLER. Mr. President, I have examined this bill with some care, and while I do not think it will amount to much in the way of affecting the price of gold, I think that all there is in it is good. If it has any effect at all it will be a good effect. It seems to have two objects: one to prevent gambling in gold, the other to render the gambler so far as may be infamous; and I think both of those objects are good ones.

It is well known that the great majority of our cities are under disloyal influences. Take the city of New York, where most of this gambling is done, and I have no doubt that to-day Jeff. Davis would get a larger vote there than any man who is in favor of the Government would receive. These gold gamblers as a class are disloyal men, in sympathy with the South, and I think it well, so far as we can, to regulate their transactions and make them as nearly fair as it is possible to make them.

The Senator from Pennsylvania [Mr. COWAN] greatly erred in the remark he made a short time ago that the rise in gold was owing to the depreciation of our securities. Why, sir, does not that Senator know that a year ago last February gold was at 172½ and that in July it fell to 122½, and although gold fell from 172½ to 122½ our securities were not depreciated even one per cent.? Sir, the loyal people of this nation have confidence in our securities. They believe that every dollar issued by this Government is worth a dollar. They know that every dollar of greenbacks and every bond issued is a first mortgage upon every foot of real estate in the United States, if we conquer the rebels as we expect to do. They know this, and they appreciate the dollar in greenbacks as worth a dollar. It is worth a dollar; and if you were to-morrow to drive gold down to par you would not affect the price of your securities one per cent.

Congress, in its wisdom or in its folly—I think in its wisdom—saw fit to legalize the issue of greenbacks. They are now legal tenders, and gold is a speculative commodity. There is, as has been well said, a legitimate demand for gold. Our people are becoming extravagant; we are importing more than we are exporting; and to that extent the demand for gold is legitimate to pay our balances; but at the same time in aid of this there is what is known in the city of New York as the "gold ring," chiefly and I believe all in sympathy with the rebellion, a set of men who are all the while speculating in gold. I think this bill will have some effect upon that class of individuals, although none upon the legitimate traffic in gold.

The Senator from Pennsylvania was particularly unfortunate in reading French history to us here in this Capitol, and drawing a parallel between the French under their Revolution and this great Government to-day. Why, sir, at that time Paris was under the control of a howling mob, reeking with blood. A revolutionary tribunal ruled France. Does the Senator pretend to compare that revolutionary tribunal with this great Government? Does he intend to compare that revolutionary tribunal with the Senate and the House of Representatives? Does he mean to compare it with a Government that has been established for eighty years? If the Senator had brought that up to illustrate the present position of the South his argument would have been fair, because there is almost a complete parallel between the two revolutionary tribunals. Their issues in the South have fallen about as low as the assignats ever fell during the French Revolution, and they had about the same kind of despotism in France that exists in the South to-day.

But, sir, here we are with a Government which has stood for eighty years, with eight hundred thousand men to-day in the field ready to strike; and let me tell you that the price of gold is on the point of Grant's bayonets. Had we captured Lee's artillery after the battle of Gettysburg you would have seen gold go down to ten per cent. in forty-eight hours; and when Grant strikes the first crushing blow at Lee, as he certainly will, and that within sixty days from to-day, you will see such a tumble in gold as the world never witnessed before. As I said before, the people of the United States believe in our securities; the world does not. Convince the world that this great Government will stand, and you will see gold rolling across the Atlantic in millions and tens of millions and hundreds of millions for the purchase of these securities, the best interest-paying securities in the world, and you will see gold go down to nothing in a very short period. I believe that this rebellion is on its last legs. I believe that on the first movement of our armies the confidence of the world will become established in this Government. I believe that we were never before in so good a condition as we are to-day. These gold speculators will be the parties who will suffer between now and the 4th of July next more bitterly than any other set of speculators ever did before.

I do not wish to occupy the time of the Senate. I think the bill a good one, and shall vote for it just as it is. So far as the argument of the Senator from New Hampshire is concerned, it amounts to just nothing at all. It is perfectly well known that you can get greenbacks everywhere throughout the United States. With $400,000,000 of greenbacks scattered throughout the United States it is not worth while to say that you cannot, on a good draft, obtain greenbacks anywhere without any difficulty or any expense. The argument amounts to just nothing at all I hope the bill will pass just as it is.

Mr. JOHNSON. Mr. President, when what was called the gold bill was before the Senate on a former occasion, I stated, what I felt very sincerely, that it would not answer the purpose which it was supposed it might accomplish; but I voted for the measure, yielding the opinion which I had as to the effect of it to what I supposed to be the better judgment of the friends of the measure in this body, and particularly of the Secretary of the Treasury, who, I understood, was anxious that the bill should pass. I am now desirous in the vote which I am called upon to give on this bill, and shall continue desirous throughout the session, to give my sanction to any measure which the Secretary of the Treasury may suppose will operate beneficially for the country, unless my reasons for differing from him are so conclusive that I am unwilling to surrender them. That is the case now.

In the first place, I doubt, I more than doubt—I have an opinion as fixed as any opinion formed comparatively upon the spur of the occasion can be—that we have no power to pass this bill. There are but three grants of power in the Constitution under which, as I think, the authority of the Government to adopt a measure of this sort can be placed. One is the power to fix and regulate the value of the coins of the United States; another is to borrow money on the credit of the United States; and the other is to regulate commerce.

Now, with all the real anxiety I have to give the Secretary of the Treasury the benefit of this measure, I am unable to see by what reasoning the power which this bill exerts can be brought within either of the three grants of power to which I have adverted. Can it be referred to the grant to fix and regulate the value of the coins of the United States? That can only be done by a law which shall say how much the coin is worth, what shall be the coin, and what shall be its value. That is done by your existing legislation; and what is now the condition of the currency, or of the coin, rather, is not that coin has depreciated; it is worth now just as much as it was when its value was originally fixed, just as much as it was before the war commenced. A dollar in gold or a dollar in silver is still a dollar in gold and in silver of the same value that it has been at any time.

But it so happens that instead of relying, for the purpose of this war, in order to carry on this war, upon what has been called the legal constitutional currency of the United States, coin, we have—and I am not finding fault with it, because perhaps it was absolutely necessary—issued a paper currency, and the depreciation under which we are now suffering is not a depreciation in the value of the coin, but in the value of this currency, nothing else. Now, is it possible that in order to keep up the value of this paper currency we are authorized to legislate under the authority to fix and regulate the value of coin? How does it fix and regulate the value of coin? The complaint is that a dollar of coin now will buy two dollars of our paper; or, to state it otherwise, that a dollar in coin now is, in point of value, in the public estimation, equal to two dollars in our currency. This bill, if we pass it, can have the effect, if it has any effect, only of increasing the value of the paper currency, and not in increasing or in maintaining the value of the coin currency. That remains and will remain just as it is. The provision of the bill is, not that there shall be no trade in coin, for that is admitted. The bill assumes that the necessity of the country demands that coin shall be bought and sold, but it prohibits the selling or the buying of it upon what is termed time, and prohibits the selling and the buying of it at all unless such sales shall be made at certain designated places; that is to say, where the buyers and the sellers respectively may, at the time of such buying and selling, have their places of business.

Mr. President, I have always supposed—and I am giving now the opinion which I have ever entertained, and which, as I believe, will be found maintained by every decision of the Supreme Court of the United States, and by all the writers of approved authority on the Constitution of the United States—that if anything is perfectly plain as a constitutional proposition it is that over the subject of contracts the United States have no jurisdiction; that they are exclusively with the States; and that over all subjects of police regulation the United States have no jurisdiction; but that they, like the other, are altogether within the power of the State. Under what authority, therefore, can you prohibit the buying and selling of gold, which the Secretary of the Treasury in his letter, and in one sense correctly, styles gambling? Have you any jurisdiction over any question of police? Have you any jurisdiction over the morals of the citizens of the several States? Have you any authority to prohibit gambling in the States? I submit, clearly not.

In a case which originated in this District, and which was carried up to the Supreme Court of the United States, the name of which I forget, involving the validity as between the commissioners of a lottery and the holder of a prize ticket, it was very much doubted whether Congress had any power at all to authorize a lottery even within this District, over which their jurisdiction is apparently as extensive as words can make it. But in the opinion pronounced by the court, as given by Chief Justice Marshall, it was admitted that that was a power which could not be exercised outside of the District, or outside of some other district over which the jurisdiction of the United States was equally supreme. If, therefore, you cannot authorize lotteries in the States, can you prevent lotteries? And if you cannot authorize lotteries, or if you cannot prevent lotteries, can you by legislation, under some supposed power to prohibit gambling, or to throw difficulties in the way of gambling, prohibit the dealing in lottery tickets? I suppose that is a proposition that hardly anybody will maintain; and yet what is this? The Secretary tells us in his letter that the price of gold is now what it is from one of two or from two causes together, both operating more or less. The first is because of the local issue of the State banks; and the second is because of the gambling speculation which is now going on. His language is—it is in the first paragraph of his letter—

> "The price of gold continues to advance. This effect can only be attributed to one of two causes, and is probably due in part to each: first, to the increase of notes of local banks; and secondly, to the efforts of speculators."

Now, in the first place, what is it that the speculators are said to be doing? Gambling, says my friend from Ohio; gambling, virtually says the Secretary; gambling, says the press. Well, suppose they are gambling, and suppose that gambling is causing the state of things which exists, what authority have you to interfere with it? If you have it, it is only because it affects the value of your own paper currency. If you can interfere with this species of gambling on the ground that it operates prejudicially to your paper cur-

rency, why is it that you will not be equally capable of dealing with any other conduct existing as between the citizens tending to the same result; put down extravagance; regulate the price of provisions; declare that only such and such contracts shall be entered into; bring down the business of the country as far as it depends upon transactions as between man and man to the smallest possible standard?

And finally, Mr. President, what right—I know that upon that question differences of opinion exist—what right is there in the Congress of the United States to interfere with the issues of State banks? It is a great question; one upon which my opinion has long since been formed. I may be mistaken in it; but if I am mistaken in it I err in common with the men by whom the Constitution was framed, and those who were called upon to expound it in its earlier days, and who were more or less parties to the framing of it. In the Federalist—that commentary which is so familiar to us all, and which tended so greatly to the adoption of the Constitution by the people—the right of the States to establish banks, banks of any kind, banks of issue as well as banks of deposit, was clearly conceded. In the opinion of the Supreme Court in the case of McCulloch *vs.* The State of Maryland—an opinion illustrating the rare ability of the then Chief Justice—it was not intimated that there existed in Congress any power to interfere with the State banks. They held in that case—and the principle involved in that decision is equally applicable to the State banks—that the States had no power to tax a Bank of the United States, they having satisfied themselves and declared that the bank was constitutional, because the power to tax might be used to the extent of destroying it. If that is true, is it not equally true that if there exists in the United States an authority to tax State banks, or to tax the issues of State banks, or to regulate the issues of State banks, it is a power which may be exerted for the purpose of entirely destroying such institutions?

The doubt which Congress entertained when the bill chartering the original Bank of the United States was under deliberation, passing only by a very small majority, the doubt which they entertained when they refused to renew its charter by a majority greater than that by which it was originally passed, the doubt which was afterwards expressed in both branches of Congress when, through the necessities of the country it became, in the opinion of the then President of the United States, the duty to charter a bank, and as he thought the power existed, or at least he was willing to yield his antecedent opinion to what seemed to be the universal wish and to what he admitted the necessities of the country demanded; the doubt was whether there existed in the Congress of the United States, under the Constitution, any authority to incorporate a bank at all. The answer which was given to those who alleged the absolute necessity of such an institution was, that the State banks were fully competent to do whatever was necessary or convenient to attain the end for which it was said a Bank of the United States ought to be passed. The present Chief Justice, then Secretary of the Treasury, acting in that particular with the advice, I believe, of all the members of the Cabinet, or nearly all with whom he was associated, the President of the United States at their head, when he took from the old Bank of the United States the large amount which the United States had on deposit in that bank and distributed it among the local banks, stated officially that it was in the power of the local banks to do all that the necessities of the Government required, or that the convenience of the citizens demanded.

From that day until a comparatively recent period, until the commencement of this war, or, to speak more correctly, until the war has involved us in such large disbursements and rendered it so necessary in the judgment of Congress and of the Executive to increase our currency to such an extent as to affect its value in the public estimation, it was never pretended that there was any power in the United States to put down the State banks; that they were not local institutions created under the admitted authority of the States, and just as much beyond the limits of the power of the United States as the Bank of the United States, which had been held to be constitutionally enacted, was beyond the power of the States. The Secretary of the Treasury now tells us that the state of things which exists at the present time in relation to the depreciation of the currency arises in part from the extent of the issues of the State banks. How is that to be corrected? Is it by limiting the issues; is it by passing amendments to the State charters; is it by prohibiting the issue altogether; or is it by exerting a power of taxation which will sooner or later lead to that result? In my judgment, desirable as may be such a result, that cannot be accomplished under the Constitution as it is.

But gold now, not because gold has ceased to be just as valuable as it ever was, for, I repeat, it is now worth precisely what it was at first, no more, has become an article of commerce, an article of trade, and being an article of commerce or of trade, it is a subject of contract, and if I am right in supposing that over the whole class of contracts the States have exclusive jurisdiction, you have no more authority to pass this bill interfering with that particular kind of contract than to pass any law interfering with any other species of contract.

But this bill goes further than interfering with the buying and selling of gold and silver; it prohibits the buying and selling of foreign exchange, except subject to the same limitations with which you authorize the buying and selling of coin. Where, upon what ground can it be, I was about to say even plausibly, maintained that over the subject of exchange the Congress of the United States have any control? If it can be maintained that they have a control over the subject of foreign exchange because dealing in foreign exchange may affect the credit of the country, have they not the same authority over the inland exchange of the country? And if they have it over the inland exchange of the country, why for the same reason do they not possess it in regard to every commercial instrument which from time to time in the transactions between man and man it may be convenient to issue—promissory notes, single bill, stock, State bonds?

It is not true in point of fact that the present state of the gold market is to be attributed exclusively to the extent of the issues of local bank currency or to the efforts of speculators. There are a variety of other causes leading to it. It is the immense business that your citizens are now carrying on, domestic as well as foreign; it is the immense issue of railroad bonds and State bonds; it is the immense amount of bonds which your local corporations throughout the whole extent of the United States are issuing for the purpose of accomplishing some particular local or general improvement. The whole, in one sense, is a species of currency by means of which the business of the country is being conducted. If you have the authority to interfere with one species of currency, the bank issues, in order to keep down the price of gold, why is it that you have not the authority to interfere with the whole business of the citizens of the several States? And yet I suppose nobody will contend that the power of the United States can be carried to that extent.

So much, Mr. President, upon the question of power. Now a word or two upon the effect of the bill, supposing the power to be in the United States. Will it have any such operation as its friends suppose? The Secretary of the Treasury himself predicts with no confidence that result. The honorable member who has reported it from the Committee on Finance evidently doubts whether it will have such an effect, as does the member from Maine, the chairman of that committee. How is it to have that effect? The gold bill was passed to accomplish the same end, by placing in the hands of the Secretary of the Treasury a power which he might hold *in terrorem* over these speculators and thereby paralyze, if not entirely defeat, their efforts. We know what the result has been. This is to effect the same purpose, not by prohibiting the buying and selling of gold, but by allowing it only under certain restrictions. Now what are they? The vendor must have the gold in his hand to be delivered to the purchaser, and the purchaser, at the same time, must have in his hand the currency of the United States, the two to pass *eo instanti*.

The bill goes on further to provide that even that mode of buying and selling shall not be admitted unless one of the two parties to the bargain shall, at the moment when the contract is completed, be in his place of business. Now, I predict that, if this bill passes, there will be a building in the city of New York—there are plenty of them there now—which will be the place of business of all these speculators. They are not obliged, in order to carry on their trade, to congregate upon the street corners. They can accomplish the same end by having their offices in one building to which there shall belong a common rotunda—an exchange. In point of fact, and certainly in point of law, if that is done in good faith, such a building will be their place of business. The whole effect of the operation of the bill, if I am right, will be to remove these speculators from the street into a building where their trade will be carried on just to the same extent and with the same injurious results, if there are injurious results following from it, that are now happening by their carrying on their trade in the street.

Mr. President, I know that I do not differ very materially from my friend by whom this bill has been introduced or with any member of the very enlightened committee of which upon this occasion he has been the spokesman, when I say that there is not one of them that anticipates with anything like confidence the result which this bill seeks to accomplish; and no such legislation from the time the world commenced up to the present day has ever been attended with success. I do not mean success for an hour; I do not mean what may be the effect of this bill, if it should pass, upon the price of gold in New York at the very moment when the telegraph shall announce its passage; but what will be its fixed and natural effects; what it will be next week.

If there is any law which is just as certain as the laws of nature, just as certain as the regulations of Providence by which the seasons with which He blesses mankind are regulated, it is that the currency of any nation rests upon fixed fundamentel laws which are sure always to bring it to its proper level. The honorable Secretary of the Treasury is mistaken, as I submit, and my friend from Ohio is mistaken, as I think, in their conjecture, for it is but conjecture, that any good will result from this measure. The true cause of the present state of the currency is its inflation, and that the country is now engaged in a war of a magnitude greater than ever before shocked humanity. The true mode, and anybody who knows the Committee on Finance of this body—and certainly I am far from supposing that there is any want of the same patriotism and of the same wisdom in the corresponding committee of the other House—need not be told that they will do all that can be done by means of revenue bills to accomplish the purpose of maintaining the credit of the nation. We want additional and adequate taxation. Why we have not had it, why we have not got it now, if it be the fault of anybody, is not the fault of our committee. Bills of that description can originate only in the other House.

But let that be done; let the progress of our armies in the campaign now about to commence be a progress of triumph; let the people see that the military power of the rebels is destroyed and the amount of the present pecuniary engagements of the United States will be considered as trivial in the estimation of those who know what are the present resources and certain to be the future resources of the United States. You may double the debt and restore the Union upon a basis that promises permanence and peace and the credit of the United States will rebound even beyond the point at which it stood when the war commenced.

Mr. SHERMAN. Mr. President, those who are charged with the conduct of financial operations in time of war have always a very difficult task. We know this by the history of all nations, by the history of France, of England, and of our own country, within a century past. Those of us who have anything to do with financial bills in this Congress know very well that if a proposition is introduced of a collateral character which does not immediately bring paper up to the standard of gold, we are told "Your measure does not accomplish all the object desired." If the measure proposed by us will not have the effect to raise all the taxes desired, or to bring everything back to the old specie-paying basis, we are told at once that the measure is insufficient.

In regard to this proposition, no one anticipates from it any remarkable good. We have all so stated. It does not reach the seat of the disease. In a time of war the currency of the country will be necessarily depreciated. It has been so in all times. The Senator from Pennsylvania has cited one historical precedent when the assignats of France disappeared. They became entirely valueless, and disappeared. He might have gone to our own history, referred to our revolutionary scrip, which was finally depreciated, and then disappeared from the currency of the country. He might have adverted to the history of England. But does that meet the difficulty? Does that answer the objection? Does that prevent us from taking measures that will tend to keep our paper money up to the standard of gold? If the gentleman had been a member of a French convention and had objected that the tendency of issuing so large an amount of assignats was to depreciate them, the Frenchmen would have replied, "Well, sir, what do you propose to do? It is the best measure to gain means to repel the invasion of French territory we can make." That would have been the answer. So in England. England adopted more stringent measures to prevent the exportation of gold and to maintain its own paper money in the war with Napoleon than we have ever dreamed of. In England at one time the depreciation of the Bank of England notes was some forty or fifty per cent., and the depreciation of the debt which was sold for Bank of England notes was equally great, so that the depreciation in England was greater from the standard than ours now; and then such wise and sagacious financiers as William Pitt proposed measures very similar to this. Gold was prohibited from exportation; dealings in gold were discouraged in every way possible; all these measures were resorted to; and it was only these measures, aided by her command of the ocean and her control of the commerce of the world, that enabled her to carry on her war with Napoleon.

I do not think this measure is of the first importance. I agree with the Secretary of the Treasury that the only remedy for existing evils is passing severe tax laws, withdrawing as rapidly as we can our paper money, and military success; but must these prevent us from resorting to any other? The Senator from Maryland tells us that the gold bill we had up the other day did not accomplish the purpose that he expected. I will say that it accomplished all that I expected, and even more. I have no doubt but that for the passage of that gold bill gold would this day be over 200, and I can say to Senators that it was the operation under that gold bill that prevented it from going to that standard yesterday. You cannot judge of the effect of the measure by what it has done in a day or a week. The tendency, as a matter of course, now is a depreciation of our paper money. At this season of the year that is the inevitable tendency.

Mr. COWAN. If the Senator will allow me, I would like him to explain how that bill prevented gold from going up.

Mr. SHERMAN. I do not choose to explain to the Senate; but I have stated distinctly that the effect of operations under that identical authority which you gave to the Secretary to dispose of the gold on hand did bring up the standard of paper money, and depreciate that of gold.

Mr. COWAN. I want to vote for more of them if they produce that effect.

Mr. SHERMAN. If we had more gold, if we had more foreign exchange, we could undoubtedly produce that effect. The tendency of all events now is to depreciate paper money; and why? Just at this season of the year, more than at any other time, there is a greater pressure upon the money market. Military operations are now quiet. A little more than one year ago we were in a worse condition, financially, than we are this day. Some Senators are disposed to take a disparaging view, and we have had a long historical homily read here about the depreciation of paper money in France. Our bonds this day are worth more in gold than they were this time one year ago. One year ago the long bonds of 1881, as they are called, sold in the market at New York for 92 cents on the dollar; now they are worth 114.

Mr. COWAN. Mr. President——

Mr. SHERMAN. I hope the Senator will not interrupt me.

The PRESIDING OFFICER, (Mr. ANTHONY.) The Senator from Ohio has the floor.

Mr. SHERMAN. I never interrupt any one, and I do not like this continual hectoring.

Mr. COWAN. I should not desire to interrupt the Senator, but that he is making the closing speech on this bill. ["Not at all."]

Mr. SHERMAN. There is no such thing as a closing speech in the Senate that I ever heard of.

Mr. COWAN. Very well; then let the Senator go on.

Mr. SHERMAN. I say now that the present condition of our finances is better than it was a year ago. Our long bonds then selling at 92 are now worth 114. It is true that gold is higher than it was then, but how much higher? One year ago gold was selling at from 160 to 170, and now it is selling at from 170 to 180, so that the actual difference in favor of our present position is at least ten or twelve per cent. Suppose it were otherwise, who is to blame? When the Committee on Finance warn you against large appropriations and large expenditures what effect has it on the Senate? Sometimes it is not very marked. In December last the chairman of the Military Committee introduced his bounty bill, which has been the fruitful source, in my judgment, of more financial trouble to this country than any single measure yet offered; I mean the bill granting bounties to be paid by the United States. The General Government pay a bounty to our soldiers who reënlist, involving an expenditure of over one hundred million dollars, and I say that has been more injurious to the public credit than anything else; but how could we help it? Under that system of national bounties the soldiers were carried from the field of operations back to their homes all over the country. They were brought from the far West to Ohio and the eastern States; they were brought from Louisiana to New England; they were brought from Tennessee and Alabama to the northwestern States; they were brought from the army of the Potomac to the West; and all this was done at enormous expense. It was done under the idea that it was necessary to offer bounties to induce the men to reënlist and bounties for the enlistment of new men, and the measure was passed here in hot haste. What was the effect? The money had to be raised, not by commutation paid by the people in cities or States, but from the Treasury. The soldiers came home and their expenses had to be paid, their bounties had to be paid. How was this expenditure to be met? You did not provide any way of meeting it; you did not point out any way; you did not provide any tax to meet this particular exigency; but on the contrary you compelled the Secretary of the Treasury to issue more paper money, and the paper money issued in consequence of this system of bounties has been one cause of the depreciation of our national currency.

I speak of this matter not in a fault-finding spirit, Mr. President, but to show that under all the difficult circumstances by which we are surrounded, we have done very well, better than any other nation; and after making the historical parallel, I will venture the assertion that no nation with one half the expenditure has ever been in so good a financial condition as we are at this day. We are better off now than England was during ten years of her war with Napoleon. We are better off financially than France was during any portion of her war from 1791 to 1815. We are better off than we were in the war of 1812, when we issued the bonds of the United States at sixty-seven cents on the dollar, and took depreciated bank paper, which was worth but little in gold. The habit of taking a discouraging view of our condition because we are compelled to resort to large expenditures, and to issue a large amount of paper money, I say is entirely unnecessary, sometimes I think unpatriotic.

It is true that the inflation of paper money is not to be remedied by bills like this. I admit with the Senator from Maryland that we cannot prevent inflation by mere paper pellets. It can only be done by military operations and by tax bills. The only point is, whether this will tend to afford relief, whether it will check the speculative operations in gold, and thus preserve the public credit.

What are the terms of this bill? Senators discuss it as if it was a proposition to prevent men from buying gold and silver coin, or to discourage fair and legitimate operations. The Senator from New Hampshire, much to my surprise, discussed this bill as if it was intended to have, and would have, the effect of preventing the legitimate operations of an honest man going and buying some gold for his business purposes. That is not the effect of the bill. The first section provides that a man shall not sell gold when he has none to sell; that he shall not sell it on time; that he shall only sell it for money received in hand; the gold to be paid over in hand, and the money to be received in hand. I ask if that will not tend to prevent speculative operations in gold? Anybody can see the natural effect of this bill. In the city of New York many millions of dollars of gold are sold every day, and hardly a single dollar passes. Nearly all the operations in gold in New York now are merely speculative. Only $300,000 or $400,000 daily is needed for the payment of duties, and there is no demand in the city of New York for gold except to that extent to pay customs. All the rest of the sales are speculative. No gold is sold for exportation; none is exported; and there is no reason for carrying on operations in gold in the city of New York to the extent of half a million dollars a day. No person uses gold; no one pays gold for property; it is not used as currency. The only purpose for which it is valuable now is to pay duties to the Government, and the extent of those duties is $300,000 a day; and yet I have information that the amount of gold nominally sold in New York every day amounts to from ten to thirty millions. All these operations above the limited amount I have mentioned are merely speculative.

Cannot we prevent this? Senators admit that the tendency of these speculative operations is to impair the public credit. Can we, within the limits of the Constitution, prevent this tampering with the public credit, these operations which tend to impair the public credit? I think we can.

The Senator from Pennsylvania thinks the first section of the bill simply prohibits gaming. What then? Do we not pass laws in this District to prevent gambling? The Senator says the provision will be ineffective. So your laws against gaming are ineffective; but shall you therefore cease to pass laws against gaming? If gaming was legalized in this District, what would be the effect? Your gambling tables, instead of being in some private rooms where they are hid and secluded from the public eye, would be in your market houses, in your public streets, everywhere. Gaming laws are passed by every State and by every community to prevent the open exposure of vice. They are not always effective. I have no doubt that gambling is carried on to a great extent in this city every night; it is a matter of public notoriety; and yet who would repeal your gaming laws? So it is in the States. In every large city in the United States gaming is being carried on; but it is made disreputable and dishonorable, and men who have regard for their characters will not be seen going and engaging in it. In order to make it disreputable and dishonorable, we pass laws declaring that gaming transactions are void, and punish them as a crime.

What is the difference between placing money upon a faro bank and engaging in a mere bet on the market value of gold? None whatever. The last time I was in New York I visited several of the places where gold was bought and sold, and no gold actually passed. One man said, "I will sell you $50,000 of gold for such a price;" and it was taken, but no gold passed. It was the merest gambling in the world.

Can we prevent it? If we cannot; if the Senator from Maryland is correct that we have no power over the subject, no power to protect our national currency, no power to prevent gaming in the national stocks, no power to prevent this great evil in time of war, I must submit, of course, and I shall say no more about it; or if the Senate supposes that our proposed law will be ineffective, and cannot be enforced, I shall be willing to abandon it. But, sir, I think the object is desirable; I think this bill will tend to effect the object. I do not suppose it will accomplish it entirely; but it will tend to effect the object; and so far as it will so tend, I am in favor of its passage.

Now look at the criticisms to which the bill has been subjected. The Senator from New Hamp-

shire proposes to strike out those words which require a manual delivery of the money in exchange for the gold. I know the Senator is desirous to pass the best bill on the subject; but how easy will the bill without the provision which he moves to strike out be evaded! If gold can be paid for by a check, by a note, or by a horse, as I believe was suggested by the honorable Senator, what will be the consequence? Take the case of a check: if the gold can be paid for by a check, the object of the law is defeated. With $1,000 in any bank in the city of New York, I can draw checks to the amount of $100,000, and no doubt the currency of the city of New York is vastly multiplied by their system of certified checks which return to the bank through the clearing-house. The purpose of this section is to throw impediments in the way of these speculative operations.

The Senator from New Hampshire puts the case that he, from the State of New Hampshire, wants to go to England, and desires gold to pay his expenses, and he gets a draft on New York and goes there to buy the gold. There is no difficulty in the Senator converting that draft into United States notes, and going with those notes in his pocket to any broker's office in the city of New York and buying in gold for his purpose.

This bill does not interfere with any legitimate operation. If a man wants gold for any legitimate purpose whatever, he has a right to take lawful money of the United States and go and buy that gold; but on the other hand a speculator, a man who simply wishes to raise the price of gold, can go to a broker and say, "I will give you such a price for your gold, and give you my check on some bank for it." He may receive the gold; he may have the manual delivery; and then he may sell that gold forty times over before his check is presented and paid. If you strike out that clause, you will have no restraint except the mere manual delivery of the gold. The gold may be handed over by one speculator to another, may be handed back and forth, the gold may be in bags counted, may be there on the table precisely as the money is on the table of a faro bank; but unless the money actually accompanies each transaction on both sides, legal money on the one side going for the coin and coin on the other coming back, you have no check on these speculative operations. I say, therefore, that to strike out that feature of the first section would be to destroy one of the necessary guards which such a measure as this should impose.

The first section will not prevent any man who desires gold for commercial purposes from buying it. I do not care what he wants to do with it; if he wants to export it, he has a perfect right to take lawful money of the United States and go into any broker's office in the city of New York or anywhere else and there buy, as a legitimate transaction, gold and silver coin to any extent; but this bill will forbid him from going into some chamber and there selling $1,000,000 of gold, not one dollar of which he has got; or of buying $1,000,000 of gold when he has not got a single greenback in his pocket to pay for it. It is these speculative operations in gold, tending to destroy the public credit and the public confidence, in which the faith of the nation and the honor of the nation go up and down every day, that are intended to be prevented by the bill. My only regret is, Mr. President, that we cannot execute it in all its details. With the Senator from Maine, I doubt very much how far this bill can be made effective, because I expect these men, who are ingenious, to evade it and avoid it; but if we can only throw impediments in the way of these speculative operations; if we can only drive them to their secret vaults; if we can only make this species of gambling discreditable or difficult, it is all I hope to accomplish.

In regard to the second section of the bill, the Senator from New Hampshire criticises that. He says, "Why prevent a man from selling gold wherever he has got it?" The second section is to prevent those men who have got gold in the city of New York from going to other places than their places of business with a single bag of gold and using that as their capital stock, passing backwards and forwards, thus evading the first section. That is the intent. The second section will not prevent any man who wants to sell his gold from selling it at any place where gold may be bought and sold. I do not know how many thousand brokers and bankers there are in the city of New York; the Senator from New York [Mr. MORGAN] would know much better than I do. There are probably from five to ten thousand places in that city where gold may under this bill be bought and sold legitimately. The second section was simply intended to prevent the purchase and sale of gold in places where legitimate business is not being conducted, where all the business transacted is speculative, and simply of the character that is going on over the faro bank every day in the year.

Mr. President, I am not prepared to enter into a constitutional argument on the question in reply to the Senator from Maryland. I think this question is involved and sufficiently involved for my purpose in the decisions already made sustaining legal-tender money. If we have the power to issue legal-tender money, and it has been so decided by the courts and so decided by Congress, we have the undoubted power to protect that legal-tender money to a considerable extent; but that is not all. The Constitution confers upon Congress certain independent powers aside from the protection of the national currency, aside from its power to borrow money and have a medium by which the money is borrowed. We have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes. We may prohibit all commerce in gold. Who doubts it? Who doubts that if Congress found it necessary to prohibit the exportation of gold we might do that, as was done by Great Britain in her wars? We regulate commerce. To what extent may we regulate it? The power to regulate includes and generally involves the power to destroy.

Mr. COLLAMER. The provisions of that kind are of a negative character—limitations, not grants.

Mr. SHERMAN. We have clearly the power to regulate commerce with foreign nations. Suppose it should become necessary for us to refuse to have commercial intercourse with Great Britain as we did before the war of 1812 when we passed the embargo law. Have we not a right to prohibit trade with the citizens of Great Britain? Have we not a right to prohibit trade in a particular class of articles? In time of war, we may prohibit the exportation of gunpowder and of lead and of other munitions of war. Why not of gold, the foundation and the vital point of commerce? I do not see any constitutional difficulty. We have the power to coin money, and under that power we have issued our paper money, our greenbacks, and stamped them with the national authority. We have the power to regulate the value of coin.

It seems to me that these general powers are sufficient for the enactment of this bill. At any rate, I have not the slightest doubt that we have the power to a limited extent to protect our national securities from gaming operations, precisely as a State or any other political community has the right to prevent within its limits gaming tables or the display of vices injurious to the morals of the community. I do not think there is any difficulty.

Mr. President, I cannot say, nor do I pretend to say, that if this bill shall pass it will reduce the price of gold. No man can say that. That depends upon the future. I only know that the gentleman who is at the head of the Treasury Department, upon his responsibility, tells us that this will tend to some extent to promote that good result. This proposition was first introduced by the Senator from Kansas [Mr. LANE] and was sent to the Committee on Finance in December, I think. It was there talked over and finally laid by as being one of those measures of at least doubtful expediency, and there it lay. I undertook myself to frame a law which would satisfy my own mind on the subject. I did so, and after reasoning and doubt about it, I laid that aside, and there it waited in the Committee on Finance for a long time, and there it would have lain probably, but that the Secretary of the Treasury, who is now in New York, the very seat of these commercial operations, gives us his official statement that such a law as he proposes will be beneficial to the national Government. I felt bound to support it, not only from my respect for his opinion, but from the fact that I cannot state that this bill will not have a beneficial effect. If it can accomplish the object set out in the first and second sections it will be beneficial, and I do not wish to take the responsibility of defeating it under these circumstances. I agree that we have got to depend upon some other remedy.

The Senator from Maine alluded to one subject to which I should not have made any reference but that he did so; and that is to the general complaints made in the newspapers in regard to the action of Congress. We are not here to discuss the conduct of the other House; but I can say in regard to the Senate, and especially in regard to the Finance Committee, that they have been and are ready to consider any proposition that will improve, as they believe, the public credit. We are restrained by the Constitution of the United States from originating revenue bills. I never could see any reason for that provision of the Constitution which denied to the Senate the power to originate money bills. I suppose it was taken from that provision of the English constitution which forbid the House of Lords the power to originate money bills.

Mr. COLLAMER. I wish the gentleman would not use that phrase, for it is an English expression, and is not the language of the Constitution.

Mr. FESSENDEN. "Bills for raising revenue."

Mr. SHERMAN. They are the same thing.

Mr. COLLAMER. But they are not the same thing.

Mr. SHERMAN. They are generally used as synonymous terms. We know very well from the history of the English Parliament that the House of Commons will not allow the House of Lords even to propose amendments containing new propositions to one of their appropriation bills. As the Budget passes the House of Commons, so it must pass the House of Lords. In one case about one hundred years ago, where the House of Lords added to the Budget an appropriation of £5,000, the House of Commons in high dudgeon sent the bill back to the House of Lords with a statement that in this respect they had violated the privileges of the Commons of England.

Mr. FESSENDEN. There was a similar case a short time ago.

Mr. SHERMAN. The case to which I refer occurred, I think, in 1757, and there have been similar cases since. I suppose this idea that all taxes should originate from the immediate representatives of the people caused the framers of our Constitution to insert in it the provision that bills for raising revenue should originate in the House of Representatives. That undoubtedly includes all tax bills. There has been some question as to whether it includes appropriation bills. The Senate, I believe, have several times decided that it does not include appropriation bills. The House of Representatives, I know, at one time insisted that it did, and I think such has been the general course of that House. At any rate, there is no doubt that a bill levying taxes on the people must originate with the House of Representatives, and therefore we are powerless in this body to do anything on the subject. We know, however, from the current history of the times, that the Committee of Ways and Means in the other House, the committee necessarily charged with the preparation of such bills, have been overwhelmed by the character of their labors. They have to frame all the appropriation bills, and all the bills relating to finance and the revenue, and consequently they have been, as I have heard some of their own members say, worked almost to death. They have not the physical power to frame one of these bills in a day. Many of those persons who write articles for newspapers suppose that the framing of a revenue bill is a matter that can be done in a very short time. When the internal revenue bill of two years ago was before the Senate Committee on Finance, I think we heard between one hundred and fifty and two hundred committees representing the various trades and occupations all over the United States. The amount of time and examination and detail necessary in preparing one of these bills is far beyond what any gentleman who is not accustomed to the matter would think. In regard to the single question of the tax upon whisky on hand, we were compelled to hear citizens from

all parts of the country, and so in regard to every other article taxed. I hear a great deal of talk among people, and there is a clamor in the newspapers especially about the desire of everybody to be taxed; but our experience has been that whenever we attempt to impose a tax to affect an individual, that same person, although very patriotic, is always ready to show that while everybody else ought to be taxed, he for some particular reason ought to escape. We are bound to hear these people and listen to their explanations.

I make this statement in justice to the other House. So far as the Senate committee is concerned and so far as the Senate itself is concerned, it has never shown any indisposition to hear and pass upon all these questions of finance; and although we have not always been harmonious, have not always been able to agree on the details or even the principles of some of these bills, I trust we have always differed in regard to them with manly sincerity and for good reasons.

Mr. SUMNER. Mr. President, this question has been presented under several aspects: first, as to the power of Congress; secondly, as to the expediency of its exercise now; and thirdly, in the examples of history. In the little which I have to say I shall touch upon all these points, but very briefly. But I observe at the outset that the whole question, in its various branches, was discussed fully and ably when, two years ago, Treasury notes were made a legal tender; and let me say it was settled then. The illustration from the French assignats bears very slightly on the matter. Assignats were created with a wild lawlessness which makes that case unique and exceptional. An eminent English banker, testifying before a parliamentary committee, said, "The French assignats were issued upon no principle at all, *because no provision was made for their redemption.*" Nobody here proposes assignats.

In ordinary times the proposition now before the Senate would not be made. It is one of the measures occasioned by the extraordinary crisis through which the country is passing, and, like those measures, to be vindicated by the exigency. And yet there are certain principles which are applicable to it even without resort to extraordinary powers.

Gold coin may be seen in two characters, either as money or as merchandise, for it is both. It is ordinarily used as currency only, but, from its intrinsic value, it becomes merchandise: Now, in each of these two different characters it falls under the regulating power of the Government, according to well-received principles and analogies.

First. If we regard it as money, then is it not the duty of the Government, if the occasion requires, to watch over and protect it? The currency is established by the Government, which has the exclusive power to "coin money." Shall the Government stand idle and see this function perverted and the money that it has coined turned from its natural purposes? The answer would seem to be easy on a simple statement of the case. The currency must be protected against such abuse.

Government fixes the value of the coin. May it not interfere to rescue the coin from the operation of circumstances which interfere with its value?

Government may withdraw its coin from circulation. May it not, in its discretion, determine the terms of circulation?

By long usage in all countries Government exercises the power of determining the rate of interest, fixing it sometimes high and sometimes low. On abstract grounds this power has been often questioned, as an interference with business. The common argument has been, as in the present case, that interest must be left to find its own level, without any interference from Government. But Government has, nevertheless, assumed the responsibility of interference. I know not if it would not be better for Government to abstain in this case. On this subtle question, where so much has been already said on both sides, I say nothing. I refer to it simply as an illustration of questionable powers in Government. And if Government may regulate the lending of money, it surely may regulate the way in which it may be sold.

Secondly. But if we regard gold coin as merchandise we shall find the principles and analogies stronger still, if possible.

The old common law of England was sedulous in guarding markets against the injurious consequences of speculations, going in this respect much beyond any practice of latter times. "Regrating," "forestalling," and "engrossing" are terms which have now passed out of use, but they will be found in our law books; and if we go back to early times they will be found to have played a very prominent part. They all mean substantially the same thing, namely, the act of buying up provisions or other articles in a market "in order to raise the demand, and sell again at a higher price." Here is a description from Tomlins' Law Dictionary, under the title of "Forestalling:"

"In our law, forestalling is the buying or bargaining for any corn, cattle, or other merchandise by the way, as they come to fairs or markets to be sold, before they are brought thither; to the intent to sell the same again at a higher and dearer price.

"All endeavors to enhance the common price of any victuals or merchandise, and practices which have an apparent tendency thereto, whether by spreading false rumors, or buying things in a market before the accustomed hour, or by buying and selling again the same thing in the same market, &c., are highly criminal by the common law; and all such offenses anciently came under the general appellation of forestalling. 3 *Inst.* 195, 196. And so jealous is the common law of practices of this nature, which are a general inconvenience and prejudice to the people, and very oppressive to the poorer sort, that it will not suffer corn to be sold in the sheaf before thrashed; for by such sale the market is in effect forestalled. 3 *Inst.* 197; *H. P. C.* 152.

"Forestalling, engrossing, and regrating, are offenses generally classed together as of the same nature and equally hurtful to the public."

Let me be understood. I do not read this ancient common law for adoption now, even if there were occasion for it; but simply to exhibit the stringent principles which at that early time were applied under the penalties of fine and imprisonment to prevent abuses not so flagrant as those which now prevail with regard to gold. The common law was sustained also by legislation; but the common law itself stepped in as *guardian and protector*, even without any special legislation.

In point of fact, our Government, through the Executive, prohibits the exportation of horses. And yet it is gravely argued that Congress cannot prohibit the exportation of gold. If it can do it in one case, it can do it in the other; except that in the case of gold the argument is more urgent, as gold is more sensitive than a horse.

Thus, sir, whether we treat gold coin as money or as merchandise, it seems, according to established precedents, to fall within the jurisdiction of Government. But it is not necessary to go into any of these niceties. There is another ground: it is that with which I began, and which, if all others failed, would be ample.

Congress unquestionably has power, in the last resort, to do what the public safety may require. It is not necessary to quote texts for this principle, for it is plain. On this ground the *habeas corpus* is suspended, men are drafted, heavy taxes are imposed, Treasury notes are declared to be a "legal tender." These are all extraordinary powers, to be exercised only in a rare exigency and for the public good. And now it is proposed to exercise another and kindred power. The ordinary freedom with regard to gold coin is to be suspended for the time; speculations in gold coin are to be arrested, and this peculiar commerce is to be regulated. If any reason is asked, the answer is prompt. The public safety requires the interference of Congress, and the public safety is the supreme law.

Gold has been carried up as high as eighty-nine per cent. As a natural consequence, values have changed, business has suffered, foreign exchanges have risen, uncertainty and confusion have ensued, all tending to panic. There are persons who attribute these things to disloyal or at least unpatriotic influences. For instance, here is an extract from a pamphlet which has been laid on our tables within twenty-four hours, entitled, "The Price of Gold and the Presidency—Considerations for the People:"

"But it is currently reported and believed that a combination of bankers, or a set of traitorous speculators who call themselves such, now exists in New York, to purchase any quantity of gold that may be sold by Government; their object being to keep up the premium upon gold for the purpose of bringing discredit upon our Government, either in aid of the rebellion, or for the sake of private gain at the public cost. Any such action should be considered and treated as a conspiracy of traitors. Such men are like vultures preying upon the vitals of the nation, and should not be permitted to reside within our lines. Let Congress so guard against their operations as to render them unprofitable, and they will cease."

This may be true or false, and I refer to it simply as an illustration of the suspicion under which these transactions have fallen. But it is enough for our present purpose to show the transcendent mischief, without attributing to it any motive. It is enough to point to influences tending fatally, unless arrested, in order to justify Congress in the exercise of all the power that belongs to it.

As in the exercise of other extraordinary powers, we now follow the examples of history and do what other nations have done, at great moments, when the national life was in peril, or at least when the public safety was endangered. All authorities on this question concur in the opinion that, in ordinary times, business must be left to its own natural laws, without any interference from Government. Perhaps the true principle has never been stated better than by Alexander Baring, afterwards Lord Ashburton, the same who negotiated with Mr. Webster the treaty of Washington. In a tract on the Orders of Council as long ago as 1808, this authority, who was called "the most eminent merchant of the day," uses the following language:

"An avowed system of leaving things to take their own course, and of not listening to the interested suggestions of one class or another for relief, whenever the imprudence of speculation has occasioned losses, will, sooner than any artificial remedy, reproduce that equilibrium of demand and supply which the ardor of gain will frequently derange, but which the same cause will, when let alone, as infallibly restore."

But this rule is for ordinary times, when the ship can be navigated without real peril. It is a rule of high convenience, but it is not applicable to a moment of tempest, when sails and masts are to be cut away for the safety of the ship.

An eminent English writer, after quoting the opinion of Lord Ashburton, says:

"But however important, even these principles are not to be *carried out at all hazards*. The *salus publica* is the first consideration, and to it all others must give way. And if at any time it can be shown that this grand principle would be compromised by abiding by any act of Parliament, *then undoubtedly it ought to be suspended*. But the necessity for interference must be clearly made out."—*Encyclopædia Britannica*, article Money, by Mr. McCulloch, page 468.

And the same writer says again:

"To tamper with the currency, except under the *exigency of internal discredit or of a panic*, is a totally inexcusable proceeding."—*Ibid.*, page 465.

And again:

"When the panic and distrust that occasion the suspension of the act subside, then it should be revived in its pristine vigor. The *habeas corpus* act is not the less efficient at this moment that it has been repeatedly suspended in periods of danger and difficulty."—*Ibid.*, page 469.

I suppose at this moment the most eminent authority on any question of finance in England, if not in Europe, is that eminent banker somewhat latterly raised to the peerage, known as a banker as Mr. Jones Lloyd, now in the peerage under the title of Lord Overstone. His testimony was given at length before a parliamentary committee on all the questions that are involved in our present debate. He was the great and special vindicator of purity in currency, what is called a gold currency, or a paper currency always convertible into coin; and while, before the committee, he laid that down as the constant rule which the Government at all times must propose to itself, he went on to say:

"The pressure of 1797 was undoubtedly, to a considerable extent, connected with political alarm, with the fear of foreign invasion, causing an internal demand for the exchange of notes into coin: under such circumstances, there is no measure founded upon principle which can pretend to afford an adequate protection. If, for instance, at this moment"—

This testimony was given in 1858—

"if, for instance, at this moment this country were suddenly exposed to the calamity of a very large foreign force occupying its soil, or if it were exposed to the calamity of a very formidable and serious civil insurrection, no doubt a state of panic alarm with regard to the paper money might arise against which no provisions of the act of 1844, nor any provisions founded upon principle, could possibly afford an adequate protection."

Practically the same principle, subject to the same limitation, has been recognized in France. Nobody doubts the prudence and skill with which the Bank of France has been conducted; but at the time of the revolution of 1848 it was brought into a situation of extreme danger, having been compelled to make large advances to the Provisional Government and to the city of Paris. Under these circumstances, combined with a distrust universally prevalent, there was a run upon the bank for gold, until, in order to prevent a complete ex-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. MONDAY, APRIL 18, 1864. NEW SERIES....No. 104.

haustion of its vaults, the Government was obliged by the decree of 16th March, 1848, to suspend cash payments and make the notes of the bank for the time a legal tender. Here was an interference which could only be justified by considerations of public safety.

But this great law is of universal application, and is the same at London, at Paris, and at Washington. It is in the name of this law that I shall vote for the present proposition.

But I am not too confident with regard to the result of this measure. Its influence will be in the right direction. But there are two things which we must provide also: first, taxation; and secondly, victory. Let taxes be imposed which shall bear a certain proportion to the exigency of the hour. Let victory be won. But taxation and victory are but signs of overmastering *energy* in the Government; and this now is the one thing needful. There should be energy in every branch of the Government; in Congress as well as in the Army. The resources of the people are ample. Let them be properly inspired and the end will be prompt and certain.

Mr. COWAN. Mr. President, I propose to say a very few words; and if it is possible under the circumstances I will endeavor in the first place to notice the most remarkable argument of the Senator from Massachusetts in support of this bill. He starts out by declaring that the question has already been settled, and that the question was settled when the Congress of the United States of America undertook to pass and did pass a bill declaring our Treasury notes a legal tender. Might one be allowed to ask what question that was? There are two questions involved in this bill: one a question of constitutional power, raised by the Senator from Maryland; and the other that of expediency or policy raised by the Senator from New Hampshire and myself. Which question was settled, I should like to know, because not a word which fell from the Senator's lips gave us the slightest inkling which of the two he intended to mean was settled by the passage of the legal-tender bill.

Mr. SUMNER. I mean the question of power.

Mr. COWAN. Well, I should like to know how the declaration that our notes should be a legal tender in payment of debts due from individual to individual, and for dues to the Government, can have any connection, the most remote, with the question as to whether we can suppress gaming. The honorable Senator from Ohio does see, it seems to me, where this question lies, and he says it is a question of gaming. The honorable Senator from Massachusetts, in some extraordinary kind of misty, spiritual way, has located the question in connection with the legal-tender bill. I may be dull; I hope my brother Senators are not so dull; but if anybody can see the most remote connection between the two, I will give it up and say no more about it.

He next takes me to task because I read a chapter in regard to the assignats as illustrating the futility of this legislation, as an example that, try it when you will, and where you will, and under what circumstances you will, it amounts to nothing in the end. What was his answer to all that? The assignat, said he, was unique, because some English nobleman said no provision was made for its redemption.

Mr. SUMNER. An English banker.

Mr. COWAN. An English banker, who was afterwards made a nobleman.

Mr. SUMNER. No.

Mr. COWAN. Well, he ought to have been a nobleman, because the fellow who discovered that certainly deserved some title or blue ribbon to wear on his breast. I can say to the Senator that the assignats were based on a most excellent security. The assignats were based on the crown and church property of France, and that included a very large proportion of the property of France at that time; and if it had not been for the insecurity of titles, if it had not been for a doubt as to whether the revolution would succeed, there was never a paper in the world better secured than the assignats. They were intended to be redeemed, and they were to be redeemed in that most substantial of all property, that property which of all others men most desire to achieve and men most desire to retain, real estate, better, ay, better even than gold. The holder of the assignats, if he had faith in the revolution, could go into the market and purchase the real estate of the church and of the crown of France to any extent with them; and it was only because he feared the title that he chose to hold on to the paper and let it depreciate in his hands rather than trust to the success of the great revolution which was then in progress. And this is the paper that the eminent English banker, the most eminent English banker according to the Senator, said no provision had been made for the redemption of.

But, Mr. President, what has all that to do with the question before us? The honorable Senator says that this bill is to protect the currency from abuse; that the currency of the country belongs to the country, and that it is within the purview of our constitutional powers to make it, and why should it not be protected? Who is assailing the currency of the country? What protection is this bill intended to give to the currency of the country? I expected that the honorable Senator would then show us how betting upon the price of gold, or the price of our currency, if you please, affected that currency. I expected some gentleman upon this floor, when he asked us to pass this legislation which has been denounced, which has been ridiculed, which has been considered futile for ages, would try to show to the Senate how this measure would affect the currency. Has anybody done it? If so, I have not heard it. No gentleman has said here that because I bet that the currency will be fifty per cent. to-morrow and the Senator from Oregon [Mr. NESMITH] bets that it will be forty-five per cent., that affects the currency itself. No gentleman here has undertaken to say that our bet has a tendency to do that, because every gentleman knows that if I undertake to raise the currency in that way, the Senator from Oregon is just as much bound to keep it down; and if we could have the slightest influence upon it, would not the one counteract the other? What I objected to the bill was that it threw the whole force of the Government into the scale of him who bet against the Government. That was the objection to the bill which I stated when I was first up.

But after stating that my reading about the assignats had nothing to do with the question, the honorable Senator went on to read about forestalling. What had that to do with the question? Is there any forestalling here? Is anybody charged with buying up all the gold or buying up all the paper? Is there a question of forestalling in this case at all? Is there the most remote allusion to it in any way, or in any of its aspects? And yet we are treated to a long disquisition upon forestalling. The honorable Senator from Massachusetts has a perfect right to lecture here upon forestalling, if he sees fit, but at the same time he cannot blame other people for saying a word now and then, and reading a word now and then about assignats.

Then, Mr. President, another doctrine is announced which I beg leave utterly and totally to dissent from, and I think that no Senator within these Halls will more willingly join with me in this dissent than the honorable Senator from Ohio. The honorable Senator from Massachusetts lays down the rule that the *salus populi* is to be our guide here, that the public safety is to be our pole-star, and that to it alone we are to look for our authority in the premises. Sir, I dissent totally and entirely from that doctrine. We are here a body of men, the representatives of the American people, with delegated powers, with our letter of attorney in our pockets, with no right to transcend a single power or a single authority given in that letter. In order to be sure of it, (how it could be presumed that a gentleman would dare to do it I do not know,) out of abundant caution, to be doubly sure, every member here goes to that desk and takes a solemn oath in which he invokes high Heaven to witness that he will not only exert the power conferred, but that he will not transcend it. Then, sir, our authority and our power is not a thing which rests in our judgment and our discretion. If a tyrant should decide that the public safety required that the members upon this side of the Senate should be thrown into a dungeon, that would furnish him his constitutional warrant, I suppose, according to this doctrine! Mr. President, it is not only not true, but it is dangerous, subversive of all liberty, and destructive of the very fabric that we are here to protect and preserve, that fabric of which we have all been heretofore so proud.

Now, another word with regard to the Senator from Massachusetts. He says that this bill undertakes to regulate the trade in gold. Why, Mr. President, has the honorable Senator read it? If he has read the bill, does he not know that this bill undertakes to regulate the trade in the absence of gold? It is not the trade in gold, but in not gold, if you please. The *bona fide* transactions in gold are protected; and half the speech of the honorable Senator from Ohio was made to show the Senate that the *bona fide* transactions in gold, the fair dealings among men everywhere under this bill, were protected.

Mr. SUMNER. Is not that regulation?

Mr. COWAN. Regulation! Mr. President, if there is anything to be regulated, it is regulation; but there is nothing here connected with gold or with the currency that is to be regulated. It is not the currency that is regulated; but it is the conduct of certain men in betting and speculating upon certain fluctuations in the currency that is forbidden, not regulated.

Now, Mr. President, a word as to my honorable friend from Ohio, who does really argue the question, in one sense of the word. He says that our credit is as good to-day as it was a year ago. That may be; but what I object to is that the evidence that he cites of the fact does not prove it. He says that a certain class of our bonds, a year ago, sold for 92, and that now they are worth 114. If he had proved that that 92 and that 114 were in gold, I agree he would have made his point; but when he leaves that open, and when it is notoriously the fact that the 92 and the 114 are in our currency, it proves the very reverse of what he says. Why is it that these bonds go up? Because the currency goes down.

Mr. SHERMAN. I stated at the same time the difference between the price of paper money a year ago and now. I stated that gold was then from 160 to 170 and now from 170 to 180, showing a difference in favor of the Government.

Mr. COWAN. I do not say but that the honorable Senator can prove his proposition; but I say that the evidence he has adduced in order to do so, and the manner in which he left the question, proved no such thing. If there was any merit in showing the fact it should have been so clearly that it would do the good that I have no doubt he intended it to do.

Then he says, further, that we here have compelled the Secretary of the Treasury into his present unfortunate condition. I think not. I very well remember that the honorable Senator from Ohio and the chairman of the Committee on Finance upon one occasion rose in the Senate and stated that the Secretary of the Treasury had expressed the opinion that if those bounties were allowed, which the Senator calls enormous bounties, the Treasury would not be able to meet them; and I very well remember, too, how much astonished they were when a few days after they received a letter from the Secretary of the Treasury accompanied by another from the Secretary of War, stating that they could be paid.

Mr. SHERMAN. But the Senator must do the Secretary of the Treasury the justice to say that the Secretary of War in his estimate said it would not take over twenty million dollars to pay the bounties, and he went on to give the items in detail; and then the Secretary of the Treasury

said, "On the faith of this statement to me by the Secretary of War, I do not believe it will seriously embarrass me to allow the additional bounties."

Mr. COWAN. Then the blame should be laid on the Secretary of War, and not on the Senate.

Mr. FESSENDEN. I beg the Senator's pardon. The blame is just as much to be laid upon Congress. We extended the time on two several occasions I believe, and for several months.

Mr. JOHNSON. At their request.

Mr. FESSENDEN. But we did it, and we knew what the effect would be.

Mr. JOHNSON. Certainly.

Mr. COWAN. I am not prepared to say what my honorable friend from Maine knew, or my honorable friend from Ohio knew, or what my honorable friend from Wisconsin [Mr. DOOLITTLE] knew. I have no doubt they are a great deal wiser than I am, and know a great deal more than I do; but I confess that when I voted for extending the time within which the bounties were to be paid I did not know that any disastrous consequences were to flow from it, and I am not prepared to say now that it was not the very best thing to be done for the country.

Mr. FESSENDEN. That is not the question. The Senator must have known, if he reflected a moment, that if the time were extended longer we should have to pay more money for bounties.

Mr. COWAN. Certainly.

Mr. FESSENDEN. That was all anybody else could know.

Mr. COWAN. But I was not in a condition to dive to the fathomless depths of this Treasury of ours to know exactly how much it could pay, and how much it could not pay. I took that from the Secretary himself, and I do not think it is proper that any censure should be passed upon us for yielding to their solicitation in this matter because we might have known better. I might perhaps have known better, but I did not know any better. I am very free now to say that I do not know that we did not do the very best thing we could do under the circumstances.

I had hoped, Mr. President, that the honorable Senator from Ohio would endeavor to show to the Senate how the bill was calculated to remedy the mischief of which he complains. He says that a parcel of men get together in New York and they bet upon the price of gold, and therefore he proposes to make that unlawful. The obvious answer to all that is, "Your bill does not prevent them from getting together and betting on the price of greenbacks. You do not make that unlawful, and that is doing directly what they are now doing indirectly." They now bet upon greenbacks really, but ostensibly their betting is upon gold. That is the offense, that is the real gist of the offense. If offense it be, and if effect can be produced from it at all, it is that they produce an effect on the price of our securities. Has he shown that by this betting those securities are affected one way or the other? Has he shown that the man who bets them up is weaker than the man who bets them down? I have not heard a word said upon that point.

He says the Secretary of the Treasury thinks that something good will come of the bill. It looks in the right direction, the Senator from Massachusetts says, and he tells us we ought to try it. Mr. President, I object to that species of legislation—useless legislation, doubtful legislation. It was always a mischief, and I think no one has a right to come here and ask us to vote for a bill when he or the friends who advocate it with him cannot show reasonably that it is to produce the desired effect. Has it been shown that if you prevent gamblers from betting on gold to-night they will not bet to-morrow upon greenbacks? Not at all. Nobody has shown that. Certainly one would be as disastrous as the other, and the latter far more so than the former, because then they would be doing directly what we charge them with doing now indirectly.

Another most significant peroration with which all those who advocate this bill wind up is that they do not know that it will be effective. Mr. President, if the man who proposes a law, and the man who advocates a law, and the man who makes a speech in favor of a law, do not know that it is going to be effective, how are we to know? When a gentleman proposes a measure here which has some pith and body and bone and muscle in it, and he explains it, I can understand how it is to operate; but this I really do not understand. As I said before, I am opposed to this because I think it springs out of that very condition of affairs which is described by Mr. McCulloch, in the book read by the honorable Senator from Massachusetts. I think it comes out of a panic, an unmanly panic on our part, an unmanly fear that our credit is going down and that we shall have to resort to one of those succedaneums, one of those delusions which have so often deceived men in order to keep it up. I would not yield to such a panic. I will not put upon the statute-book, so far as my vote goes, any such monument of our folly as this would be. I do not want to have it handed down to history hereafter that the American Senate in the year of our Lord 1864 tried to force their currency by means of this kind, and I do not want it said too that they tried to force it in the face of all the historical precedents which had gone before, in the face of the assignats, (although they were not redeemable!) in the face of the Continental money, which went away like frostwork before the sun, in the face of all precedents, in the face of the direct revolt of our reason and our common sense in regard to it; and I do not want to do it at the bidding of anybody, whether he be Secretary of the Treasury or whether he be not.

In imitation of the Senator from Massachusetts, allow me to refer to a Roman precedent. It was said of Cato, I believe, that he never made a speech in the Roman Senate that he did not conclude with "*Carthago delenda est:*" Carthage must be destroyed. I propose to adopt another formula and to join in it again most heartily; instead of "Carthage must be destroyed," I would say again, along with those who have heretofore addressed the Senate, "We must pass a revenue bill." It is an old joke; it came from the head of the table; the Secretary of the Treasury started it; he said it must be one that would pay one half our current expenses. I agree with him thoroughly; and I say if we want to cure the depreciation in our currency let us pass a revenue bill. I hope that our new general and our newly recruited armies, and the general spirit which pervades the country everywhere, will achieve us a victory, and that too will aid. Let us satisfy the people (and I only repeat what everybody else has said) that we can put down the rebellion; that we intend to do it, and that we intend to pay our debts after it is put down, and then people will have faith in us and faith in our currency, and you may let the gamblers of New York bet and bet as they please, and they will never vary it a hair's-breadth from the real gold standard.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire [Mr. CLARK] to the amendment of the Committee on Finance.

The amendment to the amendment was rejected.

Mr. COLLAMER. I move to strike out the second section, which requires the business to be done at a particular place, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COLLAMER. Let the section be read.

The Secretary read it, as follows:

SEC. 2. *And be it further enacted*, That it shall be further unlawful for any banker, broker, or other person, to make any purchase or sale of any gold coin or bullion, or of any foreign exchange, or any contract for any such purchase or sale, at any other place than the ordinary place of business of either the seller or purchaser, owned or hired and occupied by him individually, or by a partnership of which he is a member.

Mr. LANE, of Kansas. In December last, when I undertook to investigate this subject in New York, in talking with the loyal men there who looked upon this speculation as a great evil, they all agreed in the opinion that this provision was highly important; and I hope it will not be stricken out.

The yeas and nays being taken, resulted—yeas 15, nays 25; as follows:

YEAS—Messrs. Buckalew, Clark, Collamer, Cowan, Davis, Grimes, Harding, Henderson, Hendricks, Howe, Johnson, Nesmith, Powell, Saulsbury, and Wright—15.

NAYS—Messrs. Anthony, Brown, Chandler, Conness, Dixon, Doolittle, Fessenden, Foster, Hale, Harris, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Willey, and Wilson—25.

So the amendment to the amendment was rejected.

Mr. HARRIS. I desire to suggest to the Senator from Ohio a difficulty that arises under the fifth section. This section very properly gives a civil action for the recovery of the penalty prescribed in the fourth section; but that penalty is a sliding penalty, not less than $1,000 nor more than $10,000. If a civil action were brought to recover that penalty, how much would be recovered? I think it would be better to fix the amount of the penalty in the fourth section at a single, certain, fixed sum.

Mr. SHERMAN. That subject was discussed in the committee, and the proposition was made to add the substance of the fifth section to the fourth, as part of it; but it was suggested that the penalty could be recovered as the bill stands.

Mr. HARRIS. It cannot be done, I think.

Mr. SHERMAN. The question was raised in committee, and a very good lawyer thought it could be done.

Mr. HARRIS. I think it would be better to fix the sum. Perhaps $1,000 is enough and would be better than a larger amount. I move, in the fourth section, to strike out in the third and fourth lines the words "in any sum not less than," before the words "one thousand dollars," and then to strike out the words "nor more than ten thousand dollars;" so that it will read, "be fined $1,000."

Mr. SHERMAN. I suggest to the Senator, because I know he wishes to accomplish the object, to propose at the end of section four to insert these words: "And in addition thereto shall pay a penalty of $1,000 for each offense;" to make the pecuniary penalty distinct from the punishment, and then let section five prescribe the mode in which the penalty shall be collected.

Mr. FESSENDEN. The other sum varying from $1,000 to $10,000 is penalty.

Mr. SHERMAN. But where a man is indicted, I think there ought to be a graduation to meet the circumstances of the various cases.

Mr. FESSENDEN. It is already provided that the penalty shall be a fine not less than $1,000 nor more than $10,000.

Mr. SHERMAN. That might stand as part of the judgment on conviction.

Mr. HARRIS. I think it will be more simple as I propose it.

Mr. SHERMAN. Very well.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. COLLAMER. In the first section of the amendment, in the eighth line, I move to strike out the words "or of any foreign exchange."

Mr. SHERMAN. If there is a desire to press that amendment, I will state that to strike out foreign exchange will evade the whole bill and defeat its purposes. Foreign exchange is gold.

Mr. COLLAMER. I do not understand it so.

Mr. SHERMAN. Foreign exchange is gold at a premium of nine and two thirds per cent. I think that is the fixed rate, though sometimes it may be a little more or a little less. Gold and foreign exchange are the same, and therefore to strike at dealings in foreign exchange and allow foreign exchange to be bought and sold on time would be to allow these persons to go on with the same operations we desire to prevent.

Mr. COLLAMER. I do not wish to occupy the time of the Senate unless I am compelled to do so at some stage of this business, by making any remarks about the Constitution of the United States. I think it a subject almost of derision here; with many gentlemen it is an object of derision. As it is so in a great measure, and a man is sneered at for mentioning the Constitution, and if he has a decent respect for it and for his own oath he is called a "timid" man, I do not wish to take up much of the attention of a body where such a subject is treated in such a manner. I will merely say that I do not see how we have power to forbid people, or to regulate, if you please, people in making matter of trade in relation to a bill of foreign exchange, any more than in relation to any other piece of property. Have you power to forbid the buying and selling of foreign goods because the buying and selling of foreign goods, it is said, occasions gold to be carried out of the country? I do not see how we have the power, where that power is found in the Constitution, by which we can undertake to forbid people trading in an article otherwise a lawful article of commerce. Foreign paper is as much so as

foreign goods are. That is the trouble I have with it. I do not suppose it is worth any time. The value of the time of the Senate is too great for me to occupy it in useless dissertations.

Mr. SHERMAN. In reply to the Senator from Vermont, I will say that I certainly do not object to a constitutional point being raised.

Mr. COLLAMER. I did not speak of it as if it could be made a point of order on any man here. [Laughter.] It has not got quite to that. I do not think the gentleman can make it a point of order.

Mr. SHERMAN. I was trying to relieve myself of the imputation the honorable Senator was casting on all who are in favor of this bill. It does seem to me there is no practical constitutional difficulty. This bill does not prevent any citizen of the United States or any foreigner from buying all the foreign exchange he can pay for, and gold too. But it prevents him from buying foreign exchange that he cannot pay for. That is all there is about it. He has no right to appeal to the courts to enforce a contract for foreign exchange, unless he got the foreign exchange at the time of his purchase and paid his money for it.

Mr. COLLAMER. I do not know but that the gentleman thinks that an answer, and I presume he does think so. I think it is none at all. It is certainly a very weak one, in my judgment. He might as well tell me, "You shall not buy a piece of foreign broadcloth unless you have got the money to pay for it."

Mr. SHERMAN. I think the Government of the United States have undoubtedly a right to prevent this speculation.

Mr. COLLAMER. A right to prevent a man buying on credit?

Mr. SHERMAN. Yes, and I think it would be a wise provision to leave the law of debtor and creditor simply to the honor and good faith of individuals, and let neither State nor nation attempt to enforce individual contracts of that kind between citizens. That, however, is neither here nor there; but certainly the States and the United States have the right to deny to any class of creditors the use of their courts to enforce a particular kind of debt, and it is done in many cases. We deny to all courts the power to enforce a gaming contract. Why? Simply because to enforce such a contract would be injurious to the public morals. We may deny to the courts of the United States the right to enforce a contract like this, which we consider as a gaming contract, and we may declare it void and punish it as an offense. This is all the bill does.

Mr. COLLAMER. I do not suppose the gentleman really desires when rising here so to speak as in some way or other to induce me to make an argument on this point. I do not know, however, but that I shall be obliged to do so. When I got up I meant to disclaim doing it, and did not mean to do it; but if the gentleman insists upon it, as he seems to put his points as if they were incapable of being answered, and I suppose he thinks so, though to my mind they have nothing to do with the question, I may have to make an argument on the subject; but I shall not take time now.

Suppose it to be true that you can forbid the use of the United States courts for enforcing a gaming contract made in the city of New York, is that this bill? No, sir. This bill is an attempt to say, if you call this a gaming contract, and I have no objection to its being called so, that the United States will by law render that contract void everywhere. The bill is not simply that a party to the contract shall not have the use of our courts to enforce it, but it is an attempt here to say that a man shall not have the use of a State court or any other court, and imposes a penalty. That is what is attempted to be done, and it is a mere evasion of the gentleman to try to get out of it by saying that we may forbid the use of our courts for the enforcement of certain contracts. That is not the point before us. The bill forbids all courts everywhere from enforcing them.

So, too, I observe that, when the gentleman was answering in some measure what was said by the honorable Senator from Maryland, he said these are gaming contracts, and he asked, "Is it not right for us to make laws against gaming; do we not make them in this District?" Did that answer the objection? The objection was that we had no power to impose penalties for gaming in relation to contracts made within a State, and yet the attempt is made to lead us off by saying you can do it in this District. That does not answer the point.

But, Mr. President—and I shall not occupy further time now—I do not expect that the words I have moved to strike out will be put out of the bill. I expect them to be retained in the bill, and I expect the bill to be passed, and I expect it to be passed as a complement to a certain other bill, referred to in the letter, on which this is founded. This bill is put as a complement to another, forming part of a plan. I understood that to be so. I expect that it will pass, and I expect to vote against it; but it may be my duty in relation to myself personally to occupy some little time in giving the reasons why I feel called upon to vote in that way. I shall therefore say no more about it at this moment, but merely notify the Senate that, if I can be permitted, at some time before the bill passes, I desire to be heard upon it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

Mr. CLARK. In view of the wish expressed by the Senator from Vermont I move that the Senate do now adjourn.

Mr. DIXON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. DIXON. I understand the Senator from Vermont wishes to speak, and therefore I withdraw the call for the yeas and nays.

Mr. CHANDLER. By unanimous consent I ask leave to make a motion that when the Senate adjourns it be to Monday.

Mr. LANE, of Indiana. I object.

Mr. DIXON. I withdraw the call for the yeas and nays.

Mr. FESSENDEN. I object to withdrawing it.

The VICE PRESIDENT. The call cannot be withdrawn, objection being made.

Mr. CLARK. I have no desire to take up the time of the Senate in calling the yeas and nays on the motion to adjourn, and if the Senate will permit me I will withdraw the motion.

The VICE PRESIDENT. The Senator from New Hampshire can withdraw his motion by unanimous consent. Is there any objection?

Mr. POWELL. I object.

The VICE PRESIDENT. That being objected to, it cannot be done. The Secretary will therefore proceed with the call.

The question being taken by yeas and nays, resulted—yeas 23, nays 19; as follows:

YEAS—Messrs. Bucklew, Clark, Collamer, Cowan, Davis, Dixon, Doolittle, Foster, Grimes, Harding, Harris, Hendricks, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Powell, Saulsbury, Willey, and Wright—23.

NAYS—Messrs. Anthony, Brown, Chandler, Conness, Fessenden, Hale, Henderson, Howard, Howe, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, and Wilson—19.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 15, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

CORRECTION.

Mr. RICE, of Maine. I rise to a privileged question. On the vote on the motion made by the gentleman from Ohio [Mr. COX] to lay upon the table the resolutions censuring his colleague, [Mr. LONG,] I find that I am not recorded. I did vote in the negative; and I ask that my vote shall be so recorded.

It was ordered accordingly.

ESTABLISHMENT OF ARSENALS.

Mr. WILSON. I ask the unanimous consent of the House to take up House bill No. 206—an act in addition to an act for the establishment of certain arsenals, which has been returned from the Senate with an immaterial amendment.

There was no objection; and the amendment of the Senate was concurred in.

Mr. WILSON moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. WILSON. I ask unanimous consent to introduce the following resolution:

Resolved, That, until otherwise ordered, this House will, commencing on Monday, the 18th instant, take a recess from half past four o'clock until seven o'clock, p. m., of each day, for the purpose of holding night sessions for the transaction of business.

Mr. BLISS. I object.

Mr. WASHBURNE, of Illinois. I generally agree with the gentleman from Iowa, but in reference to these night sessions I confess I do differ from him. I am in favor of our sitting here during the day and attending to the public business.

PENSIONS.

Mr. WHALEY. I am entitled to the floor on the special order, and I therefore report back from the Committee on Invalid Pensions House bill No. 359, supplementary to an act entitled "An act to grant pensions," approved July 14, 1862.

The bill was read.

Mr. HOLMAN. I move to strike out the following:

SEC. 5. *And be it further enacted*, That chaplains in the Army and their dependents shall be entitled to the benefits of the act to grant pensions, approved July 14, 1862, on the conditions therein prescribed, in the same manner as if such officers held the rank of captain.

That was provided for in a bill which passed some days ago, and it ought therefore to be stricken out of this bill.

Mr. WHALEY. As I understand the bill referred to has passed the Senate, I have no objection to the amendment.

Mr. HOLMAN's motion was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHALEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVES OF ABSENCE.

Mr. STROUSE. I ask that my colleague, Mr. PHILIP JOHNSON, shall have leave of absence for a few days.

It was so ordered.

Mr. MILLER, of Pennsylvania. I ask that Mr. O'NEILL, of Ohio, shall have leave of absence for ten days from Monday next.

It was so ordered.

MONTANA.

Mr. BEAMAN. I submit the following report from a committee of conference.

The Clerk read, as follows:

The committee of conference appointed to consider the disagreeing votes of the two Houses on the bill (H. R. No. 15) entitled "An act to provide a temporary government for the Territory of Montana," having met, after a full and free conference have agreed to report to their respective Houses and recommend as follows:

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same.

That the Senate recede from their second amendment.

That the House recede from their disagreement to the third amendment of the Senate, and agree to the same.

B. F. WADE,
J. H. LANE,
W. SPRAGUE,
Managers on the part of the Senate.

F. C. BEAMAN,
J. M. ASHLEY,
Managers on the part of the House.

Mr. BEAMAN. I shall not make any remarks upon this report at this time, because I believe it is well understood, and that every gentleman has made up his mind in what manner he will vote. I therefore demand the previous question on its adoption.

Mr. HOLMAN moved that the report be laid upon the table.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 66, the Speaker giving his casting vote in the negative; as follows:

YEAS—Messrs. James C. Allen, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, James S. Brown, Clay, Coffroth, Cox, Cravens, Creswell, Henry Winter Davis, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, Law, Lazear, Long, Mallory, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Pruyn, Samuel J. Randall, William H. Randall, Robinson, Rogers, James S. Rollins, Schenck, Scott, Smith, Smithers, Stebbins, John B. Steele, William G. Steele,

Strouse, Stuart, Sweat, Thomas, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—66.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cole, Dawes, Deming, Driggs, Eckley, Farnsworth, Frank, Gooch, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Stevens, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—66.

So the report was not laid upon the table.

During the vote,

Mr. HOLMAN stated that his colleague, Mr. EDGERTON, was detained from the House by illness.

Mr. EDEN made the same statement in reference to Mr. HARRIS, of Illinois.

Mr. W. J. ALLEN stated that if he had been within the bar when his name was called he would have voted in the affirmative.

The vote was then announced as above recorded.

The previous question was seconded.

Mr. UPSON. I call for tellers upon ordering the main question to be put.

Tellers were ordered; and Mr. ASHLEY and Mr. HOLMAN were appointed.

The House divided; and the tellers reported—ayes 65, noes 70.

So the main question was not ordered.

Mr. HOLMAN. Is it in order now to move that the House adhere to its original bill, with a view to raising the question whether there shall be an appointment of a further committee of free conference?

Mr. ASHLEY. I would suggest to the gentleman from Indiana that we first take a vote upon the question of agreeing or not agreeing to this report; and then, if the House reject it, we can attend to that matter.

Mr. HOLMAN. But the motion to adhere covers the whole ground.

The SPEAKER. The report of a conference is of so high a privilege that the motion to agree to it overrides everything else, and, as it brings the two Houses to an agreement, it takes precedence over everything else. The motion to adhere may be received, and after the motion to agree is voted down that motion may be put.

Mr. HOLMAN. I will enter my motion. Upon agreeing to the report of the committee I call for the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 54, nays 85; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boyd, Ambrose W. Clark, Cole, Dawes, Driggs, Dumont, Eckley, Farnsworth, Frank, Garfield, Gooch, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kelley, Orlando Kellogg, Loan, Longyear, Marvin, McClurg, McIndoe, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Charles O'Neill, Patterson, Perham, Pike, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Stevens, Upson, Van Valkenburgh, William B. Washburn, Williams, Windom, and Woodbridge—54.

NAYS—Messrs. James C. Allen, William J. Allen, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, James S. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Creswell, Henry Winter Davis, Dawson, Deming, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Benjamin G. Harris, Herrick, Holman, Asahel W. Hubbard, Hutchins, William Johnson, Kalbfleisch, Kasson, Francis W. Kellogg, Kernan, Knapp, Law, Lazear, Long, Mallory, Marcy, McBride, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Orth, Pendleton, Pomeroy, Pruyn, Radford, Samuel J. Randall, William H. Randall, Robinson, Rogers, James S. Rollins, Ross, Schenck, Scott, Smith, Smithers, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Thayer, Thomas, Tracy, Voorhees, Elihu B. Washburne, Webster, Whaley, Wheeler, Chilton A. White, Joseph W. White, Wilson, Winfield, Fernando Wood, and Yeaman—85.

So the report was not agreed to.

Mr. HOLMAN. I now call up my motion. I would inquire of the Chair what will be the effect of the House adopting a motion to adhere?

The SPEAKER. The effect will be that the House will adhere. [Laughter.]

Mr. HOLMAN. And will the effect be that no other committee of free conference can be appointed except at the instance of the Senate?

The SPEAKER. Committees of conference have been appointed after a motion to adhere has been adopted. But the Chair cannot anticipate the action of the House.

Mr. HOLMAN. The point which I wish to get at is whether, after the adoption of a motion to adhere, the House itself, without the request of the Senate, could appoint a committee of free conference.

The SPEAKER. If the gentleman will turn to the Journals of the Thirty-Fourth and Thirty-Fifth Congresses, and also to the Manual, he will find that committees of conference sometimes take place after one House has adhered.

Mr. BEAMAN. I move that the House insist, and ask another committee of conference.

Mr. WEBSTER. I desire, if the motion can be amended, to move to amend by instructing the committee as follows:

And that said committee be instructed to agree to no report that authorizes any other than free white male citizens, and those who have declared their intention to become such, to vote.

The SPEAKER. That motion can be made as an independent motion after the motion is agreed to to appoint a committee, or it can be offered as an amendment now.

Mr. BEAMAN. I demand the previous question.

Mr. COX. One word about this question.

The SPEAKER. The gentleman from Michigan demands the previous question.

Mr. HOLMAN. I wish to make an inquiry.

Mr. BEAMAN. I think I must insist upon the previous question.

Mr. COX. I think we can vote down the previous question.

The SPEAKER. The Chair will state the order in which the question will be put to the House.

Mr. COX. I rise to a point of order. I do not know that the gentleman from Michigan called the previous question.

The SPEAKER. The Chair stated that he did.

Mr. COX. The gentleman from Maryland [Mr. WEBSTER] afterwards offered his amendment.

The SPEAKER. The gentleman did demand the previous question after that time. Gentlemen should be as willing to believe the Chair as the Chair is to believe gentlemen.

The Chair will state the questions pending before the House. The gentleman from Indiana [Mr. HOLMAN] moves that the House adhere to its disagreement; the gentleman from Michigan [Mr. BEAMAN] moves that the House insist and ask a committee of conference, which takes precedence of the motion to adhere. Pending that motion the gentleman from Maryland [Mr. WEBSTER] moves instructions to the committee of conference, which will be the first question taken if the previous question is seconded.

The previous question was seconded—ayes 55, noes 52.

Mr. MORRILL. I desire to make an inquiry of the Chair.

The SPEAKER. The gentleman from Vermont asks unanimous consent to make an inquiry of the Chair.

Loud cries of "Object!"

Mr. MORRILL. Then I rise to a question of order.

Mr. HOLMAN. I object to any debate.

Mr. MORRILL. If this amendment shall be adopted, will it not permit a mulatto who declares his intention to become a "free white citizen" to vote? [Laughter.]

The SPEAKER. The Chair does not regard that as a question of order.

The main question was then ordered, being first upon the instructions proposed by Mr. WEBSTER.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 75, nays 67; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, James S. Brown, William G. Brown, Chanler, Clay, Coffroth, Cox, Cravens, Creswell, Henry Winter Davis, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Benjamin G. Harris, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Lazear, Long, Mallory, Marcy, McBride, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Radford, Samuel J. Randall, William H. Randall, Robinson, Rogers, James S. Rollins, Ross, Scott, Smith, Smithers, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Sweat, Thomas, Tracy, Voorhees, Webster, Whaley, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—75.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Dawes, Deming, Driggs, Dumont, Farnsworth, Frank, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McClurg, McIndoe, Samuel F. Miller, Morrill, Daniel Morris, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Stevens, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—67.

So the instructions were agreed to.

Mr. COX moved to reconsider the vote by which the instructions were agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The question recurred on Mr. BEAMAN's motion that the House insist on its disagreement to the amendments of the Senate, and ask a further conference, with the instructions voted by the House.

The motion was agreed to.

Mr. BEAMAN moved to reconsider the vote by which the motion was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. ALLEY. Has the morning hour expired?

The SPEAKER. It has; and the next business in order is the consideration of reports from the Committee on the Post Office and Post Roads.

LAND BUSINESS.

Mr. DRIGGS. I desire to ask the unanimous consent of the House to set apart next Tuesday, after the morning hour, for the consideration of business reported by the Committee on Public Lands, the House having used up the two days set apart for that business.

Mr. MORRILL. After next Monday it is proposed by the Committee of Ways and Means to ask the House to attend to the internal revenue bill, to the exclusion of all other business. I must, therefore, object.

Mr. DRIGGS. Do I understand the gentleman to say that after Monday next is set apart for the consideration of the internal revenue bill?

The SPEAKER. No, but the Committee of Ways and Means notify the House that they intend to call up that measure after Monday.

Mr. KELLOGG, of Michigan. I suggest to my colleague that he ask that to-morrow be set aside for the business of the Committee on Public Lands.

Mr. FENTON. To-morrow is set apart for the consideration of the currency bill.

The SPEAKER. The Chair would state that the bank bill was postponed until to-morrow. That bill was not made a special order. It was an ordinary postponement, which would perhaps bring the bill up in a week or two or later. The measures that antedate it are the bill in regard to the rebellious States, which is now a special order from day to day, in the House, after the morning hour; and two earlier postponements, the bill in regard to public buildings in the Territories, reported by the Committee of the Whole, and the amendment to the Constitution offered by the gentleman from Pennsylvania, [Mr. STEVENS.] If they were out of the way, the bank bill would be reached to-morrow after the morning hour.

Mr. KELLOGG, of Michigan. That bill is not yet printed, I believe. I ask that Monday be assigned for the consideration of the business of the Committee on Public Lands.

Mr. DAVIS, of Maryland. I object.

UNEMPLOYED GENERAL OFFICERS.

Mr. ASHLEY. I desire the gentleman from Massachusetts [Mr. ALLEY] to yield me the floor for a moment, that I may submit a motion to postpone a bill.

Mr. ALLEY. I yield for that purpose.

Mr. ASHLEY. I move to postpone the special order in relation to unemployed generals, on account of the expected absence of the chairman of the Committee on Military Affairs for ten days.

Mr. COX. Will the gentleman submit his motion to postpone indefinitely?

Mr. ASHLEY. I move to postpone for ten days.

The motion was agreed to.

STEAMSHIP LINE TO BRAZIL.

Mr. ALLEY, from the Committee on the Post Office and Post Roads, reported a bill (H. R. No. 288) authorizing the establishment of ocean mail steamship service between the United States and Brazil.

The bill was read. It authorizes the Postmaster General to unite with the general post office department of the empire of Brazil, or such officer of the Government of Brazil as shall be authorized to act for that Government, in establishing direct mail communication between the two countries by means of a monthly line of first-class sea-going steamships, to be of not less than two thousand tons burden each, and of sufficient number to perform twelve round trips or voyages per annum, between a port of the United States north of the Potomac river, and Rio de Janeiro, in Brazil, touching at Saint Thomas, in the West Indies, at Bahia, Pernambuco, and such other Brazilian and intermediate port or ports as shall be considered necessary and expedient; provided the expense of the service shall be divided between the two Governments; and that the United States portion shall not exceed $150,000 for the performance of twelve round trips per annum, to be paid out of any money in the Treasury not otherwise appropriated.

The SPEAKER. This being an appropriation bill, it requires unanimous consent to be considered in the House. Is there objection?

Mr. WASHBURNE, of Illinois. Yes, sir; there is.

Mr. ALLEY. Is it in order to withdraw the bill?

The SPEAKER. This day being set apart for the consideration of the business of the Post Office Committee, the Chair thinks the gentleman has a right to withdraw the bill.

Mr. ALLEY. If the gentleman from Illinois will withdraw his objection, in order that I may submit some remarks to the House, I will give the bill the direction he desires.

Mr. WASHBURNE, of Illinois. I withdraw the objection.

The SPEAKER. The Chair will state that if the appropriation in the bill be required to be paid out of the proceeds of the Post Office Department, the bill would not be regarded as an appropriation bill. But when it is to be paid out of money in the Treasury not otherwise appropriated, it is an appropriation bill, and must be considered in the Committee of the Whole on the state of the Union.

Mr. ALLEY. I will make that modification.

Mr. Speaker, this is a very important bill, and I purpose to present the main reasons in its support, confining myself as briefly as possible to those points that I deem most important, as I am aware that the time of the House is precious, and I desire to consume as little of it as possible in unnecessary discussion.

The policy of Great Britain in aiding by pecuniary assistance the extension of ocean steam navigation has been productive of results so beneficent to her trade and commerce that we may well profit by her example.

Mr. MALLORY. Will the gentleman from Massachusetts allow me to ask him a question? I know that Great Britain has practiced the policy of establishing steamship intercourse with foreign nations, but I suggest that that Government, like all other good Governments, has always before establishing these ocean lines attended to her own inland communications. I inquire of the chairman of the Committee on the Post Office and Post Roads why it is that a bill to establish these mail lines to foreign countries is introduced into this House before that committee has matured what we of the West feel particularly interested in, the establishment of communications between the Atlantic States and the Pacific ocean. I understand that that bill has been resting in the hands of the committee for some time, and that a report cannot be had on that subject. I should like to have that bill acted upon before we undertake to establish these long lines of communication with foreign countries. Let us attend to home matters first.

Mr. ALLEY. That bill has been considered by the committee, and it was to have been reported back this morning; but there was some little disagreement in regard to some details in the committee, and it was thought best to defer it till another meeting. But we shall take the earliest opportunity to present the bill to the House and to solicit action upon it.

Mr. GRINNELL. I would like to have the chairman of the Post Office Committee state to the gentleman from Kentucky that the overland service is now being performed, and well performed, and that nobody complains.

Mr. MALLORY. I understand that, Mr. Speaker, but we want it better performed. What I am anxious for is the proposition advised by the Postmaster General, that that contract shall be converted from a "star bid" into one requiring contractors to run four-horse coaches on that route. That is the one I allude to.

Mr. GRINNELL. Then the gentleman is in favor of the Government going into the business of carrying passengers across the continent. I do not go in for that myself.

Mr. FERNANDO WOOD. I ask the Speaker what question is before the House.

The SPEAKER. The gentleman from Massachusetts is speaking by unanimous consent. He reported a bill in regard to mail communications with Brazil.

Mr. FERNANDO WOOD. I understood that that bill was withdrawn.

Mr. ALLEY. I do not so understand. I intend to move an amendment changing the appropriation so as to make it payable out of the proceeds of the Post Office Department.

The SPEAKER. The Chair ruled that the gentleman from Massachusetts could withdraw the other bill, otherwise it would have gone to the Committee of the Whole on the state of the Union. The gentleman did withdraw the bill, and went on to speak by general consent.

Mr. FERNANDO WOOD. I submit that he cannot speak unless there is something before the House.

Mr. STEVENS. I do not like to make objection; but I cannot consent that members here, without seeing their committees, shall change the features of bills. I think it wholly irregular, and therefore I object. I do not understand the gentleman [Mr. ALLEY] to say that the committee has authorized the presentation of a new bill.

Mr. ALLEY. The committee has authorized me to report this bill, and are very anxious that the bill shall be acted upon. Several members of the committee have desired me to change the form of the bill.

Mr. STEVENS. Mr. Speaker, if the committee has the right to sit during the sessions of the House I have nothing further to say; but if they have not, then I submit that they cannot make such an arrangement as he is now seeking to carry out. I only want to know how that fact is.

The SPEAKER. The Chair cannot sustain that point of order. The right of a committee to sit during the sessions of the House is a permission for the committee to be absent in the committee-room during the daily sessions of the House, under which they are allowed to come in and vote at any time before the decision of the House is announced. The Chair cannot undertake to inquire into how the chairman of the committee was authorized to make the report. If he states that he is authorized by a majority of the committee to make the report, the Chair cannot go behind that statement. The Chair is of opinion that if the majority of the members of the committee inform him upon the floor of the House of their wish, he has the right to announce it.

Mr. DAWES. My point of order is this, that my colleague made this report from his committee and has commenced his remarks, and it is now altogether too late to raise a question of order. The matter is now before the House.

Mr. WASHBURNE, of Illinois. I desire to know precisely what the facts are. I understand that the chairman of the Committee on the Post Office and Post Roads reported a bill containing an appropriation which rendered it imperative upon the Chair to send it to the Committee of the Whole. No objection, however, being interposed, the gentleman from Massachusetts withdrew the report. I understand further that the gentleman from Massachusetts now proposes to report the bill in another shape.

Mr. DAWES. Has already reported it, and is proceeding with his remarks.

Mr. WASHBURNE, of Illinois. Then my point of order is whether the gentleman is authorized by his committee to make that report. His committee has the right, when properly in session, to authorize its chairman to make that report. If the gentleman says the committee have so authorized, of course I have nothing to say; but the gentleman, by ascertaining the opinions of a majority of the individual members, has not the right to call that the action of the committee. If the Speaker will pardon me, I recollect that that distinct point was raised upon Mr. Clingman, of North Carolina, in the Thirty-Fifth Congress, and was sustained by the Chair.

The SPEAKER. The gentleman from Illinois will remember that during the present session his colleague [Mr. ARNOLD] reported what is known as the ship canal bill, under precisely similar circumstances. The bill was at first reported; the point of order was raised that it contained an appropriation; the Chair sustained the point of order, and the bill was accordingly referred to the Committee of the Whole on the state of the Union. The gentleman then, on the assent of the majority of the committee obtained here in the Hall as afterwards ascertained, reported another bill of a different character, and what is known as the ship canal bill is now before the House by virtue of that report so made. The Chair decides that upon the statement of the chairman of the committee that he is authorized to make a report, the report must be received.

Mr. WASHBURNE, of Illinois. I know nothing about the ship canal bill. I was not present when it was reported.

Mr. ALLEY. If the gentleman will allow me, I will relieve him from any further difficulty. I state that I am authorized by the Committee on the Post Office and Post Roads to report this bill.

The SPEAKER. Then the Chair decides that the report is received and is before the House.

Mr. ALLEY. Mr. Speaker, the Committee on the Post Office and Post Roads have directed me to report this bill, and with leave of the House I will state some of the reasons in support of this measure which present themselves to my mind. Numerous petitions from several States in the Union, signed by large numbers of leading merchants, capitalists, and others, solicitous for the growth and prosperity of the material interests of the country, no less than for national political purposes connected with our foreign relations, have been presented to Congress, asking the grant of pecuniary aid for the establishment of ocean steam communication for postal and commercial purposes between this country and foreign ports. Some of the petitioners have asked that subsidies might be granted to particular lines; but mostly that a general policy might be inaugurated which would place us upon a more equal commercial footing with other nations, and make available, through the fostering care of the Government, the great commercial advantages which tend so much to develop the resources and promote the wealth of the nation. The committee were unanimously of the opinion that no subsidies should be granted to any particular line, and this bill provides that the Postmaster General shall advertise for the lowest bids, and accept such bid from the lowest responsible bidder, if the service shall not cost a sum exceeding $150,000 per annum to the United States; provided further, that the Brazilian Government will join in contribution to her part of the expense.

The present is a most opportune time to obtain the coöperation of the Brazilian Government. They have manifested a deep interest in the establishment of a line of steamships between their ports and our own. During the last year a proposition to grant a subsidy of upward of a hundred thousand dollars per annum to a North American company that would perform twelve round trips per year between their ports and our own, came within six votes of becoming a law. The leaders of the Liberal party have been its earnest advocates. That party has lately come into power, and it is thought by well informed persons now in Brazil, and in official relations with our Government, that the Brazilian Government is now prepared to act in full coöperation with our own in the establishment of such a line of steamers as this bill proposes, touching at the several ports therein mentioned, and to share with us their full proportion of the expense.

I do not doubt from all the information I can obtain, that the postal service for which this bill

provides may be secured for an annual compensation of $250,000, which, if divided equally between the two Governments, would be but $125,000 for us to pay. And if we deduct the probable amount of postages which we shall receive, estimated from the best data we can procure, there is little doubt but what the great and important advantages which this measure will secure will cost this Government much less than $100,000 per annum.

I have been one of those who have believed for years that our Government was pursuing a policy in withholding all encouragement and aid to ocean steam navigation injurious to all her great interests, political, commercial, manufacturing, and agricultural; a policy which, it seems to me, has been exceedingly "penny wise and pound foolish." Great Britain has furnished to us an example of wisdom and sagacity in her encouragement of ocean steam navigation which it would be well for us to profit by. By her untiring energy and ceaseless efforts she penetrates every part of the world with constant steam communication. And I propose to show before I close how she has by this policy built up and increased her trade and commerce upon this continent, right at our own doors, while we, on the other hand, have been subordinated and almost driven, so far as exports are concerned, from that trade, when every consideration of political and commercial advantage, in view of our contiguity, political relations, and necessities, rendered it our duty and interest much more than theirs to increase and expand our trade and commerce with those nations.

If it can be shown that in those countries where ocean steam communication has been fostered and encouraged, and lines established, the trade and commerce with the countries to which such postal and commercial facilities have been extended have been enormously increased, while our own has been as constantly diminishing with all nations that Great Britain and France have established such lines of steam communication with, we cannot fail to perceive that such increase on their part and diminution on ours is directly ascribable to that policy—so wise and sagacious—which England has pursued so steadily upon such a prodigious scale for so many years. And if it is also discovered that this steam communication is and can be maintained only by governmental aid at the cost of Government subsidies, then I say it is the duty of this Government to encourage, protect, and extend commerce, to some degree at least, by similar means.

In these days of improvement and competition, the merchants who are enabled to reach the markets of the world in the shortest time can distance all others in the race of competition for trade; and no maritime nation can afford to disregard such a great principle of commercial economy. The advantage of two or three days' time in the arrival of a large steamer with hundreds of passengers and millions of treasure and merchandise, with a large mail, can hardly be over-estimated.

Facts and statistics clearly show that this policy of Great Britain, of encouraging ocean steam navigation by Government subsidies, and thus increasing her commercial facilities with all those countries, has increased her trade and commerce with them to gigantic proportions. Ours, on the contrary, has diminished with those nations, and in some instances dwindled into insignificance.

It is a humiliating fact that not a single steamer now carries our "flag" to any European port, and we are so dependent upon France and England for communication with our neighbors upon this continent that all the correspondence of our merchants with Brazil has to be sent by the way of England or France. An American minister accredited to any of the South American Governments, if he desires to reach his post within a reasonable time, is compelled to cross the ocean twice, and travel the whole distance upon foreign steamers.

This question of encouraging ocean steam navigation has assumed vast importance. It involves, if not our existence as an important maritime nation, at least our maritime supremacy. Steam is destined to be as important an auxiliary in facilitating ocean carriage as it is now in the transport of merchandise and passengers by land. Great Britain, from the moment that the practicability of ocean steam navigation was established by the passages of the Sirius and Great Western from Liverpool to New York in 1838, has been constantly availing herself of every possible opportunity to extend her trade and commerce by means of steam communication, which she has encouraged by subsidies, until the annual amount granted is no less a sum than £847,000, or upward of $4,000,000. From this is to be deducted about £340,000 of receipts from postages, leaving something over £500,000 deficiency, or an annual loss to the British Government of over $2,500,000.

Such has been the undoubted gain of her constantly increasing trade and commerce with all these countries with whom these steam communications were established, and so perfectly apparent have been the great advantages reaped from this policy, that she has been constantly increasing her subsidies and extending her steam communications, from 1840, when she commenced this system with the Cunard line of steamers from Liverpool to New York, until it has reached the enormous sum before mentioned. She now has nine lines, I think, to which she grants subsidies: one called the Peninsula route, to which a subsidy of £5,000 is granted; another, the Mediterranean and India, which receives £249,625 subsidy; then the Point de Galle and Sydney, receiving £134,672; the Cunard line, from Liverpool to Boston, which receives £176,340; also the Cunard line between Halifax, Bermuda, and St. Thomas, for which they receive £14,700 subsidy; West Indies, Brazil, and River Plate, £270,000; Pacific, £25,000; West Coast of Africa, £30,000; and Cape of Good Hope, £33,060 subsidy; making in all over £800,000. Other lines are contemplated across the South Pacific connecting Brazil with Australia; nor will she cease to prosecute this system of steam communication with every nook and corner of the globe where trade and commerce can flourish until she has compelled all the nations of the earth to pour into her capacious lap such of their products as may be necessary to promote her comfort, power, and wealth.

The exports of British products to the United States were about the same in 1840 as they were in the year 1800, varying but little during that time. In 1800 they were over $29,500,000 and in 1840 $29,348,000; if anything, slightly decreasing. The Cunard steamers were subsidized and commenced the mail service in 1840, and from that time to the commencement of the rebellion the exports of British products to the United States have been steadily increasing until they were more than quadrupled during the score of years immediately preceding the rebellion, while, as I have before stated, during the forty years preceding 1840 they slightly decreased. This vast increase is undoubtedly ascribable in considerable degree to increased facilities of communication established by ocean steam navigation.

Mail communication from England to the West Coast of Africa commenced in 1852, and the exports of her manufactures and products to that coast nearly doubled the first year, and continued to steadily increase. Her increase of gain in the export of products and manufactures to China, India, and Egypt, shows a larger amount, even, than that upon the West Coast of Africa.

In 1860 the whole amount of imports into the republic of Mexico was about $26,000,000, and the exports about $28,000,000, making of imports and exports a foreign interchange of about $54,000,000 per annum. Of this commerce England got about $33,000,000, the United States about $8,000,000, France something over $5,000,000, and the remaining $8,000,000 was distributed chiefly between Germany, Spain, Belgium, Sardinia, Cuba, India, and China. By this statement it appears that England secured to herself over half of the whole foreign commerce of Mexico, and four times as much as we did; although to obtain it she passed by our own doors, and almost trespassed upon our own territory. The same policy pursued with regard to Mexico has been pursued by Great Britain in reference to Brazil. A line of mail steamers was subsidized and commenced running in 1851, with still more favorable results to the trade and commerce of Great Britain than she experienced even with Mexico. The first year British exports were increased $5,000,000, and the imports and exports of England with Brazil the first six years were doubled; while the six years immediately preceding 1851, without steam communication, the trade remained stationary.

The vast increase of the foreign trade and commerce of Great Britain of late years can be traced directly to her wise and sagacious policy in offering encouragement and holding out every inducement for increased facilities in steam communication with every part of the habitable globe. I might give the statistics of these astonishing results more in detail, as they are found on record in the official reports of the several Governments and on file in the archives of our own, but the hour allotted to me will not permit, and I will only take the time of the House, as it is sufficient, perhaps, for my purpose, to give thus briefly an authentic statement of these important facts.

France under her present ruler has been pursuing to a considerable extent the same policy as England, and with similar results. She has been rapidly recovering her maritime importance which was almost extinguished by the conditions of the treaty of peace of 1815. The French Government pays large subsidies to the three great lines communicating with South America and the East. They are all in the interest of one great company, and receive one general subsidy, which is increased as the service is extended. It is in one sense a great national concern. The Government not only grants a large annual subsidy, but makes advances to build the boats, and gets reimbursed from their subsequent earnings, deducting a small percentage from their gross receipts, which gradually wipes out the first advance.

The policy of our Government, in contrast with England and France, as results show, has been narrow and short-sighted. Our commerce with those countries, previous to the rebellion, either decreased or remained, during this same period—the last decade—almost stationary, while that of England flourished and increased in many instances fourfold, under the fostering care of her subsidy system. In 1859 our trade with Mexico was, in exports to that country, about three and a half million dollars, and our imports from there about five and a half millions, upward of four millions of which was specie. England exported and imported about four times as much during the same year. It should have been reversed. We should have had four times as much commerce with Mexico as England. It would have been so if we had pursued the same liberal and sagacious policy that she has; for it was no fault of Mexico that our commercial relations were not more intimate and extensive with her than they were. The Mexican Government has for years fully appreciated the advantages of closer and more intimate commercial relations with the United States, and have made several attempts to establish steam communication with us for postal and commercial purposes, and in 1857 made a contract with a citizen of the United States to pay an annual subsidy of $120,000 for ten years, which was practically contingent upon the coöperation of this Government in like manner, but the Government of the United States failed to coöperate, and the project was abandoned. Every consideration of interest, both political and commercial, Mexico conceived to be involved in the enterprise, and while she believed the United States would be benefited in much greater degree than herself, she exhibited an enlightened liberality in coming forward and offering to bear her full share of the burden.

In this connection I will quote some extracts from a letter of a late Postmaster General—Governor Brown—now deceased, written in 1859 to the chairman at that time of the Senate Committee on Post Offices and Post Roads, urging upon Congress a similar measure in reference to steam communication with Mexico which this bill provides with Brazil. In that letter he says:

"Notwithstanding the proximity of Mexico, and the special interest of this Government in everything that appertains to and that might facilitate the most friendly and enlarged intercourse between our own and the people of that republic, it is well known that for the last twenty years the commerce between the two countries has been greatly decreasing, whereas with Great Britain and other European nations it has been steadily increasing. This fact, it may be presumed, is attributable almost entirely to the policy of the British Government in protecting and supporting regular lines of mail steamers. Frequency, certainty, and regularity of intercourse between countries are the great life-springs of commerce." * * * * "The advantages of our geographical position, and the enterprise of our people, who produce and manufacture every article of consumption suitable to the Mexican market, enable us, after the trade is once developed, to sell or exchange on terms more advantageous to Mexican consumers than can be possibly offered by European producers. Once accomplish

this object, and it is obvious that the considerable amounts of specie which now find their way to Europe would be diverted to the United States."

These views are presented so forcibly, and having as much application, or more, even, to Brazil than Mexico, I could not forbear to quote them.

The action and feeling of leading citizens of Mexico of all parties, for some years previous to the rebellion, as well as the direct action of the Mexican Government in 1857, while it proves that Mexico has not been insensible to the great advantages, commercial and political, to be obtained by more intimate communication with the United States, presents to us the mortifying fact that to the apathy of our Government and people is ascribable the great falling off of our trade and commerce with that country, which in 1835 was over twenty millions in commercial exchanges, which England by her enterprise and sagacity has snatched away from us. Who can doubt that the commercial exchanges of the United States with Mexico, had this commerce been properly encouraged, would have exceeded in amount that of the whole world besides? It is marvelous that we should have exhibited for so many years such indifference to all that concerns the encouragement and development of our trade with the Spanish-American countries, so natural and so important to us that we should cultivate the closest ties of amity and friendship.

Our exports to Brazil in 1858 were about $5,000,000, in 1859 about $6,000,000, in 1860 nearly the same, and in 1861 within ten thousand dollars of amounting to $5,000,000. Our importations from Brazil during the same period of four years were $17,000,000 in 1858, $22,000,000 in 1859, $21,000,000 in 1860, and something less than $15,000,000 in 1861. This enormous balance against us, an average annual amount of about $13,000,000, had to be wiped out, of course, in coin. Contrast this with the trade of Great Britain in 1861. Her exports to Brazil amounted that year to over $28,000,000, and her imports of Brazilian products, other than specie, less than half that sum, making a balance in her favor of about the same number of millions as we show of balance against us; a trade which greatly increases the wealth of England, and to no small extent impoverishes us.

The exports to Brazil from the United States consist chiefly of agricultural products, say about seven eighths to one eighth of manufactured articles. The list of articles embraced in the United States returns of exports to Brazil are so numerous, and of such natural and abundant production in this country, as to admit of immense expansion in volume and value, when once markets and men are brought together by means of steam conveyance for mails and passengers, samples and invoices. I shall not attempt to furnish statistics of the vast West India trade tapped by touching at St. Thomas. But when it is considered that mail steamers diverge from this central point to all the most important islands of the West Indies south of Cuba, as well as to Mexico and different ports on the Spanish Main, it is palpable that a new vitality will be imparted to our intercourse with those fertile regions by the establishment of this direct line. It is believed to be beyond dispute that a great trade and travel from the West Indies and from the east coast of South America is now driven to Europe for want of steam facilities, the existence of which would bring both in preference to our more congenial shores.

I have before alluded to the good feeling existing toward us on the part of the dominant party in Brazil at the present time, and in illustration of this I desire to read some extracts from a letter written by a distinguished member of the Liberal party in Brazil, which I find in a memorial presented to this body from the New York Mail Steamship Company, which, doubtless, many of you have seen. The letter is addressed to an American merchant now residing in Rio de Janeiro, George N. Davis, Esq.:

PROVINCE OF RIO DE JANEIRO, *March*, 1863.

MY DEAR MR. DAVIS: Your letter has given me great pleasure. In addition to the honor of your attentions, I must express the lively satisfaction which I experience at the interest which you take in our [the Brazilian] great question, namely, direct steam navigation between the United States and Brazil. I must also express my thanks to his excellency the American minister for giving me a portion of his time in regard to this most important measure.

* * * * * * * * *

What would be the largest sum which I judge the Brazilian Government would grant as a subsidy to a direct steamship line with the United States? I reply that it would be the duty of our Government to give the sum necessary for the undertaking, whatever that sum might be, from the fact that it is a matter of vital importance to our agricultural interests that we enter into closer relations with the United States. I proposed last year the sum of $110,000 as our share of the annual subsidy.

* * * * * * * * * * *

The case with which our Government could aid by a satisfactory subsidy to the company that will unite Rio de Janeiro, Pernambuco, and Para with the markets of the United States is acknowledged by all. Unfortunately, to speak frankly, there are some pretended statesmen among us who wish to disseminate in high and official quarters a sentiment adverse to relations with the United States. These adulators, in order to show themselves more monarchical than the monarch himself, insinuated that Americans will revolutionize Brazil; that if we form intimate relations with them that they will finish by annexing the valley of the Amazon. Happily, however, the opinions of these suspicious spirits of darkness, who alone have made our darkness more dense, have been falsified by the good sense of the people of both countries. For we meet with Americans in all parts of Brazil, and principally in the valley of the Amazon at Para, where they nourish co e. In Rio de Janeiro Americans have rendered commerce the labor-saving machines of their agriculture, which is analogous to ours. In the province of Rio de Janeiro our great man of enterprise, Sr. C. Ottoni, confides to Americans his vast undertakings. Sustained by their indomitable perseverance and extraordinary energy, they have in the second division of the Pedro II railway filled up valleys, perforated through the Serra de Mar with tunnels, and at this moment locomotives made in their northern home take possession of the heights over Thermopyla.

Excuse the emphasis with which I express myself. This is a subject which incessantly occupies my soul. I wish to influence the destinies of my country by pointing out the era of transformation, moral and economical, in which my native land needs to begin by establishing direct steam navigation between the two countries.

Brazil needs *new blood*, she needs the *Yankee* spirit, this intrepidity, this energy, this masculine spirit of invention and progress. She needs to remodel her Portuguese and priestly prejudices in the world of generous ideas of liberty, as to day we cast rifled cannon from the old-fashioned and worthless culverins. * * * * * * *

But I forgot that the most effective arguments are commercial interests. I have already, in a work published last year, referred to this subject. Commerce between the two countries is constantly increasing. In 1859 we imported from the United States to the amount of $6,000,000, and we exported to the United States $22,000,000. Now who is the most directly interested in the closer relations of which I have spoken? Without doubt Brazil, and above all the planters and dealers in coffee, and the collectors and merchants of the India rubber of the Amazon valley. If the sum total of transactions in the normal annual period, and without the aid of steam is $28,000,000, is not the advantage of a steamship line between New York and Rio evident to all?

No one can foresee the increase of importation from the United States when there shall be the great convenience of steam communication with New York. To-day no one ignores that Americans begin to take the lead in our markets in certain articles, which they compete with and surpass the English. The United States furnish us with breadstuffs. You have even imported for us Indian corn in years of scarcity. Many articles of furniture and of wooden ware we buy by preference of the Americans. Yes, even in the mountains, whence I write this letter, I have seen many household comforts which we call American. The Pedro II Railway Company have formed so good an opinion of your founderies and machine shops that they now prefer American locomotives, (Baldwin, of Philadelphia,) and American cars, (Wasson, Springfield, Massachusetts.) The English, who almost monopolize our market in cotton and woolen fabrics, send to Brazil articles of a high price and ·erior quality, hitherto without competition. Would that ·erican manufacturers would obtain information of this gre· market; and by studying near at hand the wants and tastes of nine million people I have no doubt that in a short time they would be strong competitors of the English. Who would profit by this competition? Undoubtedly the Brazilians and you North Americans.

Another consideration. Brazil needs civil engineers, men of enterprise, intelligent laborers, men habituated to new inventions, and they themselves inventors. These precious men abound in the United States. Brazil offers herself to emigrants.

Let American steamers navigate the Amazon; let the coast trade be free to the starry flag and to friendly nations; give impulse to railways and the navigation of all our large rivers; above all, let us have a line of steamers between the United States and Brazil, and then we shall see the development of our country by an advantageous influx of Americans.

If we insist upon this question it will soon triumph. The occasion is opportune. The recent arbitrary conduct of England excites in the whole of Brazil a great disconfidence in all European Governments, and by this means some of the most obstinate minds have been opened to the idea of an intimate alliance with the United States. The moment is propitious.

And now, my dear Mr. Davis, feeling that I have not been as useful in this matter as I desired, with profound respect and the greatest esteem, I remain your servant,

A. C. TAVARES BASTOS.

I trust, Mr. Speaker, that I have clearly shown that the great material interests of this country will be promoted by the inauguration of such a policy as this bill contemplates. Nor does it involve less grave considerations of a political character. Great political considerations, of transcendent importance, are involved in the question of intimate postal and commercial communications with our neighbors upon this continent. We need that friendship of these neighboring nations which always follows intercourse. The Governments of Europe are seeking to establish their institutions and their policy upon this continent. Nor will pretexts ever be wanting to the ambitious and unscrupulous. We ought not to allow them to outstrip us by means of steam communication which we ourselves can better supply in securing to themselves the great advantages which this system of national policy unquestionably gives them. Establish steam communication, such as this bill contemplates, with South America, and you will not see England a great while longer exporting to Brazil $28,000,000 in merchandise, and taking in return less than half that amount, and the United States exporting only $6,000,000, while she imports of Brazilian products over $20,000,000 per annum.

The South American nations are all anxious to establish more intimate political and commercial relations with this country. They dread the encroaching and grasping policy of the Governments of the Old World, and they are looking to the Government of the United States as a barrier and shield to the aggressions and usurpations of European policy. Some object to the inauguration of this policy now because it would burden the nation with additional debt which we are now so poorly able to bear. No one, I know, can feel more deeply than I do the necessity for curtailing and economizing in all our expenditures; but there is no policy that we can adopt that will develop our resources, increase our means, and strengthen our credit so much in proportion to the expenditure incurred, as the adoption of this system which this bill inaugurates. I hope to see ere long the development of a system of ocean steam navigation and foreign mail service worthy a great maritime nation like our own, and somewhat commensurate with the power and influence which this Government ought to possess among the nations of the earth. When this is accomplished—and no more opportune time than the present will probably ever be presented for its inauguration—what an evidence of power and strength will be exhibited to foreign Governments! A nation engaged in the mightiest struggle the world has ever witnessed, with its flag flying from the mast-head of its steamers upon every sea, disputing for maritime supremacy with the great Powers of Europe, and wresting from their tenacious grasp that great prize the carrying-trade of the world. Then, indeed, may we stand erect upon foreign soil and point with proud satisfaction to the fact that we are American citizens.

Mr. PRUYN. With the consent of the gentleman from Indiana, I desire to say a few words upon the subject of this bill.

I have listened with great interest to the remarks of the gentleman from Massachusetts, the chairman of the Committee on the Post Office and Post Roads, in reference to the importance of the bill, upon the importance of cultivating closer relations between this country and the great empire of the South American continent. The empire of Brazil is, next to this country, the largest on this continent. It possesses a soil which is very rich, and which produces many articles of necessity in this country which are largely imported from Brazil. Our commerce with that empire is already large and rapidly increasing. They are very earnest in their desire for closer relations with the United States than those which now subsist.

It is not necessary here to go into detail of the facts in regard to the relations existing between Brazil and Great Britain further than to say, if I am correctly informed, they are not as cordial as they have been, and to add that the emperor and authorities of Brazil are looking earnestly to the cultivation of closer relations with this country than have heretofore existed.

It is mortifying to know, Mr. Speaker, that if any gentleman wants to go to Brazil or any South American State, he must, in the first place, cross the ocean to England or France, and then take an English or French steamer by the way of the West Indies. We have no direct commerce by steam with that part of the continent.

I am glad to see a very liberal bill, as I understand this to be, has been introduced by the Committee on the Post Office and Post Roads for the establishment of postal relations with Brazil, and

commercial relations, which, in their results in a few years, will be of great interest and importance to the country. I sincerely trust that this bill will receive the unanimous assent of the House, and that we will show to Brazil, which is so well disposed toward us, by prompt and unanimous action, that the American people fully appreciate their good feeling toward us and are anxious for the closer relations which we trust will soon grow up between the two countries.

Mr. STEVENS rose.

The SPEAKER. The gentleman from Massachusetts is entitled to the floor.

Mr. STEVENS. I hope he does not propose to call the previous question before this bill has been considered.

Mr. ALLEY. I will yield to the gentleman from Pennsylvania.

Mr. STEVENS. Mr. Speaker, I do not know whether this bill has been printed, but I cannot find it on my file. I do not know how much it contains. When the bill was first reported by the gentleman from Massachusetts, if I recollect rightly, it provided for a subsidy of $150,000. Now, sir, I thought we had concluded to abandon the system of granting these subsidies to lines of ocean steamers. We tried it for a time with the Collins steamers, and then we abandoned it. We left everything open to competition, as it ought to be.

But if it were ever proper to grant these subsidies to one line in preference to another, it seems to me that now is not the time to inaugurate the measure. While gold ranges from seventy to one hundred per cent. premium, while we are spending $3,000,000 every day to provide for the armies, and incurring debts to the amount that we can realize from loans and taxation, I submit is not the time to pass even a meritorious subsidy. It is said that this is such a one, and I suppose it is. I know nothing about it. I suppose that this is not the proper time, and I therefore move that the further consideration of the bill be postponed for two weeks.

Mr. ALLEY. I do not yield for that motion, and I ought perhaps to make one remark in reply to the gentleman from Pennsylvania. He has misapprehended the whole matter. The bill does not provide for any subsidy to any particular line, but leaves it open to competition just as he desires it. If the gentleman had listened to my remarks he would certainly not have made his speech.

Mr. KASSON. I ask the gentleman from Massachusetts to yield to me.

Mr. ALLEY. Certainly.

Mr. KASSON. Mr. Speaker, this bill was reported on the 4th of March, 1864, and was ordered to be printed and has been before the House for several weeks. As it relates to a subject in which I have taken considerable interest, not merely in the direction of Brazil but in all other directions across the ocean, I desire to occupy the attention of the House for a few moments. It provides for an amount not exceeding $150,000 on the part of the United States, with the promise that Brazil shall pay an equal amount in aid of the line.

Let me say to gentlemen, as one important fact connected with this matter, that in my investigations last summer as to the connection between the transportation of the mails and the transportation of articles of commerce, I found that commerce had grown, perhaps, I may say, to a much greater degree than the increased transportation of the mails; that in proportion as you develop mail communication between any two countries engaged in commerce, in that same proportion, or greater, you develop commercial transportation between any two commercial countries. Take, for instance, the English steamship line down the coast of South America on the west side, from Panama to Chili, which is perhaps the richest company in the world as a transportation company. It was first engaged by the British Government for the purpose of carrying the mails of England, which were transported across the isthmus and thence south, touching at the various ports on that coast. Commencing with that, it has developed certain commercial relations which legitimately belong to the city of New York, or other financial centers of this country. It has not only done that, but it has thrown all the great commercial transactions of South America into English bottoms and for the support of English commerce; all of which belongs to the United States of America by every legitimate consideration you can apply to such a question.

Perhaps with still greater emphasis may that be said of the commerce upon the eastern coast of South America, where the lines from New York, Boston, Baltimore, and Philadelphia to the Brazilian coast must necessarily furnish an immediate and important communication for commerce between the United States and the intermediate ports.

I find on looking at this bill that it provides that this line may be required to touch at other intermediate ports. By touching at St. Thomas and other ports it intercepts the English and French lines and furnishes a very important communication for our commercial public with different countries, a fact of very great importance.

This being the bill, although I have been, I think I may almost say, the inflexible opponent of the system of subsidies, I have yielded my views in favor of this bill, because I find that more money will come to the people and to the Treasury of the United States, in my judgment, by the adoption of the bill than you will save by refusing the subsidy. And on this ground I support the bill.

We have a margin of over twelve million dollars of trade against us with Brazil, as stated by the gentleman from Massachusetts [Mr. ALLEY] in his carefully prepared speech; and we cannot expect successfully to reduce that margin against us, which is drawing gold from this country and calling for exchange upon London to be sent to Brazil, until you establish some regular and reliable communication for commerce which will tend to reduce that balance by furnishing increased facilities for the exportation of our products to Brazil.

Mr. MALLORY. In connection with this matter I wish to inquire of the gentleman from Iowa whether before the Government pays this bounty of $150,000 to establish this mail communication with Brazil, he does not think we ought to inquire whether the Government intends to cut down the mail service upon our own home lines.

And I wish to inquire of the gentleman from Massachusetts whether the bill which I understand him to say he is now ready to report from the Committee on the Post Office and Post Roads in reference to the overland mail route to San Francisco diminishes the service upon that route, and whether that is the Senate bill, or the House bill amended by the Senate.

Mr. ALLEY. I will answer the gentleman with great pleasure. That matter, as I stated before, is before our committee for consideration, but it is not proper for me to say here, before the report is made, whether the committee will agree with the Senate or not. It is a Senate bill.

I can only say in regard to the intimation which the gentleman made in reference to the reduction of the appropriation, that so far as the service is concerned it will not be reduced, but the amount which will be paid will depend upon the result of the investigations now being made by the committee. I say, for one, that I have gone over the matter very carefully and thoroughly, and I intend to investigate it most fully, and if the result of that investigation shall show that it is not worth anything like the sum of money which the Senate supposes, and which the Senate bill provides for, we shall most certainly report in favor of a reduction of the amount. How that will be, time will determine.

Mr. MALLORY. If the gentleman from Iowa will allow me, I will say that I misunderstood the gentleman from Massachusetts this morning when he responded to my first inquiry. I understood him then to say that he had authority from his committee to report on that subject this morning, and I therefore supposed that the report was prepared, and that he could communicate the character of it to the House. I will now say that I made the inquiry because the action of those of us who are interested, as the gentleman from Iowa is, in this overland route, may depend somewhat upon the disposition that the committee may make of that other matter in which we feel so deep an interest.

Mr. ALLEY. I can only say in reply to the gentleman from Kentucky that if he intends to govern his vote by the action of the committee upon another bill entirely independent and irrespective of this, he does not follow that course which, in my opinion, an American legislator ought to pursue. I can only say that so far as that question is concerned, every member of the committee is favorably inclined, so far as I know, to all the parties in interest and to the service; and I have no doubt that whatever the result of their investigations may be, the conclusion which they will adopt will be in accordance with the facts, and I think will meet the approbation of the friends of the measure.

Mr. MALLORY. I wish to say to the gentleman from Massachusetts that a member from Kentucky in this House shapes his course on public matters without caring much as to what the opinion of the gentleman from Massachusetts may be as to what course a statesman should or should not pursue here. I happen to think that the duty of a member of the House, in acting on a question like this, is first to ascertain what is to be done in reference to other matters of a similar character in which he feels a deep interest. I, for instance, am not opposed in principle to the measure which the gentleman has submitted to the House. I am in favor of seeing our postal communications extended. I agree with the gentleman from Iowa [Mr. KASSON] in regard to that matter, and I wish I could upon others.

Mr. KASSON. It is a great pity you cannot. [Laughter.]

Mr. MALLORY. I wish to see the day when we shall be connected by postal communications with every nation with which we have commercial intercourse. But I want the gentleman from Massachusetts to understand that as an American statesman, if I may call myself such, as a Representative of the American people, it is not only my right but my duty first to see that the postal facilities within my own land are attended to by the Government before we extend our postal communications to every other nation on the face of the earth.

Sir, if he thinks differently, he does not understand what are the duties of an American Representative and statesman. He ought to take every measure into consideration that has been introduced into the House in passing upon any one, because the measures before the House have a material influence one upon the other. As I said before, we do not want to expend the public money in bounties to establish foreign postal lines before we learn whether the Post Office Committee intend to pursue a liberal course toward these lines of postal communication within our own lines in which we feel more interest than the one which this bill proposes to establish. I am obliged to the gentleman from Iowa for yielding to me.

Mr. ALLEY. I concur entirely with my distinguished friend from Kentucky in regard to his ideas of the duties of American statesman, as he has expressed them in his last remarks. If this bill had any connection whatever with the bill which the gentleman has referred to, then I agree with him that the two measures should be considered together. But failing to perceive that it had any connection whatever with this bill, I took the gentleman's remark to be somewhat in the nature of a threat, that if the commercial interests of the country were protected and taken care of, then the interests of the West and of the Pacific coast must be taken care of also, and he wished before voting upon this bill to know whether the interests of his own section were to be protected, and if not, that he would be opposed to this measure.

Mr. KASSON. Mr. Speaker, I think I can understand the positions of both the gentlemen who have engaged in this side debate, aside from this Brazilian subject. The distinguished gentleman from Kentucky insists that this overland mail shall be sustained to a point of practical and successful efficiency. I agree with him. I shake hands with him on that subject, and shall continue to do so. No measure on which we may vote shall be permitted, so far as I am concerned, to interfere with the success of that great internal line which is becoming more and more necessary for the country intermediate between the States and the Pacific coast, as well as for the eastern and western coasts of the country. And if I supposed that this was in any way prejudicial to that measure, I should certainly be very reluctant to support it. On the contrary, they are, as sug-

gested by the gentleman from Massachusetts, [Mr. ALLEY,] independent measures, each meriting the proper attention and proper support of the House.

I recur, as near as I can recollect, to the point in my argument where I left off some time since. That was, that as an economical measure for the financial interests of the country this bill is required, and ought to be passed by the House. I think I was saying I had been an opponent of the subsidy system, and am still an opponent of it when it is urged upon us to a large amount. Take, for example, the Collins line, to which hundreds of thousands of dollars were annually appropriated for a long period of time for the purpose of maintaining commercial and postal communication between New York and Liverpool; just the very line of all others where commerce itself should sustain a line. That was, to use the words of the gentleman from Kentucky, in the nature of a bounty to a particular line. If this were a proposition of that sort, to give a subsidy in the nature of a bounty to a commercial line, I should agree that it was improper.

Mr. ALLEY. I trust the gentleman from Iowa will allow me to make a statement in this connection.

Mr. KASSON. Certainly.

Mr. ALLEY. While the amount of the subsidy from the United States is limited to $150,000, the committee received such information as induces it to believe that the whole service can be performed for $250,000. If Brazil should join with us in paying half the expense, it will leave only $125,000 to be paid by the United States, and the receipts from postage, judging from the best data we had, will amount to at least $50,000, thereby reducing the actual expenditure to a less sum than $100,000.

Mr. KASSON. A very important statement, Mr. Speaker. At this time we give to any line of steamers, foreign or domestic, that carries our mails to a foreign country, all the postages that accrue on these mails; if a domestic steamer, both inland and ocean postage, and if a foreign steamer, the ocean postage. This is no longer a bounty. It partakes of the nature of an exact compensation for services rendered in carrying the mails of the United States, with enormous incidental advantages to the country in the way of changing the balance of trade, or at least diminishing that balance, which is now so greatly against us. It is on that ground I support it.

In the case of the Collins line, to which gentlemen are disposed to refer, we appropriated a specific amount to that line. Here, on the contrary, we fix a small maximum of compensation, and allow the whole world to bid for the service at as much less a rate as companies may be willing to take the mails for. In that respect, also, it differs in an important manner from the old system of subsidy to transatlantic steamers. I think the gentleman from Massachusetts is very right when he protests against our being left so utterly dependent on foreign lines if we can get the service performed by our own steamers for so moderate a sum as is appropriated by this bill.

Mr. WILSON. I understand my colleague to state that the balance of trade is against us, and in favor of Brazil, to the amount of $12,000,000 per annum. I desire to know how a line of steamers receiving a subsidy of $150,000 per annum is to be relied on for the correction of this immense balance against the United States.

Mr. KASSON. If my colleague from Iowa had examined the statistics of trade as developed by the establishment of steamship lines to other countries he would see the importance of this measure.

Mr. WILSON. I asked that question in order to draw out the information which I presumed that my colleague had.

Mr. KASSON. I should be very happy to give any information in my possession upon this subject. At present we have no line of steamships and no regular communication with Brazil, but are compelled to rely upon means of communication irregular in their character for all our commerce with that country.

The products of Brazil comprise certain staples which we must have, and which we do obtain in large quantities; coffee being perhaps the largest among them. But, sir, we have no means of regular communication with Brazil, and vessels only go there irregularly and infrequently. Now, sir, if by this small postal subsidy we can establish semi-monthly communication that shall be reliable, you will find that manufacturers and exporters will export largely to that country, and that our commerce will in a very short time be so developed by such a line of communication that this large balance of trade against us will be greatly diminished or overcome.

Mr. STEVENS. I wish to ask the gentleman from Iowa, how it happens, if these advantages are so certain, that they have not been seized on by private enterprise.

Mr. WILSON. That is precisely the question I had risen to ask.

Mr. KASSON. I am happy to answer both gentlemen with one response. It is, that private enterprise has not ventured any more here than it has done in foreign countries, where scarcely a line of steamships has ever been originally established without aid from Government. I will mention also, as an illustration of the advantages to be derived, that several foreign steamship companies have made most earnest requests of the Postmaster General to use the name of United States mail steamships on condition of carrying our mails, in order to insure commercial confidence as to the regularity of their lines.

Mr. STEVENS. Was that since the Alabama has been abroad?

Mr. KASSON. Yes, sir, there are two lines now begging for this advantage, in order to give commercial confidence in their regularity.

Mr. ALLEY. I would like to say a word, if the gentleman will permit me, in reference to the question propounded by the gentleman from Iowa furthest from me, [Mr. WILSON.] I have before me a letter from the American consul at Rio de Janeiro, dated in July, 1862, inclosing to this Government a report of the commercial condition of Brazil, in which he alludes to the material injury the trade of the United States has sustained with that country owing to the rebel privateers which have been in their waters, and urging the importance of a regular line of steam communication between Brazil and the United States. In this letter occurs this passage:

"So long as there is no direct steam communication between Brazil and the United States, just so long will our nation occupy the present humiliating position in regard to the control of its commerce." "The trade with England and France has grown enormously, and almost beyond belief, since the Governments of those countries established regular monthly steam communication with Brazil."

Now, I will say in this connection, our commerce with Mexico in 1835 was $20,000,000 annually. The commerce of Great Britain with Mexico at that time was less than ours. But by the establishment of a steam communication directly to Mexico, her commerce has gone up to $28,000,000 per annum, while ours is reduced to $8,000,000. The whole annual commerce of Mexico is but about fifty-four million dollars of commercial exchanges. Of this, $28,000,000 goes to England, $8,000,000 to the United States, $5,000,000 to France, and the balance to the rest of the world. Just so in degree has it been with Brazil. Our commercial intercourse with Brazil, so far as commercial exchanges are concerned, has decreased, while that of Great Britain has continually increased ever since the establishment of this line of steam communication, doubling the very first year of steam communication between Great Britain and Brazil, until at this time it amounts in exports of British products I believe to $22,000,000, while ours is only about six million dollars of exports, while we receive $21,000,000 of imported goods, making more than thirteen million dollars balance of trade against us.

Mr. KASSON. These facts, Mr. Speaker, furnish an unanswerable argument as to the effect of the establishment of a steamship line. Any person may doubt as to whether we pay too much for the service or not. That point is open to argument. In developing the vast interests of the country I do not think any gentleman who has given this subject examination can entertain a doubt as to the great advantage to a commercial country of a steamship line.

Mr. ALLEY. Let me make a suggestion, if my friend will yield a moment, in reply to the question propounded by the gentleman from Pennsylvania, [Mr. STEVENS.] He asked why private enterprise could not do this. That is impossible. England has too great a start of us. England grants subsidies to the extent of over four million dollars, and no nation upon the face of the globe, as we all know, understands its pecuniary interest better than England. Yet, from the commencement of the subsidy system in 1840 down to the present time, she has greatly increased it until it amounts to four million dollars and upward. Under these circumstances, our capitalists and commercial men find it impossible to compete with British merchants supported by their Government by such large subsidies.

Mr. WILSON. How much does England pay as a subsidy to this Brazilian line?

Mr. KASSON. My recollection is that it is about seventy-five thousand pounds sterling.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and resolutions of the following titles:

An act (H. R. No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;

Joint resolution (H. R. No. 21) relative to the accounts of the petty officers, seamen, and others of the United States gunboat Cincinnati;

Joint resolution (H. R. No. 13) tendering the thanks of Congress to Admiral Porter;

An act (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes; and

A joint resolution (H. R. No. 54) authorizing the Secretary of the Navy to sell at public auction lot No. 13 in the village of Sackett's Harbor, New York.

STEAMSHIP LINE TO BRAZIL—AGAIN.

Mr. KASSON resumed the floor.

Mr. FERNANDO WOOD. I understand the gentleman to state that he intended to demand the previous question at the conclusion of his speech. If that be so, I should like to put an inquiry either to him or to the chairman of the Committee on the Post Office and Post Roads before that is done.

Mr. KASSON. I agreed with the gentleman from Massachusetts to move the previous question, and I will yield to the gentleman to make his inquiry.

Mr. FERNANDO WOOD. I ask whether it is intended to confine this service to American vessels?

Mr. ALLEY. That is the understanding.

Mr. FERNANDO WOOD. Why, then, has the provision which is contained in bills of this character been omitted?

Mr. ALLEY. It was thought best to leave the details of the bill to the Postmaster General. He is authorized to make such regulations as he may deem expedient.

Mr. FERNANDO WOOD. I hope that I will be allowed to move an amendment on that point.

Mr. KASSON. I shall be obliged to yield to the gentleman from Massachusetts to call for the previous question. I am in favor of making it an American line.

Mr. ALLEY. While I deem it entirely unnecessary, I shall not object to the amendment; and if there is any doubt on the subject, of course it is proper.

Mr. KASSON. The gentleman from New York and the chairman can fix on the proper form of the amendment while I continue my remarks.

Mr. Speaker, the line is proposed to be established from one of our ports north of the Potomac to Rio Janeiro, and in any event it will undoubtedly be an American line. In reference to the subject of subsidies, let me say that the French Government has within the two or three past years followed the precedent of the English Government, and have granted very large subsidies to lines running not only to Brazil and to Mexico, but one to New Orleans. And if that course is pursued by foreign Governments in the future, and the course of the American Government is to be characterized by a neglect of all the statistics involved in this question and of the important interests inevitably involved in it, we shall find our steam commercial marine driven from the sea.

The English Government has paid enormous subsidies to the Cunard line; and the objection

made by the English people to it is based upon the fact that commerce alone supports the steamship lines between Liverpool and New York, and on that account the Cunard subsidies will be terminated. But there is no demand by the English people upon the British Government that they shall withdraw the subsidies to foreign lines generally.

Now, I speak of this matter as a measure by itself; and if any other proposition comes up for other lines from an American port to any foreign port, I ask that that also may be considered upon its own merits. As it is possible that commercial gentlemen in different States may endeavor to learn the disposition of Congress from this debate, I will remark that another foreign Government has been exceedingly anxious to establish a line of steamships between them and this country. I refer to the Belgian Government, which officially stated during the last summer that they would give liberal subsidies to any American company which would establish a line between Antwerp and New York. They did not then even demand a subsidy from the United States, and I doubt whether a subsidy from this Government would be necessary. But I deem it of great importance to the commercial interests of this country that this Congress should show a disposition, not to be extravagant at all, but to develop the commercial interests of the country in connection with the postal services between the United States and foreign countries. And, as I said before, let our debate rather be upon the amount we may feel justified in giving, more or less, but let it not show that the opinion of this Congress is that the commercial interests of this country are entirely independent of the development of ocean steam navigation.

One word more, and I will leave the subject. It is that this line now proposed to be established is one which is an effort on the part of the United States to reclaim, in part, its share of the great commerce of the ocean; to reclaim its position and its flag upon the seas, which have been partially driven off by efforts in foreign countries to drive us from the ocean. I recollect that one of the great Prussian monarchs, immediately after the close of a seven years' war, built a magnificent palace for his own habitation and that of his successors. And when asked how he could do it after his country had been drained of its financial resources by a war with Austria, replied he did it to signify to that enemy that the resources of his country were not exhausted.

Somewhat in that spirit would I say now to the other commercial nations of the world, that although they have indirectly contributed largely, and allowed their citizens to contribute to enterprises intended to drive our commerce from the seas, yet the United States is not intending to yield, in the face even of this war, to any such enterprises upon the part of foreign Governments, but stand ready to inaugurate their commercial equality in the face of all obstacles which have been interposed against us.

Mr. STEVENS. I would ask the gentleman whether we should not promote American commerce a great deal more by offering premiums for the destruction of the Alabama and other pirates, so that our ships can venture out to sea?

Mr. KASSON. When the distinguished chairman of my committee shall introduce a bill to that effect I think I can say I will support it. The absence of one good measure does not justify us in defeating another good measure. My great object is to develop the wealth and prosperity of this country by an enterprise of this kind. If I thought myself wrong in my reasoning upon the effect of this bill I certainly should not support it. You will increase the commercial power of the country by doing it. You will increase the advantages of our connection with a great and prosperous foreign country; and I ask what gentleman upon this floor will admit my premises and will not at the same time admit my conclusions, that it would be better for us to give some small aid in order to restore in favor of American commerce the balance of trade which has so largely increased against us in the absence of a direct communication.

I intended, sir, to speak for only ten minutes, but these interlocutory remarks have carried me beyond my original intention. I beg pardon of the House for the time I have occupied, and now, in accordance with my agreement, I renew the demand for the previous question.

Mr. STEVENS. I move to lay the bill upon the table, and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 30, nays 87; as follows:

YEAS—Messrs. Anderson, Ambrose W. Clark, Clay, Coffroth, Dawson, Denison, Dumont, Eckley, Eden, Farnsworth, Grider, Julian, Kelley, King, Lazear, Loan, Long, McDowell, William H. Miller, James R. Morris, Noble, Orth, Price, William H. Randall, Robinson, Sloan, Stevens, Thayer, Tracy, and Wilson—30.

NAYS—Messrs. William J. Allen, Alley, Allison, Ames, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Francis P. Blair, Brooks, Chanler, Cole, Cox, Creswell, Dawes, Eldridge, Finck, Frank, Ganson, Garfield, Gooch, Grinnell, Hall, Harding, Benjamin G. Harris, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, Jenckes, William Johnson, Kalbfleisch, Kasson, Francis W. Kellogg, Orlando Kellogg, Kernan, Law, Mallory, Marcy, Marvin, McAllister, McBride, McClurg, McKinney, Samuel F. Miller, Daniel Morris, Morrison, Leonard Myers, Norton, Odell, Charles O'Neill, Perham, Pike, Pomeroy, Pruyn, Radford, Samuel J. Randall, Alexander H. Rice, John H. Rice, Rogers, Edward H. Rollins, James S. Rollins, Ross, Schenck, Scott, Shannon, Smith, Smithers, Stebbins, John B. Steele, William G. Steele, Strouse, Stuart, Voorhees, William B. Washburn, Webster, Whaley, Wheeler, Chilton A. White, Williams, Wilder, Winfield, Fernando Wood, and Yeaman—87.

So the House refused to lay the bill upon the table.

Mr. WASHBURNE, of Illinois, (during the roll-call,) stated that he had paired off upon this question with Mr. BLAINE, and that if at liberty to vote he [Mr. WASHBURNE] would have voted in the affirmative, while Mr. BLAINE would have voted in the negative.

The question recurred upon the demand for the previous question.

Mr. FERNANDO WOOD. I understood the chairman of the Committee on the Post Office and Post Roads to agree that I should offer my amendment. I suppose, however, that I cannot offer it during the pendency of the demand for the previous question.

The SPEAKER. If the gentleman from Iowa withdraws the demand for the previous question the amendment can be offered, but not otherwise.

Mr. KASSON. Will the gentleman read his amendment for information?

Mr. FERNANDO WOOD. The amendment I propose is to confine this service to American vessels, by inserting the word "American" after the words "first class," in the eighth line of the first section of the bill.

Mr. KASSON. I yield to the gentleman to offer that amendment.

Mr. FERNANDO WOOD. I offer that amendment.

Mr. KASSON. I insist on the demand for the previous question.

The previous question was seconded, and the main question ordered.

The amendment was agreed to.

Mr. HOLMAN moved to lay the bill upon the table.

The motion was disagreed to—ayes 27, noes 88.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ALLEY demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. HOLMAN demanded the yeas and nays on the passage of the bill; and called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. HOLMAN and ALLEY were appointed.

The House divided; and the tellers reported—ayes 20, noes 88.

So the yeas and nays were not ordered.

The bill was then passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

SALES OF GOLD.

Mr. STEVENS. I ask leave to report a bill from the Committee of Ways and Means, which, if it be passed at all, ought to be passed at once.

Mr. ALLEY. I yield with great pleasure to the gentleman from Pennsylvania.

Mr. BROOKS. I rise to a question of order. This day was set apart for Post Office business, which is a special order in the House. My question is, whether by the consent of the chairman of that committee the day can be devoted to any other purpose.

The SPEAKER. Except in the morning hour on Monday unanimous consent can be given to almost anything.

Mr. BROOKS. Then this bill can only come in by unanimous consent?

The SPEAKER. Only by unanimous consent.

Mr. STEVENS. I ask leave to report from the Committee of Ways and Means a bill to prohibit certain sales of gold and foreign exchange.

Mr. HOLMAN. I object.

INTERNAL REVENUE.

Mr. MORRILL. I ask unanimous consent to have printed for the use of the House double the usual number of copies of the tax bill.

Mr. WASHBURNE, of Illinois. I suggest to the gentleman from Vermont to increase that number.

The SPEAKER. The resolution must go to the Committee on Printing.

Mr. MORRILL. If it is to be done at all, it should be done at once while the type is still standing. I therefore move that double the usual number be printed for the use of the House.

The motion was referred, under the rules, to the Committee on Printing.

TRANSPORTATION OF THE MAILS.

Mr. ALLEY, from the Committee on the Post Office and Post Roads, reported back, with the recommendation that it do pass, a bill (H. R. No. 183) to secure the speedy transportation of the mails.

The bill was read. It requires all companies, corporations, or persons, having and employing locomotives or cars for the transportation of merchandise or passengers for hire, upon or along any post road or postal route in the United States, upon demand by the Post Office Department, to receive and transport the mails of the United States, and postal agents in charge thereof, upon such car or carriage, and to deliver such mails, according to their destination, along the line of such road or route, for a compensation and upon contract terms to be agreed upon in writing by the Postmaster General and such carrier; and in case of their failure to agree thereupon, the same shall be fixed and determined at an early day, as a preferred case, by the Court of Claims at Washington, whose certificate shall bind both parties as a contract; provided, such failure to agree, or delay in final determination, shall not prevent the use thereof for such transportation of the mails; but the same may be taken and used therefor, under direction of the Postmaster General, for which compensation shall be made as thereinbefore provided; and any person or corporation, by agent or otherwise, in any manner obstructing such use shall, if a person, be held guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine not exceeding $500, or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court; and if a corporation, it shall be fined for each offense in a sum not exceeding $5,000; provided further, that no railroad company shall be compelled to carry the mails over its road for any less rate of compensation than is now established by law for the class to which it belongs; and in case of disagreement between the parties as to its proper classification, the same shall be determined by the court.

Mr. ALLEY. This bill provides that all railroads shall be compelled to carry the mails over their roads for such reasonable compensation as is allowed by law. Most of the railroads of the country cheerfully acquiesce in the demands of the Department; but there are some small roads that have given some trouble. The bill is recommended by the Department, and is regarded as of some importance. I move the previous question on the third reading of the bill.

Mr. PRUYN. I ask the gentleman from Massachusetts to withdraw the previous question.

Mr. ALLEY. I will, if the gentleman will promise to renew it.

Mr. HOLMAN. If the gentleman from Mas-

sachusetts yields the floor, he must yield it unconditionally.

Mr. ALLEY. I cannot yield it unconditionally.

Mr. PRUYN. I will renew the previous question if the gentleman from Massachusetts insists upon it.

Mr. ALLEY. I withdraw the previous question for the purpose of hearing what the gentleman has to say.

Mr. PRUYN. Mr. Speaker, this is the first occasion that I have heard this bill read, and it seems to me one of very great importance. It contains some very sweeping and broad provisions. I think that members should have an opportunity of examining it to see whether it does not need amendment. I ask the gentleman from Massachusetts to let it lie over for a week.

Mr. ALLEY. The bill was reported and printed some time since and recommitted——

Mr. HOLMAN. I object to the gentleman from New York yielding the floor unless he yields it unconditionally.

Mr. PRUYN. I yield to the gentleman from Massachusetts on the same terms that he yielded to me.

Mr. HOLMAN. That was unconditionally.

Mr. ALLEY. I did not yield unconditionally. I stated that I yielded to the gentleman from New York to hear what he had to say on the subject. I understood him to wish to make an inquiry, and I yielded for that purpose.

Mr. PRUYN. Mr. Speaker, I inquire whether it is in order at this time to move to postpone the consideration of this bill to a future day.

The SPEAKER. The Chair is in doubt whether it is, as the gentleman from Massachusetts yielded to the gentleman from New York on the understanding that he would renew the previous question.

Mr. ALLEY. If the gentleman will allow me I will say——

Mr. HOLMAN. I object, unless the gentleman from New York yields unconditionally.

Mr. ALLEY. I believe I have the floor.

The SPEAKER. The Chair thinks not. The gentleman from New York has the floor with the promise on his part to demand the previous question.

Mr. ALLEY. I did not understand those were the terms on which I yielded the floor.

The SPEAKER. The Chair understood so, and now the gentleman from Indiana objects to the gentleman from New York yielding the floor unless he yields unconditionally.

Mr. ALLEY. I have no doubt the statement made by the Chair is correct; but in the confusion prevailing I did not understand the point made by the gentleman from Indiana. I understood that I was only yielding the floor to the gentleman from New York for the purpose of making an inquiry in reference to this bill, as it is a matter in which he takes much interest, and not for the purpose of surrendering the floor altogether, which I should not have done.

The SPEAKER. The gentleman from New York is upon the floor.

Mr. PRUYN. I desire to ask the Speaker now whether it is in order to move to postpone this bill.

The SPEAKER. The gentleman from New York must decide that for himself. The gentleman from Massachusetts yielded the floor to the gentleman from New York upon condition that after making remarks he should renew the demand for the previous question, and the gentleman must decide for himself whether under the circumstances he will move to postpone.

Mr. PRUYN. After the statement of the Chair, I shall yield the floor to the gentleman from Massachusetts, and if he will not himself make the motion, or permit me to make the motion to postpone, I will yield unconditionally. In fulfillment of my promise, I now move the previous question, unless the gentleman from Massachusetts desires the floor.

Mr. ALLEY. Does the gentleman yield to me unconditionally?

Mr. PRUYN. I do.

Mr. ALLEY. Then I am now entitled to the floor. I wish to state, in the first place, that the Chair certainly misunderstood me in assigning the floor to the gentleman from New York upon the ground that I had yielded it unconditionally. I certainly did not intend so to do, and gentlemen around me state that they understood me to yield simply for the purpose of allowing him to ask a question.

The SPEAKER. The Chair will again state the case. The gentleman from New York sought the floor. The gentleman from Indiana raised the question of order that the gentleman from Massachusetts could not yield the floor to him. The gentleman from Massachusetts stated that he would yield the floor unconditionally if the gentleman from New York would renew the demand for the previous question. The gentleman from New York accepted the floor upon those terms. After a little while the gentleman from Massachusetts stated that he understood that he had only yielded the floor to allow the gentleman from New York to make a statement or ask a question.

Mr. ALLEY. The point in the case is, that I desire to be entirely fair with the gentleman from New York, but he has now yielded unconditionally, and so now it is of no consequence.

I will say in regard to this bill that I am sure it provides that the mails shall be carried on the railroads upon such terms as are now required by law. I have found no gentleman connected with railroads, with whom I have conversed in reference to this bill, who has made any opposition to it, and I think there can be no reasonable opposition made. We require now all vessels for foreign ports to carry the mails upon such terms as the Postmaster General shall prescribe. They are to receive the protection of the Government. They sail under its flag, and this House, by an almost unanimous vote, declared that such a provision was wise and just. That being the case, they cannot certainly now object to placing the railroads under the same rule.

As a question of practical importance it will have but little effect. There are very few railroads in the country which make the slightest objection to it. There are some, however, where there is no competition, that have given the Government some considerable trouble, and it is to reach these roads, which the Department has not been able to reach in any other way, that this bill is reported.

The Department desire the bill. The Committee on the Post Office and Post Roads are unanimously in favor of it with perhaps a single exception, and I think there can be no reasonable opposition made to it. In regard to its postponement for future consideration I will remark that it has already been printed and before the House for several weeks. It was known some ten days ago that action would be had upon it to-day, and I cannot feel that further delay can properly be granted. I therefore adhere to my original purpose, and demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PRINTING OF TAX BILL.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That two thousand extra copies of the internal revenue bill be printed for the use of the House.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

POSTAL MONEY-ORDER SYSTEM.

Mr. ALLEY. I am next directed by the Committee on the Post Office and Post Roads to report a bill to which I think there will be no objection. It has been passed by the House once already, and defeated in the Senate for want of time. I report back House bill No. 185, to establish a postal money-order system, and ask that it be now put on its passage.

The bill was read.

Mr. ALLEY. The bill explains itself, and I do not propose to discuss it at this time. I will only state that it has been reported from the Committee on the Post Office and Post Roads in accordance with the recommendation of the Postmaster General in his annual report, and that it has received the unanimous consent of the committee. The system has been adopted in other countries, where it has proved eminently successful. It will not only be a great accommodation to the people but be the source of considerable revenue. This money-order system has been productive of such results wherever it has been tried in England and other countries, that it furnishes the strongest inducement for us at least to try the experiment. It furnishes a safe means of conveying to every section of the country remittances of small amount for a trifling consideration, which every person must admit is a great desideratum. A large amount is lost annually in small sums by sending money through the mails. In most instances these losses fall upon people of moderate means, and this bill provides a complete remedy for this growing evil.

I demand the previous question.

Mr. SHANNON. I ask the gentleman to yield to me so that I may move an amendment to the bill in the third section by which the maximum amount of a postal money order shall be increased from thirty to one hundred dollars.

Mr. ALLEY. I cannot yield for that purpose. I will state in reply to the gentleman from California that the whole matter was carefully considered by the Committee on the Post Office and Post Roads, and they were unanimous that the provision should stand as it is reported. I therefore must decline to yield for the amendment.

Mr. SHANNON. Let the charge be proportionate to the sum, so that it will yield more revenue. It would be a great accommodation to the people of the Pacific coast.

Mr. ALLEY. I can well understand why California should ask for such an amendment.

Mr. STROUSE. I am entirely in favor of this bill, and I should like to say a few words in regard to it.

Mr. ALLEY. I will yield to the gentleman for five minutes.

Mr. STROUSE. Mr. Speaker, the amendment suggested by the gentleman from California was the one which I would agree to. I think that the bill ought to be amended in that regard. The maximum sum permitted by the bill to be sent through the mails is thirty dollars. If the bill is to pass in its present shape, therefore, I regard it of no value practically whatever.

I admire, sir, the guarded manner in which the measure is drawn. I do not know who the author is; but, whoever he is, he has embodied all the good provisions in the system as carried on in continental Europe. I remember that some fifteen years ago the Government of the United States deputed the late Selah R. Hobbie, then connected with the Post Office Department, as a commissioner for the purpose of conferring with the superintendent of mails of the German confederation. The postal money-order system has been established in all these countries. Not only in Prussia, Bavaria, the free Hanseatic towns, but in every principality of the confederation, as well as in Austria. It has been so established for many years. It has worked well and beneficially.

I have no objection to the minimum amount being fixed at one dollar, but I do think that the maximum ought to be increased beyond thirty dollars. If the measure is not intended alone for those who make small remittances, but for the commercial community as well, I ask why the maximum should not be made $100 at least? I think it should be $500. Take the instance of soldiers at a post near a post office who have been paid off. If they want to send fifty dollars under the protection of the mails, they cannot do it under this bill without making two remittances. If the gentleman will turn his attention to the books in the congressional library he will find that in Europe, where $50,000 may be sent, the system has worked well. There is no reason why this sum should be so small here. It will not be an accommodation to the people of the Pacific coast unless it be increased. Why not impose a reasonable fee or tax or whatever may be necessary upon a reasonable amount? If it is a good bill as it stands, what objection is there to increasing the amount? It is a good bill in its scope and object, and we ought to have had such a one long ago. Money letters which are now sent are uncertain of reaching their place of destination; and when lost or mislaid or stolen—it makes no difference which—there is no redress, no reclamation, no relief to the party who loses the money.

This is a good bill generally, and there ought to

be no objection upon the part of the Post Office Committee or of members here to making this bill more extensive in its character. I hope the House may take the same view of it that I do, and make the amount respectable, such as will command the respect of the country and attract the attention of Governments abroad which we are now imitating.

Mr. ALLEY. I renew the demand for the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALLEY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state that the bank bill was postponed until after the morning hour to-morrow. As the Chair has previously stated that it would probably not be reached for some time, there being two or three special orders in advance of it, he desires now to say that he has been informed that these special orders will be postponed. One of them is the matter of the rebellious States; another, the joint resolution to amend the Constitution, which is a postponement; and the other, a bill in regard to public buildings in the Territories.

Mr. DAWES. As the Speaker has made a statement in reference to the bank bill, I wish to state that to-morrow the Committee of Elections are inclined to call up the two contested-election cases from Virginia.

The SPEAKER. That is a privileged matter which will override all others.

ARREST OF A WITNESS.

Mr. ROLLINS, of New Hampshire. I desire to offer a resolution from the Committee on Public Expenditures.

Mr. ALLEY. I rise to a point of order. I understood that to-day, after the morning hour, was assigned to the Committee on the Post Office and Post Roads to make reports.

The SPEAKER. That is so.

Mr. ALLEY. I would then ask how other business comes in?

The SPEAKER. Because the gentleman from Massachusetts did not rise and claim the floor.

Mr. ALLEY. My colleague on the committee [Mr. HARDING] rose instantly.

The SPEAKER. Then the gentleman from Kentucky is entitled to the floor.

Mr. ROLLINS, of New Hampshire. Will the gentleman yield to me a moment?

Mr. HARDING. I will.

Mr. ROLLINS, of New Hampshire, from the Committee on Public Expenditures, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Whereas John H. Donahue, of New York city, has been duly summoned by leaving a certified copy of the original subpœna at his last and usual place of abode, in the city of New York, to appear and testify before the Committee on Public Expenditures at their room, No. 74 Wall street, New York city, relative to certain charges relating to the New York custom-house; and whereas the said John H. Donahue had neglected to appear before the said committee pursuant to said summons: Therefore,

Resolved, That the Speaker issue his warrant, directed to the Sergeant-at-Arms of this House, commanding him, the said Sergeant-at-Arms, to take into custody the body of the said John H. Donahue wherever to be found, and the same forthwith to have before the said House at the bar thereof to answer as for a contempt of the authority of this House.

RELIEF FOR POSTMASTERS.

Mr. HARDING, from the Committee on the Post Office and Post Roads, reported a bill for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas.

Mr. HOLMAN. I ask for the first reading of the bill *in extenso*.

The bill was accordingly read.

The bill received its second reading, and was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARDING moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

LAND BUSINESS.

Mr. DRIGGS. The House, a short time since, agreed unanimously, with the exception of one member only, to appropriate to-morrow to the business of the Committee on Public Lands. That gentleman has since withdrawn his objection, and I hope unanimous consent will now be given.

The SPEAKER. The probability is that to-morrow will be used up by other business.

Mr. STEVENS. I have no objection to the business of the Committee on Public Lands coming up after all other business is disposed of.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] has given notice that he will call up two questions of privilege to-morrow, and there is other business pending for to-morrow.

Mr. DRIGGS. Well, if I can do no better I will accept the proposition of the gentleman from Pennsylvania, [Mr. STEVENS,] that the Committee on Public Lands shall have to-morrow after other business is disposed of.

Mr. STEVENS. I believe I cannot agree to the making of any such special order.

Mr. DRIGGS. The gentleman said just now that he would not object; and I submit that the objection comes too late.

The SPEAKER. The gentleman from Pennsylvania stated that he would not object to the business of the Committee on Public Lands being assigned for to-morrow after all other business shall be disposed of; and the Chair thinks the objection now comes too late.

PRIZE CASES.

Mr. RICE, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to this House the report of the Solicitor of the Treasury upon certain complaints of improper practices in the disposition of prize cases in New York.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HICKEY, its Chief Clerk, informed the House that the Senate declined the further conference asked for by the House on the disagreeing votes of the two Houses on the bill of the House (No. 15) to provide a temporary government for the Territory of Montana on the terms offered in the resolution of the House.

HOUSE OF INDUSTRY IN DISTRICT OF COLUMBIA.

Mr. PATTERSON, by unanimous consent, and in pursuance of previous notice, introduced a bill making an appropriation for a House of Industry in the District of Columbia; which was read a first and second time by its title, and referred to the Committee for the District of Columbia.

APPEALS FROM LAND OFFICE DECISIONS.

Mr. WINDOM, by unanimous consent, and in pursuance of previous notice, introduced a bill relating to appeals from the decisions of the General Land Office, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Public Lands.

And then, on motion of Mr. MORRIS, of Ohio, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

SATURDAY, *April* 16, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. HENDRICKS presented a memorial of the Indianapolis and Cincinnati Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. LANE, of Indiana, presented a memorial of the Terre Haute and Richmond Railroad Company, a memorial of the La Fayette and Indianapolis Railroad Company, and a memorial of the Union Railway Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. WADE presented a resolution of the Legislature of the State of Ohio, in favor of provision being made by Congress for the relief of the destitute people of East Tennessee; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. POWELL presented a memorial of the Board of Trade of Louisville, Kentucky, praying for the improvement of the navigation of the Ohio river; which was referred to the Committee on Commerce.

REPORTS FROM COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred a memorial of George H. Plant, praying to be refunded an amount abated from his accounts for coal furnished to the Washington navy-yard, under a contract in 1862, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred a memorial of James R. Baylis, praying for an appropriation for testing his invention of an improved "cone propeller," asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, who were instructed by a resolution of the Senate to inquire into the expediency of providing by law for granting honorable discharges to coal-heavers and firemen in the naval service, reported a bill (S. No. 236) to provide for granting an honorable discharge to coal-heavers and firemen in the naval service; which was read and passed to a second reading.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 51) relative to the claim and letters patent of William Wheeler Hubbell, reported it without amendment.

Mr. HALE. The same committee, to whom was referred the memorial of Mary Ann Sands, praying for compensation for services rendered by her brother, Joseph Gideon, as acting purser of the United States storeship Fredonia, have directed me to make an adverse report, and also to ask that the letter of the Secretary of the Navy to the committee on that subject be printed.

The report was agreed to; and the letter was ordered to be printed.

Mr. HALE. The same committee, to whom was referred the memorial of M. C. Marvin, commander in the United States Navy, praying for relief from the alleged injustice of the late advisory board in withholding a recommendation for his promotion, have instructed me to ask that the committee be discharged from the further consideration of the petition, having reported a general law for all those cases.

The report was agreed to.

Mr. HALE. The same committee, to whom was referred a bill (S. No. 144) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862, have had the same under consideration, and have directed me to ask to be discharged from its further consideration and that the bill be indefinitely postponed, the Senate having passed upon the same subject in a House bill.

The report was agreed to.

Mr. HALE. The same committee, to whom was referred the memorial of John Christie, clerk to the commandant of the navy-yard at Portsmouth, New Hampshire, praying that the accounting officers of the Treasury be authorized to allow the payment of the sums that have been appropriated for the pay of the clerks at the Portsmouth, New Hampshire, and Philadelphia navy-yards, from October, 1857, to July, 1859, have instructed me to report a joint resolution (S. No. 44) for the relief of clerks at the Kittery and Philadelphia navy-yards, and to ask that the memorial be printed in place of a report. They make no written report, but the memorial includes all the facts, and they ask that it be printed.

The joint resolution was read, and passed to a second reading; and the memorial was ordered to be printed.

Mr. TRUMBULL. The Committee on the Judiciary, to whom was referred a bill (S. No. 172) concerning the disposition of convicts in the courts of the United States, for the subsisting of persons confined in jails charged with violating the laws of the United States, and for diminishing the expenses in relation thereto, have in-

structed me to report it back to the Senate with an amendment. I desire to say, in reference to this bill, that as soon as it is printed I shall ask for its consideration by the Senate.

Mr. TRUMBULL. The same committee, to whom was referred a bill (S. No. 229) to regulate the mode of ascertaining the value of lands or other real estate that may be taken for the use of the United States, have directed me to report it back adversely, with a recommendation that it do not pass.

Mr. DAVIS. I move that the report lie on the table.

Mr. TRUMBULL. It goes on the Calendar. We do not ask action upon it at the present time.

BILL INTRODUCED.

Mr. TRUMBULL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 237) supplemental to an act to prevent frauds upon the Treasury of the United States, approved February 26, 1853; which was read twice by its title, and referred to the Committee on the Judiciary.

OREGON AND WASHINGTON LAND CLAIMS.

Mr. HARDING. There is a short bill on file relating to donation claims in Oregon and Washington Territory which I should like to have passed now. I therefore move to postpone all prior orders and proceed to its consideration. It will not take more than ten minutes, and it is important to pass it at the present time.

Mr. DOOLITTLE. I will ask the honorable Senator if he will not allow us to take the vote on the bill which was up yesterday, on which we are ready to vote. It will not take, I suppose, more than five minutes.

Mr. HARDING. This will go right through. It will take but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 181) in reference to donation claims in Oregon and Washington. It provides that whenever it shall appear that two donation settlers in the State of Oregon or Washington Territory shall hold their conterminous improvements in such a manner as may require a half quarter section to be divided into two equal parts by a line due north and south, it shall be lawful for the Commissioner of the General Land Office to issue patents recognizing for each claimant such subdivisions; this enactment to include cases existing at the date of this act, where the claim may be proved and established according to law.

The Committee on Public Lands reported the bill with an amendment, in line six, after the word "line," to strike out the word "due," and after the word "south" to insert the words "or east and west;" so that the clause will read:

That whenever it shall appear that two donation settlers in the State of Oregon or Washington Territory shall hold their conterminous improvements in such a manner as may require a half quarter section to be divided into two equal parts by a line north and south, or east and west, it shall and may be lawful, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed and read a third time. It was read the third time, and passed.

WEST VIRGINIA JUDICIAL DISTRICT.

Mr. WILLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary inquire whether, by the creation of the State of West Virginia, any legislation, and if so what, is made necessary in reference to the "judicial district in Virginia, west of the Alleghany mountains," and also in reference to judicial proceedings in the said State of West Virginia, since the creation thereof, and that the said committee report by bill or otherwise.

CUSTOMS' CERTIFICATES.

Mr. HENDRICKS. I desire to offer a resolution which I have had lying on my desk for three days, waiting until it would be in order in the Senate to present it:

Resolved, That the Secretary of the Treasury be requested to inform the Senate what regulations he has made for the issue of certificates to be received in the payment of customs, and whether such certificates are paid for in coin or paper money, and if in the latter at what rate of value, and what amount of such certificates have been issued.

I ask for the present consideration of the resolution.

Mr. SHERMAN. I would rather that resolution should lie over for the present. I may not object when I come to examine it.

Mr. HENDRICKS. Under the rule, does it lie over if a single Senator objects?

The PRESIDING OFFICER, (Mr. CLARK in the chair.) It does.

Mr. HENDRICKS. It is a mere resolution of inquiry. I want to know whether the laws of the land are respected in regard to the customs.

The PRESIDING OFFICER. Objection being made, the resolution must lie over.

TREASURY BUILDING.

Mr. FOSTER. I offer the following resolution, and ask for its present consideration:

Resolved, That the Commissioner of Public Buildings be directed to report to the Senate whether it is intended by those now engaged in the work of the Treasury extension to take down any portion of the south front of that building, which has already been completed; and if so, what is the object of said change, and what amount of expense will be incurred in the project.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. TRUMBULL. The Commissioner of Public Buildings has nothing to do with the Treasury building; and it is not customary, I believe, to address resolutions of inquiry to subordinate officers. We never address them to any one except to the President or to a member of his Cabinet; and the Senator from Vermont, [Mr. COLLAMER,] who is a little particular about such matters, has objected to our addressing them to anybody but the President himself. Certainly it is not customary to make such inquiries of subordinate officers. I suggest to the Senator from Connecticut that he change the direction of his resolution. I have no objection to the inquiry, but it ought to be addressed to the Secretary of the Treasury. The Commissioner of Public Buildings has no charge over the Treasury building.

Mr. FOSTER. I prefer for certain reasons to have this inquiry made of the Commissioner of Public Buildings. I do not think there is anything improper in it. Still, if Senators think that it is better not to address a subordinate, I have no objection to the resolution being changed in that respect. I heard this morning to my astonishment that there was a change intended in the south front of the Treasury building, which, in my eye, has been and is one of the most beautiful and attractive of all our public buildings. I have been informed that it is designed to take down a very considerable portion of the front of that building and to make some change.

Mr. GRIMES. For what purpose?

Mr. FOSTER. As I understand, the purpose is, in the first place, to increase the architectural beauty and proportion of the building, and then to make some additional room in the interior of the building.

Mr. GRIMES. By taking the front out?

Mr. FOSTER. So I am informed.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) Does the Chair understand the Senator from Connecticut to modify his resolution according to the suggestion of the Senator from Illinois?

Mr. FOSTER. I shall not modify it myself, but if the Senator from Illinois thinks proper to move such an amendment, I shall make no objection.

Mr. TRUMBULL. The Senator from Connecticut must be aware that the Commissioner of Public Buildings has nothing to do with the Treasury building. It is all under the charge and control of the Secretary of the Treasury. The Commissioner of Public Buildings knows no more about it than the Senator from Connecticut or myself, and he has no authority over it by law. That matter is entirely under the control of the Secretary of the Treasury, and it would be manifestly as improper to ask of the Commissioner of Public Buildings information about the Treasury building as it would be to ask it of the marshal of the District or the warden of the jail.

Mr. FOSTER. It seems to me that it would be a strange thing if the Commissioner of Public Buildings could not ascertain what was intended to be done in regard to any of our public buildings in Washington. It is possible that he may not be charged with the duty; but it seems to me that he can make the inquiry, and answer the resolution.

Mr. FESSENDEN. We might direct our Secretary to do it as well as him.

Mr. FOSTER. It is certainly true that we might direct our Secretary to do it, and I do not see that there would be any impropriety whatever in that; but it struck me that it was manifestly and obviously proper to address the Commissioner of Public Buildings. However, as gentlemen seem to insist upon changing the direction of the resolution, I move to amend it by striking out "Commissioner of Public Buildings" and inserting "Secretary of the Treasury."

The PRESIDING OFFICER. The Senator from Connecticut can modify his own resolution.

Mr. SUMNER. I was about to make that suggestion to the Senator from Connecticut. It seems to me that if he perseveres in the resolution, in regard to the expediency of which I have some doubts, it should be addressed to the Secretary of the Treasury.

The PRESIDING OFFICER. The resolution is so modified by the Senator from Connecticut.

Mr. SUMNER. So I understand. Of course what has been done there, and what is proposed to be done there, is under the direction of the Secretary of the Treasury, who cannot have proceeded in such a matter without consultation with the architect of the building. I understand that the object is mainly to secure additional accommodations, particularly for the Secretary himself.

Mr. GRIMES. This is the first time I have heard of this proposition to take out the front of the building, and as the Senator from Massachusetts seems to be informed about it, I should like to know what the proposition is.

Mr. SUMNER. I have not seen the plans, I will say to the Senator; but I know it is not to take out from the front but to add to it. It is to fill up the court behind the columns. The Senator will remember that there are columns on the south front.

Mr. GRIMES. In order to do that, I understand the walls that now separate the office of the Secretary of the Treasury from this rotunda or open space have to be taken out.

Mr. SUMNER. I do not understand that. I do not see that anything is to be done except to add an outside wall; but then as I have not seen the plan I cannot speak positively.

Mr. FESSENDEN. I do not know what may be intended, but I am clearly of opinion that they have no right to spend money in that way without the permission of Congress. That portion of the building has been finished, and the appropriations which have been made by Congress have been made with reference to completing the other wing entirely; and if they undertake anything of the sort now suggested on anybody's authority except the authority of Congress, I hold that it is a misuse of the public money.

Mr. ANTHONY. But I do not understand that it requires any money. The columns that are inside of that recess are to be taken out and put in other parts of the building. That is the plan, and those columns——

Mr. TRUMBULL. Will sell for enough?

Mr. ANTHONY. Can be put in another part of the building.

Mr. FESSENDEN. I do not see how it can be done without costing something.

Mr. ANTHONY. It will not cost so much as to put new columns in the other parts. If Congress has appropriated a certain sum of money, part of it to be used in putting up new columns in the other wing, and these columns can be taken out and put there for half the money, it will not need any appropriation. That is what I mean; no appropriation will be needed.

Mr. FESSENDEN. I adhere to my original opinion that after the building has been completed, and is in possession of the Government as a completed building, the idea of taking the money which we have appropriated to finish other parts of it and alter the completed part from time to time is not allowable. In that way there will never be any end to it. Unless the architects go on with the work yet to be done we shall never end it. I understand the idea has been started that the old Capitol ought to be brought out so as to be flush with the new wings; and then I suppose in the next place the two wings will have to

be brought out, because a perfectly even front would not present a good building, and so they will be going on until they fill up the yard.

Mr. TRUMBULL. Could we not sell these pillars for enough to do it?

Mr. FESSENDEN. I do not know but that we could, according to the idea of the Senator from Rhode Island. I hope the inquiry will be made. I think Congress ought to know what is to be done with the public buildings.

The resolution was agreed to.

LAND GRANT TO WISCONSIN RAILROADS.

Mr. DOOLITTLE. I move that the Senate postpone all prior orders, and take up Senate bill No. 160.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 160) to grant aid for the construction of certain railroads in Wisconsin; the pending question being on the amendment of Mr. HENDRICKS to amend the amendment reported from the Committee on Public Lands, in section three, line four, by inserting after the word "Bayfield" the words "and thence to Superior;" so that it will read:

That there be, and is hereby, granted to the State of Wisconsin, for the purpose of aiding in the construction of a railroad from Berlin, on the Fox river, in a northwestern direction, to Bayfield, and thence to Superior, on Lake Superior, every alternate section of land, &c.

Mr. DOOLITTLE. When this amendment was before the Senate yesterday an inquiry was made in relation to it, and as the bill was then before the Senate with the understanding that it should give way to the gold bill, if a discussion should arise, I at once consented to its postponement. I am now prepared to state to the Senate precisely the effect of this amendment. I have a map lying on my table before me which will show at a glance precisely what it is.

This grant of land from Berlin on the Fox river in the State of Wisconsin and thence to Bayfield goes through the central region of the State of Wisconsin. It is a woody region of country, very sparsely populated, a lumbering region. The map shows that it is almost through the heart of the State of Wisconsin, and a hundred miles and more on each side from any other grant of land. The pending question is, whether, after it reaches the town of Bayfield, it shall be permitted to be extended from Bayfield to Superior.

The reasons for its extension to Superior are that in all human probability when the northern Pacific railroad shall be built, reaching from Lake Superior through Minnesota west to the Pacific ocean, it will start from Superior, which is in fact the west end of the lake, and which many persons believe will become the Chicago of Lake Superior when that country shall be developed and settled. The country is a rocky, timbered, and mineral country. The Senator from Indiana proposes also to amend the bill in connection with this amendment so as to reserve the mineral lands upon the route, and not allow them to be taken by the railroad company. The region of country there is regarded as valuable mainly for its mineral lands. There are large quantities of iron mineral lands, and there are some copper mines in that neighborhood. The distance from Bayfield to Superior is from sixty to eighty miles; I cannot tell the distance precisely. By looking at the map it will be seen that Superior lies in a direction a little northwest from Bayfield, across a peninsula from Bayfield to Superior. There are advantages in both these towns. Superior lies the farthest west, and reaches the farthest into the country. Bayfield probably has the best harbor, for the reason that it is protected by islands. When they have northeastern storms in the spring of the year driving ice more or less into the west end of the lake, vessels may be somewhat obstructed in their approach to the harbor of Superior, while at Bayfield there will always be a safe harbor, for it is in deep water and in the rear of islands.

Mr. Speaker, I have thus briefly stated the situation of that country. It explains itself upon the map at once. I hope the amendment will meet the sanction of the Senate.

Mr. FESSENDEN. I should like to inquire if this company is to be at liberty to take the mineral lands on each side of the line of the railroad?

Mr. DOOLITTLE. No, sir.

Mr. HENDRICKS. I am going to move an amendment to prevent that.

The amendment to the amendment was agreed to.

Mr. HENDRICKS. Inadvertently in drafting the substitute an important provision was omitted. I move to amend the sixth section of the amendment by inserting after the word "whatsoever," in the fourth line, the words "and all mineral lands;" so that it will read:

That any and all lands reserved to the United States by any act of Congress for the purpose of aiding in any object of internal improvement, or in any manner for any purpose whatsoever, and all mineral lands, be, and the same are hereby, reserved and excluded from the operation of this act, &c.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed; and its title was amended so as to read: "A bill granting lands to aid in the construction of certain railroads in the State of Wisconsin."

MASSACRE AT FORT PILLOW.

Mr. HOWARD. I beg leave to offer a resolution, and I ask for its present consideration:

Resolved, That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops after their surrender at the recent attack of the rebel forces upon Fort Pillow, Tennessee, and that for this purpose they, or such of their number as they shall depute, repair to the neighborhood; and that they report the facts to Congress as soon as possible.

The PRESIDING OFFICER. Is there any objection to the consideration of the resolution?

Mr. FESSENDEN. I have a decided objection to the last part of that resolution.

The PRESIDING OFFICER. Does the Senator object to its present consideration?

Mr. FESSENDEN. Yes, sir.

The PRESIDING OFFICER. Then it must lie over, under the rule.

Mr. HOWARD. I beg to say that it is very desirable that Congress should ascertain the truth of the rumors alluded to in the resolution.

The PRESIDING OFFICER. The Chair will suggest to the Senator that the resolution being objected to, it cannot be before the Senate unless the objection be withdrawn.

Mr. HOWARD. I trust the Senator from Maine will withdraw the objection and let the resolution pass. I suppose his objection is that it will involve some little expense. I think it would be well to pay a small sum for the purpose of getting at the facts of this case, which is a most extraordinary one.

Mr. FESSENDEN. If the Senate desire it particularly, I will withdraw my objection to its present consideration, but I am utterly opposed to the passage of the resolution, not on the ground of expense.

The PRESIDING OFFICER. The objection being withdrawn, the resolution is now before the Senate.

Mr. FESSENDEN. I do not object to it on the ground of expense, but I think that unless in cases of extreme urgency and necessity, it is hardly worth while for members of Congress to leave their places in Congress to go traveling about the country on these expeditions to take testimony or for any other object. I think that this place is the sphere, and the appropriate sphere, of our duties; and more especially do I object to it at the present time when the Senate and House of Representatives are coming to a point where the business of both branches is exceedingly urgent, and requires the wisdom of all the members of both branches in order to complete it. And more than that, sir, experience has shown how very difficult it is—I am very sorry to say it—to keep a quorum of this body. We are obliged to adjourn frequently because there is not a quorum present, and it delays business very much. I cannot help it. I take no fault to myself with regard to the matter, for I am present ordinarily when I am not sick and am able to be here. I do not see that this is so urgent a case as should call members of the Senate from their places in the Senate, legislating for their country, to go and inquire into a transaction of this kind. The War Department can make all the inquiries that are necessary to be made. It is the duty of the War Department to make these inquiries, and I cannot conceive any special good that is to arise from sending off committees of this or the other body, or any members of committees to make inquiries of this description—I hope the Senate will not consent to it.

Mr. WILSON. I called this morning at the War Department to make some inquiries in regard to this affair that has shocked the country, and I was told by the Secretary of War that he had a dispatch from General Sherman to the effect that about three hundred of our soldiers had been massacred after they had surrendered. There is no doubt that there has been a butchery there. The Secretary of War said he intended immediately to make a thorough investigation into the whole affair and to send persons there for that special purpose. He said he supposed General Sherman's information, as he was not on the spot, was like the information had from the public press of the country, or might be from the same sources. How authoritative the information is he could not state, but at any rate he intended to make an immediate investigation, and to appoint officers to thoroughly investigate and examine the whole affair.

Mr. HOWARD. I do not wish to consume the time of the Senate in discussing the resolution. I am free to say, however, that my object in offering it is to ascertain the exact truth of the case so far as it is practicable for us to do so; and for that reason it is that I have thought it best that a portion of the committee on the conduct of the war should repair to the neighborhood for the purpose of examining living witnesses who have seen and who can testify to the exact facts of the case, in order that neither Congress nor the country may be misled or deceived as to the truth, and for the further purpose of basing some act of legislation upon the report which shall come in, provided it shall turn out that the facts shall be as sad as seem to be represented, in order that our officers in the field may be compelled by act of Congress to resort to the usual remedy authorized by the laws and usages of war in such cases.

If it be a fact that our soldiers fighting our battles, wearing our uniform, and honestly surrendering themselves prisoners of war into the hands of the enemy, have been deliberately and coolly butchered by that enemy after the surrender, it is a disgrace to the nation not to avenge the wrong, no matter what may be the color of the man who wears the Union uniform. It is impossible in my judgment for us to retain in our service black troops unless we not only promise but perform the duty of protection to them as much as to white troops. We shall find in the end, I apprehend, that unless we protect these men they will desert us and run away from the field of battle at the most critical moment of some important engagement, and that this fault perhaps will be followed by the loss of a battle. And, sir, in my mind it concerns the national honor that we should use the national strength and the national spirit to protect the soldiers who are fighting our battles; otherwise we cannot hold up our heads like men in the presence of nations; we shall become the scoff and the sneer of foreign Governments. Without this protection we know very well what will be the fate of the black troops whom we call into our service. It has all along been the practice, we are informed, and we have reason to suppose that it will continue to be the practice of the rebels whenever they make prisoners of black troops in our service, to put them to death in cold blood or to sell them into slavery; and they do it in such a manner as to conceal the facts, as far as is possible, from our authorities. I think if there ever was an occasion in the history of this war in which the attention of Congress ought to be given especially to this principle of protection by means of retaliation, man for man, or two men for one if it becomes necessary, this is the occasion, and I hope this resolution will pass.

I have no doubt that the Secretary of War will be doing all in his power to ascertain the facts, and that he will lay them before the country; but that will not be quite as satisfactory, I confess, to my mind as would be the report of the committee whom we have already employed for such purposes, and who may go on the spot and obtain the original evidence of the fact, not depending upon hearsay or rumor. I wish to proceed cautiously, carefully, and surely in this matter.

So far as I am concerned, I can assure the Senate that my principle in this case is retaliation in the most vigorous form in which it can be exercised.

Mr. FESSENDEN. I suppose there is no Senator here who disagrees with the honorable Senator from Michigan in his opinions as expressed with regard to the duty of this Government in the given case. Every man holds that if this outrage has been perpetrated it should be avenged properly. Every man holds that whatever soldiers we may have in our employ, they must be protected all alike, in precisely the same way, without the slightest distinction in the world.

The PRESIDING OFFICER. It becomes the duty of the Chair to interrupt the Senator from Maine. The unfinished business of yesterday now comes up as the order of the day.

Mr. CONNESS. I move its postponement temporarily until this resolution is disposed of.

The PRESIDING OFFICER. That course will be taken, if there be no objection. The Chair hears none. The Senator from Maine will proceed.

Mr. FESSENDEN. There is no difference of opinion upon that subject, and it has been a matter that has been much mooted and talked of. I believe it is the determination of the Government, at least I have understood from the War Department repeatedly, that everything that was rumored with regard to these matters had been the subject of investigation by that Department to discover if there was sufficient evidence of the fact to prove it, and that the most vigorous and determined measures would be taken in all cases wherever anything of the kind was established.

The question before the Senate, however, is not one with regard to what measures shall be taken in case the report is true, but what measures shall be taken in order to ascertain the fact; that is all. My objection is simply that I believe the War Department has power to investigate it even better than a committee of Congress; it knows better where to look for evidence. The evidence if it is to be had is to be had from those who escaped and those who were on the spot. They are under the control of the War Department; they are under the control of the Government specifically. Now, if the Secretary has expressed his determination to have an immediate and thorough investigation on the subject, it is in his power to make it and communicate the result to Congress. If the Senator will change his resolution and direct it to the Secretary of War and require him to make the most immediate and thorough examination to ascertain the facts, and communicate those facts to Congress, I shall have nothing to say against the resolution.

My objection is (because I have seen the evil of it and I believe it to be unnecessary) to taking Senators and Representatives from their appropriate sphere of duty here on this spot, where their presence is needed for the legislation of the country, and sending them off on expeditions to take testimony in regard to matters which may become subjects of legislation; and it is more particularly troublesome at the present time, in the Senate especially, when by a rule of the Senate it requires a majority of the whole number of Senators for all the States to make a quorum, and we find ourselves very frequently checked and impeded in the necessary business of the Senate by the want of a quorum for some reason or other, and that too when the country is complaining—I think unreasonably and under a misapprehension—of Congress that it is remiss in its duties.

If specifications were called for it would be difficult to make them, for I know that Congress has devoted itself with as much assiduity as could be expected of it to the discharge of its duties. It is difficult for those at a distance to understand what we have to do, and therefore they run into these errors in regard to what we are doing here. Still, there is this sensitiveness in the public mind with regard to the great measures pending before Congress; there is this sensitiveness in the public mind in regard to the state of our finances and the legislation necessary in order to put them in a good condition or to keep them in the best condition possible. Under such circumstances, to thin our ranks at this period of the session, when the business is pressing upon us so strongly, to send off some Senators to inquire into a matter which can be quite as well if not better inquired into by the competent authority which controls it all, strikes me to be a very unwise and unjustifiable thing, and I hope the Senate will not adopt it.

Mr. CONNESS. There is an additional reason to those offered by the Senator from Maine why I express the hope that the resolution before the Senate will not pass in its present form. When the committee on the conduct of the war was about being formed at the beginning of this session, it will be remembered by Senators that there were many objections to it; and if we now, by the adoption of such a resolution as this, ignore the War Department, and over their heads attempt to make an investigation by charging this committee with that extraordinary business, it will only contribute hereafter to prevent the organization of a like committee, which for the discharge of proper functions I think is a very useful and necessary one. I hope the resolution will be amended in the manner suggested by the Senator from Maine, and I will move an amendment of that kind, that "the joint committee on the conduct of the war" be stricken out, and that the Secretary of War be directed by the Senate to cause an immediate investigation into the facts and circumstances connected with this case, and report the same to this body or to Congress. I move that as an amendment to the resolution.

Mr. HOWARD. I have no objection to the latter part of the resolution being stricken out; that part, at least, which authorizes the sending of the committee themselves, or a portion of their number, to the place. I do not know that that would be of any use; and I will consent cheerfully to striking out that part of the resolution; but I think it is fairly a subject which comes before that committee.

Mr. FESSENDEN. They have the power now, without any resolution, to investigate the case.

The PRESIDING OFFICER. The amendment proposed by the Senator from California will be reported.

The Secretary read the amendment, which was to strike out of the resolution the words "joint committee on the conduct of the war be, and they are hereby, instructed," and to insert "the Secretary of War be directed;" and also to strike out the following words: "and that for this purpose they, or such of their number as they shall depute, repair to the neighborhood;" so that the resolution will then read:

Resolved, That the Secretary of War be directed to inquire into the truth of the rumored slaughter of the Union troops after their surrender at the recent attack of the rebel forces upon Fort Pillow, Tennessee; and to report the facts to Congress as soon as possible.

Mr. WADE. I think there is a misapprehension as to the powers of the committee on the conduct of the war, under the resolution that made them a committee. That resolution authorized them to take testimony, and to go wherever they pleased to take testimony. We have not exercised that authority except in one instance where we sent two of our committee to New York to investigate matters connected with the quartermaster's department, because we could not make the examination well in any other way. I think we saved a great deal of money by doing that at that time, and that is the only time we have sent members away.

I suppose even if these words are stricken from this resolution, the committee, if they should suppose it was necessary to go to the spot for the purpose of taking testimony, could go. I can assure the Senate, however, that no member of the committee would go there for any matter of amusement, or because he preferred to go. We should certainly not go there unless it was from a sense of duty, because we could not otherwise properly make the examination. I hope, however, the amended resolution will pass, for I am not anxious that the committee shall have this business to do.

Mr. JOHNSON. Mr. President, I concur with the mover of the resolution that the subject ought to be inquired into, but his resolution does not go as far as I think it should go. This is not the first instance, by several, where we have met with a reverse that has filled us with grief and with surprise, by the capture of comparatively small bodies of men garrisoning particular localities. Paducah not long ago was almost laid in ruins; and it is said, with what truth I know not, that there was within some thirty or forty miles of Paducah a force, under the command of a brigadier general, sufficient to have reinforced the town and to have placed it beyond the reach of harm. The officer's name I have forgotten; he was some member, I believe, of my own profession who fancied that he was fit to command a brigade, and who persuaded the Executive that he was competent to do so.

In reference to this particular inquiry, I should like to know, and I think the country would like to know, I think it is due to the country that it should be made known, if it can be made known, why it was that this comparatively small garrison was left at Fort Pillow, when it was known, I suppose, there, as certainly as it was known here, that there was hanging in and around it a force of some five or six thousand of the rebels, commanded by a dashing leader, one who had himself led the attack on the town of Paducah? Why was it that that garrison was suffered to remain there without reinforcements?

Mr. President, the public heart feels just as we feel; we feel indignant at this Vandalic outrage which never could have been perpetrated, I think, in this age of the world, even by cannibals, with more ferocity than is stated to have attended this particular outrage. But the Government ought to know, and those in command in that particular region ought to know, that they will be held to a responsibility if they by any reasonable diligence could have prevented the occurrence of such a disaster and failed to do it. They should know that there is now in a part of the rebel soldiery with whom we are contending, who have been frenzied into madness and become worse than savages, a disposition which has none of the restraints of civilized warfare; and it is time, high time, since the United States, in my judgment in the exercise of a power with which they are clearly invested, have thought proper to enlist into their army Africans, that these rebel foes of ours should learn that upon the field of battle, in the eye of justice, and in the opinion of the United States, the life of a soldier under our flag is as dear as the life of any rebel, and that nothing will satisfy the honor of one and satisfy the demands of the other, if the horrid alternative should be left to us, but life for life. It will never do; our reputation tells us that it will never do; our duty, still higher in its demands than mere reputation, tells us it will never do that we should suffer our soldiers to be treated with the barbarity, the inhumanity, the savage barbarity with which it is said they have been treated upon this occasion.

But in addition to the information which we should have before acting on that subject, and which it is the object of the honorable member who offered this resolution to obtain, I want to know, looking to the honor of our flag and to the success of our cause, why it is that these disasters have been occurring since the commencement of what may be called the spring campaign. We have men enough, Heaven knows; we have appropriated money without stint; that we all know; and yet, to our surprise and mortification, and as I think to our dishonor, these occurrences are now of rather frequent occurrence; and if it be true that there was any reason to apprehend an attack by anything like an overwhelming force, either upon Paducah or upon Fort Pillow, and it could have been avoided by any reasonable diligence on the part of those in command, we should know it, and they should be held up before the country as in some measure the authors of these sad calamities.

I would propose, therefore, to amend the resolution, if the resolution is adopted in the terms offered by the honorable member from Michigan, by proposing that the committee inquire whether Fort Pillow could have been reinforced in time, and if it could be, why it was not reinforced, and who were to blame.

Mr. HOWARD. I have not the least objection to such an amendment as that which is suggested by the honorable Senator from Maryland. Indeed, I think upon consideration that it ought to be inserted; and I shall, therefore, be very much obliged to the Senator if he will put it in proper language. As to that clause of the resolution

requiring the committee to repair to the neighborhood, I am not tenacious about it, and will yield it.

Mr. JOHNSON. I move to strike that out.

The PRESIDING OFFICER. There is an amendment pending, proposed by the Senator from California.

Mr. TRUMBULL. Mr. President, I am not furnished with sufficient facts to controvert some opinions which have been expressed by the Senator from Maryland; but I presume that his sources of information are much greater than mine, for I can hardly conceive that without some information a Senator who speaks with such consideration as he does, would rise in his place in the Senate and before the country to cast censure upon the general in command at Cairo, who I believe was General Brayman, because he did not reinforce the garrison at Paducah. I think the Senator from Maryland stated the distance to be about forty miles. My recollection of the distance is different. I think it is much greater than forty miles.

Mr. POWELL. I do not think Fort Pillow is at Paducah.

Mr. TRUMBULL. I am not talking of Fort Pillow. That is a different place entirely, on the Mississippi river and in the State of Tennessee. I am speaking of Paducah in the State of Kentucky, which the Senator from Maryland spoke of as some forty miles from Cairo. Such is not my recollection of the distance. I think it is much further.

The Senator from Maryland more than intimates that General Brayman, whom he did not name, but who, I believe, is the officer in command at Cairo, is to blame. It is true he was once an attorney; but I do not know that that is anything to his discredit, or that it disqualifies him from being a general. I am not here to defend General Brayman. He may not have done his duty, but it is the first time I have heard it intimated from any quarter that General Brayman had the least knowledge of the attack upon Paducah until after it was made. The forces which attacked Paducah came up from the south, through Tennessee, and attacked Paducah from another direction. They did not pass Cairo or near Cairo. The attack was unexpected by the garrison at Paducah. I am not aware that the least intelligence of the approach of Forrest was communicated or could have been communicated to General Brayman at Cairo, or that he had any jurisdiction over the States of Tennessee or Kentucky through which Forrest passed. I am not aware that he was guilty of any neglect in not knowing that Forrest was approaching Paducah. I do not understand that that region of country was within his command.

I have felt called upon to say this much in justice to an officer in command at Cairo who may, for aught I know, (but I have seen no evidence of it and never have heard the intimation before,) have been derelict in not sending forces to Paducah when he had no knowledge that an attack was to be made upon it, and I am yet to learn that he had any considerable force to send there.

A few days ago, as I understand, Columbus was threatened with an attack, and I saw by the newspapers, the only information I have on that subject, that reinforcements were sent from Cairo to Columbus, some twenty miles distant; and about the time that the forces at Columbus were summoned to surrender, it so happened that some veteran regiments were returning from the South, and reached Columbus and landed, and that prevented, as I understand, the attack upon Columbus, and I presume the forces then threatening that point went and made an attack upon Fort Pillow, and succeeded in capturing the garrison there. I regret as much as any one that the garrison at Fort Pillow was forced to surrender. I regret the capture and the slaughter; but I am not disposed, without a better knowledge of the facts than I possess, to cast censure or to imply censure upon anybody. A raid of this kind may occur; it is not an event which is to have any considerable bearing upon the result of the war.

Mr. GRIMES. I think it is.

Mr. TRUMBULL. I think it is not. I think the capture of a regiment of men will have very little influence on the result.

Mr. GRIMES. But the slaughter of men after they are captured!

Mr. TRUMBULL. The slaughter of a few men, when we have half a million of men in the field, is not calculated to produce any great result one way or the other. It may change the mode of our carrying on the war.

Mr. GRIMES. Exactly.

Mr. TRUMBULL. It may lead to retaliation. I have from the beginning been one of those who were in favor of prosecuting this war in earnest. I have never believed that we could carry on war peacefully, or that war meant fighting in peace. I supposed that it meant desolation, destruction, and death; and that the more terrible we made this war to the enemies of the country the sooner it would be over, and in the end probably it would be a mercy to the rebels themselves to prosecute it with vigor against them.

I have no objection to this resolution; and I only rose to say what I have said because I thought it was wrong upon this sudden information, upon these reports that have reached us within the last twenty-four hours, which may be exaggerated, which may be highly colored, to pass any opinions as to what ought to be done in the future; and above all I thought it hasty and inconsiderate to cast censure on our commanding officers anywhere until we were more fully advised as to the facts. I am for the resolution; I want the information; but before we get it and in advance I am for condemning nobody.

Mr. GRIMES. If I understand the proposition now before the Senate, it is this: the Senator from Michigan has modified his resolution so as to allow the committee on the conduct of the war to obtain the information that is desired in such manner and such time as they see fit.

The PRESIDING OFFICER. The immediate question is on the amendment of the Senator from California.

Mr. GRIMES. I shall vote against the amendment of the Senator from California. I think this is as grave a question as can possibly be brought before the Senate, and one that may entirely change the character of this war; and I think, therefore, that it would be well for the Senate to instruct some one of its organs, some one of its committees—I do not care what that committee may be—to thoroughly investigate this whole subject; and I would be willing at the same time to instruct the Secretary of War to do the same thing. Indeed, I understand that he proposes to do it without any instruction; he has already taken the steps to do it. That, however, does not dispense with the propriety, and I think the necessity, of the Senate of the United States taking some action through the agents they may appoint—some of the organs of this body—to ferret the whole transaction to the bottom, whereby we shall get intelligent information, not only through the War Department but through our own committee. I think, therefore, that the Senate ought to vote down the proposition of the Senator from California, and then adopt the resolution as it has been modified by the Senator from Michigan.

The PRESIDING OFFICER. The Chair will state the question, lest there be misapprehension. The amendment of the Senator from California not only proposes to substitute the "Secretary of War" for the "committee on the conduct of the war," but also proposes to modify the subsequent part of the resolution in regard to sending a person to the vicinity. The Senator from Michigan proposes to accept the latter amendment, but it is not in his power to do so, an amendment having been moved and being pending to the resolution.

Mr. CONNESS. For the purpose of simplifying this matter, I withdraw at present my amendment. It is evident that if the Senate desires to instruct the committee on the conduct of the war to make this investigation, the amendment which I have proposed will not be adopted, and as it complicates the question at present I withdraw it. But while I am up, I desire to ask the Senator who presented this resolution and the Senator from Iowa, what they propose to do? I desire to say in advance that I am not against acquiring what information we can on this subject, but I ask what will they propose that Congress shall do in case the fact shall be ascertained to be as it has been stated?

Mr. GRIMES. That depends on the information.

Mr. CONNESS. Admit that the statements now made be ascertained to be true, what will Congress do about it?

Mr. HOWARD. If the Senator will allow me, I will state that I remarked when I was up before that if we shall obtain a verification of the rumors alluded to in the resolution, I shall deem it my duty to present a bill for the purpose of enactment into a law, requiring the Commander-in-Chief of the Army and Navy of the United States to retaliate upon the enemy in the most vigorous mode practicable.

Mr. CONNESS. I may as well say also before I take my seat that the massacre has been an indiscriminate one so far as the information we have received illustrates it. It is not confined to negroes wearing the uniform of the United States, but white and black alike are reported to have been put to death. I desire to make this statement because the reported facts as we have them now bear it out. It was not confined to negroes alone. I certainly have no objection to the obtainment of this information, but I believe that the War Department nevertheless is the legitimate channel, and that that Department, governed and controlled by the Commander-in-Chief, namely, the President, should direct at once, and it belongs to him to direct, the execution of such measures as are necessary to put a stop to this.

Mr. HOWARD. Suppose the President of the United States refuses or neglects this duty of retaliation, what would the Senator do then?

Mr. CONNESS. I think I would take him and send him to another fort that would very likely be taken by the enemy, and let him take the consequences.

The PRESIDING OFFICER. The Chair will state the pending question. The Senator from California withdraws his amendment, and the question now is on the passage of the resolution as it was originally introduced. It is competent now for the Senator from Michigan to modify his resolution if he desires to do so.

Mr. HOWARD. I agree to the suggested amendment, to strike out the special instruction to the committee to repair to the neighborhood.

The PRESIDING OFFICER. The resolution will be so modified.

Mr. WILSON. Then I take it there is no difference of opinion about it. We are all satisfied to pass the resolution in that form. The Secretary of War certainly needs no prompting in this matter, and the committee can act for the Senate. I wish simply to say, however, that the suggestion made by the Senator from Maryland in regard to inquiring into the management in that military department might well be incorporated into the resolution, and this committee might inquire into it, and probably have the power to do so now. I understand that General Sherman reports to the War Department that he ordered this place to be evacuated, and is surprised that it was not, and there is a responsibility somewhere that it was not evacuated. I will say a word further, as this matter is up and excites our feelings and interests the country. It is said that white men have been butchered as well as black men; but I think the evidence goes to show that they were butchered because they were with the black men. That was probably the exciting cause of it.

Mr. CONNESS. That is an inference only.

Mr. WILSON. While we are righting this matter, while this is before the country, I hope it will impress upon Congress, and especially upon the other branch, the propriety of passing a bill that passed this branch six weeks ago to do justice to the colored troops of the country.

The PRESIDING OFFICER. The resolution, as modified, will be read.

The Secretary read, as follows:

Resolved, That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops after their surrender at the recent attack of the rebel forces upon Fort Pillow, Tennessee, and that they report the facts to Congress as soon as possible.

Mr. JOHNSON I understood the amendment which I offered to be accepted by the honorable member from Michigan.

Mr. HOWARD. I suggested that the honorable member should draw his amendment, and I should have no objection to it.

Mr. JOHNSON. I propose to amend by adding "and also whether Fort Pillow could have been sufficiently reinforced or evacuated, and if so, why it was not done."

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. MONDAY, APRIL 18, 1864. NEW SERIES.....No. 105.

Mr. HOWARD. I accept the amendment.

The PRESIDING OFFICER. The question is on the adoption of the resolution as modified.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House of Representatives had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (No. 183) to secure the speedy transportation of the mails;

A bill (No. 406) supplementary to an act entitled "An act to grant pensions," approved July 14, 1862;

A bill (No. 407) authorizing the establishment of ocean mail steamship service between the United States and Brazil;

A bill (No. 408) for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas; and

A joint resolution (No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills:

A bill (H. R. No. 206) in addition to an act for the establishment of certain arsenals; and

A bill (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county, in the State of Minnesota.

TAX SALES IN INSURRECTIONARY DISTRICTS.

The PRESIDING OFFICER. The special order of the day will now be taken up.

Mr. HARRIS. The Senator from Ohio consents that the special order of the day may be passed over informally for the present, that Senate bill No. 171 may be considered.

The PRESIDING OFFICER. That course will be taken, if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 171) further to amend an act entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, which had been reported from the Committee on the Judiciary, with amendments.

The first section of the bill provides that in any case in which a sale of lands or tenements has been or shall be made by a board of tax commissioners, appointed pursuant to the act of June 7, 1862, and a certificate of sale issued by the board to the purchaser or purchasers, it shall and may be lawful for the tax commissioners to issue, in such form as the Secretary of the Treasury shall prescribe, a writ, directed to the marshal of the district in which the lands or tenements are situated, commanding him to put the purchaser or purchasers forthwith into possession, and to make return of his proceedings under the writ within thirty days to the commissioners, who shall keep a record of their proceedings in the matter, and who may, in case of any failure on the part of the marshal to execute the first writ, issue alias and pluries writs, as the circumstances may to them seem to require. In case the marshal of the district shall be unable, either by himself or by deputy, to execute the writ, or in case there shall be no marshal of the United States within the district at the time of the issuing of the writ, it may be executed and returned by any fit person, to be specially appointed by the board of tax commissioners for the purpose, which appointment shall be in writing, and indorsed on the writ. But where the lands or tenements so sold shall, at the time of such sale, be occupied by the United States authorities for hospital or other purposes, the issuing of the writ shall be suspended during such occupancy, and the purchaser or purchasers of such lands or tenements shall be entitled to and receive such rent or compensation for their use as the Secretary of the Treasury, under regulations prescribed by him, shall order or direct.

The Committee on the Judiciary proposed to amend the bill by striking out the second section, which is as follows:

SEC. 2. *And be it further enacted*, That any certificate of sale of any lands or tenements may, for a fee of one dollar, be recorded in the office of the clerk of the district court of the United States of the district in which such lands or tenements may be situate, in a book to be kept for that purpose, and a copy of the record of such certificate, duly certified by the clerk of such court to be a copy of such record, shall be evidence in any court, with the same effect in all respects as the original certificate of sale: and any assignment by the owner of such certificate of sale, when such assignment shall be duly acknowledged before any commissioner or judge of any court of the United States, or before a tax commissioner of the proper district, and the acknowledgment duly certified by the officer taking the same, may also be recorded in like manner as the original certificate, and a copy of such assignment, certified by said clerk, shall be admitted in evidence in any court of the same effect as the original assignment.

The amendment was agreed to.

The committee also proposed to strike out the third section, as follows:

SEC. 3. *And be it further enacted*, That any lands or tenements, parcels or lots of lands, which have been or may be selected under the direction of the President for Government use, for war, military, naval, revenue, charitable, educational, or police purposes, or which have been or may be purchased at any sale made by a board of tax commissioners for the United States, may, when held in larger lots or parcels, be divided into parcels or lots of not more than forty acres each, and preëmption rights in such parcels or lots of land may be granted by the board of tax commissioners under orders issued by the President, on such terms as he shall direct to such classes of meritorious persons who shall have rendered service in suppressing the present rebellion, and who shall reside in the State where such lots or parcels of land are situate, and prior to the sale thereof by the proper board of tax commissioners shall have entered upon and cultivated a part of the same, as he, the said President, shall direct, such preëmption rights to be granted by certificates to be issued by the said board of tax commissioners.

The amendment was agreed to.

The fourth section provides that after the time allowed for the redemption of any lands or tenements which have been or shall be sold by a board of tax commissioners shall have elapsed, and after the purchase money shall have been fully paid, the President is to cause a patent or patents to be issued to any such person as may be the *bona fide* purchaser, owner, assignee, or transferee of such lands or tenements under and by virtue of any certificates of sale, or under and by virtue of any assignment or transfer of such certificate, with a proviso that in case of an assignment or transfer of a certificate of sale, the person applying for such patent shall give satisfactory proof to the Commissioner of the General Land Office of the preceding transfers or assignments; and that owners or holders of certificates of preëmption issued by any board of tax commissioners shall be entitled to patents on the same terms and in the same way as the owners or holders of certificates of sale.

The committee proposed to amend the section by striking out the following proviso:

Provided, That in case of an assignment or transfer of a certificate of sale, the person applying for such patent shall give satisfactory proof to the Commissioner of the General Land Office of the preceding transfers or assignments.

Mr. POWELL. I do not think that amendment ought to be adopted. I see no necessity for giving patents to these parties. I have never known persons in any State of the Union to obtain a patent for lands acquired under a tax sale.

Mr. HARRIS. I will state to the Senator from Kentucky that this amendment is to strike out that clause.

Mr. POWELL. I beg pardon.

The amendment was agreed to.

The next amendment was in line six, of section five, to strike out "member of the board," and insert "of said commissioners;" so as to make the section read:

SEC. 5. *And be it further enacted*, That a majority of a board of tax commissioners shall have full authority to transact all business and to perform all duties required by law to be performed by such board, and no proceedings of any board of tax commissioners shall be void or invalid in consequence of the absence of any one of said commissioners.

The amendment was agreed to.

The next amendment was to strike out the following provisos at the end of section five:

Provided, however, That it shall and may be competent for the Secretary of the Treasury, and he is hereby authorized, to set aside any sale or sales made by any board of tax commissioners in case he shall deem any such sale or sales to have been improperly or unfairly made: *Provided also*, That unless any sale heretofore made shall be declared by him invalid within sixty days after the passing of this act, or any sale hereafter made shall be so declared within sixty days after the date of such sale, said sales shall be deemed valid.

The amendment was agreed to.

The next amendment was to strike out the following clause at the end of section six:

And after the payment of all liens, general creditors of such persons whose lands or tenements shall have been sold as aforesaid shall be paid out of such proceeds if sufficient for the purpose; or if not sufficient, the balance shall be distributed among them, under such rules and regulations and on proof to be presented as aforesaid.

So as to make the section read:

SEC. 6. *And be it further enacted*, That any lien creditor (being a loyal citizen of the United States from the commencement of this rebellion, or alien subject of a friendly nation who shall not have taken part against the United States in this rebellion) of a person whose lands or tenements shall have been sold by a board of tax commissioners and not redeemed, shall, after the period of redemption has elapsed, be entitled to payment out of the balance of the proceeds of sale of such lands and tenements, after the same shall have been paid into the Treasury of the United States, of the amount of his lien, if a sufficient sum shall be left for such purpose after the payment of all claims of the United States, together with the costs and expenses of sale, and the payment of all prior liens, under such rules and regulations, and after exhibiting such proof of his right as the Secretary of the Treasury shall prescribe.

The amendment was agreed to.

The seventh section requires each board of tax commissioners to file in the Department of the Treasury a transcript of its proceedings from time to time as the proceedings shall occur, and duplicates of all orders, resolutions, documents, and papers, drafts, plats, and maps of surveys, made or issued by them, and as often and under such regulations as the Secretary of the Treasury shall prescribe; and copies of any of such orders, resolutions, documents, papers, or proceedings, duly certified to be full and correct copies, under the hand of the Secretary or of the officer having custody of the transcripts and duplicates, under the seal of the Treasury, shall be evidence with the same effect as the originals.

The eighth section provides the expenses caused by or incident to the proceedings of any board of tax commissioners shall be paid by the commissioners out of the proceeds of the sales which have been or shall be made by them of any lands or tenements; but the bills of such expenses are to be first submitted to and approved by the Secretary of the Treasury.

Under the ninth section in any case in which lands shall be redeemed after sale made by the board of commissioners, by the owner complying with all the provisions of law relating to redemption necessary to be complied with on his part, the board is to certify to the Secretary of the Treasury the fact that such lands have been redeemed, the amount of the purchase money paid by the purchaser, and when the purchase money was paid, together with such other circumstances as the Secretary by general regulation or special instructions shall require, and the Secretary, on being satisfied that the lands have been duly redeemed, shall repay, by draft drawn on the Treasurer of the United States, the purchaser the principal and interest of the purchase money; and the purchaser shall forthwith deliver possession to the owner so redeeming; but no owner is to be entitled to redeem unless, in addition to the oath prescribed by existing laws, he shall swear that he has not taken part with the insurgents in this present rebellion, or in any way given them aid or comfort, and shall satisfy the board of commissioners that this oath is true; and a tenant, at sufferance or at will, is not to be allowed to redeem, nor is a tenant for years to be allowed to redeem unless he shall satisfy the board of commissioners, in addition to the other requirements of the law, that the owner of the reversionary estate has been loyal and not in any manner engaged in this rebellion, nor in giving aid or comfort to the rebels.

Mr. TEN EYCK. I move to strike out the whole of the first section of the bill which authorizes the commissioners who make sale of lands to issue a warrant to put the purchaser in possession. I make the motion because I believe that provision is an anomalous one, without precedent. It authorizes the commissioners who under the act we passed two years ago make sale of these lands for taxes, to issue their warrant to put the purchaser of such lands into immediate possession. The same persons who make sale of the lands are to issue a writ of possession to put the purchaser immediately in possession. I do not know how it is in all the States of the Union, but in some of them, and especially in my own, where a sale of lands is made under a tax-warrant the purchaser acquires the title, and if there is no person in possession to interfere with him, he enters into possession at once and has the benefit of his purchase; but if a third party is upon the land claiming a right or title to it, that matter has to be investigated and adjudicated and decided upon; and it seems to me proper and right that such should be the case. So here there may be a party in possession of the lands thus sold; there may be upon these very lands thus disposed of by these tax commissioners third parties claiming right and title to the lands; and yet, by the provision of this first section, if these commissioners make sale of the lands, they are authorized and armed with the power to issue their precept and the purchaser is to be put in possession without any adjudication or hearing whatever.

It may be that under the peculiar circumstances of the case some difficulty might arise in finding a court to which to appeal for the purpose of having the adjudication; and perhaps that is the reason why this section has been incorporated into the bill in the shape in which it is and anomalous as it is; but it seems to me that although it is highly desirable to put the purchaser in possession, cases may arise where the rights of third parties might be very seriously interfered with and impaired by doing so. That is the reason why I move to strike out the section.

Mr. HARRIS. Mr. President, the provisions of this bill are asked for by the Commissioner of Internal Revenue for the purpose of perfecting the bill already in force for the collection of direct taxes in insurrectionary districts. This section provides that when a sale of lands or taxes in those districts shall have been made, the commissioners may issue process for the purpose of putting the purchaser in possession. This is the object and the only object of this section of the bill. It is deemed wise and indeed necessary that this provision should be made. There are no courts in that section of the country where this law is applicable, and it is necessary to invest the commissioners with this power, or the purchaser will not have the effect of his purchase.

Mr. POWELL. Mr. President, I concur with the honorable Senator from New Jersey that this section should be stricken out. The whole effect of the section, as has been stated by the honorable Senator from New York, is to authorize the commissioners who sell this property on behalf of the Government for taxes to issue a writ of *habere facias* and deliver possession. I do not think it has been the custom in this or any other country to allow the officer who makes sale of property for taxes or for any other delinquency to issue his writ to a marshal and have the party that may peaceably be in actual possession ousted. Why, sir, do you pass this section? Do you not see at once that by its passage the doors are open to fraud and collusion between the commissioners and speculators? The property sold may not be really liable to sale for taxes; an honest *bona fide* holder of the title, a loyal citizen, may be in possession; and yet, through the instrumentality perhaps of these tax commissioners and outsiders who connive with them, they may sell the property as if it were liable to taxes; and these commissioners will have the right, if the bill shall pass with this section in it, to issue a writ of *habere facias* and have this honest man turned out. Whenever the Government, either State or national, sells property for taxes, it should give the purchaser his tax-deed, and if there are other parties who have other interests, who wish to resist that tax-title, allow those parties to appeal to the courts to settle the contending and conflicting titles. That is the only proper way to reach it.

Not only is this provision anomalous but it is in conflict with the principles settled in all the States of the Union, and it opens a wide door for fraud and corruption. Let the commissioners make their sales, let them give their tax-deeds; but if other parties are in possession of the property and refuse to relinquish the possession, let them appeal to the courts and there test the strength of the respective titles. That is the only proper course of proceeding in such cases. I hope this section will be stricken out.

Mr. SHERMAN. If this bill is likely to give rise to much discussion, I shall feel it my duty to move to postpone it and take up the unfinished business of yesterday.

Mr. POWELL. I am perfectly willing that it shall go over.

Mr. HARRIS. Let the vote be taken. If there is to be any further debate I will yield it.

Mr. POWELL. There will be further debate.

Mr. SHERMAN. The Senator from Kentucky informs us that there will be further debate on the bill, and therefore I move to postpone it.

Mr. TRUMBULL. Let us vote on this amendment.

Mr. SHERMAN. I have no objection to allowing the vote to be taken if there is to be no further debate.

The PRESIDING OFFICER put the question on the amendment of Mr. TEN EYCK, and declared that the ayes appeared to have it.

Mr. HARRIS. I ask for a division.

Mr. SHERMAN. Pending that question will it be in order to move to postpone the bill?

The PRESIDING OFFICER. Undoubtedly.

Mr. SHERMAN. Then I move that this bill be postponed, and that the Senate proceed to the consideration of the order of the day.

The motion was agreed to.

SPECULATION IN GOLD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 106) prohibiting speculative transactions in gold, silver, or foreign exchange, and for other purposes.

The PRESIDING OFFICER, (Mr. CLARK.) The pending question is on the amendment of the Senator from Vermont, [Mr. COLLAMER,] to strike out the words "or of any foreign exchange," in the eighth line of the first section of the amendment reported from the Committee on Finance; and upon that question the Senator from Vermont is entitled to the floor.

Mr. COLLAMER. I am not particularly tenacious about that amendment. My remarks can be made just as well in relation to the bill at large. From what I suggested last evening, and from what then was on my mind, I thought I should take somewhat of a range in my remarks, more of a latitude than I now intend to do.

Mr. President, this bill comes before us based upon a letter from the Secretary of the Treasury, which has been read here at the desk, in which he proposes two certain remedies for our financial difficulties. I understood them to be a complement of each other by his letter, that the two together constitute a unity. One is a certain bill which he says in his letter he sent to the Finance Committee, and which I take to be and will treat to be the same bill which the Finance Committee sent over to the House, because they could not entertain it, it being a bill to raise revenue——

Mr. SHERMAN. Both bills were sent to each House.

Mr. COLLAMER. The letter of the Secretary seems to speak of it as a bill sent to the Finance Committee, but I take it to be the same one which has been presented in the House of Representatives, which bill, as presented in the House, in its outline is this, that the banks chartered under the States shall be subject to a tax of one fourth of one per cent. a month on all their circulation for one year, and at the end of that year they shall cease to have any right to issue for circulation at all. That is the way I have read that bill. That is the way I understand it. The other, which is a complement to that, is the bill now before us to prohibit trading and trafficking, or gambling, if you please, in gold. With these two bills, if a proper bill of taxation is passed in addition, he seems to think that the finances will float well. I hope they will. Certain it is that our condition requires it.

And here, Mr. President, I will say, in the first place, that although it is true that some features of our issue of paper (and I speak now more particularly of the legal-tender clause) were adopted contrary to my opinion in relation to our constitutional power, I have no desire to make any more words about that at all—not that I have changed my opinion on that subject, but, after what has taken place, after the amount of issue that has been made, considering the present condition of the country, and this being our great circulating medium, I do not desire to disturb it. Nor would I say a word at any time which, even if regarded by anybody (and I do not know that it would be) could by possibility have any effect in any measure to embarrass the circulation of the present existing issue. But nevertheless, when a question arises as to our constitutional power to do a thing, I take it every man must be his own judge of what is his duty and what is the extent of his power as a member of this body. If he agreed with the great majority of the body there would be very little occasion to talk about it; but if he should happen to differ, I think it is no occasion of censure or ill-feeling at all, certainly it is none with me. Let other gentlemen, the majority in this case, entertain a different opinion in relation to the construction of the Constitution—I think they are as responsible to their own consciences as I am to mine; but I think it ill becomes either party, if they differ in opinion about it, to set down that difference of opinion to some bad motive or some bad design. It was insinuated, I may say intimated, yesterday that anybody who attempted in any way to embarrass this measure was colleaguing with the enemies of the country, and I made my remarks in consequence of that assertion or intimation.

Now, Mr. President, I propose to say a few words in relation to the operation of this bill if it should be passed. In the first place, I will say that I think the only reliance which the Government can have to meet its pecuniary liabilities consists in two sources of income, and but two: one is taxation, and the other loans. There are no other legitimate sources whatever. All the other devices and expedients that are resorted to under the supposition that they may aid them are nothing but a repetition of the thousand experiments which the world has tried on the subject of currency, which always have failed and always will. We may talk as much as we please about having at present in this country a currency of which gold is no standard of measure. Say what we will and do what we will, it is utterly impossible to avoid its being the standard of measure, because it is the standard of the world, unless we do one thing, and that is, place ourselves outside of that world. If we hold commercial and social intercourse with mankind at large, who recognize gold as the standard of value, just so long will it be the standard of value here. It cannot be otherwise. I regard this bill as an attempt or device of that kind, well intended, all honest enough; but the history of the world is replete with similar experiments, all of which have been universal failures.

This bill treats gold as an article of commerce merely. It provides against the *buying* of it as an article of commerce. It proposes to regulate it, or to forbid the *selling* of it in a certain manner as an article of commerce, an article of purchase and sale to be paid for with our currency. The currency is the payment, and the gold is the article. The bill is framed on that idea. That idea may be practically true; but it is, after all, as experience has proved, a failure, and is unavoidably a failure. Nobody is to blame for that. It cannot be avoided. Devices of this kind cannot avoid it. I am unable myself to perceive how it is possible that this measure could produce any essential effect. I may be obtuse in my perceptions about it. I may not have the material for forming an opinion, even if I was competent to form one, on the subject; but I am not disposed to make an issue with the Secretary of the Treasury about that. His opinion may be better than mine; but I cannot see how this bill will produce any beneficial results.

The truth is, the proposition goes upon a wrong theory in another respect. It assumes that these people gamble, if you please, in gold, and by so doing create fluctuations in its price. That is an entire perversion of the fact and truth. Gold does

not fluctuate in price high and low because they gamble in it; but they gamble in it because it fluctuates, and they cannot help it. Can any man suppose that gamblers would agree to stake money upon a contingency which they knew to be within the control of either one of them? It seems to me such a supposition is perfect nonsense. If these men who are dealing, trading, and trafficking, gambling, if you please, in gold, knew that each of them could raise it up or pull it down, that it was in any way within their control, do you suppose they would venture their money upon it? Not at all. It is the subject-matter of gambling because it is in itself beyond their control, fluctuating, which operation depends upon a variety of considerations—fluctuating in price as compared with the currency, which currency itself fluctuates in proportion to the volume of it and in proportion to the prospect of national success. A great many other elements may enter it which it is not necessary now to mention. But the fluctuation is not in the gold; the fluctuation is in the currency, and it is a fluctuation utterly beyond the control of individuals. This gold ring, if you call it so—I do not know what the name of it is—this set of gamblers in New York meeting in their own way cannot control the relative price of gold and currency. The idea is thrown out that by stopping them in their gambling you will stop the fluctuation. It seems to me perfectly obvious that the thing is entirely the other way.

It is suggested to me, and perhaps it may be true—I have not looked into that—that the amount of fluctuation may be magnified or reduced by the efforts of the people engaged in this trade. Now, I can merely say that if that is true, it is just as true of any other material article of trade as of gold.

Mr. COWAN. It can be put down as well as up.

Mr. COLLAMER. The inducement may be to keep it up or down, and when two men make such a risk, one has just as much inducement to reduce as the other has to elevate it; and if their efforts are alike and their influence alike, they will balance each other.

Now, take the article of flour. Will not flour fluctuate in its price as compared with currency, as that currency itself is affected by the different elements which I have mentioned? Of course it will. If I make a contract, in writing, if you please, to remove it from all questions about the old statute of frauds and perjuries, with my brother FESSENDEN that if he will deliver to me a thousand barrels of flour on the 1st day of July next I will pay him $7,000 in currency therefor, what is that contract? Is there anything unlawful in it? Certainly not. Have I not then a direct inducement to use my best efforts to make that currency as low as I can by next July when I have that money to pay? Have I not precisely the same inducement as if I had made that arrangement for the delivery of gold? If there is any difference, I should like to have it pointed out.

The same may be said of every essential and material article of trade. It is a very common thing in the vicinity of where I live, in anticipation of the clip of wool, as we call it, shearing time, for a man to go to a wool-grower and say, "If you will deliver me your clip of wool on the 1st day of July next I will pay you one dollar a pound in currency for it;" and the writing is made accordingly. Now, clearly, if the man who thus agreed in writing to deliver the wool should not do it, the other man would recover the difference of price at the time of delivery between the actual price in the market and what he was to pay. If the question should arise, and the man should not deliver the wool, he would recover that balance. If it falls, and he does deliver it, and the man will not pay for it, he could recover the balance. Now, there is nothing in that contract which I have mentioned about wool that I have heard suggested as being an unlawful one, or even a gambling one; and if it were a gambling contract it would be unlawful.

Mr. President, I am well aware that the precise definition of gambling contracts has fluctuated a great deal at different times in the world. Different States have not always holden precisely the same rule in relation to them. The general principle is, that if there be a contract, an agreement made depending upon a contingency in and about a subject-matter in which the parties have no interest except what they make by their bargain, that is a gambling contract and it is unlawful; but the courts have not always so holden. Suppose I say to the Senator from Pennsylvania, [Mr. COWAN], "How much will you insure me a quarter of such a ship on a voyage to Liverpool for?" supposing the quarter to be worth $10,000. He says to me, "Do you own any quarter there?" "No, I do not own anything there; but what is that to you? If I pay you a premium that is a reasonable one, and such as you are willing to receive, and you insure for me, interest or no interest, what is that to you?" Suppose he enters into that contract. That is a gambling contract. I had no interest in the ship. If I had made the insurance on a fictitious ship, it would have been worse yet. Neither of us have any interest in either of these, except what is made by the contract. That makes the contract itself a wager.

Now, in this case, if a man should make an agreement with another to take a quantity of gold at a certain rate of price at a future day, when he had no gold, it would be a wagering contract; and under the general principles of law, as I understand them, a court would so hold, if they should go there; but the difficulty is that they never do go there. These folks never resort to the courts. You never hear of a case in the courts from them, and there never will be. If a man does not live up to his agreements in their circle, he is read out of the board; he is expelled; as the common term is, he is black-balled; he is put in coventry. They never resort to law about it. I believe they are so utterly lawless that I have no idea that if we make any law about it the courts will ever be appealed to one way or the other. It is a matter which they always settle in their own way; and hence I believe this bill will be entirely inoperative.

I did not mean to occupy even so much time as I have upon the question of whether this bill would be good for anything. My opinion is that it is one of those devices which, when pressed, men will resort to to get along in troubles which, in their nature, they are incapable of affecting, and the experience of the world shows it. But for the remarks that were made yesterday I should not have troubled the Senate even with these remarks on the subject, perhaps, but should have contented myself with a silent vote if no other obstacle had been interposed, and allowed the Secretary, if he wanted to do so, to try it. I have no doubt in the world that it is well intended, but still my view of it is such as I have expressed.

But, Mr. President, there is another difficulty. Contracts have their obligation determined by the *lex loci contractus;* and if a contract is a good and lawful one where it is made, it can be enforced anywhere before any court of competent jurisdiction; but, to be sure, in enforcing it, it is subject to the *lex loci fori*. In considering that contract it is construed according to the law under which it was made; in executing it, whether by seizing the body or taking the property, or whether the statute of limitations applies, or anything of that kind, depends on the laws of the place to which the court belongs.

Now, let us take some of these contracts as an illustration. Take, for instance, if you please, the contract I have mentioned about wool—a good, lawful contract by the laws under which it is made. Can Congress say that, inasmuch as the contract to pay the money for that wool on a future day made it directly the interest of the purchaser to depreciate the public currency, therefore it shall be void? If all the contracts in relation to that subject were made in the same way—and a great many of them are made in the way I have mentioned—and were all put together, it would be influence enough to affect the currency. There are eighty million pounds of wool raised and sold in this country annually, at from fifty cents to one dollar a pound—it is worth a dollar probably now—and if that were put together it would be money enough, if used by those who are interested in depreciating it for that particular subject, to be felt and appreciated by the country in its currency. Can it be possible that Congress have the power to declare that contract, and all contracts of that character made for sale upon a credit to be paid at a future day, because those consequences may be incurred of a depreciation of the currency, void in all the States of the Union? Whether the contract is for flour or for tobacco or for whisky or beef or pork or wheat, be it what it may, especially if it is on a very large scale, can we on the ground that we suspect or really believe that it will affect the currency, make a law to forbid it, and put an end to it, and to all credit for the same reason?

Such is the sweep of what is claimed in this bill. It is claimed that we can vacate, declare void and unlawful, a contract made for the purchase of gold at a day to come, deliverable thereafter. You might just as well declare all the contracts I have mentioned to be void. Sir, we should bear in mind that the great contracts which are now made by our Government for its Army supplies are made with people who have not those articles. A man will contract with the Government to deliver to them, if you please, ten thousand barrels of flour. He has not a barrel of flour on hand; but he contracts to deliver it at a certain time, and then to be paid a certain sum. He has to go and make contracts with people who have flour or who can get it for delivery at a future day as he wants, and to be paid for at a future day, and all this subject to the fluctuations of the currency, agreeing with them upon the price. He has to run the risk whether it should rise or fall. He is made directly interested in proportion to the size of his contract in endeavoring to depreciate the currency, that he may meet his contract easily.

Mr. President, it will next be observed that if Congress has the power to declare those contracts which are lawful in the States in which they are made, unlawful and even criminal, it follows as a necessary corollary that they have the right to declare this sort of contracts and proceedings made by the people in the different States, which are unlawful by the laws of the States themselves, lawful. The one is a necessary corollary of the other power. If any State sees fit, for instance, acting as wisely (in the opinion of some gentlemen) as the State of Maine and some others have done, to prohibit the sale of intoxicating liquors, Congress can repeal it. If the States pass laws of that kind in relation to contracts which they regard as *contra bonos mores*, are they subject always to be overruled by Congress from time to time if Congress think that they in any way affect the national public interest?

Sir, I am not prepared to subscribe to a doctrine of this kind, and I ask to be informed what delegated power there is in the Constitution under which it can be done. I understand the Constitution of the United States to delegate to the Government of the United States certain definite, defined powers, with the incidental power to pass all necessary laws to carry those powers into effect. I understand further that Congress possesses no powers but what are there contained; for it is provided in it that anything not therein contained is actually reserved from them. If that be the clear, plain meaning of the Constitution, I desire to be enlightened on the subject of the power of Congress to pass such a measure as this, and that desire I express in great sincerity. I do not mean that I should be put off with answers that are ingenious devices, contrivances, and evasions. I want to be answered as a man of ordinary discernment is entitled to be answered. Where is the power?

I can merely say that if men derive the power from two, three, or four different places in the Constitution, that proves that the power is not there at all. I do not mean that there may not be the same thing given in two places; but if they are distinct and independent grounds of power, one of them does not contain the other at all. They are each carefully provided in our Constitution, carefully drawn. There was no such exigency about it that the same power was put in different places.

I have heard it suggested that this power is derived from the power to regulate commerce. I do not remember from whom that suggestion came; but I heard it in the course of the debate yesterday. Why, sir, what is the power granted to Congress to regulate commerce? Is there such a grant of power, with that and no more than that? There is not any such grant. There is a grant of power to Congress to regulate commerce with foreign nations, with the Indian tribes, and between the States; but there is no power in Congress to regulate trade between A and B, between individuals in the same State. They cannot regulate who may buy and who may sell of or to the

other, and what he may sell and what he shall not sell to him. Their power is to regulate commerce between us and another nation, not the regulation of the details and management of the affairs of commerce within a State between individuals. There is no such grant of power as that. How does this bill in any way attempt to regulate commerce between us and other nations, or between two States, if you please, or with the Indian tribes? There is nothing of the kind in it.

But it is said that it comes, somehow or other, from the right to coin money and regulate the value thereof, and of foreign coins. I do not propose to enter at any great length into the meaning of the word "coin." Some of the judges who have given an opinion on the subject of the legal-tender clause have very freely said that that phrase "to coin money" evidently meant metallic currency.

Mr. FESSENDEN. Others said it meant any kind of money.

Mr. COLLAMER. Not the judges. I know members have said so.

Mr. FESSENDEN. It has been so held by some of the judges.

Mr. JOHNSON. In one or two cases.

Mr. COLLAMER. Let us test it by our own practice. If this paper money is *coined* money, then it is coin. Now, we have taken a great deal of pains to provide that the men who take our bonds, say the five-twenties, shall be paid the interest semi-annually in *coin*. Why do you not pay them with this paper if it is coin? Our own efforts, our own acts belie utterly the idea that this paper is coin, or we have attempted to cheat the world in relation to paying that interest and principal.

But it is said that if there is a power to coin money and this is coin, therefore you have the right to protect it and take care of it. I do not know what gentlemen mean by that. I suppose, as an incidental power to the power to coin money, we can take care of that money out in the hands of the people as the circulating medium of the country; but has this gambling business anything to do with that? I do not see the connection. When the power to coin money was given, the framers of the Constitution did not think that any such power as this by way of incident would arise from it. I have no doubt that under the power to coin money Congress may set up a mint, employ the proper officers, and pay out the proper expenses for coining money; or, if gentlemen please to call this paper coin and mean to pay their debts, their interest money, their bonds, &c., with it, calling it coin, I think they have a right to employ engravers to make it. But, Mr. President, it will be observed that among the powers of Congress are—

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

Then the very next clause is:

"To provide for the punishment of counterfeiting the securities and current coin of the United States."

Now, if under the power to coin money they had the incidental power to take care of it and protect it afterwards, why was that clause put in there?

Mr. FESSENDEN. Is it not unnecessary?

Mr. COLLAMER. Sir, I do not like to pass upon the proceedings of a Convention as able as that was, and which took so much time in its deliberations, in that way.

Mr. SUMNER. *Ex majori cautelâ.*

Mr. COLLAMER. There is nothing of that kind in our Constitution. At any rate when I have endeavored to allude to such a thing, the honorable Senator himself has utterly repudiated it. The grant of that power as a substantive grant of power shows that they did not consider that there was any such power without it.

But, Mr. President, we can coin money and regulate the value thereof, and of foreign coins. Regulate the value thereof in what? In corn? In wheat? In any necessary of life? In labor? I take it it is the regulation in account of what value is between the respective coins, and the establishment of what the value of foreign coin is as measured by our coin. If it is believed that this power to regulate the value of coin extends to the regulating of the value of this coined paper, what shall it be in? If you say it has become a standard by itself, and gold an article of commerce merely, then if you have any power over it it would be to regulate the relative price between those two. If really such a power as this can be used by Congress in this way, why do you not bring forward a regular measure by saying that the ten-dollar piece heretofore declared to be worth ten dollars shall be worth fifteen dollars in currency, in the paper coin; that the gold coin (as I believe the Secretary is now selling it at fifty or sixty per cent.) shall be worth fifty per cent. in addition to its apparent common value payable in this currency, this coined paper? If there be any such power in that way at all, that is it.

The truth is, Mr. President, that power has been exerted. We have directed by law long since that a certain quantity of gold and a certain quantity of alloy, weighing so much, shall be of such a value, ten dollars. Let me put a case to gentlemen. Suppose I ask of my brother NESMITH to lend me a ten-dollar gold piece for a week. He hands it to me. I, as might be very natural, do not pay him. [Laughter.] Suppose he brings an action for my not having paid him. I submit to my associates and friends here, what judgment should be rendered? You know that when he gets his execution I can tender him greenbacks in payment. Now, how large ought that judgment and execution to be? He lent me a ten-dollar piece, and the coined paper says that ten dollars in paper is equal to ten dollars in gold. The truth is, without creating any artificial difficulties in the way, it must be acknowledged that with us, practically, gold has become an article of commerce, an article of trade, and currency is a mere exchange of value; and, as I think, brother NESMITH ought to have—if that was the price of it when I agreed to return it to him—fifteen dollars in currency. If he cannot get it by law, I will agree with the people of California, in reference to contracts of that kind, that a man who will repudiate them, and undertake to pay them off by legal-tender notes, ought to be put in coventry, as I understand is done on the Pacific coast.

Gold, then, is a mere article of commerce, and it comes to the same question which I before stated; and that is, can Congress lawfully, under the Constitution make a law to regulate contracts in relation to the price of articles of commerce in the States? I do not know where the power is to be found. It cannot be found in the power to regulate commerce with foreign nations or with the Indian tribes or between the States. It cannot be found in the power to coin money, because the moment you examine it it becomes impracticable. I do not know where I shall be referred to next as the source of the power. I know we very frequently hear about the necessity of it, and I suppose if you put it to that, this law against gambling in the States is to be made under the exercise of the power of "military necessity," just as the Universalist clergyman said we needed a hell as a military necessity for this war, if for no other purpose. [Laughter.]

We are quoted to this, that, and other things which have undergone discussion years and years ago, and were supposed to be fully settled by all men. For instance, it is said that we can do it under that clause of the Constitution which says that Congress may provide for the general welfare. That was said to me yesterday. Now, it is said in the Constitution that Congress shall have the power to borrow money, levy and collect taxes, duties, imposts, and excises, to provide for the common defense and the general welfare. That is really such a general and unlimited grant as is given in this Constitution. I am aware that, especially in the convention of Virginia, much stress was laid on that, particularly by those who objected to the adoption of the Constitution, and among the rest by Patrick Henry. He thought it was a sort of latitude of power very dangerous indeed and that it would be used in a dangerous manner, unless there was a provision in the Constitution, something like the one now in it, that all powers not therein granted were reserved to the States and the people. He thought that unless there was a provision in it prohibiting the exercise of power by way of construction, it might be a dangerous one; and they might even, I believe he said, abolish slavery under it. But that clause of limitation is now in the Constitution, and that argument of latitudinarianism I suppose is at an end. It is not worth while to pursue this matter. The whole subject under the hands of Mr. Madison has been so perfectly elaborated and so entirely exhausted, that I will not attempt to add my feeble voice to it at all.

I know not what other power of the Constitution the authority to pass this bill will be claimed under. There are none to my knowledge. Hence, I have come to the conclusion that this power to declare contracts in the States, lawful by the laws of the States, void, or to declare them lawful when they are unlawful by the laws of the States, is not a power in Congress. If the internal concerns of a State are to be thus interfered with by Congress, it must be by an amendment of the Constitution. I grant that you may put in it, by an amendment in the constitutional mode, anything you please; your power in that respect is unlimited; but I say that the claim and the exercising of such a power by Congress is for the first time attempted now, is entirely new, and, as I think, unwarranted. Without complaining of anybody else, or finding fault with anybody else, I merely wish to be permitted to cast my vote against it, unless I am more enlightened about it than I am at present, without being subject to criticism or censure.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Vermont, in line eight of the first section of the amendment reported by the committee to strike out the words "or of any foreign exchange."

Mr. COLLAMER. I move to strike out those words wherever they occur. I will only say that I regard foreign exchange as peculiarly subject to the objections I have made. If gentlemen regard it otherwise, of course they will keep those words in.

Mr. JOHNSON. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. TRUMBULL. As I shall not vote to strike these words out, I will say in a single word why I shall not do so. I have been struck with the argument of the Senator from Vermont. It was very plausible and forcible. Perhaps he may be right; but the principle upon which I shall put it in voting against the amendment is simply this: the Congress of the United States has decided that it has the authority to issue Treasury notes and make them a legal tender. The courts have so decided. That was a very doubtful question in my mind; but we have acted upon it, and having issued these Treasury notes and made them a legal tender between individuals for payment of debts, I believe we have a right to protect their credit; and when combinations are resorted to for the purpose of depreciating their value, if we have a right to issue them and make them a legal tender, we have the right to protect them; and on that principle I shall vote against striking out.

The question being taken by yeas and nays, resulted—yeas 13, nays 24; as follows:

YEAS—Messrs. Buckalew, Carlile, Collamer, Cowan, Davis, Grimes, Harding, Henderson, Hendricks, Johnson, Nesmith, Powell, and Saulsbury—13.

NAYS—Messrs. Anthony, Brown, Clark, Conness, Dixon, Doolittle, Fessenden, Foster, Hale, Harris, Howard, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Wade, and Wilson—24.

So the amendment to the amendment was rejected.

Mr. HARRIS. I renew the motion I made yesterday, in line three of the fourth section of the amendment to strike out the words "in any sum not less than," and in lines four and five to strike out the words "nor more than $10,000;" so that it will read:

That any person who shall violate any provision of this act shall be held guilty of a misdemeanor, and on conviction thereof be fined $1,000 or be imprisoned for a period not less than three months, &c.

The PRESIDING OFFICER. The Chair will inquire if he understood the Senator from New York to say that this was an amendment that he offered yesterday?

Mr. HARRIS. It is the same.

The PRESIDING OFFICER. Then the Chair will suggest that it is not now in order.

Mr. HARRIS. It was not disposed of yesterday, and I want to modify the amendment a little by substituting for the words "be fined" in the third line of that section the words "shall forfeit."

Mr. HALE. I wish the Senator from New York would suggest the reason for that alteration. It does not strike me as being a wise one.

Mr. HARRIS. I stated it yesterday, and it was satisfactory to the Senator who has charge of the bill.

Mr. HALE. If he is satisfied with it, I am content.

Mr. HARRIS. The fifth section provides for a civil action, and it is necessary, therefore, to have a fixed penalty in order to sue for it.

Mr. SHERMAN. The difficulty is that the fourth section does not fix the penalty, but leaves it open for dispute; it is to be a fine between one and ten thousand dollars; while under the fifth section, if a suit is brought to enforce the penalty it is in the nature of an action for debt, and the sum is not certain.

Mr. HALE. I see that difficulty; but the fourth section as it stands by itself is well enough.

Mr. SHERMAN. Yes, sir; and I was about to suggest to the Senator from New York to add at the end of the fourth section these words, which will accomplish his purpose and answer better:

And shall likewise be subject to the penalty of $1,000 for each offense.

Then the next section provides the mode in which the penalty shall be enforced.

Mr. HALE. I think that will be better. Where you have a fine I think something ought to be left to the discretion of the court.

Mr. SHERMAN. If the Senator will accept that modification of his amendment I think it will probably be better.

Mr. HARRIS. I accept that in lieu of the amendment I proposed.

The PRESIDING OFFICER. Then the question is on the motion to add at the end of the fourth section the following words:

And shall likewise be subject to a penalty of $1,000 for each offense.

The amendment to the amendment was agreed to.

Mr. HARRIS. I suggest what I think would be a little improvement in the phraseology of the first section of the substitute. In the fourth line I move to strike out the words "or for the loan," and in the fifth line to insert after the word "exchange" the words "to be delivered;" so that it will read in this way:

That it shall be unlawful to make any contract for the purchase or sale or delivery of any gold coin or bullion, or of any foreign exchange, to be delivered at any time subsequent to the making of such contract, &c.

It will make it much more conclusive, in my judgment.

Mr. SHERMAN. My attention was called to that criticism, and I am not at all sure but what it would be an improvement of the phraseology, although as the section is now drawn it was made to cover a loan in gold. The fear was that persons would attempt to evade the operation of the first section by agreeing to loan gold for a time.

Mr. HARRIS. The word "delivery" covers that.

Mr. SHERMAN. Perhaps it will cover it.

The amendment to the amendment was agreed to.

Mr. HARRIS. I suggest one more amendment. It is in the twelfth line of the first section to strike out the words "national currency," and to insert the words "notes of solvent banks," so as not to strike at our State banks.

Mr. SHERMAN. The only objection I have to that is this: practically it would be the same at any rate, because it is very easy to convert the notes of solvent banks into the greenbacks, as they are called; but I think, in a national law, intended for the protection of the national credit, we ought not to provide for the receipt in transactions regulated by law of anything but national currency, that kind of currency which the Government of the United States itself receives. There is no practical difficulty in the way. I trust, therefore, the Senator from New York will not press his amendment; because a person having current funds in the city of New York can easily convert them into greenbacks, United States money. If in a law intended to protect the national currency, or rather the credit of the Government, we provide for the circulation of State bank paper, I think it might tend to defeat the bill without doing any practical good. I trust, therefore, the amendment will not be urged.

The amendment to the amendment was rejected.

Mr. LANE, of Kansas. Mr. President, by the amendments that have been made we have now pretty nearly as good a bill as I originally introduced here in December last, in pretty nearly the same words. I desire to call the attention of the Committee on Finance to the subject, and I should like to have the ear of the chairman while I do so.

I introduced this bill in December last, and sent a copy of it to the Secretary of the Treasury. Upon the introduction of it I was arraigned in the newspapers of the city of New York, ridiculed, and abused. The opposition papers in Kansas took up the cry, and last night I read in a paper from my State a column of the most brutal assaults upon me for introducing the bill. My bill was before the Committee on Finance and has never been disposed of. I was very much astonished, therefore, the other day when the distinguished Senator from Ohio [Mr. SHERMAN] introduced the identical bill as an original proposition from the Secretary of the Treasury and had it referred to the Committee on Finance.

Mr. CONNESS. I will suggest to my friend that the whole matter might be cured by requesting those papers hereafter to insert the name of the Senator from Ohio when they write abuse of the Senator from Kansas. If they just make that change it may be all right.

Mr. LANE, of Kansas. Having suffered all this abuse from the papers of the city of New York, and still suffering abuse from papers in my own State, I felt it to be a duty that I owed to myself to say this much to the Committee on Finance.

You have now got this bill almost verbatim as introduced by me after having gone to New York and investigated the subject and ascertained the views of loyal and sagacious men. I desire now to say to the Senator from Vermont that it is my opinion and the opinion of loyal and sagacious business men of the city of New York, that the confederate government is to-day and has been since last December through its foreign agents engaged in the effort to depreciate our currency by gambling against that currency in the hells of the city of New York. Can the Senator from Vermont explain to me how it was that a mere visit to the city of New York by the Secretary of the Treasury a day or two ago reduced the price of gold as compared with our currency from 189 to 175? Will it do for the Senator from Vermont, to me a practical Senator, and to other Senators, to compare gold as a product with flour and pork and agricultural products, when it is known to him that gold can be taken care of in the city of New York for nothing, while it requires from ten to twenty per cent. a month to take care of flour and pork? It will not do to say that gold is the same as other products.

Mr. President, in my opinion, traitors who have not the courage to face the Federal soldiers are now engaged, cowardly, assassin-like, in stabbing our country through our national currency in the hells of the city of New York. I may be mistaken as to the benefits to accrue to the country from the passage of this bill; but if investigation proves anything, if the opinions of sagacious and loyal men are worth anything, this bill will benefit our country, and will benefit it beyond the expectation of the most sanguine friends of the measure.

Mr. FESSENDEN. Perhaps an explanation is due from the Committee on Finance to the honorable Senator from Kansas upon this matter. I will commence it by assuring him, however it may look, that no possible discourtesy was intended to him; although he may have unwittingly been treated with some injustice. I deem it more especially necessary to say what I am about to say because no part of the fault rests upon my honorable colleague, the Senator from Ohio, who happened to introduce the bill as an amendment to his own, in reference to the matter.

Very early in the session the honorable Senator from Kansas sent us two bills on this general subject providing for legislation of this kind; one of which was very similar in its terms to the one upon which the Senate is about to act. At a somewhat later period the Senator from Ohio sent us another bill. We looked at those bills, and came to the conclusion that it was doubtful whether they would be of any practical benefit, whether they would effect the object they were intended to accomplish; and for that reason we laid them aside, and did not again take them up; and for myself I had entirely forgotten the contents of all of them so far as to tell which was which, without referring to them.

The Secretary of the Treasury, a day or two since, sent us the bill which is now before the Senate, with a letter which has been read, requesting its immediate passage, if it met with our approbation. On consideration, as the Secretary strongly recommended and urged it, and believed, as he expressed himself in writing, that it might be attended with some practical benefit, we came to the conclusion that as he was master of the details of the subject, and was the officer who was carrying on all these financial operations, we would not allow any doubts of ours as to whether it would be productive of the good that he expected to flow from it to interfere with the presentation of that bill to the Senate.

After we came to that conclusion, it then became a question in the committee how we should introduce it into the Senate, that particular bill not having been committed to us. None of us adverted to the fact that a bill was before us at that time, or looked at it. It was proposed that it should be introduced by the chairman into the Senate, presented to the Senate, and referred to the committee, and then be acted on; but some one suggested that we had already had bills before us on the general subject, and it might be reported as an amendment to one of those bills. I spoke to my clerk, who was sitting near me, and asked him to hand me one of those bills, without designating any, and the first bill that he happened to lay his hands on was the bill that had been sent to us by the honorable Senator from Ohio. We did not take occasion to read it, or look at it, but simply the chairman was authorized to report it as an amendment to that bill. After the bill had been put in proper shape, both being in my hands with a view to report them, it struck me, as the honorable Senator from Ohio had sent us the original bill, that it was only courteous to him to allow him to report the amendment. I therefore passed the papers over to him and requested him to report the bill to the Senate.

There is the whole history of it from beginning to end. How far the Secretary of the Treasury may be responsible for stealing the thunder of my honorable friend from Kansas, without giving him credit, is a question to be settled between those two high dignitaries to their mutual satisfaction.

Mr. SHERMAN. I freely accord to the Senator from Kansas the paternity of his bill, or the idea of prohibiting and punishing these transactions in gold. There is no doubt about it. The circumstances are perfectly familiar to me. The Senator from Kansas sent his bill to the committee, and we conversed about it. We doubted the policy of it, and I was requested, as it was a matter of difficulty, to draw a bill that would suit my own mind. The idea of the Senator's bill was to punish those transactions in gold as a criminal offense. I doubted whether there was the ability of prosecuting and convicting anybody in New York for an offense that was so common, and I knew that it was impossible, or very difficult at least, to enforce a criminal statute in a community that did not regard the subject as criminal in itself. Therefore I framed a bill with a view to punish it with a penalty, with a fine to be collected by an action of debt through the aid of a common informer. So the matter rested for some time. The Secretary no doubt had the benefit of the two bills, and framed a bill combining both. The Senator's bill did not contain the proposition about a penalty, and a collection of the debt, &c., &c., and this bill combines the two together. But the original idea, the invention, undoubtedly rests with the Senator from Kansas, if there is any credit for that. I trust that now the bill will be passed, and whatever good effects it may produce we will all give the Senator from Kansas the credit.

Mr. LANE, of Kansas. Mr. President, I desire to say that the gist of the charges coming from my own State was this, that the Committee on Finance had given my bill the go-by, that the bill was not worthy the consideration of the committee. There was a column in one of our principal papers devoted to an attack upon me, stating that the Committee on Finance had not deemed it of sufficient importance to consider it. I have no feeling on this subject. I merely wanted that that editor, and the man in New York who said that I had better confine myself to the woolly-headed business instead of finance, to understand

that my bill has been considered by the Senate, and I hope, for the good of the country, it will be adopted.

Mr. HENDERSON. I desire merely to state, for the benefit of my friend from Kansas, that it might possibly be well for him to wait for some three or four months before seeking to claim the paternity of this bill, and in all probability the very papers that are abusing him for having introduced the bill, provided he will let the Senator from Ohio take the responsibility of it, will be better friends of his in the future.

I rose merely for the purpose of offering an amendment. I believe there is no amendment pending.

The PRESIDING OFFICER. There is no amendment pending to the amendment of the committee.

Mr. HENDERSON. I move to amend the amendment by striking out in the sixteenth and seventeenth lines of the first section the words "in actual possession." As the section now stands, the provision is that no person can "make any contract whatever for the sale, loan, or delivery of any gold coin or bullion, or foreign exchange, of which the person making such contract shall not at the time of making such contract be the *bona fide* owner in actual possession." It seems to me that that provision would prevent the sale of a bill of exchange that was founded upon a shipment to Europe. Suppose a party having made a large shipment of wheat, pork, or any other agricultural product, or of any manufactured articles, from the city of New York to London or Liverpool, should attempt to negotiate a bill of exchange upon the bill of lading; in such case, I ask, could it be done? Would he be in actual possession? What actual possession would he have? Again, suppose an individual in my State, in the city of St. Louis, should desire to sell gold. He can, to be sure, sell it at his place of business in the city of St. Louis; but suppose he has his gold upon deposit in the city of New York, can that sale be made? I undertake to say that it cannot under this bill, because he is not in actual possession. Why not strike out these words? It will be amply sufficient to limit the clause to the *bona fide* ownership, without saying that the owner shall be in actual possession of the article.

I have stated two cases where, in my judgment, the clause as it stands would absolutely prohibit the transaction, and I think the words should be stricken out. It seems to me to be sufficient to require that foreign exchange or gold coin shall not be purchased except with United States notes or national currency; but as the bill now stands —and the Senate have twice voted down propositions to amend it in this repect—a bill of exchange on Europe cannot be purchased even with gold, and *vice versa*. It is certainly the most remarkable bill I have ever seen. I did at one time think of saying something upon it; but that is certainly unnecessary now, after the very able argument made this morning by the Senator from Vermont and the arguments of the other Senators who have spoken against it.

I hold that the bill will do no good whatever. Certainly the constitutional objections to it are amply sufficient to prevent its passage; but without regard to those, I deny the efficacy of any such measure as a matter of expediency and a matter of policy. I think the Secretary of the Treasury is very much mistaken in supposing that it is going to accomplish the end that he desires. It is always a dangerous species of legislation which attempts to interfere with contracts of any sort, and it is certainly exceedingly dangerous for Congress to undertake to interfere with contracts within the States. It will not do to say, as the Senator from Ohio more than intimated yesterday, that because Congress can pass laws applicable to the District of Columbia, it can therefore go into the States and pass such laws; that because it can punish gambling in the District of Columbia, it can therefore punish gambling in my State or the State of New York. Such legislation has never heretofore been attempted, and I regret that it should be thought necessary by the Secretary of the Treasury or anybody else at the present time.

I was not present when the bill was passed some time ago which enabled the Secretary of the Treasury to put gold upon the market for sale. If I had been here I might possibly have voted for it because the Secretary thought it was necessary, not because I should have thought that it would enable him to keep down the price of gold. It has been a total failure, and this measure will be a total failure. It is utterly futile for us, unless we can keep up the character of the currency of the United States, to undertake to interfere with the price of gold. There is but one way for us to do it, as has been intimated by the Senator from Vermont and others, and that is by taxation. Otherwise we cannot keep up our notes, and gold will continue to go up.

I see there is a disposition to pass the bill; I see that it will pass; and although I cannot vote for it in any shape, as the Senate desire to pass it, and as it is thought necessary for the good of our finances at the present time, it ought certainly to be passed in such a form as to be as unobjectionable as possible. We should not undertake to interfere with *bona fide* transactions any further than we can help. It seems that having passed an act declaring United States Treasury notes to be a legal tender, we are now attempting to confine all transactions in the country to legal-tender notes. This bill prohibits a man from buying a foreign bill of exchange except with Treasury notes. Can he buy the bill of exchange with produce? Can he buy it with wheat? Can he buy it with corn? Can he buy it with any production whatever? He certainly cannot under this bill. There is but one thing with which he can buy it, and that is United States notes, interest bearing or legal tender, and he must pay those notes for it at the time. That is the provision.

Although I shall vote against the bill under any circumstances, I think certain amendments ought to be made; and I hope the Senator from Ohio will give up his objections to amending the bill in the eleventh and twelfth lines of the first section, either in the manner proposed by the Senator from New York [Mr. HARRIS] or by the Senator from New Hampshire, [Mr. CLARK.] Certainly one or the other of these amendments ought to be made. If a man wants to sell his exchange abroad for anything else than Treasury notes, let him do so. I would not undertake to limit a transaction of that character. But, sir, I did not intend to say anything on this subject; I rose simply to move to strike out the words "in actual possession," at the end of the first section.

Mr. SHERMAN. I will not go through the argument again, but I wish to correct one or two misapprehensions into which the Senator from Missouri has fallen, and I shall not further take up the time of the Senate. The Senator says that I said yesterday that because we could prohibit gaming in this District therefore we could prohibit gaming anywhere. I did not say so.

Mr. HENDERSON. I drew it as an inference from the Senator's argument; I did not say that he so stated his proposition. As an answer to the objection that had been urged by the Senator from Pennsylvania that no such legislation could be had, the Senator from Ohio said that Congress could prohibit gaming in the District of Columbia.

Mr. SHERMAN. The Senator from Pennsylvania insisted that an act against gaming could not be enforced, and therefore such acts ought not to be passed. I answered that all gaming acts were evaded, but still every nation, every State, and every community passes laws against gaming. The mere fact that they are not always enforced is not an argument against passing them. That is what I said. So in regard to the other point, I said power was given to us to borrow money; Congress may borrow money on the credit of the United States; we have issued our notes in the form of notes payable on demand, and Congress has decided that those notes shall be a legal tender for private debts between man and man, and shall be received by the national Government in payment of the public debts, shall be paid to soldiers and to all persons to whom we have payments to make. That is settled, and every argument that has been adduced to-day by the Senator from Vermont we heard here two years ago on the legal-tender question.

Mr. HENDERSON. Let me suggest to the Senator that although we have made Treasury notes a legal tender we have not declared that the soldier or anybody else may not take a State note if he desires to do so in payment of his debt. Now, let me ask the Senator if he does not provide by this bill that a *bona fide* transaction for the sale of gold or foreign exchange shall not be made except for United States Treasury notes?

Mr. SHERMAN. The question now put to me has nothing to do with the point I was discussing, and I wish to go back and answer the point taken by the Senator from Missouri before. He says the Constitution does not authorize this. I say the same provision of the Constitution which authorized us to make these notes a legal tender authorizes us to protect them against the operations of men who seek to discredit the national currency. That is the only answer I can make. I might go over the whole argument again, and we might spend a day or two on that collateral argument presented by the Senator from Vermont.

Mr. GRIMES. How protect them? By simply saying that nothing else shall be received except them?

Mr. SHERMAN. Yes, sir.

Mr. GRIMES. Cannot we do that in regard to any other transaction in the world?

Mr. SHERMAN. I am willing to answer two or three at a time; but I wish first to get through with the Senator from Missouri. The Senator makes another statement, that under the operations of this bill, if he has produce on the way to England, he cannot draw a bill of exchange against it and sell that bill of exchange. There is nothing to prevent it.

Mr. HENDERSON. I certainly cannot have "actual possession" of it then, though I might be the *bona fide* owner.

Mr. SHERMAN. He cannot sell his bill of exchange against produce in Europe unless he receives the money for it, cash in hand. That is all. He can sell the bill of exchange for cash. This will not interfere with any business operation. Where the exchange or gold or bullion is on hand, and where the sale is made in good faith for money, there is no trouble about it.

And now I will reply to the suggestion of the Senator from Iowa. He says this bill prevents a person from taking the notes of a State bank. So it does, because the United States does not regard anything as money except its own notes, and the national currency, and gold. Its own notes and the national currency are now its money. It does not legislate to protect and provide for other money. If the State money is good it can very easily be converted into United States money, and thus used. There is no practical difficulty in regard to the last clause. The last clause only gives a distinct meaning to the phrase, "the *bona fide* owner," by adding the words, "in actual possession."

Mr. HENDERSON. But can a merchant in St. Louis sell his gold when it is on deposit in New York?

Mr. SHERMAN. If I have money in Ohio, I am as much in possession of it as if I have it in my pocket here.

Mr. HENDERSON. But that is not "actual possession."

Mr. SHERMAN. This is to prevent any merely speculative operations. Where it is apparent that the operation is a *bona fide* one, in the ordinary course of business, there is no practical difficulty in the way, though theoretical or conjectural difficulties may be made as to the operation of any bill of this kind.

Mr. POWELL. I should like to ask the Senator from Ohio one question: if a man has gold, and desires to buy a bill of foreign exchange with it, can he do so, and pay the gold for it, under this bill?

Mr. SHERMAN. A man may certainly go to any broker or banker in the United States, or to any lawyer or any other individual, sell his gold or money, and he may use that money in ordinary transactions, buying bills of exchange, or anything else. There is no legitimate operation in the ordinary course of business that I can conceive of that may not be transacted under the operation of this bill.

Mr. POWELL. I think the honorable Senator is mistaken in that. Under the provisions of this bill a man cannot buy gold or foreign exchange with anything but the paper money of the United States. I think that is clear and explicit, for the language of the bill is:

It shall be unlawful to make any contract for the purchase or sale, or for the loan or delivery, of any gold coin or bullion, or of any foreign exchange, at any time subse-

quent to the making of such contract, or for the payment of any sum, either fixed or contingent, in default of the delivery of any gold coin or bullion, or of any foreign exchange, or upon any other terms than the immediate manual delivery of such gold coin, or bullion, or foreign exchange, and the immediate payment in full of the agreed price thereof by the manual delivery of United States notes, or national currency, and not otherwise.

It is as clear and explicit as language can make it. If this bill were the law, if the Senator from Ohio to-day had $10,000 in gold and wished to buy a foreign bill, he could not buy a bill and pay for it in gold coin; he would have to buy Government paper and convert that into coin, thus making two transactions instead of one. There is no doubt to my mind that the effect of this bill will be as the honorable Senator from Missouri has stated. It seems to me that the object of those who are now tinkering with the currency is not only to prevent sales on time or on credit of gold and foreign exchange, but to compel all payments to be in the paper currency of the United States, and in that alone. I have not a doubt that any judge would construe this bill to mean that a man could not buy these commodities and pay for them except in the paper currency of the United States. That will be the effect; but if that is not intended to be the effect, why not strike out this clause and relieve it from embarrassment and make it plain?

I think the amendment proposed by the Senator from Missouri should prevail. I am not going to enter into any discussion as to the principles of the bill. They have been very elaborately discussed by other Senators. The Senator from Maryland and the Senator from Vermont have made very able arguments on the constitutional branch of the question. If I had had any doubt on the unconstitutionality of the bill, the arguments of those honorable Senators would have convinced me; but I had none from the beginning. I wish simply to say that I do not believe any law of this nature which we can pass will have any effect upon the price of gold or of foreign exchange. I think we have commenced at the wrong end in proposing to tinker with gold. You can never, by such legislation as this, depreciate the value of gold and foreign exchange, for those articles are not depreciable. Gold is the standard of value throughout the whole commercial world. Gentlemen who wish to effect the purpose which it is said is sought by this bill should direct their operations against the paper-money system. If they would introduce and pass a bill to repeal the national banking law, sweep it from the statute-book, and then make a strong sinking fund, raise taxes to meet a large portion of the current wants of the Government, and diminish the quantity of paper money, they would place the Government credit on a firm and solid basis, and then they would find that the outstanding paper money of the Government and gold would come much nearer together in value. That is the only way in which it can be done. This bill, in my judgment, fix it as you may, will have no effect other than a deleterious one. It will cause fluctuations to go on quickly and rapidly; but the tendency of paper money will be down, down, unless you diminish the issues and provide some mode of meeting all the Government indebtedness.

Mr. HALE. Mr. President, I have sat and listened to the discussion on this bill for these two days, and I read it somewhat carefully before it was brought up, and as I intend to vote for it I want to make a simple explanation. I vote for it, not because I think there is any virtue in it, not because I believe it will effect the object proposed. I am very apprehensive that it will have a directly contrary effect from what is anticipated from it. My own judgment is that it is of the character of the usury laws passed, as they are, in most of the States, certainly most of the New England States, the effect of which is to raise the price of interest instead of lowering it. We have on our statute-book, and have had ever since I have known anything about them, statutes against usury. I have never known one enforced. There have been various attempts, but for some reason or other they have always failed; and the result is that they raise the rate of interest instead of lowering it, because when a man is going to take a usurious interest and finds that he violates the law and runs the risk of a prosecution, he makes the man who gets the money pay him for that risk. It seems to me that will be the effect of this. That is my private judgment. But, sir, in this case, as the evil is great and tremendous, and as those to whom we have committed this matter have an impression that the bill may do good, and the Secretary of the Treasury thinks it will do good, I have concluded to put my own private opinions in my pocket, and to vote upon the authority of the committee and the authority of the Secretary of the Treasury.

One single word I want to say in regard to my friend from Kansas who feels so grieved that his thunder has been stolen from him. That is a grievance that I have suffered for a long time, and I hardly ever hear one of these rampant, tremendous anti-slavery speeches made from those that have so recently come upon that platform that I do not feel inside a little pious grief that my thunder has been stolen, but I have never ventilated it before the Senate and have borne it in silence. [Laughter.]

The amendment of Mr. HENDERSON to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Finance as amended.

Mr. LANE, of Kansas. I desire to say to the Senator from New Hampshire that I do not ask his sympathy in this matter. I feel that I have had justice done to me by the Senate.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. JOHNSON. I call the attention of the honorable member from Ohio and of the Senate to what I suppose to be the meaning of this bill as it stands, as it now is, and I think that is not intended by the member or by the Senate. By the fourth section of the bill it is provided that he who offends against the act shall be held guilty of a misdemeanor, and on conviction "be fined $1,000, or be imprisoned for a period not less than three months nor longer than one year, or both, at the discretion of the court." Under that clause it is very evident that an indictment will lie, and under that indictment the man may be fined $1,000 or he may be imprisoned for a period not less than three months nor exceeding one year, or he may be both fined $1,000 and imprisoned within these limits. Now the fifth section says: "The penalty imposed by the fourth section of this act," which is a fine of $1,000, "may be recovered in an action at law in any court of record of the United States, or any court of competent jurisdiction, which action may be brought in the name of the United States by any person who will sue for said penalty, one half for the use of the United States and the other half for the use of the person bringing such action."

In other words, a *qui tam* action is given to recover the pecuniary penalty. It may be enforced as against the offender under the preceding section; and it goes on to say:

"And the recovery and satisfaction of a judgment in any such action shall be a bar to the imposition of any fine for the same offense in any prosecution instituted subsequent to the recovery of such judgment."

Now, suppose that a criminal prosecution, under the fourth section, is instituted before the institution of the *qui tam* action, and the man has been fined and has paid his thousand dollars, do you mean to say that he is to remain liable to a *qui tam* action at the instance of an informer, and that he is to be mulcted in another thousand dollars? If you do not, I submit that the fifth section ought to be amended. All it does now is to say that if the *qui tam* action is instituted first, and has resulted in the recovery of a thousand dollars, the penalty provided by the preceding section, it shall be a bar to a proceeding under the preceding section, as far as that penalty is concerned; but it leaves the party liable still to a proceeding under the preceding section, as far as the imprisonment is concerned. I think that very clear.

That is not, as I think, the intention of the Senate. I suppose that the Senate mean, and that the Committee on Finance, by whom these two sections were drafted, mean to say that as far as the pecuniary penalty is concerned, whether the proceeding be a proceeding under the fourth section, or a *qui tam* action under the fifth section, the party offending shall be made to pay but $1,000. That they have accomplished, provided the criminal proceeding under the fourth section is instituted subsequent to the *qui tam* proceeding under the fifth section; but if the criminal proceeding is instituted before the *qui tam* proceeding, and the man has been made to pay the $1,000, and he is then proceeded against under the *qui tam* section, he may be made to pay the same sum a second time to the informer. I think my friend from Ohio will see that that is the effect of the bill. The language as it stands now is that "the recovery and satisfaction of a judgment in any such action," that is to say any action such as the fifth section provides, "shall be a bar to the imposition of any fine for the same offense in any prosecution instituted subsequent to the recovery of such judgment." But of course there may be a prosecution instituted before and prosecuted before to a successful termination, and the man may have paid his fine or may remain liable for his fine, and in that case, as I understand the fifth section, he will remain liable to be proceeded against for the same penalty, $1,000, under this fifth section.

Mr. SHERMAN. It will not be so construed.

Mr. JOHNSON. How can it possibly be construed in any other way?

Mr. SHERMAN. I have read this section two or three times, and it does seem to me to be about as plain as we can make it. A person may be convicted of the offense, and be fined and imprisoned; or the penalty by fine may be stopped by an action of debt by a common informer. It seems to me there is no difficulty in the way. If a person who is brought up under the fourth section is able to show that he has been convicted and fined under the fifth section, he cannot be fined again.

Mr. JOHNSON. Certainly.

Mr. SHERMAN. But may be sent to prison. I think that is right.

Mr. JOHNSON. That is not the difficulty. I was unfortunate in explaining myself. If he has been proceeded against under the fifth section and made to pay a fine of $1,000 under that section, and is afterwards proceeded against under the fourth section, he can plead, in defense of the attempt to recover the penalty from him under the fourth section, that he has already paid it under the fifth. But suppose he is first proceeded against under the fourth section, and is made to pay $1,000 by that proceeding, and he is subsequently proceeded against under the fifth section, can he get clear of that *qui tam* action by showing that he has already paid $1,000 under a judgment pronounced against him upon an indictment under the fourth section? I think not.

Mr. FESSENDEN. You get rid of the whole difficulty by striking out the word "subsequently."

Mr. TRUMBULL. It is not necessary to strike out anything. Clearly, if the Senator from Maryland will reflect a moment, he will see it. The fifth section authorizes a suit to be brought, to recover what?

Mr. JOHNSON. A thousand dollars.

Mr. TRUMBULL. No; "the penalty imposed by the fourth section." Suppose the penalty imposed by the fourth section has been collected in a criminal proceeding under that section, is there any penalty then to be recovered by the *qui tam* action? Clearly not.

Mr. HENDERSON. That action is for the amount.

Mr. TRUMBULL. For "the penalty." The fifth section authorizes, what? The recovery in a *qui tam* action of the penalty imposed by the fourth. The penalty imposed by the fourth section has been collected in a criminal suit. Is there any penalty left to be collected?

Mr. JOHNSON. But that is not collected by the informer. To whom do you give it?

Mr. TRUMBULL. There is nothing to collect. There is no penalty after the fine has been paid in the criminal proceeding. That is the end of it; and then if an informer brings a *qui tam* action to recover the same penalty that has already been paid, the defendant shows that he is not subject to any penalty, that he is discharged by the criminal proceeding. It is very manifest to me that there is no trouble about it.

However, before the question is taken, I wish to move to strike out the words "the *bona fide* owner," in the sixteenth line of the first section of the amendment of the committee; and I hope the Senator from Ohio will agree to it. It seems to me that that section, as it is framed, will discredit the bonds of the Government. I will illustrate it by supposing a case; it is the same idea that

the Senator from Missouri has already presented. Suppose that a widow in my State owns some of the five-twenty bonds—and there are many such cases all over the country—she cannot collect her coupons in Illinois; they are not paid in gold there. She sends them on to New York to a banker, and he collects gold for them. She does not want that gold; it is not to be sent to her in Illinois; but she wants it sold, and to receive the avails of it. Can the banker in New York sell it for her?

Mr. SHERMAN. Certainly.

Mr. TRUMBULL. Let us see. Is he "the *bona fide* owner" of it? Who owns that gold? Who owns the gold received for those coupons? He is her agent in the city of New York to collect the coupons; he does it. Is he "the *bona fide* owner" of that gold? I submit it to the Senator from Ohio.

Mr. SHERMAN. I think that he is the owner for the purpose indicated, and that would be so held by the courts.

Mr. TRUMBULL. "The *bona fide* owner?"

Mr. SHERMAN. He is the legal possessor for his purpose. He has the qualified ownership and can protect it. He can bring an action to maintain his right to its possession. If we are going into technicalities, he could bring an action of trover under the old law for the very money, the identical money he received, the particular pieces of gold, and even in that action, where the plaintiff must allege and prove ownership, it would be a sufficient ownership to enable him to maintain the action.

Mr. TRUMBULL. I am aware that for certain purposes both the bailor and bailee are regarded as the owner of the property. In a case of larceny, you may allege sometimes that the article is stolen from one or the other.

Mr. SHERMAN. The case which the Senator contemplates is not embraced in the first section. When gold is sold for cash and actually delivered, it makes no difference whether it is sold by the owner or not. The first section relates entirely to sales on time; sales for future delivery, where the money does not pass. It does not affect a sale by anybody as agent, or in any other capacity, of gold where there is an actual delivery of gold and an actual receipt of money for it.

Mr. TRUMBULL. This clause is not so, if I understand it. Let us see.

The PRESIDING OFFICER. Will the Senator from Illinois please state his amendment again?

Mr. TRUMBULL. I move to strike out in the sixteenth line of the first section of the committee's amendment the word, "the *bona fide* owner." The language of the latter part of the section forbids the making of "any contract whatever for the sale, loan, or delivery of any gold coin or bullion or foreign exchange, of which the person making such contract"—what contract? "Any contract whatever for the sale, loan or delivery of which" the person making the contract "shall not at the time of making such contract be the *bona fide* owner in actual possession." That does not refer back to the sale.

Mr. FESSENDEN. Perhaps it does not; but I want to ask the honorable Senator if that affects in any way the action through an attorney? Who is the person that sells? Suppose I own a quantity of coin and I make the Senator my attorney to sell it for me, am I not the owner in actual possession, and do I not sell it though I employ him to make the transfer?

Mr. TRUMBULL. That shows the difficulty, because the Senator from Ohio and the Senator from Maine disagree on that very point. The Senator from Ohio says the banker is the actual owner. The Senator from Maine thinks the person who sends the coupons to him is the owner, and the banker is a mere agent.

Mr. FESSENDEN. Both may be owners.

Mr. SHERMAN. Both or either.

Mr. TRUMBULL. Of what possible use can the words, "the *bona fide* owner," be here? What benefit is there in having those words in? What objection is there to a party who has gold actually in his possession selling it? You need not legislate in regard to that. If somebody else places it in his hands to sell, then according to the view which the Senator from Maine takes it would be the sale of the party really in interest, the other party acting as his agent. Why put in these words, "the *bona fide* owner?" Taking the whole sentence together, it looks to me as requiring that the party who makes the sale shall be the absolute owner of the property, not the agent simply. I can see no possible use in retaining the words, "the *bona fide* owner;" and undoubtedly, if we strike them out, the person in actual possession will have a right to sell the gold, and sell it for the benefit of the real owner. The words are certainly susceptible of the construction I give them; and if we adopt the bill in that form I really think there will be difficulty. I cannot see any possible use in retaining the words; and if there is none, I hope the Senator from Ohio will consent to let them go out.

Mr. SHERMAN. If those words be stricken out, will not the language be exceedingly crude and awkward? If the Senator strikes out these words, he must put in some other words. "At the time of making the same be in actual possession"—of whom?

Mr. TRUMBULL. "Of which the person making such contract shall not at the time of making such contract be in actual possession." Perhaps it would be better to strike out the words "such contract" where they last occur and insert "the same."

Mr. SHERMAN. Probably by inserting those descriptive words it would answer.

Mr. TRUMBULL. I think it would read better in that way. My amendment is, in line sixteen of the first section of the committee's amendment to strike out "such contract" and insert "the same;" and also to strike out "the *bona fide* owner."

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole as amended was concurred in.

Mr. HARRIS. I now move the same amendment which was proposed yesterday by the Senator from New Hampshire, [Mr. CLARK,] to strike out in the eleventh, twelfth, and thirteenth lines of the first section the words "by the manual delivery of United States notes or national currency, and not otherwise." I ask for the yeas and nays on this amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Buckalew, Clark, Collamer, Cowan, Davis, Grimes, Harding, Harris, Henderson, Hendricks, Johnson, Morgan, Powell, Riddle, and Saulsbury—15.

NAYS—Messrs. Anthony, Brown, Conness, Dixon, Doolittle, Fessenden, Foster, Hale, Howard, Lane of Indiana, Lane of Kansas, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—24.

So the amendment was rejected.

Mr. TRUMBULL. I voted against the last amendment proposed, and I did so for the purpose of moving a reconsideration. It does seem to me that we are making a mistake if we refuse to strike out those words. The effect of it is—and if the Senate mean that, of course I do not wish to take up their time or resist their conviction—that a person having gold cannot with it buy a foreign bill of exchange.

Mr. FESSENDEN. Why not?

Mr. TRUMBULL. Because this provision of the bill provides that he shall not buy it with anything but currency.

Mr. FESSENDEN. Can he not buy currency with the gold?

Mr. TRUMBULL. He can; but will you require a man who has the gold to go to a money-shaver and sell his gold for the purpose of getting currency, and then go with that currency to buy a bill of exchange? Shall the Government of the United States, which has occasion to purchase foreign bills for the purpose of paying its ministers abroad, and has the gold to do it with, be compelled to sell the gold for paper with which to purchase those bills, or may it purchase the bills with its gold? It seems to me that we ought not to pass a bill declaring that with gold a person should not make a purchase of anything.

Mr. COLLAMER. Will the gentleman indulge me in a suggestion? Suppose a man has a bill of exchange to sell, having sent produce abroad, and he is not willing to sell it for currency but is willing to sell it for gold, and a man stands by with the gold to buy it: that is not permitted to be done.

Mr. TRUMBULL. Not only that; but it forces a man to submit to a double shave. I submit that this ought not to be done.

Mr. COLLAMER. Perhaps the gentleman does not understand me.

Mr. TRUMBULL. I understand the Senator. If the holder of foreign exchange would only sell it for gold, and a man had gold to pay for it, and both parties were agreed and wanted to make the bargain, they could not make it under this bill.

Mr. COLLAMER. Going and getting greenbacks would not do any good if the man would not take greenbacks.

Mr. TRUMBULL. That would not help it. But why subject people to the necessity of having to sell their gold? The object of the bill is to prevent trading in gold, and yet this feature of it actually compels the holder of gold who may have received it as interest on the bonds of the United States to sell it in order to purchase foreign exchange.

Mr. JOHNSON. Will the Senator permit me to ask him whether he does not consider gold now as a part of the national currency of the United States?

Mr. TRUMBULL. I do, certainly.

Mr. JOHNSON. Then, if it is national currency, you can buy exchange with it.

Mr. TRUMBULL. I think not, according to the terms of the bill.

Mr. JOHNSON. That is the language of it, I think.

Mr. TRUMBULL. I have not the bill before me; but I think the language will not justify that construction.

Mr. JOHNSON. The language is "manual delivery of United States notes or national currency." I suppose gold is national currency.

Mr. TRUMBULL. If it is susceptible of that construction, the difficulty is obviated; but I supposed that the words "national currency" there had reference to the currency of the national banks we have established which has that popular name. I supposed that was the meaning of the phrase.

Mr. JOHNSON. I have no doubt that the notes of those banks will be a portion of the national currency; but it by no means follows that because they will be national currency, gold and silver coin will not equally be national currency.

Mr. SHERMAN. In order to abbreviate this controversy, let me read to the Senate the section:

That it shall be unlawful to make any contract for the purchase or sale, or for the loan or delivery, of any gold coin or bullion, or of any foreign exchange, at any time subsequent to the making of such contract, or for the payment of any sum, either fixed or contingent, in default of the delivery of any gold coin or bullion, or of any foreign exchange, or upon any other terms than the immediate manual delivery of such gold coin or bullion, or foreign exchange, and the immediate payment in full of the agreed price thereof by the manual delivery of United States notes, or national currency, and not otherwise.

This does not prevent any man from buying gold, silver, bullion, or foreign exchange, or anything else that he receives in hand and pays for with gold or paper or horses. Under the operation of this bill he may buy anything whatever, provided that thing is delivered to him in hand, and paid for at the time in gold, horses, wheat, notes, or anything he chooses. The only purpose of this first section is to prevent time sales.

Mr. TRUMBULL. If the object is to prevent time sales, why say that the transaction shall be unlawful unless payment is made in national currency? Do you mean to allow time sales if payment is made in national currency?

Mr. SHERMAN. Yes; it goes on to provide——

Mr. TRUMBULL. Then the object is not to prevent time sales, for if you pay in national currency you may have time.

Mr. SHERMAN. There is nothing in the bill to prevent a man from buying a bill of exchange payable on time, provided he pays the money down for it. I have said that over and over again.

Mr. TRUMBULL. I should like to have the Senator from Ohio answer my question as to what is the benefit of the words which the Senator from New York moved to strike out. The bill accomplishes the object which the Senator from Ohio says is its design if you strike them out. By looking carefully at the language of the bill, it will be seen that it provides that this sale shall not take place "upon any other terms than the immediate manual delivery of such gold coin, or bullion, or foreign exchange, and the immediate payment in full of the agreed price thereof." Why not stop there? That prevents time sales.

Mr. SHERMAN. I answered that yesterday

by stating distinctly that if it was left there the payment would be made by a check, and that a man with $1,000 in a bank in New York might draw checks to the amount of $100,000; and thus, without the words that the Senator wants to strike out, the operation of the bill would be entirely evaded. You can even have your checks certified, and with certified checks nearly all the transactions in New York are carried on. This provision is for the purpose of throwing impediments in the way, and avoiding this operation of checking. The Senator from New York can explain it a great deal better than I can. With $1,000 in a bank in New York I can draw checks for $100,000, and I may buy that much gold if I can pay for it in checks; and before a single check is presented for payment, in the round-about way in which they are presented through the clearing-house, I can sell the gold a hundred times by actual delivery.

Mr. TRUMBULL. I will not discuss it longer. I have stated what I think is the objection to the words.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to reconsider the vote rejecting the amendment of the Senator from New York.

The motion was not agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. POWELL. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 17; as follows:

YEAS—Messrs. Anthony, Brown, Conness, Dixon, Doolittle, Fessenden, Foster, Hale, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Van Winkle, Wilkinson, and Wilson—23.

NAYS—Messrs. Buckalew, Carlile, Collamer, Cowan, Davis, Grimes, Harding, Harris, Henderson, Hendricks, Johnson, Nesmith, Powell, Riddle, Saulsbury, Trumbull, and Willey—17.

So the bill was passed. Its title was amended to read: "A bill to prohibit certain sales of gold and foreign exchange."

MASSACRE AT FORT PILLOW.

The PRESIDING OFFICER presented for reference the joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow; and it was read a first time by its title.

Mr. HOWARD. I wish to have that joint resolution passed upon at present.

Mr. SUMNER. I think we had better.

Several SENATORS. Let it be read.

The PRESIDING OFFICER. The joint resolution will be read the second time at length.

The Secretary proceeded to read, as follows:

Resolved, &c., That the joint committee on the conduct of the war, or such members thereof as the committee may designate, be, and are hereby, directed to proceed at once to Fort Pillow, Tennessee——

Mr. FESSENDEN. I object to its consideration to-day. Let our resolution go down to them.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Military Affairs.

Mr. SUMNER. The resolution of the Senate to-day was not joint. The Senator from Maine says let ours go to them. It will not go to them.

Mr. FESSENDEN. If this can be amended without any debate or difficulty so as to conform to our resolution, I will not object.

Mr. HOWARD. This is a positive direction to the committee to repair to Fort Pillow.

Mr. FESSENDEN. That I was opposed to, and I objected to its consideration.

Mr. SUMNER. Why not strike out all after the resolving clause and insert our resolution, and send it back?

Mr. FESSENDEN. I have no objection to that.

Mr. SUMNER. Then I move that the resolution passed to-day by the Senate be inserted after the enacting clause as a substitute for this.

Mr. POWELL. Was the resolution adopted this morning a joint resolution?

Mr. SUMNER and Mr. HOWARD. No. We propose to substitute that for this.

The PRESIDING OFFICER. The Chair hears no objection to the consideration of the resolution.

Mr. JOHNSON. I ask for the reading of the resolution of the House of Representatives.

The Secretary read it, as follows:

Resolved, &c., That the joint committee on the conduct of the war, or such members thereof as the committee may designate, be, and are hereby, directed to proceed at once to Fort Pillow, Tennessee, and examine into all the facts and circumstances attending the recent attack upon and capture of said fort by the rebels, and report thereon to both Houses of Congress with as little delay as practicable.

Mr. HOWARD. I move to amend the joint resolution of the House of Representatives by substituting the resolution on the same subject passed by the Senate this morning.

The PRESIDING OFFICER. The words to be inserted will be read.

The Secretary read, as follows:

That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops after their surrender at the recent attack on Fort Pillow, Tennessee, and that they report the facts to Congress as soon as possible; and also whether Fort Pillow could have been sufficiently reinforced or evacuated, and if so, why it was not done.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time. It was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 183) to secure the speedy transportation of the mails—to the Committee on Post Offices and Post Roads.

A bill (No. 406) supplementary to an act entitled "An act to grant pensions," approved July 14, 1862—to the Committee on Pensions.

A bill (No. 407) authorizing the establishment of ocean mail steamship service between the United States and Brazil—to the Committee on Post Offices and Post Roads.

A bill (No. 408) for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas—to the Committee on Post Offices and Post Roads.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FESSENDEN. I move, merely for the purpose of having it the order of the day on Monday, to take up the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 16, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

ENCOURAGEMENT OF IMMIGRATION.

Mr. WASHBURNE, of Illinois, by unanimous consent, from the special committee on immigration, reported a bill to encourage immigration; which was read a first and second time by its title, recommitted to the committee, and, with the accompanying report, ordered to be printed.

Mr. WASHBURNE, of Illinois, under the instruction of the committee, introduced a resolution for the printing of ten thousand extra copies of the bill and report; which was referred, under the law, to the Committee on Printing.

BOUNTIES TO VOLUNTEERS.

Mr. FENTON, by unanimous consent, presented the concurrent resolutions of the Legislature of New York in relation to the bounties of volunteers; which were referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RAILROADS.

Mr. RANDALL, of Kentucky, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Whereas the President of the United States, in his message to Congress, December 3, 1861, used the following language: "I deem it of importance that the loyal regions of East Tennessee and western North Carolina should be connected with Kentucky and other faithful parts of the Union by railroad. I therefore recommend as a military measure that Congress provide for the construction of such road as speedily as possible. Kentucky no doubt will cooperate, and through her Legislature make the most judicious selection of a line. The northern terminus must connect with some existing railroad, and whether the route shall be from Lexington or Nicholasville to Cumberland Gap, or from Lebanon to the Tennessee line in the direction of Knoxville, or on some still different route, can easily be determined. Kentucky and the General Government coöperating, the work can be completed in a very short time; and when done, it will be not only of vast present usefulness, but also a valuable permanent improvement, worth its cost in all the future." And whereas the wisdom of that recommendation and the absolute necessity for such road has been made manifest by the great difficulty and enormous cost in transporting Army supplies, &c., from Cincinnati and the interior of Kentucky to Cumberland Gap and East Tennessee; and whereas different routes have been surveyed and found practicable, and the Legislature of Kentucky has resolved that a route crossing Cumberland river above the falls should be adopted: Therefore,

Resolved, That the Committee on Military Affairs inquire into the necessity and expediency of the construction of a railroad for military and other purposes, as recommended by the President in his message of December 3, 1861; and that they report by bill or otherwise.

NEVADA.

Mr. ASHLEY, by unanimous consent, presented the memorial of the Legislative Assembly of the Territory of Nevada, asking for an amendment of their organic act; which was referred to the Committee on the Territories, and ordered to be printed.

Mr. ASHLEY also, by unanimous consent, introduced a bill to amend the ninth section of an act entitled "An act to organize the Territory of Nevada;" which was read a first and second time, and referred to the Committee on Territories.

TAX UPON TOBACCO.

Mr. BLAIR, of Missouri, by unanimous consent, presented the concurrent resolutions of the Legislature of Missouri in reference to taxing tobacco in that State; which were referred to the Committee of Ways and Means, and ordered to be printed.

NORTHEASTERN DEFENSES.

Mr. RICE, of Maine. I ask the unanimous consent of the House to present resolutions of the State of Maine relative to the protection of her northeastern frontier.

Mr. HOLMAN. Let the resolutions be read.

The resolutions were read.

Mr. HARRINGTON. Are those resolutions before the House?

The SPEAKER. Not without unanimous consent, but it has always been customary to receive resolutions from a State and to order that they be printed.

Mr. HARRINGTON. I object.

NAVY APPROPRIATION BILL.

Mr. STEVENS, by unanimous consent, moved that the amendments of the Senate to the Navy appropriation bill be taken from the Speaker's table and referred to the Committee of Ways and Means.

The motion was agreed to.

GENERAL ROBERT ANDERSON.

Mr. KERNAN, by unanimous consent, presented resolutions of the State of New York, asking that General Robert Anderson be placed upon the retired list of the Army with full pay; which were referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES B. SHIRLEY.

Mr. A. W. CLARK. I ask the unanimous consent of the House to report from the Committee of Accounts the following resolution:

Resolved, That the Clerk of this House be directed to pay out of the contingent fund to Charles B. Shirley for service as messenger $750, the same being for six months' service from May 1, 1858; said Shirley to receive the same in full payment of his claim for $2,813 88 presented to the Committee of Accounts.

Mr. HOLMAN. We ought to have some explanation of this matter.

Mr. DAWES. If there is to be debate I must object.

Mr. HOLMAN. And I object until we have a full explanation of the matter.

SEVENTH CONGRESSIONAL DISTRICT VIRGINIA.

Mr. DAWES. I rise to a question of privilege. I call up the case of Mr. Kitchen, claiming to represent the seventh congressional district of Virginia.

The Clerk read the resolution reported from the Committee of Elections, as follows:

Resolved, That B. M. Kitchen is not entitled to a seat in this House as a Representative in the Thirty-Eighth Congress from the seventh congressional district in Virginia.

Mr. SMITH. Mr. Speaker, the question un-

der consideration is of the greatest importance, and demands the serious attention of the House. It is a question involving the interest and lives, present and future, of over one hundred thousand inhabitants of the Government of the United States.

In the view I have taken, differing from the Committee of Elections and presenting a minority report, I have been guided by the grave idea entertained by me all the time since this war began, that no State which had composed a part of the Union was at this time, or had been at any time, out of the Union; and that whenever the arms of the Government had reasserted its authority in any portion of a State, that State, or at least that portion of it, was within the control and jurisdiction of the Government. Not only that, but that the loyal people of that section thus redeemed from the power of the insurgents by the arms of the Government had a right to assemble themselves together and express their preferences so far as representation is concerned, and were entitled to the great privilege of being heard in the councils of the nation.

We all know, sir, at what time and under what circumstances this State of Virginia, or a portion of the people of Virginia, undertook to repudiate the Government of the United States and take the State out of the Union. We all know the tremendous conflict which has been waged on the soil of that State. We know that there the armies of the rebellion and the armies of the Union have met, have fought, and have alternated in their victories and defeats. These terrible and almost unparalleled conflicts were the result of misguided and insane legislation and ordinances on the part of, as I believe, a majority of the people of Virginia. Yet the minority, lying behind and inactive and unheard in these great movements, had their rights and privileges under the Constitution and Government, and though kept down and oppressed by rebellion and treason for a time, when the arms of the Government reached beyond them and encircled them in their powerful arms, this loyal people, these noble and patriotic men had a right and ought to be heard. This desperate act of secession was committed by the whole State of Virginia, or rather when there was but one State; now there are two.

It is not my purpose here to discuss the propriety or impropriety of the division of that State, but to consider it as a fact that there are two States, West Virginia and Virginia. Both States are recognized by the Government, both are organized, both are acting. There are to-day in both branches of Congress representatives from the State of West Virginia. There are the representatives in the other branch; there are here three Representatives. There is her Legislature, her judiciary, all the necessary machinery to carry on and to make her a State. The State of Virginia is the old State with West Virginia cut off. She, too, has her Governor, her Lieutenant Governor, her Legislature, her judiciary, and all the machinery requisite to make her a State. She has her Senator. She had her two Senators. One of them has died during the present session. Her Legislature, which will meet again in a few days, will, as I understand, proceed to elect a successor to Mr. Bowden. The Government at Washington has recognized the State of Virginia as a State, the Legislature at Alexandria as the Legislature of Virginia, the judges on the bench as the judges of Virginia. The magistrates and sheriffs and constables and all the other officers of that State are recognized as the legal officers of Virginia.

Not only that, but the Government has gone on to collect its taxes. It has gone on to collect its revenue, and makes the State of Virginia pay into the Treasury of the United States a proportional part for the maintenance of the Government. I ask by what authority the Government exercises that jurisdiction over any portion of the people of Virginia, holding them responsible for the revenues of the Government, holding them responsible for laws enacted by Congress and not providing them representation upon the floors of Congress.

This election which was held for Representatives to this Congress was according to the law of Congress. The requirements of the Constitution had been fulfilled. The State had been apportioned and laid off into districts according to the census of 1860. The Legislature of Virginia and the Congress of the United States conceded that Virginia was entitled to her representation here just as much as to her representation in the Legislature of the State. The State of Virginia, under that law, and in obedience to the request of the people, through their Representatives in Congress, met in May, 1863, to elect their Representatives. There were four or five candidates for the office of Representative in that district. Mr. McKenzie, whose case has been heard and decided, was one; Mr. Kitchen was another; Mr. Upton another; Mr. Gallagher another; Mr. Minor another, and Mr. Massey another. The district was composed of the counties of Alexandria, Berkeley, Frederick, Shenandoah, Jefferson, Clarke, Warren, Loudoun, Fauquier, Fairfax, and Prince William.

Now, sir, the Committee of Elections, whose report is before the House, has given, in my judgment, one of the most wonderful expressions which ever emanated from a Committee of Elections. While I have the highest regard for, and while I regret to differ from that committee, I must say I believe justice and right are with me; hence I am bold to advocate the claim of Mr. Kitchen. I stand here alone to defend his rights, and the rights of the people of the seventh congressional district of Virginia. The committee were not settled or determined as to the conclusions they came to in this report from the evidence before them. The report states:

"The committee found some difficulty in coming to a decision upon this question; but the conclusion to which they have arrived, after a careful consideration, they now submit to the House.

"The case comes so near to what seems to be the dividing line, as established by the precedents of the last House in similar cases, and the judgment of this committee in the case of Joseph Segar, heretofore reported to the House, that the difficulty lies in determining upon which side of that line it falls."

The election was held in six of the eleven counties composing that district. Hence a majority had to a greater or less extent voted, some entirely, others to a less extent. The fact was that a majority of the counties voted. It is also true that a majority of the electors were in those counties.

The committee has come to a conclusion with difficulty, yet they offer this report. They had doubt whether to admit Mr. Kitchen or any other man to represent the seventh congressional district of Virginia. They say that they found difficulty in coming to a conclusion on this question. They knew from the census which we had before us that the counties composing the seventh district of Virginia had a population of white and black of 147,621. The counties that voted in part, or entire, had a population of white and black of 81,195. Those are the facts. What does the Constitution say?

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

Now, sir, there were in the seventh congressional district of Virginia this number of people, white and black, including slaves, which entitled them to representation in the Congress of the United States. Yet there was nothing before the committee, there was nothing in the report, and there was nothing in the petition of either of the gentlemen which indicated that the whole people of six counties could not have voted. The whole district was under rebel jurisdiction once, and no man could vote there; but when this election was held more than one half had the right to vote. Yet, say the eight other members of the committee, they could not vote.

I know that the chairman of the committee argued in the few remarks he made awhile ago, and will argue in his conclusion, that the raids and difficulties that were apprehended in that district on the part of Union men prevented them from voting. But, sir, that reasoning is fallacious; there is nothing in it. If there were but five voters in a county who had the moral courage to come to the polls and cast their votes for a candidate who had offered himself, while there was no disturbance existing to prevent five hundred more from doing it, are the five to be held responsible for the failure of the others to do their duty? Or, sir, is not it the true rule that if they could have voted and failed to do so, they must abide by the decision of the five who did have the moral courage to go and cast their votes and maintain their rights as citizens?

[Mr. SMITH here gave way for other business—the introduction of a bill from the Senate. Subsequently this case was called up by Mr. DAWES, chairman of the Committee of Elections.]

The SPEAKER. The gentleman from Kentucky [Mr. SMITH] is entitled to the floor to conclude his speech, he having already occupied fifteen minutes of his hour.

Mr. SMITH. Mr. Speaker, I do not intend to occupy much of the time of the House this morning on this case. I will merely present the facts connected with it, that the House may vote intelligently on the subject. I should not say anything were it not for the great principle, as I conceive, involved in the question as to whether Mr. Kitchen is entitled to a seat upon this floor.

The House will remember I have already stated that six out of the eleven counties composing the seventh congressional district of Virginia participated to a greater or less extent in this election; that there were between two and three thousand votes cast; and that there was no evidence to show that the entire vote of the counties could not have been cast. The only question upon which there can be doubt as to whether this man is entitled to his seat is, whether the county of Berkeley, composing a part of this district, is in the State of Virginia or the State of West Virginia. There was a vote on the 3d of May to carry the county of Berkeley into West Virginia; but, sir, there has been no action on the part of Virginia, or West Virginia, or Congress to transfer Berkeley to West Virginia.

The majority of this committee, in discussing this question, state:

"The act of Congress admitting West Virginia into the Union enumerates the counties of the old State which shall compose the new one—and Berkeley is not one of them. Congress has never consented to the transfer of the county of Berkeley from the one State to the other, and without that consent it cannot be done. Berkeley county is therefore still a part of the old State of Virginia. The vote of Berkeley county must consequently be counted in the result unless there be some other and valid objection to it."

Now, the committee have admitted that this county was a part of the district, and that a vote was cast in that district for a Representative to this Congress. The objection urged by the committee, that the great troubles growing out of the war, that the occupation of Virginia by the tremendous armies which occupied Virginia before, and to some extent since that election, made a fair election at that period impossible. It is an important fact, which has already been stated, and which is presented in this report, that in a large majority of these counties the polls were regularly opened, and a majority of the people voted, and the fact that the entire vote of the district was not cast is no reason why Mr. Kitchen should be excluded. We have adopted since the war began more than one precedent directly in point, and men now occupy seats upon this floor who received but a very small number of votes in their districts in consequence of the rebellion. My colleague on my right [Mr. ANDERSON] received but a small vote comparatively in his district, and his predecessor received a much smaller vote than my colleague received. I believe that he had only some four or five hundred votes altogether. And yet he came here with a certificate, as authorized by law, from the Governor of Kentucky, and was admitted and sworn in without any question whatever.

There were troubles in the first district of Kentucky at the time of the election of Mr. Casey far greater than prevailed in this district at the time these votes were cast for Mr. Kitchen. A provisional government had been set up in that State, and a legislature had been called for the purpose of recognizing the southern confederacy, and in that district men went boldly to the polls and cast their votes for the election of a member of the congress of the southern confederacy. As I remarked, but four or five hundred votes in all the counties and in all the precincts of that district were cast for a member of this Congress. But a small portion of the district voted for Mr. Casey, and yet he came here as a legal Representative of Kentucky.

The majority of this committee say that his very home is occupied by the enemy; that his house was plundered and burned; that his property was destroyed, and that therefore the dis-

turbance was so great that no fair election could be held, and that there is no evidence that Mr. Kitchen was the choice of the majority of the people. Well, sir, is not the same fact true in the case of my colleague, [Mr. ANDERSON?] He, too, was driven from his home. He, too, had his house searched and plundered by raiders from cellar to attic. And not only that, but he was compelled to leave his home long before the assembling of this Congress for fear of raiders into his district.

It is also true, Mr. Speaker, that others upon this floor have been compelled to flee from their homes in consequence of the fear of rebel incursions into their districts. Such, I believe, is the fact in the case of my colleague, [Mr. HARDING.] Such is also the fact in respect to members on this floor from Western Virginia. Not only have they been compelled to flee from their homes, but the people of Western Virginia were for a long time unable to say whether they would fall wholly within the power of the southern confederacy or whether they would be allowed to remain subject to the lawful authorities of the country.

Now, sir, here are two thousand good men, loyal men, true men, men who have never yielded their allegiance to the southern confederacy at all, who have come up at this election and cast their votes for a Representative on this floor. These people have time and again repudiated the southern confederacy. They have opposed by their votes, by their money, and by their arms, the success of the southern confederacy. They dared, when the polls were opened, to go and cast their votes without any certainty that that act would not bring upon them the next day the rebel army, without knowing whether their homes would not be desolated for that act. They did it when the rebel army was but a short distance from them on one side, when our Army was on the other side, and with every prospect before them that their counties were to become the battle-ground of the two contending armies. Yet with decorum, they dared to come to the polls and vote for an unconditional, an unyielding, and uncompromisingly loyal man to come here to represent that State in Congress. This district of Virginia has paid into the Treasury of the State and of the United States hundreds and thousands of dollars for the benefit of the Government; and a portion of the money now coming from Virginia into the Treasury of the United States is distributed among the members on this floor as their salaries. And yet while they are paying into the Treasury their money, the result of their labor, and are doing it willingly and cheerfully, they, it seems, are not to be permitted to have a man to represent them, to speak for them, and to ask that their rights in this country may be sustained. They have their representatives in the other end of the Capitol; they have their Governor, their Legislature, and all their municipal officers, and those men were elected by the same votes, at the same time, and under the same circumstances. The Government has recognized that State; the Government has recognized Governor Pierpont as Governor of Virginia, and it has recognized the Legislature and convention which met at Alexandria as the legitimate Legislature and convention of that State.

Now, sir, I will not detain the House longer than to read some of the facts in this case, and then, as the gentleman from West Virginia [Mr. WHALEY] desires to be heard, I will yield to him. I consider this a question of vast importance, and one of vast interest to Virginia and to the whole country, being no less than the right of representation where the Government has assumed the right of taxing them and compelling them to pay their money into the Treasury. If that be true, when a majority of that people come here and ask that their Representative shall have a seat upon this floor, it is the duty of this Congress to give that right and admit that Representative upon this floor. I will read an extract from the report I have already made setting forth the facts in this case:

"The Committee of Elections, after considering the contested-election case of Lewis McKenzie *vs.* B. M. Kitchen, for the seventh congressional district of Virginia, unanimously agreed to the following points presented in the papers:

"1. That the county of Berkeley, at the time the election in this case was held, was within the State of Virginia and the seventh congressional district.

"2. That Lewis McKenzie is not entitled to a seat in the House of Representatives of the Thirty-Eighth Congress from the seventh district of Virginia.

"3. That the district was composed of the counties of Alexandria, Berkeley, Frederick, Shenandoah, Jefferson, Clarke, Warren, Loudoun, Fauquier, Fairfax, and Prince William, and that votes were cast for several candidates to represent said district in this Congress, in the following counties, to wit:

Counties.	McKenzie.	Upton.	Kitchen.	Gallagher.	Minor.	Massey.
Alexandria	253	40	61	11	1	1
Fairfax.....	175	55	120	-	-	-
Prince William.....	49	-	-	-	-	-
Loudoun	205	8	-	2	-	-
Jefferson.....	33	1	51	252	-	-
Berkeley.....	2	7	730	3	-	-
Total votes.....	716	111	962	268	1	1

"Total votes cast in district, 2,059.

"And that in the vote cast Mr. Kitchen received the largest number of any one of the candidates; and therefore, if any one is entitled to a seat on this floor, Mr. Kitchen is that one.

"The committee have by a majority reported adversely to Mr. Kitchen, which the undersigned begs leave to dissent from because of the following reasons: there are eleven counties in the seventh district of Virginia. Six of said counties, Alexandria, Fairfax, Prince William, Loudoun, Jefferson, and Berkeley, voted at the last State general election to a greater or less extent for State officers as well as for members of Congress. Some of these counties voted almost their entire vote; in others the vote was small, not because there was absolute interference, or constant possession by the rebels, or such an invasion on the day the election was held as to prevent qualified loyal men from going to the polls. There were raids, it is true; first the one and the other of the two armies in that section sent armed troops in smaller or greater numbers over the country; and it was said men were afraid to vote because of consequences that might follow; yet some *did vote;* and as a few did risk the consequences, and cast their votes for the various candidates presented, others or all might have done the same. Because a majority refused or failed to exercise that right, it is no reason why those who did should be deprived of their representation in this Congress.

"Again, according to the census of 1860, the counties composing the seventh district of Virginia had a population of white and black of 147,621. The counties that voted in part, or entire, had a population of white and black of 81,895.

"Thus it is shown that a majority of the counties, and a majority of the people, were within substantially the Federal lines and the jurisdiction of the authorities of the Government, and there is no evidence on file, nor was there any oral testimony before the committee, showing any military interference on the part of the United States such as to prevent the free and full vote of all qualified voters, nor on the part of the rebels in the counties just before mentioned. Therefore the rule as laid down in the case of Mr. Segar, from the district of the same State, does not apply here; for while it is true that in some of the counties there was but one district or precinct opened for voting, there was no evidence that other precincts could not have been opened, nor was there any evidence that precincts could not have been opened in all those counties where votes were taken; but it was stated by the contesting parties that there was great fear or indifference on the part of the voting population, because of damage and trouble that might follow. It was not shown, however, that any man, or any number of those who did vote at this election, have suffered in consequence of their conduct and avowed purpose to adhere to the Government.

"The Governor, Lieutenant Governor, and members of the Legislature of Virginia were voted for in the same counties, and about in the same proportion that candidates for Congress were voted for. These State officers have been qualified, and all have entered upon their duties under the State organization recognized by the Government of the United States, and all their acts and doings are now recognized as valid and constitutional; and the Legislature of Virginia; a portion of whose members were elected at the same time Mr. Kitchen was, and in the same manner, are proceeding to elect a United States Senator, and also to pass laws for the government of the State of Virginia, to collect taxes and revenue; and the State is paying into the United States Treasury large sums of money to sustain the life and independence of the Government at this time, as it has done heretofore.

"From the foregoing reasons, and many others, the undersigned has thought proper to offer a minority report, with the following:

"*Resolved*, That B. M. Kitchen is entitled to a seat in the Thirty-Eighth Congress as a Representative from the seventh congressional district of Virginia."

Now, these are the facts summed up in a few words; and I defy any man upon this floor to give a valid reason why he is not entitled to a seat here. If there ever was a case during this rebellion where a people were entitled to representation here, it is evidently in this case. The only ground upon which the committee acted was that from the fact that a majority of the people in the district did not vote, therefore they concluded that Mr. Kitchen probably was not the choice of that district. The *prima facie* evidence is that he was the choice, because they did not vote against him. They had the right, they had the privilege, they had the liberty to vote, but they declined doing it; and Mr. Kitchen is here with a clear majority of the votes cast in his district, and certainly he ought to be permitted to take his seat; and I hope this House will have the fairness, justice, and liberality, looking to all the circumstances surrounding the case, looking at the action of the people, looking to the desire of the loyal people of that State to come back into the Union, to adhere to it, to maintain it under all circumstances; I say I trust this House will have the fairness, justice, and liberality to give him a seat upon this floor.

Imagine your own State and your own people in the same condition with the people of Virginia here to-day, and then see if you can deny the right of representation to that people who have been trodden down and oppressed to this very moment, and who, at the very first moment they could breathe freely, fairly and honestly declared their choice by the election of this man by a larger vote than was given to a Representative of that State who was admitted as a Representative on this floor during the last Congress.

Mr. DAWES. When was that?

Mr. SMITH. I know that Virginia had a Representative upon this floor, and that with a far less vote than was cast in this case; and that vote, too, not a vote of a majority of the people, not a vote of a majority of the county, but a vote cast where they could cast them.

Therefore I hope when the House comes to a vote upon this question, they will say that Mr. Kitchen is entitled to a seat here.

Mr. WHALEY. Mr. Speaker, I do not design to occupy the time of this House at length; but I would consider myself unworthy to be the Representative of a loyal and suffering people were I to remain silent on this occasion; and I wish to call the attention of members of this House to some historical facts from the beginning of this unholy war up to the present time, especially to those which relate to my unhappy State. I hope you will bear with me patiently while I hasten to give the reasons why I consider Mr. Kitchen, with the other Representatives from Virginia, entitled to a seat on this floor; and I assure you that I am actuated only by the principles of justice and right in making this short appeal for your consideration on this very important subject.

In the winter of 1860 the Legislature of Virginia passed an act calling a convention to assemble in the city of Richmond to consider the relations of the State toward the Federal Government. Seven States had already by their own act withdrawn from the Federal compact, and attempted to establish a separate and independent nationality. The said act of the Legislature provided that upon the same day the vote was taken for the election of delegates to said convention the qualified voters of the State should decide whether or not the acts of this convention should be referred back to them for ratification or rejection. The question before them was reference or no reference; and the people of Virginia, so fearful were they of the designs of the Legislature, and so jealous of their rights as freemen, rallied as true patriots, and by a majority unparalleled in the history of the State, reaching eighty thousand, decided that the proceedings of the convention should be referred back to them.

The convention met in the city of Richmond in February, 1861, and the devoted patriotism there shown by a large portion of our delegates is well known to the country, and the speeches made by many of them in behalf of the Union for true and unselfish loyalty equaled the best efforts of our fathers in the revolutionary struggle, and will live in the history of this fearful contest for a nation's life down to the latest generation. Many stood firm as friends of the Union until South Carolina and other States poured thousands of their murderous rabble into the city, filling every hotel and even the streets, and who surrounded the hall in which the convention was held, threatening to hang them if they did not pass an unconditional ordinance of secession immediately; and many of the bravest, who had hitherto battled manfully against those who were attempting to destroy and blot out forever from the map of nations this great Republic, quailed before the fearful storm which was then raging throughout the city like an epidemic, and were swept into the vortex of secession, and compelled to send forth their sons to fight in an unholy war against their own countrymen, as well as to drive the

loyal citizens from the polls, to deprive them of the right of suffrage in casting their votes against the ordinance which the convention was compelled to pass. Then, sir, had a regiment of our brave soldiers been sent to Richmond and arrested the conspirators in the convention and protected the loyal citizens in the exercise of the right of suffrage, Virginia would not have been the battle-ground for the last two years, and would this day be considered as loyal as Maryland, Kentucky, or Missouri.

It is a well-known fact that troops on their way to defend the capital of the nation were shot down on the 19th of April in the streets of Baltimore, and a reign of terror existed in that city for three days equaled only by that in Richmond; and, sir, had not Governor Hicks, supported by the Federal Government, stood firm and refused to assemble the Legislature, thereby depriving the secessionists of the power to call a convention, Maryland would have been mobbed out of the Union, and thousands of her loyal citizens, as well as her loyal Representatives on this floor, would to-day feel the same mortification that the loyal men of Virginia are compelled to endure. The timely act of the Administration in arresting Marshal Kane and the traitorous leaders of the secession party in the Legislature gave the loyal people of that State time to rally, and once more raise the insulted flag of our country, which had been torn down in every part of the city. The loyal people of that State were then permitted to assemble free and untrammeled at the polls and elect true and loyal men to office. And it is a high gratification, not only to the loyal people of that State, but of the United States, to know that her Representatives here have done their full duty in sustaining the Government in its efforts to end this unholy war, and conquer a peace which will be perpetual.

I need not say that the traitorous Governor of Kentucky, aided by Buckner and others, attempted to call a convention, but the members of the Legislature having already learned the terrible effects of secession in the old mother State, where the brave and the true were battling with the brave and the false, refused to comply with the wishes of the leading traitors of that State. Kentucky was held in check by her position of neutrality until her people saw and fully realized the designs of those who were attempting to disrupt every tie which held these States together, and the innumerable sufferings which secession would entail upon them, when they rallied around the banner of their country and drove back the conspirators who would pull down this temple of freedom, and thus saved themselves from the dishonor of becoming one of the seceded States.

The secessionists of Missouri also attempted to drag her into this unholy conspiracy. Claiborne Jackson, then Governor of that State, was organizing an army for that purpose, and had succeeded to a considerable extent, when the gallant and brave Lyon marched to their camp and made prisoners of them all. The Governor was compelled to flee from the capital of his State, but he issued a proclamation, and, aided by Price and others, gathered around him a large army, and the soil of Missouri has been reddened with the blood of her best citizens, and been the battle-ground of the most stubborn and obstinate contests for victory in this war. The flames of rebellion were kindled and swept like a whirlwind over the State. Thousands of her citizens deserted their country in the hour of its sorest trial, and when it needed all its strong arms and stout hearts to strike in its defense. At one time nearly the whole State was overrun by the followers of Jackson and Price, and the Legislature passed an act of secession, and congressmen and senators were elected to the so-called confederate States.

But there was a brave and loyal portion of the people of Missouri who, aided by the protection of our soldiers, seized the helm of State and piloted her back into a safe harbor under the protecting arm of this great Government. And, sir, had it not been for the well-timed act of the lamented Lyon, and the protection afforded by our armies, led on to victory by General Sigel, aided by the loyal Germans of that State, Missouri might to-day have occupied the same position as Virginia. The convention in that State elected Governor Gamble and reorganized their State government, and Representatives were elected by the loyal citizens from some districts where there remained as few loyal citizens as the districts which have sent Representatives here from Virginia, now claimants for seats in this House.

Such was the condition of affairs in these States while the loyal men of Virginia had already sent their delegates to a convention to restore the State government, and sent three Representatives to Congress, and elected United States Senators to fill the places vacated by traitors, and sent twenty regiments of her brave sons forth to battle for a nation's life; and the sufferings and privations of her people are without a parallel in this war, and the faithful historian will give them a bright page in the nation's history.

And while the nation may well be proud of the patriotism shown by the loyal people of Maryland, Kentucky, and Missouri, let it be remembered that the loyal people of Virginia set a most noble example by rallying around the nation's standard, and resolving to be free from secession bondage or lay down their lives in defense of their liberties and leave nothing remaining but the history of a brave and fallen people. And are the loyal citizens of poor old demented Virginia, the mother of States and statesmen, a name around which there is such hallowed recollections and so many memories clustering associated with the American heart by a thousand ties that time or folly can never blot out, to be told that they are to have no voice in the national council?

We find that the loyal people of three districts of Virginia assembled at the polls on the fourth Thursday in May last, surrounded by privation and danger, and elected their Representatives on the day prescribed by the constitution of Virginia, framed in 1858, and which never has been changed by their loyal Legislature. At that election there were 2,059 votes cast, of which Mr. Kitchen received a majority. Being duly elected, then, according to the laws and constitution of the State of Virginia, why should he be excluded from a seat on this floor? It is true that the full strength of the district was not brought out at the polls, nor could it be expected when the remaining voters were conscripted to fight against their country. Because the remaining voters are in open rebellion, and consequently did not vote, will that justify you in refusing a representation here to 2,059 loyal citizens who have periled life and property by their devotion to the Union cause?

This election has developed many of the grandest and noblest examples of patriotism in the annals of history. Consider, sir, that thousands of her loyal people have abandoned their once happy homes, where they had wealth sufficient three years ago to last them and their posterity down to the third generation, and are now scattered over the loyal States, reduced to absolute poverty, rather than abandon the Government and be compelled to march under a traitorous flag. And now are the thousands of loyal citizens, who have remained at their homes in the midst of danger to preserve and sustain the free Government framed by their illustrious statesmen, to be deprived of the right of representation on this floor and compelled to regard themselves as out of the Union? Thousands of their loyal sons have gone forth to battle side by side with the sons of New England, the Empire State, Pennsylvania, and the great Northwest, and laid down their lives side by side with them, and their bones now lie mingled together at Bull Run, South Mountain, Antietam, and Gettysburg. And if their loyal friends in Virginia are to be deprived of the right of representation, then let the news go over the wires this evening to the fathers and brothers of the soldiers from other States that their own Representatives in this House have deprived their loyal friends in Virginia of the rights guarantied to every freeman, and that it is their policy to reduce them to a condition worse than a territorial dependency, for even a Territory has a right to send a Delegate here, with all the privileges of a member to offer bills, resolutions, make speeches, and only deprived of the right of voting.

Gentlemen will consider that there is a loyal State government in Virginia, recognized by the General Government, and that the people of these districts are subjected to taxation and conscription. And the important question to be decided by this House is whether they are to have the right of representation, which never before has been denied to the loyal people of any State in this country since the Government was framed by the fathers who threw off the yoke which bound them to Great Britain for this very principle—that taxation and representation go hand in hand; and without this guarantee no free Government can long exist. And are we, the degenerate sons of those who erected this great fabric of liberty upon so firm a foundation, to reject the cardinal principles which caused the patriots of the Revolution to take up arms against the tyrannical Government of England, and who, after marching and suffering for seven years through hundreds of battles, finally succeeded in establishing a Government founded upon the principle that a people were to choose their own representatives? And this principle has been advocated and sustained by all the great statesmen of this country since the foundation of the Government; and the right has never before been denied to the loyal people of any State. I hope the gentlemen upon this floor will pause and reflect before they cast their votes in favor of a policy that will sooner or later change the form of this Government, and make us a degraded and oppressed people.

If it is the policy of a majority of this House to deny to the loyal people of these districts the right of representation here, then, in the name of justice and right, let them not be subjected to taxation and conscription.

When a people are ready and willing at all times to surrender their property and pour out their blood like water for the maintenance of a free Government and free institutions, they are entitled to, and should have, all the rights and immunities of free citizens in that Government. The loyal people of these districts have remained true to the Union under the most trying circumstances, and let us, the Representatives of a free people, not refuse to extend to them the rights and privileges guarantied to every loyal citizen. Let justice be done though the heavens fall! I earnestly hope that the time will soon come, Mr. Speaker, when the flag of our country shall wave in triumph all over this fair land, and when we can say with truth—

> "Far as the eye can reach, the billows roam,
> Survey our empire and behold our home.
> These are our realms, no limit to their sway;
> Our flag the scepter all who meet obey."

Mr. DAWES. After the able remarks of the two distinguished gentlemen who have preceded me, I fear that any feeble effort of mine will fail to direct the attention of the House to the merits of this case; and nothing but a feeling of duty and the importance of the principle involved could induce me to ask the attention of the House for a single moment to that point. In the opinion of the committee, the merits of the question involved in this report and the precedent about to be set here is of much greater importance than the settling of the right of this claimant to occupy a seat in this House for the remainder of this Congress. It is of far more importance in the present state of things in this country that we should distinctly lay down our precedent and take our position than that this or that man may occupy any particular seat as a Representative in this Congress. Such considerations dwindle into nothing, in my mind, in comparison with the consequences bound up in the decision that the House may make on questions of this character. Yet I regret to say that such is the condition of business in this House, and such the anxiety of its members to proceed to matters of pressing importance, that it has been impossible for distinguished gentlemen here this morning, and will be of course impossible for me, to arrest the attention of the House long enough to get it to consider the principles on which this report is made.

It is a truly mortifying fact that although we are now at the close of the third year of this war, the congressional district in Virginia that borders on this capital is still so far in the occupation and control of the enemies of the country that never since July, 1861, has it been possible to hold a congressional election in the district. It is hardly worth while for us, Mr. Speaker, and it would be altogether improper, I apprehend, for me in this discussion to dwell for a moment on the reasons or causes that have produced this state of facts. But, sir, I submit that no gentleman can go out on the walls of this Capitol and cast his eyes around and behold the martial array upon the hills that lie about, and still entertain a doubt that the district nearest to us and almost within

the sound of our voices is still a camp, is still a battle-ground, and that the armies of the nation and those of its enemies are still arrayed against each other, with all the incidents and all the consequences of war at our very doors.

In that state of facts it is, Mr. Speaker, that this gentleman comes here and claims that it is possible there should have been an election held, and he should have been elected to Congress—an election held under the very guns of the enemy, and within the very lines which that enemy claims and occupies as his own. The Committee of Elections, as I have had occasion to say heretofore, has not found it necessary to dwell on other questions that are controverted, and on which gentlemen in this House entertain diverse opinions—such as the legal condition or status of the State of Virginia. Gentlemen of profound learning differ on these questions, and it is not for the committee to undertake to controvert the positions assumed on one side or the other unless it is absolutely forced upon their consideration. The committee has felt that it might well assume the consideration of facts in this case, which the Executive and Congress itself have assumed, that there is a State of Virginia. Those members of the committee who were present in Congress when that position was taken have no personal responsibility for the position then taken. They raised their voices against it when the matter was under consideration here. Other gentlemen differing with them have put Congress in the position of recognizing the existence of a State there. The committee do not say that the position is incorrect; they only accept it and its consequences. Nevertheless, such a condition of things existed in this very district that, though it may be a State, with all the functions and all the rights of a State in the Union, there could have been no such thing as an election there; and there has not been a time within the last three years when any one can say there has been a free exercise of the will of the people of that district, nor has the thing been possible. There is but a small portion of the district outside of the lines of the enemy. A much larger portion of it than that within our lines has been covered by the armies of the enemy and is within the lines of its pickets. Even in that portion left to us hardly any one, except within the lines at Alexandria, could go to the polls except he took his life in his hands, or at least without exposing his property and the peace and safety of his home. And we all know that men consult their personal safety and self-defense rather than expose themselves by asserting their legitimate right of voting at the polls. Can it be said that under such circumstances there could be an election?

My friend from Kentucky who, unfortunately, differs with the rest of the committee in the conclusions to which he comes, has been eloquent in asserting the right of that district to representation on this floor, and defending what he claims to be that right, by defending the claim of Mr. Kitchen to be its Representative. The question is, rather, has the district *chosen* Mr. Kitchen to be its Representative? If not, then the gentleman is not defending their right to representation here, by insisting on foisting Mr. Kitchen upon them and into the seat.

Now, I claim that the majority of the committee occupy that position, and that my friend [Mr. SMITH] stands in the way of the free exercise by the people of their right of representation on this floor. It is not the securing to any particular man a seat in this House that secures the right of representation to the legal voters of a district. In this case we would put into a seat here, as the Representative of this congressional district in Virginia, a man in whose election the people of the district had no voice. He who would do so is the last man that ought to claim he is defending the right of the people to representation; for that right consists in their being able to select their Representative. Any measure taken here that deprives the majority of the people of a district of the right of selecting their Representative on this floor deprives them of the right of representation; and when my friend from Kentucky comes here and undertakes to ask the House to put in his seat here, as a Representative, a man who cannot be said to be the choice of a majority of the voters of the district, he attempts to stifle the voice and not to protect the right of representation of a people.

Mr. SMITH. I ask the gentleman from Massachusetts whether he lays down the rule that the majority of voters in a district must absolutely cast their votes before a Representative can take his seat on this floor?

Mr. DAWES. Certainly not, Mr. Speaker.

Mr. SMITH. Then I would like to ask this further question: whether the evidence before the committee and the country is not that a majority of the voters of that district, and of the State of Virginia, went into rebellion; and if that be true, whether, if a majority were to vote, their Representative would not be a disloyal instead of a loyal man? And I ask whether we are not to be governed by the loyal votes of a district, and not by those of the disloyal.

Mr. DAWES. The Committee of Elections has never, for a moment, taken into account the number or force of the disloyal men in that district, beyond their influence upon, and physical control which the disloyal may have over, the loyal men of the district. The committee has never, in considering the question, taken into account whether a man received the vote of a majority of all the electors in any given district. It is to the vote of a majority of the loyal voters that the committee has always sought to give effect.

Mr. SMITH. I ask the gentleman from Massachusetts whether there was evidence before the committee that all the loyal men of that district did not vote?

Mr. DAWES. I was about to say, when interrupted by the gentleman from Kentucky, that the Committee of Elections has never held that it was necessary for a majority of the loyal men of a district to express their choice at the polls. The committee has always held and laid down the position, and the House has always sanctioned it, that when all the loyal voters of a district had the opportunity to go to the polls, and did not choose to avail themselves of it, those who were absent were to be presumed to acquiesce in the action of those who did vote. If a small minority of all the loyal voters of a district should choose to go to the polls at a regular election, and if the large majority should choose to stay away, the lattter must, according to all the principles of our Government, be construed and held to an acquiescence in what has been done by those who did go to the polls.

But when such is the condition of things in a district that a majority of its loyal voters cannot exercise their right of choice, when they are under *duress*, and are kept away from the polls, does not my friend from Kentucky think that he mocks them when he says they are to be held to acquiesce in what those few, who were permitted to go to the polls, did? Acquiescence, consenting, implies the right and the power to object. No man can be estopped because he has failed to object when his mouth is stopped, and when he cannot object if he would.

Now, what are the facts in this case? Why, that but a very small minority of the voters of this district actually exercised their right to vote at this election, and that of that small minority this gentleman had but a small plurality; and that five sixths of that plurality was made up of votes in a single county which his own State and the State of West Virginia, so far as they could, have taken up bodily and set into the State of West Virginia. Without the votes which he received in that county, which was virtually, so far as the votes of those two States were concerned outside of the State of Virginia, he received but 232 votes in the whole district, while there were 900 or 1,000 votes against him. He had seven hundred and odd votes in that county, and he had only 232 votes out of it. And, sir, the people of the county in which he received most of his votes, on the very day of the election, voted, as far as they had the power to do so, to transfer themselves to the State of West Virginia.

Mr. BROWN, of West Virginia. Did the State of West Virginia act upon that day?

Mr. DAWES. The history of the affair is recited in the report of the Committee of Elections. The State of West Virginia undertook to embrace this county within its limits at the time the State was formed, and made provision for its being included in that State. The old State of Virginia passed a law to allow this county to become part of West Virginia, provided that on the day when this election was held they should vote in favor of joining West Virginia and that West Virginia should agree to accept them.

Mr. BROWN, of West Virginia, here made a remark which was inaudible to the reporters.

Mr. DAWES. Let me tell the story in my own way. The State of Virginia transferred this county, as far as they could do so, to West Virginia. They left it to the people of that county to say upon the day when this election was held whether they would go over to West Virginia, and they decided on that day almost unanimously that they would go over to West Virginia. So far as the two States could do it, they had transferred that county to West Virginia.

Mr. BROWN, of West Virginia. After the day of election.

Mr. DAWES. Exactly, and that is what makes the report of the committee true, when it says that although these States had done all that they could do legally to tranfer the county, the county was still in old Virginia until Congress should ratify the proceeding.

Mr. BROWN, of West Virginia. You state that the county belonged to old Virginia on the day of the election.

Mr. DAWES. I wish my friend had read the report of the committee, for that is exactly what I said in the report and what I said in the House when this case was last before it.

Mr. BROWN, of West Virginia. I did not hear the gentleman's speech upon that occasion, nor have I read it.

Mr. DAWES. I am not to blame for that. We said in the report that so far as those two States were concerned, and so far as the people of the county were concerned, this county was, in point of fact, a part of another State, but their action required the ratification of Congress. If you deduct the vote of that county, this man, Kitchen, stands just as I said he did. And although the votes of that county are to be legally counted for Mr. Kitchen, yet the fact that he was the choice of no other county may be taken into consideration in determining what would have been the vote of the counties within the enemy's lines.

Shall we then, Mr. Speaker, under the claim of the gentleman from Kentucky, [Mr. SMITH,] that we are asserting and defending the right of this district to representation here, admit to a seat here as a Representative and give the right to speak for the people of this district to a man who had only 232 votes in what is, so far as the States have themselves determined, the district. My friend from Kentucky, when he gets up here and advocates the right of this man to a seat here, is stifling rather than defending the voice of the voters of this district, and that is his mistake.

Mr. SMITH. I call the attention of the chairman of the Committee of Elections to his own statement in his report. He used this language:

"Congress has never consented to the transfer of the county of Berkeley from the one State to the other, and without that consent it cannot be done. Berkeley county is therefore still a part of the old State of Virginia. The vote of Berkeley county must consequently be counted in the result, unless there be some other and valid objection to it."

Now, Mr. Speaker, those are the deliberate words of the chairman of the committee after all the evidence was before the committee and the argument had been heard. It seems to me, therefore, that the chairman of the committee in endeavoring to prejudice the minds of the members of the House against the claim of this gentleman to a seat here, is inconsistent with himself.

Mr. DAWES. I would ask my friend from Kentucky if I have said anything to-day that is inconsistent with what he has read?

Mr. SMITH. I think the argument you are using to-day is.

Mr. DAWES. I will yield to the gentleman a portion of my time to show that fact to the House. I said to the House that while Berkeley county was still, in point of fact, in this district, yet virtually, and so far as the two States and the people of the county were concerned, it was in the State of West Virginia. And if you should take out the vote of Berkeley county, you would have remaining cast for Mr. Kitchen only 232 votes. I advocated the position that legally Berkeley was still in the State of Virginia, for the want of ratification of the action of the two States and of the people of the county by Congress. I intended to state the fact in that way, but that does not affect

the legal question between the gentleman and myself. We are searching after another fact which my friend, I think, does not see; and it is because he sees the force of the argument that he tries to parry it in this way.

We are searching after the fact whether this man actually represents the loyal voters of his district, and whether we can properly decide that the votes received by him can be taken as the voice of the loyal voters of the district the other side of the Federal lines. If we are able to decide that question in the affirmative, if we have any evidence on which we can act that Mr. Kitchen is the choice of the loyal voters of that district, I am with my friend from Kentucky in confirming his right to a seat here. I am doing here, if I do what I conceive to be my duty, all in my power to fix in this House every man who represents the loyal voters of the district he comes from. And I am not to stick upon forms, I am not to be bound by a conformity to the strict letter of the law in deciding that question. If I can find that the loyal voters of any district have spoken in such terms as we can understand and rely upon in the election of a Representative to this House, the Committee of Elections will go with their distinguished colleague from Kentucky in confirming that man in his seat here. And I think the committee will never be found, whatever may be the form through which a man comes here, unless they can see behind that form that he has behind him the free and unrestrained choice of the voters of his district exercised without fear and without restraint; unless they can find that, I trust the Committee of Elections and the House will never be found so far departing from what I think is their duty as to confirm any man to a seat upon any such false pretense as that.

This point, Mr. Speaker, is so clear to my mind that I wonder my friend from Kentucky should be found here undertaking to insist upon this man as a Representative of this district unless he can point to some evidence showing that such representation is the voice of the electors.

Mr. SMITH. I dislike to interrupt the gentleman so often, but I would like to ask him one other question which I deem to be pertinent. I ask him how he has ascertained, what evidence he has that there is beyond the Federal lines in that district a single loyal vote? I ask him if the only evidence of the existence of loyal voters is not confined to that portion of the district within our lines, where the people had the right to vote and did vote?

Mr. DAWES. The language of the report of the committee in this case fully answers the question of the gentleman. The cases are all new. No one seems to be a precedent for any other. Each has to be determined upon its own peculiar facts, and the truth is to be arrived at as best we may. Every case in some respects differs from any other we have had before us. My friend from Kentucky I think is mistaken in saying that this district had a Representative in the last Congress. It is true that a man came here with what was called a certificate of election as Representative for that district, was sworn in, and occupied a seat here for a portion of that Congress. But when the Committee of Elections undertook to investigate his case, it appeared that the whole evidence of the right to a seat here, which he asserted upon the floor, was ten votes taken in a side poll out here at Ball's Cross Roads. The committee reported these facts to the House, and the House told this gentleman most respectfully that he did not represent any constituency here, and that it was an insult to the loyal citizens of that district for him to remain longer in this House.

Now here is a case of a man who has had more votes than his predecessor, and how does the committee try to ascertain whether he is the Representative of the loyal voters of his district? We tried to ascertain how many loyal voters there were in the district. We took the man's own statement, we took the census returns, we took every means within our reach of arriving at that fact. If you take the territory of the district you will find that there is a smaller portion of it within the limits where this election was held than within the rebel lines. If you take the whole population of this district you will find that there is a much larger portion within the rebel lines than within the Union lines. If you take the number of male citizens, the number of white persons in this district, the number within the rebel lines and the number within our lines, you will find that the larger number of them is upon the other side.

Mr. SMITH. Let me interrupt the gentleman for a moment.

Mr. DAWES. Wait until I get through with this statement.

If you take the number of white male citizens you find the same thing. When the claimant was asked by the Committee of Elections why there were not more votes cast, he answered that in the other precincts it was not safe for the voters to go to the polls; that every one of them was marked who undertook to exercise the right of franchise at those polls. We asked him why the polls were not open in the other counties, and he well answered that they were within the rebel lines. We asked him if there were any other places where polls could have been safely opened, and he answered that there were none.

That, Mr. Speaker, is the evidence upon which we base our report, and it seems to me to be evidence entirely satisfactory that a majority of the loyal voters of this district had no opportunity to say at the polls whether this man or another was their choice.

Mr. SMITH. I hold in my hand the census of the United States for 1860. It contains the population of the United States by counties. I have carefully examined it in reference to the white and black population of Virginia in that year. I find that in the counties of Alexandria, Fairfax, Prince William, Jefferson, and Berkeley, a majority of the counties composing the seventh congressional district, there were 147,600 inhabitants, white and black, and in the remaining counties, 81,895; and I have not made any deduction for the probable number who went into the southern confederacy. With this book, which is authentic and to be found in the Congressional Library, with these figures, which are true, the conclusion is inevitable that a majority of the people were in the counties that did vote, and where the vote was untrameled and fair in every respect. If a majority of the people did not go to the polls and cast their votes it was no fault of those who did vote, or of this claimant. Therefore I say that the argument of the chairman is entirely unfair as to the population of the district.

Mr. DAWES. The mistake of my friend from Kentucky is this: in the counties where the election was held some precincts voted; in some counties only a single precinct; and in other parts of the counties it was as impossible to hold an election as it would have been in the city of Richmond; and yet he has taken the aggregate population of all of those counties where even a single precinct voted. The gentleman will find on page 4 of the report of the committee a statement drawn from the census of 1860 which settles this matter.

Mr. Speaker, I will not detain the House longer on this subject. I desire them to understand it is not whether Mr. Kitchen shall represent this district; but it is settling a principle, not only in regard to this district, but every other unrepresented district in that portion of the Union which has been in rebellion. Perhaps it is settling a principle which goes beyond the right of representation in this House. It may seriously affect the election of other officers of more importance perhaps than that of a Representative upon this floor. It is a precedent to bind us how and by what method a title to representation upon this floor shall be established from all the other districts in the United States. The effect of the action of the House on this case will be to some extent an instruction to the committee. We desire to know whether it is the will of the House that the Committee of Elections shall search for a constituency, free and untrammeled, exercising as well as it may in this abnormal condition of things the right of elective franchise; or when a man comes here with a mere form of paper, without anything behind to sustain it, to acknowledge his right to a seat upon this floor.

Mr. SMITH. Before the gentleman takes his seat, let me ask him a question. In the State of Virginia, at the same election, a Governor, Lieutenant Governor, and Legislature were elected. Now, does the gentleman recognize Governor Pierpont as the Governor of Virginia, and the Legislature sitting in Alexandria as the Legislature of Virginia? Also, whether or not these precincts and these counties did not vote at the same time and in the same proportion for Governor and representatives that they did for a member of Congress?

Mr. DAWES. When I shall be made a constitutional judge of the election of Mr. Pierpont as Governor of Virginia, and shall have heard the argument of my learned friend from Kentucky upon that subject, I shall endeavor to come to such a conclusion upon it as will satisfy my own mind, at least, if it does not his. But whether Mr. Pierpont be Governor of Virginia or not, or whether the men who were voting at this election were at the same time voting for representatives to that Legislature which is sitting or was lately sitting in Alexandria is not the question. Somehow or other the Constitution of the United States made us sole judges, not of the election of Governors or representatives to State Legislatures, but of the election only of such persons as claim the right to seats in this House. Whether Governor Pierpont depended for his election upon votes cast in this district alone, or whether there were other districts from which the enemy had been driven and an election could be held and in which he received votes, I of course cannot tell.

Mr. SMITH. I would inquire of the gentleman whether were he in the Senate of the United States he would vote for the admission of a Senator elected by the Legislature of Virginia?

Mr. DAWES. I have never expected to be in a position where I could be called upon to answer the question propounded by the gentleman from Kentucky. [Laughter.] I only want to say that in the last Congress I tried, as far as I could, to show the impolicy of the proceedings which resulted in making two States over here across the river; but my learned friend from Pennsylvania, [Mr. STEVENS,] and other gentlemen, were decidedly too much for me, and I failed to succeed in my opposition; and I certainly shall not undertake now, after that has been done, to show that it has not been done. I shall not undertake after it has been done, after it has received the sanction of all branches of the Government, and after it has been put in so forcible a light as it was put by the distinguished Representative from Indiana, [Mr. COLFAX,] upon the floor of this House in the discussion upon that occasion. I say I shall not attempt now to show it has not been done, nor will I refuse to accept it as it has been done. I will not say that there are not two States there, but I take the consequences of that legislation, and accept it as the law, and treat Virginia as I do any other State; and therefore I treat this man's right here precisely as I would judge of the right of a gentleman from Massachusetts to a seat here, until we retrace the steps which we took in the last Congress.

I call the previous question.

The previous question was seconded, and the main question ordered to be put.

The SPEAKER. The first question is upon the motion to strike out the word "not" in the following resolution reported by the committee:

Resolved, That B. M. Kitchen is not entitled to a seat in this House as a Representative in the Thirty-Eighth Congress from the seventh congressional district in Virginia.

Mr. SMITH. I call for the yeas and nays on that amendment, and upon the yeas and nays I ask for tellers.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. SMITH. I demand tellers upon the amendment.

Tellers were not ordered.

The amendment was not agreed to.

The question recurring upon the resolution,

Mr. SMITH demanded the yeas and nays.

The yeas and nays were not ordered.

The resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. DAWES. I intended to call up the case of Joseph Segar, claiming a seat here as a Representative from the first congressional district from Virginia, but as I do not see Mr. Segar present I will not call it up now.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice

county, in the State of Minnesota; and an act (H. R. No. 206) in addition to an act for the establishment of certain arsenals; when the Speaker signed the same.

CHARLES B. SHIRLEY.

Mr. A. W. CLARK, by unanimous consent, from the Committee of Accounts, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of this House be directed to pay out of the contingent fund to Charles B. Shirley, for his services as messenger, the sum of $750, the same being for six months' service previous to May 1, 1858, the said Shirley to receive the same in full of his claim for $2,813 88 presented to the Committee of Accounts.

Mr. A. W. CLARK moved to reconsider the vote last taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOOPER. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the bill in regard to the rebellious States reported from the select committee upon that subject by the gentleman from Maryland, [Mr. DAVIS,] and upon which the gentleman from Illinois [Mr. J. C. ALLEN] is entitled to the floor.

Mr. FENTON. I move to postpone the further consideration of that bill until after the consideration of the bank bill.

Mr. PENDLETON. And the tax bill.

The SPEAKER. The tax bill is not yet a special order; it was merely postponed.

Mr. PENDLETON. I wish to suggest to the gentleman that he move to postpone this bill until Tuesday next. This bill in reference to the rebellious States is not important.

Mr. FENTON. I will move then to postpone this subject for a few days.

Mr. HOLMAN. It is possible that the gentleman from Illinois [Mr. J. C. ALLEN] desires to be heard to-day.

Mr. PENDLETON. Oh no, he is not particular about that.

Mr. FENTON. I will move, then, to postpone this subject till a day certain, when, I suppose, it will come up in its regular order.

The SPEAKER. It is now a special order. Does the gentleman from New York accept the suggestion of the gentleman from Ohio [Mr. PENDLETON] that this bill be postponed until both the bank bill and the tax bill are disposed of?

Mr. ASHLEY. I understand that there are a number of gentlemen on this side of the House who desire to have night sessions next week, at which this question can be discussed, and therefore I should be reluctant to allow this measure to be postponed until those other measures are disposed of. I suggest that it be postponed so as to occupy the position in which it now stands.

The SPEAKER. If the bill be postponed it will still occupy its position as a special order.

Mr. BROOKS. What is the proposition now before the House?

The SPEAKER. The bill in reference to the rebellious States is now before the House, being the special order after the morning hour.

Mr. BROOKS. How, then, can it be postponed?

The SPEAKER. By a majority vote of the House.

Mr. BROOKS. But the gentleman's right to the floor cannot be displaced.

Mr. PENDLETON. He is willing to yield.

Mr. J. C. ALLEN. I am perfectly willing to yield; but, at the same time, I am prepared to submit the remarks which I have to make to-day.

The SPEAKER. The effect of the proposed postponement will be that this bill will come up as a special order after the bank bill shall have been disposed of.

Mr. HOLMAN. What would be the effect of postponing this bill without reference to other measures? What other business would come up in order?

Mr. DRIGGS. Business of the Committee on Public Lands is next in order.

The SPEAKER. The bank bill would then come up.

Mr. STEVENS. What would be the effect of postponing this bill without any order on the subject?

The SPEAKER. It would leave the bill in the exact position it is in now.

Mr. BROOKS. What is the proposition before the House?

The SPEAKER. It is that the bill in reference to the rebellious States be passed over.

Mr. BROOKS. I consider the tax bill the most important measure before the House now. The bill in reference to the rebellious States is important also; but the bank bill was killed after ample discussion, and I think it should be the last bill to be brought before the House now.

Mr. WASHBURNE, of Illinois. I hope my friend from New York [Mr. FENTON] will insist on his motion to postpone.

Mr. FENTON. I do insist on it.

The SPEAKER. The tax bill will have to be considered in the Committee of the Whole on the state of the Union. This bill is the special order in the House.

Mr. BROOKS. I object to any change in the special order.

The SPEAKER. The majority of the House can postpone it.

Mr. J. C. ALLEN. To avoid all further controversy, I will proceed with the remarks I have to make.

Mr. FENTON. I appeal to gentlemen to withdraw objection to this bill being passed over informally.

Mr. BROOKS. I have said that in my judgment the most important bill before this House is the tax bill. The "rebel States" is certainly a bill of great importance, more important than the bank bill, besides which the bank bill has been already adjudicated upon by the House. I would prefer, therefore, that the regular order of business should be proceeded with rather than to lay it aside for the purpose of taking up the bank bill. We shall reach that in due time in its regular order.

Mr. STEVENS. I had supposed that the gentleman from Illinois who is entitled to the floor did not wish to proceed with his speech to-day, and that he was willing that the bill should go over until Tuesday, when he will, of course, resume his right to the floor.

Mr. J. C. ALLEN. I said that I was willing to give way for a motion to postpone; but since this controversy has arisen over the question, I believe I would prefer to go on to-day, if it is the pleasure of the House.

The SPEAKER. The Chair will suggest to the gentleman from Illinois that he can ascertain the pleasure of the House without losing his right to the floor, by allowing the motion to be made to postpone.

Mr. J. C. ALLEN. Very well, sir. I will give way to allow the motion to be made, and will let the House determine the matter.

Mr. FENTON. I move then that the bill be postponed until Tuesday next after the morning hour; and on that motion I demand the previous question.

Mr. PENDLETON. I ask the gentleman from New York to allow me to make the motion that this bill be postponed until after the tax bill has been disposed of.

Mr. FENTON. I say to the gentleman from Ohio that I do not feel at liberty to accede to his request without first consulting the mover of the bill.

Mr. HOLMAN. Does the bank bill come up as a matter of course if this matter is postponed?

The SPEAKER. Not unless the House postpones two other bills which take precedence of it.

Mr. PENDLETON. I appeal again to the gentleman from New York to allow me to move to amend his motion so as to postpone this bill until after the tax bill shall have been disposed of.

Mr. FENTON. Upon consulting with the mover of the bill, I find that he prefers to have it postponed until Tuesday. I shall have therefore to decline the request of the gentleman.

The previous question was seconded—ayes 74, noes 38.

Mr. RANDALL, of Pennsylvania, demanded the yeas and nays on ordering the main question.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 72, nays 53; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Driggs, Eckley, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Odell, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Stevens, Thayer, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Windom, and Woodbridge—72.

NAYS—Messrs. James C. Allen, William J. Allen, Baily, Augustus C. Baldwin, Brooks, James S. Brown, Clay, Cravens, Dawson, Deming, Denison, Eden, Eldridge, Finck, Ganson, Grider, Hall, Harding, Herrick, Holman, Hotchkiss, Hutchins, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Long, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Noble, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, James S. Rollins, Ross, John B. Steele, Strouse, Stuart, Sweat, Voorhees, Whaley, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—53.

So the main question was ordered.

The question recurred upon the motion to postpone.

Mr. RANDALL, of Pennsylvania, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 76, nays 46; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Driggs, Dumont, Eckley, Eldridge, Farnsworth, Garfield, Gooch, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Orth, Perham, Pike, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Ross, Shannon, Sloan, Smith, Stevens, Stuart, Thayer, Thomas, Tracy, Upson, Elihu B. Washburne, William B. Washburn, Webster, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—76.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Brooks, James S. Brown, Clay, Coffroth, Dawson, Denison, Eden, Finck, Grider, Harding, Benjamin G. Harris, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Lazear, Long, McDowell, McKinney, James R. Morris, Nelson, Noble, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, James S. Rollins, Scott, John B. Steele, Strouse, Sweat, Voorhees, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—46.

So the bill was postponed until Tuesday next, after the morning hour.

FORT PILLOW DISASTER.

Mr. WILSON. I ask the unanimous consent of the House to introduce a joint resolution for the purpose of action upon it at this time. I presume no member will object.

Several MEMBERS. Read for information.

The joint resolution directing the committee on the conduct of the war to examine into the recent attacks on Fort Pillow was read. It directs the committee on the conduct of the war, or such members as the committee may designate, to proceed at once to Fort Pillow, Tennessee, and examine into the facts and circumstances attending the recent attack and capture of such fort by the rebels; and report to the House with as little delay as possible.

Mr. ELDRIDGE. If the gentleman will provide for a committee to be appointed by the Speaker for that purpose, I am sure there will be no objection.

Mr. WILSON. We have already a committee on the conduct of the war, which I think is sufficient.

There being no objection, the joint resolution was introduced, and read a first and second time.

The joint resolution was ordered to be engrossed, and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

SOUTHERN INDIAN SUPERINTENDENCY.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution:

Resolved, That the order of this House given on the 12th of April instant, to print the accounts of the superintendent and agent of the southern Indian superintendency be, and is hereby, rescinded.

Mr. HOLMAN. What is the reason for that resolution?

Mr. A. W. CLARK. It will cost $1,000, and is an unnecessary expenditure.

The resolution was adopted.

TERRITORIAL PUBLIC BUILDINGS.

The SPEAKER stated the next business in order to be House bill No. 342, making appropriations for public buildings in the Territories of Colorado, Nevada, Dakota, Idaho, Arizona, and Montana, reported from the Committee of the Whole on the state of the Union without amendment.

Mr. RICE, of Maine, moved that the further consideration of the bill be postponed until Wednesday next.

The motion was agreed to.

AMENDMENT OF THE CONSTITUTION.

The SPEAKER stated the next business in order to be joint resolution (H. R. No. 53) amendatory of the Constitution of the United States.

Mr. STEVENS moved that the further consideration of the resolution be postponed for two weeks.

The House divided; and there were—ayes 64, noes 29.

So the motion was agreed to.

Mr. BROOKS moved to reconsider the vote by which the joint resolution was postponed, and on that motion demanded the yeas and nays.

Mr. BALDWIN, of Massachusetts, moved that the motion to reconsider be laid upon the table.

Mr. BROOKS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 70, nays 46; as follows:

YEAS—Messrs. Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Driggs, Dumont, Eckley, Garfield, Gooch, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Shannon, Sloan, Smith, Stevens, Stuart, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Webster, Whaley, Williams, Wilder, Wilson, and Woodbridge—70.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Brooks, James S. Brown, Clay, Coffroth, Cravens, Dawson, Deming, Denison, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Herrick, Holman, Hutchins, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Lazear, McDowell, McKinney, Morrison, Nelson, Noble, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Scott, John B. Steele, Strouse, Voorhees, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—46.

So the motion to reconsider was laid upon the table.

NATIONAL CURRENCY BILL.

The Speaker stated the next business in order to be House bill No. 395, to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof.

Mr. HOLMAN. I ask the Clerk to read the forty-first section of that bill.

The Clerk read, as follows:

SEC. 41. *And be it further enacted*, That the plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the provisions of this act, respecting the procuring of such notes, and all other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties now or hereafter to be assessed on the circulation, and collected from associations organized under this act; and every organization under this act shall pay to the Treasurer of the United States a duty of one per cent. each half year, from and after the 1st day of April, in the year 1864, upon the maximum amount of their circulating notes during the six months; and in default of such payment the Treasurer of the United States is hereby authorized to retain one per cent. of the amount of bonds required to be deposited as security for such circulation at each semi-annual payment of the interest thereon; and such duty and the taxes or duties imposed by Congress from time to time shall be in lieu of all other taxes on such associations: *Provided*, That nothing in this act shall be construed to prevent the market value of the shares in any of the said banking associations, held by any person or body corporate created by State law, being included in the valuation of the aggregate personal property of such person or State corporation in assessing any tax imposed by any State or municipal authority on the aggregate personal estate of all persons subject to the authority of such State or municipality.

Mr. HOLMAN. I make the point of order that that section is in the nature of a tax bill; that it imposes a tax or duty upon certain property, and that under the 110th rule of the House it must have its first consideration in the Committee of the Whole on the state of the Union.

The Clerk read the 110th rule, as follows:

"No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

The SPEAKER. The Chair overrules the point of order, upon the ground, in the first place, that the rule states that it must be "a tax or charge upon the people," and that if the intention had been to include all kinds of taxes and charges the words "upon the people" would not have been used; the next or 111th rule providing that—

"No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance."

The one being a particular and the other a general rule; and in the second place, that this is not a tax, but for the purpose of meeting certain expenses to be incurred for dies, plates, &c. Upon these two grounds the Chair overrules the point of order.

Mr. HOLMAN. In fact there is an appropriation there.

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. It imposes a duty of one per cent.

The SPEAKER. That is not a tax upon the people.

Mr. HOLMAN. With some reluctance I take an appeal from the decision of the Chair.

Mr. KERNAN. Is there any doubt that under that section when this tax is collected it has to be paid out of the Treasury?

The SPEAKER. As this is in regard to priority of business, debate is not in order.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 71, nays 31; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Dawes, Deming, Driggs, Dumont, Eckley, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Orth, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—71.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Brooks, Chanler, Coffroth, Denison, Eden, Eldridge, Grider, Benjamin G. Harris, Herrick, Holman, Kernan, Marcy, McKinney, William H. Miller, Morrison, Nelson, Noble, Odell, Pendleton, Radford, Samuel J. Randall, Robinson, John B. Steele, Strouse, Stuart, Wheeler, Joseph W. White, and Fernando Wood—31.

So the decision of the Chair was sustained.

The SPEAKER. The question is, "Shall the bill be engrossed and read a third time?" and upon that the gentleman from Massachusetts [Mr. HOOPER] is entitled to the floor.

Mr. FERNANDO WOOD. I rise to a question of order. It is that as the first section of the bill provides for the creation of new machinery, and the appointment of additional clerks to be paid out of the Treasury, and not by the associations, under the 112th rule the bill must go to the Committee of the Whole on the state of the Union.

The SPEAKER. The almost daily usage of the House is not to consider a bill an appropriation bill when the money to be paid out depends upon another appropriation bill to be passed by the House. All clerks in all the Departments are paid out of money appropriated by the legislative, executive, and judicial appropriation bill, and appropriation bills for the various Departments reported from time to time from the Committee of Ways and Means.

Mr. FERNANDO WOOD. I desire to submit to the Speaker that a bill creating new officers and fixing their salaries necessarily involves the necessity of an appropriation of money, and hence clearly comes within the 112th rule.

The SPEAKER. The Chair will state that the usage, which he did not create, but which all previous Congresses have created and followed, is to the following effect: that when a pension bill is presented, declaring that a widow shall be placed upon the pension rolls to receive eight dollars a month, it has been decided repeatedly, without a single break in the chain, that it is not an appropriation bill, although the Government is bound to pay the pension. If the gentleman will show any section of this bill which provides that this money shall be paid out of any money in the Treasury not otherwise appropriated, the Chair will sustain his point of order.

Mr. HOLMAN. Will the Chair allow me to present an answer to the question which has been put?

The SPEAKER. That can only be done by unanimous consent.

Mr. PRICE objected.

Mr. FERNANDO WOOD. Differing from the Speaker, I very reluctantly take an appeal from that decision.

The SPEAKER. Will the gentleman state his precise point, as the ground of appeal has to be entered on the Journal?

Mr. FERNANDO WOOD. It is that a bill creating new offices which involves the necessity of an appropriation of the public money, must, under the 112th rule, go to the Committee of the Whole on the state of the Union before it can be considered.

The SPEAKER. The Chair overrules the point of order, upon the ground that by the uniform and unbroken usage of the House, as shown by the instances he has given and many others, the section alluded to by the gentleman from New York is not a section of an appropriation bill, and does not require consideration in a Committee of the Whole.

Mr. WASHBURNE, of Illinois. As that is evidently a frivolous point of order, I move to lay the appeal on the table.

Mr. RANDALL, of Pennsylvania. I call the yeas and nays upon that motion.

The yeas and nays were ordered.

The SPEAKER. The Chair would state that he would prefer to have the vote taken directly upon the appeal.

Mr. WASHBURNE, of Illinois. I will then withdraw my motion.

Mr. COFFROTH. I object.

The SPEAKER. The gentleman has a right to withdraw it.

Mr. BROOKS. Can it be done after the yeas and nays have been ordered?

The SPEAKER. It can.

Mr. FERNANDO WOOD. I demand the yeas and nays upon the appeal.

The yeas and nays were ordered.

The SPEAKER. The question is, "Shall the decision of the Chair stand as the judgment of the House?"

The question was put; and it was decided in the affirmative—yeas 84, nays 9; as follows:

YEAS—Messrs. Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Dawson, Driggs, Dumont, Eckley, Eldridge, Farnsworth, Frank, Garfield, Gooch, Grinnell, Harrington, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hutchins, Jenckes, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, James R. Morris, Morrison, Amos Myers, Noble, Charles O'Neill, Orth, Patterson, Perham, Pike, Price, Pruyn, Radford, William H. Randall, John H. Rice, Robinson, Edward H. Rollins, Shannon, Sloan, Smith, Stevens, Strouse, Stuart, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, Webster, Williams, Wilder, Wilson, Windom, and Woodbridge—84.

NAYS—Messrs. William J. Allen, Chanler, Coffroth, Denison, Eden, Herrick, Samuel J. Randall, Wheeler, and Fernando Wood—9.

So the decision of the Chair was sustained.

Mr. HOLMAN. I raise a point of order on the forty-seventh section of the bill, which is to be found upon page 39.

Mr. BROWN, of Wisconsin. I ask leave of absence from the House for ten days from Monday next.

No objection being made, the leave of absence was granted.

Mr. HOLMAN. My point of order is, that this forty-seventh section makes an appropriation in money, and in the following language:

"Thereupon, the Comptroller shall give notice, in such manner as the Secretary of the Treasury shall by general rule or otherwise direct, to the holders of the circulating notes of such associations, to present them for payment to the Treasury of the United States, and the same shall be paid as presented in the lawful money of the United States," &c.

I submit, in the first place, that that clause

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. TUESDAY, APRIL 19, 1864. NEW SERIES.....No. 106.

makes an appropriation of all the money that may become necessary; and, in the second place, that if it provides for the payment of money into the Treasury, it also provides for the taking out of money, in liquidation of each of these claims, and that brings this clause within the rule laid down in the Illinois canal case.

Mr. WASHBURNE, of Illinois. I suggest to the gentleman from Indiana that instead of raising these points of order he resort to the ordinary filibustering motions for the purpose of impeding the legislation of Congress.

The SPEAKER. The question is not debatable. The Chair overrules the point of order raised by the gentleman from Indiana upon the precedent established by the Thirty-Second Congress, that when a point of order has been made, and the decision of the Chair sustained on appeal, it cannot be renewed even upon the suggestion of additional reasons.

Mr. HOLMAN. But this point of order relates to a different section of the bill.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] rose and made the point of order that this bill made an appropriation, and that, therefore, it must have its first consideration in Committee of the Whole on the state of the Union, and he stated, in support of his point of order, that the forty-first section of the bill created a tax upon the people.

That point of order was overruled by the Chair. The gentleman from Indiana appealed from that decision, and the House confirmed the decision of the Chair as its judgment.

The gentleman makes another point of order founded on another section of the bill. The Chair refers gentlemen to page 16 of Barclay's Digest, which has been adopted as the authority here, on which they will find these words:

"A question of order just decided on appeal cannot be renewed upon the suggestion of additional reasons."

Mr. HOLMAN. The present point of order refers to a different section of the bill.

The SPEAKER. If questions of order were permissible on different sections of the bill appeals might be multiplied a hundred times, and the House could never get to a vote on any bill. The Chair, in order not to cripple the right of appeal, has permitted two questions of order to be made, and in each instance the decision of the Chair has been sustained by the House. A gentleman cannot under the rules of the House renew the same point of order upon the suggestion of additional reasons. That was the decision made by Linn Boyd, of Kentucky, when Speaker of this House, and the Chair now affirms it.

Mr. HOLMAN. I appeal from that decision of the Chair.

The question was taken on the appeal, and there were—ayes 61, noes 16; no quorum voting.

Tellers were ordered; and Messrs. HOLMAN and ORTH were appointed.

The House divided; and the tellers reported—ayes 78, noes 22.

So the decision of the Chair was sustained as the judgment of the House.

Mr. STILES. I move that the House do now adjourn.

The SPEAKER. The Chair doubts whether that motion is in order, as the gentleman from Massachusetts [Mr. HOOPER] is on the floor, and was only deprived of it by a point of order. That point of order being disposed of, he is entitled to the floor for one hour. The Chair decides that unless the gentleman from Massachusetts yields the floor a motion to adjourn is not in order.

Mr. RANDALL, of Pennsylvania. Did not the Chair recognize my colleague, [Mr. STILES?]

The SPEAKER. The Chair supposed the gentleman [Mr. STILES] was rising to a point of order. But the gentleman from Massachusetts is entitled to the floor for one hour, unless there be a point of order made on the bill or on his remarks.

Mr. HOOPER. Mr. Speaker, the amendments in this bill, or the changes in the bill from that acted on by the House on a former occasion, are principally in that section which was referred to by the gentleman from Indiana [Mr. HOLMAN] with respect to taxation. That is the only material change, although there have been some verbal changes in other sections of the bill. That section allows the State to tax the property of individuals invested in the bank upon those individuals, but not to tax the bank itself. I notice that on the 6th page there is a verbal error, the word "and" being printed instead of the word "or." I should like to have the correction made.

The SPEAKER. It is customary when a bill has been misprinted to allow the correction to be made.

Mr. BROOKS. I comprehend that; but if we are to be held rigidly to the rules our only safety is in objecting.

Mr. HOOPER. I withdraw the proposition. It is of no material consequence.

Mr. WASHBURNE, of Illinois. I ask the gentleman from Massachusetts to make an amendment on page 7, line twenty-six, by striking out the two words "real and." The bill as it now reads provides that banks shall carry on business by loaning money on real and personal security. I propose to strike out the words "real and." It is a vicious principle of banking, and it is one which I could not sanction in the former bill.

Mr. HOOPER. I am perfectly willing to have that amendment agreed to.

The SPEAKER. It can only be done by a motion to amend.

Mr. HOOPER. Then I move to amend by striking out the words "real and;" so that it will read, "by loaning money on personal security." I believe that amendment was also suggested by a gentleman on the other side. I now move the previous question on the bill and amendment, as I know of no other amendments to be offered.

Mr. WILSON. I ask the gentleman from Massachusetts to yield to me.

Mr. HOOPER. I yield to the gentleman from Iowa.

Mr. ELDRIDGE. I object, unless the gentleman yields unconditionally.

Mr. WILSON. I hope the gentleman from Wisconsin will hear the statement I desire to make. I state to the gentleman from Wisconsin that if he persist in his objection, I shall object to all other amendments. I wish to make these bills redeemable in New York.

Mr. ELDRIDGE. I withdraw my objection for the purpose of hearing the statement of the gentleman from Iowa.

Mr. WILSON. I desire to offer an amendment to the thirty-first section, by striking out all of the places named as depositories, except Philadelphia, Boston, and New York. I should prefer to have it New York alone; but I am willing to compromise.

The SPEAKER. The amendment is not in order at this time.

Mr. HOOPER. I object.

Mr. WILSON. Then I give notice that I will object to the gentleman yielding to any one.

Mr. KERNAN. I desire to ask the Chair whether we are not entitled to have the bill read through.

The SPEAKER. Certainly. The gentleman from Indiana [Mr. HOLMAN] has demanded that.

Mr. KERNAN. Is it necessary to give notice of amendments that members may desire to offer?

The SPEAKER. Amendments are not in order pending the demand for the previous question.

Mr. KERNAN. I desire to offer an amendment.

The SPEAKER. It can only be done by unanimous consent.

Mr. WILSON. If we cannot all have a chance of offering amendments, I object to any one doing so.

Mr. GANSON. I should like to ask a question of the gentleman from Massachusetts. I desire to know whether Buffalo was left out intentionally or by accident as a place of depository?

Mr. HOOPER. It was complained of in the other bill that Buffalo was put in as a joke.

Mr. GANSON. I propose to have two jokes made in the same case.

Mr. HOOPER. I must insist on the previous question.

Mr. FENTON. I ask the gentleman to allow me to put a question to him.

Mr. HOOPER. I will hear the question of the gentleman.

Mr. FENTON. Upon consultation with several of my colleagues on the Committee of Ways and Means, I desire to move to amend the forty-first section.

Mr. ELDRIDGE. Does the gentleman yield to the gentleman from New York unconditionally?

The SPEAKER. He does not.

Mr. ELDRIDGE. Well, sir, as the gentleman from Iowa [Mr. WILSON] insists that he shall not yield unless he yields unconditionally, I insist that the gentleman from Massachusetts shall conform to that rule.

Mr. WILSON. That is right; let it be enforced on both sides.

The SPEAKER. The bill will now be read at length.

The Clerk commenced to read the bill.

Mr. BROOKS. I rise to inquire whether there is not a misprint in the first section. The substitute for the original bill as reported by the chairman of the Committee of Ways and Means left out the words "on the recommendation of the Secretary of the Treasury;" so that the clause would read, "he shall be appointed by the President, by and with the advice and consent of the Senate."

As the bill now reads, the President is obliged to appoint the Comptroller recommended by the Secretary of the Treasury. I wish, therefore, to ask if the insertion of these words, "on the recommendation of the Secretary of the Treasury," is not a misprint?

The SPEAKER. As the gentleman from Massachusetts does not answer, the Chair infers, inasmuch as this is an original bill, that it is not a misprint.

Mr. GRINNELL. I move that the further reading of the bill be dispensed with.

The SPEAKER. That can only be done by unanimous consent.

Mr. BROOKS objected.

The Clerk again proceeded with the reading of the bill down to the forty-first section.

Mr. FENTON. I now desire the consent of the gentleman from Massachusetts and of the House to indicate the amendment which I have to offer to this bill.

Mr. WILSON. I object, unless I can have the opportunity to introduce my amendment.

The SPEAKER. The Chair will state to the gentleman from New York that there is one amendment pending to the bill, to strike out the words "real and," and that no amendment would be in order to the bill unless pertinent to the amendment pending.

Mr. FENTON. I merely desire to indicate, by having it read at the Clerk's desk, the amendment which I shall, if the gentleman from Massachusetts should give me the opportunity, or if the previous question should not be seconded, offer to the bill. The amendment applies to the forty-first section, which the Clerk is now reading.

The SPEAKER. Is there objection to the amendment proposed by the gentleman from New York being read at the Clerk's desk?

Mr. J. C. ALLEN. I object.

Mr. KALBFLEISCH. I ask the consent of the House to have the further reading of the bill dispensed with.

Mr. RANDALL, of Pennsylvania, objected.

The Clerk then resumed and concluded the reading of the bill.

Mr. FENTON. I again ask the gentleman from Massachusetts to yield to me to allow me to indicate the amendment I desire to offer to the bill.

Mr. HOOPER. I have no objection to the amendment being read for information

Mr. J. C. ALLEN. I object to any amendment being offered to the bill.

Mr. FENTON. Does the gentleman object to having the amendment I propose read?

Mr. J. C. ALLEN. The objection came from that side of the House to any amendment being offered or read, and I propose to assist him in enforcing his objection.

The SPEAKER. The question will then be upon seconding the demand for the previous question.

Upon a division of the House, 54 voted in the affirmative, and 65 in the negative.

Mr. HOOPER called for tellers.

Tellers were ordered; and Messrs. HOOPER and BROOKS were appointed.

The House again divided; and the tellers reported—ayes 55, noes 70.

So the previous question was not seconded.

Mr. FENTON. What is the pending question?

The SPEAKER. The pending question is on the motion of the gentleman from Massachusetts to amend the bill by striking out the words "real and," at the suggestion of the gentleman from Illinois.

Mr. FENTON. Upon that amendment I demand the previous question.

Mr. BROOKS. I move that the House adjourn.

The motion was disagreed to—ayes 55, noes 69.

Mr. WEBSTER. I desire to know whether it would be in order if the amendment is adopted to go back to the first section?

The SPEAKER. The whole bill is open to amendment. The bill is not taken up by sections as in Committee of the Whole; but when an amendment is offered, no proposition can be entertained as an amendment to the amendment, unless it is pertinent to that amendment.

The previous question was seconded, and the main question ordered to be put.

The amendment was adopted.

Mr. FENTON. I now, Mr. Speaker, offer the following amendment to the forty-first section.

Mr. WILSON. I desire to offer an amendment to the bill before we reach that section.

The SPEAKER. The gentleman from New York is upon the floor, and is entitled to offer his amendment.

Mr. FENTON moved to amend in the forty-first section by striking out all after the word "act," in the ninth line, to the end of the section, as follows:

And every organization under this act shall pay to the Treasurer of the United States a duty of one per cent. each half year, from and after the 1st day of April, in the year 1864, upon the maximum amount of their circulating notes during the six months; and in default of such payment the Treasurer of the United States is hereby authorized to retain one per cent. of the amount of bonds required to be deposited as security for such circulation at each semi-annual payment of the interest thereon; and such duty and the taxes or duties imposed by Congress from time to time shall be in lieu of all other taxes on such associations: *Provided*, That nothing in this act shall be construed to prevent the market value of the shares in any of the said banking associations, held by any person or body corporate created by State law, being included in the valuation of the aggregate personal property of such person or State corporation in assessing any tax imposed by any State or municipal authority on the aggregate personal estate of all persons subject to the authority of such State or municipality.

And by inserting in its place as follows:

And that nothing in this act shall be construed to prevent the taxation by States of the capital stock of banks organized under this act, the same as the property of other moneyed corporations for State or municipal purposes; but no State shall impose any tax upon such associations or their capital, circulation, dividends, or business, at a higher rate of taxation than shall be imposed by such State upon the same amount of moneyed capital in the hands of individual citizens of such State: *Provided*, That no State tax shall be imposed on any part of the capital stock of such association invested in the bonds of the United States, deposited as security for its circulation.

Mr. FENTON. Upon that amendment I demand the previous question.

Mr. PRUYN. Mr. Speaker, I ask to amend the amendment by striking out the proviso.

Mr. FENTON. I prefer to take the sense of the House on the proposition as it is.

Mr. PRUYN. Have I not a right to divide the proposition?

The SPEAKER. Not an amendment.

Mr. BROOKS. There is confusion among members on this side of the House in reference to the proviso which is attached to the amendment; and in reference to a matter of so much importance I call upon the gentleman to make some verbal explanation of it.

And while I am upon the floor I will say that the resistance made to this bill is not a blind resistance. We comprehend the law on the subject as it now stands; and if a committee representing the majority of this House can be raised to better that law, we shall have no objection. The House has decided against the original bill, and it seems impossible to perfect any bill in the way in which we are now advancing. I would suggest to the gentleman from New York, [Mr. FENTON,] who seems to have the bill in charge, the propriety of giving us further time and some committee that will represent the majority of the House. At any rate, what I now ask is some verbal explanation of the amendment.

Mr. FENTON. I have only to say that the amendment was drawn after consultation with many of the opponents of the forty-first section of the bill as proposed. It was thought after considerable consultation that this would meet the objections on the other side.

The only reason for the introduction of the proviso to the amendment was this, that the friends of the measure thought it was important to hold out inducements to the banking associations now doing business under State authority to change over to the national banking system. The amendment offers an inducement to all individuals and banking associations who have their capital invested in State banks to change over to the national system.

Mr. GANSON. I desire to ask my colleague a question.

Mr. FENTON. I will yield to an inquiry only.

Mr. GANSON. Is it the intention of the amendment to subject these banks to State taxation?

Mr. FENTON. It is.

Mr. GANSON. I think that the amendment does not secure that object.

Mr. FENTON. I cannot stop at this late hour of the day to argue the question. The intention was to do it.

Mr. RANDALL, of Pennsylvania. I rise to a question of order. If the amendment of the gentleman from New York be voted down, will it then be in order for me to move the same amendment without the proviso?

The SPEAKER. It will, if the gentleman gets the floor.

Mr. WASHBURNE, of Illinois. I understand that gentlemen on the other side are in favor of the object of the amendment, but do not think that it accomplishes that object. I ask that it be again read.

The amendment was again read.

Mr. PRUYN. I should like in reference to my State to make an explanation to this House which I consider important.

Objection was made.

Mr. STEVENS. Let me ask a question. I want to understand this matter. If I understand it rightly it allows a man in New York, or any other State, to send his capital and establish a bank in the State of Pennsylvania, and allows that State to tax his whole capital and the State of New York to tax it again. Is that the effect of it?

Mr. FENTON. There is no intention to tax it more than once.

Mr. DAVIS, of Maryland. If we are to have debate, I also want to be heard.

The SPEAKER. This debate has been indulged in by unanimous consent.

Mr. FENTON. I must now insist upon the demand for the previous question, and I cannot yield any further.

The previous question was seconded, and the main question ordered to be put.

Mr. BROOKS. I rise to a point of order. I wish, rather, to make an inquiry of the Chair.

The SPEAKER. That cannot be done after the previous question is ordered.

Mr. BROOKS. Then I call for the yeas and nays upon agreeing to the amendment offered by my colleague, [Mr. FENTON.]

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 70, nays 69; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Clay, Cobb, Cole, Dawes, Driggs, Dumont, Eckley, Farnsworth, Fenton, Frank, Gooch, Grinnell, Higby, Hooper, Hotchkiss, John H. Hubbard, Jenckes, Julian, Kasson, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Wilder, Wilson, Windom, and Woodbridge—70.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Brooks, James S. Brown, Chanler, Cravens, Creswell, Henry Winter Davis, Dawson, Eden, Eldridge, Finck, Ganson, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Asahel W. Hubbard, Hutchins, William Johnson, Kalbfleisch, Kelley, Kernan, King, Knapp, Law, Lazear, Long, Marcy, McBride, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, James S. Rollins, Ross, Scott, John B. Steele, Stronse, Stuart, Thayer, Thomas, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, and Fernando Wood—60.

So the amendment was agreed to.

Mr. HOOPER demanded the previous question upon the third reading of the bill.

Mr. HOLMAN demanded tellers upon seconding the demand for the previous question.

Tellers were ordered; and Mr. FENTON and Mr. DAWSON were appointed.

The House divided; and the tellers reported—ayes 68, noes 58.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. CRAVENS moved that the House adjourn.

Mr. HARRINGTON demanded the yeas and nays on the motion.

The yeas and nays were not ordered.

The motion to adjourn was not agreed to.

The bill was then ordered to be engrossed and read a third time.

Mr. HOLMAN. I call for the reading of the engrossed bill.

The SPEAKER. The bill has not been engrossed.

Mr. HOLMAN. Then I object to its being read a third time.

Mr. WASHBURNE, of Illinois. If the House should now adjourn, in what situation would it leave the bill?

The SPEAKER. It will come up as the first business in order after the morning hour on Monday.

Mr. HOOPER. Then I move that the House adjourn.

The motion was agreed to; and the House accordingly (at five o'clock and thirty minutes, p. m.,) adjourned.

IN SENATE.

MONDAY, *April* 18, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Saturday last was read and approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT signed the following enrolled bills, which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (H. R. No. 206) in addition to an act for the establishment of certain arsenals; and

A bill (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county, in the State of Minnesota.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented a memorial of the Osage and Syracuse Railroad Company, a memorial of the New York Central Railroad Company, and a memorial of the Troy and Boston Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. DOOLITTLE presented a petition of citizens of Wisconsin, praying that a duty of ten cents per pound may be levied upon all wool of foreign production imported into the United States; which was referred to the Committee on Finance.

Mr. CLARK presented a memorial of Gales & Seaton, praying for compensation for binding, &c., of four volumes of Surveys for the Improvement of Rivers and Harbors, Roads and Canals, and for printing in part of a collection of documentary history of the seat of the General Government; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HENDRICKS presented a memorial of the Indianapolis and Madison Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented the memorial of W. E. Morgan, second lieutenant first District of Columbia volunteers, praying that he may be allowed pay from the 31st of May, 1863, to the 11th of September, 1863, during which time he alleges he was held waiting the settlement of his accounts as acting assistant quartermaster; which was referred to the Committee on Claims.

Mr. SUMNER presented a petition of men and women of Rochester, New York, praying that Congress "will pass, at the earliest practicable day, an act emancipating all persons of African descent held to involuntary service or labor in the United States;" which was referred to the select committee on slavery and freedmen.

Mr. SUMNER. I beg leave to present a petition from women of Maine, asking that Congress will initiate all needful measures to insure the early amendment of the Constitution of the United States whereby slavery shall be absolutely abolished. As that subject has already been acted upon by the Senate, I move that the petition lie upon the table.

The motion was agreed to.

Mr. HOWE presented a memorial of the Chicago and Northwestern Railway Company, remonstrating against the extension of the patent of Charles Goodyear for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a petition of citizens of Wisconsin, praying that a duty of not less than ten cents per pound may be imposed upon all wool of foreign production imported into the United States; which was referred to the Committee on Finance.

Mr. ANTHONY presented a petition of officers of the Providence and Worcester Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. TRUMBULL presented a memorial of the Great Western Railroad Company of Illinois, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. WILSON presented a memorial of the Boston Board of Trade, praying for the construction of a ship canal around the falls of Niagara; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a memorial of the Cincinnati, Hamilton, and Dayton Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a petition of citizens of Ohio, praying for such an amendment of the Constitution as will forever prohibit slavery in the United States; which was ordered to lie on the table.

Mr. MORGAN presented a memorial of the Utica and Black River Railroad Company, and a memorial of the Rome, Watertown, and Ogdensburg Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. TEN EYCK presented additional papers in relation to the petition of Jonathan Ball for an extension of his patent for lining wrought-iron pipe with hydraulic cement; which were referred to the Committee on Patents and the Patent Office.

Mr. POWELL presented a memorial of the Kentucky Central Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM COMMITTEES.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a letter from the Secretary of the Interior communicating papers in relation to providing the means of subsistence for the Navajo Indians of New Mexico upon a reservation at the Bosque Redondo on the Pecos river, reported in favor of printing the same.

The report was agreed to.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred the petition of William L. Church, of Iowa, praying to be indemnified for property destroyed by the Sioux Indians at Spirit Lake, in March, 1857, reported adversely thereon.

Mr. DOOLITTLE. The Committee on Indian Affairs, to whom was referred a letter of the Secretary of the Interior, transmitting the accounts of the southern superintendency, have instructed me to report the same back, and to ask to be discharged from their further consideration, and that they go upon the files in the office of the Secretary of the Senate. There is a large number of papers, and we thought under the circumstances that it was probably not best to be at the expense of printing them.

The report was agreed to.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred a bill (H. R. No. 198) making appropriations for the support of the Army for the year ending the 30th June, 1865, reported it with amendments.

BILLS INTRODUCED.

Mr. McDOUGALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 238) to ascertain and settle certain private land claims in the State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILKINSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 239) to grant aid for the construction of certain railroads in Minnesota; which was read twice by its title, and referred to the Committee on Public Lands.

GEORGETOWN WATER TAX.

Mr. GRIMES. I move that the Senate now proceed to the consideration of Senate bill No. 129.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 129) to amend an act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water tax, and for other purposes," approved May 21, 1862. It provides that in all cases in which an original town lot in Georgetown, in the District of Columbia, entirely owned by the same person or persons, or any subdivision of an original lot separately owned, shall be situated at the intersection of two streets, so as to bind or front on both, and in which both fronts would be liable to the front-foot tax authorized by the act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water tax, and for other purposes, approved May 21, 1862, the front-foot tax shall not be levied upon more than seventy-five feet of the two fronts of the lot or part of lot; and all beyond that number of feet shall be exempt therefrom; but for the purpose of avoiding inequality and hardship in laying the tax, it is to be lawful for the corporation of Georgetown, in such cases, to make such further exemptions from the front-foot tax, either by general laws or in individual cases, as to them may seem just and proper. The second section proposes to repeal the third section of the act of May 21, 1862.

Mr. GRIMES. I desire to offer the following amendment as an additional section, to come in as section two between the two sections of the bill:

SEC. 2. *And be it further enacted*, That it shall be lawful for said corporation of Georgetown in their discretion, instead of the front-foot tax aforesaid, to lay and collect annually a general special tax not to exceed one fifth of one per cent. per annum on all the assessable property in said town, for the purpose of defraying the cost of distributing water through the said town from the main or pipes of the Washington aqueduct, which tax shall be exclusively appropriated to the said object, shall be collected in the same manner as the general tax of said town, and shall cease whenever the cost of said distribution shall have been fully paid: *Provided*, That all persons liable to pay said tax shall be credited on account of the same with all sums heretofore paid by them on account of said water front tax levied in pursuance of the act to which this is an amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RAILROADS IN KANSAS.

On motion of Mr. LANE, of Kansas, the bill (S. No. 233) making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines, was read the second time, and considered as in Committee of the Whole.

It proposes to grant to the State of Kansas, to aid in the construction of a railroad and telegraph line from Emporia, via Council Grove, to a point near Fort Riley, on the branch Union Pacific railroad, in that State, every alternate section of land designated by odd numbers for ten sections in width on each side of the road, subject to all the provisions, restrictions, limitations, and conditions, in regard to selection and location of lands and otherwise, of the act of March 3, 1863, entitled "An act for a grant of lands to the State of Kansas, in alternate sections, to aid in the construction of certain railroads and telegraphs in said State." It also provides that the branch railroad and telegraph from "Lawrence, by the valley of the Wakarusa river, to a point on the Atchison, Topeka, and Santa Fé railroad, where said road intersects the Neosho river," to aid in the construction of which a grant of lands was made by the act of March 3, 1863, shall be so changed as to run from Lawrence to Emporia, and have and receive the grant of lands made by that act.

The VICE PRESIDENT. There is with the papers a proposed amendment submitted by the Senator from Kansas. Does the Senator intend to offer it?

Mr. LANE, of Kansas. I offer the first part of it.

The VICE PRESIDENT. The amendment is to add at the end of section two certain words, which will be read.

The Secretary read the words to be inserted, as follows:

Provided, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage river, to the southern line of the State in the direction of Galveston bay, shall run via Baldwin City: *And provided*, That the Neosho Valley railroad and telegraph shall run via Leroy, Burlington, and Ottumwa: *And provided further*, That the Atchison and Topeka railroad and telegraph shall terminate at Council Grove, and the Santa Fé railroad and telegraph to commence at a point on the Neosho Valley railroad, between Emporia and Council Grove, or from either of those points, to be determined by actual survey.

Mr. POMEROY. I trust my colleague will modify his amendment so far as to strike out the last proviso. I think, on reflection, he will not agree to press that portion of the amendment, as it breaks a through line into two or three pieces, and will delay the construction of the road.

Mr. LANE, of Kansas. Let the vote be taken on the first portion of the amendment.

Mr. HENDRICKS. It seems to me that such material alterations of a bill reported by the Committee on Public Lands ought to be sent to that committee for consideration. I would not make this suggestion except for the fact that the chairman of the committee is not in his seat.

Mr. LANE, of Kansas. So far as the first portion of the amendment is concerned, I spoke to the chairman of the Committee on Public Lands in regard to it, and he consented to it. It simply makes points on the line of the road, not lengthening it or shortening it in anywise. Baldwin City is on the Galveston Bay road, and Leroy, Burlington, and Ottumwa are on the Neosho Valley road in the valley, and the road passes through them necessarily. We have had a little experience in our State on this subject, I will say to the Senator from Indiana. Railroad companies have undertaken to insist upon counties paying one or two or three hundred thousand dollars in bonds to have the road go through counties where it was expected to go by the bill.

This is merely to guard those places against such assaults. I repeat that I had the consent of the Senator from Iowa, the chairman of the Committee on Public Lands, to the first portion of the amendment which I have stated, and I propose now merely to take the question on that.

Mr. HENDRICKS. I shall not interpose a motion myself if the Senator from Kansas is willing to risk a vote on his bill without any report from a committee upon it. These are very radical changes in the bill controlling the route proposed.

Mr. POMEROY. The Senate, I believe, have no objections to the amendments to the original

law that were agreed upon in the committee. Being upon the Committee on Public Lands, I saw those amendments and approved of them, and I think there is no question in regard to the amendments so far as they were reported by the committee. The first portion of the amendment which has been presented to the Senate by my colleague has no practical importance except to make the road run by certain towns; it does not change the line of the road and does not lengthen it and does not shorten it that I know of. There may be some importance, I think there is, in running by the towns when they are in the line of a road; but the idea of making a railroad run out of its direction for the sake of hitting a town would not promote the public interests. I have certainly no objection to the points named being fixed, especially those that are on the line of the road; but the through lines of road should be preserved. The interests of almost any railroad would be injured if it were cut up and divided into various sections. It is necessary for the parties who have to construct the through line, if they get any lands, to get them on the further end of the road, and those lands are necessary to construct the near end, and for that reason we want the whole line in one consolidated interest; otherwise the road cannot be built. The last proviso in the amendment of my colleague I think would be very fatal to the interests of the bill. The other provisions of this amendment are not material, because they only name certain towns on the lines of road where it seems desirable that the roads should go. There is certainly nothing against the public interests in naming those towns, though the Committee on Public Lands in considering the bill thought there was no public importance in naming them.

Mr. LANE, of Kansas. The town in which I live, Lawrence, is on the Kansas Valley road. The road located the line two miles and a quarter from the town, and asked of Lawrence $300,000 to run to that place, and I have named these towns in obedience to that public sentiment which has been produced in that way. Neosho Falls is three miles out of the line of the road. I propose to strike out Neosho Falls and leave Baldwin City, Leroy, Burlington, and Ottumwa, which are on the direct line of the road. I hope the Senate will agree to my amendment. As to the third proposition in relation to the Santa Fé road, as that road starts at the town where my colleague lives, and he is more directly interested in it and has a better knowledge of it than I have, I do not propose to insist upon it, but to be governed by his suggestions.

Mr. MORRILL. This bill is a matter of some consequence, I suppose, to that locality, and it may be of some consequence to the country at large; but it is laid upon our tables this morning for the first time, and of course there has been no opportunity for an examination of the question. Besides, there is an important amendment proposed which should have the approbation of the Committee on Public Lands. The chairman of that committee is not in his seat this morning. I did not suppose that the bill would be brought up this morning; and I suggest that it would be better to let it pass over until Senators can have an opportunity to examine it, and until such time, moreover, as the Senator from Iowa, [Mr. HARLAN,] the chairman of the Committee on Public Lands, may be in his seat. I do not like to make any motion in regard to it.

Mr. LANE, of Kansas. The Senator from Maine is certainly mistaken about the importance of this bill so far as the Government is concerned. It extends one line of road twenty miles, and shortens another line of road about twelve miles. That is the importance of it to the Government.

Mr. MORRILL. I did not speak with reference to the Government interests. I hardly know that there is any presumption in favor of a general interest in it. The chairman of the Committee on Public Lands, the Senator from Iowa, is not now in his seat, and it will hardly be presumed that a bill of this kind, especially with such amendments to it, can be passed in the Senate at once in his absence. I suggest therefore to the Senator from Kansas to allow the bill to go over for the present. I do not like to make a motion in regard to it.

Mr. LANE, of Kansas. The Senator from Iowa has gone home, and he left this bill in charge of the Senator from Oregon, [Mr. HARDING,] who is in his seat, or was in his seat a moment since when I called up the bill. I am very anxious to have it passed. It is a matter of local interest to my State. My colleague and myself agree as to its terms; and I think under these circumstances the Senate will consent to pass it.

Mr. MORRILL. Has anybody else any interest in this question?

Mr. LANE, of Kansas. I have said to the Senator from Maine that the Senator from Iowa consented to these two amendments.

Mr. COLLAMER. I am free to acknowledge that in relation to much of the business done in the Senate I am compelled in a great measure to rely upon the action of our committees; nor do I think that is peculiar to myself; and inasmuch as that is the case, especially in relation to a subject of this kind, I desire that the chairman of our Committee on Public Lands, who agreed to the bill, shall be present. I desire to know his views about it. I think as a mere matter of courtesy to him that the honorable Senator ought not to press it now.

Mr. POMEROY. I move that the bill be laid aside until the chairman of the Committee on Public Lands comes in.

The VICE PRESIDENT. The Senator from Kansas moves that the further consideration of this bill be postponed until to-morrow.

The motion was agreed to.

WARREN W. GREEN.

Mr. CLARK. I move that the Senate postpone all prior orders and proceed to the consideration of the bill (S. No. 217) for the relief of Warren W. Green, a little bill reported from the Committee on Finance.

Mr. TRUMBULL. I hope the Senator from New Hampshire will allow me to take up a bill relating to the District of Columbia. It is a public bill, and I will state to him in a word why I wish to have it taken up and acted upon this morning. I do not suppose it will take any time. There is some controversy in the District as to whether the marshal or warden shall perform certain duties. This bill will, I think, relieve that embarrassment, and it is desirable in view of what is transpiring in the District that it should be acted upon at once. I do not think it will take any time.

Mr. CLARK. This bill will not take three minutes.

Mr. TRUMBULL. I have made my statement, and if the Senator chooses to proceed with his bill very well.

Mr. CLARK. If the Senator does not think it better in the order of business to let it come up now, I will yield to him.

Mr. TRUMBULL. I will not interfere with the Senator in his motion.

Mr. CLARK. We can dispose of it in a moment.

The motion was agreed to; and the bill (S. No. 217) for the relief of Warren W. Green was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Warren W. Green the sum of $47 79, being for his services on the Fort Kearney and Honey Lake wagon road, in the year 1857.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF CONVICTS.

Mr. TRUMBULL. I move that the Senate now proceed to the consideration of Senate bill No. 172.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 172) concerning the disposition of convicts in the courts of the United States, for the subsisting of persons confined in jails charged with violating the laws of the United States, and for diminishing the expenses in relation thereto.

Mr. TRUMBULL. The Committee on the Judiciary have reported a substitute for the bill; and unless some Senator desires it, I will ask that the Secretary read the substitute only.

The VICE PRESIDENT. If there be no objection that course will be pursued.

The Secretary read the amendment reported from the Committee on the Judiciary, to strike out all of the original bill after the enacting clause, and to insert in lieu thereof:

That all persons who have been, or who may hereafter be, convicted of crime by any court of the United States—not military—the punishment whereof shall be imprisonment, in a district or Territory where, at the time of such conviction, there may be no penitentiary or other prison suitable for the confinement of convicts of the United States, and available therefor, shall be confined during the term for which they have been or may be sentenced, in some suitable prison in a convenient State or Territory to be designated by the Secretary of the Interior, and shall be transported and delivered to the warden or keeper of the prison by the marshal of the district or Territory where such conviction shall have occurred, or if such conviction be had in the District of Columbia, then and in such case the transportation and delivery shall be by the warden of the jail of said District; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal or the warden of the jail in the District of Columbia, only, to be paid by the Secretary of the Interior, out of the judiciary fund: *Provided*, That if, in the opinion of the Secretary, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their sentence.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to contract with the managers or proper authorities having the control of such prison or prisons, for the imprisonment, subsistence, and proper employment of all such prisoners, and to give the court having jurisdiction of such offenses in said District notice of the prison where such persons will be confined if convicted.

Sec. 3. *And be it further enacted*, That hereafter there shall be allowed and paid by the Secretary of the Interior, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it shall reasonably and actually cost to subsist them: And it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this act, as will enable him to determine the actual and reasonable expense incurred.

Sec. 4. *And be it further enacted*, That it shall be the duty of the warden of the jail in the District of Columbia, whenever any person confined in said jail shall be adjudged to suffer death, to carry such judgment into execution; but nothing in this act nor "An act to authorize the appointment of a warden of the jail in the District of Columbia," approved February 29, 1864, shall be construed to impair or interfere with the authority of the marshal of said District to commit persons to said jail, or to produce them in open court or before any judicial officer when thereto required. And it shall be the duty of the warden of said jail to receive such prisoners, and to deliver them to said marshal or his duly authorized deputy, on the written request of either, for the purpose of taking them before any court or judicial officer as aforesaid.

Sec. 5. *And be it further enacted*, That the office of warden of the penitentiary in the District of Columbia shall, from and after the passage of this act, be suspended, and the salary and emoluments thereof abolished, during the time in which there shall be no penitentiary used in said District.

Mr. TRUMBULL. In the fourth line of the fifth section, I think the word "abolished" should be "cease;" so that it will read, "and the salary and emoluments thereof cease," &c.

The amendment to the amendment was agreed to; and the amendment of the committee, as amended, was adopted.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

RANK OF PROVOST MARSHAL GENERAL.

Mr. LANE, of Indiana. I move to suspend all prior orders and that the Senate proceed to consider the bill (H. R. No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General. It is a bill that was introduced in the House of Representatives, referred there to the Committee on Military Affairs, reported upon favorably, and passed without any opposition. It was then referred to the Committee on Military Affairs of the Senate, and has been reported back with a recommendation that it pass, and it has been on the file for some two months. The object of the bill is stated in its title.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the rank, pay, and emoluments of the Provost Marshal General, authorized by section five of the enrollment act, shall be those of a brigadier general.

Mr. LANE, of Indiana. The importance of this bill I will state in a single word. Colonel Fry has the command of some thirty colonels of equal rank with himself; he has had the command at different times of more than forty thousand men; and yet he still has only the rank and pay of a colonel. He is the senior officer of his

corps, instead of ranking them by an increased grade. The Military Committees of the House of Representatives and of the Senate had no doubt about the propriety of it, and I hope it will be passed.

Mr. FESSENDEN. I should like to understand a little more about this bill. Is it a special act to make the Provost Marshal General a brigadier general?

Mr. CONNESS. It is to make the office of Provost Marshal General of that rank.

Mr. FESSENDEN. Let it be read again.

Mr. LANE, of Indiana. I think I can satisfy the Senator from Maine in a moment. Under the enrollment act a Provost Marshal General was authorized to be appointed with the rank of colonel. This bill proposes to give him the rank of brigadier general, but he will not be a general until after confirmation. It does not authorize——

Mr. FESSENDEN. It is a simple provision of law passed specially to make a particular officer a brigadier general. If there is any necessity for it, very well; but if the officer holding that rank ought to be a brigadier, it is competent for the Executive, when there is a vacancy, to appoint a brigadier.

Mr. LANE, of Indiana. The Senator wholly misconceives the bill. It is not an act to make Colonel Fry a brigadier general.

Mr. FESSENDEN. But to make the person holding the office a brigadier.

Mr. LANE, of Indiana. Certainly.

Mr. FESSENDEN. There are half a dozen things they can do. They can appoint a brigadier general the Provost Marshal General.

Mr. LANE, of Indiana. They cannot under the law. That is the very difficulty. The law requires that the Provost Marshal General shall be a colonel. We propose to make him a brigadier, because there are a good many colonels under him. It is thought proper by the War Department and everybody else that the head of the corps should be a brigadier general, so as to command others.

Mr. FESSENDEN. I think very highly of the present Provost Marshal General, and I have no objection to his being made a brigadier general in the regular way; but this contrivance for adding one to the list of brigadiers, simply on the idea that he is commanding officers of equal rank with himself, amounts to just nothing. It is always so in the case of a bureau officer; it is the case in the Navy every day, where an officer at the head of a bureau is commanding men of the same particular stripe with himself, who are his superiors in point of age. There is no difficulty; they merely obey orders issuing from the office of the Provost Marshal General.

Mr GRIMES. It is so in the Army too.

Mr. FESSENDEN. Every day in the Army it is so. We have given the President the power to appoint any person that he sees fit to appoint to command an army, or to command a corps, and those who are senior to himself in point of rank may be commanded by him in that way. We have made a special provision for that purpose, and it is every day's practice. Why cannot it as well be done by a bureau officer who equals in rank others who happen to be in the same branch of service as by an officer in the field who holds the rank of major general commanding men who are his superiors? What is the difficulty about it? He has been acting for a year in that office. Has there been any difficulty? Has there been any disobedience of orders or any trouble of that description?

I am not convinced by the arguments of the Senator from Indiana. If it is put upon the ground that Colonel Fry himself, from his merits, ought to be a brigadier general, it would be a different question. It is competent for the President to appoint him a brigadier; but to add one to the list of brigadiers, under what seems to be a mere frivolous objection, when the rule suggested is disregarded in the Army every day, and disregarded by the law we have ourselves passed for the regulation of the Army, seems to me to be strange.

Mr. LANE, of Indiana. The honorable Senator from Maine seems to have overlooked entirely the main point on which I put this promotion, and that is the nature and importance of the duties to be discharged. At one time last fall Colonel Fry had command of forty-seven thousand troops—more than an Army corps.

Mr. FESSENDEN. Was he not all the time sitting in his office issuing directions to A, B, C, and D, scattered all over the country in little squads or large squads, and under the command of men? I suppose the object was, was it not, to carry out the law for conscription?

Mr. LANE, of Indiana. I think the nature of the duties discharged by Colonel Fry and the efficient manner in which he has discharged them call for a measure of this kind. There was a time when he was chief of staff in the field and discharged his duties with distinguished ability; he was complimented by commanding officers for service in the field, and in my opinion there is no better officer in the service. I have no personal interest in the matter, but we supposed that the public interest would be promoted by making him a brigadier general.

Mr. FESSENDEN. That is a matter, in my judgment, to be discussed in executive session. The argument now is what I supposed it must come to: it is nothing in the world but an act brought in here to make a particular person a brigadier general because he is in a particular situation. That, in my judgment, is entirely improper. As I said before, if it is desirable that Colonel Fry should hold this office, let the President send his name to us as a brigadier general and then we can consider it.

Mr. LANE, of Indiana. The Senator will pardon me for suggesting that under the conscription law the President has no right to send him here for confirmation as a brigadier general. The law provides that the Provost Marshal General shall be a colonel.

Mr. FESSENDEN. But he can select him and make him a general, and then the War Department can assign him to this particular duty.

Mr. LANE, of Indiana. Not under the conscription law, for under that law the Provost Marshal General must be a colonel, and cannot be anything else. The Senator says this matter ought to be discussed in executive session. It never can be discussed in executive session until you pass a law authorizing a brigadier general to fill this place, and then a nomination will be sent to us in executive session.

Mr. FESSENDEN. I said his fitness for a brigadiership should be discussed in executive session.

Mr. JOHNSON. If the fact referred to by the Senator from Indiana creates some difficulty in the appointment by the President, because under the law as it stands nobody can be Provost Marshal General who holds a rank higher than that of colonel, it is easy to avoid that by changing the law in that respect.

Mr. LANE, of Indiana. That is precisely what the bill does. It provides that the Provost Marshal General may be a brigadier instead of a colonel.

Mr. JOHNSON. But it makes him a brigadier, does it not?

Mr. LANE, of Indiana. Not at all.

Mr. JOHNSON. I thought it did.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of Saturday.

Mr. LANE, of Indiana. I ask that the Senate may give time to take a vote on this bill, which has been lying here for two or three months.

The VICE PRESIDENT. If there be no objection, the Chair will pass over the special order.

Mr. FESSENDEN. It certainly must make discussion, for it cannot go through without deliberation, at the very end of the morning hour. It involves the question of raising the grade of an officer and adding one to the number of brigadier generals which we have fixed upon. It is a question that ought to be deliberately considered by the Senate. I therefore cannot give way to this bill, which must necessarily make discussion before it is acted upon. As I said before, I should be very unwilling here or anywhere else to say a word that was in derogation of the standing and ability of Colonel Fry, and I disclaim anything of that sort; but the measure itself, in my judgment, in the way it is brought up is improper.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The unfinished business of Saturday is the bill (H. R. No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1865, which is now before the Senate as in Committee of the Whole.

Mr. SUMNER. Before the Senate proceeds with the consideration of that bill, I wish to make an appeal to the Senator from Maine, and beg him to understand—I see that he has come prepared with his papers—that I should not make the appeal unless under a sense of duty. There is a bill which I had the honor of reporting from a committee of this body as long ago as February 29, of this year; it has been twice made a special order, but has been set aside by other business. It is the bill to repeal all acts for the rendition of fugitives from service or labor.

Mr. FESSENDEN. That will make a great deal of debate.

Mr. SUMNER. Allow me to make my statement. The Senator says it will make a great deal of debate. I doubt if it will. I think the topic has already been amply discussed in connection with other matters during this session. I have several times yielded to an amiable pressure from different quarters, reluctantly, always against my own sense of duty, but from my desire to oblige my associates in this body. One appropriation bill has been interposed on the motion of the Senator from Maine, which has taken up several days. Now, I submit, the time has come when this bill ought to be considered. Let us give one day to it at least. I make the suggestion with reluctance to the Senator, because I see that he has come prepared to go on with his bill, and I do respect so much the order of business and the preparations which Senators may have made to do their part in the order of business, that I should not make this suggestion except under a sense of duty. I am for the appropriation bill. The Senator knows that I am always in my seat to sustain all his motions with regard to appropriation bills; but this bill is committed to my care, and I therefore appeal to the Senator to allow it to be proceeded with to-day. There is in his appropriation bill an innate vitality which will carry it; it cannot lose by delay; the public interests cannot suffer from delay; but I do submit that the public interest, the good name of this country, suffers by every day's delay in the repeal of the fugitive slave act.

Mr. DAVIS. If the Senator from Massachusetts had given notice of his purpose to call up that bill, I should have interposed no objection, but I prefer that it should not now be called up, as I was not expecting it to be called up this morning. I do not think there is any need for the passage of the bill. I believe that it will effect nothing practically, that everything that can be done in that line for any practical purpose has already been done or is in course of being done; but the honorable Senator is the best judge on that point himself. If he will give notice that he will call it up to-morrow, or any subsequent day, I shall interpose no sort of objection.

Mr. SUMNER. I know very well that the Senator from Kentucky is not in favor of the bill. He announced that at the beginning. I know that he does not regard it as calculated to do any good. That he announced in the beginning; therefore his counsels on that subject are such as (he will excuse me) I cannot accept. The Senator also remembers that I have more than once at his suggestion allowed this question to be postponed: therefore I now turn to the Senator from Maine, and appeal to him to allow this question to be proceeded with, and let us get a vote on it before we separate to-night.

Mr. FESSENDEN. I cannot conceive any other motive that the Senator could have in making such an appeal to me under such circumstances, except by some way or other to put upon me the personal responsibility before the country of delaying the consideration of the bill for the repeal of the fugitive slave law. He knows very well that I have given notice that I should call up this appropriation bill. I gave notice last week, and I have repeatedly urged upon the Senate the necessity of acting on the appropriation bills, and warned them of the pressure of business; and now that I am before it, instead of getting up and moving, as he can do, to substitute his bill and let the Senate judge between the two, he appeals to me to withdraw my appropriation bill and let him move to

take up his bill; the effect of my refusal being, I suppose, that certain papers in the country, which the Senator very well understands, will say, "If it had not been for Mr. FESSENDEN, of Maine, the fugitive slave law would have been repealed." If the Senator wants to do it let him make his motion to the Senate to substitute his bill, and let the Senate decide on it, and not appeal to me to take the responsibility.

Mr. HENDRICKS. I desire to say to the Senator from Maine that he need not be concerned about that responsibility, for objection would have been made in other quarters. That bill could not have been brought up out of its order this morning except by a vote of the Senate.

Mr. FESSENDEN. I know that; and I say the Senator from Massachusetts is at liberty, if he chooses, to move that that bill be taken up, and this be laid aside. He knows perfectly well, everybody knows, it is said to me all around, that there will be debate upon it. We all understand that there must be debate, and long debate, upon it. The appeal to me, therefore, is entirely out of place. If the Senator desires to accomplish that purpose, let him make his motion to the Senate, and the Senate will determine, and the responsibility will not be upon my shoulders.

The VICE PRESIDENT. There is no motion before the Senate, and unless some motion is submitted the Secretary will proceed to read the pending bill.

Mr. SUMNER. The bill is surely before the Senate——

The VICE PRESIDENT. The bill is before the Senate.

Mr. SUMNER. And the question is whether it shall be proceeded with.

The VICE PRESIDENT. To raise that question requires a motion, without which this debate is not in order. If the Senator submits a motion to lay this bill aside, and take up any other bill, debate will be in order on that motion.

Mr. SUMNER. I have already said that I do not wish to submit a motion.

The VICE PRESIDENT. Then the debate is clearly not in order, because there is no question before the Senate.

Mr. FESSENDEN. It is not in my power to lay aside a bill which has been assigned by the Senate for this hour.

Mr. SUMNER. The measure, I take it, is, to a certain extent, in the custody of the Senator from Maine.

Mr. FESSENDEN. Nothing can be done with it without a motion. I cannot lay it aside simply because I happen to represent the bill here. I have no power to lay it aside when the Senate has fixed a time for its consideration. The only mode in which it can be done is by a motion. If the Senator desires to take up his bill he should make his motion to the Senate.

Mr. POWELL. I desire not to take up the time of the Senate, but simply to notify the body that as soon as these bills in charge of the Finance Committee are disposed of I shall move to take up and press for the consideration of the Senate the bill to prevent military interference with elections. That bill has been debated for some four days, and I think the debate is nearly over. I shall not, however, antagonize it with the bills of the Finance Committee.

The VICE PRESIDENT. The Secretary will read the appropriation bill which is before the Senate as in Committee of the Whole.

Mr. FESSENDEN. I suggest that time may be saved by taking up the several amendments and acting upon them as they are reached in order, instead of reading the whole bill through first and then going back and reading each amendment separately.

The VICE PRESIDENT. That course will be pursued, if there be no objection. The Chair hears none.

The Secretary read the bill to the end of the forty-sixth line.

Mr. FESSENDEN. Before acting upon the printed amendment, I wish to suggest a new one which will be the first amendment of the Committee on Finance. It is in line forty-four, to strike out "$480" and insert "$600." The idea is to raise the pay of those two laborers of the Senate from $480 to $600 a year. The present pay is altogether too small, indeed insignificant, for the labor which they have to do, and as a matter of justice the committee think it ought to be raised to $600 a year.

The amendment was agreed to.

The Secretary read the first printed amendment of the Committee on Finance, which was, in the forty-sixth and forty-seventh lines, to strike out "$79,014" as the aggregate appropriation for the officers, clerks, messengers, and others in the service of the Senate receiving an annual salary, and insert "$92,244."

Mr. FESSENDEN. It will be necessary to add $240 to that sum, in consequence of the amendment we have just made. I move, therefore, to amend the amendment by raising the sum to be inserted from $92,244 to $92,484.

The amendment to the amendment was adopted; and the amendment, as amended, was agreed to.

The next amendment was to add after line forty-seven, "captain of the Capitol police, $870; Capitol police, $11,880; one policeman, $480."

The amendment was agreed to.

Mr. FESSENDEN. By a mistake in printing, those words come in after the forty-seventh line. They should come in after the word "dollars" in the forty-fifth line.

The VICE PRESIDENT. That transposition will be made.

The next amendment was to strike out of the appropriations for the contingent expenses of the Senate the item in lines sixty-four and sixty-five, "for Capitol police, $12,275."

Mr. FESSENDEN. That is in consequence of the amendment before made.

The amendment was agreed to.

The next amendment was to add to the appropriations for "public printing," after line one hundred and fifty-nine, "for mapping in cases pending in the Supreme Court of the United States, $5,000."

The amendment was agreed to.

The next amendment was to insert the word "three" before "laborers," in line one hundred and sixty-four, in the appropriations for the Library of Congress; so as to make the clause read:

For compensation of librarian, three assistant librarians, messenger, and three laborers, $10,500.

The amendment was agreed to.

The next amendment was, in the appropriations for incidental and contingent expenses of the Department of State, in line two hundred and eleven, to strike out "blank-books, binding," and in line two hundred and twelve to strike out "ten" and insert "nine;" so as to make those lines read:

For stationery, furniture, fixtures, and repairs, $9,000.

Mr. JOHNSON. Why is that?

Mr. FESSENDEN. As the law now stands, all the printing and binding and furnishing of blank-books, and everything of that sort, is under the control of the Superintendent of Public Printing, and he furnishes blank-books of all kinds and does all the printing for the Departments which may be necessary—everything that is needed in the city of Washington. Most of the bureaus get their blank-books of him and get their printing done at his office; and that is proper to carry out the law; but still, inasmuch as they have been in the habit of keeping their accounts headed in a particular way, they continue to make estimates in this particular form, and I am told that in some of the bureaus those who have control undertake to get blank-books elsewhere, and binding done elsewhere, instead of going to the Superintendent of Public Printing for them. We have proposed to strike out these items entirely in every case, and have the thing done according to law.

The amendment was agreed to.

The next amendment was, after the word "clerks," in line two hundred and twenty-seven, to insert:

Superintending architect at a salary of $3,000, assistant architect at a salary of $2,000.

And in line two hundred and thirty-one, to strike out "seventeen" and insert "sixteen;" so as to make the clause read:

For compensation of the Secretary of the Treasury, two Assistant Secretaries of the Treasury, chief clerk, clerks, superintending architect at a salary of $3,000, assistant architect at a salary of $2,000, messengers, assistant messenger, and laborers, $116,400.

Mr. JOHNSON. I ask the chairman of the Committee on Finance how he makes the whole appropriation there to be less than it was originally?

Mr. FESSENDEN. There was an error.

Mr. JOHNSON. But the amendment provides for a superintending architect and an assistant architect at a salary of $5,000 for the two, and yet reduces the total appropriation $1,000.

Mr. FESSENDEN. When the estimate was originally made it was understood that the compensation of the Second Assistant Secretary of the Treasury was to be $4,000, but in the law authorizing the appointment of that officer we fixed it at $3,000. That makes the difference of $1,000. The provision as to the architects adds nothing; it only makes the matter more definite.

The amendment was agreed to.

The next amendment was in lines two hundred and thirty-seven and two hundred and thirty-eight, to reduce the appropriation for compensation of the Second Comptroller and the employés in his office from $112,940 to $107,140.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the Second Auditor and the clerks, messengers, and laborers in his office, from $322,540 to $337,340.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the Fifth Auditor and the employés in his office from $47,640 to $47,840.

The amendment was agreed to.

The next amendment was to strike out lines two hundred and ninety-two to two hundred and ninety-eight, as follows;

For compensation of temporary clerks in the Treasury Department, (*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to classify the clerks authorized according to the character of their services, or assign to such of them as he shall see fit any compensation not exceeding that of clerks of the first class,) $50,000.

And in lieu thereof to insert:

For compensation to clerks and extra clerk hire in the Treasury Department, to be expended by the Secretary of the Treasury according to the necessities of the service, $30,000.

Mr. FESSENDEN. That amendment was proposed by the Committee on Finance in order to meet a certain difficulty which arose in the office of the Treasurer; but on the whole it has been concluded to make another provision for that, which renders this change unnecessary. I will therefore suggest that the Senate disagree to this amendment.

Mr. JOHNSON. What do you substitute for it?

Mr. FESSENDEN. We propose to substitute nothing for it here.

The amendment was rejected.

Mr. FESSENDEN. I now propose to amend the clause which the Senate has refused to strike out, by reducing the appropriation in line two hundred and ninety-seven from $50,000 to $30,000.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out of the appropriation for contingent expenses of the Second Comptroller's office the words "blank-books, binding," and to reduce the amount appropriated from $2,000 to $1,500.

The amendment was agreed to.

The next amendment was to strike out "blank-books, binding," from the item appropriating for contingent expenses of the First Auditor's office, and to reduce the amount of the appropriation from $1,500 to $1,300.

The amendment was agreed to.

The next amendment was to strike out the words "required for a large number of temporary clerks," in the following item appropriating for contingent expenses of the Second Auditor's office:

For stationery, office furniture, and miscellaneous items, including two of the city newspapers to be filed and preserved for the use of the office, and for additional office furniture and stationery required for a large number of temporary clerks, $15,000

The amendment was agreed to.

The next amendment was in the clause appropriating for contingent expenses in the Third Auditor's office, to strike out the words "blank-books, binding," and to reduce the appropriation from $5,000 to $4,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books" from the items of appropriation for contingent expenses in the Fifth Auditor's office, and to reduce the amount appropriated from $2,000 to $1,500.

The amendment was agreed to.

The next amendment was to strike out "blank-books, binding" from the items of appropriation for contingent expenses in the office of the Auditor of the Treasury for the Post Office Department, and to reduce the amount appropriated from $3,600 to $2,600.

Mr. FESSENDEN. I wish to have that amendment divided.

The VICE PRESIDENT. The question will be put on the first branch of the amendment, striking out the words "blank-books, binding."

The first branch of the amendment was agreed to.

Mr. FESSENDEN. I wish the second branch of the amendment reducing the appropriation to $2,600 to be disagreed to.

The second branch of the amendment was rejected.

Mr. FESSENDEN. I now move to amend the clause by striking out "$600," so as to make the appropriation $3,000.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out "blank-books, binding," from the items of appropriation for contingent expenses in the office of the Solicitor of the Treasury, and to reduce the amount appropriated from $2,200 to $2,000.

The amendment was agreed to.

The next amendment was to strike out the words "blank-books" and "binding" in the clause appropriating $1,000 for contingent expenses in the office of the Commissioner of Customs.

The amendment was agreed to.

The next amendment was to strike out "blank-books" from the items of appropriation for contingent expenses in the office of the Comptroller of the Currency, and to reduce the amount of the appropriation from $8,000 to $6,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books, binding," from the items of appropriation for contingent expenses in the office of Indian Affairs, and to reduce the appropriation from $5,000 to $4,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books, binding books" from the items of contingent expenses in the office of the Commissioner of Pensions, and to reduce the appropriation from $15,000 to $12,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books" from the items of contingent expenses appropriated for in the office of the Commissioner of Public Buildings.

The amendment was agreed to.

The next amendment was in line five hundred and two to strike out "four" and insert "five," so as to read, "fiscal year ending June 30, 1865."

The amendment was agreed to.

The next amendment was to increase the appropriation for the compensation of the clerks and messengers in the office of the Adjutant General from $92,120 to $223,920.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the clerks, messengers, &c., in the office of the Quartermaster General from $181,560 to $390,160.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the clerks and messengers in the office of the Paymaster General from $109,480 to $255,200.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the clerks, messenger, and laborers in the office of the Commissary General from $35,640 to $85,640.

The amendment was agreed to.

The next amendment was to increase the appropriation for the compensation of the clerks, messengers, and laborers in the Chief Engineer's office from $25,680 to $28,880.

The amendment was agreed to.

The next amendment was to increase the appropriation for compensation of the clerks and messenger in the office of the Colonel of Ordnance from $47,640 to $172,040.

The amendment was agreed to.

The next amendment was to strike out "blank-books" from the items of contingent expenses in the office of the Secretary of War, and to reduce the appropriation for those purposes from $20,000 to $15,000.

Mr. FESSENDEN. I desire to have the question taken separately on the two portions of that amendment.

The VICE PRESIDENT. Then the first question will be on striking out the words "blank-books" in line five hundred and forty.

Mr. FESSENDEN Those words may be stricken out.

The amendment was agreed to.

The VICE PRESIDENT. The question now will be on striking out "twenty" and inserting "fifteen" in line five hundred and forty-one, so as to make the appropriation $15,000.

Mr. FESSENDEN. I have become satisfied on inquiry that it will not be advisable to reduce that sum. I hope therefore it will be left as it is, and that the Senate will not agree to the amendment reported from the Committee on Finance.

The amendment was rejected.

The next amendment was to strike out "blank-books" and "binding" from the items of contingent expenses appropriated for in the Adjutant General's office, and to increase the appropriation from $10,000 to $15,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books" and "binding" in the items of contingent expenses in the Quartermaster General's office.

The amendment was agreed to.

The next amendment was to strike out "blank-books" and "binding" in the contingent items appropriated for in the Paymaster General's office.

The amendment was agreed to.

The next amendment was in line five hundred and fifty-three to strike out "blank-books" and "and binding, including," and in line five hundred and fifty-four to insert "and miscellaneous items," so as to make the clause read:

Office of the Commissary General:
For stationery, rent of office, and hire of watchmen, and miscellaneous items, $15,000.

The amendment was agreed to.

The next amendment was to strike out "blank-books" and "binding" from the items of appropriation for contingent expenses in the office of the Chief Engineer.

The amendment was agreed to.

The next amendment was to strike out "blank-books" and "binding" from the items of appropriation for contingent expenses in the office of the Surgeon General.

The amendment was agreed to.

The next amendment was so to modify the following clause:

Office of the Colonel of Ordnance:
For blank-books, stationery, binding, and miscellaneous items, including $1,000 for library, $11,000.

As to make it read:

Office of the Colonel of Ordnance:
For stationery and miscellaneous items, $7,500.

The amendment was agreed to.

The next amendment was to strike out "blank-books, binding," from the items of contingent expenses appropriated for in the office of the Secretary of the Navy.

The amendment was agreed to.

The next amendment was to strike out "books" in the clause appropriating for contingent items of expenditure in the Bureau of Yards and Docks.

The amendment was agreed to.

The next amendment was to strike out "books" from the items of appropriation for contingent expenses of the Bureau of Equipment and Recruiting.

The amendment was agreed to.

The next amendment was to strike "blank-books" from the items of contingent expenses appropriated for in the Bureau of Ordnance.

The amendment was agreed to.

The next amendment was to strike "blank-books, binding," from the contingent items appropriated for in the Bureau of Construction and Repairs.

The amendment was agreed to.

The next amendment was to strike "blank-books, binding," from the contingent items appropriated for in the Bureau of Steam Engineering.

The amendment was agreed to.

The next amendment was to strike "blank-books" from the items of contingent expenses appropriated for in the Bureau of Provisions and Clothing.

The amendment was agreed to.

The next amendment was to strike out "blank-books" from the contingent items appropriated for in the Bureau of Medicine and Surgery.

The amendment was agreed to.

The next amendment was to strike out the words "blank-books, binding, and" before "stationery" in the items of appropriation for contingent expenses of the Post Office Department.

The amendment was agreed to.

Mr. FESSENDEN. I desire to move another amendment to that clause in order to make it a little more definite. In line six hundred and seventy, after the word "including," I move to insert the words "fuel for;" so that it will read:

For stationery, fuel for the General Post Office building, including fuel for the Auditor's office, &c.

The amendment was agreed to.

The next amendment was to strike out the following items:

Department of Agriculture:
For compensation of Commissioner of Agriculture, chief clerk, botanist, entomologist, and chemist, $11,000.
For compensation of clerks, draughtsman, assistant chemist, translator, messengers, and laborers, $29,600.
For contingencies, viz: for stationery, wood, coal, gas, and miscellaneous items, $3,500.
For collecting agricultural statistics, $23,000.
For the payment of articles furnished for the agricultural report for 1861, $3,393.
For the purchase of library, $1,000.
For purchase of laboratory, $5,000.
For purchase and distribution of new and valuable seeds, viz:
For purchase of cereal, vegetable, and flower seeds, $30,000.
For seed room:
For compensation of superintendent and clerks, $5,000.
For seed-bags and bagging, and distribution of seeds, $24,000.
For contingencies of seed-room, viz: For coal, gum, packing paper, and miscellaneous items, $3,000.
For propagating garden:
For propagation and distribution of valuable plants, cuttings, and shrubs, viz: For labor, repairs of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, $10,800: *Provided*, That such trees, cuttings, vines, and bulbs, so purchased or which shall be propagated, shall be such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.
For experimental garden on reservation number two, viz:
For salary of foreman and laborers, $3,000.
For keep of a horse, stable, and necessary buildings, and for seeds, manure, tools, and miscellaneous items, $2,000.
For furniture for the Department, viz: carpets, desks, and stoves, $800.

And in lieu of them to insert:

Department of Agriculture:
For compensation of the Commissioner of Agriculture, chief clerk, one clerk of the fourth class, two clerks of the third class, four clerks of the second class, five clerks of the first class, a chemist at an annual salary of $2,000, an assistant chemist at an annual salary of $1,400, a draughtsman at an annual salary of $1,600, a translator at an annual salary of $1,200, two messengers at an annual salary of $600 each, and two laborers at an annual salary of $400 each, $29,800.
For contingencies, viz: for stationery, wood, coal, gas, and miscellaneous items, $3,500.
For collecting agricultural statistics, $15,000.
For furniture, viz: carpets, desks, and stoves, $500.
For the payment of articles furnished for the agricultural report for 1861, $3,393.
For the purchase of laboratory, $5,000.
For the purchase and distribution of new and valuable seeds, $20,000.
For labor in putting up seeds, seed-bags and bagging, $12,500.
For contingencies of seed-room, viz: coal, gum, packing paper, and miscellaneous items, $2,000.
For labor in propagating garden, $5,000.
For repairs of old propagating house, $500.
For purchase of trees, cuttings, &c., $2,000.

Mr. SHERMAN. Before the vote is taken on the amendment I propose to amend the portion of the bill proposed to be stricken out.

The VICE PRESIDENT. That is in order.

Mr. SHERMAN. The Committee on Agriculture took this appropriation under consideration, and instructed the Senator from Iowa, [Mr.

HARLAN,] who is not now in his seat, to move an amendment to the part of the bill which the Committee on Finance propose to strike out. The Senator from Iowa, I understand, has been called home, or has gone home at least, and I have not the formal amendment before me, but I have a copy of it, I believe, as near as we can make it out. I will follow the instructions of the Committee on Agriculture by offering this as an amendment to the part proposed to be stricken out. I hope the Senator from Maine will be satisfied with the amendment I offer and will abandon his. I will remark——

Mr. FESSENDEN. I will state to the Senator in advance, that it is not the amendment of the Senator from Maine, it is the amendment of the Committee on Finance.

Mr. SHERMAN. Very well. I will state that the Committee on Agriculture took up this question and examined it thoroughly. They have adopted several of the suggestions of the Committee on Finance, but leave the amount very nearly as it is in the House bill. We reduce the amount, I believe, about ten or twelve thousand dollars in the aggregate, but have adopted the description and classification of officers very much as reported by the Committee on Finance.

Mr. JOHNSON. How much is the whole amount appropriated in the House bill?

Mr. SHERMAN. The whole amount in the House bill is, I think, $156,000 or $157,000.

The VICE PRESIDENT. The amendment proposed by the Senator appears to be an amendment to the words proposed to be inserted by the Committee on Finance, rather than to those to be stricken out.

Mr. SHERMAN. We took up the bill as it came from the House of Representatives, and I think it would be better to leave the amendment in that form: to move to strike out so much of the House bill as relates to the Department of Agriculture after the words "Department of Agriculture," and insert what I send to the Chair.

Mr. FESSENDEN. I should like to have it read.

Mr. SHERMAN. If the Senator will watch the amendment of the Committee on Finance while this amendment is being read, he will see the variation.

The VICE PRESIDENT The Senator proposes to amend the words which the committee report to strike out, by striking out all after the word "for," and inserting the words which will now be read:

The Secretary read, as follows:

Compensation of the Commissioner of Agriculture, chief clerk, one clerk of the fourth class, four clerks of the third class, four clerks of the second class, six clerks of the first class, an entomologist at an annual salary of $2,000, a chemist at an annual salary of $2,000, an assistant chemist at an annual salary of $1,400, a draughtsman at an annual salary of $1,400, a translator at an annual salary of $1,200, two messengers at an annual salary of $600 each, and two laborers at an annual salary of $400 each, $38,000.

For contingencies, viz: for stationery, wood, coal, gas, and miscellaneous items, $3,500.

For collecting agricultural statistics and information for reports, $20,000.

For furniture, viz: carpets, desks, and stoves, $800.

For the purchase of a library and laboratory, $4,000.

For the purchase and distribution of new and valuable seeds, and for labor in putting up seeds, seed-bags, and bagging, $54,000.

For compensation of superintendent of seed room, at an annual salary of $1,600, and two clerks of the first class, $4,000.

For contingencies of seed-room, viz: coal, gum, packing paper, and miscellaneous items, $3,000.

For propagating garden:

For propagation and distribution of valuable plants, cuttings, and shrubs, viz: for labor, repairs of old propagating house, new propagating house, rebuilding shop, and for purchase of trees, cuttings, vines, and bulbs, $10,800: *Provided*, That such trees, cuttings, vines, and bulbs so purchased, or which shall be propagated, shall be such as are adapted to general cultivation, and to promote the general interests of horticulture and agriculture throughout the United States.

For experimental ground and reservation No. 2, viz:

For salary of foreman and laborers, $3,000.

For keep of a horse, stable, and necessary buildings, and for seeds, manure, tools, and miscellaneous items $2,000.

Mr. FESSENDEN. I will ask the Senator how much his amendment reduces the appropriation in the original House bill?

Mr. SHERMAN. I think it is between eleven and twelve thousand dollars. The Senator from Iowa [Mr. HARLAN] had made a carefully prepared statement about it. My impression is that the reduction is about eleven thousand dollars.

Mr. JOHNSON. How much will it increase the amount recommended by the Committee on Finance?

Mr. FESSENDEN. About forty or fifty thousand dollars.

Mr. SHERMAN. If I remember the figures correctly, (I will not be positive about it,) the House of Representatives appropriated $157,000. The Committee on Finance have appropriated about one hundred thousand dollars, if I am correct. The recommendations of the Committee on Agriculture amount to about one hundred and forty-four thousand dollars. They may vary a little more or less from that amount. We examined the subject very thoroughly, and the Senator from Iowa informed himself very fully as to the details of this appropriation; he examined the propagating garden, and would be prepared to give quite a number of details, which I am not; but he is not here to speak for himself.

Mr. POWELL. I will state to the chairman of the Committee on Finance that the Committee on Agriculture considered this matter very minutely. We had the Commissioner of Agriculture and his chief clerk before us, and they considered that this was as low an appropriation as they could possibly carry on the establishment for this year. I do not think there can be any reduction in our estimate.

Mr. FESSENDEN. That depends entirely upon what Congress means to do with reference to this Department. If they mean that its expenditures shall go on increasing in the ratio of about fifty per cent., or perhaps one hundred per cent. every year, of course they will make these appropriations as they are called for. I should like to call back the attention of Senators to the state of things as it exists upon this subject.

Until the session before the last, this Department of Agriculture was under the direction of the Secretary of the Interior, and we appropriated for the purpose of carrying it on, purchasing seeds and cuttings, &c., and distributing them, about sixty thousand dollars. It was then proposed to make this Department an independent Department. It was expressly argued and stated by the then Senator from Rhode Island (Mr. Simmons) that all that was desired was to make this Department independent of the Interior Department; that the farmers demanded it; that they had a pride about it; but it was not intended to increase the expenditure, but simply to put it upon a new footing and make it an independent concern. I resisted it, saying that if that was done the next thing that would be done would be just what we have, a Committee on Agriculture, and this would grow up into a large and expensive establishment. But the arguments of gentlemen on the other side prevailed, and they passed the bill.

The result was that at the very next session, the last session of Congress, the Commissioner of Agriculture came in here with an estimate of about one hundred and thirty thousand dollars as the least that he could get along with. I called the attention of Senators then to what had been said before on the subject; but like the words and explanations that are used in forming a statute, they ignored all that; they said that would do very well for an argument to pass the bill, but now that the Department was created we should properly provide for it and make larger appropriations. Then we had this proposition with regard to an entomologist and a chemist, and I do not know how many ologies and divers and sundry improvements of that sort as absolutely necessary to make the Department what it ought to be. The Committee on Finance resisted it, and finally succeeded in keeping the expenditure for the last year, or in providing for the expenditure during the last year of about ninety-five thousand dollars, which was all that both branches thought to be necessary.

At the beginning of this Congress, however, the Commissioner came for a deficiency occasioned by expenditures which he had made, all of which was not granted, but a certain portion was, under the advice of the Committee on Agriculture.

Mr. SHERMAN. If the Senator will allow me at that point, I will state that the Commissioner after reading the debate, finding that there was complaint made against him on account of that deficiency, withdrew it, I understand.

Mr. FESSENDEN. Then the money was not expended.

Mr. SHERMAN. Not even appropriated. It was put in as an amendment by the Senate, and not agreed to in the House of Representatives.

Mr. FESSENDEN. Yes, it was; and it stands now on the books of the Treasury, and the Commissioner is at liberty to avail himself of it whenever he chooses.

Well, sir, that was thought to be liberal, jumping up from $60,000 to $95,000; but at this session the views of the Commissioner are still further enlarged, and he calls for an appropriation of about one hundred and fifty-seven thousand dollars. That is very much more than double, nearly treble, of what was expended by this Department of Agriculture two or three years ago. Senators will perceive, on reading this appropriation, how extensive the views of the Commissioner are. He now proposes, and the Committee on Agriculture are willing that he should do it, to take a large piece of ground in front of the President's House down toward the water, and make what is called an experimental garden. The appropriation in the bill is simply for this year; but the Senate will perceive that the moment that establishment is started as an experimental garden, it must necessarily increase and enlarge, and it will be but a very short time before that will cost us $50,000 a year to carry it on.

Then we have the Department of Agriculture; we have the propagating garden, in front of Missouri avenue, I think; and in addition to that we are to have the large reservation in front of the President's House as an experimental garden. We are to have, also, a chemist—that is agreed to—and an entomologist, and divers and sundry others, for this large establishment. Senators can perceive where it will end.

Much has been said about the expenditures of the Government and the necessity of economizing. I might ask whether this is a time to commence upon an experimental garden; whether it is advisable for us to begin these expenditures at the present time. I think the difficulty grows in a very great measure or is aggravated by the fact that we have a Committee on Agriculture, composed of exceedingly intelligent gentlemen, but from the fact that they are on the Committee on Agriculture they are obliged, I suppose, to consider it their duty to act with reference to that Department on the largest possible scale, and to do everything that is required or that the Commissioner of Agriculture may suppose to be advisable in order to extend his operations.

The Committee on Finance, on looking this matter over, have kept the appropriations, I think, within $100,000. The sum appropriated in the amendment of the committee is just about one hundred thousand dollars. They have struck out the experimental garden. They have kept the chemist and the laboratory, for the reason that the laboratory was ordered last year and the chemist also, but the other officers were not. Last year Congress struck out the appropriation for the botanist and entomologist; but this year they are in the bill again. The Committee on Agriculture, I believe, do not recommend the botanist, but they recommend the entomologist. The next year we shall have the botanist undoubtedly. The same is true with regard to the clerks and draughtsman.

The Senate will observe something very singular about this, and it shows the expense at which these things are done. I do not suppose but what is all right, so far as the actual expense is concerned. Here in the estimate is $30,000 for the purchase and distribution of new and valuable seeds. It costs the Government $32,000 simply to distribute that $30,000 worth of new and valuable seeds. The salary of the superintendent of seed room, and three clerks of the first class, and the labor of putting up and cost of seed-bags and contingencies, amount to $32,000. I do not know whether the Committee on Agriculture has reduced that or not. It may be necessary. It may cost that.

Mr. SHERMAN. We put it at $24,000.

Mr. FESSENDEN. Then it is a little reduced, and the principal reduction is on that.

We have now an old propagating house. We are willing to repair it. But it is now proposed to have a new propagating house down in the propagating garden at an expense of $2,500. That the Committee on Finance did not deem necessary. They did not think it worth while to enlarge their operations. With regard to the

experimental garden, for which only $5,000 is put in this year, they struck that out entirely. They did not think it advisable to begin an expenditure for an experimental garden on that large reservation, which certainly must lead in the course of a very few years, if it is to accomplish its purpose and is made good for anything, to an expenditure of forty or fifty thousand dollars; I cannot tell exactly how much; but from the extent of the grounds and the cost of carrying on an establishment of that sort Senators may judge for themselves. We have increased somewhat on the appropriation of last year; it is larger. We make some allowance for clerks, and it ought, perhaps, to be somewhat larger on account of the increased expense, especially for seed-bags and all those things that are used in putting up seeds. We reduce the appropriation for the purchase of new seeds from $30,000 down to $20,000.

Mr. President, I do not feel disposed to make any fight, in the ordinary sense of the term, upon this proposition, for the simple reason that it is not my habit to keep contending against anything that I see the Senate is bent upon. I only call the attention of the Senate to it to show that all the prophecies that were made at the time the original bill was passed with regard to the increased expense and the rapidity with which the expense would be increased have not only been accomplished but far surpassed, not only in amount but in rapidity. There is not a more striking illustration of the effect of this and the effect of locality than in the operation upon the mind of my honorable friend from Ohio, who is for saving and cutting down and being careful of money in every other direction; but being chairman of the Committee on Agriculture he (to use a common expression) goes the whole hog, and is willing to appropriate anything and everything, even in these times, to begin experimental gardens without knowing what they are to cost, and go on at a ratio very nearly doubling from year to year in these appropriations for the Department of Agriculture. It does not seem to strike him that there is any possibility of economizing here, but in his opinion it is just the place to increase, almost without a question being asked as to what the necessity may be.

My view is entirely different. I think it is beyond the province of the Government to carry on these large agricultural operations in every quarter that they undertake. They are making a Department which will cost vastly more than it will come to, and it will result in a great expenditure of money without any proportionate profit. That is my own individual opinion. It was the opinion of the Committee on Finance, except so far as the Committee on Finance was diluted (if I may use that expression) by the unfortunate position in which my honorable friend from Ohio was placed as chairman of the Committee on Agriculture. The Senate will decide the question according to its own views of propriety. If the Senate choose to pass this appropriation, I shall hereafter consider that it is my duty, if I should happen to be here, to abandon all opposition to anything that may be proposed in relation to the subject of agriculture.

Mr. SHERMAN. The Senator from Maine seems to think that this is a very extravagant appropriation, and that, in voting for it, I depart from my usual custom, which he commends. I do not think it is extravagant. Years ago we voted $60,000——

Mr. FESSENDEN. Two years ago.

Mr. SHERMAN. Well, two years ago, for the distribution of seeds, before the Department of Agriculture was established; but in addition to that we paid all the salaries of all the officers out of the Patent fund.

Mr. FESSENDEN. The Senator is mistaken. All the expenses were paid out of that $60,000.

Mr. SHERMAN. I think the Senator is mistaken. My recollection is that the salaries were paid out of the Patent fund.

Mr. FESSENDEN. Not a dollar.

Mr. SHERMAN. If I have any disposition to extravagance I am very glad it is in favor of an industry which is at the foundation of all prosperity. This Government expends $157,000 at the utmost for the benefit of agriculture. I doubt whether any appropriation made by us is so beneficial in its results as this appropriation, small as it is, when compared with the great appropriations we are called upon to make. With this small sum comparatively, the Agricultural Department distributes three or four million bags of seeds. Some of them probably are of but little value, but many of them are of infinite value. The addition to the wealth of this country from the dissemination of sorghum seed alone is of greater value than all the appropriations that have been made for this Department.

I do not know whether I voted to establish the Department of Agriculture or not. I have forgotten whether I did or not. At any rate, although the present Commissioner of Agriculture is not probably so learned a man as many who might have been selected, yet he certainly is very active, and he has been very useful and very efficient. He has been able to gather around him some very intelligent men who are skilled in their particular employments. It is the general opinion of the farmers of the State of Ohio—and I represent the great agricultural State—that this Department of Agriculture is now conducted usefully to them; and I have no doubt that Senators who represent agricultural States will agree with me that more interest is felt in this Department of the Government by the great body of our people engaged in farming than in any other. We are receiving more requests for books and seeds, and they take a more intimate interest in the success of this Department than in any other.

This is no reason why we should vote an extravagant sum to sustain it. I am only desirous to give them what is necessary. The principal difference between the two committees is in two items of appropriation. The Committee on Finance think that $32,000 is sufficient for the purchase and distribution of seeds. The Committee on Agriculture have allowed $57,000. Considering the price of seeds, considering the increased cost of paper and the increased cost of all the materials that make up these aggregates, I think the amount asked for is comparatively small. Fifty-four thousand dollars appropriated by us now is not equal to $30,000 two or three years ago. Much of this cost consists in cotton and paper bags and imported seeds. The cost of imported seeds is fully double what it was two or three years ago; and the cost of cotton and the other materials which form the chief aggregate of this expense Senators know as well as I.

The other item about which the Senator complains is the one for the propagating garden. The United States is the owner of some twelve or fourteen acres between Fourteenth and Twelfth streets which has been used as a corral for horses. Formerly, I believe, it was under the charge of the Commissioner of Public Buildings, and was very handsomely planted and ornamented with trees. But at the beginning of the war, from the necessity of the times, the military turned their horses and cattle into this field, a large open piece of land of twelve or fourteen acres. The trees have all been destroyed, the fences are partly broken down, and by the establishment of other corrals this land is not now needed for the military service. The Commissioner of Agriculture desires to appropriate that land for an experimental garden. It is proposed to try experiments with the various foreign seeds he receives in order to ascertain their value before they are sent out from the Department. He does not contemplate any but the plainest and simplest agricultural operations, the plowing of this field, the planting of these seeds, and taking care of the bulbs, plants, &c., which he wishes to test before they are distributed. It is a clear piece of ground well adapted to the purpose, level, and in good condition for agricultural purposes, but unfitted for the original purpose of a park. It must be plowed up even to be replanted. He proposes to take that piece of ground, plow it up, drain it, and use it for an experimental garden, for which $5,000 is appropriated. It seemed to the Committee on Agriculture that that was the best disposition that could be made of it.

The Senator supposes that this will involve in the future a very large expense. I do not see how it can. I think the purpose of the Commissioner is a correct one: to try all these seeds by simple experiment before they are distributed; to ascertain their value and see whether they can be propagated in our climate, and what is their nature and character.

It seems to me this appropriation is so small that it ought not to excite the opposition of any one, and I hope it will be passed. The House of Representatives, as we all know, have always looked upon this appropriation for the Agricultural Department with great interest. A year ago they appropriated what was asked. The Committee on Finance reduced the amount, and the House of Representatives acquiesced. Now, the House have again appropriated the full amount asked, $157,000. The Committee on Agriculture, after a rather more patient examination than it usually gives to such matter, especially by the honorable Senator from Iowa, who went over all these things in detail, concluded that this Department cannot, upon its present legal basis, be carried on for a less sum than the amount we have proposed. I hope, therefore, it will be agreed to in the Senate without further opposition.

Mr. FESSENDEN. Is it in order to move to amend the amendment proposed by the Senator from Ohio? I believe he moves it as an amendment to the original bill instead of to the amendment of the Committee on Finance.

The VICE PRESIDENT. It is.

Mr. FESSENDEN. Then I move to strike out that part of it which relates to the experimental garden. There certainly can be no necessity for undertaking that. These seeds are introduced and scattered all over the country. What is the use of trying them here in this particular locality? They are tried by everybody all around us.

Mr. SHERMAN. I asked that same question of the Commissioner, and his answer was this: sometimes complaints are made to him that he has distributed bad seeds or seeds not adapted to the climate of this country; the imported European seeds are sometimes upon trial not found good; and he thought it was but right and fair that these seeds should be tried.

There is another reason, I will say to the Senator: many bulbs are sent here which may or may not be adapted to our climate, and the Commissioner wishes to try those. The same is true of grape-cuttings. Many grape-cuttings are of value here while they may be of no value in other places, and he wishes to try them and test their value.

Mr. FESSENDEN. That will test them only as regards this particular section of the country. If these seeds are to be imported and distributed all over the country, and their applicability or rather propriety for the different climates of the different sections of the country is to be tried—if that is the object of the experiments for which this agricultural garden is to be used, that will not prove how those seeds will do in Maine or in California. It is necessarily limited in its operation to the climate of this particular place. The Senate will perceive from what the Senator from Ohio has now said, that these trials are to be made with reference to distribution all over the country, and with the great variety of seeds that are to be used, that the idea of getting along with $5,000 in that piece of ground is merely idle. He can do nothing with that sum there for that purpose. Any one with half an eye, it strikes me, can see that.

The VICE PRESIDENT. The words proposed to be stricken out will be read.

The Secretary read them, as follows:

For experimental garden on reservation No. 2, viz:
For salary of foreman and laborers, $3,000.
For keep of a horse, stable, and necessary buildings, and for seeds, manure, tools, and miscellaneous items, $2,000.

Mr. POWELL. I hope those words will not be stricken out. I think that that experimental garden is going to be a matter of very great utility to the agricultural interests of this country, and I do not apprehend, what the Senator from Maine seems to fear, that expenses will hereafter be increased. There are some twelve or fourteen acres in that piece of ground, and I do not think it will ever cost more than $5,000 to give it the attention that may be necessary for the purpose of making all the experiments that are wanted. It is a matter, in my judgment, of very great importance to the agricultural interest. I hope the appropriation may be allowed to remain as it is. The Senator from Ohio has explained it very fully, and I think it unnecessary to repeat his argument.

Mr. FESSENDEN. I ask for the yeas and nays upon the amendment to the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 22; as follows:

YEAS—Messrs. Clark, Conness, Cowan, Fessenden,

Harding, Howe, Johnson, Sumner, Van Winkle, Wilkinson, and Willey—11.

NAYS—Messrs. Anthony, Buckalew, Carlile, Chandler, Davis, Dixon, Doolittle, Foster, Harris, Henderson, Lane of Indiana, McDougall, Morgan, Morrill, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Sherman, Ten Eyck, and Trumbull—22.

The VICE PRESIDENT. The result of the vote shows that the body is without a quorum of members.

Mr. DOOLITTLE. I move that the Sergeant-at-Arms be directed to request the attendance of the absentees.

Mr. FESSENDEN. Where will he find them?

Mr. DOOLITTLE. They must be about the building; perhaps in the House of Representatives.

The motion was agreed to.

Mr. CLARK. I have no faith in a motion of that kind. Perhaps the only way is to move to adjourn, so that Senators can see that we can do no business on account of the absence of certain Senators. I move that the Senate do now adjourn.

Mr. DOOLITTLE and Mr. DIXON called for the yeas and nays, and they were ordered.

Mr. CHANDLER. I desire to state that the Senator from Ohio, [Mr. WADE,] by order of Congress, has left for Fort Pillow, and will not be present for some time.

The question being taken by yeas and nays, resulted—yeas 6, nays 27; as follows:

YEAS—Messrs. Clark, Cowan, Davis, Harris, Powell, and Riddle—6.

NAYS—Messrs. Anthony, Buckalew, Carlile, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foster, Harding, Henderson, Howe, Johnson, Lane of Indiana, McDougall, Morgan, Nesmith, Pomeroy, Ramsey, Saulsbury, Sherman, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, and Willey—27.

The VICE PRESIDENT. The Senate refuses to adjourn, but the vote again shows the body without a quorum.

Mr. DOOLITTLE. I renew the motion that the Sergeant-at-Arms be directed to request the attendance of absent members.

The VICE PRESIDENT. That motion was put to the Senate, and declared carried by the Chair.

Mr. POMEROY. Will it be in order to move to take a recess until seven o'clock?

The VICE PRESIDENT. The impression of the Chair is that a less number than a quorum can take a recess.

Mr. COLLAMER. I wish my name to be called on the vote that is pending.

The VICE PRESIDENT. That is suspended. The Chair has declared it to the Senate, and the Senate found itself without a quorum.

Mr. COLLAMER. That does not finish the vote. It does not decide yea or nay.

The VICE PRESIDENT. It has decided the character of the Senate, however, so far as it can be obtained.

Mr. COLLAMER. I take it that the Chair cannot ascertain whether there are not six of us ready to vote when you call on us.

The VICE PRESIDENT. In the impression of the Chair the Senator's name cannot be called.

Mr. COLLAMER. Very well, sir. I merely say I offered it. I wish that that may be minuted.

Mr. SHERMAN. I think there is a quorum now present, and if it is in order, I move that the vote be taken on the pending amendment.

Mr. TRUMBULL. I move to suspend further proceedings under the motion of the Senator from Wisconsin, directing the Sergeant-at-Arms to invite the attendance of absent Senators.

Mr. POMEROY. I submit whether that is in order. The Chair has decided that no business is in order without a quorum; and how can the motion of the Senator from Illinois be in order?

The VICE PRESIDENT. A less number than a quorum can control a call of the Senate by the Constitution itself, and by the rules.

Mr. DOOLITTLE. We can make a motion, and that will test it.

The VICE PRESIDENT. The motion of the Senator from Illinois to suspend further proceedings under the call is in order.

Mr. FESSENDEN. We can call the yeas and nays on that, and see whether there is a quorum present.

The yeas and nays were ordered.

Mr. TRUMBULL. I should prefer taking the yeas and nays on another motion to adjourn.

Mr. CLARK. You can have them on the motion to suspend proceedings under the motion of the Senator from Wisconsin.

Mr. TRUMBULL. I move that the Senate do now adjourn, and on that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DOOLITTLE. Senator FOOT, from Vermont, was called home in consequence of the death of his wife's mother. That is the occasion of his absence, and I was requested to state that fact to the Senate.

The question being taken by yeas and nays, resulted—yea 1, nays 37; as follows:

YEA—Mr. Harding—1.

NAYS—Messrs. Anthony, Brown, Buckalew, Carlile, Chandler, Clark, Collamer, Conness, Cowan, Davis, Dixon, Doolittle, Fessenden, Foster, Grimes, Harris, Henderson, Hendricks, Howard, Howe, Johnson, Lane of Indiana, McDougall, Morgan, Morrill, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Saulsbury, Sherman, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, and Willey—37.

So the Senate refused to adjourn.

The VICE PRESIDENT. There is now a quorum present, and the next question is on suspending further proceedings under the call of the Senate, and upon that question the yeas and nays have been ordered.

Mr. TRUMBULL. I withdraw that motion.

The VICE PRESIDENT. It will be regarded as withdrawn, if there be no objection. The question now is on agreeing to the amendment proposed by the Senator from Maine, to strike out the following clause in the amendment proposed by the Senator from Ohio:

For experimental garden on reservation No. 2, viz:
For salary of foreman and laborers, $3,000.
For keep of a horse, stable, and necessary buildings, and for seeds, manure, tools, and miscellaneous items, $2,000.

The question being taken by yeas and nays, resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Clark, Collamer, Conness, Cowan, Fessenden, Grimes, Harding, Howard, Howe, Johnson, Sumner, Van Winkle, Wilkinson, and Willey—14.

NAYS—Messrs. Anthony, Buckalew, Carlile, Chandler, Davis, Dixon, Foster, Harris, Henderson, Hendricks, Lane of Indiana, McDougall, Morgan, Morrill, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Saulsbury, Sherman, Ten Eyck, and Trumbull—23.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the amendment of the Senator from Ohio.

Mr. FESSENDEN. Upon that I call for the yeas and nays. That is the main question, whether the Senate will spend $100,000 or $147,000 for this Department.

The yeas and nays were ordered.

Mr. SUMNER. I desire to say that it seems to me the appropriations proposed by the Committee on Finance, considering the present state of the country, are sufficient. I do not mean to express any opinion on the proposition of the Senator from Ohio, if the country was differently situated from what it is at this moment. Taking the country as it is, it seems to me that what the Finance Committee propose is as much as we ought to do.

Mr. GRIMES. I should like to inquire of the Senator who offered this amendment what duties the translator is expected to perform. This is a new officer that has not heretofore been created by any law or recognized by any law as existing.

Mr. SHERMAN. I suppose that a vast amount of the agricultural information which comes to this bureau is in the French and in the German languages; much of the information that they wish to disseminate and spread among the people is in those languages. It is important, therefore, to have a translator, at $1,200 a year. They correspond now with nearly every country of Europe in the procurement of seeds. As a matter of course nearly all the seeds are imported, and they must write the language of the country to which they send letters. It is necessary to translate in different languages; indeed, in this respect the two propositions do not disagree; the Finance Committee allow a translator as well as the Committee on Agriculture.

Mr. GRIMES. I understand the Commissioner of Agriculture sends an agent to Europe to buy seeds. If I am not misinformed, he has an agent there now. If that be so, I do not see that it is necessary, in order to procure seeds, that he should have a translator here to be employed in writing letters in German, French, or Spanish, or any other foreign language. The Senator speaks about its being necessary to have a translator in order to disseminate correct information among the German population——

Mr. SHERMAN. No. I said in order to collect this information from works of standard value printed in foreign languages. They wish to get information from works printed in French and other languages which they translate to embody into the annual report. That is the explanation given of it.

Mr. COWAN. I think there is another purpose, perhaps. These seeds are procured and labeled with the botanical name; for instance, I believe that oats are called *avena*, and wheat is called *triticum*, and so on; and there must be a translator in order to label the bag in English, so that the happy recipient of these seeds will know when he gets them what they mean.

Mr. GRIMES. I suggest the proper designation should have been a schoolmaster instead of a translator, in order to teach somebody the language in which these seeds are recognized throughout the civilized world.

Mr. FESSENDEN. I will state the question in a simple form. The items are pretty much the same. The Committee on Finance do not allow so many clerks and other officers, and do not appropriate quite so largely for purchases. It is a mere question of amounts, whether about one hundred and forty-seven thousand dollars shall be allowed, according to the amendment of the Committee on Agriculture, or whether about one hundred thousand dollars shall be allowed, which is a little exceeding the amount last year, according to the amendment of the Committee on Finance. Those who are in favor of the larger amount proposed by the Committee on Agriculture will vote "yea;" those opposed to it will vote "nay."

The question being taken by yeas and nays, resulted—yeas 23, nays 15; as follows:

YEAS—Messrs. Anthony, Buckalew, Carlile, Davis, Dixon, Doolittle, Foster, Harris, Henderson, Hendricks, Howe, Lane of Indiana, McDougall, Morgan, Morrill, Pomeroy, Powell, Ramsey, Riddle, Sherman, Sprague, Ten Eyck, and Trumbull—23.

NAYS—Messrs. Chandler, Clark, Collamer, Conness, Cowan, Fessenden, Grimes, Harding, Howard, Johnson, Nesmith, Sumner, Van Winkle, Wilkinson, and Willey—15.

So the amendment was agreed to.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The question recurs on the amendment of the Finance Committee striking out the section as amended, and inserting what is proposed by the committee.

Mr. SHERMAN. This will be the same vote as the other.

Mr. FESSENDEN. I will not call for the yeas and nays on that.

The amendment of the Finance Committee was rejected.

Mr. FESSENDEN. If the Committee on Finance will excuse me, as we are on this subject, I will offer one amendment to come in directly after the proposition which has just been adopted:

For paper, printing, binding, blanks, and labels, $8,500: *Provided*, That the Commissioner shall be authorized to procure the amount herein named at the office of public printing, and no greater amount shall be allowed.

That is intended to limit, if the Senate see fit to limit, the general call for any kind of printing to any amount that the Commissioner may think advisable for his bureau. It makes a specific appropriation, as in other cases.

Mr. SHERMAN. The Commissioner undoubtedly must get a great deal of printing done at the public printing office. This might limit him unreasonably. I think we ought not to adopt it without reflection. He makes his monthly reports, and the printing of those would be counted out of the $8,000. Then he prints the annual report.

Mr. FESSENDEN. No. The annual report is a separate thing entirely. He does not have anything to do with printing that.

Mr. GRIMES. While we are on this subject I should like to inquire of the chairman of the Committee on Agriculture by what authority all these reports are printed?

Mr. SHERMAN. There is nothing in the bill about them. I do not know anything about them.

Mr. GRIMES. The Senator is chairman of the Committee on Agriculture, and has this Department specially under his charge.

Mr. SHERMAN. There is no appropriation for this. I suppose they are printed at the request of the Commissioner on Agriculture at the public printing office.

Mr. GRIMES. I supposed that probably the amendment of the Senator from Maine was aimed at what I think a very great abuse. I have seen these reports, and I know that there is no accuracy in them, not the slightest reliance can be placed upon them. I remember last fall seeing an account giving the proportion of the apple crop raised during the year 1863 in the Territory of Nebraska, and the Territory has not got a bearing apple-tree in it. [Laughter.] That is a fair sample of these reports.

Mr. FESSENDEN. This amendment does not touch the printing of the annual report. That is made to Congress and printed by order of Congress every year. It covers the reports that are sent out every two months or every month, I do not know which, and the paper and other things procured for the use of the office.

Mr. SHERMAN. I know that there has been great complaint made by the Superintendent of Public Printing in regard to the printing ordered by the various bureaus, and I shall be perfectly willing to vote for some general provision limiting all these various officers in their power to print.

Mr. FESSENDEN. The Senator is mistaken: there has been no complaint made by the Superintendent of Public Printing in regard to the printing ordered by the offices. They have a certain amount of blanks; but the printing ordered by the Commissioner of Agriculture is indefinite. He exercises his own judgment as to what he wants, and orders it, as I understand, and there has been complaint by the Superintendent of Public Printing in regard to the printing ordered by the Commissioner of Agriculture. I have no expectation of succeeding in this amendment; I merely offer it to call it to the attention of the Senate that the Commissioner of Agriculture exercises unlimited discretion as to what he will have printed for the use of his office, and I thought it was as well that there should be a limit.

Mr. HENDRICKS. I wish to inquire of the chairman of one or the other of the committees [Finance and Agriculture—Mr. FESSENDEN and Mr. SHERMAN] whether this appropriation includes the monthly reports?

Mr. FESSENDEN. It does.

Mr. HENDRICKS. Then I think that ought to be stricken out. I agree with the Senator from Iowa as to those reports. They purport to be a report of the produce of the crops of the different sections of the country from month to month, and they are really of no service.

Mr. FESSENDEN. The amendment fixes simply the amount which the Commissioner is entitled to receive of printing, &c. We cannot limit what he shall get printed and what not, but it says he shall not expend more than a given sum of money. At present he is unlimited; he orders such printing as he wants, and at what times he wants it.

Mr. SHERMAN. Where does the amendment come in?

Mr. FESSENDEN. At the close of the amendment offered by the Senator from Ohio.

Mr. SHERMAN. There is now no appropriation for printing. I cannot say whether $8,000 is enough; the circumstances have not been brought before us. If the Senator has any information to give us showing that $8,000 is enough, very well; but why appropriate $8,000 instead of $2,000? It may embarrass the Department, or it may not; $8,000 may be amply sufficient; I cannot say. If the Senator has any information which enables him to propose $8,000 instead of $2,000 I should like to hear it, and the Senate will judge whether they will adopt his proposition or not. It may be sufficient, but we have had no information in regard to the amount of printing. I never heard any complaints made before, except generally the Superintendent of Printing said to me that the various bureaus did send to him, as he thought, for an unreasonable amount of blanks and public printing of various kinds, and he mentioned different bureaus of the War and other Departments.

Mr. FESSENDEN. The complaint he made was that they did not give him notice of what they wanted and embarrassed him in that way, he not knowing in advance the amount of printing they would want, and their orders coming in suddenly. I believe the only thing he has complained of in that respect is in regard to the want of notice. The amount named in my amendment is not estimated by myself. I received it from a person in whose knowledge I have confidence, as enough for the purpose. If the Senate choose to put the amendment on the bill they can do so, and we can probably inquire and ascertain whether the amount is enough before we get through with the bill.

Mr. JOHNSON. Permit me to ask the Senator under what appropriation what is called the annual report is printed, or whether there is a particular appropriation for it?

Mr. FESSENDEN. That is ordered by Congress. The report is made to Congress, and they order it to be printed and pay for its printing.

Mr. TEN EYCK. The principal objection is to the printing of these reports, as I have heard the debate. I myself do not profess to be sufficiently acquainted with the subject of agriculture and kindred sciences to pronounce on the value of these reports. Yet I do know that persons in the country who are engaged in the business of agriculture, horticulture, and such matters, have manifested a good deal of interest in such reports.

Mr. COLLAMER. Do you mean the monthly reports?

Mr. TEN EYCK. I mean the monthly or bimonthly reports, whichever they may be. I have been written to very frequently by persons of superior intelligence and information upon the subject of agriculture, practical men as well as scientific men, who are anxious for these very reports, and I have been requested to send them; and I have received replies from them, after I have sent them, saying that they were highly gratified, and that they desired to have the ensuing reports sent. I speak of the reports that are printed every month or two months; my impression is that they are printed every two months. I only mention my own knowledge as connected with my constituents on this subject, several gentlemen among them having expressed a very anxious desire to get these reports, and having approved them highly after getting them. They may contain nothing of value, so far as I know myself, but this is the testimony that has come to me.

Mr. POWELL. I do not think the amendment proposed by the Senator from Maine ought to be adopted. I cannot see why the Department of Agriculture should be singled out, and the amount of printing for that Department specially limited. If the object is to prevent the various Departments and bureaus printing too much, let a general limit be put on all. That might perhaps be very well; but to single out this Department, and limit the amount of printing for it alone in this way, I think is wrong.

So far as the monthly reports are concerned, I do not concur with many Senators who have expressed an opinion in regard to them. I know that eminent agriculturists in my region of country think very highly of these monthly reports; and my experience in regard to them is such as has been indicated by the Senator from New Jersey. Many of our best farmers have written to me for them, and expressed great gratification at the information derived from them. But, sir, if the objection is to the monthly reports, why not propose an amendment to the bill preventing the monthly reports from being printed? That would be the proper way to reach it; but as I understand the Senator from Maine, that is not the object proposed by his amendment. I think those who are in favor of this agricultural bureau ought not to sit here and allow it to be cramped and trammeled by this kind of amendments offered by those who are opposed to the bureau in every form. I think we should vote the amendment down.

Mr. SAULSBURY. I shall vote for this amendment, because I believe that not only in the case of this Department, but in the case of every Department, there should be as little discretionary power as possible. Indeed, I have very strong doubts as to the constitutional authority of Congress to make appropriations for this object, and I so voted, I believe, when the proposition came up to establish this Department. It having been established, however, I do not wish to cripple it, but at the same time I do not desire it to grow to such a magnitude as to surpass the anticipations of those who established it. I shall vote for the amendment, and I do not think it is a sufficient answer to say that the Commissioner of Agriculture should not be limited in his expenditures in reference to printing, because other Departments are not limited. It would be wise to limit all of them.

Mr. POWELL called for the yeas and nays, and they were ordered.

Mr. SHERMAN. I submit to the Senator from Maine that this amendment is not a practical one. How can the Public Printer keep an account of the various orders? How can he ascertain precisely the cost of each label? How can you impose on him the additional duty of keeping an account with this officer of the cost of every blank and every piece of paper and every label? It seems to me the proposition is a very strange one. Its only effect is to cast a slur on the Department. Suppose the same provision was required in regard to every bureau or office of the Government, that the Senate should have an account of its printing, the House of Representatives of its printing, the Second Comptroller and the Third Auditor of the amount of printing and blanks for each, how could the printer do it? He might know how much certain sheets of paper cost, but it would be almost impossible, certainly extremely difficult, to keep up such an account.

Is it worth while, for the simple object of checking this one officer, to require the Superintendent of Printing to keep a series of books and make a charge every day against the Commissioner of Agriculture for five hundred labels to-day, six hundred to-morrow, seven hundred the next day, and so on? I submit to the Senator from Maine whether it is worth while to press this amendment, unless it is intended to require such an account to be kept with all the different offices of the Government. If the Senator can show me that $8,000 is enough, and that there is any way to impose a limit here in accordance with the law, I shall be perfectly willing to agree to it, because I do not desire the Commissioner of Agriculture to get a single dollar more than is absolutely necessary to carry the law into effect. This provision would only be burdensome to the Public Printer, would not accomplish any good result, would only be looked upon as a reflection cast upon the Department, and would create trouble to the officers without having any practical good effect.

Mr. FESSENDEN. It is not my intention to cast any slur upon this officer or on his Department; but the Public Printer must necessarily keep an account of all the expenses of his office and of everything that he does. He must show how he has expended the large appropriations which we make for printing. He unquestionably does so at the present time.

The difficulty in regard to this particular Department is that there is nothing fixed with reference to the nature of the printing to be done. It is all within the mind of the Commissioner. In the other Departments what they want is well known. They want certain blanks, they want certain orders, they want things that are perfectly well known to the practice of the Department in carrying on its business. The printing of these monthly reports is an illustration of what I have suggested. Who heard before the last Congress adjourned of these monthly reports being made? It was nothing but an idea of the Commissioner himself. I am not here to say that it was not a good idea, and that benefit has not resulted from it; I do not know whether it has or not; I cannot tell. It might have been very wise, or it might not have been wise. I only say that as the matter stands, everything is in the mind of the Commissioner, and he may call for just such printing as he wants, to an unlimited extent; and the amount we appropriate on the estimates of the Superintendent of Public Printing may be largely overrun if those calls be answered. I take it that the Superintendent keeps an account now of all the printing that he does for the various Departments. He ought to do so, and he ought to be able to do it, because he must show how the money that he draws from the Treasury has been expended, for what printing it has been used, and in what amounts. Of course he keeps his books showing all this.

The amendment which I have moved is not to throw the slightest imputation on the Department, but simply to intimate to the Commissioner of Agriculture that the amount that he can draw for these items is fixed, like the amounts that he can draw for other items. Why fix the number of his clerks? Why fix the amount he shall expend for seeds? On the logic of my friend from Ohio, why fix the amount that he shall expend for seed-bags? Does not that throw a slur on the Department? Why not say that the Commissioner of Agriculture shall have $150,000 to expend just as he pleases? The Senator would not contend for that; but there is just as much imputation on him in fixing the amount he shall expend for one item as for another.

I submit the matter for the consideration of the Senate. I have not one particle of feeling about it. So far as my individual feeling is concerned I do not care a snap of my finger whether the amendment is accepted or rejected. I have no feeling in regard to any question connected with this subject. I have made up my mind that I would present it fairly to the Senate and have it decide once for all so far as I am concerned.

Mr. CARLILE. It would seem to me that to vote intelligently on this proposition we should have some information as to the amount expended last year for the printing of this Department. It may be that an appropriation of $8,000 is greatly more than the cost of printing incurred by the Department last year, and if so it may be an intimation to the Commissioner that he has not printed reports enough, and instead of monthly reports we may have semi-monthly or weekly or daily reports. I concur in the remarks that have been made by Senators in regard to these monthly reports. I have seen them, and I do not think they are really worth the cost of printing; and for one, I am disposed to limit the appropriation so as at least to prevent the issue of those reports; but have we any information from which the Senate can know whether $8,000 has been expended for printing by this Department in the last year?

The question being taken by yeas and nays, resulted—yeas 16, nays 24; as follows:

YEAS—Messrs. Clark, Collamer, Conness, Cowan, Doolittle, Fessenden, Grimes, Harding, Hendricks, Johnson, Morrill, Pomeroy, Saulsbury, Van Winkle, Wilkinson, and Willey—16.

NAYS—Messrs. Anthony, Brown, Buckalew, Carlile, Chandler, Davis, Dixon, Foster, Harris, Henderson, Howe, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Nesmith, Powell, Ramsey, Riddle, Sherman, Sprague, Sumner, Ten Eyck, and Trumbull—24.

So the amendment was rejected.

The next amendment of the Committee on Finance was to reduce the appropriation for expenses of the Legislative Assembly of Idaho from $32,320 to $20,000.

Mr. JOHNSON. Why the reduction?

Mr. FESSENDEN. Because we thought $20,000 enough, as in the other cases.

The amendment was agreed to.

The next amendment was to insert after line eight hundred and eighty-two:

Territory of Idaho, for the fiscal year ending June 30, 1864:

For salary of Governor, chief justice and two associate judges, and secretary, $12,000.

For contingent expenses of the Territory, $1,000.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, $20,000.

The amendment was agreed to.

The next amendment was to strike out "one" after "sixty," in line nine hundred and eleven, so as to make the appropriation for salaries of the Chief Justice and associate justices of the Supreme Court $60,500, instead of $61,500.

Mr. JOHNSON. Before voting on that, I would ask the chairman of the Committee on Finance whether the $10,000 appropriated by the provision to be found in lines nine hundred and three, nine hundred and four, and nine hundred and five, are for the purpose of obtaining legal assistance in the cases mentioned in that part of the bill, here in the Supreme Court of the United States?

Mr. FESSENDEN. I presume not.

Mr. JOHNSON. There was a very large amount, some one hundred and fifty or two hundred thousand dollars, appropriated by two or three several acts of Congress, four or five years ago, in relation to the private land claims in California, and nearly all of those cases in the Supreme Court of the United States, I believe, with the exception of one, have been argued by other counsel than the Attorney General, and the other counsel have, of course, been paid out of that fund. I do not know whether that fund is exhausted or not; but if these $10,000 are to be used for the purpose of trying cases in the Supreme Court of the United States, I shall vote against it. I think it is clearly the duty of the Attorney General to try these cases himself. Then in relation to the claims in California, if the provision is intended to apply only to cases in California while they are pending in California, why is it that the representative of the United States there, the district attorney, is not competent himself to try the cases for the United States? I am sure that I do not exaggerate when I say that we have spent in the defense of these cases, for they are all suits instituted on the part of claimants, nearly three hundred thousand dollars for professional assistance.

Mr. FESSENDEN. But we have saved a great deal more money by it.

Mr. JOHNSON. I do not know that.

Mr. FESSENDEN. I so understand.

Mr. JOHNSON. That can only be so on the assumption that the officers of the United States there and here are not as competent to conduct those cases as other counsel, and that is a supposition I am not willing to make. When I held the office of Attorney General there were cases just as heavy, involving questions just as many and as difficult to understand as are the cases which have arisen under the treaty with Mexico, and all the cases in the Supreme Court on the part of the United States were argued by myself alone. But, as I said just now, not one single case, with the exception of one at this term, in which the United States have had an interest, arising under the Mexican treaty concerning the lands in California, has been argued in the Supreme Court of the United States by the Attorney General. He employed counsel here and paid them, of course, such fees as counsel who are capable of arguing such questions in the Supreme Court are in the habit of charging. Some twenty or thirty thousand dollars, I suppose, have been spent in that way under the present Administration. I do not know. I only imagine that must be the amount from what I suppose to be the rates of compensation of counsel who are competent to manage such cases in that tribunal. For one, I should be unwilling to provide any assistance for the management of these cases in the Supreme Court of the United States.

Mr. FESSENDEN. It is very evident on looking at the language of the estimate that it is not for arguments in the Supreme Court. The language of the estimate is "legal assistance and other necessary expenditures for the disposition of private land claims in California." The amount is $10,000. It is the same sum that was appropriated last year for the same purpose. It has been thought necessary by the Government to appropriate a sum of money in order to aid the officers of the Government in protecting the rights of the Government in California. I believe the money that has been expended there has been well expended, so far as affording protection to the rights of the Government in its lands there is concerned. I believe the Senate knows very well that under the last Administration the present Secretary of War was sent to California specially with a view to protect the rights of the Government there. I believe with regard to many of these cases, among the counsel on the other side for the claimants against the United States was the honorable Senator from Maryland himself. He was concerned in the cases——

Mr. JOHNSON. One of them.

Mr. FESSENDEN. I do not know how far the money appropriated by the Government in procuring legal assistance might have operated against the interests of his clients, but it certainly operated for the benefit of the United States, as I have understood. The Government seem to have adopted this policy on the ground of necessity, to protect the rights of the United States and to have some additional aid for the United States attorney, for it is very manifest that one man cannot be able to do everything; and as that is the opinion of the Government, and the sum is a small one, I think it would be very unwise in Congress to strike out the appropriation, because it would not be asked for probably unless similar appropriations had been found beneficial heretofore.

The PRESIDING OFFICER. The pending question is on striking out the word "one" in line nine hundred and eleven.

Mr. McDOUGALL. I agree with the Senator from Maryland [Mr. JOHNSON] in his motion to strike out. I am aware, as is stated by the chairman of the Committee on Finance, that large appropriations were made under the last Administration for the avowed purpose of protecting the interests of the Government in the public lands in California. I am also aware how those large appropriations were applied, and when I affirm that for the most part they were applied in maintaining the one side of controversies between private citizens, in which the Government had not and could not have any possible interest, and in the unjust and oppressive use of the name, authority, officers, and money of the Government in the promotion of personal interests to the destruction of the just rights of thousands of the citizens of the State I in part represent; when I affirm all this I know that I am right. Not less than an amount of property equal to fifty million dollars in value, the rightful property of citizens under the provisions of the treaty of Guadalupe Hidalgo, has been wrested from these citizens by the unjust exercise and employment of the power and money of this Government in my State. The power and the money of the Government were brought against the individual and often the humble citizen. The citizen, whether proud or humble, had no adequate means of resistance, and has been left alone to impotent complainings.

The Government had in California upright and capable judges. The district attorneys appointed by the Government were in all respects equal to their offices, yet more than a quarter of a million dollars has been paid out of the public Treasury for extra legal machinery, designed not so much to promote the ends of justice and the truth as to pamper the already bloated parasites of official power. The present Secretary of War, then the favorite of the late President, Mr. Buchanan, and his Attorney General, Mr. Black, received directly for brief services, called but miscalled public services as counsel, between thirty and forty thousand dollars, and he received and returned vouchers for nearly twice as great an amount.

The result of his most important mission there has just now determined. The great Almaden case has been finally decided; and how? For the advantage of the Government? No. He has succeeded in establishing the claim of one party over the possession of another, and in opening a new branch of the stock market in New York and this city. That in this matter the agent, counsel, and money and authority of the United States were employed to carry on unequal war between private litigants is now demonstrated, and I am well assured that in this matter the now honorable Secretary was the retained counsel of one party to the controversy. A fortune from the Government and a fortune from private parties for a six months' service. Verily, wonderful are the ways of Providence.

The case stated is but one of many of the same class; and how has it been possible for the private and often poor citizen to resist such overwhelming force?

I complain of these extraordinary appropriations and their application as an unjust oppression.

The course of Government in conducting these litigations has destroyed all confidence in what we regarded as the most secure titles in the State. There is no greater evil in a State than unsettled titles. It is the business of Government to promote their settlements. It has been the office of this Government to unsettle what had been long regarded as settled in California.

I trust the policy of the last Administration as to land ligitation in California will not be pursued through this. It may be suggested by some that the special counsel of Government are entitled to consideration for defeating the Santillan and Lunautour claims, but their claim to have done so is but the attempt at the appropriation of the chattels of others.

The wrong that is past cannot be corrected; but I am not willing, as an upright legislator and as a representative of my State, to promote these things. The two judges who have charge of these

questions in California are men of unquestioned integrity. The two district attorneys at present and the district attorneys past have been and are men of recognized ability. The district attorney who had charge of this business in California when the present Secretary of War went there was a more accomplished lawyer than he could, by all his labor, have ever gotten to be. He was ignored, a man who had become master of these questions, and his place was taken by a gentleman from Washington who knew nothing of them. To understand these questions a man should be learned in the laws not only of Mexico but of Spain, and familiar somewhat with its language, and then informed as to the men who had administered government there under the Mexican rule. These things we had learned in our country through a course of years of experience; but a man was sent there who was a good lawyer probably in Ohio, a good lawyer perhaps in Pennsylvania, and who once argued well a few cases in Washington city, but who was perfectly ignorant of the law on which all these titles were based, and of the language in which the titles were written, and of the principles of Spanish law upon which they should have been properly established under the treaty of Guadalupe Hidalgo.

In this way we have been wronged, wronged greatly, because through the course of adjudication in our own State and adjudications here there has not been brought to bear on the part of the Government the learning that belongs to these questions, but the bold and impudent assumptions of men who are ignorant; and what is so bold and persistent as ignorance?

I concur with the Senator from Maryland, and I take this occasion to express my judgment as to how our titles have been conducted and administered, so far as the Government is concerned, for the last seven years in California, during the last Administration, and I may say it has been continued through this, because the same gentleman who took charge of the business, who was Attorney General then, and who sent Mr. Stanton to California, has been, so far as we are concerned, Attorney General since—conterminous and complex with him. I trust the amendment of the Senator from Maryland will be adopted.

Mr. FESSENDEN. It strikes me that this is entirely out of place. The question is on striking out the word "one," in line nine hundred and eleven.

Mr. McDOUGALL. I understand from my friend from Maryland that he moved to strike out the appropriation of $10,000 for legal assistance in the disposal of private land claims in California.

Mr. FESSENDEN. That amendment can be moved after we get through the amendments of the Finance Committee, if he chooses to move it. We are now acting on the amendments of the Committee on Finance.

Mr. JOHNSON. I understood that; but I asked permission to go back to line nine hundred and six.

Mr. FESSENDEN. That is not the ordinary course. We are now going through with the amendments of the Finance Committee.

The PRESIDING OFFICER. The Chair understood the Senator from Maryland to be commenting on this clause, but not to make any motion.

Mr. JOHNSON. That is true, sir. I will make my motion at the proper time.

The PRESIDING OFFICER. The pending amendment is to strike out the word "one" in line nine hundred and eleven, so as to make the appropriation for salaries of the Chief Justice and associate justices of the Supreme Court $60,500, instead of $61,500.

Mr. JOHNSON. Why is the "one" to be stricken out?

Mr. FESSENDEN. Simply because of an error in computation.

The amendment was agreed to.

The next amendment was to strike out lines nine hundred and forty-six and nine hundred and forty-seven, in these words:

For salaries of clerks in the office of the Assistant Treasurer at St. Louis, $3,000.

The amendment was agreed to.

The next amendment was in line nine hundred and fifty-eight, before "act" to strike out "fourth section of."

The amendment was agreed to.

The next amendment was in line ten hundred and twenty-six to insert "to be paid only to loyal men" in the item appropriating $4,374 84 "for deficiency of appropriation for the Capitol police under the act of April 22, 1854," which is the last clause in the bill.

Mr. FESSENDEN. The printed amendments having now been disposed of, I have some other amendments to offer from the committee. I offer the following amendment as an additional section:

And be it further enacted, That the office of the Treasurer of the United States be reorganized under the direction of the Secretary of the Treasury so as to authorize the employment of the officers and clerks, and with the annual salaries hereinafter specified, to wit: One Assistant Treasurer, with a salary of $2,800; one cashier, with a salary of $2,800; one assistant cashier, with a salary of $2,500; one chief of the division of issues, with a salary of $2,200; one chief of the division of redemption, with a salary of $2,200; one chief of the division of loans, with a salary of $2,200; one chief of the division of accounts, with a salary of $2,200; one chief of the division of national banks, with a salary of $2,200; two principal book-keepers, each with a salary of $2,200; two tellers, each with a salary of $2,200; two assistant tellers, each with a salary of $2,000; one chief clerk, with a salary of $2,000; fifteen clerks of class four; fifteen clerks of class three; eleven of class two, and nine of class one; one messenger in charge of mails, with a salary of $1,000; nine messengers, with a salary of $900 each; five messengers, with a salary of $700 each; sixty female clerks, with a salary of $600 each; five laborers, with a salary of $600 each; and seven female laborers, at a salary of $250 each. And the officers, clerks, employés hereby authorized, shall be in lieu of all the force now employed in the said office; and the amount necessary to pay the salaries of said officers, clerks, and employés, in addition to the amount heretofore provided for the present fiscal year, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

I send to the desk a communication from the Treasurer, which I desire to have read for the information of the Senate.

The Secretary read the following letter:

TREASURY OF THE UNITED STATES,
WASHINGTON, *March* 29, 1864.

MY DEAR SIR: Since my communication to you of the 1st of December and the 11th of January last, wherein I stated the then needs and wants of this office, the whole business of the office has been so largely increased, mainly in consequence of the organization of national banks, and by their designation as depositories and financial agents of the Government, that it has become necessary that the recommendations in those communications should be essentially modified, so as to meet the present exigencies of the altered circumstances.

The provisions of section six of the act of March 14, 1864, authorize the appointment of twenty-nine additional clerks in this office "during the rebellion and for one year after its close." This merely changes such temporary clerks as were employed in this office in October, 1863, to clerks with the same compensation that they then received, to permanent clerks for the time specified in the act. Since that time, the clerical force of the office, especially of the higher classes, has, on account of the largely increased labor, been considerably increased; and the labor is still increasing day by day, and will require for its accomplishment still more clerks of the higher grades.

I find it impossible to keep up the work with such persons as can be had at the present inadequate pay allowed for clerks, without taxing the energies of many of the employés beyond the point of human endurance.

Since I assumed the duties of this office, its business has increased more than a hundred fold. Many of the employés are compelled to work double and some triple office hours, and this can only be done by working late and early and Sundays.

The price of living has, since the salaries were fixed, doubled. The drain into the Army, the enlarged commercial and manufacturing business operations of the country, and the large increase of banks, have created a great demand for the peculiar kind of talent requisite for clerks in this office.

Few clerks are needed who are not either experts in the handling of money or thoroughly familiar with accounts, and well versed in book-keeping by double entry. In fact, most of them should be equal to the management of the business of a bank or of a large mercantile house.

The place of chief of the division of redemptions has now been vacant for over three months, and although you kindly offered to contribute from the fund under the loan law two hundred dollars more than the law allows for the salary, it has been found impossible to properly fill it. The duties and responsibilities of that single division are now tenfold greater than were those of the whole office three years ago. And the same is true in degree of other divisions of this office.

I have been obliged to withdraw the cashier from his appropriate duties and place him in charge of this division, to the great detriment of the business of the office generally.

The cashier, the Assistant Treasurer, and myself have been compelled to contribute from present inadequate salaries to the pay of others, in order to be able to retain their indispensable services in the office. Many of the best clerks, including some of the highest grade allowed by law, have resigned their places because of the insufficiency of the pay. No less than four such have for that cause and for being overworked sent you their resignations as clerks in this office within a week.

Under these circumstances it becomes my duty frankly to state the fact that I am no longer able to conduct the business affairs of the office satisfactorily to myself or with safety to the public interest without a thorough reorganization; without this I, too, shall be compelled, however reluctantly, to yield my place, so that some one may be appointed in my stead who has the talent to "make brick without straw."

This reorganization is now imperative on account of the vast new responsibility thrown upon the office by its becoming the custodian of all the securities of whatever kind or for whatever purpose of all the national banks. Three hundred and fifty of these banks are already fully organized, and have deposited United States bonds to secure their circulation. Of this number, one hundred and twenty-five have already been designated as depositories and financial agents of the Government, and have deposited their securities as such. The United States Depository accounts have thus been increased within four months, from sixteen, including the offices of the Assistant Treasurers, to one hundred and fifty-three, with a certainty of constant increase for some time to come.

The necessary business transactions in this office in the past year, as evidenced by the books, exceeded two and a half billion dollars, involving, it is believed, more risk and pecuniary responsibility than the management of any other institution in the world.

In addition to the charge of the bank securities, and the keeping of the accounts of such as have been designated as depositories, and the accounts proper of the office at Washington, which are larger than those of any Assistant Treasurer, this office has the charge and final accounting for of all the other offices of the Treasury. Yet the salary of the Treasurer is less than the salary of some of the Assistant Treasurers. The justice or injustice of this is left for others to decide, but of the insufficiency of the salaries of the other officers, clerks, and others employed in this office and who cannot be induced to sacrifice their private interest, it is a duty required of me to speak.

The reorganization of the office, with the necessary increase of pay to insure its efficiency, as per schedule annexed, is therefore most respectfully but earnestly recommended.

I have the honor to be, very respectfully, your obedient servant,

FRANCIS E. SPINNER,
Treasurer of the United States.

Hon. S. P. CHASE, *Secretary of the Treasury, Washington, District of Columbia.*

Schedule of proposed appointments and pay for employés in the office of the Treasurer of the United States.

The Assistant Treasurer	$2,800
The cashier	2,800
The assistant cashier	2,500
The chief clerk	2,400
The chief of the Division of Issues	2,400
The chief of the Division of Redemptions	2,400
The chief of the Division of Loans	2,400
The chief of the Division of Accounts	2,400
A chief of the Division of National Banks	2,400
Two principal book-keepers, each	2,200
Two principal tellers, each	2,200
Two assistant tellers, each	2,000
Fifteen clerks of class four, each	1,800
Fifteen clerks of class three, each	1,600
Eleven clerks of class two, each	1,400
Nine clerks of class one, each	1,200
One messenger in charge of mails	1,000
Nine messengers, each	900
Five assistant messengers, each	700
Sixty female clerks, each	600
Five laborers, each	600
Seven female laborers, each	240

Not to be in addition to any persons now employed, but in lieu of all that are now employed in the office of the Treasurer of the United States.

The amendment was agreed to.

Mr. FESSENDEN. I now offer another amendment, which, if adopted, is to precede the section just agreed to:

And be it further enacted, That from and after the present fiscal year, the salary of the Treasurer of the United States shall be $6,000 per annum.

The present Treasurer of the United States has heavier responsibilities upon him than probably any other officer in the Government. His salary formerly was $3,000. Two years ago, I think, the Finance Committee recommended that the salary be raised to $6,000. Six thousand dollars now is, to be sure, more than $3,000 was when the salary was fixed, but not very largely in excess of it. At the time it was recommended, two years ago, it was, on motion of some gentleman, struck down to $5,000. Two of the Assistant Treasurers in other places—New York and San Francisco—who are second to him, receive $6,000 a year.

The Committee on Finance is very averse to increasing salaries, and it has come to the conclusion arrived at in this case with extreme reluctance; and with reference to the amendment that has just been made, the members of the committee became satisfied from personal examination that it was absolutely necessary, in order to conduct the business of the office with safety and propriety, that the changes made there, and which were also recommended by the Secretary of the Treasury, should be made. There is no specific recommendation with reference to the salary of the Treasurer. We are aware of his responsibilities; we are aware that he is offered much higher pay to go elsewhere, as his clerks have been offered higher pay, and taken away from him.

He prefers to stay, and I dare say he will stay if we do not increase his salary; but it seemed to a majority of the committee, considering the immense increase of responsibility, considering that formerly the Treasurer of the United States was a mere clerk, and a clerk of a low grade, compared with what the Treasurer of the United States now is, considering the immense labor that he has to perform, considering the great difference in the expenses of living at the present time, we thought it an act of absolute justice to the Treasurer to place his salary at least upon a par with that of any of his assistants outside of the city of Washington. This was the conclusion arrived at by a majority of the committee; and I submit it for the Senate to decide whether or not it is advisable. I may add that there is no better officer in any Government than General Spinner, the Treasurer of the United States.

The amendment was agreed to.

Mr. FESSENDEN. The adoption of these amendments renders it necessary to go back to page 12 and make a little change in the provisions there. In line two hundred and sixty-three, after the words "assistant cashier," I move to insert "chiefs of divisions."

The amendment was agreed to.

Mr. FESSENDEN. In line two hundred and sixty-four, before the word "clerks," I move to insert "officers," and after the word "messengers," in the same line, to insert "employés."

The amendment was agreed to.

Mr. FESSENDEN. Now I move to make the appropriation $170,340 instead of $109,980, so as to make the clause read:

For compensation of the Treasurer of the United States, Assistant Treasurer, cashier, assistant cashier, chiefs of divisions, chief clerk, the officers, clerks, messengers, assistant messengers, employés, and laborers in his office, $170,340.

The amendment was agreed to.

Mr. FESSENDEN. I have another amendment, which is recommended by the Committee on Finance as a new section:

And be it further enacted, That twenty per cent. be added to the annual compensation of the messengers, watchmen, and laborers employed in the several Departments and under the Commissioner of Public Buildings, to commence on the passage of this act, and to terminate at the close of the next fiscal year, and to be calculated only upon the amount of compensation accruing after the approval of this act: *Provided, however*, That no salary be increased hereby so as to exceed the sum of $900. And the sums necessary to pay the additional compensation herein specified for the present and the next fiscal year are hereby appropriated.

The Senate sent to the Committee on Finance a petition from this class of public servants, requesting an increase of their salary. The committee were compelled, from the necessity of the case, to examine into the matter, and became entirely satisfied that it was absolutely necessary, in order that these men might live upon their pay, to increase their compensation. Rents have increased enormously, and the prices of all articles have increased enormously. Many of these men, a very large portion of them, have families, and large families, and it is utterly impossible for them to live decently upon the pay they receive. The committee were somewhat in doubt in what way to effect the object, but they concluded to add twenty per cent., which would raise a salary of $600, for instance, to about seven hundred and twenty dollars, which is not too much, but that no salary should be raised above the sum of $900 by the addition.

As I said with regard to the other case, the committee came to the conclusion reluctantly, for they are averse to recommending an increase of pay; but there are no principles of economy in our Government or in any Government which require that public servants should not receive a decent support out of their labor for the Government, and we were satisfied that these employés could not receive it from the small salaries which they are now in the receipt of. We have opposed almost invariably, in almost every case strongly, the increase of any of the upper class of salaries, those of $2,000 and upward, and have succeeded in preventing it. We are of opinion that men receiving enough to live on comfortably and respectably must be contented, if they occupy high places, in some degree with the honor of occupying the places. If we increased anywhere, we came to the conclusion it should be among those who receive the lowest pay, laborers, watchmen, messengers, and those men who are actually suffering in consequence of the very low rate of pay and from the great expense of living. They therefore came to the conclusion to recommend that twenty per cent. be added to the annual pay of this class of persons.

The amendment was agreed to.

Mr. MORGAN. As it is utterly impossible to get through this bill to-night—for there are a good many amendments to be offered, and there is a necessity for an executive session—I move that the Senate now proceed to the consideration of executive business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House of Representatives had passed a bill (No. 185) to establish a postal money-order system; in which the concurrence of the Senate was requested.

The message further announced that the House of Representatives had agreed to the amendment of the Senate to the bill of the House (No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie.

The message further announced that the House of Representatives had agreed to the amendment of the Senate to the bill of the House (No. 302) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862.

The message also announced that the House of Representatives had passed a bill (No. 395) to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof; in which it requested the concurrence of the Senate.

TERRITORY OF MONTANA.

The message further announced that the House of Representatives had insisted upon its disagreement to the amendments of the Senate to the bill of the House (No. 15) to provide a temporary government for the Territory of Montana, asked a further free conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. Edwin H. Webster of Maryland, Mr. William S. Holman of Indiana, and Mr. James M. Marvin of New York, managers at the same on its part.

Mr. WILKINSON. I wish to make a motion in regard to the Montana bill, which has just been returned from the House of Representatives with a request on the part of that House for a committee of conference. I move that the Senate insist on its amendments, and agree to the conference asked for by the House of Representatives.

Mr. SHERMAN. When that bill is taken up, I desire to submit a motion that the Senate recede.

The PRESIDING OFFICER. The bill can only be taken up now by unanimous consent.

Mr. FESSENDEN. I object to it if there is to be a debate.

Mr. SHERMAN I do not want to debate it myself. I do not care when it is taken up, but whenever it comes up I wish to submit a motion to recede.

The PRESIDING OFFICER. The Chair understands the objection to be withdrawn. The Senator from Minnesota moves that the Senate insist upon its amendments.

Mr. SHERMAN. I move that the Senate recede from its amendments, which will pass the bill; but I think we had better not take the vote now. The motion can be pending, and I should like to have the yeas and nays upon it.

Mr. WILKINSON. If the Senator insists on that motion, I prefer that the matter should go over.

Mr. FESSENDEN. I object to this matter being taken up now.

The PRESIDING OFFICER. The Chair understood the Senator from Maine to withdraw his objection.

Mr. FESSENDEN. No, sir.

The PRESIDING OFFICER. Then it cannot come up.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their title, and referred as indicated below:

A bill (No. 185) to establish a postal money-order system—to the Committee on Post Offices and Post Roads.

A bill (No. 395) to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof—to the Committee on Finance.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York, [Mr. Morgan.]

The motion was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, *April* 18, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. Channing.

The Journal of Saturday last was read and approved.

BANK BILL.

Mr. BROOKS. I rise to a privileged question. I move to reconsider the vote of Saturday last, by which the bank bill was ordered to be engrossed and read a third time.

The SPEAKER. That motion is not in order at this time. The House at the adjournment on Saturday ordered the bill to be engrossed and read a third time now, and that order must be carried into effect as soon as the bill can be reached. When the bill has been read a third time, the gentleman can move to reconsider.

Mr. BROOKS. I rise to another question of privilege. I move to reconsider the vote by which the amendment offered by the gentleman from New York [Mr. Fenton] was agreed to.

The SPEAKER. That is a matter which is behind the engrossment; and until the order for engrossment is reconsidered, a motion to reconsider a vote by which an amendment was adopted cannot be reconsidered.

Mr. BROOKS. Can I enter the motion now?

The SPEAKER. The gentleman can give notice of a motion to reconsider.

Mr. BROOKS. I give that notice.

CALL OF STATES FOR BILLS.

The SPEAKER, as the regular order of business, proceeded to call the States for bills introduced on leave.

JANE B. EVANS.

Mr. RICE, of Maine, introduced a bill for the relief of Jane B. Evans; which was read a first and second time, and referred to the Committee on Patents.

B. F. KENDALL.

Mr. PERHAM introduced a bill for the relief of the estate of B. F. Kendall; which was read a first and second time, and referred to the Committee on Indian Affairs.

PENSION LAWS.

Mr. O'NEILL, of Pennsylvania, introduced a bill amendatory of the pension laws; which was read a first and second time, and referred to the Committee on Pensions.

BOUNTY LAWS.

Mr. O'NEILL, of Pennsylvania, introduced a bill amendatory of the bounty laws; which was read a first and second time, and referred to the Committee on Military Affairs.

PAY OF OFFICERS.

Mr. STEVENS introduced an act regulating the pay of certain officers in the Army of the United States; which was read a first and second time, and referred to the Committee on Military Affairs.

RELIEF FOR EAST TENNESSEE.

Mr. PENDLETON presented a joint resolution of the Legislature of the State of Ohio requesting Congress to make provision for relieving the destitute people of East Tennessee; which was referred to the Committee on Military Affairs, and ordered to be printed.

BOUNDARY OF IOWA.

Mr. KASSON introduced a bill to extend the western boundary of the State of Iowa to the Missouri river; which was read a first and second time, and referred to the Committee on Territories.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate have passed a joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow, with an amendment; in which the concurrence of the House was requested.

Also, that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (No. 106) to prohibit certain sales of gold and foreign exchange;

An act (No. 160) granting land to aid in the construction of certain railroads in the State of Wisconsin; and

An act (No. 181) in reference to donation claims in Oregon and Washington.

The SPEAKER, as the next regular order of business, proceeded to call the States and Territories for resolutions.

EVENING SESSIONS.

Mr. WILSON introduced the following resolution, upon which he demanded the previous question:

Resolved, That after this day, unless otherwise ordered, (except Saturdays,) the House will take a recess at thirty minutes after four o'clock and meet again at seven o'clock for the transaction of business; that during the day session, until otherwise ordered, the House will consider the bill to provide internal revenue, &c., and during the evening session other business will be considered in its order.

Mr. PENDLETON. I hope the gentleman will withdraw the demand for the previous question long enough to allow me to ask a question.

Mr. WILSON. I will hear the gentleman.

Mr. PENDLETON. I ask the Chair whether under that resolution as it reads, it will be competent for the House, before half past four o'clock, to adjourn over until the next day, if it does not desire an evening session, or must the whole order be revoked in order to do so?

The SPEAKER. It would be in order.

Mr. PENDLETON. I ask further, whether the regular order of business in the evening will proceed as it does in the morning, commencing with the morning hour at seven o'clock? I would like to have it amended in that way if it will suit the gentleman, provided that be not the meaning of it now.

The SPEAKER. The effect of the resolution will be to make the tax bill the special order during the entire day session, and then the regular order of business will commence in the evening just the same as if the Journal had been read at seven o'clock.

Mr. PENDLETON. That is what I desire to accomplish.

The SPEAKER. That is the intention and scope of the resolution.

The previous question was seconded, and the main question ordered; and under its operation the resolution was adopted, there being, on division—ayes 88, noes 32.

So the resolution was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FINANCES AND TAXATION.

Mr. ARNOLD offered the following resolutions, and moved the previous question on their adoption:

Resolved, That in the present condition of the country and its finances, it is the imperative duty of Congress to raise the taxes so as largely to increase the revenue of the Government. For that purpose a much higher rate of duty should be imposed on all luxuries imported from abroad, and a higher rate of taxation should be imposed upon all luxuries produced in the United States.

Resolved, That the expansion of the bank circulation of the country, producing general and ruinous speculation, should be repressed by taxing the issues of the State banks.

Mr. CRAVENS demanded tellers on seconding the previous question.

Tellers were ordered; and Messrs. CRAVENS and ARNOLD were appointed.

The House divided, and the tellers reported—ayes 52, noes 48.

So the previous question was seconded, and the main question ordered.

Mr. BROOKS called for a division of the resolutions.

The question was first taken on the first resolution, and it was adopted.

The question recurred on the second resolution.

Mr. RANDALL, of Pennsylvania. Is it in order to move to amend the resolution by adding the words "and national banks?"

The SPEAKER. It is not, the resolution being under the previous question.

Mr. BROOKS called for the yeas and nays on the second resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 62, nays 46; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Jacob B. Blair, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cole, Creswell, Henry Winter Davis, Donnelly, Eckley, Farnsworth, Frank, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Longyear, McBride, McClurg, Moorhead, Morrill, Daniel Morris, Amos Myers, Charles O'Neill, Orth, Patterson, Perham, Price, William H. Randall, Alexander H. Rice, John H. Rice, Shannon, Sloan, Smith, Thayer, Thomas, Tracy, Upson, Elihu B. Washburne, Williams, Wilder, Wilson, Windom, and Woodbridge—62.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Bliss, Brooks, William G. Brown, Chanler, Clay, Cravens, Denison, Eden, Eldridge, Finck, Ganson, Griswold, Harrington, Benjamin G. Harris, Herrick, Hutchins, Kernan, King, Law, Lazear, Long, Mallory, Marcy, McDowell, McKinney, Middleton, Nelson, Pendleton, Pruyn, Samuel J. Randall, Robinson, Rogers, Ross, John B. Steele, Stiles, Strouse, Sweat, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—46.

So the second resolution was adopted.

During the roll-call,

Mr. KELLEY stated that his colleague, Mr. LEONARD MYERS, was detained from the House by indisposition.

Mr. ARNOLD moved to reconsider the votes by which the resolutions were adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DERANGEMENT OF THE FINANCES.

Mr. HOLMAN offered the following resolution, and moved the previous question on its adoption:

Resolved, That in the judgment of this House the present deranged condition of the public finances can only be effectually remedied by reducing the amount of the paper currency of the country; and that, as the only effective remedy, the Committee of Ways and Means be instructed to report a bill to repeal an act entitled "An act to provide a national currency secured by the pledge of United States stocks, and to provide for the circulation and redemption thereof," approved February 25, 1863, and to limit paper circulation to legal tender notes issued by the Treasury Department by the authority of the United States.

The question being on seconding the previous question, Mr. HOLMAN called for tellers.

Tellers were ordered; and Messrs. HOLMAN and THAYER were appointed.

The House divided; and the tellers reported—ayes 40, noes 60.

So the House refused to second the previous question.

Mr. BALDWIN, of Massachusetts. I rise to debate the resolution.

The SPEAKER. Then the resolution goes over, under the rule.

ABANDONED REBEL PROPERTY.

Mr. ELDRIDGE asked unanimous consent to offer a resolution instructing the Committee on the Judiciary to inquire, and report to the House, by what warrant or authority the act entitled an act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States was approved on the 12th day of March, 1863, and whether said act is in force.

Mr. COBB objected.

INCREASE OF IMPORT DUTIES.

Mr. STEVENS, by unanimous consent, introduced a joint resolution providing that for sixty days after its passage, all duties on imported goods, wares, and merchandise, now provided by law, shall be increased by the addition of fifty per cent. thereto; which was read a first and second time.

The SPEAKER. This being a proposition to tax the people, it must go to the Committee of the Whole on the state of the Union, if there be objection to considering it in the House.

Mr. FERNANDO WOOD. I object.

Mr. STEVENS. I suppose I cannot move to suspend the rules till the morning hour has expired.

The SPEAKER. Not till the morning hour shall have expired.

Mr. STEVENS. I withdraw it for the present.

COLORADO AND ARIZONA MINERAL LANDS.

Mr. FERNANDO WOOD submitted the following resolution, upon the adoption of which he demanded the previous question:

Whereas the Government of the United States in succeeding to the sovereignty of the regions of country in which the mines of Colorado and Arizona are situated became invested with a complete proprietary title to said mines; and whereas no act of Congress has been passed alienating or providing for the disposal of any part thereof or prescribing measures for the use and working of them; and whereas individuals and companies are assuming ownership and occupation and attempting to work some of these mines, and are inducing the investment of capital in them by innocent parties: Therefore,

Resolved, That the President of the United States be requested to take such measures as in his judgment may be necessary for the protection of the rights of the Government in the mineral lands and mines of Colorado and Arizona, until the proper legislation shall be provided by Congress.

The previous question was seconded, and the main question ordered to be put.

Mr. STEVENS. If the gentleman from New York would modify the preamble of the resolution so as to say, "the most part of the lands" instead of "all the lands," I think it would be better. If I understand it the resolution embraces all the mineral lands in California. Now, the Supreme Court of the United States, as everybody knows, has decided that a portion of those lands belongs, by virtue of previous grants, to individuals.

Mr. FERNANDO WOOD. I will say to the gentleman from Pennsylvania that there is nothing about California in the bill.

Mr. STEVENS. The same question of priority of Spanish grants, I believe, applies to many of the lands in the Territories.

Mr. FERNANDO WOOD. The resolution only applies to such mineral lands as are in the possession of the Government. I will, however, cheerfully accept the suggestion made by the gentleman from Pennsylvania if the resolution is liable to the construction which he gives it, but I do not think it is susceptible of that interpretation.

Mr. SHANNON. I will ask the gentleman from New York why he does not include the Territories of Idaho and Nevada as well as those of Colorado and Arizona?

Mr. FERNANDO WOOD. I think the speculations I have referred to apply to the Territories of Colorado and Arizona only. Companies have been organized in New York under which innocent parties are induced to invest their means under the pretense that the lands are owned by the companies.

Mr. WASHBURNE, of Illinois. I should like to know what action the gentleman proposes the President shall take in the matter?

Mr. FERNANDO WOOD. The previous question has been ordered. I suppose debate is not in order.

Mr. SHANNON. I hope the gentleman from New York who offered this resolution will allow it to be referred to the Committee on the Territories, or to some committee. It involves important questions which I think should not be disposed of here without any debate.

Mr. FERNANDO WOOD. This is, in my judgment, a case which demands immediate action, or else the object of it will be lost.

Mr. McINDOE. I move to lay the preamble and the resolution on the table.

Mr. WASHBURNE, of Illinois. I would like to inquire again what object the gentleman from New York expects to accomplish by the passage of this resolution? What can the President do? These lands are subject to private entry the same as any other public lands.

Mr. ASHLEY. Not the mineral lands.

The SPEAKER. If there be no objection, the gentleman from New York will have leave to explain his resolution.

No objection was made.

Mr. FERNANDO WOOD. The object of the resolution is to protect some valuable interests which the Government possesses in the mines and mineral lands of Colorado and Arizona. At a time like the present, when all the great inter-

ests of the country are in jeopardy in consequence of the almost entire exhaustion of the positive, solid property of the nation, I think it is incumbent upon Congress and upon the Executive to protect all the property which the Government actually possesses.

I believe there are interests of the Government in these mines and in these mineral lands almost enough to pay the public debt. Now, sir, it is a well-known fact that companies are being organized every day in New York for the purpose of working these mineral lands. In fact, a mining Board has been created for the purpose of disposing of this new mining stock. Those companies, as I stated, are created for the purpose ostensibly of working these mines belonging to the Federal Government, and innocent parties are induced to make investments in these speculative companies, thus absorbing a large amount of the capital of the country, and creating to some extent the stringency in the money market of which the Secretary of the Treasury now complains.

Mr. KASSON. If the gentleman from New York will allow me to ask a single question, I desire to know why his resolution does not embrace all the mineral lands of all the Territories not covered by grants made prior to the acquisition of such territory by the United States?

I will state, if the gentleman will permit me, that I laid before the Committee of Ways and Means recently a communication respecting a late discovery of very valuable coal lands in Washington Territory. The coal is of a very superior quality, and is attempted to be used for the purpose of private parties to the exclusion of the interests of the Government.

I desire, if the resolution is to pass, to put it in a form to make it effective in other directions; and to make it effective I think that it is indispensable that it should go before a committee of the House, where a bill can be framed to cover all the subjects, and not, as it is now before the House, to cover a few subjects which may now be prominent in the city of New York.

Mr. FERNANDO WOOD. In reply to the gentleman from Iowa, I will say that there is a bill pending before this House, reported on the 18th of March, (No. 344,) in relation to mines and minerals on the public domain. There has been no action by the House in reference to that bill whatever. In the mean time these large interests are being occupied and worked to the disadvantage of the Government, rendering the Government title thereto insecure. In a letter which I received from the Commissioner of the General Land Office, he asks pointedly for some immediate legislation on this question. I therefore prepared this resolution that some immediate action may be taken by the President of the United States, who is the only competent officer, in the absence of any congressional action, to protect these mines and mineral lands from encroachment.

Mr. BENNET. Mr. Speaker, with the permission of the gentleman from New York I wish to say a word or two. I think he is mistaken in saying that the occupation of these mineral lands in any wise affects the title of the Government of the United States. The Government has never worked their mineral lands itself, but its citizens have been allowed to go upon them and to work them under certain rules and regulations of their own making. This has ever been the practice in reference to mineral lands—I mean gold and silver lands—and it cannot affect the title of the Government of the United States that citizens are allowed to go upon these lands and work them. I can say to the gentleman, on the contrary, that this privilege tacitly allowed to the citizens is yielding great advantage to the Government by having this gold and silver produced and put into circulation. By allowing citizens to go upon these mineral lands and to work them has produced more than five sixths of the present circulation of gold.

Mr. FERNANDO WOOD rose.

Mr. BENNET. One word further. The gentleman has referred to companies forming in the city of New York. I want to say that the companies being formed there by the citizens of Colorado Territory are for the purpose of working these mineral lands. They are *bona fide* companies. What outsiders are doing, what the citizens of New York are doing, I cannot say; probably these are some humbug companies, for there is such a thing as counterfeit coin; but I do know that many of the best citizens of Colorado and New York are obtaining capital in New York city to produce gold from those lands and to put it into circulation not only not to the detriment, but resulting to the advantage of the Government. As to mining stocks in New York, I do not see but they are as legitimate as railroad or other stocks. The gentleman talks of putting the occupants off these lands. This cannot be done. The only thing that should be done is to pass some liberal statute to aid the occupant, or else let him entirely alone to work out his own salvation. A reasonable tax would not be objected to in these war times by the miners, but it should be accompanied with statutory protection to the miner in his possessions. With the same propriety the gentleman might propose to drive the settlers off the agricultural public lands because they are producing corn and wheat, as to drive off those who are producing gold.

Mr. FERNANDO WOOD. I have no doubt that the citizens are working these mines, the exclusive property of the Government, and that if my resolution be delayed these mines will be exhausted, so that when they come back into the hands of the Government they will be comparatively valueless.

Mr. WASHBURNE, of Illinois. Permit me to call the gentleman's attention to the question which I proposed. What is it that he expects the President to do? Is he to raise a force and go into the mines and drive the miners off? We all know that in Colorado, Nevada, and California the settlers go upon these claims, and hold them by virtue of the laws of the Territory. It is the law we had in Illinois, as my colleagues will bear me witness, that before the public lands were entered a man could go on and make a settlement, and hold it against all comers. It is the same here. If the President is directed to take possession of these lands he will have to do it by military force. He will have to drive the miners off.

I will tell the gentleman from New York what the result will be. I have lived in a mining country half of my life, and when I went to the mines of Galena they were precisely in the same condition as these mines are. They were reserved from market, and the Government undertook to send an agent out there to collect rents from the miners. In 1835 Jeff. Davis was ordered down from Prairie du Chien with troops to drive the miners away from the lead mines of Dubuque. The Government undertook to protect its rights, and after many years of this trouble and bringing into the country all sorts of quarrels, the result was that the Government found itself seven or eight thousand dollars worse off than nothing. That will be the condition of things here. As the gentleman from California has said, if you undertake to do anything of that kind in these regions you will have civil war there at once.

Mr. SHANNON. Will the gentleman from New York yield to me a moment?

Mr. FERNANDO WOOD. I cannot yield to any further interruption.

Mr. SHANNON. I hope the resolution will be voted down.

Mr. FERNANDO WOOD. In reply to the gentleman from Illinois who asks me what I propose the President shall do, I refer him to the language of the resolution itself. The resolution says that the President shall proceed in any way which his judgment may dictate to protect the interest of the Government in these mines and mineral lands. I assume that the President is clothed with ample power under the laws of Congress to protect the property of the country and the property of the Government. I do not propose that he shall involve himself in any serious difficulty or civil war in reference to the repossession of these lands; but I do say that when the Government is resorting to most extraordinary shifts for the purpose of replenishing its Treasury, when it is adopting a system of unprecedented and onerous taxation, when its expenditures are ten times its legitimate receipts, when it is straining its credit to the utmost extent, when it finds it necessary to deprive the States of the exclusive right of regulating their own private affairs through their monetary institutions; I say, under these circumstances, it is incumbent upon Congress and the Government to make available its positive and valuable resources. If a few men in the city of New York can absorb a capital of $50,000,000 in the creation of mining institutions, why cannot the Government throw into the market the right of working these mines? Why cannot it step in and say this is Government property, and not the property of Wall street speculators and individuals? And why cannot it make application of their immense values for the purpose of replenishing its exhausted Treasury? Before resorting to these extraordinary modes of taxation, and to the extraordinary series of legislative acts proposed for our consideration, let us replenish the Treasury from these available resources, and cut down the Government expenditures fifty per cent., as in my judgment can be done without any detriment to the public service.

Therefore, without any consultation with any of my friends on this side of the House, but being in possession of a letter from Mr. Edmond, the Commissioner of the General Land Office, having some knowledge of the transactions of Wall street in reference to this question, believing that there are thousands of millions of dollars in these mineral lands which belong to the Government, and believing that we should resort to every available means of raising a revenue, I have offered this resolution that the President of the United States may do that which, in his judgment, was best for the preservation of these rights and the protection of public property.

I renew the demand for the previous question.

The question being on the motion to lay the resolution on the table,

Mr. FERNANDO WOOD demanded the yeas and nays.

The yeas and nays were ordered.

Mr. GANSON. I wish to suggest to my colleague that he adopt the suggestion of the gentleman from Iowa, [Mr. KASSON,] and make the resolution apply to all the Territories recognizing existing grants by former Governments.

Mr. STEVENS. I agree to that modification.

The SPEAKER. The morning hour has now expired, and the House resumes the consideration of the national currency bill.

UNMUSTERED SOLDIERS.

Mr. BROWN, of West Virginia, asked unanimous consent to offer the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of paying officers and soldiers who have been in the actual service of the United States without being mustered into service; and that they have leave to report by bill or otherwise.

Mr. HOOPER. I object.

NATIONAL CURRENCY.

The House resumed the consideration of an act (H. R. No. 395) to provide a national currency secured by a pledge of United States bonds and to provide for the circulation and redemption thereof; and the bill being engrossed, was, by order of the House, read the third time.

Mr. HOOPER moved the previous question on the passage of the bill.

Mr. BROOKS. I wish to move to reconsider the vote by which the bill was ordered to be engrossed and read the third time.

The SPEAKER. That motion is in order.

Mr. WASHBURNE, of Illinois. Is it debatable?

The SPEAKER. It is not debatable, as the House is acting under the previous question.

Mr. BROOKS. Have I not the right to give the reasons why I think the vote should be reconsidered?

The SPEAKER. The Chair will answer, in the language of the Digest, on page 154:

"Where a vote taken under the operation of the previous question is reconsidered, the question is then divested of the previous question, and is open to debate and amendment."

It is not, therefore, open to debate until the vote ordering the bill to be engrossed and read a third time is reconsidered.

Mr. BROOKS. Has not the bill been ordered to be engrossed and read the third time?

The SPEAKER. It has been.

Mr. BROOKS. Is not that a final action on the previous question, and has not the previous question exhausted itself?

The SPEAKER. The language of the Digest is: "The fact of a question having been decided under the operation of the previous question does not prevent debate on a motion to reconsider

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 20, 1864. NEW SERIES.....No. 107.

if the original question was otherwise debatable." But the pendency of the previous question on the passage of the bill arrests debate.

Mr. BROOKS. But before the previous question is seconded, a motion to reconsider is certainly in order. That is a privileged question; and I do not want to be deprived of that privilege.

The SPEAKER. Certainly not; the Chair has entertained the motion.

Mr. BROOKS. The rule says that the fact of a question having been decided under the operation of the previous question does not prevent debate on the motion to reconsider if the original question was otherwise debatable. The original question here is certainly debatable after the previous question is exhausted.

The SPEAKER. The pendency of the previous question on the passage of the bill, moved by the gentleman from Massachusetts, prevents debate.

Mr. BROOKS. But the previous question has not been seconded.

The SPEAKER. Its pendency arrests debate.

Mr. BROOKS. I have so much respect for the Chair that I am disinclined to appeal from its decision.

The SPEAKER. The Chair has decided in accordance with the unbroken usage of the House, and with the opinion of a gentleman of great parliamentary experience.

Mr. BROOKS. The Speaker must be conscious that if this be established as a precedent it will be utterly impossible hereafter ever at this stage of a bill to move a reconsideration.

The SPEAKER. The Chair has entertained the motion to reconsider; it is only the question of its being debatable that the Chair decides against the gentleman from New York.

Mr. BROOKS. I contend that under the rule I have a right to debate the motion to reconsider.

Mr. BALDWIN, of Massachusetts. Is it in order to move to lay the motion to reconsider on the table?

The SPEAKER. Not while the gentleman from New York is on the floor. The Chair decides that the gentleman from New York had the right to make the motion to reconsider and to have a vote of the House upon it, but that no debate can take place on it, in consequence of the motion pending for the previous question. The Chair calls attention to page 136 of the Manual, which states that—

"It is in order, pending the demand for the previous question on the passage of a bill, to move a reconsideration of the vote on its engrossment, but such motion is not debatable under the practice which has prevailed for many years."

Mr. BROOKS. Then I ask the distinguished gentleman from Massachusetts to withdraw the demand for the previous question to enable me to make a single remark.

Mr. HOOPER. I cannot withdraw the demand for the previous question.

Mr. BROOKS. Well, sir, I shall not forget the discourtesy hereafter. I demand the yeas and nays on the motion to reconsider.

Mr. ROLLINS, of New Hampshire. I move to lay the motion to reconsider on the table.

Mr. BROOKS. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 75, nays 66; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Deming, Driggs, Eckley, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Stevens, Thayer, Upson, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Wilson, Windom, and Woodbridge—75.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, Chanler, Clay, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hotchkiss, Hutchins, William Johnson, Kernan, King, Knapp, Lazear, Long, Mallory, Marcy, McAllister, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Pomeroy, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, Ross, Scott, John B. Steele, Stiles, Strouse, Stuart, Sweat, Thomas, Van Valkenburgh, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—66.

So the motion to reconsider was laid on the table.

Mr. HOLMAN. I move to lay the bill on the table.

Upon the motion 57 voted in the affirmative and 66 in the negative.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 76; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, Chanler, Clay, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, William Johnson, Kernan, King, Knapp, Law, Lazear, Long, Mallory, Marcy, McDowell, McKinney, Middleton, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, Ross, Scott, John B. Steele, Stiles, Strouse, Sweat, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—57.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Boutwell, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Deming, Donnelly, Driggs, Eckley, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Price, William H. Randall, John H. Rice, Edward H. Rollins, Shannon, Sloan, Stevens, Thayer, Thomas, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Wilson, Windom, and Woodbridge—76.

So the bill was not laid on the table.

The question recurred on seconding the demand for the previous question.

Mr. BROOKS called for tellers.

Tellers were ordered; and Messrs. BROOKS and HOOPER were appointed.

The House divided; and the tellers reported—ayes 73, noes 48.

So the previous question was seconded.

The main question was ordered to be put.

Mr. HOLMAN demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 63; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B Blair, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Creswell, Dawes, Deming, Donnelly, Driggs, Eckley, Farnsworth, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Price, William H. Randall, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Wilson, Windom, and Woodbridge—78.

NAYS—Messrs. James C. Allen, William J. Allen, Baily, Augustus C. Baldwin, Francis P. Blair, Bliss, Brooks, Chanler, Clay, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hutchins, William Johnson, Kernan, King, Knapp, Law, Lazear, Long, Mallory, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, Ross, Scott, John B. Steele, Stiles, Strouse, Stuart, Thomas, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—63.

So the bill was passed.

Before the vote was announced,

Mr. ELDRIDGE stated that his colleague, Mr. BROWN, had paired with Mr. SCHENCK for ten days. If they had been here Mr. BROWN would have voted against the bill, and Mr. SCHENCK in the affirmative.

Mr. PRICE stated that Mr. SMITHERS was detained from the House in consequence of sickness.

Mr. RICE, of Massachusetts, stated that he was absent from the House on important business, and came in just after his name was called. He should have voted for the bill if he had been in in time.

Mr. HOLMAN stated that Mr. EDGERTON was still absent in consequence of sickness.

The vote was announced as above recorded.

Mr. HOOPER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INCREASED DUTIES ON IMPORTS.

Mr. STEVENS. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That from and after the passage of this resolution, until the 1st day of July, 1864, all the duties and imports upon imported goods, wares, and merchandise, now provided by law, be increased by the addition of fifty per cent. thereto, and upon all goods, wares, and merchandise now free or exempt from duty, there shall be levied and collected a duty of ten per cent. *ad valorem*.

Mr. J. C. ALLEN. I object.

Mr. STEVENS. I move that the rules be suspended for the purpose I have indicated.

Mr. PENDLETON. Does the gentleman propose to refer the resolution to the Committee of the Whole on the state of the Union for discussion?

Mr. J. C. ALLEN. If he does I will withdraw my objection.

Mr. STEVENS made no response.

The House divided; and there were—ayes 81, noes 43; two thirds not voting in the affirmative.

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 45; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Jacob B. Blair, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Creswell, Henry Winter Davis, Deming, Donnelly, Driggs, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Noble, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, John B. Steele, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Wilson, Windom, Woodbridge, and Yeaman—80.

NAYS—Messrs. James C. Allen, William J. Allen, Brooks, Chanler, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Grider, Hall, Harding, Benjamin G. Harris, Charles M. Harris, Herrick, Holman, Hutchins, William Johnson, Lazear, Long, Mallory, Marcy, McDowell, McKinney, Middleton, James R. Morris, Morrison, Nelson, Noble, Pendleton, Pruyn, Radford, Robinson, Rogers, James S. Rollins, Ross, Stiles, Strouse, Stuart, Sweat, Thomas, Chilton A. White, Joseph W. White, and Fernando Wood—45.

So the rules were not suspended, two thirds not voting in favor thereof.

TAX BILL.

Mr. MORRILL. I ask unanimous consent of the House that the tax bill be made a special order in the day session in the Committee of the Whole on the state of the Union for to-morrow and from day to day until disposed of.

There was no objection, and it was so ordered.

MONTANA.

Mr. WALLACE, of Idaho. I move that the House proceed to the business upon the Speaker's table, to take up House bill No. 15, to provide a temporary government for the Territory of Montana, and that the House further insist upon its disagreement to the amendments of the Senate, and ask for a further free conference on the disagreeing votes between the two Houses.

The SPEAKER. The House has already appointed a committee of conference, with instruc-

tions, to which the Senate has returned the following message:

IN SENATE, *April* 15, 1864.

Resolved, That the Senate decline to agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses on bill of the House No. 15, to provide a temporary government for the Territory of Montana, upon the terms proposed by the resolution of the House.

The motion was agreed to.

Mr. WALLACE, of Idaho. I move that the House further insist on its disagreement to the amendments of the Senate, and ask for a further free conference on the disagreeing votes between the two Houses, and on that motion I demand the previous question.

Mr. PENDLETON. I ask to have entered a motion to adhere.

Mr. WALLACE, of Idaho. That would kill the bill.

The previous question was seconded, and the main question ordered.

Mr. PENDLETON demanded the yeas and nays on the motion to insist.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 69, nays 55; as follows:

YEAS—Messrs. Alley, Ames, Anderson, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Boutwell, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cole, Henry Winter Davis, Donnelly, Driggs, Eckley, Fenton, Frank, Garfield, Gooch, Grinnell, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Kasson, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Thayer, Upson, Van Valkenburgh, Elihu B. Washburne, Whaley, Williams, Wilder, Wilson, Windom, and Woodbridge—69.

NAYS—Messrs. James C. Allen, William J. Allen, Augustus C. Baldwin, Francis P. Blair, Clay, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, William Johnson, Kernan, Knapp, Law, Lazear, Long, Mallory, Marcy, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Pendleton, Pruyn, Radford, Samuel J. Randall, Robinson, Rogers, Ross, Scott, Stiles, Strouse, Stuart, Sweat, Thomas, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, Fernando Wood, and Yeaman—55.

So the motion was agreed to.

The SPEAKER appointed Messrs. WEBSTER, HOLMAN, and MARVIN as the managers of said conference on the part of the House.

Mr. WALLACE, of Idaho, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. MALLORY. I move the following instructions:

Resolved, That the committee of conference on the part of the House be instructed to agree to no report that does not restrict the elective franchise in the Territory of Montana to free white male citizens, or those who have declared their intention to become such.

The SPEAKER. That is not in order, as the bill has passed from the House.

CHARLES B. SHIRLEY.

Mr. A. W. CLARK. I ask that, by unanimous consent, the resolution which was passed yesterday on the recommendation of the Committee of Accounts for the benefit of Charles B. Shirley, be amended by the substitution of the word "June" for "May," so as to make the resolution conform to facts.

No objection being made, the resolution was so amended.

Mr. STEVENS. I demand the regular order of business.

PETER ANDERSON.

Mr. CRESWELL. I ask the gentleman to give way for a moment until I can make a report from the Committee on Invalid Pensions.

Mr. STEVENS. I will give way for that purpose.

Mr. CRESWELL, by unanimous consent, reported from the Committee on Invalid Pensions a bill for the relief of Peter Anderson; which was read a first and second time, referred to the Committee of the Whole House, and ordered to be printed.

JAMES WELSH.

On motion of Mr. CRESWELL, the Committee on Invalid Pensions were discharged from the further consideration of the petition of James Welsh, asking for a pension for wounds received while in the Army of the United States; and the same was laid on the table.

LEAVE OF ABSENCE.

Mr. BROWN, of West Virginia. I ask leave of absence for Mr. WHALEY for ten days from to-day.

No objection being made, leave of absence was granted accordingly.

Mr. HUBBARD, of Iowa. I ask leave of absence for Mr. DUMONT for two weeks from to-day.

No objection being made, leave of absence was granted accordingly.

GRADE OF NAVY OFFICERS.

Mr. RICE, of Massachusetts. With the consent of the gentleman from Pennsylvania, I ask leave of the House to take from the Speaker's table a bill returned from the Senate for the purpose of concurring in a Senate amendment.

No objection being made, an act (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862, was taken from the Speaker's table for consideration of the Senate amendment thereto.

The Senate amendment was to amend section four by striking out all after the word "list," in line nine, as follows:

And if the disqualification of any officer so retired occurred in the line of his duty, or in consequence of his honorable fulfillment of the term of active service prescribed by law, he shall be placed upon the retired list one grade higher than that from which he was retired.

The amendment was concurred in.

Mr. RICE, of Massachusetts, moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRESQUE ISLE.

By unanimous consent, the act (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie, was taken from the Speaker's table and the Senate amendment thereto, which was to add after "Erie" the words "State of Pennsylvania," was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate have passed the following bills; in which the concurrence of the House was requested:

An act (No. 129) to amend an act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water tax, and for other purposes," approved May 21, 1862;

An act (No. 172) concerning the disposition of convicts in the courts of the United States, for the subsistence of persons confined in jails charged with violating the laws of the United States, and for diminishing the expenses in relation thereto; and

An act (No. 217) for the relief of Warren W. Green.

NORTHERN PACIFIC RAILROAD.

The House then proceeded to the consideration of the regular order of business, being a bill (H. R. No. 5) granting public lands to the People's Pacific Railroad Company, to aid in the construction of a railroad and telegraph line to the Pacific coast by the northern route.

The bill was read *in extenso*.

Mr. STEVENS. I notice that the Clerk, in reading the bill, read, as part of it, the amendments recommended by the select committee. I will move to amend the bill by adopting all the amendments recommended by the committee, if there is no objection.

The amendments recommended by the committee were adopted collectively.

Mr. STEVENS. I do not know that I desire to say anything upon this bill unless there should be some objection to it. I hope there will be none.

Mr. WILSON. I think the reading of the bill itself raises objections enough, without urging any particular ones. I do object to the passage of this bill, for it proposes to grant to this company over forty-six million acres of the public lands; and it does seem to me that this is no time to engage in land grants of this kind. It is taking away about one twentieth of the public lands now belonging to the United States, and granting them to this company. Unless the gentleman from Pennsylvania desires to speak to the bill I wish to make a motion, which will test the views of the House in relation to its merits. I propose to move to lay the bill upon the table.

Mr. HOLMAN. I wish to suggest an amendment to the bill, if an opportunity be given me.

Mr. STEVENS. I yield to the gentleman for that purpose.

Mr. HOLMAN. I move to amend the eleventh section by striking out the words "restricting the charges for such Government transportation," and inserting in lieu thereof the words, "and shall transport the troops and property of the United States free of charge." I only desire to say that all of the grants of public lands for similar purposes heretofore made have contained the provision which I propose to have inserted in this bill. This bill makes a very large grant of the public domain for the benefit, to a certain extent, of private corporations. It seems to me that the practice of requiring those railroad companies that receive these bonuses from the Government to transport its troops and property free of charge should be incorporated in this bill. The section which I propose to amend confers certain powers on Congress to regulate the charges of transportation. That certainly is right, so far as the transportation of the mails is concerned. But in regard to the transportation of troops and supplies intended for the defense of that great section of country, the Government should have such transportation free of charge.

I believe, Mr. Speaker, that this is the largest grant of public lands ever proposed to be made, and will absorb a very large proportion of the remainder of the national domain. It will operate, to that extent, in defeating the operation of the homestead law. It seems to me that when we are thus giving away our public lands and exhausting our resources, we should at least secure one benefit from it to the nation at large—that of free transportation of the troops and supplies of the Government. We have imposed the same burden on other corporations, and I see no reason why we should not do so in this case.

Mr. STEVENS. In answer to the gentleman from Indiana I will say that in our grants to the Union Pacific railroad we gave it $16,000 a mile in bonds, $48,000 across the mountains, and ten sections of land per mile; and there the United States Government was to pay for all transportation the same as other individuals. The committee has refused in this bill to grant the company any subsidies except in public lands in that unbroken wilderness. As to these lands, the committee was willing to give to the company almost any amount that it thought it could make use of, because the Government has already devoted the land, not for sale, but for homesteads of such individuals as choose to settle on it. The committee supposed that the true way to provide for homesteads there was to have a railroad constructed; and hence it proposes to give this increased quantity of the public lands, while it refuses to report any subsidy. I submit to the gentleman from Indiana [Mr. HOLMAN] whether he believes that the value of the lands here given approaches at all near the amount of subsidies granted to the other company.

Mr. WILSON. I understand that the Union Pacific Railroad Company proposes to have the grant of bonds changed, so that the company shall issue the bonds and let the United States guaranty the interest on them for a number of years; so that the interest will not be more than the United States would have to pay under the present arrangement, and would be entirely relieved of responsibility for the capital.

Mr. STEVENS. The Union Pacific Railroad Company asks Congress to increase the subsidies from $16,000 to $24,000 a mile, and from $48,000 to $96,000 a mile.

Mr. WILSON. I ask the gentleman whether the bonds which the company propose to issue will not be to a larger amount than is proposed in the original bill?

Mr. STEVENS. There have been some suggestions of that kind, but not in the shape of a proposition.

Mr. WILSON. I understand the company is willing to accept a guarantee of interest on the bonds.

Mr. STEVENS. But if so, it will be by guarantying the interest on a much larger amount.

Mr. WILSON. But, after all, the aggregate amount of interest to be guarantied by the Government on the increased amount of bonds will be less than the amount for which the Government would be responsible under the original act.

Mr. STEVENS. It may be so. I am not discussing the subject of the Union Pacific railroad now. I am in favor of it. Indeed, I am in favor of all these roads; and I hardly expected that when a company asks a grant of lands that are now worthless, there should be any objection at all to it.

Mr. SLOAN. I am certainly in favor of the purpose of this bill; that is, the construction of a northern Pacific railroad. We believe that the shortest route for reaching the Pacific is by the northern route, and if I had any assurance that the grant which is proposed to be made by this bill would result in the construction of that road I would certainly be very earnestly and zealously in favor of the bill.

But, sir, I see by the bill that the grant of the public lands which it is proposed to make, and which it is estimated will reach not less than forty-six million acres of land, is to be given to a corporation chartered by the State of Maine, a State certainly the furthest removed of any State in the Union from the scene of the operations of the proposed project.

I know nothing in reference to the company which is named in the bill, nothing in relation to its facilities or ability to accomplish this great work which the special committee having this matter in charge have proposed to commit to it. If I were satisfied that it is composed of such men as will insure the execution of the work, they would not have a more earnest supporter upon this floor than myself. But it must be recollected that this is an enormous grant of land to be donated to a single company, and that if they should fail to do anything under it, they may stand in the way of the organization of any other company for the completion of this important national work.

Mr. STEVENS. The gentleman will observe that this company have but six months in which to elect whether they will comply with the conditions of the grant.

Mr. SLOAN. I confess that I have not had an opportunity of examining the details of the bill so as to understand all the guards which the committee have thrown around the grant. But, sir, I desire to say that without understanding what the precedents have been in this respect, it does seem to me that in a work of such national importance as the construction of a railroad between the Atlantic and Pacific States, a corporation should be organized under this bill by the Congress of the United States, and placed within such limits and under such liabilities as may be deemed proper, instead of leaving it to a company organized in one of the States.

Mr. STEVENS. I will suggest to the gentleman that perhaps an answer to his inquiries may be found in the remarks of my colleague on the committee, [Mr. SWEAT,] who, I understand, desires to address the House upon the subject of this bill. I hope, therefore, the gentleman will allow the gentleman from Maine to go on and submit his remarks in explanation of the bill.

Mr. SLOAN. I will give way for that purpose.

Mr. SWEAT. "I hope to live long enough, without looking forward to a very long life, to see mining and agricultural communities growing up in that interior, which shall constitute an element of peace and concord among the States of this Union," were words spoken on this floor in May, 1860, upon the very question now under consideration, by a gentleman whose labors in behalf of the project of developing that vast extent of territory between the Mississippi river and the Pacific ocean entitle him to the high consideration and gratitude of the American people. He did live long enough to see the initiation of a part of his plan in the charter granted for the Union Pacific or Central road, and had he lived till this time he would have rejoiced still more in this other fact now before us of the unanimous report of your committee in aid of his favorite northern route, and which, I trust, is to receive the friendly support of this Congress. His mind, remarkable for its quickness and vigor of action, comprehended from the first, not only the importance in a commercial view of opening a communication to the Pacific ocean by railway, but upon the broader ground of developing the untold resources and wealth of that vast, unsettled, and almost unknown territory within our borders, and as a means of providing for the military defense of the great Northwest of this Republic; and to the accomplishment of his purpose of investigating the facts upon which his theory was founded, and thereby directing the attention and securing the interest of our people upon it, he commenced his labors in 1853, the results of which are published to the country and are now recognized as among the most valuable ever accomplished by any of our public men. His worth and ability as a scientific man, as a sound thinker and clear reasoner, as a fearless and patient explorer, were only equaled by his patriotic devotion to the cause of the Union, and by the zeal and ardor with which he hastened to its defense, and by the signal service which he rendered to it as an accomplished, skillful, brave, and successful military commander, placing him in my judgment as scarcely second to any that this war has called into action. I need not say that I refer to General Isaac I. Stevens, late of Washington Territory, who fell on the field of battle at Chantilly, September 1, 1862, and I trust I need not apologize to this House for this passing tribute to one who served the cause of progress and his country so faithfully and so well.

Mr. Speaker, the question of railroads to the Pacific is no longer a chimera. It has been answered. They are not only practicable but they are indispensable as the means of developing and protecting that portion of our country destined at no distant day to equal if not transcend in importance any other equal extent of our domain. Thanks to such men as Lewis, and Clark, and Whitney in earlier days, and Stevens, Mullan, McLellan, Lander, Fiske, and others, more recently, public interest is now centered upon this grand movement, scarcely second in importance to the reëstablishment of peace within our borders, for without the development of this portion of our country no peace can be permanently assured and maintained. The political elements which heretofore have obtruded themselves in the considerations of this question are happily at rest, and there is nothing now to prevent the exercise of the fullest, wisest, and most national views upon it. The doctrine of the supposed necessity of keeping up an accurate equilibrium between the slave and free States is no longer cause of excited discussions and opposition to the improvement of important sections of our country; and that other idea of placing the *sea-coast interests* in antagonism to the *interior States* is also abandoned as having no foundation stronger than personal or sectional prejudices.

This bill authorizes the construction of a road the termini of which shall be at some point on Lake Superior at the westerly side thereof, in the State of Wisconsin or Minnesota, and some point on Puget sound. For very obvious reasons it was determined by your committee not to specify in the bill the precise starting point on Lake Superior, or the place of termination on Puget sound. To fix these irrevocably by the action of Congress would place it in the power of speculators to purchase all the land adjacent, and, by an exorbitant price for them, subject the corporation to unjust and heavy burdens in the commencement of their undertaking. Good policy and the interests of the country suggest the propriety of leaving the exact termini of the road undefined by the bill, and to be hereafter selected by the corporation. The localities through which the road will pass in crossing the State of Minnesota and the Territories of Dakota, Idaho, Oregon, and Washington, are also left for future determination after accurate surveys. Whether the route of Stevens or Mullan, or perhaps a more southerly one, will be adopted, remains to be decided.

The only limitation fixed in this bill is that the road shall not run further south than the forty-fourth and a half degree of latitude; and I may here say that this limitation was mentioned in order to meet the fears entertained by some of the committee that if this road should run further south it might conflict with the interests of the Central (Union Pacific) road. Such a fear is entirely unfounded. It is not possible that the Northern can injuriously interfere with the Central. The large extent of territory necessarily between them, averaging five or six hundred miles, would forever preclude this possibility. One might as well contend upon a similar reason that there should be but one road leading northeasterly between St. Louis and New York. And in addition to this, I am able to say, from conversation with those most largely interested in the Central road, that so far from considering this road as prejudicial to theirs, it would be an aid, and they expressed their earnest wishes for its success.

You will perceive on examining the bill that it is drawn carefully with reference to insuring the early commencement of the road. The fact that no money is asked by its friends of the Government may raise doubt in the minds of some, who comprehend the magnitude of the undertaking, whether it will not prove a mere idle and useless experiment. It is not so considered by those who are moving in it. They believe that there are advantages for building this road, and inducements for investing money in it by subscribing for its stock, which no other route to the Pacific can possibly command. While they ask not a dollar of Government bonds or money, and by the bill are precluded from taking any of the mineral lands crossed by the road, and are also prevented from ever issuing any mortgage or construction bonds without the consent of Congress, they are content with the grant of lands provided by this act, and believe that with this as a foundation, and with the assurance that no incumbrance can be placed on it by the company, stock will be subscribed for and the work assured.

In relation to section thirteen of the bill, which provides that the act shall be void unless *bona fide* subscriptions to the stock to the amount of $2,000,000 shall be procured with ten per cent. paid within two years after the passage and approval of this act, I will here say, that from assurances made to me by gentlemen interested in it, and whom I know to be possessed of large means, that the amount required can be raised in one week after the passage of this bill. They say, give us twenty alternate sections of land on each side of the railroad through the Territories, and ten sections per mile through the States, and we are ready to risk our money. This land is now virtually useless to the Government, and so far as surveyed is open to occupation and settlement at mere nominal prices. The land which will be left after this appropriation to the road will be increased a hundred-fold after the road is built; and to meet any possible suspicion that this is to be used as a mere speculative scheme for the purpose of getting hold of the public lands, I beg you to bear in mind that by the language of the bill, expressly prepared for the purpose, not one single acre of land can ever vest in this corporation except upon the terms of actually constructing and having ready for service the road, in sections of at least twenty-five miles each.

But it is said, "Why grant this bill in aid of a company chartered by the Legislature of Maine?" The question was asked a few moments since by the gentleman from Wisconsin, [Mr. SLOAN.] To those conversant with the history of "railroad communications with the Pacific" I need not say that very serious question has in past times been made as to the power of Congress to authorize the immediate agents of the Government to engage in such undertaking. As recently as 1858 President Buchanan, in his annual message, used the following language:

"It is freely admitted that it would be inexpedient for this Government to exercise the power of constructing the Pacific railroad by its own immediate agents. Such a policy would increase the patronage of the Executive to a dangerous extent, and introduce a system of jobbing and corruption which no vigilance on the part of Federal officials could either prevent or detect. This can only be done by the keen eye and active and careful supervision of individual and private interest. The construction of this road ought, therefore, to be committed to companies incorporated by the States, or other agencies, whose pecuniary interests would be directly involved. Congress might then assist them in the work by grants of land or of money, or both, under such conditions and restrictions as would secure the transportation of troops and munitions of war free from any charge, and that of the United States mail at a fair and reasonable price."

It was in deference to such opinions as these, and after an unsuccessful attempt to get a charter directly from Congress, that application was made to the Legislature of Maine in March, 1860, for a charter. The Legislature of that State was the only one, I think, in session so late as March of that year; and hence the application there. The Speaker

of the House at that time was my colleague from the fifth district, [Mr. PIKE,] and one of the distinguished Senators from that State [Mr. MORRILL] was President of the Senate. I am not aware that the power has been questioned of one State granting a charter for building railroads outside of its territories, subject, of course, to the consent of any other State whose territory was to be crossed. In the exercise of this power the Legislature of New York granted a charter to a company for the construction of a road across the isthmus of Panama, and another time, I believe, for a road in Texas. The objection to Congress granting power for such purposes to Federal agents, which existed years ago, seems not to have prevailed in 1862, when the act chartering the Central Pacific road was passed, and I am not disposed to urge now that there is any soundness in such an objection; but I do not perceive any good reason why Congress may not legislate in aid of a company chartered by a State which would not apply with at least equal force to giving power directly to Government agents for the same purposes.

The only other interest which Maine has in this project is that which an enlightened public sentiment on this subject will create everywhere; an interest created by her bold but successful experiment in the Atlantic and St. Lawrence railroad, making Portland the terminus of the longest continuous railway in the world; an interest founded on the growth and increased commerce of Portland and other parts of the State, occasioned undoubtedly by that road. In illustration of this I may be pardoned for stating that in 1849, previous to the opening of this road, the exports from that place were only $643,529; and in 1863, with the road completed to Canada and thence to Detroit, they amounted to $5,018,365. The imports in 1849 were $498,346, and in 1863 they had increased to $9,034,526, including that which passed through under bond to the Canadas.

Again I say, as an additional reason why Maine is interested, more of her sons and daughters, in proportion to her population, than from any other State, have emigrated to the Northwest, and are now calling to us, in the voice of affection and love of kindred, as well as in behalf of the great demands of commerce and for developing this portion of the country, the value of which they have learned from personal experience and observation, to lend them our aid in carrying on this national work. Is this road practicable? is it important? are questions which we are called upon first to answer. The one already chartered is claimed to be both practicable and important, and in this I most fully concur; but while I admit this and would grant all reasonable aid to insure its completion, there are advantages pertaining to the Northern road which, in my judgment, no other route possesses. The distance is less, expense of building less, and greater public interests will be subserved by this than by any other communication with the Pacific. These points I propose to establish.

Accurate estimates prove that the distance from Seattle, a village situated on Elliott's bay, southerly side of Puget sound, to all our cities on the seaboard is shorter by this Northern than by the Central route.

The lineal distances from Seattle via northern route, via Superior City and St. Paul, and from Benicia via South Pass, via Council Bluffs, via St. Louis, to these several ports of the Atlantic and Gulf coast, will be as follows:

	Seattle, via St. Paul.	Benicia, via St. Louis.	Difference in favor of Northern route.
Portland	3,249	3,831	582
Boston	3,352	3,696	344
New York	3,126	3,546	420
Philadelphia	2,988	3,454	466
Baltimore	2,966	3,355	389
Washington	3,004	3,375	371
Charleston	3,328	3,445	117
Savannah	3,313	3,430	117
Mobile	3,630	3,147	117
New Orleans	3,115	3,232	117
Averages	3,131.1	3,453.1	

"Thus," as Mr. Stevens says, "every seat of commerce on the coast is nearer to Puget sound by the Northern route than to the waters of San Francisco by the Central route."

In relation to obstructions from the snow and severity of the climate, it is too well settled to require discussion that nothing need be feared from either of these causes; but as I have recently heard some question made upon this point by a gentleman on this floor, who said he had not had an opportunity to examine the subject. I will quote from the reports of Stevens and Mullan, and trust it will be sufficient to remove any further doubt. Mr. Stevens says:

"In an examination of that country, which I made in the years 1853-54-55, I deemed it a fundamental and essential fact to be determined, and it was determined in a manner that will enable me to speak positively. The passes of the Rocky mountains, Hell Gate, Northern Little Blackfoot, and Cadotte's pass were crossed by my parties in the months of December, January, February, and March, in the years 1853-54, and in no one of these passes did they find more than fifteen inches of snow."

I could quote at length from all those who have surveyed this route and show conclusively that there can be no difficulty from snow, but there is not time for this. I have the authorities before me and will show them to any gentleman who desires it.

Again, he says:

"I will now consider the question of the cold. It is alleged that the weather is so cold on the route of the forty-seventh parallel that it will be impracticable to work men in the construction of the road for a large portion of the year, and that it will be impracticable to run cars for many days in the winter.

"Unfortunately for these opinions, we happen to have observations on these points, and to have great lines of railroad in operation over tracts of country as cold and even colder than the route from Fort Benton to the shores of the Pacific. The mean winter temperature at Fort Benton in 1853-54 was 25° 38' above zero. The average at Montreal, on the Grand Trunk railroad, for the same year, was 13° 22', and for a mean of ten years 17° 80' above zero. At Quebec it was in 1853-54 11° 03' above zero, and for a mean of ten years 13° 30' above zero. On the great Russian railroad from St. Petersburg to Moscow the comparison is very similar. The mean winter temperature for a series of twenty-one years at Moscow is 15° 20', and at St. Petersburg for a mean of twenty five years 18° 10' above zero.

"At Fort Snelling, on the great lines through Minnesota from St. Paul to Pembina, and from St. Paul to Breckinridge, now actually in process of construction, the mean winter temperature of 1853-54 was 11° 64', and the mean of thirty five winters 16° 10', above zero. Thus in the winter of 1853-54, an unusually cold winter, Fort Benton was 12° warmer than Montreal, 14° warmer than Quebec, 14° warmer than Fort Snelling, 10° warmer than Moscow, and 7° warmer than St. Petersburg. Looking to the Bitter Root valley, we find its average temperature in the winter of 1853-54 to be 24° 90', and in 1854-55 30° 30' above zero, making it for the two winters respectively 10° and 15° warmer than at Moscow, and 7° and 12° warmer than at St. Petersburg. In 1853-54 it was 12° warmer than at Montreal, and 14° warmer than at Quebec. But I will not content myself with giving you the average winter temperatures; let us consider the greatest cold observed. The greatest cold in the winter of 1853-54 was 29° below zero at Cantonment Stevens. At Fort Snelling it was 36°, at Montreal 34°, and at Quebec 29° below zero, from which you will see that on this route the greatest cold is not equal to the greatest cold on the route of the Grand Trunk railroad of Canada. The same fact is unquestionably true of the great artery of Russia from Moscow to St. Petersburg, but I have not been able to obtain the daily observations for purposes of comparison. We will look at it in another point of view. Take the number of cold days when the average temperature was below zero. The average temperature was below zero twelve days at Fort Benton, ten days at Cantonment Stevens, eighteen days at Fort Snelling, eighteen days at Montreal, and twenty-three days at Quebec. Thus you will see that there were more cold days on the line of the Grand Trunk railroad, and of the roads in Minnesota, than on this Northern route. Having compared the average winter temperatures, and the number of cold days, let us look at the climate in another point of view. Take the number of warm days when the average temperature was above the freezing point, and I find that at Fort Benton the thermometer was forty-three out of ninety days, and at Cantonment Stevens thirty-two out of ninety days above the freezing point, against only six days out of ninety at Fort Snelling, five days out of ninety at Quebec, eight days out of ninety at Montreal, and eighteen days out of ninety at Albany—all in the winter of 1853-54."

These facts, all drawn by Mr. Stevens from official records, ought to be enough to remove any fear of obstruction by snow or the severity of the cold.

The testimony of Mr. Mullan is the same; but I can only refer you to his very able report for the details.

Upon examination of the report of Mr. Collins, our consul at the Amoor, in 1857-58, you will find this supposed practical difficulty of snow and cold fully answered in his detailed statement of the postal service, or system of "posting" in Russia. Surrounded constantly by these difficulties, they have met them boldly and found that their *existence* even was only in theory. Difficulties, like dangers, ordinarily lessen in proportion as they are approached, and there is no better illustration of this, in a *material* point, than is found in the practicability of traversing that vast extent of territory between Moscow and Irkoutsk in eastern Siberia, of three thousand four hundred and twenty-six miles, where the cold and snow are much more troublesome than over any portion of the Northern route to the Pacific. This immense distance is traveled in Russia in twenty-five to thirty days by the ordinary conveyance, and on special occasions for Government purposes it is accomplished in fifteen to twenty days. Says Mr. Collins:

"One of the most singular features in this route from Moscow, such an immense distance over such an immense waste of country, is the fact that it occurs less than half a dozen times that the change of horses does not take place in a city, town, or village. I have no hesitation in saying that I passed through five hundred cities, towns, and villages."

Let it be borne in mind that all this country thus described by Mr. Collins lies between the parallels of 52° and 58°, and that the mercury, over a greater portion of it during the winter, is below zero, while on the proposed route to the Pacific the most northerly latitude probably will not be higher than 47°, and in my judgment will not vary much from the average of the forty-sixth degree if the best one is adopted.

I well recollect the doubts that were entertained when the Atlantic and St. Lawrence railroad was first under discussion, as to the practicability of running the cars regularly in the winter; but these doubts, though apparently founded on what were then considered sufficient data by the opponents of the undertaking, controlled not in the least those who had determined to complete the road and prove by actual trial that these doubts were unfounded. The road was finished, and there has been less irregularity and detention on it caused by snow than on any other road leading into Portland. It is on the seaboard of our eastern States that you may expect more difficulties from snow than anywhere else, for there it falls, damp and heavy, and by freezing on the rail is sure to cause frequent delays, while in higher latitudes the snow falls lighter, and no one fall being heavy, there is no difficulty ordinarily in running through it and sweeping it away, with a powerful engine. Actual experiment has demonstrated this, over the whole distance of the Atlantic and St. Lawrence and the Grand Trunk railways. The greatest detention by snow that I have ever personally known was on the Boston and Maine railroad, at Ipswich, Massachusetts, when the downward train was kept more than twenty-four hours by the drifting of *damp* snow, while the branch line, not many miles in the interior, on the same day, was not obstructed at all.

In view of all the testimony on this point, with the many actual experiments already made, there can be no longer doubt that so far as relates to snow and severity of climate, this road to the Pacific is entirely practicable.

Another difficulty has been suggested, and that is, that on this route there must be many miles of very expensive *tunneling*. This is another great mistake which some have fallen into. By one of the routes surveyed by Mr. Stevens it is true that a very considerable amount of this work would be required, but this can easily be avoided by crossing another pass in the mountains, increasing the distance some two hundred and fifty miles. Upon this I prefer to give you the language of Mr. Stevens, as taken from his report, which is confirmed by Mr. Mullan:

"It is objected to the Northern route that it involves extensive tunneling. This is not necessarily the case. The Northern road can be located with little or no tunneling, but at a very great increase of distance.

"Lieutenant Mullan reports that, by his wagon pass—Mullan's or Little Blackfoot pass—a railroad can be laid across the Rocky mountains with only a cut one hundred feet deep through the divide, which is but half a measured mile from base to base, and that no excessive grades will be required on the eastern approach. The descent down the valley of the Little Blackfoot and Hell Gate is exceedingly favorable. Thus a line can be laid down from the Mississippi to Olympia, on Puget sound, with but short and few tunnels, but which will be two hundred and seventy-six miles longer than the route by Cadotte's, the Cœur d'Alène or Stevens's and the Snoqualmie passes to Seattle. We cross the Rocky mountains by the northern Little Blackfoot or Mullan's pass, then follow down the Little Blackfoot and Hell Gate valleys, cross over the Jocko divide to Hell Gate, follow down Clark's fork to below the Pend d'Oreille lake, cross over to the Spokane, and finally, after passing over the great plain of the Columbia, follow down the Columbia valley to near the mouth of the Cowlitz, and reach the sound by the easy and practicable line of the Cowlitz and immediate country. If, instead of a cut of half a mile through Mullan's pass, this distance should have to be

tunneled, the only remaining tunnels will be at the Cabinet, three hundred yards in length, fifty per cent. in basaltic trap, and Cape Horn, seven hundred feet in length. By this route the distance to Olympia from St. Paul will be two thousand and forty miles, against one thousand seven hundred and sixty-four miles, the distance to Seattle by the route of the tunnels.

"From the great plain of the Columbia, the distance, via the Snoqualmie pass to Seattle, is one hundred and fifty-five miles less than by the Columbia and Cowlitz rivers.

"In both my preliminary report of 1854 and my final report of 1859, I recommended that from some point in the general vicinity of the mouth of Snake river there should be two branches, one to Seattle, on Puget sound, across the Snoqualmie pass, and the other down the Columbia river to Vancouver."

Captain Mullan says:

"Those who have carefully read the foregoing pages will not fail to remark that we discover a climate, via the Hell Gate and Clark's fork route, so mild and favorable to winter travel that a meteorological paradox would seem to hold in this especial quarter. I have noticed this so often, and so often taken advantage of it, that I have been disposed to regard the question of *snow* in this quarter as the all-determining element in the location of a Pacific railroad northward through the Rocky mountain section.

"My own idea, therefore, if the line from St. Paul, Minnesota, is to be built, would be, when it had reached the plains north of Fort Benton, that it should hug the Missouri closely by the bluffs to its north, and thence follow the general line of the river to the Three Forks, thence follow up the valley of the Jefferson fork and cross the main range of the Rocky mountains to the Deer Lodge valley, and thence follow the Hell Gate to the Hell Gate ronde; here cross over to the Clark's fork via the Jocko river, and follow down this fork on its right bank to the lower end of the Pend d'Oreille lake; thence to the Spokane, and thence to the mouth of Snake river; from thence down the Columbia to the mouth of the Cowlitz, whence a branch line can easily be adjusted to Puget sound. This line, by the direction herein given, would be one thousand nine hundred and eighty-four miles long, and say three hundred miles longer than the route proposed by Governor Stevens; but when it is remembered that the route I here propose *involves no tunnels;* that it follows a continuous line of water courses; *that it will never be obstructed by snow,* so calculated to lengthen the time of building, and to increase the difficulties of running it when built; that it traverses a region capable of settlement; that it taps all the mining regions where way travel is destined to be built up, and, moreover, passes along the navigable stretches of the Missouri, Clark's fork, and Columbia rivers, essential and economical aids in the first construction of the road, truly it seems not too much to say that this line may be regarded as subserving more advantages than any yet examined in the Rocky mountains north of the forty-second degree of northern latitude."

But still another route, free from tunnels, and shorter than either of those just mentioned, has been suggested by Captain Fiske. It is not to be found in his late report; but in a conversation with him a few days since he recommended the following to me: crossing the Missouri at old Ree village, or mouth of Grand river, thence west to a crossing of the Yellow Stone at or near the mouth of Big Horn, thence up the Yellow Stone to the three forks of the Missouri, thence westerly through the Big Hole passes of the Rocky mountains, striking out to Snake river, and along under the foot hills of Snake and main Columbia rivers to the Dalles in Oregon, and from this point via Vancouver to Puget sound, or direct to Portland. In tracing this line on the map you will find it not to vary but a few miles from the forty-sixth parallel the whole distance. This route, it is thought, would be much nearer than any other, and the facilities for building far superior; and it would pass through one of the most important mineral regions in the country. Commencing at the Yellow Stone river, longitude 106°, or thereabouts, for a distance of six hundred miles, you traverse the Big Horn mines, Beaver Head mines, Snake river, and Boise, Salmon river, Powder river, and other mines, which, at the present time, employ a population of about eighty thousand; and judging from the increase within the last year, that number will be more than doubled within the next twelve months. As an instance of the almost incredible emigration to these localities, I understand that at the Boise mines in 1863 the number employed did not exceed eight hundred, while at the present time it is estimated there can be not less than twenty thousand. At Beaver Head mines, Idaho, or rather in Montana, there were no white inhabitants in 1862, but in 1863 there was a population of one thousand, and in 1864 not less than twenty-five thousand.

But suppose this route should not be adopted by the managers of the Northern Pacific, and that there were no other to be taken but the one first mentioned, requiring long tunnels; this would not deter in the least those who are enlisted in the great work. It would not even then be so expensive or attended with so many practical difficulties as the Central road in crossing the Sierra Nevada mountains. The deep and long-extended cuts through these mountains will make this, perhaps, the most expensive structure in the world; but for all this our Government has enlisted in the work, and no aid should be withheld that is necessary to insure its completion.

Is this road important? Is it worthy the attention of this Congress? It is not credible that at this late day any argument can be needed to show either the importance or necessity of this northern communication with the Pacific. What is the extent of territory proposed to be opened by the various roads between the Missouri river and the Pacific? More than one million square miles, and extending from the thirty-second to the forty-ninth degrees of latitude—large enough for thirty States like Ohio. In the absence of all knowledge of the resources of this country, the simple statement of so vast an area of unimproved land would of itself preclude the idea that it could be too unimportant to attract public attention and interest, unless one adopts the theory that the Almighty created so large a part of the western world for naught. Happily we are not obliged to rest on the blind faith that nothing is created in vain to be satisfied that this territory was made for the abode of man, and not only so, but that it is full of wealth and capabilities, inviting the enterprise of the world. All those who have surveyed this route concur in saying that the land is cultivable nearly the whole distance. Mr. Stevens says:

"In my judgment, the time will come when there will be agricultural settlements throughout the whole extent of this country, from the Mississippi to the shores of the Pacific, simply excepting limited extents of country along the higher part of the mountain chains, and in some of the prairie regions, to be referred to more particularly hereafter. As illustrative of the capacity of this country, I beg to refer to a few facts. The Indians of Washington Territory and Oregon, east of the Cascade mountains, are rich in horses and cattle, the former of which have been introduced within a hundred, and the latter within thirty years. Their wealth perhaps is not equaled by any civilized community on this continent. Indians among those tribes own from one to four thousand head of horses and cattle each. The Spokanes and Flathead nation have many horses and cattle, which range the winter long without fodder, and, as I know from personal observation, they do not shrink away but very little in flesh. Never have I seen fatter beef than the Indian cattle, in the Walla Walla, in January. At Fort Benton and Fort Union, where there are large numbers of horses and cattle, they retain their flesh all winter without fodder.

"The railroad line could be laid over the great plain of the Columbia so as to pass over a continuous cultivable country to the Columbia, except for a few miles; but to cross north of the mouth of the Snake river, which is desirable to avoid detour, it will pass over about fifty miles of country not adapted to continuous cultivation, and having the general characteristics of the western half of the great plains already described. I will estimate that there are fifty miles of uncultivable country between the main Columbia and Puget sound, though it is a large estimate. In the whole distance from Breckinridge to Seattle, a distance of fifteen hundred and forty-four miles, the route passes through only about three hundred and twenty miles of uncultivable country. East of Breckinridge, to St. Paul and Lake Superior, the country is exceedingly rich and inviting to the settler."

If for no other purpose, this road would be an economical expenditure of the public money to open up for settlement the cultivable land along its line. A mere glance at the development of agricultural lands, within the last ten years, in our western States, is sufficient to prove the importance and direct agency of railroads in bringing into use unimproved land. Look at the so-called "food-exporting States," and account, if you can, for the immense increase of area of "improved" land, since 1850, upon any other ground than the extension of railroads through them. The statement of a few facts demonstrates this position and leaves all argument unnecessary. In 1850 the quantity of cultivated land in those States, to wit, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, was 26,680,361 acres, while in 1860 it was 51,826,395 acres, very nearly doubling in that short time. Now, when I state the additional fact that during that time, in those States, there were built 11,212 miles of railway, to connect them with the seaboard, and thus find a market for their products, can it be doubted, is it not demonstrated, that this almost incredible increase of their improved land was the direct result of the construction of those roads? During the last decade 22,607 miles of railway were built in the United States, one half of which, as will be perceived by the above statement, was in those States, and no other portion of the country holds any parallel with them for increase of improved land. Fertility of soil and quantity of crops are comparatively unimportant, unless facilities for suitable markets are furnished.

Again, railroads increase the population of the territory over which they pass, not only by the emigration of people from other States in the Union, but it is plain from the data which we have that they directly encourage foreign immigration. The whole number of emigrants that arrived in this country between 1821 and 1860 (forty years) was 5,062,414, and of this number more than one half, to wit, 2,707,624, came between 1850 and 1860; and during that time more than two thirds of all our railroads in this country were built. Before the commencement of our railroad system foreign immigration was very small, compared with what it has been since, and seems to have increased in proportion as we have extended the system. For example: from 1820 to 1830 it was 244,490; from 1830 to 1840, 552,000; from 1840 to 1850, 1,558,300; and from 1850 to 1860, 2,707,624. In all the years previous to 1850 only 8,589 miles of road, while since that 22,607 of road have been built in this country. If the increase of foreign immigration is not attributable to the increase of our railroads, by furnishing an increased demand for their labor, and at the same time opening new communications with lands upon which they could make homes for themselves and their families, I am unable to assign any reason for it, and will leave others to explain. To take the place of the millions who must be either disabled for work, or swept from the face of the earth by the war, we need and must have the aid of those from foreign lands; and I am glad to see the initiation of a movement to encourage immigration made not only by the General Government, but by the States in their legislative capacity, foremost of which in that direction I am proud to see the State of Maine. Let it be known that our Government has taken hold in earnest of this greatest project of the day, the opening a communication with the Pacific by railroads, and developing the agricultural and mineral resources of that great interior, and there will be such a response from the Old World as will at once preclude all fears that the places of the brave men whom God, in His providence, has permitted to fall by the scourge of war, may not, in numbers at least, be soon filled.

Permit me in this connection to call your attention to the fact of the great increase of wealth over that of population in this country within the last ten years, and to submit the question whether it is not attributable in a great degree to our extended and enlarged system of railroads. From 1850 to 1860 our population increased from 23,191,876 to 31,445,080, while the increase of the assessed value of property during that time was from $7,135,780,228 to $16,159,616,068, and leaving out of this estimate the assessed value of slaves, amounting in 1860 to $1,936,000,000, we find the increase of property to be one hundred and thirty per cent., and that of population to be thirty-five per cent. Mr. Ruggles, of New York, who is, without doubt, as competent to speak on such subjects as any man in the country, says:

"In seeking for the cause of this discrepancy (increase of wealth over population) we shall reach a fundamental and all-important fact which will furnish the key to the past and to the future progress of the United States. It is the power they possess, by means of canals and railways, to practically abolish the distance between the seaboard and the wide-spread and fertile regions of the interior, thereby removing the clog on their agricultural industry, and virtually placing them side by side with the communities on the Atlantic."

The region of country to be traversed by this and the Central road is undoubtedly the most extensive and richest gold-bearing territory in the world; and if the hand of God can be discerned anywhere in this day of war and impending destruction of our stability as a Government, the derangement of currency and breaking down all sound financial relations, it is pointing to this land within our own borders, as ample in resources to meet any future emergencies occasioned by the enormous expenditure of the public wealth to meet the necessities of the present. If I were called upon to suggest a way to meet our present financial difficulties, and to provide for the immense debt that must be entailed on us as a people by the war, I would say, for the first, tax, tax promptly, tax judiciously the property of the country; and for the second, open up communication with the gold region of the Northwest, abandon the present

system of leasing the mineral lands, from which Government has never received a dollar and never will, and sell them in fee to the actual miner, and, in my judgment, ten years will not elapse before our product of gold will be a *thousand* millions yearly, instead of one hundred million, as at present. The extent of territory already discovered producing gold is enormous, and new fields are constantly being found. In the report of the Commissioner of the Land Office made in December, 1862, he states that

"The great auriferous region of the United States, in the western portion of the continent, stretches from the forty-ninth degree of north latitude and Puget sound to parallel 32° 30', and from the one hundred and second degree of longitude west of Greenwich to the Pacific ocean, embracing portions of Dakota, Nebraska, Colorado, all of New Mexico, with Arizona, Utah, Nevada, California, Oregon, and Washington Territories. It may be designated as comprising seventeen degrees of latitude, or a breadth of eleven hundred miles from north to south, and of nearly equal longitudinal extension, making an area of more than a million square miles."

Since this report of the Commissioner, the mines in Idaho and Montana have been discovered, equal, if not superior, in extent and richness to any others in the country. As I have before said, the number of laborers who have gone to these various mines in Idaho and Montana within the last twelve months cannot be less than eighty thousand. With these localities of such boundless riches, already known, and many others which must be brought to light as emigration advances westward, who can fear that this country may not be able at no distant day to cast off the burden of taxation so vividly portrayed by the gentleman from Indiana [Mr. VOORHEES] as the inheritance of the industrial and all other interests of our people for ages to come?

The advantages of this route over any other for commercial purposes in our intercourse with foreign countries are so obvious as not to require any extended remarks, even if there were time within the limits of my hour. Nature seems to have designated this as the shortest, most practical, and consequently the natural connection between the great water lines of the country.

"It connects the navigable waters of the Missouri with the navigable waters of the Columbia, and at the head of steamboat navigation. It connects Puget's sound and the Columbia valley with the head of navigation of the great St. Lawrence basin, and with the heads of navigation of the Mississippi and the Red river of the North."

The cost of transportation by rail over water-carriage is of itself sufficient to show the great superiority of the Northern over any other route. The average expense of transportation per mile in long sea voyages is one and a half mills per ton; on canals and rivers two and a half mills; while on railroads it varies from five to twenty mills, according to the grade of the road. Hence, for all merchandise, and especially of the heavier class, destined for the country traversed by the Columbia, Missouri, or Mississippi, or to be transported from the Pacific to the ports of the Atlantic ocean, by combination of water lines and railroads, it is obvious no other route can compete with this.

"In connection with either the great lakes and its system of canals and rivers, or the great railroad lines of the Canadas and the United States, it furnishes the most direct and cheapest route on the continent for freights and passengers from Asia to Europe and back again, and also between Asia and the people of the Northwest, our west, our center, our east, and the great seats of commerce on the Atlantic coast."

Look upon the map and you will at once perceive that Puget sound is the nearest point on our western shore to the eastern coast of Asia. All commerce with Jeddo, Pekin, and with the whole country opened up by the navigation of the Amoor, extending into southern Siberia, (the mouth of which is on nearly the same parallel with Puget sound,) can be carried on successfully by this route against any and all other competing lines. In a document on file in the Treasury Department entitled Relation between the United States and Northwest British America, Sir Edward Bulwer Lytton proclaims "in the name of the Government [British] the policy of continuous colonies from Lake Superior to the Pacific, and a highway across British America as the most direct route from London to Pekin and Jeddo."

I need not dwell upon the advantages of our route over the one shadowed forth by the English Government, and which would forever preclude the necessity of having a road across British soil, or the possibility of their competing with ours even were it built. Besides, it is well known that their interests are with us in extending the line across our Territory from Lake Superior to Puget sound. Nothing but the abandonment of our project, or its long delay, will justify them in building the road within their own borders, where the grades would be so much more difficult, the distance so much greater, the expense so much more, than on our route.

I will here mention another fact, known to every one who has examined the reports of Mr. Maury and other scientific men, that this Northern route to Puget sound and thence to foreign countries is designated by the "winds and currents" of the ocean as the true route for international commerce. He says that vessels leaving the coast of Asia steer to the north, and approaching our Pacific coast, first make the entrance of the Straits de Fuca, (Puget sound,) then run down to San Francisco, thence to San Diego, thence further south to the twentieth degree of north latitude, and thence again to the ports of Asia. So that all sailing vessels in their usual voyage from Asia to San Francisco, or from San Francisco to Asia and back, have to touch at Puget sound, the proposed terminus of the Northern Pacific road.

Of the characteristics of this great inland sea, I can only mention one or two facts now. It is equal in extent to the Mediterranean, and is vastly superior to it in its number of safe and commodious harbors, and is free from ice and fogs. Mr. Stevens says:

"On the coast there are cod fisheries equal to the best on the northeast coast; there is the greatest abundance of salmon and halibut; the whaling business could also be prosecuted with great success from these regions. There is coal on Puget sound acknowledged now to be the best on the coast, and which will probably be suitable for the purposes of ocean navigation by steamers. *But our lumber business admits of a development greater than that of any other portion of the country or of the known world.* On the sound alone we now [1860] manufacture one hundred millions a year, and we send more than half of this to foreign ports. We have a large business in spars and piles, manufacture shingles and laths, and this business must very rapidly increase. We have founderies and ship-yards; we are building steamers and sailing-vessels of considerable size and craft of all descriptions down to the ordinary sailing or row-boat. We have large manufacturing advantages."

Another necessity for this Northern road, in addition to the Central, and to which I can only allude for want of time, is that without it we have not the adequate means of a military defense of that country. We are bound not only by the ties of a common brotherhood, but by the organic law of the land, the Constitution, to give them all necessary military protection, and if that emergency should happen before this, or at least a *preliminary road* for military purposes should be built, our Government could not render that aid, save by an additional cost exceeding by far the whole amount now required to build the road. It may be that some such emergency is needed to bring conviction home to us of the importance of this communication with our great northwestern frontier.

Can the means be procured for building this road? It is now admitted by all who have examined the subject that the expense will be very much less than the Central, but this is under progress and no one doubts that it will be successfully carried through. True, they have not only land grants, but have received aid in Government bonds to the amount of $66,000,000, and are asking more of this Congress, while by this bill nothing but land is granted, but as before observed the Northern road has advantages for securing the aid of moneyed men and corporations which no other possesses. It is emphatically the people's road. It is the natural connection between the great water lines extending half across the continent, and must be the great national road to the Pacific ocean, and hence it will insure investments of capital that no other can.

This road, as all other great railroad enterprises in this country have, will seek the aid of foreign capital, because it can be had cheaper than here, and already English capitalists have manifested a willingness to invest their money in this road.

Who can doubt that it would be for the interests of the Grand Trunk Railway Company to extend their road through our territory south of Lakes Huron and Superior to the starting point proposed in this bill, on the southwestern extremity of Superior, thus connecting themselves with the Pacific road? They have already expended $100,000,000 on their road, and though the traffic on it is immense, it must remain comparatively unproductive unless they can increase it by American commerce, and this they well know, as may be seen in their efforts to extend branches in all directions so as to have connections with the existing roads of the West.

I have not the shadow of doubt that whenever this Northern Pacific road shall be determined upon, the long line of the Grand Trunk railway will be pushed forward to unite with it, and that to accomplish this they will become interested largely in our road, and not only in their corporate capacity but through their influence would bring to our aid the money of the English people. Those who have examined with the most care this route to the Pacific, and who, as I think, appreciate the best its capabilities and its fullness of promise, have no doubt that with the aid of Government proposed by this bill the work will be speedily commenced, and, with the accessions of support from the sources already indicated, will be completed years sooner than any other road to the Pacific.

Mr. STEVENS. I move to postpone this bill until to-morrow.

The motion was agreed to.

INCREASED DUTIES ON IMPORTS.

Mr. STEVENS. I move to suspend the rules for the purpose of introducing and considering at this time the following joint resolution:

Joint resolution to increase temporarily the duty on imports.

Resolved, &c., That from and after the passage of this resolution, until the 1st day of June, 1864, all the duties and imposts on imported goods, wares, and merchandise now provided by law be increased by the addition of fifty per cent. thereto; and upon all goods, wares, and merchandise now free or exempt from duty that there shall be levied and collected a duty of ten per cent. *ad valorem*.

Mr. CHANLER called for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 72, nays 38; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Boutwell, Broomall, Freeman Clarke, Cobb, Cole, Henry Winter Davis, Dawes, Donnelly, Driggs, Dumont, Fenton, Frank, Garfield, Gooch, Grinnell, Griswold, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kelley, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Stebbins, John B. Steele, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Wilder, Wilson, Windom, and Yeaman—72.

NAYS—Messrs. James C. Allen, Brooks, Chanler, Clay, Coffroth, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Grider, Hall, Benjamin G. Harris, Holman, King, Knapp, Law, Lazear, Long, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, Noble, Pendleton, Robinson, Rogers, Ross, Stiles, Stuart, Voorhees, Chilton A. White, Joseph W. White, and Fernando Wood—38.

So, two thirds not having voted therefor, the rules were not suspended.

Mr. STILES moved that the House adjourn.

The House divided; and there were—ayes 40, noes 58.

Mr. STILES demanded the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 42, nays 71; as follows:

YEAS—Messrs. James C. Allen, Brooks, Chanler, Clay, Cravens, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Benjamin G. Harris, Holman, Kernan, Knapp, Law, Long, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, Nelson, Noble, Pendleton, Robinson, Ross, Shannon, Smith, Stiles, Stronse, Stuart, Sweat, Voorhees, Wheeler, Chilton A. White, Joseph W. White, and Fernando Wood—42.

NAYS—Messrs. Alley, Allison, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Boutwell, Broomall, Cobb, Cole, Cresswell, Henry Winter Davis, Dawes, Donnelly, Driggs, Dumont, Fenton, Frank, Garfield, Gooch, Grinnell, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Sloan, Stebbins, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, William B. Washburn, Williams, Wilder, Wilson, Windom, Winfield, and Yeaman—71.

So the House refused to adjourn.

Mr. MORRILL. I now desire to submit the

following resolution, and move to suspend the rules for the purpose of considering it at this time:

Joint resolution to increase temporarily the duties on imports:

Resolved, &c., That from and after the passage of this resolution, until the 1st day of June, 1864, all the duties and imposts on imported goods, wares, and merchandise now provided by law be increased by the addition of twenty-five per cent. thereto; and upon all goods, wares, and merchandise now free or exempt from duty that there shall be levied and collected a duty of five per cent. *ad valorem*.

Mr. CHANLER. I call the yeas and nays on the motion to suspend the rules.

Mr. MORRILL. I desire to say a single word as to the effect of this joint resolution if it should be passed. Upon an article which now pays a duty of twenty-five per cent. *ad valorem*, it will simply add six and a quarter per cent. to the duty now imposed.

Mr. ROBINSON. I desire to know if there is any question before the House that is debatable?

The SPEAKER. There is not.

Mr. NOBLE moved that the House adjourn.

Mr. ELDRIDGE called the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 26, nays 69; as follows:

YEAS—Messrs. James C. Allen, Augustus C. Baldwin, Chanler, Clay, Dawson, Denison, Eden, Eldridge, Finck, Grider, Hall, Knapp, Lazear, Long, Marcy, McDowell, McKinney, Middleton, William H. Miller, Noble, Ross, Smith, Stuart, Voorhees, Wheeler, and Fernando Wood—26.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Ashley, John D. Baldwin, Baxter, Beaman, Blaine, Boutwell, Freeman Clarke, Cobb, Cole, Creswell, Henry Winter Davis, Donnelly, Driggs, Dumont, Fenton, Frank, Garfield, Grinnell, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, Edward H. Rollins, Shannon, Sloan, Stebbins, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, Windom, and Woodbridge—69.

So the House refused to adjourn.

The question recurred on seconding the demand for the yeas and nays on suspending the rules.

The yeas and nays were ordered.

The question was taken, and resulted—yeas 80, nays 4; as follows; no quorum voting:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Francis P. Blair, Boutwell, Broomall, Freeman Clarke, Cobb, Cole, Cresswell, Henry Winter Davis, Dawes, Donnelly, Driggs, Dumont, Eckley, Fenton, Frank, Garfield, Gooch, Grinnell, Griswold, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Loan, Longyear, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Stebbins, Stevens, Thayer, Tracy, Upson, Van Valkenburgh, Elihu B. Washburne, William B. Washburn, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, Woodbridge, and Yeaman—80.

NAYS—Messrs. Clay, Eldridge, Law, and Noble—4.

During the roll-call,

Mr. COLE stated that Mr. MARVIN had paired with Mr. Ross.

Mr. MORRILL. I am about to move that the House adjourn, and abandon the proposition.

Mr. BROOKS. I call the gentleman to order.

Mr. MORRILL. I do it ["Order!" "Order!"] because the other side of the House ["Order!" "Order!"] have shown that in these times ["Order!"] of financial distress ["Order!"] they are not willing to add a duty of ten per cent. upon wines and liquors. [Shouts of "Order!"]

The SPEAKER. Debate is not in order.

Mr. MORRILL. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Messrs. William J. Allen, Ancona, Anderson, Arnold, Francis P. Blair, Jacob B. Blair, Bliss, Blow, Boyd, Brandegee, James S. Brown, William G. Brown, Ambrose W. Clark, Clay, Cox, Cravens, Thomas T. Davis, Deming, Donnelly, Driggs, Edgerton, Eliot, English, Farnsworth, Frank, Grider, Hale, Harding, Harrington, Charles M. Harris, Herrick, Hooper, Hulburd, Hutchins, Jenckes, Philip Johnson, Julian, Kalbfleisch, Kasson, King, Lazear, Le Blond, Littlejohn, Mallory, Marvin, McAllister, Morrison, Leonard Myers, John O'Neill, Perry, Radford, Samuel J. Randall, Rogers, James S. Rollins, Ross, Scheuck, Scofield, Scott, Smithers, Spalding, Starr, Stebbins, John B. Steele, Sloan, William G. Steele, Stevens, Thomas, Voorhees, Wadsworth, Ward, Elihu B. Washburne, Webster, Whaley, and Benjamin Wood.

The SPEAKER announced that one hundred and seven members had answered to their names.

On motion of Mr. STEVENS, (at twenty minutes past five o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *April* 19, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, recommending an increase of the salary of the United States agent for the Indians in the vicinity of Green Bay, Wisconsin, from $1,000 to $1,500 per annum; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, recommending the appointment of an agent for the Kiowa, Apache, and Camanche Indians, at a salary of $1,500 per annum, and that an appropriation be made for that purpose; which was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. DOOLITTLE presented a memorial of the Legislature of Wisconsin in favor of a grant of land to aid in the construction of a canal from Sturgeon bay to Lake Michigan; which was referred to the Committee on Public Lands, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin in favor of the enactment of a law for the encouragement of foreign emigration to the United States; which was ordered to lie on the table, and be printed.

Mr. JOHNSON presented the memorial of Clark Mills, praying that he may be employed to design and execute marble groups of statuary to be placed in the pediment, or over the main entrance, of the south wing of the Capitol extension, to correspond with those of the north wing, and that an appropriation may be made toward the commencement of the work; which was referred to the Committee on the Library.

Mr. SHERMAN presented the petition of Jesse Baldwin, praying for the establishment of a uniform standard of value; which was referred to the Committee on Finance.

Mr. HARRIS presented a memorial of the Syracuse, Binghamton, and New York Railroad Company, and a memorial of dealers in boots, shoes, and rubbers, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

Mr. MORRILL presented a memorial of the Maine Central Railroad Company, remonstrating against the extension the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented the petition of Jane P. Thurston, praying to be indemnified for alleged maladministration upon the estate of her late husband, Henry Thurston, master mariner, deceased, late of Cumberland county, Maine; which was referred to the Committee on the Judiciary.

Mr. HALE presented a petition of citizens of New Hampshire, praying that some definite rank may be assigned to boatswains, gunners, carpenters, and sailmakers in the Navy; which was referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. LANE, of Indiana. I move to postpone all prior orders for the purpose of proceeding with the unfinished business of yesterday's morning hour—House bill No. 301.

Mr. SUMNER. I have no objection of course to the motion of the Senator from Indiana, but I see the Senator from Ohio in his seat, and I desire to call his attention to a resolution which he introduced some weeks ago with reference to the quorum. Our experience on several occasions latterly, particularly yesterday and two or three days ago, shows, I think, the necessity of looking into that question at least. I have a decided opinion in favor of the proposition of the Senator. I believe that the quorum which we ought to declare here is in conformity with that proposition; and I think if it should be so declared it would facilitate our business very much. Therefore, in the interest of the public business, I ask the Senator from Ohio to be good enough to press his proposition and let us vote upon it.

Mr. SHERMAN. I introduced the proposition and had it referred to the Committee on the Judiciary. As I am not a member of that committee I have no power over it. I hope the Committee on the Judiciary will report for or against it, so that we may have the question settled. As a matter of course I have no power over it now.

Mr. HOWARD. Are reports in order?

The VICE PRESIDENT. They are not. The question is on the motion submitted by the Senator from Indiana.

Mr. FOSTER. I hope we may be allowed to get through with the morning business first.

Mr. LANE, of Indiana. I give way for morning business.

REPORTS FROM COMMITTEES.

Mr. HOWARD, from the Committee on the Pacific Railroad, to whom was referred a bill (S. No. 132) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, reported it with amendments.

He also, from the same committee, to whom was referred a memorial of William Napoleon Walton, praying that aid may be given him to construct a pneumatic ærograph from the waters of the Missouri river to San Francisco, California, or Portland, Oregon, asked to be discharged from its further consideration; which was agreed to.

Mr. FOSTER, from the Committee on Pensions, to whom was referred a memorial of George A. Schreiner, praying for a pension, submitted a report, accompanied by a bill (S. No. 240) for the relief of George A. Schreiner. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. WILLEY, from the Committee on the District of Columbia, to whom was referred a bill (S. No. 184) to amend an act entitled "An act to define the powers and duties of the levy court of the county of Washington, District of Columbia, in regard to roads, and for other purposes," approved March 3, 1843, reported adversely thereon.

He also, from the same committee, to whom was referred a bill (S. No. 204) providing for the formation of corporations and regulating the same, in the District of Columbia, reported it without amendment.

Mr. LANE, of Kansas, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. No. 242) to establish Portland, in the State of Oregon, and Leavenworth, in the State of Kansas, ports of delivery; which was read and passed to a second reading.

TAXATION IN WASHINGTON.

Mr. GRIMES. I am instructed by the Committee on the District of Columbia, to whom were referred the amendments of the House of Representatives to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820, to report the same back to the Senate and recommend that the Senate concur in the amendments of the House of Representatives. I move that the question be put now.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives. The first amendment was in section one, line fifteen, after the words "street or alley," to insert the following:

And also to cause the same to be suitably paved and repaired, and to be at all times properly cleaned and watered.

The next amendment was to insert the following as section two:

And be it further enacted, That immediately upon the approval of this act, the said corporation shall designate some proper officer thereof whose duty it shall be to see that the provisions of this act are properly executed, and that the principal avenues and streets of the said city are so cleaned and watered as to be at all times reasonably clean and free from dust, and also to keep the pavements and sidewalks upon said avenues and streets at all times in suitable and proper repair. And it shall further be the duty of the said corporation to take such measures as they shall deem wise to promote some uniform and general system of drainage for said city.

Mr. HALE. I do not know that these are not very important provisions to a very important bill. I presume they are; but I have not been able to hear one single word, such has been the universal confusion in the Senate Chamber when the amendments were read. I think they relate to an important subject. I should like to hear them; but I suppose I heard them as well as I have heard a great many of the bills that are passed here in the morning hour. I do not know anything about them—not one word.

Mr. GRIMES. I ask for the re-reading of the amendments.

The VICE PRESIDENT. They will be again read, if there be no objection.

The Secretary read them.

The amendments were concurred in.

BILL INTRODUCED.

Mr. DOOLITTLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 241) granting to the State of Wisconsin a donation of public lands to aid in the construction of a ship canal at the head of Sturgeon bay, in the county of Door, in said State, to connect the waters of Green bay with Lake Michigan in said State; which was read twice by its title, and referred to the Committee on Public Lands.

PUBLIC DOCUMENTS FOR SALE.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of authorizing the printing of a limited number of public documents for sale.

RANK OF PROVOST MARSHAL GENERAL.

On motion of Mr. LANE, of Indiana, the consideration of the bill (H. R. No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General, was resumed as in Committee of the Whole.

Mr. LANE, of Indiana. I shall only detain the Senate for a moment. I stated yesterday that under the conscription law the Provost Marshal General was necessarily a colonel, and could have no other position. The fifth section of that act is in these words:

"That for each of said districts there shall be appointed by the President a provost marshal, with the rank, pay, and emoluments of a captain of cavalry, or an officer of said rank shall be detailed by the President, who shall be under the direction and subject to the orders of a Provost Marshal General, appointed or detailed by the President of the United States, whose office shall be at the seat of Government, forming a separate bureau at the War Department, and whose rank, pay, and emoluments shall be those of a colonel of cavalry."

Under that law Colonel Fry was detailed to the head of this bureau, with the rank, pay, and emoluments of a colonel of cavalry. This bill does not necessarily affect Colonel Fry. It simply provides that the Provost Marshal General shall have the rank of a brigadier general instead of a colonel. That is the whole of it. It does not necessarily change the rank of Colonel Fry, for the President may appoint whoever he pleases. It simply makes the head of the office a brigadier general instead of a colonel, whoever the head of the office may be. It is to give the additional rank to the Provost Marshal General; the President may appoint any one to fill the position; but inasmuch as Colonel Fry has been alluded to as a man who serves in a bureau, sitting at a clerk's desk, asking promotion as a brigadier general, I will state that Colonel Fry has had about as much active service in the field as almost any officer we have. I have this morning before me the recommendation of seven major generals, under whose command he has served, recommending him for appointment as a brigadier general: General Thomas, General Burnside, General McCook, General Jeff. C. Davis, General R. W. Johnson, General Crittenden, General Rousseau; and there are others who recommend him for great gallantry and skill and efficiency in the field.

I supposed there would be no objection to this bill. I did not anticipate any objection, because it was introduced into the House of Representatives, referred to the Military Committee, reported back without opposition, passed by the House without a division as I understand, was then referred to the Military Committee of the Senate, and reported back here. I had supposed it was only necessary to call the attention of the Senate to the bill to have it passed.

I claim that the increased rank should be given to this office from the nature of the duties discharged and the importance of those duties. If we call out three hundred thousand troops, the Provost Marshal General may at one time have command of three hundred thousand men. He has command of all the provost marshals in all the several States and districts while the draft is going on. It is one of the most important bureaus in the War Department, and the head of every other bureau of commensurate importance has this increased rank.

I have nothing further to say on the subject, except that I suppose it is within the knowledge of every Senator that Colonel Fry has discharged his duties well and ably and efficiently; but whether he be Provost Marshal General or not, it seems to me the head of that bureau should be a brigadier general.

Mr. FESSENDEN. I will ask the Senator, then, why not bring in a bill simply to repeal that part of the law which provides that the head of that bureau shall be a colonel? That will accomplish his object.

Mr. LANE, of Indiana. If that is not precisely what this bill does, I cannot understand the English language.

Mr. FESSENDEN. This bill adds a brigadier general to the number of brigadiers. That is the difference. Simply repeal the provision referred to, and a brigadier can be detailed to take charge of the bureau, whereas if you pass this bill you add one additional brigadier general.

Mr. LANE, of Indiana. That is precisely what I want to do; and I anticipate that Colonel Fry will be kept in this place. I hope he will, with the increased rank. This bill repeals that section of the conscription law confining the Provost Marshal General to the rank, pay, and emoluments of a colonel, and authorizes him to have the rank, pay, and emoluments of a brigadier general. I think that is proper.

The bill was reported to the Senate without amendment, was ordered to a third reading, and was read the third time.

Mr. FESSENDEN. I ask for the yeas and nays on the passage of the bill. It does not approve itself to my judgment.

The yeas and nays were ordered.

Mr. JOHNSON. I have not the slightest objection to Colonel Fry being made a brigadier general; I have no doubt he is perfectly competent, certainly as competent as a great many others who have been appointed; but I am by no means sure that the bill itself does not go further than the honorable member from Indiana supposes. It seems to me that by it we legislate the Provost Marshal General who is now in office into the rank of a brigadier. We say that the Provost Marshal General, and that means Colonel Fry—it will be so construed—shall be a brigadier general.

Mr. CARLILE. The Provost Marshal General for the time being.

Mr. JOHNSON. For the time being, of course, that the Provost Marshal General shall have the rank of a brigadier general. Now the honorable member supposes——

Mr. LANE, of Indiana. Pardon me a moment. It is "the Provost Marshal General" contemplated in the law of last year who is to be a brigadier, and not a colonel.

Mr. JOHNSON. I understand that; but he is the Provost Marshal General, and I am by no means sure that the construction of the law will not be precisely the same if passed in its present form as if Colonel Fry was inserted as the Provost Marshal General now in office; but it is by no means clear, whether that be true or not, that if we pass the bill, and he who is not now a brigadier becomes a brigadier by the force of the act, that he will not be a brigadier after he ceases to be Provost Marshal General. I am by no means certain that the honorable member from Maine is not right in the opinion that the bill adds an additional brigadier general to the present number of brigadiers in the service.

Mr. LANE, of Indiana. That is what we want.

Mr. JOHNSON. That is what you want as far as Colonel Fry is concerned, I know. But if the effect of the bill is to make Colonel Fry a brigadier general, then we are, as I think, interfering with the constitutional power of the Executive.

Mr. HARRIS. The fifth section of the act for enrolling and calling out the national forces provides for the appointment of a Provost Marshal General. That same section declares that the rank, pay, and emoluments of that officer shall be those of a colonel. Now, this bill provides that the rank, pay, and emoluments of the officer, whoever he may be, the person who holds the office provided for by the fifth section of the former act, shall be those of a brigadier general, and not of a colonel. Whoever happens to be the incumbent of that place, if this bill passes, will be for the time being a brigadier general; he will have the rank, the pay, and the emoluments of a brigadier general, and not of a colonel. That is all there is in this bill. It is the only construction that can be put on it.

Mr. GRIMES. I propose to amend the bill in a manner that I think will satisfy all parties, by striking out all of the bill after the enacting clause, and inserting in lieu thereof:

That so much of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March 3, 1863, as requires that the Provost Marshal General of the United States shall have the rank, pay, and emoluments of a colonel, be, and the same is hereby, repealed.

Mr. COLLAMER. How will that leave him?

Mr. GRIMES. Then he will have just such rank and pay as the President of the United States shall see fit to bestow upon him.

The VICE PRESIDENT. The Senate have already ordered the bill to a third reading, and it has been read the third time. It is not therefore open to amendment except by unanimous consent. The Chair will receive the amendment if there be no objection.

Mr. CARLILE, and Mr. LANE of Kansas. I object.

The VICE PRESIDENT. Then a motion must be made to reconsider that vote before the amendment will be in order. If there be no such motion, the question will be on the passage of the bill, upon which the yeas and nays were ordered.

Mr. SAULSBURY. If Colonel Fry be not now a brigadier general, and this bill is passed, would he not necessarily have to vacate his office? The act of Congress declaring that the person who holds that office shall be a brigadier general, and Colonel Fry not being a brigadier general at the present time, would he not necessarily have to vacate that office and give place to some brigadier general? I think so. Can Congress appoint a brigadier general? The appointing power is with the Executive; and he would have to nominate Colonel Fry to the Senate as a brigadier general if he wished him to fill the office.

The question being taken by yeas and nays on the passage of the bill, resulted—yeas 31, nays 7; as follows:

YEAS—Messrs. Anthony, Brown, Carlile, Chandler, Collamer, Conness, Cowan, Davis, Dixon, Doolittle, Foster, Hale, Harris, Henderson, Hendricks, Howard, Howe, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Nesmith, Powell, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Van Winkle, Wilkinson, and Willey—31.

NAYS—Messrs. Buckalew, Clark, Fessenden, Johnson, Saulsbury, Trumbull, and Wilson—7.

So the bill was passed.

TERRITORY OF MONTANA.

The VICE PRESIDENT. The following bill is returned from the House of Representatives with an indorsement; which will be read.

The Secretary read, as follows:

IN HOUSE OF REPRESENTATIVES, *April* 18, 1864.

Resolved, That the House insist on its disagreement to the amendments of the Senate to the bill of the House (No. 15) to provide a temporary government for the Territory of Montana; and ask a further free conference on the disagreeing votes of the two Houses thereon:

Ordered, That Mr. WEBSTER, Mr. HOLMAN, and Mr. MARVIN be the managers of the conference on the part of the House.

Mr. LANE, of Kansas. I move that the Senate reciprocate, and appoint a committee of conference.

Mr. SHERMAN. I gave notice yesterday that I intended to submit a motion that the Senate recede from its amendments, in order to pass the bill, deeming the amendments of comparatively little importance; but upon examination I find that the original bill as sent to us from the House

of Representatives will not only allow foreigners who have declared their intentions to become citizens, but also foreigners who have not declared their intentions, to vote. The qualification required for suffrage under the original bill is simply a residence of thirty days, without requiring the voter to be either a citizen or a person who has declared his intention to become a citizen. If, therefore, I should move to recede and the Senate should adopt the motion it would leave the bill in a very objectionable form. Canadians might come over from the border, and after thirty days' residence, without citizenship or a declaration of intention to become such, they would be allowed to vote under the original bill. I shall not, therefore, make the motion to recede, but I hope the committee of conference will be able to settle and adjust the matter.

Mr. WILKINSON. I renew the motion I made yesterday, that the Senate insist on their amendments and agree to the further conference asked for by the House.

Mr. FOSTER. I suggest to the Senator from Ohio that it will be incompetent for the committee of conference to heal the difficulty of which he complains. That is part of the text of the bill which has been agreed to by both Houses.

Mr. SHERMAN. The Senator will perceive that the part of the text of the bill to which I referred is the portion that has been modified by the Senate, and it is within the power of the committee of conference. I examined the bill with that view. The very clause that I have objected to, and which is undoubtedly objectionable, is the one that has been amended by the Senate, and it is therefore open to the action of the committee of conference. There can be no doubt about that. The committee of conference might report a proposition that any white male citizen, who is either a citizen of the United States or will declare his intention to become such, may vote. That would remove the objection I have to the bill as it stands. But I will state to the Senate that if this difficulty should continue, if the controversy between the two Houses continues on this one point, at a future stage of the proceedings a motion to recede might be made, for it would be better to pass the bill in the form it came to us from the House than to defeat it entirely. However, that motion can be made after another trial of a committee of conference.

Mr. HENDRICKS. I should like to have read that portion of the bill to which the Senator from Ohio refers.

The VICE PRESIDENT. The amendment of the Senate disagreed to by the House will be read.

The Secretary read the first amendment, in section five, after the word "free," to strike out the words "white male inhabitant," and to insert "every male citizen of the United States, and those who have declared their intention to become such."

Mr. SHERMAN. I ask the Secretary to read the section of the House bill that is proposed to be amended, the original text.

The Secretary read, as follows:

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been an actual resident of said Territory for thirty days prior to the first election, shall be entitled to vote at said election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly.

Mr. SHERMAN. The objection I have to the original bill is this: that any foreigner, whether he has declared his intention to become a citizen or not, might vote under the operation of this bill. A Canadian might come over, and by residing there thirty days, being a simple inhabitant, without any residence or intention to remain, he might take part in organizing the territorial government. I do not think that is right.

Mr. LANE, of Kansas. He being a citizen of the United States.

Mr. SHERMAN. No; it does not say citizens of the United States at all. If it said that, it would be right. But it says that anybody who has been there thirty days, even without the intention of residing, may vote at the first election. I am told that there are a large number of persons from Canada who are carrying on the fur trade scattered over that region, who are not citizens, and do not intend to become such; and yet under the operation of the bill as it came to us from the House they can vote.

Mr. FESSENDEN. Can it be amended?

Mr. SHERMAN. We have amended it.

Mr. FESSENDEN. Have we amended it in that particular?

Mr. WILKINSON. Yes, sir. The amendment of the Senate confines the right of suffrage to citizens of the United States and those who have declared their intention to become such.

Mr. SUMNER. The objection of the Senator from Ohio does not prevail against the Senate proposition.

Mr. SHERMAN. No, sir, not against the Senate proposition.

Mr. SUMNER. Then I suggest to the Senator, let us stick to our own proposition.

Mr. SHERMAN. That is the very thing I am suggesting: that we appoint another committee of conference; and I hope that then they will report an amendment which will entirely avoid this controversy about negro suffrage. I am willing to vote for the bill confining the right of suffrage to free white male inhabitants who are either citizens or have declared their intention to become citizens.

Mr. FESSENDEN. I rise merely for the purpose of saying that the Senator from Ohio now seems to propose instructions to our committee.

Mr. SHERMAN. Not at all.

Mr. FESSENDEN. He should recollect that the majority of the Senate is decidedly of the opinion that their amendment should be adhered to.

Mr. SHERMAN. I have not proposed any instructions.

Mr. FESSENDEN. He proposes that the committee shall back out. I do not know that the Senate would agree to that, simply to accommodate the Senator's views.

Mr. SHERMAN. I have not proposed any such thing.

Mr. FESSENDEN. The Senator has made no such proposition, but that is the effect of his remarks.

Mr. SHERMAN. Not at all. I simply stated the reasons why I did not submit the motion that I intended to submit yesterday—reasons that are very satisfactory to myself.

Mr. DOOLITTLE. The amendment introduced by the honorable Senator from Minnesota, [Mr. WILKINSON,] and which was adopted by the Senate, had this practical effect: it would require persons either to be citizens of the United States or to have declared their intention to become citizens in the Territory of Montana before they could vote, which is right; because, as our law now stands in reference to men who are liable to be drafted into the Army, we put that test upon them. Those who vote must fight; and it is not proper to allow those to vote in the Territory of Montana or anywhere else who are not liable to be drafted.

But so far as this amendment applies to white or colored men in the Territory, it is the merest abstraction in the world. There is not a negro in the Territory, and probably will not be for years. It has no practical bearing or effect. There is some excitement got up on that, however, and it seems that is the point on which there is a difference between the House of Representatives and the Senate. The question is whether the word "white" shall be inserted in the bill or not. The practical benefit of the amendment of the Senator from Minnesota is that it requires persons either to be citizens or to have declared their intention to be citizens in order to vote.

Mr. HALE. That remark has been made so often here that I am afraid somebody will get to believe that this question is a mere abstraction. It is not so. It is one of the most practical questions that was ever presented to the American Senate, as it is involved in the proposition of the Senator from Minnesota. Here is an immense territory that we are about to organize into a territorial government. The question is, whether at its start, when there are no inhabitants there, we shall by its fundamental law educate the people to this absurd and barbarous prejudice. What a spectacle we present of ourselves to the world to-day! We are calling on this colored race to fight for us, and they are responding. They are taking their arms and going out and exposing their lives in battle; and we see how gallantly they stood at the fort that has recently been taken and they were massacred at their arms. And at a time when they are responding to this call and going out, their lives in their hands, and laying down their lives in defense of the country and for its salvation, we proceed to declare that in this vast territory, which is now unoccupied, and which waits for the march of civilization and improvement, they shall be forever debarred from living with the privileges of freemen. We are calling upon them to defend the country and to save it, but at the same time telling them if they live upon the country that they have saved they shall live in a subordinate and inferior position, and shall not enjoy any of the rights of freemen. It is eminently more of a practical question to-day, because the country is unsettled and because there are no colored men there. It is eminently practical, because now we can settle the question and say that this unoccupied, immense territory may be open to them.

Mr. President, I suppose that God made colored men. I do not know of any other power that ever did make them; and if He made them and placed them on this world, it seems to me He intended that they should live here. In addition to that, if they have been brought here by the avarice or the lust of the white man until they have multiplied to the degree that they have, does it become us to say that upon this continent they shall not live where we have brought them and where in the providence of God they now are?

It seems to me that this question is one that we can meet and grapple with at the present time better than we can at any time in the future, because now it is unembarrassed by the prejudices of a population that have been already educated under this inhuman and unchristian code.

I think the amendment of the Senator from Minnesota does great credit to his statesmanship, his sagacity, his foresight, and his humanity; and I hope the Senate will stand there, even if we lose the bill thereby.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. WILKINSON. I hope the Senate will proceed with the consideration of the question before it until a vote can be taken.

The VICE PRESIDENT. If there be no objection, the special order may be passed over informally.

Mr. FESSENDEN. I object to its being passed over. Let the Senate decide whether it shall be done or not.

Mr. WILKINSON. Then I move to postpone all prior orders for the purpose of continuing this question before the Senate.

Mr. FESSENDEN. If a vote can be taken without any further debate, I have no objection.

Mr. WILKINSON. I presume there will be no further debate.

Mr. FESSENDEN. Then I withdraw my objection.

The VICE PRESIDENT. The Chair was not aware that the Senator from Minnesota yesterday submitted a motion that the Senate further insist on its amendments, and agree to the conference asked for by the other House. That is the pending motion.

Mr. TRUMBULL. I do not know that the question which has been discussed is really before us for consideration in the shape in which the vote is to be taken; but I think the Senator from New Hampshire is entirely mistaken when he says that the amendment in dispute between the two Houses is not an abstraction, a mere temporary matter. This bill does not propose to fix fundamentally and forever the right of suffrage in this Territory. It is to have no operation except at the first election. When the Territorial Legislature meets it is to fix the right of suffrage. We have been informed here that there is not a single colored person in the proposed Territory. The amendment of the Senate will have no practical effect. It is the merest abstraction, precisely what the Senator from Wisconsin has stated; and I can see no good to arise from it. The effect is simply to agitate and get up a question where there is nothing practical for it to operate upon. The very first Legislature that meets in this Territory, according to the very provisions of this bill, will fix the right of suffrage. We do not propose to fix it for them. This portion of the bill is of a very temporary character. Other

parts of the bill are to operate so long as the Territory continues; not this one. The very first action that the Territory takes dispenses with this part of the bill; and it seems that there are no colored persons there. There are some States in the Union where the colored person is allowed to vote. He is not allowed to vote in my State. The people of Illinois, by very decided majorities, are opposed to allowing him to vote. We do not allow females to vote in that State. I understand that in some States of the Union, and under some circumstances, females are allowed to vote; and on the general principle that has been proclaimed here of the universal equality of all mankind, and womankind, too, I suppose, before the law, I do not know why women should not vote.

Mr. COWAN. And persons under twenty-one.

Mr. TRUMBULL. Certainly. Why not persons under twenty-one?

Mr. WILSON. That is not the right tone.

Mr. TRUMBULL. The Senator from Massachusetts says that my tone is not the right one. Perhaps it may not be; but, sir, if we have done anything to weaken the power of the patriotic people to put down the rebellion, it has been by assuming action which the exigencies of the country did not require. We have a great work to do to save the country, save the Constitution, save constitutional liberty. We want the arms and the help of all the people of the loyal States. We want to get up no divisions about whether women's rights should prevail, or about establishing for a temporary purpose in some far-off Territory a principle that is to alienate and divide loyal men and friends of the Government.

Sir, it is of a piece with another declaration that I have heard sometimes in this Chamber, and have always regretted when I have heard it, and that was that it mattered not whether a thing was constitutional or not. Sir, this Government cannot be saved, constitutional liberty cannot be saved, unless we save it under the Constitution. We are fighting for liberty regulated by law, for constitutional liberty; and so far from strengthening the Government, so far from weakening the rebellion, you divide the loyal sentiment of the North, you aid rebellion whenever you undertake to do an act without constitutional authority. What is it that divides the loyal people? How is it that there is an opposition in the northern States? On what is it based? It is under the pretense that the Government in its effort to put down this rebellion has usurped authority, has assumed to itself powers not warranted by the Constitution. I think these charges are not always just. I know they are not; most frequently they are unjust. But I would avoid, if I could, the appearance of a violation of the Constitution.

Mr. WILKINSON. Does this violate the Constitution?

Mr. TRUMBULL. No, sir. I do not say that this violates the Constitution. I think we have a right to organize the Territory by the Constitution, and authorize such persons as we think proper to vote in its organization; but like some other measures which have been resorted to, the tendency is to alienate and divide loyal men and to help the rebellion. You give men who are really opposed to the Government something to go before the people upon, and get up divisions and distractions, when we want no divisions in this country except between patriots and traitors. Let that be the line. I want no other issues until we shall have suppressed this rebellion.

I was sorry when this proposition was introduced, and without undertaking to discuss its intrinsic merits, whether the time may come when it will be proper to allow colored persons to vote, and females to vote in our elections—without entering on the discussion of any such question, I say it is a needless provision here; it is of a temporary character; and the only effect of it is to make divisions in the North and among loyal men, and I regret exceedingly that the proposition has been thrust into Congress to go before the people and be discussed upon the stump. Why agitate the question during the summer as we go home among the people whether a colored man shall have a right to vote at the first election in Montana, where there is not a colored man? Shall that be the question to be discussed, instead of the vital one of appealing to the patriotism of the land to rally around the standard of the country and put down this wicked rebellion? Are the energies of the people to be wasted and their thoughts occupied with discussing these abstract questions?

Now, sir, I wish there could be a feeling here that would not thrust upon us any such questions at such a time as this. I did not intend to take up time in discussing this matter, nor am I now to be betrayed into making a speech in regard to it. All I mean to say is that the effect of such a proposition is evil, and only evil, and that if we are to have a united country, a united people in the loyal States to put down this rebellion, we must avoid raising issues at this moment that have no practical importance.

Mr. FESSENDEN. I withdrew my objection to postponing the regular order of business on the ground that there would be no debate, but I see the debate is continued on this question, and my friend from Massachusetts [Mr. WILSON] and several others are trying to get the floor to debate it further. I now hope the Senator from Minnesota will not object to my moving to lay this bill aside and proceed to the consideration of the appropriation bill. There is no hurry about this.

Mr. WILKINSON. I will say to the Senator that I did not anticipate this debate.

Mr. FESSENDEN. It is evident the debate will be continued at some length.

Mr. WILKINSON. I wish now to say something myself, but I will not ask to do so to-day.

Mr. FESSENDEN. I move to go on with the order of the day.

The VICE PRESIDENT. It requires no motion. The Chair understood it to be laid over informally, but objection being made to doing so longer, the bill comes up.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1865.

Mr. ANTHONY. I move to amend the bill on page 9, after line two hundred and seven, by inserting:

So much of the second section of the act of Congress approved the 8th of August, 1846, entitled "An act to provide for the more effectual publication of the laws of the United States," as restricts the publication of the said laws to two of the newspapers in each of the States and Territories of the United States, be, and the same is hereby, repealed in respect to States and Territories bordering on other States or Territories under the military control of insurgents: *Provided*, That the said laws be not published in more than four newspapers in any such border State or Territory: *And provided also*, That the publication aforesaid shall not require any further appropriation by Congress to defray the expenses thereof.

The object of this amendment is to allow the publication of the laws in some of the border States in newspapers that will reach the insurgent States. The laws cannot be published in any papers in the insurgent States, of course; it would subject the publishers to imprisonment and the papers to suppression; but there are papers published in Tennessee, in Mississippi, and in Louisiana that have a considerable circulation in the insurgent States, and it is considered desirable that the laws of Congress and the proclamations of the President should reach the insurgents through this medium. It requires no additional appropriation, as the appropriation is already sufficient to cover the publication of the laws in all the States, and there are some States in which it is impracticable to do it. It is desired by the State Department, and is also desired by Governor Johnson, of Tennessee. It is at his suggestion the movement is made.

Mr. FESSENDEN. I suggest to the Senator to precede his amendment by the word "and," because otherwise it will not come in very well, or else to make a separate section of it.

Mr. ANTHONY. I will modify it by putting the word "and" at the beginning of the amendment.

The amendment was agreed to.

Mr. FOSTER. I move to amend the bill on the 17th page, after line three hundred and ninety-six, by inserting an amendment, which I am instructed to offer by the Committee on Pensions. It is recommended by the Secretary of the Interior. He deems it necessary for the proper administration of the Pension Bureau and of the Department generally.

For additional clerks in the Pension Bureau during the remainder of the present fiscal year and the fiscal year ending the 30th day of June, 1865, the sum of $21,000: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,400 per annum.

Mr. FESSENDEN. I will ask the Senator, if that office needs an addition, why it is not specifically defined what addition it shall have, classifying the clerks, &c.

Mr. FOSTER. I am not able to say further than that the Secretary of the Interior stated that this he believed to be necessary, and could not specify it more particularly than that he thought this sum would probably be adequate. It will be used at particular times, and it is to some extent foreseeing exigencies that may possibly not arise. He did not wish, therefore, to have a specific number of clerks and to classify them, because they might not be necessary. It is not his purpose to use any more of this appropriation than shall be necessary, and he can use it in this way just to the extent it is necessary and no more.

Mr. FESSENDEN. There is a sum given to the Secretary of the Treasury by this bill of $30,000 for the employment of additional clerical force in certain cases if needed, and the classification of those clerks is authorized; but it confines him in the use of it to the first-class clerks at $1,200. I do not see any necessity for going above the $1,200 here. Let the amendment be read again.

The amendment was read.

Mr. FESSENDEN. I move to amend it by saying "$1,200" instead of "$1,400," as a limit; that is the pay of first-class clerks. If he employs an occasional force, they must necessarily not be better than first-class clerks. This is the limitation imposed on the Secretary of the Treasury:

Provided, That the Secretary of the Treasury be and he is hereby authorized, in his discretion, to classify the clerks authorized according to the character of their services, or assign to such of them as he shall see fit any compensation not exceeding that of clerks of the first class.

Mr. FOSTER. I doubt whether it will be expedient to make that change. At certain seasons there is a great press of applications for pensions that require to be examined; they pass under the eye of examiners, and it is necessary to increase temporarily the number of examiners, requiring a class of men of some experience, and an amount of intelligence and capacity above a mere first-class clerk; generally men of some knowledge of the law and some experience in matters of that sort which is acquired after practice, and for which $1,400 a year, or at that rate at the present time, is a meager compensation. I do not believe that the Secretary of the Interior or the Commissioner of Pensions will employ men of that grade unless it should be necessary, but if it should be, I think money will be saved as well as time by employing men who might be employed at that price when a less price would not command them. It is true that it depends on the trust and confidence we repose in the Secretary of the Interior and in the Commissioner of Pensions. I believe both of them will use the money economically, and will not employ men of the grade named unless it would really be a saving to the Treasury to do so.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine to the amendment of the Senator from Connecticut, to strike out "fourteen" and insert "twelve."

Mr. COLLAMER. It creates a great deal of trouble and confusion to have your prices different in different Departments. I think if $1,200 is enough in one Department it should be in the others.

The amendment to the amendment was adopted; and the amendment, as amended, was agreed to.

Mr. NESMITH. I see that on page 32, in lines seven hundred and sixty-two and seven hundred and sixty-three, there is an appropriation for "wages of workmen and adjusters" at the Mint at Philadelphia of $125,000. I move to amend that clause by striking out the words "one hundred," so as to leave the appropriation $25,000. I move this amendment for the reason that I perceive that for the mint in California the amount appropriated for the same object for the same period is $150,050—$25,000 more than is appropriated for the same service at the Mint in Philadelphia, where the cost of labor is acknowledgedly much lower. I find that last year the appropriations for the Mint in Philadelphia amounted to

$3,500 more than the appropriations for the mint at San Francisco. I find also that during the same period the total coinage at the Mint at Philadelphia was $3,706,047 37; and during that year the coinage at the mint at San Francisco was $18,551,598 68—about six times the amount of coinage at the mint in San Francisco that was done in Philadelphia; and yet $3,500 more was paid for expenses at the Philadelphia Mint. If $125,000 is necessary for the payment of workmen in the Mint at Philadelphia, which I do not believe, surely $150,000 is not sufficient for the mint in San Francisco. I think, looking at the proportionate amount of coinage at each establishment, as reported last year from the Mint and branch mint, $25,000 for this purpose at Philadelphia would be in excess of the amount allowed for the mint at San Francisco. I therefore move to reduce the appropriation to $25,000.

Mr. FESSENDEN. The amount appropriated last year for the Mint at Philadelphia for this item was $111,800, and it has been found that that amount has left no balance. For the California mint $105,000 was appropriated. This year there is a difference of $25,000 in favor of the California mint in the appropriation for this item. I can only say that these estimates come from those who are directors of the several mints, and are indorsed by the Secretary of the Treasury, who sends them to us. It is very clear that by striking out the $100,000 and leaving $25,000 for the Mint at Philadelphia, the result will be about to stop the work which is done at the Mint in Philadelphia at once. I suppose this movement arises from the estimate which my friend from Oregon feels with regard to the Superintendent of the Mint at Philadelphia. He does not like a certain letter of that officer, to which he referred some time ago, and therefore he infers that it is about time to stop all business at the Mint at Philadelphia. I hope the Senate will hardly come to that conclusion, and especially without information on the subject more definite than is presented.

Mr. NESMITH. I am not actuated by the motive which the Senator from Maine attributes to me. I have made a fair comparison of the cost of coinage between the two places. Labor must be very much cheaper at Philadelphia, taking the Director's own argument; and I think, based on the considerations there presented, this appropriation is excessive. The reports show what is done at the two mints. It is true that I regard the Mint at Philadelphia as a sort of pauper house for broken-down politicians. I can see no other particular object for it. It coins only about $3,000,000 a year, while the branch mint at San Francisco coins about $20,000,000. Still, I do not object to making a fair appropriation for the Philadelphia Mint. It is probably necessary that those politicians should be supported there, and I am willing to give them a fair support. I think $25,000 is ample.

Mr. CONNESS. The disparity in the coinage at the two mints, as shown by the Senator from Oregon, is certainly very great; but I presume it may be accounted for in this way: the coinage at San Francisco is mostly in double eagles, twenty-dollar pieces. We coin there some eagles, but not many; a few half eagles, a few quarter eagles, and some half-dollar and quarter-dollar pieces, but I believe nothing below that. The labor performed at the Philadelphia Mint consists largely in making nickel cents, and ten and five-cent pieces, and those classes of coins, which, although they do not foot up very much in the aggregate, involve a good deal of mechanical labor. I suppose that is the real cause of the disparity of the expenditures at those two institutions.

The amendment was rejected.

Mr. TRUMBULL. On page 38 of the bill, after line eight hundred and ninety-six, I propose to insert:

> And from and after the 30th day of June, 1864, the salary of the Assistant Attorney General shall be $4,000 per annum, and the salary of the chief clerk in the Attorney General's office $2,000 per annum.

I offer this amendment from the Committee on the Judiciary in pursuance of a recommendation from the Attorney General. Perhaps I had better have what he says read to the Senate.

The Secretary read the following extract from a letter of Hon. Edward Bates, Attorney General, to the chairman of the Committee on the Judiciary:

> "I need hardly inform you, sir, that the altered condition of the country within the last three years has greatly increased and diversified the labors and cares of this office. As those labors consist mainly of thought and study, we have occasion for only a comparatively small clerical force. But there is a pressing need in the office for more lawyers than the present arrangement contemplates.
>
> "The law provides me with an assistant, and I have been fortunate in getting one who is a diligent, faithful, and able man. Knowing him from his youth I chose him for those qualities; and now he remains with me at a positive pecuniary loss only on account of personal attachment. His salary, fixed by law at $3,000, was perhaps well enough four years ago, but now is wholly inadequate as a recompense for the talents, learning, and actual labor which his position requires. His pay really ought to be $4,000.
>
> "There are but six clerks in my office, two only of whom receive a salary of $1,600. The other four are paid at a lower rate. And it is of great importance to the due and convenient discharge of the daily duties of both the Attorney General and the assistant, that the chief clerk should be a well-read reliable lawyer; because an ordinary clerk, however intelligent and faithful in the common routine of business and in keeping the books fairly written up, cannot be safely intrusted with many minor law matters proper; such, for instance, as correspondence with district attorneys and marshals and clerks of courts in relation to pending cases. And this is a class of duty from which the Attorney General and his assistant ought, in view of their constant engagements in matters far more important, to be, at least, in part relieved.
>
> "In these times we cannot hope to command all the needful qualifications of a chief clerk in such a law office as this for $1,600 a year. At present we have one who, I hope and believe, is entirely competent. But we have him by accident and by a temporary pressure of circumstances elsewhere.
>
> "I give it as my thoughtful opinion, founded on three years of close observation, that the business of this office would not only be much facilitated, but that it would be a practical economy of public money, to raise the salary of the chief clerk of this Department to $2,500, or at the very lowest to $2,000."

Mr. TRUMBULL. It will be observed that the highest salary paid to any clerk in the Attorney General's office is $1,600, while all the other heads of Departments have clerks who are paid higher salaries. That, however, would be no reason for raising the salaries now; but the reason given by the Attorney General is, I think, a good one. He says the chief clerk in his office ought to be a lawyer, and that it is impossible to get a man fit for such a position, in the present condition of the country, for $1,600 a year. I think every one will appreciate that at once. The amendment I have offered proposes to raise it to $2,000. The Attorney General said it should be $2,500, or $2,000 at the lowest. We took the lowest sum. The effect is to make the chief clerk in his office, who ought to be a lawyer, a $2,000 clerk, and it is manifest that a person fit to be there can hardly be expected to be procured at a less sum in the present condition of the country.

In regard to the Assistant Attorney General, I do not know that I have anything more to say than the Attorney General himself has said. That is a high and responsible office. I do not think we ought to raise the salary on account of the incumbent; I have always been opposed to legislating in regard to the particular individual holding an office; and therefore, although Mr. Coffey, the present Assistant Attorney General, is a gentleman, as I understand, of very great ability, whose services are certainly worth more than $3,000, I would not put it on any such ground as that; but I put it on the ground that the office of Assistant Attorney General, so important a position as that, with the vast amount of business that comes before that office, ought to command a salary higher than $3,000. I am not disposed to take up time on the question. I submit the proposition as from the Committee on the Judiciary and the Attorney General.

Mr. HALE. I hate to oppose this proposition, because it looks ungracious to do so; but the difficulty is that we have got a complaint in this country—it prevails and spreads more rapidly than ever the small-pox did—it is a universal cry from all classes and all conditions every where for increase of salary. Some men seem to think that is a panacea which is to cure everything. It certainly will, if my friend from Massachusetts [Mr. WILSON] comes in with a proposition to increase pay and add rank. The increase of rank and pay seems to be a panacea for curing all our evils. I was at the Postmaster General's room this morning, and there was a universal application from all the route agents for an increase of pay. There is a combination among them, I believe, and the country is going to be deprived of the services of route agents if their pay is not increased. You cannot call at any of these offices without being constantly told how low their salaries are. You listen to some of them and you think them very reasonable. But, sir, the Secretary of the Treasury has told us that if we want to serve our country and relieve it from the condition in which it is, we must reduce our expenditures and increase our taxation. Every case that is presented is said to be an extraordinary, a peculiar one. I have no doubt that if the country could afford it, it would be well enough to raise these gentlemen's salaries; but the fact of the depreciation of the currency is one that affects everybody, and if you raise the salary of one you have got to raise the salary of all.

I think we have gone in this direction far enough, and a great deal too far. The call from the country is not for high salaries, but for a spirit of sacrifice, and to submit to the burdens that the emergencies of the country impose on us. I do not want to say a word against these gentlemen; I have no doubt they are worthy, deserving gentlemen, and if the condition of the Treasury and of the country would justify it, I should be willing to vote for an increase of their salaries. I think the clerks in this office should be classified as in every other office. I would give the Attorney General four classes of clerks, $1,200, $1,400, $1,600, and $1,800. Let them be classified in this office just as they are in every other, but I would not give any of them $2,000. I shall, however, vote against the amendments for the reasons I have given.

Mr. FESSENDEN. I hope this amendment will not be adopted. The difficulty will be perfectly manifest. We have had a struggle over this question of raising the salaries of heads of bureaus and Solicitors and Assistant Secretaries, and Congress finally settled down into a determination, I hope, that it would not increase that class of salaries. I have no doubt that Mr. Coffey is a very excellent officer, but I have no doubt that many very good lawyers can be found in the country who would be very willing to accept the office and perform the duties of it for the amount of salary he receives. I found a very different state of things among the gentlemen receiving $3,000. While some of them said they could not live at $3,000 a year, others said they could live at $3,000 provided others of the same class did not receive more. It depends altogether upon the degree of economy that a man is disposed to use in these times. If he wants to keep a couple of horses and a carriage and live in style, he cannot live on $3,000 honestly, and some of them, I understand, do keep their horses.

Mr. JOHNSON. Honestly?

Mr. FESSENDEN. I do not know. It depends altogether on the disposition of the man and how much he is disposed to limit his wants to. The Committee on Finance, on looking into this matter, thought everybody should live, but that people should try to live economically; and they decided that in raising pay they would begin at the bottom and raise the pay of the messengers and watchmen, and that class of people who had very low pay, and could not live comfortably upon the amount they received. If we begin to apply this rule, there is the Solicitor of the Treasury, who holds quite as important an office, and is a lawyer of good standing, who receives less than is proposed to be allowed here. There are many lawyers of excellent standing and ability, who are heads of bureaus, and discharging their duties, and doing vastly more labor, infinitely more labor than the Assistant Attorney General is called upon to do, who receive their $3,000 and do not complain; and they hold the same rank. There are the various Auditors and Comptrollers receiving only $3,000 and remaining there. If we begin with this we shall have the same thing over again, applications from all, and a continual contest and fight over it in making the distinction.

As good an officer as Mr. Coffey is, yet believing he is not the only man in the country who is competent to fill the office, that many others may be found, I do not feel disposed to change the condition of things in that particular office. I am not aware that the business of the Attorney General's office is very greatly increased by the rebellion. It has not operated there. In other cases where we have been obliged to increase the force in numbers, it has been from the greatly increased

business. I am not aware that the business in that office is so greatly increased that there is not force enough. It is a mere question of pay, and I sincerely hope that the Congress will leave that matter as it is; and I feel more disposed to leave it so because the Attorney General is a man of such vast capacity and infinite powers of labor that he does really not need the amount of aid, perhaps, that another man of less ability might in his position.

The amendment was rejected.

Mr. TRUMBULL. I have another amendment, to come in as an additional section:

And be it further enacted, That the accounting officers of the Treasury are hereby authorized and directed to allow to the reporter of the Supreme Court the amount of his annual salary for the fiscal year ending June 30, 1864, on the production of satisfactory evidence that he has delivered to the Secretary of the Interior the number of copies of the decisions of said court prescribed by law, and that said books have been received and accepted by said Secretary.

I can explain that in one minute, and there are papers which will explain it—a letter from the First Comptroller of the Treasury. The law allows the reporter of the Supreme Court a salary of $1,300, and has provided that "the compensation shall not be paid unless the reporter shall print and publish, or cause to be printed and published, the decisions of the said court made during the time he shall act as such reporter, within six months after the said decisions have been made." And another provision of the law requires him to deliver one hundred and fifty copies of the reports to the Secretary of the Interior. The late reporter of the Supreme Court——

Mr. FESSENDEN. I suggest to the Senator that the amendment reads "the reporter;" it should be "late reporter," for he has been changed.

Mr. TRUMBULL. It should be "late reporter;" it applies to Judge Black. The word "late" should be put in. The books were delivered to the Secretary of the Interior, as these papers show, and the amendment would not allow the payment if they had not been; but it was after the six months had expired, and the Comptroller of the Treasury says that there was a reason why they were not delivered before, which was satisfactory, but he refused to make the payment because the six months had expired. The Government has accepted the books, and it is manifestly just that the allowance should be made. It requires no new appropriation, for the money was appropriated last year. This amendment merely allows the settlement.

The amendment was agreed to.

Mr. COLLAMER. I propose the following amendment, to come in after line one hundred and seventy-one, on page 8:

To enable the Joint Library Committee to purchase a complete file of selections from European periodicals from 1861 to 1864, relating to the rebellion in the United States, to be deposited in the Library, $4,000: *Provided*, That no part of said sum shall be expended until the entire collection and an index thereto is completed and approved by said committee.

I propose this amendment by direction of the Committee on the Library. A gentleman, Colonel Norton, has undertaken a work of this kind and exhibited to the committee a specimen of it. The proposition is to complete it by collecting from all the principal publications of Europe, in England and on the Continent, articles in relation to our present rebellion, presenting the manner in which the subject is understood and treated in those periodicals. It will be a work of a large number of volumes, and, in the estimation of the committee, a reasonable price will be the sum fixed in the amendment. It is a proposition to include articles from the Times, News, Standard, Manchester Guardian, John Bull, London Illustrated News, Illustrated Times, the Examiner, the Index, the Leader, the Saturday Review, the four Quarterly Reviews, the Army and Navy Gazette, and the Law Magazine, in England; the *Moniteur*, the *Presse*, the *Journal des Debats*, and other publications in France; and the leading publications in Germany and Belgium. This collection will be exceedingly valuable to any one who has occasion to ascertain what were the views entertained in Europe at this critical and important period of our history, and its value will be most materially enhanced by being arranged in the order of time and having an index made to it, so as to enable one at any time to refer to the different volumes and the different articles as occasion may require. In the opinion of the committee, it will be very well worth this amount of money, and, indeed, it will cost the whole sum to prepare it.

The amendment was agreed to.

Mr. JOHNSON. On page 3 I propose to strike out all the words in lines forty-two, forty-three, and forty-four up to the word "eighty" on the forty-fourth line. The bill as it reads gives to "the assistant in charge of the furnaces $600; laborer in charge of private passages, $600; two laborers at $480 each." The amendment adopted yesterday at the instance of the Finance Committee relating to messengers in the Executive Departments, increased their pay some twenty per cent. more than heretofore received, making them receive $720 in lieu of $600. I understand, and indeed the fact must be so, that the laborers we have, have just as much to do, and are just as faithful as the laborers in the other Departments of the Government; and I propose after those words are stricken out to move the insertion of what I will read:

Four laborers at an annual salary of $720.

So as to make the bill read after "dollars" in the forty-first line:

Four laborers at an annual salary of $720 each.

There are now four laberers; two of them get $600, and two of them get $480. That is the whole amount of the increase of the appropriation.

Mr. FESSENDEN. I will ask the Senator if he moves that amendment by instruction of any committee?

Mr. JOHNSON. No.

The VICE PRESIDENT. The Senator will allow the Chair to state that the words proposed to be stricken out have been amended, and there are other words in the bill. The Secretary will read that clause as it now stands.

The Secretary read it, as follows:

Assistant in charge of furnaces, $600; laborers in charge of private passages, $600; two laborers at $600 each.

Mr. JOHNSON. It is $480 in the printed bill.

Mr. FESSENDEN. That has been amended.

Mr. JOHNSON. My object is to give them all $720. I do not move it at the instance of any committee. I suggest it to the chairman whether it is not right that our laborers should receive as much as the others; they are very faithful, I am told.

Mr. FESSENDEN. There are a great many laborers left in the Departments who receive only $600; those who had $480 before and some $500. I have nothing to say in regard to the Senator's motion except that I must suggest, as I am bound in this case, that I believe the Senator cannot move to increase the appropriation unless he is instructed by a committee to do so.

Mr. JOHNSON. I am not instructed.

The VICE PRESIDENT. In the impression of the Chair, the amendment is not in order unless it be reported by a committee.

Mr. MORRILL. I am instructed by the Committee on the District of Columbia to propose an amendment to the bill on page 43, at the end of line ten hundred and twenty-eight:

For salary of warden of the jail in the District of Columbia, $1,600.

The amendment was agreed to.

Mr. MORRILL. I am instructed by the Committee on the District of Columbia to propose an amendment on page 43, to strike out lines ten hundred and twenty, ten hundred and twenty-one, and ten hundred and twenty-two in the following words:

For salaries and other necessary expenses of the metropolitan police for the District of Columbia, $110,000.

And to insert in lieu thereof:

For salaries of superintendent, sergeants of police, and police patrolmen, $62,900; and that the salaries of said superintendent, sergeants, and police patrolmen are hereby increased twenty per cent.; and that one half of the salaries and other necessary expenses of the metropolitan police provided for in the act entitled "An act to create a metropolitan police in the District of Columbia and to establish police therefor," approved August 6, 1861, and of this act are hereby imposed upon and shall be borne after the 30th day of June next by the cities of Washington and Georgetown, and the county of Washington, and in the following proportion, to wit: the city of Washington, twelve fifteenths; the city of Georgetown, two fifteenths; and the county of Washington, one fifteenth.

I will state in a word the substance of the amendment. In the first place, it increases the compensation of the active police force, namely, a superintendent, sergeants of police, and police patrolmen twenty per cent. The salary of the superintendent of police now is $1,500, and we propose to add twenty per cent. to that. The sergeants of police receive $600, and they are increased twenty per cent. The police patrolmen now receive $480, and they are increased twenty per cent. The next proposition is to impose one half of all the expenses of the metropolitan police upon the District in the proportion stated in the amendment.

Mr. FESSENDEN. One half of the whole amount or one half of the addition?

Mr. MORRILL. One half of the whole expenses of the metropolitan police under the act referred to in the amendment. By the act of 1861 a new system of police was inaugurated for the District of Columbia, and the whole expense of that system was imposed upon the Treasury of the United States, and has been so borne since that time. The Committee on the District of Columbia do not see why the whole police expense of the District should be borne by the Treasury of the United States. That there is a fair demand for the proposed increase of salaries the committee do not doubt from the facts they had before them; but they are equally clear that the cities of Georgetown and Washington and the county of Washington should contribute to the maintenance of this police system. That is all there is of this proposition.

Mr. FESSENDEN. Is this metropolitan police force that we make this appropriation for the only police force we have in these cities?

Mr. MORRILL. Yes, sir.

Mr. FESSENDEN. I had the impression that it was an additional police.

Mr. MORRILL. All the police duties of the District of Columbia are performed by the metropolitan police. The old system was entirely abrogated by this system, which was inaugurated in 1861.

Mr. FESSENDEN. As this amendment reduces the amount of the appropriation, I of course have no objection to it, if it be acceptable to the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The question is on concurring in the amendments made in Committee of the Whole. The question will be taken on all the amendments together, except those upon which separate votes are desired, if there be no objection.

Mr. FOSTER. I wish the amendment I offered from the Committee on Pensions reserved for a separate vote, as I desire to move an amendment to it.

The PRESIDING OFFICER. That amendment will be reserved.

The remainder of the amendments were concurred in.

The PRESIDING OFFICER. The question is now on concurring in the following amendment, which was reserved for a separate vote:

For additional clerks in the Pension Bureau during the remainder of the present fiscal year and the fiscal year ending the 30th day of June, 1865, the sum of $21,000: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of $1,200 per annum.

Mr. FOSTER. I move to amend the amendment by striking out "$1,200" and inserting "$1,400;" so as to leave it as it stood originally.

Mr. FESSENDEN. I really hope the amendment will not be amended as suggested. It is impossible, I think, with any propriety to make a distinction between Departments on this subject. If the Commissioner of Pensions wants to advance his clerks to higher classes he will have this sum within his control, and he can pay to those that are already in his employ a larger amount, and employ outsiders at $1,200. There is no practical difficulty in it. He can accomplish his purpose in that way; and certainly those who are now in the Department as clerks of the first class will be more likely to be able to perform a higher grade of duty than others he may get to come in new and fresh from the outside to perform that same class of duties.

Mr. FOSTER. I propose it because the Secretary of the Interior and the Commissioner of

Pensions, in both of whom I have confidence, ask for this amendment as I now propose to alter it. I do not believe that it will make substantially any great difference. It will not certainly create a distinction between the Departments, for the reason that all the Departments now have $1,400 and $1,200 clerks. But so far as this immediate amendment goes, I am not aware that it makes any discrimination of which any other Department will have any right to complain. It is not to create permanent clerks with this salary; they may not be used for a day; but if it should be necessary in a press of business at the office to command a man who could be employed at the rate of $1,400 a year for a month, or a few months, it would be desirable certainly to do it rather than to employ two at $1,200. I offer the amendment, not for the purpose of drawing money from the Treasury but with a view to save it, for I am as desirous of saving it as the honorable Senator from Maine.

Mr. FESSENDEN. This very bill makes the distinction. I read the provision by which the Secretary of the Treasury, to whom we gave $30,000 for the same purpose of employing extra clerks, &c., was limited to $1,200 clerks. If this does not make any particular difference and the object can be accomplished, I really think it would not be worth while to make the distinction. Although I have the same confidence in the Commissioner of Pensions as my honorable friend has, yet I am confident he can get along very well with $1,200 clerks. He cannot be supposed to be cognizant of the facts that I am cognizant of with regard to the other Departments; and after all, we cannot comply without any hesitation with the wishes of these officers. We must exercise our own judgment upon it, being acquainted with the facts in relation to the other Departments that they are not. I really think my friend had better abandon the amendment and let the proposition stand as it is.

Mr. FOSTER. The Senate is thin, and was at the time the amendment proposed by the honorable Senator was adopted. I do not wish to divide the Senate. If Senators will give expression by the vote when it is called for, so that we may see how their minds are affected by it, I shall not ask for a division of the Senate.

The amendment to the amendment was rejected.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

On motion of Mr. FESSENDEN the title of the bill was amended by adding the words, "and for other purposes."

ASAHEL BUSH.

Mr. ANTHONY. I ask the Senate to take up Senate bill No. 38.

Mr. SUMNER. Will it occasion debate?

Mr. ANTHONY. No; I do not think it will give rise to any debate whatever.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 38) to authorize the settlement of the accounts of Asahel Bush, late public printer for the Territory of Oregon. It authorizes the proper accounting officer of the Treasury to audit and allow the account of Asahel Bush, late public printer of the Territory of Oregon, for printing, binding, &c., in the year 1855, five hundred copies of the statutes enacted by the Legislative Assembly of the Territory at its sessions of 1853–54 and 1854–55, and allow for the same such prices as were by law allowable for such services at that time.

Mr. HALE. I should like to hear some explanation of this bill. Do we usually pay the printers of these Territories?

Mr. FESSENDEN. Is there a report accompanying the bill?

Mr. ANTHONY. Yes, sir; there is a printed report. It explains the whole matter perhaps as succinctly as I could do it.

Mr. FESSENDEN. Let it be read.

The Secretary read the report, from which it appears that Asahel Bush, late public printer of the Territory of Oregon, asks payment for printing and binding, in the year 1855, five hundred additional copies of the statutes enacted by the Legislative Assembly of the Territory of Oregon at its sessions of 1853–54 and 1854–55. By an act of Congress, approved August 14, 1848, (Statutes at Large, ix, 323,) "to establish the territorial government of Oregon," it is declared (section eleven) that "there shall also be appropriated, annually, a sufficient sum to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses" of the Territory. The claimant, Asahel Bush, was, during the years 1853, 1854, and 1855, public printer for the Territory of Oregon, and by an act of the territorial Legislative Assembly, passed January 11, 1854, (Statutes of Oregon, page 432,) he was ordered to print, annually, one thousand copies of the laws enacted at each session.

The code of laws adopted by the Legislative Assembly, in addition to the legislation of the session of 1853–54, formed, when printed, an octavo volume of upward of five hundred pages. There being at that time no facilities in the Territory of Oregon for publishing such a volume, Mr. Bush brought the manuscript to the city of New York, procured the execution of the work in accordance with the act of the territorial Legislative Assembly, and forwarded five hundred copies thereof to Oregon, by express, which were received by the secretary of the Territory. The remaining five hundred volumes he shipped by a sailing vessel to San Francisco, where they were reshipped on a steamer for Oregon, and were lost by the wrecking of that steamer while on her voyage, in November, 1854. The territorial Legislative Assembly of Oregon, which commenced its annual session in the month of December following the loss of these five hundred volumes, taking into consideration the unavoidable nature and consequent hardship of the loss, passed an act releasing Mr. Bush from his obligation to complete the delivery of one thousand copies, as had been stipulated, with the proviso that he should "not receive any pay except for the five hundred copies already delivered." (Statutes of Oregon, pages 469–70.) Having thus released the territorial printer from prior obligations, the Legislative Assembly ordered him "to cause to be printed five hundred copies of the laws of a general nature passed at the last and present sessions," (1853–54 and 1854–55,) which was done in accordance with the order. The account of Mr. Bush for the five hundred volumes of the first published volume, which were delivered, has been paid from the Treasury of the United States. No account has been or will be presented for the remaining five hundred copies, which were destroyed by shipwreck, and which he was not bound to deliver, after the Legislative Assembly had released him from his obligation.

But when Mr. Bush presented his account for the publication of the second volume, ordered by the second section of the act of the Legislative Assembly of January 30, 1855, he was only paid for the presswork, paper, and binding, and for the composition of the laws of 1854–55, from the public Treasury. Payment for the composition of the laws of 1853–54 was refused by the accounting officers of the Treasury, for the alleged reason that there was no money appropriated by Congress applicable to such purpose. In the opinion of the Treasury Department, this reprint of the territorial laws was not legitimately chargeable against the regular appropriation for printing, but became a proper subject for legislative consideration; yet the act of Congress under which the Territory was organized does not warrant this conclusion, as it directs "the printing of the laws," without in any way restricting the power of the Legislative Assembly as to how often the laws shall be printed. The reprinting of the code and the laws of 1853–54, of which but five hundred copies were in existence, appears to have been demanded, and the Legislative Assembly evidently considered themselves empowered to order a second edition. The committee think that the publication of the volume printed in 1855, for which there was, on the 6th day of August, 1856, (according to the statement of Hon. Elisha Whittlesey, then First Comptroller of the Treasury,) a balance of $3,638 20 remaining unpaid, was necessary; that the Legislative Assembly of the Territory of Oregon was justified in ordering it, and that the work was well performed. Under the legislation by Congress and the territorial Assembly, the claim of Mr. Bush is considered just and equitable.

Mr. HALE. I want to inquire (for I do not know) if that is the ordinary mode in which Congress pays the printers of territorial Legislatures for printing the laws of the Legislatures?

Mr. ANTHONY. Always. Congress pays all the legislative expenses of the Territory.

Mr. HALE. This is a reprint.

Mr. POMEROY. They print them once, I know; but do they print edition after edition of the same laws?

Mr. ANTHONY. This is not an edition after edition of the same laws. The territorial Legislature ordered a thousand copies of the laws to be printed. They had to be printed in New York, as there were no facilities for printing them at that time in Oregon. They were sent in two separate vessels to Oregon. Half the edition was lost. That edition was not paid for. No claim was made for it. The portion that was delivered was paid for. The Legislature then ordered a reprint of the laws, adding thereto the laws of the subsequent session. The Comptroller decided that he had no right to pay for the setting of the type for the reprinting of the laws of the first session; he could only pay for the setting of the type for the additional laws of the subsequent session that were ordered. The Comptroller had no doubt of the justice of the claim; but there was no appropriation applicable to it. The Committee on Printing of the Senate have examined it and have no doubt about it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPEAL OF FUGITIVE SLAVE LAW.

Mr. SUMNER. I now move that the Senate proceed to the consideration of Senate bill No. 141, to repeal all acts for the rendition of fugitives from service or labor.

The question being put, there were, on a division—ayes sixteen.

Mr. TRUMBULL. We must have the yeas and nays in order to obtain a quorum. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 10; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Conness, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harris, Henderson, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, and Wilkinson—26.

NAYS—Messrs. Buckalew, Carlile, Cowan, Davis, Hendricks, Powell, Riddle, Saulsbury, Van Winkle, and Willey—10.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal all acts of Congress or parts of acts providing for the rendition of fugitives from service or labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. FOSTER. I am not prepared to see this bill passed just now. I did not, however, apprehend that its passage was to be called for at this moment. I supposed the Senator from Massachusetts was to address the Senate upon it.

Mr. SUMNER. I am sure I have not the least desire to address the Senate. It seems to me to be perfectly plain. It is like a diagram; it is like the multiplication table; it is like the ten commandments. I do not wish to say a word upon it.

Mr. FOSTER. That may be. Still I did not apprehend that the bill was to be put on its passage at the present time, and I confess I expected to say something upon it.

Mr. SUMNER. It has been for two months before the Senate, and I have tried at least a dozen times to get it up.

Mr. POMEROY. I think we may as well pass the bill now.

The PRESIDING OFFICER. The question is, "Shall the bill pass?"

Mr. BUCKALEW. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. I do not intend to discuss the bill that is now before the Senate except so far as may be necessary, in a very few words, to state the reasons why I shall vote against it.

If the joint resolution which the Senate passed a few days ago proposing to amend the Constitution of the United States so as to abolish sla-

very throughout the United States had passed the other branch of Congress, and had been approved by a sufficient number of the Legislatures of the States, so as to make it a part of the Constitution of the United States, there would then seem to be some propriety in passing the bill now before the Senate. But until there be such an amendment of the Constitution it seems to me to be very plain, quite as plain as the multiplication table, but not of quite as high morality as the ten commandments to which the Senator from Massachusetts compares this bill, that this bill ought not to pass.

Every department of our Government, I think, has decided that a fugitive slave law in some form, securing a return of a fugitive slave to his master upon proper claim, should be enforced. It was decided in 1793 by our fathers when they enacted the law of that year. It was decided in 1850 by the enactment of the law of that year as an amendment of the act of 1793. It has been decided by almost every court of the States and of the United States that that law is constitutional and required by the Constitution of the United States; that it not only may be passed, but it is obligatory upon the conscience of Congress to enact some law which will secure the return of fugitive slaves. The executive department, whenever called upon to touch the question, has recognized the same obligation on the part of the Federal Government.

Now, sir, while the Constitution remains unchanged, while, in plain words, it provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due;" while that provision of the Constitution is yet in full force in the Constitution and obligatory upon the conscience of Congress, it is proposed to abolish all laws upon this subject.

I should have felt it my duty to prepare myself to discuss the question somewhat at length were it not that the minority of the committee that has had this subject under consideration have so fully given the reasons why this bill ought not to pass, and I am willing to stand upon that report. As I had occasion to say some days ago I was not reared in a slave State; I know but little of the institution except as I read of it; but I do recognize my obligations to the Constitution of the United States; and, whatever might have been my feelings in the absence of such a provision in that instrument which I have sworn to respect, while it remains in the Constitution, and while the oath to respect that Constitution is upon my conscience, I cannot vote for this bill. It may be that our fathers erred in the agreement among themselves that a fugitive slave should be returned; it may be that it was a mistake on their part, but while their agreement stands, and while my oath is upon my conscience to respect that agreement, I cannot vote for a bill like this.

With these very few remarks, standing upon the report of the minority of the committee having this subject in charge, I shall content myself with giving a vote against the bill.

Mr. SHERMAN. I should like to have the bill read.

The Secretary read it, as follows:

Be it enacted, &c., That all acts of Congress, or parts of acts, providing for the rendition of fugitives from service or labor, be, and the same are hereby, repealed.

Mr. SHERMAN. I shall say but a few words about this matter, nor shall I discuss the propriety of legislation on this subject now. This bill includes not only the law of 1850, which I have always denounced as unconstitutional and unjust, but also the law of 1793. The only doubt I have on the subject is whether we ought to repeal that law, it being a law made by the framers of the Constitution. As for the law of 1850, I have always believed it to be unconstitutional and barbarous in many of its main features, and I am perfectly willing now or at any time to vote for its repeal. I have some doubt about the expediency of now repealing the law of 1793, and I wish the Senator, in order to avoid a difficult question, would——

Mr. SUMNER. I will say the committee took that into consideration; but they felt that we had better make a clean thing of it, purify the country, lift the country up before foreign nations, and let us now wash our hands of all support of slavery.

Mr. SHERMAN. I am not guided exactly by the motives of the honorable Senator from Massachusetts. He desires to extirpate the whole of these laws. I wish to give to the people of the southern States, the few that are left who have the right to enforce the Constitution against us, their constitutional rights fully and fairly. The law of 1850, I believe, is subject to a fatal objection, and it ought to be repealed. I would have voted for its repeal any time since it was passed. But I submit to the Senator whether it is worth while now to carry this proposition further. The law of 1793 was framed by the men who framed the Constitution. It has been declared to be valid and constitutional by every tribunal that has acted upon it.

Mr. SUMNER. I beg the Senator's pardon. It was declared to be unconstitutional by the Supreme Court of the United States in the Prigg case; and the Senator knows very well that it is among the records in the life of Judge Story, who gave the opinion in the Prigg case, that the fatal objection to the act of 1793, that it did not give a trial by jury in a case of human freedom, was never argued before the court, and that he personally considered it an open question. I put it to the Senator whether he can doubt that any human being whose freedom is called in question under the Constitution of the United States is entitled to a trial by jury? And if that trial is not given to him by the statute which undertakes to doom him to slavery, I pronounce that statute unconstitutional.

Mr. SHERMAN. Without engaging in any debate on these controverted propositions, and feeling the weight of constitutional obligation upon me, I shall content myself in this case with recording my vote on the bill, and by placing it simply on the ground that I do not wish to extend this repeal back to a law which was framed by the men whom I reverence as the founders of this Government, a law that they believed it to be their duty to pass, that was acquiesced in for more than fifty years—a law that I believe has been sanctioned by the courts and by the people of this country. To repeal that act now, in this time of revolution, when we are in the midst of war, it seems to me is carrying the matter too far. It can only operate in favor of a very few men comparatively in the State of Kentucky. Maryland has already substantially or soon will abolish slavery. Kentucky is the only State not within the proclamation of the President where this act could have any effect. There are portions of other States excluded from the proclamation; but Kentucky is the only State practically to be affected.

Mr. POMEROY. Missouri.

Mr. SHERMAN. There is no slavery in Missouri. They are abolishing it there; and I hope they soon will in Kentucky. This law can only operate upon a few persons in Kentucky who hold slaves and are loyal to the country. Under these circumstances I prefer not to repeal the law of 1793, about the constitutionality of which I have little doubt.

Mr. SUMNER. Then, Mr. President, I understand that the Senator from Ohio has no doubt that under the Constitution of the United States a human being may be given over to slavery without a trial by jury.

Mr. SHERMAN. I will not go into the discussion of that question. I only know that that law has been upon the statute-book almost since the foundation of the Government; that it was framed by the men who framed the Government. The very men who passed that law framed the Constitution. Under these circumstances, I will not pronounce it unconstitutional.

I will ask, however, before the roll is called, if it is competent for me to offer an amendment to except the law of 1793 from the operation of this bill? If that can be done, I shall vote for the bill with great pleasure. I will ask the Chair if the bill is still within the power of amendment?

The PRESIDING OFFICER. It is not.

Mr. SHERMAN. I will move to reconsider the vote ordering the bill to be engrossed and read a third time, for the simple purpose of offering that amendment.

Mr. CONNESS. I ask the Senator whether he voted in the affirmative?

Mr. SHERMAN. There was no division, and therefore any one has a right to move to reconsider.

The PRESIDING OFFICER put the question, and declared that the ayes appeared to have it.

Mr. SUMNER. I call for a division.

Mr. SHERMAN. I believe a reconsideration is always granted in a case of this kind. I never knew it to be refused.

Mr. SUMNER. But the Senator announces his amendment.

Mr. SHERMAN. The object is merely to obtain a vote on the amendment, and then the bill will pass, as a matter of course.

Mr. SUMNER. Cannot the vote as well be taken on the proposition to reconsider? Is not that the same thing?

Mr. SHERMAN. I prefer to have a direct vote on the simple proposition I make, to add these words, "except the act of February 12, 1793."

The motion to reconsider was agreed to; there being on a division—ayes twenty-four; noes not counted.

The PRESIDING OFFICER. The bill is now in the Senate, and open to amendment.

Mr. HENDERSON. I had prepared an amendment——

Mr. SHERMAN. I have got the law before me, and I will submit my own view, and then the Senator can present his proposition. I move to add at the end of the bill the words, "except the act approved February 12, 1793, entitled 'An act respecting fugitives from justice and persons escaping from the service of their masters;'" so that the bill will read:

That all acts of Congress or parts of acts providing for the rendition of fugitives from service or labor be, and the same are hereby, repealed, except the act approved February 12, 1793, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters."

Mr. HENDERSON. I move to amend the amendment of the Senator from Ohio by repealing the act of 1850, and then the act of 1793 will certainly remain in force, because the act of 1850 is merely amendatory of the act of 1793.

Mr. SHERMAN. There were some acts passed in addition to those. I am not sufficiently familiar with them to state what they are at present. I think there was one passed in 1818.

Mr. SUMNER. 1819.

Mr. SHERMAN. At any rate I am willing to let this repeal extend to all the laws on the subject except the one to which I have referred, which is contemporaneous with the Constitution and I think ought to be retained.

Mr. SUMNER. I think the proposition of the Senator will bring the question before the Senate to be decided by its vote.

Mr. HENDERSON. What is the objection to the subsequent act, the act of 1819?

Mr. SHERMAN. There has been some other legislation on the subject—I am not prepared to say what it is—but I think we had better repeal all the laws on the subject except the act of 1793.

Mr. JOHNSON. Mr. President, I regret that the committee should have thought it necessary to report favorably upon this bill; not because the fugitive slave act will have any practical effect in enabling any master to have his slave returned to his custody; not because it can possibly contribute in any way to the bringing into slavery of one who is already free. I suppose it is now perfectly obvious to us all that for all practical purposes these fugitive slave acts are a nullity. But there is a consideration which operates upon my mind, and which will control my vote. The Constitution as it is now, according to my interpretation of it, not only authorizes the passage of the act of 1793, and the passage of the act of 1850, but made it the duty of Congress to pass some law of that description. The honorable member from Massachusetts is mistaken, I think, in supposing that Mr. Justice Story ever even doubted the constitutionality of the act of 1793.

Mr. SUMNER. I will simply refer the Senator to the life of Judge Story, by his son, and the elaborate chapter on the Prigg decision.

Mr. JOHNSON. I have seen it.

But, Mr. President, even if the act of 1850 or that of 1793, considered as original propositions, would now for a moment be maintained to be unconstitutional, there is one question which is perfectly plain under the adjudications of the Supreme Court, and particularly in the judgment pronounced by Mr. Justice Story, that the Con-

stitution itself is a fugitive slave act. In the case of Prigg *vs.* The State of Pennsylvania, with which the Senate no doubt is familiar, that court decided, the opinion being given by Mr. Justice Story, that a master had a right, without process and independent of any legislation, national or State, to seize his slave wherever he might find him and return him to slavery by taking him to the State in which he resided, not only without being guilty of any trespass, but in so doing he was in the full discharge of what the Constitution gave him a right to perform to recover his property. In that particular, and because of that, there was a difference of opinion between the members of that court. The present Chief Justice of the United States was of the opinion (in that respect not agreeing with his colleagues of the majority) that the obligation under the Constitution was an obligation upon the States as well as the United States. The majority of the court took the opposite view, that all State legislation on the subject was illegal and wholly inoperative. The Chief Justice, with one, I think, or perhaps two members of the bench thought that the States had a right to pass laws to effect the same purpose, and that so far as they were not inconsistent with the laws which Congress may have passed they were to be considered as valid.

The son of Mr. Justice Story has published a letter which the learned judge wrote the day after or the day on which that decision was pronounced, which it would have been as well, I think, for his reputation if the public had not seen. If the Senate will look at the opinion given by that distinguished man they will find that he took the view that, under the Constitution of the United States, there was an imperative obligation upon the United States to give to the masters of slaves the right to take their slaves wherever they could find them. As I have said, he thought it could be done independent of legislation; but he never intimated that it was not in the power of Congress by legislation to make that right more effectual than it would have been if it stood upon the Constitution alone; and he therefore said that the act of 1793 was constitutional; and in that opinion he was sustained by the whole bench.

But what he did say in the letter to which I have adverted was that the court having decided that the States had no control over the subject, he thought it was the most fatal blow that slavery had received, intimating that in the then temper of the public mind, so far as the national Legislature was concerned, there would be no future legislation on the part of Congress, and that nothing that could be done could be done effectually to enable the master to get his slave back. I say, speaking with all the reverence in which I hold the memory of that very distinguished jurist, I think that his reputation perhaps suffered and should have suffered by keeping in his own breast, as he evidently did, so far as the rest of the court were concerned, his view of the effect of that decision, and writing so as to make the reader believe that not only in his view was that the effect of the decision, but that he had pronounced the decision for the very purpose of bringing about that object.

But the act of 1850 itself, which is so obnoxious to my friend from Ohio, [Mr. SHERMAN,] and it is certainly no favorite of mine—in many of its particulars I think it very objectionable in point of expediency—the Supreme Court, in the case of Booth *vs.* The United States, by a unanimous decision, affirmed in so many words to be constitutional. The honorable member from Massachusetts seems to suppose that the unconstitutionality of this legislation is to be found in the fact that it does not provide for a jury trial. The court have said, as I think in a way not to be successfully met, that the meaning of this clause is precisely the meaning to be attributed to the remainder of the clause, of which it forms but a portion. The entire clause provides for the rendition of fugitives from justice and fugitives from service. It had never been held, in relation to the meaning of the first part of the clause—the rendition of fugitives from justice—that it was necessary that there should be a jury trial in the State where the party was arrested. Congress did not take that view of the law which they passed on that subject, and it never has been contested. For the same reason (and the court have more than once referred to it as a conclusive answer) that Congress may provide for the return to the State where the offense is committed, of an offender who has fled from that State for the purpose of escaping from justice, without giving him the benefit of a trial by jury in the place where he is arrested, can you order the return of a fugitive slave from a State in which he may be found without giving him the benefit of a trial to ascertain whether he is a slave or not.

Now, Mr. President, except for the honor of the thing, which may loom up largely perhaps in the imagination of my friend from Massachusetts, except for the honor of the party of which he is so distinguished a leader, what practical good is to be the result of this measure? Will one single slave be returned under these laws? Does the honorable member believe that a single slave will be returned under them? The passage of this bill may create some unpleasant feeling in that part of the South which is sectionally loyal, and among many in that part of the South which, though sectionally disloyal, are themselves loyal.

I admit if it was true, if the honorable member's conclusion was as clear as—to repeat his own favored illustration—the multiplication table; if it was as true as that two and two make four, and not five, we ought to get rid of this legislation, because if it was of that description it would be a reproach to our own intelligence; but is the honorable member so entirely confident that it is as true as a question under the multiplication table? The men who framed the Constitution, I suppose, knew what the meaning of that Constitution was just as well as my honorable friend from Massachusetts can know, or as any member of this body can know. The president of the Convention by which it was framed—no friend of slavery, earestly desiring, as we see by his writings, its early extermination—I suppose is just as likely to have known what the meaning of the Constitution was in this clause at least, which more especially affected his own region of country, as the honorable member from Massachusetts. The men who passed the act of 1793, most of whom had been members of that Convention, were just as likely to know what the Constitution is in this particular as the honorable member from Massachusetts. If he will look at the proceedings of each branch of Congress when the act of 1793 was passed, he will find that nobody ventured to breathe a suspicion either that Congress had no authority to pass it, or that it was not the duty of Congress to pass it. The bill passed both branches unanimously.

If the confidence of the honorable member from Massachusetts in his own judgment is not to be shaken by the fact to which I have adverted, one would suppose it would be somewhat shaken when he calls to mind, if he shall call to mind, that the courts of every State in the Union, and every court of the United States, district or supreme, that has been called upon to pass judgment upon the constitutionality of the act of 1793, has maintained its constitutionality. During the whole series of years which have elapsed from the passage of the act of 1793 up to a comparatively recent day no member of Congress suggested the repeal of that act, either upon grounds of expediency or of unconstitutionality; and no State in the Union by any one of its departments of government ever questioned publicly the validity of that act. Recently, I know, new views have been taken on the subject. The Constitution recently, first, construed with reference to the principles to be found in the Declaration of Independence, and secondly, construed by itself through very many of the clauses which relate to personal freedom, has been held to be so inconsistent with slavery that an act of this description cannot be maintained as valid The honorable Senator himself, in this report, if I remember it correctly, takes the ground that the clause in question never was intended to embrace slaves, but apprentices.

Mr. SUMNER. The Senator misunderstood me. I did not doubt that the persons who drew up that clause meant slavery, but I insisted that, according to all just rules of interpretation, which neither the Senator nor myself are at liberty to disobey, the language they employed cannot be interpreted to mean slavery; for according to those rules slavery cannot stand on inference. It requires a positive text to sustain it.

Mr. JOHNSON. I do not know what the honorable member supposes to be the limited effect of inference. I suppose when we are called upon to construe words, we are to construe them according to their intent. Now, I understand the honorable member to say that the intent of the persons by whom those words were used was to embrace slavery, but he says they have not carried out their intent.

Mr. SUMNER. As occurs very often in a will or contract.

Mr. JOHNSON. But wills and contracts are not made by such men as composed that Convention. The brightest intellects that ever shed glory upon the world were to be found in that Convention. Every clause in the Constitution was carefully penned in the first instance, submitted to the most careful criticisms throughout, and not adopted until every man in the Convention knew what every other man in the Convention meant. If there was any member of that Convention who supposed that these words would not comprehend slaves, and he kept that to himself, he did not deal fairly with his compatriots. Why do not the words include slaves? Why is it a matter of inference? Do they not include apprentices? They include somebody, some class of people; and if they do, what class is included? Are apprentices included? The honorable member will admit that.

Mr. SUMNER. And redemptioners.

Mr. JOHNSON. And redemptioners; and why? Because they are held to service. Is he who is held to service for life less held to service than he who is held to service for a few years? The honorable member may assail the laws of the States and deny that there can be any law in any State which can make one man the servant of another for life; but, assuming the validity of those laws, (and the very object of repealing this act of 1793 and the act of 1850 is because it is assumed that the laws would operate upon them,) then it would follow that slaves are included within the term "held to service," unless it be true that he who is held to service for life is not held to service equally with him who is held to service for a month or a year.

Mr. DAVIS. Will the Senator from Maryland allow me to call his attention to the third clause of the second section of the first article of the Constitution? It is in these words:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

Who are meant by the words "three fifths of all other persons?"

Mr. JOHNSON. I am obliged to my friend from Kentucky for his reference to that clause. The language of the particular clause in question is this:

"No person held to service or labor in one State, under the laws thereof."

All we have to ascertain is, is there a law in Maryland which gives me a right to the service of a slave for life? If there is, then according to the words of the provision if he escapes he is to be returned to me. But if there could be any doubt, looking to the terms themselves which are to be found in this clause, that doubt would be removed by the particular clause referred to by the honorable member from Kentucky. The question between the honorable member from Massachusetts and myself, and between him and Washington and every member of the Convention, all the State Legislatures, every State court, every district court of the United States, and the Supreme Court of the United States, with Marshall at their head, is whether the term, "held to service," as used in what is called the fugitive slave clause, embraces slaves.

Mr. SUMNER. The Senator will pardon me. That is not the question. The question is whether the whole clause is applicable to slaves. The Senator will observe that there are still other operative words. The clause is as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The Senator will observe this clause speaks of a party, not of a thing. It speaks of a person held to service or labor, not of a thing; of a per-

son held to service or labor pursued into another State where he is claimed by one to whom such service or labor may be due. All that implies contract. It does not imply a condition of slavery. No service or labor is due from a slave to his master; of course not.

Mr. JOHNSON. I do not expect to satisfy the honorable member. I do not think anybody could satisfy him. I knew exactly what his reading of that clause was, and whatever might be urged he would be "of the same opinion still." He says now that it applies only to a person who is under a contract to render service to the party from whom he has escaped. Where does he get that meaning? The words used are, "any person held to service or labor under the laws of a State," not under contract, and the apprentice would be included, and the indented servant would be included, not because he was an apprentice by contract, not because he was an indented servant by contract, but because by the law of the State that contract was one from which he could not escape, because by the law of the State he was bound, having entered into the contract, to render the service for which the contract stipulated. But if the law of the State gave to one man a right to the service of another, and that law is legal, (which is not involved in this question,) if slavery as it exists in the States is legal, then he who owes service in a slave State to a citizen of the slave State owes service to such citizen "under the laws thereof."

Mr. SUMNER. A slave cannot owe service, the Senator will bear in mind.

Mr. JOHNSON. I cannot bear that in mind. I cannot get it into the mind.

Mr. SUMNER. It is very essential in discussing this question.

Mr. JOHNSON. I know it is absolutely essential, to come to your conclusion; but it is a conclusion I think that no other gentleman can well come to, because no other gentleman can well get that into his mind. But I was about to say that the clause referred to by the member from Kentucky is pregnant with meaning on the question:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years."

Now, one of your classes is provided for. Your apprentices and your indented servants are "bound" only "for a term of years." They are to be added. Who are to be excluded? "Indians not taxed" are to be excluded. Who else is to be added? "Three fifths of all other persons." What is the meaning of these words?

Mr. DAVIS. Will the Senator turn to section nine of the first article, and read it?

Mr. JOHNSON. I was about to do that. Now, who are the "persons," three fifths of whom are to be added for the purpose of determining the question of representation and the other question of taxation? If you take the apprentices out, and the indented servants out, and the Indians out, are there any other persons than slaves? The honorable member is not to be told, Mr. President, that one of the political objections to slavery which the North has urged, and which was quite a sound one if they were about to make a constitution for themselves, was that three fifths of the slaves were added for the purpose of increasing the representation of the South, when the North was denied the right to increase its own representation by having added in any way for that purpose any portion of its property, whatever that might be. The objection was a political one. It was that this clause gave to the South greater weight in the councils of the country than their white free population entitled them to; and the objection was, not that apprentices were added, for they were white, not that indented servants were added, for they were white, but that what the South considered as property, slaves, were added. In all the debates upon that subject, that has been a fruitful topic of complaint, and the North no doubt in a few years after the Constitution was adopted, and particularly after the southern States began to multiply and this slave population began to multiply, would have changed the Constitution if they could in that particular. When the Constitution was adopted, it was a matter comparatively unimportant; but when you added southern State after southern State, and brought in slaves by the thousand, the disproportion between the white population and the slave population became so great that in point of fact you made an aristocracy of the South, and they ruled the North, not by their own numbers, but because they were masters of the slaves.

But what was the object of the ninth section of the first article? That is a provision which was taken out of the amendatory clause, and that ninth section says:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

What is the meaning of "persons" there? Were there any white apprentice boys in Africa? Were there any laws of apprenticeship in Africa? Did any there by contract owe service to any master in Africa? Did any there by contract agree to owe service to any man who would come there and take them away? We know it was not so. That ruthless and barbarous traffic, the disgrace of civilization, the dishonor of England more than of ourselves, was a trade of violence. They were snatched from their country by force or by fraud, subjected to all the dangers of the passage hence, dying by thousands and hundreds of thousands, after suffering excruciating tortures that make the blood run cold even when we read of them at this distant day; they were brought here and made slaves, and we said that they might continue to be brought for a time, as included under the term "persons;" and the honorable member, therefore, unless he is able to read that word "persons" in the ninth section as comprehending only apprentices cannot read the same word to be found in the fugitive slave clause as meaning only apprentices.

The Senate is not to be told, Mr. President, that I share as earnestly as the honorable member from Massachusetts can in a desire to see the institution terminated. The difference between us is, as I think, that he takes a different view of constitutional obligation. It is, as I think, that the Constitution recognizes the institution in plain terms, that it was the purpose of our fathers to make such a recognition, that they acted in pursuance of that purpose during the whole period of their own lives upon earth, that every act of legislation passed by them during the time that they were guiding the councils of the country recognized the institution and deemed it the duty of every department of the Government, as long as the institution should remain, to protect it. I desire to see the day, and I trust it is not far distant, when that difficulty will be gotten rid of, when the institution itself will be at an end, when it will not only not be recognized, but will be prohibited; but until that is done, as far as my individual vote is concerned, I shall be obliged to vote in accordance with what I believe the requisitions of the Constitution are as the Constitution now is.

Mr. SUMNER. I shall not be betrayed into any extended debate; but shall content myself with replying directly to what has been said on the other side.

There is first the Senator from Ohio, [Mr. SHERMAN,] who intervened to arrest the generous purpose of the Senate, as it was about to vote, by a proposition to keep alive the old act of 1793. Strange that now, while we are in deadly conflict with slavery, it should be proposed to keep alive an ancient support of slavery. But the Senator gravely insists, and the Senator from Maryland [Mr. JOHNSON] insists with him. But the Senator from Ohio does not seem to be aware of the character of the statute which he proposes to keep alive. Let me remind him that by this statute which he cherishes so warmly a fellow-man may be hurried before a magistrate and doomed to slavery without a trial by jury. Can this be constitutional? Will the Senator sanction such an enactment?

But the Senator from Maryland, who is so familiar with our jurisprudence, takes exception to the statement which has been made to the effect that Mr. Justice Story admitted that the constitutionality of the act of 1793 had never been affirmed by the Supreme Court. He thinks that this learned judge never made any such statement. But he is much mistaken. Here is a volume containing the Life and Letters of Joseph Story, which I have just received from the Library. I turn to the passage. Here it is:

"Our prevailing opinion, which has created great prejudice against this judgment, is, that it denies the right of a person claimed as a fugitive from service or labor to a trial by jury. This mistake arises from supposing the case to involve the general question as to the constitutionality of the act of 1793. But in fact no such question was in the case, and the argument that the act of 1793 was unconstitutional, because it did not provide for a trial by jury according to the requisitions of the sixth article in the Amendments to the Constitution, having been suggested to my father on his return from Washington, *he replied that this question was not argued by counsel nor considered by the court, and that he should still consider it an open one.*"

Thus it is. According to this authentic record by his son the necessity of a trial by jury was not argued by counsel, nor considered by the court, and he declared that he should consider it an "open" question; so that the constitutionality of the act in this important respect has not been affirmed by the court. But the Senate is now asked to affirm it. We are asked to vote that a fellow-man be handed over to slavery without a trial by jury. To me this proposition is hateful beyond the power of words to express.

But the Senator from Maryland, not content with affirming the constitutionality of the act of 1793, has plunged into a general discussion on the fugitive clause of the Constitution. He insists laboriously that it was intended to cover fugitive slaves. When I reminded him that its authors might have intended it to cover fugitive slaves, without succeeding in their attempts, he then insists that it does cover fugitive slaves. Well, sir, there I meet him point-blank. I insist that, whatever may have been the original intention of the framers of that clause, they did not succeed in making it cover fugitive slaves. It is a question of construction, and the language employed is not applicable to fugitive slaves. It does not describe them, and cannot by any just tribunal be extended to embrace them. If the prejudices of the Senator were not already enlisted, I should not doubt his judgment on this point, which in the light of jurisprudence is so clear.

There is a rule of interpretation which the Senator will not call in question. Where any language is open to two constructions, one favorable and the other odious, *that which is odious must be rejected.* I do not stop to give authorities. The rule is unquestionable and the authorities are ample. But do not forget the conclusion: that which is odious must be rejected. Now, the Senator has already admitted that the language of the clause is applicable to apprentices. Very well. That is enough. In its application to apprentices, redemptioners, and the like, it is exhausted, so that it cannot be made to cover a slave without offending against the rule which requires us to adopt the construction which is the least odious. And, sir, if we go further and scan nicely the language of the clause, we shall find that the words employed are all applicable to a relation of *contract* or *debt*, and not to a relation founded on *force*. The clause is applicable to a "person," and not to a *thing*, and this "person" is to be surrendered on the claim of the person to whom his service or labor may be *due*. But clearly no labor or service can be *due* from a slave to a master. The whole pretension is an absurdity. And, if you give to this word its legitimate application, you must restrain it to a case of *contract* or *debt*. In this glance I omit the argument founded on history, and the well-known opinions of leading minds in the Convention, and confine myself to the text of the Constitution.

But the Senator dwelt especially on the words "held to service or labor in one State *under the laws thereof*," and triumphantly insisted that slaves were included under this language. Here again he is mistaken. Apprentices and redemptioners were held under "laws;" but I need not remind the Senator of the admission repeatedly made on this floor by Mr. Mason, that there were no "laws" for slavery in any slave State; at least, that none could be produced. Besides, as a jurist, the Senator cannot have forgotten the ancient truth that injustice cannot be "law," but is always to be regarded as an "abuse" or a "violence," even though expressed in the form of "law." In presence of this principle, which has the sanction of as great a lawyer as St. Augustine, and in the face of the positive assertion of Mr. Mason, that no "law" for slavery could be found in the slave States, what becomes of the argument of the Senator? No, sir. The case is clear. No ingenuity of honest effort can make the words that the Senator cites or any others in that clause sanction slavery and the hunting of slaves. In order to pro-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 20, 1864. NEW SERIES.....No. 108.

ceed with his argument the Senator must begin by setting aside those commanding rules of interpretation which are binding on him as on myself. If, where words are susceptible of two significations, one favorable and the other odious, the former only can be taken, then must the Senator restrain this clause to that signification which is not odious. And again, if every word is always to be construed so as most to favor liberty, then must the Senator follow implicitly this rule. But these two rules make it impossible to torture this clause into any *odious* or *tyrannical* signification. They keep it clean and pure from slavery.

Sir, I feel humbled by the necessity of this discussion; that at this late day I should be called to vindicate the Constitution of my country against glosses and interpretations in the interest of slavery. Pardon me if for a moment, leaving the two Senators who seek to foist slavery into the Constitution, I turn to the question itself, not so much for argument as for statement. If I seem to repeat, it is because there are certain points which I desire to impress upon the Senate. To my mind nothing is clearer than that, according to unquestionable rules of interpretation, the clause of the Constitution, whatever may have been the intent of its authors, cannot be considered applicable to slaves. Such is slavery that, from the nature of the case, it cannot be sanctioned or legalized except by "positive" words. *It cannot stand on inference.* This rule, which no reason can shake, drove Lord Mansfield to his great judgment in Sommersett's case. African slavery had for two generations prevailed in England. It had been pronounced to be legal by eminent lawyers and judges. Some of the brightest names in Westminster Hall had given to it the sanction of professional opinion and of judicial decision. At last a person at that time unknown, Granville Sharp, struck by the injustice of slavery, devoted himself to consider the grounds on which its legality was recognized. He studied the laws of England, and all the evidences of its constitution. In the course of these studies he was gratified to find that there was no *positive* establishment of African slavery in England, and, indeed, that the words "slave" and "slavery" were nowhere to be found in the British constitution. He next applied himself to the accumulation of well-known rules of interpretation, requiring, in any case of doubt or question, that the interpretation should be on the side of liberty, and especially that any man was "impious" and "cruel" who did not favor liberty. Impiety and cruelty are not light burdens for an honest conscience. The conclusion was irresistible that slavery could not exist in England.

But the unanswerable argument of Granville Sharp was rejected at first by the bar, who regarded it as an attempted innovation. The direct precedents and the weight of authority were the other way, and this with most lawyers is enough. Harvey said that no person above "forty" accepted his discovery of the circulation of the blood. And Granville Sharp found himself in the same predicament. But this good man was not disheartened. He knew well that there was no statute of limitations against principles; and, better still, that principles must finally prevail over precedents. Principles are immortal, and bloom with perpetual youth. Precedents are mortal, and die from age, decrepitude, and decay. Against principles precedents may for a while prevail; but the time must surely come when that which is mortal must yield to that which is immortal. In this conviction he persevered until at last lawyers were convinced, and then the court.

The judgment of Lord Mansfield on this occasion constitutes a landmark of law which will be remembered proudly when all his contributions to commercial law and general jurisprudence are forgotten. It was a contribution to the British constitution and to human rights. Like every principle of natural law, it approves itself at once to the reason and conscience. And this authority I now invoke in the interpretation of the fugitive clause.

But I have already said too much. The argument on both sides is presented in the two reports of the committee, or rather in the report of the committee and the views of the minority. Senators, I doubt not, have already made up their minds, which no discussion can change. Of course, some may vote against the acts on one ground and some on another. The arguments are numerous. It is enough, if on any ground they vote to remove this shame from our statute-book.

I do not enter into any details of the constitutional argument: whether Congress has the power, under the Constitution, to legislate on this subject, or whether it may confide this great trust to a single magistrate without a trial by jury. These are grave questions, worthy of debate, into which I am ready to enter if the occasion requires. But I forbear. Often, in times past, I have discussed these questions in the Senate and before the people; but I believe the time for discussion is passed. And permit me to confess my gladness in this day. I was chosen to the Senate for the first time immediately after the passage of the infamous act of 1850. If at that time I received from the people of Massachusetts any special charge, it was to use my best endeavors to secure the repeal of this atrocity. I began the work in the first session that I was here. God grant that I may end it to-day.

Mr. President, I have said enough for the present occasion. But the suggestion has been too often made that this measure is not practical. Not practical! This is the favorite phrase. But this depends upon what Senators consider as practical.

If it be practical to relieve the people from an unconstitutional and oppressive statute; if it be practical to take away a badge of subjugation imposed by slave masters during their brutal supremacy; if it be practical to secure the good name of the Republic, which still suffers immeasurably from this outrage; if it be practical, at this moment of our own severe trial, to do justice to those we have oppressed, and thus secure the favor of Providence; and finally, if it be practical to strike at slavery wherever we can hit it, and to relieve ourselves of all responsibility for this terrible wrong, then is this measure eminently practical. It is as practical as justice, as practical as humanity, as practical as duty, which cannot be postponed.

But independent of the intrinsic justice of this measure, it is recommended also by an expediency of the highest character. I am sorry to plead in this way, but the occasion must be my apology. Senators are not aware how much our country has suffered in the judgment of civilized nations from that accursed statute, which has now for more than ten years been a byword and hissing among men. Genius, in some of its rarest creations, has made it known, literature and art in every form have lent themselves to expose it, while the unutterable atrocities which it has sanctioned have been carefully gathered together and circulated abroad as testimony against republican institutions. Since the outbreak of the rebellion this statute has been constantly adduced by our enemies abroad as showing that we are little better than Jefferson Davis and his slave-monger crew; for slavery never shows itself worse than in the slave-hunter. Only within a few days there has appeared at New York, published for the fair, a photographic copy of a letter of the late Alexander Humboldt, which contains the following words: "I have the warmest attachment to your beautiful and liberal city, New York, but have earnestly and deeply regretted that Webster, whom I long respected, more than favored that *shameful* law which still persecuted colored men after they had regained by flight their natural inborn liberty, of which they had been robbed by Christians." Humboldt was our friend, but he could not forbear from characterizing this statute as "shameful." Be assured, sir, it is a burden for our cause abroad which it ought not to be obliged to bear. For the sake of our cause, and that it may have new strength in the gushing sympathies of the civilized world, it should be repealed at once, without a day's delay.

But I confess, sir, another motive. At this moment of severe trial, I wish my country to put itself right with that Supreme Power which holds in its hands the destinies of nations. It is as true in the life of nations as in the life of individuals that, if you would have equity, you must do equity; but the great equity which we must do is to be found in justice to an oppressed race. It is vain that you complain of disaster to your arms, of colored soldiers and their brave officers cruelly treated at Fort Wagner, of colored soldiers and their brave officers massacred at Fort Pillow, if you yourselves continue to set the example of injustice. The story of the Israelites will be revived, and plague after plague will be sent, sounding forever the old commandment, "Let my people go." If the plagues that have been sent already are not enough, another and yet another will visit us. There is one assurance of obedience which you can give. It is to expunge from your statute-book all support of slavery. Be in earnest here, and you will be practical. Then, having done equity, you may fearlessly ask for equity.

I have already said more than I intended. It was my purpose to leave the Senate to vote without a word of argument or persuasion. The case to my mind was too clear, and I thought the time had come for votes. And now, as I conclude, I forbear to press all constitutional objections, and present the whole question on a single ground. Slavery has struck at the national life. Let us strike back wherever we can hit it, and above all let us purify the statute-book, so that there shall be nothing in it out of which this wrong can derive any support. In the discharge of this duty, all fugitive acts should be repealed. The argument against one is good against all.

Mr. JOHNSON. Mr. President, clear as my opinion is upon the meaning of the Constitution, and as to the obligation as long as slavery exists to pass a law something like the act of 1793, or the act of 1850, if I believed with the Senator from Massachusetts that the repeal of those two acts would end the rebellion, I think I should waive my scruples; or even if it would very materially aid, or if it would aid at all in bringing about that result.

The honorable member has a sanguine temperament. He is one of those, I believe, who thought that if they could only muster into the service of the United States black troops, and let it be known that they would be called to our standard, the war would be very much at an end. We did that two years ago, and still it is being waged. But there may be something potential; moral influences are hard at times to account for; they are as inscrutable as the dispensations of Providence. It may be that the honorable member, if he succeeds in repealing these laws, will be the hero of the day, terminate the rebellion, capture the foe, and throw into the shade all those who peril life in leading the armies in the hope of accomplishing the same end. But I am not entirely satisfied that that will be the result; nor do I believe that the judgment which the world is now passing upon us will be much affected by this measure. The world is not as ignorant as the honorable member would, as I think, suppose it to be. They know now that the purpose of the loyal States is to terminate this rebellion, and to terminate it by terminating slavery. Whatever influence the existence of the institution may have had prejudicial to us in the past, is now gone. Our banner is looked at by the world at large as the banner of freedom, carrying with it its consolations and its hopes wherever it may be carried by our soldiery.

I rose, however, Mr. President, to rescue the reputation of Mr. Justice Story from——

Mr. SUMNER. His son.

Mr. JOHNSON. From his son, and from the use which the honorable member himself is making of the son's authority. The honorable member was connected with that judge, professionally, the reporter of his decisions, knew his thoughts, knew his professional habits, knew the

exhaustive learning that he brought to all the questions that were before him. He is not to be told that, son or no son, he has unwittingly libeled the memory of his father in attempting to satisfy the public that that father never passed affirmatively upon the constitutionality of the act of 1793.

Mr. SUMNER. I have forborne in this discussion from introducing my own testimony on this matter, because I thought the book was enough. My own relations, as the Senator has suggested, with the late Mr. Justice Story were of great professional and personal intimacy; indeed, from my childhood to the day of his death. I was in the habit of conversing with him on the opinions pronounced at Washington, and I remember well his conversation immediately after he pronounced the judgment in the Prigg case. I heard his opinions; I was the depositary of his most intimate thoughts on that remarkable case; and I have to state that the son has not stated the opinions of his father on that subject as strongly as he might.

Mr. JOHNSON. Then I am sorry the facts have been made known. Here I have the opinion in the case of Prigg *vs.* The Commonwealth of Pennsylvania. The difference between the honorable member and myself is whether the fugitive clause embraces slaves. That is one difference.

Mr. SUMNER. No reference is made to Mr. Justice Story on that point. The only point with regard to which his authority has been quoted is the constitutionality of the old statute of 1793, so far as it failed to supply a trial by jury. That is the only point with regard to which his name has been adduced.

Mr. JOHNSON. I understand, and I will come to that.

Mr. SUMNER. I do not adduce Mr. Justice Story on the other question.

Mr. JOHNSON. I understand that; but I was about to say that the difference between the honorable member and myself and those who think with me is whether the fugitive clause embraces slaves. What said Mr. Justice Story in the case of Prigg?

Mr. SUMNER. He said it did.

Mr. JOHNSON. I read from his opinion, speaking for the whole court, in the case of Prigg *vs.* The Commonwealth of Pennsylvania, reported in 16 Peters. I read from page 611, which my honorable friend can consult to-night. In the opinion the learned judge quotes the two clauses of the Constitution in relation to fugitives from justice and fugitives from labor, and then says:

"The last clause"—

That is, the clause in relation to fugitives from labor—

"is that the true interpretation whereof is directly in judgment before us. Historically, it is well known that the object of the clause was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State in the Union into which they might escape from the State where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States, and, indeed, was so vital to the preservation of their domestic interests and institutions that it cannot be doubted that it constituted a fundamental article without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevalent in the non-slaveholding States by preventing them from intermeddling with, or obstructing, or abolishing the rights of the owners of slaves."

So much as to the meaning of the clause. Now, the honorable member says that whatever may have continued to be Mr. Justice Story's opinion in relation to that question, he never gave an opinion, or did not mean to give an opinion, as to the constitutionality of the act of 1793.

Mr. SUMNER. On the question of trial by jury.

Mr. JOHNSON. All the questions that were involved in that case. Was that question involved? I quote from page 618:

"But it has been argued that the act of Congress is unconstitutional, because it does not fall within the scope of any of the enumerated powers of legislation confided to that body; and therefore it is void."

Mr. Justice Story goes on to reply to that objection, and then adds—I read from page 620:

"The very act of 1793, now under consideration, affords the most conclusive proof that Congress has acted upon a very different rule of interpretation, and has supposed that the right as well as the duty of legislation on the subject of fugitives from justice and fugitive slaves was within the scope of the constitutional authority conferred on the national Legislature."

He speaks of the silence of the Constitution in regard to the particular mode in which fugitives from justice might be recovered, and says:

"This very silence occasioned embarrassments in enforcing the right and duty at an early period after the adoption of the Constitution, and produced a hesitation on the part of the executive authority of Virginia to deliver up a fugitive from justice upon the demand of the executive of Pennsylvania, in the year 1791; and, as we historically know from the message of President Washington and the public documents of that period, it was the immediate cause of the passing of the act of 1793, which designated the person (the State executive) upon whom the demand should be made, and the mode and proofs upon and in which it should be made. From that time down to the present hour not a doubt has been breathed upon the constitutionality of this part of the act."

Mr. SUMNER. That is clear; but I wish to bring the Senator back to the single point here in issue, whether the Supreme Court of the United States in the Prigg case heard arguments in the first place on the question of trial by jury, and secondly whether they decided that question.

Mr. JOHNSON. If they did not hear such arguments and the suggestion did not occur to themselves, it was only because at that time of day nobody had, I was about to say, the hardihood to suggest such a proposition.

Mr. SUMNER. But it seems that immediately after giving the opinion in the case, the distinguished magistrate who gave it thought that the objection was a very grave one, and said that it was not considered or decided by the court; thereafter he should regard the question as an open one.

Mr. JOHNSON. He remained upon the bench a good while afterwards; and even in relation to the act of 1850——

Mr. SUMNER. He was not on the bench very long after that decision. He died in 1845, and the decision was in 1841, I think.

Mr. JOHNSON. In 1842. He was on the bench three years afterwards, and he never whispered that to his colleagues. But the act of 1850, by the unanimous decision of the Supreme Court, Mr. Justice McLean being upon the bench, and I think Mr. Justice Curtis, was held to be constitutional, and, *à fortiori*, they would have held that the act of 1793 was constitutional.

A word more, and I have done. The honorable member tells us that the word "persons," as used in the Constitution, clearly does not embrace slaves. I ask the honorable member if he is perfectly certain of it.

Mr. SUMNER. In that clause, perfectly certain.

Mr. JOHNSON. What is the use, then, of repealing the act of 1793 and the act of 1850, for they use the words of the Constitution—nothing else?

Mr. SUMNER. If the Senate and the Supreme Court would accept that interpretation, I should have no disposition to repeal the statutes.

Mr. JOHNSON. But if the proposition is as plain as that two and two make four, it is at least barely possible to suppose that the Supreme Court as it is now constituted and is about to be constituted would not hold it to be five. Whatever Marshall may have done, whatever Story may have done, whatever Curtis may have done, whatever McLean may have done, whatever Taney may have done, I do not believe it can with anything like plausibility be supposed that the court as it is at present constituted will hold this proposition to be so clearly unsound that the act of 1793 is unconstitutional, as they would hold to be untrue the proposition that two and two did not make five; and that is the honorable member's illustration. He goes higher than that: he leaves this mundane sphere of earth and gets into the skies, goes off to authority above us, and ventures to say that the opinion which he holds upon the subject is as clear, as well defined, and as imperative as anything to be found in the decalogue. I suppose he thinks so——

Mr. SUMNER. Will the Senator permit me? The decalogue says "thou shalt not steal." Every slave-master steals the earnings of his slave. It says "thou shalt not commit adultery." Every slave-master either commits adultery with his slave or sanctions it. It says "thou shalt not covet thy neighbor's wife." Every slave-master covets his slave's wife, and all that he possesses. Therefore I say that slavery exists in perpetual violation of the decalogue, and that if you undertake to support it you are guilty of a wrong as great as if you openly violated the ten commandments.

Mr. JOHNSON. I suppose it is barely possible that the Supreme Court know the decalogue as well as the honorable member from Massachusetts, and particularly that portion of the court which has been recently put there; and if it be true that the decalogue, in the view of men who are sworn to support the Constitution, abolishes slavery and abolishes the fugitive slave act, we do not want any other legislation than the decalogue.

Mr. President, there are some propositions—and I say it with all respect to the honorable member from Massachusetts—so plain that they cannot be made plainer by argument.

Mr. SUMNER. I agree to that.

Mr. JOHNSON. Certainly, the decalogue says you cannot steal; and the master steals the services of the slave, the member says. If you go to the South, they will put a different interpretation upon that decalogue. They will cry out at the top of their voices, "The decalogue says 'thou shalt not steal,'" and then they will point to those who think with the Senator from Massachusetts that it is right to take the slave from his master, and they will say, "You offend against the decalogue; you steal."

Mr. SUMNER. These same men rebelled.

Mr. JOHNSON. Of course they did; and Massachusetts was very willing to rebel at one time, and they had no slavery among them either, that I know of. There is no knowing what they would have done if the war had not been brought to a termination in 1815. History tells us that some of them came here on a mission to Mr. Madison, came here buoyant, hopeful of success. The news of the peace reached them, and they went back bootless and crest-fallen. They constituted, I know, only a portion of Massachusetts; but however large a part they may have represented, that day has gone. Massachusetts now stands as she stood in the days of the Revolution, when she poured her blood out at Lexington, at Concord, and at Bunker Hill. She has been in the past no more given to a love of liberty, pure and unadulterated, than she is at this moment; but I think she has, to a certain extent, suffered that love of freedom to boil over, and at times to do what has in some measure brought about this rebellion. Not that it was her purpose, but she has aided the traitors of the South, however few in number, to fan into a flame the public mind, to cause them to forget the obligations that they were under, and which the most of them were sworn to suport; to stand by the Constitution during weal and woe, to remain with us, trusting on either side, and on all sides, to the authority of that Constitution, to preserve us a happy and a united people; and I trust in God, as I believe, that the time is now coming when we shall be one people. This cause of excitement; this cause which enabled these traitors to fan into treason the public mind of the South, removed, and we shall remain, until time shall be no more, one and indivisible, with a Government as free and as prosperous and as powerful as God ever vouchsafed to man; but in the mean time let us forget, if we can, the differences of opinion which have existed between us, and put our shoulders now to the wheel with which we are endeavoring to crush down this vile, wicked, and wholly unjustifiable rebellion.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Ohio.

Mr. JOHNSON and Mr. SHERMAN called for the yeas and nays, and they were ordered.

Mr. WILKINSON. I should like to hear the amendment read.

The Secretary read the amendment, which was to insert at the end of the bill:

Except the act approved February 2, 1793, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters."

The question being taken by yeas and nays, resulted—yeas 24, nays 17; as follows:

YEAS—Messrs. Buckalew, Carlile, Collamer, Cowan, Davis, Dixon, Doolittle, Foster, Harris, Henderson, Hendricks, Howe, Johnson, Lane of Indiana, McDougall, Nesmith, Powell, Riddle, Saulsbury, Sherman, Ten Eyck, Trumbull, Van Winkle, and Willey—24.

NAYS—Messrs. Anthony, Brown, Clark, Conness, Fessenden, Grimes, Hale, Howard, Lane of Kansas, Morgan,

Morrill, Pomeroy, Ramsey, Sprague, Sumner, Wilkinson, and Wilson—17.

So the amendment was agreed to.

Mr. SAULSBURY. I offer the following amendment, to be the second and third sections of the bill:

SEC. 2. *And be it further enacted*, That no white inhabitant of the United States shall be arrested or imprisoned, or held to answer for a capital or otherwise infamous crime, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, without due process of law.

SEC. 3. *And be it further enacted*, That no officer engaged in the executive, legislative, or judicial department of the Government of the United States, or holding any office or trust recognized in the Constitution of the United States, and no person in the military or naval service of the United States shall, without due process of law, arrest or imprison any white inhabitant of the United States, who is not or has not been, or shall not at the time of such arrest or imprisonment be engaged in levying war against the United States, or in adhering to the enemies of the United States, giving them aid and comfort, nor aid, abet, procure, or advise the same, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; and any person as aforesaid so arresting or imprisoning or holding as aforesaid, as in this and the second section of this act mentioned, or aiding, abetting, or procuring, or advising the same, shall be deemed guilty of felony, and upon conviction thereof in any court of competent jurisdiction shall be imprisoned for a term not less than one nor more than five years, and shall pay a fine of not less than $1,000 nor more than $5,000, and shall be forever incapable of holding any office of public trust under the Government of the United States.

Mr. President, I do not intend to make any remarks on this proposed amendment; I content myself with simply asking for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. I move to amend the amendment by striking out the word "white" wherever it occurs.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Delaware as amended.

The question being taken by yeas and nays, resulted—yeas 9, nays 27; as follows:

YEAS—Messrs. Buckalew, Carlile, Cowan, Davis, Hendricks, McDougall, Powell, Riddle, and Saulsbury—9.

NAYS—Messrs. Anthony, Clark, Collamer, Conness, Doolittle, Fessenden, Foster, Grimes, Hale, Harris, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—27.

So the amendment was rejected.

Mr. CONNESS. For one, sir, I do not wish to cast a vote for this measure in its present shape. I had intended before the debate closed, if it was debated, to say something on the subject. I do not design that now, and as the Senate have seen fit to amend the bill I cannot vote for it. At present, therefore, I move that it lie on the table.

Mr. SUMNER. I hope the Senator will withdraw that motion.

Mr. CONNESS. For what reason?

Mr. SUMNER. For the reason that we get something by this bill. I feel—and let me speak frankly—I feel the degradation that has been brought——

Mr. FOSTER. Is the motion debatable?

The VICE PRESIDENT. The motion to lay the bill on the table is not debatable.

Mr. SUMNER. I understood that motion to be withdrawn.

Mr. SAULSBURY. I call the Senator to order.

The VICE PRESIDENT. The Senator from Massachusetts is not in order. Debate cannot be indulged in.

Mr. CONNESS. I will withdraw the motion if the Senator from Massachusetts desires to debate, but I cannot see any purpose in debating this question further now——

The VICE PRESIDENT. It is not open to debate even by the Senator from California.

Mr. CONNESS. I am not debating it.

The VICE PRESIDENT. Very much like it, in the opinion of the Chair.

Mr. CONNESS. Then, sir, I will cease, deferring to the Chair. The motion remains to lay on the table.

The VICE PRESIDENT. The question is on the motion to lay the bill on the table.

Mr. WILSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JOHNSON. Can I say a word before the vote is taken? ["No." "No."]

The VICE PRESIDENT. Not without the unanimous consent of the Senate.

Mr. DAVIS. I move that the Senate adjourn.

Mr. CONNESS. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 28; as follows:

YEAS—Messrs. Brown, Cowan, Davis, Foster, Henderson, Hendricks, Johnson, McDougall, Nesmith, Powell, Ramsey, Riddle, and Van Winkle—13.

NAYS—Messrs. Anthony, Buckalew, Carlile, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Grimes, Hale, Harris, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Saulsbury, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Wilkinson, Willey, and Wilson—28.

So the Senate refused to adjourn.

The VICE PRESIDENT, The question is on the motion of the Senator from California to lay the bill upon the table, upon which the yeas and nays have been ordered; and the Secretary will call the roll.

The vote being taken, resulted—yeas 9, nays 31; as follows:

YEAS—Messrs. Buckalew, Carlile, Conness, Davis, Hendricks, Nesmith, Powell, Riddle, and Saulsbury—9.

NAYS—Messrs. Anthony, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—31.

So the Senate refused to lay the bill on the table.

Mr. POWELL. Would it be in order to move to refer this bill to the Committee on the Judiciary?

The VICE PRESIDENT. It would be in order to move to commit it.

Mr. POWELL. Then I move that the bill be referred to the Committee on the Judiciary. It involves a constitutional question which I think ought to be passed upon by that committee before the Senate votes upon it.

The motion to refer was not agreed to.

The bill was ordered to be engrossed for a third reading, and it was read the third time.

Mr. JOHNSON. I understand as the bill now stands it repeals only the act of 1850——

Mr. SUMNER. We have not yet got to the stage of the bill at which the title is amendable.

The VICE PRESIDENT. The question of amending the title is not in order until after the passage of the bill.

Mr. JOHNSON. I am not about to move to amend the title; that is not my object; gentlemen are under a misapprehension. I understand, as the bill now is, it repeals all the fugitive slave acts, except that of 1793. ["Yes."] Then I shall vote for it, because, as I never would have voted for the fugitive slave act of 1850, I shall certainly vote for its repeal.

Mr. FOSTER. I have a few remarks to make upon this bill. I know it is late, and the Senate is impatient, and I will not ask for an adjournment; I am willing to go on to-night, and would prefer to do so. ["Oh, no!"]

Mr. McDOUGALL. If the Senator will yield the floor for that purpose I will move an adjournment.

The VICE PRESIDENT. Does the Senator from Connecticut yield the floor?

Mr. FOSTER. I yield the floor.

Mr. McDOUGALL. Then I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 19, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. DAVIS, of New York. By the advice of my physician, I ask for leave of absence for one week from to-morrow.

There was no objection, and leave was granted accordingly.

AGENT FOR KIOWAY AND OTHER INDIANS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, recommending the appointment of an agent for the Kioway, Apache, and Comanche Indians, and an appropriation for the same; which was referred to the Committee of Ways and Means, and ordered to be printed.

INDIAN AGENT AT GREEN BAY, WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending an increase of the salary of the Indian agent at Green Bay, Wisconsin; which was referred to the Committee of Ways and Means, and ordered to be printed.

SURRENDER OF FORT PILLOW.

Mr. WILSON. I ask the unanimous consent of the House to take from the Speaker's table House joint resolution No. 65, directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow, and to concur in the amendment of the Senate.

There was no objection; and the amendment of the Senate was read and concurred in, as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following:

That the joint committee on the conduct of the war be, and they are hereby, instructed to inquire into the truth of the rumored slaughter of the Union troops after their surrender at the recent attack of the rebel forces upon Fort Pillow, Tennessee; and also whether Fort Pillow could have been sufficiently reinforced or evacuated, and if so, why it was not done; and that they report the facts to Congress as soon as possible.

Mr. WILSON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE TO VOTE.

The House, by unanimous consent, permitted the following members to record their votes on the bank bill: Mr. DAVIS of New York, and Mr. DUMONT, in the affirmative; and Messrs. PERRY, COFFROTH, STEELE of New Jersey, and ANCONA, in the negative.

GRANT OF LANDS TO WISCONSIN.

Mr. McINDOE, by unanimous consent, moved that the House take from the Speaker's table Senate bill No. 160, to grant lands to aid in the construction of certain railroads in the State of Wisconsin.

The motion was agreed to; and the bill was taken up, read a first and second time, and referred to the Committee on Public Lands.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. FORNEY, its Secretary, notifying the House that that body had passed a bill of the House (No. 301) to amend an act for enrolling and calling out the national forces so as to increase the rank, pay, and emolument of the Provost Marshal General, without amendment.

ENROLLED JOINT RESOLUTION.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow; when the Speaker signed the same.

TAX BILL.

Mr. MORRILL moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union, to take up and consider the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and proceeded to the consideration of House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.

Mr. PENDLETON moved that the first reading of the bill for information be dispensed with.

The motion was agreed to.

Mr. MORRILL. Mr. Chairman, all that I propose to do on the present occasion will be, after some brief preliminary remarks, to make a plain exposition of the bill before us, giving the reasons for some new matter and for some changes of the provisions of the original bill, and an estimate of the probable amount of revenue that may be expected from it.

When the internal revenue bill of 1862 was

passed, it was intended, with the tariff, to cover an ordinary annual expenditure of $60,000,000, the interest on a debt of about $1,000,000,000, and leave something more as a sinking fund.

The magnitude and length of the rebellion has so far exceeded our anticipations that it is now necessary to revise our estimates and make our system of taxation large enough to cover all contingencies. The demands upon the Treasury are unprecedented, but we have only to marshal our resources and they are equal to all emergencies, and to any campaign, good or bad. The bill now presented, with the receipts from the tariff, will cover an assumed ordinary annual expenditure of $100,000,000, much greater than any prior to the rebellion, pay the interest on $3,000,000,000 of debt, if it should ever reach so much, and leave a most respectable sinking fund besides. If we, the Representatives of the people, pass this act it will show that the financial credit of the Government is to be sustained at all costs, and it will tend to cure the evils of foul speculation, which inevitably goes hand in hand with an inflation of the currency, by throwing losses upon those who embark in such.

The system of internal taxation of two years ago, which, as we had to improvise it upon being plunged into a war of almost unexampled magnitude, cannot fairly be cited for the first year as a test of the amount of revenue to be realized from it, is now rapidly vindicating the wisdom of the Thirty-Seventh Congress which so earnestly labored, and nearly as a unit, to give just proportion to its principles as well as symmetry to its details. I hope the present Congress may be relied upon for equal fairness, patriotism, and courage. With nothing added by this Congress, we are receiving from forty to fifty per cent. more internal revenue this year than last, and when all of the officers shall have been properly taught how to enforce the provisions of the law, it may be expected to do better still. Even now the revenue derived from this source is, as was expected, more important to the Treasury than that from imposts, and both together are now equal to any scale of ordinary expenditure in time of peace, and the payment of interest on a debt of much larger magnitude than all we have yet piled up in the huge sums required to maintain an Army and Navy whose vastness is only surpassed by that of the theater over which they are displayed. Thus far we have proven to our own people, at least, that the interest-bearing securities of the United States are solid beyond peradventure. They rest upon the stout shoulders of the American people whose ceaseless activity brings forth more wealth in one year than any other people in three, and whose decennial increase of population is six times greater than that of any nation in Europe.

The annual increased value of the national wealth, as actually taxed for each year, between the census of 1850 and 1860, was $804,882,554, while our public debt, according to the estimate of the Secretary of the Treasury, will have been increased, if the war lasts so long, for the year July 1, 1864, to July 1, 1865, only $544,978,559, and from this sum there must be deducted the great augmentation of the revenue proposed by the present bill.

If we pass this measure, without curtailing its dimensions—and I think it will be the pleasure of the House rather to increase than diminish them—we shall furnish proof that we can not only pay interest on our public debt, whatever it is likely to be, and the ordinary expenses of the Government in time of peace, but that we shall contribute handsomely toward keeping our current expenses within moderate limits—such limits as will convince the world at large, as well as the most weasen-faced doubter among our own people who has any lawful money hoarded, that the people of the United States not only have the *means* but the *will* to pay every bond they now owe, or ever will owe, principal and interest in coin, unclipped and undimmed by postponement for a single hour. The public faith will be maintained at all hazards. At this moment the Government is supplied with more gold than is sufficient for these purposes, and is absolutely begging its creditors to accept payment long in advance in order that it may be relieved of a plethora of gold, which, locked up, is not only idle, but, by deranging values, detrimental to the commerce of the country. Let it be known and understood that, should the war be closed by 1865, our present proposed scale of taxation will support the Government and pay off the entire national debt in but a little more than ten years. Let it also be known and understood that our present large annual expenditure is not equal to our annual increased wealth. If any gentlemen doubt this, I invite them to the test of arithmetic.

What is our present condition? When this war commenced we had but a small number of war vessels, less than one hundred all told. Since that time we have built or purchased ships, steamers, iron-clads, monitors, and gunboats, so that we now have one of the finest navies in the world, or in round numbers over six hundred vessels. We have made or bought rifled cannon and cannon of immense caliber, with other field equipage, so that our ordnance and ordnance stores are now absolutely immense. We have made or bought rifles and muskets, wagons and horses, almost without number. Our armies are the largest and finest we have ever brought into the field, surpassing any ever known under the greatest warcaptains of the world. They are in position. Our officers, weeded of the incompetent and those who have no stomach for the fight, possess the confidence of the soldiers and of the country. All this has been achieved at great labor and great cost, but it is all paid for. All the enginery of war is ready, and the first outlay has not to be repeated. We have but to supply the means to keep it in motion and to make good the wear and tear of its mighty operations. With only ordinary prudence upon the part of commanders, the very weight of our columns must drive the rebel armies rearward, and with the dash of the general who never fails to "move on their works," we are not too sanguine in expecting more important and crushing results than any hitherto vouchsafed to our arms.

But let us set our house in order financially, and we can withstand even heavy disasters in the field. I do not look for them, but I would take a bond of fate. With sound credit and with military success we shall be indeed

"O'er all the ills of life victorious."

Let us show to our enemies and to the world that we are stripping for the fight, and that "fail" is not an American word.

But to carry on this struggle to a triumphant termination, to sustain our finances, (the only spot assailable on the United States map,) there are duties to be performed by Congress. The utmost economy in all departments of the Government must be rigidly insisted upon or we perish. Congress holds the purse-strings of the nation, and if appropriations shall be made lavishly, or for any but immediate and most pressing necessities, it will be held to a fearful responsibility. We must not call extravagance generosity, nor economy meanness. We have no treasure to squander. If there be any jobs or buncombe measures supposed to be necessary to be carried through in order to secure reëlections, the country can better dispense with the services of the sponsors of such measures. I trust there are none such, and that there is no member on this floor who has not the courage to sacrifice himself rather than the greatest good of his country. To force the Treasury to issue legal-tender notes in any way beyond the present limits—though the wages of labor, though the pay of salaried men and of the soldier should be increased—would result in disappointment and disaster. When the business of the country requires only $400,000,000 of currency, an increase of the volume to $600,000,000 will buy no more property than the $400,000,000, while it unsettles the values of many times that amount of property by increasing the price fifty per cent. Let us have taxes, let us have loans; something, at all events, which will reduce the amount of legal tenders now outstanding, and increase the value of the pay of the soldier.

It is to be hoped that the internal revenue bill and some increase of the tariff will enable the Secretary of the Treasury to obtain from loans all the funds which may be required for future wants, and also to retire some share of our redundant legal-tender issues.

There is one topic, sometimes discussed in a tone of discouragement, of sufficient importance to justify a word or two of comment for the satisfaction of those who are not unwilling to accept of truth come from where it may.

The large number of freedmen to whom the rebellion of their masters has opened a new world, with new tasks and new duties, has been sometimes prophetically announced as likely to add to the burdens of our loyal people who patriotically sustain the Government in the day which tries the pocket—that modern seat of the soul—by paying cheerfully all taxes demanded, and then lavishing untold thousands into all the blessed channels of charity; pouring oil and wine into the wounds of the soldier in the field, and not forgetting the widow and the fatherless left at home; but I think the facts already developed show that freedmen are contributing and will contribute much more to the national wealth than their friends have hitherto claimed. Already they are largely increasing the amount of their productions beyond the amount to which they seemed limited while in a state of unpaid and forced labor. I am looking at the subject merely in an economical light, and not for the purpose of sustaining a theory. These men have been true when others have proved false. They fight for us, they work for us, and even if it were true that something was required for their support for a time, they have confided in our good faith, and our honor is pledged to give them shelter and protection. By the reports already published it appears they not only produce much that is subjected to national taxation, but their wants keep pace with their wages, and they are large consumers of the cheap fabrics upon which we impose internal duties. By a report on this subject—and I will only cite a single instance—it appears that thirty-three freedmen, leasing land on the Mississippi during the past year, without any capital save their hands, and of course under many disadvantages, raised three hundred and seventy-seven bales of cotton, one hundred and one of which were sold for upward of twenty-four thousand dollars, and if the remainder should bring an equal price, as it is supposed it will, it shows an average of nearly three thousand dollars per man. I think we may dismiss, with such facts before us, all apprehensions or croakings about being taxed for the support of this class of people. Reckoning four hundred pounds to the bale, the duty of two cents per pound collected by the Government of these thirty-three freedmen would amount to $2,816, or nearly one hundred dollars for each man. If every man among us could contribute as much, we should have no need to borrow or issue legal tender.

One other thing is also hinted by those who do not hesitate to impair the credit of the Government by magnifying its obligations, and by belittling its means, and that is that a large amount of unpaid debt is outstanding against the Government. To some extent this is true, and always must be so; but it is not true that it is greater now than usual; and it is also true that there is to-day in the hands of the disbursing agents, paid out of the Treasury but not yet accounted for, $30,000,000 to meet these very debts. There is no cause for any stabs at the credit of the country in this direction.

The general purpose of the bill before us is to largely increase the amount of revenue, and, while doing this, to remove any doubt as to the proper interpretation of any parts of the act where any doubt has arisen, and to add such provisions as will prevent any fraudulent evasions of the law, and enable the Government to collect all the duties and taxes imposed, thereby protecting the honest and true men of the country, who are ready and willing to bear their full share of the public burdens. It has been considered an object of some importance, also, to have all matters concerning internal revenue embodied in one act, in order that it might be placed in the hands of those who are to administer it as a whole, where it may be easily read and understood without the hinderances incident to a careful comparison of various amendatory acts. It will also be of much convenience to all those who are made liable to pay duties and taxes to find all that concerns them in one act. All the main features of the law of 1862 are preserved, although there are many slight amendments and, as the Committee of Ways and Means believe, improvements calculated to facilitate its execution. The system has worked smoothly and well. No equal amount of tax was ever collected so cheaply. In England

it costs nearly twice as much as it does here to collect a similar tax.

The duties have been largely increased by increasing the rates of duty and by adding new objects of taxation. Among those increased will be found manufactures, upon which it is proposed to levy a duty of five per cent. in lieu of three. It is believed there will be general assent to this proposition. It is a tax which distributes itself widely, and, while the manufacturer obtains war prices for his products, it works no evil to him. With the tariff adjusted upon foreign productions so as to leave no greater competition from abroad than such as existed prior to the tax, the manufacturer suffers no hardship except that which arises from the diminished consumption in consequence of higher prices, and that must be charged to the necessities of the country. The amount of revenue which will be derived from this source, under all heads, will probably exceed the entire revenue now derived from imposts.

It is also proposed to enlarge the scope and rates of stamp duties.

Upon incomes the duty has been raised from three to five per cent., and with no differential rates, whatever the amount; and the rate upon the income derived from United States securities is raised from one and a half to two and a half per cent. This part of the act has been in part rewritten, and the mode and manner of estimating the duty has been more definitely stated, as well as the deductions which are to be allowed. If all men were ready to come up to the golden rule and this were the sole tax, it would be the most just ever devised by the wit of man. It has been thought expedient, therefore, that every man should be required to render an account of his income under the sanctions of an oath. In such times as these it is to be hoped all may feel the grip of honor not to give a return to which they would not be willing to give an oath.

There are a few articles that have been singled out for unequal and heavy taxation. The fact that England raises a large revenue from spirits, tobacco, and a few other articles, is often cited as an example we might profitably copy. To some extent this is true; but there are so many differences of relative position that we cannot afford to follow the example, except at a reasonable distance behind. Great Britain is small in territory, surrounded by water, and with few ports of entry. This enables her to shield herself from all smuggling. For generations their people have been accustomed to these heavy taxes, and they know no other rule, and are content. In the case of tobacco, none is permitted to be cultivated there, so that the duty is sure to be seized at the custom-house. Their excise officers have narrow fields of duty, and are exceedingly numerous and vigilant.

Our territory, on the contrary, is one of great extent, with bays and rivers without number along the sea-coast, and for many thousand miles on land with only an imaginary boundary line. Ingress and egress is almost unrestricted. The difficulty of preventing illicit trade with us is many fold greater than with Great Britain. Make the temptation sufficient and there are plenty of rovers who will, by sea and land, seek to put money in their purse by the gainful trade of the smuggler. Our Canadian frontier presents a wide field for such operations, and it will, even with what we propose to do, require a reinforcement of the revenue officers all along the line. Tobacco is raised in every State. By our reciprocity treaty we are obliged to receive all the tobacco of the growth of the British American colonies free of duty. In the past that has not been much, but the present high price may bring it forth within the year. It will be seen, therefore, that our path in this direction is hedged about with difficulties. If the requirements of the Canadian treasury should induce their present Government, as it is not unlikely, to advance the duties on spirituous liquors *there* to the same point, or nearly that, which we fix upon *here*, one article as liable to debauch the smuggler as the man who uses it, would be of equal value on both sides of the line, and present no temptations to illicit traffic. The Committee of Ways and Means have, therefore, upon a view of the subject in all its relations, proposed a duty on the ordinary spirits of the country, not of five per cent. *ad volorem*, as upon other articles, but of five hundred per cent. upon its average value, or one half the rates charged in England. That is to say, $1 from July to next January, and after that $1 25 per gallon. This is a heavy duty, but the country will hardly be satisfied with less.

Upon tobacco, after being manufactured, the rates proposed are thirty-five cents per pound for fine-cut, and thirty cents per pound for plug, cavendish, and all other descriptions, save smoking tobacco made of stems, which is placed at ten cents per pound. Cigars and snuff are also charged at much higher rates than heretofore. It is believed that with the new provisions in relation to these articles we may now enforce the collection of the duties, and thus protect the honest manufacturer by hunting down those who would live by robbing the Government. If tobacco-raising were confined to narrow limits, or if it were raised so extensively that the Government could afford to establish a warehouse in every district, county, or town, then undoubtedly the duty could be more effectually collected on tobacco *in the leaf*. To do so now might cost the Government either more than the tax, or subject those who cultivate it to so much inconvenience in carrying their tobacco to distant warehouses to be inspected and assessed that they would abandon its culture.

Petroleum and coal oil have had a long and patient examination. It is deemed certain that the world affords nothing so cheap for illuminating purposes. Whether it is inexhaustible or not time alone will reveal. In the oil region the prospectors do not always succeed, and when they do after boring several hundred feet into the earth the petroleum bursts forth like the geysers in Iceland and then often soon tires of its subterranean labors, when a pump is applied to the well, and, though it still yields something, the magic and profit diminish and sometimes subside altogether. When brought into use in 1859 the product was about one million gallons. In 1863 it reached to almost sixty million gallons, one half of which was consumed in this country and the remainder exported. There is some diversity of opinion whether the duty should be levied on the crude and no drawback allowed, or on the refined, or on both with a drawback. As there is some doubt about it the Committee of Ways and Means have determined to propose a tax only upon the refined as heretofore. This will be most acceptable to a majority of all parties, will be most easily collected of the refiners, and will not disturb our export trade, a matter of some importance while so large importations of foreign goods are so eagerly received and for which payment must be made.

Having doubled the duty on refined coal oil, an increase upon gas companies and upon lard oil has been made nearly in the same ratio.

Upon telegraphic dispatches it is proposed to abolish stamps and to tax the gross receipts of the business, for the reason that stamp duties upon dispatches cannot well be equitably rated, nor is there any simple mode of detection whether used or not. The war adds very greatly to the profits of telegraph companies, and there is no business which would appear better able to contribute a proper share of revenue.

While licenses have been further extended, it has not been so much for revenue as to fix and locate the trade, business, or profession of all parties, and to protect them respectively therein; but the present bill is so general—embracing so nearly everybody and everybody's wife—that it will yield a large revenue even from licenses. There has seemed to be some injustice in requiring the same amount for the license of a banker who employs a capital of only $20,000 as of one who employs $1,000,000, and we have, therefore, proposed that they shall pay progressively in proportion to the capital used or employed, including banks of all descriptions as well as bankers. A similar principle has been applied to wholesale merchants. Those whose sales are large will be required to pay more than those whose sales are limited. It is true that the income tax at last reaches the merchant as it does all other classes, and if his sales and profits have been large, his tax is in proportion; but a less fortunate neighbor is hardly content to pay the same for a license which covers a trade only of one tenth or twentieth part in comparison. The man who occupies a whole block—doing business in proportion—is, therefore, dignified by a higher license than one who occupies a stall.

The principle, however, has not been carried far enough to amount to a tax on sales, which is easily and often suggested, but possibly without considering that it would obstruct that commerce which now passes through many hands in reaching a market from a distant part of the country; that it would concentrate all business into the hands of large capitalists, who would become importers or manufacturers, wholesale dealers, jobbers, and retail dealers, all in one, while the middle-men, unable to compete, would be crushed out of existence; that the consumer would find the cost of his goods increased; that the manufacturer in the end would be compelled to diminish his prices or diminish his sales; and that the Government would be unable to collect the duties except from those who might choose to pay. The evils which would result from a tax on sales, if the plan were to be adopted, taxing goods in cut pieces instead of by the bale or case, are serious, and the advantages will not stand the test of a critical examination.

It is proposed to tax the gross receipts of theaters, operas, circuses, and museums, but at the moderate rate of one per cent., as in most cases they are ventures, sometimes yielding no more than expenses, and rarely more than five to ten per cent. after all bills are paid. They are sources of amusement which, in times like these, are sure to be more liberally patronized by men of all nations than in the "piping times of peace," and those who manage them can well afford to "act well their part," by placing something into the hands of the Government under which they live, prosper, and win their fame.

The tax on railroads has been changed, reducing that on passengers from three to two per cent., and placing that amount on the gross receipts, including freight, but not without some reluctance, as its tendency may, to some small extent, if any advance should be indulged in the rates, diminish the transportation of certain kinds of freight which it is desirable to increase. There are also canals competing with railroads in several of the States, but being owned by States it would neither be politic nor constitutional to attempt to hold any part of their revenues. The Government is forced to be a great patron of railroads, and their business is large and profitable. Certainly this immense business should yield up something to the support of the Union, and, if anything, not less than the amount proposed.

Among the most wonderful of all our resources, considering the extent and rapidity of development, are our minerals. The production of copper, iron, gold, and silver is increasing daily in amount. As new mines are discovered among our mountains, armies of laborers go forth from "peak to peak," and after a few summer moons behold Territories glittering with the high ambition of becoming States of the Union, or States in their teens eclipsing the accumulated culture and wealth of ancient Commonwealths already crowded with the spoils of threescore years and ten. But rich as is Michigan in copper, Pennsylvania in iron, or California in gold, they are all immensely richer in their untold products of the field. Any tax on metals in their crude state, as pigs or ingots, or until they reach a more advanced stage of manufacture, would ordinarily be objectionable, as they are in some sort the raw material from which manufactures are to be made; but now, while all those connected with such operations are undeniably prosperous and would feel it a reproach upon their manhood to be excused from the draft, our country demands entire equality, and the pack that is carried by every soldier must be borne by all as tax-payers. During the present war there must be no drones and no exempts.

It is therefore proposed to largely increase the duties upon iron, and to distribute it upon the earlier and later processes of manufacture. One dollar upon pig metal, as it requires a ton and a half to make a ton of bar iron, will be equal to $1 50 upon bar iron. This, with the duty of $1 50 on blooms, slabs, or loops, will be equal to $3 before reaching the form of bar iron, and then there is to be $3 more, making it equivalent to $6 duty per ton on bar iron. In addition to this the gross ton of 2,240 pounds is reduced to the net ton of 2,000 pounds, which increases the tax twelve per cent. Beyond this, a small increase has been made on coal, of which three tons are used in making a single ton of iron. So much coal is now consumed by the United States in the Navy and in founderies, so much is consumed as

a motive-power by railroads, steamboats, and manufactories, and so much by gas companies—the receipts or products of all these being subject to duty—and so much is consumed as fuel by our people, that any tax at all would appear to be of doubtful expediency, especially when we remember that under the reciprocity treaty the coal of the British provinces comes in free of all duties. A small advance, however, is proposed, from three and a half to five cents per ton; and as the duty two years ago was alleged to be the reason for adding at least six times its amount to the price, there will be no further occasion or chance for a further advance on the cost of the article.

The amount of revenue to be derived from iron will be very largely increased, four times greater at least than the former rates. The workers in iron must bear it in mind that even now the rates are not greater, if so great, than those imposed upon all other branches of manufactures, and that they have enjoyed for two years, in consequence of the great rise in values of their products, while the specific duty remained stationary, an immunity not intended, and which they would not for a moment ask for. While the present high prices rule, and rule they must while the Government is so large a consumer, and with proper additions to the tariff, there is no reason to suppose that the iron interest of the country cannot sustain its equal share of taxation with all other branches of industry; but should prices at any time recede, as they will at the close of the war, Congress must be relied upon to do justice in the premises.

A new feature in the bill will be seen in the duty proposed to be levied on the product of gold and silver. A license is required, not from the man who toils with his own hands, but of those who have the requisite capital, skill, and machinery to employ others in the business, and this will embrace more than three fourths of all the business. A duty of only three per cent.—not five, as in the case of other products—is proposed on the product, and that to be paid *in kind*, for the reason that any other mode of payment would be inconvenient to those engaged in the business, and because the duty thus paid will be more convenient to the Government as an additional resource from which to draw the means for paying interest in coin on the public debt.

The estimated present annual product of gold and silver is as follows:

California	$50,000,000
Colorado	20,000,000
Idaho, (Montana)	25,000,000
Oregon, Washington, New Mexico, and Arizona	20,000,000
Nevada, (silver)	30,000,000
	$145,000,000

This may be too much; but those who live in those regions would be unwilling to accept of lower figures. Enterprising and adventurous men are attracted to those places in the quest of fortunes and independence. Is it not just that they should contribute something, as well as those who toil on the prairies, or who ply the trip-hammer, the jack-plane, or the weaver's beam, to the support of that Government which gives them protection, from whose lands they take these precious metals, and where they are all the time merely *prima facie* trespassers? No tax hitherto has been required by the Government, because the Treasury has stood in no need of it; but now it is otherwise.

But it may be said that the duty cannot be collected. I will not believe it. The application of the system of collecting duties on manufactures is very efficient. There is a manliness and a liberality among miners that does not deserve this reproach. I prefer to believe and say that they would scorn to evade or shirk any proper burden, and such as they see is borne by all other citizens of the United States. They are neither sneaks nor rebels.

That a system might be provided, perhaps on the model of the Mexican system, giving the miners some sort of title to occupy their claims or lands, and exacting a percentage on their products in return, I have no doubt; but such a system would require much care and circumspection, perhaps a commission to examine the various localities, the delay of surveys, and the making up of records, for which we are, at this Congress, by no means ready. At present it is believed there will be less objection to the plan proposed, for the purposes of obtaining present revenue, of treating the precious metals as manufactures, than to any other which can be suggested that will, at the same time, prove capable of practical enforcement. All are aware that we have no accurate record of the products of these widely-scattered mines, as they are sent away by all the modes and chances incident to so new and vast a field of operations. We shall not, perhaps, obtain a duty upon the entire amount produced, but three fourths of the business is in the hands of men of capital and character, using more or less costly machinery, and employing large numbers of men, and from these there can be no difficulty in obtaining correct returns or in making collections.

By our present laws we tax legacies of personal property, but do not tax the transmission of real estate. It is now proposed to tax the succession to any estate, whether by deed, will, or laws of descent, upon the death of any person, when the successor shall be the lineal issue or lineal ancestor, one per cent., increasing the rate for the different degrees of relationship until you reach your "grandmother's sister," when it is five per cent.; and when you come to a "stranger in blood" it is to be six per cent This will yield a large revenue; and those who *wake* to find themselves possessed of a *succession* of $100,000 are rarely in a mood to object to a tax of one thousand or five thousand dollars. Those who "sleep" never complain.

It has also been deemed advisable to repeal the section of the law which postponed the direct tax for this year. The revenue, about $15,000,000, is not undesirable; but it is more desirable that we keep the law alive, as through it we obtain power over the real estate of rebels. Gentlemen will do well to ponder whether this lien is not more effective and practical than any other we can create.

The old provision by which the States could assume and pay the tax and thereby save fifteen per cent. of the amount still remains.

Under the existing laws it has been supposed that duties in some cases have been refunded upon articles exported where no duties had been paid. The great bulk of our exports of manufactured articles is made up of spirits, tobacco, and petroleum. The labor of collecting and then paying back again the duties upon these articles when exported is no inconsiderable item. To avoid all this we now propose that these articles, when intended for exportation, shall go in bond at once into a public warehouse, under the charge of the proper officer, without payment of duties, and when exported that the bonds shall be canceled. This will simplify the business, secure the Government against fraud, and be satisfactory to those interested.

I have thus briefly but very imperfectly passed over the most important changes proposed in the bill without exhausting the subject so much as you, Mr. Chairman, and the committee; but there is not much more that cannot be explained in the five minutes debate. That the bill is perfect will not be expected, but it will be expected to leave this House better than when it was introduced. It is now believed to be in such shape that, if our wants made it imperative, we might through the same machinery raise even larger sums than is now proposed. The only question will be, is this enough? I think it is.

The amount of the public debt, April 15, 1864, was as follows:

	Principal.	*Interest for one year.*
Debt bearing interest in coin	$786,307,462	$43,714,433
Debt bearing interest in currency	396,565,068	21,218,623
Debt bearing no interest	475,706,490	
	$1,658,579,021	$64,933,056

When we come to face our liabilities they are by no means so formidable as when they are painted by gentlemen whose imagination runs ahead of their facts. Our public debt will on the 1st of July exceed the estimate of the Secretary of the Treasury because we have made appropriations for bounties to soldiers of over $100,000,000, and because we have called into the field two hundred thousand more men—neither of these having been estimated for last December. Otherwise our actual expenses would have been less than the estimates.

It will be seen that the interest we are liable to pay is on $1,182,873,530, and amounts, at the rates we pay, to $64,933,506, and of this only $43,714,433 is payable in coin.

Beyond this the amount of currency and fractional notes outstanding has been recently not increased but considerably reduced.

The present internal revenue bill, although I have not yet examined every item as thoroughly as I expect to do, will, beyond question, yield over $250,000,000 annually when fairly in operation, which, with the revenue derived from the tariff, now going on at the rate of about $80,000,000, will place in the Treasury between three and four hundred million dollars. There has been some impatience manifested that this bill should not have been introduced earlier. Those who know the extent of the unremitting labor of all sorts of the Committee of Ways and Means are not those who have been most impatient, and as for any others, less informed, I do not propose to put the committee in the attitude of offering an excuse. It should be noted, however, that had a bill been presented in the first sixty days of the session, neither this House nor the country would have sustained a bill raising so large a sum as is now proposed, and we should have been compelled to bring in a supplementary bill, and thus have done piecemeal what we now do at once. Our ideas upon the subject of taxation have expanded; but they are not now more liberal or more earnest than those which sway the heads and hearts of the loyal millions behind us who have determined to uphold this framework of free institutions, this Government of the people, and this Union, to the latest syllable of recorded time.

Mr. STEBBINS. Mr. Chairman, the preservation of the credit of the country demands the establishment of a system of taxation sufficiently broad to meet its requirements during and after the war. It is upon this point that the struggle in which we are engaged must ultimately turn. The Government is putting forth its power to preserve the nation's life. The prosperity and resources of the nation are the means which the Government has a right and which it is its solemn duty to use for the accomplishment of this great work. It is equally the duty of Congress to point out the ways and render available the means which they know to exist within the limits of this vast and wealthy Republic; ways far more numerous than any nation in the world's wide history ever exhibited; means more extensive than are embraced within the limits of any country on the face of the globe; fully equal, indeed, to those of united Europe.

I desire to contribute something to the formation of a correct estimate of the ability of the nation to furnish through the legitimate channels of taxation ample means to provide for the civil expenses of the Government and the interest on the public debt already created and to be created, and a moderate sum toward the support of the war.

I begin with requesting the attention of this House to our condition at the outbreak of the rebellion in April, 1861, as shown by official records and drawn from practical knowledge of the business of the country.

The railroad crisis of 1856–57, together with the political agitations of 1858–59, agitations which seemed to foreshadow the approach of the contest through which we have since been passing, had the effect to force the country into liquidation to an extent that now seems almost providential. Men contracted their business in every direction, and contracted it to that degree that applications for the use of credit almost entirely ceased. Our merchants confined themselves in their business to their cash capitals; commercial paper seemed to disappear as if by magic; principles of prudence and economy were introduced into the management of railways, and the country, as if under the solemn mandate of a superior will, prepared itself to enter upon an entirely new field of action with a force and energy which freedom from heavy obligations could alone inspire. We had enjoyed for a long course of years the most uninterrupted prosperity in every department of human industry. We had increased in population with a rapidity unknown before in the history of nations. We had accumulated a capital almost fabulous in extent when measured by the extraordinary results it had produced. We had established and paid for a commercial

marine of 5,353,808 tons, second to none in importance and power on the face of the globe. We had built 34,000 miles of railroads at a cost of $1,300,000,000, and had channels of commerce open the whole year round for the transportation of the products and industry of every State in the Union east of the Missouri river to the seaboard, and the ever-increasing development of millions of acres of fertile territory. We had completed a vast system of canals of incalculable economical power, and of the enormous length of 5,782 miles. These, like the railways, were in complete operation. We had established 1,642 banks with a united capital of nearly $422,000,000, and had fire and marine insurance companies and savings banks, the aggregate capitals and deposits of which amounted to hundreds of millions more. We had developed our coal-fields up to a production of 15,173,077 tons, worth at the mines $19,365,765, and whose passage through the various channels of trade made an annual business equal to $50,000,000 more.

In addition to these sources of natural power and wealth, in full operation in 1860, we had on land more miles of telegraph than all the world; our light-houses were more numerous than those of any other country; our coast survey exceeded in extent and accuracy that of any other country; our area exceeded that of Europe, with a more genial sun and fertile soil, and capable of yielding more than double the amount of agricultural products, and sustaining more than twice the number of inhabitants; we had a greater extent of mines than all Europe, especially of gold, iron, coal, silver, and quicksilver; our coal was estimated to be thirty-two times greater than that of the United Kingdom; our iron was proportionally plentiful; our interior steam tonnage exceeded that of all the steam tonnage of the rest of the world; all Europe combined can never have such facilities for cheap water communication as the United States had, and this is a prodigious element in the power and progress of a nation; we had more safe and commodious harbors, accessible at all tides, than all Europe had; our hydraulic power far exceeded that of all Europe; we were producing:

Pig iron, 885,000 tons, valued at	$20,000,000
Bar and roller iron, 500,000 tons	22,000,000
Steam engines	47,000,000
Iron founding	28,500,000
Copper and other metals	3,300,000
Cabinet furniture	24,000,000
Sewing machines	5,600,000
Of clothing in twelve States	74,000,000
Sawed and plank lumber	96,000,000
Flour and meal	224,000,000
Spirituous liquors, 88,000,000 gallons	25,000,000
Agricultural products	17,800,000
Malt, 3,200,000 bushels	18,000,000
Cotton goods	115,000,000
Paper	17,500,000
Woolen goods	69,000,000
Leather	71,000,000
Sugar, refined	38,500,000
Boots and shoes	90,000,000
Soap and candles	17,000,000
Books and printed paper	42,000,000

These with a few other products of our manufacturing industry show, according to the census for the year ending June 1, 1860, an approximate gold valuation of $2,000,000,000.

The product, then, of our home industry alone for the year ending June 1, 1860, amounted to more than the whole cost of the war thus far.

The assessed value of our real estate and personal property was above $16,000,000,000; our live-stock was worth $1,000,000,000; our slaughtered animals were worth $213,000,000; of agricultural products we were producing:

Wheat, bushels	171,000,000
Rye, bushels	21,000,000
Indian corn, bushels	830,000,000
Oats, bushels	172,000,000
Rice, pounds	187,000,000
Tobacco, pounds	429,000,000
Ginned cotton, bales	5,000,000
Ginned cotton, pounds	2,000,000,000
Peas and beans, bushels	15,000,000
Irish potatoes, bushels	111,000,000
Sweet potatoes, bushels	42,000,000
Barley, bushels	15,000,000
Buckwheat, bushels	18,000,000
Orchard products	$20,000,000
Wine, gallons	2,000,000
Market gardening	$16,000,000
Butter	461,000,000
Cheese	106,000,000
Hay, tons	19,000,000
Home-made manufactures	$24,000,000

I showed in the remarks which I had the honor recently to submit to this House that the United States had been adding to the national wealth, during the decade ending in 1860, the aggregate sum of $800,000,000 per annum, and that her system of industry being completed there was no reason to doubt that that ratio of increase, both in population and in wealth, would long continue in the history and progress of the country.

The nation then was in the condition of prosperity, wealth, and power which I have attempted to describe when the first gun was fired at its life in April, 1861.

A feeling of alarm took possession of the minds of men, and the momentum which had been imparted to the spirit of contraction and liquidation was immensely increased. Our citizens placed themselves in a position of still greater strength and security with a rapidity unexampled. The same feeling of alarm spread throughout Europe, and the securities of the United States, which had been held there for years, came back to New York for sale at market prices by millions. Our people were not slow to avail themselves of the opportunity to get out of the way the only remaining evidences of their debt. They purchased these millions thus sent back at enormously reduced rates. The United States entered upon the contest for the preservation of the national life and the national honor in a condition of power and ability to meet the demands to be made upon them wholly unparalleled in our history.

The resources of the country since the outbreak of the rebellion are to be seen in bold relief through its local traffic and the debt which has been created and sold to our own people. The accumulated wealth of the nation has been sufficient to supply for the use of the Government some sixteen hundred million dollars, and at the same time support a fabric of speculation and trade that has demanded the use of thousands of millions more. More money is necessary to-day to support the existing structure of prices than at any previous period since the war began. The Government demand is equally large. Yet money is as abundant as ever, and seems to be in unlimited quantities to the credit of the people of the country in every banking, trust, and savings institution in every city, county, and town in the Union!

If the increase to the national wealth has really been equal to $800,000,000 per annum for the last decade, (and in my opinion it can be shown to have been much larger, fully equal to $1,200,000,000.) the war has thus far cost the people but a little over three fifths of the increase upon their wealth for the past three years. For the increase is admitted to have been $2,400,000,000 since 1861, while the expenses of the war have only reached $1,600,000,000.

Here, then, we have the remarkable fact, that this war has been conducted upon a scale unknown for its magnitude in the history of nations, at a cost per annum less than the aggregate profits of the industrial pursuits of the country, leaving wholly unimpaired its vast fund of accumulated wealth.

And then, Mr. Chairman, the amount of money borrowed from the people, and expended in the prosecution of the war, still exists as property, in the shape of funded debt and national currency, all owned by themselves and made secure by the pledge of the national faith, and remaining under the control of their own legislators, selected and elected by themselves to their places of public trust and administration.

Sir, it appears to my understanding that I am presenting to the mind a perfectly palpable fact; that it embraces within its outlines the incontrovertible proposition that the war thus far has been productive of no vital injury to the people of the free States; that it has not diminished their resources a single dollar; and that so long as it is conducted by and within themselves it will only tend to develop still more their immense industry, and be the means of exhibiting, in a degree that nothing else could have done, the overwhelming power of this nation.

It is a doctrine of political economists that wars necessarily entail upon the people engaged in them a great waste of capital, and impair their means of future production. It is possible to accept the first proposition, but the second by no means follows from the acceptance of the first. Many economists maintain that to reject either proposition is a delusion "essentially treacherous," from which a community must ultimately awaken to the truth that its prosperity and industry are hopelessly incumbered, and that the content of life must be imbittered by exactions almost impossible to be met.

In the face of these accepted opinions I offer the example and prosperity of England from 1793 to 1815, or to the present hour. That much English capital was wasted during the wars of the republic and the empire is unquestionable. Full three fourths of the English debt was contracted during those wars. No one, however, can deny that England has not only sustained this debt with but a moderate diminution from its highest sum, which was £861,000,000, with the most perfect ease, but while sustaining it has actually increased every year in national wealth at a rate never until recently realized by any nation except our own. This undeniable fact ought to shake the faith of the English writers themselves in the coherence of the two propositions which underlie their theories. It certainly gives strong color to the proposition that where the people of a country have confidence in their Government national obligations may be the effective and even the necessary means of creating and giving permanency to credit, and so of furnishing the forces required for the development and productiveness of their industry.

Strong, comprehensive, and decided measures are now demanded by the exigencies of the country. To discover those which are the most available is the special duty of men to whom is intrusted the business of the nation.

The unfriendly attitude assumed by certain foreign Powers since the outbreak of the war has naturally provoked a strong disposition to disregard the claims of foreign commerce in connection with any policy which may now be deemed important to the public welfare.

The bill before the House is but a part of the great chain which is to be forged by this Congress to hold the nation together. It is a bill to raise a revenue equal to fifty per cent. of the Government's requirements; a bill to establish the structure of the national credit upon an enduring foundation. A bill which shall strike down that part of our foreign commerce which fills the land with the extravagant luxuries of the Old World, should speedily follow this one. It should also establish a tariff of duties so high on other articles that every part of our own manufacturing industry will spring into active and vigorous life. We Americans should live within ourselves during the continuance of this war, and sell what surplus products we may have for gold, and we should maintain this attitude and continue this policy until the great problem of our national existence is finally and forever solved.

If it were possible to determine with arithmetical precision the actual duration and cost of this war, I should not venture to suggest such a policy until the ingenuity of the nation had been taxed in all its length and breadth to find the available expedients for its termination. But I am one of those who do not believe in an early solution of the great questions involved in the contest. The war itself is the result of more than half a century of continuous agitation; and while the institutions of freedom and slavery in all the panoply of war are in the actual arena of contest striking at each other's life, with no disposition on the part of the latter to lay down its arms, every man in the country sees that the war must go on.

If I present the facts as they really are, then the military, the political, and the moral superiority of either the one principle or the other is now to be established within the limits of the United States; the efforts of any and of every political party to the contrary notwithstanding. Such being the settled conviction of my understanding, and realizing, as I feel that I do, with what fearful determination a people of seven or eight millions will struggle for the preservation of their property and for the perpetuation of their social institutions—institutions into and under which they and their progenitors for more than two centuries have been educated—I cannot doubt that the war is to be a long and expensive one, terminating only when the southern States shall abandon the contest and submit themselves to the Constitution and laws of the United States.

Am I not right, then, in suggesting that the nation should proceed to put itself in the strongest position possible before it is compelled to do so by approaching exhaustion?

From the old countries of the world, whose industry we have fostered, whose wealth we have augmented, and whose population we have fed, we have received no word of sympathy or support save from Russia. From France we have been compelled to accept and sanction a policy which she knew when she entered upon it violated principles which the people of the United States had taught themselves to cherish as belonging to the traditions of the nation—a policy which will not be tolerated one hour beyond the time necessary to vindicate our national honor in the present war.

It has become the tardy policy of England to look on and wait, "to observe a perfect neutrality," but not until after the exhibition of an active sympathy with those in rebellion for nearly two years.

Now, sir, we have nothing to ask from these two nations. Their policy has already destroyed or rendered useless the greatest commercial marine in the world. All the injuries they could inflict have been inflicted. Let us, then, labor hereafter only for the certain reëstablishment of the American Union upon a basis as broad and as long as this continent, so that we may "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Make your legislation conform to this idea, and see what a splendid spectacle the American people will present to the world. Prohibit the exportation of every dollar of gold and silver, of every bushel of grain, of every pound of beef and pork, or adopt the policy of a prohibitory tariff, and thus announce to mankind in every part of the globe that America *will* perpetuate her great principles throughout all time; and that, until the question as to her power and right to do so is definitely settled, she will draw the resources for the contest in which she is engaged from her own broad domain, and from the inexhaustible treasury of her own prosperous people; that she will hold no intercourse with foreign nations until after the war, none whatever. Sir, such a course would secure a triumphant success to the American arms, to American industry in its multifarious branches, and render us forever independent of the world.

Sir, the national debt of England estimated as £800,000,000, running at the rate of three per cent. per annum, is equal in its annual burden to that of our own probable debt in July, 1865. Three fourths of this sum was contracted to defray the expense of the French war, which commenced in 1793 and terminated at the treaty of Paris in 1815. It is not worth our while to review the various efforts of British statesmen, during the long period of twenty-two years, to discover the best system of meeting the requirements of this debt, so that its burdens might fall as lightly as possible upon the people of the nation. The result of their labor is to be found in the completeness of their machinery of taxation, and the sources of revenue to which it has been, and continues to be, successfully applied. How unwise it would be in us not to avail ourselves of the experience of the economists and statesmen of Great Britain, gathered from over two centuries of experiment and study! Sir, how valuable is the lesson to be drawn from this experience—to be got from a contemplation of England's proud attitude before the world as complete in her financial integrity! I rise from a survey of the British taxation with the clear conviction that, with resources far beyond anything England can boast of, a condition of material and general industrial progress far exceeding hers, we can sustain $2,000,000,000 of indebtedness with more ease than she can possibly do, and at the same time maintain an equal reputation for the punctual payment of all our obligations.

Before I proceed to show the sources from whence the British nation has managed for so many years to maintain its great supremacy in the financial world, so that they can be contrasted with the facilities with which a beneficent Providence has blessed the United States, I desire to call the attention of this House to the origin and growth of the public debt of England. A few sentences from the great historian, Macaulay, will, I am sure, be listened to with interest on the occasion of this important discussion. They will serve to illustrate how precisely similar were the times of which he writes to these our own, and with how much certainty we may calculate upon the restoration of confidence in the ability of the nation to meet all its obligations, both principal and interest, in gold. After describing in the most graphic way the remarkable mania that seized upon all classes of the English people in 1692 to rush into speculations of the wildest character, he observes:

"On the 15th December, 1692, the House of Commons resolved itself into a Committee of Ways and Means. It was proposed to raise £1,000,000 by way of loan; the proposition was approved.

"Such was the origin of that debt which has since become the greatest prodigy that ever perplexed the sagacity and confounded the pride of statesmen and philosophers. At every stage in the growth of that debt the nation has set up the same cry of anguish and despair. At every stage in the growth of that debt it has been seriously asserted by wise men that bankruptcy and ruin were at hand. Yet still the debt went on growing; and still bankruptcy and ruin were as remote as ever. When the great contest with Louis XIV was finally terminated by the peace of Utrecht, the nation owed about £59,000,000; and that debt was considered not merely by the rude multitude, not merely by fox-hunting squires and coffee-house orators, but by acute and profound thinkers, as an incumbrance which would permanently cripple the body-politic. Nevertheless trade flourished, wealth increased, the nation became richer and richer. Then came the war of the Austrian succession; and the debt rose to £80,000,000. Pamphleteers, historians, and orators pronounced that now, at all events, the case was desperate. Yet the signs of increasing prosperity, signs that could neither be counterfeited nor concealed, ought to have satisfied observant and reflecting men that a debt of £80,000,000 was less to the England which was governed by Pelham than a debt of £50,000,000 had been to the England which was governed by Oxford. Soon war again broke forth; and, under the energetic and prodigal administration of the first William Pitt, the debt rapidly swelled to £140,000,000. As soon as the first intoxication of victory was over, men of theory and men of business almost unanimously pronounced that the fatal day had now really arrived. The only statesman, indeed, active or speculative, who did not share in the general delusion was Edmund Burke. David Hume, undoubtedly one of the most profound political economists of his time, declared that 'our madness had exceeded the madness of the Crusaders.' Richard Cœur de Lion and Saint Louis had not gone in the face of arithmetical demonstration. It was impossible to prove by figures that the road to Paradise did not lie through the Holy Land; but it was possible to prove by figures that the road to national ruin was through the national debt. It was idle, however, now to talk about the road; we had reached the goal: all was over. All the revenues of the island north of Trent and west of Reading were mortgaged. Better for us to have been conquered by Prussia or Austria than to be saddled with the interest of a debt of £140,000,000.

"And yet this great philosopher, for such he was, had only to open his eyes and to see improvement all around him—cities increasing, cultivation extending, marts too small for the crowd of buyers and sellers, harbors insufficient to contain the shipping, artificial rivers joining the chief inland seats of industry to the chief seaports, streets better lighted, houses better furnished, richer wares exposed to sale in statelier shops, swifter carriages rolling along smoother roads. He had, indeed, only to compare the Edinburgh of his boyhood to the Edinburgh of his old age. His predictions remain to posterity, a memorable instance of the weakness from which the strongest minds are not exempt. Adam Smith saw a little, and but a little, further. He admitted that, immense as the burden was, the nation did actually sustain it and thrive under it in a way that nobody could have foreseen. But he warned his countrymen not to repeat so hazardous an experiment. The limit had been reached. Even a small increase might be fatal.

"Not less gloomy was the view which George Grenville, a minister eminently diligent and practical, took of our financial situation. The nation must, he conceived, sink under a debt of £140,000,000, unless a portion of the load was borne by the American colonies. The attempt to lay a portion of the load on the American colonies produced another war. That war left us with an additional £100,000,000 of debt, and without the colonies whose help had been represented as indispensable. Again England was given over; and again the strange patient persisted in becoming stronger and more blooming in spite of all the diagnostics and prognostics of state physicians. As she had been visibly more prosperous with a debt of £140,000,000 than with a debt of £50,000,000, so she was visibly more prosperous with a debt of £240,000,000 than with a debt of £140,000,000. If the most enlightened man had been told in 1792 that in 1815 the interest on £800,000,000 would be daily paid to the day at the bank, he would have been as hard of belief as if he had been told that the Government would be in possession of the lamp of Aladdin or of the purse of Fortunatus. It was in truth a gigantic, a fabulous debt; and we can hardly wonder that the cry of despair should have been louder than ever. But again that cry was found to be as unreasonable as ever. After a few years of exhaustion England recovered herself. Yet like Addison's valetudinarian, who continued to whimper that he was dying of consumption till he became so fat he was shamed into silence, she went on complaining that she was sunk in poverty till her wealth showed itself by tokens that made her complaints ridiculous. The beggared, the bankrupt society not only proved able to meet all its obligations, but while meeting those obligations grew richer and richer so fast that the growth could almost be discerned by the eye.

"In every county we saw wastes recently turned into gardens; in every city we saw new streets and squares and markets, more brilliant lamps, more abundant supplies of water; in the suburbs of every great seat of industry we saw villas multiplying fast, each embosomed in its gay little paradise of lilacs and roses. While shallow politicians were repeating that the energies of the people were borne down by the weight of the public burdens, the first journey was performed by steam on a railway. Soon the island was intersected by railways. A sum exceeding the whole amount of the national debt at the end of the American war was, in a few years, voluntarily expended by this ruined people in viaducts, tunnels, embankments, bridges, stations, engines. Meanwhile taxation was almost constantly becoming lighter and lighter. Yet still the exchequer was full. It may now be affirmed without fear of contradiction that we find it as easy to pay the interest on eight hundred millions as our ancestors found it a century ago to pay the interest on eighty millions.

"It can hardly be doubted that there must have been some great fallacy in the notions of those who uttered, and of those who believed, that long succession of confident predictions so signally falsified by a long succession of indisputable facts. To point out that fallacy is the office rather of the political economist than of the historian. Here it is sufficient to say that the prophets of evil were under a double delusion. They erroneously imagined that there was an exact analogy between the case of an individual who is in debt to another individual and the case of a society which is in debt to a part of itself; and this analogy led them into endless mistakes about the effect of the system of funding. *They were under an error not less serious touching the resources of the country. They made no allowance for the effect produced by the incessant progress of every experimental science and by the incessant efforts of every man to get on in life. They saw that the debt grew, and they forgot that other things grew as well as the debt.*"—*Macaulay*, chap. 19, pp. 326–328.

If the great distinguishing peculiarity of the English character some sixty years ago was what Macaulay intimates it to have been in the sentence that ascribes the rapidly increasing power of England to "the incessant efforts of every man to get on in life," with how much more force and effect the same declaration can be applied to the American people, and what a power of testimony it offers in favor of the ability of the American Government to sustain the burdens of the war, and at the same time make it a means of increasing the prosperity of the nation. If every man in England has been able to "get on in life," and in his efforts to do so advance so enormously the wealth of the nation besides—if contending against the more restricted system of English industry, where capital was concentrated instead of broadly diffused; where credit was difficult to procure, and the facilities of the trader confined within narrow limits—how must it be in this great country where men not only "struggle to get on," but where, under the genius of democratic institutions, they labor to get ahead of their contemporaries, where industry and integrity are the synonyms of credit, and where credit is capital? Sir, the great philosopher and historian could have uttered nothing more significant, could have presented no text from which a more powerful and convincing discourse could have been produced to demonstrate the supremacy of this people in all the essential characteristics best calculated to work out the most wonderful national successes.

Sir, so great is the difference, in my opinion, between the two nations, that I regard them as almost the antitheses of indolence and industry, so vast and so powerful are the influences that are moving the American people in the contest of life over everything ever seen in the United Kingdom.

The entire revenue of the United Kingdom in 1862 was about $355,000,000.

Of the receipts from the customs about ninety per cent. was obtained from six articles, namely, coffee, spirits, sugar, tea, tobacco, and wine.

From coffee, at 6 cents a pound	$2,000,000
Spirits, at $2 50 per gallon	13,000,000
Sugar, at 3 cents per pound	33,000,000
Tea, at 35 cents per pound	28,000,000
Tobacco, at 75 cents per pound	28,000,000
Wines, at 50 cents per gallon	50,000,000
All other articles	11,000,000

From three articles the excise supplies nearly as large a proportion:

Spirits, $2 50 per gallon	50,000,000
Malt and hops	30,000,000
All other articles	10,000,000
Her stamps produce	45,000,000
Land and assessed taxes	15,000,000
From income	25,000,000
Lands, &c	30,000,000
Total	$370,000,000

The growth of Britain's revenue from her customs is an interesting record by itself, and serves to show the rapid increase of the wealth and prosperity of that country. I commend these figures

to the attention of this House in connection with those which demonstrate the wealth and prosperity of the United States.

The revenue derived from the customs in—

1596 was	£50,000
1613 "	148,000
1660 "	426,000
1689 "	782,000
1712 "	1,316,000
1763 "	2,000,000
1792 "	4,500,000
1815 "	11,400,000
1850 "	22,200,000

McCullough observes:

"Notwithstanding the enormous and exorbitant duties on tea and tobacco, no equal amount of revenue was ever raised in any country for such a period of time with so little difficulty or inconvenience, and there are no grounds for supposing that it could be so easily and advantageously raised in any other way."

Here, then, we have presented to our view, in a few short sentences, the rapid growth of the British revenue from customs. We discover, also, the foundation of the British power and the origin of the British national credit.

The sources of taxation for the United States, under the provisions of the bill now before the House, will be almost identically the same as those enumerated in the British tax list. It is for this House, after examining them both with care, and after taking into view the relative power and ability of the two nations, to state to the country their judgment as to the vast ability of the United States to perpetuate and preserve unimpaired under any and all circumstances its public credit. At the same time it will be their duty to demonstrate to the world that a failure in our mighty effort to preserve our national unity is utterly impossible, save through the folly and the wickedness of domestic enemies here at home. From the excise, as shown in this bill, the United States will derive an income on a large portion of 88,000,000 gallons of spirits which at $1 and $1 25 per gallon, is greater than the sum derived by England from her customs and her excise together on the same article. On other articles in this bill the United States will derive a sum sufficiently large to overcome England's superiority in revenue from malt and hops, added to the $10,000,000 designated in the list above as "all other articles." From stamps, from land and assessed taxes, from incomes, &c., &c., the amount must be fully as large as that she derives from those sources, and, in the judgment of the Committee of Ways and Means, considerably larger.

The article of tobacco is a most lucrative source of income through the customs to England. In the United States, where it is produced in large quantities, the tax on tobacco is collected through the excise. The crop in the United Sates for 1860, as shown by the census, was 429,000,000 pounds. This of course embraced the production of the southern States, which at that period was a large proportion of the crop. The rapid increase in the production of tobacco in all the free States and Territories since the outbreak of the war, secures on this article a large and satisfactory return through the excise for the coming year.

I am assured by my distinguished colleague of the Committee of Ways and Means, the member from Vermont, [Mr. MORRILL,] whom I regard as the very highest authority on all subjects connected with this question, that the number of pounds subject to the tax of thirty cents will not in his opinion be less than some seventy to eighty million pounds, in which event the total revenue from tobacco will exceed that of England from the start, and will increase from year to year with the increased production of the crop of the country.

The custom-house returns show weekly what the existing tariff is producing. If there should be no change in the policy of the country except to increase the duties on imports, and not for the purpose of prohibition, we shall draw from the customs at least $100,000,000, or an amount within a fraction as large as England derives from her customs. Our customs and excise would then produce to the country $300,000,000, or an amount fully equal to one half of the outlay for the prosecution of the war.

The great object of the Committee of Ways and Means has been to frame a bill that shall produce at least from two hundred and fifty to three hundred million dollars. If it fails to accomplish this object the labors of the committee will not have been a success. A revenue of from two hundred and fifty to three hundred million dollars is indispensable to the maintenance of the national credit, and will be an efficient guarantee that that credit will be triumphantly sustained. I think I have made it clear that this sum of money can be paid into the Treasury of the United States. I think it is equally clear that $300,000,000 can be made $400,000,000 without injury to the interests of the country or to its people. If the attention of the people can be arrested and riveted for a sufficient length of time to the limitless resources of the country, no doubt can be entertained as to our ability, and no impediments will be interposed to prevent the perfect reëstablishment of the public credit. To this wise and effective legislation will come the aid of a system of currency just established which is regarded by its framers as in all respects satisfactory. The national currency plan just passed by this House is in its essential features the same as that so lately rejected. I had reason, as a member of the Committee of Ways and Means, to believe that the original bill in its main features met the approbation of the representatives of the banking interest of the States who assembled in Washington from all parts of the country to watch its progress and furnish suggestions dictated by their experience and familiarity with the subject. This fact went so far to satisfy my mind that I had determined to give the bill my vote if my health allowed me to be present at the final action of the House. This productive tax bill, taken in connection with a well organized currency system, such as it is to be hoped the currency bill will prove itself to be; a system which is designed to limit expansion, to supersede the one which has always been productive of commercial and financial evils, which expands when wisdom and sound judgment demand that it should contract, and contracts when every practical understanding feels that it should expand; which is responsible to no one, but acts independently of every one; a system, I say, which shall be so arranged as to meet these emergencies, and the equally formidable emergencies of the existing war, and be in a condition to steady the national finances on the return of peace, cannot but have the effect to change the present current of public thought and feeling, and give new life, new energy, a new power to the national credit, and renewed vigor and strength to the national arms.

But, sir, in order that the national financial plan shall be all that is expected of it by its friends, it must take the place of the local State banking system entirely. It cannot coexist with the local State banking system. The two plans working against each other will certainly be destructive of each other, and will involve the country in still larger sacrifices, and inflate to a still greater degree the prices of all the necessaries of life. I allow myself to believe that such a calamity is not to be entailed upon this country, and that the most efficient legislation that can be devised by this Congress will be introduced and adopted to guard against the possibility of such a result happening.

I permit myself to hope that both of these measures are measures of the character I have described, and in the absence of other and better ones I accept them as indispensable to the success of the national cause, and I believe that they will meet and satisfy the public demands.

The features in which this bill differs principally from that of the Thirty-Seventh Congress are the increase in the volume of the taxes on each and every article, with increased care in the construction of the machinery of collection. To these are added some new sources of taxation which it is believed will increase very considerably the public income.

A tax on the sales of gold, occupying, as gold does, so important a relation to the prices of the commodities in which men deal which are necessary to the Government, and also to the prices of the necessaries of life, I regard as a highly important measure. It is without doubt the interest of the trading classes, and particularly of those who are speculating largely, to maintain and even advance the price of gold. This trade for all other purposes than the customs, the demand for export, and the legitimate moneyed demands which grow out of men's fears, ought not to be permitted in the face of the great injury it inflicts upon private interests and the increased expenditure it imposes upon the national Government.

No such tax is included in this bill, for the reason that a bill now lies on the Speaker's table prohibiting all gambling transactions in gold. Should that bill fail to become a law I would strongly advise the passage of a separate act imposing a heavy tax on sales of gold and sterling exchange as a perfectly legitimate source of revenue. When an extensive speculative traffic in gold is carried on to the extent that it now is, and when the fact that it inflicts wide-spread injury is so incontrovertible, no one can hesitate to admit that the Government to which every kind of business looks for protection has an undoubted right to demand some equivalent for the facilities it affords, and for the damage it sustains. A bill to impose a large tax on sales of gold would not necessarily prevent speculation and gambling. It would demand a compensation in the shape of a tax on all sales other than for money, and on all transactions which proceed from sources regarded by the community as mischievous and illegitimate. If, then, on the passage of such an act the luxury of speculating in gold should be persisted in the revenues of the Government would be considerably augmented, and this House would at least have the satisfaction of having wrested some portion of the proceeds of this dark traffic and handed it over to the uses of the nation in this gigantic war.

In presenting in as concise a form as possible the system of English taxation, and attempting to show with how much more ease the American people can carry an equal amount of debt with England, and raise by taxation on precisely the same articles an equal amount of revenue for the use of the Government, I by no means design to declare my belief that it is the only system adapted to this country. I am of the opinion that with the introduction of new elements into the business affairs of men, particularly such as belong to this period of the world, new methods are to be found better fitted to our national necessities, and greater facilities at hand to meet the national requirements. Steam and electricity have revolutionized the trade of the world. A diffusion of intelligence and great industrial success have placed the American people upon an eminence where no other nation has ever stood. They can see and appreciate the errors of the past, and point out with great distinctness the way to avoid them. The clearing-houses in the seaboard cities are furnishing the evidences of the capital and credit daily necessary for the transactions of the people. We begin to discover the magnitude of the business conducted by the buyer and the seller each day of the year.

The returns of the New York clearing-house show that for a period of many years previous to the war a capital and credit of from twenty-two to twenty-three million dollars was necessary to the daily traffic of that city, or from one hundred and twenty-five million to one hundred and thirty million dollars per week! For the past year these figures have been constantly increasing as prices advanced until they now amount to $115,000,000 daily, or nearly $700,000,000 per week!

Does this not suggest a method of taxation by which a small percentage, almost inappreciable in size, would result in an aggregate sum of such magnitude as to cause the abrogation of every other species of tax? Would not such a tax fall equally upon all classes of our fellow-citizens just in proportion to their business, and should we not pay to the Government a fair consideration for the privileges of the traffic which it thus secures?

In a time of war, however, when every moment of each day is important to the national cause, nothing, I admit, would seem to justify the introduction of an experimental policy in matters of so much magnitude as the national finances or a system of taxation. What experience has shown to be effective, wisdom would counsel us to avail of. If the policy of England under the guidance of able statesmen in a time of war has carried her triumphantly through the struggle, it is the interest as well as the duty of the United States to profit by the knowledge, and take advantage of her experience. While seizing and profiting by the strong points of her money-raising policy, we should indeed be unwise if we did not manage to

avoid the many difficulties which she encountered in the course of her long years of experiment. My effort has been to show that this country possessed taxable resources and tax-paying power fully equal to that of the United Kingdom, and that if the United Kingdom has been able to sustain a debt, fully equal in magnitude to what our own is likely to be, for a period of sixty years and upwards, and at the same time grow every year in wealth and in population, until her system of taxation has ceased to be a source of complaint, we certainly can accomplish the same results and be in the enjoyment of yearly successes of a like advantageous character.

In 1816, one year after the treaty of Paris, when the debt of Great Britain had attained its maximum, her population was 19,000,000. In 1864 the population of the United States, exclusive of the States in rebellion, was 25,000,000. In the same year the total value of the property of the United Kingdom was estimated at $10,450,000,000 and of the United States in 1864 $13,395,000,000. The annual products of the former amounted to $1,667,000,000; those of the United States to $3,500,000,000. This comparison gives us the advantage of thirty per cent. in population, twenty-eight in property, and one hundred and ten per cent. in annual products.

In twenty-two years of the war England collected and expended no less than $5,500,000,000 derived from taxation. If she had pursued the policy of the United States, the policy of borrowing exclusively, her debt would have been $8,500,000,000, or full five times greater than ours. To make the case still plainer, I quote from a very able pamphlet of Dr. William Elder, published in 1863, the paragraph devoted to this branch of the subject:

"There is, indeed, a general impression that the debt of England, meaning its maximum amount in 1816, 'was forty years in growing,' while ours is the growth of two years only, and that already it is relatively as large as theirs. But the fact is that England added $3,113,000,000 to her debt in the twenty-two years of her great French wars, and expended, besides, no less than $5,471,000,000 derived from taxation, while the war expenditure of our two years is all in the form of debt, except the sum of $17,000,000 derived from taxation and other ordinary sources of revenue beyond the ordinary peace expenditure of the country. In fair comparison, therefore, the Government account should be charged with this $17,000,000 in addition to its loans of $899,000,000, making $916,000,000; and England's account, in correspondence for her twenty-two years would be her increase of debt, and $5,471,000,000 of taxes, amounting together to $8,584,000,000, or more than nine times the equal of ours. Of the total revenue of the period our Treasury derived but fourteen and one third per cent. from taxation. England's exchequer drew sixty-three per cent. of hers from that source. If the British loans had borne the proportion of ours to receipts from ordinary sources, her debt in 1816, without the current interest added, would have stood at $10,560,000,000 instead of $4,300,000,000; and if our debt had been kept down by a system of taxation equivalent to hers, instead of footing up $967,000,000, it would have stood on the 1st of May last at $380,000,000, less the accruing interest on the surplus of $587,000,000. This should be remembered whenever a comparison of the growth and the amount of our present debt with that of England is instituted.

"So far as the national resources and our relative ability to meet our debt are concerned, these $587,000,000 are to be regarded as undrawn revenue in the pockets of the people. This amount subtracted, along with $10,000,000 of current interest upon the sum, would leave our debt, old and new, at $427,000,000.

"Nor is this view of the case either illogical or unpractical; on the contrary, it is far below the true statement of our advantage, for it still leaves us fresh, untaxed, unexhausted, and almost untouched, while England was in the condition of a people taxed for twenty-two successive years, to the average amount of $248,000,000 a year, with an interest account rising, steadily and rapidly, from $47,250,000 at the beginning, to $161,250,000 at the end of the term. Moreover, be it remembered, that in 1816 the population of Great Britain was but 19,300,000, the total value of their property $10,450,000,000, and their annual products worth but $1,667,000,000; while the population of the loyal States, in 1863, is 24,000,000, the value of their property, at the market rates of 1860, $13,395,000,000, and their products of the current year worth $3,500,000,000; giving us the present advantage of thirty per cent. in population, twenty-eight per cent. in property, and one hundred and ten per cent. of annual products.

"The just parallel in the statement of the respective debt accounts of the two nations would be: England borrowed, for twenty-two running years, an average of $159,000,000 a year; we, for two years, $185,000,000 per annum, (an equal ratio of taxation being deducted from the actual loans,) with a difference of wealth and resources in our favor more than equal to the difference against us in the amounts thus estimated."

Sir, these facts and figures are official, and why they have failed to influence the action of the capitalist and the speculator in a sound direction—why, in the face of such facts, the country should have rushed frantically into the wildest games of hazard ever before known, is utterly incomprehensible. What is still more incomprehensible is, that standing upon the gilded summit of this vast structure of extravagance and speculation, and looking upon the outstretched plains of our limitless power as a nation, men still persist in gambling on their own fears.

Sir, permit me to show to this House, and so to the merciless gamblers of the great city of New York, who sound the key-note to the speculators of the interior, the difference between their conduct and the conduct of the English people in a time so precisely similar. Gold, regarded as the standard by which price is to be measured, and which has been held in this country and continues to be held at from seventy to ninety per cent. premium for paper, remained in the English markets at only a fraction above par for some years after the war broke out. It rose above twenty-five per cent. for only three years after 1811. In two of these three years it reached thirty per cent. For one year and one quarter of that time, it touched thirty-six per cent.; and only for a period of five months of that time, namely, from November, 1812, to March, 1813, did it rise as high as forty-one and a quarter per cent. Contrast this with the prices ranging from seventy-one and a half to eighty-seven per cent. in the United States. Make the contrast bearing in mind the thirty per cent. more population in the United States than in Great Britain, thirty per cent. more products and one hundred and ten per cent. more annual accumulation of wealth; and bearing in mind our boundless future, based upon those principles of civil liberty, that under the divine will have constituted this nation—a nation destined to cover this continent—to be numbered by hundreds of millions of population, braced and banded together by the broadest and most extensively diffused intelligence, by the widest and most comprehensive industry, by a policy of limitless internal improvement, the whole forged and welded into a consolidated nationality, regulated by the sovereign will of the people.

Mr. Chairman, the country is in a blaze of speculative excitement unknown for its magnitude in the history of the world. Various reasons are assigned for its formidable and rapid growth. I do not propose to enumerate them, or attempt the refutation of the theories which are daily and hourly offered and discussed. I respectfully tender my own opinion to the consideration of the House, bearing as it does directly upon the subject-matter of this bill. Under the apprehensions that have been generated by the enemies of the country, both at home and abroad, and the absence of direct taxation, the common impulse has been to get rid of the currency of the country. Thus every man and woman in the nation seeks to own something that cannot perish. The manufacturer buys and fills his factory with the raw material; the merchant his warerooms with the merchandise with which he is familiar; the capitalist his trunk with bonds, mortgages, and stocks; while the speculator, watching the advancing tendency of all kinds of securities, uses his credit to its utmost tension, trades to the extent of millions in local stocks, securities, and commodities of the country. The rapid fortunes which have been made by the bold pioneers in this great game of hazard has stimulated the cupidity of the whole community. But few men are, to-day, disinterested spectators of this wonderful mania. Prices have steadily and rapidly advanced for more than two and a half years.

It is impossible for this state of things to continue without ruin to the people and destruction to the Government. This fact is so transparent that it needs no argument to prove it. The advance in the prices of the necessaries of life must be arrested; a limitation must be fixed to the public expenditure; and this can only be done by diminishing the volume of currency and checking further expansion. This tax bill, in my opinion, should be passed at an early day. The country cannot afford to hear it discussed in its multifarious details for any length of time. It requires the law, and the relief it will give. It also requires, and, in my opinion, should demand of Congress a reduction of the volume of Government currency. When this House shall have passed the tax and tariff bills, the gold bill, or the bill to prevent gambling in gold—when it shall have added to these measures one limiting the circulation of paper money to the issues of the national banks by the imposition of a tax upon local State bank circulation, I believe in my soul that this Congress will have deserved and will receive the blessings of the people of the United States and of the world.

Mr. FERNANDO WOOD. Mr. Chairman, the bill under consideration is one of the most important ever submitted for the action of Congress. It proposes to raise by taxation on the people an annual revenue of from two hundred and fifty to three hundred million dollars. It is legitimate to refer, in the examination of a proposition of this character, to the causes which have produced the necessity for such a measure. I do not deny that the Government wants money, that it is embarrassed, that it is in a critical financial condition, and that without resort to some means of positive income, without borrowing, it will find itself involved in utter bankruptcy and ruin. Therefore, sir, while I admit the necessity for relief, I cannot shut my eyes to the *causes* of this necessity. It is not altogether in consequence of the war, nor its great expenditures. In my judgment, had the Administration adhered to the Constitution, and had the general policy been consistent with justice, economy, integrity, and an elevated statesmanship, we should not have been compelled to the adoption of bills like this. Our monetary affairs would have been in another condition. But it is in the management of the public finances that the grossest errors have been made. This Department, so much lauded by the partisans and dependents of the Secretary of the Treasury, has probably contributed more toward the defeat of the Union cause than any other. Its affairs have been conducted so as not only to have paralyzed the Treasury, but to have rendered the whole banking, commercial, and trading interest of the country, like itself, confused, deranged, and unsubstantial. I propose to prove this assertion. Our national difficulties, with the immense resources of the country, need not of themselves have produced the present state of our fiscal affairs. Other nations have had their revolutions and wars, and have gone through severe monetary trials. History abounds with similar instances to our own in this regard. Wars doubtless create large expenditures, greater or smaller, depending upon their extent and the economy with which they are conducted. To meet these expenses various expedients have been resorted to by different nations.

These expedients have varied from age to age, according to the changing circumstances of the people and Governments; but the main result has always been the same, whatever may have been the device for reaching it, namely, to wring from the toiling millions the wealth that had been produced by their patient industry. If we look back through the long vista of contending nations to the remotest antiquity, we shall find each Government exhausting its people alternately by taxation and by tampering with the currency. The last has ever been the favorite course with oppressive and designing rulers, because its operation is seductive and certain, even if its results are more disastrous than open taxation. During more than two thousand years Governments have furnished illustrations of every variety of fraud which may be practiced upon a people by means of the currency, and all of them have reached the same disastrous end. Our own Government in the latter half of the nineteenth century has apparently imitated all that is bad in all those expedients, and practiced financially the "oldest kind of crimes the newest kind of way." The modern invention of paper money has varied the mode of depreciating currency only by giving it a wider and more disastrous scope, and therefore making more effectual the inevitable ruin which it involves. From the first introduction of paper money every nation, including our own, from colonial times to this present unhappy war, has been rich in examples of paper schemes in every possible shape. The philosopher and the observant financier have from all these costly experiments deduced the inexorable principles which govern financial questions, and these principles are, at the present day, well understood and received as a guide by the statesmen of modern Europe. The gentleman at the head of our own finances, "the first Lord" of the American

Treasury, has, if we may judge from his political antecedents and his present acts, known all these truths and "scorned them all." He is deaf alike to the teachings of the past and to that wail of distress which a mighty people, struggling in his paper meshes, already begin to send forth. Our chief cities resound with the cry of workers whose weekly subsistence eludes their paper wages, and the distress of whose families finds voice in continual strikes for higher pay. If the man of property yet finds the hand of the tax-gatherer laid lightly upon him, it is because the Government, as yet, chooses rather to increase the rent of the poor man's tenement than to dim the luster of the jobber's palace.

This war, the most gigantic in recorded history, has thus far been conducted upon credit, and that credit has been in the most expensive and ruinous shape. It is mainly composed of irredeemable paper money, which in its operation dilapidates the capital that is not consumed. Its fluctuating and uncertain value dries up the industry of a country, inoculates the people with a spirit of speculation, and the national wealth perishes under the double process of great expenditure and diminished production. The whole cost of this war may be said to have been met by borrowing without taxation. A very few figures will show this extraordinary fact. The reports of the honorable Secretary of the Treasury show the following heads of the revenue and expenses for the three fiscal years ending June 30, 1864:

Year.	Expenditures.	Derived from taxes.	Derived from loans.	Debt at end of the year.
1862.....	$570,841,700	$51,935,720	$539,692,460	$508,536,499
1863.....	714,709,995	111,309,766	505,595,736	1,098,703,181
1864.....	1,099,731,960	156,339,454	588,163,460	1,696,996,941
Total. ...	$2,386,283,655	$319,574,942	$1,713,451,646	

It will be observed in this return that the amount of debt at the close of the third year is not so large as the amount of money the Secretary proposes to borrow. This arises from the fact that the Secretary estimated a large amount of the appropriations asked for would remain unexpended at the close of the term. This, however, is likely to prove illusory, since already deficiency bills to the amount of over $100,000,000 are now before this Congress. The amount of debt, whether liquidated or not, is likely to be fully equal to the difference between the expenditures and the taxes, or over $2,000,000,000.

The whole amount of taxes from January 1, 1862, including the sanguine estimates of the Secretary for the last half of the year, are $319,574,942, or an average of $106,528,314 per annum, but little more than the expenditures of each of the three previous years of peace. It may be said, therefore, that this whole war has been conducted on credit; that $2,000,000,000 have been raised by paper promises and nothing by taxes.

That man must be of a credulous temperament who supposes that taxes will be imposed and paid during the lassitude and exhaustion which will succeed this war, when they have been neglected during its excitement and seeming prosperity.

EUROPEAN EXAMPLES.

If we turn from this spectacle of debt to the nations of the Old World we find a parallel only in the wars of the French Revolution. The financial operations of the revolutionists closely resemble our own, with the exception that they were more wisely conducted. Alison, in the History of Europe, page 313, volume 1, remarks:

"Cambon, the Minister of Finance, soon after the fall of Robespierre, made an important and astonishing revelation of the length to which the emission of assignats had been carried under the reign of terror. The national expenses had exceeded 300,000,000 francs, or about 12,000,000 per month; the receipts of the treasury during the disorder which prevailed never exceeded the fourth part of that sum, and there was no mode of supplying the deficiency but an incessant issue of paper money. The quantity in circulation at the fall of Robespierre, amounted to 6,400,000,000 francs, or £300,000,000 sterling. But this astonishing issue of paper could not continue without introducing a total confusion of property of every sort. All persons employed by the Government, both in the civil and military departments, were paid in the paper currency at par, but as it fell rapidly, from the enormous quantity in circulation, to a tenth part, and soon to a twentieth of its real value, the pay received was merely nominal, and though in the receipt of largest apparent incomes, were in want of the common necessaries of life."

Now, sir, how do these facts compare with our present expenses? The expenditures of France in the great struggle for her regeneration were $60,000,000 per month, or $720,000,000 per annum. Our expenses for three years average one tenth more than that sum. France raised one fourth of it by taxation, we raise one tenth. France ruined itself with $1,500,000,000 of paper; our issues unprovided for by taxation already exceed that sum. The great revolution of the French people against the Bourbons and despotic government failed entirely in consequence of the financial errors of the revolutionary government and the incapacity of the Directory. This is an example that this country has now before it.

Revolutionary France, exhausted by the operation of paper money, fell into the hands of a successful soldier, whose great capacity was not confined to the field of battle. From that France, so exhausted by the paper-money men that they could no longer uphold the sovereignty of the people, Napoleon extracted the means to make fifteen years' war and conquer Europe. Under fifteen years of the empire the expenses of France were $1,530,000,000; that is to say, less than those of the last two years of our Government. In that time the troops of France visited every capital in Europe, and the French emperor became the master of the Continent. Now, sir, that $1,530,000,000 was raised entirely by taxation and a judicious management of the public property. France at that time embraced Belgium, Luxemburg, Piedmont, and Savoy, or one hundred and sixteen departments, or thirty more than at present. The taxes mentioned were levied upon and paid by the present eighty-six departments. The result of this system of finance was that the annual charge upon the public debt in 1797, the year VI of the republic, was $32,250,000; at the close of 1814 the annual charge was $36,000,000. An addition of $4,000,000 per annum to the interest on the public debt had been the result of fifteen years of conquest, during which the French eagles had passed from Lisbon to Moscow, from Berlin to Venice. It may be replied that France levied contributions. Such was the case in the last six years of the empire, when the emperor sustained a million men in arms against Europe banded together by the subsidies of England. These are the exact figures for the contributions levied from January 1, 1808, to April 1, 1814, $109,837,241. (L. Wolowskie.)

The great antagonist of France in those long years was England. That powerful nation, untouched herself by a hostile force, furnished the means by which coalition after coalition was formed in Europe to oppose the resistless march of the French legions. The system of England was different from that of the French Revolution, and was not similar to that of the empire. It mingled paper money with debt, and with a round system of taxation, and succeeded for the time, not by means of its excellence, but by reason of a sort of miracle. The tales of the Arabian Nights describe an individual in sore tribulation, who discovered upon the beach a casket, on opening which there issued forth a vapor, which, ascending and dilating, took gradually the form of a mighty genii, who, in gratitude for his release, became the all-powerful slave of his liberator. That tale was realized at about the date of the French Revolution. James Watt discovered the casket, and there issued forth a vapor which gradually filled England with tireless slaves that did the work, it is estimated, of sixty million men. Arkwright discovered another worker in the spinning-jenny; and Cartwright still another in the power-loom; to which our own Whitney contributed the cotton-gin, which was to feed those mighty workers with raw material. Numberless other agents of production sprang into life. In short, the age of machinery succeeded the age of hand labor. England, secluded from war in her island home, possessing a powerful fleet that commanded the ocean, as Napoleon ruled the land, monopolized the markets of the world for the sale of the goods which her new productive power created. She thus held an exhaustless fund of wealth, which enabled her to feed and prolong the war. Sir Archibald Alison, in the History of Europe, admits that Watt and Arkwright conquered Napoleon. The expenditures of England during those years were as follows, per Marshall's tables, namely:

Revenue from taxes, 1793 to 1816.....	$4,910,803,433
Net loans, 1793 to 1816.....	2,087,066,460
Expenses twenty-four years.....	$6,997,869,893
Expenses per annum.....	$250,322,400

The English began the war on credit. Up to 1797, the year of bank suspension, they did not impose war taxes. In Marshall, table 11, we have this account:

"During the first five years of the war no increase of taxation took place. The operation of the war during that period was mainly sustained on credit and issues of paper; a large portion of the supplies for the navy were obtained by bills at ninety days date, bearing interest. These, in the first instances, operated as an enlargement of the circulating medium, and thereby tended to enhance the money price of commodities, and reconcile a great portion of the producers to the war. These bills, also, it was, that formed the basis of those money fortunes which have led to the creation of a new class or order of society in England, namely, a money oligarchy."

This certainly is a description of our own financial commencement. The minister of the day, Mr. Pitt, was soon convinced that this plan must come to an end; accordingly the Government ceased its issue of paper, but in 1797 permitted the bank to suspend, or, in legal phrase, restricted the bank from paying specie until six months after peace shall be declared. The taxes grew year by year from £17,000,000 in 1796 to £72,000,000 in 1815. The loans of the Government were subordinate to the export trade of the country as the vast machine power came into play. British merchandise found increasing sales all over the world, and at paper prices. The paper of the Government and bank depreciated and caused prices to rise, but her foreign customers were compelled to pay those prices, because of her monopoly through her command of the ocean. The amount of exports from 1797 to 1815 was £695,554,185, exceeding the imports by £350,000,000, or $1,701,000,000. How was this large sum accounted for? It was thus: English agents in all parts of the world drew on the Government at London for supplies of army and navy subsidies, secret service, &c. These bills were annually funded. The bullion committee of 1811 state the bills so drawn in 1795 at £11,040,236. The loans contracted in that year were £12,907,451, that is, the bills were funded. Thus the amount of money actually borrowed by the English Government consisted in very little more than the extraordinary profits on her foreign trade, caused by the joint influence of her newly-invented machinery, the cessation of manufacturing industry in Europe, the absence of it in the United States, and the supreme command of the ocean by the British fleets. Those profits were funded in perpetual annuities. If that funding had not taken place, had England continued at peace, the large capital so accumulated would have been applied necessarily to the employment of the people at better wages and have produced a more general distribution of wealth. Instead of that, however, it was expended in war, and the stock created for it has been held by non-producers, an "oligarchy" for whom the million has, during fifty years, hopelessly toiled. Those people have paid since 1813, $7,000,000,000 in taxes for interest, without di-

minishing the debt one dollar. During the war the property or income tax yielded, per annum, £15,000,000, and was repealed with the return of peace, when reliance was had altogether upon indirect taxes until the reform under Sir Robert Peel in 1842. A return to the property tax was then made as less injurious to the industrial interests of the nation than indirect taxes. We have here three examples, that of revolutionary France, ruined by paper money, that of the great success of the cash system by Napoleon, and that of a mixed system in England which gave temporary success at the cost of future distress.

OUR REVOLUTIONARY EXAMPLE.

Having glanced at these modes of meeting great national difficulties adopted abroad, we return to our own great struggle when the thirteen colonies banded together to repel a common aggressor. The expenses of the seven years' struggle were never exactly ascertained, but were approximated by Nourse, the Register of the Treasury in 1790, at $135,193,103, of which *one half* was raised by taxes levied and collected during the war. The residue remained a debt due from the States in their collective capacities after the war. The payments from the Treasury were made in Continental paper. The first issues were made in 1776, and retained their value nearly through the year 1777, but in 1780 ceased to be of any value. The ratio of depreciation is seen in a table prepared and presented to Congress by General Washington in 1783 in settlement of his accounts. At the close of 1777 the money was 75 cents per dollar; at the close of 1778, 15 cents per dollar; in 1779, 3 cents per dollar; in 1780, 2½ cents. The whole amount of the emissions was $357,476,541. The ruin of this currency left the country in a deplorable condition. The interest on the public debt was not paid because the States would not respond to the requisitions for that purpose, and public credit was gone. The debt sold for ten cents on the dollar. The collection of private debts was suspended, and private credit nearly ceased to exist. With the peace a flood of goods arrived to carry off the coin, and taxes were not to be collected. Many of the States had recourse again to paper money and legal-tender laws, and in Massachusetts open insurrection burst forth. All these evils were cured as if by magic when a Government "based on the consent of the governed" was formed from a union of the States that conferred on the Federal Government the right to collect duties on imports for the purpose of revenue, withheld from it the right again to issue paper money, and prohibited the States from making anything a legal tender but gold and silver.

The customs at once gave the means of paying the interest on the debt, restored value to all outstanding obligations, removed the necessity for taxes and State requisitions, and put in motion the wheels of commerce that soon supplied the country with coin.

THE PRESENT FISCAL MANAGEMENT.

From that time to the advent of the present Administration, the customs duties had supplied all the wants of the Government. The reports of the Treasury Department show the expenditures of the Government from March 4, 1789, to July 1, 1861, to have been $1,453,790,786; received from customs $1,575,152,579. In other words, the customs revenues had exceeded the whole expenditures of the Government by $121,361,793. There has been received from lands $175,817,961, and from other sources $95,305,322, making $392,485,076, which sum has been applied to the payment of the revolutionary debt, the expenses of the war of 1812, the Florida war, the Mexican war, including the purchase of California, the Mormon war, the purchase of two empires—Louisiana and Florida—and the indemnity to Texas, besides building the national Capitol, the custom-houses, light-houses, navy-yards, arsenals, foundries, &c., and filling them with millions of dollars' worth of the materials of war. Such was the operation of the customs duties down to the induction of Mr. Chase into the Treasury Department. The expenses of three years of his administration may be stated thus: Mr. Chase's three years $2,385,283,655; twenty-four Secretaries, seventy-two years, $1,453,790,786.

Thus, under Mr. Chase there has been expended nearly seventy per cent. more than by his twenty-four predecessors in the previous seventy-two years, including the revolutionary debt and pensions; and nearly the whole of this vast expenditure of Mr. Chase exists in the shape of a floating debt. It is really a floating debt, because no system of finance whatever has been devised to meet the interest or ultimately to liquidate it. No attempt whatever has been made to place this enormous debt on a solid basis. The utmost ingenuity of the Secretary has been exhausted in devising different forms of promises by which the floating paper may be multiplied, but in no case whatever has he projected a permanent system of finance by which the fall of this swelling avalanche may be averted. The utmost extent to which he has gone in this direction is in his last report, page 9, "to urge on Congress efficient measures for increase of revenue," and on page 10 to concur with some recommendations of the Commissioner of Internal Revenue for an increase of tax on bank notes, spirits, tobacco, and cotton. This is the whole. The Secretary is very fruitful and profuse in suggestions as to putting out paper, but has no fertility of invention when the question is of payment. The honorable Secretary also, on page 2 of his annual report, takes credit to himself for the gratifying fact that the receipts from all sources, except internal revenue, exceed the estimates. Now as the internal revenue was estimated at one half the whole, and that was deficient sixty per cent., it is difficult to see the matter for congratulation. Let us look at the figures as contained in the report, page 3:

	Estimated.	*Actual.*
Customs	$68,041,736 59	$69,059,642 40
Lands	88,724 16	167,617 17
Miscellaneous	2,244,316 32	3,046,615 35
Direct tax	11,620,717 99	1,485,103 61
Internal revenue	85,456,303 73	37,640,787 95
Balance from last year	13,043,546 81	13,043,546 81
Total receipts	$180,495,345 60	$124,443,313 29

Now, sir, the first item here is customs, and the Secretary takes credit that it exceeded his estimates $1,017,905 81. What is the fact? If we turn to page 37 of the same report, we find these items:

Expenses of collecting customs	$3,238,936 67
Repayment to importers, excess of duties	2,262,770 69
Debentures on drawbacks	1,026,135 58
Total	$6,527,842 94

This sum being deducted from the total of duties the Treasury will have realized actually $61,699,292, or $6,342,444 less than the estimates. But the pretense may be set up that the estimate was gross revenue. Such a pretense is not valid, because any amount may be taken and repayment made. Moreover, the expenses and repayments this year exceeded those of the last $1,795,461, which more than absorbs the increase in revenue for which the Secretary takes credit. The next item is land revenues, total amount $167,617, for which the Secretary takes great credit. Sir, he charges for collecting that amount, on page 37, $111,254 06; for surveys of the land, $114,298 81; for special counsel fees, $24,203 90; for repayments of land sold, $12,947 38; for indemnity for swamp lands sold to individuals, $37,189 78; making a total of $299,893 99 spent to obtain $166,617. Certainly not a very profitable operation. We are then told that the direct tax fell short $10,135,614, or ninety per cent.; that the internal revenue fell short $47,815,516, nearly sixty per cent. We are then carefully told—page 3—that this careless estimate was by "a very competent gentleman," which means clearly not by the Secretary himself. The result is, that instead of $180,000,000, the Secretary realized but $116,783,069. Every item in the Secretary's estimates fell largely short. It will be observed that the Secretary includes in his "receipts" $13,043,546 81 balance from last year. That was undoubtedly a sum of money to be used, but was not a "receipt" of the current year; notwithstanding which, we have the following on page 4:

"From the actual expenditure, $714,709,971, there must be deducted the actual receipts, $124,443,313, in order to show the amount derived from loans, $590,266,682."

Now, this sum of $124,443,313 includes the $13,043,546 81 on hand at the beginning of the year, and of which there remained on hand at the close $5,327,044. This last sum is wholly ignored by the Secretary, and his calculation is wrong by that amount, a sum equal to the whole expenditure of Washington's Administration. It would be tedious to pursue these errors through the whole report. Enough has been said to show the slip-shod manner in which the mere details of the national finances have been treated.

The great question of taxation has been studiously evaded. The most sanguine estimates have been made to keep up a promise of revenue, while the substance has been avoided. Experience has shown that the estimates of the Department are entirely unreliable, and on page 10 the Secretary states it was not his policy to tax:

"It was not important, so long as it seemed highly probable that the war would speedily be brought to a successful close, that the revenue should exceed the ordinary expenses and interest. On the contrary, it seemed wisest to obtain the means for nearly the whole of the extraordinary expenditures by loan, and thus avoid the necessity of any considerable increase of the burdens of the people at a time when the sudden outbreak of flagitious rebellion had deranged their business and temporarily diminished their incomes." * * * * * * * *

"But receipts disappointed expectation, and it soon became obvious that a much larger proportion of the means needed for the fiscal year 1862 than the principle adopted would allow must be derived from loans."

Thus the plan was to emit paper at a time when the enthusiasm of the people was fully aroused, when their wealth was untouched, and when their ability and will to pay taxes were almost boundless. Congress had, however, passed a tax of $20,000,000 on real estate, but having enacted the internal revenue act concocted by the honorable Secretary's "very competent gentleman." He informs us, page 11:

"In that report, (December, 1862,) therefore, and in his subsequent communications to proper committees, the Secretary suggested no taxation, but confined his recommendations to other measures for the improvement of the public credit, among which those relating to loans and to the uniformity of currency held the foremost place."

The meaning of which is that the Secretary having embarked in the paper-money system was determined to follow it out; accordingly the real estate tax was repealed, and the internal revenue tax so modified as to be profitless. The customs that had been in the original loan bill of July, 1861, pledged to the payment of the loan then authorized, and which pledge had been stricken out in the Senate, were again appropriated, first, to the payment of the interest on the public debt, and, second, to a sinking fund of one per cent. per annum on the entire debt. This sinking fund has virtually been repealed in order to sell the gold in aid of speculators for a fall, which has, however, produced a counter effect; and there will remain only the customs taxes, receivable in gold, appropriated to the payment of the interest on the public debt. This debt now outstanding in various forms of paper is of three classes: first, that of which the interest is payable in coin; second, that of which the interest is payable in paper; and third, that which bears no interest. The amounts under these heads were as follows, February 1, by an official report which has been published:

First class, interest in coin	$763,379,214
Second class, interest in paper	221,874,891
Third class, no interest	487,971,619
Total debt	$1,473,225,724

There is, in addition to this, $350,000,000 of interest-bearing currency being issued, and, as we have seen from the estimates of the Secretary, the expenditures are $3,000,000 per day. The debt at the end of the current year, in any event, will be at least $2,500,000,000. If that debt is ever paid at all it must be by funding the whole of it in a stock, the interest payable in gold, in which case the annual interest will be $150,000,000. The old peace expenditures of the Government were $83,000,000 with an Army of twelve thousand men and an insignificant Navy. The whole expenditures will never again be under $200,000,000, and with the interest on the debt, $450,000,000, to which add one per cent. for a sinking fund, and the amount is $475,000,000. In the last ten years the average of customs duties has not been over $50,000,000 per annum. There remains, then, $425,000,000 per annum, which is to be extracted entirely by taxes from a war-exhausted people. This immense amount is to be paid in specie at the rate of two dollars for one received by the Government. Up to this moment there

have been really no steps taken toward obtaining it. The pernicious system of paper money has been the only resource. The Secretary has, indeed, negotiated a large amount of six per cent. stocks, but he has done it only by selling them at sixty cents on the dollar. He is paying ten per cent. per annum in gold for every dollar of gold value he has received.

The Secretary with amazing effrontery informs Congress, in his report to Congress, page 13, that he kept steadily in view moderate interest on loans, and congratulates himself upon his success in that respect. Here is his language:

"The earliest negotiations were at the highest rates of interest; for it is a distinguishing characteristic of our financial history in this rebellion that the public credit, which was at the lowest ebb in the months which preceded its breaking out, has steadily improved in the midst of the terrible trials it has brought upon the country. The first loans were negotiated at seven and thirty hundredths per cent., the next at seven, the next at six; more recently large sums have been obtained at five and four, and the whole of the debt which is represented by United States notes and fractional currency bears, of course, no interest."

The secession of South Carolina took place December 10. Sixty days previously a $10,000,000 Federal five per cent. stock was negotiated at one and a half per cent. premium. When events progressed, Mr. Chase himself was utterly unable to negotiate any loan at any price. The capitalists of New York in April, 1861, offered him ninety-three for a six per cent. stock, which he, in his blindness, refused, and soon after was glad to accept eighty-five for the same stock. He then appealed to the capitalists for aid. The committee of the Chamber of Commerce and a committee of the associated banks succeeded in negotiating for Mr. Chase a loan of $9,000,000 at eighty-four per cent. In the mean time, while Mr. Chase was helplessly asking aid from banks, the whole people came forward and poured $70,000,000 voluntarily into the Federal Treasury. Every State, every county, every town gave its share to sustain that Government whose credit Mr. Chase tells us was so low. At the close of June Mr. Chase, unable to use the credit of the Government, was again dependent on the banks for a temporary loan. In July Congress authorized a loan of $250,000,000, with which Mr. Chase could do nothing until the associated banks again assembled and made the loan for him.

Most true is it that the fear of the paper money injured the public credit. It is also true that the Secretary negotiated no loans except those for which the banks give him gold at par, until by the use of paper money he had depreciated the value of the bonds to sixty per cent. on the dollar, when they were apparently sold at par on their face, but really at an increasing discount. This juggle was performed by paper money. The same paper which cheats the workman out of his wages fills the pockets of the capitalists. It makes the poor poorer and the rich richer. It enlists the speculator, the jobber, and the plunderer in favor of the war, and they gorge themselves with wealth at the expense of the industrious many. With the suspension of the banks forced upon them, evidently by the design of the Secretary, the money began to depreciate; and it was only when that depreciation became very great that the capitalists bought it up to convert it into six per cent. gold interest stock. December 1, 1861, the Secretary sold to the banks $50,000,000 of twenty-year six per cent. stock at eighty-nine per cent., or for $44,661,231 in gold, or at seven per cent. interest per annum. In February, 1862, Congress authorized $500,000,000 of six per cent. gold interest stock, into which paper money was to have been converted, and the Secretary made every possible effort to negotiate it, but with so little success that in February, 1863, after the lapse of twelve months only $25,000,000 had been sold. There had, however, been issued $250,000,000 of paper money which had depreciated to such an extent that the public were alarmed. They had received large quantities of this paper for goods, and did not know how to employ it. The Secretary had employed a large number of agents to sell his stock, and these agents represented that the stock would be paid, principal and interest, in coin. They were then enabled to sell $133,000,000 in the three months ending July 1, 1863.

Now, sir, what was the coin value obtained for that stock per $50,000,000? The average price of gold was 145 in June, in which the largest conversions were made. In April and May the rate had been higher. If we take the June average, the gold value of the stock was 68.96 per cent.; consequently the gold value of $50,000,000 stock was $34,480,000. The price of gold fell during the summer months, and there were comparatively few sales of stock. The Government paper did not, however, appreciate in respect to the values of other commodities for reasons that will shortly appear. In September the autumn trade was very brisk, and large amounts of goods were sold for paper. The bank deposits again increased largely and flowed over into the five-twenty stock of the Government. In the months of October and November the Secretary sold $100,000,000, for which he received $66,000,000 gold value. The remainder of the loan was sold in December at sixty-four cents gold value. If we recapitulate these sales of stock by the Secretary we find them to have been as follows in sums of $50,000,000:

	Stock sold.	Received in gold.	Interest paid in gold.	Rate of interest.
August 19, 1861.....	$50,000,000	$50,000,000	$3,650,000	7.30 per cent.
October 1, 1861.....	50,000,000	50,000,000	3,650,000	7.30 per cent.
December 1, 1861.....	50,000,000	44,661,231	3,000,000	7.00 per cent.
June, 1863.....	50,000,000	34,480,000	3,000,000	8.70 per cent.
October and November, 1863..	50,000,000	33,000,000	3,000,000	9.09 per cent.
December, 1863.....	50,000,000	33,000,000	3,000,000	9.37 per cent.

Thus, so far from a decreasing rate of interest, as claimed by the Secretary, he was enabled to sell the stock in no other way than by increasing the rate of interest. The lowest rate of interest he obtained was from the banks, just before he forced them to suspend. Since then the rate has gone on constantly to increase. Now, sir, the highest rate paid by Great Britain for money was in 1804, at five and a half per cent.; $130,000,000 in round numbers, of a three per cent. stock, was sold for $70,000,000 in money, gold being then eight per cent. premium. It may be here remarked in passing, that this sale of the five-twenty stock is a total perversion of the objects for which it was created, and which object is sufficiently explained in section two of the law of February 25, 1862, authorizing them:

"That to enable the Secretary of the Treasury to fund the Treasury notes and floating debt of the United States he is authorized," &c., &c.

The meaning of this was to "fund" the notes; that is, to call them in from circulation and destroy them, giving the holders the six per cent. stock in payment, thus clearing the market of a superabundant and pernicious circulation. He has sold all the stock and not a dollar of the notes is "funded." The whole amount still floats at an increasing depreciation.

The agents of the Secretary now boast that the market will soon be in such a condition that they can sell the $900,000,000 of ten-forty year stock authorized by the act of March 3, 1863, at five per cent. interest. Gold is now, say 175, or in other words Government paper is at sixty-five per cent. per dollar, which is the price at which the Government officers in California are compelled to sell the legal-tender money they receive for their salaries. If the Secretary was able to sell his stock at five per cent. to-day he would realize, gold value, for $50,000,000 $30,000,000, on which the gold interest would be $2,500,000, or over eight per cent. per annum in gold. The present inflation will go on with this object until the five-twenty six per cent., recently sold at par, shall have touched 120, because that is the equivalent of a five per cent. stock at par; that is, when the six per cent. stock sells at 120 it gives the same interest as a five per cent. stock at 100. To effect that gold must advance to 180, at which price the gold value of the six per cent. five-twenties at 120 currency will be 66 cents per dollar, and the gold value of five per cent. ten-forties at par currency will be 55 cents per dollar, at which rate the Secretary will be borrowing at nine per cent. per annum in gold. I have in these calculations assumed that the five-twenties were negotiable at par for United States notes, which, however, is not the case. The Secretary's agents and their friends have received a commission deducted from the proceeds of the loans of three eighths of one per cent. for a rate which on the negotiation of $470,000,000 amounts to $1,762,500, which is the sum of the discount for which the bonds were sold for paper, and very large sums of the five-twenties are reported held by the speculative agents to realize the profit expected from the inflation which is to prepare the market for a five per cent. stock at paper par. On $50,000,000 of stock so held $10,000,000 of profit may be realized, in order to juggle the public into the belief that they are borrowing cheaper, when, in fact, they are paying more. The same agents look to a similar commission on the ten-forties on the sum authorized. This will amount to $3,375,000.

THE METALS AS A STANDARD OF VALUE.

One of the most simple as well as the most ancient machines for facilitating commerce and industry, is money of itself, yet it has been more mystified and made the instrument of more frauds upon the people than perhaps any other human contrivance. The use of money, and of gold and of silver as the material for money, appears from all history, sacred and profane, to have been familiar to the most ancient nations of the world, and yet down to very recent times a system of barter trade has been maintained in many countries of Europe. It is obvious that as soon as mankind by the operations of industry had produced a variety of commodities that their desire to exchange them with each other manifested itself almost simultaneously. To exchange one commodity for another, or several for one, was a laborious and inconvenient system, and mankind seems by common consent to have referred all articles to one standard of exchange, namely, the precious metals. Those metals were eminently fitted for the office of a standard, because they are compact in form, are less liable to deteriorate than some others, and are less liable to fluctuate in supply, but the most important of all was the fact that they are most widely recognized among nations as a currency. This fact imparts to them a large part of their value. It is estimated by M. Chevalier, and other eminent writers upon the subject, that the quantity of gold used as a currency by modern nations is 23,308,742 pounds weight. Suppose all nations should abandon the use of that metal as a currency, what would be its value? What would become of the industry of California and Australia? But all nations demand gold for a currency; it is a labor-saving machine with which they cannot dispense; consequently, all the industry of all nations is at the service of the possessor of gold.

When the metals became recognized as a medium all transactions were for certain quantities of pure gold and silver. It became necessary then for every man to weigh the gold he received and to be able to test its fineness. The early years of California mining was an illustration of this. Every man had his bag of gold dust and his scales. The next improvement was coining. This is nothing more than to prepare the metals in pieces suitable to handle and stamp on them the weight and fineness, so that each man recognizes

the quantity and value as right. It was requisite that the highest faith should be reposed in the marks affixed to the stamped pieces, and the sole power to make them was conferred upon the Government. At this point steps in mystification and fraud. No Government has ever been honest in this respect. All of them have from time to time diminished the quantity and quality of the metals, thus defrauding the recipients, leading to uncertainty in traffic and rise in prices, because if there was less metal than was originally stipulated less goods would be forthcoming. In the Roman republic the as was the chief coin; it was simply one pound weight of pure copper, but was gradually reduced to one third of that weight. When the Roman arms subjugated surrounding nations, particularly southern States, gold and silver became abundant, and the imperial city concentrated the metallic wealth of the world. The relative value of gold to silver was then one to fifteen, or one ounce of pure gold was worth fifteen ounces of pure silver. With the fall of the Roman empire Great Britain and the nations of western Europe developed their industry and drew to them the metals before concentrated at Rome. The increase of traffic and industry demanded continually larger supplies of the metals, and the miners did not adequately answer this demand; hence money grew scarce. The crusades had carried off a large portion of what had circulated, and the payment of taxes became very difficult. In Great Britain this fact facilitated the emancipation of born slaves on the great manors. Each prince in succession sold some of his born slaves, down to Queen Elizabeth, who finally sold freedom to all the slaves born on her manor.

During this period of straitened finances tampering with the currency was a favorite resource. At the date of the Conquest a pound in money meant a pound weight of pure silver which was coined into twenty pieces called shillings. During the seven hundred and fifty succeeding years the weight of the shilling was reduced until sixty-six were made out of a pound of metal. If this reduction had taken place in a lifetime the man who was to receive two hundred shillings instead of getting ten pounds' weight of silver would have been compelled to take three pounds. Gold fared no better. Under Edward III, one ounce of gold was coined into twenty-one shillings. There were twenty-four successive reductions of the amount of metal in the coin until the ounce was coined into seventy-eight shillings. In Scotland the reduction was to one fortieth of the original weight; in France to one seventy-second of its original weight. These Government frauds were all committed for the profit of the Crown exchequer. The weight of coin that came into the treasury for perhaps £1,000 was recoined secretly and paid out for perhaps £1,200. The fraud would be first discovered in the foreign trade. These were the practices of nations not yet acquainted with the use of paper as money. The moment a Crown minister could make money by a printing press at will, there was no necessity for reducing the intrinsic value of coins or raising their nominal value. This system of making a less quantity of the precious metals serve for the same purposes that before required larger ones operated only against the creditor interest in the country which practiced it, so that debased money would not be taken by foreign merchants at the same value. Many nations went further and substituted copper and adulterated coins having some intrinsic value but far below the nominal value.

PAPER MONEY.

The next step was the introduction of paper money without any intrinsic value whatever. This has been the source of the most frightful evils in most countries of Europe. It has given rise to more discussion than most other elements of human industry; and this because the public do not recognize the difference between a useful and valuable promise that represents an actual commodity and a promise which represents nothing but expense. The former is a very useful, nay, indispensable aid to commerce and industry; the latter is the most pernicious fraud that can be practiced upon a people. So deep, wide-spread, and disastrous are its effects that the utterance of it by Government should be held to be the highest crime that can be committed against a nation.

It is now seven hundred years since the Bank of Venice, originating like most banks in a forced Government loan, commenced dealing in bills of exchange. A bill of exchange is simply an order to pay to the holder of it a sum of money in the possession of the person to whom it is addressed. Before the invention of these bills a merchant who sold his goods in one city was obliged to transport thence the proceeds in coin to some other city where he wished to make purchases. The merchant of Venice who sold his wares in Genoa, and wished to buy other commodities in Leghorn, was compelled to transport thither the gold, the proceeds of his sale in Genoa, while at the same time some other merchant was making the reverse operation. Naturally, it occurred to the first to sell to the second an order on Genoa for the money; and he bought at the same time an order for money in Leghorn. All hazardous transportation of money was thus saved. This was a great invention, and gave a great impetus to the commerce of the world. The bills were usually drawn at a certain number of days' sight. The power of Venice and its bank reached vast proportions in 1493. The bank never suspended until 1797, when it perished with the republic under the blows of Napoleon. That long career of six hundred and twenty-five years was due to the fact that the bank never dealt in or issued false paper. All the bills that passed through it represented actual commodities, and were canceled with the proceeds of those commodities. The bill of exchange having once an established usage, it received many new applications. It was adapted to internal trade, and became the medium by which much produce was purchased and sent to market, each bill being accompanied by the produce, the sale of which was to pay and discharge the bill, which was drawn at thirty or sixty days' sight, to allow time for the sale of the goods. This was also a vast labor-saving machine, and became the substitute for a large amount of money previously used in internal trade.

The next step in this direction was to issue paper payable on demand, to circulate as money in the purchase of produce. This was another and eminently sensible invention when honestly administered. Its chief fault is that it is too easily abused, and it then becomes in the last degree injurious. The principle may be briefly illustrated thus: a drover about to start on a cattle-buying expedition goes to a bank, draws his bill of exchange payable in New York in sixty days for $1,000. He receives the amount in bank notes, travels through the country paying out the notes in the purchase of cattle. These are then driven to the city, where they are sold for money with which the sixty-day bill is paid; that bill has then done its work and has gone out of existence. Meantime the bank notes received by the farmers and graziers have by them been paid into stores for supplies of all kinds, which supplies had previously been purchased by the storekeepers in New York for their notes. The storekeepers having thus gathered the bank notes, take them back to the bank that issued them and received for them the drover's bill of exchange. The bank has thus paid out its notes for the bill, and has got them back for the bill. The notes having performed their office as money, have retired into the bosom of the bank that issued them to await a new operation. The storekeeper sends the bill to New York to his creditor, who gets paid at the hands of the drover. Thus merchandise has been sent to the country for consumption, and cattle have been bought up and sent to the city in payment by means of these descriptions of paper, namely, the storekeepers' notes, the drover's bill, and the bank notes; each and all of which were called into existence by the commodities they represented, and all of them went out of existence with the consumption of those commodities.

These are the natural and eminently useful functions of paper bills and money. When skillfully administered, the quantity in circulation rises and falls in exact proportion to the productive industry of the section or country where they are used, and always with perfect safety. There can be no possible limit fixed to the amount of money or paper required. The operations of trade alone can indicate it. The statesman or politician or writer that undertakes to "regulate currency" or determine the amount required, or to lay down rules for its guidance, is unmistakably a knave or fool. If the issuer of paper is skillful and honest, no security whatever is required. If he is neither one nor the other, no amount of security will make his operations safe. The circulation of New England is probably the best in the world. It is not secured upon any pledge of stocks, but rests on the production of the section. Every dollar paid out must represent industrial wealth, because it flies in the currents of trade directly to Boston where it must be redeemed at sight, and the commodities for which it was issued must be there to meet it. The five hundred banks in that section issue $45,000,000 of notes, and these as soon as uttered begin to move to the common center where their value is tested by prompt redemption in specie. The uniformity with the constitutional currency is absolute. Every great city is the center of a similar financial system, and their centers are connected by bills of exchange on a specie level, and the volume of all the circulation is regulated with perfect accuracy by the foreign exchanges.

When the volume of the national currency is too full prices rise. This fact attracts goods from abroad and checks the exports of produce. It then happens that the increased imports cause a demand for specie. This is felt at each business center. Exports being less, all well-regulated banks issue less notes, because the movement of produce is diminished. Settlements in specie take place, and the metals are exported until the currency has reached its proper level. This is effected by trade alone.

The amount of paper currency in Great Britain is estimated at £40,000,000 or $200,000,000, of which $100,000,000 are legal-tender or Bank of England notes, and the whole are based on £20,000,000 of gold and silver, of which, on an average, £14,500,000 are held by the Bank of England, £2,500,000 by the Scotch, and a like amount by the Irish banks, making a total of circulation, gold and paper included, of only about $300,000,000. The issues of the Bank of England are limited to £14,000,000. That institution cannot exceed this sum. The bank must pay notes for specie or specie for notes whenever either is demanded. It has no control over the amount of circulation whatever. The whole is left to the action of trade. All the bank can do is to charge more or less interest according to the demand for money.

From what has been said it is self-evident that legitimate paper money is in no shape capital. It is the mere sign that capital is moving to market. The volume of this sign will be in exact proportion to the quantity of capital moving. Now, it is equally apparent that if a bank undertakes to issue notes for any other purpose than to move commodities it commits a fraud. If, for instance, it had lent the drover $1,000 to speculate in lands or improve his farm, and he paid out the notes, they would soon return upon the bank for payment and it would have nothing to give. It could get nothing from the drover until his speculation was successfully matured. Meantime the bank must pay specie. If it has not the means it fails. Its loan to the drover was fictitious. It lent him a credit which it must meet from capital, because the drover's obligation does not represent capital moving to market.

When a Government undertakes to issue paper it represents an expense only. There is nothing behind it which it represents and which will cancel it. A hundred millions in paper notes are paid out to troops and creditors. They fill the channels of business but represent nothing which is to redeem them. They have, so to speak, no home. There is nothing to take them back to the Treasury, and more are continually issued to meet new expenses. The notes will not leave the country, because they have not that faculty which attaches to the precious metals of being universally acknowledged as currency. They necessarily depreciate in value from superabundance. The over supply of the currency causes prices to rise, and the metallic part flows off, without, however, effecting a remedy, because the Treasury continues to pour forth its flood of paper.

The law of finance is, however, irresistible; if it cannot diminish the volume of the currency by

exportation it does it another way, namely, by depreciation. This exhibits itself in a rise in prices exactly proportioned to the quantity of paper afloat, so that no amount uttered will increase the money a dollar. In illustration of this fact I will quote two examples. On the 26th February, 1797, the Crown council resolved that the public service required the bank "to forbear issuing any cash in payments." An immense excitement resulted. In the midst of the turmoil a meeting of the London merchants was held, and it was resolved "that we will not refuse to receive bank notes in payment of any sum of money to be paid to us." Four thousand names were appended, and the Gentleman's Magazine states it never witnessed a more loyal meeting. It was in this temper that the public received the bank suspension. The bank continued to issue its notes, and the circulation rose from £10,000,000 to £22,500,000 in 1810, when gold was nine and one eighth premium. In 1813 gold was thirty-six and a half premium. The circulation of these two periods was as follows:

	1810.	1813.
Bank of England	£22,541,000	£24,023,000
Country notes	21,374,000	22,342,000
Silver taken	4,500,000	4,500,000
Total	£48,415,000	£50,865,000
Specie value	£44,430,848	£37,303,000

Thus, with the larger circulation outstanding, there was less money afloat. Now, sir, what is the fact in relation to our own currency? The amount of specie estimated in the northern States in 1861 was $200,000,000. The bank circulation was $150,000,000. The specie has now been replaced with $500,000,000 of United States paper, and gold is 160. The results are as follows:

	1861.	1864.
Specie	$200,000,000	-
Bank notes	155,000,000	$160,000,000
United States notes	-	469,031,294
Total circulation	$355,000,000	$629,031,294
Specie value	$355,000,000	$393,143,900

The amount of money has undergone but little increase as measured in gold; but as measured in the price of other commodities it has not increased at all. It is a principle of currency, when depreciated, that gold demonetized will rise in price less than other commodities, for the reason that its greatest value consists in the use of it for circulation. When Congress, by the law of February, 1862, made paper a legal tender, the demand for specie as a currency ceased. The cessation in demand caused a fall in its value, and it began to disappear. Silver has entirely disappeared and gone out of the country. Gold has been in demand for customs, duties, and to some extent for hoarding and speculation, and this has retained a portion of it in the country. This has not, however, sufficed to keep gold up to the level of other commodities, the demand for which is greater than ever, proportioned to the production of them, because the Government has taken into its employ more than one million men who are consumers of goods, munitions, and produce, and of which they create nothing. Great numbers of others are employed in manufacturing articles for the war consumption that could not be used in time of peace. In the payment of all these the Government pays out an increasing supply of paper which passes into the hands of the people, and for which every individual in the country demands daily and hourly some portion of domestic and imported articles to consume; but very few ask or care for gold. Hence it is that gold has risen in value less than any other article. In other words, the paper of the Government has depreciated less in comparison with gold than with most other commodities. This is not left to surmise or conjecture, but is susceptible of mathematical demonstration.

EFFECT OF PAPER MONEY.

The Secretary in his report has given tables of prices in New York for thirty-nine years, embracing most of the important articles of commerce, and he hopes that they will be of service in promoting information upon the influences which act upon prices. I have availed myself of these tables in my endeavor to carry out the hope of the honorable Secretary. A table of sixty leading articles has been constructed, showing the aggregate value of the whole at regular intervals, compared with the price at the corresponding period, and the amount of United States notes at the same time, according to the official reports:

	Gold.	Value of 60 articles.	Rise per cent.	U. States notes outstanding.
January, 1862	Par.	804	-	$20,560,326
April, 1862	1¼ premium.	844	4.97	105,890,000
January, 1863	32 "	1,312	63.18	344,366,321
February, 1863	72 "	1,400	74.12	296,378,201
March, 1863	54 "	1,524	89.52	345,553,500
July, 1863	25 "	1,323	64 55	408,834,456
October, 1863	54 "	1,455	80.57	422,325,280
December 31, 1863	53 "	1,694	116.00	469,031,296

These facts concentrated from the Secretary's tables show that gold has advanced to a very trifling extent in comparison with the advance which has taken place in the great articles of commerce. Every one of the sixty articles embraced in the table has advanced, step by step, with the emissions of the Government paper, and the aggregate average advance has been 116 per cent., when gold has advanced but 52 per cent. A portion of the advance has been due, doubtless, to the taxes, to the scarcity of materials, and to the rise in labor; but that is also due to the paper currency which has compelled strikes among work-people.

This average rise in the prices of commodities marks the true depreciation of the Government paper, and gives the key to the loan transactions of the Secretary. The following shows the value of the loans made at four periods, in goods and in specie:

	Loan.	Specie value.	Merchandise value.	Depreciation per cent.	
				In specie.	In goods.
January, 1862	$50,000,000	$44,661,231	$62,189	-	-
June, 1863	50,000,000	34,480,000	37,763	22.75	40.00
October, 1863	50,000,000	33,000,000	34,285	30.50	45.00
December, 1863	50,000,000	32,000,000	30,106	32.75	51.00

We have here the fact that in proportion as the value of the circulating paper fell in regard to commodities, did the desire increase to place it in the six per cent. stock. The frightful depreciation is manifest in taking a single article, and we may select iron as one of which the supply has been less influenced by the war than most others. The price of iron in the tables of the Secretary is $21, December, 1861. At that date he obtained for $50,000,000 of six per cent. stock from the banks $44,661,231 in coin, which was then equal to 2,126,776 tons of pig iron. In December, 1863, the Secretary obtained $50,000,000 in paper for the same amount of stock, and this was worth only 1,190,477 tons of iron. Thus for the same quantity of stock for which the people are to pay gold, principal and interest, the Secretary obtains about one half the iron. He is paying per annum in gold $3,000,000 for the use of 1,190,470 tons of iron, or $2 50 per ton, whereas he pays $1 41 per ton per annum for the use of that bought in 1861; yet he coolly informs us that he is borrowing at a lower rate of interest. This process is progressive with every issue of paper; prices rise, and with that rise more paper is required to effect the same object.

Now, sir, it is not a matter of surprise that the Secretary is able to sell a gold stock on such terms. Every business man is aware that the present prices are fictitious, that they depend only upon the quantity of paper afloat, and that they will sink lower than before when that paper perishes. The man who held a stock of goods more or less dead at specie prices, suddenly finds them converted into paper money at three or four prices. He puts that money into six per cent. stock, because he hopes it will be paid in gold, and he will have purchased it at sixty cents on a dollar.

SIMILAR SYSTEMS ABROAD.

The history of our present paper issues is but a repetition of the French revolutionary system. The origin and course of the issues are very nearly the same. France had, in the operations of John Law, an experience quite as terrible as our own revolutionary paper issues. That famous financier was the ablest of the times. M. Thiers, in the French Chambers, in 1840, on the occasion of the recharter of the Bank of France, remarked in relation to Law's work on finances:

"It contains all that we have been able to say since, and I affirm that Law at the beginning of the eighteenth century understood quite as much of the question as any of those who have since discussed the subject of banking."

This is no doubt true, because I have remarked the matter is of itself simple, but is only mystified by attempts at fraud. On the 5th May, 1716, under the name of Law & Co., was chartered a bank of twelve thousand shares of about $100 each. This bank was conducted on the soundest principles and had a great success. The general currency were treasury notes of Louis XIV, for which Law's notes were fifteen per cent. premium. He issued notes, but on business paper. In an evil hour the bank fell under the control of the regent, who, like our Secretary in 1861, was of opinion that if a "little paper was good more was better," and $200,000,000 of notes were issued. It is needless to say that the scenes that are now developing themselves here immediately manifested themselves there. The wildest speculation succeeded, and the whole power of the Government soon exerted itself to maintain the credit of the paper. Law, it appears, like our own Secretary, while constantly giving hints of the danger of paper money, continually pushed the issues. In 1720 discredit set in. It was then that the ingenuity of the Government was taxed to put down "gold speculators," who, it asserted, caused the depreciation of the paper, and finally, February, 1720, an edict was issued forbidding the use of specie altogether. Any person found with more than $100 coin in his possession was to pay a fine and submit to confiscation. It was forbidden to buy specie, and informers were given one half. Sir, our own gold bill before Congress gives informers one third, but Chase is less liberal than Mr. Law and the regent. The edict gave rise to the most atrocious proceedings. Lord Stair observed that it was impossible to doubt Law's Romanism, "since he had established an inquisition after his manifest belief in *transubstantiation* by turning so much gold into paper." Coin was an illegal tender. The annals of the times are full of the distress which grew out of Law's paper. The public patience was soon exhausted, and Law was chased out of France, just escaping with his life.

The seeds of ruin then sown developed themselves sixty years after, under the feeble King Louis XVI, who could not enforce economy, and the annual deficit was alarming. In 1783, the minister Turgot did what Mr. Chase did in 1861, he supplicated the bank of discount for a loan. That institution had a capital of 15,000,000 francs, and a circulation of 35,000,000 francs. It was in a flourishing condition, paying regularly eight per cent. dividends and enjoying high credit. In an evil hour it loaned the Government 6,000,000 francs for its notes. This enlargement of its circulation involved its prompt suspension. The minister, to protect himself, caused the notes to be made a legal tender. The directors saw their danger, however, and promptly enacted a rule that no loan should be made except upon that commercial paper, and that there should always be a reserve equal to one third of the outstanding circulation. This restored public confidence, and the stock of the bank sold at very high rates. The speculation in it attracted the attention of the afterwards famous Mirabeau, who denounced it in a pamphlet, which was promptly suppressed by the Government.

Turgot was succeeded by Colonne, a minister altogether of a more modern school. His principle was not to make himself unpopular with the court by diminishing expenses, nor with the people by extracting from them taxes for the service of the state. His plan was chastely conservative; it was "to make things pleasant" by borrowing, and his prodigality, which was a marvel for his times, was mere parsimony as compared with the lavish outlay of our own magnificent minister. He made his loans frequent and large. He did what has become so familiar to us. He addressed himself to the bank. Reckless as was his expenditure, he nevertheless appears to have had a clear understanding of financial principles, and in this differed widely from the head of our Treasury. He clearly understood that paper money was not capital, and he also knew that it was capital that he wanted.

There were two modes of operating upon the bank, widely different in their results. He could require it to loan its capital to the Government, or to lend its notes. That is real capital or fictitious capital, either wealth itself or only the promise of it. The minister adopted the first expedient. He borrowed $70,000,000 of the capital of the banks in the same way that Mr. Chase borrowed, as he informs us, $170,000,000 in specie. The loan was regular and caused no trouble. The minister, however, issued paper in the same manner that Mr. Chase issued demand notes, against the strongest protests of the banks. The results were precisely the same. The notes of Colonne, issued in June, 1787, disturbed the circulation and forced suspension in three months. Those of Mr. Chase, issued August, 1861, forced suspension at the close of December.

Necker was now minister. He took the other means of loan. Instead of borrowing capital of the banks, he borrowed their notes, which was done to the extent of 90,000,000 francs. Ten years afterwards Mr. Pitt did the same in England, and seventy-two years afterwards Mr. Chase repeated it in New York. I will here give extracts from these financiers to the banks.

M. Necker, in 1789, writes to the bank:

"I hope you are not indifferent to my embarrassments. See the financial crisis, that of the grain market, that of the states general, and deliver me from inquietude as far as it depends on you."

Mr. Pitt, in 1797, writes to the Bank of England:

"It gives me much concern to be obliged to apply for an accommodation to so large an extent, but I cannot too strongly represent how necessary it is for the public service."

He felt it an indispensable duty to represent to them in the most earnest manner that it would be impossible to avoid the most serious and distressing embarrassments to the public service unless the demand was complied with.

The French bank could go no further, however, and then (November 15, 1789) M. Necker proposed to supplant the then existing banks with *national banks to issue* 210,000,000 francs, of which 170,000,000 francs was to be loaned to the State. Has any one heard in our day of a proposition to supplant old banks with "national banks," and to use their notes for the service of the Government? The result of the proposition was to issue $80,000,000 of legal-tender paper money, redeemable in public lands; and in March, 1790, the new Government bank began to issue their assignats, and then the emission went on without limit.

These notes or assignats were of three descriptions: first, without interest from $20 to $2,000 each; second, with coupons attached; and third, fractional notes from one to ten cents each. The whole amount outstanding at the end of 1790 was $250,000,000 at a discount of ten per cent. At the close of 1792 the amount was $440,000,000, and the discount thirty-seven per cent. In 1794, the sum had reached $1,200,000,000 and the discount seventy-eight per cent. Ruin soon overtook the whole, and in February, 1797, they were no longer a legal tender or of any value. Their fall involved the most frightful distress among the public which began to recover as soon as relieved from their baneful presence.

The resemblance between the movements of Mr. Chase and those of the French revolutionists is very great. He has the same dread of taxation, the same efforts to borrow capital of existing banks until they are exhausted, the same project to create national banks in order to disguise the Government paper issues in their names. Finally his issues of paper money are of the same classes, namely, legal tender with interest, legal tender without interest, and fractional legal tender. In one respect his issues differ from those of Danton, Marat & Co. He does not make them receivable for customs, which are collected in gold. This fact attracts attention, and the observer asks himself where did he get that idea. Because our Secretary is peculiarly a borrower, even to his notions, which are not always of the rank of ideas. Sir, he borrowed it of another revolutionist in another age and nation. In Leland's History we find one of the principal means of overthrowing the power of the Stuart family in Ireland thus stated:

"Brass and copper of the basest kind, old cannon, broken bells, household utensils were assiduously collected; and from every pound weight of such vile materials, valued at fourpence, pieces were coined and circulated to the amount of five pounds nominal value. By the first proclamation they were made current in all payments to and from the king, and the subjects of the realm, *except in duties on the importation of foreign goods*, money left in trust, or due by mortgage, bills, or bonds.

"As brass and copper grew scarce it was made of still viler materials, of tin and pewter, and old debts of £1,000 were discharged by pieces of vile metal amounting to thirty shillings in intrinsic value."

James had the grace to respect trust funds, the property of the widow and the orphan. With us the whole of those sacred trusts are dissolving under the baleful influence of Mr. Chase's paper.

The Secretary of the Treasury, on page 15 of his annual report, holds the following language:

"In former reports the Secretary has stated his convictions, and the grounds of them, respecting the necessity and the utility of putting a large part of the debt in the form of United States notes, without interest, and adapted to circulation as money. These convictions remain unchanged, and seem now to be shared by the people. For the first time in our history has a real approach to a uniform currency been made; and the benefits of it, though still far from the best attainable condition, are felt by all. The circulation has been distributed throughout the country, and is everywhere acceptable."

It is here asserted that the circulation is more uniform than ever before, and that it is everywhere acceptable. If this be so, if the Secretary believes what he here asserts, why does he seek to change so admirable a system by supplanting it with national bank notes not a legal tender? He tells us with great unction that every holder of a note has a direct interest in sustaining the national institution. Is he speaking of the confederacy or of the Union?

If the northern people are bribed to hold together by paper notes, so are the confederates to a greater extent. But, sir, I reject the idea. The deep-seated and unbought patriotism of the American people is none the stronger because they hold a few depreciated paper dollars of fast-fleeting value. The idea could occur only to the head of a Government reeking with corruption.

UNIFORM CURRENCY.

Now, sir, in relation to uniform currency, let us look at it as it exists. When Mr. Chase reached power there was in circulation $275,000,000 of specie, and $200,000,000 of bank notes, every dollar convertible at sight into gold. There was but a fractional difference between the State issues, composed of the cost of transportation only. The currency in San Francisco was the same as in Maine, in Florida as in Iowa. Let us see what we have now:

United States notes, legal tender	$450,785,004
United States notes, legal tender, five per cent. payable in twenty years	50,000,000
United States notes, legal tender, five per cent. without coupons	50,000,000
National bank notes, legal tender with the Government, not with the people	10,000,000
United States notes, fractions, legal tender for small sums	20,000,000
United States postal currency, legal tender, not taken for foreign postage	17,000,000
Total United States uniform currency	$597,785,004
Old bank notes not receivable by Government	$150,000,000

Here are seven kinds of currency, all of different faculties and attributes, uniform in only one respect, that of being worth to-day fifty cents per dollar of the constitutional currency, and that *uniformity* varies every hour in the day. Now, are we to take this declaration in favor of a "uniform currency" as a joke, a sarcasm, or as simply a draft upon the credulity of Congress and the patience of the people?

Again, we are told that this uniform currency is distributed throughout the country, and is "acceptable to the people." In this assertion the existence of the Pacific States is ignored unless the theory of State suicide is to be applied to them for their contumacy in steadily refusing to have anything to do with his paper currency. Sir, this is what happens in California: the Federal Government collected there in 1863, $4,688,399 of duties in gold, and sent it to New York to speculate with in the gold exchange under the new bill. It paid out in California $9,885,531 in greenbacks, none of which will pass there as currency. The Government officers and contractors go to the brokers and sell Mr. Chase's very "acceptable uniform" currency at sixty-two cents per dollar. It is shipped to New York in the room of gold to pay debts, and for goods. In January, 1863, the "legal tenders" sold in San Francisco market at sixty-eight cents per dollar. In March they sold at fifty cents per dollar. In July eighty cents per dollar. In December sixty-eight cents per dollar. These immense fluctuations of a very uniform and acceptable currency in a city of the United States afford a remarkable commentary on the financial schemes of the Secretary.

This currency in which the Government has taken such pride, it has determined to supplant with national bank notes. Under the banking law, some three hundred and eighty-eight banks, with over $50,000,000 capital have been organized for the purpose of putting out bank notes to be a legal tender between the Government and the people, but not among the people. The attempt to issue this money is on the plea that it is necessary to the "safety of business transactions," "cheapening exchanges," &c., &c.

These views seem to be entirely at variance with the facts. In the last thirty years the capital of the country has grown very rapidly, and with its growth specie currency has assumed greater proportions, while a system of stock security for circulation, and the rigid system of prompt redemptions has brought a gradually decreasing amount of paper currency in proportion to the numbers of the people and the amount of business transacted. The following figures, taken from the Secretary's report, will show the outstanding circulation of the banks of the United States at the end of each of four decades as compared with the aggregate imports and exports and the number of the people.

Year.	Bank circulation.	Imports and exports.	Population.	Circulation per head.
1830	$61,328,898	$144,726,428	12,866,020	4.75
1840	106,968,572	239,227,465	17,069,453	6.25
1850	155,612,911	330,037,038	28,191,876	5.50
1860	207,102,477	762,268,550	31,676,267	6.50

Thus the circulation per head has increased but to a limited extent, while the amount of imports and exports per head has more than doubled. The same amount of bank currency has served to transact double the business, because of

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, APRIL 21, 1864. NEW SERIES....No. 109.

the increase of specie and the growing disfavor of paper. The banks which were in existence in 1860 are still in existence, still issuing their paper mostly secured in stocks, because the New York security principle has been adopted in thirteen States.

To these issues has been added $469,031,294, the amount outstanding February 2 of United States notes. The reason given by the Secretary for the issue of these notes was that notes so issued are, in fact, a loan from the people without interest, and he thought it right that if any one had the benefit of such a loan it should be the Government in its extremity. He now claims that the national banks ought not only to have the benefit of that loan, but the Federal Government should pay them six per cent. per annum in gold, or at present rates $27,000,000 per annum interest to make those issues upon the people to the extent of $300,000,000, or $100,000,000 more than the entire bank circulation in a year of our greatest prosperity.

The $469,000,000 that the Secretary now issues without interest he proposes to fund in a six per cent. stock and to pay the banks to issue the notes instead. The banks are also to be selected by the Secretary, at his pleasure, to be depositories of the public money. These provisions mainly make the national bank system one of the most corrupt that ever existed. A very little examination of its operation will show this.

The banking law (I do not refer to the bill now before Congress) provides that five individuals may form a bank of $50,000 capital. One third of this amount must be deposited with the Comptroller in United States six per cent. stocks, when he issues ninety per cent. of the market value of the stock in circulating notes, which notes are redeemable by the banks in greenbacks. Now, sir, under this law a banker with his clerks may file papers for a capital of $50,000. They then deposit $15,000 in stocks with the Comptroller, receiving $13,500 in notes with which more stock may be bought and deposited, receiving $12,150 in notes which are again expended for stock to be deposited for a further amount of notes, and the process goes on until the concern has on deposit $100,000 of six per cent. stock, drawing $6,000 per annum in gold, or nine per cent. in paper, which has cost but $15,000 originally.

There is now outstanding $90,000 of circulation which are redeemable in greenbacks at the counter of the bank. This bank circulation is receivable for all dues to the Government except duties, consequently there is little demand for redemption; but if there is none, one can be created by the usual acts of money-brokers. The bank may be owned in Wall street and located at some inaccessible place in the country. When the country cannot be reached, then the owner in Wall street charges one half per cent. to redeem the notes in greenbacks. If redemption is slow, he creates a panic by discrediting his own bills. They then come in rapidly upon him, and the oftener he redeems them the oftener he gets one half per cent. discount. The usual course of redemption is in six weeks, or eight times a year, or what would give four per cent. on $3,600 per annum, making $12,600 per annum on an investment of $15,000.

What, now, is the security to the bill-holder? It is a six per cent. United States stock, payable in national bank notes! That is to say, the holder of the notes if the bank fails gets United States six per cent. stock. When he wants his stock paid he gets national bank notes! And so on in a circle. This, however, is but a small part of the profits of the banker. The law of February, 1862, authorizes the Treasurer to issue certificates of deposit bearing five and a half per cent. in deposits of United States notes, and national bank notes have the same privilege. The banking law gives the Secretary the power to make these institutions depositories of the public money; accordingly the public money is placed with them. They then, in the character of a depositor, carry the money to the Treasury and get five per cent. certificates of deposit issued to them for the funds. The Secretary of the Treasury thus actually takes money out of the Treasury, lends it to a pet bank, which lends it back to the Treasury at five per cent. interest. These funds may be redeposited with the same bank and the process repeated until the banker may draw interest on $500,000 or any other sum, when he holds actually no money at all belonging to the Government. Sir, this is not a supposition or a surmise. It is what actually takes place this day in New York between the Treasury and the national banks.

Is it a matter of surprise that banks increase and multiply under such a management of the Treasury? Is it a matter of wonder that the public debt is rolling over us in a volume which is swelling to thousands of millions, and which is to ingulf not only our material wealth but the liberties of this fair land?

This is the banking system, the corrupt progeny of political intrigue, which is to supplant the old and well-tried banking system. The future of such a system is not doubtful. It involves the solvency of the Government, and will justify the worst fears of those who protested against the departure from the only sound system of finances, namely, to adhere to the constituted currency and raise by taxation the larger proportion of the war expenses, and borrowing only when a specific tax was created to cover both principal and interest. Such a system would have commanded the capital of the world.

Mr. Chairman, I have thus frankly and truthfully depicted the effect of this system erroneously adopted by the Secretary of the Treasury. It is fearful to contemplate. The vast hostile armies threatening the territorial integrity of the Union are not more portentous of evil. God grant the country relief! May the American people soon realize the impending danger, and with united and determined power throw off these unworthy servants who are breaking down all their material interests, and crushing not only the superstructure but the very foundation of constitutional liberty.

Mr. BROOKS. I listened for two hours with the greatest pleasure to the glowing pictures presented to us and the country by the gentleman from Vermont [Mr. MORRILL] and my honorable colleague from New York, [Mr. STEBBINS,] and I began almost to fancy that these pictures of war now passing before us with an army of nearly a million men were a blessing, not a curse. I felt, indeed, as if I had been transported from these horrid scenes all about into the beautiful picture galleries of Versailles, representing on canvas all the glories and none of the horrors of war; or, as if I were reveling in the marble galleries of the Vatican, where are the sculptured heroes without any of the horrors, or consequences, or sickening details of war. I had almost come to the conclusion that war is a blessing and that debt is a divine institution, when I was awakened from the revery by the stout, stern tax bill before me.

The gentleman from Vermont told us in the closing remarks of his speech that the public press has been unjust to Congress in their comments on its inefficiency or inattention to duty. I concur with him that that institution to which I belong, the press, sometimes called the third estate of the realm, has been unjust to this Congress, and I, though on the opposite side of the House, rise here in my place and say with pleasure that no one, outside or inside, has ever attended the deliberations of a Congress which has been more industrious, or which in the brief period of time we have been in session has enacted so many bills of the greatest importance. My own impression is, from a summary of the appropriation bills which have already passed this House, that our action on them, and on them alone, has been over $3,000,000 a day. No Congress could possibly have been more industrious than this in the appropriation of the public money, as I think all sides will admit upon mature reflection and upon study of the appropriation bills of all kinds.

And so confident a trust have we had in the chairmen of our committees, that without discussion, and often without examination, have we accepted the bills they have reported, and passed them almost as a matter of course. Important bills have been reported from three committees the chairmen of which are from the sovereign State of Massachusetts. I call her a sovereign State, because it is now the only sovereignty left among the States of this Union. The chairman of the Committee on Naval Affairs [Mr. RICE, of Massachusetts] presented here a series of very important naval bills which passed almost without debate or discussion. Another honorable gentleman from Massachusetts, acting as chairman of the Committee on Commerce, [Mr. ELIOT,] presented us two navigation bills, one regulating the course of trade upon the great highway of the ocean, which we accepted almost without reading, certainly without examination. And another honorable gentleman from Massachusetts [Mr. ALLEY] the chairman of the Committee on the Post Office and Post Roads, an intelligent and industrious gentleman, presented us three or four important bills the other day; and such was our confidence in his wisdom and his judgment that we accepted them all with little or no discussion, almost as a matter of course. And all these were bills which in ordinary times would probably have consumed day after day in discussion.

I tell the press then, and through them I wish the country to be assured, that the Republicans in this House have been industrious from the beginning—more so, in my judgment, than the Democrats have been hitherto in former Congresses—and that the Republican press has been unjust to them in the general denunciation which they have made of their idleness and their incapacity and of their inattention to the public business. Public business is not now what it was ten years ago, when only sixty or seventy million of the public money were appropriated. Now, the subjects are vast, and he who legislates now must know a little of everything. The great science of war and of strategy must now be understood by him. We have nearly a million men to provide for and to handle. We have a Navy suddenly grown up from some sixty to some six hundred and sixty vessels afloat. We no longer have mere tariffs to study, but the whole science of taxation, of which, happily, hitherto we have been so ignorant, with all its relationships to currency, and commerce, and manufactures, and agriculture. Indeed, we are called upon at once to add to our arts of peace, as pioneers or settlers of the wilderness or the prairie, all the arts of war as affecting our political economy or diplomacy, complicated now in all the prize or other international struggles we have with European States, that alternately hesitate whether to respect us as a great people or a people torn and rent by civil war, soon to be their prey. No Congress at any time since 1776 or 1787–88–89, has ever been called upon to act upon subjects so vast as this Congress has. Hence all these denunciations of the Republican press upon their Representatives here have been utterly unjust, and I stand here—though not upon their side of the House—to vindicate them from those aspersions.

The remarks of the honorable gentleman from Vermont [Mr. MORRILL] have now, and for the first time, given to us from the Administration some facts important to the country. His tax bill, he tells us, will realize $250,000,000. His colleague on the committee from New York [Mr STEBBINS] thinks the amount may run up to $300,000,000, and that $90,000,000 are to be derived from the increased tariff, so that $340,000,000 are to be considered as the public revenue.

Well, well! I am only a passenger in this great ship of State. The honorable gentleman from Pennsylvania near me now [Mr. KELLEY] told us at an early period of the session that upon them (the Republicans) not upon us devolved the responsibility; and another honorable gentleman from Maryland [Mr. DAVIS] in beautiful Virgilian Latin exclaimed: "*Non tali auxilio, nec defen-*

soribus istis, tempus eget." In homely phrase, We do not want any such help as yours. You fellows on the Democratic side of the House must stand off. We will run the legislative machine as exclusively ours! Even now, when the paper money, if not the wooden horse, is entering our Troy, when gold is going hopelessly to the grave, if not already gone, and Hecuba admonishes her unhappy Priam of his impending fate, I hear ringing in my ears the inappropriate malediction, *Non tali auxilio.* Well, well! a tax upon us of $340,000,000 *per annum*, and it may be upon our children and our children's children—all that depending upon the aggregate amount of debt the war entails upon them. I turn from the dark and yet darkening future to repeat, upon you, then, Republicans, devolves the responsibility of this tax bill. There will be no obstacles thrown in your way from this side of the House, I think, though I have no right thus to pledge. Indeed, we will facilitate your work all that is in our power, by furnishing you with a quorum for the transaction of public business, and by standing up as figure-heads to be counted. There is little else left to us in this House, save to be thus useful as tokens to be counted. The ordinary privilege that every man has, white or black, is, when the census is taken, to be counted at least once in the general enumeration; and we are here now to be counted when you want us to make a quorum of the House. The tax bill is yours, and all the honors and responsibilities.

The honorable gentleman from Vermont [Mr. MORRILL] also throws in a little more light. He says that the expenditures of the Government for the fiscal year ending June 30, 1864, are to exceed the estimates. Although there are still two and a half months of the fiscal year to elapse, the expenditures have already exceeded the estimates of Mr. Chase. The gentleman from Vermont accounts for it by the $100,000,000 appropriated for bounties and the two hundred thousand soldiers added to our Army. A Secretary with foresight ought to have foreseen, in his annual estimates, that these bounties were necessary. He would have foreseen the number of men necessary, and would not have had to come, as he will now have to come at the opening of the next session of Congress, with a fresh deficiency bill like that of the last, say with some $106,000,000.

The gentleman from Vermont also stated another fact—a confession, too, of no inconsiderable importance, although it is not admitted by my honorable colleague, [Mr. STEBBINS;] which is, that by swelling the volume of currency nothing is added to the values of property. Six hundred million dollars of paper currency, he well says, will not buy more than $400,000,000. The fact is an important one; and I wish it to be borne in mind not only by that but by this side of the House. I wish the whole House to act on that admission of the chancellor of the budget in the Committee of Ways and Means—for my honorable friend from Vermont seems to be chancellor of the budget, while the honorable gentleman from Massachusetts [Mr. HOOPER] is chancellor of the exchequer; and the honorable gentleman from Pennsylvania [Mr. STEVENS] is a sort of political lord chancellor, who overlooks his colleagues, and brings up the great rear guard when any seem to be failing.

My honorable colleague [Mr. STEBBINS] has been indulging in most glowing eulogies, quoting Macaulay and other writers upon the British system of debt and taxation. The whole scope of his address has been to prove, or to try to prove, that the British system in itself, if not a lovely and perfect system of society, is nevertheless an endurable system, and such as should be copied by us. Why, it was because of British taxation that our great Revolution of 1776 broke out. It was only a tax upon tea that stimulated the American revolt, and that brought about the independence of the United States. It has been British debt and British taxation that have driven out, and are driving out now, thousands and tens of thousands of the British people from the fast-anchored island to the snows of Canada and the distant shores of Australia, so that it has been well said that the morning drum of the British soldier encircles the globe as it beats with the rising sun. The Briton is everywhere because his home is too heavily taxed. The whole earth is filled with Englishmen, because they cannot live under British debt and British taxation. Ireland! Why does Ireland lose her population, and show a decrease in the census? Hapless Ireland! Why is the Irishman here, there, and everywhere, fleeing from British thralldom and British taxation? Why is Scotland more or less depopulated from the northernmost shore to the Lowlands? Why but because of British taxation? Why is England now not raising enough to feed her own people? Why is she dependent on other nations for the very bread that she eats? Why are her people now driven from the green fields and bright sun into cellars thirty feet under ground, into garrets six and seven stories high, into mines where daylight never enters, into workshops where workmen labor ten, twelve, and fourteen hours a day, earning hardly sustenance enough for human life? Why but for this system of British taxation and British debt, which my honorable colleague holds up to us as a *beau ideal*, as a Utopia to be copied? Sir, it may be our misfortune to be doomed to British taxation, but solace us with the cheering intelligence that it is necessary for the support of our institutions, and not lacerate us with the idea that because England and Ireland and Scotland have endured the burden of an immense debt and taxation we too should endure the same heavy burden on our shoulders.

Away, then, with all such language and such reasoning as that, and never hold up to the American people the beauties of taxation as displayed in the political or social system of England, Scotland, or Ireland. Debt is doom, is living death to any people. Taxation is the consuming parasite of debt. Debt is but another name for slavery. The tax-payer is the slave, to a certain extent, of the debt-owner. He who owns my labor, or the proceeds of my labor, owns me. He who has a mortgage upon my house or my farm to pay the interest upon the debt I owe him owns to that extent my house or my farm. Hence with great national debts come great political and social changes among peoples. Republican institutions are impossible in England, because of her enormous debt and consequent enormous taxation. The oligarchy of capital ever inexorably links itself with the aristocracy of birth. Hence the oligarchy of capital in England is ever in alliance with the aristocracy of the State. No proslavery institution in the South was ever severer upon a southern slave than is the oligarchy of capital in England, created by British debt and British taxation, upon labor and industry. An aristocracy, a House of Lords, a king and queen are indispensably necessary to support such a system of debt, and to impose such a system of taxation upon the British people.

Thus much, sir, in reply to some portion of the remarks of my honorable colleague and of the honorable gentleman from Vermont. I now proceed to take a more statistical view, a more *figurative* view of the question of taxation as suggested by this bill.

I beg both sides of the House to bear in mind this fact, that taxation may not always be income; that $300,000,000 levied in taxation does not always produce that result to the revenue. Listen to me and you will appreciate my logic. The Secretary of the Treasury in his annual report lays down the expenditures of this Government at $800,000,000 per annum. If now you increase the volume of the currency fifty per cent. you add this fifty per cent. to the price of all the property of the country, and hence, of course, you add $400,000,000 on to the price of the $800,000,000, the annual expenditure of the country. The tax bill before us has in it, we are told, $300,000,000 only, so that if while you swell the volume of the currency $400,000,000 you tax but $300,000,000, you lose in your purchases $100,000,000, instead of gaining anything by your taxation. The currency, then, the character and the quantity of the currency, in which the taxation is to be collected becomes a matter primary even to the consideration of the tax bill before us.

The whole tendency of the action of the Secretary of the Treasury—I will not say of Congress—but the whole tendency of the action of the Secretary of the Treasury has been to increase the volume of the currency. I repeat that, upon our expenditure of $800,000,000 he has increased the nominal values of property $400,000,000. So that whatever he has to buy of powder or munitions of war; of clothing or food for man or beast, or of anything whatever for our Army, costs him fifty per cent. more than it did at the commencement of the war, thereby increasing the national debt fifty per cent. for the present year beyond what it would have been with the same amount of currency he started with at the beginning of the war.

Hence, in looking at this question in a practical point of view, the first thing to be considered in connection with taxation is currency; currency, the basis upon which all property stands, that ought-to-be solid foundation of society upon which everything is erected. Currency! Currency should go before taxation, or currency and taxation should walk arm in arm together in the public consideration.

Mr. Chairman, there is a question of veracity between somebody in a high place and the public outside that ought to be settled before we go further; and that is, in reference to this volume of currency. Indeed, the question has been settled to-day in this House, to some degree, by the gentleman from Vermont [Mr. MORRILL] in admitting that the currency of the country was $600,000,000, and not the $400,000,000 only, the Secretary of the Treasury insists upon its being now, even at this late day.

The Secretary of the Treasury, in his annual report to Congress, which I have before me, assured us in December last that the volume of the currency should not rise above nor beyond $400,000,000. And my honorable colleague, [Mr. STEBBINS,] with a large amount of confidence, not to say credulity, in the statement of the Secretary of the Treasury, in a late speech (March 3) which he delivered in this House, read this extract from the report:

"Congress believed that $400,000,000 would suffice for these purposes, [to fill up the deficit of coin, &c.,] and therefore limited issues to that sum. The Secretary proposes no change of this limitation, and places no reliance, therefore, on any increase of resources from increase of circulation. Additional loans in this mode would, indeed, almost certainly prove illusory; *for diminished value could hardly fail to neutralize increased amount.*"

And here follows the comment of my honorable colleague thereon:

"Here is an official declaration that $400,000,000 of currency have been supplied, and are the outside limit to which the Secretary will consent, although the law allows an issue of $450,000,000. *Ought not the country to be satisfied with this, the assurance of the Secretary of the Treasury under his official signature?*"

What confidence could well have been greater than my honorable colleague reposed in the pledge of the honorable Secretary of the Treasury? Indeed, sir, the Secretary of the Treasury in a late letter to the chairman of the Committee on Finance in another branch of Congress, writes:

TREASURY DEPARTMENT, *April* 12, 1864.

SIR: Notwithstanding the *diminished amount* of United States notes in circulation, and the gradual *withdrawal from use as currency of interest-bearing United States notes made a legal tender* for their face, the price of gold continues to advance. This effect can only be attributed to one or two causes, and is probably due in part to each. First, to the *increase of notes of local banks;* and secondly, to the efforts of speculators.

I have already submitted, through you, to the consideration of the Committee on Finance a bill intended as a remedy for the first evil. I now beg leave to submit to its consideration a bill intended as a remedy for the second.

The first bill, if it become a law, will have, I doubt not, the most salutary consequences. The effect of the second will probably be more immediate, though perhaps not of such permanent importance.

I ask for both a candid consideration, and, if approved, the favorable action of Congress.

It must not be thought, however, that I regard either or both of these measures as adequate remedies for financial disorders. Nothing short of taxation to one half of the amount of our current expenditures and a reduction of those expenditures to the lowest point compatible with efficiency will insure financial success to the Government. And without military success all measures will fail.

Very respectfully, yours, S. P. CHASE,
Secretary of the Treasury.

Hon. W. P. FESSENDEN, *Chairman Committee on Finance.*

I am amazed by that letter of the Secretary of the Treasury! I know not how properly to characterize it. For so humble an individual as myself, though occupying an exalted position as a Representative of the people here, to speak of it in the plain, rough language of truth, would, if parliamentary here on the floor of the House, seem indecorous elsewhere. To pronounce that a Secretary of the Treasury writes that of which he knows nothing, or, to take the other alternative, that his letter is a gross misrepresentation of facts or a gross perversion of the truth would be indecorous, and therefore I will not characterize

the letter of the honorable Secretary by any name or epithet, but I will examine its statements, and demonstrate that there are three great, gross errors therein.

First, as to the amount of United States notes in circulation. He says they have been diminished. I have in my hand an official statement which came from the office of the Secretary of the Treasury, I do not say in this city, but nevertheless an official statement which corroborates my statements. The circulation of legal-tender notes on April 12, 1864, without certificates of indebtedness, which are a species of currency; the circulation of legal-tender notes alone, was $660,976,616, an increase of $260,976,616 in legal tenders alone, over what the Secretary of the Treasury promised in December, and beyond that which my honorable colleague stated and indorsed, March 3. Add $20,000,000 of fractional currency notes thereto, and the legal-tender currency in circulation on April 12, 1864, was $680,976,616. The table of legal tenders outstanding is as follows, and will be found very interesting:

	Greenbacks.	Two-year coupons.	Two-year maturity.	One-year.	Total legal tenders.
June 30.....	$387,646,589	-	-	-	$387,646,589
September 30.....	402,737,051	-	-	-	402,737,051
December 1.....	418,945,931	-	-	-	418,945,931
January 1.....	421,536,781	$50,000,000	-	-	471,536,781
February 1.....	450,785,004	50,000,000	-	-	500,785,004
March 1.....	449,119,548	95,502,031	-	$5,860	544,627,439
March 15.....	449,073,616	115,581,414	-	14,600,600	579,255,030
April 1.....	449,073,616	115,581,414	$39,801,586	26,520,000	630,976,616
April 12.....	449,073,616	115,581,414	44,801,586	51,520,000	660,976,616

And now as to error No. 2. When this Congress assembled in December last, there was not an interest-bearing Treasury note afloat. In January no less than $50,000,000 were in circulation, and on April 12, 1864, $211,902,900. Let me not (despite what the Secretary writes to Mr. FESSENDEN) be told that these interest-bearing notes are not in circulation. Sir, they are. They are the basis of the clearing-houses; they are in your pockets, as members of Congress, for your pay; they are in everybody's pocket; and I learn that they have been issued by millions within the past week to provide for the payment of the Army of the United States. On June 1, when the coupons are cut off, there will then be $115,000,000 now accumulating, in lieu of the original legal tender, liberated at once for circulation, and swelling thus at once the volume of the currency. These interest-bearing notes now are here, there, everywhere, in every shape and form; and the inflation of prices since December last, on everything which one eats and drinks and consumes, from the luxuries of tea and coffee to the necessities of life, such as beef, pork, and bread, has been caused and stimulated in their nominal value by this addition by the Secretary of the Treasury of over $280,000,000 to the currency, beyond what the Secretary promised and pledged in December last. Indeed, so severe are now the prices of food and of clothing upon the two and a half millions of the working people of the country, the operatives, the day laborers, &c., that these people—men, women, and children—groan and suffer daily over the results. A severe struggle has now commenced among the very poor, such as never was known before in this country. The working classes pay sixty cents per pound for butter, twenty-five cents for beef, $3 50 per barrel for potatoes, twelve cents per pound for codfish, sixteen cents per pound for mutton, twenty cents per pound for hams, and sixteen cents per pound for pork. The range of clothing is of the same inflated character. House rents are also advancing beyond the means of labor to pay; and to what mainly may all this be attributed? What but to this frightful expansion of the currency?

Let us come now to error No. 3 in the Secretary's letter to Mr. FESSENDEN, wherein he attributes his own expansion to the expansion of the State banks, and because of which, the wrong he has committed, he would shift off upon them. I am quite sure if honorable members upon the other side of the House had given this subject the examination which I have, they would not put faith in such letters as these from the Secretary of the Treasury, but would seek out facts for themselves. Inflation of the currency has not been caused by the issues of the State banks. In that great center of money circulation, in that metropolis which I have the honor in part to represent upon this floor, the circulation of the State banks is less than it has been for ten years. I hold in my hand an official statement of the banking department of New York, which shows that from September 30, 1854, to September 30, 1863, the total circulation issued and outstanding each year was, in September last, $1,765,805 less than in 1854.

Total circulation issued and outstanding each year.

Date.	*Circulation.*
September 30, 1854	$43,962,535
September 30, 1855	41,159,794
September 30, 1856	43,492,485
September 30, 1857	41,243,922
September 30, 1858	35,607,180
September 30, 1859	36,581,276
September 30, 1860	38,034,800
September 30, 1861	36,606,140
September 30, 1862	42,239,836
September 30, 1863	42,192,645

I hold in my hand another statement, which shows that on the 26th day of September, 1863, the real, not the yearly average, circulation of the New York State banks was but $33,423,230, the smallest amount of circulation that they have had for years. Yet I am to be told that the State banks have been the cause of the present inflation of the currency. Nothing is more untrue. No charge could be more unjust. Those banks are not my friends. In the good old times, when the mass of the property of the country belonged to the Whigs, I was associated with the great bank interest and property; but they have separated from me because I would not go with them on the subject of the abolition of slavery by force of arms. And these bankers have not been my friends. Nevertheless those men are patriotic. They are men of foresight in mere business matters, and when this war came, instead of expanding the currency they curtailed it, as I have shown. Hence the passage of the resolution yesterday against them, and censuring them, and threatening to tax them out of existence, was injustice and ingratitude of a cruel kind. It was a denunciation, Republicans, of your own friends, for Democrats have not State banks, while the Republicans have. The denunciation was of your own people, your own friends, and I vindicate them here from your aspersions as I vindicated you from the aspersions of the Republican press.

I see that the honorable gentleman from Pennsylvania [Mr. STEVENS] is about to rise. I do not know whether he wants me to restate what I have said in reference to the State banks or to repeat the interrogatories he put me the other day against the New York banks. [Mr. STEVENS sitting down, Mr. BROOKS continued.] I have in my hand a statement of a bank president in New York in reply to his question the other day. I submit it without comment now:

NEW YORK, *April* 16, 1864.

DEAR SIR: Mr. STEVENS asserted that the banks of New York took $150,000,000 loan, and paid $100,000,000 in gold and $50,000,000 in currency. The facts are the banks in New York took only a portion of the $150,000,000, say $105,000,000, the balance being taken by the Boston and Philadelphia banks.

Up to December 31, 1861, they had paid $87,500,000 in gold directly into the Treasury, and during the months of January and February, 1862, paid $17,500,000 in old United States demand notes, which afterwards sold at a premium nearly equal to that of gold, so that in fact they paid the loans in gold or its equivalent.

Respectfully, BANK PRESIDENT.

HON. JAMES BROOKS.

The amount of currency in the loyal States of this Union now, issued by the State banks, is estimated by observing men conversant with financial affairs at about $160,000,000. The very highest of any estimate is $175,000,000. In all probability it is much less; because New York has, as experience shows, one fourth of the currency of the Union, and multiplying her circulation now by four, and the product will be much less than $160,000,000.

That this basis of calculation upon the New York banks is correct, is proved not only by the experience of the past, but by the law of the domestic exchanges; because if Pennsylvania or New England or the West over issue even on legal tender, unfavorable domestic exchanges would soon compel them to curtail. But put the circulation of the State banks as high up as $160,000,000, that is all these State banks have been guilty of since the suspension of specie payment. There may have been other isolated persons engaged in the banking business that have overshot the true mark. There are dishonestly acting banks as there are dishonest persons. There are banks which are largely inflated; but upon the whole, considering the sandy foundation upon which the State banks have stood since the suspension of specie payment, their curtailment of circulation has been wonderful; and they deserve a tribute of respect from Congress and the Administration rather than the denunciation to which they are exposed. I have, however, sufficiently exposed the error of the Secretary number three.

But what is the remedy proposed by gentlemen to get rid of this $160,000,000 of State currency? Why, it is proposed to add to this, under this new banking system, $300,000,000 of paper money! In order to get rid of $160,000,000 of State bank circulation, you propose to add $300,000,000 of Federal bank currency, and thereby, when you have destroyed all the State banks, to inflate the currency $140,000,000 additional. So when your system is complete, we shall have $680,000,000 of legal tender and $300,000,000 of the new bank currency, and the circulation of the country will be $980,000,000; and that will be the basis of the value of all the property of the country!

Now I call the attention of this House, of the country, and of the Secretary of the Treasury to this fact; and so far as my feeble voice of admonition can reach them, I warn them that if they do not curtail or lessen this expansion they are approaching a crisis from which no success of our arms can rescue the property and labor of the country. There is no crime so great as issuing an unnecessary and improper quantity of mere paper as money. It is robbery in its worst aspect, and it is radicalism and agrarianism in their most destructive forms. It unsettles not only the foundations of property and of labor, but of the public morals and public character. It demoralizes men, and thereby demoralizes all society. It creates fraud, gambling, intoxication, moral, mental, and physical, and thereby inflicts upon a people what is worse than war, pestilence, or famine. In the name of property, then, in the name of labor, in behalf of public morals, I invoke the Secretary of the Treasury, from my place upon the floor of this House, to curtail his expansion of the currency, to fund the public debt, no matter at what cost. He is not doing that by making money plenty, in order to have his ten-forties taken at five per cent. interest, because of some pledge that no more six per cents. shall be issued, to thereby keep up for these six per cents. their premiums. But time is precious for the Secretary. It is not too late for him even now to rescue his name and fame from the infamy of John Law or from the follies of the rebel Secretary Memminger, or, I was about to say, from the opprobrium of Nicholas Biddle, who handled, however, only the trifle of forty millions, while Mr. Chase and Memminger handle millions and billions and tril-

lions in paper money. Indeed, we are now traveling fast in the footsteps of Secretary Memminger, and if our resources were not infinitely greater than those of the South, if our means were not as a hundred to one of theirs, if our numbers were not infinitely greater, we should soon be driven into that gulf of repudiation into which Memminger himself is now plunging. Avoid it, then. Shrink back from this gulf of perdition, Mr. Secretary. Stand by precedent and principle, and remember there is no money but gold, and no source of property but labor.

The remedies proposed for this unhappy state of things by the honorable gentleman from Vermont [Mr. MORRILL] and by my colleague from New York [Mr. STEBBINS] is a heavier tariff, high enough to exclude importations; or, if not that, a great increase of duties to prohibit luxurious importations. If I understood my colleague from New York aright, he was for excluding everything in the way of foreign importations. He was for cutting off this whole source of our troubles and for shutting off the great mass of foreign commerce. Why, sir, that would be killing the goose which laid the golden egg. It is indispensably necessary for us to have a large foreign commerce, in order that we may collect duties in gold, because our only means of paying interest on the public debt is by receipts at the custom-house. The honorable gentleman from Vermont tells us that our annual expenditure in gold coin for interest on the public debt is $43,000,000. Well, we must collect $43,000,000 in gold; and in order to do that there must be no prohibitory duties. Customs must be paid. Importations must be encouraged. Commerce must go on and be sustained. Hence, in framing a tariff, true wisdom will consist not in leveling lines of duty at twenty-five or fifty per cent. as proposed yesterday, but in discriminations between certain duties and certain articles. Some articles may have the duties largely increased. On others the existing duties should be diminished. I do not wish the United States to adopt the system of the Chinese, or of the Japanese, (for the Chinese have given it up,) and shut ourselves up from all the other nations of the earth. But the whole system of paper money is vicious; we are moving in a circle of vicious necessity. We *must* import. We *must* buy foreign goods. We *must* buy silks and satins and laces and tapestries and carpets, because it is indispensably necessary to have $43,000,000 in coin collected therefrom, in order to have coin for the payment of our interest on the national debt. Hence it would almost seem as if we must make paper money at home to enable people to be rich enough to buy luxuries from abroad; and then when we start wrong we move in this circle of a vicious necessity. The curtailment of the currency, however, is indispensably necessary as a first check upon importations. And that is the only way to check too large importations. But while the Secretary of the Treasury has been expanding the currency, he or his friends seem amazed at the enormous amount of importations into the port of New York. They cannot comprehend it. Why, the explanation of it is all clearly in the $680,000,000 of his own paper currency. Just as you make money plenty in this country, to that, then, the dearest market in the world, will rush importations from the cheap markets of that world. The great cause of importations is the expansion of the currency; and the true way, I repeat, to check the enormous importation is to check the expansion of the currency.

I will not detain the House by showing what are statistical facts on this result, but it is worth while to look at the few brief records which I have before me, for the purpose of our own contemplation and instruction.

I hold in my hand a table of the imports of New York, from January 1, 1864, to April 1, 1864. In that period of time, the imports were:

In 1862	$46,538,566
In 1863	51,268,439
In 1864	63,369,701

In the same period of time the exports were:

In 1862	$32,599,740
In 1863	51,663,340
In 1864	38,969,225

That diminution in exports took place because in no small degree our people have turned speculators, not producers. Any one seems a blockhead now-a-days who lives in the country, raising potatoes and cabbages, when he can go to New York and make $20,000 or $30,000 in a day. Last Monday week I saw a long queue ranged around the New York custom-house waiting turns to buy gold certificates at 65, while gold was selling at 75. Laboring men quit work and assembled around the custom-house. They gathered there at three o'clock in the morning, but the police would not allow them to form a queue till six o'clock. Then they formed a queue, the strongest beating back the weakest. There they stood till the custom-house opened at ten o'clock. Brokers or their agents, going down there at eleven or twelve o'clock and seeing the small chance they had if they took their places behind of getting their gold certificates, looked about in the queue for men who looked as if they were not in great need of gold certificates, and induced them to yield their places for two or three hundred dollars. A man is a fool to handle a trip-hammer, or to dig or work, when he can go into Wall street and earn $300 by standing in a queue from three o'clock in the morning till twelve noon. That was one result of the plan adopted by the Secretary of the Treasury to make gold cheaper, while he kept on issuing paper, and the whole thing became so ridiculous that by general consent it was abandoned.

As I was about to say, the exportation was $38,969,225. Now look at the statistical results. Our imports are computed at gold value, while our exports are computed at the value of legal-tender notes. And the figures I have stated will produce this result.

The imports, gold value, from January 1, 1864, to April 1, 1864, were $63,679,701; while the exports for the same period, in gold value, were but about $25,000,000; so that the surplus imports from January 1, 1864, to April 1, 1864, were about $38,000,000. The imports for a single week prior to April 1, 1864, were $6,138,714, while the exports for the same period, gold value, were but about $2,000,000, paper value being $3,177,025; making a surplus of imports of some $4,000,000 over the exports for a single week into the port of New York.

And, sir, just as you expand the currency of the country, no matter what regulations you make in regard to gold, or ordinances you pass, no matter what tariffs you may impose, just as you expand the currency, the importations will increase. What cares the man who is making $30,000 a week what he pays, what tariff you impose upon the silks and satins that his wife may want to purchase? Nothing whatever. The duty may be two or three hundred per cent., and if his family wanted the silks and satins most unquestionably he would pay the duty. I dare say my friend who stayed in that queue of which I have spoken, and earned $300 by it in a single day, having never earned money so easily before, went to Stewart's and bought silks and satins for his wife and children, depositing it all for the benefit of the manufacturers of England and France. I say, then, Mr. Chairman, that these statistics impress upon my mind, and I think will impress upon the mind of the public, the fact that the source of all our difficulty is not in our importations, but in the expansion of our currency.

Mr. Chairman, I believe I will not trouble the House any longer with the narration of these statistics. My general ideas, I think I have impressed upon gentlemen, and I hope they will bear them in mind. I assure gentlemen on the other side of the House that I have no other object in presenting these views than the public good. Their fortune is my fortune; their misfortune is my misfortune. We are in the common ship of State, all going together. As I said in the outset, I know that I am only a passenger in that ship—a passenger confined in the cabin too. But I am sailing under the same flag to the same destiny that they are, and trust that God will prosper them in the voyage for the restoration of the unity and Constitution of our common country.

Permit me to do, then, what a Quaker of Massachusetts was driven to do when on board a privateer in the last war with Great Britain. He happened to be off the coast of Massachusetts on a privateer, going to some port in his own State, when they were attacked by a British privateer. He witnessed the mismanagement of the steering and the mismanagement of the guns until he could endure it no longer, and, Quaker as he was—a peace Democrat—and opposed to the war as he was, he broke the shackles of his principles, and leaping out upon deck he said to the captain: "If thee wants to take that British rascal thee must steer so and so, and shoot thy guns so. I am opposed to shooting, but if thee wants to take that ship thee must shoot thy guns so and so," [showing how.]

MESSAGE FROM THE SENATE.

The committee here informally rose; and the Speaker having resumed the Chair, a message was received from the Senate informing the House that the Senate have agreed to the amendment of the House of Representatives to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820.

Also, that the Senate have passed a bill (No. 38) to authorize the settlement of the accounts of A. Bush, late public printer of the Territory of Oregon; in which he was directed to ask the concurrence of the House.

The committee then resumed its session, and proceeded again to the consideration of the

INTERNAL REVENUE BILL.

Mr. BROOKS. Sir, I tell honorable gentlemen upon the other side of this House that if they would succeed they must follow principles and precedents in the conduct of the war. They must not be ever running in debt and never paying. Taxation is indispensably necessary, all men acknowledge. This tax bill ought to have been here in December last and not postponed till now, when its machinery can be brought to work only after the presidential election. It ought to have preceded all the appropriations. Nay, it should have been introduced and put in operation two years ago. With taxation will come reflection. Passion will subside, and reason will resume its sway. If we are to go on with the war we shall go on with it for constitutional purposes, and the administration of the Government will pass into the hands of constitutional men. But in the discussion of this subject of taxation and currency, I intend to refrain, as much as possible, from all party provocation. If I know my own heart, I am no mere party man, and my highest ambition is to serve my country independent of, and above all party. I happen to be adverse to the Republican party at this time; because, trained as I was in the schools of Clay and Webster, I cannot be a modern Republican without an utter abandonment of every great lesson they left or taught. Whenever the Republicans are ready to come over to the great principles of a Clay and a Webster, or to that Whig party with which I was so long identified, I shall be too happy to act once more with many an old, but now lost political friend. I stand now where I have stood in public life, more or less, for twenty-five years, upon great principles and precedents; and those principles and precedents leave me now no association but with the Democratic party. I shall stand there as long as they stand there, and I see little or no hope now for my country but in their restoration to power.

Mr. HUBBARD, of Connecticut. I want the gentleman from New York to state whether he is in favor of the passage or amendment or rejection of this tax bill.

Mr. BROOKS. I remember some years ago when I was in the Legislature of New York, there was presented a codification of the State laws, a huge book much bigger than this, [holding up the tax bill,] and we had to take it on faith in a lump. In all probability we shall have to take this, or the most of it, on trust and in a lump, for but few can get time even to read it, and I hope that there will be no misplaced confidence in the committee that reports it. I can assure the gentleman from Connecticut his friends will have no trouble from me in passing it.

Mr. KASSON. Mr. Chairman, however agreeable it would be to investigate the political and mental processes of the gentleman from New York [Mr. BROOKS] in his transitions from that Whig party which he now recommends to us, however important it would be to ascertain by what system of ratiocination as the Whig party declined in power he declined into the Know-Nothing party——

Mr. BROOKS. Will the gentleman permit me to interrupt him?

Mr. KASSON. Not now, as I have something more to say in the same direction.

However agreeable it would be, sir, to discover the process by which, when the Know-Nothing party declined in power, the gentleman declined from the Know-Nothing party, however agreeable it would be to ascertain the process by which he finds himself at this moment ranked among the Democrats of the country, and now making a defense of Irishmen, so different from his former political action, I do not propose to enter into it at this time.

Mr. BROOKS. I assure the honorable gentleman from Iowa that I never belonged to the Know-Nothing party in my life. Now, did not the gentleman belong to the Whig party?

Mr. KASSON. No, sir, I was never a Whig. I was raised a Jackson and Benton Democrat, and hold myself still a reliable exponent of their principles.

Mr. BROOKS. I want to say, Mr. Chairman, that I never belonged to the Know-Nothing party in my life. I was never in a Know-Nothing organization or lodge, in any form or shape whatever.

Mr. MORRILL. Is the discussion now going on in order?

Mr. BROOKS. It is not in order, but I did not start the disorder, and therefore permit me to explain.

Mr. MORRILL. I give notice that I propose strictly to confine the discussion to the bill now pending.

The CHAIRMAN. If the gentleman insists on his point of order, the Chair will decide that the present discussion is not in order.

Mr. MORRILL. I do not insist on my point of order at this time.

Mr. BROOKS. The honorable gentleman from Iowa is welcome to investigate Know-Nothing history. No one ought to know it better than the honorable gentleman from Maryland, [Mr. DAVIS, then sitting near Mr. KASSON.] That gentleman must know that I have never been a member of the Know-Nothing party.

Mr. KASSON. It has been my fortune to have derived my opinion on that subject from the New York Evening Express, a paper owned and edited mainly by the gentleman from New York, [Mr. BROOKS,] and that paper we all know was one of the most earnest advocates of the Know-Nothing party.

Mr. BROOKS. The gentleman has fallen into another error. At the time the Know-Nothing party was organized I was traveling in Europe or Asia. Indeed, I believe I was then in Jerusalem. [Laughter.]

Mr. KASSON. Mr. Chairman, I might perhaps say that it would be equally advantageous to the public interest if the distinguished and fluent gentleman from New York at this time were visiting the city of Jerusalem. But however agreeable it would be to inquire into the process by which the gentleman, fortunately or unfortunately, so frequently changes his political associates, I do not propose to enter into that discussion now.

Mr. BROOKS. Let me put myself right upon the record. First, I never became a Know Nothing; secondly, I was never in the Know-Nothing organization in any shape or form; and thirdly, when the paper with which I am connected began the advocacy of the Know-Nothing party I was in a strange land. If I had then been at home it is not improbable that my own opinions would have had weight in controlling the course of the paper, and that it would not then have been subject to the remarks of the honorable gentleman from Iowa.

Mr. KASSON. I give the gentleman the benefit of the fact of his absence, with his reservation that if he had been here personally he would have perhaps united with them; but being a "foreigner" at the time, I cannot hold him responsible for not being a Know Nothing.

Mr. BALDWIN, of Massachusetts. I would inquire of the Chair if this whole discussion, so far outside of the bill before the House, is not out of order?

The CHAIRMAN. The Chair decides that it is out of order.

Mr. KASSON. I rose for the purpose of stating what, if he had waited a moment, my friend from Massachusetts would have heard, that it is a matter of regret that the gentleman from Massachusetts, [Mr. HOOPER,] now absent, had not yielded to the gentleman from New York when he requested him to do so, that he might then have made the speech he has now made, which is evidently applicable to the bank bill, rather than to the tax bill which is now under discussion.

I wish to correct one remark the gentleman has made, in which he charges that the Secretary of the Treasury is "watering" the currency of the country, and that, too, when in New York city the currency of the United States is at a premium, as reported, of four per cent. over State notes—a fact which can only be reconciled with the theory that the existing volume of State currency is such as to diminish its value as to gold to a greater degree than that of Treasury notes.

Then, in reference to the charge that the Secretary has increased the circulation by the issue of five per cent. notes for circulation, it was well known to the whole country that those notes would temporarily circulate as legal tender; but when the interest should accumulate on them for some months, it was also known that they would begin to be hoarded, and that soon they would be withdrawn from circulation—a fact which will soon be evidenced by the actual state of the currency of the country.

There is another fact to which I wish to call the attention of the gentleman, and it is that at this moment and for several days, I think I may say weeks, the Treasury itself has been reserving the legal tenders received for the five-forty loan in its vaults, and has already relieved the country of millions of dollars of these legal tenders, while State issues swell the currency. So much for the charge that the Secretary of the Treasury is now engaged in "watering" the currency of the country and is actually inflating prices by his action.

And now, sir, the main object for which I rose was this: under the resolution passed by this House for adjourning, we have but thirty-six working days left if we adhere to that resolution and the Senate agree to it. The tax bill is now before the House, and the question is, shall we give our attention practically to the details of this measure of taxation demanded by the country and acknowledged by every gentleman upon this floor to be indispensable to the success of our financial system? If we are so disposed, let me call attention to the fact that a single one-hour speech from each member of this House would require in the total one hundred and eighty hours for their delivery alone. If you allow three speeches a day, of one hour each, in addition to the time required for the transaction of the indispensable business of the House, you will have sixty days of this session consumed by one such speech of each member, and will inevitably be carried far into midsummer before your adjournment.

Now, sir, under this state of facts, I appeal to gentlemen upon both sides of the House whether we can afford to bestow much more time upon these miscellaneous one-hour speeches, which do not relate specifically and pointedly to the business before the House. We certainly cannot, if we propose to adjourn at an early day.

Mr. WINDOM. How much of the gentleman's hour remains?

Mr. KASSON. I have never spoken half an hour at a time in this House, as the gentleman from Minnesota well knows; and I have never made a speech or remark which did not apply to the subject before the House, and I shall not now, all told, occupy ten minutes or so much if gentlemen like my friend from Minnesota will refrain from interrupting me.

This is the condition of business, and I desire to call the attention of the House to the fact that however interesting and able their speeches may be, they must withhold them, so far as they are upon general subjects, and cease to consume the time of the House in this manner, or we shall be obliged to continue in session very late in the coming summer.

Now, sir, I am ready for my part to proceed at once to the tax bill.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the internal revenue bill, and had come to no resolution thereon.

Mr. MORRILL moved that all general debate in Committee of the Whole on the state of the Union on the internal revenue bill should close within five minutes after its consideration shall have been resumed in committee.

The motion was agreed to.

REBEL SYMPATHIZERS IN THE WEST.

Mr. GARFIELD. Mr. Speaker, I desire the attention of the House for five minutes. When submitting some remarks in the House a few days ago in reply to the speech of my colleague [Mr. LONG] I made a very grave charge against some of the leaders of the Democratic party, alleging that they were in correspondence with rebels, and was called upon to produce the documents to which I referred. I take this occasion to do so. Before producing them, I wish to say a word in regard to them. It is a very grave matter for a member to rise in his place here and say that leading men of any party in the North are actually in correspondence with leaders in the rebel army. I made that statement, but not without a full knowledge of what I said. I have had opportunities for knowing of the existence of such correspondence—more, perhaps, than most other gentlemen here.

These letters came into my possession in the following manner: we had learned in the army of the Cumberland that some of our regiments were being corrupted, that attempts were being made by parties at home to induce them to desert. This had become so great an evil with some regiments from southern Indiana and southern Illinois that we sent several of our secret service men into those States to find out, if possible, who were engaged in this business. Among others was a young man who had resigned a commission, nearly a year before, in consequence of ill health. He consented to go to southern Indiana, believing he could not only find out these men but could get recommendations from prominent rebel sympathizers that would enable him to get through the lines into the rebel army. The result of this mission into Indiana was that he obtained two letters, the copies of which I now hold in my hand.

When the letters were brought to me, I immediately called some Indiana officers who knew the authors and were acquainted with their handwriting. It was necessary that the scout should take with him into the enemy's lines the original letters, which, being recognized by Breckinridge, would serve as passes. I therefore took exact copies of them, placing them under tissue paper and tracing them as accurately as possible, so as to preserve the characteristics of the handwriting. Out of regard to the young man himself, I have omitted his name, as its publication might bring him into trouble. He went through the lines, and immediately afterwards the campaign began, ending with the battle of Chickamauga, and I have never heard of him since. I will now ask that the letters be read at the Clerk's desk.

Mr. ELDRIDGE. I should like to ask the gentleman a question first.

Mr. GARFIELD. Let the letters be read first.

The letters were read, as follows:

GREENCASTLE, INDIANA, *July* 1, 1863.

DEAR SIR: I take this method of introducing to your favorable consideration Mr. —— ——, a resident of this place. Mr. —— wishes to enter the service of the South in some capacity, so that he can be of some assistance to your cause. I can safely recommend him to you as an energetic and faithful man in any capacity you may place him, and I know that he can be of valuable assistance to you. Mr. —— was for some time connected with the Union Army, but became disgusted with the party in power and resigned in consequence thereof. Any favor that may be shown him will, I am satisfied, never be betrayed.

I am, General, very respectfully, your obedient servant,

D. R. ECKELS.

General JOHN C. BRECKINRIDGE, *C. S. A.*

—

ROCKVILLE, INDIANA, *July* 14, 1863.

DEAR SIR: I take great pleasure in recommending to your favorable acquaintance the bearer, Mr. —— ——, of Greencastle, this State. He wishes to visit the South, and not be subjected to any danger from such a visit.

Mr. —— was connected with the Army for some months as a quartermaster of the —th Indiana volunteers, but resigned immediately after the evacuation of Corinth, Mississippi, by your forces, and has had no sympathy or connection with the Army since. Any duty he may agree to perform, you may rely upon it that it will be faithfully done. Any favor shown him will be reciprocated by me whenever any opportunity offers.

I am, General, yours, with much respect,

JOHN G. DAVIS.

Major General JOHN C. BRECKINRIDGE.

Mr. GARFIELD. The last letter bears the signature of a man who was a member of the Thirty-Second, Thirty-Third, Thirty-Fourth, and Thirty-Sixth Congresses, and the predecessor of the gentleman from the Terre Haute district, [Mr. VOORHEES.] The other was a judge in Utah under Buchanan, and is also a prominent Democratic politician in the same district. Both are the gentleman's [Mr. VOORHEES] constituents.

Mr. VOORHEES. Mr. Speaker, I do not rise to go into any extended notice of the letters that have just been read from the desk. I simply desire to call the attention of the House to the fact that these are not originals that are brought here. The originals must have been in the possession of the gentleman from Ohio when he obtained these copies, and it will be for the country to put the proper construction on the introduction of copies when the originals must have been once in his possession. Copying in the manner he has spoken of is no correct representation of handwriting.

But, Mr. Speaker, I rise to say one thing further. I will have nothing to say about these letters except what I know. And as I know nothing but what is known to everybody here, I will merely observe now that at the proper time I will again call the attention of the House to this matter.

My predecessor in office (Mr. Davis) is one of the most distinguished and excellent gentlemen in the State of Indiana, now prostrated upon a sick, and, perhaps, dying bed. He may never recover to be able to defend himself. I hope and trust he may. If he does, he is fully competent to that task. He is a brave, high-minded, chivalrous man, incapable of betraying a friend, and alike incapable of betraying his Government. I will stand by his word on this floor. Judge Eckels, of whom the gentleman from Ohio speaks as district judge, is not in office, and has not been for some years. He has been often honored in the past. He is a prominent politician in one of the counties I have the honor to represent, a man of talent, and a man of character. This matter will be brought to their attention, and perhaps I shall again bring it to the attention of the House. I might rise and denounce these letters as spurious and false.

Mr. GARFIELD. I wish the gentleman would, if he desires to.

Mr. VOORHEES. If I desired I should do so; but that not being consistent with my course of policy I shall not do so at this time. I shall treat this matter in a manner becoming myself, becoming the House, and becoming the gentleman from Ohio. That is all I desire to say at this time.

The hour of half past four having arrived, the House, in accordance with the order made yesterday, took a recess until seven o'clock, p. m.

EVENING SESSION.

The House reassembled at seven o'clock.

RAILROAD TO NEW YORK.

The SPEAKER stated the first business in order to be the consideration of a bill (H. R. No. 307) to declare certain roads military roads and post roads, and to regulate commerce, on which the gentleman from Ohio [Mr. PENDLETON] was entitled to the floor.

Mr. J. C. ALLEN. If there be no objection, I will move to postpone this bill until two weeks from to-day, after the morning hour.

Mr. WILSON. Before the vote is taken on that motion, I submit the following amendment in the nature of a substitute for the bill:

Strike out all after the enacting clause, and insert as follows:

That in the regulation of the commerce among the several States every railroad company in the United States whose road is operated by steam, he, and hereby is, authorized to transport freight and passengers from one State to another, anything in the laws of any States to the contrary notwithstanding.

There being no objection, the bill was then postponed until two weeks from to-day, after the morning hour.

SHIP CANALS.

The SPEAKER stated the business next in order to be the consideration of a bill (H. R. No. 322) to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes.

Mr. ARNOLD. I would like to ask the House to postpone the consideration of this bill. I desire to explain the provisions of this bill. I am not well this evening, and I would be glad if the House would postpone the consideration of this bill until to-morrow evening.

Mr. ELDRIDGE. Does the gentleman propose to press the bill to a vote at that time?

Mr. ARNOLD. Not at all. I do not propose to press the bill to a vote until after a reasonable amount of discussion.

Mr. STEVENS. Will that take the place of anything else that is the regular order of business to-morrow?

The SPEAKER. It would come up to-morrow in the morning hour the same as if the morning hour to-day had been occupied with its consideration.

Mr. STEVENS. I hope the postponement will be until Thursday evening.

Mr. ARNOLD. I will accept that modification.

The motion was agreed to, and the bill accordingly postponed.

TERRITORIAL PUBLIC BUILDINGS.

The SPEAKER stated the business next in order to be the consideration of House bill No. 342, making appropriations for public buildings in the Territories.

Mr. RICE, of Maine. I move that that bill be postponed until Friday evening of this week.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. STILES. I ask the unanimous consent of the House that leave of absence be granted to my colleague, Mr. STROUSE, for one week from to-day.

There was no objection, and leave was granted accordingly.

PUBLICATION OF SUPREME COURT DECISIONS.

Mr. WILSON. I ask the unanimous consent of the House to take from the Speaker's table and put on its passage Senate joint resolution No. 39, relating to the publication of the decisions of the Supreme Court of the United States for the December term, 1863.

Mr. HOLMAN. Mr. Speaker, not desiring to object, and yet desiring that the original law shall be complied with as far as possible, I ask the gentleman from Iowa why these reports cannot be published within six months? It is a matter of importance that these reports should be published at as early a moment as possible.

The resolution was read. It provides that so much of the act of Congress, approved August 29, 1842, as provides that the reporter of the decisions of the Supreme Court of the United States shall not be paid the compensation provided by the said act, unless he print and publish the decisions within six months after such decisions shall be made, shall not be held to apply to the decisions of the December term, 1863, the present reporter of the said court not having been appointed until near the close of the term; provided, however, that such decisions be published within one year from the passage of this resolution.

Mr. WILSON. The limitation has been placed upon the resolution by the Senate, and I understand that it is satisfactory to the court.

Mr. HOLMAN. The country is more interested in it than the court.

Mr. WILSON. It extends the time of publication for one year.

Mr. HOLMAN. I ask the gentleman to modify it so as to make the time six months.

Mr. WILSON. The present clerk was appointed late in the last term.

Mr. HOLMAN. I understand he was appointed in February last.

Mr. KELLEY. There is great difficulty in getting the work done because of the scarcity of printers. On a consideration of the matter the gentleman will find that the time is not too long.

Mr. HOLMAN. I move that the time be made six months instead of one year.

Mr. KELLEY. It is to his interest to publish the decisions as soon as possible.

Mr. WILSON. If the reporter can make the publication in less than one year he will do so.

Mr. HOLMAN. I insist on my amendment.

Mr. WILSON. I do not accept the amendment. The House can do as it pleases, but I hope that the amendment will not be adopted.

The House divided; and there were—ayes twenty-one, noes not counted.

Mr. HOLMAN withdrew his demand for a division.

The amendment was rejected.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

BRIDGE ACROSS THE OHIO.

Mr. ARNOLD, from the Committee on Roads and Canals, reported back House bill No. 320, supplementary to an act approved July 14, 1862, entitled "An act to establish certain post roads, and for other purposes," with an amendment.

The Clerk read the amendment, as follows:

Strike out the second section as follows:

SEC. 2. *And be it further enacted*, That the provisions of said act of Congress shall apply to the Maysville and Big Sandy, and Lexington and Big Sandy Railroad Companies, so far as practicable, and as fully as if here re-enacted, and shall authorize said companies, or either of them, to construct a bridge or bridges across said river at any points on the line of their roads.

And add to the first section these words:

Provided further, That such bridges and draws shall be so constructed as not to interrupt the navigation of the Ohio river.

Mr. ARNOLD. When the bill was up before there was objection to the second section. The Committee on Roads and Canals have stricken that out, and added a proviso that the bridges and draws shall not interfere with the navigation of the Ohio river. The bill now simply gives authority to construct a bridge at this place, so that vessels navigating the Ohio can pass.

I will not repeat what I said when the bill was before the House on a former occasion, in relation to the importance of this bridge connecting the States of Ohio and Indiana. Nor will I repeat what I said upon that occasion in reference to the military importance of a bridge connecting these railroads that meet each other upon the opposite banks of the Ohio river. I know the information is perfectly reliable that during the past two years the military operations in Kentucky, Tennessee, and northern Alabama, have been materially embarrassed for the want of this bridge. Great quantities of military stores have been there piled up upon the banks of the Ohio with no means of getting them to the Army in consequence of the delay and inconvenience of crossing for the want of that bridge.

As the bill will be framed after adopting the amendment recommended by the committee, I cannot conceive it will be obnoxious to the objection of any gentleman, unless gentlemen say that these great navigable streams shall not be bridged at all under any circumstances.

But I apprehend that in the present condition of the world, in the present condition of the railroads of the country, that is a proposition which will not be considered favorably by the House. The right to cross a river, and to have facilities for crossing a river, are as important as the right to navigate the river itself. The true principle of determining all these questions is, the greatest good to the greatest number. That should be done, and that is in substance the decision of the courts. Even ferry boats may obstruct the navigation of a river, for the time being, to steamers passing up and down. You cannot have two boats in the same position at the same time, and one must yield to the other. The true principle settled by the courts is that that shall be done which shall be for the greatest convenience of the greater number of people. I hope the House will adopt the amendment proposed by the committee.

Mr. MALLORY. I do not rise to say anything about this bill, after what has been said by the gentleman from Illinois, except that the reason for passing it ought to satisfy every member of this House. The provisions of this bill differ somewhat from the provisions of the general bill for bridging the Ohio, to which this bill is an amendment, and it differs only in one respect from the provisions of the general bill. The House may not be aware that a bill was passed in 1862 giving to every railroad company above the mouth

of the Big Sandy river the right to bridge the Ohio, under certain restrictions and regulations contained in the bill. In building this bridge at the falls of the Ohio, which is below the mouth of the Big Sandy, we found that we could not submit to the provisions of that bill, because the ground upon both sides of the river at Louisville makes it very difficult to build a bridge as high as bridges are required to be above the mouth of the Big Sandy. The land on either side is not high enough to allow a bridge to be constructed more than ten feet above high-water mark. Instead of having the bridge built so high, I provided that draws should be constructed at each of the chutes and over the canal wide enough to admit the passage of the largest boats navigating the river. I think that a bridge built in that manner instead of being an obstruction to the navigation of the Ohio may be called an aid to the navigation, because the draws act as buoys, and indicate to approaching boats the heads of the chutes through which they have to pass in going over the falls. The only impediment it could possibly be would be that which might sometimes arise out of the necessity of waiting until the draws could be opened.

I propose, unless some gentleman wishes to make some inquiry or remarks, to call the previous question upon the passage of the bill.

Mr. PENDLETON. I would like to inquire of the gentleman from Kentucky why the bill provides that two hundred and sixty feet is the smallest length at which these draws shall be constructed? Now, the act to which reference is had in this bill provides that there shall not be a draw of less than three hundred feet in width.

Mr. MALLORY. I am willing the bill shall be so amended as to require the draws to be not less than three hundred feet in width.

Mr. ARNOLD. If there be no objection I will accept that amendment.

There was no objection.

Mr. PENDLETON. I would suggest that the bill would be more acceptable to me if the gentleman would accept an amendment striking out the whole proviso.

Mr. MALLORY. I could not do that of course.

Mr. PENDLETON. This bill provides that this bridge may be built ten feet above high-water mark, and in that respect differs from every bridge that has been authorized to be built over the Ohio river. The gentleman from Kentucky explained that this difference was made necessary by the character of the country in the neighborhood, which would not permit the construction of the bridge at the usual elevation.

Now, sir, I submit that this is a question of navigation of the river and not of the adjacent country.

I imagine that it is easy enough at a little additional expense and with a little more trouble to build a bridge as high as may be necessary not to interrupt the free navigation of the river. I understand there is no difficulty in building an embankment a sufficient distance from the river to make a proper grade for a bridge the usual height. If it be necessary, in order to secure the uninterrupted navigation of the Ohio river, to require that other bridges shall be at least seventy feet above low-water mark, I know of no reason why the same requisition should not be insisted on in this case.

The gentleman from Kentucky is of course aware of the difficulty there is at any time in the navigation of the Ohio at this point. At low water there is no navigation, and at high water the navigation is dangerous and difficult. If, therefore, a bridge be built at this point just above the surface of the channel or at any altitude less than that which has been found necessary in the case of other bridges, it will be found, I apprehend, a very material obstruction to the free navigation of the river.

The idea of the gentleman from Kentucky that the bridge will be an improvement to the navigation rather than an obstruction, by directing the boats to the channel, was sufficiently answered by the gentleman from Illinois the other day in another case, when he said that the pier of a bridge had been found to be a very serious obstruction to navigation. So I apprehend it will be found to be in this instance, at least unless great care is taken in building this bridge. I would like to ask the gentleman whether he has the report of any scientific man to the effect that the construction of this bridge as is now proposed would not impede navigation.

Mr. ARNOLD. I will state to the gentleman that one of the most experienced steamboat men on the Ohio, to whom I read the bill, gave his opinion as an expert, that a bridge built in the manner provided by this bill would not at all impede the navigation of that river. But that question, I apprehend, is settled by the proviso which makes a condition that the bridge shall not be so built as to interfere with the navigation of the river, so that if it should appear hereafter that it does interfere with the navigation of the river, the courts will order it to be torn down. The courts would not allow such a structure to remain, because Congress will have prohibited its being built in such manner as to interfere with navigation. This proviso, I think, constitutes a complete guard against the difficulty the gentleman fears.

Mr. PENDLETON. The courts might order it to be torn down, unless Congress should declare it to be a post road or something of that sort; and there seems to be a great disposition upon the part of Congress to do such things. The gentleman will remember that we have had a railroad bill in this House now for sometime.

Mr. MOORHEAD sought the floor.

Mr. PENDLETON. I yield with great pleasure to the gentleman from Pittsburg.

Mr. MALLORY. I think when the gentleman yields the floor he will yield it to me, as the gentleman himself holds it by my courtesy.

Mr. PENDLETON. The gentleman yielded to me, but yielded unconditionally, as I understood him.

Mr. MALLORY. Not at all. I still retain the floor, but I will cheerfully yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I desired to ask the gentleman from Illinois a question. The gentleman gave the authority of a steamboat man, who is an expert, that a bridge with those draws would not be an obstruction to navigation. Such a man would be regarded as a curiosity almost any where in the West. I know of no steamboat man who does not believe that a bridge constructed ten, thirty, forty, or fifty feet above high-water mark would be an obstruction to navigation, and a bridge only ten feet above high-water mark would not only be an obstruction but a destruction to navigation. I desire, therefore, to ask the gentleman the name of his authority.

Mr. ARNOLD. His name is Russell Blakely, and I understand he is an old boatman upon the Ohio river.

Mr. MOORHEAD. I hope that the House will consider this question maturely and not permit the navigation of the Ohio river to be interfered with, as would be the case if the bill be passed in its present shape. I do not want to prevent the crossing of the Ohio river by bridges where they are necessary; but I do not want them so constructed that they will interfere with the navigation of the river. It is not impossible to do that by building them high enough, and I say that it is better to do that than to destroy the navigation of the river.

Mr. MALLORY. I have to say in reply to the gentleman from Ohio [Mr. PENDLETON] and the gentleman from Pennsylvania [Mr. MOORHEAD] that I have already explained how this bridge would be constructed, and would be required to be constructed. It is not proposed that the bridge shall impede the navigation of the Ohio river at all, nor is it proposed that the boats shall pass under the bridge, but through the draws when the river is high enough for them to pass over the falls, and through the canal when the water is too low in the river for the navigation of the falls. The draws are to be constructed at the head of two chutes, and there is only one chute through which boats can be passed except under extraordinary circumstances. These draws are to be large enough for the passage of the largest boats; and as I have said before, the draws will be an index to the boatmen as to where the chute is by which they shall pass over the falls. I will say to the House that the great difficulty in navigating the falls of the Ohio consists in the pilots not knowing exactly where the chute is by which they can pass over the falls. These draws will act as buoys, and to that extent, instead of being an obstruction will be an aid to the navigation of the river. There is no question on that point at all.

Mr. MOORHEAD. The gentleman from Kentucky says that this bridge will cross at the falls of the Ohio river, where the navigation is difficult. We all know that who know anything about the river. Now, suppose a case: a boat is passing down the river at the time of high water where the draw shows the chute to be, and at that instant a train of cars comes along and wants to use the bridge. The boat is in the midst of the chute and cannot turn back. Here then destruction is evident to the boat or the bridge or the train of cars. Recent events have shown that these draws are nothing better than "man-traps," and it is proposed to have a bridge across the Ohio river with three draws or three traps for the destruction of life and property. I hope, sir, that we will do everything to prevent any repetition of the Norwalk disaster.

The Supreme Court of the United States has decided that these bridges should be ninety feet above high-water mark, after the longest trial and the taking of more testimony than was ever taken in any other case.

Mr. MALLORY. I have not yielded to the gentleman from Pennsylvania to make a speech.

Mr. MOORHEAD. If we are to be choked off from argument, I hope that the House will choke down the bill.

Mr. MALLORY. I do not think that the gentleman can be choked at all. I do not think that his voice can be stopped, as I have experience to know.

Mr. HOLMAN rose

Mr. MALLORY. I will yield to the gentleman presently.

The gentleman from Pennsylvania supposes a case of a train going over the bridge and plunging down into the river. We do not propose to provide against all possible cases to be suggested by the imaginative gentleman. Because a train is plunged into the river by running at an immense speed, shall all railroads be obliterated? I take it that arrangement will be made by the managers of the railroads and the keepers of the draws which will provide against the *probable* occurrence of such accidents as the gentleman imagines. Human precaution cannot provide *absolutely* against such accidents.

The gentleman from Pennsylvania [Mr. MOORHEAD] speaks of piers somewhere existing, against which the flatboats of Pennsylvania run. Well, that cannot be the case here. Even if it be true that these flatboats would strike one of these piers, it is true that if the piers were not there they would run against the rocks upon which the piers are to be constructed. In the fact that these piers show where the chutes are, we find the ground for the assertion that they act as buoys in the manner I have mentioned.

The gentleman from Ohio [Mr. PENDLETON] inquires why we do not build this bridge as high as the other bridges which cross the Ohio, ninety feet high, which the gentleman from Pennsylvania says the courts have decided shall be their height. If that is the decision of the courts, the gentleman from Pennsylvania can abate that bridge after it is made, or by injunction prevent our proceeding with its construction. Then why fight so persistently our effort to get through a bill which the people of Pittsburg can wipe out in a moment?

The gentleman from Ohio says the bridge should be built as high as the other bridges, and asks me why it is not. The gentleman from Pennsylvania says it may cost a little more to build the abutments to make the bridge high. Let me tell gentlemen we would have to go several miles back into Kentucky to commence these abutments on which to construct a railroad bridge one hundred feet high over the Ohio at the falls. The land on the Kentucky side is low, and it continues low a mile back from the city of Louisville. After that it begins to descend in a contrary direction from the Ohio river, and the waters fall into Salt river in that direction, and engineers, who probably know as much about these matters as the distinguished gentleman from Pennsylvania, say it is very difficult to support a bridge so as to give it the proper elevation and not have the plane too much inclined to suit the purposes of railroad travel. For that reason I have avoided the requirements of the original bill in that respect—and I think the reason will be satisfactory to the House—and have provided that draws shall be built.

Mr. STEVENS. If I understand the bill, by hearing it read, its provisions apply to other bridges besides this one at the falls.

Mr. MALLORY. No, sir; not one. The second section has been stricken out.

Mr. HOLMAN. I wish to call the attention of the gentleman from Kentucky to the special language made use of in the fourth amendment. The language is "interrupt navigation." The location of the bridge is, of course, not designated in the act. It may be constructed above or below a given point. The location will depend upon the interest of the company; upon the eligibility of the site, and not upon the state of the river. The word "interrupt" is too indefinite to be used in such an act. It seems to me that some word should be used which would go further, and make the company liable for any damages which may grow out of the construction of this bridge. I suggest, therefore, if the gentleman is right in the theory that the navigation is not to be injured by the structure at all, that a term be made use of strong enough to convey the idea that the navigation of the stream is not to be impaired. I would insert after the word "interrupt," the words "or in any wise impair the navigation."

Mr. MALLORY. Suppose a boat were required to wait until the draw could be opened, that would be to that extent an obstruction of the navigation of the Ohio. I do not know what the word "impair" would be construed to mean. I think "interrupt" is sufficiently definite.

Mr. HOLMAN. I will move, with the permission of the gentleman from Kentucky, to amend by inserting after the word "interrupt" the words "or impair."

Mr. MALLORY. I do not feel inclined to yield for that amendment.

Mr. MOORHEAD. Was the previous question called?

Mr. MALLORY. No, sir; but I have the floor.

Mr. MOORHEAD. Is it in order to move an amendment?

The SPEAKER. Only by consent of the gentleman from Kentucky.

Mr. MOORHEAD. I would like to offer an amendment.

Mr. MALLORY. What amendment?

Mr. MOORHEAD. I would propose to strike out "ten" and insert "sixty," and to strike out the draws—these man-traps.

Mr. MALLORY. I have explained to the House the reasons why I cannot accept that amendment.

Mr. MOORHEAD. Then I hope the House will vote down the bill.

Mr. MALLORY. Unless other gentlemen wish to make further remarks, I call the previous question upon the passage of the bill.

Mr. PENDLETON. I desire to know of the gentleman from Kentucky the meaning of the words contained in line seven in brackets "stockholders in the Louisville Bridge Company." Do those two roads own the whole stock of the bridge company?

Mr. MALLORY. I think they do.

The previous question was seconded, and the main question ordered to be put.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MOORHEAD demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. MALLORY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

IDAHO WAGON ROADS.

Mr. ARNOLD, from the Committee on Roads and Canals, reported back House bill No. 323 for the construction of certain wagon roads in the Territory of Idaho, and moved that it be postponed for ten days and ordered to be printed.

The motion was agreed to.

MISSISSIPPI RIVER IMPROVEMENTS.

Mr. ALLISON, from the same committee, reported a bill for the construction of a canal for the improvement of the upper rapids and the lower Des Moines rapids of the Mississippi river; which was read a first and second time.

Mr. ALLISON. I move that the bill be postponed for two weeks, and be ordered to be printed.

The motion was agreed to.

PUBLIC LAND BUSINESS.

Mr. DRIGGS. I ask the unanimous consent of the House that Monday night next be set apart for the business of the Committee on Public Lands.

Mr. HOLMAN. I suggest to the gentleman from Michigan that these night sessions are only during the consideration of the tax bill, and that possibly that may be disposed of before the time mentioned by the gentleman is reached.

Mr. DRIGGS. We are willing to take our chances for that.

There being no objection, the proposition was agreed to.

WAR INVESTIGATING COMMITTEE EXPENSES.

Mr. STEVENS. I ask the unanimous consent of the House to report back from the Committee of Ways and Means the Senate joint resolution (No. 37) for the payment of the expenses incurred by the committee on the conduct of the war.

Mr. VOORHEES. I object.

THE OLD HOUSE HALL.

Mr. RICE, of Maine, by unanimous consent, from the Committee on Public Buildings and Grounds, reported a joint resolution setting apart the old Hall of the House of Representatives as a hall of statuary; which was read a first and second time.

The joint resolution was read. It provides that inasmuch as the old Hall of the House of Representatives is now worse than uselessly occupied, and must remain a thoroughfare between the two wings of the Capitol, that the President be authorized to invite each of the States to provide and furnish statues in marble or bronze, not exceeding two in number each, of men who have been citizens thereof, illustrious in their historical renown or distinguished for their civic or military services, such as each State shall determine are worthy of national remembrance; and that the said Hall be set apart for the reception of such statuary. The resolution also sets apart $24,000 of the funds which have been, or shall hereafter be, appropriated for the Capitol extension, to be used in fitting up the Hall for that purpose.

Mr. RICE, of Maine. I send a letter to the Clerk's desk, and ask that it may be read.

The Clerk read the letter, as follows:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
WASHINGTON, D. C., *January* 13, 1864.

SIR: I have estimated the cost of taking up the present floor of the old Hall of Representatives, removing the flagstone pavement, laying a new floor, like that of the Congressional Library, or of the Senate vestibule, and the putting up of an iron railing six feet high to form a passage through the Hall, and I find that these improvements will amount to $24,000.

The resolution provides for a "bronze railing." I suppose, however, that an iron railing, painted in imitation of bronze, is intended, and I have so estimated it. Such a railing, composed of bronze, at the present price of copper, would cost about five thousand dollars more than it would if made of iron as suggested.

Very respectfully, your obedient servant,

THOMAS U. WALTER,
Architect United States Capitol Extension, &c.

Hon. JOHN H. RICE, *Chairman of Committee on Public Buildings and Grounds.*

Mr. HOLMAN. I rise to a question of order. I understand that resolution to make an appropriation, and that it must therefore go to the Committee of the Whole.

Mr. RICE, of Maine. The resolution makes no appropriation, but merely provides how a portion of an appropriation already made shall be used.

The SPEAKER. The Chair so understands it, and therefore overrules the question of order.

Mr. MORRILL. Mr. Speaker, as I had the honor to introduce this proposition, I desire to occupy the attention of the House for a moment. The expansion of our country from the old thirteen to thirty-six States imposed upon us the burden as well as the privilege of building and extending a structure for the accommodation of the legislative branches of the Government and appropriate for the Capitol of the foremost Republic of the world. This work is now approaching completion. Even a war waged by rebels for the destruction of the Government has not retarded its progress for a single day. The old Senate Chamber has been already fittingly devoted to the use of the Supreme Court. The old Hall of the House of Representatives, empty and deserted, remains an unappropriated waste, and as it now appears—draped in cobwebs, and carpeted with dust, tobacco and apple pomace—a conspicuous nuisance.

Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—

"Nature formed but one,
And broke the die in molding;"

its democratic simplicity and grandeur of style, and its wealth of association with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.

It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration, and new incentives

"To scorn delights and live laborious days;"

and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.

The suffrages of no State will fail to be honestly and fairly bestowed, for no local shams will be intruded where the judgment of the world is sure to be challenged, and where partisanship loses its current value. We may reasonably expect that the State contributions, without charge to the national Government, will speedily furnish here in the Capitol of the nation a collection of statuary that will reflect honor upon the illustrious dead, upon the Republic found to be neither ungrateful to its distinguished sons nor unmindful of its obligations; and incidentally, it may be hoped, there will be brought forth worthy monuments to the genius of the artists of the country who will vie with each other for distinction in the execution of the various works which may be required.

The extension of the Capitol has added so much space to existing accommodations, that the old Hall is not required as a warehouse or for committee-rooms, and it is impossible to divide and distribute it, if it were so required, in any manner that will be satisfactory, or that will not disclose an awkward, ill-begotten, ill-born, second-handed purpose, while if it shall be left whole and unmutilated as it now is, and only decorated, as now proposed, with works of art, it will appear as imposing and perfect as though the idea sprung from the brain of the architect at the foundation of the Capitol.

The proposition now before us is approved of by the Superintendent of Public Buildings, (Mr. French,) and also, after thorough scrutiny of all other plans, by the present accomplished architect of the Capitol extension, (Mr. Walter.) I have yet to hear the first objection to the proposition.

All the work required at present is a new floor and a suitable bronze or iron railing for the passage way. At some future period the gallery may have to be removed, but, as it was an excrescence at the start, or an after-thought, not put up until the Hall had been completed, there will be no obstacle to its removal or its remodeling, as future convenience may require.

Before the Hall can have a suitable light for

statuary a new roof with more light will be necessary; but as the present roof is a wooden one, constructed almost entirely of combustible materials, already decaying, a new fire-proof roof will doubtless ere long be required, whatever may be done with the Hall. This can, however, be postponed as long as it may be wise or safe to do so, and until the proper time, and then the cost will be no greater to have it adapted to the object now proposed than to any other.

We have a large amount of excellent marble of various descriptions lying about, not required for the completion of the Capitol, and therefore otherwise useless, which can be used for the floor at this time at less expense than it will ever again be possible to obtain it, and besides, we have the machinery now ready to cut and finish it, provided it shall be so determined.

I understand, also, that it has been proposed to remove the high bronze railing now in the Library for a smaller-sized railing, and if so, and it should be found appropriate, as I do not think it will be, that might be taken to serve as a railing for the central passage proposed through the Hall. Under any circumstances, whether the new materials or those on hand shall be found most available, the expense cannot be large, and hardly more than or different from what a prudent proprietor would expend for the mere preservation of the premises.

While the times demand of us the sternest economy, I know of no object to which so small a sum can be devoted with purer or more exalted motives, and none more likely to be cordially greeted by the patriotic heart of the nation.

But it is not proposed to add a dollar to our appropriations. It is merely proposed to set apart a small portion of the funds ($500,000 recently voted by the House) for the completion of the Capitol, and the whole object will be accomplished. That fund is very large, and I think no one will object to the disposal of so small a portion of it in the manner indicated.

Mr. RICE, of Maine. I did design to make some remarks upon this joint resolution, but as the morning hour is just expired, and as I am desirous of disposing of the matter this evening, I will not take up the time of the House, but demand the previous question on the engrossment of the joint resolution.

The previous question was seconded, and the main question ordered to be put.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed—ayes 87, noes 20.

Mr. RICE, of Maine, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. COBB, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; which were thereupon signed by the Speaker:

An act (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862;

An act (H. R. No. 301) to amend an act for enrolling and calling out the national forces so as to increase the rank, pay, and emoluments of the Provost Marshal General; and

An act (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie.

THE REBEL STATES.

The morning hour having expired, the House resumed the consideration of the bill relative to the reorganization of the rebel States, on which the gentleman from Illinois [Mr. J. C. ALLEN] was entitled to the floor.

Mr. J. C. ALLEN. Mr. Speaker, as a member of the committee on the rebellious States, differing with the majority as to the propriety of the legislation proposed by this bill, as well as to the power of Congress over many of the questions it involves, I ask the indulgence of the House while I present some of the reasons that induce me to withhold from it my support. The mode by which it proposes to institute State governments is new. The power it proposes Congress shall exercise is, in my judgment, not conferred by the Constitution and cannot be exercised except in derogation of the rights of the States and of the people. It is the offspring of a revolutionary spirit now pervading to some extent the country, and manifesting itself to an alarming degree in the executive and legislative departments of the Government, presaging to ours the fate of the republics of history, where civil liberty was lost in the usurpation and centralization of power.

The signs of the times are portentous. Our political fabric is stirred to its center. Ambition, civil war, taxation, and national bankruptcy are all testing at the same time the power and strength of our system; and the friends of free government everywhere are anxiously waiting for the hour when they can rejoice in its triumph or must weep over its downfall.

In this hour of tempest and darkness, I fear to launch out upon unknown and untried seas. I prefer to keep close to the landmarks and follow the charts laid down by the fathers, whose experience and wisdom enabled them to point out the Scylla and Charybdis which may wreck our vessel of State, laden with all our national hopes.

Educated in the school of revolution, having eaten its bitter fruits and drank its poisonous cup, they have left us their wisdom, embodied in the Constitution, as a rule for our government, in war no less than in peace.

We have been unmindful of the lessons they inculcated, we have not heeded their warnings, we have become unfaithful to this rule of government; hence our present peril. Our safety for the future depends, not upon new and untried experiments dictated by the prejudices and passions of the hour, but upon a rigid adherence to the letter and spirit of the Constitution as the great fundamental law of the Government, looking to an administration of the same upon its principles and by its rules, as the only mode by which we can bring order out of confusion, protect and perpetuate the civil liberty of the citizen, and restore the States to Union and peace.

I shall not stop to inquire who is to blame for our present difficulties, whether the sin rests upon fanaticism at the North or a spirit of rebellion at the South. If I were to do so, I would probably find much to condemn in both sections. My earnest desire is to see the Union restored, the supremacy of the Constitution and laws vindicated, at the earliest practicable moment, with the least possible expenditure of life and treasure, and the least possible detriment to the material interests of the States. Already an ocean of blood has been shed, a half million of lives have been sacrificed to the fell spirit of discord. Billions of treasure have been wasted. I would not add one more drop to that ocean, one more pang to the distress, one more body to the hecatomb, than was necessary. I have no sympathy with a man who, led on by the madness of fanaticism and love of strife, can press forward over homes made desolate, governments destroyed, over fields of carnage and States laid waste by fire and sword, and laugh "at chaos come again," or for him whose love of power, whose thirst for dominion, or whose desire for revenge, would lead him one step beyond the point where Union and peace could be attained. And our legislation here and our operations in the field should be directed to this great end.

How that end can be best accomplished is a question about which gentlemen may honestly differ, for the human mind is so differently organized that men in starting out from the same premises often arrive at different conclusions. And it would be strange indeed if men who start out from different standpoints should find their conclusions in accord.

To determine whether the plan proposed in this bill is one that will accomplish the purpose sought, we ought first to determine what relation these rebellious States and the citizens thereof bear to the Federal Government, for we are not prepared to vote understandingly upon this bill or to judge correctly what these States need until we have settled this question in our own minds. Judging from the debates of this session there is great contrariety of opinion upon the subject. I propose to give my own view of that relation, and from it deduce the reasons upon which my opposition to the bill is based.

Are they States in the Union, or have they ceased to be States in the Union and are their citizens to be regarded as citizens of foreign States? If out of the Union, when did they get out and how did they become foreign States? By resisting the authority of the United States with force? Surely not. They could not thus cut asunder the ligaments that bound them to the Federal Government and release themselves from the obligations and duties which they owed to it, unless this resistance had been carried to a point where the Government had given its consent to a separation, the point at which all revolutions become successful. It will not be contended by the friends of this bill that that point has been reached. Then if they have not thus hewn their way out of the Union to the position of foreign States, how else could they get out? There is but one other way, and that is by their acts or rather ordinances of secession. If they could go out by act of secession without consent of the Federal Government, then they are out, and they are foreign States, and their citizens owe obedience and allegiance to another Government.

Then, the war we have been waging against them is not a war to vindicate the supremacy of the Constitution and the laws of the Federal Government, but a war of conquest for the subjugation of a foreign people. If they became foreign States by the act of secession, then they had a right to secede. If they had no right under the Constitution and laws to secede, then their ordinances of secession were void, and they are yet States in the Union, and the allegiance and obedience of their citizens are due to the Federal Government, in all that the Federal Government has a right to demand.

If I believed these States were out of the Union, were foreign States, I would regard this war upon them as a sin in the sight of God and men, since its purpose then could only be revenge or plunder. We would have no more right to wage a war for their conquest than we would have to wage war upon the Canadas or any other foreign Power. If they were out of the Union and foreign States by act of secession, peaceful negotiation was the mode that Christianity and civilization would point out, and war only the last resort, when all other means of settling disputed questions should have failed. But they were not regarded by the Government as out of the Union. The President and Congress did not so regard them. The people, when they rallied under the call for troops, rallied under a belief that the war was a war to maintain the Union, to vindicate the supremacy of the laws over men and States in rebellion against rightful authority. It is true we treat their citizens, when captured with arms in their hands, as prisoners of war, entitled to the rights that pertain to belligerents under the usages of war; but we do this, not because we regard them as citizens or soldiers of a foreign Government, but because humanity and the interest of our own soldiers captured by them require that we should thus treat them. Hence cartels for exchange of prisoners are agreed upon, &c.

It has therefore been regarded as a civil war waged between two powerful parties, the one endeavoring to enforce and the other to resist the authority of a Government to which the allegiance and obedience of both are alike due.

Is this bill then adapted to the condition of these States, and can we, under our power derived from the Constitution, rightfully do what the bill proposes? I do not believe the measure will tend to restore peace and promote Union, but rather increase the distrust and discord. I am satisfied that a large portion of the citizens of the rebellious States were induced to consent to secession under a fear that their rights under the Constitution, while the Government was in the hands of the present party in power, would be insecure; that the power and influence of the Government would be used to their injury and their humiliation. Nor was it strange that such a fear should exist, for they had been taught by Washington, Jefferson, Jackson, Clay, Webster, Fillmore, and others that this Government would not be able to withstand the effect of a party in power organized upon a sectional idea and bounded by geographical lines. Believing this, they took the step that has proved so disastrous to them and to us.

Say you this fear did not justify rebellion? I

admit it. It was their duty to have remained in the Union and aided in averting the evil they feared, and I do not allude to it for the purpose of apologizing for them. But if we desire their return to allegiance we must take such course as will be calculated to remove such an apprehension. It would be unreasonable to suppose that a measure actually accomplishing what they feared would induce their return. The fear was the inequality of rights of their States in the Union, and that the rights of their citizens would be infringed by the party then about to assume the reins of government. It is not my purpose to inquire whether this fear was well founded. It is sufficient for the purpose of this argument that it existed, and that it prompted them to attempt secession.

This bill is based upon the supposition that the time will come when these people will be willing to return to allegiance and duty. But it contains provisions which destroy the equality of these States and curtail the rights of their citizens. I know gentlemen are ready to answer that these people have forfeited the protection which the Constitution gives to the law-abiding citizen and have no right to claim the protection of the Constitution. I answer, they have rendered themselves amenable to the penalties prescribed by the Constitution and laws by their rebellion, and it will remain with the Government to say how far these penalties may be inflicted upon them when again brought within their reach; but you can only inflict penalties on individuals. You cannot, and ought not if you could, to fix the badge of inequality upon the States, for I assume if these States are not entitled to equality of right in the sisterhood of States then they ought not to be in the sisterhood. This is the theory of our Constitution and has ever been the practice of the Government. No plan for the reorganization of these States will be successful that does not keep this fact in view. Their reorganization on any other basis will only be effected by force, and their people will only yield such obedience to the Government as is exacted by force.

The President's plan, as set forth in his amnesty proclamation of December last, is subject to the same objection. The House will pardon me if for a moment I wander from my argument upon this bill to pay a passing notice to that proclamation, although it may be deemed a work of supererogation to discuss a document of such unlimited pretension that has so soon fallen into such general contempt. In regard to it, I agree with much that was said by the gentleman from Maryland, [Mr. DAVIS,] that it is not worth the paper upon which it is written; that the President possessed no constitutional power to enforce it; that it is a dead letter except in the presence of the Army. That it was intended to increase the President's power on the floor of the House and of the Senate, and more particularly in the electoral college, are facts too palpable to be successfully controverted. I know that the President's right to issue and enforce it is defended by some upon the ground that in time of war the President as Commander-in-Chief may do what in his judgment may seem meet; that in war he is released from constitutional restraints, and that the constitutional rights of the citizens as well as of States may be disregarded by him; that under his war power he can suspend such provisions of the Constitution as stand in the way of the accomplishment of his plans, leaving to him to be the exclusive judge of its necessity; and in this proclamation he claims the right to dictate to the States what shall and what shall not be in their State constitutions; what laws shall and what laws shall not be upon their statute-books; who shall be and who shall not be entitled to the elective franchise; when Representatives and Senators shall be entitled to seats upon this floor and in the Senate, and when the States shall be represented in the electoral college. I need not say that such powers are not only dangerous to civil liberty, but that their exercise is military usurpation. If he can in time of war suspend one portion of the Constitution under the pretext of military necessity, he can suspend the whole instrument, and make his power not only absolute but perpetual; he can suspend that provision of the Constitution which authorizes the people to elect his successor in November next, and install him into office on the 4th of March following; he can issue his mandate and disperse the two Houses of Congress; he can send his posse into your court-rooms and drive the judges from the bench. All these things he can do if he has power to do any one of them, and he has the same right to do any or all of them that he has to dictate to a State what its State constitution shall or shall not contain. What power the President possesses, either in peace or in war, he derives from the Constitution. Whatever powers he exercises must be exercised in pursuance of its warrant, and when he steps beyond the power conferred by that instrument he becomes to that extent a usurper.

Can it be supposed that our fathers, emerging from a baptism of blood shed in resisting the usurpations of George III, would have given us a Government and called it a free Government, a republic, in which the President, a mere servant of the people, could, by involving the country in war, become as absolute in his power as any despot upon a throne? Such a construction would make the Constitution contain the seeds of its own destruction. The doctrine is the offspring of a spirit of revolution; its aim is the overthrow of constitutional government, and its end the annihilation of civil liberty.

But to come back to a consideration of this bill. It purports to be "a bill to guaranty to certain States, whose governments have been usurped or overthrown, a republican form of government." It proposes to authorize the President to appoint a provisional governor for each of these States, "and that as soon as military resistance to the United States shall be suppressed and the people thereof sufficiently return to their allegiance to the laws of the United States," the governors thus appointed, through the marshals and their deputies, shall enroll the citizens of those States, requiring those thus enrolled to take an oath to support the Constitution of the United States; and that if a number equal to one tenth of those enrolled shall take such oath, then the governor shall issue his proclamation calling a State convention to adopt a State constitution, and fixing the number of delegates and places of voting, &c.

I have given the substance of the first three sections of the bill. This bill in some respects is an improvement upon the President's plan of reconstruction. It preserves the geographical boundaries of the States, and would prevent the division of one of these States into two or more States. It also in a subsequent section provides that Congress shall determine when they have sufficiently reformed their State governments as to entitle them to a representation upon this floor and in the Senate. It vindicates, to this extent, the dignity and power of Congress over these questions, but at the same time it is obnoxious to serious objections, some of which are embraced in the President's plan. One of the most prominent is that it carries out a feature in the President's plan which enables one tenth of the citizens to make constitutions and laws for the government of the other nine tenths.

The President would have created a sort of order of nobility, the patent whereof he proposed to bestow, not for eminent service to the State or upon the field, or for valuable discoveries, which is usual in Governments where these orders are created, but on account of their sycophancy, in taking an oath to support and maintain the President's proclamations as coming within his prerogative and power. This bill proposes to confer the same dignity upon one tenth, but for a different reason; but it is no less objectionable in principle.

This bill is based upon the idea that these are yet States in the Union with the State governments usurped or overthrown. What then is necessary to be done to restore rightful rule within their limits? They have the same constitutions and the same laws they had before the rebellion; they have not been abrogated nor changed; no attempt has been made to change them in any very important particular except in the change of the form of oath which officers of State should take when they are required to take an oath to support the constitution of the confederacy instead of the oath to support the Constitution of the United States. Their constitutions in this respect are not really changed. Having no power to secede, not being out of the Union, the change in this regard is void and has no effect; so with whatever legislation has been had in contravention of the Constitution of the United States, it being the supreme law of the land operating there as elsewhere. What, then, is needed? Not constitution and laws; they have them already. But their offices, executive, ministerial, judicial, and legislative, have been usurped and their functions performed by men who refused to acknowledge their obligations to the Federal Government, and who have been sustained in this refusal by military force. What is needed, then, is new incumbents in these offices, men who will acknowledge the authority of the Federal Government and pay respect and obedience to its laws. They require a reform in the administration of their State governments already existing. When this reform is wrought, all conflict between the Federal Government and the State governments will cease.

When can this reform be wrought? I answer in the language of this bill:

"It can and will be wrought as soon as military resistance to the Government of the United States is suppressed, and the people thereof shall have sufficiently returned to their allegiance to the Constitution and laws of the United States."

It is just at this point that this bill proposes to inaugurate new constitutions and laws; and just at this point I submit that this bill will not be needed, for when the military power shall have been suppressed and the people shall return to their allegiance, they will see to it that their offices, executive, judicial, ministerial, and legislative, are filled by men who will respect the authority of the United States. These States do not, nor will they, occupy toward the General Government the relation of Territories. Nor do they occupy the relation to the Government that this District does. Hence no authority can be found to authorize this legislation in those provisions of the Constitution relating to Territories or the District of Columbia. Nor will they occupy the relation to the Government that conquered provinces occupy to the Government making the conquest. Usually the laws of the conquered are so different, so antagonistic to the laws of the conqueror as to require radical change to adapt them to their new relation. But such is not the case in these States. Their constitutions and their laws are such as have always been recognized by the Federal Government as republican in form and consonant with the principles of our Constitution. Hence the power to enforce upon these people the provisions of this bill must be found in some other provision of that instrument. The gentleman from Maryland [Mr. DAVIS] contends that he discovers the power in section four, article four, of the Constitution, which reads as follows:

"The United States shall guaranty to every State in the Union a republican form of government."

That provision cannot apply to States already having constitutions and laws republican in form. The interpretation which he gives the clause is not sustained either by the language itself or by the opinions or acts of those who incorporated it into the Constitution, who of all men are supposed to know best what it did mean.

The character of a Government, whether republican or otherwise, is determined by its constitution and laws. Now, if these State constitutions and laws are republican in form, within the meaning of the Constitution, there can be no necessity for instituting new constitutions by action of Congress, as proposed in this bill. The republican character of these State governments has been passed upon by Congress, some of them when Congress was under the control of the very men who made the Constitution.

Again, I think the gentleman from Maryland [Mr. DAVIS] is mistaken when he supposes the Constitution, in requiring Congress to guaranty to every State in the Union a republican form of government, meant to impose upon Congress the duty of instituting State governments for the States, fixing provisions in their State constitutions prescribing the qualifications of voters, and fixing eligibility of the citizen for office, as in this bill. All that was intended was that Congress should see that the States enjoyed republican forms of government. We cannot reasonably infer from the language itself that anything further was intended.

Now, one who guaranties the performance of a contract is not the one who undertakes to perform its stipulations, but one who agrees to see them performed, and to be answerable for their performance. So when Congress is required to

guaranty republican forms of government to the States, it only requires that Congress shall see that the States enjoy such a form of government, and protect them in its enjoyment.

If the gentleman's interpretation be correct, Congress, from the adoption of the Constitution till now, has been remiss in its duty toward some of these States and toward other States in the Union in neglecting to institute new forms of government for them. It has been the practice of the Government, as gentlemen well know, to let the States adopt such constitutions as in their judgment would best promote their own interest, and then protect the States in the enjoyment of their State governments. And this, I take it, is the extent of the obligation as well as the extent of the power.

But this bill proposes to ignore the existence of State constitutions and State laws, and to institute new State governments without inquiring whether the provisions and laws dictated by Congress are acceptable to the people or not who are to be affected by them, and in this it is anti-republican and in violation of the very provision of the Constitution under which it seeks to maintain it. That Government only is republican where the people are directly, or through their chosen representatives, consulted as to the laws by which they are to be governed. And this bill, by dictating what shall be and what shall not be in their constitutions and laws, is in conflict with the principles of republican government. It not only undertakes to direct what shall be in their constitutions on certain subjects in the seventh section of the bill, but it determines also who shall and who shall not enjoy the elective franchise and be eligible to office. This power not having been conferred by the Constitution upon Congress, belongs exclusively to the State. If any one controverts this position, I would refer him to the first article, second section, of the Constitution, where, in providing for the election of Representatives to Congress, we read that "the electors in the several States shall have the qualifications requisite for electors to the most numerous branch of the State Legislature," leaving the conclusion irresistible that it is to the State belongs the power of determining this question.

The bill is obnoxious to the further objection that it gives to the President of the United States the power, through his military governors and his provost marshals, to mold the Constitution and laws to suit himself on questions where Congress does not intervene, and between what power Congress exercises, and what the President, through his military, would exercise, the people would have none left. These questions should be left to the people as they are left in other States, without the intervention of Congress or the Executive.

It is true that only those who have held office and borne arms under the confederate or usurped authorities are excluded from voting or holding office, but Congress cannot undertake to make even that part of their constitution for them without exceeding its authority and destroying that equality of right which should exist in the several States of the Union. Now, the fact may be, and I am pretty sure that it is, that very many who have borne arms in the confederate service, and have in this way resisted the authority of the United States, in their hearts have loved the old Union and the old flag, but from seeming circumstances have felt compelled to enter the rebel service; others, and doubtless many of them, believed with the gentleman from Pennsylvania, [Mr. STEVENS,] that their States were actually out of the Union, that they were foreign States, and that their obedience and their allegiance were due to another government, and thus believing took up arms and perhaps took office under what they understood to be, for the time being, their government, but who would rejoice to be again back in the old Union, and yield obedience to its laws and its authority; and yet, under this bill, while you would exact of such all the duties and obligations of the citizen, you would deprive him of its highest and most exalted privileges.

I confess, sir, that in my view it is a very grave offense to resist, by force of arms, the authority of the Government. But is it such an offense as requires Congress, in violation of constitutional right, to step in and take away from the offender the elective franchise? If so, I fear that some, who, in the modern acceptation of the term, are extremely loyal, would suffer from such a law. Some in Massachusetts, in Ohio, and in my own State have been guilty, in times past, of resisting the authorities of the United States in enforcing the fugitive slave law.

I should oppose congressional intervention against them as I oppose it in this bill. I hope all such men have repented of that sin, and I believe the people of the South will repent, and I am for leaving to those who have sufficiently returned to their allegiance to the Government of the United States to determine who shall and who shall not enjoy the elective franchise. If the people are not capable of making constitutions and laws for themselves, then our form of free government is a failure, and let us say so, and take the necessary steps to change it. But do not, under the forms of a republic and under the Constitution of a republic, play the dictator. Let us not, under the pretext of giving to the States a republican government, force upon them one in which the main features of a republic are swallowed up in congressional dictation.

Again, this bill requires that the constitution which the State shall adopt shall contain a provision "that no debt, State or confederate, created by or under the sanction of the usurping power shall be recognized or paid by the State." That is also a question that ought to be left to the State to determine. There were many men in those States when the rebellion first broke out who had their property taken by the usurping State authorities under a promise to pay for it, men who were then and are yet true to the Union, but who were left without any protection from the Federal Government, who were left to the mercy of the usurping power; and for Congress to compel the State to repudiate such an obligation and leave one whom the Government did not and could not protect to beggary and want would, in my judgment, be to commit an injustice for which there can be no excuse. Let the State, in the exercise of a wise discretion, determine what ought to be paid and what ought to be rejected. The burden of such payments will fall upon the people of the States if they see fit to assume them. Let us not in a mere wanton exercise of power do that which will appear unjust in the eyes of the world. We can trust them on that question if we can trust them with the management of a State government.

But there is in this same section seven another provision by which Congress assumes to exercise a power which does not belong to it. I allude to the second provision of that section, which requires these States to incorporate into their constitutions a clause prohibiting involuntary servitude. There are three provisions in this section that Congress declares shall be in their State constitutions; provisions over which the people of the State to be affected by them are to have no control; questions reserved to the States by the Constitution; questions which Congress cannot determine for them without exceeding its authority, and without violating the principles of republican government.

The twelfth and thirteenth sections of this bill also contain provisions not within the power of Congress. The twelfth section abolishes slavery in these States as far as an act of Congress can abolish it. It not only abolishes it, but it takes away from the courts, as far as an act of Congress can take away, the power of passing upon the right of Congress to abolish it. It declares that if any one declared free by this act shall be held under pretense of claim to service or labor, the courts, upon *habeas corpus*, shall discharge such a one.

The thirteenth section attempts to give legal effect to the President's proclamation by prescribing the punishment of those who shall attempt to restrain the liberty of any one declared free by that proclamation.

In these two sections as well as in section seven the advocates of this bill "overleap" all constitutional barriers and press on to the accomplishment of their purposes, in contempt of the rights of the States and of the people, sowing broadcast, as they go, the seeds of distrust and revolution, fulfilling the prediction that when they obtained the power they would trample under foot and dishonor the Constitution. If this House shall have determined to pass this bill, I have no reason to suppose that anything I could say would be heard; since to its advocates the freedom of what slaves are left is of more moment than the Constitution, which secures the civil liberty of our own race.

It is said that slavery is dead; then "let the dead bury its dead;" but let us address ourselves to the work of saving the constitutional liberty of the living; let us direct our energies to a restoration of order and peace, taking such measures as will allay the ill blood rather than stir up additional subjects of strife between the sections.

But gentlemen say we must bury slavery out of our sight. If the people desire it buried let it be done, but let its funeral be conducted according to the covenants of the Constitution. In our haste to get it out of our sight let us not trample upon rights secured by that covenant. Let us not break the faith pledged by the fathers. Let us not forget that by a faithful and strict compliance with our obligations in giving to each State and each individual that which belongs to them, under the Constitution, we vindicate the law and increase our own security, and that by violating its provisions we ourselves become revolutionists. That when the restraints which that instrument places upon our action are thrown off, the people are left to the mercy of those who, for the hour, may occupy the high places of trust, and that liberty, property, life, all, all become insecure; for can we expect the people to reverence a Constitution which rulers violate at will, or respect the law which rulers treat with contempt? The disregard of constitutions and laws has already drenched our country in fraternal blood, and brought bankruptcy to our doors, and sorrow to our hearts. Shall we, in this our day of trouble, feed the spirit of revolution, by cutting loose the Government from its constitutional moorings to drift out upon the wave, to become the sport of the demon of discord; or shall we, like men who appreciate the blessings of constitutional Government and of peace, order, and civil liberty, show our devotion to them by adhering to the Constitution, which can alone secure them?

Let us not, in our effort to destroy slavery if it be alive or to bury it if it be dead, destroy the fundamental law of our Government, and leave our own race a prey to anarchy or despotism. If slavery must needs be buried, let its burial be conducted without revolution or fraud, that the public authority may not be brought into contempt. If it be thus buried I will not be found a mourner in its funeral train, for living I had no love for it and dead I will have no tear to drop upon its grave. Some one suggested that when slavery was buried upon its tombstone should be written, "Slavery—died of the rebellion." I warn gentlemen to beware, lest beside the grave of slavery be found another grave and another tombstone, whereon history will write, "Civil liberty —died of revolution."

Mr. SMITHERS. Mr. Speaker, it was not my purpose originally to have offered any suggestions in support of the bill now before the House; but the magnitude of the interests involved, and my connection with the committee from which it emanated, render it perhaps necessary, certainly appropriate, that I should devote a brief time to the explanation of its provisions and an enforcement of the principles upon which it is founded.

In performing this duty I will avoid all suggestions of a partisan character. I approach the subject desiring only to fulfill a constitutional obligation and to afford an adequate measure of relief to citizens who by the destruction of civil government suffer the evils of anarchy, or the scarcely less intolerable burdens of merely military rule.

The necessity of speedy and definite action upon this question seems apparent. Already, Representatives from States whose people have been in rebellion are knocking at our doors for admission. Already by the proclamation of the President and the consequent pronunciamientos of military commanders, the people are invited to erect civil establishments; and unless we define the terms upon which these governments will be recognized and the admission of Representatives insured, questions now sufficiently vexing will be rendered more difficult of solution.

To avoid these complications and authoritatively to announce a fixed and uniform rule for the observance of those who desire to reëstablish republican forms of government in lieu of those

which have been subverted, this bill has been devised. Embodying in its provisions apt words chosen from the organic law, or from commentaries of almost equal authority, it eschews all theories concerning the status of the States whose people are in rebellion, and accepts as an admitted fact the overthrow of their State governments and the establishment in their stead of usurpations at war equally with the fundamental principles of the Constitution and the republican forms which we are bound to secure.

Planting itself upon the special ordinance that "the United States shall guaranty to every State in this Union a republican form of government," it finds its justification within the strict limits not only of constitutional authority but constitutional requirement. Recognizing in the origin and progress of the rebellion a power which by the express volition or acquiescence of the citizens of these States had abrogated their former governments, it proceeds upon the necessity of the reconstruction of their systems by the primary and organic action of the people. Maintaining that the legislative department is the only judge concerning the form of government which it is bound to guaranty, it denies that it is competent for the Executive to prescribe the conditions or to declare the requisites necessary to make that guarantee effective, and that as the consequence of the establishment of a State organization is the right to representation upon this floor, it assumes that no power, without the concurrence of this House, can decide when such condition adequately exists.

Such being in brief its fundamental principles, its specific object is to substitute, as rapidly as consistent with national safety, for the uncertain and unrestricted operation of military discretion the fixed and definite rule of an established civil magistracy, governing according to ascertained powers, prescribed by the express will of the people. Before proceeding to analyze the special provisions of the bill, I ask attention to certain axioms conferring power on the Government, limited only by the nature of the duty required to be performed. In doing this I shall not attempt any crude theories or speculative disquisitions. It is sufficient for me to resort to powers specifically conferred by the Constitution, and to arguments drawn directly from the teachings of the fathers. These postulates are thus clearly and cogently defined by Alexander Hamilton, in No. 31 of the Federalist:

"A Government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care and the complete execution of the trusts for which it is responsible; free from every other control but a regard to the public good and to the sense of the people.

"As the duties of superintending the national defense and of securing the public peace against foreign or domestic violence involve a provision for casualties and dangers, to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community."

Subjected by the Constitution to the necessity of the guaranty of republican government to the States, there must necessarily accrue to the United States the right not only to declare the existence of the contingency on which its action is invoked but to determine the choice of the means necessary to render it effectual.

Being a political power it is necessarily exclusive and not subject to the supervision of any other tribunal. As the exigencies requiring the exercise of the power are undefinable, the authority conferred is equally incapable of limitation, and rests in the sound discretion of Congress applying its own will and employing its own judgment in the enforcement of its own guarantee.

The framers of the Constitution were too wise to attempt to set bounds to that which in its very essence is impossible of definition, and instead of imposing any restraint they ordained the sweeping clause empowering Congress to pass all laws necessary and proper to carry into effect any power vested in the Government.

This express declaration was probably not necessary—the power would have resulted from the imposition of the duty—but they were too cautious and provident to leave to inference a grant essential to the preservation of the Union and the execution of the high trust to maintain the supremacy of the United States. In relation to these principles Mr. Hamilton, in No. 34 of the Federalist, uses the following language:

"Constitutions of civil government are not to be framed upon a calculation of existing exigencies, but upon a combination of these with the probable exigencies of ages according to the natural and tried course of human affairs. Nothing, therefore, can be more fallacious than to infer the extent of any power proper to be lodged in the national Government from an estimate of its immediate necessities. There ought to be a capacity to provide for future contingencies as they may happen, and as these are illimitable in their nature so it is impossible safely to limit that capacity."

If such be the nature of discretionary power lodged in a Government in its application to the subjects of its ordinary exercise, how much more does it require that it should be unrestrained when it is invoked for its preservation.

It is vain to attempt to control the discretion of an individual who acts upon the impulse of self-defense. It is worse than folly to ingraft upon an instrument designed to perpetuate its own existence provisions denying a capacity equal to the occasion. It is absurd to require that Congress shall guaranty a republican government to States, and deny the right of judgment as to the exigency or the means necessary to execute the trust. To do this would be to require that the instrument should invite to violations of its own provisions; and as every breach of the fundamental law, no matter upon what necessity, would but familiarize the mind with infractions, it is but safe to infer that the Constitution has invested us with power commensurate with the duty to be performed.

I am aware, Mr. Speaker, that these maxims are or ought to be familiar; that they are axiomatic principles lying at the foundation of every government and that they inhere in the United States as fully as any other element of sovereignty. Because they are ancient and well established I have chosen to propose as the groundwork of this bill these fundamental truths, the teachings of those great masters of political ethics who when they had builded our national structure engraved upon its portals these postulates of power by which to enable us to maintain it unimpaired, even against the earthquakes of rebellion.

With this brief outline I pass to a consideration of the principal features of the proposed enactment.

It is the purpose of the committee, before putting it upon its passage, to change the provisions authorizing a State government to be reëstablished by one tenth and to require the assent of a majority of those who may be enrolled, and in my remarks I will treat the bill as thus modified.

Much of the bill is necessarily devoted to the mere machinery by which it is to be operated. Its leading features are few and simple.

The first idea presented is that no State can or ought to be recognized as capable of organization until military resistance to the United States shall have been suppressed therein and the people shall have demonstrated fidelity to the Constitution and a return to obedience to the laws. Until that time they are to be considered as under the tutelage of the General Government. To this end it is provided in the first section that the President shall appoint for each such State—in addition to the ordinary officers—a governor *ad interim*, to be charged with the civil administration.

Regarding the unhappy condition of those who by the advance of our arms are brought within our actual control, it is the design of the bill not only to offer facilities for the establishment of a permanent government, but, until that shall have been accomplished, to afford the advantages of a civil magistracy to citizens who, subject to its jurisdiction, have not the ascertained will or the numerical force to maintain a regular system. Under the most favorable circumstances, time must necessarily elapse before they can perfect any organization. In the mean time the exigencies of a community require the administration of laws, the punishment of crimes, the enforcement of contracts, and the adjudication of civil rights.

The civil power of the provisional governor, except so far as relates to the preparatory measures for organizing a convention, consists in taking care that the laws of the United States and of the State in force when the State government was overthrown shall be administered. For the temporary exigency the United States adopts the code of the State for the government of the people *ad interim*. This seems manifestly appropriate. It recognizes the urgency of the occasion, and, instead of subjecting them to new and untried enactments, confers upon them for their governance a system with which they are already familiar. To this general proposition are three exceptions: it is declared that no law whereby slavery is recognized shall be enforced; that laws for the trial and punishment of white persons shall extend to all persons; and that no person shall be a juror who has held any office or voluntarily borne arms under the rebel usurpation.

To these excepted cases it is difficult to imagine any well-grounded objection. There can be none as to the question of power. The officers charged with the execution of the laws are the agents of the national Government; and the code adopted for the regulation of the civil polity of the community, though priorily existing, is *pro hac vice* the enactment of Congress. Adopting these laws because of their supposed adaptation to the requirements of the people in the several localities wherein they have obtained, they are nevertheless as fully the ordinances of this Government as though they had been enacted in express terms. Emanating from this Legislature as original propositions, it is for us to determine how much of such former laws are adapted to the exigency. By this clause no change is wrought in the permanent body of legislation. It is merely the temporary expedient devised for the immediate necessity of Government, and enduring only so long as the society which it regulates remains in an unorganized condition. These propositions are equally defensible in principle and policy. That the Government in any order to its own officers should issue instructions for an original recognition of slavery is absurd. Whatever may be the sentiment as to the right of the States to control their domestic institutions, I suppose that it will not be pretended that officers and agents of the United States should be appointed to administer the slave code of any State under the immediate direction and sanction of the national Government. It would be the simple proposition not to protect the institutions of a State, but to originate and administer its obnoxious enactments as the express will of the representatives of the nation. So with the provision regulating the trial of criminals. In providing that the laws shall apply alike to the punishment of all persons, it announces a principle of equal and universal justice; and without the provision regulating the qualification of jurors there would be no guarantee that the rights of the Government would be respected or justice to loyal men secured.

Having thus provided for securing civil government to citizens during the period of their political disorganization, the bill proceeds to define the mode by which a convention shall be called to declare the will of the people relative to the re-establishment of a State government. It enacts that an enrollment shall be made of all white male citizens of the United States resident in the State, prescribes the condition of loyalty as requisite to the right of suffrage, defines the number and qualification of the delegates, provides for the ratification by the people of the constitution ordained by the convention, directs the return thereof when ratified to the provisional governor, and requires that it be certified by him to the President of the United States, who, after Congress shall have assented, is directed by proclamation to recognize the government so established as the constitutional government of the State.

In all this proceeding the right of the people to establish their organic law is recognized and maintained. Three conditions are prescribed as essential to the enforcement of the guarantee, and as necessary to the safety of the Republic:

First, that no person who has held any office under the usurping power shall vote for or be a member of the Legislature, or Governor. It will be perceived that the exclusion is limited to those who have held official positions. To accept and administer an office is *prima facie* evidence of two facts—voluntary adhesion to the rebellion, and presumptive capacity for the administration of public affairs.

Apart from the apparent propriety growing out of these considerations, the exclusion is rendered necessary by the provisions of the Constitution of the United States. By section two of article one it is provided that electors of Representatives in Congress shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, and there is no other qualifica-

tion for a Representative than that he shall have attained the age of twenty-five years, have been seven years a citizen of the United States, and when elected be an inhabitant of the State. By section three it is ordained that Senators in the Senate of the United States shall be chosen by the Legislature, and in case of vacancy by the executive of the State.

Thus intimately connected is the State administration with the Government of the United States; and it is to prevent the possibility of placing the national resources under the control and the national life at the mercy of those who have so lately demonstrated their hostility to republican institutions, that this clause of exclusion has been prescribed. It is designed as a caveat against the recurrence to power of those base men who, with oaths of fidelity to the Constitution upon their lips but with treason rankling in their hearts, sat in these Halls as the legal guardians of the Government, while in secret they conspired the overthrow of the Republic and stimulated their followers to rebellion against its authority.

The second condition is that involuntary servitude is to be prohibited, and the freedom of all persons guarantied in such State.

As the few remarks which I would otherwise make in relation to this clause will be equally appropriate to the section which specially declares emancipation, I will postpone comment until it shall come under consideration.

The third proviso is that no debt created under the sanction of the usurping power shall be recognized or paid.

It will be observed that this clause has relation to obligations created by State or confederate authority. It has no reference to private engagements. This Government, Mr. Speaker, is burdened with an immense debt, imposed by the necessity of the suppression of the rebellion. The pledge for its payment is the capacity of the national resources. The States to be organized under the provisions of this bill are, of right, subject to contribute a proportionate share. And it is the duty of the Government to insist that they shall not be rendered unable to meet their liabilities by the assumption of indebtedness contracted or imposed in contriving its destruction. The agreements and statutes by which these pretended obligations have been created are utterly void. The offspring of usurpation, their payment would be a bribe to future rebellion and their assumption a defiance to the authority of the United States.

But, Mr. Speaker, it has been charged that this bill, in providing for reorganization, abandons the fundamental principle of this Republic, that all just powers of government are derived from the consent of the governed.

This allegation is worthy to be considered, and, if the criticism be just, will constitute a reasonable objection. I presume that it is not denied that it is desirable to furnish civil government to the loyal people of these States at a period as early as practicable. It is also conceded that this government should be based upon the will of the people, legitimately expressed. The guarantee of the Constitution requiring a republican form, it is essential that it should recognize popular sovereignty as an indispensable element in the political structure. Before proceeding to reply specifically to the objection, it is proper to refer to the condition of the States whose governments are to be organized.

I have said, Mr. Speaker, that the bill proposes no special theory as to their status. While this is true, except only so far as it is to be inferred from the employment of constitutional terms and phraseology drawn from authoritative commentaries, and while it is, therefore, true that the advocates of any of the several theories can consistently support it, nevertheless the argument requires that I offer what I believe the true position in which they are placed by the rebellion and the consequent relation they sustain to the United States, as wholly justifying the provision in question.

I do not agree, Mr. Speaker, with those who hold that the suspension or subversion of an existing government necessarily destroys the State. A nation can exist without an Administration. It may suffer an interregnum; its lawful rulers may be overborne; a usurper may seize the instruments of authority; the faithless repositories of its power may abuse their trust and wrest to their own aggrandizement the functions of office. Still the State remains. It resides in those in whom is vested the ultimate right of sovereignty.

"I am the State," was the arbitrary declaration of the despotic Louis. The people are the State, is the maxim of republican America. This principle is nowhere more tersely or cogently announced than in our own Declaration of Independence, in which, after charging the king with dissolving representative houses and refusing to cause others to be elected, it declares as the consequence, that "*the legislative powers, incapable of annihilation, returned to the people at large for their exercise, the State remaining in the mean time exposed to all the dangers of invasion from without and convulsions within.*" The same idea is presented, perhaps more clearly, certainly more fully, by Mr. Madison, in No. 3 of the letters of Helvidius. Treating of the rights of States, in relation to a kindred subject, he uses this language:

"Public rights are of two sorts: those which require the agency of Government; those which may be carried into effect without that agency.

"As public rights are the rights of the nation, not of the Government, it is clear that wherever they can be made good to the nation without the office of Government, they are not suspended by the want of an acknowledged Government or even by the want of an existing Government."

Here the distinction is clearly marked between the Government and the nation, the agent and the principal, the office and the State. Having thus defined the position, he maintains it by an example so pertinent that I quote it in illustration of the principle for which I contend:

"Suppose that after the conclusion of the treaty of alliance between the United States and France a party of the enemy had surprised and put to death every member of Congress; that the occasion had been used by the people of America for changing the old Confederacy into such a Government as now exists, and that in the progress of this revolution an interregnum had happened: suppose, further, that during this interval the States of South Carolina and Georgia, or any other parts of the United States, had been attacked and been put into evident and imminent danger of being irrecoverably lost without the interposition of the French arms, is it not manifest that as the treaty is the treaty of the United States, not of their Government, the people of the United States could not forfeit their right to the guaranty of their territory by the accidental suspension of their Government, and that any attempt on the part of France to evade the obligations of the treaty, by pleading the suspension of Government, or by refusing to acknowledge it, would justly have been received with universal indignation as an ignominious perfidy?"

The Constitution of the United States, Mr. Speaker, is a compact between all the people of the several States in this Union. By its express terms the United States is bound to guaranty to each State a republican form of government. The people of New York, equally with those of Tennessee, have the right to demand that this guarantee shall be fully and faithfully executed. It is a public right, and the obligation to its performance does not depend on the presence of a government in the State. It would have been ineffectual had it supposed its absolute continuance. Were the people able to make head against the usurpations of power or the violence of domestic factions, and to maintain the integrity of their government, the interference of the United States would, ordinarily, have been unnecessary. The duty of guaranty is not essentially dependent upon the coöperation of the State authority. The people, not the States, are the parties to the compact. The maintenance of the right is of exclusive and universal obligation. It extends to every State in the Union, and wherever there is a people there is both territorial and political existence, the latter being composed of the elements of sovereignty, and, in the absence of organized government, dwelling in the loyal inhabitants of the State.

This general guarantee, Mr. Speaker, would have existed in the absence of the special clause declaring its obligation. The nature of the Constitution, the necessity of Union, the requirements of public law would have demanded its exercise. It would have resulted from the compact of the people and the objects of the Government. The rule is thus laid down by Vattel:

"If a nation is obliged to preserve itself, it is not less obliged to preserve all its members. The nation owes this to itself, since the loss of one of its members weakens it and is injurious to its own preservation. It owes this also to the members in particular in consequence of the very act of association; for those who compose a nation are united for their defense and common advantage, and none can justly be deprived of this union and of the advantages which flow from it while he on his side fulfills the conditions. The body of a nation cannot therefore abandon a province or town or even a particular person who has done his part, unless obliged to it from necessity or unless it is made necessary by the strongest reasons founded on the public safety."

But, Mr. Speaker, as a nation may be obliged from overruling necessity to abandon its citizens, so the individual may be forced, by the exigency of circumstances, to yield to the power of the usurper. No matter how loyal he may be in sentiment, *flagrante bello* he is a public enemy, for his personal condition is determined by that of the society of which he is a part.

But as in a nation allegiance and protection are correlative, when the power of the Government has been asserted, the person thus forced to disguise his loyalty is to be held harmless, unless he has given aid or comfort to the enemy, and is remitted to his rights as a citizen, subject to the exigencies supervening upon the contest and necessary to the safety of the nation.

If the proposition be true, Mr. Speaker, that the loyal people of the State are the repositories of its power and unorganized sovereignty, then is this bill not liable to the objection proposed. In providing the preliminary arrangements it must of necessity proceed upon the primary idea of the destruction of government, and therefore begin *de novo* with the rude elements of an unformed political society. The first step in the formation of a government based upon the will of the people is to determine of what persons that people shall be deemed to consist. For this purpose an enrollment is directed to be made of all white male citizens of the United States resident in the State and in their respective counties. This provision recognizes the existence of the State in its territorial and political subdivisions as established by the laws anterior to the rebellion. It also confines the enrollment to the white male citizens, recognizing in them alone the right of government. This enrollment of itself was manifestly insufficient to define those entitled to be considered capable of taking part in the organization or of consenting to the reëstablishment of the new system. By its terms all white male citizens were to be enrolled; but inasmuch as rebels are citizens of the United States, though arrayed against its authority, a test must necessarily be applied to ascertain who, being loyal, are entitled to participate in framing the organic law. The bill does not regard any right as pertaining to those adhering to the rebellion. They are excluded from all share in the government formed under its auspices. The test proposed is an oath to support the Constitution of the United States. The persons thus taking the oath must constitute a majority of those who are enrolled. These persons so enrolled and testifying to their loyalty are deemed to constitute the people. By their assent the machinery of government is to be set in motion. On their consent the constitution to be ordained is to rest, not only in the origin of the convention, but in its ratification by their express will.

How, then, can it be pretended that the government is not based upon the consent of the governed? Is it because persons are excluded who refuse to qualify themselves by taking the oath of allegiance? Surely it can be no deprivation of any political right to declare that he who renounces obedience to the Government shall not have the privilege to determine concerning the form of State government to be established.

I deny that a rebel has any political rights. I deny that in any legitimate sense he is or ought to be held as one of the people authorized to form or administer government. That he is not recognized by this bill as entitled to citizenship is the result of his own refusal to acknowledge allegiance to the United States.

But it may also be alleged, Mr. Speaker, that the bill is objectionable because it provides that a number less than a majority of those who were formerly citizens of the State may ordain the constitution.

If this comprises all the loyal people it is difficult to discover on what principle it can be denounced as anti-republican. If they are satisfied with the law of restoration, in accordance with the act of Congress, who has the right to complain? By their own volition they accept the terms of reorganization, and it ill behooves those not subject to the laws which they enact for their own government to deny them the privilege of entering upon the administration of their own domestic affairs.

The proportion to be established by the bill is a matter for consideration; not with the view of avoiding the charge of a violation of the principle of republican government, but of ascertaining whether there is a body capable of self-rule and of maintaining civil administration in the State.

But, Mr. Speaker, we are also met with the objection that this bill, by the provision of emancipation, interferes with the rights of the several States within its purview to regulate their domestic institutions. This is no novel suggestion. It is as old as the struggle for the adoption of the Constitution. It constituted a material portion of the argument of those who arrayed themselves against the formation of the national Government. From that time until now it has been constantly thrust forward in every discussion involving the right of Congress to adopt measures requisite for the national advantage. Do we propose to exercise the power of regulating the currency? We are met by the dogma of State rights, enlisted in the interest of local banks. Do we endeavor to exert our authority to regulate commerce? We are confronted with the same phantom of State rights, pressed into the service of some municipal corporation. Do we determine to save the Government, reeling beneath the blows of a formidable rebellion organized and operated by the instrumentality of African slavery? We dare not accomplish its suppression and prevent the contingency of future insurrections for fear we shall invade the hallowed precincts of State rights.

Mr. Speaker, it is time that there was an end to this delusion. The danger to this people is not from centralization but disintegration. The sad spectacle of to-day is a mournful confirmation of the fears of our fathers. The miseries now afflicting the Republic have been produced by the unceasing efforts of local partisans to persuade the people of the hostility of the national Government to their domestic institutions. It has culminated in rebellion against its authority. Combating this pernicious doctrine, the advocates of the Constitution demonstrated, by examples drawn from the history of nations, that instead of invading the rights and absorbing the functions of the local governments, the probable result would be that the States would trench upon the proper office of the national Administration. They showed that, influenced by constant familiarity with their affairs, affected by the immediate protection afforded to his person and property, and looking to them as the direct means of official preferment, the citizen would come to regard the States with the higher affection, and that because of the apparently more remote and infrequent presence of the protecting power of the nation he would hold it in less esteem, though far more potent in securing his safety and happiness.

Not content with the refutation of this objection to the plan of the Convention, Mr. Madison, rising to the dignity of his high office, and imbued with the paramount importance of the national Union, thus boldly announced his opinion of their comparative benefits:

"If, in a word, the Union be essential to the happiness of the people of America, is it not preposterous to urge as an objection to a Government without which the objects of the Union cannot be attained, that such a Government may derogate from the importance of the governments of the individual States? Was, then, the American Revolution effected, was the American confederacy formed, was the precious blood of thousands spilled and the hard-earned substance of millions wasted, not that the people of America should enjoy peace, liberty, and safety, but that the governments of the individual States, that particular municipal establishments might enjoy a certain extent of power and be arrayed with certain dignities and attributes of sovereignty?

"It is too early for politicians to presume on our forgetting that the public good, the real welfare of the great body of the people is the supreme good to be pursued, and that no form of government whatever has any other value than may be fitted for the attainment of this object."

These words of power and wisdom are as applicable to the present condition of public affairs as when they were written to secure the adoption of the Constitution, as mighty to save as to found a nation.

If indeed there were such antagonism between the two systems of government that one or the other must perish, it would be for the people to judge which should be sacrificed: whether that which renders us great and powerful and prosperous should give way to the maintenance of petty municipalities that could secure neither respect abroad nor concord at home. Should the dread alternative be presented, I mistake the temper of the people, and their estimation of the solid and substantial benefits of the Union, if they would not choose a consolidated and centralized Government rather than underlie the calamities incident to individual States or miserable confederacies the inevitable prey of intestine strife and foreign domination.

But, Mr. Speaker, much has been said about overleaping constitutional barriers. What definition has the Constitution prescribed to the exercise of power in the suppression of rebellion against its authority? What limitation has it fixed against its own preservation? What measure of force does it indicate as sufficient to preserve the Union? This Government is as unrestricted in the scope of its faculties as the veriest despotism. Its weakness consists not in its want of inherent powers, but in their distribution and in the dependence of the temporary Administration upon the final sanction of the people. This necessity for their concurrence renders a republican Government least fitted to cope with sudden and desperate emergencies. There is always a party in the State arrayed in opposition to the ruling policy. Appeals are made to the final tribunal for its judgment, and its administrators are alternately charged with despotism and imbecility. This principle of absence of limitation is clearly expressed by Mr. Hamilton, in No. 33 of the Federalist, in his comment on the general enabling clause of the Constitution:

"But it may be asked, who is to judge of the necessity and propriety of the laws to be passed for executing the powers of the Union? I answer, first, that this question arises as well and as fully upon the simple grant of those powers as upon the declaratory clause; and I answer in the second place, that the national Government, like every other, must judge in the first instance of the proper exercise of its powers, and its constituents in the last."

Subjected to this test of approval it must of necessity exercise caution, not because of the want of constitutional power, but lest it should be overruled by those in whom lies the final arbitrament. If these concur, then it is unrestrained in the use of the means committed to its discretion and employed toward the object of its creation.

But, Mr. Speaker, if it were possible that there could be so absurd a thing as a simple Government destitute of the powers necessary for its own preservation, let me call the attention of the House to an example drawn from the history of the nation.

The Convention that ordained the Constitution was charged with having exceeded its commission. It was alleged that its members had overstepped the limits of their authority—that they had no capacity to form a Government, but only to propose amendments to the existing Articles of Confederation. In defending the Convention against this arraignment of the enemies of the Constitution, upon their own hypothesis of an excess of jurisdiction, Mr. Madison thus sums up his judgment upon the proposed charge:

"Had the Convention under all these impressions and in the midst of all these considerations, instead of exercising a manly confidence in their country, by whose confidence they had been so peculiarly distinguished, and of pointing out a system capable, in their judgment, of securing its happiness, taken the cold and sullen resolution of disappointing its ardent hopes, of sacrificing substance to forms, of committing the dearest interests of their country to the hazard of events, let me ask the man who can raise his mind to one elevated conception, who can awaken in his bosom one patriotic emotion, what judgment ought to have been pronounced by the impartial world, by the friends of mankind, by every virtuous citizen on the conduct and character of this assembly? The sum of what has been advanced and proved is that the charge against the Convention of exceeding their powers, except in one instance, little urged by the objectors, has no foundation to support it; that if they had exceeded their powers they were not only warranted, but required, as the confidential servants of their country, by the circumstances in which they were placed, to exercise the liberty they assumed."

The gentleman from Ohio, [Mr. GARFIELD,] who has been so fiercely assailed for his manly declaration, can take courage that he is sustained, not by the vagaries of fanatical abolitionists or border State radicals, but by the example of the fathers of the Constitution, commended in the breach of their authority by the calm and contemplative Madison.

To these peculiar friends of the people, whose jealous vigilance of the Constitution leads them to contemplate with stolid indifference or inward satisfaction the disruption of the Union, he can reply, in the language of the patriot:

"No little, ill-timed scruples, no zeal for adhering to ordinary forms, are anywhere seen except in those who wish to indulge under these masks their secret enmity to the substance contended for."

But, Mr. Speaker, I have endeavored to show that there is no necessity for a resort to this extreme right; that we are invested with plenary discretion, controlled only by the emergency and the sanction of our constituents. Two questions are to be solved: is emancipation necessary to our safety? will it be justified by the people?

What threatens the disruption of the Union? What has brought upon the nation this terrible crisis of civil war? What engine of mischief so potent as to have arrayed a people against their Government? Slavery. Type of a barbaric and receding civilization, it stands confronted by the hosts of freedom.

I will not argue, Mr. Speaker, concerning the justice of our quarrel. I will not debate the necessity of crushing the rebellion. The people have determined that it shall be suppressed, that its unhallowed cause shall be destroyed either by voluntary action or by the power of the sword. The war is between systems. Every soldier is an apostle of liberty, every cannon-shot a proclamation of emancipation, and the gleam of the bayonet in the hands of the negro illustrates his title to manhood. It becomes us in the exercise of the high functions with which we are invested to coöperate with the moral and material forces now engaged in the present salvation and future preservation of the Union.

I trust not, Mr. Speaker, wholly to presidential proclamations. I prefer to rest the security of the Republic upon the safer and more irrefragable basis of congressional enactments. I would not forego any possible precaution against the recurrence of fraternal strife. Homogeneity of institutions is our only safeguard, universal freedom the only possible solution.

Let us, then, Mr. Speaker, by this bill and by constitutional amendment, proceed boldly to the accomplishment of this necessary condition, and realize for ourselves the time contemplated by the great orator, when there will be "*non alia lex Romæ, alia Athenis; alia nunc, alia posthac, sed in omni tempore et in omnibus gentibus, una lex et sempiterna continebit.*" When this shall have been accomplished, though it will bring new and untried conditions of social, financial, and political existence that will tax the wisdom of the statesman and the endurance of the people, yet I have faith that they will be found equal to the emergency, and that this great nation, mightier for the struggle through which it has passed, its Constitution compacted by resistance to rebellion, and its people purified by the trial of fire, will pass to the fulfillment of its destiny, securing "the blessings of liberty to ourselves and our posterity," and ultimately the political regeneration of the world.

I send to the Clerk the following memorial, which I desire to be read.

The memorial was read, as follows:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned loyal citizens of Louisiana respectfully represents that as Union citizens of New Orleans and the parish of Jefferson, and members of the Union Free State General Committee of the State of Louisiana, they have faithfully labored to accomplish the reorganization of civil government therein. That the plan proposed by the committee was based upon the idea that the constitution and State government of Louisiana had been overthrown by the rebellion, and that it was the duty of the loyal people, in the absence of an enabling act of Congress, to organize a new government, founded on the principles of republican freedom, so soon as a sufficient portion of the State should be brought under the control of the Union arms, and the population sufficiently imbued with sentiments of liberty and loyalty to render civil reorganization safe and permanent; and to this end the committee laid their plan before Brigadier General George F. Shepley, military governor of Louisiana, who, under orders from the President of the United States, gave his aid in carrying it out. The committee also recommended the assembling of a mass meeting of the citizens of the State, which was duly assembled at the St. Charles theater in the city of New Orleans, on the 8th day of January, 1864, was immensely large, representing New Orleans and the other parishes within the Union lines, and composed entirely of loyal citizens, who most enthusiastically indorsed the action of the Union Free State General Committee and called upon and authorized Governor Shepley to order an election of members of a constitutional convention to assemble in New Orleans at an early day. The leading ideas of this plan of the committee and popular demonstration aforesaid were a restoration of civil government by the action of citizens without military control or interference, by means of a constitutional convention, elected by loyal people only. These ideas were reversed and set aside by the

proclamation of the major general commanding this department, issued on the 11th day of January, 1864, in which he ordered the election of a Governor, a Lieutenant Governor, and five other officers of an executive department, only, under the constitution and laws of Louisiana, except such as related to slavery, which is not mentioned in the constitution, thereby recognizing officially that the constitution of Louisiana was not destroyed by the rebellion, but existed.

This proclamation also announced that martial law was the fundamental law of the State, and lastly directed that an election of members of a convention "for the revision of the constitution," thus again recognizing its existence, should take place on the 4th of April, which the general subsequently changed to the 28th of March. These elections have been held. A Governor and other State officers were chosen on the 22d of February and members of a convention on the 28th of March. Your memorialists solemnly protest against this course of proceeding. They maintain that a commander of an army should not be permitted to organize civil government in a State at his own will and pleasure and according to his own orders, but that such powers should be reserved to Congress or to the people. Your memorialists are of opinion that the elections just held were carried by the influence of the name of the commanding general, since, and as it was universally declared and believed, his wishes were in favor of one set of candidates and opposed to the other, the election was not free, but from the immense influence which, under the reign of martial law, such a belief produced, it was not possible the elections could have had any other result than that which it was thought the commanding general desired. Your memorialists maintain that a State government should only be organized when there can be by no possibility imputed any military or other improper influence, and should not be attempted while martial law is proclaimed and enforced as the fundamental law of the State, and they are of opinion that under the circumstances no State reorganization should take place until Congress shall have provided for it, or it shall have been fully and fairly ascertained that the mass of the citizens of the State desire a loyal State government that will secure and perpetuate the liberties of all the inhabitants.

Your memorialists, therefore, respectfully urge upon Congress not to recognize the late proceedings in the form of elections which have been had in this State, and they pray your honorable body to pass an act enabling the loyal citizens of the State of Louisiana to form a new State government, and that you will by proper provisions secure the rights of all the inhabitants, and also the entire freedom of the election, at such time as you shall deem proper for holding the same. THOMAS J. DURANT,

and sixteen others.

Mr. ASHLEY. I desire to enter the motion to recommit the bill to the committee who reported it.

The SPEAKER. The motion will be entered.

Mr. NORTON obtained the floor, but yielded to Mr. WILSON, who moved that the House adjourn.

The motion was agreed to; and the House thereupon (at ten minutes to ten o'clock, p. m.,) adjourned.

IN SENATE.

WEDNESDAY, *April* 20, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate of the 7th instant, information in relation to the amount of fees and emoluments received by the attorney and marshal of the United States for the District of Columbia, respectively, and by the clerks of the several courts of the District, during the year ending December 31, 1863, and the amount allowed to each of those officers for deputies, clerks, office rent, and incidental expenses during the same period; which was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. VAN WINKLE presented a memorial of the officers of a convention composed of delegates of the Ohio valley, held at Louisville on the 24th of February, 1864, praying for an appropriation for the improvement of the navigation of the Ohio river; which was referred to the Committee on Commerce.

Mr. DAVIS presented the memorial of the Louisville and Nashville Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. LANE, of Indiana, presented a memorial of the Louisville, New Albany, and Chicago Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a petition of citizens of Indiana, praying that New Albany, in that State, may be made a district for the inspection of steamboats and for the collection of customs; which was referred to the Committee on Commerce.

Mr. BROWN presented a memorial of the Pacific Railroad Company of Missouri, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

REPORTS FROM COMMITTEES.

Mr. COWAN, from the Committee on Patents and the Patent Office, to whom was referred the memorial of William W. Woodworth, praying for a renewal of his patent for a planing machine, reported adversely thereon; and the committee were discharged from the further consideration of the subject.

He also, from the same committee, to whom was referred the petition of Caroline S. Williams, praying for an extension to her of two patents issued to her father, Thomas R. Williams, on the 6th of May, 1851, one for an improvement in the machinery for hardening bats in felting, &c., and the other for an improvement in machinery for forming long bats for felting, &c., reported adversely thereon; and the committee were discharged from the further consideration of the subject.

He also, from the same committee, to whom was referred the petition of Daniel Fitzgerald, praying for a renewal of his patent for an improvement in fire-proof chests and safes, and the petition of Jonathan Ball, praying for an extension of his patent for an improved mode of coating the interior side of metallic water pipes with hydraulic cement, submitted a report accompanied by a bill (S. No. 244) for the relief of Daniel Fitzgerald and Jonathan Ball. The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Milton Finkle, praying for an extension of his patent for improvements in machinery for making wire heddles, submitted a report accompanied by a bill (S. No. 245) for the relief of Milton Finkle. The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. CHANDLER, from the joint committee on the conduct of the war, who were instructed by a resolution of the Senate of the 2d of February to inquire into the military administration in all its departments in the city of Alexandria, and especially into the system of military police there established, submitted a report, which was ordered to be printed without the accompanying testimony.

Mr. POWELL, from the Committee on the Judiciary, to whom was referred a bill (S. No. 61) authorizing the States of Minnesota and Wisconsin to change their common boundary line, reported adversely thereon.

Mr. TRUMBULL, from the Committee on the Judiciary, to whom were referred the following bills, reported them without amendment and adversely:

A bill (S. No. 230) to prevent the assembling of and trial by courts-martial of capital or otherwise infamous crimes not arising in the land or naval forces of the United States, or in the militia when in actual service in time of war or public danger; and

A bill (S. No. 237) supplemental to an act entitled "An act to prevent frauds upon the Treasury of the United States," approved February 26, 1853.

Mr. HALE. The Committee on Naval Affairs, to whom was referred a bill (H. R. No. 300) for the classification of the clerks to paymasters in the Navy, have instructed me to report it back with an amendment; and it is accompanied by a letter of the Secretary of the Navy, which I am instructed to move to have printed.

The motion to print was agreed to.

Mr. LANE, of Indiana, from the Committee on Military Affairs and the Militia, to whom was referred a joint resolution (H. R. No. 36) to construe the third section of the act approved July 17, 1862, entitled "An act to amend the act calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, approved February 28, 1795, and the act amendatory thereof, and for other purposes," so as to provide for the payment of bounties to all classes of troops called out under the provisions of that section, reported adversely thereon.

BILLS INTRODUCED.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 243) to amend section eight of an act entitled "An act to establish the Treasury Department," approved September 2, 1789; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 45) in relation to the taking of a census in the year 1865; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 246) for the relief of officers, seamen, and others, borne on the books of vessels wrecked or lost in the naval service; which was read twice by its title, and referred to the Committee on Naval Affairs.

POWERS OF CONTINGENT EXPENSES COMMITTEE.

Mr. CLARK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate have power to send for persons and papers, in making examination into the expenditure of the funds appropriated for such expenses.

RAILROADS IN KANSAS.

Mr. LANE, of Kansas. I move to take up Senate bill No. 233. It will lead to no discussion, and it will take but a moment to pass it.

Mr. WILKINSON. I hope no bill will be taken up until the action of the Senate is had on the disagreeing votes of the two Houses upon the Montana bill.

Mr. LANE, of Kansas. The bill that I propose to take up will lead to no discussion. If it does, I will let it go over. It is the bill reported from the Committee on Public Lands to grant land to certain Kansas railroads, and which I propose to pass as reported by the committee. I hope the Senate will permit it to come up. When it was under consideration before I offered some amendments to it which led to discussion; but I propose now to withdraw those amendments and to ask for the passage of the bill as reported by the committee.

Mr. HENDRICKS. It was perhaps at my suggestion, though I am not quite sure of it, that that bill was postponed the other day. I have thought about it some time since, and if the Senator from Kansas, who is particularly interested in the question and who represents the interests of that State, feels that these towns ought to be designated on the line of the road, I certainly shall interpose no objection. It is a local question; and he believing that those towns along the line of the road, being important points in the State, ought to be mentioned in the bill, for one, as a Senator, I shall vote according to his recommendation upon a question so purely local. I withdraw all objection to it.

Mr. LANE, of Kansas. I have stated to the Senators who objected to making the towns I named points on the road that I would not ask it, but would be content with the passage of the bill as it came from the Committee on Public Lands. I hope the Senate will allow it to come up now. It will take but a moment.

Mr. WILKINSON. I have no objection to the bill being taken up at any time except the present. I want the Montana bill disposed of during the morning hour to-day.

Mr. LANE, of Kansas. I desire to say to the Senator from Minnesota that this bill was postponed until yesterday, and should have come up yesterday. I now ask that it be taken up and passed. There will be no discussion about it.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 233) making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines.

The VICE PRESIDENT. When the bill was last up an amendment was proposed by the Sen-

ator from Kansas, [Mr. LANE,] which will be read.

Mr. LANE, of Kansas. I do not wish to press the whole of that amendment. I simply offer the first part of it. I propose merely to add at the end of the second section the following proviso:

Provided, That the line of railroad and telegraph from Leavenworth, by way of Lawrence and the Ohio City crossing of the Osage river, to the southern line of the State in the direction of Galveston bay, shall run via Baldwin City.

I simply desire to say to the Senate that Baldwin City is the seat of learning of the State of Kansas and is directly on the line of the road. I should like very much to have this amendment adopted. It is the only one which I ask for.

Mr. MORRILL. I should like to inquire of the Senator from Kansas whether he knows that such an amendment is at all practicable. It may not be practicable to carry the road in the direction proposed. I do not know whether this route has been surveyed and whether it has been ascertained that it is practicable to divert it from the line proposed in the bill to the point designated by the Senator from Kansas. I should like to know how that is.

Mr. LANE, of Kansas. The gentleman can judge as well as I. Baldwin City is directly south of Lawrence and on the line of the road in a level. There is no obstacle to its running through Baldwin City.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. MORRILL. I have no opposition to make to the bill; but these bills come up here in the morning hour, and I do not know that anybody takes any interest in them except as a matter of locality, but they do divest the Government of very large quantities of land.

Mr. LANE, of Kansas. Not this bill.

Mr. MORRILL. This bill contemplates, as I understand it, a grant of about half a million acres.

Mr. LANE, of Kansas. This bill lengthens the line of the road twenty-five miles, and shortens it twelve miles.

Mr. MORRILL. How is that?

Mr. LANE, of Kansas. We change one branch of the road from Lawrence to Emporia, which shortens that branch twelve miles, and we lengthen the Neosho valley road to Fort Riley, a fort of the Government, twenty-five miles, so that it lengthens the whole line of road about thirteen miles.

Mr. MORRILL. What amount of land is appropriated?

Mr. LANE, of Kansas. Ten sections to the mile.

Mr. MORRILL. Then the whole appropriation, if I understand it, is ten sections per mile for thirteen additional miles. Is that all?

Mr. LANE, of Kansas. That is all. It has been before the committee and fully investigated.

Mr. MORRILL. My only object was to inquire what amount of lands were appropriated by this bill.

The bill was ordered to be engrossed for a third reading; and was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (No. 320) supplementary to an act approved July 14, 1862, entitled "An act to establish certain post roads, and for other purposes;" and

A joint resolution (No. 66) setting apart the old Hall of the House of Representatives as a hall of statuary.

The message further announced that the House of Representatives had passed the joint resolution of the Senate (No. 39) relating to the publication of the decisions of the Supreme Court of the United States for December Term, 1863.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the Vice President:

A bill (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie;

A bill (H. R. No. 301) to amend an act for enrolling and calling out the national forces so as to increase the rank, pay, and emoluments of the Provost Marshal General;

A bill (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862; and

A joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow.

TERRITORY OF MONTANA.

Mr. CHANDLER. I move to postpone all prior orders for the purpose of taking up House bill No. 360. It will lead to no discussion.

Mr. WILKINSON. I hope that bill will not be taken up, but that we shall proceed with the unfinished business of the morning hour, which is a question that ought to have been decided when it was first presented to the Senate from the other House. I refer to the question on the disagreeing votes of the two Houses on the Montana bill; and as the Senator from Ohio, the chairman of the Committee on Territories, [Mr. WADE,] is not here, I feel it to be my duty to insist that the Senate shall act on this proposition.

Mr. CHANDLER. I give way.

The VICE PRESIDENT. The unfinished business of the morning hour of yesterday is now before the Senate, the question being upon the motion of the Senator from Minnesota that the Senate further insist upon its amendments to the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana, and agree to the further conference asked by the House of Representatives upon the disagreeing votes of the two Houses on that bill.

Mr. WILKINSON. I have but two or three words to say on this question. When I made the motion I did not intend to say a word about it, but let the vote be taken without any remarks so far as I was concerned. The original bill, as it came to the Senate from the House of Representatives, contains this proposition:

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been an actual resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory.

Every Englishman, every Frenchman, every Chinaman, every man that lives on the continent of Europe and owes allegiance to any of the Governments of Europe is permitted by this bill to come here and after a residence of thirty days to vote and hold office in this Territory. He may have come here expressly for the purpose of entering into gold speculations with the intention of returning home, hating our Government when he came here; and yet under this bill he is permitted to vote, and even to be elected to the Legislature if he can succeed in doing so.

When the bill was under consideration in the Senate, I moved to strike out the words, "white male inhabitant," and to insert "male citizens of the United States and those who have declared their intention to become such." I wanted to limit the right of suffrage and of holding office in this Territory to citizens of the United States and those who had declared their intention to become such. The Senate adopted the amendment; but the House of Representatives have disagreed to it.

I would not say one word about this subject except for the remarks that were made yesterday by the honorable Senator from Illinois. He attacked this proposition with a great deal of spirit and I thought with a great deal of bitterness. In his opposition to it he went into the acts of the Government violating the Constitution and dividing the loyal sentiment of the North, as he said; and I suppose of course that he meant to arraign this as one of the measures which tended to produce that result. What is this proposition that is to divide the loyal sentiment of this country and weaken the arm of this Government? It is a proposition to limit the right of suffrage in the Territory of Montana to citizens of the United States and those who have declared their intention to become such. Is there anything in a proposition of that kind to call forth such a speech as the honorable Senator made yesterday?

The honorable Senator seemed to sneer at the proposition, and he asked, why not allow persons under twenty-one years of age, children, to vote? Why not allow women to vote? And then he characterized it as a measure tending to destroy the harmony of the loyal people of the North and to weaken the arm of the Government in suppressing this rebellion. It was not long ago that the honoroble Senator himself had a proposition here which tended to agitate the public mind on the question of slavery. I supported it then because I believed it was right, and I believe now that it is always proper to agitate the public mind if you agitate it in favor of the right and the truth. In such a case I am not afraid of agitation.

The Senator says we want the whole power of this Government to suppress this rebellion. So we do. But, sir, we now have in our Army about two hundred thousand black men fighting——

Mr. TRUMBULL. Oh, no; not that many.

Mr. WILKINSON. We may not have quite that many; but we have a large army of black men in the field fighting for us to-day—an army as brave as any that the honorable Senator has sent from the State of Illinois; and they are brave as anybody—an army composed of men who refuse to surrender and submit to death rather than to be sold into slavery. And yet that honorable Senator wants a discrimination made against those men in direct terms in a bill in which we are called upon to define the qualifications of voters.

But, sir, when this bill was first under consideration in the Senate, the honorable Senator from Maryland [Mr. JOHNSON] said in his place here that even under my amendment negroes would not be permitted to vote. I will read what he said:

"Mr. JOHNSON. I ask for the reading of that part of the bill.

"The Secretary read:

"That every free male citizen of the United States——

"Mr. JOHNSON. That will do. I was about to say, in order to explain my reason for asking for the reading of the amendment, that if the object of the Senator from Minnesota [Mr. WILKINSON] is to put it beyond all doubt that Africans in the Territory shall be permitted to exert all the political rights that under the bill will be exercised by white men, he had better say 'all black men,' instead of saying 'all citizens,' because the Supreme Court of the United States has decided, and that question was directly before the court in the Dred Scott case, that a person of African descent is not a citizen of the United States. The objection to the authority of that decision did not apply at all to that particular question; it was to the other question which a majority of the court decided as to the unconstitutionality of the Missouri restriction. The opinion of a large part of the public, not only confined to what may be called laymen, but including a great many professional men, was that, so far as that question was concerned, the decision of the court was extra judicial; but as far as related to the other question, the capacity of the African to sue in the courts of the United States, there was no doubt in the mind of anybody that the decision, until it shall be reversed by the court itself, is conclusive, and conclusive upon the question that a person of African descent is not a citizen of the United States within the meaning of the Constitution.

"I objected to the amendment when it was proposed by the honorable member from Minnesota, because I was apprehensive that it might lead to some difficulty in its practical operation in this new Territory; but I suggest now to the member that if he really wishes to place Africans upon the same footing with all other persons in the discharge of any of the political functions which all other persons will be at liberty to discharge, he had better provide that whites as well as blacks, who have the qualification stated, of residence, shall stand upon the same footing. I think he will not accomplish his purpose, if that is his purpose, by the amendment, if the bill shall pass in its present shape, without some additional explanation.

"Mr. WILKINSON. I am willing that it shall stand as it is, and let the decision of the Supreme Court be whatever it may. I simply wish to strike out the qualifying term there, and let the results take care of themselves. I neither want 'white' nor 'black' put into this bill."

If the Senator from Illinois has any great fears that the people of Illinois are going to be seriously disturbed by this measure, let him publish these remarks made by the honorable Senator from Maryland, and if they believe in the Dred Scott decision his people will not be at all disturbed, and the loyal men of Illinois will be just as patriotic as they were before.

Mr. TRUMBULL. They do not believe in that decision.

Mr. WILKINSON. The honorable Senator says the people of Illinois do not believe in the Dred Scott decision. If there are any men in the State of Illinois who do not believe in the Dred Scott decision I assure the honorable Senator they will not be at all disturbed by a proposition confining the right of suffrage in the Territory of Montana to free male citizens of the United States and those who have declared their intention to become such.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. THURSDAY, APRIL 21, 1864. NEW SERIES.....No. 110.

Mr. President, I am willing that the courts shall determine whether colored men are citizens or not, but while they are fighting in our armies I am opposed to putting an offensive clause like this in any bill that may be passed here in Congress. I am opposed to being governed any longer by that wicked pro-slavery prejudice that has ruled in the Congress of the United States for more than thirty years, and is to-day exerting an influence over the minds of many of our Republican members which it ought not to exert, and which they ought to tread upon and spit upon here in this Congress and always hereafter. If we are to go on trembling, higgling, afraid of this ghost of slavery and of this prejudice which has exerted such a pernicious influence for half a century past, we may as well give up this contest at once. We are fighting against this very principle, this very element which has exerted so powerful an influence in this country heretofore, and which has at last deluged the land in blood.

The honorable Senator talked about our violating the Constitution, and he said that we were fighting for liberty regulated by law. I want to regulate liberty by law; and I want the men who are fighting for liberty on this continent to know that they have friends who dare to acknowledge their manhood, and who refuse to insert into any law of Congress odious and offensive provisions tending to keep up wicked prejudice against them.

I do not know whether negroes will vote in Montana or not. The amendment that I offered, except that portion of it which relates to foreigners, did not relate so much to the practical question of what men were to vote or hold office in Montana as it went to this point; I want Congress to cease to legislate in the interest of slavery and in the interest of those who are to-day trying to uphold it. The quicker we strike at it the better. The quicker the public sentiment of this country is brought up to that standard of right and justice which all men acknowledge to be right and just, the better; but we shall never come up to it by such speeches as that made by the honorable Senator from Illinois yesterday.

Mr. HENDRICKS. I am always delighted to hear the Senator from Minnesota, for he speaks his views frankly, and presents his sentiments squarely before the Senate and the country. He announces the proposition that the sooner we come up to the sentiment embodied in his amendment the better; that we have got to meet that question, and the sooner we meet it the better; not as a practical question, for the Senator does not claim that there is a single negro in Montana. He does not claim, I think, that there is likely to be one there.

Mr. WILKINSON. I did not say that. There are some negroes there. I wish to state that I called upon a friend of mine who had moved into Montana from St. Paul, Minnesota, and I asked him that question. He replied that there were negroes there; that one of the most respectable men in the Territory was a negro worth over fifty thousand dollars. That was told me by Mr. Langford, a very respectable gentleman now living in Montana.

Mr. HENDRICKS. Then there is one negro in Montana worth $50,000. Under the laws of the State of New York, which recognize a negro to be as good as a white man provided he is worth $250, that particular negro could vote. But that there are one or two, or three negroes in the Territory of Montana does not raise a question of practical importance. It has been announced by Senators here that there were none of the persons of this class in that Territory, and I presumed they knew; I have no information on the subject myself.

The proposition of the Senator from Minnesota is that the negroes shall have the right of voting in this Territory, not because there is any considerable proportion of that class of persons there, but simply to assert a principle or a sentiment. Now, what sentiment is it desired to assert? That the negro in the Territories of the United States shall have the right of voting alongside of the white man. How many of the States in this Union have recognized that sentiment? I believe some of the New England States have; a qualified recognition is given in New York; but I think in the Northwest, almost without an exception, the States have expressed the sentiment of the people that the negroes ought not to vote along with the whites, that they ought not to control the affairs of the Government, that they belong to an inferior class, that the Government of the United States and the States were constituted for the white man by white men. I desire to ask the Senator from Minnesota whether under the laws and constitution of his State the negro is entitled to a vote?

Mr. WILKINSON. Does the Senator wish an answer?

Mr. HENDRICKS. Yes, sir.

Mr. WILKINSON. He is not; but I wish to add that if the vote were taken to-day, a very different expression would come in from the people of that State. We were under pro-slavery dominion when our constitution was adopted; but I thank God it has passed away.

Mr. HENDRICKS. I was not aware that the institution of slavery had ever existed in the State of Minnesota. I thought when it was a Territory that it was a free Territory; and I have been under the impression that since it became a State it has been a free State; and I cannot see how it is that the State of Minnesota has been at any time under pro-slavery control.

Mr. WILKINSON. Will the Senator permit me?

Mr. HENDRICKS. Certainly, sir.

Mr. WILKINSON. Slaves have been held by their masters, or pretended masters, at Fort Snelling, in Minnesota.

Mr. HENDRICKS. I was not aware of the fact, except as the fact was brought to the attention of the country in the Dred Scott case. I believe for a year or two the owner of Dred Scott did hold him at Fort Snelling. I think, however, that was before Minnesota was organized into a separate Territory.

But, sir, the Senator says now to the Senate that his own people in their constitution and laws have said that they do not believe the negro ought to go to the polls with them and control the elections. Then whom does the Senator from Minnesota represent in this body when he asks that this privilege shall be extended in this new Territory of Montana? He does not represent the people of Montana, because I have not heard that there are any petitions in this body from that people upon this subject; and I think the Senator will scarcely say that he has any instructions from the people of Montana upon it; and from his own State, so far as we gather it from the constitution and laws of that State, he is instructed to say that they shall not be allowed to vote. I have from the State which I represent in connection with my distinguished colleague distinct instructions that the negro and the Indian are not to be allowed to vote, but that Indiana shall be the home of the free white man, his wife, and child.

Now, sir, as this is not a practical question, what does the Senator from Minnesota propose? Not to confer a substantial right, not to recognize for people that are there political privileges, but to assert a sentiment, as he expresses it; and what is that? When the great body of the northern States have said that none but white men should vote, the Senator from Minnesota and the Senate the other day by its vote said that, as a sentiment, it was right that the negro should be equal in his political privileges with the white man.

Then, sir, this is not important as a matter of practical legislation, but is important only for the purpose of expressing that sentiment which is distasteful, I undertake to say, to the people of the North, as we may gather the sentiment of the people of the North from their constitutions and laws. I am glad that the Senator expresses himself fairly and squarely. But I understood him to say that he was willing to yield to the judgment of the court whether the negro was a citizen or not, and whether, under the language which he has adopted in his amendment, the negro can vote. Why does he not yield to the decision of the court? Why does he still insist that the negro, under the language which he has adopted, will be entitled to a vote? Has the Supreme Court not decided the question that the negro is not, and cannot be, a citizen of the United States under the Constitution? The Senator cannot say that that question was not before the Supreme Court. All critics, all jurists reviewing the Dred Scott decision have admitted that that question was before the court; for it was a question of jurisdiction raised by the plea below, the question of jurisdiction depending upon the very question whether Dred Scott was or could be a citizen of the United States.

Then the Supreme Court of the United States, the court of last resort, the court of highest authority upon a constitutional question, having decided upon the question fairly before it involved in the record, and which the court had to meet at the outset, having decided that the negro is not a citizen of the United States, how is it that the Senator contests that decision, and in the same speech admits that he ought to bow to the authority of the court?

I did not intend to discuss this question, sir, but I desired that the question should be made a plain one. It is not a question of practical legislation, but a question whether the Senate shall say to the people of the country that the negro ought to be a voter. When the Senate says by its vote that he ought to be a voter in Montana, the Senate says that he ought to be a voter in Indiana and in the States, because it is a political right which he ought to enjoy; and I desire the people of the country to understand that distinct proposition.

Mr. DOOLITTLE. I have no objection to this going to another committee of conference, and I am free to state that in the amendment of the Senator from Minnesota I see that there is a proposition which is an improvement to the bill; and that is that none but citizens or those who have declared their intention to become citizens should be entitled to the right of suffrage. Of that part of his amendment I am in favor, and I desire the bill to go to a committee of conference between this House and the House of Representatives upon that subject. But, sir, the broad question which is discussed here by him and by other Senators as to whether we shall at this time declare by act of Congress that negroes shall be entitled to suffrage either in the Territories or in the District of Columbia, is a question which it is wholly unnecessary for us to act upon. Being unnecessary so far as Montana is concerned, it is unwise altogether to act upon it, because if insisted upon it will divide the loyal people of this country.

Mr. President, I shall speak plainly on this question and without fear or favor. Last fall what was the condition of our affairs? Mr. Vallandigham, of Ohio, was nominated for the office of Governor of that State, avowing his sympathy with the secessionists in many respects, wholly opposed to the war, taking the ground that he would not shed another drop of blood or vote another dollar for its prosecution. A party in the State of New York indorsed him, a party in Pennsylvania substantially indorsed him, and a party in the State of Wisconsin indorsed him by resolution also; and we went to the election, and what was the result? That party, by the power of its organization, though it carried Mr. Vallandigham upon its shoulders, who avowed that he was opposed to the war, that he would not shed another drop of blood or pay another dollar to prosecute this war, came very near succeeding in electing the friends of Vallandigham to power in many of the free States, the great States, the controlling States among the loyal States of this country. Pennsylvania came within about fifteen thousand; New York within about thirty thousand, in a vote of five or six hundred thousand. And, sir, let the issue now be changed, changed from a party

carrying Vallandigham, an avowed opponent of the war and its prosecution, as their champion and leader, and take up McClellan for the Presidency upon the platform of the prosecution of the war, and then let them charge upon the party in power that they propose to conduct this election upon the basis of negro suffrage, and no man can doubt for one moment as to the result, and the man is blind that does not see it now as well as it will be seen then.

The VICE PRESIDENT. It becomes the duty of the Chair at this hour to call up the unfinished business of yesterday.

Several SENATORS, (to Mr. DOOLITTLE.) Go on.

Mr. SUMNER. What does the Senator wish?

Mr. DOOLITTLE. Let the regular business come up. If this bill can go to a committee of conference very well, for I do not regard this question as being necessarily involved in it.

The VICE PRESIDENT. The regular business of the day is before the Senate, and upon that question the Senator from Connecticut [Mr. FOSTER] is entitled to the floor. The Chair will, however, with his consent, present some bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bill and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 320) supplementary to an act approved July 14, 1862, entitled "An act to establish certain post roads, and for other purposes"—to the Committee on Post Offices and Post Roads.

A joint resolution (No. 66) setting apart the old Hall of the House of Representatives as a hall of statuary—to the Committee on Public Buildings and Grounds.

TAXATION IN WASHINGTON.

On motion of Mr. HALE, it was

Ordered, That the Secretary request the House of Representatives to return to the Senate the message informing the House that the Senate had agreed to its amendments to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820.

Mr. HALE submitted a motion to reconsider the vote on concurring in the amendments of the House of Representatives to Senate bill No. 126, and it was entered.

REPEAL OF FUGITIVE SLAVE LAW.

The Senate resumed the consideration of the bill (S. No. 141) to repeal all acts for the rendition of fugitives from service or labor, the question being on the passage of the bill.

Mr. FOSTER. Mr. President, for the bill now before the Senate I shall give my vote on its passage with very great pleasure. Its effect will be to repeal the law of 1850, popularly known as the fugitive slave law, in my opinion a most iniquitous measure, and certainly most obnoxious to the people of the free States from the day of its passage to the present hour. That bill was passed in a period of great excitement in the country. A malicious and malignant spirit had been excited; sectional and partisan feeling raged over the land. An arrogant and defiant party, in their pride of power, passed that bill through both Houses of Congress. It has the forms of law, and has stood unrepealed to this day. From the first day I had the honor of a seat in this body until now, I should have voted cheerfully for its repeal at any time. I have heard that law denounced by the honorable Senator from New Hampshire [Mr. HALE] in the indignant, eloquent terms which he knows so well how to employ. I have also heard it denounced by the honorable Senator from Massachusetts [Mr. SUMNER] in like terms; and although I may not by any effort of mine call to my aid words so fit and proper, so emphatic and so significant, as are readily commanded by those gentlemen in characterizing that law, neither of them can vote for its repeal with more cordiality than I can and shall.

I will not stop now to enumerate my objections to that law. It is unnecessary. There are provisions in it which I believe are unconstitutional. Among them there is a single one to which I will allude, that which gives judicial powers to certain commissioners appointed by the courts for ministerial purposes, to decide all questions arising on a claim made, in the face, as it seems to me, of the first section of the third article of the Constitution, which provides that

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

Whether or not an alleged fugitive shall be returned to the State from whence he is said to have escaped is clearly a judicial question, and can be passed upon, in my apprehension, only by a person clothed with judicial power and authority. A commissioner appointed by the circuit and district courts merely to take affidavits and to perform other like duties is no such officer. He is no judge. He is clothed with no judicial power. However corruptly he may act, he is not liable to impeachment. He is a man wholly irresponsible. To commit such important and such delicate duties as those here in question to such men is, as it seems to me, a gross violation of the provision of the Constitution which I have read.

But, sir, as I have already stated, I do not propose to make an extended examination of the fugitive slave law of 1850. I voted to amend the bill now before the Senate as it came from the committee, in order to save from its operation the act of 1793 regarding the same subject-matter, and I did so for reasons quite satisfactory to myself. Indeed if I had allowed this bill to pass as it originally stood, repealing the act of 1793 with the act of 1850 for the reasons that were urged for its repeal, I should have felt that I was casting dishonor and reproach upon the memory of the men who were my predecessors in this body, at that time representing the State of Connecticut, than whom there were no more eminent in the land, respected and honored while living and revered now that they are dead, Roger Sherman and Oliver Ellsworth. For me to vote to repeal a law intended to carry out a provision of the Constitution which those gentlemen aided first in making and then in passing is a bold step; specially so if placed on the ground that in enacting it they were usurping powers not belonging to the Congress of the United States; that the provisions of the law are unconstitutional and therefore null and void. I am not prepared to assert this, nor can I assent to such an assertion.

Mr. SUMNER. Will the Senator be good enough, while he is on that point, to state his authority for saying that those two eminent persons gave their consent to either of those propositions, either in the Constitution or in Congress? Show the yeas and nays, show that those men, his predecessors, ever registered their names for such an outrage.

Mr. FOSTER. Mr. President, I will not promise to satisfy the honorable Senator; I do not assume to do that, because where a man reasons with his will you cannot put him down by arguments or facts. I will show, however, by the record, what to most minds will be equally satisfactory as the yeas and nays, that both those gentlemen did vote for the law of 1793 to which I have alluded, and Roger Sherman was on the committee who framed the bill and who reported it. So much I will show the gentleman from the record presently. Oliver Ellsworth was his colleague in this body at the time it passed; and although I cannot show the honorable Senator yeas and nays on its passage, for they were not taken, the record shows that it passed without a division; it passed, as it appears, unanimously. That may not satisfy the honorable Senator. I did not promise to satisfy him; but those are the facts. It is tolerably satisfactory to a man who does not shut his eyes to the light of the sun and then say all is dark: I will it to be dark; therefore it is.

Mr. SUMNER. I will it to be light.

The VICE PRESIDENT. The Senator from Massachusetts will not interrupt the Senator from Connecticut when he is speaking.

Mr. FOSTER. It is no interruption, Mr. President. I always hear the Senator with great pleasure; but he will pardon me for suggesting that the divine prerogative has not yet been vouchsafed to him of saying, "Let there be light, and there was light." I yield all that belongs to a Senator from Massachusetts in this body to the Senator, as an eminent, worthy, distinguished representative of his State; still, sir, I may without offense remind that honorable Senator that brave men lived before Agamemnon, and that Roger Sherman and Oliver Ellsworth lived before him. They were sons of Connecticut whom I cannot hear aspersed without defending or at least attempting to defend them.

Let me ask the attention of the Senate, and I will do so briefly, to this law of 1793, in order that I may not under any circumstances misrepresent what actually occurred. I read from the 460th page of the Journal of the Second Congress. The Journal reads thus:

"THURSDAY, *November* 22, 1792.

"On motion,

"*Ordered*, That Messrs. Johnston, Cabot, and Read be a committee to consider the expediency of a law respecting fugitives from justice, and persons escaping from the service of their masters, and, if they think proper, to report a bill."

That is the first entry on the Journal. The next is:

"THURSDAY, *December* 20, 1792.

"Mr. JOHNSTON, from the committee appointed for that purpose, reported a bill respecting fugitives from justice and persons escaping from the service of their masters; which was read the first time.

"*Ordered*, That this bill pass to the second reading."

"FRIDAY, *December* 21, 1792.

"The Senate proceeded to the second reading of the bill respecting fugitives from justice and persons escaping from the service of their masters; and,

"*Ordered*, That the further consideration thereof be postponed."

"WEDNESDAY, *December* 26, 1792.

"The Senate resumed the second reading of the bill respecting fugitives from justice and persons escaping from the service of their masters; and, after debate,

"*Ordered*, That the consideration thereof be further postponed."

"THURSDAY, *December* 27, 1792.

"The Senate resumed the second reading of the bill respecting fugitives from justice and persons escaping from the service of their masters, and, after debate,

"A motion was made and seconded to postpone the further consideration thereof to the next session of Congress."

"FRIDAY, *December* 28, 1792.

"The Senate resumed the second reading of the bill respecting fugitives from justice and persons escaping from the service of their masters; and the motion yesterday made thereon, to wit: 'That the further consideration of the bill be postponed to the next session of Congress;' which motion passed in the negative.

"On motion,

"*Ordered*, That the bill be recommitted; and that Messrs. Taylor and Sherman"—

Roger Sherman, Mr. President—

"be added to the committee, who are instructed to consider the subject generally and report thereon."

The committee originally consisted of three. They reported a bill which was debated as I have shown. It was then recommitted, and two gentlemen, of whom Roger Sherman was one, were added to the committee.

"THURSDAY, *January* 3, 1793.

"Mr. JOHNSTON, from the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, reported amendments; which were read.

"*Ordered*, That the report be printed for the use of the Senate."

"FRIDAY, *January* 4, 1793.

"The Senate resumed the second reading of the bill respecting fugitives from justice and persons escaping from the service of their masters, and the report of the committee thereon; and, after debate, the consideration thereof was further postponed."

"MONDAY, *January* 7, 1793.

"On motion,

"*Ordered*, That the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters be further postponed."

"TUESDAY, *January* 8, 1793.

"On motion,

"The consideration of the bill respecting fugitives from justice and persons escaping from the service of their masters was postponed to Monday next."

"TUESDAY, *January* 15, 1793.

"The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and the amendments proposed; and, after debate,

"*Ordered*, That the consideration thereof be further postponed."

I hope the Senate will not be out of patience while I read a very few more of these orders of the Senate. I do it among other things to show that this bill was deliberately considered by the Senate, not rushed through with a velocity such

as the honorable Senator from Massachusetts proposed to give this bill repealing it yesterday, setting at naught the speed of railroads and steamboats. It could be likened only to the magnetic telegraph—repealing laws by electricity:

"WEDNESDAY, *January* 16, 1793.

"The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and the amendments proposed; and, after progress,

"The Senate adjourned until eleven o'clock to-morrow morning."

—

"THURSDAY, *January* 17, 1793.

"The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters; and having amended the report, it was adopted, and agreed that the bill be amended accordingly.

"*Ordered*, That the bill pass to the third reading."

—

"FRIDAY, *January* 18, 1793.

"The bill respecting fugitives from justice and persons escaping from the service of their masters was read the third time; and, being further amended,

"On motion

"To strike out $500, for the purpose of inserting a less sum, in section fourth, the penalty on 'any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbor or conceal such person, after notice that he or she was a fugitive from labor as aforesaid:'

"It passed in the negative.

"*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be 'An act respecting fugitives from justice and persons escaping from the service of their masters.'

"*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this bill."

Mr. President, that is the record. That Mr. Sherman and Mr. Ellsworth both voted for it I cannot aver; but the record shows every fact which would induce us to believe that they did, for there was no division, no dissenting voice. That Mr. Ellsworth was present appears by the record, for the next entry in the Journal is:

"Mr. ELLSWORTH, from the committee to whom was referred the bill entitled 'An act to regulate the claims to invalid pensions,' reported the bill with amendments, which were read."

If Mr. Sherman and Mr. Ellsworth entertained the views which the honorable Senator does in regard to that bill they would not have sat by and witnessed its passage without one word of opposition or asking a division of the Senate. I say the record, therefore, is as complete and perfect, going to show that they both voted for that bill, as though I had what the Senator asked for, the yeas and nays, showing their names among the yeas.

Mr. SUMNER. The Senator will allow me to remind him that the record does not show whether they spoke for or against the bill.

Mr. FOSTER. No; it does not.

Mr. SUMNER. How can he say that both of them did not speak against it?

Mr. FOSTER. Because neither of them voted against it, and neither of them asked a division of the Senate upon the passage of the bill.

Mr. SUMNER. That does not follow.

Mr. FOSTER. "It does not follow," does it not? Who in this body ever opposed a bill on the principle urged against this, and then, when it was put upon its passage, said not one word which should appear on the record, nor asked that a division be had or the yeas and nays ordered, that it might be seen who was for and who was against it?

Mr. SUMNER. It is done again and again, and constantly.

Mr. FOSTER. The Senator says it is done again and again, and constantly. I have never known it to be done. It may have been done; it has been done on some unimportant matter where a man was alone or nearly alone and did not care about putting himself on the record. I agree men may speak against a trivial bill and not on the final passage ask a division when they see there is an overwhelming vote against them.

Mr. SUMNER. That may have been the very case here. Those two patriots from Connecticut were already on record against slavery and may have said, their records were perfectly ample, they had spoken; they were known to be against slavery; and they forbore to call the yeas and nays.

Mr. FOSTER. That does not quite follow. It does not answer the exigencies of the case. Mr. Sherman and Mr. Ellsworth were not that class of men who would allow a measure of this sort, which is what the Senator calls a usurpation, a direct invasion of the Constitution, an unrighteous, inhuman, barbarous law, to pass, and rest silent and dumb upon the laurels which they had won opposing slavery. Where did they oppose slavery? In the Convention, at home, abroad, everywhere; and just as much, as I trust and believe, in voting for this bill as in any other way. It was but carrying out the provisions of the Constitution as they believed, and therefore they voted, as I believe, for the measure.

The other members of the Senate at that time were eminent men. This it will be observed was the Second Congress of the United States. Many of the men in both branches of Congress were fresh from the Convention that made the Constitution. George Washington was President of the United States. John Adams was Vice President. John Langdon was President *pro tempore* of this body, and occupied the chair which you, Mr. President, now fill. In the House of Representatives Jonathan Trumbull was Speaker. James Hillhouse was one of the members from Connecticut. Other members, not unknown to fame, sat there.

The bill was sent to the House. It passed that body on the yeas and nays, and but seven men voted against it, and those were not exclusively northern or exclusively southern men. A portion were from the North and a portion from the South; one was from Virginia, one from Maryland, the rest from Massachusetts and other States; but there was no sectional and no party division on that question. The vote against it in the House of Representatives, consisting as I have said of only seven men, on a yea and nay vote, is abundant evidence, to my mind, that nobody at that day entertained any doubts about the constitutionality of the measure, and it was almost a unanimous opinion that it was the duty of Congress to pass such a law. Mr. President, I cannot but consider a law of this kind passed under these circumstances as having in some sort the sanctity which belongs to the Constitution itself. It is connected, certainly, with an important provision of the Constitution. Shall we, after more than seventy years, sitting in the seats which those men occupied, deny to them what we claim for ourselves, the power to understand correctly the provisions of the Constitution which their hands had made? Who are we, that wisdom has come to us which was denied to them? I surely am not disposed to depreciate the men of the present day, and least of all the honorable and worthy men around me, for all of whom I entertain feelings of the most unfeigned respect. But, sir, who of us are desirous of instituting a comparison between ourselves and the members of the Senate of 1793? Others may speak for themselves. However much of arrogance I may possess or exhibit at certain times or on certain occasions, I should shrink with unaffected modesty from being compared with Roger Sherman or Oliver Ellsworth.

This law of 1793 adopts the language of the Constitution. It is a short bill containing only four sections. The first two sections relate to fugitives from justice; the other two to fugitives from labor; and the expressions that are used are identical with those used in the Constitution. The third section of that act, which is the first that refers to the subject now in hand, reads thus:

"SEC. 3. *And be it also enacted*, That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said States or Territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested, doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled."

The terms employed in this section are the terms of the Constitution, and if the Constitution itself (if I may be pardoned the expression) is constitutional, that section must be considered constitutional also, so far at least as the description of persons is concerned. It is true that in that section power is given to magistrates appointed by the authority of the States to act under the law, and so far as that is concerned the Supreme Court, in the case which has been referred to, and which is so familiar, the case of the Commonwealth of Pennsylvania against Prigg, held that this law imposed no duties on such magistrates; that those magistrates might act if they pleased, unless they were forbidden by the States, which States had a right to forbid them. They were not bound to act, and only magistrates created by authority of the United States, judges, were required to act under the law, and all State authorities were released from responsibility. That effectually relieved the free States from any obligation in regard to this law, and left the curse and crime of slavery to be borne and answered for by the States who chose to continue it.

The honorable Senator from Massachusetts yesterday in his discussion with the honorable Senator from Maryland [Mr. JOHNSON] alluded to the fact that no trial by jury was provided in this act, and therefore it was unconstitutional. If a trial by jury had been provided it would not, as I understand the honorable Senator from Massachusetts, make the bill one whit more constitutional than it now is; it would be just as unconstitutional with a trial by jury provided as it is without.

Mr. SUMNER. It would remove one objection to it.

Mr. FOSTER. "It would remove one objection to it;" but what difference does it make in this law to add that clause when with it, as well as without it, it is still an unconstitutional act?

Mr. SUMNER. There is an army of objections behind that, of course.

Mr. FOSTER. The honorable Senator says there is an army of objections to it; and in that state of things it seemed to me—the Senator will pardon me—mere trifling to urge an objection which if it did not exist would have made no difference. If there is an army of objections behind that one, why did the Senator urge that and leave out the rest of the army? Put that in and the law, in the judgment of the honorable Senator, is equally unconstitutional. Why, then, I ask again, urge that as an argument against it?

The honorable Senator urged other arguments why, as he says, all these laws regarding fugitive slaves ought to be repealed. One was the advantage that it would give our country in the eyes of foreign nations; that we were now thought ill of abroad in consequence of these laws, and if we would repeal them we should place ourselves right in the judgment of European nations, and have much more sympathy, many more friends, than we have at present. The honorable Senator, in the course of his elaboration of that argument, if such it may be called, asserted very emphatically that we did not know how great evils we were suffering abroad in consequence of the non-repeal of these laws. I do not know what sources of information are open to the honorable Senator that are not open to the rest of us. He has, I know, a very extensive correspondence both with the continent of Europe and the island of Great Britain, and undoubtedly has private sources of information not possessed by many of us; certainly not by myself. But, sir, what is the real value, what is the weight of this argument as to the views and opinions of foreign nations on this subject? Is it an argument fit to be urged upon the Congress of the United States, either for the enactment or repeal of a law affecting our internal policy, that foreign nations will be pleased or displeased? It is not to me. It would not have had weight with me at any former time, and least of all at the present time.

How do we now stand toward European nations generally, or rather how do they choose to stand toward us? I am not disposed to go at length into that question, and I would not if I could say anything which would create animosity or widen any breach which may now by possibility exist even in feeling between us and any foreign nation, but it is useless to shut our eyes to the fact that the great commercial nations of Europe are looking and have been looking upon our country for the past three years with the most decided dislike and disfavor. For the people of that

section of our country which is in open rebellion against our Constitution and laws these nations have manifested strong sympathy and regard, giving them their aid, countenance, and encouragement, in all forms and ways, whenever an opportunity has offered.

The honorable Senator insists that it is because of the connection of our Government with slavery that our cause is thus regarded abroad. Why does not that fact operate to provoke the dislike of these foreigners toward the rebels and traitors who are trying to overthrow the Constitution of their country, and bring ruin and desolation upon our fair land, the foundation, the very cornerstone of their government being this foul and odious institution of slavery? Both the great commercial nations of Europe have been giving every facility which by possibility could be given, without provoking a war with this country, to those insurgents, rebels, and pirates. When their privateering—I would rather say (because that is the better and more appropriate term) their piratical—cruisers have gone into foreign ports, how have they been received? Why, sir, with all the courtesies and hospitalities which one friendly nation exhibits to another. The officers and men have been welcomed, fêted, dined, and wined both by official personages and by private citizens. Compare this with the treatment meted out to our own ships of war when they have gone into foreign ports. Our officers and men have been treated coldly, repulsively; they have been insulted, jostled, and elbowed out of the way. The contrast between the treatment received by these piratical cruisers laden with plunder robbed from our peaceful merchants, whose ships they had burned on the high seas, and the public ships of the United States under the star-spangled banner, has been enough to make the blood of every true American tingle in his veins, and to look forward to a time of reckoning between us and those who, to use a mercantile phrase, have been opening these accounts with us. Does the honorable Senator now want to pass this repealing law to please England and France?

Mr. SUMNER. If the Senator puts that question to me in good faith——

Mr. FOSTER. I do put it in the best faith.

Mr. SUMNER. I will say, I do want it to enable our friends in France and England to maintain our cause against our enemies there, against those who set those piratical ships afloat. It is to sustain our friends, to sustain those who sustain us, that I propose to put my country right. The Senator proposes to keep it wrong.

Mr. FOSTER. That is another affair; we will see about that by and by. It is not, then, to gratify the Governments of the two nations to which I have alluded, but to please our friends, the people of those two nations, or some portion of the people, who would befriend us if we pursued the course which the Senator asks us to pursue. I inquire of the honorable Senator whether he supposes that any considerable portion of the people will be induced to rise up in England or France against their respective Governments and compel a change of policy, and whether he seriously asks us to pass laws which shall bring the people of France in collision with the Emperor, or the people of England in collision with the Crown and Parliament.

Mr. SUMNER. Not in collision, but——

Mr. FOSTER. "Not in collision!" That is a sufficient answer.

Mr. SUMNER. But I do ask that we may pass laws that shall bring the public opinion of the civilized world on our side. The Senator insists that that public opinion shall be against us.

Mr. FOSTER. Mr. President, the Senator has no right to put any other than a reasonable construction on my remarks. If he asserts that I wish that the public opinion of the world shall be against us, I am at a loss to know on what remark of mine that assertion is founded. I have said nothing of the sort. I am as ambitious of the honest, good opinion of my fellow-men, and that my country should have the good opinion of foreign nations, as the honorable Senator; but I am not disposed to crouch and crawl and beg either the Government or the people of any country to look with favor on the flag of the United States. The day is distant, I trust, when I shall be driven to that necessity; at all events, it has not come yet

If this bill had passed as it was originally reported, would the honorable Senator, or any member of this body, take a certified copy of it, and go abroad to England to circulate it among our friends, the people there, to win their friendship and favor? Then I suppose it would be uncourteous should he fail to address the Queen and the Parliament. Would it not be somewhat after this fashion: "May it please your Majesty, and the Lords of Parliament, spiritual and temporal, and the Commons of England, the United States of America have repealed certain laws which were understood to be distasteful to the Crown and people of the United Kingdom of Great Britain and Ireland, and we now humbly ask that you will look upon us with increased favor!" I am not ambitious of going on such a mission as that, even if I had coupled with it the right to cross the Channel and make the same address to his Imperial Majesty the Emperor of France, and say to him, "May it please your Majesty"——

Mr. JOHNSON. "Sire."

Mr. FOSTER. The honorable Senator from Maryland will pardon me; I am not well versed in court phrases, or the style of courtly addresses.

Mr. HOWARD. "Sieur."

Mr. FOSTER. The honorable Senator from Michigan, who is also an authority, says that I should say "Sieur." I am, as you see, Mr. President, not fitted for the mission to which I have alluded. I should perform its duties very bunglingly, and I should not be willing to make the attempt while I remain a free man, and my country retains her independence.

No, Mr. President, the way to win the respect of foreign nations is first to respect ourselves; take the necessary steps for speedily crushing out this infamous rebellion, and placing our country, which we love, the land of our birth, in such an attitude before the world that we can compel the respect of all other nations. Then we shall win it, and not till then.

The truth is, Mr. President, foreign nations are not looking with favor on this Republic, and have not been for the last forty years. The principles on which our Government is based are antagonistic to theirs. If our system shall prove to be what thus far it has been, a grand success; if our Constitution shall abide the fearful pressure from within and without, now brought to bear on it; if our country comes out of this mighty struggle still standing before the world erect, undivided, strong, independent, and free, with no star fallen, but new ones added to the glorious constellation on the folds of our national banner, (and with God's blessing all these things shall be,) European dynasties may date their downfall from that very day. Of this they are as well aware as we; they know it. When steam has brought Europe within less than ten days of our country, when the magnetic telegraph, as it soon will, shall enable us to exchange thoughts with the Old World within a few hours, the influence and example of this Republic on the continent of Europe will be overshadowing and overwhelming. Revolutions which no human power can arrest will be inaugurated; thrones and crowns and scepters, all the paraphernalia of arbitrary power will be swept from the earth like the dust of the summer's threshing-floor before the breeze of heaven. The "powers that be," therefore, are generally leagued against us; they are in sympathy with the traitors to our country, not because they love them any better than us, but because in that way they think to disunite, to dissever, to disintegrate us, and break into fragments the great Republic. That is what European nations are striving and intending to do.

Sir, it is my opinion—and I am sorry that in that opinion I have not the concurrence of the honorable Senator from Massachusetts—that we should have a higher standard of legislation than to please foreign nations, and that an argument of that sort is a flimsy one at all times, and especially, as I have asserted, at the present time. What nations say or what individuals say ought never to be the standard of duty or policy either of nations or of individuals. It is a low standard in morals, scarcely less low in legislation. We should do that which is right, which will stand the test of time, and let those who are disposed to comment or censure, censure if they will. The late John Quincy Adams, to relieve the exhausting duties of his laborious life, amused himself on a certain occasion by writing a little poem called, if I mistake not—I have not seen it for many years—Murdoch McMorrough. The scene was laid in Ireland, and in the course of the narrative an Irish lady leaves her home and the house of her husband by night under the most disgraceful circumstances. At the moment of departure, feeling apparently a twinge of remorse for what was to follow, she cried out to her waiting-maid, who accompanied her, "O Agnes, Agnes, what will people say?" [Laughter.] I trust, Mr. President, that the Congress of the United States are not coming down to that standard. It is too low, altogether too low for the Senate of the United States. "What will people say?" is not the question we should ask.

Another reason urged by the honorable Senator why he wanted these laws repealed was that he wanted to hit slavery wherever he could find it. So do I; that is, as I understand that phrase. I do not know precisely what signification he gives to it. If he means that he is prepared to hit slavery wherever he can find it, under all conceivable circumstances and on all possible occasions, I am not with him. I presume the honorable Senator does not mean that. I presume he does not mean that the end sanctifies the means, and that he may make use of every possible, every imaginable means to—as he says—hit slavery.

Let me put a case. Suppose the honorable Senator should have a friend (and he has a vast number) serving in the armies of the Republic now in the field, who should be so unfortunate as to be wounded in battle, made prisoner by the rebels and taken within their lines; his wounds prove mortal, and as his last request he asks that his valued friend, the honorable Senator from Massachusetts, may be permitted to visit him and receive from him his dying message. Suppose further, what I agree is not very probable, but is still possible, that the rebel authorities should accede to the request, should send a flag of truce and allow him to pass and visit his dying friend, simply asking from him a pledge that in going and returning through their lines he would not make or receive any communication except to and from that friend. The Senator gives that pledge, passes the lines, is treated with courtesy, receives the last words of his dying friend, and then he is ready to return home. Certain slaves now appear to whom a few words from the honorable Senator would point the way and insure the enjoyment of freedom. He has found slavery, and now is an opportunity "to hit it," to give it a practical hit. Would the honorable Senator feel at liberty to say to those slaves "follow me, you can escape from slavery?" I presume the honorable Senator would consider himself insulted if I should ask him the question seriously, as I certainly do not. I know, as well as he does, that in such circumstances he would consider himself bound by his word of honor—he would say nothing, would do nothing; he would neither make nor receive a communication except to and from his dying friend according to his pledge.

Does he, then, by this expression, "hit slavery wherever he can find it," mean that he will do anything in violation of his word of honor, his pledge? Clearly not, as I presume. Let us suppose, in connection with the same imaginary visit in the rebel lines, that it should so happen that the rebel chief, Jefferson Davis, was asleep in his bed in a room adjacent to that of the honorable Senator, that he could open the door, pass in quietly, and take the life of that traitor, who if he had a thousand lives has forfeited them all to his country; would the honorable Senator feel, situated as I have supposed him to be, at liberty to put that traitor and rebel to death, although by so doing he might strike at the very vitals of this rebellion and give freedom forever to millions of his fellow-men? No, Mr. President, the honorable Senator would not do that. He, as well as every man in Christendom, would agree that, if he did, he would be an assassin and his hands would be stained with the blood of murder. The end, desirable as it might be, would not sanctify the means.

The honorable Senator, therefore, when he says he wants to hit slavery wherever he can find it, means simply, as I suppose, that he will hit it wherever it is proper, lawful, constitutional, honorable, and right to hit it—nowhere else, at no other time, on no other occasion. To that extent,

although with a much more feeble arm than his, I go with him fully, heartily, and, if need be, to the death. Does the honorable Senator ask me to go further? Does he ask me to violate my word, my oath, the obligations of my conscience and of my understanding, and at the same time hold those restraints sacred himself? The same standard of morality which he considers binding on him he must allow to be equally binding on me. We differ as to its application. He finds nothing in the Constitution which recognizes the right of a loyal citizen in a loyal State where slavery exists to come within the limits of a free State, if his slave has fled there, to reclaim him. Many persons certainly think otherwise. Is it quite the thing for the honorable Senator to assert that it is as "clear as the multiplication table, as the ten commandments" that they are wrong and he right?

There are men who, in the case of the visit I have supposed, would say to the honorable Senator, by way of removing any conscientious scruples, "You are quite justified in setting these slaves free; you are perfectly justified in taking the life of Davis; it is true that you pledged your word, but you pledged your word to corrupt rebels, crafty traitors, who have covered the land with blood, and who design to overthrow and destroy the Government of their country. They have forfeited all claims and rights; you have but stricken to the heart a man who ought to have suffered death long ago. To rid the world of such an incumbrance is to confer blessings on the age and on future ages. Although you pledged your word to the contrary you are not bound to keep it, you are under no obligations to keep faith with men of this character."

Mr. President, if the honorable Senator cannot find anything in the Constitution or in the law of 1793 which are any impediments or restraints upon him, I trust that he will realize that others may, and that those who do are just as much entitled to consideration as he is for finding obstacles in striking at slavery in the case I have supposed, where, in order to do it, he would violate the most solemnly plighted faith and take on his conscience the guilt of murder.

To my mind, then, sir, there are no reasons for repealing the law of 1793. It is not unconstitutional. The argument that its repeal will please foreign nations is unworthy of this arena. The argument that we are to strike slavery wherever we can find it does not apply to a case of this description. If the constitutionality of any law can be settled, put at rest forever, it was settled by the character of the men who made this law, by the judicial decisions which have been had upon it, never one doubting or questioning it, the uniform acquiescence of all the people of all the States for seventy years in its constitutionality, and until the present troubles and agitations, since the subject of slavery and the arrest of fugitive slaves has disturbed the mind of the country, I doubt if it was ever seriously called in question by a single individual, nor do I believe the Senator till a comparatively recent period ever heard this law complained of.

Mr. SUMNER. I did not hear the last remark.

Mr. FOSTER. I say that never before the present agitation on the subject—I mean by that the agitation which has arisen since 1850 and in connection with the law of that year—was the law of 1793 complained of so as at all to disturb the public mind.

Mr. SUMNER. Is the Senator aware of the complaint made in the city of Baltimore immediately after its passage?

Mr. FOSTER. I am aware of what the Senator says in his report which he holds in his hand. What I mean is that there had been no complaint of the law such as should be considered a complaint—nothing that disturbed the public mind or the public sentiment. There was no excitement, no remonstrance against it. There were no tribunals before whom the question came that really questioned the validity and constitutionality of the law. No doubt there may have been a few isolated cases of complaint; possibly there may have been judges and magistrates who at times spoke against it; but what I mean is that the great current of public opinion had never been disturbed by any complaint of that statute.

Mr. SUMNER. Is the Senator aware of the statement made by Mr. Quincy, whose memory he must know covers this whole period, to the effect that the statute was so odious at the North, and especially in Massachusetts, that it could not be enforced even during the first ten years after its passage? Is he aware that in the State of Vermont in 1807 a judge of the supreme court deliberately refused to enforce it, stating that he would not surrender a fugitive slave unless a bill of sale could be shown from the Almighty?

Mr. FOSTER. Will the Senator be good enough to give me the name of that judge?

Mr. SUMNER. Mr. Justice Harrington, of the supreme court of Vermont.

Mr. FOSTER. His decision may have made him famous; he was never famous otherwise, I believe. As the honorable Senator from Vermont [Mr. COLLAMER] suggests to me, Judge Harrington did not undertake to pronounce the law unconstitutional; he simply suggested that the proof was deficient. He said not a word about the law. For aught that Judge Harrington decided, therefore, he was of opinion that the law was as constitutional as I will now proceed to show that Judge Story, speaking for the Supreme Court of the United States, thought it to be.

Mr. SUMNER. That is, provided a bill of sale could be shown from the Almighty. Then clearly the law is constitutional; there is no doubt about it.

Mr. FOSTER. The honorable Senator is very serious, I presume, in his statement, and thinks it senatorial to make such a statement in this body. I quarrel not either with its reverence or with its propriety. The Senator strangely confounds a question of law and a question of fact. The instrument to which he alludes so flippantly has no application whatever to the law—only to the fact of ownership.

I was saying, Mr. President, that I would quote an authority on the point that this law of 1793 had never disturbed the public mind, but had been acquiesced in, which I thought the honorable Senator would yield to. I allude, of course, to the opinion of the Supreme Court of the United States in the case of Prigg *vs.* The Commonwealth of Pennsylvania, where the opinion was pronounced by the late Mr. Justice Story. I read from page 621 of the sixteenth volume of Peters's Reports:

"So far as the judges of the courts of the United States have been called upon to enforce it, and to grant the certificate required by it, it is believed that it has been uniformly recognized as a binding and valid law, and as imposing a constitutional duty. Under such circumstances, if the question were one of doubtful construction, such long acquiescence in it, such contemporaneous expositions of it, and such extensive and uniform recognition of its validity, would in our judgment entitle the question to be considered at rest, unless indeed the interpretation of the Constitution is to be delivered over to interminable doubt throughout the whole progress of legislation and of national operations. Congress, the Executive, and the judiciary have, upon various occasions, acted upon this as a sound and reasonable doctrine."

The honorable Senator asks us, in consequence of some recollection of the venerated Mr. Quincy of Boston, in regard to some opposition which he thought was manifested to the law soon after its enactment, or some, I must be pardoned for saying, profane remark made by a judge in Vermont, as it regarded the measure of evidence, to say that this law is unconstitutional, and was so considered at an early day. To such loose and random statements as those I oppose the authority which I have just read. It is not the authority of Mr. Justice Story alone, great as that is, but it is the authority of the Supreme Court of the United States with John Marshall at their head, *clarum et venerabile nomen gentibus*.

Mr. SUMNER. He was dead when that opinion was given.

Mr. JOHNSON. Taney was Chief Justice at that time.

Mr. FOSTER. I was mistaken; it was after the death of Chief Justice Marshall.

Mr. JOHNSON. Will the Senator, unless his attention has been called to it, permit me to ask him to read what follows, beginning at the bottom of page 621, "But we do not wish," after leaving the question as to the effect of contemporaneous construction?

Mr. FOSTER. I will read it:

"But we do not wish to rest our present opinion upon the ground either of contemporaneous exposition, or long acquiescence, or even practical action; neither do we mean to admit the question to be of a doubtful nature, and therefore as properly calling for the aid of such considerations. On the contrary, our judgment would be the same if the question were entirely new, and the act of Congress were of recent enactment. We hold the act to be clearly constitutional in all its leading provisions, and, indeed, with the exception of that part which confers authority upon State magistrates, to be free from reasonable doubt and difficulty upon the grounds already stated."

I stated that so far as this law was concerned, where it imposed power upon magistrates appointed by the States to act under it, the Supreme Court in this case had held they were not obligated so to act, nor could Congress confer upon them the power to act. They could act if they pleased; they could not be compelled to act.

Mr. JOHNSON. That is all I desired the Senator to read.

Mr. FOSTER. I may as well read the authority to which I refer, that I may show that I am correct in my statement. It follows immediately:

"As to the authority so conferred upon State magistrates, while a difference of opinion has existed, and may exist still on the point, in different States, whether State magistrates are bound to act under it, none is entertained by this court that State magistrates may, if they choose, exercise that authority, unless prohibited by State legislation."

But, Mr. President, suppose we repeal every law on our statute-book, as asked by the Senator from Massachusetts; suppose we do that, because they are unconstitutional, or by way of *placebo* to England and France, or by way of hitting slavery wherever we can find it—if for any or all of these reasons we repeal all these acts—what then? Where are we? Have we not something more to do? We have got the Constitution left, I hope. Have we, or have we not? The honorable Senator from Vermont, [Mr. COLLAMER,] the other day, in making some allusion to that instrument, thought proper to apologize, and spoke with his usual modesty, saying that it might almost be out of order. The honorable Senator from Ohio [Mr. SHERMAN] seemed, at least, so to understand him, and suggested that he could go on, upon which the honorable Senator from Vermont said that he really did not suppose it had gone so far that if he made an allusion to the Constitution he could be called to order! He had not really entertained that opinion, although from certain things which had passed under his observation he thought a recurrence to the Constitution might not be of much avail. I trust that the Constitution will be left us, even if we repeal these laws.

The honorable Senator from Ohio [Mr. SHERMAN] the other day affirmed, with much apparent sincerity, solemnity, and earnestness, that he would stand by it, adding the asseveration which we repeat when we first take our seats here. The honorable Senator from Illinois [Mr. TRUMBULL] yesterday, in alluding to this subject, in what seemed to me patriotic language, affirmed that he would stand by it; that he knew no other rule for his action in this body as a legislator than the Constitution of the United States. Within that he trusted to keep himself; under that he trusted that we should go on successfully in this war, and come out of it triumphantly; and he added—what has my most hearty concurrence—that we must go on under that Constitution, or we shall cease to be. Our political salvation is in the Constitution. Let men think or say what they will; let them imagine that exigencies or so-called necessities may arise where we had better step aside from the Constitution, we delude ourselves if we think we can abandon that instrument and go on to victory. The path of glory is here the path of duty, the path of the Constitution; and divergence from it is dangerous. In time of public danger, when our people are tried to their utmost power of endurance, the national life imperiled, I am willing to go as far as can be gone with safety in finding authority in the instrument for the exercise of positive and summary powers; I am willing to strain the Constitution so far as it is possible; but after all the Constitution is and must be our sheet-anchor. If we part the cable that holds us to that, our gallant ship of State will be adrift, and will soon be dashed upon the rocks now covered with the wrecks of former days, and the rich treasures of the present and the most glorious hopes of humanity for the future with which that ship is freighted will all perish together.

The Constitution being left us, and all these laws repealed, where do we stand on this question of reclaiming fugitive slaves? What does the Constitution say about it? The honorable Senator, as I understand him, does not find one

word in the Constitution and denies that there is anything in it which, interpreted fairly, according to the rules which govern the interpretation of such instruments, can refer to any such subject.

Mr. SUMNER. I did not say "upon any such subject." I said sanctioning slavery or slave-hunting.

Mr. FOSTER. Very well. That is what I mean by the subject. I will not quibble about terms. I will, Mr. President, with permission, read three clauses of the Constitution. The first of them is under section two of the first article:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

That is rather a peculiar phrase.

Mr. SUMNER. Is there anything there sanctioning slavery?

Mr. FOSTER. I am not talking about slavery. I merely say that the expression "three fifths of all other persons" is a peculiar phrase. Section nine of the same article provides:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

The words "such persons" and the words "each person" in that section are a little peculiar. I say nothing about slavery just now. I will read one other clause which is under the second section of the fourth article:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

An intelligent foreigner, who had known nothing of our institutions, but who understood the English language well, who should have this Constitution put in his hands and have his attention called particularly to these three clauses which I have read, I think would be a little puzzled to understand precisely what was meant. They would be of difficult interpretation to such a man. They may not be entirely free from difficulty to the wisest among us, who have been born in the country and have grown up in connection with its history, and who may be familiar with that history; but to such persons I think there is no great difficulty in arriving at a satisfactory result as it regards what each of these several clauses fairly means. Let me read again the clause which I last read:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

I think if we can find out in either of these clauses what the word "person" really means in any of them it aids us greatly in ascertaining its meaning in each of the other clauses. It is, I believe, a well settled and sound rule of interpretation, when you get at the meaning of a term in any part of an instrument you may apply that meaning to it in other parts where it occurs. In light of that I will read the first clause again:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

Who were those persons that were there described as "all other persons?"

Mr. SUMNER. The Senator has omitted one clause. I know he wishes to make his argument complete. I call his attention to this, "No person shall be deprived of life, liberty, or property without due process of law;" which, of course, must be construed in connection with all the other clauses of the Constitution, particularly as it begins with the words "no person."

Mr. FOSTER. There is no difficulty as to that clause. It is one of the class of prohibitions imposed on Congress, not on the States. Where prohibitions or restraints on power are imposed on the States it is so specified; otherwise they apply to Congress.

But I was commenting upon the first clause which I have read, and I say that "three fifths of all other persons" at the close of the clause which I have read means some persons; that is sure; and what class of persons? To begin with, they are not "free persons," because they are disposed of in another part of the same clause. They are not "those bound to service for a term of years," because those are disposed of in another part of the clause. They are not "Indians not taxed," because they are excepted out and disposed of otherwise. Who are they? I do not know that the honorable Senator has any answer. My answer is that by "other persons" there was meant those unfortunate, unhappy beings who in certain States of this Union were held as slaves. That is my explanation of that clause. If the honorable Senator, or anybody, can give a better one, I shall be happy to hear him.

Then we come to the next:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Who is meant by "persons" in that clause? Does it mean free persons? Does it mean persons held to labor for a term of years? Does it mean Indians not taxed? Does it mean apprentices? I apprehend the honorable Senator will not affirm that it means either of those classes of persons. Whom does it mean? It means, in my opinion, that class of most wretched beings who at that time were being brought into this country from the coast of Africa, natives of that ill-fated clime, to be consigned to slavery on the shores of this country. It means those persons, and it means that Congress shall be prohibited from stopping the importation of such persons into the country until the year 1808, although a tax may be imposed on the persons so brought into the country, not exceeding ten dollars for each person. That is the meaning of the clause, in my opinion. Does the honorable Senator think it meant or means apprentices? At the time the Convention was held to deliberate upon the Constitution, what portion of the country was insisting on that clause? There is no dispute about that; it was the South. The South wanted that clause to remain in the Constitution, and the North, at least portions of the North, were opposed to it. Why did the South want it, and why did the North oppose it? The South wanted it, because they were bringing in this class of persons. What species of persons were they? Were they apprentices which South Carolina, Georgia, and the other slave States were bringing into this country from Africa, and which the northern portion of the country desired to stop? Was South Carolina so desirous of bringing apprentice boys from Africa that the North rose up against it and endeavored to stop it, and finally compromised that they should be allowed to stop it as early as the year 1808, otherwise South Carolina would still have gone on bringing apprentice boys into this country against the will of the North to this day?

Mr. President, no man can urge such an argument as that seriously. It is not in the nature of things that anybody can believe that South Carolina was importing or wished to import apprentice boys. She was engaged in altogether another pursuit; and this provision of the Constitution gave to the Congress power to put a stop to that importation after twenty years, but during that time the traffic went on.

Then we come to the third clause, which has been read frequently enough, without reading it again, which is familiarly called the fugitive slave clause; and the question is, what is the meaning of "person" in that clause? The honorable Senator, as I understand, claims that it means apprentices and that it does not mean slaves. When has the claim been made in this country that that clause in the Constitution did not refer to slaves? What is the origin and history of that claim? It is of very recent date, comparatively. The avowal of it, I believe, is confined to a very small number of persons. The most ardent and the earliest anti-slavery men in this country had no hesitation in agreeing that that clause of the Constitution meant slaves, and imposed upon the free States the obligation to return on claim slaves who should escape within their limits from the slave States. Those who have held the contrary opinion are, as I believe, exceedingly few. The honorable Senator is one. I cannot of my own knowledge name one more. There may be others; doubtless there are; but I have not been so fortunate as to hear them make the avowal, and I would charge such an opinion on nobody unless he avowed it.

In this connection, I would call attention to the acts of Congress prohibiting the slave trade. I have in my hand Brightley's Digest, containing a digest of the acts relating to the slave trade, beginning in 1794 and running on to 1807. On the 2d of March, 1807, the Congress of the United States enacted—

"That if any ship or vessel shall be found, from and after the 1st day of January, 1808, in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color, for the purpose of selling them as slaves, or with intent to land the same in any port or place within the jurisdiction of the United States, contrary to the prohibition of this act, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned in any court of the United States having jurisdiction thereof."

I allude to it only to show that the Congress of the United States, with the provision of the Constitution before them relative to "migration," which I have read, followed it up and passed a law imposing severe penalties on those found engaged in the trade of bringing slaves into the United States from the very first day that under the Constitution they had the power to do it.

Will any man, therefore, in the view of all this, say that these clauses of the Constitution do not refer to slaves? It is true that if a man asserts that they do not, there is no mode of positively making him admit the contrary. If I should say to the honorable Senator from Massachusetts, when he uses his favorite illustration that two and two make four, that they do not make four, and should call upon him to prove it, with all his powers both of logic and rhetoric he might be somewhat troubled positively to demonstrate that truth. So any other man who says that these clauses, taken in connection with their surroundings, do not show that the Constitution of the United States, in the provisions to which I have called attention, had reference to slaves, is probably past any hope of being convinced so far as reasoning is concerned.

Mr. SUMNER. Will the Senator allow me to put him a question just there?

Mr. FOSTER. Certainly, any question; but I do not promise to answer it, because if it is one which the honorable Senator cannot answer himself, I presume I cannot.

Mr. SUMNER. I can answer it very easily.

Mr. FOSTER. Very well, then, if it is not for the Senator's information, I do not know but that he had better not ask it. [Laughter.]

Mr. SUMNER. But it enters into this argument. There is a rule of interpretation, as I understand, that where any language can be interpreted in two different ways, one favorable and the other odious, you are then, in obedience to that commanding rule, to interpret the language in the favorable sense; you are to reject the odious interpretation. There is also a second rule that you are to interpret all language that is susceptible of two different significations in favor of freedom. The language in the clause under consideration is clearly applicable to apprentices and the large class of redemptioners. Applying it to them, it is completely exhausted, and that application is favorable, it is not odious. Now, the question I wish to ask the Senator is whether he can put upon that clause the odious interpretation without violating those two commanding rules of interpretation?

Mr. FOSTER. Mr. President, what I can or cannot do personally, is a matter of very little importance. That the men who made this Constitution, and all men with very few exceptions who have lived from that time to the present, believed this clause to refer to fugitive slaves, is a fact which cannot be denied. The honorable Senator from Massachusetts admitted yesterday, and I presume will admit to-day, that he believes the men who made this Constitution understood that they had put such a clause into it; that is to say, Roger Sherman, Elbridge Gerry, and the other great men who sat in the Convention that framed the Constitution, supposed they had put such a clause into it, and the Pinckneys and Madisons and other men living in the South, also supposed that such a clause was put into it, and they all

intended, he says, to do it. That the honorable Senator admits, and still I understand him to assert, after all, that they did not use apt words to carry out that intention, and therefore under the rules which are to be applied to the instrument, no such interpretation can be given.

Now, Mr. President, as the Senator seems anxious to appeal to rules of interpretation, and as in his argument yesterday he alluded to what was equitable, and said that he who asks equity must do equity, I will put him a question. Take a case where two parties have made a contract in which on both sides they supposed they had inserted such a stipulation as would enable one party to have from the other a certain thing. Both sides so understand the instrument when it is framed; but it turns out on examination that the instrument does not fully contain the stipulation. It is susceptible, as my friend from Maine, [Mr. FESSENDEN,] suggests, of another construction. In that state of things, the party who is to perform the obligation refuses to perform it, and compels his co-contracting party to do what professionally is termed file a bill in chancery, calling him into court to reform the contract; and on such a bill alleging and proving that the parties intended to make a contract of a specified character, to put such stipulations into it as to effect that object; that they attempted to do it and thought they had done it, but by mistake or accident failed to do it; I ask where there ever was a chancellor, where there ever was a court of equity that would not reform the contract and put these words into the contract, and make the party perform it?

Mr. SUMNER. The Senator puts me that question. I answer directly that any court of equity that would undertake to reform a contract so as to make it a violation of the laws of God ought to cease to be a court of equity. The court that the Senator now indicates would be unworthy to be called a court; he would be an unjust judge. I therefore meet the inquiry of the Senator. He says that I have laid down the rule that he who asks equity must do equity; he who comes into a court of equity must do equity; and if he asks to have a contract explained or reformed, it must be always in obedience to the commanding laws of God. The Senator asks the laws of God to be set aside and the laws of Satan to be installed instead.

Mr. FOSTER. The Senator is becoming a little reverent, [laughter,] and uses terms which perhaps may be appropriate; that is a matter of taste. His last assertion is pointed, but unfounded. He has wandered, however, very much from the inquiry, and diverged from the line of argument on which we were both going, diverged at right angles, gone off in a tangent. We were on the question whether or not such a clause was in the Constitution. We were not discussing its moral or religious bearings or character. If the clause is not fairly found in the Constitution, there is an end of the matter. If it is there, another question may arise. The Senator has thus far rested on the assertion that it is not there. Is that ground abandoned?

Mr. SUMNER. We are talking about its interpretation by a court, and I say that a court must interpret it in obedience to these commanding rules. The court is unworthy to be called a court if it does not. The very case that the Senator has put is one which completely answers himself; it overthrows his whole speech.

Mr. FOSTER. Then the gentleman may make his so much the shorter. [Laughter.] It will not be necessary for him to be further prolix. I was saying, Mr. President, that the honorable Senator went off in a tangent from the line of argument. I repeat it, we were on the question whether such a clause was or was not in the Constitution, whether a legal and just interpretation would place such a clause there or would find such a clause there. The honorable Senator says that it would not. I say that it would. The Senator now goes off on another question, abandons the whole line of his argument, that no such clause is in the Constitution, and asserts that such a clause is too wicked to be enforced. At first our fathers were not competent, failed to put such a clause into the Constitution, though they intended to do so and thought they had. Now it is claimed that such a stipulation is too wicked to be enforced. That at least admits that the clause is in the instrument. I think the Senator should stand on one proposition or the other, that the clause is in the Constitution or that it is not. Which is the honorable gentleman's proposition now? Is it the one or the other?

Mr. SUMNER. I say that this language is to be interpreted with reference to the laws of God and those commanding rules of interpretation which even the Senator, while vindicating slavery, cannot disobey.

Mr. FOSTER. Mr. President, the gentleman uses words very loosely when he talks about my "vindicating slavery." If he will compare records, he will find that my anti-slavery record is much older than his, taking him to be his own biographer, for he began to know of the barbarism of slavery only within the past twenty years. So he said the other day. My record goes further back, Mr. President. I am a good anti-slavery man for more than thirty years, much more than thirty. The honorable Senator began to be impressed with its barbarism after 1844, within less than twenty years, and he should not, therefore, charge those who are older in the service than himself but not abler, I admit, with vindicating slavery. Sir, I am vindicating an instrument made by our fathers, and am endeavoring to look at it with the eyes of a man of common sense and of common understanding. I assume to possess no more; I hope I have that; and if with common sense and common understanding a man can read the Constitution and come to the result which the honorable Senator avows that he comes to as to the legal construction of this clause, saying nothing of the morals of the question, it only affords another melancholy instance of how perverse and blinded the human intellect may sometimes become.

Now, Mr. President, the ground which the honorable Senator takes in regard to its being against the laws of God to have such a clause in the Constitution, unlocks the whole argument and shows where the honorable Senator stands. In the first place he wanted the law repealed because it was unconstitutional. Then it being shown that the law was constitutional and if the law be repealed the Constitution still remains, and that under that we have to carry out this stipulation, he flies from that and asserts that there is no such clause in the Constitution, and finally says our fathers could not, as moral accountable beings, make any such Constitution. Sir, that is a question which I do not propose to argue at this time. I believe with the Senator in the crime and curse of slavery. I believe that our fathers looked upon it as we look upon it, and believed that in the course of a few years they would be rid of it. I believe that the Constitution does nothing to establish, does nothing to recognize slavery as an institution or give property in man; but our fathers were not idiots, and they knew that this institution existed in some of the States of the Union protected by the laws of the States wherein it was. They had fought out together their independence. They were desirous of forming a common bond of government under which they could all live. They were united. Having passed through a war which had tried the souls of the men of those days, as we are now tried, a common peril and a common danger had bound them together as brethren. They were honestly desirous of forming a Constitution which should hold the several States together through the eternal future. They met, and the result of their labors was this Constitution, in which, as I have before said, they certainly do not establish slavery nor do they recognize it, but the instrument itself recognizes the fact that there was such an institution in some of the States.

Does the honorable Senator take it upon him to deny that slavery did exist as a matter of fact, not of right, not protected by any law human or divine, but as a fact? Did not slavery exist in several of the States that were parties to this Constitution? I suppose the Senator will agree that it did. Certainly all contemporaneous history says that under these circumstances, unless they could have their slaves restored to them if they escaped into the free States, any common bond of Union was impossible.

Mr. SUMNER. I will ask the Senator to be good enough to refer to one single scrap in the shape of letter, speech, article, document, or anything that sustains that allegation. I utterly deny the allegation.

Mr. FOSTER. The opinion which I read of Mr. Justice Story is a sufficient authority for me after I have taxed the patience of the Senate so long as I have, and very much longer than I intended, very much longer than I should but for the interruptions of the honorable Senator from Massachusetts. I say that the opinion of Mr. Justice Story which I have read, affirms that as true, and a truth which is familiar to every man who knows anything of the history of the past, perfectly familiar.

Mr. SUMNER. Just the same as the opinion of Chief Justice Taney affirmed that black people had no rights to be respected at that time. The two statements are of the same character.

Mr. FOSTER. The honorable Senator has at times, not boasted, because he is not boastful, but modestly alluded to his intimate connection with the late Mr. Justice Story. I have heard him speak of that most distinguished jurist in terms of exalted respect and regard, never, however, higher than in my belief he deserved. If the honorable Senator is now disposed by way of casting reproach on his name and fame——

Mr. SUMNER. No reproach.

Mr. FOSTER. No reproach! Then, Mr. President, what does the Senator mean by the allusion that this statement of Mr. Justice Story is of a piece with that of Mr. Chief Justice Taney in regard to colored persons?—which by the way it is asserted on pretty good authority Mr. Chief Justice Taney never made; but no matter as to that. If he means no reproach by it, then the statement of Mr. Justice Story and the other judges must be my answer to the honorable gentleman's inquiry. I have not other books here at hand, and if I had it would not be worth while to read them. To the Senate they are familiar. To the honorable Senator I believe they are equally familiar, but by what I have characterized, not intending anything offensive by it, a strange perversity, the honorable Senator does not see in the page of history what every other man does see.

It is asserted, Mr. President, that because slavery has been the cause of this rebellion we ought to take some steps in regard to a repeal of all laws on this subject; and that because slavery or its influence has stirred up the men in the southern States to rise in arms against the Government, therefore we are to legislate as we would not otherwise legislate; and we are called upon to annul and blot out everything in our legislation upon the subject of slavery. I agree with those who think that slavery has been one of the efficient causes of this rebellion, the efficient cause, the moving power, and I agree with Senators in my desire to see that institution blotted out from the earth at as early a day as by possibility it can be properly done. I go with men here and everywhere in all lawful endeavors to put an end to this institution, and to put such an end to it as shall be final. But I cannot subscribe to the morality that because certain men in certain States of the Union, actuated by the love of slavery and the desire that that interest should be a permanent and paramount interest in the country, have risen up and attempted to strike at the vitals of this Government and to overthrow it, therefore we are relieved from all constitutional obligations.

If this be true in regard to a portion of those inhabiting the slave States, it is not true of the whole. As to all the States in rebellion of course there is no question. There are certain of the slave States who yet keep faith with us as well as we with them. There is the State of Maryland, represented here by the distinguished gentleman who is so able to represent either the State or the country here and everywhere, and his most worthy and patriotic colleague, unfortunately absent because of a serious personal injury. There is the State of Kentucky; there is the State of Missouri; there is the State of Delaware; these States have not gone out of the Union even nominally. No State can go out, in my opinion, but those have not nominally, nor have they made any attempt to go out of the Union. Are we at liberty to disregard all our constitutional obligations to the men of those States? I hold that all the citizens in the loyal States of this country, notwithstanding this rebellion, have all their constitutional rights to-day that they ever had; that it is bad faith on our part to deny them one of those constitutional rights. It is no very high morality to insist on that; it is a very low form of morality to deny it.

I believe, Mr. President, that justice will be

done and the rights of freedom amply vindicated by passing the bill as it now stands, repealing all the acts but the act of 1793, which, as I think, should remain on our statute-book, at least until the final adoption of the constitutional amendment, which we have passed through this body with such an approach to unanimity, abolishing slavery throughout the territory of the United States, and making our land, should it be adopted, really free, when it will be a happy and glorious country. I know that in making such assertions as these I subject myself to criticism from certain sources. I will not at this hour of the day undertake to argue upon that criticism. I will simply read a passage from Guizot's Memoirs, published only a few years ago, volume one, pages 46, 47. I need not, of course, say to the Senate who Guizot is—the scholar, the statesman, the philosopher, the Christian philanthropist of his age and time; who, like Cardinal Wolsey, has "sounded all the depths and shoals of honor;" like him served his king zealously and well, but his country, his fellow-men, and his God far better:

"I recognize no greater danger to free institutions than that blind tyranny which the habitual fanaticism of partisanship, whether of a faction or a small segment, pretends to exercise in the name of liberal ideas.

"Are you a stanch advocate for constitutional government and political guarantees? Do you wish to live and act in coöperation with the party which hoists this standard? Renounce at once your judgment and your independence. In that party you will find upon all questions and under all circumstances opinions ready formed and resolutions settled beforehand which assume the right of your entire control. Self-evident facts are in open contradiction to these opinions—you are forbidden to see them. Powerful obstacles oppose these resolutions—you are not allowed to think of them. Equity and prudence suggest circumspection—you must cast it aside. You are in presence of a superstitious *credo* and a popular passion. Do not argue—you would no longer be a liberal. Do not oppose—you would be looked upon as a mutineer. Obey, advance—no matter at what pace you are urged or on what road. If you cease to be a slave, you instantly become a deserter!"

Mr. President, I think the lessons of history and our own experience all teach us that in the trying days in which we are called to live our hope, our safety is in banding ourselves together to sustain the Constitution of our country.

Mr. BROWN. Mr. President, I do not intend to detain the Senate very long; but I feel it due to myself to make some remarks in connection with the vote I intend to cast.

The amendment of the Senator from Ohio [Mr. SHERMAN] which has been adopted by the Senate makes this bill as it now stands tantamount to a revival of the fugitive slave act of 1793. It is a virtual reinstating and reauthorization, so far as the vote of the Senate can go, of that act. The act of 1793 is specially mentioned in the language of the amendment as one not to be repealed or invalidated by this bill, which as originally introduced from the committee contemplated the repeal of all fugitive slave laws, and if sustained in that form by the Senate it will carry with it all of our weight and sanction for that fugitive slave law.

That I do not misstate this will be apparent from the speeches of those gentlemen who have advocated that amendment. They have all predicated their arguments upon the right, the constitutionality, and the expediency of the law of 1793. Now, sir, I have objections to that law. I object to its terms, in the first place, because it denied the right of trial by jury. If it were true that the Constitution of the United States made it incumbent upon Congress to pass a law for the rendition of fugitive slaves, I for one in my place here would insist always that it should carry with it the right of trial by jury. That law does not carry such right with it, and that alone would be an insuperable obstacle to its receiving any vote from me.

But, sir, I am free to say that it has another objection in my mind. While it is true that to a certain extent it conforms to the phraseology of the Constitution, it is also true that when we reenact it here and when we reindorse it by our approval we reindorse it in the light of the interpretations which have been given to it by the Supreme Court of the United States. When we give it our sanction we do so with the full knowledge of the constructions which have been placed upon it and which in violation of its letter introduce the words "slave" and "slavery" into the living body of the law, or rather into the action and enforcement of the law. For that reason, I say, I must resist it; for while conforming closely in phraseology to the language of the Constitution, yet by the judicial decisions which have been made concerning its text, by the application which has been given to its harsh features of duress and return, it violates that language in so far as it applies to slaves and not to "persons held to service" simply.

There is to me a third objection, and that is the moral one, the effect such legislation would have in disgracing us in the estimation of the civilized world. Here we are engaged ostensibly (and boasting of the work) in carrying forward the cause of freedom; gentlemen are ranging themselves on party lines designated by that watchword, and yet in the name of freedom it is proposed to reinstate slavery in its fastness, in the Constitution. I say, sir, that the civilized world, when it beholds that spectacle of the American Senate going back for three quarters of a century to resurrect a statute of slave-catching, and pass it anew with their indorsement, will credit very little all your talk about freedom. I say that the act will give the lie to all your argument.

Can you even hesitate in this matter? Assuredly your very hesitation is a crime against the establishment of free principles.

No wonder, sir, that those statesmen who have watched with the greatest interest our struggle abroad should question whether we are in earnest in this great work of freedom; and, more than all, no wonder that those beating hearts in the midst of this nation who go to make up that public sentiment in behalf of liberty to all men which now upholds and sustains this war, and which alone can carry forward this Government to substantial victory, should challenge you with the question, "Are you false, or are you true?"

The Senator from Connecticut casts his derision at the enlightened public opinion of Europe. I say let him turn, if he prefers to consult home oracles, to the public opinion of this American people, and he will find that the multitudes here among us love and cherish freedom too dearly, and have too sure a perception of reactionary courses, to tolerate with impunity the reënactment of national slave codes.

Mr. FOSTER. Will the Senator pardon me for an interruption?

Mr. BROWN. Always, sir.

Mr. FOSTER. He has certainly misunderstood me, if he understood me to deride the public opinion of Europe. I alluded to the fact that the public opinion of Europe was in sympathy with slavery and with the traitors and rebels whose reliance is on slaves to work out the disintegration of this Republic. In that connection I may have derided the public opinion of Europe, but in no other way.

Mr. BROWN. Now, Mr. President, I want to call attention to another view, which is, that this is not exactly an idle and theoretic question, as some Senators are inclined to think, but is subject to a very real application. I say that this is a law which if reaffirmed here to-day, with the additional sanction of the American Senate in the year 1864, is capable of being put into practical operation in several of the States of this Union for the purpose of reclaiming slaves and carrying them back into servitude. I beg to call the attention of the Senate for a moment to what might be an illustration of the practical working of this revived fugitive slave law of 1793. I received this morning a journal published in the interior of my State, which contains this narrative:

"Some time since a negro man, claimed as a slave by one Tapley, of Pike county, Missouri, enlisted as a volunteer in Colonel Bross's regiment, now forming at Quincy, Illinois. The wife of this patriot slave, desirous of being as near her husband as she conveniently could, and probably hastened by the tyrannical and brutal treatment of her master, fled with her little children and found refuge in this city. Here she remained several weeks, employed, we believe, in the family of Hon. G. L. Hewitt, one of our representatives in the Legislature. There she found an asylum from the cruelties of her former situation. Several weeks since, her so-called master, currently reported to be not only a brute but a rebel of the deepest dye, came to this city to recover his 'property.' It is charged, with how much truth we do not know, that certain civil and military officials in this city were induced to cooperate with Tapley in his scheme of abduction. Artifice was resorted to, it is said, to allure the woman from her place of security; and, under pretense of placing her in possession of her freedom papers, she was seized and forcibly carried away to her former home." * * * * *

"Great indignation was felt by all the loyal people of our city at the time of the occurrence; but with a commanding general then in power in this district whose every impulse was favorable to and promotive of such enormities, but little could be done, and hence little has been said about it."

Mr. WILSON. What general is that?

Mr. BROWN. General Schofield commanded the department, and General Guitar was in charge of the district.

"Yet the occurrence was of too heinous a character to be soon forgotten. A report shortly afterwards became current to the effect that Tapley had most brutally beaten the abducted woman with a handsaw, *and that after covering her body with blisters he had deliberately sawed them open.* Reports even prevailed that this victim of his infamous barbarity had died under his fiendish tortures."

* * * * * * * * * *

"We may add that it has been alleged that this man Tapley has, since the rebellion commenced, deliberately murdered two others of his slaves, cutting the throat of one from ear to ear, and *fastening the other down to a board by a knife thrust through the tongue, and in that situation whipping* her to death; and all this for no other reason than that these poor creatures attempted to escape from his barbarities to the enjoyment of freedom. Did the tortures of the Spanish inquisition ever witness anything more diabolical than this?"

That is the statement made in this newspaper—a paper of character, of large circulation, and excellent repute. I have no doubt there is truth in the narrative; perhaps the whole of it may be true in every detail of horror. But I want to call the attention of Senators to the fact that this act of 1793, which you now propose to reindorse, is an act which would restore those slaves to that keeping for that purpose; and I ask whether it is the intent of this body at this time to do that deed. It shows that there are still cases where this fugitive slave law which it is proposed to reëstablish may be applied for the purpose of bringing them under the lash and under the infliction of tortures more atrocious than any even of those attributed to rebel fiendishness in the butchery of a surrendered garrison at Fort Pillow. And let me ask, Mr. President, how will the American Senate contrast with the rebel authority when the balance shall be determined in the scales of impartial justice between those who declared a barbarous law of atrocious treatment against colored soldiers in the ranks of their enemies, and those who shall pass here and now an act that may return to such inhuman tortures and mastership colored men and women crouching for freedom beside your own firesides?

Mr. President, let me revert to the argument which has been adduced. The Senator from Maryland, [Mr. JOHNSON,] to whom I always listen with great interest, and for whose learning and critical acumen I have a high respect, has labored very zealously to show that the Constitution of the United States has, by its language in several clauses, directly recognized this institution of slavery, and has directly given the right to Congress to pass an act for the recovery of slaves. I do not propose to follow that Senator through the long legal argument and the citation of decisions innumerable which he has made. I do not feel able to do so, and would not do so if I could. But when the Senator lauds the clearness, the comprehension, and the ability of the men who framed the Constitution, when he says that they never used a word amiss, and never failed to use the right word in the right place, I call his attention to the fact that in no one of those clauses, nowhere in that instrument, is the word "slave" or "slavery" once used. It does appear to me it would have been far more worthy of the distinguished ability of that Senator if in that lengthened argument he had labored *in the interest of freedom* rather than in that of slavery; if he had summoned his powers to show us why and wherefore it was that those men of the Revolution carefully abstained from using the word "slave;" wherefore it was that they refused in that Constitution to introduce any expression which recognized the right of property in man; instead of ransacking all the nooks and corners of special pleading to imply what they did not affirm, and to defeat their plain writing by a sinister and forced construction. I repeat, sir, that it would have been far more worthy of the distinguished learning of that Senator if he had taken the side of freedom in this alternative instead of the side of slavery.

Does not the Senator know that there must have been some reason for refusing to use the term slavery in the Constitution? It was a word of very definite meaning, a word very distinct in its application, a word that of all others would have been used if it had been the intention to give national sanction to the institution and to declare

it the duty of Congress to recapture *slaves*. The members of that Convention which framed our Constitution were not hesitant in using that word on other occasions. When the resolutions were passed by the Assembly of Virginia, prior to the war, it was made one of the formal charges against the King of Great Britain that he had interfered with his veto to prohibit the abolition of slavery. They introduced the right word in the right place there. Again, in the debates of the constitutional Convention itself, allusion was made more than once by those concerned in its discussions to the existence of slaves in certain parts of the country, held in bondage in fact, however the practice might be at war in theory with the Declaration of Independence upon which the colonies had reposed their cause, or the provisions of the Articles of Confederation under which they had united their destinies. Furthermore, permit me to call attention to the fact that in the debates in the several States which attended the adoption of the Constitution there was no reticence of phrase, but the word "slavery" was frequently expressed and adopted as a definite term with full, significant meaning. Therefore I say it is very clear that these men of the Revolution must have had an intention to subserve some public end when they deliberately left out of that instrument, which is the charter of our liberties, the word "slave" in any shape or form. It could not have been any mere fastidiousness of language, but must have been a deliberativeness of purpose. This inference comes with irresistible force from the circumstances anterior to and attendant upon the adoption of the Constitution; and I presume it will not be seriously controverted that historic facts do conclusively confirm that inference in all its force, and attest that the omission was intentional and predetermined.

The question, then, which first presents itself, and which I commend to the attention of Senators, is, what was that intention and predetermination? Can there be any other rational answer given than that it must have been to exclude from that Constitution any national recognition of slavery, to avoid any national obligation to foster or protect it, and to keep that noble muniment of our political rights free from reproach and unstained by any word or thought that would give the lie to its liberties? Swift as have been some of their descendants to sell their birthright for a mess of pottage, our forefathers were men of other mold, and having achieved a war of independence, and setting up a Government whose corner-stone was to be freedom, they had too much of conscience and of courage to permit it to be in anywise committed to the indorsement of human bondage.

Mr. President, I desire to say that my own belief is that this Constitution of the United States does not so much require amendment as it does a correct and true construction. I believe that instrument needs chiefly to be interpreted in the light of freedom, and not in the light of those judicial decisions which have been instigated by slavery from a time shortly after its adoption up to within a very recent period. In some respects I confess that it was a compromise, and a descent from the elevated ground of the Declaration of Independence, which pronounced in so many words all men to be born free and equal; but in its great and leading characteristics of a refusal to give slavery any national sanction, of its retention of the right to prohibit slavery and the slave trade, I am sure it carries its own vindication along with it.

Other Senators, I am aware, differ with me in this view. They prefer by strainings and substitutions to drag the Constitution down to the level of a slave code, and make it shoulder the work of a rendition of slaves and an upholding of slavery. I do not say they are not as sincere as myself in their construction of its clauses, for I believe they are, but what I do say is, that, educated in deference to a long course of adjudication in the interest and sympathy of slavery, they look too fixedly at the decisions of others, and consult too little the spirit of the Constitution itself, which was framed in the interest of freedom, not of slavery. We are arrived upon a new era when it becomes us to determine this interpretation not by any weight of authority, so called, but by the scales of justice and right. The duty of this hour, as it was of that hour, is to maintain the liberties of the people, not enact codes for the recapture of slaves. Let us be at least as scrupulous as our fathers, and refuse to permit slavery a place in our recognitions.

Mr. President, in support of the view which has been presented, that the Constitution does not recognize or sanction slavery, and imposes no obligation on Congress to indorse or uphold the institution, I beg leave to submit a few words, discussing separately but very briefly the several clauses of the Constitution relied upon by those who assert that it does give such recognition to slavery as entitles it to protection from the national legislation. The Senator who has just preceded me [Mr. FOSTER] has passed in review and commented upon each of those sections. I shall follow the order he has indicated—not that I would do my friend the great injustice to class him as an advocate of slavery, but simply because he has been perspicuous in his treatment of the subject—and he contends that an obligation rests upon Congress to make provision for the return of fugitive slaves. The first clause of the Constitution in which it is pretended that a recognition of that institution is found is in the third paragraph, second section, first article, as follows:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three fifths of all other persons*."

It is said that the words "other persons" there used included slaves or those held in bondage. As a matter of course, "all other persons" included everybody who was not enumerated in the preceding portion of the sentence. But the idea that because the word "person" may refer to a man in one condition in one place and the word "person" may refer to a man in another condition in another place, therefore the use of the word "person" recognizes and sanctions all the attributes, all the conditions, and all the circumstances that attend either of these persons, is a construction that will scarcely be ventured upon. Does a reference to the mere fact of existence necessarily sanction the *status*? Does not the law often allude to criminals, but will any affirm that it thereby indorses the crime? Why, sir, suppose the word "person" in the Constitution had been used in allusion to those resident in Utah, and whose local law admits of polygamy, would it be affirmed that because they had been embraced within the purview of a census, and because they had been enumerated, therefore the Constitution of the United States recognized polygamy? In other words, does the term "person" carry with it anything further than a simple allusion to the existence of the individual? It certainly cannot be strained into any recognition of slavery, since the very recognition of the personality excludes the implied sanction of enslavement, for slavery does not regard its victims as persons but as chattels. The fact is that the clause was framed to embrace population, and in so doing, although a part of that population were held unjustly in bondage, yet it carefully avoided designating them by any such distinctive phraseology as *slaves*, because it was not intended to sanction slavery. The framers of the Constitution held, in the language of Mr. Madison, that "it was wrong to admit in the Constitution the idea of property in man," and accordingly adopted the generic word "persons," which implies freedom.

The second clause referred to in the argument for a constitutional recognition of slavery is found in section nine, article one, thus:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person."

It cannot be doubted that while the foregoing clause gives Congress ample power after the year 1808 to forbid the importation of all persons, either as bound servants or as intended for slavery, it also carries with it a concession that the Constitution contemplated an abolition of the source of slavery in that day, and not its growth, encouragement, or continuance. That is the idea contained in the clause so far as it throws any light on the view entertained of slavery. As for distinct recognition, so far from that does the letter and the spirit of the language go, that it absolutely refuses to speak the word slavery, again recites "persons," and asserts congressional power to interpose and defeat any entrance of those who might by possibility be destined for slavery under State or local auspices. That slavery existed as a wrong in some of the States was true. That its existence was denounced as a burden during the war is also true; and after that war was over it is probable that the men of the Revolution, subject to military necessities in that day, as are the men of the Republic in this, while resolute to give no sanction in the Constitution to the institution, and while recognizing their own power to protect citizen liberties under the Constitution, were willing to defer the exercise of that power until some few years of peace had restored the interests of society and the reorganization of labor. It is known that anterior to the war the system of importing indentured servants from Europe, bound to service for a term of years, was in full force in some of the colonies. The belief was general that its augmentation and continuance after the war, as well as the large free immigration which would ensue, would in a brief period of time repose the industry of all the States upon free or contract labor. It is perhaps scarcely necessary to point out that the reserved privilege of taxation carried with it no acknowledgment or implication of a right of property, any more than our own poll-tax does, as it was to be levied *per capita* and applied to the "person." I do not therefore understand how from the negations and prohibitions conceded to Congress in this section, any affirmative sanction of slavery in the Constitution can be deduced. The greatest stretch of interpretation can only extend to the permitting of the States to judge of those they would admit prior to 1808, after which Congress was empowered to exclude whom it chose.

The third ground upon which the idea of a constitutional guarantee of slave property is predicated is the language used in the second section of the fourth article of the Constitution. I quote the words:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

There is no affirmation by any that the words here used are those employed by slavery in its terminology; it is only by torturing the language of *contract* into that of *absolute property in man* that any inference as to slaves and their rendition can be sustained. The courts, I know, have so held, but the question is not now with the courts or the current of their decisions in favor of slavery; it is a question of direct emphatic language, and the avoidance of the use of the term slavery or slaves. The expressions "person," "service," "discharged," "claim," "due" are all those of contract, but slaves cannot contract, and the language of contract while applicable to "indentured apprentices" and like conditions does not, cannot, and was never intended to apply to slaves. So far as the question of intent in the insertion of this clause is resorted to as a reason for construing it as covering the rendition of slaves it will be recollected that the personal views of members of the Convention were divided on this subject—some solicitous to get protection for slave property, others resolute, such as Elbridge Gerry, "not to give any sanction to it." The only fact, therefore, that can rightfully determine the intent of the Convention is the *language* used which excludes "slavery" as a distinctive or descriptive word from its text—that then is the intent of the Constitution itself, for the act controls the meaning; and that this exclusion was purposely done we have the conclusive authority of the members themselves for asserting. A simple illustration, drawn from the very able report by the chairman of the committee who brought in this bill, [Mr. SUMNER,] will give a striking proof of the real intent of the use of the words employed. It is this:

"It appears that, on the 13th of September, 1787, a fortnight after the fugitive clause was adopted in its earliest form, and while the Convention was considering the report of its committee on style, 'on motion of Mr. Randolph the word *servitude* was struck out and *service* unanimously inserted; the former being thought to express the condition of slaves, *and the latter free persons*.' (Madison Papers, September 13.) Thus the word 'service' ceases even to be equivocal, for it was unanimously adopted as expressing 'the condition of free persons.' And such it would have continued to express always if slavery had not unhappily triumphed over our Government in all its departments, executive, legislative, and judicial."

This fact, furthermore, which comes attested by Madison, which proceeds out of the mouth of Randolph, which connects with the last authentication and revision of the Constitution, totally overthrows and destroys that very ingenious argument which affirms that slaves are "persons held to service under the laws of the State," and therefore entitled and required to be recaptured and returned to their masters by the national authority. It is here seen that in the meaning of the Constitution *slaves* are not "held to service," because "servitude" was there recognized as expressing the "*condition of slaves*," and "service" was inserted as expressing the condition of "*free persons*."

So much for the three clauses of the Constitution from which a sanction and recognition of slavery is sought to be inferred.

But, sir, I do not propose to examine this question in all of its bearings, for it has been very fully discussed by others. I simply desired to urge attention to the fact that the framers of the Constitution in forming that instrument used language inconsistent with the idea of any sanction of slavery. They used that language, although it is well known the term slavery as well as the fact of wrongful bondage was common in some States at that time. If they had intended to apply the clauses I have commented on as clauses designed for the indorsement of slavery and for the rendition of fugitive slaves, they would have used the words "slavery" and "slaves" in express terms. I therefore assert with renewed confidence that the whole argument which may be drawn from a collation of these clauses in the Constitution goes to establish this fact, and this fact alone, that there was a deliberate intent and purpose on the part of the Convention that adopted the Constitution to exclude from the national charter the idea of property in man. It was a preconceived thought. It was studiously guarded. It was carefully carried out; and it has been nothing in the world but the torture of those passages of the Constitution by the judicial decisions which have since taken place that has ever given slavery a status in our national legislation.

Mr. President, holding firmly to these convictions, I do not propose at this day to vote for the enactment or indorsement either directly or indirectly of any fugitive slave law. Senators who choose to incur that grave responsibility may do so; I wash my hands clean of the whole business of slave-catching and slave codes. If the argument were clear as noonday that the passage of an act of Congress for the rendition of fugitive slaves was constitutional, it would still remain a question of discretion and choice, and I cannot understand the zeal of those who, in such a time, are so swift to set up again the act of 1793, even when tearing down that of 1850. There is no interest in the country which now requires of us to keep watch and ward over those held to service in the meaning of the Constitution. Indentures are nearly obsolete. I do not feel, therefore, that any duty devolves upon Congress in that behalf, and furthermore if it did we would not be justified in going beyond the plain letter of the Constitution. Our duty now, more perhaps than at any previous time, is to maintain the guarantees of freedom and to repel the aggressions of slavery. And yet, forsooth, there are those who would have the national Congress begin anew the work of incorporating slavery into our national life and reaffirm or reassert the fugitive slave law of 1793! How much more worthy would it be of its high mission in this critical hour of our nation's existence, when slavery is warring upon it to the very death, if Congress, asserting its full and plenary power to care for the common welfare, should devote itself to the passage of an act directly abolishing and prohibiting slavery throughout the whole land.

I have already stated my own belief that the Constitution of the United States gives to Congress in several of its clauses the right to deal in this wise with the question of freedom and of slavery; that it can not only prohibit the migration to our shores of any destined for servitude, but that it can also by direct statute prohibit any such institution from existing. I believe furthermore that such was the understanding of a large portion of the members of the Convention that drew up that instrument. While I know that there were members from the South in that Convention who recognized that right, while I know there were members from the North there who recognized that right, while I know that the language is such that you may clearly establish that right, I cannot think otherwise than that it was the intent and meaning that such a right to abolish slavery should eventually be exercised.

Mr. President, if there be one thing more fatal about these fugitive slave laws than another it is the everlasting vitality they possess—a vitality wonderfully attested by the singular spectacle which is presented in this body of their operation. We find that slavery is not content with rendering the poor slave back to his master, with restoring the chattels, as they are called, broken and crippled back to their hard tasks and unrequited toil, but that its reachings stretch out through three quarters of a century, that it coerces the decisions of courts and the interpretations of judges, and that rising into the broad realm of intellect, it reclaims its subjects wherever it finds them. And how painful are some of its renditions! It was but a few days since that the honorable Senator from Maryland [Mr. JOHNSON] was rejoicing in a newly found freedom. I heard his expressive language with great satisfaction, and the country, we all know, applauded it to the echo. Indeed, if I am not mistaken, the very arts took up the theme, and the gentleman was depicted, round and rubicund, as going over a high partition fence at a single leap, making into the green fields beyond. Others of distinguished national repute had only forced off a paling, and with their heads thrust through were surveying the prospect. But he had cleared everything at a bound. I am sure it will be a source of regret to that artist to be compelled to reverse his penciling, when he finds that the honorable Senator has gotten back to the other side of the fence again; that he has been reclaimed into the service of slavery by this inexorable fugitive slave law; that he has been recaptured and put to do its work, and that he is now standing up in the Senate of the United States pleading for those constitutional sanctions the very claim to which gave slavery half its strength, building up those broken pillars of a law which calls for the slave where ever he is found and restores him to his master. Sir, that is the worst feature that I have yet seen in the operation of this fugitive slave law. Neither genius nor learning nor character afford any protection against its reclamations and a return to servitude.

Mr. President, I cannot support this bill as it has been amended. I cannot support any bill that recognizes as right and proper any fugitive slave act; and I shall therefore refuse to give it my sanction if it comes to a vote upon the final passage in its present shape.

Mr. VAN WINKLE. Mr. President, I have desired to address the Senate during the progress of this discussion. I am ready to go on now if it be the pleasure of the Senate.

Mr. LANE, of Kansas. If the Senator will give way, I will ask the Senate to go into executive session.

Mr. SUMNER. I hope not. If the Senator from West Virginia is ready to go on now, I think we had better continue with this bill.

Mr. LANE, of Kansas. I have had some conversation with the Senator from West Virginia, and it is with his assent that I move that the Senate proceed to the consideration of executive business.

Mr. SUMNER. I hope the Senator will withdraw that proposition.

Mr. CONNESS and others. What for?

Mr. JOHNSON, (to Mr. SUMNER.) You cannot close the debate to-day.

Mr. SUMNER. Why should we not continue its consideration to-day?

Mr. HENDRICKS. Is the motion to go into executive session a debatable question?

Mr. SUMNER. Certainly.

Mr. TRUMBULL. I think not.

Mr. HENDRICKS. I raise that point of order.

Mr. TRUMBULL. I think the point of order is well taken. A motion to go into executive session is not debatable.

Mr. HALE. Yes, it is.

Mr. TRUMBULL. I insist that it is not.

Mr. HALE. I should like to hear the rule read.

Mr. TRUMBULL. The rule is specific on that subject:

"18. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the doors shall remain shut."

Mr. SUMNER. That is a rule we adopted the other day.

Mr. TRUMBULL. No, sir; it is a rule that was adopted on the 20th of February, 1794. When such a motion is made and seconded, there can be no discussion except with closed doors, and it is a violation of the rule to have any discussion. It requires a vote.

Mr. HALE. I think the Senator is mistaken in regard to that rule. If a Senator rises in his place and asserts that he has matters to be discussed which he thinks ought to be discussed in secret session, then this rule applies. I never saw it enforced but once, and I think that was when you, Mr. President, were a member of the Senate. Mr. Mason, of Virginia, got up and stated this rule and his privilege under it, and upon that the gallery was cleared. That was the only time I ever recollect of that rule being enforced. It does not apply to going into executive session at all.

Mr. LANE, of Kansas. I can state to the Senator from Massachusetts that the motion I have made is made with the approbation of the Senator from West Virginia; and I will further state that a matter important to my State demands an executive session.

The VICE PRESIDENT. The question is on the motion to proceed to the consideration of executive business.

Mr. SUMNER. The first question is the point of order raised by the Senator from Indiana, whether that is debatable.

The VICE PRESIDENT. It is a debatable question. The Chair has no doubt on that point.

Mr. SUMNER. So I understood. Now, I simply wish to understand the desires of Senators. It seems to me that unless there is some business that should be attended to to-day in executive session, we had better proceed with this bill, if the Senator from West Virginia is ready to proceed.

Mr. CONNESS. The Senator from West Virginia has asked for an adjournment, and desires to address the Senate upon this subject. It is a matter of great consequence. I ask the Senator whether he desires to deprive the Senator from West Virginia of the opportunity of speaking on this bill before it shall pass.

Mr. SUMNER. If the Senator had heard me—he clearly did not hear me—he would not have put that question. My last words were addressed to the Senator from West Virginia to ascertain from him whether he desired a postponement.

Mr. CONNESS. He has already stated that; and I supposed the Senator knew it.

Mr. SUMNER. I do not know it now, except from the statement of the Senator from California.

Mr. CONNESS. You heard it from some source.

Mr. SUMNER. Do I understand from the Senator from West Virginia that he would prefer to go on to-morrow?

Mr. VAN WINKLE. I am prepared to go on now, but I should prefer to go on to-morrow. If I were to commence now I could not get through by the usual hour of adjournment.

Mr. SUMNER. Very well; I have no objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Kansas.

EXECUTIVE SESSION.

The motion was agreed to; and the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 20, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

COMMITTEE ON PUBLIC LANDS.

Mr. ALLISON. I ask, by unanimous consent, that Tuesday evening next be assigned for the consideration of business from the Committee on Public Lands, instead of Monday evening.

There was no objection, and it was ordered accordingly.

PRIVILEGES OF THE FLOOR.

Mr. HOLMAN. I ask, as a privileged question, that the Clerk read the 134th and the 27th rules.

The Clerk read, as follows:

"134. No person except members of the Senate, their Secretary, heads of Departments, the President's Private Secretary, Foreign Ministers, the Governor for the time being of any State, Senators and Representatives elect, and Judges of the Supreme Court of the United States and of the Court of Claims, shall be admitted within the Hall of the House of Representatives.

"27. The Doorkeeper shall execute strictly the 134th and 135th rules, relative to the privilege of the Hall."

Mr. HOLMAN. I wish to state that the 134th rule is frequently violated; and for manifest and obvious reasons I give notice that so long as the internal revenue bill is pending I shall insist on the rigid enforcement of the rule.

The SPEAKER. As attention has been called to the rule, the Doorkeeper will see that it is enforced; but in justice to the Doorkeeper the Chair will state that where the rule has been violated, it has been by the suggestion of members.

REPORT ON IRON-CLADS.

Mr. RICE, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, and under the rules referred to the Committee on Printing:

Resolved, That there be printed for the use of the Navy Department two thousand copies of the report of the Secretary of the Navy relative to iron-clad vessels.

LEAVE OF ABSENCE.

Mr. ODELL. I ask that my colleague, Mr. HERRICK, shall have leave of abesence for one week from to-day.

There was no objection, and leave was granted accordingly.

TAX BILL.

Mr. MORRILL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.

The CHAIRMAN stated that the general debate on the bill had been terminated by order of the House.

The Clerk proceeded with the reading of the bill by paragraphs for amendment.

Mr. BOUTWELL moved to insert the words "and is hereby charged" and "authorized and;" so that it will read:

And the President of the United States is hereby authorized to nominate, and, with the advice and consent of the Senate to appoint, a Commissioner of Internal Revenue, with an annual salary of $5,000, who shall be charged, and is hereby charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same, or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes which may be necessary to carry this act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide cotton marks, hydrometers, and proper and sufficient adhesive stamps, and stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this act, and to alter and renew or replace such stamps, from time to time, as occasion shall require.

The amendment was agreed to.

Mr. BOUTWELL. I wish to call the attention of the Committee of Ways and Means to this point. By the provisions made in this act the Commissioner of Internal Revenue may send and receive documents and matters relative to the duties of his office. There is a general law prohibiting his receiving documents, or has been so construed by the Post Office Department, and the result is that the office of internal revenue has to pay bills of postage.

Mr. MORRILL. That general law was passed subsequently to the passage of the original act of taxation. This provision will remedy that.

Section four was read, as follows:

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury may appoint not exceeding three revenue agents, whose duties shall be, under the direction of the Secretary of the Treasury, to aid in the prevention, detection, and punishment of frauds upon the revenue, who shall be paid, in addition to the expenses necessarily incurred by them, such compensation as the Secretary of the Treasury may deem just and reasonable, not exceeding $2,000 per annum. The above salaries to be paid in the same manner as are other expenses for collecting the revenue.

Mr. MORRILL. I move to strike out "three," and in lieu thereof to insert "five," so that it will provide for five revenue agents.

Mr. BROOKS. Will that create five additional revenue agents?

Mr. MORRILL. It will.

Mr. BROOKS. What are they for?

Mr. MORRILL. Some of the duties of these officers relate to some of the gentleman's constituents. I understand the practice has been by some New York parties to carry tobacco up the river and through the canal to Lake Champlain, and enter it at St. John's to get the drawback; then to get it upon some smaller vessel and in the night take it back again. Thus the same tobacco would travel over the same route many times, and the Treasury would be robbed. These officers are to serve the purpose of detecting such frauds.

The amendment was agreed to.

Mr. MORRILL. I move to amend section four, in line five, by inserting after the word "revenue" the word "internal."

The amendment was agreed to.

Mr. BROOKS. I move to amend the section by reducing the number of revenue officers to four.

Mr. MORRILL. As the gentleman is a good parliamentarian I will make the point upon him, that the committee have already inserted "five," and therefore his amendment is not in order.

Mr. BROOKS. Then I move to insert "six."

Mr. MORRILL. The number five has already been adopted. I submit the amendment is not in order.

Mr. BROOKS. I move to strike out "five" and insert "six."

Mr. MORRILL. That is not in order.

Mr. BROOKS. Why not?

Mr. MORRILL. Because we have already determined that the number shall be five.

Mr. BROOKS. I can accomplish my object by moving to strike out the salary.

The CHAIRMAN. The amendment is in order.

Mr. BROOKS. Well, I will not say anything, having now shown that I have the power to do so. [Laughter.]

Mr. MORRILL. I move to amend section seven, by striking out all after the word "Congress" where it first occurs in the following clause:

Provided, That the number of districts in any State shall not exceed the number of Representatives to which such State shall be entitled in the present Congress, except in such States as are entitled to an increased representation in the Thirty-Eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any such State may be so entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State is entitled in the present Congress.

This clause was copied from the old law, and as this paragraph refers to the present Congress, it will be perceived that it is unnecessary now.

The amendment was agreed to.

Mr. MORRILL. I move to amend section eight by inserting after the word "appoint," the words "with the approval of said Commissioner," in the following clause:

And be it further enacted, That each of the assessors shall divide his district into a convenient number of assessment districts, which may be changed as often as may be deemed necessary, subject to such regulations and limitations as may be imposed by the Commissioner of Internal Revenue, within each of which he shall appoint one assistant assessor, who shall be resident therein.

Mr. BROOKS. What is the object?

Mr. MORRILL. It is to compel the assessor who makes the appointment of the assistant assessor to appoint such a man as the Commissioner of the Internal Revenue shall approve. I understand that is the practice under the present law, but we want it more plainly and distinctly stated in this law.

Mr. BROOKS. In other words, the object is to take from the assessor the whole political power under the bill, and transfer it to Washington to the Commissioner of Internal Revenue.

The Chair ordered tellers on the amendment; and appointed Mr. PRICE and Mr. ODELL.

The committee divided; and the tellers reported—ayes 70, noes 28.

So the amendment was agreed to.

Mr. BEAMAN. I move to amend the same section by inserting in line twenty-four, after the word "that," the words "according to the best of my ability;" so as to make it read:

And that according to the best of my ability I will do equal right and justice in every case in which I shall act as assessor.

The limitation "to the best of my knowledge, skill, and judgment," contained in a preceding line, does not apply to these words to which I refer, because this is a distinct undertaking. The same effect perhaps would be produced by striking out the words "that I will," and I will change my motion and move to strike out the words "that I will."

The amendment was agreed to.

Mr. MORRILL. I move to amend section twelve, in line fifteen, by inserting after the word "license" the words "or other," so that it shall read, "including all persons liable to pay a license or other duty."

The amendment was agreed to.

Mr. MORRILL. I move to amend section thirteen, in line one, by inserting after the word "person" the words "liable to pay any duty or tax, or;" so that the clause will read:

That if any person, liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, and shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any license, &c.

The amendment was agreed to.

Mr. KERNAN. I would inquire of the chairman of the committee whether, in the clause just read and amended, the word "not" should not be inserted before the word "consent?" I move to insert the word "not."

Mr. KASSON. I think there would still be an error. I have read the section over twice, and my impression is that a line has been left out in printing the bill. It will be seen, by reading the section through, that it is somewhat questionable whether the words should be "shall consent" or "shall not consent," and therefore I ask the committee to pass over this section informally, so that we may return to it after having examined this point.

Mr. BOUTWELL. I will suggest to the gentleman there is no difficulty in relation to this section. It is an exact transcript of the corresponding section of the old law. It might, perhaps, be made a little clearer by inserting the word "but" in place of the word "and" in the fifth line, but the section as it here appears has received construction, and it is, I think, sufficiently clear as it stands. The only change at all that I discover in the section is the insertion in the tenth line of the words "or return."

Mr. KERNAN. Very well. If the section is satisfactory to the gentleman, I will withdraw my amendment.

Mr. KASSON. Still I would suggest that by unanimous consent the section be passed over for the present, to be returned to if upon a more careful examination it should be found to be desirable to make any change.

Mr. WILSON. I object.

Mr. HOLMAN. It is perfectly clear that to make this section perfectly intelligible the word "and," in the fifth line, should be stricken out and the word "but" inserted. I move to so amend the fifth line of the section.

It is very clearly right that if a party shall fail to make out the list as here required, but shall consent to disclose the particulars on which the list is to be made out, that should be received instead of the list itself. It is correctly transcribed from the old law; but to make it perfectly clear the word "and" should be stricken out and "but" inserted; and I hope, therefore, the amendment will be adopted.

The amendment was agreed to.

Mr. SLOAN. I will suggest that the word "direct," in line eight of the twelfth section, should be stricken out.

The CHAIRMAN. That section has been passed, and cannot be returned to except by unanimous consent.

Mr. SLOAN. I think the amendment should be made. The intention of the section evidently was that the work should be done about the first

Monday of May. As it now reads it provides that the work shall be directed to be done at that time.

The CHAIRMAN. Is there objection to returning to the twelfth section?

Mr. STEVENS. I think we had better not go back.

Mr. CRESWELL. I move to amend the fourteenth section in the eleventh line, by striking out the words "at the discretion of the court," and by inserting the same words after the word "fined," in the ninth line. The clause would then read:

That if any person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of law, any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, such person so offending and being thereof convicted in any circuit or district court of the United States held in the district in which such offense may be committed, shall be fined, at the discretion of the court, in a sum not less than fifty dollars and not exceeding double the sum of which he shall have attempted to defraud the Government, and shall pay all costs and charges of prosecution.

I will merely remark that these words seem more properly to come in at that point than after the words "attempted to defraud the Government."

Mr. BOUTWELL. I do not know that I object to the amendment; but I will suggest that the language now stands as it does in the existing law, and as it has been construed. There is no difficulty in the construction. It is merely a question of taste in the construction of the sentence, and under the circumstances I think I would prefer the section as it stands.

Mr. FARNSWORTH. I move to amend the clause to which the amendment of the gentleman from Maryland applies by striking out "fifty dollars" and inserting "forty dollars." I will state that there seems to me to be a possible incongruity in the language of the section. It says he shall be fined "in a sum not less than fifty dollars and not exceeding double the sum of which he shall have attempted to defraud the Government." Now, suppose he shall have attempted to defraud the Government of ten dollars, the law would then require him to be fined not less than fifty dollars and not more than twenty dollars. [Laughter.] I withdraw my amendment.

The amendment submitted by Mr. CRESWELL was disagreed to.

Mr. PENDLETON. I desire that so much of the section as prescribes a penalty shall be passed over, and the Committee allowed to return to it subsequently. I have attempted to prepare something that shall provide some uniformity in prescribing these fines, and should such a system be agreed on in committee I desire that permission may be granted to return to this and to any other section in which fines may be prescribed which may have been passed, so far as that subject is concerned.

Mr. MORRILL. I hope the proposition of the gentleman from Ohio will be assented to, so that the committee may hereafter establish something like uniformity in the imposition of fines.

There being no objection, the proposition was assented to.

Mr. KERNAN. I will move to amend the fifteenth section, in the twenty-fifth line, by inserting after the word "sickness" the words "accident or unavoidable absence." The clause would then read:

And in case of refusal to make such list or return, the assessor or assistant assessor shall thereupon add twenty per cent. to the amount of the duty or tax; and in case of neglect, except in case of sickness, accident, or unavoidable absence, to make such list or return, ten per cent. shall be added to the amount thereof.

Mr. MORRILL. That would give a pretty broad margin. I hope the amendment will not be adopted.

The amendment was disagreed to.

Mr. BOUTWELL. I notice that the words "is hereby authorized and required" are omitted in the following clause:

And if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or return within the time required as aforesaid, it shall be the duty of the assessor or assistant assessor of the district within which such person shall reside to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such list or return of the property, goods, wares, and merchandise, &c.

It seems to me the words I have named should be inserted after the word "reside."

Mr. MORRILL. That is implied. The words if inserted would be merely verbiage.

Mr. BOUTWELL. Very well. I will submit no amendment, then.

The Clerk read, as follows:

SEC. 16. *And be it further enacted*, That in case any assessor shall have reason to believe that any list, statement, or return required by law has been made to any assessor or assistant assessor in a false or fraudulent manner, or if any person whose duty it is to furnish any list or return, or make any statement required by law, shall neglect or refuse to do so, it shall be lawful for such assessor to summon by subpena, to be served by any assistant assessor of the district, such persons as he may deem proper to appear before him, at a time and place named therein, to give testimony or answer interrogations respecting any objects liable to duty or tax as aforesaid, list, statements, or returns thereof, or any trade, business, or profession liable to any license as aforesaid, and to enforce obedience to such writ by attachment as for contempt.

Mr. MORRILL. I move to insert after the word "license" these words: "or any gains, profits, or income liable to be assessed."

The amendment was agreed to.

Mr. MORRILL. I move to strike out the word "they," and to insert the word "he" in lieu thereof, and to change the word "reside" to "resides;" so that it will read:

SEC. 18. *And be it further enacted*, That any owner or person having the care or management of property, goods, wares, and merchandise, articles or objects, not lying or being within the assessment district in which he resides, shall be permitted to make out and deliver the lists thereof required by this act (provided the assessment district in which the said objects of duty or taxation are situated is therein distinctly stated) at the time and in the manner prescribed to the assistant assessor of the assessment district wherein such person resides.

The amendment was agreed to.

Mr. MORRILL moved to insert the word "monthly;" so that the section will read:

SEC. 19. *And be it further enacted*, That the lists aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this act, as aforesaid, and where duties accrue at other and different times, the lists shall be taken with reference to the time when said duties become due, and shall be denominated annual, monthly, and special lists, &c.

The amendment was agreed to.

Mr. MORRILL moved that the word "lists," wherever it occurs in the nineteenth section, be altered to "list."

The amendment was agreed to.

Mr. MORRILL moved the same amendment in the twenty-first section.

The amendment was agreed to.

Mr. MORRILL moved to insert in the twenty-first section "monthly or;" so that it will read:

And in case it shall be found or discovered by any assessor that the annual list so furnished to the proper collector, as aforesaid, is imperfect or incomplete, owing to the names of persons, firms, corporations, or objects liable to tax or duty being omitted therefrom, the said assessor may, from time to time, at any time thereafter, enter on his special list all such objects of duty or taxation, with the names of persons owning or having the care or superintendence of property lying within said district liable to said tax or duty, or engaged in any business or pursuit requiring a license, with the sums payable by each, as he shall discover to have been omitted as aforesaid; and the same proceedings shall obtain and be had with respect to such objects of duty or tax as are by this act required in respect to objects of duty or taxes, and persons liable to tax regularly entered and returned on any monthly or special list.

The amendment was agreed to.

The Clerk read, as follows:

SEC. 22. *And be it further enacted*, That there shall be allowed and paid to the several assessors, from the date of their appointment, a salary of $1,500 per annum, payable quarterly, and in addition thereto, where the receipts of the collection district shall exceed the sum of $100,000 and shall not exceed the sum of $400,000 annually, one half of one per cent. upon the excess of receipts over $100,000; where the receipts of a collection district shall exceed $400,000 and shall not exceed $600,000, one fourth of one per cent. upon the excess of receipts over $400,000; where the receipts shall exceed $600,000, one tenth of one per cent. upon such excess; but the salary of no assessor shall in any case exceed the sum of $3,000, &c.

Mr. MORRILL. I move to strike out the words "and shall not exceed $600,000."

Mr. BROOKS. I avail myself of the present occasion to inquire of the gentlemen from Vermont whether there is any publication or record to show what is the amount of salary and commission received by these assessors?

Mr. MORRILL. The accounts are all before the First Comptroller of the Treasury.

Mr. BROOKS. I further avail myself of this occasion to say that there should be some publication to show what is the amount received by these assessors.

Mr. MORRILL. That is easy to be seen by looking at the law.

Mr. BROOKS. The law does not state what the deputies receive or what their commissions are.

The amendment was agreed to.

Mr. MORRILL. I am instructed by the Committee of Ways and Means to move to insert "five hundred;" so that the section will read:

But the salary of no assessor shall in any case exceed the sum of $3,500.

The Commissioner of Internal Revenue finds in some districts that it is impossible to command the services of men competent to discharge the duties for the sum of $2,000. He thinks that it would be wise to put the outside limit at $3,500 for some of the larger districts. In the smaller districts, where the collections are smaller, the salary will not be increased.

Mr. BOUTWELL. I do not know what the present experience may be, but my experience was that we could find plenty of persons in the country to accept these offices.

The amendment was rejected.

The Clerk read, as follows:

And there shall be allowed and paid to each assistant assessor three dollars and fifty cents for every day actually employed in collecting lists and making valuations, the number of days necessary for that purpose to be certified by the assessor, and three dollars for every hundred taxable persons contained in the tax list, as completed and delivered by him to the assessor.

Mr. MORRILL. I move to strike out "three," and to insert in lieu thereof "five," so that it will read "five dollars for every hundred taxable persons," &c.

The amendment was rejected.

Mr. MORRILL moved to strike out the word "taxable" in the twenty-second section, and after the word "persons" to insert "assessed," so that it will read, "and three dollars for every hundred persons assessed."

Mr. HOLMAN. It seems to me that the amendment ought not to be adopted. It may create an inducement on the part of the assessor to increase his list by putting on persons who are not taxable.

Mr. MORRILL. The amendment is unimportant and cures the very evil complained of by the gentleman.

The amendment was agreed to.

Mr. HOLMAN. I move to strike out "three" and in lieu thereof to insert "one." I believe there is no increase in the pay of the assessors. I presume that the gentleman from Vermont will inform us that it is the fact that the pay is not increased over that provided by the act of March 3, 1863. But there is a material increase in the pay of the assistant assessors; that is to say, that under the old law he received a compensation of three dollars a day during the time employed, while by this bill he is to receive three dollars and fifty cents a day. Under the old law he received for making out the list one dollar for every hundred persons assessed, while under this bill he is to receive three dollars, besides the additional allowances for granting permits to tobacco, snuff, or cigar manufacturers.

I have not discovered the necessity for this increase. It is a very material increase, without any apparent necessity. I would be willing to increase the compensation half a dollar a day. Perhaps that is reasonable enough, though heretofore a compensation of three dollars a day, and one dollar for each hundred names upon the tax list, was deemed a fair compensation to the assistant assessors. Now it is proposed to increase the per diem, and also the compensation based upon the returns of the persons who are taxable. It seems to me we ought not to swell the expenses of collecting these taxes so rapidly. I think with an increase of compensation half a dollar a day, taking into consideration the class of persons who are engaged in the performance of these duties, this large increase of from one to three dollars per hundred names upon the taxable list is not necessary, and is unwarrantable. I hope there will not be a disposition to increase the pay in this respect. If we begin to do it now there is no telling where it will terminate. The expense of collecting this revenue is enormous anyhow, and the vast number of these employés, and these various sub-officers, swell the expenses necessarily to a very large sum. You cannot expect these taxes to be readily paid by the people unless they

feel that the system is as economical as a just consideration of the public service will admit of.

Mr. MORRILL. Under this law, I am very happy to say, the duties are collected cheaper than they have been in any other country whatever. The percentage of cost to the Government is only about one half as much as it is in England for the same kind of taxes. But the committee, while they have curtailed the amount of compensation which will be received by the collectors, have thought that the assistant assessors, who perform the most laborious part of the duties under this act, have been poorly compensated. Take, for instance, the case of a rural district; the assistant assessor, if he does not own a horse and carriage, is obliged to hire one. We have information before us that where, heretofore, assessors have been able to hire a horse and carriage for one dollar a day, they now have to pay, in some cases, two dollars a day. Then the assessors have to support themselves by living at hotels, and after paying their tavern bills they have, when they get home, hardly enough to pay their other expenses.

We have proposed only a very moderate increase of the compensation of these laborious officers. We are informed by the principal assessors that they find it exceedingly difficult to obtain men competent to discharge the duties to accept the places, and that but for the fact that they expected their compensation would be increased by this Congress a large proportion of the present officers would have resigned already.

It is merely proposed by this provision to increase the pay for making out this list from one dollar to three dollars per hundred names. This will give them but a very small amount of compensation; in some districts perhaps twenty-five dollars, in some districts perhaps fifty dollars, and it is a very inconsiderable compensation anyway. I hope the House will at least agree that this amount shall be paid to them.

It is suggested by the gentleman from Indiana [Mr. HOLMAN] that we allow them fees upon permits granted to cigar and tobacco manufacturers. I merely wish to say that this will be very small, except in cities like New York and other large cities, where the officers would be utterly unable to live without those fees.

Mr. ODELL. I wish to ask the gentleman from Vermont whether this clause "and twenty-five cents for each permit granted to any tobacco or cigar manufacturer" is not a new clause?

Mr. MORRILL. It is.

Mr. ODELL. I move to amend the amendment by inserting "two dollars" instead of "three dollars."

Mr. GRINNELL. I rise simply to confirm the statement made by the gentleman who has this bill in charge. Now, sir, I personally know that some of the sub-assessors in my district have sent in their resignations and were only prevailed on to continue in office by the assessor himself, upon the presumption that their compensation would be increased.

Now, sir, as stated by the gentleman from Vermont, when these assistant assessors start out to perform their duties they have to pay their tavern bills, they have to pay for their teams, and when they return they find that they have nothing left. I hope that the compensation will be continued at three dollars a day and that it will not be reduced to two dollars a day.

The amendment to the amendment was disagreed to.

The amendment was rejected.

Mr. MORRILL. I move to amend, in the forty-seventh line, by inserting after the word "and" the words "to assessors and assistant assessors." I also move to amend, in the forty-eighth line, by inserting, after the word "Carolina," the word "Mississippi." The clause as amended would read:

Provided, That the Secretary of the Treasury shall be, and he is hereby, authorized to fix such additional rates of compensation to be made to assessors in cases where a collection district embraces more than a single congressional district, and to assessors and assistant assessors in the States of Louisiana, North Carolina, Mississippi, Tennessee, Missouri, California, and Oregon, and the Territories, as may appear to him to be just and equitable, &c.

The amendment was agreed to.

Mr. KASSON. Referring to line nine of this section, a further amendment is required to make the language conform to the action taken by the committee. I therefore move to strike out from the word "dollars" to and including the word "excess," in line fourteen, as follows:

Where the receipts of a collection district shall exceed $400,000 and shall not exceed $600,000, one fourth of one per cent. upon the excess of receipts over $400,000; where the receipts shall exceed $600,000, one tenth of one per cent. upon such excess.

I desire to say a word in explanation of the amendment. As the section now stands amended by the committee, the maximum compensation is reached by the percentage allowed up to $400,000, and consequently the one tenth of one per cent. on all above $600,000 cannot be drawn by the assessor, and is inadmissible. I will remark that the theory on which the Committee of Ways and Means proceeded was that it was for the interest of the Government to allow a small percentage upon the entire amount assessed, creating thereby an inducement for the assessor to perform his duties to their entire extent. I beg permission to say that in inserting the percentage of one tenth of one per cent. the object of the committee was not to benefit the assessor but to benefit the Government; but as this Committee of the Whole has decided otherwise I submit this amendment for the purpose of making the section conform to the action already taken by the committee, leaving it to the subsequent action of the House to determine whether the principle adopted by the Committee of Ways and Means is safest for the interests of the Government.

The amendment was agreed to.

Mr. NORTON. I move to amend the section, in the forty-third line, after the word "authorized," by inserting as follows:

Provided, That if any assessor shall demand of or receive from any deputy assessor, as a condition of his appointment to or continuance in his said office of deputy assessor, any portion of the compensation herein allowed, said assessor so offending shall be summarily dismissed from office and shall be liable to a fine of not less than fifty dollars, upon conviction of such offense in any district or circuit court of the United States of the district in which such offense may be committed.

Mr. DAWES. Let me suggest to the gentleman that his amendment should be modified by adding after the words "shall demand or receive" the words "directly or indirectly."

Mr. NORTON. I have no objection to that.

Mr. DAWES. And I would further suggest that the words "or any other consideration" be inserted. I am in favor of the amendment and regard it as important, but as drawn I think it will be easy enough to evade it. I think the amendments I have suggested are necessary in order to cover the whole ground.

Mr. NORTON. I have no objection to the modification suggested by the gentleman from Massachusetts. I desire to say in support of the amendment that I hope the practice has not been general, but I know that the evil has existed to some extent. I know of one assessor, at least, who has demanded and received of his assistant assessors one dollar out of every three dollars received by them as compensation.

Now, sir, it will be readily perceived by every gentleman that such a practice is immoral, and unjust to the United States in its tendencies. It holds out to such assistant collectors powerful inducements to make fraudulent statements and returns, and especially as his accounts and returns are to be certified to by the assessor himself, who has taken from him one third of his legitimate compensation. His compensation is paid by the collector, upon the certificate of the assessor to its correctness, and every gentleman will see that the interests of the United States cannot but suffer while such practices may be safely carried on. I hope such cases are rare, but I know they have existed to a certain extent.

Mr. DAWES. I ask that the amendment be again read.

The Clerk read the amendment as it was modified.

Mr. DAWES. I suggest that the amendment shall read, "shall demand or receive, directly or indirectly;" and then to insert the words, "or any other consideration," after the word "salary." With that modification I hope the amendment will be adopted.

Mr. NORTON. I accept the gentleman's suggestion as a modification of my amendment.

Mr. DAWES. This is an important amendment and its worth depends upon its phraseology, and it ought therefore to be prepared with care.

Mr. NORTON. The amendment should be made to read "assistant," instead of "deputy."

The amendment, as modified, was agreed to.

Mr. MORRILL. I move to insert "and assistant assessors" after the word "assessors."

The amendment was agreed to.

Mr. CRESWELL. I move to strike out "three" and insert "four," so that it will read "four and a half."

Mr. Chairman, I agree to every word that has been said in reference to the importance of the labors of assistant assessors in the execution of this law. In the rural districts the execution of the law entirely depends upon the work that they do. I am sure that in my own district, comprising a large extent of territory, $3 50 a day will scarcely cover the expenses of a person competent to perform the duties. I know that the Government has suffered delay because of the difficulty of obtaining persons competent to discharge the duties of these officers for the compensation allowed by law. Our assistant assessors must not only be shrewd and active business men, but good clerks also, and it is rarely you will find a person with all those qualifications. Then these assistant assessors are only employed a small portion of the year. The compensation is entirely inadequate, especially in the rural districts, and therefore I have moved to increase it.

The amendment was rejected.

Mr. RICE, of Maine. I move to strike out the words "in cases where a collection district embraces more than a single congressional district, and in the States of Louisiana, North Carolina, Tennessee, Missouri, California, and Oregon, and the Territories," so that it will read:

Provided, That the Secretary of the Treasury shall be, and he is hereby, authorized to fix such additional rates of compensation to be made to assessors as may appear to him to be just and equitable, in consequence of the greater cost of living and traveling in those States and Territories, and as may, in his judgment, be necessary to secure the services of competent officers; but the rates of compensation thus allowed shall not exceed the rates paid to similar officers in such States and Territories respectively.

Mr. Chairman, I am opposed to all these exceptional cases. I prefer the bill should be as it is in regard to collectors, leaving the whole matter with the Secretary of the Treasury or the Commissioner of Internal Revenue to make the compensation adequate where it is not now adequate, in their discretion.

Mr. HOTCHKISS. I hope that will not be done. The duties of the Secretary of the Treasury are great enough now. To compel him to fix salaries is imposing upon him duties which belong to Congress.

The amendment was rejected.

Mr. SCOFIELD. I move to strike out "$3 50" and insert "$4."

I wish to say one word about that. A large portion of my district is sparsely populated. The assessors are not paid anything. They are now doing their work for nothing. One assessor I have in my mind. I know that, having been in the Army for a couple of years, he took this place as a kind of rest. He started with a horse and buggy, for which he paid $2 50 a day, and his expenses were $1 50, and he actually expended every day he was out half a dollar more than all his pay came to; and that half a dollar was paid out of the thirteen dollars a month he had received while he was in the Army. That is the compensation. I asked him why he did not resign. He said he had enlisted in the beginning of the war to serve the country; and that when he was not able to serve longer in the field he took this office. I have moved that it should be fixed at four dollars a day. In my district that is no compensation; but from patriotic motives we can get young men to discharge these duties. I wish to cover expenses.

Mr. HOTCHKISS. In regard to the amount of compensation, I do not wish to speak; but I would suggest that this difficulty can be very easily remedied. The best class of men for assistant assessors are the town assessors appointed under State laws. They are generally competent men. The electors of the towns have capacity enough to select such men, and in my own district they do select such men. In the State of New York they are usually compensated at the rate of $1 25 and $1 50 per day. The difficulty which these assistant assessors experience will be obviated by

appointing one for each town, or, where the townships are small, one for two or more towns. There are large numbers of men in every town who will accept the office at this rate of compensation, or at even less compensation than is provided for here. Gentlemen have frequently objected here to the increase of any salaries whatever. This is one of the most unnecessary cases of increase that has been proposed in this House, and I hope it will not be agreed to.

The amendment was not agreed to.

Mr. COFFROTH. I move to amend the twenty-second section by striking out in line three the words "fifteen hundred" and inserting "two thousand;" and by striking out all after the words "payable quarterly;" so as to make the compensation $2,000 without any additional profit. I propose the amendment so as to make the salary a fixed sum—$2,000. This will give to the assessor of every district the receipts of which do not exceed $100,000 a salary of $1,500, and to the assessor of every district where the receipts exceed $100,000 an additional per cent. on every $100,000 beyond the first. This is unjust to the assessors of districts in which the receipts do not exceed $100,000, because they receive only $1,500, though they have more labor to perform, undergo more fatigue, and have more trouble in performing their duties than the assessors in the heavy districts and cities.

Therefore, in justice to all classes and to all districts, I think this salary should be fixed at $2,000. It is nothing but justice to those men who are acting in the rural districts.

Mr. MORRILL. I merely rise to oppose, *pro forma*, the amendment, and to express the hope that it will not be adopted. We have already spent more time upon this section than upon all the sections we have passed.

The amendment was not agreed to.

Mr. HALE. I move to amend section twenty-two by striking out "three," in line thirty, and inserting "four," so as to make the clause read, "and four dollars for every hundred taxable persons contained in the tax list," &c. I am satisfied that the compensation of the assistant assessors is entirely too small. In my judgment, where the assistant assessors have to travel very much from home, the compensation allowed does not pay their expenses. I submit, therefore, that it is only just to allow them four dollars for each hundred taxable inhabitants whose names are contained on his list. I hope the House will agree to it.

Mr. MORRILL. I rise to oppose, *pro forma*, the amendment, but I hope it will be agreed to. [Laughter.]

Mr. STEVENS. I call for tellers upon the amendment.

Tellers were ordered; and Mr. ALLEY and Mr. HALE were appointed.

The committee divided, and the tellers reported —ayes 49, noes 52.

So the amendment was not agreed to.

Mr. MORRILL. I move to amend section twenty-three by striking out of line seventeen the words "willfully and corruptly" and inserting "knowingly or negligently," so that the clause will read, "that any assessor has knowingly or negligently approved any account," &c.

The amendment was agreed to.

Mr. MORRILL. I move the same amendment in line twenty-five of the same section.

The amendment was agreed to.

Mr. BOUTWELL. I move to amend the section by adding thereto the following proviso:

Provided, That in estimating the allowance to be made to assistant assessors for periods of service of less than a day each, ten hours shall be deemed equivalent to a day.

It will be observed that this amendment does not contemplate fixing ten hours as the rule for a day. It merely provides that where services are performed for less than a day, for instance for two or three hours a day on different days, that shall be the rule in making up the account.

Mr. GRINNELL demanded tellers on the amendment.

Tellers were ordered; and Messrs. HOLMAN, and BALDWIN of Massachusetts, were appointed.

The committee divided; and the tellers reported —ayes 47, noes 47. The Chairman voted in the affirmative.

So the amendment was agreed to.

Mr. MORRILL. I move to amend the twenty-fourth section by adding, after the word "collector," the words "except in the cases mentioned in the proviso of section twenty-two of this act."

Mr. HOLMAN. I suggest to the gentleman from Vermont that that is already covered by the section. The Secretary of the Treasury is authorized to make further allowances.

Mr. MORRILL. This may be construed as a limitation. It will do no harm.

The question was taken on Mr. MORRILL's amendment; and it was agreed to.

Mr. HOLMAN. Mr. Chairman, it struck me in the first place, on reading this section, that the compensation of $1,000 as a fixed salary was unnecessary, and that the percentage alone was sufficient to secure the prompt and faithful performance of his duties; but it may be desirable in some localities that there should be a fixed salary. It is, therefore, reasonable perhaps to retain that. I move to amend the twenty-fourth section by striking out $10,000 and inserting $8,000, so as to limit the salary and commissions of a collector to $8,000. I also propose to amend by striking out $5,000 and inserting $4,000. The proviso would then read:

Provided further, That the salary and commissions of no collector, exclusive of stationery, blank-books, and postage, shall exceed $8,000 in the aggregate, nor more than $4,000 exclusive of the expenses for deputies and clerks to which such collector is actually and necessarily subjected in the administration of his office.

Every gentleman who has paid attention to the subject is aware of the fact that, as the law stands, the collector actually receives a salary of $5,000 a year for the mere responsibility of the office without performing any service whatever. There are many districts where no service is rendered by the collector, and where the collector receives $5,000 for the responsibility of his office alone. I have recently heard of an instance where a gentleman who was holding the office of mayor of a city, with a handsome salary attached, was also drawing the salary of collector at the same time, without his devoting one hour in the day to the duties of the latter office. Five thousand dollars will pay all the necessary deputies and clerks for the business of a collector's office.

I think that these salaries are too high. That is the general expression of opinion.

Mr. KASSON. I wish to reply to the gentleman from Indiana in one particular in relation to the compensation of collectors. I do not know that he himself is under any mistake of fact on the subject—I think some other gentlemen are—of the amount actually received by the collector. It must be borne in mind that the deputy collector is paid out of the allowance made to the collector in this bill. It is not as in the case of assistant assessors, where special provision is made for their payment by law; and just in proportion as you swell the aggregate of the commissions coming to the collector, in that same proportion it is necessary that you increase the number of deputy collectors, who must be paid out of these commissions.

As to collectors being paid too much, allow me to state a single case to the gentleman from Indiana. In my own district, where the office is filled by an unusually accomplished and intelligent business man, who has had great experience as an accountant and some experience as a banker, he has spent over a year in collecting an amount of less than fifty thousand dollars accruing from that district to the Government. On his entire commissions on the amount collected, after paying his deputies and the expenses of his office, he found himself at the end of the year without a single dollar of compensation for the services rendered by him.

Mr. HOLMAN. This section provides for these extreme and exceptional cases in authorizing the Secretary of the Treasury to pay an additional compensation. An extreme case like that should not be taken as a rule on which salaries ought to be regulated.

Mr. KASSON. The exceptions are in the cases of States and Territories, which are exceptions to us. The general rule is as I say. I think the gentleman is mistaken in the application of the rule.

Mr. HOLMAN. Will the gentleman allow me a moment? The language is:

Provided, That the Secretary of the Treasury be authorized to make such further allowances from time to time as may be reasonable in cases to which such territorial extent of the district, or from the amount of internal duties collected, or from other circumstances, it may seem just to make such allowances.

That certainly covers the case referred to by the gentleman.

Mr. KASSON. It does not reach the cases to which I refer. In a district in one of the large cities, where $3,000,000 or $5,000,000 is collected in a single year, the entire amount to be expended in the collection of that sum is limited to $10,000. Now, sir, every gentleman understands that the number of deputies must be increased and that the responsibility is increased as the amount to be collected is increased, and it will be found that the entire $10,000 will have been expended in the costs of collection, leaving the collector no compensation whatever.

It does not, as I said, affect at all the rural districts, but applies to the cities in which a very large amount of revenue is collected. I do not advocate the amendment for the purpose of increasing the compensation of any collector at all, but merely to make it practicable in every instance to collect all that is due the Government.

[Here the hammer fell.]

Mr. SMITH. I move to amend the amendment by striking out the last word of the section.

Mr. WILSON. I hope the gentleman will confine himself to his amendment if he proposes to debate it.

Mr. SMITH. I desire to say that I have just received this morning a communication from the collector of the fourth district of Kentucky.

Mr. BROOKS. I rise to a question of order; and I desire to call the attention of the Chairman to the point of order, on which the gentleman from Vermont proposed to insist on all occasions. The gentleman from Kentucky moves to strike out the last word of the section, which is the word "office," leaving the clause to read, "nor more than $5,000 exclusive of the expenses for deputies and clerks to which such collector is actually and necessarily subjected in the administration of his." [Laughter.]

The CHAIRMAN. The Chair sustains the point of order. The amendment offered by the gentleman from Kentucky is not pertinent to the amendment pending.

Mr. WINDOM. I propose to amend the amendment, in line twenty-eight, by making the amount $3,000 instead of $4,000.

Mr. SMITH. I have not yielded the floor.

The CHAIRMAN. The Chair ruled out of order the amendment offered by the gentleman from Kentucky, and awarded the floor to the gentleman from Minnesota. The Chair, however, decides that the amendment offered by the gentleman from Minnesota is not pertinent to the amendment pending, and the Chair, therefore, assigns the floor to the gentleman from Kentucky.

Mr. SMITH. I move to amend by striking out the word "ten" and inserting in place of it the word "fifteen." I received this morning a communication from the collector of the fourth district of Kentucky, which corroborates the statements made by the gentleman from Iowa, [Mr. KASSON.] In the fourth district of Kentucky there are thirty-one counties, two hundred and seventy miles long and from one hundred and thirty to one hundred and fifty miles in width. That district has paid to the Government in the last year a revenue of $1,500,000. And yet the collector of this district says that he received his appointment the 1st of September last; that by the 1st of January he had collected a sufficient amount of money to pay him his entire salary. Well, Mr. Chairman, the law allows $10,000 with which to pay the sub-collectors of these counties their salaries and all the expenses attendant upon his office in that district. If you undertake to reduce the salary of this man instead of affording him a proper compensation, the necessary result will be that you will reduce absolutely the amount which would otherwise flow into the Treasury of the country from an increase of the salary. It will be recollected that out of this amount has to be paid the salaries not only of the collector but also of the sub-collectors, as now stipulated by law. Every gentleman cannot fail to see that there cannot be that interest exhibited on the part of these men who are intrusted with that duty, only a small pittance being allowed them as salary, that there would be had they a competent salary, or as would

follow from affording them a percentage on the entire amount collected. If that percentage were allowed upon the entire $1,500,000 collected in the fourth district of Kentucky—and the same may be said, I presume, of many other districts in the loyal States—I have no doubt at all that it would result in a large increase of revenue and a corresponding benefit to the cause of the Government.

The collector gets one third of one per cent., and one third of one per cent. must go for salary of sub-collectors and to defray expenses in his district. If you gave a certain per cent. on the amount collected by these collectors they would collect vastly more than they now collect. They would go into every neighborhood and every house and every place, and they would collect every dollar from every man. They would see to it that no man escaped from the payment of these taxes. The same may be said about the assessors. Therefore I cannot see, if it is true that the natural instincts of a man are to collect according to what he is paid, why it should be proposed to reduce the salaries of these men who collect one, two, and three millions of dollars apiece. It is our duty to pay these men a reasonable compensation.

[Here the hammer fell.]

Mr. SMITH, by unanimous consent, withdrew his amendment.

Mr. HOLMAN. I move to strike out "five," and in lieu thereof to insert "four." In addition to the amendment I have moved, the committee should make the same provision here that was moved by the gentleman from Illinois [Mr. NORTON] to the section in reference to assessors. This officer receives a salary without the rendition, I undertake to say, of any service in one half of the congressional districts of the settled portion of the country.

Mr. WINDOM. I move to make it $3,000 instead of $4,000. I think that $3,000 is sufficient compensation. When I get the opportunity I will make an additional amendment to equalize the rural with the other districts.

Mr. MORRILL. I rise *pro forma* to oppose both amendments.

Mr. WINDOM's amendment to the amendment was disagreed to.

Mr. HOLMAN demanded tellers on his amendment.

Tellers were ordered; and Messrs. HOLMAN and GRINNELL were appointed.

The House divided; and the tellers reported—ayes 69, noes 39.

So the amendment was adopted.

Mr. WINDOM. I now move to strike out "four" and insert "three" in lieu thereof. I do that for the purpose of relieving those in the rural districts. In the city they have not as much labor as they have in the rural districts, and I think that we should equalize the salaries.

Mr. MORRILL. The gentleman seems to burn at one end of the candle and to cut off at the other. I hope the amendment will not be adopted.

Mr. HUBBARD, of Iowa. I move to strike out "two" and insert "fifteen hundred." I have offered this amendment for the purpose of stating that the compensation of collectors in the large districts is much too little. In my district we have a very competent collector, but his percentage under the present law last year was not sufficient to pay his expenses. The district embraces thirty-seven counties, with a revenue of less than fifty thousand dollars, and under the provisions of this bill the compensation of the collector will not exceed some seventeen hundred dollars per year, all or nearly all of which must be expended in the employment of deputies. These men are entitled to a fair and reasonable compensation. I hope the amendment of the gentleman from Minnesota will prevail, and will therefore withdraw my amendment. I think it is due to our collectors in the large districts of the western States.

The amendment to the amendment was rejected; and then the amendment was rejected.

The Clerk read, as follows:

SEC. 24. *And be it further enacted*, That there shall be allowed to collectors, in full compensation for their services and that of their deputies, a salary of $1,000 per annum, to be paid quarterly, and in addition thereto a commission of two and one half of one per cent. upon the first $100,000, and a commission of one and one half of one per cent. upon all sums above $100,000 and not exceeding $400,000, and a commission of one half of one per cent. on all sums above $400,000, such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the Treasury Department; &c.

Mr. PIKE. I move to strike out "two and a half" and in lieu thereof to insert "three," so that it will read, "three per cent." &c. I propose afterwards to strike out "one and one half" and insert "two." The effect will be to increase the rate where small sums are collected, and to decrease the rate on larger ones. As it is now, the collector who collects $100,000 gets $4,000. By this section he would get $3,500. By my amendment he would have the same pay he gets now. Every one understands that it is nearly as much trouble to collect small sums as to collect large ones. It is as much trouble for a deputy collector to collect ten dollars in a country district for a tavern license as it would be to collect $1,000 from a manufacturer. And so of other small sums in sparsely settled districts, and both changes would have the effect not to increase the pay of the collectors generally, but to retain them about as they are now under the present system.

Mr. MORRILL. I trust that the amendment of the gentleman from Maine will not be adopted. It would have the effect of giving a man $4,000 for collecting nearly one hundred thousand dollars. It should be remembered that these collectors who collect one, two, and three million dollars, have to be very responsible men, and have to give bonds correspondingly. I trust the amendment will not be adopted.

Mr. GRINNELL. I move to amend the amendment by inserting "three and one half" in the place of "three," so as to make the rate three and one half of one per cent.

I desire to call the attention of the gentleman from Vermont [Mr. MORRILL] to a statement I hold in my hand of a collector of one of the districts in Iowa, which shows that the whole amount he received in one year for his compensation was only $287 18. That is from a gentleman who could command $1,000 salary anywhere for service. He was about to resign, as I understood, and the Commissioner of Internal Revenue asked me whom I would recommend to take his place in case of resignation. I answered him I did not know a man of responsibility whom I would recommend to take the office for such pay in the district.

Now, by increasing the percentage you will hold out some encouragement to those who are deputy collectors, who are not half paid. In the district of which this gentleman is collector, ten deputy collectors ought to receive $500 each. This would not be an unreasonable sum; but under this bill they would not get more than two or three hundred dollars, and many of them have to ride from thirty to fifty miles, and employ much of their time. I say, as a matter of economy, we cannot afford to make this sum so small that we cannot get men of honor, capacity, and integrity for the chief and his deputies.

I hope this amendment will prevail in justice to the newer portions of the country, where the collectors have received virtually nothing, as in the case to which I have referred, notwithstanding the large responsibility incurred.

I hope the sum of three and a half per cent. will be inserted, as a matter of economy as well as justice, since it will stimulate the deputy collectors to collect everything they can, and afford a fairer compensation to gentlemen who have hitherto been faithful and shown competency in the discharge of their delicate duties.

Mr. WINDOM. I merely wish to say that if gentlemen do not desire to collect the taxes in certain districts, they will do well to make no change in this provision of the bill. Representing as I do a sparsely settled district, I speak what I know to be the fact, when I say that you cannot retain your collectors at the present compensation.

In several counties in my State they have been retained solely upon the assurance that an additional allowance would be made to them.

The amendment to the amendment was not agreed to.

Mr. HUBBARD, of Iowa. I move to amend the amendment by striking out "three" and inserting "four." I offer the amendment because I am fully satisfied that in a large number of the districts in the western States the compensation of the collectors under the present law is totally inadequate. I know that such is the case in my own district. I have already stated that under the provisions of this bill the collector in a district of thirty-seven counties in my State receives a compensation which will not exceed $1,700, and every dollar of that $1,700 will be needed by him to pay his deputies, and he will be left at the end of the year without a dollar of compensation for his services, and without a dollar for paying his personal expenses. I therefore offer this amendment because I am satisfied we are failing to make a proper and suitable provision for the collectors in the large districts of the western States.

Mr. BOUTWELL. Generally, I have no doubt, the compensation proposed in this bill is sufficient for the collectors, and as much as they ought to have, but after consultation with the gentleman who has charge of this bill, I will move, if that will satisfy gentlemen who are concerned about these western districts especially, an amendment which I think will relieve the difficulty—that is, to put the matter in the hands of the Secretary of the Treasury.

I will move that the two provisos in this bill shall be transposed, adding the word "however" after what is now the first proviso, and striking out the word "further" after what is now the second proviso. That will limit the salary to $5,000 in all cases as a general rule, giving to the Secretary of the Treasury power to make further allowances. That will cover all these difficult cases.

Mr. HUBBARD's amendment to the amendment was rejected.

The question recurred on Mr. PIKE's amendment, and it was rejected.

Mr. BOUTWELL. I now submit my amendment to transpose the two provisos to this section.

Mr. MORRILL called for tellers.

Tellers were ordered; and Messrs. ELDRIDGE and ORTH were appointed.

The committee divided; and the tellers reported—ayes 50, noes 45.

So Mr. BOUTWELL's amendment was agreed to.

Mr. SMITH. I move to amend the twenty-fourth section by inserting, after the word "clerks," the words "and the necessary office rent." It must be evident to every member that a collector who is charged with the collection of a very large amount of money cannot perform his business without proper office accommodation. In some cities and towns the rents of such offices will amount to considerable sums. I think it unfair to require the collector to pay the rent of his office, and I do not consider that the proviso which authorizes the Secretary of the Treasury to allow all the necessary expenses of collectors will include, as a matter of course, the office rent. There should be, therefore, some provision of law by which collectors will be allowed their office rent. In the district where I live, although some sixteen hundred thousand dollars will be collected, the collector will not make enough in salary and percentage, over and above the necessary expenditures of the office, to maintain his family. I suppose the same is the case in every district in the country, not to the same extent in some as in others. Where the Government needs the services of an officer of such an important character, it should give him the office accommodations necessary for carrying on his business.

Mr. MORRILL. I trust we will have no such uncertain provision inserted in this bill as that reported by the gentleman from Kentucky.

Mr. WILSON. Will the gentleman from Vermont yield to me for a suggestion?

Mr. MORRILL. Certainly.

Mr. WILSON. I do not wish to interfere, but I do hope that the gentleman from Vermont will move that the committee do now rise, for the purpose of closing debate on this section.

Mr. MORRILL. It is true that I was opposed to reducing the aggregate amount of compensation to collectors for the reason that these collectors have to pay out in some districts very large sums not only for one room but for several rooms for offices. But I think it best to trust to the House to restore the original provision of $5,000 rather than to insert any such discretion as is proposed by the gentleman from Kentucky. I move that the committee do now rise for the purpose of closing debate on this section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration, as a special order, the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that all debate in the Committee of the Whole on the state of the Union on the twenty-fourth section of the bill terminate in thirty seconds after the committee shall have resumed its consideration.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration, as a special order, of the internal revenue bill, all debate on the twenty-fourth section being closed, by order of the House, in thirty seconds.

Mr. SMITH. Mr. Chairman, my amendment is now in order, and I desire to say a single word upon it.

[Here the hammer fell. Laughter.]

The CHAIRMAN. The half minute to which the debate was limited has expired.

Mr. HOLMAN. I propose to amend by inserting at the end of the first proviso as follows:

Provided, That if any collector shall demand of or receive, directly or indirectly, from any deputy collector or clerk employed by him, as a condition of his appointment or continuance in his said office or employment, any portion of the compensation agreed to be paid theretofore, or any other consideration, said collector so offending shall be summarily dismissed from office, and shall be liable to a fine of not less than fifty dollars upon conviction of such offense in any district or circuit court of the United States of the district in which such offense may be committed.

Mr. STEVENS. I suggest that there is no salary attached to any of these offices, and that the gentleman's amendment will therefore have no application to them.

Mr. HOLMAN. I desire to say a word on that subject.

The CHAIRMAN. No debate is in order.

The amendment was agreed to.

Mr. PIKE. I move to amend the same section by adding as follows:

Provided further, That nothing contained in this section shall be construed to allow any collector more than $4,000 per annum exclusive of stationery, blank-books, and postage.

The question was taken; and on a division there were—ayes 55, noes 35; no quorum voting.

Mr. PIKE. I withdraw the amendment, and renew it in the same form, adding at the end "and pay of deputies and clerks."

The amendment was adopted—ayes 60, noes 40.

Mr. MORRILL. On page 28, line eleven, I move to insert after the word "which" the words "aggregate statements and receipts;" so as to make the clause read as follows:

And the other two shall be given on aggregate statements of the lists or returns aforesaid, exhibiting the gross amount of taxes to be collected in his collection district, one of which aggregate statements and receipts shall be transmitted to the Commissioner of Internal Revenue, and the other to the First Comptroller of the Treasury.

The amendment was agreed to.

Mr. BOUTWELL. I move to strike out, in the seventh and eighth lines of the same section, the words "for any proper purpose." The clause would then read:

That each collector, on receiving, from time to time, lists and returns from the said assessors, respectively, shall subscribe three receipts; one of which shall be given on a full and correct copy of such list or return, and be delivered by him to, and shall remain with, the assessor of his collection district, and shall be open to the inspection of any person who may apply to inspect the same.

I will remark that these words go to change the existing law. As the law now stands these lists are open to inspection. These words put it in the discretion of the assessor to allow this examination or to decline to allow it. I think, therefore, this amendment is a proper one.

The amendment was agreed to.

Mr. MORRILL. I move to amend section twenty-seven, in the twenty-second line, by inserting after the word "summons" the words "and with four cents for each mile actually and necessarily traveled in serving the same."

The amendment was adopted.

Mr. MORRILL. I move to insert in the twenty-fourth line, after the word "cents," the words "and mileage."

The amendment was adopted.

The clause, as modified by the last two amendments adopted, reads as follows:

And if any person shall neglect to pay as aforesaid for more than ten days, it shall be the duty of the collector or his deputy to issue to such person a summons to be left at his dwelling or usual place of business, or be sent by mail, demanding the payment of said duties or taxes, stating the amount thereof, with a fee of twenty cents for the issuing and service of such summons and with four cents for each mile actually and necessarily traveled in serving the same. And if such person shall not pay the duties or taxes and the fee of twenty cents and mileage as aforesaid, within ten days after the service or the sending by mail of such summons, it shall be the duty of the collector or his deputy to collect the said duties or taxes and fee of twenty cents, with ten per cent. penalty as aforesaid; but no such summons shall be necessary in respect to annual taxes assessed upon any property or articles included in schedule A of this act.

Mr. MORRILL. On page 31, line eighty-two of the same section, I move to add after the word "provided" the word "further."

The amendment was adopted.

Mr. HUBBARD, of Iowa. I move to amend in the second line of section twenty-seven by striking out the word "ten" and inserting "twenty;" so as to make the clause read as follows:

That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, respectively, as aforesaid, give notice, by advertisement published in each county in his collection district, in one newspaper printed in such county, if any such there be, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than ten days after such notification.

I will state, that under the provisions of this section as it now stands it will be utterly impossible for the larger districts of the western States to comply with the law. As I have already stated in a remark made upon another amendment, my district comprises thirty-seven counties, and it is not less than two hundred miles from one extremity of the district to the other, and with some fifteen or twenty deputies distributed over that district it will be utterly impossible for the collector to comply with that provision of this section which requires notice to be given within ten days; for this reason I have moved to extend the time to twenty days. I do not see that the amendment will affect the other provisions of the bill, and it is necessary to enable the collectors of these large districts to carry out the law.

Mr. MORRILL. I will merely say, in opposition to the amendment, that while this extension of time might be convenient in the gentleman's district, and perhaps in one or two others, it would in my judgment have an injurious effect in its application to the country generally. I therefore hope it will not be adopted.

The amendment was disagreed to.

Mr. MORRILL. I have another amendment to the section, in the twenty-seventh line, to make it conform to the amendments which we have already adopted. I move to insert after the word "cents" the words "and mileage."

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. FORNEY, their Secretary, requesting the return of their message informing the House that the Senate had agreed to the amendments of the House to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820.

Also, that the Senate have passed a bill (H. R. No. 192) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1865, with amendments; in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed a bill (S. No. 233) making an additional grant of lands to the State of Kansas to aid in the construction of railroad and telegraph lines.

The committee resumed its session, and proceeded again to the consideration of the

INTERNAL REVENUE BILL.

The Clerk read, as follows:

SEC. 28. *And be it further enacted*, That in all cases where the property liable to distraint for duties or taxes under this act may not be divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the duty or tax, costs, and charges, shall be paid to the owner of the property, or his, her, or their legal representatives; or if he, she, or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the Treasury of the United States, to be there held for the use of the owner, or his, her, or their legal representatives, until he, she, or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the Treasury, cause the same to be paid to the applicant. And if the property advertised for sale as aforesaid cannot be sold for the amount of the duty or tax due thereon, with the costs and charges, the collector shall purchase the same in behalf of the United States for an amount not exceeding the said tax or duty, with the costs and charges thereon. And all property so purchased may be sold by said collector under such regulations as may be prescribed by the Commissioner of Internal Revenue. And the collector shall render a distinct account of all charges incurred in the sale of such property, and shall pay into the Treasury the surplus, if any there be, after defraying the charges.

Mr. MORRILL. I move to insert after the word "property," where it last occurs, the words "to the Commissioner of Internal Revenue, who shall by regulation determine the fees and costs to be charged in cases of distraint and other seizures."

The amendment was agreed to.

Mr. MORRILL moved to insert after the words "property and" the words "said collectors."

The amendment was agreed to.

Mr. KASSON. I call the attention of the gentleman from Vermont to this point: the Committee of Ways and Means ought to be permitted to offer an amendment hereafter fixing the time the notice shall be served.

Mr. MORRILL. I hope that that permission will be granted.

The CHAIRMAN. The Chair hears no objection, and it will be so understood, that the Committee of Ways and Means shall have the privilege to go back and submit the amendment.

The Clerk read, as follows:

SEC. 29. *And be it further enacted*, That in any case where goods, chattels, or effects sufficient to satisfy the duties imposed by this act upon any person liable to pay the same shall not be found by the collector or deputy collector whose duty it may be to collect the same, he is hereby authorized to collect the same by seizure and sale of real estate; and the officer making such seizure and sale shall give notice to the person whose estate is proposed to be sold, by giving him in hand, or leaving at his last and usual place of abode, if he has any such within the collection district where said estate is situated, a notice, in writing, stating what particular estate is proposed to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than ten nor more than twenty days from the time of giving said notice. And the said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shal also cause a like notice to be posted up at the post office nearest to the place of residence of the person whose estate shall be so seized, and in two other public places within the county; &c.

Mr. KERNAN. I move to strike out "ten" and insert "twenty" and to strike out "twenty" and insert "forty." It seems to me that the time provided in the bill is too short.

Mr. MORRILL. There has been no difficulty in its operations now.

Mr. KERNAN. Has there been any sale under the law?

Mr. MORRILL. I think there has been.

Mr. KERNAN. I have heard none. I do not know where real estate has been sold on ten days' notice. This, sir, is an unheard-of thing.

The committee divided; and there were—ayes 54, noes 20; no quorum voting.

The roll was called; and the following members failed to answer to their names:

Messrs. William J. Allen, Ancona, Anderson, Arnold, Francis P. Blair, Jacob B. Blair, Bliss, Blow, Boyd, Brandegee, James S. Brown, William G. Brown, Ambrose W. Clark, Clay, Cox, Cravens, Thomas T. Davis, Deming, Dixon, Donnelly, Edgerton, Eliot, English, Farnsworth, Grider, Hale, Harding, Harrington, Charles M. Harris, Herrick, Hooper, Hulburd, Hutchins, Jenckes, Philip Johnson, William Johnson, Kalbfleisch, Kasson, King, Lazear, Le Blond, Littlejohn, Mallory, Marvin, McAllister, Morrison, Leonard Myers, John O'Neill, Perry, Radford, Samuel J. Randall, Rogers, James S. Rollins, Ross, Schenck, Scofield, Scott, Smithers, Spalding, Starr, Stebbins, John B. Steele, William G. Steele, Stevens, Sweat, Thomas, Voorhees, Wadsworth, Ward, Webster, Whaley, and Benjamin Wood.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 22, 1864. NEW SERIES.....No. 111.

The committee then rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes; and finding itself without a quorum, had caused the roll to be called, and directed him to report the names of the absentees to the House.

A quorum having answered to their names, the committee resumed its session.

The amendment was then adopted.

The Clerk read, as follows:

And the owners, their heirs, executors, or administrators, or any person having an interest therein, or any person on their behalf, shall have liberty to redeem the land sold as aforesaid, within one year from and after recording the said deed, upon payment to the purchaser, or, in case he cannot be found in the county where the lands are situate, to the collector, for the use of the purchaser, his heirs or assigns, of the amount paid by the purchaser, with interest on the same at the rate of twenty per cent. per annum.

Mr. KERNAN. I move to insert after the word "therein" the words "or a lien thereon." That will not only allow the owner to redeem, but a man who has a lien by mortgage.

The amendment was agreed to.

The Clerk read, as follows:

SEC. 34. *And be it further enacted*, That if any collector shall fail either to collect or to render his account, or to pay over in the manner or within the times hereinbefore provided, it shall be the duty of the First Comptroller of the Treasury, and he is hereby authorized and required, immediately after evidence of such delinquency, to report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes with which the said collector is chargeable, and the sums, if any, which have been paid.

Mr. MORRILL. I move to add "so far as the same are ascertainable in the office of the Commissioner of Internal Revenue."

The amendment was agreed to.

The Clerk read, as follows:

SEC. 42. *And be it further enacted*, That separate accounts shall be kept at the Treasury of all moneys received from internal duties or taxes in each of the respective States, Territories, and collection districts; and that separate accounts shall be kept of the amount of each species of duty or tax that shall accrue, so as to exhibit, as far as may be, the amount assessed, collected, and received from each source of revenue, with the moneys paid as compensation to the collectors and deputy collectors, assessors and assistant assessors, inspectors, and other officers employed in each of the respective States, Territories, and collection districts, an abstract in tabular form of which accounts it shall be the duty of the Secretary of the Treasury, annually, in the month of December, to lay before Congress.

Mr. MORRILL. I move to strike out the word "assessed" after the word "amount" and "and received" after the word "collected."

The amendment was agreed to.

Mr. GANSON. I move to go back to section thirty-five and to add the following:

It shall not be lawful for any depositary, collector, or other person into whose hands any money may come under the provisions of this act to use, loan, or invest any of such money, or any part thereof; and any violation of this provision shall be deemed a misdemeanor and punishable as such, and shall be cause of removal from the office held by such person.

Mr. KASSON. I understand, sir, that that is a simple provision which is already provided for by a general clause in the act known as the sub-Treasury act, and therefore it is unnecessary.

Mr. GANSON. That does not apply to this case at all.

No objection being made to going back, the amendment was offered.

Mr. WILSON. I would inquire of the gentleman from New York whether he had not better provide in his amendment for the grade of the punishment?

Mr. GANSON. I propose to declare it a misdemeanor and punishable by fine and imprisonment.

Mr. WILSON. I think that had better be inserted in the gentleman's amendment.

Mr. GANSON. Then I will add to my amendment the words "by a fine not exceeding $100, or imprisonment not exceeding one year."

Mr. MORRILL. Will the gentleman permit that amendment to go to the Committee of Ways and Means, in order to allow them to consider it, and bring it in as an independent section? I am in favor of the amendment.

Mr. GANSON. I have no objection to that.

Mr. MORRILL. Then let the gentleman withdraw it with the understanding that the committee shall have the right to report it hereafter.

Mr. GANSON. I withdraw it with the understanding that the committee shall incorporate it in the bill.

Mr. MORRILL. Certainly.

Mr. KALBFLEISCH. I ask permission to go back to the thirty-fifth section, in order to move to strike out one word and insert another. I want to move to strike out of the ninth line of the section the word "such," and insert the word "any."

Mr. GRINNELL. We have passed that.

Mr. KALBFLEISCH. I suppose I was treading on the toes of my friend from Iowa. [Laughter.]

Mr. WILSON. We shall never get through this bill if we go back; therefore I object.

Mr. MORRILL. I move to amend the forty-fourth section by striking out the words "to the purchaser thereof," in line five, and inserting them after the word "sale" in the fourth line; a mere transposition of the words.

The amendment was agreed to.

The section was again read, as follows:

SEC. 44. *And be it further enacted*, That in all cases of distraint and sale of goods or chattels for non-payment of taxes, duties, or licenses, as provided for, the bill of sale of such goods or chattels given by the officer making such sale to the purchaser thereof shall be conclusive evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same.

Mr. KERNAN. I move to amend, in the fifth line, by striking out the word "conclusive," and inserting the words "*prima facie*." That I think is in accordance with the rest of the bill upon this subject.

Mr. PENDLETON. I hope that will be done.

Mr. MORRILL. Unless this shall be conclusive evidence to the purchaser thereof, how are you going to have any purchasers?

Mr. KERNAN. Under this bill, if one man's property should be sold for another man's tax, and you could not show that the officer had not the right to sell and had made an honest mistake, the man would lose his property. To make out a *prima facie* case, you have nothing to do but to produce the bill of sale, and then the purchaser has the burden of overthrowing it.

Mr. LAW. I demand tellers on the amendment.

Tellers were ordered; and Mr. LAW and Mr. AMES were appointed.

The committee divided; and the tellers reported —ayes 60, noes 46.

So the amendment was agreed to.

Mr. HOLMAN. I move to amend the forty-fourth section by striking out all after the words "shall be" and inserting in lieu thereof the words "conclusive evidence to the purchaser thereof of the regularity of the officer's proceedings in selling the same." In my opinion this certificate should be conclusive evidence of something. If it is not to be conclusive of title, so as to prevent the real owner from asserting his right of ownership as against the sale, it ought at least to be conclusive as to the regularity of the proceedings upon which the sale is made. That is the rule which prevails in most of the States in relation to the selling of personal property for taxes. The certificate ought to be final as to the regularity of the proceedings. I do not think it ought to go beyond that, but it ought to be conclusive evidence to that extent. It seems to me that the language used in the bill is too broad. The real owner of the property ought to be permitted to assert his claim against all persons who hold it under the sale; and yet if we do not make the certificate conclusive evidence of something—that is, of the regularity of the proceedings under the sale—we will sell no property under this bill.

Mr. KASSON. Will the gentleman from Indiana allow me a moment?

Mr. HOLMAN. Yes, sir.

Mr. KASSON. I want to suggest to the gentleman from Indiana whether it will not be more consistent with the action of the committee to have it read that it shall be *prima facie* evidence of the right of the officer to make such sale, and conclusive evidence of the correctness of his proceedings in selling the same.

Mr. HOLMAN. That will accomplish my purpose better than my own language. But I suggest that he use the word "regularity" instead of the word "correctness."

The CHAIRMAN. The time for recess having arrived, the committee will now rise.

The committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration as a special order the internal revenue bill, and had come to no conclusion thereon.

LEAVE OF ABSENCE.

Mr. COFFROTH asked and obtained leave of absence from the sittings of the House.

LEGISLATIVE APPROPRIATION BILL.

Mr. MORRILL. I ask that by unanimous consent the Senate amendments to the legislative appropriation bill be taken from the Speaker's table, and referred to the Committee of Ways and Means.

It was so ordered.

The hour of half past four o'clock, p. m., having arrived, the House took a recess until seven o'clock, p. m.

EVENING SESSION.

The House resumed its session at seven o'clock, p. m.

PRIZE CASES IN NEW YORK.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of Representatives, a report of the Solicitor of the Treasury on the complaints of improper practices in the disposition of prize cases in New York; which were referred to the Committee on Naval Affairs, and ordered to be printed.

ACADEMY OF SCIENCES.

The SPEAKER also laid before the House a communication from Professor A. D. Bache, transmitting the report of the National Academy of Sciences during the past year.

Mr. KASSON. I understand that part of the matter embraced in that report relates to the subject of coinage, weights, and measures. Unless some gentleman wishes to make a different motion, I will move that it be referred to the committee on a uniform system of coinage, weights, and measures; and that five hundred extra copies of the report be printed.

The motion was agreed to; and the motion for the printing of extra copies was referred to the Committee on Printing.

RAILROAD TO NEW YORK.

Mr. KELLOGG, of Michigan. I move to reconsider the vote by which the Raritan and Delaware Bay railroad bill was postponed for two weeks from yesterday; and on that I move the previous question.

Mr. BROOMALL. Will the gentleman allow me to make one remark?

Mr. KELLOGG, of Michigan. I would rather not.

Mr. STEELE, of New Jersey. I move that the motion to reconsider be laid upon the table.

Mr. BLAIR, of West Virginia. I move that there be a call of the House.

The motion was not agreed to.

Mr. ANCONA. I move that the House do now adjourn.

The motion was not agreed to.

Mr. KELLOGG, of Michigan. There are some speeches to be made on the Raritan and Delaware Bay railroad bill. One gentleman, at least, is here who expects to speak on it to-night. There is no intention to press the bill to a vote.

Mr. STEELE, of New Jersey. The understanding was that this bill should go over for two weeks from yesterday. The arrangement was made and acquiesced in by the gentleman from Connecticut, [Mr DEMING,] who has the bill in charge. A number of those interested in the bill are now absent; and I therefore think it unjust to press it on the House at this time.

Mr. WOODBRIDGE. I do not understand that special arrangements were made. It was understood that action was postponed for two weeks. The friends of that measure deem it desirable that the House shall act upon it either one way or the other. There is another very important bill pending affecting New Jersey, which seems to be in a flutter whenever anything occurs to affect her railroad interests—I mean the bill for an air-line road to New York. I am not aware that the motion to reconsider the vote postponing this bill is introduced for the purpose of cutting off debate, although, in my judgment, the question has been already fully debated. Three or four members opposed to the bill have made long speeches, and but two or three speeches have been made in its favor. There is no unfairness in this proposition to reconsider, and it is a very lame apology upon the part of the opponents of the bill that certain of their friends are not here to oppose the bill. I do not propose that the bill shall be put upon its passage to-night, but I hope the motion to reconsider will not be laid on the table.

Mr. BLAIR, of West Virginia. I only wish to say that I was not aware that this postponement had taken place until my return here, when I understood that there was a distinct agreement between the parties to the bill that it should be postponed for two weeks. If that be the fact, I would like to know whether this motion now is in entire good faith?

Mr. WASHBURNE, of Illinois. I would like to know who were the parties to that agreement?

Mr. STEELE, of New Jersey. I will say that the agreement was made by the gentleman having charge of the bill.

Mr. BLAIR, of West Virginia. I cannot speak from any knowledge of the agreement, for I was not here; but I will say that if there was an agreement it does not seem to me that this motion is exactly in good faith.

Mr. BROOMALL. I understand that the gentleman who had charge of this bill, and with whom alone a bargain could be made by its opponents, agreed last evening that the bill should go over for two weeks. I learned that for the first time this evening, and in consequence of my representations to that effect, several gentlemen who are opposed to the bill are absent from the House to-night. I never dreamed for a moment that others of the committee would repudiate the agreement made by their chairman, or by the gentleman having charge of the bill; I do not know whether he is the chairman of the committee or not. I think, therefore, that it is unfair to the opponents of the bill to undertake to bring back the bill now upon a motion to reconsider, and undertake to pass it through in this way.

Mr. WASHBURNE, of Illinois. Then this agreement seems to have simmered down to an arrangement made by gentlemen on the other side with the gentleman who had charge of the bill.

Mr. BROOMALL. The only gentleman with whom any agreement could be made, the gentleman in charge of the bill, consented that this bill should go over for two weeks. I never supposed for a moment that that was not good authority to deal with. Of course it does not bind the House; of course it does not bind the committee, nor does it bind any member; but I will say that it is a little unfair, and, in my judgment, if the effort is persisted in, it will break up this evening's session.

Mr. WASHBURNE, of Illinois. Then I understand the gentleman from Pennsylvania to say that he will filibuster this bill out of a vote if he cannot have his own way.

Mr. BROOMALL. The gentleman may understand what he chooses. I mean that the gentlemen with whom I have been in the habit of acting on this side of the House shall not break faith on this subject if I can prevent it.

Mr. DAWES. I should like to know, and my constituents would like to know, what this business of such overwhelming importance is that has burst upon us at this period. Is it the understanding that everything else is to be put off, that all the other business of the country is to wait until this railroad business has been settled for New Jersey? If it is the understanding upon the part of my friends on this side of the House that we are to put off the ship canal bill, that we are to put off the resolutions for the reconstruction of the rebel States, whether we have any States to reconstruct or not, that we are to put off the tax bill, and put off everything until we can settle this thing for New Jersey, I have nothing to say; but I should like to know it. [Laughter.]

I know this New Jersey railroad business is an important thing to settle. We have got two or three railroad bills in Massachusetts which we want to settle too, and I want to understand the matter. I regret that it has not been possible for me to be present to hear the debate that has taken place upon this bill, for I might then have arrived at a realizing sense of its paramount importance, [laughter,] that would have demonstrated to me the propriety of postponing all other matters until it shall have been disposed of; because, if it is necessary, I will not only lend it my *quasi* assent, but I will coöperate for that purpose.

I am going to save the country in some way or other, and if it shall be through Camden and Amboy, or through the Raritan, so be it. [Laughter.] But I want to understand it. I want to know whether the understanding is that everything else shall wait on this railroad matter?

I do not know how the stock is. I have not heard from the New York market. I do not know whether there is a necessity for passing the bill at once, or whether it will do to allow it to wait for two or three weeks. It seems to me the country could stand it to go by the straight line to New York, and not go round by what my friend from Pennsylvania calls an elbow, for a few weeks; though I shall, as at present advised, go for the Raritan. [Laughter.]

Mr. WASHBURNE, of Illinois. I thought the gentleman was, by the remarks he was making.

Mr. DAWES. I knew that I made my friend understand the position I occupied. As at present advised I am for Raritan.

Mr. HUBBARD, of Iowa. Would it stop speculation?

Mr. DAWES. I think it would.

Mr. KELLOGG, of Michigan. Can we go on with the tax bill now? I think not. This measure has come up in its regular order, and there is nothing unjust about it.

Mr. STEELE, of New Jersey. It was regularly agreed that it should be postponed for two weeks.

Mr. ELDRIDGE. What is the question before the House?

The SPEAKER. Shall there be a call of the House.

Mr. ELDRIDGE. Then I object to further debate.

Mr. DAWES. After unanimous consent has been given can the discussion be stopped?

The SPEAKER. When a member has unanimous consent given to make a speech or personal explanation he cannot be stopped by a single objection. But when, in the absence of a quorum, a desultory debate is progressing by general consent, any member can arrest it by demanding the enforcement of the rules.

Mr. ELDRIDGE. I ask unanimous consent to make a suggestion.

Objection was made.

Mr. DAWES. I yield to the gentleman. [Laughter.]

Mr. ELDRIDGE. I was only going to make this suggestion. The gentleman from Massachusetts said that he was going to save the country, and I propose to give him this evening to do so.

Mr. DAWES. You cannot do that if you bring up the Raritan bill. [Laughter.]

Mr. ELDRIDGE. I withdraw my objection and give the floor to the gentleman from Massachusetts.

Mr. DAWES. I yield the floor to the gentleman from Kentucky who made this motion.

Mr. YEAMAN. Mr. Speaker, something has been said about an arrangement—a contract—on this subject. I know nothing about any such thing. What I did in this matter I did at the request of the gentleman who ostensibly has the bill under his charge in the House. I understood him to say that he would be absent for a day or two, and he wanted the motion made. I had no sooner made it than I doubted its propriety, being a friend of the measure. Other friends desired that this matter should be reconsidered. I have no objection to its being reconsidered and acted on now. But I do not want to take anybody by surprise. I do not want gentlemen to break their plighted faith. I will make a proposition that I think will meet with every man's concurrence. This is a privileged question, and can be taken up at any time. Let it be agreed, then, that the gentleman shall call it up to-morrow evening; that the gentleman from Ohio [Mr. PENDLETON] shall make his speech, that the gentleman shall follow him, that the gentleman who has charge of the bill shall follow, and then that the vote shall be taken.

Mr. ARNOLD. I object, as another subject has been postponed for to-morrow evening.

Mr. KELLOGG, of Michigan. Postpone that.

Mr. ARNOLD. No, sir; the subject is of much more importance to the country.

The SPEAKER. That subject has been postponed until after the morning hour, and the rebellious States bill being the special order will take precedence.

Mr. ARNOLD. It is in the morning hour.

The SPEAKER. The Chair is informed that the gentleman is right.

Mr. HOLMAN. I move to dispense with the call of the House.

The SPEAKER. It has not been ordered.

Mr. HOLMAN. Then I demand the question.

The House refused to order that there be a call of the House.

The question recurring upon the motion to lay upon the table the motion to reconsider the vote by which the House postponed the Raritan and Delaware Bay railroad bill for two weeks from to-morrow,

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. STEELE, of New Jersey, and Mr. KELLOGG, of Michigan, were appointed.

The House divided; and the tellers reported—ayes 51, noes 28; no quorum voting.

Mr. WILSON. I suggest to the gentleman from Michigan that he withdraw his motion to reconsider.

Mr. KELLOGG, of Michigan. I withdraw it.

MESSAGE FROM THE SENATE.

The SPEAKER, by unanimous consent, laid before the House a message from the Senate, requesting the House to return to the Senate a message informing the House that the Senate had agreed to its amendments to Senate bill No. 126, to amend an act to incorporate the inhabitants of the city of Washington, passed May 16, 1820.

No objection being made, it was ordered that the message be returned to the Senate.

The SPEAKER proceeded, as the next order of business, to call the committees for reports.

GUARDIAN SOCIETY OF DISTRICT OF COLUMBIA.

Mr. RICE, of Maine, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. No. 255) granting certain privileges to the Guardian Society of the District of Columbia.

The bill was read through; and was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MORRIS, of Ohio. I hope this bill will not be rushed through without some consideration.

Mr. RICE, of Maine. Is it too late to offer a verbal amendment?

The SPEAKER. It can be done only by unanimous consent.

Mr. RICE, of Maine, by unanimous consent, moved to amend by inserting the word "east" after the word "street," stating that it was important as merely fixing the territory granted by the act.

The amendment was agreed to.

Mr. RICE, of Maine. The last Congress incorporated some of the most highly respectable gentlemen of this city, and some out of it but in the District, as Guardian Society of this District. They ask, in consequence of the great need of some house of industry where juvenile offenders and orphans may be placed, that certain unoccupied lands about half a mile south of this Capitol may be granted to them for the purpose of the erection of certain buildings for that purpose. This bill grants to them about three acres of land, out of a reservation of some nine acres, which is now lying idle and vacant.

The bill provides, also, that these buildings shall be erected in accordance with specifications and plans to be approved by the Commissioner of Public Buildings, so that there shall be no buildings erected there which shall be a disgrace to the city. Two of the justices of the supreme court of the District of Columbia came before the committee and strongly urged that this grant should be made. Judges Cartter and Olin urged upon us the propriety of allowing this society to invest their money in the erection of a house of industry to which the court could send juvenile offenders.

And let me say here that by the laws of this District the crime of larceny of over five dollars subjects the offender to one year's imprisonment; and the judges state to us that they have repeatedly, against their better judgment perhaps, been obliged to discharge juvenile offenders for the reason that there is no place where they could be put in proper confinement.

It is said by gentlemen who came before us that there was a large amount of money ready to be invested in this matter by these philanthropic men if this bill could be passed. The bill provides that unless $20,000 is expended within three years this grant shall cease.

I trust there will be no objection to the bill, considering the great importance of the measure, in view of the fact that a bill which was before the House a few days ago for building a house of industry and a penitentiary failed to pass, thereby leaving the District without any such buildings. I do not see how there can be any objection. The parties ask no money to be appropriated from the Treasury, but simply a grant of land upon which they may expend their money for the purposes indicated.

Mr. MORRIS, of Ohio. I certainly have no objection to the object of this bill, but I have been opposed and am yet opposed to placing any of the land of the Government under the charge or control of private companies or corporations, and thus placing it beyond the control of the General Government. We have already before the Committee for the District of Columbia a petition from this Guardian Society asking an appropriation of $20,000; and yet it is claimed that this bill should pass because no appropriation is asked from the Government. Is it right, is it proper to grant these reservations to private corporations which in a few years will be worth millions? These reservations were made for the purposes of the General Government, for the necessary public buildings, and to beautify and ornament this city.

Sir, I have felt the necessity and still feel the necessity of establishing a house of correction for juvenile offenders in this District. The Committee for the District of Columbia reported a bill to provide for the erection of a penitentiary, jail, and house of correction. That bill has been recommitted to the committee with instructions to strike out that part of it which provides for the erection of a penitentiary and jail, and to inquire into the expediency of erecting a house of correction. That matter has not, however, been finally determined on, or at least has not been reported upon to the House by the committee.

The objection that I have to this bill is that it takes out of the control of Congress and of the General Government a part of these public reservations, and gives it to the control of a private corporation. Now, I do not see that there is any provision in this bill by which the judges of the courts of this District can legally sentence any juvenile offender to this proposed house of industry or house of correction.

Mr. RICE, of Maine. The gentleman will find that that power is granted by the act of incorporation of the Guardian Society which passed the last Congress.

Mr. MORRIS, of Ohio. Well, I am not myself satisfied upon that point. If the gentleman has examined it, and is satisfied, it is so, as a matter of course. But I am unable to see how any court here or elsewhere can sentence a juvenile offender to imprisonment in a private corporation not under the control of the General Government. Mr. Speaker, I believe there is an absolute necessity for the erection of a house of correction in this city. Not a morning passes but we see mention in the newspapers of this city of boys who have been convicted of some petty offense, and perhaps discharged, because of the want of a place in which they can be confined. It is proposed now to appropriate thousands here to a private corporation in place of erecting a house of correction, to be under the control and charge of the Congress of the United States. My principal objection, however, is to giving these reservations to private corporations.

Mr. RICE, of Maine. The gentleman from Ohio is slightly mistaken in the statement he has made in regard to the condition of the other bill to which he has referred, and which was pending before the House. That bill was not recommitted to the Committee for the District of Columbia with instructions to report a bill for the erection of a house of industry, but it was left to them to consider that question. The simple difference between that measure and this is that that proposes to pay a large sum of money out of the Treasury of the United States for the erection of a house of industry, and this provides simply for granting an unoccupied piece of ground for the erection of a suitable building, and one that will be an honor to the city and the Government, for the retention and punishment of these juvenile offenders, and the care and comfort of these orphan children.

Sir, if there are any individuals in the city of Washington who are willing to give of their means for the erection of a building for this purpose, in Heaven's name let them do it. They do not ask any money from the Government. I am told by gentlemen who represent the Guardian Society that they are willing to erect the necessary building and provide for the support of the institution as soon as they shall have this unoccupied piece of ground on which to place it, and I cannot see any valid objection that can lie against this proposition.

Without detaining the House further, I demand the previous question.

The previous question was seconded, and the main question ordered.

The bill was passed.

Mr. RICE, of Maine, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COINAGE OF CENTS.

Mr. KASSON, from the select committee on a uniform system of coinage, weights, and measures, reported back, with a recommendation that it do pass, bill of the Senate No. 183, in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857.

Mr. KASSON. This bill, which passed the Senate some time since, has been before the select committee on a uniform system of coinage, weights, and measures, and is by them unanimously reported to the House with a recommendation that it do pass. It simply provides for the coinage of two-cent pieces and of one-cent pieces of a new material, by which I find that the United States will derive advantage to the extent of about a quarter of a million dollars per year. The Director of the Mint urges it upon the action of the House. The Secretary of the Treasury approves it, and unless some gentleman desires to ask any questions, I will call the previous question.

Mr. STEVENS. I will not occupy the attention of the House many minutes. I am opposed to the passage of the bill. Some years ago Congress provided that cents should be manufactured out of nickel, an article much better calculated for the purpose, as we all know, than either copper or brass, as it does not become rusty. But the Director of the Mint now says that while the Government by making cents made some $200,000 a year formerly, they barely save themselves by making them now of nickel. They do not pretend that they lose anything in manufacturing them out of nickel.

Now, the consequence of our former legislation was to induce several gentlemen to embark in working nickel mines, a very difficult thing, because it is an ore very hard to separate. If it were not that one of these mines is in my district, I might perhaps think it my duty to speak more strenuously in opposition to this bill. I know that one gentleman, a resident of Philadelphia, has expended some $200,000 in opening a nickel mine and preparing the machinery, which is now in full operation and is able to supply all the nickel wanted in the country. Just at the moment when this business has been stimulated in the way I have mentioned by the Government, we are asked to destroy all this property, for nickel is not much used except for the purpose of coin and to mix with German silver. Shall we destroy all this property because by coining with another metal more money may be saved to the Government? I believe it a bad policy. If the present nickel cent costs too much, reduce its weight. It is evidently a better material than the brass which is about to be used.

For these reasons, Mr. Speaker, I cannot give my vote for this change in the policy of the Government to the destruction of individual interests, after they had been stimulated by Government itself. I know that the gentleman from Iowa has represented that this change is desired by the Department and by the Director of the Mint. It does not meet my approbation, and therefore it is proper I should raise my voice against it.

Mr. KASSON. Mr. Speaker, it is my duty to correct in the first instance the statement that the proposed new coin is to be of brass. Samples of it are in the House, and, so far as I know, there is no characteristic of it which justifies that remark. The main ingredient of the new coin is copper, as the bill shows Its alloy is composed either of tin or zinc, or both—a very small percentage.

As to this proposition, I think it is hardly necessary to say much to the House. I should be glad certainly if the person to whom the distinguished gentleman from Pennsylvania [Mr. STEVENS] refers, shall not suffer any loss in consequence of it; but I certainly cannot admit, for my part, any such principle of legislation as this, that because the Government has been a customer for one single article in its operations, the producer of that article has a perpetual mortgage on the Government against any change in the employment of that article in the various operations required by the Government itself. It is carrying the doctrine of protection to a degree that I have never yet found a precedent for in this or in any other legislative body.

This is simply a proposition within the power of the Government to return, in part, to the old material used for the coinage of cents; and the only objection made to it against the argument that it will yield some two hundred thousand dollars to the Government, against a loss, or at least no gain on the present cent coinage, is simply that it takes one customer from the market of the gentleman in Pennsylvania to whom the chairman of the Committee of Ways and Means alluded. I do not think the Government can afford to pay, for the advantage of a single individual, a quarter of a million a year. I move the previous question on the bill.

Mr. J. C. ALLEN. Will the gentleman from Iowa withdraw the pevious question to allow me to ask him a question?

Mr. KASSON. I do so.

Mr. J. C. ALLEN. Is it proposed by this bill to return to the system of copper coinage?

Mr. KASSON. No, sir; not to the copper coin, but to use that metal in composition for a bronze coin.

Mr. J. C. ALLEN. Will the bronze coin be any larger than the nickel coin now in use?

Mr. KASSON. It will not be so large.

Mr. J. C. ALLEN. Then I will support the bill.

Mr. KASSON renewed the call for the previous question.

The previous question was seconded, and the main question ordered; and under its operation the bill was read the third time, and passed.

Mr. KASSON moved to reconsider the vote

by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENCOURAGEMENT OF IMMIGRATION.

Mr. WASHBURNE, of Illinois, from the special committee on immigration, reported back House bill No. 411, to encourage immigration.

Mr. HOLMAN. I rise to a question of order.

Mr. ASHLEY. Has the morning hour expired?

The SPEAKER. It has expired.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Ohio will indulge me a moment before he insists on the regular order of business. I am aware that if the gentleman from Indiana insists upon his question of order it must send this bill to the Committee of the Whole on the state of the Union, but I had hoped that upon a matter of so much importance he would agree to consider this bill in the House. The bill was referred to a select committee of five, two of which were from that side of the House, the colleague of the gentleman from Indiana [Mr. LAW] and the gentleman from the Lexington district of Missouri, [Mr. ROLLINS.] The report was unanimous, and I hope if the gentleman from Indiana considers it in the line of his duty that it may be considered in the House. If that be the understanding I am willing that it should go over for to-night.

Mr. HOLMAN. If the bill be considered as in Committee of the Whole I have no objection to its being considered in the House.

Mr. WASHBURNE, of Illinois. I have no objection to that.

The SPEAKER. If there be no objection, the bill will be considered by sections in the House, as in Committee of the Whole.

There was no objection.

Mr. COX. This is an important bill, and properly guarded I am in favor of it; but I hope the gentleman will not undertake to call the previous question upon it without reasonable discussion upon it.

VOLUNTEER NAVAL OFFICERS.

Mr. PIKE. I move to go to the Speaker's table for the purpose of taking up two bills there.

The motion was agreed to.

The House proceeded to the consideration of Senate bill No. 76, relating to appointments in the naval service, and courts-martial, with an amendment of the House disagreed to by the Senate.

Mr. HOLMAN. I should like to know what the amendment is.

The SPEAKER. It involves the question whether United States officers in the United States Navy shall or shall not be confirmed by the Senate.

Mr. PIKE. I move that the House insist on its amendment, and ask for a committee of conference.

Mr. HOLMAN. I move that the House recede from its amendment.

Mr. PIKE. Before the vote is taken I desire to explain the amendment. The House passed a bill the other day in relation to appointments in the Navy, making two additional temporary appointments, that of lieutenant and commander, both to be appointed by the Secretary of the Navy. The Senate amended the bill by striking out the commander. Further than that the House bill contained a provision relative to transfers from the volunteer to the regular Navy. The object was to assimilate appointments in the volunteer Navy to appointments in the volunteer Army; and it is in furtherance of the same plan that the bill now before the House was introduced. The Senate provide that these appointments shall be made upon confirmation by the Senate. That would involve very much delay, and it is quite necessary that these vessels should be sent to sea as speedily as possible. This amendment, therefore, provides for striking out that provision of the Senate bill.

The question being on Mr. HOLMAN's motion to recede, on a division there were—ayes 46, noes 60; no quorum voting.

Mr. PIKE called for tellers.

Tellers were ordered; and Messrs. PIKE and MIDDLETON were appointed.

The House again divided; and the tellers reported—ayes 29, noes 65.

So the motion was disagreed to.

The question then recurred upon the motion of Mr. PIKE, that the House insist on its amendments, and ask for a committee of conference.

The motion was agreed to.

The House, by unanimous consent, then took from the Speaker's table House bill No. 370, to appoint certain officers of the Navy, with the amendments of the Senate thereto.

Mr. PIKE. I move that the House insist upon its disagreement to the amendments of the Senate, and ask for a committee of conference.

The motion was agreed to.

THE REBEL STATES.

Mr. ASHLEY. I now call up the regular order, the bill in relation to the reconstruction of the rebel States.

Mr. STEVENS. I understand the gentleman from Illinois [Mr. NORTON] is entitled to the floor. Before he proceeds with his remarks, I desire to offer a substitute for the bill, that it may be printed and come up at the proper time.

The SPEAKER. The motion of the gentleman is not at this time in order, a motion having yesterday been entered by the gentleman from Ohio [Mr. ASHLEY] to recommit the bill.

Mr. HOLMAN. I desire again to call the attention of the Speaker to the 134th rule, in relation to the right of persons to admission on this floor, which was read this morning, and I see now is disregarded.

The SPEAKER. The Chair calls the attention of the officers of the House to the rule referred to.

INDIAN AFFAIRS.

Mr. WINDOM. I ask unanimous consent to have next Wednesday evening set apart for reports on Indian affairs.

Mr. ASHLEY. I object.

LEAVE OF ABSENCE.

The SPEAKER. The Chair has been requested to ask leave of absence for Mr. SWEAT, of Maine, for ten days.

There being no objection, leave of absence was granted.

Mr. NORTON. Mr Speaker, the gentleman from Ohio [Mr. PENDLETON] declared with a great deal of earnestness, if not with vehemence, in a speech which he made in this House the other day, that if this Republic shall fall to pieces during the present rebellion, impartial history would record the fact that the vengeance of God had brought this calamity upon us by reason of the nameless crimes of the party now in power. Sir, I do not believe that this glorious Republic of ours is destined to destruction. I believe, on the contrary, that we shall conquer our enemies by the force of arms, and bring them into subjection at our feet. I believe that we shall come out of this severe trial, the severest through which any nation has been called to pass, brighter and purer than ever before, and that for a thousand years we shall stand as the model republic of the world, increasing in influence, wealth, and power, the glory of the nations. If, however, we are destined to fail in this great struggle to maintain our independence and our nationality, if we are to present to the nations of the world this sad spectacle, then, sir, I think that impartial history will be compelled to write that defeat has fallen upon our banners and destruction upon our country because that while our armies were contending in the field against a powerful foe, impelled by a zeal, a courage, and an endurance worthy of a better cause, we have had at the same time a great and powerful party in our midst contending with all its energy against every measure brought forward for the purpose of bringing this war to a speedy and triumphant close.

If we propose to prosecute the war with vigor and to put down the rebellion by force of arms, the gentleman from New York [Mr. FERNANDO WOOD] meets us with peace propositions and tells us that the war is a "hellish crusade of famine and blood," "commenced in error, carried on without glory, and to be terminated by the disintegration of the Union." And the gentleman from Indiana [Mr. VOORHEES] takes up the strain and tells us that

"At no distant day, when the horror of this war can no longer be borne, the various propositions which have been made and rejected in behalf of enlightened negotiation and a constitutional restoration will be gathered up and hurled at those in power as an accusation more appalling, an indictment more damning, than was ever leveled against a murderer upon his trial."

Do we seek to replenish the thinned ranks of our gallant armies by voluntary enlistments, the same gentleman from New York taunts us with the charge that we cannot get men by volunteering and that the bounties we offer are bribes. If we propose to accomplish the same object by the draft, gentlemen on the other side of the Chamber, almost in a solid mass, vote against the proposition, and the gentleman from New York, ever ready to inveigh against the Government, complains that we are trying to force men into the Army against their will, and his colleague [Mr. CHANLER] declares it unconstitutional. Do we propose to confiscate the property of the rebels and thus cripple the enemy in their material resources, the same great Democratic party bring all their power and influence to prevent the passage of such a wholesome measure; and the gentleman from Kentucky, [Mr. WADSWORTH,] in justification of their course, tells us that "the exercise of such a power," *even against rebels in arms, seeking the life of the Republic*, "is inhuman, immoral, and *infamous!*"

Do we propose to set free the slaves of the rebels by proclamation or otherwise for the purpose of cutting off this greatest of all the resources by which their armies are maintained in the field, we are met with the stale charge from the other side of the Chamber that we are doing violence to States rights, trampling upon the Constitution, and making this a negro war. Do we propose to put the negroes into the Army and allow them to help fight our battles and vindicate the integrity of the Republic, they tell us that negroes will not fight, and that they will disgrace and demoralize the Army. In one breath they denounce the President as an imbecile, and in the next as a usurper and a tyrant seeking to establish a despotism upon the ruins of his country. Thus are we met at every point from the beginning to the end of the chapter. And yet the gentlemen will tell us that we are responsible for the continuance of the war and for the ruin and desolation that it carries in its train. Let the people and the Army judge between us.

But, sir, let us go back for the past year outside of this Hall, and see what has been the course of the Democratic party in other quarters. And, sir, when I speak of the Democratic party I speak of it as an organization—a recognized force in the country. I know there are excellent men among them; I know there are many Democrats, who have not even yet been able to tear themselves away from the shackles of party, who are for the war, and have given it a generous and noble support in this House and elsewhere. But I am speaking of the great mass of the party as it has stood and acted under its recognized leaders for the last two years.

Mr. Speaker, a distinguished gentleman from Ohio, Mr. Vallandigham, a year ago was passing through this country from one end of it almost to the other, denouncing the war—declaring against the maintenance of the integrity of the Republic; declaring in favor of the dismemberment of the Union, and allowing the southern States to go off and form an independent nation—thus sowing broadcast the seeds of discord, disunion, and treason all over the country. He was arrested by authority of the Government; he was tried, found guilty, and as a dangerous man and traitor he was banished beyond the lines.

It appears that even the rebels did not like him, and he passed by the way of Nassau to the British dominions in Canada. Under the leadership of two distinguished gentlemen of this House [Mr. Cox and Mr. PENDLETON] from Ohio, Vallandigham, was nominated by the Democratic party of Ohio their candidate for Governor. They made him their standard-bearer, they placed their flag in his hands, and rallied their forces to his support. The Democracy of the great Empire State of New York indorsed him. The Keystone State followed New York; and New Jersey, ever true to her instincts in favor of slavery and a bald conservatism, added her name to the list; and Indiana, Illinois, Iowa, and Connecticut all followed suit, and proclaimed Vallandigham the great chief and leader of the Democratic party and a martyr to free speech.

Well, sir, the Democratic party rallied to his support, and declared that they would make him

their Governor, and that they would, if necessary, bring him back to Ohio upon the broad and stalwart shoulders of a hundred thousand yeomanry. The loyal men of Ohio accepted the issue. The campaign opened. The contest was sharp and vigorous and fierce. The loyal people came, and the soldiers came, and they came as the hurricane comes, with irresistible power, and the forces of the Democratic party were scattered to the four winds of heaven as chaff flies before the gale.

Sir, the people of Ohio in that election, by a hundred thousand majority, ratified and confirmed the verdict of the General Government, and left their recreant son solitary and alone to "wait and watch over the border" for the "good time coming," when a hundred thousand sturdy yeomen should bear him back in triumph to the State he had dishonored. The gentleman from Ohio, [Mr. PENDLETON,] in his eloquent description of Lord Chatham's last appearance in the House of Lords to enter his protest against the dismemberment of the British empire, when he cried out in the ears of the ministers of the Crown, "I told you long ago that all this would come to pass," warned us on this side of the Chamber that some future Earl of Chatham might enter this Hall and utter the same sad cry in our ears, "I told you all this before." And as he said it, he seemed to cast an earnest look toward the far-off shores of Canada where his great leader is watching and waiting. The Earl of Chatham and Clement C. Vallandigham! What a parallel! The Earl of Chatham rising from his dying-bed, carried into the House of Lords, wrapped in flannels, entering with his last breath his earnest protest against the dismemberment of the British empire; Clement C. Vallandigham, in the full vigor of mind and body, a banished traitor, devoting all his energies to the disruption of the Republic. The gentleman from Ohio has at least added one more illustration to the old adage, that there is but one step from the sublime to the ridiculous.

Mr. Speaker, as another illustration of the course of the Democratic party in regard to this war, I desire to call the attention of the House and of the country to a meeting of that party in my own State—a State which has responded as nobly, as readily, as generously as any other State in this country in men and money for the support of this war. Forty thousand men, as stated by their own papers, met at Springfield in the month of June last. What was the condition of the country at the time of that meeting? Grant, with his noble army, had fought his way up from Grand Gulf to Vicksburg by a series of victories, bloody and fiercely contested upon every battle-field, and more brilliant than history has ever recorded elsewhere. They had set down before the city of Vicksburg, the great stronghold of the Mississippi river, with their tattered and bloody banners, determined never to move until that stronghold had surrendered—until the last rebel cannon had been removed from the banks of the father of waters.

There they were when that convention met. Thousands and tens of thousands of the brave sons of Illinois were there. Alas! how many had bitten the dust in those fearful battles, had gone to their long homes, and were sleeping that sleep which knows no waking, the little mounds above their graves marking their last resting-place all along the passage from Grand Gulf to Vicksburg! There were weeping and sorrow in nearly every dwelling in the State. The widow and the orphan sent up their cry to Heaven for those who had gone out to return no more, and fathers and mothers were "mourning for their children and would not be comforted because they were not." Such was the state of things when this convention of forty thousand men of Illinois, under the name of Democracy, met in the city of Springfield.

And what was the greeting that that great concourse of people sent forth to the people of our State? What words of encouragement did they send forth to our gallant soldiers in the field, who had fought so bravely, and were enduring so much for the country they loved so well. Here, sir, is one of their *patriotic utterances:*

"*Resolved*, That we are opposed to the further offensive prosecution of the war, as tending to subvert the Constitution and the Government, and entailing upon this nation all the disastrous consequences of misrule and anarchy."

Mr. Speaker, I am ashamed to record the fact that such a sentiment could be sanctioned at such a time by any respectable body of men in any portion of my State, but truth demands that the fact be stated. Tell me what influence such a resolution as that would naturally have upon the men in the field. Tell me what influence it was calculated to have upon the country itself at that time. And suppose the Government had acted upon that resolution, what then would have been the consequence? Why, sir, the triumphant army of Grant would have been compelled to retire from its position and to withdraw within the borders of the free States in disgrace, humiliation, and dishonor. Such, sir, was the extraordinary position of forty thousand Democrats assembled at Springfield on the 17th of June, 1863, in the midst of a rebellion more terrible in its consequences and more gigantic in its proportions than any that ever cursed any country in the history of the world. And yet the gentleman from Ohio [Mr. PENDLETON] tells us, and his associates on the other side of the Chamber join in the charge, that if destruction is to come to the country it will be owing to the nameless crimes that the party in power has committed.

And now, Mr. Speaker, I desire to call attention to certain proceedings recently had in this House. A resolution which has been offered by the Speaker of the House for the expulsion of a member from Ohio for treasonable language used in debate, in the discussion of which the gentleman from Maryland [Mr. HARRIS] in attempting a defense of the member accused made use of the following extraordinary language:

"The South asks you to leave them in peace; but, no, you say you will bring them into subjection. That is not done yet, and God Almighty grant that it never may be. I hope you will never subjugate the South."

Here is a bold, defiant, unqualified declaration of adherence to the enemies, and of opposition to the country. He unequivocally, in language admitting of but one construction, declares that our enemies ought to succeed, prays Almighty God that they may succeed.

Sir, before making those remarks, he had taken a solemn oath to support the Constitution of the United States and to discharge his duties faithfully as a member of this House, and that he had never given aid and comfort to the enemy. I ask, then, what position the gentleman occupied in announcing such sentiments as he did upon this occasion? Did he not declare himself in favor of the enemies whom we are now pursuing with arms? Did he not declare that he hoped our own country would have to succumb to the rebels now in armed organization against us? If he did not mean that, his language has no meaning whatever. Then, sir, he is guilty of moral treason, as much so as though he had committed the overt act and rendered himself liable to indictment and punishment.

It may be said that this is only the language of one member, and that no one else is responsible for it. Grant it. Yet the gentlemen on the other side of the Chamber have made themselves responsible for his sentiments in the most significant manner. And how? My colleague [Mr. WASHBURNE] offered a resolution expelling the member from Maryland for his treasonable sentiments; and what was the result?

Sir, the Democratic party—every man of them—voted against the expulsion of the member from Maryland for the words I have cited, and the resolution was defeated for the want of a two-thirds vote. Another resolution censuring the gentleman was then offered, and only one single Democratic member of the House was to be found who would cast his vote in favor of the resolution. I undertake to say, therefore, that they are upon record committed to the language used by the member from Maryland.

Mr. Speaker, I wish to examine a little more in detail the speech of the gentleman from Ohio, [Mr. LONG,] upon which a motion first of expulsion and then of censure was pending a few days ago. I do it on account of the character of the speech itself, and because, by the votes of the Democratic party in this House recorded in his case, I think they are committed to the doctrines which he then enunciated.

Now, sir, under what circumstances was the speech of the gentleman from Ohio delivered? It was not made under any ebullition of passion. It was made under no momentary state of excitement or feeling. It was carefully prepared, deliberately considered, written out at length, criticised, pruned, laid by for weeks, and then brought in here and read to the House as the fixed and settled judgment of the gentleman on the subjects of which it treated. It was delivered, not on the streets, not at the hustings, but here, in the presence of the people's Representatives, under the very dome of the Capitol; at the feet of the goddess of liberty; under the shadow of our own American flag; and under all the responsibilities of his oath of office. It was not made in time of peace, when words are light, but it was made in the midst of a terrible war, in the midst of a desperate struggle for the very life of the nation. For nearly three years our armies have been struggling for the mastery. They have had successes and reverses; they have rescued large portions of the territory seized by the rebels; and our brave soldiers have covered themselves and their country with immortal glory by their deeds of valor. And yet the enemy holds his strength and his courage, and the war is raging as fiercely as ever.

Sir, the speech was made in a capital surrounded with camps and fortifications, and defended by a hundred thousand bayonets. The notes of preparation are sounding in our ears for another onward march to Richmond, under the great commander of the war, which, we trust, will be the last campaign in Virginia, and result in freeing that State and its capital from the hands of the spoilers. Sir, the speech itself is to be considered in the light of all these circumstances. I shall be compelled to quote several passages from it, and I shall endeavor to convict the gentleman out of his own mouth of disloyalty to his Government. In the first place the gentleman from Ohio declared himself in favor of the right of secession. Let me read what he says:

"Here let me say, on the experience of my individual belief, that if it had been understood in the North as in the South that by the terms of the Federal compact a State had a right to secede from the Union, this disruption would never have occurred."

Here he declares not only the right of secession, but that the holding of a contrary doctrine on the part of the northern people has been the groundwork of all our troubles. He declares himself for the right of secession with cause or without cause, for reasons or without reasons, on notice or without notice. He declares that one State has a right to go out of the Union, or two States, or five States, or any number of States, and to set up separate governments, or one united government. That is the doctrine of the gentleman from Ohio, the unconditional, absolute, unqualified right of secession.

In the next place the gentleman declares that the war on our part is wrong and unconstitutional. Here are his words on that point:

"Can the Union be restored by war? I answer most unhesitatingly and deliberately, No, never; '*war is final, eternal separation.*' My first and highest ground of opposition to its further prosecution is that it is wrong; it is in violation of the Constitution and of the fundamental principles on which the Federal Union was founded."

Then, sir, if the war on our part is *wrong and unconstitutional* it is right and constitutional on the part of the rebels. If it is wrong and unconstitutional for us to carry on the war against them, it is right and constitutional for them to carry on the war against us. That is the only logical result of the gentleman's doctrine. On which side, then, does the gentleman plant himself? On the side of his country or against it? On the side of the rebels or against them?

The gentleman from Ohio then goes on and declares that the rebel States have established themselves as independent States, that they have maintained this war as independent States for three years, and that we ought to recognize them. He says:

"Now, sir, for once, at least, I agree with the distinguished gentleman from Pennsylvania, that the confederate States are out of the Union, occupying the position of an *independent Power de facto*, have been acknowleged as a belligerent both by foreign nations and our own Government, maintained their declaration of independence for three years by force of arms, and that the war has cut asunder all the ligaments and abrogated all the obligations that bound them under the Constitution. So far I agree with him, and however unwilling we may be to accept such position as the actual condition of the confederate States, the history of the past three years, the law of nations, the genius of our Government, and a regard for truth compel me, at least, to accept it and my judgment to approve it, and if the charge of disloyalty is brought against me for this opinion I have only to shield myself under the broad mantle of the distinguished leader of the Republican party."

I do not in these quotations follow the exact order in which the gentleman delivered them, but am merely putting them in their logical relations, so that when we get through we can see what the actual position of the gentleman from Ohio was. The gentleman from Pennsylvania [Mr. STEVENS] has so fully vindicated himself from the imputation contained in the last quotation as to need no words from me. The gentleman then takes the ground that we ought to let the rebel States go, that we ought to separate. He says:

"Much better would it have been for us in the beginning, much better would it be for us now, to consent to a division of our magnificent empire and cultivate amicable relations with our estranged brethren than to seek to hold them to us by the power of the sword."

And this, sir, is the natural conclusion of the propositions which I have already shown were laid down by the gentleman from Ohio. The rebels must be allowed to go. How many States shall go? Where shall he run the dividing line? Who shall determine it? On which side of the line shall Maryland and West Virginia and Kentucky and Tennessee and Missouri be ranged? And who shall determine it, and how? It can be done in only one way; by the armies of the different sides on the field of battle.

Now, sir, if the quotations which I have just read, if the declaration in favor of the right of secession and of the unconstitutionality of the war, if the declaration that the rebel States have established their independence, and that we ought to allow them to separate from us, do not show the gentleman from Ohio to be on the other side of the question, to be in favor of the rebels and against his own Government, I undertake to say that language has no meaning. His heart is manifestly with the men in arms against us.

But the gentleman goes still further. He takes the ground that all our past precedents and history compel us, if we would be consistent with ourselves, to take sides with the rebels. He says that our Government has always taken sides with struggling infant republics endeavoring to obtain their independence, and that we should follow those examples now. And he goes on to tell us that Clay and Webster, in the struggle between the Greeks and the Turks, and in the struggles of the South American republics, took sides with these people struggling for their independence, and that if we would be true to those examples we must follow the same course in regard to the rebels in arms against this Republic. Says he:

"But, Mr. Chairman, how do we stand in the eyes of the civilized world to-day in waging a war of subjugation and conquest against the confederate States which have seceded from us and set up a government of their own? Are we not inconsistent with all our former acts? Have we not been early to admit this proper with regard to others? There never was a people on the face of earth that demanded an independent government that did not have the sympathy of the American people, and ought we now to shrink from the doctrine we have been so willing to apply to others?

"My earliest recollection is the appeal made by Clay and Webster in behalf of Greece, in 1824, when they so eloquently declaimed in that behalf, on this floor and in the other branch of Congress. Whether it was Greece or the States of South America, or Poland, or Hungary, or Italy, or Ireland, the fact that a large country, for any cause, demanded a distinct and separate government, always received the warmest sympathy and support of the American people, irrespective of party."

Now, sir, I repeat the question, on which side of this great struggle is the gentleman from Ohio? He tells us it is our bounden duty to take sides with the rebels in arms against us, that it is our duty to abandon our own Government and take sides with our enemies. Clearly, then, the gentleman and those who back him up in these strange and monstrous doctrines are on the other side and are doing all they can to strengthen the hands of the rebels.

It seems to me that if there is anything plain in the world it is that the man who on this floor takes the ground that the rebels have a right to secede, that the war is wrong and unconstitutional, that the rebel States are independent and that we ought to acknowledge their independence, is on the other side of this great struggle, and is at heart in favor of those who are making this great effort to pull down the Republic over our heads. If not, then language has no meaning.

But, sir, the gentleman from Ohio takes one step further, and I would not have supposed that any gentleman in this House, whatever his sentiments may be upon this great struggle, would have nerved himself to the course which he has pursued. Hear what he says in regard to our Army and our victories. I had supposed that every American citizen who had one drop of patriotic blood in his veins rejoiced and gloried in the deeds of our Army, here on the Potomac, in the West, and everywhere, where they have fought so manfully and so well; true, indeed, with changing fortunes, but generally successfully. The sentiments may suit the men who hold that the war "is wrong and unconstitutional; a crusade of famine and blood;" but they will meet with utter detestation among loyal people:

"While time shall last the recollections of this bloody strife will never fade from the memories of the people, North and South, but will be handed down to the latest generation. The words Shiloh, Antietam, Gettysburg, Murfreesboro', Richmond, Vicksburg, and Fort Donelson, are words of division and disunion, and will serve to bring emotions of eternal hate."

That is the greeting which the gentleman sends out to the noble boys who are struggling for the liberties of this country. That is the greeting which the gentleman from Ohio, standing in this great temple of liberty, sends out to the mothers and fathers of the sons who have fallen in this fearful struggle; to the widows and orphans of the husbands and fathers who lie buried upon these battle-fields.

All these odious sentiments were uttered deliberately, and uttered in this House while the gentleman was acting under the solemn sanctions of his oath of office. And yet the Democratic party in this Hall, on a resolution of censure, came to his rescue and sustained him in his treasonable utterances by a unanimous vote.

And now, sir, let me ask what more could the gentleman have said if his remarks had been uttered in the halls of the confederate congress? Could he have said more than to have told them as he told us that they were right and we were wrong; that all the precedents of our history were in their favor and against us? What more could he have said if his speech had been made to the armies of the rebels now making their preparations to meet us in what, I trust, will be the last great struggle for the supremacy of this Government?

Sir, it has been said in olden times that "judgment must begin at the house of God;" and if we expect this people of ours to sustain the Government, if we expect our armies to fight our battles, I tell you, sir, I tell this House, and I tell the country, that this Hall must be purged of men who utter such disloyal and atrocious sentiments.

Mr. Speaker, when the Saviour of mankind uttered the declaration in the ears of the Jewish people, "He that is not for Me is against Me, and he that gathereth not with Me scattereth abroad," He uttered a great truth as applicable now as it was then, as true in the history of Governments and nations as in the history of churches and religions. It is ever true in great crises. In times like these there can be no neutrality. Men must take sides. They will take sides. The last eloquent words which I recollect hearing fall from Stephen A. Douglas were that memorable declaration which has been so often repeated in these debates—words worthy to be written in letters of gold upon the very heavens—"In this struggle there can be but two parties, patriots and traitors." I was ever opposed to that distinguished man upon political questions; but it is due to his memory to say that there never was in this country a man more intensely American or more intensely Union than Stephen A. Douglas. He did immense service to the country when the war first broke out. If it had not been for the power of his great voice urging on his followers as no other man could urge them on, the war might have been transferred from the cotton-fields of the South to the corn-fields of Illinois. But, sir, he uttered no uncertain counsel. He did not say that all of our precedents demanded of us to take sides with the rebels as Clay and Webster took sides with Greece and the South American republics. No, sir, he took the ground that this war had been commenced by the South for the purpose of destroying our Government, and that a patriotic man had but one thing to do, and that was to fight it out, to settle the question by force of arms.

Douglas living could rally his legions as few men could before, and as no man can now. Alas! his voice had scarcely ceased to ring over the prairies before those who had followed his fortunes began to look toward the South, and longed for the leeks and onions of Egypt. And where are they found to-day? They are found standing side by side with the gentleman from Maryland, [Mr. HARRIS,] who prays to God that we never may conquer the South; by the gentleman from Ohio, [Mr. LONG,] who says this war is unconstitutional; and by the gentleman from New York, [Mr. FERNANDO WOOD,] who says that it is "a hellish crusade of blood and famine."

I have one remark further to make in regard to the speech of the gentleman from Ohio, [Mr. LONG.] I speak it with no personal ill-will. I feel, sir, in my heart, that the speech was disloyal and treasonable, meriting the severest rebuke and censure; and I hope in God that the like of it will never again be heard in the Halls of Congress.

Mr. Speaker, a few more observations and I will yield the floor. There are three—I might say four—great measures demanding the attention of the statesmen of the country at the present time: first, the putting down of the rebellion; secondly, the emancipation of the slaves; thirdly, the reconstruction of the Union; and, as an end to all these, I have said I might add, fourthly, the establishment of the finances upon a solid basis.

How is the rebellion to be put down? Not by peaceable negotiations, not by armistice, not by commissions, but by steady, persevering, hard fighting. How is the emancipation of the slaves to be accomplished? It may be accomplished by the President's proclamation. But the *great* measure, one which should not only command the support of every member of this House but that of every loyal man in the land, is the proposed amendment of the Constitution, by which slavery is to be prohibited forever in all the States and Territories of the Union.

As to reconstruction, I had intended to have discussed the question at length, but I find that I have not time. While I want to see every rebel State brought back into the Union, brought back into fellowship with us under the Constitution, yet I would make it a condition precedent to their readmission to all these rights and privileges, that they come knocking at our doors with a free constitution in their hands, whereby the shackles are knocked from off the limbs of every slave within their limits. Till they are prepared for that, I would place them under the control of Congress and the President. Slavery has been the mother of this rebellion, and I say let mother and child perish together, and let them both be buried in the same bloody and ignominious grave that slaveholders have dug for liberty and the Constitution. Thus alone will permanent peace be secured to the country. In my judgment God is about to visit the sins of the slaveholder upon his own pate. He has dug a pit into which he hoped to plunge this great Government of ours. I am greatly mistaken if he does not fall therein himself. A quaint old paraphrase of a well-known passage of Scripture so nicely fits the slaveholder's condition, that I am tempted to quote it, and with that I will close my remarks:

"He digged a pit, he digged it deep,
He digged it for his brother;
But in that pit his feet did slip
He did intend for t'other."

Mr. COX. Do I understand my colleague to say that he does not propose to press this question to a vote this evening?

Mr. ASHLEY. Not to-night.

Mr. COX. When?

Mr. ASHLEY. In a few days.

Mr. COX. It will be utterly impossible to do so for some time.

Mr. ASHLEY. I wish to say again I shall object to any speeches that are not addressed to the bill under consideration.

Mr. DAVIS, of Maryland. In reply to the gentleman from Ohio, I desire to say that I expect to call the previous question upon the bill on Wednesday next.

Mr. COX. I cannot say whether debate will be exhausted by that time. He will see by consulting the list that there are a great many gentlemen who desire to speak upon this bill.

Mr. DAVIS, of Maryland. It may be that debate may not be exhausted, and yet it may be proper to bring the debate to a close.

Mr. COX. This is the largest question of this age, and we ought to have the largest liberty of debate.

Mr. DAVIS, of Maryland. Sit a little later, then.

Mr. ODELL. I rise to a point of order. I simply want to know of the Chair whether gentlemen upon that side or upon this side have any authority under the rules of the House to say when and how the debate shall be ended upon any question?

The SPEAKER. The Chair does not recognize that as a point of order.

Mr. COX. I did not make any arrangement upon the subject.

Mr. ODELL. I have the floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. BROOMALL] is entitled to the floor.

Mr. BEAMAN. I object to any further yielding unless the time is deducted from the time of the gentleman from Pennsylvania.

Mr. MILLER, of Pennsylvania. I ask the gentleman to yield that I may put a question to the gentleman from Maryland.

Mr. BROOMALL. Very well.

Mr. MILLER, of Pennsylvania. I trust the gentleman from Maryland will not insist upon closing the debate on Wednesday next, but that he will allow this debate to go on. However, I will take his suggestion for what it is worth.

Mr. DAVIS, of Maryland. The bill has been before the House for nearly a month, and that, certainly, is a reasonable length of time.

Mr. BROOMALL. The bill before us provides for the government of the States in rebellion, as fast as they shall be reduced to subjection, by provisional governors; to be appointed by the President, with the consent of the Senate, under a system set forth in the bill. It provides for the return of those States to their former participation in the Federal Government as soon as the loyal citizens shall organize State governments, republican in form, and having regard to the inalienable right of all men to life, liberty, and the pursuit of happiness; and it provides that the debt of the rebel organization shall not be assumed by those States nor paid by levying taxes on the people. I shall speak of the general principles of the proposed enactment as I have given them, assuming that proper details are provided for carrying out those general principles.

The first great question that presents itself is whether or not we possess the power to enact the proposed law. It will be conceded that Congress has no powers except such as are derived from the Constitution; and that that instrument confers no *express* power to pass such enactment. If the power exists, it must be embraced within those implied as necessary to carry out the express ones, and to maintain the sovereignty of the nation.

It is impossible in a written instrument to provide for all contingencies that may arise except in very general terms, and there are some powers so incident to the being of a nation that no constitutional provision is necessary to secure them, and none can enlarge or abridge them. From these causes arise implied powers. We have the power to make war, and this by virtue of the Constitution. Not that that instrument *expressly* authorizes it, but its adoption made us a nation and the power to make war is inseparably incident to a nation. Congress is expressly authorized to *declare war*, but war may exist and it usually does, for a time, without a declaration. The right to make war arises from the right of self-defense, a right which vested in the Government the moment it sprang into being, and which would exist even if prohibited by the Constitution.

We are called upon to legislate for a condition of things new in the history of the Republic, little dreamed of by the framers of the Constitution. We are in the midst of civil war. The life of the nation is threatened, and it behooves us to do all we can to preserve it. But to usurp powers we have not is only a mode of overturning the Government under the pretense of preserving it. Let us, therefore, examine our ground, carefully ascertain our powers, and fearlessly and conscientiously exercise them. And first let us inquire what are the precise characteristics of that with which we have to deal.

There is a difference between insurrection and civil war. It is not merely that the former is less extensive or less formidable than the latter, for this may not be the case. A civil war begins as an insurrection. It remains an insurrection as long as it is treated under the civil law. When the Government finds it necessary to grant the insurgents belligerent rights; when it ceases to *hang* prisoners and begins to *exchange* them; when it ceases to insist on allegiance and only employs the means to conquer, then the insurrection has developed itself into civil war.

There is no necessity for confusion of ideas on this subject. There is no mistaking one of these things for the other, though the exact point of time in which the transition is made may not be well defined. The test consists in the treatment of the matter by the Government revolted against. As long as that treatment is by indictment and sentence the outbreak is insurrection. When the civil power gives place to the usages of war it becomes civil war.

The injured Government grants the insurgents belligerent rights from a variety of causes: from deference to the interests of other nations and their citizens; from fear of retaliation if civil penalties be inflicted on those caught in the crime; from a sense of humanity on account of the number of those who would otherwise be amenable to civil law; and from a sense of justice, because within the scope of the outbreak the Government cannot protect individuals and therefore, for the time, should not claim allegiance from them.

Talk as we will of the horrors of war, the civil law is far the less merciful. Under both systems the insurgents may be shot down in being taken; but if taken alive the usages of war inflict no punishment; while the civil law hangs as a traitor every man caught in arms, every man who furnishes food to the enemy or pays taxes for his support, and every man who, knowing the plans of the enemy, fails to disclose them and thwart them to the full extent of his ability.

Whatever difficulty there might have been three years ago, there is none now in determining that the contest going on in the country is civil war. We exchange prisoners. We recognize the letters of marque and reprisal issued by the rebels. We blockade their ports. We seize and confiscate their property. It is not that we have yielded up our sovereignty, but we have been forced into a different mode of asserting it, by arms instead of by police regulations.

The only peculiar characteristic of civil war is that the parties before its commencement acknowledged allegiance to a common Government. Once commenced, it is in all respects like any other war; conducted in the same manner, subject to the same rules, and waged for the same purpose —that of victory. This truth fully understood would simplify many troublesome problems arising out of the existing state of things. We must learn that, having developed itself into civil war, the contest has become *war* to the fullest extent of the word, and while it lasts it is of no importance whatever that the combatants were formerly acknowledged fellow-citizens.

The bill under consideration looks to the ending of the war by our conquering the rebels; and it is intended to go into effect from time to time over successive districts as they are reclaimed. Like all other wars, ours must terminate in one of three ways: first, by the parties becoming mutually tired and abandoning the contest; second, by treaty; and third, by subjugation. The first of these is rare in history, and is unlikely to occur with combatants as jealous of their claims and as obstinate in maintaining them as we or our opponents. We have overrated our importance among the nations of the world if such an event is possible. We are not worth the blood and treasure already expended by and upon us if we could by mere indifference permit the heritage of our fathers to be wrested from us.

The usual termination of war is by treaty. The weaker party submits to the will of the stronger on condition that that will shall be exercised under restrictions fixed upon by the parties. The stronger consents to the measure either because it secures all he asks or because that which it does not secure is not worth the necessary cost of life and treasure; and the future status of the parties is fixed by the treaty.

It is certainly possible for the existing war to terminate by treaty, since a time may arrive when a conditional surrender by the rebels will be as advantageous to the Government as an unconditional one. But there are difficulties in the way of treating which ought to be well considered before that course shall be resolved upon.

It must not be forgotten that the rebels constitute a large proportion of the political party that supported Mr. Breckinridge at the last presidential election. It must not be forgotten that they entered into that contest with us, holding out the idea of good faith, expecting us to be bound by the result, and pledging themselves, at least by the act of going into it, to abide the decision of the ballot-box. It must not be forgotten that the war now being waged is the result of the refusal of that party, wherever in the ascendent, to submit to the result, without the shadow of a pretense that the election was illegal or unfair; and lastly, it must not be forgotten that that party, even in the loyal part of the country, still keeps up its organization, though deserted by many thousands of its members whose patriotism is stronger than their love of party; and that so organized it leaves no means untried short of actual crime to embarrass the Government and encourage the rebellion.

This is a most momentous period in our country's history. For the first time a great political party, beaten at an election, appeals to the sword. Always heretofore the will of the majority has been submitted to; sometimes with some complaining, but still it has been submitted to. Now a treaty will be of no use to the rebels unless it shall grant them terms more advantageous than unconditional submission; and before we grant such terms, it is well to ask ourselves what guarantee we have that the same result will not follow the next or some future election. What confidence will we have in going into an election hereafter with a party that once refused to submit to the result and extorted terms from us by an appeal to the sword?

Let us remember that this was the rock upon which the republic of Mexico split. The defeated party at an election for President in 1828 appealed to arms. If it had been possible to exterminate them, Mexico might at this day have been second only in prosperity to our own country. But in an evil hour the Government listened to counsels of compromise and conciliation. Terms were conceded to the rebels, and the consequence followed that scarcely any defeated party after that time submitted to the result of an election. Civil war became the normal condition of the people. They sank lower and lower in the scale of nations, and now a European monarchy dictates a system of government to that unhappy country.

Let our own country take warning. In a Government such as ours the will of the majority, ascertained according to prescribed forms of law, must govern, or the result is first anarchy, then despotism. It is probably the dictate of mercy, it is certainly that of expediency, that those who refuse to submit to the will of the majority so ascertained should be either unconditionally subdued or wholly exterminated.

It is time enough, however, to talk about the danger of treating with the rebels when they show a disposition to treat upon terms possible for us to accept. As yet the parties are wide enough apart to render the danger of treating a remote one. *We* will not treat upon terms short of unconditional submission. *They* will not upon terms short of independence. It is difficult to see any point between these extremes that would suit the purposes of either side. If we yield any, we abandon the grand principle of our Republic, the one on which its very being depends, that the minority must submit to the will of the majority, legally expressed, either voluntarily or by compulsion. On the other hand, if they yield any they virtually yield the whole, for submission in the weakened condition to which we have reduced them is unconditional submission.

There remains, therefore, but the other mode by which the contest may be ended, by one of the combatants conquering the other. In this case there will be no treaty to fix the future condition of the conquered, and that condition must be fixed by the laws of war. It is important, therefore, to inquire what those laws are.

I have said by one of the combatants conquering the other, not because I have doubts about the result, but because I conceive there will be

no difference in the status of the conquered, whosoever that may be. If, by some strange reverse, the rebels should prove the stronger and should subdue us, we will bear the same relation to them that they in the alternate case will bear to us. I repeat, no matter on which side victory shall ultimately declare herself, the conquered will bear the same relation to the conqueror.

This is an important proposition, and I pause to ask if there be reason to doubt it. Upon what principle will we, in either case, have less or more rights than the rebels in the like case? Are we not, under the laws of war, equal combatants? Or, rather, are we less worthy than they, that we, if conquerors, will have limited rights over them, while they, if conquerors, will have absolute rights over us?

If it be urged that our rights as conquerors will be restricted by the fact that this is a civil war, the answer is, it is a civil war on both sides. I repeat, no reason can be adduced in favor of a different status for the conquered, if the conquered be either side, and that status must be determined by the laws of war.

Now, there is but one law of war, and that is that the weaker must submit to the will of the stronger. There is no *legal* limit to the power of the conqueror. This will be manifest when we reflect that the appeal to arms is an appeal to the will of the stronger; in prosecuting which the stronger is ascertained by measuring strength.

That the law of war is the will of the conqueror would not be disputed if it were not for some confusion in the use of words. We speak of certain laws by which the will of the conqueror is restrained. It is said that by the laws of war prisoners may not be killed, privateers may not be treated as pirates, and so on through a long list of restrictions on the will of the conqueror. But all this arises from confounding language. A law is a rule of action not only *prescribed* but *enforced* by a superior power. It is a misnomer to apply the term to mere voluntary customs alleviating in certain cases the horrors of war. Prisoners of war are killed, privateers are treated as pirates; in short, all the so-called laws of war which restrain the will of the conqueror are violated and nobody is brought to justice for the violation. In war there is no power superior to the conqueror, and therefore there is no law of war restraining his will. There are such restraints, but not under any law of war. There are customs of war arising from what it is so usual here to scoff at, arising from *a higher law*. The enlightened civilization of the age shrinks from acts which may be legitimately done under the laws of war. The law of man's nature written by his Maker in the heart of the conqueror, and developed by the teachings of Christianity, restrains his will; and hence arise certain customs of war which have been miscalled laws of war.

I am not losing sight of those rules for the conduct of nations, both in peace and war, deduced from the great natural principles of right and justice, and so ably treated of by writers in our own and other countries. The time may come when these rules will ripen into laws in the full sense of the word; but to bring that about, civilized nations must combine for the purpose of enforcing them, and thereby must constitute a superior which each nation as the inferior will be bound to obey. When that time shall come national disputes will be settled by a congress of nations instead of the sword, and a great stride will have been taken toward that far-off future when "the nations shall learn war no more."

But the semi-civilization of the nineteenth century knows no law of nations in the full sense of the word. It prescribes what nations ought to do in given cases, but not what they must do, and if they disregard its edicts, it knows no punishment beyond the mere *brutum fulmen* of a diplomatic remonstrance.

It is enough to say that these customs of nations have no binding force except to give shape and character to the will of the conqueror. It comes at last, therefore, to the proposition with which we set out, that the will of the conqueror is the law of war, and it is well if that will be softened down by a higher law.

But it is alleged that our Government owes to our enemies the protection of the Constitution and laws; and that therein our case differs from ordinary warfare. Let us examine this position. Do they owe us any corresponding protection? This is nowhere alleged; and I would be loth to grant them greater rights, under the laws of war, than ours in the like case. It might well be asked whether the Government owes protection of any kind to those who repudiate allegiance to it. Our enemies have appealed from the Constitution and laws of the country to the laws of war, and we have been forced to meet them in the forum of their own choosing. Pending this appeal, the Constitution and laws of the country have nothing to do with the matter. Whether they ever will have or not, depends upon the result. The appeal is to the will of the stronger. Let the stronger be ascertained, and his will submitted to.

It is further alleged that many individuals within the enemy's limits are opposed to the rebellion, and are only not aiding us because they cannot, and that it is unjust to involve these in the fate of the guilty. Let us see. There are many within our limits who are opposed to putting down the rebellion, and are only not preventing it because they cannot. If the rebels should conquer us, is it unjust that these should be involved in the general ruin of our common country? It is the misfortune of dissenting individuals on both sides that they must suffer for acts they do not approve; but it is an unavoidable misfortune. When distinct nations go to war upon some question which not half their subjects understand, individuals will be found on both sides who do not approve the acts of their Government. But they must share the fate of their countrymen. The case of the man of Union sentiments within the limits of the rebellion is not harder than this. War is a condition of things in which the innocent are involved in the fate of the guilty. It operates on communities, and cannot discriminate in favor of individuals. This incident of the appeal to arms should be well weighed by the appellant. On his head will be the blood of the innocent, if he appeal to arms without good cause.

It is worth while to ask how much better the Constitution and laws would treat these innocent individuals. They are within the enemy's lines. Have they sold him provisions? Have they paid taxes for the support of his armies? Have they known his designs and failed to disclose them and thwart them? If so, the Constitution and laws would hang them. They may be involved in the guilt of the enemy against their will, but they are involved in it; and the protection of the Constitution and laws might bring with it the *penalties* of the Constitution and laws.

The horrors of war would be greatly lessened if its consequences fell only on the guilty and willing parties to it. But in the nature of things this cannot be. Half an entire army may be in the ranks unwillingly. But the opposing army can take no notice of this. It cannot discriminate between the willing and unwilling enemies.

The loyal soldier in the rebel ranks forced to fight against his country has certainly as large claims to the protection of his Government as any person within the limits of the rebellion. But during the continuance of the war his Government cannot protect him. His enemies are its enemies; and the rights and duties of self-defense compel it for the time to overlook his rights and duties.

Does not this cover the whole ground? Those within the limits of the rebellion, however willing, cannot maintain and uphold their rightful Government. They are forced, not physically, perhaps, but by all surrounding circumstances, to commit acts which, under the civil law, are treason. All the Government can do it does. It foregoes for the time its claim to their allegiance, its right to their support. It relieves them from the penalties of the civil law, and treats them under the usages of war.

I return to the ending of the war by conquest. It is certainly possible for the rebels to prove the stronger, and so possess themselves of us and ours under the most absolute of all rights—the right of conquest. But there is little danger of this, unless we revive the almost obsolete Democratic doctrine that States cannot be coerced; that our enemies cannot constitutionally be beaten into good behavior; that it is legitimate for traitors to take up arms, because they do it by the sacred right of revolution; but that loyal men may not resist them by arms, because loyal men are restrained by the Constitution; and the Constitution nowhere authorizes one man to shoot at another across a State line. I say there is little danger unless we revive this notion, and so get beaten with our hands tied. And there is as little danger of our reviving it. We cannot forget that the Democratic party died of that idea, or rather is lingering toward its death, tottering side by side with the institution of slavery—a pair of driveling dotards, consoling each other with the old song—

"We clamb the hill thegither,
And mony a canty day, John, we had wi' ane anither;
Now we maun totter down, John, but hand in hand we'll go,
And we'll *sleep thegither at the foot*, John Anderson my Joe."

Some gentlemen of antiquarian tastes are trying to exhume the buried past and restore the old Democratic dynasty which governed the country so long and in former times so well. Certain conservative resurrectionists and benevolent old Whigs who could see no beauties in *living* Democracy have taken hold of its withered remains and are trying to breathe a little life into them. But it is in vain. Revolutions even in politics never go backwards. Political parties know no resurrection. In its full manhood, under the rule of Jackson, that organization could grapple fearlessly and successfully with any set of circumstances. "But age crept on," and under the *immortal* sage of Wheatland the south breeze made its old limbs tremble. It confessed its inability to cope with rebels, and begged only that it might live out its short term in peace. The people of the United States will be slow to believe the Democratic party has become wiser or stronger since, and will hesitate in 1864 to trust their destiny to those who in 1860 acknowledged they knew no constitutional means to put down rebellion. It is necessary that the Democratic party should become extinct that democracy itself shall be saved to the world.

I have already said there are no limits to the power of the conqueror, no restraints upon his will but those arising from his own nature and the mollifying influence of Christian civilization. This is not only true during war but it remains so at and after its termination until civil laws or treaties are made for regulating the future conduct of the parties.

But it is urged that our Government is one of limited powers; that many acts perfectly right under some forms of government will not do here; that somehow the Constitution binds down our otherwise absolute right of conquest. Let us see. Our Government is indeed one of limited powers, but only so with respect to its own citizens. Toward other nations its powers are absolute. It is limited in its administration of civil law; but as a belligerent it is under no more restraint than Russia or France. The limitations of constitutional Governments have no outside application whatever. With us the supreme power is not all lodged in the President nor in Congress nor in the States nor in the people, but is parceled out among all these according to a system of our own. Therefore it is that questions arise about the rights of the people, the rights of the States, the rights of Congress and of the President. But other nations have nothing to do with these questions, nor have opposing belligerents. It is enough for them that absolute sovereignty exists and that as to them it is exercised through the General Government.

For all purposes of war and conquest, I repeat, our Government is absolute. Those who dispute this will still admit that we might enter into a treaty with the rebels by which we might acknowledge their independence. In other words, that the President and Senate might cede the territory of the rebel States to a foreign Power, and that, too, either with or without the consent of the people interested. Does not this look like possessing absolute sovereignty for war purposes?

I have already said that the right of conquest is not affected by the fact that the belligerents heretofore acknowledged allegiance to a common Government. But it is said we cannot conquer our own territory. Why not? The Government has a limited sovereignty over that territory by the Constitution. Why may it not acquire an absolute one by conquest? A man having a limited estate in lands may acquire a larger one into which the smaller will merge. In the trial of a prize cause, if it should appear that the commander and

crew claiming the prize had, before the taking, some smaller interest in the subject-matter, that would not defeat the absolute ownership as prize.

From this course of reasoning, it is apparent that if, or rather *when*, we conquer the rebels we will have unlimited power over them and all their property, and, therefore, the *right* to pass the bill in question cannot be disputed. That we may kill them is conceded by their friends, who claim for them the *benefits* of the Constitution; we may therefore do with them anything less than that. That we may cede their lands to a foreign Power is conceded by those who wish to treat with their leaders; we may therefore do with their lands anything less than that. Our powers are large enough for all purposes, and the whole question becomes one of mere expediency. What ought we to do? For the good of the country, for the good even of the rebels themselves, for the cause of humanity and civilization, what ought we to do? The God of battles has placed in our hands powers for good or evil larger than were ever exercised by any people since the downfall of Rome. May the God of justice and of mercy enable us to wield those powers aright. The fearful responsibility is upon us. Let us assume it with the full consciousness that we shall have to answer for its exercise.

What shall we do with these eight million prisoners of war when they shall have surrendered without condition? I say eight millions, because they are all belligerents, old and young, male and female, black and white, willing and unwilling; and when subdued will all be prisoners of war. What shall we do with them? Our ancestors some centuries ago would say, *Enslave* them. They themselves will not dispute our right to do this, since their claim to their biped chattels, so far as it does not depend upon private stealing, depends upon the war power. Those biped chattels are mere prisoners of war, *not yet exchanged or surrendered*. But shall we make slaves of the rebels? Ask our holy religion, which teaches us to do as we would be done by. Ask the civilization of the nineteenth century, which has turned loose the bondmen of the West Indies and the serfs of the Old World. Ask the framers of our Constitution, who refused to profane their lips with the utterance of the word or their pens by writing it. We will await no answer. We will not enslave them. But by our duty to ourselves under the high responsibility put upon us; by our duty to our Creator, who made of one flesh all the nations that dwell upon the face of the earth, we will not let them any more enslave one another. Every consideration of justice and humanity forbids our making slaves of the *willing* participants in this unholy crusade against human rights; and we will never consent that the *unwilling* participants shall be reënslaved. The last blow before the final victory shall strike the shackles from the last slave; and when these prisoners of war shall be set free, they shall *all* be set free.

This result is simple, reasonable, and logical. Prisoners of war can hold no prisoners; slaves can own no slaves. The right of conquest absorbs all prior rights of conquest existing in the conquered. The act of conquest puts all its victims upon equal footing, and setting them free does not reinstate any former rights of conquest.

Some complaint has been made of the proclamation of the President inviting the loyal citizens of the country reclaimed to organize State governments for the purpose of becoming again component and active parts of the Union. It is said that the issuing of that proclamation is a usurpation of power which belongs to Congress alone. I see no ground for this criticism upon the act of the Executive. The question appears to me to be one not of power but of policy.

There is no uniformity in the mode by which members have been admitted into the family of States. Some have been organized by a movement wholly independent of the General Government and admitted with such organization by subsequent act of Congress. Others, and the greater number, have been organized by virtue of enabling acts passed beforehand and providing for their subsequent admission. An act of Congress is necessary to the full admission and recognition of the new member, but whether it precedes or follows the action of the people of the State is immaterial except as a question of policy.

Now, the proclamation is simply an invitation to the people to organize governments, and a promise to protect them in so doing by the war power. If the plan be accepted and carried out, the next step will be an act of Congress ratifying the action of the people and admitting the State. On the other hand, the bill before us is, in a part of its scope, an enabling act, providing for organizing governments and admitting States. In the former case the act of Congress is intended to be *subsequent*, in the latter *precedent*, to the action of the people. Neither of these plans can be said to be right, to the exclusion of the other. Both are right, and if it were not that an act of Congress is necessary for providing temporary governments somewhat in the nature of territorial governments, there would be no great difference upon the ground of policy between the two modes.

It is not pretended that the proclamation of the President can admit a State formed out of territory conquered or acquired in any other manner. That document expressly guards against such construction, by denying all attempt to give the State organized under it any right to participate in the law-making power. Conquered territory, in the absence of a treaty fixing the status of the people, is held simply by the war power. To govern it in any other way than by mere military force, requires the act of the supreme civil authority of the conqueror. It is precisely such an act that we are now considering, and proposing to precede the action of the people, and it is precisely such an act that the proclamation contemplates to follow the action of the people. As there is no real want of harmony between the President and the ruling power in Congress, let there be no seeming want of harmony between them.

Some gentlemen, otherwise sufficiently devoted to the cause of the country, have their efforts paralyzed by a fear lest the negro shall somehow be benefited by the result of passing events. They probably underrate their capacity to compete in an even race with the despised African; but it is fair to let them judge of their own abilities. This is not in very good keeping with the reiterated assertions of the inferiority of the black race made by the same men. It is one of those inconsistencies of human nature not easily to be explained. Either their fear of the rivalry of the negro, in an open field, is assumed, or their professed opinion of his inferiority is put on to hide their cowardice, as we affect to undervalue most the opponent of whom we are most afraid.

There is only wanting a little more moral and physical courage to make these men patriots; and when we shall have satisfied them that no serious consequences will be allowed to result from any supposed mental or physical superiority of the negro, we may count them on the side of the country. In the mean time their natural timidity will at least render them harmless. Time will either show, on the one hand, that the negro is not better than they, or, on the other, will stimulate them, by means of his rivalry, to still greater exertions in the direction of human progress, in order that he may not transcend them.

One fact simply stated ought to remove all fear of dangerous competition on the part of the negro. He is the man of the tropics, and is only kept in the temperate zone by force. Acting under well-known laws of climate, his tendency is constantly southward. Therefore it is that the free blacks of the South remain in the slave States wherever they are not driven North by penal laws. Therefore it is that the free blacks of the North reside mainly along the southern border of the free States. This fact is significant. Remove the barrier of slavery, and within the term of those now living there will be no negroes north of the Potomac.

The aversion against the negro is not a mere unamiable prejudice, as might be supposed by those who have only seen diversity of races as it exists in America. The same aversion is seen wherever distinct races are brought into contact in any part of the world; and it serves, among other causes, to keep up the distinctions of race. In whatever way we account for these distinctions, whether by original creation or by gradual changes since, they are the work of the Creator, and were designed for the good of the human family.

We might naturally expect to find some provision made for keeping up what it pleased divine Power to create; and we would as naturally look for that provision among the instincts and propensities of the individuals to be affected by it. Turning then to test our *a priori* reasoning, we find this instinct of repulsion wherever distinct races are brought into dangerous proximity. The conclusion is almost irresistible that nature intended it for the purpose it mainly subserves. I therefore state the following propositions:

1. The instinctive repulsion between distinct races of men when brought into proximity is a provision of nature to guard against their intermixing and so destroying their purity.

2. This repulsion does not exist in the unamiable and selfish form common in America unless there is actual intermixing; and then it is always most manifest in those most engaged in the business.

Nature does not intend distinct races to hate one another; she only intends them not to intermix. But if they cannot otherwise be kept from intermixing, she makes them hate one another. She will not let a person engaged in violating her decree in this respect even keep his own secret. She makes him at the same time condemn his vice by condemning the like vice of his neighbors, and betray it by exhibiting the evidence and the consequence of it, his instinctive aversion toward the opposite race.

I believe in the universal brotherhood of man, the result of descent from a common ancestor; and I believe the diversity among men has arisen from causes which have operated from the beginning and are still operating, producing still greater divergence; causes designed to adapt man to the widest range of climate, food, and other circumstances, so that he may in some form or other inhabit the entire earth.

Within a certain limit of divergence, intermixture has been found to be advantageous, as between the various branches of the Teutonic family. Beyond that limit it is prejudicial, producing offspring lacking vital or reproductive energy, as between the European and African or Indian. Nature interposes her prohibition at the ultimate point of advantageous intermixture; and if her prohibition is not observed she remonstrates still further by causing the erring individual to hate alike his vice and those who aid him in it.

Now, if my theory be sound, we would expect to find the repulsion strongest where it is most needed, where the danger of intermixture is most imminent; and this is really the case. The Celt, from some unexplained peculiarity, has a greater tendency than the Saxon to intermingle with inferior races. Contrast the Celtic colonies of Mexico and South America with the Saxon colonies now forming the United States for proof of this. And accordingly we find the aversion to the negro much more manifest in the Celtic mind than in that of the Saxon.

Again, the southern Democrats have always exhibited this aversion to the negro in a high degree. They have even paraded it with a shameless effrontery before the public, as if proud of the evidence of their vices. Yet, as the social history of our country will show, all this aversion has been needed, and, indeed, has been even insufficient to subserve the purpose for which nature intended it.

If it be asked why the sympathizing Democrats of the North, who are not brought so closely into contact with the negro, exhibit the same strong aversion, the answer is, first, they are largely Celtic; secondly, they imitate their southern congeners; and thirdly, some probable commingling of races among them renders them peculiarly liable to *miscegenation*.

This instinctive aversion is frequently exhibited by persons whose social position and Teutonic appearance would seem to indicate little occasion for it. But nature understands her own business, and wherever that repelling instinct exists in a marked degree, it is not for us to say it is not necessary.

Where opposing instincts are very strong, the mind oscillates between them as one or the other may be in the ascendent. Strong passions alternating produce inconsistency of character, render the possessor impulsive and uncertain in thought and action. Bearing this in mind, observe the true southern chevalier. What an alternate admirer and hater of the negro he is! How he

affects to despise the poor chattel, even though the poor chattel has undergone several rounds of the bleaching process which a distinguished foreigner, in the simplicity of his heart, was wont to attribute to climate. On the other hand, with what devotion he clings to his negro when some northern abolitionist maliciously suggests the idea of a separation of the races. How he dotes upon the patriarchal institution which ministers to so many of his desires and appetites. How he shrinks from all inquiry into his acts and motives upon the negro question. All this is plainly explicable upon the hypothesis I have ventured to lay down, and I think upon no other one.

It is not uncommon to hear gentlemen upon this floor express the fear that the extinction of slavery in America will be followed by an intermixture of the races. This idea might be more plausible if there were *no* intermixture where slavery exists; but I have no fear of such result. Nature has guarded against that in the manner I have described. These gentlemen are probably correct in their conclusions, arguing from their own stand-point. Every man judges human nature by the specimen with which he is most familiar, that is to say, by himself. Let us counsel them to cultivate the aversion they are so fond of displaying. It is very possible they need it. But let us remind them that the pure Teuton shows little of that aversion, because he has little tendency to mix with other races, and that the ruling power in America, always largely Teutonic, is at this time almost exclusively so.

We have nothing to fear from the negro. All we have to do is to render him such assistance as he may require by reason of his intimate connection with the rebellion, but in the main to leave him to himself. He is a creature of the tropics, and if we are better than he in the temperate zone, he is better than we are under the equator. Among us he is an exotic, cultivated like a domestic animal for the profit of his owner, and kept from his natural habitat by the barrier of slavery. The barrier is now being removed. This once accomplished, the laws of climate will operate upon him, slowly but surely drawing him southward as his place is supplied in the field of labor by steam and the skilled workman of the North.

Tropical America presents a land flowing with milk and honey for the negro, though rank with poison like the dew of the Upas to us. There his ultimate lot will be cast; and there the selfishness and cupidity of the white man cannot follow him.

There needs no legislation to separate the races of America, no forced expatriation, no grand scheme of colonization. As long as we need his labor in the rice and cotton-fields we will retain the negro by inducements sufficient to counterbalance the disadvantages of climate. When we cease to offer such inducements nature will present hers, and lead him to the promised land. This may be the work of ages, but ages of freedom will be needed to wear away the marks of bondage from a race, to develop the chattel into a man.

The region inhabited by the negroes in Africa extends from the tenth degree of north latitude to the twentieth of south latitude. There is a district of country in America, lying between the same parallels, not unlike in any considerable degree the corresponding region in the Old World. This country is sparsely inhabited by a dark race, four fifths of whom are of African descent on one or both sides. It consists partly of high lands in which the heat of the tropics is tempered by the elevation, possibly to some extent habitable by the white man; and partly of rich valleys teeming with all the luxuriance of tropical vegetation. These valleys demand cultivation at the hand of man, but they invite only the black man. The laws of climate forbid our entrance.

This country is twice as large as the United States and Territories, and is productive beyond all our ideas of fertility. At the density of England it is capable of sustaining a population of twelve hundred millions, while at present fifteen millions dispute the possession of some small portions of it with the reptiles of its waters, the birds of prey, and the wild beasts of its forests. When I think how unalterable is the law of nature which shuts this gigantic field of enterprise to us, I cannot help believing that the Almighty intends this vast region for the negro's future home. What an illustration it would add to those already in the world's history, of good springing out of evil, if a few ages hence should exhibit a vast negro republic, a component part of the United States of America, upon the banks of the Amazon, subduing the wilds, substituting beautiful gardens and cultivated fields for those immense entangled forests, and putting in practice the arts and sciences of civilized life acquired by the negro during his long, laborious, and terrible apprenticeship to the white man.

But in the mean time what shall we do with these eight million prisoners of war when conquest shall have reduced them to one uniform level? We will not kill them; we will not enslave them, nor let them enslave one another. Conquest will leave them without governments, without laws, and without institutions. Our duty to them as well as to ourselves requires us to govern them under the right of conquest until they shall again become able to govern themselves, and this the bill under consideration proposes to do.

Much of the argument on the other side of the question is based on the assumption that there still exist States, component parts of the Union, in full force and operation, within the territory held by the rebels. This position is unsound. Such States could only exist under governments conducted according to the Constitution and laws of the United States, and administered by officers who acknowledge the supremacy of the Federal Government, and who have sworn to support its Constitution. Has South Carolina a Governor, legislators, judges, and other officers necessary to her existence as a State, who come within this classification? Has she a single State or municipal officer, from her Governor down to the supervisor of her roads, who acknowledges the supremacy of the Federal Government or who has sworn to support its Constitution? Has she a single officer of any kind who is not claiming and exercising belligerent rights against the Federal Government? There is a pretended State of South Carolina, but the parties administering it are usurpers. They neither are nor claim to be officers of government of one of the United States.

This is simply the statement of a well-known fact, yet it is met with the outcry that it is acknowledging the State to be out of the Union, admitting the efficacy of the ordinance of secession, and granting the existence of the rebel organization at Richmond as a foreign enemy. We are thus accused of conspiring with the rebels to destroy the Government by disintegration. If these conclusions were legitimate the fact would not be altered; but they are not. The whole matter may be stated in a few words. The act of treason makes a man a traitor. Levying war against the Government and forcing it to be treated as war makes him a public enemy. A State held and administered by traitors and public enemies is not one of the United States. The act of secession had no effect whatever, but the act of treason and the act of levying war produced the results we see, not on the territory nor on our sovereignty over it, but on those committing or assenting to the acts.

Possibly a State may not commit suicide, but it may be seized by public enemies, or its existence as a State of the Union may be suspended for want of legally constituted officers. If the public enemies do not embrace the entire population, when they shall be driven away, those who remain will be wholly unorganized, awaiting the revival of the old or the establishment of new institutions at the discretion of the conquerer.

When the time shall come for the exercise of this discretion, let us revive the old institutions as far as we can with safety; but where change is necessary for the good of the entire country, let us not hesitate to make it. As to the people, let us discriminate as far as possible between the willing and unwilling parties to the rebellion and set the latter class free, with all their rights of property restored, saving only the right to enslave one another. This will dispose of all the negroes and a very large proportion of the whites. The guilty remainder must be made to expiate their offense in some degree. They should make some atonement for their many thousand victims and the immense treasure expended in thwarting their designs. Confiscation of their property will go a very little way toward this result; but it should be unflinchingly enforced against the more guilty. There are indeed some of them who may well feel themselves safer with the broad Atlantic rolling between them and their outraged country. Let them perform life pilgrimages to the tomb of Arnold.

When all this shall be done we must await the return of the inhabitants of the conquered districts to their allegiance; and in the mean time govern them for their own good by provisional governments founded upon the right of conquest. Their after destiny will depend upon themselves. When they shall ask to participate in the General Government upon their former footing, and shall exhibit State constitutions republican in form in the full sense of the word, and shall satisfy us that they can and will maintain them, they will be welcomed back as erring and repentant brethren, and the day of the return of the last wanderer will be celebrated in our country's future with other days sacred to the greatness of our country and to the civilization of the age.

The passage of this bill insures the downfall of slavery in America. It carries into effect the proclamation of the President freeing the slaves of rebels; and the small remnant of the institution left will disappear without even the formal abolishing. I have earnestly labored that this most desirable result should not influence my opinion. I have endeavored to submit the questions arising under the bill to the cold test of law and reason, and if this had led me to opposite conclusions my vote would have been cast against the measure, though I might

"Blush to record and weep to give it in."

I have hated the institution of slavery from a child as something unfair and unequal, the tyrannizing of the strong over the weak. I represent a people who abolished it almost entirely among themselves even before it was abolished by the State laws. When the spirit of conservatism and cowardice in the North led to the compromises of 1850, no man in my district was found who felt himself mean enough to accept appointment under the fugitive slave law, and the offices went unfilled, though the district borders the line of slavery.

My constituents submitted to that law until it became obsolete, but I am afraid its spirit suffered sadly at their hands. They were not zealous in the cause of returning the oppressed to his oppression, and when the wayfarer asked their aid or counsel, they did not scrutinize his features or inquire into his lineage, neither did they question him as to the amount of service he owed in his own country. But they gave him of that wherewith the Almighty had blessed them, and sent him on his way.

One feature of the bill remains to be considered: that which prohibits the assumption of the confederate debt by the readmitted States. No true lover of his country ever wishes to see that debt paid. It is not the debt of the southern people; but of a few conspirators who, if they could succeed, hope to saddle it upon the people. It is quite enough that these people have been seduced or forced into expending their own blood and treasure, without having $6,000,000,000 of debt entailed upon their exhausted lands to be paid by their posterity.

As far as this debt is owing to rebels themselves, it will become ours by right of conquest, when the creditors and debtors become prisoners of war to us, and, as successors in right to the creditors, *we will cancel the obligation.* As far as the debt is owing to foreign capitalists who have undertaken to speculate in the blood and tears of a great nation, retributive justice requires that they should lose the investment. If the enterprise had succeeded, our future history would have been like the history of Mexico and the South American republics. American civilization would have sunk probably for all time to come. The great principle of self-government would have been lost for centuries to the world.

We have welcomed the starving relations of these capitalists to our shores and given homes to their families. Out of our abundance we have fed their famishing countrymen even at their own doors; and this, too, while they were furnishing the means to burn our homesteads and make our wives widows and our children orphans. Even the messenger that bore our alms to their suffering poor was not too sacred to be plundered by these speculators in human misery, while upon his very errand of mercy. If capital hazarded

in so unholy a cause could return with profit to its coffers there would be reason to doubt the existence of an overruling Providence who fixes the destinies of nations.

We will not, however, leave these foreign creditors wholly without redress. When the war shall have ended we will give them the benefit of a *capias ad satisfaciendum*, and let them have the body of what shall then remain of the treason, so that the actual debtors and creditors may settle the debt as best they can, face to face, on the other side of the Atlantic. But we owe it to the genius of liberty, we owe it to the memory of our revolutionary fathers, we owe it to the unborn millions to whom the history of our times will be both an example and a warning, that not a dollar of foreign confederate debt shall ever be levied upon American soil.

The cloud that obscures the future greatness of our country will pass away, and the lesson which our sufferings and achievements will have taught the nations is, that they cannot *afford* to do wrong; that as the effect follows the cause, so *national punishments follow national crimes*.

We have long enough tried to deceive ourselves; long enough taught the right and practiced the wrong. We have long enough celebrated our national birthday with thanks to the Almighty for the *blessings* of a liberty which held every sixth human being in bondage. Let us at last do justice to our mother tongue; that in which the great English and the greater American charter were written; that which from its infancy proclaimed the rights of men and denounced the crimes of tyrants. Let us learn that, sublime as it is for the utterance of grand truths, *it is no language to lie in.* Though the framers of the Constitution tried to cover up with a specious contrivance the foul ulcer they were leaving uncauterized, yet the strong Saxon sense of America refused to skulk behind the subterfuge; and the "fugitives from service" still remained to be *human slaves* fleeing *from human slavery.*

How quickly our language denounces a word when it comes to be used as a polite shelter for some foul wrong. Federalism became a term of reproach when it lent its mantle to the Hartford treason, and Democracy, now that it has become a bulwark for rebellion to intrench itself behind, is beginning to stink in the nostrils of America. There is no word so sacred that it can with impunity characterize the deception and the wrong. Compromise, when it tried to make slave-hunters of freemen, and conservatism, now bargaining for its safety with banded treason, have alike become synonymous with meanness and cowardice. It is no wonder that where slavery was to be protected the English language could not be freely spoken nor its literature freely circulated.

There has always been an under-current of right running deep in our very modes of thought and expression, beneath that which has served as a reproach to the lovers of liberty in the Old World. But we are at the dawning of a brighter day. The time is coming—it is almost upon us—when no American shall blush to hear the truth told of his country in his own vigorous and honest language.

Mr. SCOFIELD obtained the floor, but yielded to

Mr. MOORHEAD, who moved that the House adjourn.

The motion was agreed to; and the House accordingly (at ten o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *April* 21, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. GRIMES presented a memorial of the Illinois and Southern Iowa Railroad Company, remonstrating against the extension of the Good-year patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. WILKINSON presented three petitions of citizens of Minnesota, praying for a change in the land grant to the Winona and St. Peter railroad, so as to allow the company to construct that road by way of Mankato or St. Peter; which were referred to the Committee on Public Lands.

Mr. POMEROY presented the petition of Mary L. Watts, sister and sole surviving heir at law and representative of George Watts, deceased, who was a sailing master in the United States Navy during the war of 1812, praying to be allowed to receive the amount standing to her late brother's credit on the books of the Treasury Department, under the act for the benefit of the captors of the British brig Caledonia on Lake Erie, in the war of 1812; which was referred to the Committee on Naval Affairs.

Mr. HENDERSON presented a memorial of the Hannibal and St. Joseph Railroad Company, remonstrating against the extension of the Good-year patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. GRIMES. I present the petition of George B. Simpson, who claims to be the inventor of a submarine telegraph cable insulated with gutta percha, asking for relief; and I move that it be referred to the Committee on Patents and the Patent Office.

The motion was agreed to.

Mr. GRIMES. I am also requested to move, and I accordingly do so, that the petition and accompanying papers be printed; and I beg leave in this connection to give utterance to the sentiment of the petitioner, in which I fully concur, although I do not suppose it is necessary that I should do so, that the chairman of the Committee on Printing will give to this document a most critical and thorough investigation. I have no doubt, from my examination of it, that it will well repay his perusal.

The motion to print was referred to the Committee on Printing.

REPORTS FROM COMMITTEES.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a motion to print a report of the Secretary of the Interior, communicating, in obedience to law, the accounts of the superintendent of Indian affairs for the southern superintendency for the first and second quarters of the year 1863, for the benefit of certain Indian tribes; also the accounts of that superintendent, and of the several agents of the southern superintendency for the third quarter of 1863, reported in favor of printing five hundred copies of the same; and the report was concurred in.

Mr. MORRILL, from the Committee on Commerce, to whom was referred a bill (S. No. 223) to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred a bill (H. R. No. 324) to repeal section two of an act entitled "An act to regulate the foreign coasting trade on the northern, northeastern, and northwestern frontiers, and for other purposes," approved March 2, 1831, reported adversely thereon, the bill last reported covering the subject-matter.

He also, from the same committee, to whom was referred the bill (S. No. 222) extending the jurisdiction of district courts, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a letter of the Secretary of the Interior in relation to the increase of the salary of the United States agent for the Indians in the vicinity of Green Bay, Wisconsin, reported a bill (S. No. 247) in relation to the salary of the United States agent for the Indians near Green Bay. The bill was read and passed to a second reading, and the letter of the Secretary of the Interior was ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, to whom was referred a bill (H. R. No. 395) to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, reported it with amendments, and on his motion the bill was made the special order for Tuesday next at one o'clock.

Mr. COLLAMER, from the Committee on Post Offices and Post Roads, to whom was referred a bill (H. R. No. 183) to secure the speedy transportation of the mails, reported it without amendment.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 248) in relation to franked matter; which was read and passed to a second reading.

He also, from the same committee, to whom was referred a bill (H. R. No. 185) to establish a postal money-order system, reported it without amendment.

REBEL DEPREDATIONS ON POST OFFICES.

Mr. COLLAMER. The Committee on Post Offices and Post Roads, to whom was referred the bill (H. R. No. 408) for relief of postmasters who have been robbed by confederate forces or rebel guerrillas, have directed me to report it back without amendment, and to recommend its passage. I desire to have it put upon its passage now. There are a number of postmasters who have claims on the Department for money of which they have been robbed by guerrillas and armed forces of the enemy; and the bill which I now report provides generally for authorizing the Department to settle with them. If this bill be passed it will supersede the necessity of action on a variety of independent different private claims. I therefore desire that action may be had upon it at this time.

By unanimous consent the bill was considered as in Committee of the Whole. It provides that in all cases where loyal postmasters have been robbed, by confederate forces or rebel guerrillas, of post office stamps, stamped envelopes, or of money received and collected for, belonging to, and held for the Government of the United States, and such robbery has not been caused by the default or negligence of the postmaster, the Postmaster General may credit such postmaster, in the settlement of his accounts, with the amount of which he may have been so robbed. In cases where no such credit has been allowed, and the postmaster has been required to and has accounted for and paid over to the Post Office Department the sum or sums of which he may have been so robbed, the Postmaster General is to refund the same to such postmaster.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

Mr. COLLAMER. There was referred to the Committee on Post Offices and Post Roads a joint resolution (H. R. No. 62) for the relief of A. S. Clark, postmaster at Harrison, Ohio. It is precisely one of those cases provided for by the general law just passed, and I am therefore requested by the committee to ask that they be discharged from the further consideration of the subject.

The report was agreed to.

REGISTER TO A VESSEL.

Mr. CHANDLER. The Committee on Commerce, to whom the subject was referred, have directed me to report a bill granting a register to a certain vessel; and as it is a matter that will lead to no discussion and take no time, I ask for the immediate consideration of the bill.

There being no objection, the bill (S. No. 249) to authorize the issuing of a register to the steam vessel John Martin was read twice by its title and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF OFFICIAL ARMY REPORTS.

Mr. WILSON. I move to take up the joint resolution (S. No. 21) to provide for the printing of official reports of the operations of the armies of the United States.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole. It is to be the duty of the Secretary of War under this resolution to transmit, from time to time, to the Superintendent of Public Printing, copies of all official reports, and of all telegrams and dispatches, not heretofore published by order of either House of Congress, relating to the movements, engagements, and operations generally, of the armies of the United States, which in his judgment the public interests may not require to be kept secret, commencing with the 1st of December, 1860; all such reports, telegrams, and dispatches to be arranged in chronological order, with a caption or title prefixed to each separate engagement, movement, or operation. It is to be the duty of the Superintendent of Public Printing to print the usual number (one thousand

five hundred and fifty) of such reports, telegrams, and dispatches for the Houses of Congress, and five hundred copies for the War Department.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDLORD AND TENANT LAW.

Mr. MORRILL. I ask the Senate now to proceed to the consideration of Senate bill No. 138.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 138) to regulate proceedings in cases between landlord and tenant in the District of Columbia.

Mr. MORRILL. I desire to propose an amendment to the first section of the amendment reported from the committee as a substitute for the original bill.

The VICE PRESIDENT. The Senator from Maryland [Mr. JOHNSON] submitted an amendment to that amendment when the bill was last under consideration, which amendment is now pending, and will be read.

The Secretary read the amendment: to strike out the first section of the amendment reported by the committee, in the following words:

That a tenancy at will shall not arise or be created without an express contract or letting to that effect; and all estates at will may be determined by a notice, in writing, to quit of thirty days, delivered to the tenant in hand or to some person of proper age upon the premises, or in the absence of such tenant or person then such notice may be served by affixing the same to a conspicuous part of the premises, where it may be conveniently read. The attornment of a tenant to a stranger shall be void, and shall not affect the rights of the landlord unless it be made with the consent, express or implied, of the landlord.

And to insert in lieu thereof:

That on and after the passage of this act all persons renting houses and lands in the District of Columbia by the month, three, six, or twelve months, and desiring to repossess the same, shall give six months' notice for a renting of twelve months; for a six months' renting, a three months' notice; for a three months' or a monthly renting, one month's notice, which shall be prior to the date of said renting.

Mr. HENDRICKS. When this bill was before the Senate at a former day I had a short consultation with the Senator from Maryland after he had offered the amendment which has just been read, and I thought we came to the conclusion that the provisions of the statute of Indiana which were examined would cover the whole question more satisfactorily than any amendment that could be drawn upon the spur of the occasion. I have copied that statute and I should like to have it read by the Secretary, and if the Senator from Maryland shall think it a better proposition than his, he can accept it as a substitute for his.

The VICE PRESIDENT. The proposed amendment will be read, if there be no objection.

Mr. MORRILL. I suppose it is not in order at this time, but I have no objection to its being read.

The VICE PRESIDENT. It is not in order; but it will be read for the information of the Senate, if there be no objection.

Mr. HENDRICKS. I do not offer it as an amendment, but I suggest it to the Senator from Maryland as a substitute for his, which he can accept if he chooses, the Senate having taken no action upon his amendment.

The Secretary read the proposed amendment, as follows:

That estates at will may be determined by one month's notice in writing delivered to the tenant. All tenancies from year to year may be determined by at least three months' notice given to the tenant prior to the expiration of the year; and in all tenancies which by agreement of the parties, express or implied, are from one period to another of three or less than three months' duration, a notice equal to the interval between such periods shall be sufficient.

And be it further enacted, That if a tenant at will, or from year to year, or for a shorter period, neglect or refuse to pay rent when due, ten days' notice to quit shall determine the lease, unless such rent be paid at the expiration of said ten days.

And be it further enacted, That where the time for the tenancy is specified in the contract, or where a tenant at will commits waste, or in the case of a tenant on sufferance, and in any case where the relation of landlord and tenant does not exist, no notice to quit shall be necessary.

And be it further enacted, That notice as required in this act may be served on the tenant, or, if he cannot be found, by delivering the same to some person of proper age and discretion residing on the premises, or by pasting the same in some conspicuous place on the premises.

Mr. JOHNSON. I have no doubt that the amendment suggested by the Senator from Indiana will accomplish the purpose just as well as the one that I proposed. I had forgotten that I did more than merely suggest it. I was not aware that I had offered it as an amendment. But the Senator from Maine, by whom this bill was reported from the Committee on the District of Columbia, has an amendment to offer on the part of that committee which I think will accomplish the same purpose just as well as either the one suggested by me or the one just suggested by the Senator from Indiana. So far as I am concerned, therefore, I ask permission to withdraw the one that I offered.

The VICE PRESIDENT. It is in the power of the Senator to withdraw it, no vote having been taken upon it. The amendment is withdrawn.

Mr. MORRILL. I now move my amendment. It is after the word "effect," in the fourth line of the first section of the substitute reported by the committee, to insert the following:

And that all occupation, possession, or holding of any messuage or real estate without express contract or lease, or by such contract or lease the terms of which have expired, shall be deemed and held to be tenancies by sufferance.

And after the word "will," in the fifth line, to insert the words, "and sufferance;" so that the section will read:

That a tenancy at will shall not arise or be created without an express contract or letting to that effect; and that all occupation, possession, or holding of any messuage or real estate without express contract or lease, or by such contract or lease the terms of which have expired, shall be deemed and held to be tenancies by sufferance; and all estates at will and sufferance may be determined by a notice, in writing, to quit, of thirty days, &c.

The amendment to the amendment was agreed to.

The amendment reported by the Committee on the District of Columbia as amended was agreed to.

Mr. MORRILL. I desire now to move the following amendment as an additional section:

And be it further enacted, That all acts and parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, and was read the third time, and passed.

BILL RECOMMITTED.

On motion of Mr. CHANDLER, it was

Ordered, That the bill (H. R. No. 374) to exempt certain vessels therein named from enrollment and license and from the payment of tonnage duty, and for other purposes, be recommitted to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857.

The message further announced that the House of Representatives had passed a bill (No. 255) granting certain privileges to the Guardian Society of the District of Columbia; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had insisted upon its amendments to the bill of the Senate (No. 76) relating to appointments in the naval service, and courts-martial, disagreed to by the Senate, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FREDERICK A. PIKE of Maine, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. CHARLES H. WINFIELD of New York, managers at the same on its part.

The message further announced that the House of Representatives had disagreed to the amendments of the Senate to the bill of the House No. 370) to appoint certain officers of the Navy, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FREDERICK A. PIKE of Maine, Mr. WILLIAM D. KELLEY of Pennsylvania, and Mr. CHARLES H. WINFIELD of New York, managers at the same on its part.

The message also returned to the Senate its message informing the House of Representatives that the Senate had agreed to the amendments of the House to the bill (S. No. 126) to amend an act to incorporate the inhabitants of the city of Washington, passed May 15, 1820.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled joint resolution (S. No. 39) relating to the publication of the decisions of the Supreme Court of the United States for December term, 1863; and it was thereupon signed by the Vice President.

PORTS OF DELIVERY.

Mr. LANE, of Kansas. I move to take up Senate bill No. 242, which has been reported from the Committee on Commerce.

The motion was agreed to, and the bill (S. No. 242) to establish Portland, in the State of Oregon, and Leavenworth, in the State of Kansas, ports of delivery, was read the second time, and considered as in Committee of the Whole. It proposes to declare Portland, in the State of Oregon, and within the collection district of Oregon, and Leavenworth, in the State of Kansas, and within the collection district of Mississippi, to be ports of delivery within their respective collection districts; and provides for the appointment of a surveyor of customs, to reside at each of those ports, who are to perform the duties and receive the compensation and emoluments prescribed in the act of Congress approved March 2, 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez to be secured and paid at those places."

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill from the House of Representatives (No. 255) granting certain privileges to the Guardian Society of the District of Columbia, was read twice by its title, and referred to the Committee on the District of Columbia.

ADDITIONAL ASSAY OFFICES.

On motion of Mr. HOWE, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 185) to establish assay offices at Carson City, in the Territory of Nevada, and Dalles City, in the State of Oregon, and for other purposes; the pending question being on the amendment of Mr. NESMITH, to strike out the ninth section of the bill in the following words:

SEC. 9. *And be it further enacted*, That an assay office be established and located at Dalles City, in the State of Oregon, for the receipt, melting, assaying, and stamping of gold and silver, upon the same conditions and subject to the same regulations and provisions as are set forth in the first seven sections of this act; and that the sum of $75,000 be appropriated for carrying the provisions of this section into effect.

And in lieu thereof to insert the following sections:

SEC. —. *And be it further enacted*, That a branch of the Mint of the United States be located and established at Dalles City, in the State of Oregon, for the coinage of gold and silver.

SEC. —. *And be it further enacted*, That, for carrying on the business of said branch, the following officers shall be appointed, as soon as the public interest shall require their service, upon the nomination of the President, by and with the advice and consent of the Senate, namely: one superintendent, one assayer, one melter and refiner, and one coiner; and the superintendent shall employ as many clerks, subordinate workmen, and laborers, under the direction of the Secretary of the Treasury, as may be required. The salaries of the said officers shall be as follows: to the superintendent, the sum of $2,000; to the assayer, the sum of $1,800; to the melter and refiner, $1,800; to the clerks, subordinate workmen, and laborers, such wages and allowances as are customary, according to their respective stations and occupations.

SEC. —. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the execution of their offices, shall take an oath or affirmation, before some judge of the United States or of the supreme court of said State, faithfully and diligently to perform the duties of their offices, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint or the district judge of the United States for the district of Oregon, and of the Secretary of the Treasury, with the condition of the faithful performances of the duties of their offices.

SEC. —. *And be it further enacted*, That the general direction of the business of said branch mint of the United States shall be under the control and regulation of the Director of the Mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said Director to prescribe such regulations and require such returns periodically and occasionally, and to establish such charges for parting, assaying, refining, and coining, as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing said branch; also for the purpose

of preserving uniformity of weight, form, and finish in the coin stamped at said branch.

SEC. —. *And be it further enacted*, That said branch mint shall be a place of deposit for such public moneys as the Secretary of the Treasury may direct. And the superintendent of said branch mint, who shall perform the duties of treasurer thereof, shall have the custody of the same, and also perform the duties of Assistant Treasurer; and for that purpose shall be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, which relates to the treasurer of the branch mint at New Orleans.

SEC. —. *And be it further enacted*, That the superintendent of said branch mint be authorized, under the direction of the Secretary of the Treasury, and on terms to be prescribed by him, to issue in payment of the gold dust and bullion deposited for assay and coinage or bars, drafts or certificates of deposit, payable at the Treasury, or any sub-Treasury of the United States, to any depositor electing to receive payment in that form.

SEC. —. *And be it further enacted*, That all the laws and parts of laws now in force for the regulation of the Mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offenses connected with the Mint or coinage of the United States shall be, and they are hereby, declared to be in full force in relation to the branch of the Mint by this act established, as far as the same may be applicable thereto.

SEC. —. *And be it further enacted*, That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act, and to meet the expenses of the current year, and for the fiscal year ending the 30th of June, 1865.

Mr. HOWE. Mr. President, the subject-matter of that amendment was introduced to the Senate some time since by the Senator from Oregon in the shape of a bill for the establishment of a mint at Portland, in Oregon. That bill was referred to the Committee on Finance; and you see it presented not exactly the question which the Senator from Oregon discussed the other day, that is, the question whether it was better for the State of Oregon to have the gold product of that country coined within the State, but it presented this other question, whether it was better for the United States to coin that ore in Oregon or to coin it somewhere else. The committee consulted the Secretary of the Treasury on that point, and that act has been made the subject-matter of some complaint on the part of the Senator from Oregon. The committee thought that the Secretary ought to be better informed upon that question than they could be themselves. If the question had been whether it was better for Oregon to have this gold coined in that State than elsewhere, of course we should have needed no other information than we could get from the representatives from that State; but as to whether it was better for the United States to coin it there or elsewhere we supposed the Secretary of the Treasury could better advise than we could. We therefore sent that bill to him for his advice. It seems that the Secretary in turn saw fit to consult the Director of the United States Mint at Philadelphia, and that act has been made the subject of some complaint. It is true the Director of the Mint at Philadelphia is named Pollock, but it is not true that he is named "Disintegration Pollock;" his name is James Pollock, as I understand. He sent back to the Secretary of the Treasury a communication on the subject, and I send that letter to the desk, and desire to have it read.

The Secretary read the following letter:

MINT OF THE UNITED STATES,
PHILADELPHIA, *February* 2, 1864.

SIR: I have received your letter of the 28th ultimo, inclosing a bill providing for the establishment of a branch mint at Portland, Oregon; and requesting my views as to the expediency of the proposed measure, together with any suggestions I may think proper to make touching the provisions of the bill or matters collateral thereto.

In reply, I beg leave respectfully to offer my views on the subject, as follows:

The coinage operations of our country are carried on at but two points, namely: Philadelphia and San Francisco. Experience has shown that the Mint at Philadelphia possesses sufficient capacity to promptly convert into coin all the bullion which finds its way East from the mining regions of the United States, as well as bullion and coin imported from foreign countries. The same may be said of the branch mint at San Francisco with reference to the bullion produced in the States and Territories west of the Rocky mountains. Such being the case, it may be remarked that a true public policy does not require, nor would the public interests be subserved by the establishment of mints for coinage at any other points in the Union.

There are several objections to the proposed measure:

1. It is not good policy to provide for "parting" and coining the precious metals at points where there are no skillful artists or experienced workmen. By the word "parting" is meant the operation of separating the silver from the gold, where both of these metals are contained in a deposit. All gold derived from the mines of the United States contains a percentage of silver, which must be parted from the gold in order to bring the latter to the proper standard for coinage. Large quantities of nitric acid (an expensive article and difficult to transport) are consumed in the operation.

2. The transportation of supplies, particularly chemicals, to distant points from the commercial centers of our country is attended with delays, is inconvenient, uncertain, and very expensive—so expensive, indeed, that it will be found impracticable to impose charges for parting and coinage equal to the cost of the materials and labor employed in those operations. Moreover, experience proves that whenever the cost of converting bullion into coin at a given point exceeds the expense of transportation to and coinage at another point, it will find its way to the latter, however distant.

3. Coinage is one of the highest and most important attributes of national sovereignty, and should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government. It is respectfully suggested whether the providing of additional coinage establishments does not tend toward national disintegration.

4. If there were no objections to the proposed measure, the present is not a favorable time for the erection of buildings suitable for coinage purposes, or for putting up the necessary machinery, fixtures, &c. Labor, machinery, and materials could be obtained only at exorbitant rates. This is certainly a serious objection to the establishment of the proposed branch mint.

The great struggle in which we are now engaged for the preservation of our national existence imposes heavy burdens upon the people, and, until brought to a successful termination, no expenditures should be incurred for measures not clearly required by the public interests.

It therefore does not appear expedient to increase the number of our coinage establishments.

The providing, at a suitable point in the State of Oregon, of proper facilities for melting, assaying, and stamping of bullion, will meet the wants of the mining and commercial interests of the people of that region, as well as if a branch mint were established there. All that the owner of bullion requires is to have conveniently at hand the means of correctly ascertaining the value of his bullion, which enables him to protect himself from speculators. For all practical purposes, he can use a bar of bullion bearing the Government stamp of legal contents as well as if it were in coin. An office for melting and assay and stamping bars is not only all that they want, but all that they can in fairness ask for Oregon. That Territory produced about three million dollars, in gold, the last fiscal year. It is to be kept in mind that the vast Territory of Idaho (twice as large as France) is developing mines in almost every part, and ere long will also ask for more than one Government assay office. The expense of establishing and supporting these will be very heavy. We have information that the pay of common laborers there is six dollars a day, in gold. At this rate salaries of $1,800 for the officers would not secure competent men. A private assayer in Nevada is known to receive $4,800 per annum, in gold. These facts are to be borne in mind in starting Government offices. I recommend that an assay office be established at a convenient point in the State of Oregon, for the receipt, melting, and assaying of gold and silver, and stamping of imported bars. I also recommend that authority be given the Secretary of the Treasury, in case he should deem it expedient, to cause to be issued, on such terms as he may prescribe, in payment of bullion deposited at the said assay office, certificates redeemable in coin, at the branch mint, San Francisco. It is proper to add, that if it should be deemed expedient to establish the proposed branch mint, the bill for that purpose, from the Finance Committee of the Senate, covers the whole subject, and is free from objection.

The papers received with your letter are returned herewith.

With great respect, your obedient servant,
JAMES POLLOCK, *Director*.

Hon. S. P. CHASE, *Secretary of the Treasury*.

The VICE PRESIDENT. The morning hour having expired, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. NESMITH. I apprehend that this bill will not occupy long; and I should like to get a vote upon it. It has been pending for a long while during the session. I move to postpone all prior orders, and continue it before the Senate.

The VICE PRESIDENT. The Senator cannot interpose that motion without the consent of the Senator from West Virginia, [Mr. VAN WINKLE,] who is entitled to the floor on the unfinished business of yesterday.

Mr. VAN WINKLE. If this is to occupy but a few moments, I have no objection to yield.

The VICE PRESIDENT. If there be no objection, the special order will be passed over informally, subject to be called up by any Senator. The Chair hears no objection to that course.

Mr. DOOLITTLE. The unfinished business of the morning hour of yesterday is in relation to the Territory of Montana. I desire, as I was on the floor upon that question, to address the Senate on that; and I will ask that it be set down for some morning hour or some time——

The VICE PRESIDENT. The Chair will state that that matter has lost its place by a vote of the Senate. It is no longer before the Senate.

Mr. SUMNER. Why cannot the Senator move to take it up to-morrow in the morning hour?

The VICE PRESIDENT. The question is on Senate bill No. 185; and on that the Senator from Wisconsin [Mr. HOWE] is entitled to the floor.

Mr. SUMNER. Does he expect debate on it?

Mr. HOWE. Not long.

Mr. DOOLITTLE. If my colleague will allow me to inquire, I beg to ask whether the matter to which I have called attention, being in relation to a committee of conference on disagreeing votes of the two Houses, is not a privileged question?

The VICE PRESIDENT. It is not. There seems to be an impression in the body that the report of a committee of conference is a privileged question. Such is not the fact. Business usually gives way to it, but it is no more privileged than any other matter.

Mr. DOOLITTLE. Then I give notice that I shall call it up in the morning hour to-morrow.

The VICE PRESIDENT. Senate bill No. 185, for the establishment of assay offices, is before the body.

Mr. HOWE. This recommendation of the Director of the Philadelphia Mint has been attacked in so novel a manner that I feel called upon to say a very few words in defense of it. I think the Senator from Oregon employed against it a weapon which, if it be not altogether unparliamentary, is at least unusual in this parliamentary body. He employed very freely and vigorously his wit. I cannot say that he violated the rules of parliamentary debate in doing so; and yet the appearance of such a new element of parliamentary warfare suggests to my mind some very grave questions. I remember that the predecessor of the honorable Senator from Oregon raised the question whether it were not unconstitutional, whether it did not violate, if not the letter, the spirit of the Constitution, for the people of the United States to elect such a man as Mr. Lincoln to be President; and he intimated that it was very decidedly his opinion that if we had any tribunal before which such a question could be determined, it would be decided to be unconstitutional to elect a man for President of the United States who held such opinions as Mr. Lincoln does. I have thought whether or no, if such a tribunal existed, it would be held to be exactly constitutional for the State of Oregon to elect a wit to the Senate. I do not undertake to say that it is a violation of the Constitution. I know it is not against the letter, but the question is whether, as suggested by the Senator from Oregon to whom I have just now alluded, it is not against the spirit of the Constitution. However, the wit is here, and we have got the benefit of it, and we have got to get along with it the best way we can.

Now, I want to say about this recommendation of Governor Pollock that, in the first place, it seemed to the committee that he was a very fair man to be consulted on the subject. He is entirely disinterested; and that ought not to be lost sight of. He has no sort of interest in having this gold brought to the Philadelphia Mint. It does not increase his compensation nor his power nor his influence.

In the next place, he is in the employ, not of the State of Oregon, nor of the miners in that State and in the adjacent Territories, but he is in the employ of the United States; and it was his duty to give honest advice, and to advise according to his best judgment of what the interests of the United States demanded. He came to the conclusion that it would be much more expensive for the United States to undertake to coin this gold in Oregon than to coin it elsewhere, and therefore he advised against it. The committee saw no reason for differing with the conclusion to which Governor Pollock came upon that point.

There does seem to be one weak point in this recommendation. He does suggest that the establishing of mints for the coinage of gold and silver at a great many different points in this widespread Union of ours does tend to national disintegration. I feel bound to say that that is put forward not as an argument against the establishment of the mint at Portland, in the State of Oregon, but it is made as a mere suggestion. Whether it is sound or unsound the committee did not consider, and I feel bound to say that they are not to be understood as having decided that point.

The Senator from Oregon seems to have con-

sidered it very carefully, and he has come to a different conclusion, and he presents very conclusive arguments to my mind why the suggestion of Governor Pollock ought not to be entertained. I am at present inclined to agree with the Senator from Oregon on that point. Nevertheless, I think it fair to remind the Senator that a few years ago there was evidently a tendency to national disintegration exhibited by the mints at Charleston and New Orleans. I have not the slightest suspicion that any such tendency would ever be exhibited by a mint at Portland, in the State of Oregon.

But that is not the reason, it ought to be understood, why the Director of the Mint at Philadelphia advises against the establishment of this mint at Portland. His reason is that it will be more expensive, if not impracticable, to attempt this coinage at that point, and therefore it is not for the interests of the United States to establish this mint. It may be that it would be for the interests of the State of Oregon to have this gold coined there.

The Senator has argued with a great deal of force, as he always argues, that it is for the interest of the miners, those who produce this ore, to have it coined at Portland. I may be mistaken upon that point, but I really think the interests of the miners, of the men who produce this ore, are better subserved by the bill we have reported here than they would be by the bill asked for by the Senator. If this mint was established at Portland, before the miner could ascertain the value of his ore he must send the ore to Portland, in Oregon. We have recommended the passage of a bill which provides for the establishing of an assay office at Dalles City, much nearer the mining operations of Oregon than Portland is, situated, as I understand, in the very gateway which leads to these mines. If the bill which the committee have recommended shall be enacted into a law, the miners, therefore, have only to take their ore to Dalles City, and there they ascertain its exact value, and there they are paid for it by certificates which are payable in coin at San Francisco, and I understand that exchange is always against the State of Oregon; exchange on San Francisco is always worth a small premium. At Dalles City the premium would probably be an appreciable sum; just how much I do not know; undoubtedly varying. But if the bill which the committee have recommended is enacted into a law the miner can take his ore to Dalles City, and there can have the coin for it, or he can have a draft, or what is equivalent to a draft, on San Francisco, which is worth more than the coin. So it seems to me it is decidedly better for the miner than it would be for us to establish a mint at Portland. If the interests of the miner, therefore, and the interests of the United States are better subserved by the establishment of an assay office at Dalles City than by a mint at Portland, I really think the amendment offered by the Senator from Oregon ought not to be adopted, but the bill should be passed as it was reported from the Committee on Finance.

I do not know that I need to take up the time of the Senate any further. The letter which has been read from Governor Pollock really contains the whole argument on the subject. I should not have made any remarks at all but for the very effective attack that was made upon this letter. I wish to make one more suggestion to the Senator from Oregon in that behalf. There is a man over in Boston by the name of O. W. Holmes who is supposed to understand the subject of wit. He says that it is of the very essence of wit that it gives but a partial and incomplete view of every subject on which it touches. He says that it gives out single rays, blue or green or yellow, but never that combination of colors which you get in white light. He says that comes from wisdom alone. I really thought that the Senator's speech the other day illustrated the truth of this definition of wit. I think he gave us rather a partial and incomplete view of the subject. I thought that when he held up the letter of Governor Pollock as advising against the establishment of the mint at Portland upon the ground that it tended to national disintegration, it was not a full and fair exposition of the Governor's argument upon that point.

Another thing: I am not entirely sure that if wit is to be employed in the Senate it ought to be employed upon such communications as this that I hold in my hand, or to demolish such officers and agents of ours as those must necessarily be who are employed in the coinage of the country. If wit can be confined to such persons as the Senator from New Hampshire [Mr. HALE] on whom it was used very effectually a short time since, I am inclined to think it is legitimate; but the coining of money is not calculated to make wits, and whoever employs it on such persons, you see at once has them decidedly at a disadvantage. I hope the Senator hereafter will confine himself to such subjects as I have indicated and let Governor Pollock pass. I am told that he is a very faithful and very capable officer, honest, intelligent, and well informed; and he should not be laughed out of existence if we can help it.

Mr. NESMITH. Mr. President, I am admonished in the discussion of this question that any time that may be occupied in it is at the expense and by the courtesy of the Senator from West Virginia. I regret that the measure is not before the Senate in a manner that would admit of my going at length into an examination of Mr. Pollock's letter. I occupied the time of the Senate about twenty days ago, at considerable length, in discussing a single paragraph of that letter, which was not the one that I think is the most open to objection. But as the bill has been pending during the entire last session of Congress and during this session of Congress, under the circumstances in which it is now before the Senate I propose to forego any further discussion of that letter, which embodies all the arguments that have been presented to the Senate against the amendment that I have proposed to the pending bill. The letter has been read, it is true, by the Senator from Wisconsin; but I see nothing particular in it that should affect the decision of the Senate upon the question.

There is one point, however, in relation to the remarks that I made on that letter to which the Senator from Wisconsin takes exception. He complains that I dealt with the subject, not in that grave, dignified, and statesmanlike manner which he brings to the consideration of all subjects here, but that I dealt with it in a manner which he is so kind as to call witty. Sir, I made no pretensions of that sort. I simply brought what ability I had to the discussion of that question, and I regret exceedingly that I did not bring it in a manner that should be gratifying to the Senator from Wisconsin. The people of Oregon, in sending me here, I suppose, selected such material as they had at hand. If, as the Senator from Wisconsin states, it is true that they sent a witty man, they should no more be held responsible for it than Wisconsin should for sending what perhaps I might term a dull man. [Laughter.] I regret that it is not in my power to bring to the discussion of this and every other subject that wisdom which the Senator from Wisconsin seems to hold in such high admiration, and which he thinks it is proper should be brought to the consideration of all subjects. It is perhaps the fault of my nature that I am unable to imitate the distinguished Senator from Wisconsin in this deliberative body. He brings, I admit, all that profound wisdom, all that dignity of character, all that quiet demeanor which I have sometimes thought characterized a women's sewing society. [Laughter.]

I discussed this question when it was up before at some length, and I said then about all that I desire to say on the subject. The considerations upon which the Senator has dwelt, as extracts from Mr. Pollock's letter, I care nothing about. I think I presented to the Senate the other day all that was necessary to be said on the subject of that letter. Upon the remarks that I made the other day and upon the letter of Governor Pollock I am willing that the issue shall be made up; and I am willing that the Senate shall decide between the arguments that I have presented and the arguments which Mr. Pollock has presented. Had I the time, I believe I could show that every statement in his letter is fallacious and the most of them untrue. Notwithstanding that I did so characterize it here in the Senate, the Senator from Wisconsin comes in with an elaborate defense of Mr. Pollock and a deprecation of what I said in relation to his letter. Mankind is so constituted that I believe there never has been and never will be a folly or a wickedness perpetrated by any man so gross that it will not find defenders in some quarters. Why, sir, Byron immortalized that idea when he said:

> "Yet none in lofty numbers can surpass
> The bard who soars to elegize an ass;
> So well the subject suits his noble mind,
> 'A fellow feeling makes us wondrous kind.'"

[Laughter.]

Sir, this is all I have to say in reply to the Senator from Wisconsin; and upon the issue as now presented I am willing that the question shall be taken rather than to trespass further on the time of the Senator from West Virginia. I ask for a fair vote upon my amendment by the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Let the amendment be reported.

The VICE PRESIDENT. It will be read before the vote is taken.

Mr. HOWE. Mr. President——

Mr. SUMNER. I hope the Senator will allow the order of the day to come up.

Mr. HOWE. Only a moment.

Mr. SUMNER. I do not think we can get a vote on this bill now, and as the Senator from West Virginia has the floor on the other question which is the order of the day, I hope it will be taken up.

Mr. HOWE. I will yield the floor.

Mr. SUMNER. It is evident we cannot get a vote on this subject.

Mr. HALE. We can have it now.

The VICE PRESIDENT. The amendment will be again reported. The words proposed to be stricken out will first be read and then the words proposed to be inserted.

Mr. FESSENDEN. They are both long, and I think it is hardly worth while to read them. The bill reported by the Committee on Finance under the advice of the Secretary of the Treasury is a bill to establish an assay office. The Senator from Oregon moves to strike that out and to insert a bill establishing a mint.

Mr. NESMITH. That is all there is in it.

Mr. CHANDLER. I withdraw the call for the reading.

The Secretary proceeded to call the roll.

Mr. FESSENDEN (after first voting in the negative) said: I desire to change my vote. I vote "yea." I do it for the purpose of moving a reconsideration.

The result was announced—yeas 23, nays 16; as follows:

YEAS—Messrs. Brown, Carlile, Chandler, Conness, Dixon, Fessenden, Hale, Harding, Harris, Henderson, Hendricks, Howard, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Nesmith, Powell, Riddle, Saulsbury, Ten Eyck, Wilkinson, and Willey—23.

NAYS—Messrs. Anthony, Buckalew, Clark, Collamer, Cowan, Doolittle, Foster, Howe, Johnson, Morrill, Sherman, Sprague, Sumner, Trumbull, Van Winkle, and Wilson—16.

So the amendment was agreed to.

Mr. FESSENDEN. I give notice that I shall move a reconsideration of that amendment.

The VICE PRESIDENT. The next question will be on ordering the bill to be engrossed.

Mr. FESSENDEN. I say I shall move a reconsideration of the amendment.

The VICE PRESIDENT. The Senator does it now, then. This is the only time at which it can be done. The bill is now before the Senate, and the next question will be on ordering it to be engrossed.

Mr. FESSENDEN. Well, I make the motion to reconsider now.

The VICE PRESIDENT. The Senator from Maine moves to reconsider the vote just taken.

Mr. FESSENDEN. I voted in the affirmative for the purpose of moving a reconsideration of the vote upon this particular amendment; but if I can make the same motion, or call up the question when the bill gets into the Senate, I will withdraw my motion to reconsider it now. I suppose I can do that. The bill is now in committee, as I understand.

Mr. FOSTER. The question will be taken again in the Senate.

Mr. FESSENDEN. The same question can be taken again when the bill is reported to the Senate.

The VICE PRESIDENT. Yes, sir. The Chair was under a misapprehension. The bill

is now before the Senate as in Committee of the Whole.

Mr. FESSENDEN. Then I withdraw the motion to reconsider.

Mr. DOOLITTLE. I would inquire of the honorable Senator whether on the motion to reconsider he expects to discuss the question?

Mr. FESSENDEN. Certainly, I do.

Mr. DOOLITTLE. I suggest, then, as all this is by the courtesy of the Senator from West Virginia, who is to address the Senate, that we proceed with the regular order of business.

The VICE PRESIDENT. The regular order of business comes up at the suggestion of any Senator.

Mr. DOOLITTLE. I suggest that.

REPEAL OF FUGITIVE SLAVE LAW.

The VICE PRESIDENT. Then the special order is before the Senate, being the bill (S. No. 141) to repeal all acts for the rendition of fugitives from service or labor, upon which the Senator from West Virginia is entitled to the floor.

Mr. VAN WINKLE. Mr. President, although the remarks I am about to make may not apply peculiarly to the bill under discussion, yet considering it as one of a series of projected measures now pending in one or both Houses of Congress, they will not be deemed inappropriate. It is to the probable operation and effect of these measures in the so improperly called border States, including that which I in part represent on this floor, that I wish to call the attention of the Senate and the country.

The burdens of the existing war in the shape of contributions of men and money have been at least proportionally borne by the States further North, and their free gifts for the relief of sick and wounded soldiers have been poured forth like water, and have doubtless exceeded ours; yet they have escaped the devastation and ruin to which we have been subjected. There is wailing and affliction in almost every household of the North; but we also mourn the husband and the father, the son and the brother. We have seen the accumulations of life-long industry perish in a moment; ashes and ruins conceal the spots where the homes of many a happy family once stood; desolation usurps the place of cultivated fields, and the eye roams at will over acres of fertile soil with nothing to arrest its observation but noxious weeds, and, in many cases, ungathered crops rotting on the ground. Of the former loyal occupants many are with the armies of the Union, fighting the battles of their country; some sleep sweetly in gory winding-sheets beneath the soil they have defended, while the wives, children, and aged parents of both are aliens in their own land, dwelling or wandering among those who, however friendly, are yet strangers, earning a subsistence by unusual employments, or in some cases maintained by the contributions of the benevolent and patriotic.

As to my own people, let it be remembered that the rebel armies were at their doors before they were compelled to make their election between loyalty and disloyalty. That many loving the Union as we do, in the face of impending danger not only to their possessions but to their wives and little ones, and unable to remove them, or to maintain them when removed, should have succumbed and given an unwilling adhesion to the rebel cause is not surprising; but that the large majority of our farmers and workingmen refused such adhesion is now beyond controversy. I am personally acquainted with many who boldly repelled the degradation tendered them as the price of safety, and escaping at the peril of their lives have been constant to this day in their devotion to the cause of the Union. Some with such an experience sat in the conventions and Legislature of West Virginia. It was the politicians, mostly those of the then dominant party, and those whom they induced to believe that secession was but a party measure, or a threat, not the people at large, who turned their backs on their country and became its malignant enemies. These remarks are to a greater or less extent true of all the border States.

In the States nearest the seat of war, loyalty to the Union has a meaning which does not attach to it elsewhere. This remark is made in no invidious spirit, nor is it intended to depreciate in the slightest degree the sterling patriotism of the North. It is intended simply to vindicate that of the border States, by proving its sincerity, as the large majority of their people have remained constant under the most trying circumstances. If I may venture to appear to-day as the self-constituted advocate of the people of those States, I do not speak to vaunt their sufferings or their services, or as their suppliant for even deserved favors. Through you, Mr. President, I address the Senate and the country, in the name of a common patriotism and a common humanity, urging that what more particularly concerns them may, in the deliberations of those assembled here, and in the thoughts of those whom they represent, have just consideration. I make no charge, for I entertain no suspicion, of intentional wrong on the part of any member of this body; but it may be that in the desire to accomplish instantaneously some long-cherished object, however praiseworthy, difficulties will be thrown in the way of others, which might be avoided by a little forbearance.

I do not, I cannot, doubt that every one who hears me desires, at the earliest possible moment, the complete pacification of the whole country. I know that such pacification cannot be effected until the rebellion is crushed and those who uphold it, from whatever cause, have acknowledged and submitted to the supremacy of the Constitution and the Government it created. I have, unfortunately, seen too much of the spirit of those who are waging war against their country, and of those in our midst who sympathize with them, to believe that the former will lay down their arms until compelled. I cannot see where we can, with just self-respect, concede one jot or one tittle to those who are in arms against us. But the day will come, in the pleasure of a righteous Providence, when this calamity will be overpast, and when every right-minded man will desire to take by the hand, in all cordiality and affection, those who have repented them of the evil they in their madness sought to do unto us, their brethren. In saying this I assume no spirit of prophecy. I speak only from a knowledge of what has been the sequence of wars between brethren in other countries and from my confidence in the better part of human nature. Will not all who hear me join in saying, would God the day of complete reconciliation were at hand?

There is in the northern States, and unfortunately in the border States also, a class of men who occupy a most equivocal position. With their lips they profess adherence to the Union, while their acts give countenance and encouragement to the rebellion. Admitting their professions of abhorrence of secession and of love for the Union, do they act wisely even for themselves, in so loudly and constantly denouncing those who are charged with the duty of carrying on the war? Is there not danger that they will confound the principal and the agent, and by perseverance in their denunciations of the Administration, the mere instrument, include their country in their maledictions? Let them remember that in the exigencies of war it frequently happens that there is not time for due deliberation. If errors have been committed, is it certain that they proceeded from unworthy motives? There may be just difference of opinion as to the policy those charged with the administration of the Government should pursue in time of war, as well as in time of peace, and there may be acts of the Government at any time which should be rebuked. But need the rebuke be angry? A man may with propriety rebuke his friend, but will the rebuke be heeded if the friend is overwhelmed with calamity? Will the friendship be appreciated which seizes such a time for its animadversions? If these fault-finders have ears to hear let them hear and heed the voice that is everywhere addressed to them from the true friends of the country, and is daily growing louder. It calls upon them to manifest their own respect for the Constitution by cordially fostering and aiding the efforts making to maintain and vindicate its authority, before they assume to censure those who, in their sincere efforts to save the country, have, as their censors allege, exceeded the powers it confers upon them.

There is another class of persons found in the border States whose situation is peculiar to that region, and requires not only consideration but forbearance. This class is composed of those firm friends of the Union who have proved their faith by their works, and who have suffered from this evil rebellion and are suffering still, not alone from the loss of property, which they may have endured in common with many others, but in a way peculiar to themselves. There are fathers of this class whose sons in defiance of their authority have left their hearth-stones and have joined and are serving in the rebel armies. Brothers have encountered brothers on the battle-field, and there are very few born in the border States who have not near connections or endeared friends adhering to the pseudo-confederacy. Say that they should renounce all affection and friendship for these traitors, it may yet be pertinently asked whether the heart-strings can be rudely disrupted without suffering amounting in some cases to torture. If we estimate our own patriotism by what we have suffered or sacrificed for the good of the common cause, shall not these men who have also suffered and sacrificed as we have not been called upon to do be entitled to the consideration and forbearance I have invoked in their behalf?

Let it be remembered that of the class of citizens of whom I have last spoken many were slaveholders at the time they were called upon to take part on one side or the other of this unhappy controversy, and that all of them have spent their lifetimes in slaveholding communities. They, I speak particularly of the border States, had not witnessed the cruelties to slaves which are recited with so much unction at gatherings in the northern States, save as very exceptional cases promptly punished by the law and universally condemned by public opinion. The slaves they saw were domestic and farm servants, treated with much kindness and consideration; and looking at the slavery around them only in its practical aspects and considering the limited capacities of those subject to it, they may have come to regard it as a benignant institution. It was nevertheless this class of men, slaveholders and the sons of slaveholders, who, in 1832, looking at the moral and political aspects of the case, as my colleague showed the other day by numerous citations, made a nearly successful effort to inaugurate gradual emancipation in Virginia, while the tendency in all the border States at that time was in the same direction.

Thus far I have assumed to speak for the border States generally, and trust I have not assumed too much. For my own State I am entitled to speak, not only as a witness of much that I have related, but by my position on this floor, if indeed West Virginia is a State of this Union. That having been denied, I shall before going further make this the opportunity I have desired ever since I first occupied this seat, to prove that West Virginia is formally, legally, and constitutionally, one of the United States on an equal footing with the original States.

It was denied by the Senator from Kentucky, [Mr. DAVIS,] who I regret to see is not present, and those who voted with him, when he opposed the admission to seats on this floor of my colleague and myself, on the ground that there was no such State as West Virginia. I do not remember what the Senator said besides on that occasion, nor have I sought for the record. One impression, derived from his remarks at the time, is indelibly fixed on my mind, namely, that the Senator had not given to our case that exhaustive examination and consideration which he usually devotes to the subjects of the speeches with which he occasionally refreshes the Senate. I, however, considered it a very unkind cut; not that I deemed it personal to myself, or that it derived any aggravation from the fact that it emanated from the distinguished Senator. The unkindness consisted in this: it came from Kentucky, a State which had less right than any other to be over particular upon the subject. Kentucky was also erected within the jurisdiction of Virginia; but before she obtained the consent of that State she had, in defiance of her authority, assembled a Legislature and organized an army with the view of fighting her way into the Union. It is a little queer that the elder sister, who had herself snubbed the old lady, and, resisting the maternal blandishments, had insisted upon setting up housekeeping for herself, should be tart upon the younger for following at a modest distance in her footsteps. We console ourselves with the reflection that caprice is a characteristic of the sex.

The Legislature of New Jersey, I am informed,

some time since passed a resolution adverse to the admission of West Virginia into the Union as a separate State. I have not seen it, and consequently do not know what "whereas" is the ground of her objection, and can only conjecture it. Considering the time at which the resolution was passed, and that the majority who passed it were of the "peace at any price" persuasion, it may be they were anxious to make themselves friends at Richmond, in case General Lee should penetrate to Trenton. Or, as the only question connected with the admission of West Virginia is, whether the Legislature of the reorganized government of Virginia is a true Legislature, the peace men at Trenton may have imagined there could be but one Legislature in a State; and as they were disposed to recognize that at Richmond, the inference was easy that the other was spurious. Possibly they claimed and exercised a right of choice as arbitrary as that accorded to the very young lady who visited the menagerie. Asking which was the elephant and which the hyena, the polite keeper replied, "Vitchever you pleases, my little dear; you pays your money and you takes your chice." But, on the whole, it is most probable they were governed by a precedent in the history of their own State. There were two Legislatures sitting in New Jersey for some time after the Declaration of Independence, one loyal to the king and the other to the country; and the peace men, like their Tory predecessors, repudiated that which represented the country and favored that which sought its overthrow. This may be only another instance of feminine caprice.

But the unkindest cut of all has been given recently. There is a newspaper published at Boston called the Commonwealth, which being somewhat fast itself, agrees with the national executive committee—that *vox et præterea nihil*, saving always the Senator from Kansas—that our worthy President is too slow. It is transcendental, and, like several of its fellows, entirely above the weakness of believing that the founder of Christianity was anything better than a young man of very correct morals, endowed with the same kind and possibly no greater degree of inspiration than one of its own literary contributors of a school as difficult to interpret as any of the prophets. It is besides radical, which word I use "pure and simple," because until a degree of comparison above the superlative is invented, it cannot be properly characterized. It will not do to call it transcendentally radical, as that might imply that it is all root, and furnishes neither food for the hungry nor shade for the weary. This same newspaper, being uninformed, I am bound to presume, that the reorganized Legislature of Virginia, on the recommendation of the reorganized Executive, had called a convention to abolish slavery throughout that State, denounced that Legislature as a "bogus" Legislature, and Governor Pierpont as a "bogus" Governor, thus abandoning its usual test of the fitness of things, and attempting to overthrow the very foundation on which rests the sovereignty and autonomy of West Virginia, which had also abolished slavery. I presume that when the worthy Governor first read this ungrateful denunciation by the Commonwealth, he thought it very hard of that paper, but subsequent reflection must have convinced him that it was very *soft* of it. There seems to be something of the *old* feminine in this case.

But, Mr. President, the Senator from Kentucky, whether encouraged by the vaticinations of the Boston newspaper or not I cannot say, has, within a few days, returned to the charge. In his speech on the joint resolution proposing to amend the Constitution, as revised for the Globe, I find this language:

"They [the President and Congress] affect to adhere to the forms of the Constitution, while they utterly disregard not only its spirit but also its express provisions, and all the liberty and protection which it assures to the citizen. They have devised the boldest and most revolutionary measures under the guise of law and executive administration as the machinery of their operations. The first in time was the erection of West Virginia into a new State, and her admission into the Union in palpable violation of the Constitution, so admitted and avowed by many of their leaders both in and out of Congress, and attempted to be justified by them on the ground that the country was in a state of rebellion and revolution, and the Constitution of no obligation whatever. The President took the official opinion of the Attorney General, which was that the measure was without constitutional authority, and yet he approved it."

So far the Senator from Kentucky; and I may say here that it was my intention to reply to those remarks during that debate, but the anxiety of Senators to pass the joint resolution for the amendment of the Constitution induced me to defer it, and I therefore ask the indulgence of the Senate in noticing it here.

What may have been "admitted and avowed" or "attempted to be justified" by the leading or other friends of the Administration, "both in and out of Congress," of course I cannot say. That "the President took the official opinion of the Attorney General," as such, I think is not true. The President in the exercise of a constitutional prerogative called for the opinions in writing of his Cabinet, and they were given. The Attorney General is a member of the Cabinet, but his opinion in that capacity would not probably be confined to the question of constitutionality, but would embrace considerations of expediency as well. I do not think it would be becoming to say here, from indirect information, how the Cabinet was divided on the question of the admission of West Virginia, or what were the views of individual members. I may say, however, with entire respect for the member named, that when the project of erecting West Virginia was first broached in the Wheeling convention he wrote a letter, which has been published, in reply to one from a member of that body, in which he as certainly misconceived what was proposed as the Senator from Kentucky now misconceives what has been done. In the course of the remarks I propose to make I expect to show conclusively that the President and Congress were justified in admitting West Virginia, as well on constitutional grounds as on considerations of expediency, and that the events which made it possible at that time were not revolutionary, but emphatically anti-revolutionary.

In noticing some innocuous flings at West Virginia, I said, and now seriously repeat, that the only question to be determined in order to establish the constitutionality of the formation and erection of that State within the jurisdiction of Virginia, and her admission as one of the United States on an equal footing with the original States, is whether the Legislature which gave its consent to such formation and erection was the true Legislature of Virginia.

The Constitution of the United States (article four, section three) reads as follows:

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress."

That this section permits a new State to be formed or erected within the jurisdiction of another State is evident from the remark of Mr. Madison in the forty-third number of the Federalist, where, commenting on the words just quoted, he says that "the particular precaution against the erection of new States, by the partition of a State without its consent, quiets the jealousy of the larger States, as that of the smaller is quieted by a like precaution against a junction of States without their consent." This interpretation is confirmed by the fact that the States of Vermont, Kentucky, and Maine, each previously within the jurisdiction of another State, have, at different periods, been admitted into the Union.

It thus appears that the only constitutional provisions in reference to the formation or erection of a new State within the jurisdiction of another State are, that the Legislature of the latter shall consent to such formation or erection, and that the proposed State shall be admitted into the Union by Congress. West Virginia was admitted into the Union, on certain conditions, by an act of Congress approved December 31, 1862, which conditions were complied with, as appears by the proclamation of the President of the United States, dated on the 19th day of April, 1863. The question remains, whether the Legislature of Virginia gave the requisite consent.

It is unquestionable that a legislative body sitting at Wheeling gave such consent, and that it had been recognized as the true Legislature of Virginia by the Executive of the United States, and is so recognized in the preamble of the act of admission above referred to. From the decision of the Supreme Court of the United States in the Rhode Island case, (Luther *vs.* Borden, 7 Howard, page 42,) it appears that such recognition is sufficient to determine whether a body claiming to be the Legislature of a State is a true and constitutional Legislature. The Chief Justice, in delivering his opinion in that case, indicates that the question is in its nature political and not judicial; and after citing the fourth section of the fourth article of the Constitution, which provides that the United States shall guaranty to every State in the Union a republican form of government and protect each of them from invasion and against domestic violence, remarks as follows:

"Under this clause of the Constitution it rests with Congress to decide what government is the established one in a State. For, as the United States guaranty to each State a republican form of government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal."

My present argument is intended to prove that the Legislature constituting part of the reorganized government of Virginia was and is a true Legislature. It was recognized as such by Congress when Senators elected by it and Representatives chosen by the people under its authority were admitted to seats in the two Houses of that body. It received a further recognition when the Senators and Representatives of West Virginia were also admitted. The recognition by Congress, therefore, of the reorganized government of Virginia, including, of course, its Legislature, is full, ample, and unequivocal.

And here I might with propriety rest the case; but charges and insinuations have been and are constantly made by many who, I am in charity bound to suppose, do so in ignorance of the circumstances of the case, and not from invidious motives. Congress needs no vindication at my hands of this exercise of its high prerogative; but for the sake of my own patriotic people I desire to show that the recognition was not a party measure, and was not made to secure support for the Administration. The power to recognize the reorganized government of Virginia, being reposed by the Constitution in the Government of the United States, its exercise was required not merely as an act of justice to the loyal citizens of Virginia, but by the highest considerations of national policy. But, sir, I do wish to vindicate those who were the actors in the reorganization of the government of Virginia, to show that they were ready at all times to give a reason for the faith that was in them, that every step they took was only taken after due deliberation and investigation, and that all their proceedings in the very difficult circumstances in which they found themselves placed were formal, legal, and constitutional, and were characterized by moderation and a proper sense of justice toward all who were to be affected by them.

Although this vindication is directly connected with the staple of the argument I proposed to make on certain measures now pending in both Houses, I ask the indulgence of the Senate while I narrate as briefly as possible the facts and circumstances which both produced and justified the reorganization. As that solemn act was intended to, and did in fact, include the whole State of Virginia, I leave out of consideration, for the present at least, all grievances not directly connected with the so-called secession of the State.

In December, 1860, after some of the planting States had passed their secession ordinances, the then Governor of Virginia issued his proclamation convening the Legislature in extra session early in January, 1861. On the 14th of that month the Legislature passed an act providing for the election on the 4th day of February following of delegates to a convention to assemble at Richmond on the 13th day of the same month, "to adopt such measures as they may deem expedient for the welfare of the Commonwealth." The Legislature also passed, on the 19th of January, an act authorizing the several counties and incorporated cities and towns to arm their militia; on the 25th an act to create an ordnance department; and on the 29th an act appropriating $1,000,000 for the defense of the Commonwealth. They also passed joint resolutions, on the 8th of January, against the coercion of a State; on the 19th, in-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 22, 1864. NEW SERIES.....No. 112.

viting the other States to send commissioners to meet commissioners on the part of Virginia, (the peace congress,) in the preamble of which they speak of averting so "dire a calamity" as the dissolution of the Union; and on the 21st concerning the position of Virginia in the event of a dissolution of the Union, which was to be with the slaveholding States. In all, they passed three hundred and seven acts and joint resolutions, mostly on the ordinary subjects of legislation, adjourning on the 4th of April; proof, I think, that they did not believe that the threatened secession would be consummated.

The election for delegates to the convention was duly held, and that body assembled on the appointed day. A large majority of those who had run as anti-secession candidates were elected. The act calling the convention provided that a separate poll should be opened at the election for delegates "to take the sense of the qualified voters as to whether any action of said convention dissolving our connection with the Federal Union or changing the organic law of the State shall be submitted to the people for ratification or rejection." The votes "for referring to the people" were in number 100,536, and "against referring to the people," 55,375, being a clear majority of 45,161 for referring. The convention sat daily, but no ordinance was passed for more than two months. On the 17th of April the so-called "secession ordinance" was adopted. It is entitled "an ordinance to repeal the ratification of the Constitution of the United States of America, by the State of Virginia, and to resume all the rights and powers granted under said Constitution." It declares and ordains that the ratifying ordinance of the convention of 1788, and also all acts of the General Assembly ratifying or adopting amendments thereto, are thereby repealed and abrogated; that the union between Virginia and the other States is thereby dissolved; that the State is "in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State," and that the Constitution of the United States is no longer binding on any of her citizens. The ordinance was to take effect and be an act of the day of its passage when ratified by a majority of the votes of the people of the State cast at a poll to be taken thereon, on the fourth Thursday in May then next, in pursuance of a schedule thereafter to be enacted. The schedule, adopted on the 24th of the same month, accordingly provides for submitting the question to the people, and suspends and prohibits until otherwise ordained the election for Representatives in Congress usually held on that day.

On the 25th of April they passed an ordinance ratifying the convention entered into between Virginia and the so-called confederate States, for a temporary union with said States, under the provisional government adopted by the latter. This convention or agreement provides, that until the union of Virginia with the said States is perfected, and she shall become a member of the confederacy, "the whole military force and military operations, offensive and defensive, of said Commonwealth, in the impending conflict with the United States, shall be under the chief control and direction of the president of said confederate States;" and that upon the adoption of a permanent constitution by the said States, and Virginia becoming a member of the confederacy, the former will "turn over" to the latter "all the public property, naval stores, and munitions of war, &c., she may then be in possession of, acquired from the United States." There is no provision in the ordinance ratifying this convention for submitting it to the people, nor was it ever so submitted.

On the next day another ordinance was passed, adopting and ratifying "the constitution of the provisional government of the confederate States of America." This was not directed to be submitted to the people, but it was provided that it should cease to have any legal operation or effect, if the secession ordinance was rejected.

On the same day an ordinance to amend the State constitution was adopted, striking from that instrument the provisions which exempted slaves under twelve years of age from taxation, and made the tax on slaves above that age the same as that on $300 worth of land. This was intended to gild the nauseous pill of secession, and was directed to be submitted to the people on the same day as the secession ordinance. I am proud to say, Mr. President, that almost everywhere in Western Virginia the loyal people refused to vote for or against this palpable bribe. Cerberus did not like the sop.

I will only notice further that on the 1st of May following an ordinance was passed releasing the officers, civil and military, and the people generally of the State, "from any and all oaths which they may have taken to support the Constitution of the late Confederacy, known as the United States of America." These are the very words of the ordinance, and it should be observed that this was before the question of secession was submitted to the people. This ordinance was never so submitted.

Having briefly referred to several ordinances of the convention, which with others I have omitted to notice all tended to one result, I will proceed to consider the most important more at length, and will first refer to the circumstances under which the secession ordinance was passed and ratified, if ratified it was. It being known that a large majority of the delegates to the convention were anti-secessionists when elected, the hall where they held their sessions was almost besieged by a set of ruffians, mostly from more southern States, many of them slave-traders, a class previously despised even in Richmond, who probably felt that their craft was in danger. Every art of intimidation was practiced by these new actors on the stage of Virginia politics. The members disposed to be faithful to the Union were insulted and spit upon from the galleries, and mobbed and assaulted on leaving the hall, as the Senator from Virginia and my colleague can testify. How many yielded to these intimidations may never be known, as they naturally assigned other reasons for their change of front. The result was that the majority was altered, those holding fast their integrity for the most part representing the counties now included in West Virginia, and being about one third of the whole number voting.

At very many of the polls, also, intimidation was the order of the day, and long before the election Virginia was as nearly out of the Union as she ever has been. In nearly every county, except those in the northwest, under the excitement created by the John Brown raid, a military force had been organized in the interest of the secessionists, and the county authorities generally were their partisans. Threats of what would be done to those who dared to adhere to the Union were loudly uttered everywhere, and even judges in their charges to grand juries talked of prosecutions for treason. Shortly before the election, a letter, written by the notorious James M. Mason, was published over his signature and widely circulated, in which it was plainly said that all who voted against secession would be compelled to leave the State. Confederate troops from South Carolina and Mississippi were thrown into various parts of the Commonwealth, and, with the local forces, both before and at the election, openly menaced all who should dare to oppose their views. Many true Union men fled, some concealed themselves, others forbore to vote; but in almost every county of the west, and in some, at least, of the east, some bolder spirits cast their *viva voce* votes against secession.

It is not surprising that the rebel Governor, more than two months afterwards, issued his proclamation claiming a considerable majority for secession. I leave it to Senators and the country to say whether, under the system of intimidation I have attempted to describe, the secession ordinance can be fairly said to have been ratified by the voters of Virginia. Long before the day appointed for holding the election the leaders in the secession movement had control of every department of the State government, including the military. Their creatures filled every important office in the counties, especially those appertaining to the administration of justice. They had prepared for the events they were hastening by so arranging things that in a large majority of the counties organized opposition to their machinations was impossible. Many hoped until the last that the vote would be against secession; but if it had, it would not have delayed for one moment the rapid strides with which that iniquity was advancing.

It may not be generally known how far practical secession had progressed, not only before the election, but actually before the secession ordinance was passed. Two days previous to the latter event, the troops destined to seize the national armory at Harper's Ferry, and to obstruct the entrance to the Gosport navy-yard, were on the way to those places. There was no act of the Legislature or ordinance of the convention to authorize these movements; but a supple Executive, who had mouthed his professions of Unionism as long as he dared, had practically surrendered his authority to a military committee appointed by the latter. The convention, in the mean time, was deliberating with closed doors what part they would recommend the State to take in the impending contest, for that was the extent of their authority, as their acts until ratified by the people were of no force. Whoever, therefore, had assumed to inaugurate war with the United States by setting these troops in motion, whether they had or had not been previously clothed with any legal authority, had palpably usurped the government of the State.

It is manifest that by the very terms of the secession ordinance the Constitution of the United States was acknowledged to be in force in Virginia until the ratification of that instrument by a majority of the voters, and that consequently and because the people by a very heavy majority had decided that "no action of the convention dissolving the connection of Virginia with the Federal Union, or changing the organic law of the State," should have any force or effect without their ratification, the ordinances ratifying the convention with the pseudo-confederate States, and that adopting their constitution, although the operation of the latter was to depend on the ratification of the secession ordinance, were absolutely null and void in their inception, so that not even a vote of the people could give them any force or effect. The Constitution of the United States (article one, section ten) provides that

"No State shall enter into any treaty, alliance, or confederation."

And again, that

"No State shall, without the consent of Congress," * * * * "enter into any agreement or compact with another State, or with a foreign Power."

I now proceed to show, and will be so presumptuous as to ask the particular attention of the Senate for a few minutes, that the so-called secession ordinance, by what it asserts and more by what it omits, does in fact, and almost formally and in terms, concede that there is no such right as that of separate State secession. It will be readily acknowledged that if those who assert a right rest its vindication on a single foundation, and that foundation utterly fails to support it, they do impliedly and in fact admit that such alleged right has no existence. This remark is only the more apposite when applied to those who, like our former brethren of eastern Virginia, claim to have been born with peculiar capacities for legislation, and to have devoted the ample leisure afforded them by their "peculiar institution" to perfecting themselves in that which to all others is a somewhat abstruse science. But cheaply as I hold these "new lights" of Virginia, I yield to none in reverence for her statesmen of the revolutionary period, or in appreciation of their labors. It is by the work of those giants that I expect to convict the pigmies of to-day.

I have already stated that the secession ordinance purports by its title to be an ordinance to

repeal the ratification of the Constitution of the United States by Virginia, and to resume all the rights and powers thereby granted. That ratification, adopted on the 25th of June, 1788, which has been printed with every code of Virginia since issued, and which must be allowed to have for Virginia all the sacredness and force of a fundamental or organic law, declares and makes known "that the powers granted under the Constitution being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression." I call attention to the remarkable precision of this language. It asserts, first, that in a single contingency, which it plainly indicates, the powers granted under the Constitution may be resumed. It asserts, secondly, that in such contingency, such powers being derived from, may be resumed by, the people of the United States. If there is any other interpretation of which the words I have quoted are susceptible, I am unable to perceive it. Under a common rule of interpretation, the phrase quoted may be said to affirm that the powers granted can be resumed only by the whole people of the United States, and not by the people of any one, two, three, or more States, or any other portion of them less than the constitutional majority of States. I fearlessly assert, that not only upon the ground that the ratification was an organic law of Virginia, but also on the ground that the convention in adopting, and, if you please, the people in ratifying, the secession ordinance, by giving it the form of a repeal of the act of ratification, acknowledged themselves bound until such repeal by all that the latter contained, and consequently acknowledged the unconstitutionality and illegality, under both the organic law of the Union and that of their own State, of the act they were about to perpetrate.

But it seems that these Virginia secessionists were anxious to find, in the lowest depth of degradation into which they had not only voluntarily but exultingly plunged, a lower deep. Senators will wonder, if the conclusion from the act of ratification is as I have stated, why its repeal should have been resorted to as the mode of inaugurating secession. The convention had incubated the ordinance for nine long weeks, and it must be that when the young buzzard chipped the shell there was something about him displeasing to the eyes of his partial parents. Certainly the outsiders in Virginia, even those who had most impatiently awaited the hatching, were not permitted to see or handle him for many days afterwards; while the fact that he was hatched was triumphantly telegraphed to other seceding States. It is probable that, in the interval, the supposed deformity was removed by the excision of a part, the loss of which those who had "looked and longed and wished and grieved" for his appearance failed to perceive, but which the judicious may think aggravates his ugliness.

But, sir, badinage apart, will it be believed that the secession ordinance pretending to recite the act of ratification leaves out some most important words, the very words which most plainly and indubitably condemn its framers and supporters? The preamble to the ordinance is in the following words, and that there may be no mistake, I read from the official publication issued at Richmond in 1861, and bearing the imprint of "William F. Ritchie, public printer:"

"The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in convention on the 25th day of June in the year of our Lord 1788, having declared that the powers granted under the said Constitution were derived from the people of the United States and might be resumed whensoever the same should be perverted to their injury and oppression; and the Federal Government having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the southern slaveholding States: Now, therefore," &c.

As the omission may not be readily perceived by those who have not both instruments before them, I will state that the act of ratification says that "the powers granted under the Constitution being derived from *the people of the United States*, may be resumed *by them* whensoever," &c. The secession ordinance omits the words "by them." These words may not be absolutely essential to a correct interpretation of the act of ratification, but they render its meaning unequivocal. I am at a loss for language strong enough to characterize the baseness of this act. Had the right to secede been undeniable, all right-minded men would have approached its exercise with the most solemn feelings, among which would have been a sincere desire to justify it in the eyes of the world, and regret for the necessity which, in their opinion, demanded it. But what shall we say of those who, admitting by their own lying ordinance that secession was unjustifiable, persevered in their iniquity to the extent of making war not only against the citizens of other States, but against those of their own? What shall we say of those to whom, in a dreadful crisis, it had been committed to indicate the course the State should pursue, who could impose so wicked and dishonorable a deception on those who had confided in them? What shall we say of those who appealed so often to State pride and State attachment to adhere to her under all circumstances, doing an act more disgraceful to the State, if they may be considered her representatives, and authorized to speak for her, than any which stains the history of nations? Sir, it has appeared throughout the already long history of secession, that the one great perjury of renouncing allegiance to the Government of their country has so poisoned the very souls of these men that they hesitate at nothing in the whole catalogue of crime if it will serve the purpose of the moment.

But there is upon the face of this secession ordinance another gross and palpable lie. The act of ratification gave as the one only cause justifying the resumption by the whole people of the United States of the powers granted under the Constitution, that these powers should be perverted to their injury or oppression. The ordinance does allege that these powers had been perverted by the Federal Government, "not only to the injury of the people of Virginia, but to the oppression of the southern slaveholding States." But there is no specification of the alleged injury and oppression, and we have, if our own knowledge of the facts is not sufficient, the testimony of Alexander H. Stephens and other influential secessionists, that there has been no such injury and oppression on the part of the Federal Government. And yet this lying ordinance is the pretense and the instrument by which so much misery has been inflicted upon Virginia, and, I may add, upon the country, for I verily believe that but for the encouragement given by these liars in her name and as her act to more southern traitors, secession would never have raised its head, and but for her accession to the rebellion, effected by these liars, there would have been no years of a war unexampled in the history of mankind.

And now, sir, I ask the Senator from Kentucky, I ask the friends of republican government everywhere, what it became the loyal people of Virginia to do under these aggravated usurpations of their just authority? Was that honorable Senator only facetious the other day when he spoke of the three Legislatures sitting in what, by ignoring the existence of West Virginia as a separate State, he called Virginia? Did he mean to imply that the so-called Legislature which still convenes at Richmond, doing the behests of that other pseudo-government which has taken temporary lodgings in the same city, could be the true Legislature of Virginia even if the others were defunct? With his keen perception and appreciation of infractions of the Constitution and violations of popular rights, would he not have advised the loyal people to "revolt" against those who were perverting the powers with which they claimed to be invested to their injury and oppression; giving to the word "revolt" not his own mild interpretation, but the sterner meaning of the Senator from Massachusetts, [Mr. WILSON?] Would not he, had he been one of them, have shouldered his musket, as he did most honorably and patriotically in behalf of the Union, at an early stage of this wicked rebellion? So great is my respect for the honorable Senator from Kentucky that I have already expressed my belief that he is incorrectly informed as to what the loyal citizens of Virginia did do, of their reasons for doing it, or of the manner in which it was done. I therefore hope to be indulged in a few remarks upon these topics.

Immediately after it became publicly known that the secession ordinance had passed in secret session on the 17th of April, 1861, a meeting was held in Harrison county at the instance of the present Senator from Virginia, who appointed delegates to a convention to be held at the city of Wheeling on the 13th of May then next, and invited the northwestern counties, supposed to be the only portion of the State not under the immediate military rule of the secession faction, to be represented there. The invitation was accepted; and delegates appointed by counties, towns, villages, and neighborhoods, to the number of five hundred, assembled at Wheeling on the appointed day. It preceded the day appointed for the vote on the secession ordinance, and was, in part at least, intended to concentrate the vote of the northwest against that iniquity. But events were hastening on with fearful rapidity; and before it met it was known that confederate troops were advancing on the northwest. After it assembled, the secessionists of that quarter were active in denouncing it and its members, against several of whom, including the Senator from Virginia and my colleague, threats of personal violence were made. The convention, from the manner in which those composing it had been appointed, rendering the representation unequal, and from a sincere desire that all the loyal citizens of the State should unite with them in whatever course should be finally determined on, called another convention, to meet, if the secession ordinance should be ratified, at the same city, on the 11th of June following, to be composed of the senators and delegates to the Legislature, to be elected ten days later under the regular operation of the constitution and laws of the State, and of double the number of delegates to be specially elected from the counties represented there, and all others disposed to coöperate with them. It will be noticed that the invitation was addressed to all the loyal people of the State.

Before they separated, the May convention, notwithstanding their danger from the rebel troops still rapidly advancing, and from the home secessionists, passed a series of resolutions couched in decorous but pointed language. They declared that in their judgment the secession ordinance was unconstitutional, null, and void; that the prohibition to elect members of Congress was a manifest usurpation of power to which they would not submit, and recommended the people to elect their members, which was done in several cases; they denounced the agreement with the so-called confederate States, and the ordinance approving and ratifying it, and all acts of the Executive in pursuance thereof, as palpable violations of the national Constitution, and utterly subversive of the rights and liberties of the people of Virginia; they earnestly urged and entreated the citizens of the State everywhere to vote in condemnation of the ordinance of secession; and in conclusion declared that they would maintain and defend the Constitution of the United States, the laws made in pursuance thereof, and all officers lawfully acting under it.

Before the day for holding the second convention arrived, great changes had taken place. The brave and patriotic General (then Colonel) Kelly, in command of the first Virginia volunteers, raised under the auspices of a committee of the first loyal convention, and of regiments from Ohio and Indiana, literally met the enemy "at Philippi," and fought and won the first battle of the war, and, unfortunately, was the first field officer that received a serious wound. Many secessionists had fled, and among them a large portion of the State and county judicial and civil officers. But for the firmness of the loyal people, and the expectation of some efficient action by the convention about to sit, the counties free from military domination must have fallen into a state of anarchy such as inevitably follows the suspension of civil government for any length of time.

It was under such circumstances that the convention of June, 1861, assembled at Wheeling. That which claimed to be the government of the State was waging war against us. To yield it allegiance in the position it had assumed would be a denial of our allegiance to the United States. It would be more: it would be to confess an allegiance to a pseudo-confederacy, "begotten in sin and born in iniquity." This we could not do. It therefore became the duty of the convention to consider in what manner we could continue our allegiance to the Federal Government and at the same time secure to ourselves the benefit of those municipal laws and regulations which, under our system, can only emanate from the State governments, and their due and authoritative ad-

ministration. This was a necessity to us, as it is a necessity to every community.

As soon as the convention was fully organized, on the second day, a committee of thirteen was appointed "to prepare and report business for the convention." It met in the afternoon, and having determined on the course it would recommend the convention to pursue, referred to a subcommittee the consideration of a plan of proceeding. The sub-committee met in the evening, and in the morning reported to the committee, who adopted and at a later hour reported to the convention, a paper entitled "a declaration of the people of Virginia." As soon as this could be printed and considered it received the unanimous approbation of the convention, and was speedily engrossed and signed by every member.

This declaration sets forth that "the true purpose of all government is to promote the welfare and provide for the protection and security of the governed, and when any form or organization of government proves inadequate for or subversive of this purpose, it is the right, it is the duty of the latter to alter or abolish it;" and asserts that the Virginia Bill of Rights of 1776, twice reaffirmed by subsequent conventions, expressly reserves this right to the majority of the community. It then recites the grievances of which the loyal people of Virginia complained, which have been sufficiently indicated in my preceding remarks, and concludes with the following words, which constitute the operative part of the declaration:

"We, therefore, the delegates here assembled in convention to devise such measures and take such action as the safety and welfare of the loyal citizens of Virginia may demand, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy Commonwealth must be reduced unless some regular adequate remedy is speedily adopted, and appealing to the Supreme Ruler of the universe for the rectitude of our intentions, do hereby, in the name and on the behalf of the good people of Virginia, solemnly declare that the preservation of their dearest rights and liberties and their security in person and property, imperatively demand the reorganization of the government of the Commonwealth; and that all acts of the said (Richmond) convention and executive tending to separate this Commonwealth from the United States, or to levy and carry on war against them, are without authority, and void; and that the offices of all who adhere to the said convention and executive, whether legislative, executive, or judicial, are vacated."

It will be perceived that this declaration, in its title and throughout, speaks for and on behalf of all the loyal people of Virginia. The acts it denounces are acts of treason, even under the limited definition of that term in the Constitution of the United States; and, by consequence, the convention and executive and those who adhere to them are denounced as traitors. Leaving these out of the question—and who will say that they should be considered—it is undeniable that a majority of the people of Virginia, by their representatives, adopted this declaration or speedily accepted it. That it would have been adopted or accepted unanimously is evident from the fact that every county since reclaimed from the rebels has hastened to reorganize under it. It is the foundation of everything that has been done by or under the reorganized government.

It may be as well to notice here an objection made to the claim of West Virginia to be one of the States of this Union on a footing with the original States. It is said that the Legislature which gave the consent to her erection within the jurisdiction of Virginia required by the Constitution did not represent a majority of the counties of the mother State. This objection is founded upon a fallacy. Counties are not the component integers of States as the States are of the Union. They are but geographical subdivisions adopted for the greater convenience of the people. In every State, and particularly in Virginia, they are diverse in size and population; and consequently to say that a majority of counties favored any measure is not to say that a majority of the voters, who represent the true integers of every community, approved it. If a majority of these integers, through their representatives, sanctioned the reorganization of the government of Virginia the constitutional consent was certainly given. But I apprehend that if a majority of the recognized Legislature gave the consent Congress would not stop to inquire whether this majority represented a majority, not to say of the counties, but of the whole people.

But will any one contend that under circumstances such as those in which the loyal people of Virginia were placed, when some bold and determined step was required for "the preservation," in the language of their declaration, "of their dearest rights and liberties and their security in person and property," they must wait until it is certain that their number is equal to a majority of the whole people? May not a minority resist oppression and endeavor "to provide new guards for their future security?" Surely it is an extraordinary doctrine that would teach men to submit to a usurping oligarchy until a majority could be found to raise the standard of revolt. But it will be said that this was revolution. Was it, indeed? Sir, the loyal people of Virginia were resisting, not making, a revolution, and this I apprehend is an important distinction.

As to the acts of the same convention, I will quote from their address "to the people of Virginia," issued at the close of their first session, which lasted only fifteen days. They say:

"In pursuance of this declaration we have passed such ordinances as are immediately necessary to reorganize the government and put it in operation. We have appointed a Governor, Lieutenant Governor, attorney general, and executive council, leaving to the General Assembly, which we have directed to be convened at a very early day, to fill, or to provide for filling, all other offices as soon as, in their judgment, it can be properly done. The terms of the officers we have appointed are limited to six months, or until the election and qualification of their successors, for which the General Assembly is authorized to provide at the earliest possible period. In all this our fellow-citizens will clearly perceive that there has been no disposition to assume any power or authority not demanded by the exigencies of their present unhappy condition, or to retain it longer than a regard for their highest interests may require."

The General Assembly thus convened consisted of the senators and delegates elected on the day the secession ordinance was voted on, and the portion of senators who held over. All of these were free to participate in its deliberations and votes, no matter what part of the State they were elected to represent, if they would take an oath to "support the Constitution of the United States, and the laws made in pursuance thereof, as the supreme law of the land, anything in the constitution and laws of the State of Virginia, or the convention which assembled at Richmond on the 13th of February, 1861, to the contrary notwithstanding;" and "to uphold and defend the government of Virginia, as vindicated and restored by the convention which assembled at Wheeling on the 11th day of June, 1861."

Further on the address says:

"Under all these circumstances, and with the firm conviction that the course adopted is *the only one by which the State can be retained in the Union*, and the liberties and rights of the people secured and perpetuated, we most earnestly call upon our loyal fellow-citizens in every county of the Commonwealth, who are not already represented in the General Assembly and in this convention, to elect members of the Legislature and appoint delegates to this body at the earliest possible moment." * * * *

"No suspension or essential change of any part of the constitution or laws of the Commonwealth, unless positively demanded by the exigencies of the times, will be made until the will of the whole people, or of their authorized representatives, can be freely expressed; and such changes as have been, or may hereafter be, so demanded, will be submitted for ratification at an early day."

I have quoted the ordinance of Virginia ratifying the national Constitution, in order to show that it does in terms denounce separate State secession by asserting that the powers granted under the Constitution can be resumed only by the whole people of the United States, and by them only in a certain contingency which it specifies, namely, when the powers granted are perverted to the injury or oppression of the grantors. The men who framed this ratification must for the most part have been adults in 1776, and consequently must have had an intimate knowledge of the principles by which that revolution was justified. Some of them, probably, had been members of the Congress which adopted the Declaration of Independence, and some of them of the Convention which framed the national Constitution. It is therefore certain that they knew whereof they affirmed when they asserted the single ground justifying a resumption of the governmental powers to be the perversion of them by those intrusted with their administration to the injury or oppression of the people.

More than two centuries previously the United Provinces of the Netherlands, having then passed through fifteen of the eighty years of their war of independence, renounced their allegiance to Philip II of Spain by a solemn act of abjuration, by which, as its title denotes, they absolved themselves from the allegiance they had sworn to that monarch, as our fathers by their declaration absolved themselves "from all allegiance to the British Crown." Both had been reluctant to take this final step. For several years the Netherlands actually carried on war against Philip in the name of Philip. In their act of abjuration they set forth the grievances to which they had been subjected, and declared "that they were sufficiently justified in forsaking a sovereign who for more than twenty years had forsaken them." In the preamble to their act they quaintly but pointedly say:

"All mankind know that a prince is appointed by God to cherish his subjects even as a shepherd his sheep. When, therefore, the prince does not fulfill his duties as protector, when he oppresses his subjects, destroys their ancient liberties, and treats them as slaves, he is to be considered not a prince, but a tyrant. As such, the estates of the land may lawfully and reasonably depose him, and elect another in his room."

Do not Senators recognize in this the very principle asserted in the Virginia act of ratification? Its promulgation at that early day must have sounded strangely in the ears of monarchical Europe, but it was the key-note which governed the proceedings of the people of England a little more than a century later.

On the 12th of February, 1688–89, the lords and commons of that country sitting, not in Parliament, but in a convention of two houses, published a Declaration of Right, by which they deposed their king, James II, and called William and Mary to the throne. The declaration recapitulated the "crimes and errors" which made a revolution necessary, some of which consisted in the exercise by the king of powers vested in the Parliament, and others in the perversion of the powers with which he had been intrusted, and asserted that the perpetrator of these "crimes and errors" had abdicated the government. Macaulay, from whose History I have abridged this summary, criticises the use of the word "abdicated" in the above connection, especially as the flight of the king to France was not included in the catalogue of "crimes and errors." It is, however, plain that the convention meant what they said. Our Declaration of Independence uses this word in the same connection when it declares that George III, whose fleets were in our harbors and whose troops were upon our soil at the moment it was adopted and published, had "abdicated government here by declaring us out of his protection and waging war against us."

The American Declaration, at the close of nearly another century, after asserting that Governments are instituted among men to secure the rights with which they are endowed by their Creator, declares "that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." Again it declares that "when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security." It also asserts, incidentally, that legislative powers are incapable of annihilation, and that when those intrusted with them cease to exercise them, they return to the people at large for that purpose.

In humble imitation of what had been done at these great eras of the world's history, the loyal people of Virginia also issued their declaration of 1861. It too sets forth intolerable grievances which have their parallels in the precedents I have cited. They also adopted the principle set forth in the Virginia act of ratification, which is the sum of all these precedents; and if ever in the history of the world those intrusted with the powers of government had perverted them to the injury and oppression of the people, the secessionists at Richmond had committed the sin. The loyal people of Virginia resumed the administration of the government which had been insidiously wrenched from their control. Will the Senator from Kentucky, with a knowledge of the facts I have related and the precedents I have cited, venture to charge them with usurpation of the rights of others? Or, even if there were no

such precedents, will he venture to assert that they should have prostrated themselves in the dust and licked the feet of their oppressors, justifying such abject humiliation by the plea that they were maintaining their allegiance to their State? Sir, the loyal men of Virginia fully justified themselves in the eyes of mankind, and best maintained their State allegiance, when, as they truly said through their convention, they adopted the *only* course by which their State could be retained in the Union. But according to the logic of the Senator from Kentucky, they should have made no attempt to rid themselves of the yoke of the usurpers who had betrayed them, no attempt to discharge their duty to the Union, until they had counted noses and found they were a clear majority of all the people of the State.

And now I will ask, in no vaunting spirit, what might have been the consequence if the men of the then western counties of Virginia had succumbed to the Richmond oligarchy? Those counties have sent to the aid of the Union more than twenty thousand men, whose prowess has been exhibited on almost every battle-field of the war—men inhabiting a mountainous country and inured to what some call hardships from their infancy; men of active habits and great endurance; men accustomed to the use of the rifle and the management of the horse; men not enthusiastic, it is true, but reflective and of calm judgment; men, in short, whose history proves that they remained faithful to their country under threats and menaces from a stern sense of duty. If these men had espoused the other side, the confederate armies, rejoicing in their additional strength, would have occupied the valley of the Ohio, including western Pennsylvania, long before the first battle of Bull Run. The secessionists of Virginia calculated on these mountaineers to constitute the van of their armies; and the adherence of the latter to the Union doubtless disconcerted many a well-laid plan at an important crisis in the troubles of the country.

I have now, as I believe, fully proved that the loyal Legislature of Virginia was the true Legislature, and consequently that West Virginia is formally, legally, and constitutionally one of the States of the Union, on an equal footing with the original States. The details I have given fully exonerate the President and Congress from the charges brought against them by the honorable Senator from Kentucky and others, and show that those who effected the reorganization of Virginia, among whom are included those who labored for the erection of the State of West Virginia, were governed by that true love of country and by that spirit of resistance to oppression which has made the revolutionary era of our history famous in the estimation of the world. It is for the loyal of both States that I have invoked consideration and forbearance from those by whose sides they are still struggling in a common cause.

A few days since my colleague and myself voted on behalf of West Virginia for an amendment of the Constitution forever abolishing the institution of slavery in these United States. For myself I gave that vote with pleasure, and, indeed, had for some time past been anxious to give it. I gave it after mature examination and reflection, and am sure it will be sustained by the people of my State. I believe that the great majority of them, at any time since 1832, would have voted for gradual emancipation by the State government if it had been presented to them as an isolated question in a legal and constitutional way; and I believe it would long since have been so presented but for the onslaught made, not on slavery, but on slaveholders, by certain parties in the North. I have already stated that by far the larger portion of the loyal people of the border States are themselves slaveholders or connected by ties of blood with those who are, were born and reared where slavery existed, and have become accustomed to look at that institution from a different stand-point than that occupied by many on this floor and those whom they represent. Is it wonderful, then, that they feel aggrieved by the assaults constantly made on the characters and conduct of themselves or of those with whom they are so nearly connected?

I am not the apologist of slavery, certainly not of its acknowledged evils. There has been no time since I attained years of reflection when I did not sincerely regret its existence in this country, no time when I did not long to see the way open for its removal. Had such an opportunity offered, I should most probably have joined the war against it in my own State. But fortunately or unfortunately, as the case may be, there is no enthusiasm in my composition, and the war which I joined would not have been a crusade. Enthusiasm in the pursuit of any object is no proof of sincere conviction, as he who habitually examines deliberately, amid the uncertainties by which all moral questions are surrounded, learns to distrust his own conclusions. I profess to have examined this subject of slavery as far as my ability and the lights afforded me would permit, but my conclusions have been different from those of some Senators who have spoken on the subject. On the one hand, I have not learned to regard slaveholding as a blessing or as calculated to add strength or prosperity to the State or community in which it exists, or on the other, to denounce it as the gravest in the long catalogue of crimes.

As to the religious aspect of the case, it will never be settled by the citation of isolated texts of Scripture on either side. Like all other questions of the kind, it requires that all the Bible says concerning it shall be reconciled with all the teachings of that holy volume, and that the facts and circumstances connected with the particular subject shall be considered. It is undeniable that the Mosaic law not only tolerated but regulated slaveholding among the Hebrews. The same is true of polygamy, which is more pointedly condemned in the New Testament. It is also true of the arbitrary divorce practiced by that people. Of the last the Saviour said, "Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so." He also said, "He which made them, at the beginning made them male and female." It may reasonably be inferred that polygamy was not an original but a mere conventional institution; and doubtless the same is true of slavery. Yet both were tolerated, and may find their apology in the destructive wars of those days. Plainly, neither was in accordance with the divine purpose. The tares were suffered to grow with the wheat until the harvest was fully ripe. This condemns slavery, it is true, but does any Christian man assert that what the divine law tolerated and regulated were crimes on a par with those forbidden by the second table of the decalogue, or what the law writers term *mala in se*? To do so is to arraign the Almighty at His own bar.

If this *is* the slaveholders' rebellion, and slavery is at least the occasion if not the cause of it, let vituperations and denunciations be reserved for those among the former who are actually engaged in waging war against their country, and for those who would perpetuate the institution among us. If their guilt is great, if they have even placed themselves beyond the pale of forbearance, by what rule of ratiocination does it follow that those who were born where the institution already existed, and who could not, if they would, have abolished it, and who are giving their aid and encouragement to the war against the rebellion, are also to be the subjects of vituperation and denunciation? Are those of us who have simply lived where slavery existed, exchanging the courtesies of life with slaveholders, and esteeming those among them who were worthy, according to their deserts, to be placed in the same category? Is it not a more rational conclusion that those whose patriotism has overcome their prejudices and attachments are to be held in higher honor?

I have already expressed the belief that the loyal citizens of West Virginia, and of the border States generally, will cheerfully vote for the proposed amendment of the Constitution. They will vote for it because they will believe it to be a legitimate exercise of the high prerogative of the sovereign people of the United States; and even if there are some opposed to it at this time, they will, for the same reason, acquiesce in the result. But, from day to day, petitions are coming in asking Congress to abolish slavery by law in defiance of the Constitution. The repeal of the fugitive slave law, a constitutional requirement, not its amelioration, is also pressed upon this body. Movements are inaugurated having in view the reconstruction of that which their authors, in order to try their 'prentice hands at State making, propose first to demolish; for although the powers of Government may be suspended, we are told by high authority that they are incapable of annihilation, and if suspended, return to the people for their exercise. Efforts, direct and indirect, are making to elevate the negro to the level of citizenship, notwithstanding the decisions of the courts and the practice of the Government from its foundation are against it. I will only refer to the attempts to place him side by side with the white man as his social equal, notwithstanding the repugnance of the latter to such association, and then very briefly examine these several proposed measures in their order.

And first, as to the abolition of slavery by act of Congress, the power to do which seems to be denied by the Chicago platform itself. It is certain that whatever was constitutional or unconstitutional before the war remains so now; and that the loyal States are in the same condition as to their right to hold slaves as they were then, nor is this right affected, or alleged to be affected, by the proclamation of the President. The utmost effect that instrument could have, or that has been claimed for it, is to free the slaves in the States and parts of States not excepted by its terms, leaving the right to hold slaves as it was. If, however, the proclamation had the effect contended for, there are no slaves left for the proposed act of Congress to operate on besides those in the excepted States and parts of States; and these, with one or two exceptions, are already taking steps to rid themselves of slavery without doing violence to the Constitution.

As to the fugitive slave law, I would freely vote for the repeal of its obnoxious features, or the substitution of the law of 1793; but I cannot see anything in recent events which enables us to dispense with a plain requirement of the Constitution, for I hold that it is obligatory upon Congress to pass all laws which may be necessary for carrying into execution the powers vested in the Government. It is too late to contend that the power to compel the return of fugitive slaves is not a power so vested. That question was settled by the passage of the act of 1793, and by numerous decisions of the courts in compliance with its terms, which at least imply its constitutionality.

But we have recently had some new light shed upon this law by the majority of the committee who reported the pending bill. We are treated to the discovery that the words "person held to service or labor" do not describe a slave, mainly because slaves are not persons in a technical sense. The comprehensive brevity of the Constitution is one of its most admirable features as a literary production. There were three classes of natural if not legal persons intended to be described, and language is chosen which embraces all. The majority report admits that apprentices were included, and that an early Congress, some of whose members sat in the Convention which framed the Constitution, were simple enough to suppose that slaves were also. There was a third class, as I have stated, which is not often referred to, which was formerly numerous, and is not yet extinct. I allude to bound servants, or those who had contracted to serve others for a term of years. The overseers of the poor in, I presume, every State are authorized to bind out pauper men, women, and children who are more or less capable of service. These bound servants will probably increase in number in the States where slaves have been liberated. And yet the law is to be repealed, leaving no means to reclaim apprentices or bound servants, who are unable to answer in damages for the breach of the contract by which the right to their service or labor was acquired.

As to the proposed plans of reconstruction, so called, they appear to me, so far as I have seen them, to have one thing in common, namely, a violation of the true theory of the union of these States. The Constitution gives to Congress in so many words the power to declare war, without naming those against whom it may be waged. If an enemy should declare or wage war against a single State, Congress, because it is an integral part of the Union, must accept the war as against the Union. Can the United States, then, declare war against a State? To answer this affirmatively would involve the absurdity of admitting that the Union can declare and wage war against itself.

The armies of the Union may unquestionably

be employed to execute the laws within the territory of any State. But is this a war success in which would give to the Union the rights of a conqueror? I apprehend that when resistance was overcome the status of the State and its relations to the Union would be in no respect altered. If, as threatened by South Carolina in 1832, the resistance to the laws was nominally authorized by the Legislature or convention of a State, would the result be different? What distinguishes our Union from a mere confederacy is the fact that the laws of Congress act directly upon the individuals of which each State is made up, and not upon the States, as bodies-politic. The enforcement of the laws of the Union is, therefore, so to speak, the enforcement of the individuals who resist them, and not the enforcement of a State. No State Legislature or convention is competent to authorize resistance to the laws, because such pretended authority is in contradiction of the Constitution, which makes the laws of the Union which are resisted the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. Such acts of a State Legislature or convention are, therefore, nullities. That would be a most extraordinary conclusion which should claim that mere nullities had sufficient force to convict the State, as an organized body, of resistance to the laws, or, to use another term, of rebellion, so that those citizens who had given it no support by act or word would be implicated in its guilt and punished, at least by the loss of their rights as citizens of the State and of the United States.

The armed forces of the Union may also in a certain contingency enter a State to protect it against domestic violence, that is, against an insurrection made by its own citizens. Who or what is to be protected in this case? Certainly not merely the geographical division of territory which is occupied by the State, and familiarly designated by that word. The clause of the Constitution can only mean the remaining citizens of the State not engaged in the insurrection. If this is so, I may ask, what right or authority in reference to the State which they did not previously possess do the United States acquire by putting down the insurrection? Clearly, none. Can it make any difference in this respect whether the insurrection is made by a majority or a minority of the citizens? I as confidently answer, it cannot.

The contingency which authorizes the forces of the Union to enter a State to protect it, to which I have just alluded, is that such protection be invoked by its Legislature, or, if that body cannot be convened, by its Executive. The spirit of the Constitution evidently is, that the peaceful citizens are guarantied against domestic violence. That instrument, however, makes the Legislature, or the Executive, the judge as to when the occasion for such protection arises. If we consider not the words written on paper which we call the Constitution, but the real Constitution of the Government, which the paper merely records, is it not a safe conclusion, that if the persons constituting the Legislature and Executive have joined themselves to the insurrection, the national Government may under authority of the clause of the Constitution under consideration, and with or without the invocation of citizens of the State opposed to the insurrection, send their armies to give the needed protection?

The Constitution also provides that "the United States shall guaranty to every State in this Union a republican form of government." Upon this Mr. Madison remarks, in the Federalist, that "if the General Government should interpose by virtue of this constitutional authority it will of course be bound to pursue the authority. But the authority extends no further than to a guarantee of a republican form of government, which supposes a preëxisting government of the form which is to be guarantied." I do not think I contradict that eminent statesman when I say that the spirit of the clause evidently is that the Union shall guaranty to each State a government of a republican form; or, in other words, that as an existing government is supposed, without which the guarantee cannot be operative, the Union guaranties that there shall be a government as well as that its form shall be republican. I remark here that when the Administration countenanced the efforts to reorganize the government of Virginia, there being then no legal government existing in that State, it acted strictly within the line of its duty. I say further, that what was done in Virginia furnishes a precedent which may be properly followed, and discloses a principle which cannot, I think, be successfully controverted. The latter was asserted by a leading member of the reorganizing convention of that State in these words: "If there is but a single loyal man in the State of Virginia, he is the State of Virginia." After the form but not the substance and say the loyal citizens of a State constitute the State, and few will have the hardihood to deny it.

I assert, then, that whether the armed forces of the United States are now waging war within certain States to put down resistance to the laws, to suppress insurrection, or to redeem the national pledge to guaranty to each a government republican in form, their success will not be a conquest of any political organization heretofore recognized as a State of the Union. They will simply have aided in the discharge of a national duty, and the blessings of thousands now suffering from the tyranny of those who have usurped the government of their respective States, as well as the proud consciousness of having nobly discharged a patriotic duty, will be theirs. But the national Government will have another duty to perform, which it must not omit or evade. It must aid in the reorganization of the government of every redeemed State, and see that it is republican in form. For the performance of this imperative duty it cannot impose conditions. It must look only to the charter from which it derived its birth and by which it continues to exist, with the assurance that it cannot die except by suicide.

There is one class of measures left to which I proposed to advert. I allude to those which seek to enforce the political and social equality of the negro and white races. I ask, first, whether persons of the negro race are, or indeed can be, citizens of the United States without a constitutional amendment? Most certainly they were not counted among "we the people" who established the national Constitution, nor were they at that time, so far as I am informed, admitted to exercise the rights and privileges of citizenship in any State. From the foundation of the Government they could not obtain passports to foreign countries from the State Department. These are contemporaneous interpretations of the Constitution which cannot be disregarded. At various periods since and in many instances the courts of the States and of the United States have decided that they are not citizens. The constitution of Indiana and the laws of several States forbid them to come within their borders for permanent residence, which prohibitions would be of no effect if they are citizens. Whatever privileges individual States may accord to them they cannot make them citizens of the United States, so as to be "entitled to all privileges and immunities of citizens in the several States." They are not citizens by birth, for the common law of England is not of force under the national Constitution. That they cannot be made citizens by incidentally calling them such in an act of Congress is palpable. Whether that body can make them citizens by an act passed for the purpose is, perhaps, doubtful. Their position is certainly anomalous, but there is no more perfect right possessed by communities and societies of every kind than that of excluding from citizenship or membership such persons as they deem proper.

Nor does the clause in the Declaration of Independence that "all men are created equal," when rightly construed, even when allowed to have the force of an organic law, which it plainly has not, make them citizens. The equality declared is certainly not personal, but political. The latter term can only apply to the members of a political community, that is, a nation. Our sires certainly did not intend to proclaim that a non-naturalized Frenchman, while sojourning in England, should enjoy the same political rights as the native born. The world does not, in any sense, constitute one great community; but, on the other hand, the fiat of the Almighty Ruler, that men should thereafter dwell in separate and independent communities, is plainly recorded in the Bible. The equality of the Declaration of Independence, therefore, is that which should obtain between members of the same community. The "inalienable rights" there spoken of are the rights also of members of communities, for it is further said that "to secure these rights Governments," or in other words, separate, independent communities, "are instituted among men." When all such communities are constituted on true principles, equality of political rights will indeed be universal, for every man, within his own community, will enjoy the same rights and privileges as every other man does within that of which he is a citizen or member.

The class of persons to whom I have alluded may be made citizens by a constitutional amendment, and, possibly, by an act of Congress; but there are grave considerations which should be deliberately weighed before any step is taken in this direction. There are many of them to whom the rights of citizenship might be safely committed, but these are very far from being the majority. But two, three, or four generations have passed away since the ancestors of these people were savages of the most degraded type. The remark of Mr. Calhoun, to the effect that history furnishes no record of a race which has arisen so rapidly from savageism toward civilization may be correct, but the mass are yet very far from the goal. This is emphatically true of the large majority of those whom the war has liberated from slavery. Those who were employed as domestic and farm servants, and were thus kept more closely in contact with the whites, have advanced more rapidly; but the progress made by the plantation hands has not been great, and they retain many of the traits of savages. What positions they are to occupy among us, now and hereafter, is a question demanding the gravest consideration, and cannot be determined by flippant iterations of maxims of liberty and equality, which scarcely apply to them. We owe them protection, probably against themselves as well as others, and I do not perceive how such protection can be efficiently given unless, like the freedmen now supported by the Government, they remain to some extent in a state of pupilage, a state incompatible with the exercise of the rights of citizenship.

I now venture the assertion that not one of the measures upon which I have commented, except that which has already passed the Senate, is necessary or even desirable at this time. Emancipation by act of Congress is not required, even if it were possible. The fugitive law, so far as slaves are concerned, is to-day little more than a dead letter on the statute-book. When the proposed amendment of the Constitution is adopted, there will be no slaves on whom it can operate, and I have shown that its retention, at least in a modified form, is necessary in regard to some other classes of persons. As to the so-called reconstruction of the Union, the way to it is plain, and will be easy, when our armies have crushed the rebellion. I adhere, and shall adhere while I have breath, to the principles developed and acted on in the reorganization of the government of Virginia. Let that example be followed, as indeed it has been and is being followed, and all difficulties vanish. Let the loyal men of each redeemed State reorganize their government, and when this is done for each and every one now under the domination of the rebels, all that is desirable is accomplished. I do not counsel that the troops of the Union should be withdrawn, or that the exclusive control of affairs should be relinquished to the reorganized governments until it can be done with safety to the Union, for such safety is its paramount law; but I think *that* safety will be insured whenever the rebellion is suppressed; for, as I believe, there will be found loyal men enough in every State, whether those who through all these bitter times have held fast to their integrity, or those who have seen the error of their ways and renewed their devotion to the Union, to whom the administration of the State government may be safely intrusted.

As to the political and social status of the recent slaves it is only wise to await the development of events. How these will arrange themselves, even in the near future, no human ken can discern. If the freedmen shall voluntarily become the laborers of the States where they have lived, and prove themselves worthy of their freedom, it will be well for them and for us, and their condition will be speedily ameliorated; but if, on the contrary, as is greatly to be feared, they decline to labor and are willing, as has been the case elsewhere, to live from hand to mouth, the event will inevi-

tably prove that they have but exchanged one subjection for another, and that their taskmasters will be the pauper and criminal laws of the States where they reside. But this may be avoided, and all that their best friends can desire may be conceded to them if they are taught a true self-respect instead of a ridiculous self-esteem.

The application of all this is obvious. If the measures I deprecate are of doubtful constitutionality; if they are not called for by anything growing out of the present condition of our national affairs; if their effect will be to irritate and perhaps estrange a portion of our fellow-citizens who have abundantly proved by acts, more than by professions, their devotion to the Union and the general welfare; if these are ready to vote, possibly, as one man for that amendment of the Constitution which will at once and forever destroy that root of bitterness which is supposed to call for the measures in question, why shall they be pressed upon Congress and the country at this time? I leave the answer to the patriotism and good sense of those whose consideration and forbearance I invoked at the beginning of these remarks.

Clouds may rest upon the natural horizon, but we know that somewhere behind them is the glorious luminary which shall soon burst through, diffusing light, heat, and vitality. The arrangements of Providence in the moral world assure us that, as in the natural, clouds of sorrow and affliction do but conceal, not extinguish, the sun of mercy which is ever shining. Clouds and thick darkness are resting now upon our national horizon, but let us have the faith to believe that they will speedily dissipate and let in the rays that will revivify our Union. Let us believe that ours will again be a united country, our people again dwelling in peace and harmony under our benign institutions, all sectional jealousies and animosities removed, and each as anxious for the welfare of his brother as for his own, giving him no cause of offense, bearing with his infirmities, and kind to his virtues.

For myself, Mr. President, I have never doubted that a bright future is in store for our common country; and even the late events have not shaken my faith in its glorious destiny. Storms and tornadoes in the natural world are but the precursors of a brighter day; and amid the gloom that surrounds us, I venture, but with reverence, to apply to the land of my birth and of my love, the lines of the prophet whose lips were touched with the living fire of heaven:

"Look upon Zion, the city of our solemnities:
Thine eyes shall see Jerusalem a quiet habitation,
A tabernacle that shall not be taken down;
Not one of the stakes thereof shall ever be removed;
Neither shall any of the cords thereof be broken.
But there the glorious Lord will be unto us
A place of broad rivers and streams,
Wherein shall go no galley with oars,
Neither shall gallant ship pass thereby.
For the Lord is our judge,
The Lord is our lawgiver,
The Lord is our king;
He will save us."

Mr. HOWARD. I desire to offer an amendment to the bill.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The Senator is informed that it is not in a stage to be amended.

Mr. SUMNER. But a reconsideration can be moved. The last vote is open to reconsideration.

The PRESIDING OFFICER. Undoubtedly a Senator voting in the affirmative on ordering the bill to be engrossed and read a third time, can move a reconsideration of that vote.

Mr. WILSON. I make that motion.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on ordering the bill to be engrossed for a third reading, but it is open to amendment.

Mr. HOWARD. I offer an amendment, to insert at the end of the bill the following:

But no person found in any Territory of the United States or in the District of Columbia shall be deemed to have been held to labor or service or to be a slave; nor shall he or she be removed under said act of 1793; and the fourth section of said act is hereby repealed.

Mr. DOOLITTLE. If the Senator from Michigan desired to go on this afternoon in the discussion of this amendment I would not make the motion which I am about to make; but it is necessary that there should be a short executive session, and I make that motion.

Mr. SUMNER. I suggest that it should be an hour later.

Mr. BROWN. I think this bill had better lie over until to-morrow.

Mr. DOOLITTLE. I submit the motion for an executive session.

Mr. SUMNER. I hope not at this time, at any rate. I hope we shall take another hour on this bill.

Mr. BROWN. Why? You cannot get through with it this evening.

Mr. FESSENDEN. I have sat listening to this debate, and I was in hopes that the debate would be brought to an end and we might come to a vote and dispose of this bill. I am very anxious to dispose of the remaining appropriation bill which is on the table during this week. I do not like to interfere with this bill; but I must give notice to gentlemen that unless they choose to dispose of it this afternoon or by to-morrow at one o'clock, I must then move to go on with the Army appropriation bill.

Mr. SUMNER. I hope, therefore, we may go on for at least another hour this afternoon. We can make some progress if we cannot finish it.

Mr. CONNESS. Mr. President, I hope we shall not go on with the consideration of this bill now, but that we shall postpone it to the coming week, and take up the Army appropriation bill to-morrow and go on with that. I do not understand the anxiety of my honorable friend from Massachusetts in pressing this bill in its present condition. I am exceedingly anxious for an opportunity to vote for this bill in a shape that will justify my conscience and sense of justice. As it now is I cannot and will not vote affirmatively upon it. There are many friends of the original bill who feel as I do in regard to it. I cannot, therefore, understand the wisdom or the necessity of pushing it upon the Senate now. I hope that the Senator will desist in his efforts to press it, and that we shall postpone it until some time when we shall have a fuller Senate than we have now and an opportunity to act with a little more deliberation upon it. A very material change has been made in the bill since it was presented by the honorable Senator from Massachusetts—a change which, were it not supported by a majority of the Senate, I would say was not creditable to the country at the present time; but I am not permitted, I suppose, to say that.

Mr. SUMNER. I think you are.

Mr. CONNESS. The Senator thinks I am. I have no doubt that that is his opinion. It does not vary much from my own.

The PRESIDING OFFICER. The Chair will remind the Senator from California, with his indulgence, that while a motion to proceed to the consideration of executive business is pending, it has always been the practice to place a very narrow limit upon debate, and it is not in order to discuss other matters when that motion is pending.

Mr. CONNESS. I do not propose to occupy the time of the Senate. I move (if the Senator from Wisconsin will permit me) that this subject be postponed until Tuesday next at one o'clock.

Mr. SUMNER. There is already a special order for Tuesday.

Mr. CONNESS. Then I will say Wednesday.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw the motion for an executive session?

Mr. DOOLITTLE. I do not.

The PRESIDING OFFICER. That is the pending motion.

Mr. SUMNER. That is debatable.

Mr. DOOLITTLE. I do not understand that to be a debatable motion.

Mr. SUMNER. I beg the Senator's pardon: it is debatable; but I have no desire to debate it at length. I will merely make one remark in reply to my friend from California. I enter into his ideas completely; but the Senator from Michigan has just presented an amendment; it is on the table; he has some few words of explanation to make. I wish to listen to him; I think my friend from California would be glad to listen to him; and I wish, if possible, that we may get a vote on that amendment, and possibly on still another amendment. We may do something, therefore, to improve the proposition. Whether we can bring it into such a shape that we can have finally the vote of my friend from California remains to be seen; but let us try, and use the time that remains this afternoon, at least for another hour.

Mr. CONNESS. I have nothing further to say since the Senator from Wisconsin will not withdraw his motion.

Mr. POMEROY. I hope the Senator from Massachusetts will let this question go over. We certainly cannot take the final vote to-day, and perhaps not to-morrow. There are Senators absent, who cannot be here until next week, that desire to speak and vote upon it. I do not think we shall gain anything by trying to take the vote this week. There are half a dozen amendments to be proposed.

Mr. SUMNER. Very well; if the friends of the measure request that it shall not be pressed to-day, I certainly will not throw myself in their way.

Mr. POMEROY. There are at least three other amendments to be proposed to this measure, and it will take some time to discuss them.

Mr. CONNESS. I have named Wednesday of next week. I hope that will be agreed to.

Mr. SUMNER. Very well; let the Senator make that motion.

Mr. CONNESS. If the Senator from Wisconsin will permit me, I will renew that motion.

Mr. DOOLITTLE. I shall certainly do so. I withdraw my motion for that purpose.

Mr. CONNESS. I move, then, that this bill be postponed to and made the order of the day for next Wednesday, at one o'clock.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. FESSENDEN. I move to take up the bill making appropriations for the support of the Army for the year ending June 30, 1865.

The motion was agreed to.

Mr. DOOLITTLE. I must now renew my motion for an executive session.

Mr. FESSENDEN. That will leave the appropriation bill as the unfinished business, I suppose, to come up to-morrow as the special order.

The PRESIDING OFFICER. That will be the effect.

EXECUTIVE SESSION.

The motion of Mr. DOOLITTLE was agreed to; and after some time spent in the consideration of executive business, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 21, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

IRON-CLAD VESSELS.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there be printed for the use of the Navy Department two thousand copies of the report and documents of the Secretary of the Navy relating to iron-clad vessels, &c., and three thousand for the use of the House.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FOREIGN EMIGRATION.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That there shall be printed for the use of the House ten thousand extra copies of the report of the committee to which was referred so much of the President's message as refers to foreign emigration.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONGRESSIONAL GLOBE.

Mr. A. W. CLARK. I am directed by the Committee on Printing to report back to the House a memorial presented to the House in reference to an increase of compensation for the publication of the Congressional Globe. After con-

sultation with Mr. Rives, the former proprietor of the Globe, he submitted to the committee two propositions, either one of which would be acceptable to him. The former was the most acceptable. In a joint committee of the two Houses, the committee were equally divided, three in favor of one, and three in favor of the other. The committee, therefore, have directed me to report to the House the two propositions, in order that the House might decide which of the two they would accept. I send them to the desk.

The Clerk read the propositions, as follows:

GLOBE OFFICE,
WASHINGTON CITY, *March* 18, 1864.

SIR: In compliance with your wish I will briefly state what, in the opinion of the proprietor of the Globe, should be the increase upon the compensation now paid to him for reporting and printing the debates of Congress, to enable him to continue the work, and to insure to him a fair return upon the capital and for the labor involved in its prosecution. Either of the two following propositions is acceptable, though not equally satisfactory, to him. I name them in the order of his choice:

I. Congress to restore that feature of its agreement with him which was observed for eight years from its date, and abrogated without notice to him at the close of the first session Thirty-Fourth Congress, on the passage of the bill changing the compensation of members, which agreement provided for the purchase from him of a complete set of the Congressional Globe and Appendix for each new member who had not before received them. This provision gave to him all that he was to receive in addition to such rates of compensation as had been paid to the parties who had reported and printed the debates for several years prior to 1846, and who then found themselves unable to go on with the work for the prices they were receiving. It was then that the proprietor of the Globe, who had been printing (unofficially) the Congressional Globe and Appendix for a dozen years, agreed with Congress to undertake the reporting and printing of its debates at the same rates which had been paid to the retiring contractors, and the then very slight addition to be derived from the sale of the back volumes, as above mentioned. He is to-day, and has been for several years past, doing this work—largely increased in volume—for the prices upon which other parties failed in 1846! He believes that the furnishing of these back volumes of his work is as much a part of his contract as is the furnishing of the current issue. He *bound* the number—*reprinting and stereotyping* at great expense such as had become exhausted—required for the new members of the Thirty-Fourth Congress, not doubting that he would be called upon to supply them as usual; he felt bound to do this; but he was not permitted to furnish them, and the volumes still lie here in his office. His efforts during the Thirty-Fifth, Thirty-Sixth, and Thirty-Seventh Congresses to have this part of his agreement made good have proved unavailing, though he has twice offered, and is still willing, to make a discount of twenty per cent. from the price heretofore paid him for copies supplied. Consequently, during the last four Congresses, the returns upon the outlay incident to the prosecution of this enterprise have been greatly inadequate; but the work has been continued in the belief that Congress would finally do him justice; would restore that which had been taken from him. *But for this belief the reporting and printing of the debates by Mr. Rives would have ceased several years ago.*

This provision restored, together with the renewal of the payment of the "one cent for every five pages excess over three thousand for a long, and fifteen hundred for a short, session," (which was the estimated extent of the work at the time Mr. Rives became the official reporter, but which limit has since been almost always largely exceeded, so much so that Congress passed a law providing for the payment of this *pro rata* for this excess, and which was paid for in a few instances until the law was repealed in 1860, without any consultation with or notice to the party whose interests it so seriously affected,) will enable the proprietor of the Globe to continue, *permanently*, the reporting and printing the debates in the prompt and acceptable manner which has heretofore characterized his work.

II. Congress to pay an advance of fifty per cent. on the prices now paid to the proprietor of the Globe for the work done by him for the two Houses. This increase will make the price for reporting and printing the debates in the Daily Globe $11 25 a column; and $9 a copy for the Congressional Globe and Appendix for a long session, and $4 50 a copy for a short session. This increase, to date from the beginning of the current (Thirty-Eighth) Congress, will enable the reporter and printer of the debates to proceed with the work, probably, only temporarily.

The acceptance of the first proposition will place the work on a *permanent basis*; will not cost any more than the second, except, perhaps, for the present Congress—probably something less hereafter—and will be at the same time a step toward the fulfillment of a fair agreement between Congress and an employé who has never hesitated to incur any expense whatever that the exigencies of the time have demanded for the full and satisfactory performance of his duty.

I am, very respectfully,

GEORGE A. BAILEY,
Chief Clerk.

Hon. AMBROSE W. CLARK, *Chairman Committee on Printing, House of Representatives United States.*

Mr. A. W. CLARK. In order that the House may act understandingly upon the subject, I will state that the first proposition, if accepted, will require an expenditure of about ninety-eight thousand dollars.

It will be seen that the former proprietor made these propositions, and they are acceptable to the present owners. This report has been delayed several days in consequence of the death of Mr. Rives, his death being announced the very day the report was to have been made. By the former proposition the proprietor of the Globe requires that the Congressional Globe shall be accepted and paid for for all the present members of the Senate and Delegates in the House of Representatives who have not received copies of the same. I find by an examination that there are thirty-eight Senators now who have not received them under the former arrangement, and one hundred and eighty-one members of the House, with nine Delegates. This proposition will require an expenditure of $9,424 for the Senate, and $47,120 for the House for the books alone. To that must be added the increased pay of one cent for every five pages of the excess of the former contract, which provided for three thousand pages for a long and fifteen hundred pages for a short session. Taking the Thirty-Seventh Congress as a fair average for the extent of the work, we find that there was an excess of fifteen hundred and four pages over the contract stipulation. This excess at one cent per each five pages produces the sum of $42,000, which, added to the amount required for the purchase of the Globes, would call for an appropriation of $98,544.

The second proposition is to perform the same labor, (not furnishing the books,) at an advance of fifty per cent. upon the rates now allowed him. The aggregate amount paid Mr. Rives for the Thirty-Seventh Congress was $133,550—$59,956 for the Senate and $76,594 for the House. Thus, to meet this increased expenditure it will require an additional appropriation of $66,775 for the Thirty-Eighth Congress. The price charged for the back numbers of the Globe is four dollars per volume, being twenty per cent. less than formerly paid for them. Although the former proposition may seem to be more expensive than the latter, still, under it you get two hundred and nineteen full sets of the Globe from the Twenty-Third Congress up to this time, making sixty-two volumes to each member. I now submit the matter to the House, and ask that they shall take action upon it.

Mr. MALLORY. I understand that the chairman of the Committee on Printing has submitted two propositions to the House, not both going together. It occurs to me that there would be some difficulty in knowing how to act upon them, and I suggest to the chairman of the Committee on Printing that perhaps the best course would be to recommit the subject to the committee, with instructions to report one or the other of those propositions to the House.

Mr. A. W. CLARK. It is for that purpose that we make this report.

Mr. MALLORY. I will move, then, that the subject be recommitted to the Committee on Printing, with instructions to report a bill providing for carrying out the contract claimed to have been made by the late Mr. Rives—the first proposition reported. I think that that course ought to be pursued by the House, because it is evident to my mind, and must be evident to the mind of every member of the House, that that proposition is the cheapest for the Government, and it is one, I know, that the pride of the old proprietor of the Globe was closely connected with. He disliked the idea of a gratuity made to him by Congress, and was always anxious that he should be enabled to go on with the Globe office, and with the performance of this duty, by Congress simply complying with its contract as made with him originally. I am anxious on that account that that proposition shall be adopted instead of the latter proposition.

I will move, therefore, if agreeable to the gentleman from New York, that the subject be recommitted to the Committee on Printing, with instructions to report a bill providing for the first proposition.

Mr. MORRILL. Will the gentleman from New York yield to me for a single moment?

Mr. A. W. CLARK. I will.

Mr. MORRILL. It is important that the House should understand the proposition now before it. I think it very clear that it is the duty of this Congress to do something in relation to this matter. I am entirely satisfied that the work will not be continued unless something is done on the part of Congress. I think it is a work that is very creditable to the country. I know of no reports that are made of the proceedings of legislative bodies in any other land that are at all equal to those that are made at the Globe office. In the promptness of their production, in the fidelity of the reporters, and the accuracy and beauty of mechanical execution, the congressional debates deserve high praise.

If we adopt the proposition proposed by the gentleman from Kentucky, the additional expense for the first year will be very large, more, as I understand, than it would be under the other proposition. But, as is suggested by the chairman of the Committee on Printing, we shall, in addition to having these reports as usual, have these additional volumes for distribution. The system of making appropriations for volumes of these debates for the use of members of Congress has now been abandoned for something, I think, like nine years. I understand that there are in the present House but three members who have received these debates. All the other members are new members. If this proposition should carry and these volumes should be taken from the Globe office, I submit this question to the House, whether members could take them under the existing law without refunding the price to the Treasury out of their pay. I think that is the present law, and a just and proper law it is also.

Mr. MALLORY. If the gentleman will permit me, I think that objection can be very easily obviated and the purpose that we contemplate be accomplished by providing that each copy furnished under the law for each member shall be deposited in some public library in his district. That would deprive the thing of the nature of a private bequest of books to members of Congress, and bring it from under the operation of the law to which the gentleman from Vermont refers.

If the gentleman will permit me, I will add that from the *exposé* made by the chairman of the Committee on Printing, it occurred to me, and must have occurred to the House, that the proposition I made, if adopted, would be cheaper and more economical than the second proposition. I think the gentleman from Vermont labors under a mistake.

Mr. MORRILL. If the gentleman will allow me to go on, I think I shall reach a proper conclusion, and possibly we may not differ.

I suppose that the chairman of the Committee on Printing has thoroughly investigated this matter, and would present the case to the House so that they can understand which of the two propositions is the most economical. As I learned from his speech, it is his impression that after the first year it would be far more economical for us to adopt the first proposition. If we can rid it of the difficulty about its being a gift or appropriation to members of Congress and distribute the volumes among the public libraries of the country, I shall have no objection to it; I have an objection, however, to any proposition that will give to the members of this House an opportunity to fill up their own private libraries from this or any other source. But I am clearly of the opinion that we ought to do something, and that speedily, in relation to this matter.

Mr. WINDOM. I did not quite understand the gentleman from New York, and I wish to know whether if we take the volumes already published we have any assurance that we shall not be called on hereafter for this additional payment?

Mr. A. W. CLARK. I understand that the present proprietors of the Globe are satisfied with this arrangement and are willing to carry it out, and if either party sees fit to abrogate the bargain, they can do it by giving two years' notice. The proprietors of the Globe say that under this first proposition the work can be carried on; under the second it cannot be relied on as a permanent arrangement, but must depend upon circumstances.

Mr. WINDOM. Mr. Speaker, if we are to pay $28,000 for back volumes, and then to be called on in a year or two to pay fifty per cent. to keep it running, I prefer to pay fifty per cent. now. If we can have any such contract as will avoid that necessity hereafter, I think the first proposition to be best if we can have any assurance on the subject.

Mr. A. W. CLARK. I have their assurance.

Mr. WINDOM. Is it an assurance which will be binding?

Mr. A. W. CLARK. It will be made so before the contract is completed. I call the attention of members to the law of Congress.

The Clerk read, as follows:

"If any books shall hereafter be ordered to and received by members of Congress by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation provided for such member or members: *Provided, however*, That this shall not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected."—*Statutes at Large*, vol. 11, p. 49.

Mr. A. W. CLARK. If the House wishes to act on either proposition, the committee is prepared to report a bill which can be acted upon at this time as well perhaps as at any other time. The matter has been fully discussed in the committee, and the negotiation has been going on for some time.

Mr. MALLORY. Then I withdraw my motion to recommit.

The SPEAKER. The report of the committee is accepted.

Mr. MALLORY. Perhaps the House had better act on my proposition at this moment. I move that the subject be recommitted to the Committee on Printing, with instructions to report a bill forthwith.

Mr. A. W. CLARK. I do not object.

The motion was agreed to.

Mr. A. W. CLARK, from the Committee on Printing, reported a bill to pay in part for the published debates of Congress, and for other purposes; which was read a first and second time.

The SPEAKER. Being an appropriation bill it requires unanimous consent to be considered in the House.

Mr. FARNSWORTH. Let me make an inquiry first. If I understand the bill it provides that in future all Senators and members shall receive the back numbers of the Congressional Globe. If so, Mr. Speaker, that seems to me to be holding out a great bounty. It is like compound interest, increasing from year to year. Members of the next Congress will not only receive the Congressional Globe for former years, but they will receive the Congressional Globe for this Congress. So on year after year; and it would puzzle the brain of any man in this House to calculate how many Congressional Globes a new member would be entitled to one hundred years hence. It seems to me that it would be cheaper to take the other proposition and pay fifty per cent. additional.

Mr. PRUYN. It is limited to ten years.

The SPEAKER. Does the gentleman object?

Mr. FARNSWORTH. I do.

Mr. MORRILL. What condition would this be in if postponed until to-morrow?

The SPEAKER. It would come up after the reading of the Journal, if the House did not go into the Committee of the Whole on the state of the Union.

Mr. ALLEY. I object.

The SPEAKER. That can be done by a majority vote.

Mr. MALLORY. Let us go into Committee of the Whole on the state of the Union, and take it up now. It will not require more than a few minutes to dispose of it.

Mr. MORRILL. Several members on this side want to discuss it.

Mr. MALLORY. It has been up for three Congresses.

Mr. SMITH. I rise to a point of order. The Speaker rose in his place and said that it required unanimous consent to consider the bill in the House, and there was no objection, so far as we heard over here. Then a speech was made without objection being made. I make the point that the objection comes too late.

The SPEAKER. The gentleman from Illinois reserved his right to object.

Mr. MALLORY. I understand the gentleman is willing to withdraw his objection.

Mr. FARNSWORTH. I am willing to withdraw my objection to hear any explanation.

The SPEAKER. Does the gentleman withdraw it?

Mr. FARNSWORTH. I do.

Mr. ALLEY. I renew it.

Mr. MORRILL moved that the further consideration of the subject be postponed until to-morrow.

The motion was agreed to.

INTERNAL REVENUE BILL.

Mr. MORRILL. I now insist on my motion to go into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes; the pending question being on the amendment yesterday submitted by Mr. HOLMAN to the forty-fourth section.

The amendment was agreed to.

Mr. MORRILL. I move to amend section forty-nine by striking out in line six the word "assessor" and inserting in its place the word "collector."

The motion was agreed to.

Mr. MORRILL. In line seven of the same section I move to amend by striking out the word "assessor" and inserting in its place the word "collector."

The amendment was agreed to.

Mr. MORRILL. I move to amend the same section by striking out in the fifty-first line, at the end thereof, the word "assessor" and inserting in its place the word "collector."

The motion was agreed to.

Mr. BOUTWELL moved to amend the same section in the twelfth line by striking out the word "assessor" and inserting in its place the word "collector."

The section, as amended, would then read:

SEC. 49. *And be it further enacted*, That any person applying for a license as a distiller, shall, in addition to what is required by other provisions of law, make an application therefor to the assessor of the district, and before the same is issued the person so applying shall give bond to the United States, in such sum as shall be required by the collector, and with one or more sureties, to be approved by said collector, conditioned that in case any additional still or stills, or other implements to be used as aforesaid, shall be erected by him, his agent or superintendent, he will, before using, or causing, or permitting the same to be used, report in writing to the said collector the capacity thereof, and information from time to time of any change in the form, capacity, ownership, agency, or superintendence, which all or either of the said stills or other implements may undergo, and that he will from day to day enter, or cause to be entered, in a book to be kept for that purpose, the number of gallons of spirits that may be distilled by said still or stills, or other implements, and also of the quantities of grain or other vegetable productions, or other substances put into the mash tub, or otherwise used by him, his agent or superintendent, for the purpose of producing spirits; and said book shall be open at all times during the day (Sundays excepted) to the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may make any memorandums or transcripts therefrom; and also that he will render to the said assessor or assistant assessor, on the first, tenth, and twentieth days of each and every month, or within five days thereafter, during the continuance of said license, an exact account in writing, taken from his books, of the number of gallons of spirits distilled, and also of the number of gallons sold or removed for consumption or sale by him, his agent or superintendent, and the proof thereof, and also of the quantities of grain or other vegetable productions, or other substances, put into the mash tub, or otherwise used by him, his agent, or superintendent, for the purpose of producing spirits, for the period or fractional part of a month then next preceding the date of said report, which said report shall be verified by affidavit in the manner prescribed by law; that he will not sell or permit to be sold, or removed for consumption or sale, any spirits distilled by him under and by virtue of his said license, until the same shall have been inspected, gauged, and proved, and the quantity thereof duly entered upon his books as aforesaid; and he will, at the time of rendering said account, immediately forward to the collector or deputy collector of the district a copy thereof duly certified by the assessor or assistant assessor; and that he will also pay to the said collector or his deputy the duties which by law are imposed on the spirits so distilled. And the said bond may be renewed or changed from time to time, in regard to the amount and sureties thereof, according to the discretion of the collector.

Mr. BOUTWELL. The committee has already observed that upon motion of the gentleman from Vermont [Mr. MORRILL] the word "collector" has been substituted in the sixth and seventh lines for the word "assessor."

As the law now stands the whole business of superintending the distilleries is in the hands of the collectors, and under their superintendence I am not aware that any difficulty or loss has occurred. And my own judgment is that we had better permit the law in this particular to remain where it has stood from the beginning.

As the section was reported by the Committee of Ways and Means the whole matter of the superintendence of these distilleries would have been transferred from the collectors to the assessors. The collectors are responsible officers. They are under bonds to the amount of $100,000 each, while the assessors are not under bonds at all.

But, sir, the section, as reported by the committee and as it now stands, differs from the existing law in another clause. Under the law as it now stands, returns are to be made monthly, and the duties are to be paid when the returns are made. Now, if the section remains as amended upon the motion of the gentleman from Vermont, while the bonds will be given to the collector, the returns are to be made to the assessor. The payments are then to be made to the collector. That will be the result of allowing the section to remain as it now stands without the amendment which I have submitted. In other words, the original application setting forth the various facts in regard to the distillery will be made to the collector; but any change to be made subsequently is reported to the assessor.

Now, it seems to me that after nearly two years' experience in the whole matter of the superintendence of distilleries in the hands of collectors, who, as far as is known to the Department, have discharged their duties faithfully and without loss, it would be unwise to make any change in the law in this particular.

I therefore offer this amendment, and if it be adopted, I will move to amend the section in another particular to make it conform exactly to existing law.

Mr. MORRILL. I have great respect for the opinion of the distinguished gentleman from Massachusetts, but after a careful examination of this whole question the Committee of Ways and Means have come to the conclusion, I believe almost unanimously, that the change as now proposed will be an improvement in the existing law.

It will be noticed by gentlemen of the House that the whole theory of granting licenses is based upon the idea that they are to be granted by the assessors. The section, therefore, as now amended, upon my motion, will simply provide for the same practice in respect to distillers as that adopted in respect to all other persons engaging in any kind of business.

It is true the collector is supposed to be a man of responsibility and character. And when we come to the taking of bonds we devolve that duty upon him. And then after that we require the parties who are distilling spirits to make their returns to the assessors in order that all the internal revenue officers may have some knowledge of what is going on instead of confining it merely to the collector. I do think it is important that all these officers should have some cognizance of the business, and hence I hope the amendment will not be adopted.

Mr. BOUTWELL. I would suggest to the gentleman that we have a check upon the collectors in this under the fifty-second section of this act; the inspectors of spirits, whose duty it is to inspect all spirits before they are removed from the distillery, are independent officers appointed by the Secretary of the Treasury, and their returns are a check upon the collectors; so that unless there is a collusion between the distiller, the inspector, and the collector, the Government is entirely sure to receive all the tax due.

Mr. MORRILL. I suggest whether it is not better that the returns shall be made by the assessors in the proper and usual manner, in order that the Commissioner of Internal Revenue may derive some knowledge of what is going on through the assessors. I think that will preserve the symmetry of the bill.

The amendment was not agreed to.

Mr. PENDLETON. I move to amend the forty-ninth section in line thirty-one, by inserting after the word "gallon" the words "placed in warehouse and the number." The object of this amendment is to require that all persons in making a return of the number of gallons of spirits distilled shall as well return the amount which has gone into warehouse for the purpose of exportation as the amount which has been removed for consumption or sale, or in any other wise disposed of. I think, inasmuch as a section will probably be adopted providing for the warehousing of distilled spirits for exportation, it is proper that the return shall show the number of gallons disposed of in that way.

Mr. MORRILL. I think that is right.

The amendment was agreed to.

Mr. BOUTWELL. I move to amend the section by striking out the word "assessor" in the twenty-third line and substituting in lieu thereof the word "collector." The amendment which I just now proposed was rejected by the committee, and I wish now to call the attention of the Committee of Ways and Means to the peculiar character which this section will have if we pass it in the shape in which it now stands. This section, as reported by the Committee of Ways and Means, was drawn with the intention of transferring all these powers from the collector to the assessors. Now, then, by the amendments which have been made upon the motion of the gentleman from Vermont, there appears to me a great incongruity in the bill; and there will appear to be others as this section is investigated and subjected to the test of criticism and judicial examination. But the one which appears to me on the moment, and to which I wish to call attention, is that it is provided here that a bond shall be given to the collector by the distiller conditioned that he shall do certain things, and that the doing or not doing these things are facts which are to be known to the assessor only, and which the collector shall have no official knowledge of as to whether they are done or not.

Now what I say is, we should either go back to the draft of the section as reported by the committee and put this whole matter upon the collectors, so that they shall receive bonds, be the responsible officers of the Government, superintend these distillers, and know whether the obligations they assume to the Government are complied with or not; or else we should put the whole responsibility upon the assessors, making them responsible to the Government under bond as to whether these duties of the distillers are performed or not. I withdraw the amendment.

Mr. MORRILL. I object to the withdrawal of the amendment. I merely wish to call the attention of the committee to the proposition which the gentleman makes, which is to insert the word "collector" in the place of "assessor."

Mr. BOUTWELL. I wish the committee to understand that I moved the amendment in order to get my general views before the committee before we passed the section.

Mr. MORRILL. The gentleman will pardon me, but he proposed to show what difficulties will arise unless this provision should be changed, and the only point he seized upon to illustrate his views is this part of the section contained in line twenty-three. What does it provide? Why, that—

> Said book shall be open at all times during the day (Sundays excepted) to the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may make any memorandums or transcripts therefrom.

Now, sir, there can be no objection to the collectors and assessors making these examinations —all of them. Why confine it to the collectors?

Mr. BOUTWELL. Will the gentleman yield to me for a moment?

Mr. MORRILL. Certainly.

Mr. BOUTWELL. I thought I had made myself understood. The incongruity to which I desire to call the attention of the Committee of the Whole arises from the peculiar phraseology that is found in the forty-ninth section, on page 53. I availed myself of this opportunity to move this amendment, as I saw that the committee was passing from that section, in order that I might call the attention of the committee to that incongruity. I did not mean to be understood as having any opinion upon the particular phrase to which my amendment is offered. I now withdraw the amendment.

Mr. WASHBURNE, of Illinois. I propose to amend the fifty-first section by adding the following, to come in at the end of the twenty-fourth line:

> *Provided further*, That all spirits on hand at the time of the passage of this act, or at the several times prescribed for the increase of the duties as aforesaid, shall be subject to the rates of duties as provided for in this act from and after the said periods respectively, except that spirits which shall have been already taxed under the act approved on the 1st day of July, A. D. 1862, or under and in pursuance of the provisions of this act, shall not be subject to more than the additional or increased tax at the said several periods.

Mr. Chairman, I do not propose to discuss this amendment at length. It is a subject which has been fully discussed in the committee—the precise subject which was discussed when the former internal revenue act was before the House. I desire merely to have a vote in the committee upon the subject and not to take up the time of the committee in the discussion of it.

The amendment merely proposes to carry out the principles of the existing law. It is known to the committee and to the country that in the law which is now upon the statute-book we have imposed a tax upon all foreign liquors on hand, and the owners of those foreign liquors on hand are paying that tax into the Treasury. There is a discrimination between those liquors and the liquors which it is proposed by this amendment to tax. I think that discrimination is unjust. I think that this tax is right and proper, and that it is a tax which our constituents demand that we shall impose.

Mr. STEVENS. Mr. Chairman, I had hoped that this "root of bitterness" would not again be planted to distract this House and the country. We know that it was pertinaciously adhered to before. It cost us some three weeks of discussion in this House and the other; and lost us, according to my estimate, some four million dollars of revenue which we should have derived if we had passed the bill in the shape in which it came back from the Senate. It looks to me now as if this was more a contest for victory than for the good of the country. I cannot help thinking that that is so. I supposed that the question was settled up to the 1st of July. It was settled by this House that up to the 1st of July there should be no tax on spirits except sixty cents on that produced after the passage of the bill. It is true that there was an incongruity on the part of the House in that vote; and that was the laying of a tax upon the foreign article. But when the Senate finally, in order to defeat what they considered a want of principle in us, and what I so considered, receded, a bill was immediately introduced to repeal the law, so far as it respected foreign liquors. That bill, I have no doubt, will pass and become a law. In the mean time, I understand that the Secretary of the Treasury has expressly directed that that tax shall not be collected; and I suppose it will not be collected until that question is settled.

I hope, therefore, that, considering the enormous tax which we are now putting upon this article, this crusade will be discontinued, and that our friends here will go on and pass a bill which can be passed through both Houses immediately, and which can be enforced. I trust that we shall not expend the whole session, up to the 1st of July, in attempting to force upon the country what has been already rejected, for the result will be that the bill will linger between the two Houses during the whole session of Congress, and at last the struggle will probably result in the way it did before.

Mr. WASHBURNE, of Illinois. I move to amend the amendment by striking out all after the word "further." I do it, not for the purpose of going into any discussion, but merely to reply in a few words to the gentleman from Pennsylvania. I wish to assure that gentleman that it is from no wish of victory that I introduce this amendment, because the gentleman recollects very well that when a similar amendment was last before the House I gave him notice and the country notice that when the Committee of Ways and Means brought in their next tax bill I should move this amendment to it.

Now, sir, I wish to call the attention of the committee to one fact. We are here, under the Constitution, engaged in legislation upon one of the most important subjects before us. The Constitution has given to the Representatives of the people the peculiar privilege of originating these tax bills. But the gentleman from Pennsylvania now tells us that we are by this amendment introducing a matter here which will take up a great deal of time.

Sir, I do not propose to do that. I merely propose that we shall pass upon the question; that the Representatives of the people may show to their constituents how they stand upon this great question of taxing the whisky on hand.

The gentleman says we lost $4,000,000 by the delay in our action, caused by the introduction of this amendment upon our other bill. Sir, I tell the gentleman and I tell the country that $30,000,000 was lost to the Treasury of the country by our failing to adopt the amendment then submitted by the gentleman from New York, [Mr. FERNANDO WOOD.]

But the question now is whether, when we have the power in our own hands to impose a tax upon the whisky on hand, while fortunes have been made by these whisky speculators, in consequence of our failure to impose this tax, that are absolutely enormous, we shall still impose this tax?

The gentleman tells us what the action of the House has been upon this question. I know very well that upon one vote, by a bare majority, the House concurred in the amendment of the Senate striking out the tax; but upon subsequent votes, as upon previous ones, the House reversed that vote by a very heavy majority. And even upon the same day, when the House had reached the latter part of the bill in which the Senate had stricken out the House provision imposing an additional tax upon foreign liquors, the House refused to concur in the Senate amendment, and that stands to-day as adopted by the House. The House yielded at last to the clamor raised in the House and in the Senate, that to tax the liquors on hand would be giving up a great principle, so far as to submit at last to the striking out of the tax upon domestic liquors, but when they came to the tax upon the foreign liquors on hand the principle was surrendered up, and we now stand before the country in the position of having permitted this great interest, on which I believe a revenue of twenty or thirty million dollars could have been raised, go "scot free," while the whole principle, if there be any, has been yielded up by imposing a corresponding tax upon imported liquors. That is the whole question, and I think the country will understand it. I know of no question which has been more fully canvassed by our constituents than this question of taxing the liquors on hand, and I believe that it is their sentiment that this interest which can above all other interests bear taxation ought to be heavily taxed.

Mr. Chairman, I yield to my friend from Pennsylvania [Mr. STEVENS] that his course is in accordance with his honest convictions, and I have no doubt that he is willing to yield the same to me.

Mr. STEVENS. I will do the gentleman from Illinois the justice to say that he did give us notice, something, I believe, like that given by the Carthaginians, that he would himself, and all his posterity after him perhaps, (I do not know that he went quite that far,) fight this question to the day of judgment.

I remember, also, the gentleman did afterwards introduce a resolution into this House instructing the Committee of Ways and Means to bring in just such a bill for taxing the stock on hand, but when the vote was taken upon his resolution by yeas and nays, it was voted down by a considerable majority, thus instructing the Committee of Ways and Means in the other direction.

Now, sir, I did not intend to resurrect this question again. I believe the proposition is a violation of the plighted faith of the nation. I know that other gentlemen think differently, and they are of course honest in so thinking; but it is perfectly apparent that in a body like the Senate, with an overwhelming majority against it, they will never recede from their position, that they will not assent to a proposition which they believe to be a violation of the plighted faith of the nation.

The gentleman from Illinois says that while I was of the opinion that $4,000,000 had been lost to the Government in consequence of the introduction of the amendment of the gentleman from New York, he believes that $30,000,000 was lost by adopting the Senate amendment. Now, sir, $4,000,000 was all I could estimate it was practicable to collect from the stock on hand. I have no doubt the gentleman believes it would produce $30,000,000, but I do not believe any other man on earth believes it. My colleague [Mr. MOONHEAD] says he believes the same thing. Well, sir, I did not believe there was any other so credulous a person. Shall we again obstruct the public business for the remaining portion of the session for the purpose of attempting a thing that we cannot perform?

Mr. WASHBURNE, of Illinois, by unanimous consent, withdrew his amendment.

Mr. J. C. ALLEN. I move to strike out the last line.

Mr. WILSON. Report it.

The CLERK. It is as follows: "periods." [Laughter.]

Mr. J. C. ALLEN. I move to strike out the words "an additional or increased tax at said several periods."

Mr. Chairman, I am opposed to the amendment of my colleague, and I do not propose to occupy the time of the House further than to say that the discussions we have already had on this subject have, I think, satisfied the country and every member of the House, except my colleague and a few other members. By adopting this amendment you adopt what no other nation has heretofore adopted. If you apply it to the article of whisky by taxing the stock on hand you open up every other article of manufacture, and we may be here until January next without a tax bill to raise revenue. If you tax whisky on hand you must apply the same principle to coal oil, and then you will have to hear the gentleman from Pennsylvania on the question. You will also have to apply it to the iron interest, and every man who represents an iron district will rise up in antagonism. You must apply it to every branch of manufactures, and thus we shall come into conflict with all of the New England States. You will at once open up a question that will cause great confusion and opposition to any tax bill.

In this bill you already tax whisky fourfold its ordinary value. We do not object to that, but we do object that to the manufacture of spirits you shall apply a rule which has never been enforced by any nation on earth. It has not been adopted in any previous tax bill. If you apply it to this interest you must apply it to every other interest, and if you do not jeopardize the passage of the bill you will at least delay action to a very late day in the session. I stated my views in full when the question was up before, and I do not now propose to occupy further the time of the House.

Mr. FERNANDO WOOD. I hope that the amendment of the gentleman from Illinois [Mr. WASHBURNE] will be adopted. While I agree with the gentleman from Pennsylvania [Mr. STEVENS] and the gentleman from Illinois that there has been a great deal of discussion on this subject, yet I deny that the House has settled any principle in reference to taxing stock on hand. It will be remembered when discussion occurred on a former revenue bill——

Mr. HUBBARD, of Iowa. Does the gentleman from New York intend to vote for this amendment or against it, as he did before? [Laughter.]

Mr. FERNANDO WOOD. The gentleman will find out in good time what I intend to do.

Mr. Chairman, while I admit there has been a great deal of discussion and excitement on this question, while there have been unseemly influences and lobbying in both branches of Congress in reference to taxing whisky on hand, I deny that Congress has settled any principle.

Now, sir, in the bill to which the gentleman refers, my constituents are taxed forty cents per gallon upon every gallon of imported liquors, although the liquors may have been in the warehouses for ten years. So far as any positive legislation has settled the principle, it has been in favor of taxing foreign liquors on hand. If the House refuses to apply the principle to domestic liquors, I give notice that I shall move an amendment to repeal that provision of law which taxes foreign liquors on hand.

This whole bill, sir, discriminates against all of the large importing interests of the country. While manufactures are taxed, while commercial and banking interests are taxed, there is not a single article of agriculture on which it is proposed to put the slightest tax. Under this bill the city of New York will pay more revenue than all of the western States. According to the Constitution taxes must be equalized, and this, therefore, is unfair and illegal. The city of New York has paid three quarters of the revenue of the Government since its foundation, and this proposes still further to discriminate against the importing merchants.

Therefore I want all alike. I want the amendment of the gentleman from Illinois adopted, as I want domestic liquors to stand upon precisely the same footing with foreign liquors. The principle is just, right, correct, politic, and wise, and I hope it will be adopted.

Mr. J. C. ALLEN, by unanimous consent, withdrew the amendment to the amendment.

Mr. BROOMALL. I move to amend the amendment by striking out all after the first word of the amendment. I was opposed to this proposition of retaxation when the question was up before, and steadily voted against it, believing that there was no reason why whisky should be retaxed any more than cotton or any other commodity except that it was whisky, and I did not consider that that was a sufficient reason for departing from what I believed to be a true principle. But what I particularly desire is to set off Illinois against Illinois, and therefore I ask the Clerk to read, as a part of my speech, the views of the lamented Lovejoy when this matter was under consideration before.

The Clerk read, as follows:

"Mr. Speaker, I desire to express the hope that the amendment to the internal revenue bill taxing liquors will not be allowed to remain. I trust the House will concur in the Senate amendments. The more I reflect upon the subject, and the more I become acquainted with the facts, the more I am convinced that this retroactive tax is unjust, impolitic, and destructive of the ends which it apparently is intended to secure. It will require a number of tax-gatherers equal to the frogs which invaded the chambers and kneading-troughs of the Egyptians. You will have to visit the cross-roads to find the retailers and gauge their half-sold barrel of whisky, and extort, it may be, a few dollars, and receive multiplied execrations gratis.

"The highest amount anticipated from this process is, I believe, $5,000,000. The city of Peoria alone, if you allow the distillers to go on under the law as amended in the Senate, will give you $7,000,000, and my whole district $9,000,000. This large amount, double, and in the estimation of good judges more than three times the amount which you can get from retaxing the amount on hand, will be virtually lost to the Government, for the distillers cannot for any long time carry on their manufactures under this capricious and ever-changing legislation. If this new tax is sprung upon them now they will anticipate a similar process at the next session of Congress; they will therefore be afraid to buy the raw material when its product is subject to this retroactive legislation. What would you think of the farmer who having drawn a full and foaming pail of milk from his cow should look covetously upon it as he takes it to the milk-house and determine to return immediately and obtain another? The kindest animal would get restive and kick under such an exhaustive process. If he will only wait until night and let his cow have grass and water and time he can get his bucket refilled. So, if the Government will deal fairly and justly with these distillers, it will get a large revenue, paid in promptly and cheerfully, but if it attempts this exhaustive process of renewed and double taxation it will receive plenty of kicks and but a scanty revenue. I state this as my honest, candid conviction, and I entreat the House to review its action and concur in the amendments of the Senate.

"As to the policy of the measure I will not dwell upon that, but satisfy myself with saying that it appears to me to be one of the most impolitic things that could possibly be done; that if it could be carried into execution—which I believe to be impossible—it would be one of the most odious measures that could possibly be adopted. I have no doubt that was the purpose of the mover. It is the wily Greek bringing the wooden horse into Troy. '*Timeo Danaos et dona ferentes.*'

"The wise man has said, 'in vain is the snare set in the sight of any bird.' I hope the House will not be unwise enough to step into a trap that really has no concealment. I trust the House will forgive the seeming egotism of these remarks. I do not distrust its wisdom or its patriotism, but representing a district so largely interested in this subject, I beg the indulgence of submitting these few words to be placed on record, for they are in accordance with my very clear and honest convictions."

Mr. MORRILL. I rise for the purpose of moving that the committee rise in order to close the debate on the pending section; but before doing so I desire to say a few words.

From the impassioned tone of the gentleman from Illinois [Mr. WASHBURNE] one would suppose that he had been investing in whisky straight, but such is not the fact, I am happy to state. [Laughter.] I believe when the gentleman was a candidate for the Speakership he did not offer any such thing.

Mr. WASHBURNE, of Illinois. Hence I lost. [Laughter.]

Mr. MORRILL. I am not disposed to get into any passion upon this section. I desire that the House shall consider it properly and candidly. I think it a mischievous proposition, and I think it was originally introduced for the purpose of causing mischief, and I hope this House will not adopt it. I regard it as very certain that it cannot pass the Senate, and if we spend any amount of time upon it we shall only delay action upon this bill.

Mr. WASHBURNE, of Illinois. Did I understand the gentleman to say that this amendment was introduced for the purpose of producing mischief?

Mr. MORRILL. Originally; not now. I did not intend any reflection upon the gentleman from Illinois.

It is very important that we should pass this bill speedily in order that it may take effect before the 1st of May, with a view to have it operate upon the income tax. If the principle proposed to be adopted here shall succeed, why should we not apply the same principle to books? We have never levied any tax whatever upon books previous to this time. Or why not apply it to all goods or property on hand?

Now, there is a certain sort of symmetry in the bill as it stands. We propose merely to tax those who manufacture for the purpose of sale and consumption hereafter. We do not propose to tax property on hand in every direction. I have received letters from various portions of the country, asking that a tax be placed upon horses and upon other personal property on hand. And if we tax these liquors on hand it is a fair question to ask, why not other property?

Mr. KASSON. Will the gentleman yield to me?

Mr. MORRILL. I will surrender the remainder of my time to the gentleman from Iowa.

Mr. KASSON. I want to call the attention of my friend from Illinois [Mr. WASHBURNE] to the fact that his amendment is inconsistent with the theory of the bill. It provides that the tax on the stock on hand shall advance at successive periods, as other taxes advance. The effect of this will be that we hold out no inducement to the producers of spirits, in presence of an accumulated stock, to continue the production of the article during the summer and fall as we would do upon the theory of our bill; because if they manufacture in advance of the market demand they will have to pay just as high a duty in the total, at successive periods, as if they did not manufacture in advance of the wants of the market. There would be a loss of interest, and no gain in tax. The effect would plainly be to suspend the distilleries for some months. I ask him, therefore, before his amendment is put to a vote that some modification should be made so as to make the amendment harmonious to that important feature of our bill; otherwise it will be impossible for some of us to sustain it.

Mr. MORRILL. We have proposed to raise this duty largely in our bill by way of compromise, in order to meet the views of all parties, supposing they would be satisfied if we raised the duties very much higher than originally proposed, and that the idea of taxing liquors on hand would therefore be abandoned by the friends of that proposition.

I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. DAWES reported that the committee had had under consideration the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that when the Committee of the Whole on the state of the Union shall resume the consideration of this bill all debate shall terminate upon the pending section in half a minute after the same is resumed.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, on the special order.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. DAWES in the chair,) and resumed the consideration of the special order, being the internal revenue bill.

Mr. BROOMALL. I withdraw my amendment to the amendment.

The question recurred on Mr. WASHBURNE's amendment.

Mr. WASHBURNE, of Illinois. I will modify my amendment so as to read as follows:

Provided further, That all spirits of domestic production and held for sale on the 1st day of May, 1864, and upon which no tax shall have been paid, shall be subject to a duty of fifty cents per gallon, and all such spirits on hand for sale upon which a prior duty shall have been paid shall be subject to a duty of thirty cents per gallon. *Provided further*, That *bona fide* retail dealers in spirits duly licensed shall not be taxed on their stock on hand whose quantity on hand does not exceed two barrels.

I now call for tellers on the amendment.

Tellers were ordered; and Messrs WASHBURNE, of Illinois, and BLISS were appointed.

The committee divided; and the tellers reported —ayes 55, noes 70.

So the amendment was disagreed to.

Mr. MORRILL. As that amendment has failed, and in order further to satisfy that portion of the House who are in favor of that proposition, I move to strike out all after the word "prior," in the fifth line, down to and including "1864," in the eighth line, as follows:

To the 1st day of July, 1864, a duty of sixty cents on each and every gallon; on and after the 1st day of July, 1864.

So that it will read:

SEC. 51. *And be it further enacted*, That, in addition to the duties payable for licenses herein provided, there shall be levied, collected, and paid on all spirits that may be distilled and sold, or removed for consumption or sale, of first proof, prior to the 1st day of January, 1865, a duty of one dollar on each and every gallon; &c.

Mr. KASSON. I suggest to the gentleman from Vermont that he move to insert before the word "prior" the words "on and after the 1st day of May, 1864." That will accomplish his purpose.

Mr. MORRILL. I accept that modification.

Mr. WILSON. I move to amend the text of the bill by striking out the word "January," in the eighth line, and inserting "October."

The CHAIRMAN. The gentleman from Iowa does not propose to amend any part of the text which the gentleman from Vermont moves to strike out, and his amendment is therefore not in order.

Mr. WILSON. I do propose to amend a portion of the text which the gentleman from Vermont has moved to strike out.

The CHAIRMAN. The gentleman from Vermont has modified his amendment at the suggestion of the gentleman's colleague, [Mr. KASSON,] and the word he proposes to strike out is not included in the amendment as modified.

Mr. WILSON. I thought his amendment included the whole of the eighth line.

Mr. MORRILL's amendment as modified was then agreed to.

Mr. WILSON. I move to amend the fifty-first section by striking out "January, 1865," and inserting in lieu thereof, "October, 1864." I propose to follow up this amendment by striking out "one dollar" and inserting "$1 25."

The amendment was not agreed to.

Mr. GRINNELL. I move to amend by striking out the tax of one dollar on spirits and inserting in lieu thereof "$1 50."

The amendment was not agreed to.

Mr. HOLMAN. I move to amend by reducing the tax on spirits from one dollar to eighty cents.

The amendment was not agreed to.

Mr. UPSON. I move to amend by striking out the words "on and after the 1st day of July, 1864, to the 1st day of January, 1865," and inserting in lieu thereof the words "on and after the 1st day of October, 1864."

Mr. MORRILL called for tellers on the amendment.

Tellers were ordered; and Messrs. MORRILL, and STEELE of New Jersey, were appointed.

The committee divided; and the tellers reported —ayes 57, noes 62.

So the amendment was rejected.

Mr. WILSON. I move to amend by striking out the tax of $1 25 per gallon on spirits manufactured after the 1st of January, 1865, and inserting in lieu thereof $1 50 per gallon.

Tellers were demanded on the amendment.

Tellers were not ordered.

The amendment was rejected.

Mr. HOLMAN. I move to amend the fifty-first section by striking out the words "on and after January 1, 1865, a duty of $1 25 on each and every gallon."

Mr. MORRILL demanded tellers on the amendment.

Tellers were ordered; and Messrs. HOLMAN and A. MYERS were appointed.

The committee divided; and the tellers reported —ayes 30, noes, 77.

So the amendment was rejected.

Mr. WILSON. I move to amend the fifty-first section by striking out the words "January, 1865," and inserting in lieu thereof the words "November, 1864."

Mr. MORRILL demanded tellers on the amendment.

Tellers were ordered; and Messrs. WILSON and BLISS were appointed.

The committee divided; and the tellers reported —ayes 40, noes 62.

So the amendment was rejected.

Mr. HOLMAN. I move to amend by adding at the end of the section the following proviso:

Provided further, That all spirits used for manufacturing purposes shall be exempt from the duty imposed by this act, in such manner and under such rules and regulations as the Secretary of the Treasury shall prescribe.

The question was taken; and the amendment was rejected.

Mr. GRINNELL. I move to amend by adding at the end of the section the words, "since great are the charms of cheap whisky." [Laughter.]

The amendment was rejected.

Mr. COX. I move to amend by reducing the tax of one dollar to seventy cents, and the tax of $1 25 to ninety cents.

The amendment was rejected.

The Clerk proceeded to read the fifty-second section.

Mr. FERNANDO WOOD. I move an amendment to come in as an additional section between the fifty-first and fifty-second sections.

The CHAIRMAN. The Chair thinks the proposition comes in too late. The committee has passed from the fifty-first section and has passed to the fifty-second section.

Mr. FERNANDO WOOD. I submit to the Chair that the Clerk had but just commenced the reading of the fifty-second section when I proposed my amendment.

The CHAIRMAN. The Clerk had read eight lines of the fifty-second section when the gentleman from New York addressed the Chair.

Mr. FERNANDO WOOD. I hope the committee will hear the amendment read, and if objected to I will withdraw it.

The amendment was read, as follows:

SEC. —. *And be it further enacted*, That so much of the seventh section of the act of Congress of March 7, 1864, to increase the internal revenue, &c., as levies a tax of forty cents a gallon on spirits imported prior to March 7, 1864, be, and is hereby, repealed, and that the Secretary of the Treasury be directed to refund to persons paying the same all moneys thus exacted on such spirits, the original entry of which was made prior to the said 7th of March, 1864.

Mr. GRINNELL. I object.

Mr. FERNANDO WOOD. I give notice that I will offer it at the end of the next section.

Mr. KASSON. I suggest that it be offered at the end of the bill.

Mr. FERNANDO WOOD. Do I understand the gentleman from Iowa to say that he will not object to the introduction of it at that time?

Mr. KASSON. I shall make no objection to it at the end of the bill, where it will be more appropriate as a repealing clause.

Mr. FERNANDO WOOD. Well, I will reserve it.

Mr. MORRILL. I move to amend on page 58, line thirty-three, after the words "assistant assessor," by inserting the words, "other competent officer."

The amendment was agreed to.

Mr. MORRILL. On page 59, line forty-two, I move to amend before the word "pay," by inserting the word "and." I also move after the word "duties" to strike out the words "furnish bonds correspondingly;" and also at the end of line forty-four, by inserting the words "and furnish bonds correspondingly."

The amendments were agreed to.

Mr. PENDLETON. I move to amend the same section in the twelfth line by inserting after the word "gallons" the words "placed in warehouse, and also the number."

The section as amended would then read:

SEC. 53. *And be it further enacted*, That every person who shall be the owner of any still, boiler, or other vessel, used or intended to be used for the purpose of distilling spirituous liquors, as hereinbefore provided, or who shall have such still, boiler, or other vessel under his superintendence, either as agent for the owner or on his own account; and every person who shall use or intend to use any still, boiler, or other vessel, as aforesaid, either as owner, agent, or otherwise, shall from day to day make true and exact entry, or cause to be entered in a book to be kept by him for that purpose, the number of gallons of spirits distilled by him, and also the number of gallons placed in warehouse, and also the number sold, or removed for consumption or sale, and the proof thereof; which book shall always be open in the daytime (Sundays excepted) for the inspection of the said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes, memorandums, or transcripts thereof; and shall render to said assessor or assistant assessor on the 1st, 10th, and 20th days of each and every month in each year, or within five days thereafter, a general account in duplicate, taken from his books, of the number of gallons of spirits distilled, and also the number of gallons sold, or removed for consumption or sale, and the proof thereof, not before accounted for; and shall also keep a book, or books, in a form to be prescribed by the Commissioner of Internal Revenue, and to be open at all seasonable hours for inspection by the assessor, assistant assessor, collector, deputy collector, or inspector of the district, wherein shall be entered, from day to day, the quantities of grain or other vegetable productions, or other substances put into the mash tub by him, his agent, or superintendent, for the purpose of producing spirits; and shall verify or cause to be verified the said entries, reports, books, and general accounts, by oath or affirmation, to be taken before the assessor or assistant assessor, or other competent officer, according to the form required by law; and shall immediately forward to the collector of the district one of the said duplicate accounts, duly certified to by the assessor or assistant assessor; and shall also pay to the collector the duties on the spirits so distilled and sold, or removed for consumption or sale, and in said accounts mentioned at the time of rendering the duplicate account thereof: *Provided*, That distillers who distill or manufacture less than one hundred and fifty barrels of spirits per year may make returns and pay duties on the 1st day of each and every month in lieu of on the 1st, 10th, and 20th days of the month, and furnish bonds correspondingly, anything to the contrary notwithstanding.

Mr. PENDLETON. The object of my amendment is merely to make the section correspond with an amendment two or three sections back. The object is to require returns to be made of the number of gallons warehoused as well as the number sold.

The amendment was agreed to.

The fifty-fourth section was then read.

Mr. BROOKS. I wish to call the attention of the committee to this section. It seems to create an indefinite number of officers to be appointed by the Secretary of the Treasury. Whenever the assessments, in his judgment, may seem to require them, he may appoint one or more inspectors of spirits and coal oil, &c.

In the sixth section we have given to the Secretary of the Treasury or to the heads of the Government power to create five additional inspectors to travel over the country; and here is a section by which he may appoint one hundred, two hundred, five hundred, or two thousand officers, as he may desire. And he may not only appoint inspectors, under this section, of coal oil, but of Macassar oil, or hair oil, or any other description of oil, as well as of tobacco, cigars, &c.

Mr. GRINNELL. What is the amendment of the gentleman from New York? I did not hear it.

Mr. BROOKS. I did not propose any amendment in form; but I will now move to strike out the whole section. I do not see that there is any necessity for it.

The section was read, as follows:

SEC. 54. *And be it further enacted*, That there shall be appointed by the Secretary of the Treasury in every assessment district where the same may be necessary, one or more inspectors of spirits, refined coal oil or other oil, tobacco, cigars, and other articles, who shall take an oath faithfully to perform their duties, in such form as the Commissioner of the Internal Revenue shall prescribe, and who shall be entitled to receive such fees as may be fixed and prescribed by said Commissioner.

Mr. MORRILL. For the information of the gentleman from New York I would say that these inspectors receive no pay from the Government at all. They are paid by the manufacturer who has his whisky or his oil inspected. But in order to show that fact more clearly I will offer the following amendment, to come in at the close of the section proposed to be stricken out. It is the same amendment proposed to be added to another section. It is as follows:

To be paid by the owner or manufacturer of the articles inspected or gauged; and any manufacturer of spirits, refined coal oil, or other oil, tobacco, cigars, or other articles which may by law be required to be inspected, who shall refuse to admit an inspector upon his premises, so far as it may be necessary for the performance of his duties, shall forfeit the sum of $100, to be recovered in the manner provided for other penalties imposed by this act.

Mr. BROOKS. The amendment the gentleman from Vermont proposes, in my judgment, only makes the section more objectionable. Section fifty-four creates an indefinite number of officers who, as I supposed, were to be paid by the

Federal Government. That was objectionable because of the number, and not because of the method of payment. But the proviso not only leaves the indefiniteness in respect to the number of officers to be appointed, but it provides also that the compensation of these officers shall be defrayed by the manufacturers of these "spirits, refined coal oil, or other oil, tobacco, cigars, and other articles" to be inspected; so that the Secretary may, if he pleases, appoint ten, twenty, or fifty thousand inspectors, and saddle their compensation upon the manufacturers.

Mr. KASSON. The gentleman will allow me to interrupt him, just to say that whatever compensation is paid these inspectors will be in the shape of fees, so that it makes no difference, so far as the expense is concerned, whether a hundred officers are appointed or only one. And not only that, but the proposition is already in the existing law, and I have never heard of any difficulty occurring in consequence of it.

Mr. BROOKS. This proviso is that these inspectors shall be paid by the manufacturer.

Mr. KASSON. That is the provision of law now.

Mr. BROOKS. Well, sir, I call the attention of the committee to two objections to this section as the gentleman from Vermont proposes to amend it: first, that it provides for an indefinite number of officers; and, second, that it saddles the expenses of these officers upon the manufacturers. The section itself is objectionable, and the proviso makes it still more objectionable.

Mr. GANSON. I think that the mode of compensation is still more objectionable.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. GANSON. I move to amend the amendment by striking out the last line. It seems to me that this will make it the interest of the appointee to cheat the Government and to side with the party whose articles are to be inspected. I think the principle is wrong so far as the mode of compensation is concerned.

Mr. MORRILL. Practically this has been in operation since the passage of the original law, and there has been no difficulty about it.

The gentleman from New York [Mr. BROOKS] says that the Secretary of the Treasury can appoint numberless officers. Now how much influence can the Secretary of the Treasury have by the appointment of officers who get nothing?

One word in regard to the other objection. These fees are regulated by law. Every man who inspects gets precisely the same fee. It is a provision of law that the owners of linseed oil, distilled spirits, and tobacco shall pay these fees. That is no new provision.

Mr. GANSON, by unanimous consent, withdrew his amendment to the amendment.

Mr. MORRILL's amendment was agreed to.

Mr. A. MYERS. I move to strike out the section as amended.

I wish to say, Mr. Chairman, that this mode of compensating inspectors, instead of being a means of cheating the Government or anybody else, brings two principles to bear which will have an opposite result. The distiller will have an interest to represent the number of barrels as small as possible, and the man who is paid so much per barrel for inspecting will have an interest to make the number as large as possible. Instead of being the means of fraud I think that it protects the interests of the Government as well as those of the distiller.

The amendment was rejected.

Mr. MORRILL. I move to strike out the word "is" and insert "are," to strike out the word "and" and also the words "and the fees of such inspector shall in all cases be paid by the owner of the spirits so inspected, gauged, and proved;" so that it will read:

SEC. 55. *And be it further enacted*, That all spirits distilled as aforesaid by any person licensed as aforesaid shall, before the same are used, or removed for any purpose, be inspected, gauged, and proved by some inspector appointed for the performance of such duties, who shall mark upon the cask or other package containing such spirits, in a manner to be prescribed by said Commissioner, the quantity and proof of the contents of such cask or package, with the date of inspection and the name of the inspector, and shall make a return of all spirits so inspected, and the name of the distiller, to the assessor of the district; and the duty imposed by law shall be assessed and paid on all spirits so inspected and not removed forthwith to a bonded warehouse. And any person who shall attempt fraudulently to evade the payment of duties upon any spirits distilled as aforesaid, by changing in any manner the mark upon any such cask or package, shall forfeit the sum of $500 for each cask or package so altered or changed, to be recovered as hereinbefore provided. And any such inspector who shall knowingly put upon any such cask or package any false or fraudulent mark shall be liable to the same penalty hereinbefore provided for each cask or package so fraudulently marked. And any person who shall fraudulently use any cask or package so marked for the purpose of selling any other spirits than that so inspected, or for selling spirits of a quality or quantity different from that so inspected, shall be subject to a like penalty for each cask or package so used.

The amendments were agreed to.

Mr. MORRILL. I move before the word "fraudulently," in the last sentence, to insert the words "purchase or sell any empty casks with inspection marks thereon, or who shall."

The amendment was agreed to.

Mr. MORRILL. I move to insert before the last word "purchased, sold, or."

The amendment was agreed to.

Mr. A. MYERS. I move to strike out the word "assessor" and in lieu thereof to insert "collector." If that be agreed to I shall move to strike out the word "assessed."

The reason I move the amendment is this: if this return is to be made to the assessor it may be three months before it reaches the collector, and the Government will thus be detained from getting, for some time, the tax upon the oil. I have reference to oil especially, as I am interested in that. It seems to me better to make the return at once. It should be collected at once.

The amendment was rejected.

The Clerk read, as follows:

SEC. 56. *And be it further enacted*, That the owner or owners of any distillery or oil refinery may erect, at his or their own expense, a warehouse of iron, stone, or brick, with metal or other fire-proof roof, and such warehouse, when approved by the collector, is hereby declared a bonded warehouse of the United States, and shall be used only for storing distilled spirits or refined coal oil, and to be under the custody of the collector or his deputy. And the duty on the spirits or oil stored in such warehouse shall be paid before it is sold or removed from such warehouse for sale, unless removed to another bonded warehouse in pursuance of law.

Mr. MORRILL. I move to strike out the word "erect" and in lieu thereof to insert "provide."

The amendment was agreed to.

Mr. MORRILL. I move to insert after the words "coal oil" the words "or naphtha."

The amendment was agreed to.

Mr. HOOPER. I move to strike out the words "sold or," "for sale," and "to another bonded warehouse;" so that it will read:

And the duty on the spirits or oil stored in such warehouse shall be paid before it is removed from such warehouse, unless removed in pursuance of law.

The amendment was agreed to.

The fifty-seventh section having been read,

Mr. MORRILL moved to amend by inserting after the words "coal oil," wherever they occur, the words "and naphtha."

The amendments were agreed to.

Mr. MORRILL. I move to amend in line eleven by striking out "assessor" and inserting "collector," so as to provide that the collector shall take the bonds required by the section.

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the word "paid," in the forty-second line, the words "to the collector of the customs."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the word "warehouse," in the forty-sixth line, the words "or distillery."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the word "aforesaid," in the fifty-sixth line, the following:

And the said collector of customs shall account for and pay over to the Commissioner of Internal Revenue the moneys collected under the provisions of this section.

The amendment was agreed to.

Mr. HOOPER. I move to amend the section by striking out the words "said bonds and other security to be taken by the collector of the district from which such removal is made." The object is to leave that as well as the other portions of the warehouse law to be controlled by the rules and regulations which are already established.

The amendment was agreed to.

Mr. BOUTWELL. I move to amend by adding to the section the following:

That the collector of any district may grant a permit to the owner or owners of any distillery within his district to send or ship any spirits, the product of said distillery, after the quantity and proof thereof shall have been ascertained by inspection according to the provisions of this act, to any place without said district and within the United States; and in such case the bill of lading or receipt (which shall be in such form as the Commissioner of Internal Revenue may direct) of the same shall be taken in the name of the collector of the district in which the distillery is situate, and the spirits aforesaid shall be consigned, in such bill of lading or receipt, to the collector of the district in which the place is situate, whither the spirits is sent or shipped, and the amount of duties upon said spirits shall be stated in the receipt; and upon the arrival of the spirits, and upon the demand of the collector aforesaid, the agent of the distillery (and the name of the agent, for the convenience of the collector, shall always appear in the bill of lading or receipt) shall pay the duties upon the said spirits, with the expense of freight, and every other expense which has accrued thereupon; and the said collector, upon the payment of the duties aforesaid, shall deliver the bill of lading or receipt and the spirits to the agent of the said distillery; and if the duties are not paid as aforesaid, then the said spirits shall be stored at the risk and cost of the owner or agent thereof, who shall pay an addition of ten per cent. thereupon; and all the general provisions of this act in reference to liens, penalties, and forfeitures, as also in reference to the collection, shall apply thereto, and be enforced by the collector of the district in which the spirits may be: *Provided*, That no permit shall be granted under this section for a quantity less than fifty barrels: *And provided further*, That the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, may make such further regulations and require such further securities as he may deem proper, in order to protect the revenue and to carry out the spirit and intent of this section.

The amendment I propose is an exact copy of the forty-sixth section of the existing law. It authorizes the distiller, through the collector of the district where the distillery is situated, to send forward spirits to the place where the distiller may desire to have the spirits sold. For instance, a distiller at Chicago may send his spirits to New York consigned to the collector of the district of New York, and pay the duties at New York whenever called upon by the collector there. It is, of course, a great convenience to distillers who have but a small capital in their business; and I believe no harm has come to the Government from the practice under this section. This provision is, so far as I can find, omitted entirely from the bill now before the committee.

The section to which this is an amendment authorizes the transportation of spirits from one point to another for the purpose of exportation. It is there provided, to be sure, that spirits so sent forward may be withdrawn from the bonded warehouse upon the payment of duties; but the difficulty about it is that before spirits can be sent forward the party sending it forward must take an oath that he intends to export it. To be sure he can remove the spirits from the bonded warehouse upon the payment of duties, but he cannot properly take an oath that he intends to export it when in fact he expects to pay the duty on it and sell it in the country.

Therefore I hope the committee will make no objection to this amendment.

Mr. MORRILL. And I hope the committee will not do any such thing. The gentleman from Massachusetts certainly has not comprehended the principle upon which we have framed the present bill. If he had, he would have discovered that we propose that if the article is to be consumed in the country the duties are to be paid upon it, and it is only when the manufacturer proposes to export it that he is allowed to carry it forward to the bonded warehouse in another district. I think the adoption of the amendment would entirely change the theory upon which we have framed this bill.

Mr. BOUTWELL. I move to strike out the proviso to my amendment; and I do it for the purpose of saying that the fact that you do not allow drawbacks does not affect this question at all. There have been, and in my judgment there ought to be, two methods by which distillers can remove their liquors without the prepayment of duties. When they intend to export them they move their liquors in bond, but they are compelled to make oath that they intend to export the liquors. Now, then, we have heretofore given parties authority to move their liquors in charge of the collector of the district where the distillery is situated, consigning them to the collector of the district in which the distiller expects to sell them. The consequence was that he was enabled to send these liquors forward without prepayment of duties. Now,

this was a great convenience when the duty was only twenty cents a gallon. How much more will it be a convenience when the duty is eighty cents, a dollar, and $1 25 a gallon.

Mr. HOOPER. I think my colleague is somewhat mistaken in supposing that no complaints were made under the law as it stands. The committee understood from the Commissioner of Internal Revenue that great fraud was believed to have been practiced under it, and the object of this section of the bill was to bring all spirits that were removed without the payment of duties under the strict control of the regulations and bonds of the revenue service in regard to imported merchandise in bond. I see nothing in the section of this bill that provides for an oath to be taken that the distilled spirit in bonded warehouse shall be exported. The committee in framing the section in the bill did not intend that any such oath should be required, but that the spirits and oil so received in the bonded warehouse should be entitled to the privilege of exportation, and the latter part of the section provides that any spirit or oil so removed can be taken out of the warehouse for consumption on payment of the duties.

I think when my colleague has more carefully considered that section he will find that it meets all the necessities of the case, and is a great precaution against frauds upon the revenue, which becomes still more necessary now that the rates of duties have been so much increased.

Mr. BOUTWELL. I withdraw my amendment to the amendment, and move now to strike out the last two provisos.

It is very kind of my colleague to suggest that when I shall have considered the matter further I shall come to a different conclusion. I have spent too many days and nights on this matter ever to think of considering it any further than I am obliged to do in the discharge of my official duties. He will see, if he chooses to look at the section under consideration, that no spirits can be moved under bonds unless they are intended for exportation. That is the exact language of the law, and in compliance with that language of the law the Secretary of the Treasury has seen fit, as I think, in the proper discharge of his duty, to require oaths of men, before they send forward liquors, that they intend to export them. Now, if this section is allowed to stand as it is, you offer a temptation to every distiller to swear that he intends to export liquors when he intends merely to send them forward to his agent and take them out of bond for sale.

What objection can there be to allowing the business to go on as heretofore? Let me say that during my experience in office as Commissioner of Internal Revenue, I never heard of the frauds to which my colleague has referred. Within the last forty-eight hours I have been in conference with gentlemen in the Internal Revenue office who have this matter especially in charge. They concur unanimously in the opinion that this amendment ought to be made; and there was not a suggestion made in my hearing that any frauds have ever been perpetrated. If these collectors are to be trusted at all, they are to be trusted in this matter. For instance, a distiller in Chicago puts his liquors into the care of the collector, who is under bonds; he sends them to the collector in New York, who is also under bonds, to be delivered to the consignee when the duties are paid. It seems to me that it is a great convenience; but I will not trouble the committee. I now withdraw the amendment to the amendment.

Mr. BOUTWELL's amendment was agreed to.

Mr. SCOFIELD. I want to try my amendment again. I move to insert after the word "coal" in the second line of the section the words "and petroleum."

Mr. KASSON. If the gentleman will allow me I will make a suggestion. After consultation with my colleagues on the Committee of Ways and Means we have come to the conclusion that an amendment ought to be introduced carrying out the suggestion of the gentleman from Pennsylvania, and I suggest that these words be added at the end of the section:

The words "coal oil" as used in this act, where not otherwise expressed, shall be considered to include petroleum.

We do in some parts of the bill distinguish between the two.

Mr. SCOFIELD. I accept that as a modification of my amendment.

The amendment, as modified, was agreed to.

The Clerk proceeded with the reading of the bill.

Mr. LAW. I move to amend section sixty, line four, by striking out the words "one dollar" and inserting "fifty cents;" so that the section will read:

That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquors, by whatever name such liquors may be called, a duty of fifty cents for each and every barrel containing not more than thirty-one gallons.

Mr. Chairman, I offer the amendment in good faith, with a view not only to the increase of revenue which I believe will arise from the reduction of the duty on fermented liquors from one dollar for each barrel containing not more than thirty-one gallons to fifty cents, but because I believe that the amendment is a proper one, considered in reference to the morals of the country, by the substitution of malt liquors as a beverage instead of spirituous liquors which uniformly take the place of the former in every community where the first are dispensed with, as has been proven in every instance where the experiment has been tried. I hold in my hand, sir, a memorial forwarded to me by the brewers of my own city, (Evansville,) men of standing and respectability who carry on the business of brewing on a larger scale than it is carried on in any town in Indiana, and who have examined the subject with great care and attention. The memorial I submitted to the Committee of Ways and Means before the introduction of the present bill. I read from it the following extract as an evidence that when malt liquors are abandoned as a beverage among any people, either from the high duty imposed on their manufacture or from any other cause, spirituous liquors at once supply their place, and dissipation, drunkenness, and poverty of the people are the inevitable consequences of such a change:

"It has been satisfactorily ascertained in England that distilled spirits will bear a rate of duty, which if imposed on fermented liquors or other beverages would prevent the manufacture of them entirely. The duty on British spirits at the beginning of the present century was five shillings four and one half pence per gallon. It has fluctuated since then, being something less, but is now fixed at ten shillings or $2 22 per gallon. Notwithstanding this high rate of duty, the quantity manufactured and entered for consumption has been but slightly diminished, and the revenue derived from it for the year ending in March, 1863, amounted to $42,650,000.

"In striking contrast with the last mentioned facts, is the effect of *high duties* on fermented drinks. In 1707 the English duties on malt and beer were introduced into Scotland, which then contained a population of one million, and a duty of two shillings threepence per barrel, of thirty-six gallons, was imposed on *twopenny* beer, the favorite beverage of the people. For many years afterwards the quantity of this beer that paid duty averaged 450,000 barrels, rather less than a barrel to every two persons. The duty was subsequently increased to three shillings fourpence per barrel, when the consumption immediately fell off 100,000 barrels, and continued to decline until its manufacture ceased entirely; and at the present time, out of 38,609 persons in the United Kingdom who brew beer for sale, 281 only are found in Scotland."

What were the unhappy results of this excessive taxation of a harmless and popular beverage? Why, the substitution of whisky and other spirituous liquors. In no part of the world has drunkenness been so prevalent as in Scotland. Intemperance abounds everywhere; and in proportion to its population, spirituous liquors are more extensively drank than in any portion of the globe. The increase of tax in Scotland on malt and beer of only about thirty-five cents a barrel entirely destroyed the manufacture of ale and beer, and spirituous liquors took their place. The result has been shown. Gentlemen on the other side seemed to smile at the idea of this excessive taxation on malt liquors being a *moral* question as well as one of *revenue*. If they will study it rightly I think they will find it both. In my own town, where there were but few breweries in operation, two large distilleries were erected. What has been the result? Both of these distilleries have been closed and we have now eight breweries in operation, some of them very extensive, upon whom a tax of one dollar per barrel will operate hardly. They are perfectly willing to pay fifty cents a barrel of thirty-one gallons as a tax, though this in my opinion is too large, but they are unwilling to pay one dollar, believing that such a tax imposed on this class of manufacture a duty hard to be borne, and which in some instances may lead to the utter abandonment of their business and turning to some other branch not so greatly oppressed by heavy taxation.

Having, as I think, established the question that if you tax malt liquors too highly you substitute whisky and other spirituous liquors as a beverage for the people, and thereby, as in the case of the Scotch, demoralize the American people, I proceed to examine the question as it regards revenue.

By the act providing for internal revenue to support the Government, and pay the interest on the national debt, passed in July, 1862, a duty of one dollar was laid on each barrel of thirty-one gallons of lager beer, ale, porter, and other similar fermented liquors. This act was in force from the 1st day of July, 1862, when it was approved, to the 3d of March, 1863. By the twelfth section of the act approved March 3, 1863, the duty of one dollar on each barrel of thirty-one gallons of lager beer, ale, and porter was reduced to sixty cents a barrel of thirty-one gallons; and at that rate the taxation has continued up to the present time, when it is now proposed to tax all those who engaged largely in the business of brewing under the act reducing the tax on beer to sixty cents, and who have made large investments in buildings, vats, and other improvements believing the tax would remain as Congress fixed it under the last act, and who would not have invested their capital in this business if they had believed for a single moment the tax was to be increased to one dollar a barrel. What reliance can these people have in your faith as legislators if you thus continually keep changing your laws year after year? Should there not be in all laws affecting the great interests of manufacturers some stability, some firmness, some purpose, so that parties may know what to expect when they commence operations? The census of 1860 shows what an immense interest brewing of malt liquors is becoming in the western States, and increasing yearly unless paralyzed by the unwise taxation by Congress in putting on a duty totally uncalled for. Even under existing circumstances there was on the 1st of June, 1860, 460 breweries; there were 1,173,576 barrels of malt liquor brewed, amounting in value to the sum of $6,343,070. Wisconsin has the largest number of breweries, 121, making 124,956 barrels of malt liquors, valued at $702,812. Ohio with 29 breweries makes 402,035 barrels, with a valuation of $1,912,419. Illinois with 75 breweries makes 218,043 barrels, valued at $1,309,180. Indiana with 50 breweries makes 66,338 barrels, valued at $328,116; while at the same time she made 8,358,500 gallons of whisky, high-wines, and alcohol, at a value of $1,951,530. Tax as you please on these alcoholic liquors, but reduce your taxes on malt; your revenues will be increased in your Treasury by your reduction. I cannot say certainly, having never examined the returns in the office of the Commissioner of Revenue, but I will venture to assert that more revenue was collected by the act of March 3, 1863, on malt liquors for the same period, than was collected under the act of July 1, 1862, when the duty was one dollar per barrel.

But again, sir, the tax on malt liquors under this bill is larger by one third than was ever imposed by any people on the face of the globe, England not excepted. The duty there is upon malt, not upon beer. In 1862 the duty on hops was repealed, and brewers' licenses increased to threepence a barrel. In 1804 the duty on malt was fixed at four shillings fivepence per bushel. It was reduced from time to time until 1823, when it was fixed at two shillings sevenpence. In 1854, at the time of the Russian war, it was raised to four shillings, when the quantity charged with duty immediately fell off five million bushels, and in the following year eight million bushels. In 1857 the Government found it necessary to reduce the duty, and fixed it at two shillings sevenpence per bushel, and five per cent. on the tax, at which it remains. The result of that reduction has been a large increase in the consumption, which has averaged 5,314,350 quarters or 42,514,800 bushels per annum for the four years from 1858 to 1862 inclusive, producing about 28,000,000 of beer annually. English malt averages about forty-four pounds to the bushel, and American malt about thirty-four pounds. Allowing one half bushel of English malt to the barrel of thirty-six gallons of beer, (the quantity used,) the English tax is equivalent to sixty-three and three quarter cents per barrel of thirty-one gallons. On the Continent, in Germany, where immense quantities of malt

liquors are brewed, the duties are much less than in England. In Prussia the tax is about 23 cents a barrel. In Bavaria 40 cents. In Baden 24 cents. In Hesse Darmstadt 25 cents. In Rhine Bavaria or Palatinate the brewers pay a small license to compete with the cheap wines of the country, but no tax is imposed on malt or beer. The manufacture is encouraged, not as a matter of revenue, but as a beverage, healthy, free from intoxicating influences, and productive of health and temperance. In no country but this has ever such a tax on an article so largely entering into the subsistence of a very large class of our people, an article, I may say, of absolute necessity to them, of so great consumption, ever been taxed as highly as this. The laboring classes in the West, particularly the Germans, use beer as a beverage largely, but very few (and they are exceptions to the general rule) use spirituous liquors at all. Hence you seldom see a German intoxicated. Beer and Catawba wine are their favorite drinks. Sir, my people have not hesitated a moment in obeying every law enacted by you—be it what it may—until repealed. They are naturally and constitutionally a law-abiding people. Put your tax at what you please, they will try and pay it, but the result will be an abandonment of their business and the closing of their breweries. This burden in addition to the high prices of even the necessaries of life, of labor, of malt, in fact of everything connected with their occupation, will force them to close up their establishments. With a less tax, with one such as they have proposed to pay, and which, although sufficiently onerous in itself they can stand, their business will increase, the manufacture of malt liquors continued perhaps on a larger scale, and a revenue derived from it by the Government treble what it will be if you impose so large a duty as you have proposed under the bill now before the committee. The total valuation of malt liquors brewed in the western States according to the census of 1860 was $6,343,070, and I have no doubt it has doubled since that time.

Mr. Chairman, I have said that my constituents were a law-abiding people at all times and under all circumstances. So they are, but they are more than this; they are as *loyal* people as exist within the boundaries of the Union. Nearly three years since when you called for volunteers they cheerfully and willingly met the call. Leaving home, wife, children, and friends, they rushed to the battle-field, not singly, but in platoons, companies, battalions, and regiments, such was the ardor and patriotism of our people. Sir, from the district which I have the honor to represent, the strongest *Democratic district* in the State in proportion to its population, from ten counties we sent six thousand two hundred men—young, stout, stalwart, brave men, many of them the sons of those who had fought at Tippecanoe, and bled at the battle of the Thames—to the Army. Of that whole number who thus tendered their lives to their country in defense of the Union, I do not believe there are one thousand living and fit for duty. They were in every battle-field from Carrick's Ford, in Virginia, to the Pea Ridge, in Arkansas. Their remains are to be found on every hill-side, on every plain, in every valley, on every mountain, where our troops have been engaged with the rebels in arms. They have done their duty on all occasions. Indiana has never been laggard. We have had about one hundred and thirty thousand men in the field, and are now entitled to a credit more than sufficient to balance any call made upon us for a new draft. In time of war, as well as of peace, we at least have done our whole duty to the Government, and while we think the taxation of the present bill is onerous in the extreme, calculated to destroy an interest building up in the West, productive in the highest degree to the health and morals of our people, an interest with which so many are connected, and one even now in its infancy, yet even under all these circumstances we shall be true and faithful to the Union, the Constitution, and the laws, as we ever have been, and ever will be.

The question being on Mr. LAW's amendment to reduce the tax on beer to fifty cents per barrel,

The CHAIRMAN ordered tellers; and Messrs. LAW, and KELLOGG of Michigan, were appointed.

The committee divided; and the tellers reported—ayes 32, noes 74.

So the amendment was rejected.

Mr. J. C. ALLEN. I move to amend the sixtieth section by reducing the tax on beer from one dollar to sixty cents. This will make the bill conform to the rate of taxation established under the law of last Congress. I believe that that tax is high enough. It was found that the tax of a dollar a barrel imposed in the first tax bill was too high. It gave rise to much complaint, not only from brewers but also from consumers, and the tax was reduced to sixty cents. It will be found that the same complaints will be urged now, if the tax be again increased to one dollar. Perhaps in ordinary times there would be no good reason for urging this reduction of tax; but we must recollect that the luxuries of coffee and tea have grown so expensive as to be beyond the reach of the great mass of the people. Lager beer and other malt liquors must take the place, largely, of these beverages, and should not be heavily taxed. It is said by physicians, and by all who have been in the habit of using beer, that it is a healthful drink. And I am inclined to think, from the sanitary condition of those who use it, that they are right in that matter.

Mr. KASSON. Will the gentleman permit me to make a suggestion?

Mr. J. C. ALLEN. Certainly.

Mr. KASSON. If the gentleman will resolve the tax of a dollar a barrel on beer he will find that it amounts only to three cents a gallon, and I desire to submit that beer houses will still be able to give *zwei glasen zum fünf cents*. [Laughter.]

Mr. J. C. ALLEN. That is true. The tax is only some three cents a gallon; but that is very considerable when imposed on poor families that cannot procure tea and coffee, and must use beer as a substitute. It does seem to me that on lager beer, which now costs eleven dollars per barrel, a tax of sixty cents per barrel is quite high enough. It will yield to the Government more revenue than a tax of a dollar will. The low tax will encourage the manufacture, and will keep the beverage within the reach of all. We tried the tax of a dollar a barrel, and it had the effect of driving many brewers out of the business, and diminished the use of the article to a considerable extent. At the last session, Congress, as a matter of policy as well as of justice, reduced the tax to sixty cents a barrel. My amendment proposes to leave it at that rate, and I hope the amendment will be adopted.

Mr. MORRILL. I propose to move that the committee rise for the purpose of closing debate on this section, but before doing so I desire to say a single word. When the duty was originally levied upon this article the beer manufacturers throughout the country only demanded that it should be placed upon an equality with other spirits. They were perfectly willing when the duty levied upon spirits was twenty cents per gallon that there should be a duty of fifty or sixty cents per barrel upon ale or beer. Now we have raised the duty on spirits to something like five times the amount it was then, and if we were to raise the duty on ale or beer in proportion, we should be compelled to put it at $2 50 or three dollars per barrel.

The recent diminution in the consumption of these articles is not in consequence of the tax upon them, but of the high price of barley. The quantity produced having been less than usual, the price has risen, as I understand, to $1 50 or more a bushel. Now, we propose to restore the duty to the point at which it was originally placed, at one dollar a gallon, which is a very small duty in comparison with that placed upon spirits.

Rather than vote for such a proposition as that contained in the amendment, while I do not usually vote upon these bills for propositions not sanctioned by the Committee of Ways and Means, I would yet prefer to vote to have the duty raised to $1 50 per barrel. I trust that the committee will not allow this duty to be made less than one dollar a barrel.

I now move that the committee rise for the purpose of closing debate upon this section.

The CHAIRMAN. If there be no objection, debate upon this section will be closed by unanimous consent.

There was no objection, and debate was accordingly closed.

The amendment was disagreed to.

Mr. FERNANDO WOOD. I move to amend the section by inserting in line six, after the word "quantity," the words "whether in bottles;" so as to make the clause read:

That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquors, by whatever name such liquors may be called, a duty of one dollar for each and every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity, whether in bottles or for fractional parts of a barrel, which shall be brewed or manufactured and sold, or removed for consumption or sale within the United States or the Territories; &c.

Mr. MORRILL. I have no objection to that.

Mr. FERNANDO WOOD. It is evidently necessary that something of this sort should be done if we are to collect any tax on ale and porter in bottles.

Mr. KASSON. I think the amendment in the form in which it is drawn is not likely to accomplish the object.

Mr. MORRILL. I will suggest to the gentleman that his proposition had probably better come in in the shape of a proviso at the end of the section.

Mr. FERNANDO WOOD. Inasmuch as the gentleman from Vermont desires to accomplish the object provided for in my amendment, I will withdraw it, and ask the gentleman to prepare an amendment in the shape which he suggests.

Mr. RICE, of Maine. While the gentleman from Vermont is preparing his amendment I will move to amend the section by striking out "one," and inserting "two" in its place, so as to make the tax two dollars a barrel instead of one dollar.

The amendment was not agreed to.

Mr. PERHAM. I move to amend the same clause by striking out "one dollar," and inserting in its place "$1 50."

The amendment was disagreed to.

Mr. ELDRIDGE. I move to amend the same clause by striking out "one dollar," and inserting "ninety cents."

The amendment was not agreed to.

Mr. MORRILL. I will now send up and offer the following proviso, to come in at the end of the section:

Provided further, That beer, lager beer, ale, porter, and other similar fermented liquors, shall be assessed according to the quantity contained therein at the rate of one dollar for thirty gallons.

The amendment was agreed to.

Mr. FERNANDO WOOD. I now move a similar amendment to apply to the next section.

The amendment was agreed to.

Mr. FERNANDO WOOD. For better security, and to do away with all ambiguity, I suggest to the gentleman from Vermont to include the words "or in any package."

Mr. MORRILL. I am willing to accept that.

Mr. FERNANDO WOOD. I move that those words be inserted.

The amendment was agreed to.

The Clerk read, as follows:

SEC. 61. *And be it further enacted*, That every person owning or occupying any brewery or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who shall have such premises under his control or superintendence as agent for the owner or occupant, or shall have in his possession or custody any vessel or vessels intended to be used on said premises in the manufacture of beer, lager beer, ale, porter, or other similar fermented liquors, either as owner, agent, or otherwise, shall from day to day enter or cause to be entered in a book to be kept by him for that purpose, and which shall be open at all times (except Sundays) between the rising and setting of the sun, for the inspection of said assessor, assistant assessor, collector, deputy collector, or inspector, who may take any minutes or memorandums or transcripts thereof, the quantity or number of barrels and fractional parts of barrels of fermented liquors made, and also the quantity sold, or removed for consumption or sale, keeping separate account of the several kinds and descriptions; and shall render to said assessor or assistant assessor on the first day of each month in each year, or within ten days thereafter, a general account, in writing, taken from his books, of the quantity or number of barrels and fractional parts of barrels of each kind of fermented liquors made, and also of the quantity sold, or removed for consumption or sale, for one month preceding said day; and shall verify, or cause to be verified, the said entries, reports, books, and general accounts, and the facts therein set forth, on oath or affirmation, to be taken before the assessor or assistant assessor, according to the form required by law; and shall immediately forward to the collector of the district one of the said duplicate accounts, duly certified to by the assessor or assistant assessor, and shall also pay the duties which are imposed by law on the liquor made and sold, or removed for consumption or sale, and in the said accounts mentioned, at the time of rendering the duplicate account thereof as aforesaid. But where the manufacturer of any beer, lager beer, or ale, manufactures the same in one col-

lection district, and owns or occupies a depot or warehouse for the storage and sale of such beer, lager beer, or ale in another collection district, he may, instead of paying to the collector of the district where the same was manufactured the duties chargeable thereon, present to such assessor or assistant assessor an invoice of the quantity or number of barrels about to be removed for the purpose of storage and sale, specifying in such invoice the depot or warehouse in which he intends to place such beer, lager beer, or ale; and thereupon such assessor or assistant assessor shall indorse on such invoice his permission for such removal, and the assessor or assistant assessor shall, at the same time, transmit to the collector of the district in which such depot or warehouse is situated a duplicate of such invoice; and thereafter the manufacturer of the beer, lager beer, or ale so removed shall render the same account, and pay the same duties, and be subject to the same liabilities and penalties as if the beer, lager beer, or ale had been manufactured in the district to which the same has been removed. The Commissioner of Internal Revenue may prescribe such rules as he may deem necessary for the purpose of carrying the provisions of this section into effect.

Mr. MORRILL. I move to insert after the words "assistant assessors" the words "or other competent officers."

The amendment was agreed to.

Mr. MORRILL. I move to insert after the word "pay" the words "to such collector."

The amendment was agreed to.

The Clerk read, as follows:

SEC. 64. *And be it further enacted*, That the owner, agent, or superintendent of any vessel or vessels used in making fermented liquors, or of any still, boiler, or other vessel used in the distillation of spirits on which duty is payable, who shall neglect or refuse to make true and exact entry and report of the same, or to do, or cause to be done, any of the things by law required to be done as aforesaid, shall, upon the written notification of the fact to the collector or deputy collector by the assessor or assistant assessor, forfeit for every such neglect or refusal all the liquors and spirits made by or for him, and all the vessels used in making the same, and the stills, boilers, and other vessels used in distillation, together with the sum of $500, to be recovered with costs of suit; which said liquors or spirits, with the vessels containing the same, with all the vessels used in making the same, may be seized by any collector or deputy collector of internal duties, and held by him until a decision shall be had thereon according to law: *Provided*, That such seizure be made within thirty days after the cause for the same shall have been notified to the collector or deputy collector, as aforesaid, and that proceedings to enforce said forfeiture shall have been commenced by such collector within twenty days after the seizure thereof. And the proceedings to enforce said forfeiture of said property shall be in the nature of a proceeding *in rem*, in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction.

Mr. MORRILL. I move to insert after the words "assistant assessor" the words, "or inspector."

The amendment was agreed to.

The Clerk read, as follows:

SEC. 65. *And be it further enacted*, That in all cases in which the duties aforesaid, payable on spirits distilled and sold, or removed for consumption or sale, or beer, lager beer, ale, porter, and other similar fermented liquors, shall not be paid at the time of rendering the duplicate account of the same, or at the time when they shall have become payable, as herein required, to the collector or deputy collector of the district, the person or persons chargeable therewith shall pay, in addition, ten per cent. on the amount thereof; and until such duties with such addition shall be paid, they shall be and remain a lien upon the distillery where such liquors have been distilled, or the brewery where such liquors have been brewed, and upon the stills, boilers, vats, and all other implements thereto belonging, until the same shall have been paid, &c.

Mr. MORRILL. I move to insert after the words "remain a lien upon" the words "the interests of all persons in default in;" and in the next line, after the word "or," the word "in."

Mr. BOUTWELL. It seems to me that we ought to have a lien upon the distillery. I oppose the amendment.

Mr. KASSON. I call the gentleman's attention to the fact that in the bill already passed we have adopted the same amendment. We have in the existing law confined it to the interests of the parties in the distillery.

Mr. WOODBRIDGE. I find in section fifty-one, line seventeen, the following:

And the said duty shall be a lien on such spirits and also on the interest of all persons in default in the distillery used for distilling the same, with all the stills, vessels, fixtures, and tools therein, and in the lot or tract of land whereon the said distillery is situated until the said duty shall be paid.

The amendment was rejected.

The Clerk read, as follows:

SEC. 66. *And be it further enacted*, That every person licensed as aforesaid to distill spirits, or licensed as a brewer, who shall neglect or refuse to furnish the account and duplicate thereof, as hereinbefore provided, or who shall refuse to permit the said assessor, assistant assessor, collector or deputy collector or inspector to examine the books in the manner provided for, when requested, shall, for every such refusal or neglect, forfeit the sum of $500.

Mr. HALE. I move to insert before the word "neglect" the word "willfully." The section imposes a heavy penalty, and there ought to be a criminal intent. Therefore I propose to make it read "willfully neglect."

The committee divided; and there were—ayes 32, noes 40.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. BAXTER and LAZEAR were appointed.

The amendment was rejected; the tellers having reported—ayes 30, noes 63.

Mr. MORRILL. I move to strike out the following, as the same provision is in another part of the bill:

SEC. 67. *And be it further enacted*, That all medicines, preparations, compositions, perfumery, and cosmetics, intended for exportation, as provided for, in order to be manufactured and sold or removed without being charged with duty, and without having a stamp affixed thereto, may, under such rules and regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to these, known and designated in Treasury regulations as bonded warehouses, class two: *Provided*, Such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the provisions of law and the rules and regulations as aforesaid, in amount not less than half required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation under the direction of the revenue officer having charge thereof without being charged with duty and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse as aforesaid, shall be at liberty, under such rules and regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from stamp and excise duty. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and when so used shall be exempt from stamp and excise duty. And the receipt of the officer of the revenue in charge shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouses in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, whose certificate, describing the articles by their marks or otherwise, the quantity, the date of importation, and name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

The motion was agreed to.

The Clerk read, as follows:

SEC. 71. *And be it further enacted*, That in every license to be taken out under or by authority of this act shall be contained and set forth the purpose, trade, or business for which such license is granted, and the true name and place of abode of the person or persons taking out the same; if for a rectifier, the quantity of spirits authorized to be rectified; if by a peddler, whether authorized to travel on foot, or with one, or two, or more horses, the time for which such license is to run, and the true date or time of granting such license, and (except in the case of auctioneers and peddlers) the place at which the trade, business, or profession for which such license is granted shall be carried on: *Provided*, That a license granted under this act shall not authorize the person or persons, (except lawyers, physicians, surgeons, dentists, cattle-brokers, horse-dealers, and auctioneers,) or firm, company, or corporation mentioned therein, to exercise or carry on the trade or business specified in such license in any other place than that mentioned therein, or otherwise provided; but nothing herein contained shall prohibit the storage of goods, wares, or merchandise in other places than the place of business, nor the sale by manufacturers or producers of their own goods, wares, and merchandise, at their principal place of business, other than the place of manufacture.

Mr. MORRILL. I move to strike out "true" and "other than the place of manufacture."

The amendments were agreed to.

Mr. BOUTWELL moved to add the following:

And all licenses granted after the 1st day of May in any year shall continue in force until the 1st day of May next succeeding, and shall be issued upon the payment of a ratable proportion of the whole amount of duty imposed for such license, and such license so granted shall be dated on the 1st day of the month in which it was issued.

Mr. MORRILL. Although the committee did not agree to this, I conceive myself no objection to it.

The amendment was agreed to.

Mr. KASSON. I ask unanimous consent to have permission, after consultation with the Committee of Ways and Means, to return to section seventy-three to offer an amendment. In the western country and in the eastern mountains, in the small towns, several of the pursuits here require a separate license, are followed by the same party, who even then only earns a moderate living. My intention is to propose an amendment to cover such cases.

There was no objection; and the permission asked for was accordingly granted.

Mr. MORRILL moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes; and had come to no resolution thereon.

ENROLLED BILL.

Mr. COBB, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act in amendment of an act entled "An act relating to foreign coin and the coinage of cents in the Mint of the United States," approved February 21, 1857; when the Speaker signed the same.

Mr. MORRIS, of Ohio., I move that the House adjourn.

Mr. WASHBURNE, of Illinois. I move that the House take a recess until seven o'clock.

The motion to adjourn was not agreed to.

The motion of Mr. WASHBURNE, of Illinois, was agreed to.

The House accordingly took a recess until seven o'clock, p. m.

EVENING SESSION.

The House resumed its session at seven o'clock, p. m.

GRANT OF LAND TO IOWA.

Mr. ALLISON. I ask unanimous consent to take from the Speaker's table an act (S. No. 208) making a grant of land to the State of Iowa to aid in the construction of a railroad from McGregor to some point on the Missouri river, and certain collateral roads, to connect with the railroads in the State of Minnesota.

No objection being made, the bill was taken up, read a first and second time, and referred to the Committee on Public Lands.

REGISTER TO A VESSEL.

Mr. WASHBURNE, of Illinois. I ask unanimous consent to take from the Speaker's table an act (S. No. 249) to authorize the issuing a register to the steam vessel John Martin.

No objection being made, the bill was taken up and read *in extenso*.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. WINFIELD, by unanimous consent, reported from the Committee on Private Land Claims a bill to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico;" which was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WINFIELD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WASHBURNE, of Illinois. I present a letter from the surveyor general of New Mexico, to go upon the records, in full explanation of this matter, so that anybody may see the ground upon which this matter is based.

The letter is as follows:

WASHINGTON CITY, *April* 21, 1864.

DEAR SIR: I desire to call your attention to a bill to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico," introduced by the Delegate from New Mexico, and now pending before Congress.

The bill provides for relocating one fifth of a certain private land claim in New Mexico, confirmed by act of Congress approved June 21, 1860, (see Statutes at Large, volume 12, page 72,) to the heirs of Luis Maria Baca.

As will be seen by reference to the act of June 21, 1860, the heirs of Baca were authorized to locate, in square bodies not exceeding five in number, on any of the public lands of New Mexico, "vacant and not mineral," the same amount of land as is embraced in the Los Vegas grant. Upon a survey of the Los Vegas grant it was found to contain 496,446.96 acres of land. Each of the five bodies of land authorized by the act to be located by the heirs of Baca, therefore, contain 99,289.39 acres. Four of the "square bodies" have been located and the location approved by the surveyor general of New Mexico and by the Commissioner of the General Land Office. The remaining one fifth was also, on the 21st June, 1863, located on the Pecos river, above and adjoining the military reserve of Fort Sumner. This last location was not approved at the time, and no official action has been had upon it since.

During the winter of 1862-63 General Carleton gathered at Fort Sumner over four hundred Apache Indians, with whom we were at war, and initiated the policy (now approved by all the Departments here) of settling the Indians of New Mexico upon reserves; and afterwards, in January, 1864, upon the recommendation of the superintendent of Indian affairs of New Mexico, the Commissioner of Indian Affairs, and Secretary of the Interior, the President ordered that a reserve forty miles square, with Fort Sumner as its center, should be made for the Apache Indians. It has since been determined to settle the Navajos also upon this reserve, and over five thousand Indians are now settled there.

By reference to the inclosed map of New Mexico, you will see that the Indian reserve covers the fifth location made by the heirs of Baca as above; but to disembarrass the Government the heirs have signified (through their attorney, Judge Watts,) their willingness to remove this location, provided they shall be authorized to relocate the same under the same conditions, except as to time, provided in the original act of confirmation. The act now before Congress as above, authorizes this change of location, and gives them until 21st June, 1865, to make their new selection. This is little time enough, considering that it is unsafe now to move outside of the settlements in New Mexico without military protection. The justice and necessity of the act can, I think, but commend itself to your favorable consideration.

The Navajo tribe of Indians, for whom with the Apaches the reserve on the Pecos is made, have consented to leave their country west of the Rio Grande, and remove with their flocks and herds to the Pecos. Already several thousands of them have reached their new home. The people of New Mexico are hopefully looking forward to the day when they shall have peace throughout their territory, a condition of things not often nor for long periods enjoyed by that people. There seems to be nothing in the way of the permanent settlement of the Indians but this private claim, and the passage of the act in question will remove that obstacle. The Indians cannot be removed to any point lower down on the Pecos, because there is not in one body, at any point below Fort Sumner, sufficient arable land for their use, and they cannot be moved up the river without interfering with the settlements.

I am, very truly and respectfully, your obedient servant,

JOHN A. CLARK.

HON. E. B. WASHBURNE.

SHIP CANAL IN WISCONSIN.

Mr. WHEELER, by unanimous consent, introduced a bill granting to the State of Wisconsin a donation of public land to aid in the construction of a ship canal at the head of Sturgeon bay, in the county of Door, in said State, and Backwater, on the shore of Lake Michigan, so as to connect the waters of Green bay with Lake Michigan, in said State; which was read a first and second time, and referred to the Committee on Public Lands.

INDIAN REFUGEES.

Mr. WINDOM. I ask unanimous consent to take from the Speaker's table an act (S. No. 198) to aid the Indian refugees to return to their homes in the Indian territory.

No objection being made, the bill was taken up, read a first and second time, and referred to the Committee on Indian Affairs.

PAY TO CERTAIN OFFICERS, ETC.

Mr. BLAIR, of West Virginia, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs inquire into the expediency of reporting a bill paying the officers and soldiers who have been in the actual service of the United States, but who have never been mustered into the service.

LANDLORD AND TENANT IN THE DISTRICT.

Mr. MORRIS, of Ohio. I ask unanimous consent to take from the Speaker's table an act (S. No. 138) to regulate proceedings in cases between landlords and tenants in the District of Columbia.

No objection being made, the bill was taken up, read a first and second time, and referred to the Committee for the District of Columbia.

INDIAN RESERVATIONS IN UTAH.

Mr. BOYD. I ask unanimous consent to take from the table the bill (H. R. No. 220) with Senate amendments thereto, to vacate the sale of the present Indian reservations in Utah Territory, and to settle the Indians of said Territory in the United States.

No objection being made, the bill and amendments were taken up, and referred to the Committee on Indian Affairs.

DISPOSITION OF CONVICTS.

Mr. WILSON. I ask the unanimous consent of the House to take from the Speaker's table the bill of the Senate (No. 172) concerning the disposition of convicts in courts of the United States, for the subsisting of persons confined in jail charged with violating the laws of the United States, and for diminishing the expenses in relation thereto.

No objection being made, the bill was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on the Judiciary.

WASHINGTON MASONIC HALL.

Mr. MORRIS, of Ohio. I ask the unanimous consent of the House to take from the Speaker's table bill of the Senate No. 130, for a charter of Masonic Hall Association in Washington city, District of Columbia, for the purpose of putting it upon its passage.

Mr. WASHBURNE, of Illinois. That seems to be an incorporation bill, and I think it ought to be referred to the Committee for the District of Columbia.

Mr. WHEELER. A precisely similar bill has been before that committee and we have agreed to report it.

Mr. MORRIS, of Ohio. This is really the same bill, and it has passed the Senate.

No objection being made, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. MORRIS, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. COX. I ask the unanimous consent of the House to offer a resolution.

Mr. JENCKES. I call for the regular order of business.

SHIP CANAL BILL.

The SPEAKER stated that the regular order of business was the consideration of bill of the House No. 322, to construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for other purposes, which was postponed until this evening, and upon which the gentleman from Illinois [Mr. ARNOLD] was entitled to the floor.

Mr. DAWES. Unless the gentleman from Illinois desires to make some remarks I ask him to yield to me.

Mr. ARNOLD. I will yield to the gentleman.

Mr. COX. I call for the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. COX. Then I object to the gentleman from Illinois yielding the floor, unless he yields it unconditionally.

Mr. ARNOLD. I will yield unconditionally.

Mr. DAWES. Mr. Speaker, I do not desire to interfere with the management of this bill by the gentleman from Illinois, who has reported it, and who is, I know, deeply interested in the action of the House upon the bill. I recognize it as a bill of great importance—of great importance as well to the interests which the gentleman represents as to the interests of all parts of the country. But it is a bill that requires more consideration, I think, than the time of the House and its business will justify our giving to it at this time. It requires more on account of the large demand which it necessarily must make upon the Treasury of the United States, as well as the vast interests to be affected by the project which it contemplates carrying out. And, sir, in all good faith, as a friend of the measure, if the gentleman from Illinois will not deem me as intruding, I desire to move a postponement of the further consideration of this bill to the second Tuesday in December next, immediately after the morning hour. I do not do it in any hostility to the measure. I do it as a friend, because I believe that that will be a more favorable time for the consideration of a measure of this magnitude and importance than it is possible for us now, under the circumstances, to give to it. I will make that motion, if he has no objection.

Mr. ARNOLD. Mr. Speaker, recognizing the gentleman from Massachusetts [Mr. DAWES] as an earnest and sincere friend of this great measure, having consulted various friends of it on both sides of the House, having conferred with the delegation from Illinois, I am compelled very reluctantly, in view of the feeling in the House arising from the present condition of our national finances, to abstain from offering any opposition to the motion made by the gentleman from Massachusetts, although in my judgment the passage of this bill would have done more to promote the prosperity of the country, to hold the Union firmly together, and increase the amount of taxable property, than any other measure brought before Congress. Yet, after full consultation with the friends of the measure, I find their judgment so unanimously in favor of postponement, that I feel that it would be unwise to press it to a vote now.

Sir, there is not an acre of land west of Lake Michigan and in all the valley of the Mississippi which would not be enhanced in value by the passage of this bill. While the construction of this proposed work would have raised the price of every bushel of wheat and corn to the western farmer, it would have reduced the price of every loaf of bread consumed at the East. It would have saved more than its cost in the expenses of transportation in a single year. It is most emphatically a commercial, military, and political necessity. It is temporarily deferred in consequence of great financial difficulty and pressure, not abandoned. In the language of the President, "This great work will ere long force its own way."

I trust this Congress may yet have the honor and the credit of passing this bill. I trust that before the next session there may be such a restoration of the public credit and confidence as will justify the friends of this bill in pressing its passage, and which will secure for it a majority of this Congress.

Mr. DAWES. I move the previous question on the motion to postpone.

Mr. COX. Is it in order to move to postpone it indefinitely?

The SPEAKER. Not pending the demand for the previous question.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Ohio will not insist on that motion.

Mr. COX. I do insist on the motion. The gentleman from Illinois [Mr. ARNOLD] has yielded to the stabbing of his own bill, and I think we may as well finish its death at once.

The SPEAKER. The gentleman from Massachusetts [Mr. DAWES] has moved to postpone the bill till the second Tuesday in December.

Mr. COX. I move that the bill be laid upon the table.

The SPEAKER. That motion is in order.

Mr. STUART. I ask the gentleman from Ohio to withdraw the motion for a moment.

Mr. COX. Certainly.

The SPEAKER. Does the gentleman from Massachusetts withdraw the demand for the previous question?

Mr. DAWES. I will for that purpose.

Mr. STUART. I will renew the demand for the previous question. I merely wish to say that the Illinois delegation has had a consultation to-day, and looking at the financial condition of the country and the relations which this bill bears to the country, we have all come to the conclusion that it is advisable to have it postponed. In this we all concur with the gentleman representing the Chicago district, [Mr. ARNOLD.] That is all I wish to say. I now renew the previous question on the postponement.

Mr. COX. I renew my motion to lay on the table; and on that I call for the yeas and nays.

The yeas and nays were not ordered.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 23, 1864. NEW SERIES.....No. 113.

The question was taken; and the House refused to lay the bill on the table.

The previous question was seconded, and the main question ordered; and under its operation the motion of Mr. DAWES was agreed to.

So the bill was postponed till the second Tuesday in December next.

Mr. DAWES moved to reconsider the vote by which the bill was postponed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENCOURAGEMENT OF IMMIGRATION.

The SPEAKER stated that the next business in order was the consideration of the bill (H. R. No. 411) to encourage immigration.

Mr. STEVENS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, on an appropriation bill.

Mr. WASHBURNE, of Illinois. I appeal to the gentleman from Pennsylvania to withdraw that motion, and let us pass this immigration bill.

Mr. STEVENS. Certainly. I withdraw the motion.

The bill was read. It authorizes the appointment of a Commissioner of Immigration, to be subject to the direction of the Department of State, and to hold his office for four years. It provides that all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the Commissioner, whereby emigrants shall pledge the wages of their labor for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories, and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired, until liquidated by the emigrant; but nothing therein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude. It also authorizes the Secretary of the Treasury, under the direction of the President, to reduce the tonnage duties on vessels which shall bring in emigrants, &c.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PENDLETON called for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The question was taken; and the bill was passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PACIFIC RAILROAD.

The House proceeded, as the next business in order, to the call of committees for reports, commencing with the select committee on the Pacific railroad.

Mr. PRICE, from the select committee on the Pacific railroad, reported back a bill (H. R. No. 190) to amend section fourteen of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862.

The bill was read. It provides that so much of section fourteen of the act as relates to a branch from Sioux City shall be amended so as to provide that whenever a line of railroad shall be completed through the State of Iowa, or of Minnesota, to Sioux City, such company as the President of the United States may designate or approve shall construct and operate a line of railroad and telegraph from Sioux City on the most direct and practicable route to such a point of union as to connect with the Iowa branch of the Union Pacific railroad from Omaha as such company may select on the same conditions and terms as approved in the act referred to.

The question being on ordering the bill to be engrossed and read a third time—

Mr. PENDLETON. Has the bill been printed?

Mr. PRICE. It has not been. It merely provides for a branch road.

Mr. PENDLETON. I would like to ask the gentleman what quantity of land this bill grants.

Mr. PRICE. Only the same proportion as is granted to the Union Pacific road.

Mr. PENDLETON. How much is that?

Mr. PRICE. It depends on the length of the road.

Mr. PENDLETON. I understand that the amount depends upon the length of the road, of course; but I want to understand how much land the gentleman's bill will absorb.

Mr. PRICE. I will say to the gentleman that there is provision in the law passed at the last session of Congress that when the railroad has been built to Sioux City, the Union Pacific Railroad Company may then build a road to connect with it, and giving them the alternate sections of land. This bill merely provides that another company may build the road when they please, making the same grant of land precisely.

Mr. STEVENS. I will suggest that the gentleman had better have the bill postponed and printed.

Mr. PRICE. If there is any objection, of course it will be postponed.

Mr. PENDLETON. I move that the bill be referred to the Committee of the Whole on the state of the Union, and be printed.

The SPEAKER. The gentleman from Iowa is entitled to the floor.

Mr. PRICE. I move that the bill be printed and recommitted.

Mr. PENDLETON. When will it come up again?

The SPEAKER. The committee will be again called in the morning hour to-morrow.

Mr. PENDLETON. I think that is too short a time.

Mr. PRICE. Let it be postponed, then, for a week.

Mr. PENDLETON. Would it not be better to let it follow the course of the ship canal and be deferred until the second Tuesday in December next, after the morning hour? [Laughter.]

Mr. FARNSWORTH. I suggest to the gentleman that he move to postpone the bill until a week from to-day.

Mr. PENDLETON. I hope the gentleman will give at least two weeks.

Mr. PRICE. Very well. I modify my motion, then, so as to postpone the bill until two weeks from to-day, after the morning hour, and that it be printed.

The motion was agreed to.

Mr. PENDLETON moved to reconsider the vote by which the bill was postponed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PENNSYLVANIA WAR CLAIMS.

Mr. STEVENS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up an appropriation bill.

Mr. WILSON. What bill does the gentleman propose to take up?

Mr. STEVENS. The bill we had under consideration at the early part of the session, to pay the expenses incurred by Pennsylvania in consequence of the rebel invasion.

Mr. WILSON. I think the gentleman had better allow us to do some other business this evening.

Mr. STEVENS. I hope there will be no objection to disposing of this bill now. It has been pending for two or three months.

Mr. WASHBURNE, of Illinois. If the gentleman will permit me, I will move to postpone the bill until the second Tuesday in December next, after the morning hour. [Laughter.]

Mr. STEVENS. I have no doubt the gentleman would prefer to postpone it forever.

Mr. WASHBURNE, of Illinois. Oh, no; not as long as that.

Mr. STEVENS. I ask for the vote upon my motion.

The House divided upon the motion; and there were—ayes 54, noes 40.

Mr. ASHLEY called for tellers.

Tellers were not ordered.

Mr. FARNSWORTH demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 64, nays 41; as follows:

YEAS—Messrs. James C. Allen, Ancona, Baxter, Jacob B. Blair, Boyd, Broomall, William G. Brown, Ambrose W. Clark, Cobb, Cox, Dawson, Denison, Donnelly, Eden, Eldridge, Fenton, Finck, Charles M. Harris, Kalbfleisch, Kelley, Francis W. Kellogg, King, Knapp, Lazear, Loan, Long, Marcy, Marvin, McAllister, McClurg, McDowell, McKinney, Middleton, William H. Miller, Moorhead, Morrill, James R. Morris, Amos Myers, Leonard Myers, Charles O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, William H. Randall, Edward H. Rollins, Scofield, Scott, Shannon, Smithers, William G. Steele, Stevens, Stiles, Stuart, Thomas, Tracy, Voorhees, Webster, Chilton A. White, Joseph W. White, Williams, Wilder, Windom, and Fernando Wood—64.

NAYS—Messrs. Allison, Ames, Arnold, Ashley, Augustus C. Baldwin, Beaman, Boutwell, Clay, Cole, Dawes, Dixon, Driggs, Eckley, Farnsworth, Gauson, Grinnell, Higby, Holman, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Kasson, Orlando Kellogg, Kernan, Longyear, McIndoe, Daniel Morris, Norton, Odell, Perham, Pomeroy, Price, John H. Rice, Sloan, Upson, Elihu B. Washburne, William B. Washburn, Wheeler, Wilson, and Woodbridge—41.

So the motion was agreed to.

During the call of the roll,

Mr. BROOMALL stated that his colleague, Mr. BAILY, was away from the House sick.

Mr. DAWES stated that his colleague, Mr. BALDWIN, was detained from the House in consequence of sickness.

BANKRUPT LAW.

Mr. JENCKES, by unanimous consent, from the select committee on the bankrupt law, reported a bill to establish a uniform system of bankruptcy throughout the United States; which was read a first and second time, and ordered to be printed.

Mr. JENCKES asked that it be made the special order for the 4th of May next.

Objection was made.

Mr. JENCKES moved that the bill be recommitted to the committee.

The motion was agreed to.

Mr. JENCKES moved that five thousand extra copies of the bill be printed in pamphlet form.

The motion, under the rules, was referred to the Committee on Printing.

PENNSYLVANIA WAR CLAIMS.

The House resolved itself into the Committee of the Whole on the state of the Union, (Mr. POMEROY in the chair,) and proceeded to the consideration of House bill No. 117, to reimburse the State of Pennsylvania for expenses in calling out the militia of said State during the recent invasion.

The CHAIRMAN stated the pending amendment, moved by the gentleman from Ohio, [Mr. Cox,] to be as follows:

And that whenever the expenses in calling out the militia of other States either to repel invasion or suppress the rebellion, shall have been audited by the proper Department, the sum ascertained to be due, not exceeding $10,000,000, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. FERNANDO WOOD. I think there were two amendments pending. I submitted an amendment to include New York, and one was moved by the gentleman from New Jersey, [Mr. ROGERS,] to include his State. I think that the amendment of the gentleman from Ohio was made subsequently.

Mr. COX. I can explain that. The gentleman from New York suggested an amendment to include his State, and the gentleman from New Jersey another to include his State, and then I submitted a general proposition to include all of the States which have troops in the field.

Now, sir, I propose to withdraw my amendment, and substitute for it the following drawn by my colleague, [Mr. PENDLETON:]

That to defray the expenses in the raising, equipping, transportation, and subsistence of minute men, militia and volunteers in Pennsylvania, Maryland, Ohio, Indiana, Kentucky, Missouri, Iowa, and Illinois, to repel rebel raids, the sum of $10,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; said expenses to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury: *Provided*, That in determining claims to be allowed under this act, the same principles, rules, and regulations shall be observed by the accounting officers in auditing said expenses as have been applied to the claims allowed to the States under the act approved July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

Mr. DAVIS, of Maryland. I move the following amendment:

That the Quartermaster General be directed to settle and adjust the claims of the city of Baltimore, for money expended under the direction of Major General Schenck in constructing fortifications around the city in the year 1863, and to pay the amount so ascertained out of any money in the Treasury not otherwise appropriated.

Mr. COX. If the State of Maryland were included among the other States would that not include the city of Baltimore?

Mr. DAVIS, of Maryland. The money was paid by the city of Baltimore, and not by the State of Maryland. The works were thrown up in great haste, and hundreds and thousands of men were impressed upon them. It is a just claim.

Mr. FERNANDO WOOD. There is a bill before the House which would include the city of Baltimore. The city of New York has expended $5,000,000 for the outfit and equipment of troops, and if Baltimore comes in here, I shall ask to include New York city.

Mr. COX. I accept the amendment of the gentleman from Maryland, and the amendment of the gentleman from New York.

Mr. BROWN, of West Virginia. Was the State of West Virginia omitted by mistake?

Mr. COX. It was not left out intentionally, although I do not regard her as a State in full communion.

Mr. BROWN, of West Virginia. Will you include that State in your amendment?

Mr. COX. I will. My object is to insert a provision for all these debts of a similar character from States, cities, and towns.

Mr. FARNSWORTH. I ask the gentleman to include pay for the damages sustained in the city of New York and Coles county, Illinois, by the copperhead riots.

Mr. COX. If the gentleman has investigated the subject at all, he must know the fact is not as he states it. In Illinois the trouble was on his side; and that side of the House is responsible for the troubles in New York city by passing the conscription act.

Mr. KELLOGG, of Michigan. I ask the gentleman to include Michigan.

The amendment was reported as modified.

Mr. WILDER. I ask the gentleman to include Kansas.

Mr. KELLOGG, of Michigan. Will the gentleman from Ohio give way a moment?

Mr. COX. I yield the floor.

Mr. KELLOGG, of Michigan. I move to insert Michigan in the list of States.

Mr. COX. I accept that.

Mr. GANSON obtained the floor.

Mr. HOLMAN. I rise to a point of order. It is that the gentleman from Ohio [Mr. Cox] is entitled to the floor for an hour, and that this subject cannot be reported to the House until all the amendments gentlemen desire to offer have been offered and considered.

The CHAIRMAN. The gentleman from Ohio has yielded the floor, and the gentleman from New York is now upon the floor.

Mr. GANSON. I move the following proviso as an amendment:

Provided, That the expenses of none of the militia of any State shall be paid under this act who refused to be mustered into the service of the United States.

Mr. STEVENS obtained the floor.

Mr. COX. If the gentleman will permit me, I desire to modify my amendment by inserting the State of Kansas.

Mr. KALBFLEISCH. Kansas having been inserted, I ask leave of the House to have "Brooklyn" inserted.

The CHAIRMAN. The gentleman from Pennsylvania has the floor, and such a motion would not be in order now.

Mr. COX. I agree to that.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. STEVENS. I had hoped that by this time the claim which is now presented to the House would have received a fair, honest, and candid consideration. When the gentleman from Ohio [Mr. Cox] offered his amendment I thought it was in good faith for the purpose of including cases of the same kind. Before he got through I was satisfied it was done to destroy the bill; and the friends of the bill must therefore vote against the amendment as it is now modified. Some of the most absurd propositions are contained in that amendment, not the least of which comes from a quarter I did not expect—from the State of Maryland, to pay for the fortifications there—a matter wholly distinct from the bill. Another comes from a quarter which, perhaps, I had a right to expect it would come from—from New York—and it includes that which was expended for local bounties and local operations, which I understood the gentleman to say the other day was about five million dollars.

Sir, Pennsylvania has expended her millions in that same way; but she does not come here to ask it to be paid. She comes here only to ask that which has been granted to every other State of this Union, and which, if refused, will be refused for the first time, to pay soldiers called out in defense of the Union. At the time of the invasion of Pennsylvania and Maryland, the President called for some sixty thousand militia. The State of New York, through her Governor, the State of New Jersey, through her Governor, and the State of Pennsylvania, through her Governor, called for troops to make up that requisition. There were some thirty or forty thousand from Pennsylvania who answered. A considerable number from New York answered, and some came promptly from New Jersey.

When this bill was first before the House, upon the recommendation of the Administration, it was objected by the gentleman from New York, that it was premature, that it was trying to get ahead of other States, and that it ought not to be considered until New York and New Jersey settled their accounts.

The bill was postponed in deference to that opinion. A letter was immediately written by a gentleman from New York to the Governor of that State to send on the account. In reply he received a letter, which I suppose his colleague has seen, stating that their troops had all been paid. It was also ascertained that the troops of New Jersey had been paid. In other words, before they were mustered out, the Department here having at its command a certain amount of funds, went on and paid the New York militia to the last dollar, and paid the New Jersey militia within perhaps a few hundred dollars; but as the Treasury had not funds enough to pay all the States engaged in that operation, they asked the Governor of Pennsylvania to negotiate a loan to pay them, and that the President and Secretary of War would at the first opportunity after the meeting of Congress communicate to this House a message asking them to make an appropriation to pay in like manner the Pennsylvania militia. The Governor and his agent went to Philadelphia, and there negotiated with the moneyed institutions of that city and with one or two in the country, and raised between six and seven hundred thousand dollars, payable as soon as it could be raised in this way. Those institutions advanced the money, and the troops of Pennsylvania were paid by it and mustered out of the service.

Mr. GANSON. I would like to ask the gentleman from Pennsylvania why the troops of Pennsylvania were not paid at the same time the troops of New York and New Jersey were paid?

Mr. STEVENS. Because the fund was not in the Treasury, as the Secretary of War declared.

Mr. GANSON. I have understood that the reason was that they were not mustered into the service of the United States, and that they refused to be mustered into the service of the United States.

Mr. STEVENS. There is no word of truth in that.

Mr. GANSON. The Second Auditor of the Treasury so reported in answer to a resolution that I introduced into the House.

Mr. STEVENS. That they refused to be mustered in?

Mr. GANSON. That they were not mustered in.

Mr. STEVENS. I do not know what the precise forms are in such cases. I know that they were all under the command of officers of the Army of the United States; that they were at Hagerstown under the command of a general of the United States, and some of them were in active service. My gallant colleague from Philadelphia [Mr. RANDALL] was there. I saw him there myself just before the engagement. There was a horse troop there from Philadelphia who were engaged in that very engagement whether they were formally mustered into the service or not.

Mr. GANSON. I am prepared to say they were not.

Mr. STEVENS. I do not know that that makes any difference if they came out in answer to the call of the President and were under the command of the President's officers. It is not true, as some gentlemen have said here, that they refused to act. But whether they were officially mustered into the service or not, why is it that they are not to be paid as well as other troops? The troops from New York were paid. The troops from New Jersey were paid. I ask to have read the paper which I send to the Clerk's desk.

The Clerk read, as follows:

WAR DEPARTMENT,
WASHINGTON CITY, *January* 4, 1864.

SIR: The Department has this day received returns of the amounts required for the payment of the militia called out for the defense of the State of Pennsylvania on the 26th of June, 1863, against the invasion by the rebel forces under command of General Lee. There being no appropriation out of which these payments could be made at the time they were required, patriotic citizens of Philadelphia advanced the money, and it is proper that they should be reimbursed without delay. I would respectfully recommend, therefore, that an immediate appropriation for that purpose be made. A copy of a letter of the Second Auditor of the Treasury is herewith communicated, showing the amount of claims audited by him to be $671,476 43 up to date. It is supposed that $700,000 will cover the whole amount of these claims.

I have the honor to be, very respectfully, yours,
EDWIN M. STANTON,
Secretary of War.

Hon. THADDEUS STEVENS, *Chairman Committee Ways and Means.*

Mr. STILES. I suggest to my colleague that he have the letter of the Second Auditor read at the same time.

Mr. STEVENS. It was read when this bill was last before the House, and is now on file.

Mr. STILES. I propose to have it read now for the information of the House.

Mr. STEVENS. I will yield for that purpose.

The Clerk read the letter, as follows:

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE, *January* 4, 1864.

SIR: Respecting the claim of the State of Pennsylvania, amounting to $671,476 43, for payments made to the militia called out under the proclamation of the Governor of that State, dated June 23, 1863, I have the honor to state that the rolls and vouchers for said payments have been administratively examined in this office and found in the main correct. Errors and discrepancies amounting to say $2,900 have been discovered, consisting principally of cases where the internal revenue tax is not deducted, or when deducted not accounted for.

I am, very respectfully, your obedient servant,
E. B. FRENCH,
Second Auditor.

Hon. E. M. STANTON,
Secretary of War.

Mr. STEVENS. There was some difficulty in Philadelphia in raising the money, lest it should not have been properly indorsed by the Department. Mr. Fry, who at that time was acting as chairman of the Union League, wrote on to know whether if this money was raised it would be refunded. I ask to have the answer of the Secretary of War read.

The Clerk read, as follows:

WASHINGTON, *July* 21, 1863.

J. R. FRY, *Chairman Union League, Philadelphia:*

All that is necessary is that the Governor of Pennsylvania should see that the company pay-rolls are properly

made out and certified. This being done, the amount due is readily ascertained, and can be paid; and the pay-rolls will furnish the proper official voucher of the payment. This Department will lay before Congress at the commencement of the session an estimate to cover the amount, and request the appropriation. The matter has been arranged in this way in other States, and has been productive of no delay or complaint when the Governors have given their attention to it, and seen that the muster-rolls are properly made out.

EDWIN M. STANTON,
Secretary of War.

Mr. STEVENS. The House now understands this question, and I trust they are prepared to do justice to those who have advanced money to pay the troops who went forth at that time at the call of the Government. As I said before, all the other States in similar circumstances have been paid. There is a species of claims not embraced in this bill which all the States have. For instance, minute men were called out; they were called out in Pennsylvania for three months at the outset, and they have never been paid a dollar. Their claims have never been presented, but have been left for some other future adjustment. But money which was raised and paid upon the faith of the Government, upon the solemn pledges of the Administration, ought surely not to be repudiated now by this House, when we are here trying to do justice and sustain those who sustained the war. As I said before, the amendment of the gentleman from Ohio, [Mr. COX,] when it was first offered, seemed to have some equity in it.

Mr. COX. The gentleman from Pennsylvania will allow me a moment. The gentleman has now repeated this statement for the second time, and I wish to tell him that I offered this amendment in good faith when his bill was before the House before. I did it for the purpose of including all the States, believing that the same principle should run through all these claims; that Pennsylvania, because she was most vigilant in getting her accounts properly audited, ought not to be the first to get an appropriation, but that other States having similar claims ought to have the same chance. When I came here this evening I found my amendment appended, not in as good a shape as an amendment drawn by my colleague, [Mr. PENDLETON.] He adopted the system of naming the States in his amendment, which was unlike mine in that respect. Of course each member interested took the same interest in his own locality as the gentleman from Pennsylvania [Mr. STEVENS] has shown. How could I refuse to accept their amendments? I have always shown proper courtesy on this floor—a good deal more than I have had shown to me—and I accepted these amendments believing they would not prejudice the bill but would really facilitate its passage. I want to see these men in Ohio paid if there is anything due to them. If the gentleman will observe the amendment he will see that the accounts have to be audited under the acts, just as Pennsylvania has had her accounts audited. I could have meant nothing prejudicial to the gentleman's bill; and I beg him to do me justice and vote for the amendment, as the surest way to have his bill passed.

Mr. STEVENS. I certainly supposed, Mr. Chairman, that the amendment was a fair one at first, but I understood the gentleman to have incorporated into it, at the suggestion of the gentleman from Maryland, [Mr. DAVIS,] a proposition to pay for the building of forts, and the suggestion of the gentleman from New York to pay what that city has expended in the way I have mentioned. If I have misunderstood it, then I have misunderstood the amendment also. If the amendment had stood as it was originally offered by the gentleman, or as it was amended by his colleague, I should not have objected to it, believing it fair. But I must say that I do not believe that any States are unpaid that stand in the same position as the State of Pennsylvania. We have already paid $800,000 to Missouri this year for her invasions. That was not any more just, certainly, than the proposition I have offered. I should be very willing to put them all in the same condition. But to agglomerate into this amendment things that are inconsistent with it, looked, I thought, as if the gentleman from Ohio [Mr. COX] was aiding others to break down the bill. I am happy to say, however, that the gentleman has properly explained it, and I withdraw all that I said in regard to it.

Mr. COX. I understand there is a misapprehension on the part of some members that I accepted the proposition of the gentleman from Maryland, which would be different in substance from the amendment. I beg the gentleman from Maryland, therefore, to offer his amendment as a separate proposition.

Mr. DAVIS, of Maryland. I understand that it is before the committee as an amendment, and of course it is impossible for me to withdraw or modify it.

Mr. COX. I move to strike out the amendment of the gentleman from Maryland.

Mr. WILSON. I would like to have read the letter from the Second Auditor in reference to this claim.

The Clerk read, as follows:

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE, *January* 15, 1864.

SIR: In compliance with the resolution of the House of Representatives of the 13th of January, I respectfully state that the vouchers for expenses in calling out the militia of Pennsylvania during the recent invasion consist of muster and pay-rolls, embracing payments to the troops so called out for a period of ninety days; that it appears from the abstract accompanying said rolls that the militia referred to were called out by proclamation of the Governor of Pennsylvania under date of June 26, 1863; that the muster-rolls show that the troops were called into the service of the State of Pennsylvania and discharged therefrom without appearing ever to have been mustered into the service of the United States; and that the examination of the said vouchers was made in this office at the request of the adjutant general of the State of Pennsylvania, and a preliminary report of said examination made to the Secretary of War, a copy of which is herewith inclosed.

Respectfully, your obedient servant,
E. B. FRENCH, *Second Auditor.*

Hon. SCHUYLER COLFAX, *Speaker of the House of Representatives.*

Mr. WILSON. I desire to ask the gentleman from Pennsylvania whether there were not two classes of men called out on that occasion; the militia that remained in the service of the State, and the volunteers that were mustered into the service of the United States for a short period of time; and whether those who were mustered into the United States service have not been paid, and whether this claim does not rest solely on the claim for pay of militia-men who were not mustered into the service of the United States, and who remained entirely in the service of the State?

Mr. STEVENS. Mr. Chairman, I have no knowledge of any such fact as the gentleman states. I know that under General Smith when he marched down the valley were the whole of the troops of Pennsylvania. Whether they were technically mustered into the service of the United States I do not know. I do know, however, that they were all commanded by officers of the United States, that they were all taken into Maryland under the command of officers of the United States, and that General Smith and General Couch, both under the authority of the Government, took charge of those troops and marched them there. That fact I know, and I think my friend [Mr. RANDALL,] knows it too.

Mr. RANDALL, of Pennsylvania. My colleague is entirely correct. They were mustered into the service by United States mustering officers, and were discharged from the service by General Couch.

Mr. WILSON. I desire to ask another question, whether the State of Pennsylvania has paid the claims of the parties from whom this money was borrowed?

Mr. STEVENS. No, sir; the very communication shows that it is due to individuals in Philadelphia; but as the Governor was the agent to borrow it, I thought it proper he should be the agent to refund it.

Mr. WILSON. Then the debt is due to certain private parties in Philadelphia, whereas the claim is to be paid to the State of Pennsylvania.

Now I suggest that if the claim belongs to private parties in the State of Pennsylvania, that State ought to show vouchers that she has paid the claims before she is entitled to reimbursement.

Mr. STEVENS. A mere quibble.

Mr. WILSON. It is not a mere quibble.

Mr. STEVENS. At the request of the Governor of Pennsylvania this money was advanced by moneyed institutions in Philadelphia. The State became responsible for it; it was done at the request of the Department here in order to allow soldiers furnished by other States at the same time to be paid by the Government. The soldiers of these other States were paid, and I deny that there is any other State in the Union that has been treated as it is now proposed to treat the State of Pennsylvania. It is not enough that she has lost her millions by this invasion; it is not enough that her citizens in three or four counties have been robbed, their property destroyed, and they rendered bankrupt by this invasion. Her people advanced their money to pay these soldiers, thereby allowing the troops of New York and New Jersey to be paid in advance by the Government, and now she is to be defrauded out of this money by the quirks and quibbles of gentlemen upon this floor.

Mr. WILSON. I recognize the fact that the gentleman from Pennsylvania is one of the oldest members of this House——

Mr. STEVENS. I am sorry for it.

Mr. WILSON. And that the gentleman is chairman of the Committee of Ways and Means of this House, but I do not recognize his right to use language of that kind toward any other member.

Mr. STEVENS. I was using the language impersonally in respect to the opposition that is made to the payment of this debt.

Mr. WILSON. So much the worse, then, for the gentleman applies the language to every man here who is opposed to this claim.

Mr. STEVENS. I do say that the refusal to pay a claim of this kind is, in my judgment, not honest. I say that.

Mr. KALBFLEISCH. I do not mean to say that the gentleman's judgment is not honest, but he slanders most mightily. [Laughter.]

Mr. WILSON. There is another fact to which I wish to call the attention of the gentleman, and it is this: the gentleman has called one of his colleagues [Mr. RANDALL] to the witness-stand to prove that these men were mustered into the service of the United States. If that be true, I would like to know why they have not been paid the same as other troops mustered into the service of the United States?

Mr. STEVENS. May I say to the gentleman that the very paper that has been read from the Secretary of War states that it has not been done because there were no funds at his disposal out of which they could be paid.

Mr. WILSON. Why, sir, we have been making appropriations during this very session of Congress for the payment of all the troops mustered into the service of the United States. If these were troops of the United States who had regularly been mustered into the service, the appropriation bill we have already passed has furnished funds out of which they might have been paid.

Now, then, if that be not the case, and if they cannot be so paid, because they were not mustered into the service of the United States, why pass this exceptional bill? Why are we called to make this special appropriation for the payment of men who were not mustered into the service of the United States in one State, while we make no provision for those in similar circumstances in other States?

Mr. STEVENS. Why, sir, have we not been called upon to pay $800,000 for the militia of Missouri, which could not be paid out of our regular appropriations, because it was a past transaction? The gentleman knows that the appropriation bills we are now passing are not for this year, but for the year ending June 30, 1865.

Mr. WILSON. We have passed deficiency bills, have we not?

Mr. HOLMAN. I rise to ask the question whether the act of 27th July, 1861, does not make a general appropriation for the payment of all expenses of this character, and whether any special appropriation is necessary?

Mr. STEVENS. All that appropriation has been paid out long ago.

Mr. HOLMAN. If the gentleman will allow the law to be read he will see that the appropriation is general in its character.

Mr. STEVENS. Very well, let the law be read; but I know the Department has decided that these claims cannot be paid under that law.

Mr. HOLMAN. This act contains an appropriation without any limitation, authorizing the accounting officer of the Treasury to pay all expenses.

Mr. STEVENS. Let the section be read.

The Clerk read the law, as follows:

"That the Secretary of the Treasury be and he is hereby

directed, out of any money in the Treasury not otherwise appropriated, to pay the Governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State, for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury."

Mr. STEVENS. That is an entirely different thing.

Mr. PENDLETON. I ask the gentleman whether it is not true that, under the law just read, the Secretary of the Treasury holds that he has no authority to pay out money unless expressly appropriated?

Mr. STEVENS. He has so held.

Mr. PENDLETON. Would not this Pennsylvania claim have been paid except for that ruling of the Secretary of the Treasury?

Mr. STEVENS. That is a fact.

Mr. HOLMAN. He has decided differently in other cases.

Mr. COX. I propose to withdraw my amendment, and to renew it without the amendment of the gentleman from Maryland.

Mr. DAVIS, of Maryland. Has the gentleman any right to withdraw his amendment?

The CHAIRMAN. He has, no vote having been taken. The gentleman from Pennsylvania has the floor.

Mr. DAVIS, of Maryland. I rise to a question of order. The gentleman from Pennsylvania has no right to yield the floor to the gentleman from Ohio to withdraw his amendment, unless he does so absolutely. I therefore claim to be recognized.

The CHAIRMAN. No objection was made at the time.

Mr. DAVIS, of Maryland. I claim the floor, and I renew as an amendment to the amendment the proposition submitted by me some time ago.

The amendment was again read.

Mr. GANSON. When this bill was first introduced in the House early in the session——

Mr. STILES. Is the amendment offered by the gentleman from Maryland germane to the original proposition?

The CHAIRMAN. Does the gentleman make the point of order?

Mr. STILES. I do.

The CHAIRMAN. The Chair sustains the point, and rules the amendment out of order.

Mr. DAVIS, of Maryland. I take an appeal from the decision of the Chair.

Mr. WASHBURNE, of Illinois. I move that the committee rise.

Mr. GANSON. I have the floor.

Mr. STEVENS. I move to amend the gentleman's motion by adding, "and report the bill."

The CHAIRMAN. The gentleman from New York has the floor, and the motion to rise cannot be entertained.

The decision of the Chair was sustained.

Mr. GANSON. Mr. Chairman, when this bill was introduced early in the session it was stated by the gentleman from Pennsylvania [Mr. STEVENS] that these troops had been mustered into the service of the United States, and were mustered out and were not paid. The gentleman from Pennsylvania making that statement was under a misapprehension of the facts. I introduced a resolution that the Second Auditor state to this House whether these troops had been mustered into the service of the United States; whether the vouchers had been presented to him, and on what authority he audited the accounts. In response, among other things, he stated that these troops had never been mustered into the service of the United States; that they came out under the call of the Governor, and had been in the State service, but had never been in the United States service.

Mr. THAYER. I desire to call the gentleman's attention to the phraseology of the Second Auditor. He does not declare that these troops were not mustered into the service of the United States, but that it does not appear by the rolls presented to him that they were so mustered in.

Mr. GANSON. The report states that it appears by an abstract of the rolls that the militia were called out by proclamation of the Governor, and that they were mustered into the State service, "without appearing ever to have been mustered into the service of the United States." I state the fact in addition to that, that most of them were not only not mustered into the service of the United States, but refused to be so mustered in. A portion were mustered into the service of the United States under this call, and they were paid when they were mustered out. They were paid because they were mustered into the service of the United States.

Now it presents the simple question whether the State of Pennsylvania shall be paid for the services of troops which were never in the service of the United States in preference to the troops of any other State, or whether they shall be put on a par with the troops of other States. If we go for paying Pennsylvania for expenses incurred in this matter, I go also for paying the expenses incurred by any other State for anything which has been done tending to suppress this rebellion; and unless this House is willing to go to that extent I go against paying Pennsylvania, because the expenses are of the same character as other expenses, and differing in no respect.

Mr. FARNSWORTH. I desire to make a remark or two.

Mr. GANSON. In one moment. Now, sir, in view of the facts which have been communicated to me I moved an amendment, and which I renew, to the effect that no expenses shall be paid for the services of troops that refused to be mustered into the service of the United States. And it strikes me the gentleman from Pennsylvania can have no objection to that amendment, unless he is in favor of paying troops who are called into the field for the purpose of suppressing the rebellion but who refused to be mustered into the service of the Union for that purpose.

Mr. STEVENS. Will the gentleman allow me to read a single paragraph from the communication of the adjutant general of Pennsylvania, to show upon what authority I made the assertion?

Mr. GANSON. With pleasure.

Mr. STEVENS. He says:

"The President of the United States called for militia to repel the advance of General Lee into the northern States. The call of the Governor was made as supplementary to the call of the President, and was expressly adopted and approved by him, the General Government assuming to pay all the expenses incidental thereto, and agreeing to accept these troops into the service and pay of the United States."

Mr. GANSON. There seems to be a misunderstanding between the officers of Pennsylvania and the General Government, and it is for that reason I renew my amendment that under this act, if it passes, the expenses of none of these troops shall be paid provided they refused to be mustered into the service of the United States.

Mr. FARNSWORTH. I have drawn an amendment which I think will cover the objection presented.

Mr. GANSON. I am very sorry that the gentleman from Pennsylvania felt called upon to pass any criticism in regard to any action which has been taken in regard to this matter, for so far as I am concerned personally I have acted with entire good faith, and I was determined that the facts of the case should be understood by the House, and that they should not pass an act of this importance under any misapprehension; and I have no doubt the gentleman from Pennsylvania would concur with me in the propriety of that position.

Mr. STEVENS. Undoubtedly.

Mr. GANSON. Now, sir, as I understand the matter, Pennsylvania stands in no position here entitled to preference over any other State. The point presented to this House now is, whether the General Government will assume to pay now all of the expenses which have been incurred by the several States in any manner tending to suppress the rebellion. If they are, then embrace all these expenses in this bill; but if they are not disposed to do it, embrace none in it; for Pennsylvania has no claim superior to that of any other State in this respect. I repeat the amendment I offered:

Provided, That the expenses of none of the militia of any State shall be paid under this act who refused to be mustered into the service of the United States.

Mr. FARNSWORTH. I am in favor of paying every soldier who has been in the service of his country. There seems to be a question here between the Representatives of Pennsylvania and the Government, as appears from the letter of the Second Auditor which has been read. It would seem by the statements made by the gentlemen from Pennsylvania that there can be no question about this matter, for one of them states upon his own knowledge that these troops were mustered into the service of the United States by a mustering officer of the Army, and that they were regularly discharged. Now if that be the case, it seems to me the committee ought not to hesitate at all in passing a bill to pay those men. If the legislation of Congress has not been sufficiently broad to cover this case, if these men who have been regularly mustered in cannot go to the Department and draw their money for reason of a lack of legislation authorizing it, I shall not hesitate to vote for a bill authorizing the payment to these men of their just debt.

I have therefore drawn up an amendment which I think perhaps is a little broader than the one offered by the gentleman from New York. It is by way of a proviso to be attached to this bill, in these words:

Provided, That only so much shall be paid out of the Treasury in pursuance of the provisions of this act as shall appear from the muster-in and muster-out rolls shall be sufficient to pay those troops only who were mustered into the service of the United States and were regularly mustered out.

Mr. STEVENS asked some question which was entirely inaudible to the reporters.

Mr. FARNSWORTH. That would place these soldiers precisely on the same basis as my amendment does. A soldier cannot go to the pay department and draw his pay unless it appears from the muster-roll that he was mustered into the service of the United States. If he was not mustered in and the rolls do not show that fact he must come to Congress to get an act for his relief, for you have no authority to pay a man who has not been mustered into the service. I therefore offer this amendment.

Mr. STILES. I suggest to my friend from Illinois that he modify his amendment so that it will apply to all those who are actually in the service of the United States.

Mr. KERNAN. I rise to a question of order. I would inquire how many amendments are now pending?

The CHAIRMAN. There is an amendment pending in the nature of a substitute for the original bill.

Mr. FARNSWORTH. Mine is an amendment to the original bill.

Mr. BLAINE. I move to amend the amendment of the gentleman from Illinois [Mr. FARNSWORTH] by adding thereto the following, which I design as a substitute for the bill reported by the gentleman from Pennsylvania, [Mr. STEVENS:]

That a board of three commissioners, to be appointed by the President, is hereby established to ascertain the total amount of indebtedness that has been incurred by the loyal States, and by the towns, cities, and counties within those States, in their efforts to raise, organize, and equip troops for the present war; and said commissioners shall hold their sessions in the city of Washington from and after the 1st day of October next, and shall have power to employ such number of clerks as they may find necessary, not exceeding four—one of each class.

SEC. 2. Said commissioners shall give notice by advertisement in at least one paper in each loyal State of the time and place of their sessions, that all duly authorized agents may attend and present their claims for debts incurred for the general or particular defense during the war, and on the evidence thereof according to the principles of general equity, (although such claims may not have been sanctioned by the laws of Congress,) to allow the same as a charge against the United States subject to the approval of Congress, to be liquidated and paid by the issuance to said claimants of bonds of the United States, payable in —— years, with interest at the rate of —— per cent. per annum, or in lawful money of the United States, as may hereafter be elected by Congress: *Provided always*, That the rule of apportioning to States the amounts to be refunded under this act shall be the same that is provided by the Constitution of the United States for the apportionment of Representatives and direct taxes.

SEC. 3. Said commissioners shall respectively take an oath before a judge of the United States court that they will faithfully discharge their duties. They shall each be paid at the rate of eight dollars per day, and shall make final report of their doings to Congress on or before the first Monday of December, A. D. 1865.

Mr. STILES. I raise the point of order on that amendment that it is not germane to the original bill.

Mr. STEVENS. I hope the gentleman from Maine will withdraw it. It is upon a different subject altogether.

Mr. BLAINE. I submit the question to the Chair. If my amendment is out of order, of course I cannot press it.

The CHAIRMAN. The Chair decides the amendment to be in order, as it relates to the general subject of the bill.

Mr. BLAINE. As early as the 7th of January last, Mr. Chairman, I called the attention of the House by a simple declaratory resolution to the subject of refunding to the loyal States the amounts expended by them in the prosecution of the existing war. Instead of asking a vote on the resolution then submitted, I desire the action of the House on the bill which I have just offered as a substitute for that reported from the Committee of Ways and Means by the distinguished gentleman from Pennsylvania, [Mr. STEVENS.] His bill proposes to refund a certain amount of money claimed to be due from the General Government to his own State for expenses incurred during the Gettysburg campaign. My bill proposes to establish a commission for the purpose of ascertaining the amounts due to all the loyal States for their war expenditures, with the view of ultimately refunding the same from the common Treasury of the nation.

It is of course well known to all that in addition to the enormous outlay of the national Government in its effort to suppress the southern rebellion there has been a necessary and legitimate expenditure in aid of the same great object on the part of all the loyal States. These expenditures arose from absolute necessity; they have not been made thoughtlessly or wastefully, but with due consideration and with a prudent economy which compares most favorably with many departments of the national disbursement. My proposition is that all expenditures thus made in good faith for the defense and preservation of the national life should be refunded by the national Government. And I shall proceed to discuss as briefly as may be the justice and expediency of refunding these amounts; the precedents for so doing; and our ability to do so without impairing the national credit. And of these in their order.

THE JUSTICE AND EXPEDIENCY OF REFUNDING THESE EXPENDITURES.

If the twenty-four loyal States now striving with patriotic rivalry to outdo each other in defending and rescuing the nation from its perils were hereafter to constitute the entire Union there might be nothing gained and nothing lost to any one of them by consolidating their respective war debts into one common charge upon the aggregate resources of the nation. Under such circumstances each State would be freed from an individual tax only to incur a burden of similar magnitude in meeting its component part of the total national debt. But the actual case presented for our consideration and decision is far different from this. We are engaged in a struggle which must inevitably result in restoring to loyalty and to duty eleven States now in rebellion against the authority of the national Government. And beyond that, as a consequence of a restored Union and of the boundless prosperity which awaits the auspicious event, our vast western domain will be peopled with a rapidity exceeding all precedent, and States without number almost will spring into existence, to add to the strength and insure the perpetuity of our Government. Well-considered estimates based on past progress, and the established ratio of our advance in wealth and population, assure us that within less than a century from this time we shall have added forty new States to our Union, making with the number now composing it a grand total of seventy-five prosperous Commonwealths. Were it not for the blood so freely poured out and the treasure so lavishly expended by the twenty-four loyal States represented on this floor, the eleven States now in revolt would not be saved from self-destruction, and the forty States so speedily to grow up in the Mississippi valley and on the Pacific slope would never come into existence.

Of the immense national debt which we are incurring in this struggle each State will of course have to bear a share; but it is quite manifest that for two generations to come, owing to our established system of taxation, the present loyal States will have to endure vastly the larger proportion of the total burden. Is it fair or just that in addition to this they shall each be called upon to bear unaided a large local debt, necessarily and yet generously incurred in aid of the one common object of preserving the life of the whole nation? The question which I present, therefore, is not one for dispute or difference between any of the States here represented, for they all have a common interest in adopting the proposed measure. The financial issue is rather between the twenty-four loyal States on the one hand, and the eleven revolted States, together with all future new States, on the other. We have it in our power to-day to determine the matter upon principles of the highest equity, and at the same time for the interest of the loyal States who are bearing the heat and burden of the great contest.

From such data as I have been able to collect I estimate the war debts of the loyal States and of the towns, cities, and counties within those States as amounting at least to $150,000,000. The annual tax to meet the interest on this sum must be raised by a direct levy on the property of the people without the intervention of an excise system or any other indirection to lighten or disguise it. If this burden is to remain permanently on the communities now sustaining it, we shall witness the anomalous spectacle of less than one third of the prospective number of States bearing in its most oppressive form $150,000,000 of debt, every dollar of which was contracted as much for the benefit of the other two thirds of the Union as for themselves. And the injurious working of such a discrimination will be made odiously and cruelly manifest in the emigration from the old to the new States, and from the North to the South, for the purpose of escaping the very tax which was incurred that the new States might be born and that the South might be saved from suicide. I could not, by any argument, enhance the force of such a fact as this, nor strengthen the plea which it makes for the equalization of the entire debt created by the war.

I anticipate an objection which will be made to the measure on the score of expediency. Many gentlemen, while admitting the abstract justice and equity of the proposition, have suggested the danger of impairing the national credit by adding to it a burden which need not be assumed. The national Treasury they fear is already overloaded by the inevitable demands upon it, and they protest against incurring any fresh obligation where it can possibly be avoided. I shall before closing my remarks speak somewhat in detail of our ability to bear the national debt which the suppression of the rebellion will leave upon us. At this point I desire only to say that it is a mistake, palpable and radical, to assume that the adoption of the refunding measure which I have proposed would in any degree add to the national burden or *actually* increase the debt of the country. The States and communities which owe the debts proposed to be refunded are precisely the same States and communities upon which must rest the maintenance of the national credit during the entire period that it may be said to be in doubt or on trial before the world. If this $150,000,000 of local indebtedness is upon them, it affects their resources and their ability to carry the national debt by precisely that amount. And if the national debt is increased $150,000,000 by refunding to the States, the local burdens are correlatively and proportionally reduced. Not only is this so, as an actual fact, but it is so in its impression and its influence in financial circles. You will find that the bankers in New York and London maintain a close observation upon our State and local indebtedness, and thence measure our ability to carry a national debt. Should the refunding policy be adopted, no class of men will appreciate it so thoroughly or weigh its effect so clearly as those who so largely control the loan market. The policy will need neither explanation nor vindication with that sagacious and far-seeing class of men.

It is worthy of remark that at the organization of the Government, when the policy of refunding to the States their outlays in the revolutionary struggle was under discussion, the very objection which I have just been considering was vehemently urged by those who were opposed to the measure. Their whole argument was very quietly overthrown by Mr. Hamilton in his celebrated report of January 9, 1790, when he summed up and disposed of the entire case in these few words:

"Admitting that a provision must be made in some way or other for the entire debt, it will certainly follow that no greater revenues will be required, whether that provision be made wholly by the United States or partly by them and partly by the States separately."

Instead of having an injurious effect on the public credit, Mr. Hamilton further maintained that the refunding policy "would contribute, in an eminent degree, to an orderly, stable, and satisfactory arrangement of the national finances."

THE PRECEDENTS FOR THE PROPOSED MEASURE.

Every measure of legislation having sufficient importance to enlist the interest and challenge the scrutiny of the country is greatly strengthened if its policy can be sustained by the practice of the past. Happily in this instance we are not without the most pertinent and suggestive precedents—not only settling all questions of constitutional power, but vindicating by results the policy of refunding all war expenditures to the States.

I need not remind the House that one of the earliest and one of the gravest questions that came up for adjustment upon the organization of the Government was the payment from the common purse of the nation of all debts contracted by the States in their great struggle to achieve our independence. All the possible questions and issues involved in such a policy were fully and freely discussed by the leading statesmen of that day; and the decision was in favor of refunding—a decision which was followed by the almost instant revival and subsequent continued maintenance of the public credit. The argument in favor of the policy was admirably condensed by Mr. Hamilton in a single paragraph which I quote from one of his ablest papers:

"The equalizing of the condition of the citizens of every State, and exonerating those of the States most indebted from partial burdens which would press upon them in consequence of exertions in a common cause, is not completely fulfilled until the entire debt of every State contracted in relation to the war is embraced in one general and comprehensive plan. The inconvenience to the United States of disburdening the States which are still incumbered with considerable debts, would bear no proportion to the inconvenience which they would feel if left to struggle with those debts unaided."

Following the views and recommendations of Mr. Hamilton, Congress, on the 5th of August, 1790, passed "An act to provide more effectually for the settlement of accounts between the United States and the individual States." By this act, a board, consisting of three commissioners, was appointed to hear and adjudicate all claims submitted to them. The generous and comprehensive basis on which claims were to be determined may be seen from the third section of the act, a part of which I will read:

"SEC. 3. It shall be the duty of said commissioners to receive and examine all claims which shall be exhibited to them before the 1st day of July, A. D. 1791, and to determine on all such as shall have accrued for the general or particular defense during the war, and on the evidence thereof, according to the principles of general equity, although such claims may not be sanctioned by the resolves of Congress, nor supported by regular vouchers," &c.

By legislation contemporaneous with the foregoing, the act indeed being approved one day in advance of that from which I have read, Congress agreed to liquidate the claims of States to a specified amount with the simple proviso that the claims should be for "compensations and expenditures for service or supplies toward the prosecution of the late war and the defense of the United States or some part thereof during the same." The amounts for which United States stocks were in pursuance of this legislation exchanged for certificates of State indebtedness were as follows in the various States: namely, New Hampshire, $300,000; Massachusetts, $4,000,000; Rhode Island, $200,000; Connecticut, $1,000,000; New York, $1,200,000; New Jersey, $800,000; Pennsylvania, $2,200,000; Delaware, $200,000; Maryland, $800,000; Virginia, $3,500,000; North Carolina, $2,400,000; South Carolina, $4,000,000; Georgia, $300,000. Massachusetts, which furnished the most men in the revolutionary war, and South Carolina, which furnished the least number, had the same amounts liquidated; and the aggregate sum thus refunded to all the States for war expenditures was $21,500,000; immeasurably larger in proportion to the wealth and resources of the country at that time than $150,000,000 would be for the nation as it exists to-day.

The second precedent for refunding the expenditures made by States was in the war with England in 1812–15. Every dollar was repaid, on the most liberal principles, the only limit or qualification being that the money whose restitution was claimed "had been actually expended for the use and benefit of the United States during the late war with Great Britain." And the prin-

ciple was carried further than simply refunding the amounts advanced, for interest also was subsequently allowed to every State, except Massachusetts, upon all debts incurred on behalf of the common cause. The payment of interest was a much-discussed and long-delayed act, and its accomplishment was finally due to the clear and forcible presentation of the merits and rightfulness of the policy by President Monroe in a message to Congress during the session of 1824-25. In consequence of the argument and influence of the President interest was allowed to Virginia "on all sums on which she had paid interest;" and subsequently by separate acts each State that had made advances for war purposes was allowed interest in full thereon, with the exception just noted, and a bill to refund interest to Massachusetts is now pending. Reference may be had to United States Statutes at Large, volume 4, pages 161, 175, 192, 241, 499.

The third and freshest precedent for the policy now urged was the course pursued by our Government with reference to State expenses incurred during the war with Mexico. The refunding to the States in that instance was upon a basis so comprehensive and broad as to be almost liable to the charge of looseness and prodigality. Before the war had continued a year, before the intelligence of Taylor's victory at Buena Vista had reached this country, and before Scott had even landed at Vera Cruz, Congress provided by joint resolution of March 3, 1847, for refunding, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and required to cause to be refunded to the several States, or to individuals, for services rendered, acting under the authority of any State, the amount of expenses incurred by them in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the service of the United States for the present war."

Under this resolution many claims were presented which the auditing bureaus of the Treasury Department refused to allow, because of the restriction contained in the phrase "acting under the authority of any State." There were, moreover, a class of claims presented by counties and municipal corporations which did not seem to be included within the specific terms of the resolution. To remedy all such defects, Congress the next year passed an act, approved June 2, 1848, the first section of which was in the following terms:

"*Be it enacted*, &c., That the provisions of the joint resolution approved March 3, 1847, entitled 'A resolution to refund money to the States that have supplied volunteers, &c.,' be, and the same are hereby, extended so as to embrace all cases of expenses heretofore incurred in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the United States service for the present war, whether by *States, counties, corporations, or individuals, either acting with or without the authority of any State: Provided, however*, That proof shall be made to the satisfaction of the Secretary of War of the amount thus expended, and that the same was necessary and proper for the troops aforesaid."

Sweeping and conclusive as was the general scope of this resolution, the simple proviso requiring satisfactory proof that the expenditures were "necessary and proper for the troops aforesaid," operated as a bar to the payment of certain classes of claims. The auditing bureaus under the strict scrutiny applied by them, held a considerable amount suspended for three or four years, until finally in 1852 Congress again came to the relief of the States by declaring that their accounts should be allowed "*as presented.*" This legislation is contained in the tenth section of the Army appropriation bill, approved August 31, 1852, as follows:

"*And be it further enacted*, &c., That there be appropriated as aforesaid for refunding to the State of Michigan the amount advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the United States service during the late war with Mexico, $20,000, which said sum or so much thereof as shall be necessary to pay and cancel the claim of said State *as presented*, and now on file in the office of the Third Auditor of the Treasury Department, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan: *Provided*, That the same principles be applied in the settlement of the claims of the State of Alabama and all other States for money advanced in raising, subsisting, and transporting troops for the Mexican war."

In one of the instances which I have cited the claims of States were paid by substituting United States bonds for certificates of local indebtedness. The bill which I have submitted proposes a similar plan at this time, so that its adoption involves no danger of an expanded circulation. It neither adds to the currency by an issue of legal-tender notes, nor does it increase the bonded debt of the loyal States. It simply changes the form of the latter from a local and diverse to a general and uniform series of obligations.

Thus we find the precedents are ample, broad, and conclusive. In the three wars in which our country has been engaged the policy of refunding to the States all their contributions to the common cause has been uniformly and rigidly followed by Congress. It was so in our first war, which was a struggle for independence; it was so in our second war, which was waged for maritime rights and for national dignity; it was so in our third war, which, in its spirit and in its results, was mainly a war of conquest. We are now engaged in war for the fourth time, and the struggle is for national unity and self-preservation. Instead of narrowing these precedents left us by former wars, every consideration of justice and equity requires that we should give them their widest application in the present instance. If it were just to refund the expenditures heretofore made in a common cause, it is so now in a ratio enhanced by the magnitude of the issues involved in the pending contest.

OUR ABILITY TO REFUND THE WAR EXPENDITURES OF STATES FROM THE COMMON TREASURY OF THE NATION.

In one aspect it is scarcely necessary to argue this question, for the simple reason, as already suggested, that if we are not able to carry the war debts of the States as a common charge upon the nation, we are not able to carry them where they are now placed. The refunding policy which I have proposed neither adds to nor subtracts from the debt of the loyal people who are now struggling for the Union and for nationality. It simply equalizes the burden and places it impartially on the shoulders of those who are to be benefited by the victorious issue of the war, for the support of which the State debts have been contracted.

The real question of interest in this connection is whether we are able as a nation to sustain the entire debt which the close of the war will leave upon us without oppressively burdening the business and crippling the energies of the people? I propose to show by some simple facts and figures that we are abundantly equal to the great trial, and that in bearing it we are assuming far less responsibility in proportion to wealth, population, and prospective development, than has been successfully and triumphantly assumed in the past by another great nation, and even by ourselves at the organization of the Government.

In estimating the debt with which we are to be incumbered it is not wise, in my judgment, to adopt a too sanguine anticipation of the speedy close of the war. Very many gentlemen, whose opinions the public are accustomed to respect, predict the entire suppression of the rebellion within the ensuing summer. For myself, I cannot indulge in so pleasing a prospect. Whatever false reckonings we may have made in the past in regard to the shortness of the war, I have latterly been of those who believe that the leading conspirators of the South intend at all events to prolong the struggle until the contest for the Presidency is ended. They have a hope—baseless enough it seems to us—that in some way they are to be benefited by the result of that election, and hence they will hold out until it is decided, and with a view, indeed, of affecting its decision. Let us then not deceive ourselves with regard to the speedy reduction of the enormous expenditures to which we are now subjected. It is wiser for us to look soberly at facts as they are and not beguile ourselves with rose-colored views of facts as we wish they might be. Let us make our calculations in regard to the national debt therefore on the assumption that the war will last until July, 1865, instead of closing in July, 1864, as has been so confidently assumed by many. Should it come to a termination earlier, our error will be the happiest feature in our entire calculation.

Heretofore the estimates of the Secretary of the Treasury in regard to the amount of the national debt at any given period have proved astonishingly accurate. And the safest feature of his estimates is seen in the fact that he has in no instance understated the prospective amount of indebtedness as actually ascertained when the day for which the estimate was made had arrived. For instance, in December, 1862, the Secretary stated that the debt July 1, 1863, would be $1,122,297,403 24. In fact when the time arrived the debt had only reached $1,098,793,181 37, or some twenty-four millions less than Mr. Chase estimated. With fuller data for reckoning than when he made the calculation just referred to, the Secretary now estimates that if the war shall continue so long, at its current rate of cost, our debt in July, 1865, will reach the large sum of $2,231,935,190 37. To this vast sum let us add $150,000,000 to be incurred by refunding to States as proposed in the measure I am advocating, and $150,000,000 more to cover unforeseen expenses in closing up the great contest, and you have a grand total of $2,500,000,000, the annual interest and ultimate redemption of which must be provided for by the nation. Besides contracting this enormous debt, we shall have expended all the current receipts of the Treasury in conducting the war, amounting in the aggregate, for the four years, to more than five hundred millions, making thus a gross outlay of over three thousand millions as the cost of subduing the rebellion—an expenditure of $2,000,000 per day from the inception to the close of the contest.

Let us see how, by the experience of our own country in a former generation, as well as by the experience of another great people, we may hope to meet this burden with confidence and courage, bearing it without oppression when it is heaviest and coming in good season to its total discharge, or by attainment of superior strength making it so light as to be practically disregarded.

At the organization of our Government in 1789 the entire population, free and slave, was under four millions, scattered along the seaboard from the St. Croix to the St. Mary's, not fifty thousand in all living one hundred miles distant from the flow of the Atlantic tide. Facilities for intercommunication were greatly restricted, manufactures and the arts were in feeble infancy, agriculture was rude and not highly remunerative, because commerce, its handmaid, was languishing and waiting to be quickened to enterprise and vigor. The entire valuation of the thirteen States, according to the weight of authority, did not exceed six hundred million dollars, three hundred millions less than the valuation of Massachusetts to-day, and not one half so great as that of Pennsylvania. Property at that time was ill adapted to bear taxation, profits were small, and to the political economist, measuring the condition and capacity of the country, it seemed utterly unable to carry a debt of any considerable magnitude. And yet our ancestors did not hesitate to assume the burden of ninety million dollars, more than one seventh of all the property they owned. Mr. Jefferson, who was the most distrustful of all the statesmen of that day in regard to the ability of the nation to sustain the load, was yet willing to say that it could be easily borne if our annual increase of population and property could maintain an average of *five per cent.*—then the most sanguine estimate which any one dared to place on the future growth of the country. Had we realized only the ratio of increase assumed by Mr. Jefferson, our population in 1860 would have been some fifteen instead of thirty-one millions, and our wealth $2,700,000,000 instead of $16,000,000,000. Upon Mr. Jefferson's assumed basis of increase the debt would never have been oppressive, but upon the rate of growth actually realized the country paid the interest on the debt and accumulated a fund for its redemption with such ease that people never felt they were taxed. And yet I hope to show that our debt at the close of this war will be relatively lighter than the debt which our revolutionary fathers thus assumed, and proceeded so early and so easily to discharge.

Look also at the case of Great Britain. At the close of her gigantic struggle with Napoleon in 1815, the national debt of that kingdom amounted to £861,000,000 sterling, or $4,300,000,000, and for readier comparison I shall speak of her debt in dollars rather than in pounds. Her entire population at that time was less than twenty million, and the valuation of all her property was about nine thousand five hundred million dollars. She owed, indeed, nearly half of all that she possessed. Her population was less than two thirds of what ours is to-day. Her entire property was

not three fifths of what ours was by the census of 1860, while her debt was $1,800,000,000 greater than ours will be in July, 1865. And in contracting this debt she was compelled to sell her bonds at the most enormous sacrifice. From 1792 to 1815 her debt was increased $3,000,000,000, and yet in exchange for this amount of bonds she received in money but $1,730,000,000, thus submitting to a discount of $1,270,000,000. In other words, England, during the twenty-three years of continental war only realized on an average for the whole period $100 in money in exchange for $173 of her bonds. This, be it remembered, was the average for the whole time. As the contest waxed desperate her sacrifices became desperate in proportion, and the money which enabled her to fight the decisive campaign of Waterloo was obtained by selling her bonds to the European bankers at less than fifty cents on the dollar. Compared with this our sacrifices on our national securities thus far have been light, not averaging from the inception of the war to the present day, with all elements of expenditure fairly estimated, more than from twenty to twenty-five per cent., reckoned on the gold basis.

To meet their enormous debt the British people had nothing but the commercial and industrial resources of the United Kingdom, whose whole area is not double that of the single State of Missouri. They had a population of but twenty million, as already stated, subject to no increase from immigration, and growing in half a century no more than we have added during the last decade. And yet on this restricted area the enterprise and energy of the British people have increased their property until it is valued at $33,000,000,000; and in defiance of the large expenditure resulting from several costly wars since 1815, they have actually reduced their debt some three hundred million dollars. Their steady progress in wealth under their large debt is comprehended in the statement that the average property per capita in 1815 was less than five hundred dollars, and in 1861 about eleven hundred dollars. In 1815 some twenty-five per cent. of all the earnings and income of the people was absorbed in taxation, and in 1861 less than ten per cent. was taken for the same object. In 1815 the proportion of taxes per head for the whole people exceeded seventeen dollars, and in 1861 it had fallen below ten dollars.

These brief details of British experience show how a great debt without being absolutely reduced to any considerable extent becomes relatively lighter by the increased capacity to bear it. The wealth per capita of the entire population in a period of forty-six years has more than doubled; the aggregate property of the realm has more than trebled; and all this on a fixed area of one hundred and twenty thousand square miles and with a population increasing at the slow rate of only one per cent. per annum. If such results can be wrought out by a kindred people against such obstacles and hinderances, what may we not hope to accomplish under the auspicious circumstances that surround our own nation?

In the light of the national experiences we have been glancing at we may clearly read our own great future. It is not, indeed, a matter of surmise or speculative query, but of well-founded and confident calculation—a calculation which, however sanguine it be made, will have its only error in falling short of results actually to be realized. The war closing in July, 1865, will leave us in this condition: a nation numbering some thirty-three million people, owning over sixteen thousand millions of property, and carrying a debt of $2,500,000,000. The proportion between debt and property will be just about the same that it was when the Union was formed, while the ratio of our advance and the largely enhanced productiveness of agricultural, manufacturing, and commercial pursuits, gives the present generation an advantage that renders it far less burdensome at the very outset. And if the revolutionary debt became in a very brief period so light as to be unnoticed, why may we not, with a vastly accelerated ratio of progress, assume a similar auspicious result with regard to the debt we are now contracting? Were our future advance in wealth and population to be no more rapid than Great Britain's has been since 1815, we should at the close of the present century have a population of forty-five million souls, and a property amounting to $50,000,000,000. Even upon this ratio of progress our entire debt would cease to be felt as a burden. But upon the increase of population and development of wealth to be so assuredly anticipated, the debt would be so small in comparison with the total resources of the nation as to become absolutely inconsiderable. Let us look at the figures.

According to the estimates made in the report of the eighth census, and made with great care upon very complete data, our population in the year 1900 will be one hundred millions. The property of the country during the last decade increased one hundred and twenty-six per cent.; our aggregate wealth in 1850 being a trifle over $7,000,000,000, and in 1860 exceeding $16,000,000,000. Some of the States exhibited an almost fabulous progress—Iowa, the highest in ratio, gaining nine hundred and forty-two per cent., or nearly one hundred per cent. per annum; and California, not far behind her, making a gain of eight hundred and thirty-eight per cent.; the average of all the States being, as I have already stated, one hundred and twenty-six per cent. The aggregate addition of wealth for the ten years was thus absolutely larger than all that had been accumulated in the country from the settlement of Jamestown and Plymouth down to the year 1850. We can hardly hope to maintain this enormous ratio for each successive decade, but it is assuming very much less than the average of the past would justify to say that our property will increase in double the ratio of our population. From 1790 to 1860 our population increased in all about seven hundred per cent., while our property increased some twenty-six hundred per cent., thus showing an increase of property nearly fourfold greater than in population. A population of one hundred million in A. D. 1900 implies an increase of two hundred and ten per cent. on the census of 1860. Doubling the ratio for increase in property gives us a gain of four hundred and twenty per cent., which would give a total valuation at the time specified of $85,000,000,000, of which vast amount our estimated national debt would constitute only the trifling proportion of three per cent. The embarrassment to the country under such circumstances would prove as light as would a debt of $3,000 to an individual who had an otherwise unincumbered estate of $100,000, the estate all the while receiving a steady increase of ten per cent. per annum.

All that I have said has been based on the supposition of the debt remaining at a fixed sum, the country simply paying the interest. As a matter of fact, however, it is perfectly obvious that in the progress and prosperity of the future one of our first acts will be to provide for the gradual but absolute redemption of the principal. That this will be consummated without oppressively adding to the annual burden of taxes may be inferred with certainty from a slight examination of our capacity to make increased payments proportioned to our increased amount of consolidated wealth. The time of redemption will depend wholly on the will of the tax-payers; but it is quite evident that the condition of the country may justify its being done as rapidly as Mr. Hamilton proposed to redeem the debt which he funded in 1790. The period assigned by him was thirty-five years, and so well based were his calculations that the entire debt, augmented largely and unexpectedly as it was by the war of 1812, was paid in forty-four years from the date of funding, and in 1834 the United States found itself owing but $37,000.

To those who may be disposed to doubt the future progress of our country according to the ratio assumed, a few familiar considerations in respect to our resources may be recalled with advantage. We occupy a territory at least three million square miles in extent; within a fraction as large as the whole of Europe. Our habitable and cultivable area is indeed larger than that of all Europe, to say nothing of the superior fertility and general productiveness of our soil. So vast is our extent that though we may glibly repeat its numerical measure, we find it most difficult to form any just conception of it. The State of Texas alone is equal in size to the empire of France and the kingdom of Portugal united; and yet these two monarchies support a population of forty millions, while Texas has but six hundred thousand inhabitants. Or, if we wish for a comparative measure nearer home, let me state that the area of Texas is greater than that of the six New England States together with New York and New Jersey and Pennsylvania and Ohio and Indiana all combined. California, the second State in size, is equal in extent to the kingdom of Spain and the kingdom of Belgium together. Spain and Belgium have twenty million people, while California has not half a million. And we might pursue this species of comparison almost indefinitely, clearly showing that in capacity and assured destiny our individual States, if peaceful and united, are to become as wealthy, as populous, and as powerful as the separate great nations of Europe. Mere territorial extent does not of course imply future greatness, though it is one great requisite to it. And in our case it is so vast an element that we may be pardoned for dwelling on it with emphasis and iteration. The land that is still in the hands of our Government, not sold, nor even preëmpted, amounts to a thousand million acres, an extent of territory thirteen times as large as Great Britain, and equal in area to all the kingdoms of Europe, with Russia and Turkey alone excepted.

And with this almost limitless expanse of territory we have associated facilities for the acquisition and consolidation of wealth, varied, magnificent, and immeasurable. Our agricultural resources, bounteous and boundless by nature, are, by the application of mechanical skill and labor-saving machinery, receiving a development each decade which a century in the past would have failed to secure, and which a century in the future will place beyond all present power of computation—giving us so far the lead in the production of those staple articles essential to life and civilization that we become the arbiter of the world's destiny without aiming at the world's empire. The single State of Illinois cultivated to its capacity can produce as large a crop of cereals as has ever been grown within the limits of the United States, while Texas, if peopled but half as densely as Maryland even, could give an annual return of cotton larger than the largest that has ever been grown in all the cotton States together. Our facilities for commerce and exchange, both domestic and foreign, who shall measure them? By ocean, by lake, by our marvelous and unlimited flow of navigable streams, by canal, by our network of railroads more than thirty thousand miles in extent, greater than the railroads of all Europe and all the world besides, these give us avenues of trade and channels of communication both natural and artificial such as no other nation has ever enjoyed, and tending to the production of wealth with a rapidity not to be measured by any standard of the past. The enormous field for manufacturing industry in all its complex and endless variety, with our raw material, our wonderful motive-power both by water and steam, our healthful climate, our cheap carriage, our home consumption, our foreign demand, all combining to build up a traffic whose magnitude and whose profit will in no long period surpass the gigantic industrial system of Great Britain, where to-day the cunning hands of ten million artisans accomplish, with mechanical aid, the work of six hundred million men. Our mines of gold and silver and iron and copper and lead and coal, with their untold and unimaginable wealth spread over millions of acres of territory, in the valley, on the mountain side, along rivers, yielding already a rich harvest, and destined to increase a thousand fold, until their every-day treasures,

"Familiar grown,
Shall realize Orient's fabled wealth."

These are the great elements of material progress; and they comprehend the entire circle of human enterprise—agriculture, commerce, manufactures, mining. They assure to us a growth in property and population that will surpass the most sanguine deductions of our census tables, framed as those tables are upon the ratios and relations of our progress in the past. They give into our hands, under the blessing of Almighty God, the power to command our fate as a nation. They hold out to us the grandest future reserved for any people; and with this promise they teach us the lesson of patience, and make confidence and fortitude a duty. With such amplitude and affluence of resources, and with such a vast stake at issue, we should be unworthy of our lineage and our inheritance if we for one moment distrusted our ability to maintain ourselves a united

people, with "one country, one Constitution, one destiny."

Mr. DAWES. Mr. Chairman, I will detain the committee but for a few moments. I do not find it necessary to oppose this bill because I have a doubt whether the militia of Pennsylvania was mustered into the service of the United States. I do not think that the bill should be opposed on any such ground as that. Whether they were mustered into the service of the United States or not, they were in that service. They performed most important duty in a great emergency and at a time when there was no opportunity to be either mustered in or to delay for forms of any kind; certainly they were not expected to wait for such formalities when the enemy was marching upon her soil. There is a debt due from us to the State of Pennsylvania which I am not going to oppose upon any such ground as that.

I sought the floor a moment ago when the gentleman from Ohio [Mr. Cox] was enumerating the States that he was willing to compensate for services on these sudden calls, to inquire why he had omitted the State of Massachusetts. I recollect an occasion when that State incurred large expenditure in raising troops which were never mustered into the service of the United States at all. When "Stonewall" Jackson was driving Banks out of the State of Virginia, and the War Department was frightened, they telegraphed to the Governors North that the capital was in danger, and among others to Governor Andrew of Massachusetts, calling on that State for all the troops she could spare. This was midnight Sunday night. The bells rang in Boston, in Newburyport, in Salem, and all over the eastern portion of the State, and next day at noon all the available force was upon Boston Common ready to march to the rescue of this imperiled capital. Some started for Washington, some got as far as Baltimore, some got as far as Philadelphia, some as far as New York, before the fright was over. The Secretary of War then telegraphed to the Governor to stop them. They never reached here, and they were never mustered into the service of the United States. Are the State expenses under that call not to be paid because the troops were not mustered into the service of the United States? There is a debt still due to Massachusetts for that expenditure, as just as any other claim which that State can make, or which Pennsylvania or any other State can make. The Governor of Massachusetts was required suddenly to furnish these troops, and whether they were mustered in or not does not affect the justice of the claim.

I am not here to inquire whether these troops from Pennsylvania were mustered in or not, nor am I here as a Representative from Massachusetts to charge against Pennsylvania that she has undertaken to drive a sharp bargain with the Government of the United States in these times; that she is trying to overreach the accounting officers of the United States; that she is bringing here an unjust and exorbitant claim, a groundless claim. It does not become our relations as sister States to stand up here and make these charges against one another, unless there is good ground for them.

I have an objection to this bill; but it does not arise from the nature of the claim; it does not arise from the facts which have been stated. The trouble is that this claim has not been allowed at the War Department. In the appropriation bill passed March 3, 1863, is this provision, which was supposed to be broad enough to cover all of these claims. Although passed before this raid, it was supposed to be broad enough to cover and defray the expenses incurred in raising, equipping, and supporting minute men and volunteers in Pennsylvania as well as in the other States incurred after as well as before the passage of the act. This is the provision:

"To defray expenses incurred in raising, equipping, transportation, and subsistence of minute men and volunteers in Pennsylvania, Maryland, Ohio, Indiana, and Kentucky, to repel rebel raids, $500,000, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury: *Provided*, That in determining the claims to be allowed under this act the same principles, rules, and regulations shall be observed by the accounting officers in auditing said expenses as have been applied to the claims allowed to States under the act approved July 27, 1861, entitled 'An act to indemnify the States for expenses incurred by them in defense of the United States.'"

Now, here is the act of 1861:

"That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to the Governor of any State, or to his duly authorized agent, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States, to be settled upon proper vouchers, to be filed and passed upon by the proper accounting officers of the Treasury."

Under this act of 1861, rules and regulations were adopted by the Department governing its accounting officers in passing upon these vouchers. Two of these rules I beg leave to read:

"1. Accounts, with vouchers, for all expenditures made must be presented to the Secretary of the Treasury, by whom they will be referred to the proper accounting officers for investigation and settlement.

"2. It is only for expenditures on account of troops, officers, or men that have been, or may be, mustered and received into, or actually employed in, the service of the United States that reimbursement will be made. Organizations raised, or attempted to be raised, but not mustered and received into nor actually employed in the service, will not be recognized; nor will any reimbursement be made by the United States of expenses incurred in organizing, equipping, and maintaining troops for State purposes or home guard, whether called out by State or other local authority, unless such troops were called out and such expenditures incurred at the request or under the authority of the President or the Secretary of War."

I understand that it was decided by the Department that the vouchers presented by the State of Pennsylvania in support of this claim did not come within the rule—not that there was any suspicion cast upon the claim itself, but that the vouchers did not bring it, according to their opinion, under this rule; and further, that it did not appear to the Department that the State of Pennsylvania had actually paid out this money to the citizens or institutions who had furnished it.

On this ground it is that the claim comes before Congress. I think I state it fairly and accurately. The claim was not paid because the vouchers do not come within the existing rule. That occurs every day.

But I said, Mr. Chairman, that I was opposed to the passage of this bill for quite another reason. It is this: that at this time, in the great depletion of the public Treasury, when the energies of the Government are employed and the brain of all the Executive Departments, and the wisdom of Congress is taxed to its utmost to supply means for the present pressing demands upon the Treasury, to support the very life of the Government, we present here to-night the spectacle of States, represented on this floor to the number of ten or twelve, in a scramble as to who shall be first in drawing out of the Treasury that which is due to them. It is due justly, I admit—due as much as individual claims upon the Government, or any individual claim upon another. But still we present the lamentable spectacle of the States rushing in at this moment upon the Treasury of the United States, when the public credit is shaking like an aspen leaf, when the Treasury is staggering under its great load, making haste to see which of them shall first have its share. I know nothing like it, except the action of the drunken crew of a ship well-nigh foundered among the breakers, when they rush in upon and plunder the butler's room, each snatching off that which he can first seize as his part of the spoil and booty.

In saying this, I beg gentlemen to understand what I have repeated, that it is no reflection upon any claim presented, it is in admitting that every claim is just and fair in itself; but every one of us must also admit here that there are a vast number of just claims pressing upon the Government which it has no present means to respond to. Of all the creditors of this Government, some clamoring for pay, some perishing for the want of it, some who have waited long and called often, some of them have to be put off by that great necessity which overrides all, that the Government must be saved whether they be paid or not. Our Secretary of the Treasury is in New York, in Boston, in Philadelphia, at his wits' ends for raising the means for the daily disbursements of the Government. And we are here representing the States who have also claims upon the Government, and insisting that whatever other claims there may be, whatever other demands there may be on the Treasury of the United States to support her armies in the field, and to support her in those vast expenditures of millions a day, we shall have our pay, and we shall have it first, and he is the best who shall reach the Treasury first—and the devil take the hindmost.

Now, Mr. Chairman, I submit if it is not a lamentable spectacle to the country to behold this evening's proceedings here—all of us insisting on it that we shall step in on this occasion. Sir, the States that incurred expenditures in the last war with Great Britain, when the Government had never involved itself in such expenditures and debts as it does now, waited for years after peace before they got their claims liquidated; and they waited for years after the accounts were adjusted at the Treasury Department before appropriations were made.

Why, sir, the State of Massachusetts received from the Secretary of War a certified statement of the sum due that State for expenses incurred during the last war, as these expenses have now been incurred by Pennsylvania, by Ohio, by Maryland, by Massachusetts, and other States, and yet she rested for forty long years with her accounts adjusted and certified as due before she was paid by an appropriation from the national Treasury, and that without interest. She waited from 1815 down to 1860 before that appropriation was made. And yet there was never a suspicion of injustice or fraud attached to her claim.

But, sir, my friend from Maine [Mr. BLAINE] has introduced a grand and beautiful scheme for funding these debts, quoting Alexander Hamilton's authority on that subject, and he fears these States will go to destruction unless we make haste and take off the burdens of these debts from them. He fears that unless that is done, the citizens of these States will flee from them to the rebellious South in order to avoid taxation.

Mr. BLAINE. This is not the first time my amendment has been referred to. I ask the gentleman to allow me now to interrupt him long enough to state precisely the point, for I regard it as one of importance. I stated this, that when the Government was reëstablished and the rebellious States had returned to their loyalty, that when thirty or forty new States had grown up out of our domain, we should then witness the anomalous and unjust spectacle of the people of the loyal States going South, and going into these newborn States in order to escape the taxation that would result by allowing these immense debts to remain upon the now loyal States. Now I ask if the gentleman has given a fair interpretation to what I said when he remarked that I was afraid these people would run off into the rebellious States? If the gentleman will take my amendment and read it, he will see that it is not susceptible of his interpretation. From the wholesale character of his remarks I do not think he did understand the amendment, and from the tone of scolding which he is very much in the habit of toward everybody who does not exactly *gee* with his understanding, I very much doubt if it would treat it fairly if he did understand it. [Laughter.]

My amendment only provides that a final report shall be made to Congress by a year from next December.

Mr. DAWES. This is the first time I ever heard that I insisted upon controlling other people's votes.

Mr. BLAINE. Not at all. I said the gentleman was in the habit of indulging in a tone of scold. [Laughter.]

Mr. DAWES. Well, Mr. Chairman, if I may be allowed to continue in the manner in which I was brought up, protesting all the time that I never scold anybody, however I may appear to do so, I will make one other remark.

Mr. WEBSTER. Will the gentleman allow me to ask him a question?

Mr. DAWES. Not at all; I cannot allow any of this side-play. Now, if the gentleman from Maine has, upon a question whether we shall pay Pennsylvania $600,000, introduced a scheme to be inaugurated after peace shall be restored and the rebellious States brought back into the Union; after they shall be reorganized in all the glory of free States, inviting immigration from the North, I still do not entirely understand it. I can, however, see the pertinency of his introducing Alexander Hamilton, whose great *forte* was this funding system which he inaugurated five or six years after the war of the Revolution had ceased. The gentleman's plan reminds me very much of the lady in the play, who bought a door-plate with the name of Thompson on it, which she explained by saying, that it might so happen that she should get married, that she

might have a daughter who might marry a man of the name of Thompson, and he might spell his name with a p, and they might keep house and want a door-plate, and then how handy it would be to have it in the house. [Laughter.]

Now, sir, we have been told a great many times in the course of this session that this Government has already as much upon its shoulders as it can conveniently carry along just now. If this claim of Pennsylvania is allowed there is no reason why similar claims of other States should not also be allowed; and I really think that Pennsylvania, Ohio, Maryland, and Massachusetts can afford to set an example to the other creditors of the Government of waiting—a patriotic example of waiting until that time shall come when, by a system of funding, which my friend from Maine will then have had an opportunity to elaborate more clearly and deliberate upon more calmly and good-naturedly than he has been able to do to-night—then, at some time in the future, when we shall have brought the ship out from among these breakers, then Pennsylvania may come up to the Treasury of the United States and say that we have recognized the justice of her claim, but not being able to pay it, she has waited until the great trouble was over, and now demands that her claim shall be audited and settled by the Treasury; that there were claims upon you, that the rebels had drawn so largely upon your life-blood and upon your resources that there was nothing left for you but to husband them all for the support of your armies in the field and your navy upon the sea; and that she, recognizing this, the Keystone State of this great arch, would set an example to all the States of waiting till a more desirable season.

I say nothing in disparagement of the claim. What I have said has been said in justification of it, for I see very plainly how it can have arisen in great justice, and how it can lack the vouchers which the stringent rules of the Treasury have required, and I know that there are other claims situated exactly like this. But I submit to Pennsylvania and to all the States, that we had better not spend our time, much less had we better divert the $15,000,000 embraced in the amendment of the gentleman from Ohio, at this critical period, when there are other demands pressing upon us of far greater importance.

Mr. MILLER, of Pennsylvania. I had hoped that when the consideration of this subject should be resumed it would be approached in a very different spirit, and be met with much more firmness than seems to have characterized the remarks of gentlemen who have discussed it this evening. I am unwilling, sir, that the delegation from the State of Pennsylvania, on this side of the House, should be left without an unqualified and candid enunciation of their position upon this question. I had supposed that when this proposition was announced by my honorable and venerable colleague upon the other side of the House, [Mr. STEVENS,] as an appropriation asked for and recommended upon the basis of adjusted accounts, and adjusted in accordance with the plain requirements of law, it would come upon this floor not to be met by what seems to be jealousy unbecoming the state of the country and a deliberative body.

And at this point, sir, I may revert to the discussion which took place when this proposition was first made upon this floor. It was then brought in contact with prejudices which were built upon arguments, suggestions, and innuendoes which were unworthy of the Representatives of the great State of New York, or of that lesser luminary, the State of Iowa. Sir, Pennsylvania, the Keystone State, asks no defender so long as she can so proudly point to her own bright records.

What is the state of the case? We were informed that in that critical hour in the history of this Republic when not only the soil of Pennsylvania was threatened with invasion, but when the Republic itself by that act was threatened, there came forward troops from the gallant States of New York and New Jersey, for what purpose? To do that which they have intimated the people of Pennsylvania were not willing to do for themselves. Sir, I hurl back with scorn upon the men who have made or may make it, every such insinuation. Sir, at that very hour the old Keystone State had more than one hundred and fifty thousand of her sons in the field, not for the purpose of protecting her own borders and her own people, but for the purpose of defending, upholding, and perpetuating this Government.

It is to be remarked in this connection that Pennsylvania, perhaps for the first time in her history, found herself in a very peculiar position. The breaking out of this rebellion, the very incipiency of this war, swallowed up her entire military organization. We had not the skeleton of a militia system left in the State, except perhaps the home organization existing in the city of Philadelphia. Hence it was that the people of our State had nothing to rely upon, had nothing to wait for, had nothing to listen to but the voice of their Executive, their commander-in-chief of the State forces. They waited for the proclamation which should advise them of the emergency which called upon them to take their lives in their hands and go upon the borders and over the borders to defend their soil and their firesides.

For reasons which it is not necessary here to explain, that proclamation was tardy in making its appearance. I happen to know from my own personal knowledge that the people of Pennsylvania, who long since learned to mistrust the intelligence received over telegraphic wires, notwithstanding all the intimations they had of the dangers threatening them, waited to be told by the Governor of Pennsylvania that the emergency was such as required their prompt and immediate action. Hence it is that it was in the mouth of the gentleman from New York, [Mr. FERNANDO WOOD,] and that of the gentleman from Iowa, [Mr. KASSON,] here upon this floor, in this high place, to taunt that great old Keystone State, the State wherein was framed and signed the Declaration of Independence, a soil laved by the waters of the Delaware, and which can boast the hallowed grounds of Germantown and Brandywine; yes, and of a later date, that great cemetery of heroic dead, Gettysburg—I say hence it was that these gentlemen dared to insinuate that the people of that great State are degenerate sons of worthy sires. But it is false, sir. The people of that State have never been slow to do their duty; they have done it in the entire history of the Republic, and especially have they done so in the great calamity now upon the country, with men and with means. Fathers, mothers, husbands, wives, and children, have all come up to their duty, and have failed in no particular.

Now, sir, it has been suggested by my friend from Maine [Mr. BLAINE] that the payment of these claims should be placed in the shape of an indorsement, to be realized some time in the future, no man knows when, for the reason that he has left it upon contingencies that make it so indefinite that I should hesitate long before I should, as a business man, negotiate any such paper.

The old rule that used to be universally acknowledged and acted upon was, *Leges vigilantibus, non dormientibus*. But now it is suggested that because the State of Pennsylvania has been quick to clothe herself with the rights which she finds upon the face of the law itself, she has manifested an undue alacrity unbecoming her dignity as one of the first States of this Union. Mr. Chairman, I cannot see the force of any such argument. I would ask my honorable and very candid friend from Massachusetts [Mr. DAWES] whether there are any unadjusted accounts between the State of Massachusetts and the United States Government; whether he is on the one side or the other of the difficulty now pending in this House; whether he has been free to make use of the arguments which he has advanced because his State is *out*, or whether it is because his State does not happen to be *in*?

Mr. DAWES. I do not understand the gentleman's question.

Mr. MILLER, of Pennsylvania. I asked the simple question whether there are any unadjusted accounts of a character similar to these between the State of Massachusetts and the United States Government?

Mr. DAWES. Mr. Chairman, I have already referred to the fact that accounts for expenditures incurred by the State of Massachusetts under precisely similar circumstances to these stand unadjusted and in precisely the same way. The General Government is largely indebted to Massachusetts. I do not assume for Massachusetts any superiority in this matter, or any forbearance in prosecuting her claims. I presume she would be as anxious and would press her claims as much as Pennsylvania. I do not mean to say that Massachusetts would stand off under these circumstances. I have no doubt she would press on as hard as Pennsylvania. I only submit that we ought all, under these circumstances, to be backward in pressing our claims when all cannot be paid.

Mr. MILLER, of Pennsylvania. It strikes me that the argument of my friend from Massachusetts is one that makes concessions which are calculated to create an impression throughout the country which will do injury, and that of a serious character, to our cause. It very nearly approaches the admission of the gentleman from Ohio, [Mr. SPALDING,] who, when this question was under discussion before, got up in his place and appealed to the chairman of the Committee of Ways and Means, asking him whether he did not know that this Government was on the very verge of bankruptcy; and that, too, as an argument against the very measure under consideration.

Sir, I do not believe any such thing. I will accept the argument of gentlemen upon the other side of this House, that the debt of this country is, perhaps, in the future not the greatest of its troubles. I will accept the suggestion of gentlemen upon the other side of this House when they urge upon me the resources, the inexhaustible resources of this country. I will believe that this Government is not insolvent in the future, and that we are not prepared here to-day to postpone the payment of just debts, those recognized by law and adjusted by law, to a period in the future so indefinite that neither the hand nor the imagination of man can reach it.

Now, sir, I have but one other suggestion to make in defense of the State which I love, the people whom I admire, and who are entitled to the consideration and gratitude of all loyal, true, and patriotic men in the nation. It is this: that no matter what may be said in depreciation of the services of those who came from Pennsylvania to the rescue of the Government, they did come in good time, and were substantially in the service of the United States Government.

It is claimed that those who came from the States of New York and New Jersey came there to protect the State of Pennsylvania. Conceding, with all the magnanimity of which I am capable, the patriotism and unselfishness of those who responded to the call for the defense of the country, I must say in that connection that both New York and New Jersey were simply defending themselves when they defended the State of Pennsylvania. If General Lee and his army had penetrated to the very heart of the State of Pennsylvania—and they were within but a very few miles of its capital—had they not been stayed there, the seat of war would have been transferred to the borders of the States of New York and New Jersey, and hence I argue that it is a very narrow view to take of this question to say that those who participated in the discharge of that patriotic duty were simply performing a local office and were not in arms for the defense of the Government at large.

Mr. Chairman, this is not the hour when a proposition of this kind should excite local jealousies of the description we have witnessed here and which have perfectly amazed me. Has it come to this, that the members of this House cannot trust one another to such an extent as to permit these propositions to come up in the usual order, to be passed upon in accordance with that spirit of justice which ought to have a home in this House? Are they afraid to meet this question and do justice to a patriotic sister State unless they do it in accordance with the log-rolling system so dangerous in legislation, that "if you will vote for my proposition, I will vote for yours," or *vice versa*?

I confess, sir, that up to this moment no such sentiment, no such feeling, no such animus, has found a place in my breast; and so long as I remain a member of this body I know it never can. I am willing to take up propositions of a similar character that may be submitted, no matter where they come from, and vote upon them promptly, fairly, and heartily. It is not worthy of this body to hesitate, to delay action, with regard to this just claim, simply because it comes here solitary and alone, and because members may not know

what will become of other propositions of a like nature that may follow it.

The Representatives from Pennsylvania upon this floor would disappoint and outrage the confidence of their constituents if they would hesitate to deal generously and promptly with other States under similar circumstances.

Mr. FARNSWORTH. Will the gentleman yield to a motion that the committee rise?

Mr. MILLER, of Pennsylvania. Certainly. I move that the committee rise and report the bill.

Mr. WASHBURNE, of Illinois. That cannot be done while amendments are pending undisposed of. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ROLLINS, of New Hampshire, having taken the chair as Speaker *pro tempore*, Mr. POMEROY reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill No. 117, and had come to no conclusion thereon.

And then, on motion of Mr. FARNSWORTH, (at ten o'clock, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *April* 22, 1864.

Prayer by Rev. C. W. ADAMS, of Connecticut.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. FOOT presented a memorial of the Rutland and Washington and Troy and Rutland Railroad Companies, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a memorial of a committee of a convention of wool-growers, of Addison county, Vermont, held at Middlebury on the 6th instant, praying for an increase of the tariff on foreign wool imported into the United States; which was referred to the Committee on Finance.

Mr. COWAN presented a memorial of S. W. Gordon, commodore United States Navy, praying for relief from the alleged injustice done him by his being placed on the retired list, under the act to further promote the efficiency of the Navy, approved December 21, 1861; which was referred to the Committee on Naval Affairs.

Mr. TRUMBULL presented a memorial of the Logansport, Peoria, and Burlington Railroad Company, and a memorial of the St. Louis, Jacksonville, and Chicago Railroad Company remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which were referred to the Committee on Patents and the Patent Office.

REPORTS FROM COMMITTEES.

Mr. POMEROY, from the Committee on Public Lands, to whom was referred the joint resolution (S. No. 17) relative to a certain grant of lands for railroad purposes, made to the Territory of Minnesota in the year 1857, reported it with amendments.

He also, from the Committee on Claims, to whom was referred a bill (S. No. 75) for the relief of George T. Wiggins, of Keokuk, Iowa, asked to be discharged from its further consideration; which was agreed to.

Mr. HOWE, from the Committee on Claims, to whom was referred the bill (H. R. No. 43) for the relief of Milo Sutliff and Levi H. Case, submitted an adverse report; which was ordered to be printed.

GENERAL MEADE'S REPORT.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five thousand additional copies of the report of Major General Meade, already ordered by the House of Representatives, be printed for the use of the Senate.

GENERAL ROSECRANS'S REPORT.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That five thousand additional copies of the report of Major General Rosecrans, already ordered by the House of Representatives, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills of the Senate:

A bill (No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia; and

A bill (No. 249) to authorize the issuing of a register to the steam vessel John Martin.

The message further announced that the House of Representatives had passed the following bills; in which it requested the concurrence of the Senate:

A bill (No. 411) to encourage immigration; and

A bill (No. 422) to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico."

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House of Representatives had signed an enrolled bill (S. No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed on the 19th instant the following acts and joint resolutions:

An act (H. R. No. 14½) to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States;

An act (H. R. No. 206) in addition to an act for the establishment of certain arsenals;

An act (H. R. No. 228) confirming the title of Joseph Ford to certain lands in Rice county, in the State of Minnesota;

An act (H. R. No. 297) fixing the date of the loss of the United States brig Bainbridge, and for the relief of officers, seamen, and marines of the same, and for other purposes;

A joint resolution (H. R. No. 13) tendering the thanks of Congress to Admiral Porter;

A joint resolution (H. R. No. 21) relative to the accounts of the petty officers, seamen, and others of the crew of the United States gunboat Cincinnati; and

A joint resolution (H. R. No. 54) authorizing the Secretary of the Navy to sell, at public auction, lot No. 13, in the village of Sackett's Harbor, New York.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 411) to encourage immigration—to the Committee on Agriculture.

A bill (No. 422) to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico"—to the Committee on Private Land Claims.

PACIFIC RAILROAD.

Mr. HOWARD. I move to take up the bill (S. No. 132) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, for the purpose of making it the special order for Wednesday next.

Mr. CONNESS. There is a special order for that day.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The Chair is informed that there is already a special order for Wednesday. Perhaps the Senator would desire to name some other day.

Mr. HOWARD. Then I will say Thursday next.

The motion to take up the bill was agreed to.

The PRESIDING OFFICER. The question now is on the motion to make it a special order for Thursday next at one o'clock.

The motion was agreed to.

BILL RECOMMITTED.

Mr. BROWN. I move that the bill (S. No. 166) authorizing the archives in the office of the recorder of land titles in the State of Missouri, to be delivered to said State, be recommitted to the Committee on Public Lands. There are some additional facts in connection with it that I desire to present to the committee, and I think it will meet with their approval.

The motion was agreed to.

VOLUNTEER NAVAL APPOINTMENTS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill of the Senate (No. 76) relating to appointments in the naval service, and courts-martial, and

On motion of Mr. RAMSEY, it was

Resolved, That the Senate insist on its disagreement to the amendments of the House of Representatives to the said bill, and agree to the conference asked by the House of Representatives thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. HALE, Mr. WILLEY, and Mr. RAMSEY.

The Senate proceeded to consider its amendments to the bill of the House of Representatives (No. 370) to appoint certain officers of the Navy, disagreed to by the House of Representatives, and

On motion of Mr. RAMSEY, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the Vice President.

The VICE PRESIDENT appointed Mr. HALE, Mr. WILLEY, and Mr. RAMSEY.

BUREAU OF MILITARY JUSTICE.

Mr. WILSON. I move to take up the bill (H. R. No. 308) to establish a Bureau of Military Justice. I think it will take but a moment.

Mr. NESMITH. I trust that that bill will not be permitted to supersede the consideration of the unfinished business of the morning hour of yesterday, a bill which has been before the Senate for two sessions, and I am very anxious to get a vote on it. I hope the Senator from Massachusetts will not urge it.

Mr. WILSON. I do not think this will take three minutes. If it takes any time I will withdraw it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 308) to establish a Bureau of Military Justice.

It proposes to constitute the office of Judge Advocate General, created by the fifth section of an act entitled "An act to amend the act calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, approved February 28, 1795, and the acts amendatory thereof, and for other purposes," approved July 17, 1862, a bureau to be attached to the War Department, and to be styled and known as the Bureau of Military Justice; and the President is to appoint, by and with the advice and consent of the Senate, as the head of the bureau, a Judge Advocate General, who is to have the rank, pay, and emoluments of a brigadier general, and to have, as other heads of bureaus, the franking privilege in all his official correspondence. The President is also to appoint, by and with the advice and consent of the Senate, two Assistant Judge Advocates General, who are each to have the rank, pay, and emoluments of a colonel of cavalry; and the Secretary of War is to have power to appoint for the bureau such clerical force as in his judgment the interests of the service shall require, not to exceed one fourth-class, one third-class, one second-class, and two first-class clerks.

The Committee on Military Affairs and the Militia reported the bill with an amendment, in section two, line four, to strike out the word "colonel" and insert "major;" so that it will read:

That the President shall appoint, by and with the advice and consent of the Senate, two Assistant Judge Advocates General, who shall each have the rank, pay, and emoluments of a major of cavalry.

Mr. HENDRICKS. I hope that amendment will not be adopted. On this subject I very recently received a letter from a military gentleman in whose opinion I have a great deal of confidence, suggesting reasons why that amendment ought not to be adopted, and those reasons were very satisfactory to myself. I have mislaid the letter now; but I intended to read it to the Senate when this question should come up.

But the proposition to reduce the rank and pay of the Assistant Judge Advocates General from the rank and pay of a colonel to those of a major, it seems to me, independently of the reasons given by my correspondent, ought not to be adopted. The office will require those gentlemen to reside in this city; the duties will be very responsible and highly important; and we ought to secure for such a position very high talent. If we are to have a court of military justice, we ought to have good lawyers in those positions. The Assistant Judge Advocates General ought to be men of very substantial ability and very fine learning in their profession; but to say that we can command that sort of talent to reside in this city, where living is so very expensive, at the rank and pay of a major, I think is a mistake. The rank and pay of a colonel is as low certainly as we can expect to get the qualifications and talents requisite for that position for, and I hope the amendment will not be adopted.

If this is to be a court of military justice it ought to be a court of ability, commanding men, who will rise above all trifling considerations. I feel that if we can have a military court of this kind, a substantial justice will be done to the country; but unless we get men of high talents and high learning, not only for the first position, but for the positions of Assistant Judge Advocates General, it will be a failure.

Mr. GRIMES. The Senator will allow me to ask how much he supposes the pay and emoluments of a major of cavalry or of infantry stationed at Washington amount to?

Mr. HENDRICKS. I expect it is two or three thousand dollars. I cannot say certainly how much it is. I am not posted on that point. I will ask the Senator how much it is.

Mr. GRIMES. The Senator complains that this pay is not sufficient. I supposed of course he knew how much it was, or he would not enter that complaint.

Mr. HENDRICKS. I will ask the Senator if he can tell us. I believe the pay and allowances of a major amount to about twenty-two hundred dollars. However, I am not confident about that.

Mr. GRIMES. I think the pay and emoluments of a major, direct and indirect, amount to between three and four thousand dollars when stationed here in Washington.

Mr. HENDRICKS. I would like to have that matter made certain. I did not understand it so. I will ask the chairman of the Committee on Military Affairs whether the Assistant Judge Advocates General in this bureau would receive any pay except the pay proper, as it is called, of a major?

Mr. WILSON. By this bill, as it came from the House of Representatives, they would receive the pay of a colonel of cavalry. The amendment is to strike out "colonel" and insert the word "major," so that they will have the pay of majors of cavalry, which is less than the other.

Mr. HENDRICKS. I know that.

Mr. DOOLITTLE. How much is the pay of a colonel?

Mr. WILSON. Stationed here in Washington, during the winter months it would amount to about thirty-four hundred dollars a year. The pay of a major of cavalry stationed in Washington, with allowances, would be fully $3,000 a year; more than that in winter, and perhaps a little less in summer.

Mr. HENDRICKS. It may be that the entire pay of colonels and majors is too high. I do not propose to discuss that question. But it is very certain to my mind that a man who is fit to be an Assistant Judge Advocate General in a court of this importance ought to be a man of superior ability and learning to the class of men we generally find as colonels, and especially as majors. We ought to have superior men for this court.

Mr. HALE. I am opposed to the amendment and opposed to the bill as it stands, because I think Congress ought to deal plainly with the people, and tell them what they pay these officers. What is the use of saying this pay shall be the same as that of a major or a colonel of cavalry, when nobody knows what that is; sometimes it is one thing and sometimes it is another.

Mr. WILKINSON. Even the chairman of the Military Committee cannot tell what it is.

Mr. HALE. It seems nobody knows how much this is. I move to amend the amendment, if it be in order, so as to give to the Assistant Judge Advocates General $3,000 a year.

The PRESIDING OFFICER. It is moved by the Senator from New Hampshire to strike out in lines four and five of the second section, the words "have the rank, pay, and emoluments of a major of cavalry," and to insert "receive $3,000 per annum;" so that the clause will read, "two Assistant Judge Advocates General, who shall each receive $3,000 per annum."

Mr. WILKINSON. I hope that amendment will be adopted, for I have observed during the last three years that whenever a Senator desires to raise a salary and to avoid any investigation or any opposition to it in consequence of its being too high, he has inserted a clause similar to the one in the bill before the Senate, that the officer shall receive the pay and emoluments of some officer in the cavalry; but there is nobody here, not even the chairman of the committee himself, who can tell to-day what that salary is.

Mr. WILSON. The pay of a colonel of cavalry is very little more than the pay of a colonel of an infantry regiment. It is but a few dollars more. These matters are matters of allowances in the city of Washington. With the allowances now made to officers, the pay is higher when they are stationed here than when they are in the field, because they have fuel and quarters, and the commutation of quarters has been increased during the last few months by order of the War Department. I have no objection to fixing this sum at $3,000 a year. It seemed to me, while I regarded this measure as exceedingly important, and while this department has an immense amount of labor to perform, that two assistants could be obtained for the rank and pay of major, who would perform the duties well; that we could get good men for that sum, and I wanted to save as much as I could. This department is a very important part of the Government. The first three months of this year they have had sent into that department from the armies of the United States over eight thousand cases, and during this year they will unquestionably have more than twenty thousand cases before them. The amount of labor is frightful to contemplate to any man who has got to undertake it.

Mr. LANE, of Indiana. When this bill was before the committee I opposed this amendment, insisting that for an Assistant Judge Advocate General the pay of a colonel would not be too much. That is my opinion now. I think the pay and emoluments of a major of cavalry, where they charge for fuel and quarters and servants and commutation of rations in the city of Washington, amount to about three thousand one hundred dollars a year. I supposed that in an office of this importance the rank and grade of colonel was not too high for an Assistant Judge Advocate General, and that was the opinion of the present very able and distinguished Judge Advocate General.

Your system, as now organized by law is this: there is a Judge Advocate General, with the rank of a colonel, and in each Army department there is a judge advocate appointed as an assistant judge advocate, with the rank and pay of major of infantry. That is your present system. We propose to substitute for that by this bill a Judge Advocate General with the rank of a brigadier general, and two assistants with the rank of colonel, and others of lower rank. I think the system that we propose to establish by this Bureau of Military Justice will be more efficient, more expeditious in its action, and will not cost the Government one cent more and perhaps less than the present system, even if you leave the rank of colonel to these Assistant Judge Advocates General. There is no department of the public service requiring a higher grade of talents than this office. There are, as the chairman of our committee has already informed you, over eight thousand cases in three months now reported. It is physically impossible for the present force of the office, as at present constituted, scattered in the different departments of the Army, to perform that labor. A capital punishment, for instance, is ordered by a court-martial in Alabama. It is referred to Washington to the President, and by the President referred to the Judge Advocate General, and by him examined and filed. There are now over six thousand cases, and the President, if he devoted to it every single moment of the whole twenty-four hours, could not discharge the duty alone of supervising the decisions of the Judge Advocate General. I think the system now proposed will be as expeditious, and in the end quite as economical, as your present system.

Mr. HALE. I am not particular about the amount being fixed at $3,000. If that is not enough, put in four, five, six, ten, twenty, anything under heaven, only just say what you do give.

Mr. WILSON. Put it up $500.

Mr. HALE. At the suggestion of the honorable Senator from Massachusetts, I will modify the amendment so as to make it $3,500.

The PRESIDING OFFICER. It will be so modified.

Mr. GRIMES. I would really like to know what is the necessity of giving $3,500 to these officers, when we give only $3,000 to such officers as the Solicitor of the Treasury. Is the duty to be performed by these officers of a more onerous or responsible character than that performed by the Solicitor of the Treasury?

The truth is, there seems to be a great misunderstanding, in my apprehension, as to what the duties of a Judge Advocate General are. It is not necessary that he should be a profound lawyer. He ought to be well versed in the laws of courts-martial. He is the mere representative of the Government and of the accused both, and should act in the capacity of a judge. He bears the title of a judge in a court-martial, and I apprehend some of the best conducted courts-martial have been those where a military officer who had a comparatively limited knowledge of the technicalities of the law, was the judge advocate, and saw that the law was fairly administered toward both parties, toward the Government and toward the accused. We now have these duties performed by lieutenants, by captains sometimes, and very seldom by an officer as high as a major. The duties are performed by a lieutenant in a case where a general is in command. Has the Government ever been injured by it? Has injustice ever been done to any individual by it?

Now, what is the necessity, where is the necessity of even giving them a grade as high as that of a major, or a pay as high as that of a major? I do not see that it exists. It is not true, Mr. President, in my opinion, that you have to search through the country to find an able lawyer, a technical lawyer, a man who has spent fifteen or twenty years in the profession of the law, and in studying the principles of the common law, or of the civil law, to properly discharge the duties of a judge advocate. Such is not the case in any army organization in Europe. It has never been the case here. It is not desirable that it should be the case now. I do not believe that justice will be promoted by going and picking up technical lawyers through the country and making them judge advocates; for they do not hold the relation toward the Government or toward the individual who is to be tried that a professed lawyer does in the civil or in the criminal courts of the country.

Now, as to the pay, I think the Senator from Massachusetts, the chairman of the Committee on Military Affairs, great as is the amount which he states that a major receives who is stationed at Washington, understates it. Why, sir, by an order made by the Secretary of War last fall the commutation of quarters of all these gentlemen (and we know how numerous they are, for at my instance the Senate made a call on the Secretary of War to furnish us a list of all military officers stationed at Washington who are drawing commutation of quarters and fuel; I am not prepared to say now from memory how many there were; but there were a very great number of them) was doubled, which he had the authority to do under the Army regulations. The result is that these majors are now drawing a commutation for three offices and a kitchen, I think, making a total amount of I believe about one thousand dollars that they draw for that alone, which is to be added to their pay proper. Then they draw commutation for their horses, for their servants, and for their fuel, which is commuted either at ten or twelve dollars a cord from the 1st of October until the 1st of April, and for a smaller amount from the 1st of April until the 1st of October. Then they draw from our commissary stores their beef, which is furnished to them at the gross price we buy it for, they getting the best portions of the beef, and leaving the bones and shanks to be fur-

nished to the soldiers. They draw for the support of themselves and their families any other provisions or supplies that are purchased by the Government for the Army at about the rate that we purchase them for in gross; so that when you come to add together the pay proper and all the emoluments and privileges that result from holding a commission in the Army to an officer stationed at Washington, you approach I think for a major nearer $4,000 than you do $3,000.

Is there any necessity for this? I think not. Certainly, if we are going to create this bureau, and are going to authorize the creation of new officers, we ought not to give them higher pay and emoluments than those of a major.

The PRESIDING OFFICER. The question is on the adoption of the amendment to the amendment proposed by the Senator from New Hampshire.

The amendment to the amendment was rejected; there being, on a division—ayes three, noes not counted.

Mr. LANE, of Kansas. Now let us take a vote on fixing the compensation of these officers at $3,000, instead of giving them the pay and emoluments of a major. I submit that amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question returns on the amendment of the committee as amended.

Mr. BUCKALEW. I move to make the pay of the Judge Advocate General $4,000, to make it consistent with the amendment just now adopted.

Mr. JOHNSON. Will the chairman of the Military Committee tell me what the Provost Marshal General gets now?

The PRESIDING OFFICER. The Chair will suggest that that amendment is not pertinent to the amendment now before the Senate. The question now is on the amendment of the committee as amended.

Mr. SHERMAN. I should like to have it read as it stands.

The PRESIDING OFFICER. The amendment as amended will be read.

The Secretary read the amendment, which was to strike out in line four the words "have the rank, pay, and emoluments of a major of cavalry," and to insert "receive $3,000 per annum;" so that the clause will read:

Two Assistant Judge Advocates General, who shall receive $3,000 per annum.

Mr. SHERMAN. The only suggestion that I desire to make is that I think they had better be allowed to claim the rank of colonel; they certainly ought to have military rank, but limiting their pay to $3,000. There is no reason why they should have the pay of a colonel of cavalry. I suggest, therefore, to leave in the bill a provision that they shall have the rank of a colonel of infantry.

Mr. GRIMES. It ought to read "with the rank of major, but their compensation shall not exceed $3,000 per annum."

Mr. SHERMAN. I think they should have the rank of a colonel, with a compensation not to exceed $3,000. I am willing to give them the rank of colonel.

Mr. WILSON. I suggest to the Senator from Ohio to make that motion.

Mr. SHERMAN. I will move to amend the amendment by providing that they shall have the rank of colonel of cavalry, if gentlemen choose, with the pay of $3,000, and no allowances beyond that. The Secretary can put it in form much better than I can.

Mr. POMEROY. I submit there will be an incongruity in giving them the rank without the pay. Why give them the rank without the pay?

Mr. SHERMAN. I will state the reason. A colonel of cavalry must have horses, even if he is here in Washington; and there is no reason in the world, that I am aware of, why these Assistant Judge Advocates General should have horses when they are here performing the duties of a bureau.

The Secretary read the amendment, which was in line four of section two, to strike out the words "pay and emoluments," and after the word "cavalry" to insert the words "shall receive a compensation of $3,000 per annum without any other pay or emoluments;" so that it will read:

Two Assistant Judge Advocates General, who shall each have the rank of a colonel of cavalry, and shall receive a compensation of $3,000 per annum, without any other pay or emoluments.

Mr. GRIMES. The word "rations" ought to be inserted, so as to make it read, "without any other pay, rations, or emoluments."

The PRESIDING OFFICER. It will be so modified. The question is on the amendment of the Senator from Ohio to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was adopted.

Mr. BUCKALEW. If it is now in order I renew my amendment to make the pay of the Judge Advocate General $4,000, allowing him to retain the rank of a brigadier general.

The Secretary read the amendment, which was in section one, line fifteen, to strike out the words "pay and emoluments," and after the word "have" in the same line to insert "a compensation of $4,000 per annum, without any other pay, rations, or emoluments;" so that the clause will read:

A Judge Advocate General, who shall have the rank of a brigadier general, and shall have a compensation of $4,000 per annum, without any other pay, rations, or emoluments.

Mr. JOHNSON. I rise for the purpose of inquiring of the chairman of the Military Committee what is the pay of the Judge Advocate General now. Is it the pay of a brigadier general?

Mr. WILSON. He receives the pay of a colonel of cavalry at present. We propose by this bill to give him the rank and pay of a brigadier general.

Mr. JOHNSON. Then the amendment proposed by the member from Pennsylvania will reduce the pay.

Mr. WILSON. It will reduce his pay about four hundred dollars. I think we ought not to reduce it. The committee propose to increase it. He has now the pay of a colonel of cavalry, which cannot be $4,000. It is $211 a month, and the commutation of fuel and quarters in this city, which is about one thousand dollars a year. We propose to give him the rank and pay of a brigadier general, which would be a pay of $299 a month—say $300—which would be $3,600 a year, and the commutation for fuel and quarters in this city.

Mr. JOHNSON. Equal to how much?

Mr. WILSON. I would be at the rate of about one thousand dollars in winter, and eight hundred dollars in summer.

Mr. JOHNSON. I think we had better fix it at $4,000.

Mr. WILSON. It is about forty-four hundred or forty-five hundred dollars; and for the services he renders to the country I think he ought to have it.

Mr. GRIMES. Let us change it to $4,500, so as to have a fixed sum.

Mr. WILSON. Very well.

Mr. GRIMES. I move to amend the amendment of the Senator from Pennsylvania by inserting "$4,500," instead of "$4,000." That, according to my calculation, will be about a mean between the amount he is now getting and the amount he would get under the bill as reported by the Committee on Military Affairs.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. BUCKALEW. I desire a separate vote on concurring in the last amendment, fixing the compensation of the Judge Advocate General at $4,500. I wish to test the sense of the Senate on a proposition to make it $4,000.

The PRESIDING OFFICER. That amendment will be reserved for a separate vote. The question is on concurring in the other amendment, made in the Committee of the Whole, to amend the second section of the bill by giving the Assistant Judge Advocates General the rank of a colonel of cavalry, with a compensation of $3,000 per annum.

The amendment was concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment in section one, line fifteen, to strike out the words "pay and emoluments," and in the same line, after the word "have," to insert "a compensation of $4,500, without any other pay, rations, or emoluments."

Mr. BUCKALEW. I move to amend the amendment by striking out "$4,500" and inserting "$4,000," according to my original proposition.

Mr. CARLILE. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. WILSON. We all know that General Holt is a man of unquestioned character and ability. The office he fills is one imposing upon him immense burdens and great labor. The first three months of this year there came from the armies of the United States to that office eight thousand cases to be examined, and that is about the ratio through the year. The labor imposed upon him is immense, and requires his days and his nights. I think if there is any man to-day toiling for the Government of the United States that ought to have the rank and pay of a brigadier general it is General Holt. I think, therefore, we ought to stand on the salary of $4,500.

The question being taken by yeas and nays, resulted—yeas 22, nays 19; as follows:

YEAS—Messrs. Buckalew, Carlile, Collamer, Davis, Fessenden, Foster, Hale, Harding, Henderson, Hendricks, Howe, Johnson, Lane of Kansas, McDougall, Pomeroy, Powell, Saulsbury, Sherman, Sprague, Van Winkle, Wilkinson, and Willey—22.

NAYS—Messrs. Anthony, Brown, Clark, Conness, Cowan, Dixon, Doolittle, Foot, Grimes, Howard, Lane of Indiana, Morgan, Morrill, Nesmith, Ramsey, Sumner, Ten Eyck, Trumbull, and Wilson—19.

So the amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

TERRITORY OF MONTANA.

Mr. DOOLITTLE. The morning hour has so nearly expired that I will only ask the Senate to take up the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana, for the purpose of fixing it for half past twelve o'clock to-morrow, when I desire to address the Senate upon it.

The motion to take up the bill was agreed to.

Mr. CONNESS. I will remind the Senator that perhaps it would be better for him to go on to-day. The Senate may adjourn over to-morrow. Why not go on with it now?

Mr. DOOLITTLE. I will answer the honorable Senator. I have no purpose to stand for one moment in the way of any bill that comes from the Committee on Finance or the Committee on Military Affairs having reference to the prosecution of this war.

Mr. CONNESS. The Senator will excuse me. I did not think of that.

Mr. DOOLITTLE. I prefer, therefore, to fix it for some time that will not interfere with the business of those committees.

The PRESIDING OFFICER. The question is on the motion to assign this subject as a special order for to-morrow at half past twelve o'clock.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The VICE PRESIDENT. The morning hour having expired, the unfinished business of yesterday is now before the Senate, being the army appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 198) making appropriations for the support of the Army for the year ending the 30th of June, 1865, which had been reported from the Committee on Finance with amendments.

The first amendment of the committee was in line thirteen after the word "department" to insert the words, "at the headquarters of the several military departments," so that the clause will read:

For contingent expenses of the Adjutant General's department at the headquarters of the several military departments, $5,000.

The amendment was agreed to.

The next amendment of the committee was in line thirty-nine after the word "volunteers" to insert the words, "including the bounties authorized by law," so that the clause will read:

For pay of volunteers, including the bounties authorized by law, $177,462,728 25.

Mr. POMEROY. I do not understand how these bills are made out. I notice that every appropriation is of so many dollars and so many

cents. It seems to me to be impossible in an appropriation bill of this character to calculate to the exact dollars and cents. Perhaps the chairman of the Finance Committee will tell us how he arrives at the precise amount where the appropriations are so large.

Mr. FESSENDEN. The Senator will understand that the committee are necessarily obliged to take the estimates of the Departments as to the amounts they want under each particular head. Those estimates we examine in general to see if there is anything on an examination that would authorize us to reduce them. If not, we report appropriations according to the estimates. In making out their estimates the Departments go through a large number of details, what they want under the different heads, predicated on the best information they have. They then add them up and send to us what they come to according to their detailed estimates. I think it would be as well to make the appropriations in round dollars myself; but they do not choose to do so; they choose to be more exact; and we do not feel authorized to make any change in that respect.

Mr. POMEROY. I should suppose that an appropriation of $1,000,000 or $1,000, as the case may be, would be near enough without adding cents.

Mr. FESSENDEN. I think so too; but there are some items perhaps in addition that make out the cents, and they send us the exact sum.

The amendment was agreed to.

The next amendment of the committee was, after line one hundred and forty-nine, to strike out the following clause:

For the medical and hospital department, $8,935,640.

And to insert in lieu thereof:

For medicines, instruments, and dressings, $2,715,000.
For hospital stores, bedding, &c., $3,587,852.
For hospital furniture and field equipments, $618,000.
For books, stationery, and printing, $120,000.
For ice, fruits, and other comforts, $300,000.
For hospital clothing, $750,000.
For citizen nurses, $210,000.
For care of sick soldiers in private hospitals, $31,200.
For artificial limbs for soldiers and seamen, $45,000.
For citizen physicians, and medicines furnished by them, $405,000.
For hire of clerks and laborers in purveying depots, $75,000.
For examining and recording meteorological observations taken at the military posts of the United States Army, $750.
For Army medical museum, $5,000.
For contingent expenses of the medical department, $47,838.
For laboratory for testing and rearranging medicines and hospital supplies, $5,000.
For washing and washing-machines for hospitals where matrons cannot be employed, $15,000.

The amendment was agreed to.

Mr. WILSON. I move to amend the bill by inserting after the fourteenth line the following:

For copying official reports of the armies of the United States for publication, $5,000.

Mr. FESSENDEN. I should like to hear some explanation of the amendment.

Mr. WILSON. General Halleck, in his report which was sent here by the Secretary of War, recommended, not only for the preservation of the documents but for the advantage of the Government, that we should publish the various reports from the armies, and we have passed a joint resolution through the Senate for their publication. The Adjutant General sends us a letter in which he says they have made an estimate of what it will cost for additional clerk hire to prepare the necessary copies in the form for publication; the amount will be from four to five thousand dollars.

Mr. FESSENDEN. Does your committee recommend this?

Mr. WILSON. Yes, sir.

The amendment was agreed to.

Mr. WILSON. I now move to amend the bill by inserting after line forty-two, at the end of the clause making an appropriation for the pay of volunteers, the following:

Provided, That if any officer in the regular or volunteer forces shall employ a soldier as a servant, such officer shall not be entitled to any pay or allowances for a servant, but shall be subject to the deduction from his pay required by the third section of the act entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July 17, 1862: *And provided further*, That the second section of the act entitled "An act giving further compensation to the captains and subalterns of the Army of the United States in certain cases," allowing ten dollars additional per month to any officer in actual command of a company, as compensation for his duties and responsibilities, with respect to the clothing, arms, and accouterments of the company, shall be construed to apply only to company officers in actual command as aforesaid.

Mr. President, we passed a law some time ago which this amendment is intended more effectually to carry out. A practice has grown up recently in the Army, as I find from a report of the Second Comptroller, Mr. Brodhead, that field officers have been claiming the ten dollars which the law allows to commanders of companies additional a month for taking care of the arms and equipments of their companies. It is without law; and this amendment is designed to correct a construction which has recently grown up, and it will save money to the Government.

The amendment was agreed to.

Mr. WILSON. I have another amendment which I wish to add to the bill as an additional section:

And be it further enacted, That enlistments hereafter made in the regular Army of the United States during the continuance of the present rebellion may be for the term of three years.

And be it further enacted, That all persons of color who have been or may be mustered into the military service of the United States shall receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay, and emoluments other than bounty, as other soldiers of the regular or volunteer forces of like arm of the service, from and after the 1st day of January, 1864; and that every person of color who shall hereafter be mustered into the service shall receive such sums in bounty as the President shall order in the different States and parts of the United States, not exceeding $100.

And be it further enacted, That all persons enlisted and mustered into the service as volunteers under the call dated October 17, 1863, for three hundred thousand volunteers who were at the time of enlistment actually enrolled and subject to draft in the State in which they volunteered shall receive from the United States the same amount of bounty, without regard to color.

And be it further enacted, That all persons of color who have been enlisted and mustered into the service of the United States shall be entitled to receive the pay and clothing allowed by law to other volunteers in the service from the date of their muster into the service: *Provided*, That the same shall have been pledged or promised to them by any officer or person who, in making such pledge or promise acted by authority of the War Department; and the Secretary of War is hereby authorized to determine any question of fact arising under this provision.

And be it further enacted, That the same premium shall be allowed for each colored recruit now mustered or hereafter to be mustered into the service of the United States as is or shall be allowed by law for white recruits: *Provided*, That the Secretary of War shall previously give his assent to the same.

The first section of this amendment provides for enlistments into the regular Army for three years. We cannot enlist men into the regular Army for five years while we are enlisting volunteers for three years. The interests of the country demand that we shall fill up the regiments in the regular Army, and the proposed change from five to three years increases the prospect of doing so.

The four remaining sections of the amendment are the identical provisions of the bill which passed the Senate by a nearly unanimous vote seven weeks ago, to equalize the pay of troops in the military service of the United States. That bill, however, has not been acted upon by the House of Representatives, and the interests of the country are suffering on account of the non-action of the House. Major Foster, to whom is committed the organization of colored troops, informed me to-day that the enlistment of colored troops in the northern States had nearly ceased. The pressing needs of the country demand the enlistment of all the men we can obtain, black or white. Surely the country cannot expect that colored men will enlist in a service so hazardous to their liberty and their lives for *seven* dollars per month, when they can earn three or four times that amount in the peaceful and safe avocations of life. Intelligence comes to us from various sections of the country that some colored regiments in the field are in a state of discontent bordering on insubordination and mutiny on account of the treatment they have received on the part of the Government concerning their pay. Some of these regiments were enlisted under the solemn pledges of officers of the Government that they should receive the same compensation as white troops. Other regiments have been organized during the past six months with assurances of men in whom they had a right to confide that the Congress of the United States would promptly place them on an equality with other soldiers. Thousands of colored men have entered the service of the country under the plighted faith of officers of the Government, or on the assurances of gentlemen of influence and character, that the Government would equalize the pay, and put them on an equality with other defenders of the Republic. This long delay of Congress to do justice to men who are bravely periling liberty and life for a Government that cannot or does not protect them against rebel barbarities cannot but depress their spirits and imbitter their feelings, and thereby impair the discipline and diminish the power of colored regiments. I was told yesterday by Mr. Webster, of Philadelphia, who has just returned from General Butler's department, that he found some of the colored regiments in a state of discontent tending to insubordination and mutiny. Mr. Webster is a gentleman of great energy, and has taken an active part in raising seven thousand colored soldiers in Pennsylvania, and he assures me that this failure of Congress to increase the pay of colored soldiers is not only checking enlistments but disastrously affecting the men already in the field.

Some of the regiments first raised in South Carolina were promised and received thirteen dollars per month, but that promise has not been kept, and they are now paid only seven dollars per month. The discontent in these regiments has become so great that a mutiny broke out in the third South Carolina volunteers, and the leader of it, who was a sergeant, has been shot for mutiny, and others are under arrest and they too may be tried and shot for violation of discipline, impelled by a burning sense of our injustice. I am informed by a gentleman from Ohio of intelligence and character, who has just returned from General Butler's department, that the tenth United States colored infantry was paid on the day the intelligence was received of the bloody massacre at Fort Pillow. Such was the intense excitement growing out of the intelligence of that brutal butchery, combined with the fact that they received but seven dollars per month from the hand of the same paymaster that paid thirteen dollars per month to white soldiers, that two companies were only restrained by the influence of their officers from breaking out into open mutiny.

Sir, we have raised about eighty thousand colored troops. They are obedient, faithful, brave. At Port Hudson, Milliken's Bend, Wagner, Olustee, Paducah, Fort Pillow, everywhere wherever they have been called to meet the enemies of our country, they have proved their courage, constancy, and devotion. Most of these colored soldiers that we are paying the poor pittance of seven dollars per month were earning from twenty to thirty dollars per month. These men feel that they have been deceived by those who enlisted them; that they are unjustly dealt with by the Government, and they are dissatisfied at such deception and injustice. The fifty-fourth regiment of Massachusetts volunteers, that on the bloody fields of Wagner and Olustee have won a glorious name, was enlisted under the solemn pledge of the Governor of Massachusetts that they should receive the same compensation as the other regiments of that Commonwealth. On the 28th of May that regiment left Massachusetts amid the plaudits of the people for the coasts of South Carolina. The men received a bounty of fifty dollars from the State; they have been in the field nearly eleven months. At Morris Island; at Wagner, where Colonel Shaw, their accomplished young leader, fell; at Olustee, where they were pushed forward into the jaws of death to check the advancing and victorious enemy, and cover and save our defeated army, this gallant regiment, that left Massachusetts with crowded ranks, has lost half its numbers in killed and wounded. This regiment has never received one dollar of pay during these eleven months from the Government of the United States. These heroic men have toiled for the country, fought for the country, bled for the country, suffered for the country, and died for the country that has broken its plighted faith to them.

Sir, can we, dare we hope for the blessing of Heaven upon our cause while we perpetrate these wrongs or suffer them to remain unredressed? Can we demand that the rebels shall give to our colored soldiers the rights of civilized warfare while we refuse to them equality of rights? Can we redress the brutal and bloody butchery at Fort Pillow while we continue this injustice? Sir, the whole country is horrified at the barbarities perpetrated by the rebels upon our colored soldiers.

The civilized world will be shocked as it reads of the bloody butchery at Fort Pillow. But, sir, I feel that the nation is doing a wrong to the colored soldiers hardly less wicked than the wrongs perpetrated upon them by slaveholding traitors. Let us right their wrongs. Let the Senate adopt this amendment. The issue will then be distinctly presented to the House of Representatives, and the Representatives of the people will, I am confident, promptly concur in righting the grievous wrongs of our country's heroic defenders.

Mr. FESSENDEN. I have no question that the measure offered by the Senator ought to be passed, and passed at once. The only objection to it is as to putting it on the Army appropriation bill. It certainly comes within the rules. It is independent legislation; but it relates to the subject-matter of the bill; that is, the use of the money which is appropriated in the bill. The only possible objection is the one of form, and I merely call the attention of the Senate to it. If the Senate are disposed to waive that objection, and put the amendment on the bill, I shall not object. There is no objection to it under the rules that I know of, as it comes from the Committee on Military Affairs. I therefore simply call the attention of the Senate to the fact. I have no doubt it ought to pass.

Mr. DAVIS. I ask for a division on that amendment.

Mr. FESSENDEN. We may as well have the yeas and nays, then, in order to obtain a quorum.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 5; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foster, Grimes, Hale, Harding, Henderson, Howard, Howe, Johnson, Lane of Indiana, McDougall, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Willey, and Wilson—32.

NAYS—Messrs. Buckalew, Davis, Hendricks, Powell, and Saulsbury—5.

So the amendment was agreed to.

Mr. DAVIS. I offer the following amendment to come in as a new section:

And be it further enacted, That when the existing insurrection and rebellion shall have been suppressed, and the authority and laws of the United States shall have been reëstablished in the United States where the people are in rebellion, all negroes then in the military service of the United States shall thereupon be discharged from such service.

I ask for the yeas and nays upon this amendment.

The yeas and nays were not ordered.

Mr. DAVIS. Then I call for a division.

The question being put, there were, on a division—ayes 5, noes 24; no quorum voting.

Mr. CONNESS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 9, nays 26; as follows:

YEAS—Messrs. Buckalew, Carlile, Cowan, Davis, Henderson, Hendricks, Johnson, McDougall, and Powell—9.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Grimes, Hale, Harding, Howard, Lane of Indiana, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Willey, and Wilson—26.

The VICE PRESIDENT. There is no quorum of the Senate present.

Mr. POMEROY. Is it in order for me to move to refer some papers?

The VICE PRESIDENT. It is not without a quorum.

Mr. SUMNER. Is it in order to make a remark?

The VICE PRESIDENT. It is not, unless the Senator makes a motion. It will then be in order to make a remark upon that motion.

Mr. SUMNER. I move that the Senator from Ohio [Mr. SHERMAN] be requested to proceed immediately, as soon as we have a quorum, with the consideration of his proposition to determine what is the quorum of this body. Such incidents as this occurring daily admonish us that we ought to adopt that rule.

Mr. SHERMAN. This is the second time the Senator from Massachusetts has reminded me of that proposition. I assure him that it is entirely beyond my control. It was sent to the Judiciary Committee, and is very safely housed there. I have called on the members of that committee day by day to report either for or against it, but I cannot get it before the Senate.

Mr. SUMNER. Why should not the Senator move it in open Senate, and pass it over the committee?

Mr. SHERMAN. I do not think that would be treating the committee very courteously. I observe that the chairman of that committee is present, and I take this occasion to say to him that I hope he will report it at an early day.

Mr. SUMNER. I have great respect for that committee; but still the business of the Senate must be carried on.

Mr. CLARK. I move that the Sergeant-at-Arms be directed to request the attendance of absentees that business may proceed.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will request the attendance of absent members.

Mr. SHERMAN. I will ask the Senator from Illinois if he can give us any information when that resolution to which the Senator from Massachusetts has referred will probably be reported from his committee. It is important that it should be acted upon at an early day.

Mr. TRUMBULL. I suppose I might state to the Senator that the committee considered that matter once or twice, and had pretty much come to a conclusion in regard to it as the matter then stood; and if they were to report, the probability is that the report would not accomplish any object which the Senator from Ohio may have in view; and it was thought better by the committee, until there was a greater necessity for bringing the matter before the Senate, to let it lie.

Mr. SUMNER. Would not the report from the committee bring the matter before the Senate?

Mr. TRUMBULL. We did not think it advisable that it should be before the Senate.

Mr. SUMNER. That is the point. The committee does not think it advisable that it should be brought before the Senate. Any report of the committee would bring it before the Senate.

Mr. GRIMES. I will inquire of the Chair what is the question before the Senate?

The VICE PRESIDENT. The Senator from Iowa calls the Senators to order; and they are evidently out of order, there being no question before the Senate.

Mr. SAULSBURY entered the Chamber, and the Secretary called his name, and he voted "yea."

Mr. TEN EYCK. I move that further proceedings under the order of the Senate instructing the Sergeant-at-Arms to request the attendance of absent members be dispensed with.

Several SENATORS. Let him bring them in anyhow.

Mr. TEN EYCK. Very well.

Mr. TRUMBULL. I think there is a quorum now in the Senate, and that we can proceed with business. I will ask that the vote be retaken on the amendment to ascertain that fact,

Mr. WILSON. The vote is not lost.

Mr. TRUMBULL. Yes, sir. The vote having been declared, I suppose it is necessary to take it over again.

The VICE PRESIDENT. It will be, in the impression of the Chair. The Chair will again call for the vote. It may be done in that way, or by a motion for an adjournment, or a postponement. The Chair will therefore order the Secretary again to call the roll.

Mr. BUCKALEW. On what question is the roll to be called?

The VICE PRESIDENT. On the same question on which the Senate has just voted and found itself without a quorum.

Mr. WILSON. Was not the vote of the Senator from Delaware [Mr. SAULSBURY] taken and counted just now?

The VICE PRESIDENT. It was not. The Secretary called his name, but it was improperly called, as the vote had been declared.

The question being again taken by yeas and nays, resulted—yeas 10, nays 27; as follows:

YEAS—Messrs. Buckalew, Carlile, Cowan, Davis, Henderson, Hendricks, Johnson, McDougall, Powell, and Saulsbury—10.

NAYS—Messrs. Brown, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Grimes, Hale, Harding, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wilkinson, Willey, and Wilson—27.

So the amendment was not agreed to.

Mr. DAVIS. I propose another amendment; to add the following as an additional section:

And be it further enacted, That in every case where any private soldier or non-commissioned officer may heretofore have been or shall hereafter be mustered into the military service of the United States, and who may have been or shall hereafter be honorably discharged from such service, or who may have heretofore died or shall hereafter die in such service without having received or being entitled to receive any bounty, every private soldier or non-commissioned officer that may be living, and the legal representatives of all that may be dead or that may hereafter die without receiving any bounty, shall be entitled to and shall be paid bounty as here declared, to wit: all those who entered the service for three years, the sum of $100; and those who entered the service for a less term, the proportionate sum that their terms bear to $100 for three years.

Mr. FESSENDEN. That is legislation that has not been considered by any committee of the Senate. I hope, therefore, it will not be adopted.

Mr. DAVIS. I ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. DAVIS. I will say but a word on this proposition. It was sent to me by some soldiers from Pennsylvania, with a request that I would present it to the Senate, and I agreed to do so. I think the proposition is right, and I shall therefore support it. We are now giving pay and emoluments to negro soldiers in every respect equivalent to that which we give to the white soldiers. There were many white soldiers who entered the service early in the war, some of whom have been killed in battle, some of whom have died from disease, some of whom have been discharged by reason of wounds and sickness, and a good many, as I am informed, are in a condition to need this bounty; and yet they have never received any.

Mr. FESSENDEN. I wish to raise a point of order on this amendment. I ask the Senator if it comes from any committee?

Mr. DAVIS. Certainly not.

Mr. FESSENDEN. Then I raise the point of order that the amendment is not in order, as it makes an appropriation.

Mr. DAVIS. I think the proposition is in order.

The VICE PRESIDENT. The Senator from Maine will state his point, so that the Chair will understand it. The amendment, as the Chair understands it, does not make an appropriation.

Mr. FESSENDEN. It increases the appropriation necessarily. It directs a certain payment to be made. It lays the foundation for appropriations. I do not know that it makes them.

Mr. DAVIS. This proposition does not increase the appropriations, and does not make any, as I understand. It does not interfere in the appropriation that is asked, in the aggregate, or in any of its items.

The VICE PRESIDENT. The rule is that "no amendment proposing additional appropriations shall be received to any general appropriation bill unless it be made to carry out the provisions of some existing law," &c. In the impression of the Chair, the amendment is in order.

Mr. JOHNSON. It is not an appropriation.

The VICE PRESIDENT. That is the ruling of the Chair. The Senator's amendment is in order.

Mr. DAVIS. I was merely proceeding to make one word of remark. I am informed that a great many soldiers, who entered the service early and have taken part in the battles of the country, or their representatives, are in a condition in which they would not, under existing laws, be entitled to bounty. The representatives of the soldiers who early entered into the service of country and were killed in battle or died from disease, and the soldiers who returned to their homes with the loss of health, with an inability to labor, and with permanent disability, it seems to me, are much fairer subjects for bounty from the Government than any negro soldiers that can be presented in any form in the service of the country. I think the proposition is just in itself, and that it ought to prevail. I hope it will prevail. I think it is but a meager remuneration and reward that is proposed to be rendered to many men just as meritorious in point of patriotism and bravery and a true disposition to serve their country, as others who have received the full measure of bounty.

Mr. FESSENDEN. My objection to it is simply this: it has never been considered by any committee, we do not know the extent of it, we do not know what effect it may have or what call it may make on the Treasury, or anything of that kind. We have had recently a proof of the dan-

ger of passing bills without having them considered by a committee. I hope, therefore, the amendment will not be put on this appropriation bill.

Mr. CONNESS. There is another objection to this amendment that occurs to my mind, and it is this: whatever may be the condition of these soldiers, the Government has carried out its contracts with them, and if it has been made necessary by the continuance of the war to increase the provisions made for the pay of soldiers, it does not follow that we are now to go on increasing the emoluments and pay of every soldier who has preceded those now in the service. That is a proposition that may be well left to the future, when Congress shall have the whole question of the ability of the country to pay and the services rendered by all parties before them.

Mr. DAVIS. This amendment proposes to give a bounty to private soldiers and non-commissioned officers, the men who bear the heat and burden of the day. In my judgment, if there are any men in the service of the country who are entitled to the liberal bounties and rewards of their countrymen it is those classes of the Army. At least they have a larger amount of my sympathies and of my respect than any other portion of the Army. So far as I have a disposition to render justice, and liberal justice to any men in the service of the country, I prefer to make that return to the private soldiers and non-commissioned officers who are in the service of the country, and to those who have left that service either by the casualties of battle or by sickness or by death or by being disabled permanently and rendered incapable of laboring for the support of themselves and their families. It seems to me if there is any portion of the community who have a strong claim upon the justice, the liberality, and the magnanimity of the Government and the country, it is precisely these classes of the Army.

Mr. WILSON. Mr. President, by the existing law all soldiers who serve out their time of two or three years, and are honorably discharged from the service, receive the bounty of $100; and all soldiers who have been discharged on account of sickness or wounds are entitled to the same bounty by the law of the 3d of March of last year. The amendment that is now offered applies equally to black soldiers as well as whites ones. It will cover the case of black soldiers who have been discharged from the service as well as white ones. There is no ground, therefore, for raising a question on that point; and I am very glad that the Senator from Kentucky has made some progress in that direction.

But it is a proposition also to pay bounty to men who were called into the service, and whom we did not agree to give this bounty. The three months men, the men whom we called out for nine months as militia, are to be paid the same proportionate bounty under this amendment. It may be proper that we should adopt some of its provisions, and extend our laws in that respect; but I think a proposition of that kind should be carefully guarded. There are a great many men who have been discharged from the service of the United States after a few days' service who have received bounties of eight or nine hundred dollars apiece. Since this Congress met, men by the hundreds, who were mustered into the service of the United States, and received about one thousand dollars bounty, have been mustered out again. The question is, ought we to give them a bounty of $100 in addition? A proposition of this kind, which covers everybody and everything, black and white, ought to be carefully matured and carefully guarded, so as to protect the country and the Treasury.

Mr. DAVIS. If I could have shaped this measure according to my own view, it should not only have not embraced negro soldiers, but they should have been disbanded. They should not, so far as I could will it, be a portion of the Army of the United States, nor should they receive any emoluments, if I could direct the matter myself, to which that Army might be entitled under the law. I was aware of the operation of the amendment. I knew that if it claimed any sympathy from the Senator from Massachusetts it would have to embrace the negroes; that without that feature it would not receive any consideration whatever at his hands. However, I wanted justice done to the white soldier, and because what I deem to be more than justice might be done to the negro soldier, I was not willing that justice to the white soldier should be stinted; and therefore I made it to include both.

The question being taken by yeas and nays, resulted—yeas 13, nays 24; as follows:

YEAS—Messrs. Brown, Buckalew, Carlile, Cowan, Davis, Hendricks, Johnson, Lane of Indiana, Lane of Kansas, Powell, Ramsey, Saulsbury, and Wilkinson—13.

NAYS—Messrs. Anthony, Chandler, Clark, Collamer, Conness, Dixon, Doolittle, Fessenden, Foot, Grimes, Hale, Henderson, Howe, Morgan, Morrill, Pomeroy, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Willey, and Wilson—24.

So the amendment was rejected.

Mr. DAVIS. I will offer another amendment, to insert as a new section the following:

And be it further enacted, That when any property whatever belonging to any person or persons loyal to the United States shall have been heretofore, or shall be hereafter, taken, used, or appropriated by any military or naval officer thereof for the use and service of the United States, the owner or owners of such property shall be entitled to the fair and reasonable value of such property where it is of a personal character, and to a fair and reasonable compensation for its use where it is of the nature of real estate. And the judge of the United States district court for the district in which any property may be so taken, appropriated, or used, shall appoint one or more commissioners resident therein to take proof and report upon the points of, first, the taking, appropriation, or use as aforesaid of any property by any military or naval officer of the United States; secondly, the fair and reasonable value or compensation for the use of any property so taken, appropriated, and used; third, the loyalty of the owner or owners of such property. Said judge shall establish rules and regulations to direct such commissioner in the performance of his duties. He may confirm or remand the report in vacation as well as term time, and when it is confirmed it shall be final and conclusive and the amount reported by it be paid at the Treasury Department.

Mr. President, most of the Senators in this Chamber, and who control and fashion its measures, represent States that have never been reached by the storms and devastations of this civil war. They send their sons to the Army, who fall in battle, or die by disease in camp, or return home with mutilated bodies or broken-down health; but the foe has never trod their soil; their governments move on undisturbed; their laws are executed, person and property are protected and secure; industry and the pursuits of life proceed; the great mass of their population know nothing of the war, except as they read of it in the newspapers, or hear the reverberations of its thunders from far off, or are called upon by collectors for the taxes levied upon them to sustain it. But we are informed by the public prints of the manufacturing States, by their representatives in Congress, and by their people in every social circle, that their labor was never so fully or profitably employed; that their manufacturing companies are making from twenty-five to thirty-three per cent. beyond all former rates of profits; that their people before never had so much money, or were accumulating wealth so rapidly, or indulging themselves in such fine houses and heavy extravagance, or their families parading such splendid equipages, or flashing such costly and magnificent jewels and diamonds; that their section of country is able to bear and pay double the present amount of taxes, and it must be imposed to carry on the war and conquer and subjugate the rebel States, and, if needs be, to exterminate the rebels and part out their lands among the freed negroes and conquering soldiers.

But what have been and are the aspects of this war in the border slave States, including Kentucky? Its visage is terribly grim to them to what it is to the manufacturing and particularly the New England States. It has burst in its fury upon those border States and desolated large portions of them. Thousands upon thousands of comfortable farm-houses, many of their towns and villages, and their public works, have been given up to conflagration. Their fencing around their fruitful fields and smiling orchards has been swept away for camp fires, and every vestige of vegetation and the soil itself trodden out by the encampment and continued movement of armies. Robbery, murder, and rapine have made the land frightful; large portions of its people have been driven into exile by constantly recurring marauding expeditions; business, industry, and labor have not only been disturbed but extensively broken up, and their avails generally restricted, and in myriads of cases wholly cut off. Hundreds and hundreds are wandering about homeless and houseless, thousands and tens of thousands who by diligent labor and prudent economy were living comfortably, have to restrict themselves to meager allowances, and many do not know one day what they are to eat the next. A few contractors for horses, mules, and other Army supplies, make some money, but with the entire population besides there is not only no accumulation, but very many are consuming in daily subsistence what they had garnered up in peaceful and prosperous days for the evening of life, and to leave as a moderate provision for their families when they should be called hence. Multitudes, besides necessary expenses, do not make enough to meet their direct and indirect taxes, State and Federal, and a great many are wholly unable to pay them. While the New England States have a monopoly of most of the manufactured articles for the supply of the Army and Navy, and are receiving from the Government the largest amount of its disbursements in enormous prices, the forms of our industry do not enable us to make any competition with them. The war that is enriching them is reducing us to poverty and hopeless bankruptcy, and its continuance gives them the fruits not only of their own labor but also of ours. They have been opposed to former wars because, instead of making money by them, their fruits were burdens upon their capital, business, and labor. If this war had brought to them the same consequences as to us they would have been opposed to it from the beginning, and in the language of one of their prominent statesmen and warriors, would have been "willing for the Union to slide." If the state of the case were even now to shift, and the war were to bring upon them the same burdens and afflictions that it does upon us, they would change, and become anti-war, though the Union did slide, with the same facility with which, from being intensely pro-slavery, they became fanatically abolition because they could make no more money out of slavery.

But a more poignant misery of this war than the destruction of our material prosperity, and the gaunt want to which it has brought so many of our people, is the division it produced among us. It precipitated fully twenty-five thousand of the sons of Kentucky, comprehending a large portion of the flower of our chivalry, into the rebel army. It sundered families, arraying in hostile ranks and mortal strife kindred, and brothers, and even fathers and sons. The erring left the family altars, declaring that the North for long years had been preparing the mind and the heart of its people for a sectional war against the South, its people, its social structure, its institutions, its slave property, its material wealth and prosperity, for the subversion of all, and for the utter subjugation of not only the rebel but of the whole of the slave States.

The great market for the exports of Kentucky were the southern States. From their settlement, many of her children had gone and made their homes in them, and raised families and amassed wealth. The southern planters came into our midst to spend the sickly months of summer, as well strangers as those who had been born among us. Their sons intermarried with our daughters, and our sons with their daughters. We were a kindred people, and had a community of property, institutions, and interests. We were their producers, they our consumers, and we drew the bounties of our surplus labor from the cotton and sugar plantations of the South, as did also to a large extent so many of the manufacturing and agricultural portions of the free States. On the other hand, except for the sale of a few cattle in New York city, and an occasional lot of mules at iron manufactories in Pennsylvania, Kentucky found no market in the free States. Her wheat passes in the crude form or as flour to Europe. New England buys nothing from us, but we are large consumers of her manufactures. We have long been developing her manufacturing industry and skill, and adding to her enormous wealth by paying to her the money which we have been drawing from the South. Trade, interest, community of property and institutions, social intercourse, the strong ties of family and kindred, and the most solemn monitions of our southern brethren, and so many of our children in our midst, that the people of the free, and particularly of the New England States, meditated remorseless war against them all, as well in Kentucky and the other border slave as the southern States, beckoned us to the southern confederation.

But on the other hand there was our deep and true appreciation of our Constitution, of the priceless liberties which it guarantied to the American people, of the Union which it formed, and of the protection, peace, security, prosperity, and happiness which it would secure to all covered by its ægis, so long as that ægis should remain unbroken, all the glories of the past and all the limitless hopes of the future, and duty, and honor, drawing us with their resistless force to bear our full part in every proper measure to put down the insurrection, and to vindicate the constitutional and benignant sovereignty of the United States. We halted not, we hesitated not; but heedless of all else we stood to our duty and honor. Your President had declared to the people of the United States that he had "neither the power nor the inclination to interfere with slavery in the States." He had said to the Emperor of the French, by his Secretary of State:

"The rights of the States, and the condition of *every human being* in them, will remain precisely the same, whether the revolution shall succeed or whether it shall fail. In one case the States would be federally connected with the new confederacy; in the other they would, as now, be members of the United States, but their *constitutions, laws, customs, habits,* and *institutions,* in *either case,* will remain the *same.*"

You Senators resolved, with but three negative votes,

"That this war is not waged on your part in any spirit of oppression, or for any purpose of *conquest* or *subjugation,* or purpose of overturning or interfering with the *rights* or established *institutions* of those [southern] States, but to *defend* and *maintain* the *supremacy of the Constitution,* and preserve the Union with all the *dignity, equality,* and *rights* of the several States unimpaired; and as soon as *these objects* are attained the war ought to cease."

We believed that these solemn pledges were made by men of truth, honor, and patriotism; besides, their observance being required by the plainest principles of the Constitution, we doubted not that they would be kept in the best faith. But how deplorably have we been deceived and betrayed!

If you and your President had then, with manly frankness, declared that it was your purpose to seize the occasion offered by the insurrection to destroy slavery, as well in the loyal as in the rebel States; and to effect it you intended to disregard the Federal Constitution, its partition, limitations and restrictions of power, its compromises and guarantees; to subvert all the reserved sovereignty of the States and the people, and yourselves to assume, by usurpation, arbitrary and unlimited power; to tear down the regularly organized State constitutions and governments, and to authorize less than a tithe of their people respectively to reconstruct them, by the agency of elections held by such contemptible minorities, and they still further degraded by the presence and control of a pervading military despotism, and by the imposition of conditions and oaths which bring shame and dishonor upon patriotic manhood; that you intended a regular and general system of military arrests without preferring any charge of crime or offense, and to drag your victims from home and friends to be imprisoned indefinitely in distant fortifications and penitentiaries; and to deprive civilians of trial by jury and bring them before petty courts-martial for offenses unknown to law, to be punished according to their own arbitrary will, or in subordination to the oppressive purposes of their superiors; that to permeate all the loyal States with your organized military despotism, and to secure the defrusion of the civil courts and laws when it should become necessary to effectuate any of your sinister ends, you would pass a law authorizing the President to suspend at his will the writ of *habeas corpus;* that you would control the elections, State and Federal, by the bayonet, and, to make it more certain, you would convert the camps into your partisan hustings, where iron military rule should stifle free ballot and enact the mockery of registering the votes of soldiers for your predestined appointees to office; that to overthrow the power of the people and continue your party in office, by the forms of election you would, without the consent of the Legislature of Virginia, erect her western counties into a new State, recognize one tenth of the remaining counties as the old State, marshal into the Union Louisiana, Texas, and Tennessee by constitutions formed under the President's tithing proclamation, and admit Colorado, Nevada, and Nebraska as new States, when all together have not as much population as the ratio that gives right to one Representative. Had you disclosed in the beginning such an array of diabolical policy and measures your fall would have been that of Lucifer. But even now their enormity should first bring the nation aghast, and then nerve it with the spirit of implacable justice against their authors. Had you revealed them at once to the people in such manifold, extensive, and hideous proportions they would have hurled you suddenly from the heights of your power. Under the specious but false pretext of enforcing the laws, upholding the Constitution, and restoring the Union by suppressing the insurrection without disturbing the people of the rebel States in the enjoyment of any of their rights, except so far as they should forfeit them by the judgment of the law, you progressed step by step to inveigle the nation to intrust you with its whole military power, all its men, all its money, and you have proceeded to forge gigantic chains with which to manacle your masters, the sovereign people. But the popular Samson will yet burst his fetters and free himself. In every true and well-informed man you have a life-long and inexorable adversary, and as your deluded followers throw from their souls darkness and thralldom they will swell the free and conquering hosts which will overthrow you forever. The people will call a sovereign convention, and by that agency they will reconstruct their Government and Union, which you have well-nigh laid in ruins.

We often hear and meet in the public prints invocations from demagogues and deceivers to the people generally to be true and stand by the old Government, and to the people of the southern States to return to it and receive its paternal protection. Where is the *old Government?* As it is now administered, if Washington, and Madison, and its other great founders could rise from their honored graves, would they recognize it as the Government which they had fashioned for the people of the United States? Never. And what, in fact, do those who have charge of it offer to the people of the southern States but a slavery more galling than that of Hungary or Poland?

Do not the border slave States, that, beset with such difficulties, trials, and perils, have yet continued constant and true to the Union and the Government, merit from those in power at least sheer justice? Is not every loyal person in any State entitled to the full measure of justice from his Government and those who administer it? Private property to the amount of hundreds of millions, belonging to loyal people in the States where the Union armies have marched or held post, has been consumed, appropriated, and used by them, and for which no compensation has been made. I doubt not that these unsatisfied claims for other than slave property in Kentucky exceed twenty million dollars, and, including those for slaves, would amount to between thirty and forty millions. Large amounts accrued between two and three years ago, and we have been clamorous again and again for payment, both at the Treasury and in the two Houses of Congress; but hitherto not only without success, but uncheered by any prospect of success. The amendment I have proposed, or some such measure, is necessary to enable us to obtain what the United States honestly owes us. Will you pay us, or is it your purpose to repudiate the debt? You should beware how you teach, by act or omission, the lesson of repudiation. Those whom you represent have and will have the bonds of the United States for thousands of millions, created largely by shoddy manufactures, sold to the Government at two or three times its value, and very largely to pay the expenses of the war, not only against the insurrection but against slavery in every State, against the Constitution and liberties of the people, and for the subjugation and enslavement of the white people of the South. That cup of repudiation which you tender to our lips you may have to drain to the dregs.

But you not only refuse to make us any compensation for the many millions of our property taken for public use, but you are proceeding to break up the deep foundations of our system of Federal and State governments, and to make a great and sure revolution by an unauthorized change of the Constitution, to consummate at once the utter destruction of slavery in every State, irrespective of the sedate and fixed opinion of the people, or of the power and action of changing majorities. Your scheme is by this act of revolution to rob Kentucky of $150,000,000 of slave property without one dollar of remuneration. Was ever the attachment and fidelity of any people to their Government so sorely tried and found so steady and so true?

Public affairs are in a terrible condition when most of the wisest, best, and most patriotic men of the whole country are unable to form a satisfactory opinion whether the rebellion or the administration of their own Government is the greatest scourge. I indulge the hope that both are transitory. One might reverently wish that the afflictions of either will satisfy the purposes of a merciful God in the punishment of our national sins; but I cannot conceive how both for a great length of time could be endured. If the disorders and ills which the maladministration of the Government have brought upon the country, as I have portrayed them, are the fruits of the war, and are to be permanently fixed upon it, it were a thousand times better that there should have been no war; if its cessation would correct them, it should not continue another day.

Mr. SAULSBURY. I move that the further consideration of this bill be postponed until to-morrow. I wish to address the Senate upon the subject, but I do not desire to do so this afternoon.

The motion was not agreed to.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the adoption of the amendment offered by the Senator from Kentucky.

Mr. DAVIS. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. CONNESS. Since the yeas and nays are about to be taken on the amendment, I wish to offer an amendment to it. In the second line of the amendment, after the words "property whatever," I move to insert the words "except slaves." I do not wish to occupy any time, but I will very briefly explain my reason for offering this amendment. I do it because I believe, as was shown clearly in the Senate by the honorable Senator from Maryland, [Mr. JOHNSON,] and which I will not more than refer to, that slaves are persons, and that the Government in this war is entitled to their services. Therefore I desire them to be exempted from the property to be paid for by the Government. That is one reason why I desire to insert these words, "except slaves."

The PRESIDING OFFICER put the question on the amendment to the amendment, and declared that the noes appeared to have it.

Mr. CONNESS. Let us have a division upon it. Perhaps the Senate do not understand the amendment.

Mr. FESSENDEN. That will make two calls for the yeas and nays on a thing perfectly absurd, and which there is no use of putting on this bill.

Mr. CONNESS. I am very well aware of the force of the language of the Senator from Maine and the effect of the amendment. I do not desire to embarrass the bill that he has charge of here by offering amendments; but it appears to me that a vote might be had on this amendment without consuming any great amount of time.

Mr. SUMNER. Allow me to suggest to my friend a modification of his amendment. He proposes to insert simply the words "except slaves" after "property." Is there not something of implication in that, that slaves may be property? "All property except slaves," says the Senator. I would say "all property," and then, carrying out the Senator's obvious idea, "but slaves shall not be considered as property."

Mr. CONNESS. I will accept the Senator's amendment.

Mr. SUMNER. There can be no such thing as property in man. That is perfectly clear.

Mr. CONNESS. I accept the Senator's amendment as a substitute for mine.

Mr. HALE. I want to suggest to my friend from Massachusetts whether his amendment is not liable to the same implication. Would not people suppose that if it was not for this proviso at the end of it slaves were included? Does he not give color to the idea by this amendment? [Laughter.]

Mr. FESSENDEN. I appeal to my friend from California to withdraw his amendment.

Mr. CONNESS. I withdraw the amendment

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 23, 1864. NEW SERIES....No. 114.

with the consent of the Senate, which I have no doubt I shall have.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn; and the question recurs on the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 5, nays 31; as follows:

YEAS—Messrs. Buckalew, Carlile, Davis, Hendricks, and Powell—5.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Henderson, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Van Winkle, Wilkinson, Willey, and Wilson—31.

So the amendment was rejected.

Mr. HENDRICKS. Mr. President, when I came here at the commencement of this session, I thought the sentiment of Indiana was as well defined in favor of a proposition that the pay of the soldiers ought to be increased as any sentiment could be defined; and I thought that opinion was based upon some very substantial and good reasons. Very many of the soldiers who are now in the Army of the United States enlisted on the call of the President, when their compensation was fifty per cent. more than it now is; when there was but very little difference between the gold and silver currency of the country and the paper currency. But the depreciation has gone on until that compensation is now fifty per cent. less than it was, and the expense of maintaining a family while the soldier is in the Army is also largely increased. The reason, therefore, is very strong in favor of the increase of the compensation of the soldiers and non-commissioned officers of the Army of the United States.

At an early day of the session, I believe the very seventh bill introduced in this body was one introduced by the Senator from Massachusetts, [Mr. WILSON,] proposing an increase in the pay of the non-commissioned officers and soldiers. I have waited from day to day, from week to week, and from month to month, until now four months of the session have passed and that bill has not been called up by the chairman of the Committee on Military Affairs. There was no rest given to this Senate until the bill proposing to equalize the pay of the negro soldier with the white soldier was considered, until the pay of the negro soldier was raised; but I have seen no anxiety on the part of the majority of this body to call the attention of the body to the bill proposing an increase of the pay of the white soldiers in the Army.

I now propose to do what ought to have been done as an act of justice at an earlier day of the session. The bill proposed by the Senator from Massachusetts, the chairman of the Committee on Military Affairs, provided that the pay should be increased, and that that increase should commence with the present year, the 1st day of January, if I recollect correctly. I do not propose by the amendment that I shall offer to go back of the passage of this bill, although it would be very right to say that their pay should be increased from the commencement of the present year. In my amendment I propose simply that the pay shall be increased from this day.

Mr. President, I offer the following amendment as an additional section to the bill:

And be it further enacted, That the pay of the soldiers and non-commissioned officers of the Army of the United States shall hereafter be fifty per cent. greater than is now allowed by law.

I believe, sir, that the pay of the soldier is now thirteen dollars per month. This will increase it $6 50 per month, making it $19 50 per month. This is not a greater compensation than they received when they entered the service, and will not enable the soldiers better to support their families at home than the pay that they received when they made their engagement with the Government.

Mr. CARLILE. I suggest to the Senator from Indiana, in lieu of the words "fifty per cent. greater than is now allowed by law," to insert "twenty dollars per month."

Mr. HENDRICKS. I would agree very cordially to the proposition of the Senator from Virginia but for this difficulty: the pay of the non-commissioned officers ought to be increased at the same time that we increase the pay of the soldiers. That was the proposition of the chairman of the Committee on Military Affairs in his bill. We cannot do that by saying that the pay shall be twenty dollars, because there are two classes here; non-commissioned officers and private soldiers. I propose just to add fifty per cent. It is not very different from the proposition of the Senator from Virginia.

Mr. CARLILE. I believe that is only two dollars difference. The chairman of the Committee on Military Affairs will correct me if I am wrong; but my recollection is, that a non-commissioned officer receives but two dollars more than a private.

Mr. SHERMAN. A corporal two dollars, a sergeant four dollars, and an orderly sergeant seven dollars.

Mr. WILSON. I will look in a moment. I think an orderly sergeant receives seven dollars more.

Mr. CARLILE. It can very easily be made definite by increasing the pay of the non-commissioned officers by adding seven dollars a month to their pay as well as to the pay of the privates.

The Senator from Indiana has very properly alluded to the depreciation of the currency now received by the soldier in pay for his services. I beg leave to add an additional statement. That depreciation does not really show the depreciation in the receipts of the soldier, because the cost of living and all the necessaries of life have increased in a much greater ratio than the difference between coin and paper to-day. I think twenty dollars a month now would be really less to a private than ten dollars would have been at the time the compensation was fixed.

Mr. POMEROY. I merely rise to suggest that this matter is under consideration in the other branch of Congress. It is there in the form of a distinct bill by itself, and I think it had better be kept by itself. I would not object to this proposition if it were brought in as an independent measure. The subject is now being considered in the House of Representatives, and I hope it will pass there first, and then come here for action.

Mr. WILSON. Early in the session the Committee on Military Affairs reported a bill increasing the pay of the common soldiers to sixteen dollars a month, and making the same proportionate increase in the pay of sergeants and corporals. That bill has not been acted upon, for the reason that the Committee on Military Affairs in the House of Representatives have devoted a great deal of time to the preparation of a bill for this purpose. I understand that it is nearly complete, and will be reported at a very early day. In that bill they have organized a system that will make the proper distinctions and do justice. It will be remembered that our soldiers who early entered the service received but the $100 bounty, while some of the soldiers who have entered the service within a few weeks past have received as high as $1,000 bounty, an enormous compensation. Some of the States also make a payment to their families, so that their pay is very large indeed. The Committee on Military Affairs in the House of Representatives, I understand, intend to report that bill very soon. They have been laboring very carefully and assiduously upon it; and the reason why I have not called up the Senate bill on the subject has been in deference to their opinions in that House and to their preparation for a bill of this kind.

Mr. HENDRICKS. There was one thing that I desired to say to the Senate when I was up before, but it escaped my recollection at the time. I have not been in favor, but have uniformly voted against giving to colored soldiers the same pay that is given to white soldiers; but I have seen what is the sentiment of the Senate on that subject, and because I wanted this measure adopted I have made no distinction in this amendment. By this amendment we give to the colored soldier the same increased compensation that is given to the white soldier. I wish to make this explanation, not that this is according to my judgment, but it is the only proposition which I believe can pass the Senate.

Now, sir, in regard to the suggestion that this measure is before the House of Representatives in a separate bill, do I understand the chairman of the Committee on Military Affairs to say that in the compensation of the soldiers under that bill there is to be a distinction made between those who have received large bounties and those who have received small bounties; that the one is to have larger pay per month than the other? I think such a measure can never pass. It is not practicable.

Mr. WILSON. I have not seen the bill of the House of Representatives; but I understood that in the bill that was being prepared by that committee and to which they had devoted a great deal of time, they intended to make some distinction in point of time of service. I do not know the precise form in which it is placed; but the Senate committee have deferred action upon the subject until they make their report. The Military Committee of the House of Representatives intend to report a bill for the increase of the pay of the soldiers, and I understood that they intended to report an increase averaging larger than the report of the Committee on Military Affairs of the Senate, which was sixteen dollars a month. The Committee on Military Affairs of the Senate have under consideration a bill which changes the ration and pays two dollars a month to the private. We have not taken that up. We want to look at it very carefully in that view. I think the subject of the increase of pay for the Army had better be left until we have the report of the committee of the House of Representatives. I have waited for that purpose.

Mr. HENDRICKS. This is not that sort of measure on which—under the Constitution—the Senate ought to wait first for the judgment of the House of Representatives. It is not a revenue measure. It is doing that which the Senator by the bill that he introduced at an early day of the session said the Senate ought properly to originate and pass. I have proposed it as an amendment to this appropriation bill, because it is legitimate, because it is germane to the bill. The bill makes provisions for the expenses of the Army for the coming year. This proposition to regulate the pay of the soldiers and the non-commissioned officers belongs to that subject. If we put it upon this appropriation bill it will pass and become a law. I have great doubt whether any independent proposition will pass. I think I am not well answered by the chairman of the Committee on Military Affairs when he says there is a bill in the House of Representatives on this subject, when he himself has not examined that bill, and cannot say now to the Senate whether he can give it his support or not; whether it is a wise measure or not. No Senator will say that this proposition which I have had the honor to present to the Senate is more than just. The expenses of living at home and the depreciation of the currency make it a proper measure provided the compensation of thirteen dollars a month at the commencement of the war was a proper and just compensation.

Mr. CONNESS. The Senator from Indiana is not as liberal as the gentlemen in the other branch of Congress with whom he acts. They proposed, I believe, in a party caucus to pay the soldiers and non-commissioned officers in gold. I should like to ask the Senator if that is not true.

Mr. HENDRICKS. Mr. President, I am not in the habit when speaking in the Senate upon a question of practical legislation to give it a partisan turn if I can possibly avoid it; nor am I in the habit of referring to the proceedings of a caucus of the party to which I belong or of the opposite party; but in reply to the Senator I will say that I understand that the Democrats in cau-

cus decided to support a measure to pay the soldiers in coin or its equivalent. I have attempted as near as I could to come to that result, to give them what was promised them at the commencement of the war.

Mr. CONNESS. I am very glad to have this answer from the Senator. What a generous and noble-hearted set of men the Senator acts with! Just think of the proposition when gold is at a premium of eighty or ninety to pay the poor soldier in gold! That is better than I can go. The Senator is entitled to credit, since they find a little inconvenience in carrying out that proposition, in his effort to come as near it as he can by raising the pay in legal tenders fifty per cent. Perhaps after a month or more gold will recede in the market, so that fifty per cent. will be the equivalent of the proposition of which the Senator has given us an account.

Now, sir, I have this answer to make to the argument of the Senator, and to the proposition he has made here, very different from that given by the honorable chairman of the Committee on Military Affairs. I will not vote for his amendment; I will not vote for such a bill as the honorable chairman has described if it should be gotten up in the House; and I think, notwithstanding, that I would vote as generously and freely from the public purse or from my own to the soldier as either of the Senators or any other man in the country.

But, sir, we are not to forget that while the country is to be maintained by soldiers in the field it is also to be maintained by the finances at home; and in my opinion the man who in the face of the condition of the country would vote or advocate (because of its apparent or real popularity with the soldiers who have been very properly entitled to vote in most of the States) such an increase as is proposed, is very much more lavish with his generosity than with his judgment.

Mr. HENDRICKS. If the Senator from California will allow me, I will ask him one question.

Mr. CONNESS. Certainly.

Mr. HENDRICKS. He is opposed to this proposition because it interferes with the finances of the country. I ask him whether he made that point in the Senate and expressed that sentiment in his vote on the proposition to increase the pay of the colored troops.

Mr. CONNESS. "Still harping on my daughter." If the subject of colored troops were not here, what would the honorable Senator from Indiana do for material for the next political campaign? Perhaps he will give us an answer to that. He would have to fall back on the questionable military reputation of his candidate for the Presidency, perhaps, and that would not be quite so reliable. I voted to increase the compensation of negro soldiers and equalize it with that of other soldiers who are taking their lives into the field to battle for your liberty and for mine, with as much pride and satisfaction as any vote I ever gave in my life. I should be ashamed if I were a party in the advocacy of withholding the compensation of that kind of labor from any man. I will not characterize, for it does not belong to the legitimacy of debate, those who are so stingily disposed toward a soldier who is battling for the liberties of the human kind in this great contest as to measure out the pittance according to the color of his skin. I will not waste words on the falsity of its logic.

The proposition to equalize the compensation of soldiers was one clear and distinct in itself, giving the black soldier the compensation that the Government had determined a soldier was worth. It gave no less compensation to the white soldier. Does the Senator from Indiana dissent from the equity of Private Miles O'Reilly, of the forty-seventh regiment of New York volunteers, who generously was willing to divide with Sambo "the right to be kilt?"

> "The men who object to Sambo
> Should take his place and fight;
> And it's betther to have a nayger's hue
> Than a liver that's wake and white.
>
> "Though Sambo's black as the ace of spades
> His finger a thrigger can pull,
> And his eye runs sthraight on the barrel sights
> From under his thatch of wool.
>
> "So hear me all, boys, darlin',
> Don't think I'm tipping you chaff,
> The right to be kilt we'll divide wid him,
> And give him the largest half."

Mr. HENDRICKS. If the gentleman wants to deal with the private, he can have his discussion with him. I am not interested in that.

Mr. CONNESS. I do not wonder that the Senator retires before the logic contained in the philosophy of Private Miles O'Reilly. I do not grudge the pay to the colored soldier. I would be ashamed to withhold it. I will say in reply to the Senator from Indiana, that when that proposition was before the Senate I did consider it, and I weighed it with exactness, considering the injustice involved in withholding the equality of compensation with the demand it would make on the national Treasury, and, in accordance with the conclusions of my own mind and the general judgment of all patriotic people in the country, I sustained the measure to equalize the pay of all soldiers.

This measure bears upon its face, I will say, without imputing any sinister motive to the honorable Senator, the brand of fodder for the next campaign. I am opposed to all such legislation; I am opposed to all such propositions. They are unworthy of the Senate; they are unworthy of the period; and they should not be met here, in my opinion, by any apologies nor by any considerations addressed to the soldier because of their supposed agreeableness to him. It is a question yet whether we can maintain the liberties and the Government of this country. According to my honorable friend beside me, [Mr. DAVIS,] the liberties are already gone; but we differ very widely with our friend in that. But, sir, we are not to forget that hundreds, ay, thousands of millions of indebtedness, so faithfully and exactly chronicled by the honorable Senator who offered this amendment from time to time, are growing upon us, and the proposition to increase them unnecessarily is a proposition neither wise nor true.

I will not continue, sir. I did not intend to say more than a word or two; but I could not occupy my seat in silence while anything in the nature of an apology was given for not sustaining this amendment instead of the real reason being given, that it is not a measure of statesmanship, and therefore should fall to the ground.

Mr. FESSENDEN. Mr. President, with regard to this proposition, it has been under consideration by two committees, who have been appointed for the purpose of considering questions of this description, for a considerable period. It was introduced originally into the Senate, I believe, by the honorable Senator from Massachusetts, and has been more or less considered by the Committee on Military Affairs of this body. It has been, it seems, very carefully considered, and almost, if not quite, brought to a point where it can be reported by the Committee on Military Affairs of the House of Representatives. It has been found to be a question involving great practical difficulties in order to equalize the pay, and make it just and proper if it ought to be increased. And we are assured that we may very soon expect something upon which we can act.

The honorable Senator from Indiana is wiser than these two committees. He sees no occasion for considering a question of this kind. It involves, to be sure, perhaps $100,000,000; I do not know how much. I believe we appropriate something like one hundred and fifty million a year for pay. This proposes to appropriate, it may be, about fifty million more. He proposes to jump to a conclusion; he solves the difficulty, and at once informs the Senate what it ought to do in relation to this complicated question.

Now, I wish the honorable Senator from Indiana would do one other thing. We have heard repeatedly from him during this session of Congress about the great expenses of this Government, the way in which we are raising money, the amount we are obliged to raise, the immense taxes that we are bringing upon the people, the outrages in fact which the Government is perpetrating upon the people in carrying on this war; and with everything but the pay of the soldiers, I believe, he finds infinite fault. Now, I wish that the honorable Senator, since he can reach a conclusion and solve the difficulty, cut the knot with so much ease, so much facility in relation to a question which has puzzled and troubled two very able committees of Congress, would also at once solve another difficulty, and that is how we are to get the money. Two committees, not so able as the Committees on Military Affairs, but two committees of Congress, under the advice of the Secretary of the Treasury from time to time, have been attempting to solve our financial difficulties, so far at least as to be able to procure money to carry on the war, and keep up the credit of the Government. Now, if the honorable Senator from Indiana, with that illumination which seems to shine through him with reference to these questions, would just enlighten us as to how we are to meet these difficulties at the same time, (because he is increasing them,) he would confer a great obligation upon all concerned. Undoubtedly he has the project in his head. He would not propose to add fifty or seventy-five million dollars a year to the ordinary expenses of the Government unless he had a mode provided in which he could meet it.

There is another thing which is very singular, and that is that the honorable Senator should propose this precisely in this way, when he finds that everything else is wrong, if we may believe him and trust to his word. We have no money, according to him; we have no credit; we are soon to be bankrupt; we cannot get along! He is in favor of the war, but the war must break down. He is in favor of subjugating the rebels, but we cannot subjugate them. All that is very natural, because we have got so accustomed to it from certain gentlemen now that we expect it as a matter of course. But if he would only aid us to get through with the difficulties which he himself now seems bent upon increasing and enlarging, as I said before, he would confer a great benefit, an obligation, upon all concerned in devising ways and means to carry on the Government. He does not seem to know precisely what we do pay to all these classes, except the common soldiers.

Now, I would call his attention to another thing, and I would call the attention of the Senate to it. It is said that we are almost in a financial difficulty at the present time; it is said that we have trouble or are likely to have trouble in meeting our obligations. From what does this arise? Gentlemen on the other side of the House tell us that it arises from the great inflation of the currency. How much has the currency been inflated by the action of the present Congress? With a single stroke of the pen almost, contrary to my own opinion, we authorized the payment of enormous bounties, and continued those bounties for months after we had first fixed a period for them. The result was the expenditure of something over $100,000,000 in bounties, very large bounties, enormous bounties in point of fact, in order to get soldiers into the field. Those who have considered the subject believe that if we could have done it it might have been necessary, but that if we had not done it we should not be so much troubled as we are now, or not in so much danger as we are now in reference to these very considerations.

Who got this money? For whom have we been obliged to involve ourselves, if we are involved in difficulties of this description? The soldiery; and the same story was told then that is told now: "We cannot get the men without it;" and we have paid to these men these enormous bounties of $400 and $500; and besides that, all over the country they have received about as much more from their towns, their cities, and other corporations; and in addition to that, their families are taken care of at home, if they need to be taken care of. They have just reënlisted knowing what their pay is, their pay being thirteen dollars a month. They received these large bounties, hardly less than a thousand dollars in almost any State in the Union, put them into their pockets, and with that knowledge having reënlisted, gone in with their eyes open and with all patriotism too, I am willing to admit; and now the Senator says we must add fifty per cent. to their pay.

Sir, I have a better opinion of the patriotism of the soldiers in the field—I will not say a better opinion; that would not be proper; I will say I have as good an opinion of the patriotism of the soldiers in the field as I have of the patriotism of the honorable Senator from Indiana. They enlisted within a short time, knowing what they were to receive, knowing the increase in the amount that they were obliged to pay for the ordinary sources of support, and I believe if you put the question to them to-day, "Will you have your pay increased at the risk of breaking down the finances of the Government and putting a stop

to the military operations and endangering the national cause?" with one accord they would raise their voices and say, "No, no, and we despise and contemn the petty politicians who endeavor to make capital and trade out of our blood in this way."

Sir, if there is any occasion to raise the pay of the soldiers let it be considered carefully and wisely and reported upon. With all my respect for the ability of the Senator from Indiana, I do not believe that he is wise enough to solve this question by an amendment of his own upon an appropriation bill. I do not believe he has the ability; and I accord to him as much ability as to any single member of the Senate; no one is able to do it. It requires careful and deliberate consideration and action, and therefore I say that it is improper, grossly improper, to attempt to hang a great question of this description, involving such large amounts of money, on an appropriation bill situated precisely as this is.

Let me say to my honorable friends who act with me in this body, that I counsel, with all respect and all proper humility, I counsel them not to be frightened when the question of soldiers' pay is concerned; let not their hearts beat so as to beat the buttons off their jackets. Meet this question like statesmen. The soldiers in the field are men as we are, and many of them better men than we are. They understand these questions, and they understand the motives of all these things. Sir, if there is a set of men in the world who have been treated well, have been treated as well as men could be, watched over with kindness and care, and no expense spared to make them comfortable, although in the nature of things that care must sometimes fail, it is the soldiers in the employment of the Government of the United States who are fighting its battles. Take the soldiers from my own State; they are paid a certain sum per month; they get all the articles necessary for their own individual support without expense to themselves; the rise of prices does not affect them; they are supported in the field with all that is necessary to support life at the expense of the Government; they pay nothing for the food that they eat; a large proportion of them have no families at home; they are young men, almost boys; and in regard to those who have families, I suppose it is the case in Indiana as it is in Maine, and I presume it to be so in every State of the Union, no soldier's family is permitted to suffer if their condition is known, but they are looked to and taken care of. And now this cry about raising the pay of soldiers, without consideration, without study, without care, and from gentlemen, too, who are denouncing every day this Government as on the eve of bankruptcy and unable to support itself and to meet the requisitions upon it, comes with a very singular air.

I say, therefore, to my friends, our justification must be found in our own consciousness of what is due to the country, and we need have no fear, and if we have we should throw our fears to the winds that we shall be misjudged for what we do upon questions of this importance.

Sir, as my friend from Massachusetts [Mr. WILSON] has said more than once, the difficulty which we have to meet is a financial difficulty; and I beg gentlemen to consider when they bring these bills in, and to be prepared, when they move to increase the expenditures of the Government by millions, to tell us at the same time how we are to get the millions. A statesman is not at liberty to try rash experiments and to make rash propositions when he has nothing to propose by way of meeting the difficulty that may follow. He has no right to take the benefit of the proposition and shirk the difficulties that his proposition may bring upon his country and upon others. Let him take them both if he takes one, and not endeavor to avail himself of the one without taking the consequences with regard to it.

Now, sir, having said this much, I trust gentlemen on this side of the Chamber will just have courage to vote this proposition down, and meet the question when it properly comes before us, and discuss it with the proper information; but do not suffer it to be thrust upon this bill in this way.

Mr. HENDRICKS. Mr. President, I have but very little to add to what I felt it to be my duty to say to the Senate. The Senator from California has discussed this as a party question. I did not know it was such, sir. I did not introduce it as such. I made no party argument in favor of it. Did the Senator from Massachusetts early in December introduce this as a party measure? Why did the Senator from California not then say to the Senator from Massachusetts that he was playing the partisan? When the Senator from Massachusetts, who is responsible to the country, especially because he is the chairman of the Military Committee, felt it to be his duty to bring before this body a measure to increase the pay of the soldiers, the Senator from California had no partisan appeal to make to him.

Mr. CONNESS. Will the Senator permit me?

Mr. HENDRICKS. Certainly.

Mr. CONNESS. Does the Senator not see how inopportune it would have been for me to make any remarks upon a mere announcement that the Senator was about to introduce a bill? Can he see no difference between that case and a proposition submitted here before us for our vote?

Mr. HENDRICKS. The bill introduced by the Senator from Massachusetts was not only introduced by him, but was referred to and reported from the Committee on Military Affairs, if I recollect correctly. It received the consideration of that committee, and was brought here as the recommendation of the Military Committee of this body. Not a word then was said by the Senator from California that it was a partisan measure.

Mr. CONNESS. I do not intend that the Senator and myself shall misunderstand each other. I said that the proposition of the Senator from Massachusetts was never considered in this body. The proposition of the Senator from Indiana is now before us. I repeat the question, can the Senator see no difference?

Mr. HENDRICKS. Yes, sir, I see a difference. I see this difference, that the proposition of the Senator from Massachusetts is brought before the body and then goes upon the Calendar and for four or five months receives no attention from the Senate.

Mr. CONNESS. That suited me.

Mr. HENDRICKS. The proposition that I bring before the body now, in connection with an appropriation bill, must be considered by the Senate. We have got to say either "yea" or "nay" to this. But the question which I submit now to the Senator from California is, if it was not a partisan movement on the part of the Senator from Massachusetts to bring the proposition before the Senate, how can it be on my part? Is it because I do not belong to the same political party with the Senator from Massachusetts? If it was statesmanship for him and patriotism for him to ask of the Senate to increase the pay of the soldiers, I want to know how it is that it shall be partisanship on my part to urge the same proposition on the Senate?

Mr. CONNESS. Mr. President——

Mr. HENDRICKS. I do not desire further to be interrupted, but I will hear the Senator from California.

Mr. CONNESS. I will say what I have to say after the Senator is done.

Mr. HENDRICKS. The Senator from California has said that this is political fodder for the next campaign, using his elegant language. I have not made it such, sir. I have not desired that it should be such. I have not in my heart the desire that any Senator should vote on this question influenced by partisan feelings. For myself, I have looked home to my neighbors; I have seen men leave their families and enter the Army upon the call of the President; I have seen them go out when they expected to get thirteen dollars a month, good thirteen dollars—not nine dollars, but thirteen dollars—leaving wives and children at home; and it is not an answer, in my judgment, on this subject, for the Senator from Maine to say that they are provided for by their neighbors at home. It is not right that we should pay our soldiers at such a rate as will compel them to depend upon charity. I have seen these soldiers leave their families at home, expecting to be able to send back to them a fair proportion of thirteen gold dollars, or what was as good as thirteen gold dollars. They cannot do it now; they cannot provide for their families as the Government said they should be provided for when they entered the service; and now, because I wish to give them what the Government at the commencement of the war said they should have, thirteen dollars a month in gold or its equivalent, (my proposition is to give them the equivalent of that pay,) it is said that it is a partisan proposition. If the Senator wishes to make it a party proposition, let him do so. That fault is not with me. If the Senator from Maine wishes to make it a party proposition, let him do so. When he appeals to his side of the Chamber and makes it a party proposition, he can take all the benefit which he can derive from it as a party proposition. I offer it as a Senator representing many thousands of men now in the field from Indiana. I believe it to be right, not as a Democratic measure, not as a Republican measure, but as a right which the Senator from Massachusetts, the chairman of the Military Committee, indorsed at an early day in this session.

Who said that it was a partisan measure to increase the pay of a part of the Army? Nobody said then that it was a partisan measure. The Senator from Maine, when it was proposed to increase the pay of the colored soldiers, did not then say to us that there was no money in the Treasury, that we were about to break the Treasury down, that the credit of the Government was about to fail—not a word of that sort. But now, when the proposition is that all, without distinction of color, shall have what the Government promised the white soldier at the commencement of the war, the Senator says that the finances of the Government will probably fail; and he says, in a tone that I do not like, a tone that ought not to be used in the Senate of equals, that the Senator from Indiana claimed more wisdom than the two committees. Did I make such a claim as that, sir? Was there anything in the tone of the argument that I presented to the Senate to justify the Senator from Maine in making that remark? Nothing, sir. I presented my views modestly but earnestly on the subject. Why, then, does the Senator wish to say that I claim the wisdom that belongs to two committees of this body? He is not justified in it. I will not reply to him, because I owe to him the courtesy that is due to an American Senator, that he claims particular influence and position in this body. I claim nothing of the sort. I am but a young Senator here, in a very small minority, claiming no influence because of my political position in this body, claiming nothing because of my position as a Senator so young in this body; but I do claim the right to bring before this body any measure that my judgment and conscience say is right; and I deny to the Senator from Maine the right to criticise it in the manner he has done. If the measure is not right, let him meet the measure; if the arguments are fallacious, let him meet the arguments; but I have not claimed more wisdom than the committees to which he has referred. The Committee on Military Affairs has recommended the very proposition that I have brought before the Senate, except that their bill does not propose quite so large an increase as I have suggested to the Senate. Then, if the Committee on Military Affairs were justified in saying to the Senate that the compensation of the soldier ought to be increased, am I not justified in asking the Senate now to consider it upon a bill to which it is germane? Why, then, does the Senator say to me that I claim more wisdom than the Committee on Military Affairs? I rest upon the recommendation of the Committee on Military Affairs, a committee that is composed largely of Senators of his own political views; and now I urge on the attention of the Senate that the Committee on Military Affairs have decided that the compensation of the soldier is not sufficient, that it ought to be increased; and upon that recommendation I bring forward my amendment.

To the proposition that we should wait for the House of Representatives, I desire to inquire whether that was asked when it was proposed to increase the pay of a part of the Army, the colored portion? It was not said then by any Senator that we must wait until we see what the House of Representatives has to suggest upon the question; by no means. It was proper and right for the Senate to take the initiative, proceed in the measure, and bring it to the attention of the House of Representatives. If Senators thought the pay

of the colored troops ought to be increased, they did their duty in urging it. I gave an humble vote against it. I felt that it was right to vote against it, for the reason that I do not believe the negro soldier is equal to the white soldier. That is my judgment. It was my judgment then, it is my judgment now; and I believe that every battle-field that has tested the comparative courage and soldierlike qualities of the two classes of soldiers has sustained my view from the time that vote was given in this body. But I do not choose to discuss that, sir. I now ask, not as a party matter, with no party prejudice on the subject, simply that the pay of the soldier shall be increased. It is indorsed by the Committee on Military Affairs of this body—not to the full amount; it is not important whether I go a dollar above or a dollar below the recommendation of the committee; the recommendation of the committee is that the pay shall be increased, and I suggest that it shall be fifty per cent.

The Senator from Maine suggests that there are difficulties about this; that I can solve the difficulty with one stroke of the pen; but what difficulties, sir? If he undertakes to discriminate in a bill between the soldiers that were formerly enlisted and the veterans that have recently re-enlisted, he will find difficulties that he cannot overcome. If he undertakes to say that one class of soldiers and volunteers in 1861, 1862, and the early part of 1863, shall have sixteen or eighteen dollars a month, and that those who enlisted recently shall have a less compensation, I say to the Senator he cannot carry it through, and such a proposition will defeat the bill in this body; or if carried through this body it would produce discord and division in the Army, which the Senator, as a true patriot, does not desire to see. Will he undertake to say for a moment that there are difficulties depending upon the date of the enlistment?

The Senator also says that we have given to the veterans $400 of a bounty, and that is pay. It was not given as a bounty, sir. It was given to secure an efficient army; and the Senator objected to that. He resisted it; but the Military Committee, that felt the importance of securing the veterans again in the Army for the campaign of 1864, thought that the Government ought immediately to secure their reënlistment, and therefore that committee reported it. It was upon their recommendation, not mine, though I very cheerfully voted for the measure. Upon the committee's recommendation it was so proposed to the veterans that they should receive the $400; and now is it to be said that that is a part of the compensation? No, sir, it was not for that; it was to secure reënlistments. But there are thousands of soldiers in the Army, hundreds of thousands I presume, that have not recently enlisted; some that enlisted, perhaps, in the latter part of 1861 and the first part of 1862, that do not come within the class described by the Senator. Is justice not to be done to them?

The Senator has asked me to suggest how the finances are to be provided for. Feeling that we had so able a Committee on Finance as exists in this body, it did not devolve on me perhaps to investigate that subject as thoroughly as the Senator. I will say, however, that our finances can be placed in a better condition by the encouragement of economy in the administration of the Government, by striking off and striking down that favoritism which is using up the means and resources of the Treasury. The Senator from Maine, the chairman of the Committee on Finance, can promote the interests of the Treasury by a fair revenue law, a tax bill. That question is before the House of Representatives. We have seen their bill. Whether that is such a measure as I can support I cannot say. If it is just to the interests which it is my duty to represent here I shall give it my support. While there is much of the policy of this Administration that I do not admire, I feel it to be my duty to sustain the credit of the Government, and I will give to a just and fair tax bill my support.

Mr. CONNESS. Will the Senator from Indiana permit me one word here?

Mr. HENDRICKS. Yes, sir.

Mr. CONNESS. I just thought that at that point, for what it was worth, I would prognosticate a little; and my prediction is that the Senator will find that that tax bill is not just when it is acted upon in this body.

Mr. HENDRICKS. When the Senator has an argument to present I shall be happy to hear him; when he has a fling to make he had better go into the lobbies to make it. I shall vote according to my judgment and conscience when that bill comes up, and shall try to give such a vote as I shall be able to vindicate before the people of the State of Indiana to whom I am answerable for my vote.

The Senator from Maine felt it to be his duty also to say that I had said that I was in favor of the war, but the war could not succeed. I will ask the Senator when he heard me say so.

Mr. FESSENDEN. I did not undertake to repeat the language of the gentleman. I was barely repeating the general line of argument on the other side of the House.

Mr. HENDRICKS. I should be obliged to the Senator to say if he has heard any Democratic Senator say that at this session.

Mr. FESSENDEN. I think I have. It is my very strong impression. I will not undertake to designate.

Mr. HENDRICKS. The Senator has heard no such words from me; he has heard no such sentiment from me, nothing bordering on it.

He also suggested that I was in favor of the subjugation of the South, but that they could not be subjugated! I do not know what the Senator means by "subjugation," sir. If he means that I am in favor, with all the earnestness of my nature, of a restoration of this Union upon the basis of the Constitution, he speaks correctly. If he means to say that I am in favor of the destruction and—to use the language that has been uttered in another branch of the Congress—of the devastation of the South, I am not in favor of that. I am in favor of the prosecution of this war upon such a policy as will secure a return of the southern people, that there may be prosperity and greatness there to support the prosperity and greatness and enterprise of the North at the same time.

Sir, I have said much more upon this proposition than I expected to say. I have felt it to be my duty to bring it before the Senate, and I shall content myself now with asking for a vote by the yeas and nays.

The yeas and nays were ordered.

Mr. DOOLITTLE. Mr. President, the foundation of the argument for raising the compensation of the soldiers in the Army is based upon the state of the currency, and is necessarily involved in the currency question. If such a system be adopted by Congress as will put a limit to this hitherto illimitable expansion of paper money, the price is enough, the wages of labor in the country, the compensation of soldiers in the Army is sufficient; but if such a system of currency is to be carried through by this Congress as to let the evil of a depreciation of paper go on, it may in the end force a nominal increase not only of the compensation of soldiers, but of everybody in the employment of the Government.

I do not propose to go into the discussion of this question, as I regard it as all involved in the currency question which is pending in Congress, and for one I am disposed to have this question postponed until after that is acted upon, and I shall vote against its going upon this bill. If we can adopt a good currency system, I shall be altogether opposed to a change in the compensation of soldiers or anybody in the employment of the Government.

Mr. GRIMES. I want to say one word, sir. Those who have gone before us have taken the trouble to distinguish very particularly as to the pay that should be allowed to certain non-commissioned officers, and I believe the pay of some of those officers runs up now as high as twenty-one dollars a month. I have the law of 1845 before me, where the pay of a private was only eight dollars a month; and I see that in that law some of the non-commissioned officers run up as high as seventeen dollars a month. Now, it is proposed, for the purpose, as the Senator from Indiana says, of enabling these soldiers to support their families at home, to give them an additional compensation of fifty per cent. to that which they now have. That would pay to a non-commissioned officer a little upwards of thirty dollars a month, while it would pay to a private twenty dollars a month.

Mr. HENDRICKS. You said the pay of non-commissioned officers was seventeen dollars.

Mr. GRIMES. I said that was their pay in 1845.

Mr. LANE, of Indiana. Twenty-two dollars some receive.

Mr. GRIMES. Some of them, the Senator's colleague says, receive twenty-two dollars. I said that under the law of 1845, when a private received only eight dollars a month, some non-commissioned officers received seventeen dollars a month. Now the proposition is to increase the pay of these non-commissioned officers fifty per cent. Does it not cost just as much to support the family of the private in Indiana as it does the family of a non-commissioned officer in Indiana? Is there any reason why this great distinction should be continued or enlarged between a non-commissioned officer and a private?

Then again; this is another example of the one-sided legislation that we have indulged in here during the last two or three years. Whenever the pay of the Army is settled it ought to be settled upon some general principle; and the pay not only of the Army but of the Navy and the other branches of the public service should be fixed and established at the same time. We went on here a year or two ago and gave large bounties to soldiers and none to men enlisted into the naval service. The result was that everybody was allured off into the Army to the exclusion of the Navy, and we were deprived of the requisite number of men for the latter branch of the public service. Precisely the same effect will be the consequence of the adoption of the amendment of the Senator from Indiana. You will draw off into the Army by giving fifty per cent. additional pay the very men you may want, and probably will want, in the public service in some other capacity.

When the bill comes to us which it is predicted is to come from the House of Representatives, then will be the time for us to determine what shall be the pay of all men whom we may desire to enlist into the public service, and let us not adopt an amendment of this kind, which, while it may be to the personal advantage of some men, and while it may strengthen one branch of the public service, is calculated greatly to weaken another branch.

Mr. WILLEY. It seems to me, sir, that there is no proposition clearer than that the compensation of the soldiers, under existing circumstances, should be increased; but I beg leave to say that, in my opinion, there is no proposition clearer than that to do so justly and equitably, it would be inexpedient to vote for the proposition now before the Senate. If we were to pass this amendment, what would be its effect? Is there a Senator here who can tell? Can the Senator from Indiana, with whom I concur entirely in the propriety of increasing the compensation of the soldier, tell what will be the effect of his amendment? How much would it increase the compensation of the non-commissioned officer? He may arrive at a correct conclusion in regard to the private soldiers; but in regard to the non-commissioned officers, how much do they get now? Can any Senator give me information on that subject? There are various grades of them. What is the difference between one and another, and how will the compensation of these various grades of non-commissioned officers be increased, if his amendment be adopted?

It seems, therefore, that to do that we should be legislating blindly; we should be appropriating public money, at a time when we have none too much of it, in a manner which we cannot now anticipate. Is it wise, then, to act before we have the facts before us? Is it wise to say how much a man's compensation shall be increased before we know what his compensation is now? I think not, sir; and especially does it seem to me inexpedient to pass the amendment of the Senator from Indiana at this time, since we have a committee both in this body and in the other branch of Congress who are specially charged with this very object. The Senator from Indiana says that unless this amendment is passed no increase of compensation will be made to the private soldier and the non-commissioned officer at this session of Congress. I do not understand that any such

result will accrue. I believe that the Congress of the United States are penetrated with a proper sense of justice to the soldier; that this session will not be passed over until the demand of that justice is fully complied with. The Senator from Indiana, allow me to say, is taking upon himself a great deal when he says that this session of Congress will adjourn without having accomplished that measure of justice. It seems to me that if he presses his measure at this time he is increasing the difficulties; he is imperiling the very object which he desires and which I desire to accomplish; for unless Senators are much better instructed on this matter than I am as to the result of this measure, they will be voting in the dark.

If I understand the matter correctly, to increase the compensation of a soldier or non-commissioned officer, as it ought to be adjusted, equitably and equally, is a matter of no little difficulty. It is a matter that ought to go to a committee, that must necessarily be considered by a committee; all the facts in the case must be before the committee, and taken into consideration. I understand that the committee in the other House have had great difficulties on that matter. They have, no doubt, had the facts spread before them, and taken time to consider them; and yet it seems that much delay has accrued in consequence of the intrinsic difficulties of the case. Shall we, upon the spur of the moment, in darkness and in doubt, without any knowledge of the facts that bear upon the case, be required to vote in a matter of such great importance as this, involving not only equal justice to the soldier himself but involving millions of dollars to the Government? Shall we, upon the spur of the moment, be required to pass upon the amendment of the Senator from Indiana? I respectfully suggest to him, would it not be better, under all these circumstances, and in this condition of the case, to allow these committees who have charge of this subject specially, and who, I have no doubt, are as deeply penetrated with a sense of justice and equity to the soldier as he is and I am, to take proper time to consider it, so that a measure may be matured doing equal justice to the private and the non-commissioned officer, and taking into due consideration the financial interests of the Government?

I cannot vote for the proposition in its present condition. It seems to me that every principle of propriety and expediency, of right and justice to the soldier and of justice to the Government, demands at least more consideration to a measure of this importance than can be given to it upon an incidental amendment to a bill to which it is perhaps barely germane.

Mr. POMEROY. I suppose we are ready to vote on this question.

Several SENATORS. Let us vote.

Mr. POMEROY. Fifty per cent. on thirteen dollars a month is an improvement over the proposition that the gentleman from Indiana and his friends proposed in caucus. I notice that if gold is worth 170, $100 in currency is worth fifty-eight dollars and a fraction over in gold; and thirteen dollars in gold is worth twenty-two dollars and a fraction over in currency. Fifty per cent. added to thirteen dollars is $19 50. I only wished to suggest that this is an improvement on the caucus arrangement.

Mr. WILSON. Mr. President, I rise simply to say that I shall not vote on this question with reference to any partisan arrangement, and I hope no other Senator will do so. I think it rather a poor business to be talking about partisanship on a question so important to the country as this.

There are those in the country who believe that the pay of the soldier should be raised; some think one sum, some another. The Committee on Military Affairs fixed on sixteen dollars a month, with a proportionate increase for the non-commissioned officers. That bill came back to the Senate, but it has not yet been called up. The financial condition of the country required our consideration. It is an important question. The committee in the House of Representatives have a similar measure before them. I am told that it is their intention to report a bill, but they intend that that bill shall follow the internal revenue bill and the tariff bill. After we have provided the means to carry on the Government and increase the resources of the Government, then they propose to bring a measure forward to increase the pay of the soldiers.

I have not called up the bill reported by the Military Committee of the Senate, because I believed it would not have a fair consideration in the present condition of the finances of the country, and I thought those who consider that there ought to be some increase, and I am among that number, had better wait until we can act upon the great financial questions that are to furnish means to carry on the Government of the country, before pressing the measure to a vote. Therefore I moved to lay this matter on the table to wait for that measure.

Several SENATORS. You cannot do that.

Mr. WILSON. I say I did move that the bill reported by the Committee on Military Affairs should lie on the table for the purpose of waiting to see the action of Congress on these other measures, and see what sort of a bill the Committee on Military Affairs of the House of Representatives would bring up.

Mr. CARLILE. The principal reason assigned for the rejection of the proposition submitted by the Senator from Indiana at this time seems to be that it will increase the pay of the non-commissioned officers who are now receiving some twenty dollars per month. I suggest, therefore, to the Senator from Indiana that he accept this proviso, to come in at the end of his amendment:

Provided, That the pay of the non-commissioned officers shall not exceed twenty-two dollars per month.

Mr. HENDRICKS. I accept that modification.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The modification cannot be accepted by the mover. The yeas and nays having been ordered on the amendment, it is beyond his control.

Mr. CARLILE. I understood the Senator from Iowa to say that the highest monthly pay of any non-commissioned officer now was twenty-two dollars. The amount of increase, estimating the number of privates in the Army at five hundred thousand, would be but $3,500,000, less than two days' ordinary expenditures of the Government; and I think as we have to rely principally upon the Army for the suppression of this rebellion, and all admit that there is no more important branch of the public service, there is none where at least common justice might be exercised with more profit.

Mr. HENDRICKS. I suppose there is no objection to my accepting the modification proposed by the Senator from Virginia.

The PRESIDING OFFICER. The modification can be received by unanimous consent. Is there any objection? The Chair hears none. The amendment will be so modified, and the question is on the amendment as modified.

Mr. GRIMES. I would suggest to the Senator from Virginia that with his modification all the non-commissioned officers now will draw not less than twenty-two dollars. It will bring them all up to an equivalent, orderly sergeants, first sergeants, second sergeants, corporals, &c.

Mr. CARLILE. I do not think the proviso is susceptible of the objection made by the Senator from Iowa. The original proposition is to increase the pay of non-commissioned officers and privates fifty per cent. Where that increase would make the amount received by a non-commissioned officer greater than twenty-two dollars a month, he does not receive it under the proviso, as I understand it.

Mr. WILLEY. I desire to state that my colleague [Mr. VAN WINKLE] has been called away on urgent business this evening.

The question being taken by yeas and nays, resulted—yeas 6, nays 30; as follows:

YEAS—Messrs. Buckalew, Carlile, Davis, Hendricks, Lane of Indiana, and Powell—6.

NAYS—Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Henderson, Howard, Howe, McDougall, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, Wilkinson, Willey, and Wilson—30.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time; and on the question, "Shall it pass?"

Mr. POWELL called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 36, nay 1; as follows:

YEAS—Messrs. Anthony, Brown, Buckalew, Carlile, Chandler, Clark, Collamer, Conness, Cowan, Davis, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Henderson, Hendricks, Howard, Howe, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Morrill, Pomeroy, Ramsey, Sherman, Sumner, Ten Eyck, Trumbull, Wilkinson, Willey, and Wilson—36.

NAY—Mr. Powell—1.

So the bill was passed.

On motion of Mr. FESSENDEN, the title of the bill was amended by adding the words "and for other purposes."

LIST OF ABSENTEES.

Mr. FESSENDEN. I offer the following resolution, and I hope there will be no objection to it. To-day's experience has proved the necessity for it:

Resolved, That the reporter be directed, in making up the proceedings of the Senate, to report, in a separate list, the names of absentees, on each call of the yeas and nays.

I should like to have it acted on at the present time.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection being made, the resolution must lie over under the rule.

Mr. FESSENDEN. I give notice that I shall call it up at an early day.

ADJOURNMENT TO MONDAY.

Mr. HOWARD. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. LANE, of Indiana. On that motion I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 14; as follows:

YEAS—Messrs. Brown, Buckalew, Carlile, Chandler, Conness, Cowan, Davis, Doolittle, Grimes, Henderson, Howard, Howe, McDougall, Morrill, Pomeroy, Powell, Ramsey, Sumner, Trumbull, Wilkinson, Willey, and Wilson—22.

NAYS—Messrs. Anthony, Clark, Collamer, Dixon, Fessenden, Foot, Foster, Hale, Harding, Lane of Indiana, Lane of Kansas, Morgan, Sherman, and Ten Eyck—14.

So the motion was agreed to.

ORDER OF BUSINESS.

Mr. POWELL. I move to take up the bill to prevent military interference with elections in the States. I ask that it be taken up for the purpose of laying it over till Monday. The Senator from Maryland [Mr. JOHNSON] has the floor on it, and I desire very much to have a vote on that bill.

Mr. SUMNER. I hope the Senate will not take up that bill, for there is a measure of practical importance on which it is necessary that the Senate should act at once, a bill that has been reported during this last week, and every day's delay is costing more money than I am able to name, besides causing much inconvenience. It is the bill to establish a Bureau of Freedmen, a practical measure, and with which I hope the Senate will be ready to proceed on Monday. I therefore ask that it shall be taken up to-night, so that when we adjourn or go into executive session it may be the pending business. I hope, therefore, the Senate will not take up the measure of the Senator from Kentucky, but will take up this measure which I have stated.

Mr. MORRILL. In regard to the assignment of the bill on which the Senator from Kentucky announces that the Senator from Maryland desires to be heard, I wish to say that the Senator from Maryland has been called to New York on important business and will not be back on that day; and therefore it is not proper that the assignment should be made for that day.

Mr. POWELL. If the Senator from Maryland should not be here, it can be postponed again.

Mr. GRIMES. I move that the Senate proceed to the consideration of executive business.

Mr. HENDRICKS. I move an adjournment.

Mr. GRIMES. Does not my motion take precedence?

The PRESIDING OFFICER. The motion to adjourn takes precedence.

Mr. HENDRICKS. The Senator from Wisconsin [Mr. DOOLITTLE] says there is important executive business, and therefore I withdraw my motion.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Iowa to proceed to the consideration of executive business.

The motion was agreed to; and after some time spent in executive session, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April* 22, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. PRUYN. I ask the consent of the House for leave of absence for fifteen days.

There being no objection, leave of absence was accordingly granted.

The SPEAKER. The Chair was requested to ask leave of absence for ten days for Mr. STEBBINS on account of sickness.

There being no objection, leave of absence was accordingly granted.

CONGRESSIONAL GLOBE.

The SPEAKER stated the business first in order to be the bill yesterday reported by the Committee on Printing, granting additional compensation to the proprietors of the Congressional Globe.

Mr. A. W. CLARK. I move to postpone that bill until Tuesday morning next.

The motion was agreed to.

ACADEMY OF SCIENCE REPORT.

Mr. A. W. CLARK, from the Committee on Printing, reported the following resolution:

Resolved, That five hundred copies of the report of the National Academy of Science be printed for the use of the National Academy of Science.

Mr. WASHBURNE, of Illinois. I should like to know what this report is.

Mr. A. W. CLARK. It is the report, I believe, of their doings last year. The printing of the report has been already ordered. This resolution was referred to the Committee on Printing, and it is considered of importance that it should be adopted.

Mr. WASHBURNE, of Illinois. Well, sir, I do not see what the House has to do with the printing of these extra copies.

Mr. COX. I move that the resolution be laid on the table.

Mr. KASSON. I ask the gentleman from Ohio to withdraw that motion for a moment.

Mr. COX. I will if the gentleman wishes to explain.

Mr. KASSON. This request for the printing of this report came from the Committee on Uniform Weights and Measures and Coinage. It embraces reports made in pursuance of law respectively to the Treasury and Navy Departments. They contain important scientific and statistical information. A part of the subject relates to investigations going on in Europe as well as in this country. The report has already been printed, and the cost of these extra copies will be very small. This Academy of Science, as is well known, is supported partially by appropriations of Congress; they receive important documents; and the object of these extra copies is to enable them to furnish exchanges in foreign countries. I think the gentleman from Ohio will see the propriety of allowing these copies to be printed.

Mr. COX. I was not aware that this report had anything to do with our governmental operations.

Mr. KASSON. It has.

Mr. COX. I then withdraw the motion to lay the resolution on the table.

Mr. A. W. CLARK demanded the previous question on the resolution.

The previous question was seconded, and the main question ordered to be put.

Upon the adoption of the resolution 53 voted in the affirmative and 38 in the negative—no quorum.

The SPEAKER ordered tellers; and appointed Mr. A. W. CLARK and Mr. MCKINNEY as such tellers.

The House divided; and the tellers reported—ayes 77, noes 16.

So the resolution was adopted.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BANKRUPTCY BILL.

Mr. A. W. CLARK, from the same committee, reported the following resolution, and on its adoption demanded the previous question:

Resolved, That there be printed for the use of the House five thousand copies, in pamphlet form, of the bill to establish a uniform system of bankruptcy throughout the United States, reported from the select committee on the subject of a bankrupt law.

The previous question was seconded, and the main question ordered to be put.

The resolution was adopted.

Mr. A. W. CLARK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. VOORHEES. Mr. Speaker, I ask leave of the House to have a dispatch read which I have just received in connection with certain charges made a few days ago against one of my constituents.

A MEMBER. The gentleman from Ohio [Mr. GARFIELD] is not present.

Mr. VOORHEES. It is not my purpose to indulge in any remarks at this time because of the absence of the gentleman from Ohio. I simply wish this dispatch to be now made public.

Mr. UPSON. I object.

Mr. MORRILL. I hope the gentleman will withdraw his objection.

Mr. VOORHEES. I will not indulge in any remarks at all.

Objection was withdrawn.

The Clerk read, as follows:

TERRE HAUTE, *April* 21, 1864.

Hon. D. W. VOORHEES:

The letter purporting to be written by me to John C. Breckinridge, used by General GARFIELD, is utterly false, a base forgery. I have written you to-day.

JOHN G. DAVIS.

Mr. VOORHEES. The gentleman from Ohio is not in his seat, and I will defer any remarks I desire to make until he is present.

KANSAS INDIANS.

Mr. WILDER, by unanimous consent, introduced a bill for the relief of the Wea, Peoria, Kaskaskia, and Piankeshaw Indians; which was read a first and second time, and referred to the Committee on Indian Affairs.

GOLD BILL.

Mr. HOOPER. I ask unanimous consent to take from the Speaker's table the amendments of the Senate to the gold bill for reference to the Committee of Ways and Means.

Mr. RANDALL, of Pennsylvania. I object.

BUSINESS AT EVENING SESSION.

Mr. MORRILL. I ask the unanimous consent of the House that this evening shall be appropriated, as well as the day session, for the consideration of the tax bill.

[Cries of "Agreed!" "Agreed!"]

The SPEAKER. By the order of the House on the 18th of April, by a two-thirds vote, the order of business was changed until otherwise ordered, and it is in the power of a majority to determine what business shall be considered this evening.

Mr. MORRILL. I shall ask unanimous consent first.

Mr. DAVIS, of Maryland. What will be the regular order of business this evening?

The SPEAKER. At seven o'clock this evening, first, the call of committees for reports of a private nature, and at the expiration of the morning hour the rebellious States bill.

Mr. DAVIS, of Maryland. Then I object.

Mr. MORRILL. I move that this evening be devoted to the tax bill.

The motion was agreed to.

Mr. MORRILL moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of

THE TAX BILL.

The Clerk read, as follows:

SEC. 76. *And be it further enacted*, That there shall be paid annually for each license granted the sum herewith stated respectively. Any number of persons, except lawyers, physicians, surgeons, dentists, cattle-brokers, horse-dealers, and peddlers, carrying on such business at any place in copartnership may transact such business at such place under such license, and not otherwise, that is to say.

Mr. MORRILL moved to insert before the word "physicians" the words "conveyancers, claims agents."

The amendment was agreed to.

The Clerk read, as follows:

1. Bankers using or employing a capital not exceeding the sum of $50,000, shall pay $100 for each license; when using or employing a capital exceeding $50,000, for every additional $1,000 in excess of $50,000 two dollars. Every person, firm, or company, and every incorporated or other bank, having a place of business where credits are opened in favor of any person, firm, company, or corporation by the deposit or collection of money or currency, and the same or any part thereof shall be paid or remitted upon draft, check, or order of such creditor, or where money is advanced on stocks, bonds, bullion, bills of exchange, or promissory notes, or where such stocks, bonds, bullion, bills of exchange, or promissory notes are deposited for discount or sale, shall be regarded a banker under this act, but shall not include agents for the sale of merchandise for account.

Mr. MORRILL moved to strike out "in favor of any person, firm, company, or corporation;" strike out "the same or any part thereof," and insert in lieu thereof, "subject to;" strike out the words, "of such creditor;" insert after the words "advanced on" the word "loans;" strike out the word "such;" and strike out the words "but shall not include agents for the sale of merchandise for account."

The amendments were agreed to.

The Clerk read, as follows:

2. Wholesale dealers, whose annual sales do not exceed $50,000, shall pay twenty-five dollars for each license; and if exceeding $50,000, for every additional $1,000 in excess of $50,000 one dollar. Every person shall be regarded as a wholesale dealer under this act whose business it is to sell or offer to sell any goods, wares, or merchandise of foreign or domestic production, whose annual sales exceed $25,000. And the license required by any wholesale dealer shall not be for a less amount than his sales for the previous year, unless he has made or proposes to make some change in his business that will obviously reduce the amount of his annual sales; nor shall any license as a wholesale dealer allow any such person to act as a commercial broker: *Provided*, That any license understated may and shall be again assessed.

Mr. MORRILL moved to insert after the word "production" the words "not including wine, spirituous or malt liquors," and add as follows:

And that no person holding a license as wholesale dealer in liquors shall be required to take out an additional license on account of the sale of other goods, wares, and merchandise on the same premises.

The amendment was agreed to.

The Clerk read, as follows:

4. Retail dealers in liquors shall pay twenty dollars for each license. Every person whose business or occupation it is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, including spirits, wines, ale, beer, or other malt liquors, and whose annual sales exceed $1,000 and do not exceed $25,000, shall be regarded as a retail dealer in liquors under this act.

Mr. MORRILL moved to strike out "whose business or occupation is," and insert in lieu thereof "who shall."

The amendment was agreed to.

Mr. MORRILL. I move to amend the section, in line forty-eight, by striking out after the word "sale" the words "any goods, wares, or merchandise of."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in line forty-nine, by striking out the words "production, including."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in line fifty, by inserting after the word "liquors" the words "in quantities of three gallons or less."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in lines fifty and fifty-one, by striking out the words "exceeding one thousand and."

The amendment was agreed to.

Mr. MORRILL. I move to add at the end of the paragraph the words "but nothing herein contained shall authorize the sale of any spirits, wines, or malt liquors to be drank on the premises."

The amendment was agreed to.

Mr. PRICE. I move to amend the section, in line forty-six, by striking out "twenty" and inserting "fifty."

Mr. MORRILL. The gentleman from Iowa probably does not understand what we propose

to have done. This is a license to retail liquor dealers, and before we get through the bill it will be seen that we propose a license of fifty dollars to be paid by wholesale liquor dealers selling $50,000 worth; and we propose that they shall pay just twice as much as those who deal in other articles. I think that is sufficient, and therefore hope the amendment of the gentleman from Iowa will not be adopted.

Mr. PRICE. I move to amend my amendment by striking out "fifty" and inserting "forty." My object is to charge retail liquor dealers forty dollars for a license, instead of twenty. I do not believe that any person present will controvert the position that any man who retails liquors will pay forty dollars for the privilege just as quick as they would twenty dollars, if they cannot be permitted to sell without the payment of that amount. The object of this bill is to obtain revenue, and the more revenue we can get from that source the better for the country. If the object were not revenue I should have a different line of argument in reference to it. But if we are to receive revenue at all, we must receive it from the luxuries and vices of the country. No gentleman will say that retail dealers will not pay forty dollars rather than not be allowed to follow that branch of business.

Mr. STEVENS. I rise to oppose this alteration. The committee were of opinion that as a revenue question, more will be raised by a charge of twenty dollars than by any larger sum. There are a great many small retail dealers in every village, I suppose, and as our action has merely regard to revenue and not to sumptuary laws, we were of opinion that this amount would produce a larger revenue than any other sum. I hope it will be allowed to stand.

The amendment to the amendment was not agreed to.

The amendment was not agreed to.

Mr. MORRILL. I move a new paragraph to come in before this fourth paragraph.

Mr. KALBFLEISCH. I object to going back.

Mr. MORRILL. Well, I will move it hereafter at another point.

Mr. BOUTWELL. I move to add to the proviso which has been adopted the words "or the sale of any goods, wares, or merchandise except those enumerated in this act." Under the existing law we have always received a license fee from persons who sold liquors, and if they added to their stock other kinds of goods, wares, or merchandise, they were required to pay an additional license fee as retail dealers. I am not sure that the construction of the paragraph as it stands would not be so interpreted now, but inasmuch as the words have been left out, I think it proper that we should put in a provision of this sort, so that it shall be understood that a person who takes out a license as a retail dealer in liquors does not under that license acquire any authority to sell other goods, wares, or merchandise. Now a retail dealer in goods generally has to pay ten dollars under this act, and a retail dealer in liquors twenty dollars. If by obtaining a license as a retail dealer in liquors a trader acquires a right to sell other goods, it is apparent that we shall lose a very large amount of revenue. I think that the man who takes a license to sell liquor ought to be willing to pay for that license specifically, and twenty dollars cannot be considered a large sum; if he desires to sell other things ten dollars additional is not exorbitant.

Mr. J. C. ALLEN. I desire to call the attention of the gentleman from Vermont to the proviso to which the gentleman from Massachusetts [Mr. BOUTWELL] has offered an amendment. If I understand its reading, it provides that a retail dealer licensed under this act shall not be permitted to sell liquors to be drank on the premises. I desire to know if it is his purpose by that amendment to prevent the sale of liquors to be drank in the saloons and bar-rooms and groceries of the country?

Mr. MORRILL. No, sir; if they take out a license as a hotel, or tavern-keeper, or eating-house, then they have a license to sell liquors to be drank on the premises. But this is a proposition in relation to retail dealers throughout the country, and I am opposed to the proposition of the gentleman from Massachusetts, because, as the gentlemen from the West very well understand most all of the shopkeepers there sell as a major part of their goods groceries and dry goods, and sometimes a small quantity of "whisky straight."

Mr. J. C. ALLEN. I wish to say that there are in the country often places where liquors are sold retail, without being sold in connection with a hotel or eating-house. I desire to inquire of the gentleman from Vermont if it is his purpose that before a man shall sell at retail, in small quantities, to be drank about the premises, he shall open a hotel or an eating-house? It strikes me that such a provision would cut off a very large source of revenue.

Mr. MORRILL. He must pay for a license for a hotel or eating-house.

Mr. J. C. ALLEN. I understand that by this amendment he is required to pay twenty-five dollars to retail spirits, but this proviso prohibits him from selling less than three gallons.

Mr. MORRILL. This relates to an entirely different trade. It does not relate to the retailers by the glass, but by the gallon. Now, in the Northeast we have no difficulty about it, because there storekeepers are not allowed to sell liquors anyhow.

Mr. J. C. ALLEN. Then I understand the effect of the amendment to be that a retailer cannot sell liquor to be sold on the premises unless three gallons are drank. [Laughter.]

Mr. KASSON. I move to amend the amendment of the gentleman from Massachusetts by striking out the last half of his amendment, "except those enumerated in this paragraph."

I rise for the purpose of explaining to the committee what I think, from the remarks which have been made, is not fully understood. Ordinary retail dealers in merchandise pay a tax for a license of ten dollars. Where they retail liquors they are charged a license of twenty dollars for it. For that reason the committee reported the bill in this form, that when a double license is in point of fact paid, the retail dealer in liquors may also sell dry-goods and groceries. Upon that principle of justice and equality they have reported it in this form, so that the provision of the gentleman from Massachusetts defeats the principle which is to be found throughout the bill, that where a dealer pays a double license he may do both businesses.

Another point to which I wish to call attention is this, that the term liquors in this case provided to be sold in quantities not exceeding three gallons is definitive of the business of a retail dealer, and independent of the law touching liquor to be drunk on the premises where they retail liquors as their principal business.

Mr. BOUTWELD. I desire to restate my reason for offering this amendment. The proposition of the Committee of Ways and Means works a reduction of the revenue. We have heretofore derived a revenue of $1,200,000 from licensed retail dealers in liquors, and ten dollars from every licensed dealer in other goods; and if a person desired to sell other goods in addition to liquors he was obliged to take two licenses, and pay therefor thirty dollars. Now, this proposition of the committee is that a person who desires to sell goods generally and liquors also shall have a license to do all these various kind of business for twenty dollars—a reduction of ten dollars from the existing law.

The amendment to the amendment was withdrawn.

The amendment was disagreed to.

Mr. KASSON. At the request of the Committee of Ways and Means, I propose to amend in the fiftieth line by substituting for the words "exceeding one thousand and," stricken out, the words "including all sales of other merchandise;" so as to make the clause read:

Every person whose business or occupation is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, including spirits, wines, ale, beer, or other malt liquors, and whose annual sales, including all sales of other merchandise, do not exceed $25,000, shall be regarded as a retail dealer in liquors under this act.

The amendment was agreed to.

Mr. MORRILL. I now move to amend by adding the proviso of which I gave notice.

Mr. HOTCHKISS. I desire to move to amend the original paragraph.

Mr. MORRILL. Very well. I will withdraw my amendment to give the gentleman an opportunity to move his amendment.

Mr. HOTCHKISS. I move to amend in the fourth paragraph by striking out "twenty-five" and inserting "ten."

The paragraph would then read:

4. Retail dealers in liquors shall pay twenty dollars for each license. Every person whose business or occupation it is to sell or offer for sale any goods, wares, or merchandise of foreign or domestic production, including spirits, wines, ale, beer, or other malt liquors, and whose annual sales, including sales of all other merchandise, do not exceed $10,000, shall be regarded as a retail dealer in liquors under this act.

I think that retail dealers whose sales of liquors amount to as much as $10,000 a year ought to pay a license of twenty dollars.

Mr. KASSON. The gentleman from New York will recollect that the section has been changed on my motion by inserting in place of the words "exceed one thousand" the words "including sales of all other merchandise." The effect of the amendment, as the gentleman will see, is to make the license apply to the entire sales of all merchandise including liquors. I think that should be sufficient.

Mr. HOTCHKISS. I insist upon my motion, and hope it will be adopted.

The amendment was disagreed to.

Mr. HUBBARD, of Iowa. I move in line forty-six to strike out "twenty" and insert "thirty" in its place, so as to make the license thirty dollars. I do it for this reason: there is no business in the country which is half as profitable as this business of selling liquors by retail. Neither, upon the other hand, is there any business which is so useless in the country. I think that thirty dollars license is little enough for those engaged in that description of business. Throughout the country, in the little towns and villages, these men who keep little taverns and sell liquors at retail are making large profits and large incomes I know of no business in the country on which the profits are so large in proportion to the capital invested. I think thirty dollars is an amount small enough for these men to pay for their licenses.

The amendment was disagreed to.

Mr. GRINNELL. I move to amend the same paragraph, so as to make the license twenty-five dollars instead of twenty dollars. Now, sir, it is proposed that he who may sell $25,000 worth of liquors at retail shall pay a license of twenty dollars. It is well known that these men make two or three hundred per cent. upon their sales.

Mr. MORRILL. If the gentleman will not make a speech upon his amendment I will vote for it.

Mr. GRINNELL. Very well; I will make no speech.

MESSAGE FROM THE PRESIDENT.

The committee here informally rose; and the Speaker having resumed the chair, a message was received from the President of the United States, by Mr. NICOLAY, his Private Secretary, notifying the House that he had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General;

An act (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie;

An act (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862; and

Joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow.

The committee then resumed its session, and proceeded again to the consideration of the

INTERNAL REVENUE BILL.

The question recurred on Mr. GRINNELL's amendment.

The committee divided; and there were—ayes 30, noes 42.

Mr. HUBBARD, of Iowa, demanded tellers.

Tellers were ordered; and Messrs. STEELE of New Jersey, and GRINNELL, were appointed.

The amendment was agreed to; the tellers having reported—ayes 58, noes 42.

The amendment of Mr. MORRILL was then adopted.

The Clerk read, as follows:

5. Lottery ticket dealers shall pay $100 for each license. Every person, association, firm, or corporation, who shall make, sell, or offer to sell lottery tickets, or fractional parts thereof, or any token, certificate, or device, representing or intended to represent a lottery ticket, or any fractional part thereof, or any policy of numbers in any lottery, or shall manage any lottery, or prepare schemes of lotteries, or superintend the drawing of any lottery, shall be deemed a lottery ticket dealer under this act.

Mr. PRUYN. I move to strike that out. We ought not, I think, in any way to recognize the legality of lotteries.

Mr. MORRILL. If the gentleman will read the law he will find that we do not recognize lotteries, but we propose to tax them where they are recognized to be legal.

The amendment was disagreed to.

Mr. HUBBARD, of Iowa, moved to increase it from $100 to $150.

Mr. MORRILL. We have tried these excessive taxes without getting any receipts, and we now propose to get some revenue.

The amendment was disagreed to.

The Clerk read, as follows:

6. Horse-dealers shall pay for each license the sum of ten dollars. Any person whose business it is to buy and sell horses or mules shall be regarded as a horse dealer under this act: *Provided*, That one license having been paid, no additional license shall be required of any horse dealer who keeps a livery stable, nor of any livery stable keeper who may also be a horse-dealer.

Mr. MORRILL moved to strike out "and" and insert "or."

The amendment was agreed to.

Mr. MORRILL. I ask unanimous consent that we shall have leave to go back and make the amendment suggested by the gentleman from New York [Mr. PRUYN] in reference to the sanitary commission.

There was no objection, and leave was granted.

The Clerk read, as follows:

8. Brokers using or employing a capital not exceeding the sum of $50,000, shall pay fifty dollars for each license. Every person, firm, or company, except such as hold a license as a banker, whose business it is to purchase or sell stocks, exchange, bullion, coined money, bank notes, promissory notes, or other securities for others, and shall make oath or affirmation, according to the form to be prescribed by the Commissioner of Interval Revenue, that all their transactions are made for a commission, shall be regarded as a broker under this act: *Provided*, That any person holding a license as a banker shall not be required to take out a license as a broker.

Mr. MORRILL. I move to strike out "not exceeding the sum of $50,000." Mr. Chairman, we found that the idea of taxing brokers doing business for others on the amount of capital employed was impracticable, and we tax the business a certain percentage.

The amendment was agreed to.

Mr. MORRILL. I move to insert after the word "others" the words "shall be regarded as a broker under this act," and strike out the words where they afterwards occur.

The amendment was agreed to.

Mr. BOUTWELL. I move to insert before the word "others" the words "themselves or." Those words are contained in the existing law; and in the application of the existing law we found this to be the fact: there are many persons in this country having large capital who are engaged in buying and selling securities on their own account. By the construction of the law we made those persons take out a license as brokers and contribute in a little degree to the revenues of the Government. They are men generally who do not pay a great deal. I think that they ought not to be exempted, but that they ought to be made to pay a license tax.

Mr MORRILL. I beg to say in response to the gentleman from Massachusetts that the class to which he has alluded are provided for under the head of bankers. If they do that kind of business they will have to pay double the amount they will have to pay as brokers. I hope that the amendment will not prevail, for thereby we should abolish the distinction we have made between bankers and brokers.

Mr. BOUTWELL. I hope the committee will pardon me for another minute. I have examined the provision in regard to bankers as amended, and my impression is that it does not cover this class of men. They do not open an account with anybody. They are engaged in buying and selling notes, and other kinds of property represented by paper; and they have no regular places of business.

Mr. STEVENS. I see no objection to the amendment.

The amendment was agreed to.

Mr. FERNANDO WOOD. I suggest to the gentleman from Vermont that he has included in this class promissory note bankers. In New York they are mostly a class of itinerant or strict brokers who have no capital whatever, and can scarcely make a living. I would like to know whether it is right to include them as bankers, and make them pay a tax of fifty dollars.

The CHAIRMAN. Does the gentleman propose an amendment?

Mr. FERNANDO WOOD. I move to strike out the words "promissory note brokers." We have in New York a class of brokers not referred to in the bill, and all would be unlicensed and untaxed if the bill passes in the form in which it now stands. We have chemical brokers, drug brokers, cotton brokers, dry-goods brokers, and in short, twenty different kinds of brokers, all distinctive, confining their operations exclusively to one particular class of goods, many of them doing business to the amount of hundreds of thousands of dollars a year, and they would be wholly exempt. I desire that they may be included, but at the same time I desire that those who scarcely get a living shall not be obliged to pay fifty dollars, thus putting them on a footing with bankers who do a business upon a capital of many hundreds of thousands of dollars.

Mr. MORRILL. There is so much noise that I could not hear distinctly what the gentleman said. But if I understood him correctly, I will say that if he will propose an amendment including those classes, I think the committee will have no objection to it; but as his amendment does not accomplish that object, I am opposed to it.

The amendment was not agreed to.

The tenth paragraph was read, as follows:

10. Land warrant brokers shall pay twenty-five dollars for each license. Any person shall be regarded as a land-warrant broker within the meaning of this act who makes a business of buying and selling land-warrants, and of furnishing them to settlers or other persons under contracts to have liens upon the land procured by means of them according to the value agreed on for the warrants at the time they are furnished.

Mr. MORRILL. I move to amend by striking out the words "and of" after the word "warrants" where it first occurs, and insert the word "or."

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out all after the word "persons."

The amendment was agreed to.

The eleventh paragraph was read, as follows:

11. Cattle brokers shall pay for each license the sum of ten dollars. Any person whose business it is to buy and sell and deal in cattle, hogs, or sheep, shall be considered as a cattle broker.

Mr. MORRILL. I move to amend by inserting after the words "cattle broker" the words "whose annual sales do not exceed the sum of $10,000."

The amendment was agreed to.

Mr. MORRILL. I move to insert after the word "dollars" the words "and if exceeding the sum of $10,000, one dollar for each additional $1,000."

The amendment was agreed to.

Mr. MORRILL. I move to strike out the word "and" wherever it occurs in the paragraph, and insert "or" in lieu thereof.

The amendment was agreed to.

The twelfth paragraph was read, as follows:

12. Produce brokers shall pay ten dollars for each license. Every person, other than one holding a license as a broker, whose occupation it is to buy or sell agricultural or farm products shall be regarded as a produce broker under this act: *Provided*, That any produce broker whose annual sales or purchases exceed the sum of $25,000 shall pay fifty dollars for each license.

Mr. MORRILL. I move to amend by inserting after the word "brokers" the words "whose annual sales do not exceed the sum of $10,000.

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting before the word "broker," where it first occurs, the words "wholesale or retail dealer or."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the word "license," where it first occurs, the words "and if exceeding the sum of $10,000, one dollar for each additional $1,000.

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out the proviso of the paragraph.

The amendment was agreed to.

Mr. KASSON. Before we proceed to the consideration of the next paragraph, I would inquire of the gentleman from Vermont if he has not forgotten a section which was agreed upon by the committee in reference to commercial brokers?

Mr. MORRILL. Yes, sir; I move to amend by inserting as a new paragraph after the one last read the following:

Commercial brokers, whose annual sales do not exceed $25,000, shall pay twenty dollars for each license; and if exceeding the sum of $25,000, one dollar for each additional $1,000. Any person or firm except one holding a license as wholesale dealer whose business it is, as the agent of others, to purchase or sell goods, or seek orders therefor as in original or unbroken packages, or to manage business matters for the owners of vessels or for shippers or consigners of freight carried by vessels, shall be regarded a commercial broker under this act.

Mr. FERNANDO WOOD. I move to amend the proposition of the gentleman from Vermont so as to include all the various classes of brokers not specially designated. We have in the city of New York brokers in chemicals, drugs, China and India goods, cotton, dry goods, dye-stuffs, fruits and spices, general merchandise, hides and leather, loan, metal, oil, ship, silk, sugar, tea, tobacco, wine, woods, and wool. All these are distinctive classes of brokers, and should fall within the license. I would therefore suggest that the amendment be amended by inserting after the word "merchandise" the words "or other brokers."

Mr. KASSON. I would suggest to the gentleman that he add "and not otherwise provided for under this act."

Mr. FERNANDO WOOD. I will accept that modification. That would cover the whole case.

Mr. MORRILL. I will modify my amendment so as to insert after the word "goods" the words "wares and merchandise not otherwise provided for under this act."

Mr. FERNANDO WOOD. I think that meets my suggestion, and I withdraw my amendment.

Mr. STEVENS. That seems all right.

The amendment, as modified, was agreed to.

Mr. KASSON. I move now to insert after the words "shippers or consigners" the words "or consignees."

The amendment was agreed to.

Mr. MORRILL. In consequence of an amendment adopted yesterday, it becomes necessary to move to insert after the word "crude," in the one hundred and fifty-fifth line, the words "or refined;" and to insert after the word "crude," in the one hundred and fifty-sixth line, the same words; so that the paragraph will read:

17. Coal oil distillers shall pay for each license the sum of fifty dollars. Any person, firm, or corporation who shall refine, produce, or distill crude or refined petroleum or rock oil, or crude coal oil, or refined or crude oil made of asphaltum, shale, peat, or other bituminous substances, shall be regarded a coal oil distiller under this act.

I offer that amendment.

The amendment was agreed to.

Mr. MORRILL. I move now to insert in line one hundred and fifty-seven, after the word "substances," the words "or who shall manufacture coal illuminating oil."

The amendment was agreed to.

Mr. MORRILL. I move to strike out on page 87, lines one hundred and seventy-six and one hundred and seventy-seven, and on page 88, lines one hundred and seventy-eight and one hundred and seventy-nine, down to and including the word "act," as follows:

All steamers and vessels upon waters of the United States on board of which passengers or travelers are provided with food or lodging shall be required to take out a license of the fifth class, as aforesaid, under this act.

And to insert after the word "provided," in line one hundred and eighty-three, the following:

All steamers and vessels upon the waters of the United States on board of which passengers or travelers are provided with food or lodging shall be subject to and required to pay twenty-five dollars for each license.

The amendment was agreed to.

Mr. MORRILL. I now move to strike out in lines one hundred and seventy-four and one

hundred and seventy-five the words, "without further tax or license." The language is a little ambiguous, and it will be seen that it would prevent the States from imposing taxes for the same purpose, which we do not want to do.

Mr. HOLMAN. I move to amend the amendment so as to strike out the whole clause, as follows:

And such license in any State shall authorize the furnishing or sale of such articles to travelers or sojourners as any license granted for such business by said State shall authorize, without further tax or license, and the same provision shall apply to eating-houses.

Mr. THAYER. I suggest to the gentleman from Indiana that he move to insert in lieu of the words which he proposes to strike out the following:

Provided, That nothing herein contained shall be construed to exempt the keepers of hotels, taverns, and eating-houses in which liquors are sold by retail to be drank upon the premises from taking out a license for such sale, for which license they shall pay a tax of twenty-five dollars.

Mr. HOLMAN. I supposed that my motion to strike out would accomplish the same purpose. I see, however, that the modification suggested by the gentleman from Pennsylvania would accomplish it more effectually, and therefore I accept it.

Mr. THAYER. I hope the House will understand the effect of the amendment I have proposed. I think it an important one. The section as it stands proposes to alter that feature of the old law which required a tavern-keeper to take out a liquor license if he wanted to sell liquors.

The section, as it stands, imposes a tax on tavern-keepers and on the keepers of hotels. A subsequent section imposes a tax on the keepers of eating-houses. But the tax on eating-houses is only ten dollars. I think it would be better to retain the feature of the old bill which requires all hotel-keepers, tavern-keepers, and eating-house keepers, who retail spirits, to take out, in addition to the license required for their business, a special license to enable them to sell liquors. I do not think that we should lose the large revenue to be derived from these licenses to retail liquors. I know of no reason why we should submit to this reduction of the revenue, or why the old law in that respect should be changed. It is a tax which, I believe, the community generally would be very well pleased with. It is one that is not unjust in itself, and it will produce a large amount of revenue.

Mr. STEVENS. Mr. Chairman, the old law is not changed. It never meant that a tavern-keeper should take out two licenses. I know that it was construed at the Department that it did.

Mr. THAYER. I ask whether, under the construction given to the former law, it is not the uniform custom of collectors to require tavern-keepers and hotel-keepers to take out special liquor licenses?

Mr. STEVENS. I know it was so held; but in my part of the country I gave the opinion, and the first lawyers there concurred in it, that it was a false construction; and the tavern-keepers did not take out this license. At the second session of that Congress the House expressly construed that law so as to say that it required for a tavern but a single license. In the committee of conference we thought we had made it plain. The chairman of the Finance Committee of the Senate said that it was so plain that nobody could misunderstand it. And yet the Department continued to misunderstand it. We now merely do in this bill what Congress intended to do at the start; that is, we have put a heavy license on tavern-keepers. But when we license them as tavern-keepers we authorize them to do all that a tavern-keeper, in that name, is allowed to do in the State. Anything that a State license authorizes a tavern-keeper to do we authorize him to do, and nothing more. It was a great bone of contention in our State, and a very great grievance. A man keeping a small tavern was required to take out two licenses. They did not do so. There is now one suit pending to determine the question, and I have no doubt what the decision of the court will be. It never was the law that a man to keep a tavern should take out three or four licenses: one for keeping a tavern, another for selling liquors, another for selling cigars, and so on. It was an absurdity at the first. We hoped we had made it so plain now that nobody could misunderstand it. We have increased the license on taverns to an enormous extent. The small taverns that sell nothing but liquor, that never accommodate a traveler, unless he be some poor Irish or German immigrant who is content to sleep on the floor, pays ten dollars for a license; and it goes on increasing, according to the rental, till a house in Philadelphia will have to pay $3,000 for a license, and tavern-keepers in the country will have to pay in the same proportion. A reputable tavern will seldom fall short of $1,000 license. And yet it seems there is some chronic spite against liquor that induces men to "run a muck" against it every time they find an opportunity. I hope that the amendment of my colleague will not be agreed to.

Mr. FRANK. I move to amend the amendment by adding fifty cents to the license. This question of licenses of hotels, inns, and taverns, has been before Congress several times, and has caused much misunderstanding and difference of opinion.

The amendment of the gentleman from Pennsylvania [Mr. THAYER] will make the law so clear and plain that every person, here and elsewhere, will now understand it distinctly, and there will be no cause for further decisions on the part of the Commissioner of Internal Revenue, or necessity of appealing to courts.

Under this section, as reported by the committee, a hotel or tavern pays but ten dollars where the rental is a less sum than two hundred dollars. It is now proposed that parties should pay an additional sum of twenty-five dollars as license for selling spirituous liquors. They can well afford to pay that amount, working no injustice to any one, as we all know that the profit arising from such business is always large, and in many cases the sum of twenty-five dollars will be merely nothing for such dealers to pay.

Besides, sir, this is an important item of revenue to the Government, and if I am correctly informed the Internal Revenue department has received nearly or quite one million dollars from retail dealers in liquors under the decision of the Commissioner.

Mr. STEVENS. Not all from taverns. That item includes all who sell liquor at retail.

Mr. FRANK. That is true; but a large amount comes from that source. I concur fully with the chairman of the Committee of Ways and Means that we should now understand this question, and I think we do understand it by this time. Let us pass the amendment as offered by the gentleman from Pennsylvania, [Mr. THAYER,] and there will be no further trouble.

The amendment to the amendment was withdrawn.

Mr. THAYER. I renew the amendment of the gentleman from New York simply for the purpose of saying a word or two in reply to my colleague, [Mr. STEVENS.] It seems to me that if ambiguity has existed in the provision of the law, as it now stands, it certainly was not the fault of Congress. Whatever views my colleague may have entertained upon that subject, I am very certain that the uniform opinion in regard to it, not only of the officers of Government, but among the people generally, was expressed in the construction which I have already said belonged to it. And that construction was enforced, and the money was collected on the strength of it and paid into the Treasury. I know that in my own district near four thousand dollars was collected, which went into the general Treasury of the Government on this description of tavern licenses.

Now, sir, my colleague remarked that the law did not mean that tavern-keepers should pay these extra licenses. I say to him that the language of that law, as it was passed, gave an impression to the people that these licenses were to be exacted, and they acquiesced in that construction of the law. I say that the officials of the Government put that construction upon it—that they collected the tax upon that construction, and nobody complained of it.

I have the right, therefore, to say that this new proposition refused by the Committee of Ways and Means makes a substantial change in the law, as it was understood by the people, and as it was understood by every functionary who executed its provisions.

But, sir, if the language of the law did not warrant the construction which was given to it, I am in favor of making the present law so plain that there can hereafter be no doubt in regard to it. I believe that it is just, that it is expedient and politic for tavern-keepers, keepers of eating-houses, and that description of people, to be required to pay a special license for the privilege of retailing liquor, and that that license should be independent of the general license for carrying on business. I believe, as I say, that tavern-keepers ought to be heavily taxed by this bill, more heavily than is provided for in the section as reported by the Committee of Ways and Means.

I admit that a heavy tax is imposed upon the large hotel keepers; but, sir, that class of tavern-keepers who are the least benefit to the community—I mean the people who, under the guise of keeping taverns, keep nothing but groggeries, nurseries of vice and crime—ought not to be allowed to escape by paying the mere paltry tax of ten dollars which is assessed by this bill in the shape of a license. I am opposed to any bill which will let that sort of people off with such a paltry tax as that. Every man who wants to sell liquor under this bill has only to take out a license for an eating-house, for which he will have to pay ten dollars, and then he may sell thousands of dollars' worth of liquors.

Mr. STEVENS. Eating-houses are not authorized to sell ardent spirits.

Mr. THAYER. The present bill contemplates that thing. It is said that the same provision shall apply to eating-houses. They will only have to pay a tax of ten dollars for keeping eating-houses. Now, if the House is willing to license that class of people to do this business at this paltry sum it can do so, but not with my vote.

[Here the hammer fell.]

Mr. BOUTWELL. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. THAYER, by unanimous consent, withdrew his amendment.

Mr. BOUTWELL. I move to add fifty cents. I think it due to myself that I should make a reply to the observations of the chairman of the Committee of Ways and Means, [Mr. STEVENS.] I will call the attention of the Committee of the Whole on the state of the Union to the provisions of the law. I believe that the construction of the Department was consistent with the law and the interests of the country; and if I did not know that the gentleman from Pennsylvania was responsible for the provision concerning hotels in the original act and the amendment of March 3, 1863, and I understand that he is also the author of the provision now pending, I should come to the conclusion that it was the intention of the last Congress that the interpretation of the Department should be the law of the land. I call the attention of the committee to the sixty-first section of the revenue act:

"SEC. 61. *And be it further enacted*, That in every case where more than one of the pursuits, employments, or occupations hereinafter described shall be pursued or carried on in the same place by the same person at the same time, except as therein mentioned, license must be taken out for each according to the rates severally prescribed."

Hotel-keepers in the State of Pennsylvania, and especially in the district represented by the gentleman the chairman of the Committee of Ways and Means, do both kinds of business at the same time and in the same place, and they were required to pay license as provided in the sixty-first section. I submit that the right to sell liquor is not comprehended under the definition of hotel in the revenue act; and although the chairman of the Committee of Ways and Means says that it could never be presumed that it did not authorize the sale of liquor, I submit that the language of the existing law and the pending bill warrant the construction adopted by the Department. The definition of a hotel is this:

"Every place where food and lodging are provided for and furnished to travelers and sojourners, in view of payment therefor, shall be regarded as a hotel, inn, or tavern under this act."

The great offense of the Department was that they could not comprehend that liquors were either food or lodging. [Laughter.] Inasmuch as liquors were not food or lodging, the Commissioner of Internal Revenue decided that the hotel-keeper who sold liquor should pay a license as a liquor dealer.

I call attention also to the provision concerning eating-house keepers. What is the definition of an eating-house in the existing law?

"Every place where food or refreshments of any kind are provided for casual visitors and sold for consumption therein shall be regarded as an eating-house under this act."

Now, while we could not comprehend that liquor was food or lodging, yet we could understand that sometimes liquor was regarded as "refreshments." Straining the law, however, we decided that eating-house keepers should not sell liquor without a license therefor.

We did not propose that the keeper of an eating-house should be allowed to sell $50,000 or $100,000 worth of liquor and only pay the paltry tax of ten dollars. I think the Department was justified by the language of the law.

[Here the hammer fell.]

Mr. STEVENS. The gentleman must know that after the construction given to the first law he brought in an amendment here, and argued it upon the same ground upon which I am arguing it now, and this House, by a large majority, construed the law as I contended for. It went to the Senate, and in a committee of conference——

Mr. FRANK. I wish to correct the gentleman. The House decided by a majority otherwise.

Mr. STEVENS. Then the House decided erroneously. When it went to a conference committee and was reported back to this House the House sustained the report by a very large majority, and——

Mr. FRANK. Allow me one word more. A clause was adopted by that committee, but was misunderstood by the House when it came before us.

Mr. STEVENS. Oh no, sir, it was not misunderstood by anybody. I do not say but that one of the Senators from Maine when it was fixed said, "Now nobody but a fool will understand this is to be construed as a license." But he was mistaken; some very wise men misunderstood it immediately afterwards.

Mr. BOUTWELL. This act went into effect on the 3d of March, and the first Commissioner of Internal Revenue resigned his place on that day.

Mr. STEVENS. I do not refer to the gentleman from Massachusetts. I think he was a wise man. What we contended for was that we were not defining what was a tavern-keeper except where the laws of the State did not define it. In many States a tavern-keeper who keeps for instance a temperance house, had to take out no license. We added that to the descriptions which the State laws made; but we did not undertake to say that a State should not define what was a tavern-keeper. Where the laws of a State defined a tavern-keeper and gave him a license for the purpose of transacting the business, we took the description of the business as the State law made it, and we put a license upon just the business which the State authorized. A tavern-keeper in Pennsylvania is authorized to sell liquor by the State law to be drank on the premises, and yet the license law for retailing—under which my colleague thinks they ought to take out a license—expressly provides that they shall not sell any liquors to be drank upon the premises. Most absurd construction.

I know there was a meeting held in Berks and Lancaster counties, and lawyers were employed to contest this construction, and the law never was enforced. I have no doubt, as my friend says, it was in his district. In his country it does not make as much difference as it does in mine. In the counties of Lancaster and York we have small tavern-keepers whose rental does not exceed $100. That class of houses is necessary in many parts of the country. Emigrants, low men, stragglers, men with lice upon them, cannot find accommodations in the hotel of my friend, the Continental.

[Here the hammer fell.]

Mr. MORRILL. Debate is getting interesting; but I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union all debate upon the pending paragraph shall be terminated in one minute.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. FORNEY, their Secretary, informed the House that the Senate had passed an act (H. R. No. 308) to establish a Bureau of Military Justice, with amendments; in which the concurrence of the House was requested.

Also, that the Senate had passed, without amendment, an act (H. R. No. 408) for the relief of paymasters who have been robbed by confederate forces or rebel guerrillas.

INTERNAL REVENUE BILL—AGAIN.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the internal revenue bill.

Mr. FRANK. I move to amend by making the amount $26 50. In the city of New York alone there are twenty or twenty-five thousand retail dealers in spirituous liquors who pay license under the present law. If the proposed amendment of the gentleman from Pennsylvania [Mr. THAYER] should fail to pass, such parties could place in their buildings two or three beds and take out license as inn-keepers, paying but ten dollars, as it will be seen but ten dollars is charged for license under this section when the rental does not exceed $200, the Government losing fifteen dollars in every such case.

I withdraw the amendment to the amendment.

Mr. THAYER. I call for tellers on my amendment.

Tellers were ordered; and Mr. STEVENS and Mr. BEAMAN were appointed.

The committee divided; and the tellers reported—ayes seventy-nine, noes not counted.

So the amendment was agreed to.

The twenty-fourth paragraph was read, as follows:

24. Conveyancers shall pay ten dollars for each license. Every person, other than one holding a license as a lawyer, claim agent, banker, or insurance agent, whose business it is to draw deeds, bonds, mortgages, wills, writs, or other legal papers, or to examine titles to real estate, shall be regarded a conveyancer under this act.

Mr. MORRILL. I move to amend by striking out the words "banker or insurance agent," and by inserting before the words "claim agent" the word "or."

The amendment was agreed to.

The twenty-seventh section was read, as follows:

27. Foreign insurance agents shall pay fifty dollars for each license. Every person who shall act as agent of any foreign fire, marine, life, mutual, or other insurance company or companies shall be regarded as a foreign insurance agent under this act.

Mr. KASSON. I move to amend by inserting after the word "license" the words "and one dollar for every additional dollar of premiums received by such agent."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in line two hundred and fifty, by inserting after the word "or" the words "who shall manufacture for others;" so that the clause will read:

29. Manufacturers shall pay ten dollars for each license. Any person, firm, or corporation who shall manufacture by hand or machinery any goods, wares, or merchandise, or who shall manufacture for others, exceeding annually the sum of $1,000, shall be regarded a manufacturer under this act.

The amendment was agreed to

Mr. HOLMAN. I wish to inquire of the gentleman from Vermont, if he will permit me, whether or not that is the entire license imposed upon manufacturers. This tax of ten dollars is imposed upon persons whose business shall exceed $1,000 annually. Suppose the amount of manufactures largely exceeds that—$50,000 or $100,000—is it understood that there is to be no additional tax imposed upon that class of manufacturers? In other words, is the small manufacturer of the country, the maker of plows, &c., to pay the same license as the extensive firms manufacturing to the extent of $100,000 a year or ten times that amount? There ought to be some discrimination. It is not sufficient to say that the discrimination is in the imposition of duties on manufactures. Unless, then, some explanation can be made in the matter, I will move to amend the paragraph so as to make the license proportionate to the amount of manufactures. That is the principle we adopt in other cases.

Mr. MORRILL. I had supposed the gentleman from Indiana understood, certainly almost every other gentleman must do so, that this license is not imposed as a tax, but that it is imposed in order to keep track of those men who manufacture, in order to designate their trade or profession. When we come to tax them, we tax them on the amount of their manufactures. That makes it entirely equal. And when we come to the income tax, we tax a man according to his profits.

Mr. HOLMAN. I withdraw my amendment.

Mr. KALBFLEISCH. I move to strike out all after the word "license," in line two hundred and sixty nine, down to the end of the paragraph, as follows:

Provided, That manufacturers and producers of agricultural tools and implements, garden seeds, stoves, and hollow ware, brooms, wooden ware, and powder, delivering and selling at wholesale any of said articles, by themselves or their authorized agents, at places other than the place of manufacture, shall not be required, for any sale thus made, to take out any additional license therefor.

I shall insist on that amendment, unless some reason can be shown why these manufacturers should not be required to take out a license as well as others.

Now, I am a manufacturer myself, and I am compelled to take out what is called a manufacturer's license. I am a dealer also, but I sell no articles but what I manufacture. Why these manufacturers of hollow ware, brooms, wooden ware, powder, and agricultural implements should be exempt from that license I cannot for the life of me see. I hope the gentleman from Vermont will explain the reasons why they should be exempted from the provisions of the law which are applicable to other parties.

Mr. MORRILL. I will merely say that there are many manufacturers of plows who send them about the country for sale. The Shakers too, for instance, send out their brooms for sale. The manufacturers of brown earthenware do the same thing; and as far as I can judge, the proposition as it stands is a very proper one.

Mr. KALBFLEISCH. But it applies also to the manufacturers of powder, and the exportation of powder is prohibited by law. I am a manufacturer of acids, and a very large portion goes in small parts to the country after paying three per cent. on the manufacture.

Mr. MORRILL. The manufacturers of powder almost invariably send it out by traveling agents throughout the country.

Mr. KALBFLEISCH. The gentleman knows very well that the export of powder from this country is prohibited.

Mr. MORRILL. Not by any means.

Mr. KALBFLEISCH. I call for tellers on my amendment.

Tellers were not ordered.

The amendment was disagreed to.

Mr. KASSON. I find that I am correct in my criticism on line two hundred and fifty, and to avoid serious error I ask consent of the House to go back to that line. I move to insert after the word "or" the words "who shall manufacture for others or."

The amendment was agreed to.

Mr. GRINNELL. I move to amend line two hundred and fifty-four by striking out "twenty" and inserting "thirty;" so that it will read:

30. Peddlers shall be classified and rated as follows, to wit: when traveling with more than two horses, the first class, and shall pay thirty dollars for each license.

I simply wish to say in behalf of this amendment that I think a license of twenty dollars is much too low. These peddlers carry the highest priced goods. I am informed that a man who carries his goods on his back will make from three to five thousand dollars a year, selling costly silks and things of that kind. I am therefore in favor

making the license thirty dollars instead of twenty dollars.

The amendment was disagreed to.

Mr. BOUTWELL. I offer the following proviso, to come in at the end of line two hundred and seventy-five:

Provided further, That nothing contained in this proviso shall be construed to authorize the sale of wine, spirits, or malt liquors.

I will merely say that we have had trouble under this provision about the sale of spirituous liquors.

The amendment was agreed to.

Mr. KELLOGG, of Michigan. I move to amend the paragraph in regard to peddlers by increasing the tax on the fourth class from five dollars to ten dollars; and I will also move to increase the tax proportionately on the other classes.

The country is swarming with these peddlers, who pay no rent or taxes, although some of them are worth from five to ten thousand dollars. I am in favor of charging them high licenses.

Mr. HOLMAN. I oppose the amendment. Peddlers are a very poor class of men who travel round the country trying to make a living.

Mr. MORRILL. This matter was not fully considered by the Committee of Ways and Means. I believe it would be wise to increase all these licenses from five dollars to ten dollars, from ten dollars to twenty dollars, from fifteen dollars to twenty-five dollars, and from twenty dollars to fifty dollars. I suggest that amendment.

Mr. KELLOGG, of Michigan. I accept the amendment.

Mr. HOLMAN. It does seem to me that that would be exceedingly unfair and unjust. The States and counties all impose a tax on this unfortunate class of people. I think it monstrous thus to tax a poor pedestrian, perhaps a wounded soldier, striving to earn a scanty living in this way.

The question being on Mr. KELLOGG's amendment as modified, Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. KELLOGG of Michigan, and Mr. HOLMAN, were appointed.

The committee divided; and the tellers reported —ayes sixty-three, noes not counted.

So the amendment was agreed to.

Mr. HUBBARD, of Iowa. I move to amend the same paragraph by increasing the license of twenty-five dollars to fifty dollars on peddlers of jewelry.

The amendment was agreed to.

The paragraph, as amended by the amendment of Mr. KELLOGG, of Michigan, and Mr. HUBBARD, of Iowa, reads as follows:

30. Peddlers shall be classified and rated as follows, to wit: when traveling with more than two horses, the first class, and shall pay fifty dollars for each license; when traveling with two horses, the second class, and shall pay twenty-five dollars for each license; when traveling with one horse, the third class, and shall pay twenty dollars for each license; when traveling on foot, the fourth class, and shall pay ten dollars for each license. Any person, except persons peddling newspapers, Bibles, or religious tracts, who sells or offers to sell, at retail, goods, wares, or other commodities, traveling from place to place, in the street or through different parts of the country, shall be regarded a peddler under this act: *Provided*, That any peddler who sells, or offers to sell, dry-goods, foreign and domestic, by one or more original packages or pieces at one time, to the same person or persons, as aforesaid, shall pay fifty dollars for each license. And any person who peddles jewelry shall pay fifty dollars for each license.

Mr. KELLOGG, of Michigan. I move to amend the thirty-first paragraph by increasing the license on apothecaries from ten dollars to twenty dollars.

The question was taken; and the amendment was rejected.

Mr. MORRILL. I move to amend that paragraph by adding to it the following proviso:

Nor shall apothecaries who have taken out a license as such be required to take out a license as retail dealers in liquors, in consequence of selling alcohol.

Mr. KELLOGG, of Michigan. I hope that amendment will not be agreed to. The profits of the business of an apothecary are very large. The profits on the compounding of medicines are two to three hundred per cent., and if anybody can afford to pay licenses then apothecaries can. They can afford it much better than the liquor dealers can. This proviso allows them to sell liquors, and as they have a reputation for selling pure liquors they are able to charge high prices for them. I hope the amendment will not be adopted.

Mr. BEAMAN. I move to amend the amendment by adding the words "for medicinal purposes."

The amendment to the amendment was rejected.

The question recurred on Mr. MORRILL's amendment; and it was agreed to.

Mr. MORRILL. I move to amend paragraph thirty-three by striking out the words "and paid not less than ten dollars," so as to make the paragraph read as follows:

33. Tobacconists shall pay ten dollars for each license. Any person, firm, or corporation whose business it is to sell, at retail, cigars, snuff, or tobacco in any form, shall be regarded a tobacconist under this act. But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having taken out a license therefor, shall not be required to take out a license as tobacconists, anything in this act to the contrary notwithstanding.

The amendment was agreed to.

Mr. KELLOGG, of Michigan. I move to amend the same paragraph by striking out in line two hundred and ninety-two the word "ten," and inserting in place of it the word "twenty," so as to make the license twenty dollars instead of ten dollars.

The amendment was disagreed to.

Mr. HOLMAN. I move to strike out all in this paragraph after the word "act," as follows:

But wholesale and retail dealers, and keepers of hotels, inns, taverns, and eating-houses, having taken out a license therefor, shall not be required to take out a license as tobacconists, anything in this act to the contrary notwithstanding.

The amendment was agreed to.

Mr. MORRILL. I am told by experts that in the thirty-second paragraph the clause "any person or persons who make for sale photographs, ambrotypes, daguerreotypes, or pictures on glass, metal, or paper, by the action of light, shall be regarded a photographer under this act," is liable to misconstruction. I move, therefore, to amend it by striking out the words "on glass, metal, or paper."

The amendment was agreed to.

Mr. STEVENS. I move to strike out the thirty-fourth paragraph. This class of persons are included under the general head of manufacturers.

The section was read, as follows:

34. Tallow-chandlers and soap-makers shall pay for each license the sum of ten dollars. Any person whose business it is to make or manufacture candles or soap shall be regarded a tallow-chandler and soap-maker under this act.

The amendment was agreed to.

The following paragraph of the bill being under consideration—

35. Butchers shall pay ten dollars for each license. Every person whose business it is to sell butchers' meat at retail shall be regarded as a butcher under this act: *Provided*, That no butcher having taken out a license, and paid ten dollars therefor, shall be required to take out a license as retail dealer on account of selling other articles at the same store, stall, or premises: *Provided further*, That butchers who retail butchers' meat exclusively from a cart or wagon, by themselves or agents, shall be required to pay five dollars only for each license, any existing law to the contrary notwithstanding, and having taken out a license therefor shall not be required to take out a license as a peddler for retailing butchers' meat, as aforesaid: *And provided further*, That no license shall be required of a butcher whose annual sales do not exceed $1,000—

Mr. MORRILL moved to insert after the word "agents" the words "traveling from place to place, and not from any street or stand."

The amendment was agreed to.

The following paragraph being under consideration—

36. Theaters shall pay $100 for each license. Every edifice erected for the purpose of dramatic or operatic representations, plays, or performances, and not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater under this act—

Mr. PRICE. I move to amend by striking out "one" and inserting "two," so as to make the license $200.

The amendment was disagreed to.

Mr. MORRILL. I move to amend the same paragraph by inserting after the words "edifice erected" the words "or used."

The amendment was agreed to.

Mr. J. C. ALLEN. I move to amend the same paragraph by inserting after the word "theaters" at the beginning of the paragraph the words "and museums."

The amendment was agreed to.

Mr. GANSON. I move to amend the paragraph at the beginning of it by inserting after the words "thirty-six" the words "the proprietor or proprietors of."

The amendment was agreed to.

Mr. HOOPER. I move to amend by inserting after the word "museum," which has just been put in on motion of the gentleman from Illinois, the words "receiving pay as entrance money." I believe there are museums which are open to the public free of charge.

The amendment was agreed to.

Mr. L. MYERS. I move to amend the same paragraph by striking out the words "erected or," so as to make it read:

The proprietor or proprietors of theaters or museums shall pay $100 for each license. Every edifice used for the purpose of dramatic or operatic representations, &c.

The amendment was agreed to.

The following paragraph of the bill being under consideration—

37. Circuses shall pay fifty dollars for each license. Every building, tent, space, or area, where feats of horsemanship or acrobatic sports are exhibited, shall be regarded as a circus under this act—

Mr. HUBBARD, of Iowa. I move to amend by striking out "$50," and inserting in lieu thereof "$100."

Mr. WILSON. I desire to suggest to my colleague an amendment which will, perhaps, accomplish the same purpose as his amendment in a more satisfactory way.

Mr. HUBBARD, of Iowa. What is it?

Mr. WILSON. It is to add at the end of the paragraph the same proviso as is contained in the thirty-eighth paragraph, as follows:

Provided, That no license procured in one State shall be held to authorize exhibitions in another State. And but one license shall be required under this act to authorize exhibitions within any one State.

Mr. HUBBARD, of Iowa. I will accept that.

The amendment as modified was agreed to.

Mr. GANSON. I move to insert after the words "thirty-seven," in the same paragraph, the words "the proprietor or proprietors of."

Mr. BOUTWELL. I am not sure that we shall not lose by that. We now hold the "circus," but the "proprietor" may be an unknown person.

The amendment was disagreed to.

Mr. HOOPER. I move to amend in line three hundred and twenty-nine by inserting after the word "sports" the words "theatrical performances."

Mr. STEVENS. I suggest to my colleague on the Committee of Ways and Means that that amendment would cover more ground than he intends.

Mr. HOOPER. I will withdraw it.

The Clerk read as follows:

38. Jugglers shall pay for each license twenty dollars. Every person who performs by sleight-of-hand shall be regarded as a juggler under this act. The proprietors or agents of all other public exhibitions or shows for money, not enumerated in this section, shall pay for each license ten dollars: *Provided*, That no license procured in one State shall be held to authorize exhibitions in another State. And but one license shall be required under this act to authorize exhibitions within any one State.

Mr. GRINNELL. I move to strike out "twenty," and in lieu thereof to insert "fifty." If a man is willing to acknowledge that he is a cheat, he ought to be made to pay for following his trade. [Laughter.]

The amendment was disagreed to.

The Clerk read, as follows:

39. Bowling-alleys and billiard-rooms shall pay according to the number of alleys or tables belonging to or used in the building or place to be licensed. When not exceeding one alley or table, five dollars for each license; and when exceeding one alley or table, five dollars for each additional alley or table. Every place or building where bowls are thrown or billiards played, and open to the public with or without price, shall be regarded as a bowling-alley or billiard-room, respectively, under this act.

Mr. J. C. ALLEN. I move to strike out "five," where it occurs, and insert "ten."

The committee divided; and there were—ayes 55, noes 27.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. J. C. ALLEN, and BALDWIN of Massachusetts, were appointed.

The amendment was agreed to; the tellers having reported—ayes 63, noes 49.

The Clerk read, as follows:

40. Proprietors of gift enterprises shall pay fifty dollars for each license. Every person, firm, or corporation, who

shall offer for sale or to sell any article of merchandise of any description whatsoever, with a promise, express or implied, to give or bestow, or in any manner to hold out to the public the promise of gift or bestowal of any article or thing for and in consideration of the purchase by any person of any other article or thing shall be regarded a proprietor of a gift enterprise under this act: *Provided*, That no such proprietor, in consequence of being thus licensed, shall be exempt from paying any other license or tax required by law, and the license herein required shall be in addition thereto.

Mr. MORRILL. I move to insert after the word "shall," where it occurs the second time, the words "sell or," and to strike out the words "to sell."

The amendment was agreed to.

Mr. CRESWELL. I move to add the following to the paragraph:

And provided further, That this section shall not be construed to authorize such gift enterprises in any State or Territory where the same are or may be prohibited by law.

Subsequently Mr. CRESWELL withdrew the amendment, stating that he understood it was provided in another place.

The Clerk read, as follows:

41. Stallions and jacks, owners of, shall pay ten dollars for each license. Every person who keeps a male horse or a jack for the use of mares, requiring or receiving pay therefor, shall be required to take out a license under this act, which shall contain a brief description of the animal, its age, and place or places where used or to be used: *Provided*, That all accounts, notes, or demands, for the use of any such horse or jack without a license, as aforesaid, shall be invalid and of no force in any court of law or equity.

Mr. KASSON. I move to make that paragraph forty-seven, because I think lawyers and doctors should take precedence. [Laughter.]

Mr. J. C. ALLEN. I am opposed to that, because I think it is in its proper place.

The amendment was disagreed to.

Mr. GANSON. I move to transpose the phraseology of the paragraph, so as to put the words "owners of" before "stallions."

The amendment was agreed to.

Mr. GANSON. I move to strike out "ten" and insert "twenty-five."

Mr. J. C. ALLEN. I hope the amendment will not prevail. The paragraph places the tax high enough already. This will be a great hardship upon those who are doing all that they can to improve the stock of horses and mules.

The amendment was disagreed to.

Mr. GANSON. I move to make it twenty dollars.

The amendment was disagreed to.

Mr. GRINNELL. I move to make it fifteen dollars.

The amendment was disagreed to.

Mr. MALLORY. I move to make it "five" instead of "ten."

The amendment was disagreed to.

Mr. GANSON. I move to make it twenty dollars for stallions and ten for jacks.

The amendment was disagreed to.

The Clerk read, as follows:

42. Lawyers shall pay ten dollars for each license. Every person whose business it is, for fee or reward, to prosecute or defend causes in any court of record or other judicial tribunal of the United States or of any of the States, or give advice in relation to causes or matters pending therein, shall be deemed to be a lawyer within the meaning of this act.

Mr. THAYER. I move to strike out "advice in relation to causes or matters pending therein," and in lieu thereof to insert "legal advice."

Mr. HOOPER. I hope the amendment will not be adopted. The language of the paragraph defines the matter best.

The amendment was disagreed to.

Mr. STEVENS. I move to strike out "court of record or other." I understand there are in Wisconsin courts of record which have jurisdiction to $300, and that most of the collection is done in those courts.

Mr. ELDRIDGE. I do not know but the amendment is proper enough in itself, but the allusion the gentleman has made to Wisconsin is not correct. We have no such courts there.

Mr. STEVENS. I meant Michigan; but I withdraw my amendment.

Mr. UPSON. I move to strike out "of record."

The amendment was disagreed to.

Mr. WEBSTER. I move to strike out "ten" and insert "twenty-five."

The amendment was disagreed to.

Mr. HUBBARD, of Iowa. I move to make it fifty.

The amendment was disagreed to.

Mr. THAYER. I move to insert after the word "therein" the words "or other legal advice."

The amendment was disagreed to.

Mr. A. MYERS. I move, after the word "or," to insert "professional."

The amendment was disagreed to.

The Clerk read, as follows:

45. Builders and contractors shall pay twenty-five dollars for each license. Every person whose business it is to construct buildings, or ships, or bridges, or canals, or railroads by contract, shall be regarded as a builder and contractor under this act: *Provided*, That no license shall be required from any person whose building contracts do not exceed $2,500 in any one year.

Mr. ORTH. I move to amend by striking out the first clause, and inserting in lieu thereof the following:

Builders and contractors shall pay license as follows, to wit: where their building contracts exceed $2,500, the sum of twenty-five dollars for each license; where their building contracts exceed $2,000, the sum of twenty dollars for each license; and where their building contracts exceed $1,500, the sum of fifteen dollars for each license. Every person whose business it is to construct buildings, or ships, or bridges, or canals, or railroads by contract, shall be regarded as a builder and contractor under this act.

The object of the amendment is to establish three grades of contractors. By the provisions of the bill, as it is reported from the committee, there is but one grade of contractors, and only those whose contracts exceed $2,500 a year are required to pay a license. All whose contracts do not exceed that sum pay nothing. My amendment proposes to establish two grades below that.

The amendment was not agreed to.

Mr. GRINNELL. I move to amend the section in line three hundred and ninety-four by inserting after the word "license" the following:

And if his said contracts in one year exceed in amount $2,500, he shall pay one dollar on every additional thousand dollars in excess thereof.

Mr. MORRILL. If the gentleman will not make a speech, we will vote for any amendment he offers.

Mr. GRINNELL. Very well.

The amendment was agreed to.

The Clerk read, as follows:

46. Plumbers and gas-fitters shall pay ten dollars for each license. Every person, firm, or corporation, whose business it is to furnish plumbing materials or fit up plumbing materials, or to furnish gas-pipes, gas-burners, or other gas-fixtures, or to fit the same, shall be regarded a plumber and gas-fitter within the meaning of this act.

Mr. MORRILL. I move to amend by inserting after the word "to," where it first occurs, the word "fit," and by inserting after the next word "furnish" the words "or sell."

The amendments were agreed to.

Mr. MORRILL. I move further to amend by striking out the words "or fit up plumbing materials or to furnish."

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out of line four hundred and five the words "or to fit the same."

The amendment was agreed to.

Mr. MORRIS, of Ohio. I move to amend in line four hundred and two by striking out the words "firm or corporation." In the four or five preceding paragraphs those words do not appear as applied to any other business. I do not see why the individual members of a firm of plumbers and gas-fitters should not each pay a tax of ten dollars for a license. As the section now reads firms or corporations will only be taxed ten dollars, while physicians, surgeons, architects, builders, contractors, lawyers, &c., are taxed each ten dollars.

The amendment was not agreed to.

The Clerk read, as follows:

47. Miners shall pay for each and every license the sum of ten dollars. Every person, firm, or company who shall employ others in the business of mining for coal, for gold, silver, quicksilver, copper, lead, iron, zinc, spelter, or other minerals, who shall not have taken out a license as a manufacturer, shall be regarded as a miner under this act.

Mr. MORRILL. I move to amend by inserting after the word "mining" the words "or who shall be engaged in such business other than as an employé."

Mr. COLE, of California. I am opposed to the amendment. It will impose a burden upon persons who frequently make nothing in the mines of California. It will have a tendency to drive persons from that employment. The success and prosperity of the Government depend as much upon the success of that class of persons as any other. This amendment will operate against those who are employing others in that business.

Mr. STEVENS. The committee have not been able to perfect this paragraph with the light of that information which we ought to have had from the mining regions, and I propose that by unanimous consent we pass over the section now, with the liberty of going back to it hereafter.

No objection being made, the paragraph was passed over informally.

The Clerk read, as follows:

48. General business, any person doing, shall pay ten dollars for each license. Any person, firm, or corporation, engaged in any business, trade, or profession whatsoever, for which no other license is required by existing law, whose gross annual receipts therefrom exceed the sum of $1,000, shall be regarded as doing a general business under this act.

Mr. MALLORY. I would inquire of the gentleman from Vermont, whom I see in his seat, the meaning of this provision. I am free to say that it was adopted by the committee when I was not present.

Mr. MORRILL. I will refer the gentleman from Kentucky to the gentleman from Massachusetts, [Mr. HOOPER.]

Mr. MALLORY. Then I will say before he makes his remarks, that this seems to me to be a tax upon industry. It provides that a man engaged in any business for which a license is not required by this bill to be taken out shall take out a license. A farmer or a minister who is not required to take out a license under any other provision of this bill is required to take out one under this section. If gentlemen wish to subserve the public interest and public morality, they should tax loafers, and not industrious men, and if the paragraph is insisted on, I shall move to apply it to persons not engaged in any business or pursuit.

Mr. MORRILL. I have no objection.

Mr. HOOPER. My colleague has referred to me for an answer to the question of the gentleman from Kentucky. I wish to state that I find some difficulty in understanding it, and I propose to amend it by inserting after the word "doing" in the first line the word "nothing." [Laughter.]

Mr. MALLORY. That will meet my views of the matter.

The amendment was agreed to. [Laughter.]

Mr. HOOPER. I also move to strike out the word "receipts" and insert "disbursements."

The amendment was agreed to. [Renewed laughter.]

Mr. MALLORY. I move to amend by inserting before the word "engaged" the word "not," and also before the word "doing" in the last line.

The amendments were agreed to.

Mr. MALLORY. Now I ask for the reading of the paragraph as amended.

The paragraph as amended was read, as follows:

48. General business, any person doing nothing, shall pay ten dollars for each license. Any person, firm, or corporation not engaged in any business, trade, or profession whatsoever, for which no other license is required by existing law, whose gross annual disbursements therefrom exceed the sum of $1,000, shall be regarded as not doing a general business under this act.

[Renewed laughter.]

Mr. STEVENS. I now move that the whole paragraph be stricken out.

The motion was agreed to.

Mr. MORRIS, of Ohio. I offer the following amendment:

Page 97, section seventy-six, insert, after line four hundred and twenty, as follows:

49. Loafers shall pay ten dollars for each license. Every person without visible occupation, except that of loitering on hall steps and street corners, shall be deemed a loafer within the meaning of this act: *Provided*, That members of Congress and others waiting at the crossings for the "street cars" shall not be required to take out a license therefor.

The amendment was not agreed to.

Mr. KASSON. I ask that section seventy-seven be reserved to allow the Committee of Ways and Means to offer amendments.

No objection being made, the section was passed over.

The seventy-ninth section was read, as follows:

And be it further enacted, That no license hereinbefore provided for, if granted, shall be construed to authorize the commencement or continuation of any trade, business, occupation, or employment therein mentioned, within any State or Territory of the United States in which it is or shall be specially prohibited by the laws thereof, or in violation of the laws of any State or Territory: *Provided*, That nothing in this act shall be held or construed so as to prevent the several States, within the limits thereof, from placing a duty, tax, or license, for State purposes, on any business, matter, or thing on which a duty, tax, or license is required to be paid by this act.

Mr. FENTON. I desire to ask the gentleman who has this bill in charge if that section ought not to be stricken out?

Mr. MORRILL. I move to strike out that section. It has already been provided for in section seventy-five.

The amendment was agreed to.

Mr. BOUTWELL. I wish, by general consent, to ask a question of the committee. There are two or three provisions in section sixty-nine of the old law which are omitted in section eighty-two of this bill, which corresponds to that.

Mr. STEVENS. They will be provided for in a general section which we intend to offer.

The eighty-third section was read.

Mr. MORRILL. On page 102, section eighty-three, I move to insert, after the words "manufactured articles," the words "or articles produced." In line four, after the word "manufactured," I move to insert "or produced." On line five, after the word "manufacturer," I move to insert "or producer." On line twenty, page 103, after the word "manufacturers," I move to insert "or producers." On line twenty-two, after the word "manufactured," I move to insert "or produced." On line twenty-four, I move to insert, after the word "manufacture," the words "or production." In line twenty-five, I move to strike out "person," and insert "persons or parties."

The question was taken on the amendments collectively, and they were agreed to.

Mr. MORRILL. I move to add at the end of the section the following:

Articles which the collector may adjudge perishable may be sold or disposed of before the declaration of forfeiture; said sale shall be made at public auction, and notice thereof shall be given in the same manner as is provided in this section in cases of forfeiture.

The amendment was agreed to.

Mr. KERNAN. I move to add at the end of line forty-eight the words "owner, or, if he cannot be found, to the;" so that it will read:

Provided, That the proceeds of the sale of said articles, if any there be after deducting the duties thereon, together with the expenses of summons, advertising, and sale, or the excess of the value of said articles, after deducting the duties and expenses accrued thereon when turned over to the use of any department of the Government, shall be refunded and paid to the owner, or, if he cannot be found, to the manufacturer, or to the person in whose custody or possession the articles were when seized.

Mr. MORRILL. There is no objection to that.

The amendment was agreed to.

Mr. WILSON. I move to insert after the word "manufacturer," in the forty-ninth line, the words "or producer."

The amendment was agreed to.

Mr. STEVENS. It is now about the hour for taking a recess, and I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration, as a special order, the internal revenue bill, and had come to no conclusion thereon.

Mr. STEVENS. I move that the House now take a recess until seven o'clock.

The motion was agreed to; and the House accordingly took a recess until seven o'clock p. m.

EVENING SESSION.

The House resumed its session at seven o'clock, p. m.

UNITED STATES CONVICTS.

Mr. WILSON asked leave to report back from the Committee on the Judiciary an act (S. No. 172) concerning the disposition of convicts from courts of the United States for the subsisting of persons confined in jails, charged with violating the laws of the United States, and for diminishing the expenses in relation thereto.

Objection was made.

GEORGETOWN WATER TAX.

Mr. MORRIS, of Ohio. I move that Senate bill No. 129 be taken from the Speaker's table and referred to the Committee for the District of Columbia.

There being no objection, the bill (S. No. 129) to amend an act entitled "An act to authorize the corporation of Georgetown, in the District of Columbia, to lay and collect a water tax, and for other purposes," approved May 21, 1862, was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

INTERNAL REVENUE.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration, as a special order, of the internal revenue bill.

Mr. KASSON. I move to amend the ninety-third section by striking out of the proviso in the paragraph taxing coals the words "for all," and inserting in lieu thereof the words "in case of."

The amendment was agreed to.

Mr. KASSON. I move to amend the same paragraph by striking out the words "before the 1st day of April, 1862," and inserting in lieu thereof the words "prior to the passage of this act."

The amendment was agreed to.

Mr. KASSON. I move to amend the same paragraph by inserting after the word "tax" the words "if not otherwise agreed to."

The amendment was agreed to.

Mr. KASSON. I move to amend the same paragraph by striking out the words "at the mines."

The amendment was agreed to.

Mr. KASSON. I move to amend the same paragraph by striking out the words "made prior to July 1, 1862," and inserting in lieu thereof the words "heretofore made."

The amendment was agreed to.

Mr. KASSON. I move to amend the same paragraph by inserting at the end thereof the words "if not otherwise agreed by the parties."

The amendment was agreed to.

The paragraph, as amended by these several amendments offered by Mr. KASSON, reads as follows:

On all mineral coals, except such as are known in the trade as pea coal and dust coal, a duty of five cents per ton: *Provided*, That in case of contracts of lease of coal lands made prior to the passage of this act the lessee shall pay the tax, if not otherwise agreed to; and all duties or taxes on coal mined and delivered by coal operators on contracts heretofore made shall be paid by the purchasers thereof, if not otherwise agreed by the parties.

Mr. BOUTWELL. I move to amend the paragraph by striking out the words "pea coal and." Pea coal is an article of commerce.

Mr. STEVENS. It does not sell at half the price of ordinary coal.

Mr. DENISON. The tenant never pays anything for this kind of coal to the landlord, because it does not pay the expenses of taking it out. It is the refuse coal, and should not be taxed, because it is not worth anything to anybody to take to market.

The amendment was rejected.

Mr. DENISON. I move to amend the paragraph by inserting after the word "contracts" the words "made prior to the 1st of January, 1865." The contracts for these coal lands are made for the whole year up to the close of navigation.

Mr. STEVENS. Let me say to my colleague that if the contracts are made before the passage of this act, it is no matter when delivery is made. Thus it operates as he desires it.

Mr. DENISON. If that is the understanding I withdraw my amendment.

Mr. GANSON. I move to amend the paragraph by striking out the duty of five cents per ton and inserting ten cents. I see that in the next paragraph a duty of five cents per gallon is imposed on oil. Both of these articles are of prime necessity. I do not see why coal cannot stand a duty of ten cents a ton if oil can stand a tax of five cents a gallon. I do not see why this discrimination should have been made by the Committee of Ways and Means, and I would like to have some information from the gentleman from Vermont, who is not particularly interested in the subject.

Mr. MORRILL. I am not, nor in any other. Mr. Chairman, I am very sorry that the gentleman requires any information upon this subject. If the gentleman would bring in a proposition striking down the reciprocity treaty he could then tax these coals as much as he pleases. But now even five cents a ton upon them is but a premium to that extent upon Nova Scotia coal. I have very great doubt whether we are justified in imposing any tax at all upon this article.

The amendment was disagreed to.

Mr. UPSON. I move to amend the ninety-third section, in the forty-first line, by striking out from the word "return" down to and including the word "sold," in the forty-third line, as follows:

And all gas companies are hereby authorized to add the duty or tax imposed by law to the price per thousand cubic feet on gas sold.

Mr. MORRILL. That clause was included in the bill for this reason: in the charters of many of the companies the price of gas was fixed when the price of coal was comparatively low. It is known, however, to every gentleman that within the last two years the price of coal has risen to nearly double what it had been for many years previously. These companies cannot increase their price of gas, and it seems rather hard to impose this tax upon them unless we permit them to add it to the price charged consumers.

Mr. KERNAN. I trust that reason will not prove sufficient in this House.

The CHAIRMAN. No debate is in order.

Mr. KERNAN. To make it in order I will move to amend the amendment by striking out the last word. This provision is entirely unnecessary, of course, unless it be for the purpose of overriding State laws which prohibit these companies from increasing the price of gas upon their consumers. The State laws, as all gentlemen know, have left a very liberal margin to these companies, and I trust, therefore, that these words will be stricken out.

Mr. STEVENS. There are many companies in the country which have not, for the last year, divided a single farthing, and among them the company in this city. And it is utterly impossible to make them pay this tax without giving them the right to charge it to their consumers. Some of them do it, but they do it by using the poorest quality of coal at the lowest price, instead of making their gas out of the best article.

It is known that in many States they cannot charge, under their charters, their customers beyond a certain amount. This is true in respect to nearly all the companies in Pennsylvania. Without the tax they are not now realizing a cent. Nay, most of them, at the present price of material, are compelled to make a poor article in order to be able to furnish it at all. Heretofore it has been very different. But under these circumstances all that can be done, if you are to tax these companies at all and still leave them in existence, is to allow them to charge the tax upon the consumer. Unless we do that we shall be obliged to withdraw the tax altogether, or tax these companies out of existence.

The amendment to the amendment was withdrawn.

Mr. GANSON. I renew the amendment. I think if this tax is to be imposed at all it should be imposed upon the person who is to pay it, and that is the consumer. The idea of allowing these gas companies to make their customers buy up their tax is simply dodging the question.

Now, sir, I know that at least in the State of New York there are no more profitable investments than the stocks of these gas companies, and I never heard of a company organized anywhere that did not make to its stockholders large dividends, and it is a very singular fact to me if they cannot afford to pay this tax.

But I do not see any propriety in laying this tax at all unless it is to be laid directly. It is a mere sham in the shape in which it is now, so

long as you allow the companies to compel their customers to buy up their taxes.

Mr. MORRILL. Mr. Chairman, I think that a little misapprehension exists in the mind of the gentleman from New York in relation to this article. This article is a manufacture, and we only give the right to the manufacturers of gas that any other manufacturers have—to charge this, if they please, upon the consumers. It seems to me that the gentleman should recognize a difference between the present time, when coal is nine or ten dollars a ton, and the time when it could be bought for $3, $3 25, and $3 50 a ton. This increased tax will not necessarily be imposed upon the consumers; it merely gives the right to the company to charge it if they see fit.

Mr. UPSON. What tax by this bill is imposed upon these gas companies?

Mr. MORRILL. We tax the amount of gas that they produce and sell. We tax them five per cent. upon all of their profits in addition. If they make anything they have to pay five per cent. to the Government.

The amendment, by unanimous consent, was withdrawn.

Mr. KALBFLEISCH. I think my friend from Vermont labors under a mistake. He says that coal could formerly be bought for three dollars a ton, and that it now costs ten and eleven dollars a ton. I know that it could never be bought for less than eight and nine dollars, and it is only eleven dollars now. I mean bituminous coal, from which gas is made.

There is another thing overlooked. In the production of gas there is a residue called coke, which has gone up from two dollars to six dollars. He excepts coal tar, which used to sell for one dollar, and now sells for five. This should be taken into consideration. He says this is a manufacture. Why not charge it directly, and thus let them share a portion of the burdens imposed upon the community at large.

Mr. PATTERSON. A proposition, Mr. Chairman, has been before the Committee for the District of Columbia to raise the price of gas in this city, and some facts have come to light which bear upon this question. The gentleman from Pennsylvania [Mr. STEVENS] has stated that the gas company in this city were not able to pay a dividend last year. That they did not does not prove that they were not able to do it. The fact is true that they have divided ten per cent. for the last four or five years. They have divided over seven per cent. from the time the company went into operation, and in addition to that they have reserved, by the confession of the members of the company, $50,000 of surplus, by which they have extended the mains and pipes through the city, and there was good evidence before the committee that they have reserved a surplus of $250,000. For these among other reasons the Committee for the District of Columbia saw fit not to increase the price of gas.

Mr. STEVENS. Until last year they charged one third more than they are allowed to charge now. Last year, if the gentleman looked into it, he will see that Congress brought down the maximum of their charges one third.

Mr. PATTERSON. During the progress of the war they have divided ten per cent. annually until the last quarter, that is January last, although the price of coal is a little greater than it was in 1861 and 1862.

I will say, furthermore, that the Government pays in all over one hundred thousand dollars to the gas company in this city annually. The stock of almost every gas company in the country, in New York, Baltimore, Philadelphia, Boston, and all the larger cities, is very much in advance of par.

Mr. STEVENS. May I ask the gentleman if he has bought any coal lately? I bought last year, and paid seven dollars, and this year eleven dollars for all I have bought.

Mr. KALBFLEISCH withdrew his amendment to the amendment.

Mr. GRISWOLD. I renew the amendment. I merely wish to correct the impression which evidently prevails with a great many gentlemen here, as to the remuneration of gas companies. It happens to be within my own experience as well as observation, that a number of companies in the State of New York, which are restricted by State law as to the price they charge—and that price was fixed when the cost of its production was not more than one half the present cost—are unable to-day to make the dividends which are allowed by the law of the State. Notwithstanding the prejudice which exists against these companies, growing out of some wrongs and outrages which have been perpetrated in large cities, I do not see why companies in small places where the people have invested in gas companies should not meet the same protection and the same guards as any other investment. I assure the gentleman from New York [Mr. GANSON] that he is entirely wrong as to the profits which inure to the stockholders in gas companies in the State of New York.

I withdraw the amendment.

The question recurring on the amendment offered by Mr. UPSON,

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. GRISWOLD were appointed.

The committee divided; and the tellers reported —ayes sixty-two, noes not counted.

So the amendment was agreed to.

The following clause was read:

On coal-illuminating oil, and naphtha, benzine, and benzole, refined, produced by the distillation of coal, asphaltum, shale, peat, petroleum or rock oil, and all other bituminous substances, used for like purposes, a duty of twenty cents per gallon.

Mr. MORRILL. I move to amend by inserting, after the word "oil," where it first occurs, the word "refined," and to strike out the word "refined" in the second line.

The amendments were agreed to.

Mr. MORRILL. I move to amend further by inserting the word "five" after the word "twenty."

Mr. HOLMAN. I move to amend the amendment by increasing the duty on these oils to forty cents. When the act of 1862 was passed the principal illuminating material in use throughout the western section of the Union, and to some extent throughout the whole country, was what was called burning fluid, a manufacture of alcohol and turpentine, but of alcohol in the main. So extensive was the manufacture of this burning fluid that in the city of Cincinnati alone it was estimated that there was a consumption of that fluid to such extent that an amount of alcohol equal to the product of twelve thousand bushels of corn was required in its manufacture for every twenty-four hours. By imposing by that act a duty of forty cents on alcohol, twenty cents on proof spirits, which is equivalent to forty cents on alcohol, and only ten cents on this coal, petroleum, and other oils, this entire interest was completely destroyed in less than a month after the law went into effect. That extensive interest which came in competition with the coal and petroleum oils could not resist this discriminating tax, a tax of forty cents on the one and ten cents on the other. We tried to obtain a drawback on the duties on alcohol that entered into this manufacture but failed; and thus a great manufacturing interest in the West was destroyed for the especial benefit of a great manufacturing interest of Pennsylvania. We complained then of the discrimination, we condemned the favor shown to the one interest as against the other. We thought the duties should have been the same, or at least that the duty on oils ought to have been high enough to justify competition; but the duty of ten cents upon the one and forty cents upon the other was imposed, and our interest was suppressed and destroyed. I insist that if proof spirits are able to pay, at this time, after this interest has been so extinguished, a duty of $1 25 a gallon, equal to $2 50 on a gallon of alcohol, there is no good reason why this burning oil, produced in Pennsylvania, and to some extent in Western Virginia, and in some portions of Ohio, ought not to bear at least some corresponding duty. Yet the highest duty proposed is twenty-five cents per gallon. We are increasing, more than fivefold, the duty on spirits over that imposed by the act of 1862, and here you are only proposing to increase the duty upon oils from ten cents to twenty-five cents per gallon, with a drawback on all that is exported and no duty whatever on the crude petroleum. Forty cents is but a reasonable duty, a very moderate duty, and greatly less than it should be considering the monopoly it has obtained; and in addition to this there ought to be a duty of at least ten cents per gallon on crude petroleum.

I find a statement on my desk that this article, which is produced with but little expense—a natural product of the earth—and which has become, when refined, almost the sole illuminating material throughout the entire country—a vast monopoly, a source of inexhaustible wealth to Pennsylvania—is to be used in its crude state for the purpose of generating steam, as actually cheaper than coal. There is probably no interest in the country so prosperous. You do not impose any tax whatever upon the crude material, and only propose to make the duty twenty cents by the bill, and but twenty-five cents as proposed by the gentleman from Vermont, [Mr. MORRILL,] upon refined petroleum, and even less on coal oil. It seems to me a very unjust discrimination against one interest and in favor of another, against one section of the country and in favor of another. The comparatively small cost of these oils, their universal consumption in every shape and form everywhere, the demand for exportation, make them legitimate and proper subjects for a reasonable tax.

[Here the hammer fell.]

Mr. MORRILL. I rise to oppose the amendment merely *pro forma*.

The amendment was not agreed to.

Mr. HOLMAN. I now move to strike out "twenty-five" and insert "forty."

Mr. SCOFIELD. Mr. Chairman, there is no comparison between the article of whisky and this. Whisky is a luxury and a demoralizing one, too.

Mr. HOLMAN. The gentleman will allow me to say that I was simply comparing the two interests—the *burning fluid* interest of the West and that of Pennsylvania. [Laughter.]

Mr. SCOFIELD. I cannot yield to the gentleman, for I have but a moment or two, and my constituents are interested in this question. I said that whisky was a luxury. I believe Shakspeare calls it a "hell broth," and very properly. A tax of twenty cents per gallon is equivalent to one hundred per cent. *ad valorem*. There is not another thing in the bill from the beginning to the end, except articles of extravagance and luxury, that has to pay such a tax as that. You lay a tax of twenty cents on a thousand cubic feet of gas, and now you propose to impose a tax of a hundred per cent. *ad valorem* upon the poor man's light. It costs twenty cents per gallon to produce this article under any possible contingency. More money has been sunk in the Oil Creek country than has ever been made there. Gentlemen seem to be under the impression that oil is something which flows out of the ground without expense. Nineteen wise men go there and find nothing, and the one fool goes there and digs a well and the oil flows into it.

Now, sir, this tax of twenty-five cents per gallon is all wrong in itself. The Committee of Ways and Means should never have put it at more than ten cents a gallon. I say that this is emphatically the poor man's light. It brings cheerfulness and comfort to the homes of the poor everywhere, supplying to some extent the luxury which the wealthy enjoy from gas in the cities. I hope that no one here will think for a moment of increasing the tax to a hundred per cent., to come out of this unfortunate class of consumers.

The amendment to the amendment was disagreed to.

Mr. SCOFIELD. I hope the gentleman from Vermont will withdraw the amendment he has offered from the Committee of Ways and Means. He must be aware that this interest is already burdened too much.

Mr. UPSON. I move to strike out "twenty-five" and insert "fifteen" in lieu thereof. The tax now, as I understand, is ten cents. I think if we add half to that it will be sufficient. This is a necessary article of use.

Mr. KASSON. I wish to state to the gentlemen of the committee, that the Committee of Ways and Means have had more trouble to satisfy themselves what was just in this case than the Committee on the Whole can have. The material element which created the necessity for raising the tax upon this article is found in the provision contained in the bill allowing a drawback on this same article when exported for foreign countries.

It was found that within the last year the exportation of the article increased vastly in proportion to the exportation of the crude article. The consequence is that the Government realizes practically by no means the amount of revenue that gentlemen would anticipate from this tax, because of the drawback allowed on the large amount exported to foreign countries; and the committee have come to the conclusion that it is as nearly just as it can possibly be put at this time, at twenty-five cents per gallon. The friends and constituents of the gentleman from Pennsylvania will realize largely under the provision allowing a drawback, and can well afford to bear the burdens that this will impose upon them. I hope the Committee of the Whole will sustain the decision of the Committee of Ways and Means.

Mr. UPSON's amendment to the amendment was not agreed to.

Mr. A. MYERS. I move to amend the amendment of the gentleman from Vermont by striking out the word "five," so as to leave the bill as it stood originally. As has been remarked by my colleague, [Mr. SCOFIELD,] this is emphatically the poor man's light. I would call it the poor man's gas-light and the poor woman's gas-light also; and I am astonished that any comparison should be made between the light that we derive from petroleum and the light which we derive from whisky. This tax affects even the poor sewing woman. If you increase this tax she must turn down the button and decrease her consumption one third.

For this reason, Mr. Chairman, I think that a tax of ten cents is all that should ever be imposed on the article. Government will realize at that rate of taxation, out of my district alone, a revenue of $200,000 this year on that article. The revenue is just beginning to come in from petroleum. Why? Because when the law first went into operation much of the oil was bonded and was called free oil. The Government derived from this article last year throughout the United States $700,000, of which but this year the twentieth district of Pennsylvania alone will contribute $200,000 duty on oil.

On this necessary article, which goes into the cabin of the poor man and the chamber of the sewing woman, it is proposed to more than double the tax. I ask gentlemen to pause. Gentlemen who value even their popularity will not vote for this high tax. If they do I hope they will never venture into that curious district of ours. Nine out of ten holes up there are dry holes, and if men who advocate a tax of twenty-five or forty cents a gallon on oil should come up there, I would not ask a better job than to take a contract for putting them down the holes and plugging them in. [Laughter.] If we impose a tax of twenty cents per gallon, that is equal to the value of the raw material. I know that when it is refined and passes into the hands of the retail dealers, it sells at about sixty cents a gallon. The districts represented by my colleague [Mr. SCOFIELD] and myself are, I believe, in an oily aspect, the most greasy districts in the State. [Laughter.] If you wish to get a large revenue from this article, do not make the tax so high as to diminish the consumption.

Besides, Mr. Chairman, if you tax it so high as to diminish consumption, you will indirectly aim a blow at the inventive genius of the Yankee nation. Your inventions of patent lamp-burners, oval and flat chimneys, and all that, will cease, and the Patent Office will have no more models of that kind.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, I suppose that all the speeches have been made that were necessary to be made, either for our consumption here or for home consumption. There need be no apprehension that the consumption of this article will be reduced by the tax we propose. After this tax is levied it will be still much the cheapest article used for illuminating purposes. We have proposed to increase the tax on gas to double the present rates. We propose to tax lard oil more than double. Under the present law there has been no complaint. We have proposed to increase the tax on refined coal oil up to twenty cents per gallon. From the investigations made by the Committee of Ways and Means we were entirely satisfied that, after the tax is imposed, this oil will be still the cheapest illuminating material in the country. I move that the committee rise for the purpose of closing debate.

The CHAIRMAN. Is there any objection to terminating debate in Committee of the Whole on the state of the Union on this paragraph?

There was no objection; and the debate was terminated on the paragraph.

The question was taken on Mr. A. MYERS's amendment; and was rejected.

Mr. RICE, of Massachusetts. I would like to inquire of the Committee of Ways and Means what is the reason for making a distinction between the tax on oil from coal and on that from petroleum? It is a subject that I do not understand, but I have had inquiries in regard to it made by some of my constituents.

The CHAIRMAN. Debate is closed on the paragraph. Is there any objection to the gentleman from Massachusetts proceeding with his remarks?

Mr. HOLMAN. There will be no objection if the paragraph be left open to general debate.

The CHAIRMAN. Debate on the paragraph is closed.

The question was taken on Mr. MORRILL's amendment to make the tax twenty-five cents per gallon; and it was agreed to.

Mr. HOLMAN. I desire to submit an amendment to this paragraph.

Mr. KASSON. I hope the gentleman will allow the amendments from the Committee of Ways and Means to be first offered.

Mr. HOLMAN. Certainly.

Mr. KASSON. In line sixty-five, I move to strike out "twelve" and insert in lieu thereof "fifteen," so as to make the proviso read:

Provided, That such oil, refined and produced by the distillation of coal exclusively, shall be subject to pay a duty of fifteen cents per gallon, anything to the contrary notwithstanding.

This has been done by the committee for the purpose of maintaining the proportion as near as possible.

Mr. BEAMAN. Is debate in order?

The CHAIRMAN. Debate is not in order.

The amendment was agreed to.

Mr. MALLORY. I move to insert "twelve and a half cents" instead of "fifteen." I thought it was generally agreed in committee that this article of coal oil should not be taxed additionally.

The CHAIRMAN. The amendment of the gentleman is not in order, except by unanimous consent, "fifteen" having been inserted.

Mr. STEVENS. The gentleman will allow me to say that when we raised the duty to five cents on petroleum, we thought it proper to raise it three cents on refined oil, so as to keep up the proportion.

Mr. MALLORY. It seems to me the proportion would have been kept up by making it thirteen, or at most fourteen cents. I was not in committee, however, when the arrangement the gentleman speaks of was made. I ask consent to offer this amendment.

The amendment was received; and the vote being taken on it, it was rejected.

Mr. SCOFIELD. I move to amend so as to make the duty twenty-two cents, and I wish to say a word upon that subject.

Mr. BEAMAN. I object to debate.

The amendment was disagreed to.

Mr. HOLMAN. I move to amend by adding after the word "gallons" in the sixty-third line the words "and on crude petroleum or rock oil a duty of ten cents per gallon." I have merely this to say in reference to the amendment——

The CHAIRMAN. Debate is not in order.

Mr. SCOFIELD. I rise to a question of order. I want to know why we cannot speak five minutes upon an amendment.

The CHAIRMAN. By unanimous consent of the committee debate was closed upon this paragraph of the bill.

Mr. SCOFIELD. I make the point of order that the committee cannot give unanimous consent which shall bind us in what is to occur afterwards. I never gave any such consent.

The CHAIRMAN. It is the universal practice that the committee may, by unanimous consent, close debate upon any paragraph in a bill under consideration. That consent was given in this instance. The Chair put the question, and no member objected.

Mr. SCOFIELD. I make this point, and I desire a decision of the Chair upon it, as a question of order: that the rules of the House allow five minutes debate in Committee of the Whole; and that no gentleman can, by getting up and saying that he asks unanimous consent to violate the rule, cut off members from speaking to amendments. The chairman of this committee is bound by the rules of the House, and not by the consent of the committee.

Mr. MORRILL. I rise to a question of order. I made a motion a short time ago that the committee rise for the purpose of closing debate on this paragraph of the bill. That motion has not been put, and I insist now that it shall be put.

The CHAIRMAN. The Chair will first decide the point of order raised by the gentleman from Pennsylvania. The gentleman from Vermont moved that the committee rise for the purpose of closing debate. The Chair, to save the delay occasioned by such a proceeding, put the question whether, by unanimous consent, all debate upon the paragraph should be closed. That consent was given. The gentleman from Pennsylvania now appeals from the decision of the Chair upon the ground that the committee had no right to bind itself in that way.

Mr. SCOFIELD. The Chair will pardon me. I did not appeal from his decision. I made the question, and asked for the decision of the Chair upon it, whether the committee had the right by an agreement to bind us in violation of the rules of the House.

The CHAIRMAN. The Chair will carry out what was expressly the unanimous consent of the committee, that all debate be closed upon this paragraph. Does the gentleman from Vermont insist upon his motion that the committee rise?

Mr. MORRILL. No, sir. I withdraw the motion.

The amendment submitted by Mr. HOLMAN was disagreed to.

Mr. MORRILL. I move to insert after the word "coal" the words "asphaltum or shale."

The amendment was agreed to.

Mr. SCOFIELD. I move to insert the word "domestic" after the words "distillation of."

The amendment was disagreed to.

Mr. SCOFIELD. I move to strike out the following words:

Provided, That such oil, refined and produced by the distillation of coal exclusively, shall be subject to pay a duty of twelve cents per gallon, anything to the contrary notwithstanding.

The amendment was disagreed to.

Mr. A. MYERS. I move to add the following:

Provided also, That such oil refined and produced by or from the distillation of imported coal, coal oil, asphaltum, shale, peat, petroleum, or rock oil, shall be subject to pay a tax of fifty cents per gallon.

The amendment was disagreed to.

Mr. KASSON. I move to insert, "on crude petroleum one dollar a barrel." I desire to say to the committee that I do this for the purpose of reserving it, whichever way it is voted on in committee, for action in the House.

Mr. A. MYERS demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and SCOFIELD were appointed.

The amendment was adopted; the tellers having reported—ayes 55, noes 43.

Mr. MOORHEAD. I move to add the following:

And provided further, That no excise tax shall be charged or levied upon any gas furnished free of charge by any gas company for the public lights or market-houses of the city or town in which the works of said company are located.

The amendment was disagreed to.

Mr. GANSON. I move to strike out the following:

On spirits of turpentine, a duty of twenty cents per gallon: *Provided*, That all the provisions of law relating to the assessment and collection of the duties on cotton, under rules and regulations to be prescribed by the Secretary of the Treasury, so far as the same may be deemed applicable thereto, shall apply to the assessment and collection of duties on spirits of turpentine.

I would like to know what connection cotton has with turpentine. I want that explained. [There was no response.] The explanation is so lucid that I withdraw my amendment. [Laughter.]

Mr. MORRILL. I ask, by unanimous consent, that the sections in reference to sugar and molasses be passed over until to-morrow.

There was no objection and it was agreed to accordingly.

The Clerk read, as follows:

On glue, and cement made wholly or in part of glue, to be sold in the liquid state, a duty of forty cents per gallon.

Mr. KALBFLEISCH. I move to strike out "forty" and insert "ten."

The amendment was disagreed to.

The Clerk read, as follows:

On screws, commonly called wood screws, a duty of five per cent. *ad valorem*.

Mr. J. C. ALLEN. I move to strike out "five" and insert "ten." It is perhaps known to the committee that all the wood-screw manufactories have been absorbed in one great company, which has the complete monopoly in the United States for supplying this article. There can be no competition with them, as the tariff is so high upon the importation of wood screws as practically to amount to a prohibition. These wood screws that used to sell for fifty to sixty cents a gross now cost $1 50 to $1 60 a gross. This increase is simply because that one company has the monopoly of the manufacture. I think that this tax of five per cent. *ad valorem* is too low; and I have therefore moved to make it ten. I hope the committee will see the necessity of adopting the amendment.

The amendment was agreed to.

Mr. MORRILL. I move to insert, "on gold foil, two dollars per ounce troy weight."

The amendment was agreed to.

The Clerk read, as follows:

On bill-heads, printed, printed cards and printed circulars, a duty of five per cent. *ad valorem*.

Mr. GANSON. I move to insert after the word "printed," where it occurs the second time, the words "and playing."

Mr. MORRILL. A much higher duty is imposed further on in the bill.

Mr. GANSON. Then I withdraw my amendment.

The Clerk read, as follows:

On all printed books, magazines, pamphlets, reviews, and all other similar printed publications, except newspapers, a duty of five per cent. *ad valorem*.

Mr. COX. I move to strike out "five" and insert "three."

The amendment was disagreed to.

The Clerk read, as follows:

On the hulls, as launched, of all ships, barks, brigs, schooners, sloops, sail-boats, steamboats, canal-boats, and all other vessels or water craft, (not including engines or rigging,) hereafter built, made, or constructed, a duty of two per cent. *ad valorem*.

Mr. MARCY. I move to strike that paragraph out. I hope my motion will prevail, as this tax ought not to pass. You tax everything that enters into ship-building. You tax iron, copper, and every other thing, and now you propose to tax the ship when it is launched. I do not think that is fair.

The amendment was disagreed to.

The Clerk read, as follows:

On marble, gravestones, and other monumental stones, with or without inscriptions, five per cent. *ad valorem*.

Mr. J. C. ALLEN. I do not propose to tax the dead, and therefore move to strike that out.

The amendment was disagreed to.

Mr. KASSON. I move to amend the clause by striking out the word "gravestones," so that the clause will read "on marble and other monumental stones," &c. The object is to relieve the ordinary marbles coming under the denomination of gravestones, and leave the tax upon monumental marbles, which are used in the structure of ornamental monuments and in the ornamentation of marble buildings. I think that amendment will accomplish the object desired by the gentleman from Illinois.

Mr. MALLORY. I suggest that the gentleman move to strike out the words "gravestones, and other," so that it will read "on marble, monumental stones," &c. That will make the matter right.

Mr. MORRILL. The suggestion which has been made, and, I believe, accepted by the gentleman from Iowa, takes back with one hand what is given by the other. Either the whole should be struck out or nothing. I know of no reason why these men who make these things, and who go as jocularly about their business as any other class of men, should not be taxed as well as all other professions. I trust it will not be modified at all.

Mr. GANSON. That will have the effect of sending the assessors all through our graveyards to tax gravestones standing over the graves.

Mr. MORRILL. We do not propose to tax gravestones on hand. [Laughter.]

Mr. KASSON. I will accept a suggestion of a gentleman from Massachusetts, and modify my amendment so as to strike out the words "marble, gravestones, and other," so that it will read "on monumental stones," &c.

Mr. NELSON. I move to amend the amendment by adding after the word "stones" the words "not exceeding fifty dollars in value."

The amendment to the amendment was not agreed to.

Mr. HOOPER. I move to amend the amendment by leaving in the word "marble" and the words "and other," and striking out only the word "gravestones;" so that the clause will read, "on marble and other monumental stones," &c.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SLOAN. I move to amend by inserting after the word "gravestones" the words "costing over forty dollars."

The amendment was not agreed to.

Mr. J. C. ALLEN. I move to amend, on page 124, line two hundred and twenty-eight, by striking out "six" and inserting "three," so that the tax on salt shall be only three cents per bushel.

The amendment was not agreed to.

Mr. MORRILL. I move to amend in line two hundred and thirty-three by striking out the word "named" and inserting after the word "articles" the words "are made;" a mere verbal amendment.

The amendment was agreed to.

The following clause was read:

On artificial mineral waters, soda waters, sarsaparilla water, and all other beverages used for like purposes, sold in bottles, or from fountains, or otherwise, and not otherwise provided for, a duty of ten per cent. *ad valorem*.

Mr. FENTON. I move to amend the same by striking out "ten" and inserting "five."

Mr. MORRILL demanded tellers.

Tellers were ordered; and Mr. FENTON, and Mr. STEELE of New Jersey, were appointed.

The committee divided; and the tellers reported —ayes 65, noes 31.

So the amendment was agreed to.

Mr. FENTON. I am instructed by the Committee of Ways and Means to suggest a verbal amendment in line two hundred and forty-two, by striking out the word "quart" and inserting "pint," so that the clause will read:

On mineral or medicinal waters, or waters from springs impregnated with minerals, a duty of one half cent for each bottle containing not more than one pint.

The amendment was agreed to.

Mr. FENTON. I move to add at the end of line two hundred and forty-five, which has reference to the same subject, the words "one cent," so that the clause will read:

When containing more than one pint and not more than one quart, one cent; when containing more than one quart, for each additional quart or fractional part thereof, one cent.

Mr. J. C. ALLEN. I move to strike out "one" and insert "two" in the clause "on pig iron, a duty of one dollar per ton."

Mr. MALLORY. If the gentleman will yield to me I will move that the committee rise, so that we may adjourn and enter upon this new subject of discussion fresh in the morning.

Mr. J. C. ALLEN. I will yield.

Mr. MALLORY. I move that the committee rise.

The motion was not agreed to.

Mr. J. C. ALLEN. Pig iron is now worth from seventy to eighty dollars a ton, and while we are placing heavy duties on everything else, it is only proposed to place a tax of one dollar a ton on this article. That is out of all proportion to the other taxes in this bill. Not only is that the case with reference to the tax which is placed upon pig iron, but it is so in reference to every other description of iron which range in prices from sixty-five to two hundred and fifty dollars a ton. The highest tax which is proposed to be placed upon iron is three dollars a ton. It is an article which will bear a heavy tax for revenue purposes, and we ought to apply the same rule to it that we do to other articles.

Now, the argument urged in favor of a low tax upon iron is that it enters into many other branches of manufacture, and thus pays additional duties. That is all true enough; but yet, sir, it is not right to tax other articles of necessity so heavily, and leave the article of iron out. The fact that it enters into other manufactures is no reason why the producers should not pay their fair proportion of taxation on the article. A tax of a little over one per cent. is not a fair tax when compared with the tax upon other productions.

What I say in reference to the tax on pig iron would apply also to the tax on bar iron. It is unjust to all the other great interests of this country to make this discrimination in favor of an article from which revenue might be and ought to be raised. I therefore hope that my amendment will be concurred in.

Mr. MOORHEAD. I hope the amendment will not be adopted. The manufacturers of pig iron and bar iron, and of all sorts of iron, are perfectly willing to pay their full proportion of the taxes necessary to carry on the Government. They ask no exemption, but they want an assurance, if the tax is increased largely upon them, that the tariff shall be increased so as to protect them. If you will give them sufficient protection, if you will adopt the doctrine of the gentleman from New York, [Mr. STEBBINS,] and put your tariff up so as to prohibit the introduction of articles which we can manufacture at home, then they will pay any reasonable tax you can put on them. But as we have not yet got to the tariff bill, I hope the tax will not be increased.

It was agreed at the time the last tax bill was passed that pig iron, being the raw material, should not be taxed. The Committee of Ways and Means propose by this bill to tax it one dollar. To that I shall not object. They then propose to tax bloom iron $1 50 and bar iron three dollars, which, when added together, make six cents per pound on bar iron. Then I find on looking at the schedule for taxing steel that they go as high as $12 50 per ton, making a tax of $18 50 on steel.

Sir, if this tax is put on, it is perfectly evident that these manufacturers cannot proceed unless you increase the duty upon the foreign article. I hope, therefore, that until we have assurances as to what will be done in regard to the tariff the tax will not be increased. Raise the tariff on iron, and I will not object to an increase of tax. But as the tariff bill will not be acted on until after this tax bill is disposed of, I will look with great confidence to the gentlemen now so anxious for an increase of tax upon the domestic article, for their votes in favor of a large increase of duty upon the foreign product, so that our own labor may be protected against the ruinous competition of foreign labor. If this is done our own citizens will be able to pay the taxes necessary to sustain the Treasury in crushing out this infamous rebellion.

I stated the willingness of my constituents to be taxed, in proof of which I give the following letter, just received from some of the largest iron manufacturers in Pennsylvania:

PITTSBURG, *April* 19, 1864.

DEAR SIR: In the revised internal tax bill, we see that the tax on all descriptions of iron manufactured in our city is doubled, and that it is proposed to put a tax of one dollar per ton on pig iron, which in the end falls on the manufacturer of merchant bar, rod, plate, hoop, and sheet iron, the same as does every advance in labor and all materials entering into finished iron. When the iron interests of this city were represented before the Committee of Ways and Means, they then stated that the price for manufactured iron would be greatly increased: 1. By the withdrawal of labor from its natural channels; a large amount of the best and most skilled would enter the Army, making it scarce at home, consequently increasing the cost of the same. 2. As gold advanced, every article used in our business would increase in cost. These things we have realized, and feel the effects more keenly than we expected when we made the representations to the committee. To-day there is not a maker of iron in our city or vicinity who can calculate with any degree of certainty the cost of his products one week ahead. The trade have as a matter of course been compelled from time to time to advance the prices to keep pace with the increasing cost of everything, at the same time were obliged to make the prices comparatively low in order that consumption should not be diminished, and the trade for our home products might be retained. The net prices of our manufactures are not such as will give a margin for profit with the additional taxes proposed to be added to the cost of manufacture; *and to increase the prices will allow the manufacturer of foreign iron to take our markets.* We feel that an increase of taxes is a necessity, to which we

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. TUESDAY, APRIL 26, 1864. NEW SERIES.....No. 115.

yield as we have done in the past a hearty acquiescence. From the manufacturers of the country the Government must realize its principal revenue, and in order that this revenue may yield the greatest amount, and the manufacturers be enabled to pay it, they must have the control of their own markets, *and not be undersold in them by the products of foreign labor.*

Should gold only command say forty per cent. premium for a period of sixty days, the rolling mills here would not be able to run more than one half time, and foreign iron would be in the hands of all the merchants along the lines of our lakes, the principal markets for Pittsburg iron.

If you determine that an increased tax is necessary, *and we believe it is*, and to realize fully its benefits, you must increase the tax on foreign iron, the only portion of which adds to the weal of this country is the paltry seventeen dollars per ton tariff; all the labor expended in making it goes abroad. A less tariff than thirty-five dollars per ton on flat bar, the lowest class, with a proportionate increase upon the other classifications, we regard as a necessity.

If now is the time to increase the excise tax, now certainly is the time to protect and foster those who pay the taxes. It is important that the friends of the iron interest should be in the field early and at work; we have little to expect from those always willing to tax, not so willing to protect.

We are willing to have the excise tax increased, but let Congress give full and ample protection, and in so doing they are putting increased revenue in the coffers of the Government, enabling us to pay the tax. We would further ask that Congress should give the people the whole and entire advantage of the currency of the country. Let the Government have the advantage of the money that passes from hand to hand day by day, on which it pays no interest, and thereby would save thirty to fifty million dollars per annum.

Respectfully, your friends,

GRAFF, BENNETT & CO.,
ZUG & PAINTER,
EVERSON, PRESTON & CO.,
SPANG, CHALFANT & CO.,
JONES & LAUGHLINS.

HON. J. K. MOORHEAD, *Washington, D. C.*

Mr. STEVENS. I move to amend the amendment by reducing the amount of the tax fifty cents. Mr. Chairman, the tax on iron in this bill is about double what it was before; and on many articles it is about three or four times as much. You begin by taxing the raw material, and you lay a tax on iron in every other shape. You have got the tax so high that the iron manufacturers are alarmed about it. Some of them have been disposed to reproach me for agreeing in the Committee of Ways and Means to so high a tax as the bill imposes. I thought, however, that it was better for them to put on a liberal tax, and that we must trust, if prices come down, to a reduction of the tax. The tax proposed in the bill is enormous, so large as almost to compel the people to import the article from abroad.

I hope, therefore, that the amendment of the gentleman from Illinois will not prevail. Some of the members of the committee thought that the tax ought not to be so high. I think it is as high as the business will bear, and that any higher tax would be destructive.

Mr. COX. I rise to oppose the amendment to the amendment. The gentleman from Pennsylvania [Mr. MOORHEAD] opposed the amendment of the gentleman from Illinois [Mr. J. C. ALLEN] because the tariff upon iron is not high enough now to amount to prohibition. He wants it raised hereafter so as to give larger benefits to this immense iron interest which he represents, and therefore he is opposed to the present tax being increased until the tariff duty on iron is so enlarged as to be a prohibition. That was the drift of the gentleman's argument.

Now, I could demonstrate, if I had time, that the iron manufacturers of Pennsylvania by the present tariff have protection running up to one hundred and fifty per cent. on the paper basis, and under the present depreciated condition of the currency. And now the gentleman refuses to have this interest, which has received such a bounty, at the expense of other interests and industrial pursuits, taxed as largely as other interests.

The gentleman from Pennsylvania says it is the highest tax of any imposed; he boasts that it is double. The gentleman knows very well that some articles have been taxed much higher in proportion—articles of property, articles owned by my own constituents. I refer to whisky, which is as much an article of manufacture as iron or any other material is; and whisky is taxed inordinately, four times its value. I think that where an interest like that of iron is so guarded and protected as almost to amount to a prohibition it ought to be made to bear the same tax that other interests in the country bear.

Mr. STEVENS. I withdraw my amendment.

Mr. SCOFIELD. I renew the amendment. My colleague says we are now paying a heavier tax upon pig iron than is laid upon any other article. Now how much per cent. *ad valorem* does the gentleman say this one dollar per ton will be? I suppose it will be about one half of one per cent.

Mr. MOORHEAD. It will be over two per cent.

Mr. SCOFIELD. I do not figure it out that way, but the gentleman is a practical man and knows what he is speaking about, and I will say it will be two per cent. But the chairman of the Committee of Ways and Means has just voted to put a tax on oil, to be paid out of the pockets of the poor men of the country, amounting to a hundred and fifty per cent. *ad valorem*. And here he is reluctant to have a tax of two per cent. laid upon an article that is consumed by the wealthiest corporations of the land. I know of no one item—representing Pennsylvania, in part, as I do—that can stand a tax so well as iron. The tax is paid by men who never feel it. Instead of two dollars a ton, it should be five dollars, and even then the tax would not begin to compare with the burdensome tax laid upon the poor man's light a few minutes ago.

Mr. KELLOGG, of New York. Mr. Chairman, I believe I have some knowledge of the prices and manufacture of iron. It is one of the great material interests of my district. I know that that interest will bear a higher tax than is proposed in this bill better than some other articles would a less one. So far as I have become acquainted with that trade in my district, the prices of iron now are enormous, outrunning that of any other manufacture in that region. The profits that are made on bar and bloom and pig iron exceed that of almost any other interest I know of. I have had correspondence with men in my district on that question, and it is my judgment, derived from that information, that iron manufacturers there will cheerfully pay a liberal assessment, for they are patriotic and have sustained and desire to sustain the Government and its credit and defray the expenses of the war; and will be willing, if necessary, that there shall be a high duty imposed on this interest. And I agree that the duty named here, of two dollars per ton on pig iron, be imposed, and reduce on articles of prime necessity to make it equal, and then insist on full protection by a high tariff on foreign importations. That done, domestic manufacturers will prosper and can pay taxes.

Mr. SCOFIELD. I withdraw my amendment.

Mr. COX. I propose, on the suggestion of the gentleman from Pennsylvania, to make the tax three dollars a ton.

Mr. MOORHEAD. Which gentleman from Pennsylvania?

Mr. COX. I am very glad to congratulate Pennsylvania on being disinterested.

Mr. KELLOGG, of New York. I sustain the amendment of two dollars a ton on pig iron, and am for the policy that will foster and encourage and protect home productions of all kinds and home labors, and make them prosperous and able to pay high taxes.

Mr. MORRILL. Mr. Chairman, I see we are almost as much excited on the iron question as we have been on the whisky question. I do not know which side is more intoxicated. I desire, however, to call the attention of the committee back to the sober facts of the case. When the subject of iron is up, usually the gentleman from Illinois [Mr. J. C. ALLEN] and the gentleman from Ohio [Mr. COX] preach to us about its being an article of common necessity used by farmers, and urge with great force that the price of such an article should not be increased. And yet they come here now and propose to increase the duty on iron—one of them one hundred per cent. and the other three hundred per cent. above what the Committee of Ways and Means has fixed it. Heretofore the principle has been that we would not levy any tax at all on the raw materials of pig iron, pig copper, and lead; but the necessities of the country have become so great that we have thought it reasonable and proper to distribute this tax over a broader surface, and to bring under it all who are in any manner engaged in the manufacture of iron.

Therefore the bill proposes that we shall in the first instance levy a tax of one dollar per ton upon pig iron. That, when brought into the shape of bar iron, blooms, or loops, will bring the tax up to $1 50 a ton in that stage of the manufacture. To that we have added $1 50 a ton, making the tax upon blooms, slabs, and loops three dollars. We then propose to impose a duty upon bar iron manufactured from bloom, loops, and slabs three dollars addition: so that there will be a duty of one dollar on pig iron, three dollars on blooms, slabs, and loops, and six dollars per ton upon bar iron. And the Committee of Ways and Means thought that was as high a duty as we have imposed upon any other species of manufacture. It is possible that we may be mistaken, and that the gentleman from New York [Mr. KELLOGG] may be right. But that is the conclusion to which we arrived.

Mr. KELLOGG, of New York. If the gentleman will allow me for a moment, I will say to the honorable chairman from Pennsylvania [Mr. STEVENS] that I know of manufacturers in my district who have sold within the last two months slab iron in Pennsylvania for eighty dollars or over per ton. And I am told, by gentlemen who know, that the cost of making is not more than fifty-five dollars per ton. So that the gentleman himself can see what profit there is upon that article.

Mr. STEVENS. The gentleman's information is probably what the cost was two years ago. Everything has advanced enormously since that time.

Mr. KELLOGG, of New York. No, sir. The information was of things as they stand to-day. This iron manufacture is realizing great profits at this time, and it is right that it should contribute liberally.

Mr. MORRILL. I move that the committee rise for the purpose of closing debate on this paragraph.

The CHAIRMAN. Is it the unanimous consent of the committee that debate be closed upon this paragraph?

Mr. SCOFIELD. No; I will never consent to that.

The CHAIRMAN. The Chair will then put the question on the motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union having, according to order, had the Union generally under consideration, and particularly the bill of the House to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, had come to no resolution thereon.

Mr. RANDALL, of Pennsylvania. Is it in order in the House to criticise the action of the chairman of the Committee of the Whole?

The SPEAKER. It is not.

Mr. RANDALL, of Pennsylvania. I would like to do so, if it were in order. I would like to say that the chairman did not state what was really the action of the committee on the motion to rise.

Mr. MORRILL. I move that all debate on the paragraph under consideration in committee be closed. And in order to give some gentleman on the other side an opportunity of one speech in reply, I will fix the time at five minutes after the consideration of the bill shall be resumed.

The motion was agreed to—ayes 72, noes 30.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHURNE, of Illinois, in the chair,) and resumed the consideration of the internal revenue bill.

Mr. GRISWOLD. I desire to suggest to my colleague from New York [Mr. KELLOGG] that he may have obtained the information he has given the committee from an improper standpoint. I apprehend that the iron manufacturers in his particular locality have been manufacturing iron from the raw material on the basis of its price a year or two ago, and that when they come to count the cost, at the present price of the raw material, and the present cost of production, they will find the results of the profits of their business entirely different from those he has stated.

Now, sir, I should regret very much if any feeling or prejudice upon the part of any of my friends here against any particular State that may be represented upon this floor, should lead them to an improper and erroneous conclusion. I beg to remind those gentlemen who are so strenuous for imposing an unlimited, indefinite tax upon iron, that scarcely two years ago nearly all the founderies in the country were closed.

Mr. NELSON. I should like to ask my colleague if he can tell the House the average profits that iron manufacturers have made for the last eight or nine months.

Mr. GRISWOLD. I will answer the gentleman that taking the estimated cost of pig iron, taking the price of the raw material as it is fixed the present year, I can conceive of no profit whatever growing out of the manufacture of pig iron. In the establishment of which I am part owner I believe that will be the result.

Mr. NELSON. Does my colleague know of a single furnace in New York the owners of which have not become immensely wealthy within the last six, ten, or twelve months?

One word more. In Poughkeepsie we have a large furnace owned by the Messrs. Peek, and in the other county of Ulster we have large furnaces, and from these I judge that there is not a single furnace the owners of which have not become wealthy.

Mr. KELLOGG, of New York. My colleague has inquired whether I have not put my calculations upon a wrong basis. He suggests that I have been misinformed on the subject. I ask him whether he has knowledge of a single iron manufacturer that is not making money? Is it not said and believed that all iron establishments are coining money at this time for their owners?

Mr. GRISWOLD. Mr. Chairman, I have to say, in response to my colleagues, that, so far as furnaces are concerned, I am not acquainted particularly with that branch of the iron interest. But, sir, I do know that three years ago there was not one of the whole number that was in operation. They were broken down and bankrupt. So it was in Pennsylvania; and I think that three years ago that fact would hold good in reference to the iron interest throughout the entire United States. Not one half of the blast furnaces in the United States were in operation three years ago.

Mr. KELLOGG, of New York. Has my colleague any reason to fear that the iron interest will be less profitable for the next year than it has been during the past year? If so, it might modify my opinion as to this tax, for his judgment is a high authority upon this question.

Mr. GRISWOLD. I answer most emphatically and decidedly that it will be less profitable.

Mr. KELLOGG, of New York. How?

Mr. GRISWOLD. There is no comparison between the cost of pig iron for the present year and the price at which it was held a few years ago; there is more than seventy-five per cent. difference. I will say, from the best calculation that I can make, taking the price of coal, ore, hauling, and all the other expenses entering into the production of pig iron, that there is not a margin of profit left to one of the furnaces in which I am interested.

Mr. KELLOGG, of New York. Does not my colleague know of his own personal knowledge that iron has been selling at enormous prices up to the present day? Is it not worth more now than at any previous time for many——

[Here the hammer fell.]

Mr. SCOFIELD. I thought that the five minutes reserved by the gentleman from Vermont was for this side of the House.

The CHAIRMAN. The House ordered the debate to close in five minutes, and debate is now exhausted.

Mr. COX, by unanimous consent, withdrew his amendment.

The question then recurred on Mr. J. C. ALLEN's amendment.

Mr. GRISWOLD demanded tellers.

Tellers were ordered; and Messrs. J. C. ALLEN and MORRILL were appointed.

The amendment was agreed to; the tellers having reported—ayes 71, noes 28.

Mr. MORRILL moved to strike out:

Provided, That blooms, slabs, or loops, or castings of iron, upon which a duty has not been assessed and paid, in the form of pig iron, shall be assessed, and pay, in addition to the foregoing rates, a duty of $1 50 per ton.

And in lieu thereof to insert:

On blooms, slabs, or loops, when made in forges or bloomeries from the ore, a duty of three dollars per ton.

Mr. UPSON asked that the question be divided.

The question was first taken on striking out the proviso; and it was agreed to.

Mr. MORRILL. To make the amendment agree with the amendment previously adopted by the committee, it ought to read four dollars instead of three dollars.

Mr. GRINNELL. I move that amendment to the amendment.

The amendment to the amendment was agreed to; and then the amendment was adopted.

Mr. J. C. ALLEN. I move to amend in line two hundred and fifty-four by striking out "three" and inserting "six," so as to make the duty on railroad iron six dollars per ton.

Mr. STEVENS. Railroad iron, two years ago, brought thirty-five dollars a ton, and many men lost large fortunes by making it. They are now making a little. By the amendment you have adopted in reference to the duty on pig iron and bloom iron, you have imposed a duty on railroad iron of seven dollars a ton already.

I trust this House has not gone mad upon this question of iron, and that my friend, [Mr. SCOFIELD,] who has been a little exercised upon the subject of oil, will forgive us now, and consider that he has had sufficient revenge, and will be content to have broken down the furnaces, and will let the rolling-mills alone.

Mr. NELSON. I move to amend the amendment by striking out "six" and inserting "seven." I move the amendment merely to give me the opportunity to suggest that when it is intimated that the course pursued upon this side of the House arises from any ill-feeling, a conclusive answer can be given to it. To the charge made against us in times gone by that we intended to cripple the Government, we mean upon this side of the House to give the lie to such a statement upon this tax bill. We mean to tax everything to the full amount it will bear, and give the utmost revenue to the Government. I for one mean to give the lie to the statement that we intend, under any circumstances or in any manner, to cripple the hands of the Government; and I mean to do it by voting for a large tax, and the object is to give every possible dollar to the Government for the purpose of crushing out this rebellion.

Mr. SHANNON. I am opposed to increasing the tax upon this article of railroad iron, for the reason that under the Pacific railroad act we are obliged to purchase American railroad iron, and if you impose a heavy duty here it will so raise the price of the article as to retard the construction of that road, inflicting thereby a greater curse upon this country than it is possible for any other legislation to do.

Now, in reference to what the gentleman has said about the Democratic party, I would like to ask him whether the other day he voted for or strenuously fillibustered against a proposition to raise the tariff whereby this Government should derive an increased revenue?

Mr. NELSON. I will answer the gentleman. I did not fillibuster at all. I was opposed to that; but nevertheless I am opposed to raising the tariff by a joint resolution.

Mr. SHANNON. In other words, the gentleman is opposed to raising the tariff by joint resolution, because he desires that under the long process of raising it by a bill some persons may be enabled, before that succeeds, to get in a vast amount of foreign goods, thereby avoiding the payment of the increased duties.

Mr. MORRILL. I rise to a question of order. This is a good time to raise it upon my friend from California. My point is that this discussion is not pertinent to the matter under consideration.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NELSON. Then I cannot answer the gentleman. I withdraw the amendment to the amendment.

Mr. J. C. ALLEN. I move to amend the amendment by increasing the amount to $6 50. I move the amendment for the purpose of answering the argument in reference to railroads. So far as I know, the railroads have not deserved the sympathy of the great mass of our people for the last year or two. They have advanced their rates so enormously that they have crushed out the great agricultural interests of this country. They have no sympathy from me.

Now, let me answer the gentleman from Pennsylvania, who says that at twenty-five dollars a ton the railroad iron manufacturing companies do not make much money. But they are to-day making every ton they can manufacture, and selling for $100 a ton. The price of that article has increased threefold. We only propose to tax them six dollars on what they sell for $100, and that is a low tax in comparison with other taxes. It is the same we impose on copper, and is not out of proportion at all. I therefore hope my first amendment will be adopted; and I withdraw my amendment to that amendment.

The question recurring on the amendment offered by Mr. J. C. ALLEN, tellers were called for, but refused.

The amendment was not agreed to.

Mr. SCOFIELD. I move to strike out "three" and insert "four." I suppose as this is an excise duty, that every time iron is remanufactured into something else it is fair to lay an additional tax, so that the objection of my colleague about commencing the tax upon the raw material and coming up through pig, bloom, to railroad iron is not a fair one. It is a manufacturers' tax, and I think the "poor railroad companies" can stand a tax of one dollar more.

Now, I would not ask the gentleman from New York [Mr. NELSON] to say anything more upon the whisky tax, although he says we are all going in to sustain the country with any amount of taxes, because we know that whisky cannot stagger us any more than it has done.

Now, I can see no objection to the levying of an additional tax on railroad iron, and I think my colleague, the chairman of the Committee of Ways and Means, ought to agree to it. The tax comes out of the consumers, although the iron men here talk about the manufacturers losing it. Did you not tell us a moment ago, when we were talking about oil, that it was the consumer who would have to pay? And yet when the gentleman is begging for these "poor railroad companies" he forgets that.

Mr. WOODBRIDGE. I hope that the amendment of the gentleman from Pennsylvania will not prevail. Why, sir, how are we situated in this country? There are thousands and millions in this country invested in railroads. On all the railroad stock in this country two per cent. has never been paid to those who invested in the stocks of railroads. Sir, there is scarcely a railroad north of the city of New York that pays one dollar, or ever has paid one dollar in dividends to the stockholders of those roads. I except the New York Central railroad and the Western road which are to-day bringing in one hundred and thirty per cent., and more than that. The other roads have not returned one dollar in dividends to the stockholders this year, and will not next year.

Mr. SCOFIELD. Well, I called them "poor railroad companies."

Mr. WOODBRIDGE. I am aware that the gentleman called them poor railroad companies, but he used the word "poor" meaning that they were rich corporations.

Now, sir, I know from actual experience, for

I have been connected more or less with northern railroads—and extensively too—for the last ten years, that in my own State, where, poor as the old Green Mountain State is, $25,000,000 have been invested in railroad stocks, the stocks of those railroads, with but one exception, are not worth to-day one per cent. of the amount put into them. They have made the State rich and have been a benefit to its people, but the men who have got money in them have received no returns.

Mr. DAWES. Will my friend tell me where they got their money?

Mr. WOODBRIDGE. From the farmers of Vermont.

Mr. DAWES. Oh, no; they got it from Massachusetts.

Mr. WOODBRIDGE. They got it to the extent of the ability of Vermont from the citizens of Vermont; but by means of these railroads we have opened up the country to Boston, and developed Boston, the commercial emporium of New England. Her people, it is true, have put liberally into the railroads of Vermont, New Hampshire, Maine, and the other sections of New England, but they have never got a dollar back, and I venture to say that they never will get a dollar back in the next twenty years. There are gentlemen here who have interests in the northern railroads in the State of New York, and they know that the returns on the stock are perfectly hopeless, that the companies are bankrupt corporations, that they have done immense good to the country, but that those whose money has built the roads have sacrificed all their investments in them. I say that it is unjust to these men now to have an additional tax imposed on railroad iron, thereby imposing so much more obligation upon them.

Mr. NELSON. I know of one railroad in New York whose stock before this war commenced was only twelve cents on the dollar, and which since then has been paying its stockholders seven per cent., besides paying the expenses of laying down a second track. Now is not that the case with nearly every northern railroad, which were bankrupt at the commencement of the war, but are now making nice incomes for their stockholders?

Mr. WOODBRIDGE. I do not know what railroad the gentleman refers to.

Mr. NELSON. I refer to the Hudson River railroad.

Mr. WOODBRIDGE. But I do know this—— [Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of closing debate.

The motion was not agreed to.

Mr. MORRILL. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration, as a special order, the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that all debate upon the pending paragraph of the internal revenue bill shall close in one minute after its consideration shall be resumed in Committee of the Whole on the state of the Union.

Mr. COX. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes before ten o'clock p. m.) the House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April* 23, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

SUPERVISING INSPECTORS.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to make a statement in regard to a bill; and if there be no objection I will ask that it be put on its passage. At the breaking out of the rebellion the supervising inspector at New Orleans went off with the rebels.

Mr. COX. What is it?

Mr. WASHBURNE, of Illinois. It is in regard to the appointment of a supervising inspector and some local inspectors. I ask the gentleman from Ohio to withhold his objection until I have made a statement.

Since New Orleans came into our possession we have had no supervising inspector at that important point, and the public interest there is suffering greatly for the want of such an officer. There is no supervising inspector nearer than St. Louis, and there is no local board of inspectors any nearer. The Secretary of the Treasury has addressed me a letter, as chairman of the Committee on Commerce, accompanied with a draft of a bill providing for the appointment of an additional inspector, to be located at New Orleans; of a board of local inspectors at Memphis; and in addition it provides for the establishment of local inspectors in Oregon. There is no local board of inspectors there now, and every time a steamboat has to be inspected in that State the supervising inspector at San Francisco has to go there, and his mileage and other expenses are greater than the cost of establishing inspectors there.

The bill also discontinues the local board at Wheeling, West Virginia, for the reason that there are three on the Ohio river, and two are all that are necessary.

I ask to have the bill read, and if there be no objection I ask that it be now put on its passage. If there be objection, of course it will have to go over.

The Clerk read, as follows:

TREASURY DEPARTMENT, *April* 23, 1864.

SIR: In compliance with your request I inclose the draft of a bill providing for the appointment of two local inspectors of steamboats for the district of Oregon. It also creates an additional supervising inspector who will be located at New Orleans; and for changing the local board from Wheeling, West Virginia, to Memphis, Tennessee. This at the suggestion of the supervising inspector at Cincinnati, who represents that the board at Pittsburg can attend to the duties of the Wheeling board, while there is no local board between St. Louis and New Orleans, on the Mississippi river.

The provision for charging ten dollars for license of pilots or engineers is at the suggestion of several of the supervising inspectors, and if it should become a law will, it is said, add to the revenue of the Government some fifty thousand dollars, and make the inspection of steamboats self-sustaining, in place of being as it now is a tax on the Treasury to that amount. It will impose no onerous burden upon pilots and engineers, as being licensed they enjoy exclusive privileges for which they pay nothing but this license.

Respectfully, S. P. CHASE,
Secretary of the Treasury.

Hon. E. B. WASHBURNE, *Chairman of Committee on Commerce, House of Representatives.*

There was no objection, and Mr. WASHBURNE, of Illinois, introduced a bill to increase additional supervising inspectors of steamboats, &c.; which was read a first and second time.

The bill was read *in extenso*.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WASHBURNE, of Illinois, demanded the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER asked the unanimous consent of the House to grant leave of absence to Mr. VAN VALKENBURGH for two weeks from Monday next.

There was no objection, and leave was granted accordingly.

PROOFS OF MILITARY DESERTION.

Mr. WILSON. I ask the unanimous consent of the House for leave to introduce a bill relating to the proofs of desertion from the military service of the United States, and for other purposes.

Mr. HARRINGTON. Does the gentleman understand that bill to include proof of identity of the person?

Mr. WILSON. It may include that. All I want is to introduce the bill and have it referred to the Committee on the Judiciary for investigation.

Mr. HARRINGTON. I object.

DEBATE ON TAX BILL.

Mr. MORRILL. I move that all debate in the Committee of the Whole on the state of the Union on that portion of the tax bill relating to iron be closed as soon as the committee resumes its session.

Mr. HOLMAN. I make the point that the gentleman can only move to close debate on the pending paragraph.

The SPEAKER. The gentleman, under the rules, can move to close debate on the entire section.

Mr. COX. I ask the gentleman to yield me the floor to submit a resolution.

Mr. MORRILL. I will hear the resolution. I give notice that, as we are not to have an evening session, I shall ask the House to sit until half past five instead of half past four o'clock p. m.

CRIMINAL JUDICIAL PROCEEDINGS.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary inquire into the expediency of so amending the act of March 2, 1793, as to empower United States commissioners to take bail for criminal offenses against the United States, and to provide that said commissioners shall have an official seal to authenticate their acts of record.

CHARGES AGAINST A MEMBER.

Mr. HIGBY. I desire to present the report of the special committee appointed to investigate the charge against Hon. F. P. BLAIR, presented by Hon. J. W. MCCLURG, for the purpose of having it laid upon the table, and ordered to be printed

Mr. MORRILL. I cannot yield for anything that will consume time.

The SPEAKER. The gentleman from California has the right to present his report as a matter of privilege, if the gentleman from Vermont withdraws his motion.

Mr. BLAIR, of Missouri. I think it is a question of privilege, and I desire that it may be made.

Mr. MORRILL. I think I must insist upon my motion to go into the Committee of the Whole on the state of the Union.

Mr. BLAIR, of Missouri. I appeal to the gentleman from Vermont to allow this report to be read.

Mr. HIGBY. It will not consume five minutes.

Mr. MORRILL. I have no objection to the report being made and printed.

Mr. HIGBY. Unless the gentleman will yield the floor to have the report read, I will make the report and ask to have it laid on the table and printed.

Mr. MORRILL. Understanding that it is the special wish of the gentleman from Missouri to have the report read, I will yield for that purpose.

The report was then presented and read, as follows:

The undersigned, the special committee appointed under the resolution of the House of the 23d of March last to investigate the charge made by Hon. J. W. MCCLURG, a member of the House from the State of Missouri, against Hon. F. P. BLAIR, jr., also a member of the House from the same State, "of violating the laws in the matter of an alleged liquor speculation, and to inquire into the genuineness or falsity of the alleged order for the purchase of liquor, bearing date June 3, 1863," respectfully report that they have had the matter so referred to them under investigation from an early day after their appointment, and have given full opportunity to both parties to produce witnesses before them, and have taken all the testimony offered on the subject. The depositions of the witnesses thus examined are herewith submitted to the House.

It appeared satisfactorily in evidence before the committee that on the 3d day of June, 1863, Hon. F. P. BLAIR, jr., then being a major general in the Army of the United States in actual service near Vicksburg, in the State of Mississippi, together with eight members of his staff, signed a written order or authority to one Michael Powers, representing himself to be an agent of the Treasury Department, and who had offered his services for the purpose, to procure for their own use a very moderate amount of liquors, tobacco, and cigars, the cost of which, in the language of one of the witnesses, (Captain Maguire,) "certainly would not exceed one hundred and fifty or one hundred and seventy-five dollars."

This order, as it appeared before the committee, was altered after it was delivered to Powers, by adding to and changing the figures, and also by adding at least one new item, (twenty-five boxes can fruits,) to such an extent that the invoice on the purchase of the articles in St. Louis, and a permit for which was granted by the collector, amounted to $8,651. As a specimen of the alterations one may be referred to, that as to brandy. The original order was for five gallons; by inserting the figure 2 before the figure 5, and adding the word "each," it became an order (as nine persons had signed it) for two hundred and twenty-five gallons. The alterations which the committee believe, from the testimony taken before them, to have been made in the order, will be seen on reference to schedule A hereto annexed, which contains a copy of the existing order, and a statement at the foot thereof of the articles named in the

original order as nearly as the committee can determine from the evidence before them.

As to the question by whom these alterations were made, the committee refer particularly to the depositions of Mr. Powers and Mr. Howard, which are among those herewith submitted. Judging from all the circumstances, they were probably made for the purpose of realizing a profitable speculation under cover of the original order. That they were made by Powers, there cannot from the testimony be any reasonable doubt.

At the time the order was delivered to Powers, there was no law or military regulation in any way prohibiting it.

The committee are therefore of the opinion, and do report, that no violation of law was committed in the premises by General BLAIR, and that the original order was altered and falsified after it had passed from his possession and control, in the manner hereinbefore stated.

The undersigned, the chairman of the committee, for himself deems it proper to state that the replies of Mr. BLAIR in the House to the charges of Mr. MCCLURG, all of which have been under investigation before the committee, are not sustained by the evidence, except as to his denial of being engaged in a liquor speculation, and of the genuineness of the order in question. In this statement the other members of the committee do not concur—the member from Kentucky for the reason that his conclusions from the testimony are the opposite of those of the chairman; and the member from New York (who was absent while most of this part of the evidence was taken) for the reason that he does not consider the subject embraced in the resolution appointing the committee, and that they are not, in his judgment, called on to express any opinion in regard to it.

The committee having thus completed the duties assigned to them, respectfully ask to be discharged from the further consideration of the subject.

WM. HIGBY, *Chairman.*
BRUTUS J. CLAY,
JOHN V. L. PRUYN.

SCHEDULE A.

Copy of the order referred to after the alterations had been made.

HEADQUARTERS SECOND DIVISION
FIFTEENTH ARMY CORPS,
NEAR VICKSBURG, MISS., *June* 3, 1863.

We the undersigned officers authorize Michael Powers to procure for our own use the following articles, to wit: Twenty-five gallons brandy, each; thirty-five gallons whisky, each; twenty-five half barrels ale, each; twenty-four boxes Catawba; twenty-four boxes claret, good; thirty boxes Havana cigars; two dozen bottles Boker's bitters, (genuine;) twenty boxes (Charles Farre) champagne; four 5-pound bales Virginia smoking tobacco; twenty-five boxes canned fruits.

FRANK P. BLAIR, *Major General Commanding 2d Division 15th Army Corps.*
E. N. JOEL, *Captain and A. Q. M.*
ARDEN R. SMITH, *Captain and C. S.*
LOGAN TOMPKINS, *Aid-de-camp.*
GEORGE A. MAGUIRE, *Aid-de-camp.*
B. JOEL, *First Lieutenant 10th Missouri Cav.*
W. D. GREEN, *Major and A. A. G.*
E. C. FRANKLIN,
Surgeon U. S. V. and Division Surgeon.
M. A. DOYLE, *Aid-de-camp.*

List of articles in the order when the same was signed.

Five gallons brandy; five gallons whisky; five half barrels ale; six boxes Catawba; six boxes claret, good; three boxes Havana cigars; two dozen bottles Boker's bitters, (genuine;) two boxes (Charles Farre) champagne; one (perhaps four) 5-pound bales Virginia smoking tobacco.

Mr. BLAIR, of Missouri. I desire to submit a few observations upon this report.

The SPEAKER. No debate is in order, unless the motion to lay on the table is withdrawn.

Mr. BLAIR, of Missouri. It is a very important question to me.

Mr. HIGBY. I suppose it is proper that this report should first be printed, and then in some way taken from the Speaker's table, and considered subsequently. I would not have attempted to introduce the report at this time at all had it not been understood that no debate was to arise upon it to-day. The gentleman has been exculpated by the committee, and I do not think there is time now to go into a long debate upon this question. I therefore decline to withdraw the motion to lay upon the table.

Mr. BLAIR, of Missouri. I will say to the House that I do not propose to remain here a great while longer, and it is important to me, if I am to be allowed to make any remarks upon this subject, that I should have the opportunity of making them now. I do not think the House will decline to grant me this courtesy, and I ask the gentleman again to withdraw his motion to lay upon the table. I do not expect to remain in the House even until the report can be printed, and I shall therefore have no opportunity to make any remarks upon this matter unless it is given to me now by the courtesy of the gentleman from California.

Mr. MORRILL. When I yielded the floor to allow this report to be made it was with the distinct understanding that it should not occupy the time of the House. The gentleman from Missouri will perceive at once that if this matter opens it will consume the whole day; his colleague will of course require as much time as will be occupied by the gentleman himself. I therefore renew my motion, that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The motion now before the House is by the gentleman from California, that this report be printed and laid upon the table.

Mr. BLAIR, of Missouri. I desire to say that I do not suppose before in the history of Congress so extraordinary a course has been insisted upon involving personal rights of a member.

Mr. DAVIS, of Maryland. It seems to me that we have no special connection with this matter at all. It is due to the gentleman from Missouri, respecting whom such a report has been made, and which having been made will be published and commented upon in the papers, that he should be indulged in remarks upon it. I cannot conceive how, in propriety, after allowing the report to be made, we can refuse the courtesy he now asks at our hands.

Mr. HIGBY. I understand that it is in the power of any one member to object; that unanimous consent is required for the gentleman from Missouri to proceed, without my motion. I prefer, therefore, to leave it to the House, and withdraw the motion to lay it upon the table.

Mr. BLAIR, of Missouri. Mr. Speaker, I am as loth as any other member to consume the time so necessary for the public business, but the use which has been made of this affair is of such an extraordinary character, so malicious and unjust to me, that I have been compelled to appeal to my fellow-members for the privilege of making a few observations, and to ask their indulgent attention at this time.

It is shown by the report which has just been read in your hearing, that when this "forgery" was committed I was in the service of the country, and in the trenches before Vicksburg, using my utmost efforts for the preservation of our country and to beat down its enemies. When it was made public and circulated far and wide in the newspapers for the purpose of destroying my reputation, I was again absent from my home and in command of the fifteenth Army corps, leading its gallant soldiers on the march from Memphis to Chattanooga to share in that memorable conflict which drove Bragg from his stronghold on the heights of Lookout mountain and Missionary ridge, and afterwards to the relief of our beleaguered army at Knoxville.

I hope it will not be regarded as indelicate or improper for me, under the circumstances in which I have been placed by this gross and unjust aspersion and the consequences which followed, to allude to the fact that I was assigned to that command by General Sherman, whose corps it was, until he was promoted to the command of the army and department of the Tennessee, and that after that most eventful campaign of marches and battles, as glorious as any recorded in our military annals, I was complimented in general orders, and received the thanks of my commanding general for the manner in which I had handled the corps; yet, at the end of that campaign, I found myself superseded in the command.

Now, sir, if the allegation which had been made against me, when absent and in the service, had been true, it would have formed a just ground for my removal. I should have been unfit to command any portion of the gallant and patriotic troops of my country.

Finding myself superseded in a command of which I was so justly proud, and unconscious of having committed any offense which should have subjected me to such a mortification, I came here to resume my seat in this House, to which I had been returned by a confiding constituency, and which I had left eighteen months before, at the solicitation of the Administration, to raise and command troops for the defense of the country. But the malignity of those who had originated and propagated this atrocious slander against me was not satisfied with the humiliation I had suffered in the loss of my command; it pursued me into this House. The House will remember the occasion when a member from my own State arose and reiterated this calumny. I repelled it at the time in language decorous and parliamentary, so far as the member himself was concerned, not knowing but that he had been misled by those who had originated and circulated the slander, but at the same time denouncing it as a forgery, perpetrated by a person in the employ of the Treasury Department, uttered and put in circulation by a special agent of the Treasury Department, who had himself since admitted that the order was altered and was therefore a forgery, and that it was printed in a newspaper which was pensioned by the Secretary of the Treasury. The gentleman, or, rather, the member who made that allegation at that time, having my denial before him, having the admission of the Treasury agent, Bonner, having the published declaration of the surveyor of the port of St. Louis, Mr. Howard, pronouncing it a forgery, and also having the paper in his hand which showed palpably upon its face that it had been altered, came into this House to renew that allegation upon a subsequent occasion, and with that coarseness and brutality which is characteristic of vulgar minds——

The SPEAKER. The gentleman from Missouri is out of order. The Chair will have the rule read. The Chair will sustain the rules of the House in regard to the language used by any member upon this floor.

The Clerk read the rule, as follows:

"61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate: if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and if the case require it, he shall be liable to the censure of the House."

Mr. BLAIR, of Missouri. I regret the use of the language here——

The SPEAKER. The Chair decides that under that rule the gentleman from Missouri is out of order. The Chair is placed here by the House to enforce its rule in regard to personalities; and the gentleman cannot proceed unless permitted by the House.

Mr. BLAIR, of Missouri. I desire to explain.

Mr. WASHBURNE, of Illinois. I move the gentleman be permitted to proceed in order.

Leave was granted.

Mr. BLAIR, of Missouri. I regret that I employed the language I did *in the presence of the House.* I desire also to say that I regretted, and do now regret, using the language I was impelled, by a feeling of natural indignation, to use upon a former occasion *in the presence of the House.*

I say, sir, that this member was not content to reassert the charge against me of having violated the laws of the country, and of prostituting the office I held in the service of the country for the purpose of speculation, but he did it in an insulting and irritating manner, and made every effort to provoke me, in the manner in which he brought it to the attention of the House; and upon that occasion, I say again, I felt myself so indignant at the charge made, and at the manner in which it was made by that member, that I found it impossible to restrain myself, and used language for which I am willing to apologize to the House, but for which I shall never apologize to him.

Sir, he had the forged order photographed and brought it thus prepared for circulation to the attention of the House, and proclaimed that he was ready to distribute them, and that others could be had cheaply at the photographing establishment at which it was taken. I do not know where that photograph was made—whether it was in the Treasury Department or not. I believe they have machinery of that kind there. It is not the first time in the history of the world in which the fine arts have been prostituted to this base and ignoble purpose, that of perpetuating and disseminating counterfeits. I congratulate myself, however, that while the art of photographing has been applied to such purposes, it has also been made useful in the detection of the rogues, criminals, and counterfeiters who have basely prostituted the art. You can find, sir, in any of the police offices of the country a "rogue's gallery," in which the effigies of those eminent for their crimes and rascalities are exposed for the purpose of recognition and detection. I intend, following that suggestion, to enlarge upon the idea. I will have

that "order" rephotographed, and I will have it decorated and garnished with the portraits of the forgers and disseminators of the forgery, so as to perpetuate their memories and villainies in connection with this specimen of their art.

Now, sir, it is not my purpose to follow these men who have been guilty of this baseness toward me any further. These dogs have been set on me by their master, and since I have whipped them back into their kennel I mean to hold their master responsible for this outrage and not the curs who have been set upon me. The evidence, sir, shows that this forgery was made public by a Treasury agent who knew at the time that he made it public that I had no interest whatever in the goods covered by the order; who knew it so well that the goods having been seized he turned them over to their proper owner, because there was no ground for their seizure and confiscation. He turned them over to the man who appeared on the paper to own them, and yet he retained in his hand this paper, to which he had no right, and gave it out for publication after I had been assailed in the newspapers of my city for speculating in this whisky. He gave it out for publication after he knew the facts of the case and had had his attention called to them, because I had attacked Mr. Chase in a speech in St. Louis and assailed his trade regulations. So, sir, if any officer of the Army, or any member of Congress, or any gentleman feels sufficient interest in public affairs, and in the honest conduct of public business to assail in a public speech its management in the Treasury and the operation of Treasury regulations, he lays himself open to assaults from the Secretary of the Treasury and all the hounds and dogs that he can set upon him, and he is to be hunted and dragged down by false charges and by forgery.

It is for the House to decide whether one of its members, in the face of the facts which were brought to his knowledge when he first made these charges on this floor, shall be permitted to reiterate in a manner so gross and offensive that which he utterly failed to substantiate when put to the test, and escape without censure. It is for the members of the House to decide whether such a person is worthy of association with them or not.

When I resumed my seat in this House, I felt myself constrained by a sense of duty to my constitutents to ask for a committee to investigate the manner in which the "regulations of trade" with the States in insurrection have been carried out by the Secretary of the Treasury. But it seems that the Secretary's friends had not the same confidence in a committee of Congress as I have shown, for when I asked for a committee to investigate the charges which had been made against the Secretary, of sacrificing a vast public interest to advance his ambition, his friends upon this floor refused it, and I was assailed in all the newspapers of the country with having made that allegation against the Secretary because he had stopped my "liquor speculation."

Now, Mr. Speaker, permit me to say that when the Secretary of the Treasury was advanced to his present position, although my good wishes were worth nothing to him at the time, yet he had them. I was in favor of his appointment. As a matter of course that was of very little consequence so far as his appointment was concerned, yet it is a fact well known. It is of consequence simply so far as it shows that I was not inimical at that time to the Secretary. The reason of my change of sentiment toward him was that I understood that he had authorized the mayor of Baltimore to proclaim on the streets of that city on the 19th of April that he was in favor of letting the States in rebellion "go in peace," and because I also took this impression from the tenor of his conversation that it was his opinion and wish that they should be allowed to go in peace. I understood the same thing from the publications made by newspapers in his own State which were regarded as expressing his sentiments. The allegation was made that such was his position, and it was never denied by him. It was accepted as a fact by all.

I know, *and he will not deny his written and recorded opinion*, that he was opposed to the reinforcement of Fort Sumter. I knew that after Fort Sumter had fallen he had opposed the calling out of a large and sufficient force to put down the rebellion, and although he and others of the men of his party and my party then (but I hold no party relations *then* or *now* with peace men) were compelled by the war cry that went up after the fall of Sumter to abandon apparently their peace position. Yet Mr. Chase, I soon found, never really abandoned his determination to cut off the southern States. On the contrary, he has endeavored to work out, by another programme, the very thing he was then in favor of doing—of letting the South go. He is now for making them go, so far as their condition as States is concerned. He is unwilling that they should ever return to interfere with his presidential aspirations.

Why, sir, it was perfectly understood in the second session—the long session—of the last Congress, that he favored the annihilation of the State governments of the South. His friends in both Houses made that proposition; those who had the most intimate relations with him in both Houses made that proposition. And it is pressed in this House again this winter in a disguised and insidious form, and under the pretentious title of "reconstruction," but which is in fact intended for the *destruction* of those States; but this being the very crime of which the rebels in arms are guilty, and which the gentleman from Ohio [Mr. ASHLEY] charges upon them, it is thought convenient to give the operation another name. The bill reported by the distinguished gentleman from Maryland, [Mr. DAVIS,] representing the committee on the rebellious States, which, by the way, is composed to a considerable extent of the Pomeroy private circular committee, for I understand that the gentlemen from Maryland, [Mr. DAVIS,] from Ohio, [Mr. ASHLEY,] and from Missouri, [Mr. BLOW,] are members of both these committees, is a bill which could very properly have come from the Pomeroy committee. It is a bill which should have been entitled "a bill for the permanent dissolution of the Union, to disfranchise the whites and enfranchise the negroes, to prevent any of the States from coming back in time to vote for Mr. Lincoln for President, and to promote the ambition of the Secretary of the Treasury." It is a bill which requires the consent of Congress for the readmission of any of these States to the Union.

The gentlemen proceed in their disfranchising bill upon the pretext that the usurpation of the rebels for the hour has destroyed the States, or that the forces of the United States sent to drive out and overthrow the rebel power which held the State and national Governments in the South alike in abeyance, are to be considered conquering forces, extinguishing the local constitutions the nation is bound to guaranty. Looking to the root of the matter, the cause of all our disasters, proves that instead of considering the State governments abolished, Congress would best perform its functions by amending the Constitution of the United States itself, so as to eradicate slavery from our whole system. This simple remedy which can be attained by adhering to the forms of the Constitution itself, supersedes the revolutionary schemes of those who would convert the States into Territories and assert absolutism over them in regard to their future admission into the Union. The founders of the Government saw the lurking evil in admitting the slave-tolerating clause in the Constitution; they foretold its fatal tendency. Our present Chief Magistrate, before he was thought of for the place he held, predicted that this Government "could not endure permanently half free and half slave." And can there be a better solution of the danger than that furnished by the Senate's bill incorporating Jefferson's ordinance of freedom with the fundamental law of the nation? Is it not better than disfranchising States and robbing loyal men of their rights, putting them on a footing with rebels already disfranchised by their bloody treason? Our soldiers invoke the loyal citizens of the South to join their ranks, and patriots everywhere would call on the loyalists of the South to renew the glorious association of free States of the North and South by joining with its armed deliverers in the reelection of the man who first organized free government over our whole country, and has thus earned the high privilege of inaugurating the renewed and most auspicious career of the Union.

Mr. MORRILL. I dislike to interrupt the gentleman from Missouri, but if we are to have all these questions discussed upon a personal explanation this discussion will take a week's time. I am therefore constrained to raise the question that the remarks of the gentleman are not in order.

Mr. BLAIR, of Missouri. I will say to the gentleman from Vermont that I am simply endeavoring to show the motives which caused me to oppose Mr. Chase, and which opposition on my part caused him to retort upon me by an assault upon my character and reputation by the forgeries committed and disseminated by his understrappers.

The SPEAKER. The Chair sustains the question of order of the gentleman from Vermont. The debate upon the report of the special committee must be confined to the subjects of that report. That report nowhere refers to the Secretary of the Treasury, and it is not in order, therefore, to continue the line of remark the gentleman from Missouri is indulging in.

Mr. FENTON. The gentleman from Missouri will permit me to remark that unless it is entirely inconsistent with his convenience it would accommodate the business of the House very much if he would postpone his explanation until some other day. I would suggest, therefore, that he allow this matter to go over for a few days, and let us now proceed with the public business.

Mr. GARFIELD. I will say to the gentleman from New York that I understand the gentleman from Missouri is to leave the city this evening.

Mr. FENTON. I was not aware of that. I of course, then, withdraw my proposition.

The SPEAKER. The gentleman from Missouri will proceed in order, but he must confine his remarks to the report of the special committee.

Mr. BLAIR, of Missouri. I will endeavor to confine myself to the report of the committee, and I think I shall show before I have concluded that what I have been saying is pertinent to that report, and is a reason why it should be printed. I do not suppose the Chair desires to dictate to me what line of argument I shall pursue.

The SPEAKER. It is the duty of the Chair to confine the discussion upon the report of the special committee to the subject of that report; and the Chair will say that he cannot allow any such latitude of debate as the gentleman has indulged in. The decision of the Chair is of course subject to reversal by the House. He thinks that if the line of remark of the gentleman could be regarded as pertinent to the report there is no subject whatever connected with the war that could not be discussed upon that report.

Mr. BLAIR, of Missouri. I say that I am endeavoring to show why this attack has been made, and I think that is competent in discussing this report.

The SPEAKER. The conduct of the Secretary of the Treasury was not referred to the select committee, and has not been reported upon by them.

Mr. BLAIR, of Missouri. The report distinctly shows that this attack was made upon me because of my opposition to the Secretary of the Treasury; that this was the cause of the personal attack which has been made upon me. The case is precisely similar to that made before the committee on the conduct of the war, and which will be found in their whitewashing report. Frémont said that I quarreled with him because he would not give a contract to my friends. I showed that the contract was actually made upon his order, over his own signature.

The SPEAKER. The Chair again thinks that the remarks of the gentleman from Missouri are not in order.

Mr. BLAIR, of Missouri. This attack was made upon me for the same reason, and with the same motive, because I had assailed the Secretary of the Treasury in regard to his trade regulations. It was retorted on me that I was a dishonest man, and that I was mad at his regulations because they deprived me of opportunity for whisky speculation, and this was done by a man in office, retained by Mr. Chase in office ever since, and who will probably be retained for this very service.

I have already adverted to the motives which led me to separate from Mr. Chase. I had intended to make some further remarks, but inasmuch as the Speaker has ruled them out of order, and I have been compelled so often this morning to appeal to the House to give me permission to speak, I will not follow that point further.

I made the allegation in the House the other day that I could prove frauds and corruptions in the trade between the insurrectionary States, and I asked an opportunity to do so and I was refused. The organ of the Treasury Department in this House, the distinguished chairman of the Committee of Ways and Means [Mr. STEVENS]——

Mr. JULIAN. I ask the gentleman to permit me to make a statement.

Mr. BLAIR, of Missouri. What about?

Mr. JULIAN. In regard to this question.

The SPEAKER. Does the gentleman yield?

Mr. BLAIR, of Missouri. Yes, sir.

Mr. JULIAN. I wish to remind the gentleman from Missouri that the friends of Mr. Chase did agree to refer the question of his alleged misconduct to a committee of both Houses specially charged with the duty of investigating all contracts growing out of this war.

Mr. BLAIR, of Missouri. What had those trade regulations to do with contracts growing out of the war? [Laughter.] Yes, sir, and I was going to say so myself. I was going to say what the gentleman has said so much better than I could; and it was done on the motion of the distinguished gentleman from Pennsylvania, [Mr STEVENS,] who represents the Department of the Treasury in this House. From that I should judge it was done at the instance of the Secretary of the Treasury himself.

Mr. STEVENS. I do not know by what authority the gentleman says that I represent the Secretary of the Treasury.

Mr. BLAIR, of Missouri. You represent the committee of finance in this House.

Mr. STEVENS. But the Committee of Ways and Means does not represent the Secretary of the Treasury.

Mr. BLAIR, of Missouri. It represents the Treasury Department in this House.

Mr. STEVENS. The gentleman from Missouri does the Secretary of the Treasury injustice by saying that I represent in any manner the Treasury Department.

Mr. BLAIR, of Missouri. I am sorry that I have done the distinguished gentleman from Pennsylvania any injustice. It looked so to me at the time.

Mr. Speaker, I regretted more still that the motion should have been proposed—after the failure of the motion of the gentleman from Pennsylvania [Mr. STEVENS]—by the gentleman from Ohio, [Mr. GARFIELD,] from the Secretary's own State, a gentleman who distinguished himself here and in the field, and from whom I had hoped fairness and justice toward me. The motion carried. It would not have been made at all had it not been foreseen that the special committee which I asked would have carried when it came up in its regular order, and of which I had given notice. It was to forestall me from giving it any direction of that kind, to prevent my having control of the inquiry according to parliamentary rule. It was against parliamentary rule to take a subject of that kind out of the hands of those favorable to the investigation.

Mr. STEVENS. I ask the gentleman to permit me to interrupt him.

Mr. BLAIR, of Missouri. I yield to the gentleman with pleasure.

Mr. STEVENS. I suppose the gentleman refers to the resolution I introduced.

Mr. BLAIR, of Missouri. I did.

Mr. STEVENS. I introduced that resolution, I will say frankly, in order to secure an impartial investigation. I did not think, after what the gentleman had said, that he was a fit person to sit as chairman of the committee.

Mr. BLAIR, of Missouri. Parliamentary law looks at that differently. I may not be a fit judge, but I do not propose to go into any controversy on that subject, and do not give myself the slightest concern as to the opinion of the gentleman from Pennsylvania [Mr. STEVENS] in regard to my fitness or unfitness for such a position.

But the parliamentary law is different. It confides every subject to those who are in favor of an inquiry, and it says definitely that those who have expressed themselves against the thing ought, when they are appointed on the committee, to retire from the committee; and yet the members of the committee, to which the gentleman from Pennsylvania referred this matter, went against that resolution of mine. And after the members of that committee had voted against the matter itself, they ought to have declined to act, under parliamentary law.

But the subject was sent to that committee, an impartial committee. Well, sir, if you will look at their report in the case of Frémont, you will find that two of the members of that committee in this House refused to sanction that whitwashing report, for the reason that the evidence of material witnesses was wanting before that committee. Here is what they say:

As the testimony which the committee submit in relation to the Western department is so incomplete, the testimony of so many witnesses deemed material by the whole committee being wanting, the undersigned decline to concur in the above report, and for themselves prefer to submit the testimony without comment. D. W. GOOCH,
M. F. ODELL.

This is the impartial committee that made the finding in the Frémont case—whitewashed him—to which the matter in reference to the Secretary of the Treasury is to be submitted in preference to a committee which would have been formed by the honorable Speaker of this House upon my resolution. This is the committee which reported in favor of Frémont, when two members of it came in here and said to the House that the evidence of witnesses which had not been brought before the committee was so important that they could not concur in the report. This is the impartial committee in which the friends of the Secretary of the Treasury wish to bury his delinquencies and hide the frauds of his agents and partisans who are plundering the Government; a committee which refuses to take the evidence "*of so many witnesses deemed material by the whole committee!*" and yet feels itself constrained to whitewash the presidential aspirant of its own party on trial before them! Mr. Chase and his friends have reason to prefer this committee.

Mr. MORRILL. I rise to a question of order. I do it because I propose to confine the gentleman who shall answer him to a more stringent and rigid adherence to the rules. My point is that the course of the gentleman's remarks is not pertinent to the report made by the select committee.

The SPEAKER. The Chair thinks the gentleman is not in order in the remarks he has made; and as he has leave of the House, upon the motion of the gentleman from Illinois, [Mr. WASHBURNE,] to proceed in order, he must confine himself to the report of the select committee.

Mr. BLAIR, of Missouri. I propose to do that.

The SPEAKER. That is not what the gentleman has been doing.

Mr. BLAIR, of Missouri. Now, sir, since it is not in order to refer to that committee I will say that I think it already disposed of in that brief report of the two dissenting members, and therefore I leave the point, simply saying that the whitewashing that was put upon General Frémont has dropped off. A more impartial committee, in the shape of a court-martial, afterwards sat in Missouri, tried his accomplice for acts done by his order and under his authority, and cashiered him from the Army. I refer to the court-martial in the case of Major McKinstry, the "friend" and quartermaster of Frémont while he was in Missouri.

The SPEAKER. The gentleman from Missouri is not in order. The gentleman must proceed in order or he must discontinue his remarks. The point of order as to the latitude of debate has not been made by the Chair but by a member upon the floor.

Mr. BLAIR, of Missouri. I understand where it comes from, and I am very sorry I cannot speak to please certain gentlemen. I am endeavoring to vindicate myself, and I have the permission of the House upon this occasion to speak upon that report in vindication of myself.

The SPEAKER. The gentleman has permission to proceed in order.

Mr. BLAIR, of Missouri. Now, sir, the allegation, out of revenge for which this charge was leveled against me, was that there had been corruption and fraud in the whole valley of the Mississippi in these trade regulations, that these agents were selling permits, and I offered to prove it. That was refused. Now certainly it is not out of order for me to show that what I said and what I offered to prove was true, and to show still more conclusively how atrocious it was to make this false charge against me to cover fraud and malfeasance in office.

Now, sir, since I had the honor to speak to the House upon that occasion when my committee was refused, I have received some letters, and here is one which is exceedingly interesting, dated Vicksburg, March 9, 1864. I vouch for the integrity and respectability of the writer.

VICKSBURG, *March* 9, 1864.

DEAR GENERAL: From appearances it seems not unlikely that discussion may arise during the session respecting the commerce of the Mississippi valley and its relations to the Treasury Department. I hope I may stand excused for offering the result of my observations between Memphis and New Orleans.

As I wrote you before, the ostensible reasons given for the present interference with trade are two, namely: first, to prevent contraband of war reaching the enemy, and second, to raise a revenue from the insurrectionary districts. No one can see more clearly than yourself the actual tendencies of the system. It does not prevent the smuggling of contrabands—as I am prepared to show—and this method of raising revenue is both costly and cumbrous. Further, the system, however well meant in design, is proving disastrous in practice.

By an unwise provision in the Treasury regulations, based on the confiscation act, the informant who libels any product belonging to the public enemy, is entitled to half the proceeds of the sale, by filing bonds for the amount in case the owner should claim his property through oath or pardon. The consequence is that the agents of the Treasury Department have abandoned the more legitimate duties of their office for the more profitable one of libeling cotton, which, if honestly carried out, would include nineteen twentieths of all now in these districts. It must be apparent to you that these agents can, instead of taking half, by a fiction with the aid of friendly perjury, take nearly the whole, which, according to my belief and information, is actually the practice.

I do but give expression to common report when I say that the Treasury officials by means of outsiders are now engaged in the most gigantic robberies of modern times, exceeding the famous operations of Clive in India. So far has this gone that some of them at least are quarreling about the spoils. Judge Hart of Natchez and McDowell of Vicksburg are at this moment disputing about six hundred bales. I grieve to say that the Government is not likely to get its own between them. Indeed, it is reported officially that less than one hundred bales have been turned over to Government since July last. It would be well to call for a return of all cotton, &c., seized and turned over in this valley. The folly of the present system is seen also in the fact that about eight hundred horses and mules and animals brought in by the late raid have been transferred to the Treasury Department, and are now dying for lack of attention.

The chief evil is corruption, and it takes various forms. Among others it is known that thirty and fifty thousand dollars worth of goods have passed beyond the lines in one day, duly "permitted." Nothing is more simple and easy than to get a "permit" to ship a barrel of flour, which, when beyond the lines, proves to be a barrel of percussion caps, as was actually the case with five barrels "permitted" at Memphis.

The influence of the present Treasury system is evil and evil only, and the only sure, proper, and safe remedy is total abolition. The vast swarm of officials, like locusts, are eating up the revenue. The growing power and patronage of the Secretary are, as you are aware, being used to influence the next presidential election, and the power sought to be placed in his hands in Congress is full of danger.

I desire especially to call your attention to the transfer of all the abandoned property, including plantations, to that Department. Under that system the Treasury has overturned the wholesome regime adopted by Adjutant General Thomas, and is now farming out its privileges without reference to law or economy. A tax has been imposed on all cotton raised by free labor, without authority from Congress. The condition of the vast number of colored people is rapidly becoming worse under this rule. I cannot but regard it as an anomaly to place the leasing and working of abandoned plantations in the revenue department. It is essentially a martial affair, with a political, civil, and philanthropic side; and would, therefore, have been more properly assigned to the Department of the Interior; or if it is contemplated to establish a Bureau of Agriculture, the freedmen's affairs would legitimately belong to it. You can determine the tendencies of this latter measure lately under consideration.

From the vast influx of negroes now coming into our lines, it has become imperative to establish some thorough and comprehensive system for their disposal. They come with the armies, and are at once incumbrances and pestilence. Any system must contemplate for them a government of force and military protection. The Army, with its organized commissariat, can best govern them, themselves furnishing the class of soldiers for the purpose. By reasonable care they can be made not only self supporting, but an actual source of profit to the Government. Ten thousand of them are at work working in this district now.

I need not urge upon you the expediency of watching every attempt of the enemies of the Administration to extend their unparalleled patronage. The struggle has fairly commenced here, and the enormous gains of the placemen and their favorites are used lavishly.

The reading of this letter was interrupted by the following proceedings:

Mr. HIGBY. I call the gentleman to order. There is no evidence in the whole proceedings to bear out the gentleman in the remarks which he is making in that paper.

The SPEAKER. The Chair has repeatedly stated to the gentleman from Missouri that the

debate must be confined to the subject before the House.

Mr. HIGBY. There is no evidence in the report which bears him out in that remark.

The SPEAKER. The gentleman from Missouri is aware that where a point of order is made of this kind, and a single gentleman objects, the right of the gentleman to proceed will depend upon the consent of the House. He cannot proceed otherwise. For that reason the Chair desires that the gentleman shall confine himself to the report, so that no point of order shall take him from the floor, as a point of order will, if any gentleman objects to his proceeding.

Mr. MALLORY. I rise to a point of order. My point of order is this: that when a member of this House, one of our peers, has been attacked and allowed a committee to investigate the charges made against him, upon the discussion of the report of that committee he has a right to inquire into the motives that impelled that attack on him, and that is all which the gentleman from Missouri has done or attempted to do.

Mr. HIGBY. He is vindicated by the report of the committee.

Mr. MALLORY. I claim that he is entitled to be heard for one hour.

The SPEAKER. The Chair decides that the gentleman from Missouri must confine himself to the discussion of the report of the committee.

Mr. MALLORY. It is for the reason that the gentleman from Missouri is confining himself to the report that I insist that he is in order. He has never departed from the report.

The SPEAKER. The Chair cannot argue the point with the gentleman from Kentucky; but if the remarks of the gentleman from Missouri in regard to Fort Sumter are in order in the discussion of this report, then any conceivable subject would be in order in this debate.

Mr. MALLORY. He is discussing the conduct of the Secretary of the Treasury, who impelled this attack upon him.

The SPEAKER. The Secretary of the Treasury was not on trial before the committee and is not on trial before this House. On the contrary, the gentleman from Missouri has expressly stated that the House refused to give him a committee to investigate charges against the Secretary, and has expatiated at some length upon that fact.

Mr. MALLORY. The select committee expressly assert that there was a forgery against the gentleman from Missouri calculated to injure his character and reputation by an agent of the Secretary of the Treasury. The gentleman is tracing it up to the Secretary of the Treasury now.

Mr. HIGBY. There is no proof in the report or in the evidence that an official forged that paper. The proof is that a personal and political friend of the gentleman who has been vindicated by the report made that forgery, and that he was not an official at the time of the forgery.

Mr. BLAIR, of Missouri. The gentleman from California is entirely mistaken in his statement of the evidence.

Mr. HIGBY. No, I am not.

Mr. BLAIR, of Missouri. I think you are; but the evidence will settle that question.

The SPEAKER. The Chair has repeatedly decided that the gentleman from Missouri is not in order.

Mr. BLAIR, of Missouri. I appeal from the decision of the Chair that I am not proceeding in order now.

Mr. WASHBURNE, of Illinois. I appeal to the gentleman from California to withdraw the point of order and let the gentleman from Missouri have his hour. [Cries of "That's right."]

Mr. FARNSWORTH. I hope the gentleman will do that.

Mr. HIGBY. I withdraw the point of order.

The SPEAKER. Then the Chair now understands that the gentleman from Missouri has an unlimited right to speak for the residue of his hour without regard to the report of the select committee. [Cries of "Agreed!" and "Go ahead."]

Mr. BLAIR, of Missouri, (resuming.) Now, I propose to show that the Secretary of the Treasury, with all the commerce of the country in his hands, with the collection of our foreign revenues and of the vast internal revenues in his hands, is using these abandoned plantations and grasping at all power and patronage for the purpose of providing a fund to carry on the operations of the Pomeroy committee to carry on his war against the Administration which gave him place.

Now I will read other letters on the same subject. This letter is from a man who bears as high a character for honor and integrity as any other man in America:

"DEAR FRANK: I inclose you a copy of General Banks's complete and comprehensive system of leasing plantations, also the ill-digested and unsatisfactory plan that the Treasury Department has forced upon us. The experiment so far of working these freedmen has proven, what all sane men knew, that it will take time for them to realize the responsibilities and duties that fall upon them with their new position. They prefer the idleness with good rations furnished them at the 'home farms,' which figure so largely in Mellen's plans, to the labor and wages of regular work. Compulsory measures are necessary to force them from these places, and such punishment as Banks's system embraces is necessary to make them perform their regular work. They will in due time, under such treatment, with the education of their youth, grow to the stature of free men. At the same time their employers would realize a profit and the Government a revenue that would amply repay the expense of protecting the plantations and enforcing the regulations.

"The result of my experiment last year illustrates, on a small scale, the truth of my statements. I cultivated four hundred and fifty acres of land, fed, clothed, and paid one hundred and fifty negroes, and turned into the Treasury over ten thousand dollars; the tax upon the cotton I raised more than twenty dollars to the acre. There are negroes enough in our lines to cultivate a million acres, and capital to put the whole machinery into motion if Banks's system were adopted and proper officers selected to carry out his measures. The 'home farms' in Mellen's system have completely defeated the working of these plantations by lessees. The negroes are collected and kept upon them, fed at Government expense, to raise cotton to enrich the officers in charge of them. These officers of course are opposed to giving up the laborers and keep them all. I and my partners wanted to work eight or ten thousand acres this season. We have permits to go to the home farms and take four hundred negroes that *may be willing* to go with us. A month's trial has not secured us a single hand, although ten thousand drawing rations from the Government are in easy reach of us. I went myself the other day to the Van Buren hospital, where about seven hundred are crowded, living in filth and squalor. I spent a whole day canvassing them. The invariable answer was, 'I stays with the Lieutenant. I'se doin' berry well here.'

"We have very inadequate protection here and no police. Many plantations have hordes of negroes upon them who roam the country in armed bands, stealing cattle and mules, and keeping the whole district in constant alarm. I dread them far more than I do the guerrillas. The plantation I am living on is doing very well. Every negro I had last year is still with me. They have learned to take a proper view of things and work well. I would now have had half a dozen plantations running as smoothly as this could Banks's brains have worked this high up the river."

—

NEW ORLEANS, LOUISIANA, *March* 10, 1864.

DEAR SIR: I see that the fight has commenced in earnest between President Lincoln's friends and the Chase clique. Things have turned out just as I expected when Chase went into the Cabinet. He has been getting ready to sting to death the Administration that has given him his importance.

As you are on "the smell" of Treasury permits and contraband trade, I can put you on the track of a case, the testimony of which is in Washington, I presume in the War Office, which I am advised will furnish rich developments. The investigation took place before Brigadier General Mason, at Columbus, Ohio, in April and May, 1863, from which it appears that a lawyer, named Cobb, came to Columbus in the winter of that year and showed a pass from the Jeff. Davis government to trade in cotton in Texas and supply the rebels with merchandise to one John W. Baker, who thereupon got up a stock company in which himself and divers others were concerned, among them A. P. Stone, Chase's collector of internal revenue. The vessel was bought and loaded with supplies, and was about to start via Halifax to Matamoras under the British flag. It was seized, Cobb escaped, and on examination Stone admitted he subscribed $5,000 in the name of Young, banker at Piqua, Ohio. Powerful parties have since been trying to hush up the affair. General Joseph H. Geiger and Henry Miller, Esq., of Columbus, Ohio, represented the matter to Chase and demanded Stone's removal, but he put them off, and there the affair rests yet. Write to B. F. Martin, Esq., Columbus, Ohio, and you can get the full facts. Stone has always been one of Chase's chief presidential fuglers in Ohio, and if the proof fastens guilt upon him Old Abe should be posted, a removal made, and then our friends will have some inducement to work in Ohio. I tell you we will go under unless the President backs up his friends, and then the people and the Army will whip out all the Washington politicians.

Hon. F. P. BLAIR, Jr.

—

BEAUFORT, SOUTH CAROLINA, *February* 28.

SIR: I congratulate you upon having the courage to speak out against Secretary Chase and his army of tax-gatherers, that are now sucking the blood from our people.

The merchants doing business upon this island and the other islands (Hilton Head excepted) have to pay five per cent. upon all goods that come here from the North, notwithstanding there is not a single white resident of South Carolina upon these islands. This tax is put on to the account of the goods, and in this way the Union soldiers and the contrabands have to pay the tax for the support of Chase's friends.

Goods are only allowed to come into Port Royal free of tax where they are landed on *one side* of the harbor; on the other side they have to pay the five per cent. tax. Secretary Chase arbitrarily decides that the port of Port Royal includes only the territory within the fortifications on Hilton Head island, which are the Army headquarters, but immediately opposite on the island where the Navy have quarters, and where there are similar fortifications to protect the harbor, he makes the merchants pay the five per cent. tax. The soldiers get their goods without the tax, while the sailors have to pay it. There are two docks and wharves in this port, at one of which you can land your goods free, while at the other the "special supervising agent of the Treasury Department," makes you pay tax. Verily, the "commerce follows the flag," but not until it has paid the taxes.

Your obedient servant.

—

MEMPHIS, TENNESSEE, *March* 9, 1864.

DEAR GENERAL: I have just been put in possession of some very important information concerning the Treasury Department:

1. That Colonel E. H. E. Jameson, who is a member of the Missouri Legislature, got $5,000 for procuring a cotton permit from the Treasury Department at Cincinnati. I do not know who the purchaser of the permit was, but Mr. ——— will probably give you his name when he writes to you.

This letter is from a gentleman of New York who is at the head of one of the largest moneyed institutions in that city:

NEW YORK, *March* 2, 1864.

DEAR SIR: Are you aware of the rumors that are afloat here regarding our Secretary of the Treasury?

First, have you heard that he gave young Graham, (son of John L. Graham, of this city,) now cashier of the National Bank, New Orleans, a permit to take to New Orleans a cargo of whisky, by which he expects to make a clear profit of from sixty to eighty thousand dollars? This for Mr. Graham's services in getting up a national bank in New Orleans.

Have you heard that he has given to his son-in-law, Governor Sprague, a permit to buy cotton at the South, by which he will probably make the snug little sum of $2,000,000? Ask William H. Aspinwall, of this city, but without naming me.

Have you heard, what is the fact, that this $11,000,000 of five-twenty bonds now asked of Congress to make good the excess of sale over the amount authorized by law, is just so much given to "the ring," Jay Cooke & Co.? That is to say, when Mr. Chase asked Mr. Cisco to buy $11,000,000 *at par* to make good the excessive subscription with the agents, Jay Cooke & Co., Mr. Chase was told that was impossible, for the simple fact of his buying at all would put them up in the market. The Secretary was also informed that there was no need of taking any notice of the advised subscription, as *no money had been paid.*

The way it was managed by Jay Cooke & Co. I understand to be this: Jay Cooke & Co. telegraphed to their agents to telegraph back to them (Jay Cooke & Co.) to subscribe for so much of the five-twenty loan. That being done, as soon as the loan was all taken it appeared in their office that so much more had been actually, *bona fide*, applied for by outside parties, when, in fact, it was a contrivance to secure to themselves and their immediate friends the profits on this excess of $11,000,000. Ask Mr. J. J. Cisco, Assistant Treasurer, in this city, if this is not so. But again I must ask you not to name me in this inquiry. The Secretary was told that he was under no obligation to furnish the bonds, as no money had been paid, and this, too, from the Assistant Treasurer in this city. But still "the ring" had power enough to get the stock out of Mr. Chase, and he out of Congress, I presume.

Hon. FRANK BLAIR.

This letter is from the writer of the one I have just quoted:

NEW YORK, *March* 7, 1864.

DEAR SIR: I was in Washington last week, but could not see you, as my time was taken up with the sub-Committee of Ways and Means on the subject of Mr. Chase's bank bill, trying to get some of the abominable features taken out of it.

I now inclose an editorial of the New York Evening Post of the 2d instant. Please read it, as it confirms what I wrote about that excess asked to make good Jay Cooke & Co.'s speculation in the five-twenty loan.

Yours respectfully.

Hon. F. P. BLAIR, Jr.

—

PHILADELPHIA, *March* 1, 1864.

DEAR SIR: We notice with pleasure that you purpose introducing a resolution to inquire into the affairs of the Treasury Department in connection with trade, in regard to the regulations of Mississippi. At the same time please allow us to suggest to extend your investigation to those of Tennessee, Missouri, and other States west and south of Cincinnati, Ohio, where all goods shipped from Boston, New York, Philadelphia, or any other eastern city, are subject to an examination of their invoices and a charge of five per cent. commission, and all those goods we ship to those sections are sworn to as correct at our custom-houses. This we deem a great injustice to us all, and a serious disadvantage to all eastern cities, and a decided *advantage to Cincinnati.* The delay of the examination without the commission of five per cent. will prevent a large proportion of the merchants from purchasing on east.

Hon. F. P. BLAIR, Jr.

I know nearly all of these parties whose letters I have read. I do not feel at liberty to give their names, because they would be subjected to the persecutions from Chase's blood-hounds that I have suffered, but they and a great many others are at the service of the committee on the "con-

duct of the war," which has had this subject before them for now nearly two months without making a movement to investigate the charges against the Secretary of the Treasury.

There is another transaction which shows the partial and injurious manner in which these trade regulations are made to operate against my own constituents, and to which I ask attention. On or about the 16th of January last the following letter from the Assistant Secretary of the Treasury was received in St. Louis, and published in the papers of that city, together with the sections of the "Regulations" to which it refers:

TREASURY DEPARTMENT, *January* 13, 1864.

SIR: I am directed by the Secretary to inform you that, at the request of the War Department, quinine, chloroform, and all other drugs and medicines, have been added to the list of prohibited articles enumerated in section thirty-eight of the commercial intercourse regulations, and that in future no clearance or permit can be granted for the shipment of these articles, except upon certificate and request, or by special direction, as required by the provisions of that section.

Respectfully, M. B. FIELD,
Assistant Secretary of the Treasury.

R. J. HOWARD, Esq., *Collector of Customs, St. Louis, Mo.*

Prohibited Articles.

SEC. 38. No clearance or permit will be granted for the shipment of prohibited articles, namely: Cannon, mortars, firearms, pistols, bombs, grenades, powder, saltpeter, sulphur, balls, bullets, pikes, swords, boarding caps, (always excepting the quantity of the said articles which may be necessary for the defense of the ship and of those who compose the crew,) saddles, bridles, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sail-cloth of all kinds, hemp and cordage, intoxicating drinks, other than beer and light native wines, or other articles prohibited by the proper authorities, except upon certificate and request under Regulation thirty two, or by the special direction of the supervising special agent, sanctioned by the general commanding department or district into or from which the shipment is to be made.

Applications for Permits to Blockaded Ports—How Made.

SEC. 32. Applicants for permits to ship to any port or place affected by the existing blockade, but occupied by the United States forces, must present, with their application, a certificate from the Department of War, or Department of the Navy, either directly or through a duly authorized officer, that the articles are required for military or naval purposes, and a request that the transportation of the same may be permitted, together with invoices in duplicate of the articles to be permitted, specifying their character, quantity, value, and destination. On receiving such certificate and request and duplicate invoices, the Secretary of the Treasury, or some officer specially authorized by him, will transmit to the proper officer one of the invoices, and direct the permitting of the transportation requested, and forward the other invoice to the assistant or local special agent at the port or place to which the goods are to be permitted. The assistant or local special agent will, in all cases, on the arrival of any articles claimed to have been permitted, examine and compare such articles with the duplicate invoice; and in case of any excess or evasion of the permit, he will seize the whole shipment, and report the facts forthwith to the supervising special agent, that proceedings may be taken for their forfeiture under the act of July 13, 1861, May 20, 1862, and March 12, 1863.

His order was enforced in St. Louis as soon as received there, and the house of Blow & Co. were refused a permit to ship drugs. The refusal was made a subject of telegraphic communication with the member from the second district of Missouri, [Mr. BLOW,] who, I understand, brought the subject to the attention of Secretary Chase, and the Secretary sustained the refusal of custom-house officers of St. Louis, and required the instructions to be enforced. But it appeared subsequently that at this very time no such instructions had been received or enforced in Cincinnati, and that parties who had been refused permits in St. Louis went to Cincinnati and made the shipment, and a letter was received from Surveyor Carson, of Cincinnati, and published in the Missouri Democrat, dated, according to my recollection, the 11th of February, saying that he had received no such instructions as those sent to St. Louis.

The surveyor of the port of St. Louis received and caused to be published the following:

OFFICE OF SUPERVISING SPECIAL AGENT,
FIRST AGENCY, U. S. TREASURY DEPARTMENT,
CINCINNATI, *February* 26, 1864.

SIR: Hereafter you will grant no clearance or permit for the shipment of drugs and medicines except in compliance with the conditions in Regulation 38, they having been added, at the request of the War Department, to the list of prohibited articles enumerated in that regulation.

I am, very respectfully,
DAVID G. BARNITZ,
Deputy Supervising Special Agent, Treasury Dep't.

R. J. HOWARD, Esq., *Surveyor, &c., St. Louis, Mo.*

Thus it seems that the official instructions dated the 13th January, 1864, and enforced in St. Louis immediately, were only received and enforced in Cincinnati on the 26th of February, and that for the intervening period, about six weeks, Cincinnati had enjoyed a monopoly of the drug market of the South, and in fact still has and enjoys this monopoly, unless the instructions have been modified, not only of drugs and medicines but of all the prohibited articles enumerated in section 38 of the Regulations, because such articles can only be *permitted* by the "special direction" of the *supervising* special agent who resides at Cincinnati and his deputy also. For this reason the whole trade in the list of prohibited articles is diverted from the other western cities and given to Cincinnati. All the southern people in or out of our lines, loyal and disloyal, and even the contrabands, must get their pills from Cincinnati.

The committee on the conduct of the war, that impartial committee to which this matter was referred, has not yet, although nearly two months have elapsed since this subject was committed to them, notified me that it wanted any testimony on these subjects. I do not think the committee does want it, or has time to investigate it, especially as it has on its hands all frauds in contracts connected with the war; and that is the reason I have volunteered some of it here, and given the committee the means of inquiring into the matter when they have leisure; but whether it does or not, the inquiry will be made. Whether it is done by this Congress or not, there will be a Congress that will do it. And Mr. Chase cannot escape. He is sure to answer, and however deeply the committee may lay the whitewash on, it cannot conceal the dark background. However he may undertake to persecute and drag down men who speak of these nefarious transactions, I say that the time will come when he will be held to just accountability, when he will be called before the bar to answer for all he has done; and all the efforts made by his friends thus indirectly to shield him from the charges made against him will not serve their purpose.

Mr. Speaker, I have deemed it due to myself, since I was not allowed a committee by which to prove the allegations that I made here, to say this much in justification of my action in the city of St. Louis, in a speech which I made there, and also in a speech which I made on this floor in regard to this matter.

It will be recollected that when I first offered this resolution, it was couched in plain, simple language, without any assault on the Secretary of the Treasury; and it was not until one of his friends on the other side rose and assailed me for attacking Mr. Chase, by offering the resolution, that I rose and gave my reasons for so doing. Then, sir, this affair was sought to be turned into a personal matter; and an attempt made to drag me down by engaging me in a controversy with Chase's understrappers, commenced by the agents of Mr. Chase in St. Louis, is brought into this House.

A judicial investigation has recently been held in which it was conclusively proved that Jay Cooke & Co., who figure so largely and disgracefully in these letters in connection with the eleven millions excess of five-twenty bonds, are the principal owners of the Philadelphia Inquirer. I should have *guessed* as much from the fact of the abuse heaped upon me by this Treasury organ about this "liquor speculation." Mr. Chase's banking agents, as well as his Treasury agents and special and supervising special agents, have all been brought into requisition to forge and counterfeit and tell lies to break me down for exposing and holding up to public contempt and scorn their employer and master.

In addition to the profits realized by Jay Cooke & Co. on the fraudulent subscription for the eleven millions excess of five-twenty bonds, which, as the bonds were twelve per cent. above par at the time of their issue, the profits on them must have exceeded a million and a quarter of dollars, this firm has also made profits on the negotiation of the five-twenty loan, and other brokerage business for the Treasury Department; according to the statement of Secretary Chase, by himself transmitted officially to this House, the sum of $450,000, as near as I recollect, not having the Secretary's communication before me. A million and three quarters of dollars realized by a banking firm in less than nine months is a comfortable competency for two or three private gentlemen, and would aid in the establishment of a good many newspapers in the interest of Mr. Chase by these men, who are shown to be banking on political capital to a greater extent than upon their money. Accordingly, we find a great many newspapers in favor of Chase for President, and very few people.

Nobody is simple enough to believe that the distinguished Secretary has really retired from the canvass for the nomination to the Presidency, although he has written a letter declining to be a candidate. That letter was written because the "strictly private" circular of the Pomeroy committee unearthed his underground and underhand intrigue against the President. It was such a disgraceful and disgusting sight to make use of the patronage and power given him by the President against his chief, that even Chase got ashamed to occupy such a position publicly. For that reason his letter was written; he wanted to get down under the ground and work there in the dark as he is now doing, and running the Pomeroy machine on the public money as vigorously as ever.

The work is now being done in Frémont's name, and that poor creature is unconscious of being made a catspaw to accomplish the objects of his intriguing rival. His plan is to hold a convention of Jacobins and red republican revolutionary Germans at Cleveland, Ohio, precisely as Calhoun used poor John Tyler to hold a side convention in 1844 to force the Democrats to drop Mr. Van Buren. The Cleveland convention is a whip convention which will say to the Union convention to be held at Baltimore, "If you insist on the nomination of Lincoln we will nominate Frémont against him as an independent candidate." In this way, if the delegates who have been instructed to vote for Lincoln can be bought with greenbacks or frightened by the Jacobin hobgoblin, it is expected that Chase, who has *so magnanimously* declined to be a candidate, will then be taken up as a compromise candidate. This is the programme of the Secretary and the Pomeroy committee. It embraces the tactics, the intrigue, the corruption, and fraud of Calhoun and Biddle combined.

[Here the hammer fell.]

Mr. McCLURG. I have but a few words to say to the House, and then I will be governed by its action as to whether I shall proceed further.

Mr. MORRILL. I ask the gentleman to forego his remarks for the present, and let us go on with the public business.

Mr. McCLURG. Mr. Speaker, I ask but for a few words, and then will be governed by the wish of the House. The gentleman—I should say "the member"—has taken occasion to attack the Secretary of the Treasury at length—something foreign to this case—and to lug in other matters irrelevant. He has taken occasion to repeat that "Mr. Bonner acknowledged he knew of the forgery," which is not true, and directly in contradiction to the testimony, as it will appear, and which I hope will be printed. I prefer speaking now while "the member" is here; but it has been suggested that I defer, owing to the pressing demands of the country to have the tax bill acted upon; and I submit whether or no I shall pursue my remarks now or defer until after action on the tax bill. I am prepared to-day as well as I shall be at any time; but I believe "the member's" character, if he have any, will not suffer for a few days, and I am sure mine will not. I ask the decision of the House, and if this affair be deferred, I will claim the floor after action on the tax bill at some proper time.

Several MEMBERS. Go on now.

Mr. McCLURG. I will yield the floor, and allow the House to take such action as it pleases.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order. Before the question is put upon that motion, however, I will move that all debate upon the paragraphs of the bill relating to iron terminate in one minute after the House has gone into committee.

Upon the latter motion 64 voted in the affirmative and 50 in the negative.

Mr. RANDALL, of Pennsylvania, called for the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. MORRILL. I now ask for the vote upon my motion to go into committee.

The motion was agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of House bill No. 405, being the internal revenue bill, the pending question being to amend, on page 125, line two hundred and fifty-four, by striking out the word "three" and inserting the word "four," so as to make the tax on railroad iron four dollars per ton.

Mr. HOLMAN. I move to amend the amendment by striking our "four" and inserting "five."

Mr. RANDALL, of Pennsylvania. I desire to say a single word, with the consent of the committee, on this subject, in behalf of the State which I have the honor to represent on this floor. Now, sir, the people of my State are perfectly willing to pay every tax that may seem necessary in the judgment of this House to carry on the affairs of the Government. But while they are willing to pay the tax, it does not warrant the House in placing upon my State an amount of taxation that would seem exorbitant and unjust.

The amendment to the amendment was disagreed to.

The question being upon the amendment,

Mr. RANDALL, of Pennsylvania, called for tellers.

Tellers were ordered; and Messrs. HOLMAN and A. MYERS were appointed.

The committee divided, and the tellers reported —ayes 46, noes 54.

So the amendment was disagreed to.

Mr. MORRILL. I move, in line two hundred and fifty-five, to amend so that it will read "two dollars per ton" instead of "$1 50."

The amendment was agreed to.

Mr. GRISWOLD. I move to add the following proviso:

And provided, That the term rerolled shall apply only to rails for which the manufacturer receives pay for remanufacture, and not for new iron.

Mr. Chairman, I desire to call the attention of the Committee of Ways and Means to this provision.

Mr. J. C. ALLEN. I call the gentleman to order. Debate has been closed by order of the House.

The amendment was agreed to.

The Clerk read, as follows:

On all iron advanced beyond blooms, slabs, or loops, and not advanced beyond bars or rods, and band, hoop, and sheet iron, not thinner than number eighteen wire gauge, and plate iron not less than one eighth of an inch in thickness, a duty of three dollars per ton: *Provided*, That a ton shall, for all the purposes of this act, be deemed and taken to be two thousand pounds.

Mr. J. C. ALLEN moved to strike out "three" and in lieu thereof to insert "four."

The amendment was disagreed to.

Mr. GRISWOLD. I move to strike out "two thousand" and in lieu thereof to insert "two thousand two hundred and forty."

The amendment was disagreed to.

The Clerk read, as follows:

On band, hoop, and sheet iron, thinner than number eighteen wire gauge, plate iron less than one eighth of an inch in thickness, and cut and wrought nails and spikes, and horse-shoe nails when wrought by hand, not including nails, tacks, brads, or finishing nails, usually put up and sold in papers, whether in papers or otherwise, nor horse-shoe nails wrought by machinery, a duty of $3 50 per ton: *Provided*, That bars, rods, bands, hoops, sheets, plates, nails, and spikes, not including such as are usually put up in papers, nor horse-shoe nails wrought by machinery, as before mentioned, manufactured from iron, upon which the duty of three dollars has been levied and paid, shall be subject only to a duty of fifty cents per ton in addition thereto, anything in this act to the contrary notwithstanding.

Mr. MORRILL. I move to strike out "$3 50" and insert "four dollars."

The amendment was agreed to.

Mr. MORRILL. I move to strike out "fifty cents" and insert "one dollar."

The amendment was agreed to.

Mr. MILLER, of New York. I move to insert after the word "thickness" the words "for sale and not for use by the maker in his trade."

The amendment was agreed to.

Mr. AMES. I move to strike out the following words:

And cut and wrought nails and spikes, and horse-shoe nails when wrought by hand, not including nails, tacks, brads, or finishing nails, usually put up and sold in papers, whether in papers or otherwise, nor horse-shoe nails wrought by machinery.

The amendment was disagreed to.

Mr. MORRILL. I move to strike out "or wrought."

The amendment was agreed to.

The Clerk read, as follows:

On iron castings used for bridges or other permanent structures, a duty of two dollars per ton: *Provided*, That bar iron, used for like purposes, shall be charged with no additional duty beyond the specific duty imposed by this act when not increased in value more than ten per cent.

Mr. AMES. I move to strike out the paragraph.

The amendment was disagreed to.

The Clerk read, as follows:

On rivets exceeding one fourth of one inch in diameter, nuts less than two ounces each in weight, and bolts not less than four ounces each in weight, a duty of four dollars per ton: *Provided*, That when a duty upon the iron from which rivets, nuts, and bolts, as aforesaid, shall have been made, has been assessed and paid a duty of three dollars per ton, a duty only, in addition thereto, shall be paid of fifty cents per ton: *Provided further*, That all iron and castings of iron of all descriptions advanced beyond pig iron, blooms, slabs, or loops, upon which no duty has been assessed or paid in the form of pig iron, shall be assessed and pay, in addition to the foregoing rates of iron so advanced, a duty of $1 50 per ton; and when no duty has been assessed or paid thereon in the form of blooms, slabs, or loops, shall be assessed and pay, in addition to the foregoing rates of iron advanced as aforesaid, a duty of three dollars per ton.

Mr. MORRILL. I move to insert after the word "nuts," where it first occurs, the word "not."

The amendment was agreed to.

The Clerk read, as follows:

On steel, in ingots, bars, sheets, or wire, not less than one fourth of an inch in thickness, valued at seven cents per pound, or less, a duty of five dollars per ton; valued at above seven cents per pound, and not above eleven cents per pound, a duty of ten dollars per ton; valued at above eleven cents, a duty of $12 50 per ton: *Provided*, That steel rolled, and sheet, rod, or wire made of steel, upon which a duty has been assessed and paid, shall be assessed and pay a duty of five per cent. *ad valorem* upon the increased value only thereof.

Mr. MOORHEAD. I move to strike out "five dollars" and insert "four dollars."

The amendment was disagreed to.

Mr. MOORHEAD. I move to strike out "ten dollars" and insert "eight dollars."

The amendment was disagreed to.

Mr. GRISWOLD. I move to add the following:

And provided further, That the taxes on all articles manufactured and sold in pursuance of contracts *bona fide* made before the passage of this act, shall be paid by the purchasers thereof, under regulations to be established by the Commissioner of Internal Revenue.

Mr. KASSON. I have an amendment to cover that subject which I will offer at the proper place.

Mr. GRISWOLD. I withdraw my amendment.

Mr. MOORHEAD. I should like to have this schedule changed. There is no steel selling below seven cents per pound.

The CHAIRMAN. Discussion is not in order.

Mr. MOORHEAD. I move to strike out "seven" and insert "ten," and strike out "eleven" and insert "fifteen."

The amendment was disagreed to.

The Clerk read, as follows:

On gold, silver, and quicksilver, produced from quartz mines, from beds of rivers, from the earth, or in any other way or manner, a duty of three per cent. *ad valorem: Provided*, That all such duties accruing upon gold and silver produced as aforesaid shall be due and payable in coin or bullion.

Mr. HIGBY. I move to strike that out. Mr. Chairman, gold and silver have a standard value that cannot be varied in the market. I know that gentlemen make the argument that gold and silver are now commodities, but in all those sections of the Union where gold and silver are taken out of the earth they are the circulating medium.

Mr. STEVENS. I suggest that, by unanimous consent, this paragraph be passed over for the present.

There was no objection; and it was agreed to.

The Clerk read, as follows:

On copper and lead ingots, pigs or bars, and spelter and brass, a duty of three per cent. *ad valorem*.

Mr. COBB. I ask that that be passed over.

Mr. STEVENS. I hope that that will be agreed to.

There was no objection; and it was so ordered.

The Clerk read, as follows:

On rolled brass, copper rolled, yellow sheathing metal, in rods or sheets, and shot, sheet lead, and lead pipes, a duty of three per cent. *ad valorem: Provided*, That when any of the articles herein mentioned shall not have been assessed and a duty paid thereon of three per cent., in the form of ingots, pigs, or bars, a duty of five per cent. shall be assessed and paid thereon.

Mr. MORRILL. I ask that that be passed over.

There was no objection; and it was so ordered.

The Clerk read, as follows:

On leather of all descriptions, curried or finished, a duty of five per cent. *ad valorem: Provided*, That all leather previously assessed in the rough, and upon which duties have been actually paid, shall be assessed on the increased value only when curried or finished.

Mr. J. C. ALLEN. I move to strike out "five" and insert "three."

The amendment was disagreed to.

The Clerk read, as follows:

On wine made of grapes, a duty of five cents per gallon.

Mr. LAW. I move to insert after "grapes" the words "except native grapes."

The amendment was disagreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the House received a message from the Senate, by Mr. MCDONALD, one of their clerks, informing the House that the Senate had passed a bill (H. R. No. 198) making appropriations for the support of the Army for the year ending the 30th of June, 1865, with amendments; in which the concurrence of the House was requested.

Also, that the Senate insist upon its disagreement to the amendments of the House of Representatives to the bill (S. No. 76) relating to appointments in the naval service and courts-martial, agree to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. HALE, Mr. WILLEY, and Mr. RAMSEY such committee on the part of the Senate.

Also, that the Senate insist upon its amendments to the bill (H. R. No. 370) to appoint certain officers of the Navy, agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. WILLEY, and Mr. RAMSEY such committee on the part of the Senate.

INTERNAL REVENUE BILL—AGAIN.

Mr. COLE, of California. I move to amend in line three hundred and fifty-four by striking out "five" and inserting "three," so that the tax on wine made of grapes shall be three cents per gallon.

This is, I believe, the only agricultural product which has been taxed thus far in this bill, and I wish the Clerk to read a memorial of the California Legislature upon this subject, and I hope the committee will listen to it.

The Clerk read, as follows:

"Whereas Congress has levied a tax of five cents per gallon on all wine made in the United States; and whereas the value of must (or wine fresh from the press) does not exceed fifteen cents per gallon in the largest wine-making district of this State, thus making the tax on the wine three hundred per cent. more than that on manufactured articles generally; and whereas the unequal and consequently unjust taxation is levied chiefly at the expense of California, which is now the first wine-making State in the Union, and will next year produce more than all the other States; and whereas this tax is not only very unjust, but in many cases almost ruinous to the producer, and must have been adopted in misapprehension of the facts: Therefore,

"*Resolved by the Assembly*, (the Senate concurring,) That our Senators and Representatives in Congress be requested to lay the facts stated in the preceding preamble before that body, and urge a reduction of the tax on wine to the same rate with that on manufactured articles generally.

"*And be it further resolved*, That the Governor be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress."

Mr. COLE, of California. Gentlemen who have listened to this memorial have learned all the facts relative to this branch of business. The tax upon this product is greater by far than upon any other agricultural product, not excepting even cotton. The raw product, "must," as stated in that memorial, can be produced for from twelve to fifteen cents per gallon, and it is purchased for that on contracts of a quarter of a million of gallons in the southern part of California. This tax will have a tendency to break up a growing and very promising branch of industry. It is said that this is a luxury. It is not a luxury to the producer; it is that upon which he depends for his support; and if this tax is not reduced, the

business will be seriously interfered with. In fact, some vineyards have already been uprooted and the land appropriated to other agricultural products.

I presume, from intimations we have heard here, that some regard this as a low tax. It is high, and in some cases amounts to fifty per cent., and in all cases to those who produce it to thirty-three and a third per cent. upon the value of the product. Gentlemen are not aware of the injury they are likely to inflict upon this branch of industry. A three cent tax will afford more revenue than five cents. If this interest is properly fostered it will not be many years before that country will supply wine to foreign countries, certainly to the whole United States, at a cheap rate, and I do hope the sensible view will be taken of this matter which is presented by that memorial, and that the House will adopt my amendment.

Mr. MORRILL. I am decidedly in favor of encouraging the production of native wines. I look forward to the time when we not only shall get all our wines from California, but get a better and purer article than we now get from any other quarter of the world. But we have already raised the tax on spirituous liquors, beer, ale, and porter, so that the wines of California are about the cheapest beverage left to be drank.

But there is another thing to be thought of. Before this Congress adjourns I have no doubt we shall impose a heavy duty upon foreign wines; and if we shall do so, the people of California may well thank this Congress for imposing even a higher rate than we now impose, even ten cents upon their wines, and the tax on foreign wines will be a greater encouragement than they now have if no duty is imposed upon domestic wine. I myself should be in favor of even a higher duty.

Mr. HIGBY. The wines produced in California are the products of small producers, of men who have small graperies, and make a very few barrels or gallons a year. The article is not good for use when it first comes from the press.

But these small consumers have to sell the wine as it comes from the press in order to do any business, and they have to sell it at these low rates. It is not wine that is fit for drink. It is an article which will become fit to drink in the process of time. But they must sell it just as the farmer sells the produce of his farm, and then it is treasured up by those who happen to have capital to invest. This tax, therefore, would bear directly upon the small producers.

The amendment was disagreed to.

Mr. PRICE. I move to amend the section by inserting "ten" in place of "five." I confess that I approach this section with a little timidity, because I hold the doctrine that a man ought not to talk on a question on which he is not wholly posted, and I do not know, experimentally, much about wine; but I do know that the wines made in Ohio sell for a dollar and a dollar and a quarter a bottle. They call it "sparkling Catawba." Now, if it is worth $1 25 a bottle, I think it will bear a tax of ten cents. They are commencing to make wine in my own State. It sells now for fifty and seventy cents a gallon. I am perfectly willing to vote for the protection of this article and all others. I will vote to impose a tax of a dollar or two dollars upon imported wine, so as to keep it away; and if there is a high duty placed upon imported wine, then domestic wine will bear a tax not only of ten cents, but of forty cents. The manufacturers can afford to pay it, and those who drink wine can afford to pay it. I do not drink it. It bites like the serpent and stings like the adder. Those who will drink it can afford to pay the tax I propose, and I am satisfied that no material interest of the country will suffer from it.

Mr. SHANNON. I believe that the House will not adopt the amendment of the gentleman from Iowa, and I only rise for the purpose of saying that if the tariff on wine is increased, and a specific duty of fifty cents or more per gallon is applied to wines, so as to prevent the swindling going on by the adulteration of wines in France which are sent over here under the *ad valorem* system, California will be benefited and will be very willing to pay this tax of five cents a gallon. And if hereafter the necessities of the country require that the tax shall be increased, then you can put on an increased tax.

Sir, we in California exempt vineyards for three years from State and county taxation in order to encourage the wine-producing interests of the State, and instead of sending out $20,000,000 and more annually for foreign wines, we shall be enabled to furnish all our own home consumption and export besides, unless this Congress, by onerous taxation, cripples, retards, and paralyzes the infant wine-growing interests of that State.

Mr. MALLORY. I move to amend the amendment so as to make the tax nine cents instead of ten cents. I offer that amendment for the purpose of saying that I hope nothing will be done by this Congress to discourage the growth of the vine and the manufacture of domestic wines. I regard it as one of the most important growing interests in the country. Like the gentleman from California, I think that if we now foster it or abstain from striking it down at a time when all the great interests of the country are being aimed at for the purpose of revenue, it may obtain a foothold in this country which will ultimately work out not only important results so far as profit is concerned, but so far also as the morals of the country are concerned. I contend that one great object of the people of the country and of the Legislature of the country and of the philanthropists of the country, should be to encourage the consumption of pure domestic wine. It contributes to health; it contributes to sobriety. In corroboration of that fact I cite the experience of France and Germany, where wine is consumed as a common beverage; and I assert that there is not a more sober and healthy people on the face of the earth than the people of those countries. I want to see the cultivation and manufacture of wine encouraged here until it becomes the common drink of this country as it is of the countries I have mentioned. I want to see wine substituted to a great extent for whisky, brandy, and rum, the indulgence in which brings people down to the level of the brute. I hope the amendment of the gentleman from Iowa to increase the duty on wine will not prevail. I think the duty as fixed by the Committee of Ways and Means a reasonable one, and I do not wish any objection to be made to it by my friends from California.

Mr. SHANNON. I will state to the gentleman from Kentucky that we are perfectly willing to submit to the tax reported by the Committee of Ways and Means.

Mr. SCOFIELD. I rise to oppose the amendment to the amendment. I endeavored to get the floor to move an amendment to increase the tax to thirty cents per gallon instead of ten. That is the tax imposed last night upon oil for lights; and yet gentlemen come here to plead this morning for the wine-guzzler, or, to use a more moderate term, the wine-bibber. The class of men which they plead for is that of which it has been said, "Woe unto them that rise up early in the morning that they may pursue strong drink."

Mr. COLE. This is not strong drink. [Laughter.]

Mr. SCOFIELD. Do not tax the men who belong to the idle, the loafer, and the luxurious classes. Do not tax them, but if you find anything within the range of taxation to light up a home and make it cheerful, place the tax upon it. Do not touch wine, do not touch whisky, do not touch anything that affects the pockets of the wealthy. But make the poor pay, who are not very well represented here, who do not understand their interests sufficiently to clamor around the Committee of Ways and Means, which stands up more obstinately for whisky than anything else. Tax all the poor, because they will not murmur at elections and will not be heard. I spoke here last night a word or two in the interests of the shanties that line the railroads of the country, the shanties of the poor Irishmen that vote for you, gentlemen. I want to make these humble homes a little more cheerful at night. But you have voted to tax them thirty cents a gallon on the oil they consume; and now you will not impose a tax of ten cents a gallon on the wine that reddens the face of half the members of this House. [Laughter.]

Mr. MALLORY. I withdraw my amendment; and now I move to amend the amendment of the gentleman from Iowa by reducing the tax on wine to eight cents per gallon. I wish to make a remark in answer to my friend from Pennsylvania, [Mr. SCOFIELD,] who seems very much aggrieved on the subject of the tax which we have imposed upon petroleum. He speaks about taxing the light of the cabins of the poor; but his trouble is that that is the oil which flows out of the earth in his district, and which makes him so rich, and he wants to keep off taxation so that he may be richer.

The gentleman talks about the Irishmen being imposed upon. You deny the Irishman oil, he says, and give him whisky. I am ready to refer that question to the Irishman himself, [laughter,] and if he does not take whisky in preference to oil he is not the Irishman I always supposed him to be; and I ask my friend from New York [Mr. KERNAN] if I am not right in that. He says we are not for imposing a tax upon wine, and speaks of the red-faced men in this House, because the gentleman happens to be a pale-faced man. I understand that while the habit of drinking produces, in some persons, concentration of blood upon the vital organs, that is the most dangerous sort of drinking in the world. [Laughter.] He says the Bible is opposed to the drinking of wine. I would like him to put his finger upon that passage in the Bible which prohibits the culture and use of wine "for the stomach's sake." Our Saviour converted water into wine at the marriage feast of Cana.

Mr. SCOFIELD. I did not quote from the Bible, but from quite a different volume.

Mr. MALLORY. I was about to remark that my friend over the way from Massachusetts who is on the Committee of Ways and Means, or rather, perhaps, his predecessor——

Mr. GRINNELL. I rise to a question of order. I submit that it is unparliamentary to undertake to quote the Bible in this House.

Mr. MALLORY. I have no doubt the gentleman from Iowa would be glad to have the Bible excluded from this House. But I think differently. I bow to its authority. But, sir, I desire that the poor people of this country shall be able to purchase wine cheaply as the most healthy drink that can be obtained. I am therefore opposed to placing a heavy tax upon native wines. I think its culture ought to be encouraged. I am in favor, too, of the poor man getting his light cheaply; and I do not think there is anything in this bill that will prevent it.

Mr. HIGBY. I should like to ask the gentleman from Kentucky if he thinks the Irishman would prefer wine to whisky? [Laughter.]

Mr. MALLORY. I think perhaps after a little education he would. I very much doubt now, if the matter was left to his choice, whether he would take the wine. [Laughter.]

What I desire is that this article of domestic wine may be made so cheaply as to be placed within the reach of all classes of our people as a common beverage. I believe that the custom would be alike conducive to health and morality, and I insist upon that position notwithstanding what the gentleman from Pennsylvania has said.

[Here the hammer fell.]

Mr. MALLORY. I withdraw the amendment.

Mr. PRICE. I object to the withdrawing of the amendment for two reasons: first, because I deny the proposition of the gentleman from Kentucky that there is nothing in the Bible against the use of wine; and secondly, because I deny his proposition that a cheaper and better beverage than wine is not to be found. Sir, there is a cheaper and better beverage to be found in some places in the far West, and in earlier years I remember it gushing from the hill-sides and mountain springs of Pennsylvania. It is known as water. It may be found by those who are anxious to drink it in almost all places as free as the air we breathe.

Mr. SCOFIELD. I hope if my friend has found such a beverage that he will not mention it here, for the Committee of Ways and Means will have a tax upon it immediately if they find it out. [Laughter.]

Mr. PRICE. Then, again, so far as health is concerned, I have found, in the course of my observations, that the man who drinks water is about as healthy and about as good a man, physically and mentally, as the man who drinks wine. But, sir, this is not a question of beverage in this committee, it is a question of revenue, and, in my judgment, wine can afford to pay ten, twenty, or forty cents per gallon better than oil can pay thirty cents. One is necessary; the other is not. Men

cannot live without light, but they can live without wine.

Now, let me say to that gentleman that the Bible is full of denunciations against those who drink strong drink. "Look not upon the wine" is written in the sacred word. When the gentleman tells me that there is nothing in the Bible against drinking, I quote to him "Woe to the man that putteth the bottle to his neighbor's lips."

Mr. MALLORY. The gentleman did not understand me correctly to say there was nothing in the Bible against using strong drink to excess. I said there was nothing against using it for the "stomach's sake" and for physical infirmities. I understand as well as he the impropriety of using it to excess.

Mr. PRICE. "Look not upon the wine," is the authority.

Mr. THAYER. I rise to a question of order. My question of order is that sermons are out of order in this House.

The CHAIRMAN. The Chair overrules the question of order.

Mr. FARNSWORTH. I rise to another question of order: that when the gentleman quotes Scripture he ought to quote it correctly. The expression is, "Look not upon the wine *when it is red;*" that is, when drugs have been introduced into it. [Laughter.]

The CHAIRMAN. The Chair overrules the question of order.

Mr. PRICE. I am inclined to differ with the Chair, though I am obliged to him for overruling the question of order; but I am inclined to think that sermons are out of order here. I look upon this question here purely as one of revenue, and I honestly believe this article will bear a duty of ten, twenty, and even thirty cents as well as other articles which we have heavily taxed. The country, sir, will hold us responsible while we tax the necessaries of life if we do not also lay a heavy tax upon the luxuries.

[Here the hammer fell.]

Mr. MORRILL moved that the committee rise in order to close debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, and had come to no resolution thereon.

Mr. MORRILL moved that all debate in the Committee of the Whole on the state of the Union on the paragraphs relating to wine be closed in one minute after the committee shall resume the consideration of the special order.

The motion was agreed to.

Mr. MORRILL moved that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair.)

Mr. SHANNON, by unanimous consent, withdrew his amendment.

Mr. PRICE's amendment was then rejected.

Mr. HOTCHKISS. I move to insert after the word "wine" the words "not made from currants, rhubarb, gooseberries, strawberries, or blackberries."

Mr. KASSON. I suggest to the gentleman to modify his amendment so as to make it read, "not made from currants, rhubarb, or berries."

Mr. HOTCHKISS. I accept the modification.

The amendment as modified was agreed to.

Mr. HOLMAN. I move to strike out "twenty-five" and insert "fifty," so that it will read:

On all other wines or liquors known or denominated as wine, or produced by being rectified or mixed with other spirits, or into which any matter whatever may be infused to be sold as wine, or by any other name, and not otherwise provided for in this act, a duty of fifty cents per gallon.

Mr. NORTON moved to make it one dollar.

The amendment to the amendment was disagreed to.

The committee divided on Mr. HOLMAN's amendment; and there were—ayes 66, noes 29.

Mr. MORRILL demanded tellers.

Tellers were not ordered.

So the amendment was agreed to.

Mr. MALLORY. I move to insert before the word "matter" the word "injurious," so that it will read, "into which any injurious matter whatever may be infused to be sold as wine," &c.

The amendment was disagreed to.

The Clerk read, as follows:

Provided, That the returns, assessment, and collections of the duties on such wines shall be subject to the regulations of the Commissioner of Internal Revenue; and any person who shall willingly and knowingly sell or offer for sale any such wine made after the passage of this act, upon which the duty herein imposed has not been paid, or which has been fraudulently evaded, shall, upon conviction thereof, be subject to a penalty of $100 or to imprisonment not exceeding two years, at the discretion of the court.

Mr. A. MYERS. I move to add the following:

Provided, That the unfermented juice of the grape before it is bottled and crude petroleum shall pay no tax, anything in this act to the contrary notwithstanding.

The amendment was disagreed to.

The Clerk read, as follows:

On furs of all descriptions, when made up or manufactured, a duty of five per cent. *ad valorem*.

Mr. GRINNELL. I move to strike out "five" and insert "ten." Mr. Chairman, these furs are purchased only by the rich who can afford to pay for them, and the tax ought to be at least ten per cent.

Mr. KERNAN. I observe that boots and shoes and clothing are taxed five per cent. *ad valorem*, and the tax ought to be higher upon furs. It ought at least to be ten per cent.

Mr. MORRILL. I move to make it "four" instead of "five." I desire to say this: the process of manufacturing these furs is the employment of women, and does not amount in many instances to five per cent. on the furs; and if we levy a duty of five per cent. upon this manufacture, it will be one of the most extravagant duties in this act. This is all it could bear, and perhaps more than it could bear.

Mr. SCOFIELD. I rise to oppose the amendment. I ask my friend from Iowa to withdraw his amendment. The people who wear expensive furs cannot afford to pay ten per cent. on them. The gentleman from Vermont says that it is most burdensome, and his tone is more dolorous and his manner more affectionate when pleading for these aristocrats than at any other time during the progress of the bill. The people who wear these furs cannot afford to pay more than five per cent., but the poor people's light can pay one hundred and fifty per cent. duty!

Mr. MORRILL, by unanimous consent, withdrew his amendment.

Mr. GRINNELL's amendment was then agreed to.

The Clerk read, as follows:

On ready-made clothing, boots and shoes, caps, hats, and bonnets, or other articles of dress for the wear of men, women, or children, five per cent. *ad valorem: Provided*, That any tailor, boot or shoemaker, hat, cap, or bonnet-maker, milliner, or dress-maker, manufacturing any of the foregoing to order as custom work and not for sale generally, who shall make affidavit to the assessor or assistant assessor that the entire amount of such manufactures so made does not exceed the sum of $600 per annum, shall be exempt from duty; when exceeding $600 per annum, a duty of three per cent. *ad valorem* on the excess above $600.

Mr. MORRILL. I am directed by the Committee of Ways and Means to move to strike out "three" and insert "five."

The amendment was agreed to.

Mr. FERNANDO WOOD. I move to strike out "five" and insert "three." I will remind the gentleman that ready-made clothing is worn almost exclusively by the poorer class to which he has referred. The proposition that they shall pay as much tax upon their clothing as is paid upon custom work is not right.

Mr. FENTON. I hope the amendment will not prevail. The tax as it now stands is three per cent. on ready-made clothing, and one per cent. on custom-work. There would be some propriety in putting up the tax on ready-made clothing. It is a prosperous interest.

The amendment was disagreed to.

Mr. MORRILL. I move to amend, in line three hundred and eighty-three, by inserting, after the word "foregoing," the word "articles," a mere verbal amendment.

The amendment was agreed to.

Mr. BOUTWELL. I move to amend, in line three hundred and eighty-two, by inserting, after the words "dress-maker," the word "exclusively."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in line four hundred and fifteen, by inserting, before the word "duties," the word "import."

The amendment was agreed to.

Mr. MORRILL. I move to amend, in line three hundred and ninety-two, by striking out "and" and inserting "which."

The amendment was agreed to.

Mr. MALLORY. I would ask the gentleman from Vermont whether, in this paragraph, extending from line three hundred and ninety-six to line four hundred and ten, imposing a tax on various articles of cotton, silk, wool, flax, hemp, and worsted manufacture, there is any exception made of cloth manufactured by a family for family use? I think it was intended to except that.

Mr. MORRILL. There is a general exception elsewhere which covers that case.

Mr. ROSS. I move to amend in line four hundred and twelve by striking out "five" and inserting "twenty-five," so as to make the tax on diamonds, emeralds, &c., twenty-five per cent. *ad valorem*.

The amendment was not agreed to.

Mr. HOLMAN. I move to amend by making the amount ten per cent.

Mr. MORRILL. I trust the committee will not put such a duty upon any kind of business as will drive it out of the country. I think they have virtually done that in reference to furs. I ask for a division upon this question by tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. MORRILL were appointed.

The committee divided; and the tellers reported—ayes 58, noes 34.

So the amendment was agreed to.

Mr. CHANLER. I desire to go back to the last paragraph, and move an amendment by taking India-rubber goods out of the list of goods taxed five per cent., and making it seven per cent. *ad valorem*.

Mr. MORRILL. I object to going back. I now move to amend in line four hundred and twenty-four by striking out "twenty-five" and inserting "thirty;" so that the clause will read:

On tobacco, cavendish, plug, twist, and manufactured tobacco not otherwise provided for, of all descriptions, (not including snuff, cigars, fine-cut, smoking, tobacco made exclusively of stems and not sweetened or otherwise prepared, nor shorts or other refuse separated from fine-cut tobacco in the process of manufacturing,) and on stemmed tobacco, thirty cents per pound.

Mr. KERNAN. I move to amend the amendment by increasing the amount to thirty-five cents The committee will observe that in line four hundred and thirty-two fine-cut tobacco is taxed thirty-five cents. I hold in my hand a letter from a gentleman familiar with all these matters, and yet not engaged in either branch of this trade, in which he says:

"This bill is in one respect partial, and should not be so. It declares twenty-five cents per pound as the tax on plug or cavendish tobacco and thirty-five cents on fine-cut tobacco. I do not believe the committee intended to do any injustice to those engaged in the manufacture of fine-cut tobacco, and yet that would be the effect of this provision of the bill. The tax should be the same on both, even though the highest sum should be adopted."

Mr. MORRILL. I see the gentleman from Pennsylvania over the way, [SCOFIELD,] who made so eloquent an appeal for the Irishmen, who mostly use plug tobacco, is not now in his seat, or I would leave the defense of this matter with him. The committee thought we ought to put a lower tax upon this kind than upon fine-cut, which is mostly used by gentlemen, and is put up in fancy papers and tinfoil wrappers. We thought when put up in these nice parcels and packages it would bear a little higher rate of duty than the plug. It was intended originally to have reported thirty cents on plug and cavendish.

Mr. KERNAN. I will modify my amendment and make the tax thirty-four, in order that I may say a few words.

My esteemed friend from Kentucky, [Mr. MALLORY,] and my respected friend from Vermont, [Mr. MORRILL,] have alluded to me as entitled to speak for Irishmen, and have by good-natured allusions to their real or supposed peculiarities raised a smile at their expense. I accept the position. Whether entitled or not to speak

for them, I am of their kith and kin. I stand with them when the good-natured joke causes a laugh at their expense, and I have never shrunk from them when bitter and illiberal denunciation has been hurled against them as a class, and I never shall. They have their foibles and their faults; what class has not? But they have noble characteristics and many virtues. They come to this country intending to make it their home. They desire civil and religious liberty, and love our institutions because they secure them. They desire the perpetuation of the Union; no class has a greater interest in its preservation than they and their descendants; they will do their whole duty in trying to maintain it.

The gentleman from Vermont [Mr. MORRILL] jokingly said that he favored the lower rather than the higher tax proposed on this article (cavendish tobacco) out of regard to my Irish friends. I thank him, but fear it will be like too many of the professions of regard for them from the political party with which he acts, more of professions than of practical good. The Irish laborer, like every other laborer in our country, will have to bear his full share of the burdens of the taxation imposed by this bill. He will pay no income tax, it is true, but he will have to pay a tax on the spade with which he earns his bread, upon all the necessaries which he and his family consume; upon the shoes which cover his feet, the rough coat which protects him from the storm. The price of all these will be enhanced by the taxation necessary to carry on this war. He will bear it without complaint if we make it a war for and thereby preserve the union of the States under the Constitution, and stop the war when this is accomplished. If this be not done, he and every other citizen has great reason to complain.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

Mr. NELSON. I move to amend, in line four hundred and thirty-four, by striking out "thirty-five" and inserting "fifteen;" so that the tax on fine-cut, manufactured, to be sold or delivered loose, in bulk, or in packages, papers, wrappers, or boxes, shall be fifteen cents per pound.

I ask the Clerk to read a remonstrance I hold in my hand, presented by many manufacturers in New York of great experience and respectability.

The Clerk read, as follows:

FISHKILL, NEW YORK, *April* 21, 1864.

DEAR SIR: We, the undersigned, take the liberty of requesting you, as our Representative, to present to their honorable body, the Representatives in Congress assembled, the following petition in reference to the heavy tax proposed on tobacco and cigars. If passed, it will be the ruin of all honest manufacturers and throw thousands out of employment, thereby defeating the very object the Government has in imposing such taxation. We therefore ask that the tax proposed be modified in such a way that it will benefit the Government and those connected with this business. It can be done and should be done in justice to all concerned.

Hon. H. A. NELSON.

Mr. NELSON. That remonstrance is signed by forty-four men who are engaged in the manufacture, many of them on a very large scale, and they say that to increase the tax so largely will scatter those who are engaged in the manufacture, make it a secret operation, and break up the business as an open, known, and public branch of trade; and that the Government will derive less rather than more revenue from this high rate of taxation. The fifteen cents I propose is the same as the rate contained in the old bill.

Mr. STEVENS. I this morning received a letter from a large tobacco firm in Cincinnati, saying that the tax on all kinds of tobacco will bear to be increased very largely, and that the tax on this kind ought to be put at forty or fifty cents.

Mr. NELSON. Did that one manufacturer inform the chairman of the Committee of Ways and Means how much he had on hand already manufactured?

Mr. STEVENS. No, sir, he did not. I was curious to inquire but could not find out, and I suppose it is about the same thing with the men who signed that paper.

Mr. NELSON. They have none.

Mr. STEVENS. I take it for granted they have no stock on hand. I believe that all these items of tobacco would bear a larger tax than is put upon them. We have not increased the tax to anything like the extent we have increased the tax on whisky and petroleum. If my recollection is right there are about five hundred and sixty of the class of manufacturers who have signed the paper which has been read in the city of New York. Where are the balance? What is the reason they have not appeared here? I hope the amendment will not prevail.

The amendment was disagreed to.

Mr. FRANK. I move to strike out in line four hundred and thirty-four, on page 132, "thirty-five," and to insert in lieu thereof "fifty;" so that the clause will read: "On tobacco, fine-cut, manufactured, to be sold or delivered loose, in bulk, or in packages, papers, wrappers, or boxes, fifty cents per pound."

The amendment was disagreed to.

Mr. NELSON. I move to amend by striking out the word "five," in line four hundred and thirty-six, and inserting "two" in lieu thereof; so that the clause will read: "On cigars, valued at not over ten dollars per thousand, two dollars per thousand." That will leave it the same as it is in the old tax bill.

The amendment was disagreed to.

Mr. MORRILL. I move to amend in line four hundred and thirty-eight by striking out "seven" and inserting "eight;" so that the paragraph will read: "On cigars, valued at over ten dollars and not over twenty per thousand, eight dollars per thousand."

Mr. NELSON. I move to amend the amendment by striking out "eight" and inserting "$2 50."

The amendment to the amendment was disagreed to.

Mr. MORRILL's amendment was then agreed to.

Mr. NELSON. In line four hundred and forty I move to strike out "twelve" and insert "five;" so that the paragraph will read: "On cigars, valued at over twenty dollars and not over forty dollars per thousand, five dollars per thousand."

The amendment was disagreed to.

Mr. KERNAN. I move to strike out "twelve" and insert "fifteen."

The amendment was agreed to.

Mr. ANCONA. I move to add at the end of the paragraph, in relation to tobacco, the following:

Provided, That the values herein mentioned shall be the value of the articles without the tax added.

In support of that amendment, I will ask the Clerk to read a letter from a manufacturer in explanation of this proviso.

The Clerk read, as follows:

"Ever since the tax bill has been in operation, the officers of internal revenue and the manufacturers of cigars have been at variance in regard to the proper construction to be placed upon the word 'value.' By referring to the old tax bill you will observe that the section appertaining to cigars reads thus:

"'All cigars valued at five dollars and not over ten dollars per thousand, two dollars per thousand; over ten dollars and not over twenty dollars, $2 50 per thousand;' &c. Now, the question at issue is, whether the framers of the bill intended the word 'value' to mean the price of the cigars as sold by the manufacturer, with or without the tax. We have been paying at the rate, with tax added, according to the decision of the Commissioner of Internal Revenue, but have never thought it right, for this reason, that the addition of the tax to the price that we could afford to sell the cigar at, will increase the rate of tax on the lower-priced cigars fifty cents and on the finer qualities one dollar per thousand, which in the course of a year is quite an item to a large manufacturer. This has been the case under the old bill, and in the new bill, with largely increased taxes, the discrepancy will be much greater. 'An illustration of the working of this 'value' system will perhaps the better enable you to comprehend my ideas. Say, for instance, I have a cigar that I could afford to sell at eighteen dollars, which is the *proper value;* I would then have to pay, according to my construction of the word 'value,' $2 50 per thousand, but with the tax added the price would be $20 50 per thousand—the value according to decision of Commissioner—and subject me to a tax of $3 50 per thousand, leaving me only seventeen dollars net for my cigars, and you will no doubt coincide with me that this is certainly unjust and a misconstruction of the act.

"My object in writing to you is merely to suggest the propriety of having this matter properly adjusted before the passage of the new bill, so as to prevent all further dispute. It is no more than right that there should be a proper understanding between the Government and the persons serving it."

Mr. BOUTWELL. I have been aware of this controversy between the manufacturers of cigars and the Government; but there never was really but one side to it. Section seventy-four of the original law, following section sixty-eight, in which is set forth the duty of manufacturers to make returns, is in these words:

"That the value and quantity of the goods, wares, and merchandise required to be stated, as aforesaid, and subject to an *ad valorem* duty, shall be estimated by the actual sales made by the manufacturer."

The universal rule in regard to manufacturers has been to require them to pay upon their sales. It has been so in reference to the levy of a tax upon railroads, upon their dividends. We have required them to deduct the three per cent. paid to the Government from the gross amount of the dividends, whether paid to individuals or the gross amount considered together. This is an *ad valorem* duty, and is to be ascertained by the value of the article to be taxed, and therefore this would be a departure from the universal policy of the law, and would be attended with great inconvenience.

Mr. ANCONA. I wish to call attention to the fact that this is a specific duty, and not an *ad valorem* duty; and therefore the same rule will not apply.

The question was taken; and the amendment was rejected.

Mr. FERNANDO WOOD. Mr. Chairman, we are about closing this section which concludes the taxation of articles. I desire to offer an amendment to it. My amendment is to add the following:

On tobacco in leaf, corn, wheat, hops, rye, barley, beans, peas, oats, hay, hemp, wool, and all other articles of domestic growth which are recognized in trade as articles of commerce, when sold in quantities of not less than $100 value, a duty of one per cent. *ad valorem.*

Mr. Chairman, none of the articles referred to in this amendment are included in the bill. Certainly, if we desire revenue, it is a most singular and significant omission. If my amendment shall be adopted by the committee, taking the census of 1860, which I hold in my hand, as the basis of an estimate, it would produce a revenue of between forty and fifty million dollars. Now, sir, having reference to the fact that this bill omits all tax upon agricultural products, I should be derelict to the constituents whom I represent if I did not make an effort, which can only be made on this occasion and at this period of the consideration of the bill, to include these agricultural products.

Sir, we desire to raise a revenue of $300,000,000 by this law. By omitting this great interest of the country, the paramount interest of the country, we necessarily increase the burdens which the commercial and manufacturing interests are to bear. I see no reason why one of the three great interests of the country should be entirely exempted from bearing its just, fair, and equitable proportion of the burdens that grow out of this war. As I said before, the city of New York will pay two thirds of the whole revenue to be derived from this law if it passes without the amendment I have offered. Why this omission? Is it because the majority is afraid to offend the farming interests of the country at this time? I desire to know why it is that this great interest of the country is allowed to go entirely free from taxation. I desire to know why the manufacturing interest, why the positively productive interest of the country is to be entirely broken down by this addition of tax. Those who produce everything by manual labor are to get nothing but taxation, and those who produce nothing by manual labor are to get everything. Without any expectation, Mr. Chairman, that the majority of the committee will concur in my proposition, from a sense of duty to those I represent, and to be consistent in my course, I have offered this amendment for the consideration of the committee.

Mr. STEVENS. Mr. Chairman, the gentleman from New York is very much mistaken if he supposes that the agricultural interests are not taxed. Every one of the articles which he enumerates is included in the income tax that is laid upon the farmer, and goes to make up a portion of his income which is taxed. Besides that we have laid an additional tax of $20,000,000 on the farming interest of this country, which is entirely distinct from all other taxes laid. I think, therefore, that the agricultural interests of the country bear a full proportion of all the taxes to be borne at all.

Mr. FERNANDO WOOD. May I ask the gentleman whether under the proposition of taxing the income a majority of farmers will not be exempt by the limitations that exempt homesteads and $600 of income? Will not that in the main leave farmers entirely free from the payment of income tax?

Mr. STEVENS. I do not think so. I know that the farmers in my district pay a very considerable income tax. I think that over fifty thousand dollars have been paid in my district alone last year.

Mr. FERNANDO WOOD. Will the gentleman allow me another question? If that be so, why is it that the manufacturing and commercial classes are not only obliged to pay income tax, but are also obliged to pay a direct tax upon their products and matters of trade?

Mr. STEVENS. They are not taxed in the way the gentleman mentions.

Mr. FERNANDO WOOD. Yes, sir. Every article that is manufactured, even down to the article of soft soap, every article going into the most ordinary use in household affairs, is taxed directly.

Mr. STEVENS. We have laid a direct tax upon real estate. The manufacturer has little real estate, and this direct tax falls almost exclusively upon the agricultural portions of the country. We tax the farmers also on their incomes; and if the farmer consumes all he raises, it is for the purpose of paying the expenses of something else, which again pays income. I maintain, therefore, that under this law the farmer will pay as much as he did before, and as much, perhaps, in proportion to his ability, as those of other occupations.

Mr. MALLORY. I move to amend the amendment by striking out the word "beans."

The CHAIRMAN. The gentleman from Kentucky will confine himself strictly to his amendment. [Laughter.]

Mr. MALLORY. Well, sir, I think I should require a little larger latitude than that. I move to strike out all the articles mentioned in the amendment.

I see no reason why these articles should be inserted in the bill. Nor do I see any force to the arguments of the gentleman from New York. As the honorable gentleman from Pennsylvania [Mr. STEVENS] has said, the farmer is taxed far more in this bill than he was before. And I believe when you come to investigate it you will find he is taxed more than those engaged in any other pursuit. His income, as the gentleman from Pennsylvania has remarked, over $600 is taxed five per cent. His horses are taxed, and by the direct tax upon the real estate of the country, $20,000,000 is paid into the Treasury of the United States. This direct tax falls almost exclusively upon the farmer.

Then, sir, if a tax is laid upon the products of the farm, which enter into the consumption of every manufacturer, and of every man, however employed, in the country, the tax upon the farmer is paid no more by him than by the manufacturer and the tradesman.

Mr. MORRILL. I desire to suggest also to the gentleman that the farmer, as a consumer of manufactured goods, also pays his proportion of the tax on manufactures.

Mr. MALLORY. I was just coming to that. It is true that the manufactures which the gentleman thinks are so enormously taxed by this bill are used by the farmer, and that the farmer contributes his proportion toward the payment of that tax. The products of the State of Pennsylvania, the iron, which gentlemen complain of being unduly taxed, is consumed in a great measure by the farmers of the country. They cannot obtain a plow, nor a single agricultural implement, which has not paid its tax in the shape of iron. Their clothing is manufactured in the East, and they pay the tax upon that.

Mr. FERNANDO WOOD. Let me ask the gentleman this question, whether the manufacturing and trading classes are not also consumers, and whether they, too, are not obliged to pay all these taxes which the gentleman says are paid by farmers, in addition to the taxes imposed directly on their business?

Mr. MALLORY. That is the very point I was on. I was going on to remark that the farmer pays his proportion of the tax imposed on the iron of Pennsylvania, which the gentlemen from Pennsylvania complain so much of, and which I will warrant they will see themselves protected in when we come to the tariff; so that they will lose nothing by it, although the farmers, who are obliged to use the implements made from that iron, will lose. If the gentleman from New York will impose a duty amounting to inhibition, when we come to the tariff bill, upon all the articles mentioned in his amendment, there might, perhaps, be some propriety in it, although in that case he would only increase the cost of these articles to the consumer.

It is not because I desire the farmer to go free from taxation, nor because this tax would be peculiarly burdensome to the farmer, that I oppose the gentleman's amendment. It is because it will go to raise the price of these necessary articles of food, which go into the consumption of all classes, rich and poor. It is for that reason I oppose the amendment.

The amendment was rejected.

Mr. KASSON. Mr. Chairman, I wish at this stage of the bill to offer the following amendment, which I think more properly comes in here than anywhere else:

Insert the following as a new section:

And be it further enacted, That there shall be levied and collected on all sales of real estate a duty of one quarter of one per cent. on the amount of such sales, returns of which shall be made and duties collected under regulations to be provided by the Secretary of the Treasury.

This, Mr. Chairman, is intended to reach an important interest, especially in the cities of the country. It will probably realize somewhere from one to two, and perhaps three million dollars a year if it be adopted by the committee. It is well known that the objects which several of the most intelligent gentlemen of the country have had in view of realizing our tax indirectly on the transfers of property in all the various forms are not reached by the bill now pending before the House, or the one enacted into law. I think it important in regard to an interest like this that we should realize from it a portion of the revenue of the country. It proposes not to tax land as a productive or an unproductive investment in the country, but it proposes to tax the transfer of a title from one party to another, a percentage so small that it can hardly be felt by this interest.

Mr. PRUYN. Does this include auction sales as well as private sales of real estate?

Mr. KASSON. Auction sales are otherwise provided for as a tax upon the auction interest. It is proposed to reach these transactions of transfers of title to real estate, and thus to collect from the money paid or agreed to be paid a small percentage as a portion of the revenue upon which the country mostly depends. I have consulted with gentlemen upon both sides of the House, and it is regarded as likely to yield a large sum without affecting this interest injuriously.

I desire that time may be given for the fullest consideration of the amendment. If it be now adopted and on further consideration it should not be considered proper it may be stricken out in the House.

Mr. PRUYN. I ask the gentleman to insert in his amendment the words "otherwise than at auction."

Mr. KASSON. I have no objection to saying "otherwise than by auctioneers."

Mr. PRUYN. That will do.

Mr. MALLORY. Mr. Chairman, the gentleman from Iowa says that the amendment he proposes is not offered in any way as a tax upon real estate, but simply as a tax upon the transfer of real estate. I will remark to the gentleman that if he will look to the bill he will find that the transfer of real estate is taxed in every way, shape, and form in which it can be taxed.

Mr. KASSON. There is no tax except a small tax upon the deed.

Mr. MALLORY. There is a tax upon the deed, there is a tax upon the will, there is a tax upon every way, shape, and form in which real estate can be transferred.

Mr. KASSON. This covers simply the cases which are not covered by the existing law. The tax now is a small one indeed. On a deed covering the value of $1,000 the tax now is only the trifling sum of one dollar. If my proposition be adopted of a tax of one quarter of one per cent. it will be only $2 50 on the transfer of property of the value of $1,000.

Mr. MALLORY. If the gentleman will modify his amendment so as to cover the sales of all kinds of property I do not know that I will object to it. The gentleman argues that if applied to the transfer of real estate it will increase the revenue of the Government enormously; and if that be so, then by applying it to the sales of all kinds of property it will increase the revenue of the Government much more enormously.

Mr. KASSON. My wish is to introduce a system of indirect taxation, and I think it can be done so as easily to raise money enough to support the Government. I propose to reach those mainly who speculate in real estate. It does not touch the farmer at all.

Mr. MALLORY. I do not like to see the gentleman commencing his system by taking real estate to begin on. I am afraid that if he succeeds in this now, that will be the last we shall ever hear of the matter, and then we shall have an income tax, a direct tax, tax on imported goods, and this tax on sales and transfers of real estate where the amount is over one thousand dollars.

Mr. MORRILL. I move to amend the amendment by striking out the last three words.

Mr. WILSON. I desire, with the permission of the gentleman from Vermont, to ask a question of the gentleman from Iowa.

Mr. HOLMAN. I object to any interruptions.

Mr. MORRILL. As I am utterly opposed to the system which the gentleman from Iowa proposes to inaugurate, I object to his inaugurating it at all and especially in this mode. The present bill proposes to tax all transfers of land by a stamp tax as high as we have thought it proper to make it—that is to say, fifty cents on every $100. In addition to that, all sales made by auctioneers are charged with one half of one per cent.; and in addition to that, all successions and legacies are to be taxed, and heavily taxed.

The policy of the people of the United States is to allow everybody to deal in land, and to leave the transfer of the title to land as unrestricted as possible. It may be otherwise in England where they do not desire that men generally should become landholders. But thus far the practice in our country has been to leave all men at full liberty to obtain possession of land and to place no obstacle in their way by imposing a heavy tax upon transfers, or by excessive stamp duties, or in any other manner whatever.

Now, the purpose which the gentleman has distinctly announced is to inaugurate a tax upon sales. I desire to say that if he shall inaugurate that system he will inflict a heavier blow upon the West than they have ever before received. How will the system operate? If a tax were to be imposed on sales, then the articles produced in the West and which have to find a market upon the sea board, if they should pass through the hands of more persons than one, would be taxed upon every transfer. Now, gentlemen familiar with the commerce of the country, understand perfectly well that flour and most of the products of the West, in making their way to the market, pass through several hands. Then, to tax these articles upon every transfer, would interfere with the free commerce of the country. I think the system would be a very injurious one, especially to the West; but as I think there is no particular danger of the committee adopting the proposition, I will not consume any further time.

Mr. KASSON. I do not wish to be understood as proposing this amendment with distinct reference to the inauguration of a general system now. I said I was personally in favor of such a system in reference to land, because I thought that if you imposed upon transfers a tax less than that originally paid to an agent for effecting the same thing, you would not interfere with the employment of intermediates at all. Here is a large interest involved in the transfer of real estate, of town lots and other real estate, in cities particularly, which ought to be reached by this act.

Mr. WILSON. I wish to ask my colleague a question in this connection. I understood him to say that this tax would not fall upon the farmer in transferring his farm. I wish to know how that can be?

Mr. KASSON. I did not say so.

Mr. WILSON. I wish to know if the tax would not fall upon every man, be he the holder of city property or agricultural lands, who transfers his lands?

Mr. KASSON. It is evident that the man who sells real estate will pay one quarter of one per cent. upon his sales; but I say it will not often fall upon farmers, because they are not employed in speculating in real estate, but in using it for increased production. In my State and in Idaho

the man who sells real estate employs an agent to sell and a lawyer to make out the deed, and he pays to them much more than I propose here. It is a very light tax, and as I do not propose to assess it unequally on any portion of the country, of course it must cover the farmer who gets sick of his real estate and wishes to sell it as well as it is imposed upon the dealer in real estate in the city.

I think that when we are searching through the country for the interests that may most easily bear the burdens of taxation, no gentleman should rise in his place here and ask to have an interest exempted which can bear a tax. It is upon this ground that I have asked the imposition of a tax upon sales of real estate, which is very light in its amount, but which in its aggregate will yield a very considerable sum to the Treasury of the United States.

Mr. MORRILL. I would ask the gentleman whether, if this tax is to be imposed, we could not more directly and certainly reach it by increasing the stamp tax?

Mr. KASSON. The gentleman from Vermont is mistaken, I find, in reference to the amount of the stamp tax. It is not, as he says, fifty cents for every $500, but if the consideration reaches $500 it is one tenth of one per cent. only.

Mr. MORRILL. We have agreed to raise it to fifty cents for every $500.

Mr. KASSON. That, of course, will tend to equalize it. I think the words "except when sold by an auctioneer" should be introduced into the section.

Mr. WILSON. I would ask my colleague whether, if we adopt this tax upon sales of real estate, we may expect any aid from the Committee of Ways and Means in striking out the one hundred and seventy-third section of this bill, which proposes to impose for this year a direct tax which will impose a very heavy and unequal burden upon the agricultural interests of the West?

Mr. KASSON. I cannot answer as to that now. When that subject shall be taken up, I shall be ready and eager to engage in the discussion.

The amendment to the amendment was disagreed to.

Mr. KASSON. I will modify my amendment by inserting the words "except when sold by auctioneers;" and in support of that I wish to say——

The CHAIRMAN. It is merely a modification, and the gentleman is not entitled to the floor to speak upon it.

Mr. THAYER. I am very much surprised that the proposition made by the gentleman from Iowa——

The CHAIRMAN. Does the gentleman from Pennsylvania offer an amendment? If not, no further debate is in order.

Mr. THAYER. I am going to speak in opposition to the last amendment proposed by the gentleman from Iowa.

The CHAIRMAN. That is merely a modification of his original proposition, and is not open to debate.

Mr. THAYER. I move, then, to reduce the amount to one eighth. I have been much surprised that the proposition made by the gentleman from Iowa has not met with more favor from the House. I think there is no interest which would feel an imposition of this kind less than the one which has been referred to. The answer that has been made to it that there is an imposition of a stamp tax upon the transmission of real estate is no answer at all, because we all know that the stamp duties upon deeds of conveyance which convey property, the consideration of which is not large, are exceedingly light. It is not until you get up to a very large sum that the stamp tax upon deeds amounts to anything at all worth considering.

Mr. MORRILL. I desire to say to the gentleman from Pennsylvania that the Committee of Ways and Means propose to modify the stamp duty on conveyances, so that it will be fifty cents upon every $500.

Mr. THAYER. I think, sir, that the imposition of a tax upon sales of real estate, even with an increased duty upon stamps, will not be felt by those who are engaged in the business of real estate brokers, nor will it be felt materially by those who wish to sell their estates. It will amount to an exceedingly small tax upon the sale of real estate, and will not be felt seriously by those who wish to sell their real estate. It will be paid at times and in a manner which will not make it an unpopular tax. It will raise a very large amount of revenue, and for that reason I think that the propositions of the gentleman from Iowa [Mr. KASSON] is an exceedingly good proposition and ought to be adopted.

Mr. KASSON. I rise to oppose the amendment of the gentleman from Pennsylvania, and to say that we have already in committee determined to lay a tax of one quarter of one per cent. upon the sales made by auctioneers. Now, if the party sells his own property, why should he not pay the same tax of a quarter of one per cent.? You withdraw from auctioneers their legitimate business unless you equalize this thing, by imposing the same tax when the sales are made in any other way. I submit to the committee that the tax is not only very small in itself, but that the principle of it is adopted already in the direction which I have named, and that you can impose no tax which will be so light. In my State there are gentlemen living abroad who own from one hundred and fifty to two hundred thousand acres of land, holding it purely for the purpose of speculation. When they sell that land, I ask whether they should not pay so light a tax upon that sale? I am in favor of imposing this tax upon real estate, because if it has any tendency at all, it tends to encourage the farmer to continue in the cultivation of the soil, instead of entering into speculations in real estate.

Mr. MORRILL. If there is any merit at all in the proposition it can be reached much better in the stamp duties, and therefore I am opposed to the proposition.

Mr. THAYER. Mr. Chairman, I withdraw my amendment to the amendment.

The question was taken on Mr. KASSON's amendment; and it was rejected.

The ninety-fifth section of the bill was read, as follows:

SEC. 95. *And be it further enacted*, That newspapers, shingles, laths, staves, hoops, shooks, headings, and timber partially wrought and unfinished for chairs, tubs, pails, hubs, spokes, snathes, lasts, shovel and fork handles, umbrella stretchers, charcoal, alcohol made or manufactured of spirits or materials upon which the duties imposed by law shall have been paid, plaster or gypsum, malt, burning fluid, printers' ink, flax prepared for textile or felting purposes until actually woven, marble and slate, or other building stones in block, rough and unwrought, charcoal, coke, all flour and meal made from grain, bread and breadstuffs, butter, cheese, concentrated milk, paraffine, whale and fish oil, bullion used in the manufacture of silverware, silver bullion rolled or prepared for platers' use exclusively, materials prepared for the manufacture of hoop skirts exclusively and unfit for other use, (such as steel wire, rolled, tempered, or covered, cut tapes and small wares for joining hoops together,) shall be, and hereby are, exempt from duty; and also, all goods, wares, and merchandise, and articles made or manufactured from materials which have been subject to and upon which internal duties have been actually paid, or materials imported upon which duties have been paid, or upon which no duties have been imposed by law, where the increased value of such goods, wares, or merchandise, and articles so made or manufactured, shall not exceed the amount of five per cent. *ad valorem*, shall be, and hereby are, exempt from duty.

Mr. COX. I move to amend that section by striking out the words "whale and fish oil." Other oils are taxed in this bill, and I do not know any reason why whale and fish oil should be made an exception. Perhaps the Committee of Ways and Means can give us a satisfactory reason.

The question was taken; and the amendment was rejected.

Mr. HOLMAN. Mr. Chairman, I move to amend the ninty-fifth section by inserting the word "lard." I wish to say in support of this proposition, that if it is right to exempt whale and fish oil to subserve one particular interest in this country, I know no good reason why the lard interest should not also be protected. These products of whale and fish oil and lard oil come into direct competition with each other; and if one class of articles is exempt from duty the other should certainly be also exempt.

Mr. MORRILL. I merely desire again to call the attention of the committee to the fact that under the reciprocity treaty all these articles come into this country free; and it would be manifestly unjust to tax them, so long as they come in free from Canada.

The question was taken; and the amendment was rejected.

Mr. KASSON. I move to insert the following as an additional section:

And be it further enacted, That every person, firm, or corporation who shall have made any contract prior to the passage of this act and without other provision therein, upon payment of the additional duties imposed upon articles to be delivered under such contract, is hereby authorized and empowered to add to the prices thereof so much money as will be equivalent to the additional duties hereby imposed on such articles, and shall be entitled by virtue hereof to be paid and to sue for and to recover the same accordingly: *Provided*, That where the United States is the purchaser under such prior contract, the certificate of the proper officer of the department by which the contract was made, showing, according to regulations to be prescribed by the Secretary of the Treasury, the articles so purchased by the United States and liable to such additional duties, shall be taken and received so far as the same is applicable in discharge of the additional duties on the articles so contracted to be delivered to the United States and actually delivered according to such contract.

Mr. Chairman, this section corresponds with a section enacted for a similar purpose by the English Parliament, and is only modified to meet the cases that now exist touching contracts with the Government of the United States where the duties are paid to the United States and where they can only be got back by a long and troublesome process.

Mr. HOLMAN. Will the gentleman from Iowa designate the particular section of the old law which substantially accomplishes the same purpose of this section in the bill?

Mr. KASSON. I have not the law before me. However, I recollect it is on page 63, but I will not be certain.

Mr. GRISWOLD. I hold in my hand the law referred to by the gentleman. It is on the 65th page.

Mr. HOLMAN. The language of the act I referred to is:

"*And provided further*, That the taxes on all articles manufactured and sold in pursuance of contracts *bona fide* made before the passage of this act shall be paid by the purchasers thereof, under regulations to be established by the Commissioner of Internal Revenue."

Now I submit whether it would not be safer and better to preserve the old language than to adopt the new. I have not heard that there was any difficulty in placing a proper construction upon the existing law, and it is certainly better to retain phraseology which has received interpretation than to adopt new language. I suggest, therefore, that, with the exception of the last clause which applies to Government contracts, the language of the existing law be retained. I have no criticism to make upon the language used by the committee; but that of the old law is terse and explicit, and I hope it will not be changed.

Mr. KASSON. Under the old law, the officers have had to collect these taxes from two different parties, both from the manufacturer and the vendee or purchaser of the goods. In many instances they have had great difficulty in reaching the goods after they have passed into the hands of the consumer.

As the proposition is now put, you collect the entire tax from the manufacturer, giving him the right to collect it from the purchaser if the goods have been previously contracted for. This renders the collection of the tax much easier and more simple.

Mr. GANSON. I ask the gentleman by virtue of what authority, constitutional or otherwise, you may confer the right upon one person to commence an action against another person for the collection of a tax due to the General Government?

Mr. KASSON. By virtue of the same law by which we collect taxes directly of the purchaser. We simply collect them of the manufacturer, giving him a remedy against the purchaser.

Mr. GANSON. In the first place, you change the contract.

Mr. KASSON. No, sir; you no more change the contract than when you collect the tax directly against the purchaser.

Mr. GANSON. It may be proper to hold the article itself for the tax, and to proceed *in rem* against that.

Mr. KASSON. I say to the gentleman that the English system includes exactly the same principle we have adopted in this section.

Mr. GANSON. But the English Government does not exist under our Constitution.

Mr. KASSON. Our Constitution contains nothing touching the objection which the gentleman makes. It prohibits the *States* from passing

laws impairing the obligations of contracts; but it places no such prohibition upon the General Government.

[Here the hammer fell.]

Mr. BOUTWELL. I move to strike out the proviso, for the purpose of saying a word in reference to it. Under the proviso which was read by the gentleman from Indiana, [Mr. HOLMAN,] the Department is able, as far as I know, to collect these taxes. The manufacturer who has contracts to deliver goods will find it for his interest to give notice to the assessor concerning goods which he is to deliver under a contract made prior to the passage of the law, and the assessor must then look to the purchaser of the goods for the tax.

Although we had some little difficulty at first, there being a difference of opinion as to the proper construction of this provision, it was finally determined, upon the opinion of the Attorney General, that the tax must be levied upon the purchaser where contracts existed at the date of the passage of the law. I believe we have been able to collect the taxes without difficulty under that proviso, and I think it would be wiser on the whole to restore that language and go on as we have been doing.

Mr. KASSON. It would appear from the statement of the gentleman from Massachusetts that there was difficulty at the beginning as to the construction of this provision. From the nature of things they cannot tell in the office of Internal Revenue how much has been lost by allowing goods to go into the hands of the purchaser. It is not always perfectly practicable to trace the goods after they have gone out of the hands of the manufacturer.

Mr. BOUTWELL. I will now withdraw my amendment to the amendment, and move to strike out all of the proposition of the gentleman from Iowa except the latter clause, and to insert in lieu thereof as follows:

That the taxes on articles manufactured and sold in pursuance of contracts *bona fide* made before the passage of this act shall be paid by the purchasers thereof under regulations to be established by the Commissioner of Internal Revenue.

The amendment to the amendment was agreed to.

Mr. PENDLETON. For the purpose of enabling me to submit a remark or two, I move to strike out the last word of the clause. I understand that, upon motion of the gentleman from Massachusetts, the provision in the old law has been substituted for this section. Now, I am opposed to this whole system of legislation, and I hope the amendment will not be adopted.

I am opposed to a system by which taxes professedly imposed upon one class of people shall be shifted to another. As was said last night of the rule of taxation upon gas companies, it is a sham, it is a device by which that is done which is not professed to be done. I think that it contravenes the plainest principles of the Constitution, though my friend from Iowa [Mr. KASSON] can find no objection to it. There is a rule, if not a rule of the Constitution, yet a rule of law, a rule of justice, that taxes of this kind shall be uniform in their operation. Yet you propose to shift from a particular class of people upon whom, and not upon the other class, you professed to impose the tax. You except the class of individuals upon whom you profess to levy the tax. And worse than that, by the amendment of the gentleman from Iowa you give the man upon whom you profess to put the tax a right of action against the purchaser from him. It is not right, it is not fair legislation. It is not open. It does not do what it professes to do; and I am opposed to the whole system.

If gentlemen say that men have made improvident contracts, then that may be a good reason for not putting the tax on; but if the tax is to be put on it ought to be put upon him and not upon the purchaser. I know in some cases that it will work harshly; but I do not think it is right to violate a great principle because injury may follow to some individuals from its action. I do not think it ought to be done. If a man makes a contract to deliver a particular thing at a particular time he takes the chance of the Government imposing a tax as well as he does the rise in the market. If you think it is a hardship, is it not a greater hardship to make the purchaser pay it? You do not propose to enable him to charge in all the ramifications of his business the increased price. You violate a sound principle of legislation, you violate justice; but if this system is to be adopted I hope the gentleman will mature a plan by which in all the ramifications of trade the same principle will be applied.

Mr. BLAINE. I ask the gentleman to yield to me for a moment.

Mr. PENDLETON. Certainly.

Mr. BLAINE. I wish to show the mode in which it operates upon one or two subjects which fell under my observation in my own district. The Government of the United States will make a contract for the delivery of certain descriptions of goods, and then impose a higher tax. The contracts have been made by the manufacturers upon the lowest figures. They set to work, but are met with this tax. The Commissioner of Internal Revenue has decided that the purchaser shall pay the tax. The Government of the United States being the purchaser, acknowledges its obligation to pay the tax, but the mode adopted by the officers of the Government is an expensive one to the contractor. They have to pay the tax, and then come up among other clamorous claimants to get it paid back to them from the Treasury. It looks like most blatant injustice that the Government shall make a contract and then levy five or ten per cent. additional tax upon the contractor. That would be a great fraud upon the part of the Government.

Mr. PENDLETON. Certainly; that would work a great injustice.

[Here the hammer fell.]

Mr. KASSON. I rise to reply to the remarks of the gentleman from Ohio. He waived the force of his argument when he admitted that the operation of his proposition would necessarily be harsh. I understand that to mean that if his principle was adopted it would produce injustice in many cases. That being the case, we fall back upon the question whether this Government has the right, by its enactments, to effect an injustice between man and man, in their contracts in the community.

In relation to the other part of his argument, in which he develops more entirely his idea, and upon a broader basis, I think that where the Government interposes in the relation between contractors or contractor, it is the duty of the Government at the same time that it interposes in these relations to take care that it does not affect the relation in point of value established by the parties themselves. For example, we have here a right to impose a tax of one hundred per cent. upon the articles to be delivered under contract. The parties who engaged in that contract would enter into it with reference only to the ordinary fluctuation of price in the market or the ordinary variations in the taxes resulting from the ordinary course of things. We are now imposing war taxes, taxes resulting from the continuance of war, an extraordinary condition of the country, and I submit that the principle is just as applicable in the case of two or five per cent. advance as it would be if we imposed a tax of one hundred per cent. We touch the relations between two contracting parties by our law, and when you touch those relations by your enactment in any essential degree, it is your duty to provide at the same time that the essential value of those relations shall be preserved between the parties.

Hence the language of the amendment as suggested by the gentleman from Massachusetts, as well as in my original proposition, is that, so far as you affect those relations and thus necessarily increase the value of the article in the market, that part of the tax shall be collected from the purchaser. I think the justness of it is evident, and was evinced by the action of the last Congress, and ought to be maintained by this Congress.

The amendment to the amendment was withdrawn.

Mr. BOUTWELL. I was going to say to the committee that I find that this amendment which we have adopted is inappropriate in this: we have in many cases advanced the duty from three to five per cent., and it is questionable what the construction of the amendment will be, whether it will cover the whole tax of five per cent., when in reality we ought to place upon the purchaser only two per cent. If the committee will allow me to offer two amendments at once, I will move to amend by inserting the word "additional" before "taxes" and the words "imposed by this act" after "taxes."

Mr. STEVENS. Under the present law the tax already imposed is paid by the purchaser; if we make the additional tax paid by the purchaser we make the whole paid; and therefore it is all embraced by this clause.

Mr. BOUTWELL. I think so; but I call the attention of the gentleman to the case of a contract for the delivery of goods made since the passage of the law of 1862, and which is now existing, and which was made upon the basis of a three per cent. tax, but where a tax of five per cent. is levied.

Mr. PENDLETON. When we come to the repealing clause repealing the old law he will find that as to a certain class of contracts made by that law the taxes will not be paid by the purchaser.

Mr. KASSON. I would suggest that this amendment be reserved for future action in order that we may have time to consider it.

No objection being made, the amendment was reserved for future action.

Mr. AMES. I move to amend section ninety-five, in line fourteen, by striking out from the list of articles exempt from duty the words "materials prepared for the manufacture of hoop skirts exclusively and unfit for other use, (such as steel wire, rolled, tempered, or covered, cut tapes and small wares for joining hoops together.") The effect of this amendment would be to subject these materials, of which there are some ten or fifteen tons a day manufactured, to a tax. Under the old act, and under this, these articles escape the payment of any duty. A duty on them will give from fifty to one hundred thousand dollars a year. I move to strike these words out of the section for the purpose of having this article included with those that pay five per cent.

Mr. MORRILL. Mr. Chairman, I desire to say to the committee and to the gentleman from Massachusetts that this subject was very fully considered and discussed when the original tax bill was passed. We found this to be the state of facts: that one party purchased the wire, imported it from abroad and rolled it, and sold it to another party who tempered it; another party wound it, and another party manufactured these small wires. Unless, then, we made this exception, we have to cut up every one of these small manufactures and concentrate the business in the hands of a single establishment. There is but one establishment that could go through the whole process of manufacturing the wire, tempering it, and covering it with thread, and manufacturing these small wires. These different branches of the manufacture are now distributed over a wide field in the country, and if the amendment of the gentleman from Massachusetts shall prevail it will break up every one of these small manufactories.

The amendment was disagreed to.

Mr. MILLER, of New York. I move to amend the ninety-fifth section by striking out in the seventh line the words "burning fluid."

I offer that amendment, Mr. Chairman, for the purpose of asking the Committee of Ways and Means for what reason they propose to exempt this article from taxation. We have imposed a very high tax upon oil and other articles of light, and I hope that by leaving this article exempt we are not about to bring back the use of this dangerous article into our houses and public buildings.

Mr. HOLMAN. I suggest to the gentleman from New York that this article already pays a tax of $2 50. There is a duty of $1 25 per gallon on spirits, which is equivalent to a duty of $2 50 a gallon on burning fluid.

Mr. MILLER, of New York. We are increasing the tax on all these articles, and I want to know from the committee upon what ground this is exempted?

Mr. MORRILL. For the reason that the tax on alcohol already almost destroys the manufacture of this article.

The amendment was disagreed to.

Mr. A. MYERS. I think this would be a good time to get the House to reverse its decision on a matter which has been most outrageously decided here. I move to insert the words "crude petroleum" after the word "paraffine." That will exempt that article from taxation; and we

can then go back and reverse the decision made last evening.

This is an interest as yet in its infancy; and by imposing a tax upon crude petroleum we are putting such a tax upon the small operators who are boring for this article in all the country where it is to be found as will compel them to abandon the pursuit.

It has been stated that this article was recently discovered in Michigan; but before this rebellion there were a number of wells in West Virginia. They are not operated now for the reason that people cannot get to them, so as to operate them profitably. By imposing a tax upon crude petroleum you are directly placing a heavy burden upon those men in my district, and in the district of my colleague, [Mr. SCOFIELD,] who are boring into the bowels of the earth to hunt this oil which is to make the faces of Congressmen and everybody else shine. [Laughter.]

Now, sir, had the Committee of Ways and Means left the bill as it was, imposing a duty of twenty cents a gallon on refined oil, neither I nor any other person who represents this interest here would have been so persistent in our efforts. It is no captious spirit which induces us to ask this small favor for these small operators. We ask it in the interest of the Government, so that the Government shall lose no revenue. If you impose a tax of fifteen cents a gallon on the refined article the consumption will be much greater, and the Government will derive more revenue.

I ask the committee, then, to make this article of crude petroleum exempt in this section; it comes in appropriately before "whale and fish oil;" and then we can go back to the other section and strike out the exorbitant tax there imposed. These wells are discovered principally in valleys. Some of them produce one barrel a day and some of them produce a thousand barrels a day, but the small——

[Here the hammer fell.]

Mr. KERNAN. It seems to me that we should not now exempt crude petroleum. This tax does not come out of the man who digs the well but out of the consumer, and certainly if we should tax it in any form we may tax it in the crude form. This is a low tax, and I think it should be adopted, so as not to have petroleum go abroad free of taxation.

Mr. SCOFIELD. I ask my colleague to withdraw his amendment.

Mr. ANCONA. I object, and call for a division.

The amendment was rejected.

Mr. STEVENS. I move to amend by striking out of the ninety-fifth section the words "steel wire, rolled, tempered, or covered," so as not to exempt those articles from duty.

The amendment was agreed to.

Mr. ANCONA. I move that the committee do now rise.

The motion was not agreed to.

The ninety-sixth section was read, as follows:

SEC. 96. *And be it further enacted*, That there shall be levied, collected, and paid on all sales of real estate, goods, wares, merchandise, articles, or things at auction, including all sales of stocks, bonds, and other securities, a duty of one fourth of one per cent. on the gross amount of such sales, and every auctioneer making such sales, as aforesaid, shall, at the end of each and every month, or within ten days thereafter, make a list or return to the assistant assessor of the district of the gross amount of such sales, made as aforesaid, with the amount of duty which has accrued or should accrue thereon, which list shall have annexed thereto a declaration under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same is true and correct, and shall at the same time, as aforesaid, pay to the collector or deputy collector the amount of duty or tax thereupon, as aforesaid, and in default thereof shall be subject to and pay a penalty of $500. In all cases of delinquency in making said list or payment the assessment and collection shall be made in the manner prescribed in the general provisions of this act: *Provided*, That no duty shall be levied under the provisions of this section upon any sales by judicial or executive officers making auction sales by virtue of a judgment or decree of any court, nor to public sales made by executors or administrators.

Mr. HOLMAN. I move to amend by inserting in the proviso, before the words "executors and administrators," the word "guardians." It is manifest that if we exempt executors and administrators' sales from the provision of this section guardians' sales should be also exempt.

Mr. UPSON. I would inquire from the gentleman whether "other persons" do not include guardians?

Mr. HOLMAN. Not as far as this proviso is concerned.

The amendment was agreed to.

Mr. HOTCHKISS. I move to amend by adding in the same proviso the word "trustees."

The amendment was rejected.

Mr. RANDALL, of Pennsylvania. I move to amend the section by striking out "one fourth of one per cent.," and inserting in lieu thereof "one eighth of one per cent." I think the tax is rather excessive as against auctioneers.

The amendment was rejected.

Mr. STEVENS. I think that gentlemen on the other side are somewhat anxious to get home. I therefore move that the committee do now rise.

The motion was not agreed to.

Mr. NORTON. I move to amend the section by striking out the whole proviso. I cannot see why a man who holds a mortgage or trust upon property should not be compelled to pay duty upon the sales of such property the same as a man who sells his own property.

The amendment was rejected.

Mr. A. MYERS. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration, as a special order, the internal revenue bill, and had come to no conclusion thereon.

And then, on motion of Mr. ANCONA, (at five o'clock, p. m.,) the House adjourned until Monday next at twelve o'clock, noon.

IN SENATE.

MONDAY, *April* 25, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting a copy of a communication from Lord Lyons to the Secretary of State, on the subject of two British naval officers, who recently received medical treatment at the naval hospital at Norfolk, and recommending Congress to consider the expediency of allowing Surgeon Solomon Sharp to accept the piece of plate to which the communication refers, as an acknowledgment of his services; which was referred to the Committee on Foreign Relations.

The VICE PRESIDENT also laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of the 16th instant, information in relation to a proposed change of the south front of the Treasury building; which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. SUMNER. I offer the memorial of sundry citizens of the United States, asking for an amendment of the Constitution so as to acknowledge Almighty God, and also to create a Christian Government in the spirit of the preamble to the Constitution. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. SUMNER. I also offer another petition similar to several that I have already offered, as follows:

"The undersigned, citizens of the United States of America, believing slavery the great cause of the present rebellion, and an institution fatal to the life of republican government, earnestly pray your honorable bodies to immediately abolish it throughout the United States, and to adopt measures for so amending the Constitution as forever to prohibit its existence in any portion of our common country."

This is signed by twelve thousand two hundred and seventy-six petitioners, men and women, from the States of New York, Massachusetts, Maine, Ohio, Vermont, Michigan, Connecticut, Illinois, New Jersey, Wisconsin, New Hampshire, Iowa, Maryland, and Rhode Island. As part of the prayer of this petition is still under the consideration of a committee of this body, I ask its reference to that committee—the committee on slavery and freedmen.

It was so referred.

Mr. CHANDLER presented a petition of citizens of Livingston county, Michigan, praying that a duty of not less than ten cents per pound may be levied on all wool, of foreign production, imported into the United States; which was referred to the Committee on Finance.

Mr. HALE presented the memorial of S. W. Godon, commodore in the United States Navy, praying for relief from the alleged injustice done him by his being placed on the retired list, under the act to further promote the efficiency of the Navy, approved December 21, 1861; which was referred to the Committee on Naval Affairs.

Mr. HOWE presented a memorial of the Legislature of Wisconsin, in favor of the passage of laws tending to encourage foreign emigration to the United States; which was referred to the Committee on Agriculture, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONNESS, it was

Ordered, That the petition of Fabius Stanley, a commander in the United States Navy, praying for relief from the alleged injustice done him by being placed on the retired list, be referred to the Committee on Naval Affairs.

REPORTS FROM COMMITTEES.

Mr. FOOT, from the Committee on Public Buildings and Grounds, to whom was referred the memorial of James Casparis and others, in relation to the purchase of squares Nos. 687 and 688 in the city of Washington, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a joint resolution (H. R. No. 66) setting apart the old Hall of the House of Representatives as a hall of statuary, reported adversely thereon.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 250) to amend the act entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June 3, 1856; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. POMEROY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 251) for the relief of John T. Jones, an Ottawa Indian, for depredations committed by white persons upon his property in Kansas Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 252) to provide for the adjustment of claims of aliens against the United States since the commencement of the present rebellion; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 46) to facilitate commercial, postal, and military communication among the several States; which was read twice by its title.

Mr. SUMNER. I move that the joint resolution be referred to the Committee on Military Affairs and the Militia. They have that subject now under consideration. The joint resolution bears on the whole question of railroads.

Mr. GRIMES. I ask for the reading of the resolution.

The Secretary read it. As the Constitution confers upon Congress in express terms the power "to regulate commerce" among the several States, "to establish post roads," and "to raise and support armies," the joint resolution proposes to authorize every railroad company in the United States whose road is operated by steam, its successors and assigns, to carry upon and over its road, connections, boats, bridges, and ferries, all freight, property, mails, passengers, troops, and Government supplies, on their way from any State to any other State, and to receive compensation therefor.

The PRESIDING OFFICER, (Mr. CLARK in the chair.) The joint resolution will be referred to the Committee on Military Affairs and the Militia.

CHOCTAW NATION OF INDIANS.

Mr. POMEROY submitted the following reso-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1st SESSION. TUESDAY, APRIL 26, 1864. NEW SERIES.....No. 116.

lution; which was considered by unanimous consent, and agreed to:

Resolved, That as the Choctaw nation of Indians has signified their desire to return to the protection and allegiance of the Government of the United States, the Committee on Indian Affairs be instructed to inquire into the condition of that tribe, with the view of ascertaining if any further legislation be needed to secure to them and to the Government the same relations that existed before the rebellion; and report by bill or otherwise.

RAILROADS IN MINNESOTA.

Mr. WILKINSON. I move that the Senate proceed to the consideration of Senate joint resolution No. 17.

Mr. GRIMES. There is a special order for half past twelve o'clock, and you have but a minute or two left.

Mr. HENDERSON. I desire the morning business to be gone through with before we take up any bills for action.

Mr. WILKINSON. I will state that this joint resolution has been before the Committee on Public Lands, and I presume there will be no discussion about it. There is no appropriation of land in it, nor is there any appropriation of money. It merely proposes to straighten some lines of railroad in our State. It has been carefully considered by the Committee on Public Lands. Some amendments were prepared by the chairman himself just before he went away. I wish to have it passed now in order that it may go to the House of Representatives. I do not suppose there will be a word of opposition to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. No. 17) relative to a certain grant of lands for railroad purposes made to the Territory of Minnesota in the year 1857.

The Secretary proceeded to read the joint resolution; but was interrupted by

The PRESIDING OFFICER. It becomes the duty of the Chair now to call up the special order for half past twelve o'clock, being the motion to appoint a committee of conference on the bill to provide a temporary government for the Territory of Montana; and upon that question the Senator from Wisconsin [Mr. DOOLITTLE] is entitled to the floor.

Mr. POMEROY. I hope the Senator will give way and let this joint resolution go through.

Mr. WILKINSON. I am sure the resolution will be acted upon as soon as it is read.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. DOOLITTLE. I give way if this matter will not lead to discussion.

Mr. WILKINSON. I think there will be no discussion.

The PRESIDING OFFICER. The bill which is the special order for this hour will be laid aside, if there be no objection, for the purpose of proceeding with the consideration of the joint resolution (S. No. 17) relative to a certain grant of lands for railroad purposes made to the Territory of Minnesota in the year 1857.

The Secretary continued the reading of the joint resolution, which provides that the first section of an act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in that Territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in that State, approved March 3, 1857, shall, without forfeiture to the State of Minnesota, or its assigns, of any rights or benefits under that act, be construed to authorize the location of the lines of railroad and branches specified in that act, without running or locating the same, or either of them, to or by the way of Crow Wing, or St. Peter. The branch line provided for in that act to the navigable waters of the Red River of the North, via St. Cloud and Crow Wing, may be located and constructed upon any eligible route by way of St. Cloud or East St. Cloud to the navigable waters of the Red River of the North; and the line from Winona via St. Peter, to a point on Big Sioux river, may be located and constructed upon any eligible route from Winona, via Mankato or St. Peter, to a point on the Big Sioux river. The new locations and lines when surveyed and adopted, and the maps and plans thereof filed in the proper office, as required by the act of March 3, 1857, are to confer the same rights upon and benefits to the State of Minnesota and its assigns in the new lines as if they had been originally located under the act of 1857. The provisions of the act of August 4, 1852, "to grant the right of way to all rail and plank roads and macadamized turnpikes passing through the public lands belonging to the United States," are to be extended, so as to be applicable to these new lines of railroad.

The Secretary of the Interior is to cause all even sections or parts of even sections of the public lands that may be brought within six miles of the new lines or parts of lines of railroad to be sold at the same price and in the same manner that might have been according to the act of 1857 upon the originally located route of railroad. All purchasers, or their heirs or assigns, within the six-mile limits of the originally located route, who shall be more than six miles from the new lines of route, and who have paid the sum of $2 50 an acre, may either exchange their locations upon the line as first established to the new line, upon the same terms, in like quantities, and in the same manner as the line first established, or at their option enter, without further payment, anywhere within the land districts in the State of Minnesota, an additional quantity of public lands subject to private entry, at $1 25 an acre, equal to the quantity entered by them at $2 50 per acre, so that the lands originally entered by them shall thus be reduced to the rate of $1 25 per acre. The even sections of public lands, reserved to the United States by the act of March 3, 1857, along the originally located route of the lines of railroad and branch railroad, except where such sections shall fall within six miles of the new lines of road, and along which no railroad has been constructed, are hereafter to be subject to sale, at $1 25 per acre.

Upon the filing in the General Land Office of the lists of the railroad lands, in whole or in part, as now selected and certified in the General Land Office, with the certificate of the Governor of the State of Minnesota, under the seal of the State, that the State and its assigns surrender all claim to the lands thus certified, and that the same has never been pledged or sold or in anywise incumbered, or if the same shall have been pledged or incumbered, shall also file in the General Land Office a good and sufficient release, discharge, or satisfaction of such pledge, incumbrance, or liens, then the State of Minnesota or its assigns shall be entitled to receive a like quantity of land, selected in like manner, upon the new lines of road as thus surrendered upon the first lines, and to the extent of six sections per mile in the aggregate for every mile of the new lines, according to the general provisions of the act of March 3, 1857. And it is to be the duty of the Commissioner of the General Land Office to reoffer for public sale, in the usual manner, the lands embraced in these lists of surrendered lands when duly filed in his office.

The time for the completion of the lines of railroad and branches, specified and provided for in the act of March 3, 1857, is to be extended for the term of ten years from and after the 3d day of March, 1867.

The first amendment of the Committee on Public Lands was after the word "route," in the seventeenth line of the first section, to insert the words "east of Otter Tail lake," and after "Cloud," in line nineteen, to insert "St. Vincent, on;" so as to make the clause read:

And the said branch line of railroad in said act provided for, to the navigable waters of the Red River of the North via St. Cloud and Crow Wing, may be located and constructed upon any eligible route east of Otter Tail lake, by way of St. Cloud, or East St. Cloud, to St. Vincent, on the said navigable waters of the Red River of the North.

Mr. GRIMES. I rise simply in order to learn what this joint resolution is. If I am correct in my supposition, it is to change the line of a route that has already been established.

Mr. WILKINSON. Yes, sir.

Mr. GRIMES. I should like to know how far it changes it.

Mr. WILKINSON. There are two changes made.

Mr. GRIMES. What is the distance between the line as already located and that which is proposed by the resolution under consideration?

Mr. WILKINSON. There are two routes the line of which it is proposed to change. I have the maps before me which explain the whole matter. The first change proposed is in the northern part of the State, releasing the company from running to a point called Crow Wing, as fixed in the original bill. They wish to shorten the line by going some thirty miles west. The result will be to save thirty miles of road, and lessen the amount of public lands granted. The other change is in a road in the southern part of the State, running from Winona west by the way of St. Peter. That line of road is not changed more than fifteen miles; but the effect is to save crossing the Minnesota river twice.

Mr. GRIMES. I have no objection to the joint resolution, and I do not see any objection to it, unless it be in the fact that parties may have gone on after the line was located and bought the alternate sections from the Government at $2 50 an acre; and now if we authorize the road to be taken from them and established upon another line we may be doing an injury to them. I do not know how that is.

Mr. WILKINSON. The joint resolution provides that where the line of the roads is changed so as to bring land which has already been taken beyond the fifteen miles limit provided in the original bill the parties may relocate, as was provided last year in the joint resolution which passed the Senate in relation to the grant in Wisconsin. In such cases the parties may give up their old locations and take new ones if they prefer to do so.

The amendment was agreed to.

The next amendment was in line thirty-three of section one, after the word "and" to strike out "plans" and insert "plats."

The amendment was agreed to.

The next amendment was in section two, lines seven and eight, to strike out the words "so as above," and after "located" to insert "as provided in this act," so as to read:

And the same are hereby extended so as to be applicable to the new lines of railroad to be located as provided in this act.

The amendment was agreed to.

The next amendment was in section three, lines six and seven, after the word "manner" to strike out "that have or might have been according to," and to insert "as provided in," so as to read "to be sold at the same price and in the same manner as provided in the said act."

The amendment was agreed to.

The next amendment was in line nine, of section three, before "railroads" to insert "said," and after the word "purchasers," in the same line, to insert "of public lands of the United States."

The amendment was agreed to.

The next amendment was in section four, lines eight and nine, after the word "sale," to strike out "at $1 25 per acre," and to insert "as other public lands similarly situated;" so as to read:

And along which no railroad has been constructed, shall hereafter be subject to sale as other public lands similarly situated.

The amendment was agreed to.

The next amendment was in section five, line four, after the words "General Land Office," to insert "and situated more than fifteen miles from the new lines, respectively, of roads provided for in this act;" so as to read:

That upon the filing in the General Land Office of the lists of the said railroad lands, in whole or in part, as now selected and certified in the General Land Office, and situated more than fifteen miles from the new lines, respectively, of roads provided for in this act, &c.

The amendment was agreed to.

The next amendment was in section five, line

nineteen, after the words "new lines," to strike out "according to the general provisions," and to insert "subject to the conditions, restrictions, and limitations in every respect;" so as to read:

And to the extent of six sections per mile in the aggregate for every mile of the new lines, subject to the conditions, restrictions, and limitations in every respect of the said act of March 3, 1857.

The amendment was agreed to.

The next amendment was in section five, line twenty-three, before the word "sale," to strike out "public," so as to read, "and it shall be the duty of the Commissioner of the General Land Office to reoffer for sale in the usual manner," &c.

The amendment was agreed to.

The next amendment was in section six, line five, to strike out the word "ten" and insert "five," so as to read, "be, and the same is hereby, extended for the term of five years from and after the 3d day of March, 1867."

The amendment was agreed to.

Mr. RAMSEY. I received a great number of remonstrances from the people of St. Peter, which I presented to the committee when this bill was before them, and they have had the matter under consideration. Still, I feel it my duty to move this amendment, to strike out of the first section, from the twentieth line, after the word "North," down to the twenty-sixth line, including the word "notwithstanding."

Mr. POMEROY. I am unable to hear what the amendment is.

Mr. RAMSEY. I move to strike out the words following "North" in the twentieth line of section one, down to and including the word "notwithstanding" in the twenty-sixth line of the first section. It is a provision for the change of the line of the roads. The people of St. Peter remonstrate against it.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The Secretary read, as follows:

And the said line of railroad in said act provided for, from Winona, via St. Peter, to a point on Big Sioux river therein named, may be located and constructed upon any eligible route from said Winona, via Mankato or St. Peter, to a point on the Big Sioux river, named in the said act, anything in the said act to the contrary notwithstanding.

Mr. WILKINSON. I will just content myself by showing the map to the Senate, and also reading the certificate of the chief engineer of that road, who has been recently upon and surveyed the new line as proposed in this resolution. I will state that the railroad company want this change, and have sent their engineer to survey the new line which is marked on the map before me. I will read his certificate:

This map represents the located line of the Winona and St. Peter railroad, from the foot of Lake Elysium, via St. Peter in Nicolet county, to the west line of township one hundred and ten, range thirty; distance by this route (A to B) forty-six and three tenths miles. Also, in a dotted red line, the proposed deviation, (distance thirty-three miles, A to C,) making a saving in favor of the alteration equal to thirteen and three tenths miles. By effecting this change the company avoid crossing the Minnesota river at Kasota and New Ulm, saving thereby, at lowest estimate, $527,000 of useless expenditure.

F. MAC NAMARA,
Chief Engineer Winona and St. Peter Railroad.
April 2, 1864.

This is the estimate of the engineer. There were remonstrances sent here, as the committee know, from St. Peter; but there were also a large number of petitions sent from the southern counties in the State asking that this change should be made. It is clearly for the interest of the community there that the change should be made, although the people of the county of Nicolet do protest against it. I hope that the amendment will not be adopted.

The amendment was rejected.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading; and was read the third time, and passed.

ALLEGED FRAUDS IN WESTERN DEPARTMENT.

Mr. HENDERSON. I offer the following resolution:

Resolved, That the Committee on Printing be instructed to report a resolution to print for the use of the Senate the report made by the military commission heretofore appointed by the President to examine into the military operations in the Western department in connection with certain alleged frauds, of which Major General Irwin McDowell was president, together with the evidence taken by the said commission.

I ask for the present consideration of the resolution.

Mr. LANE, of Kansas. I object.

Mr. GRIMES. I object, unless I can have an opportunity to amend the resolution.

The PRESIDING OFFICER. Objection being made, the resolution will lie over.

Mr. HENDERSON. What is the amendment?

The PRESIDING OFFICER. The resolution is not before the Senate, and is not open to discussion.

Mr. HENDERSON. I do not understand the Senator from Iowa as objecting.

Mr. LANE, of Kansas. I objected.

The PRESIDING OFFICER. The resolution will lie over under the rules.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills:

A bill (S. No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia;

A bill (S. No. 249) to authorize the issuing of a register to the steam vessel John Martin; and

A bill (H. R. No. 408) for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas.

BILLS BECOME LAWS.

The message also announced that the President of the United States had approved and signed on the 21st of April the following acts and joint resolution:

An act (H. R. No. 287) to change the name of the district and port of Presque Isle to the district and port of Erie;

An act (H. R. No. 301) to amend an act for enrolling and calling out the national forces, so as to increase the rank, pay, and emoluments of the Provost Marshal General;

An act (H. R. No. 303) to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862; and

A joint resolution (H. R. No. 65) directing the committee on the conduct of the war to examine into the recent attack on Fort Pillow.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed, on the 22d instant, the following act and joint resolution:

An act (S. No. 183) in amendment of an act entitled "An act relating to foreign coins and the coinage of cents at the Mint of the United States," approved February 21, 1857; and

A joint resolution (S. No. 39) relating to the publication of the decisions of the Supreme Court of the United States for December term, 1863.

TERRITORY OF MONTANA.

The PRESIDING OFFICER, (Mr. CLARK.) The special order is before the Senate.

Mr. HENDRICKS. I move to postpone all prior orders, and take up Senate joint resolution No. 8, being a joint resolution for the relief of the State of Wisconsin.

The PRESIDING OFFICER put the question, and declared that the motion was not agreed to.

Mr. DOOLITTLE. In relation to the motion of the honorable Senator from Indiana, as it is a matter which concerns my own State, I do not feel exactly at liberty to address the Senate on another subject which postpones action on a measure in which my State has a deep interest, and if it does not give rise to discussion I should prefer that the Senate would take up and pass the resolution indicated by the Senator from Indiana. I suppose it is the resolution in relation to the five per cent. on the land sales.

Mr. HENDRICKS. I have no interest myself in the question, except to see justice done to the State of Wisconsin in respect to the five per cent. on the sales of lands within her limits, which she ought to be paid.

The PRESIDING OFFICER. The question has already been decided by the Chair. Is there a call for a division?

Mr. HENDRICKS. I thought the Senator from Wisconsin voted "no," and therefore I did not call for a division.

Mr. DOOLITTLE. I did not object.

Mr. HENDRICKS. I suppose there is no objection to the joint resolution on the part of any Senator.

Mr. GRIMES. I voted against the motion. My objection is to bringing up another measure at this time when the Senator from Wisconsin has the floor to address the Senate on an entirely different subject.

Mr. POMEROY. If the Senator will waive his objection, I should like to have the resolution considered now.

Mr. GRIMES. I think we ought not to take up a question in this way when there is another pending.

Mr. HENDRICKS. I will say to the Senator from Iowa that this resolution ought to be passed now, so that it may become a law at this session, giving Wisconsin her five per cent.

The PRESIDING OFFICER. The Chair will state that the question on taking up the joint resolution alluded to is not before the Senate. The question has been once decided.

Mr. GRIMES. I call for the regular order.

The PRESIDING OFFICER. Unless a division is called, the regular order is before the Senate.

Mr. HENDRICKS. I am not going to call for a division, if other Senators do not take enough interest in the resolution to take it up.

Mr. HOWE. Has a motion been made to postpone the regular order?

The PRESIDING OFFICER. It has been made, and decided by the Chair.

Mr. HOWE. As lost?

The PRESIDING OFFICER. As lost.

Mr. HOWE. Is it too late to call for a division?

The PRESIDING OFFICER. The Chair will call for a division, if there be no objection.

Mr. GRIMES. I object.

Mr. HOWE. Why?

Mr. GRIMES. Because I want to go on with the regular order.

The PRESIDING OFFICER. The special order of the day is before the Senate, being the motion of the Senator from Minnesota [Mr. WILKINSON] that the Senate further insist upon its amendments to the bill (H. R. No. 15) to provide a temporary government for the Territory of Montana, and agree to the conference asked for by the House of Representatives on the disagreeing votes of the two Houses.

Mr. DOOLITTLE. Mr. President, I certainly do not object to a free conference upon the disagreeing votes between the two Houses. This bill originated in the House of Representatives. It came from the Committee on Territories, of which Mr. ASHLEY, a distinguished gentleman from the State of Ohio, is chairman—a gentleman no less distinguished for his great legal ability than for his earnest and untiring devotion to the cause of human liberty and to the preservation of the Union. The bill, in accordance with all precedent from the beginning of the Government down to the present hour, limited the right of suffrage to white men; to men of the Caucasian race. In this form the bill passed the House of Representatives without division. It may be said to have received the unanimous sanction of that body. It came to the Senate; was referred to the Committee on Territories, over which the distinguished Senator from Ohio presides, than whom there is no man in this body, in the other House, or in the whole country, more devoted to the cause of liberty and to defend the rights of the oppressed African race. I refer to Senator WADE, from Ohio. From that committee the bill was reported to this body without any amendment. It was called up to be put on its passage; was just ready to pass; and, doubtless, would have received the unanimous vote of the Senate but for the fact that my honorable friend from Minnesota [Mr. WILKINSON] deemed it his duty, upon his responsibility as a Senator, to introduce and carry through the Senate an amendment which it is claimed will extend the right of suffrage to colored men of African and perhaps also of Indian descent. The House of Representatives has disagreed, still insists upon its disagreement, and now asks the Senate to appoint a committee of free conference on the subject.

For myself, so far as this Territory of Mon-

tana is concerned, I care but very little in which form the bill shall pass, whether in the form proposed by the Senator from Minnesota or in the form proposed by the Committee on Territories of the House, sanctioned by that House and sanctioned by the committee of this body; but, sir, that against which I enter my most earnest protest is the raising of this new issue, in form or in substance, out of this controversy between the two Houses; against throwing that issue, at this time and in the present state of the country, as a new element to inflame and imbitter the great controversy to come off in the ensuing presidential election; I mean the issue of negro suffrage. Although perhaps in the form of the words employed this issue is not necessarily involved, yet it is so generally understood throughout the country by the press and by the people.

From my friendship and my high respect for the honorable member from Minnesota, I have every reason to know that he was actuated only by the highest and most patriotic considerations; but with all my respect for him I must be permitted to say that, in my judgment, he has raised an issue unnecessarily—an issue which, if it be persisted in, will of necessity be involved in and would control the result of the coming presidential contest. I say this issue is altogether unnecessary. So far as it attempts to establish negro suffrage in the Territory of Montana, it is wholly impracticable; for I now repeat what I said the other day, there is not one single person of African descent known to be within that Territory. I know my friend from Minnesota, on information received from a gentleman by the name of Langford, long a resident of that Territory, said there was one person of African descent there, and he was worth $50,000. Mr. Langford happened to be in the gallery when that statement was made by the honorable Senator from Minnesota. He at once sent his card to an honorable member upon this floor, sought an introduction, and informed him that there was, it is true, at one time one person of African descent in that Territory, and he was the fortunate discoverer of a mine estimated by some to be worth $50,000; but that he is dead, and now there is not one single person of African descent in the proposed Territory of Montana. I repeat, therefore, so far as concerns the extension of suffrage to persons of African descent, this proposition is the merest abstraction in the world.

But there are other persons in that Territory, other colored men, men of Indian descent, who under this amendment of the Senator from Minnesota might, I do not say they practically would, but might be embraced within its provisions. There are, perhaps, five thousand persons of Indian descent within this proposed Territory. Under the provisions of the Senate amendment it might occur that these Indians would declare their intention to become citizens of the United States, and thereby become entitled to the right of suffrage within this Territory. I do not say I think they would, or that it is probable they would, but they might.

Mr. WILKINSON. With the Senator's permission, I wish to ask him if Indians can become citizens of the United States under our naturalization laws by complying with the provisions, by declaring their intention and taking the oath, &c.

Mr. DOOLITTLE. That is a disputed question of law, upon which persons take different sides, as they do about the Chinese, the Malays, and all the red and yellow races; Chancellor Kent, if I recollect aright, taking the ground that they are not capable of becoming naturalized. I will not enter into its discussion now. But this thing, which although not probable is nevertheless possible, might actually take place within this Territory. The history of what occurred in the State of Minnesota, in one of its far-off election districts, at Pembina, ought to warn us of what might possibly occur, under the lead of designing demagogues, who, to carry an election, use any means, right or wrong, in their power. By the constitution of Minnesota, while negroes and persons of African descent are excluded from the right of suffrage, Indians who have adopted the habits of civilized life are permitted to exercise that right. At the first election in that new State, at the Pembina district, it is said not only Indians who had adopted the habits of civilized life, but wild blanket Indians of the woods, were led to the polls, to exercise the right of suffrage under the manipulation of these demagogues. It was a very simple operation for those designing men, with a few suits of clothes, hats, coats, and pants, and plenty of whisky and tobacco, to strip the wild Indian of his blanket, clothe him in the habiliments and addict him to some of the habits of civilized life, and to bring him thus arrayed and addicted forward to the polls to deposit his ballot, to return again to the woods to exchange his civilized costume for the savage costume of another wild Indian, to be led to the polls to repeat the same operation.

Now, I do not undertake to say that in my opinion such a thing would occur in the Territory of Montana; but inasmuch as it did once occur in the State of Minnesota, I say that it might occur even in the Territory of Montana if there was a fiercely contested election in which great interest was felt by those who without scruple sometimes undertake to carry an election by any means, fair or foul.

So far, then, as this amendment of the Senate extends any right of suffrage to persons of African descent in the Territory of Montana, it is a mere abstraction, and in whichever form the bill shall pass it will have no effect whatever in the Territory. The question then perhaps may be asked, "Why do you oppose the assertion of an abstraction, or the raising of an abstract issue, which can have no application?" I answer, because all history teaches us that upon mere abstractions, which have no practical application, sometimes the fiercest and most bitter controversies arise, whether in the religious, the political, or even in the scientific world. Who has forgotten that it was the assertion of an abstraction in the change of the sound of a single vowel in one Greek word, whether it should be pronounced "*Homoousion*" or "*Homoiousion*," the shade of difference between *just like* and *almost like*, that divided the religious world, produced a controversy for ages, and sometimes bathed its sacred altars in human blood? Who has forgotten that it was the assertion by Mr. Calhoun of the abstract proposition, "Slavery is a blessing," "Slavery is a divine institution," which has been *the cause* of this very war in which we are now engaged? Philosophically speaking, it was this dogma of his, asserted, persisted in, carried into and triumphing at last in the schools, the press, the legislative halls of the South, which made slavery aggressive, and at last forced upon Congress, upon the President, and upon the Supreme Court that policy and those measures which have launched us upon a sea of troubles and plunged our beloved country into this terrible struggle of blood, agony, and tears.

Following his dogma came the assertion in the Dred Scott decision of the abstract right to take slaves into all the Territories of the Union. The assertion of the same abstract right to take slaves into the Territory repealed the Missouri compromise, the blow which opened this civil strife, in my judgment, the *immediate cause* of this war, the fatal tempter which, entering into our peaceful paradise, brought "death and all our woe."

Mr. President, you will understand me. I do not propose to enter upon the discussion of the question of the propriety of negro suffrage; not at all. I propose to show that now is no time to raise that question or to discuss it. I will only say that, in my judgment, this question properly belongs to the States.

Mr. SUMNER. Mr. President, with the permission of the Senator from Wisconsin, I move that the Senate take a recess for half an hour. It is evident there is not a quorum here at this moment.

[The passage of General Burnside's Army corps at this time in the streets interrupted proceedings.]

The motion was agreed to; and at the expiration of the time the Senate was again called to order, and resumed the consideration of the Montana bill.

Mr. DOOLITTLE. Mr. President, I said that I did not intend to enter upon the discussion of the question of the propriety of negro suffrage. I can very well understand how it is that in the New England States, where there are very few persons of African descent; where they are generally educated or tolerably well educated; where, from their modes of life and association with the most thrifty and intelligent people in the world, they become entirely competent to discharge the duties of electors, the people of New England under those circumstances can, and do, and may very properly extend the right of suffrage to persons of African descent. In the State of New York, where there are more persons of this description, I can very well understand how the people of that State do and properly may, in their organic law, give the right of suffrage to this class of people with a qualification. The constitution of New York, therefore, requires such a property qualification as shall demonstrate their competency, at least, to take care of themselves. It requires them to be worth the sum of $250. When you come to the State of Pennsylvania, where there is a still larger number of these people, I can also very well understand why it is the people of Pennsylvania in their constitution may think proper to exclude from the right of suffrage this class of persons altogether. So, too, in the State of New Jersey. In the State of Ohio—and Ohio is certainly to be regarded as one of the most earnest of all the Republican States, devoted to the maintenance of the Republic and to the cause of human liberty—the constitution restricts the right of suffrage to white male citizens. I read the language of the constitution of Ohio: "Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election," &c., "shall be entitled to exercise the right of suffrage;" and under this provision it has been decided in that State that the offspring of a white man and a half-breed Indian woman is entitled to vote. Being more than one half white entitles him to the privilege of this constitutional amendment.

In the State of Indiana the constitution and laws are still more stringent against extending the right of suffrage to persons of African descent; while in the great State of Illinois, one of the greatest among the great States of the West, in the adoption of a new constitution not long since, the people by a most overwhelming majority decided against the extension of the right of suffrage to persons of African descent.

In the great State of New York, where this question was submitted by itself, distinctly unconnected with any party or any other question, the question of the extension of universal negro suffrage pure and simple, the people of that State by a majority of one hundred and ninety thousand decided against extending it beyond what it now is in the constitution of that State with its qualification.

Mr. MORRILL. Will the Senator allow me to ask him when that was?

Mr. DOOLITTLE. About 1842 or 1843, I think.

Mr. MORRILL. Was that on an amendment of the constitution?

Mr. DOOLITTLE. The question was submitted distinctly by itself on a proposed amendment of the constitution.

Mr. MORRILL. The Senator must be aware that by the first constitution of the State of New York there was no distinction on account of color.

Mr. DOOLITTLE. It was since the constitution of 1821; in the constitution adopted about——

Mr. MORGAN. 1846.

Mr. DOOLITTLE. About 1846. I remember it very well, for I was then a resident of the State of New York.

Now, Mr. President, how is it with the free State of West Virginia, with a constitution recently adopted, a State which has given freedom to all persons of African descent? By a constitutional provision of that State they restrict the right of suffrage to white male citizens. In Wisconsin, where there are much fewer persons of this description than there are in the States bordering on the Ohio river, and where our people would have much less objection to the extension of the right of suffrage than they would in many of these other States, colored persons are not allowed to vote. In our State the question has been twice submitted, and twice have the people voted against it by large and decisive majorities; and yet the State of Wisconsin itself would have less repugnance and opposition to the adoption of such a measure than many of the other States.

If the question were submitted to me in any given State, for instance in the State of Wisconsin, if I were there and the question were sub-

mitted to me, and I was called upon to vote on it, without now discussing the propriety of voting for or against the extension of negro suffrage in the State of Wisconsin, I could very properly and very consistently vote for it. In the State of New York, when the question was up and discussed as a practical question addressed to the citizens of New York, I did vote for it as a citizen of that State. But, sir, that is not the question at all. The question is, shall we now raise this new issue; shall we put this among other issues into the great contest which is immediately before us? ["Never!" from the galleries.]

Mr. SUMNER. Order! order!

The PRESIDING OFFICER. Order!

Mr. DOOLITTLE. I will not say the time will never come when this race, to which personal freedom is, as I believe, surely coming, as the result of this war, and by that amendment of the Constitution of the United States which I trust in God two thirds of Congress and the people of three fourths of the States are about to adopt, may be educated up to the point where it would be proper to extend to them the right of suffrage in all the States; but that time has not yet come. In those States where the shackles of slavery are just struck off from hundreds and thousands of these persons, we must wait the development of events and time; wait till they have exercised and enjoyed their freedom; wait until they shall have shown themselves capable of discharging the duties and bearing the responsibilities of good citizens before we declare in favor of any such proposition; and, besides, this question must be passed upon by each State for itself. If there be one right which belongs to a State in its capacity as an independent State in this Union, it is its right to prescribe the qualification of its own electors; of those who have the right to cast its suffrages. The time may come when the States may properly enact laws providing that persons of African descent who shall have faithfully served in the armies of the country, and fought the battles of the Union, and shown themselves to be good soldiers, may be entitled to the enjoyment of this right. The time may come when, before some competent court or tribunal, persons of African descent may be permitted, on showing themselves sufficiently well educated, or that for a given number of years as heads of families they have supported themselves and taken care of their families, or, upon some other proper terms, may be admitted to the right of suffrage. I will not say these things will not come, nor can I say how soon they shall come. It has not yet come; at all events, it is my solemn belief that of all things the most unwise we could now enter upon is for the Congress, composed of members and Senators representing States and districts a large majority of whose people in their constitutions deny the right of negro suffrage within their own States, to pass a law here, or in any other form to declare and to extend to negroes the right of suffrage in the Territories of the United States, or in the District of Columbia, or wherever we have power to legislate.

Sir, we have upon our hands issues enough. The single issue of this great war is enough. It is all the human mind can grasp, and more than any yet have been able to resolve. This gigantic struggle is to determine whether republican government shall live or die; whether a constitutional form of government, resting upon the people for its support, can be maintained, or must perish forever; whether the union of these States is to be continued or broken; whether we are to maintain our own rights and liberties as free citizens of this great Republic under the Constitution of the United States, or succumb to rebellion, conspiracy, and military despotism. From the course of events, from military necessity in the prosecution of this war, and, as it seems to me—I say it with reverence—by providential dispensation, the existence of slavery has become involved in this contest. The prosecution of this war to a final triumph on the part of the United States will of necessity destroy slavery within all those States in rebellion against the Government. These issues are large enough and broad enough to demand all our time and all our energies, all our means, our whole might, mind, and strength to accomplish that great purpose.

What is the state of the country? We are engaged in a war which has no parallel in human history. This whole country, from Maine to the Rio Grande, trembles under the tread of armed men. One of our great *corps d'armée*, under General Burnside, is this moment passing through the streets of Washington, marching across the Potomac to engage in the greatest battle this continent or the world has seen for two generations; and on the result of which, perhaps, hang not only the hopes of this Republic, but the hopes of the world.

We are gathering our forces from the East and from the West; we are massing our strength; we are pouring out our men, our blood, our treasure like water; not only all our own treasure, all we of this generation have and all we hope to have, but we are mortgaging in advance the property and the earnings of generations to come after us, to raise the means necessary to sustain our cause and win the decisive victory.

Our country at this hour is bleeding at every pore; every household wears the drapery of mourning; grief sits an unwelcome visitor at every fireside; an unbidden guest fills the vacant chair at every family table, and, by the side of the mourning widow or mother, bends, in anguish, deep and unutterable, at every family altar. Sir, some of us have been made to drink of this bitter cup; there are some, like my honorable friend from Maine, [Mr. FESSENDEN,] and myself, who have been compelled to look into the graves of our sons, fallen a sacrifice to put down this unholy rebellion. And, sir, we have been made to *feel*, in our inmost souls, what our judgments clearly see, that the great issue of this people and specially of this present time, and before which all others should give place, is an issue of arms—whether we shall have success or whether we shall fail in crushing the military power of the rebellion.

Shall the Republic live or die? We not only know but we are made to feel that if we do not succeed in maintaining this Government and putting down this rebellion—and that can only be done by force of arms—our sons have been sacrificed in vain. But if we shall succeed, as, with the blessing of Providence, I hope and trust we may; if we shall be permitted to see that standard, under which they entered the service, float once more in triumph, with not one star obscured nor one stripe erased, over every inch of the soil of every State and Territory of the United States, we can then say to our struggling hearts, "Peace, be still! though our sons have fallen our country lives."

We know, we feel, that in war as in religion and in every other great department of life, there is, and there can be, but one great, all-absorbing, controlling issue to be decided at the same time. We are told in holy writ, "Seek first the kingdom of heaven and its righteousness, and all other things shall be added unto you." And in this war of our country for its very life, we should seek first, last, and all the time to do nothing, to engage in nothing, to say nothing but that which gives force to our armies, or raises the money to sustain them. When this war is past; when peace shall smile once more in beauty all around us; when there is no more blood to be shed; when there are no more sons to be sacrificed upon the altar, then, if you will, open this Senate Chamber to become a debating-school for all the abstractions you please.

Mr. President, as I have said already, from my respect for my honorable friend from Minnesota, I feel sure that in all his acts here he is guided only by the highest and most patriotic motives. But at the same time I cannot refrain from expressing my deep regret that an issue should have been raised at this time, or should appear to have been raised at this moment before the people of the country upon this distracting question of negro suffrage.

In God's name let us first save the Union; let us crush the rebellion; let us give freedom to the negroes as the necessary result of the prosecution of this war, and secure it by constitutional amendment. But let us postpone the discussion and action upon this and all other issues, which can only serve to distract, divide, and weaken the energies of the loyal people in this great struggle. For myself I would so conduct our affairs, if it were within my power, that the whole people of the free States, loyal States, in this controversy, should stand together as one man, shoulder to shoulder, speaking but one voice, breathing but one sentiment, their hearts pulsating with one wish, that is, to save the Government, crush the rebellion, and trample the slave confederacy in pieces.

But what else do we see? I do not hold the Senator from Minnesota solely responsible. This is but one measure of a whole class of measures tending to raise the question of negro social as well as political equality. Of my honorable friend from Massachusetts [Mr. SUMNER] I have sometimes thought in my heart I had some right to complain, not personally of him, but of propositions that he is disposed to bring forward from time to time, that to me seem to have no bearing whatever on the great issue, and tend to nothing else but to distract the public mind and divide the hearts and energies of loyal men. Upon any other subject but the negro question my honorable friend can appreciate what I am about to say, as well as I or any other Senator. As an instance, we all know, and none better than that Senator, how important it is for us to have the moral support, sympathy, and if not the friendship, at least the strict neutrality of foreign Governments in this struggle, if we can retain them legitimately and honorably. At all events, he knows as well as I how disastrous it would be for us to raise an issue now with England or France which might lead them to recognize the confederacy, much more should they enter into an alliance with the confederacy and take sides against us. He would go, I know, very far to prevent any such thing as that; but let me say to my honorable friend that, in my judgment, and before high Heaven, I declare it would be of much more consequence to us if we could make the whole people of New York, of Pennsylvania, of the great West, and of all the loyal States, unanimously sustain the Union cause, shake hands together, and declare, "We will know nothing but the Union and the vigorous prosecution of the war; and we will say nothing, but fill the Treasury, fill the ranks, and press on the columns until the last flag of the rebellion is put under our feet; we will have no divisions in our ranks, no unnecessary controversies, until this struggle is over; we will all march together, shoulder to shoulder, and keep step to the music of the Union." I say, and I say it in all sincerity, that at this hour, if it were in my power, I would give more to have the whole people of the free States of this Union join with us, hand in hand, in political action as well as in arms, with no divided voice and no divided sentiment, in the support of this Government and to crush the rebellion, than to have England and France, one or both together, join us in the war against the confederacy.

That is my conviction; and if I express myself earnestly, warmly, strongly, gentlemen must not misunderstand me. I do not speak in anger; it is "more in sorrow than in anger." I deplore the raising of new issues which can only distract and divide, and which, if persisted in, may throw the power of the Government into the hands of those who sympathize to a greater or less degree with the rebellion itself.

In the great States whose voice is to control; in the great States of Pennsylvania, New York, Ohio, Indiana, Illinois, in addition to all the issues necessarily raised and which must be decided, no other issue could be named or raised which would tend so much to inflame the political controversies of the times as to throw into what is now already existing this additional issue about negro suffrage. God knows we have elements of discord enough all around us, elements bordering almost upon revolution in some of the free States. Look which way you will, to New York or to Illinois, it sometimes breaks out in open bloodshed and revolt. Let us rather allay than stir up the excitements of the hour. We have all we can deal with, all that we can master in our present situation. If we unloose other spirits of discord to run riot through all the free States during this presidential election—itself the greatest trial to which the American people has ever yet been subjected—a presidential election with a million of men in arms waging this gigantic war, to throw other elements of bitterness and strife into the canvass no man can see the result. If these political witches from the regions below "round about the cauldron go" and "in the poisoned entrails throw," they will make for

us "a charm of powerful trouble, like a hell broth boil and bubble."

Mr. President, I know my action upon this as upon some previous occasions will be misunderstood, misconstrued, and misrepresented. Such has been the case when, on questions akin to this and for the same reasons which influence me now, I have sought to postpone and avoid the discussion of unnecessary issues. For instance, there is the pending question of negro suffrage in the District of Columbia. I think it would be very unwise to agitate that question now. Then there was that question whether the railroad company should allow negroes to ride in cars by themselves or be compelled to seat them side by side with the wives and daughters of white men in this District. I thought it most unwise in the Senator from Massachusetts to raise that question which bears upon the question of social equality. Perhaps I was mistaken; but that was my opinion, and I expressed that opinion frankly. My action was misrepresented in the telegraphic reports in a portion of the press all the way from Boston to Wisconsin. They seem to forget that no falsehood is so dangerous as that which comes from intermingling truth with error; that the truth half told is a lie. One journal says:

"Our readers will observe that Mr. DOOLITTLE, with a few other Republican Senators, voted against allowing negroes the poor privilege of riding upon a District of Columbia railroad."

Such was not the fact at all. I did not vote against allowing them to ride in the cars, but for the convenience of the public to allow the company to assign them certain cars. What are the facts? Here is a railroad company in the city of Washington. Cars are provided in which negroes ride; and they are just as good in every respect as those provided for white people. In fact they are far more comfortable; for they are not half so crowded. I have ridden in them sometimes myself. Now, what I objected to was, that by law you should compel white people to ride in the same car and upon the same seats with negroes, whether they desired to do so or not. I thought it unwise and unnecessary; that it would do no good to raise the question of social as well as political equality between the negroes and the white people of this country at a time like this; and while others, who thought as I thought and felt as I felt, shrank from declaring their opinions, I thank God He has given me the courage to be true to my convictions, though I may be misrepresented here or elsewhere. I do not hesitate to say that this measure was altogether unnecessary, and was unwise.

This same Committee on the District of Columbia has charge of the schools, of the hotels, and the erection of churches here.

Mr. GRIMES. Not the hotels.

Mr. DOOLITTLE. They might have, if a company was to be incorporated to run a hotel.

Mr. GRIMES. I do not desire to have the Senator create the impression in the country that the Committee on the District of Columbia are responsible for the hotels here. [Laughter.]

Mr. DOOLITTLE. I did not say that the committee ran the hotels; but they might be called upon to incorporate a company to run a hotel. They called upon us the other day to incorporate a company to run a Masonic Hall Association. One of the sections of that bill was the most prolific and pregnant section I ever saw, for it contained about twenty corporations. It is possible, therefore, that the Committee on the District of Columbia may be called upon to organize companies for the purpose of running some good hotels; and for my part I should be very much obliged, and I think the people of the District and the people of the country would be obliged to them if they would organize some companies to run some good hotels here. But I will only suppose a case. I have no controversy with the committee; I am dealing with the Senator from Massachusetts, [Mr. SUMNER.] Suppose such a bill were pending in the Senate to incorporate a hotel company, and my honorable friend from Massachusetts, carried away as usual by his doctrine of equality before the law, should offer an amendment, as he probably would, to compel the hotel keeper to seat negroes side by side with white people at its tables. Regarding such an amendment as unwise and unnecessary, I might feel constrained to vote against it. If I did, through the telegraphic reports and by certain journals I should be misrepresented. They, if I were to judge by the past, would probably say that I was opposed to negroes having the poor privilege of eating at all, because I should be opposed to a proposition to compel the keeper of a hotel to seat negroes side by side with white people at the same table.

Again: suppose this Committee on the District of Columbia should bring in a bill to organize an association to build a church, and my friend from Massachusetts also should propose, in order to carry out the great doctrine of equality before the law, an amendment *to compel the sexton* to seat white men and women and colored men and women in the same pews side by side. I might feel constrained to vote against that as unnecessary and unwise legislation. Undoubtedly, I would be misrepresented through the telegraph and by a certain portion of the press. From Boston to St. Paul, a certain class of men would denounce me and say, "Senator DOOLITTLE is opposed to negroes having the poor privilege of going to church at all."

I might make the same remark in regard to schools in this District. That subject has come before the Committee on the District of Columbia, and we have passed a law providing schools for the benefit of the negro children of the District, to which I gave a cheerful support. They attend those schools and reap the benefits and advantages of them. But, sir, suppose the Senator from Massachusetts should bring forward a provision of law to compel every school teacher of every school in this city, white and black, to seat negro children and white children upon the same seats side by side in the same rooms.

The truth is, in the city of Washington there is a large population of African descent; they have their own associations; they have their own society, their own churches, their own schools; and I believe they are doing well and getting on very well, and I am rejoiced at the fact. But while we have so many revolutionary elements all around us, when we are just about to enter a presidential canvass through which we must pass, shall we throw into that canvass all these other elements of excitement by giving our enemies occasion to say, and just grounds for saying, we are in favor of what is denominated political and social negro equality? Let us wait till the negro gets his freedom; let us wait till we crush the rebellion, and slavery under it; let us remember that great things grow, they do not spring into existence in an hour. We do not harvest in spring time.

Once more, there is another subject which might come under the jurisdiction of this committee, and that is the subject of marriage and divorce. Suppose legislation on that subject were pending here, and the honorable Senator from Massachusetts should propose, as he probably would, to legalize and sanction marriages between white and colored persons. I might look upon the proposition as unwise and unnecessary and ill-timed, and be constrained to vote against it. I might be denounced as being opposed to negroes marrying at all with just as much reason as I have been denounced as being opposed to negroes having the poor privilege of riding in the cars on a District of Columbia railroad. As I showed to the Senate when that matter was under consideration, what I repeat, it is no more an abridgment of their rights in that respect to have cars assigned to them than there is an abridgment of the right of the honorable Senator from Massachusetts, who generally travels alone, at all events not often in the company of ladies, when he takes his carpet bag and goes down to the depot in this city to take passage for New York. He cannot take a seat in some of the cars, for they are assigned to ladies and those with them; when he offers to enter the cars where ladies are seated, a young gentleman stationed there says to him, "No, sir; though you are very good looking, you cannot come into this car; you must pass along and take your seat in another car." There is no more abridgment of the rights of colored people riding in the cars here than there is an abridgment of the right of my honorable friend from Massachusetts every time he goes over to New York. There are certain cars into which he cannot go unless under the protection—and it is a protection that is worth something, I assure my honorable friend—of a good lady. [Laughter.]

Mr. President, there is another kindred proposition to which I should like to refer for a moment. The honorable Senator from Maine [Mr. FESSENDEN] who has charge of the affairs of the Committee on Finance has no business to propose, and the honorable Senator from Massachusetts [Mr. WILSON] has nothing to propose from the Committee on Military Affairs, and hence I feel at liberty to take up a little more time than I should under other circumstances. As I am on the subject of personal explanations, I may as well go through the whole budget at once and not trouble the Senate on any other occasion. When the question of raising the pay of the negro troops and putting them on the same footing with the white troops was under consideration a short time since I did not object to raising their pay. But I had the honor of submitting a proposition that three dollars per month of the wages of those troops raised in the insurrectionary districts should be reserved for the purpose of enabling the Government properly to take care of and provide for negro women and children coming within the lines of our armies. I did not propose to apply it to the colored soldiers of Massachusetts or Pennsylvania or New Jersey, or any of the States where they live with their families and have been accustomed to provide for and take care of them, but to apply it to the insurrectionary districts only, to those portions of the country where the negroes have lived in a state of slavery, where they have never had the responsibility of taking care of their wives and children, because they have been provided for by their masters. Those colored soldiers in the main have been altogether unaccustomed to the use of money. In my judgment, the amount of money you give them only determines how much shall go into the hands of the sutlers that follow those regiments. The great mass of them first set free, unaccustomed to the use of money, have not much more of that prudence necessary to take care of money than Indians.

The proposition was denounced by some as ungenerous, and by some newspapers I have been held up and denounced as pro-slavery in my sympathies, because I would use a part of their wages to feed and clothe their starving women and children. It was because I had sympathy for these poor people, the colored women and children, coming within our lines, who are dying by scores, by hundreds, and by thousands, that I wished to retain some portion of the wages of the negro men who come in with them to provide for their necessities.

It is no sufficient answer to me for gentlemen to say these women and children are not the legal wives and legitimate children of these soldiers. They are their women and their children. They are of their race, and it would be ungenerous in them if they should object to giving a portion of their wages to save them from suffering, disease, and death.

I will read a brief extract from a letter from a friend in the city of Natchez, on the condition of these poor people who come within our lines. It is one of the most touching appeals I have ever read:

"Have you ever been in a negro corrall? If not, do not go to one unless you have the power to do everything to make them comfortable. These men, women, and children, sick or well, are sent there as soon as they enter our lines. There is nothing provided for them of the furniture or clothing kind, just the bare walls and floor, hard-tack and bacon; nothing to cook with. If they bring a few rags and bed-clothes they have them to sleep on; nothing provided. Very soon they get sick, and, if they must die, the sooner they die the better, as thousands have done and more will. Home sickness prevails among them like any other disease."

I will not take up the time of the Senate to read all there is contained in this letter; but, sir, I stand on the ground I have taken, and my justification I leave to the future. Although in this I may have disagreed with the judgment of other men, no member on this floor has the right to denounce me as offering an ungenerous proposition. My whole purpose, my only purpose, was to save these dying women and children. I say to you, Senators, there are facts in relation to these poor, suffering creatures which we must look in the face. We cannot blindly close our eyes and refuse to see them as they are. We must make

provision for them, or their blood will be on our hands. We shall be held responsible in the judgment of posterity, at the bar of public opinion, and before that Higher Tribunal to which all must give account.

Mr. WILKINSON. Mr. President, leaving out one or two expressions, which the Senator has repeated over and over again, we should hardly know what he had been talking about, except about the prosecution of this war and the necessity of the Government to confine all its powers and all its forces to suppress this rebellion. Now, sir, what is the case? The House of Representatives sent to the Senate a bill for the organization of the Territory of Montana, in which there was a section limiting the right of suffrage in that Territory at the first election for members of the first Legislative Assembly in that Territory, and at the first meeting of the Legislative Assembly the men so elected are by law to limit the right of suffrage thereafter in the Territory. What do the House of Representatives provide in that bill? They provide that any man whose skin is white, of the age of twenty-one years, who has lived in that Territory thirty days, shall be permitted to vote and hold office. They allow Englishmen, Frenchmen, Germans, Chinamen, traders, men from the rebellious States, men from anywhere, holding any creed, any faith, monarchists, haters of republican liberty—everybody is permitted to go into this Territory and vote and hold office.

When the bill was under consideration in the Senate I moved to strike out the words "white male inhabitant" and to insert "male citizens of the United States and those who have declared their intention to become such," so that they and they only should vote and hold office. The honorable Senator seems to think that that proposition is going to distract the people and rend this Government in twain. Sir, let us look at the picture before us. Here are some soldiers marching along the streets to-day, and it created such an excitement that the Senate was obliged to take a recess, for nobody would remain in their seats and listen to the honorable Senator. Ten thousand of the very men against whom the Senator has been making a speech for two hours to-day —ten thousand negroes—are now marching down the streets of this city to cross over the Potomac and to enter into perhaps the most deadly fight that ever took place upon this globe. And yet the Senator seems to think, because I moved an amendment to prevent foreigners and rebels from voting and holding office in this Territory and to limit that right to citizens of the United States, and those who are willing and have legally declared their intention to become such, that it is a terrible proposition! I do not think there is anything very bad in it. I think it is a great deal better to let the soldiers who march down the streets to-day with muskets on their shoulders, black as they are, vote and hold office in this Territory than to allow traitors to vote and hold office there, or to allow a monarchist, hating our institutions and who has only gone there for a few days, to come in and vote and hold office under the laws which we pass here in Congress.

Mr. President, I said the other day about all that I wish to say on this question. I have a different opinion on this subject from that which is entertained by the honorable Senator from Wisconsin. I do not believe that this proposition will distract the public mind and destroy the harmony that exists among the loyal people, unless the Senator and those who act and talk with him stir it up. I believe that such speeches as he has made to-day, and such as were made by the honorable Senator from Illinois [Mr. TRUMBULL] the other day, tend more to distract the public sentiment of this country a thousand times over than the amendment I have offered.

The Senator does not assail the proposition directly. He merely says, Do not disturb the public mind; do not introduce a proposition here which may be right in itself for fear that some copperheads and traitors will raise an issue against us on which we may perhaps lose the election, provided George B. McClellan is nominated on a war platform. That does not frighten me at all. If George B. McClellan or any other man shall be elected President of the United States upon a platform which calls for a more vigorous prosecution of this war and a more determined execution of the powers of the Government to suppress it, and he is earnest and honest in it, let him be elected. I would not sacrifice my convictions or my principles from any such considerations.

Nor do I believe that in doing that which is right, in standing upon a plain and simple truth, any injury whatever is to result from it. It is a great mistake, in a moral point of view, to suppose that we profit either by cowardice or by a sacrifice of principle. I do not believe that any nation ever did prosper by casting principle aside, or by being afraid to stand up boldly in the advocacy of right, justice, and truth.

The honorable Senator tells us that this is an abstraction, and that abstractions sometimes bring terrible results upon the country, and that John C. Calhoun, by the utterance of a mere abstraction, has at last deluged this land in blood. If an abstraction which is wrong can produce such mighty results, what may not an abstraction which is right produce? Is there not more power in truth than there is in error, if its advocates stand up boldly in its defense? Is not the right more potent, more powerful, more almighty than the wrong? In my opinion it is.

I believe that this war has been protracted for three long years, and for a year longer than it need to have been, in consequence of the timidity and backwardness of those who have been carrying it on, and in consequence of their fear of distracting the people of the North by not stepping up to the true line of their duty. Why, sir, it took us two years before we dared to ask negroes to help us to fight this war. It took us two years before we would offer to them the price of liberty for the blood which they freely offered to this nation in this great struggle. When the proposition of employing negroes first came up, Senators talked just as the honorable Senator from Wisconsin has talked to-day. Go to the country now, and who would take the arms out of the hands of the brave black soldiers that march down our streets to-day? Go to the loyal States anywhere; go to the bereaved parents of gallant sons who have fallen in the war and submit that question to them, and how many of them will tell you, "You will offend somebody if you let these negroes fight in the war?"

The progress of events shows how foolish, how blind, and how backward we have been in the conduct of this war and in the advocacy of those principles which we are now daily adopting after a very long time. All this tardiness has tended to drag out the conflict and to send down daily more and more to their graves than there would have been any necessity for if the people of this country had come up to the true standard and advocated only those principles which are just and right, and which should have been advocated from the very start.

Mr. President, the question now before us is, shall the Senate recede from its amendment and allow everybody to vote in Montana, allow men to be elected to the Territorial Legislature who owe no military service or allegiance to the United States, and exclude these men who do owe allegiance, and who are fighting for their country? That is the question and the only question. I moved the other day that the Senate insist upon its amendments, and agree to the conference asked for by the House of Representatives. I will not longer take up the time of the Senate, but hope that the vote will be taken.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, that the Senate insist on its amendments, disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to; and, by unanimous consent, the Vice President was authorized to appoint the committee, and Messrs. WILKINSON, MORRILL, and BUCKALEW were appointed.

ADDITIONAL ASSAY OFFICES.

Mr. NESMITH. Mr. President——

Mr. DOOLITTLE. If the Senator from Oregon will allow me, the Senator from Indiana [Mr. HENDRICKS] moved this morning to take up a joint resolution which had reference to my own State, and as it concerned my own State, it was with great reluctance that I consented to go on and speak this morning. It seemed to place me in antagonism with a proposition in which my State is interested. I do not suppose there will be any discussion whatever upon it, and I hope the Senator from Oregon will give way and allow us to take it up and pass it now.

Mr. NESMITH. I only desire to take up a bill with a view of making it a special order.

Mr. DOOLITTLE. I have no objection to that.

Mr. NESMITH. I move that the Senate proceed to the consideration of Senate bill No. 185.

Mr. SUMNER. What is the subject?

Mr. NESMITH. "A bill to establish assay offices at Carson City, in the Territory of Nevada, and at Dalles City, in the State of Oregon, and for other purposes."

Mr. FESSENDEN. Does the Senator propose to go on with that bill to-day?

Mr. NESMITH. Not at all. I desire to make it the special order for to-morrow, or any subsequent day that will suit the convenience of Senators, if to-morrow will not do.

Mr. SUMNER. There is already a special order for to-morrow.

Mr. NESMITH. Then I will say the next day.

Mr. SUMNER. And the next day also. There are special orders, the Senatar will remember, for Tuesday and Wednesday of this week.

Mr. BROWN. And Thursday too.

The PRESIDING OFFICER. The Chair is informed that there is a special order for Thursday also.

Mr. NESMITH. Then I will say Friday.

Mr. FESSENDEN. I do not want in any way to interfere with my friend from Oregon about this matter. I am perfectly willing that it shall be taken up on the one day or the other; but I suggest to him that I think he can get his bill disposed of just as soon if he does not make it a special order as he would by doing so. I am willing to take it up at any moment, because this bill came from the committee of which I am a member, and naturally I like to have all the business of that committee disposed of.

Mr. NESMITH. In reply to the Senator from Maine, I desire to state briefly that I introduced this bill during the last session of Congress and had it referred to the Committee on Finance, and it never saw the light again. It was never reported back from that committee, either favorably or adversely. I do not blame the chairman for that. During the present session I introduced it again, had it referred to the same committee, and the committee reported it back. I have succeeded in getting it up at three different times during the morning hour, but I have been unable to get any decisive action upon it, and I have despaired of being able to get any decisive action upon it during the morning hour. I have never before, since I have been a member of the body, asked the Senate to make a bill a special order.

Mr. FESSENDEN. I do not oppose it. I merely suggest that it can be got through as soon without making it a special order.

Mr. NESMITH. I find that other Senators take advantage of this privilege of making their bills special orders and manage to get them through. If the Senator from Maine can suggest any other way by which I shall be able to reach this bill and obtain action upon it, I shall be very happy to accede to any suggestion he may make on that subject; but in the absence of any other suggestion by which the bill can be reached, I propose that it be made the special order for Friday next at one o'clock.

Mr. FESSENDEN. I have no sort of objection.

The PRESIDING OFFICER. The first question will be on taking up the bill.

The motion was agreed to.

The PRESIDING OFFICER. The Senator now moves that the further consideration of the bill be postponed to and made the special order of the day for Friday next at one o'clock.

The motion was agreed to.

GARRETT R. BARRY.

Mr. HALE. I move that the Senate postpone all prior orders for the purpose of proceeding to the consideration of Senate joint resolution No. 41, for the relief of Garrett R. Barry, a paymaster in the United States Navy. I do not think it will take any time.

Mr. DOOLITTLE. I appeal to the honorable Senator from New Hampshire, as a matter of personal favor to myself, to yield me the floor to enable me to call up Senate joint resolution No. 8. It is a resolution which was postponed this morning in consequence of my having the floor on another matter, and it is a resolution in which my State is interested. I do not suppose there will be any discussion about it. The honorable Senator from Indiana [Mr. HENDRICKS] called it up this morning, and my colleague desires to call it up now. It will take but a few moments.

Mr. HALE. I have been trying for a fortnight to get up the joint resolution which I have named. I do not think it will take a minute's time. If the Senate will listen to a very short report accompanying it, I do not think there will be any discussion about it.

The motion of Mr. HALE was agreed to; and the joint resolution (S. No. 41) for the relief of Garrett R. Barry, a paymaster in the United States Navy, was read a second time and considered as in Committee of the Whole. It proposes to release Paymaster Garrett R. Barry, United States Navy, from his liability as surety of John De Bree, formerly paymaster in the Navy of the United States.

Mr. HALE. All the facts are stated in the report accompanying the resolution, which can be read if any Senator desires it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES F. ANDERSON.

Mr. FOOT. I ask for the consideration of a private bill. It is the bill (S. No. 207) for the relief of Charles F. Anderson.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay Charles F. Anderson, architect, the sum of $7,500 in full, for time, labor, and expense, in preparing plans and drawings for the Capitol extension.

Mr. FOOT. The bill has the unanimous approval of the Committee on Public Buildings and Grounds, to whom it was referred, and who have examined the subject.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF WISCONSIN.

Mr. HOWE. I move that the Senate proceed to the consideration of the joint resolution (S. No. 8) for the relief of the State of Wisconsin.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOWE. The Committee on Public Lands have reported the resolution with an amendment in the nature of a substitute. I propose, if there be no objection, that the amendment only be read.

The PRESIDING OFFICER. That course will be taken, if there be no objection.

The Secretary read the amendment, to strike out all of the joint resolution after the resolving clause and insert:

That the Secretary of the Department of the Interior be, and he is hereby, authorized to allow to the State of Wisconsin five per cent. of the net proceeds derived from the sale of the public lands within the State, as provided in the act of Congress approved August 6, 1846; and shall, in the settlement of that account, charge the said State the amount of the proceeds of one hundred and twenty-five thousand four hundred and thirty-one and eighty-two one hundredths acres of land granted to the Territory of Wisconsin, to aid in the construction of the Milwaukee and Rock river canal, which have been sold by said Territory or said State, valuing the same at $1 25 per acre, and as much more as the Territory and State received upon the same upon sales of any part thereof at a higher price, and shall credit said State with the amount that has been legally and properly applied by said State or Territory toward the cost of selling said land and toward the construction of said canal. And the said Secretary shall also settle and allow to the Milwaukee and Rock River Canal Company such sums of money as have been properly expended by said company in the survey and location of said canal, in the construction thereof as far as the same has been constructed, together with dams, locks, and slackwater navigation, and in the management and keeping the same in repair; and the same shall be paid to the said canal company out of any money in the Treasury not otherwise appropriated, not exceeding in amount, however, the balance charged against the State of Wisconsin upon the sales of said canal lands, as above required, after deducting the sum allowed said State for money paid by her out of the same fund. The same to be received by said canal company in full payment and satisfaction of all claims of said company against the State of Wisconsin and of the United States on account of said canal land grant, or on account of any action of the Territory or State of Wisconsin, or of the United States in relation thereto.

SEC. 2. *And be it further resolved*, That the Commissioner of the General Land Office be, and he is hereby, appointed commissioner to adjust the accounts herein provided for, under the supervision of the Secretary of the Interior, and to determine what sum shall be charged to said State of Wisconsin for the lands granted for the construction of said canal; and what sums shall be credited respectively to said State and said company for the moneys expended by them in the construction of said locks and canal as herein provided.

Mr. FESSENDEN. I should like to inquire of the Senator from Wisconsin whether this is the same matter that was at one time before the Committee on Finance.

Mr. HOWE. Yes, sir.

Mr. FESSENDEN. Then I certainly am opposed to its passing in the present condition of things, for at that time I became satisfied that there was no just claim on the part of the State of Wisconsin. How it was withdrawn from the supervision of that committee to which it was first sent and went to the Committee on Claims, and how they have come to a favorable conclusion, I do not know; but at that time I certainly became very well satisfied that the claim did not really exist. I should like to have an explanation of it. Is there any printed report accompanying it?

Mr. HOWE. Yes, sir.

Mr. FESSENDEN. I should like to hear that report read.

Mr. HENDRICKS. The report is quite an elaborate one, which I felt it my duty to present to the Senate.

Mr. FESSENDEN. Then I should prefer the resolution to go over, if it is a printed report and an elaborate one. The Senate is not full now; there is no quorum here or anything like it, and it would be improper to pass a resolution of this kind, taking so much money out of the Treasury, in the present condition of the Senate. If the resolution can go over, I will take a copy of the report home with me, read it, and refresh my recollection with regard to it. I am very unwilling that it should be acted upon in such a thin Senate.

Mr. HENDRICKS. So far as I am concerned I shall abide by the pleasure of the Senate in that respect.

Mr. GRIMES. There are not a dozen Senators here, and we may as well adjourn. This matter should be discussed in a full Senate.

Mr. HOWE. If it is to be discussed——

Mr. GRIMES. It will be, you know.

Mr. HOWE. I simply want to make an explanation in answer to the inquiry of the Senator from Maine as to how this claim happened to be taken from the Committee on Finance and referred to the Committee on Claims. When I had the honor to introduce a resolution for the settlement of this claim on the part of the State of Wisconsin, which claim is based upon a public statute unrepealed, I understood that the only objection to the payment of it was that the Government claimed a liability on the part of the State to pay it, the Government, for the whole value of the lands made by the construction of the Rock river canal, and that that claim was based upon an amendment to the law which admitted the State of Wisconsin into the Union. I thought I had discovered conclusive proof that that amendment was incorrect; that it never was adopted by the two Houses of Congress. I gathered that evidence from the Congressional Globe. I supposed I could satisfy the committee and satisfy the Senate that the statute as published in the edition of laws was incorrect, and that it was correct as it was established in the Globe, and if I could establish that fact there would be no sort of objection to its being acted upon by the Committee on Finance, there being nothing but an appropriation to make, and that that was the appropriate committee to send it to. It was sent to that committee, and in the course of the investigation before that committee I became satisfied, as did the chairman of that committee, that the Globe was incorrect, and that the statute as published in our edition of the laws was correct. That put it on the footing of a private claim, and thereupon I at once proposed to have it reported back and referred to the Committee on Claims.

Mr. FESSENDEN. I am not imputing anything to my friend for doing so. My inquiry was with a view simply to ascertain whether it was the same claim.

Mr. HOWE. Yes, sir. It has been before the Committee on Claims, and was reported unanimously by that committee at the last session of Congress, and has recently been unanimously reported again from that committee. As I said before, it rests upon a public statute. We have lain out of the money for a great while. If Senators desire the resolution to go over until to-morrow morning, of course I shall not object to it; and I will give way for a motion to adjourn.

Mr. GRIMES. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *April* 25, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of Saturday was read and approved.

WINNEBAGO INDIANS.

Mr. HUBBARD, of Iowa, by unanimous consent of the House, submitted the following resolution; which was read, considered, and agreed to:

Whereas it is represented that the Winnebago Indians are in a destitute and starving condition, and that some of their number have actually died of starvation: Therefore,

Be it resolved, That the Committee on Indian Affairs be instructed to inquire into the facts and report what legislation, if any, is necessary to relieve these Indians from their present destitute and deplorable condition.

ORDER OF BUSINESS.

The SPEAKER. By the order of the House in reference to the tax bill, the regular order of business on Monday will come up in the evening session.

Mr. MORRILL. I understand the first business this evening will be the motion made by me last Monday, to suspend the rules for the purpose of introducing the following resolution:

Joint resolution to increase temporarily the duties on imports.

Resolved, &c., That from and after the passage of this resolution, until the 1st day of June, 1864, all the duties and imposts on imported goods, wares, and merchandise now provided by law be increased by the addition of twenty-five per cent. thereto; and upon all goods, wares, and merchandise now free or exempt from duty, that there shall be levied and collected a duty of five per cent. *ad valorem*.

The SPEAKER. The gentleman is not exactly correct. The Chair will state what will be the order of business this evening, if it be not set apart for the tax bill. First, the committees will be called for reports for reference, and not to be brought back by motions to reconsider; and the next business will be the consideration of the following resolution, submitted by the gentleman from New York, [Mr. FERNANDO WOOD:]

Whereas the Government of the United States in succeeding to the sovereignty of the regions of country in which the mines of Colorado and Arizona are situated became invested with a complete proprietary title to said mines; and whereas no act of Congress has been passed alienating or providing for the disposal of any part thereof or prescribing measures for the use and working of them; and whereas individuals and companies are assuming ownership and occupation, and attempting to work some of these mines, and are inducing the investment of capital in them by innocent parties: Therefore,

Resolved, That the President of the United States be requested to take such measures as in his judgment may be necessary for the protection of the rights of the Government in the mineral lands and mines of Colorado and Arizona, until the proper legislation shall be provided by Congress.

After the morning hour the motion made by the gentleman from Vermont [Mr. MORRILL] will come up.

Mr. MORRILL. I ask the unanimous consent of the House that my motion may be taken up first during the evening session; and I will state that when my resolution comes up, I propose to modify it so that it shall impose a larger tax upon tobacco, snuff, cigars, &c.; on brandy, gin, and cordials; on burning fluid and wine; a duty upon iron equal to the increased tax proposed; an increase of the duty upon general manufactures of ten per cent.; a specific duty upon wool of five cents per pound, and an addition to the duties on tea of five cents per pound. Such will be the general features of the proposition. In other words, it will be an attempt to

increase the tariff somewhere near the point we expect to reach when we report in full upon that subject. I think this may be satisfactory to the House.

And I say further, that if the House will consent to this course of action, I will propose that the matter shall be considered in the House as in the Committee of the Whole, open to amendment and five minutes debate for a reasonable time—say an hour. Then I shall call for the previous question, and let the House dispose of the matter.

Mr. FERNANDO WOOD. I understand that the gentleman from Vermont does not propose to consider the resolution at this time.

Mr. MORRILL. I do not propose that it shall be considered until the evening session.

Mr. FERNANDO WOOD. I understand the gentleman proposes to allow debate and opportunity for amendment.

Mr. MORRILL. I propose that the resolution shall be considered in the House the same as in the Committee of the Whole, reserving to myself the right to call for the previous question after a reasonable time.

Mr. FERNANDO WOOD. Does not the gentleman understand that this proposition must go to the Committee of the Whole on the state of the Union?

Mr. MORRILL. I propose to suspend the rules if the House refuses unanimous consent as I have requested.

The SPEAKER. It will require a two-thirds vote to suspend the rules.

Mr. HOLMAN. I think there will be no objection to considering the resolution this evening.

Mr. COX. Without a suspension of rules.

The SPEAKER. Then the Chair will consider that it is the unanimous consent of the House that the gentleman from Vermont shall, at seven o'clock this evening, have leave to report the joint resolution to which he has referred.

Mr. FERNANDO WOOD. Does that cut off the resolution which I have introduced?

The SPEAKER. It does not; it will come up when the joint resolution is disposed of.

There was no objection, and Mr. MORRILL's proposition was agreed to.

Mr. FENTON. I ask the unanimous consent of the House to submit the following resolution:

Whereas, on the 3d day of May, 1861, the President of the United States by proclamation called for forty-two thousand volunteers, which was subsequently modified to include thirty-nine regiments of volunteers to serve for two years, of which the State of New York promptly furnished thirty-eight regiments which were received and mustered into the United States service prior to the act of Congress July 22, 1861, section five of which act provided a bounty of $100 to "every volunteer, non-commissioned officer, private, musician, and artificer," "if he shall have served for a period of two years or during the war if sooner ended;" and whereas nearly all of said two years' regiments from the State of New York were kept continuously recruited during the first year's service with volunteers to serve for the unexpired term of said regiments, in many instances with the promise and expectation of receiving bounties; and whereas by the act of Congress July 17, 1862, section three provided a bounty of twenty-five dollars to "every soldier" to be paid "upon the mustering of his company or regiment into the service of the United States," who were to be called into the said service "for the period of nine months unless sooner discharged;" and by the fourth section of said act a bounty of fifty dollars was provided for volunteers to serve for the period of twelve months unless sooner discharged to fill up regiments then in the field; and whereas by the act Congress, of chapter seventy eight, section six, passed March 3, 1863, no deduction of these bounties should be made from a soldier's pay if discharged in a less time than said enlistments of nine or twelve months, if "the discharge be upon surgeon's certificate for wounds received or sickness incurred since their last enlistment;" and section seven of said act provides that "any person who shall have volunteered or been drafted" "for the term of nine months or a shorter period, may enlist into a regiment from the same State to serve for the term of one year, and any person so enlisting shall be entitled to and receive a bounty of fifty dollars:" Therefore,

Resolved, That the Committee on Military Affairs be instructed to report a bill giving the bounty of $100 to any non-commissioned officer, private, musician, or artificer who shall have been honorably discharged in consequence of wounds received or injuries incurred in the service and in the line of his duty, and a *pro rata* share of said bounty of $100 to *any* volunteers for a proportionate term of service exceeding three months, as is now provided by law for those serving two years.

Mr. HOLMAN. I do not object to this proposition, though it is not quite broad enough. It is confined to a particular class of soldiers. It is drawn up with reference to legislation in respect to a particular State. If words are used so as to make the matter general, and applicable to any other volunteers, I shall have no objection.

Mr. FENTON. I have no objection to that modification, as I simply desire to have the matter referred to the Committee on Military Affairs.

No objection being made, the resolution as modified was introduced and agreed to.

Mr. ODELL. I desire to say that the subject of this preamble and resolution has been acted upon by the House.

Mr. FENTON. I only desired to have the matter referred to the Committee on Military Affairs. My colleague is mistaken in reference to the facts. A bill was reported to the House giving bounties to those who had not served two years, but were wounded in the service; but those volunteers who entered the service under the proclamation of May, 1861, and did not serve two years by subsequent enlistment to fill up regiments, have never had any bounty given to them under the authority of any act of Congress.

Mr. ODELL. My colleague thinks I am mistaken, but I think I am not. I did not refer to the class of men referred to in the resolution. I referred to the nine months' men who were called out, and who are entitled to a bounty of twenty-five dollars. The Military Committee reported a joint resolution providing that those men should receive twenty-five dollars. The resolution passed the House and is now in the Senate.

The SPEAKER. Does the gentleman move to reconsider, as the resolution has been agreed to?

Mr. FENTON. This resolution has no reference to the nine months' men.

Mr. ODELL. No, sir. I do not move to reconsider.

IOWA AND FLORIDA.

Mr. WILSON, by unanimous consent, introduced a bill explanatory of an act entitled "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union;" which was read a first and second time, and referred to the Committee on the Judiciary.

DESERTIONS FROM THE SERVICE.

Mr. WILSON. I ask unanimous consent to introduce a bill relating to the proofs of desertions from the military service of the United States, and for other purposes. I asked leave to introduce it on Saturday. It was objected to by the gentleman from Indiana, but he subsequently told me he would withdraw his objection. I had, however, no opportunity subsequently to introduce it.

No objection being made, the bill was introduced, read a first and second time, and referred to the Committee on the Judiciary.

R. J. BENNETT.

Mr. ECKLEY, by unanimous consent, introduced the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That there be paid to R. J. Bennett, out of the contingent fund of the House, as compensation for his services as assistant librarian of this House during the Thirty-Eighth Congress, the same amount now allowed to the newspaper clerk of this House, and no more.

PUNISHMENT OF GUERRILLAS.

Mr. GARFIELD, by unanimous consent, introduced a bill to provide for the more speedy punishment of guerrillas, and for other purposes; which was read a first and second time, and referred to the Committee on Military Affairs.

INTERNAL REVENUE BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and proceeded to the consideration of the special order, being the bill (H. R. No. 405) to provide internal revenue to support the Government, to pay the interest on the public debt, and for other purposes; commencing with section ninety-seven, in reference to auction sales.

Mr. MORRILL. I move to amend the section in line twelve by striking out "fifty cents" and inserting "one dollar;" so that the clause will read, "for each sale of not exceeding one hundred shares of stock, or less when the par value is $100, one dollar."

The amendment was agreed to.

Mr. MORRILL. Also, in line fifteen by striking out "fifty cents" and inserting "one dollar;" so that the clause will read, "exceeding one hundred shares, for every additional one hundred shares, or fractional part thereof, at the rate of one dollar for one hundred shares."

The amendment was agreed to.

Mr. MORRILL. Also, in line nineteen, by striking out "fifty cents" and inserting "one dollar;" so that the clause will read, "when the par value exceeds one hundred dollars per share, so much thereof as at the par value shall amount to a sum not exceeding $10,000, one dollar."

The amendment was agreed to.

Mr. MORRILL. Also, in line twenty-two, by striking out "fifty cents" and inserting "one dollar;" so that the clause will read, "exceeding the sum of ten thousand dollars, for every additional ten thousand dollars, or fractional part thereof, one dollar."

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out lines twenty-three to twenty-seven inclusive, and inserting in lieu thereof the following:

When the par value is less than $100 per share, so much thereof as at the par value shall amount to a sum not exceeding $10,000, one dollar; exceeding the sum of $10,000 for every additional $10,000 or fractional part thereof, one dollar.

The amendment was agreed to.

Mr. MORRILL. In line thirty-one I move to amend by striking out "fifty cents" and inserting in lieu thereof "one dollar," so that the clause will read, "for each sale of gold and silver bullion, sterling exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, not exceeding the sum of $10,000, one dollar."

The amendment was agreed to.

Mr. FRANK moved to amend so as to make the tax upon brokers one tenth of one per cent. upon all sales, and made some remarks, which are withheld for revision. They will be published in the Appendix.

Mr. MORRILL. The tax on sales of stocks proposed in the bill is entirely new. We have not heretofore taxed the sale of stocks at all. It was very attentively cared for by the gentleman from New York, [Mr. STEBBINS,] who is now absent from the House by reason of illness. He is certainly as anxious as his colleague [Mr. FRANK] can be to obtain revenue from this source. We submitted to his superior knowledge on this subject, and he thought that the amount reported in the bill was as much as we would possibly be able to collect from this source. But the committee will see that upon my motion, and I was directed by the Committee of Ways and Means to make the motion, we have already doubled the tax that was proposed by the distinguished gentleman from New York, [Mr. STEBBINS.]

The proposition of the bill as it now stands is to tax every sale of stocks whether the number of shares sold be five, ten, twenty, or fifty. Every sale is to be taxed not more than one dollar, unless it exceeds one hundred shares or $10,000 in value. If we impose a higher tax we shall drive the parties engaged in this business to evasions, and we all know how sharp the gentlemen engaged in this business are in evading any duty that may be put upon them. I am disposed to think that the proposition as it now stands is as far as it is prudent for us to go until we have tried the experiment.

Mr. KERNAN. I move to amend so as to make the tax one ninth of one per cent.

It seems to me, Mr. Chairman, that the tax which it is proposed to impose upon this description of traffic is very small. I am surprised that the gentleman from New York, the distinguished president of the board of brokers, who introduced a gold bill the other day, and who seemed anxious to check the speculation in that commodity, should, under the pretense of accomplishing that purpose, have made the tax so low.

It seems to me that if there is any traffic in this country which is able to bear and which should bear its full proportion of the expenses of this war, it should be that kind of traffic which has been stimulated to a very unwholesome extent. There is really no good to the country resulting from this traffic in stocks. It is a speculation

which is said to be and doubtless is injurious in its effect. While, however, I would not impose a tax so high as to cut off revenue by that means, I certainly think that one tenth of one per cent. is quite low enough. I hope the tax will be placed as high as it can be without losing the revenue thereby.

Mr. A. W. CLARK. I oppose the amendment of the gentleman from New York. On looking over the list of the sales at the regular board in New York for Monday last, I find they amount to over fifteeen million dollars, and that, I believe, was not an unusual day's operations. Now, sir, a tax of one tenth of one per cent. would bring $15,000 for a day, and perhaps not stop a dollar's worth in future. If it would stop it, so much the better. Nobody would grumble, more than they did against taxing the whisky on hand. Now, observe that this result is for the regular board in the city of New York. Now, observe these figures:

Revenue from New York board per day	$15,000
Boston, say	5,000
Philadelphia	5,000
New Orleans	5,000
Baltimore, Chicago, &c	5,000
Making per day	$35,000

For a year, $10,500,000!

This is a matter, sir, that is certainly worth our consideration, and I hope the amendment of the gentleman from New York [Mr. FRANK] will be adopted.

Mr. KERNAN. I withdraw my amendment to the amendment.

Mr. FARNSWORTH. I move to amend the amendment so as to make the tax two tenths of one per cent. instead of one tenth. I simply rise to say a word or two in regard to this subject. I am in favor of the amendment of the gentleman from New York, [Mr. FRANK] but I desire to say a word in regard to the remark of the gentleman from Vermont [Mr. MORRILL] to the effect that we must not tax these men heavily because if we do they are so sharp they will evade the tax altogether and cheat the Government. Now, sir, I for one have heard enough of that argument. We never hear anything here of farmers and manufacturers being so sharp as to evade their tax and cheat the Government. You tax the farmer's transfer of real estate. Every deed he makes has to pay a heavy stamp duty, and you tax almost everything he produces. You tax almost everything that is produced by the manufacturer. And yet the gentleman from Vermont never makes use of the argument that too high a tax must not be imposed upon manufacturers because they are so sharp that they will evade the tax. But when you come to these gamblers in stocks and in the gold of the country, and it is proposed to levy a tax upon them corresponding with that laid upon others, the argument is presented that you must be very careful how you treat them. You must treat them tenderly and easily. If you do not they will cheat the Government.

Now, sir, these are the very men who ought to be taxed, and taxed heavily; and if we cannot make a law so strong and so hedged about with difficulties as to compel them to pay the tax, we should at least try. And if we do not succeed at first, amend the law and so hedge it about that they cannot dodge or cheat the Government.

I repeat, sir, the argument is not a good one, and I hope we will not hear it again. I am in favor of making this tax at least one tenth of one per cent. upon all their transactions. I agree with the gentleman from New York, that if we were to tax them out of existence altogether it would be all the better for the interests of the Government, better for the finances of the Government, and better for us all. I hope the committee will not treat these men so gingerly as the gentleman proposes.

Mr. KASSON. I wish to say to the committee, in the absence of the gentleman from New York, [Mr. STEBBINS,] who is a member of the Committee of Ways and Means, and whose advice has been of great importance to us in this matter, that I regretted to hear his colleague from New York [Mr. KERNAN] allude to him as having introduced a gold bill into this House under a mere pretense. In the absence of that gentleman [Mr. STEBBINS] I wish to bear testimony which will be sustained by every member of the Committee of Ways and Means to his conscientiousness, his earnestness, and patriotic devotion to the interests of the country in every matter with which he has been connected.

Mr. KERNAN. I did not intend at all to say that my colleague had not acted in good faith. I only expressed wonder that a gentleman who was so anxious to discourage this traffic in gold was not willing to tax these transactions a little higher, especially when the Government so much need it for revenue. I intended to say nothing disrespectful to him at all.

Mr. ODELL. I simply want to say, after this discussion which has taken place in reference to my colleague and his opinion as to the tax we are called upon to impose on the sale of stocks, that I think gentlemen are doing him injustice. I recollect saying to him that I thought the tax mentioned in this bill upon stock transactions was altogether too low. He admitted that it was too low. He said it would be better, perhaps, to increase it, and remarked that the brokers' board would stand a higher tax, and pay it cheerfully.

I notice in the section preceding this that a tax of one fourth of one per cent. is laid upon stocks sold by auctioneers—upon sales of gold, silver, and stocks. Now, the brokers' boards, both public and private, are nothing more nor less than auction blocks.

Mr. KASSON. As I have only five minutes, I cannot yield to the gentleman further.

Mr. ODELL. I only wanted to say, as the opinion of my colleague [Mr. STEBBINS] had been referred to, that in my judgment he would, if here, be in favor of one tenth of one per cent.

Mr. KASSON. I merely desired to say, in the absence of the gentleman from New York, that he himself proposed to tax this interest, and that he did it after consultation with leading men in the city of New York. And he gave it as his opinion that for revenue purposes the rate fixed in the bill was high enough.

It will be observed that the basis of taxation upon these transfers is not upon the $100 actually received, but upon the number of shares sold. And I beg the attention of the House to the fact that many of the shares are not worth $100. Many of them are not worth half that amount, and some are not worth even twenty-five dollars; but the tax imposed upon them is at their par value.

It is true, that where the shares are above one hundred dollars par value, the rate falls below; but where they are not worth that amount, the rate is increased. It is believed that, by this method of taxation, a larger amount of revenue will be derived than if levied upon the amount actually realized.

For myself, I would gladly agree to tax these sales one tenth of one per cent. if I believed the effect would be to produce more revenue. I will go as high as any gentleman can go, if it shall be shown that an increase of the tax will increase the revenue rather than diminish it. But under the circumstances, in my judgment, we must be a little careful, or we will defeat our object of raising revenue through this source.

It will be recollected that the rate charged by brokers for buying and selling on commission is only one eighth of one per cent., and if you tax them one tenth of one per cent. you absorb nearly their whole compensation. And it may happen that you will destroy their business and at the same time receive no taxes.

Mr. SCOFIELD. Mr. Chairman, I renew the amendment for the purpose of replying to the gentleman from Illinois, [Mr. FARNSWORTH.] He has mistaken the argument of the low-tax advocates in this case. It is made so low, not because the collector would otherwise be defrauded, but because the poor stockjobbers cannot afford to pay more. They fill their vaults with the evidences of unconscionable accumulations, and still reach out their avaricious fingers for more. They gamble in gold, play bull or bear as interest dictates, and riot in the hopes and fears, the successes and losses of the country; but the poor fellows, according to the judgment of the committee, are only able to stand one hundredth part of one per cent. tax. This is of a piece with many other features of the bill. The committee have taken four and a half months to devise a scheme by which wealth, luxury, extravagance, and vice should escape taxation, while the large revenue so much needed by the Government is drawn from the scrimping economy of the less forehanded class. Only five per cent. on furs, four per cent. on diamonds, purchased once in a lifetime, five per cent. on wines, one per cent. on the theater and circus, and one hundred and fifty per cent. on the light of the poor. You may flaunt in the street with furs, glitter with diamonds everywhere according to the vulgar ostentation of the day, tarry long at the afternoon wine-table, and soil your thoughts in a low theater or lower circus at night, and, however much worse you may be, the Government exchequer is but little better for it. All this waste and dissipation drops only a few pennies into the national Treasury. But if the inheritor of poverty expends for light a dollar that can be hardly spared from other pressing wants, that his home may be less homely, the bare walls and rude furniture and uncarpeted floor may be less dreary to himself, his wife, or child, your bill demands $1 50 for the Government.

I do not wonder that gentlemen wished to close debate the other day. Such gross injustice must cower behind the previous question to be safe. The champion of these features of the bill should administer to it the oath administered to constables when they take charge of a traverse jury: "Take this bill to some safe and convenient place, and suffer no man to speak of it nor speak of it yourself." As the bill was first reported there was a section or two that imposed a very small tax upon some of the rich corporations and business associations of the country; but the Clerk had scarcely read them when an amendment—sanctioned, it was said, by the committee—was offered authorizing the amount to be charged over to somebody less able to pay it. It was very kind in the fly, when resting—according to the fable—on the horn of an ox, to inquire if its weight was burdensome; but it was far kinder in the committee to authorize old Crœsus to remove this feather of taxation from his own broad shoulders to those of his feebler customers, without waiting to ask him if it was oppressive. No doubt he will improve the privilege, and not only put this feather on his neighbors' shoulders, but accompany it with some heavier extortion to make it stay there. I hope all these offensive features will be stricken from the bill before it is brought to a vote.

Mr. FERNANDO WOOD. Mr. Chairman, I am quite sure there is no class proposed to be affected by this bill better able to bear taxation than the brokers of the city of New York. I do not believe that any tax this House can impose will prove the slightest check upon the extent of their operations. They have derived more pecuniary advantage from this war than any other class of people. Their operations have been more extensive, their gambling more extreme and immoral, and I conceive that we should not only impose this tax, but make it quadruple. It might be so done with advantage to the Treasury and without injury to the class of people we propose to tax. Sir, the embarrassments of the Treasury, the inflation of the currency, and the derangement of the condition of the financial and commercial classes of New York and of the country, have been created more by the gambling in Wall street than from any other cause except the mismanagement of the Treasury itself. Therefore I have risen for the purpose of saying that we need be under no apprehension that the brokers will not bear any tax which we may think it expedient to propose.

Mr. SCOFIELD, by unanimous consent, withdrew his amendment.

Mr. RANDALL, of Pennsylvania. I desire to take the gentleman from New York, who has spoken in reference to the tax on brokers, at his word, and to move that the tax shall be one fifth instead of one tenth. I make the proposition in good faith, and I hope that it will be adopted. We hear that they are willing and able to pay, and we ought not to object to their paying.

Mr. MORRILL. I move that the committee rise with a view to close debate on this section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that all debate on section ninety-seven be closed in one minute after the Committee of the Whole shall resume the consideration thereof.

Mr. J. C. ALLEN. I ask the gentleman to modify his motion so as not to include the proviso to the section.

Mr. MORRILL. I have no objection to that.

The motion, as modified, was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the special order.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the internal revenue bill, the pending question being on the amendment offered by Mr. RANDALL, of Pennsylvania, to the amendment.

Mr. MORRILL demanded tellers on the amendment.

Tellers were ordered; and Mr. FENTON and Mr. RANDALL, of Pennsylvania, were appointed.

The committee divided; and the tellers reported—ayes 69, noes 46.

So the amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The proviso to the ninety-seventh section was read, as follows:

Provided, That any person, firm, or company, not being licensed as a broker, who shall sell or offer to sell any gold and silver bullion, sterling exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, shall be liable, in addition to all other penalties provided in such cases, to pay fifty per cent. in addition to the foregoing duties and rates of duty.

Mr. J. C. ALLEN. I move to amend that proviso by striking out the words "uncurrent money, promissory notes, stocks, bonds, or other securities." I make this motion, and I desire to call the attention of the gentleman from Vermont, who has charge of this bill, to the ground upon which I base it.

Mr. KASSON. As I find there is an omission in this proviso, I ask that it be reserved, in order to give the committee an opportunity to prepare an amendment.

No objection being made, the proviso was passed over informally.

Mr. SCHENCK. I had an amendment to make to that proviso, and I will offer it and allow it to go to the committee with the proviso itself. It is to insert in line thirty-eight, after the word "securities," the words "the same not being *bona fide* his own actual property."

Mr. KASSON. I move to amend section ninety-eight by striking out of line two the words "collected and paid," and inserting in line three, after "year," the words "to be paid;" also, by inserting after the word "table" the words "gold watch," and by striking out after the word "plate" the word "and," and inserting "or," so that the clause will read:

That there shall be levied annually on the first Monday of May in each year, to be paid by any person or persons owning, possessing or keeping, any carriage, yacht, billiard table, gold watch, plate, or piano-forte, or other musical instruments, the several duties or sums of money set down in figures against the same, respectively, or otherwise specified and set forth in schedule hereto annexed and marked A, and the same shall be and remain a lien thereon until paid.

The amendments were agreed to.

Mr. CLAY. I move to amend the schedule to section ninety-eight, in line forty-six, by inserting after the word "use" the words "also all premiums awarded as a token of merit by any agricultural society, corporation, or association of persons for any purpose whatever," so as to exempt such premiums from duty.

Mr. BOUTWELL. I must oppose that amendment, upon the ground that it does not cover all cases which ought to be included in an amendment of that sort, and also upon the ground that it would exempt those articles sometimes under circumstances where they ought not to be exempt. I will move to amend the amendment by substituting for it "and articles given by agricultural and mechanical societies to the persons possessing the same." I think they should be exempt only so long as they are in the possession of the persons to whom they are given. The premiums bestowed by mechanical associations should be exempt as well as those given by agricultural associations.

Mr. CLAY. I think my amendment would include mechanical associations.

Mr. BOUTWELL. It seems to me the word "articles" is preferable to "premiums." I do not know why money should be exempt. Persons sometimes receive as much as $100 in money.

Mr. CLAY. The amendment is only intended to include articles of plate, &c.

Mr. BOUTWELL. The gentleman will notice that he uses the word "premium."

Mr. CLAY. The premium is generally a piece of silverware of some kind.

I would have no objection to the amendment of the gentleman if he would add the words "other associations." There are a great many associations in the country formed for the purpose of improvement, which are not incorporated, and are not mechanical associations. They should be included as well as agricultural societies.

Mr. BOUTWELL. I do not know how far those words would extend. There are many scientific and literary associations. Mechanical and agricultural associations cover the chief industrial associations of the country.

The amendment to the amendment was not agreed to.

The question recurred on Mr. CLAY's amendment, and it was agreed to.

Mr. FARNSWORTH. I move to insert after the word "billiard" the word "bagatelle," so as to include bagatelle tables.

Mr. MORRILL. I hope that that amendment will not be adopted. In every house in the country almost there is a bagatelle board, from a foot long up.

Mr. FARNSWORTH. My impression is that if the gentleman were to go into the saloons of the cities of Chicago, Buffalo, or New York, or any other city, he would find bagatelle tables as well as billiard tables kept for hire; and I can see no impropriety, if we tax billiard tables, in also taxing bagatelle tables.

Mr. J. C. ALLEN. What are bagatelle tables? I hope that my colleague will explain, so that we may vote understandingly. [Laughter.]

The amendment was rejected.

Mr. GANSON. I move that the committee take a recess for thirty minutes.

Mr. FARNSWORTH. What for?

Mr. GANSON. There is not a quorum present; and General Burnside's corps is marching past the Capitol.

Mr. FRANK. I move that the committee rise for the purpose of allowing the chairman of the Committee of Ways and Means to make a speech.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, and had come to no resolution thereon.

Mr. STEVENS. I think under the circumstances that the House had better take a recess for an hour. It is now half past one, and I move that the House take a recess until half past two.

Mr. FERNANDO WOOD. For what reason is it proposed that the House shall take a recess for an hour, and leave the public business?

Mr. STEVENS. To permit gentlemen on the other side of the House to go and see the troops who are marching out against the enemy.

Mr. PENDLETON. I hope that the House will not take a recess. Is it in order?

The SPEAKER. It is in order at any time to make the motion.

Mr. STEELE, of New York. I oppose the recess, and demand a division.

Mr. COX. I should like to put in a protest against the House leaving the public business to go and see these colored troops.

The SPEAKER. Debate is not in order.

Mr. PENDLETON demanded tellers on the motion for a recess.

Tellers were ordered; and Messrs. SHANNON and ANCONA were appointed.

The House divided, and the tellers reported—ayes 68, noes 27.

So the motion was agreed to; and thereupon the House took a recess until half past two o'clock p. m.

AFTERNOON SESSION.

The House resumed its session at half past two o'clock.

Mr. GARFIELD. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the the special order.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the special order, being the internal revenue bill.

Mr. GARFIELD. I move to amend the ninety-ninth section in line two, by striking out the words "levied, collected and" before the word "paid," so that the clause will read, "that there shall be paid by any person, firm, company, or agent or employé thereof, the following duties or taxes, that is to say." The clause as it now reads is not only inelegant, but it expresses an absurdity by saying that taxes shall be "levied, collected, and paid" by the person who pays them.

Mr. HIGBY. I would suggest that the clause would be awkward even then. I would suggest that it should read, "that every person, firm, company, or agent or employé thereof, shall pay the following duties or taxes," &c.

Mr. MORRILL. The objection to this clause is very well taken; but the way to amend it is by inserting something after the word "collected," so that it shall read, "there shall be levied and collected on the articles hereafter enumerated, and paid by any person," &c.

Mr. GARFIELD. The general provisions of the bill arrange for levying and collecting taxes. This is simply a provision for collecting, and the words I have moved to strike out are unnecessary and absurd.

The amendment proposed by Mr. GARFIELD was agreed to.

Mr. MORRILL. I move to amend, in line six, by striking out "twenty" and inserting "forty," so as to make the clause read, "on all cattle and calves exceeding three months old, slaughtered for sale, forty cents per head."

Mr. JOHNSON, of Pennsylvania. I am opposed to that amendment; and in opposing it I will refer to the next clause, which provides that on all cattle and calves under three months old, slaughtered for sale, five cents a head shall be paid. I refer to it because the two clauses bear a relation to each other. The amendment under consideration proposes to increase the tax from twenty to forty cents a head on all slaughtered over three months old. It strikes me that the policy of the Government at this time should be to favor the growing of cattle, instead of pursuing a course which will encourage the killing of cattle when they are small.

I happened the other day to be among a lot of butchers when they were discussing the causes of the high price of beef; and they stated that the cause, in addition to the demand for the Army, was the fact that there are speculators all through the country who are buying up calves and sending them off to the cities. If that is so, why not put a heavier tax upon calves under three months old than upon those which are older?

If, however, the gentleman from Vermont proposes to increase the tax *pro rata* upon those under three months old, I have no objection to his proposition.

Mr. MORRILL. I will simply state that the original tax imposed upon cattle slaughtered was three cents a head. As we proposed to increase all the taxes in the old bill to a very large extent, we thought it not unreasonable to increase this tax. Butchers appeared before us and objected very strenuously to our increasing this tax, because they say all the tax comes out of them. Now, there is seldom a bullock killed that is worth less than seventy-five dollars, and most of them are worth more than that. The butchers insist that this tax which we impose comes out of them; but we all know that their business is exceedingly profitable; and I believe it may well bear the amount we propose—forty cents a head. I hope the amendment will prevail.

The amendment was agreed to.

Mr. JOHNSON, of Pennsylvania. I move to amend in line eight by striking out "five" and inserting "twenty-five," so that on all calves slaughtered under three months old there shall be paid twenty-five cents a head.

The amendment was not agreed to.

Mr. MORRILL. I move to amend the clause "on all swine slaughtered for sale, when the number thus slaughtered exceeds twenty in any one year, ten cents per head," by striking out the words "when the number thus slaughtered exceeds twenty in any one year," and by adding the following proviso:

Provided, That all cattle not exceeding five in number, and all calves, swine, sheep, and lambs not exceeding twenty in number altogether, slaughtered by any person for his or her own consumption, shall be exempt from duty.

Mr. J. C. ALLEN. I think the gentleman has put the number too low, considering that he includes sheep, swine, and calves. That is not enough for furnishing meat for a family of the average size of those we have in the Northwest. Under the bill of last year twenty head of swine were exempt, and that was low enough. But now you include sheep and calves. We have some farmers in the West who during the summer and fall slaughter several head of sheep for the use of their own families, and occasionally a calf. They make up the number twenty very easily. I will move to amend the amendment by making the number twenty-five instead of twenty.

Mr. MORRILL. I am aware that there is a little difficulty about this subject. In many parts of the country this will be a very heavy burden, and the people would evade the duty by killing what they do not want for their own consumption, and thus evade the butcher's license.

The amendment to the amendment was disagreed to.

Mr. COLE, of California. I offer the following proviso:

Provided further, That cattle slaughtered for hides and tallow shall be taxed ten cents per head, and sheep slaughtered for pelts and tallow shall be taxed three cents per head.

The difference between cattle slaughtered for sale in the market and cattle slaughtered for the hides and tallow is very marked. As was stated by the gentleman from Vermont, cattle that are slaughtered for the market yield a very large profit to those who are engaged in the business; whereas, on the contrary, those slaughtered for the hides and tallow are slaughtered for the mere purpose of saving something out of property which would otherwise be nearly valueless. I presume the House is not aware that this business is carried on in the United States at this time. Such, however, is the fact. In the southern portion of the State which I have the honor in part to represent, there are large establishments engaged in this sort of occupation. Persons are slaughtering cattle for the hides and tallow, and it is done for the sole purpose of saving something out of their large herds. There is a superabundance of cattle in my State. When the country was under the Spanish rule these establishments called *matanzas* carried on a large business, and even now cattle are frequently brought from the *rancheros* and slaughtered for the hides when forty and fifty cents per head can be saved out of them. This would be a most onerous tax on that branch of business. There should certainly be some discrimination made between cattle slaughtered for market and cattle slaughtered for the hides and tallow.

I believe this statement is sufficient to inform the committee of the object of the proviso which I offer. I trust it will be sustained, and that only a tax at the rate of ten cents a head will be put upon cattle slaughtered for these purposes.

Mr. MORRILL. I have no particular objection to the amendment, but I suggest to the gentleman from California to modify his amendment so that it will read that all cattle and sheep slaughtered for hides and tallow, or pelts and tallow, shall pay one half the duty provided for on cattle and sheep slaughtered for the market.

Mr. COLE, of California. That would leave the tax just as burdensome as it is now.

Mr. MORRILL. I propose to put it at one half the other rate.

Mr. COLE, of California. We are quite willing to pay a fair tax, but this proposed tax is unfair and unreasonable. Cattle can be purchased in the State of California for a mere trifle, and persons are compelled to sell their cattle for the purpose of providing the necessaries of life.

Mr. MORRILL. I know that in my State in the fall of the year a man who has two or three hundred sheep goes round and picks out those that will not live through the winter, and kills them for their pelts. That occurs every year.

Mr. COLE, of California. The cattle die with us by thousands, and are of no value. One of my constituents lost last fall over three thousand head of cattle which might have been slaughtered and the hides saved.

Mr. FENTON. I am opposed to the amendment of the gentleman from California, and also to the amendment of the amendment proposed by the gentleman from Vermont. It is no doubt that general laws will be severe in exceptional cases. It is pretty difficult to provide by general law for such exceptions as we may think ought to be provided for. But I know that the class of cases to which the gentleman from Vermont alludes is oftentimes a pretty profitable business; I mean the sheep slaughtering business for hides and tallow. I apprehend that the business of slaughtering cattle, except in times of exceedingly great drought in California, is not without its profits. It costs nothing to raise cattle there, and the hides and tallow are almost entirely profit. With due respect to the gentleman from California, I think that the tax of forty cents will not prove to be a very onerous tax upon this interest.

The question was taken on Mr. MORRILL's amendment to the amendment; and it was rejected.

The question recurred on Mr. COLE's amendment; and the Chairman stated that it was rejected.

Mr. MORRILL. I ask that the amendment of the gentleman from California be reserved until there is a larger attendance of members present.

There being no objection, the amendment was reserved.

The one hundred and first section of the bill was read, as follows:

SEC. 101. *And be it further enacted*, That any person, firm, company, or corporation, owning, or possessing, or having the care or management of any railroad or railroads upon which steam is used as a propelling power, or of any steamboat or other vessel propelled by steam power, shall be subject to and pay a duty of two per cent. on the gross amount of all the receipts of such railroad or railroads or steam vessel for the transportation of United States mails, freight, express freight, and passengers over and upon the same; and any person or persons, firms, companies, or corporations owning or possessing, or having the care or management, of any railroad or railroads, using any other power than steam thereon, or owning, possessing, or having the care or management of any ferry-boat, or vessel used as a ferry-boat, propelled by steam or horse-power, shall be subject to and pay a duty of two per cent. upon the gross receipts of such railroad or ferry-boat, respectively, for the transportation of United States mails, freight, express freight, and passengers over and upon said railroads, steamboats, and ferry-boats, respectively; and any person or persons, firms, companies, or corporations, owning, possessing, or having the care or management of any bridge authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight, of any description, over such bridge, shall be subject to and pay a duty of five per cent. on the gross amount of all their receipts of every description; and the owner, possessor, or person or persons having the care and management of any such railroad, steamboat, ferry-boat, or other vessel, or bridge, as aforesaid, shall, within five days after the end of each and every month, make a list or return in duplicate to the assistant assessor of the district within which such owner, possessor, company, or corporation may have his or its place of business, or where any such railroad, steamboat, ferry-boat, or bridge is located or belongs, respectively, stating the gross amount of such receipts for the month next preceding, which return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue; and shall also, within the time prescribed for the payment of duties by manufacturers, pay to the collector of the district the full amount of duties which have accrued on such receipts for the month aforesaid; and in case of neglect or refusal to make said lists or return for the space of five days after such return should be made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, as hereinbefore provided in other cases of delinquency to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor; and in case of neglect or refusal to pay the duties as aforesaid, when the same have been ascertained as aforesaid, for the space of five days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay, in addition, five per cent. on the amount of such duties; and for any attempt, knowingly, to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid, shall be liable to pay a penalty of $1,000 for every such attempt, to be recovered as provided in this act for the recovery of penalties; and all provisions of this act in relation to liens and collections by distraint, not incompatible herewith, shall apply to this section and the objects therein embraced: *Provided*, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

Mr. MORRILL. I move to amend the section by striking out the words, "the assessor or assistant assessor shall proceed to estimate the amount received, and the duties payable thereon, as hereinbefore provided in other cases of delinquency to make return for purposes of assessment;" and insert in lieu thereof the words, "the assessment and collection shall be made as in the general provisions of this act."

The amendment was agreed to.

Mr. PIKE. I move to amend the section by increasing the duty of two per cent. imposed on the gross receipts of railroads or ferry-boats to three per cent. It seems to me that this is as good a test as we can have of the propriety of raising a large tax. These railroads are over all the country. In my State the railroads are valued at ten per cent. of the entire valuation, and I suppose that is the general average. The tax, therefore, is not sectional. It does not apply to any special interest to the exclusion of any other interest. Besides, in almost every instance the railroads have the power to shift the tax upon their customers, thus equalizing it on the whole community. We know that the tax of three per cent. imposed by the last Congress on railroad passengers was almost invariably paid by the passengers, and not by the railroad companies. The railroad companies actually made money by the tax by increasing the rates on passengers to much more than the amount of the tax. If the tax of three per cent. is imposed on freight it will somewhat more than double our revenue from that source. The freight list is about double the passenger list. If so, so much the better. There is an actual necessity upon us that we should triple the present income from internal revenue. If the amendment which I offer will bring about that result, then the railroad interest will pay simply its proportion.

We all understand, Mr. Chairman, that the railroad interest, for the last two years, has profited exceedingly by the condition of the country—that there is no interest, not even excluding the manufacturing interest, that has been so largely profited by the war as the railroad interest. I know it is said that the tax of two per cent. proposed by the Committee of Ways and Means on the gross receipts of railroads is equal to five per cent. on the net receipts. The proposition is quite true. But the tax on manufactures of five per cent. is also a tax on gross receipts, and that is very much more than a tax of ten per cent. on the net receipts. In any point of view, if we are in earnest in our desire to raise a large amount of revenue, we will lay this tax. It is easily collectible. The railroad interest is a very large one, being very nearly ten per cent., by the census, of the whole taxable valuation of the country, running up to some $1,100,000,000.

[Here the hammer fell.]

Mr. MORRILL. Mr. Chairman, I only desire that we shall act with a proper understanding of the question. I am entirely indifferent as to what amount shall be imposed, but I do desire that we shall do justice to all interests. We cannot expect that these taxes will be entirely satisfactory to all people, but it is important that we show we are not disposed to crush out any interest and favor any other.

Our railroads are so situated that they are compelled to compete with other means of transportation, over which we have no control. Take, for instance, the railroads in Pennsylvania, where there is a long line of canal running parallel. And the same may be said of New Jersey, New York, Ohio, and Indiana, and other States. In many instances these canals are owned by the States, and cannot be reached by any legislation on our part.

Now, it is true that these railroad corporations have a large amount of capital invested. But what is the fact in reference to that? We not only tax

them on the amount invested in these railroads, not only upon their capital, but also upon their indebtedness. And many of them are indebted to the amount of three times the capital invested. We tax them upon every dollar that is paid out, and we propose in this bill to increase the rate largely. We impose upon them a tax of two and a half per cent. upon their gross receipts. Heretofore the tax has only been paid upon passengers. It is admitted by the gentleman from Maine that this tax may increase the revenue one hundred per cent. I think at least that amount will be derived. Upon many of the railroads the amount received for freights much exceeds that received for passengers. And we not only tax them two and a half per cent. upon their gross receipts, but also five per cent. on their net profits.

Now, under these circumstances, with these canals, and with this long road running through Canada, driving as sharp a competition as ever was driven by any corporation, and supported by bounties from its own Government, I think it would be perhaps unwise to exceed two and a half per cent. I believe that is the utmost limit to which we can safely go.

Mr. J. C. ALLEN. I move to amend the amendment of the gentleman from Maine by striking out "three" and inserting "two."

The CHAIRMAN. No amendment is now in order.

Mr. J. C. ALLEN. I desire, then, to make a suggestion to the gentleman from Vermont [Mr. MORRILL] who has this bill in charge. There are one or two amendments that ought to be made to this section very important in their character, as I believe, not only in respect to fixing the rate of percentage to be levied upon the gross earnings of these roads, but in respect to the proviso which comes in at the close of the section. And I propose, if the gentleman from Vermont has no objection, that this section shall be passed over until we have a full committee present.

Mr. MORRILL. I have no objection to that.

The section was accordingly passed over informally.

Mr. SMITHERS. I ask the unanimous consent of the committee to amend section one hundred, which we have passed, by inserting in the ninth line, after the word "sheep," the words "and lambs," so as to make it the duty of butchers, &c., to return the number of lambs slaughtered, as well as sheep, swine, &c.

Mr. MORRILL. That is right.

The amendment was, by unanimous consent, received and agreed to.

Mr. HOOPER. I suppose that any amendments whatever will be in order when we come to return again to the one hundred and first section.

The CHAIRMAN. The whole section will be open to amendment.

Mr. JOHNSON, of Pennsylvania. It strikes me that an amendment ought to be made to section one hundred and one; and although it is not now before the committee, I may as well suggest it. I notice that these railroad companies are to be taxed upon the price of carrying the mails. Now, when they made contracts last March to carry these mails for a stipulated price, it seems to me that it is wrong for the Government to reduce this price by putting tax upon it.

The CHAIRMAN. It will be in order to amend that section when the committee returns to it.

Mr. MORRILL. I move to amend section one hundred and three by inserting in the second line, after the word "one," the words "and a half." I move also to insert in line twenty-one, after the word "received," the words "and assessments collected;" also, to change the word "premium" to "premiums."

The section as amended would then read:

SEC. 103. *And be it further enacted*, That there shall be levied, collected, and paid a duty of one and a half per cent. upon the gross receipts of premiums, or assessments for insurance from loss or damage by fire or by the perils of the sea, made by every insurance company, whether inland or marine or fire insurance company, and by every association or individual engaged in the business of insurance against loss or damage by fire or by the perils of the sea; and by every person, firm, company, or corporation, who shall issue tickets or contracts of insurance against injury to persons while traveling by land or water; and a like duty shall be paid by the agent of any foreign insurance company having an office or doing business within the United States; and that the said person, firm, company, association, or corporation engaged in the business of insurance as above defined, shall be subject to the same provisions, rules, and penalties as are prescribed for the persons, firms, companies, or corporations owning or possessing or having the management of railroads, steamboats, and ferry-boats; and that in the account or return thus required to be rendered they shall state the amount insured, renewed, or continued, the gross amount of premiums received and assessments collected, and the duties by law accruing thereon for the quarter then next preceding.

Mr. GARFIELD. I desire to ask the gentleman whether that section covers life insurance companies.

Mr. MORRILL. It does.

I move to insert as a heading previous to section one hundred and four the word "passports."

The motion was agreed to.

Mr. GRINNELL. I move to amend the one hundred and fourth section by striking out the word "three" in the third line and inserting "five" in lieu thereof, so that the section will read:

SEC. 104. *And be it further enacted*, That for every passport issued from the office of the Secretary of State there shall be paid the sum of five dollars; which amount may be paid to any collector appointed under this act, and his receipt therefor shall be forwarded with the application for such passport to the office of the Secretary of State, or any agent appointed by him. And the collectors shall account for all moneys received for passports in the manner hereinbefore provided, and a like amount shall be paid for every passport issued by any minister or consul of the United States, who shall account therefor to the Treasury.

Mr. MORRILL. This matter was very thoroughly considered in committee.

Mr. GRINNELL. I would like to ask the gentleman whether the committee took into consideration the fact that a great many people are willing to go abroad on account of ill-health and on account of the draft? I would make them pay five dollars for a passport.

Mr. KASSON. I would suggest to my colleague that that class of people go to Canada and to England, where no passports are required. We shall lose money by this operation.

Mr. GRINNELL. I would make them pay five dollars anyhow.

The amendment was disagreed to.

Mr. PIKE. I move to insert in section one hundred and five, in relation to telegraph companies, after the word "corporations," in the seventh line, the words, "at the rates or tariff for messages now charged, and an additional duty of fifty per cent. of the gross receipts upon all increase of rates that may hereafter be charged for the transmission of messages." I will say that this amendment comes from a gentleman who is largely interested in telegraph stock, and who states a fact which is very well known to the people, that telegraph stock is the most remunerative stock in the country.

Mr. MORRILL. I am afraid my friend has a spite against the telegraph lines in his own State. This is certainly a very singular proposition. I hope it will not be adopted. We have done in this instance what we have hardly done in any other. We have imposed a tax of five per cent. on the gross receipts. Now, let these gentlemen manage their own business. If they choose to curtail it by increasing their prices let them do so, and if they choose to let the prices remain as they are let them do so.

Mr. UPSON. Why did not the gentleman from Vermont allow the railroad companies to manage their own business?

Mr. MORRILL. For the reason that they are limited by their charters.

Mr. PIKE. I have looked through this bill from one end to the other. I look upon this amendment in a revenue light and in no other.

Mr. MORRILL. I ask that, by unanimous consent, this question be passed over until a quorum is present.

No objection was made.

Mr. MORRILL. I move to amend the section in regard to lotteries by striking out the word "two," in the fourth line, and inserting "five" in lieu thereof; so that it will read:

That all and every individual, partnership, firm, and association, being proprietors, managers, or agents of lawful lotteries, as aforesaid, shall pay a tax of five per cent. on the gross amount of the receipts from the said business, &c.

The amendment was agreed to.

Mr. MORRILL. I move now to insert after the word "return," in line seven, the words "in duplicate to the assistant assessor."

The amendment was agreed to.

Mr. PENDLETON. I am instructed by the Committee of Ways and Means to offer the following amendment to come in at the end of the section in relation to lotteries:

Provided, That the managers of any sanitary fair, or of any charitable, benevolent, or religious association may apply to the Commissioner of Internal Revenue and present to him proofs that the proceeds of any contemplated lottery, raffle, or gift enterprise will be applied to the relief of the sick or wounded soldiers, or to some charitable use, and thereupon the Commissioner shall grant a permit to hold such lottery, raffle, or gift enterprise, and such sanitary fairs or charitable or benevolent associations shall be exempt from all charges, whether for tax or license, in respect of such lottery, raffle, or gift enterprise.

Mr. BOUTWELL. I wish to suggest to the gentleman from Ohio whether it is not better to put the power into the hands of the collector of the district.

Mr. PENDLETON. It was thought advisable by the Committee of Ways and Means to put it into the hands of the Commissioner of Internal Revenue. Personally, I would be willing to leave it in the hands of the collector. The amendment is only intended to meet those cases where fairs are got up for the benefit of sick and wounded soldiers, or for orphan asylums, and where it is desired to get up these little raffles. By the law, as it stood, it was necessary not only to put a large stamp on this thing, but to pay largely for the license. It is intended to relieve such cases as these from the operations of the act. If the gentleman from Iowa suggests that the word "commissioner" should be stricken out, and the words "collector of the district" inserted, I have no objection.

Mr. BOUTWELL. I move that amendment to the amendment.

Mr. JOHNSON, of Pennsylvania. I rise to oppose the amendment. If I understand the proposition there will have to be some adjudication as to what is a charitable purpose. Let us have some uniformity about this thing. What is esteemed charity in New England may not be esteemed charity in the West. We all have our notions of charity. Let us have some rule about this and not leave it to collectors, who are not a very charitable sort of people. I would prefer to see it in the hands of the Commissioner of Internal Revenue, and let him lay down some rules and regulations by which these matters will be governed. I do not like to speak of certain collectors, but I am satisfied that charity would not be in very good hands in theirs.

Mr. HOLMAN. Inasmuch as there may be some force in this view, I suggest the insertion of the words "subject to such general rules as the Commissioner may establish."

Mr. PENDLETON. That is not necessary. It can apply only in a few cases; and it is a matter in which discretion should be exercised.

Mr. JOHNSON, of Pennsylvania. If you open the door to all these religious people, and make it lawful for them to gamble in this kind of way, they will be at it eternally.

Mr. BOUTWELL's amendment to the amendment was agreed to.

The question recurred on Mr. PENDLETON's amendment as amended; and it was agreed to.

Mr. UPSON. I move to amend the section by adding to it the following proviso:

Provided further, That nothing in this section contained shall be construed to legalize any lottery.

Mr. KASSON. I call attention to the language used in the first part of the section, "managers or agents of lawful lotteries."

Mr. UPSON. That very expression is one reason why my amendment should be adopted; for it seems to recognize that there may be a lawful lottery.

Mr. MORRILL. In some States lotteries are recognized, and unless so recognized they are not, under this bill, deemed legal. In other words, they are not recognized as legal by the law of the United States.

Mr. UPSON. This very clause seems to recognize that there are lawful lotteries; otherwise nothing can be taken under this section.

The amendment was agreed to.

Mr. HOOPER. I now move to amend by striking out the word "lawful." The amendment just adopted renders the use of that word unnecessary.

The amendment was agreed to.

Mr. J. C. ALLEN. I move to amend the section by striking out the word "religious." There

is something very incongruous, in my mind, in connecting lotteries and raffles with religious societies.

Mr. MORRILL. It is not in order to move to strike out anything which the committee has already ordered to be inserted.

The CHAIRMAN. The Chair sustains the question of order.

Mr. MORRILL. I move to amend on page 151 by inserting after the word "same" the words "in duplicate."

The amendment was agreed to.

Mr. MORRILL. I move to amend the same section in line twenty-five by striking out the words "and at" and inserting in lieu thereof the words "within ten days after."

The amendment was agreed to.

Mr. MORRILL. I move to amend the same section in line thirty-five by striking out the word "thirty" and inserting instead the word "ten."

The amendment was agreed to.

Mr. MORRILL. In line fifty-two I move to amend by striking out the word "thirty" and inserting the word "ten."

The amendment was agreed to.

Mr. MORRILL. In line thirty-six I move to insert after the word "payable" the words "and have been demanded."

The amendment was agreed to.

Mr. MORRILL. I move to insert in the fifty-fifth line, after the word "dollars," the word "annually."

The amendment was agreed to.

Mr. HOLMAN. I move to strike out after the word "provided," in the forty-eighth line, the words, "that in all cases where the rate or price of advertising is fixed by any law of the United States, State, or Territory, it shall be lawful for the company, person, or persons publishing said advertisements to add the duty or tax imposed by this act to the price of said advertisements, any law as aforesaid to the contrary notwithstanding."

The section, as amended, would then read as follows:

SEC. 110. *And be it further enacted*, That there shall be levied, collected, and paid by any person or persons, firm, or company, publishing any newspaper, magazine, review, or other literary, scientific, or news publication, issued periodically, on the gross receipts for all advertisements, or all matters for the insertion of which in said newspaper or other publication, as aforesaid, or in extras, supplements, sheets, or fly-leaves accompanying the same, pay is required or received, a duty of three per cent.; and the person or persons, firm, or company, owning, possessing, or having the care or management of any and every such newspaper or other publication, as aforesaid, shall make a list or return on the 1st day of January, April, July, and October of each year, containing the gross amount of receipts as aforesaid, and the amount of duties which have accrued thereon, and render the same in duplicate to the assistant assessor of the respective districts where such newspaper, magazine, review, or other literary or news publication is or may be published, which list or return shall have annexed a declaration, under oath or affirmation, to be made according to the manner and form which may be from time to time prescribed by the Commissioner of Internal Revenue, of the owner, possessor, or person having the care or management of such newspaper, magazine, review, or other publication, as aforesaid, that the same is true and correct, and shall also quarterly, within ten days after the time of making said list or return, pay to the collector or deputy collector of the district, as aforesaid, the full amount of said duties; and in case of neglect or refusal to comply with any of the provisions contained in this section, or to make and render said list or return, as aforesaid, for the space of ten days after the time when said list or return ought to have been made, as aforesaid, the assistant assessors of the respective districts shall proceed to estimate the duties, as heretofore provided in other cases of delinquency; and in case of neglect or refusal to pay the duties, as aforesaid, for the space of ten days after said duties become due and payable and have been demanded, said owner, possessor, or person or persons having the care or management of said newspapers or publications, as aforesaid, shall pay, in addition thereto, a penalty of five per cent. on the amount due; and in case of fraud or evasion, whereby the revenue is attempted to be defrauded, or the duty withheld, said owners, possessors, or person or persons having the care or management of said newspapers or other publications, as aforesaid, shall forfeit and pay a penalty of $500 for each offense, or for any sum fraudulently unaccounted for; and all provisions in this act in relation to liens, assessments, and collection, not incompatible herewith, shall apply to this section and the objects herein embraced: *Provided*, That the receipts for advertisements to the amount of $1,000 annually, by any person or persons, firm, or company, publishing any newspaper, magazine, review, or other literary, scientific, news publication, issued periodically, shall be exempt from duty: *And provided further*, That all newspapers whose circulation does not exceed two thousand copies shall be exempted from all taxes for advertisements.

Mr. HOLMAN. I offer this amendment because there are very few newspapers in the country that can have the benefit of these advertisements; and it is well known that the rate paid for these legal advertisements is so high as to create a very strong competition among the different papers to obtain them. There is not a paper in the country that is not competing for these advertisements, and there seems to me no reason why they should be exempted from taxation.

Mr. MORRILL. I will say to the gentleman that the rates allowed by the United States for printing the laws are very low indeed, and it is hardly fair on the part of the United States, after fixing the rate of printing, to require a part of it to be paid back to them.

Mr. UPSON. I will suggest to the gentleman that in several of the States the rates paid for these advertisements are very liberal.

Mr. HOLMAN. I desire to say that, so far as the State I in part represent is concerned, the rates paid are very liberal indeed; and it is well known the rates paid by the General Government are liberal; and if it shall so occur that in any State the rate paid is not sufficient to allow of this taxation, it will be very easy to increase it to that amount. I hope the gentleman will allow this section to be passed over until we have a quorum present.

Mr. MORRILL. Very well.

The section was accordingly passed over informally.

Mr. BLAINE. There is another part of the section just passed over, which, as amended by the gentleman from Vermont, enforces a penalty of five per cent. additional if the amount of the tax is not paid within ten days after it becomes due. The time fixed in the bill, as reported, was thirty days, but the gentleman from Vermont cut it down to ten. Now, that may work a very great hardship in many cases. The gentleman very well knows that it often happens that both the editor and the publisher of a country newspaper will be off away from the place of publication for ten days at a time.

Mr. KASSON. The provision is ten days after being demanded.

Mr. BLAINE. Leaving notice at the place of business will be a sufficient demand.

Mr. MORRILL. In the first place they are allowed ten days to make their returns, then if they shall not within ten days after make their returns, a notice of ten days is to be given to the delinquent, after which the penalty is to be enforced. The gentleman will see that thirty days are allowed.

Mr. BLAINE. I think the time is too short.

Mr. MORRILL. I think it is ample.

Mr. BLAINE. And I believe that there is no single tax imposed in this bill which will be found more onerous than this tax upon advertisements. The gentleman will recollect that these country papers cannot force people to advertise at any price they may see fit to charge. They have to take them as they can get them. It is not with them as with railroads, which the gentleman from Vermont is afraid of taxing too heavily. They cannot force the community to patronize them. I repeat, that I do not believe there is a single item in this tax bill which will bear more heavily upon the class of people to which it applies than this.

Mr. DAWES. Allow me to suggest to the gentleman that he should not scold the House. [Laughter.]

Mr. BLAINE. The gentleman from Massachusetts set the example the other day, and I ought to be indulged in it a little.

Seriously I object to this amendment, and I move to reconsider.

The CHAIRMAN. That cannot be done in committee.

Mr. MORRILL. In reply, I merely desire to call the attention of the gentleman from Maine [Mr. BLAINE] to the provisions of this bill. As I understand the matter, very few of the papers in his State—perhaps I may except the one which he edits—are subject to any tax under this provision. We specially exempt those which have an income not exceeding a thousand dollars, and we exempt all which have not a circulation of two thousand. Now, there are very few papers in his State, I imagine, outside of the cities, which have a circulation of two thousand.

Mr. BLAINE. There are a good many; and I wish to say that I have no connection with any paper under the sun.

Mr. GRINNELL. I rise to a point of order. This debate is not in order, as there is no amendment pending.

The CHAIRMAN. The Chair sustains the point of order.

Section one hundred and eleven was read, as follows:

And be it further enacted, That any person, firm, or corporation, or the manager or agent thereof, owning, possessing, or leasing or having the care or management of any theater, opera, circus, museum, or other place or building where dramatic or operatic representations, plays, or performances, or musical entertainments are opened to the public for pay, or where feats of horsemanship or acrobatic sports are exhibited, but not including halls rented or used for occasional concerts or theatrical representations, shall be subject to and pay a duty of one per cent. on the gross amount of all receipts derived by such person, firm, company, or corporation from such representations, plays, or performances, or musical entertainments; and shall within five days after the end of each and every month make a list or return to the assistant assessor of the district in which any theater, opera, circus, museum, or other place or building as aforesaid is located, respectively, stating the gross amount of such receipts for the month next preceding, &c.

Mr. MORRILL. I move to amend by striking out of line three the words "possessing or leasing" and inserting "conducting."

The amendment was agreed to.

Mr. MORRILL. I move in lines four and five to strike out the words "place or buildings where" and insert in lieu thereof the words "public exhibition or."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of line six the word "or" wherever it occurs.

The amendment was agreed to.

Mr. MORRILL. I move to strike out of lines six and seven the words "are opened to the public for pay, or where."

The amendment was agreed to.

Mr. MORRILL. I move to amend in line eight by inserting after the word "sports" the words "which are opened to the public for pay," and by striking out the words "are exhibited."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of lines eight and nine the words "halls rented or used for occasional," and by inserting after the word "concerts" the words "exhibitions, lectures, or exhibitions of works of art."

The amendment was agreed to.

Mr. MORRILL. I also move to strike out the words "or theatrical representations" in line nine.

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out the word "or" before the word "performance," and by inserting "exhibitions" after the same word.

The amendment was agreed to.

Mr. MORRILL. I move to strike out the word "respectively," in line seventeen, and insert in lieu thereof the words "where such play, performance, entertainment, or exhibition has been opened as aforesaid."

The amendment was agreed to.

Mr. PRICE. I move to amend this section by striking out "one" and inserting "five," so that these performances shall pay five per cent. of their gross receipts. You have taxed bridge companies, and telegraph companies, and many other companies five per cent. Now, if theaters cannot pay as much, the sooner they go under the better.

Mr. MORRILL. Our object is to get revenue, and not to compel these places of amusement entirely to close their doors. There is a vast difference between this case and the cases suggested by the gentleman from Iowa. In the case of bridge and telegraph companies their receipts are mainly profits. In the case of theaters, museums, plays, and amusements, at least ninety-five per cent. of their receipts are laid out in expenses in conducting the establishment, in rents, in pay of performers, &c., so that they do not present a parallel case at all with bridge and telegraph companies. In this case the tax is quite as burdensome, perhaps more so, than it is in the other case.

The amendment was not agreed to.

Mr. GRINNELL. I move to amend by inserting "four" in place of "one." I notice, sir, as has been said by my colleague, that telegraph companies and bridge companies have been taxed

largely, and we have gone so far as to tax a man who kills a lamb to eat five per cent. That touches me where I live. And now you propose to tax theaters one per cent. What did I read the other day in the New York papers? That the gross receipts of the theaters in New York alone are not less than $20,000 a night. Now I propose that we shall place a tax upon those who go to the cities for the purpose of spending their money. To say that we shall tax them only one per cent. is absolutely absurd.

Mr. JOHNSON, of Pennsylvania. I would inquire of the gentleman whether his amendment includes "Canterbury Hall?" [Laughter.]

Mr. GRINNELL. I do not know anything about that establishment. Perhaps the gentleman from Pennsylvania can tell me.

Mr. MORRILL. It is suggested that we make it two per cent. I am willing to agree to that, although I think it too high.

Mr. GRINNELL. I will consent to three per cent.

The amendment was disagreed to.

Mr. HUBBARD, of Iowa. I move to strike out "four" and insert "two."

The amendment was agreed to.

Mr. FARNSWORTH. I move to strike out the proviso to that section. I do not see the propriety of requiring a man whose income depends upon liquor to pay five per cent. on his income, while the man whose income is derived from interest upon the notes and securities of the United States pays only two and a half per cent. I think that a very unjust and unequal distinction. I therefore move to strike out that proviso.

Mr. MORRILL. The sole object of this provision is to induce parties to take the bonds of the United States. If we raise the tax upon them now we would seem to violate the pledge that those who took these bonds should not be taxed over one and a half per cent. I do not myself suppose that the United States are prohibited from taxing these securities; but yet at a time when we are desirous above all things of inducing parties to invest in these bonds, it would be bad policy to propose to tax them higher.

Mr. PIKE. I suggest to my friend from Vermont that this is a very important section of the bill. I would like to offer an amendment, but there is palpably no quorum here, and I do not wish to break up the committee. I hope, therefore, that the section will be passed over informally.

The question was taken on Mr. FARNSWORTH's amendment; and it was disagreed to.

Mr. J. C. ALLEN. I move to amend the amendment by striking out "two and a half" and inserting "five."

Mr. MORRILL. I submit that that amendment proposes to do exactly what the committee has decided not to do. It would make the proviso a perfect nullity.

The CHAIRMAN. The Chair thinks that this is precisely the question upon which the committee has just passed.

Mr. J. C. ALLEN. I will move, then, to strike out "two and a half" and insert "four."

Mr. Chairman, this bill purports to be a bill for the purpose of raising revenue. If it be the purpose of the Committee of Ways and Means to make this a revenue bill, they ought not to exempt this class of securities from taxation. They tax the liquors of the country, they tax a man upon the money he invests in lands, they tax a man upon his income, no matter whence derived, and there is neither justice nor reason in refusing to tax an income derived from interest on United States bonds. The man who owns that species of property enjoys an advantage over those who own any other class of property. He receives, semi-annually, his interest in gold and silver, and that is exempt from taxation by the State in which he lives. I tell you that if you pass this bill, and exempt these investments from taxation, you will raise an indignation over this country throughout its length and breadth that you will not see quieted so long as that law remains upon the statute-book. Those bonds, when they pass from the Government into the hands of individuals, are no longer the property of the Government. They are the property of the individual, on which he derives an income, on which he ought to pay, and on which, if you deal justly, you will compel him to pay, the same amount of tax which has to be paid on any other income. I must enter my protest against exempting those who see fit to invest their money in Government securities from that taxation which is imposed on incomes derived from other sources. The capitalist who invests his money in these bonds, who draws his interest, his dividends on his bank stock, would be thus exempted, while you would wrench from the laboring man who tills the soil or labors in his workshop the means on which you propose to support the Government. If the Government credit cannot be sustained in any other way, then let the Government credit go.

Mr. KASSON. Mr. Chairman, I regret that my friend from Illinois, who has hitherto in the progress of this bill seemed to concur in those measures which would best sustain the credit of the Government, has seen fit to attempt here to make a speech which appeals to general opposition to taxation. In the very bill that we are considering the great mass of the revenues of labor of the country are entirely exempted from taxation. There are very few of that class of men who are reached by the income tax, or in any other manner whatever. There is no tax at all upon any sum of income less than $600; and, when it exceeds that, only on the excess over $600.

And now the proposition which the gentleman makes is one which aims a blow directly at the credit of the country, which, as he well knows, depends to-day upon the disposition of the people to invest in the bonds of the Government. I implore gentlemen to consider well before they adopt a proposition which shall not hold forth now to the people, as we have done heretofore, an inducement to take the securities of the Government.

No gentleman knows better than the gentleman from Illinois that we do not propose to raise, and cannot raise, tax enough under this bill to sustain the Government without effecting loans. And what is the benefit to the people of the country if you turn round and tax them to an increased degree for the purpose of paying a deficit on your bonds which will sell for less than par, instead of so providing by your tax bill as to induce people to take the bonds at par? I think that we should not neglect to offer inducements to the people to take a five per cent. loan, the rate of interest fixed on the present loan, instead of letting them invest their money in railroad and insurance companies and other securities. We give them that inducement by exempting from taxation the income derivable from Government securities. It is a matter of great importance, as the Committee of Ways and Means thinks, a matter of great importance, as I believe, that we sustain the Government in this particular by securing the taking of this five per cent. loan at par; and this we do by giving inducements to every man to invest his money there, instead of putting it in securities that bring him in seven, eight, or nine per cent. It is an additional advantage to the tax-payers of the country that the Government should get par for its loan, instead of getting only seventy or eighty per cent. for it. I trust the committee of this House will sustain the very considerate action of the Committee of Ways and Means in this respect.

Mr. HOLMAN. Mr. Chairman, when the vote was taken on striking out the two and a half per cent. and inserting five per cent., I think there were a great many gentlemen who were not aware what the question was. I therefore, for the purpose of getting a vote on the same proposition, again move to strike out this proviso, which will accomplish the same end. By striking out the proviso, the tax upon income derived from Government securities will be the same as the tax upon all other income. My proposition is to strike out the proviso.

The CHAIRMAN. That cannot be done.

Mr. HOLMAN. The committee only voted upon the proposition to strike out two and a half per cent. and insert five.

The CHAIRMAN. The motion was to strike out the whole proviso.

Mr. HOLMAN. If the motion was to strike out the whole, it is now in order to strike out any portion of it; and I now submit the very amendment which the gentleman from Illinois sought to submit, which was to strike out "two and a half" and insert "five."

The CHAIRMAN. That was ruled out of order by the Chair.

Mr. HOLMAN. It is certainly now in order to move to strike out the proviso.

The CHAIRMAN. That motion was made by the gentleman from Illinois and voted down.

Mr. GARFIELD. It is now half past four o'clock, and I move the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the internal revenue bill, and had come to no conclusion thereon.

ELECTION CASE IN VIRGINIA.

Mr. DAWES, from the Committee of Elections, made a report, accompanied by the following resolution:

Resolved, That Lucius H. Chandler is not entitled to a seat in this House as a Representative in the Thirty-Eighth Congress from the second congressional district of Virginia.

The report and resolution were laid on the table, and ordered to be printed.

BUREAU OF MILITARY JUSTICE.

Mr. FARNSWORTH. I ask the unanimous consent of the House to take from the Speaker's table a bill of the House to establish a Bureau of Military Justice, which has been returned from the Senate with amendments.

The SPEAKER. The Chair has doubts whether any business can be done after half past four o'clock.

Mr. FARNSWORTH. I only desire to have the House disagree to the Senate amendments, and ask a committee of conference.

Mr. PENDLETON. I raise the point of order as to time.

The SPEAKER. If the point is raised, the Chair must decide that no business can be done, as the House has decided to take a recess at half past four o'clock, and that time has arrived.

The House then took a recess until seven o'clock p. m.

EVENING SESSION.

The House resumed its session at seven o'clock p. m.

BUREAU OF MILITARY JUSTICE.

Mr. FARNSWORTH. I now ask to take from the table the bill to establish a Bureau of Military Justice, returned from the Senate with amendments.

Mr. JOHNSON, of Pennsylvania. The gentleman from Ohio [Mr. PENDLETON] indicated before we adjourned that he had something to say on this subject, but he is not present now.

The SPEAKER. The gentleman made the point of order that the hour of four and a half o'clock having arrived, no business could be transacted.

Mr. JOHNSON, of Pennsylvania. I understood him to make a point at that time, and I will object for him now.

At a subsequent period of the session, by unanimous consent, and on motion of Mr. FARNSWORTH, the bill was taken from the Speaker's table, the Senate amendments disagreed to, and a committee of conference with the Senate requested.

ARMY APPROPRIATION BILL.

Mr. STEVENS. I desire to take from the Speaker's table the legislative appropriation bill, which I believe has been returned from the Senate with amendments, for the purpose of referring it to the Committee of Ways and Means.

The SPEAKER. The Army appropriation bill is the only one which has come back from the Senate with amendments.

Mr. STEVENS. Then I ask to take up that bill, and refer it, with the amendments, to the Committee of Ways and Means.

No objection being made, the bill was taken up and referred accordingly.

MAJOR GENERAL F. P. BLAIR.

Mr. STEVENS. I ask unanimous consent to offer a resolution which I send to the Chair.

The resolution was read for information, as follows:

Whereas the War Department has issued the following general order:

[General Orders, No. 178.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE, *April* 23, 1864.

I. Major General F. P. Blair, jr., is assigned to the command of the eleventh Army corps. * * * *

E. D. TOWNSEND,
Assistant Adjutant General.

Therefore,

Resolved by the House of Representatives, That the President be requested, if not inconsistent with the public interest, to inform the House whether F. P. BLAIR, jr., is a major general; and if so, when he was appointed; and whether the said BLAIR resigned his commission as major general before he took his seat in Congress; and what action was taken on such resignation.

Mr. FERNANDO WOOD. I have a resolution calling for information from the War Department, to which I suppose there will be no objection. I hope both resolutions may be allowed to go together. I reserve my right to object to the resolution of the gentleman from Pennsylvania until mine is read.

Mr. STEVENS. I hope one will not be made dependent on the other.

The resolution of Mr. WOOD was read for information, as follows:

Resolved, That the Secretary of War be requested to furnish to this House, if not inconsistent with the public interest, a copy of the report made by Major General John A. Dix of his investigation into the fraudulent practices of the officials and others at the New York custom-house.

Mr. POMEROY. I object to both resolutions.

WASHINGTON AND OREGON.

On motion of Mr. McBRIDE, the bill (S. No. 181) in reference to donation claims in Oregon and Washington was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands.

Mr. MORRILL. Mr. Speaker, the hour having arrived for taking up the business under the unanimous understanding of the House this morning, I now introduce a joint resolution in relation to duties on imports.

The joint resolution was read a first and second time.

The resolution is as follows:

Joint resolution to increase temporarily the duties on imports.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this resolution, and until the 1st day of July, A. D. 1864, in addition to the duties and rates of duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:

On all kinds of tobacco, stemmed or manufactured, and snuff, twenty cents per pound, and twenty-five per cent. *ad valorem;*

On cigars valued at not over ten dollars per thousand, twenty cents per pound, and twenty-five per cent. *ad valorem* in addition thereto; when valued over ten dollars per thousand, sixty cents per pound, and fifty per cent. *ad valorem* in addition thereto;

On brandy, gin, cordials, liqueurs, bay rum, and all other spirituous liquors, of first proof, seventy-five cents per gallon: *Provided*, That no lower rate of duty shall be paid than that fixed by law for the description of first proof, but shall be increased in proportion for any greater strength than the strength of first proof;

On burning fluid, fifty cents per gallon;

On crude petroleum, five cents per gallon;

On petroleum and coal oil, refined, twenty cents per gallon;

On wines of all descriptions, when valued at less than fifty cents per gallon, ten cents per gallon; when valued at fifty cents and not over one dollar per gallon, twenty-five cents per gallon; when valued at over one dollar per gallon, fifty cents per gallon;

On ale, porter, and beer in bottles or otherwise, five cents per gallon;

On pig iron, two dollars per ton;

On blooms, slabs, or loops, four dollars per ton;

On bar iron, rolled or hammered, comprising flats not less than one inch or more than seven inches wide nor less than one quarter of an inch or more than two inches thick; rounds not less than one half an inch nor more than four inches in diameter; and squares not less than one half an inch nor more than four inches square, $4 50 per ton;

On bar iron, rolled or hammered, comprising flats less than one quarter of an inch thick or more than seven inches wide; rounds less than one half an inch or more than four inches in diameter; and squares less than one half an inch or more than four inches square, five dollars per ton;

On all iron imported in bars for railroads and inclined planes made to patterns and fitted to be laid down on such roads or planes without further manufacture, $4 50 per ton;

On boiler and other plate iron, $4 50 per ton;

On band and hoop iron and slit rods, and all other descriptions of rolled or hammered iron not otherwise provided for, five dollars per ton.

On steel in ingots, bars, sheets, or wire not less than one fourth of an inch in diameter, valued at seven cents per pound or less, one fourth of one cent per pound; valued at above seven cents per pound and not above eleven cents per pound, one half cent per pound; valued above eleven cents per pound and on steel wire and steel in any form not otherwise provided for, ten per cent. *ad valorem;*

On iron, steel, copper, lead, brass, zinc, spelter, tentenegue, and the manufactures of iron, steel, copper, lead, brass, zinc, spelter, or tentenegue, or of which any such metal shall be a component part, not otherwise provided for, ten per cent., and the same shall be computed at specific rates wherever such rates are now so imposed by law, and wherever otherwise, at *ad valorem* rates; and a ton shall for the purposes of this resolution be deemed and taken to be two thousand pounds;

On all articles not herein otherwise provided for, mentioned in sections five, six, seven, eight, nine, ten, eleven, twelve, and thirteen of an act entitled "An act increasing temporarily the duties on imports, and for other purposes," approved July 14, 1862, ten per cent., and the same shall be computed at specific rates wherever now so imposed by law, and wherever otherwise at *ad valorem* rates;

On wool of all descriptions valued at forty cents or less per pound, five cents per pound; and when valued at over forty cents per pound, eight cents per pound;

On teas of all kinds imported direct from places of their growth, five cents per pound; on teas of all kinds not imported direct from places of their growth, ten cents per pound; on all other goods, wares, and merchandise, not herein otherwise provided for, upon which duties are now imposed by law, except sugars and coffee, five per cent. *ad valorem.*

Mr. KASSON. I offer the following amendment by way of proviso:

Provided, That printing paper, unsized, used for books and newspapers exclusively, shall be exempt from the operation of this resolution.

Mr. STEVENS. I offer the following substitute for the whole resolution:

Resolved, by the Senate and House of Representatives in Congress assembled, That until the end of sixty days from the passage of this resolution, fifty per cent. of the rates of duties on imports now imposed by law on all goods, wares, merchandise, and articles imported shall be added to the present duties and imposts now charged on all importation of said articles.

The SPEAKER. The question on the substitute will be reserved until the resolution has been perfected.

Mr. KASSON. I wish my amendment attached to whatever proposition shall be adopted by the House. I now offer it as an amendment to the original resolution, and I will detain the House but a single moment. This description of paper is copied *verbatim* from the description in the original law, and my object in offering it here is that we shall not impose any additional burdens upon what is so essential to the diffusion of intellectual light and knowledge.

Mr. MORRILL. Am I at liberty to accept the amendment?

The SPEAKER. Not now, as the joint resolution has been read a first and second time.

Mr. MORRILL. Then I hope that it will be adopted.

The amendment was agreed to.

Mr. FERNANDO WOOD. I offer the following amendment:

But nothing in this resolution shall be construed to include goods, wares, or merchandise now in bonded warehouses or *in transitu* from place of importation.

Mr. Speaker, although it is not entirely novel in the history of this country to introduce a tariff bill by this mode, and in advance of any printing, or investigation, or any deliberation to invite us to pass it, yet I will admit that the exigency of the case requires this legislation. Therefore my amendment is not for the purpose of retarding action, which gentlemen who propose this resolution require on this occasion; but I do contend that thus to take snap judgment and lay the strong hand of the law upon merchandise *in transitu* or already in the bonded warehouses of the importing districts of the country is the application of a principle which this House has voted down in reference to domestic liquors. I believe it is just and right that the Government may collect its duties from the very class of articles introduced in the resolution, but I do not believe it is right and just that the merchants who have sent forward orders predicated upon existing laws at the time those orders were given, that they shall find before and indeed after the arrival of their goods, and after they have been placed in the bonded warehouses, that they have been made subject to these additional duties. I think it is unfair, unjust, and improper that they should suddenly have this extraordinary duty levied upon them. The whole object of my amendment, therefore, is to exempt from the operation of this resolution and from the proposed duty articles which are *in transitu*, or already in the country in bonded warehouses. I have offered it for the protection of a class of men who are entirely dependent upon the good faith of the Government.

This continual changing in the policy of the Government in reference to the mercantile and importing interests of the country is destructive to it. We have been told that the importations into the city of New York were over $15,000,000, and the exports only $3,500,000. This certainly, sir, is a lamentable condition of things. It is a lamentable thing for any country to be running into debt far beyond its ability to pay.

Mr. KASSON. Will the gentleman from New York allow me to call his attention to two facts?

Mr. FERNANDO WOOD. Certainly, if my time is to be extended.

Mr. KASSON. It is my belief, first, that the merchants of New York have made a good deal in anticipation of an increase of the tariff; and secondly, I would suggest that this is a mere temporary measure, until a general bill can be passed.

Mr. FERNANDO WOOD. I understand that. But it was impossible that the merchants of New York could have anticipated this measure. All I ask is that those who have made importations under the existing law shall be treated fairly and equitably.

Mr. ELDRIDGE. I do not know but that the gentleman from New York may be nearly right in the position which he has assumed; but it does seem to me that he has changed his views somewhat since the subject of whisky was before the House. The position then taken by my friend from New York was that everybody should be prepared for taxation; not only those who manufacture whisky, but all others. Now, although I have great respect and consideration for my friend from New York, I am at a loss to conceive how he can reconcile the position he took upon the whisky question with his present position. I know the gentleman was very willing to tax the stock on hand with reference to liquors.

Mr. FERNANDO WOOD. The gentleman will permit me to say one word. I think my friend does not observe the distinction between the two cases. A merchant sends an order to Europe for a cargo of goods. He does it under the existing law, and the faith of the Government is pledged that that cargo shall be received under the same tariff which existed at the time the order was made. But that rule does not apply to whisky.

Mr. ELDRIDGE. When we plant corn in the West we do it on the faith of the Government.

Mr. FERNANDO WOOD. But not to make whisky.

Mr. ELDRIDGE. We are sometimes mistaken, I admit, especially under the present Administration. They did make some pledges in the beginning which they have not fulfilled, and it is sometimes intimated that my friend from New York [Mr. FERNANDO WOOD] was acting conjointly with them. I never believed it, but it seems to me that that proposition of his was in violation of the good faith of the Government, and was somewhat in accordance with the views and opinions and practices of the present Administration.

Mr. J. C. ALLEN. I move to amend the amendment of the gentleman from New York by striking out all after the word "provided," and inserting "that this joint resolution shall take effect and be in force from and after the 10th day of June next." Mr. Speaker, it has been the custom of our Government from the adoption of the first tariff we ever had until the present time to protect such merchants as had purchased their cargoes and had delivered them at the bonded warehouses, or were having them *in transitu* when the rate of duty was changed. I cannot support this joint resolution, however anxious I am to increase the revenue from this source, because it violates, in my judgment, what is a sound principle of legislation. If we adopt the principle of changing the tariff every year, or every six months, or every three months, imposing a different rate of duty, particularly if it be a higher rate of duty, we unsettle the trade of the country, and put it out of the power of importers to calculate with a reasonable degree of certainty what burdens the Government will impose upon them. By carrying out the rule which this Government has enforced from its organization down we do impliedly say to those engaged in the importation

of foreign goods, "Buy your merchandise and bring it into our ports and we will impose such and such burdens upon you." But if we adopt the principle of this joint resolution to take effect from this time, we impose additional burdens contrary to the implied pledge of the Government that no additional duty should be levied on them.

I repeat, Mr. Speaker, that however much I desire to swell the revenues of the Government by duties on imports, I cannot accept this joint resolution, since it alters a well-settled practice of the Government on this question. I oppose it for the same reason I opposed the imposition of an additional tax upon distilled spirits, because I regard it as a violation of the faith of the Government, and a violation of the usage of all well-settled Governments.

The question being on the amendment to the amendment—

Mr. J. C. ALLEN. I withdraw it.

Mr. KALBFLEISCH. I renew the amendment. Mr. Speaker, I cannot see for the life of me the distinction which the gentlemen propose to make between whisky-distillers and importers. I know of orders having been sent to Europe as long ago as October last for goods that have not yet arrived, and are not likely to arrive for two months to come. The distiller had notice of the fact, and he could work Sundays and night and day in making whisky so as to avoid the tax upon it. Now, if the House has not seen fit to impose a tax upon the distiller who was notified of the intended tax and prepared his whisky accordingly, with what degree of consistency can it impose a duty upon goods which the party has already taken steps four or six months ago to import, and which have not yet arrived? I think that all goods *in transitu* or ordered in good faith should be exempted from these additional duties. If the tax on whisky in hand was not imposed, certainly an additional duty should not be imposed upon goods on shipboard.

The question was taken on the amendment to the amendment; and it was rejected.

The question recurred on Mr. FERNANDO WOOD's amendment; and it was rejected.

Mr. COX. I propose to amend the joint resolution in regard to wool by increasing the duty from five cents to seven cents per pound on the wool costing less than forty cents, and from eight to ten cents on all wool costing over forty cents.

I do not propose, Mr. Speaker, to discuss this matter at any length. It is the general wish of those engaged in wool-raising, at least so far as my district is concerned, to have just as much protection as Congress can afford to them consistent with the revenue. I think, Mr. Speaker, that this article will bear an increase over the present rates certainly, and I think if it can bear any increase at all, it will bear an increase to seven cents and ten cents per pound.

Mr. DAWES. Mr. Speaker, I do not understand the principle upon which the gentleman from Ohio proposes to increase the duty upon wool; whether it is because the wool interest of the country has suffered from depreciation of price for the last few years, or what it is.

According to my understanding of the facts of the case, the wool-growers of the country have never received such a compensation for their wool since the memory of man as within the last three years. The article has risen from twenty-five or thirty cents per pound to sixty-five or seventy cents per pound. I suggest to the gentleman from Ohio that I am not able to see in his proposition any desire to keep the market open to the manufacturers of American wool. I ask the House to notice that while the gentleman proposes to increase the duty upon foreign wool, he does not propose a corresponding increase of tax upon foreign manufactured woolen goods. So that he makes it for the interest of the manufacturer to manufacture his wool abroad and bring it in here. He therefore defeats what I suppose to be his object in offering the amendment, to be of some service to the American wool-growers.

Now, sir, the history of this matter for many years has been that foreign and domestic wool must be manufactured together. It is therefore true that a small percentage of foreign wool must be obtained by the American manufacturer to enable him to manufacture American wool. It is therefore a fact, as the history of the matter for the last forty years shows, that just as the amount of foreign wool is increased, just in that proportion is the consumption of American wool increased. So that the amount of the foreign importation of wool has come to be almost a measure of the amount of American wool that is being produced and used, because it takes a certain percentage of foreign wool to enable the manufacturer to manufacture American wool. Another thing is true, as statistics will show: all the wool grown in the country will only supply about two thirds of the wool consumed by the manufacturers.

Therefore, if it is the desire of the country to stop the American manufacture of woolen goods, thereby depriving the country of clothing for the Army as well as of the internal revenue which the woolen manufacturers pay, and the wool-growers at home of a market, adopt the course of policy to which the amendment of the gentleman from Ohio looks.

I submit to the gentleman and to the House that the wool-growers of the country, instead of suffering from the present condition of things, have the price of their wool held up to seventy or eighty cents a pound by virtue of the importation of foreign wool which the manufacturers have been required to mix with American wool.

I submit to my friend from Ohio that if he has looked at the tables and seen where the revenue of this country has come from, he cannot for a moment wish to cripple or curtail the American manufacture of woolen goods. Why, sir, the little district which I represent upon this floor, the smallest in the State of Massachusetts, pays more revenue than some whole States. It pays more internal revenue than the whole State of Iowa. And the State of Massachusetts, with her ten Representatives in this House, pays more revenue into the Treasury than the State of Ohio, with her nineteen Representatives; pays only a fraction less than the whole State of Pennsylvania, with her vast manufacturing interests, her mineral wealth, and her twenty-four Representatives. And I submit that there is not a pound of foreign wool that comes into that district that does not create a market for American wool. There is hardly a yard of cloth made in Massachusetts from exclusively foreign wool. Every yard made in part from foreign wool requires a certain proportion of wool from the American market. And if our friends in the West had not combined to hold their wool at a dollar a pound they would have had it all disposed of ere this at a larger price than was ever known in the history of the country. I hope the amendment will not be adopted.

[Here the hammer fell.]

Mr. GRINNELL. I move to amend by increasing the duty one cent. I make the motion to enable me to say a word in reply to the gentleman from Massachusetts who has just taken his seat. Now, sir, this country has within the last year imported between seventy and eighty million pounds of wool, and the Government has received in that time not more than $500,000 in the shape of duty upon that article. We propose now to have a tariff upon wool whereby we can bring into the Treasury of the United States four or five million dollars, if it is imported as largely as heretofore.

The gentleman from Massachusetts says that those who are producing wool are receiving higher rates for it than they ever received before. If the gentleman will inform himself upon that subject he will find that in 1833–35 the wool-growers received larger prices than they do now. And I will state another fact, which the gentleman will find to be true, that three years ago, taking into consideration the rates of exchange and the price of gold the producers of wool received higher rates than they do to-day.

Now, what do we propose to do upon this measure before the House? We propose to say to those who are hurrying up the importation of their wool for the purpose of escaping increased duties that they shall pay an increased duty upon whatever they import from this time. I happened to see a letter to-day written by a clerk in an importing house, in which he stated that his firm would have importations in to a very large amount before Congress could pass a tariff upon wool. Well, sir, we propose to prevent that, and we propose to put millions in the Treasury by anticipating these men who think they are anticipating us by their large importations.

I know of an instance of a gentleman, raising wool largely, who states that in a manufactory so near to his own farm that he can hear the hum of the machinery, they are using imported wool, and that he cannot sell a pound of his own. And why? Because under the present law the imported wool pays a duty of but nine mills per pound. They can import it cheaper than American producers can afford to sell, and so the American growers are deprived of their market, while the Government receives scarcely any revenue. In this way those who raise wool are left to the caprice or dishonesty of importers.

I hope the amendment of the gentleman from Ohio [Mr. Cox] will be adopted, and that the wool-growers of the country will receive some protection, while the revenues of the Government will at the same time be increased. The farmers of the country are being taxed upon nearly everything they raise. The farming interest is a greater interest than any other in this country, and as such it ought to receive adequate protection.

[Here the hammer fell.]

Mr. KELLOGG, of Michigan. I am in favor of increasing the duty upon imported wool to the highest rates; I care not how high it may be fixed I will go for it.

I cannot admit the argument of the gentleman from Massachusetts [Mr. DAWES] who represents that these manufacturers must have this cheap wool from abroad. Nor can I admit the truth of his statement that wool now bears a higher price in market proportionately than other articles of commerce, or higher than it has ever previously been in the history of the country. I believe there have been several periods within the last twenty years when it has been as high as it is to-day.

But, sir, gentlemen must take into consideration the price of other articles to fix relatively the price of wool. The best article of cotton to-day brings a higher price than the best wool. And woolen goods are not high as compared with articles in the market. We imported last year seventy or eighty million pounds of wool, and there is certainly no reason for continuing that importation, unless those who import it are able to pay a very large import duty to the Government.

Our farmers need this protection. They need all the aid we can give them. They need an increased price for their produce to enable them to pay the taxes that are imposed upon them in every form almost that can be imagined. It is true that these manufacturers pay very large amounts in the shape of taxes. But it is true also that the consumer repays the manufacturer all his taxes. And the farmers of the country are the great consumers of all these manufactured articles. They are the men who need protection for the products of their labor. They do not want it for their grain or breadstuffs, but the price of these is very low, and there is nothing which they produce which is not low. Wool is low. Every description of breadstuffs brings a low price, while everything they have to purchase is high. Tea at two dollars per pound, coffee at a price never before heard of in the history of the country, cotton goods worth as much as woolen at this moment, and everything else in the same proportion. The farmers must have protection or they cannot live. I repeat, it is the farming interest which is of the greatest importance in this country. The Government must look to the farmers for its support, and all the wealth and property of the country come out of the earth to commence with.

Protect these men, support them and sustain them. They furnish men for our Army. Massachusetts is sending everywhere to find men to fill up her regiments. I am glad she has money to purchase them wherever they can be found in the market, but the western States are able to fill up their quotas in the national armies without going elsewhere. They have furnished tens and hundreds of thousands of men without stint and without complaint, and they are ready to furnish more.

Gentlemen say that the men who are raising wool, and whose flocks are covering the prairies of the West, when they get two thirds as much for a pound of wool as others get for a pound of cotton, are getting enough. Let us raise the price.

[Here the hammer fell.]

Mr. MOORHEAD. I desire to offer a substitute for the pending amendment.

The SPEAKER. Amendment is not now in order.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. WEDNESDAY, APRIL 27, 1864. NEW SERIES,....No. 117.

Mr. RANDALL, of Pennsylvania. Is it in order to divide the amendment?

The SPEAKER. It is not.

Mr. GRINNELL's amendment to the amendment was then agreed to.

The question recurred on Mr. Cox's amendment as amended.

Mr. MOORHEAD. I offer the following as a substitute for the pending amendment as amended:

On wool costing over eighteen and not over twenty-four cents per pound, a specific duty of six cents per pound, and an *ad valorem* of twenty per cent. On wool costing over twenty-four cents per pound, a specific duty of nine cents per pound, and an *ad valorem* duty of twenty per cent. The duty to be levied upon the valuation at the port or custom-house where the duty is paid.

Mr. Speaker, I was very much astonished to hear the proposition made at this time to reduce the duty on imported wool, for if I am not mistaken the proposition of the gentleman from Vermont [Mr. MORRILL] will have that effect. It is true that there is a large portion of wool now brought in under a valuation of eighteen cents which pays but five per cent. I will admit that on that his proposition would be an increase. But I believe that foreign wool is brought into the country in violation of the existing law, and that the Treasury is defrauded by the undervaluation of wool. The existing tariff admits wool costing eighteen cents per pound and under at five per cent. *ad valorem*, being, upon an average of the foreign or invoice valuation, about three fourths of a cent per pound. The second class, valued at eighteen to twenty-four cents, pays three cents per pound; and the third class, valued above twenty-four cents, a duty of nine cents per pound. It was evidently the intention of Congress in passing this act that the wool value below eighteen cents, being the minimum, would be that used for coarse cloths, carpets, &c., and would not come in competition with the lowest grades of wool produced in our own country. This expectation has not been realized; on the contrary, the statistics of the Treasury Department show that nearly seven eighths of the importations of the last fiscal year were invoiced below the minimum—eighteen cents per pound; the whole importation in fact averaging less than seventeen cents per pound. This result is accomplished by fraudulent invoices or by importing wool in the dirt to reduce its value, thus defrauding the Treasury and doing great injustice to the wool-growers of our country.

The entire amount of duty paid on foreign wool brought in last year was less than half a million dollars. Under my proposition that would reach five or six million dollars.

I think the argument advanced by the gentleman from Massachusetts [Mr. DAWES] is a most extraordinary one, that as the importation of foreign wool is increased there is an increased production of wool in this country. It is so extraordinary that I think the House will hardly swallow it. If I understood him correctly, the importation of foreign wool acts as a barometer upon the wool raised in this country; that as wool is introduced from foreign countries it is necessary for wool-growers to raise more sheep and get more wool. It is my opinion that at this time, while we have a large national debt, which is rapidly increasing, and it becomes necessary to tax the products of home labor in all its various shades and forms, a wise and true policy would dictate that, so far as it can safely be done, the products of foreign labor should bear their full proportion; all articles of foreign *production* or *manufacture* that come directly in competition with our home productions or manufacture should be taxed to the highest possible revenue point. By doing this the home *producer* or *manufacturer* will be protected in his product or manufacture, will be enabled to remunerate home labor, and to pay the necessary internal taxes that are laid upon his product. All articles of luxury not manufactured or produced in this country should pay a rate of duty that, if not prohibitory, would greatly swell the public revenue. By doing this no injury would be done to our citizens; the poor do not use such articles; if the wealthy do, let the public Treasury receive the benefit. If this course of policy is fully and properly carried out I believe that sufficient revenue to pay the interest upon the public debt and make a rapid reduction upon the principal will be very easily raised through the skill, enterprise, and industry of our citizens. If we send our money abroad to support the producers and manufacturers of foreign articles, of course our Treasury will languish.

[Here the hammer fell.]

Mr. KERNAN. I simply want to inquire if this is not a bill to raise revenue, and not a bill to exclude the importation of wool with a view to enrich the producer at home?

Mr. MORRILL. For at least thirty years the question of duty upon wool and woolens has perplexed Congress, and I have no doubt it will perplex this Congress. It is a matter of very difficult adjustment to so arrange the duties upon wool as to actually benefit the farmer and leave the manufactories of the country in operation. The gentleman, the eloquent gentleman from Pennsylvania, [Mr. MOORHEAD,] has not shown his usual sagacity in this House. He asserts that the proposition now before the House is actually less than the present rate of duty. I supposed the distinguished chairman of the Committee on Manufactures would know what the present duties are, and would know also what the present proposition is.

Mr. MOORHEAD. How shall we be able to know?

Mr. MORRILL. By reading the law, and by reading the proposition before the House.

Mr. Speaker, the present duty upon woolen costing eighteen cents a pound and under is five per cent. *ad valorem;* upon wool costing over eighteen and under twenty-four cents, the duty is three cents a pound specific; on wools costing above twenty-four cents, the present rate is nine cents per pound specific. The proposition now before the House is to increase the duty upon all wool, and to impose an additional five cents on all wool costing below forty cents a pound, and eight cents upon all costing above forty cents. So that if the present proposition is passed, the duties would be on all those costing eighteen cents per pound and under, five cents per pound and five per cent. *ad valorem;* on all costing from eighteen to twenty-four cents, eight cents per pound; on those costing from twenty-four to forty cents a pound, fourteen cents a pound; and on all costing over forty cents, seventeen cents per pound.

Mr. MOORHEAD. How much would the duty be upon the wool that now pays five per cent. *ad valorem?*

Mr. MORRILL. I have answered that already. What I desire to say to the House is, if we increase the duty to the high rates proposed by some, and especially to the rates proposed by the gentleman from Pennsylvania, you would be placing upon the low-priced wools a higher rate of duty than is now imposed upon woolens; and I say, further, that when the proposition comes up to tax foreign woolens you will not find gentlemen of the Opposition who are so ready to place extreme duties on wool ready to impose a duty that shall be equivalent upon woolens; and the result will be that instead of protecting wool we shall have it all imported in the form of woolen goods.

There is a necessity upon the part of the woolen manufacturers of this country to have some two or three kinds of wool that we do not produce. One is a coarse, hairy wool that really costs less than eighteen cents a pound, and is used for the manufacture of coarse blankets and carpets. Another kind is a long stapled wool, used in manufacturing mouslin-de-laine, and is produced here to some extent but not in sufficient quantities to meet the home demand. Another class is an extremely fine wool, obtained from abroad mostly, and of which we produce but a limited quantity.

But, as I have said, it is very difficult to properly adjust the duties on this article. I do not pretend that the proposition before us is now exactly in the shape in which it should be; but I do say that there is something due to the wool-growers of this country, and that there have been frauds practiced through the custom-house, and our revenue laws have been evaded, so that fine wools have been entered at very low rates. We must take care of the wool-grower as well as the manufacturer, and all at the same time.

[Here the hammer fell.]

The amendment to the amendment was not agreed to.

Mr. DAWES. I move to amend the amendment by reducing the rate two cents. I do not rise for the purpose of deprecating any burden which may be imposed upon manufacturers. There is not one of them who is not willing to bear all the burdens you may propose to place upon him, provided he can feel that all the rest bear their proportion. I suppose there is no burden which any man would not willingly undertake to carry at this time, if he felt that everybody else was carrying his share. And we ought to study, without any disposition to seek to throw this unusual burden upon anybody else, to equalize the matter; and I submit that our friends do not study their true interest if they try to exclude foreign wools. You cannot carry on the manufacturing establishments of the country and exclude foreign wool. You cannot carry on the manufacturing establishments of the country and exclude American wool. The manufacturer and the wool-grower must stand or fall together. It is a fact that there are wools that grow in particular climates just as there are fruits that grow in particular climates, which have peculiar qualities about them. Nobody can tell why. My friend proposes to put a tax upon wool without putting a corresponding tax upon the manufactured article. He proposes also to put it upon wool uncleansed. Well, sir, wool uncleansed shrinks nearly seventy-five per cent. in the cleansing. I know that in a recent case some excellent fine wool from Vermont was sold in my own town, that shrank fifty-five per cent. in cleansing. Foreign wool shrinks more than that; and yet my friend pays no regard to that in imposing this duty. He proposes to put this tax upon the dirt and grease in the wool. Two pounds of uncleansed wool will hardly make one pound fit for use in manufacturing. This tax will be a direct inducement to employ labor abroad to cleanse the wool, and then import it. It is a discrimination against the labor of this country. If my friend wants a market for western wool, the best way to do it is to build up the home manufacture. [Mr. BAXTER here made a remark, which was inaudible to the reporters.] Uncleansed wool brings sixty-three, seventy, and eighty cents a pound. My friend from Ohio is entirely mistaken when he says that frauds are committed on the revenue by mixing dirt in wool.

Mr. STEVENS. Can I now speak to my substitute?

The SPEAKER. No, not at this time.

Mr. RICE, of Massachusetts. I rise for the purpose of opposing the amendment. If evidence were necessary to show the injustice and danger of this kind of legislation, it seems to me that no subject could have been selected that would demonstrate that fact more clearly than this. It is proposed to put a heavy duty upon a raw material which is the basis of a great branch of American industry; and the danger of treating this subject in this hasty manner is especially great because of the speciousness of the grounds upon which this change is advocated.

It appears at first sight to be a very rational proposition, that for the purpose of increasing the revenues of the country and enriching the Government there should be a heavier duty imposed upon wool imported into the country. But, sir, what are the facts in regard to this article of wool? Those gentlemen who are at all familiar with the subject know very well that there are but about eighty million pounds of wool produced in the United States; while one hundred and thirty-five million pounds are necessary to keep in

operation the machinery for woolen manufacture already running in this country. Why, sir, it is absolutely necessary, in order to support this vast machinery, this great branch of industry, that all the various grades of woolen manufacture should be carried on in this country as far as practicable. My distinguished friend from Pennsylvania [Mr. MOORHEAD] reasons with apparent force and cogency, that if the importation of foreign wool be checked by the imposition of a heavy import duty there must be a corresponding rise in the price of American raised wool. The gentleman says he did not say that, and perhaps he did not precisely; but I think that was the line of his argument.

Now, so far from that being the case, if the woolen manufacturers of this country were to-day limited to the consumption of American wool, a very large portion of their machinery would be compelled to stop, and for two reasons: in the first place they would have but eighty million pounds of wool to work, whereas they require one hundred and thirty-five million; and in the second place they would be unable to manufacture a great variety of woolen goods which they now manufacture on account of the facility afforded by mixing the foreign and American wools.

I want to turn now for a single moment to the economical aspect of the question. It is very true that some revenue might undoubtedly be derived by putting a tax of several cents per pound on the quantity of foreign wool imported; but it is perfectly apparent that if the imposition of that tax will have a tendency to reduce the quantity imported, the amount of revenue will depreciate from year to year in the same proportion, and therefore there would be a gradual loss of revenue on that account. But, sir, we have a vast Army and a great Navy to be clothed with woolen goods, and if the effect of imposing this duty of six or eight cents a pound on foreign wool is to advance the cost of American wool in like proportion and to cripple in consequence the American manufacture of woolen goods, I want to submit the question to any intelligent member of the House whether it is not probable that the cost to the Government of clothing the Army and Navy, to say nothing at all of the cost to the whole masses of the people, is likely to be much greater than the amount of revenue to be derived from the imposition of this duty.

[Here the hammer fell.]

Mr. RICE, of Massachusetts. I ask leave to say a single word more.

Mr. DAWES. I withdraw my amendment.

Mr. COX. I renew the amendment, for the purpose of allowing the gentleman from Massachusetts to conclude his remarks.

Mr. RICE, of Massachusetts. Mr. Speaker, not only is it probable that the loss to the Government would be greater than the gain, but in a time like the present it behooves us, members of the chief legislative assembly of the country, to guard with fairness and discrimination all the branches of our industry. I declare here that I believe it would be the worst possible policy that could be inflicted on the agricultural interests of the country to impose so large an additional duty on foreign wool as is now proposed. I believe it could be demonstrated, if there were time to do so, that the price of American wool has kept pace, step by step, with the increase of machinery for the manufacture of woolen goods in this country. Under the tariff of 1846, which imposed a heavy duty upon the raw material, it is a fact that nearly all the woolen factories of the country were broken down. I believe I speak within the bounds of truth when I say that, previous to 1857, the entire cost of the woolen machinery of the country had been sunk in ineffectual efforts to build up this great branch of industry. Under the present tariff results the most beneficial have accrued to the whole wool interest of the country. If I remember rightly, there were, previous to the adoption of this last tariff, about twenty-five hundred sets of woolen machinery running in the United States. Since this tariff was adopted there have been added about a thousand sets of machinery, at a cost of $14,000,000; so that we now have running in this country nearly thirty-five hundred sets of woolen machinery, consuming every pound of wool that is raised in the United States; and fifty million pounds additional is imported in order to keep this machinery going.

In addition to all wool that we import annually, a vast amount of woolen goods are also imported, for manufacturing which we have no facilities in this country. Instead of looking to measures that would cripple this growing interest which is beneficial alike to the manufacturing and farming interests of the country, we ought rather to stimulate it to such an extent and increase its facilities till we shall manufacture upon American soil every description of woolen goods. I believe no broadcloths are manufactured in the United States at present and cannot be unless suitable amount and variety of raw materials are thrown into the hands of manufacturers by Congress. It is contrary to all well-settled principles to impose an onerous duty on the raw material. It is contrary to the policy of every manufacturing nation on the face of the earth. England and France have tried the experiment over and over again, and always with the same disastrous result.

[Here the hammer fell.]

Mr. COX. When I made the motion to increase the tax upon wool, I did not think it would give rise to so much debate. And, sir, I do not think that now, on a bill of this kind not matured, we can do justice to any interest or locality. If the tariff is to be increased at all it would be better to adopt a proposition something like the substitute of the gentleman from Pennsylvania, and make a general increase of duty on all imported goods at such a rate as the House may determine. But, sir, I wish to say one word in reference to what has fallen from gentlemen upon the other side of the House on this whole business.

I am tired of hearing in this House from our New England friends, that we are all the time about to cripple their manufactures. One gentleman representing that interest now says that we are endeavoring to cripple their manufactures by increasing the price on wool. Why, sir, these New England manufacturers are getting richer every day; richer and richer and richer. They are becoming the nabobs of this country. They are, in fact, becoming the owners of this country. They hold a mortgage upon a large portion of the values of this country, or will, when they have absorbed the public debt and hold all the bonds of the Government. They are getting all the protection of the Government. These very woolen manufacturers to-day are receiving protection of almost one hundred and fifty per cent. on the depreciated paper basis. This I can and will show by the figures when the regular tariff bill comes up for our action.

And yet, sir, when the farmers of the country ask for a little protection, the same cry is raised, "Do not cripple the manufacturers." How cripple them? Because, says the gentleman upon the other side, the more foreign wool you bring in the higher price you will get for your home-raised wool!

Mr. RICE, of Massachusetts. Does the gentleman refer to me?

Mr. COX. No, sir. I refer to the gentleman's colleague, [Mr. DAWES.]

Mr. DAWES. Has the gentleman from Ohio any data from which he can rise and deny that statement?

Mr. COX. I understood the gentleman to say that the importations of foreign wool were a perfect barometer of the market for American wool.

Mr. DAWES. I tell the gentleman that I have the price current of wool for the past thirty years, and the statement of any month for each year will confirm the remark I made. I submit to the gentleman that he not only has no authority for denying the statement, but that the wool statistics of the country will furnish no such authority.

Mr. COX. I will meet the gentleman upon that subject at the proper time, when the discussion comes up on the regular tariff bill.

Mr. DAWES. I know of no more proper time than now.

Mr. COX. There is no time for that in this five minutes' debate. But, sir, I cannot understand how the increase of a commodity raises its price in the market. I have never been a protectionist. I was always in favor of the largest interchange between this and foreign countries in respect to every article.

Mr. DAWES. I come now to understand the drift of the gentleman's argument, when he says that he was always against protection.

Mr. COX. The gentleman must hear me out before he makes his answer. Since the gentleman and his friends have got the protection so enormously high upon their peculiar interests, so high as almost to be prohibitory, I claim for the farmers of the West, in absolute self-defense, some little regard on the part of the national Legislature to their products and industries. The products of western industry have now but very little or no protection. We do not beg for bounties. We do not get any for the grain we raise, for our wheat and corn, for our live stock, our butter, or for our whisky, if you please. All these articles belong to the unprotected classes of industry. And the people, thus unprotected and by whom the bounties for other classes of industry are paid, comprise the great mass of our population. I know why the gentleman opposes this amendment. The great body of the people in the gentleman's district are living upon the bounty of the West. They are what Tom Paine in his "Common Sense" calls "the splendid paupers of the country," living on the sweat and toil of other people. And yet when we ask for a little care on the part of the Federal Government, they piteously tell us, "Oh, you cripple our industry!" When we want them to give the farmers of the West a little protection in raising the very wool they use, they cry out, "We cannot stand it, you are crippling our manufactures!"

Now, there is as much of a necessity for protecting the wool interest of the country as for any other interest. The sheep abroad, in Australia for instance, are pastured the year round. They do not require hay; fencing and shedding are not required, nor any of the ordinary expenses connected with sheep raising in this country. There is, therefore, I say, some necessity for giving this class of industry protection.

[Here the hammer fell.]

Mr. MORRILL. I think that this debate has run long enough, and I propose to call for the previous question. I will yield to the gentleman from Pennsylvania [Mr. STEVENS] a portion of the time to which I am entitled to close the debate, for the purpose of explaining his substitute, if he desires to do so.

Mr. HOLMAN. I hope the gentleman from Vermont will not call for the previous question on the resolution until there have been some amendments proposed in reference to other articles of manufacture, such as wine, porter, beer, &c.

Mr. MORRILL. We have consumed more than an hour in debate.

Mr. HOLMAN. I hope the gentleman will not deny us an opportunity to amend the resolution in that particular.

Mr. FERNANDO WOOD. The understanding was that we should have a fair and liberal opportunity to discuss this important measure.

Mr. MORRILL. I think that we have already had it.

Mr. HOLMAN. Only one or two subjects have been discussed, and yet the gentleman now proposes to call for the previous question. I understood that we were to consider this joint resolution as in the Committee of the Whole on the state of the Union, and that it was to be open to amendment item by item.

Mr. MORRILL. What amendment does the gentleman propose?

Mr. HOLMAN. I want to move to strike out that portion of the resolution relating to wines, porter, beer, &c., and to offer a substitute for it. I trust the gentleman will give me an opportunity to submit that amendment. It is a right due to the northwestern section of the country from which I come.

Mr. MORRILL. The understanding this morning was that the debate should run for an hour and that then the previous question should be called.

Mr. FERNANDO WOOD. The gentleman will remember that it was by the unanimous consent of the House this joint resolution was taken up for action. Every gentleman on this side of the House consented that it should be taken up in the House instead of being sent to the Committee of the Whole on the state of the Union, on the understanding that it should be open to full discussion and amendment.

Mr. MORRILL. For a reasonable length of time.

Mr. FERNANDO WOOD. Who is to be the judge of what is reasonable?

Mr. MORRILL. I proposed an hour and there was no objection.

The SPEAKER. Does the gentleman from Vermont demand the previous question?

Mr. MORRILL. I will not demand the previous question until the gentleman from Indiana has had an opportunity to submit his amendment.

Mr. HOLMAN. I demand the previous question on the pending amendment.

The previous question was seconded, and the main question ordered.

Mr. MORRILL. I ask the gentleman from Indiana whether it will be satisfactory to him to close debate, with opportunity to offer amendments?

Mr. FERNANDO WOOD. The gentleman ought to be satisfied that there is no factious disposition on this side of the House. We have met him in the most liberal spirit, but a measure of this character should be discussed; and so long as gentlemen speak to the question, and move pertinent amendments, the gentleman should permit it to be done.

Mr. MORRILL. I give notice that I shall call for the previous question in a very short time.

Mr. Cox's amendment to the amendment was then disagreed to.

The House divided; and there were—ayes 53, noes 40.

So the amendment, as amended, was agreed to.

Mr. HOLMAN. I move to strike out that portion of the resolution which relates to wine, porter, ale, beer, &c., and in lieu thereof to insert: "On wine, ale, porter, beer, brandy, and other spirits and other liquors and cordials of all kinds, a duty of fifty per cent. in addition to the duty now authorized by law." I think that the duty, instead of being an increase of fifty per cent., ought to be one hundred per cent.; but in view of the importance of the increase at this time, I am inclined to rest content with fifty per cent. No argument is necessary to show the necessity for this increase. We have increased the duty on domestic spirits and wines enormously, and this is comparatively a small increase.

The amendment was agreed to.

Mr. STEVENS. I suppose I might as well avail myself of this opportunity to say what I have to say. I think the House cannot do better than now to adopt my proposition and end this controversy. I do not think it possible, with a slip of paper containing a few items upon it, and unprinted at that, for this House to make a reasonable tariff bill. I have thought so from the first. If we go on in this way we shall go on without knowing what we are doing, and when we have got through we shall know no better what we have got.

Now, what I propose is that we shall increase the present rates fifty per cent. on everything for sixty days to come, so as to keep out this rush of importation, until we can mature a tariff bill, print it, and deliberately consider it as such a bill ought to be considered. When that is done, let it take the place of what we are now doing.

It is plain that if this resolution had passed a week ago we should have received more than two million dollars upon the importations of last week alone, and we should have saved the necessity of exporting the difference between $8,000,000 of imports and $300,000 of exports. What is the consequence of this state of things? Gentlemen may wonder what it is that affects the price of gold. I know there are many things, but it is not any mystery to me that after we have created a necessity by our own action for the export of $7,000,000 of gold, to pay for imports which we had no exports to pay with, that gold should be at eighty-five per cent. premium and still rising. It is no mystery to me, and if you let this thing go on until we can prepare a tariff bill, and let importers throw into the market all the goods they can, God only knows where and what the end will be.

I saw a letter three days ago to the Secretary of the Treasury from a gentleman in Liverpool connected with a large house. That letter stated that since this tax bill has been pending or contemplated, larger orders by one half have been received from America in one week than were ever before received in any one week; and among other things it was mentioned that more orders had been received for the single article of iron alone than ever before were received in four times the same length of time.

Now, sir, I hope, in order that this bill may go untrammeled and with a single section to the Senate and pass to-morrow, and thus stop the further evil we see pending and which we have already in part realized, the House will see the propriety of adopting my amendment. That will give us time for reflection, and give us time to mature a bill which will be satisfactory to all parts of the House and country, and in the mean time prevent this ruinous influx of foreign goods for which gold must be sent abroad to pay.

I do not desire to occupy the time of the House. I think the House should agree at once to come to a vote, and I shall call the previous question. I do not think that anybody who takes a proper view of the matter ought to object. Let us take a vote and decide the question at once.

Mr. FERNANDO WOOD. If the object of the gentleman from Pennsylvania, as now stated, in reference to the passage of this hasty tariff bill, be to depress the price of gold, it is but another of the efforts upon the part of the legislative power to control the commerce of the country.

Mr. STEVENS. That is not the object, but it might be a consequence. The object is to get a tariff upon the immense amount of goods which will come into the country during the next thirty days. I do not believe much in legislating to depress the price of gold.

Mr. FERNANDO WOOD. I think we should be satisfied by this time that any action of Congress to control the price of gold is vain and futile. We have already made an effort to depress the price of gold, and the immediate effect was to raise it from sixty to eighty-five cents on the dollar.

If the object be revenue, I would remind the gentleman that there is such a thing as prohibition by increasing the tariff to an extraordinary extent; that when you place an import duty beyond a certain height the necessary effect and result is to prohibit its importation. This proposition is either for revenue or for prohibition. It is urged here that the American people are extravagant; that they are given to an extraordinary consumption of foreign luxuries; and that it is necessary to stop the consumption of foreign luxuries by the adoption of prohibitory measures upon the part of Congress. If that be the object, then you lose your revenue; if revenue be your object, you can only go to a certain and limited extent. But my ground of opposition to this proposition is that this is the adoption of a principle in tariff legislation that is utterly unprecedented and erroneous to the commercial as well as the Treasury interests of the country. I would rather put the tariff at fifty per cent., as a temporary measure, until we can mature a tariff such as we ought to have. If the gentleman will consent to reduce it to twenty-five per cent. I would very cheerfully vote for that.

Mr. MORRILL. I now move the previous question.

Mr. KASSON. Before the gentleman does that I hope he will allow me to offer my proviso to the substitute.

Mr. MORRILL. I will yield for that purpose.

Mr. KASSON. I move to add to the substitute the following proviso:

Provided, That printing paper unsized, used for books and newspapers exclusively, shall be exempt from the operation of this resolution.

Mr. MORRILL. I now renew the demand for the previous question.

The previous question was seconded, and the main question ordered.

Mr. MORRILL. Mr. Speaker, I concede at the outset that any measure that can be adopted in this hurried manner must necessarily be crude. Our purpose here is to obtain revenue. If we impose anything in the nature of an embargo on importations, then we must increase our internal tax. It would have to be vastly increased or we should fail in our object.

Now, the proposition of the gentleman from Pennsylvania [Mr. STEVENS] imposes a horizontal or an indiscriminate duty upon all articles. In my judgment it is better to go over these articles more in detail, and determine what articles will bear an increased rate of taxation. The bill introduced by myself, with the approval of a majority of the Committee of Ways and Means, imposes discriminating duties upon all these common articles of consumption, taxing teas and exempting sugars and coffee, already dear enough. I think it more expedient to pass a bill of that description than it would be to pass a bill imposing the same duty upon everything, much higher than we propose permanently, and resulting only in putting money into the pockets of those having large stocks on hand. Everybody knows that an increase of the duties of fifty per cent. would amount on many articles to absolute prohibition. I trust that the amendment of the gentleman from Pennsylvania [Mr. STEVENS] will not prevail.

The question now being upon the substitute,

Mr. MARCY demanded the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the substitute was agreed to—ayes 92, noes 18.

The joint resolution was then ordered to be engrossed and read a third time.

Mr. STEVENS demanded the previous question on the passage of the joint resolution.

The previous question was seconded, and the main question ordered.

Mr. FERNANDO WOOD demanded the yeas and nays on the passage of the joint resolution.

Mr. DAWSON called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The joint resolution was passed.

Mr. STEVENS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER stated that the next business in order was the resolution in reference to mineral lands offered on last Monday by the gentleman from New York, [Mr. FERNANDO WOOD.]

Mr. DAWES. I ask the gentleman from New York to allow me to offer a resolution of privilege.

Mr. FERNANDO WOOD. I yield for that purpose.

HON. FRANCIS P. BLAIR.

Mr. DAWES. I offer the following resolution:

Resolved, That the President be requested to communicate to this House whether Hon. FRANCIS P. BLAIR, Jr., representing the first congressional district of Missouri in the present House, now holds any appointment or commission in the military service of the United States; and if so, what that appointment or commission is, and when the said BLAIR accepted the same, and whether he is now acting under the authority of any such appointment or commission.

The SPEAKER. The Chair thinks that while this is a question of privilege it requires unanimous consent to be considered now, being a call upon the President for information.

Mr. COX. I should like the resolution to inquire, also, whether any other member of Congress has held or is holding a military commission.

Mr. DAWES. The gentleman from Ohio may move to amend it in that way.

The SPEAKER. Is there unanimous consent to consider the resolution at this time?

Mr. POMEROY. I object.

The SPEAKER. Then the resolution goes over, under the rule, for one day.

Mr. DAWES. I move to suspend the rules. I will say that the matter under consideration by the Committee of Elections, touching the right to a seat of the gentleman from Missouri, renders it exceedingly proper that we should have that information.

The SPEAKER. The Chair doubts whether the gentleman from New York can yield, if there be any objection, as the previous question has been ordered on his resolution.

Mr. DAWES. I understood the gentleman to permit me to make my motion to suspend the rules.

Mr. COX. What became of my amendment? I moved to amend the resolution so as to inquire in regard to any other member of Congress holding a commission since the war commenced.

Mr. DAWES. I have not got any objection to the largest inquiry.

The SPEAKER. The Chair hears no objec-

tion to the gentleman from Massachusetts moving to suspend the rules.

Mr. DAWES. I suggest to the gentleman from Ohio that if he will mention the names he desires inserted I will have them put in.

The question was taken; and, two thirds voting in favor thereof, the rules were suspended and the resolution was introduced.

Mr. DAWES. I move the previous question on the adoption of the resolution.

The previous question was seconded, and the main question ordered; and under its operation the resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MINERAL LANDS.

The House next proceeded to the consideration of the resolution introduced by the gentleman from New York [Mr. FERNANDO WOOD] on Monday last, on which the main question had been ordered, the pending motion being that of Mr. MCINDOE to lay the resolution on the table.

The preamble to the resolution recites that the Government of the United States in succeeding to the sovereignty of the regions of country in which the mines of Colorado and Arizona are situated became invested with the complete proprietary title to said mines; that no act of Congress has been passed alienating or providing for the disposition of any part thereof or prescribing measures for the protection of them; and that individuals and companies are assuming ownership and occupation, and attempting to work these mines, and inducing the investment of capital in them by innocent parties. It therefore resolves that the President of the United States be requested to take such measures as may in his judgment be necessary for the protection of the rights and interests of the Government in the mineral lands and mines of Colorado and Arizona, until proper legislation be provided by Congress.

Mr. SHANNON. I ask the gentleman from New York to allow a substitute prepared by the gentleman from Iowa [Mr. KASSON] to be read for information.

Mr. FERNANDO WOOD. Certainly.

Mr. KASSON. I send up with that consent the substitute, which is the result of consultation of a number of members on this subject.

The substitute was read. It provides that a select committee of seven members be appointed, to be denominated a select committee on mineral lands, to consider what disposition shall be made of the mineral lands owned by the Government, and what legislation relating to revenue or otherwise is necessary touching the same, with authority to report by bill or otherwise.

Mr. FERNANDO WOOD. Is it in order for me to state why I should prefer my resolution to the substitute?

The SPEAKER. It can be done by unanimous consent.

There was no objection.

Mr. FERNANDO WOOD. I would very cheerfully accept this substitute but for one reason. I think it is very obvious that it is now too late in the session to prepare a bill, and pass it through both Houses of Congress, to meet this emergency. We may safely conclude that no measure will pass this Congress and become a law to meet the case. Hence my resolution proposes that the President shall proceed to protect the interests of the Government in these mines. I desire, in this connection, that the Clerk will read a letter addressed to myself from the Commissioner of the General Land Office, which will explain the object of my resolution.

The Clerk read the letter, as follows:

GENERAL LAND OFFICE, *April* 16, 1864.

SIR: I had yesterday the honor to receive your letter of the 12th instant, and in reference to the mines of Colorado and Arizona have to state that the United States in succeeding to the sovereignty of the regions of country in which the mines are situated became invested with a complete *proprietary* title to said mines, and that no act of Congress has yet been passed alienating or providing for the disposal of any part thereof, or prescribing measures for the use and working of them; individuals and companies heretofore or now occupying different mines having been and being there merely by sufferance, growing out of the past negative policy respecting them.

This office, unaided by any legislation in regard to our mineral interest, has collected all the data within its reach and presented the same in the annual reports of 1861-62-63, copies herewith. It is in place further to remark that in order to make our great national mineral estate subservient to the public interest as a source of revenue, and yet do no violence to diverse local customs and usages which have grown up at different places yielding annually millions of dollars to capital and individual labor, we have suggested legislation, as will be seen from the reports aforesaid, and a measure looking to such legislation has been introduced into the House of Representatives as bill No. 344 "in relation to the mines and minerals in the public domain."

We have no compilation of the local mining usages prevailing, the matter not having been placed by law under the management of this office.

With great respect,

J. M. EDMUNDS, *Commissioner.*

Hon. FERNANDO WOOD, *House of Representatives.*

Mr. SHANNON. I desire to ask the gentleman from New York a question.

Mr. WASHBURNE, of Illinois. Is debate in order?

The SPEAKER. There are two undebatable propositions pending. And if the gentleman objects, further debate will be arrested.

Mr. WASHBURNE, of Illinois. I do object.

Mr. FERNANDO WOOD called for the yeas and nays on the motion to lay the resolution on the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 63, nays 49; as follows:

YEAS—Messrs. Arnold, Baxter, Beaman, Blaine, Boutwell, Boyd, Broomall, Ambrose W. Clark, Cobb, Cole, Creswell, Dawson, Eliot, Farnsworth, Fenton, Frank, Garfield, Grinnell, Hall, Harrington, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Knapp, Marvin, McBride, McClurg, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Odell, Charles O'Neill, Orth, Perham, Pomeroy, Price, William H. Randall, John H. Rice, Edward H. Rollins, Shannon, Sloan, Smith, Spalding, Stevens, Stuart, Thayer, Upson, Elihu B. Washburne, William B. Washburn, Williams, Wilder, Wilson, and Windom—63.

NAYS—Messrs. Alley, Allison, Ames, Ancona, Augustus C. Baldwin, John D. Baldwin, Jacob B. Blair, Brandegee, Cox, Cravens, Denison, Dixon, Donnelly, Driggs, Eckley, Eden, Eldridge, English, Finck, Ganson, Griswold, Holman, Jenckes, Philip Johnson, Kalbfleisch, Kernan, Lazear, Long, McAllister, McDowell, McKinney, Middleton, William H. Miller, Morrison, Nelson, Samuel J. Randall, Ross, Scofield, John B. Steele, William G. Steele, Stiles, Tracy, Webster, Wheeler, Chilton A. White, Joseph W. White, Winfield, and Fernando Wood—49.

So the resolution was laid on the table.

During the call of the roll,

Mr. ELDRIDGE inquired whether the gentleman from Ohio [Mr. SCHENCK] was not paired with Mr. BROWN, of Wisconsin.

Mr. SCHENCK. I did not so understand it. An arrangement was made in my absence that I should be paired off, first with a gentleman from Illinois, which was subsequently transferred to some gentleman from Wisconsin, but which has expired to-day, as I understood. However, to avoid any misapprehension in reference to the matter, I will withdraw my vote.

Mr. GRINNELL moved to reconsider the vote by which the motion was laid on the table; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MAINE DEFENSES.

Mr. RICE, of Maine, by unanimous consent, introduced joint resolutions of the Legislature of the State of Maine, asking the United States Government to provide proper defenses for the northeast frontier of Maine; and moved that they be printed and referred to a special committee of seven.

Mr. COX. I am opposed to raising any more select committees. This House is full of them already. I hope the resolutions will be referred to one of the standing committees of the House.

Mr. RICE, of Maine. I trust that my friend from Ohio will withdraw his objection. These resolutions refer to a variety of matters; and I really should not know to what standing committee to send them.

Mr. COX. There are about twenty special committees already, and I must object to raising any more.

Mr. RICE, of Maine. These resolutions propose to set apart claims of that State for certain purposes for their relief, one of which the gentleman from Ohio knows something about, and it should go to his committee; another should go to the Committee of Claims, and a third to the Committee on Military Affairs.

Mr. COX. The suggestion of the gentleman confirms me in my opinion. One claim connected with that northeast Maine boundary certainly ought to go to the Committee on Foreign Affairs. That is the only committee which can properly take cognizance of it.

Mr. RICE, of Maine. I certainly have no objection whatever to its going there.

The vote was taken; and on a division, there were—ayes 43, noes 23; no quorum voting.

The SPEAKER ordered tellers; and appointed Messrs. COX, and RICE of Maine.

The House again divided; and the tellers reported—ayes 64, noes 28.

So the resolution was referred to a select committee.

And then, on motion of Mr. RICE, of Maine, (at half past nine o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *April* 26, 1864.

Prayer by Rev. J. J. MARKS.

ELECTION OF PRESIDENT PRO TEMPORE.

The CHIEF CLERK (WILLIAM HICKEY, Esq.) called the Senate to order and said: The following letter has been received by the Secretary of the Senate from the Vice President:

VICE PRESIDENT'S CHAMBER,
WASHINGTON, *April* 25, 1864.

MY DEAR SIR: I expect to be absent from the Senate on and after to-morrow, and I desire you to communicate the information to the Senate.

Yours truly, H. HAMLIN.

Colonel J. W. FORNEY, *Secretary of the Senate.*

Mr. FOOT. I offer the following resolution:

Resolved, That in the absence of the Vice President, Hon. DANIEL CLARK, of New Hampshire, be, and he is hereby, chosen President of the Senate *pro tempore.*

The resolution was adopted *nem. con.*

The CHIEF CLERK. Hon. Mr. CLARK is unanimously elected President *pro tempore* of the Senate. Mr. FOOT and Mr. HENDRICKS will be pleased to conduct the President *pro tempore* to the chair.

Mr. FOOT and Mr. HENDRICKS conducted the President *pro tempore* to the chair, and he called the Senate to order.

On motion of Mr. FOOT, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that the Senate, in the absence of the Vice President, has chosen Hon. DANIEL CLARK, of New Hampshire, President of the Senate *pro tempore;* and that he make a similar communication to the House of Representatives.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills, which were heretofore signed by the Speaker of the House of Representatives:

A bill (S. No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia;

A bill (S. No. 249) to authorize the issuing of a register to the steam vessel John Martin; and

A bill (H. R. No. 408) for the relief of postmasters who have been robbed by confederate forces or rebel guerrillas.

PETITIONS AND MEMORIALS.

Mr. MORGAN presented a memorial of the religious Society of Friends of New York, praying that a department for savings may be instituted in the nature of a savings bank, by which refugees from slavery, commonly called freedmen, may be enabled under the security of the Government to save their earnings; which was referred to the committee on slavery and freedmen.

Mr. RIDDLE presented a memorial of the Delaware Railroad Company and the New Castle and Wilmington Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. LANE, of Kansas, presented a memorial of citizens of Lawrence, Kansas, who suffered by the sacking and burning of that city by Quantrell's band in August, 1863, praying to be relieved from the payment of the income tax to the United States Government now standing against them; which was referred to the Committee on Finance, and ordered to be printed.

POSTAL MONEY ORDER SYSTEM.

Mr. COLLAMER. As I see that there are no other petitions to be presented, I desire to call up a bill reported from the Committee on Post Offices and Post Roads. There are some four or five bills relating to the Post Office Department on the Calendar, and I do not see that they can ever be reached in any other way unless I move to call them up. I move, therefore, to dispense with all previous orders, for the purpose of taking up House bill No. 185, to establish a postal money order system.

The PRESIDENT *pro tempore*. Will the Senator allow the Chair to call for reports under the rule?

Mr. COLLAMER. I hope I may be privileged to get this bill up first. I observe that when committees are called for reports they ask for action on them, and then I can get nothing in.

The PRESIDENT *pro tempore*. The Senator from Vermont desires the unanimous consent of the Senate to proceed to the consideration of the bill indicated by him.

Mr. COLLAMER. I have no objection after the bill is taken up to allow reports to be made.

The motion to take up the bill was agreed to.

Mr. COLLAMER. I will now yield to reports upon which action is not demanded.

REPORTS FROM COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the petition of S. W. Godon, a commodore in the United States Navy, praying for relief from the alleged injustice done him by placing him on the retired list, reported a bill (S. No. 253) to amend the act of the 21st of December, 1861, entitled "An act to further promote the efficiency of the Navy;" which was read and passed to a second reading.

Mr. TEN EYCK, from the Committee on the Judiciary, who were directed by a resolution of the Senate to inquire into the subject, reported a bill (S. No. 256) to change and define the boundaries of the eastern and western judicial districts of Virginia, and to alter the names of said districts, and for other purposes; which was read and passed to a second reading.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print one thousand additional copies of the report of the National Academy of Sciences, have instructed me to report the same back without amendment, and recommend its passage, and I ask for its present consideration.

Mr. COLLAMER. I shall want to debate that matter, and I do not wish to have it acted on now.

The PRESIDENT *pro tempore*. Objection being made, the report cannot be considered to-day.

Mr. COLLAMER. It was distinctly understood when I got up my bill that there was to be no action on anything else.

Mr. ANTHONY. I will ask the Chair if I can withdraw the report that I have just made and present it on another day?

The PRESIDENT *pro tempore*. The Chair thinks so, if there be no objection.

Mr. ANTHONY. Then I ask the unanimous consent of the Senate to be allowed to do so.

Mr. COLLAMER. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the report is withdrawn.

BILLS INTRODUCED.

Mr. HALE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 254) to provide for the uniform draining and paving of the streets of Washington, at the expense of property holders, under the direction of a Government engineer; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 255) in relation to the mines and minerals in the public domain; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. WILSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 257) to increase the number of cadets in the Army, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 47) to appropriate $25,000,000 for the subsistence and pay of militia called out by the President; which was read twice by its title, and referred to the Committee on Finance.

POSTAL MONEY ORDER SYSTEM.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 185) to establish a postal money order system.

To promote public convenience and to insure greater security in the transfer of money through the United States mails, the bill authorizes the Postmaster General to establish, under such rules and regulations as he may find expedient and necessary, a uniform money order system at all post offices which he may deem suitable therefor, and which shall be designated and known as "money order offices." It is to be the duty of the deputy postmaster at every money order office to issue, in such manner and form as the Postmaster General may prescribe, an order for a sum of money payable by the deputy postmaster of any other money order office which the person applying therefor may select. The deputy postmaster who issues such order is to be required to send through the mails, without delay, to the deputy postmaster on whom it is drawn, due notice thereof, and he is not to deliver such order to the applicant therefor until the latter shall first have deposited with him the amount of money for which such order is drawn, together with the proper charge or fee therefor. It is not to be lawful for any deputy postmaster to issue a money order on any other deputy postmaster without having previously received the money therefor. Any person violating this provision is to be deemed guilty of misdemeanor, and on conviction thereof is to be fined in any sum not less than fifty nor more than five hundred dollars.

A money order is not to be valid or payable unless it be drawn on a printed or engraved form, which is to be furnished to the money order offices by the Postmaster General. It is to be the duty of the latter to supply such offices also with the blank forms of application for money orders, one of which the deputy postmaster is to hand to each applicant for a money order, who is to be required to enter, or cause to be entered, therein his own name and the name and address of the party to whom the order is to be paid, together with the amount thereof and the date of application. All such applications, when filled up and delivered to the deputy postmaster, are to be preserved on file at his office for such length of time as the Postmaster General may prescribe.

No money order is to be issued for any sum less than one or more than thirty dollars; and all persons who receive money orders are to be required to pay therefor the following charges or fees, namely: for an order for one dollar, or for any larger sum, but not exceeding ten dollars, a fee of ten cents is to be charged and exacted by the postmaster giving such order; for an order of more than ten and not exceeding twenty dollars, the charge is to be fifteen cents; and for every order exceeding twenty dollars a fee of twenty cents is to be charged.

If the purchaser of a money order, from having made an error in stating the name of the office of payment, or the name of the payee, or for other reasons, be desirous that the money order be modified or changed, it is to be the duty of the deputy postmaster from whom he received it to take back, at his request, the first order, and issue another in lieu thereof, for which a new fee is to be charged and exacted; and it is also to be the duty of a deputy postmaster to repay the amount of any money order to the person who obtained it, if the latter apply for such repayment and return the money order; but the charge or fee paid therefor is not in any case to be refunded.

If any money order be not presented to the deputy postmaster on whom it is drawn within ninety days after its date, it is not to be valid or payable; but the Postmaster General is authorized, on application of the payee of such money order, to cause a new order in lieu thereof to be issued in his favor, for which a second fee is to be exacted. The Postmaster General is further authorized, whenever a money order shall have been lost, to cause a duplicate thereof to be issued, for which a second fee is to be paid on application of the remitter or of the payee of such order, provided the party losing the original shall furnish a statement, under oath or affirmation, setting forth the loss or destruction thereof, and a certificate from the postmaster by whom it was payable that it had not been paid, and that it would not thereafter be paid.

The payee of a money order may, by his written indorsement thereon, direct it to be paid to any other person, and it is to be the duty of the deputy postmaster on whom it is ordered to pay the amount thereof to the person thus designated, provided the person to whom the money order is indorsed shall furnish such proof as the Postmaster General may require that the written indorsement is genuine, and that he is the person thereby empowered to receive payment of the order; but such second person is not to be at liberty to indorse the same order to a third party, and more than one indorsement will render any order invalid and not payable; and the holder thereof, in order to obtain the amount of the order, is to be required to apply in writing to the Postmaster General for a new order in lieu thereof, for which new order a second fee is to be charged; but in all cases under this section the original order is to be returned, and such proof is to be made of the genuineness of the indorsement thereon as the Postmaster General may require.

Deputy postmasters, at money order offices, may be allowed by the Postmaster General, as a compensation for the issuing and paying of money orders, not exceeding one third of the whole amount of fees on money orders issued, and, at the option of the Postmaster General, one eighth of one per cent. on the gross amount of orders paid at their offices; but all emoluments arising from such rates of compensation are to be subject to the provisions of the forty-first section of the act of March 3, 1825, entitled "An act to reduce into one the several acts establishing the Post Office Department."

It is to be the duty of the Postmaster General to require all postmasters who may be authorized to issue and pay money orders to execute new official bonds conditioned for the faithful performance of all duties and obligations imposed by this act, in addition to those required of them by existing laws as postmasters; and it is to be the duty of the Postmaster General to direct all payments or transfers to or from money order offices. He may direct transfers of money order funds from one postmaster to another, and he may require and direct transfers or payments to be made from the funds received for money orders to creditors of the Post Office Department, to be replaced by equivalent transfers from the funds of the Department arising from postages. It is to be the further duty of the Postmaster General to require each postmaster to render to the Auditor of the Treasury for the Post Office Department weekly, semi-weekly, or daily accounts of all money orders issued and paid, and of all fees received for issuing them, of all transfers, or payments made from funds received for money orders, and of all moneys received to be applied to the payment of money orders, or on account of money order offices.

It is to be the duty of the Auditor of the Treasury for the Post Office Department to receive all accounts arising in the money order offices, or relative thereto, and to audit and settle the same, and to certify their balances to the Postmaster General as often as he may require. He is to keep and preserve all accounts arising in the offices, and report to the Postmaster General all delinquencies of postmasters in rendering their money order accounts, or in paying over money order funds. He is to keep the accounts of the money order offices separately from the accounts for postages, and in such manner as to show the number and amount of money orders issued by each postmaster, and the number and amount of money orders paid, the amount of fees received, and all the expenses of the establishment. It is to be the further duty of the Auditor to superintend the collection of all debts due to the United States, or to the Post Office Department, by present or late postmasters, or other persons, who are, or may have been, employed in the money order offices. He is to direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the payment of such

debts, or for the recovery of any penalties arising under the provisions of this act.

All moneys received for the sale of money orders, including all fees received for selling the same, all moneys transferred from the funds of the Post Office Department to the money order offices, all funds transferred or paid from the money order offices to the use and service of the Post Office Department, and all transfers of funds from one postmaster to another for the use of the money order offices, are to be deemed and taken to be moneys in the Treasury of the United States. If any postmaster, assistant clerk, or other person employed in or connected with the business or operations of the money order offices, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, or shall deposit in any bank, or shall exchange for other funds, any portion of such moneys, every such act is to be deemed and adjudged to be an embezzlement of so much of the moneys as shall be thus taken, converted, used, loaned, deposited, or exchanged, which is declared to be a felony; and any failure to pay over or to produce the moneys intrusted to such person for the use of the money order offices is to be held and taken to be *prima facie* evidence of such embezzlement. Any postmaster, assistant, clerk, or other person employed in or connected with the business of the money order offices, and all other persons advising or participating in such act, on being convicted thereof before any court of the United States of competent jurisdiction, are to be sentenced to imprisonment for a term of not less than six months nor more than ten years, and to a fine equal to the amount of the money embezzled. Upon the trial of any indictment against any person for embezzling public money under the provisions of this act, it is to be *prima facie* evidence for the purpose of showing a balance against such person to produce a transcript from the money order account books of the Auditor of the Treasury for the Post Office Department; and such transcript, when certified by the Auditor under his seal of office, is to be admitted as evidence in the courts of the United States.

If any person shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing any order in imitation of or purporting to be a money order issued by one postmaster upon another postmaster; or shall falsely alter, or cause or procure to be altered, or willingly aid or assist in falsely altering, any money order issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited order, purporting to be a money order, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered money order, issued as aforesaid, knowing the same to be falsely altered, with an intent to defraud, every such person is to be deemed and adjudged guilty of felony, and being thereof convicted, is to be sentenced to be imprisoned and kept at hard labor for a period of not less than three years, nor more than ten years, and be fined in a sum not exceeding $5,000.

For the purpose of carrying on the business of the money order offices, and keeping and settling their accounts, the Postmaster General may appoint, in his Department, one superintendent of the money order system, at an annual salary of $2,500, and two clerks, to wit: one of class four, and one of class three. And the Secretary of the Treasury may, from time to time, appoint in the office of the Auditor of the Treasury for the Post Office Department, the necessary clerks, in all not to exceed six, to wit: one of class four, and five of class two. The Postmaster General is further authorized to cause such additional clerks to be employed in the money order offices as he may find necessary for conducting the operations of the money order system; but the compensation of all the clerks authorized by this act is to be paid out of the revenue accruing from the money order business.

Mr. COLLAMER. Since this bill has been reported from the Committee on Post Offices and Post Roads, on communication with the head of the Post Office Department, he desires several amendments made to it. I have examined them, and so far as they seem to me to be right I desire to propose them. In section eight, line fourteen, after the word "postages," I move to insert the following words:

And he may require and direct transfers or payments to be made from the funds of the Post Office Department in the hands of any postmaster arising from postages to the money order offices.

The amendment was agreed to.

Mr. COLLAMER. I offer another amendment, to come in as a new section immediately after the eighth section of the bill:

And be it further enacted, That out of the moneys paid into the Treasury for the service of the Post Office Department, the Postmaster General shall have power to transfer to the deputy postmaster of any money order office such sum as may be required over and above the current revenue thereof, to pay money orders drawn on the latter; and such transfers shall be made by warrant on the Treasury by the Postmaster General, and countersigned and registered by the Auditor of the Treasury for the Post Office Department.

The amendment was agreed to.

Mr. COLLAMER. In the sixth line of the twelfth section before the word "clerks" I move to strike out "two" and to insert "three," so as to allow three clerks to the superintendent of this money order system.

The amendment was agreed to.

Mr. COLLAMER. In the next line of the same section, I move to strike out the word "one" and insert "two," so as to allow two clerks of class three instead of one.

The amendment was agreed to.

Mr. COLLAMER. In the eleventh line of the same section after the word "two" I move to insert these words:

And to provide for the compensation of the said superintendent and clerks for the fiscal year ending June 30, 1865, the sum of $17,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. COLLAMER. In line fourteen of the same section, after the word "system," I move to insert the words, "whose compensation shall be paid out of the proceeds of the money order business;" so that the clause will read:

And that the Postmaster General is further authorized to cause such additional clerks to be employed in the money order offices as he may find necessary for conducting the operations of the money order system, whose compensation shall be paid out of the proceeds of the money order business.

The amendment was agreed to.

Mr. COLLAMER. I have one more amendment to offer. It is to strike out all of the proviso to the twelfth section after the words "*Provided, however*," in the fifteenth line, in the following words:

That the compensation of all the aforesaid clerks authorized by this act shall be paid out of the revenue accruing from the money order business.

And to insert in lieu thereof:

That to meet any deficiency that may arise in the amount of such proceeds during the first year, the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

FRANKED MATTER.

Mr. COLLAMER. I wish to call up Senate bill No. 248.

Mr. HOWE. I desire to ask the Senator from Vermont to let the unfinished business of yesterday come up.

Mr. COLLAMER. What is it?

Mr. HOWE. It is a joint resolution for the relief of the State of Wisconsin.

Mr. FESSENDEN. I have not been able yet sufficiently to acquaint myself with that matter.

Mr. CONNESS. I hope we shall get the post office bills through this morning, since we have begun with them.

Mr. COLLAMER. There are only four of them left, I believe.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the bill (S. No. 248) in relation to franked matter was read the second time, and considered as in Committee of the Whole. It provides that all communications of whatever origin addressed to the chiefs of the several Executive Departments of the Government, or to such principal officers of each Executive Department, being heads of bureaus or chief clerks, or one duly authorized by the Postmaster General to frank official matter, shall be received and conveyed by mail free of postage without being indorsed "official business."

Mr. COLLAMER. I wish to insert at the end of the bill "or with the name of the writer." By the law of last year the Departments had the right to frank letters, indorsing thereon "official business," upon the business of their Departments; but in receiving answers nobody was authorized to send papers to them without prepaying the postage, unless certain officials in the Army and elsewhere, and they were to write "official business," and sign their names to that indorsement. That has turned out to be a very great inconvenience. This bill provides that all communications made to the Departments shall have the right to be franked, and may be received though they are not indorsed "official business," because the difficulty that is now created is that the officers in the Army and elsewhere, not understanding the law, send their official papers without signing their names to the indorsement, and often without the indorsement, and then they go to the dead letter office, and they have to keep an account, to charge double postage on those letters to the proper Department, and keep a clerk to look it up. It makes so much difficulty that we think it better to amend the law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. HALE. I want to inquire of the chairman of the Committee on Post Offices and Post Roads if he does not propose to put any limit to the weight of these documents?

Mr. COLLAMER. There is no limit to those they send out, and we cannot very well put a limit. They are on all sorts of business—quarterly returns from postmasters, returns from the quartermaster's department, &c. We cannot fix any particular limit.

Mr. HALE. I want to inquire of the chairman of the Committee on Post Offices and Post Roads if it would not be well, if it could be done without detriment to the public service, to put some limit here; and if he cannot put in a limit as to quantity, whether it would not be expedient to put in a limit as to quality; that is, that this frank should cover only official correspondence, or something of that sort.

Mr. COLLAMER. The trouble is this: as the law now stands any quartermaster making returns in the Army, any official in sending letters to his Department, has to write on them "official business," and sign it. A large part of them, who do not understand anything about the Post Office business, do not understand the necessity of that indorsement, and if they do they do not use those words but some others. The effect of it is that these returns, either not being indorsed at all or not having the names of the writers written on the envelope, pass through the post office and are sent to the dead letter office; and an arrangement has been made by which the proper Department sends there and gets them, and is charged double postage. They are receiving them by hundreds and thousands. They have to keep clerks who understand this business to ascertain and keep the account with the Post Office Department, and settle it from month to month, and charge over to the Government the double postage which they pay on the letters which were sent to them with their official papers in. This makes a great deal of trouble and takes a great deal of time, and causes great embarrassment; and there is no security in it, because though a man has no right to send papers to the heads of Departments without writing "official business" and his official signature, yet if any man in the world wants to send a paper to the head of that Department that is not on official business he has but to indorse that on there, and write "John Smith, captain," or "aid" or "quartermaster." Nobody else can tell anything about it. It is no security to the Post Office Department; it an-

swers no purpose. This indorsement may be put on with perfect impunity by anybody. It is, therefore, creating a great deal of embarrassment, and furnishes no security, and we have been unable to perceive the necessity of continuing it.

It is true that the head of the Post Office Department in drawing the bill to effect the object still thought we had better have the words "official business" put on, but not to require it to be signed. What sort of security is that? It would create pretty much the same embarrassment. Those who sent official papers would not understand the words to be put on, and if they put them on and did not sign them it would be utterly useless to put them on at all. The committee, therefore, were of opinion that they ought not to require "official business" to be written on any more than the name. I do not know that the Senator from New Hampshire now understands me.

Mr. HALE. Yes, I do.

Mr. COLLAMER. When they send out their papers there is nothing to limit the weight.

Mr. HALE. I move to amend the bill, after the word "communications" in the third line, by inserting the words "relating to the official business of the Department to which they are addressed;" so that it will read:

That all communications relating to the official business of the Department to which they are addressed, of what ever origin, &c.

Mr. COLLAMER. I really desire to know how anybody can tell in the post office whether it relates to official business or not.

Mr. CONNESS. It is a matter of conscience.

Mr. COLLAMER. But it is not the postmaster's conscience.

Mr. HALE. It is binding on the officer who sends them, and I think there might be a provision that if anybody should take advantage of that and send things that were not official he should be punished.

Mr. COLLAMER. But the gentleman will have to perfect a system of that kind; we have nothing like it now.

Mr HALE. I do not think the amendment will do any harm. There will be some men who will have conscience enough to observe it.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

CARLISLE DOBLE.

Mr. COLLAMER. There is another little bill from the Post Office Committee which is in charge of the Senator from Minnesota [Mr. RAMSEY] that requires action.

Mr. RAMSEY. It is the joint resolution (S. No. 40) for the relief of Carlisle Doble.

Mr. DOOLITTLE. I wish to suggest that the joint resolution in relation to the State of Wisconsin comes up at one o'clock as the unfinished business of yesterday.

Mr. RAMSEY. If the Senator will give us the residue of the morning hour, we can pass this little resolution. There are three minutes yet left of the morning hour.

The motion was agreed to; and the joint resolution (S. No. 40) for the relief of Carlisle Doble was read the second time, and considered as in Committee of the Whole. It proposes to authorize the Postmaster General to examine and adjust the claim of Carlisle Doble for carrying the mails between Taylor's Falls, Minnesota, and Superior, Wisconsin, from April to November, 1857, and to pay such sum of money as shall be found to be justly and equitably due.

The joint resolution was reported to the Senate, and ordered to be engrossed for a third reading; and it was read the third time, and passed.

CLAIMS OF WISCONSIN.

The PRESIDENT *pro tempore*. It becomes the duty of the Chair to call up the unfinished business of yesterday at this hour, being the joint resolution for the relief of the State of Wisconsin.

Mr. DOOLITTLE. That joint resolution comes up now as the unfinished business of yesterday; but the Senator from Maine [Mr. FESSENDEN] informs me that he expects to take up the bank bill to-day. It is not desirable to antagonize this with the taking up of that great measure, and therefore, at his suggestion, on consultation with my colleague, it is thought best to move to postpone this joint resolution to some future day, and perhaps fix it in the morning hour. It is not material what day is named; and I will, if there is no objection, name Friday at half past twelve o'clock.

Mr. POMEROY. Why not to-morrow?

Mr. DOOLITTLE. I am willing to say to-morrow at half past twelve o'clock.

Mr. FESSENDEN. I think it had better be fixed for a later day.

Mr. DOOLITTLE. Then I will say half past twelve o'clock on next Monday.

Mr. HENDRICKS. I felt it my duty to report the joint resolution which is now before the Senate, and I desire to say to the Senator from Wisconsin that it is not probable I can be here on Monday. I have no interest in the matter except that if the views expressed in the report which I have had the honor to present to the Senate should be attacked I should like to have an opportunity of vindicating them.

Mr. DOOLITTLE. Then I ask the Senator from Indiana to name a day which will be convenient for him.

Mr. HENDRICKS. I expect to be called home the first of next week, but I shall be here during the whole of this week.

Mr. DOOLITTLE. Suppose you appoint a day within this week?

Mr. HENDRICKS. I do not suppose it is a subject that will require much of the time of the Senate; we might as well perhaps take it up to-morrow, though I have no particular choice as to the day.

Mr. HOWE. I wish, under these circumstances, that the honorable Senator from Ohio [Mr. SHERMAN] would not press his bank bill. The honorable Senator from Indiana has examined this question, and it would be a satisfaction to the Senate to have his views upon it. It would be a satisfaction to us who represent the State to have him state his views upon it to the Senate; and as he has informed us that he cannot be here after to-day, as I understand, and there is a special order for every other day this week——

Mr. SHERMAN. Is this a House bill?

Mr. HOWE. No, it originates here; and the session is drawing toward its close. It is a matter of very considerable importance to the people of our State.

Mr. SHERMAN. I do not think that any private bill (for this is a private bill, although for the relief of the State of Wisconsin) ought to antagonize with any general public measure. I do not think the Senators do themselves justice by placing it in that position. I have not the slightest objection to any other day that may be named. I have no objection to fixing it for half past twelve o'clock in the morning hour.

Mr. HOWE. I will ask the Senate, then, to set it down for half past twelve o'clock to-morrow.

Mr. FESSENDEN. I must object to any more special orders, and call for a vote of the Senate. It will be remembered that at the session before the last we found on experience that this assignment of bills by special order interrupted entirely the ordinary course of proceeding in the Senate, ran us into confusion, and created great embarrassment, and the Senate came to the conclusion then that they would only, in very special cases, give a special order, and that it should only be ordered by the vote of two thirds of the body. Now, we have already so far forgotten our experience on that subject as to make special orders for every day this week, and they will be continually interfering with each other, and we shall have questions as to the priority of unfinished business and special orders. If this motion is made I must certainly object to it at this period of the session, and call for a vote of the Senate, and see if the Senators can get two thirds of the Senate to make a special order of a private bill.

I have this to say further, that although there has been a report on the table on this subject, it is somewhat singular that this is a claim which has existed ever since the State of Wisconsin has been a State. The Secretary of the Interior, as I understand, has refused to pay over this money on the ground that the State of Wisconsin is not entitled to it. For some reason or other, however, growing out of the question, it is presented to us by the report made by the Senator from Indiana. That is the condition of it, and it embraces something like half a million dollars, I am told.

Mr. HOWE. Less.

Mr. FESSENDEN. Or more. The proposition, then, in this state of things, is to make a special order of a private bill which is to take more than half a million dollars out of the Treasury. The gentlemen state that they think there cannot be discussion about it, although it is a question which has been pending ever since Wisconsin has been a State. Under these circumstances, it being a private bill taking that amount of money out of the Treasury, it is certainly not an unreasonable request that I who happen to have my notions about it, should have a few days, (when this matter is called up, when the subject is brought to my knowledge for the first time, for I did not know till yesterday that there was such a report here,) so that I may examine it and see whether the country ought to pay this amount of money; to satisfy myself on the subject. I wish to understand it, and I have not been able to do so by one reading of the report.

I think this haste to hurry it through without examination, without giving me the time that I desire, is a little suspicious. I want to look at it, and I want the necessary time to look at it and understand it, and I object entirely to making a special order of it. I must be engaged all day upon the bank bill which is coming up and which is a bill relating to the public generally, and I object entirely to making this question a special order for to-morrow at half past twelve o'clock.

Mr. COLLAMER. I have nothing to say particularly about the merit of this question on the proposition to make it a special order; but I wish to say that if gentlemen will move to make special orders it certainly ought to be of matters of some importance, and I admit that this is of that character. It should be of importance enough to require that sort of peculiar attention; and if it is it should not be stolen in upon our morning hour or any part of it. Whatever is of importance enough to be made a special order should have a time by itself. If you take up the time of the morning hour, during which we can do a good deal of business, with important measures of this kind, you may as well dispense with the morning hour altogether, and say, in relation to the ordinary business of the Senate, that there shall be no time given to it. In relation to the bills which have been reported from the Committee on Post Offices and Post Roads, I do not suppose anybody will regard any of them as of importance enough to be made a special order, and I expect if I ever get them passed at all to get them through in the morning hour. I protest against any part of the morning hour being taken up with special orders. If special orders are made I wish them to be made for some other time.

Mr. HOWE. Mr. President, if I could anticipate a time when the Senate would have nothing else to do, I would wait for that time before proposing to take up this joint resolution. I think the Senator from Maine ought not to urge his objection against a special order on my application in reference to this resolution, because yesterday when it was before the Senate without the slightest objection I allowed it to go over upon his request, he saying that he wanted time to examine the report of the committee. It comes up to-day as the unfinished business. The Senator from Ohio wants to proceed with the consideration of the bank bill. I do not wish to antagonize this joint resolution with that bill. The Senator from Indiana, who has examined this subject very carefully and has reported upon it very elaborately, gives notice that he expects to be absent after this week. As the Senator from Maine notifies us that his impressions are against the validity of the claim, I thought the Senate would desire that it should be considered while the Senator from Indiana was here.

Mr. FESSENDEN. The Senator is not to be absent during the rest of the session.

Mr. HOWE. The Senator has not informed us how long he is to be absent; but we desire to have this matter acted on at this session, and after the joint resolution shall have passed this body it must be acted upon in the other House, and the Senator from Maine I think will admit that a delay of a week or two now in acting upon this joint resolution will endanger, if not necessarily defeat, its passage at this session; and therefore I think he ought to consent that it be made a special order for some time. If he says

that he will not have time to examine this report between to-day and to-morrow, if he asks a later day in this week, I cannot object to that.

The remark that we are pressing this measure so as reasonably and justly to excite suspicion in his mind or the mind of any Senator, I think is unauthorized. There is certainly no disposition to press it until Senators have an opportunity to examine the measure. If time is wanted that is one thing; but I ask on the other hand those who say they are willing to consider it at all, that they will secure us some time when we can consider it, and when the Senator from Indiana can be here to consider it with us. If the Senator from Maine will allow it to be set down for Thursday or Friday of this week, I shall be content with that.

Mr. FESSENDEN. There is already a special order for each of those days.

Mr. HOWE. I understand so, and that drives us to set it down for the morning hour. The Senator from Vermont objects to that. I cannot understand how the morning business is prejudiced any more by having a particular measure considered in the morning hour upon a special order than it is by having it considered without a special order. If this is unimportant business, then it belongs to the morning hour; and how is the business of the morning hour prejudiced by making it a special order within the morning hour? I will move, if I have the right to modify my motion, that this joint resolution be assigned for Thursday, at half past twelve o'clock.

The PRESIDENT *pro tempore*. The Senator from Wisconsin modifies his motion so far as to make the joint resolution the special order for Thursday, at half past twelve o'clock.

Mr. FESSENDEN. I should like to inquire which takes precedence—I should like to have that settled—the unfinished business of yesterday or the special order for to-day for a particular hour when the hour arrives.

The PRESIDENT *pro tempore*. The unfinished business, by the rules, takes precedence.

Mr. CONNESS. I join the Senator from Vermont in objecting to encroachment on the morning hour by making special orders. It is the only time within which we may take up bills on motion affecting our States. I will remind the Senator from Wisconsin that there are two or three bills lying on the table in regard to my State, deeply interesting to us, that we occupy but a very little time of the Senate, and that if the morning hour be encroached upon or the precedent be established of doing so by making special orders within it, we shall go on and thus occupy that hour within which only we may call up bills affecting our States. I hope that if the Senators from Wisconsin desire to make this question a special order, they will fix it for some day at one o'clock, and not encroach upon the morning hour.

Mr. DOOLITTLE. The proposition in which the Senators from Wisconsin feel some interest is before the Senate, having precedence over all other business, because it was taken up yesterday, and comes up this morning as the unfinished business having precedence; but we do not desire to put ourselves in a position of being antagonized with the great measure of the session of which the honorable Senator from Maine has charge.

Mr. FESSENDEN. The Senator from Ohio.

Mr. DOOLITTLE. Or the honorable Senator from Ohio from the same committee. I identify the two gentlemen together. I look first to the right and then to the left. I regard them as about the same thing, having charge of the financial affairs of the Government, and I desire to give way always when they say they need the floor.

I would not say a single word now except that I desire to accommodate this measure to the wishes of my honorable friend from Maine, to fix it for some time, I do not care when it is, when he will be prepared to give his attention to it and say whether it is right or not, for if it is not right I do not ask it; but I think my honorable friend has fallen into the mistake of believing that the controversy in this case has existed between the State of Wisconsin and the Federal Government. Not at all. Upon the law as it stands, the five per cent. which Wisconsin claims is just as clear as anything can be made by the law; but the real controversy has been in the State of Wisconsin, growing up between a company which undertook to build a certain canal and the State of Wisconsin, the canal not being built; the question being between that incorporation there and the State of Wisconsin, not between the State of Wisconsin and the United States; and when the State of Wisconsin has asked the Government to pay over the five per cent., this corporation has appeared here in Congress and objected to any action by Congress, and stood in our way and prevented anything ever being done. That is the truth about it. But I understand that now, by the resolution which has been reported by the Committee on Claims, this thing has been put in such a shape as to be entirely satisfactory, to end the controversy in the State of Wisconsin between the State and the company, and leave us open to a fair settlement with the Secretary of the Interior. I suppose that is the whole of it.

I do not suppose really it will take half an hour of the time of the Senate to understand the question fully whenever they can give their attention to it. I understand the honorable Senator from Indiana has examined the question thoroughly, and is prepared to give his attention to it. The reason why the Senators from Wisconsin have desired to fix the day is that we can fix such a day as will enable the Senator from Indiana to give his views on this question, because we are informed by him that after this week he is necessarily compelled to be absent.

To accommodate these two things, to accommodate the Senator from Maine, so that he can fully understand this question, and to accommodate the Senator from Indiana, I, for one, desire to leave this question entirely to the decision of the Senate to say when shall the time be fixed. We are perfectly willing to take it up now; but my honorable friend from Maine is not prepared now to go into an examination of the question, and he has got another great measure in hand, and therefore we do not desire to antagonize with that. We are perfectly willing to take it up to-morrow or the next day, or any other day this week. Half an hour's time of the Senate, I doubt not, will satisfy all Senators that the claim of the State of Wisconsin, as far as this Government is concerned, is right.

I have nothing further to say on this matter.

Mr. HENDRICKS. I do not desire the honorable Senator from Maine to understand that I wish to press this question with any indecent haste. It is like any other measure that it was my duty as a member of the Committee on Claims to examine. I did examine it, it having been assigned to me by the chairman of that committee for investigation; and having investigated it, I presented my views to the committee, and they directed me to report them to the Senate as I presented them to the committee. It is now before the Senate.

The Senator from Maine, I desire to say, is also very much mistaken about the amount that is involved. I have a communication from the Commissioner of the General Land Office, who says that upon the adjustment of the accounts of the State of Wisconsin of her five per cent. on the proceeds of the sales of the public lands up to 1861, there was due to her $249,768 70. Since that time there has been adjusted for the year 1862, $370 41, making up to the close of the year 1862 due upon the adjustment to the State of Wisconsin $250,139 11.

Mr. FESSENDEN. I only spoke from hearsay, and when I said it was half a million, the honorable Senator from Wisconsin said "more."

Mr. HOWE. "Less."

Mr. FESSENDEN. I understood the Senator to say "more," and others near me so understood him.

Mr. HOWE. I said "less," and I repeated it twice.

Mr. HENDRICKS. The amendment to the joint resolution which the committee has presented to the Senate proposes to charge the State of Wisconsin, as against this, with one hundred and twenty-five thousand acres of land, $1 25 an acre, giving her certain credits, so that I presume the amount that will be paid out of the Treasury will be less than two hundred thousand dollars.

In reply to the Senator's intimation that this is a very old claim, I desire to say that the reason it is an old claim is that there was a matter in dispute between the State and the canal company, as has been suggested by the Senator from Wisconsin, which could not be settled. It was impossible to settle it at the Department, because the Department had not the proper authority of law to make the settlement, as the Secretary of the Interior in 1862 said, and that the subject ought to be properly brought before Congress for its consideration. The view taken by the State of Wisconsin, and by her Senators in this body, is sustained, as I am prepared to show, by the Commissioner of the General Land Office in a letter addressed by him to the Secretary of the Interior in 1862. I have thought that what was pledged to the State of Wisconsin in 1848 upon her admission into the Union ought to be considered. It is not like an ordinary private claim. It is based on the assurance of this Government to the State of Wisconsin that she should have her five per cent. This bill is merely to remove the troubles that are in the way of the adjustment of the accounts in the Department.

I do not want the bill to be set down to suit my convenience at all. I am compelled to be away next week on account of professional engagements, which I cannot neglect, but I expect to be back within a reasonable time, within a few days.

Mr. FESSENDEN. I can only say that all I desire is time to examine the question before it shall be acted upon; and certainly I do not think that is asking too much, engaged as I am, and never knowing until yesterday that there was any such report.

Mr. HENDRICKS. I do not wish the Senator from Maine to understand that I object to that at all. I claim that for myself.

Mr. FESSENDEN. My time is so occupied that I cannot mention any particular time when this bill may be taken up; but I will say this to Senators, I will examine it just as soon as I can and give them notice when I am ready.

Mr. HENDRICKS. Perhaps by Thursday next the Senator may be ready to consider this resolution, so that we may be able to dispose of it this week. If the passage of the resolution through this body shall be delayed for two or three weeks, the chances are very much against its passage in the House of Representatives, because most Senators are aware of the manner in which business is piled up toward the close of a session in that House.

Mr. CONNESS. I suggest to the Senator from Wisconsin, that with the explanations that have been made and the preparation that will be made to consider this subject, it would be better not to make this resolution a special order in the morning hour, but to call it up in the morning hour on some future day that will be convenient to Senators.

Mr. HOWE. I am going to accept that suggestion, and with the promise made by the Senator from Maine, that he will look into the matter at his earliest convenience——

Mr. FESSENDEN. Certainly; I am not disposed to delay it at all.

Mr. HOWE. I am disposed to accommodate myself to the opinions of the Senator from Maine, the Senator from California, and the Senator from Ohio, and I will give way to the Senator from Ohio to take up another bill.

Mr. SHERMAN. I suggest that this resolution be postponed or laid on the table with a view to take up the special order of the day, the bank bill.

The PRESIDENT *pro tempore*. It is moved by the Senator from Ohio that the further consideration of the joint resolution now before the Senate be postponed until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House of Representatives had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (No. 426) to create an additional supervising inspector of steamboats and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local inspectors for the collection district of Oregon, and for other purposes; and

A joint resolution (No. 67) to increase temporarily the duties on imports.

BUREAU OF MILITARY JUSTICE.

The message further announced that the House of Representatives had disagreed to the amend-

ments of the Senate to the bill of the House (No. 308) to establish a Bureau of Military Justice, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FARNSWORTH of Illinois, Mr. JAMES A. GARFIELD of Ohio, and Mr. GEORGE H. YEAMAN of Kentucky, managers at the same on its part.

The Senate proceeded to consider its amendments to the bill of the House (No. 308) to establish a Bureau of Military Justice, disagreed to by the House of Representatives; and

On motion of Mr. WILSON, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WILSON, Mr. HOWARD, and Mr. HENDRICKS.

HOUSE BILLS REFERRED.

The following bill and joint resolution, received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

A bill (No. 426) to create an additional supervising inspector of steamboats and two local inspectors of steamboats for the collection district of Memphis, Tennessee, and two local inspectors for the collection district of Oregon, and for other purposes—to the Committee on Commerce.

A joint resolution (No. 67) to increase temporarily the duties on imports—to the Committee on Finance.

NATIONAL CURRENCY.

The PRESIDENT *pro tempore*. The special order of the day is now before the Senate as in Committee of the Whole, being the bill (H. R. No. 395) to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof.

Mr. SHERMAN. In order to expedite business, I propose that the amendments reported by the Committee on Finance be acted upon as the Secretary reaches them in reading the bill through. That will save one reading. It is a very long bill.

The PRESIDENT *pro tempore*. That course will be taken, if there be no objection.

The Secretary proceeded to read the bill down to the first amendment of the Committee on Finance, which was in section one, line fourteen, after the word "President," to strike out the words "by and with the advice and consent of the Senate;" so that the clause will read:

The chief officer of the said bureau shall be denominated the Comptroller of the Currency, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President.

Mr. GRIMES. I should like to inquire why the committee propose to make that change. I remember that this clause was put in the bill of last year upon great consideration, in order to prevent this officer from being a mere political officer, as he doubtless will be, if he is to be turned out without any consultation with the Senate. I should like to know what change has come over the spirit of the dream of the Finance Committee on that subject.

Mr. SHERMAN. I would rather have some other member of the committee explain that amendment, because they can tell the reasons that actuated the committee better than I could. I am opposed to the amendment.

Mr. FESSENDEN. The reason why that clause was stricken out by the Committee on Finance was simply this: that provision is in the original bill that we passed last year. It was put into the original bill because it was thought advisable that this officer should be in a very particular degree independent of political changes and political considerations. There seemed to be a necessity for a degree of permanency and a degree of independence in this officer that did not apply to others, and it was agreed to. When it came up this year in the same shape the attention of the committee was called to it, and we came to the conclusion that there might be difficulties in such a case even in carrying that out.

In the first place, it is establishing a new rule. It is questionable whether the President has not the power of appointing this officer and removing him, even if this provision should remain in the bill. It has always been held in all other cases that the power of removal was a necessary consequence of the power of appointment; that when the President appointed an officer who was provided for by law that was all very well; but he might at any time appoint another in his place, as the power of appointment was vested in him, and that power of appointment necessarily involved the power to remove the incumbent when the President appointed a new officer.

On the contrary, it is said that with regard to an office created by Congress, Congress has a right to fix such limitations upon it with reference to the power of removal as it sees fit. That is a doctrine that has never been acceded to heretofore. At any rate, this is made an exception to all rules, even with regard to military officers. The President has always exercised the power to strike any man from the list of officers in the Army if he saw fit to do so, and we have, with a view rather to acknowledge that power and to induce its exercise in the present condition of the country, made a special provision by law, I believe, on that subject.

The difficulty in this case is this: if you provide that the Comptroller of the Currency shall only be removed by and with the advice and consent of the Senate, it may happen that in the recess of Congress this officer may be unfaithful. He will wield an immense power in the country over all these banks with this accumulated capital, and he could in the course of a very short time, if he were disposed to do so, produce the most disastrous effects upon the currency of the country by his own motion. It will be difficult to say that the President should not have the power to remove him if he was found to be exercising the power of his office in that way. There is that danger always, and that, perhaps, was the great argument that made the construction of this power what it is: that necessarily, as Congress is not always in session, the President must have the power of removal in order to guard against evils that might follow from unfaithful officers who would otherwise hold their positions contrary to the interests of the Government. It is desirable at all events, if this provision is retained, that the President shall have the power to suspend for a time for sufficient cause the powers of the Comptroller of the Currency until the meeting of Congress, and then report to Congress the reasons why he has thus suspended him.

The matter, however, came up this morning in the Committee on Finance, and it was thought advisable on the whole to leave the amendment stand, as we originally reported it, striking out this clause, presuming that the House of Representatives would insist (as it usually does) upon its own views in relation to this important amendment of the bill, and it would result in a committee of conference, when something could be arranged between the two committees that would be effective in relation to it.

For myself, while I see the force of the argument that this officer ought to be in a great degree independent, I also see the force of the argument that the power of suspending him should exist in the President, because otherwise, during a recess of Congress, the great interests of the community might be left at the mercy of the Comptroller of the Currency, if he should happen to prove an unfaithful man. We thought the clause, as it stood, might be unsafe in that particular at some future time, and on the whole we concluded to strike out the clause, thinking that it would result in an arrangement with reference to it that might obviate the difficulties on both sides.

Mr. BUCKALEW. I desire to move an amendment to the amendment of the committee. I move to insert the following words in place of those proposed to be stricken out: "upon reasons to be reported by him to the Senate;" so that the clause will read:

And shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be reported by him to the Senate.

Mr. FESSENDEN. I think that would hardly meet the difficulty, because it makes his reasons conclusive whether the Senate likes them or not. It leaves the power of removal just exactly where it would be if this clause should be stricken out altogether, only the President is compelled to report his reasons to the Senate. If the reasons are satisfactory to himself they are to operate. They might not be satisfactory to the Senate, but still that would produce no effect upon the act itself. I think, therefore, that the amendment to the amendment would not cure the evil.

Mr. POMEROY. The effect of it would be that if the Senate did not approve of the reasons given by the President, they could refuse to confirm the successor appointed to the previous Comptroller.

Mr. FESSENDEN. That would only make confusion. It is necessary that the office should be filled.

Mr. HOWARD. I hope the Senate will concur in the amendment of the committee unconditionally, for I regard it as well-settled law that under the Constitution of the United States the President has the absolute power of appointment and the equally absolute power of removal. I am not able to see what authority we have to annex any conditions or limitations to the President's power of removal from office. If he has the power of appointment, and if the power of removal is an incident of the power of appointment, then we have nothing to do with it, and we can only leave the responsibility of removal to the President himself. Suppose we should adopt the amendment suggested by the Senator from Pennsylvania, and the President should see fit to remove this officer without giving to Congress any reasons whatever, what would be the result in law? Would he or would he not be actually removed? Would he remain in office because the President had not given reasons for his order of removal, or what would be his condition? I should really like to understand from the honorable Senator from Pennsylvania what would be the legal consequences? I think that the reasons given by the honorable chairman of the Committee on Finance for the amendment which that committee has suggested are perfectly satisfactory and perfectly conclusive. Let us leave to the President his full responsibility for exercising the laws and hold him to that responsibility before the people.

The amendment to the amendment was rejected

The amendment of the committee was agreed to.

Mr. SHERMAN. Perhaps before we proceed to the consideration of the amendments, I ought to make a general explanation with regard to this bill. I am induced to do so by inquiries from several Senators.

This bill repeals the act of last year, and is amendatory of that act. Nearly all the provisions contained in this bill are contained in the act of last year. There are very many changes, however, but they are changes of detail, transposition, verbal modifications which are found to be necessary in order to make the law of last year effective and easy of execution. There are, I believe, but six or seven important propositions contained in the new bill that will be likely to excite the attention of the Senate, and I will name them in order to call the attention of Senators to them, so that they may see the difference between this measure and the measure that was passed a year ago.

The first important provision of this bill is, that it provides centers of redemption. Under the old bill, a bank was not bound to redeem its issues except at its own counter. If it failed to redeem there, then provision was made for winding it up. Under the present bill, certain cities of the United States are designated where the banks are required to redeem their issues. Each bank is to redeem its issue at its center of redemption as prescribed by the Comptroller of the Currency. The cities named are the principal cities along the Atlantic coast, Cincinnati, Louisville, Chicago, Detroit, and two or three other places. That will strengthen the system very much by relieving the noteholder from the trouble of going from any part of the United States to a remote village or city, and there demanding redemption at the counter of the bank.

The second main feature is in regard to the taxation of the banks. Under the old act there was a great deal of ambiguity about it. There was some doubt whether or not the banks were allowed to be taxed by State and municipal authority. The general impression, however, was that they were not to be taxed by State and municipal

authority. The present bill explains that and defines it.

The bill as passed by the House of Representatives proposes that the banks shall be liable to State and municipal taxes to a certain extent. The amendment of the Committee on Finance proposes that these banks shall be taxed by the State and municipal authorities to all extent, and that the stockholders themselves shall be taxed on their stock as upon personal property.

The very important difference between this bill and the old law is in regard to the conversion of State banks to national banks. This bill modifies and changes the provisions of the old act in regard to the conversion of State banks into national banks, and, without changing the principle of the bill, very much improves the manner in which old banks organized under the State law may be converted into national banks.

The fourth important change is in the rate of interest. The bill as it came to us from the House of Representatives fixed the uniform rate of seven per cent. interest to be applied to the banks organized under this act. Under the act of last year, the State law fixed the rate of interest. In this particular, the Committee on Finance have amended the House bill so as to leave it substantially like the old act.

Mr. HOWARD. Leaving the rate of interest to be fixed by the State law?

Mr. SHERMAN. Yes, sir. The fifth important provision is in regard to the kind of stocks to be used as a basis for banking. Under the old act, any kind of United States stocks might be filed at the Treasury and made the basis of a banking institution. Under this act, no United States bonds can be used as the basis of bank circulation except registered bonds to be assigned to the Treasurer of the United States in trust for the association; and there are very many provisions intended to guard these bonds from abstraction and from loss. Under the old system, there was a possibility that by fraud or improper conduct in the officers of the Government these bonds might be tampered with and sold; but under this bill I do not think that is possible. In this respect, the pending bill is much better than the old law.

Mr. HENDERSON. Can the five per cent. bonds be used?

Mr. SHERMAN. Yes, sir; this bill authorizes any bonds of the United States to be used; but notes can only be issued to a certain percentage upon the par value of the bonds. Under the provisions of this bill, there must always be a difference of ten per cent. between the amount of notes received on these bonds and the market value of the bonds themselves. The very moment this margin is passed, it will be the duty of the Comptroller of the Currency to call either for money, or for new bonds, or new securities to keep up that margin. In this particular, it is a restraint upon the issuing of bills.

The sixth important difference is in the denomination of the notes to be issued. Under the old act, no note could be issued by any one of the national banks of a less denomination than five dollars. Under the pending bill, the notes may be issued of denominations as low as one dollar; but the very moment specie payment is resumed in the United States, those notes must be withdrawn, and then no notes must be issued of a less denomination than five dollars. This amendment was made by the House of Representatives after some debate, and to meet the demand now made for small bills.

These, I believe, are all the important modifications of the system.

Mr. COLLAMER. Does it limit the amount of those small bills?

Mr. SHERMAN. Yes, sir; the same section requires that no more than one sixth of the notes furnished to any banking association shall be of a less denomination than five dollars, and they must be retired at the very moment specie payments are resumed.

These are all the important modifications. I do not mean, unless compelled to do so by the course of the debate, to discuss the merits of this financial system; I did that a year ago; and I am satisfied after the experience of one year that the system can be made a success. I only wished to point out these important modifications. I will make this general observation, that in all respects all these modifications tend to strengthen the system, not to weaken it. They are limitations rather against the banks than for the banks, with the exception probably of the modifications in regard to small notes and the rate of interest. The Committee on Finance having stricken out the uniform rate of interest fixed in the House bill, leaving the rate of interest substantially as under the old law, that is no longer a matter necessary to be explained at the present moment.

Mr. COLLAMER. I wish to ask the gentleman to explain what are the improved conditions, as he views them, under which State banks are to be brought into this system. He thinks this bill furnishes facilities for them. What is there about it which limits and affects the subject of personal liability? Is there not something peculiar in the bill as to the amount to which they shall be liable?

Mr. SHERMAN. I will explain it to the Senator, although that question will come up on one of the amendments.

Mr. COLLAMER. I do not understand what is meant by it.

Mr. SHERMAN. Under the present bill, as under the old one, stockholders are individually liable to the amount of stock subscribed by them, and to an amount equal to that. They are precisely the same, except that the present bill as it came from the House of Representatives exempted from that individual liability banks with a capital stock of $5,000,000. The Committee on Finance have amended the bill in that particular by making that exemption apply only to the Bank of Commerce, for reasons that I will state hereafter in full when the amendment shall be reached. Under this bill—if the amendments of the Committee on Finance shall be adopted—the stockholders of all these banks, with the single exception I have mentioned, and the reason for which I shall state hereafter, will be individually liable to an amount equal to the amount of the par value of the shares held by them, in addition to the amount invested in such shares.

The Secretary continued the reading of the bill. The next amendment of the Committee on Finance was in section one, line twenty-nine, after the word "responsible," to strike out the words "freeholders as;" so that the clause will read:

Within fifteen days from the time of notice of his appointment the Comptroller shall take and subscribe the oath of office prescribed by the Constitution and laws of the United States; and he shall give to the United States a bond in the penalty of $100,000, with not less than two responsible sureties, &c.

Mr. SHERMAN. I will explain to Senators the reason why this amendment was proposed by the committee. The word "freeholder" is usually used in laws relating to sureties, and especially in old laws; but in some of the larger cities some of the very wealthiest men, who would be certainly the most responsible sureties, have no real estate. These securities will be given generally in the large cities. In the city of New York many wealthy men even rent their own residences, do not own any real estate, and yet they are perfectly responsible. It was thought better not to make this limitation, but to leave it to the discretion of the Comptroller of the Currency. One of the wealthiest men in New York might offer himself as a surety on this bond——

Mr. GRIMES. This clause refers to the bond of the Comptroller himself.

Mr. SHERMAN. The same principle is applied to sureties in other parts of the bill. There is no reason now, when land is really personal property, and easily conveyed and transferred, why we should require a surety to be a freeholder, because land may be transferred as readily as stock or any other personal property. The reason of the old English rule has ceased, and it is scarcely worth while to preserve it.

The amendment was agreed to.

The next amendment of the committee was in section three, line seven, after the word "plates," to insert the words "not necessarily in the possession of engravers or printers;" so that it will read:

That there shall be assigned to the Comptroller of the Currency by the Secretary of the Treasury suitable rooms in the Treasury building for conducting the business of the Currency bureau, in which shall be safe and secure fire-proof vaults, in which it shall be the duty of the Comptroller to deposit and safely keep all the plates not necessarily in the possession of engravers or printers, &c.

The amendment was agreed to.

The next amendment of the committee was in section six, line eight, after the word "particular," to insert the words "county and;" so that the clause will read:

2. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or District, and also the particular county and city, town, or village.

The amendment was agreed to.

The next amendment of the committee was in section six, line twenty-one, after the word "notary," to strike out the word "and."

The amendment was agreed to.

Mr. SHERMAN. In the nineteenth line of that section the words "such certificate with" should be inserted after the word "and" in order to make the meaning plainer. It is a mere verbal amendment. The clause will then read:

The said certificate shall be acknowledged before a judge of some court of record or a notary public, and such certificate with the acknowledgment thereof authenticated by the seal of such court or notary shall be transmitted, &c.

The amendment was agreed to.

Mr. HALE. I wish to inquire if this reading is for the purpose of amending the bill any further than the amendments proposed by the Committee on Finance.

The PRESIDENT *pro tempore*. The ordinary course is to go through with the amendments of the committee first.

Mr. HALE. Very well.

The next amendment of the committee was in section nine, line six, after the word "State," to insert the words "Territory or District;" and in line eight to strike out the words "said State," and to insert the words "the same;" so that it will read:

That the affairs of every association shall be managed by not less than five directors, one of whom shall be the president. Every director shall, during his whole term of service, be a citizen of the United States; and at least three fourths of the directors shall have resided in the State, Territory, or District in which such association is located one year next preceding their elections as directors, and be residents of the same during their continuance in office.

The amendment was agreed to.

The next amendment of the committee was in section twelve, line nineteen, after the word "shares," to strike out the following words:

Except that the shareholders of any banking association having not less than $5,000,000 actually paid in as its capital stock shall be liable as aforesaid only to the amount invested in their shares.

Mr. SHERMAN. I am instructed by the Committee on Finance to move to insert what I now send to the Chair in place of the words proposed to be stricken out. This is an important amendment, and I desire the attention of the Senate to it:

Except that the shareholders of any bank association now existing under State law, and having a capital stock of not less than $5,000,000 actually paid in, and a surplus fund of twenty per cent. of its capital stock actually on hand, shall be liable only to the loss of the amount invested in their shares, so long as said surplus fund shall remain undiminished.

The purpose of the amendment is to enable the Bank of Commerce in the city of New York to come in as one of the banking associations under this act. It is the only bank in the United States organized under State law that has a capital of over five million dollars, and that comes within the descriptive words contained in this clause. The section, as it came to us from the House of Representatives, provided for the individual liability of all banks except banks with a capital stock of $5,000,000. I feel very sure in saying that the purpose of the House was to embrace the Bank of Commerce by the exception; but their exception may embrace other banks besides the Bank of Commerce. Of course, other banks may be organized under this act with a capital stock of $5,000,000. The purpose of the Committee on Finance is to confine this exception to the Bank of Commerce alone. I state it thus strongly, so that I may present the reasons which induced us to make the exception.

The Bank of Commerce is organized under articles of association or articles of copartnership, more properly called, said to have been framed by Chancellor Kent in 1839. It has a capital stock of $9,000,000, and a surplus of over twenty per cent. on its capital stock. All its capital is paid in; it has no circulation; it is the largest bank in the United States; it was organized with a view

to supersede or take the place of the old Bank of the United States. The terms of its association are very peculiar. The directors and stockholders do not object to the individual liability clause, and are perfectly willing to come in as a national bank under this law, but they are restrained by a section in their articles of association which I will read.

Article twelve provides that a majority of the board of directors at their discretion may accept and exercise any additional powers or privileges which may at any time be conferred on the association, either by an amendment of the act under which it is formed or by any new enactment.

Section two of that article provides that they may also apply for and accept any act or acts of incorporation and upon such conditions as they may deem expedient, and may cause to be transferred and conveyed to the body-corporate so to be created all the property of the association.

Section four contains this provision:

"No change shall be made in these articles, nor shall the directors consent to or accept any act of incorporation or legislative provision whereby the rights, the remedies, or security of the existing creditors of the association shall be weakened or impaired, or whereby any shareholder shall be rendered liable in his individual capacity for any contract, debt, or engagement of the association."

Under these articles of association the directors cannot form themselves as a banking association under this act without the consent of every stockholder. There are some twenty-five hundred stockholders, it is said, scattered all over the world, and it is impossible to obtain their consent. It is, therefore, impossible for them to come in under this bill unless a provision is made to exempt them from the individual liability clause. On the other hand, it was deemed of vital importance that this bank, being the largest banking institution in the United States, should embrace the provisions of the act. The directors and managers of the bank desire to come in. They are very strong; they now hold $16,000,000 of our securities; they have been the friends of the Government; they have loaned us their money freely. It is deemed desirable that they should be brought in under the provisions of this act if it can be done, and there is nothing in the way except these articles of association which forbid any change in that particular, and such a change cannot be made without the assent of all the stockholders, and that assent it is impossible to obtain.

Under these circumstances the committee, after a good deal of discussion, deemed that the facts would authorize and justify the exception; but in order to strengthen the matter still more, they have now on hand a surplus of twenty per cent. of their capital stock. The whole of their capital stock is paid in, and they have a surplus of twenty per cent. besides. We considered that this surplus was equivalent at least to the individual liability clause, and they are required to keep this surplus on hand undiminished, so that if the Bank of Commerce avails itself of this exception and comes in under this law it will be bound not only to keep its capital stock paid up, but to keep always on hand a surplus of twenty per cent. on the capital stock more than any other bank organized under it. We thought the facts were so strong as to justify the exception in their case.

Mr. COLLAMER. Every large bank in the large cities, by this bill, is required to keep twenty per cent. surplus.

Mr. SHERMAN. The Senator is mistaken. They are bound to set aside ten per cent. on their profits as a surplus fund until the amount is twenty per cent.; and that same provision applies also to the Bank of Commerce.

Mr. COLLAMER. It would be the same thing.

Mr. SHERMAN. Not at all. It would probably be twenty years before, under the natural operations of this banking system, the surplus fund would amount to twenty per cent. of the capital.

Mr. COLLAMER. Does not this bill require that it shall be fifteen per cent. on their capital?

Mr. SHERMAN. It requires the margin I speak of; but the same rule applies to the Bank of Commerce; and if the amendment does not carry out the meaning, I invite the Senator from Vermont to change the phraseology. The purpose is to require this surplus of twenty per cent., in addition to any other surplus required by the bill, because they will be bound by the other provisions of this bill—to require that as a substitute for the individual liability clause; and I think the Senator will see that this surplus is distinct and separate from the surplus required by another provision of the bill, which requires one tenth of the net profits to be set aside as a surplus fund.

Mr. GRIMES. I propose to amend the amendment of the Senator from Ohio by striking out "$5,000,000," and then let it apply to any bank now in existence that has a surplus of twenty per cent. There will be something fair in that, it seems to me. The idea of making this exception for one bank, and that the wealthiest bank, the most powerful bank in the United States, is rather repulsive to my sentiments of fair dealing and equity among the different banks. I know there are banks that have as large a surplus as this. I know one in the town in which I reside that has, or at least had at the time I knew anything about it, a larger surplus than twenty per cent. The capital of that bank is only $100,000. Why should not that bank be permitted to come in if it is in as solvent a condition as the Bank of Commerce, and be permitted to participate in the advantages of this section? Why should not its stockholders be exempt from individual liability as much as those of the Bank of Commerce? It is composed of men just as loyal. Its directors, perhaps, have taken as much Government bonds in proportion to their capital as the Bank of Commerce. They have not the same ability because they have not the capital, but in proportion they have done as well.

Mr. SHERMAN. My answer to the Senator from Iowa is just this: if there was any way by which the Bank of Commerce could come in under the operation of this act, I would not except it on account of its surplus funds nor on account of its large capital; but the difficulty in the way is just the one I stated. If there was any way in which this could be avoided, I would not make the exception; and we agreed to do it with great hesitation, and only when we were compelled to do it or forego the advantage to be derived from this very large bank leading off from the State to the national banking system. There is no other reason for it; it is not justifiable except on the ground that there is an existing corporation restrained by its articles of copartnership in such a way that it cannot organize under this system except upon an impossible condition, that is, the assent of every stockholder of the bank, including minors and persons all over the country. The subject has been very fully and fairly considered. If we can believe these gentlemen, they do not fear the individual liability clause, and no doubt they speak truly; for in a bank with so large a capital and such a surplus fund the individual liability is not to be feared by them. They do not object to the individual liability; they would be perfectly willing to incur it; but they are restrained by the articles of association which deny the power.

Mr. GRIMES. I inquire of the Senator if the stockholders or directors of this bank report to the committee that it is impossible for them to buy up the balance of this stock, so as to secure it in their hands?

Mr. SHERMAN. They say it is utterly impossible to do it, for this reason: this being an old bank which has existed for a long time, its stock is scattered all over the country and in foreign countries, so that it cannot be bought up. It is held in France and in Cuba as well as in the United States. The stock is generally held, too, in small sums by a great number of people scattered all over the world.

Mr. SUMNER. As I shall vote for this amendment, I desire to say in a word why I shall do so. There are two reasons. In the first place, I believe it will be to the advantage of the Government to secure the coöperation of this very powerful banking institution, and I believe the Senator from Ohio has done it no more than justice when he has described what it has already done since the beginning of our troubles. It has been a patriotic institution, and I believe that if it should come forward under our new banking system, it would set a very important example to other banks throughout the country. Then, in the second place, I do not see that there can be any possible harm that can come from the exception. If I saw any harm in it, certainly I should join with those Senators who hesitate; but here you have a positive advantage without really any visible harm.

Mr. HENDERSON. Mr. President, I am certainly struck with the views presented by the Senator from Iowa [Mr. GRIMES] in reference to this proposition. I do not see any reason for making an exception in favor of the Bank of Commerce, one single, isolated bank; and surely the proposition now presented to the Senate has no other meaning and can have no other meaning than to except that bank from a somewhat stringent rule imposed on all other banks that may be organized under this bill. I have no feelings of opposition to the Bank of Commerce, and if this system be a desirable system, I should certainly have no objection to the Bank of Commerce coming in under it; but I am not willing, in the first place, to legislate in this kind of style.

This is a bank of very great power, a bank having a capital now perhaps exceeding ten million dollars, and I am very sorry to see a proposition made at this early stage of banking under this bill—a system of banking which has never met with my approbation from the beginning, and cannot under any circumstances now since it has been tried—to favor particularly the largest bank in the United States, a proposition which relieves it from a liability which has already been imposed on other banks, and a liability which will be imposed upon all other banks organized under this bill.

What do we get in consideration of that? The Senator from Massachusetts [Mr. SUMNER] says it is very desirable that the Bank of Commerce shall enter into this system. Why? What do we gain by it? The Bank of Commerce has already, if I understand the Senator from Ohio [Mr. SHERMAN] correctly, possession of $16,000,000 of our bonds. We already have a redundant circulation; we have a circulation that has doubled the price of every commodity in this country. Now, what do we gain by this proposition? We relieve the stockholders of the Bank of Commerce from a liability imposed on the stockholders of every other bank that may be organized under this bill, and we get in exchange an additional circulation thrown upon the community to the amount perhaps of $10,000,000 on the basis of the bonds already held by the Bank of Commerce. That is, we are to make a circulation, which is already redundant, still more so. We might issue the paper of the Treasury ourselves, if we needed it; but we are proposing that the Bank of Commerce shall be enabled not only to take interest on the bonds it now holds, but to take an additional interest for surcharging the circulation of the country.

What do we gain? What does the Government gain by inducing the Bank of Commerce to enter the banking system under this bill? It seems to me our object now should be to reduce, if we possibly can, the redundant circulation that has been thrown out among the people. What is the clamor in the country now demanding that the people be taxed? When did the people ever demand that they be taxed? Do we not see the newspapers throughout the country demanding that additional taxation be imposed on the people? Why is it? Are the people of this country so exceedingly anxious to be taxed, unless there be a purpose in it? I imagine not. The object of it is to get rid of this redundant circulation that we are proposing to throw upon the community in additional quantities by inducing the Bank of Commerce to enter into banking under this scheme.

I am not disposed to throw any obstacles whatever in the way of the Secretary of the Treasury. If I know myself I am willing to do anything that can be reasonably done; and in fact when the original bill was passed a year ago I should have voted for the bill if my vote was necessary to carry it; and why? Simply because it was urged by the Secretary of the Treasury as a measure absolutely essential to enable him to get along with the finances of the country. I was at that time disposed to give my concurrence to it if it was absolutely essential to enable him to get along with the finances of the country; but I did not want it adopted in the form in which it was proposed. I wanted several amendments to it, and I made some objections to it at the time. The system, however, was carried, and upon the trial we have had of it I am satisfied that it ought to be abandoned, that we ought to get rid of it at the very earliest practicable moment. We ought

not to permit the organization of another bank under it.

In saying this I am not saying that I am favorable to the system of banking that we have been indulging in for a great number of years in this country. I know the curses of that system, and I was very much pleased at the very able argument made against that system by the Senator from Ohio, on the introduction of his bill at the last session of Congress. I felt it and appreciated it, and I appreciate it now; but I undertake to say that the time will come under this so-called national banking system when we shall all admit that we have not bettered the condition of things in this country by it. This is not the time for me to present my objections to the system entirely, although it might be properly done on the amendment now proposed, because of the fact that it brings up the question of authorizing an immense moneyed corporation in this country to flood the country with additional paper. It might be argued on the question of agreeing to such an amendment, but I decline to do so at this moment.

But, sir, on the grounds that I have already mentioned, I do sincerely hope that this proposition will not be tolerated. In the first place, it is not desirable, in my judgment, that any more banks should have the privilege of issuing paper money under the provisions of an act of this kind. In the second place, even if that be desirable, it is certainly not proper to make an exception in favor of any corporation whatever in the country; and much less is it proper in the face of the world for us to say that we shall make that exception in favor of a banking institution in this country that certainly has power enough. Will it not be said at once that Congress is giving way before the immense moneyed concerns in the country? I care not how favorable that bank may have been to the Government. I suppose that in all the favor it has ever shown the Government it has reaped its just reward. If it has not, it is the first banking institution—I care not where it may be located—that did not think it was doing well in its transactions. I apprehend that the Bank of Commerce has realized something, a fair remuneration for all the favors it has ever shown the Government; and in saying this, I again repeat that I feel favorable to the Bank of Commerce; I look upon it as one of the most solvent institutions in the country; and in fact if it will continue its business without issuing paper of any sort, it will do a great service to the country. It has already gained its reputation, its character, its stability, its permanency, its power in this country by its neglect to issue paper money. It did at one time have a small circulation out; I believe it has scarcely any now; and it will retain its reputation decidedly better if it shall neglect to issue any circulation whatever.

There are institutions in the West—I could name to the gentleman one, anyhow, in the city of St. Louis that has a surplus reserve fund of over one hundred per cent. upon its capital stock, but I do not ask an exception in favor of that institution. It is an institution that, like the Bank of Commerce, has not issued a dollar of circulation, a bank of deposit, doing all sorts of banking business, but without issuing paper.

I, for one, under the circumstances, will not commit myself in favor of making any exception for the benefit of any bank, and much less will I do it in favor of such a corporation as this. What will be said throughout the community? I know the Finance Committee were not operated on by any feelings of that sort, and I am satisfied that not a single member of this body will be operated on by any feelings of that character though they may vote for it; but it will make us liable to the charge that we are already falling subject to influences of an improper character on the part of the moneyed institutions of the country.

Mr. FESSENDEN. By looking at the bill, the Senate will perceive that as reported from the committee originally this particular clause was struck out of the bill, from which the Senate will infer that the Committee on Finance was opposed to making the exception which has been spoken of by the Senator from Ohio. The committee, however, was induced to reconsider this conclusion, and the result of that reconsideration is the amendment proposed this morning by the Senator from Ohio.

The Senator from Missouri will perceive, I think, on reflection, that his argument with reference to the currency is of no force in connection with this question, because the amount of currency that can be issued under the bill is fixed and limited; and if that currency is not issued by the Bank of Commerce, it will be issued by some other bank, probably one not having the standing and the ability of the Bank of Commerce. It makes no difference to the country in that point of view, so far as the quantity of currency is concerned, whether it is issued by the Bank of Commerce in part, or by some half a dozen or dozen or more small banks which issue the same amount in gross. It does not follow that the currency will not be just as much inflated if you keep the Bank of Commerce out as it will be if you let it in. The amount, as I said before, is fixed by the law, and if the Bank of Commerce comes in as one bank, with the power to issue a certain amount of currency, it only takes that power from somebody else.

Mr. HENDERSON. I will suggest to the Senator that perhaps he misunderstood that branch of my argument. I may not have been specific enough. I said that so far as I was concerned, instead of granting an exemption to the Bank of Commerce over and above all other banks, I would go to the extent of prohibiting the formation of any more banks under this system, because I do not want any more currency under a banking system like this.

Mr. FESSENDEN. So far, then, as that part of the Senator's argument is concerned, on which he dwelt at considerable length, it has no application to the question under consideration, but is rather an argument against the bill.

Mr. HENDERSON. That is true.

Mr. FESSENDEN. Upon that, then, I have nothing to say. I take for granted, therefore, that the position which I assumed, that it makes no difference, so far as the currency is concerned, whether you let the Bank of Commerce in by this provision or not, is a correct position.

Mr. HENDERSON. I would prefer that the Bank of Commerce should be placed in the same position with other banks. Because it is a bank of large means I would prefer that the Bank of Commerce should do it rather than an infinite number of smaller banks, and at the last session I proposed an amendment to prohibit the establishment of small banks.

Mr. FESSENDEN. Then the argument is in favor of letting in the Bank of Commerce, so far as relates to the currency, and would rather go to support the exception in this case than to operate against it, and that was the idea that I had.

The question becomes, then, a very simple one. I would not, on any consideration applicable to the Bank of Commerce or any other institution, for its benefit, or out of any regard for it, or as an acknowledgment of any services it had rendered, or for any reason connected with the institution itself, make the exception. In fact I was from the beginning strongly opposed to making an exception, but a reconsideration brought the committee to the conclusion of which I spoke, and in that conclusion I concurred.

The view upon which the proposed change was made is simply that it will be for the advantage of the country in putting this new system into operation, it will be for the advantage of the system itself, that an institution so strong and well disposed as this institution is should have the opportunity to become one of the national banks under this system. In fact, I can readily imagine why the Bank of Commerce should desire to come under this system if it wishes to be a bank of circulation. As I understand the banking law of the State of New York under which this institution exists as it now stands, it being so far controlled by its original articles of copartnership that it cannot render its individual stockholders personally liable, it cannot be a bank of circulation, because every bank in New York is prohibited from being a bank of circulation unless with a provision for the individual liability of the stockholders. As the Bank of Commerce cannot have the individual liability, it cannot circulate bills under the laws of New York. It was a matter of necessity, therefore, that it should cease to be a bank of circulation altogether. If it desires now to become a bank of circulation, that would be one good reason to explain why it wishes to come in under this system, although the amount of profit that is made from circulation in the city of New York is considered of very little consequence compared with the profits derived from other banking operations.

The advantage that the Government supposes it will gain is this: a large portion of the banks of New York, the clearing-house force, may be opposed to this system, and it may operate slowly there; and it therefore becomes a matter of advantage and a matter of importance, or may become a matter of importance that a bank wielding the power that this bank does, having the large capital, having the large surplus, having the good character that it has, and the power to influence others, should form a part of the system which we propose to put in operation. If there was any mode by which it could come in under the system as it is framed, it would not ask for this special provision. It is out of its power possibly to do so. The question, therefore, is whether you will let them in or must they stay out; will you let that bank in, or must it be kept out? The question of individual liability is of no consequence to them. They have no sort of objection to it.

Mr. HENDERSON. Let me suggest to the Senator that there are numbers of banks in the various States of the Union in a similar condition.

Mr. FESSENDEN. No, sir. There is not a bank in the country in a similar condition, as I am informed.

Mr. HENDERSON. Not exactly in a precisely similar condition; but are there not banks who cannot enter into this system for the same reason, who cannot commence banking under this system without dragging in some recusant or refusing stockholders who might prevent banking under it? Are there not banks in various sections of the country whose stockholders cannot be brought in under this system by a majority vote?

Mr. FESSENDEN. I understand that there is not another bank in the country which is founded on articles of copartnership. It is the only one; it is peculiar.

Mr. SHERMAN. As it turns upon that, I will state that I took occasion to inquire of different banking gentlemen who opposed this system. There is no other bank in the United States which is really a copartnership. All the rest are organized under general banking laws or special acts of incorporation.

Mr. HENDERSON. I desire to ask the Senator from Maine if he thinks that a majority of the stockholders of a bank can take a minority into this system, even under an ordinary bank charter in the States?

Mr. FESSENDEN. That is a question which I am not prepared to answer. It depends entirely on the terms of the charter.

Mr. HENDERSON. What I mean to say is that under the provisions of the charters, you cannot force the minority into banking under this system in the different States.

Mr. FESSENDEN. That may be; but it is in the power of the Legislature of the State to change the charter and waive the objection.

Mr. HENDERSON. It is a vested right in the minority of the stockholders.

Mr. FESSENDEN. Not such a vested right but that it may be altered by consent of the Legislature. The Legislature may give the power.

Mr. HENDERSON. The Legislature, though, cannot, by its authority, change a corporation without the consent of the minority of the stockholders.

Mr. FESSENDEN. I think that does not follow, because almost invariably, and I suppose in point of fact, it is invariably the case, the power to change the charter is retained by the Legislature.

Mr. GRIMES. Allow me to ask the Senator from Maine if it is not in the power of the corporators or the acting directors of the Bank of Commerce to apply to the Legislature of the State of New York to absolve them from this stipulation in their articles.

Mr. FESSENDEN. Not at all.

Mr. GRIMES. Where is the difference between a charter held under a State and this individual contract entered into by the parties between themselves?

Mr. FESSENDEN. The difference is, that this institution is founded on articles of copartnership that the State cannot change. It is very different

from a bank under a general banking law which the State can change. The Senator, as a lawyer, will see the difference at once. The fact is, as I am well informed, that this is the only institution in the country that is organized under articles of copartnership between man and man; and then having those articles of copartnership they availed themselves of the organization of the general banking law of New York. They are peculiar. I examined this question until I satisfied myself. As I stated to gentlemen frankly, I was decidedly and thoroughly opposed to this proposition up to the moment that I ascertained that fact. I said, "Very well; let this institution go; there is no reason for making an exception except so far as applies to themselves; and although it is hard on them, they must wind up their business and come in regularly if they see fit." But the difficulty is, that much valuable time is lost and much advantage may be lost in the time taken to wind up their business and become a new bank under our system. That cannot be done in a day or an hour or a month or six months; and in the mean time the country and the system which we are desirous of inaugurating lose the privilege, if privilege it be, of having the support and countenance and the aid of this institution in carrying the system into effect; and the consideration that the example and power of the institution would be of benefit to the country in inaugurating and giving force to the system which we are speaking of was sufficient to influence me to consent to the amendment which has been offered by the Senator from Ohio.

If I am wrong in this, there is no ground whatever to make the exception. I admit the force of all that my friend from Missouri has said with reference to making an exception at all. To me the idea was so objectionable that I could not get over it; and nothing, as I said before, no argument that could be brought to bear on my mind with reference to the bank itself, or anything connected with its own interests or claims, or anything it had done or might do, would have prevailed upon me to change my opinion; but I saw, or I thought I saw—for I will not be certain in these days that I see anything—that if this system is to come into operation and is to be a beneficial system, which we must presume if we pass it, then it would be important to the system itself that it should have the aid of an institution so strong as this is; and that induced me to be willing to take the consequences of an apparently invidious exception.

Mr. HENDERSON. I know that the Senator will excuse me for troubling him. I desire to ask him what benefit it will be to the Government for the Bank of Commerce to come in under this system. He has spoken of the advantage, and so has the Senator from Ohio. I really want to know what advantage we shall realize by the Bank of Commerce coming in; what will the Government get by it?

Mr. FESSENDEN. It is supposed in the first place that the Government gets all the influence and aid and power of that bank, as well as other banks in the city of New York, in becoming one or perhaps the first to accept the national system; and you may imagine whether a bank with a capital of $10,000,000, wielding the power that it does necessarily, and with the character it has, must not exercise over a question of this kind a very great influence.

Mr. HENDERSON. What is the real benefit the Government gets by the bank doing it?

Mr. FESSENDEN. That is the general question applicable to the general bill which I am not arguing. I stated expressly that if the system is to go into operation, and is to be a beneficial system, that result will follow. As to the bill itself, that is a question which I leave to my friend from Ohio to argue.

Mr. GRIMES. It occurs to me that the argument of my friend, the chairman of the Committee on Finance, goes a little too far. I might say to him and to the Senate that it would strengthen the financial hands of the Government to make an exception in favor of all the banks in New York, including thirty or forty millions of dollars; and if we desire to strengthen the Government in this way, why shall we not exclude from the operation of the personal liability clause all the banks in the city of New York? Is it simply because the Bank of Commerce happens to be possessed of ten millions of capital, while the others have only one, or two, or three millions or half a million of capital? Why not make the rule general, and let it apply to all the banks in New York and all the banks in Boston?

It seems to me, I confess, that there is no principle whatever upon which this exemption of the Bank of Commerce can be justified. I have listened very attentively to the arguments that have been adduced here on the part of those who advocate this provision, and I confess that I am still unconvinced. Let us look and see what is going to be the effect of it in New York. The chairman of the Finance Committee tells us, and I have no doubt he is accurate in his statement, that in the State of New York no bank can issue any currency unless the stockholders are individually liable for the issue.

Mr. FESSENDEN. To a certain amount; to the amount of their stock. I understand that to be so.

Mr. GRIMES. And the Bank of Commerce, under the operation of that rule, has been restrained from issuing any circulation. Now it proposes to come in under our general national banking law, and to be permitted to issue bills, as other banks issue bills; and therefore this is to be the only bank in that State and the only one in a large cluster of States—for there are many States having similar provisions—that can issue any bills where the stockholders are not individually responsible for the bills that are issued.

Mr. COWAN. I will also remark to the Senator they are allowed to do that in contravention of the constitution of the State of New York. It is not a mere legislative provision, but it is inserted in the constitution of 1846 of that State that there shall be no banks of circulation within its limits unless the stockholders are individually liable.

Mr. COLLAMER. This bank was chartered before.

Mr. COWAN. I know it was; but still it comes within the provision.

Mr. GRIMES. That is an additional reason, I think, why we should not adopt this proposition. A year ago the Senator from Ohio urged the Senate to pass what he called a uniform banking bill; and he gave us very glowing predictions as to what would be the effect of that bill. It was to operate equally in all the States of this Union; and every citizen of the country was to have an equal advantage under that bill if it should be enacted into a law. Only one year has elapsed since its enactment; and now a substitute for the law is brought before us; and the first material amendment is to exempt from the operation of the law the largest money institution of the country, by declaring that the stockholders of that institution shall not be personally liable to the country for the bills that it issues and for the transactions that it may carry on.

It seems to me that this is not a very fortunate beginning. If we are to have a change this year in favor of this immense monetary corporation, what shall we have next? Is such a proposition as this calculated to really strengthen—for that seems to be the principal argument for the adoption of this proposition—the confidence of the country in the system which we are asked to adopt? I doubt it, Mr. President, exceedingly.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. SHERMAN called for the yeas and nays; and they were ordered.

Mr. SHERMAN. I suggest that as the amendment was first reported it was to strike out a certain provision of the House bill. I suggest that the vote be now taken on the second amendment offered by the committee, inserting certain words. I ask that the Secretary read the words proposed to be inserted.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) A motion to strike out and insert is not divisible.

Mr. SHERMAN. A motion to strike out and insert is one amendment; but in this case the propositions are reported as two distinct amendments, so that there can be a separate vote on striking out and on inserting.

The PRESIDING OFFICER. Is the motion of the Senator from Ohio to insert the words proposed by him independent of the motion to strike out?

Mr. SHERMAN. It was so reported. The question should first be taken, I think, on striking out.

The PRESIDING OFFICER. A motion to strike out and insert is indivisible. If the motion of the Senator from Ohio is to insert the words proposed by him without reference to striking out the others, this is an independent proposition.

Mr. SHERMAN. Then I will withhold the motion to insert until the question is taken on striking out.

The PRESIDING OFFICER. The question then is on striking out the words which the committee report in favor of striking out.

Mr. FESSENDEN and others. We had better take the question together.

Mr. SHERMAN. Well, let us take the question together on striking out and inserting.

Mr. GRIMES. I think we had better first concur in the report of the committee striking out this clause.

Mr. SHERMAN. I always like to approach everything correctly and fairly. I am in favor, for the reasons I have stated, of enabling the Bank of Commerce to come in under this act. There is no other way of enabling them to do it. The Senator from Iowa says we are legislating specially for them. We are not legislating for them; we are legislating for the country. If they stood in the same position as any other bank in the United States, I would be the last man to propose to grant them a special privilege; but they do not. I explained, I think, sufficiently to the Senate that this bank was organized under articles of copartnership, that by the principles of the common law those articles cannot be changed except by the assent of every person in interest. All other banks in the United States are organized under general banking laws or under acts of incorporation which are the mere creatures of municipal law. The State may change them; the State may pass an enabling act; all the other banks may come in under the provisions of this act with the consent of the State which organizes them; but this association being a copartnership cannot engage in banking under this system without the consent of every stockholder. It is not banking under the banking law of the State of New York, but it is banking under the original articles of association, which are so framed as to enable it to accept the provisions of the laws of the United States with certain qualifications and exceptions. This bank cannot come in under our law unless we enable it to do so by this express exception. I think the reasons are ample and sufficient to vote for it.

Mr. WILSON. I want to ask the Senator a question before he sits down: I ask him why it is necessary to have individual liability in any case?

Mr. SHERMAN. I think that individual liability tends to prevent the stockholders and directors of a bank from engaging in hazardous operations. I never would be willing to surrender the general principle of individual liability. It is ingrafted now on the constitutions of many of the leading States of the Union—the constitution of the State of New York and most of the western States. I would not surrender individual liability in any case except for grave public reasons, and I find these reasons applicable to the Bank of Commerce, and therefore I am willing to make an exception.

Mr. WILSON. Sir, it is an object to get all the State banks to adopt the national banking system. One or the other of the two systems should prevail exclusively in the country. In some of the States the stockholders of banking corporations are not personally liable.

Mr. FESSENDEN. They are liable to the amount of stock held by them.

Mr. COLLAMER. If the bank fails altogether, the stock is lost.

Mr. FESSENDEN. In all the New England States they are liable to the amount of their stock. They may lose their stock, and are liable to the same amount as their stock.

Mr. WILSON. The Senator from Connecticut [Mr. DIXON] says that the stockholders are not personally liable in Connecticut. In Massachusetts the stockholders are not personally liable for deposits or any debts of the bank excepting the circulation. We secure by our own stocks

the circulation of the national banks. One of our objects is to secure a national uniform currency; so we secure the circulation by the plighted faith of the Government of the United States. Why, then, hold the stockholders individually liable? Does the Finance Committee believe that making the stockholders in these national banks individually liable will induce the sixteen hundred banks, with more than four hundred million dollars of banking capital, to adopt this national banking system? They propose to exempt the stockholders of the Bank of Commerce, in the city of New York, from personal liability. Why not then, exempt the stockholders of all other banks and all stockholders in national banks from personal liability? If it is safe to exempt the stockholders of the Bank of Commerce, why is it not safe to exempt all other stockholders? We secure the circulation of these national banks by pledges of the stocks of the United States. We believe that security to be ample. Why then seek additional security?

I am accustomed, Mr. President, to follow as far as I can do so the recommendation of committees, and especially the wishes of the Executive Departments of the Government. In doing so I am compelled sometimes to subordinate the convictions of my own judgment to the better judgment of others, and to the wishes of those upon whom rest the burdens and responsibilities of administering the Government. Were I to follow the convictions of my own judgment I should vote against the passage of this bill. I would repeal the national banking act of last year; I would compel the State banks to withdraw their circulation at the earliest possible moment; I would not permit the circulation of the paper of any banking house in the country. I would give the people of the United States the priceless benefits of a safe and uniform national currency of legal-tender Treasury notes, and secure to the Government and to the people the benefits of circulation of five or six hundred millions of legal tender-notes of the Government. During the past thirty years the people of the United States have lost hundreds of millions of dollars by the failures of banking institutions and the fluctuations occasioned by the expansions and contractions of their circulation. The people have been seeking for a safe and uniform paper currency, but they have sought in vain. In some of the States the bank circulation has been well secured, and the people protected against losses by the failure of banks to redeem their circulation. In other States a wretched and irresponsible system has prevailed, and the people have been cheated out of millions of dollars of their hard earnings. The exigencies of the country have forced the Government of the United States to make Treasury notes a legal tender, and to issue these notes in quantities large enough fully to supply a national currency for the Government and people. Make the State banks banks of discount and deposit, but not of circulation. Let the people, the Government, and the banks use only as paper currency legal-tender Treasury notes, and you will save from twenty-five to thirty millions of interest to the Government, and secure to the nation what it never possessed before, a safe and uniform national currency, at par always and everywhere. This is the system my judgment approves.

But, sir, we should not permit the country and the people to suffer by allowing a national banking system and the State banking system to jostle each other. One or the other should yield to the necessities of the Government and to the interests of the people. If we are to have this national banking system as it seems to be the policy of the Government to have it, I see not the necessity of making the stockholders individually liable. We secure the circulation; that protects the people; let the individual stockholders take care of their own affairs. Let them appoint good directors and managers of their institutions, or let them lose their money.

Mr. SHERMAN. It is the depositors and creditors we want to secure.

Mr. WILSON. I do not think it is the business of the Government to look after the interests of depositors and creditors.

Mr. FESSENDEN. Those who hold the circulation are creditors.

Mr. WILSON. I know they are, but we secure the circulation by the pledge of the stock of the United States, and that security under all circumstances we believe to be ample and complete. I think the bill-holders are abundantly secured without this individual liability, and I do not care to secure depositors and other creditors of the banks.

Mr. POMEROY. The Senator will bear in mind that this is the easiest personal liability clause that perhaps ever was in a bill. It is not that one individual is liable for the debts of the concern; but they are liable ratably and not one for another. A man who has one share in the bank is not liable for the debts of the bank. The individual who may own but one share is only liable ratably, and is not liable for the whole responsibility of the bank, and one party is not liable for another party; and if there is but one responsible man in the concern you can only collect ratably of him, and you cannot collect the whole debt of the institution.

Mr. WILSON. Will the Senator tell us what such a provision as that is worth to a man?

Mr. POMEROY. I said it was the easiest personal liability clause I ever saw in a bank bill, and the Senator from Massachusetts should not be scared at it; it will hurt nobody in Massachusetts.

Mr. GRIMES. But is it worth while, for the sake of creating such an individual liability as that, to mar the symmetry of the bill by excepting the Bank of Commerce from its operation?

Mr. SHERMAN. It is very easy for Senators to sneer at this matter. This is the very provision contained in the constitution of New York and Ohio, and other States. It is the easiest individual liability that can possibly be enforced. I would not give a cent for a lawyer who could not by filing a petition in the proper form make every stockholder who was worth anything pay to the extent of his stock. If he is not worth anything you cannot make him pay. It is true the stockholders are not liable for each other; each stockholder is liable only for the amount of his stock. If A, a stockholder, fails, B, his fellow-stockholder, is not liable to make good the share of A; and why should he? To the extent of the liability of the stockholder the provision is as perfect as it could possibly be drawn. I say it can be easily enforced, and such provisions have been enforced. Under this very bill, if a bank was closed the receiver would be bound to collect this liability of the stockholder just as he would any other debt due to the bank; and I do not think it can be made any stronger or any better.

The PRESIDING OFFICER. The Chair may have gone further in its decision on the question of striking out and inserting than the rules would strictly warrant. If the Senator from Ohio means to take the question on the report of the committee to strike out the lines recommended by the committee to be stricken out, the Chair will entertain that as an independent proposition.

Mr. SHERMAN. I prefer to take both questions together so as to have but one vote.

The PRESIDING OFFICER. The question then will be taken on striking out and inserting.

Mr. McDOUGALL. Let the question be stated exactly.

The PRESIDING OFFICER. It is proposed in the twelfth section to strike out these words:

Except that the shareholders of any banking association having not less than $5,000,000 actually paid in as its capital stock shall be liable as aforesaid only to the amount invested in their shares.

And in lieu of them to insert:

Except that the shareholders of any banking association now existing under State law and having a capital stock of not less than $5,000,000 actually paid in and a surplus fund of twenty per cent. of its capital stock actually on hand, shall be liable only to the loss of the amount invested in their shares so long as said surplus fund shall remain undiminished.

Mr. GRIMES. I rise to obtain information. I understand that the proposition now is to strike out that portion of the bill which the committee recommended should be stricken out, and to insert the amendment sent to the Chair by the Senator from Ohio.

The PRESIDING OFFICER. That is the proposition before the Senate.

Mr. GRIMES. I wish now to know whether, if the Senate refuse to adopt that amendment, the question will then be on concurring in the report of the committee to strike out the words within brackets in the printed bill.

The PRESIDING OFFICER. That will be the question, in the opinion of the Chair.

Mr. SHERMAN. The whole proposition to strike out and insert is the amendment of the committee.

Mr. GRIMES. What I desire to know is whether after we refuse, if we do refuse to adopt the proposition of the Senator from Ohio, we shall be precluded from concurring in the report of the committee.

The PRESIDING OFFICER. The Senate of course will not be precluded from adopting any other amendment which a majority may see fit to adopt.

Mr. HENDERSON. I suppose that the result of an affirmative vote upon this proposition will be to exempt the Bank of Commerce and no other bank.

Mr. SHERMAN. That will be the effect.

Mr. HENDERSON. If we vote down the proposition of the Senator from Ohio now offered as coming from the committee, we shall then have the privilege of voting upon the proposition in the bill to exempt any $5,000,000 bank.

Mr. SHERMAN. Anybody can move to strike that out.

Mr FESSENDEN. I take it that the rejection of a motion to strike out and insert would not preclude a motion being afterwards made to strike out simply.

The PRESIDING OFFICER. Clearly not, in the opinion of the Chair.

The question being taken by yeas and nays, resulted—yeas 21, nays 15; as follows:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Conness, Dixon, Fessenden, Foster, Hale, Howard, Lane of Indiana, Morgan, Morrill, Pomeroy, Sherman, Sprague, Sumner, Ten Eyck, Van Winkle, Willey, and Wilson—21.

NAYS—Messrs. Buckalew, Carlile, Collamer, Cowan, Davis, Doolittle, Grimes, Harding, Henderson, Hendricks, Lane of Kansas, McDougall, Nesmith, Powell, and Riddle—15.

So the amendment was agreed to.

The next amendment of the Committee on Finance was in line twenty-two of section sixteen, after the word "desire" to insert "to reduce its capital or," and after the word "act" in line twenty-five to insert "nor from taking up the bonds upon which no circulating notes have been delivered;" so as to make the proviso to that section read:

Provided, That nothing in this section shall prevent an association that may desire to reduce its capital or to close up its business and dissolve its organization from taking up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter named in this act, nor from taking up the bonds upon which no circulating notes have been delivered.

The amendment was agreed to.

The next amendment was in section nineteen, after "United States" in the fourth line to insert "in trust for the association," so as to make the clause read:

That all transfers of United States bonds which shall be made by any association under the provisions of this act shall be made to the Treasurer of the United States in trust for the association, &c.

The amendment was agreed to.

The next amendment was after the word "kind" in line twenty-four of section nineteen to insert "and numerical designation of the," so as to make the clause read:

And it shall be the duty of the Comptroller, immediately upon countersigning and entering the same, to advise by mail the association from whose account such transfer was made of the kind and numerical designation of the bonds and the amount thereof so transferred.

The next amendment was in line four of section twenty-four, before the word "destruction" to strike out the words "loss or," so as to read: "And also on due proof of the destruction of any such circulating notes, to deliver in place thereof," &c.

The amendment was agreed to.

The next amendment was in line two of section twenty-five, to strike out the words "either the president or cashier of" before "every," so as to read, "that it shall be the duty of every banking association," &c.

The amendment was agreed to.

The next amendment was in line twelve of section twenty-five to insert the words "officer or" before "agent."

The amendment was agreed to.

The next amendment was in section twenty-six, in lines twenty-nine and thirty, to strike out the

words "shall not diminish" and insert "that," and after the word "treasurer" in line thirty-one to insert "shall not be diminished," so as to make the clause read:

Provided, That the remaining bonds which shall have been transferred by the banking association offering to surrender circulating notes shall be equal to the amount required for the circulating notes not surrendered by such banking association, and that the amount of bonds in the hands of the Treasurer shall not be diminished below the amount required to be kept on deposit with him by this act.

The amendment was agreed to.

Mr. SHERMAN. I am instructed by the Committee on Finance to offer an amendment to come in after the word "Comptroller" in line twenty of section twenty-six:

Upon the terms prescribed by the Secretary of the Treasury may permit an exchange to be made of any of the bonds deposited with the Treasurer by an association for other bonds of the United States authorized by this act to be received as security for circulating notes, if he shall be of opinion that such an exchange can be made without prejudice to the United States, and he.

Mr. HENDERSON. I do not know that I understand the amendment. Is it to permit the Secretary of the Treasury to allow any bonds that may now be deposited as the basis of the circulating medium to be withdrawn and other bonds that may be subsequently issued by the United States to be substituted in their place?

Mr. SHERMAN. It is simply to allow a change of one class of bonds authorized for another class of bonds authorized. The language is carefully guarded. The association, with the assent of the Comptroller and the Secretary of the Treasury, may exchange one class of bonds for another class of bonds authorized by the act.

Mr. HENDERSON. What act?

Mr. SHERMAN. This act.

Mr. HENDERSON. That is, any bonds hereafter issued.

Mr. SHERMAN. The fourth section of the act describes the kind of bonds that may be used, United States bonds bearing interest payable in gold.

Mr. HENDERSON. The fourth section provides:

That the term "United States bonds," as used in this act, shall be construed to mean all registered bonds now issued, or that may hereafter be issued, on the faith of the United States, by the Secretary of the Treasury, in pursuance of law.

The amendment now proposed, as I understand it, will enable any bonds that may be hereafter issued, with the consent of the Secretary of the Treasury, to be substituted in lieu of the bonds that may have been heretofore placed with the Comptroller as the basis of a circulating medium.

Mr. SHERMAN. That is in connection with another section which fixes the value of these bonds, and limits the amount of circulation to be issued upon them.

The amendment was agreed to.

The next amendment was to strike out the word "or" and insert "and," in line eleven of section twenty-seven.

The amendment was agreed to.

The next amendment was in section twenty-eight, which limits the purposes for which real estate may be purchased, held, and conveyed by any national banking association, to strike out in lines seven, eight, and nine the words "for loans made by such association in the usual course of its banking business, or for money due thereto," and to insert "for debts previously contracted;" so as to make the clause read:

2. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Mr. McDOUGALL. I ask the Senator from Ohio what this amendment means?

Mr. SHERMAN. The bill, as it was sent to us, allowed these banking associations to loan money upon real estate security. The committee changed that so as to allow them to take a mortgage for a preëxisting debt, but not to loan money upon real estate security.

Mr. McDOUGALL. Not to loan money upon mortgage?

Mr. SHERMAN. They have no right to loan money upon mortgage; they must take personal security; but after a debt is contracted, they may, in order to secure the debt, take a mortgage on real estate.

The amendment was agreed to.

The next amendment was in section thirty, which fixes the rate of interest to be charged by the associations, to strike out in lines four and five the words "a rate not exceeding seven per cent. per annum," and in lieu thereof to insert:

The rate allowed by the laws of the State or Territory where the bank is located, and no more; and when no rate is fixed by the laws of the State or Territory, the bank may take, receive, reserve, or charge a rate not exceeding seven per cent.

The amendment was agreed to.

The next amendment was to strike out the word "its" before "deposits" in line nineteen of section thirty-one.

The amendment was agreed to.

The next amendment was to insert "Portland, (Maine,)" after "Boston," and strike out "Portland" after "San Francisco" in the cities named in the first proviso to the thirty-first section.

The amendment was agreed to.

The next amendment of the committee was in section forty, line seven, after the word "association" to insert the words "and the officers authorized to assess taxes under State authority;" so that it will read:

That the president and cashier of every such association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted; and such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business hours of each day in which business may be legally transacted, &c.

The amendment was agreed to.

The next amendment of the committee was in section forty one, line nine, after the word "act" to strike out the following clause:

And nothing in this act shall be construed to prevent the taxation by States of the capital stock of banks organized under this act, the same as the property of other moneyed corporations, for State or municipal purposes; but no State shall impose any tax upon such associations, or their capital, circulation, dividends, or business, at a higher rate of taxation than shall be imposed by such State upon the same amount of moneyed capital in the hands of individual citizens of such State: *Provided*, That no State tax shall be imposed on any part of the capital stock of such association invested in the bonds of the United States, deposited as security for its circulation.

And to insert in lieu thereof:

And in lieu of all other taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one half of one per cent. each half year, from and after the 1st day of January, 1864, upon the average amount of its notes in circulation, and a duty of one quarter of one per cent. each half year upon the average amount of its deposits, and a duty of one quarter of one per cent. each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof by any association, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the Treasurer may reserve the amount of said duties out of the interest as it may become due on the bonds deposited with him by such defaulting association. And it shall be the duty of each association, within ten days from the 1st days of January and July of each year, to make a return under the oath of its president or cashier to the Treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock beyond the amount invested in United States bonds for the six months next preceding said 1st days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of $200, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the Treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent the market value of the shares in any of the said associations, held by any person or body-corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority for State or other purposes, but not at greater rate than is assessed upon other moneyed capital in the hands of individual citizens of each State; and all the remedies provided by State laws for the collection of such taxes shall be applicable thereto: *Provided, also*, That nothing in this act exempt the real estate of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

Mr. FESSENDEN. I desire to amend the words proposed to be inserted by changing the phraseology a little. In lines sixty-two and sixty-three, page 35, I move to strike out the words "or other," and to insert "county or municipal;" so that the clause will read:

From being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority for State, county, or municipal purposes.

I offer this amendment to make it conform to the provision on the same subject below.

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line sixty-three, before the words "greater rate," I move to insert the word "a."

The amendment to the amendment was agreed to.

Mr. FESSENDEN. In line sixty-seven, after the word "act," I move to insert the word "shall;" so that it will read:

Provided also, That nothing in this act shall exempt the real estate, &c.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment of the committee as amended.

Mr. CHANDLER. I hope this amendment will not be adopted. If it should be it will kill the bill. Under the words proposed to be stricken out there is a limit to State and municipal taxation. The final proviso "that no State taxes shall be imposed upon any part of the capital stock of such association invested in the bonds of the United States deposited as security for its circulation" is the saving clause in the portion of the bill proposed to be stricken out; but under the words proposed to be inserted by the Committee on Finance there is no limit to the amount of State, municipal, or county taxation. In my own city, for example, the city tax this year is two per cent.; but the State of Michigan has guarded her banking associations by placing a special tax of one per cent., which is in lieu of all other taxes, upon them. Of course no bank will do business paying a tax of two per cent. to the city and a tax of one per cent. to the county and a State tax in addition to the United States tax. It is perfectly fatal to the whole bill, and if the amendment should be adopted I trust that the bill itself will be killed. In the proposition of the Committee on Finance I find this clause:

Provided, That nothing in this act shall be construed to prevent the market value of the shares in any of the said associations, held by any person or body-corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority for State, county, or municipal purposes, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State.

They are liable by that clause to the same taxation precisely as is all other individual property. You have heretofore by law declared that your bonds shall pay a tax of but one and a half per cent. If an individual buys those bonds and puts them in his pocket, you cannot assess them in any possible way more than one and a half per cent.; whereas if he takes those very bonds and puts them into a national bank, you subject him to every kind of taxation, town, city, county, State, and Federal. In my own city the tax would be nearly four per cent. upon the amount of the individual's bank stock. Of course, if Senators desire to kill the bill, they will vote for this amendment; but no man who desires a single bank to be organized under this act will vote for the amendment.

Mr. POMEROY. I have a substitute for this proviso which I think will suit the views of the Senator from Michigan; and that is, to tax all the capital stock of the bank or company not invested in United States bonds.

Mr. CHANDLER. That is in the portion of the bill proposed to be stricken out by the Committee on Finance. That is the saving clause of the portion in brackets.

Mr. POMEROY. I think the capital stock not invested in the bonds of the United States should be subject to all other taxation.

Mr. CHANDLER. I have no objection to that.

Mr. POMEROY. But we should exempt that portion of the capital stock that is invested in United States bonds. I should like to have a vote on that, for I believe the Senate will agree to that proposition.

Mr. FESSENDEN. I do not know what the Senate will agree to; but the Senator from Michigan is right in saying that the amendment suggested by the honorable Senator from Kansas is now in the original bill, and that is what the Committee on Finance propose to strike out. If the

Senator from Michigan is infallible, the result will be as he states; but there is a difference of opinion about that. I can say to him that the Committee on Finance considered and reconsidered this matter. They considered it over and over again, and not with a view to kill the bill, but with a view to pass the bill and to make it acceptable to the people of the States, and they deliberately came to the conclusion, almost unanimously, that the provision which they have inserted would be beneficial in its operation, and should be adopted. I shall by no means set my opinion against that of the Senator from Michigan upon any subject in relation to banking; but I really do not apprehend, nor do I think the friends of the bill who know most about it apprehend, that the effect of this amendment will be to destroy the bill entirely, as he seems to assume.

The question simply is, and it has no very great scope, whether the power of taxing the stock of the banks and of taxing the persons holding the shares shall exist and shall be exercised by the States or by the General Government. That is really the only question. If they are taxed by the States and if it is not carried to the extent to which it might be carried for State purposes, unquestionably the same amount of tax would, sooner or later, and probably very soon, be imposed by the authority of the General Government. As I said before, it comes to that very simple question: who shall have the power of taxing the stock—not the circulation, not the deposits, not that which relates exclusively to banking purposes and operates for banking purposes, but operates upon so much actual property invested by the individuals owning the property and residing in the States upon that particular amount.

The proposition, as it stood in the bill as it came to us from the House of Representatives, was simply delusive. It said, You may tax the stock in the hands of the stockholders, exempting from that the amount which they have deposited in bonds. We do not break faith at all; because when we proposed to exempt certain bonds issued by the Government and purchased by individuals from State taxation, it was simply as property, so much invested, not as property used for the purposes of banking, giving to it another and distinctive character.

We say simply in reference to this matter: "If you choose, instead of specie or any other property that you have which is to be deposited as security for your bills, you may deposit and we will accept bonds of the United States." That is a privilege we give them. Then we say when there is an organization of a bank in this way, and the persons who put their capital into it take it out of their other business or their other means, subject as that is to State taxation, and put it in this particular bank, that that capital shall remain subject to State taxation precisely in the same way that other property is, or that it was before they invested it in that particular mode. That is all we say with reference to it.

The question as to taxing these banks out of existence, which has been talked about, has not the slightest application in the world; because we limit the power of State taxation. They must tax this property thus invested precisely as they tax other personal property, and to no greater extent. The power of taxation is limited in the same way.

I have said that the proposition as made by the House of Representatives was delusive. How so? By a proviso to the section as it came to us from the House, they might invest the whole amount of their capital stock in United States bonds, and take out their bills; but they need not use those bills unless they choose to do so. They have got their bonds; they deposit them and take out their bills to the whole amount of the bank capital; but they do not use their bills, and in that way they get the whole amount of their bank capital freed from taxation. The House provision amounts to just nothing at all, as anybody will see on looking at it. It is delusive, therefore, in its character; and if the banks chose to exert that power, which they would be very likely to do, because they get six per cent. on the bonds when they are deposited, it would amount precisely to this: that they would pay no taxes on their whole capital. That it was desirable to avoid.

Now, sir, what is the argument with reference to the amendment of the Committee on Finance? You want to make your bill popular if you can; at any rate you want to make it acceptable. It is perfectly well known that the burdens resting upon the States at the present time are very heavy; and why? They are heavy in consequence of the very great exertions they have made to support the Government, to raise soldiers to carry on the war, and for other purposes connected with it. You propose here to take out (not to put into the hands of the General Government) not only the whole amount of the revenues arising from imports and from the internal revenue as it is called and to raise thereby, heavy as that will be, an amount sufficient to come up to what we are advised by the honorable Secretary of the Treasury will be adequate, but in addition to that to sequester for the use of the General Government, provided it wants to use it, this very large amount of property and take it out of State taxation; that is to say, in addition to the revenue arising from imports and the internal revenue to take that property which has always been liable to State taxation from under the control of the States in that particular.

The honorable Senator from Michigan, I think, is hasty in assuming that this amendment will destroy the bill. I believe the bill will not only be as good, but will be better if the amendment shall be adopted; because, as I said before, it is not a question of what the amount shall be, but where it shall go. In my judgment you will have a storm such as it will be very difficult to stand under, if, in addition to what we are doing in the way of taxation; and which is legitimate and proper, we are to take out of the hands of the States so large an amount of capital, which is ready or may be used to alleviate the burdens of the people of the States, and to send it in another direction.

Sir, I believe that the amendment reported from the Committee on Finance is essential to that support of the bill which is necessary or needed for it in public estimation. That is my great difficulty with regard to it. If you insist upon sequestering—because I cannot use any other word that expresses my idea—so large an amount of capital as this in the way in which the Senator proposes to do it, you will create a difficulty which it will be very troublesome to get over. It was substantially the views which I have thus imperfectly expressed that guided the committee in coming to this conclusion, and, on a reconsideration of it, in adhering to this conclusion.

Mr. CHANDLER. Mr. President, the Senator forgets that we have already "sequestered," as he calls it, the entire issues of this Government. He will remember very well the argument put forth when we limited the tax that we would permit under any circumstances to be placed upon our national securities to one and a half per cent. The argument then was that it was for our interest to hold out inducements to capitalists to take these bonds to relieve the Treasury. We did "sequester" this national debt, or whatever it may be, and prohibited State and local taxation forever upon it. Now the Senator proposes to come in and say, It is true we have sequestered these bonds, we have taken the whole of them out of local taxation, but if an individual sees fit to place those bonds in a banking institution instead of keeping them in his pocket, then you take them up from the sequestration and make them liable to all sorts of local taxation. It is well known that most of the States in this Union—I believe every one—protects its banking institutions from local taxation by placing a State tax in lieu of all other taxes upon them.

Mr. FESSENDEN. The Senator is entirely mistaken. In my own State, and I take it it is the case with the New England States generally, and I do not know with how many others, the bank in the first place pays a certain percentage for the privilege of banking to the State.

Mr. HOWARD. Do you call it a specific tax?

Mr. FESSENDEN. Yes, sir. Then the stock of the bank in the hands of the stockholders is liable to taxation at its value, not its par value. I think the stock of the banks in my own city is quoted at 110 or 112 and is so assessed. If it is above par it is assessed at its value just as any other personal property is assessed. They find no fault with it.

Mr. CHANDLER. Do they pay all the municipal taxes?

Mr. FESSENDEN. Everything; and so it is generally, the same as any other property.

Mr. CHANDLER. The difference in your State and my own and other western States——

Mr. FESSENDEN. And it can afford to pay better than any other property.

Mr. CHANDLER. It may be so in the State of Maine, but it is not so in the State of Michigan. In that State we place a tax of one per cent. upon the banks, which is in lieu of all other taxes. No other taxes are assessed upon them. Now, as I said a moment ago, if you allow this to local taxation, the bank stock will of course be assessed at its full value. There it stands at so many hundred thousand dollars to be assessed. It is very well known, however, that in most cities real estate and other property is estimated at very much below its actual value. Does the Senator, therefore, suppose that in the city of Detroit, for instance, where the city tax is two per cent. the county tax perhaps one per cent.—I do not know how much exactly, but it is very large—and the State tax is very large, any man of common sense would take a bond out of his trunk which was subject to only one and a half per cent. tax and put it into a national bank where it would be subject to three or four per cent. tax? There is not a bank in the State of Michigan that will not wind up within thirty days from to-day if you pass the amendment as proposed by the Committee on Finance; nor do I believe that there will ever be a single bank started in the United States from the moment you pass it. That is my judgment as a practical banker, as a practical business man. I have no theories about it; it is practice; and I know that that will be the result. As I said before, if the object is to kill the bill, vote it in; but if the object is to establish a banking system that will become popular and of universal adoption, you must keep it out.

Mr. FESSENDEN. I wish to say in addition that the result of withdrawing so large an amount of capital from State taxation will have a bad effect in another view. As a general rule, those who put stock into a bank or who own the great majority of stock are those who are the most wealthy persons in the community. You hold out to them a great additional inducement to put their money into those banks if they are relieved from State taxation. What is the result? The result is that you increase the burdens of those who are the poorer classes, comparatively, and less able to bear the burdens of taxation. They look upon this favored class and see how they are situated, and it produces, unnecessarily, a great deal of ill-blood and a great deal of unpopularity so far as the system itself is concerned; and in that way it has a bad effect; and I fear the general effect of it upon the system itself.

My friend from Michigan is a "practical banker," he says, and he speaks of what he knows. It is astonishing the difference of opinion that prevails among these "practical" men who are always right. I am not "practical;" that is to say, I never was a banker. I have studied this question somewhat, and I have my opinions upon it. I have conversed with several men, not perhaps so "practical" as my friend, but still who claim to be "practical bankers" and interested in this subject, and their opinions were entirely different from his. If a man's being a "practical banker" is to entitle him to settle the question beyond all possibility of dispute, I should like to know how we are to get along between these different practical gentlemen who are all of them sure to be right, and there being no very great superiority of one over the other so far as opinions are concerned.

But the Senator argues that we have already sequestrated a certain amount of property; that is, we have exempted it from State taxation. That is true; and that very thing is a difficulty that is upon us now. We did it for good and sufficient reasons. It was in the exigencies of the country, that we might induce capitalists to invest in this very species of property, lend their money to the Government, for it was a bonus given to them to do it. That has taken out five hundred millions or more of capital from the States which is not now subject to State taxation. What is the result? It is already beginning to be felt and complained of; but still it is done. If it was to be done over again in the same exigency of the country I would do it over again; but is that a reason why

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, APRIL 28, 1864. NEW SERIES.....No. 118.

you should increase it? Is that a reason why you should multiply the number and increase the weight of the burdens that you lay upon the community? Because you have done it in one instance, are you therefore to continue to do it? The answer is precisely as I gave it.

There is another question that arises about it. They might deposit specie. We might say to them, if you deposit specie to the amount of thirty-three and a third per cent. you may issue your bills; but we say to them, instead of requiring specie we will take the next best thing, and that is the amount in the bonds of the United States; but we do not say, because they choose to use United States bonds for purposes of that description and deposit them as security, and we allow them to do it, instead of specie, when we grant all these privileges, that therefore the States shall lose their power of taxing the stock of the banks which they have always had and which they ought to have. Otherwise, you will make a distinction between rich and poor—not precisely to that extent, but substantially that—which I tell you the people will not be willing to stand and that will not be just in itself.

Mr. CHANDLER. The Senator from Maine dwells largely upon practical business knowledge, and he seems to sneer at practical business knowledge. I tell that Senator that if he had a little more of it on his committee it would be better for his committee.

Mr. FESSENDEN. Undoubtedly. I agree to that. We made a great mistake in not having the Senator from Michigan upon it; but we get along very well notwithstanding.

Mr. CHANDLER. I have nothing to say about that. The Senator from Michigan can stand upon his own merits.

Mr. FESSENDEN. I believe he is the only Senator who boasts of having a practical knowledge every time he addresses the Senate.

Mr. CHANDLER. The Senator from Maine has lectured this body about enough, not only on practical knowledge, but about its business and general conduct. For my part I have got about enough of his lecturing, and I will thank him to lecture somebody else next time.

This proposition might be amended by striking out all of the proviso from the fifty-seventh to the sixty-sixth lines, and inserting substantially the proviso which is the last clause of the matter proposed to be stricken out:

Provided, That no State tax shall be imposed on any part of the capital stock of such association invested in the bonds of the United States deposited as security for its circulation.

If that could be inserted between the fifty-seventh and sixty-sixth lines of the amendment of the committee in place of what is there, it would improve it somewhat; but still I consider the original bill very much preferable in every respect, even to the amendment, if it should be thus amended.

The Senator says that when we exempted these bonds from local taxation we did it under a pressing, immediate necessity; we wanted money and must have it, that he voted for it, and should do the same thing again under the same emergency. I wish to ask the Senator if that emergency has passed away? Are we so rich, are our bonds in so much demand, is money so abundant that we are not now in pressing want of money? Is it not for the interest of the Government, for the interest of the Treasury, that we should hold out every possible inducement not only to the people but to banking institutions and to everybody else to come forward and subscribe to our loans? Our expenditures are enormous; we have thrown out vast amounts of Treasury notes; the local bank circulation has been greatly increased; and now the Senator from Maine says the emergency has passed away. Why, sir, the emergency is just upon us.

Mr. FESSENDEN. The Senator from Maine said no such thing.

Mr. CHANDLER. Well, he intimated it.

Mr. FESSENDEN. Not at all.

Mr. CHANDLER. The emergency is upon us now. There never was a time when it was more incumbent on us to hold out every conceivable inducement not only to the people but to the banks and everybody to come forward and sustain the Government financially in this her pressing hour of need. The Committee on Finance propose a measure which will absolutely exclude all banking institutions from touching a single one of your bonds, although we have inserted a proposition to bring in one bank with its vast influence of $10,000,000 to induce it to take your bonds. I voted for that measure for this reason: I was in favor of taking in the Bank of Commerce because the Bank of Commerce, in its relations to the money centers of this continent, occupies much the same position that the house of Rothschild does to the continent of Europe. Whatever that bank does is looked upon by all moneyed centers as about right. Their influence is prodigious, and therefore I voted almost to bring in the Bank of Commerce by name; but now you propose, if the Bank of Commerce and all other banks shall come in, a measure of taxation that will absolutely prohibit them from investing a single dollar in your bonds.

I hope that the original bill just as it came to us from the House of Representatives in this respect will pass, and that this amendment will be rejected. As I said before, I believe that if it is adopted it will absolutely kill the whole bill.

Mr. SUMNER. I will not undertake to say that the proposition of the Senator from Michigan is practical in the ordinary sense of the term. I am sure it is patriotic; and whatever is patriotic now, at this crisis of our country, contains the best elements of the practical.

It is very evident on the face of it, sir, that if you follow the proposition of the committee you are going to plant a difference and discord among these different banks as you establish them over the country. They will all be under different conditions, according to the systems of taxation where they happen to be, instead of being under one uniform condition everywhere throughout the country.

Now, sir, what are we seeking? I believe it is uniformity. It is a uniform system, that shall be substantially the same in Washington, in New York, in Boston, and in Chicago. But the committee propose to give us a system that will be different in every State. Why will it be different? Because everywhere it will come under all the complications and differences of taxation in the different States; and then again the different municipalities of the States. It has already been stated that there are great differences in municipal taxes in different parts of the country; we all know it; and yet this new banking system is to be brought under these conditions. What must be the consequence? That in one State the temptation to embark in this new system will have one degree of force, and in another State another degree of force; and then again, that it will have different degrees of force in different parts of the same State.

Now, I submit that in arranging this great institution we ought not to subject it to any such conditions. We ought, so far as possible, to secure uniformity for it in every part of the country; so that the tax it shall pay in one part of the country shall not differ from the tax it shall pay in every other part of the country. That seems to me a general principle which is applicable in this case. I do not see how Senators can get away from it. I do not see how Senators can be willing at this moment to insert in a bill like this a proposition which is going to subject the property of these banks in one part of the country to one condition, and in another part of the country to another condition. I say, therefore, the proposition of the committee is contrary to the principle of uniformity which we ought to try to establish in organizing this great institution; and when I say this I say enough to call the proposition in question. Not that I seek any ideal uniformity; but I confess that I do seek that practical uniformity which will give to this system its greatest efficiency. I am unwilling to see this system start only to limp through the country, and find itself at each step subject to some new burden. Sir, I do not think this would be practical.

But I go further. I began by saying that the proposition of the Senator from Michigan had in itself that practical character which is found in patriotism; and that is the idea which I would, if I could, impress upon the Senate. We are at this moment trying to render an important service to the country, to place its currency on a permanent foundation, one which shall give strength to its finances, and enable the Republic to go triumphant through all its perils. Under these circumstances there is no sacrifice that Senators ought not to be ready to make personally, and there is no sacrifice that they ought not to be ready to make in behalf of those they represent on this floor. I represent a large and a sensitive constituency; but I have no hesitation in saying for them that the system we are now about to establish shall be established in that way that shall be most useful, so as to serve the great ends of the country without regard to local interests. I believe those great ends will be best served by making the institution strong, and particularly by placing it above all chance of criticism, impeachment, or question from State legislation, so that no State taxation can interfere in any way with its solidity, with the uniformity of its operation, or with its completest efficiency. If I err in this conclusion I err on the side of my country, and in a patriotic purpose. But, sir, when I consider the demands which are now made upon us, whether as individuals or as Senators, and then, again, the demands which are made upon our States, I am sure I cannot err. This is not the time to think of anything less than our whole country.

Mr. SHERMAN. The question of taxation has given me more embarrassment in deciding upon my own personal course upon this bill than any other thing connected with it. The House bill provides:

And nothing in this act shall be construed to prevent the taxation by States of the capital stock of banks organized under this act, the same as the property of other moneyed corporations, for State or municipal purposes; but no State shall impose any tax upon such associations, or their capital, circulation, dividends, or business, at a higher rate of taxation than shall be imposed by such State upon the same amount of moneyed capital in the hands of individual citizens of such State.

The proviso attached seems to me entirely inconsistent with that clause of the section. It is as follows:

Provided, That no State tax shall be imposed on any part of the capital stock of such association invested in the bonds of the United States deposited as security for its circulation.

The proviso is inconsistent with the body of the section. It was undoubtedly adopted as a kind of rider to defeat the object of the section. It would be impossible to construe the section as it was sent to us by the House of Representatives.

There is another objection to the section of the House bill. There is no tax in the bill levied upon these banks. It is indispensable that these banks should pay not only the expense of managing them, but should pay a liberal tax to the Government of the United States. I do not wish to screen them from taxes, however friendly I may be to this system. I wish to impose upon them severe burdens of taxation. The House bill is therefore defective in this, that it provides no system of taxation upon these banks, but leaves them entirely exempt from taxes. All the reference there was to taxation in the bill as it was sent to us was a section which allowed to the States and cities the power to tax; and yet a provision connected with it defeated the power of taxation.

The amendment of the Committee on Finance contains several very valuable provisions. The first clauses provide for a tax upon the circulation, upon the deposits, and upon the capital of these banks: one per cent. on circulation; one per

cent. on capital in excess of circulation; and one half of one per cent. upon deposits. In my judgment it is too small. These banks ought to bear a taxation equal to two per cent. on their circulation and two per cent. on their excess of capital, and I think nearly as much on deposits, so as to reach the city banks, where the deposits are really the circulation. The rate of taxation, then, fixed by the Committee on Finance is too small if that was all that was to be assessed upon them.

On the other hand, the proviso added by the Committee on Finance does not meet with my concurrence. I expressed my dissent from it in committee, and I am bound to do it here. I object to it, because in stead of creating uniformity it will create diversity. In the State of Ohio, in some communities, the tax will be one per cent.; in other communities it will be two per cent. In some States, like Michigan and in the far West where the rate of taxation is very high on landed estate, the rate of taxation will be so great as to prevent these banks from coming into operation. In the new States, where the land is valued at about one third of its value, for instance in the State of Iowa, where the land is put on the tax-duplicate at perhaps one third of its valuation, and the same is true of many of the western States——

Mr. GRIMES. I do not know where that land is in Iowa. I am a tax payer in several counties of that State, and I have never yet found that I owned any property in any county where it was assessed at one third of its valuation.

Mr. SHERMAN. I think the Senator would not like to sell his property at the valuation put upon it in the tax-duplicate.

Mr. GRIMES. I shall be obliged to the Senator if he will furnish me with a purchaser at its assessed value.

Mr. SHERMAN. At any rate, we know that land on a tax-duplicate is not usually assessed at its full value, or even its fair value, or even approaching its fair value. If you require that the bank capital on the tax-duplicate in these new States shall be assessed at its full value you will have an unequal amount of taxation upon bank capital. Nor is this all. We look very much to this matter as it affects our own States. These banks are all located in cities and in towns where the rate of taxation is almost double what it is in the country. There is scarcely a city in the State in which I live where the municipal tax is not equal to the State tax, and as these banks are all located in the cities, you compel them to assist in paving the streets and in lighting the streets. You levy on them all these local taxes which are assessed for the benefit only of the real estate, and you prescribe a rate of taxation that is diversified in almost every community and every town of every State.

There are objections to the system of taxation proposed. We call this a national institution. We think these banking associations essential to maintain the national credit. They are agents of the national Government. They are only justified as agents of the national Government to protect the national credit. It seems to me that while they ought to bear their full value of taxation, that taxation ought to inure to the benefit of the General Government. If you leave them to all this diversified local taxation, or to encounter local prejudices, because moneyed capital always does encounter local prejudices, I believe you will bring them within the declaration made by Chief Justice Marshall, that "the power to tax is the power to destroy." You may enable local communities and local corporations and States to destroy what you regard and what you organize as a national agent for the protection of the national credit.

I am bound to say to the Senator from Michigan, however, that it seems to me it would be far wiser and far better for us to adopt the amendment of the Committee on Finance than to take the bill as sent to us by the House of Representatives. His object will be accomplished by striking out the first proviso of the committee's amendment; and in case that was done I should be willing to vote for any reasonable tax upon these banks—I do not care if it is two or three per cent.—and leave the whole to inure for the benefit of the national Government.

I know that the subject is full of embarrassments; I know that if we reserve this banking capital from taxation by local and State authorities, it will tend to make them unpopular. I desire to see this system not only successful but popular, and perhaps the withdrawal of so much actual capital from local taxation will tend to make them unpopular. It seems to me, however, that if we impose upon them a large tax inuring to the benefit of the General Government, and pledge the proceeds of that tax to the payment of the interest and principal of the national debt, we meet that popular clamor, and it is the only way we can meet it. I shall therefore be willing to put a tax of two per cent. on circulation and one per cent. on deposits, which will be equal to a tax of three per cent. on the circulation of the banks. The tax on deposits will reach the city banks, and the tax on circulation will reach the country banks.

Mr. GRIMES. One per cent. on deposits?

Mr. SHERMAN. Yes, sir. I think the banks in the cities can very well bear that without any great trouble. They pay generally four or five per cent. interest for their deposits, and if instead of four or five per cent. they should pay three or four, as a matter of course it will very easily be made up. This would yield a very large sum if the full amount of the circulation authorized under this act should be issued. We authorize the issue of $300,000,000, and two per cent. on that would be $6,000,000. The deposits might be safely estimated as at least equal or double the circulation. They are at least equal in the country banks and generally double or treble in the cities; and a tax of one per cent. on them would yield $3,000,000 more. Then a tax on the excess of capital over circulation, because many of the city banks have more capital than circulation, would yield a considerable sum; making altogether a very large sum of money, which would tend very much to strengthen the national Government. It would be a sure and certain fund, and it would place these banks under a heavy burden of taxation, and yet under an equal and uniform taxation throughout the country, not varying in the different portions of the country.

If a proposition is made to amend the amendment of the Committee on Finance in that particular I shall vote for it. If it should be lost, I beg the Senator from Michigan not to consider the bill as defeated; because even if you subject these banks to local and municipal taxation, if the Senate should, contrary to my judgment, compel the stockholders of these banks to have their names inserted in the tax-duplicates, and be subject to all the multiform State and local taxation, still I desire to see the bill pass, believing that in time Congress may correct it when the evil is felt.

Mr. HENDERSON. I desire to state that if the effect of the adoption of the amendment offered by the Senator from Maine be as supposed by the Senator from Michigan——

Mr. FESSENDEN. The Senator will understand it is not my amendment; it is the amendment of the Committee on Finance.

Mr. HENDERSON. Offered by the Senator?

Mr. FESSENDEN. No, sir; it is an amendment reported from the Committee on Finance.

Mr. HENDERSON. Well, the Senator is the organ through which it comes.

Mr. FESSENDEN. I have no more to do with it than any other member of the committee.

Mr. HENDERSON. I was simply going to say that if the effect of the amendment as it came from the committee, and offered by the Senator from Maine, be as supposed by the Senator from Michigan, I for one shall not on that account object to its adoption. If it be to prevent the organization of any more banks under the provisions of this bill, I certainly, for that reason alone, would give it my support. But, sir, I do not hold that that will be the effect of the adoption of the amendment.

I am very much astonished at the opinions and views of some gentlemen in regard to these institutions. We have heard a great deal said at various times in the history of the Government in regard to pet institutions; but it really seems to me that if we are not now petting these institutions, I do not know what we are at. We adopted an amendment to the bill a short time ago, permitting one of the large moneyed corporations of the country to come in without the liabilities that we impose upon others, giving that preference to one institution. If we do that in one case, why not excuse another and another, until finally the idea of individual liability is entirely destroyed? Why not say that the directors themselves shall not be liable for any mismanagement of theirs, or that the stockholders shall not be liable for any mismanagement?

Here now is another proposition, and really to my mind a very alarming one. I do not know to what extent this thing will go. I cannot tell. I do not know where will be the end of it. The proposition now is to exempt the capital of these banks from State taxation, from municipal taxation, from county taxation, and to leave them without comparatively any taxation on the part of the United States. It really seems to me that we are making them pet institutions indeed.

What good are they to accomplish? What good are they doing the Secretary of the Treasury at the present time? If they enable him to sell the bonds of the United States, it is because of the fact that this system gives to the purchasers of those bonds greater facilities than they would have in the mere enjoyment of the interest from those bonds. Individuals when they purchase those bonds are allowed to make them a basis upon which to issue a circulating medium. When they put the notes of their banks in circulation do they not clog the very operations of the Treasury? Do they not produce the difficulty of which the Senator now complains, and that is that the currency is redundant; that it is in his way; that he has too much of it? The State banks of the loyal States have not exceeding one hundred and sixty or one hundred and seventy million in circulation, while the Secretary of the Treasury has in circulation at least six hundred and ninety million or somewhere in that neighborhood; and yet I understand the Secretary to complain that that circulation of the State banks is in his way, and that he must get rid of it. Why, in the name of conscience, when individuals get these notes which the Comptroller of the Treasury will furnish to them, on their depositing with him a certain amount of United States bonds, do they not put them in circulation, and is not the very difficulty of which we want to get rid again put in our way?

Then, sir, if it is essential in the operations of the financial affairs of the Government, why not permit the Secretary of the Treasury to go on and issue legal-tender notes? Why shall we rob the Government of that amount of interest when we may suffer the Government to use circulating notes without interest and thus save to the Government that interest at such a time as this, when it is necessary to save every dollar that we possibly can in the operations of the Government? We gain nothing by it. The Government does not realize anything from this bill. Inasmuch as some banks are already in operation under this system, I should be perfectly willing to leave them in operation and to take the injury that may be inflicted upon us in the future by these small banks located at various and distant parts of the country, the circulation of which, as the bill now provides, is to be made redeemable at certain points; but heretofore they have only been redeemable at the places of issue, producing no uniformity as contemplated by the bill. In the future, when peace comes, we shall see that this will not do as a circulating medium. I am satisfied of it. We had infinitely better have legal-tender notes, in my judgment. If these notes are worth anything, the legal-tender notes are worth just as much; because the only basis of the notes of these national banks in order to make them good is the bond of the Government at last.

What is the objection of the Senator from Michigan? He says that if the amendment of the Committee on Finance to enable the States to tax the capital stock of these banks is adopted, it will destroy the bill. If that will destroy the bill it had better be destroyed, and the sooner it is destroyed the better. Why, sir, one half of the surplus capital of various States of this Union might be put into those banks. You allow them a capital of $300,000,000 in the aggregate. Why could not the entire surplus capital of the State of Delaware be put into these banks? Why could not half the capital of the State of Rhode Island or the State of Connecticut be put into these banks? It could be done very easily. Half the capital of my State could be put in them. When this large amount of property is taken from those avenues of business where it is now taxed, not only

by the State but by cities and counties, and invested in banking under this bill, the proposition is that it shall be entirely sequestrated and set apart and shall no longer be subject to the revenue laws of the different States.

Mr. President, to me the proposition is alarming. If we say now that we will exempt from individual liability certain banks, at the next session we may exempt others, and at the succeeding session others, and we shall go on adding other exemptions and other privileges. If we can now say, in order to induce capital to come in, that the States shall not tax, why at the next session may we not say, in order to induce others to come in, that we will remove the tax imposed by the Federal Government, and why not other exemptions and other benefits conferred on them, until finally we grant them all the privileges they may demand?

I am in favor of the proposition of the Committee on Finance, and hope that it may be adopted: in the first place, that it may have the effect of defeating the bill; and in the second place, whether it defeat it or not, it is mere justice and ought to be adopted.

Mr. COLLAMER. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April* 26, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

NORTHEASTERN DEFENSES.

The SPEAKER announced the following select committee ordered yesterday on the defenses of the northeastern frontier: Messrs. RICE of Maine, ALLEY, COX, HALE, PATTERSON, RADFORD, and DRIGGS.

CONGRESSIONAL GLOBE.

The SPEAKER stated the first business in order to be the consideration of House bill No. 421, to pay in part for the published debates of Congress, and for other purposes, which was postponed to this day.

Mr. MORRILL. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union, and before the question is taken, I move that all debate on the pending section of the tax bill be closed in one minute after its consideration shall be resumed.

Mr. A. W. CLARK. What will be the condition of the bill in reference to the Congressional Globe if it now goes over?

The SPEAKER. It will come up among the reports of committees undisposed of in accordance with its date.

Mr. MORRILL. It is suggested there are some amendments to be offered which may require debate, and I therefore withdraw the motion to close debate. I insist on my motion to go into committee.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of

THE TAX BILL.

The CHAIRMAN stated the pending amendment, moved by Mr. J. C. ALLEN, to be as follows: strike out "two and a half of one," and in lieu thereof insert "four;" so that it will read:

Provided, That upon such gains, profits, or income which shall be derived from interest upon notes, bonds, or securities of the United States, there shall be levied, collected, and paid a duty of four per cent. only, anything in this act to the contrary notwithstanding.

The amendment was disagreed to.

Mr. HOLMAN. I move to strike out the entire proviso, and in lieu thereof to insert the following:

That income derived from interest on bonds, notes, and other securities of the United States shall be included in estimating incomes under this section.

Mr. FARNSWORTH. I think that we ought to be allowed to go back and again take the vote on striking out that proviso. The vote was taken yesterday when the House was thin.

Mr. HOLMAN. It might have been better and more simple in form to strike out that proviso; but inasmuch as that motion was made and defeated, this seems to be the only mode of getting at it.

Mr. MORRILL. Does the gentleman from Indiana desire to check the investment now going on in the bonds of the United States?

Mr. HOLMAN. I do not.

Mr. MORRILL. Then the gentleman ought not to move the amendment.

Mr. HOLMAN. But I want the interest received on those bonds, payable as it is to the holder, to be estimated in the incomes. If we do not do that, we will withdraw from taxation for general purposes millions and millions of dollars.

Mr. STEVENS. I rise to a question of order. I understand that the motion has already been made to strike out the proviso and defeat it.

The CHAIRMAN. The Chair is of the opinion that the amendment of the gentleman from Indiana is in order.

Mr. HOLMAN. My proposition is a substitute for the proviso. I trust that no gentleman will misapprehend the point of my amendment. It is not to tax these bonds; that question is not before the House. The question is whether the interest received on those bonds shall be regarded as a portion of income of the citizen for the purpose of taxation. As it is the citizen may withdraw his whole estate from taxation by investment in these bonds. The injustice is manifest. It is better for the country to pay seven, eight, or nine per cent. interest for money to carry on this war than to withdraw these securities in every shape and form from taxation.

Mr. PIKE. This proposition, I will say, if carried, will place this tax in the same condition as the income tax of Great Britain. During the wars of Napoleon, when, from the year 1803 up to the close of the wars——

Mr. MORRILL. I rise to a point of order. The gentleman from Maine cannot get up and argue in favor of the amendment of the gentleman from Indiana while pretending to oppose it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FARNSWORTH. I oppose the amendment *pro forma*.

Mr. PIKE. Now, I move to amend the amendment of the gentleman from Indiana by striking out some part of it.

Mr. MORRILL. The amendment to strike out something and insert nothing has been tried over and over again, and therefore it is not in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PIKE. The amendment of the gentleman from Indiana is to include the proceeds of investments in the national debt. I move to amend so that three fourths of the interest on the public debt shall be included, instead of the whole.

If this amendment is carried we shall place this matter in the same condition that the income tax of Great Britain was from 1803 until the close of the Napoleonic wars, when they assessed the income tax originally five per cent., and finally ten per cent., making no deduction from the income derived from the national debt.

Mr. MORRILL. I rise to a point of order. My friend from Maine is not, I insist, either arguing against the amendment of the gentleman from Indiana or in favor of his own amendment.

The CHAIRMAN. The gentleman has the floor to oppose the amendment of the gentleman from Indiana.

Mr. PIKE. I offered an amendment.

The CHAIRMAN. Then the gentleman will speak to his amendment.

Mr. PIKE. That is what I am doing. I wish to say still further, that the average municipal taxes assessed in this country, which the law authorizing the issue of bonds exempts the holder of bonds from paying, amounts to about twenty-five per cent. of the income derived from United States bonds. The income from national bonds is six per cent., to say nothing of the increase arising out of the depreciation of currency. Now, the average of municipal taxation in this country is at least one and a half per cent. That one and a half per cent. the holder of these bonds is exempt from paying. All over the country we find at the spring assessments men of wealth drawing out their national bonds and presenting them to our over-taxed municipalities, and saying to the assessors that those bonds are exempt. It is a matter of contract with them, and we cannot escape from it; but it is not a matter of contract to exempt them from paying their share of the income tax. Now, all these small localities are very greatly in debt on account of this war. This national stock is the best property in this country; and, as a matter of course, the wealthiest men of the country, as they always aggregate to themselves the best property, are gathering in these national bonds. As we cannot reverse our action, I hope the House will take no further action in that direction. But we must continue to exempt the bonds from municipal taxation.

[Here the hammer fell.]

Mr. J. C. ALLEN. I rise to oppose the amendment of the gentleman from Maine. I am opposed to the amendment which he proposes to the amendment of the gentleman from Indiana. I think we ought to tax the income derived from these bonds in the same manner as we tax incomes derived from any other source. We impose this burden upon those who derive their income from all other sources, and there is no reason why those who derive an income from this source should be exempt. You may look through this bill, and you will find no other tax imposed which is not ultimately thrown back upon the consumer. The manufacturer charges the tax which he has to pay upon his customers; the merchant charges the tax he has to pay upon his income upon his customers; the butcher charges the tax he has to pay upon his customers; and so it is with every other species of tax contained in the bill but this.

But when you come to tax capitalists who cannot come back upon anybody behind them, you propose to exempt them. This is wrong in principle. Men who invest largely in the bonds of the Government, men who are protected by high tariffs, and who have it in their power to avoid the pressure of taxation upon their manufactures, are thus permitted to relieve themselves from the burdens of taxation in this regard. As I remarked yesterday, it will not be conducive to the welfare of the Government, for every other species of taxation in this bill enables the party taxed to go back upon the consumer, directly or indirectly, and relieve himself from this burden.

But when you undertake to tax the capital in the hands of bondholders, where it is impossible for them to come back on the consumers, and thus relieve themselves from the burden, then gentlemen say that you must not tax them because you will destroy investments in the bonds of the Government. I tell you there is nothing in that argument. These gentlemen invest by thousands and millions in the bonds of the Government, believing them to be the best securities they can get, and it is proposed now to relieve them from taxation on their investment, and to cast the whole burden on the sweat and toil of the country.

The amendment to the amendment was disagreed to.

The question recurred upon Mr. HOLMAN's amendment; and being taken, it was agreed to.

Mr. JOHNSON, of Pennsylvania. I offer the following as an additional proviso to section one hundred and fourteen:

And provided further, That net profits realized by sales made since the passage of the acts to which this is supplementary, upon investments made prior thereto, shall not be chargeable as income, nor shall losses sustained by investments similarly made be deducted from the income of the year in which they are ascertained.

That proviso is offered to remedy an error which, I take it, the Commissioner of Internal Revenue has made in the construction of the existing law. I send to the Clerk's desk a letter of the Commissioner, addressed to myself, which explains the matter fully.

The Clerk read, as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
WASHINGTON, *March* 9, 1864.

SIR: Your letter of the 7th instant has been received inclosing a letter from ——, and in reply I will say that where property was bought some years ago and is now sold, the profit arising from such sale must be returned as income for the year during which the sale was made.

Where property has been unproductive, interest on the purchase money from time of purchase till sale, together with the taxes paid, will be properly added to the purchase money, and the sum deducted from the price at which the sale was made. The difference will be the profit and taxable as income.

Where property has been sufficiently productive to pay

interest and taxes, the difference between the price at which the property was bought and that at which it was sold will be the sum chargeable as income.

When improvements have been made their cost will be considered as so much added to the sum invested in the purchase.

The question in all such cases is what gains have been realized by the transaction.

The same general principles apply to gains or profits derived from the purchase and sale of stocks and securities.

Very respectfully, JOSEPH T. LEWIS,
Commissioner.

Hon. PHILIP JOHNSON, *Easton, Pennsylvania.*

Mr. JOHNSON, of Pennsylvania. That letter was in answer to one inquiring whether where real estate bought twenty years ago, and having advanced in price, was sold in 1863, the difference between the price originally paid and that received could be properly charged as income for the current year; and, as the House will see, the Commissioner made a decision to that effect.

Mr. MORRILL. I suggest to the gentleman from Pennsylvania that the subject to which he is calling the attention of the committee had better be considered in the next section.

Mr. JOHNSON, of Pennsylvania. I have examined this subject, and I made up my mind that the amendment ought to come in here. I am not particular about it, however, and will withdraw the amendment for the present.

Mr. FRANK. I move to amend the one hundred and fourteenth section by striking out in lines ten, eleven, and twelve the words "a duty of five per cent. upon the amount of excess above $600," and inserting, in lieu thereof, the following:

A duty of five per cent. on the excess over $600; a duty of seven and one half of one per cent. per annum on the excess over $10,000, and not exceeding $25,000; and a duty of ten per cent. on the excess over $20,000.

The Committee of Ways and Means have reported a tax of five per cent. on all incomes above $600. This amendment increases the tax where the income exceeds $10,000. I offer the amendment because I think it is just, right, and proper that those having a larger amount of income shall pay a larger amount of tax. I believe, with the Secretary of the Treasury, that the larger tax we pay at this time the safer we are and the better will be the securities of the Government. We are all interested in increasing the amount of taxation.

It will be said, and has been said by those who are opposed to a change in this tax on incomes, that a proposition of this kind is unconstitutional, because the Constitution says that taxation shall be uniform throughout the United States. It seems to me that that is no argument at all. It is said further that it is wrong to have two systems of taxation, and that the tax on incomes should be uniform. I do not see how any member of the Committee of Ways and Means, who have reported this bill, can adduce such an argument as that. They have made discriminations in several instances in this bill in the rates of taxation. They impose no tax upon the retail dealer who sells goods to an amount less than $1,000, while the dealer who sells to an amount over $1,000 must pay a license. On tailors and other manufacturers for customers, less than $600 they do not tax: over that they tax three per cent. In this very bill and in this very section they exclude all under $600, making a vast difference in the matter. On advertisements in newspapers less in amount than $1,000 there is no tax; above that there is a tax. So on newspapers; on those less than two thousand circulation there is no tax; above that there is a tax. So in other places the committee have made a discrimination. The gentlemen, therefore, are answered out of their own mouths.

Mr. GANSON. I would inquire of my colleague whether the amendment is so drawn as to put the additional tax upon the excess?

Mr. FRANK. It is intended to be so.

Mr. GANSON. I call the attention of my colleague to the language so that he may secure that object. If that be generally understood in the House it will remove much of the opposition to the amendment.

The amendment was again reported.

Mr. FRANK. I think that that is as plain as language can make it.

Mr. GANSON. I think that the object is secured by the gentleman's amendment.

Mr. FRANK. I will explain.

The CHAIRMAN. The gentleman's time has expired.

Mr. STEVENS. It seems to me that it is a strange way to punish men because they are rich. I do not know but that there ought to be an indictment against every man who ventures to go above $600 income. If he goes above $10,000 the duty should be increased from ten to twenty per cent.; over $50,000 thirty per cent.; over $100,000 sixty per cent., and over $1,000,000 we should take all. If any man dare go above a certain amount, more than I am worth or any other member, then we should take it all.

Mr. DAWES. Does the gentleman from Pennsylvania call it punishing the rich men to make them pay their share of the burdens of taxation, or does he think that the poor should pay the taxes for the rich?

Mr. STEVENS. The rich man pays five per cent. upon all of his income, upon his gains and profits. The rich man pays according to his wealth. If he is made to increase the tax according to his wealth, it is a punishment.

Mr. FRANK. Have not the Committee of Ways and Means adopted the same principle?

Mr. STEVENS. We have made no distinction between one man and another because one is richer than another. That is right and just. We do not object to that. If you tax a man who receives $1,000,000 income five per cent., you tax him upon the same principle that you tax the man who receives $10,000 of income. When you tax him upon every $500 increase, you tax him upon another principle. It amounts, at last, to nothing more than a punishment of the rich man because he is rich.

Mr. GANSON. Let me ask the gentleman a question. Is not the same principle in the existing law? Is not the tax three per cent. up to $10,000, and five per cent. beyond that?

Mr. STEVENS. I do not recollect. The committee were of the opinion that the principle was a vicious one. I think the principle of taxing a man worth $20,000 more in proportion to his wealth is an unjust one. I have no interest in it myself. I have no reason to believe that it will hurt me; but I see no reason why a man should be punished in this way because he is rich. If he is worth over a million dollars we might as well provide that the Government shall take the surplus.

Mr. WILSON. I move an amendment *pro forma*. I do it for the purpose of showing what the present law upon this subject is. The old law reads as follows:

"SEC. 90. *And be it further enacted*, That there shall be levied, collected, and paid annually, upon the annual gains, profits, or income of every person residing in the United States, whether derived from any kind of property, rents, interest, dividends, salaries, or from any profession, trade, employment, or vocation, carried on in the United States or elsewhere, or from any other source whatever, except as hereinafter mentioned, if such annual gains, profits, or income exceed the sum of $600 and do not exceed the sum of $10,000, a duty of three per cent. on the amount of such annual gains, profits, or income over and above the said sum of $600; if said income exceeds the sum of $10,000 a duty of five per cent. upon the amount thereof exceeding $600; and upon the annual gains, profits, or income, rents, and dividends accruing upon any property, securities, and stocks owned in the United States by any citizen of the United States residing abroad, except as hereinafter mentioned, and not in the employment of the Government of the United States, there shall be levied, collected, and paid a duty of five per cent."

Now, I very well remember that the Committee of Ways and Means were just as tenaciously in favor of that section during the last Congress as they now are in favor of the section which they have now reported.

Mr. DAWES. The committee originally reported a proposition precisely like that which the gentleman from Maine has just offered. They were going to punish the rich men then, but not quite as badly.

Mr. WILSON. I think the committee have been growing worse instead of better.

Mr. HOOPER. That bill was passed in the House with a provision making the tax three per cent. The additional tax was put on in the Senate.

Mr. WILSON. The proposition reported by the Committee of Ways and Means was almost exactly like the one just offered by the gentleman from New York.

Mr. PIKE. The House sent the bill to the Senate with seven and a half per cent. tax.

Mr. WILSON. The bill sent to the Senate was almost in the form of the amendment offered by the gentleman from New York. The Committee of Ways and Means has been getting worse. I hope the amendment of the gentleman from New York will be adopted.

Mr. MORRILL. No one doubts our constitutional power to levy this tax, and the question is one merely of policy in relation to revenue. Experience under the provisions of the old act on this subject shows that people who are taxed unequally on their incomes regard themselves as being unjustly treated, and seek all manner of ways and means to evade it. This inequality is in fact no less than a confiscation of property, because one man happens to have a little more money than another. The Committee of Ways and Means, in order to obtain the largest amount of revenue from this source, concluded to recommend the raising the entire income tax to five per cent. I think that will be more satisfactory to the country than any other arrangement.

Mr. WILSON. I withdraw my amendment to the amendment.

Mr. GRINNELL. I renew it. I had drawn up an amendment which I desired to present for the action of the committee before the amendment proposed by the gentleman from New York. It was to insert after the word "dollars," in the twelfth line, the following:

And not exceeding $5,000, and a duty of eight per cent. upon any sum above $5,000 and not exceeding $10,000, and a duty of ten per cent. upon any sum above $10,000.

The principle has been allowed as good law, as a similar provision is contained in the present law; but I am opposed to any discrimination, unless there is something that looks like meting out justice to all parties who must pay this tax. If you mean to say in the first place that $600 shall be exempt because it embraces a class who can live within that sum, I think you should raise this amount to $1,000 or more, because but very few can live within $600 having the responsibility of a family.

But I am in favor of increasing the tax on large incomes. Why? Because it comes to my ear in this House that a gentleman from one of our cities acknowledges his annual income to be over thirty thousand dollars, and it was his opinion that twenty per cent. was not too high for him to pay.

Mr. MORRILL. Will the gentleman allow me to ask him whether he will concede that because he has six thousand sheep we may tax him a higher rate than we do the man who has only six hundred?

Mr. GRINNELL. I am making no allusion or reference to sheep or anything else, nor is this the place to notice the intimation. I am speaking for justice in this regard. I say, that a man who has an income of over ten thousand dollars should be required to live out of that income in time of war, and not be able to lay aside more than ninety per cent. of his income and to pay only ten per cent. of it to the Government, is only reasonable. They do not contribute to the Government a proportion anything like that paid by those who are worth a less sum of money who have gone into our Army.

My proposition is that you shall increase the maximum of the sum to be exempt above $600, and then go to the Astors and Stewarts and other rich men of the country and ask them if in the midst of a war it is unreasonable to limit them, in the sum to be laid away, to ninety per cent. of their income. I submit if they are patriots and willing to share in the expenses of this war they will be willing to do it and be thankful for ninety per cent. It is my proposition that all who have an income exceeding $10,000 shall pay ten per cent. of that income to the Government, and allow them to lay away for their children ninety per cent. to waste or perhaps quarrel over. I could not in justice to myself and to our country advocate anything else in this time of high living for the masses; and if gentlemen demand to sustain our credit and prosecute the war with success, I could not advocate anything else in justice to the middle classes in this country, and I ask for a small class that if their incomes exceed $5,000 they shall pay eight per cent., and if their incomes exceed $10,000 that they shall pay ten per cent. It is time that extravagance in gewgaws, snobbishness in display, and that large class whose great care is to safely compound their hundreds of thousands, should feel that there is war and a demand which they have not yet felt on their purses and on their

patriotism, which in many cases has been but poorly acknowledged. To equalize burdens and mete equal justice is the purpose of my amendment. Let colossal wealth, protected, meet the full share of burdens, which are lighter in this country than in any other civilized country in time of war.

Mr. GRISWOLD. I hope, Mr. Chairman, that it will not be regarded as an expression of any desire to avoid the imposition of taxes in every proper way for a member to rise here to protest against the discrimination which is now proposed to be made in levying this tax. I submit that practically it has been shown that this policy of discriminating in taxing incomes has worked more injustice and that more difficulty has arisen in its collection than under all the other apparatus of the national tax law.

Now, there are in my district only forty individuals who pay an income on $10,000 and over; and a friend of mine sat down with me and we counted up one hundred men in the city of Troy, where I reside, without going out into the rest of the district, who we knew, as well as we can know anything, were in the receipt, not only of over ten thousand dollars, but many of them of two or three times that amount. Now, the great inequality and injustice and difficulty that have grown out of the collection of the income tax has resulted from this discrimination. It holds out an inducement to men to commit frauds.

I hope, therefore, that whatever rate may be decided on it will be a uniform rate, and upon the entire income, and not upon the excess.

Mr. GRINNELL. I withdraw my amendment to the amendment.

Mr. HUBBARD, of Connecticut. I move to amend the amendment of the gentleman from New York, so as to provide for a duty of eight per cent. upon all incomes exceeding $600. I very much dislike the discrimination provided for in the amendment offered by the gentleman from New York, [Mr. FRANK.] In my judgment it is wrong. The first duty of this Congress is to do right, and its second duty is to endeavor to give the public satisfaction. There is no so popular or just a mode of replenishing our revenue as a tax on incomes.

The amendment which I propose would seem to be just and entirely equal, and would seem to accord with the views and notions of the people of the country as they have ever been expressed heretofore. By the bill as it stands the poor man is required to pay nothing and the man of moderate means little or nothing, while the wealth of the country is taxed for the purpose of revenue. I certainly can see no reason why that large class of people whose incomes range between $600 and $10,000 should be permitted to escape this additional tax of eight or ten per cent., and I hope that this amendment will meet with favor from the House.

Mr. SPALDING. I rise to oppose the amendment. I oppose it because I am in favor of the amendment offered by the gentleman from New York [Mr. FRANK] which proposes to graduate this duty upon incomes. I can see no injustice in thus graduating the tax. If I understand the matter correctly the man with an income of $1,000, every dollar of which may be needed for the necessary expenses of himself and his family, pays on that $1,000 the same tax, as far as that sum goes, as the most wealthy man. They travel together so far as the first $1,000 is concerned, but when the income rises to $5,000 or $10,000, or $20,000, and so on, then the tax is to be imposed upon the excess.

Mr. GRISWOLD. I would ask the gentleman whether in his judgment there are not a vast number of men who are richer on an income of $1,000 than others who have eight or ten thousand?

Mr. SPALDING. Infinitely more so. But I was about to show the reason why we should put a tax upon this excess. Do we not tax luxuries, imported wines, and liquors, and silks, and broadcloths to a greater extent than we tax the ordinary necessaries of life? Everybody admits it; and why? Because the consumption is with those who are able to pay. The rich consume these high-priced wines, these high-priced silks, these India shawls, and they can pay the tax upon them. And how is it with the incomes? When they go beyond $20,000 or $50,000 is it not the class of persons who pay the taxes on luxuries? Most assuredly. The same principle applies in one case as in the other.

But we are told by the gentleman from New York, and we hear all round, that if we undertake to tax these large incomes over and above the tax we levy on moderate means, the tax will be evaded; that is, these rich men if we tax them more than they want to pay will make false affidavits and returns. Well, sir, we will provide punishments for that class of men, which will bring them under the yoke.

[Here the hammer fell.]

Mr. MORRILL. I move that the committee rise for the purpose of closing debate upon this paragraph.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 405, to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, and had come to no resolution thereon.

Mr. MORRILL. I move that all debate upon the paragraph under consideration in committee be closed in one minute after the committee shall again resume its consideration.

Mr. JOHNSON, of Pennsylvania. I desire to say I shall wish again to renew the amendment suggested by me in committee, and I wish permission to have a letter read upon it.

Mr. MORRILL. This will not preclude the offering of amendments, but I would again suggest to the gentleman from Pennsylvania that his amendment would more properly come in at the end of the next section.

Mr. JOHNSON, of Pennsylvania. Well, sir, if I should desire to renew my amendment to this section, I shall desire permission to have a letter read upon it.

Mr. MORRILL. Very well.

The motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. NICOLAY, his Private Secretary.

INTERNAL REVENUE BILL—AGAIN.

Mr. MORRILL. I now move to go into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes; the pending question being on the amendment submitted by Mr. HUBBARD, of Connecticut, to the amendment of Mr. FRANK.

The amendment to the amendment was disagreed to.

Mr. BOUTWELL. I move to amend the amendment by striking out the latter clause, providing the rate of duty for incomes over $25,000.

The amendment to the amendment was agreed to.

Mr. GRINNELL. I now renew my amendment, read some minutes since, as a substitute for the amendment of the gentleman from New York.

The amendment to the amendment was disagreed to.

The question now being on the amendment,

Mr. FRANK called for tellers.

Tellers were ordered; and Messrs. FRANK and FENTON were appointed.

The committee divided; and the tellers reported—ayes seventy-three; a further count not having been demanded.

So the amendment was agreed to.

Mr. MORRILL. I move to amend in line three, section one hundred and fifteen, by inserting after the word "taxes" the words "other than income," and to strike out the word "other" where it occurs in the preceding line.

The amendment was agreed to.

Mr. MORRILL. I move to amend in line eleven of the same section; I move to insert after "Congress" the words "above the sum of $600."

The amendment was agreed to.

Mr. MORRILL. I move to amend in line eighteen, same section, by striking out the word "hereinbefore" and inserting the word "hereinafter."

The amendment was agreed to.

Mr. MORRILL. I move to amend in line twenty-one, by striking out the words "not exceeding" and inserting in lieu thereof the words "in excess of," and also to strike out "and" in line twenty.

The amendment was agreed to.

Mr. MORRILL. I also move to amend in line twenty-two, by striking out the words "when exceeding the sum of $200, the excess."

The portion of the section amended would then read:

SEC. 115. *And be it further enacted*, That in estimating the annual gains, profits, or income of any person, all national, State, and municipal taxes, other than income, lawfully assessed within the year upon the property or other sources of income of any person, as aforesaid, from which said annual gains, profits, or income has been derived, shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgager; also the salary or pay received as an officer in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress, above the sum of $600; and there also shall be deducted the income derived from dividends on shares in the capital stock of any bank, trust company, savings institution, insurance or railroad company, and the interest on any bonds or other evidences of indebtedness of any railroad company, which shall be assessed and paid by said banks, trust companies, savings institutions, insurance and railroad companies, as hereinafter provided; also the amount paid by any person for the rent of the homestead used or occupied by himself or his family, not exceeding $200, the annual rental value of any homestead in excess of $200 used or occupied by any such person or by his family, in his own right or in the right of his wife, and shall be included and assessed as part of the income of such person for each year.

Mr. BOUTWELL. I desire to call the attention of the gentleman from Vermont to the condition in which the section now stands. I believe that under a proper construction of these two clauses of the bill, one commencing in the eighteenth line of page 156, and the other commencing in line twenty-six of the next page, a person who receives a salary of $1,000, and hires a house for which he pays $200 rent, when considered in relation to another person who receives the same salary and lives in a house which he himself owns, but the rental value of which is $200, would be the tax on $200 worse off. The effect would be that the man who hires a house for $200 a year would not be exempt on that amount, while the man who owns his house would be exempt, which I think he ought not to be.

Mr. MORRILL. If the gentleman from Massachusets will yield a moment for explanation, I desire to say that the purpose of the committee is to secure exemption on a homestead to the extent of $200 rental. Where the man pays out the rent it is granted, and where he owns the house it is granted to the extent of the value of $200 a year rental. That was the object of the committee, and I think that object is accomplished by the section as now amended.

Mr. BOUTWELL. For the purpose of enabling me to say a word further I will move to amend by inserting "$100" instead of "$200."

My point is this: that if a person owns a house the rental value of which is $200, there is so much profit; there is an income on that property on which he resides to that extent. Now, suppose that person chooses to abandon his own house, let it for $200 a year, and hire a house, he will then enjoy the income of $200 on his house and get an exemption of the $200 rent he pays on the house where he lives. In other words, he will be taxed $200 less than he would have been had he occupied his own house.

I have examined this section carefully, and I cannot give it any other construction than that it will place the man who owns the house he resides in the tax on $200 better off than the man who hires a house. I withdraw my amendment to the amendment.

The amendment submitted by Mr. MORRILL was agreed to.

Mr. JOHNSON, of Pennsylvania. I move to amend by adding at the end of the one hundred and fifteenth section as follows:

Provided, That net profits realized by sales made since the passage of the acts to which this is supplementary upon investments made prior thereto shall not be chargeable as income, nor shall losses sustained by investments similarly

made be deducted from the income of the year in which they are ascertained.

I desire to have the letter read this morning from the Commissioner of Internal Revenue again read.

The Clerk again read the letter.

Mr. JOHNSON, of Pennsylvania. I now send up a letter I have received from one of my constituents, and ask to have it read. I think it is a complete answer to the argument of the Commissioner.

The Clerk read the letter, as follows:

EASTON, *April* 20, 1864.

DEAR SIR: I do not want to occupy too much of your time in getting opinions or decisions on the income tax law, so susceptible of great differences of opinion even by the framers of it.

Let me cite a case *pro* and *con.*, divested of all superfluous or intricate matter.

Supposing in 1844 a person bought one hundred shares of Easton bank stock at forty dollars per share, and sold them, for instance, to-day at eighty-five dollars, leaving a profit of forty-five dollars per share, is the $4,500 profit subject to income tax? And supposing in 1844 a person bought two hundred shares of Packer Vein Coal Company's stock at forty dollars per share, and it sells, as it did a few days ago, at *three cents per share*, is the loss of $8,000 to be deducted from the amount subject to income tax? I contend that in the first place the law was never intended to be indefinitely retrospective in its operations, and, admitting that it was, it must be equally so to the reduction of losses as the addition of profits. It appears to me that the intention of the law was to tax *all* income derived from buying and selling of from, say the 31st day of December, 1863, to the 1st of January, 1865, and was not intended to act retrospectively on either profits or losses. If the law admits the bringing up of losses as an offset to profits, I have two old ledgers that would almost move the advocates of the bankrupt law of 1837 to tears if they possess any of the milk of human kindness, which is doubtful.

I remain yours, respectfully, ——— ———.

Hon. P. JOHNSON.

The amendment was disagreed to.

Mr. FARNSWORTH. I move to amend by striking out from the word "also," in the eighth line of the section, to and including the word "Congress," in the eleventh line, as follows:

Also the salary or pay received as an officer in the civil, military, naval, or other service of the United States, including Senators, Representatives, and Delegates in Congress.

The members of the committee will observe by the context, in what precedes the words I have proposed to strike out, that in assessing this income tax the salaries of members of Congress and of military and naval officers are not to be taken into consideration. The clause immediately preceding is as follows:

That in estimating the annual gains, profits, or income of any person, all other national, State, and municipal taxes lawfully assessed within the year upon the property or other sources of income of any person, as aforesaid, from which said annual gains, profits, or income has been derived, shall be deducted from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgager.

Now, sir, I think these salaries ought not to be exempt.

Mr. WILSON. If the gentleman strikes that out members will be taxed twice. The bill provides for withholding the tax when the Senator, Member, or Delegate is paid.

Mr. FARNSWORTH. I ask that members of Congress shall be placed upon the same footing as all other men.

Mr. MORRILL. They are so placed now. I refer the gentleman to the language of the bill.

Mr. FARNSWORTH. I have looked at the language of the bill, and that does not do it. If the argument is that this bill does not repeal the old law, then I say that it leaves members of Congress subject to three per cent. tax instead of five per cent. What I desire is that by the terms of this bill members of Congress shall be placed upon the same footing as other men.

Mr. MORRILL. I call the gentleman's attention to the following:

SEC. 122. *And be it further enacted*, That there shall be levied, collected, and paid on all salaries of officers, or payments to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of $600 per annum, a duty of five per cent. on the excess above the said $600; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or in the employ thereof, when making any payments to officers and persons as aforesaid, or upon settling and adjusting the accounts of such officers and persons, to deduct and withhold the aforesaid duty of five per cent., and shall, at the same time, make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the Commissioner of Internal Revenue, and entered as part of the internal duties; and the pay-roll, receipts, or account of officers or persons paying such duty as aforesaid, shall be made to exhibit the fact of such payment.

Mr. FARNSWORTH. I did not see that section, and I withdraw my amendment.

Mr. KASSON. I ask the unanimous consent of the House to reserve, for the purpose of considering it more carefully, a provision in reference to the division of incomes among members of families, providing that only one deduction shall be made in the same family. It needs careful revision, and I ask to have the privilege to submit it hereafter.

There was no objection, and consent was granted accordingly.

Mr. ALLISON. I move to strike out the words "or railroad companies." This section authorizes the exemption of shares of railroad companies. A former section authorized railroad companies to transfer taxes paid by them.

Mr. MORRILL. These are the dividends on which the tax is paid to the Commissioner of Internal Revenue. It is thought better that the Government should collect this in a lump rather than it should be distributed.

Mr. ALLISON. If I understand the previous section in relation to railroad companies, they are authorized to transfer to passengers and those for whom they transport freight the taxes imposed upon them.

Mr. MORRILL. That is a different thing. That is in relation to the business of railroad companies. We propose to tax railroad companies not only upon their business but upon their annual profits or dividends.

Mr. ALLISON. With that explanation I withdraw my amendment.

Mr. HOOPER. I move to insert after the word "deducted" the words "in addition to $600;" so that it will read:

SEC. 115. *And be it further enacted*, That in estimating the annual gains, profits, or income of any person, all other national, State, and municipal taxes lawfully assessed within the year upon the property or other sources of income of any person, as aforesaid, from which said annual gains, profits, or income has been derived, shall be deducted, in addition to $600, from the gains, profits, or income of the person who has actually paid the same, whether owner, tenant, or mortgager; &c.

The amendment was agreed to.

Mr. HOOPER. I move to strike out the word "or" and insert after the word "railroad" the words "canal, turnpike, or canal navigation," so that it will read:

And there also shall be deducted the income derived from dividends on shares in the capital stock of any bank, trust company, savings institution, insurance, railroad, canal, turnpike, or canal navigation company.

The amendment was agreed to.

The Clerk read, as follows:

And the interest on any bonds or other evidences of indebtedness of any railroad company, which shall be assessed and paid by said banks, trust companies, savings institutions, insurance and railroad companies, as hereinbefore provided.

Mr. HOOPER. I move the same amendment, to come in before the word "companies."

The amendment was agreed to.

The Clerk read, as follows:

SEC. 116. *And be it further enacted*, That it shall be the duty of all persons of lawful age, and all guardians and trustees, whether such trustees are so by virtue of their office as executors, administrators, or in other fiduciary capacity, to make a list or return under oath or affirmation, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, to the assistant assessor of the district in which he resides, of the amount of his or her income, or the income of such minors or persons as may be held in trust as aforesaid, according to the requirements hereinbefore mentioned, stating the sources from which said income is derived, whether from any kind of property, or the purchase and sale of property, rents, interest, dividends, salaries, or from any profession, trade, employment or vocation or otherwise; and in case of neglect or refusal to make such return, the assessor or assistant assessor shall assess the amount of his or her income, and proceed thereafter to collect the duty thereon in the same manner as is provided for in other cases of neglect and refusal to furnish lists or returns in the general provisions of this act, where not otherwise incompatible, and the assistant assessor may increase the amount of the list or return, or of any party making such return, if he shall be satisfied that the same is understated; &c.

Mr. MORRILL. I move to insert before the word "proceed" the words "the collector shall;" and to strike out the words "to collect the duty thereon."

The amendment was agreed to.

The Clerk read, as follows:

Provided, That any party, in his or her own behalf, or as guardian or trustee, as aforesaid, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, that he or she was not possessed of an income of $600, liable to be assessed according to the provisions of this act, or may declare that he or she has been assessed elsewhere in the same year for an income duty, under authority of the United States, and shall thereupon be exempt from income duty in said district; &c.

Mr. MORRILL. I move to insert after the words "same year for" the words "and has paid."

The amendment was agreed to.

The Clerk read, as follows:

Or, if the list or return of any party shall have been increased by the assistant assessor, in manner as aforesaid, such party may be permitted to declare, under oath or affirmation, the amount of annual income, or the amount held in trust, as aforesaid, liable to be assessed, as aforesaid; and the same, so declared, shall be received as true, and as the sum upon which duties are to be assessed and collected, except that the deductions claimed in such cases shall not be made or allowed; &c.

Mr. MORRILL. I move to insert before the words "as true" the words "by such assistant assessor."

The amendment was agreed to.

The Clerk read, as follows:

SEC. 117. *And be it further enacted*, That the duties on incomes herein imposed shall be levied on the 1st day of May, and be due and payable on or before the 30th day of June, in each year, until and including the year 1870, and no longer; and to any sum or sums annually due and unpaid for thirty days after the 30th of June, as aforesaid, and for ten days after demand thereof by the collector, there shall be levied in addition thereto the sum of five per cent. on the amount of duties unpaid, as a penalty, except from the estates of deceased and insolvent persons; and if any person liable to pay such duty shall neglect or refuse to pay the same, after such demand, the amount due shall be a lien in favor of the United States from the time it was so due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all the property, and rights to property, stocks, securities, and debts of every description, from which the gains, profits, and income upon which said duty is assessed or levied shall have accrued; and in default of the payment of said duty aforesaid, said lien may be enforced by distraint upon such property, rights to property, stocks, securities, and evidences of debt, by whomsoever holden; and for this purpose the collector, after demands duly given, as aforesaid, shall issue a warrant in form and manner to be prescribed by the Commissioner of Internal Revenue, under the directions of the Secretary of the Treasury, and by virtue of such warrant there may be levied on such property, rights to property, stocks, securities, and evidences of debt, a further sum, to be fixed and stated in such warrant, over and above the said annual duty, interest, and penalty for non-payment, sufficient for the fees and expenses of such levy. And in all cases of sale, as aforesaid, the certificate of such sale by the collector shall vest in the purchaser all right, title, and interest of such delinquent in and to such property, whether the property be real or personal; and where the subject of sale shall be stocks, the certificate of said sale shall be lawful authority and notice to the proper corporation, company, or association, to record the same on the books or records, in the same manner as if transferred or assigned by the person or party holding the same, to issue new certificates of stock therefor in lieu of any original or prior certificates, which shall be void whether canceled or not; and said certificates of sale of the collector, where the subject of sale shall be securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

Mr. MORRILL. I move to strike out the words "and rights to property, stocks, securities, and debts of every description, from which the gains, profits, and income upon which said duty is assessed or levied shall have accrued;" and in lieu thereof to insert "belonging to such persons."

The amendment was agreed to.

Section one hundred and eighteen was read, as follows:

And be it further enacted, That there shall be levied and collected a duty of five per cent. on all dividends in scrip or money thereafter declared due, and whenever the same shall be payable, to stockholders, policy-holders, or depositors, as part of the earnings, income, or gains of any bank, trust company, savings institution, and of any fire, marine, life, inland, stock, or mutual insurance company, under whatever name or style known or called, in the United States or Territories, whether specially incorporated or existing under general laws, and on all undistributed sums, or sums made or added during the year to their surplus or contingent funds; and said banks, trust companies, savings institutions, and insurance companies, shall pay the said duty, and are hereby authorized to deduct and withhold from all payments made on account of any dividends or sums of money that may be due and payable as aforesaid, the said duty of five per cent. And a list or return shall be made and rendered, and the amount of the duty shall be paid, to the collector of the district within thirty days after the time when any dividends or sums of money become due or payable as aforesaid; and said list or return shall contain a true and faithful account of the amount of duties as

aforesaid; and there shall be annexed thereto a declaration of the president, cashier, or treasurer of the bank, trust company, savings institution, or insurance company, under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful account of the duties as aforesaid; and for any default in the making or rendering of such list or return with such declaration annexed, the bank, trust company, savings institution, or insurance company, making such default, shall forfeit as a penalty the sum of $500; and in case of any such default in making or rendering said list or return, or of any default in the payment of the duty as required, or any part thereof, the assessment and collection of the duty and the liens, penalties, and forfeitures shall be in accordance with the general provisions of law in other cases of neglect and refusal: *Provided*, That the duty upon the dividends of life insurance companies shall not be deemed due or to be collected until such dividends shall be payable by such companies.

Mr. MORRILL. I move to amend by striking out of line eighteen the words "and the amount of duty shall be paid to the collector of the district," and inserting in lieu thereof the words "to the assessor or assistant assessor in duplicate; and one of said lists or returns shall be transmitted and the duty paid to the Commissioner of Internal Revenue."

The amendment was agreed to.

Mr. MORRILL. I move to amend in line twenty-eight by striking out after the words "default in" the word "the."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of line thirty-two before the word "default" the word "such."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of lines thirty-five and thirty-six the words "liens, penalties, and forfeitures," and insert in lieu thereof the word "penalty."

The amendment was agreed to.

Mr. KERNAN. I move to amend by striking out of line six the words "savings institution." The reason is that so far as I am acquainted with these institutions they are institutions which make no divisions of profit or gains, and whose depositors generally, and so far as I know uniformly, are people of small means and limited earnings. Of course, if they receive earnings exceeding the amount of $600 they pay an income tax. As a general thing they do not; and therefore they discriminate against women and poor people who deposit in these banks.

Mr. UPSON. Is there anything which hinders deposits to a large amount?

Mr. KERNAN. I know that in my State these institutions can only receive deposits to a limited amount, and therefore they do not receive deposits from people who make large investments.

Mr. MORRILL. The suggestion of the gentleman from New York is true to a certain extent. It is so in my own State, but it is also true that men of large means deposit in these institutions money which they do not else know how to dispose of. And it is for the purpose of reaching these men that these institutions were included.

Mr. KERNAN. I would inquire of the gentleman whether he could not frame an amendment which shall reach men who make deposits above a certain amount?

Mr. MORRILL. These institutions take the money of the rich and the poor, and far more from the wealthy than from the poor.

Mr. GANSON. Could not an amendment be inserted excepting cases where the sum deposited does not exceed $300 by an individual? I will state that so far as western New York is concerned, the people of wealth do deposit in these institutions in large amounts.

Mr. MORRILL. That would be impracticable; and we must collect the duty as a whole or abandon it entirely. I am in favor of retaining the provision requiring them to make to the Commissioner of Internal Revenue a return of the entire amount of deposits.

The amendment was not agreed to.

Section one hundred and nineteen was read, as follows:

And be it further enacted, That any bank legally authorized to issue notes as circulation which shall neglect or omit to make dividends or additions to its surplus or contingent fund as often as once in six months, shall make a list or return, under oath or affirmation of the president or cashier, to the collector of the district in which it is located, on the 1st day of January and July in each year, or within thirty days thereafter, of the amount of profits which have accrued or been earned and received by said bank during the six months next preceding said first days of January and July; and at the time of making such list or return shall pay to the collector of the district a duty of five per cent. on such profits; and in case of default to make such list or return and payment, shall be subject to the provisions of the foregoing section of this act: *Provided*, That when any dividend is made which includes any part of the surplus or contingent fund of any bank, trust company, savings institution, insurance or railroad company, which has been assessed and the duty paid thereon, the amount of duty so paid on that portion of the surplus or contingent fund may be deducted from the duty on such dividend.

Mr. MORRILL. I move to amend the same by inserting in line five, after the word "return," the words "in duplicate."

The amendment was agreed to.

Mr. MORRILL. I move to strike out "collector" in line six and insert "assessor or assistant assessor."

The amendment was agreed to.

Mr. HOOPER. I move to strike out of the eleventh line the words "at the time of making such list or return shall," and insert in lieu thereof the words "shall present one of said lists or returns and."

The amendment was agreed to.

Mr. HOOPER. I move to insert after the word "payment" in line fourteen the words "within thirty days as aforesaid."

The amendment was agreed to.

Section one hundred and twenty was read, as follows:

SEC. 120. *And be it further enacted*, That any railroad company indebted for any money for which bonds or other evidence of indebtedness have been issued, payable in one or more years after date, upon which interest is stipulated to be paid, or coupons representing the interest, on any railroad company that may have declared any dividend in scrip, or money due or payable to its stockholders, as part of the earnings, profits, income, or gains of said company, shall be subject to and pay a duty of five per cent. on the amount of all such interest, or coupons and dividends, whenever the same shall be payable; and said railroad companies are hereby authorized to deduct and withhold from all payments, on account of any interest, or coupons and dividends, due and payable as aforesaid, the duty of five per cent.; and the payment of the amount of said duty so deducted from the interest, or coupons, or dividends held by any person or party, and certified by the president or treasurer of said company, shall discharge said railroad company for that amount of the dividend, or interest, or coupon, on the bonds or other evidences of their indebtedness so held by any person or party whatever; and a list or return shall be made and rendered to the assessor or assistant assessor in duplicate, and one of said lists or returns shall be presented and the duty paid to the collector of the district within thirty days after the time when said interest, coupons, or dividends became due and payable, and as often as every six months; and said list or return shall contain a true and faithful account of the amount of the duty, and there shall be annexed thereto a declaration of the president or treasurer of the company, under oath or affirmation, in form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful account of said duty; and for any default in making or rendering such list or return, with the declaration annexed, or of the payment of the duty as aforesaid, the railroad company making such default shall forfeit as a penalty the sum of $500; and in case of any default in making or rendering said list or return, or of the payment of the duty, or any part thereof, as aforesaid, the assessment and collection of the duty and penalty shall be made according to the general provisions of law in other cases of neglect or refusal.

Mr. MORRILL. I move to amend by inserting before the word "company," in the second line, the words "canal, turnpike, canal navigation, or slack-water."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of line five the word "on" and insert "or;" also to strike out "railroad" and insert "such."

The amendments were agreed to.

Mr. MORRILL. I move to strike out of line eight the word "said" before "company" and insert "such."

The amendment was agreed to.

Mr. MORRILL. I move to strike out of line eleven, before the word "companies," the word "railroad."

The amendment was agreed to.

Mr. MORRILL. In line sixteen I move to strike out the words "held by any person or party."

The amendment was agreed to.

Mr. MORRILL. In line seventeen I move to strike out "company" and insert "companies."

The amendment was agreed to.

Mr. SCOFIELD. I move to insert after the word "whatever," in the twentieth line, the words "except where said company may have contracted otherwise." I know of companies which have contracted to take the risk of all these taxes themselves. It is part of their contract and is in their bonds and in their coupons.

Mr. MORRILL. I suggest to the gentleman, who is a lawyer, that this would not repeal a contract.

Mr. SCOFIELD. I know that one large railroad company in my State which had made just such a contract claimed that a clause similar to this in the old bill exempted them from their contract. There can be no objection to my amendment.

Mr. MORRILL. I would rather not consent to it.

Mr. SCOFIELD. This has nothing to do with petroleum, and is all right. [Laughter.] I call for tellers on my amendment.

Tellers were ordered; and Messrs. SCOFIELD and ORTH were appointed.

The committee divided; and the tellers reported —ayes 52, noes 41.

So the amendment was agreed to.

Mr. MORRILL. I move to strike out on page 156, in line eighteen, the word "railroad."

The amendment was agreed to.

Mr. MORRILL. In line twenty-two I move to strike out "presented," and insert "transmitted" in lieu thereof.

The amendment was agreed to.

Mr. MORRILL. In line twenty-three I move to strike out "collector of the district," and insert "Commissioner of Internal Revenue" in lieu thereof.

The amendment was agreed to.

Mr. MORRILL. I move to strike out the word "railroad" in line thirty-four.

The amendment was agreed to.

Mr. MORRILL. I have one other amendment to offer to this section. I move to insert after the word "profits," in line eight, the following: "and all profits of such company carried to the account of any fund or used for construction," and to insert after the word "dividends," in line ten, the word "profits."

The amendment was agreed to.

Section one hundred and twenty-one was then read.

Mr. MORRILL. I move to strike out that section. We have already provided for the same thing in a preceding section.

The motion was agreed to.

The one hundred and twenty-second section was read, as follows:

SEC. 122. *And be it further enacted*, That there shall be levied, collected, and paid on all salaries of officers, or payments to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of $600 per annum, a duty of five per cent. on the excess above the said $600; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or in the employ thereof, when making any payments to officers and persons as aforesaid, or upon settling and adjusting the accounts of such officers and persons, to deduct and withhold the aforesaid duty of five per cent., and shall at the same time make a certificate stating the name of the officer or person from whom such deduction was made, and the amount thereof, which shall be transmitted to the office of the Commissioner of Internal Revenue, and entered as part of the internal duties; and the pay roll, receipts, or account of officers or persons paying such duty, as aforesaid, shall be made to exhibit the fact of such payment.

Mr. BOUTWELL. I move to add at the end of that section the following:

And it shall be the duty of the several Auditors of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or when settling or adjusting the accounts of any such officer, to require evidence that the duties or taxes mentioned in this section have been deducted and paid over to the Commissioner of Internal Revenue.

The amendment was agreed to.

Mr. MORRILL. I move to amend the section by inserting before the word "to," in the third line, the words "for services," and to add to the section the following proviso:

Provided, That payments of prize money shall be regarded as income from salaries, and the duty thereon shall be adjusted and collected in like manner.

The amendment was agreed to.

Mr. STEVENS. I move to amend the one hundred and twenty-second section by increasing the duty on salaries of officers in the civil, military, naval, or other service of the United States, including Senators and members of Congress, from five per cent. to ten per cent.

Mr. JOHNSON, of Pennsylvania. I am opposed to the amendment. Until we modify the mileage law of members of Congress, under which some gentlemen carry away more money for mileage than they get for salary, I am opposed to taxing members at a higher rate than other officers of the Government. It operates unjustly on members who have but small compensation to draw on as mileage money, while those who ride in the cars on free tickets for thousands of miles, and draw immense sums as mileage, can well afford to pay a duty of ten per cent. on their receipts as members of Congress. It operates unjustly on those members who reside near the capital and draw comparatively little mileage.

Mr. KERNAN. I desire to call attention to the fact that the amendment offered by the gentleman from Pennsylvania would affect all the military and naval officers in the service of the Government.

Mr. STEVENS. I will modify my amendment so as to make it apply only to Senators and members of Congress.

The question was taken, and the amendment was rejected.

The one hundred and twenty-third section was read, as follows:

SEC. 123. *And be it further enacted*, That any person or persons having in charge or trust, as administrators, executors, or trustees of any legacies or distributive shares arising from personal property, of any kind whatsoever, where the whole amount of such personal property, as aforesaid, shall exceed the sum of $1,000 in actual value, passing from any person who may die after the passage of this act possessed of such property, either by will or by the intestate laws of any State or Territory, or any part of such property or interest therein, transferred by deed, grant, bargain, sale, or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or bargainer, to any person or persons, or to any body or bodies politic or corporate, in trust or otherwise, shall be, and hereby are, made subject to a duty or tax, to be paid to the United States, as follows, that is to say:

1. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property, as aforesaid, at and after the rate of one dollar for each and every $100 of the clear value of such interest in such property.

2. Where the person or persons entitled to any beneficial interest in such property shall be a descendant of a brother or sister of the person who died possessed, as aforesaid, at and after the rate of two dollars for each and every $100 of the clear value of such interest.

3. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed as aforesaid, at and after the rate of four dollars for each and every $100 of the clear value of such interest.

4. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed as aforesaid, at and after the rate of five dollars for each and every $100 of the clear value of such interest.

5. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at and after the rate of six dollars for each and every $100 of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person who died possessed as aforesaid, shall be exempt from tax or duty.

Mr. HOLMAN. I move to amend the section by inserting in the second paragraph three dollars instead of two dollars. I wish to say, in support of that amendment and in favor of a general increase of these duties, that while it might be impolitic to increase the duty on the inheritance of lineal descendants, there is no good reason why the tax on collateral heirs should not be very considerable. It is a just tax, and one which is imposed by all Governments at much higher rates than are proposed in this bill.

The amendment was rejected.

Mr. HOLMAN. I move to amend by making the duty in the third paragraph six dollars on the $100 instead of four dollars.

The amendment was rejected.

The one hundred and twenty-fourth section was read, as follows:

SEC. 124. *And be it further enacted*, That the tax or duty aforesaid shall be a lien and charge upon the property of every person who may die as aforesaid, until the same shall be fully paid to and discharged by the United States; and every executor, administrator, or other person who may take the burden or trust of administration upon such property shall, after taking such burden or trust, and before paying and distributing any portion thereof to the legatees or any parties entitled to beneficial interest therein, pay to the collector or deputy collector of the district of which the deceased person was a resident the amount of the duty or tax, as aforesaid, and shall also make and render to the assessor or assistant assessor of the said district a schedule, list, or statement, in duplicate, of the amount of such property, together with the amount of duty which has accrued or should accrue thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered and the tax thereon paid to such collector; and upon such payment and delivery of such schedule, list, or statement, said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as is hereinafter provided; such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle the person who paid such duty or tax as having taken the burden or trust of administering such property or personal estate to be allowed for such payment by the person or persons entitled to the beneficial interest in respect to which such tax or duty was paid; and such person administering such property or personal estate shall be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of executors and administrators; and in case such person who has taken the burden or trust of administering upon any such property or personal estate shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said assessor or assistant assessor a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the proper officer of the United States shall commence such proceedings in law or equity before any court of the United States as may be proper and necessary to enforce and realize the lien or charge upon such property or personal estate, or any part thereof, for which such tax or duty has not been truly and justly paid. Under such proceedings, the rate of duty or tax enforced shall be the highest rate imposed or assessed by this act, and shall be in the name of the United States against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish their lawful title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the deliuquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this act. And every person or persons who shall have in his possession, charge, or custody, any record, file, or paper, containing or supposed to contain any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the assessor or assistant assessor of the district, and to any law officer of the United States, in the performance of his duty under this act, his deputy or agent, who may desire to examine the same; and if any such person, having in his possession, charge, or custody, any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500; and in case of any delinquency in making the schedule, list, or statement, or in the payment of the duty or tax accruing, or which should accrue thereon, the assessment and collection shall be made as provided for in the general provisions of this act: *Provided*, In all legal controversies where such deed or title shall be the subject of judicial investigation the recital in said deed shall be presumed to be true, and that the requirements of the law had been complied with by the officers of the Government.

Mr. PENDLETON. I am instructed by the Committee of Ways and Means to move to amend by striking out the words "or other person who may take the burden or trust of administration upon such property shall, after taking such burden or trust and," and inserting in lieu thereof the words "or trustees."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out in line twelve the words "as aforesaid," and inserting in lieu thereof the words "assessed on such legacy or distributive share."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out the words "the person who paid such duty or tax as having taken the burden or trust of administering such property or personal estate to be allowed for such payment by the person or persons entitled to the beneficial interest in respect to which such tax or duty was paid; and such person administering such property or personal estate shall," and inserting in lieu thereof the words "such executor, or administrator, or trustee."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out the words "person who has taken the burden or trust of administering upon any such property or personal estate," and inserting in lieu thereof the words "executor, administrator, or trustee."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out the words "as may be proper and necessary to enforce and realize the lien or charge upon such property or personal estate, or any part thereof, for which such tax or duty has not been truly and justly paid. Under such proceedings, the rate of duty or tax enforced shall be the highest rate imposed or assessed by this act, and shall be."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out in line fifty-nine the words "in law or equity."

The amendment was agreed to.

Mr. PENDLETON. I am also instructed by the Committee of Ways and Means to move to amend by striking out of the proviso the words "presumed to be true," and insert in lieu thereof the words "*prima facie* evidence of its truth."

The amendment was agreed to.

Mr. BROOMALL. I move to insert in line three, after the word "aforesaid," on page 171, the words "for twenty years or."

The amendment was agreed to.

Mr. PENDLETON. In section one hundred and twenty-five I move to strike out, in the fifth line, the words "chargeable with duty under this act." The section will then read:

SEC. 125. *And be it further enacted*, That for the purpose of this act the term "real estate" shall include all lands, tenements, and hereditaments, corporeal and incorporeal; that the term "succession" shall denote the devolution of title to any real estate; and that the term "person" shall be held to include persons, body-corporate, company, or association.

Mr. BOUTWELL. I desire the unanimous consent of the committee to allow all these sections relating to the succession of real estate to remain open for amendment until they shall all have been passed over.

The proposition was by unanimous consent assented to.

Mr. DAWES. Does the gentleman from Ohio [Mr. PENDLETON] propose to establish these rules for the purposes of this act, or does he propose to establish a uniform tenure of real estate, and make it general?

Mr. PENDLETON. I only propose that the section shall be a definition of what is meant by the term "succession" under this act that shall denote the devolution of title to any real estate chargeable with duty under this act. The object is to define the circumstances under which particular rates of taxation shall be assessed. Nothing further.

Mr. HOTCHKISS. I will suggest that the one hundred and twenty-third section ought to be amended by inserting after the word "property," in line four, the words "not embraced in estates held in trust to." I fear that otherwise, as the section now stands, the language of that section is capable of being construed so as to tax these estates so held twice.

Mr. STEVENS. I will suggest to the gentleman that that section has nothing to do with any trusts of real estate. It refers entirely to legacies of personal property.

Mr. HOTCHKISS. As I understand the language it would apply to trusts of real estate. I ask the unanimous consent of the committee to go back and make the amendment I have suggested.

Mr. HOOPER. I object.

Mr. PENDLETON. I move to amend section one hundred and thirty in the tenth line by inserting after the word "deemed" the words "for the purposes of this act;" so as to make the section read as follows:

SEC. 130. *And be it further enacted*, That where any disposition of real estate shall purport to take effect presently, or under such circumstances as not to confer succession, but by the effect or in consequence of any engagement, secret trust, or arrangement capable of being enforced in a court of law or equity, the beneficial ownership of such real estate shall not, *bona fide*, pass according to the terms of such disposition, but shall, in fact, be reserved to the grantor or other person for some period ascertainable only by reference to death, the person shall be deemed for the purposes of this act to acquire the real estate so passing as a succession derived from the person making the disposition as the predecessor.

The amendment was agreed to.

The following section being under consideration—

SEC. 134. *And be it further enacted*, That where, after the passing of this act, any estate in reversion or remainder, expectant upon the death of any person, shall be vested by alienation or other derivative title, in any person other than the person who shall have been originally entitled thereto under any such disposition as is mentioned in the second section of this act, then the person in whom such estate shall be so vested shall be chargeable with duty in respect thereof as a succession at the same time, and at the same rate, as the person so originally entitled would have been chargeable with if no such alienation had been made or derivative title created; and wherever, after the passing of this act, any succession shall, before the successor shall have become entitled thereto in possession, have become vested by alienation, or by any title not conferring a new succession, in any other person, then the duty payable in respect thereof shall be paid at the same rate and time as the same would have been payable if no such alienation had been made or derivative title created; and where the title to any succession shall be accelerated by the surrender or extinction of any prior interests, then the duty thereon shall be payable at the time of such surrender or extension of prior title—

Mr. PENDLETON. I move to strike out all after the word "that" at the beginning of the section down to and including the word "and" in the twelfth line. My reason for the amendment is that the matter I propose to strike out is all embraced in the subsequent part of the section.

The amendment was agreed to.

Mr. PENDLETON moved, on page 105, line six, to strike out the word "respectively," so as to make it read, "whereon he shall be accountable," instead of "respectively accountable."

The amendment was agreed to.

Mr. PENDLETON. In line seventeen, on same page, after the words "assistant assessor," I move to strike out the word "or," so as to make it read, "for the assessor or assistant assessor, if dissatisfied with such account," &c.

The amendment was agreed to.

Mr. PENDLETON. In line twenty-eight, after the word "assessment," I move to strike out the words "on the interest of the successor in respect whereof the duty shall be due."

I also move, in line thirty, to strike out all after the word "duty," as follows:

And to recover the same forthwith accordingly; and if there shall be an appeal against such last-mentioned assessment, then the payment of such expenses shall be in the discretion of the Commissioner of Internal Revenue.

The clause of the section as so amended would read as follows:

But it shall be lawful for the assessor or assistant assessor, or if dissatisfied with such account, or if no account and estimate shall be delivered to him, to assess the duty on the best information he can obtain, subject to appeal as hereinafter provided; and if the duty so assessed shall exceed the duty assessable according to the return made to the assessor, or assistant assessor, and with which he shall have been dissatisfied, or if no account and estimate has been delivered, and if no appeal shall be taken against such assessment, then it shall be in the discretion of the assessor, having regard to the merits of each case, to charge the whole or any part of the expenses incident to the taking of such assessment in addition to such duty.

The amendment was agreed to.

Mr. PENDLETON. In section one hundred and forty-seven, line eight, I move to insert after the word "duty" the words "in respect of a succession," so as to make the clause read as follows:

And if any person liable under this act to pay any duty in respect of a succession shall, after such duty shall have been finally ascertained, willfully neglect to do so within ten days after being notified, he shall also be liable to pay to the United States a sum equal to ten per cent. upon the amount of duty so unpaid, and a like sum for every succeeding month during which such neglect shall continue, at the same time and in the same manner as the duty to be collected.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and forty-eight, line two, by inserting after the word "duty" the words "in respect of a succession, who shall be," so as to make the clause read as follows:

SEC. 148. *And be it further enacted*, That it shall be lawful for any party, liable to pay duty, in respect of a succession, who shall be dissatisfied with the assessment of the assessor or assistant assessor, within thirty days, &c.

The amendment was agreed to.

Mr. JOHNSON, of Pennsylvania. In the second line of section one hundred and thirty-five, I move to strike out the words "any charitable or," so as to make the section read:

That where real estate shall become subject to a trust for public purposes, under any past or future disposition, which, if made in favor of an individual, would confer on him a succession, there shall be payable in respect of such real estate, upon its becoming subject to such trusts, a duty at the rate of six per cent. upon the amount or principal value of such real estate.

The amendment was disagreed to.

Mr. BROOMALL. I move to add to the one hundred and forty-fourth section the words "for twenty years unless sooner paid," so that it will read:

That the duty imposed by this act shall be a first charge on the interest of the successor, and of all persons claiming in his right, in all the real estate in respect whereof such duty shall be assessed, for twenty years unless sooner paid.

Mr. PENDLETON. I move to amend the amendment by striking out "twenty" and inserting "five;" and I do it for this reason: I think that the lien in favor of the Government should not be allowed to run a longer period than five years. I think that that is too long rather than too short. The object of the law is to compel the officers to collect taxes at the earliest possible moment; and to have the lien extend to twenty years would be oppressive to the delinquent taxpayers.

The amendment to the amendment was agreed to; and then the amendment as amended was adopted.

Mr. BROOMALL. I ask to go back to section one hundred and twenty-four and make the same amendment. The time was fixed there at twenty years, and to make it conform to the amendment just adopted it should be changed to five years.

There was no objection, and the alteration was made accordingly.

Mr. KERNAN. I move to amend the following section:

SEC. 135. *And be it further enacted*, That where real estate shall become subject to a trust for any charitable or public purposes, under any past or future disposition, which, if made in favor of an individual, would confer on him a succession, there shall be payable in respect of such real estate, upon its becoming subject to such trusts, a duty at the rate of six per cent. upon the amount or principal value of such real estate.

Mr. Chairman, I do not understand why we should tax property set apart for charitable purposes one of the highest on the list. I do not see why we should tax it at all, but if at all, I would not tax it six per cent. I move to strike out "six" and in lieu thereof to insert "two."

The amendment was disagreed to.

Mr. DAWES. I move to strike out the one hundred and twenty-fifth section, which is as follows:

SEC. 125. *And be it further enacted*, That for the purpose of this act the term "real estate" shall include all lands, tenements, and hereditaments, corporeal and incorporeal; that the term "succession" shall denote the devolution of title to any real estate chargeable with duty under this act; and that the term "person" shall be held to include persons, body corporate, company, or association.

I do this, Mr. Chairman, merely for the purpose of calling the attention of the committee to this whole provision under the title of "succession to real estate." It seems to be exceedingly complicated and to be involved in a great degree. I do not see how a man could die safely with this hanging over him. [Laughter.] Take the one hundred and twenty-sixth section:

SEC. 126. *And be it further enacted*, That every past or future disposition of real estate by will, deed, or laws of descent, by reason whereof any person has or shall become beneficially entitled, in possession or expectancy, to any real estate, or the income thereof, upon the death of any person dying after the passing of this act, shall be deemed to confer, on the person entitled by reason of any such disposition, a "succession," and the term "successor" shall denote the person so entitled; and the term "predecessor" shall denote the grantor, testator, ancestor, or other person from whom the interest of the successor has been or shall be derived.

That is a specimen of the whole of it. It is upon the old system of estates tail, which has been abolished in all of the States, or at any rate provision has been made for extinguishing it. It is involved: estates tail, remainders, springing issues, and everything ever devised by the wit of man under the old system of conveyance and descent of real estate seem to be reproduced in these sections of the bill.

It seems to me, Mr. Chairman, that the Committee of Ways and Means—I have not tried it—could make a simpler provision than this. But if this is as simple as the committee can make it, I bow to their wisdom. I confess that I have studied it and have been struck with profound admiration at the success of the committee in rendering the whole matter confused and inexplicable. I supposed the whole tendency of the law was to make it simple and easy to be understood. I think that this belongs to the past. There is nothing like it in any modern law-book. It refers to the "devolution" of real estate. The devolution is in a manner beyond the memory of any man in this House. It belongs to the time of the "Year Books."

I submit to the committee with all due respect that they had better pass this matter over for the present to take it up again in the committee-room in order to see whether they cannot get something more simple.

In the last section it is proposed to collect it in the same manner as the direct tax. That may be done by the States assuming it. It seems to be a bill prepared by some gentleman and thrown bodily into this measure. It speaks of the second section, which has nothing to do with real estate, and it refers to it.

[Here the hammer fell.]

Mr. WILSON. I oppose the amendment, and in doing it I desire to call the attention of the committee to another section of the bill, which, I think, will show good reason why the section which the gentleman from Massachusetts desires to strike out should not be stricken out. Section one hundred and twenty-eight provides:

That where any persons, after the passing of this act, shall take any succession jointly, they shall pay the duty chargeable thereon by this act in proportion to their respective interests in the succession; and any beneficial interest in such succession, accruing to any of them by survivorship, shall be deemed to be a new succession, derived from the predecessor from whom the joint title shall have been derived.

Now, sir, I understand that almost all, if not quite all the States of this Union have abolished the tenure of survivorship, and have substituted for it the estate in common, and I find no provision in this bill which reaches an estate in common. It seems to me that if the committee desire to keep this provision in at all, it should be modified by striking out "jointly" and inserting "estates in common."

Mr. DAWES. I withdraw my amendment.

Mr. WILSON. I understand that estates in common do not go by survivorship, and therefore that the States have generally abolished survivorship, and this section cannot operate upon the estate which has taken its place.

Mr. PENDLETON. If the gentleman from Massachusetts [Mr. DAWES] will call my attention to the place where the reference to the second section of this act occurs, I will move to strike it out. He has criticised the bill by saying that in some place there was an allusion to a second section. I wish he would point it out.

Mr. DAWES. Section one hundred and thirty-four is in these words:

That where, after the passing of this act, any estate in reversion or remainder, expectant upon the death of any person, shall be vested by alienation or other derivative title, in any person other than the person who shall have been originally entitled thereto under any such disposition as is mentioned in the second section of this act, &c.

Mr. PENDLETON. I move to amend section one hundred and thirty-four by striking out the word "after," in the twelfth line. I do it only for the purpose of making a remark to the gentleman from Massachusetts. I desire to call his attention to the fact that the words he has criticised have been stricken out by the committee, and therefore they are hardly liable to the criticism in which he has indulged.

I desire to call his attention to the further fact that it is not wonderful that upon a single reading of this bill in five minutes by the Clerk he should find it rather difficult to understand all its

provisions, but I am certain that if he will apply his attention to the subject for a short time he will find it not near so complicated as he seems to consider it.

I desire further to say that by the provisions of this law, legacies, which are the appropriation of personal property by will to the benefit of another, are taxed. A duty upon the transfer of title of real estate from the grantor to the grantee is imposed by the necessity of affixing a stamp. These sections are intended to supply an omission, and tax real estate as it passes by will and deed, taking effect upon the death of the grantor. It is intended for that purpose and no other.

That the matter is difficult I am well aware; that it is intricate I am also aware; but that it is more difficult or more intricate than the nature of the subject demands I think the gentleman will hardly say after he has given it that consideration which he usually devotes to every subject.

I desire to say, in reply to the gentleman from Iowa, [Mr. WILSON,] that while there is a provision made here for taxing the succession by way of survivorship, there is also a provision which applies to cases where the estate is held in common. While it is true that the old title of survivorship at common law is done away with in most of the States, it is still true that title by survivorship does accrue in this country, that is, where an estate is vested in two for life, and, upon the death of one, the survivor takes all. There is no law of any State against the creation of a title of that kind, and the section to which he alludes is intended to tax the accretion of title and increment of interest in the person who takes the whole estate upon the death of one tenant.

Nor is the criticism of the gentleman from Massachusetts in relation to the mode of collecting this tax more cogent. The tax upon succession is collected in the same manner as the direct taxes, and surely the gentleman knows that the same officers assess and collect the direct tax who assess and collect the other internal taxes.

Mr. DAWES. I do not wish to be uncandid in any criticism I make. In alluding to the reference which was made to the second section I did it because I supposed it disclosed the origin of this bill. I had no doubt but what it would be amended when attention should be called to it, but it disclosed the origin of the provisions just the same as an independent measure designed by somebody originally to be an independent matter, but subsequently incorporated into this bill.

I submit to the gentleman that the idea of undertaking to provide different rates of taxation upon different kinds of descent, or conveyance, or tenure of real estate, is altogether unnecessary. If we provide a tax upon the conveyance or descent of real estate it should be in the most general terms possible, and there is no reason for putting one rate upon one kind of descent, and another upon a different kind; and if so, then there is no reason for dividing it up into so many parts.

That is my criticism upon the provision. It uses the old legal phrases properly, and when I get a little brushed up in Cruise and Coke I have no doubt that I shall be able, in some degree, to understand it; but I submit that there is no necessity for it. Why make a distinction between conveyance by sale and conveyance by deed? And why make a distinction between descent to an heir male and to an heir female? Why make all these distinctions? I submit that there is nothing in the nature of the case that requires them. This led me to make the criticism which I made upon these provisions. I beg pardon of the gentleman from Ohio if it seemed to be unkind.

Mr. PENDLETON. Not at all.

Mr. DAWES. It occurred to me that this was rather a complicated matter. It would appear to the unsophisticated mind to be a matter very easily arranged, that if I convey my real estate of a certain value I shall pay a certain tax, whether I convey it in one way or the other. That is all I have to say.

Mr. PENDLETON. I withdraw my amendment.

Mr. HOOPER. I move to strike out section one hundred and fifty-one. The same thing is provided for in section one hundred and fifty-eight.

Mr. PENDLETON. And I have prepared an amendment for section one hundred and fifty-eight, which I shall offer when we reach that point.

The motion was agreed to.

Mr. GRISWOLD. I ask the unanimous consent of the committee to go back to section one hundred and fifty-three, that I may offer the following proviso to it:

Provided, That such instrument, document, or paper shall not, by reason of such omission, become invalid, provided such omission happened by mistake or accident, and that fact be made to appear by affidavit of any party to such instrument, document, or paper, or other person, to be made before any officer authorized to take affidavits, to be used in courts of record of the State where application shall be made to have such instrument, document, or paper stamped as herein provided, and provided also that such affidavit shall be filed with the collector of the district in which such application shall be made; and the party applying to have such instrument, document, or paper stamped, shall pay to such collector a sum sufficient to purchase the stamp required by this act upon such instrument, document, or paper, and fifty per cent. in addition thereto; and upon such payment being made, it shall be the duty of the said collector to stamp such instrument, document, or paper, and cancel such stamp; and whenever a wrong or insufficient stamp shall have been affixed to any such instrument, document, or paper, the person applying to such collector to have the same stamped, shall only be required to pay to such collector the deficiency between such stamp, so affixed, and the one required by this act, and fifty per cent. thereon in addition thereto.

Mr. MORRILL. I must object to going back to that section.

Mr. HOTCHKISS. I move to amend the one hundred and fifty-sixth section by striking out in line five the words "the initials of his name and;" so that the section will read:

That in any and all cases where an adhesive stamp shall be used for denoting any duty imposed by this act, except as hereinafter provided, either the person using or affixing the same shall write thereupon the date upon which the same shall be attached or used, &c.

I think the provision of the section as it stands is an unnecessary and inconvenient one.

Mr. STEVENS. I think that amendment is right.

Mr. KASSON. I wish to say to the gentleman from New York and to the committee, that some mode of cancellation of this kind is indispensably necessary.

Mr. HOTCHKISS. The date is enough.

The amendment was agreed to.

Mr. PENDLETON. I am instructed by the Committee of Ways and Means to move to amend by striking out section one hundred and fifty-eight, as follows:

SEC. 158. *And be it further enacted*, That if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, or shall accept or pay, or cause to be accepted or paid, with design to evade the payment of any stamp duty, any bill of exchange, draft, or order, or promissory note for the payment of money, liable to any of the duties imposed by this act, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the duty hereby charged thereon, he, she, or they shall, for every such bill, draft, order, or note, forfeit the sum of $200.

And inserting in lieu thereof the following:

SEC. 158. *And be it further enacted*, That any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept or pay, or cause to be accepted or paid, any bill of exchange, draft, or order, or promissory note for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the duty chargeable thereon, with intent to evade the provisions of this act, shall, for every such offense, forfeit the sum of $200.

The amendment was agreed to.

Mr. THAYER. Mr. Chairman, it seems to be admitted by everybody that the old law in reference to this subject must be changed, because it has been a fruitful source of much dishonesty and unfair advantages. I am in favor of adopting that remedy which, while it shall best execute the law, will at the same time remedy the evils complained of. A great many people have had an unfair advantage taken of them by reason of an inadvertent omission to affix stamps to instruments to which they were parties.

Mr. STEVENS. I call the attention of the committee to a proviso in section one hundred and sixty-three, which declares that

No instrument, document, or paper made, signed, or issued prior to the passage of this act without being duly stamped, or having thereon an adhesive stamp to denote the duty imposed thereon, shall, for that cause, if the stamp or stamps required shall be subsequently affixed, be deemed invalid and of no effect.

Mr. THAYER. That refers to the same subject, but it is not the provision which I want incorporated in the bill. This subject has been very much agitated in England, and it has resulted in the adoption of a system which has been found I believe to operate very well, and is probably as good as any that can be devised for protecting at once the rights of the Government and the interests and safety of individuals.

These provisions may be found by any person who has curiosity to examine the subject in the British statute 13 and 14 Vict., chap. ninety-seven. They are in substance this: the statute in the first place affixes a penalty for not stamping the instrument at the time it is issued. It enables, however, parties who have neglected that to affix stamps subsequently on payment of the regular duty chargeable on the instrument, and on payment of the penalty imposed by law for the omission. It provides also for the cases of inadvertent omission of the stamp, by enabling the revenue officer, at the request of the party interested, to attach the stamp, where he is satisfied that the omission has been from inadvertence or mere negligence, on payment of the regular duty, without penalty.

Now, Mr. Chairman, I do not believe that any system can be devised that will better protect at the same time the interests of the Government and those of the individual than the plan adopted in England. In the first place, it declares the instrument absolutely void. It then goes on and provides that where, however, there has been an omission to attach the proper stamp the party may have it attached on payment of the prescribed penalty, £10. He is to do that in the presence of the officer of the Government, and to pay him the penalty. The officer is to affix the stamp. The other provision provides that where the omission has been through mere accident and inadvertence, the party may, if he applies within twelve months after the date of the instrument, have the stamp affixed, without payment of the penalty, in the presence of the revenue officer, on simply paying the stamp duty.

I desire to offer an amendment introducing these features into the law now under consideration. My amendment is to substitute for the pending section the one hundred and fifty-first section with a proviso, so that it will read as follows:

SEC. 151. *And be it further enacted*, That if any person or persons shall make, sign, and issue, or issue or cause to be made, signed, and issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the duty hereby imposed thereon, or without having thereupon an adhesive stamp to denote said duty, such person or persons shall incur a penalty of fifty dollars, and such instrument, document, or paper, as aforesaid, shall be deemed invalid and of no effect: *Provided, however*, That in cases where the party or parties have not affixed to such deed, instrument, document, writing, or paper, mentioned in said schedule B, at the time of making and issuing the same, the stamp required by law, he or they shall, if subsequently desirous of affixing such stamp, appear before the collector of the proper district, who shall, upon the payment of the price of the proper stamp and of the said penalty of fifty dollars, and where the whole amount of the duty denoted by the stamp required shall exceed the sum of fifty dollars, on payment, also, of interest at the rate of six per cent. on the said duty, affix the proper stamp to such instrument, and note upon the margin of said instrument the date of his so doing and the fact that such penalty has been paid, and such instrument shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *Provided*, That where it shall appear to the said collector, upon oath or otherwise, to his satisfaction, that any instrument has not been duly stamped previous to the issuing thereof by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the Government of the stamp duty, or to evade or delay the payment thereof, then and in such case, if such instrument shall, within twelve calendar months after the signing or executing the same, be brought to the said collector to be stamped, and the stamp duty chargeable thereon by law shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid, and to cause such instrument to be duly stamped.

Mr. PENDLETON. I rise to oppose the amendment of the gentleman from Pennsylvania. The theory upon which the law is constructed is that these instruments shall be stamped upon the paying of the penalty which is affixed. We provide that it shall be invalid; that it shall not be used as evidence in any court of justice until the proper stamp shall be placed upon it. I will say that we intend to move to strike out the one hundred and fifty-first section, and so to amend the one hundred and fifty-eighth section as to declare invalid any such paper until a stamp shall be affixed to it, and to affix a penalty for using such paper without a stamp being placed upon it.

Mr. MORRILL. I wish to ask my colleague

on the Committee of Ways and Means whether it is not his intention to make this section so read as to allow deeds, mortgages, and titles, executed without being stamped, to be made valid if stamped before being used; but at the same time to make every other description of instrument, in respect to which the law requiring stamps to be affixed is not complied with, absolutely invalid. I am willing, so far as the title of land is concerned, to allow the deed to become valid on affixing a proper stamp; but I think it is opening rather too wide a door to allow that provision to apply to every description of paper.

Mr. PENDLETON. In reply to the gentleman from Vermont, I must say that I much prefer that none of these papers should become absolutely invalid, in consequence of a failure to apply to them the proper stamp. I am in favor of imposing penalties for a failure to affix the stamps. I am in favor of requiring every proper means to be adopted for collecting this tax; but I myself would prefer not to make these legal instruments absolutely invalid in consequence of the failure of the parties to apply the proper stamps.

The amendment to the amendment was disagreed to.

The amendment was adopted.

Mr. PENDLETON. I now move to strike out section one hundred and fifty-one.

The CHAIRMAN. That has already been done.

Mr. PENDLETON. I was not aware that it had been.

Mr. KASSON. There is one omission to which I desire to call the attention of the gentleman from Ohio. It was found necessary in connection with the operations of the Post Office Department to enact a law imposing penalties for canceling, for erasing the canceling marks on postage stamps, for the purpose of using the same stamps again. Those stamps were of small value; but the revenue stamps are of great value, and such a provision is still more needed in respect to them than in respect to postage stamps. If there is any provision in the bill covering this point, it has escaped my notice. I merely call the attention of the gentleman to it.

Mr. PENDLETON. If the gentleman proposes to move an amendment, I hope he will also include the stamps included in schedule C.

Mr. KASSON. With the consent of the committee I propose that the section be passed over, until some opportunity be had for consultation in reference to the amendment I have suggested.

There was no objection.

Mr. UPSON. I will suggest that in section one hundred and fifty-six the words "his or her initials and" should be struck out, in order to make it conform to the amendment already adopted.

Mr. STEVENS. The gentleman is correct.

The amendment was agreed to.

Mr. GANSON. I move to strike out section one hundred and fifty-nine, as follows:

SEC. 159. *And be it further enacted*, That the acceptor or acceptors of any bill of exchange or order for the payment of any sum of money drawn, or purporting to be drawn, in any foreign country, but payable in the United States, shall, before paying or accepting the same, place thereupon a stamp, indicating the duty upon the same, as the law requires for inland bills of exchange, or promissory notes, and no bill of exchange shall be paid or negotiated without such stamp; and if any person shall pay or negotiate, or offer in payment, or receive or take in payment, any such draft or order, the person or persons so offending shall forfeit the sum of $100.

It strikes me, Mr. Chairman, that where bills are drawn in Canada on a person in any one of the States, it is scarcely right to require the person on whom they are drawn to affix one of these stamps. I think it would interfere with the legitimate business between the two countries. We shall derive very little revenue from it, and it will prove to be a great inconvenience.

Mr. HOOPER. I will say to the gentleman from New York that if he draws a bill on Canada, the person on whom it is drawn will make a charge for affixing a stamp, or if there be no stamp duty there, it certainly is the case if he draws upon England.

The amendment was disagreed to.

Mr. UPSON. I would like to know whether the expression in section one hundred and sixty—

Whenever any bond or note shall be secured by a mortgage, but one stamp duty shall be required to be placed on such papers: *Provided*, That the stamp duty placed thereon is the highest rate required for said instruments, or either of them—

is not one which needs to be considered a little?

Mr. FENTON. The same provision is contained in the law as it now stands.

Mr. GANSON. I move to amend section one hundred and sixty-one by striking out all after the enacting clause down to and including the word "provided," in the fifteenth line, as follows:

That the Commissioner of Internal Revenue be, and is hereby, authorized to sell to and supply collectors, deputy collectors, postmasters, stationers, or any other persons, at his discretion, with adhesive stamps, or stamped paper, vellum, or parchment, as herein provided for, in amounts of not less than fifty dollars, upon the payment, at the time of delivery, of the amount of duties said stamps, stamped paper, vellum, or parchment, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, as aforesaid, the sum of not exceeding five per cent. as commission to the collectors, postmasters, stationers, or other purchasers; but the cost of any paper, vellum, or parchment shall be paid by the purchaser of such stamped paper, vellum, or parchment, as aforesaid: *Provided*.

I think it should be made the duty of the Department to provide collectors with these stamps, so that they may distribute them to persons desiring to purchase. I do not see any propriety in allowing these officers a commission of five per cent. for selling the stamps. It is made obligatory upon every person drawing one of these instruments to put a stamp on it, and the sale of these stamps will not, therefore, be increased by any provision of this kind. It is taking five per cent. out of the revenues that ought to go to the country, and for that reason I do not see any propriety in this allowance. So far as convenience is concerned, I would make it the duty of the Commissioner to see that these collectors had these stamps upon hand from time to time, so that they might sell them to any person who is compelled to use them in his business.

The amendment was agreed to.

Mr. KERNAN. I move to strike out in the one hundred and sixty-first section the words "and may allow, upon the aggregate amount of such stamps as aforesaid, the sum of not exceeding five per cent. as commission to the collectors, postmasters, stationers, or other purchasers."

Mr. MORRILL. I call the gentleman's attention to section one hundred and seventy.

Mr. KERNAN. I want to say that I do not think that we should enable this class of officers to make this five per cent. There is no need of this. Banks have to keep these stamps on hand and supply them without compensation. Why, then, should these men make five per cent. out of the Government? It is not necessary.

Mr. MORRILL. I trust that the amendment will not prevail. I know banks where the cashiers did this business gratuitously, and they have since refused to allow it to be done, it was so much trouble.

The amendment was rejected.

The Clerk read, as follows:

SEC. 162. *And be it further enacted*, That it shall be lawful for any person to present to the assessor of the district, subject to the rules and regulations of the Commissioner of Internal Revenue, any instrument, and require his opinion whether or not the same is chargeable with any duty; and if the said Commissioner shall be of opinion that such instrument is chargeable with any stamp duty, he shall, upon the payment thereof, affix and cancel the proper stamp; and if of the opinion that such instrument is not chargeable with any stamp duty, it shall be lawful for him, and he is hereby required, to impress thereon a particular stamp, to be provided for that purpose, with such word or words or device thereon as he shall judge proper, which shall signify and denote that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty by him designated; and every such instrument upon which the said stamp shall be impressed shall be deemed to be not chargeable, or to be chargeable only by such word or words or device as shall be designated, and shall be received in evidence in all courts of law or equity, notwithstanding any objections made to the same by reason of its being unstamped or of its being insufficiently stamped.

Mr. PENDLETON moved to strike out the word "assessor" where it first occurs and to insert "collector;" before the word "duty" insert "stamp;" and strike out "Commissioner" where it occurs the second time and insert "collector."

Mr. BOUTWELL. The papers which have been presented thus far have been papers in reference to which doubt existed whether they required stamps. To authorize the collectors to settle these questions is not right. They are business men and not competent to settle these questions. I am opposed to the amendment.

The amendment was agreed to.

Mr. GANSON. The gentleman should annex to that section a provision for punishing collectors for improperly putting these stamps of exemption on papers.

Mr. PENDLETON. There is a section for penalties which will cover all of these cases.

Mr. PENDLETON moved to insert these words, "or is chargeable only with the duty by him designated;" so that it will read:

And if of the opinion that such instrument is not chargeable with any stamp duty, or is chargeable only with the duty by him designated, it shall be lawful for him, and he is hereby required, to impress thereon a particular stamp, &c.

The amendment was agreed to.

Mr. PENDLETON moved to strike out the words "it shall be lawful for him," "or," and "signify and."

The amendment was agreed to.

Mr. PENDLETON. I move to strike out the words "by him designated" and to insert in lieu thereof "denoted by the stamp affixed."

Mr. THAYER. What practical use are all the provisions contained in this section after you have destroyed the provision in reference to the validity of the instrument? The only reason which existed to create a tribunal to decide in reference to the stamp to be affixed was to prevent an instrument from being void. So long as that has been destroyed I do not see what use these provisions are.

Mr. PENDLETON. I desire to say in response to the gentleman from Pennsylvania that the object of this section is to enable persons who desire to comply with the law to go to the authorized officer of the Government to ascertain whether any stamp is necessary, and if so what stamp.

The gentleman says that is not necessary, because we have stricken out the provision which renders invalid an instrument which is issued without a proper stamp. But I submit to him that while we have stricken out the provision which renders it invalid, we have imposed a penalty which is to be avoided by the exercise of the rules prescribed by this section; and we have also prevented an instrument from being valid as an instrument of evidence until a stamp is affixed, and in that case it will be necessary for a court, perhaps, to determine what will be the proper amount of the stamp. By this section on which we are now engaged these difficulties are obviated. A man who issues a stamp will, if he takes the precaution here indicated, never be subject to an indictment for an infraction of this law, and a man wishing to introduce a document in evidence in a court will never find it subject to the objection that it has not the proper stamp affixed to it, or to be turned out of court, or to have the court delayed until he can procure the proper stamp.

Mr. THAYER. I would inquire of the gentleman how he could possibly convict a man of an intention to defraud the Government by the omission to use a stamp?

Mr. PENDLETON. Why, if you prove the fact by the collector, whose duty it is to inform a party what the proper stamp is, and who resides in the city, place, or neighborhood where the man issued the unstamped instrument, that he did not make of him the inquiry, the presumption arises that he issued the instrument intending to evade the law.

Mr. THAYER. I deny that the presumption of law would be such as the gentleman supposes. On the contrary, the presumption of law would be in favor of his innocence, and that the omission may have arisen from unintentional neglect; and in order to fasten this extreme penalty, this absurd penalty of $200, which you will never be able to collect, you would have to prove beyond all question that he knew of the existing law, and that he had intentionally neglected to put the stamp on. In other words, you would have to prove that he did it for the purpose of defrauding the Government.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and sixty-two, in line eighteen, by striking out the words "by such word or words or device as shall be designated," and inserting "with the duty denoted by the stamp so affixed;" so that the clause will read:

And every such instrument upon which the said stamp shall be impressed shall be deemed to be not chargeable,

or to be chargeable only with the duty denoted by the stamp so affixed, and shall be received in evidence in all courts of law or equity, notwithstanding any objections made to the same by reason of its being unstamped, or of its being insufficiently stamped.

The amendment was agreed to.

Mr. BOUTWELL. I move to amend in line four by inserting after the word "instrument" the words "not previously issued or used," so that the clause will read:

And if the said Commissioner shall be of opinion that such instrument, not previously issued or used, is chargeable with any stamp duty, he shall, upon the payment thereof, affix and cancel the proper stamp.

Section one hundred and sixty-three having been read, as follows—

And be it further enacted, That no deed, instrument, document, writing, or paper required by law to be stamped, signed or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be admitted or used as evidence in any court until a legal stamp or stamps, denoting the amount of duty or deficiency charged thereon, shall have been affixed thereto or used thereon, and the initials of the person using or affixing the same, together with the date when the same is so used or affixed, shall have been placed thereon by such person; and the person desiring to use any such deed, instrument, document, writing, or paper as evidence, his agent or attorney, is authorized in the presence of the court to affix the stamp or stamps thereon required, and in addition thereto; and in cases where such deed, instrument, document, writing, or paper is so signed and issued and not used as evidence in any court, a penalty of twenty dollars shall be due and payable; and when the duty or deficiency remaining unpaid shall amount to the sum of twenty dollars, interest thereon, at the rate of six per cent. per annum, shall be paid as an additional penalty: *Provided*, That no instrument, document, or paper made, signed, or issued prior to the passage of this act without being duly stamped, or having thereon an adhesive stamp to denote the duty imposed thereon, shall, for that cause, if the stamp or stamps required shall be subsequently affixed, be deemed invalid and of no effect——

Mr. PENDLETON moved to amend in line three, by inserting after the word "stamped" the words "which has been."

The amendment was agreed to.

Mr. PENDLETON. I move to strike out of lines six and seven the words "or deficiency charged thereon."

The amendment was agreed to.

Mr. PENDLETON. I move to strike out of line seven the words "or used thereon."

The amendment was agreed to.

Mr. PENDLETON. I move to amend by striking out the following words:

And in addition thereto; and in cases where such deed, instrument, document, writing, or paper is so signed and issued and not used as evidence in any court, a penalty of twenty dollars shall be due and payable; and when the duty or deficiency remaining unpaid shall amount to the sum of twenty dollars, interest thereon, at the rate of six per cent. per annum, shall be paid as an additional penalty.

The amendment was agreed to.

Mr. PENDLETON. I move to strike out of line eight the words "initials of the person using or affixing the same, together with the."

The amendment was agreed to.

Mr. PENDLETON. I move to amend in lines twenty-one and twenty-two, by striking out the words "prior to the passage of this act."

Mr. BOUTWELL. I do not know but this amendment may be in line with the purpose of the committee as expressed in previous votes; but I wish to say that I think we have very poor security for the use of stamps when we rely entirely upon penalties which may be recovered against persons who choose to use them. The security of the country in the use of stamps is to make the papers invalid where stamps are not used, and gentlemen have come to understand that and to act upon it. Very little hardship will arise from making the papers invalid, and whenever there is a case of hardship it is competent for Congress to relieve it. Security is to be found only in that course.

Mr. GANSON. I would rather rely on the patriotism of the people.

Mr. BOUTWELL. Well, I do not know about that.

Mr. GANSON. I am surprised to hear the gentleman from Massachusetts question the patriotism of the people. This is merely a system of taxation for the support of the Government.

Mr. BOUTWELL. I understand that patriotism will do some things, but to tax and to please is not given to man. Whoever taxes the people must provide some way of enforcing the tax.

The amendment was agreed to.

The hour of half past four o'clock, p. m., having now arrived, the committee rose, and the House took a recess until seven o'clock p. m.

EVENING SESSION.

The House reassembled at seven o'clock p. m.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit to Congress a copy of a note of the 19th instant from Lord Lyons to the Secretary of State, on the subject of two British naval officers who recently received medical treatment at the naval hospital at Norfolk. The expediency of authorizing Surgeon Solomon Sharp to accept the piece of plate to which the note refers, as an acknowledgment of his services, is submitted to your consideration.

ABRAHAM LINCOLN.

WASHINGTON, *April* 23, 1864.

The message and accompanying paper were referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARITABLE FAIRS.

Mr. ARNOLD, by unanimous consent, introduced a joint resolution authorizing the Secretary of the Treasury to release certain goods from the payment of duties; which was read a first and second time.

The joint resolution exempts from duty goods donated to fairs for the benefit of the Sanitary Commission or for the Christian Commission, or for the benefit of the Irish national fair recently held in Chicago, and authorizes the Secretary of the Treasury, at his discretion, to release such fairs from the payment of auction and lottery licenses.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ARNOLD moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

RAILROAD GRANT.

Mr. DONNELLY, by unanimous consent and in pursuance of previous notice, introduced a bill making a grant of lands to the Territories of Dakota and Idaho, in alternate sections, to aid in the construction of certain railroads in said Territories to connect with the railroad system of Minnesota; which was read a first and second time by its title, and referred to the Committee on Public Lands.

LOUIS ROBERTS.

On motion of Mr. WINDOM, by unanimous consent, bill of the Senate No. 234, for the relief of Louis Roberts, was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Public Lands.

NORTHERN PACIFIC RAILROAD, ETC.

The SPEAKER proceeded, as the regular order of business, to call the committees for reports, resuming the call with the Committee on Public Lands.

Mr. JULIAN. I hold in my hand certain petitions praying the sale of mineral lands, and asking that aid be granted for the construction of the Northern Pacific railroad. I am instructed by the Committee on Public Lands to report that the subject of our mineral lands has been under consideration, and a bill will be reported soon on that subject. We ask to be discharged from the further consideration of the petitions in regard to the Pacific railroad, and that they be referred to the select committee on that subject.

It was so ordered.

MAIL ROUTE IN WISCONSIN.

On motion of Mr. JULIAN, the Committee on Public Lands was discharged from the further consideration of a memorial of the Legislature of Wisconsin in relation to mail routes, and the same was referred to the Committee on the Post Office and Post Roads.

DISPOSITION OF A LAND GRANT.

On motion of Mr. JULIAN, the Committee on Public Lands was discharged from the further consideration of a bill to allow the State of Indiana to apply certain lands granted by Congress for agricultural colleges to the education of the orphan children of soldiers, &c., and the same was laid upon the table.

Mr. JULIAN. Indiana has not asked for any such diversion of the land grant referred to, and this House has already decided against it.

PUBLIC LANDS IN LOUISIANA.

Mr. JULIAN, from the Committee on Public Lands, reported a bill authorizing the issue of patents for locations made under certificates granted under the authority of the act of Congress, approved March 17, 1862, allowing floats in satisfaction of lands sold by the United States within the limits of the Los Omegas and La Nana grants in Louisiana; which was read a first and second time by its title.

Mr. UPSON. I would like to inquire of the gentleman from Indiana how extensive these grants are?

Mr. JULIAN. The grants, as I understand, are small in extent. The bill simply provides for the issuing of patents in conformity to the floats already issued under act of Congress of March 17, 1862. The Commissioner of the General Land Office recommends the passage of this bill, inasmuch as a patent is the ordinary and appropriate method of vesting titles by the United States.

Mr. UPSON. Is the gentleman unable to state what quantity of lands this bill covers?

Mr. JULIAN. I am unable to state precisely, but the act of Congress referred to declares that the gross amount shall not exceed seventeen thousand four hundred and seventy-seven acres. The bill provides that the Commissioner of the General Land Office may issue the patents when he is perfectly satisfied that the locations made are *bona fide*. It is left to his judgment in each particular case.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill—

Mr. DAWES. Mr. Speaker, I am in some uncertainty about this bill. These land grants in the State of Louisiana have proved to be the grossest frauds ever perpetrated on the country. I do not understand exactly the connection between those land grants and this bill. I do not know but that it may be all right; but the very name of these grants is suspicious.

Mr. JULIAN. The bill has been very carefully considered. It was framed by the Commissioner of the General Land Office. It only provides for the issuing of patents where floats have been already located under the act of Congress. The title under the floats is an imperfect and irregular title. The object of this bill is simply to perfect the title in the ordinary way by patent.

Mr. DAWES. What is the extent of these lands?

Mr. JULIAN. The lands consist of a certain territory referred to in the act of Congress already mentioned, situate in the State of Louisiana, in respect to which the Government of the United States has already parted with its interest. It is simply proposed to issue patents where floats or certificates have already been issued in pursuance of law.

Mr. DAWES. Down in Louisiana?

Mr. JULIAN. Yes, sir.

Mr. DAWES. Mr. Speaker, cannot this matter wait a little while just as well? These lands cannot be improved now. I think this thing should be understood a little more fully.

Mr. ELDRIDGE. As I understand the reading of the bill, it covers locations hereafter to be made as well as those already made. I do not know whether that is the intention of the Committee on Public Lands; but I think it should be restricted to the locations heretofore made.

Mr. JULIAN. The whole matter is subject to the judgment of the Commissioner of the General Land Office under the act of Congress of March 17, 1862. If the locations are *bona fide*, whether already made or hereafter to be made, the Land Office may issue patents if deemed right.

Mr. ELDRIDGE. I suggest that the bill be amended so as to restrict its operation to lands heretofore located.

Mr. JULIAN. The bill has been framed exactly in accordance with the views of the Land

Office, which has full knowledge of the whole subject.

The SPEAKER. The bill can only be amended by unanimous consent, the bill having been read the third time.

Mr. DAWES. I do not desire to oppose this bill, or anything that may appear to be fair. But these Spanish titles covered vast tracts of land. They were bought up by speculators. Men here in Congress speculated in them. There were before the rebellion people located on these lands cultivating farms, and by virtue of just such bills as this they found themselves dispossessed and driven from their homes.

I do not know what the state of things down there is, or whether this is one of such cases as I have alluded to. But it seems to me that we can hardly touch these Spanish titles without getting into difficulty. And unless my friend from Indiana knows something personally about this matter, so as to be able to state to the House just how much land this covers, and where it is, I do not think he ought to ask us to go for it now.

The gentleman from Indiana says that this bill is satisfactory to the General Land Office. Well, that may be all right. I have all confidence in the Land Office. But they have been practiced upon heretofore, and they have sheltered themselves, and been obliged to shelter themselves, under these statutes. I suggest to the gentleman from Indiana that with general consent he have the bill recommitted to the Committee on Public Lands, with leave to report at another time, when more full information can be given to the House.

The SPEAKER. Does the gentleman make that motion?

Mr. DAWES. I will make it, or let the gentleman make it himself, if acceptable.

Mr. MORRIS, of Ohio. I suggest that the statute of March 17, 1862, which this bill is to carry out, be read.

Mr. DAWES. Very well. I will not insist upon my motion if there is any gentleman in the House who understands this matter and can explain it.

Mr. JULIAN. If the law to which the gentleman has referred is read, I think that will explain it.

Mr. MORRIS, of Ohio. It does explain the matter; and I think if the law is read the gentleman from Massachusetts may be induced to withdraw his objection. I send it to the Clerk, and ask that it may be read.

The Clerk read, as follows:

"*Be it enacted*, &c., That it shall be the duty of the Commissioner of the General Land Office to issue and to deliver to the respective owner or owners of the Los Omegas and La Nana tracts of lands, formerly situated in the parish of Natchitoches, now parishes of Sabine and De Soto, in the State of Louisiana, or to his or their assigns or other legal representatives, certificates or floats, in the usual form, for so much land as may have been at any time heretofore sold, donated, granted, or reserved by the United States within said tracts of land, or either of them; and which certificates or floats may be located by the owner or holder thereof on any lands belonging to the United States and subject to private entry at a price not exceeding $1 25 per acre, and which certificates or floats shall be in full satisfaction of all claims against the United States for lands so sold, donated, granted, or reserved: *Provided*, That as a condition precedent to the issuing of the floats hereinbefore authorized, the claimant or claimants shall present to the Commissioner of the General Land Office satisfactory evidence of title thereto, and that such claimants have been and continue to be loyal to the Government of the United States: *And provided further*, That such certificates and floats shall not exceed in gross seventeen thousand four hundred and seventy-seven and sixty-two hundredths acres.

"SEC. 2. *And be it further enacted*, That this act shall take effect immediately."

Mr. MORRIS, of Ohio. I understand that these certificates have already been issued, and that they have been located, and this bill is merely to complete the action contemplated by the act of March 17, 1862.

Mr. JULIAN. The law just read seems to give a satisfactory explanation, and I now demand the previous question.

Mr. DAWES. Will the gentleman allow me to ask him one question first? Does he know whether these lands, thus located, are unoccupied, or whether they are occupied by settlers?

Mr. JULIAN. I cannot give the gentleman that information. I have no doubt it is in the possession of the Land Office, and that its recommendation of this bill is made upon that knowledge. I think the gentleman will see that in connection with the law which has just been read no abuse can grow out of the passage of this bill.

Mr. DAWES. I think I shall be obliged to insist upon my motion to recommit the bill with leave to report at any time. In the mean time this information can be obtained from the General Land Office and be made a matter of record here in the House to explain this very singular species of legislation.

The previous question was seconded, and the main question ordered to be put.

The motion to recommit the bill to the Committee on Public Lands, with leave to report at any time, was agreed to.

Mr. DAWES moved to reconsider the vote by which the bill was recommitted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

OREGON DONATION CLAIMS.

Mr. JULIAN, from the Committee on Public Lands, reported back the bill (S. No. 181) in reference to donation claims in Oregon and Washington.

The bill was read. It provides that whenever it shall appear that two donation settlers in the State of Oregon or Washington Territory shall hold their conterminous improvements in such a manner as may require a half quarter section to be divided into two equal parts by a line north and south or east and west, it shall be lawful for the Commissioner of the General Land Office to issue patents recognizing for each claimant such subdivisions; this enactment to include cases existing at the date of the act, where the claim may be proved and established according to law.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. JULIAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

INCREASE OF SOLDIERS' PAY.

Mr. WINFIELD, by unanimous consent, presented the petition of one thousand two hundred wives and daughters of soldiers, asking for an increase of their pay; which was referred to the Committee on Military Affairs.

MICHIGAN WAGON ROAD LAND GRANT.

Mr. DRIGGS, from the Committee on Public Lands, reported back the bill (H. R. No. 227) granting lands to the State of Michigan for the construction of certain wagon roads for military and postal purposes. The bill was read. It grants to the State of Michigan for the construction of a wagon road from Saginaw City to the Straits of Mackinaw, at the rate of three sections of land to the mile. Also, for a road from Grand Rapids through Newaygo, Traverse City, and Little Traverse, to the Straits of Mackinaw, public lands at the rate of three sections to the mile.

Mr. KERNAN. I desire to inquire of the gentleman what is the length of these proposed roads.

Mr. DRIGGS. I propose briefly to state the principal features of the bill, and in that statement will answer the gentleman's question.

Mr. KERNAN. The gentleman will also allow me to state that it seems to me three sections of public land to the mile, for the construction of a wagon road, is a pretty liberal donation.

Mr. DRIGGS. This bill provides a grant to the State of Michigan of alternate sections for three miles on each side of the road, to aid in the construction of the road referred to. But it will be understood that the amount granted is limited to three sections only to the mile. The land, of itself, will not be sufficient to build the road, but is intended, as the bill itself states, to aid the State of Michigan in that object. The distance, in answer to the question of the gentleman from New York, from Saginaw City to the Straits of Mackinaw is about one hundred and sixty miles.

I desire to say to the House that although military necessity is now claimed for almost every measure that is presented here, I think the facts will convince any gentleman who will examine them that in this instance it is not a mere pretense. It is well known that we have important fortifications at the Straits of Mackinaw, and it is almost impossible to reach those fortifications during at least six months in the year. During half of every year, communication with that locality is cut off almost as completely as if an ocean intervened between the lower portion of Michigan and that northern portion, by reason of the wilderness through which the passage has to be made.

I will state further, that at the time it was supposed a rupture between the British Government and the United States might possibly occur, our Government deemed it important to send there some packages of muskets, for the purpose of defending the works at that point, to which the approach from the Canada shore is very easy. The Government paid at the rate of $150 for each package of muskets to be carried through this wilderness, by means of Indians, who were employed for that purpose.

But, sir, I will not detain the House by going into the details of this matter. I think a very slight examination will be sufficient to satisfy every member that the bill is right and just. The bill has been very carefully drawn, has been fully considered, and unanimously reported by the Committee on Public Lands. If the grants are made the road will be built. It will not, like a great many of the railroads for which grants have been made, keep the lands out of market for six, eight, or ten years, without any prospect of building a road at all.

The bill, I repeat, has been very carefully drawn and guarded. It makes it imperative upon the State to build the road in a very short period or the lands will revert again to the Government.

The gentleman from Indiana [Mr. HOLMAN] when I first presented the bill requested me not to call the previous question until he could have an opportunity to discuss it. He has informed me to-day that upon examination he thinks it is right, and that he will not oppose its passage. Unless some other gentleman desires to debate the bill, I will demand the previous question.

Mr. HOLMAN. Before the gentleman calls the previous question, I ask him to have the latter part of the first section and the second section of the bill read for the purpose of suggesting whether the word "Governor" should not be stricken out and "Legislature" inserted.

The Clerk read, as follows:

And it is hereby provided, That in case it shall appear that the United States shall have (when the lines or routes of said roads are definitely established) sold or reserved any sections or parts of sections, granted as aforesaid, or that the rights of preëmption or homestead have attached to the same, so as to leave a deficiency in the amount to be selected within the limits designated, then it shall be lawful for the commissioners or agents to be appointed by the Governor of said State, to select (subject to the approval of the Secretary of the Interior) from the even vacant sections of land belonging to the United States nearest to the three mile limits aforesaid, such quantity as shall be necessary to make up the deficiency thus created: *Provided further*, That the lands hereby granted shall be exclusively reserved, held, and applied in the construction of said roads, and shall be appropriated and disposed of only as the work progresses, in quantities and under such regulations and restrictions as the Governor of the State shall provide; and in no event shall they be appropriated or disposed of for any other purpose whatsoever.

SEC. 2. *And be it further enacted*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for any public work, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be necessary to locate the routes of said roads through such reserved lands; in which case the rights of way shall be, and are hereby, granted, subject to the approval of the President of the United States.

Mr. DRIGGS. I will state to the gentleman that our Legislature meets only once in two years; that only five years are given to complete the road; and that after due consideration it was thought that the Executive would watch over the road and see that the provisions of the law were properly carried out.

Mr. HOLMAN. This bill would place the whole management of this grant within the control of the Governor. It seems to me a very large power to confer upon the Governor of a State. I suggest that that power had better be vested in the Legislature. I desire also to ask the gentleman what is the length of these roads.

Mr. DRIGGS. I have already stated that the distance from the Saginaw to Mackinaw straits is one hundred and sixty miles counting by sections.

Mr. HOLMAN. Are both roads about the same length?

Mr. DRIGGS. Very nearly.

Mr. HOLMAN. I suggest to the gentleman that the bill had better be amended so as to confer these powers on the Legislature rather than on the Governor of the State.

Mr. DRIGGS. I do not like to refuse the gentleman anything. We have full confidence that our Executive will do what is right. I hope that the gentleman will not insist on his amendment.

Mr. MORRILL. I desire to know whether there is any provision in this bill by which these dirt roads are to be kept in repair when they are constructed?

Mr. DRIGGS. There is such a provision in the bill.

Mr. MORRILL. I ask whether Congress has ever heretofore granted to a State lands for building dirt roads?

Mr. DRIGGS. It has.

Mr. MORRILL. I have never heard of any. It may have been done in regard to Territories. If we have not, I think that this is a wrong time to begin.

Mr. DRIGGS. Let me add one or two remarks further. Congress has granted lands to Michigan for two railroads, and unless they are constructed within two years these lands will revert to the United States. Then we will be left without any lands at all. We ask this grant of lands to enable us to build a practical wagon road through this new country so as to induce settlement and emigration. Unless this be done it will remain a wilderness for years. It is also necessary to have a sure means of communication between the fortifications of the Government and for the transmission of the mails. Our mails are carried to-day from Saginaw by Indians and dog trains. If some "poor dog Tray" sickens and dies, the people are deprived of their mails. I do not want that condition of things to continue. I think that I might base this proposition upon military and postal grounds alone. It is also necessary, however, for the purpose of inducing emigration into that region. If we cannot get railroads we must have these wagon roads. I demand the previous question.

Mr. FARNSWORTH. The gentleman from Vermont [Mr. MORRILL] asked the gentleman whether grants of land had been made by Congress to States to aid in the construction of dirt roads. I understood him to say that such grants had been made to Territories and not to States. I think that grants have been made to States and not to Territories. Congress has usually granted money to the Territories for the purpose of building these roads and lands to the States. I had occasion in drawing a bill this session to examine the law, and I followed a bill passed during the last Congress, granting lands to Wisconsin and Minnesota to build a wagon road.

Mr. DRIGGS. I thank the gentleman for referring the gentleman from Vermont to a precedent.

Mr. KERNAN. What has become of the lands granted by Congress for a railroad along the lakes?

Mr. DRIGGS. There was no such grant by Congress. I demand the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DRIGGS demanded the previous question on the passage of the bill. The previous question was seconded, and the main question ordered; and under the operation thereof the bill was passed.

Mr. DRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

GRANT OF LANDS TO WISCONSIN.

Mr. DRIGGS also, from the Committee on Public Lands, reported back House bill No. 247, granting lands to the State of Wisconsin to build a military road to Lake Superior.

The bill was read *in extenso*.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SOLOMON WADSWORTH.

Mr. ALLISON, from the Committee on Public Lands, reported a bill for the relief of Solomon Wadsworth; which received its several readings, and was engrossed and passed.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

DENVER IN COLORADO.

Mr. ALLISON also, from the Committee on Public Lands, reported a bill for the relief of the citizens of Denver, in the Territory of Colorado; which received its several readings, and was engrossed and passed.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

GRANTS OF LAND TO IOWA.

Mr. ALLISON also, from the Committee on Public Lands, reported back with sundry amendments a bill (H. R. No. 159) for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

The several amendments recommended by the committee were considered and agreed to, and then the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. ALLISON also, from the Committee on Public Lands, reported back with amendments a bill (H. R. No. 381) to amend an act entitled "An act to make a grant of land to the State of Iowa in alternate sections to aid in the construction of a certain railroad in said State," approved May 15, 1856.

The several amendments reported by the committee were agreed to.

Mr. GRINNELL. I move to amend the first section by inserting in line eighteen after the word "county" the following:

Or on or near the line as recorded and located in 1856 or 1857 where the same passes through Jasper county immediately north of the town of Newton, in said county.

It is proposed in this bill that Des Moines and Council Bluffs shall be made points. Newton, in Jasper county, was on the line of the road as originally located in 1856 or 1857, upon the acceptance of the land grant by the State of Iowa. I may say that the residents of that town, one of the most flourishing in the State, and one of the best business centers in one of our best counties, fear that this road may now, to favor private interests, be turned away from them. They have with great enterprise built up a town, anticipating that the old line would be retained. They have an interest in this land grant given to the State; they have an interest in the State franchise to the Mississippi and Missouri railroad; and this amendment simply proposes that the company shall locate the line and build the road as was intended in 1856 or 1857, when this land grant was accepted by the State as donated by Congress.

Without this amendment the company may run the road where they please; yet I have no evidence of any bad faith. They may go far away from that town, and, by a rival interest, depreciate property and do great injustice to these people who have there built up a town and made a business center, and erected one of the best public buildings in the State, with the expectation that the road would be built as originally located. If that cannot be done they would much prefer that there should be no change in the original bill, and that the old land grant, with its conditions, should remain as it was. In that event, the company would be required to build the road on or near the line as located in 1856 or 1857. There ought not to be any objection to this amendment, which is so plainly just, and I trust there will not be.

Mr. PRICE. I cannot consent that the amendment shall be adopted without the House understanding the position of affairs. The original bill provides that the company shall build the road through a certain town, or as near to it as practicable, and I presume any gentlemen acquainted with railroad building or the building of any other kind of road are well satisfied that it is not a very easy matter to build a road of any kind upon land which is not practicable. If it is practicable to build a road through that town, the bill, as it stands now reported, will compel the company to build the road through that town. If it is not practicable to build the road through that town, then I ask whether the House is willing to pass a law compelling a company to build a road where not practicable? That is the simple question. The bill provides, in express and simple language, that the road shall be built along a certain line, or as near to it as practicable. And I undertake to say that no gentleman who understands anything about the construction of roads will find any company to construct a road in a place where it is impracticable to build it. I hope, therefore, the amendment will not prevail, but that the bill will be left where the committee left it.

Mr. GRINNELL. I wish it to be understood that I am a friend of this bill and a friend of the railroad. My colleague, who has just spoken, holds the same relation to the Mississippi and Missouri railroad as myself, and I wish the railroad to progress to the Pacific. He has no more friendship for the road than I have, and I do not wish to be placed in a false position. But, sir, he says that the word "practicable" in this bill is enough, and is all that I should ask. I say that it is as indefinite as the word "moreover," which we always used in translating Latin when we came to a stumbling place. Sir, I do not propose that this word "practicable" shall be interpreted by the company. It may involve litigation, and is a word that should never be put into a bill of this character.

Sir, a survey was made some eight years ago, and the line was located by intelligent engineers on a practicable route, which is nearer by one quarter or one third of a mile than any other line that can be located. That I assert, having a knowledge of the country.

Now, what I propose is simply this: that this town, containing two or three thousand inhabitants, who have gone there and with their enterprise and money have located a county seat, shall not be utterly destroyed because they have based their expectations of future prosperity upon the building of this railroad. I assert only this is justice to all parties. I understood my friend from the Des Moines district to agree that this point should be named in the bill; and it would be unjust to pass the bill unless it guarded the rights of these people, who are second to no community in patriotism and intelligence.

Mr. ALLISON. The Committee on Public Lands have very carefully considered this bill; they deemed it impracticable to adopt this amendment and they adopted the provision now in the bill.

Mr. GRINNELL. I wish to say a word only in reply to my colleague.

Mr. ALLISON. I cannot yield further.

Mr. GRINNELL. I submit that it is hardly fair to me if I am cut off from further amendment.

Mr. ALLISON. Well, I will yield to my colleague to make what explanation he desires.

Mr. GRINNELL. I simply wish to remark that this amendment is substantially what was agreed upon by the gentleman representing this company, and my friend from the Keokuk district [Mr. WILSON] knows very well that it is substantially what was agreed upon, but I will not further resist if the House chooses to follow the committee. I ask a division on my amendment.

The amendment was rejected.

Mr. WILSON. I offer the following proviso to the second section of the bill:

Provided, That the said company shall not be entitled to and shall not receive any land under this grant which is situate within fifteen miles of the Burlington and Missouri river railroad, as indicated by the map of said road now on file in the General Land Office.

I understand that that proviso meets the approval of my colleague who has charge of the bill.

The amendment was agreed to.

Mr. WILSON. I move to amend the bill by inserting the following as an additional section to come in after section two:

SEC. 3. *And be it further enacted*, That the Burlington and Missouri River Railroad Company, a corporation organized under the laws of the State of Iowa, and to which said State granted a portion of the land grant mentioned in the title of this act to aid in the construction of a railroad from Burlington, in said State, to the Missouri river, shall be entitled to receive, and the Secretary of the

Interior shall cause to be certified and conveyed to said company from time to time as the road progresses, out of any lands now belonging to the United States and subject to entry within six miles of said road as now located, an amount of land per mile equal to that mentioned in the act to which this act is an amendment, as intended to aid in the construction of said road; and if the amount of land granted by the original act to aid in the construction of said road shall not be found within the limit of six miles from the line of said road, then such selections may be made along such line within twenty miles thereof.

The amendment was agreed to.

Mr. WILSON. I offer the following as an additional section to the bill, to come in after section six:

SEC. 7. *And be it further enacted*, That all the conditions and limitations contained in the act to which this act is an amendment, and not hereinbefore expressly charged, shall attach to and run with the grants made by this act except as the said conditions and limitations have been modified by the General Assembly of the State of Iowa.

The amendment was agreed to.

Mr. KASSON. I move to amend the bill by inserting as an additional section to come in before the last section what I send to the Clerk's desk.

The amendment was read. It provides that no lands shall be certified to either of the companies named in the bill unless it shall complete, ready for the rolling stock, within one year from the 1st day of July next, a section of not less than twenty miles from its present terminus, and in each year thereafter an additional section of twenty miles; but the number of sections per mile originally authorized shall be certified to each company upon proof of the completion of the additional sections of the road. The amendment provides further, that in case of the failure of either road to complete the section to be annually built, the portion of the land remaining uncertified shall become subject to the control of the Legislature of Iowa, to aid in the completion of said road.

Mr. KASSON. The amendment meets the approval of the gentleman who has charge of the bill.

The amendment was agreed to.

Mr. GRINNELL. Will my colleague allow me to offer an amendment in the shape of a proviso?

Mr. ALLISON. Certainly.

Mr. GRINNELL. I move to amend by adding the following as a proviso:

Provided further, That the said town of Newton shall pay any extra expense, if there be any incurred, in passing through said town; the amount of said expense to be estimated by one engineer appointed by the railroad company and by one chosen by the town of Newton.

I wish to ask my colleague if he will not assent to that proposition—that if the railroad goes through the town of Newton the expense shall be divided between the company and the town.

Mr. ALLISON. I have no objection personally.

Mr. HUBBARD, of Iowa. I would like to make an inquiry of my colleague as to the number of inhabitants in the town of Newton, and the value of its real property.

Mr. GRINNELL. The population is about two thousand, representing several hundred thousand dollars; and they are a very worthy people, in every respect.

The question was taken on Mr. GRINNELL's amendment, and it was rejected.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RAILROAD GRANTS TO MINNESOTA.

Mr. ALLISON also, from the same committee, reported back an act (S. No. 31) making a grant of lands to the Lake Superior and Mississippi Railroad Company in the State of Minnesota to aid in the construction of the railroad of said company from St. Paul to Lake Superior.

The question being on the third reading—

Mr. ALLISON. I am directed by the Committee on Public Lands to offer amendments to this bill. The committee has thought better that the grant should be made to the State of Minnesota instead of to the railroad company; and we propose such amendments as will carry out that view.

The amendments were voted on collectively, and were agreed to.

Mr. ALLISON. I am also directed by the Committee on Public Lands to move an amendment, as an additional section, providing for the construction of a road from some point on the line in the State of Minnesota, south of St. Louis river, to some point at the head of Lake Superior.

The question was taken on the amendment, and it was agreed to.

The bill, as amended, was then read the third time, and passed.

Mr. ALLISON moved to amend the title by striking out the words "the Lake Superior and Mississippi Railroad Company in," and also the words "of said company;" so that it would read: "An act making a grant of land to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior."

The amendment was agreed to.

Mr. ALLISON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RAILROAD GRANTS TO WISCONSIN.

Mr. SLOAN also, from the same committee, reported back an act (S. No. 160) granting lands to aid in the construction of certain railroads in the State of Wisconsin, with amendments.

The amendments were to change the grant from the railroad companies named in the act and to transfer it to the State of Wisconsin.

The amendments were voted on collectively, and were agreed to.

The question being on ordering the bill to be read a third time—

Mr. MORRILL. In view of the immense extent of the national territory proposed to be given away, I ask the gentleman from Wisconsin whether he has any objection to having a clause inserted providing that slavery or involuntary servitude shall not be allowed therein. [Laughter.]

Mr. KERNAN. I should like to know how much land we will have left after these bills are all satisfied.

The SPEAKER. The Chair is unable to state.

The bill was read the third time.

The question being on its passage, a division was called for.

Mr. SLOAN. I trust that gentlemen will be as liberal to Wisconsin as they have been to Iowa and Minnesota.

The SPEAKER ordered tellers; and Messrs. NELSON and SLOAN were appointed.

The House divided; and the tellers reported—ayes 62, noes 30.

So the bill was passed.

Mr. SLOAN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WASHBURNE, of Illinois, moved that the House adjourn.

Mr. GARFIELD. As there must be very little public land left after what we have done to-night, I hope gentlemen will be allowed to go through with it. [Laughter.]

Mr. WASHBURNE, of Illinois. I withdraw my motion to adjourn, and yield to the gentleman from Indiana, [Mr. JULIAN.]

HOMESTEADS ON CONFISCATED PROPERTY.

Mr JULIAN, from the Committee on Public Lands, reported back House bill No. 276, to secure to persons in the military and naval service of the United States homesteads on confiscated or forfeited estates in the insurrectionary districts; which was read a first and second time, and ordered to be printed.

And then, on motion of Mr. WASHBURNE, of Illinois, (at twenty minutes past nine o'clock, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *April* 27, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. GRIMES. I have the honor to present the memorial of the wives, daughters, and other family relatives dependent on the soldiers of the Army of the United States, who say that the present compensation received by their husbands, fathers, and brothers, is too small, and they therefore pray for an increase of the pay of the soldiers. I move that the petition be referred to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. SUMNER presented three petitions of women of the United States, praying for the abolition of slavery throughout the United States, and for the adoption of measures for so amending the Constitution as forever to prohibit its existence in any portion of our common country; which were referred to the select committee on slavery and freedmen.

Mr. HOWE presented a memorial of the Legislature of Wisconsin in favor of the enlargement of the Fox and Wisconsin rivers improvement, the ship canal around the falls of Niagara, and the improvement of the Erie canal; which was referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN.

On motion of Mr. POMEROY, it was

Ordered, That Berendt A. Froiseth have leave to withdraw his petition and other papers from the files of the Senate.

REPORTS FROM COMMITTEES.

Mr. WILSON, from the Committee on Military Affairs and the Militia, to whom was referred a bill (S. No. 231) concerning the subsistence and pay of the Army, reported it with an amendment.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print five hundred copies of the report of the National Academy of Sciences, have instructed me to report the same back without amendment, and recommend its passage. I offered this report yesterday, but the Senator from Vermont, [Mr, COLLAMER,] whom I do not now see in his seat, objected to it. I do not wish to ask for its present consideration if there is any objection to it; but I wish to say with regard to this and all other reports that come from the Committee on Printing that it is important, from considerations of public economy, that, whatever action the Senate take upon them, they should take it at once. It will cost to print the first hundred copies of this report which have been ordered by the House of Representatives thirteen or fourteen hundred dollars. The cost of the next hundred will be but seventy or eighty dollars. If the Senate order the printing of these additional copies of the report now it can be done at the rates I have mentioned; but if the printing of the report shall not be ordered until the type has been distributed it will cost twelve or thirteen hundred dollars.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the report?

Mr. ANTHONY. I will not ask for its present consideration, as the Senator from Vermont is not now in his seat. I understood that he had some objection to make to it; but when he comes in I shall ask the Senate to take it up.

BILLS INTRODUCED.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 258) making Dakota or Sioux half-breed land scrip assignable; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the bill of the Senate (No. 181) in reference to donation claims in Oregon and Washington.

The message further announced that the House of Representatives had passed the following bills of the Senate, with amendments to each; in which it requested the concurrence of the Senate:

A bill (No. 131) making a grant of lands to the Lake Superior and Mississippi Railroad Company, in the State of Minnesota, to aid in the construction of the railroad of said company from St. Paul to Lake Superior; and

A bill (No. 160) granting lands to aid in the construction of certain railroads in the State of Wisconsin.

The message further announced that the House of Representatives had passed the following bills;

in which it requested the concurrence of the Senate:

A bill (No. 227) granting lands to the State of Michigan for the construction of certain wagon roads for military and postal purposes;

A bill (No. 431) for the relief of Solomon Wadsworth;

A bill (No. 247) granting lands to the State of Wisconsin to build a military road to Lake Superior; and

A bill (No. 159) for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. NICOLAY, his Secretary, announced that the President had approved and signed on the 26th instant the following acts:

An act (S. No. 130) for a charter of Masonic Hall Association in Washington city, District of Columbia; and

An act (S. No. 249) to authorize the issuing of a register to the steam vessel John Martin.

FRAUDS IN THE NAMES OF VESSELS.

Mr. CHANDLER. I move to postpone all prior orders for the purpose of taking up the bill (H. R. No. 360) for the prevention and punishment of frauds in relation to the names of vessels.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that every steamboat of the United States shall, in addition to having her name painted on her stern, as now required by law, also have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of the pilot-house, and (in case the boat has side wheels) also on the outer side of each wheel-house; and if any such steamboat shall be found without having her name placed as herein required, she is to be subject to the same penalty and forfeiture as is now provided by law in the case of a vessel of the United States found without having her name and the name of the port to which she belongs painted on her stern, as required by law. No master, owner, or agent of any vessel of the United States, shall in any way change the name of such vessel, or by any device, advertisement, or contrivance deceive, or attempt to deceive, the public, or any officer or agent of the United States Government, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name of such vessel, on pain of the forfeiture of such vessel; but this act is not to take effect until the expiration of sixty days from and after its passage.

Mr. GRIMES. As I understand the reading of the bill, it provides that all steamboats shall have their names painted on the outer side of the pilot-house. But there are a great many vessels that have no pilot-houses. I suppose not one half, hardly any, of the sea-going steamers have pilot-houses.

Mr. CHANDLER. Then the bill requires that the name shall be painted on the side of the ship.

Mr. GRIMES. The bill requires that the name shall be painted on the side of the pilot-house and also on the side of the wheel-house, in case the boat has side wheels.

Mr. COLLAMER. The name cannot be painted there if they have not any pilot-house.

Mr. GRIMES. Of course not.

Mr. CHANDLER. I will propose as an amendment to insert the words "or otherwise conspicuously painted on the side of the ship." The object is to prevent frauds. The law now requires that the name shall be painted on the stern of the vessel, but they frequently put a different name on the wheel-house, and whenever an attempt is made to punish that kind of fraud, they point to the name in small letters on the stern, thus bringing it within the law. I propose as an amendment to insert the words "or otherwise conspicuously painted on the side of the ship."

Mr. GRIMES. "Or on the sides of the pilot-house, if they have such."

Mr. CHANDLER. "Or otherwise conspicuously painted upon the side of the ship."

Mr. GRIMES. You have that in the bill now.

The PRESIDENT *pro tempore*. Does the Senator from Michigan modify his amendment as suggested by the Senator from Iowa?

Mr. CHANDLER. Yes, sir.

The PRESIDENT *pro tempore*. The amendment is to insert after the words "pilot-house," in line seven of the first section, the words "if it has such."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time, and passed.

COLLISIONS ON WATER.

Mr. CHANDLER. I now move to take up House bill No. 62, likewise reported from the Committee on Commerce.

The motion was agreed to; and the bill (H. R. No. 62) fixing certain rules and regulations for preventing collisions on the water was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMEASUREMENT OF TONNAGE.

On motion of Mr. CHANDLER, the bill (H. R. No. 119) to regulate the admeasurement of tonnage of ships and vessels of the United States was considered as in Committee of the Whole.

The Committee on Commerce reported the bill with two amendments. The first amendment of the committee was in section one, line five, after the word "sixty" to strike out the word "six" and insert "five;" so that it will read:

That every ship or vessel built within the United States, or that may be owned by a citizen or citizens thereof, on or after the 1st day of January, 1865, shall be measured and registered in the manner hereinafter provided, &c.

The amendment was agreed to.

The next amendment of the committee was to insert at the end of the first section of the bill the following proviso:

Provided, That any ship or vessel built within the United States after the passage of this act may be measured and registered in the manner herein provided.

The bill was reported to the Senate as amended; and the amendments were concurred in and ordered to be engrossed. The bill was ordered to a third reading; and it was read the third time, and passed.

COLLECTION OF HOSPITAL DUES.

Mr. CHANDLER. I now move to take up the bill (H. R. No. 367) to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. In case of the sale or transfer of any vessel of the United States, in a foreign port or water, the bill requires the consul, vice consul, commercial agent, or vice commercial agent of the United States within whose consulate or district such sale or transfer shall have been made, or in whose hands the papers of such vessel shall be, to collect of the master or agent of such vessel all moneys that shall have become due to the United States under and by virtue of the act entitled "An act for the relief of sick and disabled seamen," approved July 16, 1798, and shall remain unpaid at the time of such sale or transfer; and the consul, vice consul, commercial agent, or vice commercial agent, (as the case may be,) is also instructed and required to retain possession of the papers of such vessel until such moneys shall have been paid; and in default of which such sale or transfer shall be void, excepting as against the vender; but this act is not to take effect until the expiration of sixty days from and after its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. BRIGHAM.

Mr. MORRILL. I ask the Senate to take up with a view to action Senate bill No. 212.

The motion was agreed to; and the bill (S. No. 212) for the relief of Henry A. Brigham was read the second time, and considered as in Committee of the Whole. It is to direct the Secretary of the Treasury to pay to Henry A. Brigham the sum of $2,000, being the amount of his check drawn in favor of the Assistant Treasurer of the United States at New York, on the 7th of November, A. D. 1862.

Mr. MORRILL. I should like to have the report read which explains the case.

The Secretary read the report made by the Committee on Claims, from which it appears that the petitioner, Mr. Brigham, holds the office of military storekeeper and paymaster in the ordnance department of the Army of the United States, on duty at the Watervliet arsenal, New York, and had his disbursing account with the Assistant Treasurer of the United States in the city of New York, and paid the employés at the arsenal monthly in funds drawn from the Assistant Treasurer. To enable him to make his monthly payment of October, 1862, on the 7th of November of that year he presented to the cashier of the Assistant Treasurer in New York city a written statement of the amount and denomination of Treasury notes and postage currency required, amounting in all to the sum of $36,300 in notes of denominations of from one to fifty dollars, and $500 in postage currency. On the following day, during business hours, he called for the money at the counter where he had been accustomed to receive his money. He shortly gained the attention of the cashier, passed him his check for the sum required, whereupon the cashier brought a tray from the desk of the pay department to a convenient opening in the counter, the contents of which had been made up in marked packages by one of the paying tellers, for the purpose of making payment, the parties standing upon opposite sides of the counter.

The money had been arranged in packages, notes of fifty dollars in two packages of $3,000 and $5,000, making $8,000 in one bundle, around which was a strap with the amount marked thereon. Notes of twenty dollars, in six equal packages of $2,000—all contained in one general bundle, and marked and strapped as above, and so on for the rest. The cashier proceeded to take these packages or bundles from the tray, "calling off" the amount marked on the straps as each parcel was passed to the side of the tray in the counter, each amount so "called off" being set down by the paymaster, when the whole amount so stated was found to be $36,300. Both parties still maintaining their positions, the paymaster proceeded to "satisfy himself" of the correctness of the count, commencing with the package of notes of the largest denomination, being that of $8,000. Upon examination of the bundle marked $12,000, in packages of $2,000 each, there were in fact but five packages, making $10,000. Search was made by the cashier for the missing package of $2,000 at the desk of the pay department and on the floor at the counter where the parties stood, but without success. The parties had observed, while the cashier was passing the packages from the tray, and the paymaster was setting down the figures, a man—a stranger—standing near the paymaster, with his hand upon the postage currency, and who immediately retired. It was assumed by the cashier that the delivery of the money was complete when he had "called off" the amount of the several packages or bundles, and passed them from the tray to the counter; that the missing $2,000 had been stolen by the stranger; and that, having been so delivered and stolen, it was the loss of the paymaster, who was accordingly required to draw an additional check for $2,000, in order to obtain the amount required for his monthly payment. It is not doubted that the paymaster drew his check in favor of the Assistant Treasurer of the United States for the sum of $2,000 more than he actually received, and that he has been the loser to that amount.

Mr. GRIMES. It seems to me that this is going to establish a very important precedent, especially in view of the fact that we are about to pass a bill establishing a uniform system of banking, under which, if I understand it correctly, each of the banks is to become a public depository and to have its officers, who are not officers of the United States, but the individual officers of each corporation pay out public moneys on the drafts of our disbursing officers. Now, if we are going to establish the rule that one of our officials going there may suffer himself to be deluded into giving a check when he ought not to give it, as it is alleged this paymaster did, or if we are going to make up any deficiency that may arise in consequence of a miscount of the teller——

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. THURSDAY, APRIL 28, 1864. NEW SERIES....No. 119.

The PRESIDENT *pro tempore*. The Senator will pause. It becomes the duty of the Chair at this hour to call up the unfinished business of yesterday.

Mr. GRIMES. I think it is very well that the bill should pause here.

NATIONAL CURRENCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 395) to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof, the pending question being on the amendment of the Committee on Finance, in section forty-one, line nine, after the word "act," to strike out the following clause:

And nothing in this act shall be construed to prevent the taxation by States of the capital stock of banks organized under this act, the same as the property of other moneyed corporations, for State or municipal purposes; but no State shall impose any tax upon such associations, or their capital, circulation, dividends, or business, at a higher rate of taxation than shall be imposed by such State upon the same amount of moneyed capital in the hands of individual citizens of such State: *Provided*, That no State tax shall be imposed on any part of the capital stock of such association invested in the bonds of the United States, deposited as security for its circulation.

And in lieu thereof to insert:

And in lieu of all other taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one half of one per cent. each half year from and after the 1st day of January, 1864, upon the average amount of its notes in circulation, and a duty of one quarter of one per cent. each half year upon the average amount of its deposits, and a duty of one quarter of one per cent. each half year, as aforesaid, on the average amount of its capital stock beyond the amount invested in United States bonds; and in case of default in the payment thereof by any associations, the duties aforesaid may be collected in the manner provided for the collection of United States duties of other corporations, or the Treasurer may reserve the amount of said duties out of the interest as it may become due on the bonds deposited with him by such defaulting association. And it shall be the duty of each association within ten days from the 1st days of January and July of each year, to make a return under the oath of its president or cashier to the Treasurer of the United States, in such form as he may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits and of the average amount of its capital stock beyond the amount invested in United States bonds for the six months next preceding said 1st days of January and July as aforesaid, and in default of such return, and for each default thereof, each defaulting association shall forfeit and pay to the United States the sum of $200, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States; and in case of such default the amount of the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such other manner as the Treasurer may deem best: *Provided*, That nothing in this act shall be construed to prevent the market value of the shares in any of the said associations, held by any person or body-corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority for State, county, or municipal purposes, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State. And all the remedies provided by State laws for the collection of such taxes shall be applicable thereto: *Provided, also*, That nothing in this act shall exempt the real estate of associations from either State, county, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

Mr. POMEROY. At the time of the adjournment last night there was an amendment to the amendment reported by the Committee on Finance under consideration.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Kansas that no amendment was offered to the amendment reported by the committee. Suggestions were made by various Senators, but no amendment was offered.

Mr. POMEROY. Then, if it be in order, I propose to amend the amendment reported by the Committee on Finance by striking out the first proviso in the committee's amendment on the 35th page of the bill, in the following words:

Provided, That nothing in this act shall be construed to prevent the market value of the shares in any of the said associations, held by any person or body-corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority for State, county, or municipal purposes, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State. And all the remedies provided by State laws for the collection of such taxes shall be applicable thereto.

And inserting the following in lieu thereof:

Provided, That nothing in this act shall be construed as exempting the capital stock of an association, beyond the amount invested in United States bonds and deposited with the Treasurer of the United States as part of its capital or as security for its circulating notes, from being subject to the same rate of State and municipal taxation as is imposed upon other personal property in the State or city or town in which the association is located.

The Senate will bear in mind that if this substitute shall be adopted in lieu of the proviso reported by the committee in their amendment, it will have precisely this effect: the stock of the bank not invested in the United States bonds will be subject to all the municipal taxation of any other property held by individuals. It only exempts from municipal, county, and State taxation that portion of the capital that is invested in United States bonds. It is therefore in harmony with the existing law, and I think it will promote the establishment of banks, especially in new western districts where no bank can proceed to do business and make dividends if it is subject to pay all the taxes that are imposed on our municipal associations. Besides, if my amendment should be adopted, the bank will be taxed as a corporation and not the individuals who may own shares in the bank. The fact is, if you establish a bank in a city and the shareholders only are taxed, they have a convenient way of living out of town. Every Senator has been observant of the fact that the large shareholders of corporations find it convenient and do in fact live outside of the city or town where the bank is located. We have horse railroads and every kind of railroads leading out of town, readily enabling them to live outside of the town or city in which they do business; so that the corporation really gets no tax. These people live at a distance from the city where the bank is located. If a tax is only required to be paid on the shares held by them, though these municipal taxes may be legal, the corporation will get none.

Then again the taxes that are imposed on these banks should be taxes for the benefit of the General Government. If my amendment should be adopted, the amendment thus amended will provide that upon deposits there shall be a tax of one fourth of one per cent., and upon the circulation one half of one per cent.; and that will be a tax to the General Government. There will be municipal taxes on all the stocks in the bank not invested in Government bonds, and the only portion that will be exempted will be that which is invested in Government bonds. I think that is an improvement of the bill, and upon that amendment I desire a separate vote.

Mr. CHANDLER. I hope that amendment will prevail. It will save the bill.

Mr. HOWE. I hope the amendment will not be adopted. I believe the bill can be saved without it, and I do not undertake to say that it can be saved with it. I am utterly opposed to this whole endeavor to exempt this kind of property from its share of taxation by the States in which the holders of its stock may reside. It is true that when we authorized the issuing of these bonds and the sale of them, we did impose but a light tax upon the holders. I was opposed to that exemption at that time. I thought it was an unjust discrimination, and one that would sometime, sooner or later, prove to be very obnoxious. I think it is already receiving a good deal of complaint; it will receive more hereafter.

But it will be noticed that by this bill we propose to give the holders of these bonds additional privileges. We authorize them to convert them into a distinct and entirely different kind of property, into bank shares. That is what they do; and then they receive notes, and loan notes upon them. They convert the bond which they hold exempt from State taxation and subject to but a very moderate rate of taxation in support of the Government of the United States into bank stock, and they receive notes which they are authorized to loan. The first point to be observed is, that while the Senator from Michigan who speaks upon this subject as a practical banker may to-day hold $100,000 of those bonds, and under the law as it stands they are exempt from taxation for State or municipal purposes in the city o Detroit, to-morrow when he has converted them into bank stock he does not own any bonds. It is true he gets an interest from them, or the bank of which he is a shareholder gets an interest, but they are transferred to the banking association first, and by the banking association they are transferred to the Treasurer of the United States; they are converted into stock; after that time he has no bonds, so that the kind of property he holds, after that is done, we never agreed to exempt from any kind of taxation to which any other species of property may be subject. Why should this be exempted?

It must be borne in mind that the States are suffering under the burdens of this war, and it must be borne in mind that unless you maintain the vigor of the States you cannot maintain much vigor in the nation. State taxation is most burdensome, I agree; it is most directly felt by every individual; and a proposition to withdraw $300,000,000 capital from paying State taxes, I do not think is likely to be acceptable to my constituents; I will not say that it will not prove acceptable to the constituents of other Senators.

The Senator from Michigan thought yesterday that individuals would continue to hold the bonds; they would not transfer them if their stock was to be taxed by the States; they would not convert these bonds into this bank stock; in other words, they would ignore the privileges granted by this bill. He spoke upon that point as a practical banker, he said. Now, I have talked with other bankers from other sections of the country on that very point, and I must say that the Senator is himself the only one I have yet heard object to this class of taxation, to subjecting them to taxation by the States. I can very well understand that if I were a banker myself, or were going into banking, and lived in a city where the State and municipal taxes were four per cent., I should prefer to be exempt from those taxes. It is a disagreeable thing at any time for one who has a good deal of property to be taxed. On the other hand, I rather think the community would prefer that I should be taxed for it.

This claim to exemption, then, I think is not warranted by anything in our past legislation. I think it is not justified by any necessity, because, as I have already said, the testimony I have on this point from bankers is that the privileges held out in this bill to capitalists to transfer these bonds into stock are so liberal and munificent that banking capital all over the country in every part of it, notwithstanding it is subject as other money is to taxation by the States, will seek this kind of investment, and will be employed in this sort of banking.

For these reasons I really hope the amendment of the Senator from Kansas will not be adopted, and that the amendment reported by the Committee on Finance will be. I was really surprised when the Senator from Massachusetts [Mr. SUMNER] yesterday pronounced the claim of the Senator from Michigan [Mr. CHANDLER] to be, if not exactly practical, eminently patriotic. I certainly cannot see any evidence of patriotism. The position of the Senator is very prudent undoubtedly, and perhaps entirely practical, but what evidence of patriotism he gave I do not know. The Senator undoubtedly stated a correct proposition when he stated that we were now face to face with an emergency which called upon us for sacrifices, for sacrifices of everything. No, I will not say it was entirely correct. I do not say, sir, that we are called upon in this emergency to make every sacrifice. We cannot sacrifice men too much. We do sacrifice men, and I hope to find a disposition in the Legislature to sacrifice a little money. If valor can afford to sacrifice its life, and labor its

energies, I think money can afford to pay taxes to aid in this emergency, and I hope it will be allowed to pay taxes. I hope it will be made to pay taxes. I think true patriotism demands that it should pay taxes both for national and State purposes. It is entirely useless for you to undertake to make a vigorous nation out of a union of decrepit States. Maintain the health and the vigor of your populations within your States, and they will take care of the nation for you. Cripple them, exhaust them, and legislation cannot take care of the nation.

Mr. COLLAMER. Mr. President, the main proposition before us, I take it, is whether we shall leave to the States in any form the right of taxation over these banks. Different gentlemen have different views about the mode of coming at that, but that is the main question.

In the first place, however, from some remarks which have been made, and especially from those which have been made by the Senator from Michigan, it becomes a little important to inquire how far the right of taxation by the General Government may go; because, if I understood him aright, he even denies the power of the General Government in this particular case. I wish he were present. I make my remarks only for the use of the Senate, and it is not very encouraging to make them to but a little part of the Senate. I understood the Senator from Michigan, and I ask his attention, as I see that he is here now, to suggest that inasmuch as we had laid a tax of one and a half per cent. on the holders of United States bonds as an income tax, and inasmuch as they had taken the bonds on the faith of that, any form in which we may now undertake to tax the banks in which those bonds may constitute capital is, in effect and in fact, a tax on them which he seems to think would be at least in bad faith in relation to those who have taken the bonds under the assurance that they would be taxed but one and a half per cent. That is the way I understood him, and he intimates that that is the way he meant to be understood. If that is true; if it is true that the taxing of a bank or the shares of a bank, the capital of which is made up of United States bonds, is virtually the taxation of the bonds, and if we cannot tax the bonds any further in any form because of the assurance contained in the provision for an income tax of one and a half per cent., then, indeed, the United States have no power to lay taxes. Let us see whether that is well founded.

I am sensible that when the loan bill was passed, it contained an assurance that our bonds should not be subject to State taxation. That was part of the contract made by the Government with the purchasers of the bonds. It was in the loan bill, part of the contract; but there was nothing in that loan bill by which the General Government in any way tied up its hands from taxing these bonds. The General Government may tax these bonds directly for aught there is in the law. The tax law that we passed afterwards, imposing an income tax of one and a half per cent. upon the interest derived from United States bonds as part of a man's income, has nothing to do with the contract about taking the bonds. That is not in the loan bill, and there is nothing in the law that prevents the United States Government from going on and taxing these bonds as they please; nor is there any breach of faith if they do so. Therefore, if it were true that the taxing of the shares of a bank of which those bonds constitute the capital was a tax on the bonds, still after all there would be nothing unlawful in that.

It will be observed that in this bill and in the very amendment which is now pending, there is a tax laid on the banks. The proposition is, I believe, to impose a tax of one fourth of one per cent. on their circulation once in six months, and one fourth of one per cent. upon all their capital beyond the bonds, and also a tax upon their deposits. These are all taxes by the General Government on these very banks; and if it is true that taxing these banks in any form is taxing the bonds, then all this provision for a United States taxation is utterly inconsistent with the assurance which the Senator from Michigan insists was given; but the fact is not so. They are subject to taxation.

But in the next place, Mr. President, I insist that a tax upon the shareholders in a bank is no tax upon the stock of that bank. There may be one sense in law in which it is. The courts have decided in several of our States that where a bank charter has been granted by a State and the State has received a bonus, a certain pecuniary consideration for that charter, and has inserted in the charter a provision that the bank shall not be subject to any other tax, the shares of that bank cannot afterwards be taxed because of the assurance contained in the charter. But to say that a tax on the shares of a bank is a tax on the bonds that constitute the capital of that bank is utterly fallacious. As the Senator from Wisconsin [Mr. HOWE] suggested, suppose a man owns bonds and he puts them into a bank as part of the capital and takes shares to the amount of those bonds as if he had put in money, does he own those bonds now? Certainly not. In order to test that past all possible question, I will suppose that I have $10,000 in bonds and I put them into one of these banks and take certificates for my shares, what then? I certainly do not own those bonds any more; the bank owns them. Can I be compelled to pay one and a half per cent. income tax on these bonds after I have delivered them to the bank and taken my certificates of stock? Certainly not. All the bonds that constitute the stock in these banks that are deposited here are released from the one and a half per cent. income tax; they cease to be individual property; and banks and corporations are not subject to an income tax; we reach them by a tax on their dividends. If it is true that a man who formerly owned these bonds and who now owns the bank stock still owns the bonds, he ought to pay his one and a half per cent.; but the one and a half per cent. is not reached by the Government; it goes to the bank and constitutes a part of the capital. The man owns those bonds no more. He is subject, to be sure, to pay an income tax on the dividend paid to him on his shares in that bank; but that is reached in another way. The banks are made to pay over the tax on the dividend before it goes to the shareholder himself, that being a shorter mode of collecting the tax.

The truth is that when we gave out these bonds to the people, all the assurance given to them was that they should not be taxed by the States. A man may have them and hold them, and I grant that they are property in one respect. For instance, they are the means of making a pledge; they can be used as collateral security for borrowing money. They are valuable in other ways besides the interest received from the Government. But when you undertake to make a law by which you transfer them into banking capital, and enable the man who holds them, not to borrow money upon them but to lend money upon them, that is entirely a different affair; that is entirely a new privilege, and one to which, when granted, the Government may annex such conditions as it thinks proper.

I say, then, that the taxing of the shares of a bank is in no way precluded by the consideration that the capital or part of the capital of that bank is made up of public bonds of the United States.

But the main question is whether these shares, the interest in these banks, shall be left to State taxation. That is a great question; it is a great subject; and from the magnitude of the subject, if not from the importance of what I say, I may be entitled to some little time in talking about it.

When this Government was constituted—and it was made by the people of the then existing States—those States all exercised and had the right to exercise the power of taxation unlimitedly within their respective boundaries without any restriction. When the United States Government was formed, that also was invested with the power of taxation by the clause of the Constitution authorizing Congress "to lay and collect taxes, duties, imposts, and excises." That certainly did not deprive the States of the power of doing the same thing. All and each of the States levy and collect their taxes in their own way. The Government of the United States has the whole field of taxation open to it, all the subject-matter of taxation in the whole country; and each State has what there is within its jurisdiction. The subjects-matter of taxation are the same to each Government except in one respect. There is one subject-matter of taxation which was in effect, though not intentionally, perhaps, sequestered, and set apart to the peculiar use of the General Government. It was provided in the Constitution that the States should not levy any duty upon importations. That is the only restriction there is upon the power of taxation in the States. That was not put there for any purpose of sequestering that particular branch to the uses of the General Government for revenue, but that has been its incidental effect. The trouble was that each State laid its own duties upon importations; and they differed, no two laying them alike, and some laying none at all. It was impossible for the General Government to make any commercial treaties under the old Articles of Confederation, because each State levied its own duties, and levied them in various ways, so that there was no uniformity. In order to enable the General Government to regulate our foreign commerce in such a manner as that we could make treaties of and concerning and for commercial intercourse with the world, it became necessary to put the power of levying duties upon commerce entirely in the hands of the General Government, and to have uniformity. It was for that purpose that this grant of power, or, more properly speaking, this prohibition upon States, was made, for it gave to Congress no more power to lay duties than it already had to collect taxes of any kind or whatever kind, but it inhibited that particular branch or subject-matter of taxation to the States for the reason I have stated; and the effect of it is to sequester that particular branch of revenue, that particular subject of taxation, to the exclusive use of the General Government.

The Constitution left the General Government to levy its taxes upon all subjects-matter of taxation in every State of the United States, and left the States, with the exception I have just stated, to levy taxes on all subjects of taxation within their jurisdiction; both might tax the same articles of commerce, the same income, the same land, the same personal property, choses in action, plate, anything else. All the subjects of taxation were equally open to the two governments. Suppose it had been proposed by any one at that time "We will insert in this Constitution a provision that the General Government shall have not only this exclusive power of levying duties on importations, but shall have the right to sequester to their peculiar taxation any species of property they please in any State, and take it away from State taxation," do you believe there would have been a man found there, except the one who proposed it, who would ever have voted for it? The thing is utterly inconceivable.

Now, let us see what is before us. The United States, in the present condition of affairs—I blame nobody in any remark I make, mean to find fault with nothing that is done, I merely call to mind the condition of things—the Government of the United States has borrowed of the inhabitants of the several States—for I believe we have borrowed very little from abroad—the amount of money which now constitutes the funded debt of the United States, which—I will be extremely moderate in my statement now—amounts to more than seven hundred million dollars. The United States have taken that much money from the inhabitants of the several States, borrowed it of them, given them their bonds for it, and have sequestered that entirely away from State taxation. That process will go on, I suppose. The way that came to be sequestered was, that when the United States desired to borrow money, they supposed and believed they could borrow it much more readily if they would say to the people, "You have some money on which you have taxes to pay in your own State; lend it to us; we will pay you interest upon it, as much as you get at home six per cent., and it shall not be subject to State taxation." They believed they could borrow the money easier and better and with more facility in that way. I find no fault with that. Perhaps the necessities of the occasion called for it.

But, sir, what next? It is now proposed, and we do not wish to disguise the thing at all in dealing with each other, however we may with the world, to take the whole of the banking capital in the States and sequester it away from State taxation; because by the plan before us these banks are to be made the exclusive banks of circulation in this country, and they are to occupy the whole ground of circulation not occupied by greenbacks. That is what is proposed to be effected and intended to be effected by this bill, and

many gentlemen say that unless the whole of that can be effected the plan is defective. Then the proposition is that we will take the whole banking capital of the United States and put it into these banks, and we will sequester that altogether from State taxation.

I do not know how the States are to get along with taxation if one after another of the sources of money are to be drained away from them and sequestered exclusively to the use of the United States. I have not the least word to say but that the United States must levy and collect all the taxes and all the money they need; but let them do it as the system of Government was formed to do it in the beginning; let them do it over the same field and on the same subject-matter with the States, and leave it all in common to the United States Government and the State governments. That is the principle on which we started. I grant that you have in the Constitution sequestered to the Government the duties upon foreign imports; but all other subjects of taxation are common to both the United States and State governments. Why should they not remain so? It cannot be said that this is necessary because you cannot raise money, for the power of taxation by the hand of the General Government reaches to everything in every part of the United States, and in each State by the hand of that Government; but the point is, whether the General Government shall reach out their arm and say, We will take and sequester from the operation of taxation by the States certain pieces of property that we find most valuable, and they shall not reach them at all.

I am perfectly well aware that in troublous times of war and violence the tendency of all things is to consolidation of power; but, because we are aware of that, does it become us to give way to it, and never in any manner attempt to check its bad tendency? I can hardly think that the representatives in this body, the representatives of States as States peculiarly, are prepared, by one step after another of almost usurpations, if not entirely so, to let the States be subsidized and reduced to the necessity of getting their funds out of that which is utterly invaluable.

I ask gentlemen to look for a moment at the condition of their States with this capital all sequestered from their use. I have made a brief statement of the banking capital of the different States. I find, for instance, that the banking capital of Massachusetts in 1863 was $67,544,000. I am not familiar with the manner in which that is taxed by the State for the support of the State and the municipal corporations. I do not know.

Mr. WILSON. One per cent.

Mr. COLLAMER. The State tax is one per cent. I understand it to be like the tax in my own State. We tax the bank one per cent. on its dividends. Some of the States sequester the proceeds of that tax entirely for the support of schools; others do otherwise. We then leave the share-owners to have their shares estimated with their other personal property, subject to taxation for all local and municipal purposes, like any other property. In short, they pay taxes upon it just as they would if they had the money loaned anywhere else. I do not know but it is perfectly easy for Massachusetts (for I know somewhat of her wealth) to dispense altogether with the tax upon $67,000,000, the tax levied upon the shareholders of the banks of that State. I do not believe it. I do not believe that State can get along quietly and with ease in that way, taking $67,000,000 out of her list of property liable to State taxation.

The State of New York has a banking capital of $108,668,000. I may say the same of that. A considerable part of that capital is in State stocks; but the great body of it, in point of fact, is now in United States stocks. But that is not the point here. This is not the time to submit all the remarks which might occur to my mind in relation to the attempt by this bill to reduce the banks in these different States to United States banks, because that is an entirely different topic, with which I do not desire to mingle up this question. The mere question here is, whether that amount of money can be sequestered away from State taxation altogether, and not seriously disturb the means of State support. I do not wish to enlarge upon that, because a suggestion of it is certainly quite sufficient to lead the mind to the full contemplation of its consequences. The new States, where they have very little of this banking capital, may be very little disturbed by it; but the older the State and the more their capital, the more they are and must be disturbed.

There is another branch of this subject nearly allied to this which cannot but necessarily, in connection with this subject, occur to mind. It is these taxes, these home taxes, that the people most distinctly understand and realize. You go to a town in New England, and the tax for the support of the poor every man understands and feels. The same is true of the taxes for the support of their schools and for the building of their highways and bridges. These are domestic, municipal affairs; taxes laid under State authority, to be sure; and every man understands and appreciates them. Again, sir, you may go into one of our ordinary-sized towns anywhere, in New York, Pennsylvania, or New England, and there are some few comparatively wealthy men, but not many. By fortuitous circumstances you may occasionally find in each town some man of wealth. The one that I will now mention would be no very unsupposable case. Suppose in a town of some three thousand inhabitants there lives a man of wealth, for us, a man worth, say, $300,000, mostly money invested in bank stocks or some other corporation stock. We pass this law. This man immediately takes his stock in these banks under this bill. He either buys bonds and puts them in or puts in money with which they buy bonds. The town levies a tax for the purpose of repairing the highways or building a bridge. Some of the people pay in money; some turn out and labor on the road. Some one asks, "Now, Mr. Taskmaster, who is on your tax-list for repairing this road and bridge?" "There are such and such men." "Where is Mr. Stiles, our wealthiest man? He is not on your list at all. Does he pay anything for the building of our bridges and roads? Does he contribute anything for the support of town schools?" "No, sir; not at all." "Does he do anything to support the expenses of the government of the State?" "No, sir; not at all." "Is it the law of the land by which the wealthiest man among us is exempt from these contributions which all the rest of us feel and are compelled to pay?" "Yes, sir."

Again, the State of Vermont, for instance, has incurred a debt, heavy for them. We did not owe a dollar when this war commenced. In order to encourage our men to volunteer, we agreed to pay them what we thought was just; to pay every soldier that went from our State seven dollars per month in addition to his pay from the General Government. We paid it and still pay it. We borrowed the money to do it. We have made a State debt. We never had one before. We have to pay the interest on that State debt; but Mr. Stiles does not have to pay any of it. Then the town, in order to fill up its quota of troops, has had to pay men from three hundred to five hundred dollars apiece as bounty to enlist. We had not the money on hand in the town treasury. We borrowed it; we owe that; and we are taxed to make up the payment of the principal and interest of that contribution to raise soldiers. Does Mr. Stiles pay anything toward that? Not at all. Sir, the stockholders of a bank of that kind, who are relieved from all responsibility of contributing with their neighbors generally toward these objects, will become perfectly odious; they cannot live in the community; and the man who can rise above his hatred of the men who will take advantage of such a law as that, and looks at the law itself, will hold the Government that makes it, odious.

Mr. CHANDLER. Mr. President, I never questioned the right and power of the Government to levy this tax, or any other tax, upon these banks; and I do not now question that power. Nor do I question the power of Congress to turn these banks over to State, town, city, and municipal taxation. The position which I took was, that in case this was done it would destroy the bill; that no bank could or would be organized under the bill after the adoption of that amendment.

The Senator from Missouri [Mr. HENDERSON] was perfectly frank last evening in announcing the reasons why he would vote for the amendment of the committee. He told us that he would vote for that amendment because it would destroy the bill. If I understand his argument correctly, the Senator from Vermont occupies the same position; and I suppose he acts from the same reasons that the Senator from Missouri does, because he desires to destroy the bill. I so understood the Senator from Missouri. If I am mistaken I shall be glad to be corrected.

Mr. HENDERSON. I so stated in my argument against the views entertained by the honorable Senator from Michigan. He himself had stated that if the amendment of the committee should be adopted it would defeat the bill. I stated in reply that if such a just amendment would defeat the bill, it ought to be defeated, and I would go for it if it would have that tendency.

Mr. CHANDLER. That is the way I understood the Senator. He opposes the bill.

Mr. HENDERSON. I said the amendment was a just one.

Mr. CHANDLER. I believe the amendment of the Committee on Finance will defeat this bill. I will not go over the argument that I made last night upon that point. It is perfectly well understood.

The Senator from Vermont has brought up the case of the State of Massachusetts with her $67,000,000 of banking capital. The State of Massachusetts protects her banks from municipal, city, and county taxation. The State of Massachusetts places a tax of one per cent. on all the banking capital of that State, and sequestrates it from municipal taxation.

Mr. FESSENDEN. I should like to have the Senator give his authority for that statement.

Mr. CHANDLER. The Senator from Massachusetts [Mr. SUMNER] and likewise two or three other Senators have given me the same information.

Mr. FESSENDEN. Both the Senators are mistaken.

Mr. CHANDLER. The State of Rhode Island does the same thing.

Mr. FESSENDEN. There is not a State in all New England that does it.

Mr. ANTHONY. We tax the capital of the bank, but we also tax the stockholders for their stock. The banks of our State pay a tax on their capital for the franchise; but every stockholder pays on his bank stock, the same as any other personal property.

Mr. SPRAGUE. A tax is paid on the stock as personal property, but not as stock of the bank.

Mr. ANTHONY. A man owning $10,000 in bank stock and $10,000 real estate pays precisely the same tax on each.

Mr. SPRAGUE. He does not pay it as a tax on the stock of the bank.

Mr. CHANDLER. I am informed that my information from Massachusetts is correct; and certainly in Michigan it is the same way. What I wish is some specific tax, some uniform tax. I am not in favor of letting these banks go without taxation. Tax them heavily, but let the tax be uniform. Let it be the same in Wisconsin, in Michigan, in New York, in Massachusetts, and all over the United States; whereas, under this proposition of the Committee on Finance, you would pay in the city of Detroit three or four per cent., and in the town of Pontiac perhaps one half of one per cent. There would be no uniformity in the same State, and in my judgment there is no propriety in the amendment. I believe in all the large cities it would absolutely kill the bill.

The honorable Senator from Wisconsin [Mr. HOWE] says that he has met with no bankers who objected to this method of taxation. I do not know with whom the Senator from Wisconsin has conversed; but there were three bankers in this Chamber yesterday afternoon, every one of whom came to me and told me that my position was perfectly correct; that there was not a single western State in which a bank could exist for thirty days under the amendment of the Committee on Finance. I have yet to meet the first banker, from any part of the United States, who does not say that that amendment will kill the bill; but, as I said before, I do not know who the Senator's informants may have been. If Senators desire to kill the bill they occupy a perfectly correct position; but if they are in favor of the bill, then I say, they are taking the very course to kill it.

Mr. President, this is not a question of banks

or no banks. This is a question of Government or no Government. It is very well known to every Senator on this floor that we must have money to carry on this great Government, or it will go down. The question is not of men, not of war material, but it is a question of money, of Government. The Secretary of the Treasury comes before us and tells us that this bill is necessary to carry on the financial operations of the Government. Shall we give him what he tells us is absolutely essential, or shall we not? The Secretary told me himself last night that my position was perfectly correct; that this amendment would kill the bill. The Comptroller of the Currency tells me the same thing, and my own common sense tells me the same thing. Then shall we kill the bill or shall we not?

The Senator from Maine said last night that he was in favor of the proposition limiting the taxation on the United States bonds to one and a half per cent. in an emergency. Sir, has there ever been a greater emergency than there is to-day in this Government? We are not receiving for the sale of our ten-forties more than half the daily expenditures of the Government. Is it not for the interest of the Government now, to-day, to hold out every inducement possible to bring banks and bankers and men of wealth, the poor and the rich, to take the bonds of the Government? What greater inducement can you hold out than that they shall never be taxed beyond a certain percentage named? You have already given that pledge.

The Senator from Vermont says that a man owning the bank stock does not own the bonds. Suppose five men holding $20,000 apiece should establish a bank of $100,000, each one turning over his $20,000 to the bank. Who owns those $20,000? Strictly and technically, perhaps, they do not; they are the property of the bank; but really they are just as much the property of the individuals as they were before. They can wind up the bank to-morrow or the next day or any other day and take back their bonds, and then they are exempt from taxation.

The Senator from Vermont says that perhaps the people in a township will be called upon to work on the highways, to build school-houses, and to build bridges; and lo and behold! the richest man in the community is not on the tax list. Suppose the richest man in that township owns $100,000 in Government sixes, and no more, would his name appear on the tax-list? Would he be called upon to work on the highways? Certainly not, because he is exempt; he pays one and a half per cent. tax, and no more, and cannot be called upon for any more. We, in an emergency of the Government, to save the Government, ordained, and I believe wisely ordained, that no further tax should be laid on those bonds than one and a half per cent., and those bonds are exempt from town, city, county, and municipal taxation. States do the same thing. States sequester property. Take the State of Michigan, for instance. The government of that State is supported by a special taxation upon banks and railroad corporations and mining corporations and other corporations. The taxes are comparatively nothing; but all those corporations are exempted from municipal taxation. The same hardship exists there that exists here, precisely.

Now, in this great emergency, shall we hesitate to take what is necessary to save the Government? If we cannot raise money without limiting the taxation to one and a half per cent., shall we not do that? If there is any other given thing that is necessary to support this great Government, shall we not do it? Sir, I have not got the "Constitution on the brain." I believe that this great Government has got the power of salvation within it. I believe that it is constitutional to do whatever is requisite to save the Constitution and the Government. Some men who have the "Constitution on the brain" cannot do anything to save the Government. I have not that, thank God.

Mr. JOHNSON. I think that Maryland has some twelve or thirteen million dollars invested in bank stock, and she has a very heavy debt. It was a very heavy debt before the war commenced; but, in common with her sister States, she has since increased it, or rather it will be increased very materially; and to exempt from taxation the whole amount of that $12,000,000 would very much cripple her ability to pay the interest or the principal of that debt. It is true that the capital which she has invested now in bank stock is liable to taxation, because those banks are chartered by the State and can claim no exemption under any law of the United States as they now stand; but it is very certain that the corporators of those institutions will, looking to their own interest, speedily come to this banking system, as proposed by the present bill; and if they do, as I think is almost certain, and if, what is equally certain, a large portion of our moneyed men invest their capital in the same way, a very considerable portion of the wealth of the State will find its way into these banks and be exempt from taxation.

Mr. President, I am as anxious to sustain the Government as any citizen can be, and will sustain it in every possible way in which I think it can be sustained; but at the same time I feel it to be my duty to protect the interest of the States; for, however important the Government of the United States is to the well-being of the whole country, I think it can be demonstrated by the past, and is to be found now demonstrated by the experience of the present, that that prosperity very much depends upon the prosperity of the States which form the Union.

But it is an entirely erroneous view to suppose that by reserving the right to tax these banks to the States, which I understand to be done by the amendment proposed by the Committee on Finance, in common with all the other property which the State may tax, it is in any way to cripple the taxing power of the United States. Nothing can be more clear, I think, than that if the subject of concurrent taxation turns out not to be adequate to do more than meet the tax imposed by the United States, that tax is to be first paid. If it is unequal to the tax which the States may impose, their right to collect that tax is to be exercised only after the United States shall have received from the same object of taxation the whole amount of its own taxation. That arises from the provision of the Constitution, which is there in words, and which would be there independent of express words, that the laws of the United States shall be supreme, and the effect of that provision applies as well to laws of taxation as to any other kinds of laws. It necessarily follows, therefore, that the principle which I have stated is correct, that (to illustrate it by the particular subject under consideration) if these banks cannot do more than answer the taxation imposed by the United States, they will not and cannot be bound, because of their inability to pay, to pay the taxation which the States may impose.

But, sir, I think the great mistake, if this banking system is to operate so advantageously as its friends suppose—and I am not here to deny but that it will have a very beneficial operation—is to suppose that these banks will not be able to meet all the taxation of the State and of the United States. In the first place, if it answers the purpose at all, in a short time there will be no other banking system. The very uniformity which the currency will have will give it such an immense advantage over every other banking system that in the course of time, and of comparatively a very short time, all other banks will have gone out of existence; and if that should be the case, judging by the past, it is very easy to see that the profits of these institutions will be abundantly able to meet all taxation either by the State or by the United States.

The honorable Senator from Michigan talks about his never having the disease which he has so well characterized as "Constitution on the brain." So far from that being a disease, it is what we have sworn to have, if it be a disease at all. We have taken an oath to support the Constitution as it is, to violate it not at all under any circumstances; and I do not understand what the honorable member means by saying for himself that he is exempt from that particular disease. If he is exempt from that disease, he has discharged himself entirely of the obligation which he assumed when he became a member of this body, of supporting the Constitution as it is. If the honorable member means—and he can mean nothing else—that he is for giving a liberal construction to the Constitution for carrying out all its powers as far as it is necessary to do so for the benefit of the country at large, he and I entertain in that respect the same opinion; and if, by the Constitution as it is, looking to its history and looking to its words, it be clear, as I submit it is in my judgment, that every species of property was supposed to be left to State taxation as well as to the taxation of the United States, with the single exception of the particular taxation referred to by the honorable member from Vermont, then he who takes from the States the right to tax what the Constitution leaves them the right to tax, wars against the Constitution, sins against it.

But there is another consideration, Mr. President, which weighs with me even if the power existed, if I concurred with the Senator from Michigan; and it is this, that at all times, and more especially at this period, it is all-important that the Government of the United States should receive the cordial support of the people of the States. If it becomes unpopular with the States, or to speak more accurately, with the people of the States, its power for usefulness is at an end; a result ruinous almost at any time, but at this time fatally ruinous. This war is not at an end; and how long it is to continue no one can tell. What sacrifices it is to cost is in the womb of time. What may be the increased magnitude of the debt, no one knows. Those sacrifices and that debt are only to be successfully met by there being as between the loyal States and the Government of the United States perfect accord and concord. If, therefore, I thought that it was right under the Constitution, or rather that the power existed, to exempt this species of property from taxation, I would not do it at this time, first, because I do not deem it necessary to answer the purpose of the bill; and secondly, because I think if it was calculated to accomplish the purpose of the bill or to assist in the accomplishment of the purpose of the bill, it would be impolitic to attempt it at this time, because to do so would leave us, I should fear, without the support of the States.

I heard it said, Mr. President, "Pass the bill, exempt these banks from taxation, and the Government may be carried on, and all the expenses, present and prospective, met by a tax upon these banks." Suppose that is so, is there no other Government to be carried on except the Government of the United States? Are not the State governments to be also carried on? Is not the credit of the State governments to be preserved, the reputation of their debt to be unitarnished? What will be the effect if you should strike down all the State stocks, and the amount is enormous? Reduce in public estimation the value of the States' indebtedness, what would be the effect upon the credit of the General Government? Resume specie, the war over on the part of the United States, and the States bankrupt, and how should we stand before the world? In former days, owing to disasters much less than those which are upon us now, to circumstances less stringent, many of the States failed to pay their debt, and they were met with the opprobrium of Europe, and we felt the opprobrium for ourselves; but terminate the war to-morrow, although they may be satisfied that the United States can protect themselves by this taxation, and the States bankrupt, our reputation will be gone, and the power of the Union, as I think for good, be at an end. I shall, therefore, vote against the amendment proposed by the honorable member from Kansas, because it exempts such portion of the capital of these banks as may be invested in bonds, and then vote, provided that is rejected, for the amendment proposed by the Committee on Finance.

Mr. CHANDLER. Mr. President, of course I meant to extend liberality in the interpretation of the Constitution; I do not propose to violate it; but the Senator from Maryland says that this property is to be exempted from taxation by the amendment of the Senator from Kansas. It is already exempt from taxation; every dollar of it is already exempt by positive law. What difference does it make whether a man holds $100,000 of bonds in his own pocket, or goes and deposits it in the vaults of a bank? It is one and the same thing. I believe that Congress may under the Constitution absolutely prohibit the circulation of any bank paper whatever, if it sees fit, under its power "to coin money and regulate the value thereof." I believe Congress has power to prohibit the circulation of bank notes if it sees fit, or to tax them to such an extent that they must go out of existence; and in case the necessity should arise, I would be ready to vote for that

very measure. In case we could not run the Government without taking possession of the vacuum which would be created by the withdrawal of all paper except the paper of the Government, I would vote for that, and believe I was not straining the Constitution in the slightest degree. I know that the right to issue paper by the State banks has been admitted from the foundation of the Government; but I should like to have any Senator point out the constitutional right of a State to create banks to make or circulate money. I believe the whole matter is entirely within the power of Congress under the Constitution.

Mr. SUMNER. Mr. President, this question seems to me very simple. The country at this moment is engaged in a deadly struggle to establish itself as a nation. It has gone forth to meet a rebellion organized in the name of State rights. In preparing ourselves for this unparalleled contest we have been compelled to look about in every direction, to increase our Army, to increase our Navy, and to increase our financial resources; but at every stage we have been encountered by objections in the name of State rights. No single proposition has been brought forward on this floor, having for its object the salvation of the Republic, by infusing into it new energy and new vitality, which has not been encountered in the name of State rights. And now, sir, while considering how to secure the financial stability of the Republic, we are doomed again to encounter the oft-repeated objection. The rebellion began in State rights, and all the opposition to those measures which have been conceived in order to crush it has been made in the name of State rights. It is hard that we should be obliged to meet State rights not only on the battle-field, but also in this Chamber.

The Senator from Vermont complained that it was proposed to sequester so large an amount of property from State taxation. The sum total of property that would be thus sequestered is $300,000,000; but has the Senator considered how much is sequestered by other agencies of this Government at this moment in order to save this Republic? There is the Army with all the material of war; there is the Navy with all the material of the Navy—all sequestered. Who complains that this vast material, now counted far beyond $300,000,000, is sequestered from State taxation? Does any Senator rise here, in the name of State rights, to claim that the enlarged Navy of the Republic as it floats into one of our northern ports shall be brought within the sphere of local taxation, whether State or municipal? Does any Senator rise here to say that all the vast material of war, ammunition, cannon, and the like, which may for the time being be deposited in any particular locality, shall fall within the sphere of State or municipal taxation? Or does any Senator rise to insist that the public securities shall be left exposed to State taxation? No Senator has risen to make any such complaint. But the complaint is reserved for the present occasion, when it is proposed to create a new agency for the currency of the country.

I know not how the exemption can be sanctioned in one case and not in the other. The same reason which is applicable to one is applicable to the other. It is said that the Army and Navy are for war, and naturally share exemptions incident to war and its preparations. But it would be difficult to say that, at this moment, what you do for the finances is not essentially a war measure, entitled to all the consideration accorded to such measures in a moment of war. What are your Army and Navy without a Treasury? Milton, in one of his sublimest sonnets, has aptly pictured that statesmanship which was able

> ——"to advise how War may, best upheld,
> Move by her two main nerves, iron and gold,
> In all her equipage."

Here in these few words the whole story is told. All who hear them will confess their force.

Now, sir, no Senator proposes to complain because we protect the nerve of iron; but the Senator from Vermont comes forward to register his complaints because we do propose to protect the much more delicate nerve of gold. What is worth doing is worth well doing, and if it be worth while to organize the finances of this Republic by the proposed banking system, it is worth while to do it well; and can you do it well if at the very moment of its organization you leave its most delicate nerves exposed to hostile influences?

But the precedent for this exemption is complete. Already you have exempted the public stocks and securities from all local taxation. Pray, sir, tell me what policy justifies this exemption which is not equally strong to justify the exemption of shares in the national banks. Clearly, it was in order to commend your national stocks that you established the exemption; and for the same reason I ask you now to establish this other exemption. It is strange that the vast sequestration of the national stocks from State taxation should have been made with so little question, when now Senators question so pertinaciously this smaller sequestration. If it was proper in one case it is in the other. If it was necessary in one case it is in the other.

If you allow the State to interfere with the proposed system by taxation in any way, may they not embarrass it? Where shall they stop? Where will you run a line? Unquestionably, according to the Supreme Court, they cannot tax the bank directly. This would be unconstitutional. But it is said that they may tax the shares. Now I raise no constitutional question. It may be that a tax on shares is constitutional. But I do not propose to consider it on this ground. I am now arguing against the policy of allowing any such tax. It is a question of expediency which I raise, for the sake of the system we are about to establish. But here the rule seems clear. Every consideration which can be urged against taxing the bank directly may be urged against taxing the shares. If it be bad policy in one case, it must be bad policy in the other.

I suppose there is no judgment of our Supreme Court which has been more admired than that in the case of McCulloch *vs.* The State of Maryland. It was pronounced by Chief Justice Marshall, and is as good a specimen of that "pure reason" which belonged to this magistrate as any that can be named. In the course of this elaborate judgment all these topics were considered which enter so peculiarly into this debate. It was there insisted that the tax was unconstitutional. But the words of the Chief Justice seem almost intended for the present occasion. His object from beginning to end was to keep the bank safe from the hostile acts of the States. It was a great effort to uphold a national institution against State rights. It was, permit me to say, an answer in advance to the Senator from Vermont. I do not like to trouble the Senate, but there are passages so pertinent that I will read them. Here, for instance, the Chief Justice considers the ground of exemption:

"There is no express provision for the case; but the claim has been sustained on a principle which so entirely pervades the Constitution, is so interwixed with the materials which compose it, so interwoven with its web, so blended with its texture, as to be incapable of being separated from it without rending it into shreds. This great principle is that the Constitution and the laws made in pursuance thereof are supreme; that they control the constitution and laws of the respective States, and cannot be controlled by them. From this, which may be almost termed an axiom, other propositions are deduced as corollaries, on the truth or error of which, and on their application to this case, the cause has been supposed to depend. These are:

"1. That a power to create implies a power to preserve."

Mark the application of these words to this very debate: "a power to create implies a power to preserve." Sir, if you can create this new banking system you can take all needful steps to preserve it and give to it the fullest efficiency. It is difficult to say how much is involved in this proposition.

The Chief Justice then goes on:

"2. That a power to destroy, if wielded by a different hand, is hostile to and incompatible with the powers to create and to preserve."

There again you have the judgment of the Chief Justice on the question now under debate. Nothing could be more applicable.

"3. That where this repugnancy exists, that authority which is supreme must control, not yield to that over which it is supreme."

In another place the Chief Justice goes on to say:

"The power of Congress to create, and of course to continue, the bank, was the subject of the preceding part of this opinion, and is no longer to be considered as questionable. *That the power of taxing it by the States may be exercised so as to destroy it, is too obvious to be denied.*" * * * * * "But the very terms of this argument admit that the sovereignty of the State in the article of taxation itself is subordinate to and may be controlled by the Constitution of the United States. How far it has been controlled by that instrument must be a question of construction. In making this construction no principle not declared can be admissible which would defeat the legitimate operations of a supreme Government. *It is of the very essence of supremacy to remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments as to exempt its own operations from their own influence.*"

Mark, if you please, the complete applicability of this language, "it is of the very essence of supremacy to remove all obstacles to its action within its own sphere." It is proposed to select as our sphere the currency of the country, and according to these positive words it is within the power of Congress to remove from this sphere all possible obstacles.

Again the Chief Justice, in another part of his opinion, says:

"The means employed by the Government of the Union" * * * * "are not given by the people of a particular State; not given by the constituents of the Legislature which claims the right to tax them; but by the people of all the States. *They are given by all, for the benefit of all; and upon theory should be subjected to that Government only which belong to all.*"

Clearly, the bank must not be subjected to any local government, State or municipal; it must be kept absolutely and exclusively under that Government from which it derives its functions.

Again, in another place—I skip much that he says, though every word is applicable—the Chief Justice says:

"All subjects over which the sovereign power of a State extends are objects of taxation; but those over which it does not extend are upon the soundest principles exempt from taxation. This proposition may almost be pronounced self-evident. The sovereignty of a State extends to everything which exists by its own authority, or is introduced by its permission; *but does it extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States? We think it demonstrable that it does not.*"

According to the Chief Justice, the power of a State does not extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States. But this is a rule of expediency in the present case, if not of constitutional law. You are about to legislate in pursuance of powers conferred on Congress by the people. How can you consent to allow the means employed in carrying out these great powers to be limited, curtailed, or burdened by any local legislation?

The Chief Justice proceeds:

"Those powers are not given by the people of a single State. They are given by the people of the United States to a Government whose laws made in pursuance of the Constitution are declared to be supreme. Consequently, the people of a single State cannot confer a sovereignty which will extend over them."

But if the people cannot confer such sovereignty, it is for a reason that is equally valid against any concession of it on our part.

Then, again, the Chief Justice, after arguing the question further, says:

"We have a principle which is safe for the States and safe for the Union. *We are relieved, as we ought to be, from clashing sovereignties, from interfering powers;* from a repugnancy between a right in one Government to pull down what there is an acknowledged right in another to build up; from the incompatibility of a right in one Government to destroy what there is a right in another to preserve."

Here is what we ought to avoid in the present case, "clashing sovereignties;" "interfering powers." It would seem as if this judicial warning was intended for our benefit.

Then, still further, the Chief Justice says:

"*That the power to tax involves the power to destroy; that the power to destroy may defeat and render useless the power to create;* that there is a plain repugnance in conferring on one Government a power to control the constitutional measures of another, which other, with respect to those very measures, is declared to be supreme over that which exerts the control, are propositions not to be denied. But all inconsistencies are to be reconciled by the magic of the word *confidence*. Taxation, it is said, does not necessarily and unavoidably destroy. To carry it to the excess of destruction would be an abuse, to presume which would banish that confidence which is essential to all government. But is this a case of confidence? *Would the people of any one State trust those of another with a power to control the most insignificant operations of their State government? We know they would not.*"

And yet we are asked to trust the national banks so far as their stock is held by shareholders to the tender mercies of State governments if not of every municipality.

Then, again, at a later part of the opinion, the Chief Justice says:

"If the States may tax *one instrument employed by the Government in the execution of its powers* they may tax any and every other instrument. They may tax the mail; they

may tax the mint; they may tax patent rights; they may tax the papers of the custom-house; they may tax judicial process; *they may tax all the means employed by the Government* to an excess which would defeat all the ends of Government. This was not intended by the American people. *They did not design to make their Government dependent on the States.*"

What a golden truth! How we are suffering at this moment because thus far in our history we have not followed that simple principle. "They did not design to make their Government dependent on the States;" and now at this late day we are compelled to argue again this principle against eminent Senators who propose to make the national banks dependent on the States. It may be said that the proposed dependence is small. I am not sure of this. It is enough that it is a dependence. Whether great or small it ought not to be sanctioned.

"Gentlemen say"—

The Chief Justice continues—

"they do not claim the right to extend State taxation to these objects. *They limit their pretensions to property.* But on what principle is this distinction made? Those who make it have furnished no reason for it, and the principle for which they contend denies it."

But these very arguments have been adduced in this debate, and such is the answer of the Chief Justice. He then, at another place, goes on as follows:

"The question is, in truth, a question of supremacy; *and if the right of the States to tax the means employed by the General Government be conceded*, the declaration that the Constitution and the laws made in pursuance thereof shall be the supreme law of the land is empty and unmeaning declamation."

There, sir, you have it again. Since the Constitution and the laws made in pursuance thereof are supreme, no State can constitutionally intermeddle with the means employed by the national Government. But every argument against the possession of the power under the Constitution is an argument against the concession of the power. We are now pressed to concede what this great authority says a State ought not to have.

Again, in another place, the Chief Justice says:

"But when a State taxes the operations of the Government of the United States"—

Mark, if you please, the vigor of the expression! How worthy of that great Chief Justice!

"But when a State taxes the *operations of the Government of the United States*, it acts upon institutions created not by their own constituents but by people over whom they claim no control. *It acts upon the measures of a Government* created by others as well as themselves, for the benefit of others in common with themselves. The difference is that which always exists and always must exist between the action of the whole on a part and the action of a part on the whole; between the laws of a Government declared to be supreme and those of a government which, when in opposition to those laws, is not supreme."

And the conclusion of this great judgment is as follows:

"The court has bestowed on the subject its most deliberate consideration. The result is a conviction *that the States have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government.* This is, we think, the unavoidable consequence of that supremacy which the Constitution has declared. We are unanimously of opinion that the law passed by the Legislature of Maryland, imposing a tax on the Bank of the United States, is unconstitutional and void."

Now, sir, every consideration, every argument which goes to sustain this great judgment, may be employed against the proposed concession to the States of the power to tax this national institution in any particular, whether directly or indirectly. The reason of the judgment is as strong against an indirect tax as against a direct tax.

Sir, this is not all. I need not remind the Senate that there are other judgments of the Supreme Court in which this same principle is developed, perhaps not with equal ability, but with perfect tenacity to the original conclusion. In another case the question was raised whether a State had a constitutional authority to tax stock issued for loans to the United States. Of course it was held by the Supreme Court that it had no such power.

In the opinion of the court which was again pronounced by Chief Justice Marshall, the original judgment in McCulloch *vs.* The State of Maryland was expressly affirmed, some of its important principles were quoted, and then the Chief Justice went on to say:

"It is admitted by the counsel for the defendants *that the power to tax stock must affect the terms on which loans will be made.*"

But here let me ask, must not the power to tax bank shares affect their value in the market? Clearly just as much as the power to tax stock. There can be no difference in principle between the two cases. And yet we are now urged to allow the States to tax bank shares, although by positive legislation we have prohibited them from taxing stock. It is difficult to comprehend how Senators could so easily allow the exemption in one case and refuse it in the other.

The Chief Justice proceeds:

"But this objection, it is said, has no more weight, when urged against the application of an acknowledged power to Government stock, than if urged against its application to lands sold by the United States."

Mr. JOHNSON. Will the honorable member tell me what case he is now citing from?

Mr. SUMNER. Weston *vs.* The city of Charleston, in 2 Peters.

"The distinction is, we think, apparent. When lands are sold, no connection remains between the purchaser and the Government. The lands purchased become a part of the mass of property in the country, with no implied exemption from common burdens. All lands are derived from the general or particular Government, and all lands are subject to taxation. Lands sold are in the condition of money borrowed and repaid. Its liability to taxation, in any form it may then assume, is not questioned. The connection between the borrower and the lender is dissolved. It is no burden on loans, it is no impediment to the power of borrowing, that the money when repaid loses its exemption from taxation. *But a tax upon debts due from the Government stands, we think, on very different principles from a tax on lands which the Government has sold.*"

The learned commentator on the Constitution, Mr. Justice Story, after copious extracts from these judgments, gives his own summary as follows—I quote from 1 Story on the Constitution, section ten hundred and fifty-three:

"It is observable that these decisions turn upon the point that no State can have authority *to tax an instrument of the United States, or thereby to diminish the means of the United States used in the exercise of powers confided to it.*"

Sir, I need nothing further than this principle, if Senators would only bear it in mind and follow it to its natural conclusion. "These decisions," says the commentator, "turn upon the point that no State can have authority to tax an instrument of the United States, or thereby to diminish the means of the United States used in the exercise of powers confided to it."

Now, sir, we are proposing to create a vast system of national banks, an immense instrument for national credit. Is it not an instrument? Is it not as much an instrument as your navy-yard, or your arsenal, or your mint? Nor does it yield in importance to either of these. Where will be your navy-yard, your arsenal, or your mint if the credit of this country is allowed to fail? It is an instrument in the public service, and an instrument of the highest and most delicate character; and yet Senators gravely propose on this floor to allow States to interfere by local taxation to impede and clog its operations; at a moment, too, when by the confession of all it is essential that our finances should be strengthened in every possible way.

Why, sir, the very measure under consideration seeks to create a new currency by a system of national banks which shall supersede the existing State banks as agents of currency. Of course the new system must begin in rivalry with the State banks, which in many cases will be hostile. This is no inconsiderable impediment. But this impediment will be increased if the national banks shall be exposed to local taxation. It is an untried experiment upon which you are about to enter. On every account the experiment should be made under the most favorable circumstances—precisely as when we have put stock in the market. The national banks should be commended in every possible way. But instead, it is proposed to fasten upon them a liability which, if it do not compel the people to avoid them, will at least keep them in rivalry with the State banks, so that the new system cannot become truly effective. It seems to me that there is but one practical course for all who are sincerely in favor of the proposed system. Naturally, all who are against it will favor any limitation or burden which can impair its efficiency. But all who are for the system, and wish to see it doing all the good it can at this moment, will take care that it is not compelled to carry weight. The whole case may be briefly summed up. Are you in earnest to place the national credit on a sure foundation? Are you in earnest for the national banks as a proper agency to this end? If you are in earnest for these two objects, then I entreat you not to allow them to be sacrificed in subserviency to State rights.

Mr. FESSENDEN. Mr. President, the Senator from Massachusetts gave us yesterday two points which he called points of argument. To-day he has given us a running commentary upon a decision of the Supreme Court of the United States, with which those of us who are lawyers might be supposed to be tolerably familiar, in connection with a little poetry. I am very glad that this dry subject of finance can occasionally be softened and illuminated by an admixture of that which makes it a little more interesting. I think that his argument to-day, even that part of it which has been drawn from the opinion of the Supreme Court, delivered by Chief Justice Marshall, is all of it poetical in this, that the Senator draws upon his imagination for the application of what he has read to the question under debate, because in my judgment it has no earthly application as a matter of law to the question now before us. Of that, however, I will speak by and by. I wish to allude first to the points which he started yesterday.

He began by saying that the proposition of the Senator from Michigan was patriotic and therefore right. Whether he meant to insinuate that all of us who supported the opposite opinion were unpatriotic and therefore wrong, I do not know, but such would seem to be the natural inference from what he said.

Mr. SUMNER. I think I said that it was patriotic, and therefore practical.

Mr. FESSENDEN. That, I suppose, would be precisely the same thing. I should suppose that the opposing idea would be inferred; the natural converse of it, as he put it, was that all of us who supported the contrary opinion were unpractical, and therefore unpatriotic. That is a question that remains to be settled. Whether this proposition is patriotic or not must depend upon its wisdom. I will venture to say to the Senator that in relation to these matters of legislation that which is unwise can never be patriotic, because it can never be the part of patriotism to do that which is unwise in reference to the interests of the Republic; and that question of the wisdom of leaving this matter within the power of the States, so far as this amendment proposes to leave it, is precisely the question which we are called upon to settle; how far is it wise to do so, and how far is it unwise to do so? That is the matter now under discussion, and I hardly agree to the style of argument assumed by the Senator from Massachusetts in beginning with the assertion that what we propose to do is unwise and wrong, taking that for granted, and not endeavoring to prove it, and then going on to argue that because it is unwise and wrong, therefore we are all out of the way in the course we are pursuing. If he is right in his first proposition, I grant him that all the rest follows; but that, with due submission to him, is precisely the question we are called upon to settle. I have the misfortune to differ from the honorable Senator on that point; so has my honorable friend from Vermont; so has the honorable Senator from Maryland; so have other Senators on this floor, if I may judge from what has been said to me; and it is not to be assumed that all of us are unpractical, and that we must sit at the feet of the honorable Senator from Massachusetts to learn what is practical in matters of legislation, especially in matters relating to finance.

Now, sir, take the other point of the Senator's argument; there were two in it yesterday: the second was that an exemption from State taxation is necessary to place these banks on an equal footing, inasmuch as they must be established in different States. Will they not be unequal necessarily, from the very fact that they are located in different States? Every bank which is located in a city must be governed in its operations by the circumstances of the community by which it is surrounded. It must operate according to those circumstances. They may be more favorable or less favorable for banking operations. You cannot make them equal unless you place them under the same circumstances, in the same place, and in the same community. For instance, a bank located in the city of New York and a bank located in the city of Detroit would not operate precisely under the same circumstances, or with the same

advantages or disadvantages; there would be a difference necessarily, arising from the different nature of the business which they are called upon to do. Giving the particular States where they are situated a right to levy a tax on them would no more make them unequal than they would be unequal before in their interest, in their business, in anything with which they are concerned. This idea of making everything uniform, making a sort of Procrustean bed for everything that is done by the United States Government, and declaring that everything under it must be of the same length, is perfectly preposterous. I know it is a fanciful idea of the Secretary of the Treasury—I say "fanciful" with no disrespect for him, for everybody knows that there is no man whom I respect more—and with the Comptroller of the Currency. They have dominated, to use a common expression, with their prevailing idea in regard to these two systems; and although I would take their views upon the subject-matter generally connected with it, yet upon particular details, with all the feeling they have upon the subject and the state of opinion generated by dreaming over it for months, I think they are hardly the men to whom I would go for my opinion as to its operation on the people abroad, and especially in the community where I reside. I choose to judge for myself; and on that subject, allowing for the difference of capacity that exists between us and their superiority to myself in that respect generally, I am as good as they are, and even better. I do not care, therefore, to have their authority quoted to me as conclusive on a question of this kind.

I have already alluded to the main points of the Senator's argument yesterday. What has he been arguing to-day? Simply this, and no more, that if the United States Government undertake to pass an act establishing an agency, that agency cannot be taxed out of existence by the States; and he has read, what is perfectly familiar to all of us, pages of the general principles laid down by Chief Justice Marshall in his opinion, which no man disputes, about which there never was a dispute, which we all admit to be true, and he endeavors to apply that as an argument to a case where Congress itself says that the particular power may be exerted. The argument of the Senator is that because the Supreme Court of the United States have decided that a State government cannot interfere and overturn one of the agencies of the General Government, *ergo*, the United States Government cannot consent to any such thing. His argument was that, or else it was wholly thrown away, because the question here is, what shall the Government assent to?

Mr. SUMNER. My argument was, on the reasoning here, that they ought not to consent.

Mr. FESSENDEN. Not at all, for that question is not discussed whether they ought to consent or not. On the contrary, what did the Chief Justice say in this very opinion with regard to this very proposition that is now under debate, and why did the Senator slide over it?

"This opinion does not deprive the States of any resources which they originally possessed. It does not extend to a tax paid by the real property of the bank in common with the other real property within the State, nor to a tax imposed on the interest which the citizens of Maryland may hold in this institution in common with other property of the same description throughout the State. But this"—

The particular tax before the court—

"is a tax on the operations of the bank, and is consequently a tax on the operation of an instrument employed by the Government of the Union to carry its powers into execution. Such a tax must be unconstitutional."

Mr. SUMNER. And my argument was that the tax you now propose to allow the States to impose was a tax on the operations of this instrument.

Mr. FESSENDEN. But Chief Justice Marshall says in so many words that it is not a tax on the operations, and I am willing to take the opinion of that eminent Chief Justice, which the honorable Senator from Massachusetts read, against even as high authority as that of the Senator himself on a question of law. This is not a tax on the operations of the bank, and so the Chief Justice expressly said. His decision left to the State of Maryland the power to tax the real estate of the bank; it left to that State the power to tax the shares in the bank owned by individuals in that State, because that was not a tax on the operations of the bank, but the tax laid by the State of Maryland in the case before the court was a tax on the operations of the bank, and therefore it was unconstitutional. Why did not the Senator read that?

The Senator illustrates, and let us take his illustrations. He asks, why not tax a navy-yard? Do the citizens of a State own the navy-yard? He asks, why not tax an arsenal? Do the citizens of a State hold stock in an arsenal? Have they put in their money and built it? Is it divided into shares, and owned by them, and do they derive a revenue from it? What similarity is there in the cases? He asks, why not tax the Navy of the United States? Is that held in joint stock, divided among the people of a State? So of anything else which the Senator has cited as an illustration of his argument on this subject. If it was, it would present precisely this question. Here is a case where not a dollar of this property is owned by the Government of the United States, not a sixpence of it in any shape or form; it is all the property of the citizens of the States, owned in joint stock, their money put into it. Is it so with a navy-yard? Is it so with an arsenal? Is it so with the Navy? Is it so with anything that the honorable Senator has cited? What similarity between the cases? The Senator has not only raised a shadow to frighten us with, put up a man of straw to be knocked down, read familiar principles which we all knew, but which are not applicable, but he has made illustrations from things which have no similarity to the case in hand—not the slightest in the world.

I have disposed, therefore, in my own judgment, so far as my own opinion is concerned, of the effect of the Senator's argument upon me—for I go no further than that—of all he has chosen to adduce, and especially that which is founded on the particular decision which he read. The question there was whether a State could impose a tax upon the operations of an instrumentality made by this Government for its own purposes. That is the first distinction between the cases. There is another distinction. Here we propose, we who pass the act, the authority of the Government which makes the instrumentality, propose to say that to a certain exercise of power on the part of the States we assent; and therefore all the argument adduced from this decision had not the slightest applicability in the world. But when we come to the question of expediency, the question of propriety, the question of what is wise in reference to this matter, the honorable Senator and myself may differ, and we do differ. If I differ from him, I have the honor of differing in very good company, I think.

The honorable Senator from Vermont did not argue that this provision was unconstitutional; and yet the Senator from Massachusetts has labored to show that, in spite of the argument of the honorable Senator from Vermont, the constitutional power exists on the part of the Government to make its instrumentality and to prohibit the States from exercising any taxing power over it. Such was not the argument of the honorable Senator from Vermont, as I understood it; but he can speak for himself. There may be no question about the consititutional power. No constitutional question has been raised. Nobody that I know of has been troubled with "Constitution on the brain" in reference to this matter. It is a pure question of expediency, what is wise, what is just, in reference to this thing. It was well said by the honorable Senator from Vermont that we are not borrowing money. If we were borrowing money, we might borrow it upon such conditions as we chose to impose.

The honorable Senator from Michigan undertook to tell us that we had limited ourselves to one and a half per cent. as a tax upon the bonds that we have put out. The original act provided that no tax should be laid by the States upon our bonds. When we came to frame the internal revenue bill, two years ago, we provided that a tax of one and a half per cent. might be laid upon these bonds. I do not imagine that that formed a contract. It may be that I am wrong; but, in my judgment, if we chose to-day to put in an internal revenue bill three per cent. or five per cent. tax on our bonds we might do it. That is no part of the contract by which we loaned the money; but we chose to put one and a half per cent. in the bill at that time as the proper tax. How far we might be bound in good faith toward those who have purchased since that time may be another question; but I see no difficulty in the way of the exercise of that power if we choose to exercise it.

Then the question returns precisely to where it was as stated by the honorable Senator from Vermont, and as was intimated yesterday by myself in debate: what is just in regard to the States themselves? About that there would seem to be no dispute. And let me say to the Senator from Massachusetts that when he talks about the effect of this provision, that to allow the States to impose this tax is giving them the power to tax the instrument itself out of existence, he errs, because by the very provision we have made they are limited in their power of taxation; they can tax this property only as all other property is taxed. When we attempt to say that the States may have this power of taxation, we say just how far they shall go and no further. This being the paramount law, will control them, and they cannot go an inch beyond it; they are bound by the provision that we make; and the Senator would be puzzled, in my judgment, (unless he can show that the tax which each State must impose would necessarily do it,) to show that it is to operate so as to tax the instrument out of existence. That was not the argument in McCulloch *vs.* The State of Maryland. It was that a tax on the operations of the machine would be giving a power to destroy the machine. At any rate, that was the argument, as I understand it.

Then, sir, after all it comes back to the simple question of expediency, and there it must rest; it is a mere matter of money. Shall the Government of the United States be permitted to do what they did not attempt to do when they established the Bank of the United States, to deprive the people of the States of the right and the power to make their citizens pay a tax upon their own property which they held in these institutions; or shall the income, the revenue to be derived from that source, belong entirely to the United States, and the States have no part in it?

If the Senator reads this bill he will perceive that all the power of taxation upon the operations of the bank itself, all upon the circulation, all upon the deposits, all upon everything which can properly be made by a tax is reserved to the General Government; that the States cannot touch it in any possible form; that they are limited and controlled; the simple right is given them to say that the property which their own citizens have invested in it shall contribute to State taxation precisely as other property. If the operations of this banking system are to be so very favorable; if it is what its inventors and its friends suppose it must be, that which is to take the place of everything else of that description in the country, that which is to control the currency of the country, to make a new one, and if the $300,000,000 thus invested are to be exclusive and to crowd out everything and everybody but the Government of the United States, I ask you what is to be the power that they will exert with reference to making money, and what is to be their ability for taxation?

Gentlemen argue as if this was a mere matter to last during the war, for a year or two, more or less. Is it so? Does not the Secretary of the Treasury dream and does he not believe that it is to extend through all time; that it is to be a most remarkable success in its operations, and commend itself to the confidence of the country, give us a new and improved and a perfect currency, and be established in the affections and good opinions of the people? If so, it is to be a matter for peace, for a long series of years; and what is to be the case when peace comes? This power of doing all the money business of the country is to be vested in the favored few who happen to own this stock or to get possession of it, and it is to be immensely profitable; and yet the property which composes it, owned by the citizens of the States, is to be taken entirely out of the hands and the power of the States for any beneficial purpose whatever to the States. That is what I believe will not commend it to the people of the States; and after all it must rest in their good opinion.

Sir, I cannot close without saying one word on the subject of State rights. We who advocate this measure have been assailed—perhaps that is too strong a word; there was no intention to as-

sail us, perhaps, but I do not know of any other word that would sufficiently express the idea—assailed as if we were preaching up the doctrine of State rights, following the lead of the resolutions of 1798 and of the rebellion and of everything else that has set up State rights against the rights of the General Government.

Sir, are we open to that reproach? If we are, all I have to say is that I am a believer in the States as institutions, and I should like to ask the Senate if those institutions cease to exist what becomes of the United States? If they are overthrown, prostrated by the legislation of the Government, where is the General Government itself? Has it come to this pass, that we cannot argue here at all upon the interests of the States of which we Senators are the representatives peculiarly? Shall we say nothing here about what the interests and power and well-being of those States require in connection with our subjects of legislation? Shall we say nothing of what rights they may have under the Constitution, for fear of traveling over ground that others have traveled before us to the injury of the General Government and of the Union? Why, sir, I have no such apprehension. For one, I believe that the States are as important as the Union in one sense, and that is that they are important to the Union, and that if they are weak and embarrassed and labor under difficulties, the Union must be weak and embarrassed and labor under difficulties also; but when you build up and support them and protect them in the exercise of their rights and the increase of their good, you in the best possible way protect the Union itself and advance its glory and its power, and this is what I have to say in answer to all that may be intimated with regard to raising the question of State rights.

Mr. SUMNER. Mr. President, the Senator from Maine was himself from beginning to end; himself in the personalities with which he commenced; himself in the ability of his argument; himself in the patriotic purpose with which he closed. Sir, I shall not, as I have already on another occasion said, follow him in that which he has which is so little worthy of being followed. I leave behind his personalities; I begin with his argument.

Mr. FESSENDEN. While the Senator is about that, because that is a common thing with him, he always begins to whine, let me ask him to state what I said that was personal, and not talk generally about it. What personalities have I been guilty of?

Mr. SUMNER. The Senator began his speech with personalities.

Mr. FESSENDEN. What? I ask the Senator to state what language I used that can be called personal, and not indulge in a general declamation about it. I deny the fact and I defy him to show it.

Mr. SUMNER. The report will show what the Senator said.

Mr. FESSENDEN. Very well, I trust to the report. The Senator cannot do it, and he knows he cannot. This is a common thing with him.

Mr. SUMNER. Very well, sir; the Senator is personal again.

Mr. FESSENDEN. To be sure I am now; I admit that.

Mr. SUMNER. He is now as he was at the beginning and ever will be.

Mr. FESSENDEN. I trust so, so far as the Senator from Massachusetts is concerned.

Mr. SUMNER. I said, sir, when the Senator interrupted me, that I would go to his argument. He began by replying to what I said last evening. It may be remembered that I said then that the remarks of the Senator from Michigan, if not practical, were at least patriotic, and that at this moment, in this crisis of the Republic, what was patriotic seemed to me to be practical. The Senator from Maine makes that simple remark an occasion of criticism. Very well; I pass from that.

The Senator then undertook to reply to the further position that I had taken, that a sanction of taxation by States and by municipalities in this bill would cause differences in the operation of the system in different parts of the country, and would prevent its having that uniformity in its working which I thought we ought to seek to establish. And the Senator's reply was that we could not have uniformity, because the banks would naturally be under different conditions, in different parts of the country, as, for instance, in Boston and in Chicago. Sir, those are natural differences, which I admit legislation may not overcome; but for that very reason we should forbear to plant additional differences in our very bill. The Senator seeks to thrust into the bill which is to create this very system a source of difference in its operation in different parts of the country. The case is too plain for argument. A simple statement is enough.

I need not remind the Senate that the system of taxation differs in different States, and then again in different counties and different municipalities of the same State, so that this institution may be, according to the rule of the Senator, under a different taxation in one State from what it is in another State; and then again it may be under different taxation in different parts of the same State; and that is my answer to the criticism of the Senator when I complained of the proposition which he now supports as planting a difference and a discord in the operations of the bill.

The Senator then proceeded to reply to what I have said to-day, and he began with an allusion to my remarks in reply to the Senator from Vermont with regard to the sequestration of property from State taxation. The Senator from Vermont, if I understood him, had objected to this bill as proposing to sequester a large amount of property from State taxation.

Mr. COLLAMER. I said that would be its effect without this amendment.

Mr. SUMNER. The Senator complained of the operation of the bill without the proposed amendment as sequestering a large amount of property from State taxation. That was the complaint; nor more nor less. How did I answer it? After stating that the amount of property that it was proposed to sequester—I adopt the language of the Senator from Vermont—was $300,000,000, I then inquired, are we not every day sequestering an equal amount for military and naval purposes? Who can estimate, sir, the amount of military material that is now sequestered from State taxation? The Senator has never complained that this vast property, while it is on local deposit or in local custody, is not subject to State or municipal taxation. I have never heard the complaint. Who can estimate the amount of property that we are constantly sequestering for the naval service of the country?

Mr. COLLAMER. Will the gentleman indulge me in a word on that point?

Mr. SUMNER. Certainly.

Mr. COLLAMER. There is no sequestration in the United States, taking property for military or naval purposes and using it; but the sequestration of which I complain is the setting apart of the funds belonging to individuals in the States for exclusive taxation by this Government and exempting it from State taxation.

Mr. SUMNER. Now the Senator introduces an additional element. It is the sequestering certain property belonging to individuals from State taxation, and reserving it to national taxation. The Senator is unwilling to see this fund taken away from the States, or sequestered, so that it cannot be reached by the States. That is his argument.

Mr. COLLAMER. This money belongs to our citizens, and they propose to invest it in these banks; and now you propose to set apart that property to the United States for their taxation exclusively, and not allow the States to tax it.

Mr. SUMNER. Very well, suppose that same amount of money was put into a navy-yard or put into military preparations, would it be taxed by the State?

Mr. COLLAMER. It would not be the property of individuals after you had got it in that form.

Mr. SUMNER. I understand that; but the question now is as to the amount of property that is set apart. I am on that point now. I will come to the other.

Mr. COLLAMER. Set apart in this way.

Mr. SUMNER. The question now is as to the amount of property that is sequestered. It is proposed to sequester $300,000,000 for the national bank. How many hundred millions have we sequestered for the Army and Navy of the Republic?

Mr. SHERMAN. With the leave of the Senator from Massachusetts, I will suggest to him that the idea of sequestration amounts to nothing. All the real estate in the country is sequestered for State and municipal taxation; the United States do not touch it.

Mr. COLLAMER. The United States have a right to tax all property.

Mr. SHERMAN. But they do not.

Mr. COLLAMER. But they have the power to do it.

Mr. FESSENDEN. There is a provision for a direct tax on land in the internal revenue bill now pending.

Mr. SHERMAN. That has been repealed once.

Mr. COLLAMER. My statement was that all property, except that imported, was subject to taxation both by the General and State Governments. What I mean by sequestration is taking some of the subjects of taxation and putting them apart for one Government and taking them from the other.

Mr. SUMNER. Very well, I am now on the amount of property that is taken from State taxation, and I have already said that it is proposed to take $300,000,000 for the national bank; not so much as is taken from State taxation for the Army and Navy of the United States. Is it not curious that the sequestration should be allowed so easily in one case, and should be so contested in the other. Each is for the public good, the general welfare, and the national defense. At this moment the national banks are not less important to our defense than our navy-yards.

Nor is this all. The Senator from Ohio has reminded us that all the real estate of the country is sequestered from national taxation; so that States here have opportunities of their own. But there is still another class of illustrations. Under the statutes of the country all the public lands belonging to the United States are sequestered from local taxation in the States where they lie. There is also the Mint sequestered from State taxation. There is also here in this very city of Washington all these public buildings, the Capitol in which we are now assembled, the edifices where the public Departments perform their labors, all sequestered from taxation of any kind; and yet the argument is brought forward now that we must not exempt from local taxation the $300,000,000 invested in the new banks; and the reason assigned is because this amount, when invested, is private property, and remains private property. Very well. Suppose it is private property. How does that affect the question? Not at all. The same identical sum is sequestered, whether it is private property or public property, and this is the point to which I am now calling attention. The Senator repeats that this amount continues private property. But I submit that it can make no difference, so far as the State is concerned, whether that property, when sequestered, continues private property or becomes absolutely the property of the United States. In each case it is so much property exempt from local taxation. Practically, the two cases of exemption are alike, for the local authorities are ousted in each, and that is the essential point. Such was my answer to the argument of the Senator from Vermont, now adopted by the Senator from Maine. If the Senators object to the sequestration of this large amount of property, they may with equal reason object to the sequestration of a larger amount in the military and naval service. But this they never thought of doing. And they submit that they ought not to think of objecting to the sequestration for the sake of the currency.

Therefore, when the Senator so triumphantly pointed out the seeming distinction between the sequestration in these two cases, he pointed out a "distinction without a difference." So far as State taxation is concerned, it is immaterial what form the sequestration may take. It is enough that property is sequestered. You may grudge the exemption in one case more than another; you may dislike to see a man of property in the hands of individuals which State taxation cannot reach; but the State does not lose more in one case than in another. In both cases it loses the taxation on a given amount of property, and in both cases for the same reason.

The Senator from Maine proceeded next to consider the judgment of Chief Justice Marshall, and he reminded us of his own familiarity and of the familiarity of the Senate with that remark-

able production. He misunderstood entirely the use which I made of that judgment in this discussion. I did not adduce it here to show that a tax by the State, such as is now proposed, would be unconstitutional, but simply to show that it was inexpedient on the part of Congress to allow it in advance; and I said that every consideration, every argument, every word of that great Chief Justice going to show that it was unconstitutional on the part of a State to tax the bank, was equally strong against the policy on our part, at this moment, of allowing in advance any such tax as is now proposed. That, sir, was my argument, and I submit that every word of that masterly judgment sustains me irresistibly. The language of the Chief Justice is:

"Does this power extend to those means which are employed by Congress to carry into execution powers conferred on that body by the people of the United States?"

And Mr. Justice Story, in summing up, says:

"It is observable that these decisions turn upon the point that no State can have authority to tax *an instrument of the United States, or thereby to diminish the means of the United States, used in the exercise of powers confided to it.*"

Now, sir, the simple question is whether, if you allow the States to tax the national banks, they will not thereby diminish the means of the United States? Will it not be indirectly a tax on this instrument which for the public good we are now constructing? The Senator from Maine very positively says that it would not be so. I content myself with saying, certainly with a conviction equally strong with his own, that it would be so. Clearly, most clearly beyond all doubt the State taxation, whether direct or indirect, must tend to diminish the means of the United States. How can it be otherwise? If the State may tax the national bank may it not to a certain extent clog its operations; may it not hamper its free movement; may it not affect the value of its stock? It cannot be otherwise. I submit to the good sense of the Senate whether it must not be so. And, again, if the State cannot tax the bank directly, how can it tax the bank indirectly; or rather, if it be inexpedient to tax the bank directly, must it not be equally inexpedient to tax it indirectly? I repeat these inquiries; but they contain the whole case. I would not take up too much time, I would not be too earnest, but the subject is of incalculable importance; and I now strive, with proper humility, I trust, to secure that conclusion which will be most for the national advantage.

But, sir, why should the State tax these investments? Because it needs the money. That is the argument. But does not the nation need the money at this moment more? And now that we are founding this institution, should we not to the best of our ability so endow it that it will have the best possible credit? We wish to induce investments in the new banks. Can anything better be done to promote such a result than to announce to the country that they are founded by the nation, dedicated to the best interests of the nation, and carefully saved from any local interference of any kind, so that they shall be national in character and immunities as they are national in name? Let this annunciation go forth, and you will give your banks the best possible character; you will make them strong, so that their very infancy will have the strength of maturity. But making them strong, you will benefit the Republic at this moment as by a victory in the field. Taking from local authorities all power of taxing these banks, and conferring it exclusively upon Congress, you will make the banks independent and self-poised; but beyond this unquestionable advantage, you will make another contribution to the national Treasury to the extent of this taxation. There are Senators who seek to divert this amount to swell the State funds. I differ from them, and avow the difference. At this moment of peril to our national life I wish to save it for my whole country.

Mr. FESSENDEN. Mr. President, I wish to say a few words, rather of a personal character, in reference to this debate, as I feel it to be due to myself. Perhaps I was hasty in interrupting the Senator from Massachusetts to call upon him for some definite proof, from what I had said, of the truth of his assertion. I have since, for fear that I might, in the heat of argument, have said something that could be construed into a personality, inquired of some six or eight gentlemen around me, whether I had used any language that could possibly be so construed, and the universal answer has been, "Not a word." And yet, sir, in the face of the fact, the Senator from Massachusetts, not for the first time, has made a direct personal attack upon me; for surely it is personality of a gross kind to assert, in so many words, that the general practice of a Senator here is to indulge in personalities. This is the second time the Senator has said that of me.

On the former occasion, in endeavoring to combat an argument of the Senator from Massachusetts, I observed in substance that he seemed to speak *ex cathedra*, but that was a matter of taste of which he must judge for himself. In reply he said that "the Senator from Maine began by being personal." Why, sir, it is the most common expression in the world with regard to a style of argument; and yet the Senator then said, as he has said now, not only that the remark was personal, but further broadly intimated that it was according to my usual character and habit. To-day when I have argued the question before the Senate, with some heat and warmth to be sure, but touching only the Senator's argument, he repeats that "the Senator from Maine in his argument is himself personal."

Now, sir, on which side does the personality lie—in me, who said nothing that the Senator could lay his finger upon, or him, who imputes to me a general habit of personality in debate? The Senate and the country, if it ever hears of anything so trifling as this difference between the Senator and myself, will answer that question.

Sir, I consider it, when thus made for the second time, a gross, and unfounded, and untrue imputation. I am warm in debate and sometimes I offend gentlemen a little, perhaps, and I notice that it is the habit of one or two gentlemen to say on such occasions, when I happen to get into a debate with them, that I am lecturing the Senate. Why, sir, if I am lecturing anybody it is those individual Senators, and they make a great mistake in supposing that they are the Senate. They make but a very small fraction of the Senate, and have no right to assume that they constitute the Senate if thus lectured.

I have said thus much in defense of myself. I have no idea that, undisputed and uncorrected, the Senator from Massachusetts shall indulge himself in attempting to give me such a character in the country with regard to debate, especially when he has nothing to found it on in regard to himself, and cannot allege a word that I have spoken in support of his assertion. I know that he has means at his command which I have not. He has, to say the least, one newspaper which ordinarily echoes what he says, and attacks everybody that he happens to differ with. On that former occasion the matter was paraded substantially as a personal assault of the Senator from Maine, because he happened to say that the Senator from Massachusetts spoke *ex cathedra*, but that the Senator from Massachusetts replied with his usual dignity and courtesy, and conclusiveness of argument! I expect now, when I get the next number of that paper, because I am honored by having it sent to me sometimes, without my requesting it, however, to see something like this——

Mr. POMEROY. What paper is it?

Mr. FESSENDEN. A paper called the Commonwealth.

Mr. SUMNER. Then I can only say to the Senator that I do not even know the editor of the paper.

Mr. FESSENDEN. I do not know how that may be; I only judge from what appears. I presume it will come with a statement something like this: "that in this debate the Senator from Maine, Mr. FESSENDEN, in his usual uncourteous and ungentlemanly style, attacked the honorable Senator from Massachusetts, Mr. SUMNER"—without giving the speech, because it seldom if ever gives anything coming from me that it founds its remarks upon—"and our distinguished Senator, with that elegance of language, with that refinement of manner, with that force of argument, and with all that courtesy which always dignify and adorn everything that he does and says in debate, replied in such a conclusive and overwhelming manner that the Senator from Maine was dumb." [Laughter.]

Mr. SUMNER. Mr. President, there is but one question of fact in what has fallen from the Senator, and that is certainly a very trivial one. He has alluded to a newspaper. I interrupted him to say that I did not even know the editor of that paper. I think that ought to satisfy even the Senator. I presume, however, it will not. There are literary writers in the paper that I have some knowledge of. Let me add that I doubt if there is any one on this floor who has less connection with the public press than I have.

The Senator was very anxious lest I should give him what he called a general character in the country for personality. Those were his words. I beg to assure the Senator from Maine that the general character in the country which he will have is that which he gives himself.

Mr. FESSENDEN. I wish to say in reply that if the Senator fails to do it it will not be for want of effort and disposition, but only because his capacity is not equal to his desire.

Mr. SHERMAN. After this very pleasant episode I fear the Senate will scarcely be in a temper to recur to the real question before the body. It has been discussed in such a variety of ways, and yet is a plain question. The discussion has extended into many matters that are not really before the Senate. I concur with the Senator from Maine in one proposition, that this does not raise a constitutional question. There is no doubt about the power of Congress to withhold these agencies from State taxation. I look upon that as settled. The case cited by the Senator from Massachusetts settled the general principle that the States had no right to tax the agencies of the General Government. But that is not the question in this case. Here it is proposed that Congress shall confer upon the States the express power; and the question is whether we shall give the States that power. Nor is it a question as to the amount of tax. I believe all the members of the Senate are willing to impose the same amount of tax on these banks that is imposed on the property of the citizen anywhere.

Yesterday, in discussing this matter, I suggested that the United States tax proposed on the banks should be doubled, that the amount of tax on these banks levied by the United States should be so heavy that no one could say that property employed in national banks paid a less rate of taxation than property engaged in other business. I said yesterday that if this proviso were stricken out I would follow it with an amendment to double the rate of taxation. I am in favor of imposing on these national banks the full amount of tax that is imposed on any other property employed in a like business in any State of the Union. I think that all the property of the people of this country must be taxed very heavily; and I do not want those who engage in these national banks to escape one single dollar of tax. The difference between us is just this: I insist that whatever tax is levied on these banks shall be paid into the national Treasury to pay the interest and principal of the national debt; other Senators desire that a portion of the tax levied on the national banks shall be paid to support the State governments, the city governments, the county governments, the local municipal corporations of the different States. That is all the difference between us. So far as the rate of taxation is concerned, there is no difference. I am willing, as one of the friends of this measure, to impose on this property any burden of taxation that any Senator thinks it can bear and live. The only difference is, that I do not wish any portion of this taxation to be diverted from national objects for State, county, and municipal purposes. Here we are creating corporations with power to bank; and the only question with us is, shall we confer on all the towns and counties and cities and States of this Union the power of taxation, to control their operations, and substantially to destroy them? It seems to me that is the only question, and not as to the rate of taxation.

But the Senator from Maine yesterday said that in this proposition we proposed to sequester $300,000,000 of the capital of this country; and he used a word that is odious on account of its connection with the old mortmain laws of England. The word "sequester" means "to withdraw," "to reserve." I believe the Senator from Vermont followed to-day in using the word "sequester," an unpopular word, a word which when applied to the old ecclesiastical corporations of England was justly odious. When some of the monasteries of England acquired real estate, that

real estate at once ceased to be taxable like the other real estate of England. To avoid this idea of sequestration we have inserted in this bill this proviso:

Provided, That nothing in this act shall exempt the real estate of associations from either county, State, or municipal taxes to the same extent, according to its value, as other real estate is taxed.

So that by the provisions of the bill all the real estate owned by the banks is subject to tax just like individual real estate. The only question is whether the property they have invested in the bonds of the United States shall be taxed. I wish to confine the attention of the Senate to that question.

The amendment of the Senator from Kansas proposes to tax all the property of these banks that is not invested in the securities of the United States, so that all its capital stock, all its personal property, all its real property, every dollar of property it has in the world in any form or shape will be subject to taxation under the amendment proposed by the Senator from Kansas, except only that which is invested in the bonds of the United States. In other words, it put a national bank holding bonds of the United States on precisely the same footing that a State bank now is that holds the bonds of the United States. The whole of this controversy stands then in that position——

Mr. HOWE rose.

Mr. SHERMAN. Let me finish; I shall conclude the sooner.

Mr. HOWE. I was about to ask a question.

Mr. SHERMAN. I will answer a question.

Mr. HOWE. It is practically how the assessor who undertakes to assess the stock in a bank is to distinguish——

Mr. POMEROY. Not assess the stock, assess the bank.

Mr. SHERMAN. I will answer the question; I know what it is now before the Senator from Wisconsin finishes it. The monthly reports and quarterly reports provided for in this bill show how much capital stock they have paid in, how much of all kinds of property they have, and how much of that is invested in the bonds of the United States; so that their reports show that fact, and if the assessor is not satisfied with that report he can examine the officers under oath.

Mr. HOWE. I did not understand that the amendment of the Senator from Kansas proposed to tax a bank as an association. I supposed it was a tax on the shareholder.

Mr. SHERMAN. No; to tax the bank. Under this system of banking a bank is required to hold one third of its capital stock in the securities of the United States. It may invest the whole of its capital stock in these securities. If it invests but one third, all its capital above the amount so invested is liable to taxation, precisely like any other property held by any other corporation under State laws. The only exemption is that a national bank will not be bound to pay State and municipal taxes on the money that it has invested in the bonds of the United States. Take, for instance, the case of John Stiles, the very interesting illustration of the Senator from Vermont, [Mr. COLLAMER.] Suppose John Stiles having money, living in Vermont, and not desiring to invest it in the real estate of Vermont, should invest it in the bonds of the United States, under the existing laws, which the honorable Senator from Vermont voted for, John Stiles would be exempt from State taxation; and why? We have denied to the State of Vermont the power to tax the money of John Stiles invested in the securities of the United States, and the reason for this exemption was given very lucidly by the honorable Senator from Vermont. In a time of war it is necessary, to make our securities better, to hold out inducements to our citizens to invest their money in our bonds, and therefore we said to the States that the money invested in our bonds by John Stiles or anybody else should be free from State or municipal taxation.

On the other hand, suppose that for national purposes national banks are organized, and these national banks are compelled by the law to invest their money in the bonds of the United States. They are taxed by the United States for the privileges granted by this bill, fully taxed, to the full extent of the average taxation in the United States. Now is there any reason why the property of these banks, which by law they are compelled to invest in the bonds of the United States, should not be exempt from State taxation just as much as the property of John Stiles invested in United States bonds?

There is the case, and I think it is sufficiently answered. If John Stiles takes an interest in a bank, and if that bank of which he is a stockholder invests its capital in the bonds of the United States, then as a matter of course John Stiles is exempted from State taxation, just as much as if he directly invests his money in the bonds of the United States, instead of doing it indirectly through a bank; but if the capital stock of the bank of which John Stiles is a stockholder is not invested in the bonds of the United States, it is not exempt from State or municipal taxation by the terms of this bill.

There is one general idea that controls my vote on this matter. I do not think it is a matter to get excited about. The States are necessary to be supported, and the counties and the cities must be maintained; but so must the national Government, and the needs of the national Government are now greater than those of any portion of the community; and the only question is, how can all these governments be sustained without injury to the other? All are to be sustained by taxation. The basis of my idea is that certain modes of taxation should be set aside for the United States, and certain modes of taxation should be set aside for the States. For instance, by the Constitution we have set aside for national purposes the power to impose duties upon imports. This is one national fund that is reserved by the Constitution. We have also by practice, although that is not by Constitution but by law, reserved indirect taxes to the national Government. By law also we have reserved to the States all the real estate and all the personal property of this country with but one or two exceptions. All the real estate of the United States amounting to $11,000,000,000 has been free and I hope always will be kept free from direct tax by the United States, and will be left to support the State and local governments. Here is sequestration in earnest, not by the Constitution, but by law: all the real property of this country is withdrawn from national taxes. It is true that in the bill now pending in the House of Representatives there is a proposed direct tax of $15,000,000, but I hope it will not be adopted, and I do not believe it will be. I wish to leave to the States the whole of the vast real and personal property of this country, and with the taxes on that property to support the local governments. The national Government ought only to resort to indirect taxes. Here we have a system of indirect taxes which we have devised, and which we hope to improve, which will yield to the Government a large sum of money without invading or impairing in the least any of the ordinary modes of taxation adopted in the States.

It is proposed by this bill also to give to the United States Government another fund, another mode of collecting taxes, and what is it? The bonds of the United States invested in a system of national banks. They are to be reserved to the nation as another fund from which the nation alone may draw taxes. Is that extraordinary? The States have by law the exclusive power, and they by law collect exclusive taxes on all the lands and personal property of the United States, with some small exceptions. Is it unreasonable that the Government of the United States should claim as its peculiar source of taxation, first, duties on imports; next, indirect internal taxation; and next, a tax on its own securities. We now have the power to tax all the bonds of the United States for national purposes. The law declares that these bonds shall not be subject to State taxation, but it does not relieve them from taxation by the nation. They are moneys invested in the securities of the United States, and that fund may be set apart, used exclusively by the nation for the support of the Government. Is it unreasonable, when this money is invested in a system of national banks, set aside to maintain and build up a national currency upon, to extend this exemption of United States stocks when owned by these national banks?

Why, sir, if a bank in the State of Vermont now is a holder of national securities, those national securities in the hands of that local bank are exempt from State taxation. Suppose by law they are required to be deposited in the Treasury of the United States as the basis of national banks, is it any the less a reason why they should be exempt from State taxation? Not at all. I say the amendment proposed by the Senator from Kansas, if adopted, will do nothing more than to give to these national banks that exemption which by law is now given to every bank and to every individual who holds the bonds of the United States.

I therefore do not see all these causes of complaint. But here is another point, and I invite the attention of the Senator from Maine to it. He asked very strongly, "Why not give to the States and to the cities the power of taxation; is it likely they will abuse it?" I will tell him why I think it would operate unjustly to leave these bonds, owned by the national banks, subject to local taxation. In the first place, it would give to the States and communities a great power over the banks. The power of taxation, as Chief Justice Marshall says, is very apt to involve the power to destroy. It may not always be so exercised, but it may be so exercised. We have these thirty-five States. If these banks are subject to the laws of thirty-five different States we lose all the benefit of uniformity of taxation. Some of the States or some of the cities in the States may have such feelings of hostility against this agency of the national Government as to use its power of taxation unjustly and oppressively. Is it not right when we are organizing a system of national agents for us to make those agents free from the possibility of destruction?

Mr. HOWARD. Will the Senator from Ohio allow me to put one question right there?

Mr. SHERMAN. Certainly.

Mr. HOWARD. I was about to ask the Senator whether the case he has just now put of an abuse or rather an oppressive use of this power of taxation by municipalities does not show quite clearly that the bill itself upon which we are now acting comes clearly within the general principle laid down by Chief Justice Marshall in the case of McCulloch, that it is incompetent for a State to tax or to provide for the taxation of any of the instrumentalities of the national Government? I can see no distinction myself.

Mr. SHERMAN. In the view I take of this question I have avoided the discussion of the constitutional question, because I wish to present it as it is presented by this amendment as a question of good policy to be submitted to legislators and not as a constitutional question, although that objection may very properly be taken.

But there is another objection. Under the amendment as it now stands the whole of this tax can be evaded. I venture now the assertion that the amendment proposed by the Senator from Kansas will yield as much revenue to the States and cities as the amendment of the committee. Let us look at that a little closer. The amendment of the Senator from Kansas requires the bank to pay a tax on all its capital above the amount invested in bonds. All the tax that is imposed by law must be paid because it would be reached in the hands of the bank. But look at the provision of the committee; and I wish to call their especial attention to it:

> That nothing in this act shall be construed to prevent the market value of the shares in any of the said associations, held by any person or body-corporate, from being included in the valuation of the personal property of such person or corporation in the assessment of all taxes imposed by or under State authority, for State, county, or municipal purposes; but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State.

Who is to pay this tax, and where is it to be paid? Is it to be paid at the place where the bank is located? The individual stockholder may have no personal property there, and there may be no way of enforcing it. The intention of this clause is to require the person, wherever he lives, to pay it. Suppose a citizen of the State of Vermont owns stock in a bank in the State of Ohio. He will pay the tax in Vermont. What justice is there in that? If there is any ground at all for this local taxation it is that the local law protects the banks. In the State of Ohio, where it is located, there is some ground; but that is the only reason for local taxation. But why should the State of Vermont collect a tax on this capital invested in the State of Ohio?

But that is not all. I ask you, sir, if this tax

will not be evaded? In nine cases out of ten non-residents will own the bank capital. The banks of Ohio will be under the control of non-residents in order to avoid the tax. The banks of the West will be owned by citizens of Ohio in order to avoid the tax. We know how difficult it is to frame laws to reach taxes on personal property. I tell you, Senators, under this provision not one half of the banking capital or the market value of the shares invested in these national banks will be taxed by local authority, because non-residents will evade the tax. It is known to be a common practice now among the wealthiest of our citizens to go beyond a city in order to avoid the municipal tax. Some of the very wealthiest men in the city of New York, who do business every day in New York, live in their country places beyond the reach of city taxes. They will give in their property, if they give it honestly, at a place where the taxes will be low. I say that under this provision the tax may be evaded and avoided, and I doubt very much whether you will get one half of the market value of these shares placed upon the duplicate anywhere, either in the place where the bank is located or anywhere else.

There is another objection which I submit to Senators. The general purpose of this bill is to require the great body of the stock to be owned in the State, or rather to encourage the ownership of the stock where the bank is located; but under this provision it will be the interest of every man to own stock in a bank far removed from him, because in that way he will be more likely to escape the tax. Therefore the citizen of Ohio will take stock in a bank in Nebraska. The result will be that we shall have a system of non-resident management of a bank. When a bank is owned in a local community, the stockholders, directors, and agents are known to that community as men of standing and sense, the bank is much more likely to be managed well than if the bank is owned by persons at a remote distance who have not the necessity and have not the opportunity to watch over the management of the bank. If the bank is left to be managed by persons whose interest in it is small, and whose capital is not involved in the proper management of that bank, it is not likely to be so well managed. This provision will tend to encourage non-resident proprietors of banks, because they will not be taxed where the bank is located, but will take the chances of having the market value of their shares put upon the tax duplicate where they reside.

Why, sir, it is unequal; it is unjust. In the city of Detroit, where I am told the taxes are very heavy, non-residents will own the banks and will not pay one dollar to aid the city of Detroit under this provision as it stands in the bill, because it is intended that the property of the shareholder shall be put down where he lives. Therefore, if he lives in the city of New York he will not pay this large municipal tax in the city of Detroit.

But that is not all. Suppose this stock is owned by an Englishman or a Frenchman, a foreigner, where will you tax him? It escapes taxation entirely. Take the Bank of Commerce of the city of New York, a large portion of whose capital stock and shares is owned in Europe. Under the system proposed by the committee not one half of that stock would be taxed, because it is non-resident stock. Under the system proposed by the Senator from Kansas a large portion of it would be taxed if it was not invested in bonds of the United States.

Mr. COLLAMER. It has double the amount of its capital in United States bonds.

Mr. SHERMAN. I know that bank has a greater amount of bonds than it has capital; but I use it as an illustration, because a bank may be organized under this bill which has invested but one third of its capital stock in bonds of the United States, and this amendment would provide that the amount invested in bonds only should have the same exemption as bonds would have if they were held by private individuals, while all the capital and all the property they possess beyond the amount of the bonds would be subject to State, local, and municipal taxation.

I do not want the owners of these national banks to escape taxation. I wish that distinctly understood. If this amendment of the Senator from Kansas shall prevail, I shall offer an amendment for the consideration of the Senate to double the rate of taxation proposed by this bill, to put two per cent. on their circulation, one per cent. on their deposits, and two per cent. on their surplus capital, which is accumulated profit, so as to make altogether a large measure of taxation. But, sir, I want the tax derived from this source to go into the national Treasury, where we need it. No tax can be or has been proposed here that I will not readily vote for. If it is necessary still further to tax these banks, or if it is necessary still further to tax the national securities, or to increase our duties on importations, or to increase our internal revenue, I am perfectly willing to share in the responsibility of putting upon our people any burden of taxation. I believe we can collect one half or even more than one half of our large expenditures by indirect taxation under our revenue laws. All that I claim is, that if this system is organized by the national Government, the tax imposed upon the property invested in these banks shall be set aside as a national fund to be used for national purposes.

Mr. COLLAMER. I had a desire to say a few words in answer to that part of the argument of the Senator from Massachusetts in relation to what I said. I should have liked to have had the privilege to do it immediately upon his closing. I tried to obtain the opportunity, but other gentlemen succeeded in getting the floor. I do not desire to follow the Senator from Ohio through all his argument, but I wish to say a few words in regard to it.

I endeavored to make the point before the Senate which I supposed to be the one really involved in this proposition; and that was that it proposed to sequester this large amount of capital. The Senator from Ohio does not like the word "sequestration." I do not know of any that will fit any better. It was to take and set apart a particularly large value, an amount of property in the State, and take it away from the taxation of the State. That is sequestration; but the word seems to be offensive. I did not mean to use it in any offensive sense, and I did not know that it had any offensive meaning, certainly not in this country. That was the point that I endeavored to present in the remarks I made.

The Senator from Massachusetts asked why I did not complain of the large amount of property set apart for the Navy, the great amount of property which is set apart in the munitions of war and arms for the Army, especially in this time of war. Is that a fair, candid mode of answering me? Do we not all know that that property which is thus purchased by the Government for its present occasions is taken away from both taxations, from all taxation, and is not the subject-matter of taxation? What I was endeavoring to make a point of was, the undertaking to relieve property which was subject to taxation both by the General Government and the State government from taxation by the State government, and keep it exclusively for the use of the General Government. I endeavored to show how that was attempted on this occasion; and then I am answered that really I ought to have complained about property that is taken from the taxation of both governments! Is there any parallel between the cases? None whatever. I say again, if I can make it any plainer, that the point was of taking property which was subject to taxation by both and putting it only to the taxation of one and taking it away from the other; and then I am told that is the same case as the taking of property away from taxation by both. Certainly it is not. Hence I do not think it any fair, candid answer. I have no doubt the gentleman who used it thought it was, but it does not seem so to me.

The subject still returns. It has not altered any. A large part of the argument of the honorable Senator who has just taken his seat consisted in questions, the Socratic mode of reasoning. I shall not attempt to take up the time of the Senate in answering them; but there were one or two things in his speech to which I wish to call attention.

He says they have left for State taxation the real estate. Is that true? Have they made any provision that that shall be left exclusively to the States? It is proposed to make provision to take this banking capital and set it away entirely for the General Government, and then they say to the States, "We have left you the land there." Have you set apart that land to us exclusively? Do you not reserve the power of taxing it any day you have a mind to do so? Certainly. It is totally immaterial whether, in point of fact, it is taxed in this bill or any other bill, or not at all. That is not the point I am talking about. I am talking about our placing property where it cannot be taxed by one side. That is what is attempted here. I said before that all taxes necessary to the Government must be raised and must be paid, if there are any means in the hands of individuals to pay them to the Government. Undoubtedly the right of eminent domain in the Government necessarily includes the power to take all the property of every man in the form of taxation. It belongs to the Government if it needs it and wants it. Undoubtedly, the General Government has used this power, and can use it, and ought to use it, to the full measure of their necessities; but that is not the point. The point is, is it right, is it just, is it proper, is it good policy, for us to say that we will lay hands upon that which we think most available for the General Government to lay taxes upon, and take that away from the States altogether? That is the point.

That is a mere question of policy, of expediency. It is not a question of constitutional law particularly. I never stated that it was. The honorable Senator from Massachusetts read a great deal from the opinion of Chief Justice Marshall in McCulloch's case. What on earth has that to do with this question? That was a case where the General Government made a bank and the State of Maryland undertook to tax the operations of that bank in that State. The court decided that the State could not do it. The question before us now is, will we agree in Congress to say that the State may have the power of taxation to a certain extent? Is there anything unconstitutional in that? Has that anything to do with the McCulloch case? Nothing in the world, as a question of expediency, not that a decision of a constitutional right and wrong has nothing to do with it. Besides that, the Chief Justice stated in that very case that the State had a right to tax the shares of inhabitants of Maryland in that institution. I think that was going a good way, unless there was some reservation in the statute for the purpose.

The Senator from Ohio talks a good deal about this mode of taxation, and all the while he seems to confound the taxation of the shares, the property of the owners of the stock, and the taxation of the banks themselves as if they were identical. The Supreme Court thought they were not identical in the McCulloch case. He says, and repeats it again and again, that these banks ought not to be taxed except for their capital beyond what they own in United States stock. Let us take the plain case to which he alludes. Here is the Bank of Commerce of New York. I believe it has $9,000,000 of capital, and it has about sixteen million of United States stock. That pays no tax. Has it got anything over and above which the proposed amendment could reach? Nothing at all. It has got no United States circulation, and does not ever want to have, and very little of its own. It does not want any. It does not desire to take out any paper for circulation, and it is not obliged to do so. So every bank that is organized under this system has but to put its capital into United States bonds and there is no taxation upon it. They may make earnings on those bonds, but there is to be a tax on the dividends.

The truth is, the distinction between the institution itself and the owners of the stock in it as private property is capable of being well understood and always carried in mind, and should not be and need not be confounded. I say it is right if a man lives in one State, one municipality, county, or town, and has his money and property there, and made it there, that it should be subject to contribution for the Government there. If that man puts that money into a bank in any part of the country, the place of his residence, where the personal property that he owns belongs, is the locality, the only proper and just place, in which it should be taxed. It is not true that if a bank is established in a city, owned by people, if you please, in another city, that that particular city ought to have the right of all the taxation on that institution. There is no justice in it, there is no law in it, and ought never to be.

In New England, the State has a small per cent.

on the dividends of the banks, but the taxes are laid upon the people who own the property in the bank as their personal property, which they pay where they live; because by law, personal property belongs to and has locality with its owner; it follows the person. Therefore, its profits should be there. These shares of banks are personal property everywhere in every country, and have locality with the person to whom they belong. There is the proper place of taxation, and there is the only proper place. If a corporation owned a banking-house in any locality as part of the realty, it should be subject to taxation where it is, that is the property of the corporation; but the truth is the shares in that stock are personal property and are always treated so, and all attempts to put them in any other shape are evasions of clear justice, equity, and right.

Mr. SUMNER. The Senator from Vermont objects to the parallel which has been run between the proposed sequestration of this bank property from State taxation and that other greater sequestration which is made for military and naval purposes. We know that it is a familiar saying that no two things run precisely "on all fours" together; they are not precisely alike; and these two things may not be precisely alike; but they are precisely alike in the single essential point, that in each case the property is sequestered from State taxation. That is the single, decisive, unquestionable point of resemblance between the two cases. In that respect they are completely and absolutely parallel. Your navy-yards, your ships-of-war, all your vast military material are sequestered from State taxation.

Mr. COLLAMER. And United States taxation too.

Mr. SUMNER. The Senator adds, "and from United States taxation;" but I say now they are sequestered from State taxation. That is the point to which I am calling attention. It is proposed to sequester also this national bank, which is founded for a national purpose, for the defense of the Republic, precisely as much as your navy-yards or your ships afloat or your Army in the field—it is proposed to sequester that also from State taxation. But that is not all, sir. In a further purpose of patriotism it is proposed to dedicate this national bank completely and in every respect to the national service by empowering the national Government to tax it, so that all who embark in it, not only by their contribution, but also by the taxation upon that contribution, may help the national cause. That, sir, is what is proposed by the measure under consideration.

Mr. COLLAMER. I can merely say what I have already said, that I presume the gentleman supposed the parallel was complete. He has only convinced me that he thinks so now. That is all.

Mr. WILSON. I move that the further consideration of this bill be postponed until to-morrow. I desire to make a report from a committee of conference.

Mr. SHERMAN. I should like to have a vote on the pending amendment this evening.

Mr. WILSON. There is not a quorum present. I should like to make a report from a committee of conference and then have a brief executive session to-night if I can.

Mr. WILKINSON. I want to offer a resolution of inquiry first.

The PRESIDENT *pro tempore*. No other business is in order while the bill before the Senate remains undisposed of.

Mr. WILSON. I move to postpone the further consideration of the bill until to-morrow.

Mr. POMEROY. I suppose it can go over as the unfinished business?

The PRESIDENT *pro tempore*. Not if it is postponed.

The motion was agreed to.

Mr. SHERMAN. Does the bill come up to-morrow as the unfinished business? I understand from some Senators that it does not. There is evidently a misunderstanding on the subject, and I will move to reconsider the vote by which the bill was postponed, with a view to make it the special order for to-morrow at one o'clock.

Mr. WILSON. There will be no objection to taking it up to-morrow.

Mr. CONNESS. There is a special order for to-morrow at one o'clock, the Pacific railroad bill.

Mr. SHERMAN. I understand the Senator from Michigan [Mr. HOWARD] desires to postpone that subject.

Mr. CONNESS. I should like to hear from the Senator himself on that point.

Mr. SHERMAN. I understand that the Senator desires a little further time on that subject.

Mr. HOWARD. I do not care about taking it up to-morrow; but I give notice that I shall move to call up the Pacific railroad bill at a very early day. It was fixed for to-morrow at one o'clock; but there are reasons why I shall not call it up then.

Mr. SHERMAN. I now submit my motion to reconsider the vote by which the bank bill was postponed until to-morrow.

The motion was agreed to.

Mr. SHERMAN. I now move that its further consideration be postponed to and made the special order for to-morrow at one o'clock.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the acting Commissioner of Indian Affairs, in relation to a treaty made with the Chippewas of the Mississippi on the 11th of March, 1863, and the amendments thereto as made by the Senate, with additional estimates of the sums required to be appropriated to enable the Department to comply with the stipulations of said treaty; which was referred to the Committee on Indian Affairs.

CONDITION OF AFFAIRS IN NEVADA.

Mr. WILKINSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate any recent information which may have been received in regard to the condition of affairs in the Territory of Nevada.

FRENCH OCCUPATION OF MEXICO.

Mr. McDOUGALL. I submit the following resolution, which I have tried for several days to introduce, and I ask for its present consideration:

Resolved, That the Committee on Foreign Relations be instructed to report to the Senate the joint resolution from the House of Representatives relating to the occupation of Mexico by France, heretofore referred to said committee.

Mr. SUMNER. Let that lie over.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the resolution lies over under the rules.

BUREAU OF MILITARY JUSTICE.

Mr. WILSON. I desire to make a report from a committee of conference. I will not ask for action on it to-night:

The committee of conference appointed to take into consideration the disagreeing votes of the two Houses on the bill (H. R. No. 308) to establish a Bureau of Military Justice, having met, after full and free conference have agreed, and do recommend to their respective Houses to agree, as follows:

That the Senate recede from their several amendments to the bill of the House of Representatives, and agree to the same without amendment.

HENRY WILSON,
THOS. A. HENDRICKS,
J. M. HOWARD,
Managers on the part of the Senate.
J. F. FARNSWORTH,
J. A. GARFIELD,
GEO. H. YEAMAN,
Managers on the part of the House.

Mr. GRIMES. I understand the chairman of the Committee on Military Affairs to say that he does not desire this report acted upon now.

Mr. WILSON. I said I would not press it now if any one desired it to go over. I understood the Senator wished to say something upon it.

The PRESIDENT *pro tempore*. The question before the Senate is on the acceptance of the report of the committee of conference.

Mr. GRIMES. I move that it be laid on the table until to-morrow.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (No. 432) for the relief of the citizens of Denver, in the Territory of Colorado;

A bill (No. 381) to amend an act entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856; and

A joint resolution (No. 68) authorizing the Secretary of the Treasury to release certain goods from the payment of duties.

PACIFIC RAILROAD.

Mr. HOWARD. I move now to take up the Pacific railroad bill with a view to postpone its consideration until Monday next at one o'clock.

The PRESIDENT *pro tempore*. The Chair is informed that that bill is not before the Senate.

Mr. HOWARD. I move to take it up.

The PRESIDENT *pro tempore*. It has been assigned for to-morrow at one o'clock, and does not come up until that time.

Mr. HOWARD. I hope we shall take it up at this moment for the purpose of postponement.

The PRESIDENT *pro tempore*. It may be done by unanimous consent. The Chair hears no objection.

Mr. HOWARD. Then I move its postponement until Monday next, and to make it the special order for that day at one o'clock. It is Senate bill No. 132.

The PRESIDENT *pro tempore*. Perhaps the more parliamentary way would be to move a reconsideration of the vote making it a special order, and let it come up in that way.

Mr. SHERMAN. I will suggest to the Senator from Michigan that there will be no difficulty to-morrow at one o'clock in moving to postpone it.

Mr. HOWARD. Very well; let it stand as it is.

The PRESIDENT *pro tempore*. The motion is withdrawn.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (No. 227) granting lands to the State of Michigan for the construction of certain wagon roads for military and postal purposes—to the Committee on Public Lands.

A bill (No. 431) for the relief of Solomon Wadsworth—to the Committee on Claims.

A bill (No. 247) granting lands to the State of Wisconsin to build a military road to Lake Superior—to the Committee on Public Lands.

A bill (No. 159) for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State—to the Committee on Public Lands.

A bill (No. 432) for the relief of the citizens of Denver, in the Territory of Colorado—to the Committee on Public Lands.

A bill (No. 381) to amend an act entitled "An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856—to the Committee on Public Lands.

A joint resolution (No. 68) authorizing the Secretary of the Treasury to release certain goods from the payment of duties—to the Committee on Finance.

LAND GRANT TO A MINNESOTA RAILROAD.

Mr. RAMSEY. There are two Senate bills on the table that have been returned to us from the House of Representatives with amendments, which I hope will be acted upon now. I hope the Senate will concur in those amendments. They do not considerably alter the bills at all.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 31) making a grant of lands to the Lake Superior and Mississippi Railroad Company to aid in the construction of the railroad of said company from St. Paul to Lake Superior.

The Secretary proceeded to read the amendments.

Mr. HARLAN. I think the bill with the amendments had better go to the Committee on Public Lands to be examined very carefully, and if found satisfactory, it can be reported back in a day or two. Passing them in this way I think will be unsatisfactory. There are several amendments to the bill. I have not had an opportunity to examine them, and I think no member of the Com-

mittee on Public Lands has had that opportunity. I therefore move that the bill and amendments be referred to the Committee on Public Lands.

The motion was agreed to.

LAND GRANT TO WISCONSIN RAILROADS.

The Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No. 160) granting lands to aid in the construction of certain railroads in the State of Wisconsin.

Mr. HARLAN. I make the same motion in regard to that bill.

The motion was agreed to.

EXECUTIVE SESSION.

On motion of Mr. WILSON, the Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April* 27, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

CHIPPEWA TREATY.

The SPEAKER laid before the House a letter from the Secretary of the Interior, submitting estimates of the amount required to carry out the stipulations of the Chippewa treaty of March, 1863; which was referred to the Committee of Ways and Means, and ordered to be printed.

CHARLES F. ANDERSON.

Mr. BLAIR, of West Virginia, by unanimous consent, moved that the House take from the Speaker's table Senate bill No. 207, for the relief of Charles F. Anderson, and that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

INDIANA LAND GRANT.

Mr. HOLMAN. I ask to have entered a motion to reconsider the vote by which the House laid on the table House bill No. 285, to authorize the State of Indiana to apply certain lands granted by Congress to the education of orphan children of soldiers who die during the present war.

The SPEAKER. The motion will be entered upon the Journal.

INTERNAL REVENUE BILL.

Mr. MORRILL. I move to go into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.

Mr. MORRILL. I move to go back to the provision in reference to commercial brokers. The committee are satisfied a mistake was made in inserting the words "shall not exceed $25,000," and "if exceeding the sum of $25,000, one dollar for each additional $1,000." I move to strike these words out, so that the provision will read, "commercial brokers shall pay twenty-five dollars for each license." That will make the charge twenty-five dollars in all cases.

The amendment was agreed to.

Mr. MORRILL. I propose that the committee shall go back to the paragraphs in reference to sugar and molasses, which were passed over. On page 118, line ninety-four, I move to strike out "fifteen" and in lieu thereof insert "twelve;" so that it will read:

On brown or Muscovado sugar, not above No. 12, Dutch standard in color, produced directly from the sugar-cane, and not from sorghum or imphee, other than those produced by the refiner, a duty of one cent per pound.

The amendment was agreed to.

Mr. MORRILL. I move to strike out "one cent" in the same paragraph and insert "two cents."

Mr. RANDALL, of Pennsylvania. I want the committee to understand the amendment. The tax of one cent a pound is high enough, and the gentleman now proposes to increase it to two cents per pound.

Mr. MORRILL. The amendment will make the tax the same as under the existing law.

The committee divided; and there were—ayes fifty, noes not counted.

Mr. MORRILL. I demand tellers; and I desire to say a word. This relates to sugar manufactured from the cane in Louisiana and other southern States. The law now upon the statute-book imposes a tax of two cents a pound. The bill as reported reduced that to one cent per pound; but the Committee of Ways and Means on reconsideration have concluded to reinstate the duty to precisely what it now is by law.

Mr. RANDALL, of Pennsylvania. Mr. Chairman, I do not know what inducement was held out to the committee to change their original intention and increase this tax; but I oppose this from the general indisposition on the part of myself and those who act with me to increase the tax on sugar. If there be any change we think that the tax should be decreased rather than increased.

Mr. MORRILL. This does not increase it from the present rate.

Mr. RANDALL, of Pennsylvania. I understand that. Sugar is a necessary of life, and one cent per pound is a tax high enough. I therefore think, especially when I reflect that the House has greatly increased the taxes upon almost every other article, that the tax on this article of sugar should not be increased, as it is an article of general and universal consumption.

Tellers were ordered; and Mr. RANDALL, of Pennsylvania, and Mr. MORRILL, were appointed.

The committee divided; and the tellers reported —ayes 59, noes 47.

So the amendment was agreed to.

Mr. MORRILL. In order to perfect this section I move to amend, in line ninety-eight, page 118——

Mr. HOLMAN. I rise to a point of order. It is that the sections which were reserved should be reported in the order in which they were reserved. If that course is not followed great confusion will occur. The committee is thin now, and they were not aware that the Committee of Ways and Means proposed to consider those sections at this time.

The CHAIRMAN. The Chair was disposed to allow the gentleman who had charge of this bill to pursue whatever course he preferred in reference to these reserved sections; but if the point is raised, the Chair thinks they should be taken up in order.

Mr. HOLMAN. I have no objection to the consideration of them, but I want them considered in the order in which they were reserved. I suggest, however, to the gentleman from Vermont that he first go through the bill before he returns to these reserved sections.

Mr. MORRILL. If the gentleman will allow me to go through with this subject I will reserve the other sections until the committee is more full.

Mr. HOLMAN. I have no objection to the gentleman from Vermont now offering his amendments to the reserved sections, with the understanding that they shall be before the committee for consideration in their regular order.

Mr. MORRILL. I will not bring up any section to which the gentleman objects. I think it will be more satisfactory to the committee to wait until a little later in the day before we proceed to consider disputed points upon which they feel more interest than they do upon these minor points.

Mr. HOLMAN. After considering this section I think it will be better to go through the bill, and then return to the reserved sections.

Mr. MORRILL. I will dispose of this section, and then proceed in regular order.

The CHAIRMAN. The Chair holds that if the committee go back now they should proceed with the reserved sections in their regular order; and the gentleman from Vermont will proceed with this section with the understanding that when he goes back again it shall be in the regular order in which the sections were reserved.

Mr. MORRILL. I move to amend in line ninety-eight by striking out "fifteen" and inserting in lieu thereof the words "twelve and not above No. 18;" also in line one hundred by striking out "two" and inserting "three," so that the clause shall read, "on all clarified or refined sugars above No. 12 and not above No. 18, Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, a duty of three cents per pound." I will state to the House that this graduates the duty according to quality. Where sugar is partially refined, above twelve and not above eighteen Dutch standard, its value is increased in proportion to the tax herein proposed, three cents. All above that we count, so far as this bill is concerned, as loaf sugar, or fully clarified and refined sugar, and upon it we propose to levy a tax of four cents a pound.

Mr. BOUTWELL. Before a vote is taken I wish to make an inquiry of the gentleman from Vermont. It will be seen by reference to the paragraph commencing on line one hundred and two, that sugar refiners are to pay a duty of one and a half per cent. on the products of their refineries. It is understood, I suppose, that they will generally use sugars which are taxed two cents a pound under the first paragraph relating to sugars. Now the question I wish to present to the committee is whether they have fully informed themselves as to the relative duties which will be sustained by those sugar refiners who manufacture sugar upon which a duty of two cents has been paid, and those sugar refiners who manufacture refined sugars directly from the sugar-cane?

Mr. MORRILL. I will say to the gentleman from Massachusetts that the first provision here is intended to reach producers and refiners of sugar who manufacture or refine directly from the sugar-cane. The provisions which follow are intended to reach the class who buy this sugar and refine it a second time. I do not know as to the amount of their profits, and I am not quite sure that the tax is enough. My colleague upon the committee, who knows more about this matter than I do, says it is sufficient.

The amendment was agreed to.

Mr. MORRILL. I move to insert after line one hundred and one the following:

On all clarified or refined sugars above No. 18, Dutch standard in color, produced directly from sugar-cane, and not from sorghum or imphee, a duty of four cents per pound.

Mr. BOUTWELL. I desire the attention of my colleague from Massachusetts [Mr. HOOPER] to this point. By the first paragraph relating to sugar, on page 118, the duty is fixed at two cents per pound on those sugars which I understand are the basis of the refined sugars produced by that class of manufacturers termed "sugar refiners." In the third paragraph, commencing on line one hundred and two, it is provided that sugar refiners shall pay one and a half of one per cent. on the products of their refineries. Thus it will happen that the sugar refiner using Muscovado sugar, on which two cents has been paid, will, when he produces from it refined sugar, pay one and a half per cent. additional, which will make his total duty about two and a third or two and a half cents per pound. Now, I ask how those sugar refiners in Louisiana, who manufacture refined sugar directly from the sugar-cane, are to pay three and four cents per pound and sustain themselves when those who use the low-priced sugar pay only one and a half per cent.

Mr. HOOPER. I think my colleague misunderstands the matter. There is no connection between the two. The first provision on page 118 refers to sugars of domestic production entirely. Imported sugars pay a duty of two and a half cents per pound. The object of this provision was to put a tax of two cents upon sugar manufactured in New Orleans. It is confined to sugar manufactured and produced directly from the sugar-cane, and it is to compensate for the duty imposed on imported sugar. Either imported sugar or this sugar may be bought by the refiner and refined, upon which he pays one and a half per cent. I think that upon examination my colleague will find that that is right.

Mr. BOUTWELL. If I understand the explanation of my colleague, it presents the same difficulty. Foreign sugar is taxed two and a half cents per pound, and one and a half per cent. added to that would make the duty about two and a half cents per pound on refined sugar made from foreign sugar, whereas it is proposed to put a duty of four cents per pound on refined sugar made directly from the cane; that, at any rate, will be the practical effect.

Mr. MORRILL's amendment was agreed to.

Mr. BEAMAN. I move to amend section one hundred and sixty-three, which is yet undisposed of, by inserting after the word "issued," on line twenty-one of page 198, the words "prior or subsequent to the passage of this act," so that the proviso will read:

Provided, That no instrument, document, or paper made, signed, or issued prior or subsequent to the passage of this act without being duly stamped, or having thereon an adhesive stamp to denote the duty imposed thereon, shall, for that cause, if the stamp or stamps required shall be subsequently affixed, be deemed invalid and of no effect.

This amendment is composed in part of words stricken out on motion of the gentleman from Ohio, [Mr. PENDLETON.] I apprehend, however, that his amendment did not accomplish the object he had in view. As the proviso now stands the effect of it will not be to operate upon acts that shall transpire after the passage of this bill. The object of the gentleman was to have it apply to acts transpiring before and after the passage of this bill. It is important that such should be the law, because, in consequence of unfamiliarity with the operation of the tax law and through the ignorance of parties, there have been many instances in which deeds have been executed without stamps, and in some cases, where stamps have been placed upon instruments, there have not been stamps placed thereon to a sufficient amount. I know myself of instances where parties have executed deeds and have stamped them, and nevertheless have not put on a sufficient amount of stamps to comply with the law, and it seems to me to be manifest injustice to make provision for transactions hereafter without providing a remedy for cases which have already occurred. The insertion of the words "prior or subsequent to" will accomplish all that was asked for by the gentleman from Ohio, and will also make provision for previous transactions.

I do not see the gentleman from Ohio in his seat, but I may say that he approves of this amendment.

The amendment was agreed to.

Mr. THAYER. I move to amend the one hundred and sixty-third section by inserting after the word "be," in line four of page 167, the words "recorded or;" so that it will read:

SEC. 163. *And be it further enacted*, That no deed, instrument, document, writing, or paper, required by law to be stamped, signed, or issued without being duly stamped, or with a deficient stamp, nor any copy thereof, shall be recorded or admitted or used as evidence in any court until a legal stamp or stamps, denoting the amount of duty or deficiency charged thereon, shall have been affixed thereto or used thereon, &c.

The object of the amendment is to prevent instruments from being recorded until they have been stamped. This amendment is necessary in order to make the rest of the section at all efficient.

The amendment was agreed to.

Mr. UPSON. I move to amend the same section by striking out the word "such," in line ten, and inserting "the;" and by adding after the word "person" the words "using or affixing the same;" so that it will read:

And the initials of the person using or affixing the same, together with the date when the same is so used or affixed, shall have been placed thereon by the person using or affixing the same, and the person desiring to use any such deed, instrument, document, writing, or paper as evidence, his agent or attorney is authorized in the presence of the court to affix the stamp or stamps thereon required, and in addition thereto, &c.

The amendment was agreed to.

Mr. ODELL. I ask the unanimous consent of the committee to go back to section ninety-seven to offer an amendment.

Mr. ROSS. I object.

The one hundred and sixty-fifth section was read, as follows:

SEC. 165. *And be it further enacted*, That no person, firm, company, or corporation shall make, prepare, and sell, or remove for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, friction matches, photographs, ambrotypes, daguerreotypes, or other sun pictures of any description, and playing cards, upon which a duty is imposed by law, as enumerated and mentioned in schedule C, without affixing thereto an adhesive stamp or label denoting the duty before mentioned, and in default thereof shall incur a penalty of ten dollars: *Provided*, That nothing in this act contained shall apply to any uncompounded medicinal drug or chemical, nor to any medicine compounded according to the United States or other national pharmacopœia, nor of which the full and proper formula is published in either of the dispensatories, formularies, or text-books in common use among physicians and apothecaries, including homœopathic and eclectic, or in any pharmaceutical journal now used by any incorporated college of pharmacy, and not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in said pharmacopœias, dispensatories, text-books, or journals, as aforesaid, nor to medicines sold to or for the use of any person, which may be mixed and compounded specially for said persons, according to the written recipe or prescription of any physician or surgeon.

Mr. MORRILL. I move to amend by inserting after the word "cosmetics" the words "lucifer or."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the word "matches" the words "cigar lights or wax tapers."

The amendment was agreed to.

Mr. MORRILL. I move to amend the one hundred and sixty-eighth section by inserting after the word "cosmetics" the words "lucifer or friction matches, or cigar lights and wax tapers."

The amendment was agreed to.

The Clerk proceeded to read schedule B, stamp duties.

Mr. MORRILL. I move to amend, under the heading of "bill of sale," by striking out "twenty-five cents" and inserting "fifty cents;" so that it will read:

Bill of sale by which any ship or vessel, or any part thereof, shall be conveyed to or vested in any other person or persons, when the consideration shall not exceed $500, fifty cents.

The amendment was agreed to.

Mr. MORRILL. I move to amend in the next line by striking out "fifty cents" and inserting "one dollar," so that it will read, "exceeding $500 and not exceeding $1,000, one dollar."

The amendment was agreed to.

Mr. MORRILL. I move to amend by striking out in the next clause, where it occurs the second time, "$1,000," and inserting in lieu thereof "$500;" so that it will read, "exceeding $1,000, for every additional amount of $500, or fractional part thereof, fifty cents."

The amendment was agreed to.

Mr. KASSON. I move to amend, under the head of "bond," by striking out the words "who shall have become bound or engaged as surety for," and insert in lieu thereof the word "against;" also, to strike out the words "or" and "to be;" so that it will read:

Bond.—For indemnifying any person against the payment of any sum of money, or for the due execution or performance of the duties of any office, or to account for money received by virtue thereof, where the penalty or money ultimately recoverable thereupon is $1,000 or less, fifty cents.

Mr. BOUTWELL. I hope the change will not be made. I wish to call the attention of the committee to the effect of introducing the word "against" instead of the words proposed to be struck out. What does it mean to indemnify a person "against the due execution or performance of the duties of any office?" I suggest to the gentleman from Iowa that it is better to go back to the old language, which has had a construction that is reasonable, and which has been accepted by the whole country, and created no difficulty whatever.

Mr. KASSON. As the clause now stands, it seems to cover but one class of indemnifying bonds. The object in making the change is to cover all classes of indemnity bonds.

The amendment was agreed to.

Mr. KASSON. I move to amend in the next paragraph by striking out the words "to be" and increasing the duty from twenty-five to fifty cents, so that it will read, "where the penalty or money ultimately recoverable thereupon exceeds $1,000, for every additional $1,000, or fractional part thereof, in excess of $1,000, fifty cents."

The amendment was agreed to.

Mr. KASSON. I move to amend in the next paragraph by striking out the words "such as are," so that it will read, "bond of any description other than such as may be required in legal proceedings, or used in connection with mortgage deeds, and not otherwise charged in this schedule, twenty-five cents."

The amendment was agreed to.

Mr. MORRILL. I move to amend line sixty-two by making it read "exceeding fifty dollars and not exceeding $100, fifty cents."

The amendment was agreed to.

Mr. MORRILL. I move to amend by inserting after the line just amended the words "exceeding $100, for each additional $100 or fractional part thereof, twenty-five cents."

The amendment was agreed to.

Mr. MORRILL. I move to amend the clause under the heading of "charter-party" by inserting after the word "steamer" the words "or any renewal or transfer thereof," and also to strike out the words "one hundred and;" so that it will read:

Charter-Party.—Contract or agreement for the charter of any ship or vessel, or steamer, or any letter, memorandum, or other writing between the captain, master, or owner, or person acting as agent of any ship or vessel, or steamer, or any renewal or transfer thereof, and any other person or persons for or relating to the charter of such ship or vessel, or steamer, if the registered tonnage of such ship or vessel, or steamer, does not exceed fifty tons, one dollar.

The amendment was agreed to.

Mr. MORRILL. I move to amend the clause under the heading of "conveyance" by striking out the following:

Exceeding $1,000 and not exceeding $2,500, two dollars; exceeding $2,500 and not exceeding $5,000, five dollars; exceeding $5,000 and not exceeding $10,000, ten dollars; exceeding $10,000 and not exceeding $20,000, twenty dollars.

The amendment was agreed to.

Mr. KASSON. I move to amend the clause under the heading of "contract" by inserting before "ten cents" the words "for each note or memorandum of each sale;" so that it will read:

Contract.—Broker's note, or memorandum of sale of any goods or merchandise, stocks, bonds, exchange, notes of hand, real estate, or property of any kind or description issued by brokers or persons acting as such, for each note, or memorandum of each sale, ten cents.

The amendment was agreed to.

Mr. ROSS. I move to strike out from line eighty-seven to line one hundred and four, inclusive, as follows:

Conveyance.—Deed, instrument, or writing, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or purchasers, or any other person or persons by his, her, or their direction, when the consideration or value exceeds $100 and does not exceed $500, fifty cents; when the consideration exceeds $500 and does not exceed $1,000, one dollar; exceeding $1,000 and not exceeding $2,500, two dollars; exceeding $2,500 and not exceeding $5,000, five dollars; exceeding $5,000 and not exceeding $10,000, ten dollars; exceeding $10,000 and not exceeding $20,000, twenty dollars; and for every additional $10,000, or fractional part thereof in excess of $20,000, twenty dollars.

The amendment was disagreed to.

Mr. MORRILL. I move to amend in line one hundred and three by striking out "$10,000" and inserting in lieu thereof "$500."

The amendment was agreed to.

Mr. MORRILL. In line one hundred and four I move to strike out "twenty," where it first occurs, and insert in lieu thereof the word "one."

The amendment was agreed to.

Mr. MORRILL. At the end of line one hundred and four I move to strike out "twenty dollars" and to insert in lieu thereof "fifty cents."

The paragraph, as amended, would then read: "And for every additional $500, or fractional part thereof in excess of $1,000, fifty cents."

The amendment was agreed to.

Mr. MORRILL. In line one hundred and twenty-six I move to amend by striking out "twenty-five cents" and inserting in lieu thereof, "the premium on which does not exceed ten dollars, ten cents; exceeding ten dollars and not exceeding fifty dollars, twenty-five cents; exceeding fifty dollars, fifty cents;" so as to make it read:

Insurance, (marine, inland, and fire.)—Each policy of insurance or other instrument, by whatever name the same shall be called, by which insurance shall be made or renewed upon property of any description, whether against perils by the sea or by fire, or other peril of any kind, made by any insurance company, or its agents, or by any other company or person, the premium on which does not exceed ten dollars, ten cents; exceeding ten dollars and not exceeding fifty dollars, twenty-five cents; exceeding fifty dollars, fifty cents.

The amendment was agreed to.

Mr KASSON. I move to strike out the word "two," in the one hundred and thirty-first line, and insert "one" in lieu thereof, so as to make the paragraph read, "where the rent or rental value exceeds the sum of $300, for each additional $100, or fractional part thereof in excess of $300, fifty cents."

The amendment was not agreed to.

Mr. MORRILL. I move the same amendments in respect to mortgages that have been adopted in respect to conveyances. I move to strike out from line one hundred and fifty-three to line one hundred and sixty, as follows:

Exceeding $1,000 and not exceeding $2,500, two dollars; exceeding $2,500 and not exceeding $5,000, five dollars; exceeding $5,000 and not exceeding $10,000, ten dollars; exceeding $10,000 and not exceeding $20,000, fifteen dollars.

The amendment was agreed to.

Mr. MORRILL. I move also, in line one hundred and sixty-one, to strike out "$10,000" and insert in lieu thereof "$500;" also in line one hundred and sixty-two to strike out "twenty" and insert in lieu thereof "one;" also, at the end of line one hundred and sixty-two to strike out "ten dollars" and to insert in lieu thereof "fifty cents;" so as to make the clause in reference to mortgages read as follows:

Mortgage of lands, estate, or property, real or personal, heritable or movable whatsoever, or any mortgage or personal bond, where the same shall be made as a security for the payment of any definite and certain sum of money lent at the time or previously due and owing or forborne to be paid, being payable; also, any conveyance of any lands, estate, or property whatsoever, in trust to be sold or otherwise converted into money, which shall be intended only as security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, or any personal bond given as security for the payment of any definite or certain sum of money exceeding $100 and not exceeding $500, fifty cents; and for every additional $500 or fractional part thereof in excess of $1,000, fifty cents.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. HICKEY, their Chief Clerk, notifying the House that the Senate have passed bills of this House of the following titles, with amendments; in which he was directed to ask the concurrence of the House:

An act (No. 119) to regulate the admeasurement of the tonnage of ships and vessels of the United States; and

An act (No. 360) for the prevention and punishment of frauds in relation to the names of vessels.

Also, that the Senate have passed without amendment bills of the House of the following titles:

An act (No. 62) fixing certain rules and regulations for preventing collisions on the water; and

An act (No. 367) to provide for the collection of hospital dues from vessels of the United States sold or transferred to foreign ports or waters.

The committee then resumed its session, and proceeded again to the consideration of the

INTERNAL REVENUE BILL.

Mr. MORRILL. At the suggestion of the gentleman from Massachusetts [Mr. BOUTWELL] that the words are surplusage as they occur in the latter part of the clause, I move to strike out the words "or any mortgage or personal bond" where they occur in the following clause:

Mortgage of lands, estate, or property, real or personal, heritable or movable whatsoever, or any mortgage or personal bond, where the same shall be made as a security for the payment of any definite and certain sum of money lent at the time or previously due and owing or forborne to be paid, being payable.

The amendment was agreed to.

Mr. MORRILL. In line one hundred and seventy I move to insert after the word "dollars" the words "and not exceeding fifty dollars;" so as to make the paragraph read:

Passage ticket, by any vessel from a port in the United States to a foreign port, not exceeding thirty dollars, fifty cents; exceeding thirty dollars and not exceeding fifty dollars, one dollar.

The amendment was agreed to.

Mr. MORRILL. I move to add immediately after in line one hundred and seventy the words "and for every additional fifty dollars or fractional part thereof in excess of fifty dollars, one dollar."

The amendment was agreed to.

Mr. JOHNSON, of Pennsylvania. I move to amend by adding at the end of the paragraph "power of attorney to sell and convey real estate, or to rent or lease the same, or to perform any and all other acts not hereinbefore specified, one dollar," the following:

Excepting powers of attorney for the collection of back pay, bounty, pensions, or other allowances due to soldiers or other persons on account of personal military service rendered.

Mr. MORRILL. I will suggest to the gentleman from Pennsylvania that that is provided for in another section.

Mr. JOHNSON, of Pennsylvania. If that be the case, I will withdraw it.

Mr. THAYER. I move to amend the same paragraph by adding "power of attorney for any other purpose, twenty-five cents."

Mr. MORRILL. By looking at line one hundred and seventy-nine the gentleman will see that that is included in the words "or to perform any and all other acts not hereinbefore specified;" and not only that, but the gentleman has reduced the tax from one dollar to twenty-five cents.

Mr. THAYER. That is probably so. But, sir, I think that is too high a tax to be made upon these powers of attorney without discrimination. Upon a power of attorney to sell real estate that rate is not too high; but upon a great many subjects of little moment it is entirely too large. However, I will withdraw my amendment, and move to strike out the words quoted by the gentleman from Vermont.

The amendment was agreed to.

Mr. THAYER. I now renew my amendment.

Mr. MORRILL. I have no objection to that, if the gentlemen will fix it at fifty cents.

Mr. THAYER. Very well; I will so modify my amendment.

The amendment was agreed to.

Mr. MORRILL. I move to insert the following:

Warehouse receipt for not exceeding fifty barrels of flour held in storage in any public or private warehouse or yard, five cents; exceeding fifty barrels and not exceeding one hundred barrels, ten cents; exceeding one hundred barrels, for every additional one hundred barrels or fractional part thereof, ten cents. Warehouse receipt for not exceeding fifty bushels of grain held in storage in any public or private warehouse or yard, five cents; exceeding fifty bushels and not exceeding one hundred bushels, ten cents; exceeding one hundred bushels, for every additional hundred bushels or a fractional part thereof, ten cents. Warehouse receipt for not exceeding fifty barrels of beef, pork, or bacon, or other salted, cured, dried, or preserved meats, held in storage in any public or private warehouse or yard, ten cents; exceeding fifty barrels and not exceeding one hundred barrels, twenty cents; exceeding one hundred barrels, for every additional one hundred barrels or fractional part thereof, ten cents. Warehouse receipt for not exceeding fifty tierces of beef, pork, bacon, or other salted, cured, dried, or preserved meats, held in storage in any public or private warehouse or yard, fifty cents; exceeding fifty tierces and not exceeding one hundred tierces, one dollar; exceeding one hundred tierces, for every additional one hundred tierces or fractional part thereof, fifty cents.

Mr. FENTON. I suggest to the gentleman to make the language general, so as to include boxes, casks, packages, &c.

Mr. MORRILL. We propose to move to insert in line one hundred and ninety-five the words "not otherwise provided for." That will remove the gentleman's objection.

The committee divided; and there were—ayes thirty-six, noes not counted.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. ROSS and FENTON were appointed.

The amendment was agreed to; the tellers having reported—ayes sixty-four, noes not counted.

The Clerk read, as follows:

Warehouse receipt for any goods, merchandise, or property of any kind held on storage in any public or private warehouse or yard, twenty-five cents.

Mr. MORRILL. I move to insert after the word "kind" the words "not otherwise provided for."

The amendment was agreed to.

Mr. CRESWELL. I move to insert the following:

Warrants of distraint for rent, where the amount of rent does not exceed $100, twenty-five cents; where it exceeds $100, fifty cents.

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and ORTH were appointed.

The amendment was agreed to; the tellers having reported—ayes sixty-four, noes not counted.

The Clerk read, as follows:

Legal Documents.—Writ, or other original process by which any suit is commenced in any court of record, either law or equity, fifty cents.

Mr. BALDWIN, of Michigan. I move to add the following:

When the amount claimed in the writ issued by a court not of record is $100 or over, fifty cents; upon every confession of judgment or cognovit for $100 or over, fifty cents.

The amendment was agreed to.

Mr. NORTON moved to insert the following:

And that twenty-five cents be charged upon every appeal taken from an inferior to a higher court.

Mr. GANSON. I think that is provided for in the law as it now stands.

The amendment was agreed to.

The Clerk read, as follows:

Provided, That no writ, summons, or other process issued by and returnable to a justice of the peace, or issued in any criminal or other suits commenced by the United States, or any State, shall be subject to the payment of stamp duties.

Mr. BALDWIN, of Michigan. I move to add, "except where the amount claimed is $100 or more."

Mr. MORRILL. I move the following as a substitute for the amendment:

Insert after the word "peace" the words "except as hereinbefore provided for."

The amendment to the amendment was agreed to, and then the amendment as amended was adopted.

Mr. HOTCHKISS. I move to insert "affidavits in suits or legal proceedings shall be exempt from stamp duty."

The amendment was agreed to.

Mr. ROSS. I move to strike out the words "commenced by the United States or any State."

The amendment was disagreed to.

The Clerk read, as follows:

SCHEDULE C.

Medicines or Preparations.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any pills, powders, tinctures, troches, or lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has, or claims to have, any private formula or occult secret or art for the making or preparing the same, or has, or claims to have, any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters patent, or held out or recommended to the public by the makers, venders, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows: where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent.

Mr. HUBBARD, of Iowa. I move to make it "two cents" instead of "one cent."

The amendment was disagreed to.

The Clerk read, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents.

Mr. HUBBARD, of Iowa. I move to strike out "two cents" and insert "four cents."

The amendment was disagreed to.

The Clerk read, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Mr. HUBBARD, of Iowa. I move to strike out "three" and insert "five."

The amendment was disagreed to.

Mr. KASSON. I move to amend the heading of the second subdivision of schedule "C," on page 210, so that it shall read, "perfumery, cosmetics, matches, photographs, and cards."

The amendment was agreed to.

Mr. MORRILL. I move to amend in line sixty, page 210, by striking out after the words "one hundred" the words "and forty-four," and by striking out after the word "less" the words "when the retail price of such matches or articles shall not exceed the sum of five cents;" so that the clause will read:

Friction matches, or lucifer matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent.

Mr. FENTON. I am opposed to the amendment of the gentleman from Vermont, and I oppose it only for the purpose of asking him to adopt a suggestion which I will make. It is to modify his amendment by inserting after the word "containing," in line fifty-nine, the words "sev-

enty-two or less, one half cent; containing over seventy-two and less than one hundred and forty-four, one cent." The object of the suggestion I make is to embrace a class of manufacturers who are now making and putting up matches in boxes containing seventy-two or less. I know of one establishment in my State whose amount of manufacture reaches four million boxes a year; and a tax of one half cent upon those boxes would amount to over one hundred and fifty thousand dollars yearly. It is unfair, if we can possibly avoid it, to compel that class of manufacturers to stop their works in order to change their machinery and adopt a class of boxes which contain one hundred matches; or compel them to pay on boxes containing seventy-two matches a tax equal to that which is paid by those who are putting up matches in boxes containing one hundred matches.

I have consulted with the gentleman from Massachusetts, [Mr. BOUTWELL,] who is familiar with the working of the internal revenue loans, and he thinks there would be no great impropriety in fixing a stamp of one half cent upon this class of boxes.

Mr. MORRILL. I desire to say a word in opposition to the gentleman's suggestion. It seems to me that if we are to have any stamp tax at all, upon matches or anything else, one cent is as low as we can possibly go. The inconvenience suggested by the gentleman from New York is a very small one, and perhaps does not exist except in the case he has mentioned, and which I hope will vanish soon after the law goes into operation. Most of those who manufacture already place one hundred matches in a box, and if they place less they make a greater profit thereby, as I suppose.

Mr. FENTON. I offer that suggestion as an amendment to the amendment of the gentleman.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

Mr. MORRILL. I move to insert after line sixty-two the following:

When any parcel or package contains more than one hundred and not more than two hundred matches, for each parcel or package two cents, and for every additional one hundred matches or fractional part thereof, one cent.

The amendment was agreed to.

Mr. MORRILL. I move to strike out lines sixty-three, sixty-four, and sixty-five, as follows:

Where the retail price of such parcel or package shall exceed the sum of five cents, for every additional amount of five cents, or fractional part thereof, one cent.

And to insert in lieu thereof the following:

For all cigar lights, wax tapers, or matches, made without the use of sulphur, double the rates herein imposed upon sulphur or lucifer matches.

The amendment was agreed to.

Mr. MORRILL. I move to amend by adding at the end of the last amendment the following:

Provided, That so far as this act relates to friction or lucifer matches made in part of wood, or to cigar lights, wax tapers, or matches made without the use of sulphur, the same shall not take effect until the 1st of July, 1864.

The amendment was agreed to.

The following clause was read:

Playing cards.—For and upon every pack of whatever number, when the retail price per pack does not exceed eighteen cents, two cents.

Mr. HOLMAN. I think this article of luxury ought to pay a larger tax. I move to amend by striking out "two" and inserting "five."

Mr. MORRILL. If the gentleman from Indiana will notice the phraseology of this bill he will see that it is changed from what it was under the old law. Under the old law playing cards were only charged this rate upon the wholesale price; and if the gentleman has purchased any of these articles of luxury, as I presume he has, he found that he paid only a one cent tax, although he bought a pack of cards which cost fifty or seventy-five cents. Now, the proposition is to place the tax upon the retail price. That will more than double the revenue from this source.

Mr. KALBFLEISCH. May I ask the gentleman whether he considers this as an indispensable article for gentlemen upon that side of the House? [Laughter.]

Mr. HOLMAN. I think the tax is entirely too low, and I insist on my amendment.

The amendment was agreed to.

Mr. HOLMAN. I move to strike out in line seventy-nine the word "three" and insert "ten" in lieu thereof, so that the clause will read, "exceeding the retail price of eighteen cents, and not exceeding twenty-five cents per pack, ten cents."

Mr. RICE, of Massachusetts. I hope that that amendment will not prevail. I believe that if the object of this bill is simply to raise revenue, very much more will be derived from the schedule of prices which the Committee of Ways and Means have inserted in the bill than from an increase.

Last year when the tax bill was pending I had occasion to look into this subject from the fact that I have acquaintance with one of the four largest manufacturers of playing cards in the United States. An effort was made last year greatly to raise this tax. I think some gentleman proposed twenty-five, ten, and five cents, but finally the two Houses agreed that more revenue would probably be derived from fixing the tax at half the rates established in this bill than from higher rates.

I desire to say here that one manufacturer in New York from whom I have a letter in my hand states that he has paid for the goods that he manufactures since the tax bill went into operation $28,000 on these articles.

Again, one reason given why the tax should be small on low-priced cards is that if it be made heavy it will drive the cheaper article out of use and tend to the disuse of the article to a very great extent. We know that it is really economy to purchase the higher-priced article, because one pack of these, as I am informed by those who are in the habit of using them, will last some twelve times as long as a pack of a cheaper quality.

Another reason is that a high tax on the domestic article destroys the competition of the American manufacturer with the foreign manufacturer. I believe that the House will make a very great mistake if they increase the tax above the rates proposed by the Committee of Ways and Means. I make that statement after having given a considerable degree of attention to this subject.

Mr. HOLMAN's amendment was agreed to—ayes sixty-two, noes not counted.

Mr. HOLMAN. I now move to strike out the word "five" in line eighty-one, and insert "fifteen" in lieu thereof; so that the clause will read, "exceeding the retail price of twenty-five, and not exceeding fifty cents per pack, fifteen cents."

Mr. HUBBARD, of Iowa. I move to amend the amendment by striking out "fifteen" and inserting "twelve."

The amendment to the amendment was disagreed to.

The amendment was then agreed to.

Mr. HOLMAN. In line eighty-three I move to strike out "ten" and insert "thirty;" so that the clause will read, "exceeding the retail price of fifty cents, and not exceeding one dollar per pack, thirty cents."

The amendment was agreed to.

Mr. HOLMAN. I move now to strike out the word "five" and insert "twenty;" so that the clause will read, "exceeding the retail price of one dollar for every additional fifty cents, or fractional part thereof, in excess of one dollar, twenty cents."

The amendment was agreed to.

Mr. RICE, of Massachusetts. I move now to strike out the word "retail" wherever it occurs before the word "price" in these items in regard to playing cards.

Mr. MORRILL. Whatever may be done with this section—and I do not suppose that any gentleman proposes that it shall be carried into effect in its present form—the retail price ought to be retained for this reason, that under the present law there are great opportunities for evading this duty. As I stated before, when a purchaser obtains these cards, if a proper stamp is on he knows it, for it is visible on the outside of the pack.

Mr. RICE, of Massachusetts. I would like to ask the gentleman from Vermont who he intends shall pay the expense of these stamps, the manufacturer or the retailer?

Mr. MORRILL. I intend that they shall not be sold without a full stamp being upon them.

Mr. RICE, of Massachusetts. I ask the gentleman from Vermont whether he expects the manufacturer of cards to put on these stamps? The manufacturer cannot possibly know at what price these cards may be sold in various parts of the country. The proposition is simply impracticable. I understand that the manufacturer is perfectly willing to pay the tax, but wants to know what the tax is. He puts on a stamp at his own price; but how can he anticipate what the retail price is?

Mr. MORRILL. I submit to the gentleman from Massachusetts that it is the same proposition as in regard to all the articles in this section, and that no difficulty has been heretofore experienced from it, and I apprehend that none will be in this case.

Mr. RICE, of Massachusetts. The principle is not the same. When these articles of patent medicines are put up in boxes and bottles, which preserve their forms unaltered, and which have a retail price attached to them when they are sent out from the place of manufacture, there is no difficulty about them, but it is quite different in the case of playing cards which have no fixed retail price.

Mr. MORRILL. The ruling of the Department in regard to these articles is:

"If the manufacturer of proprietary articles, acting in good faith, and upon such information as he can obtain, affixes a stamp answering to the retail price in the market where he deals, or in the vicinity thereof, he will be exempt from proceedings for penalty, even though in other parts of the country the articles so manufactured and stamped may be sold at enhanced prices."

Mr. RICE, of Massachusetts. Then do I understand that the manufacturer may put on a stamp which will answer to the retail price?

Mr. MORRILL. Yes, sir.

Mr. RICE's amendment was rejected.

The one hundred and seventy-first section was read, as follows:

SEC. 171. *And be it further enacted*, That from and after the date on which this act takes effect there shall be an allowance or drawback on all articles on which any internal duty or tax shall have been paid, except raw or unmanufactured cotton, refined coal oil, naphtha, benzine or benzole, distilled spirits, manufactured tobacco, snuff, and cigars of all descriptions, equal in amount to the duty or tax paid thereon, and no more, when exported, the evidence that any such duty or tax has been paid to be furnished to the satisfaction of the Commissioner of Internal Revenue by such person or persons as shall claim the allowance or drawback, and the amount to be ascertained under such regulations as shall, from time to time, be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, and the same shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance or drawback shall be made or had for any amount claimed or due less than twenty dollars, anything in this act to the contrary notwithstanding: *And provided further*, That any certificate of drawback for goods exported, issued in pursuance of the provisions of law, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of duties under this act. And the Secretary of the Treasury may make such regulations with regard to the form of said certificates and the issuing thereof as, in his judgment, may be necessary: *And provided further*, That in computing the allowance or drawback upon articles manufactured exclusively of cotton when exported, there shall be allowed, in addition to the five per cent. duty which shall have been paid on such articles, a drawback of two cents per pound upon such articles, in all cases where the duty imposed by law upon the cotton used in the manufacture thereof has been previously paid; the amount of said allowance to be ascertained in such manner as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury.

Mr. KASSON. I move to amend by adding to the section as follows:

And provided further, That there shall be an allowance or drawback on refined coal oil, when exported, of $1 30 per barrel of forty gallons.

This amendment becomes necessary in consequence of the committee having laid a tax of one dollar on crude oil. A drawback is allowed on crude petroleum exported. On refined there is no drawback allowed, as it is exported directly from the place of manufacture to a bonded warehouse or place of exportation. Therefore, in order to equalize the foreign and the home manufacture, it is necessary to allow a drawback on refined oil equal to the tax on crude petroleum.

Mr. MORRILL. I do not rise to oppose the amendment, but I trust that when the House reaches this proposition and the proposition to tax coal oil, they will reject them both. If the one is retained, then it is obvious that this proviso should be inserted. I therefore do not object now to the introduction of this proposition.

The amendment was agreed to.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 29, 1864. NEW SERIES.....No. 120.

Mr. SCOFIELD. I move to amend the section by striking out the following proviso:

And provided further, That in computing the allowance or drawback upon articles manufactured exclusively of cotton when exported, there shall be allowed, in addition to the five per cent. duty which shall have been paid on such articles, a drawback of two cents per pound upon such articles in all cases where the duty imposed by law upon the cotton used in the manufacture thereof has been previously paid, the amount of said allowance to be ascertained in such manner as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury.

I do not know why we should pay two cents per pound on cotton that may be exported.

Mr. HOLMAN. Of course there is no misunderstanding the effect of this provision. The cotton fabric is not only to be relieved from all duties when exported, but even the material that enters into its composition is to be relieved from duty.

Mr. MORRILL. I think that when the gentleman from Indiana understands it he will not object to the provision as it now stands. I suppose that whatever may be the object of gentlemen in the way of preventing imports, there is no disposition on the part of any one to prevent exports. These fabrics are manufactured from cotton on which a duty of two cents has been paid; and there really ought to be allowed a drawback of not less than two and a half cents when the fabric is exported, as there is a waste and a loss of not less than one half of one cent in the process of manufacture. If no drawback is allowed, our manufacturers will be prevented from manufacturing five or six million of cotton goods, which they can do, or have done till recently, for exportation to Brazil, China, Mexico, and other places.

Mr. HOLMAN. It is very manifest that this particular interest is remarkably protected, so that we have nearly a prohibitory tariff against cotton goods.

Mr. MORRILL. That does not touch the question at all.

Mr. HOLMAN. I know it; but still it enters into the question as to the protection afforded to cotton manufacturers. The tariff prohibits cotton importations.

Mr. MORRILL. Not on the coarser kinds.

Mr. HOLMAN. An increase of fifty per cent. on the existing rates of duty upon any of these imported manufactures could not be made without making the duty prohibitory; and it does seem to me that this is relieving this interest to an unnecessary extent.

Mr. MORRILL. I merely say that if this amendment is adopted it will prevent any manufacture whatever of these goods for exportation. If, therefore, the gentleman desires to stop entirely these establishments from manufacturing for that purpose he will vote for the amendment.

Mr. ALLEY. I wish to ask the gentleman from Vermont one question. I ask him if there is not an export duty of two cents a pound upon cotton?

Mr. MORRILL. There is a duty of two cents a pound upon all cotton raised in the United States, and we simply propose to pay back that tax upon the manufactured goods that are exported, leaving the manufacturer to lose the waste and loss that occurs in the process of manufacture.

Mr. ALLEY. Then I would like to ask the gentleman from Vermont wherein these foreign manufacturers are to gain any advantage from the tax without this drawback on our manufactured articles for export?

Mr. MORRILL. For the reason that they receive cotton from India and other countries free of duty.

Upon the amendment to strike out the proviso, 35 voted in the affirmative and 48 in the negative; no quorum.

Mr. MORRILL called for tellers.

Tellers were ordered; and Messrs. SCOFIELD and FENTON were appointed.

The House again divided; and the tellers reported—ayes 33, noes 72.

So the amendment was disagreed to.

Mr. FENTON. I move to strike out the proviso commencing on the eighteenth line of the one hundred and seventy-first section, down to and including the word "notwithstanding" in the twenty-first line, as follows:

Provided, That no allowance or drawback shall be made or had for any amount claimed or due less than twenty dollars, anything in this act to the contrary notwithstanding.

I am told by gentlemen who are familiar with this subject of drawbacks and duties that this would work a very great hardship upon the small manufacturers, or those who desire to send out manufactured goods in small amounts or parcels. Unless, therefore, the gentleman from Vermont who has charge of the bill has some special objection, I hope the amendment will be adopted. If the amendment is not acceptable to the gentleman from Vermont I will withdraw it.

Mr. MORRILL. I would prefer that the amount at which the limit is fixed should be reduced and the proviso still retained. If the gentleman from New York will simply move to reduce the limit from twenty dollars to ten dollars, I will not object to it.

Mr. FENTON. I will then modify my amendment in that way.

The amendment, as modified, was agreed to.

Mr. MORRILL. I move to add the following as a new section, to come in after section one hundred and seventy-two:

SEC. —. *And be it further enacted*, That all the provisions of the several acts entitled "An act to provide internal revenue to support the Government and to pay interest on the public debt," approved July 1, 1862, and of an act entitled "An act to impose an additional duty on sugars produced in the United States," approved July 16, 1862, and of an act entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government and to pay interest on the public debt,' approved July 1, 1862," approved December 25, 1862, and of an act entitled "An act to amend an act entitled 'An act to provide internal revenue to support the Government and to pay interest on the public debt,' approved July 1, 1862, and for other purposes," approved March 3, 1863, be, and the same are hereby, repealed; and that the twenty-fourth and twenty-fifth sections of an act entitled "An act increasing temporarily the duties on imports, and for other purposes," approved July 14, 1862, and the provisions of the second section of an act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863, so far as the same apply to officers of internal revenue, be also repealed: *Provided*, That all the provisions of said acts shall be in force for levying and collecting all taxes already assessed, and of maintaining and continuing liens, fines, penalties, and forfeitures already accrued, and for carrying out and completing all procedures which have been already commenced in enforcing such fines, penalties, and forfeitures, or criminal proceedings, under said act, and for the punishment of crimes of which either party shall be or has been found guilty: *And provided further*, That no office created by the said act and continued by this act shall be created by reason of any provisions herein contained, but the officers heretofore appointed shall continue to hold the said office without reappointment or new bond, or taking anew the oath of office: *And provided also*, That the said Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is authorized to make all such regulations not otherwise provided for as may become necessary by reason of the alteration of the laws in relation to internal revenue by virtue of this act.

Mr. KALBFLEISCH. I desire to ask the gentleman from Vermont whether in imposing additional duties upon these officers he has provided against its operating as a relief to their sureties from their bonds?

Mr. MORRILL. It was so intended and I think it is so worded.

Mr. ARNOLD. This is an important subject, and should certainly be definitely understood. I understand that as a general principle of law when new duties have been imposed on any officer it operates as a complete relief of his sureties from their bonds, and requires the bonds to be renewed.

Mr. STEVENS. I think it would be better to introduce a provision on that subject.

Mr. KERNAN. I think it would be better to make them renew their bonds.

Mr. STEVENS. I think it would be better to provide that the old bonds should continue in force and be valid unless the obligors shall give due notice of their dissent.

Mr. SCOFIELD. Would that be unconstitutional?

Mr. STEVENS. If we had a little coal oil here it might throw some light upon this subject. [Laughter.]

Mr. ARNOLD. There is no doubt the sureties would be held for the duties under the old law.

Mr. MORRILL. Under the law the Commissioner of Internal Revenue has the right to require new bonds or additional bonds at any time he pleases.

Mr. KALBFLEISCH. It will simply have this effect: if there is a change the bonds become a nullity, and no act of Congress can revive them; they are dead.

Mr. STEVENS. I suggest to the gentleman from Vermont to strike out the words "or new bonds."

Mr. MORRILL. I cannot accept that modification of the amendment.

Mr. STEVENS. I move, then, to insert the words "so far as the same are not inconsistent with the provisions of this act."

Mr. MORRILL. I doubt whether that will answer the purpose. This being an independent law there will be many things, not inconsistent, but cumulative, added thereto. I think it will hardly do to insert the words the gentleman has suggested.

Mr. STEVENS. I move, then, to strike out the words "or new bonds."

Mr. KALBFLEISCH. I move to insert the words "and upon the execution of new bonds."

The amendment to the amendment was agreed to; and then the amendment, as amended, was adopted.

Mr. PENDLETON. I move to insert the following:

Provided, That so much of the act approved July 11, 1862, making further appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1863, and additional appropriations for the year ending the 30th of June, 1862, as limits the price to be paid to the Washington Gas-Light Company per hundred cubic feet of gas furnished by it to the Government and to other consumers, be, and the same is hereby, repealed.

The amendment was agreed to; there being, on a division—ayes 56, noes 36.

Mr. RADFORD moved to insert the following as a new section:

And be it further enacted, That on all sales of ice there shall be paid five per cent. *ad valorem*.

The amendment was agreed to.

The Clerk read, as follows:

SEC. 173. *And be it further enacted*, That section one hundred and nineteen of an act entitled "An act to provide internal revenue to support the Government, and to pay interest on the public debt," approved July 1, 1862, be, and the same is hereby, repealed; and the day for the assessment and collection of the direct tax provided for in an act entitled "An act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," shall be, for the year 1864, the 1st day of June, 1864, instead of the 1st day of April, which last-named day shall be and remain as the day for valuation for the year 1864, as aforesaid; and all the proceedings in relation thereto shall be subject to rules and regulations to be prescribed by the Secretary of the Treasury, of which public notice shall be given, and all the provisions of said act not modified by anything herein contained, and of "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes," approved June 7, 1862, and of any act or acts amendatory thereto, shall be and remain in full force so far as the same are applicable for the purpose of levying and collecting the direct tax as aforesaid.

Mr. STEVENS. I move to strike out that section. Though we need money very much, I feel bound to make this motion. The motion does not come from the Committee of Ways and Means, but from myself individually.

Mr. MORRILL. Mr. Chairman, I believe it will be conceded on all hands that we need the money to be derived from this tax. It was suspended for two years. One year has passed in which there has been no direct tax levied. We can have this tax remain as a lien upon the property of those now in rebellion, and it will enable the Government to enforce more efficiently confiscation of the estates of rebels than by any other laws now upon the statute-books. If for no other, it ought to be retained for that purpose. It is right that the rebels should be made to pay their

share of taxes as much as loyal men; this is the only place where they can be reached, and if they do not pay it, they ought to be subject to the penalty that we impose upon loyal men. I leave it with the Committee of the Whole to determine as they may see fit.

Mr. WILSON. I move to strike out all after the word "and" in the fifth line. I do so for the purpose of advocating the striking out of this section. I do not believe that a single argument can be made in favor of the imposition of the unequal tax proposed by this section. The gentleman from Maine says that it is constitutional. The Constitution provides that

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

And further:

"No capitation or other direct tax shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken."

Now, sir, under these provisions, in the apportionment of Representatives we find upon this floor six Representatives representing the two States of Rhode Island and Connecticut. By the census of 1860 I find that the property valuation of those two States amounts in Connecticut to $444,274,114, in Rhode Island $135,337,588, making an aggregate of $579,611,702. The State of Iowa, which I have the honor to represent in part, has upon this floor six Representatives, and the total valuation of property in that State according to the census of 1860 is $247,338,265, or $332,273,437 less than the valuation of the property of the two States I have mentioned, and yet under this direct tax the State of Iowa will have to pay the same amount that the two States of Rhode Island and Connecticut will have to pay.

I apprehend there can be no argument in favor of a tax so unequal and so unjust. I do not complain because of the amount proposed to be levied upon the people of Iowa. The people of that State are willing to pay the last dollar for the support of the Government and the suppression of the rebellion. They are willing to furnish their last man, and they now stand ten thousand men ahead of all demands made upon the State by the President, and the Governor has just tendered ten thousand men in addition. Therefore I do not complain of the amount of the burden proposed to be imposed on the patriotic people of my State, but for their protection and in view of their willing sacrifices I protest against the inequality of the tax; I say it is not fair, it is not just to impose upon that State—and the same thing applies to other States—it is not fair to impose upon them burdens so unequal when they are already bearing more of the burdens of this war than could be demanded of them.

Under the indirect system proposed by this bill the people of the western States pay their full proportion of all the taxes imposed by the Government upon everything consumed by them. They pay the same tax that is paid by the people of the eastern States. The full proportion of the West is met cheerfully and promptly, and we shrink from no duty or tax, we shrink from furnishing no number of men that may be called for, but we do ask that in the imposition of taxes by the General Government there shall be equality, and that the burden shall fall alike upon all sections.

Mr. MORRILL. Mr. Chairman, this direct tax is a constitutional tax apportioned, as the framers of the Constitution believed, in the most equal manner possible. When you have reached the last section prior to this of the bill before us, you will have gathered up all the property, save real estate, and business of the country and taxed it alike, so that persons and landed estates are all that there is left to be taxed. The land of Iowa or Illinois is worth more than any two or three States of New England, and perhaps four or five times that of Vermont, and yet Iowa will be taxed in proportion to the numbers of her people, or twice that of Vermont and half that of Massachusetts. All the manufactures, trades, and professions are everywhere equally taxed. All the property represented in banks, insurance and other companies is taxed alike. In the consumption of merchandise all pay in proportion to what they consume, but all do not consume alike. Newly settled States never consume as much of the costlier manufactures as do older States. They make more money, but they expend upon permanent improvements, buildings, fences, and stock. Even in the matter of consumption eastern States are most heavily taxed.

My own State not being according to the census quite entitled to three members—obtaining one upon a fraction—will really be required to pay more than it ought to pay upon actual numbers. That is unequal. We have not increased since 1860, nor much since 1850. In fact, the attractions of the West to our people are so great that it entirely drains us of all our increase of population, and our young men moving away leaves a less number fit for military service between the ages of eighteen and forty-five than we find in western States. It is our misfortune, not our fault. But Iowa has increased largely in numbers since 1860, and the inequality is that her burden is not increased when in fact it should be.

I should not have argued this matter if it had not been alluded to by other gentlemen. I think the tax bill is as equal as any can be, but none can be entirely so. A direct tax by itself might be open to some criticism, but in connection with this internal revenue bill—after you have taxed accumulated property from which any gain, profit, or income is derived, in all possible shapes—it seems to be about as equal as anything can be.

In relation to the number of troops furnished by Iowa beyond the amount called for, my own State, Vermont, has also furnished nearly two thousand beyond her quota, and they have long been in service. All these men receive half as much and more pay from the State as they receive from the General Government.

But, Mr. Chairman, the lien we obtain upon the real estate of rebels through the operation of the direct tax is worthy of our serious attention. The title to property sold under such a law is regarded of a higher character than any other, and purchasers will pay more for lands so purchased than for lands confiscated in any other way that it is possible to devise. We shall in this way place larger sums in the Treasury and mete out justice to those who have so richly merited it. We can hardly afford to part with this section of the bill. It rounds off and completes the subject.

Mr. PIKE. The gentleman from Iowa has spoken of the population of his own State. Let me say in relation to Maine that we have five Representatives to $190,000,000 of valuation, making our State just about on a par with Iowa.

Mr. WILSON. That does not do away with the inequality. If the gentleman from Maine votes to keep this section in the bill he will be voting to impose an unequal burden of taxation upon the people he represents. I now withdraw my amendment.

Mr. DAWES. I renew the amendment of the gentleman from Iowa. I desire to call the attention of the gentleman from Iowa, who speaks of the inequality of this tax, to some facts, and I do it with no disposition to make any invidious comparison between the amounts paid by different States. But the gentleman forgets that he has been at work and that we have all been at work here in making a law that is most unequal upon the different States.

The gentleman compares his State to the States of Connecticut and Rhode Island, and yet for the first ten months under the present law the States of Connecticut and Rhode Island paid about four times as much tax as Iowa. The State of Iowa paid but $285,962 71, while the States of Connecticut and Rhode Island paid $2,379,565 27. Now, sir, my friend from Iowa may say that his constituents pay back a portion of that tax to the people of Connecticut and Rhode Island, but there are just as many men in the States of Connecticut and Rhode Island who have to pay this tax on all they use and consume as there are in Iowa. In each of the six districts in Connecticut and Rhode Island there are just as many men as there are in the six districts in Iowa that have to pay this tax.

Mr. WILSON. I will state in reply that not only have the people of the six districts of Iowa been paying back a part of the tax which the people of Connecticut and Rhode Island have paid, but the people of every district in the United States have been paying it back.

Mr. DAWES. Mr. Chairman, the gentleman was comparing the burden imposed upon his own State with that imposed upon the States of Connecticut and Rhode Island. I am not undertaking to make any invidious comparisons. I know that his State does not produce as much as Connecticut and Rhode Island, or as Massachusetts does. Why, my single district in Massachusetts pays double the tax that the whole State of Iowa does, and yet there are as many men in my district who consume these articles and have to pay this tax as there are in the gentleman's district, and there are six times as many men in the gentleman's State to divide that tax among as there are in my single district. You cannot make it equal, but here is an approximation to equality proposed by this direct tax, and to that extent more equal than any other provision of the bill. It is not entirely equal, but not any single provision for a tax in the bill approximates to equality so much as this direct tax does, and the first attempt to approximate to equality makes my friend from Iowa cry out. I know it will be hard upon his State and upon all the western States. I am not here to say that they are rich; but for God's sake give Massachusetts the broad prairies of Iowa, these magnificent domains, every acre of which is as large as ten acres of Massachusetts, [laughter:] give her them, and we will pay your taxes. We have nothing but ice and granite in Massachusetts, while every acre in Iowa, as far as the eye can reach, is equal to the domains that Satan showed of the kingdoms of the earth in the olden times.

Mr. WILSON. I have only to say in reply, give Iowa the capital of Massachusetts, and we will pay your taxes.

[Here the hammer fell.]

Mr. HOLMAN. I desire to call the attention of the committee to the one hundred and nineteenth section of the act of July 1, 1862, which provides that so much of the act entitled "An act to provide increased rates of imposts to pay interest on the public debt, and for other purposes," approved August 5, 1861, as imposes a direct tax of $20,000,000 on the United States, shall be held to authorize the levy and collection of one tax to that amount, and that no other tax shall be levied under and by virtue thereof till the 1st of April, 1865, when the same shall be in full force and effect. It will be understood that that section is itself repealed already by the section adopted on the motion of the gentleman from Vermont, so that the gentleman from Pennsylvania may well move to strike out the pending section.

Mr. DAWES. I withdraw my amendment.

Mr. HOLMAN. I now move to amend by striking out the one hundred and seventy-third section, and inserting in lieu thereof the following:

And be it further enacted, That the one hundred and nineteenth section of an act entitled "An act to provide internal revenue to support the Government, and to pay interest on the public debt," approved July 1, 1862, shall remain in full force.

It is manifest that this ought to come in as a proviso to the section submitted by the gentleman from Vermont. If there ever was a solemn assurance made by the House it was in the adoption of that section of the act of 1st July, 1862, for the suspension of the direct tax for two years. It was deemed a matter of the utmost importance that the internal revenue bill then under consideration should pass with such unanimity as to give it the greatest degree of moral force; and that point—the suspension of the direct tax for two years—was conceded as a fair compromise. The gentleman from Vermont, the gentleman from Pennsylvania, and others, viewed it certainly in that light as a fair compromise measure.

Now, I wish to say that if we expect this measure to pass with unanimity, as it ought to, we must adopt a principle of taxation which imposes duties on the property of the country and not on the persons. Property is the legitimate subject of taxation in our republican form of government. The nature of things requires that taxation should be levied on the property and wealth of the country, while the principle of this direct tax imposes it on persons.

Mr. KING. Mr. Chairman, I have been a listener during the whole progress of this bill, and have intended all the while to vote for it, because I see very clearly and know that this Government cannot be sustained in the emergency in which it is now placed unless we have revenue. But I am

decidedly opposed to the last section of this bill. The difficulty struck me at the time when the amendment of the gentleman from Vermont [Mr. MORRILL] was offered, which in effect repeals the act of 1862. It repeals, also, of course, the one hundred and nineteenth section; and that section operates as a prohibition to the enforcement of the act of 1861 until April, 1865. But the effect of the adoption of the amendment of the gentleman from Vermont is to leave the same burdens upon us under the act of 1861.

I look upon it precisely as the gentleman from Indiana [Mr. HOLMAN] does. As the amendment of the gentleman from Vermont has been already adopted, there is no way to remedy that except by the adoption of the amendment offered by the gentleman from Indiana. If that is not done, we must look to see this direct tax enforced, not, as the gentleman would intimate, on the rebellious States, but on the loyal States. That was the argument of the gentleman from Vermont, [Mr. MORRILL,] that this must be maintained, because we must hold our grip on the rebellious States. If it were to operate entirely on these rebellious States, I do not know that I would say a word against it. But I am opposed to Missouri having to pay $800,000 this year in order that we may hold on, not to our grip, for we have none, but to our pretensions to recover taxes from these rebellious States.

And so it is with all the States in the West. The taxes are to be levied as I understand upon real estate, and you will sell out every man in the United States who owns forty acres of land in order to do it. I want this House to remember that when this act of 1861 was passed we owned one hundred and fourteen thousand slaves, according to the census, and you have stripped us of all of them. You have stripped us of $50,000,000 worth of property; we have been bearing the brunt of the war as one of the border States; we have already laid out $3,000,000 in supporting this war, which we have not yet got back. Our State is pressed in every way, and notwithstanding the law passed fully postponing this tax against us until 1865, we are to pay, in addition to the internal revenue that has been levied upon us by the bill under consideration, in the neighborhood of eight hundred thousand dollars this year as a direct tax upon our real estate. I cannot sanction an idea of that kind with a view of holding on to our grip, as the gentleman says, on the rebellious States. I do not see at any rate how gentlemen can claim the right to tax these States while holding the position that they are foreign States and aliens. If that is their position we have no right to tax them; they must be treated as foreign nations.

[Here the hammer fell.]

Mr. STEVENS. I wish to say that upon looking at the repealing law which has just been passed, I will accept the amendment of the gentleman from Indiana [Mr. HOLMAN] as a part of my amendment.

The amendment, as modified, was agreed to.

Mr. BLAINE. I submit the following amendment, Mr. Chairman, as an additional section to the bill:

SEC. 174. *And be it further enacted*, That the tax levied in section ninety-three shall not be held to apply to vessels propelled exclusively by sails.

The clauses of section ninety-three to which my amendment refers impose a tax of two per cent. *ad valorem* on "all ships, barks, brigs, schooners, sloops, sail-boats, steamboats, and canal-boats, when built," and a similar tax upon all subsequent repairs made to such vessels. The purport and scope of my amendment will therefore be at once manifest, and I beg the attention of the House for the few minutes that I shall consume in explaining it and urging its adoption.

To-day, in the ship-building region which I in part represent, it will cost from one hundred to one hundred and ten thousand dollars to build and complete a ship of one thousand tons. The same ship could be built in the adjoining province of New Brunswick for from sixty to seventy thousand dollars; and as soon as it is ready for sea the British bottom comes into our American ports to compete with our own vessels for our foreign trade. Thus it will be seen that in placing a direct *ad valorem* tax on our ships you impose a burden without giving any opportunity for protection or remuneration. In this respect the tax is different from almost every other one in the entire bill under consideration. Indeed, I hazard little in saying that you might search in vain for an analogous tax in the whole two hundred and sixteen pages of the act. In every other instance where you impose an internal duty on a trade or business, you so adjust your external duties as to give protection to the party taxed, and afford him facilities to remunerate himself. But in the case of ships you impose this tax and send them forth to compete with the cheaper-built vessels of other nations, at the same time admitting those cheaper vessels to a full and equal participation in the foreign trade of our own country. How can we expect American commerce to maintain itself under such exactions and injurious discriminations?

I am not pleading, Mr. Chairman, that the ship-building interest should be exempt from taxation, and I maintain that without this two per cent. *ad valorem* tax it bears its equitable and full share of the general burden. Why, just look at the facts. Sir, to-day nearly everything that enters into the construction and outfit of a ship is very heavily taxed. The iron, the copper, the sails, the rigging, the plumbing, the pumps, the chains, the cables, the anchors, the painting, the caulking, all pay an average tax of five per cent. under this very bill, and in addition to all this it is proposed, after these high-taxed materials are gathered together and by skilled workmen wrought into a ship, to tax the whole of them two per cent. making a tax of $2,000 on a ship of a thousand tons. I submit that the tax if laid is a tax on labor; the materials are already taxed and taxed fully, and this additional two per cent. is absolutely levied upon the skilled mechanics who put those materials together.

Ships are included in this bill in the same section with *manufactures*. In the original internal revenue bill ships were not specifically mentioned, but in some districts a tax was assessed on them under the section including "all manufactures." But the able Commissioner of Internal Revenue, now an honored member of this House, [Mr. BOUTWELL,] ruled very wisely, in my judgment, that a ship was not properly or technically a *manufacture*. The building of it involves numerous manufactures, but the ship itself is a *structure* and should no more be reckoned a manufacture than a *house* or *block of stores* should be, and hence the Commissioner decided that ships were not subject to the tax. A very wise decision, I think, and one which logically involves the conclusion which is embodied in my amendment. And I am very sure, sir, that my honorable friend from Massachusetts still holds this view. [Mr. BOUTWELL nodded assent.]

It is a great mistake, Mr. Chairman, to assume that the shipping interest is in a prosperous state. I am aware that some persons engaged in navigation have made large profits during the past three years, but as a whole American shipping has greatly suffered in consequence of the war. I do not think I exaggerate when I say that within the last year a much larger number of American vessels have been changed to British registers than have been launched from northern shipyards. The very high price of material, the scarcity and the cost of labor render the production of ships exceedingly expensive, and such pirates as the Alabama make their sailing very unsafe. With all these obstacles, discouragements, and risks to contend against, the shipping interest may, I think, with fairness and with emphasis ask to be exempted from this extra burden of two per cent. I know the tax has the high sanction of the Committee of Ways and Means, who reported it, and it has the additional approval of having been adopted by this House. But I am sure, Mr. Chairman, that no one here desires to inflict a blow upon our foreign commerce; and in the belief that the subject has not been fully canvassed and considered, I have ventured to offer my amendment, and suggest these reasons for its adoption.

Mr. BLAINE demanded tellers on the amendment.

Tellers were ordered; and Messrs. BLAINE, and STEELE of New Jersey, were appointed.

The committee divided; and the tellers reported —ayes seventy-two, noes not counted.

So the amendment was adopted.

Mr. KASSON. I move to add the following as an additional section:

And be it further enacted, That where any tax or duty is imposed by law, and the mode or time of assessment or collection is not therein provided, the same shall be established by regulation of the Secretary of the Treasury, and when so established, shall have the force and effect of law, and all other provisions of law having relation thereto shall be applied accordingly.

I will say for the information of the committee that in some cases where articles have been added in the Committee of the Whole we have not specified as in other cases the time and mode of collection, and some general provision like this is necessary in order to make all portions of the measure harmonize.

Mr. JOHNSON, of Pennsylvania. Mr. Chairman, I am opposed to the amendment. I do not like to delegate to the Secretary of the Treasury anything so important. It seems to be proposed by the gentleman from Iowa that we shall confer power upon the Secretary of the Treasury to do all that Congress has not done. When the people are to be taxed, I want it to be done by their own Representatives, and not by the Secretary of the Treasury.

Mr. SCOFIELD. I move to strike out so much of the amendment as provides that the regulation of the Secretary of the Treasury shall have the force and effect of law.

Mr. KASSON. There are certain articles which are taxed in reference to time, and this provision is necessary.

Mr. SCOFIELD. I withdraw my amendment.

Mr. GANSON. I renew it. This Congress has no right to confer legislative powers upon the Secretary of the Treasury, to tell what shall and what shall not be law. The whole thing is absurd.

The amendment to the amendment was rejected.

Mr. MORRILL. I hope the gentleman from Iowa will withdraw the latter part of his amendment, which provides that the regulation of the Secretary of the Treasury shall have the force and effect of law.

Mr. KASSON. I modify my amendment in that way.

The amendment, as modified, was agreed to.

Mr. COX. I move the following to come in as an additional section:

And be it further enacted, That this bill shall be and remain in force *only* until the 1st day of June, 1866.

Mr. Chairman, the reason why I offer that amendment is simply this: by the 1st of June, 1866, we may have a change of Administration, and the time may come when we will reach another conclusion in reference to this tax bill. We cannot then have the voice of the people expressed, because the Senate will defeat all of our measures. I hope by that time that the war will be over and the burdens of taxation decreased, and I hope, therefore, that we will insert a provision by which this proposed law will expire by its own limitation.

The amendment was disagreed to.

Mr. MORRILL, by unanimous consent, indicated verbal mistakes and errors of punctuation in the bill, which were severally corrected.

Mr. KALBFLEISCH, by unanimous consent, was allowed to go back and move the following amendment:

Insert "or any office under the Government;" so that it will read:

SEC. 35. *And be it further enacted*, That each and every collector, or his deputy, who shall exercise or be guilty of any extortion or willful oppression, under color of law, or shall knowingly demand other or greater sums than shall be authorized by law, shall be liable to pay a sum not exceeding double the amount of damages accruing to the party injured, to be recovered by and for the use of the party injured, with costs of suit, and shall be dismissed from office, and be disqualified from holding such office, or any office under the Government, thereafter; and each and every collector, or his deputies, shall give receipts for all sums by them collected.

Mr. KASSON. Let me suggest to the gentleman from New York that the gentleman from Ohio [Mr. PENDLETON] has the matter of penalties under his charge, and will move a general provision covering all of these cases.

Mr. KALBFLEISCH. I do not see what objection there can be to my amendment.

The amendment was disagreed to.

Mr. L. MYERS. With the consent of the committee, I desire to go back to page 133, section ninety-five, and offer an amendment for the purpose of supplying an omission. That section exempts from duty timber partially wrought and unfinished for chairs, tubs, pails, hubs, spokes, &c. I desire to move to amend by inserting after "spokes" the words "wagon-hubs and shafts."

No objection being made, the amendment was received and agreed to.

Mr. KASSON. I ask now, since we have commenced to go back, that we shall do it in the regular order.

Mr. MORRILL. A single verbal amendment more, and I will yield to that suggestion. In line three, page 135, in the section in reference to brokers, the words "sterling exchange" are used. They should be "foreign exchange." I move that amendment.

The amendment was agreed to.

Mr. MORRILL. In the same section, in line twenty-four, I move to strike out the words "sterling exchange" and insert "foreign exchange."

The amendment was agreed to.

Mr. MORRILL. Also, in line thirty-six, I move the same amendment.

The amendment was agreed to.

Mr. FENTON. I ask unanimous consent to move to amend section ninety-one, in line one hundred and eighteen, where provision is made for duty on candy, by inserting after the word "sold" the words "by the box, package, or."

No objection being made, the amendment was received and agreed to.

Mr. YEAMAN. I ask unanimous consent to go back to section eighty-nine, page 112, where provision is made that manufactured tobacco, snuff, or cigars may be transferred, without payment of the duty, directly from the place of manufacture to a bonded warehouse established in conformity with law, &c., in order to amend by inserting after the word "manufacture" the words "or place of stemming," and also by inserting after the word "warehouse" in a subsequent part of the section, line forty-four, the same words.

No objection being made to going back, the amendment was received.

Mr. STEVENS. It strikes me the United States has no jurisdiction of the place of stemming, and if I understand the amendment, I am opposed to it.

Mr. YEAMAN. I can explain the reason for the amendment. The gentleman will observe that on page 131 stemmed tobacco is included among the kinds of tobacco which are subject to a duty of thirty cents a pound. In the section which I propose to amend a drawback is allowed upon manufactured tobacco, snuff, and cigars. But this tobacco, not being manufactured, is stemmed and put away in hogsheads, in sheds and tobacco houses on the farms and plantations. Now this section provides that tobacco may be brought from the place of manufacture to the bonded warehouse for the purpose of exportation; but stemmed tobacco not being deemed manufactured, cannot be so removed. My amendment is to remedy that defect, so that stemmed tobacco may be brought to those bonded warehouses for the purpose of exportation.

In reply to the gentleman from Pennsylvania I will say that the place of stemming can be ascertained just as easily as the place of manufacture.

Mr. MORRILL. I think there will be no practical difficulty in the execution of the law as it now stands. I trust the amendment will not be adopted.

Mr. KING. It will be remembered that in considering this section we inserted after the words "manufactured tobacco" the words "stemmed tobacco." Now the words proposed to be inserted by the gentleman from Kentucky refer to the words "stemmed tobacco," and provide that it may be removed from the place of stemming to these bonded warehouses.

Mr. BOUTWELL. If the gentleman from Kentucky will listen, I can satisfy him that what he desires is already secured by the law. On page 131 stemmed tobacco is taxed thirty cents, and all the varieties enumerated and taxed in that section are made a manufacture by the law itself. It is not a question whether it is a manufacture or not, because it is made a manufacture by the law for the purpose of taxation. Now on page 112, in the section the gentleman proposes to amend, it is provided that manufactured tobacco—and that includes stemmed tobacco—may be removed from the place of manufacture to a bonded warehouse. Therefore I understand the gentleman's object is already secured by the necessary construction to be given to the law.

Mr. YEAMAN. I desired to cure all doubt upon the subject.

The amendment was not agreed to.

Mr. BEAMAN. Now that we are upon the subject of tobacco I hope that the tax of thirty cents imposed in section ninety-three upon cavendish, plug, twist, &c., will be increased to thirty-five cents, so as to make it correspond with the duty imposed on cut tobacco in the next clause.

Mr. FENTON. As the object of this is to change the tax on plug, twist, cavendish, and manufactured tobacco not otherwise provided for, to the same tax which is placed upon fine-cut, I hope it will prevail.

Mr. J. C. ALLEN. As the committee have already passed upon that subject, I object to going back.

The CHAIRMAN. The objection comes too late, as the Chair asked if there was any objection to the introduction of the amendment, and the Chair heard none.

Mr. J. C. ALLEN. I objected as soon as I could ascertain what the amendment was.

Mr. BEAMAN demanded tellers on his amendment.

Tellers were ordered; and Messrs. BEAMAN and J. C. ALLEN were appointed.

The committee divided; and the tellers reported—ayes 56, noes 37.

So the amendment was agreed to.

Mr. MORRILL. I move to strike out the one hundred and thirteenth section, on page 154, which is as follows:

SEC. 113. *And be it further enacted*, That all articles upon which duties are imposed by the provisions of this act, which shall be found in the possession of any person or persons for the purpose of being sold by such person or persons in fraud thereof and with the design to avoid payment of said duties, may be seized by any collector or deputy collector who shall have reason to believe that the same are possessed for the purpose aforesaid, and the same shall be forfeited to the United States. And the proceedings to enforce said forfeiture shall be in the nature of a proceeding *in rem* in the circuit or district court of the United States for the district where such seizure is made, or in any other court of competent jurisdiction. And any person who shall have in his possession any such articles for the purpose of selling the same, with the design of avoiding payment of the duties imposed thereon by this act, shall be liable to a penalty of $100, to be recovered as hereinbefore provided.

That is already included in section forty-seven.

The motion was agreed to.

The CHAIRMAN. The committee will now go back to page 97, where a section was reserved.

Mr. BALDWIN, of Michigan. There were two amendments made on page 209. I ask unanimous consent of the House to go back to that point to make a further amendment.

Several MEMBERS objected to going back.

Mr. BALDWIN, of Michigan. I desire simply to correct a mistake.

The CHAIRMAN. Objection is made; and the Chair has no control over the matter.

Mr. KASSON. On pages 27 and 28 there was a section reserved.

Mr. MORRILL. I suggest that we commence in order. I hope the committee will allow the gentleman from Ohio [Mr. PENDLETON] to proceed with all his amendments, as they relate to the same subject, and some of them come before and others after sections relating to other subjects which have been reserved.

Mr. HOLMAN. Will the gentleman state what are those clauses?

Mr. MORRILL. They are in relation to making the penalties uniform throughout the bill.

Mr. HOTCHKISS. I desire to go back for a moment to another part of the bill; and let me make a statement first.

Mr. BALDWIN, of Michigan. I object.

Mr. HOTCHKISS. I merely wish to correct an error which we have inadvertently fallen into.

Mr. JOHNSON, of Pennsylvania. That was all the gentleman from Michigan [Mr. BALDWIN] proposed to do.

Mr. HOLMAN. I hope that both gentlemen may be allowed to go back.

Mr. PENDLETON. It is too long a bill to go back on.

The CHAIRMAN. Objection is made to going back.

Mr. HOTCHKISS. I hope I may be allowed to state my proposition.

The CHAIRMAN. The Chair has no control over the matter.

Mr. HOTCHKISS. I hope the gentleman from Michigan will withdraw his objection.

Mr. BALDWIN, of Michigan. I cannot do so. I asked the same privilege a moment ago and it was denied me.

Mr. PENDLETON. I have a number of amendments to offer relating to the question of penalties.

Mr. KASSON. Is it understood to be the order of the committee that the gentleman from Ohio shall proceed with his amendments first?

The CHAIRMAN. The Chair understands that that is the first question reserved by the committee. Is there objection to the gentleman from Ohio offering all his amendments *seriatim?* The Chair hears no objection.

Mr. RADFORD. I ask consent to offer an amendment.

Mr. HOTCHKISS. I object.

Mr. PENDLETON. On page 8, section eight, I move to strike out all after the word "appointed," in line twenty-eight, down to the end of the section, as follows:

And every assessor or assistant assessor acting in the said office without having taken the said oath or affirmation shall forfeit and pay $100, one moiety thereof to the use of the United States, and the other moiety thereof to him who shall first sue for the same, with costs of suit.

I would say before the vote is taken on that amendment, that I propose in a great many sections of the bill to strike out the penalties where they are isolated and connected with other matters to which they are not pertinent, and to collect all the penalties together in a single section. I shall proceed with as much order as I can in striking out, but it may be that some time will elapse before I shall be able to reunite the penalties in a single section.

Mr. MORRILL. I suggest to my colleague from Ohio [Mr. PENDLETON] that he allow the sections to be read from the Clerk's desk.

Mr. PENDLETON. I will send up to the Clerk's desk the different parts of sections proposed to be struck out, and the section which I propose to have offered as a substitute for them.

The Clerk read the following parts of sections proposed to be struck out.

Strike out from section eight the following:

And every assessor or assistant assessor acting in the said office without having taken the said oath or affirmation shall forfeit and pay $100, one moiety thereof to the use of the United States and the other moiety thereof to him who shall first sue for the same, with costs of suit.

Strike out from section nineteen the following:

And if any assistant assessor shall fail to perform any duty assigned by this act within the time prescribed by his precept, warrant, or other legal instructions, not being prevented therefrom by sickness or other unavoidable accident, every such assistant assessor shall be discharged from office, and shall, moreover, forfeit and pay $200, to be recovered for the use of the United States, with costs of suit.

Strike out from section twenty-one the following:

And in default of performance of the duties enjoined upon assessors by this section they shall severally and individually forfeit and pay the sum of $500 to the use of the United States, and, moreover, shall forfeit their compensation as assessors. And in case it shall be found or discovered by any assessor that the annual list so furnished to the proper collector, as aforesaid, is imperfect or incomplete, owing to the names of persons, firms, corporations, or objects liable to tax or duty being omitted therefrom, the said assessor may, from time to time, at any time thereafter, enter on his special lists all such objects of duty or taxation, with the names of persons owning or having the care or superintendence of property lying within said district liable to said tax or duty, or engaged in any business or pursuit requiring a license, with the sums payable by each, as he shall discover to have been omitted as aforesaid; and the same proceedings shall obtain and be had with respect to such objects of duty or tax as are by this act required in respect to objects of duty or taxes, and persons liable to tax regularly entered and returned on any special lists: *Provided*, That the office or principal place of business of the said assessor shall be always open when he is not necessarily absent therefrom during the business hours of each day, for the hearing of appeals by parties who shall appear voluntarily before him: *Provided further*, That it shall be in the power of the Commissioner of Internal Revenue to exonerate any assessor, as aforesaid, from forfeitures, in whole or in part, as to him shall appear just and equitable.

And insert at the end of section thirty-one the following:

And be it further enacted, That every assessor or assistant assessor who shall enter upon and perform the duties of his office without having taken the oath or affirmation prescribed by this act, or who shall fail to perform any of the duties prescribed by this act, at times and in the manner herein designated, not being prevented by sickness or other unavoidable accident, or who shall knowingly make any false or fraudulent list or valuation or assessment, or

shall demand or receive any compensation, fee, or reward, other than those provided for herein, for the performance of any duty, or shall be guilty of extortion or willful oppression in office, shall, on conviction thereof in any circuit or district court of the United States having jurisdiction thereof, be subject to a fine of $500, and to a forfeiture of compensation as assessor or assistant assessor, or to be imprisoned for one year, or both, at the discretion of the court, and shall be dismissed from office, and shall be forever disqualified from holding any office under the internal revenue laws. And half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court. And the said court shall also render judgment against the said assessor or assistant assessor for double the amount of damages sustained, in favor of the party injured, to be collected by execution.

Mr. COLE, of California. It seems to me, Mr. Chairman, that the language of the amendment is rather unguarded. Any person may bring a complaint against the assessor who is not satisfied with the assessment. It seems to me that the other provisions of the section are such as to allow the assessor to be prosecuted by any person who may feel aggrieved by the assessment. I think that is too loose.

Mr. PENDLETON. I was not able to catch the objection of the gentleman from California. As far as I was able to understand him, it seems to me that he objects to the fact that possibly the informer may be the person aggrieved.

Mr. COLE, of California. Any person who may think he is aggrieved may prosecute the assessor in any court of the United States. Therefore I say that the assessor is liable to prosecution by any person who may think he has been wrongfully assessed.

Mr. PENDLETON. If a person commence a prosecution without cause, he is liable to be mulcted in costs. I do not know any way by which it can be provided who shall or who shall not commence a prosecution against an officer.

Mr. BOUTWELL. I desire to ask the gentleman from Ohio a question with regard to the effect of this amendment. The law, as it now stands, requires the assessors to perform all the duties imposed by the act, and inflicts a penalty on him if he neglects any of these duties. There is, however, no attempt to impose these duties, unless as they are set forth in the general provisions of the act. The point to which I wish to call the attention of the gentleman from Ohio is, whether he does not in his amendment proceed to enumerate these duties to be performed by the assessor, the neglect or violation of which subjects him to penal proceedings, and if so, whether there is any possibility of doing it in that way.

Mr. MORRILL. For the purpose of giving the gentleman from Massachusetts an opportunity to examine this part of the bill, and consult with the gentleman from Ohio, [Mr. PENDLETON,] I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes, and had come to no resolution thereon.

Mr. MORRILL. I ask the unanimous consent of the House to proceed with the tax bill this evening, instead of the usual order of business. I hope we shall be able to finish it in committee this evening.

Mr. STEVENS. I object.

The SPEAKER. That is a matter of order of business which a majority of the House can decide.

Mr. MORRILL. I think we can get through with the bill to-night, and I therefore make the motion.

The motion was agreed to.

APPROPRIATIONS FOR VOLUNTEERS.

Mr. GARFIELD asked unanimous consent to introduce the following joint resolution:

Resolved, &c., That the sum of $25,000,000 be, and hereby is, appropriated out of any money in the public Treasury not otherwise appropriated, for arming, equipping, clothing, subsisting, transporting, and paying volunteers who may be received by the President for any term not less than one hundred days.

There being no objection, the joint resolution was introduced and read a first and second time.

Mr. GARFIELD. I ask the Clerk to read the following letter from the Secretary of War:

The Clerk read the letter, as follows:

WAR DEPARTMENT,
WASHINGTON CITY, *April* 25, 1864.

SIR: The Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin have tendered to the President, on the 23d instant, a large number of volunteers from their respective States for service during the present campaign. They are expected to number from eighty to one hundred thousand men; their term of service one hundred days from muster in. It is believed they can render useful service. They are to be paid no bounty, and are not to diminish or delay the draft for three years' men in States where the quota of pending draft is not filled up. The quota is filled up in Indiana, Illinois, Iowa, and Wisconsin, and less than ten thousand are due from Ohio. The expense of these troops is not provided for in the war estimates heretofore submitted. It is estimated that $25,000,000 will meet the cost of one hundred thousand of these extra volunteers. I respectfully recommend a special appropriation for that purpose, and submit a joint resolution for that purpose. The impending operations render it expedient that there should be early action by Congress upon the proposition, so that, if sanctioned, all needful provisions may be made in due season.

I have the honor to be, very respectfully, your obedient servant,
EDWIN M. STANTON,
Secretary of War.

HON. ROBERT C. SCHENCK, *Chairman of the Military Committee of the House of Representatives.*

Mr. WASHBURNE, of Illinois. Is it proposed to put that joint resolution on its passage now?

Mr. GARFIELD. It is.

Mr. WASHBURNE, of Illinois. I suggest that the gentleman allow it to go to the Committee of Ways and Means, with permission to report it back in the morning.

Mr. GARFIELD. I do not know what we may have up in the morning. I think we had better pass it now.

Mr. KALBFLEISCH. Is it in order to move a direct tax of $25,000,000 in order to pay the appropriation?

The SPEAKER. It is not. The hour for the recess having arrived, the Chair would suggest that the time be extended five minutes.

There was no objection.

Mr. BROOKS. I move to refer the joint resolution to the Committee of Ways and Means.

Mr. WASHBURNE, of Illinois. I hope the gentleman will add, with leave to report the joint resolution at any time.

The SPEAKER. This being an appropriation bill, the committee will have the right to report it at any time.

Mr. BROOKS. But it must go to the Committee of the Whole on the state of the Union if the point be made.

The SPEAKER. Unanimous consent was given to introduce the resolution and consider it at this time in the House.

Mr. GARFIELD. I move the previous question upon the resolution.

The previous question was seconded, and the main question ordered to be put.

The motion to refer was disagreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. GARFIELD moved the previous question on the passage of the resolution.

The previous question was seconded, and the main question ordered to be put.

Mr. DAWSON demanded the yeas and nays on the passage of the joint resolution.

The yeas and nays were not ordered—ayes 11, noes 68.

Mr. ELDRIDGE. I make the point that no quorum has voted.

The SPEAKER. A quorum is not required on ordering the yeas and nays.

The joint resolution was passed.

Mr. GARFIELD moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The House then took a recess until seven o'clock p. m.

EVENING SESSION.

The House resumed its session at seven o'clock p. m.

COMPENSATION OF INSPECTORS OF CUSTOMS.

Mr. FENTON, by unanimous consent, reported back Senate bill No. 66, to increase the compensation of inspectors of customs in certain ports.

The bill was read *in extenso*.

Mr. WASHBURNE, of Illinois. I am opposed to the bill and to any increase of salaries. I do not object to this bill being taken up if the gentleman will consent to let me move an amendment that any increase of salary under the bill shall not extend beyond the end of the next fiscal year, 1st of July, 1865.

Mr. FENTON. I have no objection to the amendment.

The amendment was agreed to.

The bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. FENTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

INTERNAL REVENUE BILL.

Mr. MORRILL. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.

Mr. MORRILL. I ask to go back to the paragraph "on brick and draining-tiles, a duty of three per cent. *ad valorem*," and to insert after the word "tiles," "earthen and stone water-pipes;" and to strike out "and."

There was no objection; and the amendment was agreed to.

Mr. PENDLETON. There was an amendment pending when the committee rose. I have consulted with the gentleman from Massachusetts, [Mr. BOUTWELL,] and his objection has been removed.

The amendment was agreed to.

Mr. PENDLETON moved to strike out the following sections:

SEC. 14. *And be it further enacted*, That if any person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of law, any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, such person so offending and being thereof convicted in any circuit or district court of the United States held in the district in which such offense may be committed, shall be fined in a sum not less than fifty dollars and not exceeding double the sum of which he shall have attempted to defraud the Government, at the discretion of the court, and shall pay all costs and charges of prosecution. And the valuation, enumeration, and assessment required by law in all such cases, and in all cases of undervaluation or understatement in any lists or returns, shall be made by the assessor or assistant assessors, respectively, upon lists according to the form prescribed; which lists the said assessor and assistant assessors are hereby authorized and required to make according to the best information they can obtain, and for the purpose of making which they are hereby authorized to enter into and upon all and singular the premises, respectively; and from the valuation, enumeration, or assessment so made, there shall be no appeal.

SEC. 15. *And be it further enacted*, That in case any person shall be absent from his or her place of residence at the time an assistant assessor shall call to receive the list or return, it shall be the duty of such assistant assessor to leave at such place of residence, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum, addressed to such person, requiring him or her to present to such assessor the list or return required by law within ten days from the date of such note or memorandum. And if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or return within the time required as aforesaid, it shall be the duty of the assessor or assistant assessor of the district within which such person shall reside to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting, and to make, according to the best information which he can obtain, and on his own view and information, such list or return of the property, goods, wares, and merchandise, and all articles or objects liable to duty or tax, owned or possessed or under the care or management of such person, including the amount, if any, due for license and income; and in case of refusal to make such list or return, the assessor or assistant assessor shall thereupon add twenty per cent. to the amount of the duty or tax; and in case of neglect, except in case of sickness, to make such list or return, ten per cent. shall be added to the amount thereof. And the lists or returns so made and subscribed by such assessors or assistant assessors shall be taken and be reputed as good and sufficient lists or returns for all legal purposes.

SEC. 16. *And be it further enacted*, That in case any as-

sessor shall have reason to believe that any list, statement, or return required by law has been made to any assessor or assistant assessor in a false or fraudulent manner, or if any person whose duty it is to furnish any list or return, or make any statement required by law, shall neglect or refuse to do so, it shall be lawful for such assessor to summon by subpena, to be served by any assistant assessor of the district, such persons as he may deem proper to appear before him, at a time and place named therein, to give testimony or answer interrogations respecting any objects liable to duty or tax as aforesaid, lists, statements, or returns thereof, or any trade, business, or profession liable to any license as aforesaid, and to enforce obedience to such writ by attachment as for contempt. And it shall be lawful, also, for such assessor to require by summons any person who he may have reason to believe has made any false or fraudulent lists, statements, or returns as aforesaid, his agent or other person having the possession, care, or custody of books of account containing entries relating to the trade or business of such person, to produce the same before him at a time and place to be appointed in said summons. And if any person whose duty it may be to make a list, statement, or return as aforesaid, after having been duly summoned to produce such books of account, shall neglect or refuse to produce such books, it shall be lawful for the assessor to make an estimate of the amount of the tax or duty, according to his best judgment, which such person is liable to pay, and shall assess upon such person double the amount thereof; and any person who being duly summoned, as aforesaid, to appear and testify, or to produce books, as aforesaid, shall neglect or refuse to appear, shall forfeit and pay the sum of $300, besides being subject to attachment, as aforesaid. And if on any investigation of the books of such person, or by evidence produced before the assessor, he shall find that any false or fraudulent list, statement, or return has been made as aforesaid, he shall make an estimate of the amount of tax or duty, according to his best judgment, which such person is liable to pay, and shall assess upon him double the amount thereof. And when any assessment shall be made under this section and transmitted to the collector, he shall proceed to collect the amount thereof as in cases of amounts of taxes transmitted to him on monthly lists.

And in lieu thereof to insert the following:

SEC. —. *And be it further enacted*, That in case any person shall be absent from his or her place of residence at the time an assistant assessor shall call to receive the annual list or return, it shall be the duty of such assistant assessor to leave at such place of residence, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum, addressed to such person, requiring him or her to present to such assessor the list or return required by law within ten days from the date of such note or memorandum. And if any person, on being notified or required as aforesaid, shall refuse or neglect to give such list or return within the time required as aforesaid, or if any person shall not deliver a monthly or other list or return without notice at the time required by law, or if any person shall deliver or disclose to any assessor or assistant assessor any false or fraudulent list, statement, or return, or a list on which there is any understatement or undervaluation, it shall be lawful for the assessor to summon by subpena, to be served by any assistant assessor, such person, his agent or other person having possession, custody, or care of books of account containing entries relating to the trade or business of such person, or any other persons as he may deem proper, to appear and produce such book, at a time and place therein named, and to give testimony or answer interrogatories under oath or affirmation respecting any objects liable to duty or tax as aforesaid, or the lists, statements, or returns thereof, or any trade, business, or profession liable to any tax or license as aforesaid, and to enforce such writ by attachment for contempt; it shall be the duty of the assessor or assistant assessor of the district within which such person shall reside to enter into and upon the premises, if it be necessary, of such person so refusing or neglecting or rendering a false or fraudulent list or return, and to make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the assessor and on his own view and information, such list or return, according to the form prescribed, of the property, goods, wares, and merchandise, and all articles or objects liable to duty or tax, owned or possessed or under the care or management of such person, and assess the duty thereon, including the amount, if any, due for license and income, and in case of the return of a false or fraudulent list or valuation he shall add one hundred per cent. to such duty; and in case of a refusal to make a list or return he shall add twenty per cent. to such duty; and in case of neglect, except in case of sickness, he shall add ten per cent. to such duty; and the amount so added to the duty shall in all cases be collected by the collector at the same time and in the same manner with the duties. And the lists or returns so made and subscribed by such assessors or assistant assessors shall be taken and be reputed as good and sufficient lists or returns for all legal purposes.

And be it further enacted, That if any person shall deliver or disclose to any assessor or assistant assessor appointed in pursuance of law, any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or if any person being duly summoned to appear to testify or to appear and produce such books as aforesaid, shall neglect to appear or to produce said books, he shall upon conviction thereof before any circuit or district court of the United States, be fined in any sum not exceeding $300 or be imprisoned for six months, or both, at the discretion of the court.

The amendment was agreed to.

Mr. PENDLETON. I move to strike out the word "such" in the following, before the word "distraint:"

And in case of such distraint it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, or at his or her dwelling, or usual place of business, with some person of suitable age and discretion, with a note of the sum demanded, and the time and place of sale.

The amendment was agreed to.

Mr. PENDLETON. I move to amend on page 34, line thirty-seven, by inserting after the word "thereon" the words "the expenses of making such levy."

The amendment was agreed to.

Mr. PENDLETON. I move to amend on page 41, line thirteen, by inserting after the word "due" the words "five per cent. thereon and all expenses and charges of collection," so as to make the marshal collect in addition to what is due from the collector what I have indicated in the amendment.

The amendment was agreed to.

Mr. PENDLETON. In the same section, line eight, I move to strike out the words "and his sureties."

Mr. BOUTWELL. What does the gentleman from Ohio understand to be the effect of that amendment?

Mr. PENDLETON. It is simply this: the provisions of this bill, as the section is now drawn, provide that when the collector is in default in the payment of the money due from him, a warrant may issue from the proper officer of the Treasury Department, which shall be levied upon the goods and chattels of the delinquent collector; and in case of failure to find sufficient goods and chattels of the collector, the warrant shall be levied upon the goods and chattels of his surety; and in case of a deficit of goods and chattels of both principal and surety, the warrant shall be levied upon the real estate of both the collector and surety. The effect of striking out the sureties is to leave them to be prosecuted upon their bond only, according to the ordinary process of law, and to make the speedy and summary execution of the warrant issued, without judgment, from the Treasury Department, applicable only to the principal debtor, who is the defaulting collector.

Mr. BOUTWELL. It seems to me that is what we should not desire to do. We should hold the surety as we hold the principal.

The CHAIRMAN. If there is no objection, the amendment will be considered as agreed to. The Chair hears no objection.

Mr. DAWES. Does the gentleman insist upon the amendment?

Mr. PENDLETON. I insist upon the amendment, but I do not insist upon the action of the Chair in declaring the amendment adopted.

Mr. DAWES. If I understand the amendment, the gentleman from Ohio proposes to have a process against the principal, without a similar process against the surety. Why that distinction?

Mr. PENDLETON. For the reason that sureties are liable on their bond, in case of the default of their principal, who is the collector. They cannot, as he can, know whether he is in default or not. They are entitled to be sued, and to make all defense they can make in a court of law. As against them it would be manifestly improper that summary process should be issued, and the amount for which the collector appears to be, or really is in default, be levied upon their goods and chattels, and in default thereof, upon their lands, without the ordinary proceedings of law.

Mr. DAWES. Is it proposed that such a process as that shall issue against the principal without giving him an opportunity to present a defense?

Mr. PENDLETON. I would give such a process against the principal, because it is only to be issued in cases where the money is found to be due; and if it is due, the party is in default; and if it is not due, upon adjudication the money can be handed back.

Mr. DAWES. When he is found by the accounting officers of the Treasury to be in default without any hearing upon his part, you subject him to this summary process. Now, the accounting officers of the Treasury are always at loggerheads with the collectors of ports, postmasters, &c., upon these accounts. It seems to me the collector ought to have an opportunity to make a defense before summary process is issued against him. If upon final settlement with him he appears to be in default, it is right. But upon the adjustment of his account here at the Internal Revenue office, *ex parte*, and in his absence, and upon such principles as may be thought to be right here, to subject him to such a summary process does not seem to be right. He certainly ought to have the same sort of defense that his sureties have.

The amendment was agreed to.

Mr. PENDLETON. In the same section, I move to strike out from the word "resides," line eighteen, down to the end of line twenty-four, as follows:

And furthermore, if such goods, chattels, and effects cannot be found sufficient to satisfy the said warrant, the said marshal or his deputy shall and may proceed to levy and collect the sum which remains due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector, giving notice as hereinbefore provided.

The amendment was agreed to.

Mr. PENDLETON. In the same section, line thirty-one, I move to strike out the words "or his sureties;" so as to make the clause conform to previous amendments.

The amendment was agreed to.

Mr. PENDLETON. In lines thirty-three and thirty-four of the same section, I move to strike out the words "and his sureties."

The amendment was agreed to.

Mr. PENDLETON. I now suggest to the gentleman from Massachusetts [Mr. DAWES] that if he thinks this section too stringent against the collectors, I am not disposed to find fault with that opinion, and I will yield to him to move to strike out the entire section, if he desires to make that motion.

Mr. DAWES. I will make that motion if the gentleman concurs with me in the opinion. I do not propose to oppose the committee, but I will submit the motion to strike out the entire section.

Mr. PENDLETON. I oppose the motion *pro forma* in order that a vote may be taken upon it.

The motion was disagreed to.

Mr. PENDLETON. On page 43, section thirty-five, I move to strike out all after the word "law," in line five, down to and including the word "thereafter," in line nine, as follows:

Shall be liable to pay a sum not exceeding double the amount of damages accruing to the party injured, to be recovered by and for the use of the party injured, with costs of suit, and shall be dismissed from office, and be disqualified from holding such office thereafter.

And insert in lieu thereof the following:

Or shall receive any fee, compensation, or reward except as herein prescribed for the performance of any duty, or shall fail to perform all the duties imposed by this act, shall, upon conviction, be subject to a fine of $500, and to a forfeiture of their compensation, or to be imprisoned for one year, or both, at the discretion of the court, and be dismissed from office, and be forever thereafter incapable of holding any office under the internal revenue law.

Mr. ELDRIDGE. I move to strike out the words "internal revenue law" and insert "Government" in lieu thereof.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. PENDLETON. I move to add after the words just inserted the words:

And one half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by judgment of the court; and said court shall also render judgment against said collector or deputy collector for double the amount of damage accruing to the party injured, to be collected by execution.

Mr. UPSON. Is the informer to have half of the imprisonment?

Mr. PENDLETON. I am not able to say how much people may misinterpret the language of the section, but under the section as it was read there is no possibility of mistaking what the meaning is.

The amendment was agreed to.

Mr. PENDLETON. On page 44, in the thirty-seventh section, after the word "hinder," in line two, insert the words "any assessor or assistant assessor, or any," so that it will read, "that if any person shall forcibly obstruct or hinder any assessor or assistant assessor, or any collector or deputy collector," &c.

The amendment was agreed to.

Mr. PENDLETON. On page 45, in line sixteen of section thirty-nine, I move to insert the words "and sureties" after the word "representatives."

The object of that amendment is to make the bonds inure to the benefit of the sureties of the party as well as to his personal representatives in case of his death.

The amendment was agreed to.

Mr. PENDLETON. On page 46, in section forty, I move to insert at the end of line seventeen, the words "to be ascertained by the judgment of the court;" so that the section will read:

That it shall be the duty of the collectors aforesaid, or their deputies, in their respective districts, and they are hereby authorized to collect all the duties and taxes imposed by this act, however the same may be designated, and to prosecute for the recovery of the same, and for the recovery of any sum or sums which may be forfeited by virtue of this act; and all fines, penalties, and forfeitures which may be incurred or imposed by virtue of this act shall and may be sued for and recovered, in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit or district court of the United States for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and where not otherwise and differently provided for, one moiety thereof shall be to the use of the United States, and the other moiety thereof to the use of the person, to be ascertained by the judgment of the court, who shall first inform of the cause, matter, or thing whereby any such fine, penalty, or forfeiture was incurred, &c.

The object of that amendment is merely that in all cases where a fine or penalty is assessed against a person, which fine or penalty is liable to be divided between the informer and the United States, the decision shall be made by the court of the party to whom it is to be paid.

The amendment was agreed to.

Mr. PENDLETON. I move to amend by inserting after section forty-seven an additional section, as follows:

SEC. 48. *And be it further enacted*, That all the provisions hereinbefore made for the delivery of returns, lists, statements, and valuations, and for additions to the duty in case of false or fraudulent lists or returns, or in case of undervaluations or understatements on lists or returns, or in case of refusal or neglect to deliver lists or returns, and for the imposition of fines, penalties, and forfeitures, shall be held and taken to apply to all persons, associations, corporations, and companies liable to pay duty and tax; and any additions to fines, penalties, or forfeitures hereinafter imposed for failure to perform any duty required to be performed, shall be held and taken to be additional duties to those hereinbefore provided.

The amendment was agreed to.

Mr. KASSON. I ask the gentleman from Ohio if this will be the proper place, and if it be agreeable to him, to move to insert the provision of the sub-Treasury act as suggested the other day by the gentleman from New York, and which was one of the points reserved.

Mr. PENDLETON. If the gentleman from Iowa has the amendment and will send it up, I shall be glad to give way for that purpose.

Mr. KASSON. I move to amend the bill by inserting the following as an additional section, to come in after section forty-eight:

And be it further enacted, That the provisions of the sixteenth section of the act approved August 6, 1846, entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," are hereby applied to, and shall be construed to include, all officers of the internal revenue charged with the safe-keeping, transfer, or disbursement of the public moneys arising therefrom, and to all other persons having actual charge, custody, or control of moneys or accounts arising from the administration of the internal revenue.

That the committee may pass on the question understandingly, I beg leave to make one or two remarks. As I stated the other day, I regarded the provisions of the sub-Treasury act as probably sufficient to cover the case of the depositaries under this act. The language there is that all officers and other persons charged by that act, or any other act, with the safe-keeping, transfer, or disbursement of public money other than those connected with the Post Office Department, shall be required to keep an accurate entry of the sums received and of transfers. But as this is an entirely new system, it is thought better to carry out the suggestion of the gentleman from New York, so as to make a section expressly applicable to the officers provided by this law.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section fifty-five by striking out "$500," and inserting in lieu thereof "$300," so that it will read:

And any person who shall attempt fraudulently to evade the payment of duties upon any spirits distilled as aforesaid, by changing in any manner the mark upon any such cask or package, shall forfeit the sum of $300 for each cask or package so altered or changed, to be recovered as hereinbefore provided.

The object of proposing that amendment is, that the penalty shall not be so severe as that it would never be enforced.

The amendment was agreed to.

Mr. PENDLETON. I move to amend the same section by inserting after the word "warehouse" the words "and the fees of such inspector shall, in all cases, be paid by the owner of the spirits so inspected, gauged, and proved," so that it will read:

SEC. 55. *And be it further enacted*, That all spirits distilled as aforesaid by any person licensed as aforesaid shall, before the same is used, or removed for any purpose, be inspected, gauged, and proved by some inspector appointed for the performance of such duties, and who shall mark upon the cask or other package containing such spirits, in a manner to be prescribed by said Commissioner, the quantity and proof of the contents of such cask or package, with the date of inspection and the name of the inspector, and shall make a return of all spirits so inspected, and the name of the distiller, to the assessor of the district; and the duty imposed by law shall be assessed and paid on all spirits so inspected and not removed forthwith to a bonded warehouse; and the fees of such inspector, &c.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section sixty-five by striking out the following words:

And in case of such distraint, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods, chattels, or effects which may be distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods, chattels, or effects, at his, her, or their dwelling, with a note of the sum demanded, and the time and place of sale; and said officer shall forthwith cause a notification to be published in some newspaper, if any there be, within the county, and publicly posted up at the post office nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for sale not more than five miles distant from the place of making such distraint: *Provided*, That in every case of distraint for the payment of the duties aforesaid, the goods, chattels, or effects so distrained may and shall be restored to the owner or possessor if, prior to the sale thereof, payment or tender thereof shall be made to the proper officer charged with the collection of the full amount demanded, together with such fee for levying and advertising, and such sum for the necessary and reasonable expenses of removing and keeping the goods, chattels, and effects so distrained, as may be allowed in like cases by the laws or practice of the State or Territory wherein the distraint shall have been made; but in case of non-payment or neglect to tender as aforesaid, the said officer shall proceed to sell the said goods, chattels, and effects at public auction, after due notice of the time and place of sale, and may and shall retain from the proceeds of such sale the amount demandable for the use of the United States, with the said necessary and reasonable expenses of said distraint and sale, as aforesaid, and a commission of five per cent. thereon for his own use; rendering the overplus, if any there be, to the person whose goods, chattels, and effects shall have been distrained.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section sixty-six by striking out "$500" and inserting in lieu thereof "$300;" so that it will read:

That every person licensed as aforesaid to distill spirits, or licensed as a brewer, who shall neglect or refuse to furnish the account and duplicate thereof, as hereinbefore provided, or who shall refuse to permit the said assessor, assistant assessor, collector, or deputy collector or inspector to examine the books in the manner provided for, when requested, shall, for every such refusal or neglect, forfeit the sum of $300.

Mr. BOUTWELL. Mr. Chairman, it seems to me that $500 is not too severe a penalty to impose upon distillers or brewers who actually refuse to render the accounts required by law. It is a duty which is well understood, and I do not see why they should not be subject to this penalty.

Mr. PENDLETON. The reason for making it $300 instead of $500 is simply that the same penalty of $300 is prescribed in all other cases. If the gentleman has any disposition to raise them all up to $500, I have no objection.

The amendment was agreed to.

Mr. PENDLETON. On page 76, section seventy, line eight, I move to strike out the words "and also forfeit a penalty equal to three times the amount of the duty or sum of money imposed for such license," and to insert in lieu thereof the words "or a fine of $500, or both," so as to make the section read:

SEC. 70. *And be it further enacted*, That if any person or persons shall exercise or carry on any trade or business hereinafter mentioned, for the exercising or carrying on of which trade or business a license is required by this act, without taking out such license as in that behalf required, he, she, or they shall, for every such offense, respectively, at the discretion of the court, be subject to imprisonment for a term not exceeding two years, or a fine of $500, or both, one moiety thereof to the use of the United States, the other moiety to the use of the person who shall first give information of the fact whereby said forfeiture was incurred.

The amendment was agreed to.

Mr. UPSON. I call the attention of the gentleman to the fact that the words inserted on his motion would have some ambiguity in connection with what immediately follows.

Mr. PENDLETON. I am aware of that, and move, therefore, to amend what immediately follows, by striking out the word "thereof," and inserting in lieu thereof the words "of such fine," so as to make it read "one moiety of such fine for the use of the United States," &c.

The amendment was agreed to.

Mr. PENDLETON. I move to strike out the whole of the eighty-first section, as follows:

SEC. 81. *And be it further enacted*, That in every case where monthly or other returns of any kind are required to be made under existing internal revenue laws, the person or persons who shall neglect or refuse to make such returns within the time fixed by law, and the rules and regulations made in pursuance of law, shall be assessed a penalty of ten per cent. by the assessor or assistant assessor, on the amount of duty or tax liable to be assessed, levied, and collected upon such return, which penalty shall be added to the assessment, and returned on the list in which the assessment shall be made and returned; and in cases of persistent neglect or refusal, the general provisions of law in such cases shall apply to all returns required to be made monthly or otherwise, and to all subsequent proceedings in relation thereto.

My reason for offering that amendment is that the provisions of that section are included in section fifteen.

The amendment was agreed to.

Mr. PENDLETON. On page 101, section eighty-two, line twelve, I move to insert after the word "duties" the words "with the additions hereinbefore prescribed;" so that it will read:

That upon the amounts, quantities, and values of produce, goods, wares, merchandise, and articles produced or manufactured, and sold or delivered, hereinafter enumerated, the manufacturer or producer thereof, whether manufactured or produced for himself or for others, shall pay to the collector of internal revenue within his district, monthly, or on or before a day to be prescribed by the Commissioner of Internal Revenue, the duties on such manufactures. And for neglect to pay such duties with the additions hereinbefore prescribed within ten days after demand, either personal or written, left at his, her, or their house or place of business, or manufactory, the amount of such duties may be levied upon the real and personal property of any such manufacturer.

Mr. PENDLETON. I move to insert in the fourteenth line of the same section after the word "duties" the words "with additions;" so as to make it read:

And such duties, with additions, and whatever shall be the expenses of levy, shall be a lien from the day prescribed by the Commissioner for their payment aforesaid, in favor of the United States, upon the said real and personal property, &c.

The amendment was agreed to.

Mr. PENDLETON. On page 104, line forty-four, I move to insert after the word "duties" the words "and additions."

The amendment was agreed to.

Mr. PENDLETON. In line forty-six, same section, I move to amend by inserting after the word "duties" the words "with additions."

The amendment was agreed to.

The clause, as amended, would then read:

Provided, That the proceeds of the sale of said articles, if any there be after deducting the duties with additions thereon, together with the expenses of summons, advertising, and sale, or the excess of the value of said articles, after deducting the duties, with additions, and expenses accrued thereon when turned over to the use of any department of the Government, shall be refunded and paid to the manufacturer, or to the person in whose custody or possession the articles were when seized.

Mr. PENDLETON. I move to insert on page 105, in line nine, section eighty-four, after the word "duties" the words "and add thereto fifty per cent.;" so as to make it read:

That in case of the manufacture and sale or delivery of any goods, wares, merchandise, or articles as hereinafter mentioned, without compliance on the part of the party manufacturing the same with all the requirements and regulations prescribed by law in relation thereto, the assistant assessor may, upon such information as he may have, assume and estimate the amount and value of such manufactures, and upon such assumed amount assess the duties; and add thereto fifty per cent.

The amendment was agreed to.

Mr. PENDLETON. I move to amend on page 109, section eighty-six, line forty-five, by striking out the words "one year," and inserting

in lieu thereof the words "six months;" so as to make it read as follows:

Provided, That if any person or agent of any firm, company, or corporation shall manufacture for sale tobacco, snuff, or cigars of any description without first obtaining the permit herein required, such person or agent shall be subject, upon conviction thereof, to a penalty of $100, and in addition thereto shall be liable to imprisonment for a term not exceeding six months, at the discretion of the court.

The amendment was agreed to.

Mr. PENDLETON. On page 113, in line eighteen, I move to strike out the word "five," and insert in lieu thereof the word "three." I move, also, in line twenty, to strike out the words "not exceeding two years nor less than one year," and to insert in lieu thereof the words "not exceeding six months;" so as to make it read:

SEC. 90. *And be it further enacted*, That every manufacturer or maker of tobacco, snuff, or cigars of any description, as hereinbefore mentioned, or his chief workman, agent, or superintendent, shall, at the end of each and every month, make and sign a declaration, in writing, that no such article or commodity, as aforesaid, has, during such preceding month or time when the last declaration was made, been removed, carried, or sent, or caused, or suffered, or known to have been removed, carried, or sent, from the premises of such manufacturer or maker, other than such as have been duly assessed and the duties imposed by law paid thereon, on pain of such manufacturer or maker forfeiting for every refusal or neglect to make such declaration $100. And if any such manufacturer or maker, or his chief workman, agent, or superintendent, shall make any false or untrue declaration, such manufacturer or maker, or chief workman, agent, or superintendent, making the same, upon conviction thereof, shall forfeit $300, or, at the discretion of the court, be liable to imprisonment for a term not exceeding six months.

The amendment was agreed to.

Mr. KALBFLEISCH. I desire to move an amendment on page 127.

Mr. PENDLETON. I will yield to the gentleman for that purpose.

Mr. MOORHEAD. I desire to offer an amendment on page 116.

The CHAIRMAN. The unanimous consent of the committee was given to the gentleman from Ohio to offer his amendments at this time.

Mr. MOORHEAD. I understood the Chair to allow the gentleman from New York to offer his amendment. Now, sir, I do not know why I am not as good looking as he is, and should not be permitted to offer an amendment also.

Mr. KALBFLEISCH. The gentleman may be as good looking, but just now he cannot come in. [Laughter.]

Mr. MOORHEAD. I object to the gentleman from New York offering his amendment.

The CHAIRMAN. The gentleman from Ohio will then proceed with his amendments.

Mr. PENDLETON. On page 141, section one hundred and one, I move to amend by striking out from the word "description," in the twenty-sixth line, down to the word "embraced," in the sixty-sixth line, as follows:

And the owner, possessor, or person or persons having the care and management of any such railroad, steamboat, ferry-boat, or other vessel, or bridge, as aforesaid, shall, within five days after the end of each and every month, make a list or return in duplicate to the assistant assessor of the district within which such owner, possessor, company, or corporation may have his or its place of business, or where any such railroad, steamboat, ferry-boat, or bridge is located or belongs, respectively, stating the gross amount of such receipts for the month next preceding, which return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue, and shall also, within the time prescribed for the payment of duties by manufacturers, pay to the collector of the district the full amount of duties which have accrued on such receipts for the month aforesaid; and in case of neglect or refusal to make said lists or return for the space of five days after such return should be made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, as hereinbefore provided in other cases of delinquency to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor; and in case of neglect or refusal to pay the duties as aforesaid when the same have been ascertained as aforesaid for the space of five days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay, in addition, five per cent. on the amount of such duties; and for any attempt knowingly to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid, shall be liable to pay a penalty of $1,000 for every such attempt, to be recovered as provided in this act for the recovery of penalties; and all provisions of this act in relation to liens and collections by distraint, not incompatible herewith, shall apply to this section and the objects therein embraced.

I desire to say in reference to that amendment that several succeeding sections in relation to express companies, telegraph companies, and some others, have repeated in them a provision by which the returns shall be made and the taxes collected. I propose to strike out of each of these sections whatever relates to that subject and to condense them all into one section providing that the returns shall be made and the taxes collected in one way in respect to them all.

Mr. HOLMAN. I desire to offer a substitute for the following proviso:

Provided, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

I do not know what is to be the effect of the amendment to be moved for these sections by the gentleman from Ohio, [Mr. PENDLETON.] This proviso, however, is to remain. I hope that the committee will consider this now. It is among the reserved sections.

Mr. MORRILL. We will have to come back to this section.

The CHAIRMAN. The Clerk will read the amendment proposed to be moved by the gentleman from Ohio, [Mr. PENDLETON.]

The Clerk read, as follows:

And be it further enacted, That any person, firm, company, or corporation owning or possessing, or having the care or management of any railroad, steamboat, ferry boat, or other boat or bridge, or carrying or doing an express business, or engaged in the business of insurance as hereinbefore described, or owning or having the care and management of any telegraph line, or owning, possessing, leasing, or having the control or management of any circus, theater, opera, or museum, shall within twenty days after the end of each and every month make a list or return in duplicate to the assistant assessor of the district, stating the gross amount of their receipts respectively for the month next preceding, which return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue; and shall also, within ten days, pay to the collector of the district the full amount of duties which have accrued on such receipts for the month aforesaid; and in case of neglect or refusal to make said lists or return for the space of ten days after such return should have been made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, and shall add thereto ten per cent. as hereinbefore provided in other cases of delinquency to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor; and in case of neglect or refusal to pay the duties with the addition aforesaid, when the same have been ascertained, for the space of ten days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay in addition ten per cent. on the amount of such duties and additions; and for any attempt knowingly to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid shall be liable to pay a penalty of $1,000 for every such attempt, to be recovered as provided in this act for the recovery of penalties; and all provisions of this act in relation to liens and collections by distraint, not incompatible herewith, shall apply to this section and the objects therein embraced.

Mr. KASSON. Does this include the words "propelled by steam" as applicable to boats?

Mr. PENDLETON. This applies to railroads, steamboats, ferry-boats, or other boats.

Mr. KASSON. You say "or other boats," which will include rope-ferries, &c. I think that the words "propelled in whole or in part by steam" should be introduced.

Mr. PENDLETON. I do not object to that.

Mr. BOUTWELL. I ask the gentleman whether or not it provides that the money shall be paid by these several companies to the collectors within ten days?

Mr. PENDLETON. It provides within ten days they shall return the amount.

Mr. BOUTWELL. And the return is to be made in five days after the close of the month?

Mr. PENDLETON. No, sir; not within five days according to the provisions of my amendment.

Mr. BOUTWELL. When is it to be made?

Mr. PENDLETON. Within the first twenty days of the month, and within ten days after the return is made the duty is to be paid. If the gentleman will look at the bill he will see that it was originally provided that the return should be made in five days. But upon representations upon this subject made to the committee, they were led to conclude in reference to some of these companies that it would be utterly impossible for them to make their returns.

Mr. BOUTWELL. I desire to say that this provision of law, if it becomes a law, will be impracticable. The assessor must make up his lists after he receives the returns from the persons liable to pay the tax, and those lists must be transmitted to the collector, and the collector's books must be made up after that. Now, ten days is not sufficient for all that. Now, I admit I am myself unable to understand what this committee is doing to-night, but I submit that in all these provisions we ought to have a general system. Manufacturers are required to make their returns in a certain time. After the close of the month, within a certain number of days, the assessors must make their returns to the collectors; and within a certain number of days the collectors are required to make the collections. Now, I think all these monthly returns should follow the same rule.

I will say here what I have had a mind to say several times during the session of the committee upon this bill, that heretofore I believe the duties paid by insurance companies have been paid directly to the Commissioner of Internal Revenue. By the bill as it has already been adopted, and by the amendment proposed by the gentleman from Ohio, these moneys are now to be paid to the collectors of the districts. The bill as originally reported contemplated a similar payment by the banks and railroad companies upon their dividends and the reserve made upon the payment of interest upon their indebtedness. I think any departure from the old law in that particular is expensive and injurious. We collect now about six million dollars a year; and under the new bill we shall probably collect fifteen or twenty million dollars from the same source, at a less expense than a like amount of money was ever collected in any civilized country. These corporations are generally managed by competent men; their names and business are known to the Department here; books are prepared in which their names are entered, and at any moment you can tell whether any company is delinquent or not. Thus far they have been required by law to make their returns to the Commissioner of Internal Revenue, and they have been made promptly; and within ten days the money is in the hands of the Commissioner of Internal Revenue without any cost.

Now, the proposition is to transfer this simple business of receiving the certificates of deposit by the Commissioner of Internal Revenue to the collectors of the districts, thereby increasing the delay and increasing the expense of collection. I believe that all that this committee has thus far done with reference to the collection of revenue—I do not speak now of duties imposed, because whatever has been done in that respect has been in the main well done—has been erroneous.

[Here the hammer fell.]

Mr. MORRILL. I will say to the gentleman from Massachusetts that although some parts of the bill were reported providing that these payments should be paid to the collectors, yet it was the purpose of the Committee of Ways and Means to restore every part to such shape as should provide that they should be made to the Commissioner of Internal Revenue. I see that my colleague [Mr. PENDLETON] has not followed the action of the Committee of Ways and Means in respect to this matter. I trust he will allow this proposition to be amended so as to make all these moneys payable to the Commissioner of Internal Revenue.

Mr. PENDLETON. Do I understand the gentleman to say that the Committee of the Whole adopted a provision of that kind?

Mr. MORRILL. I believe we have in every instance directed that this money should be paid to the Commissioner of Internal Revenue.

Mr. PENDLETON. I think that purpose has not been carried out.

Mr. MORRILL. I understand that it has been done in every instance with one exception.

Mr. PENDLETON. If that is the case I am not aware of it. I certainly agree with the gentleman from Massachusetts, that there should be a conformity, and therefore I ask to modify the amendment, and instead of the words "collectors of the district" where they occur in the amendment, I intended to offer to insert the words "Commissioner of Internal Revenue." That will be in

accordance with the action of the Committee of the Whole, and it will meet also the objection raised by the gentleman from Massachusetts.

Mr. MORRILL. I desire to say further in reply to the gentleman from Massachusetts, that perhaps he did not distinctly hear the proposition of my colleague upon the Committee of Ways and Means. There are twenty days given in the first instance to make the return, and ten days after are allowed for payment. I suggest to my colleague that in the forepart of the proposition the word "boat" be stricken out, and "vessel propelled by steam power" be inserted in its place.

Mr. PENDLETON. I have no objection to that.

The amendment to the amendment was agreed to.

The amendment, as amended, was then adopted.

Mr. PENDLETON. In section one hundred and two I move to strike out all after the word "business," in line five, as follows:

And shall be subject to the same provisions, rules, and penalties as are prescribed for the persons, firms, companies, or corporations owning or possessing or having the management of railroads, steamboats, and ferry-boats.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and three by striking out all after the words "United States," in line thirteen, down to and including the words "ferry-boats," in line nineteen, as follows:

And that the said person, firm, company, association, or corporation engaged in the business of insurance as above defined, shall be subject to the same provisions, rules, and penalties as are prescribed for the persons, firms, companies, or corporations owning or possessing, or having the management of railroads, steamboats, and ferry-boats.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and five by striking out all after the word "corporation," in line seven, down to the end of the section, as follows:

And the owner, possessor, or person or persons having the care or management of any such telegraphic line shall, within five days after the end of each and every month, make a list or return, in duplicate, to the assistant assessor of the district within which such owner, possessor, company, or corporation may have his or its place of business or is located, respectively, stating the gross amount of such receipts for the month next preceding, which list or return shall be verified by the oath or affirmation of such owner, possessor, manager, agent, or other proper officer, in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue; and shall, also, within the time prescribed for the payment of duties by manufacturers, pay to the collector of the district the full amount of duties which have accrued on such receipts for the month aforesaid; and in case of neglect or refusal to make said list or return for the space of five days after such return should be made as aforesaid, the assessor or assistant assessor shall proceed to estimate the amount received and the duties payable thereon, as hereinbefore provided in other cases of delinquency to make return for purposes of assessment; and for the purpose of making such assessment, or of ascertaining the correctness of any such return, the books of any such person, company, or corporation shall be subject to the inspection of the assessor or assistant assessor on his demand or request therefor; and in case of neglect or refusal to pay the duties as aforesaid when the same have been ascertained as aforesaid for the space of five days after the same shall have become payable, the owner, possessor, or person having the management as aforesaid, shall pay, in addition, five per cent. on the amount of such duties; and for any attempt knowingly to evade the payment of such duties, the said owner, possessor, or person having the care or management as aforesaid, shall be liable to pay a penalty of $1,000 for every such attempt, to be recovered as provided in this act for the recovery of penalties; and all provisions of this act in relation to liens and collections by distraint not incompatible herewith shall apply to this section and the objects therein embraced.

Mr. PRICE. I would ask the gentleman from Ohio whether he proposes to preserve the amendment made in this section in passing through the bill before. We passed an item of fifty per cent. on the additional charges of these telegraph companies.

Mr. PENDLETON. I will give the gentleman from Iowa an opportunity of moving that amendment at the proper time.

The CHAIRMAN. This is one of the provisions of the bill that was reserved for future action, and will be reached in its regular order when the gentleman from Ohio gets through with his amendments.

Mr. PRICE. This section was acted on, and the amendment to which I refer was agreed to.

The CHAIRMAN. The recollection of the Clerk corresponds with that of the Chair, that no amendment was actually made, but that the section was reserved to be considered by the committee at some future time.

Mr. KASSON. I know that this was among the reserved sections.

Mr. PRICE. I want to know if it was not amended in passing through the bill before?

Mr. STEVENS. The amendment was offered, but was not acted on.

Mr. PENDLETON. In section one hundred and eleven I move to strike out all after the word "entertainments," in line thirteen, down to the end of the section, as follows:

And shall within five days after the end of each and every month make a list or return to the assistant assessor of the district in which any theater, opera, circus, museum, or other place or building, as aforesaid, is located, respectively, stating the gross amount of such receipts for the month next preceding, which return shall be verified by the oath or affirmation of such person, firm, or corporation, or the manager or agent thereof, in the manner and form to be prescribed from time to time by the Commissioner of Internal Revenue; and shall also, within the time prescribed for the payment of duties on manufactures, pay to the collector or deputy collector of the district the full amount of duties which have accrued on such receipts for the month aforesaid, and be subject to all the provisions of law in relation to assessments, returns, liens, fines, penalties, and forfeitures, not inconsistent herewith, in the case of manufacturers.

The amendment was agreed to.

Mr. PENDLETON. I now move to insert after section one hundred and eleven the additional section which I sent to the Clerk's desk and which has been read.

Mr. MORRILL. I move to insert the word "form" before "company."

Mr. PENDLETON. I will modify my amendment in that way.

The amendment, as modified, was agreed to.

Mr. PENDLETON. I now move to transpose section one hundred and six, relating to banks and banking; sections one hundred and seven, one hundred and eight, and one hundred and nine, relating to lotteries; and section one hundred and ten, relating to advertisements; so that they shall come in after the section just adopted.

The object in transposing them is because the provisions of the section just adopted do not apply to the subjects of the sections I wish transposed.

The motion was agreed to.

Mr. PENDLETON. On page 148, in line twenty-eight, I move to strike out "five hundred" and insert "one thousand;" so as to make it correspond with the section just adopted.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and seven by striking out "$500" and inserting in lieu thereof the words "$1,000, besides the additions, penalties, and forfeitures in other cases provided;" so that it will read:

And in default of making such lists or returns, the said proprietors, managers, and agents, and all other persons making such sales, shall be subject to and pay a penalty of $500; and the said proprietors, managers, and agents shall, in default of paying the said duty or tax at the time herein required, be subject to and pay a penalty of $1,000, besides the additions, penalties, and forfeitures in other cases provided.

The amendment was agreed to.

Mr. PENDLETON. I move to amend in the same section by increasing the penalty of $500 to $1,000.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and ten by striking out "five" and inserting "ten;" so that it will read:

And in case of neglect or refusal to pay the duties, as aforesaid, for the space of thirty days after said duties become due and payable, said owner, possessor, or person or persons having the care or management of said newspapers or publications, as aforesaid, shall pay, in addition thereto, a penalty of ten per cent. on the amount due.

The amendment was agreed to.

Mr. PENDLETON. I move to amend the same section by striking out "$500" and inserting "$1,000;" so that it will read:

And in case of fraud or evasion, whereby the revenue is attempted to be defrauded, or the duty withheld, said owners, possessors, or person or persons having the care or management of said newspapers or other publications, as aforesaid, shall forfeit and pay a penalty of $1,000 for each offense, or for any sum fraudulently unaccounted for.

The amendment was agreed to.

Mr. PENDLETON. I move to amend the same section by adding after the words "in relation to" the words "returns, additions, penalties, forfeitures," so that it will read:

And all provisions in this act in relation to returns, additions, penalties, forfeitures, liens, assessments, and collection, not incompatible herewith, shall apply to this section and the objects herein embraced.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and sixteen by striking out the words "and proceed thereafter to collect."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and seventeen by striking out "five" and inserting "ten;" so that it will read:

SEC. 117. *And be it further enacted*, That the duties on incomes herein imposed shall be levied on the 1st day of May, and be due and payable on or before the 30th day of June, in each year, until and including the year 1870, and no longer; and to any sum or sums annually due and unpaid for thirty days after the 30th of June, as aforesaid, and for ten days after demand thereof by the collector, there shall be levied in addition thereto the sum of ten per cent. on the amount of duties unpaid, as a penalty.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and eighteen by striking out "$500" and inserting "$1,000;" so that it will read:

And for any default in the making or rendering of such list or return with such declaration annexed, the bank, trust company, savings institution, or insurance company, making such default, shall forfeit as a penalty the sum of $1,000.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and twenty by striking out "$500" and inserting "$1,000;" so that it will read:

And for any default in making or rendering such list or return, with the declaration annexed, or of the payment of the duty as aforesaid, the railroad company making such default shall forfeit as a penalty the sum of $1,000; and in case of any default in making or rendering said list or return, or of the payment of the duty, or any part thereof, as aforesaid, the assessment and collection of the duty and penalty shall be made according to the general provisions of law in other cases of neglect or refusal.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and twenty-four by adding after the word "laws" the words "the assistant assessor shall make out such lists and valuations as in other cases of neglect or refusal, and shall assess the duty thereon, and the collector;" so that it will read:

Or shall deliver to said assessor or assistant assessor a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the assistant assessor shall make out; &c.

The amendment was agreed to.

Mr. PENDLETON. I move to amend, just after the last amendment, by striking out the words "the proper officer of the United States."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and twenty-four by striking out the following:

And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of $500; and in case of any delinquency in making the schedule, list, or statement, or in the payment of the duty or tax accruing, or which should accrue thereon, the assessment and collection shall be made as provided for in the general provisions of this act.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and forty-seven by striking out "and a like sum for every succeeding month during which such neglect shall continue."

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and fifty-five by adding after the word "imposed" the words "or if any person shall willfully remove or cause to be removed from a stamped envelope the canceling or defacing marks thereon with intent to use the same, or cause the use of the same the second time, or shall knowingly or willfully sell or buy such washed stamps or offer the same for sale or give or expose the same to any person for use, or knowingly use the same with intent for the second use thereof;" so that it will read:

Or if any person shall fraudulently cut, tear, or get off, or cause or procure to be cut, torn, or got off, the impression of any stamp or die which shall have been provided, made, or used in pursuance of this act, from any vellum, parchment, or paper, or any instrument or writing charged or chargeable with any of the duties hereby imposed; or if any person shall willfully remove; &c.

The amendment was agreed to.

Mr. PENDLETON. I move to amend section one hundred and fifty-six by striking out the word

"misdemeanor" and inserting in lieu thereof the word "felony," so that it will read:

Any person who shall fraudulently obtain or use any of the aforesaid stamps or designs therefor, and any person forging, or counterfeiting, or causing or procuring the forging or counterfeiting any representation, likeness, similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who shall sell or give away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, shall have knowingly or fraudulently in his, her, or their possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall be deemed guilty of a felony, and, upon conviction thereof, shall be subject to all the penalties, fines, and forfeitures prescribed in the preceding section of this act.

The amendment was agreed to.

Mr. KASSON. On page 28, section twenty-seven, I move to change in line two the word "ten" to the word "twenty," so as to make it read:

That each of said collectors shall, within twenty days after receiving his annual collection list from the assessors, respectively, as aforesaid, give notice, by advertisement published in each county in his collection district, in one newspaper printed in such county, if any such there be, and by notifications to be posted up in at least four public places in each county in his collection district, that the said duties have become due and payable, and state the time and place within said county at which he or his deputy will attend to receive the same, which time shall not be less than ten days after such notification.

The amendment was agreed to.

Mr. KASSON. In lines thirty-five and thirty-seven I move the same amendment, so as to make the clause read:

And with respect to all such duties or taxes as are not included in the annual lists aforesaid, and all taxes and duties the collection of which is not otherwise provided for in this act, it shall be the duty of each collector, in person or by deputy, to demand payment thereof, in the manner last mentioned, within twenty days from and after receiving the list thereof from the assessor, or within twenty days from and after the expiration of the time within which such duty or tax should have been paid.

The amendment was agreed to.

The following section being under consideration—

SEC. 73. *And be it further enacted*, That in every case where more than one of the pursuits, employments, or occupations, hereinafter described, shall be pursued or carried on in the same place by the same person at the same time, except as therein mentioned, license must be taken out for each according to the rates severally prescribed—

Mr. KASSON. I move to add at the end thereof as follows:

Provided, That in towns having a less population than six thousand persons, according to the last preceding census, one license so applied for may embrace the business of insurance agents, land-warrant brokers, claim agents, and real estate agents, upon payment of the highest fee applicable to either one of said pursuits.

My reason for offering this amendment is, that in these small towns the persons who engage in these pursuits make barely a living, the amount of business transacted by them being very small.

The amendment was agreed to.

Mr. KASSON. On page 97, in line four hundred and nine, I move to amend by striking out the word "others" and inserting in lieu thereof the words "more than one person under him or them."

The amendment was agreed to.

Mr. KASSON. I submit also another amendment, for which I have not the authority of the Committee of Ways and Means, but to which I desire to call the attention of this committee. I move to strike out of lines four hundred and eleven and four hundred and twelve, same section, the words "who shall not have taken out a license as a manufacturer," so that the paragraph as amended would read:

47. Miners shall pay for each and every license the sum of ten dollars. Every person, firm, or company who shall employ more than one person under him or them in the business of mining for coal, for gold, silver, quicksilver, copper, lead, iron, zinc, spelter, or other minerals, shall be regarded as a miner under this act.

I desire to say upon that amendment that the business of the miner is as distinct from that of the manufacturer as is the business of the manufacturer of goods from that of the person who sells them at retail or wholesale. The object of the Committee of Ways and Means has been not to require the person who actually works in the mines to take out a license. At the same time, it seems to me that the person engaged in the business of manufacturing minerals ought not to be required to pay a license as a miner, the business of mining and manufacturing being entirely distinct.

Mr. SHANNON. I desire to offer a remark or two upon this subject, and to enable me to do so I will move to strike out the whole section. Now, sir, there are no people in this country who understand better the condition of the Government than the miners. They fully realize the fact that we have reached a point where it becomes necessary for the Government to tax heavily or perish. And, sir, there are no people in this country who are more willing to contribute to the preservation of this Government than the loyal miners on the Pacific coast. There are no people more liberal than they are. They are as willing to give their last dollar as are the people of Iowa, to whom the gentleman from that State [Mr. WILSON] this afternoon referred.

But, sir, there are two modes of taxation—one is to tax the people in a manner that is not odious, and the other is to tax them in an odious and obnoxious manner. And this, sir, is one of the latter class.

It is true that the gentleman seeks so to qualify his section by the amendment, that the person who mines for himself on individual enterprise shall not be required to pay for a license; that the license shall be confined to the person or persons who employ others. Now, sir, in a certain class of mining, called tunnel mining, the only way the mines can be opened is by a large class of miners associating together and employing others. I have known companies of that kind to work for one, two, three, four, and five years, running a bed-rock tunnel without receiving one dollar. And probably, after they get through the mountain, after they have succeeded in getting through the tunnel, they then get not a dollar, because there are no minerals there.

Now, sir, to impose a tax of ten dollars upon each one of these companies running bed-rock tunnels, without knowing whether they are to receive anything for their labor or not, is, in my judgment, unjust. It is not just to tax them on probabilities, on what are called hazards, on uncertainties, which are the peculiarity of this description of mining. I undertake to say that while probably not so intended, it is an outrage upon that kind of miners and mining.

Where a company employs others to prospect a quartz vein and operates two or three years without making a single cent, not knowing whether or not there is anything in the vein until they have determined that fact by dint of labor and capital, I say that to impose a tax upon that labor is obnoxious. You may realize but a few dollars from this tax, but I hope that the committee will impose it in some other way. Impose a tax upon the product or in some other way; then you will get the same amount of revenue, and the tax will not be obnoxious.

Mr. MORRILL. The gentleman from California says that the miners of his part of the country understand the necessities of the Government as well as any other people, and that they are as ready to perform their duty in respect to paying taxes. I believe it.

This section of the bill is not intended to apply exclusively to California, but is intended to apply to all who are engaged in mining, whether of iron, coal, copper, lead, silver, or gold. By striking out this provision we will lose a vast amount of money in all of the States. I trust that the committee will not be guilty of such a neglect of duty as to abandon the subject of license of miners when we restrict and narrow the description of them more than any other license in the whole bill. We do not impose the tax on anybody at all who does not employ more than one person.

Mr. SHANNON. Just a moment. Still the miners will look upon it in this way: that it is charging them for the privilege of finding a mine. I say, sir, that a man who finds a mine is a benefactor not only to himself but to the country. The miners will look upon this tax in this way. If a tax is to be imposed let it be made less obnoxious.

Mr. MORRILL. The argument would hold good if the miners of California were taxed when they start out to hunt the hidden treasures of Captain Kidd. [Laughter.] But they are not.

The amendment was rejected.

Mr. HIGBY. I move to insert after the word "miners" the words "actually producing mineral."

Mr. Chairman, it may have been well said by the gentleman from Vermont that there are many other kinds of miners included as well as those of gold; men who mine for iron ore, men who mine for lead, and men who mine for copper; but the mines which the gentleman has in his mind are all producing mineral. But there is a vast expenditure of labor and capital in California, and in all the Territories where the precious metals are found, in the way of "prospecting," from which frequently not a cent is returned. Now this paragraph would cover that class of men, and I do not think it is right. They should not be made to pay a tax until mineral is produced.

The paragraph was read, as follows:

47. Miners shall pay for each and every license the sum of ten dollars. Every person, firm, or company who shall employ others in the business of mining for coal, for gold, silver, quicksilver, copper, lead, iron, zinc, spelter, or other minerals, who shall not have taken out a license as a manufacturer, shall be regarded as a miner under this act.

Mr. KASSON. I ask the gentleman from California whether his object would not be accomplished by striking out the word "for" where it occurs before the words "coal" and "gold." The paragraph was not intended to cover cases of "prospecting."

Mr. HIGBY. The object is this: that these miners should not be compelled to pay this license until they have mines producing mineral. I passed a claim last year, while making a canvass of the State, where they had been at work for two years with an expenditure of $30,000 and had made nothing. And those instances are common in California.

The CHAIRMAN. Does the gentleman accept the amendment of the gentleman from Iowa?

Mr. HIGBY. I do, with the words to be inserted which I have indicated.

The amendment was agreed to.

The CHAIRMAN. The next reserved section is on page 106, which the Clerk will read.

The Clerk read, as follows:

SEC. 85. *And be it further enacted*, That any person, firm, company, or corporation manufacturing or producing goods, wares, and merchandise, sold or removed for consumption or use, upon which duties or taxes are imposed by law, shall, in their return of the value and quantity, render an account of the full amount of actual sales made by the manufacturer, producer, or agent thereof, and shall state in a separate column the items and account of the deductions, if any, claimed; whether any part, and if so, what part, of said goods, wares, and merchandise has been consumed or used by the owner, owners, or agent, or used for the production of any other manufacture or product, together with the market value of the same at the time of such use or consumption; whether such goods, wares, and merchandise were shipped for a foreign port or consigned to auction or commission merchants, other than agents, for sale; and shall make a return according to the value at the place of shipment, when shipped for a foreign port, or according to the value at the place of manufacture or production, when removed for use or consumption, or consigned to others than agents of the manufacturer or producer, &c.

Mr. MORRILL. I move to add after the word "producer," where it last occurs, the following:

The value and quantity of goods, wares, and merchandise required to be stated as aforesaid, and subject to *ad valorem* duty, shall be estimated by the actual sales by the manufacturer, or by his, her, or their agents or persons acting in his, her, or their behalf.

I will merely say that that is in the present law, and was accidentally omitted in this bill.

The amendment was agreed to.

Mr. MORRILL. I move to amend, in lines twenty-seven and twenty-eight, page 106, by striking out the words "the actual commissions paid, but not exceeding three per cent.," and inserting in lieu thereof "the reasonable commissions and other expenses *bona fide* paid." This relates to the deductions allowed to the manufacturer of goods upon sale thereof.

The amendment was agreed to.

Mr. MORRILL. I move to amend on line ninety-three, page 118, by inserting after the word "juice" the words "when removed from the plantation." This will make the duty on molasses, &c., payable whenever it is removed from the plantation.

The amendment was agreed to.

Mr. MORRILL. I move to amend on page 119, line one hundred and four, by striking out "one" and inserting "two," so as to make the duty on the gross amount of the sales of sugar

refiners two and a half per cent. *ad valorem* instead of one and a half.

The amendment was agreed to.

Mr. MORRILL. I move to insert on page 127, after line three hundred and sixteen, the following:

On quicksilver produced from the ore, a duty of five per cent. *ad valorem.*

Mr. HIGBY. I object to that amendment, but not because my own State is particularly interested any more probably than many other localities. We have one very extensive quicksilver mine in that State already developed, but I do not mean to apply my remarks directly to that company or to the profits of it.

It will be readily seen that quicksilver is nothing but a commodity which has no fixed value like gold and silver. Its value varies like that of any other kind of property. The community must pay the greater amount of the duty which is put upon this article just as much as they do the duty put upon iron. The company cannot be reached and made itself to pay this tax, because the business is almost a monopoly, and they have the control of the market, and can make the community pay whatever they choose. The great body of the mining population have to purchase quicksilver for their business. It enters into their daily operations, and wherever it has to be purchased there the price will have to be paid which is demanded by these companies.

If it were an article produced by many companies the case would be quite different; because then they would enter into competition with each other. But as that is not so, they can make the production as great a monopoly as they please, and the more you increase the taxes so much the more the community itself must pay. Such will be the practical effect of putting such a tax upon this article.

Mr. MORRILL. I do not understand that this business is any less profitable than any other pursuit in any other portion of the country; and the only argument the gentleman has used in opposition to the amendment is, that they having a monopoly and the power to increase their prices, will be induced to increase them if we tax them. I trust the amendment will be agreed to.

The amendment was agreed to.

Mr. MORRILL. In the next line I move to strike out "and quicksilver" and to insert "and" between "gold" and "silver." This takes quicksilver out of the list of three per cent. duties.

The amendment was agreed to.

Mr. MORRILL. I move to strike out of line three hundred and nineteen the words "*ad valorem.*" Gentlemen from the mining districts think that if they have to pay an *ad valorem* duty on gold and silver, they would not only be compelled to pay three dollars upon a hundred, but three per cent. upon the value of gold estimated in greenbacks.

The amendment was agreed to.

Mr. KALBFLEISCH. I move to amend by adding after line two hundred and twenty-two, in reference to the duty on gold and silver, the following proviso:

And provided further, That nothing contained in this section shall apply to gold and silver produced by smelting, or from what is known as sweepings, nor to the refining of said metals.

The amendment was not agreed to.

Mr. HIGBY. I move to strike out the whole paragraph in relation to gold and silver, and insert in lieu thereof the following:

On all gold and silver exceeding in value $600 in coin, produced annually from any mining claim, a duty of three per cent.: *Provided*, That any such mining claim shall be no larger in ground or lode, for the purposes of this tax, than is allowed to each individual by location under the rules, regulations, and customs of miners established in the mining district in which such claim is located.

The paragraph as reported by the committee contemplates taking three cents from every dollar of gold and silver taken from the mines. I have failed to hear from the committee any reason why a man who goes into the earth and delves for gold and silver should not first be protected in having a living, just as much as any other person in any other business. The common laborer is not taxed until a certain amount is set apart for a livelihood. Why a miner should have to go into the bowels of the earth and extract this article, and not first have protected to him a sufficient amount to live on, I do not understand. Let him first have his living as every other man has, and then put your tax on. There is no justice in doing it before that. If the farmer and mechanic need $600 a year to live on, I think the miner needs about that amount to live on for the year, and I do not know where he is to acquire that amount unless it be from the product of his labor in the mines. Justice and equality require that he should have something reserved to him for his livelihood as much as any man who follows any other pursuit. It is therefore but right that he should be protected on $600 or some other specified amount before you begin to tax or levy a premium on his labor.

Now, I have fixed this amendment so definitely that the miners will understand its language. It is perfectly well known to them, although members here may not understand it so well. I have quoted the language used in our statutes in reference to this subject. Let it be well understood that this is a tax over and above the income tax. It is in addition to that. We find no fault with the committee for taxing miners a certain amount over and above the income tax, but we do insist that there shall be something first secured to the miner as a source of livelihood. That is but just and right.

Mr. STEVENS. Mr. Chairman, it seems to me that these gold miners, who are a very meritorious class of people, have been very much spoiled heretofore by the indulgence of the Government, and that now they are showing it through their Representatives. The manufacturer who finds his own capital pays five per cent. upon the products, but these are not manufacturers. They come upon the lands which belong to the Government and we only charge them a royalty on what they are digging of our gold. They come upon our lands on which they have no business at all except by the permission of the Government, and now we only ask them to pay three per cent. on the rich metal they extract. Why, sir, in Pennsylvania you cannot get the right to mine coal short of twenty-five cents per ton, and you cannot get the right to mine iron ore short of from fifty cents to a dollar per ton. That is what the owners of the land charge. As the owners of these lands we are not charging these miners for their labor; we are simply charging them a royalty.

Mr. HIGBY. I would ask the gentleman if gold and silver do not have a standard value? But when other articles are taxed the price will of course rise. I would ask the gentleman if when iron is taxed it is not sold for a higher price?

Mr. STEVENS. We are not taxing wrought gold and silver. We are taxing the right to dig the ore. When the owner of lands containing iron ore sells the right to dig it, he charges from fifty cents to a dollar a ton, and besides that if the man who purchases that right be a manufacturer he has to pay a high manufacturers' tax in addition. But here we only tax the right to dig the ore. I am sorry our friends from California do not appreciate the liberality of the Government.

Mr. HIGBY called for tellers on his amendment.

Tellers were not ordered.

The amendment was disagreed to.

Mr. WALLACE. I move to amend this section by striking out the proviso, which is in these words:

Provided, That all such duties accruing upon gold and silver produced as aforesaid shall be due and payable in coin or bullion.

Mr. Chairman, I think this is the only instance in this bill where a distinction is made in the character of the payments required to be made by the people. The miners are required to pay in coin or in gold or silver bullion. I ask the committee whether there is any fair and good reason for making such a distinction. The Government of the United States has flooded the Pacific coast with paper money. Every person engaged in business there, whether he is running a rum-mill, a billiard-saloon, or a bowling-alley, can pay the tax required of him in the paper currency of the country issued by the Government itself. But when you come to the miner, the most meritorious class of people in that section of country, you require him to pay his taxes in gold or silver. When the tax-gatherer comes around, and the miner presents to him the paper currency issued by the Government, it is repudiated. Why should Congress place the Government in that position, repudiating its paper, and requiring miners to pay in coin or gold or silver bullion, while every other person can pay his taxes in the currency of the country? For that reason, and believing that this is an inequality which is odious and offensive, I have offered the amendment.

Tellers were ordered on the amendment; and Messrs. STEELE, of New Jersey, and SHANNON, were appointed.

The committee divided; and the tellers reported —ayes sixty-four, noes not counted.

So the amendment was agreed to.

Mr. MORRILL. I move that the committee do now rise for the purpose of closing debate on these paragraphs.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration as a special order the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that all debate on these paragraphs shall close in one second after the consideration of the bill shall be resumed in the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration, as a special order, of the internal revenue bill, all debate on the pending paragraphs being closed in one second.

Mr. SHANNON. I offer the following amendment:

Add to the paragraph the following proviso:

Provided, Upon the payment of such tax by the owner or company owning any mine, the collector of internal revenue for the district in which the mining claim is located, shall execute a receipt to the party paying the same, particularly describing the mine, and such receipt shall be evidence in favor of the party holding the same of his or their right to the use, occupancy, and possession of the mine, so described, as against the United States: *Provided further*, That if any person or company shall neglect or refuse to pay the tax herein provided for, the party so neglecting or refusing shall forever forfeit all right to such mine or claim, and the same shall be open and subject to relocation by any other person.

Mr. GANSON. I move to amend the amendment by providing that the receipt shall bear such stamp as is required for the conveyance of real estate. [Laughter.]

The amendment to the amendment was rejected.

Mr. SHANNON's amendment was rejected.

Mr. BENNET. I move to amend section ninety-five, line three hundred and nineteen, by inserting after the words "*ad valorem*" the words "on the net proceeds;" so that it will read:

On gold, silver, and quicksilver, produced from quartz mines, from beds of rivers, from the earth, or in any other way or manner, a duty of three per cent. *ad valorem* on the net proceeds.

The amendment was rejected.

Mr. MORRILL. I move to amend the same paragraph by striking out "three per cent." and inserting in lieu thereof "five per cent."

The amendment was agreed to.

Mr. KASSON. I move to add the following as a new section, after section ninety-five:

And be it further enacted, That every person, firm, or corporation who shall have made any contract prior to the passage of this act, and without other provisions therein for the payment of duties, by law enacted subsequently thereto, on articles to be delivered under such contract, is hereby authorized and empowered to add to the prices thereof so much money as will be equivalent to the duty so subsequently imposed on said articles, and not previously paid by the vendee; and shall be entitled by virtue thereof to be paid and to sue for and recover the same accordingly: *Provided*, That when the United States is the purchaser under such prior contract, the certificate of the proper officer of the Department, by which the contract was made, showing, according to regulations to be prescribed by the Secretary of the Treasury, the articles so purchased by the United States and liable to such subsequent duty, shall be taken and received, so far as the same is applicable, in discharge of such subsequent duties on articles so contracted to be delivered to the United States, and actually delivered according to such contract.

This is the substance of the section before proposed and modified by the gentleman from Massachusetts, and which was subsequently reserved for redraft. It has been somewhat modified.

Mr. JOHNSON, of Pennsylvania. I ask the gentleman from Iowa whether it would be proper to modify this amendment so as to relieve parties who have contracted to carry the United States mail from this tax? That is the proposition I made the other day.

Mr. KASSON. There is no special tax on mail contractors. This refers to articles of manufacture.

Mr. JOHNSON, of Pennsylvania. I am aware of that; but the equity would apply to those who in March last contracted to carry the United States mails for four years. This bill, as it now stands, taxes them upon their contracts. In other words, it deducts a portion of the compensation the Government contracted to pay.

Mr. KASSON. There is no tax upon the contracts. They are only taxed upon their incomes, like all other parties.

Mr. GANSON. I move to amend the amendment by striking out that portion which authorizes the vender to commence action against the vendee to recover taxes which this bill assesses.

Mr. KASSON. I will say to the gentleman that it only applies to articles contracted for before the passage of the law. It does not apply to contracts made subsequent to its passage.

Mr. GANSON. As I understand this amendment, while you tax the vender, he is authorized to recover the tax from the vendee, and to institute action against him for that purpose. Now, I do not know what authority this Congress has to authorize one individual to sue another for the purpose of collecting a United States tax.

Mr. KASSON. I reply to the gentleman from New York, that under the existing law the same tax is imposed upon the purchaser, to be recovered from him. What we now propose is to require the manufacturer to pay the entire tax. Under the present law, the manufacturer pays a part, and the vendee a part, making it necessary to collect the tax from two parties. We simply propose now that the same parties shall in effect pay the same tax, but the manufacturer shall pay it to the Government. That system is adopted in England. The tax is there collected from the manufacturer. But the right is conferred on him to recover it again from the purchaser. The system works well there, and there is no reason at all that I perceive why we should not adopt the same simple system. There is no limitation at all in the Constitution which can prevent us from conferring this authority upon the manufacturer to recover back the tax so collected of him. It is in the nature of the well-known action at common law to recover back money paid and expended for the use of another. When the existing law first went into operation, the gentleman from Massachusetts, then at the head of the Internal Revenue department, [Mr. BOUTWELL,] so construed it as to require precisely what my amendment provides for, but inasmuch as the law expressly said the tax should be paid by the purchaser, it was decided afterwards that it must be collected directly from him. I think my amendment is right, and hope it will be adopted.

The CHAIRMAN. Does the gentleman from New York insist on his amendment to the amendment?

Mr. GANSON. I do.

Mr. KASSON. The gentleman's amendment would change the whole character of the section.

Mr. GANSON. That is my purpose.

The amendment to the amendment was disagreed to.

The amendment was adopted.

Mr. MORRILL. I desire to offer an amendment to the bill on page 139.

Mr. J. C. ALLEN. There was an amendment on page 137 which had been offered to the bill, and which was passed over informally with the section. A motion was made by some gentleman on the other side to amend section ninety-seven, in the thirty-eighth line, by inserting after the word "securities" the words "the same not being *bona fide* his own property;" so as to make the provision of the section read as follows:

Provided, That any person, firm, or company, not being licensed as a broker, who shall sell or offer to sell any gold and silver bullion, sterling exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, the same not being *bona fide* his own property, shall be liable, in addition to all other penalties provided in such cases, to pay fifty per cent. in addition to the foregoing duties and rates of duty.

Mr. KASSON. The gentleman states correctly.

The CHAIRMAN. The question will then be on the amendment just stated by the gentleman from Illinois.

Mr. MORRILL. I trust that amendment will not be adopted. All these brokers buy gold on their own account, and this proviso, if so amended, would prevent our getting any revenue at all from them.

Mr. J. C. ALLEN. I then move to amend my amendment by striking out the entire proviso, and I will briefly give my reasons for it. It will be perceived by this proviso that any person selling or negotiating gold and silver bullion, sterling exchange, uncurrent money, stocks, promissory notes, &c., is liable to pay a fine unless he takes out a license as a broker. Now, sir, I will simply state, and gentlemen in the West will appreciate my reason, that I think this proviso ought to be stricken out. The principal part of our currency is in the notes of State banks. It is expected that these national banks will drive them out of existence. It is believed that a great portion of them will not be able to pay the tax you impose upon their circulation. What is the merchant to do when he takes this money and it depreciates in his hands? Under this bill he will not be allowed to sell it. He cannot sell it unless he takes out a license as a broker. It will be unjust. It will operate as a hardship in the Northwest, where the greater number of notes in circulation may be deemed uncurrent, for hardly one of them is above par.

And there is another thing. In ordinary transactions in the West promissory notes given from A to B are not unfrequently passed over to C to pay indebtedness in lieu of money. I ask whether it would not be a hardship where a man passes a promissory note in that way to subject him to the penalties under this law?

If the purpose be only to affect men who are engaged in the business of selling uncurrent money and notes, then let the bill so provide; let the penalty be provided, and let it fall upon that class alone. But as it now stands, upon the man who in the ordinary transaction of business sells his own uncurrent money or disposes of promissory notes, not for third parties but for himself, it seems to me that it will work a great hardship.

I withdraw my amendment to strike out the proviso, and I hope the committee will adopt some amendment to it.

Mr. MORRILL. I do not pretend that the proviso may not be amended so as to reach the object of the gentleman from Illinois. But I hope that the committee will not strike out the proviso. Its purpose is to reach the vast horde of money gamblers in New York and elsewhere who are dealing in gold upon the streets, outside of broker shops. It falls upon the dealers who have no brokers' license and compels them to pay five per cent. more than the regular brokers.

Mr. J. C. ALLEN. It will give these men the monopoly of selling gold and uncurrent notes in the market. It is provided that—

Any person, firm, or company, not being licensed as a broker, who shall sell or offer to sell any gold and silver bullion, sterling exchange, uncurrent money, promissory notes, stocks, bonds, or other securities, shall be liable, in addition to all other penalties provided in such cases, to pay fifty per cent. in addition to the foregoing duties and rates of duty.

Mr. STEVENS. I think that it ought to be amended.

Mr. KASSON. I move to insert after the word "securities" the words "not *bona fide* at the time his own property."

Mr. J. C. ALLEN. That will do.

Mr. RANDALL, of Pennsylvania. I suggest this amendment: "that they shall be liable to pay such tax as is herein provided for." I understand that this bill is for the purpose of raising revenue. If you allow these men to sell these things, each for himself, without a tax, they never will employ a broker.

Mr. KASSON. I will modify my amendment. I move to insert after the word "securities" the words "not *bona fide* at the time his own property, and actually on hand."

The amendment was agreed to.

Mr. COLE, of California. I move to insert the words "except gold and silver sold by miners the product of their own mines."

Mr. KASSON. That is already included.

Mr. COLE, of California. Then I withdraw the amendment.

Mr. BOUTWELL. I move to strike out the whole proviso.

Mr. MORRILL. I perceive that we shall not be able to get through with the bill to-night. There are three or four other important matters yet to be considered. I suggest, therefore, that by unanimous consent we pass over this until to-morrow.

Mr. PRICE. I object.

Mr. BOUTWELL. I will state the reason why I propose to strike out the proviso. Turn to page 83 and you will find the definition of a broker:

8. Brokers using or employing a capital not exceeding the sum of $50,000 shall pay fifty dollars for each license. Every person, firm, or company, except such as hold a license as a banker, whose business it is to purchase or sell stocks, exchange, bullion, coined money, bank notes, promissory notes, or other securities for others, and shall make oath or affirmation, according to the form to be prescribed by the Commissioner of Internal Revenue, that all their transactions are made for a commission, shall be regarded as a broker under this act: *Provided*, That any person holding a license as a banker shall not be required to take out a license as a broker.

You will remember that the committee inserted the word "themselves" before "others." Any man whose business it is to do these things is a broker. We have a general provision that a man who does a business without a license for which a license is required shall be subject to a penalty of three times the license.

Therefore if any person assumes to do, as a matter of business, without a license any of those acts which constitute a broker, he is liable to a penalty of three times the amount of the license. Now, whether it is a business is a matter of fact, and no legislation can determine whether the doing of a particular thing is a matter of business or not, because that depends upon a great many circumstances. Now if an individual does for himself without a license, as a matter of business, any of these acts for which a license is required, he is liable to the penalty; but if he does it for himself not as a matter of business, that is merely an incident to that which is his business, and therefore he would not be liable as a broker.

And so I say of a miner. His business is mining. If he take gold and silver from the earth and sells it, his business is mining, and he would not be liable as a matter of fact. But to undertake to define by legislation what constitutes a business, seems to me is to attempt an impossibility. It is a matter of fact whether when a man goes into the market and offers gold for sale he does it as a matter of business or something else.

Mr. MORRILL. We know, as a matter of fact, that a large number of persons pursue this business who are not brokers.

The amendment was not agreed to.

Mr. MORRILL. The next section reserved was that in reference to slaughtered animals. After consultation with the gentleman from California, I propose the following amendment to come in immediately after the proviso adopted by the Committee of the Whole, page 139, line sixteen:

All cattle slaughtered for the hides and tallow shall pay ten cents only per head; and all sheep slaughtered for the pelts shall pay two cents only per head.

The amendment was agreed to.

Mr. SHANNON. I move to amend section one hundred and one, relating to railroads, steamboats, ferry-boats, and bridges, by inserting in line twenty-two before the word "bridge" the words "toll road and."

The amendment was agreed to.

Mr. SHANNON. I move to insert before the word "bridge," line twenty-four, the words "road or."

The amendment was agreed to.

Mr. SHANNON. I move to amend by inserting, in line thirty-four, after the word "ferry-boat," the words "toll road."

Mr. KASSON. I will state to the gentleman that this part of the section has been stricken out.

Mr. SHANNON. I was not aware of that fact. I withdraw the amendment.

Mr. HOLMAN. Although a portion of section one hundred and one, relating to railroads, &c., has been stricken out, the proviso still remains. I move to amend by striking out all after the word "provided," in line sixty-seven, and inserting the following:

That whenever any railroad company shall demand or receive a rate of fare for passengers over and above three cents per mile for each mile that any passenger may be

carried, the excess over such rate shall be deemed and taken as a tax levied upon such railroad company, to be returned and paid in the same manner as is provided in this act for the collection of the per cent. on the gross receipts of said companies: *Provided, however*, That nothing herein shall be so construed as to authorize any railroad company to charge or receive a higher price for the conveyance of passengers than shall be allowed by the laws of the State chartering the same.

I trust the importance of this proposition will secure it some consideration. I think no more important subject has been brought to the attention of this committee since the consideration of this bill commenced. It will be observed that the duty imposed on the gross amount of the receipts of railroads is two per cent., and the question is whether that two per cent. duty imposed upon the railroads shall be paid by the railroads themselves or by the traveling public who are compelled to resort to that mode of transportation. The effect of the amendment is to compel the railroads to bear this duty, and if they charge more than three cents per mile—which is a very fair and liberal compensation—that surplus shall be deemed a tax, and be paid into the Treasury of the United States instead of into the treasury of these corporations.

Mr. GANSON. I would suggest to the gentleman that if the whole excess over three cents a mile shall go into the Treasury of the United States, no railroad company will charge more than that. I therefore suggest that he make the amount so to be paid in one half.

Mr. HOLMAN. I think my proposition will very effectually accomplish the object I have in view. It is to prevent the railroad from adding the tax to the fare on travelers. If they charge more than three cents a mile let the people have the benefit of it through their Government. If you simply propose to tax them upon their gross earnings, they will add not simply two but four or five per cent., and in some instances ten per cent. upon the travel of the country by the increased fare they will exact. It is asserted that railroads are compelled to increase the fare with the tax. I have compiled from the American Railroad Journal a statement of dividends of a number of the leading roads, east and west, to repel that pretense, and indicate their earnings at the present rates. I ask that it may be read by the Clerk.

The statement, which was read, is as follows:

Dividends and Price of Stock of certain Railroads during the past Year.

	Dividends. Per cent.	*Price of Shares.*
Illinois Central	7	130
Terre Haute and Richmond	13	125
New York and New Haven	12	160¼
New Castle and Frenchtown	9	-
Indianapolis and Cincinnati	9	100
Michigan Central	8	141½
Camden and Amboy	10	186
Central New Jersey	10	175
Buffalo and State Line	11	201
Cincinnati, Hamilton, and Dayton	10	132
Cleveland, Columbus, and Cincinnati	20	170
Cleveland, Painesville, and Ashtabula	33½	180
Columbus and Xenia	15	-
Little Miami	15	140
Pittsburg, Fort Wayne, and Chicago	10	114
Pennsylvania	8	75½
New York Central	7	135½

Mr. HOLMAN. I take the dividends on the Illinois Central from other sources than the Journal referred to, but equally reliable.

Mr. MORRILL. I desire to ask the gentleman from Indiana whether that percentage is not calculated on the capital of these roads merely, and not on all their indebtedness?

Mr. HOLMAN. I understand that these are the dividends declared on their capital stock. I take the statement from the American Railroad Journal.

Mr. MORRILL. Many of those roads have got three or four times as much money represented in their indebtedness as in their capital.

Mr. HOLMAN. A single instance will illustrate how these dividends are made, and whether the basis is reliable or not. The Illinois Central declared a dividend of seven per cent. during the past year, and still had remaining of cash assets after the paying of the last February's dividend, $2,000,000. That is but one of many instances indicating the extraordinary profits of these roads. I take this statement from a leading New York paper. Under the influence of the war the profits of most of the leading roads have more than doubled in four years. The capital is mostly held by European capitalists, from whom you receive no other tax than what is imposed upon the roads themselves. They are managed with no reference to public interests or convenience, but only for their own profit, favored monopolies; and yet you impose upon them less tax than the individual citizen must pay, and give them an opportunity—yes, you invite them by the proviso I propose to strike out—to impose the tax you impose on them on the traveling public who possess no remedy against their exactions. The enormity of this proviso I will not attempt to argue. It is infamous, and only needs to be read to be condemned.

[Here the hammer fell.]

Mr. PRICE. I hope the amendment will not prevail. While the statement made by the gentleman from Indiana is entirely correct as applied to eastern railroads, yet it does not apply to western roads. On the eastern roads, that do such an immense passenger and freight traffic, two cents per mile would pay for the transportation of passengers, while with the comparatively small traffic on the western roads, four cents per mile would not be too much. While Congress grants lands to railroads for the purpose of developing the resources of the West, it ought not to impose on those roads restrictions which might be justly applied to the roads in the East. But if this be made the law, it must necessarily apply to all roads in the country.

I undertake to say, without fear of successful contradiction, that under the proposed legislation a railroad cannot be operated in the West, in a sparsely settled country, where passenger trains are sometimes run with not more than a dozen passengers. A friend near me says that these roads should stop running. But they cannot do that. They are under contract to carry the mails. They are bound to the public to run their trains, and to run them on time, too, whether they have passengers or not.

Mr. HOLMAN. Will the gentleman from Iowa allow me to ask him a single question? Does he propose to adopt a policy which will enable railroad companies to add the taxes which they have to pay upon the traveling public? If not, you must guard against it by some such principle as this.

Mr. PRICE. It is impolitic to authorize or to restrict railroad companies, for they will always manage in some way to escape from your restrictions.

The exhibit which the gentleman has quoted shows the dividends of some of the principal roads. But I can show you roads in the West that have beggared thousands of persons, and have never paid a single dollar in dividends, and probably never will. But yet these roads are useful. They aid in developing the resources of the great West. Adopt a restrictive rule of this kind and you injure the West; and your grants of lands to aid in the construction of railroads there amount to nothing.

[Here the hammer fell.]

Mr. FARNSWORTH. I move to amend by reducing the fare to two and a half cents a mile. It seems to me, Mr. Chairman, that it is utterly useless for us to be imposing taxes on these railroad companies unless at the same time you impose restrictions upon them. We might as well come at once and declare a tax upon passengers on railroads; for unless you place restrictions in the way, the railroad companies that you tax will exact their taxation out of the passengers. They will increase the rates of fare so as to cover the taxes twice over. This we can prevent them doing in a very simple, easy manner, such as the gentleman from Indiana proposes. It is the same restriction as is imposed by many States on their railroads. If we do not adopt this means, the taxation of railroad companies will only be "whipping the devil round the stump," for they will exact double the amount in increased fares.

Mr. STEVENS. I do not think gentlemen have considered the subject very well. The operation of this amendment is in favor of the prosperous roads, and against the unprosperous ones. Take, for instance, the Pennsylvania Central. It does not charge above three cents a mile for its passengers, and I suppose the New York Central does not.

Mr. GANSON. Only two cents. It is prohibited from charging more.

Mr. KERNAN. There are, however, many roads in my State which could not live with this tax upon them, unless you permit them to add it to their rates of fare.

Mr. STEVENS. What I mean to say is, that a poor railroad doing a poor business must charge more than three cents, or it cannot run at all. Take, for instance, a road in my neighborhood, the one to Gettysburg. Until within the last year it has not paid its running expenses. Nobody expects it will ever pay a dividend. The stock has no value. I have a very small interest in it myself, and anybody can have my $1,000 for one thousand cents. I would not charge them more. That road could not continue to run with the limitation you propose to put on it. To these prosperous roads, doing an immense business, the limitation would be no disadvantage. But the small railroads, I repeat, could not live without permission to charge higher rates.

I move that the committee rise for the purpose of closing debate on the section.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration the internal revenue bill, and had come to no conclusion thereon.

Mr. STEVENS. I move that when the House again goes into committee all debate upon the pending section be terminated in one minute.

Mr. J. C. ALLEN. I move that the House adjourn.

Mr. MORRILL. I hope not. There are two or three matters in the bill that I desire to dispose of to-night. It will not take many minutes.

Upon the motion to adjourn, 21 voted in the affirmative and 62 in the negative; no quorum.

Mr. STEVENS. I will relieve my friend from Illinois by modifying my motion so as to allow five minutes for debate in the committee; and I hope he will withdraw his motion to adjourn.

Mr. J. C. ALLEN. No, sir; I insist upon the motion to adjourn, and call for tellers.

Tellers were ordered; and Messrs. BOUTWELL and J. C. ALLEN were appointed.

The House divided; and the tellers reported—ayes 22, noes 70.

So the House refused to adjourn.

The question recurred upon Mr. STEVENS's motion to close debate upon the paragraph under consideration in Committee of the Whole in five minutes.

The motion was agreed to.

Mr. STEVENS. I now move that the rules be suspended, and that the House go into Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the bill of the House (No. 405) to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes.

Mr. J. C. ALLEN. Is it in order now to move to strike out the whole proviso?

The CHAIRMAN. That motion is now pending.

Mr. J. C. ALLEN. I move to amend the amendment by reducing the rate to two and a half per cent. I do so for the purpose of saying that in my judgment this proviso ought not to be in the bill. It is an expression upon the part of Congress that the railroads will understand to be an invitation to increase their rates of charge. Now, sir, gentlemen who know anything about railroads, in the West particularly, know that as soon as the tax bill passed the last Congress they advanced both their passage fares and their freight charges, not in proportion to the tax imposed upon them, but upon the principal roads in the West they advanced their fares one cent a mile; and I believe some of the roads running eastward to New York advanced their freights from seventy-five cents to $1 50 on a barrel of flour; and to-day they are charging two dollars a barrel on flour; and on a barrel of pork, for which they formerly charged $1 25, they now charge three dollars; and so of everything in proportion. This proviso is an invitation, an inducement, to them to advance their rates of freight, and to charge that increase upon their customers. They are not

deserving of any extraordinary consideration. Many of the roads, although charging high rates, have not kept rolling stock enough to answer the demands upon them; and trains have been compelled to lie over for days and weeks; and now to make this discrimination in favor of these railroad companies, to hold out this inducement to them to largely increase their rates, and saddle it upon their customers, is wrong in principle, and ought not to be tolerated by Congress.

Mr. MORRILL. I desire to ask the gentleman a question. I ask the gentleman whether he does not think that these are State institutions which ought not to be interfered with by the General Government?

Mr. J. C. ALLEN. If so, then strike out this proviso. It gives them the privilege of exceeding the rates fixed by law. If they are taxed under this bill this proviso tells them that they may indemnify themselves by increasing their rates of freight. The gentleman's question shows conclusively that the proviso ought to be stricken out, and I hope that it will be stricken out.

Mr. Chairman, we in the West suffer enough now from the exactions of railroad companies; we have in one sense become their slaves. As one member of this House I am not inclined to confer additional powers upon them by which they may impose still more onerous charges upon the people in the way of increased rates of freight. I am opposed to it; but I must confess that it is in harmony with other features of this tax bill. We have provisions here for the protection not only of railroad monopolies, but every other and all kinds of monopolies. The revenue to be derived from this bill is not to come from them but from the consumers; labor is to be taxed, and these overgrown corporations are to be allowed to go free. I am opposed to giving them any more power; and I think that the motion to strike out this proviso appeals to the sense of justice of every man in this committee.

[Here the hammer fell.]

Mr. ODELL. We are under misapprehension in reference to the rate railroads are to be taxed.

Mr. MORRILL. When this is disposed of, I will move an amendment on that subject.

Mr. HOLMAN's amendment was disagreed to.

Mr. HOLMAN moved to strike out the proviso.

Mr. MORRILL demanded tellers.

Tellers were not ordered.

The committee divided; and there were—ayes 50, noes 23; no quorum voting.

Mr. MORRILL moved that the committee rise.

The CHAIRMAN. That motion is not in order. The rule is imperative that when the committee finds itself without a quorum the roll shall be called.

The roll was called, and the following members failed to answer to their names:

Messrs. William J. Allen, Anderson, Ashley, Baily, Blaine, Francis P. Blair, Jacob B. Blair, Bliss, Blow, Boyd, Broomall, James S. Brown, William G. Brown, Ambrose W. Clark, Freeman Clarke, Clay, Cobb, Coffroth, Cravens, Henry Winter Davis, Thomas T. Davis, Deming, Denison, Donnelly, Dumont, Edgerton, Eldridge, Fenton, Finck, Frank, Garfield, Gooch, Grider, Hale, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Higby, Hooper, Hulburd, Hutchins, William Johnson, Kalbfleisch, King, Knapp, Law, Le Blond, Littlejohn, Mallory, Marcy, McAllister, McBride, McClurg, McDowell, McKinney, Middleton, William H. Miller, Daniel Morris, Morrison, Noble, Patterson, Pike, Pruyn, Robinson, Rogers, Schenck, Scott, Smith, Smithers, Spalding, Starr, Stebbins, Sweat, Thomas, Tracy, Van Valkenburgh, Voorhees, Wadsworth, Whaley, Wheeler, Joseph W. White, Benjamin Wood, Woodbridge, and Yeaman.

The committee then rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the internal revenue bill, and finding itself without a quorum had caused the roll to be called, and directed him to report the names of the absentees to the House.

A quorum having appeared, the committee resumed its session.

Mr. STEVENS moved that the committee rise.

The committee divided; and there were—ayes 28, noes 43.

So the committee refused to rise.

The question then recurred on the motion to strike out the proviso.

The committee divided; and there were—ayes 45, noes 30.

Mr. MORRILL moved that the committee rise.

Mr. WILSON. I hope that the committee will not rise. If the Committee of Ways and Means want to rise all they have to do is to agree to let a vote be taken on this proposition in the House.

Mr. DAWSON demanded tellers.

Tellers were not ordered.

The committee refused to rise.

The CHAIRMAN. No quorum having appeared on the last vote, the Chair will order tellers upon the motion made by the gentleman from Indiana to strike out the proviso.

Mr. HOLMAN and Mr. MORRILL were appointed.

The committee divided; and the tellers reported—ayes 69, noes 24.

So the amendment was agreed to.

Mr. MORRILL. There is one other amendment I desire to offer, and then I propose that the committee rise. I move to amend this section in reference to railroads, &c., by inserting after the word "two," in line six, the words "and one half of one," so as to subject these companies to a duty of two and one half of one per cent. on all their gross receipts.

Mr. PIKE. I move to amend the amendment by making the amount three per cent.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially the internal revenue bill, and had come to no conclusion thereon.

And then, on motion of Mr. MORRILL, (at ten o'clock and thirty-five minutes, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *April* 28, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, recommending an appropriation of $1,641 70 to pay that amount of interest due to the Orchard party and First Christian party of New York Indians; which was referred to the Committee on Indian Affairs.

He also laid before the Senate a message of the President of the United States, transmitting an address of the East Tennessee Relief Association on the condition and wants of the loyal and suffering people of East Tennessee; which was ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of T. S. C. Lowe, aeronaut, representing that he has made important discoveries in managing balloons and other aeronautic machinery, and praying that Congress will direct the subject (including his former aeronautical reports to the War Department) to be referred to the committee appointed by the Secretary of War for investigating the plan proposed by Mr. Solomon Andrews; which was referred to the Committee on Military Affairs and the Militia.

Mr. HENDRICKS presented a memorial of the Jeffersonville Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. MORGAN. I present resolutions of the Assembly of the State of New York, in favor of the emancipation proclamation of the President of the United States, and recommending the adoption of an amendment to the Constitution terminating the system of African slavery in this country. As the Senate has already acted on that constitutional amendment, it having been passed by a large vote, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. SPRAGUE. I have in my hand a paper which I beg leave to submit to the Senate. I do not know that it is exactly in the proper form in which a document should be, to be presented to the Senate; but with the permission of Senators I will read it. It is a communication from our consul at Vienna, in which he writes to me:

"I take the liberty to bring to your notice a very important invention, made here by Dr. Auer, superintendent of the imperial paper mills and printing establishment, to make out of corn husks and leaves paper and linen.

"Inclosed I send you a few samples of the paper and a piece of corn-linen. You will observe from the printed papers that the invention is now completed, and that the manufacture pays even well in Austria, where the raw material is not in such an abundance as in the United States.

"The inventor has taken out a patent for the United States, which he will sell for $100,000, gold. He would prefer that Congress would make an appropriation of that amount, in order that the invention should become the common property of the whole country. Whether this could be done I do not know; but I can say that the invention would be worth millions of dollars to the United States. As soon as the invention is introduced over the whole country, we shall be able to export paper, instead of importing now the rags and part of the paper consumed in the United States.

"The extraction of the fibers from the leaves and husks is so simple that every farmer can do it on his own field, when he once knows the process. The fibers are packed like cotton-bales and brought into the market.

"The long fibers of the husks are spun like flax and give a very good and durable linen. The short fibers are used for paper.

"Knowing that you take a great deal of interest in manufacturing I thought it would be advisable to bring this matter before you. I will send you also a portfolio, containing all the different specimens of paper manufactured at the imperial paper mills, with a few samples of corn-linen manufactured from the long fibers of the husks.

"The durability of the paper is very great, and of no other material can so many different kinds of paper be manufactured as of corn husks."

Accompanying this communication are samples of the paper manufactured from this material. I notice that in the joint resolution which was yesterday sent to us from the House of Representatives, temporarily increasing the duties on imports fifty per cent., paper is excluded from that increase of duty. The Government of the United States now uses a large quantity of paper for carrying on the business of the war, and the people of the country are importing large quantities of material for the manufacture of paper. It has suggested itself to me that perhaps this invention may be of importance enough for the Government to look into it and see whether it cannot be made available. I would therefore suggest and move that this communication be received, and that it, with the accompanying documents, be referred to the Committee on Manufactures.

The motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. CHANDLER. The Committee on Commerce, who were instructed by a resolution of the Senate to inquire into the expediency of making appropriations to complete the light-house works at Racine and Milwaukee, Wisconsin, have directed me to report adversely thereon, it being, in the opinion of the committee, at this time inexpedient to make the appropriations.

Mr. CHANDLER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 374) to exempt certain vessels therein named from enrollment and license, and from the payment of tonnage duty, and for other purposes, reported adversely thereon.

He also, from the same committee, to whom were referred a resolution directing them to inquire into the expediency of constructing a pier at Lewes, Delaware, and a report of the Secretary of War, and a memorial of the Board of Trade of Philadelphia on the same subject, asked to be discharged from the further consideration of the subject; which was agreed to.

He also, from the same committee, to whom was referred a memorial of the officers of a convention composed of delegates of the Ohio valley, held at Louisville on the 24th of February, 1864, praying for an appropriation for the improvement of the navigation of the Ohio river, submitted an adverse report, for the reason that the committee do not deem it expedient to make the appropriation asked for at the present time.

He also, from the same committee, to whom was referred a bill (S. No. 143) making appropriations for the repair, preservation, and completion

of certain public works heretofore commenced under the authority of law, reported adversely thereon, on the ground that it was inexpedient at the present time to make so large an appropriation as the bill proposes.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred a report of the Secretary of the Interior, communicating, in answer to a resolution of the Senate of the 10th of March, copies of papers on file in that Department relating to the treaty with the Kickapoo Indians, concluded June 28, 1862, and the action taken by that Department to carry the treaty into effect, asked to be discharged from its further consideration; which was agreed to.

RESCINDING OF A PRINTING ORDER.

Mr. ANTHONY. I desire to offer a resolution that will save $1,000 by preventing useless printing:

Resolved, That the resolution passed by the Senate on the 21st instant to print five hundred additional copies of the report of the Secretary of the Interior, communicating the accounts of the superintendent of Indian affairs, &c., be rescinded.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House of Representatives had passed a joint resolution (No. 69) for the payment of volunteers called out for not less than one hundred days; in which it requested the concurrence of the Senate.

The message further announced that the House of Representatives had passed the bill of the Senate (No. 56) to increase the compensation of inspectors of customs in certain ports, with an amendment; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 181) in reference to donation claims in Oregon and Washington; and

A bill (H. R. No. 367) to provide for the collection of hospital dues from vessels of the United States sold or transferred in foreign ports or waters.

NAVAL COAL-HEAVERS AND FIREMEN.

Mr. HALE. I move that the Senate proceed to the consideration of Senate bill No. 236. It is a bill that will take no time.

The motion was agreed to; and the bill (S. No. 236) to provide for granting an honorable discharge to coal-heavers and firemen in the naval service was read a second time, and considered as in Committee of the Whole. It provides that honorable discharges may be granted to coal-heavers and firemen in the naval service of the United States in the same manner and subject to the same conditions as such discharges are now granted to seamen, ordinary seamen, landsmen, and boys.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVY-YARD CLERKS.

On motion of Mr. HALE, the joint resolution (S. No. 44) for the relief of clerks at the Kittery and Philadelphia navy-yards was read a second time, and considered as in Committee of the Whole. In the settlement of the accounts of the Kittery and Philadelphia navy-yards, it authorizes the proper accounting officers of the Treasury to allow such sums as have been already appropriated by Congress for the pay of clerks at those yards from October, 1857, to July, 1859.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was read the third time.

Mr. GRIMES. If there is a report accompanying this joint resolution I should like to have it read, or to hear some explanation of it.

Mr. HALE. There was a petition accompanying the joint resolution that set forth all the facts, and the Committee on Naval Affairs, when they reported the resolution, recommended that it be printed in lieu of making a report. That petition states all the facts; but I can explain the matter to the Senate in a moment. In 1857 and 1858 the bureau recommended a small increase of the salaries of these clerks, and it was appropriated for and paid; but the accounting officers of the Treasury found that there was no law for it, notwithstanding there was an appropriation, and they checked it and refused to allow it. Since that time the salary has been increased by law, and it has been paid ever since. It was paid during those two years, but under an appropriation without any specific law authorizing it. Those are the facts. They are all set out in the petition which the committee asked to have printed in lieu of making a report.

The joint resolution was passed.

CLASSIFICATION OF PAYMASTER'S CLERKS.

Mr. HALE. There is another bill reported from the Committee on Naval Affairs which I wish to have taken up and acted upon at this time. It is House bill No. 300. I will make a short explanation of it after it has been taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 300) for the classification of the clerks to paymasters in the Navy, and graduating their pay, which was reported from the Committee on Naval Affairs with an amendment, to strike out all of the original bill after the enacting clause in the following words:

That the Secretary of the Navy be, and he is hereby, authorized to divide the clerks of the paymasters into four classes or divisions, and to graduate and fix the pay of said classes in proportion to their respective duties and responsibilities, and to dispense with the services of clerks in the small vessels: *Provided*, That the aggregate amount of the annual compensation of said clerks of all classes shall not exceed the sum paid to said clerks on the 1st day of January, A. D. 1864, for the same number of vessels and stations.

And to insert in lieu thereof:

That the annual pay of clerks to paymasters in the Navy shall be as follows, namely:

Clerks to paymasters at the Boston, New York, Washington, and Philadelphia stations, $1,200.

At other stations, $1,000.

Clerks to inspectors in charge of provisions and clothing at Boston, New York, and Philadelphia, $1,200.

At other inspections, $1,000.

Clerks to paymasters in receiving ships at Boston and New York, $1,200.

In other receiving ships, and in vessels of the first rate, and at the Naval Academy, $1,000.

Clerks to fleet paymasters and to paymasters of vessels of the second rate, $800.

Clerks to paymasters of vessels of the third rate, having complements of more than one hundred and seventy-five persons, and to paymasters of supply steamers and store vessels, $700: *Provided*, That no paymaster or assistant paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy five persons or less, excepting in supply steamers and store vessels: *And provided further*, That nothing in this act shall be construed to alter the pay now allowed by law to the paymaster's clerk at Mare Island.

Mr. HALE. I wish to explain that amendment to the Senate. A bill was before the Senate during this session raising the pay of these clerks, and the Senate voted it down. The Secretary of the Navy and the chief of the Bureau of Provisions and Clothing have sent this bill to us as a substitute for that one. This bill proposes to raise the pay of some of these clerks and to dispense with the clerks on vessels which have a complement of less than one hundred and seventy-five men, because the chief of the bureau thinks that a paymaster with a vessel having not over one hundred and seventy-five men can get along better without a clerk than a paymaster on one of the large receiving ships. Therefore the paymaster of every vessel having a complement of less than one hundred and seventy-five men is compelled under this bill to get along without a clerk. The aggregate amount paid to these clerks is not increased by this bill, but is a few hundred dollars less than what is now paid by law; but it is differently distributed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed and the bill to be read a third time. It was read the third time, and passed.

VIRGINIA JUDICIAL DISTRICTS.

Mr. TEN EYCK. I ask the Senate to postpone all prior orders for the purpose of taking up Senate bill No. 256.

The motion was agreed to; and the bill (S. No. 256) to change and define the boundaries of the eastern and western judicial districts of Virginia, and to alter the names of said districts, and for other purposes, was read the second time, and considered as in Committee of the Whole. It provides that the jurisdiction of the western district of Virginia shall hereafter be coextensive with and confined to the limits of the State of West Virginia, and shall be called the district of West Virginia; and the jurisdiction of the eastern district of Virginia shall hereafter be coextensive with the limits and include the whole of the State of Virginia, and shall be called the district of Virginia. The judge of the district of West Virginia is to annually hold six sessions, as follows: at Clarksburg, on the 24th of March and August; at Wheeling, on the 6th of April and September; and at Charleston, on the 19th of April and September. The judge of the district of Virginia, in addition to the sessions heretofore held by him as judge of the eastern district of Virginia, is to hold sessions at the times and places within the district of Virginia when and where sessions were held prior to the passage of this act by the judge of the western district of Virginia.

All the records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of Virginia, as prescribed and fixed in the first section of this act, are to remain and be kept in the district of Virginia; and all records and files of the courts of the western district of Virginia, hitherto held within the limits of the district of West Virginia, as prescribed and fixed by the first section of this act, are to remain and be kept in the district of West Virginia. All writs, suits, pleas, recognizances, indictments, and all other process, civil or criminal, issued, sued out, commenced, or pending, of which, if this act had never been passed, the judge of the western district would have had jurisdiction within the limits of the district of Virginia, as defined by this act, are to be returned, entered, and have day before, and be heard and determined by, the judge of the district of Virginia, in the same manner, and with the same validity and effect, as they should have been returned, entered, heard, and determined by the judge of the western district of Virginia, if this act had never been passed.

All the judicial proceedings of the court of the western district of Virginia had within the limits of the district of West Virginia, as fixed by the first section of this act, since the erection of West Virginia into a State, are declared to be as valid and binding as if this act had been passed contemporaneously with the act establishing the State of West Virginia, and those judicial proceedings had been under and by virtue of this act.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading; and it was read the third time, and passed.

INCREASE OF IMPORT DUTIES.

Mr. FESSENDEN. The Committee on Finance, to whom was referred the joint resolution (H. R. No. 67) to increase temporarily the duties on imports, have directed me to report it back, with amendments. The joint resolution is short, and the amendments can easily be understood; and I should like to have it considered at the present time.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution at this time. Is there any objection? The Chair hears none. The joint resolution is before the Senate as in Committee of the Whole.

The resolution provides that, until the end of sixty days from its passage, fifty per cent. of the rates of duties and imposts now imposed by law on all goods, wares, merchandise, and articles imported, shall be added to the present duties and imposts now charged on their importation; with a proviso that printing paper, unsized, used for books and newspapers exclusively, shall be exempt from the operation of the resolution.

The first amendment of the Committee on Finance was in line four to strike out the word "fifty" and to insert "thirty-three and one third;" so as to read:

That until the end of sixty days from the passage of this resolution thirty-three and one third per cent. of the rates of duties, &c.

Mr. SUMNER. I should like to know the reason for that particular proportion. I do not mean to express any opinion either for or against it, but I should like to know the reason for fixing thirty-three and one third per cent.

Mr. FESSENDEN. The Senate will perceive that we take one third of the present rate of duty instead of one half as the ratio of increase. The only reason for it was that the Committee on Finance on consideration thought that fifty per cent. was too high. The amount is named as a mere temporary measure until a tariff bill can be prepared. The committee were of opinion that when that tariff bill shall be prepared it will not be likely on the average to go beyond an increase of thirty-three and one third per cent. If we put it therefore at fifty per cent., and the result should be what I have just stated, it would make very great confusion in business by the duty going up for sixty days on many articles, as it unquestionably would, and then coming down again at the end of sixty days. We thought it was advisable rather to put it within the measure than above it; and for that reason, with the best judgment we could, we put it at thirty-three and one third per cent. It is only approximate at best, and that is the best guess we could give.

Mr. SHERMAN. I regret very much to differ from the opinion of the Committee on Finance on a question of this kind, because it is a question of detail; and if the amendments of the committee in this case did not in my judgment very materially affect the public service, I should at once assent to them even if I did not entirely agree to their propriety. But as I understand this proposition, it will very seriously affect the public service.

The resolution of the House of Representatives, if it be passed in the words in which it has been sent to us, will levy the increased duty on the goods now in bonded warehouses, and also on goods on the way here, and on such goods as may be imported from this time until the tariff act can be matured, which will probably take thirty or sixty days. The amount of these goods is very large, and especially the amount in bonded warehouse. The tax proposed by the House of Representatives is an increase of fifty per cent., not upon the value of the goods imported, but upon the amount of duties now levied. The average rate of duties now levied on dutiable articles is something between twenty-five and thirty per cent. I will take it at thirty per cent. in round numbers. The proposition of the House of Representatives would therefore levy a duty of fifteen per cent. additional on the value of imported articles; and the proposition of the Senate Committee on Finance will levy an additional duty of ten per cent. on the value of imported articles, so that the difference between the two propositions is but five per cent. on the value of the imported articles. This five per cent. difference is but a comparatively small one when you look at the articles themselves and their value. The article which is most heavily taxed in the present condition of the country, in my judgment, is iron. The duty on iron is now seventeen dollars a ton. The increased duty, according to the House proposition, would be $8 50 a ton, and by the Senate proposition about six dollars; so that the difference between the two propositions is only something like two dollars a ton on iron.

I think that in the present condition of the country, considering the large importations that are coming in and the exhausting process that is now going on of shipping gold to pay for those importations, we ought by some sudden contraction to put a stop to the importation of so many articles now on the way, and with that view an additional duty of fifty per cent. is not too high.

Besides that, if you pass the joint resolution precisely as it was sent to us by the other House it will tend to raise a very large revenue; but one of the amendments proposed by the Committee on Finance, the one that will be considered next, proposes to confine this increase of duty to goods that are hereafter imported or now on the way, exempting from this increase of duty the goods now in bonded warehouse. In other words, it proposes to take off more than one half, in my judgment, of the goods upon which the projected increase of taxation is to operate, besides reducing the rate of increase to thirty-three and a third per cent. The increased duty on the amount of goods now in warehouses, according to the House resolution, would yield us more revenue than the increased duty on all the goods imported between this time and the passage of the tariff act.

Taking these two amendments together, the first reduces the rate of duty and the second reduces the stock to be affected, so that the reduction of duty, in my judgment, is fully one half, and I think more than half. It is impossible, however, to state exactly what is the amount in bonded warehouse. The Senator from New York [Mr. MORGAN] probably can tell us very nearly, but I have no doubt that the amount now in bonded warehouse is fully equal to two months' importations on an average. I have heard that stated as the general average. Importers have a right to bring goods into the country and keep them in bonded warehouse one year without the payment of duties. I see no injustice in levying the increased duties on the goods in bonded warehouse, because the additional duties will be added to the value of the article, and the consumers of these imported goods will pay the additional duty after a while. It may take a little while for the article to rise sufficiently in value to cover the increased duty; but in the mean time the importers can allow these goods to remain in bond, and they can buy and sell them in bond, and therefore I do not think that to apply the increased tax to the goods in bond is unjust or inequitable, or would work injury. The condition of the country at this time is such, we need the money so much, it is so necessary for us to check the importation of foreign goods, that I would rather vote to increase this tax from fifty to one hundred per cent. than to lower it. I know the committee have considered this matter, and the chairman can no doubt give reasons that will appear forcible; but that is my conviction, and I must therefore express it.

I hope the Senate will take that view and pass this resolution precisely as it came from the House of Representatives. If there is much delay and discussion on the amendments proposed by the Committee on Finance it must go back to the House of Representatives if any amendment be adopted, and there will be further delay and further discussion there, and we defeat the very purpose for which this resolution was hastily and suddenly passed by that House. My own desire is to levy on all the goods now in bonded warehouses this increased duty, to receive the benefit of it to the Government. I think by that course we do no injury to any one, certainly no more injury than a tax law always does. I think it is entirely defensible and justifiable, especially in the condition of the country when we have a right to resort, and must resort, to very severe measures of taxation.

Mr. CHANDLER. I agree fully with the Senator from Ohio. I would rather raise this increase of duty to one hundred per cent. than to reduce it ten per cent. below the fifty per cent. proposed by the House of Representatives. When gold is flowing out of the country at the rate of four or five million dollars a week to pay for imported merchandise, it seems to me it is time we should put obstructions in the way of increased importations instead of holding out inducements for them. I trust the amendment of the Committee on Finance will be rejected and the resolution be passed just as it came to us; but if any amendment be adopted I shall certainly offer one, instead of lowering the amount, to raise it to seventy-five or one hundred per cent.

Mr. FESSENDEN. It makes no difference to me, of course, what conclusion the Senate may come to on the subject. I wish, however, with reference to one particular amendment proposed, to which the honorable Senator from Ohio has addressed his remarks, to wash my hands, at least so far as I am concerned, of what I conceive to be improper in the provisions of this resolution.

I have stated the only reason that exists that I know of why we propose to put down the increased duty from fifty to thirty-three and a third per cent. If Senators take the view that they wish to stop importations, fifty per cent. is undoubtedly better than thirty-three and a third, and one hundred per cent., as suggested by the Senator from Michigan, is better still. But I do not know that Congress has yet come to the conclusion that it is best entirely to stop importations. We have pledged to the public creditors the revenues we derive from imports as a fund for the payment of the interest on the public debt; and it is not a very good way to increase the revenues of the country for any purpose, or to carry out the idea of meeting the obligation which we have thus incurred by saying we will so legislate as to prevent getting the money necessary to meet this obligation.

The committee did not go upon that hypothesis. Their idea was to legislate upon a tariff bill, not with a view to stop importations, but with a view to derive revenue. I understand that the single idea of the House of Representatives in adopting this resolution was to prevent the great orders for importations, and the importations that might be made between the present time and the time when the tariff bill could be elaborated and passed. On that idea the committee acted; that is to say, a majority of the committee, and when I speak of the committee I speak of the general result to which the committee as a whole came. Acting upon that hypothesis, upon that idea, I have given the reasons which actuated the committee. Believing that the tariff would soon be revised as a tariff for revenue, and believing that the increase proposed by it would not, as a general rule, exceed thirty-three and one third per cent., or much exceed it, and that fifty per cent. would be a larger increase than would be levied by the bill, they deemed it more consistent with the business of the country to fix the temporary increase of duty here proposed at thirty-three and one third per cent., rather below, if you please, or not much exceeding the rate which they believed would finally be adopted. That was the reason; and if that should address itself to the minds of the Senate as a sufficient reason, they will adopt that view; but if, on the contrary, they go upon the idea of stopping importations for the benefit of the country, without reference to the business of the country, and its effects upon the business of the country, then they will adopt the course suggested by the Senator from Ohio, and sustained by the Senator from Michigan.

I believe that is the true state of the question, and whatever conclusion the Senate may come to, will be satisfactory to me. I have discharged my duty by expressing my own opinion on the subject. The consideration to which I have already adverted incidentally, as to the effect of what we may do upon the business of the country, should not be lost sight of. Some gentlemen seem, in the views that they express here, to be actuated by the idea that all we have to do is to get money to meet our obligations. That is a most important thing to be done unquestionably, and the most important thing to be done; but, to use a familiar illustration, we must take care and not kill the goose that lays the golden egg. We must depend, in the future as in the present, in a very great measure upon the business of the country and the prosperity of the business of the country to afford us means. We are not legislating for to-day alone, or for this year, or for next year. We may get a few million dollars more or less to meet our present obligations; but if by so doing we throw the business of the country into confusion, or one great branch of that business, and interfere with the prosperity of the country largely, we are to suffer from it in the future when we shall need money just as much perhaps as we do to-day; and therefore in all our legislation, while we keep in view the great object of getting the means to meet our obligations, we should at the same time remember that our necessities are to endure through future years, and that we must foster all those sources from which we are to derive revenue in the future; and as I said before, when the prosperity of the country is seriously interfered with we do not make up for it by getting a few millions more or less to-day, or this month, or next month, for a present occasion; we do more harm than we do good.

A word now in reference to the other proposition to exempt goods in bond. Perhaps Senators have not all taken pains to ascertain the history of our legislation upon these subjects. Formerly in passing tariff bills we excepted all goods on shipboard on the ground that men made their contracts with reference to existing laws. Whatever was water-borne, from any quarter of the world, and however long it might be in arriving, our policy was formerly to exempt from an increased tariff, on the ground that there was an implied contract in reference to it, and that men having made their contracts and frequently having made their sales beforehand, would be injured if we did not exempt them. When the warehouse system was adopted of course we exempted goods

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. FRIDAY, APRIL 29, 1864. NEW SERIES.....No. 121.

in bond; but we have recently changed our policy with reference to goods on shipboard. In the tariff bill that we passed two years ago, while we exempted goods in bond, we did not exempt but specifically applied the increased duties to goods on shipboard. We thus gave notice to the country of a change of policy; and while we gave notice that we had changed our policy with regard to goods to arrive that were on shipboard, we by the same act, which we have never altered since, gave notice that we did not consider goods in the public stores and in bonded warehouse as coming under the same rule. The business of the country has been carried on with reference precisely to that state of things.

Now there is another consideration. When a man brings in his goods here under an existing law, and the Government says to him, "You may either pay us the duties in cash, or you may put them into the public stores and keep them for a fixed time, and then export them without paying duties, if you please, or take them out for consumption on paying the duties, provided you give a bond that you will pay the duties as fixed by law," it looks very much like a contract, as if these goods were imported absolutely, and to be considered imported, and to be considered in the possession of the owner on a certain condition. This resolution, as it was first drawn, proposed to go further than any law has ever gone, and to just put this increased duty in a single snap, without the slightest previous notice, upon the goods in bond, for the first time in our legislation. That is to say, having got the goods into the country, we say we will make this application of the increased duties to them. I confess that to me it does not look like good faith and honesty as between man and man. That is my great difficulty. I would like to have this money as well as any Senator would; but we should not get so much by it after all, because with the right of exportation the importers would send their goods out of the country very largely. The Senator from Michigan would say, "That will be an advantage to us," and so would say the Senator from Ohio, "Send them out, and then they will not be here to make this drain of gold." Very well; if that is the policy that Congress chooses to adopt I have nothing to say about it; and that unquestionably, to a great extent, would be the effect of the legislation; but viewing it as we have a right to view it, and must view it for the purposes of this resolution, that we thereby get the duties which we impose, it looked to the majority of the committee as if it was not just. Having established our policy in the last tariff bill, having given notice to the country what that policy was and was to remain, it did not seem proper to the committee, without giving any time for men to take their goods out, to just lay our hands upon them and impose an additional duty of fifty per cent. because they are in our power and in a degree in our possession. I could not agree to that view of the subject, and I will say that that was not the understanding of the Committee of Ways and Means. The joint resolution reads in such a way that it will probably be so construed, but they did not so intend it. I have inquired and found that that was not the intention of any member of the Committee of Ways and Means. They thought it did not apply to goods in bond, and they did not intend that it should touch goods in bond. That information strengthened my own previous view of the subject.

Now, sir, you see that however the resolution may operate, it must work injustice to some extent. Goods in bond lying in warehouses are, many of them, sold by previous contract; the owners ought to have an opportunity, so far as we can afford it, to carry out their contracts without being heavily burdened.

The PRESIDENT *pro tempore*. The Chair must interrupt the Senator to call up the special order, which is the Pacific railroad bill.

Mr. FESSENDEN. I hope there will be consent to go on with the joint resolution.

Mr. CONNESS. I move the postponement of the special order until this subject shall have been disposed of.

Mr. FESSENDEN. The special order can lie over informally, I suppose, if there be no objection.

Mr. SHERMAN. What is the special order?

The PRESIDENT *pro tempore*. There are two special orders for to-day. The first one is the Pacific railroad bill.

Mr. SHERMAN. On behalf of the Senator from Michigan, [Mr. HOWARD,] whom I do not seat in his seat, I submit a motion that it be postponed, and made the special order for Monday next.

The PRESIDENT *pro tempore*. It is moved by the Senator from Ohio that Senate bill No. 132, being the bill relative to the Pacific railroad, be postponed to and made the special order for Monday next.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair must now call up the second special order, being House bill No. 395, commonly called the banking bill.

Mr. FESSENDEN. Let that lie over informally.

The PRESIDENT *pro tempore*. If there be no objection, that bill will be laid aside informally. The Chair hears none, and the joint resolution (H. R. No. 67) to increase temporarily the duties on imports is before the Senate as in Committee of the Whole.

Mr. FESSENDEN. By doing what the Senator from Ohio proposes to do, we in fact take a snap judgment on the House of Representatives which did not so understand it, or the Committee of Ways and Means which did not so intend. I think it will be much better at all events to send it back amended, and let us see whether they will conform to their original view, or will prefer to abide the construction which in spite of their opinions will probably be the correct construction of the resolution, or at all events the construction that will be put upon it.

I do not know that I have anything further to say. I simply intended to present the points at issue. I believe I was saying, when I was interrupted, that the same difficulty that would arise in regard to contracts made would arise now in spite of anything we may do, so far as they may be applicable to goods that are on shipboard, but to a much less degree. There may be some individual hard cases, and the legislation of Congress may perhaps correct that. With regard to the proviso which the committee propose to strike out, it is one that makes an exemption of a particular class of articles; and the committee thought that if this horizontal tariff was to be laid it was hardly worth while to make an exception in favor of any particular interest, but that it was better to leave all to stand squarely on the same footing.

Mr. HOWE. I happened to be one of the members of the Committee on Finance who differed from the conclusion to which the majority arrived; and as the same questions that were presented in the committee are presented here in the Senate, I will state as briefly as I can the views which govern me.

There seem to be two questions under discussion upon a single amendment proposed. The first question is to reduce the duty recommended by the joint resolution as it came from the House of Representatives from fifty to thirty-three and one third per cent. I was opposed to that reduction for two reasons, either of which I think, at this time, ought to be conclusive, and would be conclusive with me, and both, of course, would be doubly conclusive. One reason is that we are unquestionably importing into the country at this time more goods than the country ought to buy or can afford to buy. These excessive importations are a positive and almost incalculable detriment to the country, in my judgment. I therefore am in favor of increasing these duties very largely for the purpose of checking those importations. In the next place we want more revenue, and that seems to be a very good argument for increasing the duties largely on such goods as we must buy, and will buy, without regard to the duty.

This House resolution proposes to increase the duty on our imports just fifty per cent. If we mean to be faithful to the country we must double the revenues of the country. I will not say we cannot live, but we cannot be content, we cannot be prosperous, unless we double the revenues of the country. How shall we double them? Generally speaking, I may say that what increased revenue you do not get from imports you must get from internal productions. I think it is much better to increase the duties on imports one hundred per cent., and thus be relieved from the necessity of increasing the duties on our home productions, our internal taxes, to that extent than *vice versa*. The more you raise on imports the less you will have to raise in the shape of internal duties.

Mr. GRIMES. You started out with the argument that you were going to stop importations.

Mr. HOWE. I do want that.

Mr. GRIMES. Then how are you going to raise revenue?

The PRESIDENT *pro tempore*. Senators must address the Chair.

Mr. HOWE. I take it, Mr. President, that every duty you lay has a double tendency to check importations and to give revenue. I do not undertake to say that the higher you place the duty these double tendencies will be developed to the same extent, whether the duty be one sum or another. Let your duties be what they may you will have importations to some extent. The higher the duty is the more revenue you will get from a given amount of imports. These are my reasons, therefore, for declining to assent to this proposition to reduce this increase of duties from fifty to thirty-three and one third per cent. Another question which has been considered in connection with this is, as to what goods this additional duty shall be laid upon. The two propositions are, on the one hand, to levy it upon goods which have not been delivered by the Government to the importer, and the other is to exempt from the payment of this increased duty, goods which, although they have not been delivered are received into the country and are now in bonded warehouses. When a merchant sends an order from New York to Liverpool or elsewhere for a given amount of goods, if you increase the duties the day after or any time after that order has left and before the goods arrive, it is very easy to see that he will receive the goods under circumstances very different from what existed at the time he sent the order. It is possible that if he knew the duties were to be increased he would not have sent the order. He has some right, therefore, to say that he is injured; that the law was changed after he had sent forward his order. If you meant that your law should operate with exact justice upon the importer, I think you should exempt from the payment of the increased duty all goods which had been ordered prior to the enactment of the law. That would exempt all goods in bonded warehouses; all goods on shipboard; all goods *in transitu;* all goods which had not been purchased, but the purchase of which had been ordered prior to the passage of the law. But if we conclude to put the tax on all goods *in transitu*, on all goods on shipboard, goods afloat, and goods arrived but not in the warehouse, I cannot for my life, after all that has been said on the subject, see why you should distinguish between either of those classes and the men who have put their goods into a Government warehouse under bond. There is precisely the same reason and the same justice for laying the additional duty on the goods in the warehouse that there is for laying it upon the goods on shipboard in the harbor or upon the ocean.

Mr. GRIMES. Or that there was for laying a tax on whisky on hand.

Mr. HOWE. That was very different. The reason why you could not put that tax on whisky

was because it was not in your warehouses; it was not under the control of the Government; but it had entered into the market; it had been sold from hand to hand, and the tax had been paid.

Mr. CONNESS. It had paid one tax.

Mr. HOWE. It had paid one tax. It had paid nearly the whole tax proposed. These goods have paid no duty; they have not been delivered by the Government; they are in your own hands. If you put on the additional duty, the importer has still the choice to pay that duty or reship his goods. He left the goods there precisely for that purpose, to make up his mind whether he would pay the duty or reship them. He pays the duty, and then only after he has paid the duty do they come into the market.

For these reasons—I have stated them as briefly as I can; I do not know how coherently—I voted in committee and shall vote in the Senate against the reduction of this increased duty from fifty to thirty-three and one third per cent., and I am opposed to exempting the goods in bonded warehouses from the payment of this additional duty.

Mr. CHANDLER. It is true, as stated by the Senator from Maine, that under our old usage, we always exempted goods on hand and goods on shipboard from an increase of duty. It is likewise true that we gave notice that we had changed our policy in that regard.

The Senator from Wisconsin has anticipated the argument which I had intended to make. There is tenfold the reason why you should exempt goods on shipboard, ordered under the expectation of paying a certain rate of duty, that there is for exempting goods in warehouse under Government bonds. Does the Senator from Maine state as a lawyer that there is anything even bearing the semblance of a contract between the Government and the man who puts his property in bond? A contract must be binding on both sides. The man who puts his property in bond does it with a perfect understanding that he may take every dollar of it out of bond and reship it out of the country. The contract is simply this: he binds himself to pay that duty or any other duty that may be placed upon the property by the Government when he sees fit to withdraw it from the Government warehouse.

It may be that this increase of fifty per cent. will lead to a very large withdrawal from warehouses and reshipment. I hope that that will be the result. I would rather collect $50,000,000 from an importation of $100,000,000 than to collect it from an importation of $200,000,000. I hope it will lead to the reshipment of these goods instead of the shipment of gold, that is going on, as I said before, at the rate of four or five or six millions a week. I think perhaps that might be the effect of it. I hope and trust it will be the effect of it.

Sir, I hope that this joint resolution will pass precisely as it came to us from the House of Representatives. I believe it to be an eminently just and proper war tax. No man sends his property to the United States without knowing that we are in a state of war, and in a time of war we are liable to call not only for our ordinary resources but for extraordinary resources. Every one knows that; and why not let the foreigner who is availing himself of the high prices in this country pay his fair proportion of the burdens? For my own part I wish that we could keep the money in the country in order to enable us to tax it rather than to send it out of the country to pay for what we do not want.

Mr. GRIMES. I do not propose to enter into the discussion of this question; but I want to remind the Senate that this proposition applies to the shears of the farmers' plows in my country. It applies to iron. It covers all the articles enumerated in the tariff list. It is not going to operate particularly to the disadvantage of commercial men in the eastern cities, but in fact the whole amount of this additional tariff is to come off the consumer in the agricultural districts of the country.

Mr. HENDRICKS. Mr. President, in former years a proposition of such magnitude as this would occupy the attention of the Senate of the United States for weeks before its passage would be thought of. It is a proposition which in its direct effects must throw into the pockets of the manufacturing men of the country millions of profits, while it takes from the resources of the agricultural portion of the country a corresponding amount.

It is proposed here by a very short resolution to increase the tariff fifty per cent. The Committee on Finance have proposed to reduce that to thirty-three and a third per cent. I shall vote for the proposed amendment; but I do not intend to vote for the resolution, even if it shall be so amended. I think that the adjustment of the tariff, inasmuch as it so materially affects the different interests of the country, ought to be very thoroughly considered before it is brought before the Senate.

This is not proposed as a permanent law. It is not proposed as a system. Upon its face it does not claim to have received the mature consideration of the House of Representatives or of the Committee on Finance of the Senate; it is a temporary expedient, but a very crushing one in its effects upon the men who have to buy under the operation of this law. I represent such an interest. We do not manufacture in Indiana. We are dependent upon importations and the manufacturers of New England and Pennsylvania and New York for what we require; and certainly before such a change is made, so greatly affecting our interests, very mature consideration ought to be given to the proposition. I am not prepared now to discuss it; and if I had time to discuss it I do not suppose it is important that it should be discussed. We generally have our views on the subject of the tariff made up.

I intended simply to say that I am astonished that so important a measure as this should be brought from the Committee on Finance and this proposed amendment thrown before the body, and immediately the passage of the measure should be asked. If the tariff ought to be increased, increase it; if it ought to be decreased, decrease it; but let us know what change is to be made upon the different articles. If a uniform increase of fifty per cent. or thirty-three and a third per cent. is to become permanent, let the committee say so in a bill, which, upon its face and in its terms, is not to be temporary. The committee say that this measure is not to be permanent; that they have not considered it with that care that they would a permanent measure; and that this is to be a temporary thing for sixty days only.

I am not able to tell from the argument what is the purpose of the measure. Some Senators intimate that it is to be a prohibitory law; that its purpose is to prevent importation and to prevent the exportation of gold. Then it is not a revenue measure; it is the opposite. On the other hand, is it a revenue measure? Is the Committee on Finance prepared to show to us that it is a revenue measure instead of a prohibitory measure? Certainly the Senate ought to be very fully advised of the full effect of this resolution before it is passed.

Mr. CLARK. Mr. President, I am in favor generally—I am now in favor—of a strong and vigorous tariff. I feel as strongly as any person can well do the necessity of preventing the large importation of goods and the flowing of gold from the country; but at the same time I feel the necessity of so adjusting our legislation and the measures that come before Congress that we shall do no mischief to the business of the country.

The amendment of the Committee on Finance is to reduce the increased duty from fifty per cent. to thirty-three and a third per cent. They propose that amendment for this reason: they believe that when the tariff bill comes to be finally adjusted by the House of Representatives, a duty of fifty per cent. will be a greater increase than will be upon an average laid upon articles that are to be imported. In my judgment, it is better, as was said by the Senator from Maine, to fix your duty, if you cannot hit the exact place, a little below than above what will be the tariff. It is better to go up step after step than to go up at once and afterwards jump down; because if goods are imported under this joint resolution laying an additional duty of fifty per cent., their price will be enhanced so much, and then if you fix your duty afterwards lower, and the goods have not been sold, they will come in competition with the goods afterwards imported, and the importer must lose. Now, it will be better, and such was the governing view of the Committee on Finance, while they agreed that there should be a strong tariff, to fix it so gradually and so adjust it to the business of the country that it shall work nobody any harm if we can help it.

Upon the best information the committee could get, and they made careful inquiry of the men who knew most about the tariff, they concluded that the House of Representatives had fixed the point a little too high. Senators will bear in mind that this is a resolution passed in haste. It is not a well matured, considered resolution. It does not propose to be permanent legislation of the country, but it proposes only to check importations while Congress can fix the permanent legislation of the country.

I desire, with the Senator from Iowa, [Mr. GRIMES,] to get revenue. Revenue we must have; but there are two things a little inconsistent here. In the first place you must check importations, so that the gold shall not go out of the country, and yet you must have the goods come in, so that you can get the revenue.

Mr. COLLAMER. In gold.

Mr. CLARK. And get it in gold, says the Senator from Vermont. There is a point in duties beyond which you cannot go. Undoubtedly, if you raise them too high you can prohibit importation, but you will not get revenue if you do. The point is to reach exactly the proper mean, if you can, where you may prevent excessive importation and still derive a revenue. It is a difficult problem, but that is what the Committee on Finance are striving at. I submit to the Senate whether it is not better to fix it a little below the point, if you cannot hit it exactly, rather than to go above it. The judgment of many of the best informed men of the country is that fifty per cent. is too high; the Committee on Finance think it is to high; but if it should turn out to be not quite high enough, in a very few days we shall get a well adjusted tariff bill, and then we can raise it.

Mr. WILSON. That ought to be now.

Mr. CLARK. It is said by the Senator from Massachusetts that that ought to be now, and I agree with him it ought to be now; but it is not now, and no word of his or mine can make it now.

Mr. CHANDLER. Voting high duties on this resolution will make it.

Mr. CLARK. I do not understand that voting high on this resolution will make a well considered tariff. Nobody pretends that it is well considered. It is a temporary measure; a measure in haste.

Mr. JOHNSON. It says so on its face.

Mr. CLARK. Its friends say so, and the resolution itself says so, because it is only for sixty days. A short bill to operate for a short time might be brought in and still be well considered; but this was not well considered. The House of Representatives did not pretend to give it much attention; but the idea was to pass a measure which should prevent excessive importations while they were maturing a proper tariff bill. I submit that it is better to adjust the revenues in this way than it would be to inflict an injury upon the business of the country.

But, Mr. President, it is said we must have money; we must have revenue. So we must; but if you kill the business of the country where are you going to get the revenue? You can tax property on hand; but one of the best indications in this country in my judgment is, that the business of the country has been prosperous, and has enabled you to bear the burdens that were upon you. If your business had not been prosperous you could not have sustained yourselves so far. Then let us not destroy, let us not injure, the business of the country.

I wish to suggest another consideration to Senators. While we are laying these taxes, and while they are falling heavily on the people, as they will, and while we desire to lay heavy taxes, it becomes only of more importance that we adjust those taxes so that they shall bear as equally as possible and not destroy any business or interest. We have got heavy burdens to carry; we are all willing to carry heavy burdens; but let us make those burdens sit as lightly as we can, and well adjust the saddle on which the burden is to ride.

Let me say a word on the other point in regard to taxing goods in bonded warehouses. Money you must have, and it is said if you tax these goods in the bonded warehouses this fifty per cent.

additional, you will get so much more money. It may be that you will, if they are not reshipped. But, says the Senator from Michigan, I want them reshipped. But, sir, you want revenue; and if they reship them you do not get any revenue. How can you get revenue out of the goods, and at the same time tax them so high as to carry them out of the country without paying the revenue?

But, sir, that is not the great difficulty with me. This is the point in regard to it: you said to these importers when they imported those goods and brought them to your shores, "There is your choice; pay the duty now, or put the goods into the warehouses and pay the duty when it is convenient for you to do so." That system was established to aid the business of the country, so that the merchant might import his goods, put them into the bonded warehouses, and keep them there until he wanted to put them into the consumption of the country and could find a market for them, and then he was to pay the duties. You made him that offer. Instead of paying the duties he says, "I will put them in the bonded warehouse." He puts them in the bonded warehouse, relying on the faith of the Government. The Government, it is true, has not bound itself that it will not increase the duties on them. It has the power and perhaps the right to increase them; but the question is, whether it would be good policy for the Government to do it. Would not these people whom you propose to tax, and who have got to bear the burdens of this country, feel that the Government had made it a little unnecessarily hard for them.

Now, I want to say to Senators that one of the most important things in this struggle is that this Government keep exact faith with everybody with whom it deals, and instead of being in any way oppressive, that it should, so far as it can, consistent with its own safety in maintaining itself, have a regard to the rights of all classes of the people. I agree entirely that the wants of the Government must be first provided for. This Government must be maintained, or we and its business interests are all gone together. But still, sir, if we can, in maintaining the Government, we should have a regard for the business interests of the people. We have not by any means come to that point when we cannot regard them. Therefore I am for following the policy of the Government, which has always been followed ever since the warehousing system was established, of exempting these goods, giving notice that we will not tax them in that way. But, says the Senator from Wisconsin, the same reasons apply for taxing goods on shipboard, waterborne. Not exactly, in my judgment. In the first place, we gave notice two years ago that that was to be abandoned and changed.

Mr. HOWE. Who gave notice?

Mr. CLARK. Congress. Here is a new element. The goods have not only been borne over the water, but landed on your shores; they have gone into your Government warehouses; they have been bonded under the expectation that they would pay the same duties that they might have paid when they put them into the warehouses. I submit that this is a harder case than the other would have been.

I submit to Senators whether it is not better to follow the Committee on Finance in this matter and exempt the bonded warehouse goods if this resolution would apply to them. The House of Representatives thought it would not; the Secretary of the Treasury and the men who are to execute the law say that it will. It is at any rate ambiguous. The Committee on Finance do not mean to leave it ambiguous. They propose to say that it shall not apply; and then leave the House of Representatives to adjust a tariff, if they can, which shall meet the wants of the Government and the convenience of the people.

Mr. POMEROY. I should like to call the attention of the Senator to one fact that perhaps did not occur to him. If this additional duty of fifty per cent. be levied on the goods in the bonded warehouse, that kind of goods in the market will advance that much at once, and it is no more an object for a man to pay his fifty per cent., because the goods will advance in the market in the same ratio, than it would to pay twenty-five per cent., or any other amount of duty.

Mr. CLARK. Will the Senator permit me right there? The fact did not escape my knowledge or my observation.

Mr. POMEROY. You did not allude to it.

Mr. CLARK. I did not allude to it here, and I am obliged to the Senator for calling my attention to it. It may be true that the price of the goods will be generally advanced fifty per cent.; but a great many of the people who hold those goods in the warehouse have contracted to deliver them for the rate at which they are held, and you are going to work injustice to that class.

Mr. POMEROY. Whatever may be the rate of increased duty that objection will hold good. If you increase the duty thirty-three per cent. you compel the man who made the contract to bear a loss of thirty-three per cent. in such a case.

Mr. CLARK. But we do not tax the goods in bonded warehouses at all. The committee propose to exempt them.

Mr. POMEROY. No matter whether they are in bonded warehouse or not, if the party has contracted to deliver them at a certain price you injure him in the same way.

Mr. CLARK. But that contract was made under the policy of the Government which was adopted two years ago.

Mr. POMEROY. The difference between thirty-three and fifty per cent. does not affect the case at all.

Mr. CLARK. Not so far as the bonded warehouse goods are concerned, because we propose to exempt them entirely from this additional duty. I was not arguing that point upon the bonded warehouse goods.

Mr. SHERMAN. I wish to reply to one or two remarks made by the Senator from New Hampshire. As a matter of justice we know that the ordinary effect of levying a duty on an article is to increase the price of that article corresponding to the duty. The question is, shall the importer get the benefit of the increased price, or shall the Government get the benefit of this increased price? That is just the case. I say the Government ought to get the benefit of the increased price, because the increased price is added by the Government.

The Senator from New Hampshire—I do not think exactly fairly and squarely—has made another difficulty. He says, suppose the party has contracted to sell these goods at the old price. That argument would apply to any tariff law. It would apply especially to goods on shipboard; it would apply to goods to be imported in the future; it would apply to all classes of contracts; and it would prevent you at any time from changing your tariff laws; because contracts are made sometimes considerably in advance of the time of delivery; and the argument of the Senator would apply just as well to any tariff law that could be brought forward. But there is a way of avoiding the difficulty; and the Senator is aware of it, I know. It would be very easy to insert in this measure the usual clause, that where goods are sold to be delivered in the future and an additional duty is put upon them, the purchaser shall pay the additional duty. That clause was put in the last tariff law, if I remember correctly, and it ought to be put in any——

Mr. FESSENDEN. It was never put in any tariff law. It was inserted in the internal revenue law.

Mr. SHERMAN. It was put into the internal revenue law. The same principle applies here; that is, as the additional duty adds to the value of the article, the purchaser should pay that additional duty. I think it is well enough to insert a provision of that kind.

Mr. CLARK. I was arguing on the resolution as it stands. The Senator knows very well that there is no such proposition in this resolution.

Mr. SHERMAN. It is very easy to offer that as an amendment.

Mr. CLARK. Very true; but that would carry it back to the House of Representatives, where the Senator does not want it to go.

Mr. SHERMAN. I say there are public reasons which seem to me sufficient why we should pass this measure in the very words in which it passed the House of Representatives in order to get revenue. This is not a matter of small moment. The duties now being collected at the port of New York amount to somewhere from three to four hundred thousand dollars a day. The addition made by this House resolution would be equivalent to $150,000 a day in gold. I think the levying of this additional tax will not operate unjustly to any class; but if it does, it will be very easy for us to provide for those classes in some other bill. But I think delay ought to be avoided. We know that these goods are being withdrawn every day and very rapidly from the bonded warehouses. They are arriving every day and the duties are being paid. One of the objects of the passage of this joint resolution speedily and quickly was to reach this large amount of goods and to levy this increased duty upon them.

The Senator says that this operates very unjustly to the importer. The Senator from Michigan has answered that sufficiently by stating that the importer has the right, if he chooses, to re-export the goods. These bonded warehouses are not for the convenience of the Government. It is not a privilege of the Government to have these goods stored in a bonded warehouse. It is the privilege of the importer, intended for his benefit, intended to encourage trade, to give him one year's time within which to sell his goods. He can avail himself of that one year's time just as well under this proposed increase as under the old tariff. If the rise in the goods is not immediate he can leave them there until the rise caused by this increased rate of taxation is complete; or if he finds that the goods will not bear the increased rate of taxation he may reëxport them, and all he would lose would be the cost of freight from this country back to the place of importation, which now, as we all know from the newspapers, is very small indeed. It seems to me we ought not to forego this opportunity to raise a considerable sum of money without doing any great injustice to anybody. I think all tax laws in their operation and effect work some greater or less inequalities or injustice.

Mr. COLLAMER. Mr. President, I do not propose to say anything in relation to the difference between an increase of the tariff fifty per cent. or thirty-three and a third per cent., unless it may be this: that there should be some care taken, especially after the contract we have made with our creditors to pay them their interest on the money we have borrowed of them in gold, that we do not lay such duties upon importations as will cut off the importations. It is unnecessary to multiply words about that. I cannot illustrate it better than by the old saying that that is just killing the goose that lays the golden egg; and it is the only goose we have that does lay it, [laughter,] and that golden egg we have pledged.

Mr. SHERMAN. Will the Senator in that connection allow me to ask him a question, as I do not wish to go into a discussion?

Mr. COLLAMER. Certainly.

Mr. SHERMAN. Would it not be better for this country now to sell a sufficient amount of our bonds in the markets abroad to raise gold to pay our interest, and stop importations temporarily? Would that be any great calamity during a time of war?

Mr. COLLAMER. I do not know how prolific the gentleman may be in his devices of finance, nor where he gets them from; but I thought it was understood that we were going to get along in this war independent of the world if we could. We have not begged any money of them yet. They told us pretty early that they would not lend us any, and we have done ourselves the honor of saying, "We never asked you, and it will be time enough for you to reply when we do ask you." I hope we shall never be constrained to go to them to beg for money any way. So much in answer to the gentleman's question. Now I return to the subject.

I merely say that caution should be used, as I think, in a measure of this kind, for the reason I have stated, so as not to shut out foreign importations. I feel the weight of the plighted faith of this nation to pay that gold; I hope it will be redeemed, and I do not want to cut off the means of doing it. Still, I am not very particular on that point now, because this is but a temporary measure, and I think would not be very important in that regard.

Now, Mr. President, what is the occasion of the House of Representatives sending us this measure at this time? It is this: that House have got almost perfected, and in such a shape probably as will secure its passage by the Senate, an internal revenue bill, the main provisions of which lay

taxes on products of various kinds, mostly manufactured products. They are about to put such a law into operation, and they cannot make a tariff law to apply to imported goods till they complete the law taxing the American manufactured goods. They must be shaped to each other. If you lay a duty upon American manufactured woolens or cottons, the manufacturer says at once, "It is not very material to me how large your duty is, provided you lay a corresponding duty upon the imported article; but I cannot pay the tax on the manufactured goods if when I come to sell them in the market I find that you have let in the foreign supply at such a duty that I cannot sell my goods at what they cost." Of course it follows that if you lay a tax on American manufactured articles you must lay a corresponding duty on imported articles of that character; and in order to say what that duty shall be upon a foreign article, you must in the first place say how much you will lay on the American article. When you fix your internal duty, you shape your tariff to it; you cannot make them simultaneously or contemporaneously; you must first establish the one to which you adapt the other. In the nature of things they are dependent on each other for any success. If the American manufactured article, whether an article of woolens or cottons, or anything of that kind, is permitted to go into the market without any tax on it, the foreign article, if you lay a heavy duty on it, will not come here at all.

I merely make these remarks to show how it was that the House of Representatives sent us this temporary measure. What was the occasion of it? It was that they are about to complete and put in operation, we think very soon now, a tax on internal productions, and they want time to adapt the duties upon foreign goods to that. They must have time for it; and they have asked us for this temporary increase of duty in the mean time. Why? If you put into operation the law that they are now forming and have about finished, and which I trust we shall pass very soon, when there are no increased duties laid on foreign importations, you almost utterly ruin the American manufacturer in these forty days while they are concocting and putting this forward so as to get it into shape. In thirty or forty days many of the American manufacturers may be almost ruined and shut up; therefore the House of Representatives have sent us this resolution to provide for the intermediate time.

I come now to the question of laying this increased duty on the goods in warehouse. We understand that if a duty is laid on a foreign article it not only raises the price to the consumer of that article on which the duty is laid, in the market, but it raises the price of all articles of that kind on the shelves and in the stores of the merchants of the city and country. For instance, suppose ten cents a yard additional duty is now laid upon a piece of cotton, or a piece of woolen or flannel, the effect of it is to raise not merely that flannel which comes in on which duty is paid, but immediately every man who has flannels to sell all through the cities puts on ten cents a yard, and raises the price of all that kind of article in the market. But that is not all; it raises the price precisely the same upon every American manufactured piece of flannel. Inasmuch as the foreign article competing with his all the time is made to pay an additional duty of ten cents on that quality of flannel a yard, the manufacturer here puts on the American manufactured flannel of that quality an increased price of ten cents a yard. That is a matter of course; the trade all understand that well enough; and I do not know but that they are wiser in their generation than the children of light here. Who pays that additional price? The consumers, the purchasers. I am not now saying that they always pay all of it, because I know of competition and its effects; but that is but a mere disturbing cause and at times hardly appreciable.

There is another point. When we lay our taxes on American manufactured articles, what do we do? I ask gentlemen to think a moment. Look over that tax bill; does it contemplate that the increased taxes upon the American manufactured articles are to apply to those on hand? If you want to raise so much tax, and think you can do it in good faith by putting it upon that which is already made, why should you not put it upon that already imported, and *vice versa*? If you lay your duty upon that already imported, should you not lay the corresponding tax upon that which is manufactured already? It will rise in the market. We had here a sister demand this session, which occasioned very much debate in the two Houses, about a whisky tax. I do not propose to repeat it, but that was the topic. What was the difficulty there? It was proposed in laying a new tax on manufactured whisky, spirits, that you should at the same time lay it upon spirits already made. That was repudiated in both branches after full debate, because people had manufactured the article under a different law and on the faith of that law, and to undertake to lay an increased tax on the article on hand would lay the foundation for taxing all other sorts of property after it had been manufactured and was on hand. If that is so, why should you undertake to tax the goods that have been brought in under the existing law, for the purpose of raising a revenue, when you thereby raise the price of those goods and of all the other goods in the market of that character for your people to pay? The people will pay more on the other goods that are raised up and on the American manufactured goods; they will pay this tax that we get here four or five times over.

Mr. JOHNSON. Four or five times in the aggregate you mean, in amount.

Mr. COLLAMER. I say they will in the aggregate. While you only get your duties on what goods you have in warehouse, by this snatching, you raise to the people, the consumers, that same price upon all the goods there are in the market, foreign and domestic. That is the effect of it. They pay on all those goods, and you get the duty on this little piece in warehouse. I cannot see the justice or the shrewd Yankeeism of the trade. Recollect we are trading with the people; we represent the people; and this money is going to come out of the people. No one supposes the importer is going to pay it and lose it; and you cannot possibly get it out of him and have him put it on the imported goods without having the same price put on all the other goods of that kind in the country. The system we have heretofore pursued not only in relation to importations, but in relation to our internal duties, our taxes on our manufactures, is that we will tax these goods hereafter manufactured and brought into market, not those on hand; and this is an attempt to take advantage of those men who have imported some goods and get a tax upon those on hand, and oblige the people to pay it on everything else of that kind.

Mr. JOHNSON. Mr. President, I believe it has been held that the words used in this resolution would embrace goods in bond; but unless it has been judicially settled that such would be the meaning of the phraseology of the resolution, I should doubt very much whether it would cover goods on hand; and I am by no means sure that the House of Representatives intended to embrace goods on hand. The language of the resolution is "that fifty per cent. of the rates of duties and imposts now imposed by law on all goods, wares, merchandise, and articles imported, shall be added to the present duties and imposts now charged on the importation of such articles." I rather think that the true interpretation of the clause, if the question was an original one, would be that it could apply only to articles hereafter imported. But if it should be construed as applicable to all goods imported, then it might follow that it would cover all goods imported, no matter where they were, whether they were in bonded warehouses or in the stores of the merchants ready for sale. I believe it has been held that goods are not considered as imported until the duties are paid, and that executing a bond for the payment of duties is not considered as a payment of duties so as to make the goods "imported goods" within the meaning of such a clause. Supposing that to be the correct interpretation, it appears to me to be all-important to the good name of the country, to the preservation of its faith, that goods on hand anywhere should not be taxed.

The honorable member from Michigan is under the impression that when goods are bonded, the contract between the Government and the importer is that the importer will pay whatever duties the Government imposes or shall have imposed at the time he takes the goods out for sale. The honorable member is under a misapprehension. That is not the contract and it could not well be the contract. The form of the bond is given by the act which authorizes the bonding of goods, and clearly excludes the importer from any obligation to pay more than the rate of duty to which the goods are liable at the time they are bonded. The language of the bond is—

"Whereas the following goods, wares, and merchandise"—

And then they are described—

"imported into the district of"——, &c., "are now intended to be exported and conveyed," &c., "to the district of——, and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen, would have amounted to the aforesaid sum of——:

"Now, therefore, the condition of this obligation is such that if the above bounden —— shall and do within six months from the date hereof produce to the collector of this district the certificates required by law that the said enumerated packages," &c., "have been duly entered and delivered at the aforesaid district of —— or any other port or district of the United States, then the above obligation to be void, otherwise to be and remain in full force and virtue."

So that the true meaning of the bond is that the party becomes responsible only, if he takes his goods out, for the amount of the duty existing at the time; and if he does not take them out but exports them at the port where they are laden to some other port, he gets clear of that specific amount; and it appears to me to be obvious, looking to the form of the bond, that there is a contract between the importer and the Government that the importer is to be responsible only if he takes his goods out of bond for the amount of duty imposed at the time they go into bond, and that he is only discharged, if he does not take them out of bond but exports them, from the obligation to pay that amount of duty and no other.

Now, Mr. President, it is of course all-important that we should raise the money to carry us through this war, and through the difficulties which the war has created; but it is equally important that we should keep good faith; and if the Government by its legislation as it now exists has entered into a contract between itself and the importer, that the importer is only to be liable for a certain specific amount of duty upon the goods already in the country, though in bond, then it is of course vital to the good faith of the Government that that contract should not be abused. And I believe I am right in saying that a tax law like this never was before passed by the Congress of the United States. On the contrary, until the passage of the act of 1862, to which the chairman of the Committee on Finance referred, goods on shipboard on their transit from the place of purchase to the United States were always excepted from the operation of the additional tariff; and in the act to which the honorable member adverted, and which he supposes changed, and in some respects perhaps it did change, the anterior policy of the Government, it will be seen—I speak from recollection, and he will correct me if I am wrong—that it was not to go into operation until some sixty or ninety days after the introduction of the bill; that is to say, it was only to apply to goods imported into the country some twenty or thirty or sixty days after the passage of that act, or on some specific day; I forget particularly.

Mr. FESSENDEN. The act itself was not to go into operation for some thirty or forty days.

Mr. JOHNSON. That is it. Now, although in one respect that act might operate upon goods on their transit, because they might not get here by the period when the act was to go into operation, and in that respect change the antecedent policy of the country, yet a large portion of the goods which were then on their way and contracted for by the merchant abroad reached the United States before the day when the act was to go into operation, and of course were liable only for the duties existing antecedently to the operation of the act.

Mr. President, the people of the United States individually, besides the amount which they are to pay indirectly by these imports, will be called upon to pay, and they are now being called upon to pay, very heavy taxes, not only taxes imposed by the Government of the United States, but taxes imposed by the States. The indirect effect of the war already, the enlargement of the currency, the large amount of currency issued by the Government made to be a legal tender by Congress—

whether constitutionally or not is immaterial, it is acted upon as such—has been to swell the price of almost everything enormously. Goods that you got formerly for fifty cents you cannot now obtain for $1 50; and those who have fixed incomes are hardly able to live. If we did not know ourselves that that is the effect of these enhanced prices, the applications that have been made to Congress daily since we have been in session tell us that those who have heretofore had an abundance in their salaries to support themselves and their families are hardly able now to support them at all.

Then if, as the honorable member from Ohio supposes, the tax is always added to the price of the article, the consumers will have to pay just so much more than they are now paying as the increased duty exceeds the existing duty, besides the profit upon it. But there is a class of persons who will be very materially benefited by such a provision as this joint resolution contains. It increases only the duties upon imports fifty per cent. of the existing amount of duties. The effect of that is, if the honorable member is right, and to a certain extent he is right, and perhaps in point of fact will be found to be right altogether, in relation to the effect of this act upon operations in the present system of the country—if the honorable member is right in saying that the additional tax will be added to the article, and will increase the price of the article not only by that amount but by the profit which the importer will put upon the additional duty, the effect will be, as the honorable member from Vermont has stated, to raise correspondingly the price of all articles manufactured in the United States, and the manufacturers in New England will be getting for their cotton goods, getting for their woolen goods, upon which they are now receiving a most enormous profit, just the additional profit of this duty, because the unavoidable effect of the law will be to increase in their hands the value of their manufactured goods, and enable them to sell them to the consumer for just so much more than they would be able to sell them for now if the imported article was subjected only to the existing duty.

There are a great many things that cannot be exported. The honorable member from Michigan says that this resolution is acceptable to him, because it will drive the goods already imported out of the market. Then we get no duty, and that does not profess to be the object of the resolution, and the honorable member from Ohio says that the object is to get money. There are a great many articles imported into the United States that cannot well be exported. There are many heavy articles which will not bear exportation; they are bonded merely for a place of safekeeping, and for the purpose of sending them to some other port of the United States, and not for the purpose of sending them out of the United States; they will not bear the additional expense of transportation, and the men who imported them, who have contracted with the Government to pay the Government a certain amount if permitted to bring the articles in, are told after they have brought them in, "We mean to charge you much more." The principle of bad faith, as it seems to me, would not be stronger, although practically it would be more mischievous, if the Government took the entire goods.

But is it so true that we want the money which this will give—the gold? I thought that we had more than we knew what to do with. My friend from Ohio the other day stated in support of what was called the gold bill, that by July we should have $40,000,000 of gold, when we should have to pay only some twenty odd millions; and he urged upon the Senate, and the Senate adopted the measure, to authorize the Secretary of the Treasury to sell the surplus gold, assuming, of course, that the laws as they are, without any increase of duties, would give us an abundance of gold to meet all the exigencies so far as they are to be met by payments in gold; and the Secretary has gone into the market, or is said to have gone into the market and to have sold some eight or ten million dollars of gold, and to have sold exchange to the amount of some four or five millions more, the effect of which was to produce a temporary depreciation in the stock market and in the price of gold, but only temporary, as some of us said would only be the effect of the bill under any circumstances. Gold went up the next day, and stocks went up along with it. So far, therefore, as the public debt is concerned, and the obligation of the United States to pay the public debt, principal and interest, in gold, the existing tariff is abundantly sufficient.

But there is another reason why in my judgment it would not be creditable in Congress to pass a bill of this description. The Senate are not to blame; but Congress has been in session now five months, and here at the end of the five months, instead of producing a tariff bill adjusted so as to meet all the necessities of the Government and at the same time protect the interest of the public, we are presented with this temporary measure. Now suppose it should turn out, and the honorable member from Maine thinks it will turn out, and he speaks for his committee, that the increased duties which are to be imposed by the tariff bill now being prepared will not be fifty per cent. upon the existing rates of duty, how shall we stand then? He who has imported his goods under the existing law and has them now in the bonded warehouse, is made to pay fifty per cent. increase upon those duties. He who imports his goods after the contemplated tariff bill shall go into operation, pays only thirty per cent. Is there anything like justice in that? The one acting upon the assumption that the Government would preserve its good faith has brought into the country his goods, and you mulct him in an additional duty of fifty per cent. The other, unwilling to trust the Government and not able to import, waits until you adjust your tariff, and then he finds that he can bring his goods into the market at twenty or thirty per cent. less than the importer who has already brought his goods into the market, and his profit will be proportionably great.

It is true that it is all-important that we should have money; but it is just as important, and, indeed, more important, that we should preserve our good faith and do justice as between ourselves and the individual importer. But, Mr. President, it is not so much by regard for the protection of the individual importer that I shall be governed in the vote against this joint resolution as by a regard for the protection of the consumer. I forget the articles included in the present tariff act, but it is clear that the resolution on your table will not interfere with the free list articles in the present tariff. There are a great many goods upon which duties are imposed by the existing tariff which the country needs and which the country can only get profitably at this time from abroad, and therefore every dollar that you increase these duties, as the consumer has to pay the increase, is so much added to the burdens which the Government are now obliged to impose in another mode of taxation upon the citizens of the United States.

Mr. HALE. Mr. President, I do not know that I understood the proposition that the honorable Senator from Maryland started with; but if I did, I should like to know so certainly. I understood him to state, as a legal proposition substantially, that the goods imported and the duties on which were paid by bond were not considered as imported until the bond was paid.

Mr. JOHNSON. I said I had understood so, but my own impression was rather the other way.

Mr. HALE. I do not pretend to have much knowledge on this subject, but I venture to say that the honorable Senator is mistaken, entirely mistaken, and I would venture that, even though he were to meet me with a decision of the Supreme Court of the United States to the contrary.

Mr. JOHNSON. The Senator misunderstands me. I did not say that that was the correct interpretation of the act. I said, on the contrary, that unless it had been judicially determined that such was the correct interpretation of the act, I should have held that it was not, and that the goods were to be considered as imported when the bond was given.

Mr. HALE. Of course. It is not many years since the whole duties were paid by bond.

Mr. JOHNSON. Certainly.

Mr. HALE. And it would have occasioned infinite embarrassment, and would have been an obstruction to all the mercantile business of the country, if the taking of the bond was not considered as a payment of the duties.

Mr. SHERMAN. I will inform the Senator from New Hampshire that I understand, though I do not know much about the decisions, that it is settled as a rule that an importation is not complete until the duties are paid. Giving a bond is not held by the officers of the revenue department as completing the importation. It is a mere question of construction; but I can state that that construction is aided by the fact that in previous tariff laws, where the same language is used, there is also a reservation in favor of goods on the way or in bonded warehouse, so as to show that in former acts that construction has been put.

Mr. HALE. Goods on the way or goods in bonded warehouse may be considered as an exception; but if they be, it seems to be so made by law. But, Mr. President, it is not, I think, twenty years, it certainly is not thirty, since the whole duties were paid by bond, and there was no such thing as cash duties exacted, and the bonds were universally received at all the custom-houses, by law, as a payment of the duties. In regard to goods in bonded warehouses, my own impression is—of course I speak with great diffidence and deference on this subject—that this resolution is well enough, and that it does not apply in its provisions to goods that are now in bond, for the increased duty is imposed only on goods that are imported; and not being retroactive in its terms it must be prospective, and must mean goods hereafter imported. I shall, with that understanding of the law, and it strikes me it is the plain one, go for the bill just exactly as it came from the House of Representatives, without the alteration or addition of a single letter; and I do it for one reason. It is one of two measures that have been proposed to Congress (one of which Congress have adopted, and I hope they will this) that look to me as if the Congress of the United States began really to understand the condition and situation of their country. We have been spending, God only knows how much, and we have been collecting comparatively nothing. Pass this resolution, and it will be an announcement to the country that Congress begin to understand that they must do something else besides borrow money.

There is another fact. The honorable Senator from Maryland said that Congress never passed such an act as this before. Of course they never did, and the Congress of the United States were never in such a situation before, and the country never was in such a situation before; and the fact that we are in a condition so diverse from anything that has ever occurred in the history of our experience in the past should be an admonition to us that some measure of legislation equally new is required.

The condition of the country is singular in another respect. I venture to say it is an anomaly in the history of the world. What do the people of the United States ask of this Congress? To take off taxes? No, sir, they ask you to put them on. The universal cry of this people is to be taxed, and not to be borrowing money continually. If this war must be prosecuted, they want an energetic financial system that shall take the money of the people instead of their credit to saddle on posterity a debt to meet the emergencies of the hour; and for that reason I am in favor of this measure. I am in favor of it because it looks as if we are in earnest. It looks as if we began to understand ourselves.

The objections that have been suggested by the Senator from Maryland as to the effect it will have on goods that are already imported and goods that are on the way, are objections which apply to every measure that increases or diminishes the tariff. It cannot be made to operate exactly square and fair and level and uniform on the whole country. There will be favored individuals who, by the peculiarity of their own condition now, or by more sagacity and foresight than belongs to the generality of men, having collected in their storehouses goods under the existing tariff, anticipating something of this kind, will profit by it no doubt. The legislation which we enact will not inure entirely to the benefit of the country, but will in some degree inure to the benefit of individuals thus constituted. That is no objection to the measure, in my humble judgment; because it applies to all alterations of the tariff, and always will and always must in the nature of things.

I said, sir, that this was one of two measures which satisfied me that Congress began to understand the real condition of this country. Now I

will tell you what the other is. The other is the measure which was introduced I think by the Senator from Illinois, [Mr. TRUMBULL,] and which has passed the Senate, proposing a radical alteration of our fundamental law so as to abolish slavery. That was putting ourselves in a moral condition to meet the exigencies of the present hour; and what that was in the morals and politics of the nation, measures like this, in my humble judgment, are in the finance of the nation. Now, sir, let us adopt it. It is not perfect, I know. It will operate unequally, I know, and so will all human legislation. But the end, in my judgment, will be salutary, will be what the House of Representatives wants, what the Senate, I think, wants, what the country wants. Besides, it is temporary, and we shall soon have a permanent tariff bill before us. I hope that we and the House of Representatives will take counsel from what I think there is no mistake in supposing is the public sentiment of this country, and that is that we are in a gigantic struggle for life or death; we have got some chronic diseases upon us that I will not enumerate now; but the great remedy, if we mean to fight this battle, if we mean to save this land, to save this Government, and to hand this inheritance down to our posterity, is for us to meet it like men, and meet it by the imposition of just such burdens as are necessary to sustain the gigantic struggle in which we are engaged. I hope we shall do that, nothing more and nothing less. The measure that is now proposed, to my mind, is the very first of a series of financial measures that will satisfy our constituents that we understand our condition and are in earnest in applying the remedy.

Mr. CHANDLER. I was astonished, Mr. President, to hear the assertion made by the honorable Senator from Vermont, which was indorsed by the honorable Senator from Maryland, that this proposed increase of duties would proportionately increase the price of all the domestic products of this country. I was astonished to hear such a declaration from any source on this floor. Do not those Senators know that very few of the products of our looms come in competition with the products of foreign looms? Are they not aware that we have not imported cottons, like our domestic cottons, for more than twenty years to any considerable extent? Are they not aware that we have not imported prints for twenty years to any considerable extent? Are they not aware that our flannels have not been in competition with the flannels of the world for more than twenty years? How, then, are we going to advance the price of our domestic products by this measure, when they have not been in competition with foreign products for twenty years? I will not characterize the proposition as I should have done, speaking hastily, but I will simply say that it is a fallacy.

I say for twenty years these articles have not been in competition with any foreign product. The articles we now import are laces, silks, furbelows, diamonds, wines, and other things that we do not manufacture, products that we do not need, that we should be better off without. Our ladies might perhaps object to taking off their ribbons and their laces and their diamonds, but I, for my part, would be glad if they were compelled to wear nothing but the products of our own looms instead of the silks and laces and furbelows of Europe.

Not only do foreign articles not come in competition with the domestic products which I have just stated, but we export many of our products. We are even exporting clocks by the thousands and tens of thousands to-day; and yet the Senator from Vermont would have us understand that we shall raise the price of clocks to the same extent that we raise the duties on importations. It will not affect the price of our domestic products, because they are not in competition with foreign articles. Many of our products we are exporting to-day to South America, to the West India islands, to China, and India, and we come into competition with the world in our exports of those very articles the price of which it is said will be increased in the same ratio that we increase the duties on importations. The whole idea is a fallacy; there is no force in it.

The only question at issue was fairly stated by the Senator from Ohio. It is well known to every member on this floor that even a proposition to increase your duties raises the price of goods. Let it be understood that you will increase your duties fifty per cent. on the 1st day of July, and it will not be three days before foreign merchandise will advance very nearly to the fifty per cent. which you propose then to add to the duties. The question to be decided by the Senate is whether you will put these additional millions in gold into the Treasury of the United States, or whether you will put them into the pockets of foreign importers. That is the question you are to decide by your vote to-day, and it is the only question. It was fairly stated by the Senator from Ohio. Will you put these millions into your own Treasury, where you need them, or will you give them, present them, donate them to foreign importers who have no interest in your Government, and most of whom have no sympathy with your Government? Sir, I am in favor of putting the money into the Treasury of the United States, where it belongs, and using it for the prosecution of this war, instead of putting it into the pockets of foreign importers.

Mr. DAVIS. I would thank the honorable chairman of the Committee on Finance and the honorable Senator from Ohio to give their estimate of the probable product in revenue of this measure while it may continue in force.

Mr. FESSENDEN. I will state to the Senator that the committee have made no estimate whatever, and could not make any estimate, because we cannot tell the probable amount of importations; and we do not know exactly the amount of goods in bond at the present time, if the measure is to apply to them.

Mr. DAVIS. I accept the soundness of the propositions laid down by the Senator from Vermont: that the increased duty upon foreign imported articles will add that much to the price of those articles; and in addition it will add something like the same amount to the price of domestic manufactured articles that admit of similar appropriation, application, and uses with the foreign imported article. I dissent entirely from the position of the Senator from Michigan that the imposition of this increased duty will have no effect to increase the price of domestic articles, because the duty will be laid upon such foreign articles as do not and cannot come into competition with the domestic articles. A more fallacious proposition was never stated. How could a tariff protect domestic industry if it had not substantially the effect which the Senator from Michigan negatives? It is because the duty imposed upon foreign articles will operate as an increase of the price of the foreign articles that it enables the domestic manufacturer to manufacture similar articles, and sell them in our own markets at the price of the foreign articles increased by the addition of the duty.

Mr. HALE. With the leave of the Senator from Kentucky, I want to state to him that I think he mistakes the position of the Senator from Michigan. His argument, if I understood him, and I think I did, was that it would not increase the price of those domestic articles which he named, because they do not come into competition with imported foreign articles, and that for some twenty years or more we had been exporting those very articles to foreign countries, and therefore their price could not be affected by this increase of duty.

Mr. DAVIS. I do not agree with the proposition of the Senator from Michigan as modified by the explanation of the Senator from New Hampshire. Our own manufacturers and foreign manufacturers make cotton goods. To insure protection to the domestic article, it is not necessary that the article which is brought in by the importer and the article produced by the domestic manufacturer should be precisely and in all respects of the same character.

Mr. CHANDLER. Will the Senator yield to me a moment? I took the ground that there was nothing similar imported; nothing would come in competition with the articles I named; and therefore their price could not be affected on that account.

Mr. DAVIS. I dissent entirely from the proposition of the Senator from Michigan. I maintain this to be true, that in the various classes of manufactured cotton goods in the United States there is a competition with imported foreign articles, and always will be a competition until the duty upon the imported article is prohibitory.

Mr. CHANDLER. There have not been for twenty years any importations of that kind.

Mr. DAVIS. Have we imported no cottons from abroad in twenty years?

Mr. CHANDLER. Nothing but very fine fabrics which we did not manufacture in this country.

Mr. DAVIS. I understand that the foreign article may differ in its fineness; in its texture; in the name by which it is known; and it may differ in the price; but it may be susceptible of the same appropriations and uses of the domestic article.

Mr. CHANDLER. Not at all.

Mr. DAVIS. Well, I dissent from the Senator on the matter of fact, and we cannot debate about that. So of woolens. I maintain that there are various woolen fabrics imported into the United States, although they may differ in some respects from the products of our manufactures, but are still of such a character and admit of such appropriations and uses that if admitted free of duty they would come into serious competition with our own manufactured articles, and would put them down. There is no mistake on this point, and there cannot be, because articles that are essentially the same, although in shades differing, may be appropriated to the same purposes and to the same uses; and if all of those of foreign manufacture were admitted duty free they would undersell and would supersede wholly or partially the domestic article whose places and uses they might be made to assume.

I contend, then, that the position of the honorable Senator from Vermont is substantially true, that the effect of imposing this duty upon imported articles will be to increase to something like the extent of the duty imposed the price of similar domestic manufactured articles, and to give that much more of price either to the manufacturer or to the present holder of these manufactured articles. That such would be the effect substantially, and to a very material extent, I have no doubt. If that be true, it explains why the manufacturers are willing to accept this duty, because, although its effect is to increase the price of the imported article by the amount of the duty and the profit upon the duty, it would enable them to increase the prices of their own manufactured articles in something like the same proportion.

Now, sir, suppose that the product of this bill should be $10,000,000, by way of argument and illustration, upon foreign imported goods. It would enable the domestic manufacturers or the holders of similar articles of the same aggregate amount of value, articles that might be applied to the same uses, to increase their prices about the same sum, which would make their present large profits enormous. The manufacturing constituents of the Senator from New Hampshire would be well paid for his vote in favor of this duty, because it would enable those constituents to impose that much more of price on their own goods; but, as the Senator from Maryland [Mr. JOHNSON] has asked, who will be called upon to pay this additional duty on the foreign article, and this additional price, without any duty on the domestic article? It will be the consumer, the people who use them.

The Senator from New Hampshire mounts into his usual grandiloquent style of declamation, and sings a hallelujah upon the present state of the country, the improved feeling, the increased light, and the juster appreciation, both on the part of the people and of Congress, of our great dangers and difficulties, and the true remedy. He says that we are in great peril from which we can be saved only by taxation, and that taxation is indispensably necessary to produce our deliverance. He says it is a life or death struggle with the people now. It is so to some very considerable extent in my State; and that life and death struggle is, whether one half of the people of Kentucky have the means, or will by any industry and economy that they may be enabled to practice ever be able to procure the means, to pay their enormous taxes, existing and proposed.

The honorable Senator says that another question is whether our great inheritance is to be handed down unimpaired to our posterity. I tell him what is most apt to be the great inheritance which will be handed down to our posterity; it is a mountain of debt which the people will never

be able to pay off, and the interest upon which, in addition to the expenses of the Government, if it goes on increasing in anything like the ratio in which it has increased, they will be unable to meet. Most of the people of Kentucky are praying to be delivered and that God may deliver them from such a rich inheritance as that. They do not derive the same profits, and are not enriched to the same extent, by this war and its expenditures, as the constituents of the Senator from New Hampshire. If they could make money by it, if they could acquire more of income, add more to their wealth, increase their ability to pay taxes and to meet expenditures by the war, the same motives that make his constituency so friendly to its continuance, no doubt would have some such effect upon my constituency and upon the West generally. But instead of enriching them, filling their coffers, giving them increased ability to pay taxes and to indulge in expensive living and luxury, the question and the effort with them is to get the means to pay their taxes.

They therefore do not consider the increased amount of our debt and the increased amount of taxes necessary to pay that debt as any blessing whatever. They regard it as a burden, as a national oppression; and the only question with them is whether as a national oppression it is not unjust and wanton, at least whether to a great extent it might not have been avoided by a different and a wiser policy; and they are utterly opposed to pursuing this headlong blind policy that would shut the eyes of the country and of all those who have charge of the Government, or would erect their heads soaring above sober facts, fix their eyes upon the skies, and walk on, without examining or seeing it, into an abyss of national and individual bankruptcy and ruin from which there is to be no extrication and no hope.

Sir, I enter my protest against the folly, as I conceive—I denounce it as a folly; it is so at any rate according to my judgment—of expending the last dollar and giving up the last man to this war. I have no such spirit as that. I will never consent as an individual or as a Senator to sacrifice the people of the country, their prosperity, to give up their liberties and their constitutions, national and State, and to create a national debt that will crush them for indefinite ages. I never will consent to all these sacrifices in order to wage this war to any issue whatever. When I become satisfied that these are to be the results of the war, so far as my vote and my voice can go the war shall cease. If we are to lose the Union, to lose the Constitution, to lose our liberties, to become involved in four or five or six thousand millions of debt, and we and our remote posterity be the bondmen and slaves of the owners of that debt; our country, our freeholds, our property of every description, the labor of ourselves and our children's children, all to be mortgaged and pledged to the enslavement of paying in perpetuity the interest upon this vast amount of debt, that never can be met and discharged, what do we make by such an operation as that? Why, sir, to rush upon that condition of things would be madness, even though we prove victors in the war, and subjugate and enslave the rebels, and divide their lands out among our conquering soldiers, black and white.

New Hampshire and the manufacturing States may be in such a position that they can meet all this enormous taxation and look without concern on the debt that is so vastly accumulating, and shout approbation as the Senator from New Hampshire so often does; but, sir, the people who have to restrict their means of living, who have to wear their clothes until they are threadbare, who have to deny to their families the modicum of limited luxuries, and even those comforts to which they have been accustomed in former and happier years, and to place themselves upon short commons to pay their daily expenses and to meet their taxes, think and feel altogether differently in relation to this whole subject from that Senator. I am one of these people myself. I regard myself now as taxed almost to my utmost ability to pay. I have no doubt that half the people of Kentucky at this time are taxed beyond their ability to meet all their burdens, national and State, in the form of taxation, besides the current expenses of their families. In the face of such a condition of things it would be madness, it would be folly in the extreme, for them or their representatives in Congress to be shouting out, "Come on with more taxes, double your taxes, tax us to the last dollar." We desire no such blessings, no such legacies, and we will not submit to their increase much longer, but will resist it by all possible and legal means. I tell gentlemen that such is the feeling, and the growing feeling of the country, certainly in my State.

Our Government used to be a means, a great means, of giving liberty, security, peace, and prosperity to the whole people. The purposes of the Government seem to be essentially changed. Now the Government is everything; it has become the end; and the people, and all their property, labor, efforts, and gains, at least in the West and Northwest, are merely the means by which the Government is to continue, its existence to be perpetuated, and its powers progressively augmented. The people are ignored, and this enormous machinery operates to protract this war that it may keep in the field more than half a million of men to enable it to seize upon and exercise other and unlimited powers, and to hold the usurpers in their places. Its great business and ends have become to levy taxes that even yet seem fabulous in amount, with which to enrich its incumbents, and raise and support vast armies of negroes and white men to crush out the liberties and spirit of the people, and force them to yield up the entire mass of their military population and all their resources and substance, as they may be needed, to fix upon them a despotism so stupendous that it can never be thrown off. Our fathers taught us that the only legitimate end of government was the welfare and happiness of the governed. Now those who administer it and their followers school us that its mission is to increase and perpetuate its power and hold them in place, though the people be thereby bankrupted and enslaved.

Sir, when a Government ceases to answer the great and true ends of its organization, unless it can be reformed it no longer ought to continue. The Senator from New Hampshire will concede this general proposition, I have no doubt. He may make a question of fact with me whether our Government has proved or is about to prove such a failure. It is not so regarded with New England Senators and their States, but with other Senators and large masses of the people things are considered as rapidly assuming that complexion.

I will say in conclusion, Mr. President, that if the Government was to get the advantage of the rise of price of every article the price of which will be enhanced by the operation of this measure, it would be a motive and probably a sufficient inducement for me to vote for it; but when the obvious effect of the measure, in my opinion, will be to increase the price of so many articles upon which there will be no impost duties, and further to impose that amount of additional burden upon the people, the consumers, and to enrich the manufacturers and the holders of domestic manufactured articles, I see no sufficient reason for me to vote for it.

Mr. HALE. Mr. President, if, as the Senator from Kentucky says, the Government of this country has proved a failure, it has proved a failure in nothing more than this, that it sits here from day to day, from week to week, and month to month, to allow itself with impunity to be railed at as it is by the Senator from Kentucky. I will not undertake to say nor to intimate that the Senator from Kentucky is not as good a Union man as there is in the body. It is not for me to judge any man's motives, or to impugn any man's purposes. I will say, however, that in all my experience, and in all history, I have never found a pure, unadulterated patriot who did not find some other way of manifesting his patriotic devotion to his country than railing at every act and every effort which is made for its own salvation.

But I did not rise principally to speak to that, but I rose to repel an insinuation which the Senator has made against the constituency that I represent; he has made it before against the President of the United States, that he desires the prolongation of this war, and that I am singing hallelujahs upon it, because it is putting money into the pockets of my constituents and they are growing rich out of it and desire its prolongation.

Mr. DAVIS. I did not make the charge as broadly as the Senator from New Hampshire states it. I said this, though, that the considerations to which he has just adverted would explain why he and his constituency support the measure under consideration.

Mr. HALE. Of course I do not dispute any man's word, and every man knows what he says as well as anybody else and perhaps a little better; but if the honorable Senator did not say that my constituents desired the prolongation of this war, I am entirely mistaken in what I think I heard as palpably as I ever heard any human sounds in my life.

Mr. DAVIS. With the honorable Senator's permission, I will say that either he is mistaken or I am mistaken. I limited it to this measure, and had no thought beyond this measure, in relation to that charge; but if the gentleman wishes to press me, I will take broader ground.

Mr. HALE. I neither wish to press the Senator nor to have him enlarge his ground, [laughter;] but I do wish to state just exactly what the facts are; and I am content to abide by the record as the reports of to-day in the Daily Globe shall represent us.

Mr. DAVIS. You may give your own construction to my remarks.

Mr. HALE. I do not want to be interrupted. I shall give no interpretation except that which the words manifestly bear; and it is to that insinuation, that charge, that my constituents desire the prolongation of this war, that I wish to say a word or two; and I shall detain the Senate for a very short time.

Mr. President, the Senator knows very little indeed of New Hampshire. Her people are not a manufacturing people to any considerable extent. There are several large corporations that do manufacturing business in New Hampshire; but a very large proportion of their stock is owned out of the State. In the town in which I live there is a very large corporation employing one or two thousand hands, and I remember since I have been in the practice of the law a suit to which that corporation was a party; and a motion was made, and I think sustained, to remove the case from the courts of New Hampshire into the courts of the United States because there was not a single corporator that owned property in it who lived in the State of New Hampshire.

But, sir, the people of New Hampshire, in regard to this war, have made sacrifices, to say the least, equal to any other State in the Union; they have sent out, to the last man, every one that has been called for; and there is not a village in New Hampshire, there is not a valley or a hill, in which the weeds of mourning are not to be seen and the voice of lamentation for the dead is not to be heard. They have poured out their treasure and their blood unhesitatingly and unremittingly; and if they supposed that one representing that people and their feelings, their instincts and their desires, could be so recreant to every obligation that can bind a human being as to desire the continuance of this war, the indignant rebuke of that outraged people would scourge him from the face of the earth. Why, sir, a more gross assertion, an assertion more utterly at war with the truth, than the assertion or the intimation that the people of New Hampshire or their representatives on this floor, or on the floor of the other House, desire the continuance of this war—a more unfounded insinuation could not possibly find its way into the brain of any man, however prolific it might be.

Mr. President, that people have given the best evidence in the world that they desire the end and the cessation of this war. Why is it that they have given up their sons in such numbers, and their treasure without stint, and responded as promptly as they have to every call that has been made on them, but for the burning desire they feel that the tide of war may cease, that the current of human blood may cease to flow, that the reign of peace and justice may return? The idea that that people, that people that you, sir, and I represent on this floor, are such incarnate fiends, that for the possibility of putting some miserable lucre in their pockets they might desire to see the tide of war deluge the land, and everything that is valuable in the present, hopeful in the future, or sacred in the past might be overwhelmed in one common ruin, I confess is to my mind one of the most abhorrent propositions that I have ever heard uttered.

But, Mr. President, this war has been forced upon the people of New Hampshire and upon the people of the loyal States. They resisted it as long as they could. They conceded until they had nothing left in the way of concession. They made every sacrifice for peace that could be made; and when life could not be preserved except by unmanly concessions that would have left them slaves, they resisted as became men, and they will resist until the opportunity presents itself in which life may be maintained, to say the least, upon honorable terms.

Mr. President, the Senator rails because we are getting such a mountain load of debt that we never shall be able to pay it, nor our posterity to pay the interest of it. It is because I wish to avoid that very evil that I go for this measure. It is because I do not wish to pile up a mountain load of debt, but desire to meet the enormous expenses which we are obliged to incur by levying as the war goes on some considerable portion of the means with which it is to be carried on, that I go for this measure. It is because I do not want the debt to be increased, I do not want to go on interminably and forever piling up debt, that I think it becomes us in the day of the emergency in which we live to meet the existing evils which threaten us.

Let me ask the Senator, what does he propose? To rail and to find fault and to criminate and calumniate is the easiest thing in the world. But what does the Senator propose? He says he would have this war cease. So would I. But in God's name how would he have it cease? What way does he see in which it can cease? Has he heard anything to show that the chiefs of this rebellion would make peace on any conditions? Has Jeff. Davis notified him that he would receive the citizens of the loyal States back as slaves even? No, sir. It is a war declared against the Constitution, against the life of the country, and it is waged for its utter extermination and overthrow.

When a quarrel commences, when war rages, it takes two to make peace. One party may commence a war, but one party cannot make peace unless the other consents; and I ask the honorable Senator, and I ask the Senate, and I ask the country, if from the day the first gun was fired upon Fort Sumter there has ever been a day in which the United States of America could have made peace upon any terms short of national annihilation, degradation, and disgrace? Has there ever been a time when the Constitution could have been saved; when this Congress could have met; when this country could have existed, and peace been made? No, sir. The terms which this rebellion continues to insist on are the utter overthrow and annihilation of this Union; the blotting out of the work of ages; the tearing up root and branch of the foundation-stones which our fathers planted; the overthrowing and annihilating forever the last vestige of free government upon this continent; and a man that wants peace upon these terms wants degradation, wants national annihilation and disgrace.

Mr. President, I believe that the party with which you and I act, I believe that the President of the United States, I believe the great party of the loyal States in this country desire peace as earnestly, as sincerely as the honorable Senator from Kentucky, or anybody else; but it is one thing to desire it and another thing to mark out some practical way to obtain it; and it is idle to rail against what we are doing, to calumniate the Government of the country for what they are doing, to throw denunciation on the war, and another to point out some means by which the war can be avoided. I believe that the alternative is such that one or the other of these parties must go to the wall; the rebellion must triumph and the Union be blotted out, our country become our everlasting reproach, our name our shame, or we must succeed; and how are we to succeed? Only by energetically pursuing the means that are adequate to what we propose; by putting forth our whole vigor and our whole means. What is property worth, what is your property or mine, or anybody else's, more or little, worth if the country goes? Nothing, nothing. What value has property?

Mr. President, in one of the darkest days of the Revolution there was one of the truest patriots that ever took part in the public councils of this or any other nation, John Langdon, who rose in the provincial assembly of New Hampshire and addressed them as follows: "I have," said he, "$2,000 in specie; I will give that; I will sell my plate for as much more." He gave them a substantial inventory of his stock in trade. "All that is at the service of the country; the last dollar that I have; and with that means we may possibly raise a regiment, and we will commit it to my friend John Stark, and if we succeed I shall be paid; if we do not succeed, property will be worth nothing."

Sir, we need more of that spirit which animated the fathers of the Revolution. We want patriotism to manifest itself in some of the self-devoted acts of patriotism rather than in continual railings against the Government. Sir, the result of that patriotic sacrifice of property was this: the regiment was raised; the leading of it was committed to John Stark; and he marched and met the enemy first at the battle of Bennington. You all remember his speech to his soldiers on that occasion; perhaps it has not been repeated too often to be repeated once more. He pointed out the enemy to his soldiers, and said he, "Boys, there is the enemy, and they are ours, or Moll Stark sleeps a widow to-night." It was in that spirit that that regiment was raised. It was in that spirit that they went forth to battle. It was in that spirit that they conquered, and gave us a country which God, in His providence, calls upon us to-day by a like spirit and a like effort to save and to preserve.

Sir, I hope we shall have more of that spirit, more of that patriotism, more of that devotion which won for us the battles of the Revolution, secured to us the great inheritance that is now in jeopardy, and which can only be preserved by a like temper, a like spirit, and like efforts.

Mr. DAVIS. Mr. President, I was in the other House when the Senator from New Hampshire took his seat there, and he came there with his mind absorbed by a single idea, and that was to liberate the negro. That idea has possessed him and has impelled him in all his public and political conduct from that moment to the present. It has been his guiding star, and we recollect the pæan which he sang the other day to what he supposed would be the final consummation of his great policy in the amendment of the Federal Constitution abolishing slavery in all the States. Was that American statesmanship? Was that American patriotism? What right had the Senator from New Hampshire or any other citizen of the United States to go to the other House or to come to this to make an interminable and unconstitutional war upon slavery? It was not the concern of New Hampshire. She at the time that the Declaration of Independence was promulged, and also when the Constitution was formed, I believe, was slaveholding, and it was a most important and essential principle of our system of Government that the subject of slavery and of property generally should be regulated exclusively by the States.

Now, sir, he says that the South made war upon the North. They made immediately the present war, I admit, but the remote and preliminary war was made by the North all the time, and commencing nearly a third of a century ago against the South, against its institutions, against its property. If the State of New Hampshire had done its duty singly and in good faith in relation to this subject, if that State alone, and especially if all New England had acted in the same line of duty, this war never would have occurred.

The Senator was here when what was called the Crittenden compromise was proposed. If the Senators from New Hampshire had supported that compromise, and especially if the Senators from New England had supported it, the rebellion never would have taken place; the rebels and the malcontents would never have had strength to rear the standard of revolt and to involve this nation in civil war.

Now, the Senator says that I have done nothing but rail against the Government and its measures and its policy, and that he never knew of a patriot in any country that took precisely that course. I agree with him in the truth and correctness of that position, to the extent that such measures are expedient and constitutional. But I tell the Senator that my course, within the principle that I have stated, has not been such as he has characterized it. Every proper and constitutional measure that has been proposed to carry on this war according to the principles and policy that were announced at its beginning I have sustained; and it was only when the war became perverted and its measures were made subsidiary to other ends than putting down the insurrection and enforcing the Constitution and the laws, that I dissented from the policy and opposed the measures of the Administration. In that departure I dissented, and I condemned it, and I always will condemn it, and the Senator was untrue to his pledges, the Constitution, and the country, in supporting them.

The Senator rebukes me in strong terms for railing against the Government and its measures. Who has indulged, especially what supporter of the Administration, more liberally in that line than the Senator himself? Did he not proclaim again and again, in fifteen or twenty days of successive debate two years ago, that the liberties of this people and the continuance of the Government were in more danger from the corruptions of the Departments than from the enemy in the field? I agreed with him then; I agree with him now. I suppose the Senator will hardly assume that the extent and enormity of that corruption have decreased. No, sir; as the war has moved on and its armies been augmented and its expenditures increased, so has been the increase of corruption. Instead of the Senator from New Hampshire rebuking me, he ought to stand by me in the position which I have assumed of condemning the extravagance, prodigality, wastefulness, and corruption of this Administration, and holding it to the true constitutional principles upon which it avowed at the commencement that it intended to conduct the war.

Now, sir, I will read a sentence or two of what has been read scores of times in this Chamber. Mr. Lincoln, in his inaugural address, as the Senator knows, and as we all know, said that he had neither "the power nor the inclination to interfere with slavery in the States." He said through the Secretary of State, in instructions to Mr. Dayton, our minister to France, that "the rights of the States and the condition of every human being in them will remain precisely the same whether the revolution shall succeed or whether it shall fail. In the one case the States would be federally connected with the new confederacy; in the other they would, as now, be members of the United States; but their constitutions, laws, customs, habits, and institutions in either case will remain the same."

The Senate itself passed a resolution, with but three dissenting voices, I think, after the battle of Bull Run, of which the substance was, that this war is not waged on your part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of the southern States, but to defend and maintain the supremacy of the Constitution and preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and as soon as these objects are attained the war ought to cease.

I deny to the Senator from New Hampshire that I have ever abandoned one square inch of the ground announced for conducting this war. He once pledged himself to it, and he has abandoned the whole of it. He, with the President of the United States, is now operating upon a policy diametrically opposed and wholly destructive of all the rights of the States, their constitutions, laws, institutions, property, and all the principles upon which they solemnly pledged themselves to the country and the world they would carry on the war. I ask the honorable Senator if, with this altered policy on the part of the Administration and its friends, I am not authorized to denounce it. Where does the Senator from New Hampshire find the authority of the President of the United States to pull down State constitutions and State governments? Where does he find the power of the President of the United States to issue a proclamation authorizing less than one tenth of the population of the States to reconstruct those governments? Where does he find the authority of the President of the United States to impose conditions upon the one tenth that he will permit to take part in the reconstruction of those governments, that they must take an oath to support his proclamations and the measures of

his party in Congress, although they may be in fact and may be believed by them to be unconstitutional? Sir, the President has no power over such a matter; it does not belong to him; he cannot claim or attempt to exercise it without the grossest and most flagitious usurpation. What, sir, he pull down a State government! There is no power on this earth to do that act except the people of the State themselves; and when they asked for admission originally into the Union, or if they have placed themselves in such circumstances that they are to ask for admission or *quasi* admission subsequently, that appeal is, by the Constitution, to be made to Congress, and not to the President; the President has no power or authority whatever over the subject.

Mr. FESSENDEN. Will my friend from Kentucky allow me to appeal to him? We are very anxious to pass this resolution to-night, and this discussion of general political questions is certainly very much out of place on it.

Mr. DAVIS. I will occupy but a few minutes more of the time of the Senate. I feel the force of the appeal and the considerations which the Senator has addressed to me, and I will respect them. I will not enter into an examination of these principles and these questions; but I will say to the Senator from New Hampshire, and I will say to my constituency, and I will maintain to the last pulsation of life, that when the alternative is offered to me, "Will you consent that all the measures of the present Administration, and all the principles and perversions and usurpations of power which they involve, shall be fixed permanently upon the country, and in addition to that there shall be imposed upon it a debt of four or five or six thousand millions, that will require from them taxation to the extent of four or five or six hundred million dollars annually, the effect of which will be to mortgage the property of my whole region of the United States, all the labor of the people, all the profits and avails that they can spare after a most stinted support of their families, will you consent that these fruits shall come upon the country in order to continue this war, and to force a triumph of arms that will make such the permanent condition of things?" I for one will say no, though I stand solitary and alone of all the living. No, Mr. President, when the question is self-preservation or the maintenance of the Union by the force of arms, and by the sacrifice of the Constitution and these liberties, and by the utter destruction of the material prosperity of the people of the country, or of my State; when the question is whether they shall become slaves and bondmen to pay the creditors of a debt created for their subjugation, for the overthrow of their Constitution, for the subversion of their liberties, to make them and their posterity the hewers of wood and the drawers of water to the great moneyed aristocracy; and this great ruin can be to any material extent averted by stopping the war, let it not continue for another hour.

Mr. HENDRICKS. I believe the question before the Senate now is whether we shall put this additional duty upon goods in bonded warehouses.

Mr. FESSENDEN. No; the question now is whether the increased duty shall be fifty per cent. or thirty-three and one third per cent.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Committee on Finance.

Mr. HENDRICKS. I understood that the first amendment of the Committee on Finance proposed not to lay the increased tax upon the goods in warehouse. I wish to say just one word on that subject.

Mr. GRIMES and others. That is not before us now.

Mr. HENDRICKS. Very well; then I will reserve what I have to say until that question comes up.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee proposing to strike out "fifty" and insert "thirty-three and one third."

Mr. CONNESS. I will not discuss this question, but as I have a vote to cast upon it, and am a member of the Committee on Finance, I will say that I shall first vote for the highest rate of duty proposed, and shall therefore vote for the resolution as it came from the House of Representatives; and if that shall fail, I shall afterwards vote for the highest rate that the questions, as they are put to the Senate, will allow me to vote for.

Mr. MORGAN. I should vote for the highest rate, for the rate proposed by the House of Representatives, if I supposed that that would be the rate which would be fixed upon in the regular tariff bill which is now being prepared in the other House; but as I understand from the Committee on Finance that it is not expected the increase will be as large as that, I shall vote for the amendment of the committee. We do not know of course what the increase in the regular bill will be; but we know that in the other House that bill is being matured to take the place of the joint resolution we are about to pass, and as that increase will be less in the average in all probability than this joint resolution proposes, it seems to me proper not to vote for the larger amount at this time; and I shall therefore vote for the amendment proposed by the Committee on Finance.

Mr. CONNESS. I will say in addition to what I said before, that I would vote as the Senator from New York states that he will vote, if I had any guarantee that the rate hereafter to be imposed by Congress would be less than that proposed by this resolution; but the more I have thought upon it, the more I have concluded that the rate is likely to be higher than lower. Certainly at least it is fair to take the rate of fifty per cent. now before us in the resolution, and to presume that the House of Representatives having passed that by a very large vote, it is an indication of a determination on their part that no lower rate shall be imposed hereafter.

Mr. GRIMES. I shall vote for this proposition of the Committee on Finance, for the reason assigned by the Senator from New York. It is not possible, I think, that any tariff will be adopted which will raise the duties on every single article fifty per cent., though that may be the average rate of increase of the articles that may be enumerated in it. If we pass this resolution as it came from the House of Representatives, and do not sixty days hence pass a bill imposing duties corresponding in amount to this resolution as it came to us, we may ruin the men who are dealers in those articles, whereas if we adopt the rate of thirty-three and a third per cent. increase, and we shall hereafter conclude to raise it up to fifty per cent., those people will not be injured, and the men who have an amount on hand at the time the increase is made will not be injured, and the amount they have on hand will not operate as an injury to the purchaser from them. For that reason I shall vote for the amendment.

Mr. SHERMAN and Mr. FESSENDEN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 19, nays 17; as follows:

YEAS—Messrs. Buckalew, Clark, Collamer, Cowan, Davis, Doolittle, Fessenden, Foster, Grimes, Henderson, Hendricks, Johnson, McDougall, Morgan, Powell, Riddle, Ten Eyck, Van Winkle, and Willey—19.

NAYS—Messrs. Anthony, Chandler, Conness, Foot, Hale, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Wilkinson, and Wilson—17.

So the amendment was agreed to.

The next amendment of the Committee on Finance was in line six after the word "imported" to insert "from foreign countries, except goods, wares, merchandise, and articles now in the public stores or bonded warehouse."

Mr. JOHNSON. When I was up before I referred to the form of the bond prescribed by the act of 1799. The bond which is now the one given when goods are bonded is under the act of 1846, and I merely rise for the purpose of showing that that bond is only for the duties which are due under the laws existing at the time of their being warehoused. The act says that the goods are "there to be kept with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee." So that the amount of the bond is double the amount of the duties which are due under the laws existing at the time, and becomes a contract, as I think, between the Government and the importer that if he will pay the amount of duties ascertained at the time of the entry, which the bond is intended to secure, he shall take them out and dispose of them.

Mr. DOOLITTLE. I do not understand that there is any such binding obligation as that on the part of the Government as between it and the men who have imported goods and put them into warehouse. We allow them to bring the goods here for their convenience, to take the advantage of our market, or of any other market of the world; they put their goods into our warehouses and give a certain bond for the payment of duties, provided they sell them here; but if they do not sell them here they never pay our duties; they may take the goods to England or France or anywhere else without paying anything except simply what it is necessary to pay for storing the goods. If they had paid the duties to the Government, or if they had entered into a contract with the Government that at any time they would sell the goods in this country and therefore pay the duties here, you might say we were under such an obligation that we could not, without a violation of good faith, increase the amount of duties on those goods in bond. But the thing is a mere proposition on their part: "We bring the goods here and put them in your power; if we choose to sell them here we will sell them; if not, we will sell them anywhere in the markets of the world;" it is a naked proposition, not a binding bargain as between them and us, by which we are held under such obligation that we cannot, in good faith to these gentlemen, levy additional duties. We still say to these gentlemen, "Sell your goods or take them elsewhere to sell; if you sell them here pay the additional duties which we propose to impose by this law."

But this case I concede may arise: where these men have put their goods in store, and have entered into a contract for the sale and delivery of them here at some future time, they might be held under such circumstances, and if you impose an additional duty it would be a violation of good faith on your part unless you make such provision for it in the law now as England makes in her laws when she imposes additional duties on goods in bond or in warehouse.

The Senator from New Hampshire [Mr. HALE] insists that under the provisions of this resolution it does not apply to goods in bond. He insists that it only applies to such goods as are to come into our ports hereafter. I do not so understand the provisions of this resolution; certainly it is not so understood by the committee. It is understood as applying to all goods on which the duties have not been paid, and that would include certainly goods in bond. The language of the resolution is:

> That, until the end of sixty days from the passage of this resolution, fifty per cent. of the rates of duties and imposts now imposed by law on all goods, wares, merchandise, and articles imported, shall be added to the present duties and imposts now charged on the importation of such articles.

It seems to me that would cover the goods in bond, upon which the duties have not yet been imposed and paid. Therefore, sir, understanding this as I do, and with a view of preventing that injustice which men might be made to suffer who had entered into contracts to sell and deliver goods under the existing duties, I think it would be but just to add to this bill just such a provision as is adopted in England on that subject. I have before me the British statute of 1858, 21 Victoria. The section to which I refer will be found in an act for granting certain additional rates and duties of excise, passed May 11, 1858.

Mr. SUMNER. Read the provision.

Mr. DOOLITTLE. It is the fourth section of that act, and is in these words:

> "IV. And whereas contracts or agreements may have been made for the sale or delivery of some of the goods or commodities on which increased or additional duties of excise are by this act granted and imposed, which contracts or agreements may have been made with no reference to such additional duties, and thereby the several contractors may be materially affected:
>
> "*For remedy thereof be it enacted*, That every person who shall have made or entered into any contract or agreement shall be and is hereby authorized and empowered, in the case of any such contract or agreement, to add so much money as will be equivalent to the increased or additional duty hereby granted on any such goods or commodities respectively to the price thereof, and shall be entitled by virtue of this act to be paid and to sue for and recover the same accordingly."

Mr. JOHNSON. That is to make the purchaser pay the duty; that is all.

Mr. DOOLITTLE. The purchaser pays the

duty. Certainly that would be just. We, by imposing this additional tax upon a particular article, add so much to the price. Would it be just to compel the seller to pay that additional duty?

Mr. JOHNSON. That is what this resolution does.

Mr. DOOLITTLE. I suggest that there ought to be a provision in this resolution applying to a case where a contract has been entered into relieving the seller from the injustice which it might operate upon him. But the great majority of these goods remain in bond without being under any contract of sale at all. There should be a provision, however, to meet the exceptional case of such goods as are in bond, and which those who hold them in bond have entered into a contract to sell and deliver, on which the duties have not yet been paid. I suggest, therefore, if the resolution is to stand, covering, as I understand it does, goods in bond as well as goods hereafter to be imported, I had drawn a provision substantially the same as this British statute, to meet simply those cases where contracts have been entered into to sell and deliver the goods. I will send the amendment to the Chair; but I believe it is not now in order.

Mr. SUMNER. It would be in order as an amendment to the amendment of the committee.

Mr. DOOLITTLE. Then I will submit it as an amendment to the amendment of the committee.

Mr. FESSENDEN. The amendment of the committee simply proposes to insert in the body of the resolution certain words exempting the goods in warehouse from this increased duty, and the Senator's amendment could not very well come in there.

Mr. DOOLITTLE. The proposition I have offered is not drawn exactly as an amendment to the amendment of the committee.

The PRESIDENT *pro tempore*. The Chair will suggest that it might be added as an additional proviso to the resolution.

Mr. DOOLITTLE. It should be an additional provision to the resolution.

Mr. POMEROY. I rise to inquire of the Senator from Wisconsin whether his amendment does not look like interfering with a contract? Is not the purchaser entitled to the benefit of his contract? How can you come in and make the purchaser, the man who has contracted for the goods, pay any additional price? If this tariff increases the value of the goods, is he not entitled to that increase of value? Must he not have the benefit of that contract? And yet by the Senator's proposition, Congress is to come in and interfere with it.

Mr. DOOLITTLE. We simply take the money which we are putting into his pocket.

Mr. JOHNSON. We do not put it into his pocket.

Mr. DOOLITTLE. Certainly we do.

Mr. POMEROY. Is he not entitled to it by his contract?

Mr. DOOLITTLE. He is not entitled to it. He contracted with reference to the law as it then existed, and when we make a new law we ought to make that law so as to do justice to all parties. Certainly we ought not to impose the increased duty on the seller. Suppose the seller has previously contracted to deliver the goods. Will you place the increased duty on the seller and compel him to pay it when he does not get any additional price from the purchaser?

Mr. McDOUGALL. Let me ask the Senator a question. Would not that be a penalty upon the purchaser—a penalty enforced by law?

Mr. DOOLITTLE. I do not understand it so at all. I understand that a similar provision was adopted in one of the revenue bills by Congress.

Mr. McDOUGALL. By introducing the English statute here, would you not compel the purchaser in the form of penalty to pay the additional price, which would be a penalty over and above the contract price?

Mr. JOHNSON. Certainly it would.

Mr. DOOLITTLE. It is very true we compel him to pay the additional price which we add to the goods. Who shall pay it? Will you make the seller pay it?

Mr. McDOUGALL. Would you put it upon an involuntary purchaser?

Mr. JOHNSON. Mr. President, whether Congress have the power to impose this tax is a question which I do not propose to consider; but that there is a contract between the Government and the importer that the importer should be entitled to take out his goods on paying the amount of duties levied at the time they are warehoused is, I think, clear beyond controversy. The honorable Senator from Wisconsin says that there is no contract because there are no duties to be paid if the goods are not sold in the United States; it is a mere offer on the part of the Government to the importer that if the importer sells his goods here he shall pay a certain amount of duty, but if he does not sell them here he shall pay nothing except the mere expenses of warehousing. Does that make any difference when we are considering the question whether there is a contract between the parties or not? The duties are imposed by an existing statute. The importer imports his goods into the market to-day under that amount of duties. He knows what he is to pay, and the amount that he is to pay upon that importation is ascertained, and he is directed to give his bond in a penalty double the amount of that sum. Having given that bond and having got his goods into the warehouse, what are his rights as against the Government, looking now, I mean, to the mere construction of the law? The language is clear, as I think. He is to warehouse them and they are

> "There to be kept with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety or sureties, to the satisfaction of the collector, in double the amount of the said duties, and in such form as the Secretary of the Treasury shall prescribe."

These bonds are given, and you tell the importer after he has given his bond, "If you will pay us the amount of duties imposed by the existing law the goods are yours, and you may take them out and do with them as you please: you may reëxport them if you think proper, and get clear of the obligation to pay anything but the amount of the warehousing expenses; but beside that you have the alternative of taking them out and selling them. If you are anxious to take them out and sell them, we tell you you shall do so, provided you will pay us the specific duty existing at the time of the warehousing and nothing more." Now the Government come in and say, "You may give as many orders as you please, but you shall not take them out. We have told you that if you will give the order and pay the duties ascertained now you shall take them out; but we say now, that notwithstanding you do give the order and are willing to pay the amount of duties imposed by the existing act and which forms the principle of your bond, you shall not take them out unless you will pay some further sum."

How would it be as between two individuals? A places his goods in the hands of B for safekeeping, and B tells him, or it is a part of the contract, "If you take your goods out at the end of one month you shall pay me so much; if you take the goods out at the end of two months, so much more or so much less; or if you do not take them out you shall not pay me anything." Does the existence of these alternatives of the contract show that there is no contract? It is the contract in this case to do one of two things on the part of the Government as between the Government and the importer. It is to let him reëxport his goods, if he thinks proper to reëxport them, on paying the warehousing expenses, or to sell the goods, if he thinks proper to sell them, on paying the specific duty. After that the Government come in and say to the importer, "You shall not sell them unless you pay an additional duty." With as much propriety could they say to the importer, "You shall not reëxport them unless you pay twice the amount of the expenses." There can be no difference in principle, as I think the Senator from Wisconsin will see if he reflects for a moment. The only question, therefore, is not a question whether the Government may not have the power to impose this tax, but whether they have not told the importer that these goods shall be subject to no other duty, if he sells them in the United States, than the duty existing under the laws in force at the time of the importation.

If this was a general tax operating equally upon everybody there could be no objection to it; but that is not the case with this tax. You are not charging these goods an *ad valorem* tax in common with all the other goods of the same description in the country. You are saying to the particular owner of these particular goods, "Other goods of a like kind belonging to other people are not to be taxed; but these goods belonging to you are to be taxed, although we have told you, on taking your bond as security that you will comply with your part of the contract, that you will not be taxed one dollar more than the laws in force at the time the goods were imported."

Mr. FESSENDEN. The proposition suggested by the Senator from Wisconsin was under consideration by the Committee on Finance. They considered it several times and at some length, and they came to the conclusion on the whole that although this measure might operate hardly in some particular cases, the proposition now suggested would be introducing a new feature into our revenue laws. The Senator from Wisconsin is mistaken in supposing that it has ever been introduced into the tariff laws. In the internal revenue law which was passed a couple of years ago we inserted a provision with regard to leases of coal lands in Pennsylvania somewhat of this description, leaving some sort of an option, I believe—I do not remember the exact terms—so that the party could take the lease at the rate proposed or not. That was the first instance and it is the only instance that I am aware of in our legislative history where that has occurred. I am told that in the new revenue bill which is now under discussion in the House of Representatives there is a provision similar to that which has been proposed by the Senator from Wisconsin and probably drawn from the English law on the subject. I do not know but the policy would be a good one to be adopted if it was properly matured; and there is an apparent equity about it. This change of the duty does operate hardly in some cases. It not unfrequently happens that a party sells goods yet to arrive, predicating his sales upon the existing laws as they stand with reference to imports, and if an additional duty is imposed meanwhile, the loss falls on the seller. It is a matter well worthy of serious consideration how far it would be advisable to go and what provision it would be advisable to make with reference to such cases.

The Committee on Finance came to the conclusion, however, on the whole, that if this proposed tariff was reduced to thirty-three and a third per cent., and the goods in bonded warehouses and public stores were exempted, as that would cover the great majority of cases, we might perhaps with propriety, not on a measure of this kind, introduce as a commencement the provision which has been suggested by the honorable Senator from Wisconsin. It was considered very carefully and extensively by the committee, and they deliberately concluded that on the whole it was best not to put it on this resolution as it stood, with the amendments of the committee. It will be for the Senate to judge whether it is advisable by way of amendment to add it to the resolution. The Senator does not seem to be exactly certain about it himself. I suggest to him that the proper place to put it as it stands would be in lieu of the proviso now in the bill, which the Committee on Finance propose to strike out entirely.

Mr. DOOLITTLE. Very well.

The PRESIDENT *pro tempore*. The question now before the Senate is on the amendment of the Committee on Finance.

Mr. SHERMAN. As that is the principal question, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HENDRICKS. I wish to say but one word upon this question. I think the principle involved in the amendment proposed by the Committee on Finance was recognized by the Senate some three or four weeks ago after very full discussion, and the Senate very firmly adhered to its position in opposition to the opposite position assumed by the House of Representatives; and that was when the liquor tax bill was before the Senate. It was very plausibly argued at that time that if we increased the tax on liquor thereafter to be manufactured from twenty to sixty cents, it would increase the price of that then in the market. The Senate said we had nothing to do with that; the liquor in the market had already paid its tax; and therefore, although the holders

enjoyed the benefit of this enhancement in the price, the Senate would not increase the tax upon it. Now, on the faith of the law of the contract, goods are in the bonded warehouse; the money has not been paid; but the agreement is made—and I think no Senator can question the construction that the Senator from Maryland has put upon the law—the agreement has been made between the Government and the importer that the goods may be taken out at any time when the tax is paid, and that is ascertained when the goods go into the warehouse. Now, can we turn round and break faith? I think it is a stronger case than that which was settled by the Senate three or four weeks ago.

Mr. SUMNER. The Senator from Indiana has referred to the case that occurred a few weeks ago when we refused to tax liquor on hand. I voted with the Senator on that occasion. I do not remember whether I assigned the reason for my vote at that time or not; but I am free to say that the reason which mainly governed me on that occasion was the essential difficulty of enforcing any such tax. There is no such essential difficulty on the present occasion. Therefore the decision of the Senate on that occasion in the former case, certainly so far as I was a party to it, cannot in any respect control its decision now.

Mr. DOOLITTLE. The Senator from Indiana seems to think that this is a stronger case against imposing the duty on the goods in bond than the case was the other day against imposing an additional duty on spirits on hand. I understand that there is quite a distinction. On the goods in bond no duties in fact have ever been paid. The spirits on hand had paid the duty. The party owning them had, so far as the contract against the Government is concerned, proceeded at least one step further. He had actually paid the duty to the Government. But with regard to these goods in bond, the truth is they have never paid any duty; and there is a reservation, a privilege at any time to take them out of the country without paying any duty. I do not regard it as a binding contract on the part of the Government; and I think the case is decidedly stronger in favor of imposing duties upon goods in the bonded warehouse than it was upon the whisky on hand.

Mr. HENDRICKS. There is just this difference, that when the Government received from the liquor dealer twenty cents for the privilege of producing the article she did not say she would not tax that again, but——

Mr. DOOLITTLE. Has the Government said to the importer that he may bring in his goods and put them in bond and the Government will impose no more duties upon them?

Mr. HENDRICKS. I think so, sir. I was just going on to meet the very suggestion the Senator has made. The Government, by the law and the contract, says to the importer, when he puts the goods in her warehouse and agrees to pay the expenses of the warehousing, that he may take the goods out of the warehouse at any time that he pays a certain amount. What amount? Not an amount to be fixed afterwards, but an amount then ascertained. It is a pledge, it is an agreement with the Government, a written agreement which the Government receives from the importer. There was no such agreement, except by inference, when she received a tax of twenty cents a gallon on liquor; but here she makes an agreement and pledges her faith by contract that she will add nothing more to it.

Mr. DOOLITTLE. I have the statute before me. It provides:

"That on and after the day this act goes into operation, the duties on all imported goods, wares, or merchandise, shall be paid in cash: *Provided*, That in all cases of failure or neglect to pay the duties within the period allowed by law to the importer to make entry thereof, or whenever the owner, importer, or consignee, shall make entry for warehousing the same, in writing, in such form and supported by such proof as shall be prescribed by the Secretary of the Treasury, the said goods, wares, or merchandise shall be taken possession of by the collector and deposited in the public stores, or in other stores to be agreed on by the collector or chief revenue officer of the port and the importer, owner, or consignee, the said stores to be secured in the manner provided for by the first section of the act of the 20th day of April, 1818, entitled 'An act providing for the deposit of wines and distilled spirits in public warehouses, and for other purposes,' there to be kept with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety or sureties, to the satisfaction of the collector, in double the amount of the said duties, and in such form as the Secretary of the Treasury shall prescribe: *Provided*, That no merchandise shall be withdrawn from any warehouse in which it may be deposited in a less quantity than in an entire package, bale, cask, or box, unless in bulk; nor shall merchandise so imported in bulk be delivered, except in the whole quantity of each parcel, or in a quantity not less than one ton weight, unless by special authority of the Secretary of the Treasury. And in case the owner, importer, consignee, or agent of any goods on which the duties have not been paid, shall give to the collector satisfactory security that the said goods shall be landed out of the jurisdiction of the United States, in the manner now required by existing laws relating to exportations for the benefit of drawback, the collector and naval officer, if any, on an entry to reexport the same, shall, upon payment of the appropriate expenses, permit the said goods, under the inspection of the proper officers, to be shipped without the payment of any duties thereon."

I understand the whole effect of that to be this: we propose to the importers of goods, "If you will bring your goods and put them into warehouse, you shall have the privilege of selling them to our people by paying the duties upon them, or you may take them abroad without paying any duties." Senators suggest that the bond to be given is double the amount of the duties. That is very true; but why is it double the amount of the duties? Because the Government might perhaps double the duties, and it is to cover that.

Mr. JOHNSON. It is a penalty to secure the payment of the duty.

Mr. DOOLITTLE. Mr. President, I agree that the Government has no right to violate a contract as between individuals; but as between the Government and these importers there is no such contract entered into binding us so that we cannot impose an additional duty when they have not paid the duties, and it is at their option to reexport the goods at any time without paying any duties whatever. It seems clear to me. I may be mistaken. Other gentlemen may be right.

Mr. COLLAMER. I wish to read the form in which this contract is made:

"And subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing."

The duties which they are to pay are to be ascertained when they bring the goods into warehouse. That is what they are required to pay, and nothing but that. Let me read it again:

"And subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing."

The duties, then, which they are to pay are the duties ascertained at the time the warehousing takes place. Now, I will ask gentlemen to test it a little. Suppose they are put in the warehouse, the duties ascertained, and a penalty bond given for double the amount, and then we reduce the duties; can that man get those goods out by paying a different duty from what was ascertained when they were warehoused? I think not.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

The question being taken by yeas and nays, resulted—yeas 19, nays 18; as follows:

YEAS—Messrs. Buckalew, Carlile, Clark, Collamer, Cowan, Davis, Fessenden, Foster, Henderson, Hendricks, Johnson, McDougall, Morgan, Nesmith, Powell, Riddle, Ten Eyck, Van Winkle, and Willey—19.

NAYS—Messrs. Anthony, Chandler, Conness, Doolittle, Grimes, Hale, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Wilkinson, and Wilson—18.

So the amendment was agreed to.

Mr. DOOLITTLE. As I understand the effect of the amendment just adopted, the amendment that I suggested would be wholly inapplicable.

The PRESIDENT *pro tempore*. There is another amendment of the Committee on Finance yet to be acted upon, which is to strike out the following proviso to the joint resolution:

Provided, That printing paper, unsized, used for books and newspapers exclusively, shall be exempted from the operation of this resolution.

Mr. SUMNER. Let us have the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. SUMNER. I will state precisely why I called the yeas and nays on this amendment. It seems to me it is not an unimportant question. It is a tax on knowledge. I do not wish to go into any explanation or any discussion on that question; but at this moment in all the countries where the taxes are the greatest the disposition is to abandon the taxes on knowledge; and it seems to me that at this moment, when we are adding fifty per cent. or thirty-three and a third per cent. to the taxes of the country, it will be honorable to this country that it does not increase to that extent the taxes on knowledge. I am very glad to see that the House of Representatives did by this proviso exempt knowledge from any additional tax.

Mr. CONNESS. The reason that the Senator suggests in opposition to striking out this proviso, is the very reason why we should vote to strike it out. I think the surplus of knowledge does us great injury in legislation on revenue bills. [Laughter.] I am in favor of striking out the proviso.

The question being taken by yeas and nays, resulted—yeas 21, nays 16; as follows:

YEAS—Messrs. Carlile, Chandler, Clark, Collamer, Conness, Cowan, Fessenden, Foot, Foster, Grimes, Hale, Henderson, Howe, Morgan, Ramsey, Sherman, Sprague, Ten Eyck, Van Winkle, Wilkinson, and Wilson—21.

NAYS—Messrs. Buckalew, Davis, Doolittle, Harlan, Hendricks, Howard, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Pomeroy, Powell, Riddle, Sumner, and Willey—16.

So the amendment was agreed to.

Mr. CHANDLER. As this is a very important bill, and as the Senate is very thin, I move that the Senate do now adjourn.

Mr. SHERMAN. I trust the Senator will withdraw his motion and allow the bill to be reported to the Senate, and then we can have another vote on the main question. I desire to call for the yeas and nays upon it when it is reported to the Senate.

Mr. CHANDLER. If the Senate should adjourn now, we can have a full Senate and take a vote to-morrow. I ask for the yeas and nays upon the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Anthony, Chandler, Hale, Henderson, Hendricks, Howard, Lane of Indiana, Pomeroy, Powell, Ramsey, Riddle, Sprague, Sumner, and Wilkinson—14.

NAYS—Messrs. Buckalew, Carlile, Clark, Collamer, Conness, Cowan, Davis, Doolittle, Fessenden, Foot, Foster, Grimes, Harlan, Howe, Johnson, Lane of Kansas, McDougall, Morgan, Sherman, Ten Eyck, Van Winkle, Willey, and Wilson—23.

So the Senate refused to adjourn.

The joint resolution was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question will be on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I desire a separate vote on the first amendment fixing the rate of the increased duties at thirty-three and one third per cent.

The PRESIDENT *pro tempore*. The question will be taken on that amendment first. The question is on concurring in the amendment in line four, to strike out the word "fifty" and insert "thirty three and a third;" and upon this question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. SHERMAN. Mr. President, I will state a few facts in regard to that matter. I shall not detain the Senate long, because I know it is time to adjourn; but I deem this question of vital importance, involving a very large interest to the Government.

Several Senators seem to base their votes for this amendment on the idea that the increase of taxation in the revenue bills yet to be passed is not to be over thirty-three or fifty per cent. So far as I can gather from conversation with members, I believe it is the intention of the House of Representatives to make about the same percentage of increase in the internal taxes and the duties on imported goods. I know that they have in fact increased the internal duties from sixty to one hundred per cent. They have increased the income tax from three to five per cent., which is equivalent to sixty-six per cent. increase. They have increased the duty on manufactures sixty-six per cent. Under the old bill they paid but three per cent., and under the new bill they pay five per cent. They have doubled the license tax. They have increased nearly all the taxes, as Senators will remember if they will call the provisions of the House bill to mind, from sixty to one hundred per cent. I cannot now call to mind a single article on which the increase is not above fifty per cent.

If they should apply that rule—and we have every reason to suppose that they will—to the duties on imported goods, they cannot increase

the duties on imported goods less than fifty per cent. on the present rates. If that be so, I ask Senators whether it would be wise to encourage importations by making now a temporary rate of increase less than the permanent rate of increase? As soon as importers satisfy themselves that the rate of increase we are now imposing is less than the permanent rate of increase, they will urge forward importations during the sixty days allowed. The consequence will be that you will encourage immediate importation in order to avoid the largely increased rates of the new tariff act. The very purpose of this resolution is to prevent large importations to avoid the increased duties.

I do not think an increased taxation of thirty-three per cent. will be enough. It would be enough in ordinary times; but in these war times, when we must have money, I do not believe it will be enough. I do not think the Senate ought to decrease the rate of taxation fixed in this resolution. I would rather increase it myself, the House having fixed it at fifty per cent. That will not operate burdensomely upon any one. Nearly all the imported goods that are used in manufacturing are on the free list or pay but a very small rate of duty. For instance, wool of the cheaper grades pays but five per cent. and the increase will be very trivial.

Nearly all the articles that pay a high rate of duty are articles of luxury—silks, wines, and liquors of various kinds. Coffee pays a pretty high rate of duty now, but an increase of fifty per cent. on that I do not think will be very burdensome. The great body of the people are using substitutes for coffee even under the present law. The consumption of coffee has very much fallen off; but that is an exceptional article. Take wines, silks, and spirits, on which the great body of the import duties are levied. An increase of fifty per cent. on them will not be burdensome, because it will fall on people who are perfectly able to pay it.

I feel very much interested, therefore, in keeping the rate of duty at fifty per cent. If it is deemed wise to except those goods that are in warehouse, I do not care much about that; because, in my judgment, nearly one half of those goods will be withdrawn yesterday and to-day; and if you get up a controversy between the two Houses on this rate of taxation, all of them will be withdrawn from warehouse and it will not make much difference. I would rather pass the resolution to-day as a revenue measure without any amendment whatever, and then we shall have a law fixing the rate of increase, and we will get some benefit from it. But an increase of thirty-three per cent. for sixty days, without extending that tax to goods on hand in bonded warehouse, it seems to me is not so great an object.

Mr. FESSENDEN. Undoubtedly there are many articles upon which the rates of duty in the new tariff bill will not only be fifty per cent. but larger. There is no question about that, and it is so fixed in the present internal revenue bill. But the Senate will reflect that there are many articles imported which do not come in competition with ours at all, which we do not manufacture in this country, and which do not come within the internal revenue in any shape or form, and upon which the rate of duty imposed will operate very harshly. It was with reference to all the articles in the tariff and not with reference to silks and wines and a few articles on which very high duties may be imposed that the resolution was framed. Take the article of silks, for instance. The internal revenue tax applies to only one establishment, I believe, in the whole country. Take the foreign liquors. They are only taxed because they come in competition with our own liquors under the internal revenue bill, but that does not apply to the wines. It applies to some kinds of spirituous liquors unquestionably.

With regard to the article of silks, that will not be affected much any way. Are Senators aware that within a very few years since we passed our last tariff and raised the duty so much, if I am correctly informed—I have not examined the subject very closely, but I obtained my information at the Treasury Department—the importations of silks have fallen off from some ten or twelve millions annually to less than half a million? And yet there never was such a quantity of silks in this country as at the present moment.

Mr. FOSTER. If the Senator will allow me, the amount imported before the last tariff was over thirteen millions a year, and the amount imported during the year ending the 30th of June, 1862, was only $300,000.

Mr. FESSENDEN. What is the reason of it? The reason is that we have placed our duties so high that all the silks that come into the country come in by smuggling. They go to Canada. There are silks enough sent to Canada and the other British provinces to supply a population of fifteen or twenty millions, and they come into this country over the line. We have got to legislate on that subject before we adjourn if we are to get any duties on silks. We get none in point of fact at this present moment, and the more you increase the duties until you pass a new act, the less revenue you will get. The argument of the Senator therefore does not apply. All these things are to be considered. If his argument with regard to the internal revenue bill applied to all the articles in it, it would be conclusive; but because it applies to a few exceptional articles it by no means operates to the extent he supposes.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made in Committee of the Whole, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 17, nays 21; as follows:

YEAS—Messrs. Buckalew, Clark, Cowan, Davis, Fessenden, Foster, Grimes, Henderson, Hendricks, Johnson, McDougall, Morgan, Powell, Riddle, Ten Eyck, Van Winkle, and Willey—17.

NAYS—Messrs. Anthony, Carlile, Chandler, Collamer, Conness, Doolittle, Foot, Hale, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Wilkinson, and Wilson—21.

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the next amendment made in committee, which was in line six, after the word "imported" to insert the following words: "from foreign countries, except goods, wares, merchandise, and articles now in the public stores or bonded warehouse."

Mr. CONNESS. I hope now, since the first amendment was not concurred in, that we will pass the resolution as it came to us from the House of Representatives.

Mr. SUMNER and Mr. HALE. I hope so.

Mr. HOWARD. I cannot vote for that exception. By voting for that exception I vote to exonerate and exempt from the increased taxation goods which are now bonded and in warehouses in New York and other places of importation. Upon what principle of justice or equality is it that gentlemen ask us to exempt the goods which are now bonded and in warehouse? Is not this an immediate and inevitable result of the exemption that it produces an increase of the price of the value of those goods thus in bond proportionate to the increase of duties which we impose upon goods which are not yet entered and which may be *in transitu* with a view to be introduced into the country? In other words, it strikes me that by voting for this exception I give a premium to the owners of the bonded goods amounting to about the sum by which we increase the duties upon goods not yet imported or bonded. I cannot agree to do any such thing. I see no justice in it. I do not know what amount of goods there are in bond in the United States at present, and I would thank the honorable chairman of the Committee on Finance, if he has that information, to lay it before the Senate, so that the public may make an estimate or at least an approximation of the amount of this premium which we are about to put into the pockets of the owners of the bonded goods in the shape of an increased price.

Most of these goods, if I understand it properly, are owned by English and French importers, and probably the larger share of them are owned by English merchants. I do not feel ambitious at this time to give English merchants and English capitalists a premium for bringing their goods here. I do not see the necessity of paying English merchants such a compliment as this, while they and their Government from the beginning of this war to the present time have shown every disposition short of actual hostility to annoy and embarrass the Government of my country. I will not pay them for this insult, and I do not believe the Senate will reward them for their injuries to us. I put it upon this ground, that by making this exemption we put a premium into the pockets of the owners of foreign goods now in bond within the United States, a premium of fifty per cent., according to the terms of this joint resolution. I ask those gentlemen on the other side of the Chamber who claim to be Democrats, and who are so fond of equality in the laws, whether it is entirely consistent with their professions to pay such a premium as this, not in the main to our own countrymen, which would be less objectionable, but to those whose sympathies are all against us, and who will laugh in their sleeves at the Democratic simplicity that shall undertake to justify such a measure as this.

Mr. McDOUGALL. Mr. President, there is such a word as public faith often used and quite as frequently abused. It is not exactly true, as is assumed by the Senator from Michigan, that the importers in the United States are either Frenchmen or Englishmen in the major part. We have large commercial cities, and we import our merchandise from abroad, and we did it long before this Republic was established. They are our own people who conduct this business in Boston, New York, Philadelphia, Baltimore, San Francisco, if you please, and the other importing cities of the Union. When they have occasion to order the merchandise of Europe or of Asia, if you please, they are supposed to understand the law as it then exists and what will be the tax in the ports of this country upon the merchandise they import. There is a certain amount of public faith pledged to them that when they purchase goods abroad, investing their own fortunes in the enterprise, that they may introduce them into our ports according to the laws as they exist at the time they act in the first instance; and therefore it has been the practice of this Government in changing revenue laws to allow not only for goods in warehouse, but for goods in transit a period for their arrival, so that the importer in good faith shall not be damaged by a change of law between the time when the goods are shipped from abroad and the time they arrive at the home ports. Such has been the practice of this Government in the change of its revenue laws, and such is good public faith.

The merchant who purchases in Liverpool or in Manchester or in Havre, or in any foreign port, always purchases with reference to the amount of tax assessed upon him if he intends to sell his merchandise in our country. He may bring it here simply to send to the South American ports, or other ports, which is a small portion of our importations; but if he intends to sell at home he contracts for the tariff upon the merchandise as much as he does upon the price in the market of purchase. His merchandise comes here. Five hundred ships are afloat to-day bringing the merchandise of all parts of the world to the ports of the Republic. To the amount of taxation on that merchandise arriving in our ports it is proposed now, while those vessels are in transit, to add fifty per cent. They have the right, as it is assumed they understood the law, to introduce that merchandise if it is in transit, and much more so if it be in warehouse, for that is an exact contract, because the faith of the Government is pledged to its being introduced into our ports upon the terms existing at the time they ordered or shipped it from the foreign port. That has been the rule.

For myself, sir, I think that this is an assault upon all the commercial bodies and interests of the country. It is an assault upon every American importer, and waging a battle in favor of certain local home interests as against our commercial interests. We are a manufacturing and we are a commercial people; we construct fabrics at home and we import fabrics from abroad; and we have thought that the competition between foreign productions and our own productions was a legitimate and healthy one. This kind of legislation will aim a sudden blow at vast interests, and in my judgment will ruin thousands of our largest merchants; it will be an act of injustice and a breach of public faith.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. FOSTER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 19, nays 19; as follows:

YEAS—Messrs. Buckalew, Carlile, Clark, Collamer,

Cowan, Davis, Fessenden, Foot, Foster, Henderson, Hendricks, Johnson, McDougall, Morgan, Powell, Riddle, Ten Eyck, Van Winkle, and Willey—19.

NAYS—Messrs. Anthony, Chandler, Conness, Doolittle, Grimes, Hale, Harlan, Howard, Howe, Lane of Indiana, Lane of Kansas, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Wilkinson, and Wilson—19.

So the amendment was non-concurred in.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole was to strike out the following proviso:

Provided, That printing paper unsized, used for books and newspapers exclusively, shall be exempt from the operation of this resolution.

Mr. SUMNER. I hope there will be no occasion to send the resolution back to the House of Representatives. Let us finish it to-night by taking it just as it is.

Mr. FESSENDEN. I beg to suggest that as the Senate have now refused to concur in either of those amendments, it will be absolutely necessary, unless you do gross injustice, to put on some amendment like that proposed by the Senator from Wisconsin, [Mr. DOOLITTLE.] There is a disposition to put on such a provision there, as I understand; but if we concur in the resolution just as they sent it here, it will be impossible to do that. I hope, therefore, this proviso will be left out and such a clause as that inserted in its place.

Mr. McDOUGALL. I move that the Senate adjourn. ["Oh no."]

Mr. FESSENDEN. I beg the Senate to let us dispose of the subject to-night.

The motion to adjourn was not agreed to.

Mr. FOSTER. I ask for the yeas and nays on concurring in the amendment.

The yeas and nays were ordered.

Mr. SHERMAN. I voted for this amendment, and I concurred in it in committee; but it is a small matter; the duties on paper imported will be but very slight, and I would not delay this resolution a day by sending it back to the House of Representatives on that account.

Mr. CONNESS. And besides, it is a matter that will soon be corrected.

Mr. FOSTER. I am willing to withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The call can only be withdrawn by unanimous consent.

Mr. FESSENDEN. I think we had better put on a provision like that suggested by the Senator from Wisconsin.

Several SENATORS. It can be moved afterwards.

Mr. FESSENDEN. If it be moved as an addition and be adopted, the resolution must then go back to the House of Representatives. I hope, therefore, the Senate will adhere to its position in regard to this matter and leave off this proviso. ["No, no."] We will try it. I ask for the yeas and nays on striking out the proviso.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 13, nays 24; as follows:

YEAS—Messrs. Anthony, Carlile, Clark, Collamer, Cowan, Fessenden, Foster, Grimes, Henderson, Johnson, Morgan, Ten Eyck, and Van Winkle—13.

NAYS—Messrs. Buckalew, Chandler, Conness, Doolittle, Foot, Hale, Harlan, Hendricks, Howard, Howe, Lane of Indiana, Lane of Kansas, McDougall, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Sherman, Sprague, Sumner, Wilkinson, Willey, and Wilson—24.

So the amendment was non-concurred in.

Mr. DOOLITTLE. I offer the following amendment as a proviso:

And provided further, That in cases where contracts or agreements may have been made for the sale or delivery of some of the goods, wares, and merchandise now in the public stores or bonded warehouse, or on shipboard in course of importation, on which increased or additional duties are by this act imposed, which contracts or agreements may have been made with no reference to such additional duties, every person who shall have made or entered into such contract or agreement shall be and is hereby authorized and empowered to add so much money as will be equivalent to the increased or additional duty hereby imposed to the price thereof, and shall be entitled to sue for and recover the same accordingly.

Mr. JOHNSON. I should like to know what power Congress has to adopt any provision of that sort. Parliament does it because Parliament is omnipotent; but how the Congress of the United States can make a contract between two individuals is more than I can comprehend. The amendment supposes that importers have contracted to sell the goods in bond or on shipboard for a certain price. The contract, therefore, is a contract between those two parties for that price; the purchaser is entitled to his goods upon paying that money; and now we propose to say that the purchaser shall not be entitled to the goods on payment of that money, but he shall pay so much more. If we can do it to the extent of fifty per cent. of the duties paid we can do it to any extent. If we want, as we do want, to raise money, why can we not say that he shall pay one hundred per cent., two hundred per cent.?

The honorable member is mistaken, as I think, in applying analogically, so to speak, legislation of this sort in England to our institutions. We are governed by a Constitution which gives to us only certain delegated powers. The authority of the Parliament is supreme. As it has been said, they can do anything but make a man a woman or a woman a man. But I should like to know of the Senate under what one of the powers conferred upon this Government the Congress of the United States has the authority to alter a contract entered into between individual citizens.

Mr. DOOLITTLE. I shall not take up the time of the Senate by going into a discussion of this question. My own opinion is very clear that while to the States certain things are forbidden by the Constitution of the United States, very large powers are expressly given to this Government over the whole subject of contracts. We are authorized, if we please, to make a uniform law of bankruptcy, absolving men from their contracts. We are authorized to coin money and regulate the value thereof, which is to be the standard in which debts are to be paid. We have assumed the power to make our notes legal tender instead of coin, which the governments of the States cannot do. Over this whole question of contract we have power. I speak of power, not of what we may rightfully do. It is a question addressed to the conscience of the Government as to what we ought to do under given circumstances, not a question of constitutional power, for I do not see the difficulty there.

I say on this particular matter as to contracts, this Government is clothed with a power that the State governments do not possess. The State governments cannot pass a bankrupt law that will release men from their contracts, and this Government can. That is the difference; but I will not take up the time of the Senate. For my part, I think there ought to be some provision of this kind; but if the Senate refuses to adopt it, so far as my own conscience is concerned, I am clear.

Mr. COWAN. I hope this amendment will be voted down in order that the resolution now may be passed without having to go back to the House of Representatives. I think that as far as any legislative body ought to go in the direction of this amendment would be to compel the purchaser to pay the additional duty in case he insisted on the specific performance of the contract; and that I take to be the law. If the purchaser comes to the vender and says, "I insist that you shall specifically perform that contract and deliver me the goods as you contracted to do," the vender ought to have the right to say, "I will do so if you pay the additional tax;" but if the purchaser refuses to pay the tax, the contract ought to be taken as rescinded. That would be fair, but this would be eminently unjust.

Mr. DOOLITTLE. It is exercising the same power precisely.

Mr. McDOUGALL. I think there is a little mistake on the part of the Senator from Maryland, and somewhat of a mistake on the part of the Senator from Wisconsin. This is undoubtedly a question of power, the power to make between two citizens a contract to which they have never consented; and I believe that in no book I have read has it ever been said that a contract could be made without a subject-matter and two contracting parties. But power being sufficient can accomplish anything. The power of the Almighty set in motion the vast machinery of the universe. What the power of the Federal Congress is might be a matter of discussion. I do not think they have the power to make a contract between two parties who do not consent as to the subject-matter of the contract; but there is a power here, and in that the Senator from Wisconsin is right, there is the military power, and some say that military power is the Government, and through the machinery and the force that they exert they may carry this out, but it cannot be done by any form of law known to legislation.

Mr. FESSENDEN. I ask for the yeas and nays on the amendment of the Senator from Wisconsin.

The yeas and nays were ordered; and being taken, resulted—yeas 4, nays 33; as follows:

YEAS—Messrs. Doolittle, Fessenden, Grimes, and Van Winkle—4.

NAYS—Messrs. Anthony, Buckalew, Carlile, Chandler, Clark, Collamer, Conness, Cowan, Foot, Foster, Hale, Harlan, Henderson, Hendricks, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Sherman, Sprague, Sumner, Ten Eyck, Wilkinson, Willey, and Wilson—33.

So the amendment was rejected.

The joint resolution was ordered to a third reading, and was read the third time.

Mr. POWELL and Mr. TEN EYCK rose.

Mr. POWELL. I ask for the yeas and nays on the passage of the resolution. ["Oh no."]

Mr. TEN EYCK. I am in favor of the resolution, but having voted for the amendments, all of which have been rejected, I rose to call for the yeas and nays that I might record my vote on the resolution itself.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 8; as follows:

YEAS—Messrs. Anthony, Carlile, Chandler, Clark, Collamer, Conness, Cowan, Doolittle, Foot, Foster, Grimes, Hale, Harlan, Henderson, Howard, Howe, Lane of Indiana, Lane of Kansas, Morgan, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Van Winkle, Wilkinson, Willey, and Wilson—30.

NAYS—Messrs. Buckalew, Davis, Fessenden, Hendricks, Johnson, McDougall, Powell, and Riddle—8.

So the joint resolution was passed.

INSPECTORS OF CUSTOMS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 66) to increase the compensation of inspectors of customs in certain ports. The amendment, which was to add to the bill "but the increase hereby authorized shall not extend beyond July 1, 1865," was concurred in.

HOUSE BILL REFERRED.

The joint resolution (No. 69) for the payment of volunteers called out for not less than one hundred days was read twice by its title, and referred to the Committee on Finance.

NATIONAL CURRENCY.

Mr. SHERMAN. I move now to take up the bank bill for the purpose of keeping its place on the Calendar.

The PRESIDENT *pro tempore*. That bill is now before the Senate, having been laid aside temporarily for the consideration of the joint resolution just disposed of.

Mr. BUCKALEW. I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April* 28, 1864.

The House met at twelve o'clock, m. Prayer by the Chaplain, Rev. W. H. CHANNING.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, recommending the payment to the New York Indians of $1,641 70 under the treaty of January, 1838; which was ordered to be printed, and referred to the Committee of Ways and Means.

COMMITTEE DISCHARGED.

On motion of Mr. BAILY, the Committee of Claims were discharged from the further consideration of the application of citizens of Wrightsville, Pennsylvania, in reference to damages sustained during the rebel raid in the summer of 1863; and the petitioners were allowed to withdraw their petition and documents.

INSTRUCTION IN THE DISTRICT OF COLUMBIA.

Mr. PATTERSON, by unanimous consent, from the Committee on the District of Columbia, reported back a bill (S. No. 26) to provide for the public instruction of the youth in primary schools

throughout the county of Washington, in the District of Columbia, without the limits of the cities of Washington and Georgetown; which was ordered to be printed, and recommitted to the Committee for the District of Columbia.

ORPHANS IN THE DISTRICT OF COLUMBIA.

Mr. PATTERSON also, by unanimous consent, introduced a bill to authorize the bailiff of the orphans' court, in the county of Washington, in the District of Columbia, to serve process issued by said court, and for other purposes; which was read a first and second time, and referred to the Committee on the District of Columbia.

INTERNAL REVENUE BILL.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union upon the special order.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the special order, being the internal revenue bill, commencing with reserved section one hundred and seventy.

Mr. MORRILL. I move to amend section one hundred and seventy, in line seven, by striking out the word "or" after the word "district" and inserting in lieu thereof the words "and to any assistant assessors of the United States, or," so as to provide that the Commissioner shall supply the assistant assessors, as well as the collectors and assessors, with a suitable amount of stamped vellum, parchment, &c. This amendment will render section one hundred and fifty-two unnecessary.

The amendment was agreed to.

Mr. MORRILL. I now move to strike out section one hundred and fifty-two, that section being rendered unnecessary by the amendment we have just adopted.

The amendment was agreed to.

Mr. KASSON. I am instructed by the Committee of Ways and Means to move to insert the following section in place of the section which has just been stricken out:

And be it further enacted, That it shall not be lawful to record any instrument, document, or paper required by law to be stamped, unless the proper stamp shall have been affixed, and the record of any such instrument upon which the proper stamp shall not have been affixed shall be utterly void and shall not be used in evidence.

The amendment was agreed to.

Mr. KASSON. I am also instructed by the committee to offer an additional section, the proper place for which is on page 53, just before the heading "spirits, ale, and porter." The section is as follows:

And be it further enacted, That all assessors and their assistant assessors, all collectors and their deputies, and all inspectors, are hereby authorized to administer oaths and take evidence touching any part of the administration of this law with which they are respectively charged, and where such oaths and evidence are by law authorized to be taken; and any perjury therein shall be punished in like manner and to the same degree as in cases of perjury committed in proceedings of the courts of the United States.

The amendment was agreed to.

Mr. MORRILL. In order to perfect section one hundred and seventy there should be inserted after the word "assessor" on line twelve the words "Assistant Treasurer of the United States;" so that it will read:

SEC. 170. *And be it further enacted*, That in any collection district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of stamped vellum, parchment, or paper, and adhesive stamps, are or shall be insufficient, the Commissioner, as aforesaid, is authorized to furnish, supply, and deliver to the collector and assessors of any such district, or any postmaster, a suitable quantity or amount of stamped vellum, parchment, or paper, and adhesive stamps, without prepayment therefor, and shall allow the highest rate of commissions allowed by law to any other parties purchasing the same, and may in advance require of any such collector, assessor, Assistant Treasurer of the United States, or postmaster a bond, with sufficient sureties, to an amount equal to the value of any stamped vellum, parchment, or paper, and adhesive stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts, sold or not, remaining on hand, &c.

The amendment was agreed to.

The CHAIRMAN. The next subject reserved was section one hundred and six, in regard to banks.

Mr. FARNSWORTH. I move to add to that section the following provisos:

Provided, That every person and every bank, association, or corporation issuing notes, bills, or other obligations calculated or intended to circulate as money, unless thereto authorized by act of Congress, shall pay a duty of one fourth of one per cent. each month on the amount of such notes, bills, or other obligations so issued by said person, bank, association, or corporation, or which having been issued shall remain in circulation; and shall, on the first Monday of each and every month, make and deliver to the assessor of the district in which such bank, association, or corporation may be located, or in which such person may reside, a true and accurate return of the amount of notes, bills, or other obligations so issued, whether in circulation or in its vaults, or elsewhere in possession or on deposit, and shall annex to every such return a declaration, with the oath or affirmation of such person, or of the president or cashier of such bank, association, or corporation, in such form and manner as may be directed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amount of circulation as aforesaid; and shall deliver a copy of said return to the collector of the district in which said person resides, or in which the said bank, association, or corporation is located; and shall, within ten days from the first Monday in each and every month, pay to said collector the said duty of one fourth of one per cent. on the amount so returned; and for any neglect to render or make such return and payment as aforesaid, every such person, bank, association, or corporation shall pay a penalty of one per cent. on the amount of notes, bills, or other obligations issued as aforesaid, which amount shall, in default of the proper return, be estimated by the assessor, upon the best information he can obtain; and every such penalty may be recovered for the use of the United States in any court of competent jurisdiction: *And provided further*, That after six months from the passage of this act it shall be unlawful for any person, bank, association, or corporation to issue or circulate notes or other obligations designed or calculated to circulate as money unless authorized thereto by act of Congress.

Mr. HOLMAN. I rise to a question of order. The amendment proposed by the gentleman from Illinois is a bill already pending in the House, and I suggest to the gentleman from Illinois that if he strikes out that feature of this amendment which excepts notes issued by banks established under authority of an act of Congress, it would relieve the difficulty.

The CHAIRMAN. The Chair understands that this is not the same bill that is pending before the House; but if it were, the Chair does not know of any rule that would prevent its being offered as an amendment.

Mr. HOLMAN. It has been so decided.

The CHAIRMAN. The question does not arise in this case, as the amendment is not the same as the bill pending in the House. The bill has been altered in several particulars.

Mr. RICE. I rise to a point of order. Is this one of the sections passed over with the understanding that it should be reserved?

Mr. MORRILL. It is.

The CHAIRMAN. This is one of the sections which was reserved by the committee for future consideration.

Mr. FARNSWORTH. The principal object of my amendment is to compel the State banks to withdraw their circulation from the country. The bill which I offer as an amendment is substantially, although I have made some alterations in it, pending before the House. I have modified it by inserting a provision to require these banks to pay one fourth of one per cent., not only upon the money which they have issued during the month, but upon their circulation which may have been issued and is still out in circulation.

Mr. BROOMALL. Will the gentleman allow me to ask him a question?

Mr. FARNSWORTH. I have only five minutes, and cannot yield.

Now, sir, in reference to this matter I appeal to every member upon this floor from the West to aid me in incorporating this amendment into the bill. There is no member upon this floor from any one of the western States, I apprehend, who does not know very well that his constituents are suffering from the shinplaster concerns of the country—the rotten State banks which are flooding the country with shinplasters.

Mr. DAWES. Will the gentleman tell us why the West?

Mr. FARNSWORTH. I will tell the gentleman why the West. Because every rotten bank which is established in New England or New York or anywhere in the eastern country sends its shinplasters to the western country for the purchase of the produce of the western States.

Mr. ODELL. We have no such institutions in New York.

Mr. FARNSWORTH. In Illinois we have had periodically once from every two to five years a general smash of all the bank circulation of that State, not only of the circulation of the banks of that State but of the circulation of the banks of other States.

Now, the gentleman from Vermont [Mr. MORRILL] who is so scrupulous in regard to this matter of maintaining the credit of the Government and inducing the sale of United States bonds for the establishment of United States banks will certainly join me in curtailing the circulation of the State banks of the country. The provision that I have drawn provides that all banks which are not authorized by act of Congress shall withdraw their circulation in six months.

It may be said by some gentlemen that that is too soon. I think not. I think that half a year is long enough for any one of these banks to withdraw its circulation—too long altogether for the people, too long for the country. I wish myself they could be compelled to withdraw their circulation in a month. If we wish to maintain the credit of the Government, if we must have banks, as we must undoubtedly have during the war, let us have sound banks; let us have a bank currency that will be recognized in the next town when we start from home—a currency that will be recognized in New York, Philadelphia, Boston, New Orleans, Chicago, or any other part of the United States. In the remote West—indeed not in the remote West, but in Illinois, in Michigan, in Indiana, in Wisconsin, in Iowa—in the multiplicity of bank issues which flood the country there, the question as to the solvency of the bank, as to where the bank is located, and especially now when the banks are not required to redeem with gold and silver, is lost sight of.

[Here the hammer fell.]

Mr. KERNAN. I oppose the amendment of the gentleman from Illinois. The gentleman boldly avows that the object is to suppress State banks. He must know that the courts of the United States have held that the States have a perfect right to create these banks; and where is the power in Congress to suppress them? The gentleman appeals to the members from the western States on account of alleged objections to their local banks. He knows that the people of those States can have banks or not as they see fit; and their Legislatures are the bodies to carry out the will of their people. It is not the province of the Federal Government to destroy State banking institutions. If it be true that in certain States the people wish to suppress the State banks, should they come here and suppress also the banks in other States where the people are better satisfied with their State banks than with the proposed so-called national banks?

The State banks are by the bill without this amendment taxed on their deposits one eighth of one per cent. every six months, and on their capital one fourth of one per cent. every six months. They are also subject to all taxation in the States for State and municipal purposes, while the national banks are exempted from State and municipal taxation. Sir, this effort to crush the State banks will not strengthen the credit of the Government. It will create dissatisfaction beyond anything that has occurred in legislation, and injure and derange the business of the country. I beg leave to read a letter from the superintendent of banking in the State of New York, a Republican official, dated 19th April.

The letter was read, as follows:

BANK DEPARTMENT, ALBANY, *April* 19, 1864.

To the Editors of the Evening Post:

In several recent issues of your paper I have observed that you ascribe the present inflation of the currency to the circulation of the State banks. As you make no exception in regard to the banks of this State, it is a fair conclusion that you embrace them in your censure; and in this spirit you call upon Congress "*to tax out of existence the State bank paper which has caused this present inflation.*" I look upon it as not a little singular that, in journals of conceded fairness, this inflation is ascribed solely to the currency issued by State banks. The Secretary of the Treasury stands confessedly at the fountain-head of irredeemable paper. He issues hundreds of millions in "greenbacks," in legal tender, in Treasury certificates, and in certificates of indebtedness.

In addition, nearly all the currency that can be furnished by the "national banks" is borrowed by the Treasury and sent to distant points, where it is put in circulation by Government agents. Now, I do not say that the Secretary of the Treasury has paid out one dollar, either of national or private currency, not demanded by the public exigencies. But in the face of facts so notorious, why attempt to separate effect from cause? Why single out the State

banks for denunciation, as if they alone were responsible for the evils resulting from a redundant currency? Why not call upon Mr. Chase to stop the hundreds of presses now engaged in inundating the country with the issue of banks established for the very purpose of flooding it with $300,000,000 of irredeemable paper? This much, at least, would seem to be demanded by consistency.

But I do not intrude upon your columns to defend the banks of other States. I have no means of judging how far they are amenable to censure on the score of an over-issue of currency. But for the banks of New York I can speak authoritatively; and as you invite for them, in common with others, the hostile legislation of Congress, justice requires an exhibition of the facts, and with this object I address you.

The public should be aware that all the plates of all the banks in this State, corporate, associate, and individual, are in my possession, sealed against use and securely locked from reach of the banks. Not a dollar can be printed without an order from this department, and not a dollar is furnished save upon the deposit of security. Hence our books furnish an incontestable data of the amount of currency delivered to the banks. And what do we find as the result? I take the close of the fiscal year for ten years past as a criterion by which to judge the present, and it shows as follows:

Date.	Capital.	Circulation.
Sept. 30, 1854	$83,773,288	$43,962,535
" " 1855	85,589,590	41,159,794
" " 1856	97,806,301	43,492,485
" " 1857	107,507,659	41,243,922
" " 1858	109,996,550	35,697,180
" " 1859	110,997,040	36,581,276
" " 1860	111,834,347	38,034,800
" " 1861	109,982,324	35,606,140
" " 1862	108,606,062	42,239,836
" " 1863	109,258,147	42,192,645
April 18, 1864	109,583,955	42,862,310

Thus it will be seen that the aggregate circulation issued and outstanding at this time *is more than a million dollars less than it was in* 1854; *although the banking capital has increased more than twenty-six million dollars within that period.* The amount of circulation above stated includes all ever issued to the banks and not returned. More than a million dollars belonging to institutions which have passed out of existence has probably been lost, burned, or otherwise destroyed. Then again, of the circulation thus standing charged on the books of this department, *less than thirty million dollars was in actual circulation on the 12th of March,* 1864, as appears from the sworn statements of the banks just made in obedience to law—the balance being in their possession, unissued. With these official facts and figures in view, will any person kindly inform the public where the charge of "inflating the currency" comes in, as it regards the banks of this State?

In the same paragraph to which allusion has been made you charitably call upon Congress to "crush, once for all, the pretensions of a spurious State rights party to tax our national banks upon their national bonds." As I am one of those who hold that *all* capital should pay its just proportion of the public burdens, allow me to say a few words on this subject. And first, if the national banks ought not to be taxed because they hold national bonds, by what parity of reasoning do you justify the taxation of State banks, who have invested their means in the same securities? The banks of this State hold more than their capitals in United States stocks. Are you in favor of *exempting their* $109,000,000 *capital from taxation*, and throwing the burden on less fortunate persons and property? Again, a national bank invests $100,000 in United States stocks, and receives $90,000 in currency; and you would "crush once for all" any party that should seek to tax it. A State bank invests the same sum in the same security, and receives an equal amount of currency, and you call upon Congress to tax the latter "out of existence." Is this justice? Will it be tolerated in a free community, with the ballot-box still within reach?

The times are too serious for trifling with important interests. The Government needs the support of all loyal men, and it should be cautious not to alienate the good will of any portion of the community. Least of all should it be brought into collision with an interest so ramified with all the business relations of the country as the State banks. The Secretary of the Treasury, not content to leave his favorite scheme to the vindication of time and experience, invokes vindictive legislation on the part of Congress for the purpose of "taxing out of existence" institutions that have been recognized since the formation of the Government as the legitimate offspring of the State legislation, the rightful possessors of State privileges, and constitutionally amenable only to State control. Standing far above all State banks on the stream of irredeemable paper issues, he complains that these institutions befoul the currency so that he cannot abide it, and redress can only be had by forcing them into liquidation through onerous taxation. Should these views be seconded by Congress, it is easy to see that disastrous results must inure both to Government and people. The State banks, forced to a sudden contraction as the only means of avoiding ruinous taxation, cannot retain the securities they now hold, and must throw them upon the market for realization. The indications of a financial revulsion more wide-spread and disastrous than any our country has yet witnessed are so apparent that no considerate man can view otherwise than with profound alarm any public measure that shall threaten to hasten the catastrophe. With all deference to your suggestions, therefore, I cannot but hope that Congress will not be spurred into hasty action upon a subject fraught with consequences of the utmost importance to the Administration, the banks, and the country.

Respectfully yours, H. H. VAN DYCK.

Mr. KERNAN. The banks of the State of New York have $110,000,000 capital, and less than $30,000,000 circulation. And yet, because the currency is inflated, gentlemen here try to make us believe that the State banks have inflated it. We all know that it is caused by the inordinate paper circulation issued by the Government itself—some $700,000,000 being out in one form or another. It has not been caused by the State banks.

Mr. KELLOGG, of Michigan. I would like to inquire whether that report is not in relation to the banks of the city of New York, not of the State?

Mr. KERNAN. No, sir, of all the State banks. It includes the city banks.

Mr. KELLOGG, of Michigan. I want to inquire if the gentleman from New York has affirmed that the circulation of the banks of the State of New York has not largely increased?

Mr. KERNAN. It has largely decreased, as I understand from the official document signed by the bank superintendent. The banks of the city of New York have never issued much circulation.

[Here the hammer fell.]

Mr. MORRILL. I move to amend the proposition of the gentleman from Illinois by reducing the tax from one fourth to one eighth of one per cent., merely for the purpose of saying a very few words in relation to the general subject. I regret that the gentleman from Illinois should have appealed to members from the West to support his proposition. We are the representatives of all the States and not the representatives of the West or of the East. We are sent here to act for the whole United States and not for any particular district. Such appeals, however designed, must be mischievous. I observed in a paper a few days ago some comments like the following:

"MORRILL ON WILD-CATS.—The member of Congress who is the most strenuous in his opposition to taxation on the redundant circulation of the wild cat concerns is MORRILL, of Vermont. He is even worse than PIKE, of Maine, or BOUTWELL, of Massachusetts. We understand that Mr. MORRILL is the president or at least principal stockholder of a little wild-cat concern called the Chelsea Bank, in Orange county, Vermont, which may in part account for his extraordinary zeal in behalf of having shinplasters circulate as money in unrestricted amounts, and for his active hostility to repressing their issues by taxation.

"In his opposition to a national currency he becomes oblivious of the truth sometimes. He undertook the other day to deny that the wild-cat banks were inflated. The remedy, he argued, was to withdraw the greenbacks from circulation and leave the field entirely to the local shinplaster concerns! He asserted that the miscellaneous banks had out only $175,000,000. What regard shall be placed on a man's word who talks in this reckless manner? When the war broke out the local banks had fully $175,000,000 of their notes in circulation, as is well known. What mendacity, then, to say that they have no more circulation outstanding at this time!"

Now, Mr. Chairman, this does me infinite credit, and rather more than I am entitled to. I am not now, and never was, the president of any bank, and I own very little stock, and that little I wish were less.

Mr. ELDRIDGE. I rise to a point of order. I would like to know what these remarks have to do with the amendment?

Mr. MORRILL. If the gentleman will wait he will see the application.

Mr. ELDRIDGE. I rise to a point of order without waiting. My point is that the gentleman is not discussing the amendment. What has it to do with the bank stock owned by the gentleman?

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORRILL. I will try to confine myself to the amendment. Now it happens that I have not said a word about banks this session. Heretofore I have not opened my mouth on the subject. All I desire to say now is that we may confine this tax bill to the subject of taxation and revenue. As the bill stands it proposes to tax the banks in a fair and legitimate way and to a reasonable extent. It is not a question of repression and destruction of State banks. I hope that that question will be allowed to stand on its own basis. Let it come up and be acted on independently of this measure; for I perceive, if this be incorporated with this bill, as the gentleman from Illinois proposes, it will retard its progress, not only here but in the other branch of Congress. I withdraw my amendment.

Mr. GANSON. I move to amend the amendment of the gentleman from Illinois by striking out the second proviso, which prohibits the State banks issuing circulating notes at the expiration of six months from the passage of this act. I propose that amendment in the first place because we are considering a revenue measure, and that proviso has no relation whatever to the subject-matter of this bill, but its whole object and purpose are to annihilate the circulation of State banks. It is entirely foreign to the objects of this bill.

I am sorry that the gentleman from Illinois should rise in this House and denounce the institutions of the State of New York as rotten. That has been done by a gentleman *from Illinois*, and when I say *that*, it is enough to say on that subject. Sir, there are no institutions sounder, safer, or more satisfactory to the people of New York than the banking institutions of that State. There is no better system of banking, and the General Government has had to copy from and adopt that system to give character and credit to its own system.

I oppose the amendment of the gentleman from Illinois, in the second place, because Congress has no power whatever to destroy these State institutions. It has been decided by the Supreme Court of the United States that such institutions are lawful, and that Congress has no power to forbid the creation of them. The exercise of such a power by Congress, if sustained, would vest the Federal Government with authority to destroy one of the functions of the State governments, and no power is vested in Congress to do that. I hope that this House cannot entertain any idea like that seriously, and especially in a bill providing revenue. It is entirely foreign to the objects and purposes of such a measure.

I say to the gentleman from Illinois that, in my judgment, if this amendment be adopted it will have the effect to defeat this revenue bill in this House. I have thus far done what I could to perfect its provisions. I repeat that if this amendment be adopted, in my judgment, it will insure the defeat of the bill.

In justification of the amendment proposed by the gentleman from Illinois, it is urged that the issues of State banks have caused the inflation of the prices of the necessaries of life, and that such banks must therefore be destroyed. Every one knows that such inflation is not attributable to the State banks, but must be ascribed mainly to the excessive irredeemable paper issues of the General Government. This is charged upon the State banks solely for the purpose of raising a plausible excuse for destroying them, and is done by those chiefly who were the advocates of the old national bank. Every scheme thus far brought before this House in regard to the currency has arisen from hostility to State institutions, but no one before has shown such a degree of hostility to the banking institutions of the States as to make the passage of a revenue bill depend upon their annihilation, and I trust the effort will not succeed. If the Federal banks are preferable they will be organized by the capital of the country, and it will not be necessary for Congress to deprive the State institutions of their hold upon their State existence by thumb-screws, and to bring and keep in existence Federal institutions by partial legislation and governmental nostrums.

Mr. PRICE. Mr. Chairman, I rise to oppose the amendment of the gentleman from New York because it does not go far enough. I must say to the committee that I am astonished such a proposition could come in here at this time. I should say that I would be astonished to see it come in at any time. The object of this bill, if I understand anything about it, is that this tax should be equal upon all men under the same Government. Now, sir, one ounce of common sense in reference to this matter is worth a thousand pounds of theory.

Here on one corner is a national bank with $100,000 capital and $20,000 of United States bonds. Right on the opposite corner is a State bank which has the same amount of capital and the same amount of United States bonds. Now, you propose to tax that bank which is not a national bank three per cent., which actually kills it. You tax it out of existence. The national bank you tax none at all. The stockholders of the bank which you refuse to tax may or may not be loyal. Jeff. Davis might come here under that law and establish a bank and escape all taxation. The stockholders of the other bank may be as loyal as loyalty itself, and yet you tax it out of existence. That is manifestly unjust and can never be sustained by this House, because I hold that there is some common sense and com-

mon honesty left in the world, and this provision does not treat all men alike. If all men are equal they are entitled to equal rights, privileges, and protection.

Now, what are the facts of the case? The State banks of my State have purchased national bonds three to one over what the national banks have purchased; and are you going to tax those banks out of existence because they do not happen to be organized under the system adopted here? Is that right in a free Government like this? No, sir; and it will not be done. I feel confident that it cannot be done. If done, it will raise a storm of indignation all over the country which this House cannot withstand.

The amendment to the amendment was not agreed to.

Mr. HOLMAN. I move to amend the pending proposition by striking out from the fifth and sixth lines all that refers to national banks, as follows: "unless thereto authorized by act of Congress."

The effect of striking out those words will be to impose the same tax upon the State banks of the country and upon the national banks. And if this is done, this tax, or at least some reasonable tax, should be imposed. But whatever tax is imposed should be equal. I can say for those with whom I have conversed, that whatever gentlemen upon the other side of the House may propose as a tax upon the local and national banks we shall feel called upon to sustain, if it is equal on each; but we will not discriminate between the two systems.

If you propose to favor national banks at the expense of the State banks, I tell you a spirit of indignation will be provoked throughout the whole country which will be disastrous to our financial interests. You cannot safely make such a discrimination. If you pass a bill imposing a duty of two per cent. upon the national banks, and impose a tax of three per cent. upon State banks, you will crush out and retire the State bank circulation for the benefit of the national bank circulation. Gentlemen talk about diminishing the paper currency. You cannot do it in this way. You will drive out $200,000,000 of State bank circulation and supply its place at once by a corresponding amount of national bank circulation, or perhaps a greater amount, for the national banks are authorized to issue $300,000,000. The currency of the country and the finances and credit of the country can only be maintained by reducing this excess of State and national bank circulation, amounting at this time to over two hundred and sixty million dollars. The people are satisfied with legal-tender notes. They are of equal value all over the country. The interest inures to their own benefit, or rather they save so much interest, and are sought for everywhere. They are good so long as the Government exists. The people have entire faith in that currency and have become wedded to it and are willing to sustain it. It is the only system of paper currency the benefits of which can inure to the people.

I trust gentlemen will see the necessity of placing these State and national banks upon the same footing, and impose at least a two per cent. tax alike upon their circulation. This would result in the gradual withdrawal of their circulation, restoring the currency to a sounder condition and gradually reducing the currency to your legal-tender notes. The sooner this is done the better for the country and for our finances, and securing to the people the profits of that tremendous system of banking which has always pervaded the country, and the enormous profits of which have inured in the past to the benefit of a few favored capitalists. I cannot doubt, sir, that the wisdom of such policy would soon be apparent in a sounder and better currency, and in an improved condition of the public finances, now so greatly imperiled for it is apparent to all that either the $450,000,000 of legal-tender currency or the $260,000,000 of bank paper, now daily increasing, must be withdrawn or financial ruin is inevitable. If you were limiting your bank circulation to $50,000,000, the extent now issued, there might be some force in the argument against State banks. You would then drive out the State bank circulation without increasing any other circulation; but while by the tax on the State banks, on the discrimination proposed, you drive out the State bank circulation you increase the national bank circulation. This is no benefit to the people or to your finances. I therefore hope that this proposition to place the banks on exactly the same footing will receive the favorable consideration of Congress.

Mr. ARNOLD. I have heard with surprise the gentleman from New York declare that the adoption by the committee of the amendment of my colleague would endanger the passage of this revenue bill. Is it possible that upon a measure of this importance, so necessary to the salvation of the country and the preservation of the public credit, gentlemen representing the banking interest on this floor will get up and threaten that if the amendment be adopted they will vote against this bill?

Sir, the passage of this amendment will largely increase the revenues of the country. Is there any class that can better afford to pay a tax than those who are issuing three or four times the amount of their capital, loaning this enormous circulation, and are deriving high dividends from their paper circulation?

Mr. KERNAN. In six months you will cut off the whole revenue by suppressing the bank circulation.

Mr. FARNSWORTH. If my colleague will give way to me for a moment I will say that, at the suggestion of many members of the House, and as this is a tax bill, I modify my amendment by striking out the last proviso.

Mr. ARNOLD. I am glad that my colleague has modified his amendment by striking out the last proviso. That will leave it purely a revenue measure providing a tax on the bank notes of the country, and as such I trust that it will commend itself to the judgment of this committee. Surely there is no class of the community that can so well afford to be taxed as those representing these banking interests. There are no men in the country receiving such large dividends on their capital at the present time as the banking institutions of the country.

Not only does it commend itself to the judgment of the committee as a means of raising revenue, but if it should incidentally repress the redundant circulation under which the country is now suffering, and which raises the price of all the necessaries of life, it will in this respect to some extent relieve the people.

Mr. PRICE. The banks are now taxed three per cent., and if you destroy the banks all over the country where then can you get the revenue?

Mr. ARNOLD. I think that this tax can very well be borne. The banks realize ten, fifteen, and twenty per cent. on their capital, and can well afford to pay this tax for the exclusive privileges which they enjoy. If the effect of the tax shall be to repress to some extent this circulation, which is a great evil in the country, so that we shall not have as much of it, it will be an incidental advantage to the country of very great importance. I do not appeal to any section of the country to support this proposition. It is a proposition that ought to commend itself to all. The necessities of the country compel heavy taxes even upon necessaries of life; surely bank circulation should not escape.

Mr. MORRILL. I think the House understands this question, and I therefore move that the committee rise for the purpose of closing debate.

Mr. FENTON. Will the gentleman yield to me for a moment?

Mr. MORRILL. The House understands this proposition distinctly, and that it is not intended for revenue, but for the purpose which another bill is framed to accomplish, and I think we ought to act on that measure independently and upon its merits without embarrassing this measure with it. I therefore insist on the motion that the committee do now rise.

The question was taken, and the committee refused to rise.

The question was taken on Mr. HOLMAN's amendment to the amendment, and it was agreed to—ayes 55, noes 39.

The question recurred on Mr. FARNSWORTH's amendment as amended.

Mr. FENTON. I move to amend the amendment so as to make the tax one eighth of one per cent. instead of one fourth of one per cent. I offer the amendment for the purpose of saying one word.

I am not now to discuss this question. I could not do it in five minutes. I have a large amount of statistics bearing on this question which, at the proper time, I shall ask the attention of the House to, and at that time I will defend, as well as I can, the charge of unsoundness against the banking system of New York.

My purpose now is to ask the gentleman from Illinois [Mr. FARNSWORTH] not only to withdraw the proviso to his amendment, but the whole amendment. It must be evident to every gentleman that this is a subject which will involve a wide range of discussion respecting the two systems, national and State, and that it would consume not only hours, but days, for it opens up the whole field of discussion on the subject of finance and banking. I appeal to the gentleman from Illinois to withdraw the proposition and let it stand, as it properly does, before the House in the form of a bill, and when it comes up for discussion we can devote that attention and consideration to it which the vastness of the subject demands. We cannot do it now without delaying the passage of this important measure, the tax bill. I hope that members will proceed directly to pass this bill at once, and will withdraw all disturbing questions which are really foreign to it.

Mr. FARNSWORTH. Mr. Chairman, I am not disposed to withdraw my amendment, for I offered it in sincerity and want to get a vote of the House upon it. This is a tax measure. My amendment simply proposes to levy a tax on banks; why is not this the proper place to incorporate that tax? Why should we have two tax bills before the House? Gentlemen are willing to tax everything else, all kinds of labor, all kinds of manufactures, everything but banks. If this is a tax measure, make it complete. I do not think that my amendment is calculated to delay the passage of this bill. Let us have a vote of the House upon it as upon every other question of tax that has arisen and may arise in the consideration of this bill. The constituency that I represent is deeply interested in the measure. The West has been cursed by the issues of State banks. In appealing to members from the West I had no design of making any invidious distinction between West and East, or of arraying the West against the East, but I spoke about the West because we were peculiarly cursed by these shinplasters flooding the country. People come out to the West with bank currency for the purpose of buying produce. The farmers get their pockets full of these shinplasters and do not know what is good and what is bad till they find that some of the banks are gone.

Mr. MORRILL. May I ask the gentleman whether the people of his State have not lost more by Illinois banks, created by the Illinois Legislature, than they ever lost by New England banks?

Mr. FARNSWORTH. We have lost a good deal by banks created by the Illinois Legislature, but I think we have lost more by banks outside of the State of Illinois. The truth is that in Illinois we copied after these much lauded institutions of New York, and other States, and they proved failures. The same may prove a failure in other States. We know that banks do fail, and we know that when they fail the men who sold produce and got the notes of these banks for it are the sufferers. These men who establish themselves at every corner of the street, and who sit behind their counters handling the people's money, do not suffer by the failure of banks. Those who suffer are the manufacturers and the farmers. If we are to have a bank currency let it be a sound national currency. I would, if I could, blot out all the bank issues, and depend upon greenbacks. I would have all the paper currency of the country issued by the Secretary of the Treasury, which will be the same in all States and all parts of all States, and will be redeemable everywhere where there is an office for redemption.

As I said before, Mr. Chairman, I have offered this amendment in good faith, because the people whom I represent demand it; because I believe four fifths of the people of the Northwest demand a measure of this kind. I am not willing to withdraw my amendment. This is a tax measure that we are considering. Let us incorporate this with it and have a square vote upon it.

The question was taken on Mr. FENTON's amendment to the amendment, and it was rejected.

Mr. GRISWOLD. If I understood the gentle-

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-EIGHTH CONGRESS, 1ST SESSION. SATURDAY, APRIL 30, 1864. NEW SERIES.....No. 122.

man from Illinois, he announced at the outset of his remarks in introducing the amendment, that his design was to suppress State banks. The country is looking to the House with great earnestness and with intense anxiety during the progress of this bill. The hope is that this revenue law shall be promptly passed by Congress, and then we shall have, at all events, improved in our financial condition. I regret, therefore, that any subject should be introduced here by gentlemen on either side of the House calculated to distract attention from this great, paramount object.

Mr. Chairman, I apprehend this is no time to introduce a discussion here upon a general banking scheme for the country. I am not without hope that during these discussions some way may be developed by which a compromise may be had between the distracting sentiments of those who are advocating the national system and those who are opposed to them and defend the State system. I believe that result may be reached; and in that connection I desire that the following circular may be read as a portion of my remarks.

The Clerk read, as follows:

NEW YORK, *April* 22, 1864.

The excessive issue of paper money in various forms is now rightly the subject of special alarm throughout the country. Any further issues should be promptly arrested, and the amount existing be gradually, but not too hastily, contracted. The following plan will, it is believed, meet the difficulty with the least derangement to society and at the same time be substantially in harmony with the objects aimed at by the Government:

First,

By the withdrawal of all bank-note circulation, as well national as State, relying entirely upon legal-tender notes of Government now in circulation, which are quite sufficient.

Or, secondly,

1. By prohibiting the issue of any bank notes after this date, unless they are secured by Government bonds, say at ninety per cent. (This may be effected by a Government tax on all notes not thus secured.)

2. By requiring all banks having outstanding circulating notes to withdraw them, and to substitute those secured as above.

3. By limiting all circulating notes to amount outstanding.

4. By repealing the national bank act, making provision for the national banks now existing.

5. By leaving all details respecting banks to State legislation as hitherto, excepting to require them all to be secured as in No. 1. This may be done by requiring every bank note to bear a national stamp or certification that it is so secured.

6. By providing money hereafter by sale of bonds at best price, or by issuing them at a rate of interest sufficiently high to command and gradually contract the currency.

7. By adequate taxation to meet the interest on the public debt, and to provide for all contingencies.

8. Any loans made to Government by or through the banks, should be drawn for by checks on them in favor of public creditors, for which the notes secured *by pledge of Government stocks* as above may be used in payment.

This plan, it is confidently believed, will secure all that is really beneficial in the national bank system, without incurring the danger of dividing the community in this eventful crisis, by the attempt to destroy long existing and cherished institutions, a policy both financially and politically unwise.

MANY BANK OFFICERS.

Mr. SPALDING. I rise to oppose this amendment, and to say that I am in favor of the amendment of my friend from Illinois. And I am in favor of it for this reason: I think there is no man in this House who does not see clearly that we cannot sustain the national currency—so-called—and at the same time the State bank currency. One or the other must go by the board, and it is only a question of time which. Our currency has become so expanded—and that expansion is increasing from day to day—that unless some corrective is applied ruin will ensue to our Government. Every man sees this. Either the State bank currency or the national bank currency must be contracted, and we must decide which.

Now, Mr. Chairman, I confess plainly that I am of that old constitutional make which holds to the belief that the State bank currency is not in accordance with our Constitution. I believe—although I have stood alone in that belief for years—with Chief Justice Marshall, that the currency of the country, paper as well as metallic, should always be kept under the control of the national Government. That, I believe, has come to be the conviction of the people, inasmuch as they prefer the national or greenback currency, to the extent of from a quarter to half of one per cent., to the best notes our State banks can produce.

I am aware that gentlemen from the State of New York are a little tender upon this subject. They believe that their currency is a sound one. Well, sir, I believe that the currency of my State is upon a sound basis, secured as they are by stocks, but the people prefer the national currency to them.

Let me say in respect to this question of expansion that notwithstanding the expansion caused by the large amount of legal-tender and national bank currency put into circulation, some of these State banks have, as I understand, in circulation notes to the extent of eight times their capital stock.

Mr. KERNAN. Let me say a word in reference to that.

Mr. SPALDING. I cannot yield. Well, now, sir, if this is done with impunity by these banks in the State of New York, which are predicated upon so good a foundation, what may not be done in Illinois, Indiana, Ohio, and the other northwestern States? We look to New York for an example, and if they expand eight times, we may perhaps expand twenty-four times. And that is the kind of a currency you get.

Now there are two objects to be accomplished by this proposition. One is to produce revenue for the Government, and the other is to put down this State bank circulation. I am ready to vote for that proposition now, and at all times until that object shall have been accomplished.

[Here the hammer fell.]

Mr. PIKE obtained the floor.

Mr. MORRILL. Will the gentleman yield to me for the purpose of moving that the committee rise to close debate?

Mr. PIKE. I will after one or two remarks.

I am a little surprised that after laboring for two or three weeks to perfect a bank bill this matter should be brought up again now. I thought we had arranged these matters of finance satisfactorily so that banks could get one per cent. extra interest from their customers on the ground of uniformity; that we had fixed the thing so that large banking institutions having a capital of $5,000,000 could escape all individual liability whatever. I thought we had so arranged that these institutions by an adroit management, especially in view of an amendment introduced in the other end of the Capitol, could escape all taxation except a half of one per cent. upon their deposits; and that in addition to an evasion of national taxation these pet institutions were to escape all State taxation. This would give us a "uniform currency" of such virtue that although it should, as authorized in the bill, amount to $300,000,000 national currency and take the place of the present $175,000,000 State currency, still the currency of the country would not be at all inflated! Precisely how this was to be done I do not understand, but it was perfectly understood, I presume, by those who had charge of the bill.

For these reasons I was surprised to see this discussion sprung upon the House again to-day, and that we have the question of a bank currency all to go over again on a tax bill. I discussed the matter somewhat when it was before the House on a former occasion, an extract from what I said having been published in the Chicago Tribune, which was this morning read by the gentleman from Vermont, and I am very glad that an Illinois gentleman has to-day acceded to the views I then expressed. My proposition then was that our national or greenback currency was so good a currency that we did not need a better one. My friend from Illinois is now disposed to tax both the State and national bank currency so largely that it will force them both out of circulation; and I hope that course will be adopted. I am willing to ingraft upon a tax bill even a proposition that shall in the course of time give us simply a greenback currency. It should be a gradual process, so as not to disturb the business of the country. I should prefer the tax should be put upon circulation above a certain percentage of capital, say thirty per cent.

I was surprised, however, to see my friend from Illinois to-day speaking of these national banks with great favor, forgetting that the national bank scheme is almost a copy of the Illinois bank scheme, which he says broke down, with great loss to his constituents. The only difference between them, as I understand it, is this: that the Illinois bank scheme, instead of basing their issues upon national bonds base them upon the bonds of the State of Illinois and of some other States contiguous.

Mr. FARNSWORTH. I desire to correct the gentleman from Maine in one particular. I did not say that I favored the national bank scheme. I said that I should prefer to have our currency West replaced by that of the national Government.

Mr. PIKE. The proposition of the gentleman as originally presented was to drive out the State bank circulation and leave the currency of the national banks in circulation. But as it is now amended by the gentleman from Indiana [Mr. HOLMAN] it taxes both, and that I am in favor of.

[Here the hammer fell.]

Mr. HOOPER. I am very happy to concur with my friend from Maine.

The CHAIRMAN. No further debate is in order.

The amendment to the amendment was withdrawn.

Mr. HOOPER. I move to strike out the last word of the amendment for the purpose of saying that I concur with the gentleman from Maine in favoring his amendment.

Mr. BROOKS. I rise to a question of order. The gentleman is not speaking upon that last word which he moves to strike out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment, to strike out the word "jurisdiction."

Mr. HOOPER. "Jurisdiction of the United States."

Mr. BROOKS. No, "jurisdiction" only.

Mr. HOOPER. Then I will modify my amendment by moving to strike out the whole section. And I do it for the purpose of saying that I am in favor of this amendment which taxes all bank circulation.

Mr. BROOKS. I rise to a question of order. The gentleman is not speaking in favor of the amendment.

Mr. HOOPER. How can the gentleman tell, unless he allows me to finish my sentence?

The CHAIRMAN. The gentleman will confine himself to his amendment.

Mr. HOOPER. Then I will propose an amendment that will be pertinent to what I desire to say.

Mr. BROOKS. I will withdraw my point of order. The gentleman was discourteous to me the other day, and I only wanted to show him that it was in my power to stop him from saying what he wanted to say.

Mr. HOOPER. I am in favor of this amendment, because, as I have said before, I think there is nothing which can more justly be taxed than this circulation of the banks. If the effect of taxing their circulation would be to restrict the amount issued by the banks it would make more room for the circulation of the national currency of "greenbacks," and I think that there would be no objection on that score.

But I apprehend that this remedy for the great complaint made, particularly by the gentleman from New York, that the circulation is now too redundant, will not suit them. They call upon the Secretary of the Treasury to withdraw the circulation of the greenbacks, for what good reason I cannot see, when the Government has the benefit of that circulation. All the profit of it goes to the Government for the benefit of the whole people; whereas the circulation of the banks is

only for the benefit of their individual stockholders.

Whenever the proposition has been before this House to tax the national bank circulation it is said that it would be unfair, and it is opposed upon the ground that there is no tax imposed upon the circulation of the State banks. When any measure has come before the House to tax State bank circulation it is opposed upon the ground that there is no tax imposed upon the circulation of the national banks. We have them both presented now by this amendment, which proposes to tax the circulation of both national banks and State banks, and I hope the amendment will be adopted. The effect of it must be to increase the revenue and to diminish the inducement of the banks to depreciate the currency by extending their circulation and their loans.

Mr. MORRILL. I move that the committee rise for the purpose of terminating debate.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the committee had had under consideration the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that when the Committee of the Whole on the state of the Union shall resume the consideration of this bill all debate shall terminate upon the pending section in half a minute after the same is resumed.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, on the special order.

The motion was agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the special order, being the internal revenue bill.

The question recurred on Mr. FARNSWORTH's amendment as amended.

The committee divided; and there were—ayes 50, noes 41.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Messrs. HOLMAN and FENTON were appointed.

The amendment was adopted; the tellers having reported—ayes 62, noes 51.

Mr. HOLMAN moved to strike out the words "beyond the amount invested in the United States bonds."

Mr. MORRILL demanded tellers.

Tellers were ordered; and Messrs. ORTH and KERNAN were appointed.

The committee divided; and the tellers reported —ayes 57, noes 52.

So the amendment was agreed to.

Mr. YEAMAN moved to add the following:

Provided, That this tax shall not apply to any bank in process of liquidation.

The amendment was agreed to.

Mr. KERNAN. I move to insert after the word "money" the words "excluding moneys deposited by and belonging to any State." And I ask for tellers.

Tellers were not ordered; and the amendment was rejected.

The CHAIRMAN. The next proposition reserved is the following amendment moved by the gentleman from Maine, [Mr. BLAINE.]

Strike out the following:

Provided, That in all cases where the rate or price of advertising is fixed by any law of the United States, State, or Territory, it shall be lawful for the company, person, or persons, publishing said advertisements, to add the duty or tax imposed by this act to the price of said advertisements, any law, as aforesaid, to the contrary notwithstanding.

The amendment was rejected.

Mr. KASSON. I move, according to the consent granted to me by the committee some time ago, to add the following proviso to the one hundred and fourteenth section:

Provided, That only one deduction of $600 shall be made from the aggregate incomes of all the members of any one family composed of parent and minor children, or husband and wife, except in cases where such separate income shall be derived from separate or individual gains of the wife or child, and the deduction in such cases made shall be allowed only on incomes of the heads of families.

The object sought by this amendment is to prevent the dividing up the income of a family, which really belongs to the head of the family, among its different members, so as to reduce the amount below $600.

Mr. HOOPER. I propose to amend the amendment in such a way as to render that provision unnecessary. I move to amend section one hundred and fourteen, relating to income taxes, by striking out "five," wherever it occurs, and inserting "ten;" so that the income tax shall be ten per cent. in all cases.

The CHAIRMAN. The Chair would state that that portion of the section was not reserved. The only reservation was to enable the gentleman from Iowa to offer his proviso.

Mr. HOOPER. Then I offer my amendment as a proviso.

The CHAIRMAN. That is not in order.

Mr. HOOPER. I propose to add it as a proviso to the proviso.

Mr. WILSON. I rise to a point of order on that. That subject has not been reserved.

The CHAIRMAN. That is the understanding of the Chair.

Mr. HOOPER. It comes in as a part of the proviso. The right to put in a proviso to the section was reserved.

Mr. MORRILL. I hope the gentleman from Iowa will not insist upon the point of order.

Mr. WILSON. If I withdraw the point the amendment will be regarded as being before the committee for action. If the gentleman merely wishes to make some remarks upon the subject without asking a vote upon the amendment, I have no objection.

The CHAIRMAN. The Chair holds that the proposition of the gentleman does not come within the understanding of the committee.

Mr. MORRILL. Will it not be in order for the gentleman to move to add to that proviso that after one year the income tax shall in all cases be ten per cent.?

The CHAIRMAN. The Chair will have the amendment of the gentleman from Iowa read again.

The amendment was again read.

Mr. HOOPER. I now move to add to that proviso a proposition that after one year from the passage of this act the income tax shall be ten per cent.

Mr. WILSON. I renew the point of order. That matter has been acted upon and disposed of by the committee, and was not reserved.

The CHAIRMAN. The agreement of the committee was that the gentleman from Iowa should have permission to go back to that section for the purpose of offering a proviso. The gentleman from Massachusetts moves to amend that proviso by an amendment, which the Chair thinks is in order.

Mr. WILSON. I raise another point. It is that the question of amount of income tax is not germane to the matter of that proviso.

The CHAIRMAN. The Chair thinks it embraces the subject-matter, and is therefore in order.

Mr. HOOPER. I move to amend the amendment by inserting at the end of the proviso the words "and that after one year the income tax shall be uniform at ten per cent."

Mr. Chairman, my colleagues on the Committee of Ways and Means will bear witness that I proposed ten per cent. as the uniform rate of income tax in the committee. I object to the introduction of the principle of the gentleman from New York, selecting certain men of wealth to be taxed as a class at a different rate from what he taxes himself and others; and I object to the large majority of the members of this House taxing themselves and their friends at half price, for that is precisely what it amounts to as the law stands now.

The pious gentleman from New York, who likes better to take money out of his neighbor's pocket than his own, and the law-observing member from Ohio, who proposes to crush down rich men who refuse to submit to law, tell us that they are prompted by regard to worthy men with large families who have only $1,200 a year. They know, however, that $800 of that amount is exempt from taxation, leaving only $400 to be taxed as income. It is very hard, these gentlemen tell us, to make such poor men pay twenty dollars more; but neither of them have referred to the fact, which I fancy is of much more interest to them, that under this pretended care for poor men with large families they will each save themselves from paying several hundred dollars. For every twenty dollars they save the poor men with large families, about whom they are so anxious, most of the members of this House will save themselves from paying $300 and some will save $500!

Let us consider, Mr. Chairman, how much will be produced by confining the tax of ten per cent. to incomes over ten thousand dollars. The whole amount that would be collected would be comparatively small, and in my opinion would not compensate for the amount of ill-feeling which its injustice would create. Nine tenths of the members of this House probably have incomes varying from $4,000 to $10,000. But if you will take the community at large, there are probably not more than two with an income over ten thousand dollars to five hundred with incomes varying from $2,500 to $10,000. Estimating those five hundred at an average income of $3,000 each would give you, at the rate of ten per cent., $150,000 for income tax, while the two with incomes over ten thousand dollars, even if you rate them at $40,000 each, would give you only $8,000 for the tax. If the tax of ten per cent. is confined to incomes over ten thousand dollars, it will not yield three per cent. of the amount which would be obtained by making ten per cent. the uniform rate of income tax. I trust the gentleman from Iowa, who talks so much about patriotism, will show his sincerity by consenting to sacrifice the few hundred dollars he would save at "the half price rate to protect poor men with large families," and vote for the uniform rate of ten per cent. after the present year, which will give many millions to the Treasury and redeem the House from the imputation of my friend from Pennsylvania, who charges that we tax the poor man's oil and refuse to tax members of Congress and others having salaries and incomes of $3,000 to $10,000.

Mr. SPALDING. I rise to reply to the views addressed impromptu [laughter] to the House by the gentleman from Massachusetts. I have no particular objection in my own particular case to meet this increased rate of ten per cent. upon my income; but I am afraid that that tax would prove onerous upon the $2,000,000 of the plethoric gentleman from Massachusetts. Why, sir, the gentleman, since we voted the other day upon this proposition in regard to the income tax, making the rich pay in proportion to their riches and the poor pay in proportion to what they have, has thought upon this matter upon his pillow, and he comes in here this morning and undertakes to be sarcastic upon certain members of this House who had the boldness to advocate the proposition of making wealth bear some little portion of the burdens of these calamitous times. And he not only does so, but he impugns the motives of men who perhaps may be as honorable and patriotic as himself.

Sir, I have read in Peter Pindar that avarice is a devil; and I have read somewhere else that after a man becomes wealthy his covetousness is legion, that it is a host of devils; and I never saw it exemplified so fairly and plainly as on this floor. Why, how are all taxes laid? If I have a four-wheeled carriage and ride in it to church on the Sabbath, I expect that carriage to be assessed with the duty put on such articles by this Congress. If I have not a carriage and go on foot, I escape the tax, and the gentleman who rides pays the tax. What is the difference here? Upon the first thousand, two thousand, or three thousand, I pay the same tax with him. I ask no discrimination in favor of my modicum. To the extent to which we are enabled to go together, I pay as much as he does, although I cannot afford it to the same extent. When he rises up to his $50,000 or more, upon the surplus over $25,000 he pays a tax which I do not pay, because I have not the property to be assessed. That is the only reason I do not pay it; not because I have not the inclination, but because I have not the subject-matter to be assessed. Cannot the gentleman see the difference? I am willing to pay. I pay so far as my property subjects me to payment. He does not. He refuses. I present my means and pay accordingly. He presents his means and will not pay accordingly. There is the difference between us. He is craving for himself and the millionaires throughout the country an exemption from duty which no poor patriotic man asks to be

exempted from. I ask this House if they can for one moment indulge these men in any such scheme.

Mr. MORRILL. I move that the committee rise for the purpose of closing debate upon this question.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the internal revenue bill, and had come to no conclusion thereon.

Mr. MORRILL. I move that when the House shall again resolve itself into the Committee of the Whole on the state of the Union, all debate upon the pending section shall be terminated in one minute.

The motion was agreed to.

Mr. MORRILL. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WASHBURNE, of Illinois, in the chair,) and resumed the consideration of the internal revenue bill.

Mr. FINCK. I desire to offer the following as an additional section to the bill:

SEC. —. *And be it further enacted*, That the several assessments made under the provisions of this act in the several counties of the States, may be collected by the county treasurers or other collectors of taxes in the respective counties in the States: *Provided*, That such collectors, before entering upon the discharge of their duties under this act, shall each execute a bond payable to the United States in such form, with such security, and for such amount, and with such conditions as may be prescribed by the Secretary of the Treasury for the faithful discharge of their respective duties, and shall be entitled to receive for said collection such compensation as may be allowed for like collections of State taxes in their respective States.

Mr. UPSON. I rise to a point of order. I submit that we have disposed of all the reserved sections and that the consideration of the bill has been completed by the committee.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MORRILL. I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. WASHBURNE, of Illinois, reported that the Committee of the Whole on the state of the Union had had under consideration, as a special order, the internal revenue bill, and had instructed him to report the same to the House with sundry amendments, and with the recommendation that it do pass.

Mr. MORRILL. I move the previous question on the bill and all pending amendments.

Mr. FERNANDO WOOD. Will the gentleman from Vermont withdraw the motion for a moment that I may offer an amendment as an additional section?

Mr. MORRILL. On what subject?

Mr. FERNANDO WOOD. It is the amendment in regard to imported liquors, which I offered in committee.

Mr. MORRILL. I withdraw the previous question for that purpose.

Mr. FERNANDO WOOD. I offer the following amendment as an additional section:

And be it further enacted, That so much of the seventh section of the act of March 7, 1864, to increase the internal revenue, &c., as levies a tax of forty cents a gallon on spirits imported prior to March 7, 1864, be and is hereby repealed, and that the Secretary of the Treasury be directed to refund to persons paying the same all moneys thus exacted on spirits imported prior to said March 7, 1864.

Mr. MORRILL. I now move the previous question on the bill and amendments.

Mr. WASHBURNE, of Illinois. I appeal to the gentleman from Vermont to let the counter-proposition come in for the taxation of spirits on hand. That is but just and fair. We can have a vote on it by yeas and nays, and let our constituents see how we voted on this question.

Mr. MORRILL. I decline to withdraw the previous question.

Mr. WASHBURNE, of Illinois. Then I hope the House will not second it.

The question being on seconding the demand for the previous question,

The SPEAKER ordered tellers; and Messrs. MORRILL, and WASHBURNE of Illinois, were appointed.

The House divided; and the tellers reported—ayes 43, noes 67.

So the House refused to second the previous question.

Mr. WASHBURNE, of Illinois. I now offer this amendment as an additional section.

The SPEAKER. That cannot be done in order.

Mr. WASHBURNE, of Illinois. Then I offer it as a substitute for the amendment of the gentleman from New York.

The amendment was reported, as follows:

And be it further enacted, That all spirits of domestic production and held for sale on the 1st day of May, 1864, and on which no tax shall have been paid, shall be subject to a duty of fifty cents per gallon; and all such spirits held for sale on which a prior duty shall have been paid, shall be subject to a duty of thirty cents per gallon: *Provided further*, That *bona fide* retail dealers in spirits, duly licensed, shall not be taxed on their stock on hand, whose quantity on hand does not exceed two barrels.

Mr. MORRILL. I now demand the previous question on the bill and amendments.

The previous question was seconded, (there being, on division—ayes 63, noes 48,) and the main question ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. HICKEY, one of its clerks, announced that the Senate had passed the following bills and joint resolution, in which he was directed to ask the concurrence of the House:

An act (No. 236) to provide for granting an honorable discharge to coal-heavers and firemen in the naval service;

Joint resolution (No. 44) for the relief of clerks at the Kittery and Philadelphia navy-yards; and

An act (No. 256) to change and define the boundaries of the eastern and western judicial districts of Virginia, and to alter the names of said districts, and for other purposes.

Also, that the Senate had passed an act (H. R. No. 300) for the classification of the clerks to paymasters in the Navy, and graduating their pay, with an amendment, in which he was directed to ask the concurrence of the House.

RELIEF TO EAST TENNESSEE.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, transmitting an address to the President of the United States and through him to both Houses of Congress, on the condition of the people of East Tennessee, and asking attention to the necessity of some action on the part of the Government for their relief, which address is presented by a committee of an organization called the East Tennessee Relief Association. The President, while deeply commiserating the condition of that most loyal and suffering people, states that he is unprepared to make any specific recommendation for their relief, the military doing its best for them. The address suggests that a direct railroad communication between Knoxville and Cincinnati, by way of central Kentucky, would be of great consequence in the present emergency, and the President declares his readiness, with the hearty concurrence of Congress, to construct the road, both for the relief of those people and for its continuing of military importance.

The message was referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY POSITION OF A MEMBER.

The SPEAKER, by unanimous consent, laid before the House the following message from the President:

To the House of Representatives:

In obedience to a resolution of your honorable body, a copy of which is hereby returned, I have the honor to make the following brief statement, which is believed to contain the information sought:

Prior to, and at the meeting of the present Congress, Robert C. Schenck, of Ohio, and Frank P. Blair, jr., of Missouri, members elect thereto, by and with the consent of the Senate held commissions from the Executive as major generals in the volunteer army. General Schenck tendered the resignation of his said commission and took his seat in the House of Representatives at the assembling thereof, upon the distinct verbal understanding with the Secretary of War and the Executive that he might, at any time during the session, at his own pleasure, withdraw said resignation and return to the field. General Blair was, by temporary agreement with General Sherman, in command of a corps through the battles in front of Chattanooga, and in the march to the relief of Knoxville, which occurred in the latter days of December last, and of course was not present at the assembling of Congress. When he subsequently arrived here, he sought and was allowed by the Secretary of War and the Executive the same conditions and promise as allowed and made to General Schenck. General Schenck has not applied to withdraw his resignation, but when General Grant was made lieutenant general, producing some change of commanders, General Blair sought to be assigned to command of a corps. This was made known to Generals Grant and Sherman, and assented to by them, and the particular corps for him designated. This was all arranged and understood, as now remembered, as much as a month ago; but the withdrawal of General Blair's resignation, and making the order assigning him to the command of a corps, were not consummated at the War Department until last week, perhaps on the 23d of April, instant. As a summary of the whole, it may be stated that General Blair holds no military commission or appointment other than herein stated, and that it is believed he is now acting as major general upon the assumed validity of the commission herein stated, and not otherwise. There are some letters, notes, telegrams, orders, entries, and perhaps other documents, in connection with this subject, which it is believed would throw no additional light upon it, but which will be cheerfully furnished if desired. ABRAHAM LINCOLN.

April 28, 1864.

Mr. DAWES. I move that the message be printed and referred to the Committee of Elections.

Mr. SCHENCK. I observe, much to my surprise, that my name occurs in the communication from the President which has just been read; and I think it proper before any reference of it to the Committee of Elections that I should make some statement in reference to my connection with the matter of which it treats. There appears to be some misapprehension on the part of the President. I shall content myself with recounting briefly the circumstances under which I resigned my commission in the Army, and the relation in which that placed me to this House.

Mr. KALBFLEISCH. I desire to know what is before the House that is debatable.

The SPEAKER. The message of the President is before the House by unanimous consent, and the gentleman from Ohio has the floor.

Mr. SCHENCK. I say that I shall content myself with stating what occurred so far as I myself am concerned. I was elected to this Congress by the people of the third district of Ohio in the autumn of 1863, in my absence, while engaged in military service, or rather at a time when, by the chances of war, I happened to be disabled, and it was not certain whether I could return to active duty. This forced upon me subsequently, when again in command, the question whether I should leave the service and take the position tendered me in this body, or decline a place here, and leave my constituents to make a new election. For some time I doubted what it was my duty to do. As the time approached, when it became necessary that it should be known whether I was to take my seat as a Representative or not, in order that if I declined seasonable opportunity might be given for holding a special election to fill the vacancy, I felt it obligatory upon me to decide that question.

My own preference was to remain with the Army. I had gone in for the war and wished to see it through. My constituents, generally, and many other friends in Ohio and elsewhere, desired me to take my seat here. Others, whose judgment accorded with my own personal inclination, advised and urged me to remain in military service. I had a conversation with the Secretary of War upon the subject. I stated to him that I decidedly preferred, on many accounts, to continue in the military service or to return to it, and that I felt unwilling to go into Congress unless I could be sure that if I wished to return I could be restored with the same rank and date I had before held. I was told by the Secretary that there would be no difficulty he thought about that. Something was said in the course of the conversation about the possibility of rescinding at a future time the order accepting my resignation, when I should wish again to go into the Army; and the suggestion was made also that I might be reappointed, if that should appear to be the proper way of restoring me to my position. There was no agreement, no distinct understanding, between Mr. Stanton and myself as to how it should be done.

I remember this clearly, and I know it also from the fact that it was my impression then, as it is my opinion now, that I would have to be reappointed. The question how was little considered, and was passed by. The Secretary only assured me that it could be arranged and understood as I desired. He concurred in my opinion

that to remove my disqualification for taking a seat in Congress, my resignation of my military commission must be absolute. It was, of course, known that the President would have the power to appoint me with the same rank and date I had before. I asked the Secretary of War if it was necessary for me to converse with the President on the subject before resigning. He said he thought not; that he would himself speak to the President. In a subsequent conversation at the War Department, Mr. Stanton informed me that he had mentioned the subject to the President, and the President concurred with him that the matter could be arranged, so that I could return to the military service when I desired. Nothing was said about any particular time to which I was to be limited; whether it was to be during this session of Congress or at a later day. I supposed, however, that of course it would have to be within what might be stated, in general terms, as a reasonable time.

In this state of facts, on the 14th of November last, I tendered to the President my resignation, to take effect on the 5th December, 1863. At the same time, in a letter to the Secretary of War, inclosing and forwarding the resignation, I requested that I might be relieved from my command as soon thereafter as might be convenient. My resignation was accepted, and of that acceptance I received formal notice at Baltimore, on the 21st of November, and in pursuance of orders, on the 5th of December, there being no other successor assigned, I turned over the command of my department and corps to Brigadier General Lockwood, who was the officer in the department next in rank. Thus it was that on the 7th of December last I came here and took my seat as a member of the national Legislature, not understanding then or now, and not claiming then or now, to be still, in any sense, in the military service.

One other explanation I am reminded to add here, suggested by my friend and colleague on the Military Committee, [Mr. ODELL.] I received my pay as a major general up to the time I left the service, and I have drawn pay as a member of Congress from the beginning of this session. I have taken no double pay. I do not believe I am entitled to it; but if I am I shall not take it.

Mr. Speaker, I have made these remarks simply that there may be no misapprehension as to my own views in regard to my relation to this House, and only because my name and case were alluded to in the message from the President.

Mr. DAWES demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the message was ordered to be printed, and referred to the Committee of Elections.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

INTERNAL REVENUE BILL—AGAIN.

The SPEAKER. The gentleman from Vermont having reported the bill is entitled to an hour to close the debate.

Mr. MORRILL. Mr. Speaker, I do not propose to avail myself of that privilege except to make a few observations explanatory of the state of the bill now before the House. But first allow me to say, in behalf of the gentleman from New York, [Mr. STEBBINS,] that some remarks which were made here a few days ago in reference to his position as to the tax upon brokers have, perhaps, been misunderstood. I desire to say that while he was in favor of taxing the brokers to the extent that he deemed their business would bear, he was not in favor of making it so high as to be regarded as extravagant as I know he would have regarded the amendment reported from the Committee of the Whole on the state of the Union.

Mr. Speaker, we have raised the tax on refined petroleum, as reported in the original bill, from twenty cents to twenty-five cents per gallon. In addition to that we have placed a tax upon crude petroleum of one dollar per barrel, which will make it about equal to thirty cents per gallon. We have also provided for a drawback upon crude petroleum. If now the House vote down the amendment of five per cent. per gallon it would leave the tax twenty cents per gallon upon refined petroleum. If we should do that then it is possible that the other tax might be allowed to remain. But it seems to me to be excessive to allow both to remain. I individually hope that the tax on crude petroleum will be voted down, and that then the drawback will be voted down.

In relation to railroads, we have stricken out the proviso by which they were allowed to charge the increase of tax upon passengers and freight. This is a provision that would benefit them to some extent. I suppose it would reach only a small number of railroads in the whole country. If the provision is suffered to remain it will leave these railroads in the condition they would be without the tax. They can go up to the maximum which they are allowed to do under State laws. If this provision be voted down they would be subject to the tax without being able to go beyond the maximum. I think we ought to leave these roads with the same rights they enjoyed previous to the tax.

There is another subject where I fear we may have crippled the law, and that is by putting in the amendment in relation to the validity of promissory notes, checks, and other instruments in writing. I regard that provision in the present law as an important one; and I fear if we solely rely on penalties we shall much impair the efficiency of this part of the act.

I have a word to say in respect to the income tax. There is no provision in the bill like that reported from the Committee of the Whole. On all other subjects we tax every man alike. We do not tax the manufacturer or producer of merchandise a greater percentage because he manufactures or produces more than his neighbor. No State has ever taxed on this principle or ever will. This provision goes upon the principle of taxing a man more because he is richer than another. The very theory of our institutions is entire equality; that we make no distinction between the rich man and the poor man. The man of moderate means is just as good as the man with more means, but our theory of government does not admit that he is better, and I regard it as an evidence of the spirit of agrarianism to present a law here which shall make any such distinction. It is seizing property of men for the crime of having too much. I can speak fairly on this subject because I do not belong to this class. We have too few rich men in the country to make a distinction that may induce them to expatriate themselves during the season of the large taxation which we are obliged to enforce. If like true and loyal men they pay as do other men upon all they possess, is not that enough? I know of one man in this House, who, I believe, has done that, and contributed to the comfort of the soldier not less than five times the amount of his taxes in addition. Let us be just. I believe the result of this differential system of duties upon men of large wealth will be to make them go abroad in order to escape the taxation. On the boundary line of my own State I fear it may be so. In this proposition there seems to me to be something unjust; and I can say that without any partiality, for I am not one of those who will be reached by it.

In relation to the bank tax and the additional section adopted on motion of the gentleman from Illinois, I really hope the House will vote them down, for the reason that we shall reach the question of bank taxation in another and independent bill. It is a question of so much importance that it ought not to be incorporated into this bill, for thereby we shall certainly retard its progress through the other branch of Congress.

In relation to the tax of liquors on hand, it has been debated and discussed over and over again. We all of us know it cannot pass the Senate.

Mr. WASHBURNE, of Illinois. I desire to know upon what authority the gentleman makes that statement.

Mr. MORRILL. Upon former votes.

Mr. WASHBURNE. of Illinois. I am advised differently, and that the Senate has been greatly enlightened since the former votes were taken, and that they will adopt our amendment if it is incorporated into the bill.

Mr. MORRILL. I think the gentleman is mistaken.

Mr. WASHBURNE, of Illinois. At any rate that is no good argument why the House should not impose the tax.

Mr. MORRILL. I am sure it will retard the progress of this bill for many days, and I think I know whereof I speak as well as the gentleman from Illinois. Gentlemen have made up their record upon this subject. I would be glad to go with them and reach this large amount of revenue, but I do not believe it would be consistent with the principles of fair legislation. I desire that this bill shall go forth to the country with nothing in it to which anybody can object as unjust or unequal. I have no further remarks to make.

The SPEAKER. The Clerk will now read the first amendment reported from the Committee of the Whole.

Mr. J. C. ALLEN. I desire to ask the gentleman from Vermont whether he proposes to take a vote upon all these amendments one at a time?

Mr. MORRILL. I propose to indicate a few amendments upon which I desire a separate vote, and then to leave other gentlemen to indicate the amendments upon which they desire a separate vote, and then to take a vote upon all the rest in a body.

Mr. J. C. ALLEN. At this time, or will you wait until the amendments are printed?

Mr. MORRILL. Now.

The SPEAKER. The Chair would ask whether the amendments shall be considered *seriatim*—and there are about five hundred of them—or whether gentlemen desiring a separate vote upon any amendments shall name them, and a vote be taken on the remainder in a body?

Mr. HOLMAN. I suggest that the vote be taken upon each proposition as it is read.

Mr. MORRILL. Does the gentleman from Indiana understand the proposition? I propose to indicate the several amendments upon which I desire a separate vote, and then I am willing that other gentlemen shall do the same thing, and after that we take a vote upon all the rest together.

Mr. HOLMAN. It is understood, however, that as the amendments are reported any gentleman may call for a separate vote?

The SPEAKER. Unless unanimous consent is given, the amendments must be taken *seriatim*.

Mr. HOLMAN. Does the gentleman from Vermont propose they shall not be reported?

The SPEAKER. The proposition is that every member designate what he desires a separate vote upon, and that upon all the other amendments the vote shall be taken in a body.

No objection being made, the proposition was agreed to; and under the operation thereof all the amendments reported to the House from the Committee of the Whole on the state of the Union were agreed to, except those upon which a separate vote was requested, as appears below:

On page 116, strike out lines forty-one, forty-two, and forty-three, which are as follows:

And all gas companies are hereby authorized to add the duty or tax imposed by law to the price per thousand cubic feet on gas sold.

Mr. DEMING called for tellers.

Tellers were not ordered.

The amendment was disagreed to—ayes 43, noes 58.

Add at the end of the section the following proviso:

Provided, That so much of the act approved July 11, 1862, "making further appropriations for sundry civil expenses of the Government for the year ending 30th June, 1863, and additional appropriations for the year ending 30th June, 1862," as limits the price to be paid to the Washington Gas-Light Company per hundred cubic feet of gas furnished by it to the Government and other consumers, be and the same is hereby repealed.

The amendment was disagreed to.

On page 117, in line sixty-two, after the word "twenty" insert "five;" so that it will read:

On coal-illuminating oil and naphtha, benzine, and benzole, refined, produced by the distillation of coal, asphaltum, shale, peat, petroleum, or rock oil, and all other bituminous substances used for like purposes, a duty of twenty-five cents per gallon.

The amendment was disagreed to—ayes 19, noes 73.

In line sixty-five of the same page and section, strike out "twelve" and insert "fifteen" in lieu thereof; so that the proviso will read:

Provided, That such oil, refined and produced by the distillation of coal exclusively, shall be subject to pay a duty of fifteen cents per gallon, anything to the contrary notwithstanding.

The amendment was agreed to.

On page 118, at the end of the same section insert "on crude petroleum one dollar per barrel."

The amendment was disagreed to—ayes 43, noes 60.

On page 212, at the end of line thirty-four, insert:

And provided further, That there shall be an allowance

or drawback on crude petroleum when exported of $1 30 per barrel of forty gallons.

The amendment was disagreed to.

Strike out the following proviso at the end of section one hundred and one, on page 143:

Provided, That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

The amendment was agreed to—ayes seventy-two, noes not counted.

On page 156, section one hundred and fourteen, strike out all after the word "provided" to the end of the section, as follows: "That upon such gains, profits, or income, which shall be derived from interest upon notes, bonds, or securities of the United States, there shall be levied, collected, and paid a duty of two and one half of one per cent. only, anything in this act to the contrary notwithstanding;" and insert in lieu thereof the following: "That income derived from interest upon notes, bonds, and other securities of the United States shall be included in estimating the income under this section."

The amendment was agreed to.

The SPEAKER. The next amendment upon which a separate vote has been called for is the one in relation to banks adopted by the Committee of the Whole on the state of the Union this morning on the motion of the gentleman from Illinois, [Mr. FARNSWORTH.]

Mr. GANSON. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 78, nays 64; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Alley, Allison, Ames, Ancona, Anderson, Arnold, Augustus C. Baldwin, Jacob B. Blair, Brandegee, William G. Brown, Cobb, Cox, Cravens, Henry Winter Davis, Dawson, Denison, Donnelly, Driggs, Eden, Farnsworth, Finck, Garfield, Grider, Hall, Harding, Harrington, Holman, Hooper, Philip Johnson, William Johnson, Julian, Kelley, Francis W. Kellogg, Knapp, Law, Le Blond, Loan, Long, Longyear, Marcy, McAllister, McBride, McClurg, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Noble, Norton, John O'Neill, Orth, Pike, Samuel J. Randall, William H. Randall, Alexander H. Rice, Robinson, James S. Rollins, Ross, Schenck, Sloan, Smith, Stiles, Strouse, Stuart, Thomas, Elihu B. Washburne, Webster, Whaley, Wheeler, Chilton A. White, Joseph W. White, Williams, Wilson, Windom, and Yeaman—78.

NAYS—Messrs. Baily, John D. Baldwin, Baxter, Beaman, Blow, Boutwell, Brooks, Broomall, Freeman Clarke, Cole, Creswell, Dawes, Deming, Eckley, Eldridge, Eliot, Fenton, Ganson, Grinnell, Griswold, Herrick, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Kalbfleisch, Kasson, Orlando Kellogg, Kernan, King, Lazear, Marvin, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Charles O'Neill, Patterson, Pendleton, Perham, Perry, Pomeroy, Price, Radford, John H. Rice, Edward H. Rollins, Shannon, Spalding, John B. Steele, William G. Steele, Stevens, Thayer, Upson, Voorhees, Ward, William B. Washburn, Wilder, Winfield, and Fernando Wood—64.

So the amendment was agreed to.

Mr. FARNSWORTH moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WHALEY. I move to reconsider the vote by which the amendment reported by the Committee of the Whole on the state of the Union increasing the duty on coal oil from twelve to fifteen cents a gallon was agreed to.

Mr. SCOFIELD. I move to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment of the Committee of the Whole on the state of the Union on which a separate vote was demanded was to strike out "three," on page 127, and to insert in lieu thereof "five," so that it would read:

On gold, silver, and quicksilver, produced from quartz mines, from beds of rivers, from the earth, or in any other way or manner, a duty of five per cent. *ad valorem*.

Mr. HIGBY demanded a separate vote, and called for the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and there were, on a division—ayes 72, noes 24.

So the amendment was agreed to.

The next amendment on which a separate vote was demanded was to strike out the one hundred and fifty-first section, as follows:

SEC. 151. *And be it further enacted*, That if any person or persons shall make, sign, and issue, or issue or cause to be made, signed, and issued, any instrument, document, or paper of any kind or description whatsoever, without the same being duly stamped for denoting the duty hereby imposed thereon, or without having thereupon an adhesive stamp to denote said duty, such person or persons shall incur a penalty of fifty dollars, and such instrument, document, or paper as aforesaid shall be deemed invalid and of no effect.

The amendment was agreed to.

The next amendment on which a separate vote was demanded was to strike out on page 118, line ninety-seven, "one cent" and insert "two cents;" so that the clause would read:

On brown or Muscovado sugar not above No. 15 Dutch standard in color, produced directly from the sugar-cane and not from sorghum or imphee, other than those produced by the refiner, a duty of two cents per pound.

Mr. RANDALL, of Pennsylvania, demanded a separate vote on the amendment.

Mr. MORRILL. Under the present law the tax is the same.

Mr. RANDALL, of Pennsylvania. I object to the gentleman making any remarks unless I have an opportunity to reply. I will answer the gentleman if I have an opportunity.

The SPEAKER. Debate is not in order.

Mr. KERNAN called for the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 72; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Blow, Boutwell, Brandegee, Broomall, William G. Brown, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, Farnsworth, Fenton, Garfield, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Longyear, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Norton, Orth, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Smith, Spalding, Stevens, Thayer, William B. Washburn, Whaley, Wilder, Wilson, and Windom—71.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Brooks, Chanler, Clay, Cox, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Charles M. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Le Blond, Loan, Long, Marcy, Marvin, McAllister, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Leonard Myers, Nelson, Noble, Odell, Charles O'Neill, John O'Neill, Pendleton, Perry, Radford, Samuel J. Randall, Robinson, James S. Rollins, Ross, Scofield, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Thomas, Voorhees, Ward, Elihu B. Washburne, Webster, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, Fernando Wood, and Yeaman—72.

So the amendment was rejected.

Mr. RANDALL, of Pennsylvania, moved to reconsider the vote by which the amendment was rejected; and also moved to lay the motion to reconsider on the table.

Mr. STEVENS. I ask for the yeas and nays upon the motion to lay the motion to reconsider on the table. The vote was so close that I think we had better have another vote upon it.

Mr. RANDALL, of Pennsylvania. I withdraw the motion to reconsider.

The next amendment on which a separate vote was asked was on page 119, to increase the duty on sugar from two to three cents per pound.

The motion was disagreed to.

Mr. UPSON. I desire to say that on the vote just taken I voted "ay." I find that my vote has not been recorded. I ask that it may be recorded in the affirmative.

Several MEMBERS. Too late.

The SPEAKER. The Chair thinks it is not too late.

Mr. JOHNSON, of Pennsylvania. Does the Chair decide that the gentleman has the right to correct his vote now?

The SPEAKER. The Clerk will read from the Digest on that subject.

The Clerk read, as follows:

"All proceedings of the House subsequent to the erroneous announcement of a vote, which would have been irregular if such vote had been correctly announced, are to be treated as a nullity and are not to be entered on the Journal."

Mr. JOHNSON, of Pennsylvania. That simply applies to a mistake of the Chair in announcing a vote.

The SPEAKER. The Chair thinks that when a gentleman is present and votes, he has the right to have his vote recorded.

Mr. RANDALL, of Pennsylvania. I want to suggest to the Speaker that subsequent to the announcement of the vote an amendment was taken up and voted upon. Other business therefore had intervened before the gentleman from Michigan asked to have his vote recorded.

The SPEAKER. The Chair thinks it is not too late for the gentleman to have his vote recorded. If the motion to reconsider had been made and had been laid upon the table the Chair might have doubt, but at present he has no doubt that the gentleman has the right to correct his vote.

Mr. JOHNSON, of Pennsylvania. I appeal from the decision of the Chair.

The question was taken; and the decision of the Chair was sustained as the judgment of the House.

Mr. UPSON's vote was then recorded in the affirmative upon the amendment; the vote standing—yeas 72, nays 72.

The SPEAKER voted in the negative; so the amendment was disagreed to.

Mr. BOUTWELL. I move to reconsider the vote by which the amendment was disagreed to.

The SPEAKER. Did the gentleman from Massachusetts vote upon the prevailing side?

Mr. BOUTWELL. I did not.

The SPEAKER. Then the gentleman has no right to make the motion.

Mr. A. MYERS. I desire to ask why the gentleman from Massachusetts could not move to reconsider?

The SPEAKER. Because the gentleman did not vote upon the prevailing side.

Mr. A. MYERS. How was there any prevailing side when the vote was a tie vote, and the Speaker merely voted to decide the matter?

The SPEAKER. The prevailing side was the negative; the vote of the Speaker made it the prevailing side. The Chair states that he usually votes on the prevailing side when there is a tie vote. [Laughter.]

Mr. O'NEILL, of Pennsylvania. I rise to a privileged question. I move to reconsider the vote by which the amendment was disagreed to.

Mr. RANDALL, of Pennsylvania. I move to lay the motion to reconsider on the table.

Mr. BOUTWELL. I ask for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. MORRILL. As the time for a recess has nearly arrived I desire to say before the vote commences that I hope this bill may be considered in preference to all other business to-night; and that we shall not take a recess at the usual hour.

The SPEAKER. To-night has been set apart by the unanimous consent of the House for the consideration of the business of the Committee on Indian Affairs.

Mr. WINDOM. I do not desire to have that business interfere with this, if we can have the remainder of the evening session for our business.

Mr. MORRILL. Very well, then. I ask the unanimous consent of the House that there be no recess; and that there be no evening session for other business.

Mr. ROSS. I object to that.

The SPEAKER. The Chair will then submit the question to the House. The majority have the right to decide it.

Mr. MORRILL. I hope there will be no objection to my proposition. It is merely that the House shall continue upon this business as long as it shall see fit, and that the evening session be devoted to no other business.

Mr. COX. I hope there will be no recess, but that the House will adjourn, and that we shall have no more night sessions.

The proposition of Mr. MORRILL was agreed to.

The vote was then taken on Mr. RANDALL's motion to lay the motion to reconsider on the table; and it was decided in the negative—yeas 68, nays 75; as follows:

YEAS—Messrs. James C. Allen, Ancona, Baily, Brooks, Chanler, Clay, Cox, Dawson, Denison, Eden, Eldridge, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kalbfleisch, Kernan, King, Knapp, Law, Lazear, Le Blond, Loan, Long, Marcy, Marvin, McAllister, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, Odell, John O'Neill, Pendleton, Radford, Samuel J. Randall, Robinson, James S. Rollins, Ross, Smith, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Thomas, Voorhees, Ward, Elihu B. Washburne, Webster, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, Fernando Wood, and Yeaman—68.

NAYS—Messrs. Alley, Allison, Ames, Anderson, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Blow, Boutwell, Brandegee, Broomall, William G. Brown, Freeman Clarke, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley,

Eliot, Farnsworth, Fenton, Garfield, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Longyear, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Sloan, Spalding, Stevens, Thayer, Upson, William B. Washburn, Wilder, Wilson, and Windom—75.

So the motion to reconsider was not laid on the table.

The question then recurred on the motion to reconsider.

Mr. DAWSON demanded the yeas and nays.

Mr. RANDALL, of Pennsylvania, demanded tellers on the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

Mr. ROSS. I rise to a privileged question. The time has arrived for taking a recess under the order of the House.

The SPEAKER. It was agreed some time ago by the House that we should go on with this bill until it was deemed fit to adjourn or to take a recess.

Mr. ROSS. I did not hear that, or I would have objected to it.

Mr. JOHNSON, of Pennsylvania. Under the decision of the Chair the gentleman has the right to go back and change the vote.

The SPEAKER. The Chair does not think the cases are parallel, if the gentleman does. The gentleman from Illinois can move to adjourn or to take a recess.

Mr. ROSS. I move that the House take a recess until seven o'clock p. m.

Mr. COX. I hope we will not take a recess, but go through with this bill, and then adjourn.

The motion was disagreed to; there being, on a division—ayes 60, noes 65.

The motion to reconsider was then agreed to.

The question recurred on the amendment of the Committee of the Whole on the state of the Union in reference to the tax on sugar, raising it from one to two cents.

Mr. FINCK demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 75, nays 66; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, John D. Baldwin, Baxter, Beaman, Blaine, Jacob B. Blair, Blow, Boutwell, Brandegee, Broomall, William G. Brown, Freeman Clarke, Cobb, Cole, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, Farnsworth, Fenton, Garfield, Grinnell, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Longyear, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Shannon, Sloan, Spalding, Stevens, Thayer, Upson, William B. Washburn, Wilder, Wilson, and Windom—75.

NAYS—Messrs. James C. Allen, Ancona, Baily, Augustus C. Baldwin, Brooks, Chanler, Cox, Dawson, Denison, Eden, Finck, Ganson, Grider, Griswold, Hall, Harding, Harrington, Benjamin G. Harris, Herrick, Holman, Hutchins, Philip Johnson, William Johnson, Kernan, King, Knapp, Law, Lazear, Le Blond, Loan, Long, Marcy, Marvin, McAllister, McDowell, McKinney, William H. Miller, James R. Morris, Morrison, Nelson, Noble, John O'Neill, Pendleton, Perry, Radford, Samuel J. Randall, Robinson, Ross, Scofield, Smith, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Thomas, Voorhees, Ward, Elihu B. Washburne, Webster, Wheeler, Chilton A. White, Joseph W. White, Williams, Winfield, and Fernando Wood—66.

So the amendment was agreed to.

During the vote,

Mr. ELDRIDGE, having been called out of the House, asked leave to vote.

Objection was made.

Mr. ELDRIDGE stated that he would have voted in the negative.

The reading of the names, by unanimous consent, was dispensed with.

The vote was then announced as above recorded.

And then, on motion of Mr. FENTON, the House took a recess until seven o'clock p. m.

EVENING SESSION.

The House resumed its session at seven o'clock p. m.; and a quorum not appearing, on motion of Mr. MORRILL, a further recess was taken for fifteen minutes.

HEIRS OF JOHN FONDA, ETC.

Mr. PRICE, (after the House reassembled,) by unanimous consent, from the Committee on Revolutionary Pensions, moved that that committee be discharged from the further consideration of the petitions of the heirs of John Fonda for half pay, Lydia Lillie for Elias Robeson for back pay, and of Isaiah Tiffany for half pay, and that they be returned to the parties presenting them.

The motion was agreed to.

MEMBERS IN THE MILITARY SERVICE.

Mr. SCHENCK. I ask unanimous consent of the House to submit the following resolution:

Resolved, That the President be requested to communicate to this House copies of all "letters, notes, telegrams, orders, entries," or "other documents," which are referred to by him in his message sent to the House this day, and which have connection with the answer made by him in that message to the resolution requesting him to inform the House whether FRANCIS P. BLAIR, jr., of Missouri, holds now any appointment or commission in the military service of the United States.

Mr. DAWSON. I object.

Mr. SCHENCK. Mr. Speaker, I am sorry that objection was made by the gentleman from Pennsylvania [Mr. DAWSON] to my offering the resolution asking for further information from the President; but as I have general consent of the House to make an explanation I will state the reason why I desired such a resolution to pass. The President, in the message sent here this morning, makes the remark that there are various "letters, notes, telegrams, orders, entries, and other documents" which relate to the subject of that communication, but——

Mr. DAWES. I understand that the gentleman from Pennsylvania objected to the introduction of the resolution. I hope the gentleman will withdraw it.

Mr. DAWSON. I withdraw it.

Mr. FERNANDO WOOD. I renew it upon the ground of public good. I think, sir, it is inopportune to offer the resolution now.

The SPEAKER. The Chair is of opinion that when the House is not acting under the previous question the gentleman from Massachusetts [Mr. DAWES] might offer it as a matter of privilege, as it relates to the question of membership in the House.

Mr. FERNANDO WOOD. I understand it is a resolution calling upon the President for information. I have a resolution in my desk which has been lying there for three weeks, calling upon the President for information.

Mr. SCHENCK. I call the member from New York [Mr. FERNANDO WOOD] to order. I have the floor by general consent of the House, and I have not yielded it to him to make objection, or for anything else.

The SPEAKER. That is true.

Mr. SCHENCK. And I yielded it to the gentleman from Massachusetts, who asked the gentleman from Pennsylvania to withdraw his objection, which he did. When I was about to proceed the member from New York had no right to occupy the floor.

The SPEAKER. The gentleman is not entirely correct. The gentleman from New York has a right to raise a question of order, as any other member has. He renewed the objection of the gentleman from Pennsylvania. But that does not take the gentleman from Ohio off the floor.

Mr. SCHENCK. The member from New York has no right while I am on the floor by permission of the House to make any objection.

Mr. FERNANDO WOOD. I objected to the introduction of the resolution, and not to his remarks.

Mr. SCHENCK. Well, sir, I make a point of order; and the point which I make is this: that the member from New York has not the right to take the floor from me even to make an objection while I am on the floor.

Mr. FERNANDO WOOD. I object to the gentleman proceeding except in order. He cannot proceed except by unanimous consent.

The SPEAKER. The gentleman from Ohio yielded to the gentleman from Massachusetts, [Mr. DAWES,] and the gentleman from Massachusetts appealed to the gentleman from Pennsylvania to withdraw his objection to the introduction of the resolution. The Chair thinks the gentleman from New York has a right to renew the objection, but the gentleman from Ohio is speaking by the consent of the House and that consent cannot be withdrawn.

Mr. FERNANDO WOOD. Then I hope he will proceed civilly and courteously, or not at all.

The SPEAKER. The gentleman is not out of order at present.

Mr. SCHENCK. I was saying, Mr. Speaker, that the President, in his message of this morning, speaks of letters, notes, telegrams, entries, orders, and other documents relating to this arrangement about withdrawing resignations. He does not, however, send those papers here, because in his opinion they would not throw any other light upon the subject than the message gives.

Now, lest there may be some misapprehension in supposing that any of those letters, notes, telegrams, or orders relate to me, and with a desire also to know what they are, and to see if they give any additional information which might properly go to the Committee of Elections, I proposed my resolution. But it is not admitted. I will therefore avail myself of the indulgence of the House to say at this time, in addition to my statement of this morning, that, so far as I know or can remember, there is no document of any kind, no scratch of a pen relating to any negotiation of an arrangement in which I was or am concerned. I related to the House this morning all that took place between the Secretary of War and myself in regard to this matter. It was all verbal, and I wish it understood, as from the message it might possibly not otherwise be, that there was no connection of any kind between the matters relating to Mr. Blair and myself; I mean no arrangement jointly made, or in which we were concerned together.

LANDS IN MISSOURI.

Mr. WINFIELD, by unanimous consent, introduced a bill concerning certain locations of lands in the State of Missouri; which was read a first and second time, and referred to the Committee on Private Land Claims.

INTERNAL REVENUE BILL—AGAIN.

The House resumed the consideration of the internal revenue bill, and the amendments reported thereto by the Committee of the Whole on the state of the Union.

The amendments came up, and were disposed of in their order, as follows:

Page 119, line one hundred, strike out "two" and insert "three;" so that the clause will read:

On all clarified or refined sugars above No. 15, Dutch standard in color, produced directly from the sugar-cane, and not from sorghum or imphee, a duty of three cents per pound.

Mr. MORRILL. We ought to reconsider our action on that section. Having now restored the tax on brown sugar to three cents, it becomes necessary to restore the tax on refined sugar to the same point.

Mr WASHBURNE, of Illinois. And put the same tax on the rich man's sugar that you do on the poor man's?

Mr. MORRILL. Certainly. I move to reconsider the vote by which that amendment was disagreed to.

The motion to reconsider was agreed to.

The question recurred on agreeing to the amendment reported by the Committee of the Whole on the state of the Union; and being put, the amendment was agreed to—ayes sixty-four, noes not counted.

On page 119, line one hundred and four, strike out the word "one" and insert "two;" so that the clause will read:

On the gross amount of the sales of sugar refiners, including all the products of their manufactories or refineries, a duty of two and a half of one per cent. *ad valorem*; &c.

Mr. RADFORD demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 60, nays 47; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnold, Baily, Baxter, Beaman, Boutwell, Boyd, Broomall, William G. Brown, Cole, Dawes, Deming, Donnelly, Driggs, Eliot, Farnsworth, Garfield, Grinnell, Higby, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Kelley, Orlando Kellogg, Loan, Longyear, Marvin, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Charles O'Neill, Perham, Pomeroy, Price, William H. Randall, John H. Rice, Edward H. Rollins, Schenck, Scofield, Sloan, Spalding, Thayer, Upson, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilder, Wilson, and Windom—60.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Augustus C. Baldwin, Blaine, Brooks, Chanler, Cox, Cravens, Dawson, Denison, Eden, English, Finck, Ganson, Griswold, Harding, Harrington, Herrick, Holman, Hooper, William Johnson, Kernan, Lazear, Marcy, McAl

lister, James R. Morris, Morrison, Nelson, Odell, John O'Neill, Pendleton, Radford, Samuel J. Randall, Ross, John B. Steele, William G. Steele, Stiles, Strouse, Stuart, Thomas, Ward, Wheeler, Chilton A. White, Winfield, Fernando Wood, and Yeaman—47.

So the amendment was agreed to.

Mr. ODELL stated, during the roll-call, that Mr. KALBFLEISCH had been called home on account of a death in his family.

Mr. STEVENS stated that he was paired on this question with Mr. FENTON.

On page 119, after line one hundred and one, insert the following:

On all clarified or refined sugar above No. 18 Dutch standard in color, produced directly from the sugar-cane, and not from sorghum or imphee, a duty of four cents per pound.

The amendment was agreed to.

On page 119, line one hundred and eighteen, after the word "sold," at the end of the line, insert "by the box, package, or;" so that the clause will read:

On sugar candy and all confectionery made wholly or in part of sugar, valued at not exceeding twenty cents, a duty of two cents per pound; exceeding twenty and not exceeding forty cents per pound, a duty of four cents per pound; when exceeding forty cents per pound, or sold by the box or package, or otherwise than by the pound, a duty of ten per cent. *ad valorem*.

The amendment was agreed to.

On page 124, line two hundred and forty-six, strike out "one dollar" and insert "two dollars;" so that the clause will read:

On pig iron, a duty of two dollars per ton.

The amendment was agreed to.

In section one hundred and eleven, line ten, strike out "one" and insert "two;" so that the section will read:

SEC. 111. *And be it further enacted*, That any person, firm, or corporation, or the manager or agent thereof, owning, possessing, or leasing, or having the care or management of any theater, opera, circus, museum, or other place or building where dramatic or operatic representations, plays, or performances, or musical entertainments, are open to the public for pay, or where feats of horsemanship or acrobatic sports are exhibited, but not including halls rented or used for occasional concerts or theatrical representations, shall be subject to and pay a duty of two per cent. on the gross amount of all receipts derived by such person, firm, company, or corporation from such representations, plays, or performances, or musical entertainments; &c.

The question was put; and there were—ayes 56, noes 36.

Mr. HOOPER demanded the yeas and nays.

Mr. SCOFIELD called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The amendment was agreed to.

The SPEAKER. All of the amendments reported by the Committee of the Whole on the state of the Union have now been acted on. There are two amendments reserved, that offered by the gentleman from New York, [Mr. FERNANDO WOOD,] and the substitute offered by the gentleman from Illinois, [Mr. WASHBURNE.] The vote will now be taken on the substitute, as follows:

And be it further enacted, That all spirits of domestic production and held for sale on the 1st day of May, 1864, and on which no tax shall have been paid, shall be subject to a duty of fifty cents per gallon; and all such spirits on hand for sale on which a prior duty shall have been paid, shall be subject to a duty of thirty cents per gallon: *Provided further*, That *bona fide* retail dealers in spirits, duly licensed, shall not be taxed on their stock on hand, whose quantity on hand does not exceed two barrels.

Mr. UPSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 68, nays 63; as follows:

YEAS—Messrs. William J. Allen, Alley, Allison, Ames, Arnold, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Boutwell, Boyd, Brandegee, William G. Brown, Cobb, Cole, Creswell, Dawes, Dawson, Deming, Dixon, Donnelly, Driggs, Eden, Eliot, Farnsworth, Ganson, Grider, Grinnell, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Julian, Kasson, Francis W. Kellogg, Orlando Kellogg, Kernan, Loan, Longyear, McAllister, McBride, McClurg, Samuel F. Miller, Moorhead, Daniel Morris, James R. Morris, Amos Myers, Norton, Odell, Perham, Pike, Price, William H. Randall, John H. Rice, Edward H. Rollins, Ross, Scofield, Spalding, John B. Steele, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilson, Windom, Fernando Wood, and Yeaman—68.

NAYS—Messrs. James C. Allen, Ancona, Baily, Blaine, Brooks, Broomall, Chanler, Freeman Clarke, Cox, Cravens, Henry Winter Davis, Denison, English, Fenton, Finck, Garfield, Griswold, Harding, Harrington, Herrick, Higby, Holman, Hooper, Philip Johnson, William Johnson, Kelley, Law, Lazear, Marcy, Marvin, McDowell, McIndoe, McKinney, William H. Miller, Morrill, Morrison, Leonard Myers, Nelson, Noble, Charles O'Neill, John O'Neill, Orth, Pendleton, Perry, Pomeroy, Radford, Samuel J. Randall, Alexander H. Rice, Schenck, Shannon, Sloan, William G. Steele, Stevens, Stiles, Strouse, Stuart, Thayer, Ward, Wheeler, Chilton A. White, Joseph W. White, Wilder, and Winfield—63.

So the substitute was agreed to.

The question recurred on the amendment as amended.

Mr. ANCONA called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I move that the House do now adjourn.

The motion was not agreed to.

Mr. HOLMAN. I move that there be a call of the House.

The SPEAKER. That motion is not in order under the previous question unless, on actual count, a quorum is not found to be present.

The question was taken; and it was decided in the affirmative—yeas 72, nays 62; as follows:

YEAS—Messrs. William J. Allen, Alley, Allison, Ames, Arnold, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Boutwell, Boyd, Brandegee, William G. Brown, Chanler, Cobb, Cole, Creswell, Dawes, Dawson, Deming, Dixon, Donnelly, Driggs, Eckley, Eden, Eliot, Farnsworth, Ganson, Grinnell, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Francis W. Kellogg, Orlando Kellogg, Kernan, Loan, Longyear, McAllister, McBride, McClurg, Samuel F. Miller, Moorhead, Daniel Morris, Morrison, Amos Myers, Norton, Odell, Perham, Pike, Price, William H. Randall, John H. Rice, Edward H. Rollins, Ross, Scofield, Shannon, Sloan, Spalding, John B. Steele, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Webster, Williams, Wilson, Windom, Fernando Wood, and Yeaman—72.

NAYS—Messrs. James C. Allen, Ancona, Baily, Blaine, Brooks, Broomall, Freeman Clarke, Cox, Cravens, Denison, English, Fenton, Finck, Garfield, Grider, Griswold, Harding, Harrington, Herrick, Higby, Holman, Philip Johnson, William Johnson, Kelley, King, Law, Lazear, Le Blond, Marcy, Marvin, McDowell, McIndoe, McKinney, William H. Miller, Morrill, James R. Morris, Leonard Myers, Nelson, Noble, Charles O'Neill, John O'Neill, Orth, Pendleton, Perry, Pomeroy, Radford, Samuel J. Randall, Alexander H. Rice, Schenck, William G. Steele, Stevens, Stiles, Strouse, Stuart, Thayer, Ward, Wheeler, Chilton A. White, Joseph W. White, Wilder, and Winfield—62.

So the amendment, as amended, was agreed to.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the amendment as amended was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. MORRILL moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. FERNANDO WOOD called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 102, nays 33; as follows:

YEAS—Messrs. Alley, Allison, Ames, Arnold, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Freeman Clarke, Cobb, Cole, Cravens, Creswell, Henry Winter Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, English, Farnsworth, Fenton, Ganson, Garfield, Grider, Grinnell, Griswold, Hall, Harding, Higby, Holman, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, King, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Pomeroy, Price, Radford, Samuel J. Randall, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, Schenck, Scofield, Shannon, Sloan, Spalding, John B. Steele, William G. Steele, Thayer, Thomas, Upson, Elihu B. Washburne, William B. Washburn, Webster, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, and Yeaman—102.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Brooks, Chanler, Cox, Dawson, Denison, Eden, Finck, Harrington, Herrick, Philip Johnson, William Johnson, Law, Le Blond, Marcy, McDowell, McKinney, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Ross, Stiles, Strouse, Stuart, Ward, Chilton A. White, Joseph W. White, and Fernando Wood—33.

So the bill was passed.

During the roll-call,

Mr. ASHLEY stated that he was paired off on all questions with Mr. EDGERTON.

Mr. DAWES stated that his colleague, Mr. GOOCH, was absent on public business, and was paired off with Mr. SWEAT. He did not know how the gentleman from Maine would have voted on this bill, but his colleague would certainly have voted in the affirmative.

Mr. STEELE, of New Jersey, stated that his colleague, Mr. MIDDLETON, had been called home by business of importance.

Mr. MILLER, of Pennsylvania, stated that he was paired off with his colleague, Mr. TRACY.

Mr. BAXTER stated that his colleague, Mr. WOODBRIDGE, was absent on account of sickness in his family.

Mr. FENTON stated that his colleagues, Messrs. DAVIS and VAN VALKENBURGH, were absent on account of sickness, and were paired off; also, that his colleague, Mr. LITTLEJOHN, was absent on account of sickness.

Mr. STEELE, of New York, stated that his colleague, Mr. STEBBINS, had been called home by sickness in his family.

Mr. POMEROY stated that his colleagues, Messrs. A. W. CLARK and FRANK, were unavoidably absent.

Mr. STILES stated that Mr. HARRIS, of Maryland, had been called home by sickness.

The vote was announced as above recorded.

Mr. STEVENS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MILITARY POSITION OF A MEMBER.

Mr. DAWES. I rise to a question of privilege. I submit the following resolution:

Resolved, That the President be requested to communicate to the House copies of all letters, notes, telegrams, orders, entries, or other documents, which are referred to by him in his message sent to the House this day, and which have connection with the answer made by him in that message to the resolution requesting him to inform the House whether FRANCIS P. BLAIR, jr., of Missouri, holds now any appointment or commission in the military service of the United States.

The SPEAKER. The resolution is a privileged one, but as it calls for information will lie over under the rules for one day, unless there be unanimous consent to consider it now.

Mr. BROOKS. I do not object, but I should like to know what is the object in extending this inquiry further.

Mr. DAWES. I will inform the gentleman.

The SPEAKER. The Chair desires first to know whether there is objection to considering the resolution at this time.

Mr. FERNANDO WOOD. I object.

The SPEAKER. Then the resolution goes over until to-morrow.

Mr. DAWES. I appeal to the gentleman from New York to withdraw his objection.

The SPEAKER. The resolution has already gone over, and is not before the House. It being a matter of privilege, the gentleman can call it up at any time after to-day.

INDIAN AFFAIRS.

Mr. WINDOM. I understood the House this afternoon to agree that if the tax bill was under consideration to-night the Committee on Indian Affairs would be allowed to name a day for the transaction of their business. I desire now to designate, if it will meet with the views of the House, Monday next, after the morning hour.

Mr. DAVIS, of Maryland. Do I understand that proposition requires unanimous consent?

The SPEAKER. It does not. The House gave the authority, and the Chair understands that the committee has a right to designate the day. The gentleman now designates Monday next, after the morning hour.

Mr. WASHBURNE, of Illinois. I move that the House do now adjourn.

TAX LAWS.

Mr. GRISWOLD. Before the question is put on that motion, I ask the unanimous consent of the House to submit the following resolution:

Resolved, That it be referred to the Committee of Ways and Means to inquire into the expediency of purchasing for the use of the House and for distribution among the members one thousand copies of Stretl's Digest of the Tax Laws of the several States.

Mr. HOLMAN. I object.

MINNESOTA RAILROADS.

Mr. DONNELLY, by unanimous consent, introduced a joint resolution amendatory of the joint resolution approved July 12, 1862, granting to the State of Minnesota the right to change the line of certain branch railroads in said State, and for other purposes; which was read a first and second time, and referred to the Committee on Public Lands.

MISSOURI CONTESTED ELECTION.

Mr. GANSON. I desire to give notice that the contested-election case in the seventh congressional district of Missouri, between Loan and

Briggs, will be called up for action on Tuesday next.

VIRGINIA ELECTION.

Mr. DAWES. I desire to give notice that I will call up the case of Mr. Segar to-morrow.

PRINTING OF THE LAWS.

Mr. SCHENCK. Two or three weeks ago some gentleman offered a resolution directing the printing of a certain number of copies of each law as it should be passed for the use of members. The resolution was offered, and I hope that by unanimous consent it will be taken up and passed. We feel the want of them every day. I think at least five hundred copies should be printed for the use of the House of each bill as it becomes a law. I am sure nobody will object to that.

The SPEAKER. The recollection of the Chair is that the resolution to which the gentleman refers has already been passed. The gentleman from Massachusetts [Mr. BALDWIN] who is a member of the Committee on Printing may state definitely.

Mr. BALDWIN, of Massachusetts. The resolution for printing all the laws regularly as they are passed, two thousand copies, five hundred of which to be bound at the end of the session, was adopted by the House, and, as I understand, is being executed by the Public Printer.

REBECCA SCOTT.

Mr. CRESWELL, by unanimous consent, reported from the Committee of Claims a bill granting a pension to Rebecca Scott; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report ordered to be printed.

Mr. WASHBURNE, of Illinois. I now ask that the vote may be taken on my motion to adjourn.

The motion was agreed to; and the House thereupon (at forty-five minutes past eight o'clock, p. m.) adjourned.

IN SENATE.

FRIDAY, *April* 29, 1864.

Prayer by the Chaplain, Rev. Dr. SUNDERLAND.

The Journal of yesterday was read and approved.

NAVAL CODE.

The PRESIDENT *pro tempore* laid before the Senate a letter of Hon. C. B. Sedgwick, transmitting a copy of the naval code prepared by him under a joint resolution of the last Congress; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of J. H. H. Woodward, in behalf of enlisted men of the fifteenth regiment Kentucky cavalry, twelve months volunteers, praying for a bounty of twenty-five dollars; which was referred to the Committee on Military Affairs and the Militia.

Mr. DOOLITTLE presented a petition of citizens of Racine county, Wisconsin, praying for an increase of the duty on foreign wool imported into the United States of at least ten cents per pound; which was referred to the Committee on Finance.

He also presented a memorial of the Milwaukee and Prairie du Chien Railway Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

Mr. DOOLITTLE. I present also a memorial of the Legislature of the State of Wisconsin in relation to increased facilities for military and commercial transportation, and which has special reference among other things to the improvement of the Fox and Wisconsin rivers, a ship canal around the falls of Niagara, and the improvement of the Erie canal. The subject of the Fox and Wisconsin river improvement is already committed to the Committee on Military Affairs, and I therefore move that this memorial be also referred to that committee, and that it be printed.

The motion was agreed to.

Mr. SPRAGUE presented resolutions of the Legislature of Rhode Island in favor of the reimbursement to that State of the amount paid to volunteers for military services rendered prior to being mustered into the service of the United States; which were referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

Mr. VAN WINKLE presented a memorial of the mayor and city council of Parkersburg, West Virginia, praying for an appropriation for the repair of the city wharf at that place, alleged to have been injured by the military use thereof by the Government; which was referred to the Committee on Military Affairs and the Militia.

Mr. HARLAN presented the memorial of Joel Wayburn Van Orman, praying for the issue to him of a patent for lots two and three, section fifteen, township ninety-five north, range three west of the fifth principal meridian; which was referred to the Committee on Public Lands.

He also presented the memorial of O. C. Nielson, praying to be allowed to enter at the proper land office lot one, section fifteen, township ninety-five north, of range three west of the fifth principal meridian; which was referred to the Committee on Public Lands.

He also presented resolutions of the Legislature of Iowa in favor of the establishment of certain mail routes in that State; which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Dubuque and Southwestern Railroad Company, remonstrating against the extension of the Goodyear patent for the manufacture of vulcanized India rubber; which was referred to the Committee on Patents and the Patent Office.

He also presented a petition of citizens of Brooklyn, New York, praying for the passage of an act declaring slaveholding within the Union to be a criminal offense, defining the same, and fixing the punishment thereof; which was referred to the select committee on slavery and freedmen.

Mr. GRIMES. I present the petition of Mr. A. Penfield, of Ohio, a clerk in the Treasury Department, praying Congress to construct for the small lakes at the head of the Mississippi, reservoirs for supplying the upper Mississippi with a medium stage of water for navigation throughout the dry season, and in conjunction with that a canal from the head of Lake Superior to the Red river of the North, using for a portion of the distance the channel of the Mississippi river. I move that the petition, with the map and other accompanying papers, be referred to the Committee on Commerce.

The motion was agreed to.

PAPERS WITHDRAWN.

Mr. POMEROY. I ask that the papers yesterday reported from the Committee on Indian Affairs by the chairman of the committee be returned to the Secretary of the Interior by an order of the Senate. They are papers relating to a treaty with the Kickapoo Indians. Many of them are original papers which should be kept on file in the Interior Department.

The PRESIDENT *pro tempore*. Is there any objection to the return of the papers as proposed? The Chair hears none, and the order will be made.

REPORTS FROM COMMITTEES.

Mr. FOSTER, from the Committee on Pensions, to whom was referred a bill (S. No. 4) to extend the act of Congress granting pensions to persons wounded in the Indian massacres in Minnesota in the years 1862 and 1863, reported adversely thereon.

Mr. POMEROY, from the Committee on Claims, to whom was referred the petition of John Gordon, a messenger in the Post Office Department, praying for compensation for services performed out of office hours, asked to be discharged from its further consideration; which was agreed to.

Mr. POMEROY. The same committee, to whom was referred the petition of James Pool, praying for the reimbursement of an amount of money paid by him for supplies for the Shawnee tribe of Indians, have instructed me to ask that the committee be discharged from the further consideration of the subject. I will remark that these cases grow out of contracts either express or implied, and the committee thought they should go to the Court of Claims under the law of the last session.

The report was agreed to.

Mr. VAN WINKLE. I am instructed by the Committee on Finance to report back the memorial of the First National Bank of St. Paul, Minnesota, praying that the Secretary of the Treasury may be authorized to issue duplicate bonds in lieu of bonds alleged to have been lost. Since the report was prepared, I understand the bonds have been recovered by the bank. I therefore simply ask that the committee be discharged from the further consideration of the subject.

The report was agreed to.

Mr. HENDRICKS, from the Committee on Claims, to whom was referred the petition of J. W. Eddy, paymaster in the United States Army, praying to be reimbursed for an amount of money alleged to have been embezzled by L. St. John, a clerk in the pay department, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Francisco Caseves, of Sonora county, California, praying for compensation for a horse taken from him on the 2d of July, 1846, by John C. Frémont, then in command of the American forces at Alto, California, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Maria Antonio Blume, formerly widow of James Dowson, of Sonora, California, praying for compensation for property taken from her in July, 1846, by order of John C. Frémont, at that time in command of the American forces in California, asked to be discharged from its further consideration; which was agreed to.

He also, from the Committee on Public Lands, to whom was referred a bill (H. R. No. 217) to confirm certain entries of land in the State of Missouri, reported it with an amendment.

BILL RECOMMITTED.

Mr. FOSTER. I have been instructed by the Committee on Pensions to move that the bill (S. No. 150) for the relief of Jessie Gould, widow of Daniel Gould, of Portland, Maine, together with the report and accompanying papers, be recommitted to that committee. The committee are desirous of making a further examination of the case. I move, therefore, that the bill and accompanying papers be recommitted.

The motion was agreed to.

JESSE WILLIAMS.

Mr. HARDING. The Committee on Public Lands, to whom was referred the bill (H. R. No. 388) for the relief of Jesse Williams, have directed me to report it back, and recommend its passage. It is a very short bill, and it will not take a minute to pass it. I ask for its immediate consideration.

By unanimous consent the bill was considered as in Committee of the Whole. It proposes to direct the Commissioner of the General Land Office to issue a patent to Jesse Williams, of Jefferson county, Iowa, for the west half of the northwest quarter of section fifteen, township sixty-seven north of range fifteen west in the State of Iowa; but no rights acquired by other persons are to be affected by the act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM C. WALKER AND OTHERS.

Mr. MORRILL. The Committee on Claims, to whom was referred the bill (H. R. No. 47) for the relief of W. C. Walker and others, have directed me to report it back favorably; and as it is a small matter, I ask for the present consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill. It directs the Secretary of the Treasury to pay the sum of $664 90 to the following persons, and in the sums following, namely: to William C. Walker, $83 25; to John S. Emrie, $70; to A. G. Crane, $97 50; to George W. Pilbean, $21 50; to E. Goodrich, $87 75; to Jacob Cox, $11 25; to Thomas Lamkin, $92 25; to Porter Durell, $90; to Matthew Randall, $96 75; to David Lynn, $5 50; to Andrew Lisk, $4; to William Burkes, $3; to William Depuy, $2 25, for labor done and performed by them on the bridge across the Ohio river and floating battery at Paducah, by and under the direction of General

John C. Frémont, while commanding the army of the West.

The bill was reported to the Senate without amendment.

Mr. DOOLITTLE. I do not know but this bill may form a precedent for a very large number of claims, and I should like to have a little explanation of it.

Mr. COLLAMER. What is the claim for?

Mr. MORRILL. I will state. It is a claim for the services of Walker and some half dozen others, who were employed by the quartermaster of General Frémont in 1861 in constructing a pontoon bridge over the Ohio river. It is for their labor. The contract is certified and the labor is certified by the quartermaster. The committee think there is no doubt about the equity of the claim. It is a very small matter, and the only reason assigned for it not having been paid by the Department was that the order was considered an irregularity by them.

Mr. DOOLITTLE. I do not make any objection to the bill. I did not know but it was one of those bills for damages growing out of the war, and might be a precedent for other cases.

The bill was ordered to a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. POWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 259) supplemental to the laws relating to the War Department, and authorizing the settlement and payment of certain claims against the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. VAN WINKLE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 260) to change the name of the steamboat Gem, of Wheeling, to Emma Boyd; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 261) for the benefit and better management of the Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. McPHERSON, its Clerk, announced that the Speaker of the House of Representatives had signed the following enrolled bills and joint resolution; which were thereupon signed by the President *pro tempore:*

A bill (S. No. 66) to increase the compensation of inspectors of customs in certain ports;

A bill (H. R. No. 62) fixing certain rules and regulations for preventing collisions on the water; and

A joint resolution (H. R. No 67) increasing temporarily the duties on imports;

ALLEGED FRAUDS IN WESTERN DEPARTMENT.

Mr. HENDERSON. I desire to have the resolution I offered on Monday last providing for the printing of the report of the military commission in the Western department, now taken up and acted upon. I move to take it up.

The motion was ageed to; and the Senate proceeded to consider the following resolution:

Resolved, That the Committee on Printing be instructed to report a resolution to print for the use of the Senate the report made by the military commission heretofore appointed by the President to examine into the military operations in the Western department in connection with certain alleged frauds, of which Major General Irwin McDowell was president, together with the evidence taken by the said commission.

Mr. GRIMES. I desire to inquire of the Senator from Missouri if those papers are now before the Senate.

Mr. HENDERSON. I believe not, and I move to amend the resolution so as to call upon the Secretary of War to furnish them.

Mr. SHERMAN. The Senator is probably not aware that that proposition was debated, and rejected or laid on the table, I forget which.

Mr. HENDERSON. What resolution?

Mr. SHERMAN. A resolution to call for these very papers. It was debated at length and rejected by a decisive vote.

Mr. HENDERSON. I do not recollect any such action, but it may have been had.

Mr. POWELL. That was a resolution directed to the President; this is directed to the Secretary of War.

Mr. HENDERSON. Does that action preclude this resolution?

Mr. SHERMAN. No, sir; I only suggest it to show that there are objections to printing these papers without other information.

Mr. HENDERSON. The Senator from Iowa [Mr. GRIMES] can incorporate his amendment in the resolution. I have no objection to that amendment, and in fact I desire that it shall be made. The information which this resolution calls for I consider very desirable at present, and I am prepared to give my reasons for that opinion. I think it is the only authentic information we can get on the subject, to bear upon two several bills now pending before this body, and I desire especially to have it. I am willing that the amendment of the Senator from Iowa, as I know what it is, shall be added.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri as moving an amendment.

Mr. HENDERSON. I desire to amend the resolution by adding, "and that the Secretary of War be directed to communicate the aforesaid proceedings to the Senate." The Clerk can add those words.

The PRESIDENT *pro tempore*. The Senator can so modify his resolution; and it is so modified.

Mr. LANE, of Kansas. I move to amend the resolution by adding the usual clause, "if, in his opinion, it can be done without injury to the public service."

The amendment was agreed to.

Mr. GRIMES. I move further to amend the resolution by adding the following:

And that he furnish to the Senate the papers on file in the executive offices of the Government touching the subjects embraced in said report, furnished by any person or persons supposed to be implicated therein.

The amendment was agreed to.

Mr. WILSON. Now, I should like to have the resolution lie over until to-morrow morning. I move to postpone it.

Mr. HENDERSON. I hope that will not be done. I can state to the honorable Senator from Massachusetts my chief object in offering this proposition. There are two bills now pending before this body——

Mr. FESSENDEN. I suggest to the Senator from Missouri that the question is hardly debatable, because one objection carries the resolution over. It has been changed to a new resolution, and the Senator from Massachusetts objects to its consideration, and that objection necessarily carries it over.

Mr. HENDERSON. This is a resolution that was offered several days ago. I have called it up this morning. It is not a resolution offered this morning.

Mr. FESSENDEN. In its present shape, as a call for papers, it is entirely a new resolution.

Mr. HENDERSON. That was added as a mere amendment, and surely if an amendment is made to a resolution that is called up, a single objection cannot carry it over. I know of no such rule, and it would be a very strange rule indeed.

I was going to state that there are two measures before this body which, in my judgment, render it absolutely essential that this testimony be sent to the Senate and published. One of them is a bill that has been reported from the committee on freedmen's affairs, which provides for taking care, by the Government, of the negroes who have become free during this war. There is a vast deal of this testimony bearing directly on that subject, according to my recollection, and, in fact, it is in the most authentic form that it can possibly be in, so as to give us information on that subject.

There is another bill, one which renders it much more important that we should have this testimony. It is a bill which has been reported by the Committee on Commerce, which puts it in the power of the Secretary of the Treasury to purchase up all the products of the southern States by the use of the money of the United States. It is a proposition, it is true, that was up at the last session of Congress; but it is a proposition of very great importance to us and to the country at large; and if I recollect aright—I have not read the whole of this testimony, but I have read a large portion of it—much valuable information is furnished in the testimony upon that subject. In fact, if it is furnished to us, we can act with much more knowledge and discretion in regard to this bill, because it applies to the dealing in southern productions, it gives us information in regard to individuals dealing in them, and also in regard to the operations of the Army in that connection.

I will state another fact while I am up. I do not desire to implicate anybody; I have never implicated any person in regard to cotton speculations or speculations of any other character upon the Mississippi river; I do not desire to do it. I desire in the publication of testimony of this character that justice shall be done to each and every individual who may be implicated. I do not object to that. But there is valuable information in this testimony that the Senate ought to be in possession of, and especially now. I do not know whether there is anything in the rumors which reach us; but I have seen correspondence from Red river within the last few days stating in the most positive manner that in all probability our defeat at Grand Ecore came out of speculations on the part of officers in cotton. It cannot be denied that the cavalry brigade that was in front on that occasion had a train of wagons of two hundred and sixty-five. I believe that is very generally understood; it is admitted by all the correspondence from the scene of action; and the whole cavalry brigade consisted I believe of three thousand men, and when they were driven back they became entangled in the wagons, and it resulted in the utter defeat of our troops in the first day's battle.

If these things are so, if there is any foundation for them, it is high time, in my judgment, that the Senate and the country should understand something of the facts in regard to them. It has also been charged in the newspapers that something of that character produced our defeat at Olustee; that the whole expedition was for the purpose of getting timber out of the river, perhaps some two or three million dollars' worth of timber that was needed for ship-building. I do not say these things are so; but I say the country should know whether there is any foundation for them. Defeat after defeat we have met with, and it is high time that these defeats should cease; and if there is any other purpose in these expeditions than the purpose of putting down the rebellion, we ought to know it.

Mr. WILSON. Do I understand the Senator to say that the Red river expedition was for the purpose of getting cotton?

Mr. HENDERSON. I said no such thing.

Mr. WILSON. I asked the Senator if he did.

Mr. HENDERSON. I said no such thing. I said that there was correspondence in the newspapers to the effect that our defeat was occasioned there by having a superabundance of wagons—wagons not needed for any other purpose, perhaps, except for collecting up cotton.

Mr. WILSON. I did not suppose it was owing to the quantity of wagons, but the position they got in.

Mr. HENDERSON. It will not be denied that the cavalry brigade under General Lee of three thousand men had two hundred and sixty-five wagons. If anybody will tell me what need they had of two hundred and sixty-five wagons, I should like to know it. That statement is made, and I have not seen any contradiction of it; and the wagons themselves, when the defeat came, were in the way of the cavalry. They became entangled in their own means of transportation, if they were intended for transportation, and, in fact, much of the loss was occasioned in consequence thereof.

I do not say that any of these things are so. I say that they are stated in correspondence from the Army.

Mr. CONNESS. A word to set the Senator right on this matter. I think I can. Although the Senator states that what he now presents to the Senate on the subject of these wagons being intended to bring in cotton is based upon rumor or unofficial statements, yet it will go to the country and have its effect. I desire to state that on the very best information I can tell the Senator that the statement is not correct. Those wagons were part of the regular train belonging to that army, and their being in that position was simply an act of new generalship, the result of which we

have; but the statement that they were intended to bring in cotton and made up part of the train for that purpose I can undertake to say is not correct.

Mr. HENDERSON. I have no information on the subject, and I am very glad to have the information coming from the Senator, because he certainly knows what he states. I hold in my hand a correspondence that I saw a few days ago, and I do not desire to give to it any further currency than it already has, because it was published in a paper that has a very large circulation in the West, and has already gone to the country. It is an article written on the 4th of April, 1864, from Alexandria, Louisiana:

"There is now a grave question to be settled, as to whether the Navy can seize and hold as naval prizes property on land. Admiral Porter has been impressing wagons and mules to haul cotton from the country. I heard that he had been running a gin somewhere in the vicinity, and had been ginning cotton captured as naval prizes. At one plantation, below this, while a gunboat was taking on some cotton, some of the men connected with the fleet branded nearly every article of property with the initials 'U. S. N.' The negroes had branded on the shirts that were on their backs 'U. S. N.;' the carts, wagons, mules, and oxen were also branded in like manner. Quite a number of mules may be seen here every day thus branded, which have been seized by the Navy. I understand that there is a conflict of authority at this time between General Banks and Admiral Porter on the subject of their respective jurisdictions. General Banks claims that he is in command on land and that Admiral Porter must confine himself to the water. The general is doubtless of the opinion that ships cannot sail on land. There is a misunderstanding between the general and the admiral on this subject that may lead to important complications. The conflict of authority and the misunderstanding existing between them is publicly talked of here, and the matter may have to be settled at Washington, where it will doubtless be referred."

This was written on the 4th of April. On the 7th of April the first battle was fought.

Mr. FESSENDEN. Who wrote that?

Mr. HENDERSON. I have stated that it is a correspondence published in one of the public newspapers of the country.

Mr. JOHNSON. Is it anonymous?

Mr. HENDERSON. Yes, sir.

Mr. CONNESS. I am very glad, since the Senator has presented this subject, that he has read that statement, and presented it as having no more foundation than resting upon what a newspaper correspondent says may be the case. I undertake to say from my place, and with some degree of authority too, founded upon information, that it is a cruel and base slander by that correspondent of Admiral Porter, than whom there is not a more pure or gallant officer in the service of the Government.

Mr. HENDERSON. I desire to state to the Senator from California that I am personally acquainted with Admiral Porter, and that I concur and have concurred with him in the opinion he now expresses. I do not state this fact for the purpose of reflecting upon Admiral Porter or General Banks.

Mr. CONNESS. I do not so understand it.

Mr. HENDERSON. I am glad the Senator does not so understand it. I do not wish the country to understand that I desire to reflect upon these gentlemen, or either of them, or upon anybody; but I say these things are stated in the community, and they are in the public press of the country, and defeat and disaster follow them. Hence it is that I say we ought not to flinch whenever an investigation is to be made into these matters. We have had defeat enough in all conscience to lead us to ascertain whether these things be so or not. There certainly need not be any objection to having a military commission to inquire into these matters.

But that is a question apart from the matter now before the Senate. Much valuable information on this subject, in my opinion, will be given in that testimony. Upon whom it reflects I do not know, nor do I care. I desire that it shall be before the Senate in order that we can act properly upon two important measures now pending before this body.

The PRESIDENT *pro tempore*. The question is on the motion to postpone the resolution.

The motion was not agreed to.

The resolution was adopted.

ADDITIONAL ASSAY OFFICES.

Mr. SHERMAN. In a few moments, when the morning hour has expired, there will be a conflict between the bill presented by the Senator from Oregon [Mr. NESMITH] and the bank bill, both being special orders for to-day. I trust, therefore, that by unanimous consent the bill on which he desires to have a vote may be taken up, in order that it may be acted upon if possible so as not to interfere with the other special order, the bank bill. I desire very much to press a vote on the bank bill to-day, and I wish to expedite matters by not creating a controversy between the two bills.

The PRESIDENT *pro tempore*. It can be taken up by the unanimous consent of the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 185) to establish assay offices at Carson City in the Territory of Nevada, and at Dalles City in the State of Oregon, and for other purposes.

Mr. SHERMAN. I believe the pending question is on the motion of the Senator from Maine [Mr. FESSENDEN] to reconsider the vote by which the amendment offered by the Senator from Oregon was adopted.

Mr. FESSENDEN. I withdrew that motion, but I gave notice when the bill was reported to the Senate I should desire to have the yeas and nays upon concurring in that amendment, and should desire to say something on the subject.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the Senate with the amendment made in committee.

Mr. FESSENDEN. Upon that amendment I wish to make a few remarks.

Mr. President, on motion of the honorable Senator from Oregon [Mr. NESMITH] a bill to establish a mint at Portland, Oregon, was sent to the Committee on Finance for consideration. A hearing was had of the Senators from that State before the committee in relation to the matter. Another question was taken up in connection with it; and that was, the subject of enlarging the mint now established at San Francisco. Both these questions were submitted by the Committee on Finance to the Secretary of the Treasury for his advice on the subject. The Secretary of the Treasury, as perhaps it was wise for him to do, before answering the letters which we sent him, referred the question of the establishment of a new mint at Portland, Oregon, to the consideration of Mr. Pollock, who is the Director of the Philadelphia Mint. Mr. Pollock has been ridiculed by the honorable Senator from Oregon; but we know very well that he is a very distinguished man, has been Governor of the State of Pennsylvania, and is considered a very able officer. He gave his opinion on the subject at length, and advised against the establishment of a new mint in Oregon.

The PRESIDENT *pro tempore*. The morning hour having expired, the Chair will interrupt the Senator to call up the order of the day, being the unfinished business of yesterday, the bank bill.

Mr. FESSENDEN. It is a matter of entire indifference to me whether this bill is postponed or not.

Mr. CONNESS. I move the temporary postponement of the bank bill until this question is disposed of.

Mr. SHERMAN. Let it be passed over informally by unanimous consent.

The PRESIDENT *pro tempore*. That can be done by unanimous consent. The Chair hears no objection.

Mr. FESSENDEN. Mr. Pollock, on being consulted, gave his opinion to the Secretary of the Treasury at length. The Secretary of the Treasury, on examining the reasons assigned by Mr. Pollock, transmitted a copy of the letter to the Committee on Finance with a letter from himself, in which he expressed his concurrence in the opinion given by Mr. Pollock. It seemed to the Committee on Finance that those reasons were good ones. In order to refresh the recollection of Senators who may take interest enough in this question to make themselves aware of the ground on which it is put, I will read the letter of the Secretary, as it is shorter than that from Mr. Pollock himself:

TREASURY DEPARTMENT, *February* 20, 1864.

SIR: I have the honor to return herewith the bill providing for the establishment of a branch mint of the United States at Portland, Oregon, transmitted by you on the 28th ultimo, and to inclose also a copy of a communication on the subject from the Director of the Mint at Philadelphia, to whom the bill was submitted for his views.

You will perceive that the Director disapproves of the proposed measure, for the following reasons:

That experience having shown that the Philadelphia Mint possesses sufficient capacity to promptly coin all the bullion which finds its way East from the mining regions of the United States, as well as imported bullion, and that the San Francisco branch mint is equally sufficient for the country west of the Rocky mountains, a true public policy does not require the establishment of mints for coinage at other points in the Union.

That it is not good policy to provide for "parting" and coining the precious metals at points where there are no skillful artists or experienced workmen, the "parting" being the separation of the silver from the gold, and consuming large quantities of nitric acid, which is expensive and difficult to transport.

That the transportation of supplies, particularly chemicals, is inconvenient, uncertain, and so expensive that it will be found impracticable to impose charges for parting and coinage sufficient to cover the cost of labor and materials; and that whenever the cost of converting bullion to coin at a given point exceeds the expense of transportation to and coinage at another point, it will find its way to the latter, however distant.

That coinage, being one of the highest and most important attributes of national sovereignty, should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government, and the suggestion arises whether the providing of additional coinage establishments does not tend toward national disintegration.

That is the particular argument which amused the honorable Senator from Oregon so much.

That the present is not a favorable time for the erection of suitable buildings for coinage, and providing them with the necessary machinery and fixtures, owing to the exorbitant prices of materials and labor.

The Director suggests that provision at some suitable point in Oregon of facilities for the melting, assaying, and stamping of bullion, will meet the wants of the mining and commercial interests of the people of the region as well as a branch mint, and he therefore recommends the establishment of an assay office; also that authority be given the Secretary of the Treasury, in case he should deem it expedient, to cause to be issued on such terms as he may provide, in payment of bullion deposited at the assay office, certificates redeemable in coin at the San Francisco branch mint.

I concur in the views expressed by the Director of the Mint, and cannot, therefore, recommend the passage of the bill under consideration. I join with him, however, in recommending the establishment of an assay office for the purposes mentioned by him.

A recent loss in the Colorado mint illustrates the inexpediency of multiplying mints for coinage, and would justify a recommendation that so much of existing acts as authorize coinage except at great commercial centers be repealed.

I am, very respectfully, S. P. CHASE,
Secretary of the Treasury.

Hon. W. P. FESSENDEN, *Chairman Committee on Finance, United States Senate.*

At the last session of Congress, I think, we authorized the establishment of a mint at Nevada. Nothing has been done with reference to the erection of a mint there, and the Secretary recommends that we repeal the law. It is too late to repeal the law establishing the mint in Colorado Territory, and therefore that must remain as it is, thus leaving three mints in operation, the Philadelphia Mint, the mint at Denver, and the mint at San Francisco. We formerly had a mint in Georgia, and one in North Carolina; but they were found always to be expensive and useless, and repeatedly an attempt was made to repeal them, but that could not be done, owing to certain causes. In connection with this subject is a petition requesting the enlargement of the branch mint at San Francisco. I will read that, in order that the whole subject may be before the Senate:

SAN FRANCISCO, *October* 10, 1863.

SIR: We beg leave to address you upon the subject of the branch mint in this city and the inadequate facilities therein for the accommodation of the public and the requirements of the Government.

When the present branch was established in 1853 it was supposed that the maximum yearly coinage would be about five million dollars. The capacity of the building was regulated accordingly. With the rapid development of the mineral resources of this State and the adjoining Territories the business of the mint has increased in like proportion. One half of the estimated yearly coinage of 1853 was coined in the single month of September last. And yet the accommodations have not been increased, the working room has not been enlarged, and the operations of the mint, which now are nearly six times greater than the original estimate, are necessarily conducted within the limited compass of a building which at the outset even was too inconvenient and contracted.

Situated in a block upon one of the most narrow streets of the city, the building is dark, exceedingly hot at all times, and unhealthy for the workmen. Gas is required throughout the building every hour of the day. It has no storehouse accommodations whatever; acids, wood, and coal can only be received in very small quantities. A warehouse for articles in constant use in the operations of the mint is necessarily rented in a remote locality. The office of the superintendent, instead of being upon the spot, where he can exercise constantly a personal supervision of the business of the department, is elsewhere. Neither the coiner, assayer, nor melter and refiner has an office, or even decent writing accommodations. The office of the treasurer of the mint and the Assistant Treasurer of the United States, which the law requires shall be within the

walls of the building, measures but a few square feet, and is crowded when *four* persons are present. Although the coinage of the branch has increased in the proportion stated, there has been no increase of *room* or of minting facilities. So rapidly does the production of the precious metals multiply upon this coast that it is more than probable the supply five years hence will be double that of to-day.

It is important for the welfare of the nation that as much as possible of this supply should be coined and retained in the United States. At the present moment a large proportion of the production of the gold of this coast, and nearly all the silver, is shipped away in bars prepared by private assayers; chiefly because of the absence of proper mint facilities.

In a word, the present building is dark, dungeon-like, unhealthy for workmen, inconvenient for the public, and a disgrace to the Government of the United States.

In view of these facts, and the prospective requirements of this branch, we beg leave to request, upon the score of economy as well as of public necessity, that you will ask of Congress, in such manner as you may deem advisable, a sufficient appropriation for the erection of a building which will at once be creditable to the Government and afford adequate accommodations to the public.

ROBERT B. SWAIN,
Superintendent United States Branch Mint.
D. W. CHEESEMAN,
Treasurer Branch Mint United States.
F. F. LOW,
THOMAS BROWN, *Special Agent.*
THOMAS STARR KING,
CHARLES JAMES,
OGDEN HOFFMAN,
STEPHEN I. FIELD.

Hon. SALMON P. CHASE,
Secretary of the Treasury, Washington.

On that statement the Secretary recommended an appropriation of $300,000 in order to afford the proper minting facilities in San Francisco. The committee took these recommendations of the Secretary into consideration in connection with each other, and they could come to no other conclusion than that the wise course would be to enlarge the minting facilities at San Francisco, as desired, and to establish an assay office at Portland or some other place in Oregon, as recommended by the Secretary of the Treasury himself. I believe there was no difference of opinion in the committee, and it was thought unanimously that that was the advisable and proper course to take. The reasons for that opinion would seem to be good; and the question that presents itself to the Senate is simply this: do we mean to go on and establish mints in every State west of the Rocky mountains that may be organized where the precious metals are found?

The bill reported by the committee, as I have suggested, repeals the law establishing a mint in Nevada. Now it is perfectly obvious that if this amendment prevails we must leave the mint in Nevada if we make a new one in Oregon; we must then make another by-and-by in Montana, and wherever else gold or silver may be discovered, because having once established the principle upon which we are to act, that we are going to coin those metals on the spot, we shall be compelled to follow it up.

I know it may be answered that the coining part of the mint may support itself; but that cannot be true if the facts stated with reference to the very great expense of erecting buildings and of workmen and of everything connected with the coinage at the present time, and the procuring of the necessary materials, be correctly stated. Why? For the simple reason the superintendent gives, that when the percentage, or the seigniorage, as I believe they call it, which is paid for the coinage more than covers the expense of transportation to a distant mint, the bullion will go off to some other place. That will be the necessary result.

Even if it were desirable to do a thing of this sort, it is hardly advisable, in my judgment, to do it at the present time. My own deliberate judgment upon the subject is, that if the statements which I have read with regard to the mint at San Francisco are true, (and certainly there can be no doubt about them when they are stated by such men, and I believe there is no dispute about them,) that establishment ought to be very considerably enlarged. It is unfit for its purpose if it is to receive the coinage from the neighboring regions; but it may make a very material difference as to what is to be the amount of that enlargement if we are to establish a mint in Oregon, and one in every other State that may desire it. I am averse, in a case like the present, to spending more money in these establishments than we are absolutely compelled to expend. I should like very much, so far as my personal inclinations are concerned, to gratify the honorable Senators from Oregon, and let them have a mint in their State; but, after all, it is a question to be settled as a whole. Can we do so consistently with the interests of the Government? Upon that subject we have not only the opinion of Governor Pollock—who certainly cannot have any sort of interest in the question, for he will not be concerned in the minting which will be done on the other side of the mountains if we establish a new mint—an opinion founded on the reasons which he gives, but we have his opinion indorsed by the Secretary of the Treasury, to whom it is perfectly satisfactory. The question, then, for the Senate to settle is, whether to gratify the wishes of the people of Oregon we can set aside what seems to be the public interest and vote to establish a mint there, when an assay office will undoubtedly answer the purpose, if not precisely to the point that is desired by that people, yet to a sufficient extent.

I have deemed it my duty, Mr. President, to put these things plainly before the Senate. The amendment, if adopted, as I said before, leaves the law for the establishment of a mint in Nevada in operation, and we must build that. We must then erect this new mint in Oregon. We must take all the consequences which have been pointed out by the Director of the Mint at Philadelphia, and against which the Secretary of the Treasury warns and advises us. It seemed to the committee that at least at the present time, when we are pressed so hard for funds, it is not advisable to go in the face of the advice that is given to us by the proper officers, when we are certain of getting along, and getting along well enough for a long time, with the matter as it is, except so far as relates to the mint at San Francisco, about which I have expressed my opinion. I am therefore fully convinced, as all the committee were, that the proper course for us to take is to enlarge the facilities of the mint at San Francisco, and to establish no other mint, at present at least, beyond the mountains, but to build assay offices in those places where it seems desirable that something should be done, and leave the matter to stand thus. I believe I have presented the facts to the Senate in as plain and clear a manner as I am able to do, and having done that I have nothing further to say upon the subject.

Mr. SUMNER. Mr. President, when this question was under consideration before——

Mr. FESSENDEN. The Senator will excuse me. I am informed by the Senator from Pennsylvania [Mr. BUCKALEW] that in one particular I made a mistake; that the amendment leaves in the bill that portion of it which abolishes the mint in Nevada untouched. The result, therefore, is to abolish one mint deliberately established, in order to establish another in another section of the country, which would be rather invidious.

Mr. SUMNER. Mr. President, when this subject was under consideration before, I voted with the committee, partly because it is my habit to vote with committees of this body on topics which they have within their special consideration, and partly because at the time I was under the impression that their report was justified by correct principles in the case. Subsequent reflection has induced me to hesitate in this conclusion.

Much dependence has been placed in this discussion upon the report of the Director of the Mint at Philadelphia. Now, sir, if he had contented himself with giving an opinion against establishing this mint in Oregon, without assigning any reasons therefor, I might have respected his opinion; but when he puts forward as his first great objection that the multiplication of mints will tend to "national disintegration," I must confess that I join with the Senator from Oregon in distrusting his conclusion. What confidence can anybody have in anything founded on such premises, which experience, if not reason, shows to be false? Why, sir, the author of this opinion forgets that in that country which is the most centralized in the world, where all the agencies of Government converge in a single capital—I mean France—there have been for a long time, even within its comparatively contracted borders, more than half a dozen different mints. There is, to be sure, one magnificent central mint at Paris, but there are, or were very recently, auxiliary mints at Lyons, Marseilles, Bordeaux, Lille, Rouen, and Strasburg. I never heard that this multiplicity of French mints had tended toward "national disintegration." France still continues one and indivisible, and I doubt if there would be any difference in this respect even if there were a mint in every one of her eighty-six departments. Really the Director of the Philadelphia Mint ought to have borne in mind the famous instructions of Lord Mansfield to the colonial magistrate, and contented himself with giving an opinion without assigning his reasons therefor.

But there is another consideration to which I confess that I am not insensible. It is the importance of a correct and finished coinage, which it seems natural to suppose would be best promoted by a single mint. On this point I am disposed to agree with the Director. But our Government has not acted on this principle.

Mr. CONNESS. Will the Senator permit me?

Mr. SUMNER. Certainly.

Mr. CONNESS. I did not hear his last sentence. Do I understand the Senator to say there should be but one mint in the United States, in his opinion?

Mr. SUMNER. Not precisely. I said that there was a reason in favor of a single mint, but that the policy of our Government had not been that way. Allow me to glance for one moment at this reason, in order to see the extent of its applicability to our country.

If circumstances favored the consolidation of the national coinage at a single mint, I can conceive that there would be advantages of an unquestionable character. Indeed, if we repair to France, where the mints have been, in times past, so numerous, we shall find that these advantages have not been denied. I suppose that the most authoritative testimony on this whole subject, whether we look at it in the light of theory or of practice, will be found in that country; and if we seek special authorities, there is nothing so instructive or ample as the report of Dumas and De Colmant, made in 1839, under a commission from the French Minister of Finance. This document, which contains minute revelations with regard to the operations of mints, was for some time kept secret in France. Indeed, I have understood that there were but *twelve copies* printed for the use of the commission, who were placed under a solemn obligation not to divulge it. But it found its way to the public through the parliamentary inquiry into the mint made in England in 1848, constituting the blue book of that year on this subject.

The testimony of Dumas is an argument for a single mint. He dwells especially on two considerations, economy and the perfection of the coinage; and these he places above the local interests which demand a multiplicity of mints The figures by which he illustrates the superior economy are very striking. But *these, of course, assume that the metal is already delivered at the mint*, a point which must not be forgotten on the present occasion. Beyond his own opinion on the question of perfection, Dumas quotes the testimony of Bastereche, regent of the Bank of France, who, after an examination of the subject as long ago as 1800, very positively declared that "the perfection of labor which ought to distinguish a great nation imperiously required a single mint, placed under the immediate superintendence of the Government." And he also quotes the testimony of Humann, Minister of Finance, who, in presenting his budget in 1835, declared that the Paris mint was adequate to do all the coinage required in France; that the concentration of labor there would promote an improvement in all the processes of production; that in this way the Government would be relieved from the expense of different establishments; that all the money from the same mint would be *identical* in character, and in proportion as it acquired perfection it would be less exposed to counterfeiting; and, in fine, that the superintendence of the Government would be a guarantee of security which does not exist where the work is distributed in a large number of establishments. Such was the testimony of the minister adopted by the illustrious authority in science, Dumas. Perhaps the case could not be stated stronger. But it did not prevail in 1800, when it was first given—nor in 1835, nor in 1839—even in France, where the tendency to concentration is so active, where the facilities for it are so great, and where the disposition to take counsel of science is so confirmed. But surely there must be a reason why it did not prevail.

Dumas says, in rather contemptuous phrase,

that "on one side is a petty local interest—in a great degree imaginary." (See *Rapport*, p. 70.) But if this "petty local interest" were of sufficient importance to prevail for so long a time in France, against such influences, it must be because there was something of intrinsic strength in its character. I have alluded thus minutely to this testimony, because I would not keep anything out of the discussion that was calculated to shed light upon it; and because it seems to me that the long-continued practice of France, in spite of such testimony, must not be disregarded in our endeavors to arrive at a true policy.

Thus far our Government has followed the teachings from the practice of France, rather than from its science on this subject. It renounced, some time ago, the policy of a single mint, acting, it may be supposed, under other considerations of a controlling character. The statute of March 3, 1835, (Statutes at Large, vol. four, p. 774,) entitled "To establish branches of the Mint of the United States," provides for mints at New Orleans, Charlotte, in North Carolina, and Dahlonega, in Georgia—the two latter for the coinage of gold only. Since then there has been provision for mints at San Francisco, Denver, and Carson City.

I do not have before me the most recent statement of the production at these different mints; but this is not necessary for illustration. If we take the year 1851, we shall find that the number of pieces, gold, silver, and copper, produced that year was as follows:

Philadelphia	24,985,736
New Orleans	3,529,000
Charlotte	105,356
Dahlonega	83,856

So that mints were kept up at the two latter places merely to manufacture a very small amount of coin. But the reason assigned was that gold was produced in the neighborhood.

If we look at the cost of production at these different places, we shall find that at Philadelphia it was only 42-100 per cent.; at New Orleans, 1 8-100 per cent.; at Charlotte, 3 55-100 per cent.; and Dahlonega, 3 13-100 per cent. But great as was the economy at Philadelphia, compared with that at the other mints, we shall find that at the Paris mint the same production costs one half less.

If we look further at the mints of Charlotte and Dahlonega it is easy to see how every consideration of economy was against them. With a single Munich press in the mint at Charlotte the whole annual coinage there would have been accomplished in thirty-three hours! And with a similar press at Dahlonega the whole annual coinage there would have been accomplished in less than twenty-eight hours! Experience shows that one Munich press will coin in a day of ten hours, allowing one sixth of the time for stoppages and accidents, thirty thousand pieces. Of course the coinage at these two places must have been at an expense much beyond that of Philadelphia. It would have been more economical for the Treasury to have paid the cost of transporting the gold from these places to Philadelphia. And doubtless this would have been done if the question of economy had been alone involved.

I have referred to these instances as illustrations of the policy already adopted by our Government. And yet I cannot say that they commend themselves to my judgment, especially when it is considered that in all probability the coinage at these mints, besides being expensive, was also of an inferior quality.

But the vast products of gold in distant California presented the question in a new form. Unexpectedly the early prodigies of Mexico and Peru were renewed. Private persons were suddenly enriched. Gold was turned up like a clod of the valley, or washed out of sands deposited by mountain torrents. Where gold thus abounded the currency of the country was naturally in this metal, which thus performed its double function of merchandise and money. Should all this treasure be sent far away to Philadelphia for coinage? The answer of reason, convenience, and commerce was clearly against any such enforced transportation. A mint became a necessity. Even assuming that the coinage could be executed with more economy and perfection at Philadelphia, it is evident, on the simple statement of the case, that the local interests of California were too important to be neglected. The mint was established, and during the last year gold has been coined there to the amount of $17,510,963, while the smaller amount of $3,340,931 was the sum total of gold coinage during the same time at Philadelphia.

It is now proposed to create another mint in Oregon, and the reasons for it are similar to those which prevailed in the case of California. The country is found to be fruitful in gold, if not to the same extent as California, yet so much so as to require similar facilities for coinage. It seems that the amount received at three private assay offices in the city of Portland, from January 15 to October 30 of the last year, reached $2,486,496. Compare this sum with the paltry yield at Charlotte or Dahlonega, where mints were established and maintained down to the rebellion. The mines of Peru have been proverbial for richness; but the sum total of their product in 1858 was only $6,000,000. That of Chili was $5,000,000; and that of Bolivia was only $2,000,000, less than the product of Oregon for a part of a year.

Here again the considerations of science, which seem so strong in favor of a single mint, seem to lose their applicability, or rather they fail in presence of other considerations which cannot be neglected. Sir, we cannot forget in our legislation that it is no narrow territory that comes within our jurisdiction, but that it is a vast region, washed by two great oceans and separated by intervening mountains. A rule which may be proper in a country like France becomes inapplicable to a country so vast in territory as ours. If all our States were huddled together on a single seaboard, perhaps a single mint might suffice. In such a case the economy and perfection of the coinage might be exclusively consulted. But the interests of business on the Pacific coast must not be sacrificed, even to these considerations. Spain still has mints at Madrid and Seville, although at the latter place the coinage is chiefly confined to copper; but in former days, while Mexico was a Spanish province, there was a Spanish mint there, for the same reason, I suppose, that a mint is now proposed in Oregon. But Oregon is even more distant from Philadelphia than Mexico from Madrid.

The consideration from distance alone cannot be disregarded. Oregon is five thousand miles from Philadelphia, and seven hundred miles from San Francisco. It is impossible to legislate for such immense spaces as you would legislate for a European kingdom, where every part is within easy distance of the metropolis.

In England there is only a single mint, which transacts the business of that commercial country. But I need not remind you that all its vast commerce is conducted within a small territory. In Holland, also, there is only a single mint, although during the days of the republic there was a mint in each province. At the revolution these were abandoned, and one mint for the whole kingdom was established at Utrecht. But here again I may remind you of the narrow space of territory which is served by this mint.

The whole question has been obscured by considering gold when coined as exclusively currency, whereas it is also merchandise. It is in this latter character that it comes under the same laws which govern commerce in other articles. If we go back to Aristotle we shall find a definition to which it is difficult to add anything in our day. "It is agreed," says this master of thought, "to give and receive in exchange *a substance which, useful in itself*, is easily managed in the usage of life; as, for example, iron, silver, or such other substance as shall have a determined dimension and weight, and which, in order to avoid the embarrassment of continual weighing, *shall be marked by a particular stamp as the sign of its value.*" (Politics, book 1, cap. 3.) In quoting these words, Michel Chevalier, the political economist and new-made senator of France, who has given much attention to this subject, rightly says that the whole question is admirably put and at the same time determined. But the same idea has been stated also by Adam Smith in his remarkable work on the Wealth of Nations. "The qualities," he says, "of utility, beauty, and scarcity are the original foundation of the high price of these metals, or of the great quantity of other goods for which they can everywhere be exchanged. *This value was antecedent to and independent of their being employed as coin, and was the quality which fitted them for that employment.*" Therefore, it must not be forgotten that coin is something more than money; it is merchandise also. In this character it plays a conspicuous part in the commerce of the world. It differs in size from the lumber of Maine, but it is just as much an article of merchandise.

It is when we regard gold as *merchandise* that we see how clearly in certain places and under certain circumstances it escapes from the scientific laws which are applicable especially to coinage. Gold is unique among articles of commerce. Every other article may allow discussion as to its quality. Clothes or wool may be more or less fine; flour may be more or less bolted, or it may be made from hard or soft wheat. But gold is chemically a simple body, and when *once refined* perfectly homogeneous, whether it comes from California or Siberia, from the sands of Transylvania or the poorer sands of the upper Rhine. Let it be once brought up to any arbitrary standard, as, say, nine tenths, and there is no difference in its character. But this degree of fineness must be established *in an authentic manner*, or otherwise transactions in this article may be arrested at every moment. The delicate agencies necessary for determining its value are not easily accessible. The Government, therefore, as the representative of the community, after refining and weighing gold, puts upon it a stamp which guaranties its weight and fineness. Thus the eagle, with the stamp of ten dollars, is a piece which, according to the act of Congress of 18th January, 1837, (Statutes at Large vol. five, p. 138,) weighs two hundred and fifty-eight grains with nine tenths of gold and one tenth of alloy. The English sovereign is a stamped piece of gold twenty-two carats fine, and of such weight in proportion to the troy ounce that £3 17*s.* 10*d.* shall make an ounce. The French franc is a stamped piece of silver weighing exactly five grains and nine tenths fine.

But in our country, and now especially in California and on the Pacific coast, gold has become a principal article of production and exportation, like wheat or cotton. Such is its character that it instinctively seeks *inspection* in order to secure a guarantee and recommendation. Now, every State has its inspectors, for instance, of flour; pot and pearl ashes; fish, beef, and pork. In Massachusetts I think there have been inspectors of sole leather, although a hide of leather is open on all sides. But if gold be regarded as merchandise there is more reason for its inspection. It is true that it is more portable than these other articles; but it is also more valuable, more easily lost, more easily stolen, and more provocative to plunder. Therefore, it is entitled to peculiar safeguards.

Here, then, is the case in a nutshell. California is already a large exporter of gold as merchandise. Oregon is now commencing a similar career. But the gold there ought to have every advantage as merchandise which it can derive from the inspection of the Government. Call it protection, if you will; but I beg to submit that an interest so important, so peculiar, and so delicate, deserves this protection.

If it be said that all this may be accomplished by an assay office, I reply that this does only partially what is accomplished by the mint. The gold is delivered back in ingots stamped, so that for certain purposes it is merchandise; but the work is only *half done*. If the quantity were trivial, as at Charlotte and Dahlonega, then an assay office would suffice; but where the supply is so great as in California or Oregon, it would seem as if no pains ought to be spared by the Government to facilitate the commerce in this article or to meet the desires of its producers. Now, it is obvious that nothing in this respect can equal the stamp which is put upon the national coin. A courtier said to Philip II of Spain, "Your golden ducats carry your name and your features over all the countries of Europe, exciting envy and dread." The time for envy and dread has passed; but our eagles are not idle. There is their inscription, *E pluribus unum*, and an unquestionable stamp of nationality and value, which they carry wherever they go.

Therefore, sir, while admitting that for the sake of the coin there must be the highest accuracy possible in the operations of the mint, I cannot hesitate to insist that, regarding gold as merchan-

dise, the mint must be established in such localities as may be required by the interests of commerce.

I doubt if there would be any hesitation in this conclusion, if the whole subject of coinage had not been shrouded with a certain mystery, almost like the "black art." This appears constantly.

> "They cannot touch me for *coining*;
> I am the king,"

says Shakspeare; and Pope says:

> "——she now contracts her vast design,
> And all her triumphs shrink into a coin."

Like other incidents of sovereignty, coinage has been reserved rightfully to the Government, but on this account it has been little appreciated in its true character. People have sometimes erred in not seeing that the delicate laws which are applicable to this subject must not be strained to interfere with the proper regulation of the value of gold when it has become a principal article of merchandise.

Objection is also made on the ground that a mint is necessarily an expensive structure. But this is a mistake, arising partly from the general mystification on this subject, and partly because the Philadelphia Mint, which we have all seen, is an expensive structure. A mint, in plain terms, *is nothing but a foundery* provided with good locks and keys. If it be finished elaborately and expensively, it may attract the eye, but it does not become more useful. The whole system of coinage has been twice changed during the present generation: first, by the change in assays by Gay-Lussac in 1830, and secondly, by the introduction of the Munich press worked by steam instead of the old hand-press with two ponderous balls as flies. And the Munich press itself has been much improved in France by Thonellier. Now, a mint should not be so costly as not to receive easily all improvements. The science of metallurgy is still in the progress of development, and it cannot be doubted that the coming generation will witness improvements as important as any during our day. The eminent French authority to whom I have already referred, Dumas, was in the habit of ridiculing the expensive edifices constructed in France for mints. It was his desire that the present mint at Paris should be surrendered to some public office, and the business of the mint removed to an open space in the suburbs. In his report he has furnished estimates tending to show the small expense of a mint, according to his ideas, which should be adequate to all the coinage of France.

If you would see how the cost of a mint in our country may swell, at least in calculations on paper, if not in reality, I beg to refer you to the memorial of the Board of Trade of Philadelphia in relation to the establishment of a branch mint at New York in 1852. But the mint pictured here is anything but the simple foundery which I have described, or the workshop which the Senator from Oregon asks you to authorize.

Mr. President, I hope that I have not occupied too much time with this statement. I have been led to make it in order to show that in differing from the Committee on Finance I have not proceeded without proper consideration. There are several topics connected with the subject to which I have not alluded, because I desired to confine my remarks to the points in issue. There are also details as to the cost of coinage in a well-regulated mint, involving the question of seigniorage, and the essential difference between the systems of England and France, which I should be glad to present; but I have said enough. There is, however, one practical remark, founded on the example of Spain, which I venture to add. It was the habit of this Power to require that the initial of the place of coinage should appear on every piece, so that the coin from Madrid bore an M; Seville bore an S; and that from Mexico bore an Mo. This precaution rendered each mint responsible for its own work. In France also every mint has its own special mark. The coins struck at Paris bear the letter A. Perhaps a similar requirement in our own country might have an influence in stimulating greater care in the several mints, by creating an honorable rivalry.

There is one other remark which I would make before I close. Much stress has been placed upon the opinion of the Director of the Mint at Philadelphia. Indeed the whole case against the proposed mint has been allowed to rest on his letter, which begins so whimsically. I hope that I have not spoken of him too freely; but since his authority has been invoked, I have been led to ask if there were anything in his studies or scientific attainments calculated to render him a court without appeal on this question. It is obvious that his position for the time being subjects him to influences hostile to new mints. He naturally seeks to amplify his jurisdiction, and to keep the tide of gold from ebbing away from his marble building. Perhaps I do not use too strong language if I say that he is under inducements to play the pedant for his own mint, and to quote it against every other mint. At all events, I think the Senate will be satisfied that on the present occasion he ought to be overruled.

Mr. NESMITH. Mr. President, the history which the Senator from Maine has given of this bill I believe is substantially correct. Some time in the early part of the session I introduced a bill providing for the establishment of a branch mint of the United States at Portland, Oregon, and it was referred to the Committee on Finance. The committee, however, reported back a different bill, one providing for the establishment of an assay office at Carson City, in the Territory of Nevada, and for the establishment of an assay office at the Dalles, in Oregon. The bill as reported by the committee, and to which I believe the chairman of the Committee on Finance raises no objection at this time, provides for an appropriation of $75,000 for the purpose of establishing an assay office at the Dalles, in Oregon. When the bill came before the Senate I moved to strike out the ninth section containing that provision and to insert in lieu of it my original bill for the establishment of a branch mint, the only difference being that Portland was stricken out and the Dalles was inserted, and an appropriation proposed of $100,000 for the establishment of a branch mint in place of $75,000 for the establishment of an assay office.

My amendment was adopted giving us a branch mint in place of an assay office. It was adopted after the question had been argued at some length. A few days ago, when my amendment was adopted, the Senator from Maine manifesting to this measure, as he has to almost everything else relating to our State, a very decided hostility, when he found that he was beaten upon the vote adopting the amendment, resorted to parliamentary tactics in order that he might have an opportunity to reconsider the vote by which it was adopted. That was proper enough, perhaps; I make no complaint of it. He found himself at that time, however, in a dilemma. In order that the reconsideration should be acted upon, it was necessary that it should be done then, while the bill was in Committee of the Whole. The Chair reminded him of that fact. He then withdrew his motion, and the bill now is reported to the Senate with my amendment adopted; and the question is on his motion to strike out that amendment which was adopted in Committee of the Whole.

When the Senator gave us notice on that occasion that he intended to speak upon the bill I supposed he would introduce some new and convincing arguments to show to the Senate the impropriety of adopting the amendment which received their sanction in Committee of the Whole. Instead of that his speech has been simply a reiteration of the objections of Mr. Pollock, with the additional declaration that those objections were sanctioned by the Secretary of the Treasury. As I stated in my former remarks to the Senate on this subject, when this matter was referred to the Secretary of the Treasury he tacitly admitted that he had no particular or positive information on the subject, and therefore he referred it to this man, Pollock. Pollock's letter has been before the Senate, and has been read once or twice. I spent some time in commenting on it extensively; I do not propose to do it again. The Secretary of the Treasury gave no opinion except what was based upon Pollock's letter, and merely reiterated Pollock's arguments, gave none other, simply concurring in what Mr. Pollock had said. Neither has the chairman of the Committee on Finance produced any additional arguments against this measure. He has apparently rested his case on the letter which was read, and which was written by Mr. Pollock, and indorsed by the Secretary of the Treasury. Mr. Pollock, though he may be very good authority for the chairman of the Committee on Finance, is no authority whatever for me; and I think that the suggestions which the Senator from Massachusetts has made in the speech which he has been so kind as to make in favor of this measure, entirely disposed of him by showing that his weakness got the advantage of him, and that he was controlled by selfish motives for the purpose of keeping the Mint and the coinage at Philadelphia.

Two years ago there was a proposition before the Senate to establish a branch mint at Denver, in Colorado Territory. This same process of reference was then gone through with. It was referred to the Secretary of the Treasury, and the Secretary of the Treasury, as in the present instance, referred the matter to Mr. Pollock. Mr. Pollock, for some reason or other, then found it necessary to have a branch mint established at Denver, in Colorado Territory; and he made a favorable report, notwithstanding the fact that the production of the mines in that Territory for the four preceding years had amounted to but about four million dollars, while last year the accumulation of gold in Oregon from our own State and the surrounding Territories amounted to about fifteen million dollars, with a prospect of its being doubled or trebled during the present year. Mr. Pollock is hardly consistent with himself. He stated then that it was absolutely necessary to establish a branch mint for a Territory producing upon the average $1,000,000 a year; but he now finds reasons why there should not be a branch mint conceded to a portion of a Territory producing $15,000,000 a year. On that occasion the chairman of the Committee on Finance was either misled by Mr. Pollock or else he was diverted from his usual good judgment. When he presented that measure to the Senate, with the indorsement of Mr. Pollock and the indorsement of the Secretary of the Treasury, the honorable chairman said:

"It has been the policy of the Government to establish branch mints wherever it has been thought they were needed on account of the great yield of gold in particular districts, and their distance from the existing mints. We have had a branch mint at New Orleans, without any very good reason for it that I could ever see." * * * * "This region, however"—

Referring to Colorado—

"is at a very great distance"—

Not quite so great a distance as Oregon or Idaho, I would remind the Senator—

"and the yield is large and is increasing very much every year; and it seems to me to be unwise to compel the transportation of gold from that section of country to this coast to be minted, and then to send it back again in the shape of coin to meet the necessities of the Government and the people there. They have, indeed, found it necessary to establish private mints."

That is as conclusive an argument as I could offer for the establishment of a mint in Oregon—that very argument which the chairman of the Committee on Finance offered in favor of the establishment of a branch mint for a people who were producing about one million dollars a year; and I submit to him that it is not very consistent in him to undertake to refuse a mint to a people who are producing fifteen or twenty million a year, and who are two or three times as far from the seat of the central Government.

As to the question of additional expense to the Government, I stated before that my amendment adds only $25,000 to the appropriation contained in the bill which has the sanction of the chairman of the Committee on Finance and his committee. Mr. Pollock's own report of last year shows that the Government is in the habit of imposing a charge upon the coinage of gold sufficient to pay the expenses of separating and of coining. There can therefore be no additional expense to the Government. It is a mere question of policy and a question of finance whether the gold shall be coined in the neighborhood where it is produced and where the producers can at least have some of the benefit of it, or whether they shall be compelled to send it to San Francisco or to Philadelphia. The reports of Mr. Pollock and his own letter of two years ago are conclusive on that subject. In that letter he said:

"In view of the increased production of gold bullion from that section"—

Referring to Colorado—

"and the delay, expense, and inconvenience"—

The very things we complain of—

"attending its transmission to the Mint for coinage, and to aid in diffusing a metallic currency throughout our west-

ern States, the establishment of a branch mint in that region, for the coinage of gold, would be in accordance with the policy of past legislation in similar cases, and no more than just. Having but little information in relation to the different commercial points in the same, I am not able to say whether the city of Denver is the most advantageous point, all things being considered, for locating the proposed branch mint."

It would seem that the chairman of the Committee on Finance has seen some new light which has caused him to turn a sharp corner. He must have been convinced by the "disintegrating" argument of Pollock, that the establishment of branch mints is likely to destroy the Government! I can see no other reason for this change. I think he was right then, and I think he is wrong now. He perhaps thinks that he is right now; but if he is, if he has come to that conclusion, he must admit that he was wrong then.

One objection which Mr. Pollock brings against the establishment of this branch mint is the cost of transporting acids, and especially nitric acid, which is necessary to the separation of the gold from the silver. That question did not occur to Mr. Pollock two years ago when he was in favor of establishing a branch mint at Denver, when it was known that the cost of transporting any material from New York to Denver amounted to $100 a ton. The cost of transporting articles from New York to Portland, on the Pacific coast, amounts to twenty-five dollars a ton. We have therefore seventy-five dollars per ton in favor of the latter place, which he now opposes, as against the place he was then in favor of. But in fact the cost of the transportation of the acids necessary for the separation of this bullion is not a question in issue. The fact is that the nitric acid, the most expensive article, and that which is most used in the separation of gold and silver, is made in San Francisco and used there.

Mr. COLLAMER. Allow me to ask the gentleman a single question. I want to know whether all the purposes of which he speaks will not be answered by an assay office?

Mr. NESMITH. They will not. I propose to come to that presently. I say now that the cost of transportation of acids is not a question of debate in the consideration of this subject, the acids being made in California. The component parts of the nitric acid being brought from Mexico and manufactured in San Francisco, there can be but little additional cost; and I apprehend that if a mint be established in Oregon as in San Francisco, and a demand created there for the article, it will be produced there. That disposes of the entire argument as to the costs of acids.

A word in relation to the question of the difference between an assay office and a mint. The people of our country have been subjected to great inconvenience for the want of coin as a circulating medium. As I explained the other day, the law which you passed making greenbacks the currency of the country and a legal tender does not apply there. No man receives them or pays them out as money, unless he does so under the judgment of a court, and but few resort to them even in that extremity. Your paper is regarded there as a merchantable commodity, bought and sold for its value in coin in the market. The theory prevails on this side of the continent, I know, that gold fluctuates; that it goes down to 150 to-day and goes up to 190 to-morrow; the gold dollar that is worth 150 to-day enriches its owner to-morrow by being worth 190. But on our coast, perhaps from ignorance or stupidity, or from the want of a proper appreciation of these fine questions of finance which seem to be understood so well by some gentlemen here, we have taken a different view. We regard the gold dollar as the standard of value without reference to what the greenbacks or the paper of the Government may be worth. Some days the paper dollar with us is worth seventy or eighty cents, other days fifty or sixty cents. The value of the gold dollar there is never affected; the fluctuation is in your paper money. Paper money not being the currency of that country, we are compelled to have some sort of circulating medium for the accommodation of the people. Heretofore, foreign countries have taken advantage of our extremity, and have sent in from Mexico and Central and South America, and France and England, coins which have been disposed of in the purchase of gold dust and bullion at an enhanced value, and then have become our circulating medium at an appreciation causing a loss to us. For instance, a Bolivian dollar, which is worth about ninety-six cents, we are compelled to take for a dollar; a French five-franc piece, which is worth ninety-four or ninety-five cents, is in the same position; the Peruvian, Mexican, or Central American doubloon, which is intrinsically worth only about $15 50 or $15 60, is always imposed on us at the full value of an ounce, $16; and so with all the other currency. We therefore suffer a depreciation of ten or fifteen per cent. generally in the use of foreign coins when we are compelled to convert them into funds which can be used upon this side. The consequence has been that we have either been driven to that extremity or every man has been compelled to go about as I have seen men with a pair of scales and small weights in his pocket to weigh out the money necessary for the business transactions between neighbor and neighbor, and this, too, being done all the time when we have the extensive minting facilities which Mr. Pollock applauds so at Philadelphia. It is true the money might be coined there; but for all practical purposes, so far as we are concerned, the Mint might as well be in the moon: we derive no practical benefit from it.

The Senator from Vermont asks me to what extent these troubles would be removed by an assay office. In reply I will say to the Senator that we already have assay offices there; and we look upon an assay office from this Government as no great boon. Any man who has money enough to buy a wagon load of coal and a bottle of nitric acid can set up an assay office, and charge for assaying our bullion, and ascertaining the exact value of it, and he charges no more than the Government does under similar circumstances. The money is run into immense bars or ingots, each as big as a brick; they cannot be used for circulation; they are no part of the circulating medium of the country; they become a commodity of commerce, and are bought and sold. We are compelled to part with them at a sacrifice of twenty per cent. if they are sent to Philadelphia, or fifteen per cent. if sent to San Francisco, in order to have them converted into coin. They are not the circulating medium of the country; we make this sacrifice in order to transfer them into something that we can make the circulating medium.

We make no objection to submitting to any additional expense in order to have our dust or bullion converted into that which can be used as a circulating medium; and the reports of Mr. Pollock and the history of the Mint show that the Government is in the habit of making that charge. To that we make no demurrer. We are willing to be taxed to any extent, and we are willing to pay every dollar of additional expense in order to have our dust converted into coin, rather than be compelled to circulate the dust or the bullion.

Mr. COLLAMER. I will ask the gentleman what is the cost of carrying it to San Francisco and having it coined there?

Mr. NESMITH. The freight and insurance will cost about five per cent. I have paid as high as six. My colleague who was home last summer tells me that the express charges independent of insurance were two and a half per cent. The voyage to San Francisco is a long and dangerous one. It is more than a thousand miles by water over a dangerous bar at the mouth of the Columbia river, and the cost of having the gold taken down and returned by that route, including the detention at San Francisco, amounts, as a usual thing, to from ten to fifteen per cent. Supposing the production, as was estimated last year by men who were conversant with all the facts, to be $15,000,000, you can estimate what amount we are taxed for transportation and coinage.

We have nothing to say about the mint at San Francisco. Whether you enlarge or diminish it it does not affect us either one way or the other. What we ask of Congress is to relieve us from this immense tax. In place of an assay office give us a branch mint, where we are willing and able to have our gold converted into coin. The necessary increase which is demanded by the Committee on Finance—an appropriation of $300,000—for the enlargement of the branch mint at San Francisco grows precisely out of this fact, and this is the condition of affairs: the gold is sent there in such superabundance from Oregon, and Idaho, and Washington Territory that they are unable to coin it, and therefore they demand greater facilities than they have at present. We have nothing to say in relation to that. We neither demand that you shall give it or withhold it; but we do demand that you shall give us what we think we are justly entitled to.

As the distinguished Senator from Massachusetts very well remarked, there is a great deal of mystery and humbug about this question of a mint. Everybody who undertakes to talk about it seems to surround it with some mysterious and incomprehensible dignity. As I stated the other day, it is nothing but a mere workshop or factory where an article produced by a certain portion of the people is worked up for the convenience of the people themselves. As a proof of the absurdity of the theory which Mr. Pollock urges that there are ample minting facilities at the Mint in Philadelphia and the mint in San Francisco, I merely refer to the history of the last year.

It proves another thing. It overturns completely his argument that gold will seek that point for coinage where it can be coined the cheapest. That is not true. It is coined about nine cents per ounce cheaper at Philadelphia than it is at San Francisco. If the argument of Mr. Pollock is correct why did not the entire gold production of that region last year go to Philadelphia, where it could be coined nine cents per ounce cheaper than it could be in San Francisco? The fact was that the increased cost of transportation was more than nine cents per ounce. It was some forty or fifty cents an ounce; and therefore the gold did not go to Philadelphia. I apprehend that in a few years, if the country is accommodated as it should be with mints, no gold will go there, and there will be a necessity for removing the Mint from that point to some other point more convenient where gold is produced.

Other countries, as has been suggested by the Senator from Massachusetts, have not been bound up by the policy which has been indicated by the chairman of the Committee on Finance; neither has our own country hitherto. We had three or four branch mints established at different points. The Senator from Massachusetts states that there are some five or six in France. With the history of that I am not familiar, but I know he is. I know that in Mexico this coinage is deprived of that mysterious dignity which Pollock throws around it, and it is let out by contract, and men bid so much for making the money. Individuals do it, in place of, as in our case, the Government doing it. It is thrown open to free and fair competition, and the men who obtain the contract deduct the amount of their compensation from the bullion which is deposited in their hands for the purpose of coinage. They pay themselves, the Government granting the permit; and I apprehend it is so in all countries; or at least I apprehend the policy which proposes to contract our coinage facilities to one particular point does not prevail anywhere else.

It is true that the Mint in Philadelphia with an immense establishment may be able to coin all the bullion of the country. I suppose it is. I might answer that by saying that the saw-mills in Maine are capable of sawing all the saw-logs we can produce in Oregon; but it does not necessarily follow that we had better take our saw-logs from Oregon to Maine and have them sawed into lumber there and then take the lumber back to Oregon. I should think the better way would be to build mills among ourselves.

So I may say of the codfish which abound on the native coasts of the Senator from Maine. Because, perhaps, they have not land enough in Maine to dry them on when they are caught, would it be wise in them to undertake to send them to Oregon, where we have expansive prairies on which they might be spread out? I apprehend it would be cheaper and better for them to purchase land in Maine or extend their facilities in some way and do the business where the article itself is produced.

Mr. FESSENDEN. Will the Senator allow me to ask him a question?

Mr. NESMITH. Certainly, with great pleasure.

Mr. FESSENDEN. I should like to know how much of the gold found in the region the Senator represents remains there necessarily for use? What amount of it is retained there for the ordinary use of the people who are carrying on business there?

Mr. NESMITH. That is a question that the Senator from Maine ought to be more able to answer than myself. He is an able financier, the chairman of the Committee on Finance, and he ought to know, it is his duty to know, all about the origin, production, coinage, and distribution of the precious metals. It is his business to know it, not mine.

Mr. FESSENDEN. The Senator knows what the business of Oregon is much better than I do. I was never there, and do not know so much about it. I supposed with reference to the affairs of his own State that he might be able to inform me. I confess my ignorance as to what amount of coin is necessary to do the business of his State.

Mr. NESMITH. To be candid with the Senator from Maine, that is a question which I am unable to answer.

Mr. FESSENDEN. Is not vastly the largest portion of it exported?

Mr. NESMITH. It is like the codfish of Maine, distributed throughout the country; it goes everywhere. [Laughter.]

Mr. FESSENDEN. Does it come back?

Mr. NESMITH. Sometimes it comes back; it fluctuates.

Mr. FESSENDEN. The codfish does not come back. [Laughter.]

Mr. NESMITH. The gold does not generally come back, because it is an article that we produce constantly.

Mr. FESSENDEN. I suppose the Senator understands my question. Is not very much the largest part of the gold produced there exported? Does it not go away not to return?

Mr. NESMITH. I admit that a great portion of it does.

Mr. FESSENDEN. The Senator is arguing precisely as if none of it went out, or if it did that it came directly back.

Mr. NESMITH. It does not all go out or all come back; but I admit a very great portion of it goes out.

Mr. FESSENDEN. Does it not go to San Francisco where there is a mint?

Mr. NESMITH. Not all of it. Let me illustrate this matter. Suppose the Senator from Maine, who is an industrious man, was a resident of Oregon, and had produced one hundred ounces of gold dust. That one hundred ounces of gold dust, we will say, might coin him twenty dollars if he had it at the Mint in Philadelphia, and out of that he would be compelled to pay the expense of coinage. He wishes to make a remittance to the East and he desires to use the gold dust, the intrinsic value that he has in his hand. He goes to an express company or a banking house and he says, "Here are one hundred ounces in gold dust, which, coined into money, would be worth twenty dollars. Now I desire you to pay such a person that amount or else transmit this East and let him get it coined there." Their answer would be, "It is only worth fifteen or sixteen dollars here." They would pay him the depreciated amount that gold dust was selling for in the market, on account of the superabundance of that material produced there and the scarcity of coin to redeem it. That very fact, the absence of coin, which would be remedied by the measure I propose, depreciates the gold dust in his hands some three or four or five dollars an ounce, and he is compelled to submit to that depreciation in order to make his gold dust available.

Now I think, in the present condition of the country, when we are overwhelmed with an immense debt, when the people of that remote region are struggling, as they have been for years, to open up the country, to develop the mines, to develop those vast resources of wealth which lie hidden among their mountains and upon which you must rely to discharge the liabilities you are now incurring, it will only be fair and just and good policy for Congress to do everything in their power to encourage that development. Everything that you do in the way of giving those people facilities for realizing the value of the gold for which they delve in the earth is so much done to increase the development of that country. The time will come, when that country is developed, when the Government will want to make those lands available. They will want to sell them or to realize money from them. They will want to hold them as a resource toward paying the great accumulation of national debt. Is it not therefore good policy in us to do all in our power to make them more valuable? The question now before us is only the mere difference between $75,000 and $100,000. My amendment proposes an appropriation of $100,000, and that of the Committee on Finance $75,000. I think that is a mere paltry consideration.

Mr. President, I have occupied much more of the time of the Senate than I desired to do on this question, but it has been rendered necessary, in my opinion, by the pertinacious opposition which this measure has met on the part of the Senator from Maine; and, unfortunately for me, for some reason or other, all my measures meet with opposition from that quarter. Before I sit down, perhaps I ought to tender to the distinguished Senator from Massachusetts my kind regards for coming to my rescue in this important crisis of our State.

Mr. COWAN. Mr. President, I had not intended to say a word in this discussion, for really whether there shall be a mint in Portland, Oregon, or whether there shall not, amounts to very little with me. I trust that the day will never come here when I shall be willing to procure for my own State a favor at the expense of another, or to prevent another State from obtaining what she wants on account of the advantage which it might be to mine to withhold from her her desires.

But, Mr. President, I rise for the purpose of saying one word in regard to Governor Pollock, who has been assailed here in my opinion in a very unjustifiable manner. He has been held up to ridicule before the eyes of the nation in a body where he has no opportunity to be heard, no chance to reply. I think it is exceedingly unfair to a gentleman of his standing and ability that this should be done. First he was assailed the other day by the light artillery of the honorable Senator from Oregon, whose barbs everybody knows are admirably pointed and sometimes keenly poisoned. This is sent abroad all over the country for the purpose of rendering Governor Pollock ridiculous. But to sum up, to-day the Senator from Massachusetts comes upon him with the heavy artillery and attempts to crush him down on the ground that he is a pedant, and that, owing to his place, his judgment has been warped, and that he has not given that opinion to the country which perhaps he would have done if he had been unbiased. All I have to say of Governor Pollock is that he is a gentleman and a scholar. His education has been perhaps very much that of the Senator from Massachusetts. It was liberal in his youth. In his profession he obtained distinction, and as a statesman I believe he has won the applause of his fellow-countrymen. He has been promoted to the chief magistracy of the State in which he lives, and he has also occupied a seat in the Halls of Congress.

Mr. NESMITH. I beg leave to ask the Senator whether his promotion has occurred since he wrote that letter? [Laughter.]

Mr. COWAN. I will attend to the Senator from Oregon and answer his question directly.

This is Governor Pollock. Now if this man, when requested by his superior officer to give his opinion upon a question of fact, gives it fairly and honestly, and if, too, as the Senator from Massachusetts says, they are very good reasons all but one, why should he be assailed for that one? Why should he be turned into ridicule because he happened to use the phrase "national disintegration?" I beg these learned Senators to remember that that phrase "national disintegration" includes a great question, a question mooted long ago, as long ago, I think, as the conquest of Persia by Alexander. It was the question which the Scythian decided by setting his feet on the center of the ox hide. I am free to say that I have no very distinct opinion about it. I do not say whether you can bind the nation more strongly together by knitting it upon the center, or whether you can preserve it harmonious by distributing your favors equally all over it, putting a mint in every State, an arsenal in every State, a foundery in every State, and a navy-yard in every State. Gentlemen may very well differ about all that; but the fact, whether a man expressed an opinion one way or another, ought not, I think, to subject him to this storm of ridicule.

Mr. LANE, of Kansas. Will the Senator from Pennsylvania tell the Senate how it was that Governor Pollock recommended a branch mint at Denver and denounced one at Portland?

Mr. COWAN. Mr. President, I am not here prepared to say that Governor Pollock may not have done a great many inconsistent things in his lifetime. I am not here to be the sponsor of his past life. I am here, however, to say that I am unwilling that he shall be unfairly treated, that he shall be made ridiculous in the eyes of the nation for that which will not warrant it. I have only to say that Governor Pollock might complain with Hamlet in his encounter with the gravedigger:

"We must speak by the card, or equivocation will undo us. By the Lord, Horatio, these three years I have taken note of it; the age is grown so picked, that the toe of the peasant comes so near the heel of the courtier, he galls his kibe."

Which of your officers will be willing to give an opinion to his superior officer to be read in the Senate if, for some inadvertent phrase of this kind, if, for some opinion which does not coincide with the views of those who advocate particular measures, he is to be held up to the scorn and derision of the nation?

Mr. President, I hope this will not be hereafter. Surely those who do this are not aware of the injury and wrong they may inflict upon a kindly heart and a genial soul in this way. I am sure that the Senator from Oregon would not desire to hurt any one's feelings in any way, and I am equally sure that the Senator from Massachusetts would not mean to reflect personally upon Governor Pollock.

That is all I have to say. I have not attempted to influence the Senate one way or the other with regard to the measure which the Senator from Oregon has at heart. I shall be perfectly satisfied if he succeeds in it. I have no feeling one way or the other; but I think it due to Governor Pollock that he should not be assailed in this wise without a single word being said in his behalf.

Mr. NESMITH. I was under the impression that I did not assail Governor Pollock the other day. I read a very short extract from his letter and saw fit to comment on that, as I supposed I had a right to do. I have seen Presidents' messages commented on, and every paper that is produced from any of the Departments is open to criticism here. I think the most cutting criticism that could have been made on Governor's Pollock's letter would have been to publish the whole of it to an intelligent community and allow them to read it. Notwithstanding all the absurdities it contains, it has, as I said the other day, found advocates on this floor. I did not object to that; but I did object a little the other day when the Senator from Wisconsin brought his battery of artillery to bear against me and ridiculed my speech, saying there was not a single ray of reason in it, while he admitted there was some wit. After he had thoroughly disposed of me, now I find myself attacked by the very distinguished Senator from Pennsylvania, and he quotes Shakspeare to make the thing conclusive. I have not read much of Shakspeare, or of any other books; but I do recollect having read in my youth a classic work which I believe is called "Mother Goose's Melodies," and these distinguished Senators remind me of that work where it says:

"The bull-frog cocked his tail on high
And went bounding o'er the plain,
The bumble-bee went thundering by,
And then came down the rain."

[Great laughter.]

We have had a striking parallel in this case, and Pollock has been vindicated with a vengeance!

Mr. FESSENDEN. I do not mean to continue the debate; but I feel bound to allude to one or two things stated by the Senator from Oregon. I shall not attempt to imitate or copy either one Senator or the other in their poetical quotations. They quoted according to their tastes, I suppose, and according to their reading.

The Senator from Oregon has read an extract from some remarks that I made in the Senate when the branch mint at Denver was established. I believe it is true, as I stated then, that the policy of the Government had been to establish these branch mints; and in the report that I then made to the Senate on the subject, I was influenced in my judgment by that policy, and by the advice which I received from quarters upon which I felt I had a right to rely. But now a different question is presented to us by distinguished authority,

from distinguished quarters; and that is, as we see our gold fields enlarging, whether we will continue that policy of erecting a branch mint in almost every State where it is called for, or whether we will adopt a different policy. As to the question of expense, the mere expense of erecting a building is not so great; but Senators must reflect that very considerable expense is necessarily incurred in the operations of these branch mints; and that is an annual expense. I confess myself, with the rest of the committee, a convert to the idea that we had better stop where we were in relation to the matter. If the Senator is of a different opinion, I have no objection.

When this subject was last under consideration I asked to have it go over, that I might say something upon it, although, as the Senator from Oregon intimates, I have said nothing new or original. I made that request because I believed the Senate had acted rather hastily and under the influence of personal appeals from the Senator from Oregon in adopting the amendment, and I wished before the vote on concurring in the amendment was taken, as it was my duty to do, to present the question more distinctly to the Senate. I did not suppose I could add anything to the argument in relation to it. I did not have much hope then, and I have not now, of defeating the amendment. I should not have had much hope of doing so even without the addition of what my friend from Pennsylvania calls the heavy artillery of the Senator from Massachusetts that has been brought to bear upon it. The result, I take it, would have been the same. It seems that more persons than myself can change their opinions on questions, and within a very much shorter time. What the reasons may be for that change, whether owing to personal appeals and to expected compliments in return, I do not know, and it is not for me to say.

As I said before, it is a matter of no consequence to me, individually, whether this report of the Committee on Finance shall be adopted or not. I am equally satisfied either way, except that my judgment goes one way, and if the opinion of the Senate is against it I shall regret it only so far as that I am not convinced. If they choose to spend more money on branch mints, so be it; I have done my duty.

But one word more; and that is what I principally rose to say. It is very unjust in the Senator from Oregon or any other Senator to undertake to say that I am not favorable to his individual propositions. I am not aware that I have particularly opposed the propositions of the Senator from Oregon. I do not stop to inquire who proposes or who advocates a measure, who introduced it or who is in favor of it or who is against it. I act upon no such principle here in any case, and no Senator can with truth charge me with it. I am in something of an unfortunate position. I am obliged to examine a very great variety of questions involving appropriations of money. That becomes my duty; and very frequently the questions come up here, coming from other committees, involving appropriations of money, and come up so suddenly that I have had no time to examine them. Still it becomes my duty to get that time if I can, and to inquire into them, and if my judgment is against them to express that opinion to the Senate. That is a responsibility which I think rests upon me; and consequently I come in collision very frequently with the favored projects of Senators. That is a necessity arising from the very circumstances in which I find myself placed. I beg Senators to assure themselves that I never examine a question or give an opinion upon it having the slightest reference or being in the slightest degree affected by the Senator who happens to offer it or who happens to be interested in it. Certainly, if I were disposed to exercise my judgment in that way, the Senator from Oregon is one of the last Senators in this body I should select for any such operation, because our relations have always been perfectly friendly, and I have recognized the propriety of his action here, and the zeal and manliness with which he has supported the Government in its present struggle, and my feelings toward him and toward his colleague have always been most kind.

Now, therefore, I beg Senators to judge my action by the action itself, and to ask themselves whether, if I neglect the duty which I think is imposed upon me, I shall be acting conscientiously as a Senator and right. That is all I have to say in reference to the remarks of the Senator from Oregon, disclaiming the imputation which he seeks to place upon me, and saying, as I do most firmly and most distinctly to Senators all around me, that I shall continue in the course I have hitherto followed with reference to that matter, because such I conceive to be my duty, and I shall do it at all hazards so long as I have a seat in this body.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on concurring in the amendment made as in Committee of the Whole.

Mr. FESSENDEN. On that question I desire the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKALEW. I desire to know whether an amendment is now in order. If it is, I move to strike out the first eight sections of the bill.

The PRESIDING OFFICER. The question will first be taken on concurring in the amendment made as in Committee of the Whole, and the Senator can offer his amendment after that question has been disposed of.

Mr. HOWARD. I hope the amendment will be again reported.

Mr. NESMITH. I will state to the Senator from Michigan what it is substantially. The bill, as reported by the Committee on Finance, provides for an assay office at Dalles City, Oregon, and appropriates $75,000 for that purpose. The amendment which is now pending, and which is now to be voted upon, provides for the establishment of a branch mint in Oregon, and makes an appropriation of $100,000, a difference of $25,000. That is the whole of it.

Mr. HOWARD. I withdraw the call for the reporting of the amendment.

Mr. COLLAMER. I understood from the Senator from Pennsylvania, who has just taken his seat, that he desired to make the amendment which he has suggested because it had a bearing on the question of this very amendment; that the striking out of one section and putting in others, as I understood, made some different arrangement about the mint in Nevada.

Mr. NESMITH. It does not. The ninth section of the bill reported by the committee provides for the establishment of an assay office at Dalles, Oregon. I move to strike out that section, and substitute for it the amendment which is now to be voted on. The eighth section of the bill of the committee is in these words:

And be it further enacted, That the act approved March 3, 1863, entitled "An act to establish a branch mint of the United States in the Territory of Nevada," is hereby repealed with the exception of the eighth section thereof.

That is the eighth section of the bill. My amendment only applies to the ninth section.

The question being taken by yeas and nays, resulted—yeas 23, nays 15; as follows:

YEAS—Messrs. Carlile, Chandler, Conness, Davis, Hale, Harding, Henderson, Hendricks, Howard, Lane of Indiana, Lane of Kansas, McDougall, Morgan, Nesmith, Pomeroy, Powell, Ramsey, Riddle, Sprague, Sumner, Ten Eyck, Wilkinson, and Willey—23.

NAYS—Messrs. Anthony, Buckalew, Clark, Collamer, Cowan, Doolittle, Fessenden, Foot, Foster, Grimes, Howe, Johnson, Morrill, Sherman, and Van Winkle—15.

So the amendment was concurred in.

Mr. BUCKALEW. I now make the motion that I indicated before, to strike out the first eight sections of the bill.

Mr. McDOUGALL. I am very glad that this amendment has been moved by the Senator from Pennsylvania. A bill was passed at the last Congress giving a mint to Nevada Territory. The reasons why a mint was necessary there were urged very strongly upon the last Congress, and convinced the Committee on Finance, and the bill passed with the concurrence of that committee. There is more silver being produced in the Territory of Nevada now than in any like area in the world, and also a very great amount of gold. It is going now, with all the attendant expenses, to England, for the purpose of being coined into money. There is no part of the country where a mint would be more valuable to the people and more generally advantageous to the country than in Nevada Territory.

Nevada, a few years since, was only populated by Indians. It contains now a population running up into the neighborhood of one hundred and fifty thousand, all engaged in the production of the precious metals, gold and silver. San Francisco is the nearest point where either can be coined, and as is known to the Senate, the mint of San Francisco is not equal to the transaction of the business for California itself. The building used as a mint there was bought upon a speculative contract long years ago when gold was first discovered, and is not adequate even to the transaction of the home business; but if it were, the shipping of the raw material from the Territory of Nevada to San Francisco is a charge that the people of that Territory should not be compelled to bear. The percentage of difference would pay five times the expense of conducting the mint. It is the business of the Government to coin money and to reduce our gold and silver into a form that will be available. I think that the coinage of the gold and silver brought out of the mountains in Nevada Territory, and in Idaho, and in Oregon, and in California is entitled to quite as much consideration as the coinage up at the Treasury building. At some time, in the course of Providence, we hope that it may take the place of the nominal values now furnished by the Government.

I am clearly, fully convinced that gentlemen in both branches of Congress do not appreciate the importance of furnishing facilities for converting the dust washed out of our streams and dug out of our hills into currency in the immediate vicinity. Gentlemen ask why we are concerned about this, because it passes out from among us. It does pass out too much from among us, for the reason that we cannot convert it into money that can be exchanged, and therefore gold dust must go out to a mint, and generally at a charge of at least three per cent.—it is frequently five per cent.—which is a loss to those who produce the gold. For the purpose of exchange, for the purpose of paying indebtedness East, if it is needed here, it will come here; but those who earn the wealth of the mountains by the sweat of their brows are entitled to have what they have earned as a residuum that belongs to them. They live in Nevada Territory in the particular instance. In other instances they live in Idaho, they live in Oregon, they live in California; and because they have to send for manufactured articles and for merchandise to the East it is no reason why they should not in the residuum be perfectly protected; and a five per cent. tax or a three per cent. tax on their labor is an injustice, and it is that much over and above what the cost of coining would be.

The bill as passed, upon full consideration, in favor of Nevada, I believe should be maintained a law. I see no objection, I have heard no reason suggested why that great silver-producing country, the greatest in the world, where I think about one hundred and fifty thousand of our men are now at work bringing out silver and gold from the mines, should not have the means of converting the product of their labor into coin, for it is dug out and produced for that sole purpose. I see no reason why they should be taxed, for it is a tax of I think more than five per cent. upon them. I hope that the amendment of the Senator from Pennsylvania will be adopted.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The amendment is to strike out the first eight sections of the bill.

Mr. LANE, of Kansas. It is to leave the branch mint in Nevada instead of an assay office.

Mr. McDOUGALL. The proposition is to leave it as it was.

Mr. BUCKALEW. The object of the amendment is to leave Nevada and Oregon upon precisely the same footing, on a perfect equality. That is all.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. NESMITH, the title was amended so as to read, "A bill to establish a branch of the mint of the United States at Dalles City, in the State of Oregon."

NATIONAL CURRENCY.

Mr. SHERMAN. I ask now that the unfinished business of yesterday be taken up.

The PRESIDING OFFICER. The special order which was informally laid aside will now be proceeded with.

The Senate; as in Committee of the Whole, re-